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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

SENATE—*Thursday, September 26, 1996*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, the deepest longing of our hearts is to know You. We echo the yearning of the psalmist when he said, "With my whole heart I have sought You; oh, let me not wander from Your commandments! Your word I have hidden in my heart, that I might not sin against You."—Psalm 119:10–12.

Father, help us live today with a sense of accountability to You. So often we live our lives on the horizontal level, thinking only of our wins and losses in our human struggles. There are people we want to please and others we want to defeat. Awaken us to the reality that every word we speak and every action we do is open to Your review. Make us sensitive to our sins against You and Your absolutes for faithful living and responsible leadership. Help us to have Your word, Your will and way, be the mandate in the hidden, inner sanctuary of our souls. Give us courage to remove any idols of our hearts and be true in our commitment to worship only You. Make us fearless, decisive, and unreserved in our desire to be obedient to what You reveal to us today. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning the Senate will immediately begin debate on the veto message to accompany the partial-birth abortion ban bill. There is no time agreement with respect to the debate, unfortunately, at this time at least, but it is hoped the Senate can proceed to a vote on the veto override early in the afternoon. Following disposition of the veto message, the Senate may be asked to turn to consideration of any of the following items: The immigration conference report, the Presidio parks bill conference report, the NIH reauthorization bill and the pipeline safety bill.

In addition, the Senate can also expect to begin, if available, the omnibus appropriations bill making continuing appropriations for fiscal year 1997. Therefore, rollcall votes can be expected throughout the day, and Senators should be prepared for late nights for the remainder of the session. I have tried very hard to avoid going late into the night where possible, and we will always cooperate with the Democratic leadership in trying to have an understanding of what the schedule will be and when we will have votes, even if they are late at night. But tonight, while I know there are conflicting events, we have to keep open the option of having votes perhaps later on in the night in order to complete our work, if we are going to be able to complete our work before the end of the fiscal year, which, of course, is Monday.

MEASURE PLACED ON THE CALENDAR—H.R. 4134

Mr. LOTT. Mr. President, I understand there is a bill at the desk which is due for its second reading.

The PRESIDING OFFICER (Mr. SMITH). The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 4134) to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997.

Mr. LOTT. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. Objection is heard. Under rule XIV, the bill will be placed on the calendar.

SCHEDULE

Mr. LOTT. Mr. President, if I can seek further recognition for comment on our schedule, I know Senators are wondering what is happening to the various bills. The pipeline safety bill has basically been completed, but it still has one incomplete nongermane matter being discussed actively. Hopefully, some resolution can be reached on that, and maybe we can pass the bill on a voice vote.

With regard to NIH reauthorization, it had been my full intent to call it up yesterday. We thought we had all the problems worked out. A new issue arose at the last minute, and we were not able to get it resolved as we went into the night last night. We should not leave without the NIH reauthorization. We will make one more effort today. I will today at some point call that up. If a Senator or Senators have objections, they need to be prepared to come to the floor and actually object.

There is some concern here about how these holds and objections work. I do sometimes get concerned that Senators are not available but they send word over to put on a hold and will not let it be removed without their presence, and then their presence cannot be required. Again, this is not directed to the other side of the aisle. It happens on both sides of the aisle. It is a poor way to do business. Be prepared to object. If you want to object, you have to come and do it.

With regard to the immigration conference report, that bill and the Presidio conference report bill are classic examples of why we have problems developing trust between the Congress and the administration. For weeks, we have been told the problem with the illegal immigration bill was the so-called Gallegly amendment which would have allowed States like California not to have to continue to spend endlessly $2 billion a year for the education of 380,000 or more illegal immigrants' children.

We realized that was a problem. The President made it very clear that with the Gallegly amendment attached, he would veto it. We had a threatened filibuster. So we proceeded to work out a

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

compromise agreement or perhaps even take the Gallegly amendment off the illegal immigration bill.

Eventually, and finally, in an effort to try to have cooperation and to attach the illegal immigration bill to the continuing resolution, the Gallegly amendment was removed. So we were prepared to go ahead with the laboriously developed illegal immigration bill that has been worked on literally for years, not just months, with tremendous effort by the Senator from Wyoming, Senator SIMPSON, Congressman SMITH of Texas, Senator DEWINE, and a wide variety of other Senators and Congressmen. But then when Gallegly was taken off and the bill was ready to go, all of a sudden the administration shows up and says, "Oh, gee, by the way, we don't like the provisions that might be applicable to legal immigrants in this bill, so if you don't remove title V, we will object to its being put in the continuing resolution, or if it comes to the floor, we will object to unanimous consent. We may even insist on having the bill read in its entirety." Absolute, total dilatory tactics, insisting we read aloud the entire bill.

The truth of the matter is, the Gallegly amendment had been used as a mask to cover the opposition of the administration to any real illegal immigration reform legislation. That is really what is going on here. So I am at a loss. We might even say, "Well, OK, in a good-faith effort, we'll remove title V." You know what I think they will do? They will come and say, "By the way, we have this problem or that problem." It is an endless thing.

The American people overwhelmingly expect and want us to pass illegal immigration reform. At some point, I am going to move it forward. If there is objection heard, we will try to go on from there. If they insist on reading, we will just have to have a process to make it clear the Democrats are killing illegal immigration, even without the supposedly controversial Gallegly amendment.

The next step: the Presidio parks bill, a bill that has been in the making not months, not 2 years, but at least 4 years, a bill that has 41 States affected by preservation and parks and conservation. Is it perfect? I am sure it is not. I am sure there is some project or two Senators would like to have in there or some provisions maybe the administration may not like. This is not the end of the world. This is an authorization bill. The administration is in charge of the Park Service. They still have to get appropriations. If there is a problem, they don't have to support the funding.

Again, we were told, well, there are problems with the Tongass language dealing with Alaska, there is a problem with the boundary waters in Minnesota. There were four or five provisions singled out as being veto bait.

To the credit of the chairman and Members on both sides of the Capitol, and both parties, they said, "We will take these controversial provisions out."

Now we have an omnibus parks bill, important for the preservation of the future. There is tremendous support for the Presidio bill. We can move this bill. We were ready to go. It was already passed overwhelmingly in the House, and it is in the Senate. Then word comes up, down—whatever—from the White House, "Oh, gee, we have these other little problems." Not one, not two, not three, not four. "We have these other problems."

I think our colleagues on the other side of the aisle were stunned. As a matter of fact, this bill has the support of the Senators from California, I believe, who attended a press conference.

Mrs. BOXER. Will the Senator yield?

Mr. LOTT. I will be glad to yield.

Mrs. BOXER. The majority leader is correct that we are anxious for this bill. We were pleased, Senator FEINSTEIN and I, to go to the press conference, but we had not read the 700 pages of the bill. But we do hope very much, as I know you do, that we can work all these problems out. And we do stand ready.

I would say to the majority leader, on behalf of my leadership, we are ready to enter a time agreement on this veto message override. We were hoping to start probably at 9 and finish probably at 12. We have had many colleagues come over for the last 2 days in morning business, as I am sure my colleague is aware, to speak about this issue. We think in 3 hours, the time equally divided, we could have voted at noon. The problem we had on your side was they did not want a vote at noon. So I just want to make it clear that there is a great willingness to work with the majority leader to get this done and to move on. I share his hope that we can work out our problems. I certainly stand ready, as a Senator from California who has much at stake on both of these bills that my colleague referred to.

Mr. LOTT. If I could respond, Mr. President.

I would like for us to see if we could reach a time agreement. If I could go back to a little history, there were those who wanted 6 or 7 or 8 hours today. I said, we have had time to talk about this. We need to go ahead and have a final vote; it is a very important issue, but wrap it up. There was a little problem in that you and your leadership have a luncheon-type rally with the President coming today, and you needed time between 12 and 2. And we are always trying to accommodate all kinds of Senators' schedules coming and going. So there was a narrow window in there where we would have it hopefully around 12. That is what I was hoping for. We ran into a conflict. We would like to get it around 2, if we can. If we need to go to 2:30 because of your luncheon meeting, we can make it 2:30.

Mrs. BOXER. I say to my colleague, I know that the Democratic leader and the majority leader have talked about this. I know from him that it would not be acceptable, because as Senator Dole came here for a meeting with Republican colleagues of the House and Senate, so does President Clinton and Vice President GORE, they do come here. We certainly would all want to be there for that meeting, just as we cooperated when Senator Dole was here. Therefore, we would not be on the floor between 12 and 2 to debate this matter, and we do not think that is appropriate, particularly since this is an issue that needs explanation. This is an attempt to override the veto by the President. So we thought that was an unfair situation.

Mr. LOTT. I do not know of any luncheon that goes longer than 2 hours. Could we then have 1 hour of debate after your luncheon and vote at 3?

Mrs. BOXER. I will confer with the Democratic leader, because we are anxious to get done.

Mr. LOTT. We have the possibility of business luncheons and dinners and meetings. I am not complaining about that.

Mrs. BOXER. When Senator Dole came, I noticed all the Republicans were there, as well they should have been. But the fact is we would never interfere with you taking a break. We just want to make sure we are on the floor as this debate proceeds. So we were hopeful we could wrap it up at noon. We cannot wrap it up at noon. If we take a break for that 2-hour period and then have a——

Mr. LOTT. Mr. President, we want to accommodate that luncheon. We understand you want to do that. We would honor that. It may be even that we could do some other debate during that time. Maybe we can work on some of these other issues. Or if you want to vote at 3 o'clock, I will be flexible to accommodate your luncheon, but I think we should be ready to go to a vote as soon as everybody makes their final points.

Mrs. BOXER. I will confer with the Democratic leader.

Mr. LOTT. With regard to the Presidio conference report, we do have that pending. At the request of the Democratic leader, we are trying to see what the complaints of the administration are. But it sure is hard to get to the goalposts when the goalposts keep moving. This is a big bill, one of the two or three most important preservation and conservation issues of this Congress, maybe the most important. Once again, even after we complied with the request to move out certain objectionable features, the administration is having problems with it.

Mr. President, do I have leader time reserved?

The PRESIDING OFFICER. Leader time is reserved.

Mr. LOTT. Mr. President, I would like to have time for a statement on the issue pending before us. Do I need to use leader time at this point in order to proceed on that?

The PRESIDING OFFICER. The Senator may use his leader's time or he may use time to lay down the measure and then speak on it while it is pending.

Mr. LOTT. Mr. President, I seek recognition under the time that is available under the bill, not the leader time. I reserve that for use later in the day.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the veto message on H.R. 1833.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

> The House of Representatives having proceeded to reconsider the bill (H.R. 1833) entitled "An act to amend title 18, United States Code, to ban partial-birth abortions," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was
>
> *Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objection of the President of the United States to the contrary notwithstanding?

Mrs. BOXER addressed the Chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader still has the floor.

Mr. LOTT. Mr. President, the debate we are going to hear today on this partial-birth abortion issue is certainly not an easy one. It is a discussion of matters that we really should not even have to talk about and should not have to deal with, not in this country, not in this day in age, not among people who profess regard for human rights.

I cannot imagine a more blatant disregard of the most fundamental human right, the right to life, than this partial-birth abortion procedure.

I will spare the Senate another graphic description of the procedure. I know the Senators know it by now. And more and more Americans are becoming familiar with this procedure.

Without regard to religion, race, sex, philosophy, or party, people have to be horrified that this procedure is actually used as often as it is.

All of us who have followed this debate over the past year must have by now permanent memories of what we have heard and seen. The almost-born baby, the surgical scissors, the dehumanizing terminology that transforms the killing into a medical procedure.

I think there has, in the process, been a tremendous amount of misinformation—some might say disinformation. There are some facts we need to be made aware of. We were told that partial-birth abortions sometimes are necessary to protect the mother's health or fertility. I do not believe that is so.

I think the facts do not bear that out. I discussed this procedure this morning with my wife, who has a medical-related background. She said there clearly are other options that can be used that would be safe to both mother and the baby.

Former Surgeon General C. Everett Koop, along with many prominent specialists in obstetrics and gynecology, has made clear "that partial-birth abortion is never medically indicated to protect a mother's health or her future fertility."

We were told that partial-birth abortions were rare, but they are not. This week's Time magazine claims there are only about 600 partial-birth procedures in the entire country. I do not consider 600 insignificant. Yet, earlier this month the Bergen County Sunday Record reported that in New Jersey alone at least 1,500 partial-birth abortions are performed each year.

Just this week in the Washington Post—yes, even the Washington Post—an article by Richard Cohen indicated that when he checked into it, when he found the facts, he found it no longer acceptable.

Mr. President, I ask unanimous consent that a copy of his article in that newspaper be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 24, 1996]

A New Look at Late-Term Abortion

(By Richard Cohen)

Back in June, I interviewed a woman—a rabbi, as it happens—who had one of those late-term abortions that Congress would have outlawed last spring had not President Clinton vetoed the bill. My reason for interviewing the rabbi was patently obvious: Here was a mature, ethical and religious woman who, because her fetus was deformed, concluded in her 17th week that she had no choice other than to terminate her pregnancy. Who was the government to second-guess her?

Now, though, I must second-guess my own column—although not the rabbi and not her husband (also a rabbi). Her abortion back in 1984 seemed justifiable to me last June, and it does to me now. But back then I also was led to believe that these late-term abortions were extremely rare and performed only when the life of the mother was in danger or the fetus irreparably deformed. I was wrong.

I didn't know it at the time, of course, and maybe the people who supplied my data—the usual pro-choice groups—were giving me what they thought was precise information. And precise I was. I wrote that "just four one-hundredths of one percent of abortions are performed after 24 weeks" and that "most, if not all, are performed because the fetus is found to be severely damaged or because the life of the mother is clearly in danger."

It turns out, though, that no one really knows what percentage of abortions are late-term. No one keeps figures. But my Washington Post colleague David Brown looked behind the purported figures and the purported rationale for these abortions and found something other than medical crises of one sort or another. After interviewing doctors who performed late-term abortions and surveying the literature, Brown—a physician himself—wrote: "These doctors say that while a significant number of their patients have late abortions for medical reasons, many others—perhaps the majority—do not."

Brown's findings brought me up short. If, in fact, most women seeking late-term abortions have just come to grips a bit late with their pregnancy, then the word "choice" has been stretched past a reasonable point. I realize that many of these women are dazed teenagers or rape victims and that their anguish is real and their decision probably not capricious. But I know, too, that the fetus being destroyed fits my personal definition of life. A 3-inch embryo (under 12 weeks) is one thing; but a nearly fully formed infant is something else.

It's true, of course, that many opponents of what are often called "partial-birth abortions" are opposed to any abortions whatever. And it also is true that many of them hope to use popular repugnance over late-term abortions as a foot in the door. First these, then others and then still others. This is the argument made by pro-choice groups: Give the antiabortion forces this one inch, and they'll take the next mile.

It is instructive to look at two other issues: gun control and welfare. The gun lobby also thinks that if it gives in just a little, its enemies will have it by the throat. That explains such public relations disasters as the fight to retain assault rifles. It also explains why the National Rifle Association has such an image problem. Sometimes it seems just plain nuts.

Welfare is another area where the indefensible was defended for so long that popular support for the program evaporated. In the 1960s, '70s and even later, it was almost impossible to get welfare advocates to concede that cheating was a problem and that welfare just might be financing generation after generation of households where no one works. This year, the program on the federal level was trashed. It had few defenders.

This must not happen with abortion. A woman really ought to have the right to choose. But society has certain rights, too, and one of them is to insist that late-term abortions—what seems pretty close to infanticide—are severely restricted, limited to women whose health is on the line or who are carrying severely deformed fetuses. In the latter stages of pregnancy, the word abortion does not quite suffice; we are talking about the killing of the fetus—and, too often, not for any urgent medical reason.

President Clinton, apparently as misinformed as I was about late-term abortions, now ought to look at the new data. So should the Senate, which has been expected to sustain the president's veto. Late-term abortions once seemed to be the choice of women who, really, had no other choice. The facts now are different. If that's the case, then so should be the law.

Mr. LOTT. But the most important fact in this debate is that the subject of partial-birth abortion cannot be dismissed as an embryo or as a fetus or what the abortion industry actually refers to as "the product of conception."

No. In this case, the subject is a baby, a baby moments away from being born, from making its first cry, from taking its first breath; a baby who, in only a few moments, would be squinting its eyes against the lights of the delivery room; a baby who, in only a few minutes, would be trying, in its clumsy newborn way, to nurse.

That baby is the reason why we have come so far with this legislation. That baby is why the House of Representatives, with significant Democratic support, overrode the President's veto of this bill.

A veto override has been a rare occurrence in the last 2 years. But that baby is why so many members of the President's own party have broken with him on this issue, why some Senators who voted against this bill earlier are now laboring with the decision and are perhaps going to change their vote.

In my own State of Mississippi, Eric Clark, the Democratic secretary of state, newly elected, highly acclaimed for his efforts so far, refused to attend an event celebrating President Clinton's 50th birthday in protest against the veto of this bill.

In Alabama, Circuit Judge Randall Thomas, a long-time Democrat, resigned his judgeship to protest the President's veto of this bill. Judge Thomas declared, "We're killing babies. It breaks my heart."

In Texas, Jose Kennard resigned from the executive committee of the Texas Democratic Party to protest the veto.

The president of the 100,000-member International Union of Bricklayers and Allied Craftworkers, John Joyce, has broken ranks with most of organized labor by refusing to support the President because of the veto of this bill.

All of which brings me to what I most want to say to my colleagues here in the Senate today. John Kennedy once observed that sometimes party loyalty demands too much. I know what he meant. I found myself in that position on a few occasions over the years, on at least one or two occasions stepping aside from my position as the minority whip in the House, because I could not in good conscience advocate the position that was being promoted by my party and my President. I just could not do it. So while I would not work it, I could not work against it in view of the fact I had a leadership position in the party, so I stood aside.

It is not easy to vote against a President of your own party. I know. I felt those pressures sometimes tremendously in the leadership as whip in both Houses. Especially it is true on a vote to override his veto. However, I have done it a few times, and I remember a couple times voting to override President Reagan's vetoes. That was very tough to do because I loved him, but on occasion you had to stand for principle or your constituency or your conscience.

This is a political year. That makes it all the more difficult to get in a position of closing ranks. I understand that. But sometimes party loyalty does demand too much, and this is one of those times. When I came to Washington almost three decades ago, I came as a Democrat. I know something about the Democratic Party's tradition and heritage. Keeping partial-birth abortion legal is not part of that tradition. Protecting those who routinely perform hundreds of partial-birth abortions in their clinics is not part of the heritage of either party. Turning a blind eye to an atrocity is not a part of the heritage of the Democratic Party and certainly not of the Republican Party, either.

Yes, this is a political season, and if this bill dies, if the Senate upholds President Clinton's veto, partial-birth abortion will immediately become one of the most powerful issues in the fall elections. That is not a warning. It is just a candid statement of fact. It is happening already, all across America. I am asking my colleagues on both sides of the aisle to take this away from politics. Put an end to it. Keep it out of the elections by voting today to end it.

I ask my Democratic colleagues to join us to override President Clinton's veto, and in the process give children a chance to live, who, with this procedure, clearly would not live. We can still have our disagreements about abortion, but we need not have daily on our conscience this wound, this affront, this offense of partial-birth abortions.

I do not know what else I can say except to assure you I am speaking from the heart today. I would rather not have this issue available for political gain or political use. What I would rather have is a way to get rid of this terrible procedure that is a plague on our country's conscience. There is so much violence in our society, sometimes we seem powerless to stop it—on the streets, drive-by shootings and crime, drug abuse, drug pushing and all that is going on. There is too much suffering for which sometimes we feel like we can do little. I know we can do more, and we will. This is one horror we can stop if we act together in a nonpartisan way and let nothing but our conscience dictate our actions.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

I have next to me, Mr. President, a picture of Coreen Costello, with her new baby, Tucker. Coreen is a full-time wife and mother. She has three children now, Tucker being the youngest. Her husband, Jim, is 33, and is a chiropractor.

If it was not for the procedure that Senator LOTT, Senator DEWINE, and many other Senators here want to outlaw, Tucker would never have been born because Coreen could have been made infertile if she did not have that procedure. Her doctor writes, "She might have died without the procedure," leaving her two other children without a mother for the rest of their life.

Coreen writes to us, as Democrats and Republicans, that we should support the President's veto. It would not have been possible for her to have Tucker without the procedure that this Congress wants to outlaw. She says, "Please, please give other women and their families this chance. Let us deal with our tragedies without any unnecessary interference from our Government. Leave us with our God, our families, and our trusted medical experts."

Mr. President, the bill before the Senate which bans a medical procedure, even if it is necessary to save the life of a woman, or to spare her serious adverse long-term health risks, the bill before the Senate, if it becomes the law, will result in women dying, women suffering, women becoming infertile, maybe paralyzed, surely gravely harmed.

Women like Coreen Costello and others I will talk about today, several of whom are on Capitol Hill talking to Senators, several of whom are here with us during this debate, these are women who have been devastated by pregnancies gone wrong, gravely and tragically wrong—women who deserve our support, not our wrath.

It has been my purpose ever since this debate began many, many months ago, and it has been the purpose of Senators like PATTY MURRAY and CHUCK ROBB and others, to put a woman's face on this issue.

Let me unequivocally say that the bill that is before the Senate, the vetoed bill, is not about whether abortion should be allowed in the late term of a pregnancy, of a healthy pregnancy. It is not about that. There is not one Senator that believes a healthy pregnancy in the late term should be aborted—not one—despite what has been said on this floor over and over the past few days.

Our President does not believe that abortion should be allowed in the late term. As a matter of fact, our President, as Governor of Arkansas, signed a bill outlawing late-term abortion in all cases except if the woman's life or health was at stake.

Roe versus Wade, the law of the land on this matter, which is broadly supported in this country and in this U.S. Senate, gives no right to unregulated late-term abortion.

So those who support Roe do not support late-term abortion. The Senator from Pennsylvania, Senator SANTORUM, in the last couple of days, when I was not on this floor, and then when I came to this floor, asked me over and over again did I support abortion in a healthy pregnancy. I said, "No, I do not." I think it is extremely sad that Senators would come down to this floor and, on such an issue, try to say that another Senator has a view that is not, in fact, that Senator's view. I think it is sad, I think it is demeaning to this institution, and I think it shows a lack of respect for one another, and I am very sorry about that.

Mr. President, the bill that is before us, which has been vetoed by the President, is not about choice, it is about health and life. Frankly, I believe that it is about politics. That is the saddest thing of all. Why else do you think this override is before us now, very close to this election, in the waning hours of the session? The Republican Congress has had this vetoed bill for more than 5 months. But it is brought to us right before the Republican leadership gets ready to adjourn this Congress to go home and campaign.

After distorting what this bill is really about—although we will be on the floor minute by minute to reply to these distortions—they hope to go home and make political points, make political commercials, and say that those of us who disagree with them are defending late-term abortion, when we are not. We are defending the lives of women—women like Coreen Costello, mothers, loving family members, who have asked us, in the name of God, to allow them to save these mothers.

I think not only is this political that we have seen months go by without action on this veto override—not only is it political, but it is cynical. It is cynical because I believe they know that if we added a true life exception to this bill—and there is no Hyde language, there is no true life exception in this bill, which I will go into later in the day, they know that if they added a true life exception to this bill, and a strong and tightly worded health exemption to this bill, this bill would pass overwhelmingly and the President would sign it. He has said he would sign it. In his veto message, he holds out his hand and says: Make an exception in cases like Coreen's and I will sign the bill. Again, this is the President who was Governor of Arkansas, who signed a bill to outlaw late-term abortion.

So, in its current state, without those exemptions added to it, which we all would vote for—it would pass by unanimous consent in a moment. We could send it back to the House, they could act on it, we could send it to the President's desk. But without those exemptions, what is the bill about? It is about banning a medical procedure that doctors have testified is necessary in certain tragic circumstances to save a woman's life or to spare her unbelievably tragic health consequence. Surely, if we have a heart, we should not ban such a procedure in those circumstances.

Now, I ask, why would Senators want to place themselves in an emergency room, in an operating room, and prevent the doctor from saving a woman's life? Why would a Senator want to place himself or herself in an emergency room or an operating room and stop the doctor from saving a mother, a woman, from irreversible paralysis or infertility? Why? Why?

Now, I know those of us who go into politics are not shy or reticent people. I know we have confidence in ourselves and we believe in ourselves. In order to take a lot of harsh criticism and the hits that we take every day, we have to be strong, we have to be secure, we have to believe in ourselves. But surely we are not that egotistical to believe that we know more than well-trained physicians, and surely we are not so egotistical that we believe we should outlaw a medical procedure that many doctors say they need. Not every doctor says he or she needs it, and we have heard the letters from those who say they don't feel it is necessary. But there are many other doctors who feel it is necessary, like doctors at the Columbia School of Health.

In a letter dated yesterday, Allan Rosenfield, dean of the Columbia University School of Public Health writes:

> The bill in Congress targeting intact D&E abortion, H.R. 1833, is an extreme piece of legislation in that it provides no exception at all for abortions necessary to preserve a woman's health, or in cases where a severe fetal abnormality is incompatible with survival after delivery. To force a woman to carry to term a fetus with a horrible abnormality, such as absence of a brain, once the diagnosis is known, is truly cruel and inhumane.

Are we that egotistical to think we know more than those doctors?

And then a medical doctor from Colorado writes:

> I can assure you that I know of no physician who will provide an abortion in the seventh, eighth, or ninth month of pregnancy by any method at all, for any reason, except when there is a risk to the woman's life or health, or a severe fetal anomaly.

The doctor talks about Coreen Costello, whose picture is right here with her son, who she never could have had if she didn't have this procedure, because she could have been rendered infertile.

The fact is that women like Coreen Costello, a Republican who is opposed to abortion, who desperately wanted her daughter Katherine Grace to be able to live, are exactly the women who would be affected should this bill become law. And these women would be devastatingly hurt by it. They would have a safe medical option taken away from them at their time of greatest need.

The doctor goes on:

> I have dedicated much of my professional life to the health of these women. They are the patients to whom we physicians must commit our greatest skill and compassion. We cannot do that if we risk jail for exercising our best medical judgment.

Are we that egotistical? Do we think we know more than doctors, those who take the Hippocratic oath and swear that they will do everything in their power to save lives? My colleagues on the other side of this issue say this procedure is not necessary. They think they know more. They think they know more than these doctors, and they have doctors who say they don't ever use this procedure. If those doctors don't feel they need that procedure, that is up to those doctors. But don't ban a procedure that other doctors say is absolutely necessary to save a woman's life, or spare her irreparable permanent damage to her body. Do Senators have that much arrogance, that much hubris, that they want to take away an option from a doctor who swears to God to do everything he or she can do to save lives? I hope not. I hope and I believe that enough Senators will stand with these women, and with our President who stands with these women, and these families, and I hope and I believe they will stand for them and that they will in fact sustain this veto.

Mr. President, I have lived quite awhile and I have seen a lot of life. I have seen enough to know that if my daughter, who just gave me a magnificent grandson, found herself in the late term of pregnancy with a tragic situation like the one of Coreen Costello—where she did not know because science couldn't tell us at the early stages that this pregnancy was tragic, indeed that perhaps the baby had no brain but that the head was filled with fluid and the baby could never live but for a few excruciating seconds—if my daughter found out that the child that she was bearing and loving and wanting had an anomaly such as this, and, if the doctor told me, told my daughter's father, told my daughter's husband that we might lose her were it not for this procedure and that my son might lose his sister and my grandson might lose his mother, and all because some Senator decided he knew better than a doctor who was trained for years in just such medicine, I think if I could get past my anger, I would tell such Senators to stay out of my family's life, to stay out of my family's love, and let us decide together with our God and our doctor.

I would say to that Senator, "If you want to do this to your own family, if you want to tell your daughter that she cannot have the safest procedure, that is your right. But don't you tell that to my family." I would say, if I could get past my anger, "I didn't elect you to be a surgeon, or a physician, or to play God with my daughter. Stay out of my family's life, stay out of my family's love, and let us decide with our doctor and our God how to handle this most tragic situation." I would say that.

That is exactly what the women who have had this procedure are telling us. They were on Capitol Hill last week. They are on Capitol Hill this week, and they are courageous. They are courageous because in telling their stories they are reliving the most difficult moments of their lives. I had the privilege of meeting such families and introducing them to some my colleagues. Many of these women are very, very religious. They are against abortion. But all of them oppose this bill and support President Clinton's decision to stand with them and veto that bill.

Again, at any moment we could have a unanimous-consent request to add a health and life exception to this bill, and we could walk side by side and have a bill signed into law.

So who is it that is playing politics with this? I ask. The women who were here on the Hill who have come to tell their stories are not doing it for themselves but for others who could face the same horror that they did. They are here to stand up to those Senators who would have condemned them to grave injury—maybe even to death.

I ask my colleagues to vote for these women and their families and families like them who need every medical option at their disposal. This issue is not about choice. Roe versus Wade does not give a woman a choice to have an abortion at the end of her pregnancy—only if her life and health is at undeniable risk.

Let me repeat that. There is no law or Supreme Court decision that allows a woman to have a late-term abortion—only if her life is at stake, or she faces severe health risks.

So we can pass a bill today that will allow this procedure to be used only if a woman's life is at stake, or if she faces severe serious health consequences. The President would sign such a bill. He has stated so in his letter.

Let me read to you from the President's letter. I believe that every American who listens to this letter will see the compassion in our President toward women and families who find themselves in tragic danger and circumstances, and to children. Yes, to children. If Coreen Costello didn't have that procedure, she could have died. She has two other children, and the President cares about those children and about this child, and about this woman.

The President writes:

> DEAR MR. LEADER: I am writing to urge that you vote to uphold my veto of H.R. 1833, a bill banning so-called partial-birth abortions. My views on this legislation have been widely misrepresented, so I would like to take a moment and state my position clearly.

This is the President.

> First, I am against late-term abortions and have long opposed them, except, as the Supreme Court requires, where necessary to protect the life or health of the mother. As Governor of Arkansas, I signed into law a bill that barred third trimester abortions with an appropriate exception for life and health. I would sign a bill to do the same thing at the Federal level if it were presented to me.

Here is the President saying that as Governor he outlawed late-term abortions but for the life and health, and he would in fact sign the bill outlawing this procedure if there was an exception for the life and health.

> The procedure aimed at in H.R. 1833 poses a difficult and disturbing issue. Initially, I anticipated that I would support the bill. But after I studied the matter and learned more about it, I came to believe that it should be permitted as a last resort when doctors judge it necessary to save a woman's life or to avert serious consequences to her health.
>
> In April, I was joined in the White House by five women who were devastated to learn that their babies had fatal conditions. These women wanted anything other than an abortion, but were advised by their doctors that this procedure was their best chance to avert the risk of death or grave harm, including, in some cases, an inability to bear children. These women gave moving testimony. For them, this was not about choice. Their babies were certain to perish before, during or shortly after birth. The only question was how much grave damage the women were going to suffer. One of them described the serious risks to her health that she faced, including the possibility of hemorrhaging, a ruptured cervix and loss of her ability to bear children in the future. She talked of her predicament.

And then the President, in his letter asking for our support, quotes this woman:

> Our little boy had . . . hydrocephaly. All the doctors told us there was no hope. We asked about in utero surgery, about shunts to remove the fluid, but there was absolutely nothing we could do. I cannot express the pain we still feel. This was our precious little baby, and he was being taken from us before we even had him. This was not our choice, for not only was our son going to die, but the complications of the pregnancy put my health in danger, as well.

The President, retelling stories that we hear from families all over this Nation, families, some of whom oppose all abortion, some of whom support Roe verses Wade, some of whom are extremely religious, some of whom are Democrats and some of whom are Republicans and some who are Independents. This is about health and life and compassion.

The President goes on:

> Some have raised the question whether this procedure is ever most appropriate as a matter of medical practice. The best answer comes from the medical community, which believes that, in those rare cases where a woman's serious health interests are at stake, the decision of whether to use the procedure should be left to the best exercise of their medical judgment.
>
> The problem with H.R. 1833 is that it provides an exception to the ban on this procedure only when a doctor is convinced that a woman's life is at risk, but not when the doctor believes she faces real, grave risks to her health.
>
> Let me be clear. I do not contend that this procedure, today, is always used in circumstances that meet my standard. The procedure may well be used in situations where a woman's serious health interests are not at risk. But I do not support such uses, I do not defend them, and I would sign appropriate legislation banning them.

The President of the United States says if this procedure is used in any other circumstance other than health and life of the mother, he would ban it, and we could do that by unanimous consent today. I want to alert my colleagues, at some point during the debate I will be making a unanimous consent request to do just that. I wanted to alert them to that.

The President goes on:

> At the same time, I cannot and will not accept a ban on this procedure in those cases where it represents the best hope for a woman to avoid serious risks to her health.
>
> I also understand that many who support this bill believe that a health exception could be stretched to cover almost anything, such as emotional stress, financial hardship or inconvenience. That is not the kind of exception I support. I support an exception that takes effect only where a woman faces real, serious risks to her health. Some have cited cases where fraudulent health reasons are relied upon as an excuse—excuses I could never condone. But people of good faith must recognize that there are also cases where the health risks facing a woman are deadly serious and real. It is in those cases that I believe an exception to the general ban on the procedure should be allowed.
>
> Further, I reject the view of those who say it is impossible to draft a bill imposing real, stringent limits on the use of this procedure—a bill making crystal clear that the procedure may be used only in cases where a woman risks death or serious damage to her health, and in no other case. Working in a bipartisan manner, Congress could fashion such a bill.
>
> That is why I asked Congress, by letter dated February 28 and in my veto message, to add a limited exemption for the small number of compelling cases where use of the procedure is necessary to avoid serious health consequences. As I have said before, if Congress produced a bill with such an exemption, I would sign it.
>
> In short, I do not support the use of this procedure on demand or on the strength of mild or fraudulent health complaints. But I do believe that it is wrong to abandon women, like the women I spoke with, whose doctors advise them that they need the procedure to avoid serious injury. That, in my judgment, would be the true inhumanity. Accordingly, I urge that you vote to uphold my veto of H.R. 1833.

He finishes with these words:

> I continue to hope that a solution can be reached on this painful issue. But enacting H.R. 1833 would not be that solution.

I ask my colleague from Pennsylvania, without losing the right to the floor, did he want to offer a unanimous-consent request?

Mr. SANTORUM. I thought we did, but I have just been informed to wait a second. Have you seen the unanimous consent?

Mrs. BOXER. No, I have not.

Mr. SANTORUM. I will hand a copy to my colleague.

Mrs. BOXER. I thank the Senator.

Mr. SANTORUM. Will the Senator yield for 1 second?

Mrs. BOXER. I will be happy to yield.

GOLDEN GAVEL AWARD

Mr. SANTORUM. I just wanted to recognize the Senator from New Hampshire. I have been informed that the hour of 10 o'clock will be the 100th hour of the Senator from New Hampshire presiding in the Chair. He will be awarded a golden gavel for doing so. I just wanted to commend him for his work in that regard. My understanding is he is the first Senator from the State of New Hampshire to receive such an award. I congratulate the distinguished Senator.

Mrs. BOXER. May I add my words of congratulations? I have not sat in that chair as often as I would like to, so I am falling far behind his record, but I do offer my congratulations to the Senator from New Hampshire.

It is difficult, sometimes, to sit there, particularly when I know the Senator would love nothing more than to jump into this debate at any point during my words here, so I particularly want to thank him for his generosity of spirit.

UNANIMOUS-CONSENT AGREEMENT

Mr. SANTORUM. If the Senator will yield, I will propound the unanimous-consent agreement.

I ask unanimous consent there now be 4 hours for debate on the veto message to accompany H.R. 1833, the partial-birth abortion bill, with the time equally divided in the usual form. Further, that the Senate recess between the hours of 12:30 and 1:30 today, and that when the Senate reconvenes at 1:30, there be a period of morning business until 2 p.m., with the Senators permitted to speak for up to 5 minutes, during which time statements relating to the veto message will be prohibited.

I further ask that, at the hour of 2 o'clock, the Senate resume consideration of the veto message with the remaining time limitations still in effect. And, finally, following the expiration or yielding back of time, the Senate proceed to a vote on the question, "Shall the Senate pass the bill, the objections of the President to the contrary notwithstanding?"

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object and I will not, I think this is a fair request. I just want to make sure that it is clear that the Senator from California, me, will be controlling the time of the side that wishes to sustain the veto, and if the Senator from Pennsylvania is on the other side—I think it would clarify matters.

Mr. SANTORUM. I add that to the request.

The PRESIDING OFFICER. Without objection, the request is so modified. Without objection, the unanimous-consent request is agreed to.

Mr. SANTORUM. Thank you, Mr. President.

Mrs. BOXER. Thank you very much, to all Senators on both sides, so we can bring this difficult issue to a close, at least for this session, because I am sure this entire issue will be debated again.

Mr. President, what I have done in this part of my presentation, and I am almost finished with this first part and I will save the rest for the rest of the debate, I have tried to make the case that the reason the President vetoed this bill, and the reason I am here asking my colleagues to support his veto, is because the bill in its form is extreme. It is extreme because it does not have, first of all, a clear life exception, which I will go into this afternoon. It does not have the usual high life exception. It has only an exception for preexisting conditions which might threaten the woman, but not the actual pregnancy itself. And it has no exemption for health.

I do believe that this President, who has really taken a tremendous amount of time to lay out his reason for vetoing this bill, is very, very clear and very willing to work with all sides to craft a bill that he can sign. I think, again, we can do that pretty easily.

So the issue that is before us today is not about choice, it is not about a woman's right to choose. A woman doesn't have a right to choose at the end of her pregnancy to have an abortion. It is not allowed under Roe versus Wade. No physician I ever heard from ever performed such an abortion. No Senator I know condones such an abortion.

What we are saying is only in the cases where this tragic pregnancy exists at the end of a pregnancy and was not known earlier, a woman should have a chance with her God and her family to have all medical options available to her so that she can have other children, so that she can continue to live a life on this Earth.

Again, we can pass a bill today that would allow this procedure to be used if a woman's life is at stake or if she faces serious adverse health consequences. I keep repeating that because the majority leader, TRENT LOTT, in his remarks said he would like to see us work together. We are ready to work together, and before the end of my remarks today, I am going to make such a unanimous-consent request, I alert my colleagues, and I will be doing that all through this debate.

I suspect that when I make the unanimous-consent request that will, in essence, ban this procedure except for life and health, it will be objected to. The reasons will be stated and they will be, No. 1, there already is a life exception in this bill. As I stated, there really is no life exception in this bill except for a preexisting condition. No. 2, they will say that the health risks represent a loophole. A woman can say, "My life is at stake," and it isn't. We have crafted it such a way to say serious adverse health consequences to the woman. We think that is very, very tightly drawn.

The end result by not supporting this unanimous-consent request that I will make is that we will have no bill signed into law, but instead we will have a political issue. In essence, I have to say, that those who do not support the life and health exemption, in essence, are not placing the woman's health or her life in an important position.

I will say this not as a matter of philosophy but as a matter of fact that Coreen Costello, who is pictured here with her son, might not have lived had she not had that procedure. We are looking at a 31-year-old mother of three who might not be here. So we are not talking philosophy here. We are talking reality. We are not talking a woman's right to choose here, we are talking health and life.

In retrospect, it shouldn't surprise us that when we offered our amendment in the original debate, which was the Boxer amendment to outlaw this procedure but for life and health, in retrospect it shouldn't surprise us that we lost our amendment. We were able to get 47 votes. We do have some Republican votes, which are very meaningful and very important to us, but we didn't know at that time that the Republican platform was going to actually call for criminalizing all abortion, even those in the first weeks of a pregnancy and even in the case of rape and incest.

So I guess in retrospect, I shouldn't be surprised that I lost my, what I thought to be, very moderate, very straightforward amendment when we see the most antichoice Congress in history.

Even when it comes to a tragic situation that Coreen Costello found herself in and other women whose stories I will bring to the floor this afternoon, colleagues cannot even allow these women the chance to save their lives, save their fertility, save them from paralysis, save them from hemorrhaging? They cannot even do that.

So I say, in many ways, the debate today is unnecessary. We could sit down and work out this amendment. We could get the bill to the President. But it is really about a political agenda for the Presidential, senatorial, and House races. That is why we have this veto override in what may be the last week of the Senate of this particular Congress.

Mr. President, I am going to save the rest of my remarks for later in the debate. Right now, I am going to make a unanimous-consent request to set aside the pending veto message and proceed immediately to a bill that allows this procedure only in cases where the mother's life is at stake or she would suffer serious adverse health consequences without this procedure. I make that unanimous-consent request.

Mr. SANTORUM. Reserving the right to object. I say to the Senator from California that, first off, we had an opportunity to debate this issue, and we did debate this issue when the bill originally came up. The issue was debated at length. The Senator from California lost. The Senate worked its will. The Senator's amendment was defeated.

In addition, obviously, we have already had a veto override in the House, including dozens of Members who were pro-choice supporting the override of this, what you would term, extreme provision, this extreme law.

I suggest that the health of the mother exception that you want to include is unnecessary, and the reason it is unnecessary is because, according to physicians, not according to the Senator from Pennsylvania—I am not an obstetrician; I am not using my words in responding to the Senator from California, I will use the words of a Dr. Harlan Giles, a professor of high-risk obstetrics and perinatology at the Medical College of Pennsylvania. He performs abortions by a variety of procedures.

I say to the Senator from California that even if this bill were to become law, there are still a variety of other abortion procedures available to women to have late-term abortions. This outlaws one which many of us believe is the most barbaric.

His testimony was as follows:

> After 23 weeks, I do not think there are any maternal conditions—

I repeat that.

> there are any maternal conditions that I'm aware of that mandate ending the pregnancy that also require that the fetus be dead or that fetal life be terminated. In my experience for 20 years, one can deliver these fetuses either vaginally or by cesarean section, for that matter, depending on the choice of the parents, with informed consent. But there's no reason these fetuses cannot be delivered intact vaginally after a miniature labor, if you will, and be at least accessed at birth and given the benefit of the doubt.

This is someone who performs abortions.

Senator BROWN from Colorado quoted a doctor from Boulder, CO, a Dr. Hern, who performs late-term abortions. He is the only one in Colorado, according to the Senator from Colorado, who performs these procedures, performs lots of abortions and has said identical things: that there is no reason to perform this procedure; that this procedure is not to benefit the health of the mother; and that the women who have this procedure done, the women who were trotted out to the White House, were misinformed about what health consequences beset them at the time of their abortion.

So I object because the premise that the health of the mother is somehow improved by this procedure is a false premise, and that is not pro-life doctors talking, although we have many of them who are, that is not just pro-choice doctors talking, although we have many of them that do, but I am talking about people who perform late-term abortions talking.

So to stand up and give credibility to this idea that there is a health reason to perform this abortion is factually incorrect, according to a very broad spectrum of physicians who don't and who do perform late-term abortions and abortions at other points in time.

So I do object on the fact that the premise underlying the Senator's amendment is a faulty premise and is not appropriate for this legislation.

The PRESIDING OFFICER. Objection is heard.

Mr. SANTORUM. I object.

Mrs. BOXER. Mr. President, I understand that the Senator objects to my unanimous consent request to set aside this veto fight and instead craft a bill that would have a very fairly drawn exception for these most tragic cases. That is exactly what we want. And I will say in response to the Senator's objection a couple of things.

He said there were dozens of Members who were pro-choice on the House side who voted for the bill. The fact is, those same dozens of House Members had no opportunity to vote on an exception, a true life and a true health exception. They were not given that by the Republican leadership. They had no choice to state their position as Senators here do on the Boxer amendment, which had 47 votes.

When my colleague says he objected, we already debated it, he is right; we did fail by three votes. The fact is, since that time we have a letter from the President asking us—and he is the President of the United States of America, and he does represent the people, and he is saying, "Please send me a bipartisan bill." He says, "We can draw a bill that would address the small number of compelling cases where the use of this procedure is necessary to avoid serious health consequences." He says if Congress produced such a bill, he would sign it.

So that is new information. That is why I planned to offer this unanimous consent request. I think if we really wanted to get something done on this, we could outlaw this procedure except in those narrow cases.

I thank my colleagues for their courtesy, and we will obviously have several hours of this debate. When I come back to the floor for further debate, I am going to introduce by way of their photographs many other families with compelling stories like this. We can talk about this in the abstract. I intend to put the family's face on this issue, and I think the President has done that magnificently in his veto message.

There is one more thing I wanted to point out. There was an editorial today in the New York Times. I am going to be placing it on the desks of Senators. I am going to just read the very end of it.

> Whatever one's views of late-term abortions, this bill is not a serious effort to confront the issue directly. Rather, it is the first shot in a campaign by antiabortion forces to erode access to abortion by banning one procedure after another. These forces have already gained ground in individual States, imposing legal restrictions and conditions that have made it extremely difficult, particularly for poor women or those in rural or remote areas, to get abortions, without outlawing the practice outright. Mr. Clinton was right to veto their efforts and the Senate should stand with him.

I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 26, 1996]

UPHOLD THE ABORTION VETO

The politically charged issue of abortion returns to the Senate today in the form of a veto to override President Clinton's veto of a bill outlawing certain late-term abortions and imposing criminal sanctions on doctors who perform them. Last week, the House voted by 285 to 137 to override Mr. Clinton. That leaves only the Senate to stop this campaign-season rush to outlaw a procedure that, despite its distasteful nature, remains the safest method to abort a fetus for valid medical reasons late in pregnancy.

The bill passed earlier this year, would ban a particular procedure, known as intact dilation and extraction, but called a "partial birth" abortion in the bill by anti-abortion advocates. It is used only in late-term abortions, after 20 weeks of gestation. Reliable statistics are difficult to come by, but the Alan Guttmacher Institute, which as long tracked abortion issues, reports that only some 15,000 of the estimated 1.5 million abortions each year take place after 20 weeks and only about 600 of those take place after 26 weeks or during the third trimester. The minority of these third-trimester abortions use the procedure that has stirred Congress' ire.

The procedure involves partially pulling the fetus into the birth canal and then collapsing the skull in order to let it be extracted. Graphic pictures have been circulating to stir up opposition to the procedure, but is actually considered safer and less traumatic than the alternative late-term procedure, in which the fetus is broken apart in the uterus before it is suctioned out.

The bill should be rejected as an unwarranted intrusion into the practice of medicine. It would mark the first time that Congress has outlawed a specific abortion procedure, thus usurping decisions about the best method to use that should properly be made by doctor and patient. The bill would actually force doctors to abandon a procedure that might be the safest for the patient and resort to a more risky technique.

Although the bill allows the procedure to be used to preserve the mother's life, that exception is drawn so narrowly as to make the technique virtually unusable. A doctor charged with violating the law would have to prove in defense that no other procedure could have saved the mother's life. Moreover, the exception only covers cases in which the mother's life was endangered by physical disorder, illness or injury. Many opponents argue that the exception is so narrow that it ignores cases in which the pregnancy itself poses the threat to life. A further weakness is that the bill also does not recognize any broader threat to the mother's health.

In addition, the fact that the defense could only be raised after criminal charges were brought would have a chilling effect on the already small number of doctors who perform abortions. The penalty, for anyone convicted, could be up to two years in prison and $250,000 fine.

Whatever one's views of late-term abortions, the bill is not a serious effort to confront the issue directly. Rather, it is the first shot in a campaign by anti-abortion forces to erode access to abortion by banning one procedure after another. These forces have already gained ground in individual states, imposing legal restrictions and conditions that have made it extremely difficult, particularly for poor women or those in rural or remote areas, to get abortions, without outlawing the practice outright. Mr. Clinton was right to veto their efforts and the Senate should stand with him.

Mrs. BOXER. Mr. President, when I come back, I will go into some other editorials. I will introduce you to more women like Careen Costello, and I will go into the life exception in this bill, which is not a true life exception. I hope that at the end when we count the votes we will stand with the women, with the families, with compassion, and sustain our President's veto.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from a woman who had a child with a fetal defect, a fetal abnormality, and decided to go through and have the baby, and her comments about this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

On March 20, 1995 my husband and I found out that we were expecting a precious baby. The discovery was an incredible surprise. We were not trying to become pregnant, but knowing that the Lord's plan for our lives was being carried out, we were overjoyed, a little overwhelmed, but completely thrilled. I began my prenatal vitamins immediately and followed all known guidelines to protect my unborn child.

Three months later, on June 18, I had an uneasy feeling, nothing that I felt physically, just an anxious, strange feeling. I called my obstetrician and requested a fetal heart check. They dismissed my concern as the first-time-mother jitters but agreed to let me come into the office. Unable to find a heart beat, the nurse sent me down the hall for a sonogram to reassure me that there were no problems. This would be my first sonogram where I would actually be able to see the baby. I was five months pregnant.

The nurse began pointing out our baby's toes and feet, and when the baby kicked I smiled, believing that everything was alright. Then, the nurse suddenly stopped answering my questions and began taking a series of pictures and placed a videotape into the recorder. Unaware of what a normal sonogram projects, I did not decipher the enormous abdominal wall defect that my child would be born with four months later.

My husband was unreachable so I sat alone, until my mother arrived, as the doctor described my baby as being severely deformed with a gigantic defect and most likely many other defects that he could not detect with their equipment. He went on to explain that babies with this large of a defect are often stillborn, live very shortly or could survive with extensive surgeries and treatments, depending on the presence of additional anomalies and complications after birth. The complications and associated problems that a surgical baby in this condition could suffer include but are not limited to: bladder exstrophy, imperforate anus, collapsed lungs, diseased liver, fatal infections, cardiovascular malformations, etc.

I describe my situation in such detail in hopes that you can understand our initial feelings of despair and hopelessness, for it is after this heartbreaking description that the doctor presented us with the choice of a late-term abortion. My fear is that under this emotional strain many parents do and will continue to choose this option that can be so easily taken as a means of sparing themselves and their child from the pain that lies ahead. With our total faith in the Lord, we chose uncertainty, wanting to give us as much life as we could possibly give to our baby.

On October 26, 1995, the doctors decided that, although a month early, our baby's chance of survival became greater outside the womb than inside, due to a drop in amniotic fluid. At 7:53 am, by caesarean section, Andrew Hewitt Goin was born. The most wonderful sound that I have ever heard was his faint squeal of joy for being brought into the world. Two hours after being born he underwent his first of three major operations.

For two weeks Andrew lay still, incoherent from drugs, with his stomach, liver, spleen and small and large intestines exposed. He was given drugs that kept him paralyzed, still able to feel pain but unable to move. Andrew had IV's in his head, arms and feet. He was kept alive on a respirator for six weeks, unable to breathe on his own. He had tubes in his nose and throat to continually suction his stomach and lungs. Andrew's liver was lacerated and bled. He received eight blood transfusions and suffered a brain hemorrhage. Andrew's heart was pulled to the right side of his body. He contracted a series of blood infections and developed hypothyroidism. Andrew's liver was severely diseased, and he received intrusive biopsies to find the cause. The enormous pressure of the organs being replaced slowly into his body caused chronic lung disease for which he received extensive oxygen and steroid treatments as he overcame a physical addiction to the numerous pain killers he was given.

The pain and suffering was unbearable to watch, but the courage and strength of our child was a miraculous sight. We were fortunate. The worst case scenarios that were painted by the doctors did not come to fruition, and we are thankful that our son was allowed the opportunity to fight. His will to live overcame all obstacles, and, now, we are blessed by his presence in our lives each and every minute. Our deepest respect and prayers go out to the courageous parents who knew that their baby would not survive and yet chose to love them on earth as long as God allowed and intended for them to be.

WHITNEY AND BRUCE GOIN,
Orlando, FL.

Mr. SANTORUM. Every time the Senator from California would bring up one of these cases, I will, unfortunately—Members on this side and maybe on the other side—have to tell the entire story about all these cases that the Senator from California would like to bring up, because, in fact, as was said earlier, there is no health or life reason to do this procedure. There is no reason. In fact, the Senator from Ohio, who I am going to yield to in a minute, will go through the case of Coreen Costello.

We do not want to do this. I am sure Mrs. Costello went through some terrible things, but if the Senator from California is going to offer her up as a justification for this procedure, then the American public and the Members of the Senate have to know all the facts related to the procedure that was done and how she was misinformed about her alternatives. We have hundreds and hundreds of physicians, obstetricians, both pro-life, pro-choice, people who perform abortions, people who do not, who agree with that assessment of that.

With respect to the New York Times article, I would say to the Senator from California the New York Times is the same paper that said we do not need to reform welfare because if we just change a little bit, it is a slippery slope and all of a sudden there will not be welfare. And they are the same people who criticize the National Rifle Assocation, which opposes any restriction on the second amendment, because of their slippery slope argument, and they criticize them for "standing firm." And yet they are taking this position if you do one thing, even though it is reasonable, and you might argue it is reasonable, it is just a real big, sort of plot effort. That is just absolutely baloney. Baloney.

My goodness, the New York Times, they are just—get a life. This is murder. Let us not call it partial-birth abortion. Call it partial-birth infanticide. That is what this is. If we think that is OK in this country, we have gone much too far.

It is my pleasure to yield 15 minutes to the Senator from Ohio.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, we have begun a very historic debate in this Chamber. It really is the conclusion of a debate that has been going on for several months. I think it might be instructive to review how we got here.

The House, of course, took this matter up. The Senate Judiciary Committee held hearings. I will be quoting from some of those hearings in just a moment. The House passed the bill. The Senate passed the bill. Then the President vetoed it. The House overrode the President's veto, and now we are in the Senate.

I think it is important that we keep our eye on the ball as this debate goes on. We should try to stay with the facts and try as much as possible to keep personal comments out of this.

My friend from California, the Senator from California, repeatedly has come to the floor the last few days and said she has been offended by other Senators characterizing her position. I understand that. Yet, she has repeatedly this morning talked about politics and talked about cynicism and talked about motives that she believes drive Members of the Senate who happen to be on this side, the other side from her in this debate.

Quite frankly, I think that is too bad. I think those assertions are too bad. I think it is too bad when anyone in this debate attempts to look into the heart and mind, the soul of any Senator. And I think it is wrong to do that. Please, please, spare us that argument.

The Senator specifically said that she was going to offer a unanimous consent, which she did, which would add this health exception. Let me assure my colleague and friend from California, those of us who oppose that and who would object, do not do it for political reasons. No. We oppose it because we know, based on court decisions, that an amendment such as that would make the bill useless—useless. I think if the Senator will read the opinions of the Court, Supreme Court decisions, that she will see that. But it is not because of politics. It is because we believe this bill should pass and we believe this bill should pass in a form that accomplishes something.

I will return to that later today.

My friend from California talked about Coreen Costello. I was in the Judiciary Committee when she testified. It was compelling testimony. It was testimony that would break your heart. However, Coreen Costello did not—let me repeat—did not have a partial-birth abortion. Let me read the proposed law, the bill that is in front of us. And then I will turn to Coreen Costello's testimony. Here is the pertinent part of the legislation. As used in this section, the term "partial-birth abortion" means "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

Coreen Costello testified—again everyone's heart went out to her when she testified—this is what she said.

> When I was put under anesthesia, Katherine's heart stopped. She was able to pass away peacefully inside my womb, which was the most comfortable place for her to be. . . .
>
> When I awoke a few hours later, she was brought in to us. She was beautiful. She was not missing any part of her brain. She had not been stabbed in the head with scissors.

Coreen Costello did not have a partial-birth abortion. If she had intended to have a partial-birth abortion, we know—we know—from all the testimony, that is undisputed, that all of the baby's body, with the exception of the head, would have had to have been delivered anyway.

I will quote Dr. Haskell later in regard to the actual procedure. So, although many of the stories that we are going to hear will be compelling, I am not sure, frankly, that they are at all relevant to our discussion.

Let me talk about the essential facts as we really begin this debate. There are, in my opinion, four essential facts that we need to keep in mind, Members of the Senate need to keep in mind, as we debate this.

No. 1. This procedure is not recognized in medical circles. This procedure, Mr. President, is not recognized in medical circles. Dr. Pamela Smith, Medical Education Director at Mount Sinai Medical Center in Chicago testified November 17, 1995, citing the medical textbook "Williams Obstetrics," that this is not a recognized procedure. The term is not even found in medical textbooks.

The American Medical Association Legislative Council voted, without dissent, to recommend that the AMA's board endorse the partial-birth abortion ban. And they did it because they felt, according to the Congress Daily, "This was not a recognized medical technique." I want to point out that the AMA ended up taking no position. They overrode the legislative council. They overrode it because they did not want to take a position on a policy issue, but there is no indication that they disagreed with the statement "This was not a recognized medical technique."

Dr. Nancy Romer, chairman of ob-gyn and a professor at Wright State University Medical School in Ohio said, "there is simply no data anywhere in the medical literature in regards to the safety of this procedure. There is no peer review or accountability of this procedure. There is no medical evidence that the partial birth abortion procedure is safer or necessary to provide comprehensive health care to women.

Finally, Dr. Donna Harrison, a fellow of the American College of Obstetricians and Gynecologists put it most simply:

> This is medical nonsense . . . it is a hideous travesty of medical care and should rightly be banned in this country.

That is essential fact No. 1. The procedure is not recognized in medical circles.

Fact No. 2. The procedure is not used to save the life of the mother. We have testimony that a partial-birth abortion takes 3 days to perform. Now, let me just say it again. The testimony is it takes 3 days to perform this abortion. This is not an emergency procedure. Emergency procedures exist to save the life of the mother. This is simply not one of those procedures.

Listen again to the testimony of Dr. Pamela Smith: "So for someone to choose a procedure that takes 3 days, if they are really interested in the life of the mother, that puts the mother's life in further jeopardy." Those are not my words, those are the words of Dr. Pamela Smith.

In his medical paper describing partial-birth abortion, Dr. Martin Haskell—now, this is the doctor who performs the abortions, one of the doctors who performs this procedure—he put it in a medical paper. This is, in part, what he said. He described in great detail the 3-day process for performing this type of abortion.

His paper goes through day 1, which is dilation, day 2, more dilation, and day 3, the actual operation. Let me quote directly from the doctor's paper. Again, this is the doctor's own paper, Dr. Haskell.

> Day 1—Dilation.
>
> The patient is evaluated with an ultrasound. . . . Hadlock scales are used to interpret all ultrasound measurements.
>
> In the operating room, the cervix is prepped, anesthesized and dilated 9–11 [millimeters]. . . .
>
> Day 2—More Dilation.

I am going to summarize this. The patient returns to the operating room, and the previous day's Dilapan are removed. The cervix is scrubbed.

> Day 3. The patient returns to the operating room, and the previous day's Dilapan is removed, and the procedure begins.

Mr. President, by definition and by description, this is not an emergency procedure used to save the life of the mother. That is fact No. 2.

Fact No. 3. My friends who are opposed to this bill have argued this procedure is usually medically necessary, when, in fact, these abortions are overwhelmingly elective. Here again, the testimony of those individuals who do these abortions is instructive. Dr. Martin Haskell, in a tape-recorded statement to the American Medical News, said the following: "Eighty percent of these abortions are purely elective." Another physician said the following: "We have an occasional abnormality, but it is a small amount. Most are for elective, not medical, reasons."

The Washington Post reports that although no statistics are kept on partial-birth abortion, "Perhaps the majority are not for medical reasons."

President Clinton has said this procedure is necessary "to prevent ripping the mother to shreds and to protect future fertility."

But, Mr. President, Dr. Joseph DeCook, another fellow at the American College of OB-GYNs, says, "Both contentions are, of course, incorrect, and probably merit the adjective 'absurd.'"

Finally, former Surgeon General C. Everett Koop sums up this issue by saying, "In no way can I twist my mind to see that late-term abortion is a medical necessity for the mother."

So that is fact No. 3. These abortions, the vast majority of them, are elective, not medically necessary.

No. 4, a living, fully formed living child is killed. You can use all the language you want to to try to hide this fact, but the basic fact is a living child is killed. We need, I think, to understand this procedure. In a partial-birth abortion, the entire body of the baby has been delivered except the head—the entire body is delivered except the head. The only reason the head has not been delivered—the only reason—is because under the law the doctor would have to protect the rights of a fully delivered baby.

Listen to nurse Brenda Shafer's description. Remember that Brenda Shafer had described herself as being pro-choice before she walked into the doctor's office that day, to that clinic. This is what she saw:

> The baby's heart beat was clearly visible on the ultrasound screen . . . Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down . . . Then he delivered the baby's body and the arms—everything but the head . . . The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head and the baby's arms jerked out, like a startle reaction . . . The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby went completely limp."

Mr. President, it has been argued that the baby was dead before the procedure was initiated. But listen again to Dr. Haskell, listen again to his own comments. He said in his interview, "No, it is not. No, it is really not." It was argued that the anesthesia given to the woman killed the baby, but the American Society of Anesthesiologists testified this is absolutely untrue. Anesthesia does not kill the child. The baby is alive.

Mr. President, the essential facts about partial-birth abortion are as follows: One, it is not recognized in traditional medical circles. No. 2, it is not necessary to save the life of the mother. In fact, there are safer methods to protect maternal health. No. 3, those who perform these abortions admit they are overwhelmingly done for elective reasons. They are elective. No. 4, this procedure kills a living child. Mr. President, civilized society simply cannot tolerate this procedure.

How, then, did partial-birth abortion come about? Why was this technique developed? Why are there some doctors—not many, but some—doing this? Why was this particularly gruesome procedure ever developed?

I ask unanimous consent for an additional 5 minutes.

Mr. SANTORUM. I yield 5 minutes.

Mr. DEWINE. I thank my colleague from Pennsylvania.

Mr. President, how did this come about? We know now it has no medical purpose. We heard testimony that partial-birth abortions are not taught in any medical school. The term is not found in any medical text. In fact, the American Medical Association does not recognize it as a medical procedure.

We also know, Mr. President, that mainstream medical doctors would never use this procedure for any medical purpose. We have testimony to that effect. Doctors who do these partial-birth abortions admit that most are "purely elective." Fellows at the American College of OB-GYNs describe the contention of this type of abortion being used for legitimate medical reasons as, "incorrect and absurd." Dr. Koop says, "In no way can I twist my mind to say that late-term abortion is a medical necessity for the mother."

So we know that partial-birth abortion is not a medical term or a medical procedure. How did this come about? I believe the evidence is clear, Mr. President, that it came about as a perversion of the law. Under the law, a child outside the womb is, of course, a fully protected human being. That child has civil rights. That child has rights under the Constitution as a person—rights we all enjoy. However, if the child is almost ready to be born but remains in the womb, the law permits the child to be aborted. The law permits the child to be killed.

Remember the testimony, remember the evidence, when we say, "almost ready to be born." Every part of this child is out, outside the womb, except the head. The head is kept in. The problem for the person doing the abortion is that when a baby is nearly ready to be born, a more traditional style of abortion is uncertain and dangerous, because in a traditional abortion the child is kept totally in and the abortion is performed totally inside the womb. When the baby is ready to be born and is fully developed, it is more difficult to kill the child with certainty, and the abortion may be more dangerous.

Dr. Haskell, an abortion provider who is a self-described "pioneer" in this procedure, was most proud of the fact that partial-birth abortion is the most effective and certain way to kill a child that is legal under the law today. The most effective way to kill a late-term child, a child that is very close to being born, is to use this procedure. That is why it is used.

You could argue, Mr. President, that the safest and easiest way to kill such a child ready to be born would be to allow complete delivery, allow the head to come out as well as the rest of the body, and then kill the baby. That, of course, is illegal. That is why it is not done. The law does not allow a fully delivered child to be killed. Current law does allow a child that four-fifths of the child's body is out, to be killed. That is what the facts are. No matter how we talk or how we try to gloss over the fact, that is the essential fact of this debate.

Mr. President, those who do partial-birth abortions have done what they think is the best way, the best thing under the law. They nearly fully deliver the baby. Every part of the child is delivered except the head, and they hold the head inside the birth canal. Mr. President, they cannot let the head slip out. As Dr. Haskell says again, the man who does these procedures, "That's the goal of your work, to complete an abortion—not to see how do I manipulate the situation so I get a live birth instead."

Mr. President, the law allows this. This cannot be what the Senate of this country or the American people believe to be good public policy.

What happens, Mr. President, if a doctor makes a mistake, a sneeze, a cough, a knock at the door, or the doctor looks away, is distracted, and by mistake the baby's head comes out? The doctor meant to hold it in, but it slipped out. Can he still kill the child? Well, of course not—not legally, because we now have a fully delivered baby with civil rights.

Mr. President, how can we permit a situation to exist in this country where, if the doctor makes a mistake, it is a child, but if he is coldly efficient, it is not? How do we say that a few inches is the difference between the life or death of this child? Surely, this Senate can stand up for the rights of that defenseless child. Surely, this Senate cannot stand by and allow such a legal absurdity to continue, a perversion of medicine, a perversion of the law.

This is why we are here today. This is not about the right to choose. This is not about the right to abortion generally. This is a question of whether the Senate will permit a legal fiction that says that if you are fully born, you are protected, but if a doctor holds just your head inside the birth canal, you may be killed.

Mr. President, in conclusion, is there no limit to what we will accept in this country? Is there no limit to what we will tolerate as a people? Are we so numb or are we so insensitive that we cannot raise our voice and say, "No, not this. This is just too much"? Mr. President, what are we willing to turn our backs on?

My colleague and friend from Illinois, Congressman HYDE, is a great spokesperson and very eloquent in this area. He was very eloquent in his closing argument in the House. But he is also not only eloquent with regard to this issue, he is eloquent about the duty each one of us has not just in this country, but the duty we each have as individuals. Many times, he quotes from St. Ambrose: "Not only for every idle word, but for every idle silence must man render an account."

I don't think this is unique to the Christian faith. I do not think this is unique to St. Ambrose. I think this is a universal truth. Let me quote from a book written by HENRY HYDE a number of years ago that speaks, I think, to personal responsibility, because that is what we are about on the Senate floor today:

> I believe . . . that when the final judgment comes—as it will surely—when that moment comes that you face Almighty God—the individual judgment, the particular judgment—I believe that a terror will grip your soul like none other you can imagine. The sins of omission will be what weigh you down; not the things you've done wrong, not the chances you've taken, but the things you failed to do, the times that you stepped back, the times you didn't speak out.
>
> "Not only for every idle word but for every idle silence must man render an account." I think that you will be overwhelmed with remorse for the things you failed to do.

Mr. President, this Senate should not fail to do what is right. This Senate should not fail to override the President's very misguided veto.

Thank you. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I yield 5 minutes to the distinguished Senator from Washington, Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, there have been a number of occasions on which this body has debated policy relating to abortion in which I have not found myself on the same side as my friends and distinguished colleagues from Pennsylvania and Ohio and New Hampshire. But this, Mr. President, is not such an occasion.

From the time that I first became involved in national politics, it has seemed to me that, for mature adults, under most circumstances, the law was not an appropriate method of determining what are ultimately moral choices for the people most intimately involved with those choices. But, Mr. President, when we talk about late-term abortion and when we speak specifically about partial-birth abortion, we are not dealing with most cases. We are not dealing with this issue in the way in which we speak about it under most circumstances.

I believe that my views probably reflect those of a majority of the American people who do believe that this should be a matter of an individual woman's choice and that of close family—again, under most cases. But I think it is clear that the majority of the American people, as they come increasingly to understand exactly what this procedure is, are horrified by it.

This isn't most cases, Mr. President. This is a practice that is not necessary. This is a practice that is not compassionate. This is a practice that is not within the bounds of civilized or humane behavior. My colleagues have described it in detail, and I don't need to repeat that detail. But I do think that it is significant that those who would uphold the President's veto, generally speaking, talk in circumlocution, disguise the language, resist and object not only to a description of the procedure itself, but even to the title—partial-birth abortion. They speak about slippery slopes rather than the procedure itself and attempt to avoid the true brutality and extreme nature of the procedure.

It is significant also, I think, Mr. President, as this has become a greater issue of consequence to the American people, that few, if any, of the Members of this body—I think none—who voted for this bill the first time are even remotely considering switching their votes to uphold the President's veto. Several who voted against the bill the first time are likely to vote to overturn the President's veto. I am convinced, even from private conversations, that many others would like to, but they feel bound by their former vote.

Finally, many of them simply wish the issue would go away, and that they would not have to vote at all. But that vote will be a defining issue about our own society, about our feelings for indifference to brutality, about violence, about uncivilized, inhumane behavior.

For all of those reasons, Mr. President, I am convinced that we should override the President's veto, and I deeply hope that a sufficient majority of my colleagues will vote to do that.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Thank you, Mr. President.

While the Senator from Pennsylvania is still on the floor, I would like to compliment the Senator for his compassion, interest, and involvement in this issue. I know that during the previous debate, he was, by his own admission, not very much involved in it but came down to listen and was so overwhelmed by what he heard and what the details of this procedure were that he became involved, and he has now become the leader in his own right on this issue. We certainly welcome his support, his compassion, and his commitment. I just want to say it is an honor to serve with Senator SANTORUM.

Mr. President, there has been a lot said about this issue. I do not know what else could be said. But I want to, in as quiet and as compassionate a way as I can, urge my colleagues to vote to override President Clinton's veto of H.R. 1833—not necessarily to listen to my words, or to listen to anyone's words in particular, but to look into your own consciences as deeply as you can and examine the facts.

This vote that we will face this afternoon, Mr. President, has presented this Congress with an issue that transcends abortion. I want to repeat that. It transcends abortion. We have had our differences here on the floor on abortion, and I respect those who differ with me, and I hope they respect me for differing with them. It is an issue that we debate over and over again—both here and sometimes in our personal lives, as well as our political lives. That is not the issue today. It transcends abortion. The reason we know that is that there is a long list of very distinguished Members of the House and the Senate and the medical profession who identify themselves as pro-choice who have courageously stepped forward and supported the Partial-Birth Abortion Ban Act.

Last week, the House of Representatives voted 285 to 137 to override President Clinton's veto. That is the people's House. I served in it. The distinguished occupant of the chair served in the House of Representatives. That is the people's House. They are elected every 2 years. They are very close to their constituents. They heard from their constituents, and they listened. That bipartisan, overwhelming two-thirds supermajority included the two Democratic leaders of the House, RICHARD GEPHARDT, DAVID BONIOR, as well as some of the leading pro-choice Representatives, such as PATRICK KENNEDY of Rhode Island, JAMES MORAN of Virginia, and SUSAN MOLINARI of New York—Democrats, Republicans, liberals, moderates, and conservatives.

To be perfectly frank with my colleagues, I know we face an uphill struggle in this Senate. I know that. I know what the numbers are. We all do. But every time we come down on a vote that is this close, we come down with hope and optimism.

I might say that 6 or 7 votes on the floor of this Senate today will determine as many as 900—perhaps 1,000, 1,500—lives a year; 6 votes, 7 votes, hundreds of lives. That is what it really comes down to.

When the Senate passed this ban last year, last December, it did so by a vote of 54 to 44. We know the numbers. You all know the numbers. To override the President of the United States, you need two-thirds. That is 67, if we have 100 Senators, and two-thirds of whoever is here to vote.

So it is an uphill struggle to win. I know that. We all do. But I am optimistic, Mr. President, I am optimistic that people are going to listen to the facts here who can be available.

There has been some very emotional testimony here. But it is not emotion that should guide us in our decision. It is the facts. Let me say again. This issue transcends abortion. It is not about a pro-choice and pro-life. It is not about the abortion debate.

One of the most distinguished and respected Members of this Senate on either side of the aisle is a man that I have the utmost respect for and immense admiration for—an honest man, a man of integrity—DANIEL PATRICK MOYNIHAN, the Senator from New York. He didn't vote when the Senate considered this last December, but subsequently, and after a lot of soul-searching, the distinguished Senator from New York announced that he would vote to override the President's veto. Voting against the President of your own party—I have had to do it. That is not easy. But this isn't partisan politics. This has nothing to do with Democrats or Republicans—nothing at all.

If you want to write "a profile in courage," you can write it about DANIEL PATRICK MOYNIHAN, who had the courage to look at the facts and not get into the debate about pro-choice and pro-life. Senator MOYNIHAN is pro-choice. He and I differ. But he looked at the facts.

Another Democrat, President Clinton's own Ambassador to the Vatican, the former Democratic mayor of Boston, Ray Flynn, was courageous enough to criticize the President who appointed him to one of the world's most coveted ambassadorial posts, was quoted in April 1996 in the Washington Post, saying, "I think that the Catholic Church and the Holy Father are absolutely right in condemning President Clinton's veto of the partial-birth abortion ban."

I also urge my colleagues who are rethinking—hopefully some are—their position to consider the words of another very, very respected individual, I think one of the most respected individuals in all of the United States, perhaps second only to Billy Graham, is the U.S. Surgeon General, C. Everett Koop. Here is what Surgeon General Koop told the American Medical Association's American Medical News in an interview published on August 19, 1996:

> I believe that Mr. Clinton was mislead by his medical advisers on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. So I am opposed to. . . partial-birth abortions. C. Everett Koop."

Mr. President, if there is any physician who would be known as America's doctor or the conscience of America's doctors, it is C. Everett Koop. He is widely admired. He is revered all across the Nation. He is not a partisan man. I do not even know what his position is on abortion; I have no idea. He is not an ideological man. He is a doctor. He is a doctor first. He is an honest, plain-speaking doctor in whom Americans have learned to have a great deal of trust.

So consider again what Dr. Koop said:

> . . . in no way can I twist my mind to see that late-term abortion . . . partial-birth . . . is a medical necessity for the mother.

Those are not my words. Those are not my words. They are the words of a doctor, Dr. Koop. I wish President Clinton had listened to Dr. Koop before he vetoed this bill.

Mr. President, at this point I ask unanimous consent that an excerpt from the American Medical News interview with Dr. Koop be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SMITH. Mr. President, let me emphasis that H.R. 1833 includes the life-of-the-mother exception. I know because I put it in there. I wrote it. Senator Dole and I offered it as an amendment, and the Senate approved it by a vote of 98 to 0.

Given his consistent portrayal of himself as someone who is a moderate on the abortion issue—Mr. Clinton said in 1992 that he wants abortion to be safe, legal, and rare—then one would think President Clinton would have signed this bill. I thought that the President might well sign it.

In fact, after the Senate passed the bill, I twice—on two separate occasions—sent President Clinton personal notes, personal messages. And in those personal messages, Mr. President, I asked the President of the United States for 15 minutes, 15 minutes of his time, 15 minutes of his time to sit down with me anywhere he wished—the Oval Office, library, wherever, in his car, on the way to the airport, anything—he does not usually go to the airport—on the way to the helicopter or whatever, face to face, one on one, no staff, no advisers, no press, and no comment afterward. My pledge: I say nothing about the meeting. You say nothing about the meeting, if you wish. All I want to do is sit down and say to you listen to the facts as I would like to present them to you, not screened by staff, one on one.

No response, not even the courtesy of a response from the President of the United States. Even after he vetoed it, no response.

Your learned and respected colleague, for those of you who think it might be partisan, Senator MOYNIHAN, has already indicated he is going to vote to override. If you are concerned about medical aspects, then listen to Dr. Koop. Listen to him the way you would listen to him when he speaks about the dangers of smoking. I have heard so many people in the Chamber quote Dr. Koop, especially on smoking and other medical issues. He opposes these partial-birth abortions. He denies that they are ever medically necessary. Dr. Koop supports the bill.

I urge my colleagues to consider the words of one of their House colleagues shortly after he voted in favor of H.R. 1833 last year, liberal Democrat, pro-choice, Virginia Congressman JAMES MORAN. He said he knew his vote would anger some pro-choice supporters but he could not put his conscience on the shelf. That is a man of courage right there, to say that and do something like that.

Mr. President, I want to close by making a couple of points on the individual women who participated in the press conference with President Clinton. These women went through terrible ordeals. I admire them. I respect them. My heart goes out to them for what they went through. We have three children, my wife and I. We were lucky; our children were born with no problems. This is not about the problems that these five women had. This is not about that.

None of those five women had a partial-birth abortion. The Senator from Ohio has made that point. And it is interesting. At the April 10 veto ceremony concerning this bill President Clinton displayed, if you will, or had stand by his side these five women whom he initially said had the kind of abortion procedure that would be banned.

Later in the ceremony—and this is very interesting about Bill Clinton and pretty consistent—later in the ceremony Mr. Clinton said that the H.R. 1833 description of the procedure did not cover the procedure that these women had. Let me repeat that. The President of the United States in the press conference on the veto with five women standing there that he indicated had such procedure said the description of the procedure did not cover the procedure that these women had. None of the five women had a partial-birth abortion.

I know that there are tremendous differences between the two sides on the issue of abortion. We have debated it, as I said before. Whatever I feel personally about abortion is not the issue here. Under H.R. 1833, a partial-birth abortion is defined as an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

Coreen Costello, a wonderful, brave woman who went through a horrible ordeal, who was shown in the photograph with another child in this Chamber by the Senator from California, conceded during her testimony before the Senate Judiciary Committee that she did not have a partial-birth abortion. Her baby was able to pass away peacefully.

We do not stop the doctor in this legislation from stopping Ms. Costello from having the procedure that she had. That is not a partial-birth abortion. I could go through the cases of the other four women because it is the same situation.

Let me just close, Mr. President, by saying reach into your hearts, my colleagues. Ask yourself, no matter how you feel on abortion, whether you are pro-choice or pro-life, whether or not a baby held in the hands of a physician, all but the head being allowed to enter this world and killed for whatever reason, is that really what we are about in America?

That does not have a thing to do with interfering with the medical procedure or interfering with a doctor and a patient, not a thing. That is a child. That is not an abortion. That is a child. That is a child in the hands of a doctor. As the Senator from Ohio said, that child has rights under the Constitution, civil rights.

So reach into your hearts. Think carefully about this vote because, as I say, 6 or 7 votes are going to determine hundreds of lives.

I yield the floor, Mr. President.

EXHIBIT 1

[American Medical News, Aug. 19, 1996]

THE VIEW FROM MOUNT KOOP

Q: Clinton just vetoed a bill to ban "partial birth" abortions, a late-term abortion technique that practitioners refer to as "intact dilation and evacuation" or "dilation and extraction." In so doing, he cited several cases in which women were told these procedures were necessary to preserve their health and their ability to have future pregnancies. How would you characterize the claims being made in favor of the medical need for this procedure?

A: I believe that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. So I am opposed to . . . partial birth abortions.

Q: In your practice as a pediatric surgeon, have you ever treated children with any of the disabilities cited in this debate? For example, have you operated on children born with organs outside of their bodies?

A: Oh, yes indeed. I've done that many times. The prognosis is usually good. There are two common ways that children are born with organs outside of their body. One is an omphalocele, where the organs are out but still contained in the sac composed of the tissues of the umbilical cord. I have been repairing those since 1946. The other is when the sac has ruptured. That makes it a little more difficult. I don't know what the national mortality would be, but certainly more than half of those babies survive after surgery.

Now every once in a while, you have other peculiar things, such as the chest being wide open and the heart being outside the body. And I have even replaced hearts back in the body and had children grow to adulthood.

Q: And live normal lives?

A: Serving normal lives. In fact, the first child I ever did, with a huge omphalocele much bigger than her head, went on to develop well and become the head nurse in my intensive care unit many years later.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from California.

Mrs. BOXER. I am going to yield to Senators at this point. I know the other side has had a chance to yield to a few people. Before I yield to Senator MURRAY, I want to just yield myself 3 minutes to respond specifically to the remarks of the Senator from New Hampshire.

Mr. President, everyone involved in this debate opposes late-term abortion. Let me repeat that. Everyone involved in this debate opposes late-term abortion. All we are saying, along with the President, who outlawed late-term abortion when he was Governor of Arkansas, is that in the most tragic of circumstances where pregnancies take a tragic turn, where there is no healthy viable child—in many cases the brain is outside the baby's skull or there is no brain and the skull is filled with fluid and the situation presents a danger, a high level of danger to the woman's long-term health or to her life—there be an exception.

A little while ago I made a unanimous-consent request to set aside the pending bill, the pending veto and craft such a bill together. It was objected to by the Senator from Pennsylvania. I am going to offer that later again and again to make the point that we could walk down this aisle together and just keep those abortions to those crisis pregnancies. That is what the President wants. Again, in his letter he says send him a bill in a bipartisan manner and he would sign it with those tightly drawn exceptions. There has been reference made to a life exception in this bill. The Senator from New Hampshire said he wrote it. Well, it is clear it is not the usual Hyde exception which just says an exception "to save the life of the mother." That is not in this bill. What is in this bill is a very narrowly crafted life exception which only triggers if the woman has a preexisting condition and that preexisting condition threatens her life, not the pregnancy itself.

That is why the New York Times, in its editorial today, says the life exception "is drawn so narrowly as to make the technique * * * unusable." Unusable.

So the fact is, there is no Hyde life exception here. What we want to see is a life exception, the Hyde life exception, plus a narrowly drawn exception for health.

The last point I would make before yielding to my friend from Washington is this. I talked about the arrogance of politicians who think they know better than a physician. I pointed out that we have a lot of self-confidence. You have to in this political life that we lead. But how could we ever know more than a physician? Why would we want to take away a tool that many say they need?

Then we have the arrogance of colleagues on the other side of the aisle, saying that Coreen Costello, whom I talked about and will talk about some more, did not have this procedure. They think they know better than Coreen Costello and her doctor. Coreen Costello writes us just yesterday, "Some who support this bill state I do not fit into the category of someone who had this so-called procedure. This is simply not true."

So, I hope we could work together, craft a bill that makes a life and health exemption, and take this out of the political arena. For anyone who thinks it is not in the political arena, why did it take 5 months to bring this override right here, into the last week of this session? Let us be honest with one another. It is a political issue.

I yield to my colleague from Washington, Senator MURRAY, as much time as she may consume.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I have listened to my colleagues on the floor discussing this issue over the last several days, and over the last several months, as it has increasingly become an inflammatory issue both here and across this country. I found myself going home last night feeling more and more angry. I asked myself, why is it that I feel so angry listening to this debate? I realized it was because I feel that we have really offended the women and the families who have had to make this decision, and they probably are sitting at home watching this debate in tears. Because none of us were there when they had to face a horrendous decision, women and men, young families, who wanted very much to have a baby, who found themselves at the end of a long pregnancy, after months of people coming up to them and telling them, "Oh, how exciting. When is your baby due?" Of planning for that baby, of having the furniture ready in the baby's room. Only at the end of that pregnancy to find out there were tragic circumstances involved, that perhaps their baby's brain was not formed, that their baby would not survive. Not only that, but to be told by their doctor that if this baby were to be delivered at the end of 9 months, the woman's life would be in serious jeopardy, or perhaps her ability to have future children.

I feel so sorry for those families who have had to live through this tragic experience, who now have to watch an inflammatory and divisive debate on this floor in this Senate by people who are not medical doctors, who have not been there, who do not know the circumstances surrounding that horrendous decision they had to make, now try to make it a criminal offense for them to go through that. I apologize to those families. I apologize to them for having to listen to this debate. For us to be sitting here second-guessing them and their doctors—I find it offensive. Again, I thought about it—why am I so angry? Mr. President, I am angry at the arrogance of those who sit out here on this floor and describe to us the joys they have had in being with their wives when their babies were born under wonderful circumstances. And I have had that opportunity twice in my life. But there are some on this floor who have had to live through similar experiences, and I think it is arrogant of people to be on this floor talking about it who have not been through the same thing. It is extremely difficult to sit in a doctor's office, when you have been pregnant for many months, and be told that your baby is not going to live. It is a tragic, horrendous experience that no one can understand unless they have been there.

Mr. President, I am offended that Members of this body know, or think they know, what that would be like. If you have not lived through it, you do not know. This Senate, this Congress, should not be deciding the lives of those women, their families, or their future. It should be up to the doctor and the husband and the wife, as it has in the past and it better well be in the future, for my daughter and the other women around this country.

Mr. President, this is an emotional, distorted debate. We are using the lives of a few women to create divisions across this country. I know that many women are offended, as I am. Again, I extend my apology to the women in this country who have been through this experience and who know. I commend our President for having had the strength and the courage to stand up and say that he will veto this bill. I commend my colleagues who have the courage as well, despite the often offensive comments that we have heard, and the horrendous articles that we have seen written, and the divided doctors' opinions we have read. If we can be smart today and not override this veto and have courage to vote what is right, we will leave it up to women in the future to make their own decisions. That is extremely important for us to do.

Mr. President, the New York Times today had an extremely important editorial. I hope my colleagues who are sitting back, thinking about this debate and what their vote will mean, will take the time to read it. It states the case very well, in a very cognizant manner. I remind my colleagues, despite what you hear, if we can save the life of one woman and we can save the tragedy of one family not being able to make the decision that is good for the mother's health, then we have done the right thing today.

I urge my colleagues to sustain the veto of the President of the United States, and I yield my time back to Senator BOXER from California.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I just need to restate, we have quoted physician after physician, obstetrician after obstetrician, pro-life, pro-choice, people who have performed abortions—this is not RICK SANTORUM or JAMES INHOFE or MIKE DEWINE or BOB SMITH—these are physicians, obstetricians, who are saying that this procedure is never, never, never medically necessary to save the health or life of the mother. Never. Never.

So, when we suggest we are doing this and we are denying something to women, let me also state that Dr. Hern, whom the Senator from Colorado quoted just yesterday, performs late-term abortions and will continue to perform late-term abortions if this bill passes. He believes that this is an unsafe procedure. It is not a medically recognized procedure. There is no literature on it, there is no peer review on it, there is nothing anywhere that says that this procedure is a proper procedure to use. This is not RICK SANTORUM talking. I wish the Members who argue would at least argue the facts. I am not speaking for me. I am quoting doctors.

So let me quote doctors and describe this, because no one has described this procedure. I know, I will warn people, this is not something that I want to do. But I think the American public has to know what this procedure is and who it is performed on and at what time in the pregnancy it is performed.

Guided by ultrasound, the abortionist grabs the baby's leg with forceps. This baby is anywhere from 20 weeks, into the third trimester, 30 weeks or more old. At 23 weeks, babies can survive with the new surfactant drugs and the like. It is not a high probability.

Just remember a couple of years ago when that young girl in Texas was down in that well, and for 80 hours the American public was just riveted on what was going to happen to that little girl. People cried and wept when we saved that little girl.

Well, these are little girls and little boys. They are not inch blobs of tissue. These are little girls and little boys. These are viable babies, not tissue—viable babies.

The doctor grabs the legs and pulls it into the birth canal feet first. That is a breech delivery. It is a dangerous delivery. No physician would ever deliver a baby deliberately breech if there was an alternative. So they deliver the baby breech. It is dangerous to the mother to deliver a breech baby.

The baby's entire body is delivered, with the exception of the head. Nurse Brenda Shafer, who testified here, talked about the arms and legs of the baby moving outside of the mother.

At that point, the abortionist takes a pair of scissors and, by feel, jams the scissors into the base of the skull for one purpose, to kill the baby, and creates a hole and takes a suction catheter, a powerful one, and suctions the baby's brains out until the head collapses, and then the rest of the baby is delivered.

This is the procedure that people say they are outraged that we are trying to stop? Can you imagine? Can you imagine that people are outraged that we want to stop this? It is outrageous that we want to stop this? I have seen many reasons for outrage, justifiable outrage. Stopping this, people are outraged? What have we become when we become outraged?

I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I regret that we are so short on time, that we have a time agreement. I had planned, as I announced yesterday when I spoke on this subject, to speak for at least 30 minutes. So I will not be able to use all the material I have. It is such a critical issue, I deeply regret that. I think it is probably appropriate that I speak, in that tomorrow at this time my daughter-in-law will be presenting me with my fourth grandchild. I plan to be there at the birth of that child. I am hoping to name it Perry Dyson Inhofe III. I don't know that will happen for sure.

I think if you just wrap up some of the things that were said here that are very significant, No. 1, we are not talking about abortion. We are talking about, in many cases, the normal birth process.

When I stood here before I spoke yesterday, I heard Senator HANK BROWN from Colorado, a guy who has always been pro-choice—I have disagreed with him; I have always been pro-life—but he stood up and recognized the fact that we are not talking about abortions. I wish they never named this "partial-birth abortion." Maybe people would wake up. I agree with the senior Senator from New York who characterized it as "infanticide."

So we are talking about now a third-trimester type of a treatment. I was going to elaborate on some of the comments that were made. I have here with me 17,601 signatures on petitions that I got this weekend as I was doing town meetings. They were given to me from all over Oklahoma. I haven't heard from anyone on the other side of this issue.

One of the things that they fail to talk about, because it is painful to talk about, is the pain that a baby feels when the baby is eliminated using this partial-birth-abortion procedure.

There is a paper I was going to read, but I will paraphrase it. It is a paper that was produced by a British research group, that a Dr. White, a neurosurgeon in the United States, agrees with, where they say it is now proved that a child in the second trimester or third trimester feels the same type of pain that is felt by any of us in this room, in this Chamber.

So we are not talking about something that is painless for a child that is being aborted, being destroyed in the process that was described by the Senator from Pennsylvania.

I ask unanimous consent that this paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

FETAL PAIN AS IT RELATES TO THE PARTIAL-BIRTH ABORTION METHOD

Partial-birth abortions are most commonly performed on fetuses between the 20th and 24th weeks and beyond. Studies by British researchers and a Cleveland neurosurgeon have found that the fetus at this stage feels pain.

Dr. Robert White, Neurosurgeon, Case Western Reserve University School of Medicine, testimony given before the House Subcommittee on the Constitution, June 15, 1995:

1. The neuroanatomical pathways which carry the pain impulses are present in fetuses by the 20th week of gestation.

Also, the neurosystems which would modulate and suppress these pain impulses are either not present or immature during this stage of fetal development.

2. The classical cardiovascular responses associated with stress and pain are found in fetuses of this age who experience painful incidents such as the introduction of a needle in the abdomen.

His summary: "The fetus within this time frame of gestation, 20 weeks and beyond, is fully capable of experiencing pain."

British study Journal: "The Lancet"; "Fetal Plasma Cortisol and Beta-Endorphin Response to Intrauterine Needling" July 9, 1994:

Study: The study was on the effects of fetal blood sampling.

Conclusion: When the fetus is subjected to an abdominal injection, it reacts with a hormonal stress response, characteristic of a pain response.

Mr. INHOFE. Mr. President, I had occasion to talk to a Dr. Mary Ballenger this morning. Dr. Mary Ballenger was called to do a very unpleasant thing about a year ago. My kids' dog, a Labrador, was 16 years old. She came out and had to put it to sleep because the dog had cancer and was beyond any help and was in pain.

She described and wrote down the procedure that she used to destroy the dog. It was necessary. She first injected a drug into the dog, which puts the dog into a euphoric state and is completely relaxed, and then, of course, sodium pentothal to put the dog to sleep.

I thought it was ironic, when I look at this procedure. We are so humane in the procedure that we use in putting someone to death who has committed a heinous crime for which he must be destroyed. It is the same procedure, because we are so humane in this country. Yet, we have no concern over the pain that is inflicted on a small person who is a victim of this type of a termination.

If I were to suggest that the procedure that was described by the Senator from Pennsylvania were to be used on dogs or cats, the same people who are promoting this procedure would be out there picketing.

Something has happened. Perversion has taken place in this country where we put a higher value on critters than we do human life. In fact, under our laws, it is a criminal violation if you were to kill a gray bat that is endangered. It would be a $50,000 fine or 1 year in prison.

I have a testimonial from a young lady in my State of Oklahoma. I will only use her first name. This is the testimony of Nancy. I would like you to listen very carefully, Mr. President:

TESTIMONY OF NANCY, SENT TO FRANK PARONE OF PRIESTS FOR LIFE

I am twenty-one years old and a native of southwest Oklahoma. Five years ago, I had a partial birth abortion. I was 36 weeks pregnant.

I was sixteen at the time I got pregnant. I hid my pregnancy from my mother. It wasn't hard for me to do that because I was somewhat over weight and wearing large, baggy clothes was already in style. My mother had always told me that if I got pregnant, the baby would be gone. It was just as simple as that. I knew that I had to protect my baby.

One day, my mother accidentally saw me in the shower, and I think it was at that point, it dawned on her that I was pregnant. My mother took me to see a friend of hers who was a doctor. He said that the baby and I were both healthy and doing fine. We did a sonogram, and I got to see my little boy for the first and only time. It was so exciting. I had been able to feel him kick and turn in my belly for a long time, but it touched my heart to get to see him face to face. My heart melted as the doctor pointed out him sucking his thumb.

My mother didn't speak to me for two days. I knew that my mother was a very determined woman who would do anything to accomplish what she wanted. Her silence really frightened me.

Then we got the call from her friend. The doctor said that I had a hernia in my abdominal wall. If I wanted to have any chance for a normal delivery, I had to have surgery which wasn't easy for a pregnant woman. He recommended a doctor in Wichita, Kansas. Little did I know that my mother, through the doctor, had just handed my baby the death sentence.

We drove to Kansas the next day. The doctor said it wouldn't be too painful for me because I would be asleep. All I remember about the time just before going to sleep was a feeling that this wasn't right. Waves of fear kept washing over me. My mother sat there and kept saying that we had to do what we had to do. What comforting words.

I woke up several hours later. The first thing I did was reach for my belly. I remember screaming a lot and I couldn't stop. My belly was flat and my baby was gone. I ripped the IV out of my arm. The doctor ordered the nurse to restrain me. I then remember them giving me a shot to calm me down. To this day, I still remember the cold pain and horror I felt when I realized what had happened.

It took several months after the abortion for the fights to begin. Every time I wanted to talk about the situation, my mother just turned stone silent. When she did speak, she flipped off cliches like, "What was done was done." and "Don't cry over spilt milk." More comforting words.

After one major fight, she finally did tell me that the abortion procedure that was done was the D and X, dilation and extraction, a partial birth abortion. I just couldn't bear to look at my mother anymore. She had lied to me and killed her own grandson. I just don't see how anyone could have looked at that sweet face on the ultrasound screen and have that baby brutally and cold-bloodedly murdered. I left my mother's house that day, and I have never been back.

Because of the damage of the abortion, I can no longer have any more children. I failed my children, I really failed my little boy, I failed to protect him. And he died.

My life hasn't been the same. I cry so much for my little boy. I never got to hold him in my arms. People made decisions for me and took him away. I am not sure that the hurt will ever go away.

Mr. President, this is not just someone who has talked about, third hand, the agony that is experienced by so many people. When I hear people say that this is a rare procedure, and it is not used very often, I remember the testimony of Dr. Haskell who has performed, he said, over 1,000 partial-birth abortions. And he said, "In my particular case"—I don't know about all of them nationwide, but "In my particular case probably 20 percent are for genetic reasons. And the other 80 percent are purely elective . . ."

Since my time is about up, I would like to repeat something that I heard this morning, Mr. President, that perhaps puts a sense of urgency on this. At a prayer breakfast this morning there were a number of people who prayed. One was Rev. Herb Lusk from Pennsylvania who described this procedure as "an unrighteous act." The next was Cardinal Belivacqua. He said, "If we don't respect life, then what is left to respect?" Then Rabbi Daniel Lapin said, "We must defy this monstrous evil."

But it was when Dr. James Dobson said his prayer that it first occurred to me, when he said, "You know, you folks on the floor are going to be speaking for those who are not here today and cannot speak for themselves. You will be speaking in their behalf."

That is what we are looking at right now, Mr. President. I do agree with Charles Colson who said on his prison fellowship broadcast, "The vote is the most significant of my lifetime, and is about life itself, about who will live and who will die."

I honestly believe, Mr. President, this is the most significant character vote in the history of this institution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to yield to the Senator from Illinois and then the Senator from Massachusetts, as we have discussed with my colleagues on the other side. But first I will yield myself just 2 minutes to respond to some of the statements that have been made here.

I want to comment on the statement of my colleague, PATTY MURRAY. I think that every Senator should have been here to listen to her. She talked from the depths of her soul about what it is like for a family to be faced with this extraordinary circumstance. For a baby you have craved, you have wanted, you adore, is suddenly in grave danger with a severe anomaly, such as no brain or a cranium filled with fluid, putting the mother's life at risk. And here we are in the U.S. Senate with some of my colleagues in essence sounding like doctors, saying that the procedure that they want to ban in all cases is not necessary.

Mr. President, I ask unanimous consent to have printed in the RECORD a series of statements by medical groups and doctors who oppose this bill and support the President's veto. They include the American College of Obstetricians and Gynecologists, the California Medical Association, the American Nurses Association, the American Medical Women's Association, the American Public Health Association, and numerous individual doctors who basically say that this politically motivated bill is going to lead to irreparable harm to women.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDICAL GROUPS AND DOCTORS OPPOSE H.R. 1833, SUPPORT PRESIDENT'S VETO

American College of Obstetricians and Gynecologists:

"The American College of Obstetricians and Gynecologists (ACOG), an organization representing more than 37,000 physicians dedicated to improving women's health care, does not support HR 1833, the Partial Birth Abortion Ban Act of 1995. The College finds very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of the woman."

California Medical Association:

"When severe fetal anomalies are discovered late in pregnancy, or the pregnant woman develops a life-threatening medical condition that is inconsistent with continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary. In such cases, the intact dilation and extraction procedure (IDE)—which would be outlawed by this bill—may provide substantial medical benefits."

American Nurses Association:

"It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider . . . The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses."

American Medical Women's Association:

"On behalf of the 13,000 women physicians . . . we encourage the Senate to actively oppose S. 939 . . . this legislation represents a serious impingement on the rights of physicians to determine medical management for individual patients."

American Public Health Association:

"APHA opposes [HR 1833] because it prevents women from receiving medical care which ensures their safety and well-being."

Individual Doctors:

"[HR 1833] is not good public health policy, it is not good medical care, and it harms families."—Philip G. Stubblefield, MD, Chairman, Department of Obstetrics and Gynecology, Boston University School of Medicine.

"This legislation represents an unprecedented intrusion into the practice of medicine and the doctor/patient relationship. The bill . . . eliminates a therapeutic choice for physicians and imposes a politically inspired risk to the health and safety of a pregnant woman."—Allan Rosenfield, MD, Dean, Columbia University School of Public Health.

"One concept that seems to be lost on the general public is that these pregnancies can have a significant health risk to the mother. Often fetuses that have physical abnormalities will have increased amniotic fluid that can cause uterine agony and severe maternal bleeding at birth. Fetuses that have fluid in their lungs and bodies can cause mothers to experience 'mirror syndrome,' where they themselves become bloated and dangerously hypertensive. Abnormal fetuses often require operative deliveries, and this puts the mother at increased risk of infection and death. The usual type of termination of pregnancy is a traumatic stretching of the cervix that then increases a woman's chance for infertility in the future. The procedure that is up for 'banning' allows very passive dilation of the cervix and allows gentle manipulation to preserve the very much desired fertility of these distraught women."—Dru Elaine Carlson, MD, Director, Reproductive Genetics, Department of Obstetrics and Gynecology, Cedars-Sinai Medical Center, Assistant Professor, UCLA.

"Sometimes, as any doctor will tell you, you begin a surgical procedure expecting that it will go one way, only to discover that the unique demands of the case require you to do something different. Telling a physician that it is illegal for him or her to adapt his or her surgical method for the safety of his patient is, in effect, legislating malpractice, and it flies in the face of standards for quality medical care."—J. Courtland Robinson, MD, MPH, Division of Gynecologic Specialties, Johns Hopkins Medicine.

CALIFORNIA MEDICAL ASSOCIATION,
San Francisco, CA, October 24, 1995.

Re: H.R. 1833.

Representative SAM FARR,
Washington, DC.

DEAR REPRESENTATIVE FARR: The California Medical Association is writing to express its strong opposition to the above-referenced bill, which would ban "partial-birth abortions." We believe that this bill would create an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients. Furthermore, it would impose an horrendous burden on families who are already facing a crushing personal situation—the loss of a wanted pregnancy to which the woman and her spouse are deeply committed.

An abortion performed in the late second trimester or in the third trimester of pregnancy is extremely difficult for everyone involved, and CMA wishes to clarify that it is not advocating the performance of elective abortions in the last stage of pregnancy. However, when serious fetal anomalies are discovered late in a pregnancy, or the pregnant woman develops a life-threatening medical condition that is inconsistent with continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary. In such cases, the intact dilarion and extraction procedure (IDE)—which would be outlawed by this bill—may provide substantial medical benefits. It is safer in several respects than the alternatives, maintaining uterine integrity, and reducing blood loss and other potential complications. It also permits the parents to hold and mourn the fetus as a lost child, which may assist them in reaching closure on a tragic situation. In addition, the procedure permits the performance of a careful autopsy and therefore a more accurate diagnosis of the fetal anomaly. As a result, these families, who are extremely desirous of having more children, can receive appropriate genetic counseling and more focused prenatal care and testing in future pregnancies. Thus, there are numerous reasons why the IDE procedure may be medically appropriate in a particular case, and there is virtually no scientific evidence supporting a ban on its use.

CMA recognizes that this type of abortion procedure performed late in a pregnancy is a very serious matter. However, political concerns and religious beliefs should not be permitted to take precedence over the health and safety of patients. CMA opposes any legislation, state or federal, that denies a pregnant woman and her physician the ability to make medically appropriate decisions about the course of her medical care. The determination of the medical need for, and effectiveness of, particular medical procedures must be left to the medical profession, to be reflected in the standard of care. It would set a very undesirable precedent if Congress were by legislative fiat to decide such matters. The legislative process is ill-suited to evaluate complex medical procedures whose importance may vary with a particular patient's case and with the state of scientific knowledge.

CMA urges you to defeat this bill. The patient who would seek the IDE procedure are already in great personal turmoil. Their physical and emotional trauma should not be compounded by an oppressive law that is devoid of scientific justification.

Sincerely,

EUGENE S. OGROD, II, M.D.,
President.

AMERICAN NURSES ASSOCIATION,
Washington, DC, November 8, 1995.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to express the opposition of the American Nurses Association to H.R. 1833, the "Partial-Birth Abortion Ban Act of 1995", which is scheduled to be considered by the Senate this week. This legislation would impose Federal criminal penalties and provide for civil actions against health care providers who perform certain late-term abortions.

It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of the federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider. ANA has long supported freedom of choice and equitable access of all women to basic health services, including services related to reproductive health. This legislation would impose a significant barrier to those principles.

Furthermore, very few of those late-term abortions are performed each year and they are usually necessary either to protect the life of the mother or because of severe fetal abnormalities. It is inappropriate for Congress to mandate a course of action for a woman who is already faced with an intensely personal and difficult decision. This procedure can mean the difference between life and death for a woman.

The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the economic and general welfare of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.

The American Nurses Association respectfully urges you to vote against H.R. 1833 when it is brought before the Senate.

Sincerely,

GERI MARULLO, MSN, RN,
Executive Director.

AMERICAN MEDICAL WOMEN'S
ASSOCIATION, INC.,
March 4, 1996.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: On behalf of the American Medical Women's Association, I would like to commend you for reiterating your support of Roe v. Wade in your letter to Congress dated February 28, 1996. However, we are dismayed that you have agreed to support H.R. 1833 if it is amended as you requested in your letter to Congress. Our association opposes any efforts to erode the constitutionally protected rights guaranteed by Roe v. Wade. AMWA objects to laws and court rulings that interfere with the doctor-patient relationship, either in requiring or proscribing specific medical advice to pregnant women. Further, we oppose any measures that limit access to medical care for pregnant women, particularly the poor or underserved and measures that involve spousal or parental interference with their personal decision to terminate pregnancy. This bill would not only restrict the reproductive rights of American women but also impose legal requirements for medical care decisions.

The American Medical Women's Association strongly opposes H.R. 1833 in its current form on several grounds. We continue to support a woman's right to determine whether to continue or terminate her pregnancy without government restrictions placed on her physician's medical judgment and without spousal or parental interference. This bill would subject physicians to civil action and criminal prosecution for making a particular medical decision. We expect that the provisions for prosecutions of physicians would generate considerable litigation if this bill becomes law. We do not believe that the federal government should dictate the decisions of physicians and feel that passage of H.R. 1833 would in effect prescribe the medical procedures to be used by physicians rather than allow physicians to use their medical judgment in determining the most appropriate treatment for their patients. The passage of this bill would set a dangerous precedent—undermining the ability of physicians to make medical decisions. It is medical professionals, not the President or Congress, who should determine appropriate medical options.

We will continue to press the White House and Congress to protect the provisions of Roe v. Wade and support a woman's right to continue or terminate her pregnancy.

Sincerely,

JEAN L FOURCROY, M.D., Ph.D,
President.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, April 10, 1996.

President CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: Thank you for expressing opposition to H.R. 1833, legislation banning certain late term abortion procedures, and for urging Congress to include legislative protections for the life and the health of the woman. The American Public Health Association urges you to veto this bill because of the potential deleterious effects it could have on the health of American women.

APHA opposes this legislation because it prevents women from receiving medical care which ensures their safety and well-being. APHA recognizes that in certain cases when a wanted pregnancy results in a tragic outcome for the fetus or places the woman in harms way the procedure banned by H.R. 1833 may be appropriate. This procedure is used rarely but should remain legal and available to ensure that women who face life and health threatening conditions due to their pregnancies are protected and that their health is preserved.

The bill passed by both chambers of Congress fails to include acceptable life exception language. As it reads, if any other procedure is available, regardless of the risks or injurious long-term effects it could have on the woman, a physician is required by law to utilize the other option. This precludes a physician from employing the dilation and extraction procedure when it would prove less harmful and be more likely to preserve a woman's life and health.

We urge you to veto this version of the legislation and return it to Congress with a request for the inclusion of broader life exception language which truly protects the lives and health of American women.

Sincerely,

FERNANDO M. TREVIÑO, Ph.D. MPH,
Executive Director.

BOSTON UNIVERSITY
MEDICAL CENTER HOSPITAL,
Boston, MA, July 22, 1996.

Representative OLVER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE OLVER: Thank you very much for your past opposition of H.R. 1833, the so called partial birth abortion bill. Please vote against the attempt to override President Clinton's veto of this legislation.

This attempt to prevent women with malformed pregnancies from obtaining late abortion services is not good public health policy, it is not good medical care, and it harms families. Please vote against the override attempt.

Sincerely,

PHILLIP G. STUBBLEFIELD, M.D.,
Chairman.

COLUMBIA UNIVERSITY SCHOOL
OF PUBLIC HEALTH,
New York, NY, June 26, 1996.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Oneata, NY.

DEAR SENATOR MOYNIHAN: I write to you to express my concern about an attempt to override President Clinton's veto of H.R. 1833, a bill that would allow for the criminal prosecution of physicians who perform certain kinds of abortions.

This legislation represents an unprecedented intrusion into the practice of medicine and the doctor/patient relationship. The bill targets an abortion method used only in rare and tragic circumstances, eliminates a therapeutic choice for physicians, and imposes a politically inspired risk to the health and safety of a pregnant woman.

I have attached a copy of the editorial I wrote for the New York Times that outlines my concerns. I went on record on this issue to respond to the overwhelming misinformation surrounding this legislation. As a physician, I am trying my best to counter the religious political extremists who are purposely distorting the facts.

I have also attached for your review a fact sheet compiled by the American College of Obstetricians and Gynecologists to outline some of the medical realities surrounding these medically necessary abortions. I hope you find it helpful, and that you will reconsider your intention to override President Clinton's veto of H.R. 1833.

I stand ready to provide any information you may need. I can be reached at (212) 305–3929.

Sincerely,

ALLAN ROSENFIELD, M.D.

CEDARS-SINAI MEDICAL CENTER,
Los Angeles, CA, June 27, 1995.

Hon. PATRICIA SCHROEDER,
Washington, DC.

DEAR——— ———: This is a letter to encourage you to defeat bills H.R. 1833 and S. 9392. These bills aim to ban the surgical procedure of second trimester abortion known as intact D & E.

I am the Director of Reproductive Genetics and a perinatologist and geneticist at Cedars-Sinai Medical Center in Los Angeles. My practice consists primarily of pregnant women who are referred to me by their Obstetrician for an ultrasound and/or genetic evaluation of their ongoing pregnancy. Sometimes I am asked to see women who have a possible abnormal finding on a prenatal ultrasound done by another practitioner. I am usually the final diagnostician in these cases and I spend a tremendous amount of my time counseling families about what I see, how we can approach this problem, how we can clarify what is wrong, and sometimes, how we can fix the fetal abnormality. Often nothing can be done and we are left with an abnormal fetus that is in the late second trimester and a devastated family. With the help of their private doctor, other geneticists, and genetic counselors, we advise parents that we will support them in whatever decision they choose. If they continue the pregnancy, we will be there with them. If they choose to end the pregnancy or wish to explore that option, I refer them to Dr. James McMahon, a practitioner of the type of abortion that is being singled out to be banned in H.R. 1833 and S. 9322.

Dr. McMahon provides an unusual expertise in the termination of late in gestation flawed pregnancies. Without his help, these women would have to go through a pregnancy knowing their child will be born dead, or worse, will live a horribly damaged life. One concept that seems to be lost on the general public is that these pregnancies can have a significant health risk to the mother. Often fetuses that have physical abnormalities will have increased amniotic fluid that can cause uterine atony and severe maternal bleeding at birth. Fetuses that have fluid in

> their lungs and bodies can cause mothers to experience the "mirror syndrome", where they themselves become bloated and dangerously hypertensive. Abnormal fetuses often require operative deliveries, and this puts the mother at increased risk of infection and death. The usual type of termination of pregnancy is a traumatic stretching of the cervix that then increases a woman's chance for infertility in the future. The procedure that is up for "banning" allows very passive dilatation of the cervix and allows gentle manipulation to preserve the very much desired fertility of these distraught women. To put it mildly, this is not just a "fetal issue", it is a health care issue for the mother as well.
>
> Who is served by having malformed children born to families that cannot financially or emotionally support them? I know that these decisions are not taken lightly by these families. Some do continue; and they are always back in my office for prenatal diagnosis in their next pregnancy. Raising a damaged child is a sobering experience. Why should families have to go through this once, much less again and again? For those who believe this is "God's will" I would challenge them to be that child's caretaker for a day, a week, a month, a lifetime. Frankly, I have the religious conviction that fetal malformations are not "God's will" but the devil's work. I cannot believe the Good Lord wants little babies to suffer in this way. And I can't believe the United States of America's Congress is interested in causing families to undergo suffering and pain when they don't have to experience this nightmare. Undergoing a late gestation termination of pregnancy is a terribly heart-wrenching and soul-searching process. Since I refer Dr. McMahon a large number of families, I have gone to his facility and seen for myself what he does and how he does it. The emotional pain that these families suffer will be life-long. But they are comforted by the fact that Dr. McMahon is caring, and gentle, and ultimately life-affirming in his approach to the abortion procedure. Essentially he provides analgesia for the mother that removes anxiety and pain and as a result of this medication the fetus is also sedated. When the cervix is open enough for a safe delivery of the fetus he uses ultrasound guidance to gently deliver the fetal body up to the shoulders and then very quickly and expertly performs what is called a cephalocentesis. Essentially this is removal of cerebrospinal fluid from the brain causing instant brain herniation and death. There is no struggling of the fetus; quite the contrary, from my personal observation I can tell you that the end is extremely humane and rapid. He provides dignity for all of his patients: the mothers, the fathers, the extended families and finally to the fetuses themselves. He does not "mangle" fetuses, rather they are delivered intact and that allows us (a team of physicians at Cedars) to evaluate them carefully, and for families to touch and acknowledge their baby in saying goodbye. We work with Dr. McMahon in evaluating many of the malformed fetuses with careful autopsy, molecular studies, and dysmorphological examinations to try and provide the clearest and most precise diagnosis we can for our families as to why this happened to them. Often we can reassure them that this won't happen again; too frequently we must advise them that they carry a genetic mutation that does have a risk of recurrence.
>
> If Dr. McMahon did not exist I will assure you that most of these families would simply not have children. The divorce and emptiness that would bring is something that, thankfully, is not necessary now. Certainly we all pray that this does not occur again; but if it does the family knows that they can end that pregnancy and try again until finally they achieve what we all want: a healthy, happy, whole baby. That is the essence of family values and I implore each and every person to see beyond their own prejudices and walk in that family's shoes. What would you do if you, your wife, your daughter, or your son's wife had a fetus with half of a brain; a hole where its face should be; a heart malformation so complex that it will require years of painful and ultimately unsuccessful surgery; a lethal chromosome abnormality where your child would never recognize you or itself? Most people are thankful there is another option besides just enduring this.
>
> My goal is for no family to have to experience abortion. I am working as hard as I know how to understand malformation and the wrong signals of our genes. But until my lofty goal is realized, we need individuals like Jim McMahon to provide the competent services to help these families. This is not just an individual freedom issue, it is a basic issue of society. There is enough tragedy in ordinary life; why make more of it if there are clear and safe alternatives? If you decide that Dr. McMahon and his colleagues should no longer be allowed to practice medicine as they know how, you will be denying women and their families the basic right of freedom of choice and the pursuit of happiness. And you will be condemning a generation of malformed newborns to a life of very expensive pain and suffering. The payment due on that bill is going to be very, very costly to the Government because eventually you and I are going to be maintaining these children. But the payment due on the personal grief this will cause can never be adequately paid. I can't imagine that any of you want to contribute to that debt and you don't have to. Just leave Dr. McMahon alone to do what he does best and let us all work toward the day when he isn't needed anymore.
>
> Thank you for allowing me to express my opinion.
>
> Sincerely,
>
> DRU ELAINE CARLSON, M.D.,
> *Director, Reproductive Genetics.*

Mrs. BOXER. Mr. President, the President of the United States has offered us today in his veto message a way to pass a bill that makes an exception for these narrow cases that Senator MURRAY talked about, for the cases of these families whose faces you will see on this floor. We could walk together and do this.

I made a unanimous-consent request that we set aside this veto message, that we pass the bill with a true Hyde life exception and an exception for serious adverse health consequences to the woman, and it was objected to by the Senator from Pennsylvania. I claim, Mr. President, this is politically motivated. Why would they hold this veto override for 5 months and bring it up on the last week?

I urge my colleagues to be courageous. We know what polls show, but I am convinced that when people understand that this bill as it is crafted will lead to the death of women, to the devastation of families, that the American people will side with this courageous decision of the President of the United States of America and those of us who are willing to stand up and fight for these women and their families. I pray to God that we will sustain. Yes, we may have a few people who change. That is inevitable in this controversial issue. But I think we have enough Democrats and Republicans to sustain this veto.

At this time I yield 10 minutes to my colleague from Illinois, Senator SIMON, immediately followed by Senator KENNEDY for 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague for yielding. One of the things I think all of us who are here ought to consider is the Members of the U.S. Senate who could face this problem are the female Members of this body. If the women in the U.S. Senate were to cast the decisive votes, this bill would never pass. I think that is just one thing to keep in mind.

But these are very practical problems. I would like to read to you, Mr. President, a letter from a woman in Naperville, IL. She and her family have their picture right in back of me.

> My name is Vikki Stella. I am writing to thank you for opposing this bill, and courageously standing by families like ours. My husband Archer and I have two daughters, Lindsay and Natalie, as well as a beautiful baby boy named Nicholas Archer. Two years ago I had the procedure that H.R. 1833 would ban when I found out my unborn son Anthony was dying.
>
> I was in the third trimester of a pregnancy my doctor called "disgustingly normal" when, at 32 weeks, our world turned upside-down. After amniocentesis and five ultrasounds, the sixth ultrasound found grave problems which had not been detected before. Ultimately, my son was diagnosed with at least nine major anomalies, including a fluid-filled cranium with no brain tissue at all; compacted, flattened vertebrae; congenital hip dysplasia; and skeletal dysplasia; and hypertoloric eyes. He would never have survived outside my womb.
>
> My options were extremely limited because I am diabetic and don't heal as well as other people. Waiting for normal labor to occur, inducing labor early, or having a C-section would have put my life at risk. The only option that would ensure that my daughters would not grow up without their mother was a highly specialized, surgical abortion procedure developed for women with similar difficult conditions. Though we were distraught over losing our son, we knew the procedure was the right option (the very procedure that would be outlawed by H.R. 1833).
>
> And, as promised, the surgery preserved my fertility. Our darling Nicholas was born in December of 1995.

Nicholas is the little boy that she is holding, in the picture.

> In our joy over Nicholas' birth, my husband, my daughters and I remember Anthony. The way his short life ended made it possible for this new baby to be born. This beautiful child would not be here today if it were not for Dr. McMahon and the safe and legal surgical procedure he performed.
>
> I have shared Anthony's story to help you understand that the procedure I underwent

helped temper my family's sorrow. Thank you for listening to Anthony's story, for understanding the danger of H.R. 1833, and for supporting President Clinton in his veto of this horrible bill.

I think we have to listen to women like Vikki Stella. We are not talking about abstractions. We are talking about real people, people who do not take a baby to that third trimester without the expectation of delivering the baby, but something horrible happens like in this case.

I do not think the U.S. Senate or the Federal Government ought to sit in judgment. That is a decision for the Stella family, their physicians, their spiritual counselors to make. Some people, because of conviction, would not have made that decision.

What I am unwilling to say is the physician who helped them is a criminal and should be sent to prison for 2 years. I am unwilling to say that Vikki and her husband, Archer, are accessories to a crime. I think that decision ought to be made by women and their physicians and their spiritual advisers.

It is interesting that the National Association of Obstetricians and Gynecologists, who are interested in preserving life and having happy families, oppose this legislation.

I think we need to draw down the emotional temper that is here and say, what is happening and why do families feel they are in these desperate straits? The one woman I remember who testified, who faced a more horrible situation, who chairs her local Roman Catholic Church council, just told of her experience.

These are practical things. If this veto is overridden, this will have a practical effect on the lives of a great many people. If this bill had passed, little Nicholas, the happy little boy in this picture, would not be alive today. We are talking about saving lives. We are talking about saving lives like little Nicholas' life. I hope the President's veto is not overridden.

Mrs. BOXER. The Senator from Massachusetts is to immediately follow.

Mr. KENNEDY. Mr. President, I hope our colleagues listened very carefully to our friend and colleague from the State of Washington, Senator MURRAY. She gave one of the finest presentations I have heard in the Senate regarding this subject. She spoke about this issue in such moving terms.

Many of us have seen, over the course of the past days, the real appeal to emotionalism. Attempts to try and portray individual Senators as being more concerned about life or about children or about women's health or other issues than other Senators. I think—having listened to a good many of those statements and comments and being a member of the Judiciary Committee who attended the hearings—Senator MURRAY's very clear and eloquent statement powerfully summarized the very dramatic challenge this issue presents to the Senate. I hope her words and her recommendations and her support of the President's veto will be adhered to.

I thank the Senator from California for her leadership during this debate, her work on this issue, and all of her efforts with regard to women's and children's health issues and health care reform. Although others have shown leadership on these issues, I think no one is more concerned and more diligent in ensuring good health policy for expectant mothers, children, and all Americans, as our friend from California. When she addresses these issues, she brings enormous credibility to her argument. I commend her for it and for her leadership.

I oppose this legislation, and I urge the Senate to sustain the President's veto. The President was right to veto this bill, because it fails to include adequate safeguards for the life or the health of the mother.

It makes no sense to criminalize a medical procedure that has saved the lives and preserved the health of many women. If our Republican colleagues are serious about this difficult and complex issue, they would have included a full exception for the life of the mother instead of the inadequate exception in this bill. They would also have included an exception for serious threats to the health of the mother.

This bill is too harsh and too extreme in both of these areas. Without good faith exceptions for the life and health of the mother, the bill, in addition to being too harsh and too extreme, is unconstitutional under Roe versus Wade.

Because of these serious deficiencies, this bill imposes an unacceptable burden on women and their doctors. Congress should not criminalize a medical procedure needed to deal with cases that threaten the life or the health of the mother. In these difficult and traumatic and heart-rending cases, Congress should not second guess the judgment of the doctor, let alone threaten the doctor with prison.

Our actions on this issue are not abstract or theoretical as we have heard so eloquently from both Senator MURRAY and Senator BOXER. They have real consequences for real families. Listen to the words of Richard Ades. Richard and his wife Claudia were expecting a baby boy when they discovered the baby had a severe chromosomal abnormality and would not live. Claudia's health and life were at risk if the pregnancy continued, and their physician recommended this procedure. Now, Mr. Ades says,

> I have major concerns with this legislation and what it will mean to our wives, our sisters and our daughters. This is not a women's issue. This was my baby too. This is a family issue. This is not a choice issue. This is a health issue for everyone * * * The procedure under assault * * * protected my wife's health and possibly saved her life. It allowed my son's suffering to end. It allowed us to look forward to a growing family. It was the safest medical procedure available to us.

It is a fact that this procedure may well be the safest procedure for women whose pregnancies have gone tragically wrong and whose life or health is in danger. Women in this tragic situation may have other options, but those options involve alternative procedures that are permitted by this legislation yet are more dangerous for the mother. This bill does not stop late-term abortions. It does make such abortions more dangerous to the mother. As Prof. Louis Michael Seidman testified during the Judiciary Committee hearings, "All this bill does is to channel women from one less risky abortion procedure to another more risky abortion procedure."

Consider the case of Coreen Costello, who testified before the Senate Judiciary Committee. She told us that when she was 7 months pregnant, her doctor discovered that her baby had a lethal neurological disorder. She still wanted to have her baby. She consulted several specialists. She was told that natural birth or induced labor were impossible, and that a caesarean section would put her health and possibly her life in danger. As she said, "There was no reason to risk leaving my children motherless if there was no hope of saving the baby." And so she had the procedure that this bill would criminalize.

Mrs. Costello's testimony was powerful and moving. In an attempt to undermine it, some of our Republican colleagues questioned whether Mrs. Costello actually had the procedure at issue in this legislation. As she and other women at our committee hearing testified,

> We are shocked and outraged at attempts by you and other members of the Senate to dismiss our significance as witnesses against the partial birth abortion bill. We are not doctors * * * but we do know that the surgical procedure we went through is the method that is insultingly parodied on your charts and in the ads of the Right-To-Life groups.

No major medical association supports this legislation. It is specifically opposed by many leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Public Health Association, the American Medical Women's Association, the American Nurses Association, and the California Medical Association.

The American College of Obstetricians and Gynecologists, which represents 35,000 physicians, opposes this legislation. According to their statement of opposition, they "find it very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman. Moreover, in defining what medical procedures doctors may or may not perform, H.R. 1833 employs terminology that is not even recognized in the medical community—demonstrating why congressional opinion should never be substituted for professional medical judgment."

If this bill is enacted into law, Congress will be violating sound medical practice and adding to the pain and misery and tragedy of many women and their families.

I urge the Senate to vote to sustain the President's veto.

Mr. SANTORUM. Mr. President, I yield 10 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Does the Senator from Utah want to go forward first?

Mr. HATCH. If the Senator will yield briefly, yes.

Mr. SANTORUM. I yield, first, to the Senator from Utah.

Mr. HATCH. Mr. President, I rise today to express my disappointment at the President's decision to veto the Partial-Birth Abortion Ban Act. The President's veto was a shocking act. For this President, there are apparently no limits.

While I was very pleased that the House was able to override the President's veto, I know that it will be very difficult for the Senate to muster the two-thirds supermajority needed to override the veto.

That makes the President's veto all the more discouraging, because he has succeeded in preventing Congress from outlawing an indefensible late-term abortion procedure which is disturbingly close to infanticide.

The partial-birth abortion bill received thoughtful consideration in the House and the Senate and was the subject of an informative and in-depth hearing that I chaired in the Judiciary Committee last December.

The bill is a very limited measure and bans one particularly brutal method of late-term abortion that has been performed by only a handful of doctors and that is never medically necessary.

Frankly, I still find it very difficult to believe that anyone could oppose this bill. In fact, even pro-choice Members of Congress supported this bill. One need not be antiabortion to oppose this particularly gruesome procedure.

In the partial-birth abortion procedure, the doctor partially delivers a living fetus so that all but the baby's head remains outside the mother's uterus.

The doctor then uses scissors to make a hole in the baby's skull, inserts a suction catheter into the baby's head, and sucks out the brains. This kills the baby.

The doctor then completes what would otherwise have been a live delivery and removes the dead baby.

I find this procedure indefensible.

The President indicated that he would support this bill if it was amended to provide an exception for the health of the mother.

I would like to point out how illusory that exception is.

As testimony at our Judiciary Committee hearing demonstrated, this procedure is not performed primarily to save the life of the mother or to protect her from serious health consequences.

Instead, the evidence shows that this procedure is often performed in the late second and third trimesters for purely elective reasons.

I acknowledge that there may have been rare cases where this awful procedure was performed and where there was a possibility of serious, adverse health consequences to the mother.

However, even in those cases, a number of other procedures could have been performed. In fact, other procedures would have been performed had the mothers gone to any other doctor than one of the handful of doctors who perform these awful partial-birth abortions.

The former U.S. Surgeon General, C. Everett Koop, recently described his opposition to the partial-birth abortion procedure in an interview with the American Medical News, which was published in its August 19, 1996 issue. Dr. Koop stated:

> I believe that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. So I am opposed to . . . partial birth abortion.

That is the view of one of this nation's most distinguished Surgeon Generals ever.

And the fact of the matter is—and this is something that the President has not acknowledged—this reprehensible procedure is being performed primarily where there are only minor problems with the fetus and for purely elective reasons.

It is not the worthy, necessary procedure the President paints it to be.

Dr. Martin Haskell, one of the few doctors who perform this procedure, admitted in testimony given under oath in Federal district court in Ohio that he performs the procedure on second trimester patients for "some medical" and "some not so medical" reasons.

Transcripts from a 1993 interview with the American Medical News reveal that Dr. Haskell stated "most of my abortions are elective in the 20–24 week range * * * In my particular case, probably 20 percent are for genetic reasons [and] the other 80 percent are purely elective."

Dr. Nancy Romer, who is a practicing ob-gyn, a professor in the department of obstetrics and gynecology at the Wright State University School of Medicine, and the vice-chair of the department of obstetrics and gynecology at Miami Valley Hospital, both in Dayton, OH, testified before the Senate Judiciary Committee that she has cared for patients who had received a partial-birth abortion from Dr. Haskell for reasons that were purely based on the woman not wanting a baby—as she put it, for social reasons.

This procedure is simply not being done to protect the health and safety of women. After reviewing all of the evidence that came out of the hearings in the House and Senate on this bill, I don't think there can be any question about that.

However, some of the doctors who perform this procedure disingenuously claim that they do it for the health of the mother.

That is why a health-of-the-mother exception—even one that is, as the President now characterizes it, for "serious, adverse" health consequences—would gut this bill and would be easily exploited by the few selected doctors who do this procedure.

Those doctors would be able to justify it under any circumstances—particularly since, under the President's suggestion, they would be the ones to determine what constituted a "serious, adverse" health consequence.

Just look at how the doctors who have performed this procedure have already mischaracterized essentially elective reasons for an abortion as health-related reasons.

Dr. McMahon—one of the other doctors who admitted performing this procedure—indicated in a 1995 letter submitted to Congress that although all of the third trimester abortions he performed were "non-elective," approximately 80 percent of the abortions he performed after 20 weeks of pregnancy were "therapeutic."

But Dr. McMahon then provided the House Judiciary Committee with a listing of the so-called therapeutic indications for which he performed the procedure. That list is astonishing.

It shows that the single most common reason for which the partial-birth abortion was performed by him was maternal depression.

He also listed substance abuse on the part of the mother as a therapeutic reason for which he performed the procedure.

In terms of so-called fetal abnormalities, Dr. McMahon's own list indicates that he performed the procedure numerous times in cases in which the fetus had no more serious a problem than a cleft lip.

Dr. Haskell has similarly acknowledged that he is not performing the procedure in critical instances of maternal or fetal health.

In Dr. Haskell's testimony in Federal district court in Ohio, Dr. Haskell stated: "Patients that are critically ill at the time they're referred for termination, I probably would not see. Most of the patients that are referred to me for termination are at least healthy enough to undergo an operation on an outpatient basis or else I would not undertake it."

When asked about the specific health-related reasons for which he performed the partial-birth abortion procedure, Dr. Haskell specified that he has performed the procedure in cases involving high blood pressure, diabetes, and agoraphobia—fear of going outside—on the part of the mother.

Would we want to entrust these doctors with determining when a "serious, adverse" health consequence existed?

Is it any wonder that those who really want to see this horrifying procedure ended see the President's proposed exception for the giant loophole that it really is?

The evidence has shown that in no case is this particularly gruesome procedure necessary for the woman's life or health. Medical testimony in the committee's hearing record indicates that, even if an abortion were to be performed in late pregnancy for a variety of complications, a number of other procedures could be performed, such as the far more common classical D&E —or dilation and extraction procedure or an induction procedure.

When asked whether the exact procedure Dr. McMahon used would ever be medically necessary, several doctors at our hearing explained that it would not. Dr. Nancy Romer stated that she had never had to resort to that procedure and that none of the physicians that she worked with had ever had to use it.

Dr. Pamela Smith, the director of medical education in the department of obstetrics and gynecology at the Mount Sinai Medical Hospital Center in Chicago, stated that a doctor would never need to resort to the partial-birth abortion procedure.

Further, the hearing record refutes the claim that in some circumstances a partial-birth abortion will be the safest option available for a late-term abortion.

An article published in the November 20, 1995 issue of the American Medical News quoted Dr. Warren Hern as stating, "I would dispute any statement that this is the safest procedure to use." Dr. Hern is the author of "Abortion Practice," the Nation's most widely used textbook on abortion standards and procedures.

He also stated in that interview that he "has very strong reservations" about the partial-birth abortion procedure banned by this bill.

Indeed, referring to the procedure, he stated, "You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it."

In fairness to Dr. Hern, I note that he does not support this bill in part because he feels this is the beginning of legislative efforts to chip away at abortion rights. His opinion on the this procedure, however, is highly informative.

I think Dr. Nancy Romer's testimony explained it best. She said:

> If this procedure were absolutely necessary, then I would ask you, why does no one that I work with do it? We have two high-risk obstetricians, and a medical department of about 40 obstetricians, and nobody does it. We care for and do second-trimester abortions, and we have peer review. We are watching each other, and if we truly were doing alternative procedures that were killing women left and right, we would be out there looking for something better. We would be going to Dr. Haskell and saying, please, come help us do this. And we are not. We are satisfied with what we do. We are watching each other and we know that the care that we provide is adequate and safe.

In short, this procedure cannot be justified as needed for the health or safety of women. The President's attempt to characterize it as such is misleading and disingenuous.

Let me be clear that this bill does not penalize the mother if a partial-birth abortion is performed in violation of the bill. Moreover, there is a life-of-the-mother exception in the bill.

President Clinton came into the White House pledging to take a moderate, mainstream course on the abortion issue. But his veto of this legislation reveals his extreme views for what they are.

This veto does not even represent the thoughtful pro-choice position. It represents the abortion anytime, anywhere, under any circumstances, position.

We should be very clear that this horrifying procedure, which is never medically necessary for the life or health of the mother, will continue because of the actions of the President.

He could have taken a compassionate position on this issue, determined that even as a pro-abortion President, this procedure is beyond the pale, and signed this legislation.

Instead, he chose to preserve this procedure. I agree with our colleague Senator MOYNIHAN, who observed that this procedure was "as close to infanticide as anything I've ever seen."

The victims of late-term partial birth abortions are children. There can be no question about that.

Thanks to this Presidential veto, if the Senate fails to override it, this procedure will continue to be performed in this country. And that is a sad commentary on just how immune we have become to blood and gore, even when it is performed on innocent babies.

I urge my colleagues to vote to override this veto.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I remember the first time I visited Washington. I was 18 years old and came here with my mother and father and my sister, Mary. It was in the spring and I was a young college student. I remember visiting the Capitol and seeing for the first time the Chamber that we are now in—a memory I have never lost. I came back here 3 years later as a law student.

During my years at Georgetown, I visited the Congress, especially the U.S. Senate, over and over again. I heard so many of the great debates, from civil rights, through Supreme Court nominations, to what the Senate would do following the tragic change of Presidents in 1963.

In those debates, the Senate upheld its role in the continuity of our country and the Senate helped shape the conscience of the Nation.

After law school I went back to Vermont and was fortunate to become a prosecutor in our State's largest county. To many, it may appear that a prosecutor faces cut-and-dried questions. One either broke the law or one didn't.

I quickly learned that it was not quite that easy a choice. The greatest thing a prosecutor possesses besides his or her integrity is prosecutorial discretion. The prosecutor always has to ask if the law is just and does the penalty fit the crime. In 1972 I was faced with a question about Vermont's abortion statute. I long felt that this was a case where the law, even if constitutional, carried a punishment that did not reflect the crime. The law said that there would be significant penalties of 10 years and not less than 3 years for anybody who brought about an abortion at any time during a pregnancy for any reason except to save the life of the mother. To me, such a statute was unrealistic, apparently unconstitutional, and far too strict. I felt this even as one who wished there never would be abortions.

This matter became a Vermont Supreme Court issue in the case of *Beechem* v. *Leahy* (130 VT 1164) decided on February 8, 1972.

The Vermont Supreme Court actually used my argument and said:

> We hold that the legislature, having affirmed the right of a woman to abort, cannot simultaneously, by denying medical aid in all but the cases where it is necessary to preserve her life, prohibit its safe exercise. This is more than regulation, and an anomaly fatal to the application of this statute to medical practioners.

The court spoke of the statute being not regulative but prohibitive and in doing that they were a remarkable prelude to Roe versus Wade decided 11 months later.

We Vermonters said the question of having an abortion was a difficult and personal question and one to be decided between a woman and her doctor. The law stepped in only in extraordinary circumstances.

I am proud of the Vermont Supreme Court and proud of my role in their decision because it did protect a woman's right to choose. That has to be one of the most difficult decisions any woman can make.

Today, it is still the most difficult decision, and no legislator and no legislation should interfere, except in the most extreme cases, because a woman must make that decision for herself and for her conscience.

To this day, I recall the awe I felt walking on the Senate floor for the first time. I knew I walked where the giants of all parties who served here had walked. Today, like every day since, I remember the emotion of that first day in the Senate. I also recall the days as a young law student, sitting in the visitor's gallery, and thinking "This truly is the body where our Nation's conscience resides."

When I first ran for the Senate, I quoted Edmund Burke when I asked my fellow Vermonters to trust me with this office.

Burke said:

> * * * it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs—and above all, ever, and in all cases, to prefer their interest to his own.
>
> But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, * * * These he does not derive from your pleasure * * * no, nor from the law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

When the issue before us came up for a vote, I saw a poorly drafted statute; in fact, the suggestions contained in the letter from President Clinton to Senator DASCHLE demonstrate how much better the statute could have been drafted, and I wish this body had followed the suggestion of the distinguished Senator from California, Senator BOXER, who asked that we introduce and pass—as we would almost unanimously—legislation similar to what was suggested by the President. I was also offended by some—although not all—in the debate who looked only to politics and not the protection of a viable fetus. While President Clinton's veto may not be overridden today, I would ask both sides to put politics aside and consider writing legislation similar to what the President suggested. It would get broad bipartisan support.

As I have thought, and rethought that vote, I believe I reacted to a poorly drafted statute and a political debate. Instead, I should have asked, what for me is the ultimate question, what does the conscience of PATRICK LEAHY say?

The Senate can only be our Nation's conscience if we Senators follow ours on these matters. I respect all my constituents and all the Senators who will vote on this override. But on this issue my conscience, and my conscience alone, must determine my vote. I will vote to override.

Mr. President, I yield the floor.

Mr. SANTORUM. Mr. President, I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, the issue before us is not about the right of a woman to choose. It is not even about the right to life for unborn children. This debate is about a repulsive procedure which should not be condoned in any civilized society. We are talking about banning a late-term abortion that is carried out through a gruesome procedure where a living baby is delivered through the birth canal feet first—everything except the head—and then the life of the child is terminated. The child is literally 3 inches away from the full constitutional protection of the law.

This is an issue about how civilized our society is and what practices we will allow to be conducted on human beings.

So I hope my colleagues, no matter where they stand on the issue of right to life or the right of a woman to choose, will recognize that this is a special case. This is a gruesome, uncivilized procedure, and this procedure should be banned.

I hope each of us will think through this issue and ponder it—not only in our minds but in our hearts. I believe, if Senators will do that, we will override this veto, and that we will ban this practice that no civilized society should condone.

I yield the remainder of my time.

Mr. SANTORUM. Mr. President, I yield to the Senator from Alaska 3 minutes.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Alaska.

Mr MURKOWSKI. Mr. President, on December 7, 1995, this body passed S. 939, a bill that would place a national ban on the partial-birth abortion procedures, except in cases in which the procedure is necessary to save the life of the mother. On April 10, 1996, President Clinton vetoed that bill. Mr. President, I rise today to urge my colleagues to override the Presidential veto and put an end to the tragic procedure known as a partial-birth abortion.

President Clinton defended his act of vetoing this bill by stating that a partial-birth abortion is a procedure that is medically necessary in certain "compelling cases" to protect the mother from "serious injury to her health" or to avoid the mother "losing the ability to ever bear further children."

President Clinton was misinformed. According to reputable medical testimony and evidence given before this Congress by partial-birth abortion practitioners, partial-birth abortions are: more widespread than its defenders admit; used predominantly for elective purposes; and are never necessary to safeguard the mother's health or fertility.

Mr. President, my Alaskan office has received more mail in the last week on this issue than any other issue this year—over 1,900 calls and letters—imploring the Senate's help to end this tragic procedure.

Mr. President, I note the extraordinary effort by many of our Members to try to take the emotion out of this procedure, and I was particularly moved by statements made by our colleague from Tennessee, who is a medical physician. In his statement, Senator FRIST was specific relative to the reality that this was not a necessary procedure. His statement certainly supports other experts.

Former Surgeon General C. Everett Koop stated that he "believed that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction in reference to late-term abortions." Dr. Koop went on to say, "In no way can I twist my mind to see that the late-term abortion as described as * * * partial birth * * * is a medical necessity for the mother."

In an editorial in today's New York Times, C. Everett Koop, added,

> With all that modern medicine has to offer, partial-birth abortions are not needed to save the life of the mother * * *. Recent reports have concluded that a majority of partial-birth abortions are elective, involving a healthy woman and a normal fetus.

Mr. President, I ask that the remainder of Dr. Koop's editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 26, 1996]

WHY DEFEND PARTIAL-BIRTH ABORTION?

(By C. Everett Koop)

HANOVER, NH.—The debate in Congress about the procedure known as partial-birth abortion reveals a deep national uneasiness about abortion 23 years after the Supreme Court legalized it. As usual, each side in the debate shades the statistics and distorts the facts. But in this case, it is the abortion-rights advocates who seem inflexible and rigid.

The Senate is expected to vote today on whether to join the House in overriding President Clinton's veto of a bill last April banning partial-birth abortion. In this procedure, a doctor pulls out the baby's feet first, until the baby's head is lodged in the birth canal. Then, the doctor forces scissors through the base of the baby's skull, suctions out the brain, and crushes the skull to make extraction easier. Even some pro-choice advocates wince at this, as when Senator Daniel Patrick Moynihan termed it "close to infanticide."

The anti-abortion forces often imply that this procedure is usually performed in the third trimester on fully developed babies. Actually, most partial-birth abortions are performed late in the second trimester, around 26 weeks. Some of these would be viable babies.

But the misinformation campaign conducted by the advocates of partial-birth abortion is much more misleading. At first, abortion-rights activists claimed this procedure hardly ever took place. When pressed for figures, several pro-abortion groups came up with 500 a year, but later investigations revealed that in New Jersey alone 1,500 partial-birth abortions are performed each year. Obviously, the national annual figure is much higher.

The primary reason given for this procedure—that is often medically necessary to save the mother's life—is a false claim, though many people, including President Clinton, were misled into believing this. With all that modern medicine has to offer, partial-birth abortions are not needed to save the life of the mother, and the procedure's impact on a woman's cervix can put future pregnancies at risk. Recent reports have concluded that a majority of partial-birth abortions are elective, involving a healthy woman and normal fetus.

I'll admit to a personal bias: In my 30 years as a pediatric surgeon, I operated on newborns as tiny as some of these aborted babies, and we corrected congenital defects so the could live long and productive lives.

In their strident effort to protect partial-birth abortion, the pro-choice people remind me of the gun lobby. The gun lobby is so afraid of any effort to limit any guns that it opposes even a ban on assault weapons, though most gun owners think such a ban is justified.

In the same way, the pro-abortion people are so afraid of any limit on abortion that they have twisted the truth to protect partial-birth abortion, even though many pro-choice Americans find it reasonable to ban the procedure. Neither AK-47's nor partial-birth abortions have a place in civil society.

Both sides in the controversy need to straighten out their stance. The pro-life forces have done little to help prevent unwanted pregnancies, even though that is why most abortions are performed. They have also done little to provide for pregnant women in need.

On the other side, the pro-choice forces talk about medical necessity and under-represent abortion's prevalence: each year about 1.5 million babies have been aborted, very few of them for "medical necessity." The current and necessarily graphic debate about partial-birth abortion should remind all of us that what some call a choice, others call a child.

Mr. MURKOWSKI. Mr. President, other physicians agree with the former Surgeon General: Three physicians, who treat pregnant women and their babies on a regular basis, submitted an editorial in a September 19, 1996, Wall Street Journal editorial and declared that "Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility."

A partial-birth abortion is not only tragic, it is violent. The procedure is one in which four-fifths of the child is delivered before the abhorrent process of killing the child begins. Sadly, throughout this procedure the majority of babies are alive and able to move and may actually feel pain during this ordeal.

Ms. Brenda Schafer, a nurse who observed a partial-birth abortion, made this moving statement before a congressional committee:

> The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out, like a startle reaction, like a flinch, like a baby does when he thinks he is going to fall.
>
> The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out. Now the baby went completely limp.

Mr. President, we have heard much of the brutal reality associated with the process, but let us not forget this reality: the child is within a few moments or a few inches from being protected by law. The suggestion is that this is a fetus; Mr. President, I suggest that this is a baby.

It is not a fetus. It is a baby.

Mr. President, it's not easy for any here to discuss this topic, but unfortunately, those are the true, stark, and brutal realities of a partial-birth abortion. And Mr. President, I must tell you that as a father of six, I am profoundly affected and disturbed by Ms. Schafer's statement.

I, and others who support this act, sympathize with a woman who is in a difficult and extreme circumstance, but no circumstance can justify the killing of an infant who is four-fifths born. My good friend and colleague Senator MOYNIHAN, who is a pro-choice Democrat declared that this practice of partial-birth abortions is just too close to infanticide.

That is why I hope that this is the one issue that can unite pro-life and pro-choice individuals. Because, Mr. President, the vote today is not an issue of pro-life or pro-choice—it's an issue of putting an end to an abhorrent and inhumane procedure.

Dr. Pamela Smith, in a House hearing on this issue, succinctly stated why Congress must act: "The baby is literally inches from being declared a legal person by every state in the union. The urgency and seriousness of these matters therefore require appropriate legislative action."

We are here with an obligation. Mr. President, this matter is urgent. This procedure cannot be defended medically and cannot be defended morally. I profoundly believe that it is a fitting and proper interest of the Government to protect human life—both of the mother and the child—healthy and disable. I strenuously urge my colleagues to vote in favor of overriding President Clinton's veto of the partial-birth abortion ban.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you, Mr. President. I am going to ask that the Senator from Illinois address us for up to 15 minutes, or as much time as she wishes. Before that, I yield myself 2 minutes to respond to a couple of the statements that have been made.

Mr. President, we could reach an agreement by unanimous consent to send a bill to the President that he would sign without all of this procedure but for the life and health of the woman. In fact, I have offered that by unanimous consent, and it was objected to by the Senator from Pennsylvania. He does not believe in that exemption, and he opposes it. He says it is a loophole. We say we can draw it in such a way that it could only be used to save precious lives. And instead of making this a political issue that goes into the election cycle, we could agree today to outlaw this procedure but for saving the life of the woman or to spare her long-term adverse health consequences.

I agree with the Senator from Texas when he says this is about how civilized our society is. And I would ask all Americans to decide for themselves. Is it civilized to outlaw a procedure that saved this woman's life, Coreen Costello? It is one example of many we will talk about. It ensured her fertility so she could have this little baby, Tucker. It seems to me it is uncivilized, indeed. It is cruel and inhumane to take away a tool from a doctor who feels it is, in fact, the only tool he or she may have to save this little life and to spare her husband and her children the tragedy of this situation.

My friend from Ohio says, "Well, this woman does not know what she is talking about. She didn't have this procedure." Well, she just wrote us yesterday. How arrogant can we get? Some Senators down here think they know more than doctors. They think they know more than the American College of Obstetricians and Gynecologists and the American Nurses Association, the national organization representing 2.2 million registered nurses. They think they know more than the American Medical Women's Association. They think they know more than the American Public Health Association, and now they think they know more than this woman. They are telling this woman what procedure she had and didn't have when she and her doctor know very well that if this bill had been the law of the land, she may not be here.

I ask for order in the Chamber, please.

The PRESIDING OFFICER. The Senator from California may proceed.

Mrs. BOXER. Mr. President, I think this is a test of whether or not we are civilized. I think protecting mothers and babies and families is civilized. I think we can join hands here and outlaw this procedure unless the woman's life is at stake or her health is severely threatened.

I yield as much time as she may consume to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Senator from California.

Mr. President, the Senate's job is to be as rational as possible in our discussion of volatile issues like this one and to consider what is really at stake. There are many issues in this debate. What is at stake is a woman's personal liberty as guaranteed by our Constitution. What is at stake is the setting of a precedent by the Members of this Congress in making medical decisions and judgments that are better left to physicians.

What is at stake is a determination whether or not Congress should in good conscience prevent a woman from making decisions regarding her own difficult reproductive choices in consultation with her family, her doctor, and her God.

Personal liberty, Mr. President, is something that every American holds dear. It is woven into the fabric of our Nation and our beliefs and represented in our Declaration of Independence and our Constitution. There are certain aspects of our life in which we encourage Government intervention, where we, the people, wish to provide for the common defense and promote the general welfare as stated in the Constitution. We expect the police to come in when we are in trouble; we want our water to be clean and our medicine to be safe.

There are other aspects of our lives in which, however, we expect the Government to honor our inalienable rights and our personal liberty and to refrain from interfering. Who we vote for, what we believe in, where we live are all choices that we make free from Government intervention. We should hope that these decisions will always be private and personal ones without the dictates of the law telling us what we must do.

The ability of a woman to choose whether or not to terminate a pregnancy is, I believe, one of those instances where the Government must refrain—indeed, is required by our Constitution to refrain—from interfering in our personal lives. It is a central issue of a woman's citizenship and goes to the most private matter of her life. The U.S. Supreme Court in Roe versus Wade and Planned Parenthood v. Casey said a State may not prohibit postviability abortions to protect the life or health of a woman. It upheld the woman's equality under the law when such personal matters are concerned and said that a woman, in consultation with her physician, could make a decision about her health, about her life and about her pregnancy.

Women do not always have the luxury of making a popular decision regarding termination of a pregnancy. Indeed, it is probably one of the most difficult matters in anyone's family. But women should have the protection of the law in making a decision that is in the best interests of her health and of her family. I would point out that this is probably the most personal decision and should be one of the most private ones.

I also point out—and this is a point that somehow or other gets lost in this debate all the time—no Member of this Senate can face the trauma that is represented by the issue of late-term abortion—no Member of this Senate. The men of this Senate cannot be pregnant, and I daresay for the women of the Senate pregnancy is a hypothetical matter of nostalgia.

This theoretical debate we are having seems to ignore altogether the very personal issues for those who are of childbearing years. I believe that we have an obligation to consider their views even when those views may be unpopular and make certain that their liberties are not eroded by the passion of this debate.

This bill takes a personal decision and makes it a public one, and it provides for an exception in this instance only for life and then only for life as a way of affirmative defense. Reproductive choice is, in the final analysis, about the relationship of women citizens, of female citizens to their Government. Reproductive choice is central to their liberty.

We are charged in this democracy with doing what is right and not simply what is popular. There is no question but that abortion is a highly charged and volatile issue. Our Constitution guarantees the right to hold views and opinions that may not always be popular ones. Protection of those minority views is also central to our liberty. A family in crisis with a late-term pregnancy may not be able to consider the debate that we have here but they will very much consider what is going on in their family, what is going on with their life and the practical effect that it may have on not just the life but the health of the people involved.

I think it is very important for us to take a look at and to consider for a moment what is at stake with regard to those who have gone through the late-term abortion trauma that is reflected in this debate.

One of the issues that was raised by the senior Senator from Illinois had to do with an Illinois woman, Vikki Stella. This is her picture with her family. It has been on the floor for a while. Vikki Stella's story is one of tragedy and of courage. She and her husband were expecting their third child. At 32 weeks, she had her second sonogram. When the technician asked her to come upstairs and talk to the doctor, Vikki thought maybe it was because the baby was a breech. She is a diabetic, and she knew that any complications could be serious. After the second ultrasound, however, Vikki and her husband learned from the doctor that the child she was carrying had no brain. Vikki had to make the hardest decision of her life, and this is how she explains it. She said, I had to remove my son from life support and that was me.

Vikki did the hardest thing that a parent can do. She watched her child abort. She says in a letter which has been read on the floor but I want to have it accepted for the record, and I quote:

> My options were extremely limited because I am diabetic and don't heal as well as other people. Waiting for normal labor to occur, inducing labor early, or having a C-section would have put my life at risk. The only option that would ensure that my daughters would not grow up without their mother was a highly specialized, surgical abortion procedure developed for women with similar difficult conditions. Though we were distraught over losing our son, we knew the procedure was the right option (the very procedure that would be outlawed by H.R. 1833).

So I tell the story to my colleagues because it is a true story about a real woman, about a real family handling an awful situation in the best way that they knew how. This is exactly the kind of case where my colleagues who want to override this veto want to substitute their judgment for the judgment of the family and their doctor.

I have told the story before in the Chamber and I would point out that just yesterday—just yesterday—I had occasion to speak with another woman in my office, Claudia Ades, a woman who lived in Illinois at one point and she now lives in California. This woman described a situation in which she and her husband desperately wanted their baby and learned only at the late term that the baby could not live if born and she would give up any ability she might have to carry a subsequent child to term if she did not abort. So she had to make a similar difficult decision.

She sat in my office with tears in her eyes and she wondered why she had to go through this. She asked the Lord, "Why me?" She had come to the conclusion that she had had to go through that precisely so she could tell the story to help save the lives of other women who would be faced with the same situation, and that her child had been a sacrifice which she hoped would mean that other women would be able to hold on to their personal liberty, would be able to hold on to their right to make their own medical decision regarding a pregnancy.

We are with this attempt to override trying to substitute the judgment of a group of people who do not have to go through this, who do not have to go through this in life, or not have it even touch their lives, and yet we are becoming physicians and we are becoming experts and we are speaking about this issue in terms which frankly appeal to the popular consciousness because this procedure is not an easy one to look at, to hear about, to talk about.

It is almost embarrassing to stand on this floor and talk about the vaginal cavity and the procedure that is performed, but I daresay if we talked about the harm we may well do by stepping in where we have no right, by taking liberties away from people to make their own private decisions, we will do more harm to our country and to women who are faced with this decision and their families than anything else.

Mr. President, I have to tell you, I do not personally, and I have said this on the floor before as well, I do not favor abortion. My own religious beliefs hold life dear, and I would prefer that every potential child have a chance to be born. But the personal, fundamental right of freedom and liberty that we hold dear in this country dictates to me that we must not intervene with the most personal of all decisions, and that is a decision about whether or not to carry a traumatic pregnancy to term.

I am not prepared to substitute the Government's judgments for the judgments of women, of their families, and of their physicians in this decision. I am not prepared to say that a woman's life is worth less because she is carrying a pregnancy. I do not believe that the State has a right to intervene in the relationship between a woman and her body, her doctor, and her God. I urge my colleagues to vote to uphold this veto.

This difficult issue has a lot of aspects to it, but one that I hope that my colleagues will consider is the constitutional liberty that is at stake here today, the delicate balance between the rights of a woman to make decisions about her health and her body and the rights of the State.

At the end of the drafting of our Constitution there was a colloquy. At the close of the Constitutional Convention of 1787, Benjamin Franklin was asked, "Well, Doctor. what have we got * * *?" And Benjamin Franklin answered, "A Republic, if you can keep it."

I believe that our Republic stands for the inalienable rights that we enjoy as human beings and, as citizens of this great country, those include the right of a woman and her family to make a decision about her health and her body and whether or not she will carry a difficult pregnancy to term. I do not believe that it is consistent with our constitutional responsibilities, that it is consistent with the scope of our understanding, that we intervene in this very difficult and personal and private decision; that we take the liberty from women to make this decision. I encourage my colleagues to uphold the veto in this emotionally charged case.

I yield the floor to the Senator from California.

Mrs. BOXER. Mr. President, is there any time remaining on the 15 minutes of mine?

The PRESIDING OFFICER. The Senator used about 12 minutes.

Mrs. BOXER. Mr. President, I yield myself the 3 minutes that Senator MOSELEY-BRAUN did not use, to talk about her remarks for a moment. Then I intend to yield 5 minutes to the Senator from New Jersey, Senator LAUTENBERG.

Let me say, before my friend and colleague has to leave the floor, Senator MOSELEY-BRAUN, because I know she has people waiting in her office but I just want to thank her so much for participating at this point. I think both Senators from Illinois did a very special service to this body by bringing the issue out of theory, out of cartoon drawings of women's bodies which, frankly, many of us find offensive on the floor, to the reality of what happens in families today. The story she has told about Vikki Stella is a story that, unfortunately, too many of our families go through.

A loving family, a wanted and loved child, suddenly learning at the end of a pregnancy that something has gone terribly wrong, danger to the woman, danger to her family, and at that point I think what the Senator has put in such good terms in this debate: Who do we want to make the decision of what is best for her? Do we want that family, that doctor, and their God to make this decision? Or do we want a U.S. Senator to make that decision and take a tool away from a physician, a physician who says he or she needs that tool to save that mother's life?

I think the answer is clearly, if we are a civilized society, we can walk down together on this bill. We can say this procedure should only be allowed in just those circumstances that the Senator described. The President has said that. The President has offered that. He has held out his hand. He has said he would sign such a bill that made a true life exception and a health exception. He, in fact, outlawed late-term abortion when he was the Governor of Arkansas, but for life and health. So I thank my colleague. Before she left, I wanted to thank her so much for her participation.

I also want to say that, again, it seems to me arrogant of some who would, in fact, substitute their own judgment for the judgment of families and physicians. I want to quickly quote, in the time I have remaining, from some of the finest doctors, from some of the finest medical schools in this United States of America.

From Boston University, a doctor says, "This bill eliminates the therapeutic choice for physicians and imposes a politically inspired risk to the health and safety of a pregnant woman."

From Cedar-Sinai Medical Center in Los Angeles, one of the most respected institutions in California. I am going to read this quote much later, but just in part it basically says if you outlaw this procedure you cannot help distraught women.

I yield myself an additional minute.

The PRESIDING OFFICER. The Chair informs the Senator there is a unanimous-consent order we would vacate the Chamber at 12:30.

Mrs. BOXER. I set this aside, and yield the floor to Senator LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will be brief because I have listened to the debate as it has gone on. I must at the outset say that I hope we will support the President's veto. The case has been made by those with whom I disagree, obviously, I think very carefully, very articulately. I think there is one thing we can agree upon. That is, neither side accepts late-term abortions as something they would like to see done routinely; neither side. Not this side, for sure. I say, this side, I am not talking about the party side of the aisle. I am talking about those on this side of the debate. It is a terrible thing to contemplate. The problem is, this bill is a confrontation of a problem that is very serious, being judged, in my view, by the wrong folks in the wrong place. The decision has to be made in the privacy of a discussion between a woman, her conscience, and her physician.

President Clinton has, along with many of us here, argued that this bill should be modified to take account of women's health needs. One of the most extreme elements of this bill is the failure to include the exception in which the health of the mother is at risk. My friend and colleague, who is managing the support for the President, has so clearly said so many times: Give the doctors and families a chance to make the decision that includes an analysis of the mother's health requirements and you would not have any problem obtaining support for that legislation. I commend her for her courage, for her determination in leading this effort.

To try to cloak this in terms of whimsical or casual decisionmaking is really unfair. This is not something where a woman carries the fetus 6 months and then, in the later stage, would one think, anyone think, rationally, that she would just like to say, "OK, it's time. I want to get rid of this. I am tired of carrying it." No. Those decisions are not casual or careless. Those decisions are very weighty decisions and they have to be taken in that context. They are about the life and health of women.

My youngest daughter, one of my three daughters, carried her first pregnancy 7 months. We were all elated at the prospect of her having a child. She would have been—all three daughters now have children, this one included. After 7 months she called me up and in very tearful terms said to me, "Daddy, the baby died." Seven months—the child got twisted in the cord and expired.

I know from talking to physicians that there was always the worst possibility, that that child could wind up brain damaged and cause, in fact, a collateral risk to her health.

She has since had the most beautiful child in the whole world, and I know that. None of us who are defending the President's veto are casual about life. It is unfair to cast us that way.

The argument, Mr. President, I think, has unfairly been made in pictorial terms. The most simple operation, the simplest procedure is ugly to witness—ugly to witness—whether it is an appendectomy, or whatever have you. If you are not a professional, to see the blood, to see the tissue torn, et cetera, is a hideous sight to behold.

The picture that ought to be taken for the nonprofessional is the one that is postoperative, the one that shows a woman's health, the one that shows vibrancy, the one that shows the future. That is the picture that has to be taken.

I know time is limited, and we are forced by conditions here to conclude our debate momentarily. I will just say, for goodness sake, don't, in this room where politics dominates the discussion, take away the right of a woman, with her conscience fully included in her decision, to make this important decision in consultation with a physician. Let's not interfere in this difficult decision. This bill is not fair to American women and I hope we will stick with the President and his veto of this legislation.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask the Senator from New Jersey the question I asked the Senator from California.

Mrs. BOXER. Reserving the right to object. Was time to be up at 12:30?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. If so, I ask unanimous consent that the Senator from Pennsylvania be given a minute and the Senator from California be given a minute and then we close down.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, if that baby at 24 weeks was delivered accidentally, just like that, but instead of the head being held in by the physician, the head was accidentally delivered by mistake, would the doctor and the mother have a right to kill that baby?

Mr. LAUTENBERG. My colleague from Pennsylvania can cloak it in any terms. What I support is a ban on late-term, healthy conditions.

Mr. SANTORUM. Answer the question.

Mr. LAUTENBERG. No, frame the question——

Mr. SANTORUM. If the baby was delivered and the head slipped out, would you allow the doctor to kill the baby?

Mr. LAUTENBERG. I am not making the decision.

Mr. SANTORUM. But that's what we are doing here, we are making decisions.

Mr. LAUTENBERG. You are making decisions that say a doctor doesn't——

Mr. SANTORUM. Three inches doesn't make the difference as to whether you answer the question?

Mr. LAUTENBERG. Someone has the knowledge, intelligence, and experience making the decision, as opposed to a graphic demonstration that says this is the way we are going to do it.

Mr. President, I would just like to make a few other comments about this bill. When the Senate originally considered this bill, it failed to pass the Boxer amendment. That amendment would have created an exception to the ban on late term abortions, where necessary to "avert serious adverse health consequences to the woman."

As a result, if a doctor expects that a woman would otherwise become permanently disabled, sterile, or seriously impaired, under this bill, the doctor would still be prohibited from performing this procedure. A doctor would have to feel absolutely certain that carrying a fetus to term would endanger the life of the mother, or the doctor could not provide the medical services to avoid this consequence.

Mr. President, this issue is a question of trust. Do you trust politicians to make complicated medical decisions affecting women's lives? Or do you trust medical experts consulting with families? This bill says: politicians know best. I say: let's trust the doctors and the families.

Mr. President, let me say that I know there are many Americans who feel very strongly about the issue of abortion. It's a deeply personal and emotional issue, on both sides. I have the greatest respect for many of our citizens who hold different views on this matter. But I would not try to intrude on these complicated decisions, or tell a woman focusing on serious health or fertility risks how to make this difficult decision.

Mr. President, I urge my colleagues to oppose this intrusion into the doctor-patient relationship. Let's give families, not politicians, the right the choose.

Mr. President, during this debate some Members supporting this measure have been citing statistics that appeared in a recent Bergen Record article on late term abortions. I ask unanimous consent to insert a letter from Metropolitan Medical Associates of Englewood, NJ, that directly refutes the accuracy of those figures.

Mr. President, I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

METROPOLITAN MEDICAL ASSOCIATES,
Englewood, NJ, September 23, 1996.

Mr. GLENN RITT,
Editor, The Record, Hackensack, NJ.

DEAR MR. RITT, We, the physicians and administration of Metropolitan Medical Associates, are deeply concerned about the many inaccuracies in the article printed in September 15, 1996 titled "The Facts on Partial-Birth Abortions".

The article incorrectly asserts that MMA "performs 3,000 abortions a year on fetuses between 20 and 24 weeks, of which at least half are by intact dilation and evacuation." This claim is false as is shown in reports to the New Jersey Department of Health and documents submitted semiannually to the New Jersey State Board of Medical Examiners. These statistics show that the total annual number of abortions for the period between 12 and 23.3 weeks is about 4,000, with the majority of these procedures being between 12 and 16 weeks. The intact D&E procedure (erroneously labeled by abortion opponents as "partial birth abortion") is used only in a small percentage of cases between 20 and 23.3 weeks, when a physician determines that it is the safest method available for the woman involved. Certainly, the number of intact D&E procedures performed is nowhere near the 1,500 estimated in your article. MMA perform no third trimester abortions, where the State is permitted to ban abortions except in cases of life and health endangerment.

Second, the article erroneously states that most women undergoing intact D&E procedures have no medical reason for termination. The article then misquotes a physician from our clinic stating that "most are Medicaid patients * * * and most are for elective, not medical, reasons * * * Most are teenagers." This is a misrepresentation of the information provided to the reporter. Consistent with Roe v. Wade and New Jersey State law, we do not record a woman's specific reason for having an abortion. However, all procedures for our Medicaid patients are certified as medically necessary as required by the New Jersey Department of Human Services.

Because of the sensitive and controversial nature of the abortion issue, we feel that it is critically important to set the record straight.

The Management of Metropolitan Medical Associates.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you, Mr. President. The Senator from New Jersey has spoken, as he always does, with intelligence and with compassion. He is the proudest grandfather I have ever met. A close second is my husband.

Mr. LAUTENBERG. You haven't seen my grandchildren.

Mrs. BOXER. And I say to my friend, his participation in this debate is welcome. It is a welcome part of this debate, because he went through the trauma that these women have gone through, as far as being in a family where such a circumstance occurred.

I say to my colleague from Pennsylvania who stands up and asks the same question, he got his answer. All of us on this side who support the President oppose late-term abortion. We could pass a bill that would ban this procedure but for life and health. I ask him again to do that. Clearly, he prefers this bill with no real exceptions.

I thank the President for his forbearance, and we will continue this debate after the lunch break.

RECESS

The PRESIDING OFFICER. Pursuant to a previous unanimous-consent agreement, the Senate will now stand in recess until 1:30 p.m.

Thereupon, at 12:34 p.m., the Senate recessed until 1:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMM).

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from the State of Texas, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

OCTOBER 1996 QUARTERLY REPORTS

The mailing and filing date of the October quarterly report required by the Federal Election Campaign Act, as amended, is Tuesday, October 15, 1996. All principal campaign committees supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 7 p.m. on October 15, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

TWELVE-DAY PRE-GENERAL REPORTS

The filing date of the 12-Day Pre-General Report required by the Federal Election Campaign Act, as amended, is Thursday, October 24, 1996. The mailing date for the aforementioned report is Monday, October 21, 1996, if postmarked by registered or certified mail. If this report is transmitted in any other manner it must be received by the filing date. All principal campaign committees supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 7 p.m. on Thursday, October 24, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

THIRTY-DAY POST-GENERAL REPORTS

The mailing and filing date of the 30-Day Post-General Report required by the Federal Election Campaign Act, as amended, is Thursday, December 5, 1996. All principal campaign committee supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 9 a.m. until 5 p.m. on December 5, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

FORTY-EIGHT-HOUR NOTIFICATIONS

The Office of Public Records will be open on three successive Saturdays and Sundays from 12 noon until 4 p.m. for the purpose of accepting 48-hour notifications of contributions required by the Federal Election Campaign Act, as amended. The dates are October 19 and 20, October 26 and 27, and November 2 and 3. All principal campaign committee supporting Senate candidates in 1996 must notify the Secretary of the Senate regarding contributions of $1,000 or more if received after the 20th day, but more than 48 hours before the day of the general election. The 48-hour notifications may also be transmitted by facsimile machine. The Office of Public Records FAX number is (202) 224–1851.

REGISTRATION OF MASS MAILINGS

The filing date for 1996 third quarter mass mailings is October 25, 1996. If a Senator's office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

THE RETURN OF STS–79 AND ASTRONAUT SHANNON LUCID

Mr. GLENN. Mr. President, earlier this morning, in fact, 8:13 this morning to be exact, the crew of the space shuttle *Atlantis* returned to Earth having completed another successful docking mission with the Russian *Mir* space station. I want to extend my heartiest congratulations to the *Atlantis* and the *Mir* crews, as well as the thousands of NASA employees and contractors who brought this mission to completion.

Mr. President, this mission is one for the record books. When docked with the *Mir*, the shuttle-*Mir* structure represented the largest manmade structure ever put in orbit. It weighed more than 240 tons. The *Atlantis* crew also set a record by transferring nearly 5,000 pounds of equipment and supplies and water to the *Mir*, and returning with more than 2,150 pounds of *Mir* equipment, along with the experiments and, of course, some of the things they did not want to toss overboard, some of the trash.

In addition, the return of STS–79 concludes a mission of experiments in a number of different fields. I think we too often lose sight of some of the things going on in the program. We think of the human experience up there, and we try to emote to that and think what it is like to be up there as long as some of the people were on this particular flight.

But these missions are all to do research. They are basic, fundamental research. The experiments that they had on this mission included things in the fields of advanced technology, Earth sciences, fundamental biology, human life sciences, microgravity, and space sciences. These are things largely that will be of benefit to people right here on Earth.

Data from this mission also will supply the insight for the planning and development of the international space station, Earth-based sciences of human and biological processes, and the advancement of commercial technology. In other words, this sets the stage for even more ambitious programs, and ones that I think will be even more productive.

However, by far, the most significant event is the return of Astronaut Shannon Lucid. Dr. Lucid now has more time in space than any other U.S. astronaut. She is a veteran of six shuttle missions, including the latest STS–79.

She has logged, as a grand total, including this mission, a little over 223 days in space, including 188 days on this most recent mission. She has more cumulative time and more continuous time in space than any other U.S. astronaut.

Now, we have to put this in perspective. She traveled on this flight some 75 million miles, the same as 157 round trips to the Moon and back, and she has completed on this mission and the others she was on, a total of 3,008 orbits of the Earth.

Furthermore, when Dr. Lucid began her mission on *Mir*, she kicked off a 2-year period of continuous U.S. presence on the *Mir* spacecraft. This is a feat of a rather remarkable woman.

I would like to provide my colleagues with a little background. Shannon Lucid, Dr. Lucid, was born January 14, 1943, in Shanghai, China. I believe her parents were missionaries. She considers Bethany, OK, to be her hometown. She is married with three children. She graduated from Bethany High School, Bethany, OK, in 1960, and received a bachelor of science degree in chemistry from the University of Oklahoma in 1963, and a master of science and doctor of philosophy degrees in biochemistry from the University of Oklahoma in 1970 and 1973, respectively.

As I mentioned earlier, Lucid holds the endurance record for American astronauts in space. STS–79 is her sixth space shuttle mission, having flown previously on STS 51–G in 1985, STS–34 in 1989, STS–43 in 1991, STS–58 in 1993, and STS–74 in 1996.

Dr. Lucid began her record-setting mission when she joined the *Mir 21* crew with the March 24, 1996, docking of STS–76.

In a recent interview, Dr. Lucid was asked the following question: What motivated you to get involved in the space program? I thought her answer was very interesting and I think we all may be able to learn a little from it.

She said:

> You have to go way back to when I was a little girl. When I was a little girl I was very interested in being a pioneer like in the American West and I really liked those stories and I thought, "Well, I was born in the wrong time." And then I thought, "Well, I can just be an explorer," but then I thought, "When I grow up all the Earth will be explored." And then I started reading about Robert Goddard and the rockets he had done and so I read a little about that. And then I started reading about science fiction. This was when I was in fourth and fifth grade and I thought, "Well, that is what I can do when I grow up. I can grow up and explore space." And of course when I talked to people about this they thought that would be rather crazy because that was long before America even had a space program. So I just think it's pretty remarkable things turned out the way they did.

That is a quote from Shannon Lucid. I think it is pretty remarkable, too. I think Dr. Lucid is truly a space pioneer and a hero for our young people. I think she represents what is best about our space program. She demonstrates setting goals, pursuing them, thinking about them, studying them, and with hard work and education can bring about truly momentous results.

Mr. President, I welcome Dr. Lucid and the rest of the STS–79 crew back to Earth. In addition to Dr. Lucid, the STS–79 crew includes: Jay Apt, Terry Wilcutt, the pilot, William Readdy as the commander, Tom Akers, Carl Walz, John Blaha, who is replacing Dr. Lucid on *Mir*. Now, John Blaha will go ahead with the experiments that were left up there and some they took up just for him.

I read from Aviation Week and Space Technology of September 9:

> After *Atlantis* departs, Blaha on *Mir* will begin work on 38 science investigations, including 26 being continued from Lucid's mission. His major science topics and the number of investigations planned in each includes: Advanced technology (3); Earth remote sensing (8); biology (2); human life sciences (10); microgravity/biotechnology (9), and tests to reduce international station design risks (6).
>
> Blaha will also do significant *Mir* systems work, including piloting attitude maneuvers and changing solar array angles when his two Russian colleagues are working outside the station. He is to remain on board *Mir* until picked up by shuttle Mission 81 in mid-January.

Mr. President, this was indeed a great transfer and it sets the stage for the space station. Some of the hardware on the space station will begin to be put up by the end of next year by 1997 if everything remains on schedule, and we certainly hope it does.

All on this mission, and John Blaha, who is up there now, we wish him well, of course, and we welcome this whole crew back to Earth. Congratulations to them. From Dan Goldin at the top of NASA, the Administrator of NASA, to all the employees down the line, they all deserve a great round of applause from all of us. They deserve our thanks and congratulations on a job well done.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN POSSESSION

Mr. LAUTENBERG. Mr. President, I want to talk about a piece of legislation that I have proposed that was approved here in this body by a vote of 97 to 2. They approved an amendment that I sponsored to ban wife beaters and child abusers from owning guns, from possessing guns. Yet, over the past couple of days, behind closed doors, there has been a determined effort to gut my proposal and to expose the battered woman and the abused child to an enraged man with a gun in his hand.

As I explained yesterday, there has been an attempt to undermine the proposal in four primary ways:

First, some sought to exclude child abusers from the ban by limiting its application only to "intimate partners."

Second, they sought to effectively give a waiver to every wife beater and child abuser who was convicted before this legislation goes into effect.

Third, they sought to render the ban entirely ineffective in the future by excusing anyone who did not get notice of the firearm ban when they were originally charged. So that includes all of those who committed domestic abuse, beat up their wives, beat up their kids who weren't told in advance there may be a serious penalty to take away their guns. What a pity. Instead, what they want to do, realistically, is make it prospective only. For those who didn't get notice, they can perhaps dodge out of a charge by saying, well, I did not get effective notice. It is a pity. Under my proposal—the language was in there very specifically, and we are going to insist it be retained.

Fourth, the watered-down language would excuse from the firearm ban anyone who was convicted in a trial heard by a judge only, as opposed to a jury. Now, this also, by itself, would render the gun ban largely meaningless, since most domestic violence cases are heard by judges and not juries.

Mr. President, faced with public criticism, opponents of a real ban have apparently retreated on one of these gutting provisions. They have agreed to language that ostensibly would put child abusers back within the ban.

Mr. President, it is critical to understand that this latest change is merely a figleaf. It is designed to obscure the fact that the watered-down proposal would leave virtually all wife beaters and child abusers with the ability to legally possess guns. It is purely a legislative sham, and no one should be fooled into believing otherwise.

Let me tell those who are within earshot what this sham is all about. First, under their proposed modifications of my legislation, no wife beater or child abuser would be prohibited from having firearms unless they had been told about the ban when they were originally charged. What a device for a clever defense—well, he didn't hear it, he didn't understand it, or his language wasn't up to snuff. My goodness.

The first effect of this language, Mr. President, is to completely excuse every wife beater and child abuser who has been convicted until this time. They would all be off the hook completely. We didn't know, we weren't aware, we weren't told; so, therefore, forget it. OK, be careful next time you hit your wife. Next time, don't have a gun present. They would all be off the hook completely. All of their battered wives and abused children would remain at risk of gun violence.

Mr. President, it would be bad enough if this extreme proposal only grandfathered in all currently convicted wife beaters and child abusers. But this notification language goes much further. It would also, in effect, leave most future wife beaters and child abusers free to have guns.

There is nothing in the watered-down language that requires anyone to tell the accused wife beaters and child abuser that they could lose their guns. As a matter of fact, with a wink of the eye, they can say, "He isn't a bad guy." As a practical matter, most abusers are unlikely to get such advance notice. Under this latest proposal, they would, thus, remain entirely free to keep their guns.

Nor is there any reason to limit the ban to those who get advance notice, Mr. President. After all, we do not make a requirement for anyone else accused of a crime to have previous knowledge of the prospective penalty. Felons are prohibited from having guns, regardless of whether they have been officially given notice or not. For them, ignorance of the law is no excuse. But under this latest proposal, it would be an excuse for a wife beater.

Mr. President, in essence, what has happened here is we proposed that no wife beater, no child abuser, whether retrospectively, retroactively, or in the future, ought to be able to have a gun, because we learned one thing—that the difference between a murdered wife and a battered wife is often the presence of a gun. In the couple of million cases every year that are reported about domestic abuse, in 150,000 cases that we are aware of, a gun was present, a gun was held to the temple of a battered wife or perhaps a child. And if that isn't trauma enough, the prospect of the pulled trigger could finally complete the task.

So, Mr. President, when we proposed this, and it was voted 97 to 2 favorably on this floor, and a couple of months before, in July, it had gone through here 100 to 0. It was unanimous, and it was a voice vote.

I hope those who would defeat this legislation are willing to face the American public and tell the truth of what they are about. They are supporting the NRA, and not the families of America.

I thank the Chair.

CIVIL JUSTICE REFORM: STILL DESPERATELY NEEDED

Mr. HATCH. Mr. President, I rise today to speak about civil justice reform. Many of us had high hopes for tort reform in the 104th Congress, which has been desperately needed for so many years. Unfortunately, President Clinton has blocked our litigation reform efforts with his stubborn defense of the status quo.

I was deeply disappointed with President Clinton's decisions to veto the securities litigation reform bill and then the product liability reform bill. Fortunately, Congress was able to override the securities veto and those important reforms became law over the President's tenacious opposition.

That was not the case with product liability reform. Despite over 15 years of bipartisan work in the Congress and despite the tireless efforts of Democrats like Senators ROCKEFELLER and LIEBERMAN, along with Republicans like Senators GORTON and PRESSLER, we have not been able to make one iota of progress in addressing the product liability crisis facing Americans.

Unfortunately, we have learned that President Clinton is unalterably opposed to tort reform and other litigation reform measures, no matter how badly needed they may be and no matter how much litigation is costing American consumers.

We should all be very clear about what happens here: Each time President Clinton sides with America's extremely powerful trial lawyers, America's consumers lose. And once again, President Clinton's rhetoric dismally fails to match his actions.

Litigation reforms are no less needed now than at the start of the 104th Congress. We simply have got to take some steps forward to alleviate the litigation tax that burdens American consumers, workers, small businesses, and others who ultimately pay the price imposed by high-cost lawsuits.

Litigation reform continues to be supported by the overwhelming majority of Americans. They have indicated their frustration over crazy lawsuits, outrageous punitive damage awards, and abusive litigation. They want change from a status quo that has been unfair and that has encouraged irresponsible litigation in this country. But because of the President's actions, they will not get the meaningful litigation relief they need from this Congress.

The costs of lawsuits in this country are extreme and are eating up valuable resources. These costs are passed along to consumers in the form of higher prices and higher insurance premiums. They are passed along to workers in the form of fewer job opportunities, and fewer and lesser pay and benefit increases. They are passed along to shareholders in the form of lesser dividends. These costs stifle the development of new products. Everyone in America pays a steep price for President Clinton's stubborn defense of a small but powerful group of trial lawyers.

When the product liability bill was on the floor last spring, we heard that 20 percent of the price of a ladder goes to pay for litigation and liability insurance, that one-half of the price of a football helmet goes to liability insurance, that needed medical devices are not on the market because of liability concerns and on and on. We heard about millions of dollars for spilled coffee and millions for a refinished paint job on a BMW.

I can go on and on about ridiculous liability cases that Americans are sick and tired of. I have spoken at length about such cases on the floor before.

What is frustrating to me is that little has changed. We pass legislation to deal with this abuse of our legal system, but the President vetoes it.

And it is not surprising that those who benefit from this litigation explosion—the trial lawyers—think they have found a safe harbor at 1600 Pennsylvania Avenue. They think they can get away with business as usual because President Clinton will veto any attempt to stop them.

They obviously don't get it.

Let me just mention a few examples of developments in the case law following the President's May 10 veto of product liability reform.

In June, a Pennsylvania appellate court upheld an absolutely outrageous punitive damage award. In the case, a former Kmart worker in Pennsylvania won $1.5 million in damages from Kmart after being fired for allegedly eating a bag of the store's potato chips without paying for them.

The plaintiff had sued for defamation of character based on her employer's telling her coworkers that she had eaten the potato chips without paying for them—which constituted stealing in violation of company policy. She was awarded $90,000 in compensatory damages, and an astonishing $1.4 million in punitive damages. That is absolutely outrageous and unjustified.

Even if the employer had said anything wrongfully about her and the potato chips—and I say even if, because I do not think it is clear that the employer did anything wrong—I submit that there is simply no way to justify an award of $1.5 million for saying that you thought someone ate a bag of potato chips without paying for it. That is just crazy.

On appeal, the court upheld the award. The dissenting judge, Judge Popovich, called the punitive damages award "patently unreasonable given the facts before us."

Judge Popovich got right to the heart of it when he wrote, "I do not understand how appellant's act of informing appellee's co-workers that she was dismissed for misappropriating a bag of potato chips was sufficiently outrageous conduct to warrant a punitive damages award of $1.4 million." That judge is absolutely correct.

I wish that was it, but there are more cases.

In a case in Alabama in June, the Liberty National Life Insurance Co. was held liable in a case in which the plaintiff claimed that the company failed to pay her $20,000 in death benefits following her husband's death.

The company claimed that it was not liable to pay the $20,000 in benefits because the couple had not disclosed the husband's health problems when they obtained the life insurance policy about a year before the husband died.

The jury found the insurer liable and awarded the plaintiff $330,000 in compensatory damages, including emotional distress. There may be an argument that this may be a bit high on its own, but what happened in terms of punitive damages is truly astonishing.

The jury went on to award the plaintiff a mind-boggling $17.2 million in punitive damages.

Now, the insurance company in this case may have been right or it may have been wrong. My point is that even if the company was wrong and even if the company should have paid out the $20,000 in death benefits, an award of $17.2 million in punitive damages—17.2 million dollars—on the basis of these facts is outrageous and simply cannot be justified.

And people wonder why their insurance premiums are so high. Personally, I find it hard to swallow that even one dime of an individual's insurance premium is subsidizing court ordered windfalls like this one.

Take another case. This one came down in August.

A jury awarded a plaintiff $7 million in punitive damages on a claim that the defendant had sold the plaintiff unnecessary insurance on a mobile home; compensatory damages were $100,000.

Seven million dollars for selling unnecessary insurance and causing at most—at most—$100,000 worth of harm? How can that be?

In another highly publicized and widely criticized case, which also came down following the President's veto of product liability reform legislation, the largest damages verdict ever rendered against General Motors was handed down by an Alabama jury.

In that case, the plaintiff was seriously injured when he had an accident in his Chevy Blazer.

I do not dispute that the plaintiff's injuries were severe or that his accident was a tragedy.

However, there was evidence that the plaintiff had been drinking before the accident and was not wearing a seatbelt. The plaintiff told the first person on the scene and others that he had fallen asleep at the wheel. The plaintiff's lawyers' principal argument to the jury was that, even though the plaintiff was not wearing a seatbelt, the plaintiff was thrown out of the car because the door latch allegedly failed.

However, there was evidence that the door latch worked fine after the accident and that the plaintiff was actually thrown out through the car window. This is also a vehicle that had passed federal safety standards.

But let's say there was some sort of problem with the plaintiff's particular door latch. I am even willing to assume that. My problem is with the shocking amount of punitive damages that were awarded.

The jury awarded not only $50 million in compensatory damages, but went on to award $100 million—you heard it correctly—$100 million in punitive damages.

Punitive damages are designed to punish egregious conduct, and I just don't see the showing of egregious conduct here. The very equivocal evidence in that case just cannot warrant such a shocking amount of punitive damages. Where is the egregious conduct here?

I just don't see it. Instead, I see one more example of a punitive damage system that is out-of-control. And there are more examples like these, many of them in the past few months.

The sobering fact is that this problem isn't going away. Instead, it is snowballing out-of-control.

I know that it is too late during this Congress to do anything more about the litigation crisis. And, it is too futile given the President's commitment to vetoing civil justice reform.

But I implore my colleagues to come back next Congress committed to addressing the problem of out-of-control punitive damages and other abuses in our civil justice system.

Our large and small businesses and our consumers and workers are being overwhelmed with litigation abuse. The vice president of the Otis Elevator Corp. provided us with information indicating that his company is sued on the average of once a day. Once a day.

We cannot address these problems comprehensively without a uniform, nationwide solution to put a ceiling on at least the most abusive litigation tactics.

We need to protect citizens of some States from the litigation costs imposed on them by other States' legal systems.

In May, in the BMW versus Gore case, the U.S. Supreme Court recognized that excessive punitive damages "implicate the Federal interest in preventing individual States from imposing undue burdens on interstate commerce."

While that decision for the first time recognized some outside limits on punitive damage awards, legislative reforms are desperately needed to set up the appropriate boundaries.

The Supreme Court's decision in the BMW versus Gore case leaves ample room for legislative action. That case acknowledged that there are constitutional bounds beyond which extreme punitive damage awards will violate due process; at the same time, the decision reinforces the legitimacy and primacy of legislative decisionmaking in regulating the civil justice system.

The BMW versus Gore case was brought by a doctor who had purchased a BMW automobile for $40,000 and later discovered that the car had been partially refinished prior to sale. He sued the manufacturer in Alabama State court on a theory of fraud, seeking compensatory and punitive damages.

The jury found BMW liable for $4,000 in compensatory damages and an astonishing $4 million in punitive damages. On appeal, the Alabama Supreme Court reduced the punitive damages award to $2 million.

The Supreme Court held, in a 5 to 4 decision, that the $2 million punitive damages award was grossly excessive and therefore violated the due process clause of the 14th amendment. The Court remanded the case. The majority opinion set out three guideposts for assessing the excessiveness of a punitive damages award: the reprehensibility of the conduct being punished; the ratio between compensatory and punitive damages; and the difference between the punitive award and criminal or civil sanctions that could be imposed for comparable conduct.

Justice Breyer, in a concurring opinion joined by Justices O'Connor and Souter, emphasized that, although constitutional due process protections generally cover purely procedural protections, the narrow circumstances of this case justify added protections to ensure that legal standards providing for discretion are adequately enforced so as to provide for the "application of law, rather than a decisionmaker's caprice."

Congress has a similar responsibility to ensure fairness in the litigation system and the application of law in that system. Notably, Justice Ginsburg's separate dissent, joined by the Chief Justice, argued not that the amount of punitive damages awarded in the case was proper, but suggested instead that the majority had intruded upon matters best left to State courts and legislatures.

Clearly, it is high time for Congress to provide specific guidance to courts on the appropriate level of damage awards and to address other issues in the civil litigation system.

We need to encourage common sense, responsible and fair litigation by reforming the system that leads to sky-high punitive damages in cases of little actual loss and by introducing fairness into the system.

These lawsuits-for-profit demean the lofty ideals of our judicial system. There are people out there with legitimate grievances that deserve the time and attention of judges and juries, but the courts are clogged up with these ridiculous cases and claims. That isn't fair.

The American people should know that we have been unable to enact meaningful civil justice reform because the President chooses to stand with this Nation's trial lawyers. His action is permitting litigation abuses and excesses to go on.

When the American people can't buy new products, can't get needed medical devices, lose jobs they might have had if companies were permitted to grow, or can't afford their insurance costs, they should know that the President chose to do nothing about the litigation explosion in this country.

Let me just close with an example of litigation reform that worked—and one that should have been a model this Congress. That example is the statute of repose for piston-driven aircraft.

In August 1994, Congress passed an 18-year statute of repose for small, general aviation aircraft. At that time, around 90 percent of employment in the piston-driven aircraft industry was gone; around 90 percent of production had disappeared due to product liability lawsuits.

Today, a striking recovery is already underway in that industry. Aircraft manufacturers are planning and constructing new plants, and production and employment have grown tremendously. Cessna alone has created about 3,000 new jobs due to the enactment of that one statue of repose.

When the American people consider the President's vetoes, they should ask themselves: How many new plants and factories will never open? How many new jobs has the President squandered? How many medical innovations won't we see? How much are insurance premiums going to go up?

The bottom line is that I just don't think we can take much more of the present system. I hope we won't have to. I expect litigation reform to be an important part of the agenda of the next Congress, and I want to repeat my commitment to work toward that end.

INSURANCE COVERAGE FOR DRUG TREATMENT

Mr. KENNEDY. Mr. President, Congress has passed and President Clinton will soon sign historic legislation to improve health insurance coverage for individuals with mental illness. This initiative represents a major step forward to eliminate unjustified discrimination between mental health and physical health in insurance coverage.

I especially commend my colleagues, Senator DOMENICI and Senator WELLSTONE, on their legislative success. Through tireless advocacy and effective leadership, they have convinced the Senate of the wisdom of ending insurance discrimination against the mentally ill.

Enactment of this measure is gratifying, but it is only a first step. Our work in this area is far from complete. When the Labor Committee reported a health insurance bill in 1994, our provision on mental health parity included coverage for the related disorder of substance abuse. Regrettably, that aspect of the earlier proposal was dropped in the recent compromise.

Every year, despite a desperate desire to overcome their addiction, a large number of Americans forgo needed treatment for substance abuse because their health insurance does not cover the cost of this treatment. Despite faithful and regular payment of their premiums, these citizens are denied coverage for this debilitating and chronic illness.

Ironically, such coverage was dropped, even though the war on drugs is once again the subject of intense media attention in this election year. Government surveys report that teenage drug use is on the rise. While resources for law enforcement efforts to reduce the supply of drugs have grown dramatically in recent years, resources for treatment have decreased. In 1996, Congress slashed substance abuse treatment and prevention programs by 60 percent, and attempted to cut the Safe and Drug Free Schools Program in half. The House has proposed only minimal increases for fiscal year 1997 over these drastically reduced levels.

Publicly supported treatment will never meet the needs of all those who would benefit from treatment. The private sector must play a significant role through insurance coverage for such treatment.

More than 70 percent of drug users are employed. Many of these drug users have private health insurance. Yet, treatment for their addiction is rarely covered. Even when private plans cover treatment for substance abuse, benefits are limited. Since drug use is a chronic, recurrent condition, like diabetes or hypertension, addicts quickly exceed their coverage limit. Due to the nature of substance abuse, those who do not obtain treatment often lose their jobs. They are then forced into the already over-burdened public treatment system.

Extending insurance coverage to those seeking to free themselves from substance abuse would improve productivity and decrease drug-related crime. That would constitute real progress in the war on drugs.

Parity for treatment of substance abuse would also be cost effective. A 1994 study by the State of California shows that for every $1 spent on treatment, $7 in costs are saved. Treatment reduces employer health care costs, because treated employees and members of their families use fewer health services.

Parity would also drive down non-health care costs to the employer by reducing absenteeism, disability payments and disciplinary problems.

These benefits come at a bargain price. According to the actuarial firm of Milliman and Robertson, substance abuse parity will increase overall health insurance premiums by only one-half of 1 percent.

Again, I congratulate my colleagues for passage of the mental health parity compromise. I look forward to working with them to build on this achievement. I hope that one of our highest priorities in the next Congress will be to take this needed step to fight drug abuse.

Mr. COVERDELL. Madam President, I ask unanimous consent that the period for morning business be extended for up to 4 minutes.

The PRESIDING OFFICER (Ms. SNOWE). Is there objection? Without objection, it is so ordered.

VALUJET

Mr. COVERDELL. Madam President, yesterday I came to the floor of the Senate to describe the predicament that faces a major corporation in my home State, ValuJet.

I will not repeat everything I said yesterday, but I pointed out we all have grieved over the tragedy, and we understand that safety in the air is a preeminent goal of the Federal Aviation Administration, and all of us. This corporation underwent the most exhaustive and thorough review possible and, in late August, was certified as flight-worthy by the FAA.

Subsequently, the airline had been confronted once again with bureaucratic delays and the like that are so typical of this city. Now it is the Department of Transportation.

I might point out that 4,000 families are not receiving their paychecks and can't make their mortgage payments. They can't make their car payments. They have been pushed out on the street. And we are about to fire 400 more even though the airline is now certified as worthy to fly.

Yesterday, I received a phone call—I want to add this to the RECORD—from Mr. Kent Sherman, who owns a company called Sky Clean, in College Park, right near the airport. This story illustrates and brings home the impact of this shutdown and how it goes beyond ValuJet itself. Sky Clean provides a cleaning service for airplanes cleaning the interior and exterior, and the largest client was ValuJet. If ValuJet is not in the air, this company will close and all of their employees are also put out on the street.

So there are peripheral companies that surround this corporation, all of whom are facing shutdowns and layoffs. This is an interesting story. It was founded 4½ years ago with $122. They spent most of it on fliers and business cards, and had $15 left to buy cleaning chemicals. They put their profits into more chemicals and rags and brushes, and went in there, and eventually had enough to buy a pressure washer. One year ago they got the breakthrough.

They got a contract with ValuJet. Their motto is "Just Plane Spotless."

Today, they have 28 employees. Last year, they had $740,000 in revenues, up from $40,000 3 years ago. He said, "We have been incredibly blessed. This has been the dream of a lifetime."

In June, the company had $3 shy of $100,000 in their savings account. There are no savings today. They met their last payroll. If ValuJet shuts its doors, Sky Clean is finished.

It is absolute nonsense, Madam President. FAA has gone through that thing with a microscope. The airline is ready to fly. It is ready to get the paychecks going to those 4,000 families and, yes, to this small company in College Park, GA. It is time for the bureaucrats and their 9-to-5 attitude to get this job done and get that airline in the air.

I yield back whatever time I have.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. SNOWE). The time for morning business has expired.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995—VETO

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Madam President, I yield 7 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Madam President. I thank the Senator from Pennsylvania, who has been doing an outstanding job helping us to have an opportunity to express our views on the partial-birth abortion override measure which is before us. It is pretty important for us to understand this isn't a pro-choice or pro-life measure. This is not an argument against abortions generally. It is not even an argument against late-term abortions. It is merely an argument against the brutality which takes place in a specific type of abortion, which has been described adequately here on the floor of the Senate. But it is one of those things which, obviously, is uncomfortable for people to talk about.

It is a brutality that results when a child which is all but born is being killed in the process of birth. And there has been the side issue raised here, that somehow this has to do with the health of the mother, and that if we didn't kill the child at this point, the mother's health would be impaired.

This has been contradicted by the best medical experts—not the least of which is C. Everett Koop, the former Surgeon General of the United States, who basically says medical necessity does not come into these cases. Since the child is already born, really, we are talking about what happens to the child—virtually already born—not what happens to the mother.

But I would like to add something to the debate. I would like to a add a few questions that I think we ought to ask ourselves. One question is: What are we signaling? What are we telling the rest of the world when we say that we as a people are indifferent to this kind of brutality toward a child that is all but born, except for the last, say, 3 inches of its body? That since it has technically part of its body still in the mother, that it is subject to being killed? It is very difficult for me to understand what we are saying to the rest of the world when we are allowing this type of gruesome procedure to occur in this country.

What do we say to China when we try to shape their human rights policy? We say that you ought to have a high regard for your citizens; that you should not be oppressive; that you should not abuse people; that you should not persist in practices which are against human dignity. How do we say that to China when we enshrine or institutionalize this procedure and decide that the brutalization of children in this way is still acceptable when there are clear alternatives? How can we question the practice of child slavery in other nations around the world when our own Nation's lawmakers cast cavalier votes that really result in brutality?

Let me be clear. The signals we send as a world leader do not trouble me as much as the signals that we are sending to our young people. In our society, the biggest crime problem we have is violent crime among young people who seem to have no regard for the lives of victims, who seem to view dismemberment or brutality as a matter-of-fact thing. What are we telling our own youngsters? What values are we teaching them when we say that the difference between a partial-birth abortion and a homicide is merely whether the head is all the way out or just part of the way out? We have said that it is OK to be involved in a partial-birth abortion because the child isn't totally born, but if there were just another 3 or 4 seconds of process, the child would be born and then it would be homicide.

I do not think we are sending the right signals to our young people about tomorrow. What values do we send the young people when we suggest that there is more concern to be shown for animals and our environment than there is for young people?

For example, H.R. 3918 was introduced by a Member of this body when that Member was in the U.S. House of Representatives. The bill protects animals from acute toxic tests in laboratories. What are we saying when we are concerned about protecting animals from toxic tests designed to save lives and we are not willing to protect children from a brutal procedure designed to end their life?

What are we saying when another Member of this body introduces a measure which prescribes criminal penalties for the use of steel jaw leghold traps on animals, saying that it is brutal to catch an animal with a trap that clamps down on the leg of the animal? A sponsor of the bill stated in the Chamber, "While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping."

If we are willing to do that to protect animals from a kind of brutality and abuse, I have to ask myself, have we not missed something if we are unwilling to take a step to prohibit a kind of brutality against children that medical experts acknowledge is a brutality which is totally unnecessary?

There seems to be a blind spot in the Senate's conscience when it comes to things that are abortion related, but we cannot let the debate over abortion generally obscure the fact that what we are trying to do here is just what the Senator from Rhode Island said he was trying to do with steel jaw traps. He was trying not to prohibit trapping but to prohibit a particularly savage method of trapping. This is not a bill to outlaw abortion, but it is a bill to curtail a practice of brutality committed against children under the guise of abortion, and abortions would still persist even if the bill were passed or if the override were to be undertaken.

This takes me back to the beginning. The emotion and strife of the abortion debate are blinding and confusing some of us as Members. The choice for us is clear. This is not a choice of pro-life or pro-choice. This is a choice about whether or not we as a culture are willing to say that we will be against brutality of infants in the same measure we have been against brutality of animals for experimentation, that we will have a kind of culture which we can recommend around the world and to our own children. That we will have respect for life and that brutality, especially when it is unnecessary, we will not tolerate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

Madam President, when President Clinton vetoed the Partial-Birth Abortion Ban Act on April 10, he said there are "rare and tragic situations that can occur in a woman's pregnancy in which, in a doctor's medical judgment, the use of this procedure may be necessary to save a woman's life or to protect her against serious injury to her health."

The former Surgeon General of the United States, Dr. C. Everett Koop—a man who President Clinton singled out for praise on August 23 as someone trying "to bring some sanity into the health policy of this country"—has said that "partial-birth abortion is never medically necessary to protect a mother's health or future fertility." Let me say that again: it is never necessary.

That is consistent with testimony that the Judiciary Committee received from other medical experts last fall. Dr. Nancy Romer, a practicing OB-GYN from Ohio, testified that in her 13 years of experience, she has never felt compelled to recommend this procedure to save a woman's life. "In fact," she said, "if a woman has a serious, life threatening, medical condition this procedure has a significant disadvantage in that it takes 3 days."

Dr. Pamela Smith asked during her testimony before the Committee:

> Why would a procedure that is considered to impose a significant risk to maternal health when it is used to deliver a baby alive, suddenly become the "safe method of choice" when the goal is to kill the baby? And if abortion providers wanted to demonstrate that somehow this procedure would be safe in later-pregnancy abortions, even though its use has routinely been discouraged in modern obstetrics, why didn't they go before institutional review boards, obtain consent to perform what amounts to human experimentation, and conduct adequately controlled, appropriately supervised studies that would insure accurate, informed consent of patients and the production of valid scientific information for the medical community?

Even Dr. Warren Hern, the author of the Nation's most widely used textbook on abortion standards and procedures, is quoted in the November 20, 1995 edition of American Medical News as saying that he would "dispute any statement that this is the safest procedure to use." He called it "potentially dangerous" to a woman to turn a fetus to a breech position, as occurs during a partial-birth abortion.

Defending the indefensible is an understandably difficult task for President Clinton and other defenders of this procedure. What decent person does not get a shiver up the spine upon hearing a description of a partial-birth abortion, a procedure that was characterized by a member of the American Medical Association's legislative council as "basically repulsive" and "not a recognized medical technique." I suspect that was why the council went on to vote unanimously to endorse the partial-birth abortion ban just over a year ago.

It is because the procedure is so difficult to defend that some have tried to suggest that it is used only in cases that threaten a mother's life or health. Let me note, then, the words of Dr. Martin Haskell, who authored a paper on the subject for the National Abortion Federation. In an interview with American Medical News, Dr. Haskell said, "in my particular case, probably 20 percent (of the instances of this procedure) are for genetic reasons. And the other 80 percent are purely elective." Eighty percent are elective—not medically necessary—but elective.

Another doctor, Dr. James McMahon, who performed at least 2,000 of these procedures, told American Medical News that he used the method to perform elective abortions up to 26 weeks and non-elective abortions up to 40 weeks. His definition of "non-elective" was expansive, including "depression" as a maternal indication for the procedure. More than half of the partial-birth abortions he performed were on healthy babies.

And what did the Record of Bergen County, NJ, find when it published an investigative report on the issue just last week? It reported that in New Jersey alone, at least 1,500 partial-birth abortions are performed each year, far more than the 450 to 500 such abortions that the National Abortion Federation claims occur across the entire country.

According to the Record, doctors it interviewed said that only a "minuscule amount" of these abortions are performed for medical reasons.

The medical experts tell us that this procedure is neither necessary nor safe. It is not done out of medical necessity, but largely for elective reasons. That is why so many people around this country are opposed to this procedure, and why even its most ardent defenders are uncomfortable discussing it.

In his recent book, Judge Robert Bork wrote about the squandering of our common cultural inheritance in the name of radical individualism. What could be more radical than suggesting that individuals can interrupt the birth process and suction the brains out of a healthy viable child, all in the name of free choice? Does not sanctioning the death of a child for no reason other than convenience denigrate the idea that there is inherrent value in every person?

Judge Bork wrote that "security has become a religion." "We demand it not only from government," he said, "but from schools and employers. We demand to be protected, he goes on to say, "not only from major catastrophe but from minor inconvenience."

There are striking parallels here with the procedure we are discussing. In its report on partial-birth abortion, the New Jersey Record found that the procedure was performed mostly on people "who didn't realize, or didn't care, how far along they were." Is choice, free of consequence or responsibility, truly free? Or are we simply putting government more in charge of our choice and freedom by protecting us from the consequences of our own actions?

It seems to me that people of good faith can debate when, during a pregnancy, life begins—whether it is at conception, at the end of the first trimester, or at some other point. But I think it is very difficult to make the case that life has not begun once a pregnancy is well along when a baby can be delivered either to be saved and live, or just before completely born to be brutally killed. If a doctor performing a partial-birth abortion happened to allow the child to completely clear the mother's body, it would have the same protections under our Constitution that any other human being would have. The difference between life and death here is literally a matter of inches. The hands and feet are in this world and are living and moving. The chest is visibly breathing. Only the head remains in the birth canal; and it is dismembered in this procedure.

Madam President, President Clinton has taken the position that abortion is justified for any reason, under any circumstance, no matter how far along the pregnancy. I intend to vote to override the veto. I encourage my colleagues to do the same, and put an end to this cruel and barbaric procedure.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mrs. BOXER. May I ask the Senator how much time he would like to have?

Mr. FEINGOLD. I ask the Senator from California to yield me up to 10 minutes.

Mrs. BOXER. The Senator is yielded 10 minutes, immediately followed by, if it is all right with my colleague, Senator ROBB for 15 minutes.

The PRESIDING OFFICER. Is there any objection?

Mrs. BOXER. I would amend that. Senator COVERDELL would like 2 minutes in between the two speakers on my side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, this is a difficult issue for everyone concerned. No one likes abortions, whatever procedure is used.

It is a difficult subject to discuss, perhaps most difficult for those who have had abortions or have had to face the choice of an abortion.

Madam President, I will vote to sustain the President's veto because I believe, fundamentally, that the decision about whether to choose an abortion should remain a personal, private decision by the woman involved, and the decision about what procedure is necessary to protect the health and life of a woman is one that should be made between the woman and her physician, not by the Federal Government.

Before I briefly address the specifics of this bill, I wish to take a moment to pay tribute to the Senator from California [Mrs. BOXER], who has been such a courageous leader on this issue, as have a number of other Members of the Senate.

I also praise the Senator from Washington [Mrs. MURRAY], who this morning expressed her outrage at the tenor of this debate where individual Senators talked about the joy of being in the delivery room with their wives, as if that gave them the authority to dictate to the women of this country what options should be available to them in a time of distress and urgency. I share that concern.

For that reason, I come to the floor this afternoon to take a little time to underscore why this legislation is wrong and why President Clinton was courageous and correct in his decision to veto it.

Madam President, let me say again, no one likes abortion. No one wants to talk about abortion or the procedure. We ought to clearly understand what the effort behind this legislation is. It is to ban abortions entirely, not just this one particular procedure. I know this firsthand from the Judiciary hearings on this bill where I had a chance to ask one of the proponents what the position of her organization was on a variety of other abortion procedures.

The response I received was very clear. The witness admitted that their goal was to outlaw and criminalize every single kind of procedure. That is why the underlying push behind this legislation is clear. It is not, and I repeat not, to ban just one form of abortion. It is to outlaw all forms of abortion, from taking a pill such as RU-486 within the first several weeks after conception to this rarely used procedure, the late-term abortion.

If proponents of this legislation wanted to ban only this form of abortion, they could have done so by accepting the amendment of the Senator from California which would allow a physician to use this technique only if necessary to protect the life of a woman or to avoid serious adverse health consequences to the woman.

The President said in his veto message that he was vetoing the bill because it "does not allow women to protect themselves from serious threats to their health" and because it refuses "to permit women, in reliance on their doctor's best medical judgement, to use this procedure when their lives are threatened or when their health is put in serious jeopardy."

The amendment offered by my friend from California, Senator BOXER, would actually impose an even stronger standard than contained in Roe versus Wade, which speaks only to the health of a woman. The Boxer amendment would have allowed this procedure to be banned unless it was necessary to avoid a serious adverse health consequence to the woman.

If the proponents of this legislation would accept that amendment, this bill could be passed and sent to the President, as the Senator from California has said, within hours, and he would sign it into law.

The fact that the proponents of this legislation refuse to accept an amendment to allow a physician to use this procedure if necessary to avoid a serious adverse health consequence reveals what this debate is really about: it is about scoring political points, confusing the public, and beginning a process aimed at outlawing all forms of abortion.

I want to respond briefly to the claims made that this procedure is never medically necessary.

I attended the Judiciary Committee hearings and what I heard was that different physicians have different opinions about whether this procedure is more or less safe for a woman than other procedures, whether the procedure may be necessary in a particular situation to protect a woman's future ability to bear children, and precisely what the procedure is that would be banned under this legislation.

So, what I heard was a professional disagreement among members of the medical community on the efficacy and risks associated with various abortion procedures.

Each side of this debate can quote from the medical expert they prefer as to the safety or necessity of the particular procedure. That medical professionals have different opinions on these issues is both understandable and expected.

But that, Mr. President, is precisely why trained physicians and their patients, not Members of Congress, should make the decisions about what course of treatment is appropriate in an individual situation.

Without going through a detailed description of the different opinions, some physicians told the committee that there were a number of situations where alternative abortion procedures had a higher risk to the woman.

For example, testimony was presented indicating that a woman was 14 times as likely to die from a cesarean hysterotomy than from a D&E procedure.

There was also testimony about certain alternative procedures that can cause a traumatic stretching of the cervix that increases a woman's chances for infertility in the future. Others disagreed.

Again, what this debate told me is that there is room for disagreement between physicians about specific medical procedures.

It should not be the role of Congress to decide or determine which side of this debate is right or wrong. These are medical questions that ought to be decided by medical professionals, not Members of Congress.

One woman who had made the difficult choice of choosing this procedure when a much wanted pregnancy had turned into a tragedy told our committee, as follows:

> It deeply saddens me that you are making a decision having never walked in our shoes. When families like ours are given this kind of tragic news, the last people we want to seek advice from are politicians. We talk to our doctors, lots of doctors. We talk to our families and other loved ones, and we ponder long and hard into the night with God.

We ought to listen to those words. These decisions are private, personal, painful decisions to be made by the families involved, guided by their physicians.

Congress ought to leave these decisions with the people involved.

To tell a woman and her family that Congress will not allow her doctor to use a procedure which will allow her a greater chance to be able to have another pregnancy and bear a child in the future is cruel and unconscionable.

To tell a woman and her family that Congress will not allow a physician to use this procedure if necessary to protect her from serious, adverse health consequences is just wrong.

Let me say one more time: If the aim of this legislation was simply to restrict the use of this particular procedure, they would have accepted the Boxer amendment.

But this is not the goal of the proponents of this bill.

The goal is to outlaw each and every abortion procedure, one by one. That is what is at stake. The President's veto should be sustained.

Mr. SANTORUM. Will the Senator from Wisconsin yield for a question?

Mr. FEINGOLD. I will.

Mr. SANTORUM. The Senator from Wisconsin says that this decision should be left up to the mother and doctor, as if there is absolutely no limit that can be placed on what decision they make with respect to that.

The Senator from California is going to go up to advise you of what my question is going to be, and I will ask it anyway. My question is this: If that baby were delivered breech style and the head—everything was delivered except for the head, and for some reason that that baby's head would slip out so that the baby was completely delivered, would it then still be up to the doctor and the mother to decide whether to kill that baby?

Mr. FEINGOLD. I would simply answer the question by saying under the Boxer amendment the standard of saying it has to be a determination, by a doctor, of health of the mother, is a sufficient standard that would apply to the situation covered by this bill. That would be an adequate standard.

Mr. SANTORUM. That doesn't answer the question. Let's assume the procedure is being performed for the reason you stated.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. SANTORUM. Would you allow the doctor to kill the baby?

Mr. FEINGOLD. That's not the question. What this bill is about is a question that should be answered by a doctor and the woman who receives the advice of the doctor. Neither I nor is the Senator from Pennsylvania is truly competent to answer those questions. That is why we should not be making those decisions here on the floor of the Senate.

The PRESIDING OFFICER. The 10 minutes of the Senator has expired.

The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, the Senator from Wisconsin has asserted that proponents of this legislation are simply trying to ban every form of abortion. I rise as a classic example of that not being the case. I support Georgia law, which grants broad latitude in the first trimester, subject to changes in conditions as we go on through, and I supported that law.

I find this medical procedure repugnant almost to the point of unbelievable—I cannot even believe we are debating whether it should occur, here.

However, after learning about it, I did call a prominent doctor in my State, familiar with this aspect of medicine, and asked her. I gave her my instinct, but I said, "Give me your professional judgment." I will report that for the debate before the Senate. She says:

> It is never necessary to do a partial-birth abortion of a live fetus. In the extremely rare case of a severe fetal abnormality which mechanically precludes normal vaginal delivery, the partial-birth method is justifiable but certainly not necessary, as C-section can be employed. Even when the life of the mother is endangered, the partial-birth method should not be used—

This is an exception, incidentally, to the partial-birth abortion ban—life of the mother.

> Because, if the mother's life is in danger you would want to deliver the baby as soon as possible. It does not make sense to use the more time consuming partial-birth abortion procedure when you can use a C-section to remove the infant quickly.

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. COVERDELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 15 minutes.

Mr. ROBB. Madam President, I will yield to the Senator from California for 1 minute.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend for coming over to participate in this debate. I am looking forward to his remarks. I know he has given extensive thought to this.

I thank my friend, Senator FEINGOLD, for coming over to participate in this debate. We sent this issue to the Judiciary Committee, where he sat and listened intently to all of the testimony.

It is important to note that I made a unanimous-consent request—I will do so again—to ban this procedure except where the woman's life is at stake or if she faces serious adverse health consequences. The Senator from Pennsylvania said no.

We could walk down the aisle together, ban this procedure but for those circumstances. But I think what is behind all this is not the life of a woman, a woman like Vikki Stella, who could have been rendered sterile and not been able to have her latest little child, Nicholas, if this procedure was not available to her. We are putting a woman's face, a family's face on this issue.

We have drawings of parts of a woman's body that we have seen here before in the debate. We may see it again. Some of us find it offensive. We want to show the faces of the families who are in these very difficult situations. I thank my friend for partaking in this debate.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Virginia.

Mr. ROBB. Mr. President, the argument I'm about to make is not directed toward those who consistently vote what they believe to be the pro-life position on issues affecting reproductive rights. This is an easy vote for them—even though it might not be if they focused on the implications of the actual bill language rather than the emotions it has stirred. Instead, my argument is directed to those who had the courage to oppose this legislation originally, but have since been subjected to enormous pressure to change their vote and override the President's veto.

I know how tough this vote is for pro-choice Senators and I can't promise anyone there won't be a political price to pay. This issue was designed from the start to fracture the pro-choice coalition and undermine support for a woman's right to reproductive freedom. To that end, this veto override attempt was deliberately delayed until today for maximum voter impact before the election. But I urge you not to succumb. Our Forefathers envisioned a Senate with enough backbone to withstand the passions of the moment—and of the other body—and on this vote we're being put to the test.

Mr. President, let's be clear as to what this attempt to override the President's veto of the so-called partial birth abortion ban is all about—and what it's not about. It's not about whether to have an abortion. It's not about when to have an abortion. It's only about how to have an abortion—and whether the Government ought to intervene and restrict a physician's professional judgment.

As noted in yesterday's Philadelphia Inquirer, one critic of the bill, Georgetown University law professor Louis Michael Seidman, told the Senate Judiciary Committee last fall that the proposed law "does nothing to discourage abortion per se. It does nothing to protect the rights of fetuses, nothing to protect potential life, and nothing to protect actual life." As long as there are other legal methods to obtain an abortion, Dr. Seidman says that the bill's only effect is to force women "to choose a more risky abortion procedure over a less risky one."

Even proponents ought to be troubled by the fact that nothing in this bill would prevent a woman from having an abortion. It wouldn't even prevent a woman from having a third trimester abortion. All it would do is prevent a doctor from using a procedure that might be necessary to protect the woman's health or future reproductive capacity. And I don't believe the Government ought to intervene in that decision, Mr. President. To me, decisions on how best to protect a woman's health are better left to physicians.

And while I strongly oppose third trimester abortions except to protect the life or health of the mother, this bill would make no exceptions for the health of the mother. In fact, the bill's proponents defeated an amendment to grant an exception to protect the health of the mother, claiming it would gut the bill. They did it knowing it would have made the bill acceptable to many more Members of this body—and to the President—therefore eliminating the bill's potency as a political issue. Pulitzer Prize winning author David Garrow made this point in yesterday's' Philadelphia Enquirer when he wrote: "How could adding a 'serious health risks' exception 'gut' a measure intended to curtail supposedly 'elective' or unnecessary procedures?"

Mr. President, I have always been pro-choice, but I have never been pro-abortion. As far as I'm concerned, abortions ought to be safe, legal, and rare. While this bill wouldn't make late term abortions more rare—in fact, there's no evidence they constitute more than an infinitesimal percentage of abortions actually performed in the United States—it could make them significantly less safe.

Mr. President, I respect the convictions of those who believe we ought to choose life over abortion, and I applaud those who remind us, lawfully and peacefully, of the consequences of our choice. And like the vast majority of our fellow citizens I find the graphics used to depict the procedure in question repulsive. But I doubt that many of us would find an explicit portrayal of any procedure to terminate a pregnancy any less disturbing.

I was not comfortable voting against this bill originally, because I don't want to encourage abortions at any stage of a pregnancy and I'd like to eliminate them altogether in the third trimester—except when the life or health of the mother is threatened. But this bill wouldn't prohibit a single abortion from taking place, even in the third trimester. It would only increase the risks for women who already have difficult and sometimes tragic circumstances to deal with—and I believe that when faced with those circumstances, the woman and not the Government should decide. On this bill, the President made a gutsy call, but he made the right call and I hope at least 34 of us have the courage to stick with him and uphold his veto.

With that, Madam President, I yield whatever time I have remaining back to the Senator from California.

Mrs. BOXER. Thank you.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. How much time is left in Senator ROBB's time?

The PRESIDING OFFICER. The Senator has 30 minutes, 30 seconds.

Mrs. BOXER. In Senator ROBB's 15 minutes, how much time is remaining?

The PRESIDING OFFICER. Eight minutes.

Mrs. BOXER. Madam President, I shall not take the 8 minutes. But before the Senator from West Virginia leaves, I want to thank him. I applaud him for his real courage, for him coming to this floor and saying the real truth, which is this: There is no reason that we are taking this bill up today in the last week of the session, or the last few days of the session, other than for strictly political reasons.

There is no reason why this Congress sat on this issue for 5 long months. If we had sat down and worked it out and the amendment which I offered, which got 47 votes in our last debate, could be worked on, we could have a bill, as my friend said, that we could all vote for, that would outlaw this procedure except where the woman's life is at stake or she faced serious adverse health consequences. The Senator would join me in that bill. The President would sign that bill.

I just want to say to my friend, it takes courage to come here and speak the truth. You have done so, and I thank you very much.

Further, I would like to say, again, that the President, before he wrote his veto message, thought long and hard about it. This is a President who will sign a law that outlaws late-term abortion except for cases where the life and health of the mother are endangered. This is a President who wants to sign a bill that would, in fact, outlaw this procedure except for those rare, tragic circumstances, circumstances like the one of Vikki Stella.

I want to point out, as we put the woman's face on this issue and we put the family face on this issue, Madam President—and I know you are aware of the face that we tried to put on this issue—we find out that these women and their families are not political people. For them it is not a partisan issue. Some are Republican, some are Democrat, some are pro-choice, some are anti-choice, some really never thought about it much.

They are American families. They want their babies. They find out in the end something went drastically wrong, and the shock and the pain and the horror of that seems to be overlooked by those who would look at this woman and say to her, say to her husband and say to her children, "You know, it really doesn't matter about you. It doesn't matter about you." I do not understand how those holding that position can really look at this woman, in her eyes, and tell her that she did the wrong thing to follow her doctor's advice, to follow her God, to discuss it with her family, to preserve her life, her fertility, her health. I do not know how Senators could do it.

So now what we have here is, every time one of these stories is told, a Senator stands up and says, "Oh, but not her. We didn't mean her. She didn't have that procedure." Then we have the letters from the women saying, "Wrong, Senator. You don't know everything. I did have this procedure. I know the procedure I had."

To me, Madam President, it is a portrayal—I do not know how else to put it—of arrogance. If I put the best light on it, I will call it well-meaning, but even that I wonder about, because why wait until the last week to make this point?

I share the feelings of Senator PATTY MURRAY, and I urge my colleagues, if they did not hear her, to talk to her, because I honestly feel that there is a certain arrogance in this debate, arrogance on the part of Senators who think they know more than doctors, arrogance on the part of Senators who think they know more than Vikki Stella and her husband and her kids.

We even had one case of a woman who consulted with her priest on the issue of what she and her husband should do. Her parish priest supported her decision to terminate the pregnancy. The priest told her to follow the advice of her physician, so she could live for her family and for her children.

So I just cannot understand how colleagues feel that they can outlaw a procedure, make no true life exception, as the New York Times said today, so narrow it could never be used, make absolutely no health exception, and think they are doing something to help life. It is not helping life if a woman like this dies in the prime of her life. These pregnancies are fatally flawed. They are dangerous to the women. If these babies were to survive, we know from testimony they would live moments, maybe seconds in agony.

So I think, my colleagues, as we come down to this vote and all its implications, we need to decide what is the role of a U.S. Senator? Is it to be a doctor? Is it to be God? What is it to be? I think there are certain things that are best left to these families in their anguish, to these doctors who know the facts. I hope and I do believe we will have enough colleagues to stand for these women and for their families.

Madam President, I ask unanimous consent that following the next Republican speaker, Senator LIEBERMAN be recognized to speak.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

Mrs. BOXER. I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Pamela Smith describing Ms. Stella's condition as she knows it, and suggesting that this procedure was not appropriate for her to go through, that there was a safer medical procedure, and also to have printed in the RECORD a copy of "Williams Obstetrics" which is the authority on obstetrics, also describing what is medically recommended in cases where Mrs. Stella had her procedure. There were alternatives, safe alternatives, safer alternatives for her to go through.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHYSICIANS' AD HOC
COALITION FOR TRUTH,
Alexandria, VA, September 23, 1996.

DEAR SENATOR SANTORUM: My name is Dr. Pamela E. Smith. I am founding member of PHACT (Physicians' Ad hoc Coalition for Truth). This coalition of over three hundred medical providers nationwide (which is open to everyone, irrespective of their political stance on abortion) was specifically formed to educate the public, as well as those involved in government, in regards to disseminating medical facts as they relate to the Partial-Birth Abortion procedure.

In this regard, it has come to my attention that an individual (Ms. Vicki Stella, a diabetic) who underwent this procedure, who is not medically trained, has appeared on television and in Roll Call proclaiming that it was necessary for her to have this particular form of abortion to enable her to bear children in the future. In response to these claims I would invite you to note the following:

1. Although Ms. Stella proclaims this procedure was the only thing that could be done to preserve her fertility, the fact of the matter is that the standard of care that is used by medical personnel to terminate a pregnancy in its later stages does not include partial-birth abortion. Cesarean section, inducing labor with pitocin or protoglandins, or (if the baby has excess fluid in the head as I believe was the case with Ms. Stella) draining the fluid from the baby's head to allow a normal delivery are all techniques taught and used by obstetrical providers throughout this country. These are techniques for which we have safety statistics in regards to their impact on the health of both the woman and the child. In contrast, there are no safety statistics on partial-birth abortion, no reference of this technique in the national library of medicine database, and no long term studies published that prove it does not negatively affect a woman's capability of successfully carrying a pregnancy to term in the future. Ms. Stella may have been told this procedure was necessary and safe, but she was sorely misinformed.

2. Diabetes is a chronic medical condition that tends to get worse over time and that predisposes individuals to infections that can be harder to treat. If Ms. Stella was advised to have an abortion most likely this was secondary to the fact that her child was diagnosed with conditions that were incompatible with life. The fact that Ms. Stella is a diabetic, coupled with the fact that diabetics are prone to infection and the partial-birth abortion procedure requires manipulating a normally contaminated vagina over a course of three days (a technique that invites infection) medically I would contend of all the abortion techniques currently available to her this was the worse one that could have been recommended for her. The others are quicker, cheaper and do not place a diabetic at such extreme risks for life-threatening infections.

3. Partial-birth abortion is, in fact, a public health hazard in regards to women's health in that one employs techniques that have been demonstrated in the scientific literature to place women at increased risks for uterine rupture, infection, hemorrhage, inability to carry pregnancies to term in the future and maternal death. Such risks have even been acknowledged by abortion providers such as Dr. Warren Hern.

4. Dr. C. Everett Koop, the former Surgeon General, recently stated in the AMA News that he believes that people, including the President, have been mislead as to "fact and fiction" in regards to third trimester pregnancy terminations. He said, and I quote, "in no way can I twist my mind to see that the late term abortion described . . . is a medically necessity for the mother . . . I am opposed to partial-birth abortions." He later went on to describe a baby that he operated on who had some of the anomalies that babies of women who had partial-birth abortions had. His particular patient, however, went on to become the head nurse in his intensive care unit years later!

I realize that abortion continues to be an extremely divisive issue in our society. However, when considering public policy on such a matter that indeed has medical dimensions, it is of the utmost importance that decisions are based on facts as well as emotions and feelings. Banning this dangerous technique will not infringe on a woman's ability to obtain an abortion in the early stage of pregnancy or if a pregnancy truly needs to be ended to preserve the life or health of the mother. What a ban will do is insure that women will not have their lives jeopardized when they seek an abortion procedure.

Thank you for your time a consideration.

Sincerely,

PAMELA SMITH, M.D.,
Department of Obstetrics and Gynecology,
Mt. Sinai Medical Center, Chicago, IL.

EXCERPT FROM WILLIAMS OBSTETRICS, 19TH EDITION

Method of Delivery. In the diabetic woman with an A or B White classification, cesarean section has commonly been used to avoid traumatic delivery of a large infant at or near term. In women with advanced classes of diabetes, especially those associated with vascular disease, the reduced likelihood of inducing labor safety, remote from term also has contributed appreciably to an increased cesarean delivery rate. Labor induction may be attempted when the fetus is not excessively large, and the cervix is considered favorable for induction. In the reports cited above with low perinatal mortality, the cesarean section rate was more than 50 percent in Melbourne (Martin and colleagues, 1987), 55 percent in Los Angeles (Gabbe and colleagues, 1977), 69 percent in Boston (Kitzmiller and associates, 1978), 70 percent in a midwestern multicenter study (Schneider and co-workers, 1980), and 81 percent in Dallas (Leveno and associates, 1979). At Parkland Hospital, the cesarean delivery rate for all diabetic women, including class A, was 45 percent from 1988 through 1991, but for overtly diabetic women, it has remained at about 80 percent for the past 20 years.

Mr. SANTORUM. Madam President, I also ask unanimous consent to have printed in the RECORD a letter from Bill and Teresa Heineman who had children who had severe abnormalities, fetal abnormalities, went through and had the children with abnormalities similar to the ones discussed here, and did so healthily and able to have children afterward.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WILLIAM J. & TERESA M. HEINEMAN,
Rockville, MD.

We have noted with concern statements made by several couples suggesting, from their very personal and very tragic experiences, that the partial birth abortion is the only procedure available to a woman when the child she is carrying is diagnosed with a severe abnormality.

We have had experiences that were very similar and yet so very different. We have had three children biologically and have adopted three more. Two of our children were born with a genetic abnormality—5-p Trisomy. One also had hydrocephalus. The medical prognosis for these children was that they would have at best a short life with minimal development. Some medical professionals recommended abortion; others were ready to help support their lives. We chose life. That decision carried some hardships. However, God blessed us immeasurably through their short lives.

Our first child, Elizabeth, was diagnosed after her birth. We were deeply saddened but desired to give her the best life we could. Though she never could say a word and could not sit up on her own, she clearly knew us. She learned to smile, laugh, and clap her hands. She was a joy to us for two and one half years. We clearly saw how many lives she had touched with over 200 people attended her Memorial Mass! One child was touched in a very personal way when he received Elizabeth's donated liver. Two others received sight through her eyes.

Our third child, Mary Ann, had been diagnosed with hydrocephalus in utero and shortly after birth with the same genetic abnormality that our oldest daughter had. (We could have known this during pregnancy via amniocentesis, but refused the procedure due to the risk to the baby). Terry's obstetrician said that we were fortunate, though, that Mary Ann would have the chance to go home with us. We learned to feed her through a gavage tube as she was unable to suck to receive nourishment. Our son, Andrew, developed a special bond with his sister. We spend the next five months as a family, learning, growing and caring for our children. When our precious daughter died, we celebrated her life at a Memorial Mass with family and friends.

Our belief in Jesus Christ and His gift of salvation provided comfort for us as our daughters entered their new home in heaven. They remain a part of our family and are always in our hearts. They enriched our lives and touched the lives of many others. Our Creator sent these children to us and we were privileged to love and care for them. What a tremendous loss to all of us who know them to terminate their lives because they were not physically perfect. We look forward to a joyous reunion with them in heaven.

It is so easy to see the half of the glass that is empty when we face difficult problems; will we have the courage to allow our children to have the half of the glass that is full? We pray for other mothers and fathers who are faced with agonizing decisions that they will remain open to the gift being entrusted to them. God's love is ever-present during our times of joy and sadness. He is with us now as well are parents to Andrew, now nine years old, and three children: Maria, Christina, and Joseph; ages 11, 9 and 7, who joined our family through adoption.

Mr. SANTORUM. I yield to the Senator from Michigan 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I thank the Senator from Pennsylvania.

I had hoped there would be a little more time today for me to address the Senate on this issue, but we have so many speakers we are all going to have to condense our remarks. I thought I would just highlight more of a personal experience of my own and my family's trying to put this in perspective and at least outline where my views are on this issue.

I have sort of an interesting distinction in that of all of the Members of this body, I am the parent with the youngest child as of this moment, a 3-week-old son who, of course, we are very excited about and love very much. He was born 3 weeks ago today. I was there for the delivery. While it was happening, my wife and I both thought a lot about the birth of our twin daughters who were born 3 years and 3 months ago.

They were born prematurely. They had to stay in a hospital for several weeks in a neonatal intensive care unit. We experienced firsthand the kinds of miracles that go on today all across this country with the births, at very early stages, of babies who survive. In that neonatal unit there were children who were born weeks and weeks, including months, early and had been born with birth weights slightly over a pound who were in the hospital for many months who survived.

The fact is, those were babies exactly like the babies who, in a partial-birth abortion, do not survive. We, I think, came away from that experience even more committed than ever before, both my wife and I, to the notion that we cannot allow practices like the partial-birth abortion to occur in this country. It is a deplorable, deplorable practice. It seems to me that we have to take a stand as a matter of our moral faith and beliefs as a nation in opposition to it.

I have heard a lot of talk from people on all sides of this issue, none of which persuaded me in any sense that I should change the vote I cast some months ago.

I also say this in conclusion. For a lot of people who say they believe in the pro-choice side of this debate but also are not pro-abortion, I believe they are sincere in that feeling. But I also hear them say so often they want to make abortion rare. I cannot believe that if that is the case, if you truly want to make abortion rare, that you would stand in the way of this legislation. If you truly believe that there should be fewer abortions, it seems to me you begin with the ones that are the most deplorable and the least justifiable. Certainly partial-birth abortion is the exact definition of that category.

I hope our colleagues will join us today in overriding this veto. I thank you very much. I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before I yield to Senator LIEBERMAN, I ask for one moment, 1 minute.

The Senator from Pennsylvania placed in the RECORD an analysis of a doctor's opinion on Vikki Stella's procedure. I really take offense at this. That doctor has never seen Vikki Stella's medical records. Vikki Stella never granted permission for her medical records to be seen by anyone other than her family and her physician.

Mr. DEWINE. Will the Senator yield?

Mr. SANTORUM. Yet you are to base your decision on this? You can't have it both ways. You can't argue with any——

Mrs. BOXER. I will not yield.

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. BOXER. Thank you, Madam President.

Not one of these women who have courageously come forward to tell her story——

Mr. SANTORUM. Is a doctor.

Mrs. BOXER. To my knowledge, not one of these women who has come forward to tell her story has shared her medical records detailing one of the greatest tragedies that her family has ever faced with anyone other than her family, her God, and her own personal physician. I believe that to place in the RECORD testimony of a physician who never saw those records, which implies in many ways that these women are not telling the truth about——

Mr. DEWINE. Will the Senator yield for a question?

Mrs. BOXER. No. I will not yield at this time.

Madam President, we have been debating this for a very long time. I think we have kept our emotions under control. I can personally tell you that there are emotions on both sides. I hope that we can respect each other. We have had hours of debate. We agreed to have hours of debate.

There were days when my colleagues were down here presenting what they said was my position, and that was not proper. I did not complain, I only asked them to stop it. I would like to make a point and then turn to my colleague from Connecticut.

My point is this, the women who have come forward from all over this great Nation of ours to tell their stories are reliving the most painful moments of their lives. To place into the RECORD medical opinions of doctors who never saw the women's medical records, I happen to think is absolutely wrong. It is one Senator's opinion and I just wanted to so state it.

The important thing, it seems to me, is this: All of us today could have a bill, we could have a bill, if we had a true life exception and a narrowly drawn health exception. We could pass a bill, we could send it to this President, who signed a law in Arkansas to outlaw late-term abortions with an exception only for endangerment to the life or health of the woman. We could do this together. I hope we would refrain from casting aspersions on the character and the truthfulness and the integrity of American families like this.

I yield to my colleague and I appreciate his forbearing.

Mr. LIEBERMAN. I thank my friend and colleague from California.

Madam President, the bill which is the subject of the Presidential veto that is before the Senate is limited to a particular medical procedure, but for me, and I guess for many other Members of the Senate, it raises once again the most difficult issues in the debate over abortion.

The opponents of this medical procedure have raised facts that all of us, whether generally pro-life or generally pro-choice, must acknowledge as relevant and troubling.

In protecting a woman's right to choose, a constitutionally protected woman's right to choose, we are for the most part presenting the right to have an abortion early in pregnancy. The fact is that over 90 percent of abortions are performed by the end of the first 12 weeks of pregnancy. A small portion of abortions, estimated by at least one authority as less than one-half of 1 percent, occur after 26 weeks of gestation.

This debate on this veto of this bill, H.R. 1833, involves an abortion procedure that is used later in pregnancies. Questions that are settled for the bulk of early-performed abortions, to me, are less clear for this small minority of later abortions.

In particular, I must say since the Senate adopted this legislation earlier, I have been reading a number of commentaries, studies, and articles, particularly one very long and thoughtful article by David Brown, of the Washington Post, who, I gather, is a doctor. Together, they call into question such basic facts as the number, timing, and motivations for abortions performed using this procedure.

The controversy over this matter has, of course, not been confined to the press. Like most of my colleagues in the Chamber, I have heard from many—including many constituents—who have said to me that partial-birth abortions are only performed in very rare situations where a woman's life is in danger. Others have said literally thousands of late-term partial-birth abortions are performed on a purely elective basis without medical necessity. The medical community itself has expressed conflicting opinions about the quantity, safety, and efficacy of this particular abortion procedure.

Madam President, these conflicting opinions and questions are crucial to our determination of whether and how we should legislate regarding late-term abortions. I, for one, believe, the record before the Senate raises sufficient concerns to compel not only further study but another attempt to legislate. I know that this effort will not be easy because it raises the various difficult questions of whether there are any limitations that we believe should be put on late-term abortions.

In Doe versus Bolton, which was decided together with Roe versus Wade, the Supreme Court acknowledged the right of the States to "readjust its views and emphases in the light of the advanced knowledge and techniques of the day." These two historic Supreme Court decisions, Doe versus Bolton and Roe versus Wade, together, effectively prevented the States from limiting a woman's right to choose before fetal viability, but as I read them, permitted State intervention after viability.

The question, then, is whether and how we as lawmakers and our colleagues in State legislatures choose to intervene. Procedures that involve abortions, late into pregnancy, put our concern with the health and freedom of choice of the mother in conflict with the viability of the fetus which advances in medical science continue to move earlier in pregnancy.

Madam President, the evidence that some partial-birth abortions are being performed not only late in pregnancy but electively—which is to say, without medical necessity, let alone without life-threatening circumstances to the mother—make a hard case ultimately and profoundly unacceptable.

In the context of these very difficult questions that demand careful balancing and the most thoughtful and well-defined legislating, I continue to find the wording of the bill before the Senate much too broad, particularly since it imposes criminal penalties. It would subject doctors to jail for medical decisions they make. It would criminalize abortions performed using this medical procedure at any time in a pregnancy under all circumstances except, "When a partial-birth abortion

* * * is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury."

Madam President, I repeat, I find that language too broad and too absolute to justify criminal penalties in the very difficult and complicated circumstances that reality provides in this case.

I will therefore vote to sustain the President's veto of H.R. 1833, the Partial-Birth Abortion Act of 1995.

However, I will do so with a growing personal anxiety that I know I share with Members of the Senate that something very wrong is happening in our country, that there are abortions being performed later in pregnancies that are not medically necessary, and that we all have an interest in working together, through the law, to stop this.

Whether we are pro-choice or pro-life, on this one I think we have to all reach for a common ground in the weeks and months ahead where we will lower our voices, find our common values and raise our sights so that we can find a way to better protect fetal life in the latter stages of pregnancy without unfairly denying the constitutional rights of pregnant women to choose.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. BOXER. Madam President, I yield 2 minutes to the Senator from Illinois. And then, after that, I will ask the Senator from Pennsylvania to use up as much time as he would like.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator from California. I rise really on a point of personal privileges. Vikki Stella, the person in this picture, is a constituent of mine. She is in Illinois. I spoke of her situation and the trauma that she experienced in having a late-term abortion of a child that she very much wanted to have and the trauma that it caused her. She, as well as her family, was traumatized. But the fact that she was able to preserve her fertility gave them a new baby in that family.

A point I touched on in my remarks this morning had to do with the issue of personal liberty and, as a subset of that, one's personal privacy. Here we have Vikki Stella, who expressed her own personal circumstance, something that happened in real life to her, something that wasn't theoretical, hypothetical, or conjecture, it was very real and traumatic for her and her family. Yet, we find, as part of this debate, her testimony and the privacy around her own health being debated by physicians who have never met her or saw her, never examined her, and her medical records being challenged on the floor of the U.S. Senate. I think that is extraordinary.

I, frankly, call attention to this notion. As we look at this debate, ask yourself if you really want to have the Government going as far as to a debate about your own personal medical records, in something as traumatic as, no doubt, this situation was for Vikki Stella and her family. If there is one thing about which we can have a consensus—and I refer to the statement of my colleague from Connecticut—I believe there is consensus that one's medical record and condition is about as private as you are going to get. That falls within the zone of privacy that is constitutionally protected for every American.

Yet, we have a letter introduced, as I understand it, into the RECORD today taking issue with the medical records and the medical history of Vikki Stella. I think that is extraordinary, and I think it falls outside of the purview of accepted practice and certainly outside the purview of the debate that should be taking place in this Senate.

I thank the Chair and I thank the Senator from California.

Mrs. BOXER. I thank my colleague.

Mr. SANTORUM. I yield the Senator from Idaho 2 minutes.

Mr. KEMPTHORNE. Madam President, a partial-birth abortion is exactly what its name implies—a baby that is inches from being born has its life terminated.

Many of the colleagues on the floor have said that in listening to the details of how the procedure is rendered, seeing the graphics, they find it offensive and grotesque. I agree, but, unfortunately, that is the procedure.

It is hard to recite these facts. I believe this statement made by Senator PATRICK MOYNIHAN perfectly reflects my own thinking:

> I think this is just too close to infanticide. A child has been born and it has exited the uterus, and what on Earth is this procedure?

"Just too close to infanticide." The truth is that a victim of this procedure is a baby who is mere inches, and literally seconds away from being born and, if born, would be entitled to all of the legal protections that govern the taking of human life.

What is this procedure and why would it ever be used? Proponents claim that it may be needed to protect the life and health of the mother. Proponents say that the bill's life-of-the-mother exception does not go far enough to protect the health of the mother. On this point I found persuasive the views of 300 physicians, most of whom are obstetricians, gynecologists, and pediatricians who wrote in their September 18 letter to Congress the following:

> There are simply no obstetrical situations which require a partially delivered human fetus to be destroyed to protect the life, health, or future fertility of the mother. The partial birth abortion procedure itself can pose both an immediate and significant risk to a woman's health.

It is also persuasive to me that those who are pro-choice and early supporters of partial birth abortions have now reversed their view. After reviewing additional facts made available, Washington Post Columnist Richard Cohen changed his mind and now urges the Senate to override the President's veto. Here is what he now says:

> I was led to believe that these late-term abortions were extremely rare and performed only when the life of the mother was in danger or the fetus irreparably deformed. I was wrong, my Washington Post colleague, David Brown—a physician himself—after interviewing doctors who performed late-term abortions and surveying the literature, wrote: "These doctors say that while a significant number of their patients have late abortions for medical reasons, many others—perhaps the majority—do not."

Richard Cohen concludes with this statement: "Society has certain rights, too, and one of them is to insist that late term abortions—what seems pretty close to infanticide—are severely restricted."

We vote on this issue because majorities of the House and Senate approved this legislation. President Clinton vetoed it. The House of Representatives voted to override the President's veto.

The Senate will decide today whether this bill becomes law. The Senate will decide if this procedure is "just too close to infanticide" and should be restricted.

Because it is "just too close to infanticide" I will vote to override this veto. I will vote to restrict partial birth abortions out of concern that this procedure may adversely affect the health of women and out of conviction that we must protect innocent infants whose births are and should be imminent. Not their deaths. Death should not come seconds before birth.

On many issues all of us in the Senate must vote on issues of where to draw the line, of what is legally and morally right or wrong. In this case, my view is this bill draws the line where it should be. My vote will be to override the President's veto. My prayer will be for this bill to become law.

Mr. SANTORUM. Madam President, I yield 2 minutes to the Senator from Missouri.

Mr. BOND. Madam President, I rise today to express my strong support for the override of President Bill Clinton's veto of the partial-birth abortion bill. Rarely have we seen a President so willing to ignore the wishes of the overwhelming majority of the American people. Having talked to and listened to the people of Missouri over the last few weeks, I can say that there is an overwhelming majority opposed to this heinous procedure.

The President has told us that the procedure is rare and only done to save the life of the mother. But that is not true. Surveys of practitioners of abortion in several States show that the procedure is often elective, not essential. Right in the bill is a provision that the procedure can be performed to save the life of the mother. So President Clinton cannot hide behind this reason in choosing to veto this bill.

Many reporters have asked me why we are holding a vote on this issue in the Senate today when we are, unfortunately, likely to fall short of what is needed to override the veto.

Here is the reason: The American people are asking us to override the veto.

I have been home in Missouri these past weekends, and there is no issue I have heard more about where the feelings are strong. Since July, I have received more than 27,000 cards and letters from Missourians who are strongly opposed to this. So we are holding this vote because the President made a terrible mistake in vetoing this bill, and it is up to Congress, representing the people, to reverse it.

As has been stated, several Senators who have studied this issue since we first voted have already had a change of heart. The people want this bad decision by the President overturned. Now is the time to do it. It has to be done.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I oppose the override of the veto of H.R. 1833, a bill banning emergency late-term abortions.

This bill is unnecessary. It is an unprecedented intrusion by the Federal Government into medical decision-making and it represents a direct constitutional challenge to safe and legal abortion as protected under the Roe versus Wade Supreme Court decision which has been the law of the land for 23 years.

There are several reasons why this is a flawed bill.

First, this bill attempts to ban a specific medical procedure, called by opponents, partial-birth abortion, but there is no medical definition of "partial-birth abortion."

Second, the language in this bill is so vague that it could affect far more than the one particular procedure it seeks to ban. As such, it undermines Roe versus Wade.

Third, there is no exception to protect the health of the woman. This bill would be a blanket ban on the use of a type of medical procedure regardless of whether it is the safest procedure under a particular set of circumstances.

Fourth, this bill presumes guilt on the part of the doctor and forces physicians to prove that they did not violate the law.

Fifth, this bill is unnecessary Federal regulation, since 41 States have already outlawed postviability abortions except to save a woman's life or health.

Sixth, this is an ineffective bill because most cases not affected by it.

NO MEDICAL TERM FOR PARTIAL-BIRTH ABORTION; DOCTORS VULNERABLE TO PROSECUTION

H.R. 1833 seeks to outlaw a medical procedure called, by the bill, partial-birth abortion. This procedure does not appear in medical textbooks. It does not appear in the medical records of doctors who are said to have performed this procedure.

The doctors who testified before the Senate Judiciary Committee could not identify, with any degree of certainty or consistency, what medical procedure this legislation refers to.

For example, when asked to describe in medical terms what a "partial-birth abortion" is, Dr. Pamela Smith, director of ob/gyn medical education at Mt. Sinai Hospital in Chicago called it "* * * a perversion of a breech extraction."

Dr. Nancy Romer, a practicing ob/gyn and assistant professor at Wright State University School of Medicine, who said the doctors at her hospital had never performed the procedure, had to quote another doctor in describing it as "a Dilation and Extraction, distinguished from dismemberment-type D&Es."

When the same question was posed to legal experts in the Judiciary Committee hearings—to define exactly what medical procedure would be outlawed by this legislation—the responses were equally vague.

The vagueness of exactly what medical procedures would be criminalized under this bill is striking and it may be vague for very deliberate reasons.

By leaving the language vague every doctor that performs even a second trimester abortion could face the possibility of prosecution under this law.

Senator HATCH said in our previous debate that every woman testifying in the committee who thought they were testifying about a "partial birth abortion," were not affected by this legislation.

This is evidence of the confusing and nonspecific nature of this so-called partial birth procedure.

THIS BILL COULD AFFECT OTHER LEGAL PROCEDURES

The language in this bill is so vague that, far from outlawing just one, particular abortion procedure, the way this bill is written virtually any abortion procedure could fall within its scope.

I asked the legal and medical experts who testified at the Judiciary Committee hearing if this legislation could affect abortion—not just late-term abortions—but earlier abortions of nonviable fetuses as well.

Dr. Louis Seidman, professor of law from Georgetown University, gave the following answer:

> As I read the language, in a second trimester pre-viability abortion where the fetus will in any event die, if any portion of the fetus enters the birth canal prior to the technical death of the fetus, then the physician is guilty of a crime and goes to prison for 2 years.

Dr. Seidman continued his testimony concluding that:

> If I were a lawyer advising a physician who performed abortions, I would tell him to stop because there is just no way to tell whether the procedure will eventuate in some portion of the fetus entering the birth canal before the fetus is technically dead, much less being able to demonstrate that after the fact.

Dr. Courtland Richardson, associate professor of gynecology and obstetrics at Johns Hopkins University School of Medicine, in testimony before a House committee, said,

> [the language] "partially vaginally delivers" is vague, not medically oriented, and just not correct.
>
> In any normal 2nd trimester abortion procedure by any method, you may have a point at which a part, a one inch piece of [umbilical] cord for example, of the fetus passes out of the cervical [opening] before fetal demise has occurred.

So, contrary to proponents' claims, this bill could affect far more than just the few abortions performed in the third trimester, and far more than just the one procedure being described.

PRESUMES GUILT; AFFIRMATIVE DEFENSE

Another troubling aspect of this legislation to me is that it violates a fundamental tenet of our legal system—the presumption of innocence. This bill does exactly the opposite—it presumes guilt.

This legislation provides what is known as affirmative defense—whereby an accused physician could escape liability only by proving that he or she "reasonably believed" that the banned procedure—whatever that procedure proves to be—was necessary to save the woman's life and that no other procedure would have sufficed.

It also opens the door to prosecution of doctors for almost any abortion by forcing them to prove they did not violate a law that can be interpreted in many, many different ways.

NO HEALTH EXCEPTION

This legislation has no exemption or protection for the health of the mother and, as such, would directly eliminate that protection provided by the Supreme Court in Roe versus Wade and Planned Parenthood versus Casey.

If this legislation were law, a pregnant woman seriously ill with diabetes, cardiovascular problems, cancer, stroke, or other health-threatening illnesses would be forced to carry the pregnancy to term or run the risk that the physician could be challenged and have to prove in court what procedure he used, and whether or not the abortion "partially vaginally-delivered" a living fetus before death of that fetus.

It is also important to point out that, on the extremely rare occasions when a third trimester abortion is performed, it is virtually always in cases where there is severe fetal abnormality or a major health threat to the mother. This procedure is less risky for the mother than other procedures—such as a cesarean delivery, induced labor, or a saline abortion—because there is less maternal blood loss, less risk of uterine perforation, less operating time—thus cutting anesthesia needs—and less trauma to the mother. Trauma, for example, can lead to an incompetent cervix which can cause repeated pregnancy loss.

The sad fact is, while our technology allows many genetic disorders to be detected early in pregnancies, all cannot be detected.

While many women undergo sonograms and other routine medical examinations in the earliest weeks of pregnancy to monitor fetal development, and, if a woman is over 35 years of age, she may undergo amniocentesis, these tests are not routine for women under 35 because of the potential risk to the fetus with amniocentesis, plus the additional cost involved.

Ultrasound testing would provide further early detection of fetal anomalies, but these tests also are not routinely used until late pregnancy. As a result, some women carry fetuses with severe birth defects late into the pregnancy without knowing it.

According to obstetricians, some of the severe fetal anomalies that would cause a woman to end a pregnancy at this late stage are tragic: Cases where the brain forms outside the skull; cases where the stomach and intestines form outside the body or do not form at all; fetuses with no eyes, ears, mouths, legs, or kidneys—sometimes, tragically, unrecognizable as human at all.

But even with advanced technology, many serious birth defects can only be identified later, often in the third trimester or when the fetus reaches a certain size.

Anomalies such as hydrocephaly may not even be detected with an early ultrasound examination.

Other abnormalities such as polyhydramnios—too much amniotic fluid—does not occur until the third trimester—and may require an abortion.

The delivery of these babies can often endanger the mother's life.

The families who face these unexpected tragedies do not make hasty or careless decisions about their options.

In addition to the obstetrician, they seek second and third opinions, often consulting specialists, including perinatalogists, genetic counselors, pediatric cardiologists, and pediatric neurosurgeons—who explore every available option to save this baby that they very much want.

The Federal Government has no place interfering, making this tragic situation any more difficult or complicated for these families.

ROE VERSUS WADE ALREADY ALLOWS STATES TO BAN LATE-TERM ABORTIONS

Why is this legislation even necessary?

Roe versus Wade unequivocally allows States to ban all postviability abortions unless they are necessary to protect a woman's life or health. Forty-one States have already done so.

The whole focus of this Congress has been to give power and control back to the States and getting the Federal Government out of people's lives.

Surely anyone who believes in States' rights must question the logic of imposing new Federal regulation on States in a case such as this, in areas where States have already legislated.

MOST CASES NOT AFFECTED

As drafted, this bill is meaningless under the Constitution's commerce clause, because it would only apply to patients or doctors who cross State lines in order to perform an abortion under these circumstances.

The vast majority of cases would even be affected by this law. So what is the point?

The point is that this legislation has little or nothing to do with stopping the use of some horrific and unnecessary medical procedure being performed by evil or inhumane doctors.

If that were the case we would all be opposed.

CONCLUSION

This is a vague, poorly constructed, badly intended bill.

It attempts to ban a medical procedure without properly identifying that procedure in medical terms.

It is so vague that it could affect far more than the procedure it seeks to ban.

It presumes guilt on the part of the doctor.

And it ignores the vital health interests of women who face tragic complications in their pregnancies.

But the strongest reason to vote against this bill, in my view, is that it is not the role of the Federal Government to make medical decisions.

I urge my colleagues to vote to sustain the President's veto.

Mr. SPECTER. Mr. President, this is among the most difficult of the 6,003 votes I have cast in the Senate because it involves a decision of life and death on the line between when a woman may choose abortion and what constitutes infanticide.

In my legal judgment, the issue is not over a woman's right to chose within the constitutional context of Roe versus Wade or Planned Parenthood versus Casey. If it were, Congress could not legislate. Congress is neither competent to micromanage doctors' decisions nor constitutionally permitted to legislate where the life or health of the mother is involved in an abortion.

In my legal judgment, the medical act or acts of commission or omission in interfering with, or not facilitating the completion of a live birth after a child is partially out of the mother's womb constitute infanticide. The line of the law is drawn, in my legal judgment, when the child is partially out of the womb of the mother. It is no longer abortion; it is infanticide.

This vote does not affect my basic views on the pro-choice/pro-life issue. While I am personally opposed to abortion, I do not believe it can be controlled by the Government. It is a matter for women and families with guidance from ministers, priests, and rabbis.

Having stated my core rationale, I think it appropriate to make a few related observations:

Regrettably, the issue has been badly politicized. It was first placed on the calendar for a vote without any hearing and now the vote on overriding the President's veto has been delayed until the final stages of the Presidential campaign.

We had only one hearing which was insufficient for consideration of the complex issues. After considerable study and reflection on many factors including the status of the child partly out of the womb, I have decided to vote for the bill and to override the President's veto. As I view it, it would have been vastly preferable to have scheduled the vote in the regular course of the Senate's business without delaying it as close to the election as possible.

From mail, town meetings and personal contacts, I have found widespread revulsion on the procedure on partial-birth abortions. This has been voiced by those who are pro-choice as well as pro-life. Whatever the specifics of the procedure, if it is permitted to continue, it may be sufficiently repugnant to create sufficient public pressure to pass a constitutional amendment to reverse Roe.

It has been hard to make a factual determination because of the conflicting medical claims on both sides of the issue.

Solomon would be hard pressed to decide between two beautiful children: First one whose mother had a prior partial-birth abortion and says that otherwise she would have been rendered sterile without the capability to have her later child; second, one born with a correctable birth defect where the mother had been counseled to abort because of indications of major abnormalities. Human judgment is incapable of saying which is right. We do see many children with significant birth defects surviving with a lesser quality and length of life, but with much love and affection between parents and children and much meaning and value to that life. No one can say how many children are on each side of that equation.

If partial-birth abortions are banned, women will retain the right to choose during most of pregnancy and doctors will retain the right to act to save the life of the mother.

After being deeply involved in the pro-life/pro-choice controversy for three decades as a district attorney and Senator, I believe we should find a better way to resolve these issues than through this legislative process.

Ms. MIKULSKI. Mr. President, I will vote to sustain the President's veto of

H.R. 1833, the late term abortion ban bill. I do so recognizing the gravity of the issue.

I do so for a very basic reason. I believe that women, in consultation with their physicians, must make decisions on what is medically necessary in reproductive matters. It must be a medical decision not a political decision.

At the very core of this vote is a very basic question. Who decides? Who decides whether a difficult pregnancy threatens a woman's life? Who decides whether a woman's physical health will be seriously harmed if a pregnancy is continued? Who decides what is medically necessary for a particular woman in her unique circumstances? Who decides?

The answer must be that doctors decide. Doctors, not politicians, must make these decisions. The women themselves must decide. But politicians should not be making these medical decisions.

If this bill is enacted, Congress will be shackling physicians. As one witness on this bill testified, Congress will be "legislating malpractice."

Doctors will be faced with an impossible choice. They can deny to their patients a procedure that they believe to be medically necessary. Or they will face criminal prosecution. We should not make criminals out of doctors acting in the best interests of their patients.

There are some significant misunderstandings about what this bill provides. Let me speak about two of them.

First of all, this bill does not provide a true exception for cases where the woman's life is endangered. It is not like the Hyde amendment, with which most of us are familiar.

The Hyde amendment, which deals with Federal funding of abortion, provides an exception where the life of the woman would be threatened if the fetus were carried to term. That is not what this bill does.

This bill provides an exception only when a woman's life is threatened by a physical disorder, illness or injury and no other medical procedure would suffice to save the woman's life.

In other words, where there is a preexisting condition which the pregnancy would aggravate. It does not provide a life exception when it is the very pregnancy itself that threatens the woman's life.

Let me name a few of those conditions. If carrying the fetus to term would result in a ruptured cervix, severe hemorrhaging, or the release of toxins from the dead fetus, the life exception in this bill would not apply.

But even in the case of a preexisting condition, the life exception only applies if no other medical procedure would suffice. This would require a physician to use an alternative procedure, so long as the woman would survive. Even though a safer procedure—the procedure this bill seeks to ban—might be the better medical decision.

Let me talk about a second misunderstanding about this bill. This bill provides no exception for cases where the woman's health would be seriously impaired by carrying the fetus to term.

A health amendment was offered during our debate. It provided an exception in cases where the physician acts to avert serious, adverse health consequences to the woman. That amendment was rejected.

And that is a shame. Many of us who oppose this bill would have supported it if there were a true life and health exception. President Clinton would have signed such a bill.

We would not be here today debating this if this health exception had been adopted. It is too bad that some decided they would rather have a political issue than a signable bill.

Why is this health exception so important? Because there are cases where women will suffer serious, long-term, dire consequences to their health if the procedure banned by this bill is not available to them.

Women with diabetes or other kidney related diseases could see their condition escalated by being denied the procedure that is medically necessary in their case. Women could suffer debilitating impairments of their reproductive systems, or the loss of their future fertility.

These are not minor medical considerations. These are not whims. These are cases where a woman's future physical well-being is seriously threatened. Where her life could be shortened because a serious medical condition like diabetes has been aggravated. The lack of a health exception in this bill for these women is unacceptable to me.

Mr. President, let me speak for a moment about the larger issue of abortion. Let me say plainly that I am appalled that there are some 1.5 million abortions every year. This troubles me. It should trouble every Member of this body.

We have to do a better job in preventing unplanned pregnancies. We can do better in educating young people and in teaching them about the importance of abstinence. We need to do more to give them a sense of hope for their futures, and an understanding of how a teenage pregnancy robs them of that future.

So yes, we should be appalled that there are over a million abortions every year. And each of us has an obligation to address that.

But let me get back to my original point and my original question. Who decides? Women, in consultation with their physicians, must make the decisions on reproductive matters. Physicians must be free to determine what is medically necessary. And politicians should not prevent them from acting in the best interests of their patients.

So I will vote to uphold the President's veto of this legislation.

Mr. MOYNIHAN. Mr. President, it happens I was ill on December 7, 1995, when the measure before us now was first voted on by the Senate. Had I been present, I would have voted in favor of the bill, and today I will vote to override the President's veto.

Some while later, I was asked about the matter. I referred to the particulars of the medical procedure, as best I understood them. In an article in this morning's New York Times, our former Surgeon General C. Everett Koop writes:

> In this procedure, a doctor pulls out the baby's feet first, until the baby's head is lodged in the birth canal. Then, the doctor forces scissors through the base of the baby's skull, suctions out the brain, and crushes the skull to make extraction easier. Even some pro-choice advocates wince at this, as when Senator Daniel Patrick Moynihan termed it "close to infanticide."

It is the terrible fact of our national debate over abortion that there has seemed no possibility of compromise as between opposing views; as if we are consigned to unceasing conflict. More than two centuries ago—270 years, to be precise—Dean Swift saw this as the condition of certain societies—that of the "Big-Endians" and the "Little-Endians" engaged in "a most obstinate War for six and thirty Moons past"—and woe it was to them. Dr. Koop, however, argues that there are points that those of opposing views can concede without surrender of principle, and that there are measures which lend credence to those principles which are too often slighted. He writes:

> Both sides in the controversy need to straighten out their stance. The pro-life forces have done little to help prevent unwanted pregnancies, even though that is why most abortions are performed. They have also done little to provide for pregnant women in need.

I would suggest, for example, that there could be few measures more likely to encourage abortion than our decision just last month to impose severe time limits on eligibility for what had been title IV–A of the Social Security Act, aid to families with dependent children. Indeed, we repealed AFDC. It is the sorry fact, then, that of the 285 Members of the House of Representatives who voted to override the President's veto of H.R. 1833, all but 23 also voted to repeal aid to families with dependent children.

Once again, in my view, the honorable stance has been that of religious leaders who opposed both the welfare bill we have enacted and the procedure that we now seek to ban.

One notes that the present bill "shall not apply to a partial-birth abortion that is necessary to save the life of a mother * * *." That said, however, the fact is that we are providing by statute for the possible imprisonment of medical doctors. This, surely, is deplorable.

In a great age of medical discovery, far beyond the comprehension of all but a very few Members of Congress, it is supremely presumptuous of lawmakers to impose their divided judgment on the practice of a sworn profession whose first commitment is to preserve life. Can we not stop this ugliness before it begins to show on the national countenance? Is there no better way to resolve these issues? Surely, this wrenching experience should encourage us to seek one—or many.

Mr. FAIRCLOTH. Mr. President, I rise to urge my colleagues to vote to override President Clinton's veto of the Partial-Birth Abortion Ban. I do not believe this is simply an issue of a woman's right to choose whether or not to have a child. It is also an issue of protecting the life of an unborn child. It seems to me that, however much we may disagree about the issue of when life begins, when it comes to late-term abortions, we are clearly talking about a baby. And it is entirely reasonable to place restrictions on such abortions, especially when the procedure in question is as barbaric as this one. I agree with my colleague from Pennsylvania that partial-birth abortion is infanticide.

The lead editorial in today's Wall Street Journal points out:

"Up till now the abortion debate, if you'll pardon the metaphor, has managed to ignore the 800-pound gorilla in the room. For the first time, people are also talking about the fetus, not about women alone. A fetus may or may not be human, but on the other hand, it's not nothing. At 20 weeks of gestation, when the partial-birth abortion debate begins, a fetus is about nine inches long and is clearly becoming human."

Opposition to the effort to ban this procedure has been based largely on false claims about the relative safety and medical necessity of this procedure. Even former Surgeon General Everett Koop, an authority on the subject of fetal abnormalities, has stated in today's New York Times that, "With all that modern medicine has to offer, partial-birth abortions are not needed to save the life of the mother * * *."

Opponents of the ban have also claimed that this procedure is performed only in the rarest of circumstances and only in life-threatening situations. But those claims, too, have proven to be false. In fact, in the State of New Jersey alone, some 1,500 such abortions are performed yearly. And the doctor who invented the procedure has admitted that 80 percent of these procedures he has performed were purely elective.

Mr. President, the truth is that, in the name of so-called freedom of choice we have created a situation in which abortion on demand—at any time during pregnancy, for any reason—is the norm. It is time we decided where we are going to draw the line. This is a good place to draw it. I urge my colleagues to vote to override this veto.

Mr. HELMS. Mr. President, regardless of the outcome, when the Senate votes on the question of whether to override President Clinton's veto of the Partial-Birth Abortion Ban Act, the impact will have grave consequences. For those who care deeply about the most innocent and helpless human life imaginable, failure to override the Clinton veto will border on calamitous. But it will have focused the abortion debate on the baby.

The spotlight will no longer shine on the much-proclaimed right to choose. Senators have been required to consider whether an innocent, tiny baby—partially-born, just 3 inches from the protection of the law—deserves the right to live, and to love and to be loved. The baby is the center of debate in this matter.

On December 7, 1995, the Senate voted, 54 to 44, to outlaw the inhuman procedure known as a partial-birth abortion, as the House of Representatives had done the previous November 1. But the President, taking his cue from the radical feminists and the National Abortion Rights Action League, vetoed the bill.

President Clinton, and other opponents of the Partial-Birth Abortion Ban Act, have sought to explain the necessity of a procedure that allows a doctor to deliver a baby partially, feet-first from the womb, only to have his or her brains brutally removed by the doctor's instruments. The procedure has prompted revulsion across the land, even among many who previously had supported the freedom-of-choice rhetoric.

Many Americans view the President's veto in terms of a character lapse and a regrettable failure of moral judgment. Now Senators must stand up and be counted, for or against the President's veto, with him or against him, for or against the destruction of innocent human life in such a repugnant way.

In my view, the President was wrong, sadly wrong. His veto by any civilized standards, let alone by any measurement of decency and compassion, is wrong, wrong, wrong. The Senate must override the President's cruel error of judgment.

Mr. President, I ask unanimous consent that a September 24 Washington Post column by Richard Cohen, headed "A New Look at Late-Term Abortion," be printed in the RECORD at the conclusion of my remarks. Likewise, I ask unanimous consent a Bergen County, NJ, Sunday Record article of September 15, 1996, headed "The Facts on Partial-Birth Abortion" be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 24, 1996]

A NEW LOOK AT LATE-TERM ABORTION

A RIGID REFUSAL EVEN TO CONSIDER SOCIETY'S INTEREST IN THE MATTER ENDANGERS ABORTION RIGHTS

(By Richard Cohen)

Back in June, I interviewed a woman—a rabbi, as it happens—who had one of those late-term abortions that Congress would have outlawed last spring had not President Clinton vetoed the bill. My reason for interviewing the rabbi was patently obvious: Here was a mature, ethical and religious woman who, because her fetus was deformed, concluded in her 17th week that she had no choice other than to terminate her pregnancy. Who was the government to second-guess her?

Now, though, I must second-guess my own column—although not the rabbi and not her husband (also a rabbi). Her abortion back in 1984 seemed justifiable to me last June, and it does to me now. But back then I also was led to believe that these late-term abortions were extremely rare and performed only when the life of the mother was in danger or the fetus irreparably deformed. I was wrong.

I didn't know it at the time, of course, and maybe the people who supplied my data—the usual pro-choice groups—were giving me what they thought was precise information. And precise I was, I wrote that "just four one-hundredths of one percent of abortions are performed after 24 weeks" and that "most, if not all, are performed because the fetus is found to be severely damaged or because the life of the mother is clearly in danger."

It turns out, though, that no one really knows what percentage of abortions are late-term. No one keeps figures. But my Washington Post colleague David Brown looked behind the purported figures and the purported rationale for these abortions and found something other than medical crises of one sort or another. After interviewing doctors who performed late-term abortions and surveying the literature, Brown—a physician himself—wrote: "These doctors say that while a significant number of their patients have late abortions for medical reasons, many others—perhaps the majority—do not."

Brown's findings brought me up short. If, in fact, most women seeking late-term abortions have just come to grips a bit late with their pregnancy, then the word "choice" has been stretched past a reasonable point. I realize that many of these women are dazed teenagers or rape victims and that their anguish is real and their decision probably not capricious. But I know, too, that the fetus being destroyed fits my personal definition of life. A 3-inch embryo (under 12 weeks) is one thing; but a nearly fully formed infant is something else.

It's true, of course, that many opponents of what are often called "partial-birth abortions" are opposed to any abortions whatever. And it also is true that many of them hope to use popular repugnance over late-term abortions as a foot in the door. First these, then others and then still others. This is the argument made by pro-choice groups: Give the antiabortion forces this one inch, and they'll take the next mile.

It is instructive to look at two other issues: gun control and welfare. The gun lobby also thinks that if it gives in just a little, its enemies will have it by the throat. That explains such public relations disasters as the fight to retain assault rifles. It also explains why the National Rifle Association has such an image problem. Sometimes it seems just plain nuts.

Welfare is another area where the indefensible was defended for so long that popular support for the program evaporated. In the 1960s, '70s and even later, it was almost impossible to get welfare advocates to concede that cheating was a problem and that welfare just might be financing generation after generation of households where no one works. This year, the program on the federal level was trashed. It had few defenders.

This must not happen with abortion. A woman really ought to have the right to choose. But society has certain rights, too, and one of them is to insist that late-term abortions—what seems pretty close to infanticide—are severely restricted, limited to women whose health is on the line or who are carrying severely deformed fetuses. In the latter stages of pregnancy, the word abortion does not quite suffice; we are talking about the killing of the fetus—and, too often, not for any urgent medical reason.

President Clinton, apparently as misinformed as I was about late-term abortions, now ought to look at the new data. So should, the Senate, which has been expected to sustain the president's veto. Late-term abortions once seemed to be the choice of women who, really, had no other choice. The facts now are different. If that's the case, then so should be the law.

[From the Sunday Record, Sept. 15, 1996]

THE FACTS ON PARTIAL-BIRTH ABORTION

BOTH SIDES HAVE MISLED THE PUBLIC

(By Ruth Padawer)

Even by the highly emotional standards of the abortion debate, the rhetoric on so-called "partial-birth" abortions has been exceptionally intense. But while indignation has been abundant, facts have not.

Pro-choice activists categorically insist that only 500 of the 1.5 million abortions performed each year in this country involve the partial-birth method, in which a live fetus is pulled partway into the birth canal before it is aborted. They also contend that the procedure is reserved for pregnancies gone tragically awry, when the mother's life or health is endangered, or when the fetus is so defective that it won't survive after birth anyway.

The pro-choice claim has been passed on without question in several leading newspapers and by prominent commentators and politicians, including President Clinton.

But interviews with physicians who use the method reveal that in New Jersey alone, at least 1,500 partial-birth abortions are performed each year—three times the supposed national rate. Moreover, doctors say only a "minuscule amount" are for medical reasons.

Within two weeks, Congress is expected to decide whether to criminalize the procedure. The vote must override Clinton's recent veto. In anticipation of that showdown, lobbyists from both camps have orchestrated aggressive campaigns long on rhetoric and short on accuracy.

For their part, abortion foes have implied that the method is often used on healthy, full-term fetuses, an almost-born baby delivered whole. In the three years since they began their campaign against the procedure, they have distributed more than 9 million brochures graphically describing how doctors "deliver" the fetus except for its head, then puncture the back of the neck and aspirate brain tissue until the skull collapses and slips through the cervix—an image that prompted even pro-choice Sen. Daniel P. Moynihan, D–N.Y., to call it "just too close to infanticide."

But the vast majority of partial-birth abortions are not performed on almost-born babies. They occur in the middle of the second trimester, when the fetus is too young to survive outside the womb.

The reason for the fervor over partial birth is plain: The bill marks the first time the House has ever voted to criminalize an abortion procedure since the landmark Roe vs. Wade ruling. Both sides know an override could open the door to more severe abortion restrictions, a thought that comforts one side and horrifies the other.

HOW OFTEN IT'S DONE

No one keeps statistics on how many partial-birth abortions are done, but pro-choice advocates have argued that intact "dilation and evacuation"—a common name for the method, for which no standard medical term exists—is very rare, "an obstetrical non-entity," as one put it. And indeed, less than 1.5 percent of abortions occur after 20 weeks gestation, the earliest point at which this method can be used, according to estimates by the Alan Guttmacher Institute of New York, a respected source of data on reproductive health.

The National Abortion Federation, the professional association of abortion providers and the source of data and case histories of this pro-choice fight, estimates that the number of intact cases in the second and third trimesters is about 500 nationwide. The National Abortion and Reproductive Rights Action League says "450 to 600" are done annually.

But those estimates are belied by reports from abortion providers who use the method. Doctors at Metropolitan Medical in Englewood estimate that their clinic alone performs 3,000 abortions a year on fetuses between 20 and 24 weeks, of which at least half are by intact dilation and evacuation. They are the only physicians in the state authorized to perform abortions that late, according to the state Board of Medical Examiners, which governs physicians' practice.

The physicians' estimates jibe with state figures from the federal Centers for Disease Control, which collects data on the number of abortions performed.

"I always try an intact D&E first," said a Metropolitan Medical gynecologist, who, like every other provider interviewed for this article, spoke on condition of anonymity for fear of retribution. If the fetus isn't breech, or if the cervix isn't dilated enough, providers switch to traditional, or "classic," D&E—in utero dismemberment.

Another metropolitan area doctor who works outside New Jersey said he does about 260 post-20-week abortions a year, of which half are by intact D&E. The doctor, who is also a professor at two prestigious teaching hospitals, said he has been teaching intact D&E since 1981, and he said he knows of two former students on Long Island and two in New York City who use the procedure. "I do an intact D&E whenever I can, because it's far safer," he said.

The National Abortion Federation said 40 of its 300 member clinics perform abortions as late as 26 weeks, and although no one knows how many of them rely on intact D&E, the number performed nationwide is clearly more than the 500 estimated by pro-choice groups like the federation.

The federation's executive director, Vicki Saporta, said the group drew its 500-abortion estimate from the two doctors best known for using intact D&E, Dr. Martin Haskell in Ohio, who Saporta said does about 125 a year, and Dr. James McMahon in California, who did about 375 annually and has since died. Saporta said the federation has heard of more and more doctors using intact D&E, but never revised its estimate, figuring those doctors just picked up the slack following McMahon's death.

"We've made umpteen phone calls [to find intact D&E practioners]," said Saporta, who said she was surprised by The Record's findings. "We've been looking for spokespeople on this issue. . . . People do not want to come forward [to us] because they're concerned they'll become targets of violence and harassment."

WHEN IT'S DONE

The pro-choice camp is not the only one promulgating misleading information. A key component of The National Right to Life Committee's campaign against the procedure is widely distributed illustration of a well-formed fetus being aborted by the partial-birth method. The committee's literature calls the aborted fetuses "babies" and asserts that the partial-birth method has "often been performed" in the third trimester.

The National Right to Life Committee and the National Conference of Catholic Bishops have highlighted cases in which the procedure has been performed well into the third trimester, and overlaid that on instances in which women have had less-than-compelling reasons for abortion. In a full-page ad in the Washington Post in March, the bishops' conference illustrated the procedure and said women would use it for reasons as frivolous as "hates being fat," "can't afford a baby and a new car," and "won't fit into prom dress."

"We were very concerned that if partial-birth abortion were allowed to continue, you could kill not just an unborn, but a mostly born. And that's not far from legitimizing actual infanticide," said Helen Alvare, the bishops' spokeswoman.

Forty-one states restrict third-trimester abortions, and even states that don't—such as New Jersey—may have no physicians or hospitals willing to do them for any reason. Metropolitan Medical's staff won't do abortions after 24 weeks of gestation. "The nurses would stage a war," said a provider there. "The law is one thing. Real life is something else."

In reality, only about 600—or 0.04 percent—of abortions of any type are performed after 26 weeks, according to the latest figures from Guttmacher. Physicians who use the procedure say the vast majority are done in the second trimester, prior to fetal viability, generally thought to be 24 weeks. Full term is 40 weeks.

Right to Life legislative director Douglas Johnson denied that his group had focused on third-trimester abortions, adding, "Even if our drawings did show a more developed baby, that would be defensible because 30-week fetuses have been aborted frequently by this method, and many of those were not flawed, even by-an expensive defintion."

WHY IT'S DONE

Abortion rights advocates have consistently argued that intact D&Es are used under only the most compelling circumstances. In 1985, the Planned Parenthood Federation of America issued a press release asserting that the procedure "is extremely rare and done only in cases when the woman's life is in danger or in cases of extreme fatal abnormality."

In February, the Nation Abortion Federation issued a release saying, "This procedure is most often performed when women discover late in wanted pregnancies that they are carrying fetuses with anomalies incompatible with life."

Clinton offered the same message when he vetoed the Partial-Birth Abortion Ban Act in April, and surrounded himself with women who had wrenching testimony about why they needed abortions. One was an anti-abortion marcher whose health was compromised by her 7-month-old fetus' neuromuscular disorder.

The woman, Coreen Costello, wanted desperately to give birth naturally, even knowing her child would not survive. But because the fetus was paralyzed, her doctors told her a live vaginal delivery was impossible. Costello had two options, they said: abortion or a type of Caesarean section that might ruin her chances of ever having another child. She chose an intact D&E.

But most intact D&E cases are not like Coreen Costello's. Although many third-trimester abortions are for heart-wrenching medical reasons, most intact D&E patients have their abortions in the middle of the second trimester. And unlike Coreen Costello, they have no medical reason for termination.

"We have an occasional amnio abnormality, but it's a minuscule amount," said one of the doctors at Metropolitan Medical, an assessment confirmed by another doctor there. "Most are Medicaid patients, black and white, and most are for elective, not medical, reasons; people who didn't realize, or didn't care, how far along they were. Most are teenagers."

The physician who teaches said: "In my private practice, 90 to 95 percent are medically indicated. Three of them today are Trisomy-21 [Down syndrome] with heart disease, and in another, the mother has brain cancer and needs chemo. But in the population I see at the teaching hospitals, which is mostly a clinic population, many, many fewer are medically indicated."

Even the Abortion Federation's two prominent providers of intact D&E have showed documents that publicly contradict the federation's claims.

In a 1992 presentation at an Abortion Federation seminar, Haskell described intact D&E in detail and said be routinely used it on patients 20 to 24 weeks pregnant. Haskell went on to tell the American Medical News, the official paper of the American Medical Association, that 80 percent of those abortions wre "purely elective."

The federation's other leading provider, Dr. McMahon, released a chart to the House Judiciary Committee listing "depression" as the most common maternal reason for his late-term non-elective abortions, and listing "cleft lip" several times as the fatal indication. Saporta said 85 percent of McMahon's abortions were for severe medical reasons.

Even using Saporta's figures, simple math shows 56 of McMahon's abortions and 100 of Haskell's each year were not associated with medical need. Thus, even if they were the only two doctors performing the procedures, more than 30 percent of their cases were not associated with health concerns.

Asked about the disparity, Saporta said the pro-choice movement focused on the compelling cases because those were the majority of McMahon's practice, which was mostly third-trimester abortions. Besides, Saporta said, "When the Catholic bishops and Right to Life debate us on TV and radio, they say a woman at 40 weeks can walk in and get an abortion even if she and the fetus are healthy." Saporta said that claim is not true. "That has been their focus, and we've been playing defense ever since."

WHERE LOBBYING HAS LEFT US

Doctors who rely on the procedure say the way the debate has been framed obscures what they believe is the real issue. Banning the partial-birth method will not reduce the number of abortions performed. Instead, it will remove one of the safest options for mid-pregnancy termination.

"Look, abortion is abortion. Does it really matter if the fetus dies in utero or when half of it's already out? said one of the five doctors who regularly uses the method at Metropolitan Medical in Englewood. "What matters is what's safest for the woman," and this procedure, he said, is safest for abortion patients 20 weeks pregnant or more. There is less risk of uterine perforation from sharp broken bones and destructive instruments, one reason the American College of Obstetricians and Gynecologists has opposed the ban.

Pro-choice activists have emphasized that nine of 10 abortions in the United States occur in the first trimester, and that these have nothing to do with the procedure abortion foes have drawn so much attention to. That's true, physicians say, but it ducks the broader issue.

By highlighting the tragic Coreen Costellos, they say, pro-choice forces have obscured the fact that criminalizing intact D&E would jettison the safest abortion not only for women like Costello, but for the far more common patient: a woman 4½ to 5 months pregnant with a less compelling reason—but still a legal right—to abort.

That strategy is no surprise, given Americans' queasiness about later-term abortions. Why reargue the morality of or the right to a second-trimester abortion when anguishing examples like Costello's can more compellingly make the case for intact D&E?

To get around the bill, abortion providers say they could inject poison into the amniotic fluid or fetal heart to induce death in utero, but that adds another level of complication and risk to the pregnant woman. Or they could use induction—poisoning the fetus and then "delivering" it dead after 12 to 48 hours of painful labor. That method is clearly more dangerous, and if it doesn't work, the patient must have a Caesarean section, major surgery with far more risks.

Ironically, the most likely response to the ban is that doctors will return to classic D&Es, arguably a far more gruesome method than the one currently under fire. And, pro-choice advocates now wonder how safe from attack that is, now that abortion foes have American's attention.

Congress is expected to call for the override vote this week or next, once again turning up the beat on Clinton, barely seven weeks from the election.

Legislative observers from both camps predict that the vote in the House will be close. If the override succeeds—a two-thirds majority is required—the measure will be sent to the Senate, where an override is less likely, given that the initial bill passed by 54 to 44, well short of the 67 votes needed.

Mr. DOMENICI. Mr. President, some time ago, the Congress passed a ban on the procedure known as the partial-birth abortion.

The President vetoed the bill on the grounds that it would threaten the lives and health of American women.

This, despite clear language in the bill allowing the procedure when the life of the mother was in danger.

Many voted against the ban because they thought the data showed that the partial-birth procedure was used sparingly, when no other procedure would suffice, and almost exclusively when the child was severely malformed or the life of the mother was in danger.

We heard that this procedure was used only in the most crucial and desperate situations, and should therefore be allowed to continue.

Since the veto, however, we have acquired much more data, and much more accurate data.

What we are finding is that this procedure is vastly more common than once thought—in fact, hundreds and perhaps thousands are performed each year.

In New Jersey alone, at least 1,500 of these are done each year.

The vast majority of these procedures are done electively, on normal fetuses—they are not performed to protect the life of the mother or because the fetus is profoundly disabled.

The doctors performing this procedure report that only a minuscule amount of these procedures are done for medical reasons—i.e. fetal malformation or concerns about a threat to the mother.

A group of physicians who state emphatically that the partial-birth procedure is never medically necessary.

Former Surgeon General C. Everett Koop was quoted as saying "partial-birth abortion is never necessary to protect a mother's health or her future fertility."

This procedure may actually increase the chances of harm to the mother, such as perforation of the uterus or long-term damage to the cervix.

So even though the bill still contains the exception for the life of the mother, it is highly doubtful this procedure is ever needed for medical reasons.

Had the Senate had this information, I believe the result of the vote might have been different.

Some in this body have come to reconsider their position in light of these facts.

My friend from New York, Senator MOYNIHAN, said "I think this is just too close to infanticide. A child has been born and it has exited the uterus and, what on earth is this procedure?"

I share his opinion of this procedure, and I believe, in light of these facts, the proper and decent thing to do to override the President's veto.

Mr. McCONNELL. Mr. President, the issue of abortion and the sanctity of life are matters of conscience for me. My views are well known, and deeply held, although I am not an individual known to wear my heart on my sleeve, as the saying goes. However, the vote we will soon take—on overriding the President's veto of the partial-birth abortion ban—presents a very compelling case for restricting a particular kind of abortion that offends our sensibilities as a civilized society.

I won't dwell on the kind of procedure it is. There are others who have described it in its horrific detail. I won't repeat it, but it is important that it be said. So, I commend Senator SMITH, as well as Senator SANTORUM and Senator NICKLES for their leadership in shining the bright light of public debate on the partial-birth abortion issue.

But I would like to speak briefly to explain the significance of this issue. In the Senate, we devote a great deal of time, energy and effort to debating and protecting the rights of those who are at the margins of society, the less fortunate, and the powerless. We do this because we are a caring nation of individuals, families and communities. And, we do this because we have a strong history and tradition of giving opportunity to the weakest in the world: the persecuted, the oppressed and the down-trodden. This uniquely American heritage has made us a strong and successful nation. And, it is the hallmark of our civilized society.

Now, we have before us a bill that would give protection to the most fragile and defenseless among us—the almost-born. What could be more American, than protecting those who have no voice or power?

Abortion steals human potential and possibility, the very definition of what America has meant to so many. On the eve of birth, this theft of the potential and possibility of life seems particularly cruel, inhumane, and even barbaric. It is the antithesis of what this Nation represents and what it stands for.

This is, no doubt, a matter of conscience for each Member of the Senate. But as we look into the depths of our souls, we should understand that unless we speak up on their behalf, those yet-to-be born, and all of the possibilities they represent, will be deprived—in a most inhumane way—of the basic right to begin life.

How many have come to this land, from every corner of the Earth, to begin their lives? Should we not now afford that same opportunity to the almost-born?

I will vote to override the President's veto, and I urge my colleagues to do the same.

Mr. LEVIN. Mr. President, the American College of Obstetricians and Gynecologists have urged Congress to oppose the so-called partial birth abortion bill and the Michigan Section of the American College of Obstetricians and Gynecologists has also written me to express their opposition to this bill and their support of President Clinton's veto.

The Michigan section's letter states that they "find it very disturbing that Congress would take any action that would supersede the medical judgement of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman." I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Grand Rapids, MI, September 23, 1996.

Senator CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: The Michigan Section of the American College of Obstetricians and Gynecologists is made up of over 1200 physicians dedicated to improving women's health care. The Advisory Council for the Michigan Section met on September 10, 1996, and discussed H.R. 1833, the Partial-Birth Abortion Ban Act of 1995. The Council does not support this bill, and does support President Clinton's veto. We find it very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman. Moreover, in defining what medical procedures doctors may or may not perform, H.R. 1833 employs terminology that is not even recognized in the medical community.

Thank you for considering our views on this important matter.

Sincerely,

CHARLES W. NEWTON, MD,
Chair, Michigan Section.

Mr. LEVIN. The Supreme Court has held that the Constitution allows States to prohibit abortions during the third trimester, except to protect the life or health of the woman.

Many States have banned late term abortions, by whatever method, and included the constitutionally required exception allowing a physician to consider threats to a woman's life or health.

The vetoed bill prohibits one type of rarely used abortion procedure. But the bill doesn't allow consideration of serious health impairment. When this bill came before the Senate for consideration, I supported an amendment to the bill which would have banned this procedure except when a physician determines that a woman's life is at risk or is necessary to prevent serious adverse health consequences to the woman.

The amendment failed. And with it the chance of acting constitutionally and in accordance with the medical judgement of the American College of Obstetricians and Gynecologists.

Under these circumstances I will vote to sustain the President's veto of H.R. 1833.

Mr. DODD. Mr. President, I speak today with a very heavy heart about the vote on whether to override the President's veto of H.R. 1833, known as the Partial-Birth Abortion Ban Act.

First let me say, Mr. President, that the blatantly political nature of this bill during this year, and specifically this override vote at this time, escapes no one. It is very clear that we are having this debate at this time for purely political purposes.

Mr. President, I am deeply upset and greatly disturbed by this late-term abortion procedure. But the President has made clear, and I have made clear, that if this bill contained an appropriate, narrowly tailored exception for both the life and health of the mother, it would not be objectionable.

I am extremely distressed by the possibility that this procedure is not always performed to protect the health or life of the mother. In my view, when this late-term abortion procedure is performed for reasons other than to save the mother's life or avert serious health effects, it is inappropriate. And it is not just the method employed in this procedure that disturbs me. It is also the fact that it is often a third trimester abortion. I must say that I am bothered by any third trimester abortion that is not performed to save the life of the mother or to avert serious, adverse health consequences.

I am not one of those who believes, Mr. President, that abortions should be available at any time for any reason. I also don't think that all abortions should be banned. I have a long record supporting a woman's right, in consultation with her doctor, to choose. But I do believe that it is reasonable to restrict third trimester abortions to those necessary to save the mother's life or to avert serious health effects. This bill would allow third trimester abortions conducted by other methods to continue.

For the millions of Americans who neither favor abortion under all circumstances nor want to totally remove a woman's right to choose, we should be working together in a non-political way, along with the administration and the medical profession, to narrowly tailor medical exceptions to third trimester abortions. But we are not doing that in this political year, making the political motives of this bill's proponents crystal clear.

Still, Mr. President, sometimes this procedure is necessary to protect a woman's life or to avert serious health consequences, and an exception must be made for those cases. The Senate voted on such an exception—it was an exception for the life of the mother and for serious, adverse health consequences, only. I voted for that exception along with 46 other Senators, and if that exception had passed, I would have voted for the bill, and the President would have signed it. We would not be having this debate at all if that appropriate exception had been included.

Mr. President, there are some cases in which this is the safest, and in other cases only, medical procedure that will avert serious health consequences to a woman or even save her life. I sympathize with the women who find themselves in such tragic circumstances, I realize that their decisions are painful ones to have to make, and I believe that Congress must not supersede the medical judgement of the doctors who believe that this is the best way to treat these patients.

So I believe Mr. President, that there must be an exception to save a woman's life or avert serious health consequences. It must be a limited exception geared only toward serious medical circumstances, but a true exception nonetheless. And it is my hope that Congress and the administration, working with the medical profession, can work together to find a limited way to allow this procedure only to protect the life and health of the mother.

Mr. President, I say again that I am deeply disturbed by this procedure. And so Mr. President, this is not an easy vote for me to cast. But I remain hopeful that a limited exception for this and all third trimester abortions can be developed, and that we can come together and find some unity in this terribly troubling and divisive issue.

Mr. KERRY. Mr. President, today I will support the President in his veto of the late-term abortion bill. But I want to make several points about this debate.

Mr. President, this bill does not clearly define which procedures would be banned because the term "partial birth" is not a medical term. The bill defines "partial birth" abortion as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery." This vague definition in the bill would, for the first time, impose limits on the Roe versus Wade right of a woman to choose an abortion. This language easily could be interpreted to ban other medical procedures used in the second trimester which are—and should remain—completely legal. The bill would also ban procedures used in the third trimester to save the health or future fertility of the mother. This would overturn the Supreme Court ruling in Roe versus Wade that states in the third trimester can ban abortion procedures except those saving the life or protecting the health of the mother.

Mr. President, I am personally opposed to abortion in the third trimester—except when the life or health of the woman is at risk. But that is the law of the land today. There is no question that late-term abortion procedures are gruesome. But this procedure is considered safer and less traumatic in some cases than alternative late-term procedures. The bill that I voted against and the President vetoed failed to provide exceptions for cases in which a woman's health or future fertility are at risk. To ban a medical procedure that a trained physician concludes will best preserve a woman's chance to have a healthy pregnancy in the future is wrong.

Mr. President, there are only 600 third-term abortions performed in the entire country each year, according to the best statistics we have available from the Alan Guttmacher Institute. In fact, there are only two doctors in the entire United States, located in Colorado and Kansas, who are known to perform abortions during the last 3 months of pregnancy.

In April, President Clinton was joined by five women who had required late-term abortions. One of them described the serious risks to her health that she faced before she had the abortion: "Our little boy had . . . hydrocephaly. All the doctors told us there was no hope. We asked about in utero surgery, about shunts to remove the fluid, but there was absolutely nothing we could do. I cannot express the pain we still feel." But she went on to say that having the late-term abortion "was not our choice, for not only was our son going to die, but the complications of the pregnancy put my health in danger as well." In the haste of some in this chamber to substitute their medical judgement for that of licenced physicians, it appears to me that the anguished circumstances of women such as this and their families are being cavalierly shoved aside.

I support Roe versus Wade's ban of third trimester abortions except where a woman faces real, serious risks to her health. Although there is no evidence that this procedure is used in situations where a woman's health is not seriously at risk, I oppose this procedure if used in circumstances that do not meet that standard and would support appropriate legislation to ban them. At the same time, I believe it would be unacceptable to ban a procedure which competent medical doctors in some cases conclude represents the best hope for a woman to avoid serious risks to her health.

I will uphold the President's veto of this bill. I believe that it would be a major mistake for the Federal Government to try to practice medicine in order to make an ideological point. Trained doctors, after consulting with their patients, should make these decisions. I urge my colleagues to support the President on this difficult issue.

Ms. SNOWE. Mr. President, I rise to speak in opposition to this effort to override the President's veto of H.R. 1833.

Mr. President, this is our very last chance to ensure that this punitive legislation does not have the effect of putting women's lives and health on the line. For that is exactly what will happen if we override the President's veto today. Women's lives and health will be put at tragic risk. And Congress will be substituting its judgment for that of doctors, by outlawing a medical procedure for the first time since Roe versus Wade.

There is no question that any abortion is an emotional, wrenching decision for a woman. When a woman must confront this decision during the later stages of a pregnancy because she knows that the pregnancy presents a direct threat to her own life or health, such a decision becomes a nightmare.

Mr. President, 22 years ago, the Supreme Court issued a landmark decision in Roe versus Wade, carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions.

This decision held that women have a constitutional right to an abortion, but after viability, States could ban abortions as long as they allowed exceptions for cases in which a woman's life or health is endangered.

Let me repeat—as long as they allowed exceptions for cases in which a woman's life or health is endangered.

The Supreme Court has reaffirmed this decision time and time and time again. And to date, 41 States—including my home State of Maine—have exercised their right to impose restrictions on post-viability abortions. All, of course, provide exceptions for the life or health of the mother, as constitutionally required by Roe.

This legislation, as drafted, does not provide an exception for the health of the mother, and provides only a very narrow life exception. It is narrow because it only allows a doctor to perform this late term procedure to save a woman's life, and I quote, 'if no other procedure would suffice." So this means that if another procedure carries 4 times the risk of this procedure, but it might suffice, the doctor will be compelled to perform the more risky procedure. If a hysterectomy, rather than this procedure, will suffice, the doctor will be compelled to perform it instead.

Above all, both the Constitution and the health of women across this Nation demand that we add a health exception. But this Chamber rejected an amendment to do just that.

Without such a health exception, this legislation represents a direct, frontal assault on Roe and on the reproductive rights of women everywhere. And make no mistake, innocent women will suffer. We learned this at the Judiciary Committee hearing from women who underwent the procedure.

Make no mistake—this procedure is extremely rare, and, when performed in the third trimester, only when it is absolutely necessary to preserve the life or health of the woman, or when a fetus is incompatible with life. In his September 24, 1996, letter to Congress, Dr. Warren Hern of the Boulder Abortion Clinic said: "I know of no physician who will provide an abortion in the seventh, eighth or ninth month of pregnancy, by any method, for any reason except when there is a risk to the woman's life or health, or a severe fetal anomaly.

Not since prior to Roe v. Wade have there been efforts to criminalize a medical procedure in this country. But that's exactly what this bill does.

This legislation is an unprecedented expansion of Government regulation of women's health care. Never before has Congress intruded directly into the practice of medicine by banning a safe and legal medical procedure that is absolutely vital in some cases to protect the health or life of women.

The supporters of this bill are substituting political judgment for that of a medical doctor regarding the appropriateness of a medical procedure. Regrettably, politicians are second-guessing medical science.

Mr. President, who are we here on this floor to say what a doctor should and should not do to save a woman's life or preserve her health? Who are we to legislate medicine?

The proponents of this legislation are willing to risk the lives and health of women facing medical emergencies. According to physicians—not politicians—this procedure is actually the safest and most appropriate alternative for women whose lives and health are endangered by a pregnancy. As Dr. Robinson testified during the hearing before the Judiciary Committee, telling a doctor that it is illegal for him or her to perform a procedure that is safest for a patient is tantamount to legislating malpractice.

I oppose this bill because I believe in protecting women's health and upholding the Constitution. For central to both Roe and Casey is the premise that the determination whether an abortion is necessary to preserve a woman's health must be made by a physician in consultation with his patient.

Without an exception which allows these late term procedures in order to save the health of the mother, doctors will be unwilling to take the safest and most appropriate steps to protect a woman's health.

As today's editorial in the New York Times states:

> The bill should be rejected as an unwarranted intrusion into the practice of medicine. It would mark the first time that Congress has outlawed a specific abortion procedure, thus usurping decisions about the best method to use that should properly be made by doctor and patient. The bill would actually force doctors to abandon a procedure that might be the safest for the patient and resort to a more risky technique.

We must never overlook the fact that women's lives and health are at stake. They hang in the balance. Women who undergo these procedures face the terrible tragedy of a later-stage pregnancy that has through no fault of their own gone terribly, tragically wrong. These women will face the horrible truth that carrying their pregnancy to term may actually threaten their own life and their own health.

Now, I want to say something in response to some of the graphics that you have seen on the floor today and in previous debates in this Chamber—graphics that my colleagues have displayed about this traumatic and difficult procedure.

They say a "picture paints a thousand words." But the truth is, these pictures just don't tell the whole story.

They don't tell you the story of the mothers involved. They don't tell you the woman's side of the story. They certainly don't tell you her family's story.

They don't show you the faces of the mothers who are devastated because they must undergo this procedure in order to save their own lives and health.

These pictures don't tell the story of Vikki Stella, who learned 32 weeks into her pregnancy that her fetus had nine severe abnormalities, including a fluid-filled skull with no brain tissue at all. However, Vikki is a diabetic, and this procedure was the safest option to protect her life and health. Without it, she could have died.

These pictures don't tell the story of Viki Wilson—a nurse who testified that she found out in her 8th month of pregnancy that her fetus suffered a fatal condition causing two-thirds of the brains to grow outside of the skull. Viki testified that carrying the pregnancy to term would have imperiled her life and health. The fetus' malformation would have caused her cervix or uterus to rupture if she went into labor. She described this legislation as a "cruelty to families act".

And let us not forget the poignant testimony of Colleen Costello, who described herself as a conservative pro-life Republican, and who found out when she was 7 months pregnant that her baby had a fatal neurological disorder, was rigid, and had been unable to move for 2 months. Although she wanted to carry the baby to term, it was stuck sideways in her uterus. Her doctors did not want to perform a C-section, because the risks to her health and life were too great. Due to the safety of this procedure, Ms. Costello has recently given birth to a healthy son.

And these pictures certainly don't show you the pictures of women who died in back alleys in the dark days before Roe versus Wade. They don't show what the consequences will be for women if this legislation is signed into law, for that very small group of women each year who desperately need a late-term abortion in order to save their own lives and health.

Congress should not be in the position of forcing doctors to perform more dangerous procedures on women than necessary. As Dr. Campbell testified, the alternatives are significantly more dangerous for women and far more traumatic. Dr. Campbell, an OBGYN, listed these alternatives, which include:

> C-sections, which cause twice as much bleeding and carry four times the risk of death as a vaginal delivery. In fact, a woman is 14 times more likely to die from a C-section than from the procedure that this legislation seeks to outlaw. . .
>
> Induced labor, which carries its own potentially life-threatening risks and threatens the future fertility of women by potentially causing cervical lacerations. . .
>
> And hysterectomies, which leave women unable to have any children for the rest of their lives. . .

In the end, this legislation would order doctors to set aside the paramount interests of the woman's health, and to trade-off her health and future fertility in order to avoid the possibility of criminal prosecution.

As Professor Seidman, a constitutional expert at Georgetown University, testified during the hearing, the only thing that this procedure does is to channel women from one less risky abortion procedure to another more risky abortion procedure. He argued that the Government does not have a legitimate interest in trying to discourage women from having abortions by deliberately risking their health. This view is supported by Dr. Allan Rosenfield, Dean of the Columbia School of Public Health, who stated the following in a September 25 letter to the Editor of the Washington Post:

> [The bill's] only effect will be to prohibit doctors from using what they determine, in their best medical judgment, to be the safest method available for the women involved. * * * In sum, this bill is bad medicine.

Is this the legacy that the 104th Congress will bequeath to American women?

I urge my colleagues to oppose this effort to override the President's veto. It is necessary not only to uphold the Constitution, but first and foremost, it is critical to actually save women's lives and protect their health.

Mr. SIMPSON. Mr. President, I would like to take a few minutes of the Senate's time to speak on this most contentious and divisive issue. I was one of the 44 Members of this body who voted "no" when the Senate approved the Partial Birth Abortion Ban Act back on December 7.

As a longtime supporter of the "right to choose," I do not believe either the Congress or the Federal Government should interfere with the deeply personal and private decisions that women sometimes face regarding unintended or crisis pregnancies. In fact, I have always questioned why men in the legislative bodies even vote on these terribly anguishing and intimate issues.

I am deeply troubled that this legislation does not provide an exception from the proposed ban in situations where the health of a woman is "at risk." It is perplexing to me that this Senate rejected an amendment last December that would have granted an exception when a woman's health is endangered. If it was really true—as so many of the anti-choice activists claim—that this procedure is "hardly ever used" for health-related reasons, I believe my colleagues would have been much more receptive to such an exception.

The reality is that women's health is at the very core of this issue. I was present when the Senate Judiciary Committee held hearings on this legislation last November. I entered that hearing room with an open mind, and I listened carefully to witnesses who spoke both for and against the bill. What I found most compelling was the testimony of two women who had been faced with the heart-wrenching decision to have late-term abortions because their own health and well-being was imperiled by severely deformed fetuses that had no possible chance of surviving. In both cases, their doctors used the procedures that would be banned by this legislation.

These women were devastated when they learned that the fetuses they carried had no ability to live outside the womb. They agonized and even grieved over their decisions. One of them—who spoke poignantly about her "deeply held Christian beliefs"—went on to give birth to a healthy baby boy just 14 months later. Anyone who ever listened to her testimony would know that she was not someone who simply decided that having a baby would be inconvenient or "too much trouble."

Unfortunately, the bill before us would limit the options a woman has for dealing with a crisis pregnancy. It is a classic example of heavyhanded government intrusiveness. This legislation sharply collides with the rhetoric of those who continually profess a fierce commitment to making the government less meddlesome and less intrusive. It is the ultimate irony, in my mind, that this legislation is being advanced by a Congress that has distinguished itself again and again by rejecting the misguided notion that "Government Knows Best."

I am very proud to be a Member of the 104th Congress. Collectively, we have taken some gutsy and courageous stands on a wide range of issues. Sadly, on the singular issue of abortion, many of my good friends in both the Senate and the House seem to be taking the attitude that Government does know best and that individual Americans are somehow incapable of thinking and deciding for themselves. I do not share this attitude in any way.

I am well aware that the anti-abortion "groups" are fully energized on this issue. They have done a remarkable job of mobilizing their members to write letters and place phone calls in support of the bill. The flow of postcards and form letters is truly dizzying.

Yet, I am not convinced that the other 99 percent of the public I do not hear from would embrace this bill and its "Government Knows Best" mentality. Perhaps that is because I still have vivid memories of what occurred just 2 years ago when Wyoming voters were given the opportunity to vote on an anti-choice Ballot Initiative in the 1994 election.

On that particular Ballot Initiative, which would have criminalized most abortions, over 60 percent of Wyoming voters said "no" to this misguided proposal. The final vote tally was 78,978 voting "yes" and 118,760 voting "no." Let me emphasize that this was not a "poll" or a "focus group" or the sentiment of some narrowly targeted group of respondents. We all know that polls can be cleverly structured to achieve the desired result—and there is certainly no shortage of polls with respect to this issue. What I am talking about, however, was a statewide vote. Voters from all of Wyoming's 23 counties participated. Every single registered voter in Wyoming had the opportunity to cast a vote on this issue. No one was excluded.

In this same election in 1994, these same Wyoming voters elected conservative Republicans in every single statewide race and they elected an overwhelming majority of Republicans to the Wyoming State Legislature. So, at the same time Wyoming voters were voting decisively against a Ballot Initiative that would have restricted their individual freedoms, they were further expressing their distaste for "Big Government" by voting in large numbers for candidates—at the local, State and Federal levels—who reject the "Government Knows Best" philosophy.

I share this information with my colleagues not because I believe our actions should be driven solely by public sentiment; I just think we ought to pay clear attention to all of our constituents—and not just to a narrow group of those who seem ever determined to impose their own idea of "moral purity" on their fellow human beings. I have found that it is often true in life that those who demand perfection of others—or who try to control other people's lives—sometimes do so because of their own imperfections or because they are somehow often incapable of controlling their own lives. I do not direct this statement at any of my fine and able colleagues. I simply offer it as an observation.

Finally, I am reminded that last year I said this was a divisive bill that would only increase and elevate tensions between those who hold differing views on abortion. Those words ring true today because, regrettably, that is exactly what this legislation has accomplished. The dialog on abortion—on both sides—outside of this Chamber is increasingly ugly and uncivil. This legislation does nothing to reverse that. I urge my colleagues to reject it.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Pennsylvania controls 15 minutes 34 seconds. The Senator from California controls 8 minutes 22 seconds.

Mr. DASCHLE. Mr. President, I will use my leader time for the statement I am about to make.

The PRESIDING OFFICER. The leader has that right.

Mr. DASCHLE. Mr. President, I will not be long. I know a number of others wish to be heard on this issue. I haven't had the opportunity to listen to all of the debate, but I know that it is a matter of great weight, great concern for each one of our colleagues.

I, frankly, question why we are debating and voting on this bill so close to the election. I would have hoped that we could have depoliticized this issue. But, obviously, it has taken on very major political overtones. Being this close to an election, I think it is probably impossible to keep it from being politicized. But it is a very important question that ultimately has to be resolved.

So much of the debate, in my view, was unnecessary. So much of the debate that I have heard on the Senate floor over the last couple of days has dealt with whether or not we can support the procedure that has been so graphically described, with depictions of all kinds, from charts to the language on the Senate floor, whether in some way we can condone that particular practice. Mr. President, I don't know of anybody in this Chamber that condones the practice. I am sure that my colleagues on this side of the aisle, and perhaps some on the other side, have made this point: No one condones the practice. No one stands here to defend the practice. No one, in any way, would want to encourage the practice. And so all of the talk and all of the graphic descriptions, in this Senator's view, are unnecessary, because we all know how abhorrent it is. We all know how extraordinarily detestable it is. The question is, as abhorrent and as difficult to witness it is, to hear described, is there ever a time when the procedure, regardless of whether it has been accurately described or not, should be used?

I am told that physicians differ substantially about that question. I am told that there are occasions, as rare as we might find them, that a mother's life and-or permanent health could be impaired if this procedure is not used.

I am lucky enough to be a husband and a father. I have had the good fortune to have a healthy wife and healthy daughters. Mr. President, I cannot tell my wife and I cannot tell my daughters that I am going to condemn you to permanent impairment, that I am going to condemn you to a life of permanent poor health, that I am going to condemn you because I find this procedure so wrenching, that you are going to have to subject yourself to permanent paralysis, or to a life that may never allow for another child as long as you live.

Mr. President, I cannot ask my daughter to do that. I cannot ask my wife to do that.

That is what this issue is about, Mr. President. It isn't whether or not we abhor the procedure. We do. It isn't whether or not we should allow this to be elective. It should not be elective. The question is: Are there occasions when, in order to save our daughter's health or our daughter's life, we find it necessary?

We ought to be reasonable people and able to come together to find some compromise in allowing for a lasting solution outlawing elective procedures, outlawing this detestable practice whenever it is done for convenience but recognizing at the same time that a daughter's life and a daughter's health is worth giving her the opportunity to use whatever measure necessary to protect her.

I have heard the argument that it is never necessary; that it is not necessary to do this. Well, if it is never necessary, this procedure will never be used. That is the logical conclusion one could make. If it is not necessary, don't worry. It will not be used.

Mr. President, I hope that once this veto is sustained, that we can sit down quietly without politics, without emotion, and recognize that somehow we have to come together on this issue. We have to deal with those rare circumstances that are not elective that allow us to save the life and the health of young women involved. I think we can do that. Unfortunately, it is not now possible this afternoon. But someday, somehow, working together it must happen.

I yield the floor.

Mr. SANTORUM. Mr. President, will the Senator from South Dakota yield for a question?

Mr. DASCHLE. I have yielded the floor. But I would be happy to participate in a colloquy with my distinguished colleague.

Mr. SANTORUM. The question I have asked other Members who have argued your position—I have to ask it again—is that if this procedure were being done on a 24-week-old baby, which is often done, the procedure were done correctly, the baby was not taken out with the exception of the head, and for some reason the head slipped out and the baby was born, will the doctor and mother have a choice to kill the baby?

Mr. DASCHLE. Mr. President, I will say this, as I have said on many occasions. We abhor the practice. If we can save the life of a baby, we should do so. If in any way, as graphic as the distinguished Senator from Pennsylvania chooses to be with regard to this procedure, it impairs his wife, his daughter, my wife, my daughter, he and I would come to the same conclusion, I guarantee it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. I yield 1 minute to the Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in strong support of overriding President Clinton's veto of the Partial-birth Abortion Ban Act.

First, this legislation bans a gruesome, deadly procedure. When performing a partial-birth abortion, the abortionist first grabs the live baby's leg with forceps and pulls the baby's legs into the birth canal. He then delivers the baby's entire body, except for the head; jams scissors into the baby's skull and opens them to enlarge the hole.

Finally, the scissors are removed and a suction catheter is inserted to suck the baby's brains out. This causes the skull to collapse, at which point the dead baby is delivered and discarded. No one interested in the welfare of children could ever approve of such a heinous act. President Clinton has put politics above life by trying to keep this procedure legal.

Second, his veto is extreme because this procedure has questionable medical value. In fact, the American Medical Association's Council on Legislation—which unanimously supports banning this procedure—stated that a partial-birth abortion is "not a recognized medical technique" and concluded that the procedure is basically repulsive.

Third, even though this procedure is not used to save the life of the mother, there is an explicit provision in the bill to protect any physician who feels that this procedure is necessary to save the life of the mother. Despite this safeguard, President Clinton continues to raise false arguments in bowing to the liberal wing of his party.

Mr. President, the President's own wife has written a book about the value of children, entitled "It Takes a Village." I don't know what type of village the Clinton's believe children should be raised in, but it should not be a village where it is a crime to disturb the habitat of a kangaroo rat but it is perfectly acceptable to suck out the brains of a baby. That is barbaric. It should no longer be tolerated in our society, and I urge my colleagues to join me in standing up for helpless children by overriding the President's blatantly political veto.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Mr. President, I yield 5 minutes to the Senator from Tennessee, Dr. FRIST.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. FRIST. Thank you, Mr. President.

Mr. President, I rise to strongly support the override of the President's veto. Why? Because as a physician, as someone who has delivered babies, as someone who is a board-certified surgeon, as someone who has gone back to read and study the original literature describing this procedure, I know that there are no instances where this particular procedure would save the life of a daughter, of a spouse, or of a mother. It is a strong statement. But it is a statement that I feel strongly about.

Two nights ago I stood on this floor and went through a number of the myths that circulate, because it is hard, because most people in this body are lawyers or small business people or accountants, and people have come forward trying to interpret a specific medical procedure. I went through the myths because there is a lot of misinformation. But I come back and say that there are no instances where the life of a daughter, of a spouse, or of a mother would be saved by this procedure that could not be saved by another mainstream procedure today.

No. 1, this procedure is brutal, it is cruel, it is inhumane, and it offends the sensibilities we have heard on both sides of the U.S. Senate, of the Congress, and of our constituents of Americans.

No. 2, an issue that is a little more difficult—it really is not the one we have been talking about now—is that there are times during the third trimester that either an accelerated delivery or a termination of a pregnancy is necessary. Putting all the pro-life and pro-choice aside, there are probably some times—there are some times—when that is indicated.

So you need to push that aside. You need to look at the really fundamental question. You boil everything down, and is this specific procedure as described in literature, as described by its proponents, medically necessary? The answer is no, it is not medically necessary.

What does "medically necessary" mean? Does it mean that all late abortions need to be banned; should be? Again, that needs to be debated at another place another day. It has been debated here. But let us put that aside. What it means today in our argumentation is, are there alternative procedures that are accepted, that are safe, and I would argue safer, that are effective, and I would argue equally effective, that preserves the reproductive health? I would argue absolutely, yes, there are other mainstream procedures, which means this procedure is not to be used.

So why is this procedure used at all? Why are we even talking about this procedure? Why would doctors come forth and look people in the eye and say this is the proper procedure? We have to go back to the medical literature where it is prescribed. If you go back to the original paper of Martin Haskell on "Dilation and Extraction for Late Second Trimester Abortion," which was entered into the RECORD three nights ago, when you look at the last page, he says regarding this procedure, "In conclusion, dilation and extraction is an alternative method"—an alternative method. It is not even a definitive method. It is a fringe method. He said it is "an alternative method for achieving late second trimester abortions to 26 weeks. It can be used in the third trimester."

This is an alternative, as the original author, the proponent, says.

What is even more interesting is that he says in the next sentence—Why? What are the indications? Is it medically necessary? Basically he says, "Among its advantages are that it is a quick, surgical, outpatient method that can be performed on a scheduled basis under local anesthesia."

So the reason this procedure is used is not to preserve reproductive health—not for the many other reasons as if it is the only procedure—it is that it is a matter of convenience. You can do it quickly. You can do it as an outpatient. Is "quick," "outpatient," and "convenient" the sort of issues that we should use as indications for this procedure? I would say absolutely not.

This is a fringe procedure. It is not taught in our medical schools today to residents. It is a procedure that is not indicated for the hydrocephaly, nor trisomy, nor polyhydramnios. It is never indicated. There are alternative procedures.

In closing, I am hesitant to recommend that any medical procedure should be banned. Yet, for a procedure that is medically unnecessary for which there are alternatives that are used in mainstream medicine today, I support this ban and hope that we can override the President's veto.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, after consulting with the majority leader, I ask unanimous consent to use 5 minutes of the majority leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise today, first, to congratulate and compliment a couple of my colleagues who I think have performed extraordinary service to the Senate. First, Senator SMITH, from New Hampshire, who brought this issue to our attention.

I will readily admit I have been involved in this abortion debate for 16 years, but I did not know this procedure happened—I am shocked by it, saddened by it, disturbed by it. And for some of our colleagues who insinuated that, well, the males in the Senate really should not be arguing on this because they have not been in the business of delivering babies, I have talked to my wife about it and she feels stronger about it even than I do. She thinks President Clinton was absolutely, totally, completely wrong in vetoing a bill that would have protected the lives of young babies that are three-fourths of the way delivered from their mother's birth canal. So I congratulate Senator SMITH for bringing this to the attention of the Senate. I also congratulate Senator SANTORUM for his leadership as well.

President Clinton was wrong in vetoing this bill. Two-thirds of the House said that he was wrong. I hope that today two-thirds of the Senate will say he made a mistake. Maybe he had bad information. I notice in his veto message he said this is necessary in order to protect the health of the mother, but that is not true.

Dr. Koop—I think a lot of us, Democrat and Republican, give him a lot of credibility—said, and I quote—and this is Dr. Koop and also 300 medical specialists who are specialists in obstetrics and health care and delivery:

> Partial-birth abortion is never medically necessary to protect a mother's health or her fertility.

That is a quote. They said "never." Dr. TOM COBURN, my colleague from the House, who has delivered over 3,000 babies, said it is never, never medically necessary. There are other alternatives. There are better, safer alternatives.

What is this? What is partial-birth abortion? This child is seconds away, is inches away from total birth—total birth. In some cases, the arms and the legs are kicking and moving, the fingers are squeezing. It is a live human being. This procedure is infanticide.

Dr. Pamela Smith, an obstetrician at Mount Sinai Hospital in Chicago, points out, and this is a quote:

> Partial-birth abortion is a surgical technique devised by abortionists in the unregulated abortion industry to save them the trouble of counting body parts that are produced in dismemberment procedures.

This quote is in a letter written to Senators on November 4, 1995. She says in the same letter:

> Opponents have said that aborting a living human fetus is sometimes necessary to preserve the reproductive potential and/or the life of the mother. Such an assertion is deceptively and patently untrue.

Mr. President, lots of people, real experts who have studied this issue have said it is not necessary to protect the health of the mother and it is certainly not necessary to protect the health of the baby. This is destroying a baby.

Yes, this moves the abortion debate away from theoretical rights into talking about lives. We are talking about the life of an innocent, unborn human being. I know I heard my colleague, the minority leader of the Senate, say it is rare. How can it be rare when originally the proponents of maintaining the legality of this procedure said a few hundred are performed a year and then we find out in one city in New Jersey there were 1,500 done in 1 year. This was not discovered by the National Right to Life Committee; this was discovered by investigative writers at the Washington Post—1,500 in one clinic in New Jersey. There are thousands of these procedures performed annually now—thousands.

Mr. President, some of our colleagues made all kinds of remarks that people who are opposed to this procedure, they are just opposed to abortion. Yes; I am opposed to abortion, but I cannot remember ever having to vote on banning all abortions. Somebody said Republicans would like to ban all abortions; that is in your platform. It is not in our platform. It says, yes; we want to protect the sanctity of human life. I have only voted on one constitutional amendment that dealt with abortion in my 16 years in the Senate. That was not to ban abortion. So some people have tried to move this all over the field.

What we are trying to do is protect the lives of thousands of babies when they are three-fourths born, when they are three-fourths delivered, when they are a few inches away from being totally delivered, a few seconds away from their first breath. And it is particularly gruesome when you realize that some of these babies' heads are held in the mother, held in the mother so the brains can be sucked out and the baby killed while part of the baby is still in the mother, because they know if there is a couple inches' movement, then the abortionist would be liable for murder. Then there is no question that it is the taking of life. That is how close we are. What does that say about America's society today?

This is one of those defining moments that we have in the Senate. Will we stand up and say, enough is enough; this procedure is terrible; it is outlandish; it should be stopped? Are we going to allow this type of procedure to go on and on and say, no, we believe in abortion at any time for any reason at any cost?

Dr. Martin Haskell, one of the leading proponents of abortion, who has performed 1,000 of these, has stated that some 80 percent of those he performed were for purely elective reasons, purely elective reasons.

That alone is enough. We need to override the President's veto. He was wrong. We need to protect the lives of innocent, unborn children.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SANTORUM. I ask unanimous consent that we have 10 additional minutes equally divided. I am swamped with speakers and do not have enough time to even get my own statement in.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SANTORUM. I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for up to 5 minutes.

Mr. COATS. I thank my friend for yielding. I thank him for his tireless work on what I think is one of the most defining issues of our time.

I am pleased to see the Senator from West Virginia in the Chamber. He is always in the Chamber during important debates. I regret that many others are not in the Chamber.

Mr. President, I had the opportunity to call a good friend of ours, Senator CAMPBELL, who, as we all know, was in a serious motorcycle accident just a few days ago in Colorado, and is hospitalized in a hospital in Cortez, CO. I called to ask his condition, and he told me he had undergone some 15 to 18 hours of surgery, but he was hoping to recover. He asked me, however, if I would deliver a message to our colleagues. I take the opportunity to read that message:

> Mr. President, I take this opportunity to thank my friend and colleague, Senator COATS, for submitting this statement on my behalf while I am absent from the Senate due to my accident. During this important debate on the override of the President's veto of the partial-birth abortion bill, I felt compelled to share my personal thoughts with my colleagues on this extremely emotional issue.
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> During the past month, I have listened carefully to those who hold strong views on both sides of this difficult issue, and I have learned a great deal more about this procedure and its implications. I also have consulted with doctors and others in the medical profession who have discussed this procedure in graphic detail. It became clear to me the procedure which would be banned is an atrocity which is inflicted on a fetus so far along in its development, it is nearly an infant.
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> Since last Saturday, I have spent the last six days straight in a hospital bed in Cortez, Colorado. Part of my decision-making process is based on watching the dedicated health professionals here in this hospital working so hard, day in and day out, to save lives. As the days went by, it became increasingly clear to me that a vote to override the veto also represents an effort to save lives, and not take lives. Those who know me, know that I am not one to bend with the political breeze.
>
> As my colleagues and my constituents will know, I am pro-choice! I always have been pro-choice, and will continue to be pro-choice. In fact, I have a 100 percent voting record with NARAL and other pro-choice organizations. However, in light of the medical evidence, I do not consider this specific vote to be a choice issue.
>
> Therefore, based on the compelling medical evidence and the insights I've gained, I would vote to override the President's veto were I able to be on the Senate floor today.

Mr. President, this is not just another skirmish in the running debate between left and right. This debate raises the most basic questions asked in any democracy: Who is my neighbor? Who is my brother? Who do I define as inferior, cast beyond my sympathy and protection? Who do I embrace and value, both embrace in law and embrace in love? It is not a matter of ideology; it is a matter of humanity. It is not a matter of what constituency we should side with; it is a matter of living with ourselves and sleeping at night. This is not just a matter of our Nation's politics, but it is a matter of our Nation's soul, and how this Nation will be judged by God and by history.

In this body, we can agree and disagree on many matters of social policy. Yet, surely we must agree on this, that a born child should not be subjected to violence and death. I believe that protection should be extended to the unborn as well. But at least in this body, should we not reject infanticide? At least can we refuse to cross that line.

Mr. President, I fear that we are sliding into a culture of death instead of a culture of life, a society that begins to retreat from inclusion, an ever widening circle of inclusion, to include people previously excluded on the basis of race, of ethnic background, of gender—the great civil rights battles to bring people into this wonderful American experiment of democracy, equality, and justice. I fear we are retreating from that with this vote, that we are beginning a differentiation between the healthy and the unhealthy, between the perfect and the not so perfect, between the beautiful and the not so beautiful.

So, today we have a choice, a choice between the beauty of life or the horror of death. I am pleading with my colleagues to reach out in love and compassion for the most innocent and the most defenseless in our society. God has imbued all of us with a capacity to love. Unfortunately, the great human tendency is to turn that love inward and think of and love only ourselves, our possessions, our careers, our achievements; not to think of others.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COATS. I ask for 1 additional minute.

Mr. SANTORUM. I yield the Senator 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. COATS. But that is misdirected love. True love goes beyond ourselves. It reaches out in love of others.

This vote is an appeal to a higher purpose, what Lincoln said is "the better angels of our nature." I appeal to my colleagues, for the sake of a larger question, of a higher purpose, to reach to the better angels, to the larger questions—life, liberty, equality, justice—for the sake of the future of this great experiment in democracy, to support us in this effort, to say that we will not promote a culture of death. We will not embrace the culture of death. We will embrace a culture of life. We will keep extending the circle of equality, justice, passion, and love for the least among us.

Clearly, today, at this defining moment, that issue is in great peril.

Mr. President, I thank the Senator from Pennsylvania for his efforts and for the time he yielded, and yield back the remaining time I have.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, may I inquire as to how much time each side has left?

The PRESIDING OFFICER. The Senator from California controls 13 minutes, 25 seconds; the Senator from Pennsylvania, 6 minutes, 48 seconds.

Mrs. BOXER. Mr. President, I yield myself 5 minutes.

Mr. President, we are winding down this debate. It has been a hard debate. In some ways, it has been a harsh debate.

I think the most important thing that I would like to do—if I do this, I will feel that I have done my best—is to put a family's face on this issue, put a woman's face on this issue, to make sure that the American people understand that when President Clinton vetoed this bill, he vetoed it with compassion in his heart for the families who had to face the kind of tragic circumstances I have discussed throughout this debate.

I think there has been some effort on the part of those who take an opposite view, there has been some effort to try and undermine or undercut some of these families, some of these women who have gone through this tragic experience. I hope that effort has failed.

I want to talk about Mary-Dorothy Line, a devoted Catholic who was 5 months pregnant with her first child when she learned her baby might have a very serious genetic problem. Mary-Dorothy writes:

> My husband and I talked about what we would do if there was something wrong. We quickly decided that we are strong people and that, while having a disabled child would be hard, it would not be too hard for us. We are Catholic, [she writes] we go to church every week. So we prayed, as did our parents and our grandparents.
>
> We sat there and watched as the doctor examined our baby and then told us that, in addition to the brain fluid problem, the baby's stomach had not developed and he could not swallow.

After being told that in-utero surgery would not help, Mary-Dorothy Line and her husband decided to use the procedure that is outlawed in this bill, because they were told it was the safest.

Mary-Dorothy says to us:

> The doctors knew that the late-term abortion was not easy for us, since we really wanted to have children in the future. This is the hardest thing I have ever been through. I pray that this will never happen

to anyone again, but it will. And those of us unfortunate enough to have to live through this nightmare need a procedure that will give us hope for the future.

That is one story. Viki Wilson is another story. There are many more stories.

I thank the women who came forward to tell their stories. There are women standing outside this Chamber. I went out to see them—and they are crying. They are crying because they do not understand how Senators could take away an option that their doctor needed to save their lives. They are crying because they do not believe that those Senators truly understand what this meant for their families and what it meant to them—women and men and families who so wanted these babies, so wanted to hold them, so wanted to birth them, so wanted to love them, so wanted to raise them. But, because in science today sometimes serious abnormalities cannot always be known in the early stages, they did not learn until very late in the pregnancy.

They wanted those babies. They named those babies, Mr. President. They buried those babies with love. And they are crying because they cannot understand how a majority of Senators could put themselves inside the hospital room and tell them that they cannot have a procedure that could save their lives.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Mr. President, I yield myself 5 minutes.

Mr. President, I look and see the Senator from West Virginia, who represents as much the U.S. Senate to this country as probably any individual here, the dignity of this institution as the greatest deliberative body in the world. I have been saying for the last few days that I have tremendous faith that this body, as a deliberative body, will listen to the facts and live up to its reputation as a body that, when presented with all the evidence, can judge not only about this procedure, which is important, but what the consequence are of this action on the future of the nation, on the future of a civilization.

And so I ask Members, before they come down, to think and look inwardly as to their own conscience. Yes, to look outwardly around to this Chamber and remember that we have a standard to uphold and that today we are going to be making the decision about whether in this country it will be legal to allow a viable baby to be delivered outside of the mother and then killed inches before its first breath.

I have asked the question of almost every person who spoke on this issue opposing my position: What would be the case if the baby's head was to, for some reason, slip out? Would the doctor and the mother then have the right, the choice to kill that baby?

No one has ever answered that question. The Senator from Wisconsin came the closest. He said, "I don't think we should interfere with that," which I guess means yes. How far do we go? Where do we draw the line? Have we stopped saying here in this body that there are no more lines, that everything is OK for anyone to do as long as you feel it's right, it's your right to do whatever you feel is right?

Don't we have any more lines? What are the facts? That is a factually accurate description of the procedure, as so stated by the person who performs it. Some have likened this chart to a depiction of an appendicitis operation. My God. Appendicitis. That is not an appendix. That is not a blob of tissue. It is a baby. It's a baby.

Did you ever really think that this could actually be happening on the floor of the U.S. Senate? When you came here, the people in the audience—maybe you are just visiting Washington or just wandered in—did you actually believe that we could be actually contemplating allowing thousands of these kinds of procedures to continue? I sometimes just have to sit here and pinch myself and wonder whether this is all real, whether this really is the United States of America.

The Senator from California said she hears the cries of the women outside this Chamber. We would be deafened by the cries of the children who are not here to cry because of this procedure.

I cry with these women. This is a difficult decision to make, but there are alternative measures available. No woman will be denied access to abortion, late-term as they are, if we ban this procedure. That is a fact. The leading writer on abortions, Dr. Hern from Colorado, says that he thinks this is a dangerous procedure and should not be done.

The Senator from Colorado—and my best wishes go out to him in his hospital bed in Colorado—made the most poignant statement today when he said he has been in a hospital looking at all that is being done to preserve life.

I have to hearken back to another Lincoln quote which is: "A house divided against itself cannot stand."

In one operating room when there is a baby being delivered and everything is being done to save that baby; in the next room, one is being delivered to be killed. That cannot continue to happen in this country.

The Senator from Colorado is right. What are we to become? What will we be like if we allow this, and then maybe if the baby is born and it is not quite perfect enough for us, maybe it has some problems, that it won't live as long as we would like.

Cardinal Bevilacqua spoke today, and there are many religious leaders here. The cardinal is up in the gallery, and he said, "If this procedure is allowed to continue, I fear that legal infanticide will not be far behind. If partial-birth abortion is allowed to continue, surely it will mark the beginning of the end of our Nation, of our civilization. No Nation, no civilization that abandons its moral foundations, its spiritual beliefs by legally destroying its own unborn children in this barbaric procedure can possibly survive."

Please, I ask my colleagues, I plead with my colleagues, don't let this happen on our watch.

Mr. President, I have a series of newspaper articles and letters. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT AT PRESS CONFERENCE ON PARTIAL BIRTH ABORTION, THURSDAY, SEPTEMBER 26, 1996, BY ANTHONY CARDINAL BEVILACQUA, ARCHBISHOP OF PHILADELPHIA

I know that God will be present today in the U.S. Senate when it discusses and votes on an over-ride of the President's veto. I pray that the Senators will be conscious of God's presence among them and vote in accordance with His will which is will for human life.

I appeal to the Senators to override the veto on partial birth abortion. I pray that they will vote on principle. A vote for the over-ride is a vote for human life. A vote against the over-ride is a vote for the death of human beings made to the image and likeness of God.

This vote is critical for the preservation of this nation, of our civilization. Partial birth abortion is ⅘ birth and ⅕ abortion. The baby is but a few seconds, 2–3 inches from full birth. In this procedure, therefore, it is only a few seconds, 2–3 inches from being legal infanticide. If this procedure is allowed to continue, I fear that legal infanticide will not be far behind.

If partial birth abortion is allowed to continue, surely it will mark the beginning of the end of our nation, of our civilization. No nation, no civilization that abandons its moral foundations, its spiritual beliefs by legally destroying its own unborn children in this barbaric procedure can possibly survive.

This vote is not a vote for choice. It is a vote for the culture of life instead of a culture of death.

PITTSBURGH, PA,
June 30, 1996.

Hon. RICK SANTORUM,
Washington, DC.

DEAR SENATOR: I am a practicing Obstetrician-Gynecologist. I urge you to vote for the "ban of partial birth abortion".

I believe this to be the most cruel procedure of infanticide. During the last trimester of pregnancy, the infant is partially delivered and is alive and moving. At this time the infant is killed by stabbing it at the base of the skull. Then the brains are removed by suction. In a short period of time, a normal delivery of this infant could have ensued. Therefore, it cannot be stated "the abortion is being done because the pregnancy is a threat to the Mother's life."

I disapprove of this gross procedure for two additional reasons. This is not a routine practice in the field of obstetrics. Secondly, the forceful dilation of the cervix to make possible the premature delivery can tear the cervix. This creates a site for infection and excessive bleeding. Since the placenta is not ready for delivery it may deem necessary to manually deliver it (which is not a normal procedure). This may cause even more bleeding. Because of the forceful dilation, the cervix may be incompetent to hold future pregnancies.

Stated simply, the primary and strongest objection is the burden of a live infant. PLEASE, vote for the "ban of partial birth abortion."

Respectfully,

ALBERT W. CORCORAN, M.D.

PITTSBURGH, PA,
June 24, 1996.

Senator RICHARD SANTORUM,
Washington, DC.

DEAR SENATOR SANTORUM: I have never written anyone in the Congress a letter such as this one. However, I feel as a board certified obstetrician, who has practiced obstetrics and gynecology for 35 years, I must bring closure to my problem.

The words "rip open a woman" have disturbed me since they were uttered by our President. In all my years in the operating room, I have never seen even the weakest surgeon "rip open" any patient.

I would plead for you to urge your fellow Senators to override the President's veto of third trimester termination of a human being.

There are several reasons for doing this aside from an unprovoked attack on a human being. Namely, any of the six women he paraded before the American public on television could have been cared for by c-section. More importantly, since these women were all willing to have their pregnancies terminated in the third trimester, all could have resolved their personal dilemma with greater studies in the first trimester. Finally, this procedure is just another form of euthanasia.

I hope there are some fellow Senators who will divorce themselves from politics and truly vote their conscience.

Kindest regards,

E.A. SCIOSCIA, MD FACOG FACS,
Asst. Clinical Prof. of Obstetrics & Gynecology, Medical College of Pennsylvania.

HILTON HEAD ISLAND, SC,
June 21, 1996.

Senator RICK SANTORUM,
Washington, DC.

DEAR SENATOR SANTORUM: I am writing to you as an Obstetrician of thirty seven years and subsequently as Medical Director of Forbes Health System. During all that time my efforts were dedicated to the delivery of healthy born infants and on maintenance of good health by their mothers. The abortion deaths of more than a million a year in the richest country in the world will one day be looked on by history as the greatest slaughter of innocents in world history to date.

In the past the pro-abortionists hid from what they were doing by claiming that what was being aborted were non persons—simply protoplasm! How they can rationalize this is not understandable to me. It seems to me that a person is a human living, individual. Certainly the fetus is an "individual"—no one exactly like him or her will be born again.—its genes are distinct. It is "human" not canine, or bovine or equine—it is "human." And it is certainly "living" and there would be no need to abort it.

Nevertheless, the pro-abortionists do not wish to have the early fetus recognized as a person. But surely there can be no denying of the person of a 32 week fetus when greater than 90% if normal will survive if born at that gestation. The bill which was vetoed by President Clinton recognized that this forcing of the labor of an abnormal infant and then its destruction by invading its skull and collapsing the brain while it was still alive; in order to complete delivery is not only murder but unjustified. It is possible that the mother's reproductive organs may be permanently damaged in this rush to termination. However; if allowed to deliver in normal labor the grossly abnormal infant would probably not survive more than a matter of hours. This process of craneocleisis which was employed when cesarean section was so dangerous in the 19th century was done to save the life of the mother and still it was abhorrent even to those who did the procedure. Once cesarean section reached an improved degree of safety by the 1920's it was abandoned—now to be resurrected to force the premature delivery of an abnormal baby. I am not unmindful of the emotional stress that carrying such a baby, can cause a mother if she knows that it is not normal! But is the abrupt termination of the pregnancy worth the possible damage to the mothers reproductive capacity by this assault on a living human individual?

My best wishes for your success in addressing the presidential veto.

Sincerely yours,

RICHARD MCGARVEY.

CHEVY CHASE, MD.

During the weeks and months Congress was considering legislation to end partial birth abortion, I heard and read many news stories featuring women who said they had undergone the procedure because it was the only option they had to save their health and future fertility as a result of a pregnancy gone tragically wrong.

But based on my own personal experience, I am convinced that women and their families are tragically misled when they are informed that partial birth abortion is their only option. I believe many more women and their families would choose to give birth to their fatally ill babies and love and care for them as long as their short and meaningful lives might endure, if they were fully informed that they could let their babies live rather than aborting them.

Dr. James McMahon, who performed the partial birth abortions upon many of the women I heard about in the news, would have targeted our first child, Gerard, because he had Trisomy 18, a chromosomal abnormality incompatible with more than a few hours or weeks of life outside the uterus.

My husband, a pediatric neurologist and I, a pediatric nurse, learned via a routine sonogram halfway through our first pregnancy that our baby had a large abdominal defect. Our OB suggested an amniocentesis to confirm whether our son had Trisomy 18, since abdominal defects this large are frequently associated with Trisomy 18. If he did not have Trisomy 18, we would begin to research our son's need for abdominal surgery and the best pediatric surgeon available to us. The second half of the pregnancy was extremely painful emotionally. I felt that perhaps our hopes of having a large family were dying with Gerard.

We had a supportive OB and at each visit we also met with the OB clinical nurse specialist. She helped us with our grief and she also helped us plan for Gerard's birth and death. We also met the neonatologist prior to birth who informed us about what to expect about Gerard's condition and we let him know that we didn't want Gerard to have any painful procedures.

We did not once consider an abortion, for this was our beloved child for whom we would do anything. We prayed that he would be born alive and live at least for a short period of time. My husband and I were drawn very close as we comforted each other and talked about our grief and our evolving plans for our child. At 40 weeks our OB decided he would induce labor; on the eve of the second day of induction, Gerard was delivered alive. We held him and gently talked to him. The priest who had married us ten months earlier was there to baptize him. Gradually, his vital signs slowed until he died 45 minutes after we met him in person. We took many beautiful pictures of him that are among our most cherished possessions.

We have since been blessed with 5 additional children, all healthy. Number 6 was 11½ lbs and the hospital staff marveled at how easily I delivered her. Delivering Gerard alive and giving him even a brief period of life in no way impaired my future fertility, as these 5 wonderful children can attest to. Our children have internalized our love and respect for Gerard and babies and others with disabilities.

We have never had any regrets about carrying Gerard to term, giving birth to him and loving him until he died naturally. In fact, it is the event I am most proud of in my life. Our only regret is that he did not live longer.

My hope is that since there is no medical reason for a woman to undergo a partial birth abortion, that each woman listen to her heart and her strong desire to protect her child and love him or her until that child's natural death.

MARGARET SHERIDAN.

OAK PARK, IL.

My name is Jeannie Wallace French. I am a 34 year old healthcare professional who holds a masters degree in public health. I am a diplomate of the American College of Healthcare Executives, and a member of the Chicago Health Executives Forum.

In the spring of 1993, my husband Paul and I were delighted to learn that we would be parents of twins. The pregnancy was the answer to many prayers and we excitedly prepared for our babies.

In June, five months into the pregnancy, doctors confirmed that one of our twins, our daughter Mary, was suffering form occipital encephalocele—a condition in which the majority of the brain develops outside of the skull. As she grew, sonograms revealed the progression of tissue maturing in the sack protruding from Mary's head.

We were devastated. Mary's prognosis for life was slim, and her chance for normal development nonexistent. Additionally, if Mary died in utero, it would threaten the life of her brother, Will.

Doctors recommended aborting Mary. But my husband and I felt that our baby girl was a member of our family, regardless of how "imperfect" she might be. We felt she was entitled to her God-given right to live her life, however short or difficult it might be, and if she was to leave this life, to leave it peacefully.

When we learned our daughter could not survive normal labor, we decided to go through with a cesarean delivery. Mary and her healthy brother Will were born a minute apart on December 13, 1993. Little Will let out a hearty cry and was moved to the nursery. Our quiet little Mary remained with us, cradled in my Paul's arms. Six hours later, wrapped in her delivery blanket, Mary Bernadette French slipped peacefully away.

Blessedly, our story does not end there. Three days after Mary died, on the day of her interment at the cemetery, Paul and I were notified that Mary's heart valves were a match for two Chicago infants in critical condition. We have learned that even anacephalic and meningomyelocele children like our Mary can give life, sight or strength to others. Her ability to save the lives of two other children proved to others that her life had value—far beyond what any of us could ever have imagined.

Mary's life lasted a total of 37 weeks 3 days and 6 hours. In effect, like a small percentage of children conceived in our country every year, Mary was born dying. What can partial birth abortion possibly do for children like Mary? This procedure is intended to hasten a dying baby's death. We do not need to help a dying child die. Not one moment of grief is circumvented by this procedure.

In Mary's memory, as a voice for severely disabled children now growing in the comfort of their mother's wombs, and for the parents whose dying children are relying on the donation of organs from other babies, I make this plea: Some children by their nature cannot live. If we are to call ourselves a civilized culture, we must allow that their deaths be natural, peaceful, and painless. And if other preborn children face a life of disability, let us welcome them into this society, with arms open in love. Who could possible need us more?

JEANNIE W. FRENCH.

[From Physicians' Ad Hoc Coalition for Truth]

THE CASE OF COREEN COSTELLO

PARTIAL-BIRTH ABORTION WAS NOT A MEDICAL NECESSITY FOR THE MOST VISIBLE "PERSONAL CASE" PROPONENT OF PROCEDURE.

Coreen Costello is one of five women who appeared with President Clinton when he vetoed the Partial-Birth Abortion Ban Act (4/10/96). She has probably been the most active and the most visible of those women who have chosen to share with the public the very tragic circumstances of their pregnancies which, they say, made the partial-birth abortion procedure their only medical option to protect their health and future fertility.

But based on what Ms. Costello has publicly said so far, her abortion was not, in fact, medically necessary.

In addition to appearing with the President at the veto ceremony, Ms. Costello has twice recounted her story in testimony before both the House and Senate; the New York Times published an op-ed by Ms. Costello based on this testimony; she was featured in a full page ad in the Washington Post sponsored by several abortion advocacy groups; and, most recently (7/29/96) she has recounted her story for a "Dear Colleague" letter being circulated to House members by Rep. Peter Deutsch (FL).

Unless she were to decide otherwise, Ms. Costello's full medical records remain, of course, unavailable to the public, being a matter between her and her doctors. However, Ms. Costello has voluntarily chosen to share significant parts of her very tragic story with the general public and in very highly visible venues. Based on what Ms. Costello has revealed of her medical history—of her own accord and for the stated purpose of defeating the Partial-Birth Abortion Ban Act—doctors with PHACT can only conclude that Ms. Costello and others who have publicly acknowledged undergoing this procedure "are honest women who were sadly misinformed and whose decision to have a partial-birth abortion was based on a great deal of misinformation" (Dr. Joseph DeCook, Ob/Gyn, PHACT Congressional Briefing, 7/24/96). Ms. Costello's experience does not change the reality that a partial birth abortion is never medically indicated—in fact, there are available several alternative, standard medical procedures to treat women confronting unfortunate situations like Ms. Costello had to face.

The following analysis is based on Ms. Costello's public statements regarding events leading up to her abortion performed by the late Dr. James McMahon. This analysis was done by Dr. Curtis Cook, a perinatologist with the Michigan State College of Human Medicine and member of PHACT.

"Ms. Costello's child suffered from 'polyhydramnios secondary to fetal swallowing defect.' In other words, the child could not swallow the amniotic fluid, and an excess of the fluid therefore collected in the mother's uterus. Because of the swallowing defect, the child's lungs were not properly stimulated, and an underdevelopment of the lungs would likely be the cause of death if abortion had not intervened. The child had no significant chance of survival, but also would not likely die as soon as the umbilical cord was cut.

"The usual approach in such a case would be to reduce the amount of amniotic fluid collecting in the mother's uterus by serial amniocentesis. Excess fluid in the fetal ventricles could also be drained. Ordinarily, the draining would occur 'transabdominally.' Then the child would be vaginally delivered, after attempts were made to move the child into the usual, head-down position. Dr. McMahon, who performed the draining of cerebral fluid on Ms. Costello's child, did so 'transvaginally,' most likely because he had no significant expertise in obstetrics/gynecology. In other words, he would not be able to do it well transabdominally—the standard method used by ob/gyns—because that takes a degree of expertise he did not possess.

Ms. Costello's statement that she was unable to have a vaginal delivery, or, as she called it, 'natural birth or an induced labor,' is contradicted by the fact that she did indeed have a vaginal delivery, conducted by Dr. McMahon. What Ms. Costello had was a breech vaginal delivery for purposes of aborting the child, however, as opposed to a vaginal delivery intended to result in a live birth. A caesarean section in this case would not be medically indicated—not because of any inherent danger—but because the baby could be safely delivered vaginally."

The Physicians' Ad-hoc Coalition for Truth (PHACT), with over three hundred members drawn from the medical community nationwide, exists to bring the medical facts to bear on the public policy debate regarding partial birth abortions. Members of the coalition are available to speak to public policy makers and the media. If you would like to speak with a member of PHACT, please contact Gene Tarne or Michelle Powers at 703-683-5004.

The PRESIDING OFFICER. All time of the Senator from Pennsylvania has expired. Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. BYRD. I ask the Senator to give me 30 seconds.

Mrs. BOXER. I yield 30 seconds to the Senator from West Virginia.

Mr. BYRD. Mr. President, I call attention to the rules of the Senate which preclude any reference to people in the galleries, and one cannot, even by unanimous consent, change that rule, and the Chair is not even to entertain a unanimous-consent request that the rule be waived.

I hope Senators will abide by the rules regardless of what side of the question they are on.

Mr. SANTORUM. If the Senator will yield, I apologize for making such an error, and I appreciate the Senator pointing that out.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I understand I have 8 minutes remaining, or a little less than that?

The PRESIDING OFFICER. Approximately 7 minutes remaining.

Mrs. BOXER. Mr. President, I ask I be yielded 4 minutes of that time. At that time, I am going to turn to another Senator to close our debate.

Mr. President, I ask unanimous consent to set aside the pending veto message and proceed immediately to a bill that allows this procedure only in cases where the mother's life is at stake or she would suffer serious adverse health consequences without this procedure.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Reserving the right to object.

Mrs. BOXER. Mr. President, I ask for regular order and just ask if there is objection this time.

The PRESIDING OFFICER. Regular order, the Senator must object.

Mr. SANTORUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, the reason I asserted my parliamentary rights is because time is a wasting.

I would like to ask Senators to do me one favor as a colleague, and that favor is this: to simply visualize yourself in a circumstance where a person who you love maybe more than anyone else in the world, comes to you—it could be your wife, it could be your daughter, it could be a niece, it could be a grandchild, a granddaughter—and that woman who has been flushed with the thrill of a pregnancy, who was waiting with great anticipation with her family for the most blessed event any woman can have, and God has blessed me with two such events, and that loving woman looks in your eyes and says, "Daddy," or "Brother," or "Mother, I have horrible news. I've been told by my doctor that there's a horrible turn of events that has happened in this pregnancy that we could not learn until the very late stages. And if I don't have this procedure"—the one that is outlawed in this bill, may I say—"my doctor says I might die or I might never be able to have another baby or I might be paralyzed for life. What should I do? Will you support me?"

I really think, if we are totally honest, as the distinguished Democratic leader has tried to put forward in his eloquence, I think every one of us would reach inside, and that love would overwhelm us and we would save that child, that wife, that granddaughter, and we would face this together with her doctor and our God, and we would not call a U.S. Senator, no matter how dignified, no matter how intelligent, no matter how popular at the moment, into that room. We would want to decide it with our family.

I beg my colleagues, I know this is such a difficult vote, but I believe in my heart when the American people understand that we have offered to ban this procedure but for life and serious health consequences and we were turned down by the other side, they will understand that not one of us is for a late-term abortion of a healthy pregnancy. Who could be? No one could be.

What we are talking about is preserving this procedure for cases like Viki Wilson and Vikki Stella and the women who have the courage to come forward and tell us their stories. I urge my colleagues, please, sustain the President's veto. I yield the balance of my time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes, 40 seconds.

Mr. BYRD. I thank the Chair, and I thank the distinguished Senator from California.

This is a very, very difficult question. I have been greatly troubled by it, as I am sure other Senators have been. Napoleon—who is not particularly one of my idols—and Josephine had a child on March 20, 1811. And when he was told by the doctors that the infant or the mother might have to be sacrificed, he revealed all the warmth of the human instincts and the instincts of family when he answered, "Save the mother."

Mr. President, as a father and as a grandfather, I would never want to be cast into that excruciating position. But if I were, I would answer as did Napoleon: "Save the mother."

Mr. COATS. Would the Senator yield at this time his time remaining?

Mrs. BOXER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from California has 34 seconds remaining. That is the extent of all further debate.

Mr. COATS. May I ask the Senator from California if she would yield me—give me a chance to just make a 10-second response to the Senator from West Virginia?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield back all the time. We have debated this. I think it is time to vote. I ask that we go to the regular business and vote at this time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—57

Abraham
Ashcroft
Bennett
Biden
Bond
Breaux
Brown
Burns
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
DeWine
Domenici
Dorgan
Exon
Faircloth
Ford
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Johnston
Kempthorne
Kyl
Leahy
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Nunn
Pressler
Reid
Roth
Santorum
Shelby
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Chafee
Daschle
Dodd
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Mikulski
Moseley-Braun
Murray
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Wellstone
Wyden

NOT VOTING—2

Campbell
Cohen

The PRESIDING OFFICER. The Chair would like to remind the visitors in gallery that demonstrations of approval or disapproval are prohibited under Senate rules and I ask the Sergeant at Arms to assist in maintaining order in the gallery. We appreciate your cooperation.

On this vote the ayes are 57, the nays are 41.

Two-thirds of the Senators present and voting not having voted in the affirmative, the bill, on reconsideration, fails of passage.

Mr. LOTT. Mr. President, I previously voted "aye." I changed my vote to "no." I now enter a motion to reconsider the vote by which the veto message was sustained.

The PRESIDING OFFICER. The motion has been received.

Mr. GRASSLEY. Mr. President, this is a matter of such great importance that we will raise it again and again for votes until we prevail. In fact, we may even bring it up again for a vote this year.

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask that there be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. LOTT. In the meantime, for the information of all Senators—and Senator DASCHLE is here—we will be talking about the schedule for the balance of the evening. We believe we are ready to move forward on the NIH reauthorization bill. We are still working to see if we can get an agreement on the pipeline safety bill which, although it is completed, still has the gag rule issue pending to be resolved. I understood they were making some progress, and now I understand that maybe they are not.

During the next few minutes, while we are having 5-minute speeches, we will work on this and make that information available to all Senators.

I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I ask unanimous consent to proceed for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Will the Senator yield briefly?

Mr. BROWN. I am happy to.

Mr. BYRD. Mr. President, the Senate is still not in order. There are entirely too many conversations going on in the back of the Chamber.

The PRESIDING OFFICER. The Senator's observations are entirely correct. Will the Senators to the Chair's right please take their conversations to the Cloakroom? The Senator from Alaska, the Senator from Arkansas.

I thank the Senator from West Virginia.

The Senator from Colorado is recognized.

EMERGENCY FUNDING FOR FISCAL YEAR 1996 AND FISCAL YEAR 1997

Mr. BROWN. Thank you, Mr. President. I thank the distinguished Senator from West Virginia for his courtesy for allowing me to be heard.

Mr. President, I want to draw Members' attention to the President's emergency funding request. Not so long ago the President sent up to Congress a communication requesting $1.1 billion in emergency funding for fiscal years 1996 and 1997. Members will find it in their offices. The communication of the President is dated September 17, 1996. Mr. President, I ask Members to review that communication because I have some concerns with it.

Mr. President, it is my hope that Members will give these requests some careful review. All of us are concerned about terrorism, but I hope in exhibiting our concern that we will also recognize that we have an obligation to the taxpayers when considering these requests.

I draw Members' attention to the fact that the President's original request in March of this year—not so long ago—was for exactly $27.9 million. That is increased 4,000 percent, in a few months, in this request. Obviously, terrorism is a matter that deserves careful and full scrutiny and strong action on the part of the Federal Government. But I would suggest to Members also that a 4000-percent increase in the request for funding also deserves our attention.

Mr. President, let me give some specific examples. In this enormous request under the banner of "emergency," only 6 months after the original request, I think some questions need and should be asked. We looked through these requests and I hope Members will study them. We found huge increases in spending spread throughout the Federal Government.

For example, the request includes an additional $34,000 for additional facilities for security expenses at the Office of the Inspector General under the Department of the Treasury. When we inquired or looked in the report for how this $34,000 was to be spent, the report indicates, and I quote, "No further details provided."

So we ended up calling the Office of the Inspector General. We talked specifically to the budget officer who ends up coordinating these matters. Here is what he said and I'll quote this because I think it is imperative that his exact words be included in the RECORD. He said, "This is the first I have heard of any emergency supplemental funding." Now, this is the officer who controls the budget for that office. He said, "This is the first I have heard of any emergency supplemental funding. I am not aware of any request for extra funding. I do not know what we need it for."

The OMB publication didn't spell out what it was for, and their budget director does not even know what it was for.

From the Bureau of Public Debt at the Department of the Treasury, we received a request of $161,000 "for additional facilities security operating expenses." Once again, no further details were provided in the report. We called the Bureau of Public Debt and asked them what this request would be used for. We simply wanted a justification and some simple facts. The budget officer was unaware of the emergency supplemental request. This is what the budget officer said, "I'll be real honest with you. This is the first I've heard of it. We have not made a request for supplemental funding."

Now, this is an emergency funding request and the budget officer tells us that he has not even heard of it?

Mr. President, the dilemma goes on.

For the Federal Aviation Administration there is a $15.5-million request to acquire and install dual energy automated x-ray systems and quadruple resonance devices for screening checked baggage at U.S. airports. According to the FAA, these x-ray systems and resonance devices, and I quote, "have not been certified by the FAA as meeting the U.S. national performance standards for explosives detection systems." We called the Financial Review Division at the FAA. We asked the manager of this division at the FAA why they needed emergency funding for x-ray systems and resonance devices that do not meet the U.S. performance standards and have not been FAA certified. Let me repeat that.

The request is for machines that do not meet the U.S. performance standards. These machines are not FAA certified. Here is what the manager said, "I don't know why we are asking for safety equipment that is not FAA certified."

Mr. President, the list goes on.

Mr. President, we have a responsibility to take care of the important business of the public, and we ought to fund serious antiterrorist efforts. But "I don't know" is not a good enough answer. The American citizen deserves more. It is irresponsible for the President to ask for money when they do not even know how they would spend it. It is even more irresponsible for this Congress to appropriate it.

My hope is that we give close attention to these requested matters and that we not fund matters where they have no clear idea how they are going to spend it, and that we take out of the emergency supplemental areas any clear waste out of areas where we, and they, simply don't have any idea where it will be spent.

Last, Mr. President, if you were going to identify an area of abuse in spending over the past years, it would surely be in the area where we come up with an emergency supplemental where it does not receive the full review and investigation of the Appropriations Committee.

I hope this Congress will not be derelict in its duty. I hope we will not write a blank check from the Public Treasury. Our responsibility and obligation to the American people is not to write blank checks for requests we know nothing about. Mr. President, I hope this Senate will act to make sure these "I don't know" requests from the President are denied.

Mr. President, I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I thank my colleague from Colorado. The Senate will surely miss his wise counsel. I rise to express similar concerns.

Mr. President, recent, tragic events have raised the fight against terrorism higher in the public consciousness. In response, President Clinton has submitted a request for $1.1 billion in emergency antiterrorism funding for fiscal year 1996 and fiscal year 1997.

While it is imperative that we act in a timely way to fight terrorism and to preserve the safety of our citizens, it is also important that we not simply throw money at a problem for efforts that do little more than make us feel a little better for a little while.

Indeed, it's important that we not let our actions be reduced to reactions.

Unless these programs make a difference, we will be wasting the taxpayer's money. And when terrorists strike again, we'll be standing here once more, asking ourselves what went wrong with the programs whose appropriations we are debating today.

I fear that the President's emergency request represents greatly increased spending without greatly increased thought.

Do we know that this $1.1 billion will go toward effective measures? The President's proposal represents an increase in spending on antiterrorism measures of about 4,000 percent, from his earlier proposal of something under $50 million. I am not yet convinced that this spending is anything more than an expensive way to make the public believe that the Government is doing something constructive.

I happen to think we have long since passed the day in this body when we can equate the expenditure of large amounts of public funds with results. It simply does not happen in too many respects.

There is a significant difference between doing things that look effective and doing things that are effective. For example, it may look good to expand wiretapping authority, but is it necessarily a positive way to deal with the problem? What kinds of terrorists are we fighting? Will wiretapping even be effective to combat what we are going to be facing in the future?

Would wiretapping have helped stop the Atlanta bombing? Would it have mattered in Oklahoma City?

And just as important as that question is considering the price we may pay in the infringement on our personal freedoms.

It is no small question to define what is a reasonable and acceptable infringement on our rights and privileges. Before we plunge into any cut back on our personal freedoms, we need to carefully consider what we are getting when we trade them away.

Obviously, the President's request has arrived so late that we can't give it the scrutiny and possible revision it seems to need. So we are moving ahead and appropriating the funds he has asked for, hoping that they will do some real good.

Mr. President, I submit that what we truly need is a thoughtful, coordinated, long-range plan about how to address the threat of terrorism. I fear that the administration's emergency request comes more out of reaction than it does from a careful examination of the problem.

Cobbling together afterthought reactions is not sufficient to address this matter. And $1.1 billion is a great deal of money to spend with such little consideration.

I don't take the matter of terrorism lightly. Indeed, none of us can. Everyone observing the proceedings from inside this Chamber has already gone through a metal detector to get in the Capitol, and then through another, stronger detector just be inside this room.

House and Senate staff members wear ID badges, and they pass by guards every day as they come in to work. We are all aware of the threat—it is a part of daily life.

Even so, extraordinary tragedy is always possible. I was in Atlanta this summer when the pipe bomb exploded at the Olympic games. It is profoundly disturbing to know that a determined individual can still penetrate even the most stringent security measures. So I appreciate the threat of terrorism and the need for swift action. At the same time, I submit that unless we carefully plan our tactics and strategy to counter this threat, we will have squandered our resources that could have made a real difference. Without planning, we will have nothing to show for our efforts.

The President's request comes in response to the Atlanta bombing and the downing of TWA Flight 800 off of Long Island. Has President Clinton merely scraped together whatever ideas were at hand in order to appear tough on terrorism? We need to move forward to combat terrorism from a position of leadership and not simply reaction. We should not simply expand the power of the Federal Government after every act of terrorism.

The proposal from 6 months ago for fiscal year 1997 was much different than the one we see now. It included a 40 percent cut in the Attorney General's counterterrorism fund. The new proposal calls for millions in security upgrades for Federal buildings. What are these upgrades? And, most important, will they make the people in those buildings any safer? And why were they not suggested in the original fiscal year 1997 proposal if they were needed?

It is difficult to turn down the President's request at this late date. I remind my colleagues that if in a year or two this $1.1 billion appropriation turns out to be no more than a quick gesture to allay public fears, if these proposals are ultimately ineffective and hollow to the core, then we will be faced with the unpleasant fact that we spent $1.1 billion for simply being safe, or feeling safe for a few days or a few weeks in order to be able to say that we just did something.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

The Senate is currently in a period of morning business. The Senator has the right to speak for 5 minutes.

Mr. CONRAD. I thank the Chair.

Mr. LOTT. Mr. President, will the distinguished Senator be kind enough to yield for a unanimous consent request that has been agreed to on both sides?

Mr. CONRAD. I will be pleased to.

Mr. LOTT. I thank the Senator for yielding. This is an issue we have been working on for quite some time. We finally got it done. We would like to get it done before it becomes unglued.

Mr. CONRAD. I am happy to yield to the majority leader.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 583, S. 1897.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1897) to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which has been reported from the Committee on Labor and Human Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; and table of contents.

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

Sec. 101. Director's discretionary fund.
Sec. 102. Children's vaccine initiative.

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

Sec. 201. Research on osteoporosis, Paget's disease, and related bone disorders.
Sec. 202. National Human Genome Research Institute.
Sec. 203. Increased amount of grant and other awards.
Sec. 204. Meetings of advisory committees and councils.
Sec. 205. Elimination or modification of reports.

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

Sec. 301. Authorization of appropriations.
Sec. 302. DES study.

Subtitle B—National Heart Lung and Blood Institute

Sec. 311. Authorization of appropriations.

Subtitle C—National Institute of Allergy and Infectious Diseases

Sec. 321. Research and research training regarding tuberculosis.
Sec. 322. Terry Beirn community-based aids research initiative.

Subtitle D—National Institute of Child Health and Human Development

Sec. 331. Research centers for contraception and infertility.

Subtitle E—National Institute on Aging

Sec. 341. Authorization of appropriations.

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

Sec. 351. Authorization of appropriations.
Sec. 352. National alcohol research center.

Subtitle G—National Institute on Drug Abuse

Sec. 361. Authorization of appropriations.
Sec. 362. Medication development program.
Sec. 363. Drug abuse research centers.

Subtitle H—National Institute of Mental Health

Sec. 371. Authorization of appropriations.

Subtitle I—National Center for Research Resources

Sec. 381. Authorization of appropriations.
Sec. 382. General clinical research centers.
Sec. 383. Enhancement awards.
Sec. 384. Waiver of limitations.

Subtitle J—National Library of Medicine

Sec. 391. Authorization of appropriations.
Sec. 392. Increasing the cap on grant amounts.

TITLE IV—AWARDS AND TRAINING

Sec. 401. Medical scientist training program.
Sec. 402. Raise in maximum level of loan repayments.
Sec. 403. General loan repayment program.
Sec. 404. Clinical research assistance.

TITLE V—RESEARCH WITH RESPECT TO AIDS

Sec. 501. Comprehensive plan for expenditure of AIDS appropriations.
Sec. 502. Emergency AIDS discretionary fund.

TITLE VI—GENERAL PROVISIONS
Subtitle A—Authority of the Director of NIH
Sec. 601. Authority of the director of NIH.
Subtitle B—Office of Rare Disease Research
Sec. 611. Establishment of office for rare disease research.
Subtitle C—Certain Reauthorizations
Sec. 621. National research service awards.
Sec. 622. National Foundation for Biomedical Research.
Subtitle D—Miscellaneous Provisions
Sec. 631. Establishment of national fund for health research.
Sec. 632. Definition of clinical research.
Sec. 633. Senior Biomedical Research Service.
Sec. 634. Establishment of a pediatric research initiative.
Sec. 635. Diabetes research.
Sec. 636. Parkinson's research.
Subtitle E—Repeals and Conforming Amendments
Sec. 641. Repeals and conforming amendments.

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

SEC. 101. DIRECTOR'S DISCRETIONARY FUND.

Section 402(i)(3) (42 U.S.C. 282(i)(3)) is amended by striking "$25,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999.".

SEC. 102. CHILDREN'S VACCINE INITIATIVE.

Section 404B(c) (42 U.S.C. 283d(c)) is amended by striking "$20,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999.".

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

SEC. 201. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) (42 U.S.C. 284e(d)) is amended by striking "$40,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999.".

SEC. 202. NATIONAL HUMAN GENOME RESEARCH INSTITUTE.

(a) IN GENERAL.—Part C of title IV (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 18—National Human Genome Research Institute

"SEC. 464Z. PURPOSE OF THE INSTITUTE.

"(a) IN GENERAL.—The general purpose of the National Human Genome Research Institute is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) conducting and supporting research training;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public;

"(6) reviewing and funding proposals to address the ethical, legal, and social issues associated with the genome project (including legal issues regarding patents); and

"(7) planning and administering intramural, collaborative, and field research to study human genetic disease.

"(b) RESEARCH.—The Director of the Institute may conduct and support research training—

"(1) for which fellowship support is not provided under section 487; and

"(2) that is not residency training of physicians or other health professionals.

"(c) ETHICAL, LEGAL, AND SOCIAL ISSUES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Institute shall make available not less than 5 percent of amounts made available for extramural research for carrying out paragraph (6) of such subsection.

"(2) NONAPPLICATION.—With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Institute certifies to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.

"(d) TRANSFER.—

"(1) IN GENERAL.—There are transferred to the National Human Genome Research Institute all functions which the National Center for Human Genome Research exercised before the date of enactment of this subpart, including all related functions of any officer or employee of the National Center for Human Genome Research. The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this subsection shall be transferred to the National Human Genome Research Institute.

"(2) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, regulations, privileges, and other administrative actions which have been issued, made, granted, or allowed to become effective in the performance of functions which are transferred under this subsection shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

"(3) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the National Center for Human Genome Research shall be deemed to refer to the National Human Genome Research Institute.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1997 through 1999.".

(b) CONFORMING AMENDMENTS.—

(1) Section 401(b) (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end thereof the following new subparagraph:

"(R) The National Human Genome Research Institute."; and

(B) in paragraph (2)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D).

(2) Subpart 3 of part E of title IV (42 U.S.C. 287c et seq.) is repealed.

SEC. 203. INCREASED AMOUNT OF GRANT AND OTHER AWARDS.

Section 405(b)(2)(B) (42 U.S.C. 284(b)(2)(B) is amended—

(1) in clause (i), by striking "$50,000" and inserting "$100,000"; and

(2) in clause (ii), by striking "$50,000" and inserting "$100,000".

SEC. 204. MEETINGS OF ADVISORY COMMITTEES AND COUNCILS.

(a) IN GENERAL.—Section 406 (42 U.S.C. 284a) is amended—

(1) in subsection (e), by striking ", but at least three times each fiscal year"; and

(2) in subsection (h)(2)—

(A) in subparagraph (A)—

(i) in clause (iv), by adding "and" after the semicolon;

(ii) in clause (v), by striking "; and" and inserting a period; and

(iii) by striking clause (vi); and

(B) in subparagraph (B), by striking ", except" and all that follows through "year".

(b) PRESIDENT'S CANCER PANEL.—Section 415(a)(3) (42 U.S.C. 285a–4(a)(3)) is amended by striking ", but not less often than four times a year".

(c) INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 429(b) (42 U.S.C. 285c–3(b)) is amended by striking ", but not less often than four times a year".

(d) INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 439(b) (42 U.S.C. 285d–4(b)) is amended by striking ", but not less often than four times a year".

(e) INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS INTERAGENCY COORDINATING COMMITTEES.—Section 464E(d) (42 U.S.C. 285m–5(d)) is amended by striking ", but not less often than four times a year".

(f) INSTITUTE OF NURSING RESEARCH ADVISORY COUNCIL.—Section 464X(e) (42 U.S.C. 285q–2(e)) is amended by striking ", but at least three times each fiscal year".

(g) CENTER FOR RESEARCH RESOURCES ADVISORY COUNCIL.—Section 480(e) (42 U.S.C. 287a(e)) is amended by striking ", but at least three times each fiscal year".

(h) APPLICATION OF FACA.—Part B of title IV (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 409B. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.

"Notwithstanding any other provision of law, the provisions of the Federal Advisory Committee Act (5 U.S.C. Ap. 2) shall not apply to a scientific or technical peer review group, established under this title.".

SEC. 205. ELIMINATION OR MODIFICATION OF REPORTS.

(a) PUBLIC HEALTH SERVICE ACT REPORTS.—The following provisions of the Public Health Service Act are repealed:

(1) Section 403 (42 U.S.C. 283) relating to the biennial report of the Director of the National Institutes of Health to Congress and the President.

(2) Subsection (c) of section 439 (42 U.S.C. 285d-4(c)) relating to the annual report of the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the annual report of the Skin Diseases Interagency Coordinating Committee.

(3) Subsection (j) of section 442 (42 U.S.C. 285d-7(j)) relating to the annual report of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Board.

(4) Subsection (b) of section 494A (42 U.S.C. 289c–1(b)) relating to the annual report of the Secretary of Health and Human Services on health services research relating to alcohol abuse and alcoholism, drug abuse, and mental health.

(5) Subsection (b) of section 503 (42 U.S.C. 290aa–2(b)) relating to the triennial report of the Secretary of Health and Human Services to Congress.

(b) REPORT ON DISEASE PREVENTION.—Section 402(f)(3) (42 U.S.C. 282(f)(3)) is amended by striking "annually" and inserting "biennially".

(c) REPORTS OF THE COORDINATING COMMITTEES ON DIGESTIVE DISEASES, DIABETES MELLITUS, AND KIDNEY, UROLOGIC AND HEMATOLOGIC DISEASES.—Section 429 (42 U.S.C. 285c–3) is amended by striking subsection (c).

(d) REPORT OF THE TASK FORCE ON AGING RESEARCH.—Section 304 of the Home Health Care and Alzheimer's Disease Amendments of 1990 (42 U.S.C. 242q–3) is repealed.

(e) SUDDEN INFANT DEATH SYNDROME RESEARCH.—Section 1122 (42 U.S.C. 300c–12) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading; and

(B) by striking "of the type" and all that follows through "adequate," and insert ", such amounts each year as will be adequate for research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, and to the relationship of the high-risk pregnancy and high-risk infancy research to sudden infant death syndrome,"; and

(2) by striking subsections (b) and (c).

(f) U.S.-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM.—Subsection (h) of section 5 of the International Health Research Act of 1960 is repealed.

(g) BIOENGINEERING RESEARCH.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives, a report containing specific plans and timeframes on how the Director will implement the findings and recommendations of the report to Congress entitled "Support for Bioengineering Research" (submitted in August of 1995 in accordance with section 1912 of the National Institutes of Health Revitalization Act of 1993 (42 U.S.C. 282 note)).

[g] *(h)* CONFORMING AMENDMENTS.—Title IV is amended—

(1) in section 404C(c) (42 U.S.C. 283e(c)), by striking "included" and all that follows through the period and inserting "made available to the committee established under subsection (e) and included in the official minutes of the committee";

(2) in section 404E(d)(3)(B) (42 U.S.C. 283g(d)(3)(B)), by striking "for inclusion in the biennial report under section 403";

(3) in section 406(g) (42 U.S.C. 284a(g))—

(A) by striking "for inclusion in the biennial report made under section 407" and inserting "as it may determine appropriate"; and

(B) by striking the second sentence;

(4) in section 407 (42 U.S.C. 284b)—

(A) in the section heading, to read as follows:

"REPORTS"; and

(B) by striking "shall prepare for inclusion in the biennial report made under section 403 a biennial" and inserting "may prepare a";

(5) in section 416(b) (42 U.S.C. 285a–5(b)) by striking "407" and inserting "402(f)(3)";

(6) in section 417 (42 U.S.C. 285a–6), by striking subsection (e);

(7) in section 423(b) (42 U.S.C. 285b–6(b)), by striking "407" and inserting "402(f)(3)";

(8) by striking section 433 (42 U.S.C. 285c–7);

(9) in section 451(b) (42 U.S.C. 285g–3(b)), by striking "407" and inserting "402(f)(3)";

(10) in section 452(d) (42 U.S.C. 285g–4(d))—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking "(A) Not" and inserting "Not"; and

(ii) by striking subparagraph (B); and

(B) in the last sentence of paragraph (4), by striking "contained" and all that follows through the period and inserting "transmitted to the Director of NIH.";

(11) in section 464I(b) (42 U.S.C. 285n–1(b)), by striking "407" and inserting "402(f)(3)";

(12) in section 464M(b) (42 U.S.C. 285o–1)(b)), by striking "407" and inserting "402(f)(3)";

(13) in section 464S(b) (42 U.S.C. 285p–1(b)), by striking "407" and inserting "402(f)(3)";

(14) in section 464X(g) (42 U.S.C. 285q–2(g)) is amended—

(A) by striking "for inclusion in the biennial report made under section 464Y" and inserting "as it may determine appropriate"; and

(B) by striking the second sentence;

(15) in section 464Y (42 U.S.C. 285q–3)—

(A) in the section heading, to read as follows:

"REPORTS"; and

(B) by striking "shall prepare for inclusion in the biennial report made under section 403 a biennial" and inserting "may prepare a";

(16) in section 480(g) (42 U.S.C. 287a(g))—

(A) by striking "for inclusion in the biennial report made under section 481" and inserting "as it may determine appropriate"; and

(B) by striking the second sentence;

(17) in section 481 (42 U.S.C. 287a–1)—

(A) in the section heading, to read as follows:

"REPORTS"; and

(B) by striking "shall prepare for inclusion in the biennial report made under section 403 a biennial" and inserting "may prepare a";

(18) in section 486(d)(5)(B) (42 U.S.C. 287d(d)(5)(B)), by striking "for inclusion in the report required in section 403";

(19) in section 486B (42 U.S.C. 287d–2) by striking subsection (b) and inserting the following new subsection:

"(b) SUBMISSION.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH."; and

(20) in section 492B(f) (42 U.S.C. 289a–2(f)), by striking "for inclusion" and all that follows through the period and inserting "and the Director of NIH.".

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 417B (42 U.S.C. 286a–8) is amended—

(1) in subsection (a), by striking "$2,728,000,000" and all that follows through the period and inserting "$3,000,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence of subparagraph (A), by striking "$225,000,000" and all that follows through the first period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999."; and

(ii) in the first sentence of subparagraph (B), by striking "$100,000,000" and all that follows through the first period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999."; and

(B) in the first sentence of paragraph (2), by striking "$75,000,000" and all that follows through the first period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999."; and

(3) in the first sentence of subsection (c), by striking "$72,000,000" and all that follows through the first period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999.".

SEC. 302. DES STUDY.

Section 403A(e) (42 U.S.C. 283a(e)) is amended by striking "1996" and inserting "1999".

Subtitle B—National Heart Lung and Blood Institute

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Section 425 (42 U.S.C. 285b–8) is amended by striking "$1,500,000,000" and all that follows through the period and inserting "$1,600,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.".

Subtitle C—National Institute of Allergy and Infectious Diseases

SEC. 321. RESEARCH AND RESEARCH TRAINING REGARDING TUBERCULOSIS.

Subpart 6 of part C of title IV is amended in the first section 447(b) (42 U.S.C. 285f–2(b)) by striking "$50,000,000" and all that follows through the first period 1998" and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999.".

SEC. 322. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.

Section 2313(e) (42 U.S.C. 300cc–13(e)) is amended—

(1) in paragraph (1), by striking "1996" and inserting "1999"; and

(2) in paragraph (2), by striking "1996" and inserting "1999".

Subtitle D—National Institute of Child Health and Human Development

SEC. 331. RESEARCH CENTERS FOR CONTRACEPTION AND INFERTILITY.

Section 452A(g) (42 U.S.C. 285g–5(g)) is amended by striking "$30,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999.".

Subtitle E—National Institute on Aging

SEC. 341. AUTHORIZATION OF APPROPRIATIONS.

Section 445I (42 U.S.C. 285e–11) is amended by striking "$500,000,000" and all that follows through the period and inserting "$550,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.".

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

SEC. 351. AUTHORIZATION OF APPROPRIATIONS.

Section 464H(d)(1) (42 U.S.C. 285n(d)(1)) is amended by striking "300,000,000" and all that follows through the period and inserting "$330,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.".

SEC. 352. NATIONAL ALCOHOL RESEARCH CENTER.

Section 464J(b) (42 U.S.C. 285n–2(b)) is amended—

(1) by striking "(b) The" and inserting "(b)(1) The";

(2) by striking the third sentence; and

(3) by adding at the end thereof the following new paragraph:

"(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

"(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

"(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term shall not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.".

Subtitle G—National Institute on Drug Abuse

SEC. 361. AUTHORIZATION OF APPROPRIATIONS.

Section 464L(d)(1) (42 U.S.C. 285o(d)(1)) is amended by striking "$440,000,000" and all that follows through the period and inserting "$480,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.".

SEC. 362. MEDICATION DEVELOPMENT PROGRAM.

Section 464P(e) (42 U.S.C. 285o-4(e)) is amended by striking "$85,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999".

SEC. 363. DRUG ABUSE RESEARCH CENTERS.

Section 464N(b) (42 U.S.C. 285o-2(b)) is amended—

(1) by striking "(b) The" and inserting "(b)(1) The";

(2) by striking the last sentence; and

(3) by adding at the end thereof the following new paragraph:

"(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

"(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

"(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term does not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.".

Subtitle H—National Institute of Mental Health

SEC. 371. AUTHORIZATION OF APPROPRIATIONS.

Section 464R(f)(1) (42 U.S.C. 285p(f)(1)) is amended by striking "$675,000,000" and all that follows through the period and inserting "$750,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.".

Subtitle I—National Center for Research Resources

SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 481A(h) (42 U.S.C. 287a-2(h)) is amended by striking "$150,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999.".

(b) RESERVATION FOR CONSTRUCTION OF REGIONAL CENTERS.—Section 481B(a) (42 U.S.C. 287a-3(a)) is amended—

(1) by striking "shall" and inserting "may";

(2) by striking "1994 through 1996" and inserting "1997 through 1999"; and

(3) by striking "$5,000,000" and inserting "such sums as may be necessary for each such fiscal year".

SEC. 382. GENERAL CLINICAL RESEARCH CENTERS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by section 205(h), is further amended by adding at the end thereof the following new section:

"SEC. 409C. GENERAL CLINICAL RESEARCH CENTERS.

"(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

"(b) ACTIVITIES.—In carrying out subsection (a), the Director of NIH shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under subsection (a), such sums as may be necessary for each of the fiscal years 1996 and 1999.".

SEC. 383. ENHANCEMENT AWARDS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 205(h) and 382, is further amended by adding at the end thereof the following new section:

"SEC. 409D. ENHANCEMENT AWARDS.

"(a) CLINICAL RESEARCH CAREER ENHANCEMENT AWARD.—

"(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'clinical research career enhancement awards') to support individual careers in clinical research.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $130,000 per year per grant. Grants shall be for terms of 5 years. The Director shall award not more than 20 grants in the first fiscal year in which grants are awarded under this subsection. The total number of grants awarded under this subsection for the first and second fiscal years in which grants such are awarded shall not exceed 40 grants.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for each of the fiscal years 1997 through 1999.

"(b) INNOVATIVE MEDICAL SCIENCE AWARD.—

"(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'innovative medical science awards') to support individual clinical research projects.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

"(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $100,000 per year per grant.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for each of the fiscal years 1997 through 1999.

"(c) PEER REVIEW.—The Director of NIH, in cooperation with the Director of the National Center for Research Resources, shall establish peer review mechanisms to evaluate applications for clinical research fellowships, clinical research career enhancement awards, and innovative medical science award programs. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research trainees.".

SEC. 384. WAIVER OF LIMITATIONS.

Section 481A (42 U.S.C. 287a-2) is amended—

(1) in subsection (b)(3)(A), by striking "9" and inserting "12";

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "50" and inserting "40"; and

(ii) in subparagraph (B), by striking "40" and inserting "30"; and

(B) in paragraph (4), by striking "for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c)"; and

(3) in subsection (h), by striking $150,000,000" and all that follows through "1996" and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999".

Subtitle J—National Library of Medicine

SEC. 391. AUTHORIZATION OF APPROPRIATIONS.

Section 468(a) (42 U.S.C. 286a-2(a)) is amended by striking "$150,000,000" and all that follows through the period and inserting "$160,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.".

SEC. 392. INCREASING THE CAP ON GRANT AMOUNTS.

Section 474(b)(2) (42 U.S.C. 286b-5(b)(2)) is amended by striking "$1,000,000" and inserting "$1,250,000".

TITLE IV—AWARDS AND TRAINING

SEC. 401. MEDICAL SCIENTIST TRAINING PROGRAM.

(a) EXPANSION OF PROGRAM.—Notwithstanding any other provision of law, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall expand the Medical Scientist Training Program to include fields that will contribute to training clinical investigators in the skills of performing patient-oriented clinical research.

(b) DESIGNATION OF SLOTS.—In carrying out subsection (a), the Director of the National Institutes of Health shall designate a specific percentage of positions under the Medical Scientist Training Program for use with respect to the pursuit of a Ph.D. degree in the disciplines of economics, epidemiology, public health, bioengineering, biostatistics and bioethics, and other fields determined appropriate by the Director.

SEC. 402. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) REPAYMENT PROGRAMS WITH RESPECT TO AIDS.—Section 487A (42 U.S.C. 288-1) is amended—

(1) in subsection (a), by striking "$20,000" and inserting "$35,000"; and

(2) in subsection (c), by striking "1996" and inserting "1999".

(b) REPAYMENT PROGRAMS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Section 487B(a) (42 U.S.C. 288-2(a)) is amended by striking "$20,000" and inserting "$35,000".

(c) REPAYMENT PROGRAMS WITH RESPECT TO RESEARCH GENERALLY.—Section 487C(a)(1) (42 U.S.C. 288-3(a)(1)) is amended by striking "$20,000" and inserting "$35,000".

(d) REPAYMENT PROGRAMS WITH RESPECT TO CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—Section 487E(a) (42 U.S.C. 288-5(a)) is amended—

(1) in paragraph (1), by striking "$20,000" and inserting "$35,000"; and

(2) in paragraph (3), by striking "338C" and inserting "338B, 338C".

SEC. 403. GENERAL LOAN REPAYMENT PROGRAM.

Part G of title IV (42 U.S.C. 288 et seq.) is amended by inserting after section 487E, the following new section:

"SEC. 487F. GENERAL LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Director of NIH, shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research with respect to the areas identified under paragraph (2) in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

"(2) RESEARCH AREAS.—In carrying out the program under paragraph (1), the Director of NIH shall annually identify areas of research for which loan repayments made be awarded under paragraph (1).

"(3) TERM OF AGREEMENT.—A loan repayment agreement under paragraph (1) shall be for a minimum of two years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1997 through 1999.".

SEC. 404. CLINICAL RESEARCH ASSISTANCE.

(a) NATIONAL RESEARCH SERVICE AWARDS.—Section 487(a)(1)(C) (42 U.S.C. 288(a)(1)(C)) is amended—

(1) by striking "50 such" and inserting "100 such"; and

(2) by striking "1996" and inserting "1999".

(b) LOAN REPAYMENT PROGRAM.—Section 487E (42 U.S.C. 288-5) is amended—

(1) in the section heading, by striking "FROM DISADVANTAGED BACKGROUNDS";

(2) in subsection (a)(1), by striking "who are from disadvantaged backgrounds";

(3) in subsection (b)—

(A) by striking "Amounts" and inserting the following:

"(1) IN GENERAL.—Amounts"; and

(B) by adding at the end thereof the following new paragraph:

"(2) DISADVANTAGED BACKGROUNDS SET-ASIDE.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the amounts appropriated for a fiscal year are used for contracts involving those appropriately qualified health professionals who are from disadvantaged backgrounds."; and

(4) by adding at the end thereof the following new subsections:

"(c) CLINICAL RESEARCH TRAINING POSITION.—A position shall be considered a clinical research training position under subsection (a)(1) if such position involves an individual serving in a general clinical research center or other organizations and institutions determined to be appropriate by the Director of NIH, or a physician receiving a clinical research career enhancement award or NIH intramural research fellowship.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.".

TITLE V—RESEARCH WITH RESPECT TO AIDS

SEC. 501. COMPREHENSIVE PLAN FOR EXPENDITURE OF AIDS APPROPRIATIONS.

Section 2353(d)(1) (42 U.S.C. 300cc-40b(d)(1)) is amended by striking "through 1996" and inserting "through 1999".

SEC. 502. EMERGENCY AIDS DISCRETIONARY FUND.

Section 2356(g)(1) (42 U.S.C. 300cc-43(g)(1)) is amended by striking "$100,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999".

TITLE VI—GENERAL PROVISIONS

Subtitle A—Authority of the Director of NIH

SEC. 601. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking "and" at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

"(13) may conduct and support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) which does not consist of residency training of physicians or other health professionals; and

"(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.".

Subtitle B—Office of Rare Disease Research

SEC. 611. ESTABLISHMENT OF OFFICE FOR RARE DISEASE RESEARCH.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 404F. OFFICE FOR RARE DISEASE RESEARCH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of the National Institutes of Health an office to be known as the Office for Rare Disease Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the National Institutes of Health.

"(b) PURPOSE.—The purpose of the Office is to promote and coordinate the conduct of research on rare diseases through a strategic research plan and to establish and manage a rare disease research clinical database.

"(c) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the purpose of providing advice to the director of the Office concerning carrying out the strategic research plan and other duties under this section. Section 222 shall apply to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

"(d) DUTIES.—In carrying out subsection (b), the director of the Office shall—

"(1) develop a comprehensive plan for the conduct and support of research on rare diseases;

"(2) coordinate and disseminate information among the institutes and the public on rare diseases;

"(3) support research training and encourage the participation of a diversity of individuals in the conduct of rare disease research;

"(4) identify projects or research on rare diseases that should be conducted or supported by the National Institutes of Health;

"(5) develop and maintain a central database on current government sponsored clinical research projects for rare diseases;

"(6) determine the need for registries of research subjects and epidemiological studies of rare disease populations; and

"(7) prepare biennial reports on the activities carried out or to be carried out by the Office and submit such reports to the Secretary and the Congress.".

Subtitle C—Certain Reauthorizations

SEC. 621. NATIONAL RESEARCH SERVICE AWARDS.

Section 487(d) (42 U.S.C. 288(d)) is amended by striking "$400,000,000" and all that follows through the first period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999.".

SEC. 622. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Section 499(m)(1) (42 U.S.C. 290b(m)(1)) is amended by striking "an aggregate" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1997 through 1999.".

Subtitle D—Miscellaneous Provisions

SEC. 631. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by section 611, is further amended by adding at the end thereof the following new section:

"SEC. 404G. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'National Fund for Health Research' (hereafter in this section referred to as the 'Fund'), consisting of such amounts as are transferred to the Fund and any interest earned on investment of amounts in the Fund.

"(b) OBLIGATIONS FROM FUND.—

"(1) IN GENERAL.—Subject to the provisions of paragraph (2), with respect to the amounts made available in the Fund in a fiscal year, the Secretary shall distribute all of such amounts during any fiscal year to research institutes and centers of the National Institutes of Health in the same proportion to the total amount received under this section, as the amount of annual appropriations under appropriations Acts for each member institute and centers for the fiscal year bears to the total amount of appropriations under appropriations Acts for all research institutes and centers of the National Institutes of Health for the fiscal year.

"(2) TRIGGER AND RELEASE OF MONIES.—No expenditure shall be made under paragraph (1) during any fiscal year in which the annual amount appropriated for the National Institutes of Health is less than the amount so appropriated for the prior fiscal year.".

SEC. 632. DEFINITION OF CLINICAL RESEARCH.

Part A of title **[**V**]** *IV* (42 U.S.C. 281 et seq.) as amended by sections 611 and 631, is further amended by adding at the end thereof the following new section:

"SEC. 404H. DEFINITION OF CLINICAL RESEARCH.

"As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations, or on material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology, or disease, epidemiologic or behavioral studies, outcomes research, or health services research.".

SEC. 633. SENIOR BIOMEDICAL RESEARCH SERVICE.

Section 228 (42 U.S.C. 237) is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding any other provision of law, the Secretary shall be treated as a non-profit entity for the purposes of making contributions to the retirement systems of appointees under this section in a manner that will permit such appointees to continue to be fully covered under the retirement systems that such appointees were members of immediately prior to their appointment under this section.".

SEC. 634. ESTABLISHMENT OF A PEDIATRIC RESEARCH INITIATIVE.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by sections 611, 631, and 632, is further amended by adding at the end the following new section:

"SEC. 404I. PEDIATRIC RESEARCH INITIATIVE

"(a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (hereafter in this section referred to as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

"(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH to encourage—

"(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

"(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising;

"(3) increased support for pediatric outcomes and medical effectiveness research to demonstrate how to improve the quality of children's health care while reducing cost;

"(4) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population; and

"(5) recognition of the special attention pediatric research deserves.

"(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

"(1) consult with the Institutes and other advisors as the Director determines appropriate when considering the role of the Institute for Child Health and Human Development;

"(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

"(A) assistance is directly related to the illnesses and diseases of children; and

"(B) assistance is extramural in nature; and

"(3) be responsible for the oversight of any newly appropriated Initiative funds and be accountable with respect to such funds to Congress and to the public.

"(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal years 1997 through 1999.

"(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated to any of the Institutes for a fiscal year to the Initiative to carry out this section.".

SEC. 635. DIABETES RESEARCH.

(a) FINDINGS.—The Congress finds as follows:

(1) Diabetes is a serious health problem in America.

(2) More than 16,000,000 Americans suffer from diabetes.

(3) Diabetes is the fourth leading cause of death in America, taking the lives of more than 169,000 people annually.

(4) Diabetes disproportionately affects minority populations, especially African-Americans, Hispanics, and Native Americans.

(5) Diabetes is the leading cause of new blindness in adults over age 30.

(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting more than 56,000 Americans each year.

(7) Diabetes is the leading cause of nontraumatic amputations, affecting 54,000 Americans each year.

(8) The cost of treating diabetes and its complications are staggering for our Nation.

(9) Diabetes accounted for health expenditures of $105,000,000,000 in 1992.

(10) Diabetes accounts for over 14 percent of our Nation's health care costs.

(11) Federal funds invested in diabetes research over the last two decades has led to significant advances and, according to leading scientists and endocrinologists, has brought the United States to the threshold of revolutionary discoveries which hold the potential to dramatically reduce the economic and social burden of this disease.

(12) The National Institute of Diabetes and Digestive and Kidney Diseases supports, in addition to many other areas of research, genetic research, islet cell transplantation research, and prevention and treatment clinical trials focusing on diabetes. Other research institutes within the National Institutes of Health conduct diabetes-related research focusing on its numerous complications, such as heart disease, eye and kidney problems, amputations, and diabetic neuropathy.

(b) INCREASED FUNDING REGARDING DIABETES.—With respect to the conduct and support of diabetes-related research by the National Institutes of Health, there are authorized to be appropriated for such purpose—

(1) for each of the fiscal years 1997 through 1999, an amount equal to the amount appropriated for such purpose for fiscal year 1996; and

(2) for the 3-fiscal year period beginning with fiscal year 1997, an additional amount equal to 25 percent of the amount appropriated for such purpose for fiscal year 1996.

SEC. 636. PARKINSON'S RESEARCH.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 204, 382 and 383, is further amended by adding at the end the following section:

"PARKINSON'S DISEASE

"SEC. 409E. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease.

"(b) INTER-INSTITUTE COORDINATION.—

"(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

"(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

"(c) MORRIS K. UDALL RESEARCH CENTERS.—

"(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

"(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

"(ii) conduct basic and clinical research.

"(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

"(i) conduct training programs for scientists and health professionals;

"(ii) conduct programs to provide information and continuing education to health professionals;

"(iii) conduct programs for the dissemination of information to the public;

"(iv) develop and maintain, where appropriate, a brain bank to collect specimens related to the research and treatment of Parkinson's;

"(v) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

"(vi) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

"(vii) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

"(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

"(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(d) MORRIS K. UDALL AWARDS FOR INNOVATION IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support innovative proposals leading to significant breakthroughs in Parkinson's research. Grants under this subsection shall be available to support outstanding neuroscientists and clinicians who bring innovative ideas to bear on the understanding of the pathogenesis, diagnosis and treatment of Parkinson's disease.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $80,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.".

Subtitle E—Repeals and Conforming Amendments

SEC. 641. REPEALS AND CONFORMING AMENDMENTS.

(a) RENAMING OF DIVISION OF RESEARCH RESOURCES.—Section 403(5) (42 U.S.C. 283(5)) is amended by striking "Division of Research Resources" and inserting "National Center for Research Resources".

(b) RENAMING OF NATIONAL CENTER FOR NURSING RESEARCH.—

(1) Section 403(5) (42 U.S.C. 283(5)) is amended by striking "National Center for Nursing Research" and inserting "National Institute of Nursing Research".

(2) Section 408(a)(2) (42 U.S.C. 284c(a)(2)) is amended by striking "National Center for Nursing Research" and inserting "National Institute of Nursing Research".

(c) RENAMING OF CHIEF MEDICAL DIRECTOR FOR VETERANS AFFAIRS.—

(1) Section 406 (42 U.S.C. 284a) is amended—

(A) in subsection (b)(2)(A), by striking "Chief Medical Director of the Department of Veterans Affairs or the Chief Dental Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v) by striking "Chief Medical Director of the Department of Veterans Affairs," and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(2) Section 424(c)(3)(B)(x) (42 U.S.C. 285b-7(c)(3)(B)(x)) is amended by striking "Chief Medical Director of the Veterans' Administration" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(3) Section 429(b) (42 U.S.C. 285c-3(b)) is amended by striking "Chief Medical Director of the Veterans' Administration" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(4) Section 430(b)(2)(A)(i) (42 U.S.C. 285c-4(b)(2)(A)(i)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(5) Section 439(b) (42 U.S.C. 285d-4(b)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(6) Section 452(f)(3)(B)[(ix)]*(xi)* (42 U.S.C. 285g-4(f)(3)(B)[(ix)]*(xi)*) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(7) Section 466(a)(1)(B) (42 U.S.C. 286a(a)(1)(B)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(8) Section 480(b)(2)(A) (42 U.S.C. 287a(b)(2)(A)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(b) ADVISORY COUNCILS.—Section 406(h) (42 U.S.C. 284a(h)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2)—

(A) by striking "(2)(A) The" and inserting "(1) The";

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) by redesignating clauses (i) through (vi) of paragraph (1) (as so redesignated) as subparagraphs (A) through (F), respectively.

(c) DIABETES AND DIGESTIVE AND KIDNEY DISORDERS ADVISORY BOARDS.—Section 430 (42 U.S.C. 285c-4) is repealed.

(d) NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY BOARD.—Section 442 (42 U.S.C. 285d-7) is repealed.

(e) RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME.—Subpart 6 of part C of title IV (42 U.S.C. 285f et seq.) is amended by redesignating the second section 447 (42 U.S.C. 285f-1) as section 447A.

(f) NATIONAL INSTITUTE ON DEAFNESS ADVISORY BOARD.—Section 464D (42 U.S.C. 285m-4) is repealed.

(g) BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL STUDY.—Section 489 (42 U.S.C. 288b) is amended—

(1) by striking subsections (b); and

(2) by redesignating subsection (c) as subsection (b).

(h) NATIONAL COMMISSION ON ALCOHOLISM AND OTHER ALCOHOL-RELATED PROBLEMS.—Section 18 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is repealed.

(i) ADVISORY COUNCIL ON HAZARDOUS SUBSTANCES RESEARCH AND TRAINING.—Section 311(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9660(a)) is amended—

(1) by striking paragraph (5); and

(2) in the last sentence of paragraph (6), by striking "the relevant Federal agencies referred to in subparagraph (A) of paragraph (5)" and inserting "relevant Federal agencies".

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 5404

(Purpose: To provide for a substitute amendment)

Mr. LOTT. Senator KASSEBAUM has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mrs. KASSEBAUM, proposes an amendment numbered 5404.

Mr. LOTT. I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mrs. KASSEBAUM. Mr. President, I am extremely pleased that the Senate is considering the National Institutes of Health [NIH].

All Americans can take great pride in the exceptional contributions that the NIH has made. It has compiled an astonishing record of biomedical research advances which have transformed all of our lives. Vaccines against conditions which once crippled and killed are now routine, and drugs hailed as miracles at their inception are as well known as aspirin.

The NIH has spawned and nurtured a level of scientific creativity which truly seems to have no bounds. Past successes against seemingly insurmountable odds have inspired confidence and offered hope to those who have nowhere else to turn. The legislation we are considering today will help support and improve these critical efforts.

In addition to reauthorizing the important work of the two largest institutes—the National Cancer Institute and the National Heart, Lung, and Blood Institute—this bill attempts to strengthen the ability of the NIH to respond to emerging issues in the biomedical research arena and in the larger health care environment in which it operates.

Certainly, one of the biggest future frontiers is that of the human genetic code. Among the recent discoveries is the BRCA-1 gene, a genetic marker for a form of breast cancer. In recognition of the significance of this area of inquiry, the bill authorizes the creation of the National Human Genome Research Institute. The elevation of the National Center for Genome Research to institute status will serve to better focus NIH resources for this important work.

The bill also recognizes a need to invest in the education and training of the next generation of clinical researchers—those biomedical scientists who perform research that directly involves patients. It provides for greater support for expert training of young biomedical scientists who have elected the difficult, and frequently less well-compensated, careers in scientific inquiry.

In addition, the bill makes substantial efforts to reduce excess and often duplicative infrastructure that has grown up over time in the NIH. It streamlines operations through steps such as eliminating redundant committees and reports. Every dollar saved from unnecessary administrative burdens is another dollar freed up for support of biomedical research.

By the very nature of ever-expanding new knowledge, it seems there is no end to the pressure on the limited resources for biomedical research support. Accordingly, the bill establishes a framework under which additional sources of funding could be tapped by creating a biomedical research trust fund within the Treasury. This trust fund is a small, but important, first step.

Academic health centers in the 21st century will be posed with an unprecedented challenge: how to maintain their research mission in the face of a fundamentally changed health care system. These changes are the consequence of dramatic market shifts that are taking place in health care in this country. Cost-competition has made it particularly difficult for the continuation of many of these important institutions that frequently care for the sickest as well as the poorest citizens of our communities.

Although additional action may be required as ongoing studies offer a better understanding of the ramifications of these changes, this bill offers support for the 75 general clinical research centers that exist in academic medical centers throughout the country.

Finally, this measure includes a significant initiative in the area of Parkinson's disease research. Based on separate legislation with broad bipartisan support in both the Senate and House, this initiative is designed to expand and improve Parkinson's research efforts. It establishes up to 20 Morris K. Udall Centers for Research on Parkinson's disease and provides for awards to neuroscientists and clinicians to support innovative research.

This legislation offers hope to individuals with Parkinson's and their families, who have worked long and hard to assure that greater attention and emphasis is placed on pursuing promising research leads.

In fact, Mr. President, reauthorization of the important work of the National Institutes of Health offers hope to us all. Moreover, it reaffirms our commitment to approach the future frontiers of science with the same enthusiasm and dedication which has characterized our past. I urge my colleagues to support the adoption of the National Institutes of Health Revitalization Act of 1996.

Mr. GREGG. Mr. President, I am pleased to see that the Senate will pass a bill today, S. 1879, that reauthorizes funding for the National Institutes of Health [NIH]. The NIH is one of the few Federal Government agencies that truly receives bipartisan support as it works to respond to the challenges posed by the medical mysteries of our times. I share the overwhelming support for the work generally being done at, and funded by, the NIH with my constituents in New Hampshire who have contacted me about this legislation.

The NIH is composed of 24 separate Institutes that conduct basic biomedical research; our investment in the NIH represents over one-third of the total nondefense research and development funding in the Federal Government. Institutes like the National Center for Human Genome Research, which has recently received a tremendous amount of attention for its undertaking of mapping and sequencing human genes to find the genetic bases for disease, continue to change the way we look at science.

I think that we have to be aware, however, that each time the science improves, a number of the factors come into play: How to update the standard of ethics; how to manage the flow of information; how to ensure that coordination is being optimized between Centers and Institutes internally at the NIH; how to encourage public/private partnership in the funding of these developments; and how to best prioritize the Federal funding in relation to the pursuit of such critical medical discoveries. Mr. President, I am not certain that, in our role as the overseers of this important Federal agency, we have been as attentive as we need to be to these issue in the reauthorization process; and that is why I am especially pleased that the decision was make to make this a 1-year reauthorization. I believe we need to revisit a number of important items on the NIH agenda next session, and I look forward to being involved in those efforts.

For example, the last NIH reauthorization included authority for a foundation which NIH can use to raise funds. Its purposes was to increase coordination with universities and the private sector and make it possible to solicit funds for special projects. I remain uncertain that the foundation is being utilized. It is time to recognize that Federal dollars must function as a means to an end—the appropriations we are able to provide to the NIH will never be enough. But before we begin to craft new schemes to raise additional funds for the NIH, we need to be sure that the mechanisms we have already put in place are functioning as intended. Therefore, I believe the NIH must use their authority to appropriately levy additional funds, to maximize their available resources. In this way, a dedicated effort can be made to increase the awareness of, involvement in, and contributions to our premiere biomedical research facility, rather than continue to rely on the limited taxpayer funds were able to appropriate to the Institutes.

In other areas, the NIH receives very high marks. Their support of both intramural clinical research and extramural research funded through grants and is conducted outside NIH, at such premiere facilities as Dartmouth College and the University of New Hampshire, demonstrates their understanding of the need to utilize every resource we have in fighting the diseases which face Americans. I applaud the NIH's efforts to ensure that funding is provided to scientists conducting research beyond the NIH campus. Too often we see Federal agencies adopt the attitude that they have a lock on the science they practice; I believe our Government science administrators need to adopt the attitude of openness and the spirit of cooperation demonstrated at NIH toward their colleagues in academia and the private sector.

I am pleased to note that we have included a provision that has long been championed by Senator HATFIELD, who has demonstrated a devoted dedication to supporting the research and vision of the NIH. It is a program designed to ensure that young people are encouraged to enter the field of basic clinical research by providing needed financial assistance. It is the students of science who represent our hope for the future, and I am hopeful that this program will provide them the necessary support to take on a career in this critical field.

So I am pleased to offer my support for this legislation today, realizing that several outstanding issues remain before us in relation to this reauthorization. I am hopeful, Mr. President, that when we return in 1997, we will turn to this legislation early in the opening days of the 105th Congress, and make a bipartisan effort to further improve this agency that offers so much to so many.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, two mornings ago I spoke with a friend of mine in North Dakota named Olaf. He is 85 years old. He was to have open heart surgery that morning to repair a leaky heart valve.

I mention this because I want to talk just for a moment today about the reauthorization of the National Institutes of Health, which the Senate has just unanimously approved, and I was thinking about Olaf. When he underwent open heart surgery not too many hours ago at age 85, I thought it was kind of an unusual thing, to have open heart surgery at age 85. I asked some doctors about it, and they said this is not so unusual anymore.

This reminds me of the breathtaking advances that we have seen in medicine in recent years, many of which come as a result of the dedicated research of the National Institutes of Health and researchers from all around the country and the world who work on NIH-supported projects.

There is a wonderful exhibit at the National Institutes of Health that I encourage all those who visit Washington, DC, to go see. It is an exhibit called, "The Healing Garden." The healing garden is a little garden exhibit showing the plants that researchers are now discovering have remarkable uses in modern medicine.

A lot of people think of medicine these days as doing some research to find some chemicals and compounds, putting these chemicals together in a pill, and giving somebody this pill that represents some sort of chemical response to an illness or disease. However, much of what we now are understanding about today's medicine begins with trees and shrubs and plants.

I just want to talk for a moment about what the healing garden at the National Institutes of Health demonstrates. The reason I want to do that is because we talk so often about what is wrong in Government, or what this agency does that is inappropriate, or what these bureaucrats do that is somehow improper. Today, I want everyone to know that there are wonderful researchers down at the National Institutes of Health doing extraordinary work in the field of medicine.

For instance, researchers at the National Institutes of Health, working with the Department of Agriculture, have collected more than 60,000 plant samples from all over the world, and preserved and stored them at National

Institutes of Health facilities in Frederick, MD. These samples are then distributed to researchers for testing. Let me describe some of the testing.

Researchers have found that a tree that is commonly found in China, and often known there by the name of "The Tree of Joy" or "The Tree of Love," is a source of a promising compound called CPT that works to kill cancer cells. Various derivatives of this compound from the Tree of Love in China are being tested in clinical trials right now at the National Institutes of Health, involving patients with lung cancer, ovarian cancer, breast cancer, colon cancer, and leukemia. In the future, when these tests are complete, we may very well call the "Tree of Joy" the "Tree of Life" for cancer patients.

A researcher from Brigham Young University has consulted with traditional healers in Samoa, and other regions of Polynesia, about the local uses of medicinal plants. During the testing of these plants from Polynesia here at the National Cancer Institute of the National Institutes of Health, researchers have found that an extract of wood, which the healers were using to treat Yellow Fever, has showed significant promise in fighting the AIDS virus. This potential anti-AIDS drug is now in preclinical development at the National Cancer Institute at the NIH.

A plant found in Australia known as the Salt Bush has shown significant promise in combating AIDS as well. A compound from the Salt Bush from Australia is now also being studied in preclinical development.

A NIH researcher recently discovered that an alkaloid from the skin of an Ecuadorian poison frog may be a potent pain killer, 200 times more powerful than morphine, and potentially nonaddictive as well.

I could go on and on, but finally, the last example I'll share today: There is another poison from a frog that they have tested at the NIH that is so incredibly powerful that the slightest contact with it by a human being will stop the heart instantly. Researchers wondered then if this incredibly powerful poison that can stop the human heart instantly might also have wonderful powers that could be harnessed positively, and they are now researching that.

If you go to the National Institutes of Health and ask them to tell you about the healing garden, they will show you the exhibit that demonstrates that much of what we have now discovered about medicine involves the use of items living naturally all around us—plants, shrubs, trees—in ways that some might have known to use them long ago and that we are now learning how to use again to provide powerful treatment opportunities for those in our world who are sick.

The reason, again, I wanted to mention this wonderful work being done at NIH is my friend Olaf, who, as I said when I started, had open heart surgery recently at age 85. Incidentally, Olaf had the ventilator tubes removed 2 hours after the surgery and had all of the other tubes removed by suppertime that evening, and at age 85, he is doing wonderfully, I am told. He is a part of a health care system that really does provide close to miracles for many, with divine help, I might add. But these miracles come with a great deal of help from researchers at the National Institutes of Health.

When I was at the National Institutes of Health, I also talked to the researchers in cardiology. The research they are doing in the area of heart disease is quite remarkable. What they are doing in the areas of cancer treatment is extraordinary. What they are doing in the search for AIDS treatments is really quite amazing. Arthritis, diabetes, the list goes on.

I assume there are some who would call using Government money to pay for the scientists and the researchers and the doctors, for the clinical trials and for all of the basic and applied research that goes on at the National Institutes of Health, spending. I think rather than call it "spending" we ought to call it "investment." The NIH is one of the most remarkably productive investments our country has made.

At the turn of this century, if you were an American, you were expected to live to perhaps age 47. The century is about to turn again, and 100 years later, you can likely expect to live to nearly age 77, a 30-year increase in your lifespan in this century.

There are a lot of reasons for that: people are healthier, they take better care of themselves, know more about nutrition. There are many reasons for this significant increase in life expectancy but included among those reasons are the breathtaking advances in health care.

At the root of those breathtaking advances in medical care is an investment in something called the National Institutes of Health which seldom gets the due it deserves here in this Congress. I just wanted to stand up and say a kind word about some awfully dedicated public servants all across this country; the doctors and nurses in the private sector and so many others who participate in these clinical trials, but especially about the folks here and around the country working for the NIH who spend their days looking at an abstract plant garnered from a region in China that might be called the "Tree of Life," discovering that this tree might contain the secret to curing a cancer. Or researching a bush called the "Salt Bush" from Australia that might have promise to cure AIDS.

Someone might say in a magazine article some day, "You know, we pay people to sit around and investigate "Salt Bushes." Can you imagine anything more wasteful than that? We are paying people to sit around and cut up trees and ruminate about whether an obscure tree from China might be helpful to somebody, can you imagine anything more wasteful than that?"

I say, this is not wasteful at all. This is a wonderful, remarkable investment, and I am pleased that the Congress will, once again, reauthorize the National Institutes of Health for three more years. My only wish is that it were a longer reauthorization.

Let me also say, I would be willing to support a modest increase in the Federal tax on cigarettes, for example, if the money raised from that tax were to go exclusively to boost the funding for more research at the National Institutes of Health and for more investment in saving people's lives in this country.

Mr. President, thank you for the opportunity to speak, and I yield the floor.

Mr. HATCH. Mr. President, nurturing our biomedical research infrastructure is one of the most important roles Government can serve, and that is why S. 1897 is a significant piece of legislation.

I rise to express my support for the bill, and, in particular, to thank the chairman, Senator KASSEBAUM, for her cooperation in addressing the concerns that Senator FAIRCLOTH, Senator HARKIN, and I have expressed about the need to bolster the National Institutes of Health's research efforts on pain management.

Pain is a condition that each of us experiences during our lifetime, with millions suffering—perhaps needlessly.

After serious study of this issue, I have concluded there is insufficient knowledge about the causes and treatments of pain, despite its substantial impact on virtually every American. Inadequate resources are dedicated to the development and evaluation of pain treatment modalities, and there is an inadequate transfer of what knowledge and information we have to health care professionals.

It may surprise many of my colleagues to know that despite the impact of pain on our society, according to estimates NIH supplied to my office, the agency spent less than $60 million of its $11 billion appropriation on pain research last year, a number which, in fact, at best equal to the previous year's level of $59.5 million. For acute back pain, a condition which is estimated to affect 85 percent of the population at one time or another, NIH reports it currently spends only $2.5 million on research. An additional problem is that pain research is spread across many of the Institutes, yet there is little coordination of these research activities to make certain the resources are used effectively.

In fact, a December 1995 Workshop on Selected Chronic Pain Conditions:

Clinical Spectrum, Frequency and Costs, held by the National Institutes of Health concluded:

> With respct to strategies for promoting research on chronic pain, the participants noted that the NIH components separately support pain research, but no organizational unit integrates or coordinates this research.

They strongly urged that the NIH establish a formal NIH Office of Pain Research, which would enable the NIH components to argue for pain research as a priority.

As an aside, I note that this workshop was not initiated at NIH's own behest, but rather, was held to comply with the 1993 NIH reauthorization law.

Indeed, there is a recent history of congressional support for enhancing the NIH's efforts on pain research. In the report accompany the fiscal year 1997 appropriations for the NIH, Senator SPECTER was very helpful by including the following language:

> The Committee is pleased that pain research is becoming an increasing part of the NIH research agenda, and remains interested in the level of its overall growth and the need for better coordination. Pain is a major public health problem affiecting or disabling nearly 50 million Americans. The Committee encourages the NIH to quickly advance interdisciplanary coordination and support of the complex issues involved in pain research, including collaboration with chiropractic colleges and schools of nursing. The Committee is aware of the 1995 NIH-sponsored workshop on pain research, and requests the Director be prepared to report on the implementation of the workshop's recommendations during the fiscal year 1998 budget hearing.

Earlier this year, Senators HARKIN, FAIRCLOTH, BENNETT, INOUYE, THURMOND, PRESSLER and I introduced S. 1955, to establish a pain center at NIH. That legislation forms the basis of the provision included in S. 1897. The provision that is included in S. 1897 today, however, differs from our original bill in that it requires NIH to establish a pain research consortium. The consortium, which will be comprised of experts in pain management from both the public and private sectors, will perform the advocacy and coordinating functions outlined in our original bill.

Specifically, the pain research consortium will: provide a structure for coordinating pain research activities; facilitate communications among Federal and State governmental agencies and private sector organizations concerned with pain; share information concerning pain-related research; encourage the recruitment and retention of individuals desiring to conduct pain research; avoid unnecessary duplication of pain research efforts; and achieve a more efficient use of Federal and private sector research funds.

The consortium will be composed of representatives from the NIH Institutes, and practitioners of pain management, including representatives from each of the following professions: physicians who practice pain management, psychologists, physical medicine and rehabilitation service representatives—including physical therapists and occupational therapists, nurses, dentists, and chiropractors. Finally, of course, patient advocacy organization representatives will be an integral part of the consortium.

Mr. President, the Congress needs to go on record in support of a stronger pain effort at the NIH. Today, we accomplish that goal. I urge adoption the bill, which now includes the Faircloth/Hatch amendment to establish a pain research consortium. I yield to my friend from North Carolina, Senator FAIRCLOTH.

Mr. FAIRCLOTH. I thank the distinguished Senator from Utah for yielding. I commend Senator HATCH and Senator HARKIN for their success in advancing the issue of pain research. I am absolutely convinced of the merits of S. 1955, and I am committed to moving ahead with the idea of establishing a formal entity at NIH to coordinate the current research effort and give greater priority within the overall NIH budget for research on back pain, cancer-related pain and the other focus areas addressed in S. 1955.

I also thank Senator KASSEBAUM for working with us to take an important step toward reaching our goal of increased emphasis on pain research. During the mark-up of S. 1897, Senator KASSEBAUM pledged to work with me to develop a provision relating to pain research. I appreciate her efforts and those of her staff in accommodating our concerns.

With regard to the consortium, I would like to clarify a point raised by Senator HATCH. It is our intention that the consortium established pursuant to S. 1897 shall include an equal number of representatives from each group of pain management practitioners defined under subparagraph (c)(4) of the section relating to the pain research consortium.

Finally, it is my sincere hope and intention that during the 105th Congress we will work again in a bipartisan manner toward establishing a more permanent entity at NIH for pain research.

Ms. MIKULSKI. Mr. President, I rise in strong support of the National Institutes of Health Revitalization Act. I support this bill for three reasons. It puts new emphasis on research into Parkinson's disease, a terribly debilitating and costly disease. It provides new incentives for physicians to do clinical research. It streamlines the NIH and makes it easier for NIH to do its job.

I want to thank Senator KASSEBAUM and her staff for their hard work on this bill. NIH is a national treasure. I'm proud that it's located in Maryland. I'm proud of its dedicated employees. Let's give them the tools they need to perform their jobs effectively and efficiently. Let's give hope to the American people that cures to dreaded diseases and conditions are on the horizon.

This bill honors our dear colleague, former Congressman Morris K. Udall. Mo was forced to retire from the House because of the disabling effects of Parkinson's disease. It includes language that has wide bipartisan support in both Chambers. The bill establishes up to 10 Morris K. Udall Centers for Research on Parkinson's Disease. It also provides awards to outstanding scientists and clinicians who bring innovative ideas to bear on Parkinson's research.

Great advances in brain research in the last few years create the potential for major treatments of this disease, possibly in this decade—the decade of the brain. Expanded focus on Parkinson's disease will bring hope to the 50,000 Americans diagnosed with this debilitating illness each year. And it will cut down on the estimated $25 billion a year in health-related costs and lost productivity due to Parkinson's.

The number of physician's entering careers in research is dwindling. This trend concerns me. Physicians who practice in academic medical centers face more pressure to bring in clinical revenue. They have less time to conduct research. I don't like the discouraging picture this paints for young investigators. Fewer and fewer physicians enter careers in biomedical research. They simply can't afford it. And as a nation, we can't afford it. We must provide incentives to our young people to enter careers in biomedical research.

Clinical research leads to interventions and cures for diseases. It improves the quality of life for many people. Obstacles to clinical research slow progress in medicine. Patients are kept waiting longer for the cure to their disease or condition. This bill helps turn this around.

Seventy-five General Clinical Research Centers [GCRC's] are authorized by this bill. I'm proud that three of these are located at Johns Hopkins. The bill increases investment and incentives for the education and training of the next generation of clinical researchers. It establishes new awards programs for clinical investigators and also recognizes the importance of basic medical research. It helps both basic and clinical investigators pay for their training by raising the loan repayment level.

The NIH has enjoyed significant support over the last few decades. But we all know that the days of unlimited Federal funding are gone. This bill recognizes that resources are dwindling. It reduces administrative excess. It repeals duplicative advisory boards and committees. Instead, it frees up money from these unnecessary endeavors for important research.

Finally, this bill reauthorizes institutes carrying out important work in so many areas that affect our lives—cancer, heart, and aging research to name just a few. Let's not miss this important opportunity to pass this bill today. I urge my colleagues to vote for it.

Mr. LOTT. I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, and I shall not object, is this the reauthorization of the NIH?

Mr. LOTT. This is the reauthorization of the National Institutes of Health.

The PRESIDING OFFICER. Is there objection to the majority leader's request? The Chair hears none, and it is so ordered.

The amendment (No. 5404) was agreed to.

The bill (S. 1897), as amended, was deemed read for a third time and passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

Mr. LOTT. I do wish to thank all Senators who have been involved in making this agreement possible—Senator KASSEBAUM, Senator HATCH. There has been cooperation on the Democratic side of the aisle. We appreciate it. It is the right thing to do. I am glad it has been accomplished.

I thank the Senator for yielding.

CENSUS INCOME AND POVERTY REPORT

Mr. CONRAD. Mr. President, today the Census Bureau has released a report on income and poverty in America in 1995. Here are some of the findings from that report.

Typical household income in America showed the largest increase in a decade: Household income up about $900 in 1995. It is the largest 1-year increase since 1986; typical family income since the President's economic plan has passed is up $1,631 in this country.

Mr. President, the report also indicated and demonstrated that we have had the largest decline in income inequality in 27 years. In 1995, household income inequality fell, as each income group, from the most well-off to the poorest, experienced an increase in their income for the second straight year. One measure of inequality, the Gini coefficient, dropped more in 1995 than in any year since 1968.

The number of people in poverty fell by 1.6 million—the largest drop in 27 years.

Mr. President, that is remarkably good news for the American economy. It is remarkably good news for American families. It is remarkably good news about what has happened since the President's economic plan passed in 1993.

The good news does not stop there. The poverty rate fell to 13.8 percent, the biggest drop in over a decade. The elderly poverty rate dropped to 10.5, the lowest level ever.

In 1966, 28.5 percent of America's elderly citizens lived in poverty. In 1995, the elderly poverty rate declined from 11.7 percent to 10.5. That is a new record low for the elderly poverty rate in America.

In addition, we saw the biggest drop in child poverty in 20 years. In 1995, the child poverty rate declined from 21.8 percent to 20.8 percent, a full 1 percentage point reduction, representing the largest 1-year drop since 1976.

These statistics, I think, again demonstrate that President Clinton's economic plan that passed in 1993 is working. Clearly, we are moving in the right direction. Not only do these statistics reveal substantial income gains, reduction in income inequality in this country, a reduction in the poverty rates across the board in America, but we know from other statistics as well that the indications and the evidence are now very clear that President Clinton's economic plan, which was passed here in 1993, has been remarkably successful.

We have 4 years in a row of deficit reduction. All we have to do is think back to 1992. The deficit was $290 billion. President Clinton came into office and every year since then the deficit has been reduced. This year we anticipate the deficit will be $116 billion, a 60-percent reduction.

The good news does not end there. Because in part the deficit reduction program was so successful, we have seen a resurgence in this economy. Not only do these statistics indicate it, but we know from previous indications the American economy is moving in the right direction. Looking at the misery index, that is the measure of unemployment and inflation, it is at a 28-year low. If we look at the rate of business investment, business investment is increasing at a rate that is the best in 30 years.

Again, I would say the good news does not stop there. This economy has created over 10 million new jobs since we passed the President's plan. The United States has now been rated the most competitive economy in the world for 2 years in a row, replacing Japan.

The evidence is overwhelming that the economic plan we passed in 1993 was the right medicine for the American economy. We can remember at that time the deficit was growing, the economy was dead in the water, virtually no new jobs were being produced, we had very weak levels of economic growth. But then, in 1993, President Clinton came with an economic plan that passed in this Chamber by a single vote, one vote. Our friends on the other side of the aisle said that plan would crater the economy. They said it would increase unemployment. They said it would increase the deficit. And they were wrong. They were dead wrong.

That economic plan has reduced the deficit every single year for 4 years in a row. It has reduced unemployment. We have the lowest unemployment in 7 years. It increased economic growth. And now, further evidence from the Census Bureau report, household income is up. It is the best increase in a decade. Poverty is down. We have a decline in income inequality that is the largest in 27 years. The number of people in poverty showed the biggest drop in 27 years. The poverty rate fell to 13.8 percent, the biggest drop in over a decade. The elderly poverty rate fell to the lowest level ever. Mr. President, more evidence, strong evidence the Clinton economic plan is working and that America is moving back on track.

I think everybody who participated in that plan can take special pride in the report that was released today, that indicates that we have finally got this economy moving in the right direction.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

THINGS TO BE PROUD OF

Mr. LEAHY. Mr. President, I hope Senators have listened to what the two Senators from North Dakota have said here, my two friends from North Dakota, first Senator CONRAD speaking about where the economy is today, defying all the predictions of doom and gloom that we heard when the President proposed his first budget plan.

I have served here now for over 20 years, but I remember during the eighties and into the early nineties, the deficits just kept blooming and blooming. We heard a lot of rhetoric about bringing deficits down, but every year the deficits were considerably higher, the national debt quadrupled.

President Clinton is the first President I served with, the first President of either party I served with in 22 years that actually brought the deficit down 3 years in a row. It is easy to talk about being in favor of a balanced budget and bringing down deficits. It is hard to do it.

The Senators from North Dakota are those who fought hard to bring about the tough questions of bringing down the deficit, but they can also take great pride in what was done for the American family. We have the typical family income up $1,631—that is adjusted for inflation—since the President's plan passed; household income up. The number of people in poverty is way down.

These are things of which to be proud.

I will say, in reference to what Senator DORGAN has said, he speaks of some of the wondrous things we do in our Government. It is so easy for people to go home and denigrate our Government as though they are not good men and women who work in it. Think of some of the remarkable—remarkable—advances in our ability to live and our health care, as the Senator from North Dakota referred to. These did not come out of the private sector. These did not come out of thin air. These came out of dedicated men and women working and working and working, sometimes going down a dead-end alley. I can imagine the number of dead-end alleys that Dr. Salk went down before developing the polio vaccine, or the number of dead alleys gone down before we found some of the advances in curing cancer, and on and on.

Last Christmastime, when part of this Government closed down, we had people who went on television and said, "Well, who misses the Government? Who needs the Government?" My phones were ringing off the hook from people who said, "Why are you closing down the Government? I have a student loan that we are trying to process so that my child can go to college, the first one in our family to go to college, but that office is closed down."

Someone who had a necessity to travel abroad because of a death in the family: "I can't get a passport because that office is closed down."

And the humiliation of good men and women in my State and everybody else's State who have gone to work day after day after day doing the best for the greatest country on Earth and being talked about as though they were pawns on a political chess board.

It is time we wake up to the fact that we have the greatest democracy history has ever known. It is also a country of 260 million Americans. This country doesn't just run by itself. It runs because of a lot of very good men and women make it run. They are not helped by those who want to make political pawns of them.

So I probably am naive to assume that there will not be misstatements and distortions during the political season now upon us this fall. But I think some of those who go home and want to castigate the President or want to say, what are those Democrats doing in their spending plans? maybe somebody in the audience will stand up and say, let us be clear.

President Clinton and those who support him brought the deficit down 4 years in a row. Nobody else has done that in the 22 years I have been here. Under that watch, family incomes have gone up. The economy has improved. As my friend from North Dakota, Senator DORGAN, pointed out, a lot of us are going to live a lot longer and a lot better because of those dedicated men and women who put first and foremost the interests of their fellow Americans.

We ought to just think about that, and maybe we ought to lower the rhetoric and, instead of looking for people to attack, people to beat up on, let us start talking about what is right with this country, what is right about what we do here and maybe —maybe—we will find people will have more respect for those of us who serve them.

I think the two Senators from North Dakota have done this body and this country a service this afternoon in their statements. I hope more will do the same. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

THE OMNIBUS PARKS LEGISLATION

Mr. MURKOWSKI. Mr. President, as I indicated in my conversation yesterday, we have an opportunity, a rare opportunity, to move the omnibus parks legislation, including some 126 individual titles. The sequence of events that has occurred since our conferees on the Senate side met and sent the package over to the House bears some examination at this time.

Let me recount the status of the Presidio omnibus parks legislation. When it went over to the House yesterday, we anticipated that the House would address it today. However, there was an error in the technical submission which resulted in an objection on technical language. As a consequence, in order to rectify that situation, it is necessary that it come back to this body and that the corrections be taken, which, again, are of a technical nature, and it be sent back to the House of Representatives for action, and then it would come over here, and the anticipated procedure would be that an objection would result and a vote to recommit the conference report, which would basically terminate the conference report and the Presidio omnibus parks legislation.

As chairman of the Energy and Natural Resources Committee, which reported out this package after working some 2 years, and recognizing that it affects the interests in some 41 individual States, and recognizing that we knew there were controversial issues in the package, including the Utah wilderness, which was withdrawn at the request of the administration, the grazing issue which was withdrawn at the request of the administration over a veto threat, the Tongass 15-year extension for the benefit of the Ketchikan pulp contract in my State of Alaska, which would enable a $200 million investment to go into a new facility, chlorine free, state-of-the-art, which was threatened by a Presidential veto, I assume because of objections from environmental groups, that, too, was withdrawn. We had the issue affecting the State of Minnesota known as the boundary wilderness waters. That, too, was withdrawn.

So, Mr. President, the point I am making here is that there was a genuine effort to respond to the administration's concern by withdrawing what was assumed to be the controversial issues.

Well, Mr. President, last night we were in for another surprise. The Office of Management and Budget came up with a letter indicating that they still were not satisfied. Mr. President, it is the observation of the Senator from Alaska that the White House has a goalpost on wheels. They simply move it around when it is convenient.

I am sure there are some legitimate concerns, but they were not expressed in the first letter from the White House relative to their concerns and objections. They include some new areas that we had not been advised were controversial in the last 2 years that we have held hearings. So I would like to go over those so my colleagues will know just where we are.

In the receipt of the second proposed veto letter, where it simply says that the Office of Management and Budget would recommend a veto either through the Secretary of Agriculture or to the Office of the President, the letter points out that there are procedures and provisions that are unacceptable to the administration that would warrant veto action.

These include, No. 1, unwarranted boundary restrictions to the Shenandoah and Richmond Battlefield National Parks in Virginia.

The second was special-interest benefits adversely affecting the management of the Sequoia National Park in California.

Three, an unfavorable modification of the Ketchikan pulp contract on the Tongass in my State of Alaska.

Four, erosion of the coastal barrier island protections in Florida.

Five, mandated changes that would significantly alter and delay completion of the Tongass land management plan.

And, six, permanent changes in process for regulating rights-of-way across national parks and other Federal lands.

Mr. President, the indication here is that this administration would hold up the omnibus parks package, including the Presidio, that magnificent jewel in the Pacific under the Golden Gate Bridge, that needs attention and needs attention badly. It needs attention now; it cannot wait. It is going to deteriorate.

We proposed to set up a trust of outstanding citizens in San Francisco to manage that like the Pennsylvania Redevelopment Corporation has done such an extraordinary job in Washington, DC, in renovating the areas along Pennsylvania Avenue.

The administration is implying, suggesting, recommending they are going to hold up this package as a consequence now of these issues after we took the controversial issues away.

Mr. President, let there be no mistake about it, the game plan—the game plan—of this administration is evidenced in its letter. That letter does not address the legislative package, which is the omnibus parks bill, as the vehicle. What it recommends is that we initiate further discussions so that the appropriations process can cherry pick, if you will, certain aspects, certain portions out of the omnibus package and put it in the appropriations process.

The committee chairman, Senator GORTON of Washington, indicated yesterday, in no uncertain terms, that the omnibus parks package was the only train leaving, the only bus leaving the station. This was it, because he was not going to entertain taking segments out of the omnibus parks package and putting it in the appropriations legislation that they are drafting. Mr. President, we are in a situation now where that bus has left.

The Senator from Washington is known for his outspokenness, his commitment, his word. I have communicated with Senator HATFIELD of the Appropriations Committee relative to the possibility that is the game plan now, to abandon the Presidio omnibus parks legislation, and selectively pull pieces out of there and put it, Mr. President, in the appropriation package.

Now, as we look at these issues specifically which I think need examination, since the White House brought them up, one might say, "Well, there must be something wrong with these." On the surface, it may be something bad. We must be out of our minds to even consider passing such provisions as objected to by the director of the Executive Office of the President.

Let me read the last sentence of the letter.

> The conference report does not meet the test. We remain willing to work with you to develop a compromise package that could be included in a bill to provide continuing appropriations for fiscal year 1997.

There it is, Mr. President. That is what the administration wants to do. They want to take the omnibus parks bill, the hours my committee has worked—as a matter of fact, the years—126 individual bills that are in that package, they want to cherry pick them out. Do you know what will happen if that is done? Some of the senior Members with long-term seniority in this body are going to try and prevail. They will try and prevail. We know how that works. But it is not something that I will stand and watch silently happen. I am prepared to take whatever means is necessary to keep this package together. If it starts coming apart, to take whatever means is necessary to block it if it is in an appropriations process, because this concept is simply wrong.

We have held the hearings. We participated in the public process. Now it is time to legislate on the package. I am not buying the excuse that, "Well, the Senator from Alaska has put together this huge package. Why did we not pass these individually?" Because every Member in this body knows why. There has been a hold on every 1 of the 126 individual bills that are in this package for over a year, in some cases a year and a half, nearly 2 years, by some individuals who wanted to use the whole process to force the House to initiate action on bills that were objected to in the House. That is why this package exists.

If there is going to be some political heat around here, Mr. President, that political heat goes right down to the White House for breaking up or attempting to break up a well put together package, by withdrawing Utah wilderness, grazing, Tongass, 15-year extension, as well as the Minnesota boundary waters. We have done our part. But, no, they want more.

Mr. President, this is a small item in passing. I am losing 1,000 jobs directly, 3,000 to 4,000 jobs indirectly. That means 25 percent of the economy of southeastern Alaska because this administration will not support a 15-year extension. I met the Secretary of the Office of the President on Environmental Quality Council, Ms. McGinty. She did not recommend the extension. She could not give me a reason.

I have in front of me a statement from the U.S. Forest Service and their consultants. In the summer of 1996 there were enough trees that died in my State of Alaska in south central and interior Alaska as a result of the infestation of the spruce bark beetle to run that Ketchikan pulp mill at full capacity for 8 years. So, there we have it, Mr. President. No sensitivity to the dead, dying timber, jobs, people out of work, unemployment, no tax base.

Mr. President, as we look at where we are today, we wonder if it is not precisely what the Framers of the Constitution of the United States had in mind when they created the three branches of Government. If one goes a little off, the other can bring some balance into the process.

I want to share and examine the issues concerning the permanent changes in the process for regulating right of ways across national parks and other Federal lands. The resolution of right of way claims, or RS 2477, which they suggest that they do not find suitable in this legislation, these claims as they are called, have been a complex, contentious process. The committee reported an amended bill that allows the Department to proceed with the development of new regulations while prohibiting their implementation until approved by Congress. That is what we did in committee, put the balance in there, so that, obviously, it would require the implementation by Congress, and the Department could proceed with the regulations while prohibiting the implementation until approved by Congress.

In other words, this legislation provided the ability to keep the process going, but Congress wants to act. This does not permanently change the process. It just provides a system of checks and balances. It is fairly difficult to argue with this logic unless, of course, the White House does not want to participate in the check and balance.

Mr. President, what is even more phenomenal is the fact that the original bill was significantly amended as requested by this administration. In other words, we have already responded to the administration, but clearly OMB does not know anything about it. The same bill that is in this package, let me repeat, the same bill is the administration's position, and actually relaxes the conditions of the moratorium currently in effect. The bill in this package was unanimously agreed to by all of the committee members. The Senator from Minnesota, Senator WELLSTONE, voted for it, Senator BRADLEY from New Jersey voted for it, Senator BUMPERS voted for it. Mr. President, I doubt that the President of the United States would seriously veto a legislative package of this magnitude over a bill they agreed to—agreed to it—last May.

Now, the threat of a veto on Shenandoah and Richmond Battlefield National Park in Virginia—well, let's cut to the quick. The Richmond Battlefield provision in this package is the same map, same boundaries as depicted on the National Park Service's newly released general management plan, dated August 1996. The reduction in acreage is the administration's initiative. I repeat. This is a plan from the administration. During the course of deliberations, a provision was added. The land could only be purchased from a willing seller. But, at the same time, the restriction to the purchase of lands by donated funds only was expanded to include appropriated funds.

In the case of the Shenandoah National Park, the park boundary was reduced from the original 1926 authorization of 521,000 acres to 196,500 acres, currently managed by the National Park Service.

The conferees also directed that the Secretary shall complete a boundary study, which would address the future needs of the park in the way of lands acquisition and give the Secretary authority to acquire those lands. The Park Service did not testify or make the case that the entire acreage, as envisioned in 1926, was required to complete the park. In fact, there are many areas within the original acreage that are already developed and no longer possess those qualities for inclusion as units for the National Park System.

The provisions in the package were worked out between the Virginia delegation over a period of months—bipartisan, Mr. President. Negotiations were intense when the delegation first addressed the problems at Shenandoah. They were all over the spectrum. Finally, they reached an agreement. The provision protects the park and rectifies the problems experienced by their constituents. In conversation with the White House staff last night, Mr. President, when asked what was the real problem, they allowed that they would probably reach the same conclusion, but the program needed more process. Well, it has been 2 years, Mr. President. Why does the administration object to this? They won't tell us. They just put it down.

Mr. President, they want more process. This comes from an administration who, in many cases, ignored any process. In declaring the 1.8 million acres in the State of Utah a national monument, there was no process, no NEPA, no FLPMA—no process. On one hand, they want process, and on the other hand, they make a decision based on political expediency. What happens? The President doesn't go to Utah. The President sits on the edge of the Grand Canyon and makes his pronouncement from the State of Arizona. Why didn't he go to Utah? It is clear. He wasn't welcome in Utah. Because of his land grab under the Antiquities Act, he would have been protested by children who were objecting to the revenue that would be lost to the school fund as a consequence of this designation.

The pathetic part of that action—and it was not the action of a work horse, Mr. President, it was the action of a show horse, because that legislation, the Antiquities Act had no business being invoked, and the administration uses the excuse, well, Teddy Roosevelt did it. It was necessary when Teddy Roosevelt was around, but he did it right. There was a lot of discussion over it. The Antiquities Act was applied by President Carter in my State of Alaska, but there was a lot of discussion. There was absolutely no discussion in this case—none whatsoever. Check with the delegation from Utah, check with the Governor, check with the House Members. This came as a surprise. It was a photo opportunity, a crass effort to take advantage, if you will, of a designation land grab which some of the President's advisers suggested. I have even heard Dick Morris was in on the recommendation. So, on one hand, the administration talks about a public process. They want more process in this parks package. But they have no process in declaring 1.8 million acres of the State of Utah a national monument.

Mr. President, as late as, I believe, the 103d Congress, we had an extended debate over California desert wilderness. Not everybody was happy, but there was a process, a democratic process, where the people were heard. And we passed that legislation. Everybody wasn't happy. I wasn't particularly happy, but DIANNE FEINSTEIN was very happy. But it was a process. That was circumvented here. It was circumvented, and the media can't seem to see through it. They proclaim the merits. Nobody proclaims the loss of participation or the loss of the process by the people of Utah.

This is not an issue of the State of Alaska, but there is a principle involved here. This Senator is introducing legislation, along with Senator CRAIG and others, to take away the President's authority to invoke the Antiquities Act, because it has been abused. There is every reason that we could have continued the dialog in the next session of Congress on the Utah wilderness, to make legitimate designations of wilderness for Utah. But here we have a land grab. So when the President and the White House talks about process, I want to talk about their process. Their process is a land grab.

Mr. President, the administration has a problem with the extension of a few summer cabin leases at Sequoia National Park where they are going to develop a campground and other facilities. However, there are no definitive plans or moneys programmed at the current time.

They are ready to sacrifice the whole package on this issue. The original bill was heavily amended as a result of a veto threat by the Department. All of the erroneous provisions were removed, to our knowledge, at that time. Under this bill, the Secretary has total discretion to continue to lease it. The language does not direct the Secretary to do anything, but he may if he wants to. What is wrong with that? Full discretion.

Last year, we saw Senator FEINSTEIN, my good friend from California, as I indicated, prevail in the establishment of the largest park and wilderness package in quite a while, the California desert. Now, I can't believe my good friend, Senator FEINSTEIN, would support the destruction of the Sequoia National Park, nor would I suspect that Senator BOXER would allow anything inappropriate to take place. Both support this legislation. If the Secretary thinks it is a neat thing to do it, why, we have given him the authority to do it.

The administration cites "unfavorable modifications" of the Ketchikan pulp contract as a possible veto item. Is this a national issue for which the President would sacrifice a billion-dollar environmental program for the San Francisco Bay area to clean up the San Francisco Bay? I went to school down there, and I know it well. It needs cleaning up. This is a great piece of legislation. He sacrificed that and the establishment of the Tallgrass Prairie Preserve, the preservation of the Sterling Forest corridor, which is a federally funded purchase of land in New Jersey and land in New York, and a bipartisan solution for the management of the Presidio. "Well, this is unfavorable." Unfavorable to whom?

The administration has made it perfectly clear that they would veto any timber concession that would allow for environmental investment and the continued operation of the only remaining pulp mill in my State, as I have stated. As a result, we pulled this provision and will have only the President to hold accountable for the jobs that we will lose.

It is rather interesting, because the President chooses to sacrifice, if you will, some of his own—or at least the administration does. Our Governor has worked very hard—a Democrat—to try to prevail upon the White House. First was ANWR and now the Tongass. Well, unfortunately, they have seen fit to disregard his recommendations. They have seen fit to disregard the recommendations of the congressional delegation from Utah. One can only conclude they have simply written off Alaska and Utah—at least politically.

What I left in this is one sentence that, in my State, would give the Forest Service the flexibility to work with the company that still holds an 8-year pulp contract, to simply transfer that over so it could be made available to the sawmills in the State of Alaska. We only have four—two are operating and one co-op, one marginally operation, and one in Wrangell is closed.

That is all I am proposing. Yet, they say this is ground for veto threat. After the administration scores a victory for the environmental lobby and closes our last pulp mill—our only year-round manufacturing facility—are we also to be denied the opportunity to try to salvage something? Which is what I propose —and that is allowing the transfer of the existing contract from pulp to sawmill because if the pulp mill continued to operate for the balance of this contract they would have the right to do that to the year 2004 when it would be terminated.

No. What we have here is a rhetorical reach for the symbol Tongass to raise fears about this conference report. Well, this does not sell with the Senator from Alaska.

The White House takes issue with the Coastal Barrier Resource Act amendments—in Florida—which appear in this package. The corrections remove roughly 40 acres of land in Florida from the 1.272 million acre Coastal Barrier Resource System. It has the support of the Florida delegation. I understand the Governor of Florida, Governor Chiles, has made a concerted effort to try to get the White House to change its mind. He strongly supports these changes. This is a bipartisan issue. The Florida House delegation are cosponsors of this specific legislation. The two Senators from Florida, as I indicated, support it.

One wonders what the motivation of the White House is. The answer perhaps is simple. In this case the bill removes developed lands—40 acres—from the 1.2 million acre system that is supposed to contain undeveloped land. So the executive branch is giving little consideration to the legislative branch.

The administration also cites "mandated changes that would significantly alter and delay the completion of the Tongass Land Management Plan" as a possible veto item. This conclusion represents probably the most gross, misleading of any language in the bill.

The provisions they are apparently referring to—though they are so off base it is hard to tell because they know nothing about the subject—is one that directs the Forest Service to make recommendations to the Congress about potential compensation for Alaska Natives unfairly left out of the Alaska Natives Claim Settlement Act. These are natives that unfortunately were left out. They were not included, and this is only the authority—the authorization—to include them; no mandate for land; no designation; just the authority that these people have a right as Alaska Natives and indigenous people to their claim because they were left out and the other natives shared in that claim.

This is an equity issue.

The provision also directs the Forest Service to incorporate these recommendations into the Tongass Land Management Plan so that Congress can properly evaluate the impact of any recommendation involving land status changes on management of the forest. Any proposed changes would have to be acted upon by Congress and approved by the President.

This is a safeguard. What is wrong with that?

One of the interesting things that Alaskans can understand is the significance of this so-called TLMP. No one can do anything in Alaska until the TLMP is finished. The purpose was to settle the harvest—sustainable yield—on 1.7 million acres out of the 17 million acre Tongass National Forest. The only problem is that by the time the Forest Service completes it—which was initially going to be August and now is going to be the end of the year—we are not going to have any industry left.

So it is not going to be applicable, if you will, in any practical way because it was designed for an area and level of utilization. If we do not have industry, there is no utilization.

I would encourage my colleagues from other Western States to recognize what is happening here. This is a carefully contrived effort by extreme environmental groups who want to terminate timber harvesting on all Forest Service national land. What does that mean in any State? Unfortunately, we have no private timber with the exception of Native regional corporations which have been able to select under their indigenous selection opportunity. That is private timber. They can export it at a higher price. There is no State timber in southeastern Alaska. Our people lived in the forests—Ketchikan, Haines, Skagway, Wrangell—before the national forests were established. People were assured they would have an opportunity for a livelihood. And, since we, if you will, designated wilderness in the forests as national monuments and left only a small segment, we are faced with the reality of trying to continue a modest industry when others clearly are trying to terminate it. And it is going to move to other Western States. What are we going to do? I guess we are going to simply import our raw materials from nations who do not have the same sensitivity, forgetting the fact that we are much more environmentally sensitive, and do a better job. And we are dealing with a renewable resource here properly managed. We have 50-year-old second-growth timber; beautiful timber.

But in any event, we are faced with this reality associated with the general theme of this administration, whether it is timbering, oil and gas exploration, opening ANWR safely, whether it is grazing, or whether it is mining. There is no substantive support for resource development on public lands. They are selling America short, American technology short, American know-how short, exporting the jobs overseas, and exporting the dollars. And one only has to look at the increasing balance of payments deficit to recognize it's significance.

The cost of imported oil is over a third of our trade deficit. What are we doing? We are simply importing more. We tried to put Saddam Hussein in the cage not so long ago. He got out. Saddam Hussein is better off this week than he was 4 weeks ago. What are we doing about it?

Where is our energy policy? What are we subjecting ourselves to? Where is our national security interest? We are 51.1 percent dependent on imported oil. During the Arab oil embargo in 1973, we were 37 percent dependent. What do we do? We created SPR, the stretegic petroleum reserve. We created a fall back so we have a supply which we need. This administration has chosen to use it as a piggy bank. We paid some $27 or $28 a barrel for a 90-day supply. We have never achieved the 90-day supply. Now we are selling it at $18 to $19 a barrel to meet budget objectives. There is a huge increase in the President's budget in the year 2000. This is what they are doing.

Where are we going, Mr. President? We are sacrificing our national energy security. We are sacrificing it in this way. The Department of Energy has indicated by the year 2000 we will be 66 percent dependent on imported oil. And where does that come from? It come comes from the Mideast. Anybody that suggests that the Mideast is a stable area only has to recognize the troop buildup, and the fact that we were sharpening our missiles a few days ago and firing them a few weeks ago. So sooner or later, Mr. President, we are going to pay the piper.

And the reason for going into this rather extended dialog is simply to alert my colleagues of the inevitability that what goes around comes around, and history repeats itself. And it is going to repeat itself relative to our increased dependence on imported oil and the fact that we are losing our leverage with our Arab neighbors as evidenced by our effort to generate their physical support in the last go-round with Saddam Hussein.

Finally, Mr. President, as I get back to this analysis of the position of the administration, I conclude by saying, as the administration letter indicates, that mandated changes are required to significantly alter various aspects of this to make changes for the purpose of raising concerns that are not documented in any detail but seem to be raised as an excuse to find an excuse to initiate a veto threat.

Politics and rhetoric have overtaken substance and reality. It will be truly sad if the misleading statements and inferences and threats in the administration's recent statement bring down the largest parks bill since 1978, the largest environmental package in the last several decades. The President of the United States currently has on more than one occasion stated he would veto appropriation language that contained riders, so I am concluding from the statement from the Office of Management and Budget, "We remain willing to work with you in developing a package that would include a bill to provide continuing appropriations for fiscal year 1997," there is your rider.

Now he wants the rider; he thinks that is a good idea. The reason is, one can avoid the legislative process. You just take what you want and trash the rest. I tell you, if that happens, there are going to be a lot of unhappy Members because some of you will have your bill selected and others will not.

I believe in the legislative process. That is why I am here. That is why I have accepted the responsibility of working with my members on the committee to bring this parks package before this body. I believe in the legislative process, working collectively, and I am proud of the fact that we have crafted a bipartisan package that serves to enhance our parks and our public lands.

I have answered the veto letter. I believe my colleagues see that there is very little substance, and the President is standing tall, perhaps, but standing in the mush.

So for those who have followed this debate, I would appeal to you that the parks package may, indeed, be in jeopardy from objections unidentified in detail from the White House—not based on their first series of objections, but based on, apparently, an afterthought. Maybe for some reason unknown to this Senator, there is a political reason at this late date prior to the election for a veto of this package, but I cannot imagine what it is. I think they are misreading it downtown. I do not think they recognize we have stripped it of its objectionable parts, and I encourage those who are out there and are concerned with these issues to notify the President, notify the Chief of Staff, Leon Panetta, notify their elected Representatives, Senator and Congressman, because it is getting late, and if this package, this omnibus parks package, is delayed or set aside because of pending business so there is not enough time to take it up, the White House and the President are going to have to bear that responsibility—not the Energy and Natural Resources Committee, not Congressman DON YOUNG from Alaska, not FRANK MURKOWSKI, Senator from Alaska, not Ted STEVENS, Senator from Alaska, not the members from my Energy and Resources Committee, not the professional staff, not Senator BENNETT JOHNSTON, but the White House for obstructing the most significant legislative package that has come before this body, as I have said, in several decades.

So I urge those out in California who are interested in the Presidio or interested in the portion of the legislation to clean up the San Francisco Bay or any of the other 126 titles in the other 41 States to get busy, because the countdown has begun. It is not going to go in the appropriations process. I have had that assurance over here. This is the right way to do it. This is the right time to do it. There is absolutely no excuse for further delay.

Mr. President, I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I ask unanimous consent I may proceed for up to a half-hour as if in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SENATOR CARL LEVIN

Mr. NUNN. Mr. President, serving in the Senate has given me the opportunity to work on many important issues with many talented Members on both sides of the aisle. When I leave the Senate, I will miss the professional and personal associations I have had working with my colleagues in the Senate and the House, none more than my association with my friend Senator CARL LEVIN of Michigan.

CARL LEVIN and I have served together on the same two committees for the past 18 years, the Armed Services Committee and the Governmental Affairs Committee. During those years I have gained a tremendous appreciation for his energy, his intelligence, his tenacity, his skill in the legislative process, and his total commitment to public service.

I trust and hope the voters of Michigan will return him to the Senate next year where, depending on the makeup of the Congress, whether Republicans or Democrats control, he will be either the chairman or ranking member of the Armed Services Committee, and he will certainly be a leader on the Permanent Subcommittee on Investigations and perhaps chairman of that subcommittee or ranking minority member on that subcommittee, a position that I have held now since the late 1970's.

Mr. President, one of the hallmarks that I associate with CARL LEVIN's service in the Senate is his passionate belief that Government should work and that it can work, and that Congress has a responsibility to the American people to make sure that it does work. On both the Armed Services Committee and Governmental Affairs Committee, I have watched with admiration as CARL LEVIN's tireless efforts developed into a substantial record of legislative accomplishments across a whole range of important issues.

When CARL LEVIN came to the Senate in 1979, he asked to serve on the Governmental Affairs Committee. I remember how glad the committee was to have someone with his background, eager to serve on this important committee. In that year, the chairman of the committee, Senator Abe Ribicoff, created a new subcommittee, the Subcommittee on Oversight of Government Management.

Oversight of Government Management. That is a subject that might strike some people as dry, and I assume that many days it was dry to Senator LEVIN, but it has been one of the passions of his Senate career. Senator LEVIN was appointed chairman of this new subcommittee in 1979, and my good friend and outstanding Senator from Maine, Senator BILL COHEN, was the ranking minority member. These two remarkable Senators have formed a partnership as chairman and ranking minority member of this subcommittee that has lasted through changes in the control of the Senate from Democrat to Republican to Democrat and Republican, and lasts to this day. In fact, Mr. President I would say that the relationship between Senator LEVIN and Senator COHEN on the Subcommittee on Oversight of Government Management serves as a textbook example of successful bipartisan cooperation in the pursuit of effective Government that other committees and subcommittees, indeed, other Senators and Congressmen, should look at very closely. When these two dedicated and outstanding leaders get together on an issue, good Government is almost always the result.

Over the years, CARL LEVIN has carried out oversight investigations and hearings on a broad range of Federal programs in the Subcommittee on Oversight, including Social Security disability, Internal Revenue Service operation, the Customs Service, and inventory management in the Department of Defense. The objective of these investigations was to improve the operation of important Federal programs. The results in each case demonstrate that thoughtful, careful, and constructive congressional oversight of Federal programs can often lead to improvements in performance more readily than legislation.

CARL LEVIN has also built an impressive legislative record on the Governmental Affairs Committee. He has been the driving force behind lobbying reform, the independent counsel legislation, whistle-blower protection, ethics reform, the Competition in Contracting Act, and the reform of the defense acquisition process. All of these initiatives have focused on a goal of making Government more open, more productive, and more effective.

Since the death of our colleague and great U.S. Senator, Senator Scoop Jackson, in 1983, I have served as the chairman and ranking minority member of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee. While Senator Jackson was still in the Senate serving, I was the vice chairman of that committee and while he was running for President of the United States, I was the acting chairman of that committee, so he and I worked together on that committee, for many years. Over the years this has been one of the premier investigative subcommittees of the Congress, and I cannot think of anyone more qualified, by temperament and by experience, to provide leadership on the Permanent Subcommittee on Investigations than CARL LEVIN.

Senator JOHN GLENN is also on that committee and provides superb leadership as either the ranking Democrat or the chairman of the Governmental Affairs Committee, depending, again, on which party controls the Senate. Senator BILL ROTH and I have been partners on this subcommittee for many years, he serving sometimes as the ranking Republican when the Democrats are in control, sometimes as chairman, and he and I have reversed roles now, I believe, three times. So we have some outstanding members serving on that subcommittee with Senator LEVIN.

Senator LEVIN has also been an extraordinarily active and energetic member of the Armed Services Committee during the years we served together. I remember when he first came on the Committee in 1979, and chairman Stennis asked him to chair the committee's hearings on the legislation implementing the Panama Canal Treaty. This was one of those detailed, complicated, and important jobs that everyone knew had to be done and hoped someone else would do. In what we came to realize was typical fashion, CARL LEVIN rolled up his sleeves and did an excellent job in carrying out the committee's responsibilities on this important issue.

During our service together on the Armed Services Committee Senator LEVIN has served as the ranking minority member on the readiness Subcommittee and the chairman and ranking minority member on the Conventional Forces—now called the Airland Forces—Subcommittee. In that capacity he has made major contributions to maintaining the readiness of our forces and ensuring that they have the weapons and equipment they need to carry out their missions today and in the future.

In reality, though, Mr. President, Senator LEVIN's impact on our national security has extended far beyond the subcommittees which he led. In fact, it is hard to think of a major issue that the Armed Services Committee has dealt with over the past two decades in which CARL LEVIN has not made an important contribution. He has been involved in our discussions on the size and makeup of our military force structure; on the modernization of our conventional capability; and on the modernization of our strategic nuclear forces. He has been a key player over the years in our oversight of ongoing military operations, including Somalia; the Persian Gulf conflict and its aftermath; and Bosnia. As I indicated earlier, he has been one of the drivers behind the enactment of the recent landmark legislation on defense acquisition reform, which of course has been a top priority of Secretary of Defense Bill Perry.

As one of the most active members of the Senate's Arms Control Observer Group since its inception in 1985, Senator LEVIN has been heavily involved in keeping the Committee and the Senate informed on the progress of arms control negotiations. He has also made important contributions to the Senate's consideration of the Intermediate Range Nuclear Forces Treaty; the Treaty on Conventional Forces in Europe; and the START I and Start II Treaties. I know he shares my regret that the Senate has not been able to act on the Conventional Weapons Convention during this session, and my hope that the Senate will act on this important Treaty early next year.

Mr. President, Senator LEVIN and I have not agreed on every single issue in the Armed Services Committee over the years. Sometimes our positions differed, sometimes our philosophies differed. In those cases where we disagreed, my respect for his knowledge and his intelligence always caused me to double-check my own thinking. When we agreed—particularly on complicated issues like the reinterpretation of the ABM Treaty—I was always grateful to have him standing shoulder-to-shoulder with me.

All of us know CARL LEVIN's tenacity and talent for negotiating. Now that I am leaving the Senate in just a few days, I don't mind revealing that while I was chairman of the Armed Services Committee, I used CARL LEVIN as one of my secret weapons when we went into conference with the House on the annual Defense authorization bill. Whenever the Conference got bogged down over a particularly difficult issue, I knew that I could assign CARL LEVIN to go off and work with the House and have a pretty high level of confidence that the outcome would be closer to the Senate than to the House position. CARL is a superb negotiator. I have to confess that the House conferees got wise to my strategy, because after a while I only had to threaten to turn an issue over to CARL LEVIN to break a conference deadlock.

They simply, many times, would rather concede than go off and know they were going to be subject to CARL's very tenacious negotiating capabilities.

Serving in the U.S. Senate has been the greatest privilege of my career, the highlight of my professional life. I will miss the Senate, and I will miss my colleagues. I will leave, however, with a great deal of confidence that the energy and creativity in the Armed Services Committee—and its unwavering commitment to our Nation's security and to the men and women in uniform—will continue under the extraordinarily capable leadership on the Democratic side of my good friend, Senator CARL LEVIN, of Michigan.

DAVID ALLAN HAMBURG

Mr. NUNN. Mr. President, I would like to pay tribute today to a remarkable man, a renaissance man for our times, Dr. David Allan Hamburg. I would also add that Dr. Hamburg has a wonderful wife, a remarkable and accomplished woman, Betty Hamburg. In her own right, she has been truly an outstanding leader in every field of endeavor she has entered, as she has stood side by side with David Hamburg all these years and helped him accomplish what he has accomplished in his own right. They have two wonderful children, very successful children, Peggy and Eric.

Mr. President, I have come to know and admire David Hamburg through my long association with the Carnegie Corporation of New York, of which he has been president since 1983. In that position, he has combined his unparalleled knowledge of and experience in science, psychiatry, and international affairs to produce a record of remarkable accomplishment.

A quick review of his past activities reveals a unique combination of intelligence and energy that has been applied unselfishly and with a remarkably positive effect to scholarship, to intellectual endeavors, and to public service. For example, Dr. Hamburg was professor and chairman of the Department of Psychiatry and Behavioral Sciences at Stanford University; then the Reed-Hodgson Professor of Human Biology at Stanford. He served as president of the Institute of Medicine of the National Academy of Sciences.

At Harvard University, he was the director of the Division of Health Policy Research and Education, as well as the John D. MacArthur Professor of Health Policy. He also has served as president and chairman of the board of the American Association for the Advancement of Science.

His many memberships on governing boards of nonprofit organizations and his numerous honorary degrees demonstrate clearly that he has been widely recognized all over the country and, indeed, around the world for his experience, his wisdom, and his public-minded spirit.

It has been my great honor and privilege to work closely with David Hamburg on three important projects in recent years. First, under his leadership, Carnegie sponsored, and David himself played an important role in, a project on nonproliferation in the early 1990's that provided much of the analytical basis for the original cooperative threat reduction legislation that became law in December of 1991.

Shortly thereafter, he accompanied Senators LUGAR, WARNER, BINGAMAN, and myself on an extensive study mission to the former Soviet Union, and shared with us his wisdom regarding the troubled conflicts, the ethnic problems, and the potential for further problems in that part of the world, as well as his expertise and concern about the overall issue of nonproliferation.

Second, in consultation with Senator LUGAR and with me, David Hamburg's leadership and Carnegie's sponsorship with Dick Clark, former Senator Dick Clark's leadership, working under Carnegie and under David Hamburg, created a special exchange program involving Members of the United States Congress and the Russian Parliament. Senators BIDEN, EXON, FEINGOLD, GRAHAM of Florida, HUTCHISON, JEFFORDS, JOHNSTON, LAUTENBERG, ROTH, SARBANES, and SIMPSON, plus numerous colleagues from the House, have joined me in this undertaking over the last several years.

Thanks to the leadership of Dick Clark and the vision of David Hamburg, and the sponsorship of Carnegie, this program has proved most rewarding for the American side and I believe also for the Russian side, and has made a significant contribution to mutual understanding of United States-Russian relations, and also relationships with Eastern Europe, because the Carnegie Corporation, under David's leadership, and again with Dick Clark taking the helm, has sponsored numerous conferences over the last 7 or 8 years with our colleagues in the Parliaments of Eastern Europe, and that, too, has been very successful.

Third, Dr. Hamburg, together with former Secretary of State Cyrus Vance and a distinguished group of international leaders, again, sponsored by Carnegie, have formed an international commission to study and make policy recommendations regarding conflict situations that have plagued the post-cold-war world.

This group has banded together with leaders from around the world to try to find ways and recommend methods and reform of certain institutions to help get out in front of and prevent deadly conflict throughout the globe.

I have been honored to serve on the advisory board of this commission. Dr. Hamburg and Cy Vance and his commission colleagues have asked me to head a task force of this commission upon my retirement from the Senate. That will be one of the public policy issues I look forward to staying involved in. It is a very important part of America's foreign policy and national security considerations.

I readily agreed to undertake this leadership under Dr. Hamburg and Cy Vance and am looking forward to continuing my close collaboration with Dr. Hamburg in that new capacity.

Mr. President, I could go on and on about the accomplishments of David Hamburg. I have just outlined the parts of his overall activities that I have personally been involved in. He has been a leader in writing papers and books on children, on education, on research, on environmental matters. He is truly a Renaissance man. I have known people who had great breadth, and I have known people who have had great depth on many issues. I never knew anyone with the breadth and depth that David Hamburg has on so many issues important to our Nation and, indeed, to humanity.

On September 9 of this year, David Hamburg will receive one of the highest honors our country can bestow: the Presidential Medal of Freedom. The citation that accompanies the award provides a fitting summary of this man's remarkable career to date. President Clinton presented that medal on September 9, and it reads as follows:

> As a physician, scientist, and educator, David Hamburg has devoted a boundless energy and deep intelligence to understanding human behavior, preventing violent conflict, and improving the health and well-being of our children. From Stanford to the Institute of Medicine and the Carnegie Corporation, he has worked to strengthen American families by teaching us about the challenges and difficulties of raising children in a rapidly transforming world. Known for emphasizing the importance of early childhood and early adolescence, he has stressed the need for families, schools and communities to work together in our children's interest. In a life of wisdom, courage and purpose, David Hamburg has exemplified the finest tradition of humane, social engagement.

Mr. President, I am pleased and honored to pay tribute to David Allan Hamburg, a truly distinguished American.

RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION

Mr. NUNN. Mr. President, I rise to the floor today to speak in support of the ratification of the Chemical Weapons Convention as reported out of the Senate Foreign Relations Committee. Unfortunately, consideration of the Convention by the Senate has been postponed until next year. I will no longer be here when this important matter is undertaken, in terms of voting on this matter, before this body. In the closing days of this Congress, I want to put on the record today my strong support for the ratification of this important agreement.

Mr. President, now that the cold war is over, the single most important threat to our national security is the threat posed by the proliferation of weapons of mass destruction.

Over the last year a series of hearings have been held in both the Foreign Relations Committee and in the Permanent Subcommittee on Investigations that have clearly documented the threat posed to the United States by the proliferation of weapons of mass destruction.

During these hearings, representatives of the intelligence and law enforcement communities, the Defense Department, private industry, State and local governments, academia, and foreign officials described a threat that we can not ignore, but for which we are unprepared.

For one, CIA Director John Deutch candidly observed, "We've been lucky so far."

In July, the Commission on America's National Interests, co-chaired by Andrew Goodpaster, Robert Ellsworth, and Rita Hauser, released a study that concluded that the number one "vital U.S. national interest" today is to prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States. The report also identified containment of biological and chemical weapons proliferation as one of five "cardinal challenges" for the next U.S. President.

Mr. President, I firmly believe, based on a wide variety of testimony and other presentations from credible academics, government officials, and others, that the threat posed by proliferation of chemical and biological weapons and materials is more dangerous even than that posed by the spread of nuclear materials. In the case of nuclear materials, the Nuclear Non-Proliferation Treaty, or NPT, has erected barriers to proliferation that have become effective over time. In part as a result of this strengthened NPT regime, and in part because chemical precursors are widely available for commercial purposes, chemical and biological weapons and materials are much easier to acquire, store, and deploy than nuclear weaponry—as demonstrated by the Aum Shinrikyo disaster in Japan several years ago.

That cult conducted an enormous international effort to acquire, build, and deploy chemical weapons—without detection by any intelligence or law enforcement service—prior to releasing the deadly sarin gas in the Tokyo metro.

Mr. President, the judge at the World Trade Center bombing case believed strongly that the culprits had attempted to use a chemical weapon in that terrorist attack. He found that had those chemicals not been consumed by the fire of the explosion, thousands of World Trade Center workers might have been killed, greatly compounding that tragic episode.

Mr. President, Senator LUGAR and Senator DOMENICI joined me this year in introducing legislation—the Defense Against Weapons of Mass Destruction Act—that will provide over $150 million, starting next month, toward combating the threat posed to the United States by the proliferation of weapons of mass destruction. This legislation passed unanimously in the Senate, and was virtually unchanged in conference with the House. It is part of the National Defense Authorization Act for Fiscal Year 97, which has been sent to the President. I won't go into great detail here, but that legislation seeks to combat proliferation on essentially three fronts: enhance our domestic preparedness for dealing with an incident involving nuclear, radiological, chemical, or biological weapons or materials;

improve our ability to detect and interdict these materials at our borders and before they can be deployed on our territory; and strengthen safeguards at facilities in the former Soviet Union that continue to store these materials to prevent their leakage onto the international grey markets and into the hands of proliferators, terrorists, and malcontents.

Mr. President, although Senator LUGAR, Senator DOMENICI, and I attempted to create a comprehensive program for addressing what we all believe is the No. 1 national security threat facing our Nation in the decades ahead, we also recognize that the enacted legislation is only a beginning, and that much more work needs to be done. We must combat this threat on all available fronts, and leave no available path untaken.

Mr. President, ratification of the CWC is an important step in the process of controlling the proliferation of chemical weapons and the technologies for their manufacture. The CWC requires all parties to undertake the following: to destroy all existing chemical weapons and bulk agents; to destroy all production facilities for chemical weapons agents; to deny cooperation in technology or supplies to nations not party to the treaty; and to forswear even military preparations for a chemical weapons program.

The Chemical Weapons Convention represents the culmination of some 15 years of negotiations supported by the last four Presidents of the United States. The agreement was concluded and signed by President George Bush near the end of his term. The Joint Chiefs of Staff support ratification. The major chemical manufacturer trade associations support ratification. The CWC has been open for signature and ratification since 1993. As of today, the CWC has enjoyed overwhelming worldwide support. It has been signed by 161 of the 184 member states of the United Nations, and 63 countries have already ratified the treaty. Those who have already ratified include all of our major industrial partners, and most of our NATO allies. The CWC will enter into force 180 days after the 65th country has ratified it. It will begin to enter into force after ratification by two additional countries, whether or not the United States chooses to ratify it.

Now, Mr. President, after years of bipartisan support, after the CWC was successfully negotiated by two Republican Presidents, after lying before the Senate for inspection for 3 years, literally at the eleventh hour, a small group of Senators has set about to defeat the ratification of this treaty. They claim to have identified a number of fatal flaws that have gone undiscovered during the 3 years and numerous hearings before the Senate, fatal flaws that have gone unnoticed by 161 nations, including all our major industrialized allies.

Those opposed to the CWC seem to view it through the same cold war lenses that have been applied to the consideration of numerous bilateral nuclear arms reduction treaties between the United States, and the Soviet Union, and between NATO and the Warsaw Pact. They insist that the kind of verification standard that we used to require in a bilateral treaty with the Soviet Union must now be applied to a convention intended to move the world community away from the scourge of chemical weapons. Mr. President, this is not a reasonable standard to apply. We insisted on parity of limitations and drawdowns with the Soviet Union because asymmetries in strategic weaponry would have been dangerous to the strategic balance. But the cold war is over; the CWC is not a bilateral treaty, and is not about the strategic balance.

In bilateral United States-Soviet arms reduction agreements, we were agreeing to reverse or forgo some weapons systems based on Soviet promises that they would undertake parallel actions. In the chemical weapons arena, we have already committed to do away with chemical weapons and this treaty's purpose is to get other nations to do likewise.

Mr. President—to repeat, the cold war is over. The Soviet Union has dissolved. The world community now faces a serious threat from the proliferation of weapons of mass destruction, a threat that arises at least in part because of the disintegration of the Soviet Union and the loss of tight controls which that breakup entailed. The Chemical Weapons Convention is a broad treaty among many nations, intended to begin to control chemical weapons proliferation, in much the same way that the Nuclear Non-Proliferation Treaty, or NPT, set about to limit the proliferation of nuclear weapons materials and technology nearly three decades ago. When the NPT entered into force in 1970, barely 40 countries had ratified that treaty; today, well over 100 nations have joined, and the world community clearly serves to bring pressure to bear on both the nonadherent nations, and on countries like North Korea that have ratified but whose compliance is in very deep question. When the NPT was signed, a new inspection regime, under the International Atomic Energy Agency, was created to establish inspections to verify the compliance of those countries that had nuclear programs and activities.

Does the NPT guarantee that no nation will develop a nuclear weapon? Is it perfect? Is it 100 percent verifiable? The answer to each of these questions is clearly no.

There are no guarantees with NPT, nor are there guarantees with the Chemical Weapons Convention. On the other hand, does it help reduce nuclear proliferation and nuclear danger? The answer is clearly yes. The answer to those questions clearly is yes. The same will be true over a long period of time with the CWC.

Mr. President, one of the major complaints by the critics of the Chemical Weapons Convention is that it is not adequately verifiable. Clearly, a modest program to produce chemical agents can be accomplished inconspicuously. You can almost do it in the basement of your home. It can be done in a very small physical space. The CWC will impose only modest constraints, at best, on small groups of people like terrorists making small quantities of chemical weapons.

No treaty and, I might add, no domestic law, no law we could pass, could ever prevent a few people from making a small amount of chemical compounds. It could be very lethal in a small area when used in a terroristic way.

However, the fact that 160 countries have signed the Chemical Weapons Convention is bound to increase the international consciousness about the threat posed by the proliferation of these horrible weapons and materials and is bound to also heighten national concern and international cooperation in dealing both with the national threat, nation-state threat, as well as the terrorist threat.

So will it cure the problem? Will it stop terrorism? Will it eliminate chemical terrorism from being a potential threat? Absolutely not. Will it help? Yes, it will help.

As drawn, however, the CWC was not intended to primarily address the chemical weapons threat from terrorists. It is intended to eliminate national-level chemical weapons programs and to put world pressure on those nations that refuse to comply.

We need to recognize that the mere production of chemical agent is only the first step in a nation's military program to produce and have available militarily useful chemical weapons. To conduct all the subsequent steps to stockpiled, militarized weapons also in clandestine fashion is no easy feat. The critics seem to assume that every step is as concealable as a small lab required to produce some agent; this is certainly untrue.

The CWC is intended to begin a regime of data collection on the production and use of those chemicals that can readily be used in chemical weapons programs. This will be combined with a program of inspections to verify those data submissions and a system of challenging inspections to resolve ambiguities and suspicions. This will also no doubt be supplemented by what we call national technical means of verification.

We are going to have to do all this verification anyway. We do not solve any of our verification challenges in terms of terrorists, in terms of rogue nations, in terms of other nations; we do not solve a one of them by rejecting the CWC. If we are never a party to the CWC, we have all of these verification problems and challenges. Will the CWC solve them? No; it will not. Will it make it easier? Yes; it will.

Will this CWC inspection regime be ironclad from day one? Of course not. But then neither was the inspection and verification for the NPT when it first entered into force. It still is not perfect. But over the last 25 years technology has provided many new ways of safeguarding nuclear materials in peaceful nuclear energy programs around the world.

It has become much more difficult—but of course not impossible—to cheat on the NPT without running substantial risk of discovery. We should expect that the CWC will also develop more effective verification techniques once it is entered into force, techniques that one day might be more effective against the threat of terrorist use of chemical weapons and materials. But, Mr. President, if the United States does not ratify the CWC, we will not be allowed to participate in the development of the verification regime nor in the inspections themselves.

CWC safeguards are more likely to become effective faster if the United States is a party to the CWC and can bring our advanced technology to bear than if we have excluded ourselves from the administration and implementation of the CWC as the critics of this convention propose.

As former Secretary of State James Baker observed in testimony to the Senate Armed Services Committee on September 12, 1996:

> . . .[W]hen you have a lot of countries that have signed onto a treaty to eliminate these weapons, you have a much stronger political mass that you can bring to the table in any forum, whatever it is, to talk about restraints and restrictions and sanctions.

Moreover, Mr. President, to argue that we should refuse to ratify the CWC because it does not guarantee that Libya or North Korea or Iraq will be stripped of chemical weapons is to ensure that we will end up in the same category of nonparticipants with Libya, North Korea, and Iraq. Like those countries, if we do not ratify this convention, the United States will be a nonparty to the CWC. We will be subject to trade sanctions on chemical products and on technologies by all the other parties to CWC; trade sanctions, I might mention, that were proposed by our own Government under a Republican administration.

Some of the senatorial critics suggest that the negotiators should start over, that we should not enter into any limitations unless all the rogue states have been compelled to join, and unless the agreement is absolutely verifiable. Mr. President, this is mission impossible.

First, the CWC will enter into force whether the United States ratifies it or not, as I have said. It will take effect next year whether or not we are involved.

Second, the CWC itself imposes no new limits on the policy of the United States toward chemical weapons programs. By law, the United States is already committed to the elimination of all unitary chemical weapons and all unitary agent stocks by the end of 2004. By law, we are already moving in that direction. By policy decision taken by President Bush in 1991, we have forsworn the use of chemical weapons even in retaliation for their use against U.S. forces. Our Joint Chiefs also agree with that policy.

By a further policy decision by President Bush, we will eliminate our very small stockpile of binary chemical weapons as soon as the CWC enters into force, whether or not we are a party to the treaty. President Clinton has followed these same policies.

Mr. President, back in the cold war days, you could stand on the floor and say, let us reject this treaty because the Soviet Union may not comply; we may not be able to verify. Those were arguments that had great legitimacy and were very seriously important arguments because we were agreeing to draw down our weapons based on their drawing down their weapons. That was the cold war. If we were not confident we could verify it, then, of course, we should reject that kind of treaty because we were depleting our military capability.

Here in this case, we have already decided to get rid of our chemical weapons, and the only question is whether we are going to participate in a treaty that gets other countries to get rid of their chemical weapons. It is not the same decision as cold war treaties with the Soviet Union. It is vastly different. To view it through that prism, as I think some of our colleagues are doing—I am sure in good faith from their perspective—is a profound mistake.

Mr. President, the bottom line is that the United States has already made a unilateral decision to eliminate all of its chemical weapons capabilities, whether or not we are party to the CWC. Our refusal to ratify this treaty does not help us one iota on verification. We still have all those verification challenges, and our refusal to ratify provides no bargaining leverage that I can identify against anyone whether it is Libya or North Korea or Russia, which still has large stocks of chemical weapons.

They all know that we are out of that business. Defeating the ratification of the CWC in no way restores or preserves a U.S. chemical weapons capability. To again quote former Secretary of State James Baker:

> We knew at the time that there would be rogue countries that would not participate. * * * We have made a decision in this country that we're not going to have chemical weapons. We're getting rid of them. And we don't need them. We've made a policy decision that we don't need them in order to protect our national security interests. * * * Whether we are able to get all countries on board or not, I think we have a critical mass of countries and I think the treaty makes sense, recognizing up front all the problems of verifying a Chemical Weapons Convention.

Finally, Mr. President, I have heard some of my colleagues argue that this treaty will pose an enormous burden and cost on U.S. industry. This argument is simply not true. If the costs and consequences to the American chemical and related industries were severe, as these critics suggest, why have the major chemical manufacturing associations not only endorsed, but also lobbied strongly in favor of ratification of the Chemical Weapons Convention? Why have 63 other nations, including most of our major industrial competitors, already ratified the CWC? Has this small group of CWC opponents discovered something that has been overlooked for the last 3 years by everyone else?

Mr. President, the truth of the matter is that the cost of implementing this regime to the vast majority of U.S. business is either negligible or nonexistent. There are two categories of chemicals made and consumed by businesses in the United States that are covered by this treaty. No more than 35 firms in the United States, all of them large corporations, produce or consume the direct precursors of chemical weapons agents that are on the first category and are subject to the strictest CWC controls.

The second category covers only large-volume producers of products that are in direct chemical weapon precursors. So no small businesses will be affected by the moderate requirements imposed by the CWC by this category.

Contrary to the argument being made by the opponents of this treaty, downstream consumers of this category of chemicals are specifically exempted from reporting and inspection requirements. While it is true that some 2,000 firms, including some small and medium-sized businesses, will be required to fill out one form per year, both private industry and the Department of Commerce estimates indicate that it will take a very small and minimal amount of time to fill out. No proprietary information whatsoever is required, and the reporting requirements are essentially the same as those already required of these businesses by the Environmental Protection Agency or other regulatory bodies.

In addition to the fact that only a small number of firms will actually be affected by the Chemical Weapons Convention, the Department of Commerce has worked very closely with the business community to develop a method of fulfilling both treaty requirements and industry requirements for protecting confidential business information. Again I would argue that if this were not the case, the American chemical manufacturing industry would not have endorsed ratification of the Chemical Weapons Convention.

Mr. President, I also point out that if the Senate continues to refuse to ratify the CWC—I am hoping the minds will be changed next year after the election is over—we are choosing to inflict international sanctions on foreign trade and one of our largest export industries, the $60 billion chemical industry. The CWC regime requires member states to impose trade sanctions against the chemical industries in nonmember states. While the entire $60 billion probably would not be immediately threatened, some $20 to $30 million would be threatened to begin with. Industry experts believe that over time U.S. interests would lose more and more business to foreign competitors who face no equivalent CWC trade sanctions from participating countries.

Mr. President, the basic bottom line which each Senator must ask him- or herself is as follows: Is the United States more likely to reduce the dangers of the proliferation of chemical weapons by joining the 63 countries that have already ratified the CWC—and the many others that will join after the 65th ratification occurs, or is America's security better served by remaining on the outside, by joining rogue regimes like Libya and North Korea in ignoring this pathbreaking effort by 161 nations to bring these terrible weapons under some degree of control?

Mr. President, I find this an easy question to answer. This is not a close question. This is not one of those questions that you can balance both sides and come out almost flipping a coin. We have many of those. This is an easy question to answer because no, it is not perfect, but yes, it does take steps in the right direction. We do enlist support from all the nations that will be signing, even those that we will have to watch very closely in terms of whether they comply.

Therefore, I would have voted to ratify the CWC had it been brought to the floor during this session. If I were here next year, I would certainly vote to ratify. I urge all of my colleagues to pursue the ratification of the CWC when it is brought up in the 105th Congress. Ratification of the Chemical Weapons Convention is in our national security interests, Mr. President, and I hope the Senate will ratify this convention next year.

I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYROLL TAX CREDIT PORTION OF THE USA TAX ACT OF 1995

Mr. NUNN. Mr. President, I rise today to discuss, again, another subject, the unlimited savings allowance tax legislation, USA tax, that Senators DOMENICI, KERREY, BENNETT, DODD, and I have cosponsored. I note the Senator, one of the great cosponsors here, Senator BENNETT, is in the chair today.

In previous remarks to the Senate, I addressed the issue of broader tax reform, which I will not repeat today, and, in particular, the need to make a careful review on the various tax reform proposals on an apples-to-apples basis rather than what has been done so far, which is basically comparing apples to oranges.

Today, I would like to address what I believe would be a critical component and what should be a critical component of any broad tax reform effort. That is integration of the income tax and the Social Security payroll tax.

Mr. President, the USA tax plan contains the most comprehensive solution to this issue of any tax reform proposal on the table in the form of a payroll tax. I believe no matter what emerges in tax reform, which I hope will be next year, I believe this payroll tax credit should be a central feature of that proposal. Certainly, it is a central feature and one of the strongest points in the USA tax proposal.

Mr. President, for individuals under the USA system, all income, regardless of source, forms the individual tax base. Unlike today's Income Tax Code, which is concerned about distinguishing the source of income, the USA tax proposal is more concerned about the use of that income. If your income is saved, your tax on that income is deferred. When your income is consumed, then it is taxed. In other words, you deduct your savings. From this broader income tax base, the USA tax proposal provides a limited number of deductions, including net new savings, a family living allowance, higher education expenses, home mortgage interest, charitable contributions, and alimony.

After these deductions are made from gross income, a taxpayer would determine the amount of tax by applying progressive graduated rates to his or her taxable income. Once this calculation is made, which determines the total Federal income tax liability, the taxpayer would then subtract dollar for dollar from the income tax the amount withheld from your salary for the employee share of the Social Security payroll, or FICA tax. In other words, the amount paid in by the employee to the FICA tax, Social Security tax, is credited against income tax. It is credited dollar for dollar.

This payroll tax credit is an essential part of the USA tax system. It would reduce the regressive nature of the present payroll tax. It would reduce the disincentive to hire lower wage workers. This tax credit would be refundable so that if you had more withheld in payroll taxes than you owed in income taxes, as is the case for many people, the difference would be refunded to the taxpayer.

I believe my colleague would find it interesting that roughly 80 percent of Americans today pay more in non-income taxes than they do in income taxes. Payroll taxes make up the vast majority of non-income taxes.

We spend all of our time debating income tax. What that means is we hear from people in higher income groups, but the average American in today's society, 80 percent of Americans, pay more in non-income taxes than they do in income taxes. I hope that part of the debate will begin because it is long overdue.

Therefore, people with earned income, under our proposal, can, in effect, subtract 7.65 percent—the amount of pay withheld for the employee share of the Social Security-Medicare payroll taxes—from the USA tax base before the rates are applied. Thus, a 20 percent tax rate under the USA system is, in effect, equal to a marginal rate of 12.35 percent under today's system after you take into account the payroll tax credit.

Our proposal is often criticized because it has a 40 percent tax bracket. The first thing people ignore is that that is on assumed income. You have a right to deduct your savings before that rate is applied to a tax base. The second thing people overlook is you have to subtract the 7.65 percent from the 40 percent to get our effective tax rate because there is a credit back for the Social Security taxes paid. That is enormously important. If you are in a lower bracket, you would still subtract that.

The payroll tax is a perfect example of why fundamental tax reform is needed. As my colleague from New York, the ranking member of the Finance Committee, Senator MOYNIHAN, has so frequently and eloquently pointed out, the payroll tax is a very regressive tax. It discourages the hiring of additional workers, especially low-wage workers.

Nobody designed the system that way, of course. The payroll tax started out at a low rate, but that rate has grown considerably over the years. In 1950, the payroll tax was 1.5 percent of wage income. By 1960, it had grown to 3 percent of wage income. In 1970, it had risen to 4.8 percent of wage income. By 1980, it was 6.13 percent. By 1990, it had risen to 7.65 percent, where it remains today.

I repeat, Mr. President, 80 percent of the American people pay in non-income tax more than income tax. Of course, if you included the employer share, all of the percentages would be doubled. To state it another way, from 1960 to 1990, the Social Security tax has gone from 2 percent of our national income, or GNP, to 5 percent of our GNP. By comparison, receipts from individual income taxes have grown only slightly, from 8.1 percent to 8.5 percent over this same 30-year period.

Part of the reason for the increase in the payroll tax is due to fewer workers supporting a growing number of retirees. Another reason is that during the late 1960s and early 1970s the payroll tax working people paid grew considerably to finance large cost of living increases for retirees that were enacted in years of high inflation. Then in the late 1970s and early 1980s, payroll taxes increased again, ostensibly to build up a surplus for the retirement of the baby boomers. Unfortunately, as Senator MOYNIHAN has also pointed out, that is not what the surpluses are actually being used for. These surpluses are being used to finance Government spending and to mask the true size of the annual Federal deficit.

So we now find ourselves with a combined employer-employee payroll tax rate of 15.3 percent—a very high rate that adds significantly to the cost of labor. We set up a system for one purpose—to provide income security in retirement—that is actually hurting working people in ways that I am sure were never intended.

Our proposal does not abolish the payroll tax. It does not affect the operation of the Social Security System in any way. What it does attempt to do is to offset the negative, unintended, effects of the payroll tax by crediting the payroll tax against an individual or business's tax liability under the USA tax. Employees get a credit for their FICA tax against their individual income tax. Employers get a credit for their share against the business tax. So the same amount of revenue will continue to be deposited in the Social Security trust fund. But the payroll tax will now be integrated into the income tax in a way that offsets its regressive nature.

I know many tax reform proponents are now agreeing with the underlying wisdom of our payroll tax credit. The Kemp Tax Commission, led by the small business elements, recognized this fact and called for a payroll tax deduction in its recommendations. This deduction is a step in the right direction, a tax credit is a far better solution. I am hopeful that as others begin looking at components of sustainable tax reform they will reach a similar conclusion about the necessity of payroll tax credits.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

TRIBUTE TO SENATOR WILLIAM S. COHEN

Mr. BYRD. Mr. President, the State of Maine shares with my own beloved State of West Virginia a common character, a self-reliance born of long struggle with stony fields, harsh weather, and rich natural treasures that defy easy capture. As West Virginia coal miners daily confront the dangers below ground, battling to bring out the black compressed energy created eons and eons ago, the fishermen of Maine venture forth over the tempestuous seas to wrestle a living from the cold waters of the Atlantic. Farmers in both States work sloping fields of thin soils studded with loose rock to bring home their harvests. And emerging industries in both States must overcome the isolation of locations somewhat outside the main avenues of commerce. From these challenges comes a certain independence of judgment, and a mindset that addresses the merits of each decision before taking action.

The senior Senator from Maine exemplifies this independence of judgment. On January 3, 1979, WILLIAM S. COHEN became the 1,725th Member sworn in as a United States Senator. He joined the Senate after serving in the House of Representatives for three terms. Prior to his service in Congress, he had been a lawyer and member of the city council in Bangor, ME.

During his 18 years as a Senator from Maine, Senator COHEN's thoughtful, reasoned, and soft-spoken approach to policymaking has earned the respect and admiration of his colleagues. As a member, chairman, or subcommittee chairman on the Special Committee on Aging, the Armed Services Committee, the Governmental Affairs Committee, and the Select Committee on Intelligence, Senator COHEN has influenced a broad range of issues affecting our Nation. Always, he has attempted to keep the legislative process moving by being open to compromise and negotiation. He has been a key player in attempts to forge a bipartisan consensus on a number of difficult issues, from health care to missile defense programs. And he has always exercised his own judgment, relying on his own study and reflection rather than on party rhetoric, before taking action. He has been willing to cross party lines on contentious issues despite great pressure.

Himself a poet and author of eight books of fiction and history, Senator COHEN knows that it is as hard to accurately recount history and to draw lessons from it, as it is to create a complete and consistent fictitious history, which he does so well in his novels. His ability to draw upon the lessons of history and the possibilities of fiction is reflected in the diverse references from his reading that are found in his witty and pointed questions and statements.

One of Senator COHEN'S books, "Men of Zeal," coauthored in a bipartisan effort with his former colleague from Maine, Senate Majority Leader George Mitchell, looked at the sorry Iran-Contra affair from the perspective of a man who played a critical role in upholding ethical standards in Government. Senator COHEN served on the special committee that investigated that scandal. A Republican Party member who held to a higher standard than party in order to keep the executive branch in check, as the Founding Fathers intended, Senator COHEN demonstrated the ethical toughness that has always been his most noteworthy and laudable characteristic.

Even before the Iran-Contra scandal, while a member of the Judiciary Committee in the House of Representatives in 1974, Senator Bill Cohen voted to bring impeachment charges against a Republican President. Later, he helped to create the independent counsel law, providing for special prosecutors to investigate Executive Branch wrongdoing. He worked to reauthorize the independent counsel law in 1992 and 1993, over the objections of some of the Members in his own party. Most recently, he joined with Senator LEVIN to sponsor the lobby disclosure and gift ban bill that was passed in the last session of this Congress. This effort was also marked by bipartisan negotiation and compromise that allowed the legislation to move forward.

Mr. President, Senator William Cohen has enriched the Senate with his presence here. Like his former colleague, Senator Mitchell, he brought to this floor and to these committee rooms some of the best that Maine has to offer the Nation—a willingness to work hard, to make tough and principled decisions, and a willingness to seek a common ground to serve the common good. And to that, he added his own unflappable good nature and his ability to see through partisan politics to the central policy compromise that could bring two embattled sides together. Having only just turned 56 this past August 28, he is someone about whom I can feel confident in predicting that his retirement from the Senate is only a prelude to future endeavors in new fields. Therefore, while I congratulate him for his work in the Senate, and thank him on behalf of the Senate and those of us who have been and are his colleagues in the Senate, I also wish for him and his new bride great happiness and success in the future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I thank the Chair.

ACCESS TO PATIENT INFORMATION

Mr. WYDEN. Mr. President, I rise to take just a few moments to talk a bit about the gag clause that involves the right of patients across this country to know all the information about their medical condition and the treatments that are appropriate and ought to be made available. I wish to discuss it in the context of the pipeline safety bill.

In the beginning. I particularly wish to thank the bipartisan leadership of Senator DASCHLE and Senator LOTT who have worked closely with us on this also, the continued bipartisan effort of Senators KENNEDY and KYL who, in particular, have worked very hard to try to address this legislation in a responsible way and to demonstrate the bipartisan spirit of this effort. It really all began with Dr. GANSKE of Iowa and Congressman ED MARKEY on the House side, where both pursued this effort in a bipartisan way. Senators LOTT and DASCHLE, KYL, KENNEDY, and I and others have spent several days working to reach an agreement with respect to the legislation that I originally sought to offer several weeks ago with respect to the patient's right to know. These negotiations have been lengthy, they certainly have been difficult, and they are not yet concluded.

Because there has been much good faith on the part of a number of Members on both sides of the aisle, on both the Democratic and Republican side of the aisle, I think it is fair to say that we have made a considerable amount of progress, and I want to make it very clear to the Senate I intend to keep up this fight throughout the session because it is so fundamentally important that the patients of this country in the fastest growing sector of American health care, the health management organization sector, have all the information they need in order to make choices about their health care.

I do think it is important to say tonight that I do not think it is appropriate to withhold any longer a vote on the pipeline safety bill as these negotiations go forward. The pipeline safety bill, in my view, is a good bill. It is an important bill. It, too, has bipartisan support as a result of a great deal of effort, and I would like to put in a special word for the efforts of Senator EXON, of Nebraska, who has labored for a long time on this measure. He is, of course, retiring from the Senate. His leaving will be much felt, and it seems appropriate that this important and good bill to protect the safety of our energy pipelines go forward. And so I want to make it clear to the Senate tonight I do not think the Senate should withhold a vote on the pipeline safety bill any further as the negotiations go forward with respect to the gag clause in health maintenance organizations that is so often found in plans around this country.

If I might, I wish to take a few minutes to explain why this issue is so important in American health care. Most people say to themselves, what is a gag clause? What does this have to do with me? Why is it so important that it has generated all this attention in the Senate?

A gag clause is something that really keeps the patients in our country from full and complete information about the medical condition and the treatments that are available to them. I think it is fair to say—I know the Senator from Utah, Mr. BENNETT, has done a lot of work in the health care field—reasonable people have differences of opinion with respect to the health care issue. People can differ about the role of the Federal Government; they can differ about the role of the private sector, but it seems to me absolutely indisputable that patients ought to have access to all the information—not half of it, not three-quarters, but all the information—with respect to their medical condition.

What is happening around the country is some managed care plans—this is not all of them. There is good managed care in this country. My part of the Nation pioneered managed care. Too often managed care plans, the scofflaws in the managed care field are cutting corners, and so what they do either in writing or through a pattern of oral communication, these managed care plans tell their doctors, "Don't fill those patients in on all the information about their medical condition." Or they say, "There are some treatments that may be expensive and we think you shouldn't be telling everybody about them." Or maybe they say, "We're watching the referrals that you're making and if you make a lot of referrals outside the health maintenance organization to other physicians, other providers, we're going to watch that. If you make too many of them, we're going to consider getting some other people to deliver our health services."

So these are gag clauses in the literal sense. They get in the way of the doctor-patient relationship and either in writing in the contract established by the health maintenance organization or orally through a pattern of communications between the health maintenance plan and the physician, the doctor is told in very blunt, straightforward terms, "Look, you're not supposed to tell those patients all the facts about their medical condition or all the treatments that might be available to them." I think these restrictions on access to patient information care turn American health care on its head. The Hippocratic oath, for example, to physicians starts with, "First do no harm."

If you have these gag clauses, essentially, instead of "First do no harm," in these health maintenance organizations the charge is, first, think about the bottom line. Think about the financial condition of the plan and that maybe the plan will have a little less revenue if physicians really tell their patients what is going on and tell them about referrals and the like. Trust, in my view, is the basis of the doctor-patient relationship. Without that trust, physicians cannot perform adequately as caregivers. The patients get shortchanged, in terms of the quality of their health care. And I think that, when you limit straightforward and complete information between physicians and their patients, what you are doing is prescribing bad medicine.

Mr. President, there are a number of provisions that are central to this debate and there are two or three that have consumed most of our attention over the last few days, in terms of trying to work this legislation out on a bipartisan basis. Let me say, especially Senator KYL has done yeoman work, in terms of trying to bring all sides together. He has led the effort on the Republican side. He has worked particularly hard with me on a couple of the provisions that I would like to take just a minute or two of the Senate's time to discuss this evening.

The first is with respect to enforcement provisions in this bill. Senator KYL and I both share the view that the States should take the leadership role with respect to enforcement of these gag clause provisions. There is precedent for this in the medigap legislation, the legislation to protect older people from ripoffs in the supplemental policies sold in addition to their Medicare. We have looked at other approaches. In particular, the enforcement provisions that the Senate came together on in a bipartisan way in the maternity legislation looked attractive, but Senator KYL and I have spent a special effort, trying to work out the provisions with respect to ensuring that the States are given the lead in terms of enforcing the anti-gag clause legislation. I think we have made considerable progress. All Senator ought to know there is bipartisan interest in not having some Federal micromanagement, run-from-Washington kind of operation with respect to the enforcement provisions in this gag clause legislation.

The second area that has consumed considerable amount of time in our discussions involves matters of religious and moral expression. Here, the issue, as it does so often in the U.S. Senate, involves especially abortion. Senator KYL and I have worked hard to try to ensure that an individual physician who has religious or moral views with respect to abortion would not be required to express those views in a way that was contrary to deeply held religious or moral principles that that physician had. At the same time, I think it is understood that, if this is not carefully done, such provisions could become a new form of institutional gag, which would limit communication between doctors and patients. Senator KYL and I have, I think, been able to bring about an approach that does allow an individual physician who, for religious or moral reasons, desires not to discuss abortion issues to be able to do that. I think we will be able to resolve that in a way that is good health policy, is fair, and bipartisan.

Now, the continuing resolution, of course, is before us. The Senate will be dealing with this in the hours ahead. Some may consider it will be the days ahead—but certainly the hours ahead. I want the Senate to understand that I think, with respect to the future of American health care, making sure that patients have access to all information about their medical condition and the treatments that are available to them is about as important as it gets.

The Senator from Vermont also has done a great deal of work in the health care area over the years. We have had a chance to work together on ERISA legislation, and a variety of other matters.

I come back to the proposition that there are a lot of areas where people can differ in the health field. Health is a complex riddle by anybody's calculus. And these debates about the role of the Federal Government and the role of the private sector—these are areas where reasonable people do have differences of opinion. What I think is indisputable, however, is the importance of patients getting all the facts and the patients being in a position to know all of the matters that relate to their getting the best treatment for them, given the kind of medical problems that they face.

So, this ultimately, this question of how to deal with this issue, is not an issue about abortion. No abortions are being performed or referrals made. It is not a question of Federal micromanagement, because the States are put clearly in the lead position with respect to enforcement. It is not a regulatory paradigm, in the sense that Members may have different views with respect to the type of approach. Whether it is a medical savings account approach that some have favored, or single-payer approach that some have favored, this bill does not touch any of those issues. This bill gets to one question and that is: As we look to the decisions involving 21st century health care, are we going to put patients in the driver's seat with respect to their own health care so they can get information?

It seems almost absurd to me that, at a time when we look at how medical information may be exchanged in the future using the Internet, so that folks in rural Vermont and rural Oregon can tap all these exciting new technologies so as to get more information about their health care and about the treatments available to them, it seems almost fundamental to say that, when a patient and a doctor or a nurse or chiropractor at a health plan sits down with a patient and that patient's family, that provider, that doctor or nurse or chiropractor, is in a position to say to the family, "Look, here are all the facts that you and your loved ones face with respect to your medical condition. You may want to pursue this particular treatment. Perhaps I should refer you to Dr. A or Dr. B, who is outside the health plan." But whatever the ultimate choice of the consumer is at that point, at least the consumer can make it in an informed way.

Right now, while there is good managed care in our country, and I have seen it in my part of the United States, in the Pacific Northwest, too often there have been managed care plans that do not meet those high standards. There are plans that have told their physicians, their nurses, their chiropractors and others: We are going to be watching you, with respect to making referrals.

We want you to know, we are looking over your shoulder with respect to expensive treatments, and those kinds of gag provisions are getting in the way of the doctor-patient relationship, and the trust that is so important.

So I want it understood, Mr. President, that I am going to use every ounce of my strength, working with Senator KYL and Senators on both sides of the aisle, to make sure that this legislation is part of the continuing resolution.

I want to, again, let the Senate know that we are very appreciative of Senators DASCHLE and LOTT and the bipartisan leadership that has worked cooperatively with us. We want to make sure that this legislation gets into the continuing resolution.

Managed care is the fastest growing part of American health care. Both Democrats and Republicans throughout this Congress have looked to managed care repeatedly as the discussions have gone forward on Medicare and other issues. So it is important that patients in these plans get all the facts, get all the information, and we are going to go forward in good faith, as we have done over the last week.

Senator KYL and I have put a big chunk of our waking hours into this effort to try to do it in a bipartisan way. I believe we can get it done. And in the spirit of the progress that has been made and to facilitate the passage of other important legislation, I would like to make it clear that I believe that the Senate should no longer withhold a vote on the pipeline safety bill.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Thank you, Mr. President. Mr. President, I would like to express my appreciation to the distinguished Senator from Oregon for his comments. We have been working together in a cooperative fashion. I think progress has been made. It has been one of those things where I thought it was worked out, and it didn't seem to be quite worked out.

I know there is good faith all around. Senator DASCHLE and I have been following it closely. I thank the Senator for allowing this pipeline safety legislation to go forward. It is very important legislation, and if it expired, it certainly would pose problems for pipeline safety in the country. We will work with him to see if we can come to an agreement. There is at least one more vehicle it can be attached to if we can get it worked out.

So I thank the Senator for allowing this important legislation to go forward.

MORNING BUSINESS

Mr. LOTT. Mr. President, it is my pleasure to rise today in recognition of 100 years of significant accomplishments by the American Academy of Ophthalmology. Since 1896, the four major causes of blindness in the world have been identified and are now preventable, and Academy pioneers have led the way in the eradication of cataract blindness worldwide. The Academy's mission of helping the public maintain healthy eyes and good vision is a lasting tribute to its membership.

In April 1896, Dr. Hal Foster of Kansas City sent out more than 500 invitations to physicians practicing ophthalmology and otolaryngology, inviting them to Kansas City for organizational purposes. Several name changes of the nascent medical society resulted in what ultimately became known as the American Academy of Ophthalmology and Otolaryngology, and remained so until 1979 when the two medical disciplines split into separate academies.

Today, the American Academy of Ophthalmology is the largest national membership association of ophthalmologists—the medical doctors who provide comprehensive eye care, including medical, surgical and optical care. More than 90 percent of practicing U.S. ophthalmologists are Academy members—20,000 strong—and another 3,000 foreign ophthalmologists are international members.

Many principles and strategies that the American Academy of Ophthalmology founded over the years are still championed today. The Academy has fostered a culture of outstanding clinical and educational programs, cutting edge technologies, the latest ophthalmic practice support mechanisms, and highly effective public and government advocacy activities.

Education remains the primary focus of Academy activities. Academy members will celebrate the Centennial Annual meeting in Chicago, October 27–31, 1996. One of the largest and most important ophthalmological meetings in the world, this 5-day educational event will offer symposia, scientific papers, instructional courses, films, posters, and exhibits designed to educate ophthalmologists and others about practical applications of new advances in eye care.

In the coming years, it is my sincere hope that both the individual and collective efforts of ophthalmologists will continue to transform new knowledge into improved clinical care for the benefit of the American public.

On this centennial observance, I commend the American Academy of Ophthalmology for its steadfast dedication in helping the public maintain healthy eyes and good vision. I urge my colleagues to join with me in saluting the members of the American Academy of Ophthalmology for their many sight-saving accomplishments over the past 100 years.

WYDEN-KENNEDY AMENDMENT PROHIBITING GAG RULE IN HEALTH INSURANCE PLANS

Mr. KENNEDY. Mr. President, gag rules have no place in American medicine. Americans deserve straight talk from their physicians. Physicians deserve protection against insurance companies that abuse their economic power and compel doctors to pay more attention to the health of the company's bottom line than to the health of their patients.

You would think everyone would endorse that principle. But the insurance companies that profit from abusing their patients do not—and neither does the Republican leadership in the House and Senate. Senator WYDEN and I offered an amendment to the Treasury-Postal appropriations bill to end this outrageous practice. A 51–48 majority of the Senate voted with us. But the Republican leadership used a technicality of the budget process to raise a point of order requiring 60 votes for our proposal to pass. We have now revised our proposal so that there will be no point of order when we offer it again.

But the delaying tactics of our opponents still continue. We first offered our amendment on September 10. The point of order was raised against it on September 11. We tried to offer the revised version later that day. We waited on the Senate floor all afternoon and evening, and through the next day as well. We were ready to agree on a time limit to permit a prompt vote. Still the Republican leadership said, "no." Finally, the Republican leadership abandoned the whole bill, rather than allow our amendment to pass.

Since September 12, we have waited for another bill on which to offer this proposal. We were prepared to offer it on the pipeline safety bill, but the Republican leadership will not allow that bill to move forward unless we agree to drop our amendment. The pipeline bill was first offered on September 19—and then abandoned in order to block our amendment.

Since September 19, we have also been attempting to negotiate a reasonable compromise with the Republicans that would achieve the goal of protecting doctor-patient communications, but each time agreement has seemed close, new demands have surfaced. Rolling holds were used to block the Kassebaum-Kennedy bill for months. A similar tactic is being used now.

This issue could be resolved in a few minutes of debate on the Senate floor. A stricter approach than the one we proposed was approved by a 25–0 bipartisan vote in the House Health Subcommittee last June, and the full House Commerce Committee approved it by a voice vote in July. The only thing that stands between the American people and ending these outrageous HMO gag rules is the insistence of the Republican leadership on putting the insurance companies first—and patients last.

The need for this proposal is urgent, which is why we are pressing this issue so strongly in the closing days of this session. Patients deserve this protection—and so do doctors. So why is the Republican leadership in Congress protecting the insurance industry?

One of the most dramatic changes in the health care system in recent years has been the growth of health maintenance organizations and other types of managed care. Today, more than half of all Americans with private insurance are enrolled in such plans. In businesses with more than ten employees the figure is 70 percent.

Between 1990 and 1995 alone, the proportion of Blue Cross and Blue Shield enrollees in managed care plans more than doubled—from 20 percent to almost 50 percent. Even conventional fee-for-service health insurance plans have increasingly adopted features of managed care, such as continuing medical review and case management.

In many ways, these are positive developments. Managed care offers the opportunity to extend the best medical practice to all medical practice. It emphasizes helping people to stay healthy, rather than just caring for them when they are sick. Managed care often means more coordinated care and more effective care for people with multiple medical needs. It offers a needed antidote to profit incentives in the current system to order unnecessary care. These incentives have contributed a great deal to the high cost of health care in recent years.

But the same financial incentives that enable HMOs and other managed care providers to practice more cost-effective medicine can also be abused. They can lead to under-treatment or arbitrary restrictions on care, especially when expensive treatments are involved or are likely to reduce HMO profits.

There is a delicate balance between the business side of medicine and the medical side of medicine, and Congress has an important role to play, especially in cases such as this, where doctors and patients are on one side and the insurance industry is on the other side.

As Dr. Raymond Scalettar, speaking on behalf of the Joint Commission on Accreditation of Health Care Organizations, recently testified:

> The relative comfort with which the fee-for-service sector has ordered and provided health care services has been replaced with strict priorities for limiting the volume of services, especially expensive specialty services, whenever possible * * * [T]hese realities are legitimate causes for concern, because no one can predict the precise point at which overall cost-cutting and quality care intersect. The American public wants to be assured that managed care is a good value, and that they will receive the quality of care they expect, regardless of age, type of disorder, existence of a chronic condition or other potential basis for discrimination.

It is easy for insurance companies to put their bottom line ahead of their patients' well-being—and to pressure physicians in their plans to do the same. Common abuses include failure to inform patients of particular treatment options; barriers to reduce referrals to specialists for evaluation and treatment; unwillingness to order needed diagnostic tests; and reluctance to pay for potentially life-saving treatments. It is hard to talk to a physician these days without hearing a story about insurance company behavior that raises questions about quality of care.

In some cases, insurance company behavior has had tragic consequences. The experience of Alan and Christy DeMeurers is a case in point. An HMO cancer specialist recommended—in violation of the HMO's rules—that Christy should obtain a bone marrow transplant. The doctor made the necessary referral. The DeMeurers then spent months trying to obtain this treatment. The HMO tried to deny the treatment. It also attempted to prevent the DeMeurers from obtaining information about the treatment. The delays they experienced may have cost Christy her life.

Alan DeMeurers made the trip to Washington from Oregon several weeks ago to speak out in support of our amendment. I had the opportunity to meet with him. His story is powerful support for ending abuse as soon as possible—now, this year, not next year.

Our amendment bans the most abusive types of gag rule—those that forbid physicians to discuss all possible treatment options with the patient and make the best medical recommendation, including recommendations for a service not covered by the HMO.

Specifically, our amendment forbids plans from "prohibiting or restricting any medical communication" with a patient with respect to the patient's physical or mental condition or treatment options."

This is a basic rule which almost everyone endorses in theory, even though it is being violated in practice. The standards of the Joint Commission on Accreditation of Health Care Organizations require that "Physicians cannot be restricted from sharing treatment options with their patients, whether or not the options are covered by the plan."

As Dr. John Ludden of the Harvard Community Health Plan, testifying for the American Association of Health Plans has said, The AAHP firmly believes that there should be open communications between health professionals and their patients about health status, medical conditions, and treatment options.

But too often these days, that basic principle is being ignored.

The best HMO plans do not use gag rules. In our view, no plan should be allowed to use them. Most of us came to this debate with the assumption that HMOs which prevent physicians from giving the best possible medical advice to their patients are rare exceptions. But the vehemence with which the insurance industry opposes this simple, obvious rule—a rule which is entirely consistent with every ethical statement issued by the industry—leads us to wonder just how widespread this practice is.

Our amendment has strong support from both the American Medical Association and Consumer's Union—because it is a cause that unites the interests of patients and doctors. It has been strongly endorsed by President Clinton. It passed the House Commerce Committee by an overwhelming, bipartisan vote. It has already received a majority vote in the Senate. The only thing that stands between this bill and passage is the insurance industry and its allies in the Republican leadership in Congress.

These are the same groups that fought the Kassebaum-Kennedy insurance reform bill. They tried to defeat the Domenici mental health parity bill and the Bradley bill to protect mothers and newborn infants from being forced prematurely out of the hospital.

In each case, the Republican leadership knew it could not win the battle in the open. So they resorted to the tactic of delay in public and denial behind closed doors. That tactic failed on those bills, and it should fail on the gag rule bill. Unscrupulous insurance companies have no right to gag doctors and keep patients in the dark.

If this bill does not pass this year, the American people will have a chance in November to cast their votes for a Democratic Congress and a Democratic President that will make fair play for patients our first priority next year.

VA/HUD APPROPRIATIONS

Mr. KERRY. Mr. President, on the night of September 24, the Senate very quickly took up and passed by unanimous consent the Veterans Administration/Housing and Urban Development/Independent Agencies Appropriations Bill for Fiscal Year 1997. Because it was not possible for me to comment on the bill at that time, I would like to do so today.

Mr. President, there is much to commend this bill, but there are a few glaring faults. I will focus first on the positive features.

Part of the good news is that the bill provides level funding for the HOME and CDBG programs. These are two of HUD's model programs that provide an appropriate mix of local flexibility within federal priorities.

I am also particularly pleased that the final conference agreement includes a provision that I sponsored in the Senate with Senator DOMINICI to provide $50 million for vouchers for disabled individuals. These vouchers are a critical housing resource for those disabled people who are affected when public housing authorities designate certain buildings for elderly residents only when those buildings used to be available also to nonelderly disabled individuals. I thank the Chairman and the Ranking Member for including this provision in the final agreement.

The mental health parity provisions the Senate added by floor amendment were included in this bill, and I congratulate Senators DOMINICI AND WELLSTONE, who initially proposed this legislation, for their efforts. Many health plans now impose lifetime limits of $50,000 and annual caps of $10,000 for treatment of mental illness—far lower than comparable limits for physical treatments in most insurance policies. The mental health parity provision will require greater equality between the lifetime and annual limits for mental health coverage and the limits for physical health coverage. Millions of American families will now be able to get the therapy and other mental health treatment they need.

Mr. President, we have taken another very important step in this bill by including Senator BRADLEY's legislation to ban "drive through deliveries." Health insurers will now be required to allow mothers and their newborns to remain in the hospital for a minimum of 48 hours after a normal vaginal delivery and 96 hours after a Caesarean section. By taking the decision of how long to stay in the hospital out of the hands of insurance companies and placing it in the hands of health care providers and mothers who have just given birth, we will have healthier babies during their first days and we will give the mothers the help and security they deserve.

Mr. President, I am also pleased that my colleagues have chosen to place the needs of children suffering from spina bifida, a serious neural tube defect, ahead of partisan politics. This conference report contains the Agent Orange Benefits Amendment, which extends health care and related benefits from the Department of Veterans Affairs to children of Vietnam veterans who suffer from spina bifida. In March, the National Academy of Sciences issued a report citing new evidence supporting the link between exposure of service men and women who served in Vietnam to Agent Orange, the chemical defoliant sprayed over much of Vietnam, and the occurrence of spina bifida in their children.

Mr. President, we in the Senate are legislators, not scientists. I believe it is entirely appropriate for us to accept the Academy's recommendations regarding the effects of Agent Orange as we did when we unanimously passed the Agent Orange Act of 1991, which I coauthored. The NAS has published its conclusions and President Clinton and Secretary of Veterans Affairs Jesse Brown both have asked that the Department of Veterans Affairs be given the authority to provide care for the children of Vietnam Veterans who suffer from spina bifida. I am proud that this legislation which I offered with Senators Tom DASCHLE and JOHN D. ROCKEFELLER IV provides that necessary authority.

By passing this legislation, we take another definitive step forward in repaying our debt to those who have honorably served their country and are still suffering as a result of their service in Vietnam many years ago. I am hopeful that the families in Massachusetts who will benefit from this legislation, as well as the families around the country, will find some comfort—knowing that their children will be guaranteed special care to address their specific needs.

Mr. President, I am also pleased that the appropriators have met the housing needs of people living with AIDS. The Housing Opportunities for People With AIDS (HOPWA) program is a vital component in our national response to the HIV-epidemic. As people with HIV-disease are living longer, services they require become more acute and public resources more strained. My colleagues know how important this program is to me and the city of Boston: I urged the appropriators to increase the HOPWA account by $25 million in order to provide housing for thousands of individuals and families who currently need shelter. The conferees responded favorably and increased the funding for HOPWA for FY 1997 to $196 million.

It is necessary that I also address the deficiencies in the bill, and I regret to say that there are several that are quite serious. The most distressing of these faults is the Republican effort to continue to reduce the federal assistance to clean up Boston Harbor. The VA/HUD conference report contains just $40 million of the $100 million requested by the President for fiscal year 1997. Senator KENNEDY and I have fought to retain the President's level during the appropriations process. Regrettably, the Republican-controlled House included funding for only half of this amount and the Republicans in the Senate refused to approve any funding for this worthy environmental protection program. The conference settled on the $40 million figure.

Believe it is in the national interest for the federal government to provide direct assistance to the Massachusetts Water Resources Authority (MWRA) for the Boston Harbor project. It is a massive undertaking which will provide water and sewer services to over 2.5 million people in 61 communities with a total cost, including the combined sewer overflow (CSO) and capital cost improvements, of more than $5 billion. The sewage treatment plant is being built under a federal court-ordered schedule that requires completion by 1999.

Mr. President, as many of my colleagues are well aware, when the Clean Water Act was originally enacted, Congress acknowledged the great importance of the federal role in cleaning the water we drink and use for so many other purposes. It did so by providing federal support equaling 50 to 90 percent of the costs of projects on the scale of the Boston Harbor project.

The goals of the federal Clean Water Act are laudable and the environmental benefits to Boston Harbor from the initial water infrastructure improvements are already being felt in the surrounding Bay area. However, while the goals and standards of the Clean Water Act have remained and should continue to remain intact, over the past 15 years we have seen the federal assistance for large water infrastructure projects decline. In the case of the Boston Harbor project, the share of the secondary sewerage treatment project costs to date that have been paid with federal funds is less then twenty percent, and this excludes the CSO and other improvements that will be required in the future.

Cleaning up Boston Harbor has been and should continue to be a bipartisan issue. Unfortunately, during the 104th Congress, it has turned into a partisan issue where the Democrats in Congress and the President are continuing to fight to protect the environment and the Republicans in the House and Senate are playing political games at the expense of the citizens of Massachusetts.

During the House-Senate conference on the VA/HUD bill, the Republicans would not yield to efforts of the White House and Congressional Democrats to support the full $100 million funding request. With much urging by the Democratic conferees, the Republicans yielded to $40 million. Senator MIKULSKI made one final effort to add back funding to reach the level appropriated in last year's budget: $50 million. That amendment was defeated on a party-line vote.

I thank the President and my colleagues in the House and Senate, in particular Senator MIKULSKI and Congressmen OBEY and STOKES, for their support during the conference. I greatly regret that Republicans killed the deal.

Mr. President, this bill also continues to underfund HUD and many of its key housing programs. There are more than 5 million Americans with severe housing needs. We are not doing enough to meet the housing and service needs of the homeless, the elderly, and the disabled. Moreover, I am concerned that the strict budget for HUD exposes the federal government to future liabilities if our payments for existing developments fail to provide for adequate maintenance or cuts in staffing lead to inadequate monitoring. It is very clear that the appropriations for core HUD programs like public housing operating subsidies, public housing modernization, homeless assistance, and incremental Section 8 assistance are inadequate.

The funding decision with respect to the low-income housing preservation program is one of my greatest disappointments in the bill. I cosponsored a successful amendment in the Senate with Senators CRAIG, MOSELEY-BRAUN, SARBANES, and MURRAY to provide $500 million for this program. Then I joined my distinguished colleague, Senator LARRY CRAIG, in sending a letter to the conferees requesting at least $900 million for the program. We were joined by 10 other members of the Senate from both sides of the aisle.

Instead, the conference committee provided only $350 million for the preservation program. After setting aside $100 million for vouchers and $75 million for projects affected by special problems, only $175 million remains for sales to residents and resident-supported nonprofits. This is stunning given a queue of projects awaiting funding with funding needs totaling over $900 million. Thousands of residents around the country have been working closely with nonprofits over several years to organize and to assemble financial packages to purchase these buildings. This bill dashes the hopes of many who have worked hard to preserve this housing and to empower its residents.

The conference committee also imposed new cost caps on preservation projects even though these projects already have HUD-approved plans of action. While the Congress should continue to consider reforms to the program to reduce its cost, changing the rules for projects that have reached this stage of processing is unfair. We have seen no analysis assessing the impact of the cost caps or comparing this approach to other alternatives. I believe that the Secretary should exercise the discretion granted him in the legislation to provide waivers to the cost caps as necessary to preserve affordable housing.

Further, I strongly urge the Department of Housing and Urban Development to consider the discretion it has within the appropriations language to fund as many of the developments awaiting sale as possible. There is strong evidence that the Department will not need anywhere near the entire $100 million for vouchers, for example. It should, therefore, make a large portion of the voucher amount available for sales early in the year. Likewise, the Administration should strongly consider using other legal authorities it has to recapture prior year funds and other balances available for sales under this program. The mission of this program—preserving affordable housing—is vital.

Mr. President, I also want to express my regret that the conference agreement did not follow the wisdom of the Senate in the funding level for the Youthbuild program. Although $30 million is provided, which is $10 million more than in fiscal year 1996, the Senate this year provided $40 million. The higher level was warranted by Youthbuild's proven success in giving young adults in our inner cities a chance to make something of their lives, while simultaneously adding to the low income housing stock in our cities. I do want to commend the Senate appropriations for including $40 million in the Senate bill, and especially Ranking Member BARBARA MIKULSKI for her assistance in this effort.

I also would like to offer my sincere congratulations to Ms. Dorothy Stoneman, the founder and President of Youthbuild USA, who was recently awarded the prestigious MacArthur Foundation award in recognition of her long fight to improve the lives of youths on the margins of poor communities. It is richly-deserved recognition of her work and commitment.

Mr. President, that is the good, the bad and the ugly of this legislation. There are many Americans who will be helped greatly by this bill, but it leaves out many others. It evidences vision in some respects, but myopia in others. And with respect to the latter, I plan to devote myself to correcting the bill's inequities when the 105th Congress convenes next year.

FOREIGN OIL CONSUMPTION: HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 20, the U.S. imported 7,296,000 barrels of oil each day, 16,000 more than the 7,280,000 imported during the same week a year ago.

Americans relied on foreign oil for 53 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,296,000 barrels a day.

TRIBUTE TO CONGRESSMAN GLEN BROWDER

Mr. HEFLIN. Mr. President, I want to pay tribute today to another of the many outstanding Members of Congress who will be leaving as the 104th Congress draws to a close. That Member is my good friend from Alabama's Third Congressional District, Representative GLEN BROWDER.

GLEN BROWDER has served in the House of Representatives since winning an April 4, 1989 special election to succeed long-time Congressman Bill Nichols, who had passed away unexpectedly on December 13, 1988. Throughout his seven and a half years in Congress, he has been a loyal friend to the people of his district and an outspoken leader on national defense issues. He approaches his job with a deliberative, studied, and professorial approach that has helped him make the right decisions for his constituents and for the nation as a whole.

This type of leadership is not surprising coming from GLEN BROWDER, who holds a doctoral degree in political science from Emory University in Atlanta. He also has a bachelor of arts in history from Presbyterian College in Clinton, South Carolina and a master of arts in political science, also from Emory.

Congressman BROWDER was born in Sumter, South Carolina on January 15, 1943. He attended the elementary schools in Sumter, where he graduated from Edmunds High School in 1961. He spent the next ten years or so earning all these academic credentials—his BA in 1965 and his MA and Ph.D. by 1971. He is married to Sara Rebecca (Becky) Browder and they have a daughter, Jenny Rebecca.

While he was in college, the future Congressman from Alabama worked as a public relations assistant at Presbyterian College, sportswriter for the Alabama Journal, and investigator for the Civil Service Commission in Atlanta. Since 1971, he has been a professor of political science at Jacksonville State University in his hometown, Jacksonville. He has been on a leave of absence from the university since coming to Congress.

Before his election to the House, he had served in the Alabama House of Representatives from 1982 through 1986 and as Alabama Secretary of State from 1987 through 1989.

Congressman BROWDER fought tenaciously to keep Fort McClellan open. He led two successful Base Closure Commission battles to defeat the ill-advised effort of the Army and the Department of Defense to close it. As the home of the chemical corps of the Army and of the only live-agent training facility in the world, Fort McClellan garnered his unyielding support. Senator SHELBY and I were totally supportive of Congressman BROWDER'S leadership, but his studied expertise in the field of defensive chemical warfare allowed him to make arguments on what was in the best interests of the nation, in addition to the one based on the anticipated detrimental effects to the local economy.

I will never forget his superb presentation to the Base Closure Commission in a classified hearing on the need for live-agent training as well as the threat of chemical warfare from terrorist nations around the world. The third BRAC round led to a decision to finally close Fort McClellan, since the vote was a tie vote and a majority was necessary to take action to keep a base open. He was an excellent field marshall throughout each of these battles.

GLEN BROWDER also won many battles for the Anniston Army Depot and Fort Benning, a portion of which is located in the southern part of his district.

Congressman BROWDER has done an excellent job of balancing the various needs of his diverse district and has looked after the interests of the entire State of Alabama. As a member of the House Armed Services and Science, Space, and Technology Committees, he has fought for our national security and for continued funding for the space program, which has a large presence in north Alabama.

He has also compiled a conservative legislative record, while at the same time supporting the Democratic party leadership on most crucial votes. His district contains the largest number of textile and apparel businesses in the nation, and he has always fought for the interests of this industry as well as its workers.

His district contains Tuskegee University, Jacksonville State University, and Auburn University. He has consistently and strongly supported both higher education in general and the particular interests of these outstanding institutions of higher learning.

I am proud to have been able to serve with Congressman BROWDER in the Alabama delegation over the last seven years. It has been a pleasure to work with him on base closure and other vital issues. He is a proven leader who will be sorely missed when the 105th Congress convenes early next year, but I am confident that we will see him in other leadership roles in the future. I congratulate him and wish him well.

GADSDEN, AL, CELEBRATES ITS 150TH ANNIVERSARY

Mr. HEFLIN. Mr. President, on October 12, 1996, Gadsden, AL, will celebrate its sesquicentennial. The city will mark its 150th birthday with a large parade, sidewalk sale, dedications, awards, ceremonies, fireworks, and other activities. The theme of Gadsden's celebration is "Proud of Our Past, Confident of Our Future." Under the guidance of the Etowah County Historical Society, the Turrentine Avenue Historical District and the Aryle Circle Historical District have been established. Efforts are currently under way to designate downtown Gadsden a historical district.

Gadsden's rich and colorful history goes all the way back to the early 1800's, when the Cherokee Indians occupied most of the territory in what is today northeast Alabama. In 1825, John Riley and his Cherokee Indian wife moved from Turkeytown, AL, to a place near the Coosa River called Double Springs where they built a log cabin. This structure, the first to be built in what is now the city of Gadsden, still stands near the intersection of Third Street and Tuscaloosa Avenue, its original wall enclosed in an outer frame structure. This house was later used as a stage coach stop and post office on the route from Huntsville, Alabama to Rome, Georgia.

After the Indians were pushed west of the Mississippi River in 1838, many pioneers began moving into the expansive Cherokee Country from North Carolina, Georgia, and Tennessee. One of the earliest of these, John S. Moragne, began buying property on the west side of the Coosa River. Another, Joel C. Lewis, settled with his family on the east side. General D.C. Turrentine and his wife moved into the area in 1842, purchased some land at the lower end of what is now Broad Street, and built a hotal called the Turrentine Inn. Surrounding this tract was the land which was to become the actual town site, owned by three of the earliest pioneers: Moragne, Joseph Hughes, and Lewis Rhea. On these 120 acres, the original survey of Gadsden was made in 1846, consisting of 260 lots. Its boundaries were First, Locust, Chestnut, and Sixth Streets.

Shortly before this, a steamboat landing had been located at the foot of

Broad Street, then known as Railroad Street. The first steam boat to sail up the river into Gadsden was the Coosa, built by Captain Lafferty on the banks of the Ohio River in Cincinnati and brought to Gadsden on July 4, 1845. The city founders wanted to name their new town Lafferty, but the captain objected. The name Gadsden was instead chosen to honor General James Gadsden, a soldier and diplomat who negotiated the Gadsden Purchase from Mexico.

John Lay, who moved from Virginia to Cherokee Country, was a pioneer in flatboat commerce. His grandson, William Patrick Lay, was later the founder of the Alabama Power Company and the first hydroelectric plant in the world.

General Turrentine organized a group of children into the county's first Sunday School, and from this core grew the religious denominations of the growing town. The First Methodist Church was organized in 1845; the First Baptist Church in 1855; and the First Presbyterian Church in 1860.

By September 1857, the young village of Gadsden had a total of 150 residents. The young, energetic North Carolinian named Robert Benjamin Kyle was typical of those moving into the area round this time. He had already enjoyed a successful business career as a merchant and railroad contractor in Columbus, GA. When he came to Gadsden, his dynamic personal energy, resourcefulness, and capital made him a catalyst for the rapid growth to follow. He saw the need for a lumber business there and worked diligently to make Gadsden a railroad and steamboat center. At the outbreak of the Civil War, he was commissioned as the first recruiting agent for the Confederate Army. In 1862, he and Isaac P. Moragne organized a Gadsden volunteer infantry company which later became Company A, 31st Alabama Volunteers. During the war, the county furnished five companies of soldiers.

After the war and during the Reconstruction Period, Kyle continued to develop Gadsden's natural advantages through lumber manufacturing, railroad construction, and mercantile business. One of his proudest accomplishments was the opening of Kyle's Opera House in 1881. Other churches were established, including Catholic, Episcopalian, Jewish, Christian Scientist, and Lutheran congregations.

In 1867, Etowah County had been carved out of Cherokee, Saint Clair, Marshall, Calhoun, Blount, and DeKalb counties and given the name "Baine," in honor of Colonel D.W. Baine, who had been killed in 1862 with the 14th Alabama Regiment. When the Reconstruction's military government was established in 1868, officials protested so vigorously that the county's name was changed to "Etowah," which is a Cherokee word meaning "good tree," in 1869.

Ten years after the war, Gadsden was no longer a small village: It had over 2,000 inhabitants. Nineteen businesses boasted a trade of more than one million dollars each and the first public school opened in 1877. The 1880's saw the organization of the first fire department, erection of street lamps, and a garbage department. It had become a center for coal, iron ore, timber, and cotton.

By the turn of the century, Gadsden was fast becoming the "Queen City of the Coosa." Industry was looking at and coming its way. In 1895, the Dwight Manufacturing Co. opened a plant in nearby Alabama City. The first steel plant was erected in Gadsden in 1905, the Alabama Power Co. in 1906, and Goodyear in 1929.

During World War I, men from Gadsden fought with the famous "Rainbow" division from the area. Nearby Rainbow City, Rainbow Memorial Bridge, and Rainbow Drive were all named in honor of these servicemen. This division had been raised and coordinated by a young Douglas McArthur.

In 1925, East Gadsden merged with Gadsden, the same year the Alabama School of Trades was built. In 1926, the Noccalula Falls lands were purchased by the city. Today, these grounds are among the most popular and beautiful tourist attractions in Alabama. The Etowah County Memorial Bridge was built and dedicated in 1927. In 1932, Alabama City and Gadsden merged into one city. In 1937, the third largest steel company in the U.S., Republic, came to Gadsden. This plant has been in continuous operation since then.

During World War II, major construction occurred as the Gadsden Ordnance Plant was built and the Gadsden Air Force Depot was completed. It was closed in 1958.

During the Korean Conflict, the Congressional Medal of Honor was awarded to Gadsden native Ola Lee Mize for bravery during this war. He was later a Green Beret in Vietnam.

Gadsden Mall opened in 1974, the same year that the Nichols Library was added to the National Register. It was the first library in Alabama to issue books to the public. In 1986, Gadsden changed its form of government from a commission type to a mayor-council form.

Today, the city's factories, churches, businesses, schools, and tourism industry stand as testimonials to a heritage of which the citizens of modern Gadsden may be justifiably proud. As it celebrates its 150th anniversary, Gadsden will prove itself once again a "City of Champions" and an "All-American City."

TRIBUTE TO SENATOR JIM EXON

Mr. CONRAD. Mr. President, before Congress adjourns for the year, I wanted to take a moment to pay tribute to Senator JIM EXON, who is retiring this year.

For more than a quarter-century, JIM EXON has served the people of Nebraska as Governor and as United States Senator. He has represented his state well. JIM EXON has been a leader on budget issues, a good friend to agriculture and the needs of rural America, and an accomplished legislator in the areas of transportation and national defense policy.

I was privileged to serve on the Senate Budget Committee with JIM EXON. He joined the committee in 1979, and in 1995 became the ranking member. Senator EXON and I usually saw eye-to-eye on budget issues, probably because we share Midwestern values about the need to control spending and keep our Nation's fiscal house in order. Senator EXON worked hard for passage of the balanced budget amendment. But his support for the amendment did not stop him from speaking out frankly this year when he believed the issue had become a political football, rather than an honest effort by those who truly wanted to balance the budget. JIM EXON also worked for years to draw attention to our skyrocketing national debt, because he understands that this debt is not a legacy we want to leave for future generations.

Senator EXON has also been a good friend to our Nation's family farmers. Throughout his time in the Senate, he fought for sensible agricultural policies and a safety net for our Nation's producers. Senator EXON and I were a terrific team on the Senate Budget Committee, ensuring that deficit reduction efforts treated agriculture fairly. JIM EXON always understood the special needs of rural areas, and promoted programs like Essential Air Service, that are so important to smaller towns and cities.

During the last Congress Senator EXON chaired the Commerce Committee's Subcommittee on Surface Transportation. In 1994 he succeeded in ensuring the termination of the ICC would occur in a manner that still protected the needs of agricultural shippers who needed effective oversight of the rail industry. Senator EXON was also a champion of rail safety issues, and in 1994 led the fight to authorize rail safety programs and ensure minimum safety standards for railroad cars.

Senator EXON has also worked for some time on nuclear weapons testing issues, at one time chairing the Armed Services subcommittee with jurisdiction over this issue. He joined Senator HATFIELD and former Majority Leader George Mitchell in 1992 in support of a measure to restrict and eventually end U.S. testing of nuclear weapons. Just this week we have seen the fruits of those efforts, with the signing of a Comprehensive Nuclear Test Ban Treaty at the United Nations. Senator EXON attended that signing, and should be proud that through the efforts of many, the world will be a safer place for our children and grandchildren.

Senator EXON will soon return to his home in Lincoln. With more time for leisure activities, I am certain he won't miss many baseball games when the St. Louis Cardinals are playing. But Jim EXON's dedication and expertise on many issues will be missed greatly in the U.S. Senate, even as Nebraskans welcome him home. I will miss my good friend and colleague.

THE 35th ANNIVERSARY OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Mr. PELL. Mr. President, today marks the 35th anniversary of the founding of the U.S. Arms Control and Disarmament Agency in the first year of John F. Kennedy's Presidency.

The groundwork had been laid earlier in the Eisenhower administration, and the effort reached fruition in 1961. I was privileged to be part of that process as a new Senator in his first year of service.

I had become quite interested in the new processes of arms control, and I went with my more veteran and most distinguished colleagues, Senator Hubert Humphrey of Minnesota and Senator Joseph Clark of Pennsylvania, to argue the case that the new agency would have more weight and authority if it were established not by Executive order, but by the Congress as a statutory agency of the Federal Government. Fortunately, our friends in the White House agreed, and, over the next several months, the agency was created.

The Agency was started with much hope and high expectations. Some even feared that the Director of the Agency would be too powerful and might take steps that endangered the national security by moving too precipitously to control arms. In the process of compromise, the statute was worked out so that the Agency could fulfill high expectations, but the nation would be protected from precipitous arms control.

As matters have worked out, it is clear that those who feared that ACDA would go too far have had their fears unrealized. Those who hoped that the Agency would soar to new heights of arms control have had their dreams only partially realized. Nonetheless, the 35 years have been marked by many solid arms control achievements that have helped to ensure the protection of the national interests of the United States and that have served to demonstrate to the rest of the world that the United States is willing to continue on the course of arms control.

The achievements during the period of ACDA's existence include: the Limited Test Ban Treaty, Outer Space Treaty, Protocols to the Latin American Nuclear-Free Zone Treaty, Non-Proliferation Treaty, Seabed Arms Control Treaty, Biological Weapons Convention, Incidents at Sea Agreement, the Anti-Ballistic Missile Treaty, the SALT I Interim Agreement, the Threshold Test Ban Treaty, Peaceful Nuclear Explosions Treaty, Environmental Modification Convention, Intermediate-Range Nuclear Forces Treaty, START I Treaty, START II Treaty, the Chemical Weapons Convention to be considered a-new by the Senate next year, and the recently signed Comprehensive Test Ban.

The ACDA involvement has varied among the treaties—some were achieved by Presidential envoys, and some by officials of the Department of State. In other cases, the Agency had the lead. But, in almost all cases of significant agreements, the Agency provided much of the necessary technical and legal expertise and provided the continuing backstopping that was necessary for success in negotiations year-in and year-out. The Arms Control Agency has provided an arms control perspective and expertise whenever needed by others in the executive branch. In the most successful times for the Agency as in this administration, the President and the Secretary of State have turned to the Director and to his staff as principal advisers on arms control and, often, nonproliferation. This experience has demonstrated the wisdom of President Kennedy and the Congress in their decision to give arms control a real boost by creating the only separate agency of its type in the world.

Now that the cold war is over, some question the continued need for an arms control and disarmament agency. Some ask whether the essential tasks of arms control and disarmament are not done. In recent rounds of budget cutting, the Agency has indeed become beleaguered. It is fighting even now for a budgetary level at which it can successfully accomplish the tasks assigned to it. I hope very much that the effort to have ACDA adequately funded will be successful. Should we not adequately fund ACDA—with a budgetary level equivalent to the cost of a single fighter aircraft—I believe that we will rue that decision when we come to realize that the Agency made a great difference to our true national security interests.

One can legitimately ask whether there are any truly significant challenges ahead. The able and dedicated current Director, John Holum, gave a chilling look at the challenges that truly face this country in the area of nonproliferation alone when he said in February at George Washington University:

> "Meanwhile, the Soviet-American arms race has been overshadowed by a danger perhaps even more ominous: proliferation of weapons of mass destruction—whether nuclear, chemical or biological, or the missiles to deliver them—to rogue regimes and terrorists around the world.
>
> By reputable estimates, more than 40 countries now would have the technical and material ability to develop nuclear weapons, if they decided to do so.
>
> More than 15 nations have at least short range ballistic missiles, and many of these are seeking to acquire, or already have, weapons of mass destruction.
>
> We believe that more than two dozen countries—many hostile to us—have chemical weapons programs.
>
> The deadly gas attack in Tokyo's subway last year crossed a fateful threshold: the first use of weapons of mass destruction not by governments but terrorists, against an urban civilian population.
>
> Revelations about Iraq have provided a chilling reminder that biological weapons are also attractive to outlaw governments and groups.
>
> And recalling the World Trade Center and Oklahoma City bombings, we must ponder how even more awful the suffering would be if even primitive nuclear, chemical or biological weapons ever fell into unrestrained and evil hands."

Mr. President, I commend the Arms Control Agency and its excellent staff. I hope very much that the Congress of the U.S. will have the wisdom to provide the necessary support and backing to the United States Arms Control and Disarmament Agency as it serves us and all Americans in the future in helping to find ways to deal with the threats to peace and security, the United States, its friends, and its allies will face in the period ahead.

RETIREMENT OF SENATOR HOWELL HEFLIN

Mr. CONRAD. Mr. President, I rise today to pay tribute to one of the most well-liked and respected members of the Senate. Judge HEFLIN has brought to this body a keen mind, a sharp wit, and a pleasant sense of humor that makes it a true pleasure to serve with him. His retirement this year is a tremendous loss to the Senate, his State, and the Nation.

I have come to know The Judge best through our work on the Senate Agriculture Committee. Since I joined the Senate in 1987, Judge HEFLIN and I have worked together to improve the quality of life for rural citizens. Senator HEFLIN represents a rural State, Alabama, and he knows what's needed to maintain quality of life. He knows that everything which makes up the rural way of life—jobs, schools, hospitals, the rural infrastructure—depends on having a vibrant economic base.

As it is in North Dakota, agriculture is key to rural life in Alabama. Senator HEFLIN understands the need to preserve and protect the economic viability of American farmers in fiercely competitive global agricultural markets. He understands the complexities of world agricultural trade and has stood strongly behind U.S. farmers in their efforts to compete. A staunch defender of U.S. peanut growers, The

Judge is always willing to go the extra mile to ensure their concerns are heard in the development of agricultural legislation. But more than that, he always works hard to convey to the nonagriculture community the importance of maintaining a strong, broad-based agricultural system in the United States.

Closely linked with agriculture is the rural infrastructure, and Senator HEFLIN knows perhaps better than anyone in this body that a strong infrastructure is absolutely crucial to preserving the economic base of rural areas. Rural electric and telephone cooperatives are the lifeblood of rural areas, and without them many citizens would receive poor service, expensive service, or no service at all. Senator HEFLIN fights off critics of Federal Government rural development efforts with stern determination, clear arguments and effective strategies. I truly admire him for it, and am glad to say I've joined him in that effort.

I'm sure every Member of this body has a favorite story about HOWELL HEFLIN. His character and personality have often brought easy smiles into what many times have been very difficult situations. One of my favorites occurred just last year in the Senate Agriculture Committee during negotiations on the 1996 farm bill. The Committee Democrats were present, waiting for our Republican counterparts to finish their caucus and enter the room. Suddenly, above the din of the Members, staff, and lobbyists came a bellowing call, "Sound the pachyderm horns!" The Judge had made it known he wasn't interested in waiting for the Republicans any longer. They promptly returned.

But it will not be for just his wit that I will miss Judge HEFLIN. He is a good friend, a great Senator, and a remarkable American. I admire him greatly for all that he has done. And knowing that this week he admitted himself into an Alabama hospital, I can only say that I wish him a speedy recovery, my sincerest appreciation for the years we've served together, and my best heart-felt wishes for a long, happy, and comfortable retirement.

RETIREMENT OF SENATOR HANK BROWN

Mr. CONRAD. Mr. President, I rise today to pay tribute and bid farewell to the distinguished Senator from Colorado, Senator HANK BROWN.

Senator BROWN has committed many years to the people of Colorado, spending 10 years in the House of Representatives and 6 here in the Senate. Though he has much to offer this body, Senator BROWN has chosen to limit his time in Washington. The Senate will certainly miss his leadership and commitment.

Senator BROWN and I share a common concern for getting this country's fiscal house in order, though, at times, that involves making difficult choices. I have had the great pleasure of working with Senator BROWN as a member of the Centrist Coalition, a bipartisan group of Senators. This group worked diligently to agree to an alternative budget plan. This plan incorporated the suggestions of the National Governors' Association on welfare and Medicaid issues, while preserving a safety net for our Nation's most vulnerable populations. Though our plan was narrowly defeated, it was the only bipartisan budget effort to receive strong support during the 104th Congress. I was honored to work with Senator BROWN on the effort.

Prior to his time in Congress, HANK BROWN served our country in Vietnam. A decorated veteran, he has maintained a commitment to ensuring that the United States dealings with Vietnam are appropriate and fair. His unique knowledge and perspective have made him an invaluable contributor to the debates on foreign policy and U.S. military involvement in the world community.

Senator BROWN has also exhibited leadership on behalf of ranchers; as a Senator from North Dakota, I fully appreciate his efforts in this area. During debate on the 1994 Interior appropriations bill, HANK BROWN led the fight against an amendment to raise grazing fees. I was proud to join him in this successful fight, and the ranchers of my State are thankful for his leadership.

Above all, it is Senator BROWN's integrity, thoughtfulness, and commitment to principles that make him a valued Member of the Senate. He will be greatly missed in this body, and I wish him well as he embarks on the next stage of his life.

HONORING THE TAFTS ON THEIR 65TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable:

Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Clarence and Ethel Taft of Springfield, MO, who on September 10, 1996, will celebrate their 65th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Clarence and Ethel's commitment to the principles and values of their marriage deserves to be saluted and recognized.

TRIBUTE TO RETIRING SENATOR DAVID PRYOR

Mr. CONRAD. Mr. President, today I salute one of my Democratic colleagues who is retiring at the end of this Congress, Senator DAVID PRYOR of Arkansas. I have been privileged to serve with David PRYOR not only in the Senate but also on the Finance and Agriculture Committees. Senator PRYOR is a true gentleman, a thoughtful statesman, and a champion for all taxpayers, farmers, and senior citizens. His presence in the United States Senate will be missed.

Senator PRYOR's service to his constituents in Arkansas and the Nation is remarkable. He was elected to the first of three terms as a U.S. Congressman for the Fourth District of Arkansas in 1966. He became Governor in 1974. In 1978, the people of Arkansas elected him to serve in the U.S. Senate. Senator PRYOR was elected to his third Senate term in 1990 without a challenger.

Through his service on the Senate Finance Committee, Senator PRYOR has made a difference in the day-to-day life of every American. The Taxpayer Bill of Rights will be considered as one of Senator PRYOR's lasting legacies. Thanks to his efforts in enacting this legislation, taxpayers are guaranteed certain basic rights when dealing with the Internal Revenue Service.

The Agriculture Committee provided Senator PRYOR with the perfect venue to improve the lives of America's farmers and ensure an abundant and safe food supply for this country and the world. He has been a watchdog for the interests of Arkansas farmers. His work on improving food quality and safety will be remembered by many future generations.

Senator PRYOR is probably best known for his work on behalf of our senior citizens. The Senate Special Committee on Aging was chaired by Senator PRYOR for 6 years and he currently serves as the ranking minority member. Senator PRYOR fought to save the Social Security system and reform the nursing home industry. He also focused the Nation's attention on the soaring prices of prescription drugs. His dedication to the issues facing our senior citizens is inspiring.

Mr. President, dedication, integrity, and humility are characteristics that best describe Senator PRYOR's presence in the Senate. He has worked tirelessly on behalf of his Arkansas constituents and the Nation to achieve important goals in health care, aging issues, and agriculture. His accomplishments have been remarkable, and will be recognized for many years. I have been deeply honored to serve with my distinguished colleague Senator PRYOR, and wish him every happiness and good health in the years to come.

SENATOR SAM NUNN

Mr. CONRAD. Mr. President, I rise to pay tribute to one of the Senate's most respected and accomplished Senators, SAM NUNN of Georgia. Despite the counsel of Democrats, Republicans, and even the President to seek an assured and well deserved fifth term, Senator NUNN has decided to retire from the Senate at the end of the 104th Congress.

Clearly, Senator NUNN's departure is this Chamber's loss. As anyone who has attended or testified before a hearing of the Senate Armed Services Committee over the last 24 years is well aware, there is no member on Capitol Hill today who understands defense issues better than the Senior Senator from Georgia. Throughout his nearly two and a half decades on the Armed Services Committee and 10 years as its chairman or ranking member, Senator NUNN has been routinely consulted by Senators—including this one—when particularly difficult and complex issues have been before the Senate. With little doubt, few Senators in the history of this distinguished body have shown Senator NUNN's acumen for balancing Congress' prerogative to raise and support our Armed Forces with respect for the judgment of our military's leadership.

Mr. President, in his capacity as chairman and ranking member of the Armed Services Committee and as a member of this Chamber, my friend from Georgia has conducted his career in the best tradition of the Senate. The reputation of Senator NUNN's committee for bipartisanship is due in part to the leadership of the Georgia Senator. Better than most, SAM NUNN has understood that compromise is absolutely essential if the Senate is to function as effectively and fairly as the American people expect, and deserve.

Although I do not expect it to last, Senator NUNN's departure from the national stage will be the Nation's loss. His influence has been apparent in the policies of every administration since the senior Senator from Georgia was elected to this body in 1972, and has been especially evident over the last decade. Since the end of the cold war, Senator NUNN has guided the reorganization and reduction of our global military posture, effectively balancing the necessity to maintain forces appropriate for an increasingly complex threat environment, with the need to put our fiscal house in order. Senator NUNN's participation in a bipartisan budget coalition testifies to his commitment to the cause of responsible deficit reduction, and it has been my honor and privilege to work with him toward this important end.

Mr. President, Senator NUNN has established the benchmark for sound leadership, and I have no doubt that his influence will continue to be felt once he leaves the Senate. As my friend from Georgia is aware, there has been speculation for years that he would one day become Secretary of Defense or Secretary of State. But as many of his colleagues have knowingly observed, Senator NUNN has long exercised influence on defense matters worthy of the Secretary's job itself. I wish Senator NUNN the very best as he begins a new chapter of his life. As a Senator and citizen, I offer my sincere thanks to the Georgia Senator for his excellent service, for which we are all better off. I know that I speak for all Senators when I say that Senator SAM NUNN will be sorely missed, but never forgotten.

TRIBUTE TO ALAN SIMPSON

Mr. CONRAD. Mr. President, the Senate this year will lose a long-time friend, ALAN SIMPSON of Wyoming. Senator SIMPSON has served his state well for three decades, including 18 years in this chamber, and 12 years before that in Wyoming's House of Representatives. As many here know, he was raised in politics: his father Milward was a former governor and U.S. Senator.

While I congratulate Senator SIMPSON on his retirement, I also have to say I am sorry to see him go. As members of different parties, we have not always seen eye to eye. But even in those times I have disagreed strongly with him, I have always been impressed by his passion. He is a formidable opponent, and any Senator who challenges him better be fully versed on the issue and ready for a tough debate. Because ALAN SIMPSON is always ready. This smart, principled legislator also possesses a unique sense of humor that can inject laughter into even the most difficult situations. And on many issues, such as the current immigration debate which he has led in the Senate, he has shown a willingness to find a bipartisan solution to our mutual problems.

In a Congress that has become increasingly more partisan, many of Senator SIMPSON's colleagues in both chambers and on both sides of the aisle, would do well to heed his example. Compromise and cooperation are seen by some as a lack of leadership. But the "my way or the highway" attitude often short-changes the American people. Senator SIMPSON's willingness to achieve solutions for the greater good is the embodiment of leadership.

On the Senate Finance Committee, Senator SIMPSON and I have examined some of the most pressing issues before us; reduction of our national debt and the future of entitlement programs like Social Security, Medicare, Medicaid, and veterans' benefits. As colleagues on the bipartisan Centrist Coalition we worked together to find a fair and reasonable solution to reducing the deficit and controlling the growth of entitlements, when the White House and congressional leaders reached an impasse.

Anyone who works with him on these issues knows without a doubt that Senator SIMPSON cares as deeply about the future of our country as anyone in Congress. Federal spending on entitlement programs is growing at an alarming rate, but suggesting change to entitlement programs is considered political suicide by some. But that has never stopped Senator SIMPSON. His work on the Bipartisan Commission on Entitlement and Tax Reform confirms that he is willing to advocate tough solutions to these growing problems. I may disagree with some of his conclusions, but the fight to reform these programs, as well as the fight to reach a fair balanced budget, is ongoing. I am saddened that he is not staying on to help lead these fights. But perhaps in the coming years, all of us in Congress will learn to embody the virtues of courage and leadership that we have seen in ALAN SIMPSON.

RETIREMENT OF SENATOR NANCY KASSEBAUM

Mr. CONRAD. Mr. President, today, I offer tribute to my friend and colleague, Senator Nancy KASSEBAUM. The Senate will miss this respected and fair minded policy maker. While the distinguished Senator from Kansas may no longer physically be present on the floor of the Senate to fight the battles she believes in, she will leave a legacy of intelligence, honesty, and common sense that will always be respected and never forgotten.

Among her many accomplishments, Senator KASSEBAUM will go down in the textbooks of American history as the first woman to Chair a major Senate committee, the Senate Committee on Labor and Human Resources. This fact makes a statement about the strength of Nancy KASSEBAUM as a leader. Senator KASSEBAUM successfully challenged institutional gender biases, paving the way for other women who aspire to become powerful Members of the Senate. I compliment Senator KASSEBAUM for this significant accomplishment.

Throughout her 18 years of dedicated service as a member of the Senate and her tenure as Chair of the Senate Committee on Labor and Human Resources, Senator KASSEBAUM has fought to preserve the health and dignity of America's families, children, and the poor. She was a moderating force throughout the welfare debate. Her strong stance on issues such as ensuring abused and neglected children are protected, increasing the availability of child care for low-income families, and preserving child care health and safety standards was a key to the successful passage of a welfare reform bill that received bipartisan support.

I had the recent privilege of working closely with Senator KASSEBAUM on a comprehensive budget proposal formulated by a bipartisan group of Senators. This proposal was based on compromise, fiscal responsibility, common sense, and fairness. It balanced the unified budget by 2002, while preserving important social safety nets for some of our most vulnerable citizens. My colleagues and I worked long hours on this proposal, which received substantial support on the Senate floor. I was proud to have the opportunity to work with Senator KASSEBAUM on this compromise agreement and was impressed by her diligence and thoughtfulness throughout the discussions.

Senator KASSEBAUM's spirit of fairness is exemplified by her work in the Foreign Relations Committee. As a member and Chair of the African Affairs Subcommittee, she fought to break down the barriers that oppress and divide people. She would not condone intolerance and took decisive action to suppress apartheid by supporting sanctions against the South African Government in 1986. She applauded the fall of apartheid in 1993 and the election of Nelson A. Mandela as President of South Africa in 1994. People and governments worldwide will thank Senator KASSEBAUM for her work on this issue.

In closing, I will look back on the long career of a great Senator, NANCY KASSEBAUM, with admiration and respect. I thank Senator KASSEBAUM for her honesty and fairness and wish her well in her future pursuits.

REPORT BY SENATOR PELL

Mr. THOMAS. Mr. President, yesterday—in my capacity as chairman of the Subcommittee on East Asian and Pacific Affairs—I introduced into the RECORD a portion of a report prepared by the very distinguished ranking minority member of the Foreign Relations Committee, Senator PELL.

The report, entitled "Democracy: An Emerging Asian Value," details the Senator's recent trip to Asia. I was very interested in the distinguished Senator's observations because the countries he visited—Taiwan, Vietnam, and Indonesia—fall within the jurisdiction of my subcommittee. I thought my colleagues would benefit by having the report readily available to them, and had a portion of it reproduced in the RECORD yesterday. But because of space considerations, Mr. President, only a portion could be reprinted.

Consequently, today I ask unanimous consent to have the remainder of Senate Print 104-45 [pages 1 through 9] printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMOCRACY: AN EMERGING ASIAN VALUE

TAIWAN

A. Introduction

The political and economic development on Taiwan has been truly amazing. For 40 years after Chiang Kai-Shek led his defeated Nationalist Party (KMT) to Taiwan in 1948, the government in Taipei was controlled by Mainlanders to the exclusion and detriment of the native Taiwanese. The KMT's political control was absolute and oppressive. But in the economic sphere capitalism flourished. Taiwan became one of the world's fastest growing economies and its citizens enjoyed surging prosperity.

Political liberalization began in the late 1980s under President Chiang Ching-kuo, including the lifting of martial law in 1986 and the legalization of opposition parties in 1989. Contested elections to the Legislative Yuan, the government's main legislative body, took place in 1992.

This year, democratization reached a new level with the direct election of President Lee Teng-hui. Until this year, the president had been elected by the National Assembly. Lee himself had been a main proponent of this electoral change. Lee's election represented the first time in 5,000 years of Chinese history that the Chinese people directly chose their leader. Four candidates ran for the Presidency; the three losing candidates peacefully accepted the results of the election.

I have found these breathtaking political developments very satisfying. In the 1970s and 1980s I was one of a small number of American political figures who regularly criticized Taiwan's authoritarian regime and the dominating KMT Party for their political inflexibility, and I urged political liberalization and reform. That Taiwan has come so far in such a short time is truly impressive and is a great compliment to the people of Taiwan and to their current leaders.

Democratization has brought new problems as well as benefits to Taiwan. In the past the KMT had complete control over the government. Now the party has the presidency, but only a one-seat majority in the legislature, where three main parties are represented: the KMT, the Democratic Progressive Party (DPP) and the New Party. All politicians and government officials are learning new ways of interacting under these changed circumstances.

As freedom of speech has grown in Taiwan, so too have voices advocating a formal declaration of independence and separation from China. As Taiwain's identity as a democratic society has increased, President Lee has tried to raise its international identity as well. The government has called for Taiwan's membership in the UN and other international fora. Senior leaders, including the President, have made numerous visits abroad, some billed as private "golf trips," in what has become known as "vacation diplomacy." And some members of the DPP have openly called for a formal declaration of Taiwan's separateness from the Mainland.

The People's Republic of China has reacted strongly and negatively to the new internationally active Taiwan. Beijing has seemed particularly provoked both by the idea of an "independent" Taiwan and by the process of democratization itself. Tensions between China and Taiwan, and between China and the U.S., have risen in the last year to levels not seen since the 1950s. China has held four sets of military exercises clearly meant to intimidate Taiwan, the most serious of which was just before the presidential elections in March. One of Taiwan's greatest challenges in the next few years will be managing relations with its largest and most contentious neighbor.

b. Political development

I had a very warm meeting with President Lee Teng-hui, who spoke optimistically about the "new history of China." Naturally pleased with Taiwan's recent democratic exercises, he made clear that he believes Taiwan's transition to a totally democratic society is not yet complete. He spoke of the work he feels must still be done, focusing not on political institutions but on the people's minds and expectations. He argued that the people of Taiwan still lack a truly democratic mind set, a sense that free will can shape their future. Arguing that he was following the philosophy of Dr. Sun Yat-sen to first change the public sphere, then focus on the private, he is now focusing on educational reform and cultural change, along with judicial reform. He recognizes that such changes take a long time—"maybe a hundred years"—but that they are important. He feels this mission is his personally, that if he, as the first directly-elected president, does not undertake to make these changes, then an opportunity for profound change will be missed.

Yet structural challenges remain and structural changes are continuing. Just before I arrived the Legislative Yuan, in an unprecedented exercise of budgetary control, rejected the Executive's request for funding of a fourth nuclear power plant. The role of the President vis-a-vis the Premier is also under discussion. Structurally, official power rests with the Premier's office, with the President's power coming as head of the KMT. In past practice, however, the President has wielded considerable influence and Lee's popularity may serve to increase that influence even more. President Lee and National Security Council Secretary-General Ting Mou-shi both mentioned that this was an on-going issue that would be discussed at the next National Assembly meeting, expected to take place this summer. Some opposition party members, members of the Legislative Yuan and constitutional scholars have questioned this trend and have recommended finding ways to check the power of the Presidency, such as by increasing the power of the legislative branch.

President Lee also expressed the need for continued economic liberalization and internationalization. He said that the government's new direction is toward changing local laws and regulations to be more open to foreign investment. President Lee said his first priority will be to take concrete steps toward this end, once his new Cabinet is formed.

President Lee sent his thanks to the U.S. Senate for its support for the world's "youngest democratic country" and especially for its support during the recent military threats from the Mainland. He said that the U.S. carrier groups sent to the Taiwan Strait helped to insure stability during the presidential election in March, and he thanked us for the many Congressional resolutions of support. Taiwan's gratitude for U.S. support was reiterated by all other government officials with whom I met in Taipei.

Finally, President Lee said that relations between the U.S. and Taiwan, while always good, would be particularly close now that Taiwan was a "full-fledged democracy." He said he hoped that the U.S. would continue to "support us under the wording and spirit" of the Taiwan Relations Act (TRA), a request that National Security Council Secretary-General Ding also made to us. The

TRA, passed by Congress in 1978, requires the U.S. to "make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." Taiwan would very much like to increase its defense purchases from the U.S.

C. Taiwan-Mainland China relations

Beijing has accused President Lee of abandoning the long-standing "one-China" policy by seeking a higher international profile for Taiwan. President Lee assured us that this is not true, though he said his government's definition of a one-China policy is quite different from Beijing's. He said that the reality today is that there are two distinct political systems and that there would only be "one China" after the two sides reunified. His government, of course, wants to see one Republic of China, not one People's Republic of China.

In President Lee's vision, one China would also include a truly autonomous Tibet. While arguing that Tibet is a part of China, he said that there would be no problems there if Beijing allowed Tibet the freedom to make its own internal decisions. A truly "autonomous" region should expect no less. President Lee also voiced his respect and admiration for His Holiness, the Dalai Lama.

President Lee is, of course, carefully watching how Beijing manages the takeover of Hong Kong, seeing this transition as an indication of how Beijing would manage reunification with Taiwan. Beijing's recent threats to dismantle Hong Kong's legislature and its plans to garrison a larger number of troops in Hong Kong than are currently there make Lee pessimistic that a China-Taiwan reunification, under current circumstances, could go smoothly.

Beijing has particularly objected to Taiwan's quest for membership in international fora, especially the UN. Officials in Taipei told me, in what appears to be an attempt to defuse this contentious issue, that Taiwan is not asking for an actual seat in the UN, but only for a study on how Taiwan could participate in some UN agencies and meetings without actual membership. Officials stressed that the twenty-one million people of Taiwan deserve some sort of representation in the world body, but what form of representation is still an open question. Since I have returned, there have been news reports that the government is pulling back even more on this effort and may focus instead on attaining membership in the World Bank or the International Monetary Fund.

Officials in Taipei repeated their commitment to dialogue with the Mainland and to strengthening ties that could lead to a more easy co-existence. Government officials acknowledged support within Taiwan's business community for direct links that would facilitate trade, but argued that such links could only occur if Beijing recognized Taipei as an equal partner in negotiations. There was some talk, I was told, of opening representative offices along the lines of what Taiwan and the U.S. have in their respective capitals, but that idea, too, was conditioned on the Mainland's being "realistic" in dealing with Taiwan as a separate entity.

A meeting with two representatives of different factions of the DPP, Mark Chen and Trong Chai, highlighted the divisions within the DPP on how to handle relations with the P.R.C. Chai, from the "Welfare State" faction, believes that Taiwan should hold a plebiscite on the question of independence. Without independence, this faction believes, the rest of the world will recognize only the P.R.C. Eventually, they believe, Taiwan will be forcible incorporated into the mainland and lose the freedoms its people enjoy today.

Chen argued that democratization in Taiwan was complete in terms of its system (although he said the KMT still holds an unfair share of the resources necessary to win a presidential election or to gain the majority in the legislature). He argued that, with 21 million people and a democratic system, Taiwan has all the attributes of a full-fledged country and asked what more it takes for the international community to recognize it as one. Both men wanted to know how that community, and especially the U.S., would react if reunification were not handled peacefully. Neither accepted the thesis that a declaration of independence by Taiwan would precipitate a non-peaceful reaction, from the P.R.C.

I should note that I have known and worked closed with Dr. Chai and Dr. Chen since the late 1970s when they were expatriate native Taiwanese activists in the United States. As the political system liberalized, they sought to return to their native land. That they are now back and participating vigorously in Taiwan's newfound democracy is another remarkable sign of what has occurred in Taiwan in a few short years.

The exciting thing about Taiwan is that democracy, while still young, is functioning. It is clear from my discussions that officials are trying to work out new power arrangements within and between the different branches of government. The government in Taipei must now formulate domestic and foreign policies that reflect the often-conflicting views of the population at large. The three main parties—the KMT, the DPP and the New Party—all have different views as to how this should be done. But the process they are using to work through these differences and to develop new power arrangements is democracy in action.

VIETNAM

A. Introduction

It has been said of the Communist Party in Vietnam that, after winning the war with Western capitalists, it has now lost the peace. Economic reforms begun in the 1980s, known as doi moi, have brought tremendous change to Vietnam's level of economic development. There are also signs that these reforms could lead to some limited, but still important, changes in the country's politics as well. In the most recent Constitution of 1992, the Party is still specified as the leading force in both the State and in society at large while other parties are banned. Nonetheless, last year in elections for local, provincial, and then national assemblies, some candidates ran as independents.

The Communist leadership in Vietnam clearly aims to continue economic development, while tightly controlling the direction of that development and prohibiting political liberalization. Their role models for this seem to be the early years of economic transformation in Singapore, South Korea and Taiwan. The government's plan for implementing this goal will be a major topic of discussion at the next Party Congress meeting, being held this month. Other important issues to be considered at this meeting include legal reform and potential leadership changes.

Vietnam's economic changes have been dramatic since the government introduced market-liberalization policies in 1989. The industrial and services sectors, for example, have been growing at an average of 9% per year. Agriculture, which accounts for 73% of all employment, has grown at a much slower 3% per year. Yet here, too, reforms have had a profound effect; Vietnam has moved from an importer of rice to the world's third largest exporter (after Thailand and the U.S.) GNP per capita remains low, however, at roughly US$230 at given exchange rates (although real incomes may be higher because much of the economy involves non-cash transactions). The government's current goal is to double per capita GNP by the year 2000.

B. Political developments

The Vietnamese government remains under the control of the Communist Party. But the Vietnamese people appear to enjoy greater individual freedom than in most other Communist countries. Analysts have reported that people do not fear speaking up against certain policies. Local officials, while still mostly Communist effect on their daily operations and decisions.

This attitude was reflected in my meetings with top officials, who stressed repeatedly that they were aiming for a government "of, for, and by the people." While final authority continues to rest with a small group of Politburo leaders who operate without scrutiny or accountability, much was made of the ability of individual citizens to complain to their National Assembly Committee representative or to have input at the local level on documents being prepared for the Party Congress.

When asked about individual rights, officials quickly said that, while they recognized the universality of human rights, the promotion of these rights has to take place within the context of Vietnam's circumstances today, which is different from that of the West. I was repeatedly told that an individual's fundamental right was to live in a free and independent country, which Vietnam had only achieved after a long and difficult struggle. Officials stressed that "Asian values" were most appropriate for their society, meaning that individuals can not exercise their rights at the expense of others or the law. In spite of these arguments, and the claim that it is not Vietnamese policy to jail political dissidents, officials admit that their legal system "needs work."

To the end, the government is considering several proposals to further develop the rule of law. Decisions on these proposals will be made at the June Party Congress.

It was also stressed to us that Vietnam is going through a period of great change, a process of "nation-building." During this time, officials say, they will consider suggestions and ideas from other countries, but will apply any they adopt to Vietnam's specific conditions. The National Assembly President, Nong Duc Manh, said that there was a great interest in the National Assembly for more contact with the U.S. Congress. Aside from being able to learn about the technical aspects of our system, Manh said that he wanted both sides to gain a greater understanding of each other's legislative institutions and practices.

The decisions that will be made at the upcoming Party Congress about policy reforms and about the changes in—or retention of top Party officials will provide a critical roadmap for all Vietnamese development—economic, political and social—for the next 10 years. It will be an indication to ordinary Vietnamese and to the outside world were the leadership plan to move the country.

C. Economic development

An entrepreneurial spirit pervades the streets of Hanoi. Children and young women aggressively pursue foreigners hawking postcards and good-luck decorations, refusing to accept repeated "No thank you's." Storefront shops offer a wide variety of goods and services, such as jewelry, linens, housewares, mufflers and mechanical repairs. I was told that most of these stores were probably "illegal," meaning that their owners had likely not obtained the licenses or paid the taxes required to operate legally. As illegal operations, they were subject to random "crackdowns" by the police. As I was leaving Hanoi, I saw this practice at work. A police truck randomly stopped at street stalls and police got out to talk with store owners. I was told that the police in this case were most likely collecting their "cut." Indeed, the truck was loaded with furniture which may well have been collected as payment.

Deputy Vice Foreign Minister Le Mai told me that the largest mistake Vietnam ever made was implementing a command economy. He said the laws of capitalism "just are," which I took to mean that they are the natural order of things. He said the private sector is recognized in the 1992 Constitution as equally important to the State and Collective sectors. He acknowledged that private ownership of land has not yet been recognized and that this creates an incentive problem, especially in agriculture. Mai said that Vietnam was moving slowly in this sector to avoid the chaos it believes came to Eastern Europe after private ownership of land was allowed.

While Vietnamese officials repeatedly stressed their desire for increased foreign investment to stimulate further economic development, several barriers exist for foreign companies trying to operate in Vietnam today. I benefited immensely from a lengthy meeting with American business representatives struggling to do business in Hanoi today. One of the problems they cited is the requirement for a license for every aspect of a company's operation. Licenses are narrowly drawn, limiting a company's activities. Such a system naturally lends itself to corruption. Many companies make use of middlemen to deal with these headaches and such services add appreciably to costs.

Another problem arises from the lack of private ownership of property. Without private ownership of real estate, businesses cannot mortgage their property to raise capital for further investment. Foreign investors also lack direct access to a distribution system and are forbidden from holding inventory.

The heart of the problem for foreign investment, however, is the lack of a rule of law. No one can count on the government to honor a contract and there is no recourse to objective arbitration. Again, this leads to corruption "from top to bottom" because officials may demand a bribe to live up to what they have already promised. One U.S. businessman referred to contracts as "water soluble glue." Unless or until government officials take significant steps toward creating a sound and transparent legal system, foreign investment will be hampered.

D. Relations with the U.S.

This visit was only my second to Vietnam and my first to Hanoi. My first trip was with Senator Mansfield in 1962 during the early stages of the war. What surprised me above all else was the friendliness of the people and their willingness, even eagerness to deal with Americans, even though it was only some 20 years ago that American bombs were raining down on their country. Other Americans I met there also noted their sense that the Vietnamese were eager for closer relations with the U.S., in spite of our two countries' recent history.

Vietnamese officials welcomed President Clinton's announcement, the week before I arrived, of his nomination of Congressman Douglas B. "Pete" Peterson to be Ambassador to Vietnam. They agreed that having a former prisoner of war as Ambassador symbolized the willingness of both countries to put the war behind them. They seemed to understand that the dynamics of U.S. electoral politics could delay his confirmation and actual posting to Hanoi.

All officials in Hanoi, both Vietnamese and U.S., went to great lengths to assure me that cooperation on the most contentious bilateral issue—POW/MIAs—was strong and productive. At a lunch at the Charge's residence, U.S. embassy officials were unanimous in their assessment of Vietnamese cooperation: it could not be better. The U.S. military official in charge of the issue in Hanoi described how his team was able to investigate every lead they received, to go where ever they wanted and to view all documents they requested. He emphasized that there were no roadblocks from the Vietnamese. I am convinced that the government of Vietnam is being fully cooperative with the U.S. on the POW/MIA issue and that, while this cooperation must continue, the issue should not in any way hamper further development of the bilateral relationship.

Le Mai raised an interesting point with us. He said that his government had tried to cooperate whenever and wherever it could, but that he and his colleagues often felt U.S. demands were unrealistic. He pointed out that only weeks before we arrived a U.S. commercial aircraft had crashed in the Everglades in Florida. Despite knowing exactly when and where the plane went down, and using the best equipment and best trained people to recover the remains of passengers, the U.S. had yet to recover a single identifiable remain. Yet if the Vietnamese government cannot produce finding of a crash that may have occurred 25 years ago, in a broadly-identified area, then critics in the U.S. will accuse them of stonewalling.

In discussing regional security issues, officials emphasized their desire for peace and stability to foster an environment conducive to economic growth for all. Deputy Foreign Minister Le Mai emphasized the need to have a "balance" between the various powers in the region, such as the U.S. and China, and U.S. and Japan, or Japan and China. While Mai did not name China as a threat regional stability, in the context of a discussion of recent Chinese military aggression in the Spratly Islands and the Taiwan Strait, he suggested that if "any one country" tried to increase its power, Vietnam would be open to an increasing U.S. presence to preserve the balance.

Government officials went to great lengths to stress the importance of continuing the normalization of relations between the U.S. and Vietnam. They also emphasized the "great potential" of improved economic ties. Specifically, Hanoi would like Washington to grant most-favored-nation (MFN) tariff treatment, Export-Import Bank financing, and Overseas Private Investment Corporation (OPIC) guarantees.

Perhaps the strongest argument for increased economic ties between the two countries came from U.S. business people living in Hanoi. They argued that through negotiating the trade agreement necessary to grant MFN and OPIC, Hanoi would be forced to address some of the more difficult problems facing U.S. investors, as described above. They further emphasized that by providing these trade preferences, the U.S. government would be helping U.S. businesses, not just the Vietnamese. Likewise, by denying them, the government hurts U.S. businesses and encourages the Vietnamese to shop elsewhere.

With both logic and passion, this business group argued that, despite the many structural problems they face daily in Vietnam and despite the fact that it is harder to do business there than in Russia or Mongolia, it was in both their personal interests and in our national interests to say. Over the next 20 years, Southeast Asia will be one of the fastest—and perhaps the fastest—growing regions in the world. Vietnam's geographic position makes it a natural hub for all types of trade and transportation. The question is not if Vietnam becomes another dynamic Asian market but when it does, will the U.S. be there? If our companies do not gain a presence there now, we risk losing market access later, possibly permanently. This is a problem the U.S. faces all over Asia where our experience and involvement is generally lacking.

This business group believes that Vietnamese leaders understand the problems in their legal system and are willing and able to correct them, albeit slowly. Vietnam's membership into ASEAN will help to guarantee the further development of a stable market attractive to even more foreign investment. American products, from consumer goods to elevators to computers, are popular in Vietnam. U.S. businesses have a tremendous advantage because the Vietnamese respect the quality of our products and would choose our companies if the financing were equal.

Finally, this group said that their working relationship with the U.S. Embassy in Hanoi could not have been better. In a centrally-planned economy, government-to-government relations are the only legitimate ones; these companies could not function without the Embassy. Even under these circumstances, they stressed that their relationship with the Embassy was better than in any other country they had worked. I, too, was very impressed with the Embassy staff, especially with Desaix Anderson, our Charge d'affaires there.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 25, the Federal debt stood at $5,198,780,826,934.47.

One year ago, September 25, 1995, the Federal debt stood at $4,949,969,000,000.

Five years ago, September 25, 1991, the Federal debt stood at $3,630,755,000,000.

Ten years ago, September 25, 1986, the Federal debt stood at $2,109,249,000,000.

Fifteen years ago, September 25, 1981, the Federal debt stood at $979,210,000,000. This reflects an increase of more than $4 trillion ($4,319,570,826,934.47) during the 15 years from 1981 to 1996.

MESSAGES FROM THE HOUSE

At 9:51 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes.

The message announced that the House has passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 868. An act to provide authority for leave transfer for Federal employees who are adversely affected by disasters or emergencies, and for other purposes.

S. 919. An act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1499. An act to improve the criminal law relating to fraud against consumers.

H.R. 3155. An act to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System.

H.R. 391. An act to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

H.R. 3568. An act to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System.

H.R. 4036. An act to making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations.

H.R. 4167. An act to provide for the safety of journeymen boxers, and for other purposes.

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3116) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter, with an amendment.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2092. An act to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

H.R. 3497. An act to expand the boundary of the Snoqualmie National Forest, and for other purposes.

H.R. 4137. An act to combat drug-facilitated crimes of violence, including sexual assaults.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 51. Concurrent resolution expressing the sense of the Congress concerning economic development, environmental improvement, and stability in the Baltic region.

H. Con. Res. 180. Concurrent resolution commending the members of the Armed Forces and civilian personnel of the Government who served the United States faithfully during the Cold War.

The message also announced that the House has passed the following bills, without amendment:

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992.

H.R. 1350. An act to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes.

H.R. 2366. An act to repeal an unnecessary medical device reporting requirement.

H.R. 2504. An act to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the United States courthouse located on Otis Street, in Asheville, North Carolina, as the "Veach-Baley Federal Complex".

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank.

H.R. 3056. An act to permit a county-operated health insurance organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

H.R. 3186. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the "Sammy L. Davis Federal Building."

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the "Roman L. Hruska Federal Building and United States Courthouse."

H.R. 3710. An act to designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the "Sam M. Gibbons United States Courthouse."

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

At 5:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1970. An act to amend the national Museum of the American Indian Act to make improvements in the Act, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2660) to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3068) to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2505. An act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 2579. An act to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States.

H.R. 3700. An act to amend the Federal Election Campaign Act of 1971 to permit interactive computer services to provide their facilities free of charge to candidates for Federal offices for the purposes of disseminating campaign information and enhancing public debate.

H.R. 3804. An act to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

H.R. 3852. An act to prevent the illegal manufacturing and use of methamphetamine.

H.R. 3973. An act to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

H.R. 4168. An act to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 4134. An act to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 26, 1996 he had presented to the President of the United States, the following enrolled bill:

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4179. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules including a rule entitled "Solid Waste Disposal Facility Criteria," (RIN2050–AE24, FRL5607–3) received on September 24, 1996; to the Committee on Environment and Public Works.

EC–4180. A communication from the Chairman and Management Member of the U.S. Railroad Retirement Board, transmitting jointly, the notice of opposition to the proposed "Railroad Retirement Amendment Act of 1996"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–676. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

"*Whereas*, there has been strong indication that Amtrak is seriously considering the elimination of trains 448 and 449, the New England States section of its Lake Shore limited passenger train operating between Boston, Massachusetts and Albany, New York; and

"*Whereas*, this train provides the only intercity rail passenger service to the city of Pittsfield and the County of Berkshire and interconnects this region to the Amtrak national hub at Chicago, Illinois and there is no commercial airline passenger service in Pittsfield, no interstate highway running through the city or a viable connection to a distant one, and extremely limited intercity bus service in Pittsfield or Berkshire County since the elimination of Greyhound Lines service several years ago; and

"*Whereas*, several thousand passengers per year use this service Amtrak provides both arriving and departing this city each year and over ⅓ million passengers per year use this train traveling to and from New England; and

"*Whereas*, the United States Postal Service uses this train to transport substantial amounts of mail generating healthy revenues for Amtrak that covers a large portion of the operating expenses of this train; and

"*Whereas*, this train provides needed transportation for persons from this area who have no other means of mobility and provides transportation to this area for persons arriving here for business, personal and tourism reasons it generates needed income for many businesses in the area: Therefore be it

"*Resolved*, That the Massachusetts House of Representatives opposes any discontinuance of this above mentioned rail passenger train service after having made substantial capital investments for Amtrak in improving the local rail passenger station over the last fifteen years and urges Amtrak to continue operating trains 448 and 449 making cost savings in the operation of the trains rather than eliminating them; and be it further

"*Resolved*, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the United States Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1359. A bill to amend title 38, United States Code, to revise certain authorities relating to management and contracting in the provision of health care services (Rept. No. 104–372).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Jerry M. Melillo, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy.

Kerri-Ann Jones, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MOSELEY-BRAUN:

S. 2132. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

By Mr. AKAKA:

S. 2133. A bill to authorize the establishment of the Center for American Cultural Heritage within the National Museum of American History of the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. BIDEN (by request):

S. 2134. A bill to amend the Higher Education Act of 1965 to authorize Presidential Honors Scholarships to be awarded to all students who graduate in the top five percent of their secondary school graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself and Mr. CONRAD):

S. 2135. A bill to amend the Internal Revenue Code of 1986 to provide reductions in required contributions to the United Mine Workers of America Combined Benefit Fund, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SARBANES:

S. Res. 301. A resolution to designate October 13, 1996, as "National Fallen Firefighters Memorial Day"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 302. A resolution to authorize the production of records by the Committee on Indian Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN:

S. 2132. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

THE WOMEN'S PENSION EQUITY ACT OF 1996

Ms. MOSELEY-BRAUN. Mr. President, this legislation brings together some of the best ideas on women's pension legislation that have come before the House or the Senate. The legislation contains three new proposals to increase the security, the equity and the accessibility of our pension system. As the first permanent woman of the Senate Finance Committee, I have undertaken work in this area precisely because retirement security is so vitally important to all Americans, but especially to America's women.

Many of America's women face retirement without economic security. The majority of the elderly are women, and the retirement system in our country is, unfortunately, failing them. Younger women are not earning the pension benefits they think they are, and older women are losing the pension benefits they thought they had. To make certain that the "golden years" are not the "disposable years," women need to take charge of their own retirement.

Last year, I introduced, and many of my colleagues cosponsored, the Women's Pension Equity Act of 1996 to begin to address one of the leading causes of poverty for the elderly—little or no pension benefits. Less than a third of all female retirees have pensions, and the majority of those who do earn less than $5,000 a year from them. The lack of pension benefits for many women means the difference between a comfortable retirement and a difficult one. Three of the six provisions of that bill, the Women's Pension Equity Act, are now law.

Today we have introduced the Comprehensive Women's Pension Protection Act to put Congress on notice that we will continue to push for pension reforms that enable women to achieve a secure retirement. Congress should expect to hear from American women in the coming months about the need for pension policy that allows women to retire with dignity. We are here today, and we will be back in the beginning of the 105th Congress, because addressing pension issues is an integral part of the solution to women's economic insecurity.

In addition, pension issues are critical to our Nation as a whole. In light of the demographic trends facing America, retirement security is increasingly important to the quality of life for all of our citizens. With regard to women's pensions, specifically, though, I believe the first step is for women to take charge of their own retirement.

Women should create their own pension checklist to prepare for economic security when their working days are over. There are eight items that should be on any such checklist. Women should, first, find out if they are earning now or if they have ever earned a pension; second, learn if their employer has a pension plan and how to be eligible for that plan; third, contribute to a pension plan if they have the chance; fourth, not spend pension earnings if given a one-time payment when leaving a job, which is very important, also; fifth, if married, find out if their husband has a pension; sixth, not sign away a future right to their husband's pension if he dies; seventh, during a divorce, if that unfortunately happens, consider the pension to be a valuable, jointly earned asset to be divided; and eighth, find out about their pension rights and fight for them.

Even when women take charge of their own retirement, however, and if they have gone through the steps, they often face a brick wall of pension law that prevent women from investing enough for the future.

The pension laws, when they were originally written, were not written to reflect the patterns of women's work or, frankly, women's lives. Women are more likely than not to move in and out of the work force, to work at home, to earn less for the work that they do, and to work in low-paying industries. These factors limit our ability to access or accrue pension benefits. Women are also more likely to be widowed, to divorce, to live alone, and to live longer in their retirement years without having adequate coverage for retirement.

The bill that we have introduced today, which is also being introduced in the House of Representatives by Congresswoman KENNELLY, a long-time champion of women pension rights, addresses the range of concerns that women face as they consider retirement.

This legislation preserves women's pensions by ending the practice of integration by the year 2000, the practice whereby pension benefits are reduced by a portion of Social Security benefits. It provides for the automatic division of pensions upon divorce if the divorce decree is silent on pension benefits. It allows a widow or divorced widow to collect her husband's civil service pension if he leaves his job and dies before collecting benefits. And it continues the payment of court ordered tier II railroad retirement benefits to a divorced widow.

This legislation protects women's pensions by prohibiting 401(k) plans, the fastest growing type of plans in the country, from investing in collectibles or the companies own stock. It requires annual benefits statements for plan participants. And it applies spousal consent rules governing pension fund withdrawals to 401(k) plans.

This legislation helps prepare women for retirement by creating a women's pension hotline, creating a real opportunity for women to get answers to their questions. Since introducing the Women's Pension Equity Act of 1996, my office has received hundreds of letters and calls from women just wanting information. The hotline is sorely needed.

By preserving and protecting women's pensions and preparing women for retirement, we in Congress can provide women with the tools they need to prepare for their own retirement. By introducing legislation today and again at the beginning of 1997, we are giving notice that pension policy will be at the top of the agenda for the 105th Congress.

Pension policy decisions will determine, in no small part, the kind of life Americans will live in their older years. With a baby boomer turning 50 every 9 seconds, we cannot ignore the problems facing people as they grow older. Now, more than ever all Americans need to consider the role that pensions play in determining they kind of life every American will lead.

In closing, Mr. President, I would like to add that pension policy retirement security has often been likened to a three-legged stool. There are three constituent parts of retirement security, one being Social Security, another being private savings, and the third being pensions.

First, with regard to Social Security, we are taking up in the Finance Committee and in this body a number of issues going to the protection of Social Security to make certain that that system remains viable.

Second, with regard to private savings, we are looking at the issue pertaining to encouraging people to save, particularly for their retirement, and making their savings plans more accessible to working people.

Third, with regard to the pensions specifically, this is an area in which there are a range of concerns which are being taken up. But, suffice it to say, I think it is vitally important that we begin the dialog now on the importance of retirement savings and the importance for retirement security. The graying of America will mean Americans will need more than ever to have in place the kind of protection for their retirement so we do not have a declining standard of living for retirees, but, as much to the point, so we do not have a diminished standard of living for all Americans.

So it is for those reasons that we have introduced this bill today in arguably the last week of the session of the 104th Congress. But it is done really as a place marker; that this is an area in which we intend to be active and in which we intend to spread the gospel of retirement security and that we intend to work in this Congress collaboratively.

I look forward to a bipartisan effort in this regard. I look forward to working with my colleagues on the Finance Committee as well as in this body—generally both in the House and in the Senate—so that we can put in place pension protections and the pension policy decisions that will allow people, in the first instance, to access pensions, to hold onto the pension rights they have, and not to alienate them, and to allow them to have pension protection that is real for them and that is actually there for them when they retire, avoiding retirement poverty.

I think this is a major aspect of policy that we need to look at given the demographic trends in this country, and I look forward very much to working with my colleagues in the Senate as well as in the House in behalf of the retirement security for Americans.

Mr. President, I ask unanimous consent that a summary of the bill, and a copy of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Women's Pension Protection Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title.

TITLE I—PENSION REFORM

Sec. 101. Pension integration rules.
Sec. 102. Application of minimum coverage requirements with respect to separate lines of business.
Sec. 103. Division of pension benefits upon divorce.
Sec. 104. Clarification of continued availability of remedies relating to matters treated in domestic relations orders entered before 1985.
Sec. 105. Entitlement of divorced spouses to railroad retirement annuities independent of actual entitlement of employee.
Sec. 106. Effective dates.

TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

Sec. 201. Extension of tier II railroad retirement benefits to surviving former spouses pursuant to divorce agreements.
Sec. 202. Survivor annuities for widows, widowers, and former spouses of Federal employees who die before attaining age for deferred annuity under civil service retirement system.
Sec. 203. Court orders relating to Federal retirement benefits for former spouses of Federal employees.
Sec. 204. Prevention of circumvention of court order by waiver of retired pay to enhance civil service retirement annuity.

TITLE III—REFORMS RELATED TO 401(K) PLANS

Sec. 301. 401(k) plans prohibited from investing in collectibles.
Sec. 302. Requirement of annual, detailed investment reports applied to certain 401(k) plans.
Sec. 303. 10-percent limitation on acquisition and holding of employer securities and employer real property applied to 401(k) plans.

TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

Sec. 401. Modifications of joint and survivor annuity requirements.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

Sec. 501. Spousal consent required for distributions from section 401(k) plans.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

Sec. 601. Women's pension toll-free phone number.

TITLE VII—ANNUAL PENSION BENEFITS STATEMENTS

Sec. 701. Annual pension benefits statements.

TITLE I—PENSION REFORM

SEC. 101. PENSION INTEGRATION RULES.

(a) APPLICABILITY OF NEW INTEGRATION RULES EXTENDED TO ALL EXISTING ACCRUED BENEFITS.—Notwithstanding subsection (c)(1) of section 1111 of the Tax Reform Act of 1986 (relating to effective date of application of nondiscrimination rules to integrated plans) (100 Stat. 2440), effective for plan years beginning after the date of the enactment of this Act, the amendments made by subsection (a) of such section 1111 shall also apply to benefits attributable to plan years beginning on or before December 31, 1988.

(b) INTEGRATION DISALLOWED FOR SIMPLIFIED EMPLOYEE PENSIONS.—

(1) IN GENERAL.—Subparagraph (D) of section 408(k)(3) of the Internal Revenue Code of 1986 (relating to permitted disparity under rules limiting discrimination under simplified employee pensions) is repealed.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of such section 408(k)(3) is amended by striking "and except as provided in subparagraph (D),".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to taxable years beginning on or after January 1, 1996.

(c) EVENTUAL REPEAL OF INTEGRATION RULES.—Effective for plan years beginning on or after January 1, 2003—

(1) subparagraphs (C) and (D) of section 401(a)(5) of the Internal Revenue Code of 1986 (relating to pension integration exceptions under nondiscrimination requirements for qualification) are repealed, and subparagraph (E) of such section 401(a)(5) is redesignated as subparagraph (C); and

(2) subsection (l) of section 401 of such Code (relating to nondiscriminatory coordination of defined contribution plans with OASDI) is repealed.

SEC. 102. APPLICATION OF MINIMUM COVERAGE REQUIREMENTS WITH RESPECT TO SEPARATE LINES OF BUSINESS.

(a) IN GENERAL.—Subsection (b) of section 410 of the Internal Revenue Code of 1986 (relating to minimum coverage requirements) is amended—

(1) in paragraph (1), by striking "A trust" and inserting "In any case in which the employer with respect to a plan is treated, under section 414(r), as operating separate lines of business for a plan year, a trust", and by inserting "for such plan year" after "requirements"; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULE WHERE EMPLOYER OPERATES SINGLE LINE OF BUSINESS.—In any case in which the employer with respect to a plan is not treated, under section 414(r), as operating separate lines of business for a plan year, a trust shall not constitute a qualified trust under section 401(a) unless such trust is designated by the employer as part of a plan which benefits all employees of the employer.".

(b) LIMITATION ON LINE OF BUSINESS EXCEPTION.—Paragraph (6) of section 410(b) of such Code (as redesignated by subsection (a)(2) of this section) is amended by inserting "other than paragraph (1)(A)" after "this subsection".

SEC. 103. DIVISION OF PENSION BENEFITS UPON DIVORCE.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 (relating to requirements for qualification) is amended—

(A) by inserting after paragraph (31) the following new paragraph:

"(32) DIVISION OF PENSION BENEFITS UPON DIVORCE.—

"(A) IN GENERAL.—In the case of a divorce of a participant in a pension plan from a spouse who is, immediately before the divorce, a beneficiary under the plan, a trust forming a part of such plan shall not constitute a qualified trust under this section unless the plan provides that at least 50 percent of the marital share of the accrued benefit of the participant under the plan ceases to be an accrued benefit of such participant and becomes an accrued benefit of such divorced spouse, determined and payable upon the earlier of the retirement of the participant, the participant's death, or the termination of the plan, except to the extent that a qualified domestic relations order in connection with such divorce provides otherwise.

"(B) LIMITATION.—Subparagraph (A) shall not be construed—

"(i) to require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan,

"(ii) to require the plan to provide increased benefits (determined on the basis of actuarial value),

"(iii) to require the payment of benefits to the divorced spouse which are required to be paid to another individual in accordance with this paragraph or pursuant to a domestic relations order previously determined to be a qualified domestic relations order, or

"(iv) to require payment of benefits to the divorced spouse in the form of a qualified joint and survivor annuity to the divorced spouse and his or her subsequent spouse.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) DOMESTIC RELATIONS ORDER; QUALIFIED DOMESTIC RELATIONS ORDER.—The terms 'domestic relations order' and 'qualified domestic relations order' shall have the meanings provided in section 414(p).

"(ii) MARITAL SHARE.—The term 'marital share' means, in connection with an accrued benefit under a pension plan, the product derived by multiplying—

"(I) the actuarial present value of the accrued benefit, by

"(II) a fraction, the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

"(iii) QUALIFIED JOINT AND SURVIVOR ANNUITY.—The term 'qualified joint and survivor annuity' has the meaning provided in section 417(b).

"(D) REGULATIONS.—In prescribing regulations under this paragraph, the Secretary shall consult with the Secretary of Labor."; and

(B) in the last sentence, by striking "and (20)" and inserting "(20), and (32)".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 401(a)(13) of such Code (relating to special rules for domestic relations orders) is amended by inserting "or if such creation, assignment, or recognition pursuant to such order is necessary for compliance with the requirements of paragraph (32)" before the period.

(B) Subsection (p) of section 414 of such Code (defining qualified domestic relations orders) is amended—

(i) in paragraph (3)(C), by inserting "or to a divorced spouse of the participant in connection with a previously occurring divorce as required under section 401(a)(32)" before the period; and

(ii) in paragraph (7)(C), by striking "if there had been no order" and inserting "in accordance with section 401(a)(32) as if there had been no qualified domestic relations order".

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 206 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

"(e)(1) In the case of a divorce of a participant in a pension plan from a spouse who is, immediately before the divorce, a beneficiary under the plan, the plan shall provide that at least 50 percent of the marital share of the accrued benefit of the participant under the plan ceases to be an accrued benefit of such participant and becomes an accrued benefit of such divorced spouse, determined and payable upon the earlier of the retirement of the participant, the participant's death, or the termination of the plan, except to the extent that a qualified domestic relations order in connection with such divorce provides otherwise.

"(2) Paragraph (1) shall not be construed—

"(A) to require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan, "(B) to require the plan to provide increased benefits (determined on the basis of actuarial value),

"(C) to require the payment of benefits to the divorced spouse which are required to be paid to another individual in accordance with this subsection or pursuant to a domestic relation order previously determined to be a qualified domestic relations order, or

"(D) to require payment of benefits to the divorced spouse in the form of a joint and survivor annuity to the divorced spouse and his or her subsequent spouse.

"(3) For purposes of this subsection—

"(A) The terms 'domestic relations order' and 'qualified domestic relations order' shall have the meanings provided in subsection (d)(3)(B).

"(B) The term 'marital share' means, in connection with an accrued benefit under a pension plan, the product derived by multiplying—

"(i) the actuarial present value of the accrued benefit, by

"(ii) a fraction—

"(I) the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and

"(II) the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

"(C) The term 'qualified joint and survivor annuity' shall have the meaning provided in section 205(d).

"(4) In prescribing regulations under this subsection, the Secretary shall consult with the Secretary of the Treasury.".

(2) CONFORMING AMENDMENTS.—Section 206(d) of such Act (29 U.S.C. 1056(d)) is amended—

(A) in the first sentence of paragraph (3)(A), by inserting "or if such creation, assignment, or recognition pursuant to such order is necessary for compliance with the requirements of subsection (e)" before the period;

(B) in paragraph (3)(D)(iii), by inserting "or to a divorced spouse of the participant in connection with a previously occurring divorce as required under subsection (e)" before the period; and

(C) in paragraph (3)(H)(iii), by striking "if there had been no order" and inserting "in accordance with subsection (e) as if there had been no qualified domestic relations order".

SEC. 104. CLARIFICATION OF CONTINUED AVAILABILITY OF REMEDIES RELATING TO MATTERS TREATED IN DOMESTIC RELATIONS ORDERS ENTERED BEFORE 1985.

(a) IN GENERAL.—In any case in which—

(1) under a prior domestic relations order entered before January 1, 1985, in an action for divorce—

(A) the right of a spouse under a pension plan to an accrued benefit under such plan was not divided between spouses,

(B) any right of a spouse with respect to such an accrued benefit was waived without the informed consent of such spouse, or

(C) the right of a spouse as a participant under a pension plan to an accrued benefit under such plan was divided so that the other spouse received less than such other spouse's pro rata share of the accrued benefit under the plan, or

(2) a court of competent jurisdiction determines that any further action is appropriate with respect to any matter to which a prior domestic relations order entered before such date applies,

nothing in the provisions of section 104, 204, or 303 of the Retirement Equity Act of 1984 (Public Law 98-397) or the amendments made thereby shall be construed to require or permit the treatment, for purposes of such provisions, of a domestic relations order, which is entered on or after the date of the enactment of this Act and which supersedes, amends the terms of, or otherwise affects such prior domestic relations order, as other than a qualified domestic relations order solely because such prior domestic relations order was entered before January 1, 1985.

(b) DEFINITIONS.—For purposes of this section—

(1) IN GENERAL.—Terms used in this section which are defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) shall have the meanings provided such terms by such section.

(2) PRO RATA SHARE.—The term "pro rata share" of a spouse means, in connection with an accrued benefit under a pension plan, 50 percent of the product derived by multiplying—

(A) the actuarial present value of the accrued benefit, by

(B) a fraction—

(i) the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and

(ii) the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

(3) PLAN.—All pension plans in which a person has been a participant shall be treated as one plan with respect to such person.

SEC. 105. ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE.

Section 2 of the Railroad Retirement Act of 1974 (45 U.S.C. 231a) is amended—

(1) in subsection (c)(4)(i), by striking "(A) is entitled to an annuity under subsection (a)(1) and (B)"; and

(2) in subsection (e)(5), by striking "or divorced wife" the second place it appears.

SEC. 106. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title, other than section 101, shall apply with respect to plan years beginning on or after January 1, 1996, and the amendments made by section 103 shall apply only with respect to divorces becoming final in such plan years.

(b) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "January 1, 1996" the date of the commencement of the first plan year beginning on or after the earlier of—

(1) the later of—

(A) January 1, 1996, or

(B) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 1999.

(c) PLAN AMENDMENTS.—If any amendment made by this title requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 1996, if—

(1) during the period after such amendment made by this title takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this title, and

(2) such plan amendment applies retroactively to the period after such amendment made by this title takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this subsection.

TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

SEC. 201. EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Railroad Retirement Act of 1974 (45 U.S.C. 231d) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the payment of any portion of an annuity computed under section 3(b) to a surviving former spouse in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree shall not be terminated upon the death of the individual who performed the service with respect to which such annuity is so computed unless such termination is otherwise required by the terms of such court decree.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 202. SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CIVIL SERVICE RETIREMENT SYSTEM.

(a) BENEFITS FOR WIDOW OR WIDOWER.—Section 8341(f) of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1) by—

(A) by inserting "a former employee separated from the service with title to deferred annuity from the Fund dies before having established a valid claim for annuity and is survived by a spouse, or if" before "a Member"; and

(B) by inserting "of such former employee or Member" after "the surviving spouse";

(2) in paragraph (1)—

(A) by inserting "former employee or" before "Member commencing"; and

(B) by inserting "former employee or" before "Member dies"; and

(3) in the undesignated sentence following paragraph (2)—

(A) in the matter preceding subparagraph (A) by inserting "former employee or" before "Member"; and

(B) in subparagraph (B) by inserting "former employee or" before "Member".

(b) BENEFITS FOR FORMER SPOUSE.—Section 8341(h) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding after the first sentence "Subject to paragraphs (2) through (5) of this subsection, a former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a)

but before having established a valid claim for annuity is entitled to a survivor annuity under this subsection, if and to the extent expressly provided for in an election under section 8339(j)(3) of this title, or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree."; and

(2) in paragraph (2)—

(A) in subparagraph (A)(ii) by striking "or annuitant," and inserting "annuitant, or former employee"; and

(B) in subparagraph (B)(iii) by inserting "former employee or" before "Member".

(c) PROTECTION OF SURVIVOR BENEFIT RIGHTS.—Section 8339(j)(3) of title 5, United States Code, is amended by inserting at the end the following:

"The Office shall provide by regulation for the application of this subsection to the widow, widower, or surviving former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply only in the case of a former employee who dies on or after such date.

SEC. 203. COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8345(j) of title 5, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) Payment to a person under a court decree, court order, property settlement, or similar process referred to under paragraph (1) shall include payment to a former spouse of the employee, Member, or annuitant.".

(2) LUMP-SUM BENEFITS.—Section 8342 of title 5, United States Code, is amended—

(A) in subsection (c) by striking "Lump-sum benefits" and inserting "Subject to subsection (j), lump-sum benefits"; and

(B) in subsection (j)(1) by striking "the lump-sum credit under subsection (a) of this section" and inserting "any lump-sum credit or lump-sum benefit under this section".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8467 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Payment to a person under a court decree, court order, property settlement, or similar process referred to under subsection (a) shall include payment to a former spouse of the employee, Member, or annuitant.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 204. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking out "Except as provided in paragraph (2)" and inserting "Except as provided in paragraphs (2) and (4)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking out "Except as provided in paragraph (2) or (3)" and inserting "Except as provided in paragraphs (2), (3), and (5)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997.

TITLE III—REFORMS RELATED TO 401(K) PLANS

SEC. 301. 401(k) PLANS PROHIBITED FROM INVESTING IN COLLECTIBLES.

(a) IN GENERAL.—Paragraph (4) of section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangements) is amended by adding at the end the following new subparagraph:

"(D) INVESTMENT IN COLLECTIBLES TREATED AS DISTRIBUTIONS.—The rules of section 408(m) shall apply to a cash or deferred arrangement of any employer."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 302. REQUIREMENT OF ANNUAL, DETAILED INVESTMENT REPORTS APPLIED TO CERTAIN 401(k) PLANS.

(a) IN GENERAL.—Paragraph (4) of section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangements), as amended by section 1, is amended by adding at the end the following new subparagraph:

"(E) ANNUAL, DETAILED INVESTMENT REPORTS REQUIRED.—

"(i) IN GENERAL.—A cash or deferred arrangement of any employer with less than 100 participants shall not be treated as a qualified cash or deferred arrangement unless the plan of which it is a part provides to each participant an annual investment report detailing the name of each investment acquired during such plan year and the date and cost of such acquisition, the name of each investment sold during such year and the date and net proceeds of such sale, and the overall rate of return for all investments for such year.

"(ii) EXCEPTION.—Clause (i) shall not apply with respect to any participant described in section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c))."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 303. 10-PERCENT LIMITATION ON ACQUISITION AND HOLDING OF EMPLOYER SECURITIES AND EMPLOYER REAL PROPERTY APPLIED TO 401(K) PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 407(d)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)(3)) is amended by adding at the end the following new sentence: "Such term also excludes an individual account plan that includes a qualified cash or deferred arrangement described in section 401(k) of the Internal Revenue Code of 1986, if such plan, together with all other individual account plans maintained by the employer, owns more than 10 percent of the assets owned by all pension plans maintained by the employer. For purposes of the preceding sentence, the assets of such plan subject to participant control (within the meaning of section 404(c)) shall not be taken into account.".

(b) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendment made by this section shall apply to plans on and after the date of the enactment of this Act.

(2) TRANSITION RULE FOR PLANS HOLDING EXCESS SECURITIES OR PROPERTY.—In the case of a plan which on the date of the enactment of this Act has holdings of employer securities and employer real property (as defined in section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) in excess of the amount specified in such section 407, the amendment made by this section shall apply to any acquisition of such securities and property on or after such date of enactment, but shall not apply to the specific holdings which constitute such excess during the period of such excess.

TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

SEC. 401. MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS.

(a) AMENDMENTS TO ERISA.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Paragraph (1) of section 205(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(a)) is amended by inserting "or, at the election of the participant, shall be provided in the form of a qualified joint and two-thirds survivor annuity" after "survivor annuity,".

(B) DEFINITION.—Subsection (d) of section 205 of such Act (29 U.S.C. 1055) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by inserting "(1)" after "(d)", and

(iii) by adding at the end the following new paragraph:

"(2) For purposes of this section, the term "qualified joint and two-thirds survivor annuity" means an annuity—

"(A) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of the surviving individual (either the participant or the spouse) equal to 66⅔ percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

"(B) which is the actuarial equivalent of a single annuity for the life of the participant, and

"(C) which, for all other purposes of this Act, is treated as a qualified joint and survivor annuity.".

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 205(c)(3)(A) of such Act (29 U.S.C. 1055(c)(3)(A)) is amended to read as follows:

"(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and two-thirds survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen,".

(b) AMENDMENTS TO INTERNAL REVENUE CODE.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Clause (i) of section 401(a)(11)(A) of the Internal Revenue Code of 1986 (relating to requirement of joint and survivor annuity and preretirement survivor annuity) is amended by inserting "or, at the election of the participant, shall be provided in the form of a qualified joint and two-thirds survivor annuity" after "survivor annuity,".

(B) DEFINITION.—Section 417 of such Code (relating to definitions and special rules for purposes of minimum survivor annuity requirements) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DEFINITION OF QUALIFIED JOINT AND TWO-THIRDS SURVIVOR ANNUITY.—For purposes of this section and section 401(a)(11), the term "qualified joint and two-thirds survivor annuity" means an annuity—

"(1) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of the surviving individual (either the participant or the spouse) equal to 66⅔ percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

"(2) which is the actuarial equivalent of a single annuity for the life of the participant, and

"(3) which, for all other purposes of this title, is treated as a qualified joint and survivor annuity.".

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 417(a)(3)(A) of such Code (relating to explanation of joint and survivor annuity) is amended to read as follows:

"(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and two-thirds survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen,".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 1996.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified on or before the date of the enactment of this Act, the amendments made by this section shall apply to the first plan year beginning on or after the earlier of—

(A) the later of—

(i) January 1, 1997, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(B) January 1, 1998.

(3) PLAN AMENDMENTS.—If any amendment made by this section requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 1998, if—

(A) during the period after such amendment made by this section takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this section, and

(B) such plan amendment applies retroactively to the period after such amendment made by this section takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this paragraph.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

SEC. 501. SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS.

(a) IN GENERAL.—Paragraph (2) of section 401(k) of the Internal Revenue Code of 1986 (defining qualified cash or deferred arrangement) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) which provides that no distribution may be made unless—

"(i) the spouse of the employee (if any) consents in writing (during the 90-day period ending on the date of the distribution) to such distribution, and

"(ii) requirements comparable to the requirements of section 417(a)(2) are met with respect to such consent."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 1996.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

SEC. 601. WOMEN'S PENSION TOLL-FREE PHONE NUMBER.

(a) IN GENERAL.—The Secretary of Labor shall contract with an independent organization to create a women's pension toll-free telephone number and contact to serve as—

(1) a resource for women on pension questions and issues;

(2) a source for referrals to appropriate agencies; and

(3) a source for printed information.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for each of the fiscal years 1997, 1998, 1999, and 2000 to carry out subsection (a).

TITLE VII—ANNUAL PENSION BENEFITS STATEMENTS

SEC. 701. ANNUAL PENSION BENEFITS STATEMENTS.

(a) IN GENERAL.—Subsection (a) of section 105 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking "shall furnish to any plan participant or beneficiary who so requests in writing," and inserting "shall annually furnish to any plan participant and shall furnish to any plan beneficiary who so requests,".

(b) CONFORMING AMENDMENT.—Subsection (a) of section 105 of such Act (29 U.S.C. 1025) is amended by striking "participant or".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 1996.

COMPREHENSIVE WOMEN'S PENSION PROTECTION ACT OF 1996

TITLE I

Ends Social Security integration by the year 2000.

Divides pensions not divided at the time of divorce pursuant to a court order (effectively making the Retirement Equity Act retroactive).

Clarifies integration with regard to Simplified Employee Pensions (SEPs).

Provides for the division of pensions in divorce unless otherwise provided in a qualified domestic relations order.

TITLE II

Allows a widow or divorced widow to collect her husband's civil service pensions if he leaves his job and dies before collecting benefits.

Allows a court that awards a women part of her husband's civil service pension upon divorce, to extend that award to any lump sum payment made if the husband dies before collecting benefits.

Allows a spouse to continue receiving Tier II railroad retirement benefits awarded upon divorce upon the death of her husband.

TITLE III

Prohibits 401(k) plans from investing in collectibles.

Requires annual detailed investment reports of 401(k) plans.

Prevents employers from forcing employees to keep 401(k) contributions in stock of the employer.

TITLE IV

Provides equal survivor annuities to both husbands and wives.

TITLE V

Applies spousal consent rules to Retirement Equity Act to 401(k) plans, thereby requiring a spousal signature before 401(k) money could be withdrawn.

TITLE VI

Gives Labor Department authority to set up a women's pension hotline.

Authorizes appropriations of up to $500,000 in each of the next four years.

TITLE VII

Requires pension plans to provide participants with annual benefit statements.

By Mr. AKAKA:

S. 2133. A bill to authorize the establishment of the Center for American Cultural Heritage within the National Museum of American History of the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

THE CENTER FOR AMERICAN CULTURAL HERITAGE ACT

• Mr. AKAKA. Mr. President, this year marks the 150th anniversary of the founding of the Smithsonian Institution, our premier educational institution dedicated to the "increase and diffusion of knowledge among men." To mark this important anniversary, I am today introducing legislation to expand the scope of the Smithsonian's National Museum of American History to include a new entity, the Center for American Cultural Heritage.

The Center for American Cultural Heritage would be dedicated to presenting one of the most significant experiences in American history, the complex movement of people, ideas, and cultures across boundaries—whether voluntary or involuntary, internal or external—that resulted in the peopling of America and the development of a unique, pluralist society. In large measure, this experience defines who we are as individuals and ultimately binds us together as a nation.

Under my bill, the Center would serve as:

A location for permanent and temporary exhibits and programs depicting the history of America's diverse peoples and their interactions with each other. The exhibits would form a unified narrative of the historical processes by which the United States was developed.

A center for research and scholarship to ensure that future generations of scholars will have access to resources necessary for telling the story of American pluralism.

A repository for the collection of relevant artifacts, artworks, and documents to be preserved, studied, and interpreted.

A venue for integrated public education programs, including lectures, films, and seminars, based on the Center's collections and research.

A location for a standardized index of resources within the Smithsonian dealing with the heritages of all Americans. The Smithsonian holds millions of artifacts which have not been identified or classified for this purpose.

A clearinghouse for information on ethnic documents, artifacts, and artworks that may be available through non-Smithsonian sources, such as other federal agencies, museums, academic institutions, individuals, or foreign entities.

A folklife center highlighting the cultural expressions of the peoples of the United States. The current Smithsonian Center for Folklife Programs and Cultural Studies, which already performs this function, could be integrated with the Center.

A center to promote mutual understanding and tolerance. The Center would facilitate programs designed to encourage greater understanding of, and respect for, each of America's diverse ethnic and cultural heritages. The Center would also disseminate techniques of conflict resolution currently being developed by social scientists.

An oral history center developed through interviews with volunteers and visitors. The Center would also serve as an oral history repository and a clearinghouse for oral histories held by other institutions.

A user-friendly visitor center providing individually tailored orientation guides to Smithsonian visitors. Visitors would use the Center as an initial orientation phase for ethnically or culturally related artifacts, artworks, or information that can be found throughout the Smithsonian.

A location for training museum professionals in museum practices relating to the life, history, art, and culture of the peoples of the United States. The Center would sponsor training programs for professionals or students involved in teaching, researching, and interpreting the heritages of America's peoples.

A location for testing and evaluating new museum-related technologies that could facilitate the operation of the Center. The Center could serve as a test bed for cutting-edge technologies that could later be used by other museums.

My legislation also calls for the Center to be organized as an arm of the National Museum of American History, not as a free-standing entity, with the director of the Center reporting to the director of the National Museum. In other words, the Center represents an expansion of an existing Smithsonian entity, National Museum, as opposed to the establishment of a new museum. My bill also stipulates that the Center be located in new or existing Smithsonian facilities on or near the National Mall. Finally, my bill establishes an Advisory Committee on American Cultural Heritage to provide guidance on the operation and direction of the proposed Center.

Mr. President, aside from the original Americans who have lived here for thousands of years, Americans are travellers from other lands. From the most recent immigrants from Southeast Asia to the first Europeans who came as explorers and conquerors, from the Africans who were forcibly brought over as slaves to the Mexicans of Nuevo Mexico and the French of the Louisiana Territory who, through treaty or land purchase or conquest were brought into the American fold through a change in political boundaries—all were once visitors to this great country.

America is thus defined by the movement of its peoples, both internally and externally. This complex journey has shaped our national character and determined who we are as a nation. The grand progress to and across the American landscape, via exploration, the slave trade, traditional immigration, or internal migration, gave rise to the interactions that make the American experience unique in history.

So much of who we are is bound to the cultures and traditions that our forebears brought from other shores, as well as by the new traditions and cultures that were created on arrival. Whether we settled in the agrarian West or the industrialized North, whether we lived in the small towns of the Midwest or the genteel cities of the South, we inevitably formed relationships with peoples of other backgrounds and cultures. It is therefore impossible to comprehend our joint heritage as Americans unless we know the history of our various American cultures, as they were brought over from other lands and as they were transformed by encounters with other cultures in America. As one eminent cultural scholar has noted:

> How can one learn about slavery, holocausts, immigration, ecological adaptation or ways of seeing the world without some type of comparative perspective, without some type of relationship between cultures and peoples. How can we understand the history of any one cultural group—for example, the Irish—without reference to other groups—for example, the British. How can we understand African American culture without placing it in some relationship to its diverse African cultural roots, the creolized cultures of the Caribbean, the Native American bases of Maroon and Black Seminole cultures, the religious, economic and linguistic cultures of the colonial Spanish in Columbia, the French in Haiti, the Dutch in Suriname, and the English in the United States?

The purpose of the Center for American Cultural Heritage is to explore the intercultural and interethnic dialogue of the American people, specifically by exploring our fundamental common experience, the process by which this land was peopled. This manifold experience is central to our appreciation of ourselves as individuals, as representatives of particular ethnic, racial, religious, or regional groups, and ultimately, as citizens of the United States. Understanding the peopling of America process is key to a fuller comprehension of our relationships with each other—past, present, and future.

Mr. President, it is strange and remarkable that the Smithsonian, our leading national educational institution, has never properly devoted itself to presenting this central experience in our history. Aside from occasional, temporary exhibits on a specific immigration or migration subject, such as the National Museum's current exhibit on the northern migration of African Americans, none of the Smithsonian's many museums and facilities has taken it upon itself to examine any aspect of the peopling of America phenomenon, much less offered a global review of the subject.

In part, this derives from the fact that the Smithsonian, for all its reputation as world-class research and educational organization, remains an institution rooted in 19th century intellectual taxonomy. For example, during the early years of the Smithsonian, the cultures of Northern and Western European Americans were originally represented at the Museum of Science and Industry, which eventually became the National Museum of American History. However, African Americans, Asian Americans, Native Americans, and others were treated "ethnographically" as part of the National Museum of Natural History. This artificial bifurcation of our cultural patrimonies is still in place today. Consequently, the collections of various ethnic and cultural groups have been fragmented among various Smithsonian entities, making it difficult to view these groups in relation to each other or as part of a larger whole.

Mr. President, the establishment of a Smithsonian Center of American Cultural Heritage is long overdue. The saga of the peopling of America deserves a national venue, a place where all Americans, regardless of ethnic origin, can come to discover and celebrate their many-branched roots. The Smithsonian, with its unequalled stature, reputation, resources, and, of course, location in the Nation's Capital, is the only institution capable of telling this magnificent story, one that transformed us from strangers from many different shores into neighbors unified in our inimitable diversity—Americans all.

Mr. President, in May 1995, the Commission on the Future of the Smithsonian Institution, a blue ribbon panel charged with pondering the future of the 150-year-old institution, issued its final report. In its preface, the Commission noted:

> The Smithsonian Institution is the principal repository of the nation's collective memory and the nation's largest public cultural space. It is dedicated to preserving, understanding, and displaying the land we inhabit and the diversity and depth of American civilization in all its timbres and color. It holds in common for all Americans that set of beliefs—in the form of artifacts—about our past that, taken together, comprise our collective history and symbolize the ideals to which we aspire as a polity. The Smithsonian—with its 140 million objects, 16 museums and galleries, the national Zoo, and 29 million annual visits—has been, for a century and a half, a place of wonder, a magical place where Americans are reminded of how much we have in common.
>
> The story of America is the story of a plural nation. As epitomized by our nation's motto, America is a composite of peoples. Our vast country was inhabited by various cultures long before the Pilgrims arrived. Slaves and immigrants built a new nation from "sea to shining sea," across mountains, plains, deserts and great rivers, all rich in diverse climates, animals, and plants. One of the Smithsonian's essential tasks is to make the history of our country come alive for each new generation of American children.
>
> We cannot even imagine an "American" culture that is not multiple in its roots and in its branches. In a world fissured by differences of ethnicity and religion, we must all learn to live without the age-old dream of purity—whether of bloodlines or cultural inheritance—and learn to find comfort, solace, and even fulfillment in the rough magic of the cultural mix. And it is the challenge to preserve and embody that marvelous mix—the multi-various mosaic that is our history, culture, land, and the people who have made it—that the Smithsonian Institution, on the eve of the twenty-first century, must rededicate itself.

Mr. President, what more appropriate or compelling argument in favor of a Center for American Cultural Heritage can be found than in these words? What initiative other than the Center for American Cultural Heritage would more directly address the Smithsonian's role in presenting "the diversity and depth of American civilizations in all its timbres and color," or making "the history of our country come alive for each new generation of American children," or preserving "the multi-various mosaic that is our history, culture, land, and the people who have made it"?

Mr. President, I believe that the Center is a worthy initiative that is consistent with the mission of the Smithsonian. Nevertheless, I understand that my colleagues will need time to consider the merits of this major, new proposal. I am aware that the Smithsonian has a large number of costly projects already underway that require Congress's full attention. For this reason, I harbor no illusions that a Center for American Cultural Heritage can be established anytime soon, perhaps not until the next century. However, I hope that this legislation will initiate a national conversation about the role that the Smithsonian should play in preserving America's diverse cultural patrimony. I look forward to beginning this conversation with my colleagues, the academic community, and the interested public.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Center for American Cultural Heritage Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The history of the United States is in large measure the history of how the United States was populated.

(2) The evolution of the American population is broadly termed the "peopling of America" and is characterized by the movement of groups of people across external and internal boundaries of the United States as well as by the interactions of such groups with each other.

(3) Each of these groups has made unique, important contributions to American history, culture, art, and life.

(4) The spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the population.

(5) The Smithsonian Institution operates 16 museums and galleries, a zoological park, and 5 major research facilities. None of these public entities is a national institution dedicated to presenting the history of the peopling of the United States as described in paragraph (2).

(6) The respective missions of the National Museum of American History of the Smithsonian Institution and the Ellis Island Immigration Museum of the National Park Service limit the ability of such museums to present fully and adequately the history of the diverse population and rich cultures of the United States.

(7) The absence of a national facility dedicated solely to presenting the history of the peopling of the United States restricts the ability of the citizens of the United States to fully understand the rich and varied heritage of the United States derived from the unique histories of many peoples from many lands.

(8) The establishment of a Center for American Cultural Heritage to conduct educational and interpretive programs on the history of the United States' multiethnic, multiracial character will help to inspire and better inform the citizens of the United States about the rich and diverse cultural heritage of the citizens of the United States.

SEC. 3. ESTABLISHMENT OF THE CENTER FOR AMERICAN CULTURAL HERITAGE.

(a) ESTABLISHMENT.—There is established within the National Museum of American History of the Smithsonian Institution a facility that shall be known as the "Center for American Cultural Heritage".

(b) PURPOSES OF THE CENTER.—The purposes of the Center are to—

(1) promote knowledge of the life, art, culture, and history of the many groups of people who comprise the United States;

(2) illustrate how such groups cooperated, competed, or otherwise interacted with each other; and

(3) explain how the diverse, individual experiences of each group collectively helped forge a unified national experience.

(c) COMPONENTS OF THE CENTER.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the historical process by which the United States was populated;

(2) a center for research and scholarship relating to the life, art, culture, and history of the groups of people of the United States;

(3) a repository for the collection, study, and preservation of artifacts, artworks, and documents relating to the diverse population of the United States;

(4) a venue for public education programs designed to explicate the multicultural past and present of the United States;

(5) a location for the development of a standardized index of documents, artifacts, and artworks in collections that are held by the Smithsonian Institution and classified in a manner consistent with the purposes of the Center;

(6) a clearinghouse for information on documents, artifacts, and artworks on the groups of people of the United States that may be available to researchers, scholars, or the general public through non-Smithsonian collections, such as documents, artifacts, and artworks of such groups held by other Federal agencies, museums, universities, individuals, and foreign institutions;

(7) a folklife center committed to highlighting the cultural expressions of various peoples within the United States;

(8) a center to promote mutual understanding and tolerance among the groups of people of the United States through exhibits, films, brochures, and other appropriate means;

(9) an oral history library developed through interviews with volunteers, including visitors;

(10) a location for a visitor center that shall provide individually tailored orientation guides for visitors to all Smithsonian Institution facilities;

(11) a location for the training of museum professionals and others in the arts, humanities, and sciences with respect to museum practices relating to the life, art, history, and culture of the various groups of people of the United States; and

(12) a location for developing, testing, demonstrating, evaluating, and implementing new museum-related technologies that assist to fulfill the purposes of the Center, enhance the operation of the Center, and improve accessibility of the Center.

SEC. 4. LOCATION AND CONSTRUCTION.

(a) LOCATION.—The Center shall be located in new or existing Smithsonian Institution facilities on or near the National Mall located in the District of Columbia.

(b) CONSTRUCTION.—The Board of Regents is authorized to plan, design, reconstruct, or construct appropriate facilities to house the Center.

SEC. 5. DIRECTOR AND STAFF.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution shall appoint and fix the compensation and duties of a Director, Assistant Director, Secretary, and Chief Curator of the Center and any other officers and employees necessary for the operation of the Center. The Director of the Center shall report to the Director of the National Museum of American History. The Director, Assistant Director, Secretary, and Chief Curator shall be qualified through experience and training to perform the duties of their offices.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees under subsection (a), without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and such 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

SEC. 6. ADVISORY COMMITTEE ON AMERICAN CULTURAL HERITAGE.

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an advisory committee to be known as the "Advisory Committee on American Cultural Heritage".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall be composed of 15 members who shall—

(i) be appointed by the Secretary;

(ii) have expertise in immigration history, ethnic studies, museum science, or any other academic or professional field that involves matters relating to the cultural heritage of the citizens of the United States; and

(iii) reflect the diversity of the citizens of the United States.

(B) INITIAL APPOINTMENTS.—The initial appointments of the members of the Committee shall be made not later than 6 months after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold its first meeting.

(5) MEETINGS.—The Committee shall meet at the call of the Chairperson, but shall meet not less than 2 times each fiscal year.

(6) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMITTEE.—The Committee shall advise the Secretary, the Director of the National Museum of American History, and the Director of the Center on policies and programs affecting the Center.

(c) COMMITTEE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(B) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. DEFINITIONS.

As used in this Act:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(2) CENTER.—The term "Center" means the Center for American Cultural Heritage established under section 3(a).

(3) COMMITTEE.—The term "Committee" means the advisory Committee on American Cultural Heritage established under section 8(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Smithsonian Institution.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary for each fiscal year.•

By Mr. BIDEN (by request):

S. 2134. A bill to amend the Higher Education Act of 1965 to authorize Presidential honors scholarships to be awarded to all students who graduate in the top 5 percent of their secondary school graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Labor and Human Resources.

THE PRESIDENTIAL HONORS SCHOLARSHIP ACT OF 1996

• Mr. BIDEN. Mr. President, I am pleased today to introduce on behalf of the administration the Presidential Honors Scholarship Act of 1996. I want to commend President Clinton for this particular initiative and for his overall outstanding leadership on behalf of education.

Over the past 4 years, I have worked with President Clinton most closely on anti-crime and drug legislation. But, I have watched, admired, and tried to help his efforts on behalf of education as well. George Bush said he wanted to be the education president. Bill Clinton has been. And, this bill on merit scholarships is an important part of his agenda.

In August, I introduced comprehensive legislation to make college more affordable for middle-class families. The Growing the Economy for Tomorrow: Assuring Higher Education is Affordable and Dependable Act—GET AHEAD for short—would provide tax cuts for the cost of college, encourage families to save for a college education, and award merit scholarships to high school students in the top of their classes academically.

I included merit scholarships in the Get Ahead Act and I have agreed—even though our proposals differ in a few minor details—to introduce the administration's bill today for one simple reason. We need to reward students who succeed in meeting high academic standards.

If we are going to reform education—I mean, really reform education so that our children will be an educated workforce able to compete in the international economy—then we must first set tough academic standards. Students must know what is expected of them. Parents must know what their children should be learning. Teachers must stay focused on the mission of educating children. And, we all should know that a high school diploma means something.

But, Mr. President, not only should States be setting high academic standards for our students—with support and assistance from the Federal Government—but we should be rewarding those students who meet the high standards. The best way to reward them is to make it just a little bit easier to go to college, which is by the way, another key incredient—in addition to tough standards—in ensuring a highly educated American workforce.

The Presidential Honors Scholarship Act would provide a $1,000 scholarship to all graduating seniors in public and private schools who finish in the top 5 percent of their class. These Presidential honors scholars could use the scholarship in their freshman year at the college of their choice, and the scholarship would not be used in determining eligibility for other financial aid.

Although $1,000 may not seem like a lot, it is about two-thirds of the cost of the average tuition at a community college. And, more importantly, it is the principle that counts. Those who work hard and succeed ought to be recognized and rewarded.

Now, there are some—and I have heard from them already—who believe that the money for merit scholarships would be better spent helping those in financial need. I do not disagree with the notion that we should help all students who are qualified to go to college get to college. But, of those who finish in the top 5 percent of their high school graduating class—those who would benefit from this bill—81 percent come from families with incomes under $75,000 per year. I suggest they are exactly the ones in need, given the high cost of college today—and there were reports in this morning's paper that tuition costs at public colleges have gone up another 6 percent, more than double the rate of inflation. But, regardless of who benefits, I also believe that we should start to reward excellence for excellence's sake.

I have no illusions—and the administration does not either—that this bill is going to pass here in the waning days of the 104th Congress. Our intent is merely to introduce the bill now, and to come back next year to try to see it become law as part of the reauthorization of the Higher Education Act. I encourage my colleagues to take a look at this legislation and to support the idea of merit scholarships.●

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 729

At the request of Mr. BAUCUS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as cosponsors of S. 729, a bill to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund, and for other purposes.

S. 1660

At the request of Mr. GLENN, the names of the Senator from Kansas [Mrs. KASSENBAUM] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

S. 2091

At the request of Mr. PRESSLER, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as cosponsors of S. 2091, a bill to provide for small business and agriculture regulatory relief.

S. 2123

At the request of Mr. BAUCUS, the name of the Senator from North Dakota [Mr. CONRAD] was added as cosponsors of S. 2123, a bill to require the calculation of Federal-aid highway apportionments and allocations for fiscal year 1997 to be determined so that States experience no net effect from a credit to the Highway Trust Fund made in correction of an accounting error made in fiscal year 1994, and for other purposes.

SENATE RESOLUTION 301—DESIGNATING NATIONAL FALLEN FIREFIGHTERS MEMORIAL DAY

Mr. SARBANES submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 301

Whereas children's eyes fill with wonderment when they announce that their life's ambition is to become a firefighter, and adults are inspired by the bravery of the men and women of the fire service;

Whereas the men and women of the fire service are advocates for preventing the great amount of injuries, death, and damage to property that fire causes in this Nation, as well as the first line of defense in preventing these problems;

Whereas career and volunteer firefighters of this Nation enrich the communities in which they live and work, and exemplify the highest standards of service, dedication, dependability, selfless determination, honor, and civic spirit;

Whereas twenty years ago, when thousands of individuals were dying as the result of fires, and men and women of the fire service helped to focus this Nation's attention on fire prevention and safety, thereby reducing by half the number of fire related deaths;

Whereas due to the commitment and support of the men and women of the fire service, this Nation continues to make fire prevention and safety a top priority;

Whereas by placing the safety and well-being of others above their own, firefighters confront grave dangers every day in order to protect this Nation from the devastation caused by fires and other emergencies;

Whereas 102 firefighters died in the line of duty in 1995 and more than 94,500 were injured;

Whereas on Sunday, October 13, 1996, at the National Fallen Firefighters Memorial in Emmitsburg, Maryland, this Nation will pay its respects to the firefighters who have given their lives to protect this Nation; and

Whereas the men and women of the fire service who have given their lives in order to protect this nation are truly American heroes: Now, therefore, be it

Resolved, That the Senate designates October 13, 1996, as "National Fallen Firefighters Memorial Day". The President is requested—

(1) to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities; and

(2) to urge all Federal agencies, entities of each branch of the Federal Government, and interested organizations, groups, and individuals to fly the flag of the United States at half-staff on October 13, 1996, in honor of the individuals who have died as a result of their service as firefighters.

Mr. SARBANES. Mr. President, today I am submitting a resolution to designate October 13, 1996 as National Fallen Firefighters Memorial Day. At a time when we bemoan our Nation's lack of heroes, I contend that we can find them in every firehall across the country. The fire service, career and volunteers alike, confront grave dangers day in and day out in protecting lives and property against the devastation of fire. More than 100 firefighters die in the line of duty during the average year, making firefighting one of the world's most dangerous professions. As a cochairman of the Congressional Fire Services Caucus, it has always been one of my top priorities to ensure that our men and women in the fire service receive the recognition they deserve. While the National Fallen Fighters Memorial Service on the campus of the National Fire Academy in Emmitsburg, MD provides a deeply moving tribute and strong support for the friends and families of the fallen each year, I contend that as a nation we can always do more to recognize the sacrifice and commitment demonstrated by the fire service.

It is for that purpose that I have introduced this legislation. This resolution requests that the President issue a proclamation calling on the Nation as a whole to observe this day with appropriate ceremonies and activities along with all those gathered at the National Fallen Fire Fighters Memorial in Emmitsburg. This Presidential Proclamation would also urge all Federal agencies, entities of each branch of the Federal Government, and interested organizations, groups, and individuals to fly the flag of the United States at half-staff on October 13, 1996, in honor of the individuals who have died as a result of their service as firefighters. I urge my colleagues to support this resolution.

SENATE RESOLUTION 302—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 302

Whereas, the United States Department of Justice and counsel for the plaintiff-relators and defendant in the case of *United States of America ex rel. William I. Koch, et al.* v. *Koch Industries, Inc., et al.*, Case No. 91–CV–763–B, pending in the United States District Court for the Northern District of Oklahoma, have requested that the Committee on Indian Affairs provide them with copies of records of the former Special Committee on Investigations of the Committee on Indian Affairs for use in connection with the pending civil action;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Indian Affairs, acting jointly, are authorized to provide to the United States Department of Justice, counsel for the plaintiff-relators and defendant in *United States of America ex rel. William I. Koch, et al.* v. *Koch Industries, Inc., et al.*, and other requesting individuals and entities, copies of records of the Special Committee on Investigations for use in connection with pending legal proceedings, except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED

THE NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1996

KASSEBAUM AMENDMENT NO. 5404

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill (S. 1897) to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; and table of contents

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

Sec. 101. Director's discretionary fund.
Sec. 102. Children's vaccine initiative.

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

Sec. 201. Research on osteoporosis, paget's disease, and related bone disorders.
Sec. 202. National Human Genome Research Institute.
Sec. 203. Increased amount of grant and other awards.
Sec. 204. Meetings of advisory committees and councils.
Sec. 205. Elimination or modification of reports.

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

Sec. 301. Authorization of appropriations.
Sec. 302. DES study.

Subtitle B—National Heart Lung and Blood Institute

Sec. 311. Authorization of appropriations.

Subtitle C—National Institute of Allergy and Infectious Diseases

Sec. 321. Terry Beirn community-based AIDS research initiative.

Subtitle D—National Institute of Child Health and Human Development

Sec. 331. Research centers for contraception and infertility.

Subtitle E—National Institute on Aging

Sec. 341. Authorization of appropriations.

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

Sec. 351. Authorization of appropriations.
Sec. 352. National Alcohol Research Center.

Subtitle G—National Institute on Drug Abuse

Sec. 361. Authorization of appropriations.
Sec. 362. Medication development program.
Sec. 363. Drug Abuse Research Centers.

Subtitle H—National Institute of Mental Health

Sec. 371. Authorization of appropriations.

Subtitle I—National Center for Research Resources

Sec. 381. Authorization of appropriations.
Sec. 382. General Clinical Research Centers.
Sec. 383. Enhancement awards.
Sec. 384. Waiver of limitations.

Subtitle J—National Library of Medicine

Sec. 391. Authorization of appropriations.
Sec. 392. Increasing the cap on grant amounts.

TITLE IV—AWARDS AND TRAINING

Sec. 401. Medical scientist training program.
Sec. 402. Raise in maximum level of loan repayments.
Sec. 403. General loan repayment program.
Sec. 404. Clinical research assistance.

TITLE V—RESEARCH WITH RESPECT TO AIDS

Sec. 501. Comprehensive plan for expenditure of AIDS appropriations.
Sec. 502. Emergency AIDS discretionary fund.

TITLE VI—GENERAL PROVISIONS

Subtitle A—Authority of the Director of NIH

Sec. 601. Authority of the Director of NIH.

Subtitle B—Office of Rare Disease Research

Sec. 611. Establishment of Office for Rare Disease Research.

Subtitle C—Certain Reauthorizations

Sec. 621. National Research Service Awards.
Sec. 622. National Foundation for Biomedical Research.

Subtitle D—Miscellaneous Provisions

Sec. 631. Establishment of National Fund for Health Research.
Sec. 632. Definition of clinical research.
Sec. 633. Establishment of a pediatric research initiative.
Sec. 634. Diabetes research.
Sec. 635. Parkinson's research.
Sec. 636. Pain research consortium.

Subtitle E—Repeals and Conforming Amendments

Sec. 641. Repeals and conforming amendments.

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

SEC. 101. DIRECTOR'S DISCRETIONARY FUND.

Section 402(i)(3) (42 U.S.C. 282(i)(3)) is amended by striking "$25,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 102. CHILDREN'S VACCINE INITIATIVE.

Section 404B(c) (42 U.S.C. 283d(c)) is amended by striking "$20,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

SEC. 201. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) (42 U.S.C. 284e(d)) is amended by striking "$40,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 202. NATIONAL HUMAN GENOME RESEARCH INSTITUTE.

(a) IN GENERAL.—Part C of title IV (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 18—National Human Genome Research Institute

"SEC. 464Z. PURPOSE OF THE INSTITUTE.

"(a) IN GENERAL.—The general purpose of the National Human Genome Research Institute is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) conducting and supporting research training;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public;

"(6) reviewing and funding proposals to address the ethical, legal, and social issues associated with the genome project (including legal issues regarding patents); and

"(7) planning and administering intramural, collaborative, and field research to study human genetic disease.

"(b) RESEARCH.—The Director of the Institute may conduct and support research training—

"(1) for which fellowship support is not provided under section 487; and

"(2) that is not residency training of physicians or other health professionals.

"(c) ETHICAL, LEGAL, AND SOCIAL ISSUES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Institute shall make available not less than 5 percent of amounts made available for extramural research for carrying out paragraph (6) of such subsection.

"(2) NONAPPLICATION.—With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Institute certifies to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.

"(d) TRANSFER.—

"(1) IN GENERAL.—There are transferred to the National Human Genome Research Institute all functions which the National Center for Human Genome Research exercised before the date of enactment of this subpart, including all related functions of any officer or employee of the National Center for Human Genome Research. The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this subsection shall be transferred to the National Human Genome Research Institute.

"(2) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, regulations, privileges, and other administrative actions which have been issued, made, granted, or allowed to become effective in the performance of functions which are transferred under this subsection shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

"(3) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the National Center for Human Genome Research shall be deemed to refer to the National Human Genome Research Institute.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 1997.".

(b) CONFORMING AMENDMENTS.—

(1) Section 401(b) (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end thereof the following new subparagraph:

"(R) The National Human Genome Research Institute."; and

(B) in paragraph (2)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D).

(2) Subpart 3 of part E of title IV (42 U.S.C. 287c et seq.) is repealed.

SEC. 203. INCREASED AMOUNT OF GRANT AND OTHER AWARDS.

Section 405(b)(2)(B) (42 U.S.C. 284(b)(2)(B) is amended—

(1) in clause (i), by striking "$50,000" and inserting "$100,000"; and

(2) in clause (ii), by striking "$50,000" and inserting "$100,000".

SEC. 204. MEETINGS OF ADVISORY COMMITTEES AND COUNCILS.

(a) IN GENERAL.—Section 406 (42 U.S.C. 284a) is amended—

(1) in subsection (e), by striking ", but at least three times each fiscal year"; and

(2) in subsection (h)(2)—

(A) in subparagraph (A)—

(i) in clause (iv), by adding "and" after the semicolon;

(ii) in clause (v), by striking "; and" and inserting a period; and

(iii) by striking clause (vi); and

(B) in subparagraph (B), by striking ", except" and all that follows through "year".

(b) PRESIDENT'S CANCER PANEL.—Section 415(a)(3) (42 U.S.C. 285a-4(a)(3)) is amended by striking ", but not less often than four times a year".

(c) INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 429(b) (42 U.S.C. 285c-3(b)) is amended by striking ", but not less often than four times a year".

(d) INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 439(b) (42 U.S.C. 285d-4(b)) is amended by striking ", but not less often than four times a year".

(e) INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS INTERAGENCY COORDINATING COMMITTEES.—Section 464E(d) (42 U.S.C. 285m-5(d)) is amended by striking ", but not less often than four times a year".

(f) INSTITUTE OF NURSING RESEARCH ADVISORY COUNCIL.—Section 464X(e) (42 U.S.C. 285q-2(e)) is amended by striking ", but at least three times each fiscal year".

(g) CENTER FOR RESEARCH RESOURCES ADVISORY COUNCIL.—Section 480(e) (42 U.S.C. 287a(e)) is amended by striking ", but at least three times each fiscal year".

(h) APPLICATION OF FACA.—Part B of title IV (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 409B. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.

"Notwithstanding any other provision of law, the provisions of the Federal Advisory Committee Act (5 U.S.C. Ap. 2) shall not apply to a scientific or technical peer review group, established under this title.".

SEC. 205. ELIMINATION OR MODIFICATION OF REPORTS.

(a) PUBLIC HEALTH SERVICE ACT REPORTS.—The following provisions of the Public Health Service Act are repealed:

(1) Section 403 (42 U.S.C. 283) relating to the biennial report of the Director of the National Institutes of Health to Congress and the President.

(2) Subsection (c) of section 439 (42 U.S.C. 285d-4(c)) relating to the annual report of the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the annual report of the Skin Diseases Interagency Coordinating Committee.

(3) Subsection (j) of section 442 (42 U.S.C. 285d-7(j)) relating to the annual report of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Board.

(4) Subsection (b) of section 494A (42 U.S.C. 289c-1(b)) relating to the annual report of the Secretary of Health and Human Services on health services research relating to alcohol abuse and alcoholism, drug abuse, and mental health.

(5) Subsection (b) of section 503 (42 U.S.C. 290aa-2(b)) relating to the triennial report of the Secretary of Health and Human Services to Congress.

(b) REPORT ON DISEASE PREVENTION.—Section 402(f)(3) (42 U.S.C. 282(f)(3)) is amended by striking "annually" and inserting "biennially".

(c) REPORTS OF THE COORDINATING COMMITTEES ON DIGESTIVE DISEASES, DIABETES MELLITUS, AND KIDNEY, UROLOGIC AND HEMATOLOGIC DISEASES.—Section 429 (42 U.S.C. 285c-3) is amended by striking subsection (c).

(d) REPORT OF THE TASK FORCE ON AGING RESEARCH.—Section 304 of the Home Health Care and Alzheimer's Disease Amendments of 1990 (42 U.S.C. 242q-3) is repealed.

(e) SUDDEN INFANT DEATH SYNDROME RESEARCH.—Section 1122 (42 U.S.C. 300c-12) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading; and

(B) by striking "of the type" and all that follows through "adequate," and insert ", such amounts each year as will be adequate for research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, and to the relationship of the high-risk pregnancy and high-risk infancy research to sudden infant death syndrome,"; and

(2) by striking subsections (b) and (c).

(f) U.S.-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM.—Subsection (h) of section 5 of the International Health Research Act of 1960 is repealed.

(g) BIOENGINEERING RESEARCH.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives, a report containing specific plans and timeframes on how the Director will implement the findings and recommendations of the report to Congress entitled "Support for Bioengineering Research" (submitted in August of 1995 in accordance with section 1912 of the National Institutes of Health Revitalization Act of 1993 (42 U.S.C. 282 note)).

(h) CONFORMING AMENDMENTS.—Title IV is amended—

(1) in section 404C(c) (42 U.S.C. 283e(c)), by striking "included" and all that follows through the period and inserting "made available to the committee established under subsection (e) and included in the official minutes of the committee";

(2) in section 404E(d)(3)(B) (42 U.S.C. 283g(d)(3)(B)), by striking "for inclusion in the biennial report under section 403";

(3) in section 406(g) (42 U.S.C. 284a(g))—

(A) by striking "for inclusion in the biennial report made under section 407" and inserting "as it may determine appropriate"; and

(B) by striking the second sentence;

(4) in section 407 (42 U.S.C. 284b)—

(A) in the section heading, to read as follows:

"REPORTS"; and

(B) by striking "shall prepare for inclusion in the biennial report made under section 403 a biennial" and inserting "may prepare a";

(5) in section 416(b) (42 U.S.C. 285a-5(b)) by striking "407" and inserting "402(f)(3)";

(6) in section 417 (42 U.S.C. 285a-6), by striking subsection (e);

(7) in section 423(b) (42 U.S.C. 285b-6(b)), by striking "407" and inserting "402(f)(3)";

(8) by striking section 433 (42 U.S.C. 285c–7);

(9) in section 451(b) (42 U.S.C. 285g–3(b)), by striking "407" and inserting "402(f)(3)";

(10) in section 452(d) (42 U.S.C. 285g–4(d))—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking "(A) Not" and inserting "Not"; and

(ii) by striking subparagraph (B); and

(B) in the last sentence of paragraph (4), by striking "contained" and all that follows through the period and inserting "transmitted to the Director of NIH.";

(11) in section 464I(b) (42 U.S.C. 285n–1(b)), by striking "407" and inserting "402(f)(3)";

(12) in section 464M(b) (42 U.S.C. 285o–1)(b)), by striking "407" and inserting "402(f)(3)";

(13) in section 464S(b) (42 U.S.C. 285p–1(b)), by striking "407" and inserting "402(f)(3)";

(14) in section 464X(g) (42 U.S.C. 285q–2(g)) is amended—

(A) by striking "for inclusion in the biennial report made under section 464Y" and inserting "as it may determine appropriate"; and

(B) by striking the second sentence;

(15) in section 464Y (42 U.S.C. 285q–3)—

(A) in the section heading, to read as follows:

"REPORTS"; and

(B) by striking "shall prepare for inclusion in the biennial report made under section 403 a biennial" and inserting "may prepare a";

(16) in section 480(g) (42 U.S.C. 287a(g))—

(A) by striking "for inclusion in the biennial report made under section 481" and inserting "as it may determine appropriate"; and

(B) by striking the second sentence;

(17) in section 481 (42 U.S.C. 287a–1)—

(A) in the section heading, to read as follows:

"REPORTS"; and

(B) by striking "shall prepare for inclusion in the biennial report made under section 403 a biennial" and inserting "may prepare a";

(18) in section 486(d)(5)(B) (42 U.S.C. 287d(d)(5)(B)), by striking "for inclusion in the report required in section 403";

(19) in section 486B (42 U.S.C. 287d–2) by striking subsection (b) and inserting the following new subsection:

"(b) SUBMISSION.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH."; and

(20) in section 492B(f) (42 U.S.C. 289a–2(f)), by striking "for inclusion" and all that follows through the period and inserting "and the Director of NIH.".

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 417B (42 U.S.C. 286a–8) is amended—

(1) in subsection (a), by striking "$2,728,000,000" and all that follows through the period and inserting "$3,000,000,000 for fiscal year 1997.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence of subparagraph (A), by striking "$225,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997."; and

(ii) in the first sentence of subparagraph (B), by striking "$100,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997."; and

(B) in the first sentence of paragraph (2), by striking "$75,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997."; and

(3) in the first sentence of subsection (c), by striking "$72,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 302. DES STUDY.

Section 403A(e) (42 U.S.C. 283a(e)) is amended by striking "1996" and inserting "1997".

Subtitle B—National Heart Lung and Blood Institute

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Section 425 (42 U.S.C. 285b–8) is amended by striking "$1,500,000,000" and all that follows through the period and inserting "$1,600,000,000 for fiscal year 1997.".

Subtitle C—National Institute of Allergy and Infectious Diseases

SEC. 321. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.

Section 2313(e) (42 U.S.C. 300cc–13(e)) is amended—

(1) in paragraph (1), by striking "1996" and inserting "1997"; and

(2) in paragraph (2), by striking "1996" and inserting "1997".

Subtitle D—National Institute of Child Health and Human Development

SEC. 331. RESEARCH CENTERS FOR CONTRACEPTION AND INFERTILITY.

Section 452A(g) (42 U.S.C. 285g–5(g)) is amended by striking "$30,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

Subtitle E—National Institute on Aging

SEC. 341. AUTHORIZATION OF APPROPRIATIONS.

Section 445I (42 U.S.C. 285e–11) is amended by striking "$500,000,000" and all that follows through the period and inserting "$550,000,000 for fiscal year 1997.".

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

SEC. 351. AUTHORIZATION OF APPROPRIATIONS.

Section 464H(d)(1) (42 U.S.C. 285n(d)(1)) is amended by striking "300,000,000" and all that follows through the period and inserting "$330,000,000 for fiscal year 1997.".

SEC. 352. NATIONAL ALCOHOL RESEARCH CENTER.

Section 464J(b) (42 U.S.C. 285n–2(b)) is amended—

(1) by striking "(b) The" and inserting "(b)(1) The";

(2) by striking the third sentence; and

(3) by adding at the end thereof the following new paragraph:

"(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

"(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

"(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term shall not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.".

Subtitle G—National Institute on Drug Abuse

SEC. 361. AUTHORIZATION OF APPROPRIATIONS.

Section 464L(d)(1) (42 U.S.C. 285o(d)(1)) is amended by striking "$440,000,000" and all that follows through the period and inserting "$500,000,000 for fiscal year 1997.".

SEC. 362. MEDICATION DEVELOPMENT PROGRAM.

Section 464P(e) (42 U.S.C. 285o–4(e)) is amended by striking "$85,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997".

SEC. 363. DRUG ABUSE RESEARCH CENTERS.

Section 464N(b) (42 U.S.C. 285o–2(b)) is amended—

(1) by striking "(b) The" and inserting "(b)(1) The";

(2) by striking the last sentence; and

(3) by adding at the end thereof the following new paragraph:

"(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

"(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

"(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term does not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.".

Subtitle H—National Institute of Mental Health

SEC. 371. AUTHORIZATION OF APPROPRIATIONS.

Section 464R(f)(1) (42 U.S.C. 285p(f)(1)) is amended by striking "$675,000,000" and all that follows through the period and inserting "$750,000,000 for fiscal year 1997.".

Subtitle I—National Center for Research Resources

SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 481A(h) (42 U.S.C. 287a–2(h)) is amended by striking "$150,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

(b) RESERVATION FOR CONSTRUCTION OF REGIONAL CENTERS.—Section 481B(a) (42 U.S.C. 287a–3(a)) is amended—

(1) by striking "shall" and inserting "may";

(2) by striking "through 1996" and inserting "through 1997"; and

(3) by striking "$5,000,000" and inserting "such sums as may be necessary for each such fiscal year".

SEC. 382. GENERAL CLINICAL RESEARCH CENTERS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by section 205(h), is further amended by adding at the end thereof the following new section:

"SEC. 409C. GENERAL CLINICAL RESEARCH CENTERS.

"(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

"(b) ACTIVITIES.—In carrying out subsection (a), the Director of NIH shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under subsection (a), such sums as may be necessary for eahc of the fiscal years 1996 and 1997.".

SEC. 383. ENHANCEMENT AWARDS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 205(h) and 382, is further amended by adding at the end thereof the following new section:

"SEC. 409D. ENHANCEMENT AWARDS.

"(a) CLINICAL RESEARCH CAREER ENHANCEMENT AWARD.—

"(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'clinical research career enhancement awards') to support individual careers in clinical research.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $130,000 per year per grant. Grants shall be for terms of 5 years. The Director shall award not more than 20 grants in the first fiscal year in which grants are awarded under this subsection. The total number of grants awarded under this subsection for the first and second fiscal years in which grants such are awarded shall not exceed 40 grants.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for fiscal year 1997.

"(b) INNOVATIVE MEDICAL SCIENCE AWARD.—

"(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'innovative medical science awards') to support individual clinical research projects.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

"(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $100,000 per year per grant.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for fiscal year 1997.

"(c) PEER REVIEW.—The Director of NIH, in cooperation with the Director of the National Center for Research Resources, shall establish peer review mechanisms to evaluate applications for clinical research fellowships, clinical research career enhancement awards, and innovative medical science award programs. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research trainees.".

SEC. 384. WAIVER OF LIMITATIONS.

Section 481A (42 U.S.C. 287a-2) is amended—

(1) in subsection (b)(3)(A), by striking "9" and inserting "12";

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "50" and inserting "40"; and

(ii) in subparagraph (B), by striking "40" and inserting "30"; and

(B) in paragraph (4), by striking "for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c)"; and

(3) in subsection (h), by striking $150,000,000" and all that follows through "1996" and inserting "such sums as may be necessary for fiscal year 1997".

Subtitle J—National Library of Medicine

SEC. 391. AUTHORIZATION OF APPROPRIATIONS.

Section 468(a) (42 U.S.C. 286a-2(a)) is amended by striking "$150,000,000" and all that follows through the period and inserting "$160,000,000 for fiscal year 1997.".

SEC. 392. INCREASING THE CAP ON GRANT AMOUNTS.

Section 474(b)(2) (42 U.S.C. 286b-5(b)(2)) is amended by striking "$1,000,000" and inserting "$1,250,000".

TITLE IV—AWARDS AND TRAINING

SEC. 401. MEDICAL SCIENTIST TRAINING PROGRAM.

(a) EXPANSION OF PROGRAM.—Notwithstanding any other provision of law, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall expand the Medical Scientist Training Program to include fields that will contribute to training clinical investigators in the skills of performing patient-oriented clinical research.

(b) DESIGNATION OF SLOTS.—In carrying out subsection (a), the Director of the National Institutes of Health shall designate a specific percentage of positions under the Medical Scientist Training Program for use with respect to the pursuit of a Ph.D. degree in the disciplines of economics, epidemiology, public health, bioengineering, biostatistics and bioethics, and other fields determined appropriate by the Director.

SEC. 402. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) REPAYMENT PROGRAMS WITH RESPECT TO AIDS.—Section 487A (42 U.S.C. 288-1) is amended—

(1) in subsection (a), by striking "$20,000" and inserting "$35,000"; and

(2) in subsection (c), by striking "1996" and inserting "1997".

(b) REPAYMENT PROGRAMS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Section 487B(a) (42 U.S.C. 288-2(a)) is amended by striking "$20,000" and inserting "$35,000".

(c) REPAYMENT PROGRAMS WITH RESPECT TO RESEARCH GENERALLY.—Section 487C(a)(1) (42 U.S.C. 288-3(a)(1)) is amended by striking "$20,000" and inserting "$35,000".

(d) REPAYMENT PROGRAMS WITH RESPECT TO CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—Section 487E(a) (42 U.S.C. 288-5(a)) is amended—

(1) in paragraph (1), by striking "$20,000" and inserting "$35,000"; and

(2) in paragraph (3), by striking "338C" and inserting "338B, 338C".

SEC. 403. GENERAL LOAN REPAYMENT PROGRAM.

Part G of title IV (42 U.S.C. 288 et seq.) is amended by inserting after section 487E, the following new section:

"SEC. 487F. GENERAL LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Director of NIH, shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research with respect to the areas identified under paragraph (2) in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

"(2) RESEARCH AREAS.—In carrying out the program under paragraph (1), the Director of NIH shall annually identify areas of research for which loan repayments made be awarded under paragraph (1).

"(3) TERM OF AGREEMENT.—A loan repayment agreement under paragraph (1) shall be for a minimum of two years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 1997.".

SEC. 404. CLINICAL RESEARCH ASSISTANCE.

(a) NATIONAL RESEARCH SERVICE AWARDS.—Section 487(a)(1)(C) (42 U.S.C. 288(a)(1)(C)) is amended—

(1) by striking "50 such" and inserting "100 such"; and

(2) by striking "1996" and inserting "1997".

(b) LOAN REPAYMENT PROGRAM.—Section 487E (42 U.S.C. 288-5) is amended—

(1) in the section heading, by striking "FROM DISADVANTAGED BACKGROUNDS";

(2) in subsection (a)(1), by striking "who are from disadvantaged backgrounds";

(3) in subsection (b)—

(A) by striking "Amounts" and inserting the following:

"(1) IN GENERAL.—Amounts"; and

(B) by adding at the end thereof the following new paragraph:

"(2) DISADVANTAGED BACKGROUNDS SET-ASIDE.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the amounts appropriated for a fiscal year are used for contracts involving those appropriately qualified health professionals who are from disadvantaged backgrounds."; and

(4) by adding at the end thereof the following new subsections:

"(c) CLINICAL RESEARCH TRAINING POSITION.—A position shall be considered a clinical research training position under subsection (a)(1) if such position involves an individual serving in a general clinical research center or other organizations and institutions determined to be appropriate by the Director of NIH, or a physician receiving a clinical research career enhancement award or NIH intramural research fellowship.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.".

TITLE V—RESEARCH WITH RESPECT TO AIDS

SEC. 501. COMPREHENSIVE PLAN FOR EXPENDITURE OF AIDS APPROPRIATIONS.

Section 2353(d)(1) (42 U.S.C. 300cc-40b(d)(1)) is amended by striking "through 1996" and inserting "through 1997".

SEC. 502. EMERGENCY AIDS DISCRETIONARY FUND.

Section 2356(g)(1) (42 U.S.C. 300cc-43(g)(1)) is amended by striking "$100,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997".

TITLE VI—GENERAL PROVISIONS

Subtitle A—Authority of the Director of NIH

SEC. 601. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking "and" at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

"(13) may conduct and support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) which does not consist of residency training of physicians or other health professionals; and

"(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.".

Subtitle B—Office of Rare Disease Research

SEC. 611. ESTABLISHMENT OF OFFICE FOR RARE DISEASE RESEARCH.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 404F. OFFICE FOR RARE DISEASE RESEARCH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of the National Institutes of Health an office to be known as the Office for Rare Disease Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the National Institutes of Health.

"(b) PURPOSE.—The purpose of the Office is to promote and coordinate the conduct of research on rare diseases through a strategic research plan and to establish and manage a rare disease research clinical database.

"(c) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the purpose of providing advice to the director of the Office concerning carrying out the strategic research plan and other duties under this section. Section 222 shall apply to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

"(d) DUTIES.—In carrying out subsection (b), the director of the Office shall—

"(1) develop a comprehensive plan for the conduct and support of research on rare diseases;

"(2) coordinate and disseminate information among the institutes and the public on rare diseases;

"(3) support research training and encourage the participation of a diversity of individuals in the conduct of rare disease research;

"(4) identify projects or research on rare diseases that should be conducted or supported by the National Institutes of Health;

"(5) develop and maintain a central database on current government sponsored clinical research projects for rare diseases;

"(6) determine the need for registries of research subjects and epidemiological studies of rare disease populations; and

"(7) prepare biennial reports on the activities carried out or to be carried out by the Office and submit such reports to the Secretary and the Congress.".

Subtitle C—Certain Reauthorizations

SEC. 621. NATIONAL RESEARCH SERVICE AWARDS.

Section 487(d) (42 U.S.C. 288(d)) is amended by striking "$400,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 622. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Section 499(m)(1) (42 U.S.C. 290b(m)(1)) is amended by striking "an aggregate" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

Subtitle D—Miscellaneous Provisions

SEC. 631. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by section 611, is further amended by adding at the end thereof the following new section:

"SEC. 404G. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'National Fund for Health Research' (hereafter in this section referred to as the 'Fund'), consisting of such amounts as are transferred to the Fund and any interest earned on investment of amounts in the Fund.

"(b) OBLIGATIONS FROM FUND.—

"(1) IN GENERAL.—Subject to the provisions of paragraph (2), with respect to the amounts made available in the Fund in a fiscal year, the Secretary shall distribute all of such amounts during any fiscal year to research institutes and centers of the National Institutes of Health in the same proportion to the total amount received under this section, as the amount of annual appropriations under appropriations Acts for each member institute and centers for the fiscal year bears to the total amount of appropriations under appropriations Acts for all research institutes and centers of the National Institutes of Health for the fiscal year.

"(2) TRIGGER AND RELEASE OF MONIES.—No expenditure shall be made under paragraph (1) during any fiscal year in which the annual amount appropriated for the National Institutes of Health is less than the amount so appropriated for the prior fiscal year.".

SEC. 632. DEFINITION OF CLINICAL RESEARCH.

Part A of titleIV (42 U.S.C. 281 et seq.) as amended by sections 611 and 631, is further amended by adding at the end thereof the following new section:

"SEC. 404H. DEFINITION OF CLINICAL RESEARCH.

"As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations, or on material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology, or disease, epidemiologic or behavioral studies, outcomes research, or health services research.".

SEC. 633. ESTABLISHMENT OF A PEDIATRIC RESEARCH INITIATIVE.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by sections 611, 631, and 632, is further amended by adding at the end the following new section:

"SEC. 404I. PEDIATRIC RESEARCH INITIATIVE

"(a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (hereafter in this section referred to as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

"(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH to encourage—

"(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

"(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising;

"(3) increased support for pediatric outcomes and medical effectiveness research to demonstrate how to improve the quality of children's health care while reducing cost;

"(4) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population; and

"(5) recognition of the special attention pediatric research deserves.

"(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

"(1) consult with the Institutes and other advisors as the Director determines appropriate when considering the role of the Institute for Child Health and Human Development;

"(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

"(A) assistance is directly related to the illnesses and diseases of children; and

"(B) assistance is extramural in nature; and

"(3) be responsible for the oversight of any newly appropriated Initiative funds and be accountable with respect to such funds to Congress and to the public.

"(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal years 1997 through 1999.

"(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated to any of the Institutes for a fiscal year to the Initiative to carry out this section.".

SEC. 634. DIABETES RESEARCH.

(a) FINDINGS.—The Congress finds as follows:

(1) Diabetes is a serious health problem in America.

(2) More than 16,000,000 Americans suffer from diabetes.

(3) Diabetes is the fourth leading cause of death in America, taking the lives of more than 169,000 people annually.

(4) Diabetes disproportionately affects minority populations, especially African-Americans, Hispanics, and Native Americans.

(5) Diabetes is the leading cause of new blindness in adults over age 30.

(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting more than 56,000 Americans each year.

(7) Diabetes is the leading cause of nontraumatic amputations, affecting 54,000 Americans each year.

(8) The cost of treating diabetes and its complications are staggering for our Nation.

(9) Diabetes accounted for health expenditures of $105,000,000,000 in 1992.

(10) Diabetes accounts for over 14 percent of our Nation's health care costs.

(11) Federal funds invested in diabetes research over the last two decades has led to significant advances and, according to leading scientists and endocrinologists, has brought the United States to the threshold of revolutionary discoveries which hold the potential to dramatically reduce the economic and social burden of this disease.

(12) The National Institute of Diabetes and Digestive and Kidney Diseases supports, in

addition to many other areas of research, genetic research, islet cell transplantation research, and prevention and treatment clinical trials focusing on diabetes. Other research institutes within the National Institutes of Health conduct diabetes-related research focusing on its numerous complications, such as heart disease, eye and kidney problems, amputations, and diabetic neuropathy.

(b) INCREASED FUNDING REGARDING DIABETES.—With respect to the conduct and support of diabetes-related research by the National Institutes of Health, there are authorized to be appropriated for such purpose—

(1) for each of the fiscal years 1997 through 1999, an amount equal to the amount appropriated for such purpose for fiscal year 1996; and

(2) for the 3-fiscal year period beginning with fiscal year 1997, an additional amount equal to 25 percent of the amount appropriated for such purpose for fiscal year 1996.

SEC. 635. PARKINSON'S RESEARCH.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 204, 382 and 383, is further amended by adding at the end the following section:

"PARKINSON'S DISEASE

"SEC. 409E. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease.

"(b) INTER-INSTITUTE COORDINATION.—

"(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

"(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

"(c) MORRIS K. UDALL RESEARCH CENTERS.—

"(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

"(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

"(ii) conduct basic and clinical research.

"(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

"(i) conduct training programs for scientists and health professionals;

"(ii) conduct programs to provide information and continuing education to health professionals;

"(iii) conduct programs for the dissemination of information to the public;

"(iv) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

"(v) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

"(vi) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

"(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

"(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(d) MORRIS K. UDALL AWARDS FOR INNOVATION IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support innovative proposals leading to significant breakthroughs in Parkinson's research. Grants under this subsection shall be available to support outstanding neuroscientists and clinicians who bring innovative ideas to bear on the understanding of the pathogenesis, diagnosis and treatment of Parkinson's disease.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $80,000,000 for fiscal year 1997.".

SEC. 636. PAIN RESEARCH CONSORTIUM.

(a) SHORT TITLE.—This section may be cited as the "Pain Research Consortium Act of 1996".

(b) OPERATION.—Part E of title IV (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 5—Pain Research Consortium

"SEC. 485E. ESTABLISHMENT AND PURPOSE OF THE CONSORTIUM.

"(a) ESTABLISHMENT.—The Director of NIH shall, subject to the availability of appropriations, and acting in cooperation with appropriate Institutes and with leading experts in pain research and treatment, establish within the National Institutes of Health, a Pain Research Consortium (hereafter referred to in this subpart as the 'Consortium').

"(b) PURPOSE.—It is the purpose of the Pain Research Consortium to—

"(1) provide a structure for coordinating pain research activities;

"(2) facilitate communications among Federal and State governmental agencies and private sector organization (including extramural grantees) concerned with pain;

"(3) share information concerning research and related activities being conducted in the area of pain;

"(4) encourage the recruitment and retention of individuals desiring to conduct pain research;

"(5) develop collaborative pain research efforts;

"(6) avoid unnecessary duplication of pain research efforts; and

"(7) achieve a more efficient use of Federal and private sector research funds.

"(c) COMPOSITION.—The Consortium shall be composed of representatives of—

"(1) the National Institute of Neurological Disorders and Stroke;

"(2) the National Institute of Drug Abuse;

"(3) the National Institute of General Medical Sciences;

"(4) the National Institute of Dental Research;

"(5) the National Health, Lung, and Blood Institute;

"(6) the National Cancer Institute;

"(7) the National Institute of Mental Health;

"(8) the National Institute of Nursing Research;

"(9) the National Center for Research Resources;

"(10) the National Institute of Child Health and Human Development;

"(11) the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(12) the National Institute on Aging;

"(13) pain management practitioners, which may include physicians, psychologists, physical medicine and rehabilitation service representatives (including physical therapists and occupational therapists), nurses, dentists, and chiropractors; and

"(14) patient advocacy groups.

"(d) ACTIVITIES.—The Consortium shall coordinate and support research, training, health information dissemination and related activities with respect to—

"(1) acute pain;

"(2) cancer and HIV-related pain;

"(3) back pain, headache pain, and facial pain; and

"(4) other painful conditions.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1997.".

Subtitle E—Repeals and Conforming Amendments

SEC. 641. REPEALS AND CONFORMING AMENDMENTS.

(a) RENAMING OF DIVISION OF RESEARCH RESOURCES.—Section 403(5) (42 U.S.C. 283(5)) is amended by striking "Division of Research Resources" and inserting "National Center for Research Resources".

(b) RENAMING OF NATIONAL CENTER FOR NURSING RESEARCH.—

(1) Section 403(5) (42 U.S.C. 283(5)) is amended by striking "National Center for Nursing Research" and inserting "National Institute of Nursing Research".

(2) Section 408(a)(2) (42 U.S.C. 284c(a)(2)) is amended by striking "National Center for Nursing Research" and inserting "National Institute of Nursing Research".

(c) RENAMING OF CHIEF MEDICAL DIRECTOR FOR VETERANS AFFAIRS.—

(1) Section 406 (42 U.S.C. 284a) is amended—

(A) in subsection (b)(2)(A), by striking "Chief Medical Director of the Department of Veterans Affairs or the Chief Dental Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v) by striking "Chief Medical Director of the Department of Veterans Affairs," and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(2) Section 424(c)(3)(B)(x) (42 U.S.C. 285b-7(c)(3)(B)(x)) is amended by striking "Chief Medical Director of the Veterans' Administration" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(3) Section 429(b) (42 U.S.C. 285c-3(b)) is amended by striking "Chief Medical Director

of the Veterans' Administration" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(4) Section 430(b)(2)(A)(i) (42 U.S.C. 285c–4(b)(2)(A)(i)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(5) Section 439(b) (42 U.S.C. 285d–4(b)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(6) Section 452(f)(3)(B)(xi) (42 U.S.C. 285g–4(f)(3)(B)(xi)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(7) Section 466(a)(1)(B) (42 U.S.C. 286a(a)(1)(B)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(8) Section 480(b)(2)(A) (42 U.S.C. 287a(b)(2)(A)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(b) ADVISORY COUNCILS.—Section 406(h) (42 U.S.C. 284a(h)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2)—

(A) by striking "(2)(A) The" and inserting "(1) The";

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) by redesignating clauses (i) through (vi) of paragraph (1) (as so redesignated) as subparagraphs (A) through (F), respectively.

(c) DIABETES AND DIGESTIVE AND KIDNEY DISORDERS ADVISORY BOARDS.—Section 430 (42 U.S.C. 285c–4) is repealed.

(d) NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY BOARD.—Section 442 (42 U.S.C. 285d–7) is repealed.

(e) RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME.—Subpart 6 of part C of title IV (42 U.S.C. 285f et seq.) is amended by redesignating the second section 447 (42 U.S.C. 285f–1) as section 447A.

(f) NATIONAL INSTITUTE ON DEAFNESS ADVISORY BOARD.—Section 464D (42 U.S.C. 285m–4) is repealed.

(g) BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL STUDY.—Section 489 (42 U.S.C. 288b) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(h) NATIONAL COMMISSION ON ALCOHOLISM AND OTHER ALCOHOL-RELATED PROBLEMS.—Section 18 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is repealed.

(i) ADVISORY COUNCIL ON HAZARDOUS SUBSTANCES RESEARCH AND TRAINING.—Section 311(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9660(a)) is amended—

(1) by striking paragraph (5); and

(2) in the last sentence of paragraph (6), by striking "the relevant Federal agencies referred to in subparagraph (A) of paragraph (5)" and inserting "relevant Federal agencies".

THE INDIAN CHILD WELFARE ACT AMENDMENTS OF 1996

McCAIN AMENDMENT NO. 5405

Mr. LOTT (for Mr. McCAIN) proposed an amendment to the bill (S. 1962) to amend the Indian Child Welfare Act of 1978, and for other purposes; as follows:

On page 13, line 18, insert "if in the best interests of an Indian child," after "approve,".

On page 14, lines 15 and 16, strike the dash and all that follows through the paragraph designation and adjust the margin accordingly.

On page 14, line 16, insert a dash after "willfully".

On page 14, line 16, insert " '(1)" before "falsifies" and adjust the margin accordingly.

THE WILDLIFE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996

KEMPTHORNE (AND OTHERS) AMENDMENT NO. 5406

Mr. LOTT (for Mr. KEMPTHORNE, Mr. BINGAMAN, Mr. CRAIG, and Mr. KYL) proposed an amendment to the bill (S. 2078) to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This act may be cited as the "Wildfire Suppression Aircraft Transfer Act of 1996".

SEC. 2. AUTHORITY TO SELL AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

(a) AUTHORITY.—(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning on October 1, 1996, and ending on September 30, 2000, sell the aircraft and aircraft parts referred to in paragraph (2) to persons or entities that contract with the Federal Government for the delivery of fire retardant by air in order to suppress wildfire.

(2) Paragraph (1) applies to aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for the provision of airtanker services for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes jointly approved by the Secretary of Defense and the Secretary of Agriculture in writing in advance.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Agriculture certifies to the Secretary of Defense, in writing, before the sale that the person or entity is capable of meeting the terms and conditions of a contract to deliver fire retardant by air.

(d) REGULATIONS.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Agriculture and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at fair market value (as determined by the Secretary of Defense) and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end users in accordance with the conditions set forth in subsections (b) and (e); and

(D) ensure, to the maximum extent practicable, that the Secretary consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of the regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and type of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

THE NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996

McCAIN AMENDMENTS NOS. 5407–5411

Mr. LOTT (for Mr. McCAIN) proposed five amendments to the bill (S. 1973) to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes; as follows:

AMENDMENT NO. 5407

On page 13, between lines 20 and 21, insert the following:

(8) NEWLY ACQUIRED TRUST LANDS.—The term "newly acquired trust lands" means lands taken into trust for the Tribe within

the State of Arizona pursuant to this Act or the Settlement Agreement.

AMENDMENT NO. 5408

On page 15, line 18, strike "town (as that term is" and insert "town or city (as those terms are".

AMENDMENT NO. 5409

On page 12, line 12, strike "and"

On page 12, line 18, strike the period and insert "; and ".

on Page 12, between lines 18 and 19, insert the following:

(7) neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe.

AMENDMENT NO. 5410

On page 15, between lines 20 and 21, insert the following:

(4) EXPEDITIOUS ACTION BY THE SECRETARY.—Consistent with all other provisions of this Act, the Secretary is directed to take lands into trust under this Act expeditiously and without undue delay.

AMENDMENT NO. 5411.

On page 19, after line 15, add the following:

SEC. 11. EFFECT OF THIS ACT ON CASES INVOLVING THE NAVAJO NATION AND THE HOPI TRIBE.

Nothing in this Act or the amendments made by this Act shall be interpreted or deemed to preclude, limit, or endorse, in any manner, actions by the Navajo Nation that seek, in court, an offset from judgments for payments received by the Hopi Tribe under the Settlement Agreement.

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) WATER RIGHTS.—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) The right to the reasonable use of groundwater pumped from such lands.

(B) All rights to the use of surface water on such lands existing under State law on the date of acquisition, with the priority date of such right under State law.

(C) The right to make any further beneficial use on such lands which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

(2) RIGHTS NOT SUBJECT TO FORFEITURE OR ABANDONMENT.—The Tribe's water rights for newly acquired trust lands shall not be subject to forfeiture or abandonment arising from events occurring after the date the lands are taken into trust.

(b) RECOGNITION AS VALID USES.—

(1) GROUNDWATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exists when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater uses on the Tribe's right to surface water established pursuant to subsection (a)(3) when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection (a)(3).

(2) SURFACE WATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired and shall not object to such surface water uses on the basis of water rights associated with the newly acquired trust lands, but shall have the right to enforce the priority of its rights against all junior water rights the exercise of which interfere with the actual use of the Tribe's senior surface water rights.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall preclude the Tribe, or the United States on the Tribe's behalf, from asserting objections to water rights and uses on the basis of the Tribe's water rights on its currently existing trust lands.

(c) APPLICABILITY OF STATE LAW ON LANDS OTHER THAN NEWLY ACQUIRED LANDS.—The Tribe, and the United States on the Tribe's behalf, further recognize that State law applies to water uses on lands, including subsurface estates, that exist within the exterior boundaries of newly acquired trust lands and that are owned by any party other than the Tribe.

(d) ADJUDICATION OF WATER RIGHTS ON NEWLY ACQUIRED TRUST LANDS.—The Tribe's water rights on newly acquired trust lands shall be adjudicated with the rights of all other competing users in the court now presiding over the Little Colorado River Adjudication, or if that court no longer has jurisdiction, in the appropriate State or Federal court. Any controversies between or among users arising under Federal or State law involving the Tribe's water rights on newly acquired trust lands shall be resolved in the court now presiding over the Little Colorado River Adjudication, or, if that court no longer has jurisdiction, in the appropriate State or Federal court. Nothing in this subsection shall be construed to affect any court's jurisdiction; provided, that the Tribe shall administer all water rights established in subsection (a).

(e) PROHIBITION.—Water rights for newly acquired trust lands shall not be used, leased, sold, or transported for use off of such lands or the Tribe's other trust lands, provided that the Tribe may agree with other persons having junior water rights to subordinate the Tribe's senior water rights. Water rights for newly acquired trust lands can only be used on those lands or other trust lands of the Tribe located within the same river basin tributary to the main stream of the Colorado River.

(f) SUBSURFACE INTERESTS.—On any newly acquired trust lands where the subsurface interest is owned by any party other than the Tribe, the trust status of the surface ownership shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) STATUTORY CONSTRUCTION WITH RESPECT TO WATER RIGHTS OF OTHER FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this section shall affect the water rights of any other federally recognized Indian tribe with a priority date earlier than the date the newly acquired trust lands are taken into trust.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to determine the law applicable to water use on lands owned by the United States, other than on the newly acquired trust lands. The granting of the right to make beneficial use of unappropriated surface water on the newly acquired trust lands with a priority date such lands are taken into trust shall not be construed to imply that such right is a Federal reserved water right. Nothing in this section or any other provision of this Act shall be construed to establish any Federal reserved right to groundwater. Authority for the Secretary to take land into trust for the Tribe pursuant to the Settlement Agreement and this Act shall be construed as having been provided solely by the provisions of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 26, 1996, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, September 26, 1996, at 10 a.m. for a hearing on the annual report of the Postmaster General.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 26, 1996, at 2 p.m. to hold a hearing on annual refugee consultation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, September 26 at 9 a.m. to hold a hearing to discuss increasing funding for biomedical research.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 26, 1996, for purposes of conducing a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to examine the NEPA decisionmaking process including the role of the Council on Environmental Quality.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REPUBLIC OF CHINA'S 85TH NATIONAL DAY

• Mr. HATFIELD. Mr. President, in the last few years, the Republic of China has continued to prosper and develop as a democratic model. It is our sixth largest trading partner and the world's 13th largest trading nation. Its per capita income of $12,000 is one of the highest in Asia.

Alongside its economic success, Taiwan has embarked upon a course of democratization, including political pluralism, press liberalization, island-wide elections, a first ever presidential election in March 1996, and full constitutional reform.

On the eve of the 85th anniversary of the founding of the Republic of China, I extend my best wishes to President Lee Teng-hui, Foreign Minister John H. Chang, and Ambassador Jason Hu. May they long continue to be a shining example of democracy in Asia.•

RETIREMENT OF AGENT JIM FREEMAN

• Mrs. FEINSTEIN. Mr. President. I rise today to recognize and honor a respected leader in the law enforcement community and a friend. Jim Freeman has graciously served our Nation for over 30 years as a Special Agent at the FBI.

Mr. Freeman began his career by receiving his appointment as a Special Agent of the Federal Bureau of Investigation [FBI] in July 1964, following his receipt of a bachelor of arts degree from San Francisco State University that same year. He has served as special agent in charge of the San Francisco Division of the FBI since August 1993, where he is responsible for approximately 650 employees and a territory that extends from Monterey to the Oregon border. The majority of his assignments in this area deal with organized crime and drugs, white collar crime, violent crimes, terrorism and foreign counterintelligence.

In 1995, Mr. Freeman was named as the FBI's official adviser to the Technology Theft Prevention Foundation, which is comprised of insurance and electronic industry executives with the mission of reducing high-technology crimes through a variety of initiatives awareness training and law enforcement support. During his tenure, the San Francisco Division of the FBI has created a high-tech crimes squad in San Jose which investigates crimes ranging from robbery of components and semiconductors, to the theft of intellectual property, as well as a computer intrusion squad in San Francisco which investigates serious computer hacking crimes. His other assignments have included the development of the Crimes Against Children Task Force in San Francisco in February 1994, and assuming the leadership of the UNABOM Task Force on April 1, 1994.

Mr. President, Mr. Freeman's previous postings were as a special agent in the Oklahoma City and Los Angeles bureau divisions; a supervisory special agent in Los Angeles; assistant special agent in charge in Miami; an inspector in FBI Headquarters' Inspection Division; and special agent in charge of Honolulu Division of the FBI.

In 1986, he was elected as the FBI's representative to the U.S. Department of State's Senior Seminar at the Foreign Service Institute in Rosslyn, VA, for the 1986–1987 session. On November 20, 1988, Mr. Freeman was selected as a member of the Senior Executive Service.

Mr. President, in conclusion, I want to commend Agent Freeman for his leadership and hard work he has demonstrated during his active years as law enforcement officer. His service to the State of California is greatly appreciated and will not be forgotten. I wish him all the best in years to come.•

COMMENDING RONALD A. SMITH

• Mr. LUGAR. Mr. President, I rise today to commend a fellow Hoosier, Ronald A. Smith of Rochester, Indiana who will be installed as president of the Nation's largest insurance association—the Independent Insurance Agents of America [IIAA]. Ron is President of Smith, Sawyer & Smith, Inc., an independent insurance agency located in Rochester.

Ron's career as an independent insurance agent has been marked with outstanding dedication to his clients, his community, IIAA, the Independent Insurance Agents of Indiana, his colleagues and his profession.

At the State level, Ron served as chairman of numerous committees and held several elective offices in the Independent Insurance Agents of Indiana, culminated by a term as president. In recognition of his contributions, his peers named Ron the 1992 Indiana Agent of the Year.

Ron began his service to the national organization by serving as Indiana's representative to IIAA's National Board of State Directors from 1987 to 1993. At the same time, he served the national association as chairman of its membership committee and dues study task force and as a member of the agency/company operating practices task force on solvency and McCarran-Ferguson.

Ron was elected to IIAA's executive committee in 1993. In the time since then, he has exhibited a spirit of dedication and concern for his 300,000 independent agent colleagues around the country.

Outside of IIAA, Ron has served the insurance industry as a member of the board of trustees of the American Institute for CPCU and the Insurance Institute of America and a member of the board of directors for the Insurance Education Foundation, Inc.

Ron's selfless attitude also extends to his involvement in Rochester-area community activities. He currently serves on the Rochester Telephone Co. board of directors and is a member of the Rochester Community School Building Corp. In the past, he served as chairman of the Fulton County United Way, president of the Rochester Kiwanis, president of the Rochester Chamber of Commerce, and chairman of the board of trustees of Grace United Methodist Church.

I am confident that Ron will serve with distinction and provide leadership as president of the Independent Insurance Agents of America over the next year. I wish Ron and his wife Maureen all the best as IIAA's president and first lady.•

AD HOC HEARING ON TOBACCO

• Mr. LAUTENBERG. Mr. President, on September 11, I cochaired with Senator KENNEDY an ad hoc hearing on the problem of teen smoking. We were joined by Senators HARKIN, WELLSTONE, BINGAMAN, and SIMON. Regrettably, we were forced to hold an ad hoc hearing on this pressing public health issue because the Republican leadership refused to hold a regular hearing, despite our many pleas.

Yesterday I entered into the RECORD the testimony of the witnesses from the first panel. Today I am entering the testimony of the witnesses from the second panel which included Minnesota Attorney General Hubert Humphrey III and Dr. Ian Uydess, a former research scientist for Philip Morris.

Mr. President, I ask that the testimony from the second panel of this ad hoc hearing be printed in the RECORD.

The material follows:

TESTIMONY AT THE AD HOC HEARING ON PROPOSED LEGISLATION TO HALT FDA REGULATIONS, AND GRANT TOBACCO INDUSTRY SPECIAL IMMUNITY FROM STATE LAW ENFORCEMENT ACTIONS, U.S. SENATE

STATEMENT OF MINNESOTA ATTORNEY GENERAL HUBERT H. HUMPHREY III

Thank you, Senator. I appreciate you holding these discussions today on the issue of proposed federal legislation to resolve all litigation and regulation affecting the tobacco industry.

Publicly airing these issues before any action is taken is absolutely critical. Clearly, any legislation to terminate state tobacco lawsuits and to half FDA's controls on marketing to kids will have a sweeping effect on the whole nation, and in fact would raise insurmountable constitutional concerns.

I would also encourage you to get direct input from health advocates. Clearly, their views must guide us in approaching this issue, because ultimately the public health issues at stake are monumental.

It's no secret that I am personally very skeptical about the legislation being discussed in news reports. While I cannot comment on the litigation discussions I have had with my colleagues from other states on this issue or specific terms of an acceptable resolution, I can reiterate the general concerns I have raised about this approach.

Specifically, these are a few of my major concerns.

Concern number one: As a general proposition, I am very skeptical about forcing these law enforcement matters out of state courts and into Congress. First, I do not believe that an attempt to preempt the pending legislation of sovereign states would be constitutional. Beyond the constitutional issue, reports this week indicating that the largest cigarette maker, Philip Morris, spent more money to influence Congress last year than did any other corporation or special interest group does not make me feel any more comfortable. Obviously, we would not feel comfortable presenting our case before any jury that had been the recipient of $15 million worth of "persuasion." This is the bottom line: The tobacco industry believes it will never find a more favorable jury than the U.S. Congress.

Concern number two: I am very skeptical about any legislative deal to let the tobacco industry have special immunity from obeying the same state laws that every other industry must obey. Just last week, I enforced Minnesota antitrust laws against a pharmaceutical giant. A few weeks before, I enforced Minnesota consumer fraud laws against a small local auto dealer. These businesses, big and small, were held responsible for their lawbreaking. If these businesses—and hundreds of others—are held accountable for their lawbreaking, I ask you to consider whether it is fair and honorable to cut a backroom political deal that would grant the politically powerful tobacco industry blanket immunity from obeying the same consumer fraud and antitrust laws that every other business must obey.

At a minimum, it is essential that this deadly product, like every other product Americans eat or drink or ingest, be placed under the on-going jurisdiction of an appropriate federal agency, such as the FDA. Issues such as the addictiveness of nicotine, the hazards of tobacco's secret chemical additives, and possible technologies for making safer cigarettes must be considered.

My final concern: I am very skeptical about any legislation whose terms don't meet the three bottom line principles I have insisted on since we launched our case over two years ago.

(1) The first principle we have insisted on from the beginning is an ironclad guarantee that the tobacco industry stop marketing tobacco to kids. The legislative proposal's insistence that the FDA be cut out of the regulatory picture clearly is a major setback to attaining that all-important principle.

(2) Our second principle we have insisted all along is to recover taxpayer damages commensurate with the harm done by the tobacco industry's lawbreaking. Considering that we are talking about decades of lawbreaking and that the costs of tobacco-related health problems is estimated by the CDC to be about $50 billion per year, I have serious questions about whether the proposal is consistent with this important principle.

(3) The final principle we have insisted on from the very beginning is that the tobacco industry tell the whole truth about health and smoking. The public demands to know what the tobacco industry knew and when they knew it. But the proposal being discussed does not require the tobacco industry to open up its documents so that we learn things such as how to make safer cigarettes that can save lives. Allowing the tobacco industry to continue to cover-up this information from those who could benefit from it would be a huge step backward from this third important principle.

Senator Lautenberg and members of the Committee, in Minnesota we are two years and over 10 million documents down the road. We have spent tremendous time, energy, and resources preparing to go to trial with the strongest case the tobacco industry has ever seen. We still have far to go, but we have now come more than half the distance toward our goal. We ask Congress not to undercut us, but instead to support us.

Despite our unflagging determination to build our case and proceed to trial, we are always ready to talk settlement—with the defendants, that is. Settlement talks between the plaintiffs and defendants are one thing. We always are open to that. But federally-mandated global termination of all state law enforcement actions against the single industry—simply because that industry is politically powerful—is quite another.

Let me leave you with this final thought. Over 30 years ago, some in Congress undoubtedly thought they were doing the right thing when they passed legislation to require labeling of cigarettes. We now know, however, that the tobacco industry actually participated in the writing of the labeling legislation. As a Lorillard Tobacco company attorney now explains, the industry understood all along that the labeling law provided the industry with an argument against smoker's liability suits. The book Ashes to Ashes documents that, quote "even the tobacco spokesman kept saying for the record that they opposed the warning label, 'privately'—the Lorillard attorney is quoted as saying—'we desperately needed it.' I suggest that this is an important lesson for us to keep in mind in 1996 as Congress contemplates its appropriate role in this matter.

I appreciate your invitation to share my concerns with you today. You are doing the country a great service by airing these issues. I would be pleased to answer any questions you might have.

STATEMENT OF I.L. UYDESS

Introduction & Background: My name is Ian Uydess and I worked as a Research Scientist at Philip Morris USA for more than 10 years (Dec. 1977 to Sept. 1989). During that time I headed-up a number of basic and applied research projects, developed a patented bioengineering process designed to produce a 'safer' cigarette, and conducted a variety of lab and field experiments on tobacco. I also learned a fair amount about what Philip Morris knew about its products and possibly a bit too much about some of the experimental work that it was conducting on cigarette smoke and nicotine both in the United States and in Europe. I also began to understand the basis for some of the company's fears. A rather extensive account of my work at Philip Morris is already on record in my February 1996 statement to the Food and Drug Administration and for that reason, is not discussed in great detail here.

While I was provided with a variety of opportunities an challenges at Philip Morris, I decided to leave the employment of that company in September 1989 as a result of a number of factors including my disillusionment and great disappointment with the decisions and direction of that company, my deep concern regarding the adverse consequences of smoking, and my conviction that the public had the right to know what the cigarette industry has known about tobacco and its products for a great many years.

I sincerely believe that there are many people who are either still working at Philip Morris or who have left that company over the past several years, who could be sitting beside me right now if only they had the formal support and protection of this Congress. Like myself, I think they would be willing to come forward with the hope that their testimony would in some small measure help this Congress to take a more formal and united stance on this critically important issue.

The apparent unwillingness of some of our congressional leaders to openly and effectively support an official hearing on these matters only makes it that much more difficult for other concerned individuals from within the cigarette companies to come forward to share their knowledge and information with us.

I sincerely hope that with your help, we can remedy this situation.

My concern regarding the adverse consequences of smoking is not new, but dates back to when I was a graduate student at Roswell Park in Buffalo, NY. This was when I first began to understand the magnitude of the real-world consequences of smoking since many of the patients at Roswell Park were victims of smoking-related cancers. It was no secret, even then, that Roswell Park had a position on this topic. Dr. George Moore, the director of the institute at that time (circa 1969), frequently voiced his concerns regarding the adverse consequences of smoking.

And he was not alone. Years before the institute had established a 'Rogues Gallery' that featured portraits of famous individuals who had lost their lives to smoking. Roswell Park was, and still is, one of the nation's most innovative centers for the study and treatment of neoplastic disease. Smoking is one of the principal reasons why many patients have gone there.

I think we all recognize that cancer is a frightening, unpredictable and devastating disease that in one form or another can strike anyone, at anytime, even when all the recommended health precautions are taken. That is why it is still so hard for me to understand why anyone would knowingly subject themselves to such a known hazard that could increase their risk of contracting this terrible and debilitating disease (although the answer to this is one of the reasons why we are gathered here today).

The truth of the matter is that I am still haunted by the memories that I associate with my days at Roswell Park, although it is these very memories which, coupled to my recent experiences within the tobacco industry, that have compelled me to appear before you today.

What I didn't fully appreciate or understand at that time, were the varied and interwoven reasons why so many people continue to smoke even in the face of the known dangers of smoking. However, after working in the tobacco industry for more than a decade I have now come to understand this situation better.

To a large extent, smoking is a result of a complex system of events which first attract and then 'hook' the smoker. We now know that this includes a variety of physical, psychological and chemical factors and is perpetuated by the cigarette manufacturer's targeted advertising practices toward children and their historic lack of truthfulness and candor about what they have known about the adverse effects and addictive qualities of smoking for many years.

I, too, was once unsure of my position on many of these issues until I had a chance to work within, and learn about this industry. My education about tobacco was provided to me by Philip Morris. They taught me how tobacco was cultivated, purchased, blended and processed and how cigarettes are manufactured. I also learned about the extensive knowledge that Philip Morris had about tobacco, smoke and cigarette design and how it used its knowledge, experience and technical capabilities to formulate and manufacture its products. Over the years, Philip Morris invested a substantial amount of time and effort to make sure that I understood and could apply this knowledge to my job, and that's exactly what I did.

As my career at Philip Morris developed, I was asked to take on increased responsibilities and given broader access to the various departments and operating units of the company (both in the U.S. and Europe). I communicated regularly with the senior management and scientific staff of R&D and collaborated on numerous occasions with the engineers, chemists and product development scientists in Richmond. Between 1978 and 1989 my responsibilities included basic and applied research on the structure, biochemistry and microbiology of tobacco, as well as a number of efforts in support of process and/or product development. I was also responsible for setting up and conducting field experiments on tobacco using local Virginia tobacco farms contracted by Philip Morris.

During the 1980's, some of my highest priority efforts were targeted at developing new or improved methods to remove 'biologically-active' (toxic and/or mutagenic) materials from tobacco. This included developing a microbiological process to remove nitrate and nitrite from 'SEL' (the 'strong extract liquor' used by Philip Morris to manufacture its reconstituted tobacco sheet, 'RL', at Park 500), as well as conducting experiments to learn how to limit the uptake and distribution by the tobacco plant of toxic chemicals like cadmium. Although substantial progress was made in each of these areas (the denitrification process was successfully scaled-up to pilot plant/production levels, and the cadmium experiments were beginning to yield valuable information about the uptake and distribution of cadmium in lab-grown tobacco plants), both programs were unexpectedly and summarily shut down by PM management—the denitrification program because of what were alleged to be 'product quality' problems, and the cadmium program because PM management decided that it wanted this work to be continued 'outside' of the company.

My concern and disappointment over these decisions was largely due to the fact that both of these projects could have led to safer products for both the company and its customers. Instead, they became lost opportunities for everyone.

There have been other lost opportunities as well. Safer products could also have been produced by Philip Morris years ago, if it had only used the wealth of information that it had generated regarding the removal of other dangerous compounds from tobacco like the 'nitrosamines'. It may well have taken some additional work to get it into production, but wouldn't it have been worth it? A similar situation was encountered in the reduced alkaloid (reduced nicotine) program, 'ART', which like denitrification, was exhaustively researched in the lab, successfully scaled-up to pilot plant levels and then shut down for 'product quality' reasons.

It is interesting to note, however, that at least two of these 'failed' programs (denitrification and reduced alkaloids) are frequently cited by Philip Morris as legitimate attempts to improve their products ("We tried"). I've been told that one-ranking scientist at PM was even credited with saying that the reduced alkaloid (lowered nicotine) program was, the best $350 million dollars the company had ever spent! I'd hate to believe that this statement meant that Philip Morris was sometimes happy to spend millions of dollars on a successful technology which could have led to safer or less addictive products, with no real intent on using those technologies (unless it had to) just so that it could say 'it tried'.

The truth of the matter is, that some of these efforts both within Philip Morris as well as within some of its competitors (RJR and B&W) could well have led to the development of 'safer' and/or less addictive products that ultimately could have saved lives. But that didn't happen at least in part, because of the lack of responsibility and commitment of the cigarette industry to do something substantial to safeguard the health and well being of their customers.

But then again, why should they? They are still not regulated and therefore, are neither accountable nor liable for their actions (or lack of the same). So why should they spend their hard-earned cash just to safeguard the health and well being of the public when by doing so, they might lose a bit of their market share, particularly if they remove the very thing that keeps their smokers 'hooked'? Who'd want to explain that to their board of directors? It would be far better to do nothing, deny everything, and to keep on doing that for as long as they can. After all, what can anyone really do about it today? The lack of law means that the law is on their side.

We are very fortunate to live in a free and democratic society in which we each have the right to make our own, informed decisions about the products that we make and use. I, for one, do not want to change that. But the manufacturers of cigarettes should, like the manufacturers of other ingestible products, be accountable for the quality of what they make and market to the public, especially when it comes to safety.

We could, as the cigarette manufacturers have suggested, leave it up to them to police themselves in this matter. However, considering the cigarette manufacturers history up to this point, it seems unlikely that they would now do this responsibly. When it comes to the health and safety of the public, voluntary self-regulation by the cigarette industry is clearly unacceptable.

That's why our elected representatives created the FDA years ago to help set the standards by which the public would be protected from the accidental, negligent or irresponsible acts of the manufacturers of our foods, drugs and cosmetics. This wasn't a partisan effort or some sort of devious plot, but rather the result of our nation working together to create a new agency to help formulate, monitor and enforce regulations to protect the citizens of this country from unsafe products and the injury they may cause. And how did we do this? By working together to make sure that the manufacturers these products were accountable, by law, for their actions.

But somehow along the way, we left out tobacco. It was one of those 'historic' agricultural industries that escaped FDA regulation, even though their products were ingested like so many of the other goods that we wanted to have regulated by that agency. Allowing tobacco to go unregulated may have seemed reasonable back then given our cursory knowledge of nicotine's role in addition and our limited understanding of the cause-and-effect relationship between smoking and cancer. But that was then. Today we know much more. And as a research scientist who spent more than 10 years of his career working within Philip Morris, I can attest to the fact that at least this company knew more than it was willing to tell.

We can't change the fact that cigarettes weren't specifically addressed in the FDA guidelines of 1938 or, in the various amendments that have been enacted since then. But what is of concern to me today is the fact that until just recently, we haven't taken any formal action to correct this situation.

Don't we have enough scientific data regarding the adverse consequences of smoking? Aren't more than 400,000 of our family, friends, coworkers and neighbors dying each year from smoking-related diseases?

Haven't we seen and read enough to convince us that nicotine is additive and that the manufacturers of cigarettes are carefully controlling the design of these products to ensure that effect?

Haven't some of the cigarette industry's own internal documents, executives and research scientists attested to these very facts?

Can we think of any other industry in this nation that we allow to go so totally unchecked with regard to the safety and/or contents of its products?

And don't we, the public, deserve to be fully informed about, and protected from, the known hazards of inhaled tobacco smoke?

And yet it is only recently that the FDA with the support of the President, has begun to address this problem by mandating that the sale and marketing of cigarettes to children be regulated by that agency. But even that has been a battle.

So how as a society do we explain this? Is it all simply a matter of semantics, rhetoric and fruitless, circular discussions? Can we afford to have the final decision about regulation and compliance be left in the hands of the tobacco industry?

The cigarette manufacturers would like us to believe that they are unfairly and unjustly under attack by those whose specific intent it is to deprive them of their rights and to destroy their industry. They would also like us to believe that any attempt to regulate them would result in the total collapse of state and local economies, the loss of countless jobs and the irrevocable loss of business to all those companies that are in any way dependent upon this industry. Maybe that's why the cigarette manufacturers find it advantageous to keep this topic partisan and adversarial ('us' against 'them') when the truth of the matter is, that it is not.

This is a 'we' issue that in all probability has, in one form or another, already touched the lives of each of us. How many of us have lost a parent, relative, friend or neighbor to a smoking-related illness like cancer or emphysema? How many of us know someone who has tried to quit smoking but has failed? Is smoking really 'an adult choice', or are there other factors involved in this 'habit' that make smoking less of a 'free choice' than the industry would like us to know?

I often wonder what the tobacco company CEOs, their board of directors and attorneys say to their families and especially to their children when they're asked about what they know about nicotine, addition or smoking and health?

Who is really being fooled by this, and why are we still arguing about it?

The only conclusion that I can reach, is that we are in the midst of a national tragedy; a crisis of indecision and lack of appropriate action that has crippled our nation for far too many years, although one hopes that the recent initiatives taken by President Clinton, Dr. Kessler and the FDA will mark the beginning of a new and more responsible era.

We cannot continue to allow ourselves to be repeatedly engaged in the fruitless, repetitive and transparent rhetoric of the tobacco industry given the extraordinary numbers of smoking-related deaths and illnesses that we know occur each year. Where else in the history of our society have we failed so thoroughly to act on such a critical and immediate topic of public health even when the data were far more scarce, the impact of the situation a mere fraction of what we see today, and the cause-and-effect relationships much more obscure? We've taken faster, more affirmative action in the past when we just thought that a red dye in our food might adversely affect our health or, when an artificial sweetener that was already on the market was suddenly suspected of being a big less safe than we had originally believed.

The bottom line is that we have allowed ourselves to be lulled into complacency and manipulated by the politics, semantics and financial wealth of this industry in much the same manner that it has manipulated information about smoking and the content of its products these past 20–30 years.

We've appealed to the cigarette manufacturers to become proactive partners to help implement solutions, but they have only further tightened their circle of resistance.

On top of that, the cigarette industry would like us to continue to believe that any attempt to regulate them would be illegal and if implemented, would result in certain ruin for tobacco workers, tobacco farmers, the tobacco states, the industry itself, its advertisers, the grocery store next door, the nation as a whole, everyone!

But once again, that is not true.

Regulation of tobacco products will be a difficult at first, but not impossible. It will also not be anywhere near as injurious to the nation as the tobacco manufacturers and their allies would have us believe. There are even those who think that it can be beneficial. To be successful, however, it will take a concerted effort on the part of each and every one of us and possibly for some, temporary sacrifices. It is not a personal agenda item or political issue, but one of the safety and well being of the public for generations to come.

Regulation of the tobacco industry by the FDA is totally consistent with what our country originally intended this agency to do—to protect us—and it is clearly in the best interests of this nation, its businesses and most importantly, its people.

The sad fact is, that much of the misery, frustration and fear that we are witnessing today could have been avoided if we had only acted earlier. I sincerely hope that the members of this congress can put aside their differences and join together if for no other reason than to save the lives of the children who have not yet begun to smoke.

Thank you.•

COMMENDING THE SENTEL CORP.

• Mr. WARNER. Mr. President, I rise today to congratulate the SENTEL Corporation of Alexandria, VA for its designation by the Small Business Administration as the Subcontractor of the Year for Region III, which encompasses the District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, and West Virginia.

Under the leadership of President James Garrett, SENTEL has become a leading firm providing software used to deconflict the electromagnetic spectrum in military operations. SENTEL was also selected by NASA to reengineer the space shuttle quality assurance inspection process to a paperless, wireless environment. Furthermore, SENTEL developed the Navy's first chemical-biological detection system and was one of the many small contractors whose systems performed so well during the Desert Storm operation in Iraq.

The SENTEL Corp. represents the best of what the Section 8(a) program was designed to achieve. Although SENTEL has 2 years remaining in the 8(a) program, SENTEL's services are contracted not because it is a minority organization but because it provides top-notch products and services. In fact, SENTEL is ranked by Technology Transfer Business Magazine as one of the top 500 fastest-growing technology companies in the United States and by Washington Technology Magazine as one of the 50 fastest-growing companies in the Washington metropolitan area for the fifth consecutive year.

To point out the growth of high technology industries in Virginia, Gov. George Allen has referred to Virginia as the Silicon Dominion. SENTEL represents the best of these great Virginia businesses. On behalf of the people of Virginia, I am proud to express my admiration and congratulations to SENTEL for its designation as Subcontractor of the Year.•

POSSESSIONS TAX CREDIT

• Mr. BREAUX. Mr. President, on July 9 the Senate passed H.R. 3448, the Small Business Job Protection Act of 1996. Before this bill was reported out of conference, I spoke concerning the provision relating to section 936 of the Internal Revenue Code, the possessions tax credit. The Senate passed version of this legislation had created a long-term wage credit for the 150,000 employees working in Puerto Rico. I supported this provision because it represented a major step forward for those working Americans in our poorest jurisdiction. Unfortunately, the House-passed bill contained no such long-term incentives for the economy of Puerto Rico and the conference agreement did not preserve the Senate position on section 936. Under the law as passed a wage credit for companies currently doing business in Puerto Rico was created. We need to carefully examine this wage credit to make sure it addresses the economic development needs of Puerto Rico. Mr. President, I am here today to express my interest in addressing the important issues of economic growth, new jobs, and new investments in Puerto Rico at the earliest opportunity. Growth in this region is very important and should be a concern to us all.•

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

• Mr. ROTH. Mr. President, I rise to notify my colleagues that, yesterday, the Committee on Finance completed a markup of H.R. 3815, respecting trade technical corrections and other miscellaneous trade measures. I'm pleased to inform the Senate that the committee favorably reported out the bill unanimously.

I want to emphasize to those Members who expressed concern about the inclusion of controversial items on this legislation, that we were careful to craft a non-controversial bill. Any items that turned out to be controversial, including items I strongly supported, were either not included in this bill or were removed from the draft markup document. What we have ended up with on this bill are many worthy miscellaneous trade items that are of interest to many of the Members on and off the Finance Committee.

Since time is obviously short, Senator MOYNIHAN and I will seek Senate passage of this bill by unanimous consent as quickly as possible. We have been working closely with the Ways and Means Committee, and hope that the House could accept the current version of the bill by unanimous consent. With a number of additional items, the Finance Committee version of the bill contains all of the provisions that were in the House version with the exception of the hand tools marking provision that had considerable opposition in the Senate.

Mr. President, in closing, I just want to emphasize that if Members seek to put any controversial provisions on this bill, we will not have time to get this bill done. Therefore, any help Members can offer to assure speedy passage of this meritorious, non-controversial, and bipartisan bill before the end of this Congress will be greatly appreciated.•

NAHRO AWARDS OF MERIT

• Mr. HATFIELD. Mr. President, each year the National Association of Housing and Redevelopment Officials (NAHRO) honors low-income housing and community development agencies nationwide through the NAHRO Agency Awards of Merit in Housing and

Community Development. This awards program recognizes the efforts of agencies that have demonstrated a clear commitment and ability to address the unique and special needs of their communities. I would like to take a moment to recognize the three recipients of this award from the State of Oregon for their dedicated efforts.

The first Oregon recipient is the Housing Authority of Washington County for their Claire Court project. Recently purchased and renovated by the Authority, Claire Court is an apartment residence that was built in 1945 with a substantial amount of war surplus materials. While the housing complex had an excellent framework, the extensive use of lead-base paint, asbestos insulation, and outdated plumbing and wiring had created a significant hazard for residents. The renovation of Claire Court not only removed and replaced hazardous materials with safe, energy-efficient products, but also maintained neighborhood architecture and adapted two of the eight units to ADA and UFAS accessible living standards.

The Housing Authority of Portland, for the Fairview Oaks and Woods Interpretive Nature Trail, is the second Oregon recipient of the NAHRO Award of Merit. This 3,000-foot trail was created as a part of the new 328-unit Fairview Oaks and Fairview Woods housing complex, and utilized the cooperative efforts of high school students, apartment residents, and other local agencies. The interpretive nature trail, which features detailed markings and is handicapped accessible, serves as an excellent example of an innovative solution to balancing the growing need for affordable housing, while also preserving natural wildlife areas.

The final award recipient from Oregon is the Housing Authority of the City of Salem for their Family Stabilization Program. While many agencies of this kind are successful in helping individuals in the community, the Salem Housing Authority devised this program in an attempt to bring community providers together and transfer their success with individuals into success for their families as well. The Family Stabilization Program has helped coordinate the efforts of programs dealing in drug prevention, family self-sufficiency, and parenting—among others—and has resulted in increased participation by families in all areas.

The State of Oregon is truly fortunate to have such dedicated and innovative housing and community development agencies working in our communities. I am honored to recognize these groups for their efforts, and to congratulate them on receiving the NAHRO Award of Merit.•

REAUTHORIZATION OF THE EPA LONG ISLAND SOUND OFFICE

• Mr. LIEBERMAN. Mr. President, I rise today to note the critical importance of this legislation, the Water Resources Development Act, to the future of Connecticut's most valuable natural resource, Long Island Sound.

Included in the bill is a provision reauthorizing the EPA's Long Island Sound Office [LISO], which was established by legislation I was proud to sponsor 6 years ago, and which is now responsible for coordinating the massive clean-up effort ongoing in the Sound. Quite simply, the LISO is the glue holding this project together, and I want to express my deep appreciation to the chairman and ranking member of the Environment and Public Works Committee—Senators CHAFEE and BAUCUS—for their help in making sure this Office stays open for business.

Mr. President, the Long Island Sound Office has been given a daunting task—orchestrating a multibillion dollar, decade-long initiative that requires the cooperation of nearly 150 different Federal, State, and municipal agents and offices. Despite the odds, and the limited resources it has had to work with, the LISO is succeeding. Over the last few years, the EPA office has developed strong working relationships with the State environmental protection agencies in Connecticut and New York, local government officials along the Sound coastline and a number of proactive citizen groups. Together, these many partners have made tremendous progress toward meeting the six key goals we identified in the Sound's long-term conservation and management plan.

The plan's top priority is fighting hypoxia, which is caused by the release of nutrients into the Sound's 1,300 square miles of water. Thanks in part to the LISO's efforts, nitrogen loads have dropped 5,000 pounds per day from the baseline levels of 1990, exceeding all expectations. In addition, all sewage treatment plants in Connecticut and in New York's Westchester, Suffolk and Nassau counties are now in compliance with the "no net increase" agreement brokered by the LISO, while the four New York City plants that discharge into the East River are expected to be in compliance by the end of this year. And the LISO is coordinating 15 different projects to retrofit treatment plants with new equipment that will help them reduce the amount of nitrogen reaching the Sound.

The LISO and its many partners have made great strides in other areas, such as cracking down on the pathogens, toxic substances, and litter that have been finding their way into the Sound watershed and onto area beaches. A major source of toxic substances are industrial plants, and over the last few years the LISO has helped arrange more than 30 "pollution prevention" assessments at manufacturing facilities in Connecticut that enable companies to reduce emissions and cut their costs. Also, New York City has recently reduced the amount of floatable debris it produces by 70%, thanks to the use of booms on many tributaries and efforts to improve the capture of combined sewer overflows.

With Congress's help, the LISO will soon be able to build on that progress and significantly broaden its efforts to bring the Sound back to life. This week the House and Senate approved an appropriation of the $700,000 for the Long Island Sound Office, doubling our commitment from the current fiscal year. These additional funds will be used in part to launch an ambitious habitat restoration project. The States of New York and Connecticut have been working with the LISO and the U.S. Fish and Wildlife Service to develop a long-term strategy in this area, and they have already identified 150 key sites. The next step is to provide grants to local partnerships with local towns and private groups such as the National Fish and Wildlife Foundation and The Nature Conservancy, which would focus on restoring tidal and freshwater wetlands, submerged aquatic vegetation, and areas supporting anadromous fish populations.

The funding will also be used for site-specific surveys to identify and correct local sources of non-point source pollution. This effort will focus on malfunctioning septic systems, stormwater management and illegal stormwater connections, improper vessel waste disposal, and riparian protection. All of these sources contribute in some way to the release of pathogens and toxic compounds into the Sound, a problem that is restricting the use of area beaches and shellfish beds and hurting our regional economy.

Finally, the LISO will continue to build on the successful public education and outreach campaign it initiated last year. In New York, the LISO has already been in contact with public leaders in 50 local communities, held follow-up meetings with officials in 15 key areas, and scheduled on-the-water workshops for this fall. The LISO is planning to conduct a similar effort to reach out to Connecticut communities in 1997.

All of this could have been put in jeopardy, however, if we had not acted to extend the LISO's authorization, which is set to expire next week. The clean-up project is a team effort, with many important contributors, but it would be extremely difficult for those many partners to work in concert and keep moving forward without the leadership and coordination that the LISO has supplied. So I want to thank my colleagues, especially my friends from Rhode Island and from Montana, for passing this provision before the LISO's authorization lapsed.

The people of Connecticut care deeply about the fate of the Sound, not only because of its environmental importance but also because of its importance as one of our region's most valuable economic assets. With the steps we've taken this week, we have reassured them that we remained committed to preserving this great natural resource, and that we are not about to sell Long Island Sound short.

Mr. President, I ask that my statement be included in the RECORD along with the conference report on the Water Resources Development Act.•

THE 35TH ANNIVERSARY OF THE ARMS CONTROL AND DISARMAMENT AGENCY

• Mr. HATFIELD. Mr. President, today marks the 35th anniversary of the Arms Control and Disarmament Agency—the only Federal agency devoted solely to arms control, nonproliferation, and disarmament. This unique Agency has played a critical role in ensuring that arms control considerations are taken into account in formulating our Nation's national security policy.

Since the creation of ACDA, we have seen the realization of more than 10 major arms control treaties and significant progress on many others including the recently signed Comprehensive Nuclear Test Ban Treaty. Before ACDA was created, only one major arms control treaty was ratified in the period between 1945 and 1961.

Some of the major arms control accomplishments we have seen in the last 35 years include:

The elimination by the United States and Russia of two-thirds of their strategic nuclear forces, including more than 14,000 of their strategic nuclear warheads.

The ratification and permanent extension of the nuclear nonproliferation treaty by more than 181 countries, making it the most widely accepted arms control agreement in history.

The elimination of above ground nuclear tests through the Limited Test Ban Treaty, and the establishment of an international norm against underground testing through the Comprehensive Nuclear Test Ban Treaty signed earlier this week by the United States and the other declared nuclear weapons states.

We have accomplished much over the last 35 years. However, our work is not done. The United States must ratify the Chemical Weapons Convention to stop the production and use of these dangerous weapons. We must ensure that the Russian's ratify the START II Treaty and continue their commitment to reducing their nuclear arsenal. We must continue to pressure India to ratify the Comprehensive Nuclear Test Ban Treaty so the treaty will enter into force.

In the words of the current Director of ACDA, John Holum:

> [W]e have demonstrated in one hard-won agreement after another that when we control arms we control our fate . . . buttress our freedom . . . enhance our security and our prosperity.

I applaud ACDA and join in celebrating its 35 years of success. I hope we can continue this success for another 35 years for the hopes and lives of future generations of Americans depend on our ability to control the spread of weapons of mass destruction.•

ARMS CONTROL AND DISARMAMENT AGENCY'S 35TH ANNIVERSARY

• Mr. SIMON. Mr. President, today marks the 35th anniversary of the Arms Control and Disarmament Agency. Established in 1961, ACDA remains the only Government agency devoted entirely to arms control, disarmament and nonproliferation. In this Congress, ACDA was on the chopping block and threatened with elimination as an obsolete agency. Fortunately, ACDA survived. The historic signing of the Comprehensive Test Ban Treaty this week shows the worth of ACDA, and offers an example of the importance of maintaining an independent and robust ACDA.

ACDA was founded on a bipartisan basis to serve as the lead agency for U.S. disarmament and arms control activities, with its director as the principal advisor to the President on these matters. It was created not only to provide increased focus on arms control, but also to elevate these issues so that they wouldn't get lost in the bureaucracies of the State and Defense Departments.

The list of arms control agreements during the three and a half decades of ACDA is staggering: the 1963 Limited Test Ban Treaty, the 1968 Non-Proliferation Treaty, the 1972 Anti-Ballistic Missile Treaty, the 1987 Intermediate Nuclear Forces Treaty, the Strategic Arms Reduction Treaties and the 1993 Chemical Weapons Convention, as well as many others. These successes have immeasurably improved the security of the United States. During the cold war, we faced the persistent and ominous threat of nuclear warfare, and today we see the dangers of nuclear, chemical and biological terrorism. Would we be safer today without these treaties? Of course we wouldn't. Will we be safer tomorrow with continued pursuit of arms control? Yes, and this compels the continued existence of a strong and independent ACDA.

Considering the billions that have been saved through reductions in nuclear arsenals, the ending of the testing program and other arms control measures, ACDA's annual budget of around $40 million and its staff of 250 proves to be a real bargain. In the coming years ACDA responsibilities will include monitoring the START II nuclear arms reductions, verifying the Comprehensive Test Ban Treaty and implementing the Chemical Weapons Convention, provided these last two treaties are ratified in the next Congress, and I strongly believe that they should be.

I cannot comment on the importance of ACDA without mentioning my colleague, Senator CLAIBORNE PELL of Rhode Island, who has throughout his career been a tireless champion of ACDA, from its creation in 1961 to the revitalization legislation passed in 1994. His leadership on arms control and as an advocate for multilateral solutions to security problems will be sorely missed by the Senate and the Nation.

Arms control is not obsolete, and we need ACDA to make it happen. I commend Director John Holum and the rest of the staff of ACDA on the agency's 35th anniversary, and wish them the best of success in the future.•

UNITED STATES-JAPAN INSURANCE AGREEMENT

• Mr. ROTH. Mr. President, I rise today to express, once again, my profound concerns over the Japanese Ministry of Finance's [MOF] behavior regarding the United States-Japan Insurance Agreement. I have written several times to the Finance Minister of Japan and the President of the United States and spoken directly with the negotiators involved in this matter, yet Japan continues to fail to fulfill its obligations under the agreement to increase access to its insurance market for foreign competitors.

And now, according to reliable reports, MOF intends to take steps that would actually violate the agreement. On or soon after October 1, MOF apparently will allow Japanese companies to enter the third sector of Japan's insurance market, the only sector in which foreign companies have any consequential presence. If MOF takes this action, I believe Japan will have clearly violated the agreement.

I have particularly great concerns with the Ministry of Finance's behavior on this issue because it calls into question the entire Government of Japan's willingness to fulfill its written commitments. That is why I consider this the most serious trade matter facing our two countries.

Mr. President, our patience has been tested by the continuing refusal of Japan to honor its commitments. If MOF now chooses to violate the agreement, the United States will have no choice but to take appropriate actions in response. I want the Ministry of Finance and the Government of Japan to be under no illusions about how strongly I would view such a violation. I will be working closely with Chairman ARCHER of the House Ways and Means

Committee in urging the White House, the USTR, the Treasury Department and the Department of State to take appropriate actions in response to any violation of the agreement.•

EXPANDING HEALTH CARE COVERAGE FOR CALIFORNIANS

• Mrs. FEINSTEIN. Mr. President, I commend the Senate for approving last night, at my urging, H.R. 3056, which makes a small change in Federal law to enable a California county that operates a Medicaid managed care plan to provide services to Medicaid beneficiaries in another county. This bill, introduced by Congressman FRANK RIGGS, is needed because the Health Care Financing Administration concluded that current law limits coverage under these county-operated plans solely to the county in which an organization operates.

This bill was requested by Solano and Napa Counties in California so that Solano County could expand its Health Partnership Plan to Napa County, thus providing care to 12,000 individuals. Currently, these Medicaid beneficiaries have "hit or miss" health care. Some are refused care by private physicians. The health care they do get is inconsistent and unreliable. Many end up in emergency rooms when illnesses are exacerbated and care is expensive. When Solano started its plan, emergency room visits were cut in half the first year because Medicaid beneficiaries were linked up with a primary care physician. This resulted in major savings.

In short, this bill will mean more access, more care and better health.

The Congressional Budget Office estimates that the bill could save up to $500,000 per year.

The bill is supported by Gov. Pete Wilson, the California Department of Health Services, and the Solano and Napa County Boards of Supervisors.

I thank Senators LOTT, DASCHLE, ROTH, and MOYNIHAN for their help in moving this legislation and I urge my colleagues to support it.•

A NATIONAL COMMISSION ON THE YEAR 2000 COMPUTER PROBLEM

• Mr. MOYNIHAN. Mr. President, yesterday I introduced S. 2131, a bill to establish a bipartisan National Commission on the Year 2000 Computer Problem. I ask that the permanent RECORD be changed to include the text of the bill at the beginning of my remarks. I further ask that the title of my remarks yesterday be corrected to read "A National Commission on The Year 2000 Computer Problem."

The text of the bill follows:

SEC. 1. SHORT TITLE.—(A) This title may be cited as the "Commission on the Year 2000 Computer Problem Act."

SEC. 2. FINDINGS.—The Congress makes the following findings:

(A) Whereas the Congress of the United States recognizes the existence of a severe computer problem that may have extreme negative economic and national security consequences in the year 2000 and beyond.

(B) Whereas most computer programs (particularly in mainframes) in both the public and private sector express dates with only two digits and assume the first two digits are "19", and that therefore most programs read 00-01-01 as January 1, 1900; and that these programs will not recognize the year 2000 or the 21st century without a massive rewriting of codes.

(C) Whereas the Congressional Research Service (CRS) has completed a report on the implications of the "Year 2000 Computer Problem" and according to CRS, each line of computer code will need to be analyzed and either passed on or be rewritten and this worldwide problem could cost as much as $600 billion to repair. We recognize that no small share of the American burden will fall on the shoulders of the Federal Government and on State and local governments.

(D) Whereas six issues need to be addressed:

(1) an analysis of the history and background concerning the reasons for the occurence of the Year 2000 problem;

(2) the cost of reviewing and rewriting codes for both the Federal and State governments over the next 3 years, including a legal analysis of responsibilities for such costs and possible equitable bases for sharing them;

(3) the time it will take to get the job done and, if not by 2000, what agencies are at risk of not being able to perform basic services;

(4) the development of balanced and sound contracts with the computer industry available for use by Federal agencies, and if such outside contractual assistance is needed, to assist such agencies in contracting for and effectuating Year 2000 compliance for current computer programs and systems as well to ensure Year 2000 compliance for all programs and systems acquired in the future;

(5) an analysis of what happens to the United States economy if the problem is not resolved by mid-1999;

(6) recommendations to the President and the Congress concerning lessons to be learned and policies and actions to be taken in the future to minimize the Year 2000 public and private sector costs and risks.

(E) Whereas the Congress recognizes that an Executive Branch Interagency Committee has been established to raise awareness of this problem and facilitate efforts at solving it; but that in order to best minimize the impact and cost of this problem, and recognizing the extreme urgency of this problem, this bipartisan commission will be established to both address these issues and take responsibility for assuring that all Federal agencies be computer compliant by January 1, 1999.

SEC. 3. ESTABLISHMENT OF COMMISSION.—(A) There is established a commission to be known as the "National Commission on the Year 2000 Computer Problem" (hereinafter in this section referred to as the "Commission"). The Commission shall be composed of 15 members appointed or designated by the President and selected as follows:

(1) Five members selected by the President from among officers or employees of the Executive Branch, private citizens of the United States, or both. Not more than three of the members selected by the President shall be members of the same political party;

(2) Five members selected by the President Pro Tempore of the Senate, in consultation with the Majority and Minority Leaders, from among officers or employers of the Senate, private citizens of the United States, or both. Not more than three of the members selected by the President Pro Tempore shall be members of the same political party;

(3) Five members selected by the Speaker of the House of Representatives, in consultation with the Majority and Minority Leaders, from among members of the House, private citizens of the United States, or both. Not more than three of the members selected by the Speaker shall be members of the same political party.

(B) The President shall designate a Chairman from among the members of the Commission.

SEC. 4. FUNCTION OF COMMISSION.—(A) It shall be the function of the Commission to conduct a study on the historical, current and long term condition of computer programs as they relate to date fields and the year 2000; identify problems that threaten the proper functions of computers as the public and private sectors approach the 21st Century; analyze potential solutions to such problems that will address the brief time there remains to meet this problem, the substantial cost of reviewing and rewriting codes, and the shared responsibilities for such costs; and provide appropriate recommendations (including potential balanced and sound contracts with the computer industry available for use by Federal agencies) to the Secretary of Defense (as this is a matter of National Security), the President and the Congress.

(B) the Commission shall submit to Congress a final report containing such recommendations concerning the Year 2000 Computer problem; including proposing new procedures, rules, regulations, or legislation that is needed to ensure the proper transition of the computers of the Federal Government and local and State governments from the year 1999 to the year 2000.

(C) the Commission shall make its report to the President by December 31, 1997.

SEC. 5. ADMINISTRATION.—(A) The heads of Executive Agencies shall, to the extent permitted by law, provide the Commission such information as it may require for the purpose of carrying out its functions.

(B) Members of the Commission shall serve without any additional compensation for their work on the Commission.

(C) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses including per diem in lieu of substance, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(D) The Commission shall have a staff headed by an Executive Director. Any expenses of the Commission shall be paid from such funds as may be available to the Secretary of Defense.

SEC. 6. TERMINATION.—(A) The Commission, and all the authorities of this title, shall terminate thirty days after submitting its report.•

SALUTE TO SYLVIA DAVIDSON LOTT BUCKLEY, LOUISIANA POET LAUREATE

• Mr. BREAUX. Mr. President, I commend Mrs. Sylvia Davidson Lott Buckley, Louisiana State poet laureate, for achieving the distinction of writing the only poem recognized by the State of Louisiana.

Mrs. Buckley was inspired to write the poem, "America, We the People," when she received a stick pin from her grandson, Hue Lott, inscribed with the words, "We the people." Reflecting on the fact that justice is a most important word that all the rest of our government rests on, and that citizens are demanding freedom and justice for all, she wrote the poem within 25 minutes.

The Louisiana Legislature passed, and the Governor subsequently signed, legislation that makes "America, We the People," the Official State Judicial Poem.

Mr. President, I would like to share Mrs. Buckley's poem with my colleagues and other readers of the CONGRESSIONAL RECORD. I ask that this poem be printed in the RECORD.

The poem follows:

"AMERICA, WE THE PEOPLE"

THE OFFICIAL LOUISIANA JUDICIAL POEM

America
We the people
Justice, the word most sought by all, seek
God to bless the courts with truth, for
through His wisdom we rise or fall.

America
We the people
Do honor this great lady fair, who with her
mighty arms still holds, the scales of
Justice for all to share.

America
We the people
Do offer threads of hope to all, for Justice
covers everyone; she does not measure,
short or tall.

America
We the people
Boldly make this pledge to thee that Justice
will, in mind and heart, guide each destiny.

America
We . . . the . . . people.—Sylvia Davidson Lott Buckley, Louisiana State Poet Laureate.•

GONZAGA COLLEGE HIGH SCHOOL ANNIVERSARY

• Mr. HOLLINGS. Mr. President, this year Gonzaga College High School here in Washington, DC, is observing its 175th anniversary. This weekend, the Gonzaga community will celebrate this occasion with a block party at the school on Sunday, September 29.

I submit some additional information about the school and its long history and ask it be printed in the RECORD.

The material follows:

D.C.'S OLDEST SCHOOL MARKS 175TH ANNIVERSARY

Washington, D.C.—This year Gonzaga College High School located on North Capitol and Eye Street, N.W. is celebrating 175 years of service to the community. The oldest educational institution in the federal city of Washington, Gonzaga through the years has educated the sons of government leaders and the sons of janitors, teaching strong moral values interwoven with its rigorous academic disciplines, and producing graduates which the school fondly calls "Men for Others."

Founded by the Society of Jesus in 1821 and originally named the Washington Seminary, Gonzaga grew from a tiny school to a major inner-city presence by the turn of the century. Gonzaga prospered during that period and well into the 1900's, a reflection of the city of Washington at large. So, too, was the school a reflection of the city in the late 1960's when racial tensions began to ignite. Enrollment at the Eye Street, N.W. school began to decline. Immediately after the assassination of Martin Luther King, Jr. in April 1968, the community around Gonzaga literally caught fire and the riots destroyed some neighborhoods and made others uninhabitable.

This tense period (1968–1973) marked the turning point in the life of Gonzaga. The Jesuit community and its supporters then made the crucial decision to remain on North Capitol Street, rather than close down or flee to the suburbs. This decision to stay and help restore the inner-city, both physically and spiritually, makes possible this 175th anniversary celebration.

The arrival of Father Bernard Dooley in 1974 as Gonzaga's new president was the single most significant event in this turnaround. He discovered that the school had no endowment, that its buildings were old and inadequate, and the prospective students were going elsewhere to high school.

Father Dooley led the turnaround campaign to a stunning success. During his twenty years at the school (1974–1994) Dooley and his team built new buildings, increased the endowment and revived the spirit of the Gonzaga community. This fall, 820 students will be enrolled at Gonzaga, the largest enrollment in its history and a far cry from the dark days of the early 1970's.

During these 175 years, great leaders have visited Gonzaga. President John Quincy Adams put the students through their paces in Latin and Greek at one graduation ceremony, and President Zachary Taylor spoke at another. Much more recently, Mother Theresa of Calcutta reminded the 1988 graduating class of its duty to care for the poorest of the poor.

Gonzaga may be best known and best represented by its heroes who are not household names—such as Father Horace McKenna, S.J., Father Raymond Lelii, S.J., Joe Kozik and John Carmody. These men and others like them demonstrated by their example that community service is the primary mission of a Gonzaga man.

Father Allen Novotny is the current President of Gonzaga, succeeding Dooley in 1994. A member of the Society of Jesus, Father Novotny holds degrees from Loyola College in Baltimore (MS and MBA), and the Weston School of Theology (M.Div.)•

GARRET LAVELLE RECEIVES THEODORE ROOSEVELT ASSOCIATION AWARD

• Mr. MOYNIHAN. Mr. President, On Wednesday, May 8, 1996, New York Police officer Garret Lavelle was awarded the Fourteenth Annual Theodore Roosevelt Association Award. Each year the Theodore Roosevelt Association honors one member of the New York City Police Department who has overcome a handicap and contributed outstanding service to the New York community with this prestigious award.

Garret Lavelle has been a police officer with the Brooklyn South Narcotics Unit for 14 years. Mr. Lavelle has received three Meritorious Police Duty Citations, one Commendation, and three Excellent Police Duty Citations. In addition, he has been active in the Patrolmen's Benevolence Association.

Five years ago Officer Lavelle was diagnosed with a chronic form of leukemia, and has since undergone chemotherapy, a bone marrow transplant, suffered from pneumonia, hepatitis, a complete muscular breakdown, and hypertension.

While Officer Lavelle could have taken a disability pension, he courageously chose to return to active duty. Although currently serving desk duty, Officer Lavelle looks forward to returning to the streets where he excels at serving his community. Furthermore, Mr. and Mrs. Lavelle now take time to counsel people diagnosed with leukemia. It is this kind of service which sets a standard for public servants across the nation, and it is only fitting that such heroism is rewarded with this great honor in Theodore Roosevelt's name.•

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the conference report accompanying the immigration bill, H.R. 2202.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 24, 1996.)

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate the conference report to accompany H.R. 2202, the illegal immigration reform bill.

Trent Lott, Richard Shelby, Jon Kyl, Craig Thomas, Bob Bennett, Slade Gorton, Mark O. Hatfield, Sheila Frahm, Orrin Hatch, Hank Brown, Dan Coats, Judd Gregg, Rod Grams, Frank H. Murkowski, Al Simpson, and Don Nickles.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Monday, September 30, at a time to be determined by the majority leader, after consultation with the Democratic leader, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, in view of this agreement that has been worked out, I would like to announce there will be no further votes tonight. I know that there are a number of very important events occurring. I wanted to give that notice to the Senators as early as possible.

I have worked with Senator DASCHLE and Senator KENNEDY to get an agreement to get this illegal immigration conference report considered. This will guarantee that we will get to a cloture vote on Monday, if necessary, and to final passage at a time after that, either Monday night or certainly not later than next Tuesday.

In the meantime, we continue to hope, and, I believe, maybe agreement can be reached to work out a compromise so that the illegal immigration legislation can be included in the continuing resolution which will be connected to the Department of Defense conference report.

There will be a meeting tonight, I think, at 9:30 of the Senators and Congressmen and administration officials who are interested in this area. We hope they can get it worked out and maybe it can be included in an agreed-to package tomorrow night just in case that doesn't happen. Illegal immigration is such an important issue in this country and people expect us to act on it.

After the effort was made and agreement was reached to take out one provision that had been objected to by the President and others, we thought this legislation would move forward. It should. But there are some problems that are being expressed by the administration. We will work on those. If we don't get it worked out, we will have a cloture vote on Monday.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1505, the pipeline safety bill; that the committee substitute be agreed to, the bill be advanced to third reading and passed, and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1505), as amended, was deemed read the third time and passed, as follows:

S. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accountable Pipeline Safety and Partnership Act of 1996".

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 60101(a) is amended—

(1) by striking the periods at the end of paragraphs (1) through (22) and inserting semicolons;

(2) by striking paragraph (21)(B) and inserting the following:

"(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term 'transporting gas' includes the movement of gas through regulated gathering lines;"; and

(3) by adding at the end the following:

"(23) 'risk management' means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

"(24) 'risk management plan' means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

"(25) 'Secretary' means the Secretary of Transportation.".

(b) GATHERING LINES.—Section 60101(b)(2) is amended by inserting ", if appropriate," after "Secretary" the first place it appears.

SEC. 4. GENERAL AUTHORITY.

(a) MINIMUM SAFETY STANDARDS.—Section 60102(a) is amended—

(1) by striking "transporters of gas and hazardous liquid and to" in paragraph (1)(A);

(2) by striking paragraph (1)(C) and inserting the following:

"(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities."; and

(3) by striking paragraph (2) and inserting the following:

"(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.".

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—Section 60102(b) is amended to read as follows:

"(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

"(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

"(A) practicable; and

"(B) designed to meet the need for—

"(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

"(ii) protecting the environment.

"(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

"(A) relevant available—

"(i) gas pipeline safety information;

"(ii) hazardous liquid pipeline safety information; and

"(iii) environmental information;

"(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

"(C) the reasonableness of the standard;

"(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

"(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

"(F) comments and information received from the public; and

"(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

"(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

"(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

"(B) identify the costs and benefits associated with the proposed standard;

"(C) include—

"(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

"(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

"(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

"(4) REVIEW.—

"(A) IN GENERAL.—The Secretary shall—

"(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

"(ii) make that risk assessment information available to the general public.

"(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

"(i) an evaluation of the merit of the data and methods used; and

"(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

"(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

"(i) shall review the report;

"(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

"(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

"(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter only upon a reasoned determination that the benefits of the intended standard justify its costs.

"(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

"(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

"(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

"(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

"(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

"(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

"(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.".

(c) FACILITY OPERATION INFORMATION STANDARDS.—The first sentence of section 60102(d) is amended—

(1) by inserting "as required by the standards prescribed under this chapter" after "operating the facility";

(2) by striking "to provide the information" and inserting "to make the information available"; and

(3) by inserting "as determined by the Secretary" after "to the Secretary and an appropriate State official".

(d) PIPE INVENTORY STANDARDS.—The first sentence of section 60102(e) is amended—

(1) by striking "and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gather line (as defined under section 60101(b)(2) of this title),"; and

(2) by striking "transmission" and inserting "transportation".

(e) SMART PIGS.—

(1) MINIMUM SAFETY STANDARDS.—Section 60102(f) is amended by striking paragraph (1) and inserting the following:

"(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that—

"(A) the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and

"(B) when the replacement of existing natural gas transmission pipeline or hazardous liquid pipeline facilities or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices (commonly referred to as 'smart pigs'). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.".

(2) PERIODIC INSPECTIONS.—Section 60102(f)(2) is amended—

(A) by striking "(2) Not later than" and inserting the following:

"(2) PERIODIC INSPECTIONS.—Not later than"; and

(B) by inserting ", if necessary, additional" after "the Secretary shall prescribe".

(f) UPDATING STANDARDS.—Section 60102 is amended by adding at the end the following:

"(l) UPDATING STANDARDS.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.".

(g) MAPPING.—Section 60102(c) is amended by adding at the end thereof the following:

"(4) PROMOTING PUBLIC AWARENESS.—

"(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

"(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

"(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.".

(h) REMOTE CONTROL.—Section 60102(j) is amended by adding at the end thereof the following:

"(3) REMOTELY CONTROLLED VALVES.—(A) Not later than June 1, 1998, the Secretary shall survey and assess the effectiveness of remotely controlled valves to shut off the flow of natural gas in the event of a rupture of an interstate natural gas pipeline facility and shall make a determination about whether the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility.

"(B) Not later than one year after the survey and assessment are completed, if the Secretary has determined that the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility, the Secretary shall prescribe standards under which an operator of an interstate natural gas pipeline facility must use a remotely controlled valve. These standards shall include, but not be limited to, requirements for high-density population areas.".

SEC. 5. RISK MANAGEMENT.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

"§ 60126. Risk management

"(a) RISK MANAGEMENT PROGRAM DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary shall establish risk management demonstration projects—

"(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the application of risk management; and

"(B) to evaluate the safety and cost-effectiveness of the program.

"(2) EXEMPTIONS.—In carrying out a demonstration project under this subsection, the Secretary, by order—

"(A) may exempt an owner or operator of the pipeline facility covered under the project (referred to in this subsection as a 'covered pipeline facility'), from the applicability of all or a portion of the requirements under this chapter that would otherwise apply to the covered pipeline facility; and

"(B) shall exempt, for the period of the project, an owner or operator of the covered pipeline facility, from the applicability of any new standard that the Secretary promulgates under this chapter during the period of that participation, with respect to the covered facility.

"(b) REQUIREMENTS.—In carrying out a demonstration project under this section, the Secretary shall—

"(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

"(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

"(3) provide for—

"(A) collaborative government and industry training;

"(B) methods to measure the safety performance of risk management plans;

"(C) the development and application of new technologies;

"(D) the promotion of community awareness concerning how the overall level of safety will be maintained or enhanced by the demonstration project;

"(E) the development of models that categorize the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

"(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of models developed under subparagraph (E);

"(G) the development of project elements that are necessary to ensure that—

"(i) the owners and operators that participate in the demonstration project demonstrate that they are effectively managing the risks referred to in subparagraph (E); and

"(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

"(H) a process whereby an owner or operator of a pipeline facility is able to terminate a risk management plan or, with the approval of the Secretary, to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

"(i) changed circumstances; or

"(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

"(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

"(J) an opportunity for public comment in the approval process; and

"(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

"(c) EMERGENCIES AND REVOCATIONS.—Nothing in this section diminishes or modifies the Secretary's authority under this title to act in case of an emergency. The Secretary may revoke any exemption granted under this section for substantial noncompliance with the terms and conditions of an approved risk management plan.

"(d) PARTICIPATION BY STATE AUTHORITY.—In carrying out this section, the Secretary may provide for consultation by a State that has in effect a certification under section 60105. To the extent that a demonstration project comprises an intrastate natural gas pipeline or an intrastate hazardous liquid pipeline facility, the Secretary may make an agreement with the State agency to carry out the duties of the Secretary for approval and administration of the project.

"(e) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

"(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

"(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.".

(f) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

"60126. Risk management.".

SEC. 6. INSPECTION AND MAINTENANCE.

Section 60108 is amended—

(1) by striking "transporting gas or hazardous liquid or" in subsection (a)(1) each place it appears;

(2) by striking the second sentence in subsection (b)(2);

(3) by striking "NAVIGABLE WATERS" in the heading for subsection (c) and inserting "OTHER WATERS"; and

(4) by striking clause (ii) of subsection (c)(2)(A) and inserting the following:

"(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.".

SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRONMENTALLY SENSITIVE AREAS.

(a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is amended by striking "a navigable waterway (as the Secretary defines by regulation)" and inserting "waters where a substantial likelihood of commercial navigation exists".

(b) UNUSUALLY SENSITIVE AREAS.—Section 60109(b) is amended to read as follows:

"(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

"(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

"(2) locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.".

SEC. 8. EXCESS FLOW VALVES.

Section 60110 is amended—

(1) by inserting ", if any," in the first sentence of subsection (b)(1) after "circumstances";

(2) by inserting ", operating, and maintaining" in subsection (b)(4) after "cost of installing";

(3) by inserting ", maintenance, and replacement" in subsection (c)(1)(C) after "installation"; and

(4) by inserting after the first sentence in subsection (e) the following: "The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.".

SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.

Section 60113 is amended—

(1) by striking the caption of subsection (a); and

(2) by striking subsection (b).

SEC. 10. TECHNICAL SAFETY STANDARDS COMMITTEES.

(a) PEER REVIEW.—Section 60115(a) is amended by adding at the end the following: "The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.".

(b) COMPOSITION AND APPOINTMENT.—Section 60115(b) is amended—

(1) by inserting "or risk management principles" in paragraph (1) before the period at the end;

(2) by inserting "or risk management principles" in paragraph (2) before the period at the end;

(3) by striking "4" in paragraph (3)(B) and inserting "5";

(4) by striking "6" in paragraph (3)(C) and inserting "5";

(5) by adding at the end of paragraph (4)(B) the following: "At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B)."; and

(6) by inserting after the first sentence of paragraph (4)(C) the following: "At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.".

(c) COMMITTEE REPORTS.—Section 60115(c) is amended—

(1) by inserting "including the risk assessment information and other analyses supporting each proposed standard" before the semicolon in paragraph (1)(A);

(2) by inserting "including the risk assessment information and other analyses supporting each proposed standard" before the period in paragraph (1)(B);

(3) by inserting "and supporting analyses" before the first comma in the first sentence of paragraph (2);

(4) by inserting "and submit to the Secretary" in the first sentence of paragraph (2) after "prepare";

(5) by inserting "cost-effectiveness," in the first sentence of paragraph (2) after "reasonableness,"; and

(6) by inserting "and include in the report recommended actions" before the period at the end of the first sentence of paragraph (2); and

(7) by inserting "any recommended actions and" in the second sentence of paragraph (2) after "including".

(d) MEETINGS.—Section 60115(e) is amended by striking "twice" and inserting "up to 4 times".

(e) EXPENSES.—Section 60115(f) is amended—

(1) by striking "PAY AND" in the subsection heading;

(2) by striking the first 2 sentences; and

(3) by inserting "of a committee under this section" after "A member".

SEC. 11. PUBLIC EDUCATION PROGRAMS.

Section 60116 is amended—

(1) by striking "person transporting gas" and inserting "owner or operator of a gas pipeline facility";

(2) by inserting "the use of a one-call notification system prior to excavation," after "educate the public on"; and

(3) by inserting a comma after "gas leaks".

SEC. 12. ADMINISTRATIVE.

Section 60117 is amended—

(1) by adding at the end of subsection (b) the following: "The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines.";

(2) by adding at the end thereof the following:

"(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping."; and

(3) by striking "transporting gas or hazardous liquid" in subsection (b) and inserting "owning".

SEC. 13. COMPLIANCE.

(a) Section 60118 (a) is amended—

(1) by striking "transporting gas or hazardous liquid or" in subsection (a); and

(2) by striking paragraph (1) and inserting the following:

"(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;".

(b) Section 60118 (b) is amended to read as follows:

"(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.".

(c) Section 60118(c) is amended by striking "transporting gas or hazardous liquid" and inserting "owning".

SEC. 14. DAMAGE REPORTING.

Section 60123(d)(2) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

SEC. 15. BIENNIAL REPORTS.

(a) BIENNIAL REPORTS.—

(1) SECTION HEADING.—The section heading of section 60124 is amended to read as follows:

"§ 60124. Biennial reports".

(2) REPORTS.—Section 60124(a) is amended by striking the first sentence and inserting the following: "Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by striking the item relating to section 60124 and inserting the following:

"60124. Biennial reports.".

SEC. 16. POPULATION ENCROACHMENT.

(a) IN GENERAL.—Chapter 601, as amended by section 5, is further amended by adding at the end the following new section:

"§ 60127. Population encroachment

"(a) LAND USE RECOMMENDATIONS.—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled 'Pipelines and Public Safety'.

"(b) EVALUATION.—The Secretary shall—

"(1) evaluate the recommendations in the report referred to in subsection (a);

"(2) determine to what extent the recommendations are being implemented;

"(3) consider ways to improve the implementation of the recommendations; and

"(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60126 the following:

"60127. Population encroachment.".

SEC. 17. USER FEES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by the Department of Transportation in the regulation of pipeline transportation; or

(2) another basis of assessment would be a more appropriate measure of those resources.

(b) CONSIDERATIONS.—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public.

SEC. 18. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 601, as amended by section 16, is further amended by adding at the end the following new section:

"§ 60128. Dumping within pipeline rights-of-way

"(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

"(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).".

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Section 60123(a) is amended by striking "or 60118(a)" and inserting ", 60118(a), or 60128".

(2) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended by adding at the end the following new item:

"60128. Dumping within pipeline rights-of-way.".

SEC. 19. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

Section 60117(a) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities".

SEC. 20. TECHNICAL CORRECTIONS.

(a) SECTION 60105.—The heading for section 60105 is amended by inserting "**pipeline safety program**" after "**State**".

(b) SECTION 60106.—The heading for section 60106 is amended by inserting "**pipeline safety**" after "**State**".

(c) SECTION 60107.—The heading for section 60107 is amended by inserting "**pipeline safety**" after "**State**".

(d) SECTION 60114.—Section 60114 is amended—

(1) by striking "60120, 60122, and 60123" in subsection (a)(9) and inserting "60120 and 60122";

(2) by striking subsections (b) and (d); and

(3) by redesignating subsections (c) and (e) as subsections (b) and (d), respectively.

(e) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended—

(1) by inserting "pipeline safety program" in the item relating to section 60105 after "State";

(2) by inserting "pipeline safety" in the item relating to section 60106 after "State"; and

(3) by inserting "pipeline safety" in the item relating to section 60107 after "State".

(f) SECTION 60101.—Section 60101(b) is amended by striking "define by regulation" each place it appears and inserting "prescribe standards defining".

(g) SECTION 60102.—Section 60102 is amended by striking "regulations" each place it appears in subsections (f)(2), (i), and (j)(2) and inserting "standards".

(h) SECTION 60108.—Section 60108 is amended—

(1) by striking "regulations" in subsections (c)(2)(B), (c)(4)(B), and (d)(3) and inserting "standards"; and

(2) by striking "require by regulation" in subsection (c)(4)(A) and inserting "establish a standard".

(i) SECTION 60109.—Section 60109(a) is amended by striking "regulations" and inserting "standards".

(j) SECTION 60110.—Section 60110 is amended by striking "regulations" in subsections (b), (c)(1), and (c)(2) and inserting "standards".

(k) SECTION 60113.—Section 60113(a) is amended by striking "regulations" and inserting "standards".

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125 is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for sections 60107 and 60114(b)) related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

"(1) $19,448,000 for fiscal year 1996;

"(2) $20,028,000 for fiscal year 1997, of which $14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;

"(3) $20,729,000 for fiscal year 1998, of which $15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;

"(4) $21,442,000 for fiscal year 1999, of which $15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title"; and

"(5) $22,194,000 for fiscal year 2000, of which $16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.".

(b) STATE GRANTS.—Section 60125(c)(1) is amended by adding at the end the following:

"(D) $12,000,000 for fiscal year 1996.

"(E) $14,000,000 for fiscal year 1997, of which $12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.

"(F) $14,490,000 for fiscal year 1998, of which $12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.

"(G) $15,000,000 for fiscal year 1999, of which $13,300,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title.

"(H) $15,524,000 for fiscal year 2000, of which $13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.".

Mr. BRADLEY. Mr. President, I am pleased to support S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996. My interest in the pipeline safety issue dates back to the explosion and fire at Edison, NJ in 1994. In reaction to that tragedy, which set fire to eight apartment houses and cost one life, I introduced the Comprehensive One-Call Notification Act, S. 164, cosponsored by Senators SPECTOR, LAUTENBERG and EXON. The purpose of that bill was to improve state-wide notification systems to protect natural gas and hazardous liquid pipelines from being damaged during excavations, the cause of the Edison accident.

In S. 1505, the Commerce Committee has wisely chosen to strengthen State one-call programs, and has provided new authorization for grants to States to establish one-call notification systems consistent with standards which assure at least a minimally acceptable level of protection from accidents. These grants, which were also a feature of S. 164, will assist States in developing the kinds of one-call systems needed to prevent future Edisons from happening.

While I would have preferred a stronger and more comprehensive set of requirements, the bill is an important first step toward the goal of implementing strong, comprehensive one-call systems nationwide.

S. 1505 also includes new language broadening public education programs carried out by natural gas pipeline owners to include the use of one-call systems.

Finally, I was pleased to join with Senator LAUTENBERG in proposing additional provisions which are the subject of a manager's amendment to S. 1505. These include a survey and risk assessment by the Department of Transportation of the effectiveness of remotely-controlled valves which shut off the flow of natural gas in the event of a pipeline rupture. Once the survey and assessment are completed, the Secretary of Transportation shall issue standards for their use if he or she finds them technically and economically feasible.

The manager's amendment also includes measures to promote public awareness of pipeline location. Pipeline owners or operators must provide municipalities where pipelines are located with facility maps to prevent accidents and respond to pipeline emergencies. In addition, the Secretary of Transportation must survey existing public education plans to determine which components are most effective at accident prevention. After analyzing the results of the survey, the Secretary may promulgate nationwide regulations, if necessary, to ensure the safest feasible pipeline public education system.

The bill and these amendments, taken together, represent a considerable improvement over current practices for accident prevention. I hope they can be enacted this year, and prevent another Edison accident.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, appoints Dr. Robert C. Khayat, of Mississippi, to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1996.

MARSHAL OF THE SUPREME COURT AND THE SUPREME COURT POLICE AUTHORITY EXTENSION ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 626, S. 2100.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2100) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be deemed read a third time, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2100) was deemed read the third time and passed, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY.

Section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking "1996" and inserting "2000".

INDIAN CHILD WELFARE ACT AMENDMENTS OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 541, S. 1962.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1962) to amend the Indian Child Welfare Act of 1978, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5405

(Purpose: To make technical corrections)

Mr. LOTT. Mr. President, I understand Senator MCCAIN has a technical amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. MCCAIN, proposes an amendment numbered 5405.

The amendment is as follows:

On page 13, line 18, insert "if in the best interests of an Indian child," after "approve,".

On page 14, lines 15 and 16, strike the dash and all that follows through the paragraph designation and adjust the margin accordingly.

On page 14, line 16, insert a dash after "willfully".

On page 14, line 16, insert "'(1)" before "falsifies" and adjust the margin accordingly.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5405) was agreed to.

Mr. McCAIN. Mr. President, I wish to thank my colleagues for moving quickly to consideration of S. 1962, a bill to make certain compromise amendments to the Indian Child Welfare Act of 1978 [ICWA]. I urge its immediate adoption.

S. 1962 represents broad consensus legislation that has been crafted with great care to resolve many of the differences between Indian tribes and adoption advocates.

Let me say, first, that the issue of Indian child welfare stirs the deepest of emotions. Until nearly eighteen years ago, disproportionately high numbers of Indian children were virtually kidnapped from their families and tribal communities and placed in foster and adoptive care. Although sometimes these efforts were motivated by good intentions, the results were many times tragic. Generations of Indian children were denied their rich cultural and political heritage as Native Americans. The well-documented abuses from that dark era are horrifying. One study concluded that between 25 and 35 percent of all Indian children were torn from their birth families and tribes.

In 1978, Congressman Mo Udall and others in Congress responded to this crisis by enacting the Indian Child

Welfare Act [ICWA] to prevent further abuses of Indian children. Under ICWA, adoptions of Indian children could still go forward, but the best interests of the Indian children had the additional protection of the involvement of their own tribe.

In recent years, a new tragedy has emerged as ICWA has been implemented, this one borne by non-Indian adoptive families who in a handful of high-profile cases have seen their adoptions of Indian children disrupted months and years after they have received the child.

In some of these controversial cases, people facilitating the adoptions have been accused of knowingly and willfully lying to the courts, the adoptive families, and the tribes, hiding the fact that these children were Indians covered by ICWA procedures. In other cases, some Indian tribes have been accused of retroactively conveying membership on a birth parent who wanted to revoke his or her consent long after the adoption placement was voluntarily established.

Because Indian tribes typically have not been made aware of an adoption, in most of the controversial cases, until very late in the placement, the tribes have been faced with a tragic choice—either intervene late in the proceeding and disrupt the certainty sought by the adoptive family and child, or stay out of the case and lose any chance to be involved in the life of the Indian child. The result has been great uncertainty and heartache on all sides. No matter the outcome in each of these cases, the Indian children have been the losers.

The measure we have under consideration today will amend ICWA to dramatically improve this situation. Mr. President, most of the people who deal on a daily basis with ICWA believe S. 1962 will make ICWA work much better for Indian children and for adoptive families.

S. 1962 will dramatically increase the opportunities for greater certainty, speed and stability in adoptions of Indian children. S. 1962 reflects the agreement of attorneys representing adoptive families and representatives of the Indian tribes. Enactment of the provisions they can agree upon will dramatically improve ICWA and clearly be in the best interests of the Indian children involved.

S. 1962 will change ICWA so that it better serves the best interests of Indian children without trampling on tribal sovereignty and without eroding fundamental principles of Federal-Indian law. The legislation will achieve greater certainty and speed in adoptions involving Indian children through new guarantees of early and effective notice in all cases combined with new, strict time restrictions placed on both the right of Indian tribes to intervene and the right of Indian birth parents to revoke their consent to an adoptive placement.

Perhaps of most interest to the Members of the Senate is the fact that the provisions of S. 1962 will encourage early identification of the cases involving controversy, and promote settlement by making visitation agreements enforceable. One example of such a case is that of a non-Indian Ohio couple, Jim and Colette Rost, who have been trying to adopt twin daughters—now nearly three years old—placed with them at birth by an adoption attorney who failed to disclose that the children were Indians. The Rost's current attorney now supports quick enactment by the Congress of the compromise provisions that comprise S. 1962 because they will provide authority where none exists to enforce a visitation agreement that will very likely settle the Rost and other similar cases.

I am very pleased with the provisions of this bill for another reason. I have long given active support to legislative efforts that encourage and facilitate adoptions in all instances. It is my belief that it is our solemn responsibility to work to increase the opportunities for all children to enjoy stable and loving family relationships as quickly as possible. At a minimum, this means removing every unreasonable obstacle to adoption. Equally important for me is the priority I place on encouraging adoption as a positive alternative to abortion. Because of these considerations, I was an early and strong supporter of the 1996 amendments to the Multi-Ethnic Placement Act, facilitating adoptions, we recently sent to the President for signature into law. Likewise, I am deeply committed to enactment of the consensus-based provisions of S. 1962 because they will encourage and facilitate adoptions of Indian children, and, arguably, discourage abortions, by providing greater certainty, speed and stability to Indian adoptions than that provided under existing law.

Let me take a moment to clarify a related matter that has drawn some attention in recent days having to do with what is authorized, and what is not authorized, by subsection (h) of Section 8 dealing with the enforceability of visitation agreements after an adoption decree is final. First, I must stress the fact that subsection (h) addresses only those situations where all those involved in the voluntary adoption of an Indian child have voluntarily and mutually entered into an agreement on visitation. The parties to such an agreement may include the birth family, the adoptive family, and the child's Indian tribe. Subsection (h) could not, and should not, be construed to impose any right of visitation or contact not agreed to by those individuals involved in each case. The provision simply says that, if and only if those parties involved have agreed to certain terms for visitation or contact to take place after the adoption is final, then the agreement reached by the parties is enforceable against those parties in any court of law. If those involved have not agreed to visitation, then there is no agreement to enforce under the terms of subsection (h). I wish to emphasize that this provision does not create separate authority for any court or any party to impose upon another party a so-called open adoption; this would remain a matter for State law. The waiver of any individual privacy rights are exclusively within the hands of those individuals entering into, or refusing to enter into, such a voluntary agreement. Subsection (h) simply says that when the adoptive family and the others involved in a voluntary adoption proceeding under the Indian Child Welfare Act choose, of their own accord, to agree to certain visitation or contact privileges that can occur after the adoption is final, their agreement can be enforced by the courts. This authority is no different than the enforcement powers commonly exercised by courts over commercial agreements in which the parties demonstrate their good faith by agreeing to submit the terms of their agreement to judicial enforcement. I have asked as part of the Senate's consideration of this bill, that a minor amendment be made to subsection (h) to clarify what has been our intention all along, that a judge must consider what are the best interests of the child when the judge exercises his or her discretion as to whether or not to include provisions to enforce a voluntary visitation agreement in a final decree of adoption.

In addition, a concern has been raised about a matter that S. 1962 does not address in any way—that the adoptive placement preferences in the underlying ICWA law would lead an expectant mother seeking privacy to prefer abortion over adoption. Any close examination of the 1978 law will reveal that this concern about adoptive placement preferences is without reasonable foundation. Under title 25, U.S.C. section 1915(c), the 1978 act actually directs a State court judge to give weight to the placement choice of a birth parent who evidences a desire for privacy. The 1978 law declares that, as a matter of Federal-Indian child welfare policy, the best interests of Indian children are to be protected. Under title 25, U.S.C. section 1915 (a), a State court judge must give a "preference" to an Indian adoptive family in his or her adoptive placement decisions involving an Indian child, "in the absence of good cause to the contrary." The presumption is that a placement with the child's Indian or non-Indian extended family, or with an Indian family, is in the best interest of the Indian child. These preferences are not mandatory quotas. They must be considered, but the State court judge has the discretion to prefer another placement if there is good cause. State court judges in many cases have found good cause for placing Indian children with non-Indian adoptive families for a variety of reasons, including the wishes of a birth parent, or the judge's determination that a particular non-Indian placement would be in the best interests of the child under the act given the particular facts of the case or the available placement options. Let me be clear—the bill before us today, S. 1962, does not in any way alter the existing law on adoptive placement preferences set forth in 25 U.S.C. 1915. No consensus could be reached on any changes to section 1915. However, because the preference provisions under section 1915 have been the subject of some misunderstandings during consideration of S. 1962, I thought it would be helpful at this juncture to recite what section 1915 does and does not do in order to remove any additional concerns that might arise in the future.

Finally, there is one other technical and conforming amendment that we have asked be made to the bill as reported, which would make clear that the sanctions mirror those found in title 18, section 1001, touching only upon willful and knowing acts or omissions. Through an oversight in drafting, the reported bill was not completely clear on this issue, and the technical change should resolve the questions that have been raised.

S. 1962 places new, strict time restrictions on the right of an Indian tribe to intervene in a State court adoption proceeding involving an Indian child. Under current law, a tribe can do so at any point up to entry of the final decree of adoption. The bill allows adoptive parents to limit this period to as little as 30 days after the tribe receives notice of a voluntary adoption proceeding. The bill makes many other changes to ICWA. With proper notice, an Indian tribe's failure to act early in the placement proceedings is final. A tribal waiver of its right is binding. An Indian tribe seeking to intervene must accompany its motion with a certification that the child is, or is eligible to be, a member of the tribe and document it. Once a tribe notifies a party or court that a child is not an Indian, the tribe cannot later change its mind. Unless we pass S. 1962, none of these restrictions will be law.

The bill places new, strict time restrictions on the right of birth parents to revoke their consent to an adoptive placement. Under current law, a birth parent can revoke consent at any time up to entry of the final decree of adoption. The bill limits revocations to the 180-day period following notice.

The bill requires that early notice be given to a tribe if a child is reasonably known to be an Indian. Attorneys who represent adoptive families tell me they welcome the chance to use this notice requirement so they can identify the relatively few cases involving controversy either before or within the first weeks of an adoptive placement. This would provide far more speed, stability and certainty than now exists under ICWA.

The bill promotes settlement of contested cases by providing judges with the authority, in their discretion, to enforce a settlement agreement voluntarily entered into by those involved in a case that would permit visitation or other agreed-upon contact after the adoption decree is final. Attorneys who represent adoptive families say this provision will encourage early settlements that do not disrupt placements and, because it offers them an opportunity to obtain enforceable agreements for future contact, will encourage the many pregnant women who seek such agreements to choose adoption over abortion.

Finally, the bill applies standard criminal penalties to knowing and willful efforts to lie, by persons other than birth parents, in a court proceeding subject to ICWA, about whether a child or a parent is an Indian. Attorneys representing adoptive families say these sanctions will help deter fraudulent conduct which, under current law, risks an eventual disruption of adoptive placements long after they have begun.

All of these changes are improvements to ICWA. They will make a pregnant woman's choice to place a child for adoption more attractive than it now is under current law. In turn, this should lead to fewer abortions.

Mr. President, I believe adoptive families simply seek certainty, speed, and stability throughout the adoption process. They do not want surprises that threaten to take away from them a child for whom they have loved and cared for a substantial period of time. At the same time, Indian tribes simply seek early and substantive notice of proposed adoptions, the ability to become involved in the adoption process, and the continued protections of tribal sovereignty. They do not want to learn, many months and years after the fact, that their young tribal members have been placed for adoption outside of the Indian community. The landmark, compromise bill we have under consideration today will meet all of these concerns.

I am very pleased that what seemed a few months ago to be intractable problems with ICWA have in large part been resolved by the good faith efforts of representatives of the adoption attorneys and the Indian tribes. As with all compromises, each side would have preferred language that is better for them. But on behalf of the Indian children and their birth and adoptive parents, I want to extend my personal thanks to persons on all sides of this debate who have led the way to a compromise in which everyone, but most importantly, the Indian children, are the winners.

The national board of governors of the American Academy of Adoption Attorneys has endorsed the bill, as has the Academy of California Adoption Attorneys, the Child Welfare League of America, Catholic Charities USA, the U.S. Bureau of Catholic Indian Missions, the National Congress of American Indians, the National Indian Child Welfare Association, and virtually every Indian tribal government. Let me just stress that these all are organizations who have years of experience working with thousands upon thousands of Indian adoption cases. Catholic Charities USA, for example, is a pro-life organization that has 1,400 local agencies and institutions which last year provided adoption services for more than 42,000 people. Of perhaps equal note is the fact that the current attorney for the Rosts, an Ohio family trying to adopt twin Indian daughters who are members of a California tribe, helped draft the bill and has lent it strong support because its provisions would enable a final settlement of the Rost case controversy and settle or prevent many other cases like that involving the Rosts.

Mr. President, I ask unanimous consent that a copy of letters from the American Academy of Adoption Attorneys, the Child Welfare League of America, Catholic Charities USA, the U.S. Bureau of Catholic Indian Missions, and the Association on American Indian Affairs be reprinted in the CONGRESSIONAL RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

I am glad to see that Congresswoman DEBORAH PRYCE and Congressmen DON YOUNG, GEORGE MILLER, and BILL RICHARDSON have indicated their agreement with the approach taken in S. 1962. And S. 1962 has the strong support of the administration, including both the Department of the Interior and the Department of Justice. Because it is a delicately balanced compromise, I intend to urge our colleagues in the House to promptly adopt this bill without change so that it can be sent on to the President for signature into law as quickly as possible.

The compromise that is embodied in S. 1962 is the best that can be obtained. The alternative is to make no change to ICWA and lose this chance to improve ICWA for the sake of the best interests of Indian children. Mr. President, it is with these children on my mind and in my heart that I ask the Senate to enact S. 1962.

EXHIBIT 1

AMERICAN ACADEMY OF
ADOPTION ATTORNEYS,
Washington, DC, August 21, 1996.

U.S. Senate, Committee on Indian Affairs,
Washington, DC.

DEAR SENATOR MCCAIN and the Honorable Members of the Senate Committee on Indian Affairs: This letter is to reaffirm our support of S. 1962 notwithstanding the recent letter of Douglas Johnson (dated August 1, 1996) to Senator Lott asking that the bill be halted. Mr. Johnson does not explain in his letter how the bill might impact abortion, but instead quotes National Council for Adoption for the proposition that "it would be the end of voluntary adoptions of children with any hint of Indian ancestry." Presumably, NCFA bases this assertion on the theory that agencies and attorneys would be so fearful of the criminal provisions of the amendments that they would refuse to work with birthparents of Indian ancestry. NCFA believes that the resultant projected inability of such birthparents to find professionals willing to help them place their children for adoption, would lead to more abortions. Though this reasoning is not spelled out it is the only connection to abortion we can possibly infer.

Our continued support of the bill is *not* based on a desire to see more abortions. Rather, we seriously question the basic premise of Mr. Johnson's letter that S. 1962 would have *any* impact on abortion.

The bill is intended to encourage the adoption of children of Indian ancestry by making such adoption *safer* for adoptive parents. The one or two percent of the children of Indian ancestry who are "Indian children," as defined by the I.C.W.A., would be identified early in the process (likewise, the remaining 90% would be promptly identified as *not* subject to the I.C.W.A.).

Within a short time (compared to the present situation) tribes would be required to give adoptive parents notice of a potential problem and their failure to do so would eliminate the possibility of a problem. Because the bill would make adoption safer for adoptive parents, we support it.

The criminal sanctions contained in the bill deal with *fraudulent* efforts to avoid the law. Reputable agencies and attorneys do not commit fraud and have nothing to fear. The fact that adoption attorneys and agencies willing to comply with the I.C.W.A. support this bill, refutes the entire thrust of NRLC and NCFA's position.

Adoption attorneys and agencies should be more willing to work with birthparents of Indian ancestry if S. 1962 passes, than under present law. Pregnant women exploring adoption will find that more families will be desirous of adopting their children than they are today, and thus, they will have more alternatives to abortion.

Please do what you can to make S. 1962 the law immediately and count on our continued support.

Yours truly,

SAMUEL C. TOTARO, JR.,
President.

CHILD WELFARE LEAGUE OF AMERICA, INC.,
Washington, DC, September 10, 1996.

Hon. JOHN MCCAIN,
Chairman, Committee on Indian Affairs, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: I am writing in support of the amendments to the Indian Child Welfare Act outlined in both S. 1962 and H.R. 3828 as an alternative to earlier amendments outlined in H.R. 3286.

As you know the Child Welfare League of America is a national organization that is committed to preserving, protecting, and promoting the well-being of children and families. As such we believe that the principles outlined in the Indian Child Welfare Act provide an appropriate and necessary framework for addressing the permanency and child welfare needs of Indian children. We likewise believe that the ICWA amendments proposed in S. 1962 and H.R. 3828 support reasonable and effective improvements that will strengthen the implementation of ICWA in voluntary adoptions involving Indian children. First, they will help to strengthen the responsibility of agencies and individuals to conduct timely and time-limited notification to tribes and family members thereby promoting speedy movement toward adoption. Second, we believe that the amendments will discourage the dissolution of existing adoptions and provide greater security for Indian children and for their adoptive families.

We are encouraged that the process for developing these amendments has involved representatives from Indian Country and private adoption attorneys and that the proposed changes balance the needs of prospective adoptive parents and tribes while maintaining a focus on the permanency needs of Indian children. CWLA is optimistic that this bill will promote successful adoptions for Indian children who are in need of permanent families.

Sincerely,

DAVID LIEDERMAN,
Executive Director.

CATHOLIC CHARITIES USA,
Alexandria, VA, September 24, 1996.

Hon. JOHN MCCAIN,
Chair, Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN MCCAIN: On behalf of Catholic Charities USA's 1,400 local agencies and institutions, I am writing to commend you for your efforts to reform problems in the current system of adoption of Native American children. Last year, our agencies provided adoption services for 42,134 people.

After consultation with our agencies in "Indian Country," we have concluded that your bill to amend the Indian Child Welfare Act of 1978 (S. 1962) would improve the current rules for adoption of Native American children.

As you know, Catholic Charities USA's member agencies have a strong and unwavering commitment to the sanctity of every human life. Catholic Charities USA would not support any bill that we believe has potential for increasing abortions. We are convinced that your bill will make adoption a more attractive option than abortion to the women and families affected.

Please let us know how we can be helpful in assuring passage of your bill in this Congress.

Sincerely,

REV. FRED KAMMER, SJ,
President.

BUREAU OF CATHOLIC INDIAN MISSIONS,
Washington, DC, September 4, 1996.

Senator TRENT LOTT,
Majority Leader, U.S. Senate, U.S. Congress, Washington, DC.

DEAR SENATOR LOTT: I am writing in support of the amendment, S. 1962, to keep in effect the basic provisions of the Indian Child Welfare Act of 1978. Those who are opposed to that act for fear that Indian women will be driven to seek abortions, I believe, are without grounds. It was not the attitude of Indians to seek abortions. Indians welcomed infants. As tribal people they see infants as the promise of the future.

As this legislation stands, it provides the efficiency, speed and certainly of adoption. Delays and prolonging of the process are excluded now that the time limits are reduced. The birth-mother does not have the uncertainty that the old law mandated. It is efficient and speedy. For mothers, unfortunately forced by circumstances to give up their children for adoption, this present bill provides the surest means for adoption.

Thank you!

Sincerely yours,

THEODORE F. ZUERN, S.J.,
Legislative Director.

[From the New York Times, August 17, 1996]

INDIAN ADOPTIONS AREN'T BLOCKED BY LAW

To the Editor: Assertions by Representative Pete Geren that the Indian Child Welfare Act applies to anyone with the remotest ancestry and supplies tribes with veto power over off-reservations adoptions are wrong (letter, July 26).

Ancestry alone does not trigger the provisions of the law. The law applies only when a child is a member of an Indian tribe or is the child of a member and eligible for membership. The notion that a person whose family has had no contact with an Indian tribe for generations would suddenly become subject to the law is not reality.

Even if a child is covered by the law, a tribe cannot veto a placement sought by a birth parent. If the law applies, the tribe may intervene in the state court proceeding. It may seek to transfer the case to tribal court, but an objection by either birth parent would prevent that.

Even where a parent does not object, a state court may deny transfer for good cause. If the case remains in state court, the tribe may seek to apply the placement preferences in the law (extended family, tribal members and other Indian families, in that order), but the state court may place a child outside the preferences if it finds good cause to do so.

The Indian Child Welfare Act was enacted in response to a tragedy. Studies revealed that 25 percent to 30 percent of Indian children had been separated from their families and communities, usually without just cause, and placed mostly with non-Indian families. The act formalized the authority of tribes in the child welfare process in order to protect Indian children and provided procedural protections to families to prevent arbitrary removals and placements of Indian children.

The law is based upon a conclusion, supported by clinical evidence, that it is usually in an Indian child's best interest to retain a connection with his or her tribe and heritage.

Mr. GLENN. Mr. President, I am pleased to support passage of this legislation to amend the Indian Child Welfare Act (ICWA). By clarifying and improving a number of provisions of ICWA, this legislation brings more stability and certainty to Indian child adoptions while preserving the underlying policies and objectives of ICWA. This bill embodies the consensus agreement reached when Indian tribes from around the Nation met in Tulsa, OK, to address questions regarding ICWA's application. Mr. President, I believe that the overriding goal of this agreement, which I support, is to serve the best interests of children.

This bill deals with several issues critical to the application of ICWA to child custody proceedings including notice to Indian tribes for voluntary adoptions, time lines for tribal intervention in voluntary cases, criminal sanctions to discourage fraudulent practices in Indian adoptions and a mandate that attorneys and adoption agencies must inform Indian parents under ICWA. I believe that the formal notice requirements to the potentially affected tribe as well as the time limits for tribal intervention after the tribe has been notified are significant improvements in providing needed certainty in placement proceedings.

Mr. President, I am also pleased that this legislation contains provisions addressing my specific concern—the retroactive application of ICWA in child custody proceedings. ICWA currently allows biological parents to withdraw their consent to an adoption for up to 2 years until the adoption is finalized. With the proposed changes, the time that the biological parents may withdraw their consent under ICWA is substantially reduced. I believe that a shorter deadline provides greater certainty for the potential adoptive family, the Indian family, the tribe and the extended family. This certainty is vital for the preservation of the interest of the child.

Mr. President, my concern with this issue and my insistence on the need to address the problem of retroactive application of ICWA was a direct response to a situation with a family in Columbus, OH. The Rost family of Columbus received custody of twin baby girls in the State of California in November, 1993, following the relinquishment of parental rights by both birth parents. The biological father did not disclose his native American heritage in response to a specific question on the relinquishment document. In February 1994, the birth father informed his mother of the pending adoption of the twins. Two months later, in April 1994, the birth father's mother enrolled herself, the birth father and the twins with the Pomo Indian Tribe in California. The adoption agency was then notified that the adoption could not be finalized without a determination of the applicability of ICWA.

The Rost situation made me aware of the harmful impact that retroactive application of ICWA could have on children. While I would have preferred tighter restrictions to preclude other families enduring the hardship the Rosts have experienced, I appreciated the effort of Senator McCAIN, other members of the committee and the Indian tribes to address these concerns. I believe that the combination of measures contained in this bill will significantly lessen the possibility of future Rost cases. Taken together the imposition of criminal sanctions for attorneys and adoption agencies that knowingly violate ICWA, the imposition of formal notice requirements and the imposition of deadlines for tribal intervention, provide new protection in law for children and families involved in child custody proceedings.

Mr. President, I have reviewed the Rost case to reiterate that my interest in reforming ICWA has been limited to the issue of retroactive application. Once a voluntary legal agreement has been entered into, I do not believe that it is in the best interest of the child for this proceeding to be disrupted because of the retroactive application of ICWA. To allow this to happen could have a harmful impact on the child. I know that my colleagues share my overriding concern in assuring the best interest of children, and I am pleased that the bill we are passing today reflects that concern.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1962), as amended, was passed as follows:

S. 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Indian Child Welfare Act Amendments of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SEC. 2. EXCLUSIVE JURISDICTION.

Section 101(a) (25 U.S.C. 1911(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by striking the last sentence and inserting the following:

"(2) An Indian tribe shall retain exclusive jurisdiction over any child custody proceeding that involves an Indian child, notwithstanding any subsequent change in the residence or domicile of the Indian child, in any case in which the Indian child—

"(A) resides or is domiciled within the reservation of the Indian tribe and is made a ward of a tribal court of that Indian tribe; or

"(B) after a transfer of jurisdiction is carried out under subsection (b), becomes a ward of a tribal court of that Indian tribe.".

SEC. 3. INTERVENTION IN STATE COURT PROCEEDINGS.

Section 101(c) (25 U.S.C. 1911(c)) is amended by striking "In any State court proceeding" and inserting "Except as provided in section 103(e), in any State court proceeding".

SEC. 4. VOLUNTARY TERMINATION OF PARENTAL RIGHTS.

Section 103(a) (25 U.S.C. 1913(a)) is amended—

(1) by inserting "(1)" before "Where";

(2) by striking "foster care placement" and inserting "foster care or preadoptive or adoptive placement";

(3) by striking "judge's certificate that the terms" and inserting the following: "judge's certificate that—

"(A) the terms";

(4) by striking "or Indian custodian." and inserting "or Indian custodian; and";

(5) by inserting after subparagraph (A), as designated by paragraph (3) of this subsection, the following new subparagraph:

"(B) any attorney or public or private agency that facilitates the voluntary termination of parental rights or preadoptive or adoptive placement has informed the natural parents of the placement options with respect to the child involved, has informed those parents of the applicable provisions of this Act, and has certified that the natural parents will be notified within 10 days of any change in the adoptive placement.";

(6) by striking "The court shall also certify" and inserting the following:

"(2) The court shall also certify";

(7) by striking "Any consent given prior to," and inserting the following:

"(3) Any consent given prior to,"; and

(8) by adding at the end the following new paragraph:

"(4) An Indian custodian who has the legal authority to consent to an adoptive placement shall be treated as a parent for the purposes of the notice and consent to adoption provisions of this Act.".

SEC. 5. WITHDRAWAL OF CONSENT.

Section 103(b) (25 U.S.C. 1913(b)) is amended—

(1) by inserting "(1)" before "Any"; and

(2) by adding at the end the following new paragraphs:

"(2) Except as provided in paragraph (4), a consent to adoption of an Indian child or voluntary termination of parental rights to an Indian child may be revoked, only if—

"(A) no final decree of adoption has been entered; and

"(B)(i) the adoptive placement specified by the parent terminates; or

"(ii) the revocation occurs before the later of the end of—

"(I) the 180-day period beginning on the date on which the Indian child's tribe receives written notice of the adoptive placement provided in accordance with the requirements of subsections (c) and (d); or

"(II) the 30-day period beginning on the date on which the parent who revokes consent receives notice of the commencement of the adoption proceeding that includes an explanation of the revocation period specified in this subclause.

"(3) The Indian child with respect to whom a revocation under paragraph (2) is made shall be returned to the parent who revokes consent immediately upon an effective revocation under that paragraph.

"(4) Subject to paragraph (6), if, by the end of the applicable period determined under subclause (I) or (II) of paragraph (2)(B)(ii), a consent to adoption or voluntary termination of parental rights has not been revoked, beginning after that date, a parent may revoke such a consent only—

"(A) pursuant to applicable State law; or

"(B) if the parent of the Indian child involved petitions a court of competent jurisdiction, and the court finds that the consent to adoption or voluntary termination of parental rights was obtained through fraud or duress.

"(5) Subject to paragraph (6), if a consent to adoption or voluntary termination of parental rights is revoked under paragraph (4)(B), with respect to the Indian child involved—

"(A) in a manner consistent with paragraph (3), the child shall be returned immediately to the parent who revokes consent; and

"(B) if a final decree of adoption has been entered, that final decree shall be vacated.

"(6) Except as otherwise provided under applicable State law, no adoption that has been in effect for a period longer than or equal to 2 years may be invalidated under this subsection.".

SEC. 6. NOTICE TO INDIAN TRIBES.

Section 103(c) (25 U.S.C. 1913(c)) is amended to read as follows:

"(c)(1) A party that seeks the voluntary placement of an Indian child or the voluntary termination of the parental rights of a parent of an Indian child shall provide written notice of the placement or proceeding to the Indian child's tribe. A notice under this subsection shall be sent by registered mail (return receipt requested) to the Indian child's tribe, not later than the applicable date specified in paragraph (2) or (3).

"(2)(A) Except as provided in paragraph (3), notice shall be provided under paragraph (1) in each of the following cases:

"(i) Not later than 100 days after any foster care placement of an Indian child occurs.

"(ii) Not later than 5 days after any preadoptive or adoptive placement of an Indian child.

"(iii) Not later than 10 days after the commencement of any proceeding for a termination of parental rights to an Indian child.

"(iv) Not later than 10 days after the commencement of any adoption proceeding concerning an Indian child.

"(B) A notice described in subparagraph (A)(ii) may be provided before the birth of an Indian child if a party referred to in paragraph (1) contemplates a specific adoptive or preadoptive placement.

"(3) If, after the expiration of the applicable period specified in paragraph (2), a party referred to in paragraph (1) discovers that the child involved may be an Indian child—

"(A) the party shall provide notice under paragraph (1) not later than 10 days after the discovery; and

"(B) any applicable time limit specified in subsection (e) shall apply to the notice provided under subparagraph (A) only if the party referred to in paragraph (1) has, on or before commencement of the placement, made reasonable inquiry concerning whether the child involved may be an Indian child.".

SEC. 7. CONTENT OF NOTICE.

Section 103(d) (25 U.S.C. 1913(d)) is amended to read as follows:

"(d) Each written notice provided under subsection (c) shall contain the following:

"(1) The name of the Indian child involved, and the actual or anticipated date and place of birth of the Indian child.

"(2) A list containing the name, address, date of birth, and (if applicable) the maiden name of each Indian parent and grandparent of the Indian child, if—

"(A) known after inquiry of—

"(i) the birth parent placing the child or relinquishing parental rights; and

"(ii) the other birth parent (if available); or

"(B) otherwise ascertainable through other reasonable inquiry.

"(3) A list containing the name and address of each known extended family member (if any), that has priority in placement under section 105.

"(4) A statement of the reasons why the child involved may be an Indian child.

"(5) The names and addresses of the parties involved in any applicable proceeding in a State court.

"(6)(A) The name and address of the State court in which a proceeding referred to in paragraph (5) is pending, or will be filed; and

"(B) the date and time of any related court proceeding that is scheduled as of the date on which the notice is provided under this subsection.

"(7) If any, the tribal affiliation of the prospective adoptive parents.

"(8) The name and address of any public or private social service agency or adoption agency involved.

"(9) An identification of any Indian tribe with respect to which the Indian child or parent may be a member.

"(10) A statement that each Indian tribe identified under paragraph (9) may have the right to intervene in the proceeding referred to in paragraph (5).

"(11) An inquiry concerning whether the Indian tribe that receives notice under subsection (c) intends to intervene under subsection (e) or waive any such right to intervention.

"(12) A statement that, if the Indian tribe that receives notice under subsection (c) fails to respond in accordance with subsection (e) by the applicable date specified in that subsection, the right of that Indian tribe to intervene in the proceeding involved shall be considered to have been waived by that Indian tribe.".

SEC. 8. INTERVENTION BY INDIAN TRIBE.

Section 103 (25 U.S.C. 1913) is amended by adding at the end the following new subsections:

"(e)(1) The Indian child's tribe shall have the right to intervene at any time in a voluntary child custody proceeding in a State court only if—

"(A) in the case of a voluntary proceeding to terminate parental rights, the Indian tribe filed a notice of intent to intervene or a written objection to the termination, not later than 30 days after receiving notice that was provided in accordance with the requirements of subsections (c) and (d); or

"(B) in the case of a voluntary adoption proceeding, the Indian tribe filed a notice of intent to intervene or a written objection to the adoptive placement, not later than the later of—

"(i) 90 days after receiving notice of the adoptive placement that was provided in accordance with the requirements of subsections (c) and (d); or

"(ii) 30 days after receiving a notice of the voluntary adoption proceeding that was provided in accordance with the requirements of subsections (c) and (d).

"(2)(A) Except as provided in subparagraph (B), the Indian child's tribe shall have the right to intervene at any time in a voluntary child custody proceeding in a State court in any case in which the Indian tribe did not receive written notice provided in accordance with the requirements of subsections (c) and (d).

"(B) An Indian tribe may not intervene in any voluntary child custody proceeding in a State court if the Indian tribe gives written notice to the State court or any party involved of—

"(i) the intent of the Indian tribe not to intervene in the proceeding; or

"(ii) the determination by the Indian tribe that—

"(I) the child involved is not a member of, or is not eligible for membership in, the Indian tribe; or

"(II) neither parent of the child is a member of the Indian tribe.

"(3) If an Indian tribe files a motion for intervention in a State court under this subsection, the Indian tribe shall submit to the court, at the same time as the Indian tribe files that motion, a certification that includes a statement that documents, with respect to the Indian child involved, the membership or eligibility for membership of that Indian child in the Indian tribe under applicable tribal law.

"(f) Any act or failure to act of an Indian tribe under subsection (e) shall not—

"(1) affect any placement preference or other right of any individual under this Act;

"(2) preclude the Indian tribe of the Indian child that is the subject of an action taken by the Indian tribe under subsection (e) from intervening in a proceeding concerning that Indian child if a proposed adoptive placement of that Indian child is changed after that action is taken; or

"(3) except as specifically provided in subsection (e), affect the applicability of this Act.

"(g) Notwithstanding any other provision of law, no proceeding for a voluntary termination of parental rights or adoption of an Indian child may be conducted under applicable State law before the date that is 30 days after the Indian child's tribe receives notice of that proceeding that was provided in accordance with the requirements of subsections (c) and (d).

"(h) Notwithstanding any other provision of law (including any State law)—

"(1) a court may approve, if in the best interests of an Indian child, as part of an adoption decree of an Indian child, an agreement that states that a birth parent, an extended family member, or the Indian child's tribe shall have an enforceable right of visitation or continued contact with the Indian child after the entry of a final decree of adoption; and

"(2) the failure to comply with any provision of a court order concerning the continued visitation or contact referred to in paragraph (1) shall not be considered to be grounds for setting aside a final decree of adoption.".

SEC. 9. FRAUDULENT REPRESENTATION.

Title I of the Indian Child Welfare Act of 1978 is amended by adding at the end the following new section:

"SEC. 114. FRAUDULENT REPRESENTATION.

"(a) IN GENERAL.—With respect to any proceeding subject to this Act involving an Indian child or a child who may be considered to be an Indian child for purposes of this Act, a person, other than a birth parent of the child, shall, upon conviction, be subject to a criminal sanction under subsection (b) if that person knowingly and willfully—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device, a material fact concerning whether, for purposes of this Act—

"(A) a child is an Indian child; or

"(B) a parent is an Indian; or

"(2)(A) makes any false, fictitious, or fraudulent statement, omission, or representation; or

"(B) falsifies a written document knowing that the document contains a false, fictitious, or fraudulent statement or entry relating to a material fact described in paragraph (1).

"(b) CRIMINAL SANCTIONS.—The criminal sanctions for a violation referred to in subsection (a) are as follows:

"(1) For an initial violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 1 year, or both.

"(2) For any subsequent violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 5 years, or both.".

AUTHORIZATION FOR PRODUCTION OF DOCUMENTS BY COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 302, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 302) to authorize production of records by the Committee on Indian Affairs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AUTHORIZATION FOR PRODUCTION OF DOCUMENTS BY COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, the Committee on Indian Affairs has received requests from the U.S. Department of Justice and counsel for the plaintiff-relators and for the defendant in a civil action captioned United States of America ex rel. William I. Koch, et al. versus Koch Industries, Inc., et al., pending in the northern district of Oklahoma, for access to committee records amassed in the course of an investigation in 1988 and 1989 by the committee's Special Committee on Investigations into allegations of theft of natural resources from Indian lands. The lawsuit is a qui tam fraud action, which similarly alleges theft of oil and gas resources from Federal and Indian lands and seeks monetary recovery on behalf of the United States.

In the interest of assisting in the development of a full evidentiary record for the trial of these claims, this resolution would authorize the chairman and ranking minority member of the Indian Affairs Committee to respond to these, and any future, requests for access to these records, except for the committee's internal deliberative or confidential records, for which the committee would maintain its privilege.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 302

Whereas, the United States Department of Justice and counsel for the plaintiff-relators and defendant in the case of United States of America ex rel. William I. Koch, et al. v. Koch Industries, Inc., et al., Case No. 91–CV–763–B, pending in the United States District Court for the Northern District of Oklahoma, have requested that the Committee on Indian Affairs provide them with copies of records of the former Special Committee on Investigations of the Committee on Indian Affairs for use in connection with the pending civil action;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Indian Affairs, acting jointly, are authorized to provide to the United States Department of Justice, counsel for the plaintiff-relators and defendant in United States of America ex rel. William I. Koch, et al. v. Koch Industries, Inc., et al., and other requesting individuals and entities, copies of records of the Special Committee on Investigations for use in connection with pending legal proceedings, except concerning matters for which a privilege should be asserted.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 585, S. 1791.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1791) to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SIMPSON. Mr. President, it is a pleasure for me, as chairman of the Senate Committee on Veterans' Affairs, to request Senate approval of S. 1791. This legislation, Mr. President, would grant to recipients of compensation, and dependency and indemnity compensation [DIC] benefits, from the Department of Veterans Affairs [VA] a cost of living adjustment [COLA] increase to take effect at the beginning of next year.

This legislation is appropriate and warranted—even as we continue to work diligently to achieve deficit reduction. We can balance the budget, and simultaneously treat our veterans, and their survivors, with fairness and compassion.

This bill is simple and straightforward. It would grant to recipients of certain VA benefits—most notably, veterans with service-connected disabilities who receive VA compensation, and the surviving spouses and children of veterans who have died as a result of service-connected injuries or illnesses, who receive dependency and indemnity compensation or DIC—the same percentage COLA that Social Security recipients will receive in 1997. So, for example, if Social Security recipients receive a 2.8-percent adjustment at the beginning of next year—the percentage of increase that the Congressional Budget Office now estimates will be forthcoming—then so too would the beneficiaries of VA compensation and DIC.

Last year, the committee's COLA bill put into effect certain modifications, as approved by the Committee on Veterans' Affairs, on how COLA's are computed. For example, our 1996 COLA contained a "round down" feature—that is, a provision that required that monthly whole number benefit amounts be "rounded down" in all cases when they are recomputed. Under normal practice—and under this bill—benefit checks, which are paid in whole dollar amounts, are "rounded up" when the benefit recomputation yields a fractional dollar amount of $0.50 or more and rounded down when the computation yields a fractional dollar amount of $0.49 or less.

It may happen, Mr. President, that the Committee on Veterans' Affairs will again elect to direct that VA "round down" as part of a package of measures approved to reach budget reconciliation targets. That action, however, will be taken—if it needs to be taken—as part of a coordinated package of deficit reduction measures. For now, we request Senate approval of a "clean" COLA bill to assure enactment with no controversy before our adjournment.

I do take this opportunity to mention ever so briefly my continued strong commitment to moving toward a balanced budget. We can do it. And I hope we will attempt to make real progress to do it during the time still remaining in the 104th Congress.

The "round down" provision also serves as an instructive example of the sorts of things that can be done—if we have the vision to act now—to achieve that end without causing any needy or deserving person any real pain. To round down a VA beneficiary's monthly check might cause some beneficiaries to lose one dollar per month of the COLA increase that will be forthcoming. Those COLA increases will range up to $50 per month and more. One dollar lost of the $50 increase is not a life-threatening hardship, I submit, to any person. Yet such a measure would result in savings of $500 million over a 6 year period. Such savings opportunities can be—and must always be—considered. To fail to do so will require much more drastic measures later.

Please notice, Mr. President, I am talking about a measure that reduces ever so slightly a significant increase in benefits that would still be received by a VA beneficiary. I am not talking about cuts in veterans benefits. Despite what some so-called veterans advocates continue to say, I have never—ever—talked of any real cuts. Nor does anyone talk of actual cuts in veterans benefits as a route to a balanced budget—except, that is, one man: the President of the United States. President Clinton has proposed that VA health care spending be actually and truly cut from $16.9 billion to $13.0 billion in the year 2000. And yet he seems to have gotten a free pass on that one from the so-called veterans advocates. Why that is, I have not been able to figure out. But I have a hunch that will be a topic of a different speech.

For now, I just say again to my colleagues as I start to approach the final days of my final Congress: We must face up to the deficit and the national debt. And I say to the young people of this great land: Wake up. See what is happening. You must get involved—before your elders carelessly spend your legacy. If you do not force elected officials to act, in not too many years from now there will be nothing left in the Federal budget for you to spend on yourselves after Social Security, Medicare, Medicaid, Federal retirement, service on the debt and, yes, veterans benefits, are paid. Nothing left. That will be it. And that will be a tragedy. We can avoid it—but the Congress cannot wait. It must act now.

I thank the Chair for the time to address this subject. And I yield the floor.

Mr. ROCKEFELLER. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I urge the Senate to pass the pending legislation, S. 1791, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1996.

Mr. President, effective December 1, 1996, this bill would increase the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation [DIC] paid to the survivors of certain service-disabled veterans. The rates would increase by the same percentage as the increase in Social Security and VA pension benefits for fiscal year 1997. The Congressional Budget Office currently estimates that rate of increase will be 2.8 percent.

Mr. President, in my State of West Virginia, there are over 23,400 service-disabled veterans and almost 7,500 survivors who depend on these compensation programs. Nationwide, the numbers are 2.2 million service-disabled veterans and 300,000 survivors. For many of the more seriously disabled individuals, this compensation is their primary source of income; this is certainly the case in my home State. Even small changes in the daily cost of living can produce hardship as they struggle to make ends meet, to put food on the table and to clothe and house their families.

That is why the cost-of-living adjustment in the rates of VA compensation that we are now considering is so important. This adjustment is not a luxury—it is a necessity to protect the income of service-disabled veterans and their families from the continual erosion of inflation, thereby ensuring a standard of living that is decent and fair.

Mr. President, these families have already sacrificed several fold for our country. First, they disrupted their lives, leaving behind the comforts and security of home, the companionship of family, friends, and loved ones, to go to strange places, live in cramped and difficult circumstances, and place themselves in harm's way. Then, they returned with disabilities that changed the course of their lives forever, and the lives of the family members who live with them.

Truly we can never fully repay these veterans and their families for the sacrifices they have made. But we have a fundamental obligation to try to meet the financial needs of those who became disabled as the result of military service, as well as the needs of their families. And once we have put in place a compensation program, we have an equal obligation to periodically review that program to make sure that it remains adequate to meet those needs. This bill fulfills that obligation.

Since 1976, Congress has consistently acted to safeguard the real value of these benefits by providing an annual COLA for compensation and DIC benefits. Most recently, on November 22, 1995, Congress enacted Public Law 104-57, which provided for a 2.6-percent increase in these benefits, effective December 1, 1995. The bill we currently consider carries on that proud and fitting tradition.

Mr. President, I urge all of my colleagues to support this vitally important measure.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and the Veterans' Committee be immediately discharged from consideration of H.R. 3458; further, all after the enacting clause be stricken and the text of S. 1791 be inserted in lieu thereof, the bill be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed at the appropriate place in the RECORD, and that S. 1791 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3458), as amended, was deemed read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3458) entitled "An Act to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1996".

SEC. 2. INCREASE IN COMPENSATION RATES AND LIMITATIONS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1996, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Cost-of-Living Adjustment Act of 1995 (Public Law No. 104–57; 109 Stat. 555). This increase shall be made in such rates and limitations as in effect on November 30, 1996, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1996, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a)(2), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2) as increased under this section.

The title was amended so as to read:

To increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

WILDLIFE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from S. 2078 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2078) to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5406

(Purpose: To authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire)

Mr. LOTT. Senator KEMPTHORNE has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. KEMPTHORNE, for himself, Mr. BINGAMAN, Mr. CRAIG and Mr. KYL proposes an amendment numbered 5406.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This act may be cited as the "Wildfire Suppression Aircraft Transfer Act of 1996".

SEC. 2. AUTHORITY TO SELL AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

(a) AUTHORITY.—(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning on October 1, 1996, and ending on September 30, 2000, sell the aircraft and aircraft parts referred to in paragraph (2) to persons or entities that contract with the Federal Government for the delivery of fire retardant by air in order to suppress wildfire.

(2) Paragraph (1) applies to aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for the provision of airtanker services for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes jointly approved by the Secretary of Defense and the Secretary of Agriculture in writing in advance.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Agriculture certifies to the Secretary of Defense, in writing, before the sale that the person or entity is capable of meeting the terms and conditions of a contract to deliver fire retardant by air.

(d) REGULATIONS.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Agriculture and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at fair market value (as determined by the Secretary of Defense) and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end users in accordance with the conditions set forth in subsections (b) and (e); and

(D) ensure, to the maximum extent practicable, that the Secretary consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of the regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and type of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5406) was agreed to.

The bill (S. 2078), as amended, was deemed read the third time and passed.

SETTLEMENT OF THE NAVAJO-HOPI LAND DISPUTE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 582, S. 1973.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1973) to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Navajo-Hopi Land Dispute Settlement Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest for the Tribe, Navajos residing on the Hopi Partitioned Lands, and the United States to reach a peaceful resolution of the longstanding disagreements between the parties under the Act commonly known as the "Navajo-Hopi Land Settlement Act of 1974" (Public Law 93–531; 25 U.S.C. 640d et seq.);

(2) it is in the best interest of the Tribe and the United States that there be a fair and final settlement of certain issues remaining in connection with the Navajo-Hopi Land Settlement Act of 1974, including the full and final settlement of the multiple claims that the Tribe has against the United States;

(3) this Act, together with the Settlement Agreement executed on December 14, 1995, and the Accommodation Agreement (as incorporated by the Settlement Agreement), provide the authority for the Tribe to enter agreements with eligible Navajo families in order for those families to remain residents of the Hopi Partitioned Lands for a period of 75 years, subject to the terms and conditions of the Accommodation Agreement;

(4) the United States acknowledges and respects—

(A) the sincerity of the traditional beliefs of the members of the Tribe and the Navajo families residing on the Hopi Partitioned Lands; and

(B) the importance that the respective traditional beliefs of the members of the Tribe and Navajo families have with respect to the culture and way of life of those members and families;

(5) this Act, the Settlement Agreement, and the Accommodation Agreement provide for the mutual respect and protection of the traditional religious beliefs and practices of the Tribe and the Navajo families residing on the Hopi Partitioned Lands; and

(6) the Tribe is encouraged to work with the Navajo families residing on the Hopi Partitioned Lands to address their concerns regarding the establishment of family or individual burial plots for deceased family members who have resided on the Hopi Partitioned Lands.

SEC. 3. DEFINITIONS.

Except as otherwise provided in this Act, for purposes of this Act, the following definitions shall apply:

(1) ACCOMMODATION.—The term "Accommodation" has the meaning provided that term under the Settlement Agreement.

(2) HOPI PARTITIONED LANDS.—The term "Hopi Partitioned Lands" means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) NAVAJO PARTITIONED LANDS.—The term "Navajo Partitioned Lands" has the meaning provided that term in the proposed regulations issued on November 1, 1995, at 60 Fed. Reg. 55506.

(4) NEW LANDS.—The term "New Lands" has the meaning provided that term in section 700.701(b) of title 25, Code of Federal Regulations.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the agreement between the United States and the Hopi Tribe executed on December 14, 1995.

(7) TRIBE.—The term "Tribe" means the Hopi Tribe.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. CONDITIONS FOR LANDS TAKEN INTO TRUST.

The Secretary shall take such action as may be necessary to ensure that the following conditions are met prior to taking lands into trust for the benefit of the Tribe pursuant to the Settlement Agreement:

(1) SELECTION OF LANDS TAKEN INTO TRUST.—

(A) PRIMARY AREA.—In accordance with section 7(a) of the Settlement Agreement, the primary area within which lands acquired by the Tribe may be taken into trust by the Secretary for the benefit of the Tribe under the Settlement Agreement shall be located in northern Arizona.

(B) REQUIREMENTS FOR LANDS TAKEN INTO TRUST IN THE PRIMARY AREA.—Lands taken into trust in the primary area referred to in subparagraph (A) shall be—

(i) land that is used substantially for ranching, agriculture, or another similar use; and

(ii) to the extent feasible, in contiguous parcels.

(2) ACQUISITION OF LANDS.—Before taking any land into trust for the benefit of the Tribe under this section, the Secretary shall ensure that—

(A) at least 85 percent of the eligible Navajo heads of household (as determined under the Settlement Agreement) have entered into an accommodation or have chosen to relocate and are eligible for relocation assistance (as determined under the Settlement Agreement); and

(B) the Tribe has consulted with the State of Arizona concerning the lands proposed to be placed in trust, including consulting with the State concerning the impact of placing those lands into trust on the State and political subdivisions thereof resulting from the removal of land from the tax rolls in a manner consistent with the provisions of part 151 of title 25, Code of Federal Regulations.

(3) PROHIBITION.—The Secretary may not, pursuant to the provisions of this Act and the Settlement Agreement, place lands, any portion of which are located within or contiguous to a 5-mile radius of an incorporated town (as that term is defined by the Secretary) in northern Arizona, into trust for benefit of the Tribe without specific statutory authority.

SEC. 6. ACQUISITION THROUGH CONDEMNATION OF CERTAIN INTERSPERSED LANDS.

(a) IN GENERAL.—

(1) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—The Secretary shall take action as specified in subparagraph (B), to the extent that the Tribe, in accordance with section 7(b) of the Settlement Agreement—

(i) acquires private lands; and

(ii) requests the Secretary to acquire through condemnation interspersed lands that are owned by the State of Arizona and are located within the exterior boundaries of those private lands in order to have both the private lands and the State lands taken into trust by the Secretary for the benefit of the Tribe.

(B) ACQUISITION THROUGH CONDEMNATION.—With respect to a request for an acquisition of lands through condemnation made under subparagraph (A), the Secretary shall, upon the recommendation of the Tribe, take such action as may be necessary to acquire the lands through condemnation and, with funds provided by the Tribe, pay the State of Arizona fair market value for those lands in accordance with applicable Federal law, if the conditions described in paragraph (2) are met.

(2) CONDITIONS FOR ACQUISITION THROUGH CONDEMNATION.—The Secretary may acquire lands through condemnation under this subsection if—

(A) that acquisition is consistent with the purpose of obtaining not more than 500,000 acres of land to be taken into trust for the Tribe;

(B) the State of Arizona concurs with the United States that the acquisition is consistent with the interests of the State; and

(C) the Tribe pays for the land acquired through condemnation under this subsection.

(b) DISPOSITION OF LANDS.—If the Secretary acquires lands through condemnation under subsection (a), the Secretary shall take those lands into trust for the Tribe in accordance with this Act and the Settlement Agreement.

(c) PRIVATE LANDS.—The Secretary may not acquire private lands through condemnation for the purpose specified in subsection (a)(2)(A).

SEC. 7. ACTION TO QUIET POSSESSION.

If the United States fails to discharge the obligations specified in section 9(c) of the Settlement Agreement with respect to voluntary relocation of Navajos residing on Hopi Partitioned Lands, or section 9(d) of the Settlement Agreement, relating to the implementation of sections 700.137 through 700.139 of title 25, Code of Federal Regulations, on the New Lands, including failure for reason of insufficient funds made available by appropriations or otherwise, the Tribe may bring an action to quiet possession that relates to the use of the Hopi Partitioned Lands after February 1, 2000, by a Navajo family that is eligible for an accommodation, but fails to enter into an accommodation.

SEC. 8. PAYMENT TO STATE OF ARIZONA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to the Department of the Interior $250,000 for fiscal year 1998, to be used by the Secretary of the Interior for making a payment to the State of Arizona.

(b) PAYMENT.—The Secretary shall make a payment in the amount specified in subsection (a) to the State of Arizona after an initial acquisition of land from the State has been made by the Secretary pursuant to section 6.

SEC. 9. 75-YEAR LEASING AUTHORITY.

The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) is amended by adding at the end the following new subsections:

"(c) LEASES INVOLVING THE HOPI TRIBE AND THE HOPI PARTITIONED LANDS ACCOMMODATION AGREEMENT.—Notwithstanding subsection (a), a lease of land by the Hopi Tribe to Navajo Indians on the Hopi Partitioned Lands may be for a term of 75 years, and may be extended at the conclusion of the term of the lease.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'Hopi Partitioned Lands' means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this subsection); and

"(2) the term 'Navajo Indians' means members of the Navajo Tribe.".

SEC. 10. REAUTHORIZATION OF THE NAVAJO-HOPI RELOCATION HOUSING PROGRAM.

Section 25(a)(8) of Public Law 93-531 (25 U.S.C. 640d-24(a)(8)) is amended by striking "1996, and 1997" and inserting "1996, 1997, 1998, 1999, and 2000".

Mr. McCAIN. Mr. President, I rise today to urge my colleagues to support this important legislation which will resolve a longstanding dispute between the Hopi Tribe, the Navajo Nation and the United States. This legislation marks the culmination of 4 years of mediation efforts of the Ninth Circuit Court of Appeals involving the Hopi Tribe, the Navajo Nation, representatives of the Navajo families residing on Hopi partitioned lands, and the U.S. Department of Justice. S. 1973 provides for the settlement of four claims of the Hopi Tribe against the United States and provides the necessary authority to the Hopi Tribe to issue 75-year lease agreements to Navajo families residing on the Hopi partitioned land. This legislation will ratify the settlement and accommodation agreements made by the Department of Justice, the Hopi Tribe, the Navajo Nation, and the Navajo families residing on the Hopi partitioned lands.

The settlement marks an important first step in bringing this longstanding dispute between the Hopi Tribe, the Navajo Nation, and the United States to an orderly and peaceful conclusion. These agreements are the product of many, many hours of negotiation under the auspices of the Ninth Circuit Court of Appeals mediation process. While I understand that there are factions in both the Hopi Tribe and the Navajo Nation who have voiced their opposition to the settlement, I believe that these agreements represent the only realistic way to settle the claims of the Hopi Tribe against the United States and to provide an accommodation for the hundreds of Navajos residing on Hopi partitioned lands.

I believe it is imperative that the Congress take this step before the close of this session in order to bring this longstanding dispute to a final resolution. It has been over 22 years since the Navajo-Hopi Settlement Act was passed with the intention of settling the disputes between the Navajo Nation and the Hopi Tribe. Since that time, the Federal Government has spent over $350 million to fund the Navajo-Hopi Relocation Program. That funding exceeded the original cost estimates by more than 900 percent. And yet, there are over 130 appeals still pending, which raises a great deal of uncertainty regarding who is and is not eligible for further relocation benefits under the act. I am convinced that future Federal budgetary pressures will force closure of the Navajo-Hopi Relocation Housing Program. I intend to ensure that this be done in an orderly fashion. I will introduce separate legislation in the near future that will provide for a measured phase out of the Navajo-Hopi Relocation Housing Program in 5 years. As an important first step, it is critical that the Congress pass legislation to settle the outstanding claims of the Hopi Tribe against the United States.

There are several important clarifications that have been made to the legislation as part of our committee's deliberation on the bill. S. 1973 has been amended to make clear that the Hopi Tribe has the authority to renew leases entered into under the settlement for additional terms of 75 years. The bill makes clear that the Hopi Tribe cannot place land into trust that is located within a 5 mile radius of an incorporated town or city in northern Arizona and that prior to placing lands into trust for the Hopi Tribe, the Secretary shall certify that no more than 15 percent of the eligible Navajo households remain on the HPL without having an accommodation agreement with the Hopi Tribe. These clarifications will help ensure that this settlement will achieve a greater degree of finality.

Mr. President, I am also proposing several amendments which further clarify provisions in the settlement and its potential impacts on communities in northern Arizona. The first amendment clarifies that the provisions prohibiting the Secretary from taking lands into trust within 5 miles of an incorporated town also apply to cities in northern Arizona. The second amendment adds a finding to the bill that recognizes that the Navajo Nation and the Navajo families did not participate in the settlement between the Hopi Tribe and the United States. The third amendment adds a new definition for newly acquired trust lands. The fourth amendment pertains to the potential impacts of the settlement provisions on ongoing water rights negotiations in northern Arizona. It would make clear that the settlement agreements provisions would not prejudice or adversely impact existing water users and more senior water rights holders along the Little Colorado River. This provision also makes clear that any water rights covered in the settlement agreement are a part of, and bound by, the adjudication of the court presiding over the Little Colorado River adjudication. Finally, the amendment makes clear that nothing in the Act or the amendments made by the act shall preclude, limit, or endorse actions by the Navajo Nation to seek, in court, an offset from judgments for payments received by the Hopi Tribe.

It is my understanding that as part of the negotiations on provisions in the bill relating to the Little Colorado River adjudication, the Hopi Tribe and the city of Flagstaff have commenced discussions to resolve the water rights of the city of Flagstaff. I am very pleased that the city of Flagstaff has communicated its support for this settlement and its desire to work with the Hopi Tribe to resolve the outstanding issues related to their respective claims to scarce water resources. I am also pleased that the Hopi Tribe has pledged to work diligently with the city to resolve these difficult issues. It is my hope that both the Hopi Tribe and the city of Flagstaff will be able to resolve these issues amicably in the near future. To that end, let me assure the parties that I will provide whatever assistance I can in working with the Hopi Tribe and the city of Flagstaff to resolve these important issues.

Mr. President, this long overdue legislation marks an important first step toward the resolution of the disputes between the Hopi Tribe, the Navajo Nation, and the United States which have been the subject of over 35 years of litigation and acrimony. For the first time since this dispute began, a mechanism will be provided that permits Navajo families to legally remain on homesites within the Hopi partitioned lands. It is vitally important that Congress pass this legislation in order to settle these long-standing claims against the United States and to provide an opportunity for many Navajo families to remain on their homesites.

Finally, Mr. President, this legislation is supported by the Navajo Nation, the Hopi Tribe, the administration, the State of Arizona, and representatives of the Navajo families residing on the Hopi partitioned lands. Accordingly, I strongly urge the Senate to pass S. 1973.

Mr. KYL. Mr. President, at this point, I ask the distinguished Chairman of the Committee on Indian Affairs, the senior Senator from Arizona, Senator McCain, to engage in a colloquy.

Mr. McCAIN. Mr. President, I would be glad to engage Senator KYL for purposes of a colloquy.

Mr. KYL. As you know, the general authority of the Secretary to take land in trust was struck down as unconstitutional by the U.S. Court of Appeals for the Eighth Circuit in the case of United States Department of the Interior, et al. versus State of South Dakota and City of Oacoma. Does the authority for the Secretary to take newly acquired lands in trust pursuant to the settlement agreement and this act rely on that general authority?

Mr. McCAIN. No. The authority for the Secretary of the Interior to take newly acquired lands in trust for the Hopi Tribe pursuant to the settlement agreement is granted solely pursuant to this act.

Mr. KYL. What is the Chairman's understanding of the process that the Secretary will use to consider requests to take newly acquired lands in trust for the Hopi Tribe pursuant to the settlement agreement and this act?

Mr. McCAIN. The settlement agreement provides that the Secretary will consider the Tribe's request for trust status for any lands it acquires, subject to all existing applicable laws and regulations, including the National Environmental Policy Act and 25 Code of Federal Regulations 151, and provided that any environmental problems identified as a result of compliance with the National Environmental Policy Act are mitigated to the satisfaction of the Secretary.

Mr. KYL. Does this act establish a Federal reserved right to the use of groundwater on the newly acquired trust lands?

Mr. McCAIN. No. Language in the act is explicit that nothing in the act establishes a Federal reserved right to groundwater. The act sets forth the attributes of the Hopi water rights on the newly acquired lands and provides how conflicts that may arise shall be resolved.

Mr. KYL. Does the Senator agree that the water rights granted by this act to the Hopi Tribe on newly acquired trust lands are not Federal reserved water rights, but instead are Federal statutory rights granted solely by this legislation as part of a unique settlement tailored to the unique circumstances surrounding the Navajo-Hopi land dispute?

Mr. McCAIN. I agree with the Senator. The legislation makes clear that water rights on newly acquired trust land that are specifically granted by this act are Federal water rights granted by Congress. They are Federal statutory water rights, not Federal reserved water rights.

Mr. KYL. Does the Senator agree that, as a matter of longstanding Congressional policy, Congress recognizes the principle that State water law governs the allocation and use of water within a State, subject to the Federal Government's power to reserve and establish water rights for the purposes associated with Federal lands and Indian reservations?

Mr. McCAIN. I agree.

Mr. KYL. Does the Senator agree that the fact that Congress sees fit to grant these water rights in this act reflects the circumstances unique to the Navajo-Hopi dispute, and does not reflect any intention by the Congress to depart from its general policy with respect to the primacy of State water law?

Mr. McCAIN. I agree with the Senator.

Mr. KYL. Mr. President, the Navajo-Hopi Land Dispute Settlement Act, S. 1973, represents the culmination of several years' worth of very difficult negotiations involving the Navajo and Hopi Tribes, Navajo families residing on Hopi Partitioned Lands, the U.S. Departments of Interior and Justice, the State of Arizona, and representatives of the tribes' non-Indian neighbors in Arizona.

The bill, and the settlement agreement that it ratifies, are the result of good faith efforts by all parties. Taken together, they may well represent the last, best chance to resolve this land dispute with a minimum of pain and disruption to members of the Indian tribes.

Still, this is not a perfect agreement, and I must say for the record that I am not entirely convinced that it will fully resolve the land dispute. The very basis of the settlement is the 75-year leases that the Hopi Tribe will offer to Navajo families who still reside on the HPL and who wish to remain there. By its own design, the settlement carries with it the prospect that the dispute will arise again in 75 years when those leases expire.

The question is, what will happen if the Hopi Tribe does not extend the leases in 75 years, and our successors find that the problem not only remains, but that the number of Navajos in the area has increased significantly? Will the United States be asked to commit hundreds of millions more taxpayer dollars to another painful relocation program? Even though the Hopi indicate now that, if the United States fulfills its obligations under the settlement, it will have fulfilled all of its obligations to the tribe in this matter, what will the obligations of the United States really be 75 years from now—when individuals yet unborn have assumed leadership of the tribes, the Congress, the administration, and the State and local governments?

I caution anyone to be under no illusion that we are permanently settling the land dispute. I suspect that Congress will be asked to find some other way to resolve it—maybe even sooner than 75 years from now. Nevertheless, I am willing to allow this agreement to go forward, in large part because the Hopi Chairman, Ferrell Secakuku, has given me his word that the agreement is in the best interest of the Hopi people and that the tribe will do its best to accommodate Navajo families who wish to remain on the HPL.

I am also willing to allow it to go forward because changes made during the course of the Senate's consideration have made it at least somewhat more likely that the settlement will succeed. For example, we have made parts of the agreement contingent upon 85 percent of the Navajo families signing the lease agreements or accepting relocation benefits. That will ensure some degree of finality before the benefits of resolution—namely, the granting of trust status to lands acquired by the Hopi—are awarded. It will also ensure that a significant majority of the Navajo families are willing participants in the arrangement—something that will improve the prospects of long-term success.

We have also included language to minimize the effect on the tribe's non-Indian neighbors. For example, we say that the taking in trust of any lands, any portion of which falls within a 5-mile radius of an incorporated city or town, will require the specific approval of Congress. We authorize the capitalization of a fund to compensate local governments for any loss of tax revenues resulting from the taking of lands in trust. We codify the understandings in the agreement about the location and character of lands that can be taken in trust, and codify the rights of the State of Arizona with regard to State lands that the Hopi may acquire.

Mr. President, the bill includes important language regarding rights to water on any newly acquired trust lands, and of course, water is the most critical issue for others in Arizona who may be affected by the settlement. In fact, it was the issue of water rights that has proven to be one of the most difficult to resolve.

Initially, the agreement and the bill were silent on the issue, suggesting that Congress might have been creating a new unquantified Federal reserved water right in this legislation. It is my view that such a right is not implicit in the taking of land in trust; any water rights that exist, exist only as Congress specifically provides in statute.

With that in mind, language in the bill clearly spells out what water rights will exist on the newly acquired trust lands. Although the language is not as I would have written it, it is largely acceptable to water users in Arizona who are most likely be affected by the implementation of the settlement, with the exception of the city of Flagstaff.

In that regard, Chairman Ferrell Secakuku of the Hopi Tribe sent a letter dated September 23, 1996, to Mayor Bavasi of Flagstaff, pledging that it is not the intent of the Hopi Tribe, as part of the settlement of the land dispute, to affect adversely the city's water use.

I ask unanimous consent that the chairman's letter and a copy of a letter clarifying the city's understanding of the tribe's position be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HOPI TRIBE,
September 23, 1996.

Hon. CHRISTOPHER BAVASI,
City of Flagstaff,
Flagstaff, AZ.

DEAR CHRIS: I am writing in response to conversations Lee Storey has had with Scott Canty and Tim Atkeson regarding the City of Flagstaff and the Lake Mary water drainage. It is my understanding that the City of Flagstaff has an interest in the unappropriated surface water in the Lake Mary water drainage and is concerned that the Hopi Tribe may assert a federal claim to that water. It is not the intent of the Hopi Tribe, as part of the settlement of the land dispute, to affect adversely the City's interest in that water. Accordingly, I would invite you and the City Council to meet with me and the Hopi Tribe over the next few weeks to develop a mechanism whereby the City's interests can be accommodated. Please let me know your schedule so that we can resolve this issue satisfactorily.

Sincerely,

FERRELL SECAKUKU,
Chairman of the Hopi Tribe.

CITY OF FLAGSTAFF,
September 24, 1996.

Hon. JON KYL,
Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL AND SENATOR MCCAIN: The Flagstaff City Council met at 12:30 p.m. today to consider its position on Senate Bill 1973, taking into consideration the letter received by Major Chris Bavasi from Hopi Chairman Ferrell Secakuku. Based on assurance made by Chairman Secakuku's letter, the City Council instructed me to convey its support for SB 1973. It is important to note that a message received from Tim Atkeson, Legal Counsel for the Hopi Tribe, through Lee Storey, was vital to the Council's decision. Mr. Atkeson confirmed by phone with Lee Storey that Chairman Secakuku's letter is intended to cover all of Flagstaff's water use, and not be limited to the Lake Mary watershed.

The Council also relied heavily on your intention to comment during Senate consideration that passage is supported with the understanding that the Hopi Tribe will work with the City of Flagstaff to formalize a legal and binding instrument to implement their commitment not to adversely affect the City's water rights/water supply.

The Council also understands that you will commit to join with the City of Flagstaff and the Hopi Tribe to secure the appropriate legal instrument between the two.

Thank you very much for your consideration.

Sincerely,

DAVID W. WILCOX,
City manager.

Mr. KYL. The chairman pledged in his letter to meet with Mayor Bavasi within the next few weeks to develop a mechanism whereby the city's interests can be accommodated, and I take the chairman at his word that the tribe will not adversely affect the city's interest. It is based on the chairman's assurances that I am not seeking additional language in the bill at this time.

I am sending letters to both the chairman and the mayor encouraging them to meet expeditiously on the matter and come to resolution, and I will look forward to early progress reports from them.

Mr. President, let me address for a moment specific language in the bill. Subsection 12(a)(1)(A) permits the reasonable use of groundwater pumped on newly acquired trust lands; provisions in section 12(h) of the bill make it clear, however, that this should not be construed as establishing a Federal reserved right to ground water.

Another provision allows the Hopi to maintain all rights to the use of surface water on such lands that exist under State law on the date of acquisition, and it allows the tribe to make any further beneficial use, on newly acquired trust lands, of surface water which is unappropriated on the date that each parcel of newly acquired trust lands is taken into trust.

These rights are constrained. With respect to ground water, the bill requires the tribe to recognize as valid all uses of ground water which may be made from wells, or their subsequent replacements, in existence on the date each parcel of newly acquired trust land is acquired. The tribe shall not object to such ground water uses on the basis of water rights associated with the newly acquired trust lands. The tribe agrees to limit any objection only to the impact on newly acquired trust lands of ground water uses which are initiated after the date the lands affected are taken in trust, and only on grounds allowed by State law as it exists when the objection is made.

Let me say that again—objection can be made only on grounds allowed by State law when the objection is made.

The tribe further agrees not to object to ground water uses that affect the tribe's right to surface water established under subsection 12(a)(1)(C) when those ground water uses are initiated before the tribe initiates its beneficial use of surface water pursuant to that subsection.

The tribe further agrees to recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired, and shall not object to such surface-water uses on the basis of water rights associated with the newly acquired trust lands. The tribe may enforce the priority of its rights to surface water against junior surface water rights, but only to the extent that the exercise of those junior rights interferes with the actual use of the tribe's senior surface water rights.

Mr. President, the creation of the limited right to the beneficial use of unappropriated surface water that is created here—and I emphasize the language included in section 12(h) that says explicitly that such a right is not a Federal reserved water right—can interfere with the rights of others who lawfully put water to beneficial use in the State after the passage of this bill, and that is the problem.

The tribe could, for example, assert a senior right to such unappropriated surface water many years from now, having never put the water to beneficial use, while others, including cities and towns in northern Arizona, and private parties, have floated bonds, made investments, and made other economic development plans based on water that is available in the interim and lawfully put to beneficial use.

Moreover, the creation of even a limited right to water for new lands acquired by the Hopi could undermine the entire Little Colorado River adjudication should the tribe assert the right many years in the future, after the adjudication process has been completed.

The fact is, there is no need to create any additional water right, even the limited right that is included here. The settlement allows the Hopi to choose any land the tribe wishes, including land with very secure and senior water rights. Those rights may well be senior to the bill's limited right, with its priority date that the lands are taken in trust.

The tribe can choose to buy land with very good State-law water rights, or none at all. It should not, however, be allowed to secure existing State-law rights and even a limited right to some additional amount of water.

Nevertheless, I am willing to allow the legislation to go forward first, because, according to the Arizona Department of Water Resources, the amount of unappropriated water in this instance is negligible; second, because the Hopi Tribe has agreed to try to accommodate the city of Flagstaff's further concerns; third, because the right is carefully defined and limited by section 12(b); and fourth, because language in section 12(h) makes it explicit that nothing in this legislation shall imply that a Federal reserved water right is created or that State law shall not apply.

AMENDMENT NOS. 5407, 5408, 5409, 5410, AND 5411

Mr. LOTT. Mr. President, I understand that Senator MCCAIN has five amendments at the desk as follows: Amendment No. 5407, regarding trust lands; amendment No. 5408, a technical change; amendment No. 5409, an additional finding; amendment No. 5410 relating to expeditious action; amendment No. 5411, statutory interpretation and water rights.

The amendments (Nos. 5407, 5408, 5409, 5410, and 5411) are as follows:

AMENDMENT NO. 5407

(Purpose: To provide a definition of newly acquired trust lands)

On page 13, between lines 20 and 21, insert the following:

(8) NEWLY ACQUIRED TRUST LANDS.—The term "newly acquired trust lands" means lands taken into trust for the Tribe within the State of Arizona pursuant to this Act or the Settlement Agreement.

AMENDMENT NO. 5408

(Purpose: To provide a technical change)

On page 15, line 18, strike "town (as that term is" and insert "town or city (as those terms are".

AMENDMENT NO. 5409

(Purpose: To provide an additional finding)

On page 12, line 12, strike "and".

On page 12, line 18, strike the period and insert "; and".

On page 12, between lines 18 and 19, insert the following:

(7) neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned Lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe.

AMENDMENT NO. 5410

(Purpose: To direct the Secretary to take lands into trust in an expeditious manner)

On page 15, between lines 20 and 21, insert the following:

(4) EXPEDITIOUS ACTION BY THE SECRETARY.—Consistent with all other provisions of this Act, the Secretary is directed to take lands into trust under this Act expeditiously and without undue delay.

AMENDMENT NO. 5411

(Purpose: To provide for statutory interpretation and water rights)

On page 19, after line 15, add the following:

SEC. 11. EFFECT OF THIS ACT ON CASES INVOLVING THE NAVAJO NATION AND THE HOPI TRIBE.

Nothing in this Act or the amendments made by this Act shall be interpreted or deemed to preclude, limit, or endorse, in any manner, actions by the Navajo Nation that seek, in court, an offset from judgments for payments received by the Hopi Tribe under the Settlement Agreement.

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) WATER RIGHTS.—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) The right to the reasonable use of groundwater pumped from such lands.

(B) All rights to the use of surface water on such lands existing under State law on the date of acquisition, with the priority date of such right under State law.

(C) The right to make any further beneficial use on such lands which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

(2) RIGHTS NOT SUBJECT TO FORFEITURE OR ABANDONMENT.—The Tribe's water rights for newly acquired trust lands shall not be subject to forfeiture or abandonment arising from events occurring after the date the lands are taken into trust.

(b) RECOGNITION AS VALID USES.—

(1) GROUNDWATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exists when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater uses on the Tribe's right to surface water established pursuant to subsection (a)(3) when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection (a)(3).

(2) SURFACE WATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired and shall not object to such surface water uses on the basis of water rights associated with the newly acquired trust lands, but shall have the right to enforce the priority of its rights against all junior water rights the exercise of which interfere with the actual use of the Tribe's senior surface water rights.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall preclude the Tribe, or the United States on the Tribe's behalf,

from asserting objections to water rights and uses on the basis of the Tribe's water rights on its currently existing trust lands.

(c) APPLICABILITY OF STATE LAW ON LANDS OTHER THAN NEWLY ACQUIRED LANDS.—The Tribe, and the United States on the Tribe's behalf, further recognize that State law applies to water uses on lands, including subsurface estates, that exist within the exterior boundaries of newly acquired trust lands and that are owned by any party other than the Tribe.

(d) ADJUDICATION OF WATER RIGHTS ON NEWLY ACQUIRED TRUST LANDS.—The Tribe's water rights on newly acquired trust lands shall be adjudicated with the rights of all other competing users in the court now presiding over the Little Colorado River Adjudication, or if that court no longer has jurisdiction, in the appropriate State or Federal court. Any controversies between or among users arising under Federal or State law involving the Tribe's water rights on newly acquired trust lands shall be resolved in the court now presiding over the Little Colorado River Adjudication, or, if that court no longer has jurisdiction, in the appropriate State or Federal court. Nothing in this subsection shall be construed to affect any court's jurisdiction; provided, that the Tribe shall administer all water rights established in subsection (a).

(e) PROHIBITION.—Water rights for newly acquired trust lands shall not be used, leased, sold, or transported for use off of such lands or the Tribe's other trust lands, provided that the Tribe may agree with other persons having junior water rights to subordinate the Tribe's senior water rights. Water rights for newly acquired trust lands can only be used on those lands or other trust lands of the Tribe located within the same river basin tributary to the main stream of the Colorado River.

(f) SUBSURFACE INTERESTS.—On any newly acquired trust lands where the subsurface interest is owned by any party other than the Tribe, the trust status of the surface ownership shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) STATUTORY CONSTRUCTION WITH RESPECT TO WATER RIGHTS OF OTHER FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this section shall affect the water rights of any other federally recognized Indian tribe with a priority date earlier than the date the newly acquired trust lands are taken into trust.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to determine the law applicable to water use on lands owned by the United States, other than on the newly acquired trust lands. The granting of the right to make beneficial use of unappropriated surface water on the newly acquired trust lands with a priority date such lands are taken into trust shall not be construed to imply that such right is a Federal reserved water right. Nothing in this section or any other provision of this Act shall be construed to establish any Federal reserved right to groundwater. Authority for the Secretary to take land into trust for the Tribe pursuant to the Settlement Agreement and this Act shall be construed as having been provided solely by the provisions of this Act.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendments be agreed to, en bloc, and the committee amendment, as amended, be agreed to, the bill be deemed read a third time and passed, as amended, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 5407, 5408, 5409, 5410, and 5411) were agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 1973), as amended, was agreed to, as follows:

S. 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Navajo-Hopi Land Dispute Settlement Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest for the Tribe, Navajos residing on the Hopi Partitioned Lands, and the United States to reach a peaceful resolution of the longstanding disagreements between the parties under the Act commonly known as the "Navajo-Hopi Land Settlement Act of 1974" (Public Law 93-531; 25 U.S.C. 640d et seq.);

(2) it is in the best interest of the Tribe and the United States that there be a fair and final settlement of certain issues remaining in connection with the Navajo-Hopi Land Settlement Act of 1974, including the full and final settlement of the multiple claims that the Tribe has against the United States;

(3) this Act, together with the Settlement Agreement executed on December 14, 1995, and the Accommodation Agreement (as incorporated by the Settlement Agreement), provide the authority for the Tribe to enter agreements with eligible Navajo families in order for those families to remain residents of the Hopi Partitioned Lands for a period of 75 years, subject to the terms and conditions of the Accommodation Agreement;

(4) the United States acknowledges and respects—

(A) the sincerity of the traditional beliefs of the members of the Tribe and the Navajo families residing on the Hopi Partitioned Lands; and

(B) the importance that the respective traditional beliefs of the members of the Tribe and Navajo families have with respect to the culture and way of life of those members and families;

(5) this Act, the Settlement Agreement, and the Accommodation Agreement provide for the mutual respect and protection of the traditional religious beliefs and practices of the Tribe and the Navajo families residing on the Hopi Partitioned Lands;

(6) the Tribe is encouraged to work with the Navajo families residing on the Hopi Partitioned Lands to address their concerns regarding the establishment of family or individual burial plots for deceased family members who have resided on the Hopi Partitioned Lands; and

(7) neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned Lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe.

SEC. 3. DEFINITIONS.

Except as otherwise provided in this Act, for purposes of this Act, the following definitions shall apply:

(1) ACCOMMODATION.—The term "Accommodation" has the meaning provided that term under the Settlement Agreement.

(2) HOPI PARTITIONED LANDS.—The term "Hopi Partitioned Lands" means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) NAVAJO PARTITIONED LANDS.—The term "Navajo Partitioned Lands" has the meaning provided that term in the proposed regulations issued on November 1, 1995, at 60 Fed. Reg. 55506.

(4) NEW LANDS.—The term "New Lands" has the meaning provided that term in section 700.701(b) of title 25, Code of Federal Regulations.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the agreement between the United States and the Hopi Tribe executed on December 14, 1995.

(7) TRIBE.—The term "Tribe" means the Hopi Tribe.

(8) NEWLY ACQUIRED TRUST LANDS.—The term "newly acquired trust lands" means lands taken into trust for the Tribe within the State of Arizona pursuant to this Act or the Settlement Agreement.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. CONDITIONS FOR LANDS TAKEN INTO TRUST.

The Secretary shall take such action as may be necessary to ensure that the following conditions are met prior to taking lands into trust for the benefit of the Tribe pursuant to the Settlement Agreement:

(1) SELECTION OF LANDS TAKEN INTO TRUST.—

(A) PRIMARY AREA.—In accordance with section 7(a) of the Settlement Agreement, the primary area within which lands acquired by the Tribe may be taken into trust by the Secretary for the benefit of the Tribe under the Settlement Agreement shall be located in northern Arizona.

(B) REQUIREMENTS FOR LANDS TAKEN INTO TRUST IN THE PRIMARY AREA.—Lands taken into trust in the primary area referred to in subparagraph (A) shall be—

(i) land that is used substantially for ranching, agriculture, or another similar use; and

(ii) to the extent feasible, in contiguous parcels.

(2) ACQUISITION OF LANDS.—Before taking any land into trust for the benefit of the Tribe under this section, the Secretary shall ensure that—

(A) at least 85 percent of the eligible Navajo heads of household (as determined under the Settlement Agreement) have entered into an accommodation or have chosen to relocate and are eligible for relocation assistance (as determined under the Settlement Agreement); and

(B) the Tribe has consulted with the State of Arizona concerning the lands proposed to be placed in trust, including consulting with the State concerning the impact of placing those lands into trust on the State and political subdivisions thereof resulting from the removal of land from the tax rolls in a manner consistent with the provisions of part 151 of title 25, Code of Federal Regulations.

(3) PROHIBITION.—The Secretary may not, pursuant to the provisions of this Act and the Settlement Agreement, place lands, any portion of which are located within or contiguous to a 5-mile radius of an incorporated town or city (as those terms are defined by the Secretary) in northern Arizona, into

trust for benefit of the Tribe without specific statutory authority.

(4) EXPEDITIOUS ACTION BY THE SECRETARY.—Consistent with all other provisions of this Act, the Secretary is directed to take lands into trust under this Act expeditiously and without undue delay.

SEC. 6. ACQUISITION THROUGH CONDEMNATION OF CERTAIN INTERSPERSED LANDS.

(a) IN GENERAL.—

(1) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—The Secretary shall take action as specified in subparagraph (B), to the extent that the Tribe, in accordance with section 7(b) of the Settlement Agreement—

(i) acquires private lands; and

(ii) requests the Secretary to acquire through condemnation interspersed lands that are owned by the State of Arizona and are located within the exterior boundaries of those private lands in order to have both the private lands and the State lands taken into trust by the Secretary for the benefit of the Tribe.

(B) ACQUISITION THROUGH CONDEMNATION.—With respect to a request for an acquisition of lands through condemnation made under subparagraph (A), the Secretary shall, upon the recommendation of the Tribe, take such action as may be necessary to acquire the lands through condemnation and, with funds provided by the Tribe, pay the State of Arizona fair market value for those lands in accordance with applicable Federal law, if the conditions described in paragraph (2) are met.

(2) CONDITIONS FOR ACQUISITION THROUGH CONDEMNATION.—The Secretary may acquire lands through condemnation under this subsection if—

(A) that acquisition is consistent with the purpose of obtaining not more than 500,000 acres of land to be taken into trust for the Tribe;

(B) the State of Arizona concurs with the United States that the acquisition is consistent with the interests of the State; and

(C) the Tribe pays for the land acquired through condemnation under this subsection.

(b) DISPOSITION OF LANDS.—If the Secretary acquires lands through condemnation under subsection (a), the Secretary shall take those lands into trust for the Tribe in accordance with this Act and the Settlement Agreement.

(c) PRIVATE LANDS.—The Secretary may not acquire private lands through condemnation for the purpose specified in subsection (a)(2)(A).

SEC. 7. ACTION TO QUIET POSSESSION.

If the United States fails to discharge the obligations specified in section 9(c) of the Settlement Agreement with respect to voluntary relocation of Navajos residing on Hopi Partitioned Lands, or section 9(d) of the Settlement Agreement, relating to the implementation of sections 700.137 through 700.139 of title 25, Code of Federal Regulations, on the New Lands, including failure for reason of insufficient funds made available by appropriations or otherwise, the Tribe may bring an action to quiet possession that relates to the use of the Hopi Partitioned Lands after February 1, 2000, by a Navajo family that is eligible for an accommodation, but fails to enter into an accommodation.

SEC. 8. PAYMENT TO STATE OF ARIZONA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to the Department of the Interior $250,000 for fiscal year 1998, to be used by the Secretary of the Interior for making a payment to the State of Arizona.

(b) PAYMENT.—The Secretary shall make a payment in the amount specified in subsection (a) to the State of Arizona after an initial acquisition of land from the State has been made by the Secretary pursuant to section 6.

SEC. 9. 75-YEAR LEASING AUTHORITY.

The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) is amended by adding at the end the following new subsections:

"(c) LEASES INVOLVING THE HOPI TRIBE AND THE HOPI PARTITIONED LANDS ACCOMMODATION AGREEMENT.—Notwithstanding subsection (a), a lease of land by the Hopi Tribe to Navajo Indians on the Hopi Partitioned Lands may be for a term of 75 years, and may be extended at the conclusion of the term of the lease.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'Hopi Partitioned Lands' means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this subsection); and

"(2) the term 'Navajo Indians' means members of the Navajo Tribe.".

SEC. 10. REAUTHORIZATION OF THE NAVAJO-HOPI RELOCATION HOUSING PROGRAM.

Section 25(a)(8) of Public Law 93-531 (25 U.S.C. 640d-24(a)(8)) is amended by striking "1996, and 1997" and inserting "1996, 1997, 1998, 1999, and 2000".

SEC. 11. EFFECT OF THIS ACT ON CASES INVOLVING THE NAVAJO NATION AND THE HOPI TRIBE.

Nothing in this Act or the amendments made by this Act shall be interpreted or deemed to preclude, limit, or endorse, in any manner, actions by the Navajo Nation that seek, in court, an offset from judgments for payments received by the Hopi Tribe under the Settlement Agreement.

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) WATER RIGHTS.—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) The right to the reasonable use of groundwater pumped from such lands.

(B) All rights to the use of surface water on such lands existing under State law on the date of acquisition, with the priority date of such right under State law.

(C) The right to make any further beneficial use on such lands which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

(2) RIGHTS NOT SUBJECT TO FORFEITURE OR ABANDONMENT.—The Tribe's water rights for newly acquired trust lands shall not be subject to forfeiture or abandonment arising from events occurring after the date the lands are taken into trust.

(b) RECOGNITION AS VALID USES.—

(1) GROUNDWATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exits when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater uses on the Tribe's right to surface water established pursuant to subsection (a)(3) when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection (a)(3).

(2) SURFACE WATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired and shall not object to such surface water uses on the basis of water rights associated with the newly acquired trust lands, but shall have the right to enforce the priority of its rights against all junior water rights the exercise of which interfere with the actual use of the Tribe's senior surface water rights.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall preclude the Tribe, or the United States on the Tribe's behalf, from asserting objections to water rights and uses on the basis of the Tribe's water rights on its currently existing trust lands.

(c) APPLICABILITY OF STATE LAW ON LANDS OTHER THAN NEWLY ACQUIRED LANDS.—The Tribe, and the United States on the Tribe's behalf, further recognize that State law applies to water uses on lands, including subsurface estates, that exist within the exterior boundaries of newly acquired trust lands and that are owned by any party other than the Tribe.

(d) ADJUDICATION OF WATER RIGHTS ON NEWLY ACQUIRED TRUST LANDS.—The Tribe's water rights on newly acquired trust lands shall be adjudicated with the rights of all other competing users in the court now presiding over the Little Colorado River Adjudication, or if that court no longer has jurisdiction, in the appropriate State or Federal court. Any controversies between or among users arising under Federal or State law involving the Tribe's water rights on newly acquired trust lands shall be resolved in the court now presiding over the Little Colorado River Adjudication, or, if that court no longer has jurisdiction, in the appropriate State or Federal court. Nothing in this subsection shall be construed to affect any court's jurisdiction; provided, that the Tribe shall administer all water rights established in subsection (a).

(e) PROHIBITION.—Water rights for newly acquired trust lands shall not be used, leased, sold, or transported for use off of such lands or the Tribe's other trust lands, provided that the Tribe may agree with other persons having junior water rights to subordinate the Tribe's senior water rights. Water rights for newly acquired trust lands can only be used on those lands or other trust lands of the Tribe located within the same river basin tributary to the main stream of the Colorado River.

(f) SUBSURFACE INTERESTS.—On any newly acquired trust lands where the subsurface interest is owned by any party other than the Tribe, the trust status of the surface ownership shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) STATUTORY CONSTRUCTION WITH RESPECT TO WATER RIGHTS OF OTHER FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this section shall affect the water rights of any other federally recognized Indian tribe with a priority date earlier than the date the newly acquired trust lands are taken into trust.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to determine the law applicable to water use on lands owned by the United States, other than on the newly acquired trust lands. The granting of the right to make beneficial use of unappropriated surface water on the newly acquired trust lands with a priority date such lands are taken into trust shall not be construed to imply that such right is a Federal reserved water right. Nothing in this section or any other provision of this Act shall be construed to establish any Federal reserved right to groundwater. Authority for the Secretary to take land into trust for the Tribe pursuant to the Settlement Agreement and this Act shall be construed as having been provided solely by the provisions of this Act.

ORDERS FOR FRIDAY, SEPTEMBER 27, 1996

Mr. LOTT. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour over 9:30 a.m., Friday, September 27, further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, and the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business not to exceed beyond the hour of 12 noon with Senators permitted to speak for up to 5 minutes each, with the exception of the following Senators for the times designated: Senator MCCAIN for 20 minutes, Senator COHEN for 45 minutes, Senator D'AMATO for 10 minutes, Senator NUNN for 30 minutes, and Senator BIDEN for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, following morning business, the Senate may be asked to turn to consideration of any of the following: the Presidio parks bill conference report, the FAA conference report—I am very pleased we do have these conferences completed now, and, of course, they will be available in the morning—the FAA conference report, the Coast Guard conference report, or possibly begin consideration of the omnibus appropriations bill making continuing appropriations for fiscal year 1997. Therefore, rollcall votes can be expected throughout the day and possibly late into the night tomorrow night, because it is possible that we may be able to come to an agreement on these matters, perhaps even an agreement on the continuing resolution. Work will go forward tonight, maybe throughout the night between Senators and Congressmen, particularly on the Appropriations Committee, senior staff and the administration, to continue to make progress.

I announce to my colleagues that I believe good progress is being made. We are not there yet, but it is a very voluminous bill, and I am convinced all parties are working in good faith. It is possible we could reach agreement tomorrow on all of these matters. I hope that happens. But if not, we will continue to move conference reports and to move forward on cloture motions if they are necessary.

There is a possibility for a weekend session in light of the fact that funding for various parts of the Government are not yet in place for the new fiscal year that starts next Tuesday. We will either have to be in session this weekend, getting our agreement completed, or have some sort of an agreement entered into as to exactly how we will get it going before Monday night at midnight.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of the Senator from Illinois, Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 2132 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 9:30, Friday morning, September 27, 1996.

Thereupon, at 7:34 p.m., the Senate adjourned until Friday, September 27, 1996, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, September 26, 1996*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GOODLATTE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 26, 1996.

I hereby designate the Honorable BOB GOODLATTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Rabbi Melvin Glazer, Congregation Olam Tikvah, Fairfax, VA, offered the following prayer:

Next week the Jewish people will celebrate the holiday of Simhat Torah, the festival when we will conclude the reading of the Torah, the five Books of Moses. As we recite the final words from the Book of Deuteronomy, we will join together and chant, "hazak hazak ve'nithazek"—Be strong, Be strong, and let us strengthen one another. Our rabbinic commentators remind us that true strength can come only from striving together toward a shared ideal. We are strong because you who lead us care so passionately about America and its citizens.

As you will soon come to the end of this congressional session, you too will conclude yet another chapter in the glorious Torah of the United States. May you continue to remain strong—strengthening each other and strengthening America. May the God who created us all bless the work of your hands. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Oregon [Ms. FURSE] come forward and lead the House in the Pledge of Allegiance.

Ms. FURSE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 2366. An act to repeal an unnecessary medical device reporting requirement;

H.R. 2508. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes;

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes;

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank.

H.R. 3056. An act to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another country; and

H. Con. Res. 132. Concurrent resolution relating to the trial of Martin Pang for arson and felony murder.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3259) "An Act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes."

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 773. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes; and

S. 1311. An act to establish a National Physical Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

INTRODUCTION OF RABBI MELVIN J. GLAZER

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, I have the honor today of introducing Rabbi Melvin J. Glazer, who has just offered the opening prayer today.

Rabbi Glazer was born in Atlanta, GA, in 1947. In 1969, he was graduated from Columbia University with a B.A. in philosophy and from the Jewish Theological Seminary with a BHL in modern Hebrew literature. He received an M.A. from JTS in 1972 and was ordained in 1974. In May 1995, he received a doctor of ministry from the Princeton Theological Seminary.

Before assuming his duties at Olam Tikvah, he pursued his calling in Ontario, Canada; Nashville, TN; Grand Rapids, MI; and Princeton and South Orange, NJ. Wherever he has made his home, Rabbi Glazer played a vital and constructive role in the life of his community.

Rabbi Glazer and his wife Donna are the proud parents of four children. The eldest, Avi, age 18, is a freshman at Brandeis University. Ilan, age 16, attends Woodson High School in Fairfax County. Shoshane and Rafi are students at the Gesher Jewish Day School in Fairfax, where their mother is teaching today.

Rabbi Glazer defines his role as a cleric and teacher as helping "complete the work begun by God so long ago".

"We are commanded to 'get our hands dirty' in repairing this world of ours," he likes to say. It is entirely fitting that such a man can be with us here in this great Chamber today.

I am delighted to present Rabbi Melvin J. Glazer.

MORE EXTREMISM FROM THE GINGRICH-DOLE REVOLUTION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, 2 years ago at approximately this time the Republicans held their signing ceremony for their Contract with America and its centerpiece, the crown jewel, the tax break, that would have primarily benefited wealthy Americans.

Shortly thereafter, the Gingrich-Dole revolution began, and attempts were made to make the largest Medicare cuts in history and the healthy care guarantees for children, families, and seniors, and the disabled under the Medicaid Program, turn back the clock on environmental protection, cut student loans, and eliminate the 100,000 Cops on the Beat Program and other effective tools for fighting crime.

The net results of these extreme Gingrich-Dole proposals was the Government shutdown of 1995, and it was the Democrats that ultimately stopped these extremist Republican measures.

One would think that the Gingrich-Dole team learned their lesson, but now we hear a repeat, if my colleagues will, on an even grander scale, with Dole's new economic plan that would usher in more extremism and draconian cuts to vital programs. Again the Democrats will be there stopping this Republican extremism.

THE UNITED NATIONS: ONE BIG MESS

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, right now the U.N. General Assembly is meeting in New York City and it is demanding we give more and more money to the United Nations.

Now even Boutros Boutros-Ghali has proposed the idea of a new international tax, which means the American people pay income tax plus U.N. tax. How do my colleagues like that?

Last year alone, the United Nations spent more than $4.6 billion. Guess how much our share was? Almost one-third. One-third we pay to the United Nations to support this.

Look at the United Nations chart, how complicated, how messy it is. This is what the United Nations looks like. Look at this. This is nothing. I took as an example one of the small agencies down in the Food Agriculture Organization. Look at how messy that is. That is what that is, one small agency, one small operation. Look at how complicated it is. If we look at some other agencies such as the International Development Program, I need a sixth of this.

That is what we are asking the United Nations to cut, by 22 percent, and my colleagues are calling us draconian, mean-spirited.

COLOMBIAN PRESIDENT SAYS "I KNOW NOTHING"

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Colombian President Ernesto Samper has been commended worldwide for presenting a new antinarcotics strategy to the United Nations. Politicians all over the world are singing his praises. I am one politician that does not.

Last week, 9 pounds of heroin were found on President Samper's private plane. He says, "I know nothing." Reports say the drug lords financed his presidential campaign to the tune of $6 million. President Samper says, "I know nothing."

The truth is, President Samper is more forgetful than Sergeant Shultz, and it does not take Chief Inspector Clouseau to figure this out.

When we can find heroin and cocaine as easy as Tylenol on the streets of America, the President of Colombia must be drafting the antinarcotics strategy for the world, and we are paying the piper. If he is Serpico, I am the Jolly Green Giant.

I yield back the balance of all addiction in this country.

IS MEXICO REALLY IN DIRE STRAITS?

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, on January 31, President Clinton announced he was assembling a bailout for Mexico. This plan offered direct loans up to $20 billion for Washington, DC, and $27.8 billion from international agencies to help Mexico through its economic crisis. But did Mexico need all of it?

The Mexican economic crisis began in late December 1994, and President Ernesto Zedillo was inaugurated as the Mexican President on December 1, 1994. Is Mexico really in dire straits?

The President of Mexico claims to make $8,000 a month. This past weekend in an article the Mexico Civil Alliance has found that the Mexican President has a secret fund of $86 million approved by Mexico's Congress for 1996 to use at his discretion. The Mexican mayor received a $100,000 Christmas bonus.

Again, did we really need to bail Mexico out without any questions? Or did we simply give their Government more money to use at their discretion to give bonuses and have secret funds?

No more executive orders for bailouts. Where is the economic accountability for our taxpayers?

UNFREEZE THE REPORT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, as my colleagues know, at this time of year communities all over America are organizing their fall coat drives to help the less fortunate. Well, as my colleagues might imagine, here in the Gingrich Congress it takes a little different twist. Speaker GINGRICH, instead of organizing a coat drive, has organized a giant ice bucket drive, and I brought my ice bucket along. He is asking Members to turn in their ice buckets.

Now why do my colleagues imagine that speaker GINGRICH needs so much ice?

Mr. Speaker, the reason is clear. There is an ethics report here in this Congress that is sizzling, it is hot. He needs as much ice as he can dump on that report to keep it in the deep freeze until after the election.

We say to the Speaker, we wish him well in his ice bucket gathering, but there is not enough ice in this Congress to keep in deep freeze the report of your ethical misconduct. We call on the Speaker and the Committee on Standards of Official Conduct to release the report on the tax violations, on the misconduct.

Stop pouring ice on it, Mr. Speaker. Do something constructive in these waning days. Unfreeze the report.

JUST SAY NO TO UNAUTHORIZED BIOGRAPHIES

(Mr. LAZIO of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO of New York. Mr. Speaker, I rise today to speak about trust and the violation of privacy. Two highly publicized unauthorized biographies, one to be written by a Democratic consultant and another by a Republican consultant, are examples of a problem that transcends partisan politics and resonates throughout our culture.

We are a nation that values an individual's right to privacy, yet time and time again unauthorized books are written based on rumor and innuendo that purport to expose the private lives of public figures for all to see.

There was a time, Mr. Speaker, when trust and loyalty were cherished and truly personal matters were kept private. But today, if pecuniary interests are at stake, anything is fair game. This is symbolic of the lack of discretion and respect that is permeating our society and contributes to a breaking down of integrity in relationships. In the end analysis, sensationalism sells, truth is denigrated, and all unauthorized biographies become suspect.

Our courts may find that unauthorized biographies filled with inaccuracies and insinuations cannot be prohibited in our free society. However, we can just say no and refuse to buy them. Perhaps then, without profit to publish, this rubbish will disappear from our culture.

□ 1015

FDA CRAZINESS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, by the way, I agree with the previous speaker.

Mr. Speaker, drug use by teenagers has exploded in this country, yet the President only seems to want to ignore it.

Now we have found out that the FDA is trying to prevent parents from purchasing a home drug testing kit.

Why? Because families won't be able to address the issue correctly, and it will cause family discord.

Can they be serious? A recent poll showed that 96 percent of parents felt they should have the right to direct and control the upbringing and discipline of their children.

The President wants to let the FDA eliminate smoking and cigarettes, but he won't even give parents a chance to handle their own teenager's drug use.

This is the last straw. The President and the FDA have lost it. Maybe they did inhale.

I yield back the balance, urging the FDA to just don't do it.

THE 104TH CONGRESS IN REVIEW

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, we are about to reach the end of the fiscal year. As they like to say, why do we not have a year in review, or rather, how about the 104th Congress in review?

Let us see. In the spring of 1995, the Republican majority brought us cuts in the school lunch program. I do not understand that, why we would take funds away from a vital program that helps young people get decent nutrition so they can learn. At any rate, the Democrats fought back.

Then in the summer of 1995, they brought us $270 billion in cuts in Medicare, and also cuts in Medicaid, to finance big tax breaks for the wealthy, people like your local Congressman, your doctor, your local lawyer, your accountant. They do not need big tax breaks. We certainly need to protect the integrity of Medicare.

Then in the winter of 1995 and 1996, they gave us two Government shutdowns because they could not get their way. Even when President Clinton submitted a balanced budget approved by CBO they were not satisfied. Those Government shutdowns cost the taxpayers a whopping $1.4 billion and caused tremendous hardship.

Then we had the spring of 1996 stop-and-go government because they wanted to cut education. I do not think the grade is going to be very good.

WHITE HOUSE BURIES CRITICAL DRUG REPORT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, here it is, the Washington Times headline for today: "White House Buries Critical Drug Report."

Mr. Speaker, let me quote the story. The Clinton administration, which has cut drug interdiction efforts by nearly $630 million since 1992, is sitting on a Pentagon commission report suggesting that President Clinton's shift to a drug treatment strategy has failed. The report, sent to the administration officials in May but never made public, said interdiction was the most successful and cost-effective way of dealing with the Nation's drug problem.

Mr. Speaker, I cannot believe that the White House actively suppressed knowledge of this report. It boggles the minds to know that when confronted with evidence of failure of their own policies, that the White House would look the other way. It is simply too much to accept that the President would do virtually nothing, knowing full well of the explosion of teen drug use. This is unbelievable.

VICTIMS RIGHTS

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, yesterday a Congressman tried to stop Congress from forbidding sale of guns to child abusers. Shame. Yesterday in Portland, OR, my town, a man opened fire in a church, injuring four people, including a pregnant woman.

The NRA opposed the Brady bill. The NRA opposed the assault weapon ban. I believe the time has come when we must stand up for the rights of victims of gun violence, not the rights of perpetrators of gun violence. We Americans have a basic right. It is the right to be safe in our homes, on our streets, and in our churches.

THE MESS IN HAITI

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, 2 years ago, President Clinton sent our troops into Haiti, spending over $2 billion there, and now calls Haiti a foreign policy success.

Three weeks ago, the President rushed 46 armed Federal agents to Haiti to protect President Preval and to purge members of Preval's own United States-trained palace guard who may have killed two opposition leaders.

If President Clinton's agents fail, he may have to salvage this success story by sending our troops back into Haiti.

Mr. Speaker, the Congress and the American people are entitled to know just what has gone wrong in Haiti and why.

Regrettably, the President has invoked executive privilege to withhold key documents from our International Relations Committee's oversight review.

This is a blatant abuse of power hiding a foreign policy failure. Neither President Reagan—in Iran-Contra—nor President Bush—in Iraqgate—ever used executive privilege to keep the Congress in the dark.

Our committee will be holding a hearing tomorrow morning to get to the bottom of the mess in Haiti.

URGING MEMBERS TO SUPPORT RESOLUTION CALLING FOR RELEASE OF OUTSIDE COUNSEL'S REPORT ON SPEAKER GINGRICH

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, as Ghandi once said, "Noncooperation with evil is as much a moral imperative as is cooperation with good." Over the course of the last week, I have stood on this House floor and called repeatedly for the release of the outside counsel report on the ethical violation of Speaker NEWT GINGRICH.

My colleague, the gentleman from Georgia [Mr. LINDER], has stood repeatedly to object to my speaking about this matter. I understand why the gentleman would not want me to discuss this issue; it does such little good for his friend, the Speaker.

Mr. Speaker, sometimes the rules must be confronted in the face of injustice. This was the case when I participated in the sit-ins and the freedom rides of the 1960's, and it is true today regarding the outside counsel report.

Mr. Speaker, today, once again, the Members of this House have a chance to vote for the release of the outside counsel report. I urge Members to support my resolution. To do otherwise is to risk being accused of participating in a Newt Gingrich ethics coverup.

TRIBUTE TO THE HONORABLE BARBARA VUCANOVICH

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Mr. Speaker, I rise to recognize the accomplishments of a distinguished lady who is retiring after seven terms as a strong voice for Nevada: BARBARA VUCANOVICH.

BARBARA VUCANOVICH has represented the massive Second Congressional District since it was created in 1983. She retains the distinction as the first woman elected to Federal office from Nevada.

Many of you know BARBARA as one of the first women elected to the House Republican leadership and as the only woman to chair an appropriations subcommittee.

But to me and her fellow Nevadans, BARBARA is much more than our Congresswoman. She is a dedicated, warm, energetic, caring, public servant whom her constituents respect and have depended on to advocate the issues vital to the "Silver State."

BARBARA has fought for the jobs of Nevadans by protecting the mining and gaming industries from repeated assaults.

BARBARA led the fight for over a decade to repeal the unfair source tax levied on retirees.

Because of her leadership, the quality of life of our Nation's Armed Forces is better than ever.

Most importantly, BARBARA is a pioneer for women. As a brave survivor of breast cancer, BARBARA has worked tirelessly to educate women about the importance of early detection of breast cancer and to increase the availability of mammograms.

Even though BARBARA VUCANOVICH is heading home, she will continue to serve Nevada in other capacities.

Please join me in thanking BARBARA for her unique contributions and a job well done. I wish my good friend all the best.

I wish her God Speed and God Bless.

CALLING ON ETHICS COMMITTEE TO RELEASE REPORT ON SPEAKER GINGRICH'S ACTIVITIES

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, seven times the half Republican, half Democrat Ethics Committee has found speaker GINGRICH guilty: of using the House floor, this Chamber, to advertise his 1–800 number, guilty; using his office to commingle political and office resources, guilty; using the House floor to advertise his Political Action Committee, guilty.

The bipartisan Ethics Committee rebuked Speaker GINGRICH because he, and I quote, "capitalized on his office and exploited his office for personal gain," when he signed his $4 million book review with a major Republican contributor.

Now taxpayers have spent $500,000 to investigate his other activities, yet Speaker GINGRICH has squelched this Government report; $500,000 of the taxpayers' dollars spent on the investigation, yet Speaker GINGRICH has squelched this Government report.

Mr. Speaker, show us the report. Release the report.

THE 104TH CONGRESS, THE MOST SIGNIFICANT CONGRESS IN A GENERATION

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, this Congress has been the most significant Congress in a generation. We have changed Washington and we have ended the culture of spending.

In less than 2 years, we have enacted congressional reform, the Telecommunications Act, the Freedom to Farm Act, health insurance reform, and genuine reform of welfare.

And when the Medicare Board of Trustees said that Medicare was going bankrupt, Republicans in this Congress listened and we responded with a plan to save Medicare so that our parents and grandparents would be protected. But Bill Clinton vetoed that plan and liberal Democrats here in Congress have resorted to the rhetoric of fear and demagoguery.

Mr. Speaker, this Republican Congress has a record of accomplishment it can be proud of. We have introduced the cool, clear water of common sense into a dry and parched land. And we will continue the fight for a smaller Government and a brighter future for America.

REPUBLICANS UNIFIED BEHIND BOB DOLE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, people are talking behind your back. They say that you Republicans are not a unified party. That you're running away from the top of your ticket. But, I think you are united behind Bob Dole.

Just look at the way that your handpicked Ethics Committee is hiding the truth about the Gingrich scandals. It's a page right out of the Bob Dole playbook. Look at the similarities. Bob Dole won't tell us the truth about his tax-cut plan—and the Ethics Committee won't tell us the truth about NEWT's tax-return scam.

In San Diego, Bob Dole tried to write a platform saying that the GOP is a "tolerant" party. He's right. Just look at the Ethics Committee. They'll "tolerate" anything that NEWT GINGRICH does.

Dole wants to build a bridge to the past. So does the Ethics Committee—back to the days when Congress conducted its business in the dark, out of the public eye.

Speaker GINGRICH, you might as well exercise some power and call on the Ethics Committee to release its report on your ethics scandals. After all, once the elections are over, you might not have any power left to exercise.

TAX RELIEF

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, in the United States today, the tax burden on families is at a record high. In 1948, tax rates equalled 3 percent of income for the average family of four, but today it is 24 percent. That is eight times more than it was 40 years ago, and on top of that, our system is complex, it is convoluted, it is confusing. As IRS study estimates that taxpayers spend 5 billion man-hours filling out their return every year. That is more time than is spent in the entire automobile industry in this country in terms of man-hours.

We need significant tax relief, and that is exactly what the Republican plan will do: tax relief, spending cuts, deficit reduction, and the resulting smaller, more efficient, and less intrusive Government.

Ultimately, our plan is simple. It makes sense. Americans work hard for their living and should keep more of what they earn. They do not need the Government telling them how to spend their money.

LET THE SUN SHINE IN ON REPORT ON SPEAKER GINGRICH HELD IN ETHICS COMMITTEE

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, the only thing clear at this point in the Ethics Committee's handling of the charges against Speaker GINGRICH are that serious questions exist, and the Ethics Committee does not have the ability to resolve questions involving Speaker GINGRICH.

A couple of commonsense principles commonly expressed where I come from maybe will provide some guidance in terms of how to proceed. The best is that sunlight is the best disinfectant. Here the Ethics Committee has in its possession a report prepared by an outside special counsel, funded by taxpayer expense. There is no quicker, simple——

POINT OF ORDER

Mr. HOKE. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from North Dakota [Mr. POMEROY] will suspend.

The gentleman will state his point of order.

Mr. HOKE. Mr. Speaker, I make the point of order that discussion of the House Ethics Committee's proceedings on the floor of the House is not in order in the House. Is that correct?

□ 1030

The SPEAKER pro tempore (Mr. GOODLATTE). The Chair sustains the gentleman's point of order. The gentleman from North Dakota may proceed in order.

Mr. HOKE. Mr. Speaker, I make a further point of order that the House rules provide that buttons may not be worn at the time that speeches are made on the floor of the House.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentleman should remove the button.

Mr. POMEROY. Mr. Speaker, I will remove the button, but I have a point of parliamentary inquiry regarding the first ruling made by the Chair.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. POMEROY. Is it the Chair's position that I may make no statement regarding the outside special counsel's report, commissioned and paid for by taxpayer funds regarding the charges against Speaker GINGRICH which is presently held at the Ethics Committee?

The SPEAKER pro tempore. The Chair would point out to the gentleman that prior rulings of the Chair have indicated and ruled that no references may be made to the pending matters before the Committee on Standards of Official Conduct Committee unless a question of privilege is actually pending in the House.

Mr. POMEROY. I have a further question along the lines of the gentleman's ruling.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. POMEROY. The report presently prepared and before the committee is itself a component of the committee's deliberations but I was not talking about the committee's deliberations. I was talking about release of the report. That to me would seem to fall outside the Speaker's ruling.

The SPEAKER pro tempore. The scope of the gentleman's comments is within the Speaker's ruling and such comments have previously been ruled out of order. The gentleman will proceed in order.

Mr. POMEROY. Mr. Speaker, I think it is vital that we establish as a Congress our commitment to publish that report and to release those documents so the country can judge whether or not the man second in line to be President, the Speaker of the House, should be in that position.

Mr. Speaker, I was not called on that last sentence because those were not my words, those were the words of NEWT GINGRICH when he called for the release of the report against Speaker Wright. What is good for the goose is good for the gander. Release the report.

POLITICIZING THE ETHICS COMMITTEE PROCESS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, I would just encourage this House in the closing days of our business as we try to complete the work of the people to remember one thing, and, that is, that there is a very well-defined, well-developed, thoughtfully conceived and thoughtfully planned-out program for examining and dealing with ethical violation allegations in this body, that that process has been going on in a nonpoliticized way for some time with respect to a broad spectrum of allegations that have been brought regarding many Members of this House with respect to many different issues, and that I would encourage Members on both sides of the aisle to not politicize this process and especially to not pressure their own colleagues to give in to this extremely alluring but very wrong motivation to become part of the political process as opposed to the workings of the House.

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DORNAN. Mr. Speaker, on a day like this when we limit 1-minutes, 1-minutes are still in order at the end of legislative business, are they not? I would like to do a 1-minute tonight.

The SPEAKER pro tempore. The gentleman is correct.

Mr. DORNAN. I thank the Chair.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken later today.

COMMENDING AMERICANS IN COLD WAR

Mr. DORNAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 180) commending the Americans who served the United States during the period known as the cold war, as amended.

The Clerk read as follows:

H. CON. RES. 180

Whereas during the period of the Cold War, from the end of World War II until the collapse of the Soviet Union in 1991, the United States and the Soviet Union engaged in a global military rivalry;

Whereas this rivalry, potentially the most dangerous military confrontation in the history of mankind, has come to a close without a direct superpower military conflict;

Whereas military and civilian personnel of the Department of Defense, personnel in the intelligence community, members of the foreign service, and other officers and employees of the United States faithfully performed their duties during the Cold War;

Whereas many such personnel performed their duties while isolated from family and friends and served overseas under frequently arduous conditions in order to protect the United States and achieve a lasting peace; and

Whereas the discipline and dedication of those personnel were fundamental to the prevention of a superpower military conflict: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress hereby commends, and expresses its gratitude and appreciation for, the service and sacrifices of the members of the Armed Forces and civilian personnel of the Government who contributed to the historic victory in the Cold War.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DORNAN] and the gentleman from Virginia [Mr. PICKETT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DORNAN].

GENERAL LEAVE

Mr. DORNAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DORNAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to reserve most of the time for the gentleman from Long Island, NY [Mr. LAZIO], who had an inspiration to come up with a House concurrent resolution with the U.S. Senate to state very simply that there are thousands upon thousands, millions if we take into account all of the young men and women that have rotated in and out of all our military services and the Coast Guard, which although it is under the Transportation Department saw combat in Korea and in Vietnam, to compliment and to show the Nation's gratitude to every person, military and civilian, who helped win the so-called cold war.

The cold war was an unfortunate moniker or label applied to a very intense, very bloody and very hot conflict, at times, between the evil empire of communism and the forces of freedom, what were called the United Nations or Allied nations during World War II, realizing that although they had defeated the fascism of Mussolini, the fascism/Naziism of a demonic person, Adolf Hitler, and the evils of the warlords that had taken over imperial Japan, they had not conquered the evil, the killing machine, of Stalin that Lenin, a killer himself, had passed on to Stalin, and that Stalin also, in a demonic way, had deliberately killed millions and millions of people.

It was Stalin who said, the death of one person is important in the sense that people will look at it, but the deaths of millions go unnoticed. That is Joseph Stalin, who because he reigned in his reign of terror for 29 years, killed more people than Hitler managed to brutally exterminate in 12 years of the so-called thousand-year Third Reich, 12-year Reich.

Because President Bush is so innately a gentleman, and because things were so fluid in what had been the mother wart of communism, the Kremlin, President Bush found it uncomfortable to let the world celebrate and let the United States of America celebrate that the reason we called this long, protracted, what President John F. Kennedy called twilight struggle with communism, the reason we called it a cold war, as hot and bloody as it was, was because there was no radioactive nuclear exchange killing millions of people.

But in that cold war, CIA agents were killed, alone sometimes, in alleyways of eastern bloc countries. There are 50 names on the wall of the central main lobby hall of the Central Intelligence Agency at Langley, on the stars that represent agents that gave their lives for freedom. There are 30 stars or so that have no name next to them, and I have been on the case of four directors of the CIA to finally put the names up there of those men. We do not have operations in any of these countries anymore.

And then the men that died in Korea, 33,629. Probably 1,200 live prisoners left behind. They are victims of the cold war. And then the ferret pilots or the spy airplanes, Navy and Air Force, that flew all around the periphery of the Soviet evil empire, many of their crews captured when they were shot down by Soviet fighter planes at will, and because we were denying the operation, nobody was there to intervene and try and get even their remains back after they had been executed or worse. We do not know what happened to some of them.

And then there is Vietnam, poor Indochina war. The veterans still are wondering, were they part of the cold war? Of course they were. They never lost a battle. They had air superiority and finally supremacy. They always had supremacy at sea. Every person who died in Vietnam, the over 58,000 names on the wall, the eight Army nurses who died there from rocket and mortar attacks, all of them were part of the struggle against communism. That wall should have a plaque that says these 8 women and these 58,000 men, and we still add names occasionally as remains are returned of our missing, they all died fighting communism.

They were all part of the cold war. Vietnam was the biggest subset, the biggest killing of people fighting for freedom on our side in that war, with our allies from Australia and from Thailand and other countries in that area and, yes, some Allied nations from Europe that sent observers who died.

This idea of the gentleman from New York [Mr. LAZIO] is way, way overdue, like 6 years late. Better late than never. But remember this, communism is not dead. The almanac and the encyclopedias tell us what is left now of the Russian Federation is 150 million people, and communism can still make a comeback there. Mr. Yeltsin may be too weak to even get heart surgery, which means there will be a change of power there soon. General officers are running all the committees in the Duma, their congress. Imagine four-star generals running all of our military and intelligence security committees on this House. That is what it has evolved into in the congress in Moscow. Anything can happen there.

But multiple Russia's 150 million by 8, Mr. Speaker, and you have got China, Red China, still a serious human rights violator. And Mr. Clinton for trade purposes, I call it 30 pieces of silver and you all know why, he is delinking, he is decoupling human rights and Tiananmen Square offenses from trade policy with Communist China. Communist China, 8 times larger in population than Russia. The United States, next month or the month after, will pass 266 million people. China is 266 million plus a billion, 5 times bigger than the United States, 8 times bigger than Russia.

And then there is Cuba, murdered four American citizens in small Cessna airplanes, Skymasters, shot them down with Russian-supplied Migs less than about 70 miles off the coast of the United States, Key West, in international waters.

And then there is Vietnam. Why we ever normalized relations with Vietnam, I do not know. Not after the way they tortured our men to death and held back three heroes who they had beaten into a depressed mental state: Glen Cobiel, Kenneth Cameron, and James Joseph Connell, left behind, and who knows how many others in Vietnam.

There is Communist Vietnam, 72 million people under communism; 11 million in Cuba; and the 22 to 23 million people in Korea. There may still be live American prisoners there. Still communism reigns supreme, living up to Lenin's dictum that to lie is to serve the Communist cause. Korea in the north; all of that poor prison, that beautiful Nation of Cuba; China, 8 times bigger than Russia; and Vietnam, 72 million people with human rights violations. Communism is not dead.

□ 1045

The cold war, as we called it, that was won by the nations of freedom and the allied powers. Remember President Kennedy, paraphrasing Lincoln, said the world cannot long exist half slave and half free. We are the free side, and communism is the slave side. And it is about time this Congress and the other body turned around and said to the civilians, particularly the military people, thank you for your sacrifices, thank you, and God bless you for preventing a nuclear exchange, and may in God's wisdom in the future, it never escalate and ratchet back up again to this type of confrontation.

Mr. Speaker, I honor the gentleman from New York, [Mr. LAZIO] for doing this before this body.

Mr. Speaker, I look forward to hearing from my vice chairman on the Subcommittee on Military Personnel.

Mr. Speaker, I reserve the balance of my time.

Mr. PICKETT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I also commend the gentleman from New York [Mr. LAZIO] for bringing forward this resolution which highlights a very important maxim of war, and that is that the difference between victory and defeat is ultimately determined by the people involved. This resolution honors those people who worked so hard on behalf of the United States during the cold war to ensure our victory.

This principle, of course, was no less true during the cold war than it has been during other wars. It could be argued that the 40-plus years of cold war was in some ways a sterner test for the combatants. Military leadership was essential and the risk that the people of the Nation would lose resolve from one generation to the next was real. Fortunately this did not happen in America. Our military members and civilian employees are deserving of high praise and recognition. I congratulate Mr. LAZIO for ensuring that the voice of Congress is heard on this issue.

House Concurrent Resolution 180 received the unanimous support of the National Security Committee, which reported the measure with a perfecting amendment. I urge its adoption by the House of Representatives.

Mr. Speaker, I reserve the balance of my time.

Mr. DORNAN. Mr. Speaker, I yield 5 minutes to the aforementioned honorable, distinguished, and historically motivated gentleman from Long Island, NY, Mr. RICK LAZIO, the author of this excellent House Concurrent Resolution 180.

Mr. LAZIO of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to begin by thanking the gentleman from California [Mr. DORNAN] and the gentleman from Virginia [Mr. PICKETT] for their compliments and for their support for this important resolution. We would not be at this point without the bipartisan support to recognize and applaud the contributions of Americans during the cold war.

Mr. Speaker, at the cemetery at Gettysburg, after the great orator Edward Everett had spoken for 2 hours, President Abraham Lincoln rose to deliver a 3-minute speech which has endured as perhaps the greatest speech in our Nation's history. He said that day:

> We cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract.

These words certainly ring true today as we recognize the men and women who so nobly served our country through the struggle that lasted four and a half decades, the cold war. That is put simply, what this resolution does. It pays tribute to those whose commitment and dedication brought our Nation successfully through the period known as the cold war, and it is about time.

Throughout this struggle, generations of Americans maintained our commitment to world peace, a commitment which began with America's defeat of the Axis Powers in World War II. However, just as the cold war was ending a new menace demanded our attention. We rallied for Desert Storm while the cold war expired with its last gasp. This crisis, followed rapidly changing events at home and abroad, left no time for any recognition of those dedicated people who served our country during the cold war.

We are here today for two reasons. First, we hope, with this resolution to recognize, and thank every citizen who participated in America's struggle with the Soviet Union, known as the cold war. Our Nation's thanks goes to the infantry man of Korea, the helicopter pilot in Vietnam, the B-52 crews of Strategic Air Command throughout the world, the Marines in Lebannon, and the seaman of every kind of vessel. It goes to the medics, the nurses, the mechanics and cooks. Our thanks and appreciation go to each and every man and woman who served in the Active, Reserve, and Guard components of our Armed Forces during this 45-year struggle. But more than that, it goes to every American who went to the factory, office, freight yard, or terminal, quietly, never wavering in our commitment to oppose communism and dictatorships.

Our thanks goes to those who prayed for their son or daughter when only the parent could feel and know the fear of their child being in harm's way. It goes to the Americans who were there day to day, paying their taxes, raising their families, and staying the course. We are here to recognize America for the most tremendous victory in the history of mankind.

Second, we are here to remind America, as she enters the 21st century, that we can do the impossible. In fact, we have already done what seemed impossible in the 1950's, 1960's, 1970's, and 1980's. Our victory in the cold war liberated almost 500 million people from the tyranny of Communist aggression, while freeing almost a dozen nations from the grip of the Iron Curtain.

Today is about reclaiming America's spirit. It is about the strength of our unity to take on, and solve the problems and challenges which face our Nation. We hope that today begins a national awakening, and celebration of our historic victory. Further, we hope that we begin to remember just how powerful our Nation can be when we all come together.

While the Soviets and Americans never faced each other directly on the battlefield, the cold war touched each and every one of us in many ways over the years. Every American lived with the constant nightmare that something horrible could happen at any moment. I remember as a child hiding under my desk at school during a practice bomb drill. Some built bomb shelters in their backyards. We all remember the test patterns which accompanied "for the next 30 seconds . . ."

But the global competition between East and West was much more than an arms race. The competition was really about freedom versus slavery, democracy versus totalitarianism, and capitalism versus socialism. This struggle tested the very fiber and fundamental elements of two competing societies. Ultimately, freedom triumphed.

The cold war shaped our economy, our politics and our outlook for almost half a century. In many respects, the nonmilitary aspects of the competition tipped the scales of destiny in favor of America. Our citizens built the most prosperous and productive nation in the world. In doing so, we maintained an open democracy where the individual is valued, and can make a difference every day.

Our Nation helped provide a bright new future filled with freedom for many millions of people across Eastern Europe and the former Soviet Union. In a contest of philosophies, systems, and values we triumphed over society enslaved. The result of our commitment and leadership must rank as one of the greatest accomplishments in history.

In "The Art of War," Sun Tzu states that "To fight and conquer in all your battles is not supreme excellence. Supreme excellence consists in breaking the enemies resistance without fighting." Through our resolve over the last 45 years, we avoided not only war, but nuclear holocaust. We ended a form of slavery for almost half a billion people. Shouldn't that rate a small party, if not a full-blown celebration?

Today is as much about our future as about our past. It is about focusing America's energy, intelligence, and resources on the difficult domestic problems we now face. Today we gather to express a new feeling of pride and confidence in America and its future. This recognition of our cold war victory, and those dedicated people who served our Nation during this struggle, will allow us to reflect for a moment on our past accomplishments and continue with renewed confidence in ourselves as we approach the 21st century. In the words of John Wayne, "Give the American people a good cause, and there's nothing they can't lick."

Mr. PICKETT. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Virginia for yielding me time, and I want to compliment the gentleman and certainly our friends on the other side of the aisle for bringing this resolution honoring Americans who fought in the cold war to the floor.

Mr. Speaker, I do not know if the world realizes or appreciates the fact that our Nation has expended well over $5 trillion to win the cold war. However, I do not think we can ever place just a monetary value on our commitment in the cold war.

Most important is the list of young men and women of our country that sacrificed their lives in this struggle. The fact that we won the war in such a positive way, helped to make this Nation certainly the most powerful Nation of all. But it is not solely because of that, but because of our belief in the principles of democracy that we fought for so valiantly for the past 40 years that has made America great.

Mr. Speaker, I certainly commend the gentleman for sponsoring this resolution, and I thank the gentleman from Virginia for yielding.

Mr. DORNAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of our great retiring Members, who was a lieutenant commanding a prisoner of war camp for Germans, the gentleman from Indiana, JOHN MYERS, just brought two grandsons on the floor. I have never seen better looking kids here. It makes me think of what we accomplished in that cold war, that hopefully young people like this can grow up without those nuclear drills that I remember in grade school, duck and cover, duck and cover.

When my good friend who I traveled to all the World War II battlefields in the South Pacific with, the gentleman from American Samoa, Mr. ENI FALEOMAVAEGA, and I still have to do Cary Grant to get your last name rhythm right, ENI, he is correct in the 5 trillion figure.

But if you take into account that dirge that some GI's would sing, "$10,000 going home to the folks," if you put in all the costs of the heartbreak, the divorces that hit about a third of our POW's in the Vietnam subset of the cold war, if you put in all the agony and the legal bills and all of the peripheral expenses attached, I think $10 trillion is probably closer to the total figure of what we spent to keep out of the bloody, hot cold war, a nuclear exchange.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], another stalwart soldier in this fight, who had been a B–29 crewman in the great war, the big one, World War II, but for over a quarter of a century has fought as it was taking place for our missing-in-action and POW's in that major bloody part of the cold war, Vietnam, the distinguished chairman of our Committee on International Relations, who is following with another suspension vote. What an honor to have shared this struggle and gone to Russia with the gentleman, to East bloc countries, and to Hanoi itself with the gentleman, in part of this diplomatic effort of the cold war.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to join the distinguished gentleman from California [Mr. DORNAN], the gentleman from New York [Mr. LAZIO], and the other sponsors of this resolution, the gentleman from Texas [Mr. DELAY], the gentleman from South Carolina [Mr. SPENCE], the gentleman from Arizona [Mr. STUMP], and the gentleman from Mississippi [Mr. PARKER].

Mr. Speaker, I do not think we can emphasize enough the wonderful, courageous, dedicated work of our American teams out there, the personnel that served during the cold war, never knowing when they would have to be called upon to engage in actual hostility. They were not part of any invasion, they were not part of any landing, but they certainly fulfilled their responsibility by being ready, by being disciplined, by being dedicated.

I would just like to reemphasize what the gentleman from New York [Mr. LAZIO] stated, in saving and freeing 500 million people as a result of our cold war efforts. I do not think we can do enough to express our recognition of these courageous, dedicated American men and women.

Mr. DORNAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I see the gentleman from Guam [Mr. UNDERWOOD] is present. What a great part Guam has played with Anderson Air Force Base, B–52's launching all the way in the name of freedom, roaring over to Vietnam, stopping the invasion in December 1972.

Mr. PICKETT. Mr. Speaker, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

□ 1100

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from California [Mr. DORNAN] for raising that issue. Certainly Guam has been a keystone in the whole policy of containment coming out of World War II, in the early days, when they had a huge Army base as well as Air Force and naval facilities.

I would venture to say that many of the people that are being honored through this resolution, probably hundreds of thousands of people, have stopped in Guam along the way or perhaps were stationed there. Guam had a very important role in the Vietnam war and, of course, its value again to this country has been proven quite recently with the strike in Iraq and even in the evacuation of Kurdish refugees.

So Guam remains an important strategic part of the American presence throughout the world. We are happy to do so, and we are happy to play our part.

Mr. DORNAN. Mr. Speaker, how much time is remaining on our side?

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from California [Mr. DORNAN] has 1½ minutes remaining.

Mr. DORNAN. Mr. Speaker, I yield myself the balance of my time.

To keep a bipartisan tone here, and since I have already quoted President John F. Kennedy, who came to power as he said, a new generation to whom the torch had been passed, born in this century, and to remind all my colleagues on the other side of the aisle and my colleagues on this side of the aisle how clearly President Kennedy saw this struggle between communism and freedom.

One of the Members, in a discussion on infanticide and sexual license yesterday recommended that I reread President Kennedy's speech to the greater Houston Ministerial Association on September 12, 1960, and I did. I will comment in an hour's special order tonight, if time allows, on this speech and how this country has gone through more decline in 36 years domestically.

One of the things struck me about President Kennedy's opening remarks. He mentioned eight issues he thought were more important than a creative religious conflict about the first Catholic since Alfred E. Smith to run for the Presidency and in his case became the victor.

Going back to front, he said, too late to the moon and outer space. He set that goal and we accomplished it. He talked about too few schools, too many slums, families forced to give up their farms, old people who cannot pay their doctor bills, the hungry children I saw in West Virginia, the humiliating treatment of our President and Vice President by those who no longer respect our power.

But I will close on what President Kennedy made item one, the spread of Communist influence until it now festers 90 miles off the coast of Florida. What a joy that at least we conquered the first one.

Mr. Speaker, in closing, allow me please to reiterate some of Mr. LAZIO's superb points and observations. House Concurrent Resolution 180 honors the many military members and civilian employees of the Department of Defense, intelligence community, Foreign Service community, and other Federal agencies who contributed to the victory in the cold war.

Mr. Speaker, our Nation's victory over the Soviet Union and the Warsaw Pact brought to an end over 40 years of East-West confrontation. The gentleman from New York [Mr. LAZIO] is to be commended for bringing forward this resolution to recognize the men and women who served our Nation with skill, determination, and discipline during the cold war. It takes a thoughtful man of Mr. LAZIO's caliber to understand the historical importance of this resolution that so many of us simply overlooked. In our haste to celebrate a victory that most of us took for granted, it would have been very easy to chalk it up as just another landmark in the history of the United States. It was RICK LAZIO's resolution that made us pause, consider the struggle we had engaged for so many years, and give thanks to the people that sacrificed so much to gain the victory. The cold war victory is a monumental landmark in the history of the United States and thank God we had RICK LAZIO in the Congress to ensure the people who won that great victory are not forgotten.

The winning of the cold war required the concerted effort of all America, however, it was the people who serve our Nation in the military and throughout government as civilian employees who fought in the trenches of the cold war. It is these lives that we honor with this resolution. It is to these people we owe our heartfelt gratitude for their service.

Again, I commend again the gentleman from New York for this excellent resolution and I urge my colleagues to vote "yes" on House Concurrent Resolution 180. Please let's make it unanimous.

Mr. PICKETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DORNAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 180, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution commending the members of the Armed Forces and civilian personnel of the Government who served the United States faithfully during the Cold War."

A motion to reconsider was laid on the table.

CONCERNING REMOVAL OF RUSSIAN FORCES FROM MOLDOVA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 145) concerning the removal of Russian Armed Forces from Moldova.

The Clerk read as follows:

H. CON. RES. 145

Whereas the United States Government has recognized and continues to emphasize its commitment to the independence and territorial integrity of the sovereign nation of Moldova;

Whereas units of the former Soviet 14th Army of the Russian Federation continue to be deployed on the territory of the sovereign nation of Moldova against the wishes of the government and the majority of the people of Moldova;

Whereas the Prime Minister of Russia and the Prime Minister of Moldova signed an agreement on October 21, 1994, according to which Russia would withdraw its military forces from Moldova within three years;

Whereas in the period since the agreement was signed, there have been negligible force reductions of the Russian Army in Moldova;

Whereas the Organization on Security and Cooperation in Europe has been engaged in efforts to resolve differences between the Government of Moldova and the authorities of the Transdniestria region where the Russian Army continues to be deployed, and the Government of Ukraine has offered to use its good offices to assist in these efforts; and

Whereas the Parliamentary Assembly of the Organization on Security and Cooperation in Europe has passed a resolution calling for the "most rapid, continuing, unconditional, and full withdrawal" of the 14th Army of the Russian Federation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) calls upon the Government of the Russian Federation to adhere to the provisions of the troop withdrawal agreement signed on October 21, 1994;

(2) welcomes recent statements by the Administration supporting Moldova's territorial integrity, and urges the Secretary of State to use every appropriate opportunity and means, including multilateral and bilateral diplomacy, to secure removal of Russian military forces from Moldova in accordance with the terms of the troop withdrawal agreement;

(3) urges all of Moldova's neighboring countries to recognize the sovereignty and territorial integrity of Moldova; and

(4) urges the Organization for Security and Cooperation in Europe to continue its efforts in resolving differences between the government of Moldova and the authorities of the Transdniestria region, and welcomes the offer by the Government of Ukraine to assist in these efforts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 145, which calls for the withdrawal of Russian troops from the sovereign and independent state of Moldova.

House Concurrent Resolution 145 speaks to the situation in Moldova with regard to the unwanted presence of Russian troops there, but, in speaking to that specific case, the resolution touches on a much larger problem concerning Russia's relations with its neighbors.

Mr. Speaker, the breakup of the Soviet Union in 1991 left Russia with access to a number of Soviet military facilities located on the territory of New Independent States such as Moldova. Unfortunately, for the last 3 years, rather than working sincerely to withdraw from those facilities, Russia has become more intent on maintaining its control of such bases.

To persuade these New Independent States to agree to such military bases, Russia has employed economic pressure and manipulation of ethnic conflicts, real and potential, in those states.

While Georgia and Armenia have now agreed to Russian military bases and border guards, Moldova and its eastern neighbor, Ukraine, are still seeking the removal of Russian-controlled military facilities from their territory.

On September 4, the House of Representatives passed House Concurrent Resolution 120, which calls on Russia to recognize Ukraine's sovereignty. The resolution before the House today calls on all of Moldova's neighbors to recognize its sovereignty—and on Russia to remove its military units form Moldova.

That is the right thing for Russia to do, particularly if it insists that the rest of the world respect Russia's own sovereignty.

Mr. Speaker, I want to commend my colleague on the House International Relations Committee, Mr. SMITH of New Jersey, for his work to bring this resolution to the floor today.

I hope that it will enjoy the support of all of my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution and I yield myself such time as I may consume.

I commend the chairman of the Committee on International Relations and certainly the gentleman from New Jersey, who is the chief sponsor of this resolution, for bringing it before the floor of the House.

The conflict in Moldova has gone on too long, Mr. Speaker. The sides should intensify efforts to reach a political solution. Russian troops are in Moldova against the expressed wish of the Moldovan Government. Russia agreed and signed an agreement to withdraw its forces. The Congress here is calling on Russia to do the right thing and abide by that agreement.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the distinguished subcommittee chairman of our committee.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from New York [Mr. GILMAN], for yielding me this time, and I want to thank him for his help and the gentleman from Indiana [Mr. HAMILTON], in bringing House Concurrent Resolution 145 which calls upon the Russian Government to remove its armed forces from the sovereign nation of Moldova.

The Government of the Russian Federation is being called upon to adhere to its agreement of October 21, 1994, with the Moldovan Government and withdraw its military forces and equipment from Moldova within a 3-year timeframe. The resolution further urges the Secretary of State to use every appropriate opportunity and means to secure such removal, urges all of the Moldovan neighbors to recognize the sovereignty and the territorial integrity of Moldova and urges the Organization for Security and Cooperation in Europe to continue its efforts in resolving the differences between that country and its neighbors to welcome the offer of the Government of Ukraine to assist in those efforts.

Mr. Speaker, very simply, Moldova, a nation which recently celebrated its fifth year of independence, is the last of the New Independent States in which Russian military forces are stationed without a specific agreement with the host government for their deployment. These forces, estimated at between 5,000 to 6,000 soldiers, are the remnants of the Soviet 14th Army stationed exclusively in the eastern region of Moldova.

While some Russian equipment has reportedly been moved out and some ammunition has been destroyed, there has been little progress in the removal of the military personnel, as called for in the 1994 agreement.

Mr. Speaker, the administration has indicated its support for this resolution and, hopefully, this pressure, this push, combined with statements by the Council of Europe and others will let the Russians know that we are very serious. This vestige of Russian troops who remain there needs to leave. They are not wanted, they are not welcome and they are certainly not needed. This resolution puts us on record in that regard.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 145, which calls upon the Russian Government to remove its armed forces from the sovereign nation of Moldova. I thank Mr. GILMAN, chairman of the House International Relations Committee, and

Mr. HAMILTON, the ranking minority member of the committee, for their support for this resolution.

The Government of the Russian Federation is being called upon to adhere to its agreement of October 21, 1994, with the Moldovan Government and withdraw its military forces and equipment from Moldova within a 3-year timeframe. The resolution further urges the Secretary of State to use every appropriate opportunity and means to secure such removal; urges all of Moldova's neighbors to recognize the sovereignty and territorial integrity of Moldova; urges the Organization for Security and Cooperation in Europe [OSCE] to continue its efforts in resolving differences between the Government of Moldova and the authorities of the Transdniestria region; and welcomes the offer by the Government of Ukraine to assist in these efforts.

Mr. Speaker, Moldova, a nation which recently celebrated its fifth year of independence, is the last of the New Independent States in which Russian military forces are stationed without a specific agreement with the host government for their deployment. These forces, estimated at between 5,000 and 6,000, are the remnants of the Soviet 14th Army, stationed exclusively in the eastern Transdniestria region of Moldova. While some Russian equipment has reportedly been moved out, and some ammunition has been destroyed, there has been little progress in the removal of military personnel, as called for in the 1994 agreement.

Mr. Speaker, the administration has indicated its support for this resolution. During his meeting with Moldovan President Snegur in February 1995, President Clinton stated that the United States expects the 1994 agreement to be implemented on time. The State Department has reported that it "intends to continue to take advantage of every opportunity to encourage the removal of Russian military forces from Moldova in accordance with the terms of the troop withdrawal agreement."

The Moldovan Government supports this resolution.

Our European friends are also concerned about this issue. Both the OSCE Parliamentary Assembly and the Council of Europe have passed resolutions calling for the removal of the Russian military forces from Moldova.

Although the Russian Duma has yet to approve the 1994 treaty, the Russian Government is on record as saying it expects to abide by the agreement. Moreover, when the Russian Federation was admitted into the Council of Europe earlier this year, one of the stipulations for admission was that Russia would, and I quote:

> * * * ratify, in a period of sic months after the accessions of Russia to the Council of Europe, the Agreement of 21 October 1994 between the Russian and Moldovan Governments to continue the withdrawal of the 14th Army and its equipment from the territory of Moldova, within a time-limit of three years from the date of signature of the agreement.

Having agreed to this, and several other stipulations for membership, the Russian Federation became a member of the Council of Europe on February 28, 1996.

Mr. Speaker, the pending resolution does not attempt to dictate foreign policy to the Russian Federation, but merely asks the Russian Government to fulfill the agreement it made in 1994. In an era when NATO is exploring establishment of a special security relationship with Russia, I believe we should go on record expressing our concern that Moscow should act in good faith and remove its military forces from a sovereign state which poses no threat to Russian security.

Simply put, Russian armed forces are neither wanted nor needed in Moldova. I urge my colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, a former member of our House Committee on International Relations.

Mr. Speaker, I want to thank the gentleman from New Jersey for his supportive remarks.

Mr. SOLOMON. Mr. Speaker, I certainly thank the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], and I want to tell the gentleman I still miss that committee. It is still one of the best committees in the Congress to serve on.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want the gentleman to know that we miss his indulgence and work on our committee.

Mr. SOLOMON. I thank the gentleman.

Mr. Speaker, today, like the other Members, I am rising to support this resolution calling for the removal of Russian troops from Moldova, and I commend the gentleman from New Jersey, Mr. SMITH, for taking the lead on a very vital and important issue, especially Chairman GILMAN, for his leadership on all of these important issues.

Mr. Speaker, there is a forgotten country in Europe and it is called Moldova. In 1939 when Adolph Hitler and Joseph Stalin conspired to carve up Central Europe, a place called Moldova was ceded, so to speak, to the Soviet Union, and that was a disgrace.

Subsequent to this insidious and evil Nazi-Soviet Pact, Stalin's Red army invaded and annexed Moldova along with eastern Poland and the Baltic States as well. Some of the worst human rights violations in the history of this whole world took place after that happened. As we all know, Poland received its freedom and independence in 1989 with Soviet troops leaving shortly thereafter. The Baltic States gained their independence in 1991 though Russian troops intransigently remained until 1994.

Forgotten in our joy over these positive developments, however, is the fact that tiny Moldova, though it gained its independence in 1991, remains occupied by 7,000 troops of the Russian 14th Army, partly paid for by American foreign aid dollars, and that is the disgraceful part of this whole thing. They have no more right to be there today than Stalin did almost 50 years ago.

Frankly, when you consider that we are giving the Russian Government tens of billions of American taxpayer dollars, we should demand that the Russians leave Moldova. They ought to leave today, not tomorrow or new week or next month or next year.

The Moldovans have a right to get on with the task of building their new democracy without outside interference. By all reports, Moldova is handling this task quite well, all things considered. Moldova has received high marks from the administration for its economic reform efforts, has made good strides toward establishing democratic institutions and has been a good neighbor in the region of Central Europe and has been a vigorous participant in NATO-related activities, NATO-related activities which keep peace in the whole area.

Moldova's desire to become a part of Western institutions, Mr. Speaker, is so important, and for that we should be grateful. For that we should support Moldova's efforts to free itself from Russian occupation.

We can serve both of these ends by passing this resolution unanimously here today, and I urge support for that. Again my hat is off to Chairman GILMAN and to the gentleman from New Jersey, CHRIS SMITH, for bringing this vital legislation to this floor.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from New York [Mr. SOLOMON] for his supportive remarks. He has been a consistent supporter of doing the right thing in the former Soviet states.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, and I again urge the adoption of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 145.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1115

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

REGARDING UNITED STATES MEMBERSHIP IN SOUTH PACIFIC ORGANIZATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 189) expressing the sense of the Congress regarding the importance of United States membership in regional South Pacific organizations, as amended.

The Clerk read as follows:

H. CON. RES. 189

Whereas the United States and the South Pacific region enjoy a close and historic partnership built on a strong foundation of shared values and an unshakable commitment to democracy, development, and human rights;

Whereas the Pacific Island Nations and Governments, together with New Zealand and Australia, share many of the global objectives of the United States, including the nonproliferation of nuclear weapons, the protection of unique ecosystems, and sustainable economic development consistent with good resource management practices;

Whereas the United States, through support of the East-West Center in Hawaii, has facilitated establishment of the Pacific Islands Conference, wherein the heads of Pacific Island governments have met triennially to target critical research in furtherance of the region's trade, environment, and development; and

Whereas the United States is a member of the regional economic and social development body, the South Pacific Commission, participates in and plans to become a party to the regional environment body, the South Pacific Regional Environment Program, as well as being a dialogue partner for the regional political body, the South Pacific Forum: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the traditional and close ties between the United States and the South Pacific region and reaffirms the value of these ties;

(2)(A) notes the need to continue to support the efforts of the nations and governments of the region to enhance the sustainable development of the more fragile island economies and their integration into the regional economy, while helping to ensure the protection of the unique ecosystems of the region; and

(B) recognizes the efforts of the East-West Center and Pacific Islands Conference in furtherance of the efforts described in subparagraph (A);

(3) commands the South Pacific Commission for the process of managerial and organizational reform currently being undertaken, and recognizes the important role the United States financial contribution to, and participation in, the organization makes in assisting it to realize the gradual economic self-sufficiency to all members of the organization; and

(4) reaffirms the commitment of the United States as a member of the South Pacific Commission and a participant in the South Pacific Regional Environment Programme, and a member of the post-Forum dialogue partnership of the United States with the South Pacific Forum.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman and ranking minority member of our Asia and Pacific Subcommittee for this support of House Concurrent Resolution 189, a resolution expressing the sense of the Congress regarding the importance of United States membership in regional South Pacific organizations.

In the post colonial era, regional cooperation has become one of the key elements in the development of the South Pacific. While the programs that the South Pacific Commission, the South Pacific Regional Environment Program and other regional organizations undertake are small in scale, the impact on regional stability is critical. In short the small investment is for a high return.

Nations in the South Pacific share our values and a commitment to the democratic process. These values are of course also shared by our friends in the North Pacific, many of whom such as the Federated States of Micronesia and the Republic of the Marshall Islands are also members of these important regional organizations. Their support has been important to the United States in the United Nations and other international fora. However, we cannot continue to take it for granted.

In the post-cold-war era we need to ensure that we remain engaged in this key strategic region on the doorstep of Asia. In order to do this we must continue to support the work of regional organizations such as the South Pacific Commission, the South Pacific Regional Environment Program and the South Pacific Forum.

Accordingly, I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentleman from Guam [Mr. UNDERWOOD], a distinguished colleague and friend of mine, a very valued member of the Committee on National Security.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding me the time.

I want to extend my personal congratulations to the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from American Samoa [Mr. FALEOMAVAEGA], and the gentleman from California [Mr. BERMAN], for cosponsoring this resolution. This resolution draws attention to some very important islands and a very important ocean in this world and it is perhaps a mark of the changing world dynamics that we have to seek through a resolution to bring attention to this. I also want to personally thank the chairman of the subcommittee, Mr. BEREUTER, for his hearing yesterday in which he drew attention to the condition of the freely associated States in the North Pacific.

I have to make the point that as a former social studies teacher, although this resolution refers to areas in the South Pacific, that it includes the Northern Pacific as well, as indicated by Mr. GILMAN. Those of us who live in the Northern Pacific are sometimes lumped as part of the South Pacific, and it is an important item at least to those us who live north of the equator.

The objectives of this legislation are excellent. They help bring attention to a very crucial part of the world. Many issues, strategic issues of importance, continue to be manifested in this part of the world. Nuclear issues. There are island issues regarding economic development and some very unique ecosystems. But most of all there are people issues. These people, the Pacific islanders, of which I am proud to say that there are two Pacific islanders in this body, Mr. FALEOMAVAEGA and myself, represent some very unique cultural traditions and we also represent the American part of the Pacific. So it is quite natural that we stand in strong support of this resolution.

We should encourage American participation in regional organizations, but I believe that we have to raise another issue and our work should not end there. America has distinct historical, cultural, and political ties, ties which have been established and strengthened by American citizens of U.S. territories of the Pacific, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands. The U.S. territories of the Pacific could play an important part in America's economic strategy in that region, and the Federal Government should appreciate the potential advantage it has because of the people of these territories.

The Federal Government should support the inclusion of territories in these regional forums as they participate themselves. These forums should also serve as opportunities to promote the territories of the North and South Pacific as America's economic and cultural bridge to Asia and the Pacific rim. This would be in the interests of both the territories and the Federal Government.

Our link to the Pacific is vital to the future of America's economy and foreign trade opportunity, but we should not forget that our ultimate interest in the Pacific region is people and, most importantly, our fellow American citizens who reside there.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me this time.

As the chairman of the Subcommittee on Asia and the Pacific, I rise in strong support of House Concurrent Resolution 189, which expresses the sense of Congress regarding the importance of U.S. membership in regional South Pacific organizations. This web would congratulate the resolution's author, chairman of the Committee on International Relations, Mr. GILMAN, for his excellent leadership on this issue. This Member is also pleased to join as a cosponsor of this important measure. I thank the gentleman from Guam for his very kind remarks, and I was very pleased that he joined us in a joint subcommittee hearing between the Committee on International Relations as a member of the Committee on Resources yesterday. He joined the gentleman from American Samoa and myself and other members of our two subcommittees to examine those parts of the Pacific that were once part of the trust territories assigned to the United States, now called freely associated states, and, of course, the Commonwealth of Northern Marianas. And the gentleman is right to recall that all the trust territories that we were assigned are a part of the Northern Pacific.

I think that the gentleman from American Samoa represents the only American territory in the southern hemisphere. He is shaking his head in affirmation. House Concurrent Resolution 189 is indeed a bipartisan resolution with the gentleman from American Samoa [Mr. FALEOMAVAEGA] and the gentleman from California [Mr. BERMAN] making very important contributions.

Mr. Speaker, the South Pacific is a vast region where the United States has a myriad of commercial and strategic interests. Unfortunately this important region does not receive the attention it deserves. Perhaps, understandably, this body tends to focus on civil war, natural disasters, and nations in crisis. But in the process, many of our friends, those nations which are not experiencing societal upheaval, seem to be overlooked.

This body seldom hears about the Pacific Island nations, in part because we have some good bilateral and multilateral relations, even though sometimes I think we neglect them. The United States productively contributes in a number of regional bodies, such as the South Pacific Regional Environmental Program and the South Pacific Forum and the East-West Center in Hawaii which serves as a major center of South Pacific policy studies as well as study on other parts of the Pacific and the Asian part of the Pacific rim.

This Member would say that this sort of resolution where this body takes the time, makes a small amount of effort, very well conceived, commending the efforts of our long-time friends and allies, serves a very important function; people do pay attention. This resolution tells our Pacific Island friends that we do not take them for granted and that we value their friendship.

When I was a member of the 42d General Assembly of the United Nations, a legislative delegate appointed, we took the time to meet with our South Pacific and Northern Pacific friends, and in fact we found that those were the countries that were voting with us the most often even though we sometimes, I am afraid, neglected them.

So I think this resolution tells the nations of the region that the United States intends to continue working with them in the future. It says we are interested in their views on regional, environmental, and development matters.

Mr. Speaker, these are important things to say, and this Member commends Chairman GILMAN for saying them so eloquently. I urge my colleagues to support the resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I want to commend my good friend, the gentleman from Guam, for his earlier comments. He certainly is quite modest by saying that he is just a social studies teacher. The fact of the matter is, Mr. Speaker, he holds a doctorate in education from the University of Southern California. Some of my friends have described this university as the university of solid connections. My preference is that he should have attended the University of California at Berkeley where I matriculated, but I certainly want to commend my friend from Guam for his excellent comments. And I commend the gentleman from Nebraska, the chairman of the House Asia-Pacific Affairs Subcommittee, for his leadership as a chief sponsor of this legislation.

Mr. Speaker, I deeply commend the chairman of our committee Mr. GILMAN, for his strong leadership and introduction of this thoughtful measure which fosters positive relations between America and this important region of the world; important enough, Mr. Speaker, to note that the Pacific covers one-third of the earth's surface. I think we have to keep that in mind. I am proud to join Asia-Pacific Affairs Subcommittee Chairman DOUG BEREUTER and the subcommittee's ranking Democrat, HOWARD BERMAN, as an original cosponsor of House Concurrent Resolution 189.

Mr. Speaker, America has had a long and extraordinarily deep relationship with our friends and allies in the Pacific region. Before and since World War II, we have fought alongside our allies to preserve peace and nurture democracy in the Pacific.

Today, America continues this commitment through support of and participation with the region's most important organizations—the South Pacific Commission [SPC], the South Pacific Forum, and the South Pacific Regional Environmental Program [SPREP].

United States involvement with these leading regional organizations reflects the fact that America has substantial interests in the South Pacific—whether that be in the areas of investment and trade, strategic security and nuclear nonproliferation, democratic government and human rights, or protection of the Pacific marine environment which encompasses one-third of the Earth.

The resolution before our colleagues underscores that the concerns of the South Pacific governments often dovetail with America's interests, and it is vital that the United States continue to participate in these regional organizations and to support the important work of the South Pacific Commission, the South Pacific Forum, and the South Pacific Regional Environmental Program.

The resolution further recognizes the significant contributions of two other important institutions in the South Pacific region—the East-West Center in Hawaii and the Pacific Islands Conference.

In 1960, the U.S. Congress established and funded the East-West Center to foster mutual understanding and cooperation among the governments and peoples of the Asia-Pacific region. Mr. Speaker, the East-West Center has done an outstanding job with this mission, and in particular has significantly promoted positive and deeper relations between the United States and the South Pacific nations.

In 1980, the East-West Center facilitated the establishment of the Pacific Islands Conference, the only regional organization to bring together all heads of government in the South Pacific without regard to political status.

Meeting every 3 years, the Pacific Islands Conference of Leaders identifies and targets critical areas of research in furtherance of the region's trade, environment, and development. This research is subsequently conducted by the East-West Center's Pacific Islands Development Program.

With U.S. support, the efforts of the East-West Center and the Pacific Islands Conference have contributed to progress for responsible and sustained economic development in the South Pacific region.

Mr. Speaker, I would ask our colleagues to join us in adopting this worthy legislation which reaffirms the value of the historically close ties between the United States and the Pacific Island nations, and calls for continued U.S. engagement in the affairs of the South Pacific region.

I would urge passage by the House of House Concurrent Resolution 189.

Mr. GILMAN. Mr. Speaker, I want to thank the delegate from American Samoa for his supportive remarks and for his continued hard work on behalf of the Pacific communities. I want to thank our distinguished chairman of our Subcommittee on Asia and the Pacific, Mr. BEREUTER, for his supportive work on this measure.

Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I urge adoption of this resolution, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN], that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 189, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1130

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed yesterday and today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3852, by the yeas and nays: H.R. 4137, by the yeas and nays; H.R. 3456, by the yeas and nays; H.R. 2092, by the yeas and nays; House Resolution 535, by the yeas and nays; House Concurrent Resolution 145, by the yeas and nays; and House Concurrent Resolution 189, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3852, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 3852, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 34, not voting 13, as follows:

[Roll No. 434]

YEAS—386

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Yates
Young (AK)
Zeliff
Zimmer

NAYS—34

Becerra
Clay
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Dellums
Fattah
Fields (LA)
Foglietta
Ford
Gonzalez
Hastings (FL)
Jackson (IL)
Jefferson
Johnston
Lewis (GA)
Meek
Millender-McDonald
Owens
Payne (NJ)
Rangel
Roybal-Allard
Rush
Scott
Stokes
Thompson
Torres
Velazquez
Waters
Watt (NC)
Wynn

NOT VOTING—13

Chapman
Clayton
Engel
Gibbons
Hayes
Heineman
Hilliard
Kennedy (RI)
McInnis
Peterson (FL)
Towns
Wilson
Young (FL)

□ 1151

Ms. VELÁZQUEZ and Mr. RANGEL changed their vote from "yea" to "nay."

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. ARMEY changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4137.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 4137, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 11, as follows:

[Roll No. 435]

YEAS—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Waters

NOT VOTING—11

Dickey
Engel
Gibbons
Hayes
Heineman
Hilliard
Kennedy (RI)
McInnis
Peterson (FL)
Towns
Wilson

□ 1202

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, I was unavoidably detained and was unable to vote earlier today on the first two votes in the string of votes that have just been taken. Had I been present, I would have voted in favor of H.R. 3852, rollcall vote No. 434, and on H.R. 4137, rollcall vote No. 435.

PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

The SPEAKER pro tempore (Mr. EWING). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3456, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 3456, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 9, as follows:

[Roll No. 436]

YEAS—423

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham

Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Watt (NC)

NOT VOTING—9

Gibbons
Hayes
Heineman
Hilliard
McInnis
Peterson (FL)
Royce
Towns
Wilson

□ 1211

Ms. PELOSI changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVATE SECURITY OFFICER QUALITY ASSURANCE ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2092, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is one the motion offered by the gentleman from Georgia [Mr. BARR] that the House suspend the rules and pass the bill, H.R. 2092, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 6, not voting 12, as follows:

[Roll No. 437]

YEAS—415

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump

Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Conyers
Cooley
Scarborough
Taylor (NC)
Waters
Williams

NOT VOTING—12

Cox
Gibbons
Hayes
Heineman
Johnson, Sam
McInnis
Meehan
Mollohan
Peterson (FL)
Rogers
Towns
Wilson

☐ 1221

Mrs. CLAYTON changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GOVERNMENT ACCOUNTABILITY ACT

The SPEAKER pro tempore (Mr. EWING). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 535.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the resolution, House Resolution 535, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 438]

YEAS—424

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Gibbons
Hayes
Heineman
McInnis
Obey
Peterson (FL)
Torricelli
Towns
Wilson

☐ 1229

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3497, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 3497, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 15, as follows:

[Roll No. 439]

YEAS—417

Abercrombie
Ackerman
Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
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Fazio
Fields (LA)
Fields (TX)
Filner
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Forbes
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Frank (MA)
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Funderburk
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Gejdenson
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Goodlatte
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Gordon
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Green (TX)
Greene (UT)
Greenwood
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Hall (OH)
Hall (TX)
Hamilton
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Harman
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Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
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Lewis (CA)
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Lightfoot
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Livingston
LoBiondo
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Lucas
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McCrery
McDade
McDermott
McHale
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Miller (CA)
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Murtha
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Norwood
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Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
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Pomeroy
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Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
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Shuster
Sisisky
Skaggs
Skeen
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Slaughter
Smith (MI)
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Smith (TX)
Smith (WA)
Solomon
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Stockman
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Thornberry
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Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Cooley

NOT VOTING—15

Armey
Beilenson
Gibbons
Hayes
Heineman
Hostettler
Hunter
Markey
McInnis
Millender-McDonald
Myers
Owens
Peterson (FL)
Towns
Wilson

☐ 1238

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 5 of rule I the Chair redesignates the time for further proceedings on the two questions postponed earlier today to a time later today.

FEDERAL LAW ENFORCEMENT DEPENDENTS ASSISTANCE ACT OF 1996

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 2101) to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from Florida?

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman from Florida [Mr. McCOLLUM] explain the purpose of the request?

Mr. McCOLLUM. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, this bill provides educational assistance to spouses and children of officers who have been killed or disabled in the line of duty; that is law enforcement officers.

This legislation is an attempt to give some measure of comfort to Federal law enforcement officers so they can know that if they are killed while in the line of duty they will not have failed in the duty to their family.

This legislation is limited to any child under the age of 27, and dependents can only receive educational benefits for up to 45 months. The process under this bill is simple. A dependent submits an application to the Attorney General and, subject to regulations promulgated by the Attorney General, a dependent is notified whether or not he or she is eligible.

Many States already provide these benefits to law enforcement officers, and this bill extends the same protections to Federal law enforcement officers and their families.

That is the entire essence of it, and I do not think it is controversial in any way.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his explanation and I recognize that this supports our Federal agents who have died in the line of duty, and that this protects their family and gives them additional opportunity for education.

Mr. STUDDS. Mr. Speaker, 4 years ago, on August 21, 1992, Deputy United States Marshal William F. Degan lost his life in the performance of his duty during the violent confrontation at Ruby Ridge, ID, between Federal marshals and white separatist Randy Weaver.

While many intervening tragedies have since captured the public's attentions, Bill is well remembered in his hometown of Quincy, Massachusetts, as a patriot who responded to the call of duty, and a husband and father devoted to the family he left behind.

It is in recognition of his supreme sacrifice that I joined with Senator SPECTER and Congressman FOX in introducing this important bill, which will provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

Years ago, the Congress established an educational assistance program for the survivors and dependents of members of the armed forces who are killed or disabled in the line of duty. Surely the brave men and women who put their lives on the line to ensure our domestic tranquillity deserve no less.

This legislation will ensure that Bill Degan's sons, William Jr. and Brian, and others in their situation, are able to afford the kind of education their parents would have wanted them to have. It will be a fitting tribute to a man who did so much to make our country a better and safer place in which to live.

Mr. Speaker, thanks are in order to many people who have made it possible for this bill to reach the floor: to the chairman and ranking member of the committee and the subcommittee; to the gentleman from Pennsylvania, Mr. FOX; to Senator SPECTER and his Senate cosponsors; and to the entire Massachusetts delegation for their cosponsorship of this legislation;

To President Clinton, who has indicated his support for the bill and has always shown such concern for the safety and well-being of those whom it will benefit; and

To the men and women of the U.S. marshals service and their colleagues throughout the law enforcement community, who have joined us in working for this legislation and who continue to exhibit the courage and selflessness that Bill Degan so exemplified.

Finally, Mr. Speaker, I wish to pay tribute to Karen Degan, who has shown such dignity and courage in the face of tragedy and loss, and has done so much to honor Bill's memory and enrich his legacy.

I urge support for the bill and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Law Enforcement Dependents Assistance Act of 1996".

SEC. 2. EDUCATIONAL ASSISTANCE TO DEPENDENTS OF SLAIN FEDERAL LAW ENFORCEMENT OFFICERS.

Part L of title in of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by—

(1) inserting after the heading the following: **"Subpart 1—Death Benefits"**; and

(2) adding at the end the following:

"Subpart 2—Educational Educational Assistance to Dependents of Slain Federal Law Enforcement Officers Killed or Disabled in the Line of Duty

"SEC. 1211. PURPOSES.

"The purposes of this subpart are—

"(1) to enhance the appeal of service in civilian Federal law enforcement agencies;

"(2) to extend the benefits of higher education to qualified and deserving persons who, by virtue of the death of or total disability of an eligible officer, may not be able to afford it otherwise; and

"(3) to allow the family members of eligible officers to attain the vocational and educational status which they would have attained had a parent or spouse not been killed or disabled in the line of duty.

"SEC. 1212. BASIC ELIGIBILITY.

"(a) BENEFITS.—(1) Subject to the availability of appropriations, the Attorney General shall provide financial assistance to a dependent who attends a program of education and is—

"(A) the child of any eligible Federal law enforcement officer under subpart 1; or

"(B) the spouse of an officer described in subparagraph (A) at the time of the officer's death or on the date of a totally and permanently disabling injury.

"(2) Financial assistance under this subpart shall consist of direct payments to an eligible dependent and shall be computed on the basis set forth in section 3532 of title 38, United States Code.

"(b) DURATION OF BENEFITS.—No dependent shall receive assistance under this subpart for a period in excess of forty-five months of full-time education or training or a proportional period of time for a part-time program.

"(c) AGE LIMITATION FOR DEPENDENT CHILDREN.—No dependent child shall be eligible for assistance under this subpart after the child's 27th birthday absent a finding by the Attorney General of extraordinary circumstances precluding the child from pursuing a program of education.

"SEC. 1213. APPLICATIONS; APPROVAL.

"(a) APPLICATION.—A person seeking assistance under this subpart shall submit an application to the Attorney General in such form and containing such information as the Attorney General reasonably may require.

"(b) APPROVAL.—The Attorney General shall approve an application for assistance under this usbpart unless the Attorney General finds that—

"(1) the dependent is not eligible for, is no longer eligible for, or is not entitled to the assistance for which application is made;

"(2) the dependent's selected educational institution fails to meet a requirement under this subpart for eligibility;

"(3) the dependent's enrollment in or pursuit of the educational program selected would fail to meet the criteria established in this subpart for programs; or

"(4) the dependent already is qualified by previous education or training for the educational, professional, or vocational objective for which the educational program is offered.

"(c) NOTIFICATION.—The Attorney General shall notify a dependent applying for assistance nuder this subpart of approval or disapproval of the application in writing.

"SEC 1214. REGULATIONS.

The Attorney General may promulgate reasonable and necessary regulations to implement this subpart.

"SEC. 1215. DISCONTINUATION FOR UNSATISFACTORY CONDUCT OR PROGRESS.

"The Attorney General may discontinue assistance under this subpart when the Attorney General finds that, according to the regularly prescribed standards and practices of the educational institution, the recipient fails to maintain satisfactory progress as described in section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)).

"SEC. 1216. SPECIAL RULE.

"(a) RETROACTIVE ELIGIBILITY.—Notwithstanding any other provision of law, each dependent of a Federal law enforcement officer killed in the line of duty on or after May 1, 1992, shall be eligible for assistance under this subpart, subject to the other limitations of this subpart.

"(b) RETROACTIVE ASSISTANCE.—The Attorney General may provide retroactive assistance to dependents eligible under this section for each month in which the dependent pursued a program of education at an eligible education institution. The Attorney General shall apply the limitations contained in this subpart to retroactive assistance.

"(c) PROSPECTIVE ASSISTANCE.—The Attorney General may provide prospective assistance to dependents eligible under this section on the same basis as assistance to dependents otherwise eligible. In applying the limitations on assistance under this subpart, the Attorney General shall include assistance provided retroactively. A dependent eligible under this section may waive retroactive assistance and apply only for prospective assistance on the same basis as dependents otherwise eligible.

"SEC. 1217. DEFINITIONS.

"For purposes of this subpart:

"(1) The term 'Attorney General' means the Attorney General of the United States.

"(2) The term 'Federal law enforcement officer' has the same meaning as under subpart 1.

"(3) The term 'program of education' means any curriculum or any combination of unit courses or subjects pursued at an eligible education institution, which generally is accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. It includes course work for the attainment of more than one objective if in addition to the previous requirements, all the objectives generally are recognized as reasonably related to a single career field.

"(4) The term 'eligible educational institution' means an institution which—

"(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this section; and

"(B) is eligible to participate in programs under title IV of such Act.

"SEC. 1218. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart such sums as may be necessary.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1675) to provide for the nationwide tracking of convicted sexual predators, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, I will not object if the gentleman from Florida will please explain his request.

Mr. McCOLLUM. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, we just passed the Sexual Offender Tracking and Identification Act of 1996 as a suspension a few minutes ago, and the entire purpose of this request today is to take up the companion Senate bill, which is identical to the bill we just passed by a vote of 423 to 1, and send it to the President for his consideration.

This allows us to send this bill, the Senate has already passed an identical bill, to the President without having to send it back to the other body. That is the entire purpose of this exercise.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his explanation and agree to the urgency of this legislation and the importance in protecting our citizens from devastating crime.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pam Lychner Sexual Offender Tracking and Identification Act of 1996".

SEC. 2. OFFENDER REGISTRATION.

(a) ESTABLISHMENT OF FBI DATABASE.—Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new section:

"SEC. 170102. FBI DATABASE.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'FBI' means the Federal Bureau of Investigation;

"(2) the terms 'criminal offense against a victim who is a minor', 'sexually violent offense', 'sexually violent predator', 'mental abnormality', and 'predatory' have the same meanings as in section 170101(a)(3); and

"(3) the term 'minimally sufficient sexual offender registration program' means any State sexual offender registration program that—

"(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1);

"(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

"(C) meets the requirements for verification under section 170101(b)(3); and

"(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

"(b) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of—

"(1) each person who has been convicted of a criminal offense against a victim who is a minor;

"(2) each person who has been convicted of a sexually violent offense; and

"(3) each person who is a sexually violent predator.

"(c) · REGISTRATION REQUIREMENT.—Each person described in subsection (b) who resides in a State that has not established a minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the FBI for inclusion in the database established under subsection (b) for the time period specified under subsection (d).

"(d) LENGTH OF REGISTRATION.—A person described in subsection (b) who is required to register under subsection (c) shall, except during ensuing periods of incarceration, continue to comply with this section—

"(1) until 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation; or

"(2) for the life of the person, if that person—

"(A) has 2 or more convictions for an offense described in subsection (b);

"(B) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18, United States Code, or in a comparable provision of State law; or

"(C) has been determined to be a sexually violent predator.

"(e) VERIFICATION.—

"(1) PERSONS CONVICTED OF AN OFFENSE AGAINST A MINOR OR A SEXUALLY VIOLENT OFFENSE.—In the case of a person required to register under subsection (c), the FBI shall, during the period in which the person is required to register under subsection (d), verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individual.

"(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply to a person described in subsection (b)(3), except that such person must verify the registration once every 90 days after the date of the initial release or commencement of parole of that person.

"(f) COMMUNITY NOTIFICATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) that is necessary to protect the public.

"(2) IDENTITY OF VICTIM.—In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

"(g) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

"(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence during any period in which that person resides for not less than 10 days.

"(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

"(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) or under a minimally sufficient offender registration program, including a program established under section 170101, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration shall, not later than 10 days after that person establishes a new residence, register a current address, fingerprints, and photograph of that person, for inclusion in the appropriate database, with—

"(A) the FBI; and

"(B) the State in which the new residence is established.

"(4) STATE REGISTRATION REQUIREMENT.—Any time any State agency in a State with a minimally sufficient sexual offender registration program, including a program established under section 170101, is notified of a change of address by a person required to register under such program within or outside of such State, the State shall notify—

"(A) the law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and

"(B) the FBI.

"(5) VERIFICATION.—

"(A) NOTIFICATION OF LOCAL LAW ENFORCEMENT OFFICIALS.—The FBI shall ensure that State and local law enforcement officials of the jurisdiction from which, and the State and local law enforcement officials of the jurisdiction to which, a person required to register under subsection (c) relocates are notified of the new residence of such person.

"(B) NOTIFICATION OF FBI.—A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

"(C) VERIFICATION.—

"(i) STATE AGENCIES.—If a State agency cannot verify the address of or locate a person required to register with a minimally sufficient sexual offender registration program, including a program established under section 170101, the State shall immediately notify the FBI.

"(ii) FBI.—If the FBI cannot verify the address of or locate a person required to register under subsection (c) or if the FBI receives notification from a State under clause (i), the FBI shall—

"(I) classify the person as being in violation of the registration requirements of the national database; and

"(II) add the name of the person to the National Crime Information Center Wanted person file and create a wanted persons record: *Provided*, That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

"(h) FINGERPRINTS.—

"(1) FBI REGISTRATION.—For each person required to register under subsection (c), fingerprints shall be obtained and verified by the FBI or a local law enforcement official pursuant to regulations issued by the Attorney General.

"(2) STATE REGISTRATION SYSTEMS.—In a State that has a minimally sufficient sexual offender registration program, including a program established under section 170101, fingerprints required to be registered with the FBI under this section shall be obtained and verified in accordance with State requirements. The State agency responsible for registration shall ensure that the fingerprints and all other information required to be registered is registered with the FBI.

"(i) PENALTY.—A person required to register under paragraph (1), (2), or (3) of subsection (g) who knowingly fails to comply with this section shall—

"(1) in the case of a first offense—

"(A) if the person has been convicted of 1 offense described in subsection (b), be fined not more than $100,000; or

"(B) if the person has been convicted of more than 1 offense described in subsection (b), be imprisoned for up to 1 year and fined not more than $100,000; or

"(2) in the case of a second or subsequent offense, be imprisoned for up to 10 years and fined not more than $100,000.

"(j) RELEASE OF INFORMATION.—The information collected by the FBI under this section shall be disclosed by the FBI—

"(1) to Federal, State, and local criminal justice agencies for—

"(A) law enforcement purposes; and

"(B) community notification in accordance with section 170101(d)(3); and

"(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).".

"(k) NOTIFICATION UPON RELEASE.—Any State not having established a program described in section 170102(a)(3) must—

"(1) upon release from prison, or placement on parole, supervised release, or probation, notify each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1) of their duty to register with the FBI; and

"(2) notify the FBI of the release of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1).".

SEC. 3. DURATION OF STATE REGISTRATION REQUIREMENT.

Section 170101(b)(6) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(6)) is amended to read as follows:

"(6) LENGTH OF REGISTRATION.—A person required to register under subsection (a)(1) shall continue to comply with this section, except during ensuing periods of incarceration, until—

"(A) 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

"(B) for the life of that person if that person—

"(i) has 1 or more prior convictions for an offense described in subsection (a)(1)(A); or

"(ii) has been convicted of an aggravated offense described in subsection (a)(1)(A); or

"(iii) has been determined to be a sexually violent predator pursuant to subsection (a)(2).".

SEC. 4. STATE BOARDS.

Section 170101(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(2)) is amended by inserting before the period at the end the following: ", victim rights advocates, and representatives from law enforcement agencies".

SEC. 5. FINGERPRINTS.

Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new subsection:

"(g) FINGERPRINTS.—Each requirement to register under this section shall be deemed to also require the submission of a set of fingerprints of the person required to register, obtained in accordance with regulations prescribed by the Attorney General under section 170102(h).".

SEC. 6. VERIFICATION.

Section 170101(b)(3)(A)(iii) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(3)(A)(iii)) is amended by adding at the end the following: "The person shall include with the verification form, fingerprints and a photograph of that person.".

SEC. 7. REGISTRATION INFORMATION.

Section 170101(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(2)) is amended to read as follows:

"(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State Law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit all information described in paragraph (1) to the Federal Bureau of Investigation for inclusion in the FBI database described in section 170102.".

SEC. 8. IMMUNITY FOR GOOD FAITH CONDUCT.

State and Federal law enforcement agencies, employees of State and Federal law enforcement agencies, and State and Federal officials shall be immune from liability for good faith conduct under section 170102.

SEC. 9. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall issue regulations to carry out this Act and the amendments made by this Act.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act.

(b) COMPLIANCE BY STATES.—Each State shall implement the amendments made by sections 3, 4, 5, 6, and 7 of this Act not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

(c) INELIGIBILITY FOR FUNDS.—

(1) A State that fails to implement the program as described in section 3, 4, 5, 6, and 7 of this Act shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765).

(2) Any funds that are not allocated for failure to comply with section 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with these sections.

SEC. 11. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3456) was laid on the table.

REMOVAL OF RUSSIAN TROOPS FROM KALININGRAD

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 51) expressing the sense of the Congress relating to the removal of Russian troops from Kaliningrad, as amended.

The Clerk read as follows:

H. CON. RES. 51

Whereas from 1945 to the early 1990's Kaliningrad was a Russian military outpost consisting of as many as 200,000 Russian military personnel concentrated in an area of 15,000 square kilometers and Kaliningrad has suffered substantial environmental damage as a result of this military presence;

Whereas since this time the number of Russian military personnel in Kaliningrad has declined significantly, although the number of such personnel in the region is still substantial;

Whereas polls conducted by the Kaliningrad Sociological Center have shown that over 60 percent of the Kaliningrad public favors development of Kaliningrad as an economic bridge between Europe and Russia;

Whereas establishment of Kaliningrad as a free economic zone by the Russian Government in 1994 represents a positive step toward Kaliningrad's integration into the Baltic and European economies and toward giving Kaliningrad an opportunity to flourish economically and to contribute substantially to the well-being of the Baltic region; and

Whereas Russian economic analysts at the Russian Foreign Policy Foundation have noted that militarization of Kaliningrad "corresponded neither to the needs of the population of the region itself, nor to the necessities of its economic development": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Lithuania, Latvia, and Estonia have the right to self-determination which extends to the conduct of their foreign policy regarding membership in the North Atlantic Treaty Organization;

(2) development of the Kaliningrad region as a free trade zone will help ensure the freedom and future prosperity and stability of the Baltic region; and

(3) continued military reductions in and environmental restoration of the Kaliningrad region will greatly facilitate economic development and prosperity in Kaliningrad.

☐ 1245

The SPEAKER pro tempore. (Mr. EWING). Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New York, [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 51 focuses on a situation that has received very little attention in our foreign policy considerations with regard to Europe—and specifically with regard to the Baltic region of that continent.

This resolution, as introduced by Congressman COX of California—and as amended by the House International Relations Committee, expresses certain concerns regarding that portion of the Baltic region now known as Kaliningrad, which has been a part of the Russian Federation since the end of World War II.

Specifically, the resolution notes the need for Russia to continue to reduce its military presence in Kaliningrad, encourages the environmental restoration of that enclave, and also encourages its economic integration into the larger Baltic region.

Unlike the original text, the amended version of this resolution does not raise questions concerning Russia's sovereignty over Kaliningrad.

Frankly, it is probably best that we leave unopened the Pandora's Box that involves possible border changes and challenges to sovereignty in post-cold-war Eastern Europe.

Still, although this resolution does not now challenge the sovereignty of the Russian Federation with regard to Kaliningrad, we should take a moment to at this point to note Russia's challenges to the sovereignty of the Baltic states—including:

Its threats of retaliation against those states as they seek membership in NATO;

Russian military transit to and from Kaliningrad through the sovereign territory of Lithuania; and

Questions related to the Russian border with Estonia.

With regard to that last issue, Russia's de facto demarcation of the border with Estonia has left Estonia with little choice but to relinquish 5 percent of the territory it held prior to the 1940 Soviet occupation.

All Estonia asks in return is that Russia recognize the validity of the 1920 Treaty of Tartu, under which the U.S.S.R. recognized Estonia's sovereignty.

Russia, however, continues to refuse to recognize that Treaty.

Mr. Speaker, as I have stated, this resolution, as amended, does not challenge the current status of Kaliningrad.

Let me take this opportunity, however, to say that what is good for the goose is good for the gander.

If Russia expects its sovereignty to be respected in regions like Kaliningrad, it must respect the sovereignty of its neighbors, including the Baltic States.

I hope that the President will make that clear to the Russian Government, and make it clear also—as this resolution does—that the decision by the Baltic states to apply for membership in NATO is their decision to make.

It should not be subject to continuing threats of military retaliation originating in Russia proper or from the Kaliningrad region.

Mr. Speaker, I commend my colleague, Congressman COX, for working diligently on this resolution and on issues of security and stability in the Baltic region in general.

I am pleased to be a cosponsor of this resolution, along with more than 50 other Members of Congress, and I hope that all of my colleagues will join in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, as amended by the Committee on International Relations. I want to commend the gentleman from New York, the chairman of the Committee on International Relations, and the gentleman from California [Mr. COX] for their hard work in working the provisions of this resolution.

I appreciate the gentleman from California's willingness to work with the administration and with the minority to craft a resolution that deserves strong bipartisan support. I believe this resolution is constructive. It spells out a future for Kaliningrad that can contribute to peace, stability, and prosperity in the Baltic region. In case some of our colleagues do not know where Kaliningrad is located, Mr. Speaker, it is between Poland and Lithuania.

Mr. Speaker, I urge colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, let me just say that I have very much enjoyed serving under the gentleman's chairmanship. I served in my 18 years in Congress under many chairmen, but I must say that he is the most fair, the most open-minded and also the most internationally focused. It is one of the reasons the last resolution we had before us on Kaliningrad. There are not many chairmen, in my opinion, that would have taken this up because there is not much of a constituency. But it is a big problem and he addressed it. I think it exemplifies the type of leadership that we have had under his chairmanship, and I think I just want to say it has been most gratifying to serve under the gentleman.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COX], who is a major sponsor of this measure.

Mr. COX of California. Mr. Speaker, I, too, want to congratulate the chairman not only for reporting this vitally important legislation but also for what he has done throughout the last 2 years of this remarkably productive Congress. He has been a beacon of wisdom, judgment, and expertise on the subject of foreign affairs. I wanted to thank him personally for the leadership that he has provided to the United States during this period.

The bill before us, House Concurrent Resolution 51, will promote two very good ideas in the relationship between Russia and Western Europe and, frankly, the United States and the rest of the world.

The first is that it will demilitarize a region that is not even contiguous to Russia but in which Russia maintains more than twice as many troops as does the United States and all of Europe. That is Kaliningrad. Kaliningrad, as has been discussed here amply, is nudged between, nestled between Lithuania, Poland, Belarus. It is not reachable from Russia without crossing the air space or the territory of some other country.

Necessarily without the permission of Lithuania, particularly when Russia used to be the Soviet Union, the troop crossings took place massively, disruptively in ways that caused a great deal of friction. It is important for Baltic peace, stability, and security that Kaliningrad be demilitarized. It is also important for the relationship of Russia, Europe, and the United States because this is a potential hot spot. This is where NATO and Russia might unfortunately accidentally meet in the future. It ought not to happen.

This is a flash point of conflict that we can see in advance, that we ought to deal with it just now. Russia did not create this problem. Russia is now a nation friendly to the United States. Russia inherited this problem, and as a sign of good faith Russia ought to neutralize this situation as quickly as possible.

The second good idea embedded in this resolution is that the area of Kaliningrad will be made a free trade zone, making this area centrally located at the intersection of the Baltics, of Western and Eastern Europe and Russia, making this area economically vital, a bridge from Russia to Europe and from Europe into Russia. In 1995, Boris Yelstin signed a decree creating a 10-year free ecomonic zone in Kaliningrad. Customs duty exemptions are maintained in this area as a result. There is a 5-year cap on tax rates at 16 percent. This compares favorably even to Hong Kong, where the rate is 17 percent.

Before Kaliningrad can become another economic Hong Kong, the region has to undergo a massive environmental cleanup. As a result of the Soviet military occupation and presence in this area for so long a period of time, Kaliningrad became the major polluter of the Baltic Sea. This, too, must be attended to. Kaliningrad must be cleaned up. The key elements of the resolution before us are the following: First, the need for Kaliningrad's demilitarization; second, the need for environmental cleanup; third, the development of Kaliningrad as a commercial bridge between Europe and Asia; and, finally, Lithuania, Latvia, and Estonia's right autonomously, independently, without coercion to join whatever military alliance they wish. It happens that that is NATO. They have the right to request NATO membership.

This resolution is strongly supported by a number of groups who have communicated with us in the Congress, not the least of whom are committees representing all the Baltic nations. I personally have met with the presidents of each of the Baltic countries in recent weeks to discuss this. I know that if Russia takes these forward-looking steps, it will very much improve the prospects for even better relations between the United States and Russia.

For that reason, I have written this resolution, introduced it, moved it through the committee, and am happy to have it here before us on the floor today. By sending this message, not just to Russia but to the people of Estonia, Latvia, Lithuania, Poland, Belarus, all of Europe, Congress will help reduce the possibility of military conflict between Russia and NATO, between Russia and its neighbors and bolster the progress of freedom in the Baltics and in Russia.

I urge an aye vote in favor of the resolution.

Mr. Speaker, I include the following for the RECORD:

JOINT BALTIC AMERICAN
NATIONAL COMMITTEE, INC.,
Rockville, MD, September 13, 1996.

Hon. BENJAMIN GILMAN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GILMAN: The Joint Baltic American National Committee, Inc. (JBANC) appreciates your efforts to facilitate NATO expansion and hopes for your support for Congressman Christopher Cox's Concurrent Resolution no. 51, regarding Kaliningrad.

JBANC is concerned about the security and territorial integrity of the Baltic countries. We support the Baltic states membership in NATO. The demilitarization of Russian forces, environmental restoration, and development of a free trade zone in the Kaliningrad region will help create stability in the entire Baltic area.

Baltic regional security is in the U.S. national interest. A recent study by the Commission on America's National Interests places the Baltic states in the "extremely important interest" category. It states that a U.S. policy priority is to prevent Russia from reabsorbing the Baltic states.

Your efforts to help restore security in the Baltic region will be greatly appreciated.

Sincerely,

VELLO EDERMA,
Chairman.

CENTRAL AND EAST
EUROPEAN COALITION,
Washington, DC, August 29, 1996.

COALITION STATEMENT ON BALTIC SECURITY

The Central and East European Coalition expresses deep concern for the security of the Baltic states of Estonia, Latvia and Lithuania in the face of constant vocal threats from Russia. These threats run from demands to draw them into the Russian sphere of influence and prevent them from being considered for NATO membership, to outright absorption into the Russian state.

The Central and East European Coalition is an umbrella organization of 18 national ethnic groups, representing some 22 million Americans with roots in Central and Eastern Europe.

The aggressive Russian rhetoric has originated from President Yeltsin, the Foreign and Defense Ministers and many other officials, diplomats and the military. In some cases, threats have included renewed military occupation. Government-funded think-tanks have drafted new doctrines that have suggested absorption of the three independent states into a new Russian-controlled entity. In confidential correspondence, President Yeltsin has attempted to influence President Clinton to keep the Balts out of NATO.

The Coalition opposes Russian intimidation against any of its neighbors. The Baltics, as other independent states of Central and Eastern Europe, are and must remain sovereign states. Their territorial integrity must be preserved. Their independence and development of democratic institutions and free markets are in the national interest of the United States. The Commission on America's National Interests, a joint enterprise consisting of RAND, Harvard and the Nixon Center, recently concluded that it is in "extremely important" U.S. national interest to prevent Russia from reintegrating Estonia, Latvia and Lithuania by force.

The Coalition urges the Administration and the Congress, along with the Presidential candidates, immediately to issue specific public declarations in support of the security of the Baltic States and their right to sovereignty, the inviolability of their territory, and their right to seek NATO membership. Russia must be warned that continued intimidation and threats against the Baltics will be met with appropriate measures.

LITHUANIAN AMERICAN COMMUNITY,
INC., BOARD OF DIRECTORS, EXECUTIVE COMMITTEE,
Los Angeles, CA, September 11, 1996.

Hon. BENJAMIN A. GILMAN,
Chairperson, Committee on International Relations, House of Representatives.

DEAR CONGRESSPERSON GILMAN: It is my understanding that in the near future, the Committee on International Relations might consider the revised version of House concurrent Resolution 51, introduced by Congressmen Christopher Cox and William O. Lipinski calling for the demilitarization of the Kaliningrad region on the shores of the Baltic sea.

This is an issue of monumental importance to the Baltic American community in the United States as well as the people of the Baltic countries. The Kaliningrad/Konigsberg enclave is the site of a massive concentration of Russian military forces, equipment and weapons right in the heart of the Baltic region. As such it is a serious military threat to the sovereignty of Estonia, Latvia and Lithuania and a destabilizing factor in Central and Eastern Europe.

Specifically, HCR 51 calls for the demilitarization of Kaliningrad and calls upon Russia to respect Baltic interests in joining NATO.

I respectfully ask your support for the resolution when it is considered by the Committee on International Relations.

Thank you for your help.

Respectfully,

ANTHONY POLIKAITIS,
Secretary.

SEPTEMBER 11, 1996.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, House of Representatives.

I understand that the Committee on International Relations may soon consider the revised version of House Concurrent Resolution 51, requesting demilitarization of the Kaliningrad region and respecting Baltic interests in joining NATO.

This is a critical issue to the safety of the Baltic region, as well as a major concern to the Baltic American Community. The large concentration of Russian military forces and weapons in the heart of Northern Europe poses a serious military threat. It is also a good reason for the Baltic countries to become part of NATO.

Our community asks that you support HCR 51 when it enters your committee. We appreciate your support.

Sincerely,

ULDIS K. SIPOLS,
Chairman, Latvian Association of Detroit.

AMERICAN LATVIAN ASSOCIATION
IN THE UNITED STATES, INC.,
Rockville, MD, September 9, 1996.

Hon. CHRISTOPHER COX,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COX: The American Latvian Association, which unites more than 160 Latvian American groups located throughout the United States, wholeheartedly supports HCR 51, expressing the sense of Congress concerning demilitarization, environmental improvement and economic development in the Kaliningrad region. We thank you for your leadership on this legislation, which affirms U.S. interest in the achievement of stable, secure and environmentally safe conditions for the furthering of democratic and market reforms in Central and Eastern Europe and the Baltic countries.

As the process of political, security and economic transformation continues in the lands formerly controlled by the Soviet Union and the Warsaw Pact, concern continues to grow about the Kaliningrad region of the Russian Federation. An exclave of the Russian Federation separated from Russia's mainland by Lithuania and Poland, the Kaliningrad region, economically disadvantaged and environmentally degraded by its former Soviet administrators, continues today to be a major outpost for the armed forces of the Russian Federation.

Russia has taken steps to reverse the region's economic plight, by establishing Kaliningrad as a Free Economic Zone. However, Kaliningrad and its military garrison continue to be used by Russia as a means to intimidate the country's closest western neighbors, including Latvia, Estonia, Lithuania and Poland. Russian military forces in the region have been used repeatedly as an argument against the expansion of the NATO alliance to include countries that have made clear their freely stated desire to join the group—specifically the formerly Soviet occupied, now sovereign countries of Latvia, Estonia and Lithuania.

In a Europe recovering from a half-century of superpower confrontation, Kaliningrad is notable for its lack of participation in the political, economic and security transformation now underway. This legislation, which offers sensible suggestions to achieve stability, security and environmental safety in Kaliningrad, serves as a reasonable expression of the will of Congress concerning this pivotal region of Europe. This is why the American Latvian Association supports HCR 5 1, and thanks you, Rep. Cox, for your sponsorship of this important legislation.

Sincerely,

JĀNIS KUKAINIS,
President.

LITHUANIAN-AMERICAN
COMMUNITY, INC.
Arlington VA, September 12, 1996.

Hon. CHRISTOPHER COX,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COX: As a steadfast and long time supporter of Lithuania's independence, we greatly value your efforts to enhance Lithuania's security and peace in the Baltic region by focusing U.S. government attention on the continuing problem of Russian military forces in the Baltic seacoast region now known as Kaliningrad.

We all know the history of the region; i.e., that the former Soviet government parlayed its role as temporary administrator of the area after World War II into a huge military base at the heart of Europe. The current Russian government maintains it as the most forward projection of Russian military power in Europe. As you know, the forces that Russia maintains in the Kaliningrad area do not fall under CFE Treaty limits. And Russian officers stationed in the region have been linked to illegal weapons shipments and smuggling of illicit drugs.

It is quite clear from the negotiations which have proceeded between yourself and the Clinton Administration, that the Clinton Administration intends to continue to turn a blind eye to the threats posed by the continuing Russian military presence in Kaliningrad.

We support your efforts without reservation and urge you and your colleagues in the House and Senate to stand firm in requiring the Clinton Administration to begin, what will be a long process of, strengthening the security of the emerging democracies of Lithuania, Poland, Latvia, Estonia and the rest of central Europe.

We believe that the fundamental question which the United States Congress should address is the question of security for the states bordering the Russian exclave in the Kaliningrad territory. We have suggested language which appears the State Department has rejected. But we submit it to the Congress, hoping that it or something similar in nature will find its way into the final version of the Cox resolution.

Resolved: That it is the sense of the Congress that the United States in pursuing enhanced security for the countries of Eastern Europe, should take all possible steps to ensure that the Russian Federation's efforts to maintain relations with the territory now known as Kaliningrad, not undermine the security and sovereignty of any neighboring country.

The current inattention to the threats emanating from the Russian military forces based in the Kaliningrad territory will only fester weakening the surrounding states and undermining the peace in Europe. Since the Administration lacks the political will to focus on this problem before it becomes a crisis, it is right that the United States Congress should remind the Administration of its responsibility to help secure the peace and security of the emerging democracies of Eastern Europe.

Sincerely,

REGINA NARUSIS, J.D.,
President, Lithuanian-American Community, Inc.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume. This may be the last item that I will be managing during the 104th Congress. I wanted to take just a moment to note that there were a number of significant legislative achievements of the Committee on International Relations during this Congress and to say a few words of gratitude to those who have assisted our committee in its work.

I also want to take this opportunity to recognize the members of our committee who will not be returning next year. We will have other opportunities to discuss their careers at length. I would like to mention special affection for the gentleman from Wisconsin, TOBY ROTH, for the gentlewoman from Kansas, JAN MEYERS, for the gentleman from Kansas, SAM BROWNBACK, the gentleman from New Jersey, BOB TORRICELLI, and the gentleman from Florida, HARRY JOHNSTON. Serving together on our committee is a very special experience, and I have valued our relationship with each of these Members.

I would also like to specifically thank the gentleman from Indiana [Mr. HAMILTON], the ranking minority member of the committee. He and I have faced each other many times during the past 2 years, sometimes on the same side of the question, sometimes on opposite sides. I very much appreciate his many courtesies and the courtesies he has extended through his staff.

I have been privileged during the Congress to have been able to have the assistance of the gentleman from Nebraska, DOUG BEREUTER, who served as the vice chairman of our committee and also as subcommittee chairman. I extend my thanks to him and to TOBY ROTH, the gentleman from New Jersey, CHRIS SMITH, the gentleman from Indiana, DAN BURTON, and the gentlewoman from Florida, ILEANA ROS-LEHTINEN, who served as our subcommittee chairs and to their respective subcommittee ranking members.

Our committee has had more full committee chairmen than any other committee as part of our membership. The gentleman from Pennsylvania, BILL GOODLING, the gentleman from Iowa, JIM LEACH, the gentleman from Illinois, HENRY HYDE, and JAN MEYERS are full committee chairs and have made time to participate in our committee's work. To them and to all the members of our committee on both sides of the aisle, I extend my personal thanks.

Mr. Speaker, many people who usually go unnamed and unnoticed by the American people are indispensable to the work of the House and the House committees. They have been especially helpful to me as I fulfilled my responsibilities as chairman of our committee during this session of the Congress. These people, the floor staffs, leadership staffs, Cloakroom staffs, and pages, as well as the Parliamentarians, reporters, clerks, and doormen, all deserve our thanks.

Also, we have received invaluable help from the Office of Legislative Counsel, Congressional Research Service, and finally our own committee staff provides highly professional assistance to the Members.

Under leave to revise and extend, I will be a little more detailed in our thanks, but I want to let all of them know that their assistance is truly heartfelt and thanks go to all of them.

Mr. Speaker, this may be the last item I will manage during the 104th Congress and I wanted to take just a moment to note that there were a number of significant legislative achievements of the Committee on International Relations during this Congress and to say a few words of gratitude to those who have assisted our committee in its work.

First of all, there was H.R. 7, our portion of the Contract With America, which had important provisions related to U.N. peacekeeping and command-and-control issues, as well as NATO enlargement.

Then, in H.R. 1561, the American Overseas Interest Act, we reauthorized and reinvented the American foreign policy establishment and extended—at lower levels—our foreign assistance programs. This bill was, unfortunately, subject to a long filibuster in the Senate and was ultimately vetoed even when it was reduced considerably in its reach.

We passed legislation providing for a move of the American Embassy in Israel to Israel's capital, Jerusalem. The President did not see fit to sign that bill, but did allow it to become law.

We passed legislation, that was signed into law, aimed at preventing foreigners from taking over the confiscated assets of American citizens in Cuba, under the LIBERTAD Act, also known as the Helms-Burton Act.

We passed legislation, also signed into law, aimed at cutting off investments in the Iranian energy sector, so as to deprive that regime of the funds needed to carry out terror operations and to develop weapons of mass destruction.

We passed legislation concerning important security assistance provisions, the first such authorization bill in 11 years. We also passed micro-enterprise and Africa development fund bills.

We also passed legislation aimed at facilitating the entry of emerging democracies into NATO, and we passed legislation extending and reforming the Export Administration Act.

These are just a few of our achievements of our committee. Many others took the form of oversight.

I also want to take this opportunity to recognize the members of our committee who will not be returning next year. We will have other opportunities to discuss their career at length, but I would like to mention special affection for TOBY ROTH, JAN MEYERS, SAM BROWNBACK, BOB TORRICELLI, and HARRY JOHNSTON. Serving together on our committee is a very special experience, and I have valued our relationships with each of these Members.

I would like to specially thank the gentleman from Indian [Mr. HAMILTON] the ranking minority member of our committee. He and I have faced each other many times during the past 2 years, sometimes on the same side of the question and sometimes on opposite sides. I very much appreciate his many courtesies and the courtesies he has extended through his staff.

I have been privileged during this Congress to have been able to have the assistance of Representative DOUG BEREUTER who served as vice chairman of our committee and also as subcommittee chairman. I extend my thanks to him and to TOBY ROTH, CHRIS SMITH, DAN BURTON, and ILEANA ROS-LEHTINEN, who have served as subcommittee chairmen, and to the respective subcommittee ranking members.

Our committee has had more full committee chairmen than any other committee. BILL GOODLING, JIM LEACH, HENRY HYDE, and JAN MEYERS, all full committee chairs, have made time to participate in our Committee's work.

To them, and to all of the members of our committee on both sides of the aisle, I extend my thanks.

Mr. Speaker, many people who usually go unnamed and unnoticed to the American public are indispensable in the work of the House. They have been especially helpful to me as I fulfilled my responsibilities as chairman of our committee.

I also wish to express my appreciation for the Speaker's floor staff—Len Swinehart and his colleagues, and the Speaker's Assistant for National Security matters, Gardner Peckham, who have been most helpful during this Congress.

Also, the majority leader's staff—David Hobbs, Peter Davidson, Brian Gunderson, Siobhan McGill, and their colleagues.

Also, the majority whip's staff—Scott Hatch and his colleagues, especially Scott Palmer and Monica Vegas Kladakis.

And the other members of the majority floor staff—Jay Pierson and Ron Lasch.

Also, the cloakroom managers and staff—Tim Harroun, Jim Oliver, Joelle Hall, and their colleagues; and the pages, who are under the supervision of Peggy Sampson.

We have had good cooperation from the minority counterparts of these individuals, as well.

I also wish to thank the House Parliamentarian, Charles Johnson, as well as his colleagues, John Sullivan, Tom Duncan, Moftiah McCartin, and Tom Wickham, who have worked extensively with our committee.

In addition, I'd like to recognize the reading clerks and other clerks and assistants who stand and sit near the presiding officer to aid him, as well as the skilled official reporters and transcribers who record our proceedings.

I also thank the other floor staff and doormen and Capitol Police who provide for our security or summon us to see our constituents.

I might also add that, off this floor, we have had wonderful assistance from the Office of Legislative Counsel, especially Ms. Yvonne Haywood, Mr. Mark Synnes, and Ms. Sandra Strokoff. We also had excellent help from the Congressional Research Service, especially the Foreign Affairs and Defense Division, the Economics Division, and the American Law Division.

And, finally, our own committee staff, headed by Dr. Richard Garon, and our committee's minority staff, headed by Dr. Mike Van Dusen.

I thank them all for the innumerable contributions to the work of our committee in this challenging and fruitful Congress.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

The senior Democrat on this side of the aisle to the Committee on International Relations deeply regrets not being here because of a conflict of schedule. I am certain that the sentiments expressed earlier by the gentleman from New York is very much in order to the fact that this has been a very productive year for the Committee on International Relations.

I will say to the gentleman from New York that we have had our differences in principle, but it has never been on differences in personalities. I appreciate the leadership and certainly the fairness that he has given in this stewardship as chairman of this committee. I want the gentleman to know that.

Mr. Speaker, I also want to express the gratitude and appreciation of the Nation also to the two gentlemen from this side of the aisle on the committee, the gentleman from New Jersey [Mr. TORRICELLI], also the gentleman from Florida [Mr. JOHNSTON], who will also not be here next year due to retirement and other choices that they have made in their political careers. I certainly would like to commend them for their services that they have rendered as members, outstanding members of this committee.

I also want to recognize with appreciation the gentleman from Wisconsin whom I have had the privilege of working with closely on matters of international trade and some of the foreign policies that we have dealt with on this committee and certainly would like to wish him well because of his retirement. I want to express that on behalf of the members of this side of the committee.

□ 1300

Mr. Speaker, the gentleman from California, given his profound statement and understanding of the seriousness of the problem here in the Baltic States, I think the provisions of this resolution are well in order, and I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the delegate from American Samoa, Mr. FALEOMAVAEGA, for his kind remarks and for his willingness to take an active role continually throughout the consideration of the measures before our Committee on International Relations. We thank him for his involvement.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 51, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress concerning economic development, environmental improvement, and stability in the Baltic region."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

UNITED STATES NATIONAL TOURISM ORGANIZATION ACT OF 1996

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2579) to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism in the United States, as amended.

The Clerk read as follows:

H.R. 2579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States National Tourism Organization Act of 1996".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The travel and tourism industry is the second largest service and retail industry in the United States, and travel and tourism services ranked as the largest United States export in 1995, generating an $18.6 billion surplus for the United States.

(2) Domestic and international travel and tourism expenditures totaled $433 billion in 1995, $415 billion spent directly within the United States and an additional $18 billion spent by international travelers on United States carriers traveling to the United States.

(3) Direct travel and tourism receipts make up 6 percent of the United States gross domestic product.

(4) In 1994, the travel and tourism industry was the nation's second largest employer, directly responsible for 6.3 million jobs and indirectly responsible for another 8 million jobs.

(5) Employment in major sectors of the travel and tourism industry is expected to increase 35 percent by the year 2005.

(6) 99.7 percent of travel businesses are defined by the Federal government as small businesses.

(7) The White House Conference on Travel and Tourism in 1995 recommended the establishment of a new national tourism organization to represent and promote international travel and tourism to the United States.

(8) Recent Federal tourism promotion efforts have failed to stem the rapid erosion of our country's international tourism market share.

(9) In fact, the United States' share of worldwide travel receipts dropped from a peak of 19.3 percent in 1992 down to 15.7 percent by the end of 1994.

(10) The United States has now fallen to only the third leading international destination.

(11) Because the United States Travel and Tourism Administration had insufficient resources and effectiveness to reverse the recent decline in the United States' share of international travel and tourism, Congress discontinued USTTA's funding.

(12) Promotion of the United States' international travel and tourism interests can be more effectively managed by a private organization at less cost to the taxpayers.

(b) PURPOSE.—The purpose of this Act is to create a privately managed, federally sanctioned United States National Tourism Organization to represent and promote United States international travel and tourism.

SEC. 3. UNITED STATES NATIONAL TOURISM ORGANIZATION.

(a) ESTABLISHMENT.—There is established the United States National Tourism Organization which shall be a private not-for-profit organization.

(b) ORGANIZATION NOT A FEDERAL AGENCY.—The Organization shall (1) not be considered a Federal agency, (2) have employees appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, and (3) not be subject to the Federal Advisory Committee Act or any other Federal law governing the operation of Federal agencies.

(c) IRS STATUS.—The Organization shall be presumed to have the status of an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 until such time as the Secretary of the Treasury determines that the Organization does not meet the requirements of such section.

(d) PURPOSE OF THE ORGANIZATION.—The Organization shall—

(1) seek and work for an increase in the share of the United States in the global tourism market;

(2) work in conjunction with Federal, State, and local agencies to develop and implement a coordinated United States travel and tourism policy;

(3) advise the President, the Congress, and the domestic travel and tourism industry on the implementation of the national travel and tourism strategy and on other matters affecting travel and tourism;

(4) operate travel and tourism promotion programs outside the United States in partnership with the travel and tourism industry in the United States;

(5) establish a travel and tourism data bank to gather and disseminate travel and tourism market data;

(6) conduct market research necessary for effective promotion of the travel and tourism market; and

(7) promote United States travel and tourism, including international trade shows and conferences.

(e) POWERS OF THE ORGANIZATION.—The Organization—

(1) shall have perpetual succession;

(2) shall represent the United States travel and tourism industry in its relations with international tourism agencies;

(3) may sue and be sued, make contracts, and acquire, hold, and dispose of real and personal property, as may be necessary for its corporate purposes;

(4) may provide financial assistance to any organization or association in furtherance of the purpose of the corporation;

(5) may adopt and alter a corporate seal;

(6) may establish and maintain offices for the conduct of the affairs of the Organization; and

(7) may conduct any and all acts necessary and proper to carry out the purposes of this Act.

(f) FUNDING.—

(1) FURTHERANCE OF ACT.—The Organization may accept gifts, legacies, devises, contributions, and payments in furtherance of the purposes of this Act.

(2) EXPENSES.— The Organization may also accept such gifts, legacies, devises, contributions, and payments on behalf of the National Tourism Organization Board to cover the expenses of the Board.

(g) POLITICAL ACTIVITIES PROHIBITED.—The Organization shall not engage in any activities designed in part or in whole to promote a political party or the candidacy of any person seeking or holding political office.

SEC. 4. UNITED STATES NATIONAL TOURISM ORGANIZATION BOARD.

(a) ESTABLISHMENT.—There is established the United States National Tourism Organization Board for the purposes of governing and supervising the activities of the Organization.

(b) MEMBERS.—The Board shall be self perpetuating and the initial members of the Board shall be appointed or elected as follows:

(1) The Under Secretary of Commerce for International Trade of the Department of Commerce, who will serve as a member ex officio;

(2) 5 State Travel Directors elected by the National Council of State Travel Directors;

(3) 5 members elected by the International Association of Convention and Visitors Bureaus;

(4) 3 members elected by the Air Transport Association;

(5) 1 member elected by the National Association of Recreational Vehicle Parks and Campgrounds, 1 member elected by the Recreation Vehicle Industry Association;

(6) 2 members elected by the International Association of Amusement Parks and Attractions;

(7) 3 members of the travel payments industry appointed by the Travel Industry Association of America;

(8) 5 members elected by the American Hotel and Motel Association;

(9) 2 members elected by the American Car Rental Association; 1 member elected by the American Automobile Association, 1 member elected by the American Bus Association, 1 member elected by Amtrak;

(10) 1 member elected by the American Society of Travel Agents, and 1 member elected by the Association of Retail Travel Agents;

(11) 1 member elected by the National Tour Association, 1 member elected by the United States Tour Operators Association;

(12) 1 member elected by the Cruise Lines International Association, 1 member elected by the National Restaurant Association, 1 member elected by the National Park Hospitality Association, 1 member elected by the Airports Council International, 1 member elected by the Meeting Professionals International, 1 member elected by the American Sightseeing International, 4 members elected by the Travel Industry Association of America;

(13) 1 member elected by the Rural Tourism Foundation;

(14) 1 member elected by the American Association of Museums; and

(15) 1 member elected by the National Trust for Historic Preservation.

(c) CHAIR.—The Board shall elect a Chair for an initial term of 2 years. After such initial term, the Chair shall be elected for such term as the Board may designate.

(d) PRESIDENT.—The Board shall appoint and establish the compensation and duties of a President of the Organization who shall assist the Chair in organizing and carrying out the necessary functions of the Board. The duties of the President shall include serving as a non-voting member of the Tourism Policy Council established under section 301 of the International Travel Act of 1961.

(e) POWERS AND DUTIES OF THE BOARD.—

(1) The Board shall adopt for itself and the Organization such bylaws and delegation of authority as it deems necessary and proper, which shall—

(A) require at least a three-fifths majority vote for amendment;

(B) set forth the process for the number, terms, and appointment or election of future Board members;

(C) provide the authority for the hiring and compensation of staff; and

(D) establish the procedures for calling meetings and providing appropriate notice, including procedures for closing meetings where confidential information or strategy will be discussed.

(2) The Board shall designate a place of business for the receipt of process for the Organization, subject to the laws of the State or district so designated, where such laws do not conflict with the provisions of this Act.

(3) The Board shall present testimony and make available reports on its findings and recommendations to the Congress and to legislatures of the States on at least a biannual basis.

(4) Within one year of the date of its first meeting, the Board shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Commerce on a plan for long-term financing for the Organization, with a focus on contributions from the private sector and State and local entities, and, if necessary, make recommendations to the Congress and the President for further legislation.

(f) COMPENSATION AND EXPENSES.—The Chair and members of the Board shall serve without compensation but may be compensated for expenses incurred in carrying out the duties of the Board.

(g) IMMUNITY.—Members of the Board shall not be personally liable for any action taken by the Board.

(h) MEETINGS.—The Board shall meet at the call of the Chair, but not less frequently than semiannually. The Board shall meet within 2 months of appointment of all members, but in any case no later than 6 months after the date of the enactment of this Act.

SEC. 5. SYMBOLS, EMBLEMS, TRADEMARKS, AND NAMES.

(a) IN GENERAL.—The Organization shall provide for the design of such symbols, emblems, trademarks, and names as may be appropriate and shall take all action necessary to protect and regulate the use of such symbols, emblems, trademarks, and names under law.

(b) EXCLUSIVE RIGHT OF THE ORGANIZATION.—The Organization shall have exclusive right to use the name "United States National Tourism Organization" and the acronym "USNTO", the symbol described in subsection (c)(1)(A), the emblem described in subsection (c)(1)(B), and the words "United States National Tourism Organization", or any combination thereof, subject to the use reserved by subsection (c)(2).

(c) UNAUTHORIZED USE; CIVIL ACTION..—

(1) IN GENERAL.—Any person who, without the consent of the Organization, uses—

(A) the symbol of the Organization;

(B) the emblem of the Organization;

(C) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the Organization; or

(D) the words "United States National Tourism Organization" or the acronym "USNTO" or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the Organization or any Organization activity;

for the purpose of trade, to induce the sale of any goods or services, or to promote any exhibition, shall be subject to suit in a civil action brought in the appropriate court by the Organization for the remedies provided in the Act of July 5, 1946 (60 Stat. 427; 15 U.S.C. 1501 et seq.) (popularly known as the Trademark Act of 1946).

(2) EXCEPTION.—Paragraph (1)(D) shall not be construed to prohibit any person who, before the date of the enactment of this Act, actually used the words "United States National Tourism Organization" or the acronym "USNTO" for any lawful purpose from continuing such lawful use for the same purpose and for the same goods and services.

(d) CONTRIBUTORS AND SUPPLIERS.—The Organization may authorize contributors and suppliers of goods and services to use the trade name of the Organization as well as any trademark, symbol, insignia, or emblem of the Organization in advertising that the contributions, goods, or services were donated, supplied, or furnished to or for the use of, approved, selected, or used by the Organization.

(e) LIMITATION.—The Organization may not adopt or use any existing symbol, emblem, trademark, or name that is protected under law (including any treaty to which the United States is a party).

SEC. 6. UNITED STATES GOVERNMENT COOPERATION.

(a) IN GENERAL.—The Secretary of Commerce, Secretary of State, the United States Trade Representative, Director of the United States Information Agency, and the Trade and Development Agency shall—

(1) give priority consideration to recommendations of the Organization; and

(2) cooperate with the Organization in carrying out its duties.

(b) REPORT.—The Under Secretary for International Trade, the Assistant Secretary for Trade Development, the Assistant Secretary and Director General for the United States and Foreign Commercial Service, the Director of the United States Information Agency, the United States Trade Representative, and the Trade and Development Agency shall report within 2 years of the date of the enactment of this Act, and every 2 years thereafter to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Commerce on any travel and tourism activities carried out with the participation of the United States Federal Government.

SEC. 7. SUNSET.

(a) TWO YEAR DEADLINE FOR DEVELOPMENT OF COMPREHENSIVE LONG-TERM FINANCING PLAN.—If within 2 years after the date of the enactment of this Act, the Board has not developed and implemented a comprehensive plan for the long-term financing of the Organization, then sections 3 through 6 of this Act are repealed.

(b) SUSPENSION OR TERMINATION OF OPERATIONS FOR INSUFFICIENT FUNDS.—The Board may suspend or terminate the Organization if sufficient private sector and State or local government funds are not identified or made available to continue the Organization's operations.

SEC. 8. TRADE PROMOTION COORDINATING COMMITTEE.

Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended in subsection (c) as follows:

(1) By striking "and" at the end of paragraph (4).

(2) By striking the period at the end of paragraph (5) and inserting "; and".

(3) By adding after paragraph (5) the following:

"(6) reflect the recommendations of the United States National Tourism Organization to the degree considered appropriate by the TPCC.".

SEC. 9. REPEAL OF UNITED STATES TRAVEL AND TOURISM ADMINISTRATION AND RELATED PROVISIONS.

(a) IN GENERAL.—Sections 202, 203, 204, 205, 206, 301, 303, 304, 305, 306, and 307 of the International Travel Act of 1961 (22 U.S.C 2123, 2123a–2123d, 2124, 2124b, and 2126–2129) are repealed.

(b) TOURISM POLICY AND EXPORT PROMOTION ACT OF 1992.—Section 4 of the Tourism Policy and Export Promotion Act of 1992 is amended in subsection (c)(1)(B)(i) and subsection (c)(2) by striking "Under Secretary of Commerce for Travel and Tourism" and inserting "Secretary of Commerce".

SEC. 10. POWERS AND DUTIES OF SECRETARY OF COMMERCE.

Section 201 of the International Travel Act of 1961 (22 U.S.C. 2122) is amended to read as follows:

"SEC. 201. In order to carry out the national tourism policy established in section 101(b) and by the United States National Tourism Organization Act of 1996, the Secretary of Commerce (hereafter in this Act referred to as the 'Secretary') shall develop and implement a comprehensive plan to perform critical tourism functions which, in the determination of the Secretary, are not being carried out by the United States National Tourism Organization or other private sector entities or State governments. Such plan may include programs to—

"(1) collect and publish comprehensive international travel and tourism statistics and other marketing information;

"(2) design, implement, and publish international travel and tourism forecasting models;

"(3) facilitate the reduction or elimination of barriers to international travel and tourism; and

"(4) work with the United States National Tourism Organization, the Tourism Policy Council, State tourism agencies, and Federal agencies in—

"(A) coordinating the Federal implementation of a national travel and tourism policy;

"(B) representing the United States' international travel and tourism interests to foreign governments; and

"(C) maintaining United States participation in international travel and tourism trade shows and fairs until such activities can be transferred to such Organization and other private sector entities.".

SEC. 11. TOURISM POLICY COUNCIL.

Section 302 of the International Travel Act of 1961 (22 U.S.C. 2124a) is repealed and the following is inserted:

"SEC. 301. (a) In order to ensure that the United States' national interest in tourism is fully considered in Federal decision making, there is established a coordinating council to be known as the Tourism Policy Council (hereafter in this Act referred to as the 'Council').

"(b) The Council shall consist of the following individuals:

"(1) The Secretary of Commerce, who shall serve as the Chairman of the Council.

"(2) The Under Secretary of Commerce for International Trade.

"(3) The Director of the Office of Management and Budget.

"(4) The Secretary of State.

"(5) The Secretary of Interior.

"(6) The Secretary of Labor.

"(7) The Secretary of Transportation.

"(8) The Commissioner of the United States Customs Service.

"(9) The President of the United States National Tourism Organization.

"(10) The Commissioner of the Immigration and Naturalization Service.

"(11) Representatives of other Federal agencies which have affected interests at each meeting as deemed appropriate and invited by the Chairman.

"(c) Members of the Council shall serve without additional compensation.

"(d) The Council shall conduct its first meeting not later than 6 months after the date of the enactment of the United States National Tourism Organization Act of 1996. Thereafter the Council shall meet not less than 2 times each year.

"(e)(1) The Council shall coordinate national policies and programs relating to international travel and tourism, recreation, and national heritage resources, which involve Federal agencies;

"(2) The Council may request directly from any Federal department or agency such personnel, information, services, or facilities as deemed necessary by the Chairman and to the extent permitted by law and within the limits of available funds.

"(3) Federal departments and agencies may, in their discretion, detail to temporary duty with the Council such personnel as the Chairman may request for carrying out the functions of the Council. Each such detail of personnel shall be without loss of seniority, pay, or other employee status.

"(f) Where necessary to prevent the public disclosure of non-public information which may be presented by a Council member, the Council may hold, at the discretion of the Chairman, a closed meeting which may exclude any individual who is not an officer or employee of the United States.

"(g) The Council shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress on or before December 31 of each year. The report shall include—

"(1) a comprehensive and detailed report of the activities and accomplishments of the Council;

"(2) the results of Council efforts to coordinate the policies and programs of member's agencies that have a significant effect on international travel and tourism, recreation, and national heritage resources, including progress towards resolving interagency conflicts and development of cooperative program activity;

"(3) an analysis of problems referred to the Council by State and local governments, the tourism industry, the United States National Tourism Organization, the Secretary of Commerce, along with a detailed summary of any action taken or anticipated to resolve such problems; and

"(4) any recommendation as deemed appropriate by the Council.

"(h) The membership of the President of the United States National Tourism Organization on the Council shall not in itself make the Federal Advisory Committee Act applicable to the Council.".

SEC. 12. DEFINITIONS.

For purposes of this Act—

(1) the term "Organization" means the United States National Tourism Organization established under section 3; and

(2) the term "Board" means the United States National Tourism Organization Board established under section 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, H.R. 2579 establishes a new, privately funded, and privately managed tourism organization to represent and promote international travel and tourism to the United States. I would note that in 1993, Ohio benefited from $443 million in travel and tourism receipts, ranking 18th among the States.

This bill is about less government and better government—by the people and for the people. It repeals the statutory language authorizing the largely ineffective U.S. Travel and Tourism Administration, and privatizes its tourism functions as much as possible into a nationwide private organization—the U.S. National Tourism Organization, or USNTO.

My first concern when I first reviewed this legislation, is why the Federal Government needed to be involved at all in establishing a private tourism organization.

This legislation is important because it allows the Government to play the role of honest broker in establishing a balanced and unbiased organization. Operating in a highly competitive marketplace, there is currently just not enough trust among individual travel and tourism interests to allow any single group to initiate an industry-wide tourism promotion association. Companies are still too dubious about each others' motives to be willing to participate and fund this new startup.

Thus, the Federal Government is acting, at no cost to the taxpayers, just to bypass the normal negotiation, paperwork, and antitrust concerns among industries—creating an incorporated, nonprofit organization, and allowing them full use of a reserved trademark and emblem without processing fees, in order to raise funds and carry out their business. This is the model successfully used when Congress created the U.S. Olympic Committee many years ago.

This legislation is also necessary to provide the USNTO a special role in formulating a coordinated national travel and tourism strategy for our country. One of the reasons the USTTA was disbanded is because the travel and tourism industries believed that their concerns were not being sufficiently addressed by the current and previous administrations—that they were butting up against a brick wall of beltway bureaucracy.

H.R. 2579 directs the various Federal agencies which affect the travel and tourism industry to give priority consideration to the USNTO's recommendations, and to report to Congress on their travel and tourism related activities. While the agencies are not necessarily required to follow all of the USNTO's recommendations, the bill signals the intent of Congress that the USNTO is the federally sanctioned and primary spokesman for the travel and tourism industry, and that current and future administrations must pay attention to their concerns.

Furthermore, the Trade Promotion Coordinating Committee, a Federal committee tasked with coordinating trade policy across Federal agencies, is now required to make their reports reflect, to the degree considered appropriate, the recommendations of the USNTO. The Tourism Policy Council, a similar body dedicated solely to the promotion of travel and tourism, is slimmed down by the bill, with fewer regulations, more flexibility, and with the former role of the now disbanded USTTA privatized and transferred to the USNTO.

This bill thus gives the Federal Government an important and valuable role in jump-starting this USNTO private tourism promotion organization, giving it a federally sanctioned role as a priority spokesman for the industries. It involves no Federal expenditures, but does tell the Executive branch to wake up and listen to the newly coordinated private sector.

In closing, Mr. Speaker, I would like to thank my good friend and ranking member, the gentleman from Queens, NY, Mr. MANTON, as well as my good friend from Wisconsin, Mr. ROTH, from the Committee on International Relations. I would say that TOBY ROTH's middle initial ought to be "I"; it ought to be TOBY "I" ROTH, and the "I" is for "indefatigable". He has worked so hard and so well on crafting this legislation. Certainly their hard work, the gentleman from New York [Mr. MANTON] and the gentleman from Wisconsin [Mr. ROTH], has gone a long way towards bringing this important bill forward.

I urge my colleagues' support for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2579, the Travel and Tourism Partnership Act of 1996. This bill enjoys strong bipartisan support in the House and, if adopted, promises to positively impact the future of travel and tourism in this country.

I would like to commend Chairman OXLEY and Chairman ROTH for their leadership in promoting this legislation, and for working cooperatively with the minority to incorporate changes that we feel have improved the bill. H.R. 2579 takes a reasonable approach to ensure the promotion of U.S. travel and tourism with particular emphasis on incorporating private sector funding and expertise.

Mr. Speaker, the travel and tourism industry contributes significantly to job creation and revenue generation nationwide. As a representative from the great State of New York, I am particularly aware of the important role that travel and tourism play in creating jobs and producing revenues for the private sector and essential tax dollars for all levels of government. The significance of the travel and tourism industry to our local, State, and national economies compels us to do what we can to maintain and enhance its capacity both at home and in the international marketplace.

Mr. Speaker, I support H.R. 2579 because it draws upon identified strengths in the promotion of U.S. travel and tourism. Both the government and the private sector have a stake in seeing to the success of this approach. The House may well revisit this issue to assess the progress and reevaluate the resources necessary for such a task, but for today, we are moving forward with a plan that holds much promise. H.R. 2579 is a good bill and I urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the aforementioned gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH Mr. Speaker, I thank my friend, the gentleman from Ohio [Mr. OXLEY], very much for yielding me this time.

Mr. Speaker, this is a great day for America's travel and tourist industry, the second largest industry in America and the most dynamic industry in America. It is also a great day for the 307 members of the Travel and Tourist Caucus, the largest caucus in Congress, and as chairman of the caucus and as a lead sponsor of the bill, I want to thank my colleagues on both sides of the aisle for their help in making this day possible.

First I want to thank, of course, the chairman of the full Committee on Commerce, the gentleman from Virginia [Mr. BLILEY]; I only had to ask him once in the gym to bring this bill up; and I want to thank my good friend, the gentleman from Ohio [Mr. OXLEY], my neighbor, for all of his help and his leadership in refining this bill and bringing this bill to the floor today. MIKE, I want to say, Thanks for your help; this is very important to the people who work in the travel and tourist industry, and 1 out of every 10 people in America works in the travel and tourist industry. And I want to thank my good friend, the gentleman from New York [Mr. MANTON], the ranking member, for all the help and all the advice he has given me with this legislation.

So I want to thank them for their help, and let me thank the chairman of the Committee on International Relations, the Gentleman from New York [Mr. GILMAN], for expediting the consideration of this measure. And also, of course, I want to thank the ranking member of the Committee on Commerce, the gentleman from Michigan

[Mr. DINGELL], for his cooperation in bringing up this bill.

Finally, let me thank the 262 Members of the House who cosponsored this bill, a solid and bipartisan majority of the House. Today we are successfully completing an initiative that began a year ago when the White House Conference on Travel and Tourism took place. We had more than 1,700 CEO's and other people in the travel and tourism industry come to Washington and help craft this legislation.

We do have a problem in travel and tourism, and that is how are we going to reverse the decline in America's share of the $300 billion global market, the market that will double in size in the next decade. To show my colleagues how important travel and tourism is, when the futurists come here to Capitol Hill, for example, before my committee, they said there are three pillars in the 21st century that jobs will come from: telecommunications, information technology, and travel and tourism. So today we are working on one of the three great pillars for jobs in the 21st century.

This bill was the No. 1 recommendation of the White House conference on Travel and Tourism.

The core of the bill, as the gentleman from Ohio [Mr. OXLEY] pointed out, is to harness the marketing expertise and the resources of the private sector and devise new and more effective ways to promote the United States as a travel destination for the international traveller. Why is this so important?

Well, the reason this is so important is not only because 1 out of every 10 jobs in America is in the travel and tourist industry, and worldwide travel and tourism is the largest industry in the world, but we are losing ground, America, in a growing market. Two years ago we had 18 percent of the world's travel market; now we are down to 16 percent, 2 million fewer visitors this year than we had 2 years ago. Two million, that is a huge decline. We lost some $3 billion in revenue, and 177,000 jobs could have gone to the Americans but instead today are going to other countries.

What is worse, under current projections our market share will keep declining to less than 14 percent by the year 2000. That is only 4 years from now. We clearly need a new initiative to turn the situation around.

In the travel business, marketing is key. In the travel business, promotion today translates into increased visitor volume. Our major competitors understand this, which is why they are pouring money into tourist promotion. Today the U.S. is outclassed and outgunned in the global market. In fact, we rank 33d in the world in resources devoted to national tourism marketing. Other countries are outspending us 10 to 1.

Now this bill will help redress the imbalance. But as has been pointed out, instead of more government, we provide a new entity for the private sector to take more of an initiative and more emphasis in this role. The U.S. National Travel and Tourism Organization and the National Tourism Board will devise a national strategy to recapture the global market. Congress, the President and the key Federal trade-related agencies will receive recommendations from the best experts in the national tourism industry. As a result, we will strengthen the future of the Nation's travel and tourism industry and the 13 million Americans who work in this great industry.

The future growth of American travel and tourism is vitally dependent on international visitors. Already one-fifth or $80 billion of our $400 billion national industry comes from overseas visitors. The money spent here by international visitors contributes to 11 percent of our total export volume.

This bill will help our industry grow. It will create new jobs and it will strengthen our trade balance. That is why some of us in Congress are dedicated to helping our travel and tourist industry. It is why we have worked closely with the leaders of this industry to build support for this bill.

Today everyone involved in this effort can be proud of what we have accomplished. In this bill Congress takes a big step toward a brighter future for the millions of Americans who have made the travel and tourist industry the most dynamic in America and, quite frankly, around the world.

Let me close by saying again that in the 21st century the three great areas of jobs, according to the futurists, are telecommunication, information technology, travel and tourism.

So I want to thank the chairman, the gentleman from Virginia [Mr. BLILEY] and the ranking member, the gentleman from Michigan [Mr. DINGELL]. Mr. DINGELL has given me some good advice in my 18 years in Congress, and I want to thank him for his advice on this piece of legislation because he made it possible. Of course I also want to thank the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] for their advice and their good work. The people whoring in the 21st century are going to thank them for this legislation, as are the people that are working the travel and tourist industry here in America today and around the world.

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Mr. MANTON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. DINGLELL], the ranking member of the committee.

Mr. DINGELL. Mr. Speaker, I want to commend the distinguished gentleman from Wisconsin [Mr. ROTH], my friend, the author of this bill. We are going to miss him. He is a fine Member of this body.

I wish, however, that he were leaving behind him a greater legacy than this piece of legislation which happens to be a bill in search of a reason to exist. The interesting question that we must ask is what does this bill to. It really does not do much. I think that can probably comfort us. But in point of fact, it sets up a nonprofit corporation. It gives it no money. It assigns it no responsibilities. We are curious; what is this nonprofit corporation that is being set up by my dear friend, the gentleman from Wisconsin, for whom I have so much respect and affection?

The bill is clearly, then, unnecessary. It promises more than it delivers. Very frankly, were it anybody other than the distinguished and gentleman from Wisconsin, the author, it would probably be charged with being a cynical approach to addressing legitimate issues concerning the U.S. travel and tourism industry.

No one disputes the importance of travel and tourism. The industry generates billions of dollars and employs thousands of Americans. It is an important part of the economy of every State, including my own State of Michigan. Indeed, the travel director of our State, working on behalf of our good Republican Governor, Mr. Engler, asked me to support full funding for the U.S. Travel and Tourism Administration early in this Congress.

I wish very much that he had communicated that thought to my Republican colleagues, because it was not very long before they abolished the bill or, rather, they abolished the legislation.

I have been a strong critic of USTTA in the past. If felt that the agency never proved it brought more into the United States than it cost American taxpayers to fund it. In 1985, I tried to abolish the agency. The effort was rejected by a bipartisan majority of the Committee on Commerce. The vote was 20 to 22.

Seven years later, in a serious effort to address the problem, the Congress passed bipartisan legislation to reform and to reinvent USTTA. Under Secretary Brown's leadership the agency made improvements and it significantly increased its effectiveness. Last fall, the President convened a successful conference on tourism. Ironically, shortly thereafter, the Republican Congress passed legislation eliminating USTTA's appropriation. After that, this bill was introduced.

Mr. Speaker, as I have mentioned, the bill is in search of reason to exist. Why do we need Federal legislation to create a private organization? Either there is a compelling interest in justifying government involvement in the promotion of U.S. tourism interests, or there is not. If there is such an interest, then the decision to eliminate the U.S. Travel and Tourism Office funding should be reconsidered. If there is no such compelling interest, then we should leave it to the industry to take up and to care for its own interests.

My Republican colleagues are very fond of preaching that we should get the Federal Government out of the way and turn the matters over to the States, but their bill creates a Federal mandate to establish a nonprofit corporation. Laws already exist in the District of Columbia and in every one of the States governing establishment of nonprofit corporations.

Supporters of the bill refer to this as a groundbreaking piece of legislation that is needed more than ever in view of the demise of USTTA, But anyone who takes a close look at the bill knows that it is really only feel-good, do-nothing legislation. It does nothing that the private sector cannot fully and as well do on its own.

However, I am certain that the private sector will be back soon, and the private sector will then say, now it is time for the Congress to shower money and special benefits on this new congressionally mandated corporation.

I do not know how anyone in this body can in good conscience support this bill. It is an apology to the travel and tourism industry, and I guess it is what politicians could refer to as cover. It is designed to make it look like the Congress is doing something good while trying to hide what the Republicans have already done.

I am going to watch with great curiosity and with great interest in the coming months to see how this wonderful newly formed U.S. National Tourism Organization measures up to the splendid promises that are made in support of this legislation.

In truth, when we look at this bill next year and when we go through the budget process, we are going to find it has not done anything. In truth, we are going to find that very shortly people are going to be down here in this well or over there at the hopper, introducing legislation or talking for a bill, saying now it is time we have to spend money on this organization which we set up.

I am not sure who is going to be in this organization. I am not sure what it is going to do. But no one has established that there is any reason to put any money in it. As a matter of fact, I suspect that even the sponsors of this legislation were too embarrassed to suggest that it should be funded.

So we are passing a bill with neither funding nor responsibilities. It is going to do nothing, it probably is going to cost the taxpayers a lot of money, but we can comfortably say it is not going to pass them now. The really sensible thing to do with this legislation is simply reject it, vote it down, and be done with it. I would urge that even more strongly, were it not for the great respect and affection that I have for the wonderful gentleman from Wisconsin who is the author of the legislation.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume. I would say, with friends like the gentleman from Michigan [Mr. DINGELL], who needs enemies? But I know Don Quixote from Detroit will put himself down as undecided, and move on. We appreciate his remarks.

Mr. Speaker, let me just point out, before recognizing the minority side, that this legislation was carefully crafted to be a bill that tracked the creation of the U.S. Olympic Committee. I do not think anybody can really make an argument that creation of the U.S. Olympic Committee was not a huge success, both commercially and as a way of getting our best athletes on the field. So we were very careful, and I credit the gentleman from Wisconsin for doing exactly that, understanding how effective that legislation creating the U.S. Olympic Committee was. I know my friend, the gentleman from Detroit, has some problems with it, but I have to say that 270, now, cosponsors of the bill think otherwise.

Mr. Speaker, I reserve the balance of my time.

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say that we all value our good friend and colleague, the gentleman from Michigan, Mr. DINGELL's advice; however, those who support this bill will hope to prove that he is in error in his judgment that this bill was not such a good one. We appreciate his advice, but I think we will all work hard to make this a good success.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FARR].

Mr. FARR. of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am rising in support of this bill as an original cosponsor. I think Members have heard in the debate between the gentleman from Michigan [Mr. DINGELL], and others that there is a lot of controversy regarding how we ought to form a national policy regarding tourism.

It is a difficult issue. In an era when people think, well, tourism is a very lucrative industry and they ask themselves why does the industry need Government help. On the other hand, if we look at where tourists go, to the buildings, to the parks, to the communities, we will see that almost every community in America and certainly every State has a State-sponsored tourism office supported by taxpayers' money. Why is that? Why do we need to put taxpayer money into State tourism offices? Because it is the selling of a market. The market is the United States. There are other places in the world to visit.

In fact, there are a lot of Americans who go to the other places, and many of those Americans could go and spend time in their own State and in their own country. So, we need to give them, the tourists, American and foreign, the option of understanding what is available. We only do that through tourist promotions acts which are generic and essentially do not advertise a particular place to go. The successful places, Disneyland and so on, are able to do this on their own.

I have long been a supporter of a partnership between the private sector and public sector for the promotion of tourism. This act does not put public sector money in, but this act does create a public sector awareness and a public sector partnership along with the private sector in developing two things.

What is does is create a National Tourism Board, made up of people appointed by the President of the United States, and that board does four thing. It utilizes the private sector and the public sector to create policy, a national policy, a generic policy, about travel and tourism. It also suggests to the President and Congress how we can increase market share.

Why do we need to do that? Because when the tourists come here they spend tax dollars. They spend sales tax dollars. They spend room tax or TOT tax dollars. They spend transportation dollars on gasoline and airline tickets. Those expenditures benefit the local governments, the State governments, and the Federal Government to help promote things like tourism.

The board will also advise the President and Congress, and it will guide the National Tourism Organization which is also created in this bill. So I take issue with the gentleman from Michigan [Mr. DINGELL], in the fact that it does nothing. I think it does something.

What he points out is that it does not deliver any Federal money. This is a conservative Congress. We are cutting and squeezing the Federal Government. This was a decision that was made, that we are not at this point in time going to give Federal tax dollars to the National Tourism Organization.

I expect, as the gentleman said, that there will be an opportunity in the future for us to come back here with a plan that will be well thought out, well supported at the local level, well supported by the private sector, indeed asking Congress to appropriate funding.

We need to do this, frankly, because as Congressman MANTON said, this is the largest growing industry in America. It is an industry, if we think about it, that has a lot of vertical access. There is no glass ceiling for women in this industry. There are no limitations on minorities. There are no limitations on people with handicaps. There are no limitations because of educational degrees. It is an industry you can get into and move up as fast as your own ability allows you to do that. It is a fast-growing industry, one of the fastest in the world.

America is a beautiful place. Part of our democracy is coming to places like this. Although this is the seat of the Federal Government, this is also a tourist attraction. As the people are wandering around the Halls of this great building today, they are being tourists more than they are being civic-minded people.

Let us realize that part of the selling of what this country is all about is in its tourism. That is why it is so important for us to be in partnership with those in the private sector who are taking and risking venture capital to make a living by promoting tourism. I am strongly in support of whatever we can do to try to create a Federal partnership, along with the States, along with local communities, so indeed, together, we can promote this great country, our great States, and our communities. So I urge my colleagues to join in support of this important measure.

I just want to point out that I represent, as one of 435 Members here, a district like everyone else. I would hope that Members would take a careful look at their own districts. I happen to be looking at mine.

I live in an area many know about, the Central Coast of California: the beautiful Monterey Peninsula, the Big Sur coastline, the Santa Cruz boardwalk, the Santa Cruz redwoods and mountains—an area that tells us that we have to manage our resources well. And frankly, the expression out there is, "Green is green." The more environmental protection you have, the more money you will make.

It is an area that produces $1.5 billion in agriculture without Federal subsidies. It is a region that draws $1.5 billion in tourism. So those two leading industries are both dependent upon good environmental stewardship.

So the promotion of tourism is more than just selling hotel rooms and selling travel opportunities. It is also a way that we incorporate the quality of life issues, the local zoning matters, the local business practices, the way we promote our communities.

We need to be in a partnership with the local, State, and Federal Government, because Government sets those laws and sets those patterns. I believe we cannot have an attractive community, we cannot improve our quality of life, we cannot develop the cultural aspects of our country without such a partnership.

That is why I think we ought to have a partnership with the arts for the NEA, why we ought to have a partnership with the National Endowment for the Humanities. Indeed, if tourism is going to come back here and ask for money, we ought to be as supportive of that as we have historically been for the National Endowment of the Arts and National Endowment for Humanities.

I would hope my colleagues on the other side of the aisle when they get in this cut, squeeze, and trim mode will realize that this is all part and parcel of what is basic about America.

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It is about our people, it is about the things that our people have built, and it is about the land we have preserved. And in combination, we can indeed build an America in the future that is accessible and attractive and will provide a living for people for many generations to come. This bill is a good start in that direction. It is not the answer, but it is a good start. I ask my colleagues to support it.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

I would only correct the previous speaker, my good friend from California, in one respect. He said he represented a district like everybody else's. The Monterrey Peninsula is a lot different from some of the other districts, and a wonderful place that the gentleman should be quite proud of and one that I am sure attracts tourists from all over the world, a great place in the world to be from, and his remarks were right on point.

Mr. FARR of California. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from California.

Mr. FARR of California. Mr. Speaker, I really believe that in every community we have certainly wonderful natural beauty. I did not even mention the 27 golf courses. But I think every community in America has something historically beautiful about it, and certainly people went there originally, they ventured their risk capital, saying, "We're going to settle here." I think we have to reach into that because if we find that same spirit, every town in America can be a tourist attraction.

Mr. OXLEY. I thank the gentleman for his contribution.

Mrs. VUCANOVICH. Mr. Speaker, I rise today in strong support of H.R. 2579, the Travel and Tourism Partnership Act. Travel and tourism is vitally important to the U.S. economy. The travel and tourism industry employs nearly 13 million Americans, and contributes approximately $400 billion to the U.S. economy. Also, travel and tourism will be the single largest job-creator for Americans in the 21st century.

With all the promising statistics about the benefits of the travel and tourism industry, the United States is faced with a potentially devastating problem. The U.S. share of the fast-growing international travel and tourism market is decreasing. In 1995, the United States had 2 million fewer international visitors than in 1993. This decline in international visitors cost 177,000 Americans travel-related jobs.

Many questions have arisen concerning the sudden decline in international visitors to the United States. What prompted this decline? How should we address this decline to benefit the U.S. travel and tourism industry? Mr. Speaker, the answers lie in H.R. 2579. This legislation is a bold new approach to marketing the United States as a travel destination. Rather than relying on the Federal Government, H.R. 2579 creates a partnership between the tourism industry and the public sector to devise and carry out a more efficient and effective marketing plan.

This is a job-creating bill. International travel to the United States adds $70 billion a year to our economy. Recapturing our lost market share and putting us back on a growth track will generate jobs through every district in America.

Mr. Speaker, I would also like to take this opportunity to commend Congressman TOBY ROTH, the chairman of the Travel and Tourism Congressional Member Caucus. TOBY has been in the forefront in this effort, laboring tirelessly to advance this legislation and initiatives that will benefit the travel and tourism industry in all States. My State of Nevada, well known as a popular tourist destination, has benefited greatly over the years from his efforts, and I know that his leadership regarding the travel and tourism industry will be sorely missed when he retires. It has been an honor and a privilege serving with him as the Secretary of the Travel and Tourism Congressional Caucus.

Mrs. LINCOLN. Mr. Speaker, today we are debating a bill that affects one of the three largest industries in Arkansas. The travel and tourism industry has a tremendous impact on my home State's economy and on our Nation's economy. It is America's largest services export, second largest employer, and third largest retail sales industry. However, the national focus on this industry has been minimal and changes are necessary in order to utilize the benefits this industry brings to America. That is why I am a cosponsor of H.R. 2579, the Travel and Tourism Partnership Act of 1995. I believe that this public/private partnership will provide the tourism industry with the proper organizational structure to increase our competitiveness in the global market.

Mr. Speaker, allow me to share some facts that help illustrate the impact of tourism on Arkansas. Nearly 18,000 people visited Arkansas in 1994 which created over 46,000 travel related jobs. State travel expenditures neared the $3 million mark in 1994 which is a $1 million increase since 1986. The Natural State is a fitting nickname for a State with 600,000 acres of lakes, 9,700 miles of streams, and nearly 10,000 campsites. Fishing, hunting, camping, biking, and hiking are very popular in Arkansas' 47 State parks. Whether you are enjoying the natural springs of Hot Springs National Park or digging for diamonds at the only diamond mine in the United States, it is not hard to realize the impact tourism has on Arkansas.

The First Congressional District has also felt the positive impact of the tourism industry. The natural resources and outdoor activities of the area have attracted an increasing number of travelers visiting the first district. The district is home to such attractions as Greers Ferry Lake, Blanchard Springs Caverns, the Buffalo National River, the White River, and numerous hunting areas and wildlife refuges. The recent government shutdowns reminded us all of the impact these recreational facilities have on revenues generated in this State. Because of the shutdown, our hunting lands and refuges were not available to potential visitors, thus meaning lost revenues for the first district.

Mr. Speaker, the United States is falling behind the rest of the world in the travel and tourism industry. Changes must be made or we will continue to encounter lost opportunities, but more importantly, lost jobs and lost revenue. That is why I believe it is vital that we pass this bill. The National Tourism Board and National Tourism Organization would give us a structured organization to develop a clear and concise vision for the future.

Mr. Speaker, the importance of the tourism industry is becoming more evident. This bill, which reflects the findings of last October's White House Conference on Travel and Tourism, provides for an appropriate commitment to this Nation's tourism industry. This issue is extremely important to me because of it's economic impact on the people of Arkansas and the first district, and I urge my colleagues to support this needed piece of legislation.

Mr. GILLMOR. Mr. Speaker, I rise in strong support of H.R. 2579, the Travel and Tourism Partnership Act, and commend the work of the gentleman from Wisconsin [Mr. ROTH] who in the final days of his congressional career is bringing this bipartisan legislation to our attention.

Travel and tourism are vital components to our growing service and leisure oriented economy and I think it is appropriate that Congress, like many other countries, recognize the benefits and implications of travel and tourism from a national and international perspective. H.R. 2579 tries to reverse the decline in the number of tourists visiting the United States by establishing a federally chartered private tourism organization.

Travel and tourism efforts are not just for warmer, tropical climate far south of here. I think we would be missing the boat—or plane, train, and automobile—if we stopped right there. Many of our own districts have places that people flock to for relaxation and enjoyment of their precious free-time. In my own district, which encompasses significant portions of Lake Erie, we have several areas that rely on travel and tourism to bolster their economies. In particular, I would point to both Put-In-Bay and Cedar Point, OH, whose popular restaurants, amusement parks, and taverns serve as an oasis to the rigors of the workweek. These places are the under-recognized stories of this industry.

Mr. Speaker, this bill reminds the world, and ourselves, about the numerous sojourns our country offers. H.R. 2579 offers opportunities, tempered with the current budget realities and ongoing government downsizing, that many would argue are necessary to move the United States up from 33d in tourism promotion and increase the number of travel-related jobs now held in our country. While this bill is not a panacea, it is a good first step for an industry that employs nearly 14 million Americans, contributes $400 billion dollars to the economy, and generates a $19 billion trade surplus.

I urge all my colleagues to support passage of this bill. It should not be forgotten that many small businesses are the beneficiaries of a vibrant travel economy. Travel and tourism are as much about creating and maintaining jobs as they are about rest and relaxation.

Mr. MANTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. EWING). The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 2579, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 2579.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TENSAS RIVER NATIONAL WILDLIFE REFUGE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2660) to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.

The Clerk read as follows:

Senate amendments:

Page 2, after line 12 insert:

SEC. 2. BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE.

(a) REFUGE EXPANSION.—Section 502(b)(1) of the Emergency Wetlands Resources Act of 1986 (Public Law 99-645; 100 Stat. 3590), is amended by inserting after the first sentence the following: "In addition, the Secretary may acquire, within such period as may be necessary, an area of approximately 4,228 acres, consisting of approximately 3,928 acres located north of Interstate 10 between Little Woods and Pointe-aux-Herbes and approximately 300 acres south of Interstate 10 between the Maxent Canal and Michoud Boulevard that contains the Big Oak Island archaeological site, as depicted on the map entitled "Bayou Sauvage Urban National Wildlife Refuge Expansion", dated August, 1996, on file with the United States Fish and Wildlife Service.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 23 of this year, the House overwhelmingly adopted H.R. 2660, a bill introduced by our colleague from Louisiana, JIM MCCRERY, to increase the authorization level for the Tensas River National Wildlife Refuge.

The other body has not acted on this legislation and while they made no changes in the Tensas River provision, they did add a new title to the bill dealing with the Bayou Sauvage National Wildlife Refuge in Louisiana.

This refuge was established in 1986 to protect 19,000 areas of coastal wetlands. In fact, the refuge, which is located within the corporate limits of the city of New Orleans, has the distinction of having the largest amount of coastal wetlands in the United States that is easily accessible to city residents.

Title II of H.R. 2660 will allow the Secretary of the Interior to acquire an additional 4,228 acres of land. According to the authors of this provision, the inclusion of this property within the refuge will enhance the populations of migratory, shore, and wading birds, protect threatened and endangered species, encourage natural diversity of fish and wildlife species, and provide valuable opportunities to the public for environmental education on some of our Nation's essential coastal wetlands.

I am pleased to present this bill to the House and strongly believe that these modifications in two refuge units in Louisiana are consistent with the fundamental goals of our National Wildlife Refuge System.

I urge a vote in favor of H.R. 2660 and compliment JIM MCCRERY for his outstanding leadership in this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this piece of legislation. It expands our national wildlife refuge system. It authorizes land acquisition in the State of Louisiana for the protection and conservation of wildlife. The administration also has given its support of this legislation. I want to commend the gentleman from Louisiana who is the chief sponsor of this legislation. I urge the adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Shreveport, LA [Mr. MCCRERY], the author of this bill.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SAXTON], the chairman of the subcommittee, for yielding me this time, and I thank the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his kind remarks, and also the gentleman from Massachusetts [Mr.

STUDDS], the ranking minority member of the subcommittee, for their help and cooperation in getting this bill to the floor.

Also, as we all know, staff always play an important part in getting legislation through the various hoops and hurdles in the legislative process, and I want to thank the staff of the subcommittee as well for their hard work, particularly Harry Burroughs.

This bill, as Chairman SAXTON explained, would increase to $20 million the authorization for land purchases in the Tensas National Wildlife Refuge. This refuge encompasses 64,000 acres in two parishes, or counties, in my district, Tensas and Madison Parishes, and the refuge is home to some of the Nation's rarest species, including the bald eagle and the peregrine falcon.

The Tensas Refuge also hosts the largest remaining population of the endangered Louisiana black bear. Also, a wide variety of plant species are found in this tract, including the largest tract of bottomland hardwoods remaining in the Mississippi River delta.

So it is a very important piece of land, and we want to preserve it for future generations. We have done a good job in seeing to that so far.

This bill, by the way, will not enlarge the boundaries of the refuge. It simply will allow us to purchase from willing sellers inholdings within the current boundaries of the refuge, and this will make management of the area easier and more effective, and no land will be purchased from anyone other than willing sellers and owners of inholdings in this existing refuge.

In closing, let me again thank the gentleman from New Jersey [Mr. SAXTON], the gentleman from Massachusetts [Mr. STUDDS], and the members of the subcommittee and the full committee for their support in getting this legislation to the floor. I urge my colleagues to support it and urge its approval.

Mr. FALEOMAVAEGA. Mr. Speaker, I urge the adoption of the bill, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2660.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate amendments to H.R. 2660.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WYOMING FISH AND WILDLIFE FACILITY

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1802) to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

The Clerk read as follows:

S. 1802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN PROPERTY TO WYOMING.

(a) CONVEYANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey in "as is" condition, to the State of Wyoming without reimbursement—

(A) all right, title, and interest of the United States in and to the portion of the property commonly known as "Ranch A" in Crook County, Wyoming, other than the portion described in paragraph (2), consisting of approximately 600 acres of land (including all real property, buildings, and all other improvements to real property) and all personal property (including art, historic light fixtures, wildlife mounts, draperies, rugs, and furniture directly related to the site, including personal property on loan to museums and other entities at the time of transfer);

(B) all right, title, and interest of the United States in and to all buildings and related improvements and all personal property associated with the building on the portion of the property described in paragraph (2); and

(C) a permanent right of way across the portion of the property described in paragraph (2) to use the buildings conveyed under subparagraph (B).

(2) RANCH A.—Subject to the exceptions described in subparagraphs (B) and (C) of paragraph (1), the United States shall retain all right, title, and interest in and to the portion of the property commonly known as "Ranch A" in Crook County, Wyoming, described as Township 52 North, Range 61 West, Section 24 N½ SE¼, consisting of approximately 80 acres of land.

(b) USE AND REVERSIONARY INTEREST.—

(1) USE.—The property conveyed to the State of Wyoming under this section shall be retained by the State and be used by the State for the purposes of—

(A) fish and wildlife management and educational activities; and

(B) using, maintaining, displaying, and restoring, through State or local agreements, or both, the museum-quality real and personal property and the historical interests and significance of the real and personal property, consistent with applicable Federal and State laws.

(2) ACCESS BY INSTITUTIONS OF HIGHER EDUCATION.—The State of Wyoming shall provide access to the property for institutions of higher education at a compensation level that is agreed to by the State and the institutions of higher education.

(3) REVERSION.—All right, title, and interest in and to the property described in subsection (a) shall revert to the United States if—

(A) the property is used by the State of Wyoming for any other purpose than the purposes set forth in paragraph (1);

(B) there is any development of the property (including commercial or recreational development, but not including the construction of small structures, to be used for the purposes set forth in subsection (b)(1), on land conveyed to the State of Wyoming under subsection (a)(1)(A)); or

(C) the State does not make every reasonable effort to protect and maintain the quality and quantity of fish and wildlife habitat on the property.

(c) ADDITION TO THE BLACK HILLS NATIONAL FOREST.—

(1) TRANSFER.—Administrative jurisdiction of the property described in subsection (a)(2) is transferred to the Secretary of Agriculture, to be included in and managed as part of the Black Hills National Forest.

(2) NO HUNTING OR MINERAL DEVELOPMENT.—No hunting or mineral development shall be permitted on any of the land transferred to the administrative jurisdiction of the Secretary of Agriculture by paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1802 is the Senate version of H.R. 3579, a bill to transfer the property known as Ranch A to the State of Wyoming. H.R. 3579 was introduced by Congresswoman BARBARA CUBIN on June 5, 1996, and passed the House on September 4, 1996.

Ranch A consists of a lodge, a barn, and associate buildings and includes approximately 680 acres. The property is located in Crook County, WY, which is within Sand Creek Canyon and includes the headwaters of Sand Creek.

The Fish and Wildlife Service acquired the Ranch A property in 1963, but has had little to no oversight of it since 1986. The Wyoming Department of Game and Fish currently manages the majority of the Ranch A property and, up until 1995, raised trout and transplanted the trout to waters around the State of Wyoming.

The bill authorizes the transfer of 600 acres to the State of Wyoming to be used by the State for fish and wildlife management and educational activities. S. 1802 also transfers 80 acres to the Black Hills National Forest.

S. 1802 is similar to measures the House of Representatives has approved to transfer certain Federal fish hatcheries to non-Federal control, and it contains the standard language requiring that the property revert to the Federal Government, if it is used for something other than the authorized purposes.

I urge my colleagues to support this noncontroversial piece of legislation and I compliment our distinguished colleague, BARBARA CUBIN, for her effective leadership on behalf of her Wyoming constituents.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am aware of no opposition of this bill on our side of the aisle. This bill is similar to the one that was passed by the House of Representatives. The earlier sponsor of this legislation was the gentlewoman from Wyoming [Mrs. CUBIN]. At this time there were still some disagreements over the legislation but we are told that this has been resolved and I understand that as the chief sponsor from the other body, Senate bill 1802, the gentleman from South Dakota, Mr. DASCHLE, apparently this bill does represent the compromise that was worked out with the Members involved between Wyoming and South Dakota, obviously, and the compromise has been reached by the interested parties. We therefore have no reason to object to the passage of this legislation today. I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the Senate bill, S. 1802.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PRAIRIE ISLAND INDIAN COMMUNITY CHARTER REVOCATION

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3068) to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

The Clerk read as follows:

Senate Amendment: Strike out all after the enacting clause and insert:

SECTION 1. REVOCATION OF CHARTER OF INCORPORATION OF THE PRAIRIE ISLAND INDIAN COMMUNITY UNDER THE INDIAN REORGANIZATION ACT.

(a) ACCEPTANCE OF REQUEST TO REVOKE CHARTER.—The request of the Prairie Island Indian Community to surrender the charter of incorporation issued to that community on July 23, 1937, pursuant to section 17 of the Act of June 18, 1934, commonly known as the "Indian Reorganization Act" (48 Stat. 988, chapter 576; 25 U.S.C. 477) is hereby accepted.

(b) REVOCATION OF CHAPTER.—The charter of incorporation referred to in subsection (a) is hereby revoked.

SEC. 2. AMENDMENT TO THE JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT.

Section 8(e)(3) The Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2241) is amended by striking "December 31, 1996" and inserting "December 31, 1998".

SEC. 3. AMENDMENT TO THE SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "December 31, 1996" and inserting "June 30, 1997".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3068 was passed by the House on May 16, amended by the other body on September 19, and sent back to us for further action.

The amendment added by the other body consists of section 2 and section 3.

Section 2 would amend the Jicarilla Apache Tribe Water Rights Settlement Act by extending, for 2 years, the time during which the tribe, the State of New Mexico, and other parties to the suit must work out various details to this water settlement and have those details included in a court decree adjudicating the water rights in question.

Section 2 of H.R. 3068 is important, is fair, and should be supported by the House.

Section 3, added by amendment by the other body, would amend the San Carlos Apache Tribe Water Rights Settlement Act of 1992 by extending to June 30, 1997, the date for the parties to this settlement to reach agreement on certain matters which are part of that settlement.

This amendment to H.R. 3068 is important, is fair, and should be supported by the House.

In summary, Mr. Speaker, I urge my colleagues to vote "yes" on H.R. 3068, as amended by the other body.

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Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman for yielding me time, and commend the subcommittee for this good piece of legislation, which has, in my judgment, been made more important by the addition of the Jicarilla Water Rights Settlement Act, because this is a provision that affects one of the tribes in my congressional district.

The Senate Indian Affairs Committee added this provision extending the water rights settlement of the Jicarilla by 2 years. So what we have is an ability for the tribe now to have access to water and water settlement funds under the act, and with this provision. This is contingent upon dismissal of actions by the tribe against the U.S. Government and a waiver of the tribe's reserve water rights claims in State courts with respect to the Rio Chama and San Juan Rivers.

This bill also requires the U.S. Government and the State of New Mexico to enter into partial final decrees by December 31, 1996. State court proceedings have been delayed, however, and all parties, that is, the tribe, the U.S. Government and the State, requested a 2-year extension to finalize the settlement.

This has been an important settlement. It needs to be settled. More time is needed. Hopefully these 2 years will avoid litigation in the future, for the Jicarilla's water rights are critically important. For the State of New Mexico this is a paramount issue, and for the Federal Government, we are getting a good bang for the buck. So this is a good bill, and it has been enhanced, in my judgment, by this Senate amendment, which extends the Jicarilla Water Rights Act by 2 years.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Rochester, MN [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from New Jersey for yielding me time.

Mr. Speaker, today, I am pleased that the House is giving final consideration to a H.R. 3068, a bill to repeal the corporate charter of the Prairie Island Dakota Community in Minnesota. The Senate added two noncontroversal amendments to this bill which extend the deadline to complete water rights settlements for tribes in New Mexico and Arizona.

The Prairie Island Tribe contacted me last June requesting revocation of their 1934 charter. By law, revoking this 62-year-old document can only be done by an act of Congress.

In its entire tribal government history, Prairie Island has never used its corporate charter in the management of its enterprises.

H.R. 3068 passed the House and Senate by voice vote. The bill acknowledges that the people of Prairie Island know best how to handle their business activities. It is another example of this Congress sending control back to local communities, and I am proud to be part of that process.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, support this bill and urge its passage. We revisit this bill a second time because of two noncontroversial Senate amendments to our original bill which passed this House under suspension of rules on May 22 of this year.

This bill takes the long overdue step of revoking the Prairie Island Indian community of Minnesota's Federal charter of incorporation issued under the archaic Indian Reorganization Act [IRA] in 1937. We take this step because only Congress can revoke this charter. Congress created the IRA in an attempt to remake tribal governments by giving them boilerplate constitutions and bylaws including provisions allowing tribal councils to conduct business enterprises pursuant to charters issued under section 17 of the IRA. The tribe received its charter in 1937. The charter has proven to be more of a hindrance than a help. For instance, the charter prevents the tribe from entering into contracts of more than $100 without secretarial approval. Basically, the charter is outmoded, burdensome, and more a vestige of 1930's paternalism than the current Federal policy of self-determination. Thus, the tribe has asked us to revoke their charter and we do so today.

The Senate Indian Affairs Committee added a provision extending the Jicarilla Water Rights Settlement Act of 1992 by 2 years. The tribe's access to water and settlement funds under the act are contingent upon dismissal of actions by the tribe against the United States and a waiver of the tribe's reserved water rights claims in State courts with respect to the Rio Chama and San Juan Rivers. The act also requires the United States and New Mexico to enter into partial final decrees by December 31, 1996. State court proceedings have been delayed, however, and all parties—the tribe, the United States and the State—request a 2-year extension to finalize the settlement.

The Senate Indian Affairs Committee also added a provision extending the San Carlos Apache Water Rights Settlement Act of 1992 by 6 months. The 1992 act imposed a deadline of December 31, 1995, for completion of agreements between the tribe and other parties. Because the tribe, the city of Globe, AZ, and the Phelps Dodge Corp. had not reached an agreement by the deadline, Congress extended the settlement deadline by 1 year, to December 31, 1996, earlier this session—Pub. Law 104–91 (H.R. 1358). Unfortunately, the parties have still not reached an agreement and have asked for an additional extension of 6 months, until June 30, 1997. The administration supports this request.

These amendments have our support and will assist these tribes in furthering their own economic self-dependence and help settle longstanding water disputes. Again, I urge my colleagues to support these measures.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3068.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendment to H.R. 3068.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES TO AGUA CALIENTE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3804) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians, as amended.

The Clerk read as follows:

H.R. 3804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES.

(a) IN GENERAL.—The fourth undersigned paragraph in section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes" approved September 21, 1959 (25 U.S.C. 951 et seq.), is amended by striking "east: *Provided,*" and all that follows through "deceased member." and inserting "east.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to net rents, profits, and other revenues that accrue on or after the date of enactment of this Act.

(c) AGREEMENT TO MAKE PAYMENT.—The Congress finds that the Agua Caliente Band of Mission Indians, in Tribal Ordinance Number 22, dated August 6, 1996, has agreed to make payments permitted by reason of the amendment made by subsection (a). The Congress expects the Band to make such payments within 180 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3804, a bill authored by the gentleman from Palm Springs, CA [Mr. BONO], the former mayor of Palm Springs, would remove a restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

This restriction removal is necessary so that the tribe may move forward with its distribution of revenues to tribal members. I support the bill, and I commend the author, Mr. Speaker, for his hard work on this measure, and urge my colleagues to support it.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to lend my support to H.R. 3804, a bill introduced to help the Agua Caliente Band of Cahuilla Indians who reside in the resort town of Palm Springs, the heart of Representative SONNY BONO's district, who is also the sponsor of this measure. The bill will allow the tribe to distribute revenues from its Mineral Springs parcel to all members of the tribe. Presently, only about 85 members are entitled to these revenues as the 1959 Settlement Act reserved certain lands that resulted in an unequal distribution of allotments to tribal members. To compensate members who received smaller allotments because of the act's reservation of lands, the act gave certain members and their heirs the right to revenues from the Mineral Springs parcel. That parcel is home today to the tribe's Spa Hotel and Casino.

I and my Democratic colleagues, however, have a serious reservation about this bill that I wish to express. Our reservation is that this bill, in effect, gives the tribe the opportunity to begin per capita payments to tribal members from gaming profits from the tribe' casino in Palm Springs. I am not alone in my hesitancy to condone these kind of payments. Rather, and most of my colleagues feel the same way, the authorization of per capita payments is one of the most serious flaws in the Indian Gaming Regulatory Act. Although there are restrictions in the act to guarantee that most gaming revenues are used to fund tribal governmental programs and promote tribal economic development, the fact is that some tribes have chosen to make significant per capita payments to their members. Unfortunately, these payments often have the effect of reducing work incentives or have sometimes been made in order to create a supportive base among tribal members. I hope that tribes, including this tribe, will see past the short term and illusory attractiveness of per capita payments and continue to reinvest all gaming revenues into public programs.

Nevertheless, it is equally true that we are committed to furthering the Federal policy of self-determination and self-governance, and that if that phrase is to mean anything other than mere words, then it means that Indian tribes have, and we must trust them with, the same opportunities and decisionmaking capabilities as other governments in this country. Accordingly then, although we may be opposed to per capita payments, self-determination requires that we leave that decision up to the tribe, who as a sovereign nation, as a government, is fully vested with the power and wisdom to look after and protect its own people.

Mr. Speaker, noting these concerns, this legislation deserve support and approval by this body, and I urge my colleagues to adopt this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BONO], the author of the bill, who has a long-standing interest in this issue.

Mr. BONO. Mr. Speaker, I thank my colleague, the gentleman from American Samoa [Mr. FALEOMAVAEGA], for his comments. The gentleman described the issue perfectly.

Mr. Speaker, not to repeat what has already been described, basically this is a readjustment of funds for the tribes and for the allottees. This is an agreement that the tribes and the allottees have reached themselves, where they have decided it would be a more equitable distribution of portions of the funds.

Mr. Speaker, I tried to do whatever I could to accommodate their needs, and this bill seems to fit within the needs that they are requesting. So I ask that this bill pass unanimously.

Mr. Speaker, the bill amends the 1959 Agua Caliente Allotment Act so that allottees may receive equal allotment income, and so funds from the Mineral Springs parcel of land may be used for the benefit of the entire tribe.

Agua Caliente has 319 members.

Under the 1959 act, 85 allottees or their heirs were given exclusive right to revenues from the Mineral Springs land. The intent of this provision was to provide a means for these allottees to make up for a $5,000 shortfall in allotment values. The attached materials fully explain the history of this shortfall.

However, the tribal government determined that implementation of this provision would have actually defeated the intention of the 1959 act by giving more to these allottees than others would have received. Therefore, the tribe has never made the payments to the 85 allottees of their heirs.

This amendment will finally make the good intentions of the 1959 act a reality. Under this amendment, the allottees receive $22,000 from the tribal government to make up for original $5,000 shortfall from 1959.

This figure was based on a 1993 appraisal of the parcel's current value, and was equally divided among the 85 allottees, and chosen by tribal members in a poll. The funds are currently being held in escrow in anticipation of enactment of this legislation.

To address concerns of a few of the allottees, I have placed in this bill language which specifies that the payments must be made within 180 days of enactment of this bill.

I have also included language requiring compliance with the August 6, 1996, tribal ordinance which explains the disbursement procedure and clearly states that this one-time lump payment to allottees cannot preclude these allottees from receiving tribal funds from the land in the future. This ordinance is in addition to the tribal council's resolution No. 22 of April 25, 1996.

In exchange for this one-time large payment, the allottees give up their exclusive right to funds from the parcel, so that the tribal government can use revenues for the benefit of the whole tribe.

These funds are particularly needed, as 50 percent of the tribal members live in poverty.

I have received over 50 letters from tribal members in support of this bill, which I enter in the RECORD as attachments.

This is a good solution to a long-standing problem. I urge my colleagues to support it.

Mr. Speaker, I include for the RECORD a letter concerning this matter, as well as a copy of the Agua Caliente Ordinance No. 22.

SEPTEMBER 17, 1996.

Re Proposed Amendment to H.R. 3804, Palm Springs Equalization of Allotments Act, Agua Caliente Indian Reservation.

Hon. SONNY BONO,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: You may have heard that three members of the Agua Caliente Band of Cahuilla Indians oppose certain aspects of the above proposed legislation. While those three may oppose it, the great majority of the Members of this Tribe support the legislation.

The amendment has been discussed at 19 meetings of the Tribal Council, and the minutes of these meetings have been mailed out to all Tribal Members. The proposed amendment has been the subject of at least one special Tribal Meeting, as well as a straw poll and vote as to the wishes of the Members. We believe that this proposed amendment will remove a long-standing obstacle to the economic self-sufficiency of this Tribe and its Members, and will do so in a way that is fair to all affected.

We urge you to continue to support this important legislation for the benefit of all Tribal Members.

Sincerely yours,
MORAINO J. PATENCIO,
Agua Caliente Tribal Member #142.

ORDINANCE NO. 22

Whereas, an early version of the bill which became the Agua Caliente Equalization Act of September 21, 1959 (P.L. 86-339, 25 U.S.C. Section 951, et seq.) provided for the allotment of virtually all of the lands of the Agua Caliente Indian Reservation, reserving from allotment only Parcel A of what is now the Spa Hotel property and certain other properties not relevant to this matter; and

Whereas, by a resolution adopted by the Tribal Council on April 1, 1958, the Tribe requested Congress to reserve from allotment not only Parcel A but also Parcel B of what is now the Spa Hotel Property, so as to allow the construction of the Spa Hotel to proceed on both parcels; and

Whereas, Congress granted the Tribe's request and reserved both Parcel A and Parcel B from allotment; and

Whereas, when Congress granted this Tribal request, it knew that the non-allotment of Parcel B would reduce the then appraised value of the land available for equalization allotments to approximately 85 otherwise eligible Tribal Members by approximately $5,000 each; and

Whereas, in order to provide some benefit to those approximately 85 otherwise eligible Tribal Members who would have shared in or benefited from the allotment of Parcel B if it had not been reserved from allotment, Congress inserted the following language as a proviso (the "Proviso") into Section 3(b) of the Agua Caliente Equalization Act:

Provided, That no distribution to member of the band of the net rents, profits, or other revenues derived from that portion of these lands which is designated as "parcel B" in the supplement dated September 8, 1958, between the Agua Caliente Band of Mission Indians and Palm Springs Spa dated January 21, 1958, or the net income derived from the investment of such net rents, profits, and other revenues or from the sale of said lands or of assets purchased with the net rents, profits, and other revenues aforesaid or with the net income from the investment thereof shall be made except to those enrolled members who are entitled to an equalization allotment or to a cash payment in satisfaction thereof under this subchapter or, in the case of such a member who died after September 21, 1959, to those entitled to participate in his estate, and any such distribution shall be per capita to living enrolled members and per stirpes to participants in the estate of a deceased member; and

Whereas, while the Tribal Council does not believe that any of the approximately 85 Members and others covered by the Proviso necessarily has a vested property right under the terms of the Proviso, the Tribe does wish to treat both them and all other Tribal Members fairly and equitably as it seeks legislation to delete the Proviso from federal law and thereby to allow any revenues from Parcel B to be used for the benefit of all Tribal Members after providing appropriate compensation to the affected 85 Tribal Members and others; and

Whereas, the Tribal Council has consulted with all Tribal Members on the above subject by calling a special Tribal Meeting on October 5, 1995, by distributing a straw poll on the subject of appropriate compensation for those affected by the deletion of the Proviso, and by numerous discussions at meetings of the Tribal Council; and

Whereas, after extensive discussion, research, and consideration, both within the Tribal Council and with others, the Tribal Council believes that there is no perfect solution that will satisfy every potential concern of every one of the 85 affected Tribal

Members, while also satisfying all other Tribal Members in every regard; and

Whereas, there is no dollar figure for such compensation which would fairly take into account every possible factor in calculating an appropriate dollar figure, which factors include, but are certainly not limited to: possible sale, lease, or condemnation of Parcel B; if leased, whether the lessee would have performed; if leased, the amount of income from the lease; if leased, the value of the underlying fee subject to the lease; interest rates on the $5,000 equivalent value for each of the 85 interests; rates of return on the $5,000 equivalent value for each of the 85 interests if this equivalent value had been invested, and risk of loss thereof; etc.; and

Whereas, because it is not possible to produce any dollar figure for compensation for the 85 interests which takes into account all of the above variables and others, the Tribal Council has instead elected to choose an arbitrary figure of $22,000; and

Whereas, the total payment pertaining to the 85 interests will be $1,870,000, of which the Tribe has already accumulated approximately 70% pursuant to item A.1.c. of its Interim Gaming Revenue Allocation Plan, which amounts cannot be used for any purpose other than satisfaction of the claims of the above 85 Tribal Members and others; and

Whereas, the Tribal Council wishes to provide formal assurance to the holders of the 85 shares that they will actually be paid the above sum; and

Whereas, the Tribal Council has reviewed and approved a set of escrow instructions which conforms to the following requirements, with accompanying exhibits;

Now, therefore, be it ordained and enacted by the Tribal Council of the Agua Caliente Band of Cahuilla Indians that:

1. No later than August 8, 1996 the Tribe, acting through its Tribal Council, will open an escrow with Spring Mountain Escrow Co., 559 South Palm Canyon Drive, Suite B–101, Palm Springs, CA. Into this escrow, the Tribal Council will deposit no less than $1,309,000 upon the opening of the escrow. The escrow instructions for this escrow will be a standard format for a basic holding escrow. The instructions will specify that, no later than one year from the date of the enactment by Congress of a United States statute, and its approval by the President, which statute includes or comprises the language which is set forth in Exhibit A hereto, the total sum of $1,870,000 will be disbursed by the escrow holder to those persons whose names appear on the list which is attached hereto as Exhibit B in the amounts set forth and to the addresses set forth in Exhibit B. The Tribal Council will deposit the balance of the $1,870,000 remaining after the above initial deposit of no less than $1,309,000 within 120 days of the opening of the escrow. The escrow holder will disburse these funds in a first increment of $1,309,000 promptly after the enactment of the said statue, and in a second increment promptly after the deposit by the Tribe of the balance of approximately $561,000 into the escrow. The escrow instructions will specify that, once the initial deposit is made, the only changes in instructions that the escrow holder will accept will be to reflect changes in the names of those entitled to payment due to deaths, and changes in mailing addresses, with the names and amounts being fixed as of the date of the enactment of the said statute. The instructions will further specify that, until disbursed, the deposited funds will be invested in a liquid federally-insured interest-bearing account, with the interest thereon paid to cover the expenses and fees of the escrow, and any remaining balance being returned to the Tribe at the close of escrow, which will occur no later than one year from the opening of the escrow and preferably promptly after the second disbursement.

2. The Tribal Council hereby authorizes and directs its Chairman and/or Vice-Chairman to execute the accompanying set of escrow instructions which conform to the above requirements, a copy of which is attached hereto as Exhibit C, and to take all actions called for in those instructions.

3. The Tribal Council hereby authorizes the Chairman or Vice-Chairman to cause the payment of the above $1,309,000, plus an amount no more than twice the estimated escrow fees and expenses, from the category allocated for this purpose in the Interim Tribal Gaming Revenue Allocation Plan, item A.1.c., into the above escrow no later than August 8, 1996.

4. The Tribal Council hereby authorizes and directs its Chairman or Vice-Chairman to cause the deposit of the balance of approximately $561,000 from the category allocated for this purpose in the Interim Tribal Gaming Revenue Allocation Plan, item A.1.c., into the above escrow no later than 120 calendar days after the opening of the above escrow.

5. The Tribal Council hereby approves the use in the above escrow of the documents accompanying this Ordinance and identified in this Ordinance as:

Exhibit A: language of proposed federal statute

Exhibit B: list of names of those to receive payment under this Ordinance, together with amount to be paid to each

Exhibit C: Escrow instructions

6. As soon as practical after the enactment of this Ordinance, the Chairman or Vice-Chairman will cause the Tribal Office Staff to prepare for informal review by those members of the Tribal Council who are readily available a list of the mailing addresses of all those names appear on Exhibit B, based on the official mailing list for those individuals who are living Tribal Members and on the best available information from Tribal and Bureau of Indian Affairs records for those who are not Tribal Members. The Chairman or Vice-Chairman is hereby authorized and directed to transmit this list of mailing addresses to the escrow holder for use as specified in the escrow instructions.

7. The Chairman and Vice-Chairman, as well as the Tribal Attorney and Tribal Office Staff, are hereby authorized and directed to take whatever other steps are called for in Exhibit C to perform the tasks, give the instructions and documents, and take all other steps called for in the escrow instructions in order to accomplish its goals and to close the escrow as quickly as possible.

8. Once a complete package is ready, consisting of this Ordinance and Exhibits A,B, and C, the Chairman or vice-Chairman is authorized and directed to send copies of that package, plus an appropriate cover letter of explanation, to all those whose names appear on Exhibit B. The purpose of doing so will be both to inform those affected of how the Agua Caliente Band intends to compensate those who are affected by the proposed legislation, and to verify their mailing addresses. Also, copies of this package will be available to all Tribal Members on request.

Dated: August 6, 1996.

RICHARD M. MILANOVICH,
Chairman.
BARBARA GONZALES-LYONS,
Vice-Chairman.
MARCUS J. PETE,
Secretary/Treasurer.
VIRGINIA SIVA,
Member.
CANDACE PATE,
Member.

EXHIBIT C

INSTRUCTIONS TO SPRING MOUNTAIN ESCROW CORPORATION FOR THE CONDUCT OF AN ESCROW BY THE AGUA CALIENTE BAND OF CAHUILLA INDIANS

A. Identification of Parties

The Agua Caliente Band of Cahuilla Indians is a federally-recognized Indian tribe with offices at 110 North Indian Canyon Drive, Palm Springs, CA 92262, and is hereinafter referred to as the "Tribe," Spring Mountain Escrow Corporation is a California corporation with offices at 559 South Palm Canyon Drive, Suite B–101, Palm Springs, CA 92264, and is hereinafter referred to as "Escrow." The Tribe now establishes this escrow pursuant to the following Instructions.

B. Purpose of Escrow

The purpose of these Instructions is for the Tribe to give specific directions to Escrow on the subject of how, when, and under what conditions Escrow will distribute a fund of money to be deposited with Escrow by the Tribe into 85 equal shares, with some shares going to single individuals, and other shares being divided among the heirs of deceased individuals. This is a holding escrow with no other parties except the recipients of the funds. All of the instructions to the Escrow will come from the Tribe. The escrow will be deemed open upon the delivery of one executed original set of these Instructions to Escrow.

C. Deposit of Funds

No later than August 8, 1996 the Tribe will deposit into escrow, by means of a check payable to Escrow, the sum of one million three hundred ten thousand dollars ($1,310,000).

At a later date, which will be no later than 120 calendar days after the opening of the escrow, The Tribe will deposit into escrow, by means of a second check payable to Escrow, the additional sum of five-hundred sixty-one thousand dollars ($561,000).

All such funds will be used and disbursed by Escrow in accordance with these Instructions. The Tribe and Escrow acknowledge that, prior to the disbursement or use of any funds, including any investment thereof, all funds received by Escrow shall be subject to a "hold" until such time as the funds are deemed "collected" according to the statutes governing escrow agents.

D. Deposit of Documents

No later than August 8, 1996, the Tribe will deposit into escrow a written schedule ("Schedule A") of the names of the persons to whom Escrow will disburse the deposited funds. Along side each such name will appear the amount to be disbursed to each such named person. Escrow will not be concerned with the accuracy or completeness of either the names or amounts so listed, and will rely on the document supplied by the Tribe for this purpose. However, because of the possibility of deaths and other changes in the names on Schedule A, it is possible that the initial version of Schedule A will be replaced by later version(s). Escrow will rely on and use the last-deposited version of Schedule A as of the date specified in section H below. To be valid and accepted by Escrow, any version of Schedule A must bear the original signature of either the Tribe's chairman, Richard M. Milanovich, or the Tribe's Vice-Chairman, Barbara Gonzales-Lyons, (or successor).

No later than August 23, 1996, the Tribe will deposit into escrow a written schedule ("Schedule B") of the mailing addresses of each person whose name appears on Schedule A. Escrow will not be concerned with the completeness or accuracy of the addresses on Schedule B, and will rely on the document supplied by the Tribe for this purpose. However, because addresses may change, it is possible that the initial version of Schedule B will be replaced by later version(s). Escrow will rely on and use the last-deposited version of Schedule B as of the date specified in section H below. To be valid and accepted by Escrow, any version of Schedule B must bear the original signature of either the Tribe's Chairman, Richard M. Milanovich, or the Tribe's Vice-Chairman, Barbara Gonzales-Lyons, (or successor).

If and when Congress enacts a certain provision of federal law and the President signs it, the Tribe will deposit into escrow a resolution, executed by the Tribal Council, stating that such provision has been enacted into federal law, attached to which will be a copy of the said provision. This letter and attachment will be referred to as "Resolution A."

E. Investment of Funds

Upon clearance of Funds, Escrow is authorized and directed to invest the escrow funds in short-term and liquid instruments either guaranteed by the United States, or an agency thereof, or obligations of the United States, or an agency thereof. In either case, the invested funds must be fully insured or guaranteed by the United States. Because the Tribe is no subject to federal income tax, Escrow will not issue an IRS form W-9 or similar instrument to the Tribe for the income so earned by the investment of the escrow funds. Such investments shall be approved by the Tribal Council.

F. Release of Funds

Upon the receipt of Resolution A from the Tribe, Escrow will disburse one million three hundred and ten thousand dollars of the escrow funds to the persons whose names appear on Schedule A in amounts proportionate to a fraction whose numerator is 1,309,000 and whose denominator is 1,870,000 multiplied by the amount listed on Schedule A opposite the name of each such person. For example, in the case of a person opposite whose name the figure of $22,000 appears on Schedule A, the first payment will be:

(1,309,000+1,870,000)$22,000=$15,400.00

The above set of payments will be referred to as the first round of disbursements. All payments will be made by check payable to each person whose name appears on Schedule A by certified mail, return receipt requested, to the addresses as listed in Schedule B.

Upon all of the following three events, Escrow will promptly make a second round of disbursements:

1. The completion of the first round of disbursements

2. Deposit by the Tribe into escrow of the above sum of $561,000 in addition to the above deposit of $1,309,000

3. No more than one calendar year has elapsed since the date of the enactment of the federal statute described above and attached to Letter A, as determined from the date of the President's signature thereon.

This second round of disbursements will be to those persons whose names appear on Schedule A in the same manner as with the first round of disbursements, but in amounts proportionate to a fraction whose numerator is 561,000 and whose denominator is 1,870,000 multiplied by the amount listed in Schedule A opposite the name of each such person. For example, in the case of a person opposite whose name the figure of $22,000 appears on Schedule A, the second payment will be:

(561,000+1,870,000)$22,000=$6,600.00

The end result of both disbursements will be that each person whose name is listed on Schedule A, and opposite whose name the figure of $22,000 appears, will receive a total of $15,400.000 + $6,600.00 = $22,000.00, while all others whose names appear on Schedule A will receive two payments which total the figure listed opposite the name of each on Schedule A in the above proportions.

G. Disposition of undisbursed funds

Whatever funds may remain with Escrow after payment of all of Escrow's fees and expenses, whether the first or second deposit into escrow by the Tribe or the income thereon, will be returned to the Tribe by check payable to the Tribe upon the happening of the sooner of the following two events:

1. The second round of disbursements is complete, or

2. One year has elapsed since the opening of escrow

H. Fixing of Names and Amounts on Schedule A

Escrow will make all disbursements based on the latest-received version of Schedule A that has been deposited by the Tribe into escrow on the date of the enactment of the federal statute, a copy of which is attached to Resolution A above, with the date of such enactment determined by the date of the President's signature thereon.

I. Notice to Recipients

Outside of escrow, and as a matter with which Escrow will not be concerned, the Tribe will mail to each person whose name appears on Schedule A at the address listed for each such person on Schedule B a copy of these Instructions, a copy of Schedule A, and an explanatory letter.

J. Amendments to these Instructions

The only amendments to these Instructions which Escrow will accept and act upon must be accompanied by an original resolution of the Tribal Council of the Tribe, must bear the original signature of either the Tribe's Chairman, Richard M. Milanovich (or successor), or the Tribe's Vice-Chairman, Barbara Gonzales-Lyons (or successor), and must be on one or more of the following subjects only:

1. A new version of Schedule A which is received by Escrow prior to the date described in section H above

2. A new version of Schedule B

K. Close of escrow

This escrow will close on the earlier of the two dates described above in section G. At that time, Escrow shall return the items and funds deposited by the Tribe to the Tribe as set forth herein.

L. Payment of Fees and Expenses of Escrow

Attached hereto is a schedule of the normal or anticipated fees and expenses which Escrow expects to incur in performing its duties under this escrow. The Tribe approves this schedule, up to a total maximum of $3,500.00, which sum will not be exceeded without written authorization from the Tribe's Tribal Council, which authorization will not be treated as an amendment to these Instructions. Escrow will deduct all such authorized fees and expenses prior to making the disposition of funds described in section G above.

M. General Provisions

Escrow's printed General Provisions follow the typed section of these Instructions and are incorporated by reference as if set forth in full at this point. In case of any conflict between the General Provisions and these typed Instructions, the typed Instructions will prevail.

Dated: August 6, 1996, Agua Caliente Band of Cahuilla Indians ("Tribe").

RICHARD M. MILANOVICH,
Chairman.

Breakdown of Holding Escrow for Agua Caliente Band Escrow

Holding fee	$1,600.00
Postage for appx. 200 checks certified mail	1,000.00
Per check charge at $2.00 per check appx. 200	400.00

In the event of excessive checks and postage, we will charge as stated above.

Mr. FALEOMAVAEGA. Mr. Speaker, again, I commend my good friend, the gentleman from California [Mr. BONO], the chief sponsor of this legislation, I urge adoption of the bill, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 3804, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous remarks on H.R. 3804, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR STUDY ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3973) to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, as amended.

The Clerk read as follows:

H.R. 3973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

The Congress finds and declares the following:

(1) The Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives (hereafter in this Act referred to as the "Alaska Natives Commission") was established by Public Law 101–379 (42 U.S.C. 2991a note) following the publication in 1989 of the "Report on the Status of Alaska Natives: A Call for Action" by the Alaska Federation of Natives and after extensive congressional hearings which focused on the need for the first comprehensive assessment of the social, cultural, and economic condition of Alaska's 86,000 Natives since the enactment of the Alaska Native Claims Settlement Act, Public Law 92–203.

(2) The 14 member Alaska Natives Commission held 15 regional hearings throughout Alaska between July 1992 and October 1993, and 2 statewide hearings in Anchorage coinciding with the Conventions of 1992 and 1993 of the Alaska Federation of Natives. In May 1994, the Alaska Natives Commission issued its 3 volume, 440 page report. As required by Public Law 101–379, the report was formally conveyed to the Congress, the President of the United States, and the Governor of Alaska.

(3) The Alaska Natives Commission found that many Alaska Native individuals, families, and communities were experiencing a social, cultural, and economic crisis marked by rampant unemployment, lack of economic opportunity, alcohol abuse, depression, and morbidity and mortality rates that have been described by health care professionals as "staggering".

(4) The Alaska Natives Commission found that due to the high rate of unemployment and lack of economic opportunities for Alaska Natives, government programs for the poor have become the foundation of many village economies. Displacing traditional Alaska Native social safety nets, these well-meaning programs have undermined the healthy interdependence and self-sufficiency of Native tribes and families and have put Native tribes and families at risk of becoming permanent dependencies of Government.

(5) Despite these seemingly insurmountable problems, the Alaska Natives Commission found that Alaska Natives, building on the Alaska Native Claims Settlement Act, had begun a unique process of critical self-examination which, if supported by the United States Congress through innovative legislation, and effective public administration at all levels including traditional native governance, could provide the basis for an Alaska Native social, cultural, economic, and spiritual renewal.

(6) The Alaska Natives Commission recognized that the key to the future well-being of Alaska Natives lay in—

(A) the systematic resumption of responsibility by Alaska Natives for the well-being of their members,

(B) the strengthening of their economies,

(C) the strengthening, operation, and control of their systems of governance, social services, education, health care, and law enforcement, and

(D) exercising rights they have from their special relationship with the Federal Government and as citizens of the United States and Alaska.

(7) The Alaska Natives Commission recognized that the following 3 basic principles must be respected in addressing the myriad of problems facing Alaska Natives:

(A) Self-reliance.

(B) Self-determination.

(C) Integrity of Native cultures.

(8) There is a need to address the problems confronting Alaska Natives. This should be done rapidly, with certainty, and in conformity with the real economic, social, and cultural needs of Alaska Natives.

(9) Congress retains and has exercised its constitutional authority over Native affairs in Alaska subsequent to the Treaty of Cession and does so now through this Act.

SEC. 2. ALASKA NATIVE IMPLEMENTATION STUDY.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Alaska Natives Commission adopted certain recommendations raising important policy questions which are unresolved in Alaska and which require further study and review before Congress considers legislation to implement solutions to address these recommendations; and

(2) the Alaska Federation of Natives is the representative body of statewide Alaska Native interests best suited to further investigate and report to Congress with proposals to implement the recommendations of the Alaska Natives Commission.

(b) GRANT.—The Secretary of Health and Human Services shall make a grant to the Alaska Federation of Natives to conduct the study and submit the report required by this section. Such grant may only be made if the Alaska Federation of Natives agrees to abide by the requirements of this section.

(c) STUDY.—Pursuant to subsection (b), the Alaska Federation of Natives shall—

(1) examine the recommendations of the Alaska Natives Commission;

(2) examine initiatives in the United States, Canada, and elsewhere for successful ways that issues similar to the issues addressed by the Alaska Natives Commission have been addressed;

(3) conduct hearings within the Alaska Native community on further ways in which the Commission's recommendations might be implemented; and

(4) recommend enactment of specific provisions of law and other actions the Congress should take to implement such recommendations.

(d) CONSIDERATION OF LOCAL CONTROL.—In developing its recommendations pursuant to subsection (c)(4), the Alaska Federation of Natives shall give specific attention to the ways in which the recommendations may be achieved at the local level with maximum local control of the implementation of the recommendations.

(e) REPORT.—Not later than 12 months after the date on which the grant is made under subsection (b), the Alaska Federation of Natives shall submit a report on the study conducted under this section, together with the recommendations developed pursuant to subsection (c)(4), to the President and the Congress and to the Governor and legislature of the State of Alaska. In addition, the Alaska Federation of Natives shall make the report available to Alaska Native villages and organizations and to the general public.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $350,000 for the grant under subsection (b).

(g) ADDITIONAL STATE FUNDING.—The Congress encourages the State of Alaska to provide the additional funding necessary for the completion of the study under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 3973 is legislation which I introduced in consultation with the Alaska Federation of Natives. This legislation will authorize a study to assist in the implementation of the recommendations of the Joint Federal/State Commission on Policies and Programs affecting Alaska Natives and is needed to begin to address the social and economic crisis of Alaska Natives.

The primary focus of the 1992 Commission study was to provide an in-depth analysis, with specific recommendations to Congress, the President of the United States, the Alaska Legislature, the Governor of the State of Alaska and the Native community on the social and economic conditions of Alaska Natives. The Commission completed 2 years of research, public hearings and task force discussion and submitted its report in May of 1994.

The Committee on Resources held a joint oversight hearing in November of 1995 with the Senate Energy and Natural Resources Committee and the Senate Indian Affairs Committee to hear testimony on the Alaska Native Commission report dated May 1994 from the Alaska Native Community, the Governor of the State of Alaska and from the administration. Their testimony focused on recommendations provided by the Commission report on how to address the extremely volatile social and economic conditions of Alaska Natives. This legislation is the outcome of the testimony accepted by all entities in the first step of addressing the crisis status of Alaska Natives.

The Administration has verbally stated no opposition to this legislation and has a letter forthcoming.

I urge my colleagues to vote for passage of H.R. 3973.

Mr. Speaker, I reserve the balance of my time.

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Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support this legislation of my colleague from Alaska, the distinguished chairman of the committee and the chief sponsor of this bill.

We share the majority's concern, Mr. Speaker, about the need to do something to improve the economic and social conditions of Alaska Natives. We are proud of the work we have done on a bipartisan basis with the other side in the past. We hope that the chairman and the Alaskan Federation of Natives will continue to work with us on this issue.

Mr. Speaker, we agree with the thrust of the 1994 report on the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives. Both the Congress and the State must give Alaskan Native tribes greater opportunities for self-governance.

One obvious form would be in terms of enhanced governmental powers, some that we have successfully fought for through passage of Self-Determination Act amendments of 1994, and the Self-Governance Act of 1994.

Another obvious form that would be the recognition and protection of Alaskan Native subsistence hunting and fishing rights, including those won recently by Natives in the 9th Circuit Court of Appeals decision in the "Katie John" decision, as well as congressional review of whether or not "Indian Country" exists in Alaska.

Mr. Speaker, we are all too aware of the fact that of the more than 200 Alaskan Native villages, two-thirds of them do not have piped water and sewer systems. Even health clinics do not have running water. In the Copper River Basin area, incidences of fetal alcohol syndrome in the late 1980's occurred at the astonishing rate of 350 per 1,000 live births. A recent CDC study shows Alaskan Natives are dying from tobacco-related illnesses at a higher rate than any other group in Alaska. Despite the fact Alaskan Natives have the highest medium income among all Native Americans, more than 25 percent still live below the poverty level.

Mr. Speaker, these statistics are, in a word, heartbreaking. There is no question we take our commitment to improving the lives of Native Americans seriously. We intend to do something about these conditions. We simply believe we can do something more quickly if we can work together as we have tried and are doing so on a bipartisan basis.

Mr. Speaker, I urge the adoption of this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 3973, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

HELIUM PRIVATIZATION ACT OF 1996

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4168) to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

The Clerk read as follows:

H.R. 4168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Helium Privatization Act of 1996".

SEC. 2. AMENDMENT OF HELIUM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Helium Act (50 U.S.C. 167 to 167n).

SEC. 3. AUTHORITY OF SECRETARY.

Sections 3, 4, and 5 are amended to read as follows:

"SEC. 3. AUTHORITY OF SECRETARY.

"(a) EXTRACTION AND DISPOSAL OF HELIUM ON FEDERAL LANDS.—

"(1) IN GENERAL.—The Secretary may enter into agreements with private parties for the recovery and disposal of helium on Federal lands upon such terms and conditions as the Secretary deems fair, reasonable, and necessary.

"(2) LEASEHOLD RIGHTS.—The Secretary may grant leasehold rights to any such helium.

"(3) LIMITATION.—The Secretary may not enter into any agreement by which the Secretary sells such helium other than to a private party with whom the Secretary has an agreement for recovery and disposal of helium.

"(4) REGULATIONS.—Agreements under paragraph (1) may be subject to such regulations as may be prescribed by the Secretary.

"(5) EXISTING RIGHTS.—An agreement under paragraph (1) shall be subject to any rights of any affected Federal oil and gas lessee that may be in existence prior to the date of the agreement.

"(6) TERMS AND CONDITIONS.—An agreement under paragraph (1) (and any extension or renewal of an agreement) shall contain such terms and conditions as the Secretary may consider appropriate.

"(7) PRIOR AGREEMENTS.—This subsection shall not in any manner affect or diminish the rights and obligations of the Secretary and private parties under agreements to dispose of helium produced from Federal lands in existence on the date of enactment of the Helium Privatization Act of 1996 except to the extent that such agreements are renewed or extended after that date.

"(b) STORAGE, TRANSPORTATION, AND SALE.—The Secretary may store, transport, and sell helium only in accordance with this Act.

"SEC. 4. STORAGE, TRANSPORTATION, AND WITHDRAWAL OF CRUDE HELIUM.

"(a) STORAGE, TRANSPORTATION, AND WITHDRAWAL.—The Secretary may store, transport, and withdraw crude helium and maintain and operate crude helium storage facilities, in existence on the date of enactment of the Helium Privatization Act of 1996 at the Bureau of Mines Cliffside Field, and related helium transportation and withdrawal facilities.

"(b) CESSATION OF PRODUCTION, REFINING, AND MARKETING.—Not later than 18 months after the date of enactment of the Helium Privatization Act of 1996, the Secretary shall cease producing, refining, and marketing refined helium and shall cease carrying out all other activities relating to helium which the Secretary was authorized to carry out under this Act before the date of enactment of the Helium Privatization Act of 1996, except activities described in subsection (a).

"(c) DISPOSAL OF FACILITIES.—

"(1) IN GENERAL.—Subject to paragraph (5), not later than 24 months after the cessation of activities referred to in subsection (b) of this section, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests therein, held by the United States for the purpose of producing, refining and marketing refined helium.

"(2) APPLICABLE LAW.—The disposal of such property shall be in accordance with the Federal Property and Administrative Services Act of 1949.

"(3) PROCEEDS.—All proceeds accruing to the United States by reason of the sale or other disposal of such property shall be treated as moneys received under this chapter for purposes of section 6(f).

"(4) COSTS.—All costs associated with such sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under subsection (b) shall be paid from amounts available in the helium production fund established under section 6(f).

"(5) EXCEPTION.—Paragraph (1) shall not apply to any facilities, equipment, or other real or personal property, or any interest therein, necessary for the storage, transportation, and withdrawal of crude helium or any equipment, facilities, or other real or personal property, required to maintain the purity, quality control, and quality assurance of crude helium in the Bureau of Mines Cliffside Field.

"(d) EXISTING CONTRACTS.—

"(1) IN GENERAL.—All contracts that were entered into by any person with the Secretary for the purchase by the person from the Secretary of refined helium and that are in effect on the date of the enactment of the Helium Privatization Act of 1996 shall remain in force and effect until the date on which the refining operations cease, as described in subsection (b).

"(2) COSTS.—Any costs associated with the termination of contracts described in paragraph (1) shall be paid from the helium production fund established under section 6(f).

"SEC. 5. FEES FOR STORAGE, TRANSPORTATION AND WITHDRAWAL.

"(a) IN GENERAL.—Whenever the Secretary provides helium storage withdrawal or transportation services to any person, the Secretary shall impose a fee on the person to reimburse the Secretary for the full costs of providing such storage, transportation, and withdrawal.

"(b) TREATMENT.—All fees received by the Secretary under subsection (a) shall be treated as moneys received under this Act for purposes of section 6(f).".

SEC. 4. SALE OF CRUDE HELIUM.

(a) Subsection 6(a) is amended by striking "from the Secretary" and inserting "from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary".

(b) Subsection 6(b) is amended—

(1) by inserting "crude" before "helium"; and

(2) by adding the following at the end: "Except as may be required by reason of subsection (a), sales of crude helium under this section shall be in amounts as the Secretary determines, in consultation with the helium industry, necessary to carry out this subsection with minimum market disruption.".

(c) Subsection 6(c) is amended—

(1) by inserting "crude" after "Sales of"; and

(2) by striking "together with interest as provided in this subsection" and all that follows through the end of the subsection and inserting "all funds required to be repaid to the United States as of October 1, 1995 under this section (referred to in this subsection as 'repayable amounts'). The price at which crude helium is sold by the Secretary shall not be less than the amount determined by the Secretary by—

"(1) dividing the outstanding amount of such repayable amounts by the volume (in million cubic feet) of crude helium owned by the United States and stored in the Bureau of Mines Cliffside Field at the time of the sale concerned, and

"(2) adjusting the amount determined under paragraph (1) by the Consumer Price Index for years beginning after December 31, 1995.".

(d) Subsection 6(d) is amended to read as follows:

"(d) EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LANDS.—All moneys received by the Secretary from the sale or disposition of helium on Federal lands shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c).".

(e) Subsection 6(e) is repealed.

(f) Subsection 6(f) is amended—

(1) by striking "(f)" and inserting "(e)(1)"; and

(2) by adding the following at the end:

"(2)(A) Within 7 days after the commencement of each fiscal year after the disposal of the facilities referred to in section 4(c), all amounts in such fund in excess of $2,000,000 (or such lesser sum as the Secretary deems necessary to carry out this Act during such fiscal year) shall be paid to the Treasury and credited as provided in paragraph (1).

"(B) On repayment of all amounts referred to in subsection (c), the fund established under this section shall be terminated and all moneys received under this Act shall be deposited in the general fund of the Treasury.".

SEC. 5. ELIMINATION OF STOCKPILE.

Section 8 is amended to read as follows:

"SEC. 8. ELIMINATION OF STOCKPILE.

"(a) STOCKPILE SALES.—

"(1) COMMENCEMENT.—Not later than January 1, 2005, the Secretary shall commence offering for sale crude helium from helium reserves owned by the United States in such amounts as would be necessary to dispose of all such helium reserves in excess of 600,000,000 cubic feet on a straight-line basis between such date and January 1, 2015.

"(2) TIMES OF SALE.—The sales shall be at such times during each year and in such lots as the Secretary determines, in consultation with the helium industry, to be necessary to carry out this subsection with minimum market disruption.

"(3) PRICE.—The price for all sales under paragraph (1), as determined by the Secretary in consultation with the helium industry, shall be such price as will ensure repayment of the amounts required to be repaid to the Treasury under section 6(c).

"(b) DISCOVERY OF ADDITIONAL RESERVES.—The discovery of additional helium reserves shall not affect the duty of the Secretary to make sales of helium under subsection (a).".

SEC. 6. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

Section 12 is amended to read as follows:

"SEC. 12. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

"(a) IN GENERAL.—The Secretary of the Interior shall transfer all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the Texas Plains Girl Scout Council for consideration of $1, reserving to the United States such easements as may be necessary for pipeline rights-of-way.

"(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is all those certain lots, tracts or parcels of land lying and being situated in the County of Potter and State of Texas, and being the East Three Hundred Thirty-One (E331) acres out of Section Seventy-eight (78) in Block Nine (9), B.S. & F. Survey, (some times known as the G.D. Landis pasture) Potter County, Texas, located by certificate No. 1/39 and evidenced by letters patents Nos. 411 and 412 issued by the State of Texas under date of November 23, 1937, and of record in Vol. 66A of the Patent Records of the State of Texas. The metes and bounds description of such lands is as follows:

"(1) FIRST TRACT.—One Hundred Seventy-one (171) acres of land known as the North part of the East part of said survey Seventy-eight (78) aforesaid, described by metes and bounds as follows:

"Beginning at a stone 20 x 12 x 3 inches marked X, set by W.D. Twichell in 1905, for the Northeast corner of this survey and the Northwest corner of Section 59;

"Thence, South 0 degrees 12 minutes East with the West line of said Section 59, 999.4 varas to the Northeast corner of the South 160 acres of East half of Section 78;

"Thence, North 89 degrees 47 minutes West with the North line of the South 150 acres of the East half, 956.8 varas to a point in the East line of the West half Section 78;

"Thence, North 0 degrees 10 minutes West with the East line of the West half 999.4 varas to a stone 18 x 14 x 3 inches in the middle of the South line of Section 79;

"Thence, South 89 degrees 47 minutes East 965 varas to the place of beginning.

"(2) SECOND TRACT.—One Hundred Sixty (160) acres of land known as the South part of the East part of said survey No. Seventy-eight (78) described by metes and bounds as follows:

"Beginning at the Southwest corner of Section 59, a stone marked X and a pile of stones; Thence, North 89 degrees 47 minutes West with the North line of Section 77, 966.5 varas to the Southeast corner of the West half of Section 78; Thence, North 0 degrees 10 minutes West with the East line of the West half of Section 78;

"Thence, South 89 degrees 47 minutes East 965.8 varas to a point in the East line of Section 78;

"Thence, South 0 degrees 12 minutes East 934.6 varas to the place of beginning.

"Containing an area of 331 acres, more or less.".

SEC. 7. REPORT ON HELIUM.

Section 15 is amended to read as follows:

"SEC. 15. REPORT ON HELIUM.

"(a) NAS STUDY AND REPORT.—Not later than 3 years before the date on which the Secretary commences offering for sale crude helium under section 8, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to study and report on whether such disposal of helium reserves will have a substantial adverse effect on United States scientific, technical, biomedical, or national security interests.

"(b) TRANSMISSION TO CONGRESS.—Not later than 18 months before the date on which the Secretary commences offering for sale crude helium under section 8, the Secretary shall transmit to the Congress—

"(1) the report of the National Academy under subsection (a);

"(2) the findings of the Secretary, after consideration of the conclusions of the National Academy under subsection (a) and after consultation with the United States helium industry and with heads of affected Federal agencies, as to whether the disposal of the helium reserve under section 8 will have a substantial adverse effect on the United States helium industry, United States helium market or United States scientific, technological, biomedical, or national security interests; and

"(3) if the Secretary determines that selling the crude helium reserves under the formula established in section 8 will have a substantial adverse effect on the United States helium industry, the United States helium market or United States scientific, technological, biomedical, or national security interest, the Secretary shall make recommendations, including recommendations for proposed legislation, as may be necessary to avoid such adverse effects.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4168. This bill is similar to previous passed legislation, H.R. 3008, which sailed through this body earlier this year with bipartisan support by a vote of 411 to 10. This legislation includes language negotiated in the Senate Energy and Natural Resources Committee to provide a National Academy of Sciences study on how to dispose of the helium reserve.

We bring this measure before the House again today because of the limited amount of time remaining in the 104th Congress. By passing this version of the bill, the Senate can act on the same measure and the bill can go directly to the President for signature.

This bill demonstrates our commitment to put an end to bloated Government programs by shutting down an inefficient facility which has outlived its need and can't compete with the private sector. I thank my colleague, Mr. COX, for his tireless efforts to bring this important bill to the floor. I also want to thank my colleague on the Committee on Resources, MAC THORNBERRY, in whose district the helium reserve is located and whose constituents are affected by the loss of jobs at the facility. Mr. THORNBERRY worked diligently through the committee process to find the best solution for his constituents, offered privatization alternatives to the plan closure, and pushed for reconsideration of how to conduct the sale of the helium reserve.

Specifically this bill will:

Get the Federal Government out of the helium business, including sale of the stockpile, and shut down an inefficient helium refinery.

Ensure repayment of the helium debt.

And, protect our domestic helium industry from undue disruption by the Federal Government.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, before I begin I want to say that I had the opportunity, in fact the privilege, of being in the Committee on Ways and Means the other day when the portrait of Mr. YOUNG was unveiled. I want to take this opportunity to publicly thank him for his untiring efforts on behalf of the causes associated with the Committee on Resources. Regardless, Mr. Speaker, of what one's views might or might not be on any given issue, one can always count on the fact that in dealing with Chairman YOUNG we are dealing with a man of unquestioned integrity, whose commitment to this Nation and to the Committee on Resources has been unfailing. I want to say to him, Mr. YOUNG, that one of the singular privileges of my political life has been to serve with you.

Mr. Speaker, I rise, with certain regrets, in support of H.R. 4168, a bill to close the Federal Helium Program. In these days of downsizing, it seems the time has come to terminate programs which appear to have outlived their usefulness, like the Federal Helium Program.

Since 1925, when the Defense Department believed that dirigibles, or blimps, would be an integral part of our national defense, the Federal Government has managed a helium program. Today, the Federal Helium Program continues to serve the needs of major Federal users of helium, such as NASA and DOE laboratories.

The Federal Government got involved in helium production at a time when there was no private helium production. Today, however, the private sector manufactures 90 percent of the world's helium production. For this reason, groups such as the National Taxpayers Union, the 20/20 TV program, the Interior Department inspector general, and the Heritage Foundation have called for its elimination.

H.R. 4168, like its predecessor H.R. 3008 in this Congress and H.R. 3967 in the 103d Congress, enjoys bipartisan support. While I did not support termination of the program, I recognize that, after several years of consideration, Congress is poised to resolve the question of the helium program by terminating it. But, I remain concerned that we have not done enough to aid the 200-plus employees in Amarillo, TX, who will lose their livelihood as a consequence of our decision.

During committee consideration of this bill, I offered an amendment to provide employee benefits in addition to those authorized under existing law, so that the 200-plus employees in Amarillo—many of whom have built their careers on this program—would get the same kind of additional education and job placement assistance that we gave defense employees working at bases that were closed. These are people—men and women—who through no fault of their own find themselves working for a Federal program targeted for downsizing. My amendment would have given these people help in addition to what the Secretary is already authorized to provide. The same kind of help that we have provided to many of the defense employees working at military bases scheduled for closure—job placement assistance, extended life and health insurance coverage and the option to take an early retirement without penalty.

Sadly, my Republican colleagues could not be persuaded to provide this type of much-needed aid. During committee debate, my colleague, Representative CALVERT argued that the Secretary already has the authority to provide these benefits. This is simply incorrect. My amendment would have added authority necessary to enable the Secretary to extend health and life insurance coverage for 3 years beyond an employee's termination; the Secretary does not have the ability to provide this assistance under current law. My amendment would have allowed Federal helium employees access to the enhanced early retirement option; current law does not provide for this protection. My amendment would have given Federal helium employees hiring preference governmentwide—not just in the Amarillo area as is provided for under existing law.

So, my amendment failed. And even though I agreed with my colleague, Representative MAC THORNBERRY, that we don't need to terminate this program, I could see that the bill would pass. So I tried to lessen the blow so that the helium workers might be able to find another Federal job, or if they had served 20 years, take an early out and retire from civil service. But, this was not to be.

These activities would have been paid from the existing helium account, and would have cost relatively pennies especially in comparison to the costs of unemployment payments. The CBO said that my amendment would have no budgetary effect.

It seemed only fair to offer this assistance to the innocent victims of our downsizing zeal. So that the employees—who had nothing to do with the difficulties facing the program—would not be left stranded by their Government. But, my Republican colleagues could not see their war clear to help their fellow public servants.

And so, today, we will pass H.R. 4168 under suspension of the rules so we can praise ourselves for making Government smaller. I just wish we could have done so in a more humane and compassionate manner. I am somewhat consoled by the information that provision for unemployment benefits has been included in the Interior appropriations conference report.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4168, the Helium Act of 1966, is very similar to a bill that I, along with former Representative Richard Lehman and Representative VUCANOVICH supported during the 103d Congress. H.R. 4168 is almost indistinguishable to the bill the House passed earlier this year, with our support. H.R. 4168, as I understand it, is identical to the bill recently favorably reported by the Senate Energy Committee, with several inconsequential changes. By passing this bill today, we will make it possible for the Senate to finish action on this bill should the House adjourn prior to completion of business in the other Chamber.

H.R. 4168, like its predecessors in this Congress and the 103d Congress, is a bipartisan good Government bill to get the Federal Government out of the helium business.

While many people don't realize that helium is used in the Space Shuttle Program, in Star Wars research, for cryogenics and magnetic resonance imaging, there is still no overriding need for the Federal Government to continue its role in the helium business. The now defunct Bureau of Mines began its helium program during World War I as an effort to assure the Government of an adequate supply of helium at a time when there was no private helium production.

Currently, 32 billion cubic feet of helium are stockpiled in an underground dome northwest of Amarillo, TX. Estimates suggest that this amount will safely cover Federal needs for over a century.

Today, the private sector produces over 90 percent of the helium supplies in the United States. But, because Federal agencies are required to purchase helium from the Bureau, the Government continues top operate the helium recovery and purification facility in Amarillo, TX. Unfortunately, these facilities are outmoded, in need of constant repair, and are not nearly as efficient as private facilities. The General Accounting Office, the inspector general of the Department of Interior, the

Taxpayers Union and the Helium Advisory Council have called for reform of the helium program.

In recognition of these factors, we have supported legislation which would get the Federal Government out of the helium business without creating a fire sale of the crude helium in the stockpile. The bill before us eliminates the Federal Government helium refining and production enterprise. Federal agencies would be allowed to purchase helium from the lowest bidder. The stockpile would be maintained until no later than 2014 to allow other reserves to be depleted and to ensure that Federal helium will receive the optimum price when sold and that such sales will not disrupt the private market.

I am saddened that the bill was not amended to provide adequate assistance for those employees that, through no fault of their own, will find themselves unemployed with the closing of this program. However, I understand that the fiscal year 1997 Interior appropriations conference report contains provision for unemployment benefits for these employees.

At a time of shrinking resources and rising costs, it only makes sense to eliminate this unnecessary Government function. We have no objections to passage of H.R. 4168 under suspension of the rules.

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Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COX], sponsor of the legislation.

Mr. COX of California. Mr. Speaker, I thank the chairman for yielding me the time.

I am sorry that we are back on the floor with this bill. This is the third time that the House of Representatives will vote to pass this bill. The last time we did so with 411 votes. There are only 435 Members that work here and some of them could not make the vote.

There is no question but that the people's House wishes to see this legislation enacted into law. Quite frankly, there is not really any objection to it from the other body. But for 2 years now, we have waited and waited and waited, and at the present time there are two of our colleagues in the other body who have a hold on this bill. It has been taken hostage for other reasons and so on.

The SPEAKER pro tempore (Mr. EWING). The gentleman will refrain from characterizing action or inaction of the Senate.

Mr. COX of California. I do not mean to characterize the action, Mr. Speaker, only to describe it.

The reason that we are here is that we want to make sure that this bill has every chance of passage during the 104th Congress, and so the bill that we are taking up is only slightly different than the one that we passed last time. The difference is the change that has been made in the other body. The bill that we are bringing up here is thus identical to the bill that has already been reported out of the committee completely favorably in the other body. If, therefore, we vote to pass this legislation, it remains only for the other body to take a vote and the bill will go directly to the President.

This is a serious subject. Helium is, of course, a scarce resource. It occurs naturally as a byproduct of natural gas. We know that at least in that form it occurs in finite quantities. We have to, therefore, make sure that we conserve it. Currently under Federal Government management, we are losing to the atmosphere a great deal of helium. Each year it escapes because we do not store and transport it properly. Furthermore, the Federal Government is in the business still of marketing helium. What this bill will do is get the Federal Government out of the marketing and refining business and leave that to the private sector where, incidentally, 90 percent of the world's helium supply already comes from.

The Federal Government is no longer needed for this purpose. I say no longer because there was a time, back in the 1920's, when we first came up with the idea for the Federal Government to be in this business. When there was a legitimate purpose for national security reasons, the Federal Government got into the helium business to make sure we had a captive and constant source of supply to field a fleet of blimps in time of war. That time has passed. We do not any longer need helium to field blimps in time of war. Instead, we need helium for magnetic resonance imaging, we need helium for undersea welding and untold other uses that science, not Government, is best equipped to deal with.

Instead of relying on the Federal Government to operate a commercial industry of this source, we should rely on the private sector on which we rely for all other minerals, strategic or otherwise, in our commerce and in our national defense.

There is a legitimate question about how best to conserve helium in the future and one of the changes, the only change from our House bill that made its way into this bill in the Senate, is that we will have the National Academy of Science conduct a formal inquiry into this aspect of the helium question. But it is no longer, as my colleague on the other side of the aisle just pointed out, it is no longer a partisan question whether we should have the national helium reserve. We ought not to. Incidentally, it loses money. It is wasteful. Its debt to the taxpayers is now $1.4 billion. It has been unable to pay back the debt to the taxpayers on a constant basis as was contemplated in 1960, when the taxpayers loaned the Government commercial enterprise a whole lot of money. By turning ownership and management of this over to the private sector, we can recapture the taxpayers' investment.

One final point. That is that some are concerned that because helium is important, we should not in any way change the way we presently are doing business in the Federal Government. Physicists in particular understand the fundamental law of conservation of matter. When title to this helium changes from government to private sector, the helium will not go away. It will still be there. In fact, it will be there for many, many, decades, in fact well into the next century to come.

I think it is vitally important that we end this poster child of Government waste once and for all. I congratulate my colleagues for their patience and tolerance for bringing this bill up for what will probably be another unanimous vote for the third time this session. It is what our form of government is all about.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Alaska for yielding me this time.

Mr. Speaker, it was with some surprise that I saw this bill suddenly up on the agenda again, without committee action, and I am sorry I did not have more time to prepare and discuss it with the bill's sponsor. This bill did go through the House several months ago and I was tangentially involved in the discussion. At that time I was also surprised because it had popped up on the floor without having, to the best of my knowledge, gone through committee.

At that time I was told that the scientific societies' concerns and scientists' concerns had been taken care of. I found out later they were not, and I regret that I voted for the bill on false information I was given.

But I did want to point out that, even though this bill is certainly better than the one that passed this body a few months ago, now that the Senate amendment is included, I still have a serious reservation about the entire topic.

As has been mentioned here, helium has tremendous uses in the scientific world. We continue to find more all along. The difficulty is, it is a very limited resource. It is found in economically feasible quantities only in certain gas fields in this country. If we do not recover it at the time that the gas is pumped out of the ground, that helium is lost because it is simply pumped out with the gas. When the gas is burned, the helium goes into the atmosphere.

Helium is used in medicine. It is used in scientific research. It is used in transmission power lines in certain special instances. It is used in large superconducting magnets for many research facilities. It is used in the space program. Most recently it has been used in the discovery of the fifth state of matter. Most of us, when we were in school, learned about the three states of matter: solid, liquid, gaseous. Later we discovered that there is a fourth state: plasma. We know have a fifth state of matter, which was postulated by Bose and Einstein nearly a century ago, and was finally just discovered within the past year, at micro-degrees Kelvin temperature, a temperature which can only be achieved with liquid helium under a pumped condition.

This will lead to a whole new frontier of science, and there are many other unknown frontiers which are yet to be discovered using helium, particularly in the liquid form. So it is a very, very special material; and in particular once it is used, it is lost to the atmosphere. It cannot be recovered economically. Furthermore, because of its lightness and the speed of motion of its atoms within the atmosphere, it is lost into space more readily than the other gases in the atmosphere.

The economics that make this issue so difficult at this time occur because there is still relative abundant supply, and it is not economically feasible to recover all that we could recover. Furthermore, we have to recover it from the natural gases which possess the largest quantities of helium, because other natural gases do not have as much and it would be more expensive to recover from those. This is why the Government got in the business in the first place.

I am certainly in sympathy with the intents of the sponsor and others who want to get the Government out of the business, but the economics are such at this time that if we are not careful we will lose vast quantities of helium, not from our use but from the use of the next generation and generations beyond. And that would be extremely tragic because it is absolutely irreplaceable.

I hope no one in the House of Representatives hopes that somehow there will be a new technological invention of some sort that will replace helium. It simply cannot happen. Helium is a distinct entity of matter. There is only a certain amount of helium on this planet. We have to make sure it is used wisely, and we should not use it for blimps. We should not even use it for helium-filled balloons. We should try to conserve it for the future. What concerns me is that I have no assurance under this bill that this will be taken into account.

I do welcome the amendment that calls for the study by the National Academy of Sciences. I believe that is a good step to take. However, the decision is still finally going to be made by the Secretary of the Interior. We have no idea who the Secretary of the Interior might be at that time and whether or not that person will have an adequate knowledge and understanding of the scientific aspects of helium use to make a wise and intelligent decision.

I would feel much better, frankly, if we simply commissioned the National Academy study, and then had the issue come back to the House once again for debate and review.

Having said that, the dilemma we face now is that the bill is before us. We have to make a decision. I urge all Members of the House to consider these factors very carefully, very thoughtfully, and vote accordingly. I have great reservations about this bill and I hope that we look at the issue very carefully before passing it.

Mr. THORNBERRY. Mr. Speaker, I rise today in opposition to H.R. 4168, which would authorize the Secretary of the Interior to enter into agreements with private parties for the recovery and disposal of helium on Federal lands.

As we all know, the House approved similar legislation earlier this year with the passage of H.R. 3008. H.R. 4168 is the same bill as H.R. 3008 with one exception—it includes a provision directing the National Academy of Science to study and report on whether such disposal of helium reserves will have a substantial adverse effect on the scientific, technical, biomedical, or national interests of the United States.

While I agree in principle with the goal of this provision and, in fact, have my own concerns about the effect selling the Federal helium reserves will have on the private market and our national security, I think the legislation in which it is included is fundamentally flawed and should be defeated.

Even if one believes that the Federal Government ought to get out of the helium business, this is the wrong way to do it. In many areas over the past few months and years, this Congress and, to a lesser extent, the administration through its Reinventing Government efforts, have tried to get the Government out of certain activities. In doing so, they have both tried to turn those activities over to the private sector.

Unfortunately, H.R. 4168 would create a situation in which privatization is not a feasible economic alternative. This bill effectively prevents an individual or company from buying the Government assets and operating the helium refinery which the Government has operated all these years. As a result, what could have been a revenue generator for the Federal Government will actually continue to drain treasury coffers for the benefit of those companies already involved in the business of helium sales.

I would remind my colleagues that while NASA currently requires several railroad cars of helium for each shuttle launch, it can only take it in gaseous form. No private company can supply it in gaseous form. Consequently, if H.R. 4168 passes, we're going to have to spend a lot of money to modify facilities to accept the helium as a liquid and then convert it to a gas.

Common sense would be to allow a private company to buy the refinery and some helium from the stockpile to supply NASA and others. Unfortunately, this cannot happen under this bill.

I have had several people from my district express an interest in either buying the refinery and some helium and trying to operate the plant, or buying some of the helium and building a new, modern refinery that is much smaller. But there is no realistic opportunity of either of those things happening because of the formula used by this bill to sell helium.

Virtually everyone agrees that we have more helium in the ground than we need. This bill requires the excess helium to be sold according to a formula that is designed to pay back the debt and interest that one part of the Government owes another part of the Government. The difficulty is that none of the helium will be sold because the formula prices it far higher than the market price.

As a matter of fact, this bill will price crude helium about $8 to $13 million cubic feet more than the current market price. Mr. COX may say there is no specific language which prohibits sales from the stockpile, but when it is priced 25 to 48 percent above the market price, I doubt there will be much sold. So not only can we not privatize the helium operation, but the taxpayers will not see the deficit go down because none of the helium will be sold.

The substitute which I offered in the House Resources Committee would still get the Government out of the helium business. But it would also allow some helium to be sold according to the market price at the time it was sold, as long as it did not disrupt the market. It would have also canceled the debt, which consists mainly of compound interest which one part of the Government owes another part of the Government. And it would have delayed closure of the plant for 3 years, not 18 months, which would have provided additional time not only for NASA to transition to private sources of helium, but for the plant's workers to transition to new jobs and careers. This plan was similar to the proposal suggested by the Clinton administration, and makes a lot more sense than the proposal we are considering today.

Mr. Speaker, I don't know if we're serious about doing this the right way or just interested in a press release. I don't know if the President was serious about doing this the right way when he mentioned helium in his State of the Union speech in 1995. But I do know that there is a right way and a wrong way to end this Federal program, and this bill is the wrong way.

The House registered its clear opposition to continued Federal funding of the helium program when it approved H.R. 3008 by a vote of 411–10 on April 30 of this year. I do not plan to request a vote on H.R. 4168.

But I do urge my colleagues to remember that in considering the future of other programs, we ought to strive to make the Federal Government not just smaller—but smarter, as well.

This bill is not a smart way to reform the helium program, and for that reason, I oppose it.

Mr. YOUNG of Alaska. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 4168.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3752) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, as amended.

The Clerk read as follows:

H.R. 3752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Land Sovereignty Protection Act of 1996".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The power to dispose of and make all needful rules and regulations governing lands belonging to the United States is vested in the Congress under article IV, section 3, of the Constitution.

(2) Some Federal land designations made pursuant to international agreements concern land use policies and regulations for lands belonging to the United States which under article IV, section 3, of the Constitution can only be implemented through laws enacted by the Congress.

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

(4) Actions by the United States in making such designations may affect the use and value of nearby or intermixed non-Federal lands.

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

(6) Private property rights are essential for the protection of freedom.

(7) Actions by the United States to designate lands belonging to the United States pursuant to international agreements in some cases conflict with congressional constitutional responsibilities and State sovereign capabilities.

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) PURPOSE.—The purposes of this Act are the following:

(1) To reaffirm the power of the Congress under article IV, section 3, of the Constitution over international agreements which concern disposal, management, and use of lands belonging to the United States.

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

(5) To provide a process under which the United States may, when desirable, designate lands pursuant to international agreements.

SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a—1) is amended—

(1) in subsection (a) in the first sentence, by—

(A) inserting "(in this section referred to as the 'Convention')" after "1973"; and

(B) inserting "and subject to subsections (b), (c), (d), (e), and (f)" before the period at the end;

(2) in subsection (b) in the first sentence, by inserting "; subject to subsection (d)," after "shall"; and

(3) adding at the end the following new subsections:

"(d) The Secretary of the Interior shall not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention unless such nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996. The Secretary may from time to time submit to the Speaker of the House and the President of the Senate proposals for legislation authorizing such a nomination.

"(e) The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention unless—

"(1) the Secretary has submitted to the Speaker of the House and the President of the Senate a report describing the necessity for including that property on the list; and

"(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress enacted after the date that report is submitted.

"(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each site:

"(1) An accounting of all money expended to manage the site.

"(2) A summary of Federal full time equivalent hours related to management of the site.

"(3) A list and explanation of all nongovernmental organizations contributing to the management of the site.

"(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.".

SEC. 4. PROHIBITION AND TERMINATION OF UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is amended by adding at the end the following new section:

"SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(b) Any designation of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

"(1) is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996 and before December 31, 1999;

"(2) consists solely of lands that on the date of that enactment are owned by the United States; and

"(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

"(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each reserve:

"(1) An accounting of all money expended to manage the reserve.

"(2) A summary of Federal full time equivalent hours related to management of the reserve.

"(3) A list and explanation of all nongovernmental organizations contributing to the management of the reserve.

"(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve.".

SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is further amendment by adding at the end the following new section:

"SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

"(b) A nomination, classification, or designation of lands owned by a State or local government, under any international agreement shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

"(c) A nomination, classification, or designation of privately owned lands under any international agreement shall have no force or effect without the written consent of the owner of the lands.

"(d) This section shall not apply to—

"(1) sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention);

"(2) agreements established under section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413); and

"(3) conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).

"(e) In this section, the term 'international agreement' means any treaty, compact, executive agreement, convention, or bilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.".

SEC. 6. CLERICAL AMENDMENT.

Section 401(b) of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1(b)) is amended by striking "Committee on Natural Resources" and inserting "Committee on Resources".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3752, the American Land Sovereignty Protection Act of 1996, asserts the power of Congress under article IV, section 3 of the United States Constitution over management and use of lands belonging to the United States. So that everyone understands, the concern here is the U.S. Congress—and therefore, the people of the United States—are left out of the domestic process to designate "World Heritage Sites and Biosphere Reserves." This will require the participation of the U.S. Congress and the citizens of this Nation in the process.

Within the last 25 years, more and more of our Nation's land has become subject to international land-use restrictions. A total of 67 sites in the United States have been designated as "UN Biosphere Reserves or World Heritage Sites." These land designations under the World Heritage and Biosphere Reserve programs have been created with virtually no congressional oversight and no congressional hearings. The public and local governments are rarely consulted.

The World Heritage Site program is based on a treaty. This bill does not suggest that the United States shrug off the World Heritage Site program. We have a domestic law implementing the program and H.R. 3752 proposes to change that domestic law so that Congress must approve the sites.

In the case of Biosphere Reserves, the program is not even authorized by a single U.S. law or even an international treaty. That is wrong. Executive branch appointees—whatever their political party—cannot and should not do things that the law does not authorize.

What is unreasonable about Congress insisting that no land be designated for inclusion in these international land use programs without clear and direct approval of Congress? We need to reemphasize the congressional duty to keep international commitments from floating free of traditional Constitutional constraints. Otherwise, the boundaries between one owner's land and another or even between the government's land and private property are too easily ignored.

H.R. 3752 provides a process under which the United States may when desirable designate lands for inclusion under certain international agreements. This process will protect: State sovereignty, individual rights of United States citizens, and private interests in real property. This bill will also prevent attempts by the Executive branch to use international land designations to bypass the Congress in making land use decisions.

H.R. 3752 is a good bill which will protect our domestic land use decision-making process from unnecessary international interference. I look forward to reporting this bill to the House for consideration.

Mr. Speaker, if World Heritage Sites and Biosphere Reserves have strong grassroots support, then why haven't we seen any evidence of this?

I have here a letter from the chairman of the Minnesota Senate Environment and Natural Resources Committee, the Honorable Bob Lessard, which supports H.R. 3752 lamenting the lack of public input in these designations. I request that this letter along with the attached letters be entered in the RECORD.

At our committee hearing, local elected officials from Eddy County, NM; Ulster County, NY; and Lake George, NY testified in support of H.R. 3752 and also criticized the lack of public process in making these international designations.

Moreover, we also have received letters of support from the coalition of Arizona/New Mexico coalition and northern counties land use coordinating council in Minnesota.

SENATE,
STATE OF MINNESOTA,
September 25, 1996.

Hon. DON YOUNG,
Chairman, House Resources Committee, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing to express my strong support for your bill the American Land Sovereignty Act (H.R. 3752) which would provide badly needed congressional oversight for areas designated as World Heritage Sites or International Biosphere Reserves in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The Northwoods International Biosphere Reserve was proposed for much of northern Minnesota in the mid-1980's. This proposal included Voyagers National Park and the Boundary Waters Canoe Area Wilderness.

Thankfully, the area was withdrawn from consideration because of massive local oppositions. A bipartisan commission created by the Minnesota Legislature concluded, among other things, that the designation would be contrary to the purpose for which Voyageurs National Park was established. It was also found that this designation included provisions for creating buffer zones around federal areas. I understand that former Wilderness Society President George Frampton, who is currently Assistant Secretary of Interior for Fish, Wildlife and Parks, proposed creating biosphere reserves around all national parks and wilderness areas where roads would be closed and economic development would be eliminated.

I also understand that dozens of these areas have been created throughout the United States with virtually no legislative oversight or public input. I consider this an appalling situation that needs to be remedied.

As Chairman of the Senate Environmental and Natural Resources Committee, I am concerned about the motives and intentions of those who propose increased federal and state land use control under the guise of program administered by the United Nations.

In that day and age of open government. I cannot understand how programs like these can continue without congressional oversight and local public input. As a result, I enthusiastically support the American Land Sovereignty Act.

SENATOR BOB LESSARD,
Chairman, Senate Environment and Natural Resources Committee.

NORTHERN COUNTIES
LAND USE COORDINATING BOARD,
Duluth, MN, September 25, 1996.

Hon. DON YOUNG,
Chairman, House Resources Committee, Washington, DC.

DEAR CONGRESSMAN YOUNG: I am writing to support the American Lands Sovereignty Act that would require Congressional approval for areas proposed for designation as Biosphere Reserves.

My district includes the eastern portion of Voyageurs National Park in Minnesota. In 1985, the National Park Service proposed that the park and adjacent areas be designated as the Northwoods International Biosphere Reserve. Local opposition resulted in the elimination of this proposal in 1987. One of the main concerns was that there was no congressional approval required for these areas, although they clearly have implications for the future of lands and waters both inside and outside boundaries established by Congress. Furthermore, a commission created by the Minnesota legislature concludes that the Biosphere Reserve purpose was contrary to the purposes for which the national park was established.

As you know, we have had persistent problems in Northern Minnesota with federal land management policies, as evidenced by the results of Congressional Hearings held over the past year. More Congressional oversight of federal land management policies and practices is clearly necessary to restore public trust and confidence in these agencies. The American Land Sovereignty Act will go a long way toward achieving that goal.

Sincerely,

Chairman.

SEPTEMBER 25, 1996.

Hon. DON YOUNG,
Chairman, House Resources Committee, Washington, DC.

DEAR MR. CHAIRMAN: The American Sheep Industry Association (ASI), the National Cattlemen's Beef Association (NCBA) and the American Farm Bureau Federation (AFBF) representing 4.5 million members, wish to express their support for your American Land Sovereignty Protection Act (H.R. 3752). As you are aware, the Department of the Interior presently operates the Man & Biosphere Program on Biosphere Reserves without legislative direction and no authorization from Congress. Furthermore, the 1995 designations of Glacier National Park and the Carlsbad Caverns as World Heritage sites, and the 1989 designation of Yellowstone National Park as a Biosphere Reserve were made with no public or Congressional input. Your bill makes available a process in which we can begin to correct these problems.

The operational guidelines for both World Heritage sites and Biosphere Reserves require the establishment of a buffer zone near or around designated areas. In many areas, the establishment of buffer zones conflicts with the property rights of both the individual and the state. ASI, NCBA and AFBF policies support the language of your bill that compels Congress to consider the implications of international designations on these rights before the designations are made.

The undersigned organizations stand with you and other members of Congress in support of the American Land Sovereignty Protection Act and thank you for your efforts in support of fairness to land owners.

AMERICAN FARM BUREAU FEDERATION.
AMERICAN SHEEP INDUSTRY ASSOCIATION.
NATIONAL CATTLEMEN'S BEEF ASSOCIATION.

ENVIRONMENTAL CONSERVATION ORGANIZATION,
Hollow Rock, TN, September 20, 1996.

Hon. DON YOUNG, Chairman,
House Resources Committee,
Washington, DC.

DEAR CONGRESSMAN YOUNG: Thank you for introducing The American Land Sovereignty Protection Act (HR3752). Since Congress bears the Constitutional responsibility for managing federal lands and for protecting the private property rights of individual citizens, the Bill offers welcome relief from the intrusions of the international community. The 20 World Heritage Sites, authorized under the World Heritage Treaty, and the 47 Biosphere Reserves, administered in lockstep with UNESCO's Biosphere Program by the U.S. Man and the Biosphere Program, have imposed land use controls on public and private lands that have not been authorized by Congress. Your Bill, HR3752, will assure that the people affected by such designations will have an opportunity to express their views on such designations—before the designation is imposed.

We are equally concerned about Presidential, and Administrative declarations that exclude Congress from land management decisions on public lands and restrict and erode property rights on private lands. The President's decision to designate "Canyons of the Escalante" in Utah as a National Monument is an excellent example of federal land use control by Presidential decree which excludes Congress, locally elected officials, and the people whose lives are directly affected. The Chenoweth Bill, HR4120, would prevent these unilateral Presidential decrees. These two Bills together, would put Congress back in control of the management of federal lands and give private property owners a measure of protection—as is required by the Constitution.

The undersigned organizations support both these measures, HR3752 and HR4120. We stand with you and other members of Congress who support these measures, and we will work to see that both become the law of the land.

Thank you for all of your efforts.

Sincerely,

HENRY LAMB,
Executive Vice President,
and the following organizations:

Citizens for Private Property Rights, Sullivan, MO; Western States Coalition, New Harmony, WY; New Mexico Cattle Growers' Association, Albuquerque, NM; Bootheel Heritage Association, Animas, NM; Earthcare Contractors Coalition, Hollow Rock, TN; Texas Wildlife Association, San Antonio, TX; Davis Mountains Trans-Pecos Heritage Association, Alpine, TX; Hill Country Heritage Association, Lampasas, TX; Trans Texas Heritage Association, Alpine, TX; Network for Eco-Policy Awareness, Anchorage, AK; National Federal Lands Conference, Bountiful, UT; Oregonians in Action, Tigard, OR; Texas Eagle Forum, Dallas, TX; New Mexico Wool Growers Action Committee, Yeso, NM; Take Back Arkansas, Fayetteville, AR; Multiple Use Association, Shellburne, NH; Coalition of Arizona/New Mexico Counties, Glenwood, NM; Citizens Against Repressive Zoning, Haslett, MI; ACCORD People for the West, Phoenix, AZ.

□ 1403

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have passed a number of bipartisan bills under this Committee on Resources, which is very ably led by the gentleman from Alaska [Mr. YOUNG] who works very cooperatively with the gentleman from California [Mr. MILLER]. But this bill, Mr. Speaker, is a disaster, and this bill should be defeated.

I have with me a statement from the Office of Management and Budget that just came in that the administration would veto this bill. Just as well, Mr. Speaker. This bill could be called the Black Helicopters Prevention Act. As my colleagues know, at their town meetings somebody gets up and says "There's a bunch of black helicopters coming from the United Nations to take over our land." This bill plays to the delusion of the paranoid people that put out information like that.

Mr. Speaker, Smokey the Bear is not fitted for a U.N. uniform and a blue helmet. World Heritage designation is an honor. Nations fight to have sites designated. It does not change, if one is a World Heritage site, U.S. laws one iota; management of these sites is completely, 100 hundred percent, under U.S control.

Mr. Speaker, what this bill does is, it helps extractive industries whose activities, if unchecked, would despoil our national parks and other public lands. If there was ever a solution in search of a problem, this bill is it.

This bill exploits the myth spread by anti-U.N. right wing groups that the World Heritage Convention, other international environmental conventions, and the manned and biosphere programs somehow undermine U.S. sovereignty; simply not true. All of these programs are carried out in the United States only to the extent consistent with U.S. domestic law, and sites can only be nominated for World Heritage or biosphere designation by the country in which the site lies. No land or resource use restrictions are imposed within these areas beyond those imposed under domestic law.

What this bill would do is unnecessarily restrict American participation in successful and prestigious international conservation and historic preservation efforts. The World Heritage Convention is not a scheme hatched by U.N. bureaucrats for global hegemony.

We are opposing the United Nations right now because it is mismanaged and because it has too much staff, and we have said that the Secretary General of the United Nations must be replaced because he is not a reformer. But this bill here exceeds the paranoia that some have for the United Nations.

World Heritage designation has been an American initiative modeled after our national parks program. It was our idea. We pushed for it in the international community, and we were the first country to ratify the treaty.

Opponents of these programs allege that they violate the constitutional rights of the States and property owners, but not one shred of credible evidence has emerged.

When we get beyond the flag-waving and Constitution quoting, what we find is this legislation is about mining and other corporate interests whose activities, often on public lands, would degrade our national parks if left unchecked. For example, international concern over a proposed coal mine just outside of Yellowstone helped to motivate the administration, acting strictly within U.S. law, to negotiate a voluntary settlement with a claim holder. We had the industry and the administration and the environmentalists negotiating on something that should have been resolved that way, rather than as a Heritage site or through U.S.

legislation. The New World Mine at the Yellowstone would have polluted streams within the park, a wild and scenic river in a wilderness area.

In the end, a bipartisan solution was found to this problem.

Of course these special interests would prefer to operate without the harsh glare of publicity and international media attention that World Heritage or biosphere reserve status brings with it. But this is America, and the supporters of this legislation passed over one of the most important amendments on their way to the 5th and 10th. They forgot about the first amendment, and that is what this really comes down to.

Mr. Speaker, this Congress has not had a good environmental record. There is little time left, but we still have important legislation to consider. This legislation is not going anywhere. It should not have been under suspension; it should have been under a modified closed rule to offer alternatives. The President is never going to sign it into law. He has already said he is going to veto it even if we are going to take it up.

Mr. Speaker, this is not a good bill, and the gentleman from Alaska [Mr. YOUNG] has done a good job as our chairman, but this is not one of the pieces of legislation that we should approve. I will ask for a recorded vote. This legislation should go down.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 26, 1996.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 3752—American Land Sovereignty Act of 1996—Young (R) AK and 27 cosponsors.

If H.R. 3752 were presented to the President, the Department of the Interior would recommend that the bill be vetoed.

The Administration strongly opposes H.R. 3752, which would impose unnecessary restrictions on the existing legal and administrative framework that implements U.S. commitments to international environmental cooperative efforts. This bill could significantly reduce U.S. leadership and influence in global conservation and is counter to the U.S. role in global environmental cooperation.

H.R. 3752 is based upon the faulty premise that the World Heritage Convention, the Biosphere Reserve Program, and other international conservation agreements threaten the United States' sovereignty over its lands. There are several reasons why these agreements do not encroach upon U.S. sovereignty:

International agreements, such as the World Heritage Convention, and programs, such as the U.S. Man in the Biosphere Program, do not give the United Nations the authority to affect land management decisions within the United States and have in no way been utilized to exclude Congress from land management decisions, nor could they do so.

The nomination processes for international conservation designations are consultative in a nature and based on demonstrated commitment as the local level.

International site recognitions do not affect land use decisions by the local governments, tribes, or private property owners, and are subject to applicable domestic laws.

International site recognitions do not impose restrictions on land use or stop economic growth. To the contrary, World Heritage sites and U.S. Biosphere Reserves have been embraced in many local areas as value-added designations, increasing partnership among Federal, State and local governments and private property owners for mutual benefit and have contributed to an increase in international tourism, which is especially vital to rural economies.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Just like to say I hope the gentleman asks for a recorded vote. I want the people on record, being recorded they are against the people of the United States being involved in land decisions. They do not let the executive branch be involved in deciding what type of property should be taken off and what private property should be infringed upon. I want to have that vote. I want to see who has the guts to vote against the American people.

Mr. Speaker, I yield 5½ minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from Alaska for yielding this time to me.

Mr. Speaker, I find it very interesting how the debate deteriorates when people do not have the facts at hand, and we are not debating about black helicopters and paranoid people and extremists. We are debating about this issue, which is, who should control the land mass in the United States? Should not the Congress have a say in whether the U.N. comes in in certain instances and controls certain areas? That is the simple question. There is nothing in here about blue helmets or anything like that.

I stand today in strong support of H.R. 3752, the American Land Sovereignty Protection Act of 1996, and I commend the chairman of the Committee on Resources, Mr. YOUNG, for introducing and moving this bill. It has to be part of the debate, and I hope we can stick to the facts.

H.R. 3752 will establish a simple process of due process, and will reestablish the role of Congress where it should be in the first place, as the ultimate decision-maker who manages the lands of the United States and who should maintain sovereign control of the lands in the United States of America.

There are two types of land designations of international status by the United Nations currently taking place with no congressional approval. That is wrong, Mr. Speaker. There are biosphere reserves carried out by the United Nations environmental, sociological and cultural organizations, and World Heritage sites which are sponsored by the U.N.-backed World Heritage Committee.

Mr. Speaker, more than 51 million acres in this country has already been designated by the U.N., with the agency's consent, without congressional consent, as either World Heritage sites or biosphere reserves. That is 51 million acres of U.S. soil, an area nearly the size if the whole State of Colorado, that the U.N. has taken control of without congressional involvement and legitimate public participation.

A biosphere reserve is a federally zoned and coordinated region consisting of three areas or zones that meet certain minimum requirements established by the United Nations. The inner or most protected area, the core zone, are usually Federal lands, whereas the outer zones are not-Federal lands. That is either private property or State property.

Mr. Speaker, currently 10 Federal agencies involved in the biosphere reserve are competing for turf with each other. This is occurring despite the fact that the United States withdrew their participation from UNESCO in 1984 because of gross financial mismanagement, and Congress has never, not once, ratified the Biodiversity Treaty which calls for these biosphere reserve designations.

When the Committee on Resources held hearings on this bill, we heard testimony from private property owners and local officials all around the country who felt that their role in the land management process had been significantly diminished by these designations. Many of these people did not even know their own property or their city or country's property, and State property, and surrounding lands were involved in this particular designation until final decisions were made.

Mr. Speaker, when laws and processes established by the Congress to manage our resources are bypassed by the agencies and by the executive, not only does this create an atmosphere of secrecy and confusion, but it violates our very sovereignty. What we are doing in this bill is saying, let us open up the process to the light of day, instead of such a secretive process as we have seen with the impact of the World Heritage site. That includes a large buffer zone surrounding Yellowstone Park.

My colleague from New Mexico, Mr. RICHARDSON stated empirically that the particular mine that was shut down because the agencies called the U.N. in before they had been able to finish their environmental impact statement, my colleague from New Mexico stated that the problem was that this mine was going to pollute the rivers and streams. No so, Mr. Speaker, because the environmental impact statement had not even been completed.

So this bill should be considered a noncontroversial bill. It simply protects the lands for our citizens. Mr.

Speaker, it protects, this bill simply protects our lands and the citizens by rightfully placing Congress in the primary role for determining land use policy where it should be.

Mr. RICHARDSON. Mr. Speaker, I yield 2 minutes to the distinguished ranking member from California, Mr. MILLER.

Mr. MILLER of California. Mr. Speaker, this, I think, as was just demonstrated in the previous testimony, is why this bill should be rejected. The gentlewoman from Idaho talked about the outer zones and the inner zones in these Heritage areas. What she did not talk about was the twilight zone, where the support for this legislation comes from. It comes from those individuals who believe that there is some worldwide conspiracy of the U.N. to take over U.S. lands. The gentlewoman kept saying that the U.N. controlled 55 million acres, would take control of these lands.

Mr. Speaker, our colleagues do not get a right to just stand up here and misrepresent the laws of the United States and what legislation does or does not do. The fact of the matter is, long before there was ever the U.N., there was the United States Congress that designates these lands as national parks or other assets of the public lands of the United States. Then, sometimes, we ask for the honor of being designated as part of the international heritage provisions.

□ 1445

What does that do? Very often, in the gentlewoman's State she represents, that drives up tourist receipts. People travel from all over the world to see these, whether it is the Everglades or whether it is Yellowstone, or the other assets within the United States.

We really have got to separate fantasy, absolute fantasy, by a group of people that are trying to find a way to beat up on the U.N. and what the laws of this Nation are. That is, we control the management of the parks, we control the management of the public lands, we design the reviews, we design the management plans. That is how those parks, that is how those assets are run, not by some group of people from the U.N. in black helicopters who hide in these areas and then spring forth on our community. Absolute fantasy, absolutely from the twilight zone.

The gentlewoman is representing them well when she characterizes this legislation as somehow stopping some kind of mythical group of people from taking over the national parks and the lands of the United States. This ought to be laughed off the floor, but, unfortunately, we will have to vote it off the floor.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask only, I would suggest to our friend, the gentleman from California, Mr. MILLER, all I am asking in this legislation is, let the Congress, the House of the people, have some say. I cannot, for the life of me, see why anyone would object.

Members have not heard me attack the U.N. I am very reasonably attacking those agencies that actually implement and instigate the heritage areas. All I am asking for is for us to play a role.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I rise today in support of H.R. 3752, the American Land Sovereignty Protection Act. The United States has a long and proud record of preserving areas which we consider of national importance. We do this because in a democracy it is what the people ask of us and it preserves part of our rich heritage.

However, the same cannot be said of other countries around the world. Former Socialist and Communist countries have endured some of the worst environmental damage of all. Why? Because the people of those countries were not in charge of their land management. Instead, environmental and land use decisions were left to a central bureaucracy that was more interested in power and not in the wishes of the people. Fortunately, communism and socialism have been discredited around the world, but their central principles live on in the United Nations.

Back in the 1970s, as stated, this body made a mistake. They entered into a treaty with the U.N. to establish a body called the United Nations Educational, Scientific, and Cultural Organization. In this treaty we gave the U.N. the ability to designate World Heritage Sites in the U.S. without seeking approval of Congress. This was wrong. H.R. 3752 will correct this mistake by requiring any new designations to be cleared by Congress. That is all this bill does.

Our environmental and land use successes have come from allowing the people of the United States to make decisions about our land. This has proven a balance between wise use of our natural resources and environmental protection. This bill takes the power away from a huge world bureaucracy and puts the land use decisions back where they belong, in the hands of the people of the United States, and not in the U.N.

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY] an environmental leader.

Mr. MARKEY. Mr. Speaker, the name of this bill is the American Land Sovereignty Protection Act. Most Americans would be surprised to learn that America's sovereignty over its lands is at risk here this afternoon and in need of protection. It would have been leading every news story in America for the past week, because it is 130 years since the end of the Civil War, the last time our national sovereignty was directly threatened.

There does not appear to be any imminent threat of invasion from Canada or Mexico. The Russians are having a tough time with the Chechnyans. So just where does this threat to America's national sovereignty come from? What group of Fifth Columnists stand ready to betray us? What band of modern day Benedict Arnolds is threatening America?

According to the bill's sponsor, the answer is very simple: It is Bruce Babbitt. That is right. According to the bill, America's national sovereignty is threatened by our own Secretary of the Interior and the Babbitt brigade serving under him. The danger to our national sovereignty comes not from some foreign despot or from some dictator, but from the risk that Bruce Babbitt might actually name sites such as Yellowstone Park and the Everglades to the U.N. List of World Heritage Sites.

According to this bill, we cannot trust Bruce Babbitt, so we will not let him name any site to the World Heritage List without prior congressional approval.

So what are we worried about? Are we afraid that the World Heritage List, once it is constructed, will have U.N. Secretary Boutros Boutros-Ghali in our districts, which is what the Republicans have been handing out here on the floor?

Mr. Speaker, I can understand the threat because I have been listening to the Republicans over the last year, because we very well might have blue-helmeted U.N. troops sweeping in in black helicopters, driving out our poor Smoky the Bear-hatted park rangers in a triumphant victory of the new world order of sinister forces. That is their version.

What this whole thing is about is putting the Everglades on a national honorary list of the environmentally protected parts of America that we are proudest of.

Let me say this: If in fact we were putting a mining company on the U.N. list of the best mining companies in the world, we would have this side up here cheering. If we were putting the best timber-cutting companies in the United States on some world list, to be honored, we would have these guys up cheering. But if we want to honor the Everglades, if we want to honor Yellowstone Park or the Grand Canyon internationally, oh, my God, it is a conspiracy.

The problem here is that, just like the Presidential Medal of Freedom that we give to Americans, just because people receive it does not exempt them from the laws of the United States; they still have to live under all the laws. If we honor the Everglades by having it recognized internationally, it is still under all American laws, not international laws.

The problem that the Republicans have is that they are afraid that the world will recognize that the Everglades and Yellowstone Park and the Grand Canyon are parts of the world that should not be mined, that should not be stripped. That is the one thing they are afraid of, is that the whole world will recognize what they have been trying to do for the last 2 years. That is what they are afraid of. That is why the only environmental vote for the coming generations of Americans is a no vote on this preposterous, absurd, last-minute, crazy consumption of congressional time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, someone who would protest so loudly must have something to hide.

All we have tried to do in this legislation is let the people and the Congress have a say. That is all we are trying to suggest in this legislation. So when one gives a presentation as radical as that was, something must be wrong. They must be trying to cover up what can and has happened.

We had a hearing on this, Mr. Speaker. We had a hearing. We had 10 witnesses all testify in favor of the bill but one. That is this administration. We had no participation from the other side. Not one showed up to listen to those private citizens, those landholders that have been abused by previous administrations and this administration because of the biospheres and heritage areas.

I would suggest, Mr. Speaker, he who protests too loud and tries to protect those trying to take away our rights may have something to hide.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I do not know if I should stand up after that last performance or not. I was a little confused about "Boutros Boutros Babbitt," or was it "Bruce Ghali," or whatever he was talking about.

I just wonder how this country survived the previous 20 years. We had those Watergate babies came romping in here, and they took over this place. Most of them could not even get jobs in the private sector until they came down here. They ran this place for 20 years, almost ran it into the ground. Now this kind of legislation is changing that. That is why I rise in the strongest possible support of this American Land Sovereignty Act of 1996.

I credit the chairman of the committee, the gentleman from Alaska [Mr. YOUNG], with having the courage and foresight to bring this bill forward. He is truly a defender of American property rights, individual property rights in this country.

This bill sends one overall message, and let me say this loud and clear, only Americans in America have sovereignty over U.S. lands. That may be a hard concept for some people in the United States to grasp, in the United Nations, but that is the law we are laying down here today. Frankly, it is rather sad that we even have to do this, but considering the willingness of some Federal and State officials in the country to rubberstamp U.N. designs for American land use, this bill is absolutely imperative.

Mr. Speaker, I come from a place in New York State consisting of the Hudson Valley, the Catskill Mountains, the Adirondack Mountains. They snuck this thing into the Adirondack Mountains before we even knew about it. They tried to do this in the Catskill Mountains, and we caught them. We stopped them dead in their tracks. It is a beautiful place we live in, and we want to keep it that way.

Let me just point this out, Mr. Speaker. Back in 1986, UNESCO, that arm of the United Nations that has always been a hotbed of extreme leftwing internationalism, decided that our Adirondacks would become a U.N. Biosphere Reserve. Now they are trying to enforce it up there. Thus, the Adirondackers were subject to the double indignity of having their land designated for varying degrees of preservation, not only by an unelected international body but one from which the United States had withdrawn in 1984. What an outrage, Mr. Speaker. Since when does the United Nations or UNESCO have the right to do this? And since when does the Department of the Interior have the right to, in turn, declare these areas a U.S. Biosphere Reserve without congressional authorization?

Let me tell the Members something. This bill is going to put an end to it. The gentleman said President Clinton will veto it. President Dole will sign it. That is why I am voting for Dole come November.

Mr. RICHARDSON. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MILLER], the distinguished ranking member.

Mr. MILLER of California. Mr. Speaker, just as a Member of the Watergate reform class, I would like to remind the gentleman from New York that this was supported by that well-known Watergate figure, Richard M. Nixon.

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO], the former chairman of the Subcommittee on National Parks, Forests, and Public Lands of the Committee on Resources.

Mr. VENTO. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, I rise in opposition to this measure. The fact is that the Man in the Biosphere and the World Heritage conventions have been in place during the term of our last six Presidents, four Republicans and two Democrats. This is an issue where the United States had taken the lead, with some credit to the American people and the American ideas in terms of conservation, in terms of preservation and restoration of landscapes, as being one of the best ideas that our people have ever had. But it is pretty clear today that that sort of notion does not necessarily prevail universally in this Congress. I very much regret that. It seems like some of my colleagues, my G.O.P. colleagues want to stop the world and get off.

I think there is apparently a deep need to conjure up problems with the positive leadership that the United States is trying to provide and has provided on a global basis the past three decades. The fact is that all of these sites have been voluntary on the part of the countries that have joined, 140 signatures to these conventions on a global basis that the United States has led, and 126 countries have participated in having these sites within their borders all of a voluntary basis.

What is the problem in 1996 that we face? I will tell the Members what the problem is. It is that the New World Mine outside of Yellowstone received global attention, because it would have affected Yellowstone Park. The fact is that those that want to defend and want to shield from criticism those various interests, from any criticisms of the effects on Yellowstone Park because of that new mine, are up here today protesting, because that particular type of international biosphere recognition actually weighed in and probably had some impact, as well it should have some impact. These international designations are entirely voluntary and honorific but apparently carry some communication and symbolic clout.

One Member got up here and said that this bill really did not do anything with existing sites. That is incorrect. Because under this bill, there is a prohibition and actual termination of United Nations Biosphere Reserves in this bill. Some 47 different Biosphere Reserves that are recognized on a voluntary basis in the U.S. by Republican and Democratic administrations over the last 30 years, or 25 years, would be terminated under this bill.

☐ 1500

We would be sending a negative message on a global basis to the recognition, antiscience, anticonservation to the voluntary leadership that the United States has provided on a global basis with this bill, in one stroke, would be stripped away.

Why are we doing this when it is a voluntary effort? We need, and I would suggest that one of the leading issues into the next century is going to be the environment on a global basis, in terms of air, water, in terms of landscapes, in terms of resources, and we need at least this type of voluntary effort that exists in this particular law—not this head in the sand action of this measure. We have been successful in pursuit of this logical policy under both Republican and Democratic administrations, and yet this action of this House shows that it wants to put its head in the sand and go back to those thrilling days of yesteryear when the robber barons were running amuck over this land in terms of what is going on without comment without any role or sense of global consciousness. The actions of this Congress, I think, speak louder than their words. The buzz words that are going on here within measure that are being used in terms of anti-U.N., affecting property rights, are to say the least misleading. Where are the court cases? Where is the property owner that has been denied anything or suffered a loss? Where has it been demonstrated in a court of law or anyplace else across this land in a State or in this Nation? We do not have that type of information because the events and injury has not happened from this program. Most of these designations, the 20 designations for world heritage sites, are almost all U.S. national parks. The level of recognition accorded by this World Heritage Convention is far less than that of a national park. The fact is you are attacking this measure because of the park protection. If some of the Members of this body had their way, they would strip away the park designation or undercut the basic park and wilderness land as has failed this session. But we have stood up to that type of pressure and we should stand up today and vote "no" on this silly idea that is being presented to us.

I urge my colleagues to vote no, Mr. Speaker.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

May again I remind that he who protests too loudly, what is wrong with the Congress, the house of the people, having a say? There is nothing wrong. I urge the people that are watching this debate to consider the people's involvement. There is nothing in this bill that repeals any existing heritage sites or biosphere sites. I am suggesting respectfully, all I am asking these people to understand, let the Congress play a role in making these designations.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise today in strong support of this legislation. This bill champions the rights of local governments; it champions the constitutional role of the United States in making federal land policy; and it champions the self-determination and absolute sovereignty of the United States within the world community of nations.

Mr. Speaker, the past 25 year has seen an explosion of global treaties and programs about which U.S. citizens have had little or no say. Among the most troubling of these has been a 1971 United Nations agreement to establish so-called "biosphere reserves" around the world each surrounded by enormous buffer zones encompassing both public and private property within which human activity is significantly restricted. Quietly, over the last 25 years, without the arrogant election-year fanfare that we recently saw in Utah, faceless federal bureaucrats have classified a total area larger than the entire state of Colorado as biosphere reserves.

Local communities did not consent to these designations. Neither did State governments. Even Congress was not allowed to participate in the designation process. All that was required to create these biosphere reserves was the urging of an international environmental organization and the stroke of a pen from a Federal authority who was not accountable to a single U.S. citizen for his actions.

Mr. Speaker, it is time to bring our communities, our States and the United States Congress back into the process of governing our public lands. The American Land Sovereignty Protection Act will do just that. I strongly urge my colleagues to vote "aye" on this important legislation.

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentleman from Los Angeles, CA [Mr. TORRES], the distinguished environmental leader.

Mr. TORRES. I thank the gentleman for yielding me this time.

Mr. Speaker, let us really understand here what we are talking about when we say biosphere reserve. It is a term denoting an area that has been nomiated by the locality and the country in which it is located for participation in the worldwide biosphere reserve program under what is called the U.S. Man in the Biosphere program. It is a program that is administered worldwide, if you will, in cooperation with the United Nations Educational, Scientific and Cultural Organization. We have heard it batted around here as UNESCO.

Areas are nominated and recognized on the basis of their significance for research and the study of representative biological regions of the world. The United States has 47 such reserve regions. It is part of a worldwide network of 324 biosphere reserves in 82 countries in the globe. Biosphere reserve recognition does not convey any control or its jurisdiction over such sites to the United Nations or any other entity. The United States and/or State and local communities where biosphere reserves are located continue to exercise the same jurisdiction in place as before designation. Areas are listed only at the request of the country in which they are located, and they can be removed from the biosphere reserve list at any time upon the request of the country.

Mr. Speaker, I know the process. I represented the United States as its Ambassador before UNESCO, that organization that we heard here labeled as an extremist lift-wing conspiracy. I was there as a U.S. representative under instruction from the President of the United States, the Department of Interior and the State Department and the people of this Nation. There is a process. And simply the process is to promote cooperation and communication along a worldwide network of areas that would include all the major ecosystems globally.

This issue, this scare that we are hearing here today about U.N. control, the representative from New Mexico citing the scare tactics, the conspiracy, the specter of the United Nation, the black helicopters, is so much a red herring and just a politically timely bill that approaches this House at this time. Already people in the parks are calling up their local radio stations, as we hear in some cases, because somehow the U.N. has taken over the public parks because they saw a plaque that said United Nations Heritage Wilderness Area. Can you imagine the scare?

I think some of my colleagues who propose this bill simply have seen the number of efforts by mining and timber interests to exploit public lands or lands that are near public facilities that are slowed down or even stopped by the fact that facilities are on this World Heritage protected list.

Certainly we have plenty of examples about U.S. gold mining within 1 mile of Yellowstone National Park and Canadian mining, gold mining at Glacier Bay in Alaska or the Florida Everglades. And yes, ladies and gentlemen, it was not the U.N. that designated the park in Utah so that it would not be a big coal mine and exploit that park; it was the President of the United States. And Mr. Boutros Boutros-Ghali and nobody else, UNESCO or nobody else had anything to say to that except the President of the United States.

This is a ludicrous, insidious bill that comes before us that my colleague has said is just a simple waster of time. I urge my colleagues here today to use common sense. The American people are in charge. Our Nation is in charge of our lands. And they should vote no.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Speaker, the United Nations is a useless waste of billions of dollars, and frankly I wish this bill was for the abolishment of the United Nations. It is another bureaucracy that does not do anything but eat dollars that we could easily control and handle much better ourselves.

People, start understanding what bureaucracies are and what all this rhetoric is and what all this bleeding heart is. The further away you get from issues, the less control you have of issues. And when you hear all this drama, it astounds me that there is so much drama. It is more than the industry I came from before. I have never seen performances like this, but it is pure drama. It is not a reality. The reality is why would you want the United Nations to control anything or be involved in anything? Can Congress not, and can the President not handle things, and can we not appoint people to do the jobs that are necessary to do, at much less the funds?

I presume you all know how well the United Nations did in Bosnia. I hope you all know how well they did. I hope you all know how esteemed Boutros Boutros-Ghali is as he cracks his jokes about us. So I find it disgusting that bureaucrats continue to inhabit this marvelous building and try to install more bureaucracy, and more bureaucracy, and more Government, and more dollars. We can handle it. We can handle it fine.

Biosphere. You like the word? Well, that word allows all these things to happen. I hope they have been to other countries lately, because other countries have not nearly done what we have as far as taking care of our environment. Go over there and start working on that first, then come over here and try to get one-tenth the effectiveness that we have in environment right now.

Mr. Speaker, I find any opposition to this disgusting.

Mr. RICHARDSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, just to summarize, this is a bad bill, the bill has been called a Black Helicopters Prevention Act, the Boutros-Ghali/Babbitt bill. Whatever it is, this is a bad bill. We should vote it down. World heritage designation is not a threat. It is an honor. The United States has total control.

International agreements such as these do not give the United Nations any authority. Congress has delegated this authority to our national parks. These are professional American men and women that work for the Government that do a good job. The bill is going nowhere. This is an easy way to pick up an environmental vote for colleagues on both sides of the aisle. Let us defeat this bill. It is a bad bill. It is searching for a problem. There are a number of other issues we should be spending time on as we adjourn.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the bill and I think for the very reasons that were just outlined by my colleague. These designations are called honorary, something that just bestows an honorary status on sites in America and yet they are extremely important. This is ranked as an environmental vote. They are extremely important.

We heard my other colleague say that these are used to stop mining, timber, grazing. For the very reasons that you guys have outlined is the exact reason why Congress should have oversight over this.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the balance of my time.

May I suggest one thing. Let the House participate. Let this Congress participate in this process. This is the people's house. Let the people have the decision to make. That is crucially important, to continue the process. That is all this bill does.

For those that are afraid of letting this Congress participate, you should not be in Congress. It is that simple. What is wrong with us being involved? Why should we let the executive branch and the U.N. make decisions about my private property rights? I urge the passage of this legislation.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 3752, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just considered.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Alaska?

There was no objection.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2505) to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTOMATIC LAND BANK PROTECTION.

(a) LANDS RECEIVED IN EXCHANGE FROM CERTAIN FEDERAL AGENCIES.—The matter preceding clause (i) of section 907(d)(1)(A) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is amended by inserting "or conveyed to a Native Corporation pursuant to an exchange authorized by section 22(f) of Alaska Native Claims Settlement Act or section 1302(h) of this Act or other applicable law" after "Settlement Trust".

(b) LANDS EXCHANGED AMONG NATIVE CORPORATIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C. 1636(d)(2)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; and", and by adding at the end the following:

"(iv) lands or interest in lands shall not be considered developed or leased or sold to a third party as a result of an exchange or conveyance of such land or interest in land between or among Native Corporations and trusts, partnerships, corporations, or joint ventures, whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.".

(c) ACTIONS BY TRUSTEE SERVING PURSUANT TO AGREEMENT OF NATIVE CORPORATIONS.—Section 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting "; or", and by adding at the end the following:

"(iii) to actions by any trustee whose right, title, or interest in land or interests in land arises pursuant to an agreement between or among Native Corporations and trusts, partnerships, or joint ventures whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.".

SEC. 2. RETAINED MINERAL ESTATE.

Section 12(c)(4) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (B) the following new subparagraphs:

"(C) Where such public lands are surrounded by or contiguous to subsurface lands obtained by a Regional Corporation under subsections (a) or (b), the Corporation may, upon request, have such public land conveyed to it.

"(D)(i) A Regional Corporation which elects to obtain public lands under subparagraph (C) shall be limited to a total of not more than 12,000 acres. Selection by a Regional Corporation of in lieu surface acres under subparagraph (E) pursuant to an election under subparagraph (C) shall not be made from any lands within a conservation system unit (as that term is defined by section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)).

"(ii) An election to obtain the public lands described in subparagraph (A), (B), or (C) shall include all available parcels within the township in which the public lands are located.

"(iii) For purposes of this subparagraph and subparagraph (C), the term 'Regional Corporation' shall refer only to Doyon, Limited."; and

(2) in subparagraph (E) (as so redesignated), by striking "(A) or (B)" and inserting "(A), (B), or (C)".

SEC. 3. PROPOSED AMENDMENT TO PUBLIC LAW 102–415.

Section 20 of the Alaska Land Status Technical Corrections Act of 1992 (106 Stat. 2129) is amended by adding at the end the following new subsection:

"(h) Establishment of the account under subsection (b) and conveyance of land under subsection (c), if any, shall be treated as though 3,520 acres of land had been conveyed to Gold Creek under section 14(h)(2) of the Alaska Native Claims Settlement Act for which rights to in-lieu subsurface estate are hereby provided to CIRI. Within 1 year from the date of enactment of this subsection, CIRI shall select 3,520 acres of land from the area designated for in-lieu selection by paragraph I.B.(2)(b) of the document identified in section 12(b) of the Act of January 2, 1976 (43 U.S.C. 1611 note).".

SEC. 4. CALISTA CORPORATION LAND EXCHANGE.

(a) CONGRESSIONAL FINDINGS.—Congress finds and declares that—

(1) the land exchange authorized by section 8126 of Public Law 102–172 should be implemented without further delay;

(2) lands and interests in lands in the exchange are within the boundaries of the Yukon Delta National Wildlife Refuge established by the Alaska National Interest Lands Conservation Act (ANILCA) and include wetlands, grasslands, marshes, and riverine and upland fish and wildlife habitat lands, which represent the premier habitat area for waterfowl and other birds in the Pacific and other flyways—

(A) for nesting, breeding, and staging grounds for countless thousands of migratory waterfowl, including species such as Spectacled Eider, Tundra Swan, White-fronted Goose, many song birds and neotropical migrants, Harlequin Duck, Canvasbacked Duck, Snow Goose, several species of diving and dabbling ducks, Cackling and other subspecies of Canada Geese, and Emperor Goose; and

(B) as habitat for other wildlife and fish such as wolf, brown and black bear, moose, caribou, otter, fox, mink, musk ox, salmon, grayling, sheefish, rainbow trout, blackfish, pike, and dolly varden,

the acquisition of which lands and interests in lands would further the purposes for which the refuge was established by ANILCA;

(3) the Yukon-Kuskokwim Delta Region is burdened by some of the most serious and distressing economic, social, and health conditions existing anywhere in the United States, including high incidence of infant mortality, teenage suicide, hepatitis, alcoholism, meningitis, tuberculosis, and unemployment (60 to 90 percent);

(4) the Calista Corporation, the Native Regional Corporation organized under the authority of the Alaska Native Claims Settlement Act (ANCSA) for the Yupik Eskimos of Southwestern Alaska, which includes the entire Yukon Delta National Wildlife Refuge—

(A) has responsibilities provided for by the Settlement Act to help address social, cultural, economic, health, subsistence, and related issues within the Region and among its villages, including the viability of the villages themselves, many of which are remote and isolated; and

(B) has been unable to fully carry out such responsibilities, and

the implementation of this exchange is essential to helping Calista utilize its assets to carry out those responsibilities to realize the benefits of ANCSA;

(5) the parties to the exchange have been unable to reach agreement on the valuation of the lands and interests in lands to be conveyed to the United States under section 8126 of Public Law 102–171; and

(6) in light of the foregoing, it is appropriate and necessary in this unique situation that Congress authorize and direct the implementation of this exchange as set forth in this section in furtherance of the purposes and underlying goals of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

(b) LAND EXCHANGE IMPLEMENTATION.—Section 8126(a) of Public Law 102–172 (105 Stat. 1206) is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "October 1, 1996" and inserting "October 1, 2002";

(3) by inserting after "October 28, 1991" the following: "(hereinafter referred to as 'CCRD') and in the document entitled, 'The Calista Conveyance and Relinquishment Document Addendum', dated September 15, 1996 (hereinafter referred to as 'CCRD Addendum')";

(4) by striking "The value" and all that follows through "*Provided*, That the" and inserting in lieu thereof the following:

"(2) Unless prior to December 31, 1996, the parties mutually agree on a value of the lands and interests in lands to be exchanged as contained in the CCRD and the CCRD Addendum, the aggregate values of such lands and interests in lands shall be established as of January 1, 1997, as provided in paragraph (6) of the CCRD Addendum. The";

(5) in the last sentence, by inserting a period after "1642" and striking all that follows in that sentence; and

(6) by adding at the end the following new paragraph:

"(3) The amount credited to the property account is not subject to adjustment for minor changes in acreage resulting from preparation or correction of the land descriptions in the CCRD or CCRD Addendum or the exclusion of any small tracts of land as a result of hazardous materials surveys.".

(c) EXTENSION OF RESTRICTION ON CERTAIN PROPERTY TRANSFERS.—Section 8126(b) of Public Law 102–172 (105 Stat. 1206) is amended by striking "October 1, 1996" and inserting "October 1, 2002".

(d) EXCHANGE ADMINISTRATION.—Section 8126(c) of Public Law 102–172 (105 Stat. 1207) is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking the sentence beginning "On October 1, 1996," and inserting in lieu thereof the following: "To the extent such lands and interests have not been exchanged with the United States, on January 1, 1997, the Secretary of the Treasury shall establish a property account on behalf of Calista Corporation. If the parties have mutually agreed to a value as provided in subsection (a)(2), the Secretary of the Treasury shall credit the account accordingly. In the absence of such an agreement the Secretary of the Treasury shall credit the account with an amount equal to 66 percent of the total amount determined by paragraph (6) of the CCRD Addendum. The account shall be available for use as provided in subsection (c)(3), as follows:

"(A) On January 1, 1997, an amount equal to one-half the amount credited pursuant to this paragraph shall be available for use as provided.

"(B) On October 1, 1997, the remaining one-half of the amount credited pursuant to this paragraph shall be available for use as provided.

"(2) On October 1, 2002, to the extent any portion of the lands and interests in lands have not been exchanged pursuant to subsection (a) or conveyed or relinquished to the United States pursuant to paragraph (1), the account established by paragraph (1) shall be credited with an amount equal to any remainder of the value determined pursuant to paragraph (1).";

(3) by inserting "(3)" before "Subject to";

(4) by striking "on or after October 1, 1996," and by inserting after "subsection (a) of this section," the following: "upon conveyance or relinquishment of equivalent portions of the lands referenced in the CCRD and the CCRD Addendum,"; and

(5) by adding at the end the following new paragraphs:

"(4) Notwithstanding any other provision of law, Calista Corporation or the village corporations identified in the CCRD Addendum may assign, without restriction, any or all of the account upon written notification to the Secretary of the Treasury and the Secretary of the Interior.

"(5) Calista will provide to the Bureau of Land Management, Alaska State Office, appropriate documentation, including maps of the parcels to be exchanged, to enable that office to perform the accounting required by paragraph (1) and to forward such information, if requested by Calista, to the Secretary of the Treasury as authorized by such paragraph. Minor boundary adjustments shall be made between Calista and the Department to reflect the acreage figures reflected in the CCRD and the CCRD Addendum.

"(6) For the purpose of the determination of the applicability of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) to revenues generated pursuant to this section, such revenues shall be calculated in accordance with paragraph (4) of the CCRD Addendum.".

SEC. 5. MINING CLAIMS.

Paragraph (3) of section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

(1) by striking out "regional corporation" each place it appears and inserting in lieu thereof "Regional Corporation"; and

(2) by adding at the end the following: "The provisions of this section shall apply to Haida Corporation and the Haida Traditional Use Sites, which shall be treated as a Regional Corporation for the purposes of this paragraph, except that any revenues remitted to Haida Corporation under this section shall not be subject to distribution pursuant to section 7(i) of this Act.".

SEC. 6. SALE, DISPOSITION, OR OTHER USE OF COMMON VARIETIES OF SAND, GRAVEL, STONE, PUMICE, PEAT, CLAY, OR CINDER RESOURCES.

Subsection (i) of section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) is amended—

(1) by striking "Seventy per centum" and inserting "(A) Except as provided by subparagraph (B), seventy percent"; and

(2) by adding at the end the following:

"(B) In the case of the sale, disposition, or other use of common varieties of sand, gravel, stone, pumice, peat, clay, or cinder resources made after the date of enactment of this subparagraph, the revenues received by a Regional Corporation shall not be subject to division under subparagraph (A). Nothing in this subparagraph is intended to or shall be construed to alter the ownership of such sand, gravel, stone, pumice, peat, clay, or cinder resources.".

SEC. 7. ALASKA NATIVE ALLOTMENT APPLICATIONS.

Section 905(a) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1634(a)) is amended by adding at the end the following:

"(7) Paragraph (1) of this subsection and section (d) shall apply, and paragraph (5) of this subsection shall cease to apply, to an application—

"(A) that is open and pending on the date of enactment of this paragraph,

"(B) if the lands described in the application are in Federal ownership, and

"(C) if all protests which were filed by the State of Alaska pursuant to paragraph (5)(B) with respect to the application have been withdrawn and not reasserted or are dismissed.".

SEC. 8. VISITOR SERVICES.

Paragraph (1) of section 1307(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(b)) is amended—

(1) by striking "Native Corporation" and inserting "Native Corporations"; and

(2) by striking "is most directly affected" and inserting "are most directly affected".

SEC. 9. REPORT.

Within nine months after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report which includes the following:

(1) LOCAL HIRE.—(A) The report shall—

(i) indicate the actions taken in carrying out subsection (b) of section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198); and

(ii) also address the recruitment processes that may restrict employees hired under subsection (a) of such section from successfully obtaining positions in the competitive service.

(B) The Secretary of Agriculture shall cooperate with the Secretary of the Interior in carrying out this paragraph with respect to the Forest Service.

(2) LOCAL CONTRACTS.—The report shall describe the actions of the Secretary of the Interior in contracting with Alaska Native Corporations to provide services with respect to public lands in Alaska.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2505 is legislation I introduced on behalf of the Alaska Federation of Natives, the statewide organization which serves the interests of the over 90,000 Natives in the State of Alaska. The bill addresses issues of importance to several ANCSA native corporations. I want to thank the Calista Native Corp., the Alaska Federation of Natives, the Department of the Interior and Committee staff for their efforts to resolve many of the difficult issues in this bill. The bill before the House has been amended to reflect this agreement.

The bill, as amended, contains several provisions, I will briefly explain few:

Considerable time has been spent resolving the Calista land exchange issue. Thanks to all parties involved for their commitment to move forward on this important provision. The Calista region in Alaska is one of the poorest and most socially troubled areas in the Nation. This land exchange was authorized to provide Calista with a means of economic self-sufficiency, consistent with the purpose of ANCSA. Under ANCSA, the Secretary of the Interior and Calista were to determine a mutually agreeable value for Calista's lands and interests which are to be exchanged, subject to a maximum per acre value. However, to date, the two parties have been unable to arrive at a mutually agreeable value. The committee feels that the Secretary's appraisals did not comply with previous legislative directives and, as a result, significantly underestimated the value of Calista's lands and interests. Section 5 of this bill would eliminate this impasse by establishing a value for Calista's lands, as Congress has had to do in numerous other instances since 1976. In doing so, Congress is simply providing the figure which Calista and the Secretary of the Interior were unable to determine. There are costs associated with this provision and we have no formal offset for those costs contained in H.R. 2505. However, we have worked with Chairman KASICH and the Budget Commission to also consider the Resources Committee bill to sell the Nation's helium reserves that will more than offset the costs of this bill.

Another provision would make revenues derived by the Native regional corporations from the sale of sand, rock, and gravel exempt from the revenue-sharing provisions of ANCSA. This provision would codify an agreement that was reached between the ANCSA regional corporations in June 1980—after many years of litigation.

Another provision would extend automatic land bank protections to land trades between Alaska Native organizations and Federal or State governments.

Mr. Speaker, all of those provisions have been discussed at length between the majority and minority. The bill was reported by the Resources Committee on a voice vote and I am happy to bring to the floor yet another consensus bill.

I believe this is an excellent ANCSA amendments package and urge my colleagues support.

Mr. Speaker, I include the following for the RECORD.

ADDENDUM TO THE CALISTA CONVEYANCE AND RELINQUISHMENT DOCUMENT, SEPTEMBER 15, 1996

1. Purpose: The purpose of this Addendum is to provide for the addition of certain surface and subsurface estate lands owned by The Kuskokwim Corporation, NIMA Corporation and the Calista Corporation to those lands to be available for exchange with the United States pursuant to Section 8126 of P.L. 102-172.

2. Kuskokwim Corporation Tracts: (a) The surface estate lands (through conservation easements) comprised of approximately 17,000 acres which are to be available for exchange from The Kuskokwim Corporation, are those which have been conveyed to The Kuskokwin Corporation and which are generally depicted on a map dated September 15, 1996, entitled, "Kuskokwim Corporation Parcel, Calista Land Exchange."

(b) Upon conveyance of the land or interests in land, including, but not limited to conservation easements, from The Kuskokwim Corporation to the United States pursuant to section 8126 of P.L. 102-172 and this Addendum, Calista shall contemporaneously assign to The Kuskokwim Corporation that portion of its property account allocable to the lands or interest in lands being conveyed from The Kuskokwim Corporation to the United States. Calista is committed to reserve the portion of its property account allocable to The Kuskokwim Corporation and shall maintain its account for that purpose until the conveyance of the interest in land by The Kuskokwim Corporation to the United States.

(c) The conservation easement conveyed through this Addendum shall restrict the use of the land subject to the easement so as to ensure that it and its resources shall be conserved in perpetuity, that there shall be no development of such land, that such lands shall be opened to public recreational uses compatible with the conservation purposes of this easement, reserving to The Kuskokwim Corporation and its shareholders existing rights to the use of the land for traditional, cultural, customary and subsistence purposes.

3. NIMA Corporation Tracts: The surface estate lands which are to be available for exchange from the NIMA Corporation, comprised of approximately 10,000 acres, are those which have been conveyed to the NIMA Corporation and which are generally depicted on a map dated September 15, 1996, entitled, "NIMA Corporation Parcel, Calista Land Exchange."

4. Calista Corporation Tracts: The subsurface estates underlying The Kuskokwim Corporation Parcel and the NIMA Corporation Parcel are to be available for exchange from Calista Corporation.

5. ANCSA: For purposes of Section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)), "Revenues" are only those realized in excess of $20 million from the sale or generation of income from property received in exchange for subsurface estate listed in the Calista Conveyance and Relinquishment Document and the CCRD Addendum.

6. Land Exchange Accounting: (a) The accounting, and, to the extent necessary, the establishment of a property account required by subsection (c) of Section 8126 of P.L. 102-172, upon the relinquishment and conveyance by Calista (and where relevant, The Hamilton Corporation, The Kuskokwim Corporation, or NIMA Corporation) of the lands and interests in lands in the CCRD (less the Tuluksak parcel) and the CCRD Addendum, shall be based on and credited with, respectively, a total amount of $30 million for the lands and interests in lands referenced in the CCRD and in the CCRD Addendum.

(b) The allocation of value between Calista and the other owners of lands, interests in land, and entitlement to lands contained in the CCRD and the CCRD Addendum to specific lands, interest in lands and entitlement to lands shall be based on the product of the following: (A) the relevant acreage listed in the CCRD or the CCRD Addendum, (B) the per-acre equivalent exchange value (in 1996 dollars) from subparagraph I(C)(2)(e)(iii) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area", as referenced in Section 12(b)(7)(iv) of the Act of January 2, 1976 (P.L. 94-204), as amended, and (C) relevant factor from the following list: unexplored subsurface estate—.066; surface estate—.237; fee—.303; 14(h)(8) entitlement—.514; conservation easements on surface estate—.178.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me commend the gentleman from Alaska, Chairman YOUNG. This one is a good bill, and I commend the gentleman for working in a bipartisan fashion with the minority.

As the gentleman said, 9 out of the 10 areas of disagreement were worked out. The 10th was dropped. The compensation package was worked out also. What you have here is basically some Native American corporations getting Federal surplus property. This is a good piece of legislation. I think the chairman worked very well with the administration, which he frequently does.

Mr. Speaker, let me say we support the bill, and we congratulate the chairman.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from New Mexico for his comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of any time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2505, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2505, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

CONGRESSIONAL PENSION FORFEITURE ACT OF 1996

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4011) to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a Member, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Pension Forfeiture Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Members of Congress pledge to uphold the Constitution and the laws of the United States;

(2) Members of Congress are elected to serve in the public trust and pledge to uphold the public trust;

(3) a breach of the public trust by a Members of Congress is a serious offense that should have serious consequences; and

(4) taxpayers should not pay for the retirement benefits of Members of Congress who have breached the public trust.

SEC. 3. FORFEITURE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end of following:

"(o)(1) Notwithstanding any other provisions of this subchapter, the service of an individual convicted of an offense described in paragraph (2) shall not, if or to the extent rendered as a Member (irrespective of when rendered), be taken into account for purposes of this subchapter. Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

"(i) The offense is committed by the individual (referred to in paragraph (1)) while a Member.

"(ii) The conduct on which the offense is based is directly related to the individual's service as a Member.

"(iii) The offense is committed during the One Hundred Fifth Congress or later.

"(B) The offenses described in this subparagraph are as follows:

"(i) An offense within the purview of—

"(I) section 201 of title 18 (bribery of public officials and witnesses);

"(II) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

"(III) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

"(IV) section 207 of title 18 (restrictions on former officers, employees, and elected officials of their executive and legislative branches);

"(V) section 219 of title 18 (officers and employees acting as agents of foreign principals);

"(VI) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

"(VII) section 287 of title 18 (false, fictitious, or fraudulent claims);

"(VIII) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

"(IX) section 597 of title 18 (expenditures to influence voting);

"(X) section 599 of title 18 (promise of appointment by candidate);

"(XI) section 602 of title 18 (solicitation of political contributions);

"(XII) section 606 of title 18 (intimidation to secure political contributions);

"(XIII) section 607 of title 18 (place of solicitation);

"(XIV) section 641 of title 18 (public money, property or records);

"(XV) section 1001 of title 18 (statements or entries generally);

"(XVI) section 1341 of title 18 (frauds and swindles);

"(XVII) section 1343 of title 18 (fraud by wire, radio, or television);

"(XVIII) section 1503 of title 18 (influencing or injuring officer or juror);

"(XIX) section 1951 of title 18 (interference with commerce by threats or violence);

"(XX) section 1952 of title 18 (interstate and foreign travel or transportation in aid of racketeering enterprises);

"(XXI) section 1962 of title 18 (prohibited activities); or

"(XXII) section 7201 of the Internal Revenue Code of 1986 (attempt to evade or defeat tax).

"(ii) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by clause (i).

"(iii) Subornation of perjury committed in connection with the false denial of another individual as specified by clause (ii).

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this subchapter while serving as a Member.

"(4) Except as provided in paragraph (5), the Office shall prescribe such regulations as may be necessary to carry out this subsection, including provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b).

"(5) The Executive Director (within the meaning of section 8401(13)) shall prescribe such regulations as may be necessary to carry out the purposes of this subsection with respect to the Thrift Savings Plan. Regulations under this paragraph shall include provisions requiring the return of all vested amounts.

"(6) Nothing in this subsection shall restrict any authority under subchapter II or any other provision of law to deny or withhold benefits authorized by statute.

"(7) For purposes of this subsection, the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2).".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United Stats Code, is amended by adding at the end the following:

"(l)(1) Notwithstanding any other provision of this chapter, the service of an individual convicted of an offense described in paragraph (2) shall not, if or to the extent rendered as a Member (irrespective of when rendered), be taken into account for purposes of this chapter. Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

"(A) The offense is committed by the individual (referred to in paragraph (1)) while a Member.

"(B) The conduct on which the offense is based is directly related to the individual's service as a Member.

"(C) The offense is committed during the One Hundred Fifth Congress or later.

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

"(4) Except as provided in paragraph (5), the Office shall prescribe such regulations as may be necessary to carry out this subsection, including provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b).

"(5) The Executive Director shall prescribe such regulations as may be necessary to carry out the purposes of this subsection with respect to the Thrift Savings Plan. Regulations under this paragraph shall include provisions requiring the return of all vested amounts.

"(6) Nothing in this subsection shall restrict any authority under subchapter II of chapter 83 or any other provision of law to deny or withhold benefits authorized by statue.

"(7) For purposes of this subsection, the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from California [Mr. FAZIO] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4011, as indicated, the Congressional Pension Forfeiture Act of 1996, a piece of legislation introduced by my colleague, the gentleman from Washington [Mr. TATE], the gentleman from California [Mr. RIGGS], the gentleman from Arkansas [Mr. DICKEY], and others, does provide that if a Member of Congress is convicted of a felony directly related to that Member's duties, the Member forfeits retirement benefits based on his or her service as a Member.

During its meeting on September 19, 1996, the Committee on House Oversight approved two amendments, which are included in the bill. The first amendment identifies the specific felonies which will result in the forfeiture of the pension. The second amendment clarifies that vested Thrift Savings Plan contributions, both the Member's contributions and the Federal employer's matching amounts, will be returned to the individual.

Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened carefully to the explanation of the gentleman from California, Chairman THOMAS, of the bill in committee and here again on the floor. While I do not take specific issue with his characterization, I would point out that there's been a great deal of political fervor in this election year on the subject of congressional pensions. Yet here we are, in the waning days of this Congress, taking final action on a bill on which the committee has held no hearings and has not filed a committee report.

Under the circumstances, we should regard with suspicion any legislation which is moved this late in the legislative year, especially without the usual legislative tools of analysis that we have come to expect from bills that have undergone thorough committee consideration.

The Committee on House Oversight gave this bill very cursory consideration on Thursday, September 19. It adopted one written amendment and one amendment in principle, which was later converted to legislative language and has been incorporated in the bill which is at the desk.

The subject of congressional pensions, and their use as criminal penalties, is worthy of serious policy consideration, and this bill, in particular, merits serious consideration.

Unfortunately, our committee held not a single hearing on this legislation. We never heard from its sponsor, we never heard from its cosponsors, and we never heard from its opponents. Committee members discussed the bill for less than 30 minutes, including the complete consideration of two amendments that altered the provisions of the bill significantly. As my colleagues know, the bill is presented today without any committee report.

No matter what the merits of this bill—and it is true that the bill was approved unanimously by those present and voting—the House deserves better than this. We deserve more information about this important subject than the majority has provided. There are a number of potential defects to this bill that I would like to point out, and I hope that the Senate can remedy them, or a conference committee can remedy them, or as is more likely the case, we can examine them more fully in the 105th Congress—in the manner that this legislation should be examined.

The concerns about this legislation might well be answered adequately by testimony from the sponsor of the bill, or in testimony from other expert witnesses.

For example, the equivalent Senate bill would impose these forfeiture penalties on senior Government officers of the executive and judicial branches. But this bill makes no mention of executive or judicial officers. Why the omission? That appears to be a real shortcoming of this legislation.

In addition, the Justice Department testified to the Senate that enactment of this type of forfeiture legislation could adversely affect the Justice Department's investigations of malfeasance in office, and the Department's ability to gain the cooperation of witnesses. This kind of testimony is significant in the formulation of public policy, and really needs to be assessed seriously. Unfortunately, we held no hearings and did not deliberate on that key issue.

The Justice Department reportedly had some constitutional concerns with the Senate equivalent legislation, but again, the House will not have the benefit of such information.

Having said all that, I will reluctantly support the bill before us today. Despite its shortcomings, this bill offers a promising concept that the public accepts wholeheartedly—that Members who commit criminal acts in carrying out the public trust should forfeit a benefit of that office. It has undergone considerable change since it was introduced, and our committee made changes which, I believe, strengthen the bill considerably.

We adopted an amendment offered by Representative VERN EHLERS which ties the penalties to felonies which are based on a Member's official acts—essentially conduct that would constitute malfeasance in office.

I agree with this provision. At my direction, the Congressional Research Service researched a number of State statutes bearing some resemblance to H.R. 4011. But of the States surveyed, all confined such statutes to public acts—illegal acts that would reflect a breach of faith with the public.

I believe that is a viewpoint appropriate to this legislation. The penalties involved in forfeiting pension benefits would be in addition to any criminal penalties imposed in a particular case. It seems fitting that in eliminating the benefits earned by a Member during his or her service as a Member, those penalties should be tied to official acts as a Member.

We also adopted an important amendment proposed by Representative STENY HOYER which clarifies the treatment of the Thrift Savings Account under this legislation. Representative HOYER pointed out accurately that Thrift Savings Plan contributions are property held in trust by the Government. The committee agreed that although a convicted Member should no longer participate in the Thrift Savings Plan, the Member's TSP contribution, including the Federal contributions made to the retirement fund, should be treated in the same manner as contributions to the retirement fund—that is, they should be disbursed in a lump sum.

In summary, H.R. 4011 is a good starting point in the formulation of public policy on this topic. But it is only a start, and I believe this legislation should be substantially improved before it is signed into law. I reluctantly ask my colleagues to support it, with the hope that full and thorough consideration of this legislation will be accomplished in the Senate, in conference, or in the 105th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill is fairly self-evident; that is, if you commit a felony in the line of duty, you lose your pension. All of the amendments that were offered in committee were accepted by the committee.

Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Washington [Mr. TATE], the primary sponsor of the bill.

Mr. TATE. Mr. Speaker, I thank the gentleman for yielding me this time.

First for all, Mr. Speaker, I would like to commend Chairman THOMAS for his efforts not only on this particular piece of legislation, but throughout the 2 years that I have been here. The committee has been a real leader on reforming the House of Representatives, and the gentleman should be commended.

Also, I would like to thank my cosponsors, the gentleman from California [Mr. RIGGS], the gentleman from Arkansas [Mr. DICKEY], and the gentleman from Michigan [Mr. HOEKSTRA], who headed up the reform task force.

This piece of legislation has been not only endorsed by the Committee on House Oversight, but the Americans for Tax Reform, Citizens Against Government Waste, National Taxpayers Union, and over 70 Members of the House of Representatives, both Republicans and Democrats.

☐ 1530

On April 9, 1996, a former Member of the great House of Representatives was convicted of two counts of mail fraud and sent to jail for 17 months. I was at one of my town meetings a few days later when a gentleman stood up and said, "Mr. TATE, can you explain to me why I work hard, I pay my taxes, I play by the rules, I have broken no laws, and my tax dollars are going to subsidize someone who broke the public trust, is going to jail and going to collect $96,000 a year?"

There is no good answer to that, except this legislation. And that is why we need the Congressional Pension Forfeiture Act. That is what has prompted us. Starting with the first day of the next Congress, any congressional felon will forfeit their taxpayer-funded congressional pension. In 1994, lawmakers turned lawbreakers collected $667,000 in taxpayer-funded pension benefits.

Every Member is expected to uphold the public trust. That is what is expected to uphold the public trust. That is what is expected by the great people of the Ninth District of Washington. They strongly support this legislation. They work hard to put food on the table, to provide clothes for their kids, to provide for their education and health care for their family. What they cannot understand, as I go door to door, is, why is this not the law already? They are shocked. They are surprised. They cannot believe that this is not already the law.

We have a lot of tormented taxpayers out there that are working harder and harder and becoming more disillusioned with their government. This will lead us on the path to restoring integrity back to this Congress.

Someone sentenced for breaking the trust of this great country as a Member of Congress breaches the trust of the people, breaches their oath of office and their moral responsibility as an elected official. This bill is about restoring integrity to this great institution.

In 1904 there was the first recorded congressional conviction of a felony, and there have been 37 since that time. Ninety years. This legislation is long overdue. This Congress has been committed to reform, and today we are changing the way this Congress does business. I commend the chairman for his efforts on this legislation.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

I think this a good example of why committee legislating is far preferable to task force approaches to passing good bills in this institution. I think H.R. 4011 is a good starting point in the formulation of public policy on this topic, but it is only a start, and I believe this legislation should be substantially improved before it is signed into law.

I reluctantly ask my colleagues to support it in this form, with the hope that full and thorough consideration of this legislation will be accomplished either in the Senate, in conference committee, or preferably in the 105th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I wanted to thank the gentleman from California, Chairman THOMAS, for moving on this legislation in a very expeditious fashion so we could get this bill to the House floor before this Congress concludes its business.

Ladies and gentlemen of the House, this is a pretty important day for me because it is really the culmination of efforts that I began two Congresses ago, the 102d Congress, back in 1991, when I was one of a rogue band, then known as the Gang of Seven, seven Republican freshmen who helped expose the House Bank and Post Office scandals that brought great disgrace and disrepute on this venerable House.

I attempted back then, under the old regime, the old Democratic party leadership of the House, on two occasions to offer legislation very similar to the bill before the House today that would have eliminated taxpayer-funded pensions. That is right, taxpayers' hard earned tax dollars going to Members of Congress to pay their pension benefits even though they had been convicted of committing a felony crime while serving in elective office. I cannot think of a greater breach of the public trust than to commit a felony crime while holding high elective office.

So, again, this is, for me anyway, a day of great satisfaction. It is the culmination of 4 years of efforts. It is also a continuation of the congressional reforms we have initiated in this Congress, the first Republican Congress in 40 years.

In 1994 the voters called for a change in business as usual in Washington, including greater accountability by public officials. And a very important step in the overhaul of the Congress is kicking Members of Congress convicted of crimes, felony crimes, while serving in public office off of the public dole.

So I am delighted to join with the gentleman from Washington, Mr. TATE, who has shown tremendous leadership on this issue since arriving in the House, and our other colleagues in bringing this bill to the floor.

As I mentioned, I have been advocating for this type of legislation since the 102d Congress, when I was then a Member and, some said, the ring leader of the gang of seven that led the call for House action against those who had overdrafts at the House bank. And, again, at that time, the House leadership, the House Democratic Party leadership, would not even give my pension forfeiture legislation a hearing, much less allow this legislation to come to the floor.

So I think it is very important to make that kind of comparison, particularly when I hear many of my Democratic colleagues come down into this well and rail against the Speaker of the House for alleged ethical abuses. They seize the moral high ground and go on and on and on, but I do not think that they are quite willing to acknowledge what occurred just a few years ago on their watch.

So I am looking for those same Members, hoping that they will come to the floor now, today, and speak of this legislation and prove that they really are willing to reform the Congress in a bipartisan way.

The bottom line, Mr. Speaker, is the people, the public, they need to see Congress keeping its own house in order if they are going to trust us to do their business.

We have only a short time left before adjournment, and I am pleased that the House leadership and Chairman THOMAS have placed this reform bill at the top of the agenda. I urge its passage today and hope that the other body will move expeditiously on this legislation so that we can send it to the President for his signature before we conclude our legislative business.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. WELLER], a cosponsor of the legislation.

Mr. WELLER. Mr. Speaker, I thank the gentleman from California, Chairman THOMAS, so much.

I also want to commend my colleagues, the gentleman from California, Congressman RIGGS, and the gentleman from Washington State, Congressman RANDY TATE, for their leadership on an issue which, frankly, just makes so much sense.

I was back home over the last weekend and was talking with some folks in local coffee shops, the grain elevators, and the union halls, and I was talking about this very bill. Their response was, well, it is about time. It is about time that we told congressional felons that if they commit a crime while they are in public trust, serving the people and on the public payroll, that they are going to lose something which many people hold dear, and that is their pension.

The folks back home said it is about time that we cancel the pensions of congressional felons. Because in representing the Chicago region, and I represent the most diverse district in Illinois, I represent the city of Chicago and the south suburbs and rural communities 100 miles west, nothing outraged the people of the Chicago area more than when they learned that Dan Rostenkowski is collecting almost $100,000 a year while his feet are propped up on the prison cell bed.

Ladies and gentlemen, it is about time that we pass this legislation to cancel the pensions of congressional felons. And, clearly, no one better exemplifies the need to do this than the most well-known congressional felon, Dan Rostenkowski of Chicago.

This is an important reform and just one of many reforms that this Congress has passed. In fact, I am proud that on our very first day we did something that previous Congresses refused to do, and that is, we said if we are going to make the laws, we should obey the laws. And we did that on day one.

We also passed the first lobbying disclosure and lobbying reform legislation in 40 years; eliminated free gifts and travel and meals for Members of the House; provided for term limits for committee chairmen and the speaker; reduced our committee staff bureaucracy by one-third; and did something that politicians are not known to do, and that is, we cut our own budget.

In fact, we cut our own budget by 10 percent, which is a significant amount, and we cut the White House's budget. They probably were not quite as thrilled as we were. But if we are going to ask everyone to live within their means, we need to learn to lead by example, and we did this.

Ladies and gentlemen, it is about time. It is about time that we passed the Dan Rostenkowski Pension Reform Act of 1996. Let us make it very clear that if a Member violates the public trust, if a Member commits a felony while serving in Congress, that Member will lose their taxpayer-financed pension.

Mr. Speaker, I thank the chairman once again.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. HOEKSTRA], a cosponsor of the legislation.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I want to take this opportunity to congratulate the chairman of the committee, the gentleman from Washington [Mr. TATE], and the gentleman from California [Mr. RIGGS], for moving this piece of legislation.

It is kind of interesting as we are here at the end of the year to take a look at all the legislation that the committee has passed, that Members like Mr. TATE have passed, and to take a look at the problems of the past, to remember the House bank scandal, remember the hundreds of bounced checks, the post office scandal, the stamps for cash, unauditable House books, a Congress that exempted itself from the laws that it passed on the rest of the country, days of subsidized haircuts, days of free gifts and meals from lobbyists.

The gentleman from California, Chairman THOMAS, has worked hard for 2 years to change much of that, if not all of it.

Taking a look at our booklet, which is called "The Index of Congressional Reform," it outlines the changes that this Congress has made over the last 2 years. On opening day we applied a whole series of private sector laws to this Congress.

Remember, these were the laws that did not even apply to us before but were applied to the rest of the country: Age Discrimination and Employment Act, Americans With Disabilities Act, the Civil Rights Act, Worker Adjustment and Retraining Notification Act, Veterans Reemployment Act, Federal Labor-Management Relations Act.

We limited congressional terms. We held the first vote ever on congressional term limits. This Congress gave the next President the line-item veto. We cut congressional budgets. We reduced committee staff size. We slashed committee budgets. We limited the terms of chairmen and the Speaker of the House. We cut taxpayer-financed mass mailings. We eliminated free personalized calendars. We passed zero tolerance for gift ban.

And today we add one more to this long, impressive list, where we are saying here is another law that only makes common sense; that for somebody who abuses their office, they will lose their Government-funded pension. It makes sense. It is a commonsense reform.

I congratulate the chairman of the committee and the authors of this bill for bringing this bill to the floor today. It makes common sense. They have worked hard at taking this through the committee and building this bipartisan support.

This goes on, the other items that we passed during Reform Week, where we denied floor privileges to former Members who are registered lobbyists. We prohibited the handing out of campaign checks on the floor of the House.

We worked on campaign finance reform. We had a great bill. We did not get it passed, but we are going to revisit the issue of campaign finance reform.

Also, in the rules package for the 105th Congress, we are going to include the Enumerated Powers Act. What does that mean? It means that in any piece of legislation that is brought before the House, the authors will have to outline the constitutional justification.

What this brings is a complete and impressive package of reforms that inherently change the way business is done in Washington. It says that if Members abuse their role, their special role in this country, they will lose the benefits of serving, of having served in this institution.

□ 1545

We have changed the way that Washington works. We have got a lot more work to do. This country is still $5 trillion in debt. But this Congress, this Congress, led by Republicans, has made significant progress in moving toward a balanced budget and moving toward the fundamental and systemic changes that will ensure that we will balance the budget. I congratulate the gentleman.

Mr. FAZIO of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. BARRETT] who has been such a leader in the effort to bring lobbying reform to the floor of this Congress and overcame great odds to do so, ultimately successfully.

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today in support of this bill. I think that this bill is a good bill. It is a bill that is overdue, and it is one that I think that all of us can be proud of as Members of this body to support. I think that there is a fundamental duty that the Members of this body have to serve our constituencies and to serve the people of this country well.

I also think it is important to note that some of the reforms that were just discussed, some of which are actual reforms, some of which were actually not reforms, were in many ways a result of a group of bipartisan legislators who were working together, people who decided that the best way for us to make progress on these issues was not to label these issues as Democratic or Republican issues but rather to work together to move forward. And frankly, if it had not been for that bipartisan approach, I do not think that we would have been successful.

I say that in the last session, in the waning days of the session, when we were trying to pass the Congressional Accountability Act, then-Representative Dick Swett and the gentleman from Connecticut, Mr. CHRIS SHAYS, who were the leaders at that time, again, a bipartisan group working together, were thwarted when then-minority leader GINGRICH basically killed the bill as we were trying to consider it.

So I think we have to keep that in perspective. I think we have to keep in perspective that it does take a bipartisan approach and that it does take Members working together. This is a good bill. This is something that we have to recognize that the American people want.

Having said that, I am troubled because again in the waning days of this Congress, we are faced with another challenge to this institution. It is a real challenge. It is a challenge to this institution and the credibility of this institution and everybody who serves here. That challenge comes in the form of what I consider to be the failure of the majority to release the report pertaining to Speaker GINGRICH. I am not an expert on these issues. I am not someone who has a long history in this body, but I do have enough of a history to know that Speaker GINGRICH has spoken on this issue. Speaker GINGRICH has addressed this issue when then-Speaker Wright had a report developed for him.

Let me use some of Speaker GINGRICH's words, if I may. These are quotes from Representative or Speaker GINGRICH in 1989, urging publication of a report on alleged violations by then-Speaker Jim Wright. The report was filed by outside counsel.

POINTS OF ORDER

Mr. THOMAS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, the gentleman from Wisconsin is not speaking to the legislation in front of us, and he knows it.

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. BARRETT] wish to be heard on the point of order?

Mr. BARRETT of Wisconsin. Mr. Speaker, I certainly do. I am tying this into the reforms that are going on in this body. The previous speaker spoke to the many reforms that he thought were necessary. I acknowledge that there are reforms that are necessary. I also think that this is very consistent with those reforms and whether we have reform in this body.

The SPEAKER pro tempore. The gentleman from Wisconsin should confine his remarks to the subjects contained within this bill. The Chair sustains the point of order.

Mr. FAZIO of California. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. FAZIO of California. Mr. Speaker, a number of Members have spoken on the issue of reform, as it has come before the body during this entire Congress. Speakers who preceded the gentleman from Wisconsin have certainly strayed from the subject of this bill. They have talked about a range of legislation. To allow the gentleman from Wisconsin [Mr. BARRETT] to proceed would only be fair in light of what has happened in prior discussion of this legislation.

The SPEAKER pro tempore. Points of order were not made concerning the statements that were made previously. A point of order was made at this particular point.

Mr. FAZIO of California. The Chair decided not to intervene until he was asked to intervene?

The SPEAKER pro tempore. Under the precedents, the Chair does not take the initiative regarding relevancy of debate. The point of order was raised by the gentleman from California [Mr. THOMAS].

Mr. BARRETT of Wisconsin. Mr. Speaker, may I address the point of order?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I think that this is very relevant because I think that the issue here is whether Members who have been accused of committing crimes or have been convicted of committing crimes can——

Mr. THOMAS. Mr. Speaker, the Chair has ruled.

Mr. BARRETT of Wisconsin. Mr. Speaker, I have the floor to speak on the point of order. If a Member of this body has been convicted of a crime——

Mr. THOMAS. Mr. Speaker, the Chair has ruled. How can the gentleman from Wisconsin speak on the point of order when the Chair has ruled?

The SPEAKER pro tempore. The gentleman from California is correct. The Chair has ruled. The gentleman from Wisconsin will confine his remarks to subjects in this bill.

Mr. BARRETT of Wisconsin. Mr. Speaker, I hope that no Member of this body ever commits a felony. I think that that would be a horrible disservice to the people in this country. But to make sure that Members do not commit felonies, we cannot cover up reports that have been done by congressional committees. In order for us to have those reports, those reports have to be made public. That is my point today. We should not be covering up reports.

I do not think that there are any felonies that are committed, but the only way for us to know for sure is to have that report released to the American people. That is why this point is relevant to this bill. I do not want to have anybody disgrace this body. I want this body to know what is in the report that is not being released by the ethics committee. I think in order for us to do that, we have to have a full discussion.

Again, in closing, I just want to say a couple of things. This is the Speaker's own comments, "I cannot imagine going to the country, tell them we have got a $1.6 million report and, by the way, there is nothing in"——

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, the gentleman from Wisconsin well knows the Speaker ruled that out of order, yet he continued to read. The comity of the House is threatened by the gentleman from Wisconsin, yet he speaks of potential crimes. And he does it by willfully violating the rules of the House.

The SPEAKER pro tempore. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. BARRETT of Wisconsin. Yes, Mr. Speaker. Again, my whole point here is I think that this is a good bill. I support this bill. In fact, I am a cosponsor of a similar version of this bill. I think that we should pass this legislation.

My point, in a generic sense, is that we as a body have to make sure that we police ourselves as well. And to police ourselves as well means that we have to disclose reports that we have paid for. Why would we spend $500,000 on a report and not release it to the public? That is my only point.

The SPEAKER pro tempore. The point of order is sustained. The gentleman from Wisconsin will confine his remarks to the bill before the House.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are dealing with is a piece of legislation that deals with the violation of law, that a felony has been committed. I find it interesting that the gentleman from Wisconsin could not utilize any examples in talking about a violation of this potential law on our side of the aisle. Perhaps his problem is we have examples on his side of the aisle.

Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Speaker, I want to confine my remarks to the Tate-Riggs bill. It has to do with the pensions that are available to Members of Congress who have been convicted of felonies. I had someone in Arkansas come up to me and say, let me get this thing straight; said, you just had a Member of Congress, a very powerful Member of Congress who was convicted of numerous felonies, and he is getting $96,000 a year in the process. I said, they said, JAY, just get me straight now. Explain to me how that is fair.

Well, I want to put this poster up so that that person who said that to me will know that I am here to do something about it. Dan Rostenkowski is getting $96,462 a year from a pension after he has committed felonies related to his service in Congress. There is not a way in the world that we can stay in this, on this floor and in this body and allow this to happen and then go home and say, we want to have your respect.

People are fed up. They are through with that sort of thing. I did not have an explanation. The only explanation I have is that I am going to work hard on this bill. I am going to try to make sure that that is not going to happen again. We have gone through a committee process. Those of us who got behind this bill have found that we have had to compromise in a lot of ways. But we are not going to compromise on this picture right here of $96,462 being given to someone who has admitted, has admitted in a court of law to the commission of felonies while in office. This is what we are doing.

We are saying to the people out there in America, we are listening to what you have to say, and we are not going to listen to our own greed and our own strategy of trying to gain money from you all while we are in prison or in jail or having been convicted of a felony while committing an act in response of being a Representative of the people of the United States of America.

I am strongly in favor of this bill. I want to urge my colleagues to please vote for it so that we can, the little people at home and the people who feel like they do not have representation will know that someone is up here listening and wants to do right.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS], who, when we talk about desire for reform and cleaning up the process, takes a back seat to no one.

Mr. SHAYS. Mr. Speaker, I have never been more proud to be part of an institution as this Congress and to have been part of this 104th Congress. To think of all that we did, the major reforms in the opening day, reducing the size of committees to reducing the number of staff, to eliminating those absurd proxy votings where a chairman would vote for their Members as if they did not have enough brains to vote for themselves.

Then to pass the Congressional Accountability Act, a bill that Mr. THOMAS championed to get Congress under all the laws as the rest of the country and to pass gift ban and lobby disclosure legislation, all in this 104th Congress. We had years and years and years, the lobby disclosure bill had not been amended since 1946. It happened under our watch.

I think on a bipartisan basis, I think all sides can take joy and gratitude in this. This bill is a logical bill that should be adopted, but this has been a magnificent Congress in terms of reform. I count my blessings that we have all been able to share in it.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Let me simply summarize by saying this bill has the support of the minority. We wish it had been brought to the floor earlier so that it could actually have the opportunity of becoming law. We wish it had been more comprehensive and covered the other two branches of government that have sworn personnel who have the same level of public trust that Members of Congress have. We wish we had had more time for hearings on the implications of the Justice Department's concerns.

Having said all that, I appreciate the remarks of that in fact many of the successes we have had on reforms have become law because of a bipartisan approach. I only regret that this product of the Republican task force had been brought to the committee earlier so we could have done a more proper job of covering it. But having said that, Mr. Speaker, let us move on.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I rise in support of this bill. It is an excellent piece of legislation. I am a cosponsor of it, and I would just like to express my support.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

In closing, as the gentleman from California [Mr. FAZIO] said, the bill came out of committee unanimously. There are a number of Democrats who are bipartisan supporters. He indicated the bill is not perfected because it does not have broad enough scope. I will tell the gentleman, I looked forward to the legislation he will introduce in the 105th and would be pleased to be a cosponsor.

Mr. PORTER. Mr. Speaker, I strongly support H.R. 4011, the Congressional Pension Forfeiture Act.

Under current law, a Member of Congress who is convicted of a felony is eligible for a full Federal pension. This pension is partially subsidized by the American taxpayer.

I am very pleased that this Congress has made government reform the centerpiece of its agenda and is now considering this bill to prohibit Members of Congress convicted of a felony from receiving the taxpayer funded portion of their Federal pension. In my opinion, this reform is long overdue.

In 1975, as a member of the Illinois State Legislature, I successfully enacted into law a measure denying pay and pensions to Illinois State legislators convicted of felonies. In 1982, as a relatively new Member of Congress, I introduced similar Federal legislation to deny congressional felons their annuity benefits. Unfortunately, my proposal failed to gain widespread support in previous Congresses in which I introduced it, but under new leadership, this Congress is about to enact it.

As lawmakers, Members of Congress have a duty to be law abiders. Americans should expect a high standard of conduct from its elected officials and demand nothing less. When an elected Member of Congress breaches the public trust by showing a blatant disregard for the law, the integrity of the entire institution is questioned. To compound this damage by rewarding these felons with a taxpayer funded pension is unconscionable.

The Congressional Pension Forfeiture Act will ensure that the American taxpayer only funds the retirement benefits of those public officials who have earned the public's trust. Enactment of this legislation is critical if we are to maintain the confidence of the people we are elected to serve.

Mr. TATE. Mr. Speaker, I first want to thank the majority leader for his courage, foresight and fortitude to schedule my bill, the Congressional Pension Forfeiture Act of 1996, for action on the House floor today. I also want to thank Chairman BILL THOMAS for his hard work and leadership on this issue and Chairman BILL CLINGER for his continued support as I have pursued this historic legislation.

Today, the House will consider H.R. 4011, the Congressional Pension Forfeiture Act. Congressman FRANK RIGGS from California and Congressman JAY DICKEY from Arkansas deserve a tremendous amount of credit for working long and hard with me, to refine this momentous and historic legislation to deny pension benefits to Members of Congress convicted of crimes related to their duties of office. Other of my colleagues like PETER HOEKSTRA, chairman of the Speaker's Task Force on Reform, JERRY WELLER, J.D. HAYWORTH, and ZACH WAMP deserve my gratitude. H.R. 4011 would not be on the floor of the House today without their backing.

We have all worked long and hard to get the Congressional Pension Forfeiture Act to the House floor for a vote today. That is a feat of which we should be immensely proud. This legislation is long overdue.

The Congressional Pension Forfeiture Act, as amended by the House Oversight Committee, combines the best elements of the three bills introduced separately by Mr. RIGGS, DICKEY, and myself. Beginning on the first day of the 105th Congress, and Member of Congress convicted of a felon related to the official duties of office will forfeit his taxpayer-funded congressional pension. A convicted Member will receive a lump sum payment of his own contributions and will then be kicked out of the Civil Service Retirement System, the Federal Employees Retirement System, and the Thrift Savings Plan.

The American people are fed up with business as usual in Washington, DC. The last thing that hardworking Americans and their families should expect is to pay for is a convicted felon's retirement. No family struggling to pay for groceries, health care, or education should be handling hard-earned money over to congressional felons.

The Congressional Pension Forfeiture Act has over 70 cosponsors and bipartisan support. I know an overwhelming majority of Americans support this common-sense, historic congressional reform legislation.

In fact, it was this strong, popular support that was the impetus for this common-sense legislation. Earlier this year, a man, with his son by his side, stood up at one of my town hall meetings and said, "Congressman, why do I have to hand over my hard-earned money, to an ex-Congressman who now sits behind bars?" Many in the crowd could not believe their ears. Most people think we already have a law that takes taxpayer-funded pensions away from congressional felons. Unfortunately, I had to tell that gentleman that congressional convicts do get taxpayer-funded retirement nest eggs. After so many years and so many congressional embarrassments, the House finally will address this important issue today. Needless to say, the Congressional Pension Forfeiture Act is long overdue.

A former Representative was recently sentenced to 17 months in prison for crimes he committed against the American people. But while he sits behind bars, he'll be collecting nearly $100,000 a year from his taxpayer funded congressional pension. For this House to turn its back on the American public and let another congressional criminal leave office with his retirement nest egg intact would be unconscionable. Our bipartisan, consensus bill ends this taxpayer ripoff.

Every Member of Congress makes a contract with the working men and women in his district when he takes the Oath of Office—a contract to uphold the public trust. Last year, 14 lawmakers-turned-lawbreakers collected $667,000 in taxpayer-subsidized congressional pension benefits. I want to help hard-working middle class Americans, not congressional felons. That is why I started this fight for a return to common sense.

If H.R. 4011 becomes law, after the beginning of the 105th Congress, Members who are convicted of crimes that are committed while they are in office will forfeit their congressional pensions. Members who are found guilty of crimes like taking a bribe, intimidating someone into making a political campaign contribution, and trading their vote for money will no longer feed at the public trough. It's that simple. Breach the trust that voters place in you as a federally elected official and you lose your taxpayer-subsidized congressional pension. H.R. 4011 is just plain common sense, and every Member of this body should vote for it.

By passing this legislation, we are once again standing up for hard-working American families. This legislation is for all Americans who have never broken the law and pay taxes out of their hard-earned money. It is for their sake that we will eliminate this egregious policy today.

Passage of H.R. 4011 will be the crown jewel of the Congress with the strongest reform agenda in 40 years. The 104th Congress has done more to reform this institution than any Congress before us. Congressional pension reform is what the American people want and it is what we in the House of Representatives should give them.

I urge all of my colleagues to lend their wholehearted support to the Congressional Pension Forfeiture Act and again, congratulate Mr. RIGGS and Mr. DICKEY on their hard work in bringing this important bill to the floor.

Mr. BEREUTER, Mr. Speaker, this Member rises in support of H.R. 4011, the Congressional Pension Forfeiture Act. This Member would like to thank the distinguished gentleman from California, Mr. BILL THOMAS, the chairman of the House Oversight Committee, and the distinguished gentleman from California, Mr. VIC FAZIO, the ranking member of the House Oversight Committee, for bringing this measure to the House Floor. This Member also extends his appreciation to the gentleman from California, Mr. FRANK RIGGS, and the gentleman from Washington, Mr. RANDY TATE, for their efforts in securing House floor consideration of this legislation.

As an original cosponsor of H.R. 4011, and as a cosponsor of similar, earlier legislation, H.R. 2244, this Member is certainly pleased to be here today supporting legislation which prohibits a Member of Congress, if convicted of a felony, from collecting accumulated retirement benefits under either the Civil Service Retirement System or the Federal Employees' Retirement System. This Member has long believed that it is intolerable and outrageous that there has been nothing in Federal law which precluded a Member of Congress from drawing Federal pensions while sitting in jail. Therefore, this Member strongly believes this particular reform of congressional pensions is long overdue.

This Member's only regret is that, because of the constitutional prohibition against ex post factor laws, it is clear that the forfeiture of pension benefits cannot be made retroactive. While this Member will not specifically name the former Members of Congress, who have recently been convicted of felonies and will not be required to forfeit their congressional pensions, this Member will go so far as to ask these former Members of Congress to voluntarily give up their right to such pensions. It is simply the right thing to do as the American people deserve and expect better of those they elect to Congress.

Mr. Speaker, despite this regret that the Constitution prevents us from retroactive application of this legislation, this Member urges all of his colleagues to support this important measure.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 4011, as amended.

The question was taken.

Mr. TATE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

CONFERENCE REPORT ON H.R. 3539, FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. SHUSTER submitted the following conference report and statement on the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–848)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Aviation Reauthorization Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Reauthorization of FAA Programs

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.

Subtitle B—Airport Development Financing

Sec. 121. Apportionments.
Sec. 122. Discretionary fund.
Sec. 123. Use of apportioned amounts.
Sec. 124. Designating current and former military airports.
Sec. 125. Period of applicability of amendments.

Subtitle C—Airport Improvement Program Modifications

Sec. 141. Intermodal planning.
Sec. 142. Pavement maintenance program.
Sec. 143. Access to airports by intercity buses.
Sec. 144. Cost reimbursement for projects commenced prior to grant award.
Sec. 145. Selection of projects for grants from discretionary fund.
Sec. 146. Small airport fund.
Sec. 147. State block grant program.
Sec. 148. Innovative financing techniques.
Sec. 149. Pilot program on private ownership of airports.

TITLE II—FAA REFORM

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Effective date.

Subtitle A—General Provisions

Sec. 221. Findings.
Sec. 222. Purposes.
Sec. 223. Regulation of civilian air transportation and related services by the Federal Aviation Administration and Department of Transportation.
Sec. 224. Regulations.
Sec. 225. Personnel and services.
Sec. 226. Contracts.
Sec. 227. Facilities.
Sec. 228. Property.
Sec. 229. Transfers of funds from other Federal agencies.
Sec. 230. Management Advisory Council.

Subtitle B—Federal Aviation Administration Streamlining Programs

Sec. 251. Review of acquisition management system.
Sec. 252. Air traffic control modernization reviews.
Sec. 253. Federal Aviation Administration personnel management system.
Sec. 254. Conforming amendment.

Subtitle C—System To Fund Certain Federal Aviation Administration Functions

Sec. 271. Findings
Sec. 272. Purposes
Sec. 273. User fees for various Federal Aviation Administration services.
Sec. 274. Independent assessment of FAA financial requirements; establishment of National Civil Aviation Review Commission.
Sec. 275. Procedure for consideration of certain funding proposals.
Sec. 276. Administrative provisions.
Sec. 277. Advance appropriations for Airport and Airway Trust Fund activities.
Sec. 278. Rural Air Service Survival Act.

TITLE III—AVIATION SECURITY

Sec. 301. Report including proposed legislation on funding for airport security.

Sec. 302. Certification of screening companies.
Sec. 303. Weapons and explosive detection study.
Sec. 304. Requirement for criminal history records checks.
Sec. 305. Interim deployment of commercially available explosive detection equipment.
Sec. 306. Audit of performance of background checks for certain personnel.
Sec. 307. Passenger profiling.
Sec. 308. Authority to use certain funds for airport security programs and activities.
Sec. 309. Development of aviation security liaison agreement.
Sec. 310. Regular joint threat assessments.
Sec. 311. Baggage match report.
Sec. 312. Enhanced security programs.
Sec. 313. Report on air cargo.
Sec. 314. Sense of the Senate regarding acts of international terrorism.
TITLE IV—AVIATION SAFETY
Sec. 401. Elimination of dual mandate.
Sec. 402. Protection of voluntarily submitted information.
Sec. 403. Supplemental type certificates.
Sec. 404. Certification of small airports.
Sec. 405. Authorization for State-specific safety measures.
Sec. 406. Aircraft engine standards.
Sec. 407. Accident and safety data classification; report on effects of publication and automated surveillance targeting systems.
TITLE V—PILOT RECORD SHARING
Sec. 501. Short title.
Sec. 502. Employment investigations of pilot applicants.
Sec. 503. Studies of minimum standards for pilot qualifications and of pay for training.
Sec. 504. Study of minimum flight time.
TITLE VI—CHILD PILOT SAFETY
Sec. 601. Short title.
Sec. 602. Child pilot safety.
TITLE VII—FAMILY ASSISTANCE
Sec. 701. Short title.
Sec. 702. Assistance by National Transportation Safety Board to families of passengers involved in aircraft accidents.
Sec. 703. Air carrier plans to address needs of families of passengers involved in aircraft accidents.
Sec. 704. Establishment of task force.
Sec. 705. Limitation on statutory construction.
TITLE VIII—AIRPORT REVENUE PROTECTION
Sec. 801. Short title.
Sec. 802. Findings; purpose.
Sec. 803. Definitions.
Sec. 804. Restriction on use of airport revenues.
Sec. 805. Regulations; audits and accountability.
Sec. 806. Conforming amendments to the Internal Revenue Code of 1986.
TITLE IX—METROPOLITAN WASHINGTON AIRPORTS
Sec. 901. Short title.
Sec. 902. Use of leased property.
Sec. 903. Board of Directors.
Sec. 904. Termination of Board of Review.
Sec. 905. Limitations.
Sec. 906. Use of Dulles Airport Access Highway.
Sec. 907. Effect of judicial order.
Sec. 908. Amendment of lease.
Sec. 909. Sense of the Senate.
TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES
Sec. 1001. Extension of Airport and Airway Trust Fund expenditures.
TITLE XI—FAA RESEARCH, ENGINEERING, AND DEVELOPMENT
Sec. 1101. Short title.
Sec. 1102. Authorization of appropriations.
Sec. 1103. Research priorities.
Sec. 1104. Research advisory committee.
Sec. 1105. National aviation research plan.
TITLE XII—MISCELLANEOUS PROVISIONS
Sec. 1201. Purchase of housing units.
Sec. 1202. Clarification of passenger facility revenues as constituting trust funds.
Sec. 1203. Authority to close airport located near closed or realigned military base.
Sec. 1204. Gadsden Air Depot, Alabama.
Sec. 1205. Regulations affecting intrastate aviation in Alaska.
Sec. 1206. Westchester County Airport, New York.
Sec. 1207. Bedford Airport, Pennsylvania.
Sec. 1208. Worcester Municipal Airport, Massachusetts.
Sec. 1209. Central Florida Airport, Sanford, Florida.
Sec. 1210. Aircraft Noise Ombudsman.
Sec. 1211. Special rule for privately owned reliever airports.
Sec. 1212. Sense of the Senate regarding the funding of the Federal Aviation Administration.
Sec. 1213. Rural air fare study.
Sec. 1214. Carriage of candidates in State and local elections.
Sec. 1215. Special flight rules in the vicinity of Grand Canyon National Park.
Sec. 1216. Transfer of air traffic control tower; closing of flight service stations.
Sec. 1217. Location of Doppler radar stations, New York.
Sec. 1218. Train whistle requirements.
Sec. 1219. Increased fees.
Sec. 1220. Structures interfering with air commerce.
Sec. 1221. Hawaii cargo.
Sec. 1222. Limitation on authority of States to regulate gambling devices on vessels.
Sec. 1223. Clarifying amendment.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Except as otherwise specifically provided, this Act and the amendments made by this Act apply only to fiscal years beginning after September 30, 1996.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed as affecting funds made available for a fiscal year ending before October 1, 1996.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Reauthorization of FAA Programs

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—

(1) by striking "September 30, 1981" and inserting "September 30, 1996"; and

(2) by striking "$17,583,500,000" and all that follows through the period at the end and inserting the following: "$2,280,000,000 for fiscal years ending before October 1, 1997, and $4,627,000,000 for fiscal years ending before October 1, 1998.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "1996" and inserting "1998".

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) $2,068,000,000 for fiscal year 1997.

"(2) $2,129,000,000 for fiscal year 1998.".

(b) CLERICAL AMENDMENTS.—Chapter 481 is amended—

(1) by striking the heading for section 48101 and inserting the following:

***"§48101. Air navigation facilities and equipment"**; and*

(2) in the table of sections by striking the item relating to section 48101 and inserting the following:

"48101. Air navigation facilities and equipment.".

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) is amended by striking "$4,088,000,000" and all that follows through the period at the end and inserting the following: "$5,158,000,000 for fiscal year 1997 and $5,344,000,000 for fiscal year 1998.".

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104(c) is amended—

(1) in the subsection heading by striking "1996" and inserting "1998";

(2) in the matter preceding paragraph (1) by striking "1994, 1995, and 1996" and inserting "1994 through 1998"; and

(3) in paragraph (2)(A) by striking "70 percent" and inserting "72.5 percent".

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108(c) is amended by striking "1996" and inserting "1998".

(d) CLERICAL AMENDMENTS.—Chapter 481 is amended—

(1) by striking the heading for section 48104 and inserting the following:

***"§48104. Operations and maintenance"**; and*

(2) in the table of sections by striking the item relating to section 48104 and inserting the following:

"48104. Operations and maintenance.".

Subtitle B—Airport Development Financing

SEC. 121. APPORTIONMENTS.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

(1) PRIMARY AIRPORTS.—Section 47114(c)(1)(A) is amended—

(A) by striking "and" at the end of clause (iii);

(B) in clause (iv) by striking "additional passenger boarding" and inserting "of the next 500,000 passenger boardings";

(C) by striking the period at the end of clause (iv) and inserting "; and"; and

(D) by adding at the end the following:

"(v) $.50 for each additional passenger boarding at the airport during the prior calendar year.".

(2) CARGO ONLY AIRPORTS.—Section 47114(c)(2) of such title is amended to read as follows:

"(2) CARGO ONLY AIRPORTS.—

"(A) APPORTIONMENT.—Subject to subparagraph (D), the Secretary shall apportion an amount equal to 2.5 percent of the amount subject to apportionment each fiscal year to the sponsors of airports served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100,000,000 pounds.

"(B) SUBALLOCATION FORMULA.—Any funds apportioned under subparagraph (A) to sponsors of airports described in subparagraph (A) shall be allocated among those airports in the proportion that the total annual landed weight of aircraft described in subparagraph (A) landing at each of those airports bears to the total annual landed weight of those aircraft landing at all those airports.

"(C) LIMITATION.—Not more than 8 percent of the amount apportioned under subparagraph (A) may be apportioned for any one airport.

"(D) DISTRIBUTION TO OTHER AIRPORTS.—Before apportioning amounts to the sponsors of airports under subparagraph (A) for a fiscal year, the Secretary may set-aside a portion of such amounts for distribution to the sponsors of other airports, selected by the Secretary, that the Secretary finds will be served primarily by aircraft providing air transportation of only cargo.

"(E) DETERMINATION OF LANDED WEIGHT.—Landed weight under this paragraph is the landed weight of aircraft landing at each airport described in subparagraph (A) during the prior calendar year.".

(3) REPEAL OF LIMITATION.—Section 47114(c)(3) is repealed.

(b) AMOUNTS APPORTIONED TO STATES.—Section 47114(d)(2) of such title is amended—

(1) by striking "12" and inserting "18.5";

(2) in subparagraph (A) by striking "one" and inserting "0.66";

(3) in each of subparagraphs (B) and (C) by striking "49.5" and inserting "49.67"; and

(4) in each of subparagraphs (B) and (C) by striking "except" the second place it appears and all that follows through "title," and inserting "excluding primary airports but including reliever and nonprimary commercial service airports,".

SEC. 122. DISCRETIONARY FUND.

Section 47115 is amended by striking the second subsection (f), relating to minimum amounts to be credited, and inserting the following:

"(g) MINIMUM AMOUNT TO BE CREDITED.—

"(1) GENERAL RULE.—In a fiscal year, there shall be credited to the fund, out of amounts made available under section 48103 of this title, an amount that is at least equal to the sum of—

"(A) $148,000,000; plus

"(B) the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982.

The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

"(2) REDUCTION OF APPORTIONMENTS.—In a fiscal year in which the amount credited under subsection (a) is less than the minimum amount to be credited under paragraph (1), the total amount calculated under paragraph (3) shall be reduced by an amount that, when credited to the fund, together with the amount credited under subsection (a), equals such minimum amount.

"(3) AMOUNT OF REDUCTION.—For a fiscal year, the total amount available to make a reduction to carry out paragraph (2) is the total of the amounts determined under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of this title. Each amount shall be reduced by an equal percentage to achieve the reduction.

"(4) SPECIAL RULE.—For a fiscal year in which the amount credited to the fund under this subsection exceeds $300,000,000, the Secretary shall allocate the amount of such excess as follows:

"(A) ⅓ shall be made available to airports for which apportionments are made under section 47114(d) of this title.

"(B) ⅓ shall be made available for airport noise compatibility planning under section 47505(a)(2) of this title and for carrying out noise compatibility programs under section 47504(c)(1) of this title.

"(C) ⅓ shall be made available to current or former military airports for which grants may be made under section 47117(e)(1)(B) of this title.".

SEC. 123. USE OF APPORTIONED AMOUNTS.

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by inserting before the period at the end of the first sentence the following: "or the 3 fiscal years immediately following that year in the case of a primary airport that had less than .05 percent of the total boardings in the United States in the preceding calendar year".

(b) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1) is amended—

(1) by striking "made available under section 48103" and inserting "available to the discretionary fund under section 47115";

(2) by striking subparagraphs (A), (C), and (D);

(3) by redesignating subparagraphs (B) and (E) as subparagraphs (A) and (B), respectively;

(4) in subparagraph (A), as so redesignated, by striking "at least 12.5" and inserting "At least 31";

(5) by adding at the end of subparagraph (A), as so redesignated, the following: "The Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not such 31 percent requirement is being met in that fiscal year.";

(6) in subparagraph (B), as so redesignated, by striking "at least 2.25" and all that follows through "1996," and inserting "At least 4 percent for each fiscal year thereafter"; and

(7) by inserting before the period at the end of subparagraph (B), as so redesignated, the following: "and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed $30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base, and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant".

(c) CONFORMING AMENDMENTS.—Section 47117(e) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 124. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) GENERAL REQUIREMENTS.—Section 47118(a) is amended to read as follows:

"(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall designate current or former military airports for which grants may be made under section 47117(e)(1)(B) of this title. The maximum number of airports bearing such designation at any time is 12. The Secretary may only so designate an airport (other than an airport so designated before August 24, 1994) if—

"(1) the airport is a former military installation closed or realigned under—

"(A) section 2687 of title 10;

"(B) section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); or

"(C) section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); or

"(2) the Secretary finds that such grants would—

"(A) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

"(B) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.".

(b) ADDITIONAL DESIGNATION PERIODS.—Section 47118(d) is amended by striking "designation." and inserting "designation, and for subsequent 5-fiscal-year periods if the Secretary determines that the airport satisfies the designation criteria under subsection (a) at the beginning of each such subsequent 5-fiscal-year period.".

(c) PARKING LOTS, FUEL FARMS, UTILITIES, AND HANGARS.—Section 47118(f) is amended—

(1) in the heading by striking "AND UTILITIES" and inserting "UTILITIES, AND HANGARS";

(2) by striking "for the fiscal years ending September 30, 1993–1996," and inserting "for fiscal years beginning after September 30, 1992,"; and

(3) by striking "and utilities" and inserting "utilities, and hangars".

(d) 2-YEAR EXTENSION.—Section 47117(e)(1)(B), as redesignated by section 123(b) of this Act, is amended by striking "and 1996," and inserting "1996, 1997, and 1998".

SEC. 125. PERIOD OF APPLICABILITY OF AMENDMENTS.

The amendments made by this subtitle shall cease to be effective on September 30, 1998. On and after such date, sections 47114, 47115, 47117, and 47118 of title 49, United States Code, shall read as if such amendments had not been enacted.

Subtitle C—Airport Improvement Program Modifications

SEC. 141. INTERMODAL PLANNING.

Section 47101(g) is amended to read as follows:

"(g) INTERMODAL PLANNING.—To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall take each of the following actions:

"(1) COORDINATION IN DEVELOPMENT OF AIRPORT PLANS AND PROGRAMS.—Cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.

"(2) GOALS FOR AIRPORT MASTER AND SYSTEM PLANS.—Encourage airport sponsors and State and local officials to develop airport master plans and airport system plans that—

"(A) foster effective coordination between aviation planning and metropolitan planning;

"(B) include an evaluation of aviation needs within the context of multimodal planning; and

"(C) are integrated with metropolitan plans to ensure that airport development proposals include adequate consideration of land use and ground transportation access.

"(3) REPRESENTATION OF AIRPORT OPERATORS ON MPO'S.—Encourage metropolitan planning organizations, particularly in areas with populations greater than 200,000, to establish membership positions for airport operators.".

SEC. 142. PAVEMENT MAINTENANCE PROGRAM.

(a) PAVEMENT MAINTENANCE.—Subchapter I of chapter 471 is amended by adding at the end the following:

"§47132. Pavement maintenance

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue guidelines to carry out a pavement maintenance pilot project to preserve and extend the useful life of runways, taxiways, and aprons at airports for which apportionments are made under section 47114(d). The guidelines shall provide that the Administrator may designate not more

than 10 projects. The guidelines shall provide criteria for the Administrator to use in choosing the projects. At least 2 such projects must be in States without a primary airport that had 0.25 percent or more of the total boardings in the United States in the preceding calendar year. In designating a project, the Administrator shall take into consideration geographical, climatological, and soil diversity.

"(b) EFFECTIVE DATE.—This section shall be effective beginning on the date of the enactment of this section and ending on September 30, 1999.".

(b) COMPLIANCE WITH FEDERAL MANDATES.—

(1) USE OF AIP GRANTS.—Section 47102(3) is amended—

(A) in subparagraph (E) by inserting "or under section 40117" before the period at the end; and

(B) in subparagraph (F) by striking "paid for by a grant under this subchapter and".

(2) USE OF PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is amended—

(A) by inserting "and" at the end of subparagraph (D);

(B) by striking "; and" at the end of subparagraph (E) and inserting a period; and

(C) by striking subparagraph (F).

(c) CONFORMING AMENDMENT.—The table of sections for such subchapter is amended by inserting after the item relating to section 47131 the following:

"47132. Pavement maintenance.".

SEC. 143. ACCESS TO AIRPORTS BY INTERCITY BUSES.

Section 47107(a) is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and"; and

(3) by adding at the end the following:

"(20) the airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, but the sponsor does not have any obligation under this paragraph, or because of it, to fund special facilities for intercity bus service or for other modes of transportation.".

SEC. 144. COST REIMBURSEMENT FOR PROJECTS COMMENCED PRIOR TO GRANT AWARD.

(a) COST REIMBURSEMENT.—Section 47110(b)(2)(C) is amended to read as follows:

"(C) if the Government's share is paid only with amounts apportioned under paragraphs (1) and (2) of section 47114(c) of this title and if the cost is incurred—

"(i) after September 30, 1996;

"(ii) before a grant agreement is executed for the project; and

"(iii) in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after the grant agreement had been executed;".

(b) USE OF DISCRETIONARY FUNDS.—Section 47110 is amended by adding at the end the following:

"(g) USE OF DISCRETIONARY FUNDS.—A project for which cost reimbursement is provided under subsection (b)(2)(C) shall not receive priority consideration with respect to the use of discretionary funds made available under section 47115 of this title even if the amounts made available under paragraphs (1) and (2) of section 47114(c) are not sufficient to cover the Government's share of the cost of project.".

SEC. 145. SELECTION OF PROJECTS FOR GRANTS FROM DISCRETIONARY FUND.

(a) SELECTION OF PROJECTS FOR GRANTS.—Section 47115(d) is amended—

(1) by striking "; and" at the end of paragraph (2) and inserting the following: ", including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;";

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

"(4) the airport improvement priorities of the States, and regional offices of the Administration, to the extent such priorities are not in conflict with paragraphs (1) and (2);

"(5) the projected growth in the number of passengers that will be using the airport at which the project will be carried out; and

"(6) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which the number of passenger boardings increased by at least 20 percent as compared to the number of passenger boardings in the 12-month period preceding such period.".

(b) PRIORITY FOR LETTERS OF INTENT.—Section 47115, as amended by section 122 of this Act, is further amended by adding at the end the following:

"(h) PRIORITY FOR LETTERS OF INTENT.—In making grants in a fiscal year with funds made available under this section, the Secretary shall fulfill intentions to obligate under section 47110(e).".

SEC. 146. SMALL AIRPORT FUND.

Section 47116 is amended by adding at the end the following:

"(d) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In making grants to sponsors described in subsection (b)(2), the Secretary shall give priority consideration to multi-year projects for construction of new runways that the Secretary finds are cost beneficial and would increase capacity in a region of the United States.".

SEC. 147. STATE BLOCK GRANT PROGRAM.

(a) PARTICIPATING STATES.—Section 47128 is amended—

(1) in subsection (a) by striking "7 qualified States" and inserting "8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter";

(2) in subsection (b)(1)—

(A) by striking "(1)"; and

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(3) by striking subsection (b)(2).

(b) USE OF STATE PRIORITY SYSTEM.—Section 47128(c) is amended—

(1) by striking "(b)(1)(B) or (C)" and inserting "(b)(2) or (b)(3)"; and

(2) by adding at the end the following: "In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.".

(c) REPEAL OF EXPIRATION DATE.—

(1) IN GENERAL.—Section 47128 is amended—

(A) by striking "**pilot**" in the section heading;

(B) by striking "pilot" in subsection (a); and

(C) by striking subsection (d).

(2) CONFORMING AMENDMENT.—The table of sections for chapter 471 is amended by striking the item relating to section 47128 and inserting the following:

"47128. State block grant program.".

SEC. 148. INNOVATIVE FINANCING TECHNIQUES.

(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under subchapter I of chapter 471 of title 49, United States Code, for not more than 10 projects for which grants received under such subchapter may be used to implement innovative financing techniques.

(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects to Congress and the National Civil Aviation Review Commission.

(c) LIMITATION.—In no case shall the implementation of an innovative financing technique under the demonstration program result in a direct or indirect guarantee of any airport debt instrument by the Federal Government.

(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term "innovative financing technique" shall be limited to the following:

(1) Payment of interest.

(2) Commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development.

(3) Flexible non-Federal matching requirements.

(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary to carry out the demonstration program shall expire on September 30, 1998.

SEC. 149. PILOT PROGRAM ON PRIVATE OWNERSHIP OF AIRPORTS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 471, as amended by section 804 of this Act, is further amended by adding after section 47133 the following:

"§47134. Pilot program on private ownership of airports

"(a) SUBMISSION OF APPLICATIONS.—If a sponsor intends to sell or lease a general aviation airport or lease any other type of airport for a long term to a person (other than a public agency), the sponsor and purchaser or lessee may apply to the Secretary of Transportation for exemptions under this section.

"(b) APPROVAL OF APPLICATIONS.—The Secretary may approve, with respect to not more than 5 airports, applications submitted under subsection (a) granting exemptions from the following provisions:

"(1) USE OF REVENUES.—

"(A) IN GENERAL.—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved—

"(i) by at least 65 percent of the air carriers serving the airport; and

"(ii) by air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year.

"(B) LANDED WEIGHT DEFINED.—In this paragraph, the term 'landed weight' means the weight of aircraft transporting passengers or cargo, or both, in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

"(2) REPAYMENT REQUIREMENTS.—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107 and 47152 of this title (and any other law, regulation, or grant assurance) to the extent necessary to waive any obligation of the sponsor to repay to the Federal Government any grants, or to return to the Federal Government any property, received by the airport under this title, the Airport and Airway Improvement Act of 1982, or any other law.

"(3) COMPENSATION FROM AIRPORT OPERATIONS.—The Secretary may grant an exemption to a purchaser or lessee from the provisions of *sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.*

"(c) TERMS AND CONDITIONS.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the sale or lease agreement includes provisions satisfactory to the Secretary to ensure the following:

"(1) The airport will continue to be available for public use on reasonable terms and conditions and without unjust discrimination.

"(2) The operation of the airport will not be interrupted in the event that the purchaser or lessee becomes insolvent or seeks or becomes subject to any State or Federal bankruptcy, reorganization, insolvency, liquidation, or dissolution proceeding or any petition or similar law seeking the dissolution or reorganization of the purchaser or lessee or the appointment of a receiver, trustee, custodian, or liquidator for the purchaser or lessee or a substantial part of the purchaser or lessee's property, assets, or business.

"(3) The purchaser or lessee will maintain, improve, and modernize the facilities of the airport through capital investments and will submit to the Secretary a plan for carrying out such maintenance, improvements, and modernization.

"(4) Every fee of the airport imposed on an air carrier on the day before the date of the lease of the airport will not increase faster than the rate of inflation unless a higher amount is approved—

"(A) by at least 65 percent of the air carriers serving the airport; and

"(B) by air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year.

"(5) The percentage increase in fees imposed on general aviation aircraft at the airport will not exceed the percentage increase in fees imposed on air carriers at the airport.

"(6) Safety and security at the airport will be maintained at the highest possible levels.

"(7) The adverse effects of noise from operations at the airport will be mitigated to the same extent as at a public airport.

"(8) Any adverse effects on the environment from airport operations will be mitigated to the same extent as at a public airport.

"(9) Any collective bargaining agreement that covers employees of the airport and is in effect on the date of the sale or lease of the airport will not be abrogated by the sale or lease.

"(d) PARTICIPATION OF CERTAIN AIRPORTS.—

"(1) GENERAL AVIATION AIRPORTS.—If the Secretary approves under subsection (b) applications with respect to 5 airports, one of the airports must be a general aviation airport.

"(2) LARGE HUB AIRPORTS.—The Secretary may not approve under subsection (b) more than 1 application submitted by an airport that had 1 percent or more of the total passenger boardings (as defined in section 47102) in the United States in the preceding calendar year.

"(e) REQUIRED FINDING THAT APPROVAL WILL NOT RESULT IN UNFAIR METHODS OF COMPETITION.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the approval will not result in unfair and deceptive practices or unfair methods of competition.

"(f) INTERESTS OF GENERAL AVIATION USERS.—In approving an application of an airport under this section, the Secretary shall ensure that the interests of general aviation users of the airport are not adversely affected.

"(g) PASSENGER FACILITY FEES; APPORTIONMENTS; SERVICE CHARGES.—Notwithstanding that the sponsor of an airport receiving an exemption under subsection (b) is not a public agency, the sponsor shall not be prohibited from—

"(1) imposing a passenger facility fee under section 40117 of this title;

"(2) receiving apportionments under section 47114 of this title; or

"(3) collecting reasonable rental charges, landing fees, and other service charges from aircraft operators under section 40116(e)(2) of this title.

"(h) EFFECTIVENESS OF EXEMPTIONS.—An exemption granted under subsection (b) shall continue in effect only so long as the facilities sold or leased continue to be used for airport purposes.

"(i) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued to a purchaser or lessee of an airport under subsection (b)(3) if, after providing the purchaser or lessee with notice and an opportunity to be heard, the Secretary determines that the purchaser or lessee has knowingly violated any of the terms specified in subsection (c) for the sale or lease of the airport.

"(j) NONAPPLICATION OF PROVISIONS TO AIRPORTS OWNED BY PUBLIC AGENCIES.—The provisions of this section requiring the approval of air carriers in determinations concerning the use of revenues, and imposition of fees, at an airport shall not be extended so as to apply to any airport owned by a public agency that is not participating in the program established by this section.

"(k) AUDITS.—The Secretary may conduct periodic audits of the financial records and operations of an airport receiving an exemption under this section.

"(l) REPORT.—Not later than 2 years after the date of the initial approval of an application under this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on implementation of the program under this section.

"(m) GENERAL AVIATION AIRPORT DEFINED.—In this section, the term 'general aviation airport' means an airport that is not a commercial service airport.".

(2) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 47133, as added by section 804 of this Act, the following:

"47134. Pilot program on private ownership of airports.".

(b) TAXATION.—Section 40116(b) is amended—

(1) by striking "a State or" and inserting "a State, a"; and

(2) by inserting after "of a State" the following: ", and any person that has purchased or leased an airport under section 47134 of this title".

(c) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) 40 percent for a project funded by the Administrator from the discretionary fund under section 47115 at an airport receiving an exemption under section 47134.".

(d) RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.—Section 47129(a) is amended by adding at the end the following:

"(4) FEES IMPOSED BY PRIVATELY-OWNED AIRPORTS.—In evaluating the reasonableness of a fee imposed by an airport receiving an exemption under section 47134 of this title, the Secretary shall consider whether the airport has complied with section 47134(c)(4).".

TITLE II—FAA REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the "Air Traffic Management System Performance Improvement Act of 1996".

SEC. 202. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATION.—The term "Administration" means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 203. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

Subtitle A—General Provisions

SEC. 221. FINDINGS.

Congress finds the following:

(1) In many respects the Administration is a unique agency, being one of the few non-defense government agencies that operates 24 hours a day, 365 days of the year, while continuing to rely on outdated technology to carry out its responsibilities for a state-of-the-art industry.

(2) Until January 1, 1996, users of the air transportation system paid 70 percent of the budget of the Administration, with the remaining 30 percent coming from the General Fund. The General Fund contribution over the years is one measure of the benefit received by the general public, military, and other users of Administration's services.

(3) The Administration must become a more efficient, effective, and different organization to meet future challenges.

(4) The need to balance the Federal budget means that it may become more and more difficult to obtain sufficient General Fund contributions to meet the Administration's future budget needs.

(5) Congress must keep its commitment to the users of the national air transportation system by seeking to spend all moneys collected from them each year and deposited into the Airport and Airway Trust Fund. Existing surpluses representing past receipts must also be spent for the purposes for which such funds were collected.

(6) The aviation community and the employees of the Administration must come together to improve the system. The Administration must continue to recognize who its customers are and what their needs are, and to design and redesign the system to make safety improvements and increase productivity.

(7) The Administration projects that commercial operations will increase by 18 percent and passenger traffic by 35 percent by the year 2002. Without effective airport expansion and system modernization, these needs cannot be met.

(8) Absent significant and meaningful reform, future challenges and needs cannot be met.

(9) The Administration must have a new way of doing business.

(10) There is widespread agreement within government and the aviation industry that reform of the Administration is essential to safely and efficiently accommodate the projected growth of aviation within the next decade.

(11) To the extent that Congress determines that certain segments of the aviation community are not required to pay all of the costs of the government services which they require and benefits which they receive, Congress should appropriate the difference between such costs and any receipts received from such segment.

(12) Prior to the imposition of any new charges or user fees on segments of the industry,

an independent review must be performed to assess the funding needs and assumptions for operations, capital spending, and airport infrastructure.

(13) An independent, thorough, and complete study and assessment must be performed of the costs to the Administration and the costs driven by each segment of the aviation system for safety and operational services, including the use of the air traffic control system and the Nation's airports.

(14) Because the Administration is a unique Federal entity in that it is a participant in the daily operations of an industry, and because the national air transportation system faces significant problems without significant changes, the Administration has been authorized to change the Federal procurement and personnel systems to ensure that the Administration has the ability to keep pace with new technology and is able to match resources with the real personnel needs of the Administration.

(15) The existing budget system does not allow for long-term planning or timely acquisition of technology by the Administration.

(16) Without reforms in the areas of procurement, personnel, funding, and governance, the Administration will continue to experience delays and cost overruns in its major modernization programs and needed improvements in the performance of the air traffic management system will not occur.

(17) All reforms should be designed to help the Administration become more responsive to the needs of its customers and maintain the highest standards of safety.

SEC. 222. PURPOSES.

The purposes of this title are—

(1) to ensure that final action shall be taken on all notices of proposed rulemaking of the Administration within 18 months after the date of their publication;

(2) to permit the Administration, with Congressional review, to establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

(3) to establish a more autonomous and accountable Administration within the Department of Transportation; and

(4) to make the Administration a more efficient and effective organization, able to meet the needs of a dynamic, growing industry, and to ensure the safety of the traveling public.

SEC. 223. REGULATION OF CIVILIAN AIR TRANSPORTATION AND RELATED SERVICES BY THE FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF TRANSPORTATION.

(a) IN GENERAL.—Section 106 is amended—

(1) by striking "The Administrator" in subsection (b) and inserting "Except as provided in subsection (f) or in other provisions of law, the Administrator"; and

(2) in subsection (f)—

(A) by striking "(f) The Secretary" and inserting the following:

"(f) AUTHORITY OF THE SECRETARY AND THE ADMINISTRATOR.—

"(1) AUTHORITY OF THE SECRETARY.—Except as provided in paragraph (2), the Secretary";

(B) in subsection (f)(1), as so designated—

(i) by moving the remainder of the text 2 ems to the right;

(ii) by striking "The Secretary may not" and inserting "Neither the Secretary nor the Administrator may"; and

(iii) by striking "nor" and inserting "or"; and

(C) by adding at the end the following:

"(2) AUTHORITY OF THE ADMINISTRATOR.—The Administrator—

"(A) is the final authority for carrying out all functions, powers, and duties of the Administration relating to—

"(i) the appointment and employment of all officers and employees of the Administration (other than Presidential and political appointees);

"(ii) the acquisition and maintenance of property and equipment of the Administration;

"(iii) except as otherwise provided in paragraph (3), the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the Administration; and

"(iv) any obligation imposed on the Administrator, or power conferred on the Administrator, by the Air Traffic Management System Performance Improvement Act of 1996 (or any amendment made by that Act);

"(B) shall offer advice and counsel to the President with respect to the appointment and qualifications of any officer or employee of the Administration to be appointed by the President or as a political appointee;

"(C) may delegate, and authorize successive redelegations of, to an officer or employee of the Administration any function, power, or duty conferred upon the Administrator, unless such delegation is prohibited by law; and

"(D) except as otherwise provided for in this title, and notwithstanding any other provision of law, shall not be required to coordinate, submit for approval or concurrence, or seek the advice or views of the Secretary or any other officer or employee of the Department of Transportation on any matter with respect to which the Administrator is the final authority.

"(3) DEFINITION OF POLITICAL APPOINTEE.—For purposes of this subsection, the term 'political appointee' means any individual who—

"(A) is employed in a position listed in sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

"(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

"(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.".

(b) PRESERVATION OF EXISTING AUTHORITY.—Nothing in this title or the amendments made by this title limits any authority granted to the Administrator by statute or by delegation that was in effect on the day before the date of the enactment of this Act.

SEC. 224. REGULATIONS.

Section 106(f), as amended by section 223 of this Act, is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) REGULATIONS.—

"(A) IN GENERAL.—In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to issue, rescind, and revise such regulations as are necessary to carry out those functions. The issuance of such regulations shall be governed by the provisions of chapter 5 of title 5. The Administrator shall act upon all petitions for rulemaking no later than 6 months after the date such petitions are filed by dismissing such petitions, by informing the petitioner of an intention to dismiss, or by issuing a notice of proposed rulemaking or advanced notice of proposed rulemaking. The Administrator shall issue a final regulation, or take other final action, not later than 16 months after the last day of the public comment period for the regulations or, in the case of an advanced notice of proposed rulemaking, if issued, not later than 24 months after the date of publication in the Federal Register of notice of the proposed rulemaking.

"(B) APPROVAL OF SECRETARY OF TRANSPORTATION.—(i) The Administrator may not issue a proposed regulation or final regulation that is likely to result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996) in any year, or any regulation which is significant, unless the Secretary of Transportation approves the issuance of the regulation in advance. For purposes of this paragraph, a regulation is significant if the Administrator, in consultation with the Secretary (as appropriate), determines that the regulation is likely to—

"(I) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

"(II) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

"(III) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

"(IV) raise novel legal or policy issues arising out of legal mandates.

"(ii) In an emergency, the Administrator may issue a regulation described in clause (i) without prior approval by the Secretary, but any such emergency regulation is subject to ratification by the Secretary after it is issued and shall be rescinded by the Administrator within 5 days (excluding Saturdays, Sundays, and legal public holidays) after issuance if the Secretary fails to ratify its issuance.

"(iii) Any regulation that does not meet the criteria of clause (i), and any regulation or other action that is a routine or frequent action or a procedural action, may be issued by the Administrator without review or approval by the Secretary.

"(iv) The Administrator shall submit a copy of any regulation requiring approval by the Secretary under clause (i) to the Secretary, who shall either approve it or return it to the Administrator with comments within 45 days after receiving it.

"(C) PERIODIC REVIEW.—(i) Beginning on the date which is 3 years after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall review any unusually burdensome regulation issued by the Administrator after such date of enactment beginning not later than 3 years after the effective date of the regulation to determine if the cost assumptions were accurate, the benefit of the regulations, and the need to continue such regulations in force in their present form.

"(ii) The Administrator may identify for review under the criteria set forth in clause (i) unusually burdensome regulations that were issued before the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996 and that have been in force for more than 3 years.

"(iii) For purposes of this subparagraph, the term 'unusually burdensome regulation' means any regulation that results in the annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $25,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Air Traffic Management System Performance Act of 1996) in any year.

"(iv) The periodic review of regulations may be performed by advisory committees and the

Management Advisory Council established under subsection (p).".

SEC. 225. PERSONNEL AND SERVICES.

Section 106 is amended by adding at the end the following:

"(l) PERSONNEL AND SERVICES.—

"(1) OFFICERS AND EMPLOYEES.—Except as provided in section 40122(a) of this title and section 347 of Public Law 104–50, the Administrator is authorized, in the performance of the functions of the Administrator, to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. In fixing compensation and benefits of officers and employees, the Administrator shall not engage in any type of bargaining, except to the extent provided for in section 40122(a), nor shall the Administrator be bound by any requirement to establish such compensation or benefits at particular levels.

"(2) EXPERTS AND CONSULTANTS.—The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5.

"(3) TRANSPORTATION AND PER DIEM EXPENSES.—The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5.

"(4) USE OF PERSONNEL FROM OTHER AGENCIES.—The Administrator is authorized to utilize the services of personnel of any other Federal agency (as such term is defined under section 551(1) of title 5).

"(5) VOLUNTARY SERVICES.—

"(A) GENERAL RULE.—In exercising the authority to accept gifts and voluntary services under section 326 of this title, and without regard to section 1342 of title 31, the Administrator may not accept voluntary and uncompensated services if such services are used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

"(B) INCIDENTAL EXPENSES.—The Administrator is authorized to provide for incidental expenses, including transportation, lodging, and subsistence, for volunteers who provide voluntary services under this subsection.

"(C) LIMITED TREATMENT AS FEDERAL EMPLOYEES.—An individual who provides voluntary services under this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims.".

SEC. 226. CONTRACTS.

Section 106(l), as added by section 225 of this Act, is further amended by adding at the end the following:

"(6) CONTRACTS.—The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, cooperative agreements, and other transactions with any Federal agency (as such term is defined in section 551(1) of title 5) or any instrumentality of the United States, any State, territory, or possession, or political subdivision thereof, any other governmental entity, or any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate.".

SEC. 227. FACILITIES.

Section 106, as amended by section 225 of this Act, is further amended by adding at the end the following:

"(m) COOPERATION BY ADMINISTRATOR.—With the consent of appropriate officials, the Administrator may, with or without reimbursement, use or accept the services, equipment, personnel, and facilities of any other Federal agency (as such term is defined in section 551(1) of title 5) and any other public or private entity. The Administrator may also cooperate with appropriate officials of other public and private agencies and instrumentalities concerning the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.".

SEC. 228. PROPERTY.

Section 106, as amended by section 227 of this Act, is further amended by adding at the end the following:

"(n) ACQUISITION.—

"(1) IN GENERAL.—The Administrator is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

"(i) air traffic control facilities and equipment;

"(ii) research and testing sites and facilities; and

"(iii) such other real and personal property (including office space and patents), or any interest therein, within and outside the continental United States as the Administrator considers necessary;

"(B) to lease to others such real and personal property; and

"(C) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at the installations of the Administration, and to acquire, operate, and maintain equipment for these facilities.

"(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.".

SEC. 229. TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES.

Section 106, as amended by section 228 of this Act, is further amended by adding at the end the following:

"(o) TRANSFERS OF FUNDS.—The Administrator is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred by law to the Administrator or functions transferred pursuant to law to the Administrator on or after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996.".

SEC. 230. MANAGEMENT ADVISORY COUNCIL.

Section 106, as amended by section 229 of this Act, is further amended by adding at the end the following:

"(p) MANAGEMENT ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—Within 3 months after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall establish an advisory council which shall be known as the Federal Aviation Management Advisory Council (in this subsection referred to as the 'Council'). With respect to Administration management, policy, spending, funding, and regulatory matters affecting the aviation industry, the Council may submit comments, recommended modifications, and dissenting views to the Administrator. The Administrator shall include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting views received from the Council, together with the reasons for any differences between the views of the Council and the views or actions of the Administrator.

"(2) MEMBERSHIP.—The Council shall consist of 15 members, who shall consist of—

"(A) a designee of the Secretary of Transportation;

"(B) a designee of the Secretary of Defense; and

"(C) 13 members representing aviation interests, appointed by the President by and with the advice and consent of the Senate.

"(3) QUALIFICATIONS.—No member appointed under paragraph (2)(C) may serve as an officer or employee of the United States Government while serving as a member of the Council.

"(4) FUNCTIONS.—

"(A) IN GENERAL.—(i) The Council shall provide advice and counsel to the Administrator on issues which affect or are affected by the operations of the Administrator. The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration.

"(ii) The Council shall review the rulemaking cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.

"(iii) The Council shall review the process through which the Administration determines to use advisory circulars and service bulletins.

"(B) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the chairman or of the Administrator.

"(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Council appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the 'Freedom of Information Act'), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Council who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council or such aviation rulemaking committees as the Administrator shall designate.

"(6) ADMINISTRATIVE MATTERS.—

"(A) TERMS OF MEMBERS.—(i) Except as provided in subparagraph (B), members of the Council appointed by the President under paragraph (2)(C) shall be appointed for a term of 3 years.

"(ii) Of the members first appointed by the President—

"(I) 4 shall be appointed for terms of 1 year;

"(II) 5 shall be appointed for terms of 2 years; and

"(III) 4 shall be appointed for terms of 3 years.

"(iii) An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(iv) A member whose term expires shall continue to serve until the date on which the member's successor takes office.

"(B) CHAIRMAN; VICE CHAIRMAN.—The Council shall elect a chair and a vice chair from among the members appointed under paragraph (2)(C), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chairman in the absence of the chairman.

"(C) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses,

and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(D) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this subsection.".

Subtitle B—Federal Aviation Administration Streamlining Programs

SEC. 251. REVIEW OF ACQUISITION MANAGEMENT SYSTEM.

Not later than April 1, 1999, the Administrator shall employ outside experts to provide an independent evaluation of the effectiveness of the Administration's acquisition management system within 3 months after such date. The Administrator shall transmit a copy of the evaluation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 252. AIR TRAFFIC CONTROL MODERNIZATION REVIEWS.

Chapter 401 is amended by adding at the end the following:

"§40121. Air traffic control modernization reviews

"(a) REQUIRED TERMINATIONS OF ACQUISITIONS.—The Administrator of the Federal Aviation Administration shall terminate any acquisition program initiated after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996 and funded under the Facilities and Equipment account that—

"(1) is more than 50 percent over the cost goal established for the program;

"(2) fails to achieve at least 50 percent of the performance goals established for the program; or

"(3) is more than 50 percent behind schedule as determined in accordance with the schedule goal established for the program.

"(b) AUTHORIZED TERMINATION OF ACQUISITION PROGRAMS.—The Administrator shall consider terminating, under the authority of subsection (a), any substantial acquisition program that—

"(1) is more than 10 percent over the cost goal established for the program;

"(2) fails to achieve at least 90 percent of the performance goals established for the program; or

"(3) is more than 10 percent behind schedule as determined in accordance with the schedule goal established for the program.

"(c) EXCEPTIONS AND REPORT.—

"(1) CONTINUANCE OF PROGRAM, ETC.—Notwithstanding subsection (a), the Administrator may continue an acquisitions program required to be terminated under subsection (a) if the Administrator determines that termination would be inconsistent with the development or operation of the national air transportation system in a safe and efficient manner.

"(2) DEPARTMENT OF DEFENSE.—The Department of Defense shall have the same exemptions from acquisition laws as are waived by the Administrator under section 348(b) of Public Law 104–50 when engaged in joint actions to improve or replenish the national air traffic control system. The Administration may acquire real property, goods, and services through the Department of Defense, or other appropriate agencies, but is bound by the acquisition laws and regulations governing those cases.

"(3) REPORT.—If the Administrator makes a determination under paragraph (1), the Administrator shall transmit a copy of the determination, together with a statement of the basis for the determination, to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.".

SEC. 253. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

Chapter 401, as amended by section 252 of this Act, is further amended by adding at the end the following:

"§40122. Federal Aviation Administration personnel management system

"(a) IN GENERAL.—

"(1) CONSULTATION AND NEGOTIATION.—In developing and making changes to the personnel management system initially implemented by the Administrator of the Federal Aviation Administration on April 1, 1996, the Administrator shall negotiate with the exclusive bargaining representatives of employees of the Administration certified under section 7111 of title 5 and consult with other employees of the Administration.

"(2) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement. If the services of the Federal Mediation and Conciliation Service do not lead to an agreement, the Administrator's proposed change to the personnel management system shall not take effect until 60 days have elapsed after the Administrator has transmitted the proposed change, along with the objections of the exclusive bargaining representatives to the change, and the reasons for such objections, to Congress.

"(3) COST SAVINGS AND PRODUCTIVITY GOALS.—The Administration and the exclusive bargaining representatives of the employees shall use every reasonable effort to find cost savings and to increase productivity within each of the affected bargaining units.

"(4) ANNUAL BUDGET DISCUSSIONS.—The Administration and the exclusive bargaining representatives of the employees shall meet annually for the purpose of finding additional cost savings within the Administration's annual budget as it applies to each of the affected bargaining units and throughout the agency.

"(b) EXPERT EVALUATION.—On the date that is 3 years after the personnel management system is implemented, the Administration shall employ outside experts to provide an independent evaluation of the effectiveness of the system within 3 months after such date. For this purpose, the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary.

"(c) PAY RESTRICTION.—No officer or employee of the Administration may receive an annual rate of basic pay in excess of the annual rate of basic pay payable to the Administrator.

"(d) ETHICS.—The Administration shall be subject to Executive Order No. 12674 and regulations and opinions promulgated by the Office of Government Ethics, including those set forth in section 2635 of title 5 of the Code of Federal Regulations.

"(e) EMPLOYEE PROTECTIONS.—Until July 1, 1999, basic wages (including locality pay) and operational differential pay provided employees of the Administration shall not be involuntarily adversely affected by reason of the enactment of this section, except for unacceptable performance or by reason of a reduction in force or reorganization or by agreement between the Administration and the affected employees' exclusive bargaining representative.

"(f) LABOR-MANAGEMENT AGREEMENTS.—Except as otherwise provided by this title, all labor-management agreements covering employees of the Administration that are in effect on the effective date of the Air Traffic Management System Performance Improvement Act of 1996 shall remain in effect until their normal expiration date, unless the Administrator and the exclusive bargaining representative agree to the contrary.".

SEC. 254. CONFORMING AMENDMENT.

The table of sections for chapter 401 is amended by adding at the end the following:

"40121. Air traffic control modernization reviews.

"40122. Federal Aviation Administration personnel management system.".

Subtitle C—System To Fund Certain Federal Aviation Administration Functions

SEC. 271. FINDINGS.

Congress finds the following:

(1) The Administration is recognized throughout the world as a leader in aviation safety.

(2) The Administration certifies aircraft, engines, propellers, and other manufactured parts.

(3) The Administration certifies more than 650 training schools for pilots and nonpilots, more than 4,858 repair stations, and more than 193 maintenance schools.

(4) The Administration certifies pilot examiners, who are then qualified to determine if a person has the skills necessary to become a pilot.

(5) The Administration certifies more than 6,000 medical examiners, each of whom is then qualified to medically certify the qualifications of pilots and nonpilots.

(6) The Administration certifies more than 470 airports, and provides a limited certification for another 205 airports. Other airports in the United States are also reviewed by the Administration.

(7) The Administration each year performs more than 355,000 inspections.

(8) The Administration issues more than 655,000 pilot's licenses and more than 560,000 nonpilot's licenses (including mechanics).

(9) The Administration's certification means that the product meets worldwide recognized standards of safety and reliability.

(10) The Administration's certification means aviation-related equipment and services meet world-wide recognized standards.

(11) The Administration's certification is recognized by governments and businesses throughout the world and as such may be a valuable element for any company desiring to sell aviation-related products throughout the world.

(12) The Administration's certification may constitute a valuable license, franchise, privilege or benefits for the holders.

(13) The Administration also is a major purchaser of computers, radars, and other systems needed to run the air traffic control system. The Administration's design, acceptance, commissioning, or certification of such equipment enables the private sector to market those products around the world, and as such confers a benefit on the manufacturer.

(14) The Administration provides extensive services to public use aircraft.

SEC. 272. PURPOSES.

The purposes of this subtitle are—

(1) to provide a financial structure for the Administration so that it will be able to support the future growth in the national aviation and airport system;

(2) to review existing and alternative funding options, including incentive-based fees for services, and establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

(3) to ensure that any funding will be dedicated solely for the use of the Administration;

(4) to authorize the Administration to recover the costs of its services from those who benefit from, but do not contribute to, the national aviation system and the services provided by the Administration;

(5) to consider a fee system based on the cost or value of the services provided and other funding alternatives;

(6) to develop funding options for Congress in order to provide for the long-term efficient and cost-effective support of the Administration and the aviation system; and

(7) to achieve a more efficient and effective Administration for the benefit of the aviation transportation industry.

SEC. 273. USER FEES FOR VARIOUS FEDERAL AVIATION ADMINISTRATION SERVICES.

(a) IN GENERAL.—Chapter 453 is amended by striking section 45301 and inserting the following:

"§45301. General provisions

"(a) SCHEDULE OF FEES.—The Administrator shall establish a schedule of new fees, and a collection process for such fees, for the following services provided by the Administration:

"(1) Air traffic control and related services provided to aircraft other than military and civilian aircraft of the United States government or of a foreign government that neither take off from, nor land in, the United States.

"(2) Services (other than air traffic control services) provided to a foreign government.

"(b) LIMITATIONS.—

"(1) AUTHORIZATION AND IMPACT CONSIDERATIONS.—In establishing fees under subsection (a), the Administrator—

"(A) is authorized to recover in fiscal year 1997 $100,000,000; and

"(B) shall ensure that each of the fees required by subsection (a) is directly related to the Administration's costs of providing the service rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States.

"(2) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register an initial fee schedule and associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

"(c) USE OF EXPERTS AND CONSULTANTS.—In developing the system, the Administrator may consult with such nongovernmental experts as the Administrator may employ and the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary. Notwithstanding any other provision of law to the contrary, the Administrator may retain such experts under a contract awarded on a basis other than a competitive basis and without regard to any such provisions requiring competitive bidding or precluding sole source contract authority.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 453 is amended by striking the item relating to section 45301 and inserting the following:

"45301. General provisions.".

SEC. 274. INDEPENDENT ASSESSMENT OF FAA FINANCIAL REQUIREMENTS; ESTABLISHMENT OF NATIONAL CIVIL AVIATION REVIEW COMMISSION.

(a) INDEPENDENT ASSESSMENT.—

(1) INITIATION.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall contract with an entity independent of the Administration and the Department of Transportation to conduct a complete independent assessment of the financial requirements of the Administration through the year 2002.

(2) ASSESSMENT CRITERIA.—The Administrator shall provide to the independent entity estimates of the financial requirements of the Administration for the period described in paragraph (1), using as a base the fiscal year 1997 appropriation levels established by Congress. The independent assessment shall be based on an objective analysis of agency funding needs.

(3) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including—

(A) anticipated air traffic forecasts;

(B) other workload measures;

(C) estimated productivity gains, if any, which contribute to budgetary requirements;

(D) the need for programs; and

(E) the need to provide for continued improvements in all facets of aviation safety, along with operational improvements in air traffic control.

(4) COST ALLOCATION.—The independent assessment shall also assess the costs to the Administration occasioned by the provision of services to each segment of the aviation system.

(5) DEADLINE.—The independent assessment shall be completed no later than 90 days after the contract is awarded, and shall be submitted to the Commission established under subsection (b), the Secretary, the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

(b) NATIONAL CIVIL AVIATION REVIEW COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the National Civil Aviation Review Commission (hereinafter in this section referred to as the "Commission").

(2) MEMBERSHIP.—The Commission shall consist of 21 members to be appointed as follows:

(A) 13 members to be appointed by the Secretary, in consultation with the Secretary of the Treasury, from among individuals who have expertise in the aviation industry and who are able, collectively, to represent a balanced view of the issues important to general aviation, major air carriers, air cargo carriers, regional air carriers, business aviation, airports, aircraft manufacturers, the financial community, aviation industry workers, and airline passengers. At least one member appointed under this subparagraph shall have detailed knowledge of the congressional budgetary process.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 2 members appointed by the minority leader of the House of Representatives.

(D) 2 members appointed by the majority leader of the Senate.

(E) 2 members appointed by the minority leader of the Senate.

(3) TASK FORCES.—The Commission shall establish an aviation funding task force and an aviation safety task force to carry out the responsibilities of the Commission under this subsection.

(4) FIRST MEETING.—The Commission may conduct its first meeting as soon as a majority of the members of the Commission are appointed.

(5) HEARINGS AND CONSULTATION.—

(A) HEARINGS.—The Commission shall take such testimony and solicit and receive such comments from the public and other interested parties as it considers appropriate, shall conduct 2 public hearings after affording adequate notice to the public thereof, and may conduct such additional hearings as may be necessary.

(B) CONSULTATION.—The Commission shall consult on a regular and frequent basis with the Secretary, the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

(C) FACA NOT TO APPLY.—The Commission shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(6) DUTIES OF AVIATION FUNDING TASK FORCE.—

(A) REPORT TO SECRETARY.—

(i) IN GENERAL.—The aviation funding task force established pursuant to paragraph (3) shall submit a report setting forth a comprehensive analysis of the Administration's budgetary requirements through fiscal year 2002, based upon the independent assessment under subsection (a), that analyzes alternative financing and funding means for meeting the needs of the aviation system through the year 2002. The task force shall submit a preliminary report of that analysis to the Secretary not later than 6 months after the independent assessment is completed under subsection (a). The Secretary shall provide comments on the preliminary report to the task force within 30 days after receiving the report. The task force shall issue a final report of such comprehensive analysis within 30 days after receiving the Secretary's comments on its preliminary report.

(ii) CONTENTS.—The report submitted by the aviation funding task force under clause (i)—

(I) shall consider the independent assessment under subsection (a);

(II) shall consider estimated cost savings, if any, resulting from the procurement and personnel reforms included in this Act or in sections 347 and 348 of Public Law 104–50, and additional financial initiatives;

(III) shall include specific recommendations to Congress on how the Administration can reduce costs, raise additional revenue for the support of agency operations, and accelerate modernization efforts; and

(IV) shall include a draft bill containing the changes in law necessary to implement its recommendations.

(B) RECOMMENDATIONS.—The aviation funding task force shall make such recommendations under subparagraph (A)(ii)(III) as the task force deems appropriate. Those recommendations may include—

(i) proposals for off-budget treatment of the Airport and Airway Trust Fund;

(ii) alternative financing and funding proposals, including linked financing proposals;

(iii) modifications to existing levels of Airport and Airways Trust Fund receipts and taxes for each type of tax;

(iv) establishment of a cost-based user fee system based on, but not limited to, criteria under subparagraph (F) and methods to ensure that costs are borne by users on a fair and equitable basis;

(v) methods to ensure that funds collected from the aviation community are able to meet the needs of the agency;

(vi) methods to ensure that funds collected from the aviation community and passengers are used to support the aviation system;

(vii) means of meeting the airport infrastructure needs for large, medium, and small airports; and

(viii) any other matter the task force deems appropriate to address the funding and needs of the Administration and the aviation system.

(C) ADDITIONAL RECOMMENDATIONS.—The aviation funding task force report may also make recommendations concerning—

(i) means of improving productivity by expanding and accelerating the use of automation and other technology;

(ii) means of contracting out services consistent with this Act, other applicable law, and safety and national defense needs;

(iii) methods to accelerate air traffic control modernization and improvements in aviation safety and safety services;

(iv) the elimination of unneeded programs; and

(v) a limited innovative program based on funding mechanisms such as loan guarantees, financial partnerships with for-profit private sector entities, government-sponsored enterprises, and revolving loan funds, as a means of funding specific facilities and equipment projects, and to provide limited additional funding alternatives for airport capacity development.

(D) IMPACT ASSESSMENT FOR RECOMMENDATIONS.—For each recommendation contained in the aviation funding task force's report, the report shall include a full analysis and assessment of the impact implementation of the recommendation would have on—

(i) safety;

(ii) administrative costs;

(iii) the congressional budget process;

(iv) the economics of the industry (including the proportionate share of all users);

(v) the ability of the Administration to utilize the sums collected; and

(vi) the funding needs of the Administration.

(E) TRUST FUND TAX RECOMMENDATIONS.—If the task force's report includes a recommendation that the existing Airport and Airways Trust Fund tax structure be modified, the report shall—

(i) state the specific rates for each group affected by the proposed modifications;

(ii) consider the impact such modifications shall have on specific users and the public (including passengers); and

(iii) state the basis for the recommendations.

(F) FEE SYSTEM RECOMMENDATIONS.—If the task force's report includes a recommendation that a fee system be established, including an air traffic control performance-based user fee system, the report shall consider—

(i) the impact such a recommendation would have on passengers, air fares (including low-fare, high frequency service), service, and competition;

(ii) existing contributions provided by individual air carriers toward funding the Administration and the air traffic control system through contributions to the Airport and Airways Trust Fund;

(iii) continuing the promotion of fair and competitive practices;

(iv) the unique circumstances associated with interisland air carrier service in Hawaii and rural air service in Alaska;

(v) the impact such a recommendation would have on service to small communities;

(vi) the impact such a recommendation would have on services provided by regional air carriers;

(vii) alternative methodologies for calculating fees so as to achieve a fair and reasonable distribution of costs of service among users;

(viii) the usefulness of phased-in approaches to implementing such a financing system;

(ix) means of assuring the provision of general fund contributions, as appropriate, toward the support of the Administration; and

(x) the provision of incentives to encourage greater efficiency in the provision of air traffic services by the Administration and greater efficiency in the use of air traffic services by aircraft operators.

(7) DUTIES OF AVIATION SAFETY TASK FORCE.—

(A) REPORT TO ADMINISTRATOR.—Not later than 1 year after the date of the enactment of this Act, the aviation safety task force established pursuant to paragraph (3) shall submit to the Administrator a report setting forth a comprehensive analysis of aviation safety in the United States and emerging trends in the safety of particular sectors of the aviation industry.

(B) CONTENTS.—The report to be submitted under subparagraph (A) shall include an assessment of—

(i) the adequacy of staffing and training resources for safety personnel of the Administration, including safety inspectors;

(ii) the Administration's processes for ensuring the public safety from fraudulent parts in civil aviation and the extent to which use of suspected unapproved parts requires additional oversight or enforcement action; and

(iii) the ability of the Administration to anticipate changes in the aviation industry and to develop policies and actions to ensure the highest level of aviation safety in the 21st century.

(8) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Commission appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Commission who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, United States Code, pertaining to unauthorized disclosure of such information.

(9) TRAVEL AND PER DIEM.—Each member of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(10) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Commission such staff, information, and administrative services and assistance as may reasonably be required to enable the Commission to carry out its responsibilities under this subsection.

(11) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(c) REPORTS TO CONGRESS.—

(1) REPORT BY THE SECRETARY BASED ON FINAL REPORT OF AVIATION FUNDING TASK FORCE.—

(A) CONSIDERATION OF TASK FORCE'S PRELIMINARY REPORT.—Not later than 30 days after receiving the preliminary report of the aviation funding task force, the Secretary, in consultation with the Secretary of the Treasury, shall furnish comments on the report to the task force.

(B) REPORT TO CONGRESS.—Not later than 30 days after receiving the final report of the aviation funding task force, and in no event more than 1 year after the date of the enactment of this Act, the Secretary, after consulting the Secretary of the Treasury, shall transmit a report to the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives. Such report shall be based upon the final report of the task force and shall contain the Secretary's recommendations for funding the needs of the aviation system through the year 2002.

(C) CONTENTS.—The Secretary shall include in the report to Congress under subparagraph (B)—

(i) a copy of the final report of the task force; and

(ii) a draft bill containing the changes in law necessary to implement the Secretary's recommendations.

(D) PUBLICATION.—The Secretary shall cause a copy of the report to be printed in the Federal Register upon its transmittal to Congress under subparagraph (B).

(2) REPORT BY THE ADMINISTRATOR BASED ON FINAL REPORT OF AVIATION SAFETY TASK FORCE.—Not later than 30 days after receiving the report of the aviation safety task force, the Administrator shall transmit the report to Congress, together with the Administrator's recommendations for improving aviation safety in the United States.

(d) GAO AUDIT OF COST ALLOCATION.—The Comptroller General shall conduct an assessment of the manner in which costs for air traffic control services are allocated between the Administration and the Department of Defense. The Comptroller General shall report the results of the assessment, together with any recommendations the Comptroller General may have for reallocation of costs and for opportunities to increase the efficiency of air traffic control services provided by the Administration and by the Department of Defense, to the Commission, the Administrator, the Secretary of Defense, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of the enactment of this Act.

(e) GAO ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall transmit to the Commission and Congress an independent assessment of airport development needs.

SEC. 275. PROCEDURE FOR CONSIDERATION OF CERTAIN FUNDING PROPOSALS.

(a) IN GENERAL.—Chapter 481 is amended by adding at the end the following:

"§48111. Funding proposals

"(a) INTRODUCTION IN THE SENATE.—Within 15 days (not counting any day on which the Senate is not in session) after a funding proposal is submitted to the Senate by the Secretary of Transportation under section 274(c) of the Air Traffic Management System Performance Improvement Act of 1996, an implementing bill with respect to such funding proposal shall be introduced in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate.

"(b) CONSIDERATION IN THE SENATE.—An implementing bill introduced in the Senate under subsection (a) shall be referred to the Committee on Commerce, Science, and Transportation. The Committee on Commerce, Science, and Transportation shall report the bill with its recommendations within 60 days following the date of introduction of the bill. Upon the reporting of the bill by the Committee on Commerce, Science, and Transportation, the reported bill shall be referred sequentially to the Committee on Finance for a period of 60 legislative days.

"(c) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) IMPLEMENTING BILL.—The term 'implementing bill' means only a bill of the Senate which is introduced as provided in subsection (a) with respect to one or more Federal Aviation Administration funding proposals which contain changes in existing laws or new statutory authority required to implement such funding proposal or proposals.

"(2) FUNDING PROPOSAL.—The term 'funding proposal' means a proposal to provide interim or permanent funding for operations of the Federal Aviation Administration.

"(d) RULES OF THE SENATE.—The provisions of this section are enacted—

"(1) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

"48111. Funding proposals.".

SEC. 276. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—Chapter 453 is amended—

(1) by redesignating section 45303 as section 45304; and

(2) by inserting after section 45302 the following:

"§45303. Administrative provisions

"(a) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this chapter for services performed, or materials furnished, by the Federal Aviation Administration are payable to the Administrator of the Federal Aviation Administration.

"(b) REFUNDS.—The Administrator may refund any fee paid by mistake or any amount paid in excess of that required.

"(c) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, all fees and amounts collected by the Administration, except insurance premiums and other fees charged for the provision of insurance and deposited in the Aviation Insurance Revolving Fund and interest earned on investments of such Fund, and except amounts which on September 30, 1996, are required to be credited to the general fund of the Treasury (whether imposed under this section or not)—

"(1) shall be credited to a separate account established in the Treasury and made available for Administration activities;

"(2) shall be available immediately for expenditure but only for congressionally authorized and intended purposes; and

"(3) shall remain available until expended.

"(d) ANNUAL BUDGET REPORT BY ADMINISTRATOR.—The Administrator shall, on the same day each year as the President submits the annual budget to Congress, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

"(1) a list of fee collections by the Administration during the preceding fiscal year;

"(2) a list of activities by the Administration during the preceding fiscal year that were supported by fee expenditures and appropriations;

"(3) budget plans for significant programs, projects, and activities of the Administration, including out-year funding estimates;

"(4) any proposed disposition of surplus fees by the Administration; and

"(5) such other information as those committees consider necessary.

"(e) DEVELOPMENT OF COST ACCOUNTING SYSTEM.—The Administration shall develop a cost accounting system that adequately and accurately reflects the investments, operating and overhead costs, revenues, and other financial measurement and reporting aspects of its operations.

"(f) COMPENSATION TO CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Administration shall prescribe regulations to ensure that any air carrier required, pursuant to the Air Traffic Management System Performance Improvement Act of 1996 or any amendments made by that Act, to collect a fee imposed on another party by the Administrator may collect from such other party an additional uniform amount that the Administrator determines reflects the necessary and reasonable expenses (net of interest accruing to the carrier after collection and before remittance) incurred in collecting and handling the fee.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 453 is amended by striking the item relating to section 45303 and inserting the following:

"45303. Administrative provisions.
"45304. Maximum fees for private person services.".

SEC. 277. ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FUND ACTIVITIES.

(a) IN GENERAL.—Part C of subtitle VII is amended by adding at the end the following:

"CHAPTER 482—ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FACILITIES

"Sec.
"48201. Advance appropriations.

"§48201. Advance appropriations

"(a) MULTIYEAR AUTHORIZATIONS.—Beginning with fiscal year 1999, any authorization of appropriations for an activity for which amounts are to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 shall provide funds for a period of not less than 3 fiscal years unless the activity for which appropriations are authorized is to be concluded before the end of that period.

"(b) MULTIYEAR APPROPRIATIONS.—Beginning with fiscal year 1999, amounts appropriated from the Airport and Airway Trust Fund shall be appropriated for periods of 3 fiscal years rather than annually.".

(b) CONFORMING AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 481 the following:

"482. ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FACILITIES ....48201.".

SEC. 278. RURAL AIR SERVICE SURVIVAL ACT.

(a) SHORT TITLE.—This section may be cited as the "Rural Air Service Survival Act".

(b) FINDINGS.—Congress finds that—

(1) air service in rural areas is essential to a national and international transportation network;

(2) the rural air service infrastructure supports the safe operation of all air travel;

(3) rural air service creates economic benefits for all air carriers by making the national aviation system available to passengers from rural areas;

(4) rural air service has suffered since deregulation;

(5) the essential air service program under the Department of Transportation—

(A) provides essential airline access to rural and isolated rural communities throughout the Nation;

(B) is necessary for the economic growth and development of rural communities;

(C) is a critical component of the national and international transportation system of the United States; and

(D) has endured serious funding cuts in recent years; and

(6) a reliable source of funding must be established to maintain air service in rural areas and the essential air service program.

(c) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742 is amended to read as follows:

"§41742. Essential air service authorization

"(a) IN GENERAL.—Out of the amounts received by the Federal Aviation Administration credited to the account established under section 45303 of this title or otherwise provided to the Administration, the sum of $50,000,000 is authorized and shall be made available immediately for obligation and expenditure to carry out the essential air service program under this subchapter for each fiscal year.

"(b) FUNDING FOR SMALL COMMUNITY AIR SERVICE.—Notwithstanding any other provision of law, moneys credited to the account established under section 45303(a) of this title, including the funds derived from fees imposed under the authority contained in section 45301(a) of this title, shall be used to carry out the essential air service program under this subchapter. Notwithstanding section 47114(g) of this title, any amounts from those fees that are not obligated or expended at the end of the fiscal year for the purpose of funding the essential air service program under this subchapter shall be made available to the Administration for use in improving rural air safety under subchapter I of chapter 471 of this title and shall be used exclusively for projects at rural airports under this subchapter.

"(c) SPECIAL RULE FOR FISCAL YEAR 1997.—Notwithstanding subsections (a) and (b), in fiscal year 1997, amounts in excess of $75,000,000 that are collected in fees pursuant to section 45301(a)(1) of this title shall be available for the essential air service program under this subchapter, in addition to amounts specifically provided for in appropriations Acts.".

(d) CONFORMING AMENDMENT.—The table of sections for chapter 417 is amended by striking the item relating to section 41742 and inserting the following:

"41742. Essential air service authorization.".

TITLE III—AVIATION SECURITY

SEC. 301. REPORT INCLUDING PROPOSED LEGISLATION ON FUNDING FOR AIRPORT SECURITY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in cooperation with other appropriate persons, shall conduct a study and submit to Congress a report on whether, and if so how, to transfer certain responsibilities of air carriers under Federal law for security activities conducted onsite at commercial service airports to airport operators or to the Federal Government or to provide for shared responsibilities between air carriers and airport operators or the Federal Government.

(b) CONTENTS OF REPORT.—The report submitted under this section shall—

(1) examine potential sources of Federal and non-Federal revenue that may be used to fund security activities, including providing grants from funds received as fees collected under a fee system established under subtitle C of title II of this Act and the amendments made by that subtitle; and

(2) provide legislative proposals, if necessary, for accomplishing the transfer of responsibilities referred to in subsection (a).

SEC. 302. CERTIFICATION OF SCREENING COMPANIES.

The Administrator of the Federal Aviation Administration is directed to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards for providing security screening services.

SEC. 303. WEAPONS AND EXPLOSIVE DETECTION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the Director of the National Academy of Sciences (or if the National Academy of Sciences is not available, the head of another equivalent entity) to conduct a study in accordance to this section.

(b) PANEL OF EXPERTS.—

(1) IN GENERAL.—In carrying out a study under this section, the Director of the National

Academy of Sciences (or the head of another equivalent entity) shall establish a panel (hereinafter in this section referred to as the "panel").

(2) EXPERTISE.—Each member of the panel shall have expertise in weapons and explosive detection technology, security, air carrier and airport operations, or another appropriate area. The Director of the National Academy of Sciences (or the head of another equivalent entity) shall ensure that the panel has an appropriate number of representatives of the areas specified in the preceding sentence.

(c) STUDY.—The panel, in consultation with the National Science and Technology Council, representatives of appropriate Federal agencies, and appropriate members of the private sector, shall—

(1) assess the weapons and explosive detection technologies that are available at the time of the study that are capable of being effectively deployed in commercial aviation;

(2) determine how the technologies referred to in paragraph (1) may more effectively be used for promotion and improvement of security at airport and aviation facilities and other secured areas;

(3) assess the cost and advisability of requiring hardened cargo containers as a way to enhance aviation security and reduce the required sensitivity of bomb detection equipment; and

(4) on the basis of the assessments and determinations made under paragraphs (1), (2), and (3), identify the most promising technologies for the improvement of the efficiency and cost-effectiveness of weapons and explosive detection.

(d) COOPERATION.—The National Science and Technology Council shall take such actions as may be necessary to facilitate, to the maximum extent practicable and upon request of the Director of the National Academy of Sciences (or the head of another equivalent entity), the cooperation of representatives of appropriate Federal agencies, as provided for in subsection (c), in providing the panel, for the study under this section—

(1) expertise; and

(2) to the extent allowable by law, resources and facilities.

(e) REPORTS.—The Director of the National Academy of Sciences (or the head of another equivalent entity) shall, pursuant to an arrangement entered into under subsection (a), submit to the Administrator such reports as the Administrator considers to be appropriate. Upon receipt of a report under this subsection, the Administrator shall submit a copy of the report to the appropriate committees of Congress.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1997 through 2001 such sums as may be necessary to carry out this section.

SEC. 304. REQUIREMENT FOR CRIMINAL HISTORY RECORDS CHECKS.

(a) IN GENERAL.—Section 44936(a)(1) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "(1)" and inserting "(1)(A)"; and

(3) by adding at the end the following:

"(B) The Administrator shall require by regulation that an employment investigation (including a criminal history record check in any case described in subparagraph (C)) be conducted for—

"(i) individuals who will be responsible for screening passengers or property under section 44901 of this title;

"(ii) supervisors of the individuals described in clause (i); and

"(iii) such other individuals who exercise security functions associated with baggage or cargo, as the Administrator determines is necessary to ensure air transportation security.

"(C) Under the regulations issued under subparagraph (B), a criminal history record check shall be conducted in any case in which—

"(i) an employment investigation reveals a gap in employment of 12 months or more that the individual who is the subject of the investigation does not satisfactorily account for;

"(ii) such individual is unable to support statements made on the application of such individual;

"(iii) there are significant inconsistencies in the information provided on the application of such individual; or

"(iv) information becomes available during the employment investigation indicating a possible conviction for one of the crimes listed in subsection (b)(1)(B).

"(D) If an individual requires a criminal history record check under subparagraph (C), the individual may be employed as a screener until the check is completed if the individual is subject to supervision.".

(b) APPLICABILITY.—The amendment made by subsection (a)(3) shall apply to individuals hired to perform functions described in section 44936(a)(1)(B) of title 49, United States Code, after the date of the enactment of this Act; except that the Administrator of the Federal Aviation Administration may, as the Administrator determines to be appropriate, require such employment investigations or criminal history records checks for individuals performing those functions on the date of the enactment of this Act.

SEC. 305. INTERIM DEPLOYMENT OF COMMERCIALLY AVAILABLE EXPLOSIVE DETECTION EQUIPMENT.

(a) IN GENERAL.—Section 44913(a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) Until such time as the Administrator determines that equipment certified under paragraph (1) is commercially available and has successfully completed operational testing as provided in paragraph (1), the Administrator shall facilitate the deployment of such approved commercially available explosive detection devices as the Administrator determines will enhance aviation security significantly. The Administrator shall require that equipment deployed under this paragraph be replaced by equipment certified under paragraph (1) when equipment certified under paragraph (1) becomes commercially available. The Administrator is authorized, based on operational considerations at individual airports, to waive the required installation of commercially available equipment under paragraph (1) in the interests of aviation security. The Administrator may permit the requirements of this paragraph to be met at airports by the deployment of dogs or other appropriate animals to supplement equipment for screening passengers, baggage, mail, or cargo for explosives or weapons.".

(b) AGREEMENTS.—The Administrator is authorized to use noncompetitive or cooperative agreements with air carriers and airport authorities that provide for the Administrator to purchase and assist in installing advanced security equipment for the use of such entities.

SEC. 306. AUDIT OF PERFORMANCE OF BACKGROUND CHECKS FOR CERTAIN PERSONNEL.

Section 44936(a) is amended by adding at the end the following:

"(3) The Administrator shall provide for the periodic audit of the effectiveness of criminal history record checks conducted under paragraph (1) of this subsection.".

SEC. 307. PASSENGER PROFILING.

The Administrator of the Federal Aviation Administration, the Secretary of Transportation, the intelligence community, and the law enforcement community should continue to assist air carriers in developing computer-assisted passenger profiling programs and other appropriate passenger profiling programs which should be used in conjunction with other security measures and technologies.

SEC. 308. AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, funds referred to in subsection (b) may be used for the improvement of facilities and the purchase and deployment of equipment to enhance and ensure the safety and security of passengers and other persons involved in air travel.

(b) COVERED FUNDS.—The following funds may be used under subsection (a):

(1) Project grants made under subchapter 1 of chapter 471 of title 49, United States Code.

(2) Passenger facility fees collected under section 40117 of title 49, United States Code.

SEC. 309. DEVELOPMENT OF AVIATION SECURITY LIAISON AGREEMENT.

The Secretary of Transportation and the Attorney General, acting through the Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation, shall enter into an interagency agreement providing for the establishment of an aviation security liaison at existing appropriate Federal agencies' field offices in or near cities served by a designated high-risk airport.

SEC. 310. REGULAR JOINT THREAT ASSESSMENTS.

The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation shall carry out joint threat and vulnerability assessments on security every 3 years, or more frequently, as necessary, at each airport determined to be high risk.

SEC. 311. BAGGAGE MATCH REPORT.

(a) REPORT.—If a bag match pilot program is carried out as recommended by the White House Conference on Aviation Safety and Security, not later than the 30th day following the date of completion of the pilot program, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the safety, effectiveness, and operational effectiveness of the pilot program. The report shall also assess the extent to which implementation of baggage match requirements (coupled with the best available technologies and methodologies, such as passenger profiling) enhance domestic aviation security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Administrator should work with airports and air carriers to develop, to the extent feasible, effective domestic bag matching proposals.

SEC. 312. ENHANCED SECURITY PROGRAMS.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end of subchapter I the following:

"§44916. Assessments and evaluations

"(a) PERIODIC ASSESSMENTS.—The Administrator shall require each air carrier and airport (including the airport owner or operator in cooperation with the air carriers and vendors serving each airport) that provides for intrastate, interstate, or foreign air transportation to conduct periodic vulnerability assessments of the security systems of that air carrier or airport, respectively. The Administration shall perform periodic audits of such assessments.

"(b) INVESTIGATIONS.—The Administrator shall conduct periodic and unannounced inspections of security systems of airports and air carriers to determine the effectiveness and vulnerabilities of such systems. To the extent allowable by law, the Administrator may provide for anonymous tests of those security systems.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 44915 the following:

"44916. Assessments and evaluations.".

SEC. 313. REPORT ON AIR CARGO.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any changes recommended and implemented as a result of the White House Commission on Aviation Safety and Security to enhance and supplement screening and inspection of cargo, mail, and company-shipped materials transported in air commerce.

(b) CONTENTS.—The report shall include—

(1) an assessment of the effectiveness of the changes referred to in subsection (a);

(2) an assessment of the oversight by the Federal Aviation Administration of inspections of shipments of mail and cargo by domestic and foreign air carriers;

(3) an assessment of the need for additional security measures with respect to such inspections;

(4) an assessment of the adequacy of inspection and screening of cargo on passenger air carriers; and

(5) any additional recommendations, and if necessary any legislative proposals, necessary to carry out additional changes.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the inspection of cargo, mail, and company-shipped materials can be enhanced.

SEC. 314. SENSE OF THE SENATE REGARDING ACTS OF INTERNATIONAL TERRORISM.

(a) FINDINGS.—The Senate finds that—

(1) there has been an intensification in the oppression and disregard for human life among nations that are willing to export terrorism;

(2) there has been an increase in attempts by criminal terrorists to murder airline passengers through the destruction of civilian airliners and the deliberate fear and death inflicted through bombings of buildings and the kidnapping of tourists and Americans residing abroad; and

(3) information widely available demonstrates that a significant portion of international terrorist activity is state-sponsored, -organized, -condoned, or -directed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if evidence establishes beyond a clear and reasonable doubt that any act of hostility towards any United States citizen was an act of international terrorism sponsored, organized, condoned, or directed by any nation, a state of war should be considered to exist or to have existed between the United States and that nation, beginning as of the moment that the act of aggression occurs.

TITLE IV—AVIATION SAFETY

SEC. 401. ELIMINATION OF DUAL MANDATE.

(a) SAFETY CONSIDERATIONS IN PUBLIC INTEREST.—

(1) SAFETY AS HIGHEST PRIORITY.—Section 40101(d) is amended—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce.".

(2) ELIMINATION OF PROMOTION.—Section 40101(d) is further amended—

(A) in paragraph (2), as redesignated by paragraph (1)(A) of this subsection, by striking "its development and"; and

(B) in paragraph (3), as so redesignated—

(i) by striking "promoting, encouraging," and inserting "encouraging"; and

(ii) by inserting before the period at the end ", including new aviation technology".

(b) FAA SAFETY MISSION.—

(1) IN GENERAL.—Section 40104 is amended—

*(A) by inserting "**safety of**" before "**air commerce**" in the section heading;*

(B) by inserting "SAFETY OF" before "AIR COMMERCE" in the heading of subsection (a); and

(C) by inserting "safety of" before "air commerce" in subsection (a).

(2) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by striking the item relating to section 40104 and inserting the following:

"40104. Promotion of civil aeronautics and safety of air commerce.".

SEC. 402. PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.

(a) IN GENERAL.—Chapter 401, as amended by section 253 of this Act, is further amended by adding at the end the following:

"§40123. Protection of voluntarily submitted information

"(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, shall disclose voluntarily-provided safety or security related information if the Administrator finds that—

"(1) the disclosure of the information would inhibit the voluntary provision of that type of information and that the receipt of that type of information aids in fulfilling the Administrator's safety and security responsibilities; and

"(2) withholding such information from disclosure would be consistent with the Administrator's safety and security responsibilities.

"(b) REGULATIONS.—The Administrator shall issue regulations to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

"40123. Protection of voluntarily submitted information.".

SEC. 403. SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704 is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) SUPPLEMENTAL TYPE CERTIFICATES.—

"(1) ISSUANCE.—The Administrator may issue a type certificate designated as a supplemental type certificate for a change to an aircraft, aircraft engine, propeller, or appliance.

"(2) CONTENTS.—A supplemental type certificate issued under paragraph (1) shall consist of the change to the aircraft, aircraft engine, propeller, or appliance with respect to the previously issued type certificate for the aircraft, aircraft engine, propeller, or appliance.

"(3) REQUIREMENT.—If the holder of a supplemental type certificate agrees to permit another person to use the certificate to modify an aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may change an aircraft, aircraft engine, propeller, or appliance based on a supplemental type certificate only if the person requesting the change is the holder of the supplemental type certificate or has permission from the holder to make the change.".

SEC. 404. CERTIFICATION OF SMALL AIRPORTS.

(a) IN GENERAL.—Section 44706(a) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

"(2) that is not located in the State of Alaska and serves any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats; and";

(3) by striking "and" at the end of paragraph (3), as redesignated by paragraph (1) of this subsection;

(4) by striking "(3) when" and inserting "if"; and

(5) by moving the matter following paragraph (3), as redesignated by paragraph (1) of this subsection, to the left flush full measure.

(b) COMMUTER AIRPORTS.—Section 44706 is amended by adding at the end the following:

"(d) COMMUTER AIRPORTS.—In developing the terms required by subsection (b) for airports covered by subsection (a)(2), the Administrator shall identify and consider a reasonable number of regulatory alternatives and select from such alternatives the least costly, most cost-effective or the least burdensome alternative that will provide comparable safety at airports described in subsections (a)(1) and (a)(2).".

(c) EFFECTIVE DATE.—Section 44706 is further amended by adding at the end the following:

"(e) EFFECTIVE DATE.—Any regulation establishing the terms required by subsection (b) for airports covered by subsection (a)(2) shall not take effect until such regulation, and a report on the economic impact of the regulation on air service to the airports covered by the rule, has been submitted to Congress and 120 days have elapsed following the date of such submission.".

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44706 is further amended by adding at the end the following:

"(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this title may be construed as requiring a person to obtain an airport operating certificate if such person does not desire to operate an airport described in subsection (a).".

SEC. 405. AUTHORIZATION OF APPROPRIATIONS FOR STATE-SPECIFIC SAFETY MEASURES.

There are authorized to be appropriated to the Federal Aviation Administration not more than $10,000,000 for fiscal year 1997 for the purpose of addressing State-specific aviation safety problems identified by the National Transportation Safety Board.

SEC. 406. AIRCRAFT ENGINE STANDARDS.

(a) STANDARDS AND REGULATIONS.—Subsection (a)(1) of section 44715 is amended to read as follows:

"(a) STANDARDS AND REGULATIONS.—(1)(A) To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration, as he deems necessary, shall prescribe—

"(i) standards to measure aircraft noise and sonic boom; and

"(ii) regulations to control and abate aircraft noise and sonic boom.

"(B) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.".

(b) INTERAGENCY COOPERATION.—Section 231(a)(2) of the Clean Air Act (42 U.S.C. 7571(a)(2)) is amended—

(1) by inserting "(A)" before "The Administrator"; and

(2) by adding at the end the following:

"(B)(i) The Administrator shall consult with the Administrator of the Federal Aviation Administration on aircraft engine emission standards.

"(ii) The Administrator shall not change the aircraft engine emission standards if such change would significantly increase noise and adversely affect safety.".

SEC. 407. ACCIDENT AND SAFETY DATA CLASSIFICATION; REPORT ON EFFECTS OF PUBLICATION AND AUTOMATED SURVEILLANCE TARGETING SYSTEMS.

(a) ACCIDENT AND SAFETY DATA CLASSIFICATION.—

(1) IN GENERAL.—Subchapter II of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"§1119. Accident and safety data classification and publication

"(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the National Transportation Safety Board shall, in consultation and coordination with the Administrator of the Federal Aviation Administration, develop a system for classifying air carrier accident data maintained by the Board.

"(b) REQUIREMENTS FOR CLASSIFICATION SYSTEM.—

"(1) IN GENERAL.—The system developed under this section shall provide for the classification of accident and safety data in a manner that, in comparison to the system in effect on the date of the enactment of this section, provides for safety-related categories that provide clearer descriptions of accidents associated with air transportation, including a more refined classification of accidents which involve fatalities, injuries, or substantial damage and which are only related to the operation of an aircraft.

"(2) PUBLIC COMMENT.—In developing a system of classification under paragraph (1), the Board shall provide adequate opportunity for public review and comment.

"(3) FINAL CLASSIFICATION.—After providing for public review and comment, and after consulting with the Administrator, the Board shall issue final classifications. The Board shall ensure that air travel accident covered under this section is classified in accordance with the final classifications issued under this section for data for calendar year 1997, and for each subsequent calendar year.

"(4) PUBLICATION.—The Board shall publish on a periodic basis accident and safety data in accordance with the final classifications issued under paragraph (3).

"(5) RECOMMENDATIONS OF THE ADMINISTRATOR.—The Administrator may, from time to time, request the Board to consider revisions (including additions to the classification system developed under this section). The Board shall respond to any request made by the Administrator under this section not later than 90 days after receiving that request.".

(2) CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"1119. Accident and safety data classification and publication.".

(b) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—Section 44713 is amended by adding at the end the following:

"(e) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—

"(1) IN GENERAL.—The Administrator shall give high priority to developing and deploying a fully enhanced safety performance analysis system that includes automated surveillance to assist the Administrator in prioritizing and targeting surveillance and inspection activities of the Federal Aviation Administration.

"(2) DEADLINES FOR DEPLOYMENT.—

"(A) INITIAL PHASE.—The initial phase of the operational deployment of the system developed under this subsection shall begin not later than December 31, 1997.

"(B) FINAL PHASE.—The final phase of field deployment of the system developed under this subsection shall begin not later than December 31, 1999. By that date, all principal operations and maintenance inspectors of the Administration, and appropriate supervisors and analysts of the Administration shall have been provided access to the necessary information and resources to carry out the system.

"(3) INTEGRATION OF INFORMATION.—In developing the system under this section, the Administration shall consider the near-term integration of accident and incident data into the safety performance analysis system under this subsection.".

TITLE V—PILOT RECORD SHARING

SEC. 501. SHORT TITLE.

This title may be cited as the "Pilot Records Improvement Act of 1996".

SEC. 502. EMPLOYMENT INVESTIGATIONS OF PILOT APPLICANTS.

(a) IN GENERAL.—Section 44936 is amended by adding at the end the following:

"(f) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

"(1) IN GENERAL.—Before hiring an individual as a pilot, an air carrier shall request and receive the following information:

"(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration, records pertaining to the individual that are maintained by the Administrator concerning—

"(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings; and

"(ii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

"(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual, or from the trustee in bankruptcy for such air carrier or person—

"(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

"(I) section 121.683 of title 14, Code of Federal Regulations;

"(II) paragraph (A) of section VI, appendix I, part 121 of such title;

"(III) paragraph (A) of section IV, appendix J, part 121 of such title;

"(IV) section 125.401 of such title; and

"(V) section 135.63(a)(4) of such title; and

"(ii) other records pertaining to the individual that are maintained by the air carrier or person concerning—

"(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

"(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

"(III) any release from employment or resignation, termination, or disqualification with respect to employment.

"(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(7), from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

"(2) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier making a request for records under paragraph (1)—

"(A) shall be required to obtain written consent to the release of those records from the individual that is the subject of the records requested; and

"(B) may, notwithstanding any other provision of law or agreement to the contrary, require the individual who is the subject of the records to request to execute a release from liability for any claim arising from the furnishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

"(3) 5-YEAR REPORTING PERIOD.—A person shall not furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information concerns a revocation or suspension of an airman certificate or motor vehicle license that is in effect on the date of the request.

"(4) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator shall maintain pilot records described in paragraph (1)(A) for a period of at least 5 years.

"(5) RECEIPT OF CONSENT; PROVISION OF INFORMATION.—A person shall not furnish a record in response to a request made under paragraph (1) without first obtaining a copy of the written consent of the individual who is the subject of the records requested. A person who receives a request for records under this paragraph shall furnish a copy of all of such requested records maintained by the person not later than 30 days after receiving the request.

"(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual who is the subject of the records—

"(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

"(B) in accordance with paragraph (10), a copy of such records, if requested by the individual.

"(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request under paragraph (1) or (6) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

"(8) STANDARD FORMS.—The Administrator shall promulgate—

"(A) standard forms that may be used by an air carrier to request records under paragraph (1); and

"(B) standard forms that may be used by an air carrier to—

"(i) obtain the written consent of the individual who is the subject of a request under paragraph (1); and

"(ii) inform the individual of—

"(I) the request; and

"(II) the individual right of that individual to receive a copy of any records furnished in response to the request.

"(9) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

"(10) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of law or agreement, an air carrier shall, upon written request from a pilot employed by such carrier, make available, within a reasonable time of the request, to the pilot for review, any and all employment records referred to in paragraph (1)(B) (i) or (ii) pertaining to the employment of the pilot.

"(11) PRIVACY PROTECTIONS.—An air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions

as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

"(12) PERIODIC REVIEW.—Not later than 18 months after the date of the enactment of the Pilot Records Improvement Act of 1996, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

"(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be furnished under subparagraphs (A) and (B) of paragraph (1); or

"(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

"(13) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary—

"(A) to protect—

"(i) the personal privacy of any individual whose records are requested under paragraph (1); and

"(ii) the confidentiality of those records;

"(B) to preclude the further dissemination of records received under paragraph (1) by the person who requested those records; and

"(C) to ensure prompt compliance with any request made under paragraph (1).

"(g) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—

"(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who has applied for or is seeking a position with an air carrier as a pilot and who has signed a release from liability, as provided for under paragraph (2), against—

"(A) the air carrier requesting the records of that individual under subsection (f)(1);

"(B) a person who has complied with such request;

"(C) a person who has entered information contained in the individual's records; or

"(D) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal or State law with respect to the furnishing or use of such records in accordance with subsection (f).

"(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (f).

"(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraphs (1) and (2) shall not apply with respect to a person who furnishes information in response to a request made under subsection (f)(1), that—

"(A) the person knows is false; and

"(B) was maintained in violation of a criminal statute of the United States.

"(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsection (f) shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Administrator, the National Transportation Safety Board, or a court.".

(b) CONFORMING AMENDMENTS.—Section 30305(b) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

"(7) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under paragraph (2) to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.".

(c) CIVIL PENALTIES.—Section 46301, as amended by section 1220(b) of this Act, is further amended—

(1) in each of subsections (a)(1)(A), (d)(2), and (f)(1)(A)(i) by inserting "44724," after "44718(d),"; and

(2) in subsection (a)(2)(A) by inserting "44724," after "44716,".

(d) APPLICABILITY.—The amendments made by this section shall apply to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following the date of the enactment of this Act.

SEC. 503. STUDIES OF MINIMUM STANDARDS FOR PILOT QUALIFICATIONS AND OF PAY FOR TRAINING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall appoint a task force consisting of appropriate representatives of the aviation industry to conduct—

(1) a study directed toward the development of—

(A) standards and criteria for preemployment screening tests measuring the psychomotor coordination, general intellectual capacity, instrument and mechanical comprehension, and physical and mental fitness of an applicant for employment as a pilot by an air carrier; and

(B) standards and criteria for pilot training facilities to be licensed by the Administrator and which will assure that pilots trained at such facilities meet the preemployment screening standards and criteria described in subparagraph (A); and

(2) a study to determine if the practice of some air carriers to require employees or prospective employees to pay for the training or experience that is needed to perform flight check duties for an air carrier is in the public interest.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a)(2).

SEC. 504. STUDY OF MINIMUM FLIGHT TIME.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to determine whether current minimum flight time requirements applicable to individuals seeking employment as a pilot with an air carrier are sufficient to ensure public safety.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

TITLE VI—CHILD PILOT SAFETY

SEC. 601. SHORT TITLE.

This title may be cited as the "Child Pilot Safety Act".

SEC. 602. CHILD PILOT SAFETY.

(a) MANIPULATION OF FLIGHT CONTROLS.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"§44724. Manipulation of flight controls

"(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

"(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations;.and

"(2) the appropriate medical certificate issued by the Administrator under part 67 of such title, to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

"(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

"(c) PILOT IN COMMAND DEFINED.—In this section, the term 'pilot in command' has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"44724. Manipulation of flight controls.".

(b) CHILDREN FLYING AIRCRAFT.—

(1) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the impacts of children flying aircraft.

(2) CONSIDERATIONS.—In conducting the study, the Administrator shall consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation in the United States.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall issue a report containing the results of the study, together with recommendations on—

(A) whether the restrictions established by the amendment made by subsection (a)(1) should be modified or repealed; and

(B) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation.

(4) REGULATIONS.—As a result of the findings of the study, the Administrator may issue regulations imposing age, altitude, or other restrictions on children flying aircraft.

TITLE VII—FAMILY ASSISTANCE

SEC. 701. SHORT TITLE.

This title may be cited as the "Aviation Disaster Family Assistance Act of 1996".

SEC. 702. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) IN GENERAL.—Subchapter III of chapter 11 is amended by adding at the end the following:

"§1136. Assistance to families of passengers involved in aircraft accidents

"(a) IN GENERAL.—As soon as practicable after being notified of an aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

"(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the air carrier or foreign air carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

"(5) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).

"(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

"(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

"(1) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and

"(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

"(f) USE OF AIR CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the air carrier or foreign air carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization's responsibilities under this section.

"(g) PROHIBITED ACTIONS.—

"(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

"(2) UNSOLICITED COMMUNICATIONS.—In the event of an accident involving an air carrier providing interstate or foreign air transportation, no unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney or any potential party to the litigation to an individual injured in the accident, or to a relative of an individual involved in the accident, before the 30th day following the date of the accident.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIRCRAFT ACCIDENT.—The term 'aircraft accident' means any aviation disaster regardless of its cause or suspected cause.

"(2) PASSENGER.—The term 'passenger' includes an employee of an air carrier aboard an aircraft.".

(2) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1135 the following:

"1136. Assistance to families of passengers involved in aircraft accidents.".

(b) PENALTIES.—Section 1155(a)(1) of such title is amended—

(1) by striking "or 1134(b) or (f)(1)" and inserting ", section 1134(b), section 1134(f)(1), or section 1136(g)"; and

(2) by striking "either of" and inserting "any of".

SEC. 703. AIR CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) IN GENERAL.—Chapter 411 is amended by adding at the end the following:

"§41113. Plans to address needs of families of passengers involved in aircraft accidents

"(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each air carrier holding a certificate of public convenience and necessity under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident involving an aircraft of the air carrier and resulting in a major loss of life.

"(b) CONTENTS OF PLANS.—A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

"(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

"(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

"(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

"(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

"(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the air carrier.

"(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

"(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

"(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the passengers, including any inscription on the monument.

"(9) An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident) will be the same as the treatment of the families of revenue passengers.

"(10) An assurance that the air carrier will work with any organization designated under section 1136(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

"(11) An assurance that the air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) of this title for services provided by the organization.

"(12) An assurance that the air carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

"(13) An assurance that the air carrier will commit sufficient resources to carry out the plan.

"(c) CERTIFICATE REQUIREMENT.—After the date that is 6 months after the date of the enactment of this section, the Secretary may not approve an application for a certificate of public convenience and necessity under section 41102 of this title unless the applicant has included as part of such application a plan that meets the requirements of subsection (b).

"(d) LIMITATION ON LIABILITY.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in preparing or providing a passenger list pursuant to a plan submitted by the air carrier under subsection (b), unless such liability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.

"(e) AIRCRAFT ACCIDENT AND PASSENGER DEFINED.—In this section, the terms 'aircraft accident' and 'passenger' have the meanings such terms have in section 1136 of this title.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

"41113. Plans to address needs of families of passengers involved in aircraft accidents.".

SEC. 704. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) GUIDELINES AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) guidelines to assist air carriers in responding to aircraft accidents;

(2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;

(3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;

(4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;

(5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and

(6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including—

(A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;

(B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A);

(C) an analysis of any inconvenience to passengers, including flight delays, that would result if air carriers were required to take the steps described in subparagraph (A); and

(D) an analysis of the implications for personal privacy that would result if air carriers were required to take the steps described in subparagraph (A).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

SEC. 705. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title or any amendment made by this title may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

TITLE VIII—AIRPORT REVENUE PROTECTION

SEC. 801. SHORT TITLE.

This title may be cited as the "Airport Revenue Protection Act of 1996".

SEC. 802. FINDINGS; PURPOSE.

(a) IN GENERAL.—Congress finds that—

(1) section 47107 of title 49, United States Code, prohibits the diversion of certain revenue generated by a public airport as a condition of receiving a project grant;

(2) a grant recipient that uses airport revenue for purposes that are not airport related in a manner inconsistent with chapter 471 of title 49, United States Code, illegally diverts airport revenues;

(3) any diversion of airport revenues in violation of the condition referred to in paragraph (1) undermines the interest of the United States in promoting a strong national air transportation system that is responsive to the needs of airport users;

(4) the Secretary and the Administrator have not enforced airport revenue diversion rules adequately and must have additional regulatory tools to increase enforcement efforts; and

(5) sponsors who have been found to have illegally diverted airport revenues—

(A) have not reimbursed or made restitution to airports in a timely manner; and

(B) must be encouraged to do so.

(b) PURPOSE.—The purpose of this title is to ensure that airport users are not burdened with hidden taxation for unrelated municipal services and activities by—

(1) eliminating the ability of any State or political subdivision thereof that is a recipient of a project grant to divert airport revenues for purposes that are not related to an airport, in violation of section 47107 of title 49, United States Code;

(2) imposing financial reporting requirements that are designed to identify instances of illegal diversions referred to in paragraph (1);

(3) establishing a statute of limitations for airport revenue diversion actions;

(4) clarifying limitations on revenue diversion that are permitted under chapter 471 of title 49, United States Code; and

(5) establishing clear penalties and enforcement mechanisms for identifying and prosecuting airport revenue diversion.

SEC. 803. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) AIRPORT.—The term "airport" has the meaning provided that term in section 47102(2) of title 49, United States Code.

(3) PROJECT GRANT.—The term "project grant" has the meaning provided that term in section 47102(14) of title 49, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) SPONSOR.—The term "sponsor" has the meaning provided that term in section 47102(19) of title 49, United States Code.

SEC. 804. RESTRICTION ON USE OF AIRPORT REVENUES.

(a) IN GENERAL.—Subchapter I of chapter 471, as amended by section 142 of this Act, is further amended by adding after section 47132 the following:

"§47133. Restriction on use of revenues

"(a) PROHIBITION.—Local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by an airport that is the subject of Federal assistance may not be expended for any purpose other than the capital or operating costs of—

"(1) the airport;

"(2) the local airport system; or

"(3) any other local facility that is owned or operated by the person or entity that owns or operates the airport that is directly and substantially related to the air transportation of passengers or property.

"(b) EXCEPTIONS.—Subsection (a) shall not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.".

(b) PENALTIES.—Section 46301(a)(5) is amended to read as follows:

"(5) PENALTY FOR DIVERSION OF AVIATION REVENUES.—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 47133 of this title may be increased above the otherwise applicable maximum amount under this section to an amount not to exceed 3 times the amount of revenues that are used in violation of such section.".

(c) CONFORMING AMENDMENT.—The table of sections for such subchapter is amended by inserting after the item relating to section 47132, as added by section 142 of this Act, the following:

"47133. Restriction on use of revenues.".

SEC. 805. REGULATIONS; AUDITS AND ACCOUNTABILITY.

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following:

"(m) AUDIT CERTIFICATION.—

"(1) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall promulgate regulations that require a recipient of a project grant (or any other recipient of Federal financial assistance that is provided for an airport) to include as part of an annual audit conducted under sections 7501 through 7505 of title 31, a review and opinion of the review concerning the funding activities with respect to an airport that is the subject of the project grant (or other Federal financial assistance) and the sponsors, owners, or operators (or other recipients) involved.

"(2) CONTENT OF REVIEW.—A review conducted under paragraph (1) shall provide reasonable assurances that funds paid or transferred to sponsors are paid or transferred in a manner consistent with the applicable requirements of this chapter and any other applicable provision of law (including regulations promulgated by the Secretary or the Administrator).

"(3) REQUIREMENTS FOR AUDIT REPORT.—The report submitted to the Secretary under this subsection shall include a specific determination and opinion regarding the appropriateness of the disposition of airport funds paid or transferred to a sponsor.

"(n) RECOVERY OF ILLEGALLY DIVERTED FUNDS.—

"(1) IN GENERAL.—Not later than 180 days after the issuance of an audit or any other report that identifies an illegal diversion of airport revenues (as determined under subsections (b) and (l) and section 47133), the Secretary, acting through the Administrator, shall—

"(A) review the audit or report;

"(B) perform appropriate factfinding; and

"(C) conduct a hearing and render a final determination concerning whether the illegal diversion of airport revenues asserted in the audit or report occurred.

"(2) NOTIFICATION.—Upon making such a finding, the Secretary, acting through the Administrator, shall provide written notification to the sponsor and the airport of—

"(A) the finding; and

"(B) the obligations of the sponsor to reimburse the airport involved under this paragraph.

"(3) ADMINISTRATIVE ACTION.—The Secretary may withhold any amount from funds that would otherwise be made available to the sponsor, including funds that would otherwise be made available to a State, municipality, or political subdivision thereof (including any multimodal transportation agency or transit authority of which the sponsor is a member entity) as part of an apportionment or grant made available pursuant to this title, if the sponsor—

"(A) receives notification that the sponsor is required to reimburse an airport; and

"(B) has had an opportunity to reimburse the airport, but has failed to do so.

"(4) CIVIL ACTION.—If a sponsor fails to pay an amount specified under paragraph (3) during the 180-day period beginning on the date of notification and the Secretary is unable to withhold a sufficient amount under paragraph (3), the Secretary, acting through the Administrator, may initiate a civil action under which the sponsor shall be liable for civil penalty in an amount equal to the illegal diversion in question plus interest (as determined under subsection (o)).

"(5) DISPOSITION OF PENALTIES.—

"(A) AMOUNTS WITHHELD.—The Secretary or the Administrator shall transfer any amounts withheld under paragraph (3) to the Airport and Airway Trust Fund.

"(B) CIVIL PENALTIES.—With respect to any amount collected by a court in a civil action under paragraph (4), the court shall cause to be transferred to the Airport and Airway Trust Fund any amount collected as a civil penalty under paragraph (4).

"(6) REIMBURSEMENT.—The Secretary, acting through the Administrator, shall, as soon as practicable after any amount is collected from a sponsor under paragraph (4), cause to be transferred from the Airport and Airway Trust Fund to an airport affected by a diversion that is the subject of a civil action under paragraph (4), reimbursement in an amount equal to the amount that has been collected from the sponsor under paragraph (4) (including any amount of interest calculated under subsection (o)).

"(7) STATUTE OF LIMITATIONS.—No person may bring an action for the recovery of funds illegally diverted in violation of this section (as determined under subsections (b) and (l)) or section 47133 after the date that is 6 years after the date on which the diversion occurred.

"(o) INTEREST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Administrator, shall charge a minimum annual rate of interest on the amount of any illegal diversion of revenues referred to in subsection (n) in an amount equal to the average investment interest rate for tax and loan accounts of the Department of the Treasury (as determined by the Secretary of the Treasury) for the applicable calendar year, rounded to the nearest whole percentage point.

"(2) ADJUSTMENT OF INTEREST RATES.—If, with respect to a calendar quarter, the average investment interest rate for tax and loan accounts of the Department of the Treasury exceeds the average investment interest rate for the immediately preceding calendar quarter, rounded to the nearest whole percentage point, the Secretary of the Treasury may adjust the interest rate charged under this subsection in a manner that reflects that change.

"(3) ACCRUAL.—Interest assessed under subsection (n) shall accrue from the date of the actual illegal diversion of revenues referred to in subsection (n).

"(4) DETERMINATION OF APPLICABLE RATE.—The applicable rate of interest charged under paragraph (1) shall—

"(A) be the rate in effect on the date on which interest begins to accrue under paragraph (3); and

"(B) remain at a rate fixed under subparagraph (A) during the duration of the indebtedness.

"(p) PAYMENT BY AIRPORT TO SPONSOR.—If, in the course of an audit or other review conducted under this section, the Secretary or the Administrator determines that an airport owes a sponsor funds as a result of activities conducted by the sponsor or expenditures by the sponsor for the benefit of the airport, interest on that amount shall be determined in the same manner as provided in paragraphs (1) through (4) of subsection (o), except that the amount of any interest assessed under this subsection shall be determined from the date on which the Secretary or the Administrator makes that determination.".

(b) REVISION OF POLICIES AND PROCEDURES; DEADLINES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, acting through the Administrator, shall revise the policies and procedures established under section 47107(l) of title 49, United States Code, to take into account the amendments made to that section by this title.

(2) STATUTE OF LIMITATIONS.—Section 47107(l) is amended by adding at the end the following:

"(5) STATUTE OF LIMITATIONS.—In addition to the statute of limitations specified in subsection (n)(7), with respect to project grants made under this chapter—

"(A) any request by a sponsor to any airport for additional payments for services conducted off of the airport or for reimbursement for capital contributions or operating expenses shall be filed not later than 6 years after the date on which the expense is incurred; and

"(B) any amount of airport funds that are used to make a payment or reimbursement as described in subparagraph (A) after the date specified in that subparagraph shall be considered to be an illegal diversion of airport revenues that is subject to subsection (n).".

SEC. 806. CONFORMING AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Section 9502 of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of subsection (b)(3);

(2) by striking the period at the end of subsection (b)(4) and inserting ", and"; and

(3) by adding at the end of subsection (b) the following:

"(5) amounts determined by the Secretary of the Treasury to be equivalent to the amounts of civil penalties collected under section 47107(n) of title 49, United States Code."; and

(4) by adding at the end of subsection (d) the following:

"(5) TRANSFERS FROM THE AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN AIRPORTS.—The Secretary of the Treasury may transfer from the Airport and Airway Trust Fund to the Secretary of Transportation or the Administrator of the Federal Aviation Administration an amount to make a payment to an airport affected by a diversion that is the subject of an administrative action under paragraph (3) or a civil action under paragraph (4) of section 47107(n) of title 49, United States Code.".

TITLE IX—METROPOLITAN WASHINGTON AIRPORTS

SEC. 901. SHORT TITLE.

This title may be cited as the "Metropolitan Washington Airports Amendments Act of 1996".

SEC. 902. USE OF LEASED PROPERTY.

Section 6005(c)(2) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2454(c)(2)) is amended by inserting before the period at the end of the second sentence the following: "which are not inconsistent with the needs of aviation".

SEC. 903. BOARD OF DIRECTORS.

(a) APPOINTMENT OF ADDITIONAL MEMBERS.—Section 6007(e)(1) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)(1)) is amended—

(1) in the matter preceding subparagraph (A) by striking "11" and inserting "13";

(2) in subparagraph (D) by striking "one member" and inserting "three members".

(b) RESTRICTIONS.—Section 6007(e)(2) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)(2)) is amended by striking "except that" and all that follows through the period and inserting "except that the members appointed by the President shall be registered voters of States other than Maryland, Virginia, or the District of Columbia.".

(c) TERMS.—Section 6007(e)(3) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)(3)) is amended—

(1) in subparagraph (B) by striking "and" at the end;

(2) in subparagraph (C) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) by the President after the date of the enactment of this subparagraph, 1 shall be appointed for 4 years.

A member may serve after the expiration of that member's term until a successor has taken office.".

(d) VACANCIES.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)) is amended by redesignating paragraphs (4) and (5) as paragraphs (8) and (9), respectively, and by inserting after paragraph (3) the following:

"(4) VACANCIES.—A vacancy in the board of directors shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.".

(e) POLITICAL PARTIES OF PRESIDENTIAL APPOINTEES.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)) is amended by inserting after paragraph (4), as inserted by subsection (d) of this section, the following:

"(5) POLITICAL PARTIES OF PRESIDENTIAL APPOINTEES.—Not more than 2 of the members of the board appointed by the President may be of the same political party.".

(f) DUTIES OF PRESIDENTIAL APPOINTEES.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)) is amended by inserting after paragraph (5), as inserted by subsection (e) of this section, the following:

"(6) DUTIES OF PRESIDENTIAL APPOINTEES.—In carrying out their duties on the board, members of the board appointed by the President shall ensure that adequate consideration is given to the national interest.".

(g) DEADLINE FOR PRESIDENTIAL APPOINTMENTS.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)) is amended by inserting after paragraph (6), as inserted by subsection (f) of this section, the following:

"(7) DEADLINE FOR PRESIDENTIAL APPOINTMENTS.—

"(A) DEADLINE.—The members to be appointed to the board by the President under section 6007(e)(1)(D) shall be appointed on or before September 30, 1997.

"(B) APPLICABILITY OF LIMITATIONS.—If the deadline of subparagraph (A) is not met, the Secretary and the Airports Authority shall be subject to the limitations described in subsection (i) for the period beginning on October 1, 1997, and ending on the first day on which all of the members referred to in subparagraph (A) have been appointed.".

(h) REQUIRED NUMBER OF VOTES.—Section 6007(e)(9) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)(9)), as redesignated by subsection (d) of this section, is amended by striking "Seven" and inserting "Eight".

SEC. 904. TERMINATION OF BOARD OF REVIEW.

(a) IN GENERAL.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (49

U.S.C. App. 2456) is amended by striking subsections (f) and (h) and redesignating subsections (g) and (i) as subsections (f) and (g), respectively.

(b) STAFF.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456) is amended—

(1) by inserting paragraph (8) of subsection (f), as in effect before the amendment made by subsection (a) of this section, after subsection (g), as redesignated by such subsection (a);

(2) by moving such paragraph 2 ems to the left and redesignating such paragraph as subsection (h); and

(3) in subsection (h), as so redesignated—

(A) in the first sentence by striking "The Board of Review" and inserting "To assist the Secretary in carrying out this Act, the Secretary"; and

(B) in the second sentence by striking "Board" and inserting "Secretary".

(c) CONFORMING AMENDMENTS.—The Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451 et seq.) is amended—

(1) in section 6009(b) by striking "or by reason" and all that follows before the period; and

(2) in section 6011 by striking "Except as provided in section 6007(h), if" and inserting "If".

(d) PROTECTION OF CERTAIN ACTIONS.—Actions taken by the Metropolitan Washington Airports Authority and required to be submitted to the Board of Review pursuant to section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 before the date of the enactment of this Act shall remain in effect and shall not be set aside solely by reason of a judicial order invalidating certain functions of the Board of Review.

SEC. 905. LIMITATIONS.

Section 6007 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456) is further amended by adding at the end the following:

"(i) LIMITATIONS.—After October 1, 2001—

"(1) the Secretary may not approve an application of the Airports Authority for an airport development project grant under subchapter I of chapter 471 of title 49, United States Code; and

"(2) the Secretary may not approve an application of the Airports Authority to impose a passenger facility fee under section 40117 of such title.".

SEC. 906. USE OF DULLES AIRPORT ACCESS HIGHWAY.

The Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451 et seq.) is further amended by adding at the end the following:

"SEC. 6013. USE OF DULLES AIRPORT ACCESS HIGHWAY.

"(a) RESTRICTIONS.—Except as provided by subsection (b), the Airports Authority shall continue in effect and enforce paragraphs (1) and (2) of section 4.2 of the Metropolitan Washington Airports Regulations, as in effect on February 1, 1995.

"(b) ENFORCEMENT.—The district courts of the United States shall have jurisdiction to compel the Airports Authority and its officers and employees to comply with the requirements of this section. An action may be brought on behalf of the United States by the Attorney General or by any aggrieved party.".

SEC. 907. EFFECT OF JUDICIAL ORDER.

The Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451 et seq.) is further amended by adding at the end the following:

"SEC. 6014. EFFECT OF JUDICIAL ORDER.

"If any provision of the Metropolitan Washington Airports Amendments Act of 1996 or the amendments made by such Act (or the application of that provision to any person, circumstance, or venue) is held invalid by a judicial order, on the day after the date of the issuance of such order, and thereafter, the Secretary of Transportation and the Metropolitan Washington Airports Authority shall be subject to the limitations described in section 6007(i) of this Act.".

SEC. 908. AMENDMENT OF LEASE.

The Secretary of Transportation shall amend the lease entered into with the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Authority Act of 1986 to secure the Airports Authority's consent to the amendments made to such Act by this title.

SEC. 909. SENSE OF THE SENATE.

It is the sense of the Senate that the Metropolitan Washington Airports Authority—

(1) should not provide any reserved parking areas free of charge to Members of Congress, other Government officials, or diplomats at Washington National Airport or Washington Dulles International Airport; and

(2) should establish a parking policy for such airports that provides equal access to the public, and does not provide preferential parking privileges to Members of Congress, other Government officials, or diplomats.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES

SEC. 1001. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES.

(a) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended by striking "October 1, 1996" and inserting "October 1, 1998".

(b) EXTENSION OF TRUST FUND PURPOSES.—Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting before the semicolon at the end "or the Federal Aviation Reauthorization Act of 1996".

TITLE XI—FAA RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 1101. SHORT TITLE.

This title may be cited as the "FAA Research, Engineering, and Development Management Reform Act of 1996".

SEC. 1102. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) is amended—

(1) by striking "and" at the end of paragraph (1)(J);

(2) by striking the period at the end of paragraph (2)(J) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(3) for fiscal year 1997—

"(A) $13,660,000 for system development and infrastructure projects and activities;

"(B) $34,889,000 for capacity and air traffic management technology projects and activities;

"(C) $19,000,000 for communications, navigation, and surveillance projects and activities;

"(D) $13,000,000 for weather projects and activities;

"(E) $5,200,000 for airport technology projects and activities;

"(F) $36,504,000 for aircraft safety technology projects and activities;

"(G) $57,055,000 for system security technology projects and activities;

"(H) $23,504,000 for human factors and aviation medicine projects and activities;

"(I) $3,600,000 for environment and energy projects and activities; and

"(J) $2,000,000 for innovative/cooperative research projects and activities.".

SEC. 1103. RESEARCH PRIORITIES.

Section 48102(b) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking "AVAILABILITY FOR RESEARCH.—(1)" and inserting in lieu thereof "RESEARCH PRIORITIES.—(1) The Administrator shall consider the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

"(2)".

SEC. 1104. RESEARCH ADVISORY COMMITTEE.

Section 44508(a)(1) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(3) by inserting after subparagraph (C) the following:

"(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).".

SEC. 1105. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) is amended—

(1) in paragraph (2)(A) by striking "15-year" and inserting in lieu thereof "5-year";

(2) by amending subparagraph (B) to read as follows:

"(B) The plan shall—

"(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119, 44504, 44505, 44507, 44509, 44511–44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

"(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

"(iii) identify the allocation of resources among long-term research, near-term research, and development activities; and

"(iv) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance."; and

(3) in paragraph (3) by inserting ", including a description of the dissemination to the private sector of research results and a description of any new technologies developed" after "during the prior fiscal year".

TITLE XII—MISCELLANEOUS PROVISIONS

SEC. 1201. PURCHASE OF HOUSING UNITS.

Section 40110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) PURCHASE OF HOUSING UNITS.—

"(1) AUTHORITY.—In carrying out this part, the Administrator may purchase a housing unit (including a condominium or a housing unit in a building owned by a cooperative) that is located outside the contiguous United States if the cost of the unit is $300,000 or less.

"(2) ADJUSTMENTS FOR INFLATION.—For fiscal years beginning after September 30, 1997, the Administrator may adjust the dollar amount specified in paragraph (1) to take into account increases in local housing costs.

"(3) CONTINUING OBLIGATIONS.—Notwithstanding section 1341 of title 31, the Administrator may purchase a housing unit under paragraph (1) even if there is an obligation thereafter to pay necessary and reasonable fees duly assessed upon such unit, including fees related

to operation, maintenance, taxes, and insurance.

"(4) CERTIFICATION TO CONGRESS.—The Administrator may purchase a housing unit under paragraph (1) only if, at least 30 days before completing the purchase, the Administrator transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

"(A) a description of the housing unit and its price;

"(B) a certification that the price does not exceed the median price of housing units in the area; and

"(C) a certification that purchasing the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.

"(5) PAYMENT OF FEES.—The Administrator may pay, when due, fees resulting from the purchase of a housing unit under this subsection from any amounts made available to the Administrator.".

SEC. 1202. CLARIFICATION OF PASSENGER FACILITY REVENUES AS CONSTITUTING TRUST FUNDS.

Section 40117(g) is amended by adding at the end the following:

"(4) Passenger facility revenues that are held by an air carrier or an agent of the carrier after collection of a passenger facility fee constitute a trust fund that is held by the air carrier or agent for the beneficial interest of the eligible agency imposing the fee. Such carrier or agent holds neither legal nor equitable interest in the passenger facility revenues except for any handling fee or retention of interest collected on unremitted proceeds as may be allowed by the Secretary.".

SEC. 1203. AUTHORITY TO CLOSE AIRPORT LOCATED NEAR CLOSED OR REALIGNED MILITARY BASE.

Notwithstanding any other provision of a law, rule, or grant assurance, an airport that is not a commercial service airport may be closed by its sponsor without any obligation to repay grants made under chapter 471 of title 49, United States Code, the Airport and Airway Improvement Act of 1982, or any other law if the airport is located within 2 miles of a United States Army depot which has been closed or realigned; except that in the case of disposal of the land associated with the airport, the part of the proceeds from the disposal that is proportional to the Government's share of the cost of acquiring the land shall be paid to the Secretary of Transportation for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).

SEC. 1204. GADSDEN AIR DEPOT, ALABAMA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 4, 1949), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any of the terms contained in the deed of conveyance dated May 4, 1949, under which the United States conveyed certain property to the city of Gadsden, Alabama, for airport purposes.

(b) CONDITIONS.—Any waiver granted under subsection (a) shall be subject to the following conditions:

(1) The city of Gadsden, Alabama, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value of such interest (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport, lands (including any improvements thereto) which produce revenues that are used for airport development purposes, or both.

SEC. 1205. REGULATIONS AFFECTING INTRASTATE AVIATION IN ALASKA.

In modifying regulations contained in title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.

SEC. 1206. WESTCHESTER COUNTY AIRPORT, NEW YORK.

Notwithstanding sections 47107(b) and 47133 of title 49, United States Code, and any other law, regulation, or grant assurance, all fees received by Westchester County Airport in the State of New York may be paid into the treasury of Westchester County pursuant to section 119.31 of the Westchester County Charter if the Secretary finds that the expenditures from such treasury for the capital and operating costs of the Airport after December 31, 1990, have been and will be equal to or greater than the fees that such treasury receives from the Airport.

SEC. 1207. BEDFORD AIRPORT, PENNSYLVANIA.

If the Administrator of the Federal Aviation Administration decommissions an instrument landing system in Pennsylvania, the Administrator may transfer and install the system at Bedford Airport, Pennsylvania.

SEC. 1208. WORCESTER MUNICIPAL AIRPORT, MASSACHUSETTS.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to improve the safety of aircraft landing at Worcester Municipal Airport, Massachusetts, including, if appropriate, providing air traffic radar service to such airport from the Providence Approach Radar Control in Coventry, Rhode Island.

SEC. 1209. CENTRAL FLORIDA AIRPORT, SANFORD, FLORIDA.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to improve the safety of aircraft landing at Central Florida Airport, Sanford, Florida, including, if appropriate, providing a new instrument landing system on Runway 27R.

SEC. 1210. AIRCRAFT NOISE OMBUDSMAN.

Section 106, as amended by section 230 of this Act, is further amended by adding at the end the following:

"(q) AIRCRAFT NOISE OMBUDSMAN.—

"(1) ESTABLISHMENT.—There shall be in the Administration an Aircraft Noise Ombudsman.

"(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

"(A) be appointed by the Administrator;

"(B) serve as a liaison with the public on issues regarding aircraft noise; and

"(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.

"(3) NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES.—The appointment of an Ombudsman under this subsection shall not result in an increase in the number of full-time equivalent employees in the Administration.".

SEC. 1211. SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.

Section 47109 is amended by adding at the end the following:

"(c) SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.—If a privately owned reliever airport contributes any lands, easements, or rights-of-way to carry out a project under this subchapter, the current fair market value of such lands, easements, or rights-of-way shall be credited toward the non-Federal share of allowable project costs.".

SEC. 1212. SENSE OF THE SENATE REGARDING THE FUNDING OF THE FEDERAL AVIATION ADMINISTRATION.

(a) FINDINGS.—The Senate finds that—

(1) Congress is responsible for ensuring that the financial needs of the Federal Aviation Administration, the agency that performs the critical function of overseeing the Nation's air traffic control system and ensuring the safety of air travelers in the United States, are met;

(2) aviation excise taxes that constitute the Airport and Airway Trust Fund, which provides most of the funding for the Federal Aviation Administration, have expired;

(3) the surplus in the Airport and Airway Trust Fund will be spent by the Federal Aviation Administration by December 1996;

(4) the existing system of funding the Federal Aviation Administration will not provide the agency with sufficient short-term or long-term funding;

(5) this Act creates a sound process to review Federal Aviation Administration funding and develop a funding system to meet the Federal Aviation Administration's long-term funding needs; and

(6) without immediate action by Congress to ensure that the Federal Aviation Administration's financial needs are met, air travelers' confidence in the system could be undermined.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that there should be an immediate enactment of an 18-month reinstatement of the aviation excise taxes to provide short-term funding for the Federal Aviation Administration.

SEC. 1213. RURAL AIR FARE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study to—

(1) compare air fares paid (calculated as both actual and adjusted air fares) for air transportation on flights conducted by commercial air carriers—

(A) between—

(i) nonhub airports located in small communities; and

(ii) large hub airports; and

(B) between large hub airports;

(2) analyze—

(A) the extent to which passenger service that is provided from nonhub airports is provided on—

(i) regional commuter commercial air carriers; or

(ii) major air carriers;

(B) the type of aircraft employed in providing passenger service at nonhub airports; and

(C) whether there is competition among commercial air carriers with respect to the provision of air service to passengers from nonhub airports.

(b) FINDINGS.—The Secretary shall include in the report of the study conducted under subsection (a) findings concerning—

(1) whether passengers who use commercial air carriers to and from rural areas (as defined by the Secretary) pay a disproportionately greater price for that transportation than passengers who use commercial air carriers between urban areas (as defined by the Secretary);

(2) the nature of competition, if any, in rural markets (as defined by the Secretary) for commercial air carriers;

(3) whether a relationship exists between higher air fares and competition among commercial air carriers for passengers traveling on jet aircraft from small communities (as defined by the Secretary) and, if such a relation exists, the nature of that relationship;

(4) the number of small communities that have lost air service as a result of the deregulation of commercial air carriers with respect to air fares;

(5) the number of small communities served by airports with respect to which, after commercial air carrier fares were deregulated, jet aircraft service was replaced by turboprop aircraft service; and

(6) where such replacement occurred, any corresponding decreases in available seat capacity for consumers at the airports referred to in that subparagraph.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a final report on the study carried out under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) ADJUSTED AIR FARE.—The term "adjusted air fare" means an actual air fare that is adjusted for distance traveled by a passenger.

(2) AIR CARRIER.—The term "air carrier" is defined in section 40102(a)(2) of title 49, United States Code.

(3) AIRPORT.—The term "airport" is defined in section 40102(9) of such title.

(4) COMMERCIAL AIR CARRIER.—The term "commercial air carrier" means an air carrier that provides air transportation for commercial purposes (as determined by the Secretary).

(5) HUB AIRPORT.—The term "hub airport" is defined in section 41731(a)(2) of such title.

(6) LARGE HUB AIRPORT.—The term "large hub airport" shall be defined by the Secretary but the definition may not include a small hub airport, as that term is defined in section 41731(a)(5) of such title.

(7) MAJOR AIR CARRIER.—The term "major air carrier" shall be defined by the Secretary.

(8) NONHUB AIRPORT.—The term "nonhub airport" is defined in section 41731(a)(4) of such title.

(9) REGIONAL COMMUTER AIR CARRIER.—The term "regional commuter air carrier" shall be defined by the Secretary.

SEC. 1214. CARRIAGE OF CANDIDATES IN STATE AND LOCAL ELECTIONS.

The Administrator of the Federal Aviation Administration shall revise section 91.321 of the Administration's regulations (14 C.F.R. 91.321), relating to the carriage of candidates in Federal elections, to make the same or similar rules applicable to the carriage of candidates for election to public office in State and local government elections.

SEC. 1215. SPECIAL FLIGHT RULES IN THE VICINITY OF GRAND CANYON NATIONAL PARK.

The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall take such action as may be necessary to provide 45 additional days for comment by interested persons on the special flight rules in the vicinity of Grand Canyon National Park and the Draft Environmental Assessment described in the notice of proposed rulemaking issued on July 31, 1996, at 61 Fed. Reg. 40120 et seq.

SEC. 1216. TRANSFER OF AIR TRAFFIC CONTROL TOWER; CLOSING OF FLIGHT SERVICE STATIONS.

(a) HICKORY, NORTH CAROLINA TOWER.—

(1) TRANSFER.—The Administrator of the Federal Aviation Administration may transfer any title, right, or interest the United States has in the air traffic control tower located at the Hickory Regional Airport to the City of Hickory, North Carolina, for the purpose of enabling the city to provide air traffic control services to operators of aircraft.

(2) STUDY.—The Administrator shall conduct a study to determine whether the number of operations at Hickory Regional Airport meet the criteria for contract towers and shall certify in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce and Infrastructure of the House of Representatives whether that airport meets those criteria.

(b) NEW BERN–CRAVEN COUNTY STATION.—The Administrator shall not close the New Bern–Craven County flight services station or the Hickory Regional Airport flight service station unless the Administrator certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such closure will not result in a degradation of air safety and that it will reduce costs to taxpayers.

(c) PIERRE, SOUTH DAKOTA STATION.—The Administrator shall not close the Pierre, South Dakota Regional Airport flight service station unless following the 180th day after the date of the enactment of this Act the Administrator certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such closure will not result in a degradation of air safety, air service, or the loss of meteorological services or data that cannot otherwise be obtained in a more cost-effective manner, and that it will reduce costs to taxpayers.

SEC. 1217. LOCATION OF DOPPLER RADAR STATIONS, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the feasibility of constructing 2 offshore platforms to serve as sites for the location of Doppler radar stations for John F. Kennedy International Airport and LaGuardia Airport in New York City, New York.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a), including proposed locations for the offshore platforms. Such locations shall be as far as possible from populated areas while providing appropriate safety measures for John F. Kennedy International Airport and LaGuardia Airport.

SEC. 1218. TRAIN WHISTLE REQUIREMENTS.

(a) IN GENERAL.—Section 20153 is amended by adding at the end the following:

"(i) REGULATIONS.—In issuing regulations under this section, the Secretary—

"(1) shall take into account the interest of communities that—

"(A) have in effect restrictions on the sounding of a locomotive horn at highway-rail grade crossings; or

"(B) have not been subject to the routine (as defined by the Secretary) sounding of a locomotive horn at highway-rail grade crossings;

"(2) shall work in partnership with affected communities to provide technical assistance and shall provide a reasonable amount of time for local communities to install supplementary safety measures, taking into account local safety initiatives (such as public awareness initiatives and highway-rail grade crossing traffic law enforcement programs) subject to such terms and condition as the Secretary deems necessary, to protect public safety; and

"(3) may waive (in whole or in part) any requirement of this section (other than a requirement of this subsection or subsection (j)) that the Secretary determines is not likely to contribute significantly to public safety.

"(j) EFFECTIVE DATE OF REGULATIONS.—Any regulations under this section shall not take effect before the 365th day following the date of publication of the final rule.".

SEC. 1219. INCREASED FEES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Surface Transportation Board shall not increase fees for services to be collected from small shippers in connection with rail maximum rate complaints pursuant to part 1002 of title 49, Code of Federal Regulations, Ex Parte No. 542.

(b) APPLICABILITY.—Subsection (a) shall no longer be effective after September 30, 1998.

SEC. 1220. STRUCTURES INTERFERING WITH AIR COMMERCE.

(a) LANDFILLS.—Section 44718 is amended by adding at the end the following:

"(d) LANDFILLS.—For the purposes of enhancing aviation safety, in a case in which 2 landfills have been proposed to be constructed or established within 6 miles of a commercial service airport with fewer than 50,000 enplanements per year, no person shall construct or establish either landfill if an official of the Federal Aviation Administration has stated in writing within the 3-year period ending on the date of the enactment of this subsection that 1 of the landfills would be incompatible with aircraft operations at the airport, unless the landfill is already active on such date of enactment or the airport operator agrees to the construction or establishment of the landfill.".

(b) CIVIL PENALTIES.—Section 46301 is amended by inserting "44718(d)," after "44716," in each of subsections (a)(1)(A), (d)(2), and (f)(1)(A)(i).

SEC. 1221. HAWAII CARGO.

Notwithstanding any other provision of law, and for a period that shall not extend beyond September 30, 1998, an air carrier which commenced all-cargo turnaround service during November 1995 with Stage 2 aircraft with a maximum weight of more than 75,000 pounds may operate no more than one Stage 2 aircraft in all-cargo turnaround service and may also maintain a second such aircraft in reserve. The reserve aircraft may only be used as a replacement aircraft when the first aircraft is not airworthy or is unavailable due to closure of an airport at which the first aircraft is located in the State of Hawaii.

SEC. 1222. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Subsection (b)(2) of section 5 of the Act of January 2, 1951 (commonly referred to as the "Johnson Act") (64 Stat. 1135, chapter 1194; 15 U.S.C. 1175), is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if such voyage or segment includes or consists of a segment—

"(i) that begins that ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which such segment begins.".

SEC. 1223. CLARIFYING AMENDMENT.

Section 1 of the Railway Labor Act (45 U.S.C. 151) is amended by inserting ", any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995," after "Board" the first place it appears in the first paragraph.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except section 501) and the Senate amendment (except section 1001), and modifications committed to conference:

BUD SHUSTER,
BILL CLINGER,
JOHN J. DUNCAN, Jr.,

From the Committee on Transportation and Infrastructure, for consideration of section

501 of the House bill and section 1001 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
BILL CLINGER,

As additional conferees from the Committee on Rules, for consideration of section 675 of the Senate bill, and modifications committed to conference:

DAVID DREIER,
JOHN LINDER,

As additional conferees from the Committee on Science, for consideration of sections 601–05 of the House bill, and section 103 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
CONNIE MORELLA,

As additional conferees from the Committee on Science, for consideration of section 501 of the Senate amendment and modifications committed to conference:

ROBERT S. WALKER,
F. JAMES SENSENBRENNER, Jr.,

As additional conferees from the Committee on Ways and Means, for the consideration of section 501 of the House bill, and sections 417, 906, and 1001 of the Senate amendment and modifications committed to conference:

BILL ARCHER,
PHIL CRANE,
SAM M. GIBBONS,
Managers on the Part of the House.

LARRY PRESSLER,
TED STEVENS,
JOHN MCCAIN,
FRITZ HOLLINGS,
WENDELL H. FORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

House bill

Section 1: "Federal Aviation Authorization Act of 1996".

Senate amendment

Section 1: "Federal Aviation Reauthorization Act of 1996".

Conference substitute

Section 1: Senate provision.

2. AMENDMENTS TO TITLE 49

House bill

Section 2: States that Amendments in this Act are to Title 49.

Senate amendment

Section 2: Same provision.

Conference substitute

Section 2: Same provision.

3. APPLICABILITY

House bill

Section 3: This bill applies only after September 30, 1996.

Senate amendment

No provision.

Conference substitute

Section 3: House provision.

4. AIP AUTHORIZATION

House bill

Section 101:
FY 97—$2.28 billion.
FY 98—$2.347 billion.
FY 99—$2.412 billion.
Removes cumulative totals.

Senate amendment

Section 104: FY 97—$2.28 billion.

Conference substitute

Section 101: House provision, but only for 2 years. The AIP formula changes discussed below also expire after two years.

5. F&E AUTHORIZATION

House bill

Section 102:
FY 97—$2.068 billion.
FY 98—$2.129 billion.
FY 99—$2.191 billion.
Changes heading for section.

Senate amendment

Section 102: FY 97—$1.8 billion.

Conference substitute

Section 102: House provision, but only for 2 years.

The Managers note that the Laser Visual Guidance Systems (LVGS) is a laser based guidance system that has been tested extensively by the Navy and suggest that FAA consider this system for utilization in the National Airspace System (NAS). The Conferees further suggest that the FAA work with the manufacturer to evaluate the fitness of the system for possible certification under 14 FAR Part 171.

The Secretary of Transportation should take such actions as may be necessary to replace the FAA Control Tower at Syracuse Hancock International Airport in Syracuse, New York. All design and engineering work on the Replacement Control Tower has been completed and the Managers understand that this project is the top priority of the FAA's Eastern Region.

6. OPERATIONS AUTHORIZATION

House bill

Section 103:
FY 97—$5.158 billion.
FY 98—$5.344 billion.
FY 99—$5.538 billion.

Extends for 3 years the limit on spending Trust Fund money for operations. Changes heading of section. No change in Trust Fund share.

Senate amendment

Section 101:
FY 97—$5 billion.

Removes limit on spending Trust Fund money on operations. Raises Trust Fund share from 70% to 75%.

Conference substitute

Section 103: House, except for 2 years and the Trust Fund share is raised to 72.5%.

7. INTERACCOUNT FLEXIBILITY

House bill

No provision.

Senate amendment

Section 105: Permits the Administrator to transfer budget authority among the Operations, F&E, and RE&D appropriations accounts. Transfers of budget authority could not be made if outlays would exceed the aggregate estimated outlays. A transfer also could not result in a net decrease of more than 5 percent, or a net increase of more than 10 percent, in budget authority available under any appropriation involved in that transfer. Any transfer would be treated as a reprogramming of funds and could only occur after the FAA submitted a report to the appropriate authorizing and appropriating committees of Congress. Each committee would have 30 days to object to any transfer.

Conference substitute

House.

8. PASSENGER ENTITLEMENT

House bill

Section 201(a)(1): Same as current law except that airports receive 50 cents per passenger for each passenger over a million.

Senate amendment

No provision.

Conference substitute

Section 121(a): House provision.

9. CARGO ENTITLEMENT

House bill

Section 210(a)(2): Entitlement changed to 2.5%. Airports that do not meet landed-weight minimum can still get grant under this entitlement if Secretary finds that airport will be served primarily by cargo aircraft.

Senate amendment

No change.

Conference substitute

Section 121(a)(2): House provision.

10. ENTITLEMENT CAPS

House bill

Section 201(a)(3): Caps eliminated

Senate amendment

No change.

Conference substitute

House provision: Section 121(a)(3).

11. STATE ENTITLEMENT

House bill

Section 201(b): Raised to 18.5%. Relievers and small commercial service airports added.

Senate amendment

No change.

conference substitute

House provision: Section 121(b).

12. DISCRETIONARY FUND

House bill

Section 202: Must be at least $50 million plus amount needed to cover letters of intent issued prior to 1/1/96. Entitlement and set-asides reduced accordingly if necessary to meet this minimum. Amount in fund above what is needed to cover letters of intent is distributed 15% to planning & general aviation airports and 30% to small hubs and non-hubs.

Senate amendment

Section 203: FAA must fulfill letter of intent (LOI) commitments.

Conference substitute

Section 122: House except that $50 million is changed to $148 million and the 15% guarantee to general aviation airports and the 30% guarantee to small airports is eliminated. In FY 97, this should result in a remaining discretionary fund of $300 million.

The Managers would expect this to be distributed in accordance with FAA's historical discretionary fund distribution practices. If the formula results in a discretionary fund of more than $300 million, the portion that exceeds $300 million should be distributed one-third to general aviation airports, one-third to noise projects, and one-third to the military airport program.

13. CAP ON GRANTS TO LARGE AIRPORTS

House bill

No provision.

Senate amendments

Section 202: Establishes a sliding cap on the level of total AIP funds going to large and medium hubs. The percentage limit would vary depending upon the level of funds appropriated to AIP. The percentage of total AIP funds going to projects at large and medium hub airports would be: 44.3 percent at funding of $1.45–1.55 billion; 44.8 percent at funding of $1.35–1.45 billion; 45.4 percent at funding of $1.25–1.35 billion; 46 percent at funding of $1.15–1.25 billion; and 47 percent at funding below $1.15 billion.

Conference substitute

House.

14. CARRYOVER ENTITLEMENTS

House bill

Section 203(a): Non-hubs can carry over their entitlements for 3 years.

Senate amendment

No provision.

Conference substitute

House provision: Section 123(a).

15. SET-ASIDES

House bill

Section 203(b): Eliminates reliever, small commercial, and planning set-asides. Set-aside for noise is 31% of discretionary fund. This includes what an airport spends on noise from its entitlement. Set-aside for military airports is 4% of the discretionary fund. This can be used for operational and maintenance at general aviation airports adversely affected by a military base closure.

Senate amendment

No provision.

Conference substitute

House provision: Section 123(b).

16. MILITARY AIRPORT PROGRAM

House bill

Section 204:

Reduces number of airports to 10.

Changes criteria so that airports could be included if they would increase capacity in major metropolitan areas and reduce delays.

Extends indefinitely eligibility of parking lots, fuel farms, and utilities.

Adds hangars to eligible items.

Also, Section 203(b) extends program indefinitely.

Senate amendment

Section 204:

Reduces number of airports to 12.

Criteria changed so that except for airports included before August 24, 1994, the only ones that could be included would be closed or realigned military airports or those that would reduce delays at an airport with 20,000 annual delays or would increase capacity in metropolitan areas or reduce delays.

A military airport may be designated for additional 5-year periods.

Extends indefinitely eligibility of parking lots, fuel farms, and utilities.

Extends program for one year.

Conference substitute

Section 124:

Senate provision but add eligibility for hangars from House bill.

Extend program length for 2 years.

17. INNOVATIVE FINANCING

House bill

Section 206: Authorizes 10 innovative financing projects over next 3 years limited to payment of interest, bond insurance, and flexible local match. Phased funding is not included.

Senate amendment

No provision.

Conference substitute

Section 148: House provision.

18. INTERMODAL PLANNING

House bill

Section 301: This section encourages coordination between aviation planning and other transportation planning in the metropolitan area and encourages Metropolitan Planning Organizations (MPOs) to include airport operators as members. Subsection (b) requires the sponsor of a new airport to give the MPO a chance to review plans for the new airport and include in the AIP grant application its response to any comments made by the MPO.

Senate amendment

No provision.

Conference substitute

Section 141: House provision but drop subsection (b).

19. FEDERAL MANDATES

House bill

Section 302: This section broadens the ability of AIP and PFC funds to be used to pay for Federal mandates.

Senate amendment

Section 201(b): Similar provision.

Conference substitute

Section 142(b): Senate provision.

20. RUNWAY MAINTENANCE

House bill

Section 303: Permits AIP grants for up to 10 runway maintenance projects per year at general aviation airports.

Senate amendment

Section 201: Similar but requires issuance of regulations. Two projects must be in states without a medium or large hub. In designating projects, FAA must take into account geographical, climatological, and soil diversity.

Conference substitute

Section 142(a): Senate provision, but the Administration will issue guidelines instead of regulations.

21. INTERCITY BUSES

House bill

Section 304: A new grant assurance directing airports to try to provide access to intercity buses.

Senate amendment

Section 206: Similar grant assurance except it applies to other modes of transportation and explicitly states that the airport does not have to fund any special facilities as a result of this provision.

Conference substitute

Section 143: Senate provision.

22. COST REIMBURSEMENT

House bill

Section 305:

This section allows AIP grants to be used to reimburse an airport for a project already underway. This reimbursement must be from the airport's entitlement funds and the grant can be made only if:

(i) The project is begun after September 30, 1996;

(ii) A grant agreement is executed for the project; and

(iii) The project is in accordance with the airport's approved layout plan and complies with all laws, rules, and assurances that usually apply to AIP grants.

Subsection (b) states that an airport will not receive any priority for discretionary funds if its entitlement turns out to be insufficient to cover reimbursement for the project.

Senate amendment

No provision.

Conference substitute

Section 144: House provision.

23. LETTER OF INTENT

House bill

Section 306: This section requires the Secretary to issue rules requiring a cost-benefit analysis for new letters of intent (LOI) for projects at medium and large hub airports. No letters of intent can be issued for projects not yet under construction until these rules take effect even if the airport has already applied for the LOI. A request for a letter of intent must include specific details of the proposed financing plan for the project. The Secretary must consider the effect of the project on overall national air transportation policy when deciding whether to issue a letter for a project.

Senate amendment

No provision.

Conference substitute

Senate provision: The Managers understand that concerns have been voiced regarding previous management by the Federal Aviation Administration (FAA) for Letters of Intent (LOI) under the Airport Improvement Program. As outlined in GAO/RCED–94–100, the FAA has been criticized for not "establish[ing] goals and performance measures for the [LOI] program, including a goal for improving systemwide capacity." Recognizing the need for a clear set of selection criteria to review all new LOI applications, the FAA promulgated a new review policy, as printed in the Federal Register on October 31, 1994, which evaluates three components of an application: a project's effect on overall national air transportation system capacity; a project's benefit and cost, and, the financing commitment, including project timing, in terms of the airport capital improvement plan by the airport sponsor. The Managers applaud the FAA's efforts on this matter and direct FAA officials to consider each of the three requirements prior to issuance of any Letters of Intent.

24. SELECTION CRITERIA FOR AWARD OF DISCRETIONARY GRANTS

House bill

Section 307: This section adds three additional criteria to be considered in the award of discretionary grants. They are the priority that a State gives to the project, the projected growth in passengers at the airport, and whether the number of passengers has increased by more than 20 percent over the previous 12-month period.

Senate amendment

Section 203: Adds two additional criteria. They are (1) at a reliever airport, the number of operations projected to be diverted to the reliever airport as a result of the project and the cost savings to be realized by the users and (2) the priorities of the States and FAA regional offices to the extent they are not in conflict with the other criteria of this section.

Conference substitute

Section 145: both House bill and Senate amendment.

25. SMALL AIRPORT FUND

House bill

Section 308: This section states that in making grants to non-hub airports from the small airport fund, the Secretary shall give priority to multi-year projects for construction of new runways that are cost beneficial and would increase capacity in a region of the U.S.

Senate amendment

No provision.

Conference substitute

Section 146: House provision.

26. STATE BLOCK GRANT

House bill

Section 309: This section changes the state block grant program by increasing the number of participating states from 7 to 10, directing FAA to permit States to use their own priority system when not inconsistent with the national priority system, and making the program permanent.

Senate amendment

Section 205:

Directs FAA to permit States to use their own priority system when not inconsistent with the national priority system.

Extends program for one year.

Conference substitute

Section 147:

House provision, except the number of states is increased to 8 in 1997 and 9 in 1998. Many airport sponsors own and operate more than one airport. For instance, an entity may serve as the sponsor of a primary airport, and it may also own and operate one or more reliever airports. The sponsor in essence maintains an integrated airport system.

In a State Block Grant Program state, the state has been designated the responsibility for distributing federal grant funds to the state's reliever airports. The Managers are aware, however, of instances in which a State Block Grant state has entered into an agreement with the Federal Aviation Administration, under which the appropriate FAA regional office continues to determine and distribute grant funds to particular reliever airports that are owned and operated by a sponsor that also owns and operates a primary airport.

The Managers support continuation of this type of arrangement. it would be inefficient and unnecessarily duplicative for an airport sponsor that owns and operates a primary airport and one or more reliever airports as an integrated system to be subject to two different sets of grant procedures and standards (both federal and state) in the execution and administration of federal AIP grants. The Managers encourage the continuaitonof this arrangement between the FAA and the state, even when the law provides that states shall hold the authority to administer reliever airport funds.

27. AIRPORT PRIVATIZATION

House bill

Section 310:

Creates a pilot program permitting, subject to DOT approval, the sale or long-term lease of 6 airports. The sponsor and the potential purchaser must file an application. DOT may grant the application by issuing three exemptions. The first exemption would waive the revenue diversion prohibitions to permit the public owner to make money from the sale but only an amount agreed to by 60 percent of the airlines serving that airport with 60 percent of the landed weight. The second exemption would waive the requirements in law and FAA policy guidance that AIP grants be repaid and land received from the Federal government be returned. The third exemption would permit the new owner to receive compensation from operating the airport.

Subsection (c) of new section 47133 lists the conditions that must be met by an airport sale or lease agreement. These conditions are provisions to ensure that; (1) the airport will be available to the public on reasonable terms and without discrimination; (2) the airport will continue in operation without interruption in the event the new owner goes bankrupt; (3) the new owner will maintain and improve the airport and include a plan for doing so; (4) airline fees will not increase faster than inflation unless more than 60 percent of the airlines with 60 percent of the landed weight agree to higher rates; (5) safety at the airport will be maintained; (6) noise from the airport will be mitigated; (7) environment impacts will be mitigated; and (8) collective bargaining agreements of airport employees will not be abrogated.

At least one of the privatized airports is to be a general aviation airport. The private airports under this section are authorized to charge a PFC, receive AIP entitlement grants, and charge users reasonable rates, fees, and charges like other airports. The new owner is required to continue to use the facility as an airport. The exemptions issued under this section may be revoked if, after notice and hearing, DOT finds that the purchaser or lessee has knowingly violated any of the commitments that it made in the purchase or lease agreement.

Subsection (h) of new section 47133 clarifies that the power of airlines over use of revenue and fees in this section applies only to the airports purchased or leased under this section and not to other airports.

Subsection (b) of this section makes private airports subject to the same prohibition on head taxes as public airports.

Subsection (c) requires DOT to consider whether the private airport has complied with the requirement that airline fees not increase faster than the rate of inflation in deciding a rates and charges complaint against that airport.

Senate amendment

No provision:

Conference substitute

Section 149:

House provision with following changes or clarifications:

Reduce number of participating airports from 6 to 5

1 large, 3 medium, small, or non-hubs, and 1 general aviation airports are eligible for this pilot program

65% of airlines must agree to transactions and to rate hikes. If 1 carrier represents 65% of landed weight then 2 airlines must approve for transactions and rate hikes.

Discretionary AIP grants allowed but only if sanctioned by FAA Administrator with 60% private money match to 40% Federal

2-year study of the pilot program with a report to appropriate Congressional committees

DOT Secretary must validate that any airport privatized would not be anti-competitive requirement that airport operator has to improve and modernize airport through capital investments

Secretary has authority to audit airport anytime.

Rate hikes on general aviation shall rise no faster than those of commercial carriers.

Secretary shall consider needs of general aviation when approving privatization

Commercial service airports limited to long-term leases. Lease or sale permitted for general aviation airports.

The Managers have agreed to a limited pilot program to determine if new investment and capital from the private sector can be attracted through innovative financial arrangements. The managers spent a great deal of time discussing and debating a series of conditions and limitations. The managers are aware that Allegheny County Airport, a general aviation facility in Pennsylvania, and Stewart Airport in New York State are interested in pursuing these innovative arrangements. The managers anticipate that all airport applications should be appropriately considered and that the Secretary should select airports for this pilot program based on the best qualified candidates.

28. USE OF NOISE ABATEMENT FUNDS BY NON-AIRPORT LOCAL GOVERNMENTS

House bill

Section 311: This section permits noise abatement grants to be made to State or local government that is not the airport's owner if that government has land use and zoning control in the area and if the airport agrees that the state or local government's noise abatement plan or project is consistent with airport operations and plans.

Senate amendment

No provision.

Conference substitute

Senate.

29. DUAL MANDATE

House bill

Section 401: Amends sections 40101(d) to make safety and security FAA's highest priority and to strike promotion language in two other paragraphs. Amends 40104(a) to strike promotion language.

Senate amendment

Section 407: Amends section 40104 to require FAA to encourage the safety of air commerce in addition to the development of civil aeronautics.

Conference substitute

Section 401: House changes to section 40101(d) and Senate changes to section 40104(a). The Managers have adopted provisions from both the House and Senate bills to clarify that the FAA's highest priority is safety and security. The managers do not intend for enactment of this provision to require any changes in the FAA's current organization or functions. Instead, the provision is intended to address any public perceptions that might exist that the promotion of air commerce by the FAA could create a conflict with its safety regulatory mandate.

30. PURCHASE OF HOUSING UNITS

House bill

Section 402: This section permits FAA to purchase housing outside the 48 States if the unit does not cost more than $200,000 and the FAA files a report with Congress 30 days before the closing certifying that the price of the units does not exceed the median price in the area and that buying the housing is the most cost beneficial way to provide housing for its employees.

Senate amendment

Section 401: Similar provision except no $200,000 cap and no certification that price does not exceed the median price.

Conference substitute

Section 1201: House except the cap is raised to $300,000 plus inflation in the local area.

31. TECHNICAL CORRECTION RELATING TO STATE TAXATION

House bill

Section 403: This section corrects a mistake that was made when section 1113 of the Federal Aviation Act of 1958 (49 U.S.C. 1513) was recodified as section 40116 of Title 49.

Senate amendment

No provision.

Conference substitute

No provision. The managers recognize that this technical correction has created confusion. In order to provide more time for review, the provision has not been included in this bill. However, the managers continue to believe that the recodification of section 1113 was done incorrectly and would expect that the new section 40116 would continue to be interpreted in the same way as former section 1113.

32. USE OF PFC FOR DEBT FINANCING PROJECT

House bill

Section 404: This section permits revenue from an airport's passenger facility charge (PFC) to be spent on debt financing on terminal development projects at non-hub airports where construction began between November 5, 1988 and November 5, 1990 and the airport certifies that no safety, security, or capacity project will be deferred by spending PFC money in this way.

Senate amendment

No provision.

Conference substitute

Senate.

33. CLARIFICATION OF PFC REVENUE AS CONSTITUTING TRUST FUNDS

House bill

Section 405: States that PFC money collected by airlines is held in trust by them and that they hold neither a legal or equitable interest in it except for the handling fee or interest permitted by DOT.

Senate amendment

No provision.

Conference substitute

Section 1202: House provision.

This provision clarifies Congress' intent in authorizing the Passenger Facility Charge program in 1990 that PFCs collected by airlines and their agents are held in trust for the local agencies imposing those fees. FAA's current regulations implementing the PFC statute accurately reflects the trust fund nature of the airlines' collection and remittance of PFC funds from their passengers. In certain recent and current airline bankruptcy cases, courts have appeared erroneously not to accept the trust fund nature of the collection process; PFC proceeds should not be treated as other funds of the bankrupt carrier.

34. VOLUNTARILY SUBMITTED SAFETY INFORMATION

House bill

Section 406:

This section permits FAA to withhold voluntarily provided safety and security information if disclosure would discourage people from providing it, the information helps FAA improve safety and security, and withholding the information would not be inconsistent with the FAA's safety and security responsibilities.

The FAA should issue rules to establish the process by which protection from disclosure will be afforded to voluntarily submitted information.

Senate amendment

Section 402: Same provision with slight wording differences.

Conference substitute

Section 402: Senate provision.

35. SUPPLEMENTAL TYPE CERTIFICATES

House bill

Section 407: This section states that FAA may issue supplemental type certificates (STCs) for modifications to aircraft parts. It requires anyone installing the modification to have the permission of the holder of the STC to use it.

Senate amendment

No provision.

Conference substitute

Section 403: House provision.

Nothing in this provision is intended to alter or modify the continuing obligation of an STC design holder under existing Federal Aviation Regulations to notify the operator of an STC modified aircraft of changes necessary to ensure continued airworthiness of the product.

36. REVENUE DIVERSION

House bill

Section 408: This section imposes the existing prohibition against revenue diversion on all airports certificated by FAA even if they are not receiving AIP grants. This provision does not apply to heliports. Airports that have not received grants in the last 10 years can get waivers from the FAA. Subsection (b) imposes treble damages on anyone caught illegally diverting airport revenue.

Senate amendment

Section 904:

Prohibits using local taxes (except taxes effective on December 30, 1987) or revenues generated by an airport that is subject to Federal assistance, for anything but capital and operating costs of the airport, the local airport system, or other facilities owned or operated by the airport that are directly related to air transportation.

Exemption for airports who had a statute passed before September 2, 1982 allowing revenue to support the general debt obligations or other facilities of the owner or operator.

State tax on aviation may still support aviation noise mitigation purposes.

Section 905:

Requires the annual audit required in Sections 7501–7505 of Title 31 of airport grant recipients include an audit of funding activities. If the airport is found to inappropriately handle airport funds, the Administrator must review the audit, collect appropriate information, and hold a hearing to render a final determination if the airport illegally diverted revenues. The Airport sponsor is then notified. The Secretary may withhold transportation funds if the sponsor is found to owe the airport revenue. Sponsor has 180 days to pay or may be charged civil penalties which would go to the aviation trust fund. Actions to recover illegally diverted funds have a 6 year statute of limitations.

The Secretary shall charge a minimum interest rate of illegally diverted revenue. In 90 days, DOT shall revise the policies and procedures under 47107(l) of Title 49. If an airport pays for services conducted off the airport for capitol or operating expenses later than 6 years after the expense was incurred, it is considered revenue diversion.

Section 906: This is a conforming amendment to the Internal Revenue Code of 1986.

Conference substitute

Title VIII:

Senate, but add treble damages from the House bill.

The conferees want to clarify that if a local fuel tax was enacted or adopted before December 30, 1987, but for which collections were not made until some significant period of time after December 30, 1987, it shall not be grandfathered pursuant to this section and all proceeds of such a tax must be used for the capital or operating costs of the airport, the local airport system, or pursuant to paragraph (3) of subsection (a).

37. CERTIFICATION OF SMALL AIRPORTS

House bill

Section 409:

This section authorizes FAA to certificate airports served by commuter aircraft with between 10 and 30 seats. In establishing the standards with which these small airports must comply, the FAA should adopt the least burdensome alternative that will provide a comparable level of safety with the larger airports. Any rule imposing standards on these small airports cannot go into effect until 120 days after the rule, and a report on the impact of the rule on air service to the airports involved, is submitted to Congress.

An airport cannot be required to seek a certificate if it does not desire commuter air service.

Senate amendment

No provision.

Conference substitute

House provision: Section 404.

38. PILOT RECORD SHARING

House bill

Section 410. This is based on H.R. 3536 (Report 104–684) that passed the House on July 22, 1996.

Adds a new section 44723 to the chapter on air safety regulation.

Subsection (a) of section 44723 deals with pilot records. This subsection would require an airline, before hiring a pilot, to request the pilot's records. The hiring airline would be required to request from the FAA, the pilot's license, medical certificate, type rating, and any enforcement actions that resulted in a finding against the pilot that has not been overturned.

In addition, it requires the airline to request records from the pilot's previous airline employer. These records include proficiency and route checks, airplane and route qualifications, training, physical exams, physical or professional disqualifications, drug tests and alcohol tests.

Airlines would be required to request the motor vehicle driving records of the pilot from the National Driver Register.

Similar items would be required at contract carriers and at commuter airlines.

Records that must be furnished are limited to those entered within 5 years of the date of the request unless the record involves a license revocation that is still in effect.

The FAA and the airlines would be required to maintain the relevant records for 5 years. Before any records are released, the FAA and the airlines must obtain written consent from the pilot. These records must be provided within 30 days.

The pilot must also be informed within 20 days that his or her records have been requested and that the pilot has a right to receive a copy of those records. A reasonable charge may be imposed by those providing the requested records.

An airline receiving the records must give the pilot a chance to submit written comments correcting any inaccuracies in those records. The pilot is also afforded the right to review his or her records at the current employer.

The privacy of the pilot is protected by limiting the use of the records received under this section to those involved in the hiring decision and by requiring that the records be destroyed or returned when they are no longer needed.

The FAA would be permitted to provide standard forms to request records, obtain the written consent from pilots, and inform the pilot of the record request. In addition, this section would permit the FAA to promulgate rules protecting the privacy of pilots and ensuring the prompt compliance with a request for records.

Subsection (b) of section 44723 limits liability and preempts States and local law. Paragraph (1) prohibits lawsuits against an airline or its employees for requesting a pilot's record, complying with such a request, or entering information into the pilot's record. Paragraph (2) preempts any State or local government from passing any law which would undermine this prohibition. However, paragraph (3) provides a limited exception to the prohibition in paragraph (1) by permitting a lawsuit or State action if the airline knowingly provided false information about the pilot.

Subsection (c) of section 44723 makes clear that the privacy protections and other limits in this bill are not meant to hinder the FAA, NTSB, or a court in their ability to obtain records in the course of an investigation of an accident. This section also makes conforming changes to the current law governing the National Drive Register.

Subsection (d) makes violations of the record-sharing and privacy provisions subject to civil penalties.

Subsection (e) makes the above changes applicable to any airline hiring a pilot 30 days after the date of enactment.

Requires the FAA to issue a proposed rule within 18 months establishing minimum standards for pilot qualifications.

Requires the FAA, together with the Defense Department, to report within one year on whether military pilot records should be made available to civilian airlines seeking to hire that pilot.

Requires the FAA to conduct a study to determine whether current minimum flight time requirements for an individual seeking employment as a pilot with an air carrier are sufficient. The results of this study must be submitted to Congress not later than 1 year after the date of enactment.

Senate amendment

Sections 701–703: Same as House except:

Different short title.

Uses phrase "hiring an individual as a pilot" rather than "allowing individual to being service as a pilot".

No exception for records on flight, duty, and rest time.

No requirement that FAA obtain written consent from the pilot before releasing records (b)(2).

Permits airlines to obtain a release from liability (f)(2)(B).

No requirement that air carrier or trustee maintain records for 5 years. (f)(4).

30 day deadline for furnishing records runs from receipt of request rather than from receipt of pilot's consent. (f)(5)

No deadline for providing record to pilots. (f)(6)

Promulgation of standard forms is mandatory rather than discretionary. (f)(8)

No requirement to destroy or return records if the pilot is not hired.

Adds a periodic review.

No protection from liability for person writing the records.

Exception from liability for knowingly providing false information applies only if record was maintained in violation of a criminal statute.

No assurance that DOT, NTSB, and courts will have access to pilot records.

No civil penalties.

No deadline on study of minimum standards for pilots.

No study of military records.

No study of minimum flight times.

Conference substitute

Title V:

Senate with the following provisions from the House bill—

Air carrier records to be shared with prospective employers should not include records relating to flight time, duty time, or rest time

Provide written consent for release of records

Records must be furnished to a pilot in 20 days of receipt of request

Protection from liability for person entering information into the records

Assurance that FAA, NTSB, and the courts will have access to the records

A study of pay for training is also added.

39. CHILD PILOT SAFETY

House bill

Section 411. This is based on H.R. 3267 (Report 104–683) that passed the House on July 22, 1996.

States that a pilot in command of an aircraft may not allow an individual who does not hold a valid private pilots certificate and the appropriate medical certificate to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an Aeronautical competition or feat. The Administrator is given the power to revoke an airman's certificate if the Administrator finds that a pilot has allowed a non-pilot to manipulate the controls while attempting to set a record or engage in an aeronautical competition or feat.

Requires the FAA Administrator to conduct a study of the impacts of children flying aircraft. The Administrator must consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation. The report is due 6 months after enactment, and should include recommendations on: (1) whether the restrictions established by the bill should be amended or repealed; and (2) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation. Finally, the bill allows the Administrator to issue regulations imposing age, altitude, or other restrictions on children flying aircraft as a result of the findings of the study.

Senate amendment

No provision.

Conference substitute

House provision: Title VI.

40. BACKGROUND CHECKS ON SCREENERS

House bill

Section 412: This section permits FAA to require airlines to do background checks before hiring someone to screen passengers, their baggage, or cargo. This could include criminal history record checks only where the background investigation revealed a gap in employment of a year or more that is not satisfactorily explained. This applies only to screeners hired on or after the date of enactment. A screener may be hired while undergoing a background check if properly supervised.

Senate amendment

Section 305: Require background checks for screeners and others associated with baggage or cargo. Lists situations where, at a minimum, ciminal checks required.

Conference substitute

Section 304: Senate provision but delete the phrase "at a minimum" and add special rule from House bill allowing a screener needing a background check to continue working if properly supervised.

41. AIRPORTS NEAR CLOSED MILITARY BASES

House bill

Section 414: Permits general aviation airports near closed or realigned military bases to be closed.

Senate amendment

No provision.

Conference substitute

Section 1203: House provision but limited to airports near Army depots. Also, adds a provision that if the sale of the land generates enough money to pay off remaining value of the grant, that remaining value must be repaid. The substitute reduces the distance between the airport and the depot from 3 miles to 2 miles.

42. CONSTRUCTION OF RUNWAYS

House bill

Section 415: Permits AIP grants for constructing a new runway at an international airport not withstanding any other provision of law.

Senate amendment

No provision.

Conference substitute

Senate.

43. GADSDEN AIR DEPOT

House bill

Section 416: Waives deed restrictions at Gadsden Air Depot.

Senate amendment

No provision.

Conference substitute

Section 1204: House provision.

44. REGULATIONS AFFECTING INTRASTATE AVIATION IN ALASKA

House bill

Section 417: Requires FAA to consider Alaska's unique reliance on aviation and to make the appropriate regulatory distinctions when taking actions that could affect Alaska.

Senate amendment

Section 403:

Same provision.

Slight differences in wording.

Conference substitute

House provision: Section 1205.

45. WESTCHESTER COUNTY

House bill

Section 418: Permits fees collected by Westchester County Airport to be paid into the county treasury for the airport at least equal the amount of money it collects from the airport.

Senate amendment

No provision.

Conference substitute

Section 1206: House provision.

The Managers want to clarify that the funds generated by the airport should be spent on capital and operating costs of the airport. The assumption is that the expenditures from the treasury of Westchester County for the Westchester County Airport will be equal to or greater than the fees being deposited into the treasury by the airport, otherwise it should be considered revenue diversion.

46. BEDFORD AIRPORT

House bill

Section 419: States that any instrument landing system in Pennsylvania that is decommissioned should, if feasible, be transferred and installed at the Bedford, Pennsylvania Airport.

Senate amendment

No provision.

Conference substitute

Section 1207: House but change "shall" to "may" and drop the phrase "if feasible".

47. DOPPLER RADAR IN NEW YORK

House bill

Section 420: Prohibits the construction of a Doppler radar at the Coast Guard station in Brooklyn, New York. Also requires a study and report within one year of the feasibility of placing the radar on off-shore platforms. The report must include proposed locations that are as far as possible from populated areas while providing appropriate safety measures. The FAA may not begin construction of a Doppler radar for Kennedy or LaGuardia Airports until this study is completed.

Senate amendment

No provision.

Conference substitute

Section 1217:

House provision but limited to a study and report.

The Managers believe that when the final Environmental Impact Statement (EIS) on the siting of a Terminal Doppler Weather Radar is issued it should include an analysis of all sites mentioned in the final scoping paper for the EIS.

48. WORCESTER AIRPORT

House bill

Section 421: Directs FAA to provide radar coverage for Worcester Airport from a radar in Rhode Island if that would be appropriate.

Senate amendment

No provision.

Conference substitute

House provision: Section 1208.

49. SANFORD AIRPORT

House bill

Section 422: Directs FAA to provide a new ILS for this airport if that would be appropriate.

Senate provision

No provision.

Conference substitute

Section 1209: House provision.

50. AIRCRAFT NOISE OMBUDSMAN

House bill

Section 423: Requires FAA to hire a noise ombudsman to serve as a liaison with the public on issues regarding aircraft noise and to be consulted when the FAA changes aircraft routes.

Senate amendment

No provision.

Conference substitute

Section 1210: House provision, except that the provision is revised to make clear that the FAA need not increase the total number of FTEs.

51. PRIVATE RELIEVERS

House bill

Section 424: Allows private relievers to donate property as their local share for an AIP grant. FAA shall value any such donation at its fair market value, not at its original purchase price.

Senate amendment

No provision.

Conference substitute

Section 1211: House provision.

52. TRUST FUND AUTHORIZATION

House bill

Section 501: Allows grants and expenditures out of the Trust Fund for 3 years.

Senate amendment

Section 301: Similar provision except limited to 1 year.

Conference substitute

Title X: Allows grants and expenditures out of the Trust Fund for 2 years.

53. RESEARCH

House bill

Title VI:

Funds FAA Research, Engineering, and Development Account at $186 million for 1997.

Adds research priorities for the Administration.

Adds to the duties of the Research Advisory Committee by requiring an annual review of the RED funding level.

The National Aviation Research Plan is reduced from a 15-year plan to a 5-year plan. It also requires additional information in the Plan.

Senate amendment

Section 103; FY 97—$206 million.

Conference substitute

Title XI: House provision but adds $21 million for security programs consistent with the President's emergency request for additional funds for security.

54. WASHINGTON METROPOLITAN AIRPORTS

House bill

H.R. 1036, Report 104–596:

Eliminates the Board of Review.

Adds four Presidential appointees to the airport board.

Replaces the Board of Review with a nine member Federal Advisory Commission appointed by the Secretary of Transportation.

Subjects to periodic congressional reauthorization, the eight airport actions, including the issuance of bonds, that were formerly subject to review by the Board of Review.

Freezes current airport regulations governing the Dulles access road which now limit use of that road to vehicles going to or from Dulles Airport.

Liberalizes the slot rules so that FAA could permit additional flights at National but only for new entrants; essential air service; or foreign air transportation as long as those additional flights would not adversely affect safety.

Senate bill

Eliminates Board of Review.

Adds Two Presidential appointees.

Sense of the Senate on parking.

Conference substitute

Title IX:

Increases the Board of Directors from 11 to 13 by increasing Presidentially appointed members from 1 to 3. The members appointed by the President should be registered voters of states other than Maryland, Virginia, or the District of Columbia and not more than 2 from the same political party. These members shall represent the national interest and be appointed by September 30, 1997.

The Board of Review is terminated.

Former staff of the Board of Review may be hired by the Secretary of Transportation and paid by the Airport Authority.

After October 1, 2001, DOT may not approve any airport grants or new PFC applications. This is intended only to provide a mechanism for periodic Congressional review of airport actions.

Assures Dulles Airport Access Highway remains dedicated to airport users.

Sense of the Senate that MWAA not provide reserved, free or preferential parking to Members of Congress, other government officials, or diplomats.

55. SENSE OF THE SENATE REGARDING THE FUNDING OF THE FEDERAL AVIATION ADMINISTRATION

House bill

No provision.

Senate amendment

Section 404: Sense of the Senate provision stating that the aviation excise taxes should be reinstated for 18 months while long-term funding options for the FAA are developed.

Conference substitute

Section 1212: Senate provision.

56. AUTHORIZATION FOR STATE-SPECIFIC SAFETY MEASURES

House bill

No provision.

Senate amendment

Section 405: Authorizes appropriations of up to $10 million to the FAA in FY 1997 to address aviation safety problems identified by the National Transportation Safety Board (NTSB) in specific states.

Conference substitute

Section 405: Senate provision.

57. AIR AMBULANCE TAX EXEMPTION

House bill

No provision.

Senate amendment

Section 406: Sense of the Senate provision stating that if the aviation excise taxes are reinstated, the exemption from these taxes (i.e., from the passenger ticket tax) for helicopter air ambulance transportation should be broadened to include transportation by fixed-wing air ambulances.

Conference substitute

House provision: This was addressed in other legislation.

58. COMMERCIAL SPACE

House bill

No provision.

Senate amendment

Title V: Amends Commercial Space Launch Act.

Conference substitute

House provision.

59. FAA REFORM

House bill

No provision although the House passed a FAA reform measure (H.R. 2276, Report 104–475) in March 1996.

Senate amendment

Title VI:

Section 601 cites the short title of title VI as the "Air Traffic Management System Performance Improvement Act of 1996".

Section 602 defines the terms "Administration", "Administrator", and "Secretary" for the purposes of this title of the bill.

Section 603 establishes that the provisions of title VI will take effect 30 days after enactment of the legislation.

Section 621 sets forth a series of findings establishing the general basis for enactment of the provisions contained in title VI. The findings recognize, for example, the unique character of the FAA's activities and the need for funding reform.

Section 622 sets forth four critical purposes underpinning title VI.

Section 623 amends section 106 of title 49, United States Code, to provide the FAA Administrator express autonomy and authority with regard to the internal functioning of the agency. As the current law provides, the FAA Administrator would be appointed by the President, with the advice and consent of the Senate, for a fixed, 5-year term.

Some authority previously transferred to the DOT under the Department of Transportation Act (P.L. 89-670) would be recommitted to the FAA under this section. The Administrator would be the final authority for: the promulgation of all FAA rules and regulations (except as otherwise specifically provided in the bill); and for any obligation, authority, function, or power addressed in the bill.

This section enables the Administrator to delegate his or her functions, power, or duties to other FAA employees. Further, the Administrator would not need to seek the approval or advice of the DOT on any matter within the authority of the Administrator.

Nevertheless, the FAA remains within the DOT, which would continue to provide general oversight of the agency as well as cooperate with the more autonomous FAA.

This section also gives the Administrator some voice in the selection of the eight political appointees who serve under him or her. The President would consult closely with the Administrator when considering FAA appointments to ensure harmony and stability within the FAA's leadership.

This section adds a definition of "political appointee" to the statute. This section also preserves all authority vested in the Administrator (by delegation or by statute) prior to enactment of the bill. Nothing in this bill is meant to take anything away from any of the current powers, duties, or authority resting with the FAA or its Administrator.

Section 624 affirms the Administrator's authority to issue, rescind and revise such regulations as necessary to carry out the functions of the FAA. The Administrator would be required to act upon a petition for rulemaking within six months by dismissing the petition, by informing the petitioner of an intention to dismiss, or by issuing a notice of proposed rulemaking (NPRM) or advance notice of proposed rulemaking (ANPRM).

This section also requires the Administrator to issue a final regulation, or take other final actions, on an NPRM within 18 months of the date it is published in the Federal Register (or within 24 months in the case of an ANPRM).

Under this section, the DOT's authority to review FAA rules is limited. In specified, limited circumstances, the FAA could not issue certain regulations without the prior approval by the DOT. The DOT Secretary would have 45 days to review, for approval or disapproval, any FAA regulation likely to result in an annual, aggregate cost of $50 million or more to state, local, and tribal governments, or to the private sector. The DOT Secretary would also have 45 days to review "significant" regulations, which are rules that, in the judgment of the Administrator (in consultation with the Secretary, as appropriate), are likely to: have an annual effect on the economy of $100 million or adversely affect in a material way other parts of the society; be inconsistent or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates.

This section also provides that in an emergency, the Administrator may issue regulations that require DOT approval without obtaining such prior approval. Such regulations, however, are subject to DOT ratification, and would be rescinded within 5 business days without such ratification. Under this section, the Administrator also would issue non-significant regulations or other actions that are routine, frequent or procedural in nature, without review or approval by the DOT. Examples of routine of frequent actions that are non-significant include standard instrument approach procedure regulations, en route altitude regulations, most airspace actions, and airworthiness directives. The DOT also would not be authorized to review "rules of particular applicability," such as exemptions, operations specifications, and special conditions, all of which apply to one individual or entity, unless such exemptions met the definition of significant in this section.

Finally, this section requires the FAA (three years after the bill is enacted) to review "unusually burdensome" regulations that are at least three years old. "Unusually burdensome" regulations are defined as those that result in the annual, aggregate expenditure of $25 million or more by State, local, and tribal governments, or by the private sector. Such regulations are to be reviewed to determine: the accuracy of the original cost assumptions; the overall benefit of the regulations; and the need to continue such regulations in their present form. This section also provides that the Administrator may review immediately any three-year-old regulation in force prior to enactment of the bill.

Section 625: Provides that the Administrator may appoint and fix the compensation of necessary employees and officers of FAA. This section also provides that, in fixing the compensation and benefits of employees, the Administrator may not engage in any type of bargaining, except as provided for under section 653 of the bill. Further, this section provides that the Administrator shall not be bound by any requirement to establish compensation or benefits at particular levels. This section also provides other personnel authority to the Administrator, including, for example, the authority to hire experts and consultants and to use the services of personnel from any other Federal agency.

This section also provides that officers and employees shall be appointed in accordance with civil service laws and compensated in accordance with title 5, United States Code, except as otherwise provided by law.

Section 626: Provides broad, general authority for the Administrator to enter into contracts, leases, cooperative agreements, and other transactions, as necessary to carry out the functions of the FAA.

Section 627: Provides the Administrator with authority to use or accept, with or without reimbursement, services, equipment, personnel, and facilities of any other Federal agency or public or private entity. Such acceptance would not constitute an agumentation of the Administration's budget. Heads of other Federal agencies would be asked to cooperate with the Administrator.

Section 628: Provides broad authority to the Administrator to acquire, construct, improve, repair, operate, and maintain air traffic control and research facilities and equipment, as well as other real and personal property to others.

Section 629: Permits the Administrator to accept the transfer of unobligated balances and unexpended funds from other agencies to carry out functions assigned to FAA by this or other Acts.

Section 630: Establishes a 15-member Federal Aviation Management Advisory Council (MAC) to provide the Administrator with input from the aviation industry and community. The MAC would be comprised of one designee each of the Secretaries of Transportation and Defense and representatives from various segments of the aviation community who would be appointed by the President with the advice and consent of the Senate. Members of the MAC should be selected from among individuals who are experts in disciplines relevant to the aviation community and who are collectively able to represent a balanced view of the issues before the FAA. The MAC members also should not be selected based on political or partisan considerations.

This section would subject MAC members to criminal penalties for unauthorized disclosure of commercial or other proprietary information.

Conference substitute

Senate provision: The managers recognize that to provide reform of the FAA, additional autonomy in decision-making in a number of areas is needed. For this reason, the managers agreed to give the FAA authority in the regulatory, personnel, and procurement areas. This change should result in a new way of doing business for the FAA, with less oversight by DOT.

60. AIRCRAFT ENGINE STANDARDS

House bill

No provision.

Senate amendment

Section 631: Requires the Environmental Protection Agency (EPA) to consult with FAA on aircraft emission standards. Also, EPA shall not change the emission standards if it would significantly increase noise and adversely affect safety. FAA should allow EPA to participate in advisory committees when appropriate.

Conference substitute

Section 406: Senate provision.

61. RURAL AIR FARE STUDY

House bill

No provision.

Senate amendment

Section 632: Requires DOT to conduct a study of rural air fares, and to provide a report to the Commerce Committee within 60 days after enactment of this bill. The study would encompass an analysis of the types of air service provided to rural communities as well as competitive aspects of such air service.

Conference substitute

Section 1213: Senate, but Transportation & Infrastructure Committee added as a recipient of the report.

62. PROCUREMENT

House bill

No provision.

Senate amendment

Sections 651, 652:

Not later than April 1, 1999 the FAA must employ outside experts to provide an independent evaluation of the effectiveness of its acquisition system. The FY 1996 DOT Appropriations bill (P.L. 104–50) gave the FAA authority to implement new procurement and personnel systems as of April 1, 1996.

Section 652 establishes a safeguard, built into the procurement system, that would require the FAA to terminate facilities and equipment programs that are 50 percent or more: (1) over cost, (2) below performance goals, or (3) behind schedule. the Administrator could waive the termination requirement if a termination would be inconsistent with the safe and efficient operation of the national air transportation system. Also, the FAA would be required to consider terminating any program that is 10 percent or more: (1) over cost, (2) below performance goals, or (3) behind schedule.

Specific exceptions to termination are allowed.

Conference substitute

Senate provision.

63. PERSONNEL

House bill

No provision.

Senate amendment

Section 653:

Directs the Administrator, in developing and making changes to the new personnel system, to consult with FAA employees and negotiate with the exclusive bargaining representatives of employees. If the Administrator fails to reach agreement with such bargaining units, the parties will engage the services of the Federal Mediation and Conciliation Service. If agreement is not reached following such mediation, proposed changes to the personnel system shall not take effect until 60 days have elapsed after the Administrator has submitted the proposed change, any objections of the exclusive bargaining representatives, and the reasons for such objections, to the Congress. In negotiating changes to the personnel system, the administrator and the exclusive bargaining representatives would be required to use every reasonable effort to find cost savings and to increase productivity within each of the affected bargaining units, as well as within the FAA as a whole. Nothing in this bill, therefore, prohibits the exclusive bargaining representatives from assisting in identifying cost savings in the procurement system as well as the new personnel system.

Three years after the personnel management system is implemented, outside experts should be employed by the Administration to evaluate the program's effectiveness.

Until July 1, 1999, basic wages should not be involuntarily adversely affected by this section, except for unacceptable performance, or by a reduction in force, or by a reorganization.

Except as otherwise provided by Section 653, all labor-management agreements that are in effect at the time of passage shall remain in effect until their normal expiration, unless otherwise agreed to.

Conference substitute

Senate provision.

64. FAA FUNDING

House bill

No provision.

Senate amendment

Sections 671, 672:

Section 671 sets forth fourteen findings establishing the general basis for the provisions related to FAA funding. These findings concern the important services provided by the FAA in a variety of critical areas that benefit the users of the air transportation system.

Section 672 sets forth seven critical purposes underlying the enactment of Title VI of the bill. Those purposes include providing a financial structure for the FAA that would enable it to support the future growth in the national aviation, ATC, and airport system. The third purpose, which is to ensure that any funding would be dedicated solely for the use of the FAA, is in reference to the user fees authorized under section 673.

Conference substitute

Senate provision.

65. FEES

House bill

Section 413: This section authorizes FAA to impose fees, up to $30 million per year, on aircraft that overfly the U.S. but do not land here. The aggregate annual amount of these fees should not exceed the aggregate annual direct costs incurred by the FAA in providing air traffic services to such flights. Further, the user fee imposed on any flight should be based on the FAA's actual cost of service.

Senate amendment

Section 673: Directs FAA to impose fees, up to $100 million per year, on (1) aircraft that overfly the U.S. but do not land, (2) services provided to foreign governments (other than air traffic control services). The fees shall be based on the direct total cost of providing the service. FAA shall publish an initial fee schedule subject to public comment. Nongovernmental experts may be used to develop fees. Repeals section 70118. S. 1194 permitted the FAA to base its fee system on total costs or value. Value was deleted during debate on the bill.

Conference substitute

Section 273: Senate provision except the repeal of section 70118 is deleted and clarification is provided as to the method of setting user fees. The user fee imposed on any flight must be based on the FAA's actual cost of service and not on any non-cost based determination of the "value" of the service provided. Further, assuming similar costs of serving different carrier and aircraft types, the user fee may not vary based on factors such as aircraft seating capacity or revenues derived from passenger fares.

66. STUDY COMMISSION

House bill

Section 205: Establishes National Civil Aviation Review Commission to study safety, airport capital needs and ways to meet those needs, and FAA operational needs and ways to meet those needs. Appointments made by DOT and relevant Congressional Committees. DOT cannot appoint current aviation employees. Independent audit of FAA financial requirements. GAO assessment of airport needs. Final report due in 1 year.

Senate amendment

Section 674:

This section requires the DOT to contract with an outside entity to conduct a comprehensive FAA needs and cost allocation assessment of the financial requirements of the FAA through 2002. The assessment must be completed within 90 days of the contract being awarded. The DOT should establish an 11-member task force within 30 days with people who have expertise in aviation, represent a balanced view of different aviation interests and include one member who knows the Congressional budget process. The task force submits a report to DOT based on the assessment by the outside entity. DOT submits a report to Congress within one year.

This section also requires that, within 120 days, GAO must conduct an assessment of the manner in which costs for ATC services are allocated between the FAA and the DOD.

Conference substitute

Section 274:

Senate provision except that the Senate's 11 member task force is renamed the Commission in the House bill and expanded to 21 members, 13 appointed by the Secretary, 2 appointed by the House Republican leadership, 2 appointed by the House Democrat leadership, and 2 by the Senate majority leader and 2 by the minority leader of the Senate. The Commission is divided into 2 task forces, one dealing with the safety issues in the House bill and the other with the funding issues in the Senate bill. It also includes the GAO assessment of airport needs from the House bill.

The purpose of this assessment is to determine independently what the financial needs of the FAA will be in the short- and long-term. The assessment also must include a cost allocation analysis detailing which segments of the aviation community are driving the various costs imposed on the FAA. Costs attributed to users should reflect the full range of FAA expenditures and activities associated directly or indirectly with a particular aviation segment, including, for example, costs of airport infrastructure financed in whole or in part by the FAA. This assessment is urgently needed by the task force, Congress, and the aviation community so proper evaluation of the FAA's financial picture can be done using a single, objective set of numbers and assumptions.

The recommendations of the task force may include a variety of possibilities, such as alternate funding proposals, taking the trust fund off budget, user fee system proposals, modifications to the aviation excise tax system, a combination of excise taxes and user fees, and means of meeting airport infrastructure needs. The task force also shall consider a limited, innovative program for airport-related funding mechanisms. For each recommendation, the task force must assess the impact on safety, administrative costs, the Congressional budget process, industry economics, the ability of the FAA to use sums collected, and the needs of the FAA. The report should detail various options, with the benefits and impacts of each.

The conferees believe the assessment must contain an analysis of current and future spending of the entire FAA, including airport capital needs. A major premise of this legislation is that old assumptions and old ways of doing business must be re-evaluated and updated. This includes an independent assessment of the FAA's needs and the nation's airport capital needs to ensure that capacity is able to meet demand. As a result, the task force, Congress and the FAA must be in a position to determine which projects expand capacity and enhance the safety and security of the national air transportation system.

The assessment should provide assistance to Congress as to appropriate reforms, which will allow the FAA and airports to more efficiently utilize and maximize Airport Improvement Program (AIP) dollars for necessary capacity, safety, and security.

The Conferees agree that the task force in identifying the needs and associated costs of the FAA task force should use as a baseline not less than the FY 1997 appropriated levels including the supplemental amounts. Following recent accidents and a 90-day review conducted by the FAA that found that additional staffing needs have been identified, the conferees agree that the task force recommendations should fully meet these and any other security and safety requirements or other unmet and underfunded needs.

The conference agreement includes the provisions of the House bill which would establish an aviation safety task force. Under the terms of the conference agreement, this safety task force shall be formed by the membership of the National Civil Aviation Review Commission. The safety task force should submit a report to the FAA which sets forth a comprehensive analysis of aviation safety.

The conferees recognize that at this time, the Vice President is leading a similar study of aviation safety with the White House Commission on Aviation Safety and Security. It should be noted that the safety study required under the bill is not intended to duplicate the Gore Commission. Rather, it is intended and anticipated that the safety study in this bill will build on the experience and recommendations of the Gore Commission.

67. PROCEDURE FOR CONSIDERING FEES

House bill

No provision.

Senate amendment

Section 675 sets forth expedited procedures.

Conference substitute

Section 275: Expedited procedures apply only to the Senate.

68. BUDGETARY TREATMENT OF FEES

House bill

No provision.

Senate amendment

Section 676 creates a separate, dedicated account (established in the Treasury) for all new fees and other receipts (except for those associated with the Aviation Insurance Program) collected by the FAA. The receipts and disbursements of this account would be awardable immediately for expenditures of Congressionally authorized programs and shall remain available until expended.

Annually, the Administrator shall submit a Report on the fees including a list of fees, the activities supported by fees, and any proposed disposition of surplus fees.

This section also requires the FAA to develop a cost accounting system.

This section also provides that when an air carrier is required by the Administrator, pursuant to this legislation, to collect a fee imposed on a third party by the FAA, the Administrator shall ensure that such air carrier may collect from such third party an additional uniform amount reflecting necessary and reasonable expenses (net of interest) incurred in collecting and handling the fee.

Section 676(a)(7) requires that the Administrator provide to the Congress, prior to the submission of any proposed user fee or excise tax schedule, a report justifying the need for the proposed user fees or taxes and including other specified information such as steps the Administrator has taken to reduce costs and improve efficiency within FAA.

Conference substitute

Section 276: Senate except drop section 676(a)(7) of Senate amendment.

69. ESSENTIAL AIR SERVICE

House bill

No provision.

Senate amendment

Section 678: Authority to administer and operate the EAS program would be transferred from the DOT Secretary to the Administrator. The program would be established at a $50 million level, with authority of the program to be funded by user fees collected under this legislation, including those specifically derived from overflights. At the end of each fiscal year, if less than $50 million has been obligated for EAS programs, the Administrator shall make those remaining amounts available under the Airport Improvement Program for grants to rural airports to improve rural air safety. This section also, in effect, repeals a provision in the current law sunsetting the EAS program.

Conference substitute

Section 278: Senate provision except the transfer of the EAS program from DOT to FAA is eliminated. EAS funding for '97 is equal to the amount appropriated plus any user fee revenue above $75 million that is collected pursuant to Section 45301(a)(1).

70. MULTI-YEAR AUTHORIZATION & APPROPRIATION

House bill

Authorizes AIP, F&E, and Operations for 3 years.

Senate amendment

Section 677: Prescribes a 3-year authorization & appropriation cycle for Trust Fund programs.

Conference substitute

Section 277: Senate provision, but starting in 1999.

71. STUDY OF FUNDING FOR SECURITY

House bill

No provision.

Senate amendment

Section 301: 30-day FAA study of transferring security responsibilities from airlines to airports or to the government. Also includes certification of screening companies.

Conference substitute

Section 301 and 301: Senate provision, but change to a 90-day study done in cooperation with other appropriate officials. Make screening certification a separate section.

72. ASSISTANCE TO FAMILIES INVOLVED IN AIRLINES ACCIDENTS

House bill

H.R. 3923 (Report 104–793) which passed the House on September 18, 1996, directs NTSB to take action to help families including designating a liaison and an independent organization and obtaining passenger lists. Also directs airlines to submit plans, establishes a task force to study further improvements, and prohibits unsolicited lawyer contact.

Senate bill

Requires NTSB to establish a program to provide family advocacy services, work with airlines to procure services of family advocates. Guidelines must be issued in 90 days

Conference substitute

Title VII:

House bill with the following changes:

The list of parties that are prohibited from making unsolicited communications with family members or injured victims is expanded to include potential adverse parties to the litigation.

"within the control of the air carrier" is added to the requirement that air carriers assure that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger.

The model plan is changed to guidelines to make clear that it is intended to serve as guidance for airlines developing plans and not as a precursor to requiring airlines to revise existing plans that may be perfectly sound.

The Task Force developing the guidelines for air carriers is also asked to study the implications for personal privacy if air carriers were required to notify passengers more quickly. The concern is that such a requirement may entail an airline requesting more information from passengers than many people may consider appropriate.

73. SAFETY DATA CLASSIFICATION

House bill

No provision.

Senate amendment

Section 303: NTSB must develop system for classifying accidents within 90 days. Provision for public comment, report to Congress, and presentation to ICAO.

Also requires FAA to give high priority to deploying safety performance analysis system.

Conference substitute

Section 407: Senate amendment with revised language.

The Managers are interested in having accurate statistical information available to the public with regard to aviation accidents. Currently, accident information can be misleading in that certain occurrences are categorized as accidents that do not fit the public perception of an aviation accident. It is important that the public understand the aviation accident data it receives so that informed decisions can be made on the basis of that data. This legislation requires the National Transportation Safety Board to amend its categorization of aviation accidents to make the information more user friendly. After public comment, the NTSB is required to publish, on a periodic basis, aviation accident data, as recategorized. The Managers believe the accident data should be published on a timely basis and made widely available to the general public so that informed decisions can be made by the traveling public. Dissemination through the NTSB's web page would be one means of widely distributing the information.

74. WEAPONS AND EXPLOSIVE DETECTION STUDY

House bill

No provision.

Senate amendment

National Academy of Science study of systems to detect weapons and explosives.

Conference substitute

Section 303: Senate provision with the addition of hardened containers as an additional factor to be studied.

75. INTERIM DEPLOYMENT OF COMMERCIALLY AVAILABLE EXPLOSIVE DETECTION EQUIPMENT

House bill

Section 101 of H.R. 3953 which passed the House on August 2, 1996, directs FAA to facilitate the deployment of commercially available explosive detection system while waiting for the certified system.

Senate bill

Section 306: Similar provision but also gives FAA waiver authority.

Conference substitute

Section 305: Senate provision.

76. AUDIT OF BACKGROUND CHECKS

House bill

Section 103 of H.R. 3953 directs FAA to audit the criminal history records checks.

Senate bill

Section 307 directs FAA to audit effectiveness of criminal history record checks.

Conference substitute

Section 306: Senate provision.

77. PASSENGER PROFILING

House bill

Section 105 of H.R. 3953 directs FAA, DOT, intelligence community, and law enforcement community to continue to assist airlines in developing computer-assisted passenger profiling.

Senate bill

Section 308: Sense of Senate directing FAA to assist airlines in developing computer-assisted profiling and other appropriate passenger profiling programs to be used in conjunction with other security measures.

Conference substitute

Section 307: House provision with "other appropriate measures" language from Senate.

78. USE OF AIP AND PFC FOR SECURITY

House bill

Section 106 of H.R. 3953 permits AIP and PFC funds to be used for safety and security programs at airports.

Senate bill

Section 309 is the same.

Conference substitute

Section 308: House and Senate provisions.

79. SECURITY LIAISON AGREEMENT

House bill

No provision.

Senate amendment

Section 310: Directs FAA and FBI to establish liaison near high risk airports.

Conference substitute

Section 309: Senate provision.

80 THREAT ASSESSMENT

House bill

No provision.

Senate amendment

Section 311 directs FAA and FBI to carry out threat assessments at high risk airports.

Conference substitute

Section 310: Senate but insert "each" before "airports".

81. BAGGAGE MATCH

House bill

No provision.

Senate amendment

Section 312: Requires the FAA to report within 30 days on the domestic baggage match program recommended by the Gore Commission. Sense of Senate that FAA should work with airlines & airports on feasible, effective bag match.

Conference substitute

Section 311: Senate provision but require only if baggage match program is actually carried out. This is intended to remove any implication that this provision is designed to mandate such a baggage match program. Includes sense of Senate.

82. ENHANCED SECURITY PROGRAMS

House bill

No provision.

Senate amendment

Section 313: Requires airlines and airports to periodically assess their security. The FAA must periodically audit these assessments and make unannounced and anonymous inspections and tests of security systems.

Conference substitute

Section 312: Senate provision.

83 AIR CARGO

House bill

Section 107 of H.R. 3953 lists 3 items relating to air cargo for FAA to study.

Senate bill

Section 314: Requires DOT to report on changes recommended by the Gore Commission with respect to air cargo.

Sense of the Senate that inspection of cargo, mail, and company shipped material can be enhanced.

Conference substitute

Section 314:

Senate bill except FAA is directed to do study and the 3 items from the House bill are incorporated.

Includes Sense of the Senate.

84. SUPPLEMENTAL SCREENING

House bill

Section 109 of H.R. 3953 directs FAA to consider using bomb sniffing dogs to supplement existing bomb detection systems. Section 110 authorizes Trust Fund spending for training and evaluation of K-9 teams at 50 largest airports.

Senate amendment

No provision.

Conference substitute

Added to section 305 (item 75) above by permitting the requirement to deploy commercially available explosive detection equipment to be met at airports by the deployment of dogs or other appropriate animals to supplement equipment for screening passengers, baggage, mail, or cargo for explosives or weapons.

85. CARRIAGE OF CANDIDATES

House bill

No provision.

Senate amendment

Section 408 states that the same rules must apply to carriage of candidates in Federal and State elections.

Conference substitute

Section 1214: Senate provision.

86. TRAIN WHISTLE REQUIREMENTS

House bill

No provision.

Senate amendment

Section 409: Prohibits implementation of DOT rule requiring train whistles at grade crossings.

Conference substitute

Section 1218: Senate provision with changes.

The conferees, in adopting these changes to Section 20153 of Title 49, United States Code, do not intend to require the Secretary to begin anew the current rulemaking already underway to implement this provision. Instead, the Secretary should incorporate the new additional criteria into his completion of the existing proceeding. Similarly, because the conference language retains the original focus of rules under Section 20153 on categories of crossings, not individual crossings, the implementation of this provision should not be affected by references to individual crossings in the conference report accompanying the recently approved Department of Transportation appropriations legislation. Finally, the conferees urge the Secretary to consider in implementing the regulations, the impact of those regulations on the quality of life in affected communities.

87. GAMBLING ON VESSELS

House bill

No provision.

Senate amendment

Section 410 limits authority of states to regulate gambling on ships.

Conference substitute

Section 1222: Senate provision.

88. GRAND CANYON RULEMAKING

House bill

No provision.

Senate amendment

Section 411 requires FAA to provide 30 additional days for comments.

Conference substitute

Senate provision, but change to 45 days and include environmental assessment comment period.

89. FEES FOR SERVICES IN CONNECTION WITH RAIL MAXIMUM RATE COMPLAINTS

House bill

No provision.

Senate amendment

Section 412 prohibits the Surface Transportation Board from increasing these fees.

Conference substitute

The conferees share the concern, reflected in the Senate provision, that the cost-based fees collected by the Surface Transportation Board pursuant to its existing Title 31 authority should not impose an unfair burden on small shippers seeking redress before the Board through maximum-rate complaints. The protection reflected in the conference provision will prevent any such increases until the Congress has reauthorized the STB, which is required by the end of Fiscal Year 1998.

90. HICKORY, NC

House bill

No provision.

Senate amendment

Section 413: Permits transfer of a control tower to Hickory, directs study of whether tower meets criteria of contract tower program, and prohibits closure of New Bern Flight Service Station unless FAA makes required certification.

Conference substitute

Senate provision.

91. INTERNATIONAL TERRORISM

House bill

No provision.

Senate amendment

Section 414: Sense of Senate that state sponsored terrorism is an act of war.

Conference substitute

Senate provision.

92. PROCUREMENT CONTRACTS

House bill

No provision

Senate amendment

Section 415: Requires each grant recipient that awards a contract using more than $5 million in Federal funds to report to DOT on the number of bids and the amount by which the winning bid exceeded the lowest bid.

Conference substitute

House.

93. EMPLOYEE RETIREMENT INCOME SECURITY ACT

House bill

No provision.

Senate amendment

Section 416: Relates to limited scope audit.

Conference substitute

House.

94. ADVANCE ELECTRONIC TRANSMISSION OF CARGO AND PASSENGER INFORMATION

House bill

No provision.

Senate amendment

Section 417: Requires airlines to provide the manifest in advance.

Conference substitute

The Managers have receded to the House position. Senator Graham offered the provision in a desire to improve safety and security. The Managers are aware of the importance of the need for the Customs Service to work with the airlines to provide the highest levels of protection to the traveling public. The decision not to include the specific language should not be read to suggest a lack of agreement with the spirit and intent of the provision.

95. TECHNICAL CORRECTIONS TO THE ICC TERMINATION ACT OF 1995

Conference substitute

This provision corrects a technical error in the ICC Termination Act of 1995 (Public Law 104–88) ("ICCTA"). As part of the abolition of the former Interstate Commerce Commission and the reduction of economic regulation of railroads and trucking, the ICCTA included a number of conforming amendments to other statutes which had referred to the ICC. Among these conforming amendments were changes to the Railway Labor Act. The Railway Labor Act governs labor relations and collective bargaining in the airline and railroad industries; it does not apply to motor carriers.

The ICCTA stated unequivocally that its enactment "did not expand or contract coverage of employers or employees under the Railway Labor Act." 49 U.S.C. 10501(c)(3)(B). However, because of a drafting error, the ICCTA conforming provision (Section 322) removed the term "express company" from the railroad part of the Railway Labor Act. This could be interpreted as inconsistent with the clear bipartisan intent not to alter the boundaries of the Railway Labor Act in any way. Therefore, the technical amendment made by this section merely restores the exact legal standards for coverage under the Railway Labor Act that existed prior to enactment of the ICCTA. Otherwise, the current text of the law could cause needless confusion and punish both employers and employees who have relied upon the prior text and settled interpretation of the Railway Labor Act.

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except section 501) and the Senate amendment (except section 1001), and modifications committed to conference:

BUD SHUSTER,
BILL CLINGER,
JOHN J. DUNCAN, Jr.,

From the Committee on Transportation and Infrastructure, for consideration of section 501 of the House bill and section 1001 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
BILL CLINGER,

As additional conferees from the Committee on Rules, for consideration of section 675 of the Senate bill, and modifications committed to conference:

DAVID DREIER,
JOHN LINDER,

As additional conferees from the Committee on Science, for consideration of sections 601–05 of the House bill, and section 103 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
CONNIE MORELLA,

As additional conferees from the Committee on Science, for consideration of section 501 of the Senate amendment and modifications committed to conference:

ROBERT S. WALKER,
F. JAMES SENSENBRENNER, Jr.,

As additional conferees from the Committee on Ways and Means, for consideration of section 501 of the House bill, and sections 417, 906, and 1001 of the Senate amendment and modifications committed to conference:

BILL ARCHER,
PHIL CRANE,
SAM M. GIBBONS,
Managers on the Part of the House.

LARRY PRESSLER,
TED STEVENS,
JOHN MCCAIN,
FRITZ HOLLINGS,
WENDELL H. FORD,
Managers on the Part of the Senate.

NATIONAL MUSEUM OF THE AMERICAN INDIAN ACT AMENDMENTS OF 1996

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1970) to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes.

The Clerk read as follows:

S. 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Museum of the American Indian Act Amendments of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the National Museum of the American Indian Act (20 U.S.C. 80q et seq.).

SEC. 2. BOARD OF TRUSTEES.

Section 5(f)(1)(B) (20 U.S.C. 80q–3(f)(1)(B)) is amended by striking "an Assistant Secretary" and inserting "a senior official".

SEC. 3. INVENTORY.

(a) IN GENERAL.—Section 11(a) (20 U.S.C. 80q–9(a)) is amended—

(1) by striking "(1)" and inserting "(A)";

(2) by striking "(2)" and inserting "(B)";

(3) by inserting "(1)" before "The Secretary"; and

(4) by adding at the end the following new paragraphs:

"(2) The inventory made by the Secretary of the Smithsonian Institution under paragraph (1) shall be completed not later than June 1, 1998.

"(3) For purposes of this subsection, the term 'inventory' means a simple, itemized list that, to the extent practicable, identifies, based upon available information held by the Smithsonian Institution, the geographic and cultural affiliation of the remains and objects referred to in paragraph (1).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 11(f) (20 U.S.C. 80q–9(f)) is amended by striking "to carry out this section" and inserting "to carry out this section and section 11A".

SEC. 4. SUMMARY AND REPATRIATION OF UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.

The National Museum of the American Indian Act (20 U.S.C. 80q et seq.) is amended by inserting after section 11 the following new section:

"SEC. 11A. SUMMARY AND REPATRIATION OF UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.

"(a) SUMMARY.—Not later than December 31, 1996, the Secretary of the Smithsonian Institution shall provide a written summary that contains a summary of unassociated funerary objects, sacred objects, and objects of cultural patrimony (as those terms are defined in subparagraphs (B), (C), and (D), respectively, of section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)), based upon available information held by the Smithsonian Institution. The summary required under this section shall include, at a minimum, the information required under section 6 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3004).

"(b) REPATRIATION.—Where cultural affiliation of Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony has been established in the summary prepared pursuant to subsection (a), or where a requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion, then the Smithsonian Institution shall expeditiously return such unassociated funerary object, sacred object, or object of cultural patrimony where—

"(1) the requesting party is the direct lineal descendant of an individual who owned the unassociated funerary object or sacred object;

"(2) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the Indian tribe or Native Hawaiian organization; or

"(3) the requesting Indian tribe or Native Hawaiian organization can show that the unassociated funerary object or sacred object was owned or controlled by a member thereof, provided that in the case where an unassociated funerary object or sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object.

"(c) STANDARD OF REPATRIATION.—If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Smithsonian Institution did not have the right of possession, then the Smithsonian Institution shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

"(d) MUSEUM OBLIGATION.—Any museum of the Smithsonian Institution which repatriates any item in good faith pursuant to this

Act shall not be liable for claims by an aggrieved party or for claims of fiduciary duty, public trust, or violations of applicable law that are inconsistent with the provisions of this Act.

"(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to prevent the Secretary of the Smithsonian Institution, with respect to any museum of the Smithsonian Institution, from making an inventory or preparing a written summary or carrying out the repatriation of unassociated funerary objects, sacred objects, or objects of cultural patrimony in a manner that exceeds the requirements of this Act.

"(f) NATIVE HAWAIIAN ORGANIZATION DEFINED.—For purposes of this section, the term 'Native Hawaiian organization' has the meaning provided that term in section 2(11) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(11)).".

SEC. 5. SPECIAL COMMITTEE.

Section 12 (20 U.S.C. 80q–10) is amended—

(1) in the first sentence of subsection (a), by inserting "and unassociated funerary objects, sacred objects, and objects of cultural patrimony under section 11A" before the period; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "five" and inserting "7";

(B) in paragraph (1)—

(i) by striking "three" and inserting "4"; and

(ii) by striking "and" at the end;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

"(2) at least 2 members shall be traditional Indian religious leaders; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from California [Mr. FAZIO] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1970, legislation by the Senator from Arizona [Mr. MCCAIN] takes the law that was passed in 1989 that established the Museum of the American Indian, which incidentally we have seen the conclusion of the architectural contest which will produce a marvelous museum on the mall between the Capitol and the Air and Space Museum, universally applauded for the architectural rendering, but all of us understand that any edifice is there for what it contains, and this is the American Indian Museum.

But that act, passed in 1989, is in part in conflict with the act passed in 1990, the Native American Graves and Repatriation Act. What this legislation does is conform the National Museum of the American Indian Act passed in 1989 with the Native American Graves and Repatriation Act passed in 1990. To a certain extent it codifies what the Smithsonian was already doing with Native American remains.

Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman from California [Mr. THOMAS] for his explanation of the bill. I support this initiative and believe it to be in the best interests of all parties involved.

Mr. Speaker, I do not have anyone on my side requesting any time, so assuming the majority has no further speakers, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, yielding myself such time as I may consume, I do want to thank the gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources, which has jurisdiction over the repatriation issue, for his willingness to assist us in bringing this to the floor in the expeditious manner in which we have been able to do so.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the Senate bill, S. 1970.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

INTERNET ELECTION INFORMATION ACT OF 1996

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3700) to amend the Federal Election Campaign Act of 1971 to permit interactive computer services to provide their facilities free of charge to candidates for Federal offices for the purpose of disseminating campaign information and enhancing public debate, as amended.

The Clerk read as follows:

H.R. 3700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Election Information Act of 1996".

SEC. 2. FINDINGS.

Congress finds the following:

(1) For the purposes of enhancing public debate and awareness, candidates for Federal office should be encouraged to provide voters with meaningful and substantive information about their candidacy and important public policy issues.

(2) The Internet and other interactive computer services did not exist when the laws that currently govern Federal elections were enacted, and these services represent a new medium where voters can obtain meaningful and substantive information about issues and candidates.

SEC. 3. EXEMPTION OF DONATED INTERACTIVE COMPUTER SERVICES FROM COVERAGE UNDER FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) EXEMPTION FROM TREATMENT AS CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking "and" at the end of clause (xiii);

(2) by striking the period at the end of clause (xiv) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xv) the value of services provided without charge to a candidate by an interactive computer service (defined as any information service that is generally available to the public or access software provider that provides or enables computer access by multiple users to computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions) in permitting the candidate to use its facilities for distributing election or candidate information, posting position papers, responding to campaign related inquiries, soliciting lawful contributions, convening electronic campaign forums, or otherwise lawfully utilizing the resources of the interactive computer service, if the service permits its facilities to be used for such purposes under the same terms and conditions by all other candidates in the election for the same office.".

(b) EXEMPTION FROM TREATMENT AS EXPENDITURE.—Section 301(9)(B) of such Act (2 U.S.C. 431(9)(B)) is amended—

(1) by striking "and" at the end of clause (ix);

(2) by striking the period at the end of clause (x) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xi) any direct costs incurred by an interactive computer service (defined as any information service that is generally available to the public or access software provider that provides or enables computer access by multiple users to computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions) in permitting the candidate to use its facilities for distributing election or candidate information, posting position papers, responding to campaign related inquiries, soliciting lawful contributions, convening electronic campaign forums, or otherwise lawfully utilizing the resources of the interactive computer service, if the service permits its facilities to be used for such purposes under the same terms and conditions by all other candidates in the election for the same office.".

SEC. 4. EFFECTIVE DATE.

The amendments shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from California [Mr. FAZIO] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, this piece of legislation passed the Committee on House Oversight on September 19, 1996, by unanimous vote, and we will probably see additional legislation in the near future dealing with what all of us now are becoming more and more aware is a fundamental change in the way in which Americans, indeed many people around the world, communicate.

The Federal Elections Campaign Act, as it was written, would not allow folks to provide equal access to the Internet, even though it would have been done on a universal availability basis for any candidates in a particular election. The gentleman from Washington [Mr. WHITE], who is chair of the Internet Caucus, quite wisely introduced legislation which would allow this to occur, notwithstanding the fact that under other circumstances it might appear to be a corporate contribution which is banned under the Federal Election Act.

I think all of us would agree that the ability to enhance communication and provide information that would otherwise not be available to voters through access to the Internet is indeed something that should be allowed, and H.R. 3700 does just that.

Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened carefully to Chairman THOMAS' explanation of the bill. I think we can all agree that the goals of this bill are laudable. We must encourage the development and use of new technologies like the Internet. Therefore, I intend to support H.R. 3700.

I do have some concerns about the bill, and because of the fact that it may not become law in this Congress, I will simply include those in my remarks for the RECORD at this time.

Mr. Speaker, we all agree that the goals of this bill are laudable. We must encourage the development and use of new technologies like the Internet. Therefore, I will support H.R. 3700.

The Internet has changed forever the way that Americans communicate. As such, there is no doubt that the Internet will play an important part in future congressional campaigns.

On the Internet, we can speak directly to our constituents—without the filter of the news media or the high cost of television. Moreover, our constituents can respond directly to us—without going through pollsters or reporters or other intermediaries. These changes are profound, and they are profoundly good for our democracy.

While I support H.R. 3700, and expect that it will pass the House, there is little chance that the Senate will consider this bill or that it will become law. It is far more likely that we will revisit this issue in the early days of the 105th Congress. With that in mind, I believe there are several areas in which this bill can be improved.

The bill, for example, does not really limit who may provide free services to candidates. This creates a loophole for the expanded use of soft money. In particular, the bill would permit a political party committee or an interest group to use soft money to set up an interactive computer service to communicate with Members about Federal elections. This stands in stark contrast to the rules governing broadcast and print media, which cannot be owned by political parties or political committees.

Similarly, H.R. 3700 has no real limit on the services that can be provided for free. This is particularly risky as Internet technology advances in ways we cannot anticipate. For example, companies soon will offer long distance telephone service over the Internet. This bill presumably would allow them to provide free long distance service to candidates. Even now, the lack of limits could cause problems, for example, a service provider could send employees out to set up and administer home pages for candidates.

Now does H.R. 3700 truly guarantee equal access for all candidates. Although the bill requires a service provider to make the same services available to all candidates, it does not require a service provider to inform all candidates that free services are available. In addition, the bill permits service providers to pick and choose which elections they will participate in. That choice can be manipulated to benefit favored candidates. for example, a service provider could choose only to provide free access for Republican primaries—or races involving candidates that the company wants to influence.

Finally, H.R. 3700 lacks any meaningful enforcement mechanism to deal with violations. Presumably, a candidate who is denied access would be required to file a complaint with the FEC, and then to wait months or even years for remedial action. Under this scenario, remedial action likely cannot be taken until an election is over and the dispute is moot. This same problem permeates the election law.

In conclusion, Mr. Speaker, I support H.R. 3700 because it will increase communication between candidates and voters—and that communication lies at the heart of our democratic process. However, H.R. 3700 has serious potential problems, and I hope that we can correct those problems before the bill becomes law.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, yielding myself such time as I may consume, I do understand the concerns of the gentleman from California [Mr. FAZIO]. This is an area in which we are beginning to learn our way as to what is, or is not appropriate.

For example, during its meeting on September 19 the Committee on House Oversight unanimously approved an amendment which is included in the bill, and the amendment clarifies the definition of "interactive computer services," to ensure it applies only to providers of Internet software and information services that are available to the public.

The line between private and public continues to be explored as we move legislation, and we will be very careful as we examine legislation, as the gentleman from California [Mr. FAZIO] indicated, to make sure that what we intend to do, we do, and no more.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITE. Mr. Speaker, until about 20 months ago I had never held public office before. I ran for Congress because I felt that it was time to make some changes to the way our Government works and to make our Government smaller, more open, and more efficient.

On my first day in public office, I voted for a package of reforms that made some much needed changes to the way Congress did business. We voted to apply all laws to Congress, we voted to cut committee staff by one-third, we set term limits for committee chairs, and we got rid of three House committees.

That was only on the first day.

Over the past 20 months this Congress has worked hard to make some much needed changes to our Federal laws. We worked to change our Superfund law so that we do a better job of cleaning up hazardous waste sites, we worked to change our welfare system to encourage work and discourage dependency, and we worked to reform our telecommunications laws in order to eliminate Government regulated monopolies. We did not accomplish everything we set out to do but we did make considerable progress in changing the way our Government works.

Today, I am pleased that my colleagues are continuing their commitment to reform by supporting the Internet Election Information Act, a bill I introduced earlier this year to amend the current Federal Election Campaign Act [FECA] of 1971.

This bill is not as significant as the passage of our first day reforms or our welfare reform bill, but this reform is needed in order to give voters more information and more access to the positions held by candidates for Federal office.

This bill is necessary in order to update our current Federal campaign laws. The current laws were passed in the early 1970's before the Internet was a widely used medium. Today, people use the Internet to send and receive information. In my office, the Internet is a valuable tool for providing my constituents with more information and for allowing the people in my district to communicate with my office. As technology continues to change, we need to make sure that the Federal Government is doing what it can to keep up with those changes.

That is why I introduced the Internet Election Information Act. It's time to debug our Federal election laws in order to bring the Federal Government into the 21st century. With a simple technical change to the law we can help promote more open debate in cyberspace. This change will give Federal candidates—challengers and incumbents alike—the chance to use the Internet to bring their message and ideas directly to the American people.

Under this bill, the Federal Election Campaign Act of 1971 will be amended to allow interactive computer services to provide free access to their online resources for campaign purposes. The bill allows online services to include: First, election or candidate information; second, candidate position papers; third, responses to campaign questions; fourth, solicitations of lawful contributions; and fifth, conveyance of electronic campaign forums.

But this is not an incumbent protection plan as so many of the campaign finance reform bills that have been introduced in Congress. Instead, the bill requires that all services must be offered to all candidates for the same office under the same terms and conditions. It's a very simple change that will produce very significant results.

In closing I want to state that this bill in no way replaces the need for a major overhaul of our campaign finance laws. As I have said time and time again in this Chamber and to my constituents—we need to dramatically reform our campaign finance laws in a way that does not favor incumbent members. That is still a goal I will continue to pursue.

But today we will take a small step forward in changing our existing campaign finance laws in a way that will give voters more information, more access to Federal candidates and a better understanding of the issues being debated.

Ms. DUNN of Washington. Mr. Speaker, let me first commend my colleague, Representative RICK WHITE, for his leadership on high technology issues. His service and technological literacy is vitally important to an institution which, prior to the Republican-led 104th Congress, had still been using pencil and paper to balance its financial books. Mr. WHITE has been an integral part of our efforts to bring the U.S. Congress into the 21st century.

We have entered an era when the average American may sit down at a computer and gain access to information on anything from current research on the lifespan of the honeybee to what's playing at their neighborhood theater. Congress is changing with the times, and in that spirit, I rise in support of H.R. 3700, The Internet Election Information Act of 1996.

This legislation enables online service providers to voluntarily offer web sites to candidate—without giving an advantage to any one candidate, and without the site being considered an in-king contribution to the campaign. This will enhance the ability of all Americans to make informed choices and to more fully participate in the democratic process.

The laws governing campaign finance—written in the mid-1970's—were passed before the advent of the personal computer and the phenomenon known as the Internet. H.R. 3700 updates our campaign finance laws to account for the reality of this information-gathering mechanism. I support this legislation and praise Representative WHITE for his foresight on the issue. The Internet Election Information Act of 1996 achieves a commonsense change in Federal elections, while providing a solid benefit to all Americans interested in learning more about the candidates asking for the honor of their vote. The power of knowledge and access to information—without preference to any party or any candidate—is what this bill secures, and is another step forward toward governing in the 21st century.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before us today is H.R. 3700, the Internet Election Information Act. This legislation will amend the Federal Election Campaign Act of 1971 to permit interactive computer services to provide their facilities free of charge to candidates for Federal offices.

This legislation was introduced after Internet providers were barred from offering free websites to candidates during the last congressional election. The bill proposes changes to the Federal Election Campaign Act of 1971 to allow donated interactive computer services from coverage; and direct costs incurred by a donated interactive computer services from treatment as an expenditure if the service permits its facilities to be used for such purposes for all other candidates in the election for the same office.

This bill is in the spirit of full Internet access and participation of our citizens in our Nation's political process.

However, there are a few problems with the way this bill is drafted. There are no requirements that an interactive computer service provider inform the other candidates in a Federal election that they are supplying a website to their opponent. Further there are no provisions to ensure equal or nontechnical assistance for the development of a candidate's website in a Federal election.

Campaign finance reform is an important issue to my Houston district constituents and their best interest are not served if we do not ensure fairness in the political process.

I am a strong supporter of full Internet access and participation, but I would caution us to be careful with how we go about legislating this access.

Mr. FAZIO of California. Mr. Speaker, I have no further requests for time, so I suppose if it were appropriate I would yield back the balance of my time and we could move on to the next item.

Mr. THOMAS. Mr. Speaker, yielding myself such time as I may consume, I would tell the gentleman from California it is probably appropriate, but this gentleman from California is looking for the author of the bill. But knowing our schedules and how difficult it is oftentimes, I will tell the gentleman if he yields back, I will yield back.

Mr. FAZIO of California. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 3700, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISMISSAL OF CONTESTED ELECTIONS BY UNANIMOUS CONSENT

(Mr. THOMAS asked and was given permission to address the House for 1 minute.)

Mr. THOMAS. Mr. Speaker, having indicated that he was going to offer a number of unanimous consents including the dismissal of some contested elections, it is my understanding that there is some problem on the minority side in approving UC's, and so I am hopeful that we will be able to dismiss these contested elections in the near future by unanimous consent.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I simply want to comment on the issue that the gentleman from California [Mr. THOMAS] just referred to.

Mr. Speaker, I am hopeful that the prohibition on unanimous-consent requests will be lifted sometime today. I certainly join the chairman in our mutual desire to clean up the file and remove these two contested election issues, and hopefully we will be able to get back to it by the end of the day.

CONFERENCE REPORT ON S. 640 WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The Clerk read the title of the Senate bill.

(For conference report and statement see proceedings of the House of September 25, 1996, at page 24873.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Pennsylvania [Mr. BORSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER]

Mr. SHUSTER. Mr. Speaker, the conference report on S. 640, the Water Resources Development Act of 1996, is a comprehensive authorization of the water resources programs of the Army Corps of Engineers. It represents 4 years of bipartisan effort to preserve and develop the water infrastructure that is vital to the Nation's safety and economic well-being.

First, let me thank and congratulate my colleagues on the Committee on Transportation and Infrastructure for their vision and tireless efforts in helping move this legislation. I want to give special thanks to Committee Ranking Member JIM OBERSTAR, Subcommittee Chairman, SHERWOOD BOEHLERT, and the Subcommittee Ranking Member BOB BORSKI. Their leadership and contributions have been outstanding.

These Members, and ranking Republican on the committee DON YOUNG, also served with me as House conferees.

Mr. Speaker, in the 103d Congress, the House overwhelmingly passed H.R.

4460, a bill that should have become the Water Resources Development Act of 1994. Unfortunately, that bill did not become law, and for the first time since 1986, Congress was unable to enact WRDA legislation.

During the 104th Congress, we committed to restoring certainty to the process and fulfilling or commitment to non-Federal project sponsors, most of whom had already committed substantial funds to projects.

We conducted 4 days of hearings, receiving testimony from over 90 witnesses, including numerous Members of Congress, the administration, project sponsors, national water resources and environmental organizations, and State and local officials.

The bill we bring to the floor today truly represents a fair and balanced proposal.

Mr. Speaker, S. 640 accomplishes three important objectives:

First, it reflects the committee's continued commitment to improving the Nation's water infrastructure.

Second, it responds to policy initiatives to modernize Corps of Engineers activities and to achieve programmatic reforms.

Third, and this is very important, it takes advantage of Corps capabilities and recognizes evolving national priorities by expanding and creating new authorities for protecting and enhancing the environment.

In developing this bill, we and the Senate conferees have tried hard to be responsive to Member's requests; however, in today's tight fiscal climate, we simple had to establish and adhere to reasonable review criteria, such as the cost-sharing rules established in 1986.

In fact, in the area of flood control, we have actually increased the non-Federal share for future projects. In another area—dredging for navigation projects—we have revised the rules to assure consistency and fairness in selecting methods for the disposal of dredged material.

Mr. Speaker, a few remarks on section 586 of the conference report are warranted. This section is intended to remove impediments to the "privatizaation" of wastewater infrastructure assets through leases and concessions. The conferees included certain conditions and limitations to address potential concerns about the exercise of this new authority. This pilot program does not impose, nor is it intended to impose, any conditions or limitations on leases, concessions, or other approaches to privatizing infrastructure assets under other authorities. The conferees encourage EPA to make use of this section and other authorities to promote privatization of infrastructure assets funded under the Clean Water Act, as well as the Safe Drinking Water Act and other water infrastructure programs.

S. 640 is a strong bipartisan bill. It reflects a balanced, responsible approach to developing water infrastructure, preserving and enhancing the environment, and strengthening Federal-State-and-local partnerships.

I want to commend my colleague, Senator JOHN CHAFEE and the other Senate conferees, as well as the Senate staff, on their diligence in helping make S. 640 a reality.

I strongly urge my colleagues to support the conference report.

Mr. Speaker, a monumental amount of effort has gone into the final development of this bill. The staff of the Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee the staff have devoted over 80 hours of effort to this bill. While it will be impossible to mention everyone who has made this bill a success, I would like to mention several key members of our staff that contributed to this fine legislation: Lee Forsgren, Ben Grumbles, Donna Campbell, Ken Kopocis, Art Chan, Pam Keller and Mike Strachn from the Transportation and Infrastructure Committee; and Dan Delich, Jo-Ellen Darcy, Linda Jordan, and Ann Loomis of the Senate Environment and Public Works Committee. In addition, the role of the House and Senate legislative counsel offices was instrumental in writing the legislation. I especially want to recognize David Mendelsohn of House legislative counsel and Janine Johnson of Senate legislative counsel for their efforts. Finally, I want to acknowledge the technical support provided by the Corps of Engineers. Mr. Jim Rausch provided timely, expert advice on technical matters relating to Corps of Engineers projects and policies and played a key role in conference discussions. In addition, Milton Rider, Gary Campbell, John Anderson, Bill Schmitz, Jeff Groska, Juanita Guin, Philomena Herasingh provided valuable assistance. We owe these professionals our gratitude.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I wish to express my strong support for the conference report on S. 640, the Water Resources Development Act of 1996, which authorizes important infrastructure related projects throughout the Nation.

First, I want to pay my compliments to Chairman SHUSTER and Chairman BOEHLERT for the absolutely fair and bipartisan way in which this bill was handled. WRDA 1996 has been a bipartisan process from start to finish.

I also want to thank the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the full committee, for his help on the bill.

I also want to thank the staff of the Subcommittee on Water Resources and Environment, especially Ken Kopocis of the Democratic staff, Mike Strachn of the Republican staff and David Smallen of my personal staff, for all their hard work in putting this bill together.

S. 640 demonstrates the Transportation and Infrastructure Committee's continuing strong commitment to investment in the Nation's infrastructure. S. 640 is infrastructure legislation that is badly needed.

That need has been clearly shown by the dozens of requests we have received from Members seeking authorization for port development, inland waterway, flood control, beach erosion, and other types of projects.

The committee has done its absolute best to meet all of those needs within the limits imposed by budget constraints and the restrictions on the role of the Army Corps of Engineers.

We have also recognized that the failure of the last Congress to pass a Water Resources Development Act in 1994 left us with a lot to do this year. Harbor deepening, inland waterway improvements, and flood control are vital cornerstones of our Nation's economic vitality.

The ports of America are the doors that link our Nation to billions of dollars of international trade. In Philadelphia, our port supports 50,000 jobs—making a vital contribution to our regional economy. The 11,000 mile inland waterway system provides crucial transportation for bulk farm products, coal, and other materials. It is absolutely essential that we continue to provide funding for these important port and inland waterway projects. Ports and inland waterways must be maintained and improved as significant parts of our Nation's intermodal transportation system.

S. 640 also continues the expansion of the mission of the Corps of Engineers to include improvement of the environment. While the expansion in this bill is not as great as I would have liked, it is a step in the right direction.

We should be aggressive in using the talents and abilities of the Corps of Engineers to meet our huge environmental infrastructure needs.

In flood control, this bill makes important changes that I support.

We have proposed to increase the requirements for mitigation planning before structural flood control projects are built.

An upgraded mitigation program will save us money from start to finish. We will be able to reduce the cost of project construction and it is likely that we will reduce disaster relief costs.

We are also increasing the non-Federal cost sharing for flood control projects from the current minimum of 25 to 35 percent.

This small increase is a simple recognition of our Federal budget situation. We have dwindling resources available for these essential programs.

An increase in the local share will help spread Federal dollars to more projects and will help focus resources on more worthy projects.

The administration proposed a 50-percent non-Federal share which would have done even more to spread scarce Federal dollars.

With restrictions on discretionary spending becoming tighter each year, the 50-percent cost sharing is something we should consider in the future.

I cannot emphasize too strongly that the Corps of Engineers program of infrastructure improvement for ports, inland waterways, and flood control will be subject to more and more budget cuts every year.

We are on a path to reduce funds for these important infrastructure improvements and I question whether that is the right direction for our country.

We are using a shortsighted approach that will ultimately mean reduced economic growth and less job creation.

I hope that at sometime in the future—sooner rather than later—we will reverse our current path and seek ways to increase our infrastructure investment.

We must work together on a bipartisan basis to ensure that, while we are getting our Federal fiscal house in order, programs to invest in critical infrastructure needs are protected.

I hope to work with Chairman SHUSTER, Chairman BOEHLERT, and ranking member OBERSTAR in that effort in the same bipartisan manner in which we drafted the Water Resources Development Act of 1996.

I urge support for this conference report.

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Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], chairman of the subcommittee.

Mr. BOEHLERT. Mr. Speaker, before anything, I would like to compliment the chairman and the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Minnesota [Mr. OBERSTAR], and the ranking member of the subcommittee, the gentleman from Pennsylvania [Mr. BORSKI], for the outstanding cooperation that was evident.

It was music to my ears to hear the gentleman from Pennsylvania [Mr. BORSKI] talk about the fairness and bipartisan nature of the process. We pride ourselves on that in the Committee on Transportation and Infrastructure, and we intend to continue in that vein.

Mr. Speaker, this conference report is a major step forward in developing and preserving the Nation's water resources. Almost one-quarter of the bill's costs are for projects and activities that are solely or primarily for protection and restoration of the environment. This is a conservative estimate.

Let me give the Members some examples of major environmental provisions in this measure. There is a requirement for flood plain management plans for flood control projects. There is broadening of existing authority to modify Corps projects to benefit the environment.

We broaden the scope of existing environmental dredging. We create new aquatic ecosystem restoration programs. There are several provisions to address contaminated river and harbor sediments, including the Great Lakes and the New York-New Jersey Harbor.

We do great work in terms of the Chesapeake Bay habitat Restoration Program and the salmon recovery in the Pacific Northwest. There is a major program to restore the Florida Everglades, and we also do some significant restoration work in the New York City Watershed.

I think the Members get the point. This is the greenest Water Resources Development Act in the history of this body. I proudly identify with it. It is not just me and those of us on the committee that are saying good things about this bill. Let me share with the Members a few excerpts from a letter authored by representatives of American Rivers, the Environmental Defense Fund, the National Wildlife Federation, the Sierra Club, and the Sierra Club Legal Defense Fund.

They say,

> We believe that the conference report . . . makes significant improvements over earlier versions and includes important provisions which reform national flood control policies and expand the U.S. Corps of Engineers environmental restoration programs.
>
> Conference members have required that cost-benefit and environmental studies be completed for authorized projects . . . What good work that is. . . . deleted a provision that would support Missouri River navigation at the expense of recreation, and reduced the federal cost of the bill to $3.8 billion.

It goes on to say more very complimentary things about this bill, and concludes,

> H.R. 3592/S. 640 includes reform of our nation's flood control policies, restores Florida's Everglades and expands the Corps' growing environmental restoration program. We are glad to see positive improvements in the Water Resources Development Act of 1996 and look forward to working with you to continue these reforms.

This is a letter that was addressed to me, to the chairmen, to the gentleman from Minnesota, Mr. OBERSTAR, the gentleman from Pennsylvania, Mr. SHUSTER, everybody, the gentleman from Pennsylvania, Chairman BORSKI. We are all chairmen in this instance, because we have worked so hard to make this a reality.

Let me close by saying no bill of this magnitude gets to the floor of this House with such unanimous endorsement without the hard work of people like Mike Strachn, Ken Kopocis, and Jeff More, and all the people on the staff who did such good work. I urge strong support for the measure.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. I rise in strong support of H.R. 3592, the Water Resources Development Act of 1996. I would like to thank the chairman of the Transportation and Infrastructure Committee, Mr. SHUSTER, and the ranking member, Mr. OBERSTAR, for the opportunity to speak on behalf of this important legislation. I would also like to thank the subcommittee chairman, Mr. BOEHLERT, and ranking member, Mr. BORSKI, for their assistance on two vital initiatives in this conference report that will promote economic development and provide better flood control in southeast Texas.

The Houston Ship Channel widening and dredging project will provide the first major expansion of the Port of Houston in 30 years. It will expand the capabilities of the Port to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than $5 billion annually and providing 200,000 jobs. The Ship Channel expansion project will preserve the Port of Houston's status as one of the premier deep-channel Gulf ports and one of the top transit points for cargo in the world. The project also is unique in that it is supported by a coalition of community and environmental groups, to help reverse decades of environmental degradation of Galveston Bay.

This legislation also constructively addresses the issue of Federal flood control reform. As Congress seeks to balance the budget, the scarcity of Federal dollars for flood control threatens hundreds of projects in southeast Texas and around the country. That is why I have been working with this committee and my fellow Texan, Majority Whip TOM DELAY, to allow local entities to plan and construct Federal flood control projects. Giving local agencies, such as the Harris County Flood Control District, the ability to construct and manage these projects will save lives and property, cut Federal administrative costs and better protect the environment. It will also reduce Federal disaster assistance needed to bail out communities in our area each time it floods.

This legislation includes language designating Harris County Texas, as a test site for allowing local control over flood control. Under this plan, the Federal Government would remain a partner in flood control, but local governments would gain the authority to respond more quickly and innovatively to their communities' flood control needs. Federal flood control policy must adapt to meet increasing budgetary constraints without sacrificing public safety and envrionmental protection. The bottomline will be safer communities and savings for the taxpayers.

This legislation meets the challenges of protecting the environment, promoting economic development, and providing safe and efficient flood control throughout the Houston area. I strongly support the Water Resources Development Act, and I urge my colleagues to join me in voting in favor of this conference report.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to inform the House that this legislation includes a provision which renames the important Uniontown Lock and Dam on the Ohio river in Indiana and Kentucky, and it shall be known as and designated as the John T. Myers Lock and Dam, named in recognition of the extraordinary contributions to our country by the gentleman from Indiana, the honorable JOHN T. MYERS, who is retiring, and who will be sorely missed in this body. We are just very, very pleased to include this provision.

Mr. Speaker, I am pleased to yield 1 minute to my good friend, the distinguished gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the full committee, for yielding time to me.

Mr. Speaker, I do want to thank the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from New York [Mr. BOEHLERT], the gentleman from Pennsylvania [Mr. BORSKI], and the gentleman from Minnesota [Mr. OBERSTAR], for working on this bill for many, many months, and creating an excellent piece of legislation in truly a bipartisan fashion. When I say an excellent piece of legislation, this is an economic stimulator for the country, and it is an environmentally sound piece of legislation.

Five quick comments I want to make. It truly does stimulate the economy, imports and exports, as far as this Nation is concerned and its waterways. In Maryland alone, it is directly connected to 18,000 jobs, and many more that are spinoffs, and directly related to $2 billion annual sales as a result of the Baltimore Harbor.

It goes a long way in understanding the nature of sediment control as far as the marine ecosystem is concerned. It has environmental alternatives to disposing of dredged material. It enhances wildlife habitat, which is another $1 billion to the Maryland economy. It goes a long way to understanding the important of eliminating persistent toxic chemicals. This is a great piece of legislation.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I am happy to rise today in support of the Water Resource Development Act of 1996 conference report. I would like to thank the chairman of the committee, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from New York [Mr. BOEHLERT], and our ranking Democrats, the gentleman from Pennsylvania [Mr. BORSKI] and the gentleman from Minnesota [Mr. OBERSTAR], for their dedication to getting this bill passed in the 104th Congress.

I would also like to thank my colleagues the gentlemen from New Jersey, BOB FRANKS and BOB MENENDEZ, for their efforts on behalf of the Jersey shore and the Port of New York and New Jersey.

This long-awaited bill contains several provisions that are vital to stopping ocean dumping of contaminated dredged materials in New Jersey while protecting jobs in the Port of New York and New Jersey. With this bill, we finally have Federal-local cost sharing of confined disposal facilities, so ports can be dredged and the sediments disposed of in a safe environmental manner.

In addition, this bill reauthorizes a cutting edge sediment decontamination project for the New York-New Jersey Harbor area.

Finally, and very important, thanks to the efforts of the House Coastal Caucus as well as the Senate Coastal Coalition, and the support of the Committee on Transportation and Infrastructure, this bill also maintains the role of the Army Corps of Engineers in much needed shore protection. These are projects that are important to the millions of Americans who live on the coast and whose livelihoods are dependent on the coastal tourism industry.

Mr. BORSKI. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the committee, who has done such an outstanding job not just on this bill, but on leading the Democrats in the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. I thank the gentleman especially for those kind words, Mr. Speaker, and I want to return the compliment to the gentleman from Pennsylvania [Mr. BORSKI] for the steadfast dedication he has devoted on our side to the complex issues of clean water, the Clean Water Act, the Water Resources Development Act, and the many other issues that have come before that subcommittee.

I would also express my very great appreciation to our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], who has led us through many complex issues in the course of this Congress. There will be other bills on which I will also be saying the same thing as we go through these last hours of this Congress, but we have worked together in the time-honored tradition of this committee, the buildings committee of the Congress.

I would say to the gentleman, I appreciate the leadership that he has provided for us, particularly on this legislation and that of the gentleman from New York [Mr. BOEHLERT], who has worked very diligently and exercised visionary leadership on these important issues.

Mr. Speaker, I especially want to express my appreciation to the chairman of the committee for the consideration he gave to me on a matter of importance in my district. Although we could not resolve it satisfactorily, there was a partnership and an understanding that I shall long cherish.

Mr. Speaker, we should support this legislation, the Water Resources Development Act of 1996. We deal here with the oldest infrastructure programs of the whole country. In fact, after the Committee on Ways and Means, the first committee established by the Congress in 1789, the Rivers and Harbors Subcommittee, or committee was created, which later became a subcommittee of this full committee; recognizing, as the Congress did, that to grow as a nation, we needed to develop means of transportation.

Ports were our first cities. America grew up along the water, as 75 percent of our people still live along the water. The first project authorized by the parent and predecessor committee of our Committee on Transportation and Infrastructure was the Fort Henry Lighthouse, guiding navigation.

Mr. Speaker, over the years of development and expansion of the Nation, water resources have been fundamental to our development and growth as an economy and as a people, and as a means of safety and navigation. Today, we continue that grand tradition, that more than 200-year-old tradition of taking the next steps. We continue the development of water-related infrastructure.

Mr. Speaker, virtually every 2 years this committee comes to the House with legislation based on the work of the Corps of Engineers to respond to the needs of carrying goods to market in the most cost-efficient and energy-efficient means, by water; to protect people from floods, from disasters; to restore our shorelines; to deepen the harbors of our great ports and improve the navigation channels.

In 1986, we first called this legislation the Water Resources Development Act. Since then we have come every 2 years, with one exception, in the last Congress, when we passed legislation in the House, having again done our work, and sent the bill to the other body, where, unfortunately, it languished and did not pass.

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So this is 4 years, not just 2 years, of accumulated legislative needs, and we have done our work, again I think in a responsible manner, responding to the usual assortment of flood damage reduction, navigation, storm damage reduction and to continue the work of this committee in emphasizing environmental improvement within the Corps program, environmental restoration and environmental enhancement.

One of the great initiative that we undertook was the great river improvement program, an initiative undertaken by the predecessor of the gentleman in the chair today. Mr. Quie and I together worked on the great river improvement program so that the Corps would be required to contemporaneously undertake the environmental improvements at the same time it was doing the navigation improvements, so that we would not have the navigation first and the environmental damage later. The two, environmental protection and enhancement, worked hand in hand and that is a great legacy to the gentleman from Minnesota, Mr. Quie, years ago, but again within the ambit of the Corps of Engineers programs. The Corps often takes a rap for effects on the environment, and I just want to take that moment to point out how the Corps has done such wonderful work to protect the environment.

This legislation does raise the minimum non-Federal share of protect costs from 25 to 35 percent. It does not go as far as the administration bill requested, but it is a responsible step and I think the chairman has sensitively understood the needs of communities that have already made commitments and made plans, that to go beyond 35 percent would put unreasonable financial burdens.

The legislation also addresses the concerns of our committee and our colleagues to provide meaningful ability to pay relief for lower-income communities, and this legislation will provide that kind of help that was envisioned when the 1986 WRDA act was first enacted for helping lower-income communities.

For the Great Lakes I am particularly pleased that we continue the important sharing of costs on confined disposal facilities for dredge materials to protect those extremely sensitive waters of the Great Lakes which represent one-fifth of all fresh water on the face of the earth.

The conference report, however, is not perfect. The bill, I feel, does not go far enough in adequately balancing structural and nonstructural options in the Federal flood control program. I am troubled by provisions that have the effect of legislatively interfering in the 404 wetlands permitting program under the Clean Water Act and the implementation of the national flood insurance program. Both of those provisions, I think, are an unnecessary intrusion and should not be considered precedent for future legislation.

The conference report also has language included at the insistence of the other body that abrogates, in the case of one project, cost-sharing rules, cost-sharing rules that were insisted upon by the other body many years ago. For one project, they were required to provide land easements and right of way but no cash in a matching basis for its project. We have steadfastly opposed repeal of cost-sharing rules for any project, and we should not do that in this case.

Those shortcomings mentioned and noted, I think, for the record, this is a good bill. This is good, solid legislation. Ninety-eight percent of this bill is good policy, good initiative, good for the country, good for the community is serves and will stand as a legacy to the gentleman from Pennsylvania [Mr. SHUSTER], our chairman of the full committee, the gentleman from New York [Mr. BOEHLERT], and to the gentleman from Pennsylvania [Mr. BORSKI] who has labored so hard. I urge passage of this bill.

Mr. SHUSTER. Mr. Speaker, first I would like to thank my good friend for his comments and emphasize that indeed on the very important project in Minnesota, there will be another day and we shall be back together working hard to make it come true.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I commend my friends, Mr. BOEHLERT and Chairman SHUSTER, for their dedicated work. The citizens of Florida's southwest coast recognize the importance of maintaining proper stewardship of our water resources. I am very pleased that this bill contains vital Everglades restoration provisions to promote the innovative partnership that has formed between the State of Florida and the Army Corps of Engineers; speeding up the restoration process by many years through proactively reducing bureaucratic red tape and formalizing the joint Federal-State working group. I am also pleased this bill includes legislation introduced by my Florida colleague CLAY SHAW that will overturn an unfortunate Presidential policy and ensure the continued involvement of the corps in worthwhile beach restoration projects. Overall, this is a good bill for Florida's citizens and Florida's environment as it is for all America and I urge my colleagues to support it.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE], a valuable member of the committee.

Mr. WISE. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of our committee, the gentleman from Minnesota [Mr. OBERSTAR], our ranking member, the gentleman from New York [Mr. BOEHLERT], and the gentleman from Pennsylvania [Mr. BORSKI]. They are true examples of what, working together, Republicans and Democrats can do to move this country forward.

Infrastructure is vital to this country. The infrastructure in this bill will move a lot of our areas forward. I want to point out particularly how important it was to get the $229 million authorization that is in this bill for the Marmet locks and dam upgrade project. This is a project, a lock and dam that moves the second largest amount of traffic in our country right behind the Winfield lock and dams which is presently being upgraded. And most significantly why this is so important to those people in the Belle region, because for years they have known that this was coming but without this authorization, a couple of hundred families could not make the necessary decisions about what to do with their lives and their property. Happily this now provides the authorization for the Corps of Engineers to move forward. We still need to get the appropriation, the budget money for it, but now we know that this project is going to be built. And so we will be able to move large jumbo barges through whereas before we could only move the smaller barges and suffer the delays as a result. Likewise, for central West Virginia which has been hard hit in flooding, the language in here could greatly help the Moorefield residents which were hard hit in January and even devastated further in the floods of September. This gives us the vehicle to move forward with the Corps of Engineers and move those flood control projects forward, too, in a way that is beneficial to the community.

I just want to thank those who have made this bill possible. This bill is moving now, it is going to pass, it is going to go to the President, and we can get about the business of building America even more.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT], the distinguished ranking member of the Subcommittee on Public Buildings and Economic Development.

Mr. TRAFICANT. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. BORSKI] and commend him for the fine job he has done in representing the interests of many of the Democrats in some of the important projects they had on this bill as well as the gentleman from Minnesota [Mr. OBERSTAR]. I want to thank the gentleman from New York [Mr. BOEHLERT] and the gentleman from Pennsylvania [Mr. SHUSTER] for being fair to all concerns. But I would like to say this: that there are many of us who did not join this committee for cerebral stimulation.

Mr. Speaker, this Nation must improve its infrastructure and I believe that there is much more that we can and should be doing, and I think that public works is most important. It will help to put people to work in our country, and improve the quality of life.

Specifically I want to thank the committee for three projects that will be happening in my district. First, the Army Corps to plan and assist with a regional water system for our valley, absolutely necessary; to make improvements to the Gerard Lake and in fact make repairs at that spillway; and finally, the environmental dredging program for the Mahoning River that cuts right through the city of Youngstown from the Beaver River on up through all that old steel mill property that has been polluted for years. This will help to clean up the city of Youngstown.

So I am hoping that in the future all this business of being afraid of earmarks, being afraid of pork barrels, keep this in mind. These are taxpayer dollars that come from our communities, put back into our communities, and I would hope that our venerable leader, the gentleman from Minnesota [Mr. OBERSTAR], will continue to push hard for the inclusion of these projects for both Democrats and Republicans. I also want to say that the gentleman from Pennsylvania [Mr. SHUSTER] has been a war horse as well, and without these two fellows specifically, I think a lot of improvements to our Nation's infrastructure would never have been made with some of the so-called new philosophy we have around here.

I like the old-fashioned take care of our own, take care of America, and I want to thank the gentleman from Pennsylvania [Mr. SHUSTER], a Pitt man, for his help and the gentleman from Minnesota [Mr. OBERSTAR].

Mr. SHUSTER. Mr. Speaker, I want to thank the great former quarterback from the University of Pittsburgh for his kind comments.

Mr. BORSKI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I rise to support S. 640 to emphasize a provision that strengthens our commitment to one of America's greatest natural treasures—the Florida Everglades.

This legislation contains measures that will expedite restoration of this endangered ecosystem, authorize critical new resources, and cut through bureaucratic redtape. Mr. Speaker, this bill directs the Army Corps of Engineers to complete its comprehensive Everglades restoration plan and report this plan to Congress by July 1, 1999. The bill also codifies the partnership between the Federal, State, and local agencies which are involved with this effort. This will facilitate better cooperation and information sharing so we can finish the job as soon as possible. Finally, Mr. Speaker, there are many critical projects which must be completed now. Accordingly, this bill authorizes $75 million in new resources to construct projects which are critical to restoration.

I thank my colleagues for supporting this bipartisan accomplishment, and I urge passage of the bill.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I want to particularly recognize Mike Strachn and Ken Kopocis who have really been the lead staffers on both sides of the aisle for the tremendous job they have done on this legislation.

Finally and very importantly, Mr. Speaker, I would like to take a moment to recognize the extraordinary service to the House and most particularly to our committee of Erla Youmans. Erla, the committee administrator, is retiring at the end of this Congress.

She began her career in the House when she went to work for Congressman Gordon Scherer in 1958. She went to work for the Public Works Committee in 1962 and since then has worked for 7 senior Republican Members.

After a number of years serving as the committee minority administrator, Erla finally had the opportunity in 1995 to become the majority administrator. Erla has provided invaluable service to the Members on both sides of the aisle throughout her career, but most particularly in the last 2 years in ensuring that the committee has run smoothly and efficiently.

I am sure all of the members of the committee join me in thanking Erla Youmans for her outstanding contribution and in wishing her well in her retirement for many, many years in the future.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I want to join with him in recognizing Erla Youmans and paying tribute to her.

She started with the committee a year before I did, in 1963, is when I came then to work for my predecessor, John Blatnik. But I started on the Rivers and Harbors Subcommittee as what was quaintly known as a clerk in those days, and Erla was there. She has been there all through the years since then, and worked in such a bipartisan manner, years later that I realized she worked for the Republican side of the committee. We did not know the distinction.

She gave 38 years to government service, 36 of them with the committee on Public Works and then Committee on Public Works and Transportation, now Transportation and Infrastructure. We served 6 years together, those first 2 years as I worked on the subcommittee and then 4 years when I was administrator of the Public Works Committee staff. In every respect, Erla was a thorough-going professional.

I just kind of looked it up the other day. If she had been a Member all these years, she would rank third in seniority, having begun her service in the 85th Congress. That is a long and dedicated career. She has made such a lasting contribution. Many Members come through here, they might get a bill passed, they might even get an amendment passed, they might even have something become law. Erla has presided over many bills, many laws, too numerous to mention, provided enormous service. A person of great patience, devotion, deep professionalism, and now she, as the chairman said, had the opportunity, which I am very happy for her, to have served as the majority staff person and run a very smooth and efficient operation.

I am going to miss Erla. Always a ready smile, always a warm word, always a kind person, and always a professional.

Mr. SHUSTER. I thank my good friend for his comments.

Mr. PORTMAN. Mr. Speaker, I rise today in strong support of a particular provision contained in the Water Resources Development Act conference report. This provision directs the Secretary of the Army to convey a parcel of land under the jurisdiction of the Corps of Engineers to the Village of Mariemont, OH.

Mr. Speaker, this legislation is very important to Mariemont because it will enable the village to relocate its maintenance facility to the former Army Corps land, and move MariElders, a center for older adults that has been displaced from its site, to the refurbished maintenance facility.

This legislation also makes good fiscal sense. The Army Corps land has an appraised value of $85,000. Mr. Speaker, the conference report transfers the land to Mariemont for the appraised amount and will put the property to productive use. In addition, the property has been screened by the General Services Administration [GSA] and no other Federal agency has expressed interest in the site.

I commend chairman SHUSTER, chairman BOEHLERT, and the conferees for incorporating this provision in the conference report, and urge all my colleagues to support this legislation.

Mrs. SMITH of Washington. Mr. Speaker, I rise in support of this legislation which will put to an end a long and very contentious chapter in the history of North Bonneville.

This legislation would resolve a long-standing dispute between the city of North Bonneville and the Federal Government that occurred when the city was relocated in the 1970's. It would be a vital step forward in the recovery of a community that has been severely impacted by this relocation.

This community has been economically devastated through a combination of factors outside their control, particularly the downturn of the timber industry. This legislation will convey key parcels of land to the city that will create jobs by giving the county a land base to attract businesses to the area. In fact, this might be the most important jobs bill this county has seen in a long time because for many years, the city has not had industrial land that could bring in family-wage jobs.

I want to thank public officials in the community of North Bonneville for their support of this legislation. I particularly want to commend Mayor Keith Chamberlain for being a strong advocate of this legislation.

I urge my colleagues to support this important legislation.

Mr. CRANE. I rise today in support of the conference report on S. 640, the Water Resources Development Act [WRDA] of 1996. Once again, the 104th Congress is on the verge of an accomplishment that eluded its predecessor, passage of a measure that authorizes and reauthorizes a number of important water-related projects in a fiscally responsible manner.

One such project deserves particular mention by this Member, not just because it is in his congressional district, but due to the environmental and economic benefits it can provide to many places around the country in the future. I refer specifically to the Des Plaines River Wetlands Demonstration Project [DPRWDP] adjacent to Wadsworth in northern Illinois. Since its inception over a decade ago, this internationally recognized research effort has produced, and continues to produce, invaluable data that will facilitate the rehabilitation, restoration, maintenance and/or expansion of our nation's wetlands. In the process, information has been, and is being, developed that has significant and positive implications for habitat conservation, species enhancement and flood control efforts as well. In addition, the success of two wetlands mitigation banks at the DPRWDP is providing further evidence that environmental protection imperatives can, indeed, be reconciled with the manifestations of economic growth. But, for all these potential benefits to be fully realized, additional funds are needed to complete the research and to prepare a how to manual that will enable interested parties to put the findings to good use.

To date, almost $9 million has been contributed to the research work at the DPRWDP, only $1.9 million of which has come from the Federal Government. However, another $2.2 million in Federal funds was authorized by the 1988 WRDA, only $125,000 of which has actually been expended. Enactment of this conference report would once again give the DPRWDP an equal chance to compete for the rest of those monies, which is all one can ask in this era of tight budget constraints. That being the case, I urge my colleagues to give this project, and the conference report in which it is reauthorized, their support. Both will redound to the future benefit of America.

Mrs. LINCOLN. Mr. Speaker, I rise today to support this conference report and salute the hard work of chairman SHUSTER and ranking member OBERSTAR.

I believe this bill to be one of the most important that we undertake in this Congress. The wise use of America's water resources is critical to the environmental and economic well-being of this Nation. This fact is evident in the First Congressional District of Arkansas, which I represent. The first district is one of the most productive agricultural district in the Nation, ranking No. 1 in the production of rice, No. 3 in soybeans, and No. 6 in cotton. Our water supply is vital to the production of agricultural commodities as well as their transportation to market.

Messrs. SHUSTER and OBERSTAR were kind enough to work with me on three projects that are vital to the first district. The first is the Grand Prairie-Bayou Meto project that lies in the heart of Arkansas' rice production. The alluvial aquifer that supports this area is rapidly being depleted and unless something is done by 2015 the area stands to suffer irreparable economic damage and the Nation would lose a large percentage of its domestic rice supply. The project reauthorized in this bill will allow work on this vital project to begin so that the aquifer can be restored without economic or environmental damage to our State.

The second project is the White River Navigation Project. The White River is a 255-mile river that flows from the Ozark Mountain to the Mississippi River through the heart of the Arkansas Delta. It flows through the Grand Prairie of which I just spoke, and is a great resource for agricultural and industrial commerce, but only part of the year. The commercial channel of the river has only a 5-foot depth which is inadequate to accommodate the standard 9-foot draft barges employed around the country today. The reauthorization project that is included in this bill will allow development of a commercially viable 9-foot channel that can be utilized during the entire year.

I was also very pleased that members of the conference saw fit to include language which would ensure that new cost sharing requirements on Corps projects would not apply to works which have already been authorized, but on which construction has yet to begin. The Helena and Vicinity flood control project in the town of Helena, Arkansas on the Mississippi was first authorized by this Congress in 1986. However, the local community contribution was not worked out until a year ago, delaying the beginning of construction. It would have been patently unfair to raise the bar on this type of project after years of hard work by local citizens and the Corps of Engineers. I am very pleased that the drafters of this bill had the foresight to impose the new cost-sharing requirements only on projects authorized in this bill and beyond.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in support of the conference report for H.R. 3592, the Water Resources Development Act of 1996. I commend Chairman BUD SHUSTER and Chairman SHERWOOD BOEHLERT for their diligent work in writing this important legislation.

This bill contains several provisions that I introduced in legislation earlier this year to help our Nation's ports. First, this bill provides for a Federal cost-sharing mechanism for the upland disposal of dredged material. This updates the current cost-sharing mechanism that provides for only ocean disposal of dredged material. Second, this bill allows ports to take advantage of the $600 million surplus in the Harbor Maintenance Trust Fund by allowing the fund to be used for the Federal share of upland disposal, and for the construction of containment facilities that are needed to hold contaminated material. Third, this bill doubles the funding authorization for the EPA's sediment decontamination pilot study, which will allow for the environmental restoration of harbor floors.

In addition, this legislation contains a provision I have worked on for several years regarding flood control projects. Currently, the prevention of the loss of life is not one of the principal criteria used in deciding whether to proceed with a particular water resources project. H.R. 3592 will elevate the criteria of saving human life, rather than economic benefit, in the prioritization of these projects.

I would also like to commend the chairman for including language that calls for a greater utilization of private industry to perform the Corps' hopper dredge work. I would have preferred a much broader provision than what is contained in the bill, but I am pleased that the Committee is taking an important first step toward reaping the economic benefits that greater reliance on the private sector will yield. I intend to work closely with the committee leadership to evaluate the results of this study and to push forward for greater privatization if, as I suspect, the results are promising.

I have enjoyed working with the committee on this legislation, and I urge my colleagues to support this bill.

Mr. MARTINI. Mr. Speaker, I want to take this opportunity to thank the Water Resources Subcommittee Chairman BOEHLERT, and all other committee members and staff who worked tirelessly to put together a fair and economically responsible WRDA bill.

This bill has carefully balanced the interests of environmentalists with those in the business community and provided the language that will enable our ports to once again flourish, our citizens to be protected from flooding, our environment to be protected, and our taxpayers' dollars to be wisely and not frivolously spent.

I would like to specifically mention a couple of provisions in the bill that are of great importance to the citizens in my district. The Water Resources Development Act includes authorized funds for a buyout alternative to the Passaic River Flood Tunnel.

Back in 1994 when I was first running for Congress, I recognized the importance of flood protection to the citizens of the Eighth Congressional District in New Jersey. In addition, I recognized that there must be a more economically and environmentally sound flood control alternative to an authorized flood tunnel with a price tag of $1.9 billion that would have extensive negative affects on area wetlands and the existing ecosystems.

By authorizing $194 million for the buyout alternative, we are taking great strides towards both flood protection for our citizens and environmental protection for the Passaic River, while saving the taxpayer money.

Also included in the bill is continued authorization for the Molly Ann's Brook flood protection project. I am pleased that the committee treated this project with the urgency and priority that it deserves. This project will provide critical flood protection to many residents of Haledon, Prospect Park and the city of Paterson.

Once again, I extend my thanks to the committee. The Water Resources Development Act of 1996 is a clear example of the 104th making things happen and protecting the interests of not only the citizens of New Jersey, but the interests of all Americans.

Mr. DELAY. Mr. Speaker, I would like to commend Chairmen SHUSTER and BOEHLERT, as well as Mr. OBERSTAR and Mr. BORSKI, for all their hand work on this bill, and rise in strong support of this legislation. I came to the floor earlier this summer when the bill first came through the House to discuss two provisions critical to the Houston area, and am very pleased that these provisions remain in this final conference report.

One of these is the authorization of funding to deepen and widen the Houston Ship Channel. These improvements are essential to the economic development not only of the region, but of the country generally, as the Houston Ship Channel is a critical economic lifeline between our Nation and the rest of the world.

The improvements authorized are also consistent with the Port's and my enduring commitment to the environment. The dredged material from the Ship Channel project will be used to create over 4,000 acres of additional marsh land to be used in developing bird islands, boater destinations, and shoreline erosion projects.

The second provision in this bill allows certain flood control districts to carry out flood control projects with far greater flexibility than ever before.

Although still subject to the high standards set by the Corps of Engineers, my Harris County Flood Control District officials will now be able to plan, study, design and construct these projects with greater independence and more input from the local community.

I am convinced that Harris County will demonstrate that it can design and construct flood projects faster and cheaper when it is not burdened by Federal redtape.

In fact, I am told that the Harris County projects will not only be completed much sooner than projected by the Corps, they will be completed at a total cost that is as much as 35 percent less than that projected by the Corps.

Again, I strongly support this legislation and urge my colleagues to support it, as well.

Mr. FAZIO of California. Mr. Speaker, I rise in support of the bill. I would just like to point out one clarification to Section 101(a)(1)(D) of the conference report, which relates to the cost-sharing associated with the variable flood control operation of Folsom Dam and Reservoir.

Specifically, it is the intent of this provision that the local, non-Federal share of the costs of the variable flood control operation of Folsom Dam not exceed 25 percent. It is also the intent of the conference agreement that the remaining 75 percent of the costs associated with the variable flood control operation of Folsom Dam and Reservoir be the responsibility of the United States and that such costs shall be considered a nonreimbursable expense. In other words, these costs should not be passed onto the water and power ratepayers of California.

It is the intent of this provision that the costs associated with the variable flood control operation of Folsom Dam and Reservoir be shared between the non-Federal project and sponsor and the Federal Government. It was not the intent of the conferees that Californians' be required to assume the full burden of the provision of interim flood protection to the citizens of Sacramento.

Mr. MATSUI. Mr. Speaker, the conference report for S. 640, the Water Resources Development Act, contains several important provisions for the area that I represent. There is no doubt that these steps will improve the flood control system for the city of Sacramento and afford a level of additional safety to the citizens of my district.

Despite the inclusion of these provisions, I would note with grave disappointment that with the final approval of this conference report, another Corps of Engineers authorization will have passed the Congress without inclusion of a comprehensive plan to address the severe flood threat facing the Sacramento area. As a result, 400,000 people in Sacramento will continue to face an unacceptable threat of flooding. Our flood control system will be able to achieve the 100-year protection level established as an actuarial baseline by the Federal Emergency Management Agency. Nonetheless, it will be far short of what is tolerable for a highly urbanized area like Sacramento.

Given the very short warning period that Sacramento would have before a flood event occurred, this threat is more than just a matter of tremendous economic risk for our region. Lives will continue to be unnecessarily at risk until a comprehensive plan for protecting Sacramento from the American River is authorized and constructed. I am deeply committed to working for a comprehensive solution to this problem, and I am anxious to continue to build upon the progress toward such a result embodied in this bill.

I would also like to take an opportunity to address one specific aspect of the conference report. Section 101(a)(1)(D) of the conference report directs that the non-Federal participant in the project for the American River Watershed shall bear only a 25-percent share of the costs associated with the variable flood control operation (reoperation) of Folsom Dam and Reservoir for a 4-year period. This provision modifies similar language in H.R. 3592 as passed by the House.

I would like to underscore that it was the clear intent of the Sacramento delegation, in working with the Transportation and Infrastructure Committee on this provision, that the Federal share of reoperation costs would be nonreimbursable—in other words, that these costs could not be passed along to California water and power ratepayers. Only in this way will we actually limit the non-Federal share of costs associated with the variable flood control operation of Folsom Dam and Reservoir to 25 percent, as called for by the conference report.

Finally, I would like to thank the members of the Transportation and Infrastructure Committee, particularly Chairman BUD SHUSTER and the ranking member, JAMES OBERSTAR, as well as SHERWOOD BOEHLERT and ROBERT BORSKI, respectively the chairman and ranking member of the Water Resources and Environment Subcommittee. Without their assistance, we certainly would not have been able to take the important steps forward for Sacramento that were included in this bill.

Ms. DELAURO. Mr. Speaker, I want to commend Chairman BOEHLERT and Ranking Democrat BORSKI on a job well done. The Water Resources Development Act was perhaps the most bipartisan effort of the 104th Congress.

I am particularly pleased because this bill will enable major projects in my congressional district in Connecticut to move forward.

The bill eliminates federal jurisdiction over three local channel projects that are currently on hold in my district. In one case, a deauthorization will enable a state financed bridge project to be constructed—at no additional cost to taxpayers.

I also want to commend my colleagues for authorizing the construction of an erosion barrier for Faulkner's Island, a federally owned wildlife refuge in the Long Island Sound. This refuge is a migratory resting site for over 300 species of birds, including threatened and endangered species. It also encompasses a working light house commissioned by Thomas Jefferson that would fall into the Sound in 15 years if the erosion is not stopped.

Thank you again for your work on this bill. I urge my colleagues to pass this measure.

Mr. RAHALL. Mr. Speaker, I rise in support of S. 640, the conference agreement on the Water Resources Development Act of 1996. The House version of this bill, H.R. 3592, passed this body on July 29 of this year.

The enactment of this legislation is overdue. Many places of the country, such as West Virginia, continue to be subjected to severe flooding. In fact, many places of my Congressional District have spent a good part of this last year under federal disaster declarations.

With this said, while I am pleased that we are finally gaining the enactment of this legislation, I would have preferred to see many of the provisions of the version as passed by the House have remained unmodified by the Senate. In this respect, this conference agreement at the insistence of the Senate Conferees scaled back certain House provisions such as the one relating to flood control in the Greenbrier Basin of West Virginia that I sponsored. The fight we have had in gaining approval of this provision, which does not include the construction of a main-stem dam, illustrates that it would be virtually impossible for supporters of a dam on this river to be successful. In effect, in this bill we have been reduced to a $12 million authorization for non-dam alternatives. It is, as such, highly improbable that anyone could have succeeded in obtaining over $100 million for a dam in an era when the Congress is simply not approving new main-stem flood control dams.

Following is an explanation of those provisions I sponsored in this legislation.

SEC. 579. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD CONTROL

The subject of providing flood control along the Greenbrier River Basin in West Virginia has been considered for many years. At some point in the 1930s, a main-stem dam was authorized, known as the Big Bend project. However, in 1974, at the recommendation of the Corps of Engineers, this project was deauthorized. This lack of interest in providing flood control protections for the Greenbrier was short-lived. In 1978, the Huntington District of the Corps of Engineers undertook a flood control study for the basin. The study was ready for release in 1985. However, in that year, a flood of record occurred which the caused the Corps to look into other methods of flood control. Prior to

1985, the Corps was ready to recommend channel improvements in the area of Marlinton (Pocahontas County) as a means of flood control.

In 1994, preliminary findings of the study indicated that a single-purpose flood control dam on the Greenbrier River upstream from Marlinton may offer the greatest potential for providing flood protections against a reoccurrence of the 1985 flood. This type of project, however, had a low cost-benefit ratio and the Huntington District decided to evaluate a non-structural flood plain management approach. Meanwhile, earlier this year, in January, the area experienced a flood which exceed the one in 1985. The Corps decided not to release its study, but rather, to update it with the data from the January 1996 event. In May, the Greenbrier River once again left its banks and in certain areas, exceeded the flood level experienced in January.

The communities along the river have been divided on the question of the proposed main-stem dam. With the defeat of the proposed Auburn Dam during the Committee on Transportation and Infrastructure's consideration of H.R. 3592, and the fact that the cost-benefit ratio associated with any type of Greenbrier River dam even with an updated study would not pass Corps let alone Congressional muster, it became apparent that some type of alternative flood control protections should be pursued for the Greenbrier Basin.

The provision which passed the House of Representatives as section 580 of H.R. 3592 would have authorized $20 million for the Corps of Engineers to design and implement a flood damage reduction program for the Greenbrier River Basin in the vicinity of Durbin, Cass, Marlinton, Renick, Ronceverte and Alderson. In consultation with these communities, flood control activities that could be undertaken includes levees, floodwalls, channelization, small tributary stream impoundments and nonstructural measures such as individual flood proofing. In addition, also authorized are floodplain relocations, floodplain evacuations, and a comprehensive river corridor management plan.

In Conference with the Senate, the House provision was modified by reducing the $20 million authorization to $12 million. Further, the innovative cost-benefit considerations included in the House-passed bill were objected to by the Senate, and this provision was dropped.

SEC. 359. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION

Section 340 of the Water Resources Development Act of 1992 authorized an environmental restoration infrastructure and resource protection development pilot program in southern West Virginia. Under this provision, the U.S. Army Corps of Engineers is to provide design and construction assistance for publicly owned projects such as wastewater treatment and water supply facilities through local cooperation agreements with non-Federal entities such as, for example, a county commission or public service district. In addition, appropriated amounts for the pilot program must be matched on a 75% federal/25% local basis.

To date, the full $5 million authorized for the program in 1992 has been appropriated and the Huntington District of the Corps of Engineers is engaged in two projects: a wastewater system in Gilbert and a water supply system in Summers/Mercer Counties. However, the authorized level of $5 million is unduly restrictive and will serve to limit the potential benefits this demonstration project has for the Nation.

H.R. 3592 as passed by the House would increase the authorization to $25 million and make sundry technical amendments which the Corps' has identified as facilitating the implementation of the program. In Conference with the Senate, the $25 million authorization increase was modified to $20 million.

SEC. 357. BLUESTONE LAKE, WEST VIRGINIA

Section 102(ff) of the Water Resources Development Act of 1992 authorized and directed the Army Corps of Engineers to take such measures as are technologically feasible to prohibit the release of drift and debris into waters downstream of Bluestone Lake project. As part of the implementation of this directive, some concern has been raised that the removal of all woody debris may adversely affect the biological integrity of the New River. For this reason, H.R. 3592 as passed by the House, and maintained in the Conference Report, would provide for the release of that organic matter necessary to maintain and enhance the biological resources of such waters and such non-obtrusive items of debris as may not be economically feasible to prevent being release through the project.

In implementing this provision, the Secretary should not construe the amendment being made as allowing the release of substantial amounts of accumulated drift and debris. In this regard, the amendment conforms this provision of law with the Secretary's responsibility under section 1110 of the National Parks and Recreation Act of 1978 to provide for the release of water from the Bluestone Lake project in a manner to facilitate protection of the biological resources of the New River. I would further note that this amendment is being adopted in anticipation of a Memorandum of Understanding being entered into between the Corps of Engineers, the National Park Service and the State of West Virginia relating to river cleanup responsibilities downstream of Bluestone Dam.

SEC. 580. LOWER MUD RIVER, WEST VIRGINIA

Originally envisioned as a P.L. 83–566 watershed protection and flood prevention project, the Watershed Plan and Environmental Impact Statement has been completed for the Lower Mud River, West Virginia, and section 401 and 404 permits secured. The proposed project is aimed at preventing flooding in the City of Milton (Cabell County) through channel work (widening and straightening the flood channel) of the Lower Mud River and includes both on- and off-site wetlands mitigation. In light of the fact that the Natural Resources Conservation Service is no longer being authorized or funded to undertake projects of this nature, H.R. 3592 as passed by the House and agreed to in the Conference Report provides for this project to be completed by the U.S. Army Corps of Engineers. The total project cost is $20,159,000, with an estimated Federal cost of $15,426,000 and an estimated non-Federal cost of $4,733,100.

SEC. 360. WEST VIRGINIA TRAIL HEAD FACILITIES

Section 306 of the Water Resources Development Act of 1992 directed the Corps of Engineers to conduct a study and develop a plan for trailhead facilities connected several Corps facilities in southern West Virginia. In devising the report, the Corps entered into an interagency agreement with the Bureau of Land Management and the National Park Service. Earlier this year, the Corps published a "West Virginia Trailhead Facility Study, Final Report." This report constitutes a Master Plan to guide in the development, management and operation of a regional system of recreational trails.

The development of the trail system will be undertaken by a non-federal entity: the Hatfield-McCoy Regional Recreation Authority established by the State of West Virginia. However, as part of the development and management of the trail system, the Authority is seeking continued technical assistance from the Corps and BLM. H.R. 3592 as passed by the House, and as agreed to in the Conference Report, provides for the Corps to enter into an interagency agreement with the BLM for the purpose of providing ongoing technical assistance and oversight for the trail facilities envisioned in the master plan. Under this provision, the BLM must provide this assistance and oversight. It intended for this assistance and oversight to be undertaken with the trail Authority.

SEC. 229. MARSHALL UNIVERSITY, WEST VIRGINIA

H.R. 3592 as passed by the House contained a provision authorizing the Corps of Engineers to enter into a cooperative agreement with Marshall University to provide technical assistance to the Center for Environmental, Geotechnical and Applied Sciences. The House bill also contained a generic provision of this nature, entitled "Support of Army Civil Works Program," relating to relationships through which the Corps could enter into with colleges and universities, among other entities. In Conference with the Senate, the House provision relating solely to Marshall University was dropped with the intention that it be covered by the generic House provision which was retained by the Conference Committee and a specific reference to Marshall University was included in the Statement of Managers discussion of this provision.

Under this provision, it is intended for the Corps of Engineers and Marshall's Environmental Center to work together in dealing with environmental contamination in the Central Appalachian Region and to provide national leadership in this area.

Envisioned activities under the cooperative agreement would include, among other items: (1) the development of innovative technologies for all aspects of handling hazardous waste, including management, treatment, remediation, restoration, mitigation and disposal projects; (2) research to improve the understanding of the processes of groundwater contamination and subsequent migration/diffusion; (3) the development and application of modern computer technologies for the collection and management of large volumes of scientific and other data characterizing the various environmental problems located in or affecting activities within the region; (4) environmental technology transfer; and (5) public education about the many regional environmental issues, problems and hazards.

SEC. 539. ACID MINE DRAINAGE MITIGATION, NEW RIVER, WEST VIRGINIA

Acid mine drainage from abandoned coal mines is perhaps the single most serious water quality problem in many parts of the Appalachian Region. In fact, nationwide, over 12,000 miles of rivers and streams and over 180,000 acres of lakes and reservoirs are contaminated due to acidic and toxic drainage from abandoned mines. Because of the magnitude of the problems associated with acid mine drainage from abandoned coal mines, and the lack of progress made to date in addressing this issue, H.R. 3592 as passed by the House authorized the Corps of Engineers to undertake certain demonstration projects aimed at abatement and mitigation of acid mine drainage caused by abandoned mines, as well as degradation caused by the lack of sanitary wastewater treatment facilities. As modified by the Conference Committee, the provision is limited to the Corps providing technical assistance for these projects. Under the Conference Agreement, $1.5 million is authorized for the Corps to provide technical assistance for projects in the New River, West Virginia.

In conducting these activities, it is intended for the Corps to focus on Dunloup Creek, Manns Creek, Wolf Creek and Piney Creeks of the New River watershed. In this regard, the Corps is to cooperate with the Federal entity with administrative jurisdiction over the lands within such watersheds, the National Park Service, and if appropriate, with the West Virginia Division of Environmental Protection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 640, the Water Resources Development Act. This bill authorizes the construction of various water resources development projects by the U.S. Army Corps of Engineers. The projects involve flood control, navigation, erosion control, and environmental regulation.

The bill also contains a provision that increases the required contribution by non-Federal sources for the costs of Federal flood control projects from 25 to 35 percent for all future flood control projects. This provision does not apply to projects that are authorized in this bill.

Additionally, for the first time, local sources must contribute 35 percent of the costs of all environmental protection and restoration projects. The bill also provides Federal funding—between 40 and 80 percent of the total cost—for constructing dredged material disposal areas. Previously, these areas had to be constructed solely with local funds.

As we will continue to debate and approve funding for water resources development projects in the next Congress, I hope that we will support adequate funding for the Sims Bayou project in Houston, TX. While I favor active local involvement and some local contribution in funding these projects, the U.S. Army Corps of Engineers must not abandon its oversight responsibility to make sure that projects such as Sims Bayou are completed to specifications in a timely manner. I also hope that Congress will continue to closely monitor the work of the U.S. Army Corps of Engineers on these important issues.

Mr. SHUSTER. Mr. Speaker, I want to address section 532 of the bill relating to coastal wetlands restoration projects in Louisiana.

The purpose of section 532 is to amend the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3952(f); 104 Stat. 4782–4783) (the "Act") to provide that the Federal share of the cost of certain wetlands restoration projects ("projects") shall be 90 percent as compared to other projects or portions of projects which may have a Federal share of 75 percent or 85 percent as the case may be, as provided in section 303 of the act.

The intended projects are identified in paragraph (5) of section 303(f)— as amended by section 532—as "coastal wetlands projects under this section in the calendar years 1996 and 1997." This phrase is intended to mean those projects added to the priority project list by annual update in the calendar year 1996 pursuant to section 303(a) of the act—fifth priority list—and those projects hereafter added to the priority list in calendar year 1997 pursuant to the same authority—sixth priority list.

The amendment also requires a determination by the Secretary that a reduction in the non-Federal share is warranted. In making this determination, the Secretary should consider whether additional benefits are likely to accrue to the restoration, protection, or conservation of coastal wetlands in the State of Louisiana as a result of a reduction in such non-Federal share and the application of resulting available state funds to implement the conservation plan and other State funded coastal conservation measures.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and agree to the conference report on the Senate bill, S. 640.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

□ 1645

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

TITLE I—NTSB AMENDMENTS

SEC. 101. SHORT TITLE.

This title may be cited as the "National Transportation Safety Board Amendments of 1996".

SEC. 102. FOREIGN INVESTIGATIONS.

Section 1114 of title 49, United States Code, is amended—

(1) by striking "(b) and (c)" in subsection (a) and inserting "(b), (c), and (e)"; and

(2) by adding at the end the following:

"(e) FOREIGN INVESTIGATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

"(A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

"(B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

"(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign accident investigation information in making safety recommendations.".

SEC. 103. PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.

Section 1114(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose voluntarily provided safety-related information if that information is not related to the exercise of the Board's accident or incident investigation authority under this chapter and if the Board finds that the disclosure of the information would inhibit the voluntary provision of that type of information.".

SEC. 104. TRAINING.

Section 1115 of title 49, United States Code, is amended by adding at the end the following:

"(d) TRAINING OF BOARD EMPLOYEES AND OTHERS.—The Board may conduct training of its employees in those subjects necessary for the proper performance of accident investigation. The Board may also authorize attendance at courses given under this subsection by other government personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for accident investigation training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the 'National Transportation Safety Board, Salaries and Expenses' as offsetting collections.".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end of the first sentence the following: ", $42,400,00 for fiscal year 1997, $44,400,000 for fiscal year 1998, and $46,600,000 for fiscal year 1999.".

TITLE II—INTERMODAL TRANSPORTATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Intermodal Safe Container Transportation Amendments Act of 1996".

SEC. 202. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49 of the United States Code.

SEC. 203. DEFINITIONS.

Section 5901 (relating to definitions) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) except as otherwise provided in this chapter, the definitions in sections 10102 and 13102 of this title apply.";

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

"(6) 'gross cargo weight' means the weight of the cargo, packaging materials (including ice), pallets, and dunnage.".

SEC. 204. NOTIFICATION AND CERTIFICATION.

(a) PRIOR NOTIFICATION.—Subsection (a) of section 5902 (relating to prior notification) is amended—

(1) by striking "Before a person tenders to a first carrier for intermodal transportation a"

and inserting "If the first carrier to which any";

(2) by striking "10,000 pounds (including packing material and pallets), the person shall give the carrier a written" and inserting "29,000 pounds is tendered for intermodal transportation is a motor carrier, the person tendering the container or trailer shall give the motor carrier a";

(3) by striking "trailer." and inserting "trailer before the tendering of the container or trailer.";

(4) by striking "electronically." and inserting "electronically or by telephone."; and

(5) by adding at the end thereof the following: "This subsection applies to any person within the United States who tenders a container or trailer subject to this chapter for intermodal transportation if the first carrier is a motor carrier.".

(b) CERTIFICATION.—Subsection (b) of section 5902 (relating to certification) is amended to read as follows:

"(b) CERTIFICATION.—

"(1) IN GENERAL.—A person who tenders a loaded container or trailer with an actual gross cargo weight of more than 29,000 pounds to a first carrier for intermodal transportation shall provide a certification of the contents of the container or trailer in writing, or electronically, before or when the container or trailer is so tendered.

"(2) CONTENTS OF CERTIFICATION.—The certification required by paragraph (1) shall include—

"(A) the actual gross cargo weight;

"(B) a reasonable description of the contents of the container or trailer;

"(C) the identity of the certifying party;

"(D) the container or trailer number; and

"(E) the date of certification or transfer of data to another document, as provided for in paragraph (3).

"(3) TRANSFER OF CERTIFICATION DATA.—A carrier who receives a certification may transfer the information contained in the certification to another document or to electric format for forwarding to a subsequent carrier. The person transferring the information shall state on the forwarded document the date on which the data was transferred and the identity of the party who performed the transfer.

"(4) SHIPPING DOCUMENTS.—For purposes of this chapter, a shipping document, prepared by the person who tenders a container or trailer to a first carrier, that contains the information required by paragraph (2) meets the requirements of paragraph (1).

"(5) USE OF 'FREIGHT ALL KINDS' TERM.—The term 'Freight All Kinds' or 'FAK' may not be used for the purpose of certification under section 5902(b) after December 31, 2000, as a commodity description for a trailer or container if the weight of any commodity in the trailer or container equals or exceeds 20 percent of the total weight of the contents of the trailer or container. This subsection does not prohibit the use of the term after that date for rating purposes.

"(6) SEPARATE DOCUMENT MARKING.—If a separate document is used to meet the requirements of paragraph (1), it shall be conspicuously marked 'INTERMODAL CERTIFICATION'.

"(7) APPLICABILITY.—This subsection applies to any person, domestic or foreign, who first tenders a container or trailer subject to this chapter for intermodal transportation within the United States.".

(c) FORWARDING CERTIFICATIONS.—Subsection (c) of section 5902 (relating to forwarding certifications to subsequent carriers) is amended—

(1) by striking "transportation." and inserting "transportation before or when the loaded intermodal container or trailer is tendered to the subsequent carrier. If no certification is received by the subsequent carrier before or when the container or trailer is tendered to it, the subsequent carrier may presume that no certification is required."; and

(2) by adding at the end thereof the following: "If a person inaccurately transfers the information on the certification, or fails to forward the certification to a subsequent carrier, then that person is liable to any person who incurs any bond, fine, penalty, cost (including storage), or interest for any such fine, penalty, cost (including storage), or interest incurred as a result of the inaccurate transfer of information or failure to forward the certification. A subsequent carrier who incurs a bond, fine, penalty, or cost (including storage), or interest as a result of the inaccurate transfer of the information, or the failure to forward the certification, shall have a lien against the contents of the container or trailer under section 5905 in the amount of the bond, fine, penalty, or cost (including storage), or interest and all court costs and legal fees incurred by the carrier as a result of such inaccurate transfer or failure.".

(d) LIABILITY.—Section 5902 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

"(d) LIABILITY TO OWNER OR BENEFICIAL OWNER.—If—

"(1) a person inaccurately transfers information on a certification required by subsection (b)(1), or fails to forward a certification to the subsequent carrier;

"(2) as a result of the inaccurate transfer of such information or a failure to forward a certification, the subsequent carrier incurs a bond, fine, penalty, or cost (including storage), or interest; and

"(3) that subsequent carrier exercises its rights to a lien under section 5905,

then that person is liable to the owner or beneficial owner, or to any other person paying the amount of the lien to the subsequent carrier, for the amount of the lien and all costs related to the imposition of the lien, including court costs and legal fees incurred in connection with it.".

(e) NONAPPLICATION.—Subsection (e) of section 5902, as redesignated, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) The notification and certification requirements of subsections (a) and (b) of this section do not apply to any intermodal container or trailer containing consolidated shipments loaded by a motor carrier if that motor carrier—

"(A) performs the highway portion of the intermodal movement; or

"(B) assumes the responsibility for any weight-related fine or penalty incurred by any other motor carrier that performs a part of the highway transportation.".

SEC. 205. PROHIBITIONS.

Section 5903 (relating to prohibitions) is amended—

(1) by inserting after "person" a comma and the following: "To whom section 5902(b) applies,";

(2) by striking subsection (b) and inserting the following:

"(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—

"(1) PRESUMPTION.—If no certification is received by a motor carrier before or when a loaded intermodal container or trailer is tendered to it, the motor carrier may presume that the gross cargo weight of the container or trailer is less than 29,001 pounds.

"(2) COPY OF CERTIFICATION NOT REQUIRED TO ACCOMPANY CONTAINER OR TRAILER.—Notwithstanding any other provision of this chapter to the contrary, a copy of the certification required by section 5902(b) is not required to accompany the intermodal container or trailer.";

(3) by striking "10,000 pounds (including packing materials and pallets)" in subsection (c)(1) and inserting "29,000 pounds"; and

(4) by adding at the end the following:

"(d) NOTICE TO LEASED OPERATORS.—

"(1) IN GENERAL.—If a motor carrier knows that the gross cargo weight of an intermodal container or trailer subject to the certification requirements of section 5902(b) would result in a violation of applicable State gross vehicle weight laws, then—

"(A) the motor carrier shall give notice to the operator of a vehicle which is leased by the vehicle operator to a motor carrier that transports an intermodal container or trailer of the gross cargo weight of the container or trailer as certified to the motor carrier under section 5902(b);

"(B) the notice shall be provided to the operator prior to the operator being tendered the container or trailer;

"(C) the notice required by this subsection shall be in writing, but may be transmitted electronically; and

"(D) the motor carrier shall bear the burden of proof to establish that it tendered the required notice to the operator.

"(2) REIMBURSEMENT.—If the operator of a leased vehicle transporting a container or trailer subject to this chapter is fined because of a violation of a State's gross vehicle weight laws or regulations and the lessee motor carrier cannot establish that it tendered to the operator the notice required by paragraph (1) of this subsection, then the operator shall be entitled to reimbursement from the motor carrier in the amount of any fine and court costs resulting from the failure of the motor carrier to tender the notice to the operator.".

SEC. 206. LIENS.

Section 5905 (relating to liens) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest resulting from—

"(1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a) of this title;

"(2) the failure of the party required to provide the certification to the first carrier to provide it;

"(3) the failure of a person required under section 5902(c) to forward the certification to forward it; or

"(4) an error occurring in the transfer of information on the certification to another document under section 5902(b)(3) or (c), then the person posting the bond, or paying the fine, penalty, costs (including storage), or interest has a lien against the contents equal to the amount of the bond, fine, penalty, cost (including storage), or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents, or from the person responsible for making or forwarding the certification, or transferring the information from the certification to another document.";

(2) by inserting a comma and "or the owner or beneficial owner of the contents," after "first carrier" in subsection 9(b)(1); and

(3) by striking "cost, or interest." in subsection (b)(1) and inserting "cost (including storage), or interest. The lien shall remain in effect until the lien holder has received payment for all costs and expenses described in subsection (a) of this section.".

SEC. 207. PERISHABLE AGRICULTURAL COMMODITIES.

Section 5906 (relating to perishable agricultural commodities) is amended by striking "Sections 5904(a)(2) an 5905 of this title do" and inserting "Section 5905 of this title does".

SEC. 208. EFFECTIVE DATE.

(a) IN GENERAL.—Section 5907 (relating to regulations and effective date) is amended to read as follows:

"§5907. Effective date

"This chapter shall take effect 180 days after the date of enactment of the Intermodal Safe Container Transportation Amendments Act of 1996.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 59 is amended by striking the item relating to section 5907 and inserting the following:

"5907. Effective date".

SEC. 209. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Chapter 59 is amended by adding at the end thereof the following:

"§5908. Relationship to other laws

"Nothing in this chapter affects—

"(1) chapter 51 (relating to transportation of hazardous material) or the regulations promulgated under that chapter; or

"(2) any State highway weight or size law or regulation applicable to tractor-trailer combinations.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end thereof the following:

"5908. Relationship to other laws".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House passed legisaltion (H.R. 3159) to reauthorize the National Transprotation Safety Board last July 22, by a vote of 400–0.

The Senate passed similar legislation last week. The only difference in the Senate bill, as it relates to NTSB, is that the Senate deleted a House provision extending the term of the NTSB chairman. This change is acceptable to us.

In addition, the Senate added the text of H.R. 4040, the intermodel containers bill, which passed the House by voice vote.

This bill has no controversy and I urge its adoption.

ADDITIONAL POINTS ON NTSB

The NTSB is a relatively small agency but the work it does, the accident reports it issues, and the recommendations it makes have contributed to the improvements in safety that we have seen.

However, the recent tragedies involving Valuejet and TWA demonstrate once again what an important role the NTSB plays.

The bill would allow NTSB to offer its training classes to non-NTSB employees and collect a reasonable reimbursement fee.

In addition, the bill authorizes NTSB to keep confidential some safety-related information that it would like the airlines to voluntarily provide.

It is important to note that the information that would be kept confidential is information that is not revealed by the airlines now so withholding it is not denying the public anything they now hear about. If the Board did not ensure its confidentiality, the airlines would not give it to the NTSB so the public would lose the benefit of the safety knowledge this information would provide to the Board.

ADDITIONAL POINTS ON INTERMODAL CONTAINERS

The bill makes several critical changes to the 1992 Intermodal Safe Container Act to permit that act to be effectively implemented by ocean shipping lines, railroads, and trucking companies.

This legislation will ensure that intermodal container transportation does not cause violations of our highways' weight laws and also that commerce is not unduly burdened.

It is critical that this bill pass swiftly because the regulations implementing the 1992 bill will go into effect January 1.

This legislation is completely bipartisan and is strongly supported by a comprehensive intermodal coalition of ocean shipping lines, railroads, trucking companies, and shippers, as well as DOT.

I want to thank TOM PETRI, SUSAN MOLINARI, and HOWARD COBLE for their cooperation in swiftly drafting this intermodal bill.

I also want to thank my Democratic colleagues JIM OBERSTAR and NICK RAHALL as well as BOB WISE and BOB CLEMENT for their cooperation and support in putting together and agreeing to quickly move this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the chairman in expressing my strong support for H.R. 3159, the National Transportation Safety Board Amendments of 1996. This legislation reauthorizes the NTSB for 3 years, and makes a number of changes requested by the NTSB to allow the Board to continue its excellent work.

The NTSB is probably the most respected Government entity in the United States. In recent months, we have witnessed two devastating aircraft crashes that have focused the Nation's attention on the NTSB's work. In the most difficult of circumstances, the NTSB works with local, State and Federal entities as well as with the families of accident victims. And the Board is not just involved in aviation—the NTSB leads investigations of accidents in every mode of transportation. As we discuss this reauthorization on the floor today, it is important for us to recognize the public service performed by the Board. They are a critical element of our national transportation system.

Mr. Speaker, as requested by the NTSB, H.R. 3159 enables the Board to fully participate in foreign investigations by providing protection from Freedom of Information Act requests for a 2-year period. Our intention is not to keep information from the public. Rather, the measure simply enhances the NTSB's access to information that will lead to improvements in aviation safety.

The bill also encourages data sharing programs among the FAA, NTSB, and the aviation community by prohibiting the Board from disclosing voluntarily provided safety information. By sharing information before an accident occurs, we can save lives. The legislation establishes a framework which will enable this to occur.

Mr. Speaker, the legislation we are considering today contains higher funding levels than those contained in the introduced bill. This slightly higher authorization in the outyears, along the lines of an amendment offered by Mr. OBERSTAR during committee markup, will enable the NTSB to increase its work force by some 20 employees. In recent months, with the ValuJet crash in the Florida Everglades and the TWA crash last week off Long Island, it has become even clearer to me that the NTSB needs every resource it can get. I want to thank the ranking member of the committee, Mr. OBERSTAR, for his leadership on this issue, and both Chairman SHUSTER and Chairman DUNCAN for their willingness to work with us. The higher funding level makes this a better bill for the American people.

Mr. Speaker, I urge adoption of the legislation, and reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN], the distinguished chairman of the subcommittee.

Mr. DUNCAN. Mr. Speaker, let me first thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full Committee on Transportation and Infrastructure, for yielding, and for his strong leadership in the area of transportation safety, and on this specific legislation as well.

Likewise, I want to also thank the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee, and the ranking member of the subcommittee, the gentleman from Illinois [Mr. LIPINSKI], all of whom we have worked with so closely and so well together this year on this legislation and on so many, many other things.

Mr. Speaker, I rise in strong support of H.R. 3159, as amended by the Senate. This legislation would authorize appropriations for fiscal years 1997, 1998, and

1999 for the National Transportation Safety Board, $42.4 million for the first year, $44.4 million for the second year, and $46.6 million for the third year.

The work of this agency is so very important, and the importance of that work has been emphasized most recently in the very tragic accidents that we have had, unfortunately, in this country. This legislation is virtually identical to the House bill reported favorably by the full Committee on Transportation and Infrastructure and passed unanimously by this House.

The Aviation Subcommittee, which I have the privilege of chairing, held a joint hearing earlier this year regarding the requests and needs of the NTSB. I think we produced a very conservative bill, a good bill, that also allows some expansion of the NTSB activities in regard to working with the families of victims of some of these aviation accidents.

Mr. Speaker, I also would like to say that I want to commend Chairman Jim Hall of the NTSB for the outstanding work that he has done. I believe the work of the NTSB, its accident reports, its recommendations, have been one of the main reasons why the transportation safety trend in this Nation is improving so favorably.

H.R. 3159 includes many of the statutory changes requested by the NTSB which will help them in their efforts to conduct transportation-related investigations and promoting transportation safety. I think it is a good bill and one that deserves the support of all Members.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me time.

I want to express my great appreciation for the leadership Mr. Lipinski has demonstrated on our side on the Aviation Subcommittee on this and other aviation issues, and express again my appreciation for the cooperation that we have had in the bipartisan fashion from Chairman SHUSTER and Chairman DUNCAN on particularly this issue.

For the National Transportation Safety Board, safety is not a partisan issue. It never has been within our committee, it never has been treated that way, and this legislation moves forward in that spirit.

There is probably no entity in the Federal Government that has contributed so importantly to safety in all modes of transportation as the NTSB. Year after year, their recommendations, following upon investigation of accidents, of tragedies, and on many other occasions their studies, based upon reviewing the history of transportation incidents, have resulted in improvements in highway truck travel, marine safety, rail safety, and aviation safety, pipeline safety. We owe this very small Federal Government agency a huge debt of gratitude. Its work is best appreciated every day when millions of takeoffs and landings occur across this country without incident.

The bill before us is almost identical to the House-passed bill reauthorizing the National Transportation Safety Board. It also includes the Intermodel Safe Container Transportation Amendments Act of 1996, which we passed last week.

The bill includes a number of provisions requested by the NTSB and included in the House-passed bill to help NTSB in its accident investigation work or to encourage transportation entities to share important safety information with the NTSB without suffering a competitive disadvantage. These are important initiatives. They will help the safety board address potential safety problems before lives are lost.

I have consistently maintained that the accident investigations conducted and the safety recommendations offered by the NTSB have made the lives of all Americans safer in every mode of travel.

In addition, it is not well understood that the NTSB is often asked to participate, and often times to take the lead, in investigation of accidents overseas, particularly in aviation. The NTSB, for example, right now is participating in the investigation of the aircraft accident that occurred off the coast of the Dominican Republic.

The NTSB does all of this work with an extraordinarily small staff, for the workload they undertake, of only 350 people. This particular year, the demands have been very heavy upon the NTSB as their investigators were literally required to be in two places at once.

I recently talked to one of the NTSB investigators who had not been home to his family in over 2 months, going from the ValueJet crash to the TWA crash and literally spending his entire time on travel.

The investments that we make in the NTSB are an investment in the future safety of every mode of travel. We cannot quantify the value of this agency's work with any degree of accuracy. Many people would say, well, if they had done this work, maybe the accidents would have been avoided anyway. I don't think so. I know better. I believe that, because I have seen the recommendations, and I know our committee has acted on the recommendations of the NTSB, and the FAA has accepted over 85 percent of the recommendations made by the NTSB in aviation safety, and that the result has been to improve safety for the air-traveling public.

We have worked together in the committee to improve the funding level for NTSB, not to increase the size of bureaucracy, but to modestly increase the size of the work force from 350 to 370 employees and to maintain that level of employment throughout the duration of this authorization. This increase will allow the board to add specialists in rail, highway, avionics, and human factors.

The people employed by the NTSB, I must emphasize, are highly trained, skilled specialists in metallurgy, for example, in avionics, in electronics, in all these technical fields that require very meticulous investigative skills to detect the smallest deviation from normal, to get to the cause of a complex accident such as the ValuJet that went down in the Florida Everglades or the TWA 747 that went down in the waters off Long Island.

We have come to expect also that the NTSB will treat the families of victims of crashes in a very sympathetic and sensitive and informative manner. This is another dimension of the work of the NTSB, not envisioned when it was created in 1967 when the Congress separated the NTSB out of the Department of Transportation and created it as an independent safety board, but this has come to be an important role of the NTSB.

We know, and families have come to expect, that they will be treated with the dignity and the understanding and the sympathy and sensitivity that they deserve in those very tragic and heartfelt moments after the loss of a loved one.

The bill also deals with legislation that we passed last week to correct the widely recognized shortcomings of the 1992 Intermodal Safe Container Transportation Act. With broad support from a consensus of transportation interests, the 1992 law was intended to encourage compliance with U.S. highway weight limits by ensuring that the party who first tenders cargo for intermodal shipment would be responsible for verifying the weight of that container and providing appropriate documentation.

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However, as so often happens, the 1992 law did not go into effect. DOT could not write regulations to make it work. So the parties went back to the drawing board and, through negotiations and give and take on all sides, reached an agreement on how to achieve the goals of the 1992 act without disrupting the flow of cargo.

The bill raises the weight threshold from 10,000 to 29,000 pounds, and that dramatically reduces the number of affected containers but still ensure that shippers will identify containers likely to cause highway weight violations.

These amendments also clarify that description of a container's contents must be more specific than "freight all kinds", a term of art in the trade, when 20 percent or more of the weight is from one commodity.

This is a very important initiative. It is legislation that we have passed that now deserves to be enacted and signed into law by the President, and I urge passage of this legislation.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, as my chairman noted the retirement of a very dear friend and colleague of our committee staff, we have a retirement on our side of Dara Gideos, who is retiring from the committee but not retiring from work. She is going on to a new assignment with a very important association where she will have a new responsibility as an executive assistant.

She has been a role model on our committee staff for dedication to duty, unrelenting hard work, long hours, weekends during crunch time. She has demonstrated exceptional organizational skills, actually organizing the materials in the Subcommittee on Aviation staff room so that we can find what we need when we need it.

She is a willing volunteer who has gone beyond her assigned duties to see the jobs that need to be done and plunged in to do them no matter what the issue or the hour. She has brought zest and sparkle to her job, to our committee staff, and she has a special talent of giving a lift to everyone who works with her.

We will miss Dara very, very much but we wish her well in her new career.

Mr. Speaker, I submit for the RECORD a congratulatory letter from myself to Dara.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, September 26, 1996.

Ms. DARA GIDEOS,
Falls Church, VA.

DEAR DARA: Congratulations on a truly exciting, as well as earned and richly deserved, opportunity to serve as Executive Assistant to the President of the General Aviation Manufacturers Association. They are fortunate to have you and you will reflect great credit on GAMA, as you have done on our Committee on Transportation and Infrastructure, and specifically the Aviation Subcommittee. You have been superb: a role model for dedication to duty, unrelenting hard work, particularly those long hours, evenings and weekends during "crunch" time and for your exceptional organizational skills.

What has especially impressed me and your colleagues is the initiative you have taken to reach beyond your assigned responsibilities, to learn Surface, as well as Aviation, issues in depth so that you could handle a wide range of inquiries directed to the Committee each day. On your own inspiration, you became the Committee's self-taught graphics specialist and produced exceptional materials for the various needs of the professional staff.

You have always been so willing to volunteer beyond your assigned duties, and to see what jobs needed to be done and plunge in to help to do them no matter what the issue or hour of the day.

Aboave all, we will miss your sparkle, the zest you brought to the Committee and that special talent of giving a lift to everyone who came to know you.

On many occasions I have quoted: "Success is getting what you want, happiness is wanting what you get"—you have earned both. I join all your many friends on the Committee in wishing you every success and happiness in your future endeavors.

Warmest personal regards.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Ranking Democratic Member.

Mr. LIPINSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume, and I certainly want to join in wishing Dara well. She not only has performed in a superb way, but I also understand that she was one of the best players on our committee's softball team, so we are certainly going to miss that as well.

Mr. Speaker, with that, I urge our colleagues to support this bipartisan legislation.

Mr. RAHALL. Mr. Speaker, the Senate amendments to H.R. 3159, legislation which would reauthorize the National Transportation Safety Board, contain provisions that are similar to a bill, H.R. 4040, passed by this body last week aimed at promoting greater compliance with our highway truck weight laws.

As we prepare to send this legislation to the President, I want to take this opportunity to note that the amendments to the Intermodal Safe Container Act of 1992 is the product of a consensus reached between the shipping, motor carrier and railroad industries. In this regard, I want to commend these entities for their good faith negotiations and willingness to compromise on what is today a product that is truly in the public interest.

Mr. Speaker, in 1992 we passed legislation to encourage compliance with U.S. highway weight limits by requiring that an entity which ships containerized cargo verify the weight of the containers. These containers often are transported in an intermodal fashion, from ship to truck, or ship to railroad to truck, with final delivery made by trucks subject to our highway weight laws. The truckers must depend on the accuracy of the weight certification in determining their compliance with highway weight limits. Yet, if those certifications are inaccurate, and the trucker is found to be overweight, it is the trucker who must pay the fine even though he or she had no involvement in the packing of the container.

Since 1992, DOT has attempted to issue regulations implementing the 1992 act. While a final rule has been devised, DOT has delayed its implementation due to shortcomings it cannot administratively address due to the language of the 1992 law.

The pending bill seeks to address these deficiencies by first, while continuing to require the shipper to certify the weight of the containers, the certification could be incorporated into shipping papers and may be in electronic form. If the certification is not made, or is incorrect, the shipper is liable for any violations which may occur of our highway weight laws.

And second, the weight threshold for container certification under this bill is set at 29,001 pounds. This limit, it is my understanding from both DOT and industry, is a more appropriate threshold than what is in current law.

These are the major aspects of the legislation. I believe they will enhance compliance with our highway weight laws, and urge the adoption of this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3159, the National Transportation Safety Board [NTSB] Authorization Act, and in support of the Senate amendments.

This bill provides a total of $133.5 million over 3 years for the activities of the NTSB. This funding level will allow the NTSB to hire an additional 20 employees to investigate transportation accidents.

Given the recent crashes of a ValueJet flight in Florida and a TWA flight off the coast of Long Island, reauthorization of the National Transportation Safety Board and specifically, the hiring of 20 additional inspectors, are both timely and necessary.

This measure also prohibits the NTSB from releasing certain information on transportation accidents that occur overseas; exempts the NTSB from Freedom of Information Act requests for certain voluntarily provided safety information; allows the NTSB to charge fees for employees of other agencies to attend NTSB accident investigation classes; and clarifies implementation of the Intermodal Safe Container Transportation Act.

I urge my colleagues to adopt the Senate amendments and pass the NTSB authorization and make our highway and skyways safer and more secure.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3159.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurrent in.

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 3159, NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. SHUSTER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 221) correcting the enrollment of H.R. 3159, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON RES. 221

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3159, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 5902(b) proposed to be inserted in title 49, United States Code, by section 204(b), strike "electric" and insert "electronic".

(2) In section 204(e)(1), by inserting after "respectively" the following: ", and by moving the text of paragraph (2), as so redesignated down 1 line and to the left, flush full measure and indenting such paragraph".

(3) In section 205(1), by inserting "in subsection (a)" before "a comma".

(4) In paragraph (4) of section 5905(a) proposed to be inserted in title 49, United States Code, by section 206, after "(c),", move the remainder of the text of the paragraph down 1 line and to the left flush full measure.

(5) In section 206(2), by striking "9(b)(1)" and inserting "(b)(1)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

W. EDWARDS DEMING FEDERAL BUILDING

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3535) to redesignate a Federal building in Suitland, MD, as the "W. Edwards Deming Federal Building."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I will not object, and I would ask the gentleman from Maryland for an explanation of the bill.

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I rise in support of H.R. 3535, a bill designating the Federal building in Suitland, MD, as the W. Edwards Deming Federal Building.

Dr. William Edwards Deming was a renowned expert on business management. He began his public service career with the Department of Agriculture as a physicist, in 1927. He then moved to the Bureau of Census to become the mathematical advisor to the chief of the population division, where he developed and designed statistical sampling techniques for use in the national census. His interest in quality and management led him to introduce sampling as a quality measurement technique for punch card verification and other processing in the 1940 census.

It is a fitting tribute to name this Census Bureau facility in his honor.

This bill has bipartisan support and I would like to thank my colleagues on both sides of the aisle for their assistance in bringing this measure forward.

I urge my colleagues to support this bill.

Mr. TRAFICANT. Mr. Speaker, under my reservation of objection, I yield to the ranking member of our committee, the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I support H.R. 3535, a bill to designate the Federal building in the Suitland Federal Center, 4700 Silver Hill Rd., Suitland, MD as the W. Edwards Deming Federal Building.

Mr. Deming, who died in 1993, was honored throughout the world as the quality management guru. Dr. Deming began his career as a physics teacher at the University of Colorado, and from 1928 to 1939 held a Federal position as a mathematical physicist at the U.S. Department of Agriculture. He also presented special lectures on mathematics and statistics at the Graduate School of the National Bureau of Standards.

In 1931 Dr. Deming was inspired by the book "Economic Control of Quality of Manufactured Products" and he subsequently undertook the task of improving quality in manufacturing. His work in this area, as we are aware, strongly contributed to the economic renaissance of Japan.

Dr. Deming was a prolific writer, teacher, and lecturer. He has received numerous awards, honorary doctorates, and honors including the Second Order Medal of the Sacred Treasure, awarded by the Emperor of Japan.

It is fitting and proper to honor the distinguished career of this truly outstanding American by designating the Federal building in Suitland, MD as the W. Edwards Deming Federal Building. I thank Mr. WYNN of Maryland for introducing H.R. 3535 and urge support for its passage.

Mr. TRAFICANT. Mr. Speaker, this designation would honor the contributions and career of an outstanding American. It is fitting and proper to designate the Census Bureau facility in Suitland in Dr. Deming's honor. I want to commend the gentleman from Maryland, Congressman WYNN, for his work on this bill and urge support of this bill.

Mr. Speaker, I offer my statement in its entirety for the RECORD:

Mr. Speaker, reserving the right to object. However, I will not object and yield to the gentleman for an explanation of the bill.

Thank you, Mr. GILCHREST. H.R. 3535 is a bill to designate the Federal building at the Suitland Federal Center, Suitland, MD, as the W. Edwards Deming Federal Building. This designation would honor the contributions and career of an outstanding American.

Dr. Deming's career included work at the Department of Agriculture, and the Bureau of Census, as well as statistical consulting work for many foreign countries such as Austria, France, India, and most notably Japan, where he is often cited as a leader in the Japanese renaissance. Dr. Deming's work supported the thesis that most product defects were the result of poor management practices not careless workers. He argued that motivated workers working with proper tools produced quality products.

Mr. WYNN. Mr. Speaker, I rise today to express my support for H.R. 3535, legislation to redesignate Federal office building No. 3, located in Suitland Federal Center, 4700 Silver Hill Road, Suitland, MD as the William Edwards Deming Federal Building.

By way of background, Dr. Deming received his B.S. degree from the University of Wyoming, his M.S. degree from the University of Colorado and his Ph.D. from Yale University. In 1927, he became a faithful civil servant joining the Department of Agriculture as a physicist and then moved on to the Bureau of the Census to become the mathematical adviser to the chief of the population division. In that position he developed and designed statistical sampling techniques for use in the census. His interest in quality management led him to introduce sampling as a quality measurement technique for punch card verification and other processing activities in the 1940 census.

After leaving the Census Bureau in 1945 he began a second distinguished career as a consultant on statistics and management to several foreign governments, including those of Austria, France, Germany, India, Turkey, and most famously Japan.

Dr. Deming's theories were based on the premise that most product defects resulted from management shortcomings rather than careless workers, and that inspection after the fact was inferior to designing processes that would produce better quality. He argued that enlisting the efforts of willing workers to do things properly the first time and giving them the right tools were the real secrets of improving quality—not teams of inspectors.

His successes with industrial leaders in Japan, with Ford Motor Co. and Xerox Corp. are unmatched. As a civil servant he dedicated his life to designing innovative methods of statistical gathering.

I urge the Members of the House to support this legislation to rename the Federal office building in Suitland, MD after this renowned expert on business management, Dr. W. Edwards Deming.

I would also like to ask unanimous consent to include in the RECORD additional material detailing the life of Dr. Deming.

W. EDWARDS DEMING—1900–1993

William Edwards Deming, who was born in Sioux City, Iowa, on the 14th of October 1900, has been honored throughout the world as a "quality-management guru." Yet, until the end of his life he insisted upon being known as a "Consultant in Statistical Studies," the title that appeared on his letterhead. His path to the eminence that he attained as a statistician was circuitous and full of serendipity.

After Ed Deming's graduation from the University of Wyoming in 1921 as an engineer, he remained there another year to study mathematics. If was during that time that, as he once told me, he received a letter from the Colorado School of Mines informing him that he was known to be a good flute player and that the professor of physics wanted to have a band and therefore would like him to come to teach. He accepted the invitation and, after a year, decided to get a master's degree in mathematics and physics from the University of Colorado. Just before he completed his degree, one of his professors who had studied at Yale with Willard Gibbs, a famous mathematician and physicist recommended him to his alma mater. Yale subsequently offered him free tuition and a job as a part-time instructor, both of which were eagerly accepted.

Upon finishing the requirements for his Ph.D. at Yale in 1928, Ed Deming began his career in government as a mathematical physicist in the Fixed Nitrogen Research Laboratory of the U.S. Department of Agriculture (USDA), and he remained in that position until 1939. His 38 publications during the period had to do principally with the physical properties of matter, but there were several that reflected his interest in statistical methodology. I once asked him why he, a mathematical physicist, became a statistician. His answer was quite involved.

"Courses in engineering and surveying led me to the theory of errors, and in studying physics and mathematics, I learned a lot of probability. Kinetic theory of gases is a theory of probability. So are thermodynamics and astronomy. And so is geodesy, involving measurement of the earth's surface for the purpose of figuring the curvature or other characteristics of the earth. It makes use of 'least squares,' And I had very good teachers in least squares.

"When people had problems with experimental data. I just worked on them and found myself able to make a contribution, of thought anyway. And I suppose that's the way I got eased into it."

Analysis of results of experimental work in bacteriology and chemistry gave him a chance to learn more about the statistical adjustment of data. There were three papers on "The Application of Least Squares," published in the "Philosophical Magazine." In his book "Statistical Adjustment of Data," published in 1943, he brought together, in readily usable form, the substance of these papers and of the earlier literature and his own studies on the subject. This text is still frequently consulted for guidance on the application of the method of least squares in various different situations.

From 1930 through 1946, Ed Deming was a special lecturer on mathematics and statistics in the Graduate School of the National Bureau of Standards. His courses, given from 8 to 9 a.m. at the Bureau, later inspired many lectures and articles by his students. These paved the way for the establishment in 1947 of the Statistical Engineering Laboratory within the Bureau of Standards. During an overlapping period that extended from 1933 through 1953, he was head of the Department of Mathematics and Statistics of the Graduate School of the USDA and made major contributions to the mathematical and statistical education of a whole generation. In 1936, he went to London to study the theory of statistics with Ronald Fisher at University College, the University of London.

While at University College, Ed Deming met and attended lectures by Jerzy Neyman, who had been Head of the Biometrics Laboratory of the Necki Institute in Warsaw, Poland. Neyman read, at a meeting of the Royal Statistical Society, a revolutionary paper: "On the Two Different Aspects of the Representative Method: The Method of Stratified Sampling and the Method of Purposive Selection." As a result of the lectures and particularly this paper, which marked the beginning of a new era in sampling, arrangements were made for Neyman to visit the USDA Graduate School in 1937 and lecture there.

Ed Deming took pains to ensure that Neyman's lectures in Washington were well attended by U.S. Government statisticians, and he worked an entire year to produce the book, Lectures and Conferences on Mathematical Statistics. The lectures and the book together had a tremendous impact on sampling theory.

The staff of the Bureau of the Census was already planning in the late 1930s for the 1940 Population Census. Users of census data have always wanted more information than can possibly be provided with a normal budget. Many of them were willing to accept sample results, but some of the old timers at the Bureau were opposed to the idea of sampling. "Sampling was abhorred," Ed Deming told me, "because the census had always been complete. It couldn't be anything other than complete. But sampling was in the air."

The final decision rested with Secretary of Commerce Harry Hopkins. After listening to the arguments pro and con, Hopkins decided in favor of sampling procedure that would be used in the 1940 population census. "Well," Ed told me, "one day in 1939 the telephone rang, and it was Dr. Philip Hauser, the Assistant Director of the Census Bureau, wanting to talk with me about a job. I said 'Right Away!' and joined the Bureau of the Census as Head Mathematician and Advisor in Sampling."

After leaving the Census Bureau in 1946, Ed Deming began his practice as a Consultant in Statistical Studies from an office in the basement of his home in Washington, DC. For the remainder of his life, he conducted his consulting from this office, aided for many years before her death in 1986 by his wife Lola, a distinguished mathematician in her own right. During the final nearly four decades of his life he was assisted by his extraordinary secretary, consultant and confidant, Cecelia Kilian, known to hundreds of people throughout the world as "Ceil."

At the same time that he began his consulting practice Ed Deming joined the Graduate School of Business Administration at New York University as a full professor. Before he "retired" from NYU in 1975 to become Professor Emeritus, he regularly taught two courses in survey sampling and one in quality control; and, moreover, he served as advisor to about 100 students who earned their master's and doctoral degrees. I asked him on one occasion if NYU didn't have some sort of policy concerning retirement of academic and other personnel at age 65 or 70. His response was, "Well, if they did have, they didn't tell me about it."

The fact is that until a few months before his death, Ed Deming continued to teach at NYU every Monday afternoon during the academic year and to direct studies of graduate students. He also taught Monday mornings during the last few years of his life as a "Distinguished Lecturer' at Columbia University, where a Deming Center has recently been established.

Ed Deming's entrance into the world of quality improvement was inspired by the 1931 book *Economic Control on Quality of Manufactured Product*, written by his friend and mentor Walter Shewhart, the father of statistical process control. In 1938, he arranged for Shewhart to deliver a series of four lectures entitled "Statistical Method from the View point of Quality Control" at the USDA Graduate School. These lecturers were published by the Graduate School in 1939 "with the editorial assistance of W. Edwards Deming."

The crusade that Ed Deming subsequently undertook for the improvement of quality resulted, as we know, in the economic Renaissance of Japan and eventually in his own world-wide prominence as a "prophet of quality" and philosopher of management. This aspect of Ed Demings' life was highlighted by the media in the hundreds of commentaries upon his death. The present tribute to his memory therefore, has emphasized only what is pertinent to statisticians and was not mentioned in those commentaries.

Ed Deming's extensive contributions to statistical thinking are too voluminous to suit the present purpose. It suffices to say, that throughout his life, he championed the belief that statistical theory shows how mathematics, judgment, and substantive knowledge work together to the best advantage. Thus he, himself, was a master as logician and architect of statistical studies. This was more than evident at the Deming Seminar for Statisticians held annually at NYU beginning in 1987.

Ed Deming died quickly in his sleep on December 20, 1993 at his home. His daughters, Diana and Linda, their husbands, and Diana's five children, along with their own spouses and children (16 in total), were to assemble at his home for what they feared might be his last Christmas. Most of them had arrived in Washington by the time of his passing.

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Federal Office Building No. 3, located in the Suitland Federal Center at 4700 Silver Hill Road in Suitland, Maryland, shall be redesignated and known as the "W. Edwards Deming Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "W. Edwards Deming Federal Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3535.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ROBERT KURTZ RODIBAUGH UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3576) to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert Kurtz Rodibaugh United States Courthouse", as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, however, I will not object, I would like the gentleman from Maryland to explain the bill.

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding to me.

Mr. Speaker, I rise in support of H.R. 3576, as amended, a bill designating the United States courthouse located in South Bend, IN, as the Robert K. Rodibaugh United States Bankruptcy Courthouse.

Judge Rodibaugh has served the northern district of Indiana in the area of bankruptcy law since his appointment as a bankruptcy judge in 1960. During his tenure he oversaw the growth of the bankruptcy court from one small courtroom with a part-time referee and a clerk's office of 4 employees in South Bend, to 4 separate courtrooms located throughout northern Indiana. In 1985, Judge Rodibaugh was appointed chief bankruptcy judge, and assumed senior status in 1986.

Judge Rodibaugh has fulfilled his duties as a referee and a judge in bankruptcy proceedings with patience, fairness, dedication, and legal scholarship which is most worthy of recognition. It is a fitting tribute to honor him and his accomplishments in this manner.

This bill has bipartisan support and I would like to thank my colleagues on the both sides of the aisle for their assistance in bringing this measure to the floor.

I urge my colleagues to support this bill.

Mr. TRAFICANT. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I support this bill to name the U.S. Courthouse in South Bend, IN for Judge Robert Rodibaugh.

Judge Rodibaugh is a native of Goshen, IN and attended grade school and high school in South Bend, IN. He is an alumnus of Notre Dame University and received his law degree also from Notre Dame. From 1941 to 1946 during World War II he served in the military. Judge Rodibaugh has served the citizens of Indiana for almost 40 years as a prosecuting attorney, and then as a Federal bankruptcy judge. During his service as Chief Bankruptcy Judge the bankruptcy court has grown from one courtroom in South Bend to four courtrooms in South Bend, Fort Wayne, Gary, and Lafayette, IN.

Known for his fairness and legal scholarship Judge Rodibaugh has set high standards for his law clerks and other judicial personnel.

It is fitting and proper to honor the judge by designating the U.S. courthouse in South Bend, IN as the "Judge Robert Kurtz Rodibaugh U.S. Courthouse."

Mr. TRAFICANT. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Indiana [Mr. ROEMER], the sponsor of the bill.

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Ohio for his help in getting this bill put before the House today.

I would also like to thank the gentleman from Maryland [Mr. GILCHREST] our ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and certainly the gentleman from Pennsylvania [Mr. SHUSTER], for their help in putting together bipartisan legislation.

Mr. Speaker, I rise as the proud sponsor of H.R. 3576, to designate the new Federal bankruptcy court located at 401 South Michigan Street in South Bend, IN, as the Robert Kurtz Rodibaugh United States Bankruptcy Courthouse.

This bipartisan legislation recognizes the significant legal and personal contributions made by Judge Rodibaugh to both the legal profession and the American system of justice.

I will not go into all my remarks, Mr. Speaker. I would say that, again, this is supported by Republicans in our delegation and by the Democrats in our delegation. We hope to expedite this through today and get it passed by the Senate so that we can have this dedication ceremony in January 1997.

Mr. Speaker, I rise as the proud sponsor of H.R. 3576—to designate the new Federal bankruptcy court located at 401 South Michigan Street in South Bend, IN—as the "Robert Kurtz Rodibaugh United States Bankruptcy Courthouse."

This bipartisan legislation recognizes the significant contributions made by Judge Rodibaugh to both the legal profession and the American system of justice. I am particularly grateful to the Transportation Committee for its timely consideration of this legislation in preparation for the official dedication of the new courthouse currently scheduled for January 1997.

Mr. Speaker, Judge Rodibaugh is recognized by the community and by his peers as an honorable man worthy of such a tribute. He has served the citizens and legal community of the northern district of Indiana wisely, efficiently, and honorably since his initial appointment as a referee in bankruptcy in November 1960 and throughout his legal career as a bankruptcy judge.

Throughout his tenure, Judge Rodibaugh has presided over the growth of the U.S. Bankruptcy Court for the Northern District of Indiana. Under Judge Rodibaugh's direction, the bankruptcy court expanded from one small courtroom with a part-time referee and a clerk's office of four employees in South Bend, IN, to four different courtrooms in the cities of South Bend, Fort Wayne, Gary, and Lafayette, IN, with four full-time judges and a clerk's office of over 40 employees.

Mr. Speaker, Judge Rodibaugh has fulfilled his duties as a referee in bankruptcy and bankruptcy judge with patience, fairness, dedication, and legal scholarship which is most worthy of recognition. His high standards have benefited the many law clerks and judicial personnel who have served under his tutelage, the lawyers who have practiced before the bankruptcy court, as well as the citizens residing in the northern district of Indiana.

Mr. Speaker, it is important for me to indicate that the firm of Panzica Development Co. with Western Avenue Properties of South Bend, IN, has graciously agreed to support this designation honoring Judge Rodibaugh, owing to his unblemished character and numerous professional achievements in the bankruptcy field. In addition, the General Services Administration supports the designation of the building and has also endorsed this legislation.

I am confident that the "Robert Kurtz Rodibaugh United States Bankruptcy Courthouse" is an appropriate title for the new bankruptcy court facility in South Bend.

In conclusion, I urge my colleagues to support this legislation to honor Judge Rodibaugh—a truly remarkable public servant and outstanding Hoosier most worthy of this recognition.

Mr. TRAFICANT. Mr. Speaker, Judge Rodibaugh has served the citizens of South Bend, IN, for almost 50 years. He is a native son, a World War II veteran, and a skilled jurist. Under his stewardship the bankruptcy courts for the northern district of Indiana have grown from one small facility into four courts in South Bend, Fort Wayne, Gary, and Lafayette.

So I want to commend the gentleman from Indiana [Mr. ROEMER] for his support of the legislation. I would also like to commend our chairman of this subcommittee, the gentleman from Maryland [Mr. GILCHREST], for the fine job he has done and for the fairness he and his staff displayed throughout this term.

I do not know if we will have any more business pending before it, but there are a couple more naming bills I wish we would do.

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I would like to say that my term of service as chairman of the subcommittee with the gentleman from Ohio [Mr. TRAFICANT] has been an exceedingly fine experience for ourselves and this institution.

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the Honorable Judge Robert Kurtz Rodibaugh has served the citizens and legal community of the northern district of Indiana wisely, efficiently, and honorably since his initial appointment as a referee in bankruptcy in November 1960 and throughout his lengthy career as a bankruptcy judge;

(2) during his tenure Judge Rodibaugh has overseen the growth of the bankruptcy court from one small courtroom with a part-time referee and a clerk's office of 4 employees in South Bend, Indiana, to 4 different courtrooms in the cities of South Bend, Fort Wayne, Gary, and Lafayette, Indiana, with 4 full-time judges and a clerk's office of over 40 employees;

(3) Judge Rodibaugh has fulfilled his duties as a referee in bankruptcy and bankruptcy judge with patience, fairness, dedication, and legal scholarship which is most worthy of recognition; and

(4) Judge Rodibaugh's high standards have benefited the many law clerks and judicial personnel who have served under his tutelage, the lawyers who have practiced before the bankruptcy court, as well as the citizens residing in the northern district of Indiana.

SEC. 2. ROBERT KURTZ RODIBAUGH UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the "Robert Kurtz Rodibaugh United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Robert Kurtz Rodibaugh United States Courthouse".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3576.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3539, FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–851) on the resolution (H. Res. 540) waiving points of order against the conference report to accompany the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration and for other purposes, which was referred to the House Calendar and ordered to be printed.

HYDROGEN FUTURE ACT OF 1996

Mr. WALKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4138) to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

The Clerk read as follows:

H.R. 4138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydrogen Future Act of 1996".

SEC. 2. DEFINITIONS.

For purposes of title II and III—

(1) the term "Department" means the Department of Energy; and

(2) the term "Secretary" means the Secretary of Energy.

TITLE I—HYDROGEN

SEC. 101. PURPOSES AND DEFINITIONS.

(a) Section 102(b)(1) of Public Law 101–566 (42 U.S.C. 12401(b)(1)) is amended to read as follows:

"(1) to direct the Secretary of Energy to conduct a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications;".

(b) Section 102(c) of Public Law 101–566 (42 U.S.C. 12401(c)) is amended—

(1) in subsection (b) by striking "; and" and inserting ";";

(2) by redesignating subsection (2) as subsection (3); and

(3) by inserting before subsection (3) (as redesignated) the following new subsection:

"(2) 'Department' means the Department of Energy; and".

SEC. 102. REPORTS TO CONGRESS.

(a) Section 103 of Public Law 101–566 (42 U.S.C. 12402) is amended to read as follows:

"§ 103. Report to Congress.

"(a) Not later than January 1, 1999, the Secretary shall transmit to Congress a detailed report on the status and progress of the programs authorized under this Act.

"(b) A report under subsection (a) shall include, in addition to any views and recommendations of the Secretary,—

"(1) an analysis of the effectiveness of the programs authorized under this chapter, to be prepared and submitted to the Secretary by the Hydrogen Technical Advisory Panel established under section 108 of this Act; and

"(2) recommendations of the Hydrogen Technical Advisory Panel for any improvements in the program that are needed, including recommendations for additional legislation.".

(b) Section 108(d) of Public Law 108–566 (42 U.S.C. 12407(d)) is amended—

(1) by adding "and" at the end of paragraph (1);

(2) by striking "; and" at the end of paragraph (2) and inserting a period; and

(3) by striking paragraph (3).

SEC. 103. HYDOGEN RESEARCH AND DEVELOPMENT.

(a) Secretary 104 of Public Law 101–566 (42 U.S.A. 12493) is amended to read as follows:

"§ 104. Hydrogen research and development.

"(a) The Secretary shall conduct a hydrogen research and development program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the technical feasibility of using hydrogen for industrial, residential, transportation, and utility applications.

"(b) In conducting the program authorized by this section, the Secretary shall—

"(1) give particular attention to developing an understanding and resolution of critical technical issues preventing the introduction of hydrogen into the marketplace;

"(2) initiate or accelerate existing research in critical technical issues that will contribute to the development of more economic hydrogen production and use, including, but not limited to, critical technical issues with respect to production (giving priority to these production techniques that use renewable energy resources as their primary source of energy for hydrogen production), liquefaction, transmission, distribution, storage, and use (including use of hydrogen in surface transportation); and

"(3) survey private sector hydrogen activities and take steps to ensure that research and development activities under this section do not displace or compete with the privately funded hydrogen research and development activities of United States industry.

"(c) The Secretary is authorized to evaluate any reasonable new or improved technology, including basic research on highly innovative energy technologies, that could lead or contribute to the development of economic hydrogen production, storage, and utilization.

"(d) The Secretary is authorized to evaluate any reasonable new or improved technology that could lead or contribute to, or demonstrate the use of, advanced renewable energy systems or hybrid systems for use in isolated communities that currently import diesel fuel as the primary fuel for electric power production.

"(e) The Secretary is authorized to arrange for tests and demonstrations and to disseminate to researchers and developers information, data, and other materials necessary to support the research and development activities authorized under this section and other efforts authorized under this chapter, consistent with section 106 of this Act.

"(f) The Secretary shall carry out the research and development activities authorized under this section only through the funding of research and development proposals submitted by interested persons according to such procedures as the Secretary may require and evaluated on a competitive basis using peer review. Such funding shall be in the form of a grant agreement, procurement contract, or cooperative agreement (as those terms are used in chapter 63 of title 31, United States Code).

"(g) The Secretary shall not consider a proposal submitted by a person from industry unless the proposal contains a certification that reasonable efforts to obtain non-Federal funding for the entire cost of the project have been made, and that such non-Federal funding could not be reasonably obtained. As appropriate, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of the development portion of such a proposal.

"(h) The Secretary shall not carry out any activities under this section that unnecessarily duplicate activities carried out elsewhere by the Federal Government or industry.

"(i) The Secretary shall establish, after consultation with other Federal agencies, terms and conditions under which Federal funding will be provided under this chapter that are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)).".

"(b)(1) Section 2026(a) of the Energy Policy Act of 1992 (42 U.S.C. 13436(a)) is amended by striking ", in accordance with sections 3001 and 3002 of this Act,".

"(2) Effective October 1, 1998, section 2026 of the Energy Policy Act of 1992 (42 U.S.C. 13436) is repealed.

SEC. 104 DEMONSTRATIONS.

Section 105 of Public Law 101–566 (42 U.S.C. 12404) is amended by adding at the end the following new subsection:

"(c) The Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of any demonstration conducted under this section.".

SEC. 105. TECHNOLOGY TRANSFER.

Section 106(b) of Public Law 101–566 (42 U.S.C. 12405(b)) is amended by adding to the end of the subsection the following:

"The Secretary shall also foster the exchange of generic, nonproprietary information and technology, developed pursuant to this chapter, among industry, academia, and the Federal Government, to help the United States economy attain the economic benefits of this information and technology.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

Section 109 of Public Law 101–566 (42 U.S.C. 12408) is amended—

(1) by striking "to other Acts" and inserting "under other Acts";

(2) by striking "and" from the end of paragraph (2);

(3) by striking the period from the end of paragraph (3) and inserting ";"; and

(4) by adding at the end of the section the following:

"(4) $14,500,000 for fiscal year 1996;

"(5) $20,000,000 for fiscal year 1997;

"(6) $25,000,000 for fiscal year 1998;

"(7) $30,000,000 for fiscal year 1999;

"(8) $35,000,000 for fiscal year 2000; and

"(9) $40,000,000 for fiscal year 2001.".

TITLE II—FUEL CELLS

SEC. 201. INTEGRATION OF FUEL CELLS WITH HYDROGEN PRODUCTION SYSTEMS.

(a) Not later than 180 days after the date of enactment of this section, and subject to the availability of appropriations made specifically for this section, the Secretary of Energy shall solicit proposals for projects to prove the feasibility of integrating fuel cells with—

(1) photovoltaic systems for hydrogen production; or

(2) systems for hydrogen production from solid waste via gasification or steam reforming.

(b) Each proposal submitted in response to the solicitation under this section shall be evaluated on a competitive basis using peer review. The Secretary is not required to make an award under this section in the absence of a meritorious proposal.

(c) The Secretary shall give preference, in making an award under this section. to proposals that—

(1) are submitted jointly from consortia including academic institutions, industry, State or local governments, and Federal laboratories; and

(2) reflect proven experience and capability with technologies relevant to the systems described in subsections (a)(1) and (a)(2).

(d) In the case of a proposal involving development or demonstration, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of the development or demonstration portion of the proposal.

(e) The Secretary shall establish, after consultation with other Federal agencies, terms and conditions under which Federal funding will be provided under this title that are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)).

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated, for activities under this section, a total of $50,000,000 for fiscal years 1997 and 1998, to remain available until September 30, 1999.

TITLE III—DOE SCIENTIFIC AND TECHNICAL PROGRAM QUALITY

SEC. 301. TEMPORARY APPOINTMENTS FOR SCIENTIFIC AND TECHNICAL EXPERTS IN DEPARTMENT OF ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) The Secretary, utilizing authority under other applicable law and the authority of this section, may appoint for a limited terms, or on a temporary basis, scientists, engineers, and other technical and profession personnel on leave of absence from academic, industrial, or research institutions to work for the Department.

(b) The Department may pay, to the extent authorized for certain other Federal employees by section 5723 of title 5, United States Code, travel expenses for any individual appointed for a limited term or on a temporary basis and transportation expenses of his or her immediate family and his or her household goods and personal effects from that individual's residence at the time of selection or assignment to his or her duty station. The Department may pay such travel expenses to the same extent for such an individual's return to the former place of residence from his or her duty station, upon separation from the Federal service following an agreed period of service. The Department may also pay a per diem allowance at a rate not to exceed the daily amounts prescribed under section 5702 of title 5 to such an individual, in lieu of transportation expenses of the immediate family and household goods and personal effects, for the period of his or her employment with the Department. Notwithstanding any other provision of law, the employer's contribution to any retirement, life insurance, or health benefit plan for an individual appointed for a term of one year or less, which could be extended for no more than one additional year, may be made or reimbursed from appropriations available to the Department.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California [Mr. BROWN] and I bring before the House H.R. 4138, the Hydrogen Future Act of 1996, to focus the U.S. Department of Energy's research and development programs of hydrogen as a fuel. Last year, with support on both sides of the aisle, a bill similar to this one, H.R. 655, passed the House with an overwhelming majority on May 2, 1995.

H.R. 4138 incorporates some changes made to the earlier bill to accommodate interests of Members of the Senate and the House. These changes have been approved by the chairman and ranking members of the committees of jurisdiction.

There are many people to thank who helped make passage of this bill possible. I would like to particularly acknowledge the ranking member of the House Science Committee, Mr. BROWN, for his support in cosponsoring this bill with me. Mr. BROWN has long been a supporter of hydrogen research and development, and I have appreciated his efforts in this area.

I would also like to thank the Committee on Government Reform and Oversight for its cooperation on a provision in this bill over which it has jurisdiction.

Mr. Speaker, H.R. 4138 provides the legislative authority necessary to continue the research and development of hydrogen as fuel into the 21st century.

Hydrogen is essentially a non-polluting, environmentally friendly, renewable resource that is one of the answers to our future energy needs.

H.R. 4138, contains three titles. Under Title I, which is basically a slightly revised version of the earlier bill, H.R. 655, which passed this House overwhelmingly last year, the U.S. Department of Energy is directed to continue and expand its research and development of hydrogen as a fuel cooperatively with the private sector under a peer reviewed competitive process. Title I, increases funding for R&D over a period of 5 years to a level recommended by the Department of Energy's Hydrogen Technical Advisory Panel. This increase will help assure the best utilization of the funds while allowing budget priorities to be decided under a balanced plan.

Title II specifically addresses research and development of hydrogen as a fuel in conjunction with fuel cell technology. This is a limited provision which calls for a research and development project to be funded and completed within 3 years. Title II assures that the Secretary of Energy is not required to make an award in the absence of a meritorious proposal.

Title III allows the Secretary of Energy to make temporary appointments of scientists, engineers, and other professionals, who are on leave of absence from their own institutions, to work for the Department of Energy and to pay their travel expenses. These temporary personnel appointments are similar to those which other science agencies, such as the National Science

Foundation, have used successfully for years to assure they have access to the best scientific and engineering professionals and administrators to assist in the operations of the agency.

The Hydrogen Future Act, gives the House the opportunity to send to the Senate, and then the President's desk, a bill which is good for the environment, good for the economy, good for our health, and good for our future.

I hope my colleagues will join me in voting for passage of H.R. 4138, the Hydrogen Future Act of 1996.

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Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Hydrogen Future Act. After much work by several Committees of Congress, I believe that we now have an excellent legislative product. This bill directs the Department of Energy to study important research problems associated with hydrogen fuels, and it authorizes minimal, but sufficient, funds to carry out these directives.

As with many scientific endeavors, explaining the importance of these activities presents a unique challenge. However, today I am assisted by an editorial in the Washington Post, dated September 15, 1996, and titled, "If We Kicked the Oil Habit, Saddam Wouldn't Menace Us." The authors of that editorial make the case that: "Government-funded energy research and development is a far more prudent investment in economic security than military bases in the Arabian desert. * * * The only viable long-term U.S. strategy is to leave the Gulf by dramatically cutting the nation's oil use. No one should underestimate the difficulties and costs of doing so. That is precisely why there is no more time to lose.

The authors of this editorial—who represent the U.S. Business and Industrial Council Education Foundation—realize that the global energy market forges bonds, for good or for bad, between every major economy in the world; and, in the last decade, it has been tensions in these relationships that have provided more impetus for the United States to go to war than any other factor. In fact, I would argue that energy security has, in part, replaced "communism" as the major international threat in the post-Cold War era. How we deal with this new threat define us as a nation, in much the same way that our approach to communism defined the post-World War II era.

To meet this challenge, the authors of this editorial and I envision a future where energy demands are met by a wide array of energy sources, and the United States has broken its ties of dependence on the Middle East. Many of these energy sources are already part of global commerce, although most are in a fledgling state. These techniques include solar cells, wind turbines, fuel cells, and other renewable energy sources.

I hope those who are listening understand that these technologies, and conservation methods, owe their success to a decade of Federal support for energy R&D. This R&D has produced: improved solar cell modules that allow the United States to lead the world in sales of this technology with over one-third of the $300 million per year photovoltaics market; novel wind turbines that save the energy equivalent of 4.4 million barrels of oil each year in California alone; and new window pane that keeps more heat inside a house than a wall.

In addition to an opportunity to change the international balance of energy interests, energy R&D can also provide other benefits, such as: reduced environmental pollution, through increasingly clean fuels; improved international stability in developing countries, through the provision of cheap and plentiful energy, supplies; and enhanced U.S. economic growth, through reduced energy costs.

Hydrogen fuel, the subject of today's legislation, may one day play an important role as a source of fuel. Hydrogen fuel may one day become an energy technology that Americans use every day to satisfy their everyday energy needs. In particular, hydrogen shows particular promise as an automotive fuel, and recently several auto-makers have developed prototype hydrogen fuel cell cars and buses.

H.R. 4138, the measure before us today, will spur the demonstration of the technical feasibility of using hydrogen to fuel automotives and for other applications; And, if will help to advance the state of the art in the general problem areas of hydrogen production, storage, and utilization. Specifically, this legislation sets the course for the next five years for U.S. hydrogen R&D efforts and enhances the leadership role of the Department of Energy in this important area. For these reasons alone, I would urge a vote for H.R. 4138.

However, the bill also has a new title that was added by the Senate since the House passed this measure last year. This title provides broad authority to the Department to use scientists from the field as rotating staff, thereby strengthening the technical and scientific capabilities of the Department. I wholeheartedly support this initiative and applaud the Senate efforts to include this authority in H.R. 4138. I would also like to thank the House Government Reform Committee for discharging this part of the measure quickly so that we could pass this bill this year.

In closing, I would like to commend Chairman WALKER for conceiving of this bill and shepherding it through the legislative process. While we have had our differences in other areas of legislative interest this year, we both share a strong commitment to the hydrogen R&D efforts of the Federal Government and Mr. WALKER has shown an unwavering belief in this technology.

I urge the passage of H.R. 4138.

Mr. Speaker, I might mention that not only are we comanaging this bill, but we are coauthors of this bill, which may be a unique situation in most of the legislation.

I urge the passage of H.R. 4138.

Mr. Speaker, I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 4138.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

OMNIBUS CIVIL SERVICE REFORM ACT OF 1996

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3841) to amend the civil service laws of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Civil Service Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEMONSTRATION PROJECTS

Sec. 101. Demonstration projects.

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

Sec. 201. Increased weight given to performance for order-of-retention purposes in a reduction in force.

Sec. 202. No appeal of denial of periodic step-increases.

Sec. 203. Performance appraisals.
Sec. 204. Amendments to incentive awards authority.
Sec. 205. Due process rights of managers under negotiated grievance procedures.
Sec. 206. Collection and reporting of training information.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Sec. 301. Loans under the Thrift Savings Plan for furloughed employees.
Sec. 302. Domestic relations orders.
Sec. 303. Unreduced additional optional life insurance.

TITLE IV—REORGANIZATION FLEXIBILITY

Sec. 401. Voluntary reductions in force.
Sec. 402. Nonreimbursable details to Federal agencies before a reduction in force.

TITLE V—SOFT-LANDING PROVISIONS

Sec. 501. Temporary continuation of Federal employees' life insurance.
Sec. 502. Continued eligibility for health insurance.
Sec. 503. Job placement and counseling services.
Sec. 504. Education and retraining incentives.

TITLE VI—MISCELLANEOUS

Sec. 601. Reimbursements relating to professional liability insurance.
Sec. 602. Employment rights following conversion to contract.
Sec. 603. Debarment of health care providers found to have engaged in fraudulent practices.
Sec. 604. Consistent coverage for individuals enrolled in a health plan administered by the Federal banking agencies.
Sec. 605. Amendment to Public Law 104–134.
Sec. 606. Miscellaneous amendments relating to the health benefits program for Federal employees.
Sec. 607. Pay for certain positions formerly classified at GS–18.
Sec. 608. Repeal of section 1307 of title 5 of the United States Code.
Sec. 609. Extension of certain procedural and appeal rights to certain personnel of the Federal Bureau of Investigation.

TITLE I—DEMONSTRATION PROJECTS

SEC. 101. DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—Paragraph (1) of section 4701(a) of title 5, United States Code, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) PRE-IMPLEMENTATION PROCEDURES.—Subsection (b) of section 4703 of title 5, United States Code, is amended to read as follows:

"(b) Before an agency or the Office may conduct or enter into any agreement or contract to conduct a demonstration project, the Office—

"(1) shall develop or approve a plan for such project which identifies—

"(A) the purposes of the project;

"(B) the methodology;

"(C) the duration; and

"(D) the methodology and criteria for evaluation;

"(2) shall publish the plan in the Federal Register;

"(3) may solicit comments from the public and interested parties in such manner as the Office considers appropriate;

"(4) shall obtain approval from each agency involved of the final version of the plan; and

"(5) shall provide notification of the proposed project, at least 30 days in advance of the date any project proposed under this section is to take effect—

"(A) to employees who are likely to be affected by the project; and

"(B) to each House of the Congress.".

(c) NONWAIVABLE PROVISIONS.—Section 4703(c) of title 5, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) any provision of subchapter V of chapter 63 or subpart G of part III of this title;"; and

(2) by striking paragraph (3) and inserting the following:

"(3) any provision of chapter 15 or subchapter II or III of chapter 73 of this title;".

(d) LIMITATIONS.—Subsection (d) of section 4703 of title 5, United States Code, is amended to read as follows:

"(d)(1) Each demonstration project shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that the project may continue for a maximum of 2 years beyond the date to the extent necessary to validate the results of the project.

"(2)(A) Not more than 15 active demonstration projects may be in effect at any time, and of the projects in effect at any time, not more than 5 may involve 5,000 or more individuals each.

"(B) Individuals in a control group necessary to validate the results of a project shall not, for purposes of any determination under subparagraph (A), be considered to be involved in such project.".

(e) EVALUATIONS.—Subsection (h) of section 4703 of title 5, United States Code, is amended by adding at the end the following: "The Office may, with respect to a demonstration project conducted by another agency, require that the preceding sentence be carried out by such other agency.".

(f) PROVISIONS FOR TERMINATION OF PROJECT OR MAKING IT PERMANENT.—Section 4703 of title 5, United States Code, is amended—

(1) in subsection (i) by inserting "by the Office" after "undertaken"; and

(2) by adding at the end the following:

"(j)(1) If the Office determines that termination of a demonstration project (whether under subsection (e) or otherwise) would result in the inequitable treatment of employees who participated in the project, the Office shall take such corrective action as is within its authority. If the Office determines that legislation is necessary to correct an inequity, it shall submit an appropriate legislative proposal to both Houses of Congress.

"(2) If the Office determines that a demonstration project should be made permanent, it shall submit an appropriate legislative proposal to both Houses of Congress.".

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

SEC. 201. INCREASED WEIGHT GIVEN TO PERFORMANCE FOR ORDER-OF-RETENTION PURPOSES IN A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3502 of title 5, United States Code, is amended—

(1) in subsection (a)(4) by striking "ratings." and inserting "ratings, in conformance with the requirements of subsection (g)."; and

(2) by adding at the end the following:

"(g)(1) The regulations prescribed to carry out subsection (a)(4) shall be the regulations in effect, as of January 1, 1996, under section 351.504 of title 5 of the Code of Federal Regulations, except as otherwise provided in this subsection.

"(2) For purposes of this subsection—

"(A) subsections (b)(4) and (e) of such section 351.504 shall be disregarded;

"(B) subsection (d) of such section 351.504 shall be considered to read as follows:

"'(d)(1) The additional service credit an employee receives for performance under this subpart shall be expressed in additional years of service and shall consist of the sum of the employee's 3 most recent (actual and/or assumed) annual performance ratings received during the 4-year period prior to the date of issuance of reduction-in-force notices or the 4-year period prior to the agency-established cutoff date (as appropriate), computed in accordance with paragraph (2) or (3) (as appropriate).

"'(2) Except as provided in paragraph (3), an employee shall receive—

"'(A) 5 additional years of service for each performance rating of fully successful (Level 3) or equivalent;

"'(B) 7 additional years of service for each performance rating of exceeds fully successful (Level 4) or equivalent; and

"'(C) 10 additional years of service for each performance rating of outstanding (Level 5) or equivalent.

"'(3)(A) If the employing agency uses a rating system having only 1 rating to denote performance which is fully successful or better, then an employee under such system shall receive 5 additional years of service for each such rating.

"'(B) If the employing agency uses a rating system having only 2 ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

"'(i) 5 additional years of service for each performance rating at the lower of those 2 ratings; and

"'(ii) 7 additional years of service for each performance rating at the higher of those 2 ratings.

"'(C) If the employing agency uses a rating system having more than 3 ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

"'(i) 5 additional years of service for each performance rating at the lowest of those ratings;

"'(ii) 7 additional years of service for each performance rating at the next rating above the rating referred to in clause (i); and

"'(iii) 10 additional years of service for each performance rating above the rating referred to in clause (ii).

"'(D) For purposes of this paragraph, a rating shall not be considered to denote performance which is fully successful or better unless, in order to receive such rating, such performance must satisfy all requirements for a fully successful rating (Level 3) or equivalent, as established under part 430 of this chapter (as in effect as of January 1, 1996).'; and

"(C) subsection (c) of such section shall be considered to read as follows:

"'(c)(1) Service credit for employees who do not have 3 actual annual performance ratings of record received during the 4-year period prior to the date of issuance of reduction-in-force notices, or the 4-year period prior to the agency-established cutoff date for ratings permitted in subsection (b)(2) of this section, shall be determined in accordance with paragraph (2).

"'(2) An employee who has not received 1 or more of the 3 annual performance ratings of record required under this section shall—

"'(A) receive credit for performance on the basis of the rating or ratings actually received (if any); and

"'(B) for each performance rating not actually received, be given credit for 5 additional years of service.'.".

(b)(1) Under regulations which shall be prescribed by the Office of Personnel Management, for purposes of determining the order of retention of employees in a reduction in force, if an agency has more than 1 performance evaluation system—

(A) employees of such agency who are covered by different evaluation systems shall be placed in separate competitive areas; and

(B) such agency shall establish more than 1 competitive level for such employees if—

(i) employees in a competitive area have received ratings under 1 or more evaluation systems different from a significant number of other competing employees within the same competitive area during any part of the applicable 4-year period described in the provisions of section 351.504(d)(1) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 3502(g)(2)(B) of title 5, United States Code, as amended by this section); and

(ii) the employees referred to in clause (i) would otherwise be placed in the same competitive level.

(2) The regulations shall require agencies to establish the competitive levels under paragraph (1)(B) in accordance with the following criteria:

(A) To the extent feasible, the agency shall avoid the use of single-position competitive levels.

(B) All employees who have received ratings of record under the same performance evaluation system for at least 3 of the 4 years described in the provisions referred to in paragraph (1)(B)(i) shall be placed in the same competitive level.

(C) Separate competitive levels shall be established for those employees who—

(i) have received ratings of record under the same performance evaluation system for 2 of the 4 years described in the provisions referred to in paragraph (1)(B)(i); or

(ii) have received ratings of record under the same performance evaluation system for 1 of the 4 years described in the provisions referred to in paragraph (1)(B)(i).

(3) No employee shall be placed or continued under a performance evaluation system having only 1 rating to denote performance which is fully successful (Level 3) or better without such employee's written consent.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the General Accounting Office shall submit to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate a report analyzing and assessing the following:

(1) Based on performance-ratings statistics in the executive branch of the Government over the past 15 years, the correlation (if any) between employees' ratings of record and the following:

(A) Promotions.

(B) Awards.

(C) Bonuses.

(D) Quit rates.

(E) Removals.

(F) Disciplinary actions (other than removals).

(G) The filing of grievances, complaints, and charges of unfair labor practices.

(H) Appeals of adverse actions.

(2) The impact of performance ratings on retention during reductions in force over the past 5 years.

(3) Whether "pass/fail" performance systems are compatible with the statutory requirement that efficiency or performance ratings be given due effect during reductions in force.

(4) The respective numbers of Federal agencies, organizational units, and Federal employees that are covered by the different performance evaluation systems.

(5) The potential impact of this section on employees in different performance evaluation systems.

(6) Whether there are significant differences in the distribution of ratings among or within agencies and, if so, the reasons therefor.

Based on the findings of the General Accounting Office, the report shall include recommendations to improve the effectiveness of Federal performance evaluation systems.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reductions in force taking effect on or after October 1, 1999.

SEC. 202. NO APPEAL OF DENIAL OF PERIODIC STEP-INCREASES.

(a) IN GENERAL.—Section 5335(c) of title 5, United States Code, is amended—

(1) by striking the second sentence;

(2) in the third sentence by striking "or appeal"; and

(3) in the last sentence by striking "and the entitlement of the employee to appeal to the Board do not apply" and inserting "does not apply".

(b) PERFORMANCE RATINGS.—Section 5335 of title 5, United States Code, as amended by subsection (a), is further amended—

(1) in subsection (a)(B) by striking "work of the employee is of an acceptable level of competence" and inserting "performance of the employee is at least fully successful";

(2) in subsection (c)—

(A) in the first sentence by striking "work of an employee is not of an acceptable level of competence," and inserting "performance of an employee is not at least fully successful,"; and

(B) in the last sentence by striking "acceptable level of competence" and inserting "fully successful work performance"; and

(3) by adding at the end the following:

"(g) For purposes of this section, the term 'fully successful' denotes work performance that satisfies the requirements of section 351.504(d)(3)(D) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 3502(g)(2)(B)).".

SEC. 203. PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Section 4302 of title 5, United States Code, is amended—

(1) in subsection (b) by striking paragraphs (5) and (6) and inserting the following:

"(5) assisting employees in improving unacceptable performance, except in circumstances described in subsection (c); and

"(6) reassigning, reducing in grade, removing, or taking other appropriate action against employees whose performance is unacceptable."; and

(2) by adding at the end the following:

"(c) Upon notification of unacceptable performance, an employee shall be afforded an opportunity to demonstrate acceptable performance before a reduction in grade or removal may be proposed under section 4303 based on such performance, except that an employee so afforded such an opportunity shall not be afforded any further opportunity to demonstrate acceptable performance if the employee's performance again is determined to be at an unacceptable level.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply in the case of any proposed action as to which the employee receives advance written notice, in accordance with section 4303(b)(1)(A) of title 5, United States Code, before the effective date of this section.

SEC. 204. AMENDMENTS TO INCENTIVE AWARDS AUTHORITY.

Chapter 45 of title 5, United States Code, is amended—

(1) by amending section 4501 to read as follows:

"§ 4501. Definitions

"For the purpose of this subchapter—

"(1) the term 'agency' means—

"(A) an Executive agency;

"(B) the Library of Congress;

"(C) the Office of the Architect of the Capitol;

"(D) the Botanic Garden;

"(E) the Government Printing Office; and

"(F) the United States Sentencing Commission;

but does not include—

"(i) the Tennessee Valley Authority; or

"(ii) the Central Bank for Cooperatives;

"(2) the term 'employee' means an employee as defined by section 2105; and

"(3) the term 'Government' means the Government of the United States.";

(2) by amending section 4503 to read as follows:

"§ 4503. Agency awards

"(a) The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

"(1) by his suggestion, invention, superior accomplishment, or other personal effort, contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

"(2) performs a special act or service in the public interest in connection with or related to his official employment.

"(b)(1) If the criteria under paragraph (1) or (2) of subsection (a) are met on the basis of the suggestion, invention, superior accomplishment, act, service, or other meritorious effort of a group of employees collectively, and if the circumstances so warrant (such as by reason of the infeasibility of determining the relative role or contribution assignable to each employee separately), authority under subsection (a) may be exercised—

"(A) based on the collective efforts of the group; and

"(B) with respect to each member of such group.

"(2) The amount awarded to each member of a group under this subsection—

"(A) shall be the same for all members of such group, except that such amount may be prorated to reflect differences in the period of time during which an individual was a member of the group; and

"(B) may not exceed the maximum cash award allowable under subsection (a) or (b) of section 4502, as applicable."; and

(3) in subsection (a)(1) of section 4505a by striking "at the fully successful level or higher" and inserting "higher than the fully successful level".

SEC. 205. DUE PROCESS RIGHTS OF MANAGERS UNDER NEGOTIATED GRIEVANCE PROCEDURES.

(a) IN GENERAL.—Paragraph (2) of section 7121(b) of title 5, United States Code, is amended to read as follows:

"(2) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply with respect to orders issued on or after the date of the enactment of this Act, notwithstanding the provisions of any collective bargaining agreement.

SEC. 206. COLLECTION AND REPORTING OF TRAINING INFORMATION.

(a) TRAINING WITHIN GOVERNMENT.—The Office of Personnel Management shall collect information concerning training programs, plans, and methods utilized by agencies of the Government and submit a report to the Congress on this activity on an annual basis.

(b) TRAINING OUTSIDE OF GOVERNMENT.—The Office of Personnel Management, to the extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and methods utilized outside the Government. The Office, on request, may make such information available to an agency and to Congress.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

SEC. 301. LOANS UNDER THE THRIFT SAVINGS PLAN FOR FURLOUGHED EMPLOYEES.

Section 8433(g) of title 5, United States Code, is amended by adding at the end the following:

"(6) An employee who has been furloughed due to a lapse in appropriations may not be denied a loan under this subsection solely because such employee is not in a pay status.".

SEC. 302. DOMESTIC RELATIONS ORDERS.

(a) IN GENERAL.—Section 8705 of title 5, United States Code, is amended—

(1) in subsection (a) by striking "(a) The" and inserting "(a) Except as provided in subsection (e), the"; and

(2) by adding at the end the following:

"(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

"(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

"(3) A designation under this subsection with respect to any person may not be changed except—

"(A) with the written consent of such person, if received as described in paragraph (2); or

"(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

"(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.".

(b) DIRECTED ASSIGNMENT.—Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by adding at the end the following:

"(2) A court decree of divorce, annulment, or legal separation, or the terms of a court-approved property settlement agreement incidental to any court decree of divorce, annulment, or legal separation, may direct that an insured employee or former employee make an irrevocable assignment of the employee's or former employee's incidents of ownership in insurance under this chapter (if there is no previous assignment) to the person specified in the court order or court-approved property settlement agreement.".

SEC. 303. UNREDUCED ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) IN GENERAL.—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

"(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee's written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

"(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

"(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the beginning of the second calendar month after the date the employee becomes 65 years of age and is retired or is in receipt of compensation; and

"(ii) the reduction under clause (i) shall continue for 50 months at which time the insurance shall stop.

"(B) The employee may, instead of the option under subparagraph (A), elect to have the full cost of additional optional insurance continue to be withheld from such employee's annuity or compensation on and after the date such withholdings would otherwise cease pursuant to an election under subparagraph (A), in which case the amount of additional optional insurance continued under paragraph (2) shall not be reduced, subject to paragraph (4).

"(C) An employee who does not make any election under the preceding provisions of this paragraph shall be treated as if such employee had made an election under subparagraph (A).

"(4) If an employee makes an election under paragraph (3)(B), that individual may subsequently cancel such election, in which case additional optional insurance shall be determined as if the individual had originally made an election under paragraph (3)(A)."; and

(2) in the second sentence of subsection (d)(1) by inserting "if insurance is continued as provided in subparagraph (A) of paragraph (3)," after "except that,".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 120th day after the date of the enactment of this Act and shall apply to employees who become eligible, on or after such 120th day, to continue additional optional insurance during retirement or receipt of compensation.

TITLE IV—REORGANIZATION FLEXIBILITY

SEC. 401. VOLUNTARY REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended to read as follows:

"(f)(1) The head of an Executive agency or military department may, in accordance with regulations prescribed by the Office of Personnel Management—

"(A) separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

"(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

"(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force, except for purposes of priority placement programs and advance notice.

"(3) An employee with critical knowledge and skills (as defined by the head of the Executive agency or military department concerned) may not participate in a voluntary separation under paragraph (1)(A) if the agency or department head concerned determines that such participation would impair the performance of the mission of the agency or department (as applicable).

"(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

"(5) No authority under paragraph (1) may be exercised after September 30, 2001.".

SEC. 402. NONREIMBURSABLE DETAILS TO FEDERAL AGENCIES BEFORE A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3341 of title 5, United States Code, is amended to read as follows:

"§ 3341. Details; within Executive agencies and military departments; employees affected by reduction in force

"(a) The head of an Executive agency or military department may detail employees, except those required by law to be engaged exclusively in some specific work, among the bureaus and offices of the agency or department.

"(b) The head of an Executive agency or military department may detail to duties in the same or another agency or department, on a nonreimbursable basis, an employee who has been identified by the employing agency as likely to be separated from the Federal service by reduction in force or who has received a specific notice of separation by reduction in force.

"(c)(1) Details under subsection (a)—

"(A) may not be for periods exceeding 120 days; and

"(B) may be renewed (1 or more times) by written order of the head of the agency or department, in each particular case, for periods not exceeding 120 days each.

"(2) Details under subsection (b)—

"(A) may not be for periods exceeding 90 days; and

"(B) may not be renewed.

"(d) The 120-day limitation under subsection (c)(1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

"(1) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

"(2) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

"(e) For purposes of this section—

"(1) the term 'base closure law' means—

"(A) section 2687 of title 10;

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act; and

"(C) the Defense Base Closure and Realignment Act of 1990; and

"(2) the term 'military installation'—

"(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

"(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

"(C) in the case of an installation covered by the Act referred to in subparagraph (C) of paragraph (1), has the meaning given such term in section 2910(4) of such Act.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3341 and inserting the following:

"3341. Details; within Executive agencies and military departments; employees affected by reduction in force.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

TITLE V—SOFT-LANDING PROVISIONS

SEC. 501. TEMPORARY CONTINUATION OF FEDERAL EMPLOYEES' LIFE INSURANCE.

Section 8706 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) Notwithstanding subsections (a) and (b) of this section, an employee whose coverage under this chapter would otherwise terminate due to a separation described in paragraph (3) shall be eligible to continue basic insurance coverage described in section 8704 in accordance with this subsection and regulations the Office may prescribe, if the employee arranges to pay currently into the Employees Life Insurance Fund, through the former employing agency or, if an annuitant, through the responsible retirement system, an amount equal to the sum of—

"(A) both employee and agency contributions which would be payable if separation had not occurred; plus

"(B) an amount, determined under regulations prescribed by the Office, to cover necessary administrative expenses, but not to exceed 2 percent of the total amount under subparagraph (A).

"(2) Continued coverage under this subsection may not extend beyond the date which is 18 months after the effective date of the separation which entitles a former employee to coverage under this subsection. Termination of continued coverage under this subsection shall be subject to provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance as provided by subsection (a). If an eligible employee does not make an election for purposes of this subsection, the employee's insurance will terminate as provided by subsection (a).

"(3)(A) This subsection shall apply to an employee who, on or after the date of enactment of this subsection and before the applicable date under subparagraph (B)—

"(i) is involuntarily separated from a position due to a reduction in force, or separates voluntarily from a position the employing agency determines is a 'surplus position' as defined by section 8905(d)(4)(C); and

"(ii) is insured for basic insurance under this chapter on the date of separation.

"(B) The applicable date under this subparagraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in subparagraph (A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this subparagraph is February 1, 2002.".

SEC. 502. CONTINUED ELIGIBILITY FOR HEALTH INSURANCE.

(a) CONTINUED ELIGIBILITY AFTER RETIREMENT.—Section 8905 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b) by striking "An" and inserting "Subject to subsection (g), an"; and

(2) by adding at the end the following:

"(g)(1) The Office shall waive the requirements for continued enrollment under subsection (b) in the case of any individual who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

"(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

"(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, and

"(C) is enrolled in a health benefits plan under this chapter as an employee immediately before retirement.

"(2) The applicable date under this paragraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this paragraph is February 1, 2002.

"(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.".

(b) TEMPORARY CONTINUED ELIGIBILITY AFTER BEING INVOLUNTARILY SEPARATED.—Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "the Department of Defense" and inserting "an Executive agency"; and

(2) by amending subparagraph (C) to read as follows:

"(C) For purposes of this paragraph, the term 'surplus position' means a position that, as determined under regulations prescribed by the head of the agency involved, is identified during planning for a reduction in force as being no longer required and is designated for elimination during the reduction in force.".

SEC. 503. JOB PLACEMENT AND COUNSELING SERVICES.

(a) AUTHORITY FOR SERVICES.—The head of each Executive agency may establish a program to provide job placement and counseling services to current and former employees.

(b) TYPES OF SERVICES AUTHORIZED.—A program established under this section may include such services as—

(1) career and personal counseling;

(2) training in job search skills; and

(3) job placement assistance, including assistance provided through cooperative arrangements with State and local employment service offices.

(c) ELIGIBILITY FOR SERVICES.—Services authorized by this section may be provided to—

(1) current employees of the agency or, with the approval of such other agency, any other agency; and

(2) employees of the agency or, with the approval of such other agency, any other agency who have been separated for less than 1 year, if the separation was not a removal for cause on charges of misconduct or delinquency.

(d) REIMBURSEMENT FOR COSTS.—The costs of services provided to current or former employees of another agency shall be reimbursed by that agency.

SEC. 504. EDUCATION AND RETRAINING INCENTIVES.

(a) NON-FEDERAL EMPLOYMENT INCENTIVE PAYMENTS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "eligible employee" means an employee who is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force, except that such term does not include an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, other than under section 8336(d) or 8414(b) of such title;

(B) the term "non-Federal employer" means an employer other than the Government of the United States or any agency or other instrumentality thereof;

(C) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code; and

(D) the term "surplus position" has the meaning given such term by section 8905(d)(4)(C) of title 5, United States Code.

(2) AUTHORITY.—The head of an Executive agency may pay retraining and relocation incentive payments, in accordance with this subsection, in order to facilitate the reemployment of eligible employees who are separated from such agency.

(3) RETRAINING INCENTIVE PAYMENT.—

(A) AGREEMENT.—The head of an Executive agency may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees—

(i) to employ an individual referred to in paragraph (2) for at least 12 months for a salary which is mutually agreeable to the employer and such individual; and

(ii) to certify to the agency head any costs incurred by the employer for any necessary training provided to such individual in connection with the employment by such employer.

(B) PAYMENT OF RETRAINING INCENTIVE PAYMENT.—The agency head shall pay a retraining incentive payment to the non-Federal employer upon the employee's completion of 12 months of continuous employment by that employer. The agency head shall prescribe the amount of the incentive payment.

(C) PRORATION RULE.—The agency head shall pay a prorated amount of the full retraining incentive payment to the non-Federal employer for an employee who does not remain employed by the non-Federal employer for at least 12 months, but only if the employee remains so employed for at least 6 months.

(D) LIMITATION.—In no event may the amount of the retraining incentive payment paid for the training of any individual exceed the amount certified for such individual under subparagraph (A), subject to subsection (c).

(4) RELOCATION INCENTIVE PAYMENT.—The head of an agency may pay a relocation incentive payment to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Subject to subsection (e), the amount of the incentive payment shall not exceed the amount that would be payable for travel, transportation, and subsistence expenses under subchapter II of chapter 57 of title 5, United States Code, including any reimbursement authorized under section 5724b of such title, to a Federal employee who transfers between the same locations as the individual to whom the incentive payment is payable.

(5) DURATION.—No incentive payment may be paid for training or relocation commencing after June 30, 2002.

(6) SOURCE.—An incentive payment under this subsection shall be payable from appropriations or other funds available to the agency for purposes of training (within the meaning of section 4101(4) of title 5, United States Code).

(b) EDUCATIONAL ASSISTANCE.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "eligible employee" means an eligible employee, within the meaning of subsection (a), who —

(i) is employed full-time on a permanent basis;

(ii) has completed at least 3 years of current continuous service in any Executive agency or agencies; and

(iii) is admitted to an institution of higher education within 1 year after separation;

(B) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code;

(C) the term "educational assistance" means payments for educational assistance as provided in section 127(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 127(c)(1)); and

(D) the term "institution of higher education" has the meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(2) AUTHORITY.—Under regulations prescribed by the Office of Personnel Management, and subject to the limitations under subsection (c), the head of an Executive agency may, in his or her discretion, provide educational assistance under this subsection to an eligible employee for a program of education at an institution of higher education after the separation of the employee.

(3) DURATION.—No educational assistance under this subsection may be paid later than 10 years after the separation of the eligible employee.

(4) SOURCE.—Educational assistance payments shall be payable from appropriations or other funds which would have been used to pay the salary of the eligible employee if the employee had not separated.

(5) REGULATIONS.—The Office of Personnel Management shall prescribe regulations for the administration of this subsection. Such regulations shall provide that educational assistance payments shall be limited to amounts necessary for current tuition and fees only.

(c) LIMITATIONS.—

(1) AGGREGATE LIMITATION.—No incentive payment or educational assistance payment may be paid under this section to or on behalf of any individual to the extent that such amount would cause the aggregate amount otherwise paid or payable under this section, to or on behalf of such individual, to exceed $10,000.

(2) LIMITATION RELATING TO EDUCATIONAL ASSISTANCE.—The total amount paid under subsection (b) to any individual—

(A) may not exceed $6,000 if the individual has at least 3 but less than 4 years of qualifying service; and

(B) may not exceed $8,000 if the individual has at least 4 but less than 5 years of qualifying service.

(3) QUALIFYING SERVICE.—For purposes of paragraph (2), the term "qualifying service" means service performed as an employee, within the meaning of section 2105 of title 5, United States Code, on a permanent full-time or permanent part-time basis (counting part-time service on a prorated basis).

TITLE VI—MISCELLANEOUS

SEC. 601. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.

(a) AUTHORITY.—Notwithstanding any other provision of law, any amounts appropriated, for fiscal year 1997 or any fiscal year thereafter, for salaries and expenses of Government employees may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means—

(1) an agency employee whose position is that of a law enforcement officer;

(2) an agency employee whose position is that of a supervisor or management official; or

(3) such other employee as the head of the agency considers appropriate

(c) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term "law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5;

(3) the terms "supervisor" and "management official" have the respective meanings given them by section 7103(a) of such title 5; and

(4) the term "professional liability insurance" means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

(d) POLICY LIMITS.—

(1) IN GENERAL.—Reimbursement under this section shall not be available except in the case of any professional liability insurance policy providing for—

(A) not to exceed $1,000,000 of coverage for legal liability (as described in subsection (c)(4)(A)) per occurrence per year; and

(B) not to exceed $100,000 of coverage for the cost of legal representation (as described in subsection (c)(4)(B)) per occurrence per year.

(2) ADJUSTMENTS.—The head of an agency may from time to time adjust the respective dollar amount limitations applicable under this subsection to the extent that the head of such agency considers appropriate to reflect inflation.

SEC. 602. EMPLOYMENT RIGHTS FOLLOWING CONVERSION TO CONTRACT.

(a) IN GENERAL.—An employee whose position is abolished because an activity performed by an Executive agency (within the meaning of section 105 of title 5, United States Code) is converted to contract shall receive from the contractor an offer in good faith of a right of first refusal of employment under the contract for a position for which the employee is deemed qualified based upon previous knowledge, skills, abilities, and experience. The contractor shall not offer employment under the contract to any person prior to having complied fully with this obligation, except as provided in subsection (b), or unless no employee whose position is abolished because such activity has been converted to contract can demonstrate appropriate qualifications for the position.

(b) EXCEPTION.—Notwithstanding the contractor's obligation under subsection (a), the contractor is not required to offer a right of first refusal to any employee who, in the 12 months preceding conversion to contract, has been the subject of an adverse personnel action related to misconduct or has received a less than fully successful performance rating.

(c) LIMITATION.—No employee shall have a right to more than 1 offer under this section based on any particular separation due to the conversion of an activity to contract.

(d) REGULATIONS.—Regulations to carry out this section may be prescribed by the President.

SEC. 603. DEBARMENT OF HEALTH CARE PROVIDERS FOUND TO HAVE ENGAGED IN FRAUDULENT PRACTICES.

(a) IN GENERAL.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)(2)(A) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(2) in subsection (b)—

(A) by striking "may" and inserting "shall" in the matter before paragraph (1); and

(B) by amending paragraph (5) to read as follows:

"(5) Any provider that is currently suspended or excluded from participation under any program of the Federal Government involving procurement or nonprocurement activities.";

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

"(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

"(1) Any provider—

"(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

"(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

"(2) Any provider that is an entity directly or indirectly owned, or with a 5 percent or more controlling interest, by an individual who is convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been excluded from participation under this chapter.

"(3) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charges for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

"(4) Any provider that the Office determines has committed acts described in subsection (d).";

(4) in subsection (d), as so redesignated by paragraph (3), by amending paragraph (1) to read as follows:

"(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

"(A) an item or service not provided as claimed;

"(B) charges in violation of applicable charge limitations under section 8904(b); or

"(C) an item or service furnished during a period in which the provider was excluded from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);";

(5) in subsection (f), as so redesignated by paragraph (3), by inserting "(where such debarment is not mandatory)" after "under this section" the first place it appears;

(6) in subsection (g), as so redesignated by paragraph (3)—

(A) by striking "(g)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is excluded from participation may request a hearing in accordance with subsection (h)(1).

"(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(4) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).";

(B) in paragraph (3)—

(i) by inserting "of debarment" after "notice"; and

(ii) by adding at the end the following: "In the case of a debarment under paragraphs (1) through (4) of subsection (b), the minimum period of exclusion shall not be less than 3 years, except as provided in paragraph (4)(B)(ii)."; and

(C) in paragraph (4)(B)(i)(I) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(7) in subsection (h), as so redesignated by paragraph (3), by striking "(h)(1)" and all that follows through the end of paragraph (2) and inserting the following:

"(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection must be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

"(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his principal place of business by filing a notice of appeal in such court within 60 days from the date the decision is issued and simultaneously sending copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the cause for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as a whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion."; and

(8) in subsection (i), as so redesignated by paragraph (3)—

(A) by striking "subsection (c)" and inserting "subsection (d)"; and

(B) by adding at the end the following: "The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2) and (4) of section 8902a(c) of title 5, United States Code, as amended by subsection (a), shall apply only to the extent that the misconduct which is the basis for debarment thereunder occurs after the date of the enactment of this Act.

(B) Section 8902a(d)(1)(B) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to charges which violate section 8904(b) of such title 5 for items and services furnished after the date of the enactment of this Act.

(C) Section 8902a(g)(3) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 604. CONSISTENT COVERAGE FOR INDIVIDUALS ENROLLED IN A HEALTH PLAN ADMINISTERED BY THE FEDERAL BANKING AGENCIES.

Section 5 of the FEGLI Living Benefits Act (Public Law 103–409; 108 Stat. 4232) is amended—

(1) by inserting "and the Board of Governors of the Federal Reserve System" after "Office of the Comptroller of the Currency and the Office of Thrift Supervision" each place it appears;

(2) in subsection (a), by inserting "or under a health benefits plan not governed by chapter 89 of such title in which employees and retirees of the Board of Governors of the Federal Reserve System participated before January 4, 1997," after "January 7, 1995,";

(3) in subsection (b)—

(A) by inserting "(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or on January 4, 1997 (in the case of the Board of Governors of the Federal Reserve System)" after "on January 7, 1995" each place it appears;

(B) by inserting ", or in which employees and retirees of the Board of Governors of the Federal Reserve System participate," after "Office of the Comptroller of the Currency or the Office of Thrift Supervision" each place it appears; and

(C) by inserting "(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or after January 5, 1997 (in the case of the Board of Governors of the Federal Reserve System)" after "January 8, 1995" each place it appears;

(4) in subsection (b)(1)(A), by striking "title;" and inserting "title or a retiree (as defined in subsection (e);"; and

(5) by adding at the end the following:

"(e) DEFINITION.—For purposes of this section, the term 'retiree' shall mean an individual who is receiving benefits under the Retirement Plan for Employees of the Federal Reserve System.".

SEC. 605. AMENDMENT TO PUBLIC LAW 104–134.

Paragraph (3) of section 3110(b) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–343) is amended to read as follows:

"(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by sections 8432 and 8351 of title 5, United States Code, for those employees who elect to retain their coverage under the Civil Service Retirement System or the Federal Employees' Retirement System pursuant to paragraph (1).".

SEC. 606. MISCELLANEOUS AMENDMENTS RELATING TO THE HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES.

(a) DEFINITION OF A CARRIER.—Paragraph (7) of section 8901 of title 5, United States Code, is amended by striking "organization;" and inserting "organization and the Government-wide service benefit plan sponsored by an association of organizations described in this paragraph;".

(b) SERVICE BENEFIT PLAN.—Paragraph (1) of section 8903 of title 5, United States Code, is amended by striking "plan," and inserting "plan, underwritten by participating affiliates licensed in any number of States,".

(c) PREEMPTION.—Section 8902(m) of title 5, United States Code, is amended by striking "(m)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(m)(1) The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance or plans.".

SEC. 607. PAY FOR CERTAIN POSITIONS FORMERLY CLASSIFIED AT GS-18.

Notwithstanding any other provision of law, the rate of basic pay for positions that were classified at GS-18 of the General Schedule on the date of the enactment of the Federal Employees Pay Comparability Act of 1990 shall be set and maintained at the rate equal to the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5, United States Code.

SEC. 608. REPEAL OF SECTION 1307 OF TITLE 5 OF THE UNITED STATES CODE.

(a) IN GENERAL.—Section 1307 of title 5, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 5, United States Code, is amended by repealing the item relating to section 1307.

SEC. 609. EXTENSION OF CERTAIN PROCEDURAL AND APPEAL RIGHTS TO CERTAIN PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Section 7511(b)(8) of title 5, United States Code, is amended by striking "the Federal Bureau of Investigation,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any personnel action taking effect after the end of the 45-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentlewoman from Illinois [Mrs. COLLINS] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the Congress the Omnibus Civil Service Reform Act of 1996. This is significant legislation for our Federal employees and the taxpayers they serve. It is my hope that it will improve the performance and accountability of Federal employees, rewarding those who work hard and obey the rules. This bill will soften the impact of Government downsizing on dedicated Federal employees. And it will address a wide variety of other problems. For example, it will give the Office of Personnel Management the tools it needs to deal swiftly with anyone who tries to defraud the Federal Health Benefits Program.

This bill is the product of hard work by Members from both sides of the aisle. I want to thank the distinguished gentlelady from Maryland of [Mrs. MORELLA]. She has been an active and effective champion of Federal employees, and she has made invaluable contributions to this legislation. Both FRANK WOLF and TOM DAVIS, distinguished Representatives from Virginia, have also made significant contributions to this bill. Thanks are also due to another Virginian, JIM MORAN, the distinguished ranking member of the Civil Service Subcommittee. His leadership, diligence, and willingness to work with Members of both parties are very much appreciated.

PERFORMANCE MANAGEMENT

No part of this bill, Mr. Speaker, is more important to taxpayers and to the many dedicated Federal employees than title two. This title sends the right message—loud and clear—to Federal employees and taxpayers alike: Good performance will be rewarded. Performance management in the Federal Government is strengthened. Federal managers are given important tools so they can correct problems when they occur. More important, this bill rewards employees for their good work.

Under this bill, managers need not place poor performers repeatedly on Performance Improvement Plans. Agencies should not have to waste precious resources dealing with chronic poor performers.

But the cornerstone of this title is section 201. This section increases the weight given to performance on the job during a reduction in force. Although seniority would remain an important factor in determining who remains after a reduction in force, outstanding performance will now be properly considered and credited. This is especially important for employees with less than 15 years of service. As we downsize the Federal workforce and restructure agencies, we must assure taxpayers that the Government will retain its most productive employees. We must also reward and recognize those productive employees.

REORGANIZATION FLEXIBILITY AND SOFT LANDINGS

This bill also contains provisions that give Federal agencies additional flexibility in restructuring and soften the impact of downsizing on individual employees. Under this bill, agencies can allow individuals to volunteer to be separated in reductions in force. It also allows agencies to make 90-day nonreimbursable details of individuals targeted for RIF to other agencies. In effect, this given the employee a 90-day tryout with a new agency.

Other provisions provide a safety net to separated employees by providing continuity of health and life insurance. Agencies are also authorized to establish job placement and counseling services. The bill authorizes relocation and retraining assistance to separated employees who take jobs in the private sector and educational assistance to help them develop new skills. Finally, this bill guarantees Federal employees whose jobs are contracted the right of first refusal for those jobs with the contractor.

OTHER PROVISIONS

Numerous provisions provide the Administration with tools to deal with existing problems in the civil service system. Title I significantly expands demonstration authority to experiment with new ways of managing personnel. This was high on the Administration's list of priorities for civil service reform. The bill also gives the Administration authority to debar health care providers found to have engaged in fraudulent practices. This is an important tool for the Office of Personnel Management to use in the fight against fraud and abuse in the Federal Employees Health Benefit Program.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia [Mr. MORAN] to control the time.

Mr. MORAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida [Mr. MICA] for his kind words and for bringing up this bill.

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Mr. Speaker, this is a shadow of its former self. We had a number of provisions in this that I think would have gone a long ways towards reforming some of the parts of the civil service system that really need to be addressed; for example, the appeals process. Right now people with mixed appeals can decide they want to appeal a grievance to the Merit System Protection Board or the Equal Employment Opportunity Commission or the National Federal Labor Relations Board. They have got any number of choices, and if they really want to obstruct the process of appealing and make it very difficult for a manager to discipline an employee, that employee has any number of ways to punish the manager for even attempting to do so.

So what we wanted to do was to tell the employee, pick one appeals process. Speed up the process. We do not have enough time, with all the responsibilities of the Federal Government, to get bogged down in simply these structural appeals processes that have much more to do with process than with progress.

Another thing that we wanted to do was to give more discretion to managers and to employees. One of the things that seemed to make a compelling amount of common sense was to require that when there was an employee grievance they ought to engage in the alternative dispute resolution process, sit down, see if the manager and the employee first cannot work it out, until you get into this very legalistic structure. The gentlewoman from the District of Columbia, Ms. NORTON, supported that very strongly from her experience with the EEOC. We did not get anyplace on it. Those are the kinds of things that really should have been included.

Now there are some very important provisions that are still included, provisions that will help employees that may be adversely effected through Federal downsizing. For example, if an employee is RIF'd, the Federal Government would pay 100 percent of their health insurance premium for 18 months. Currently, although the Federal employee can keep their health insurance, they have to pay all of it. Excuse me, the employer would continue to pay the employer's share, which is 72 percent. Life insurance we would extend for another 18 months, until the person gets a job.

These are called soft landing provisions.

There is a provision I put in where an agency can provide money for education and training for an employee being RIF'd. That seemed to make a lot of sense. We have a provision that gives preference for people within the same Federal agency to find other jobs if they are being RIF'd, again a common sense measure. Those measures need to be passed now.

Unfortunately, we have a provision in, and I can understand why it is in because I support the concept, which may be a killer provision. The Senate says they will not accept it because it is controversial. As a result, if it is included, this bill is not going to go anywhere this session.

What that provision does is to give added weight to performance. If an employee gets an outstanding performance rating instead of a satisfactory or a fully satisfactory, it may sound semantic, but they are quite different in terms of the points that they would get. An outstanding rating in 1 year gives you 10 points. If it is only satisfactory, you only get 5 points. That would be added to 1 point for every year of service.

Now for people that got outstanding ratings in the 3 years prior to being RIF'd, they could get as much as 30 points added onto their length of service. Somebody that did not get even a satisfactory rating but that had 30 years of service themselves, they would be equally treated.

Now many people say that leaves too much subjective judgment to the manager, to the person running the program, to the person making that evaluation, and so it is a very controversial measure. It is something we could have worked out perhaps in conference with the Senate, we could have worked out if we had more time. We do not have any more time left in this session to work that type of controversial provision out. I understand why it is in, but I am afraid by keeping it in this bill, despite all our hard work and despite the very important provisions that provide soft landing for Federal employees, they are not gong to be enacted this year because of that provision.

I think the debate we are going to hear is going to largely center on that one provision. It would probably not give the amount of attention that ought to be given to the other provisions, solely because the other provision are really not all that controversial.

After working on this for almost 2 years, it saddens me to realize that this may very well not become law, but if that is the case, we will know why, and we will just have to let the chips fall where they may. I appreciate the fact that the gentleman from Florida [Mr. MICA] has gotten this bill to the floor, I appreciate the work he has put into it, and I also appreciate the leadership that the gentleman from Pennsylvania [Mr. CLINGER] has given, and the ranking Democrat member of the full committee, the gentlewoman from Illinois [Mrs. COLLINS].

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER], the distinguished chairman of our full committee.

Mr. CLINGER. Mr. Speaker, I am pleased to support H.R. 3841, the Omnibus Civil Service Reform Act. This is a significant piece of legislation for our Federal employees and the people they serve. Laws governing the Federal civil service have not had a major revision since the civil Service Reform Act of 1978. Throughout the 104th Congress, the Civil Service Subcommittee has conducted nearly 20 oversight hearings on Federal human resource management policies. This piece of legislation is a praiseworthy culmination of that work.

Due to the reductions in personnel, agencies need additional tools for improving employee performance. Section 201 of the bill goes a long way toward ensuring that the Federal Government continues to efficiently serve the American public as the Government downsizes.

Mr. Speaker, section 201 puts increased emphasis upon performance in determining who is retained during a reduction in force, or RIF. As agencies downsize, Federal managers no longer will be forced to retain those who have been on the job the longest and release employees who consistently outperform senior employees. Performance must be rewarded. Instead of retaining only those who have been on the job a long time, we recognize those employees who have done the most with the time they have been on the job.

Under this section, employees will be credited with additional years of service based on the sum of their three most recent performance ratings preceding the RIF. Employees will earn 5 years of additional service for each rating of fully successful, 7 years for each rating of exceeds fully successful performance, or 10 years for each rating of outstanding.

This section, Mr. Speaker, also establishes rules for crediting years of service when an agency uses a pass/fail appraisal system. Pass/fail systems are unfair to employees because they do not allow for recognition of the extra effort put in by many Federal employees. Nevertheless, this administration has been aggressively promoting this unfair performance review system. Section 201, therefore, establishes rules to separate competition among employees in different performance systems. These rules assume that employees are treated equitably when their agency has more than one performance evaluation system and that employees in the same competitive area are not adversely affected as a result of having been covered by different performance systems.

Finally, Mr. Speaker, the performance rules established in this section will be applied to RIF's taking effect on or after October 1, 1999. The bill purposefully delays implementation of the stronger performance requirements in order to allow agencies to strengthen their internal management systems. This will help ensure fairness across agencies in the executive branch.

In closing, Mr. Speaker, I would strongly urge my colleagues to support this bill. It is a good bill. It will promote effectiveness and efficiency in the Federal Government by recognizing and regarding the people on whom we rely to enforce the laws we pass. Again I commend the gentleman from Florida [Mr. MICA], the gentleman from Virginia [Mr. MORAN], and my colleague and ranking member, the gentlewoman from Illinois [Mrs. COLLINS], for the work and the willingness to allow this legislation to be considered today.

Mr. MORAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois [Mrs. COLLINS] the ranking minority member of the full committee.

Mrs. COLLINS of Illinois. Mr. Speaker, it is with considerable regret that I rise in opposition to H.R. 3841, the Omnibus Civil Service Reform Act. I know well the amount of time and effort that the subcommittee's ranking member, JIM MORAN, and its chairman, JOHN MICA, have put into the measure during the 104th Congress; however, the bill they have crafted is flawed in one important and fatal respect: It contains section 201 which would replace a flexible regulatory system with a new statutory formula for determining the order in which employees are to be separated during a reduction-in-force [RIF].

The new formula would devalue the use of seniority and replace it with highly subjective ratings. Because the majority is unwilling to purge or at least modify the provision which many on our side find objectionable, what would otherwise by a very desirable and bipartisan bill may actually fail.

During full committee consideration of this legislation, section 201 of the bill became the target of an amendment that was going to be offered by my colleague from Florida, Congresswoman CARRIE MEEK, who opposed it because she believed as I do, that the current regulatory framework provided a ore appropriate and flexible means to manage a RIF.

After considerable debate and negotiation, an agreement was reached which led her to suspend her opposition to the provision, thereby enabling the bill to be approved by the committee by a voice vote. What was supposed to follow the markup was a serious effort on the part of the majority staff to work with minority and affected groups to further refine the language of section 201 so that it would better meet Congresswoman MEEK's concerns. Unfortunately, these efforts failed. The language which the majority staff put forward proved to be even more rigid and cumbersome.

Congresswoman MEEK and I are not alone in voicing opposition to section 201 of this bill. During the subcommittee's hearing on the measure which occurred prior to the mark-ups, the Office of Personnel Management, the three major Federal employee unions, as well as the three of the associations representing Federal managers and executives all testified in opposition to this provision. They strenuously argued that a regulatory rather than a statutory approach to crediting performance in connection with a RIF would make it more possible for agencies to address inequities and disparities which might result. Their thoughtful observations and those of others have gone unheeded by the bill's managers. I ask my colleagues not to ignore them today.

The hearing testimony and the subsequent research conducted by Congresswoman MEEK and my own staff has identified three basic problems that would be made worse by the implementation of section 201:

First, performance appraisals are routinely challenged as being subjective and unfair, overinflated, and biased against minorities. Just a few years ago, when the Performance Management and Recognition System for mid-level managers was in place, which tied cash awards to performance ratings, those employees subject to it asked the Congress to let it sunset because of complaints it was corrupted by favoritism. As the result, the trend in Government has been to move away from the highly subjective multilevel rating systems and toward the use of more simplistic pass/fail rating systems. Section 201 was specifically designed by the subcommittee's chairman and his staff to discourage the growing use of pass/fail appraisal systems.

Second, it is not unusual for divisions, bureaus, or units within the same agency to utilize different types of performance appraisal systems. Under existing regulations, agencies have been free to have five, four, three, or two-level rating systems. Merging employees from different rating systems into the same competitive area for the purpose of conducting an agencywide RIF could result in inequities under section 201's formula because of the way in which it more favorably credits employees from multilevel rating systems.

Third, a report issued just last month by the Merit Systems Protection Board [MSPB], entitled "Fair & Equitable Treatment: A Progress Report on Minority Employment in the Federal Government," indicates that minorities are better represented within the Federal workforce than they are within the private sector. Data obtained by Congresswoman MEEK from the Office of Personnel Management [OPM] on the length of service of African-Americans and other minority groups within the Federal workforce reveals that African-Americans have an above average length of service.

The information from MSPB and OPM, taken together, would appear to suggest that the Federal Government has been a primary source of job opportunities for African-Americans and that when we get a government job, we tend to keep it and build up seniority. The MSPB report indicates, however, that even with their seniority, African-Americans and other minorities appear to be concentrated at the lower grade levels, hampered in obtaining recognition and promotions by performance ratings which are disproportionately lower than those received by non-minorities.

The clear indication being, therefore, that the devaluation of seniority, which is the objective of section 201, would be especially harmful to African-Americans who have had to rely on it to secure their advancement in the Federal workplace.

There are many aspects of this bill I do support. Most of these provisions are not controversial, such as: soft-landing provisions that would enable laid-off employees to maintain their health and life insurance benefits, pursue retraining opportunities, and obtain job placement assistance; providing agencies some reorganization flexibilities; and increasing the opportunities to conduct demonstration projects to test innovative ideas.

Other controversial provisions have been eliminated. For example, during the subcommittee's mark-up of the bill, I successfully pursued the adoption of an amendment removing what was then title II, a provision that would have eliminated the essential role which the Equal Employment Opportunity Commission plays in resolving the appeals of adverse personnel actions tied to complaints of employment discrimination.

In summary, while the bill contains many useful provisions, it is unfortunate that the majority has been unable to resolve the one fatal flaw in this bill that would reduce the protections of seniority in favor of a system of flawed and biased ratings.

□ 1745

Mr. MICA. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], a leader in civil service reform and civil service issues.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today we are considering a bill to improve our civil service system. I appreciate the willingness of Civil Service Subcommittee Chairman MICA and ranking Democrat JIM MORAN to bring together Members from both sides of the aisle, OPM, and Federal employee unions to reach consensus on this legislation. This truly has been a team effort. I also want to thank Congressmen DAVIS and WOLF for their valuable contributions to help Federal employees.

Several provisions included are pieces of legislation that I have introduced. While I know that this legislation is not a panacea, and it does not remedy some problems with our civil service system, it does make some important improvements and helps employees and agencies adjust to downsizing.

This bill contains several important titles to improve demonstration projects, provide for soft landings, increase worker retraining, provide additional optional life insurance for Federal retirees, and promote reorganization flexibility.

This legislation originally included legislation I introduced last year to enhance the thrift savings plan, H.R. 2306. I am very pleased that portions of that legislation passed last night as part of S. 868. Under that legislation, Federal employees will be able to invest their money in one of the two new investment options under the thrift savings plan: a Small Capitalization Stock Index Investment Fund or the International Stock Index Fund. This bill also originally contained a provision I introduced to allow Federal employees to increase their own TSP contributions to the IRS limit—$9,500. Although that provision was not included, I will continue to work to see it enacted.

Throughout this Congress, I have pursued a legislative strategy to help Federal employees and agencies cope with downsizing. The 1994 Workforce Restructuring Act mandated that we reduce our Federal work force by 272,900 FTE's by 1999. I believe that the Congress has the responsibility to help our dedicated civil servants through this difficult time, and I have introduced several bills to provide for reemployment training and retirement incentives. Although I wish they had all been incorporated in the bill before us today, this legislation does include important retraining provisions and a soft-landings package to ease the pain of downsizing for Federal employees.

When a Federal employee faces a reduction in force, his or her life is turned upside down. The provisions in this bill will help Federal employees cope with this transition. This legislation would create educational accounts so that employees separated from the Government could return to school to learn new skills. It would also allow employees to continue FEGLI life insurance coverage at its full cost in the event of a RIF, and extend health insurance for displaced Federal employees by waiving the 5-year minimum and extending an agency's payment for 18 months.

As the Federal work force shrinks to its lowest level since President Kennedy's administration, Federal workers must look to the private sector for reemployment. This civil service reform bill would also allow retraining for private sector jobs, a concept I introduced in H.R. 2825, the Strategic Reemployment Training Act. This simple, but critical, change will allow agencies to tailor their job training and counseling programs toward the private sector. To help Federal employees move into new jobs, this legislation would permit nonreimbursable details to Federal agencies before a RIF so that Federal employees can try out different kinds of jobs before they are separated. This concept was also in legislation I introduced, the Retraining and Outplacement Opportunity Act.

This omnibus bill includes legislation that I have introduced to help Federal retirees and their dependents by allowing Federal retirees to retain additional, optional life insurance under any circumstance. I became aware of the need for this legislation because one of my constituents, Harry Bodansky, has a son with severe disabilities. It doesn't seem fair that Federal retirees cannot continue their additional, optional life insurance if they pay the premium. Unfortunately, this bill cannot go back and retroactively help those who were unable to extend their insurance at the time of their retirement, but I am hopeful that it will help future retirees with dependents with disabilities.

The legislation before us today contains many other valuable provisions that will positively impact the tens of thousands of Federal employees and retirees in my district. I urge all my colleagues to vote in favor of the Mica-Moran-Morella civil service reform legislation considered today. Again, I want to thank Mr. MICA, Mr. MORAN, Mr. DAVIS, and Mr. WOLF for their commitment to helping Federal employees and moving this bill forward.

Mr. MORAN. Mr. Speaker, I yield 4 minutes to the very distinguished gentlewoman from Florida, Mrs. CARRIE MEEK.

Mrs. MEEK of Florida. Mr. Speaker, first I would like to commend the subcommittee chairman and the ranking subcommittee chairman on the work that has gone into the preparation of this bill.

Mr. Speaker, in committee I opposed a section of this bill, section 201, and of course I was told that there would be work toward correcting this particular flaw. As my ranking member, the gentlewoman from Illinois, CARDISS COLLINS, has said, this bill is seriously flawed. I want to tell the Members why.

There are about 2 million Federal workers to whom this bill will apply, and to have it go into the statutes to say that this is the way that they will be ranked or rated in terms of a RIF process. I think the Members of the Congress should realize that.

With almost 2 million people being affected, 11,000 of them in my district, we must think, first, of the flaw that is in this bill. That provision, 201, should be removed. If it is not removed, then this bill should be stopped right here on this floor because of the serious contradictions in it.

Second, there is a problem in codifying these regulations. Why not have them regulate it so that we will have some flexibility, and not put it in the statute?

The second thing is, Why is it in this bill that we are using performance ratings above that of seniority? We are putting another level in that in some way will take away the weight of seniority.

I am not against merit at all. I am looking for merit, just as the committee is. But think about the subjective nature of performance evaluations. They are very subjective. By our own studies here in the Federal Government, it proves that a person will evaluate someone positively that they feel most comfortable with. The figures show that white Americans naturally rate white Americans better. These are our own figures. Black Americans rate black Americans better. We do not want that bias. This was brought up by one of our own studies here within the Federal Government.

Mr. Speaker, I am concerned that this is too subjective. We are not objective enough when we are dealing with folks' lives. We are going to RIF these people and make people be laid off.

Our own Office of Personnel Management has addressed that. They have said in terms of their report, and I have it here, Fair and Equitable Treatment: A Progress Report on Minority Employment in the Federal Government. This is a recent report, recent statistics, showing the negative implications of this kind of evaluation. This is probably due to the fact that the Federal Government, as my ranking member has brought to the Members' attention, has hired more of these level of persons than anyone else.

Mr. Speaker, I support it, as I said before, and this committee is fine. But our own U.S. Merit System Protection Board confirms what we have said here today, that it is a subjective rating of performance evaluations. The report found that the race of the evaluator and the race of the person being evaluated makes a difference. That further emphasizes what I have just mentioned. There is a strong weakness in using performance evaluations as the greatest weight in your criteria.

Remember, Mr. Speaker, these people hold, a lot of them, supervisory positions. They are not always fair. It establishes this new formula. It gives less weight to seniority and more weight to performance evaluations than the current formula. We do not want that. The unions have told us that it is wrong, and everyone has spoken to the committee to say it is wrong. Yet, our subcommittee is adamant about maintaining this particular provision. We are moving too quickly on this. It is a very complicated kind of thing. It affects 2 million people, not just here but all over the country.

Mr. Speaker, this controversial particular feature, as I have said before, is a bill opposed by many people. We are very concerned. The Office of Personnel Management, as I have stated before, is against putting this procedure into the statutes. I appeal to the Members and to the subcommittee, we need to kill this bill right here. I do not think we are going to change it anymore. I do not think it is going to be acceptable anywhere, when there is any measure of unfairness in anything that comes from the Federal Government, putting in the statute something that is inflexible regarding the lives of 2 million people. We certainly want it to be fair to all concerned. I submit to each of the Members that section 201 is not fair to all concerned, and either it should be removed, or this Congress should vote against it. I am adamantly opposed to this particular bill.

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I would like to focus on the soft landing provisions of the bill.

Budget reductions, reinventing government, downsizing, rightsizing, streamlining, and restructuring—whatever it's called, the result could be the same—reductions-in-force [RIF]. Many dedicated Federal employees are concerned that they will be displaced from their jobs by RIF's. As the Nation's largest employer, it is our responsibility to make sure that downsizing is conducted in the most fair, sensitive, and humane manner. These soft landing provisions will do just that.

The bill before us contains many of the provisions contained in H.R. 2751, the "Federal Employee Separation Incentive and Reemployment Act," which I introduced on December 7, 1995. These soft landing provisions will help the separated Federal employee make a smooth transition into the private sector.

This legislation will permit employees separated in connection with a RIF to continue health and life insurance benefits for 18 months. It authorizes agencies to establish job counseling and job placement programs for current or former employees. It authorizes agencies to provide retraining and relocation assistance to employees separated in connection with a RIF who take a job with a non-Federal entity.

☐ 1800

This would also provide educational assistance to employees separated in connection with a RIF. These provisions are good for Federal employees, good for morale, good for the Federal Government and just make good sense.

Mr. Speaker, this soft landing provision in this bill is very, very important. I strongly support it.

Mr. MORAN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. HOLDEN], a distinguished member of our subcommittee.

Mr. HOLDEN. I thank the gentleman for yielding me this time.

Mr. Speaker, it is with great regret, that I rise today to ask my colleagues to vote in opposition to the Omnibus Civil Service Reform Act.

First, I want to commend Mr. MICA and Mr. MORAN for their hard work on this bill. Their efforts have been critical in getting the bill this far.

Nevertheless, I am afraid that I cannot support this bill because there are still changes which need to be made. I understand the late hour requires that this bill be considered on the Suspension Calendar, but I cannot support it without amendment.

When the bill was considered in subcommittee and full committee, we agreed to continue to work to remedy the concerns about the performance evaluation sections.

Unfortunately, those concerns have not been addressed, and the performance evaluation section remains. This bill is correctable, and I am confident that these problems can be addressed in the future.

For today, I ask my colleagues to vote against this bill, and I hope we can work in the future to pass civil service reform.

Mr. MICA. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. I thank my friend for yielding me this time.

Mr. Speaker, we have worked on this legislation for a long time, Members from both parties. I feel genuinely conflicted about this. With the inclusion of section 201, this legislation has proved more controversial than I think it needed to be. If we had spent some more time on this legislation working with some of the affected groups, we might have been able to come up to a better resolution. I am afraid that its inclusion is going to poison the well for this when it leaves this body and goes to the other body, and it may end up meaning that we do not end up with a bill. I think that is unfortunate, because there are a number of good provisions in this bill.

I thank the gentleman from Florida [Mr. MICA], the chairman, the gentleman from Virginia [Mr. MORAN], the ranking member, the gentleman from Virginia [Mr. WOLF], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Maryland [Mr. HOYER], and the gentleman from Maryland [Mr. WYNN], and others who have worked to try to get some of these provisions in that I think give soft landings to Federal employees at a time of downsizing.

It authorizes, for example, making Thrift Savings Plan loans to employees who have been furloughed due to lapses in appropriations when Congress and the President do not get their jobs done. This gives them out.

It distributes life insurance proceeds in accordance with divorce decrees, and it permits retirees to elect to continue unreduced life insurance policies.

It provides management flexibility in reorganizing agencies, including allowing voluntary RIFs for all agencies.

And it provides soft landing support to employees affected by downsizing, something that we need to be ready for over the next few years as government continues to reorganize itself and become more efficient.

I am concerned that as the Federal Government shrinks and as we make the transition to an information and high-technology-based society, the need for a highly qualified and professional work force increases. The Federal Government must be able to recruit and retain the best qualified professionals. Therefore, we have to provide a compensation package that is competitive with the private sector.

We also need to provide extensive training opportunities for employees while developing appropriate soft landing and job transition services for our departing Federal workers. The American taxpayers, our customers, demand excellent government service provided by qualified professionals who are treated fairly.

This bill incorporates a variety of provisions originally introduced by the gentleman from Virginia [Mr. WOLF], myself, and others that will help do this by serving to soften the landings of Federal employees who face the loss of their jobs due to downsizing.

Under H.R. 3841, they would specifically be authorized to continue their coverage under the Federal employees group life insurance program if they pay the full premiums. Agencies could also extend health insurance coverage for as long as 18 months for RIFed employees, with the Government continuing to pay its share of the premiums.

The reform bill also authorizes priority placement programs in agencies and outplacement assistance for Federal employees and incorporates a right of first refusal for jobs with a contractor if Federal jobs are converted to contract. This title would also create educational accounts and allow for reimbursement of retraining and relocation expenses of up to $10,000.

These are good, solid provisions that ought to be enacted into law. I hope they are not jeopardized here at the last minute by the inclusion of section 201.

By voting today to send this over to the Senate, perhaps they can make their amendments, and it is our only chance because these provisions, I think, are demanded if we are to have a professional work force for our Federal employees in the future.

Mr. MORAN. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER], a constant and strong advocate on behalf of Federal employees.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Maryland is recognized for 2¼ minutes.

Mr. HOYER. Mr. Speaker, I rise in opposition, and I am sorry that I rise in opposition. This bill has much in it which deals with Federal employees fairly at a time when they are at risk, at a time when they have been traumatized by shutting down the Federal Government, telling them to go home and maybe we will pay you, and maybe we will not.

This bill comes at probably one of the most tenuous times in the civil service that I have seen. We are going to have trouble recruiting and retaining our good people.

Let me tell you what is wrong with this section 201 if you are a supervisor and you are charged with the responsibility of rating an employee. That is an extraordinarily difficult task under the best of circumstances, because human beings have trouble judging one another.

But I tell my friends who are bringing this section 201 to the floor that if the consequences of my rating my Federal employee is to either give them 10, 7, or 5 years seniority, the pressure on me will be geometrically increased, geometrically increased, because that employee know that I not only do not give him or her an outstanding rating, but that the consequences of that may be, after 5 or 10 or 15 years' service, that somebody with 5 years' service will have more points than I do. So that if Mr. MORAN is STENY HOYER's supervisor, I really have high expectations for what he will do.

I suggest to you, my friends, that if there is any doubt, you are going to see a pressure for evaluation inflation beyond that which exists today.

In closing, let me say that obviously this bill has merit. Just as obviously, unfortunately, the concept that 201 speaks to has merit as well. It is a shame, therefore, that we consider it under suspension, no amendments, limited time, without sufficient time to debate fully an important concept.

I urge the Members to reject this bill under these circumstances.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

In conclusion, I believe this is a very important bill and it sends the right message to our Federal employees at a time when they are uncertain about their job security.

The bill says to those who have worked hard that we will make a special effort to help them keep their jobs. And it says to taxpayers that we are serious once and for all about improving the performance and accountability in the civil service.

Sometimes it is easy to do what is expedient, but sometimes it is more important to do what is right. Tonight it is time to do what is right. This bill provides a safety net to those who lose their jobs as we reduce the size and scope of government and will help in the transition to the private sector. And this bill also provides the tools to make government more efficient, and, I believe, more effective.

Mr. Speaker, I have tried to work my best with my colleagues on the other side. We have even asked for their input as we drafted and made changes in section 201. I am sorry that they will oppose this. We would continue to work with them as the legislation might make its way through the other body. But tonight it is important that we do what is right and we do not just do what is expedient.

Mr. MORAN. Mr. Speaker, I ask unanimous consent for 1 additional minute in regard to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MORAN. Mr. Speaker, I would urge Members on both sides to vote for this bill. The soft landing provisions on health insurance and life insurance and educational assistance by themselves have more than sufficient merit to pass this bill. But I do think that there is merit as well in section 201. I do not agree—and I have discussed this with the gentlewoman from Illinois [Mrs. COLLINS] and the gentlewoman from Florida [Mrs. MEEK]—that giving more weight to performance ratings has anything to do within a racial context. I do not think that there is an issue of racial discrimination here. In fact, I think that new hires, in fact, would be better served under this new system. We have some disagreement and obviously there is a report that lends credence to the argument that has been made. But I would urge my colleagues to vote for this bill, for giving more weight to performance ratings in the civil service and certainly for the soft landing provisions that are an important and necessary part of this bill.

Mr. Speaker, I rise in support of the Omnibus Civil Service Reform Act and urge its passage.

Earlier this year, Chairman MICA, Mrs. MORELLA, Mr. DAVIS, and I met to discuss the possibility of drafting and enacting some important civil service reforms. At that meeting, we all agreed that there were certain reforms and modifications that simply had to be done this year. We agreed that we would draft a bipartisan bill—one that took into consideration the concerns of Federal employee associations, Federal employee unions, and rank and file Federal employees.

The result is this legislation. This bill does not contain every provision that I wanted. It does not contain every provision that Mr. MICA wanted. It does, however, contain a number of important provisions that will improve the performance of our civil service and that will improve the lives of our Nation's civil servants.

The bill contains provisions originally offered by the administration to improve the Demonstration Projects Program. Title I of this legislation will enable agencies to try new initiatives and demonstrate different ways to run the Federal civil service.

The bill contains provisions to improve the performance management of the federal civil service. Since the first caucus of the Civil Service Subcommittee, we have focused on how to remove poor performers from the Federal workforce and reward those employees who are outstanding. This is particularly important now that the Federal Government is downsizing. We have about the same number of Federal employees today as we did during the Kennedy administration.

These employees, however, are involved in activities never foreseen in 1963. If we are to have fewer employees doing more work, we must ensure that those employees retained during a reduction in force are the best and brightest employees. Section 201 of this legislation, the section which has received the most criticism, is an attempt to reward performance rather than seniority when agencies are undergoing RIFs. Other sections in title II enable managers to effectively do their jobs and either take action against poor performers or reward outstanding work performance.

The remainder of this bill incorporates a number of provisions designed to help employees undergoing reductions in force. These provisions allow an employee to continue to participate in the Government life insurance programs, provided that he pay both the employer and employee contributions. It would allow an employee who loses his job due to a reduction in force to continue to participate in the Federal Employee Health Benefits Program. It also establishes a priority placement program and education assistance grants to help displaced Federal employees improve their competitiveness through greater education.

Throughout this process a number of Federal employee organizations have raised concerns about a number of provisions. These concerns have, for the most part, been addressed. The Civil Service Subcommittee has dropped provisions to streamline the appeals processes and have ensured that certain provisions contained in the legislation do not adversely impact employees covered by collective bargaining. The Government Reform and Oversight Committee modified section 201 of this bill to ensure that its affect is not discriminatory.

The bill considered by the subcommittee was 100 percent better than the original draft. The bill marked up in full committee was 100 percent better than the subcommittee draft.

Since Chairman MICA and I first assumed our positions on the Civil Service Subcommittee, we have had a number of serious disagreements over Federal employee policies. We continue to have ideological differences. Throughout this Congress, however, we have worked together in an effort to improve the Federal work force. We agree on the provisions contained in this legislation.

This does not mean Mr. MICA has softened his positions or I have softened mine. Instead, this legislation represents a mutual identification of reforms that simply had to be made this year. I appreciate the work Mr. MICA and his staff have put into this legislation and I greatly appreciate his willingness to work closely with me and my staff on this effort. I also appreciate the work Vice President GORE and his staff have done in trying to reinvent the Federal work force. Many of the positive reforms incorporated in this bill come directly from his work. The National Performance Review has benefited us all by focusing on how to improve the Federal work force.

I understand the concerns raised by a number of Federal employee groups about section 201 of this bill. As everyone knows, I have worked closely with all of these groups throughout this Congress and, together, we have been able to defeat efforts to unfairly increase retirement contributions and improperly modify the Federal Employee Health Benefits Program. We worked hard to protect Federal employees from continued downsizings and Federal Government shutdowns.

This, however, is an area in which we simply disagree. I strongly believe that Federal employees and Federal taxpayers must ensure that the best employees are retained during RIF's. I oppose RIF's. I was the first to speak out against the original NPR report because I thought it unfairly targeted Federal employees. But the Federal Government is downsizing and we simply cannot afford to retain any unsatisfactory or minimally successful employees.

Regardless of our individual positions on title II, we must all agree that this is an extremely important bill. I sincerely hope that we do not defeat this entire effort, and all the benefits it provides Federal employees, because of our disagreements.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 3841, as amended.

The question was taken.

Mrs. MEEK of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE END OF SLAVERY

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the joint resolution (H.J. Res. 195) recognizing the end of slavery in the United States, and the true day of independence for African-Americans, and ask for its immediate consideration.

The clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Miss COLLINS of Michigan. Mr. Speaker, reserving the right to object, and I shall not object, I rise to explain the purpose of this legislation.

Mr. Speaker, let me begin my remarks by thanking the other side of the aisle and both parties for the bipartisan cooperation in bringing this bill to the floor.

Mr. Speaker, it is with great honor that I rise in support of House Joint Resolution 195—legislation that will recognize Juneteenth as the day of celebrating the end of slavery in the United States and as the true day of independence for African-Americans in this country.

Juneteenth is the traditional celebration of the day on which the slaves in America were freed. Although slavery was officially abolished in 1863, news of freedom did not spread to all slaves for another 2½ years—June 19, 1865. On that day, U.S. Gen. Gordon Granger, along with a regiment of Union Army Soldiers, rode into Galveston, TX, and announced that the State's 200,000 slaves were free. Vowing to never forget the date, the former slaves coined a nickname for their cause of celebration—a blend of the words "June" and "Nineteenth."

House Joint Resolution 195 recognizes that the significance of Juneteenth is twofold. Historically, the date signifies the end of slavery in America. We must also recognize, however, that while the former slaves truly had cause to celebrate the events of June 19, 1865, the truth is that when the slaves of Texas received news of their freedom, they were already legally free. That is because the Emancipation Proclamation became effective nearly 2½ years earlier—on January 1, 1863. Thus, from a political standpoint, Juneteenth is significant because it symbolizes how harsh and cruel the consequences can be when a breakdown in communication occurs between government and the American people. Sadly, the degrading and dehumanizing effects of slavery were unnecessarily prolonged for over 200,000 Black men, women, and children because someone failed to communicate the truth.

As Juneteenth celebrations continue to spread, so does a great appreciation of African-American history. We must revive and preserve Juneteenth not only as the end of a painful chapter in American history—but also as a reminder of the importance of preserving the lines of communication between the powerful and the powerless in our society.

Juneteenth allows us to look back on the past with an increased awareness and heightened respect for the strength of the millions of African-Americans who endured unspeakable cruelties in bondage for over 400 years. Out of respect to our ancestors, upon whose blood, sweat, and tears, this great Nation was built, Juneteenth Independence Day acknowledges that African-Americans in this country are not truly free, until the last of us are free.

I urge all of my colleagues to support this important and historic legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I congratulate congresswoman Barbara-Rose Collins on her efforts in introducing this important legislation. I rise in strong support of this legislation. As you may be aware the slaves in Texas were not fold of the Emancipation Proclamation until June 19, 1865, 2 years after its announcement.

Thus, it is fitting and proper that our Nation focus on the importance of Juneteenth, which was begun by African-Americans in Texas. State Representative Al Edwards spear-headed an effort in Texas to celebrate Juneteenth on a State level. Our Nation has a continuing obligation to right the wrongs created by 250 years of chattel slavery, 100 years of legal segregation, and racial discrimination that sometimes continues to this day.

I urge all Americans to celebrate Juneteenth and take the time to reflect on our Nation's commitment to freedom and justice. I hope that we will also use the commemoration of Juneteenth to create a better society for our children and grandchildren who will spend most of their lives in the 21st century. I urge my colleagues to strongly support this legislation so that future generations will remember their history and the efforts of Americans of all races, colors and creeds to create a just society.

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Miss COLLINS of Michigan. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 195

Whereas "Juneteenth" celebrations have been held informally for over 130 years to commemorate the strong survival instincts of African-Americans who were first brought to this country stacked in the bottoms of slave ships during a month-long journey across the Atlantic Ocean known as the "Middle Passage";

Whereas the Civil War was fueled by the economic and social divide caused by slavery;

Whereas on January 1, 1863, President Abraham Lincoln signed the Emancipation Proclamation, the enforcement thereof occurred only in those Confederate States under the control of the Union Army;

Whereas on January 31, 1863, Congress passed the Thirteenth Amendment to the Constitution abolishing slavery throughout the United States and its territories;

Whereas on April 9, 1865, when General Robert E. Lee surrendered on behalf of the Confederate States at Appomattox, the Civil War was nonetheless prolonged in the Southwest;

Whereas news of the Emancipation Proclamation reached each State at different times;

Whereas the Emancipation Proclamation was not enforced in the Southwest until June 19, 1865, when Union General Gordon Granger landed at Galveston, Texas, to present and read General Order No. 3;

Whereas former slaves in the Southwest began celebrating the end of slavery and recognized "Juneteenth Independence Day"; and

Whereas "Juneteenth" allows us to look back on the past with an increased appreciation for the strength of the men, women, and children who for generations endured unspeakable cruelties in bondage: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the end of slavery in the United States should be celebrated and recognized.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3841 and House Joint Resolution 195.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: House Concurrent Resolution 145 by the yeas and nays; House Concurrent Resolution 189 by the yeas and nays; H.R. 3752 by the yeas and nays; H.R. 4011 by the yeas and nays; and H.R. 3841 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONCERNING REMOVAL OF RUSSIAN FORCES FROM MOLDOVA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 145.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN], that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution, 145 on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 440]

YEAS—425

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—8

Barr
Ewing
Hayes
Heineman
Kingston
Kleczka
Peterson (FL)
Zimmer

□ 1837

Ms. VELÁZQUEZ and Mr. HILLIARD changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

REGARDING UNITED STATES MEMBERSHIP IN SOUTH PACIFIC ORGANIZATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 189, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 189, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 6, not voting 11, as follows:

[Roll No. 441]

YEAS—416

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner

Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—6

Chenoweth
Cooley
Funderburk
Scarborough
Seastrand
Stockman

NOT VOTING—11

Clinger
Fattah
Hayes
Heineman
Lofgren
Nethercutt
Peterson (FL)
Radanovich
Serrano
Wamp
Zimmer

□ 1848

Mr. ROYCE changed his vote from "nay" to "yea."

Mr. STOCKMAN changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress regarding the importance of United States membership and participation in regional South Pacific organizations.".

A motion to reconsider was laid on the table.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT OF 1996

The SPEAKER pro tempore (Mr. FOLEY). The pending business the question of suspending the rules and passing the bill, H.R. 3752, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 3752, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 178, not voting 9, as follows:

[Roll No. 442]

YEAS—246

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—178

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge

Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Clinger
Hayes
Heineman
Manton
Montgomery
Nethercutt
Peterson (FL)
Wamp
Zimmer

☐ 1857

Mrs. MORELLA, and Mr. WHITFIELD changed their vote from "yea" to "nay."

Mr. BROWDER changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

CONGRESSIONAL PENSION FORFEITURE ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4011, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 4011, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 32, answered "present" 1, not voting 9, as follows:

[Roll No. 443]

YEAS—391

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)
Zeliff

NAYS—32

Barton
Beilenson
Borski
Clay
Clyburn
Collins (IL)
Collins (MI)
Conyers
Dellums
Dicks
Fattah
Flake
Foglietta
Gibbons
Hastings (FL)
Hilliard
Jackson (IL)
Jacobs
Kanjorski
Klink
McDermott
Meek
Murtha
Rush
Stark
Stokes
Thompson
Towns
Waters
Williams
Wilson
Young (AK)

ANSWERED "PRESENT"—1

Ford

NOT VOTING—9

Boucher
Clinger
Cox
Hayes
Heineman
Peterson (FL)
Roth
Solomon
Zimmer

☐ 1907

Mr. BEILENSON changed his vote from "yea" to "nay."

Mr. FIELDS of Louisiana changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OMNIBUS CIVIL SERVICE REFORM ACT OF 1996

The SPEAKER pro tempore (Mr. FOLEY). The pending business is the question of suspending the rules and passing the bill, H.R. 3841, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 3841, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 201, not voting 8, as follows:

[Roll No. 444]

YEAS—224

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bliley
Blumenauer
Boehner
Bonilla
Bono
Brewster
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Ensign
Everett
Ewing
Fawell

Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Luther
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff

NAYS—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bevill
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Cardin
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Roybal-Allard
Rush
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—8

Boucher
Clinger
Hayes
Heineman
Hunter
Peterson (FL)
Quillen
Zimmer

☐ 1919

Messrs. REED, POMEROY, LONGLEY, Mrs. CHENOWETH, and Messrs. BOEHLERT, FOX of Pennsylvania, COOLEY, HANSEN, AND DOGGETT changed their vote from "yea" to "nay."

Mr. BASS and Mr. McCOLLUM changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, on Thursday, September 26th, I regrettably missed Rollcall Votes 441, 442, 443, and 444 due to a previously scheduled event. Had I been present, I would have voted "aye" on all four measures. The event in question was scheduled some time ago to commemorate the 75th anniversary of the General Accounting Office. In my role as chairman of the House Committee on Government Reform and Oversight, I was honored to be asked to play a key part in the GAO anniversary celebration.

DISMISSING THE ELECTION CONTEST AGAINST CHARLIE ROSE

Mr. THOMAS, from the Committee on House Oversight, submitted a privileged report (Rept. No. 104–852) on the resolution (H. Res. 538) dismissing the election contest against CHARLIE ROSE, which was referred to the House Calendar and ordered to be printed.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for immediate consideration of the resolution (House Resolution 538) dismissing the election contest against CHARLIE ROSE.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, and I obviously do not intend to object, but I would like my colleague, the gentleman from California, to explain the purpose of this resolution.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding, Mr. Speaker.

As was announced, this was a resolution dismissing the election contest filed by Mr. Robert Anderson against the gentleman from North Carolina, Mr. CHARLIE ROSE, for the seat in the Seventh Congressional District in North Carolina.

As chairman of the Committee on House Oversight, I appointed a task force from the committee, comprised of the gentleman from Ohio, JOHN BOEHNER, as chairman, the gentleman from Louisiana, WILLIAM JEFFERSON, and the gentleman from Michigan, VERN EHLERS, to hear the matter.

The task force heard allegations of election irregularities and fraud but concluded that there were not sufficient credible allegations that, if proven, would change the outcome of the election.

The task force met on August 3, 1995, and voted unanimously to dismiss the contest. I believe the House clearly should so indicate to the gentleman from North Carolina [Mr. ROSE], since October 25, 1995, the full committee agreed unanimously to recommend dismissal.

I do want to thank the minority for lifting the hold on unanimous consents so we could present this resolution this evening.

Mr. FAZIO of California. Further reserving the right to object, Mr. ÷Speaker, I simply want to join with the gentleman from California [Mr. THOMAS] in removing our colleague, the gentleman from North Carolina [Mr. ROSE], from his 2-year term in purgatory.

With that, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 538

Resolved, That the election contest of Robert Anderson, contestant, against Charlie Rose, contestee, relating to the office of Representative from the Seventh Congressional District of North Carolina, is dismissed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISMISSING THE ELECTION CONTEST AGAINST CHARLES BASS

Mr. THOMAS, from the Committee on House Oversight, submitted a privileged report (Rept. No. 104-853) on the resolution (H. Res. 539) dismissing the election contest against CHARLES F. BASS, which was referred to the House Calendar and ordered to be printed.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for immediate consideration in the House of the resolution (H. Res. 539) dismissing the election contest against CHARLES F. BASS.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, I ask my friend, the gentleman from California, to kindly explain the purpose of this resolution.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding to me, Mr. Speaker.

This is, as the last was, a contested election. A task force was appointed, as a matter of fact, the identical task force to the one that investigated the North Carolina allegations, the gentleman from Ohio, JOHN BOEHNER, as chairman, the gentleman from Louisiana, WILLIAM JEFFERSON, and the gentleman from Michigan, VERN EHLERS, as members. It was in the State of New Hampshire, in the Second District.

Mr. Haas's claim was based on the application of a New Hampshire statute which required that a candidate file an oath stating that they were not "a subversive person." This statute had not been applied to candidates in New Hampshire elections since 1966, when the State Attorney General notified the Secretary of State that the United States Supreme Court had ruled such oaths unconstitutional.

Therefore, on March 15, the task force voted unanimously to dismiss the contest, and on May 10 the full committee agreed unanimously to recommend dismissal.

Mr. FAZIO of California. Mr. Speaker, I concur in the chairman's description of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 539

Resolved, That the election contest of Joseph Haas, contestant, against Charles F. Bass, contestee, relating to the office of Representative from the Second Congressional District of New Hampshire, is dismissed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

AUTHORIZING PRINTING OF REPORT OF COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the Senate Concurrent Resolution (S. Con. Res. 67) to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, I would like to ask my colleague to describe this resolution as well, and I yield to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, the Commission on Protecting and Reducing Government Secrecy was established in the 103d Congress by Public Law 103-236. That law requires the Commission to file a final report to Congress, which will occur before the end of the year. Senate Concurrent Resolution 67 provides for printing of the report.

I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, I would obviously concur in the purpose of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document the report of the Commission on Protecting and Reducing Government Secrecy.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such numbaer of copies as does not exceed a total production and printing cost of $45,000.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING CAPITOL GUIDE SERVICE TO ACCEPT VOLUNTARY SERVICES

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the Senate bill (S. 2085) to authorize the Capitol Guide Service to accept voluntary services, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, I would ask my colleague, the gentleman from California [Mr. THOMAS], chairman of the committee, to briefly describe the purpose of his request.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, once again I thank the gentleman for yielding.

Mr. Speaker, S. 2085 would allow the U.S. Capitol Guide Service to accept volunteer services. This provision is necessary because without such authorization, congressional entities may not use volunteers unless they are interns who are participants in a demonstrated educational plan.

A similar provision already is in public law which allows the Botanical Garden to accept volunteer services. This would extend it to the U.S. Capitol Guide Service.

Mr. FAZIO of California. Mr. Speaker, I concur with that description of the resolution, which I support.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by striking subsection (j) and inserting the following:

"(j)(1) Notwithstanding section 1342 of title 31, United States Code, the Capitol Guide Service is authorized to accept voluntary personal services.

"(2) No person shall be permitted to donate personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5, United States Code.

"(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5, United States Code.

"(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Capitol Guide Service.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF "VICE PRESIDENTS OF THE UNITED STATES, 1789–1993"

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the Senate concurrent Resolution (S. Con. Res. 34) to authorize the printing of "Vice Presidents of the United States, 1789–1993," and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, I ask my colleague, the gentleman from California [Mr. THOMAS], chairman of the committee, for a further description of the resolution.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a Senate concurrent resolution which, because we all know that the 44 men who have held the position of Vice President of the United States under the Constitution also holds the position of the President of the Senate, will then be a book about the Presidents of the Senate, which also is a book about the vice presidents of the United States.

Mr. Speaker, this will provide a history for each of the vice presidents who has completed their service, beginning with the first Vice President, John Adams, obviously, and ending with the last Vice President to complete his service, former Senator Dan Quayle.

I have been instructed to state that the office of the Vice President is often not a historical focus, and this book will shed light on the office, as well as the people. We do have the usual cost limiters in the bill. The estimated total cost of the production of the book is $16,392. I thank the gentleman for yielding to me.

Mr. FAZIO of California. Mr. Speaker, in light of the fact that most vice presidents have been in the shadows, I am certainly supportive of shedding light on them.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 34

Whereas the United States Constitution provides that the Vice President of the United States shall serve as President of the Senate; and

Whereas the careers of the 44 Americans who held that post during the years 1789 through 1993 richly illustrate the development of the nation and its government; and

Whereas the vice presidency, traditionally the least understood and most often ignored constitutional office in the Federal Government, deserves wider attention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PRINTING OF THE "VICE PRESIDENTS OF THE UNITED STATES, 1789–1993".

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Vice Presidents of the United States, 1789–1993", prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies (750 paper bound and 250 case bound) for the use of the Senate, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $11,000.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR RELOCATION OF PORTRAIT MONUMENT

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 216) providing for relocation of the portrait monument, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

Mrs. MALONEY. Reserving the right to object, Mr. Speaker, I do not intend to object, but I would like to express my limited reservations about this resolution.

□ 1930

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. MORELLA] to explain the resolution.

Mrs. MORELLA. Mr. Speaker, I will briefly explain what this resolution does.

First and foremost it is a compromise that has been agreed to by the House, by the Senate and women's groups throughout the Nation who have been involved in this project for years.

What House Concurrent Resolution 216 will do, it will bring the suffragette statue, also known as the portrait monument, up to the rotunda where it will be rededicated as the important symbol that it is, for women's rights, and for what it says about the importance of the right to vote in a democracy.

According to the bill, the statue will remain in place for 1 year in the rotunda and then there will be a commission that will be established of 11 interested parties, including Senators and Representatives. The majority leader of the Senate will appoint 3 members, the minority leader of the Senate will appoint 2 members of the commission, the Speaker of the House of Representatives will appoint 1 member, the majority leader of the House 2 Members, the minority leader of the House 2 Members; and the Architect of the Capitol will serve as the 11th member.

What that commission will do is it will make recommendations about the final resting place for the statue. It is really needed because there are so many differing opinions, and so this commission will be appointed in order to conclude some of those concerns.

If I might also comment, Mr. Speaker, on why this is important, all I can say is, Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott. Get ready. You're finally going where you've always belonged—upstairs.

Tonight, thousands of American women are watching—from Mrs. Stanton's great-great-granddaughter in Connecticut to Arlys Endres, a 9-year-old schoolgirl in Arizona—the thousands of women who have written this House with one strong message: Move the statue to the rotunda.

I salute the leadership of Senators WARNER and STEVENS, who initiated this effort in the Senate last year; the energy and hard work of Karen Staser of the National Woman's Suffrage Statue Campaign and Sherry Little of the Senate Rules Committee, who spearheaded a national movement to relocate the portrait monument; and the thousands of women and women's organizations who cared so much about their history.

House Concurrent Resolution 216 will make sure that future generations will honor, remember, and celebrate these earlier women of courage, strength, and perseverance, women whose indomitable spirit still inspires us in our quest for a more equitable society.

More than 75 years ago, Alice Paul and the National Woman's Party commissioned sculptor Adelaide Johnson to create a statue to commemorate the passage of the 19th amendment and to celebrate those remarkable women whose lives were devoted to gaining for women the right to vote and the opportunity to participate fully in American life.

Today, we tend to forget the enormity of that struggle for the right to vote and those brave and outspoken women who demanded the right to vote in a society that still frowned on the education of girls.

It was not an easy victory. For more than 70 years, women gave speeches, marched in parades, wrote and signed petitions, picketed, went to jail, and even died for the right to vote.

The statue that honors these women will have again a place of honor in the Capitol rotunda, a place of honor it has long deserved.

When schoolchildren from around the Nation come to visit Washington, a city of monuments and symbols, they will see in the rotunda a statue that not only honors the women who marched for the vote but a statue that also underscores the importance of the right to vote in our American democracy, a right that today so many of us take for granted.

Mrs. MALONEY. Mr. Speaker, further reserving the right to object, first I would like to thank the gentlewoman from Maryland for her leadership and persistence on this issue, and I would like to thank the Speaker of the House for supporting it and moving it to the floor.

Mr. Speaker, as a New Yorker, I am pleased that New York State's distinguished leaders, Susan B. Anthony, Lucretia Mott, and Elizabeth Stanton are finally going to be moved, after 76 years in the basement of the Capitol, into the living room of the Capitol rotunda.

Mr. Speaker, almost every great struggle throughout American history is represented in the Capitol's rotunda. Exactly 76 years ago, American women gained the right to vote. But our leaders were not allowed into the rotunda to stand beside the great revolutionary male leaders, Lincoln, Washington, and King.

The Republican leadership initially opposed the move because of expense to the taxpayer. Now that we have $75,000 of private funding from the National Museum of Women's History to move the statue once, this compromise solution could possibly move it twice.

Statues are about history. Moving the statue of these three great heroines of the women's suffragette movement is a small but significant step in recognizing the rich history of the American women's movement. I support it. I urge a "yes" vote.

I would just like to end by saying that fortunately this Congress will soon be history, too, and we will be able to go home to our families, but I am thrilled that finally, after 76 years, the great women leaders will be moved to a place of honor in the rotunda along with the other great leaders in the history of our country.

Mr. Speaker, I would like to close by thanking the gentlewoman from Maryland [Mrs. MORELLA] again for her persistence and leadership on this issue.

Mr. Speaker, I withdraw my reservation of objection.

Mrs. MALONEY. Mr. Speaker, reserving the right to object, I do not intend to object, but I would like to express my reservations about this resolution.

Mr. Speaker, today as we end the 104th Congress we will vote on a resolution to move the statute of Susan B. Anthony, Lucretia Mott, and Elizabeth Cady Stanton from the Capitol Crypt to the Capitol Rotunda.

The struggle over this statute of the leaders of our suffrage movement has a long and tumultuous history. More than 75 years ago, Alice Paul and the National Woman's Party commissioned sculptor Adlaide Johnson to create a statute to commemorate the passage of the 19th amendment and to celebrate those remarkable women whose lives were devoted to gaining for women the right to vote and the opportunity to participate fully in American life.

On February 15, 1921, Susan B. Anthony's 101st birthday, the statute was welcomed into the Rotunda—6 months after American women won the right to vote. Yet 2 days later, it was moved into storage in the Capitol Crypt. That same year, Congress ordered workers to scrape off the statute's blasphemous feminist inscription, which in gold gilt had read: "Woman, first denied a soul, then called mindless, now arisen declared herself an entity to be reckoned."

Since 1921, many resolutions to move the statute have failed, including ones in 1928, in 1932 and 1950, when Congress refused to approve bills that would have let the suffragists out of the basement.

In 1963, when the crypt was renovated and opened to the public, the statute was open for viewing. Still, treatment of the statute did not improve. Placed a few feet from a souvenir stand, the statute does not even carry a sign identifying the women by name. And the memorial's name has been changed from "The Woman Movement" to "The Portrait Monument."

To commemorate the 75th anniversary of women's suffrage, a bipartisan group was established in 1995 to move the statute to the Capitol Rotunda. On July 14, 1995, Senator TED STEVENS introduced Senate Concurrent Resolution 21, which called on the Architect of the Capitol to restore the Portrait Monument to its original state and place it in the Rotunda of the Capitol. It also sought to make arrangements for the rededication ceremony of such statute in the Rotunda and procession in cooperation with the 75th anniversary of Woman Suffrage Task Force. Senate Concurrent Resolution 21 unanimously passed the Senate on July 17, 1995.

Unfortunately, Republican House Members objected to passage of the same authorizing resolution because they objected to using $75,000 in Federal funds to move the statue. Since then the Woman Suffrage Statute Campaign, a project of the National Museum of Women's History, has raised the $75,000. The group raised $40,000 on their own. A pledge of $25,000 came from Abbott Laboratories, and a $10,000 pledge came from a woman in Connecticut.

As I wrote in my letters to Speaker Gingrich asking him to act on moving the Portrait Monument, "American women ask as they asked President Wilson for the right to vote. How long must we wait?"

This resolution before us today, House Concurrent Resolution 216, places the 9-ton statue in the Capitol's most prestigious hall, and finally breaks the all-male lock on the statues in the Rotunda. It is a victory for all American women who believe that it is important to honor our American female heroes, in the same manner that we honor our American male heroes.

I would like to acknowledge the fine work of my colleague Connie Morella for bringing this resolution to the floor today. I salute Karen Staser of the National Woman's Suffrage Statue Campaign and all of the women's organizations that have worked tirelessly to bring this initiative to fruition. It is to their credit that we are here today acting on this resolution.

Although the resolution at hand will finally move the statue, it is flawed. It would place the statue alongside statues of our male American heroes in the Capitol Rotunda—but only for 1 year.

At that time, a commission will be established of 11 interested parties that will make recommendations about the final resting place for the statue. Apparently, there are differing views as to what should happen to the statue. Why? Perhaps because half the population gaining the right to vote was not historically significant enough to merit the statue's full-time display in the Rotunda alongside statues of our great male leaders.

The Republican leadership initially opposed the move on the grounds that it would cost the taxpayers tens of thousands of dollars. They said that if money could be raised privately, the statue could be moved to the Rotunda. They then came forward with a compromise resolution that creates a Commission to decide what should be done with the Portrait Monument

We now have secured private funding to move the statue this year. When then would a compromise resolution call for possibly moving it twice? The bottom line is that taxpayer expense was never the real issue.

If this Congress was 90 percent female and 10 percent male—not 90 percent male and 10 percent female as it is today—I believe that there would not be a 1-year clause and that the women's suffrage statue would become a permanent fixture in the Rotunda.

Furthermore, statues are about history. And in historical context, moving the statue in this particular congress is incredibly ironic since many of our hard fought victories of the past were eroded and threatened in the past 2 years.

Moving this statue of these three heroines of the women's suffrage movement is a significant step in recognizing the rich history of the America's women's rights movement. Fortunately Mr. Speaker, the 104th Congress will soon be history, too.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 216

Whereas in 1995, women of America celebrated the 75th anniversary of their right to participate in our government through suffrage;

Whereas Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony were pioneers in the movement for women's suffrage and the pursuit of equal rights; and

Whereas the relocation of the Portrait Monument to a place of prominence and esteem would serve to honor and revere the contribution of thousands of women: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol shall—

(1) restore the Portrait Monument and place it in the Rotunda of the Capitol for one year at which time it shall be moved to a permanent site along with an appropriate educational display, as determined by the commission created in section 3, and an alternative statue recommended by the commission shall be placed in the Rotunda;

(2) make all necessary arrangements for a rededication ceremony of the Portrait Monument in the Rotunda in conjunction with the Woman Suffrage Statue Campaign; and

(3) use no Federal funds to pay any expense of restoring or moving the statue.

SEC. 2. The Rotunda of the Capitol is authorized to be used at a time mutually agreed upon by the majority leader of the Senate and the Speaker of the House of Representatives for a ceremony to commemorate and celebrate the statue's return to the Rotunda.

SEC 3. A commission of 11 interested parties, including Senators and Representatives, will be appointed. The majority leader of the Senate will appoint three members and the minority leader of the Senate will appoint two members to the commission. The Speaker of the House of Representatives will appoint one member, the majority leader of the House of Representatives will appoint two members, the minority leader of the House of Representatives will appoint two members, and the Architect of the Capitol will serve as the eleventh member of the commission. Immediately following the relocation of the Portrait Monument, the commission shall—

(1) select a permanent site for the Portrait Monument;

(2) plan and develop an educational display to be located near the statue at its permanent site, describing some of the most dramatic events of the suffragettes' lives;

(3) select an alternative statue for permanent placement in the Rotunda of the Capitol to commemorate the struggle of women in America for equal rights;

(4) provide its recommendation to the Senate and the House of Representatives no later than one year after the relocation of the Portrait Monument; and

(5) use no Federal funds to pay any expense of the educational display and/or relocation of the Portrait Monument.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

CONTINUE FUNDING FOR PERSIAN GULF WAR SYNDROME

(Mrs. THURMAN asked and was given permission to address the House for 1 minute.)

Mrs. THURMAN. Mr. Speaker, 5 years and $80 million later our Nation's gulf war veterans still do not have the answer to their most pressing question. What caused Persian Gulf war syndrome?

For nearly a year, my office has been working with Dr. James Moss, a researcher in my district who may have found an explanation.

Dr. Moss found that when common pesticides—for example, Deet—were combined with drugs used by our soldiers to limit the effects of biological and chemical weapons, Deet became seven times as toxic as when used alone.

Congress needs to support continued research based on Dr. Moss' studies. To that end, I have asked the chairman of the Appropriations Committee to earmark $3 million to simply continue this research at a civilian research facility. While this session is quickly ending, the needs of our servicemen are not based on Congress's fiscal year.

Unfortunately, our Nation's troops may be needed again in a region where chemical warfare is a possibility. When they put their lives on the line to protect our freedoms, we should hold nothing back to ensure their safety.

We owe our veterans, present and future, this investment.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF RULES ON FRIDAY, SEPTEMBER 27, 1996

Mr. McINNIS. Mr. Speaker, pursuant to House Resolution 525, the following suspensions are expected to be considered, on Friday, September 27:

S. 1044, Health Centers Consolidation Act of 1995;

H.R. 3625/S. 1577, authorize national historical publications;

H.R. 2779, metric conversion;

S. 39, Magnuson;

H.R. 3378, Indian Health Demonstration Project;

H.R. 3546, Walhalla National Fish Hatchery;

H.R. 4073, Underground Railroad;

H.R. 4164, Marshal of the Supreme Court;

H.R. 4194, Administrative Dispute Resolution (new version);

S. 1559, Bankruptcy Technical Amendment;

H. Res. , Bachus Resolution;

H.R. 4000, POW/MIA;

H.R. 4041, Dos Palso Land Conveyance; and

H.R. 3219, Native American Housing.

SHANNON LUCID, WE SALUTE YOU

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. At 8:14 eastern standard time today, on September 26, 1996, the American people owe a great tribute to Shannon Lucid. For some 6 months, some 188 days, Shannon Lucid sacrificed her friendships, her family, to participate in one of the greatest scientific experiments that an American can participate in, spending that amount of time in space. A tribute to her because she did it on behalf of the American people.

The results of the 180-day stay will contribute much to medicine and space science, and NASA now has a multitude of information and opportunity to determine if human beings, if Americans, can last in space.

The isolation that she experienced, no one could imagine, but she will provide much data for years to come. NASA represents the work of the 21st century. Shannon Lucid contributed to that a multitude of information. What a great American, a great scientist, a great astronaut.

Shannon Lucid, we salute you.

Mr. Speaker, I speak this morning to salute the heroism, bravery, and toughness of American astronaut Shannon Lucid. At 8:13 a.m. eastern standard time this morning, the space shuttle Atlantis touched down at the Kennedy Space Center, ending Ms. Lucid's record-breaking 6-month-long stay in Earth orbit on Russian *Mir* space station.

I salute Ms. Lucid's resolve in the face of the seemingly unending series of delays in returning her to her family, friends, the planet we call home. While she was on *Mir*, Shannon, conducted invaluable scientific research in many areas, helping to further our understanding of physics, materials science, and how humans live and work in space. Although she was never alone during her stay with the two other Russian cosmonauts and enjoyed this experience of a lifetime. I am sure that she is overwhelmed with joy and happiness to finally be coming home.

For my colleagues here in Congress and every American throughout the Nation, I reiterate the words of Mission Control upon *Atlantis'* return, "Welcome home, Shannon, we are proud of you."

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOLEY). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House the following Members will be recognized for 5 minutes each.

SEQUENCE OF SPECIAL ORDER

Mr. HYDE. Mr. Speaker, I ask unanimous consent to proceed out of order with my 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

UNITED STATES ROLE IN IRANIAN ARMS TRANSFERS TO CROATIA AND BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I rise to inform the House of the serious problem that has come to my attention as chairman of the select subcommittee of the House Committee on International Relations established to look into the Clinton administration's policy of giving Iran a green light in setting up military assistance programs in Croatia and Bosnia.

We are well along in our investigation and hope to have a report ready to share with the House and the public next month. I can guarantee you that if we can manage to get the administration to cooperate concerning the rules of classification, that report will make very interesting reading. It will document an incredibly ill-advised policy that was conceived and executed in an incredibly inept manner.

Moreover, and more importantly, it will lay out for all to see the tragedy in the making that is its legacy, a well-entrenched and hostile Iranian foothold in Europe. The Iranian presence and influence, pervasive in some of the highest circles of the Bosnian Muslim political leadership, is now playing havoc with our policymakers trying to implement the Dayton accords and our military trying to keep the lid on violence in the region. This cloud of Iranian influence and the terrorist infrastructure it has fostered in this part of Europe are, and will remain, very real threats to the West for years to come.

The problem I wish to bring to your attention concerns the difficulty our subcommittee has had in trying to pry loose information that must be shared with the American people if they are to understand our findings. The administration is doing this by hiding behind the rules of classification. That is, they are insisting that important information is classified and cannot be shared with the American people due to concerns of its compromising national security.

What sort of information am I talking about? The names of intelligence agents? No. Information on our military's capabilities? No. What we are talking about are embarrassing little comments and facts.

We are talking about secrets that look like this.

□ 1945

This is one of three documents we asked the administration several months ago to declassify for our report. After over a month of deliberation, the State Department refused to declassify two of them, and, for this one, they selectively declassified 60 percent of the text. What then is in the 40 percent they deleted?

Well, I cannot tell you exactly, because the administration says it is classified. I can let you know in the most general terms it includes such things as an embarrassing comment by a senior Department of State official on his department's performance in formulating the policy that gave Iran a green light into coming into the Balkans. It contains an embarrassing statement about the administration's ability or inability to reach a decision on policy guidance to issue an ambassador. It contains an statement whether or not to interpose itself between a foreign government and the Iranians. It also contains an embarrassing statement about whether or not the administration would advise our allies who have troops on the ground in Bosnia of a decision that could affect the safety of those troops.

I ask then, is this classification to protect the national security, or is it to avoid embarrassment and avoid admitting mistakes?

This administration has made a great hullabaloo about declassifying information. Openness has been its byword. When it comes to sensitive military information, the motto has been when in doubt, declassify.

Well, unfortunately, that is not how it works in practice. I invite the administration to live up to its fine rhetoric. In its public pronouncements of openness, the administration went so far as to issue a new executive order specifically stating it shall be illegal to use the rules of classification to "conceal violations of law, inefficiency or administrative error," or "to prevent embarrassment to a person, organization or agency."

That is from Section 1.8 of the Clinton Administration's Executive Order 12958. Accordingly, I have referred this matter today to the Information Security Oversight Office and the Interagency Security Classification Appeals Panel for investigation and appropriate action.

Finally, I wish to assure the House that we will continue to investigate the administration's efforts at providing the Iranians a unique opportunity, that amounted to a franchise for insinuating and entrenching themselves into a very vulnerable and volatile part of Europe.

UPCOMING BIPARTISAN RETREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. SAWYER] is recognized for 5 minutes.

Mr. SAWYER. Mr. Speaker, I rise today in company with our colleague from New York, Mr. HOUGHTON, to report to the House on the work that a number of us have been doing and many Members are aware of to put together a bipartisan retreat on the weekend of February 28 through March 2 in Hershey, Pennsylvania.

This work has come about as a result of the efforts of many Members, but I particularly want to mention the work, in addition to AMO and myself, of DAVE SKAGGS and RAY LAHOOD, who, together, have worked to develop this effort to bring together not only Members, but our families and our children, in a period of time when we can overcome some of the barriers that we have encountered in recent years to getting to know one another on a human level, on a personal basis, to understand the kinds of things that motivate us, to recognize the honesty of even differing opinions, in a way that can help to build the civility of this Chamber and elevate the quality of public discourse.

The planning group for this effort includes other Members. It includes Mr. STENHOLM, Ms. CLAYTON, Mr. LaHood, Mr. HOUGHTON, Mr. SKAGGS, Mr. DREIER, and Mrs. FOWLER, in an effort to use these last several weeks of this session to put together the logistics, including the site and the travel plans for this weekend at the end of February.

I believe that there is an enormous appetite for this kind of effort. People across not only this Chamber, but throughout the country, have commented on the wide variation in the level of discourse that we have encountered in recent years, and many of us believe that some of that can be overcome, not solved, but overcome, by simply getting to know one another better in ways that we really have not at the beginning of recent sessions.

Mr. Speaker, let me yield to my colleague from New York, Mr. HOUGHTON.

Mr. HOUGHTON. Mr. Speaker, with your concurrence, I would like to follow up and really say how much I admire the gentleman from Ohio. He and I worked closely together. These are not just words, he really believes this, and I think we all do, too. Mrs. CLAYTON is sitting here as part of our group and has been an enormous contributor.

Mr. Speaker, we really are in trouble here. This is not just a debating society. We are reflecting the feelings of the people in this country, and when you are in trouble, you talk. People say we can talk on the House floor. Why go away? Why have a bipartisan retreat?

Well, you really cannot do that. What we are trying to do is bring not only individuals together, but their families and children together. So this is the totality of what we are striving for.

To follow up on what you have said, Mr. SAWYER, this is nothing new. I have gone to the Congressional Research Service and tried to get a little research in terms of some of the things George Washington said and his emphasis on comity or what Thomas Jefferson said.

I have something that is interesting here. This is written by a Member of Congress and appeared in the CONGRESSIONAL RECORD, and, if I can just quote it, it says, "It is my firm belief that the majority of members on both sides of the aisle would like to reduce the level of tension in partisan clashes and get on with the business of the country, and, therefore, we ought to cool off."

This was written in 1984. It always crops up this way. Periodically, we have got to lance the boil and get at it. I applaud what you are doing and your leadership here.

Mr. SAWYER. Yours as well.

Let me add, while we have time, that the planning for this and its execution will involve no taxpayer money. We have had initial conversations with a few memorial trusts who have expressed a serious interest. While we cannot commit this for them ahead of time, we have every confidence that they are eager to be helpful with this.

In the end, it is not a solution. It is just a recognition that when, after divisive campaigns, when we come together, there ought to be a way to get to know one another in terms other than those in which we have been engaged in recent conflict.

In past Congresses, there have been opportunities for this. In more recent Congresses, those opportunities have been more limited. We feel that this effort to do this will help to address not only this incoming class, but those in more recent classes who have really not had the opportunity to get to know one another in the way that we did when we first came to this Chamber.

Mr. HOUGHTON. Periodically, we sort of get off base here. Seriously, this is an opportunity to do something for the country, not just for this Chamber.

SEQUENCE OF SPECIAL ORDER

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the place of the gentleman from Florida [Mr. GOSS] and mine in the special order time be substituted and reversed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A NEW CRISIS IN DRUG USE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, there are some very alarming new figures out from the Drug Enforcement Administration that I am aware of that we announced today from my office as chairman of the Subcommittee on Crime. The eastern Caribbean is now the transit area for more than 40 percent of all the cocaine coming into the United States mainland, more than 40 percent.

Previously, the figures were the Southwest border was the primary problem we had, with more than 70 percent, in the estimates of DEA, of the cocaine trafficking into our country. Today, we know that that shift is on that a lot of us have been fearing as we have watched the interdiction assets, the ships and the planes and the personnel and the radar necessary to track and interdict drugs in the eastern Caribbean, be reduced so dramatically over the last 3 years.

It is a very serious crisis for my State of Florida as a result of that. Our young people, 12 to 17 years of age, have a dramatic increase in drug usage. Florida is above the national average, and we all know there has been more than a 100-percent increase in drug usage generally by young people in that age group over the last 3 years, over 166-percent increase in cocaine use among that age group in one year alone, the last year measured by the United States Government. My State of Florida has even more than that.

As alarming as that is, heroin use is up. In Orlando, FL, we had more overdose deaths of teenagers from heroin in Orlando just last year than the city of Los Angeles, which is 5 times our size. And the reason for that is pretty darn simple.

When you look at the interdiction and the drug flow problem, you see that 62 percent of all heroin now is coming in from Colombia, not the Far East, and 99 percent of that is coming in through the eastern Caribbean or through direct flights into Miami or New York City. This problem is very simple right now. The problem is very serious. We have a crisis in Florida. We have a crisis in the Nation.

Look at the figures on the eastern Caribbean, represented here historically, in terms of trying to stop this drug flow. We can see in 1993, the Coast Guard, the Navy, the Air Force, and Customs had shipping days, the way they measure how much time they spend looking for drugs, of 371 shipdays for every single month of the year in 1993.

But by 1996, because the funding had been cut and the requests by this administration and the drug policy office of the czar, they had cut the shipping days to 195 from 371. Now, current as of August of this year, we are down from 371 days of steaming out there, looking for drugs in the eastern Caribbean around Puerto Rico, where most of this comes from, to 195.

Flight hours, the number of planes looking with night vision and radar scopes and so forth, down from 3,175 flight hours per month in 1993, to this year in August, 1,149. One-third the number of hours are being spent in the air looking for drugs in the eastern Caribbean around Puerto Rico, where most of this comes in.

And the number of radar stations, in 1994, there were 17 of them in the eastern Caribbean. Now there are only 89 looking for drugs. Is it any wonder we have this crisis? There is no wonder in my mind. This administration has not done the job that it should have.

So the Florida Republicans, and some of the departments, joined with a separate letter, have written to the President about this, expressing our alarm, telling him about our concerns, about the crisis facing Florida, and asking him to do something about this, asking him to do something now, because the quantity is up, the price is down, and more kids are becoming users, Mr. President.

In our letter we call upon you to take immediate action to plug the drug pipeline in the eastern Caribbean. We ask at the very least that the number of interdiction ship days and flight hours in the eastern Caribbean by Coast Guard, Customs and Department of Defense be restored to 1993 levels. Frankly, we say, we believe that everything it takes to seal off Puerto Rico from drug trafficking should be done immediately, because almost all the cocaine in the eastern Caribbean is coming into Puerto Rico and then coming into the mainland from Puerto Rico because not enough is being done to stop it.

As you know, Puerto Rico is part of the United States, and the trip from Puerto Rico to Florida or New York is the same as going from Alabama to Illinois. We would not be degrading our interdiction efforts along the Southwest border, we do not want you to do that. We want you to provide a massive deployment of Navy, Air Force, Coast Guard, and Customs ships, planes, radar, night vision surveillance equipment and the personnel to man them for an around-the-clock operation designed to totally disrupt the drug trafficking through the eastern Caribbean.

Do whatever it takes now, and we will support you, Mr. President, in seeking whatever funding from Congress that may be necessary.

Mr. President, the current situation, our letter goes on to say, is totally unacceptable. If we can send our troops halfway around the world to protect our interests in Bosnia and the Middle East, surely we can send what forces are necessary to protect our shores from the deadly assault of drug trafficking.

Now, frankly, this is the minimum that should be done now. This is an unfortunate time of year when elections are in progress and people are out there playing politics with all kinds of issues. This is serious. This is a letter that should be written no matter what the political climate. The reality is, drug trafficking from the eastern Caribbean is up substantially, 40 percent, under the new figures, never before released until today, of the Drug Enforcement Administration. Their estimates are 40 percent is coming through the eastern Caribbean.

Mr. President, do something about it. Take the actions that are necessary. Let us stop the drugs from coming in through Puerto Rico.

BIPARTISAN RETREAT IN FEBRUARY WILL BE HELPFUL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the Washington Post has termed the efforts of our bipartisan retreat task force as a "politics of politeness." I prefer to term our efforts as "indispensable decency." There is no doubt in my mind that the rancor, the hostility, the belligerence and the general lack of good will we have witnessed in this Congress has interfered with the business of the House and has undermined our ability to serve the American people well.

□ 2000

Mr. Speaker, our goal is a simple one: to fan the flames of cordiality and congeniality, with the hope of producing harmony. Does that mean that everyone in this House will be identical, the same, or will agree with each other? Harmony does not mean we must all speak the same language or sing the same tune. Indeed, an orchestra achieves harmony with many different instruments and a range of sounds. One does not have to surrender one's philosophy or one's independence to appreciate that, in the end, we are all dependent on each other. We are, in fact, interdependent. We can disagree, however, without being disagreeable.

We propose to gather over several days, early next year, Democrats and Republicans, conservatives and liberals, women and men. With our families and staff we will take a short train ride to a place of assembly. Once there we will talk, talk to each other, and we will listen and, I hope, be heard. We will learn from each other and teach; hopefully, we will communicate with each other.

But more importantly, Mr. Speaker, we will have fun; fun getting to know each other as human beings first before we learn what the philosophical differences are. We will learn our commonality as human beings.

We expect to discuss such terms as conflict management, coalition building, sources of information and, most of all, courtesy, respect and civility.

There will be lots of time for social interaction. Plans are being made for quality entertainment. Most importantly, this will not come at the expense of the taxpayers. This retreat is a chance to give us in the Congress a chance to act in a more deliberate and civil way.

Now, there are doubters and naysayers and detractors. There always are. There are always those who say this will be of no value and no one will come. But since we have begun meeting to plan this retreat, I have been encouraged by the firm determination of those who conceived this idea and those who are organizing it, despite the resistance. Some of them have spoken tonight, those who are planning.

Mr. Speaker, I believe the House owes a great debt of gratitude to our colleagues, the gentleman from Colorado, Democrat DAVID SKAGGS, and the gentleman from Illinois, Republican RAY LAHOOD. They have dared to be different, to make a difference in a community of hostility.

We, therefore, must ask each of us as Members tonight to make a commitment to civility. We ask that each Member promise to be faithful to true standards of statesmanship, dignity, decorum, geniality and protocol. That commitment and promise can begin by each Member completing the survey that has been circulated by the task force. If there are Members who have not completed that survey, we ask that you indeed do that.

We want to make sure our colleagues are involved every step of the way, and they can certainly have an involvement in that. Complete the survey and join the harmony, not necessarily rendering your thoughts or position, but rendering your rancor, your incivility and your indecency to the hope of making this place more decent.

Come plan to have fun and to make sure we start off on the right foot for next season.

OPPOSING THE PRESIDENT'S SHAMEFUL VETO OF THE PARTIAL BIRTH ABORTION PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. WATTS] is recognized for 5 minutes.

Mr. WATTS of Oklahoma. Mr. Speaker, I come to the floor tonight on behalf of the thousands of Oklahomans and millions of Americans who have swamped our offices with letters, phone calls, postcards and many, many petitions in opposition to the President's shameful veto of the partial birth abortion ban.

I have here a stack of petitions with thousands of names that concerned Oklahomans gathered throughout the State. The citizens were practicing their constitutional right and constitutional responsibility to petition their government with their grievances. I was proud to have these names with me on the floor of the House and to share them with my colleagues last Thursday when this body voted to override the President's veto.

Today I bring them to the floor once again on the day of the vote in the other Chamber. Regretfully the Senate did not garner the necessary vote total to complete the task of overriding the President's veto that allows this brutal procedure to continue.

I believe it is critical that we continue working in the 105th Congress to bring to an end this brutal late-term abortion procedure.

TRIBUTE TO HAROLD FORD, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, U.S. Representative HAROLD FORD is serving his 11th consecutive term as Tennessee's Ninth District Congressman. He is the first and only African-American Tennessean elected to the U.S. House of Representatives. Prior to his election to Congress, he served two terms in the Tennessee Legislature and represented the same geographic area of Memphis in which his great grandfather served as a squire during the Reconstruction era.

Congressman FORD has achieved an unparalleled reputation of service to his constituents. FORD takes seriously the constitutional Framer's intent of making the House of Representatives "the People's Body." He holds hundreds of townhall meetings throughout the year and his responsiveness to the needs and views of his constituents is legendary. Keeping the Government close to the people is Congressman FORD's top priority.

In Washington, Congressman FORD effectively represents his urban district through his assignment on the powerful Committee on Ways and Means. He is fifth in seniority on the committee and has played pivotal roles in the committee's major legislation including health care reform, taxation, and welfare reform.

During the budget debate in the 103d Congress, Congressman FORD advanced the empowerment zones and enterprise communities provisions of the Omnibus Budget Reconciliation Act of 1993. He has helped craft this landmark legislation, which is the most significant antipoverty initiative since the 1960's.

Congressman FORD is recognized as a national leader and expert on child welfare because of his service as chairman and now ranking Democrat of the Ways and Means Subcommittee on Human Resources. In 1988, Congressman FORD worked with then Gov. Bill Clinton to write the most important welfare reform bill to date.

The election of Bill Clinton to the Presidency and the change in power in the Congress, once again placed welfare reform in the forefront. Congressman FORD brought years of legislative experience and an effective working relationship with the President to the welfare debate. Congressman FORD's consistent support of work, education and training, and child care programs in welfare reform were further bolstered by a recent report by the Bureau of Business and Economic Research at the University of Memphis.

Congressman FORD is active in social and community activities in Memphis and throughout the country. He is a member of the National Advisory Board of St. Jude Children's Research Hosptial and the Metropolitan YMCA Board. He is also a member of Alpha Phi Alpha Fraternity.

Congressman FORD is the recipient of a bachelor of science degree in business administration from Tennessee State University in Nashville, and a masters in business administration from Howard University in Washington, DC. He also received an honorary doctorate from Meharry Medical College in Nashville, TN, and an associate of arts degree in mortuary science from John Gupton College in Nashville.

Congressman FORD was born on May 20, 1945, in Memphis, and is the 8th of 15 children of N.J. and Vera Ford. Congressman FORD is married to the former Dorothy Boles of Memphis. They are the proud parents of three sons: Harold Jr., Jake, and Sir Isaac. He and his family are members of the Mt. Moriah East Baptist Church of Memphis.

It has truly been an honor to serve with HAROLD. Congratualtions on your upcoming retirement from the U.S. Congress and congratulations to Harold Ford Jr. who, as many of you know, recently received the Democratic nomination to represent the Ninth District of Tennessee in the U.S. House of Representatives. We will miss HAROLD SR. dearly, but I want to wish Harold Jr. the best of luck in this November's election, and I look forward to serving with him in the 105th Congress. He has some very large shoes to fill

Mr. BISHOP. Mr. Speaker, I rise today to salute the dedication and hard work of U.S. Representative HAROLD FORD. HAROLD FORD is the first and only African-American Tennessean elected to the House of Representatives. Prior to his election to Congress, Mr. FORD, served two terms in the Tennessee State legislature.

Representative FORD is noted for his work on behalf of his constituency. Partly, as a result of his efforts, Tennessee's Ninth District receives more than its fair share of Federal contracts. Mr. FORD has also held hundreds of town meetings to ascertain the views of his constituents.

Representative FORD is a proven champion of the poor. In Mr. Ford's pivotal role on the Committee on Ways and Means, he advanced the empowerment zones and enterprise communities provisions of the Omnibus Budget Reconciliation Act of 1993. The measure created six urban and three rural empowerment zones. He has sponsored and cosponsored major legislation on healthcare reform, taxation and welfare reform. Congressman FORD'S work on welfare reform, in particular is widely known. During the 103d Congress, Mr. FORD held 20 hearings on President Bill Clinton's welfare reform measure. As ranking Democrat, Congressman FORD fought Republican efforts to pass a welfare reform bill that would weaken provisions that hurt children.

Mr. FORD has been relentless in his efforts to improve the quality of life for Americans. A recent report by the Bureau of Business and Economic Research at the University of Memphis stated that the Tennessee JOBSWORK program initiated by Representative FORD has been successful at moving welfare recipients into the workforce. In addition, the bureau reported an average increase in earnings of 163 percent compared with earnings before participation in the program.

Mr. FORD is also active in social and community activities in Memphis and throughout the country.

Mr. Speaker, Representative FORD'S bold leadership will be missed. I wish Mr. FORD success in his future endeavors.

Mr STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Tennessee, BOB CLEMENT, for allowing us this time to salute our departing colleague, HAROLD FORD. For 22 years, HAROLD has served with distinction as a Member of this legislative body. We will miss him in the days to come and we are proud to recognize him this evening for a job well done.

HAROLD FORD was elected to the U.S. Congress in 1974 to represent the Ninth District of Tennessee. He came to Congress armed with political skill and expertise. HAROLD began his political career at the age of 25 when he was elected to the State house of representatives. During his tenure, HAROLD served as majority whip and chaired a committee that investigated the rates and practices of utilities in the State.

In 1974 HAROLD FORD became the first African-American to represent the State of Tennessee in the Halls of Congress. Throughout his tenure, HAROLD has articulated the needs of those who have no voice in the political deliberations. He has brought compassion to the debate over the reform of our Nation's welfare system. He has advocated the needs of those who live in America's public housing. Further, HAROLD has championed efforts to shape programs that provide education, training, and job skills for our youth. As a member of the powerful Congressional Black Caucus, HAROLD FORD has also been a strong voice in the struggle for justice, civil rights, and equality.

Mr. Speaker, I am proud to note that when he was a junior Member of Congress, I had the honor of serving with HAROLD FORD on the House Select Committee on Assassinations. I chaired the panel, which was charged with conducting a 2-year investigation into the deaths of President Kennedy and Dr. Martin Luther King, Jr. I recall during the course of our investigations, traveling with HAROLD to the Lorraine Motel—the scene of Dr. King's assassination—which was located in his congressional district. I also recall HAROLD as a hard-working and dedicated member of the panel. The hearings and final report were a real credit to this institution and the tireless efforts of members such as HAROLD FORD.

Mr. Speaker, for many years my wife, Jay, and I have enjoyed a close friendship with HAROLD, his lovely wife, Dorothy, and members of the Ford family. As he departs from the Congress, we pause to salute him for his significant contributions to the U.S. Congress and the Nation. I will miss him as a friend, a colleague, and a true champion.

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, HAROLD FORD. HAROLD is retiring at the end of this term after a remarkable 22-year career in the House of Representatives. HAROLD has represented the city of Memphis since 1974, when he was elected to this body after serving 4 years in the Tennessee House. He was the first, and is the only, African-American elected to the Congress from Tennessee.

HAROLD came to the House as one of the 47 democratic freshman elected following the infamous Watergate scandal, and worked diligently to bring integrity and honesty back to Washington. He was one of the first members of the Congressional Black Caucus, joining at a time when we numbered just a handful of members and before we earned the considerable influence that we have gained since then.

While the boundaries of HAROLD'S congressional district cover just the city of Memphis, HAROLD has represented all of America's big cities through his effectiveness on the powerful Ways and Means Committee. In 1993 during the budget debate, HAROLD advanced the empowerment zone proposal through the committee and the Congress, establishing six urban and three rural empowerment zones, worth $100 million each in Federal assistance. It is the most significant antipoverty initiative since the 1960's, and will help cities alleviate unemployment, spark economic growth, encourage more training and education, and end crime and drug abuse. This achievement is particularly significant to me; my hometown Detroit was named one of the urban zones December 1994.

HAROLD'S work on the Ways and Means Committee has also allowed him to dedicate his efforts to improving welfare. In fact, HAROLD was working on welfare reform before welfare reform was popular. In 1988, HAROLD worked with then-Governor Bill Clinton to write the most important welfare reform bill to date, the Family Support Act of 1988. The bill was designed to increase opportunities and obligations for work, training and education among recipients of Aid to Families with Dependent Children [AFDC], and required States to start education, training, and work programs for mothers on AFDC. It included provisions for medical and child care for mothers moving from welfare to work and significantly strengthened child support enforcement laws.

In 1993, HAROLD was successful in including the Family Preservation Act in the budget bill. This child welfare provision encourages States to create family support programs and programs to keep at-risk families together. It is the kind of welfare reform that we can be proud of.

Mr. Speaker, this body will sorely miss HAROLD FORD'S integrity, honesty, and diligence. I will miss him here, and in the Congressional Black Caucus, where we have spent more than two decades working together. I wish HAROLD the best of luck in his retirement, and know he will prosper next year in whatever vocation he may choose.

GENERAL LEAVE

Mr. CLEMENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to submit a statement into the RECORD on the subject that I have talked about tonight, the upcoming retirement of Congressman HAROLD FORD, Sr., from the U.S. House of Representatives.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

TRIBUTE TO HAROLD FORD, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Tennessee for drawing our attention to the Honorable HAROLD FORD.

Ironies have its virtues. HAROLD FORD was my boss. I served as a counsel to the Select Committee on Assassinations. It was there first that I saw in this American a commitment to duty, a recognition of the seriousness of the task: The investigation into the assassination of President John F. Kennedy and Dr. Martin Luther King.

It was there, as a young lawyer, that I was able to see the leadership of a young Congressperson, someone who realized that the American people still were querying this Government about whether they were satisfied at the investigation of those two very disturbing and horrible assassinations.

HAROLD FORD went about his business with extreme dedication and seriousness, recognizing that the work that he would do would either give comfort to the American people about this system or otherwise cause catastrophe and confusion. I am gratified that he stood for finding out the truth but in a balanced and honest manner that all could respect.

I have watched in these 2 years as a freshman in the U.S. Congress, and even on this floor I see that he cares about his colleagues, he cares about his constituents, and he shows it in his legislative agenda.

As a Congressperson that has been reelected for 11 terms from the Ninth District of Tennessee, we are sure that the people of his great city, Memphis, and his State, love HAROLD FORD. They love him not only because he cares, but because HAROLD FORD is a family man.

And let me take my hat off to N.J. and Vera Ford, for they raised a family that considered public service the best testament to their commitment to the American flag and to this Nation.

He is someone who comes from a historic line of Fords and individuals who know and are part of the Tennessee history. He knows that his leadership has created the foundation for his three sons as he stood alongside of his partner. And I look forward to being able to have the opportunity to welcome his son, Harold Ford, Jr., to this body.

I watched Congressman FORD most of all through the tumultuous 104th Congress, for he had the issues that touched the people's lives who have the least among our brothers and sisters: health care, welfare reform, children at risk, and one that I think was particularly close to him, something called the EITC, the earned income tax credit.

If ever there was a piece of legislation that withstood its attack, it was the earned income tax credit. I think Congressman FORD saw that as a way to give incentives to the working poor who, through no fault of their own, seemed to be always accused of not wanting to work.

HAROLD FORD recognized that if we gave an incentive to single parents and individuals who were barely over the poverty line to continue working, to continue going every day to work, that there would be something in it for America.

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Earned income tax credit gives to those barely over the poverty line a credit back for working. And I saw and watched HAROLD FORD work throughout the 104th Congress time after time after time saying to Republicans and Democrats alike, we cannot sacrifice the earned income tax credit, something that most people cannot even say the words or the acronym, but he fought for it because he believed in those people that sacrificed every day and said, I am not going to be on welfare, I am going to work, and they deserved an incentive.

Then when it came to welfare reform, HAROLD FORD was at every single meeting, not to beat people down, not to accuse people, but to say to all of us, there is a better way, that there needs to be a bridge, we need to protect children. I have the expertise; I am here to help. I am here to create that bridge. And HAROLD FORD did it consistently for 11 terms, but more particularly in this 104th Congress, as the ranking member on ways and means subcommittee.

So I say to his family, I say to HAROLD FORD, I thank you for teaching me. I thank you for giving those of us who would aspire to the calmness and the demeanor that you bring to this body, the evenhandedness, the compassion, the love for America, the love for Texans and Tennesseans, because I am a Texan, the love for those from Memphis, but as well the love for family and the love for those who cannot help themselves, I thank you for being that shining light.

As you go off, not from this place in terms of our hearts but physically from this place, let me call upon you to continue your leadership and to continue paving the way as we move into the 21st century. We will always be looking to hear your voice. We know that we will hear it in your son, Harold, but most of all, as I close, we know that you will continue that service. Again, let me join my good friend from Tennessee, Congressman BOB CLEMENT, to say you are a great Tennessean, but you are truly a great American.

God bless you.

THE ACCOMPLISHMENTS OF THE LAST TWO YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I am a little concerned that some of the politics of a political season, and that is certainly not unusual, will overshadow the accomplishments of the last two years in this body. I think it is important this evening that we go over a few of those accomplishments, because in my opinion what has been done in this Congress, in a lot of cases on a bipartisan basis, is the most significant changes that we have seen in this body in a long, long time.

Let me begin by addressing, first of all, the management of the House of Representatives. There are several critical issues that under the Republican leadership changed two years ago.

First of all, the United States Congress now must live under the same laws that the citizens of this country have to live under. It was amazing that the United States Congress, in the preceding years, would put laws on the American people but exempt this body from those laws. This leadership, under the new management team, also eliminated proxy voting. I am from the mountains in Colorado. I could be enjoying the mountains of Colorado while my vote was being cast back here in this body. That is not right. That is why we changed it. Our opinion is that if you are elected to the United States House of Representatives, you are expected to be here and to vote in person.

We brought about congressional gift reform. We brought about lobbying disclosure. I would add that while all these changes came about, mostly with bipartisan support, it was through the leadership of the Republican Party that got them here. These changes could have been made at any time in the last 40 years, but they were not.

We had the first vote ever on this House floor on term limitations. We cut congressional staff by a third, and we eliminated and abolished three full committees. We have not abolished three full committees in one period of time, I think, this century.

We did something else for the first time in the history of the United States House of Representatives, we had the books audited. As you can imagine, the books in this House, which have never been audited in the history of this House, were, in my opinion, a big financial mess. We now are demanding that the United States Congress run its own house, its own fiscal house just the same as our constituents are expected to run theirs.

We opened all committee hearings to the public. Most of the States that we represent have sunshine laws within their State. Their legislators have to have their meetings in the public, not so with the United States Congress. We changed that. In fact, I think the only real closed committee hearings that we have had are, one, the Ethics Committee, and, two, the Select Committee on Intelligence.

We cut spending in the United States Congress for two years in a row. We did a lot of this. We put in a line item veto. That was not just talk. I can tell you that it is not necessarily to the political advantage of a Republican to give a Democratic President a line item veto. But do you know what, it is to the benefit of this country. The President, regardless of his party affiliation, needs a line item veto in order to manage the budget of this country. We give it to him.

Let us talk about some issues outside these halls that we changed. Welfare reform, it ends the entitlement status of welfare. It uses a four letter word called "work." It establishes work requirements for recipients when welfare is no longer required. It provides incentives to reduce illegitimacy. It helps on child support, collection of child support, a huge problem in this country.

We can talk about Megan's law. It was this Congress that put Megan's law into effect so that when a sexual abuser moves into a community, that community has a right to know about it.

These are very significant changes. We have made a number of changes in health care legislation, and we have made a number of budgetary changes. What you hear about, of course, the close down or this or that, but through it all, once you get through all of that cloud and through all that smoke, you will see a Congress that finally is accepting fiscal responsibility, that has come a long way.

This is a government that adds to its deficit at a rate of $30 million an hour. It is about time that a Congress with some leadership stood up to this. That is exactly what has happened.

I think that all of us, as I said, because a lot of these votes were taken, were passed with bipartisan support, I think a lot of us in this body have a lot to be proud. While we go out there in the election year, I do not think that election year politics should overshadow the accomplishments of this Congress. We have a long ways to go. The American people demand it. The American people are entitled to it. But we have done ourselves proud.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1897. An act to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes;

S. 1962. An act to amend the Indian Child Welfare Act of 1978, and for other purposes; and

S. 1973. An act to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes.

DEMOCRATS AND THE 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I wanted to start tonight, I am going to be joined by some of my Democratic colleagues, but I wanted to start tonight by talking about how the Democrats, even though we are in the minority and have been for the last 2 years, have really done an excellent job, in my opinion, in stopping some of the more extreme measures that were proposed and in most cases did not succeed in getting passed in the last 2 years in this Congress.

I mean particularly the Democrats success in halting what I call the Republican assault on Medicare, education, and the environment. Tomorrow is actually the 2-year anniversary, from what I understand, of the Republican signing ceremony on the steps of the Capitol where they all stepped up about 2 years ago and signed the Contract With America. I call it the contract on America, because of the fact that it proposed such devastating changes in Medicare, such terrible cuts in education programs, and also sought very hard to turn the clock back on the last 25 years of environmental protection by the Federal Government.

We are going to see tomorrow that, if you think about it, we do not hear too much about this Contract With America anymore. As election time comes near, this November 5, the Republican leadership, particularly the House Republicans, seem to have a very bad case of amnesia when it comes to the Contract With America. It has all but disappeared from the campaign trail and even from Congress itself. We really have to remind, I think as Democrats, we have to remind our colleagues, and I suppose the public as well, about what this Republican Congress set out to do. Fortunately, they were not successful.

Beginning in the summer of 1995, they proposed $270 billion in Medicare cuts to finance tax breaks for the wealthy. We managed to kill that proposal, but even this year they continued to propose large Medicare cuts primarily to pay for tax breaks for the wealthy.

In the winter of 1995–96, we saw two Government shutdowns. Basically the Republicans were not able to get their way in the budget negotiations, even after the President committed to balancing the budget, so they decided to shut down the Government. And twice that occurred. Those 27 days when the Government was shut down cost taxpayers about $1.4 billion and caused hardship for thousands of Americans who were not able to get their veterans benefits, who were not able to take advantage of other programs.

We then go from the winter, if you will, of 1995–96, when we had the two Government shutdowns, to the spring of 1996, when we sort of had this stop-and-go Government to force education cuts and environmental rollbacks. Basically they spent the first part of this year in 1996 going from one short-term funding bill to another, determined to try to make the President accept their agenda to make the biggest education cuts in history and to roll back bipartisan environmental protections. But the Democrats were successful.

Mr. Speaker, I think that the Democrats, even though we are and have been in the minority for the last 2 years, have a lot to sort of be thankful for because we were able to succeed in halting these radical Republican cuts in Medicare and education and also in environmental programs.

I just wanted to spend a few more minutes and then I would like to yield to one of my colleagues to talk about some of the changes, the radical changes, if you will, that they tried to make in Medicare and also on some of the environmental programs. These are two areas that are very important to me and to many of my colleagues on the Democratic side.

If you think about it, if the Republican Medicare proposal that they first came up with in the summer of 1995 had become law today, seniors would be now paying basically another $120 this year for Medicare premiums. That amount would continue to go up for the next 6 years. Seniors would no longer be able to see their own doctor because many of them, if not most of them, would have been forced into managed care or HMO's. Many hospitals would be closing their doors right now essentially because they were so dependent on Medicare and Medicaid, they would not have been able to absorb the major cuts that were proposed by the Republicans.

I guess the one issue that to me shows really how out of touch the Gingrich Congress was and the Gingrich Republicans were with the American family is the environmental issue. Although the environment was not really mentioned at all in the Contract With America, they proceeded to make such an assault on environmental protection in various ways over the last 2 years that, if they had been successful and the Democrats not stopped them from doing it, we basically would have seen the last 25 years since Earth Day of 1970, where the Federal Government on a bipartisan basis was trying to protect the environment and improve environmental protection laws, we would have seen a tremendous rollback in all those efforts.

A very good example, and one that I have cited before on the floor of the House, is the Clean Water Act. Essentially in the spring of 1995, we saw rolled out on the floor what I called the dirty water act or the dirty water bill that basically tried to gut the Clean Water Act and make it possible to eliminate wetlands protection, to dump sewage again into the ocean, to do a number of things that really would have made the Clean Water Act essentially ineffective.

Then we also started to see the major effort to cut back on funding for the Environmental Protection Agency, for the Interior Department, for the various agencies that do investigation and enforcement of our environmental laws. If they had succeeded in accomplishing those goals and really cut back significantly on environmental protection through those agencies, once again our environmental laws would not have meant anything because they would not be enforced.

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So I just really wanted to take to the floor today, and I know my colleagues feel the same way, because we feel that as this Congress is coming to a close and we may be done within the next day or so, we do not know at this point, that we need to remind our colleagues on the other side of the aisle of how important it was for the Democrats to speak out and to basically explain to the American public what this Gingrich Republican agenda would have meant.

Fortunately, we were able to stop it in most cases, particularly when it came to issues like Medicare and the environment.

At this time I would like to yield to my colleague from Texas. I know that she has been here frequently over the last 2 years as one of the key people that has been trying to point out how terrible this Republican agenda was. It was one of the main reasons, I believe, she has been, and a few others that are joining us tonight, we have been some of the major reasons, I think, collectively, why we have been able to stop this assault on the environment, on Medicare, and on environmental protection.

I would yield to her at this time.

Ms. JACKSON-LEE of Texas. First of all, I thank you for your leadership. It reminds me, as a freshman, watching what we went through just a couple of months ago with your leadership in pursuing Medicare hearings. I recall you leading out, trying to give the American people, many of our seniors, an opportunity to be heard in the U.S. Congress when I believe we were denied the opportunity to have those hearings inside the hearing room.

And so in listening to you I was compelled to join you because I reflect on those times. I believe we were out on the lawn, on the U.S. Capitol grounds, because there were people crying out in absolute fear about potential devastating cuts in Medicare as a result of the proposed $245 billion in tax cuts.

I am gratified that we stayed during that time period and listened to our seniors and other health care providers in order for us to continue pressing forward, if you will, on the need to preserve Medicare. It is for that reason that I join you to talk, as well, about how we were trying to enlighten people on where the Republican majority, Newt Gingrich-led Congress was going with education.

I hope to salute retiring members of the Democratic Texas delegation. Several of our Democratic colleagues from Texas will be retiring, and I look forward to saluting them tomorrow. I mentioned them because I am reminded of us working together in the Democratic Caucus, Texas Caucus, on Texas issues, and one of the issues that we faced was a frightening prospect of the cutting of school lunches. Of course that ties somewhat into education, because I am reminded of a report that just came out on children at risk, where there were some devastating numbers suggesting that the children at risk had improved primarily because there had been a persistence of maintaining the school breakfast program and the school lunch program.

I cannot fail to remember comments being made on the floor of the House of how irrelevant and costly school lunches would be, and here we have a report that statistically indicated that children were learning in a better way because they were being fed, and they are being fed because many of them came from homes that did not have the proper food.

So we persisted in that, and I think that it is important as this session closes, and again we are unsure of what the status of the end of the session is now, to reemphasize what happened with our efforts in education.

I speak about school lunch. It is not an actual tool of education, per se. It is not reading, writing, and arithmetic. But you cannot take away the opportunity for children to be nourished, for them to be able to be in a classroom.

Let me cite for you that I had this afternoon the pleasure of visiting with almost 10 superintendents from districts around the State of Texas, school superintendents. Did anyone of them come to me and say, "Let up"? "Cut the funds"? "We do not like what you are doing"? To a one—I did not ask them what their politics were, did not ask them what party they might have been associated with. To a one they said, "The Federal Government must be a partner with us in educating our children."

In fact, every one of them spoke about increased enrollment in elementary and secondary schools in their districts. I understand that the Houston Independent School District is now looking at 200,000-plus children, up from maybe 150,000 some years ago. So all across the country we are seeing an increased enrollment.

But may I ask you, what is going on in this Gingrich Congress? We had, as Democrats, to fight back the largest education cuts in history, where our Republican colleagues were voting to cut education programs by 15 percent, $3.6 billion.

We find on August 4, 1995; that was at the height of the time when we refused to leave the Congress, refused to go home that summer when the House Republicans voted for these drastic cuts, and it was constantly reemphasizing that our folks back home, our teachers, our school superintendents and administrators on the ground dealing with children every day, pleaded that we did not undermine them more than we already had, a 17 percent cut in aid to local schools, the title 1 programs' assistance to local school districts. These are what these representatives came from, dealing with compensatory education. It was cut by $1.2 billion, denying some 1.1 million children the extra help they needed in reading and math.

When we are talking about technology, when this country is moving toward the 21st century, we were planning on giving 40,000 title I teachers the pink slips. I always remember the effort that we had to wage, the common sense effort. It really was not at that time partisan to the extent that we would not have welcomed Republicans coming and saying, "You know, you are right," when we are right on the precipice of almost letting off 40,000 teachers who taught the basics of math and science.

The elimination of the Goals 2000 program, a reform package that was touted by then President George Bush who raised up the specter of the Goals 2000. I think it was his call that we must elevate the achievement levels of our children around the Nation. They would have cut it, and therefore they would have denied some 85,000 children in 48 States across the Nation to raise up the levels of their education. That, I think, is key.

And if I might just add several other points, and let me correct that. That would have been 85,000 schools in 48 States with 44 million children, a 57 percent cut in safe and drug-free schools.

Might I just say to you and maybe query you on this as I mention two other things, and I might just query you on this, if you do not mind, because I am confused about hearing one thing and seeing another.

In addition to the Safe and Drug-free Schools, the 57 percent cut, that is over 50 percent, that is almost 100 percent, if you will; they cut, eliminated, 48,000 children from Head Start; that is $137 million, when Head Start has been a program that has been touted by educators from both sides of the aisle; and a 16-percent cut in vocational and adult education. That is cutting adult education by $220 million.

Might I say that many in my community pleaded with me. Some of that adult education was for the physically and mentally challenged individuals that did not want to be on welfare, did not want to be at home, wanted to be gainfully employed, those who were dislocated workers, women coming into the work force for the first time, denying the opportunity for them to get a hand up.

But I wanted to ask you this question because it disturbs me. Tomorrow we will be dealing, and maybe Saturday, maybe we will be here Sunday or Monday, with the omnibus appropriations or a CR to ensure that we do not shut the Government down, and I know that we will be certainly pushing that issue.

But I have been hearing some addressing of a particular theme now of a 15-percent tax cut. We do not even hear that any more as we listen to the national debate. I am not sure whether that was 15 cents, a dime and a nickel; I do not know what that was.

But we hear about the drugs. I have heard a referral back to, "Just say no," and I do not think any of us would step away from going to our children, our schools, and profoundly and affirmatively saying no. I have heard a new title called, "Just do not do it."

And then I have here documentation of the Gingrich Congress voting to cut the Safe and Drug-free School program by $266 million, the same thing that my teachers, my principals, my administrators are telling me that really gets to the children about the importance of not taking drugs.

You know that we have been trying to research this terrible issue about Contras and drugs and drugs flowing into the inner city, inner-city neighborhoods, all over America, but here is where they are cutting 23 million students off of these services.

If you can, help me understand this and tell me what the impact of Safe and Drug-free Schools has been in your community in terms of what it does in getting right where our children are, in the school where their peers are, where they could hear police officers, role models, come in and look them in the eye. Then we reinforce it as a parent, as a church, as a religious community.

Can you understand why my colleagues are joining in with a national theme: "Just do not do it," and they have got this kind of cut?

Mr. PALLONE. I think the gentlewoman is bringing up a very good point, and it is simple. What Democrats have been saying and what you are saying is that you have to, you know, put your money where your mouth is, so to speak, I think is the best way to explain it.

The reason why we, as Democrats, want to prioritize education funding, why we have been supportive of, for example, putting 100,000 policemen on the streets, the reason why we support environmental protection, if you will, is because we realize that if you prioritize these programs, that they can make a difference for the average American.

And I think what we see on the other side of the aisle is, they talk about the drug problem, for example, but then they do not want to fund a program of safe and drug-free schools which will make a difference. They talk about how they want to solve the drug problem, but then when we put up legislation that would add 100,000 police in many communities around the country, they vote against it.

So, you know, if you look at the drug problem, I guess you can look at it from the point of view of prevention, which is what Safe and Drug-Free Schools is; you can look at it from the point of view of enforcement, which is what the Cops on the Beat Program is about; but, you know, if you do not spend money and prioritize your budget in those areas, then the drug problems are going to get worse.

I think what the President has been saying and what the Democrats have been saying is, you have to put money and you have to prioritize these programs if you want to get a handle and you want to stop the drug problem. And they do not do it. They talk about it, but then they will go and, you know, pass legislation that will give all these tax breaks to wealthy people rather than worrying about selectively spending money in ways that will solve the drug problem, or will protect the environment, or will deal with the need to pay for higher education.

And that is what we have been saying for the last 2 years. We want to balance the budget.

I think you mentioned already that in the last 4 years, the deficit has gone down every year. The President is making more of an effort to balance the budget and reduce the deficit than any President in the last 20 to 30 years. But he wants to prioritize, as Democrats in Congress do; we want to prioritize spending where it is going to make a difference.

Ms. JACKSON-LEE of Texas. I thank the gentleman, and as I close, let me just simply say that I thank the gentleman and my colleague from Connecticut, who has persisted in educating and explaining that this is not a self-serving effort as we come to the floor of the House.

The best of all worlds is that we all, collectively, do what is best for all of America, and I cannot imagine a more valuable resource than our children going into the 21st century.

But over and over again, what I am trying to explain is that when I hear national rhetoric or a suggestion that we pride ourselves on our children, and I can give you now this litany of cuts that deal with the Goals 2000 and Drug-Free Schools and Head Start, then we have a problem here; and if we close down the Office of Juvenile Prevention at the Department of Justice, we have a problem; if we close down adult education, we have a problem.

Mr. PALLONE. You mentioned Head Start, and I just wanted to say I have two young children; one is 3, and the other is a year and a half; and I do not spend a lot of time, but I spent a little time reading about childhood development and all that, and everyone tells you that those formative years; you know, whether it is 2, 3, 4, before they go to school, which is what Head Start is primarily about, those are the years that make the dffernce.

That is why I think it is so important that you mentioned the Head Start program and it is such a tragedy that they have wanted to cut that. I remember President Bush talking about how successful a program it was. And, you know, here we are again with a tremendous prevention program, that does not really cost a lot of money, that they have tried to cut severely.

I did not mean to interrupt.

Ms. JACKSON-LEE of Texas. Not at all.

All the education experts say that in the early years of schooling our children are amazing, they are sponges, that in fact what they learn in those early years is so much a part of how successful they may or may not be. This ties into everything the Democrats have said about welfare reform.

None of us have disagreed that the Nation wants to move toward real welfare reform.

□ 2045

We have disagreed with the tools that the Republicans have taken away from us. So I just simply say, $3.6 billion in education cuts, 15 percent, is not the way of the future. It is not priding the most precious asset of this Nation, and that is our children.

I am going to be part of the fight to maintain these programs, but as well, I hope we will presevere and the American people will join us in recognizing a tribute to our children will be supporting the efforts to educate them.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I thank the gentleman from New Jersey for yielding to me, as well as the gentlewoman from Texas who, in my opinion, more than anyone else has delivered the message about the Democrats and how we wanted to prioritize education, Medicare, and the environment, and how we have really succeeded in the last 2 years in halting the changes and the drastic cuts that the Republican leadership proposed in these programs.

I am pleased and proud to join with my colleagues tonight. It has been an unprecedented 2 years. When we take a look at, quite honestly, the natural instincts of the Gingrich leadership in this House, what their natural instincts were, I think it is sobering, it is frightening, and in fact it really threatened what working families in this country have tried to achieve for themselves and their families for so many years. That really is the story of this Congress.

To my colleagues who have taken the floor almost every day and almost every evening, I feel good about the role that we have played, about the role we play with the American people, because it truly was the American people who said, "No, we do not want you to do these kinds of things."

In the final hours of this Congress, it is the opportune time to take a look at some of these things that happened and what the gentleman from Georgia [Mr. GINGRICH] and his Republican team have pursued. It has been characterized, and fairly characterized, as an extremist agenda, a hurting of hard-working middle class families.

When Newt Gingrich and the other Republicans took power in this House in 1994, they came here promising revolutionary changes. I think we would all admit, as Democrats, that the public was looking for change. They looked for change in 1992 and they looked for change in 1994. We have to acknowledge that.

But what they did was they endorsed and initiated an extreme agenda that really was in no way the kind of change the American public was looking for. Their manifesto, as we all recall, was the Contract With America, and if we just take a look today, what is happening is the Republicans are running away from the contract, running from their leadership, and running, quite honestly, for their political lives. So they are engaged in trying to rehabilitate themselves on some of these issues.

Mr. Speaker, I read in the papers in the last few days that NEWT GINGRICH is trying to strong-arm Republican Members to come to a pep rally celebrating the Contract With America, and there is one newspaper, and I quote the newspaper, it said, "One month before election day the contract is so aborted that some of the very freshman who campaigned on it have been less than enthusiastic about the rally."

They cannot run away from it fast enough, given what it tried to do. Quite frankly, if you do take a look at the contract, it wound up hurting American families and particularly working families in this country. Their jewel, and self-proclaimed jewel, was the tax cut. As we saw, they were willing to jettison Medicare, education, environmental efforts, Medicaid, in order to provide a tax cut for the wealthiest in this country.

Quite frankly, it was the American people who said to the President of the United States, 60 percent, veto this madness, veto it, which he fortunately did. We see Republicans running from their record to try to bury the truth, but I will tell you, who can blame them, who can blame them from trying to run from the truth?

The litany is there. My colleague, the gentlewoman from Texas, talked about education. We have talked about what they tried to do with Medicare and Medicaid, education, and the environment. I will just say this about American families. What they essentially want is a shot at the American dream. That is what they work for.

It is like your folks and my folks who worked hard all their lives to provide their families with an opportunity for the future. What has been the great equalizer in this country? It is education. That is the way that, despite what your income is, despite what your social status is, public education has been the great equalizer in this country, so what your God-given talents have given you, you can develop your potential and you can succeed.

What they tried to do was to pull that rug out from under public education for working families. As I said, my colleague, the gentlewoman from Texas, catalogued some of the information in Head Start programs, in safe-and-drug-free schools, in reading and mathematics programs. I will tell you that finally what they tried to do is dealing with the colleague loan program.

I would think that if we polled 435 Members of this Congress, we would find that they achieved what they did in education through college loans or through some sort of financial assistance, most of them. I could not have gone to college without the benefit of financial assistance. My family just could not have afforded that.

I might add that the gentleman from Texas, DICK ARMEY, and the gentleman from Georgia, NEWT GINGRICH, went to school with college loans. What they tried to do then is pull the ladder up after them. That is wrong.

Let me just make a couple of comments here. They voted to slash student loan funding by over $10 billion and eliminate entirely the direct student loan program. That is the program that, as my colleagues know, takes the banks out of the equation and says to the family, you do business with the college, and decreases the costs of that loan to that family. They tried to entirely eliminate the direct student loan program.

The $10 billion cut included a $3.5 billion cut of the Stafford student loan program. They have also voted to cut Pell programs and loans, denying loans to 750,000 students. This is the way we succeed in this country. The college loan program works.

Why do they want to deny people the opportunity, working families the opportunity to be able to send their kids to school, to have that opportunity to succeed and compete? That is wrong. That is why the American public moved away from it.

Let me just say, if we think that this was a one-shot deal, and that they do not have these kinds of thoughts in mind for the future if they happen to come back here in the majority, if we take a look at the Dole economic plan, a $568 billion tax cut, where are they going to go, again, for that money? They are going to go to Medicare, education, Medicaid, the environment, the same kinds of programs.

Mr. Speaker, I think this is important. I want to talk about a comment that I read today in something called the Texas Monthly, September of 1996. I think this is extraordinary. I think the public knows that the Republicans were so desperate to advance their extreme agenda that they were willing to shut the government down not once but twice.

Now, you would think there would be some sense of the hardship of shutting the government down, what that means in terms of people's lives for people who work at Veterans Administrations and so forth, what happens to them when they are not sure they have a job, when they are not sure they are going to get a paycheck, what happens to their kids, what happens to mortgages, what happens to college loan payments, what happens to putting food on the table.

You might think that the Republican leadership was chastened in some way by shutting the government down. This is a September, 1996 quote by the person who is third in charge in the House of Representatives, the gentleman from Texas [Mr. DELAY]. If the gentleman will bear with me a second.

Quite frankly, we have entitled this, Let Them Eat Steak. You will understand this when I read it.

This is a quote: "Our biggest mistake was backing off from the government shutdown. We should have stuck it out. The worst moment was November 19. I was cooking steaks for five or six Members at my condo. The TV was on, and all of a sudden there's Newt and Dole and the President, and everybody is shaking hands and saying they've reached an agreement to reopen the government. I'll never forget it as long as I live."

This is a quote from the gentleman who is third in charge of the House of Representatives; let them eat steak.

Let me tell the Members, I went to the Westhaven Veterans Administration during the Government shutdown. You want to be chastened, when you saw people who did not know whether or not they were going to have a job. The stayed on the job, because they felt they had an obligation to those sick veterans in that hospital. They did not know if they could pay the bills. They did not know if they could put food on their tables.

This gentleman says we should have continued to shut the Government down. And these are the folks who want to come back and who want to lead this House of Representatives. The American public needs to know what they are about.

Mr. PALLONE. I appreciate what the gentlewoman said. Really, the gentlewoman says very well and explains very well the dire consequences of the government shutdown. I think the fact of the matter was that there were a lot of people who really suffered tremendously during that period.

I want to yield to other colleagues here, but I just wanted to say one thing when you were talking about the student loan program. That is one of the many aspects, but the one that I hear the most these days from my constituents, and I think the reason is because, and I do not have the statistics here tonight, but the reason is because of the disparity, if you will, between how income has not grown, if you will, in the last few years, or in the last decade, but the cost of college tuition and going to college has grown so much.

I know when I was in college I had help from my parents, but I also had a student loan and I had a scholarship from the school. I had the work study program. It was possible for your parents to help you to some extent.

But if you think about it, over the last 20 or 30 years, income has not kept up, if you will. The cost of college has gone up so much that more and more families and more and more students need larger amounts, if you will, of student loans in order to pay for college education or graduate education.

That is why we have seen the President, with the help of Democrats, when we were in the majority, try to expand some of these programs; why we had the AmeriCorps program, why they tried to expand the direct loan program, to give more students and make more money available, because it is a lot harder to pay for that college education today than it was 5 or 10 or 20 years ago. For some reason, our colleagues on the other side of the aisle never understood that, and I do not know why they did not.

I yield to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. I thank the gentleman for yielding to me, Mr. Speaker, and I appreciate very much this retrospective look at the 104th Congress. I do think that, as Congress rushes to complete its work, it is an appropriate time to evaluate the true record of this Congress.

Mr. Speaker, I would speak about, in particular, three shortcomings of this Congress. The first is the shutdown, the second is student loans, and the bulk of my time is going to be spent talking about a near miss, a raid on workers' pension security.

On the shutdown, this new crowd, the 104th Congress, the Republican majority, said they wanted to run government like a business. Yet, when they got in a fight with the President, they felt shutting down the government was the appropriate response; leaving the workers home, only to be paid for every day they stayed at home, with the subsequent enactment of the appropriations bills.

It occurred to me, as I evaluated that ridiculous stunt, that there is not a single business in North Dakota that gets so mad at itself that it sends its workers home on salary, but that is precisely what this crowd did to the Federal Government, disrupting service, costing taxpayers millions, and what is more, making a total debacle of the legislative appropriations process.

☐ 2100

To have a quote published in a major Texas magazine where the majority whip, Mr. DELAY, to this day, believes that their greatest single error was reopening the Federal Government shows just how reckless and irresponsible the leadership has been on the other side and what we might expect more of should they return after the next election.

The second point I would address was student loans which as I sat on the Budget Committee fighting the proposals that would take $18 billion from the funding of loans, student loans, I evaluated the consequences for those who would pay the tab, the students of this country. They proposed to wring $18 billion out of student loan funding, having students accrue interest on their loans from the moment they took them out. The 18-year-olds sitting in college in freshman English class today just as it has been for many, many years, including certainly when I was in college and way before that, they do not have interest accruing while they are still in class. What would be the point? They cannot pay the loan back. They are in school. That is why they took the loan out. And so they have that interest deferred. That is just how student loans have worked.

Well, they wanted to change that. They wanted to have interest accruing from day one so the freshman student is not just sitting there trying to learn, he is also worrying about interest accruing and this growing student loan debt.

You mentioned the rising cost of college and the resulting impact on student loans. In fact, student loan borrowing is up greater than 50 percent. Student loan borrowing in this country has more than doubled since 1990. We are having an explosion in student loans because the costs are beyond the reach of families to pay, or beyond the reach of students to make it with working while they are not in class. This would have impacted the costs on payback to the students of this country in the following ways: Eliminating that interest deferral would have hit an undergraduate coming out with a 4-year degree 25 percent. It would have hit a graduate student something in the range of 30 percent upon completing their graduate degree. And someone obtaining either a medical doctor or perhaps a Ph.D. in history would look at a full 50 percent greater student loan obligation than they would come out with today.

As if that was not bad enough, I will tell you that student loan obligations today are shocking. My student loan payment was $90 a month, I paid it faithfully for 10 years and remember and will always remember walking that last payment to the mailbox. It was a happy day in my life. Well, now they are paying several hundred dollars a month. In fact, whereas that student loan payment used to fall somewhere after your rent payment and after your car payment in terms of your monthly outflow, it now rivals or exceeds mortgage payments these people are making, so great is the indebtedness. And this Republican budget would have increased it at least 25 percent for the graduating undergraduate, because they wanted to take the money from student loans to pay for that tax cut primarily benefiting the wealthy. That was a very, very low point in this session. And thank goodness that budget plan was vetoed.

There was another, and the final low point that I would mention involves the attempted raid on workers' pensions. In this country this year, the first wave of baby boomers turned 50 years old. One in three baby boomers is saving enough for retirement, but the first wave of baby boomers turned 50 years old. We have a national growing, serious problem with people not saving enough for their retirement. One in 4 workers in an employer of under 100 has an opportunity to save, 3 in 4 do not, to save for their retirement. Now in the larger employers, it is better. Seventy-eight percent employed in employers over 1,000 have retirement savings programs. So this is the one part of the whole country where workers are actually on track and saving for their retirement. And what did the Republican budget do? It pointed a gun right at that one area where retirement saving is on track and wanted to blow it apart.

In the 1980's, we saw savage abuse of workers' pension funds as corporations raided the paid-up workers' pension funds to fund such things as leveraged buyouts or just even for an easy access to a line of credit for those corporations. In the 1980's, when it was finally brought to a stop by congressional action, $20 billion was withdrawn from workers' pension funds. Many of those funds that had the pension funds ripped out of them ultimately went bankrupt, leaving workers with greatly reduced retirement benefits paid by the taxpayer through the Pension Benefit Guaranty Fund. Well, the proposal that was slipped into the Republican budget would have allowed, by their estimates, $40 billion to be withdrawn from workers' pension funds. How does this happen, you say? The safeguards that were put in place preventing companies from raiding their pension funds for their workers were eliminated, wiped out, for a windfall window where corporations could withdraw those funds without excise tax penalty through July 1 of this year and after July 1, they would have a very small tax penalty on the withdrawal.

Today the tax stands at 50 percent to discourage raiding those retirement funds. That barrier was put in place with bipartisan votes during 3 congressional sessions. The Republicans wanted to wipe out that 50 percent, give them a windfall when they are to pull that money out. Why in the world, do you ask, would they want to do that, expose our workers to the loss of their pension dollars? One reason. They had a budget hole. In order to finance that tax cut disproportionately benefiting the wealthiest Americans, they needed to come up with funds. And if corporations withdrew the $40 billion pension funds, at the time of withdrawal, that was taxable to the Treasury, and the Treasury would have gained a $9 billion windfall.

So they were prepared to sell out workers' pension security in order to plug a budget hole in their budget, in order to finance that tax cut disproportionately benefiting the wealthiest Americans. That was a shocking proposal. It did not receive so much as a congressional hearing. No hearing on this proposal. And in the Committee on Ways and Means at the time it was brought forward, one member said, "Well, look, if you're going to do something that so threatens the workers without so much as a hearing, let's at least have the requirement that when corporations draw workers' pension funds out for their own purposes, for the company's own purposes, against the workers' interests, that the workers would be notified." Notification to the workers when you take their pension money away. That amendment was defeated.

Finally, I went to the Rules Committee and I implored the Rules Committee to at least allow an independent vote on this matter so critical to workers' retirement security. I felt of the many, many issues in this budget which ran hundreds of pages, this one deserved a stand-alone vote. The Rules Committee refused to allow the vote. They wanted the pension raid wrapped into their proposal to pay for their tax cut to the wealthy.

So in retrospect, I think when you look at what might have happened in the 104th Congress, there were some very near misses. Nearly catastrophic hits to Medicare, a nearly catastrophic impact to student loans, and nearly a catastrophic raid on workers' pension funds, all to make their budget plan work, and again the jewel in the crown of their budget plan, that tax cut disproportionately going to the wealthiest people in this country. There simply were no limits to which this new majority would not go to try and fund that tax cut for the wealthiest Americans.

I will tell you, senior citizens, the students and the working people of this country deserved much better, and I believe they will get much better after this next election.

Mr. PALLONE. I appreciate what the gentleman said, and particularly with regard to the pensions, because I think that many people have forgotten that. It came up at the time, and the Democrats did their best to point out that it was being proposed and we managed to kill it, primarily because of the President's veto, but I think a lot of people have forgotten it, and that is why it is so important for us, not only today but I think in the next few weeks to continue to point out that these are the things that the Republicans were proposing and what they would have meant to the average American. That is certainly one of the most important. I appreciate the gentleman bringing it up.

Mr. POMEROY. There are many things with which I agree with the majority. In other areas I disagree. But I was absolutely shocked that on this pension raid issue, threatening the retirement security of millions of working men and women, all but one of the majority voted right along to allow the pension raid.

Mr. PALLONE. It is really incredible when you think about it. I thank the gentleman for bringing it up.

I would like to yield to the gentleman from Michigan. I know he has pointed out over and over again how important the President's effort has been with the crime bill and with the 100,000 extra policemen that have been implemented basically in many municipalities around the country. That program is one of the main Federal programs that my constituents talk about now because it has really had a major impact in reducing the crime rate in a lot of my municipalities. I yield to the gentleman.

Mr. STUPAK. I thank the gentleman and I thank the gentleman for his leadership over these past 20 months as we have tried to point out in the 104th Congress, and I think we are all proud to be Members of Congress, but I think what we have been seeing here tonight, a lack of notice as to intent of legislation, lack of hearings, I think that unfortunately is a trademark of this 104th Congress. And you and I both sit on the Committee on Commerce. Besides being active participants in crime issues, we also sit on the Committee on Commerce which deals with Medicare and Medicaid. We talk about changes and how we get the Federal budget under control and deficit reduction and all that, and I think whether you are in the majority and you are running Congress or whether you are having a hearing, I think the change that the American people want is a change that is based on common sense and shows some compassion. Unfortunately, there was no near miss in the Committee on Commerce about a year ago when you and I were there and Mr. POMEROY spoke of near misses, it was no near misses when 13 senior citizens were arrested at the start of a Committee on Commerce markup on the Medicare bill which had $270 billion in cuts that we had never seen until we walked into the hearing room that day. And so 1 year ago the Republicans ordered the Capitol Police to arrest this group of 13 senior citizens who tried to participate in this single day markup. Not realizing the difference between markup and hearing, they tried to participate and ask questions about this Republican plan to cut Medicare by $270 billion in the Committee on Commerce. I went down with them after these 13 seniors were arrested, I guess a chance to see the lockup over here in DC. Being a former police officer, I have seen plenty of lockups, but I have never seen one in Washington, DC.

So since we could not get hearings with the new majority, what did we do as Democrats? We actually went out on the lawn because we were denied a hearing room within the Capitol and the buildings that we have surrounding this Capitol and we went out on the Capitol lawn for open hearings on the Republican bill. We had to have open hearings so seniors and health care experts could tell us what all this stuff meant as it was laid out before us shortly before we had to vote on it. Why did we have the hearings? None of us ever were able to participate or see what was in the bill. The Republican plan to cut Medicare by $270 billion was really written behind closed doors. It is hard to believe that in a single day in the Committee on Commerce where you and I sit, it was going to be the only hearing scheduled and that was the markup to pass the bill which was the centerpiece of the Republican budget to cut $270 billion so they could give a $245 billion tax cut to the wealthiest 1 percent of this country, the billionaires and the zillionaires.

But did we have hearings in this Congress? Oh, yes, we had hearings. We had hearings, 59 days of them spent on Whitewater. We have been investigating that for 4 years. But they got 59 more days on that, one which there is no big demand to have that. Twelve days on Waco. Fourteen days of hearings on Ruby Ridge. But not 1 hearing on Medicare.

Why are the Republicans so terrified of having a hearing on the public hearing on the Medicare bill? Because they know that the American public does not believe in cutting Medicare by $270 billion and doubling the seniors' Medicare premiums just in order to give a tax break to the wealthiest 1 percent of this country.

Where are we now? We have the Dole economic plan? We hear so much about it. But are we having one hearing on the Dole economic plan? No. Once again, this is hot stuff. They do not want to have a hearing on something where someone may ask a question. The Dole economic plan, which is $548 billion, twice as much as the previous plan to cut Medicare, they do not even want to give us a sneak preview. But the Dole plan is a sneak preview of the upcoming cuts in Medicare. Most Republicans are not saying much about the Dole plan. They refuse to hold any hearings on the cuts necessary to finance the tax breaks for which once again favor the wealthiest 1 percent of this country.

So once again we Democrats have stepped in with a series of hearings on the Dole economic plan. Democrats have been reinforced by a statement by the Senator from New York, Senator D'AMATO, the cochair of the Dole campaign, who admitted last month, and if I can quote him, his quote was, "You can't just be cutting all the discretionary spending. You're going to have to look at Medicare.

□ 2115

I would never say, if I were him, meaning Dole, until after the election, no way, no way, absolutely, I am not running this year, so I can say it and tell the truth.

You take a look what the American people have seen, and the truth is now starting to come out, what has happened over these pass 20 months. I really believe that is why you see our Republican friends walking around with these buckets the last few days. I think they are walking around with the buckets because they are trying to bail themselves out with the American people, because they know we are having the election in about five weeks.

So I appreciate, and I guess I have learned a little bit being in the minority, that if you bring forth legislation, include the American people. Let them have hearings. Let them ask questions. Use some common sense, and show some compassion. Whether it is our veterans, our seniors, trying to protect the environment, trying to protect the cops on the street that we ask to go out day in and day out and put their lives on the line, or trying to help your son, daughter, grandchildren to get an education. We can make these cuts, and we have done it. But you have to use common sense, and you have to show some compassion, something that was lacking in this 104th Congress.

The things that were important to them, like Whitewater, Waco, Ruby Ridge, we have hearings on. The things that are very important to the American people, like proposed cuts in Medicare, we have no hearings.

So I appreciate the opportunity to join you, as we have in these last 20 months, not only join you on the Committee on Commerce, but also having these hearings, to try to get forth at what is really happening behind the closed doors with this new Republican majority. I hope they continue to walk around with their little gray buckets as a symbol of their achievements in this Congress, because those buckets, once again, mean they are trying to bail themselves out before November 5th.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments. If I could mention two things that he highlighted that I think are so important in concluding this special order this evening, one is the whole stealth aspect. It was amazing how many times on so many of the issues we discussed tonight, we were not told and the public was not told about what the true intentions of the Republican leadership was, until, as you said, it was almost too late, until they were about to bring the bill out, either in committee or on the floor, to actually be marked up and passed.

I remember in the case of the Medicare cuts and the changes in Medicare, that it was nine months, we started in January of 1995, and I do not believe that those incidents that you were talking about took place until some in the summer of 1995.

For that whole period, we kept hearing there was this budget out there that was going to provide this $245 million in tax cuts, mainly for the wealthy. But every time we asked what was it going to mean for Medicare, or Medicaid, for that matter, there was never an answer, until the very last day effectively when the Committee on Commerce was asked to mark up the bill.

It is incredible to think that such an important change, not only in terms of the cuts, but the changes, the substantive changes being proposed in Medicare that would have effectively gutted Medicare, and we could not find out about it and the public could not find out about that.

We saw that time and time again with so much legislation, so many of the major changes being proposed, that we succeeded eventually in stopping once we found out what they were and once we could tell the American public what this was all. That stealth strategy continues today.

As you point out, the Dole economic plan is the same way. We hear about the tax breaks, if you will. But the details of how they are going to go about implementing those cuts, what they are going to do to various programs, whether they are discretionary programs or entitlement programs, I think at one point in the plan that was put forth, when Mr. Dole put forth his plan, he actually admitted it was based at least initially on this year's budget, on the Republican budget that was passed this year. That budget itself would continued the major cuts in education, environment, Medicare, and Medicaid.

But this would have to go way beyond that. We would see a lot more in terms of negative impacts on those programs, and particularly Medicare, because there is so much more that has to be found to reach that level of tax breaks, primarily for wealthy Americans.

Mr. STUPAK. If I may, if it is based upon the Republican budget that was passed this year, that budget was already vetoed and rejected by the American people and by the President. I am glad to see him stand tough to protect the issues like Medicare, Medicaid, education, the environment and our veterans.

If nothing else, for the listeners back home just again, let's go back to Medicare, something that affects all of us, our grandparents, our parents. We cannot have a hearing, but yet we will spend 59 days on Whitewater, 12 days on Waco, and 14 days on Ruby Ridge? Those are hearings that were for nothing more but to divide this country, to foster unfounded allegations, to just rip apart this country.

But yet something that affects all of us, that we should be concerned about and actually could unite the country, balance the budget and yet still provide for our seniors and parents and grandparents, we do not get any hearings on that, but we want to talk about Ruby Ridge and Waco and Whitewater. The priorities have been backwards. They have been upside down.

So, hopefully, as the fall unfolds, there will be a new majority come January, and we can get back on the right track of looking forward to working with the American people, not against them, not deceive them, not be decisive, but work forward and move this country forward.

Mr. PALLONE. I want to thank the gentleman. I just want to say one thing: As the gentleman mentioned, being in the minority for the first time, because I was here before when we were in the majority for several years, as were you, but one thing that I learned and one thing that renews my faith, if you will, in our democracy, is that once we were able to get the word out, either on the floor here or back in our districts at town meetings or with the media or whatever, once we were able to get the word out to the American people, and even to some of our colleagues on the other side, about what the impact of these Republican leadership proposals were and how they were going to cut Medicare and how they were going to change the program, how they were going to cut back on environmental protection, what they were going to do to student loans and education programs, we were able to change the dynamics of what goes on here.

That is why, even though we are coming to the close of this Congress, when I am asked, and I am often asked by reporters or constituents, "What did the Democrats accomplish in this Congress?" And I say we halted, we stopped, these extreme measures from becoming law, collectively with the President. That is an accomplishment, and that is something we can be proud of. I think it is also an indication that this democracy works, that once you are able to speak out and get the truth out, it really does make a difference.

Mr. STUPAK. Their contract of America, you never hear them talk about that anymore. You never hear them brag about it, as they did for the first 9 months, this contract is going to do this and that. They are running away from that contract, because it was not a Contract with America, it was a Contract on America.

Now you do not see them campaigning on it. There are not all these wild promises, extreme positions. I think the American public, like us, learned in the last 20 months and said the truth has finally come out, as Mr. D'AMATO said, and they are trying to bail themselves out with their little gray buckets. We look forward to the next few weeks.

Mr. PALLONE. I want to thank the gentleman fro joining me in this special order tonight.

ACCOMPLISHMENTS OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, my colleagues who just took the previous hour chose not to engage me in debate. I asked them if they would yield to me, and of course they did not have time, because what they said simply will not stand muster. So I am now going to spend a little bit of time setting the record straight as they leave the hall. I would have been happy to engage and debate them, but unfortunately, they do not want to debate the issues.

I would like to say the majority of this hour is going to be given to my friends from California, who have a lot to tell my colleagues about, and people of this country, regarding immigration reform.

Immigration reform is absolutely essential. We have so many illegal aliens coming into the country, costing this country so much money, and we have passed a bill and the President said he would veto it, keep us here, shut down the government if it passed and was put on his desk, rather than sign it into law. I will let them talk about that in a few minutes. What I wanted to do right now is set the record straight on some of the things that my colleagues previously just said.

First of all, we are not running away from the promises that we made to the American people. We kept those promises. Seven of the 10 things we promised in the Contract With America passed both houses and went to the President. Four of them became law. Nine of them passed this body, and we acted upon all 106 of them in the first 90 days of this session of Congress. So we did not run away from them.

Let us talk about what we passed. We passed a law which said that every law Americans have to live by, we have to live by. Congress is no longer a special entity. Before, under the Democrats for 40 years, they had special privileges. We changed that. We came up with lobbying disclosure, so the American people would know what is going on in this body.

We were the first ever to vote on term limits. For 40 years they talked about it, but they would not vote on term limits. We did. We downsized Congress itself. We downsized congressional committee staffs. We put term limits in for the Speaker of the House and for committee chairmen. We put a ban on proxy voting. We opened all committee hearings to the public, which was not the case before. We eliminated three committees and 20 subcommittees. We cut total congressional spending two years in a row, and for the first time in many years, we had a comprehensive House audit. That may not be great information for a lot of Americans, so let us talk about the Contract With America that we promised.

We promised a line item veto. It is the law of the land. There is a line item veto. They never did it; we did. We passed a balanced budget amendment in this House, and because of Democrats it failed by one vote in the other House. Otherwise,we would have a constitutional amendment passed and sent to the States that would mandate that we live within our budget. They do not want that, because they like to spend a lot of money, and they have not changed.

They talked about welfare reform, but they never did anything about it. For 40 years we had a welfare state that grew and grew and grew. Remember Lyndon Johnson saying we are going to do away with welfare in 10 years when he passed the Great Society program? Welfare is about 500 percent higher than it was when he passed the Great Society. Instead of solving the problem, he merely compounded it by putting more and more and more people into the system, to the point where every taxpayer in this country is burdened up to here paying welfare benefits. We changed that. We passed welfare reform. The President has tried to take credit for it, but he vetoed that bill twice. The only reason he signed it the third time we sent it to him was because the American people demanded welfare reform. And he signed it because he saw in the polls that about 78 percent of the people wanted welfare reform because they could not stand that socialistic trend anymore. But that was in the Contract With America. We didn't run away from that pass.

We passed health insurance reform. They did not do it. They wanted everybody in this country to be dependent on a national, socialistic health care plan. We passed health care reform so people who have cancer or some life threatening disease that leaves one job, they could not take their insurance with them. Now if they have another job opportunity, they can go from one job to another, and there is portability with their insurance. They can have that.

Megan's Law, that dealt with child abusers and nailing them, we passed that.

Let us just run down a few things. They said we do not care about the environment. We passed safe drinking water reform update, clean water reform, private property rights protection, food safety enhancement, national wildlife refuge improvement, coastal zone management, mercury battery recycling, conservation and environmental reform in the farm bill, and Florida Everglades protection.

Regarding education, they said we did not care about kids, that we cut the school lunch program. We increased the school lunch program. What we did was cut out the waste and fraud in Washington, and we turned control of the school lunch program back to the States where the could handle it more efficiently. But there was more money put in there for the school lunches.

The only thing is we cut out the bureaucracy. But they do not want to worry about that, because that is their political base. They say we do not care about the kids. We do not care about the bureaucracy. We care about the kids, and that is why we sent the money back to the States where it could be more efficiently spent.

We expanded student loans. We increased Pell grants; we increased Head Start funding; disabled students education reform to help disabled students. We extended tax deductibility of employer-provided educational benefits. It does not sound like we are against education to me. But they do not like us when we start cutting the big education bureaucracy here in Washington. That is what they are concerned bout.

On women's issues, they say we do not care. The Sexual Assault Prevention Act, increased day care funding, child support enforcement, covering breast cancer treatments under Medicare. That is one of the epidemics, breast cancer. I have that in my own family. We cover that now under Medicare. Women's health research, funding for Violence against Women Act.

Adoption promotion. A $5,000 tax credit for people who adopted children to get them out of the people who adopted children to get them out of the welfare system, out of the foster care system. It costs up to $35,000 a year, $15,000 to $35,000 a year to keep a child in foster care, depending on the State. For $5,000, a one time tax credit, people can adopt a child, pay their legal expenses, and get that child into a loving home. Everybody wins. The taxpayer wins, the child wins, and the person who wants to adopt a child wins. they do not mention that.

□ 2130

Sexual Crimes Against Children Act; that passed. Domestic violence victims insurance protection and interstate stalking punishment and prevention for people that stalk women and follow them around the country to try to molest them. They do not talk about that.

They talk about Medicare and say we do not care about senior citizens. They do not care about the senior citizens because they are not doing anything to protect Medicare. Medicare is going to go bankrupt in less than 5 years if nothing is done. They do not mention that they are not doing anything about it.

So what did we do; what did we propose? We proposed not cutting Medicare but reducing the growth of Medicare, the growth of Medicare, from 13 percent a year down to 7 percent a year. It is still going to grow at 7 percent a year. That is not a cut. It is a cut in the growth, but it is still going to grow at 7 percent a year. that is 3 or 4 percent above the rate of inflation.

We are going to increase the amount of money seniors get per year from $4,500 a year to $7,100 a year. Now, how can that be a cut? We are increasing the amounts they are going to get from $4,500 to $7,100, and they say, well, that is a cut and we do not care about senior citizens.

What we want to do is put Medicare on a fiscally sound basis, and we are going to do it if we stay in the majority. But they have stopped us every step of the way.

Hillary Rodham Clinton; her health care plan increased Medicare at 6 percent. We are talking about a percent higher than her, but we can still make it fiscally sound in 5 years and not have it go under. The alternative that they have come up with is nothing. And if we do nothing, what will happen in 5 years is it will either go bankrupt or everybody in this country will have to pay more in taxes to pay for Medicare. We believe our approach is much sounder.

We give senior citizens four choices, they give them nothing. We give them the choice of staying in the Medicare Program, or they can go into a medisavings account, where if they do not spend their money they get it back at the end of the year in less taxes. What does that do? It gives you money back, it puts accountability in the system. You are going to ask questions about your coverage, about what your doctor is doing, whether or not that procedure is really important. Because if you do not spend that money, you get it back.

So they can go into a medisavings account, stay in the Medicare Program, or go into an HMO or a PPO. We give them four choices. They want the one choice now. Nothing but the one choice in a system that will go bankrupt, and they are doing nothing to address that issue.

Mr. Speaker, then they said that Senator Dole does not have a good economic program. He wants to give a 15 percent tax cut to every American. Now, I hope all my friends in America and my colleagues will be thinking about this. Americans work long hours just to pay the bills and feed their kids, and it is not right that Americans spend 5 months a year just paying their taxes. They do that for 5 months.

Everybody in America works 5 months of the year just to pay their taxes. That is why the Republicans and Bob Dole are proposing a 15 percent across-the-board tax cut, including a $500-tax credit for every child in America. That means $1,600 more in your pocket if you are an average American family.

Now, do American families want to put $1,600 into the IRS or do they want to keep it for themselves for things they need? They are already paying 5 months a year just to pay their taxes.

So this November, when we get the message out, I believe the American people are going to say, hey, the Republicans did accomplish a lot, they did live up to their promises, they did keep their agreement with the Contract With America, and they are going to give me some of my hard-earned money back instead of putting it into the IRS coffers and to the Treasury.

Now, the Democrats will say that is going to run the deficit up. When we cut taxes in the early 1980's, we were bringing in $500 billion a year in tax revenues. The tax cut stimulated economic growth and we created 21 million new jobs, that is 21 million new taxpayers. That brought the revenues from $500 billion a year to $1.3 trillion a year. It almost tripled the tax revenues because of the tax cut.

When we put disposable income in businessmen's pockets and Americans' pockets and families' pockets, they are not going to put it under the mattress. They are going to spend it or they are going to invest it. And if they buy more refrigerators, we will have to make more refrigerators. If they buy more cars, we will have to make more cars. And if we make more cars and refrigerators, then there will have to be more people working to put those cars and refrigerators in the marketplace. That is called economic expansion.

That economic expansion in the past has proven that we triple, triple the tax revenues when we give American people more money back in their pockets. Conversely, when we raise your taxes, as Bill Clinton did, after saying he was going to give you a tax cut, he gave us the largest tax increase in history. That is money that comes out of your pocket, that is money you cannot spend, and so the economy starts to contract. That is why we have the slowest rate of growth that we have had in years and years and year. It is not going to get any better unless we stimulate the economy.

So let me just say to my colleagues who left, who would not debate me, they are full of prune juice. We did live up to our commitments, and we are going to do more for the American people by reducing this big Government, this bureaucracy and cutting taxes, saving Medicare, and providing a growth in Medicare that is tenable, something we can do to make sure other seniors are protected and still give them four choices.

It will be better for America next time after this election. It has been better now, but it will be a lot better once this election is over and we have control.

I would just say about Bob Dole, he will keep his word. We will get the tax cut, and the Americans will have more disposable income and, hence, a better standard of living.

Now, I am going to furnish this over to my colleagues in California. But let me just say, as a person who is not from a border State, I am concerned about the illegal aliens that are coming into this country. We are getting as many as a million or a million plus a year coming across our borders.

Twenty-six percent of the Federal prison populations are illegal aliens, and each one of those people costs the taxpayers of this country $25- to $35,000 a year. We are spending billions and billions and billions of your tax dollars, Americans' tax dollars, just to take care of illegal aliens.

My good friend, the gentleman from California, ELTON GALLEGLY, came up with an immigration reform bill that will solve a lot of those problems. There was one provision in there which said that, I think after July of next year, any new illegal alien coming into the country whose child they put into school, will not be able to go into school. But up until next year any illegal alien's child who is in a school will still be able to get their education through the 12th grade.

The President said, hey, I cannot swallow that because I want these kids to continue to come in as illegal aliens, even after next July, to still be able to go to school at taxpayers expense, even though they do not pay taxes, to get an education.

So ELTON GALLEGLY agreed to take that provision out of the bill so we could get an immigration reform bill passed that would help protect Americans and stop the massive flow of illegal aliens coming into this country that is costing billions of dollars. What did Bill Clinton do? He said, if they took out that amendment that I just talked about, he would not object to the bill. So ELTON GALLEGLY of California took it out.

Mr. Speaker, what did the President say? What did the minority leader in the Senate say, Mr. DASCHLE? What did the Democratic leadership of this House say? Before they said, if you take it out, the bill will be OK. Now they have backtracked and said, and the President said, if you send it to me we are going to veto it, and if you send it to me we may shut down the Government.

I think everybody in this country ought to know that this President is prepared to shut down the Government if we pass meaningful legislation dealing with illegal aliens coming into this country at taxpayers expense.

I think it is wrong what he said, and I hope my friends from California will carry on this message so that everybody, particularly the people in California, will know that the Republicans are doing their dead level best to stop massive illegal immigration.

With that, Mr. Speaker, I yield to my colleague [Mr. GALLEGLY] from California.

Mr. GALLEGLY. I thank the gentleman [Mr. BURTON] from the great State of Indiana for yielding.

Mr. Speaker, I have served in this House, this is my 10th year. In those 10 years I have never availed myself the microphone to address the House in special orders. This is the first time in 10 years. But I say to my colleagues, tonight there is a real need to address the House on an issue that I have worked on for several years.

In fact, a large portion of my tenure in Congress has been devoted to addressing the unchecked flow of illegal immigration coming into this country, a problem that is facing California probably more severely than any other State in the Nation.

California, by most accounts, is the home of over half of the entire illegal population in the entire Nation. We have half a million students that are illegally in this country. Not the children of illegal immigrants, but those that have illegally entered the country themselves, that their own status is illegal in this country is what is crowding our classrooms.

Two-thirds of all the births in Los Angeles County operated hospitals, public-funded hospitals that are completely paid for by the taxpayers, over two-thirds of every birth in the last 6 or 7 years, the mother has no legal right to be in the country.

As Mr. BURTON said, 26 percent of our entire Federal penitentiary population is made up of illegal immigrants, not for immigration violations but for hard crimes, murder, rape, robbery and mainly, to a large degree, drug trafficking, and so on.

This is an issue that we have to address. We have worked hard and we have worked long. I would like to first say thank you to my colleagues on both sides of the aisle for working in a bipartisan way to aggressively address this issue. In March of this year this House passed a historic immigration reform bill addressing many of the problems that we face in this Nation. It passed this House in a bipartisan way 333 to 87.

Mr. Speaker, there are very few things that we address in this House that 333 of us collectively can agree on, so I think that there was a clear message. It was a good bill. It was a tough bill. It addressed the needs for more Border Patrol, providing up to 10,000 new Border Patrol agents. It provided for document fraud, one of the things that provides access to jobs and welfare benefits.

On any street in most of the metropolitan cities in this country for 35 bucks you can buy a card like this, Mr. Speaker, that even most Federal officials cannot detect as being counterfeits. We correct that in this bill.

In this bill we make it a crime equal to the crime for manufacturing, counterfeiting, or using currency that is counterfeited. The same penalties would apply for counterfeiting this Federal document that would provide you access illegally to jobs and Federal benefits.

We stopped access to welfare benefits in this bill to folks that have no legal right to be in this country. We have not denied anyone emergency medical care. I think as humanitarians we all agree that you cannot deny somebody that is critically ill or injured from being treated in a humanitarian way. However, we do say once that person is treated and nurtured back to health, they should be escorted back to their native country. It should be explained to them, if they want to come to this country, how they can do it in a legal fashion.

Mr. Speaker, we are a very generous Nation. We allow more people every year the right to legally immigrate to this country. I wholeheartedly support that. We are a country of immigrants. But there is a movement because of the tremendous influx of illegal immigrants, those that do not pass health examinations, they violate the laws coming here. Because of that, there are a lot of folks that want to close the front door to legal immigration because the back door to illegal immigration is off the hinges.

Mr. Speaker, that is just the reverse of everything that this country was founded on and what I believe all my colleagues would agree is in the best interest of this country.

Well, we worked the past few months after we passed this omnibus historic bill to work with our colleagues in the Senate. They passed a similar bill, and I believe their bill passed 97 to 3, if I am not mistaken.

□ 2145

And then we started merging the two bills. We went to conference, and there were some issues that were maybe not quite to the agreement or to the satisfaction of our colleagues in the other body, and we worked in a bipartisan way to try to get to that point to where we could merge these bills and move this vitally important legislation ahead.

In this omnibus bill that the House passed out was one provision that only in the last month or so met with great objection from our President. I might add that, putting modesty aside for a second, with the help of my colleagues I have 28 provisions in this bill, so the Gallegly amendment that we talk about is not the only thing that I have an interest in this bill, but it has been the target as one of the Gallegly amendments, the one that has received the greatest amount of attention.

Let me tell my colleagues what the Gallegly amendment does, because there has been much misinformation about the so-called Gallegly amendment over the months. The so-called Gallegly amendment does not deny anyone access to education, does not say you should deny anyone access to education and so on.

What the Gallegly amendment does merely, and it passed out of this House in the omnibus bill 333 to 87 in March, in an unmodified version, said merely that in the future, after enactment of this bill, the Federal Government could no longer force States to provide a free public education to those that have no legal right to be in this country. It does not say to the States they cannot. It does not say they should not. It only says that we at the Federal Level are no longer going to force them to do this, particularly since the States bear 95 percent of the cost of education to start with.

This is a cost to the State of California of $2 billion a year, $2 billion a year, $2 billion that could hire 53,000 teachers, $2 billion that could put a computer on the desk of every elementary school student in the State of California.

Mr. BURTON of Indiana. It does grandfather those children already in school.

Mr. GALLEGLY. Let me just say to the gentleman, I am talking about the original version that passed the House in the bill, that said the States no longer would be forced to. It did not say they should not, did not say they cannot.

Well, the President said, "I do not like that." And there were some Members on the Senate side that said, "I am a little uncomfortable." There was a lot of misinformation that said we are kicking kids out of school. All we were doing was changing the venue for the debate to where the bills were being paid.

So we sat down and, not to my pleasure but in the sense of comity and with the attempt to reach a compromise that could bring this bill to fruition, I agree with my Senate friends to modify this bill that would grandfather every one that is currently in school in K through 6 and 7 through 12, so no one can say we are removing anyone from school, and they agreed. Now we have an agreement; let us move to the House and we will pass this very important piece of legislation.

The President says, "I will veto any bill that has any modification that would not force the States to provide a free public education not only to those that are illegally in this country today but anyone that illegally enters the country in the future." Not the children of immigrants or legal immigrants but those that illegally enter the country themselves.

Well, I thought that was too bad that the President is advocating an entitlement in perpetuity to the States that cost billions and billions of dollars to the States, not the Federal Government, but even at that point I said, wait a minute now, this bill is too important. This bill is too important to the country. So I suggested that we remove the Gallegly portion from the bill and allow it to be a freestanding bill. We did that with the President's assurance that "You take the Gallegly provision out and I will sign the bill quickly."

Senator DASCHLE said, "You take the Gallegly provision out," it is on the front page of almost every paper in the country, "it will sail through the Senate and the President will sign it." Leon Panetta, the chief of staff said, "You take the Gallegly provision out and the President will sign this faster than a heartbeat."

Well, my colleagues, here we are tonight, we are ready to go, and now with the Gallegly provision out, this passed the House yesterday in a historic vote of 305 to 123, with the support of Democrats and Republicans. Tonight the President has said, "I want to reopen negotiations," and I am sad to announce to my colleagues that the President says if we do not reopen negotiations, my words, I have kind of changed my mind. I guess we would say he is flexible. He says, "If we do not reopen negotiations, I threaten to shut down the Government," not the Congress shut down Government but the President. Our President has put support, welfare and benefits to illegals ahead of keeping Government open, and my colleagues, that is wrong.

I have taken more time than I had, than I wanted to, but I thought this message had to be made to my colleagues. I have other colleagues here from California and I would like to yield to them. If I have a little more time I would like to say a little more.

Mr. BURTON of Indiana. Mr. Speaker, I yield to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank my colleague from California for laying out the background on this. I think most people in this Chamber, Republicans and Democrats, know that when I bring a bill from my subcommittee to the floor, it is a bipartisan bill. It comes in here usually with the full support of both sides. I have conducted myself that way to bring people together across the aisle and build coalitions, to get something accomplished, and we have had a very productive record this year.

So when I heard that an emissary of the President of the United States had come up here, talked to some of our leaders and said the President will shut down the Government over this issue, I was outraged. I am not going to raise my voice on this, but I am just going to say what Mr. GALLEGLY has laid out is the history of this situation.

One of the things you learn, if you have not learned it before in life, is when you are in a legislative body and you give your word to a colleague, you better keep it or you are done for. Apparently that type of thing does not exist between the legislative and the executive branches. In good faith, people of both parties have been negotiating. The original Gallegly amendment was changed substantially. Members of both parties supported that and supported the immigration bill, as my colleague [Mr. GALLEGLY], noted, 333 to 87.

Illegal immigration is one of the great problems of our society. California probably gained five congressional seats in the 1990 census as a result of illegal immigration. Under the Constitution it is "persons" who are counted.

My colleagues from the east increasingly realize this. For years they said, "So what, that is Florida problem, that is a Texas problem, that is a California problem." Colleagues, it is a national problem. Every citizen knows it when their taxes go to pay the education, health, and welfare costs because of the influx of illegals in California and, in particular Los Angeles County.

The gentleman from California [Mr. GALLEGLY] gave the figures in just one area, education where we have an unbelieable burden that amounts to over two billion dollars. In our health system we also have unbelievable burdens which probably amount to one billion dollars. In our States and local prison systems we have thousands of illegals who are in custody for serious crimes.

But the worst example of administration policy in this area lately occurred when my Subcommitee on Government

Management, Information, and Technology held a hearing near the border, we had a variety of witnesses come and testify on one issue: how we have become so lackadaisical about the border in this administration. After administration officials said a lot about what they will do to help us on the illegal immigration problem, testifying under oath one Boarder Patrol officer noted that they are instructed by their supervisors not to stop illegals coming across the border unless they are specifically told to do so even when they see 100 illegals. Border Patrol officers have also been told that if they are writing in a report that 150 illegals had been seen last night, they are to knock off the last digit. In other words, 15, not 150, were seen.

I realize we are in an election year, but to have supervisors pervert the reports of civil servants who have been faithful to their duty is shameful. Those in the United States Border Patrol have a tough job. It is an almost impossible job. They have been underpaid and understaffed. Congress has been providing the resources for the last 3 years.

So the border is still a sieve. The people in San Diego feel pretty good because Operation Gatekeeper has moved the problems east into the mountains, into the canyons, into the ranches of eastern San Diego County. The United States Attorney has not been bringing charges on the illegals who are bringing drugs across the border.

I first became interested in this problem in the mid-1970's when I was vice chairman of the U.S. Commission on Civil Rights. In those days, the illegals crossed the border looking for jobs. But our own youth were having their jobs taken out from under them—especially in Watts. African-American youth were being bumped out of their positions in filling stations, restaurants, and hotels. Illegals were replacing them. So we soon had substantial teenage youth unemployment and gangs.

Now what we see at the border are people no longer coming here simply for a job. They are now bringing drugs across the border. The responsible officer of the United States in the area is the United States Attorney based in San Diego. He is also the Attorney General's special representative for the southwest, covering Texas to the Pacific Ocean. He is President Clinton's personal appointment. He ought to be enforcing the Federal anti-drug laws when violations come to his attention. We know from other people who have spoken in this House that drug violations by illegals have not been a high priority. The anti-drug effort at the national level does not seem to have any priority in this administration unless an election is around the corner.

Thus, we have a situation right in the field in San Diego that parallels what has happened here in Washington in terms of national decisions. They do not take illegal immigration seriously. The effects of that Clinton administration decision is tragic. The effects on the employment opportunities for our youth are catastrophic.

So what we need is a strong illegal immigration bill. We do not need more people on welfare, be they legal or illegal. If they have been sponsored to come into this country, the sponsor should be paying the welfare bills in the early years. That is the duty of the sponsor.

I thank the gentleman for yielding to me. We have some other colleagues here and I know we would like to hear from them.

Mr. BURTON of Indiana. I yield to the gentleman from California [Mr. COX].

Mr. COX of California. I thank the gentleman from Indiana. I certainly want to join in the comments of my colleague from California. We are here tonight addressing the House of Representatives on an issue that could not be of greater importance to every one in this country. That is whether or not we can come to agreement on a funding bill for the whole Federal Government. After that is accomplished, obviously we will have an election. We will see if we have a new President. But for the meantime we are trying to work in a bipartisan cooperation to fund the Federal Government's operations.

The leadership of this Congress, the other body and the House, have both said under no circumstances will we tolerate a repeat of what happened last year. We will not shut down the Federal Government and, as a consequence, the leadership in the other body and in this House of Representatives have been asked by the President of the United States and acceded to his request to add billions of dollars, specifically $6.5 billion to our spending bills that was not approved by the House, was not approved by the Senate, complete add on, complete derogation of our interest in fiscal responsibility and balancing the budget and so on. But in order to get the President to sign our spending bill, we added all the billions and billions that he said he had to have in addition to what Congress wanted, every single penny. An agreement today was reached on that.

And after agreement was reached on that, what happened? The President of the United States through his legislative counsel told the leadership of this Congress, "We are not going to sign the big piece of spending that you added billions to at our request, even though it contains all the money we have asked for, unless in addition," and this is the first time they have spoken these words or made this demand or placed this ultimatum, "unless in addition you reopen the illegal immigration bill and make a whole lot of changes."

Specifically they said, "You have to drop title V of the bill." They did not say they did not like paragraph 6 or line 1 or 2. They wanted title V, the whole title, out of the bill. They want it dropped. Let us ask ourselves, what does title 5 do?

This bill has been already been negotiated by the House and the Senate. The conference is over. We voted it out of here with a huge historic bipartisan majority. The President knew that. The President had his opportunity while the conference was on, and said he wanted the Gallegly amendment out, and it was dropped. Now after the vote, after we are finished, the President says take title 5 out of the bill.

Title 5 prohibits illegal aliens from receiving public assistance. It is the guts of the bill. The President of the United States is saying, "I am going to shut down the Federal Government, even though you have given me all the spending, billions more than you passed in the House and Senate than I asked for, I am going to shut down the Federal Government unless I get my way, and we can start giving public assistance to illegal aliens because that is what I want to do."

There is no way to describe this other than Bill Clinton's war on California because California, as my colleague Mr. GALLEGLY pointed out, is home to over half of all the illegal aliens in America.

□ 2200

Title V does not just make sure that public assistance does not go to illegal aliens, it does more, and this also the president wants dropped from the bill. It prohibits illegal aliens from receiving Social Security benefits.

Now one of the things that we know illegal aliens do not do because they live somewhere else, whether it be in Europe, or Asia, or Australia, or Canada, or wherever they are coming from, we know one thing for certain: they are not paying into our Social Security system. But Mr. Clinton wants to delete the portion of this very very sound illegal immigration bill that prohibits illegal aliens from getting Social Security benefits.

What else does title V do? What else does he want dropped from the bill after it was passed by a historic bipartisan margin in this House of 305 to 123? The President wants to drop the provision that says that—now listen carefully to this because it is a shocker, that the President would be in favor of this kind of public benefit to illegal aliens, people who have broken the law here in this country. He wants to drop the part of the bill that says that when somebody comes from Thailand, when somebody comes from Russia, when somebody comes from, you name it, it is a big world, into your State, they will not get in-State tuition benefits at your State college.

Now if I move from California to Indiana, I am not going to get in-State benefits because I am from California, but illegal aliens, unless we pass this bill, are going to get in-State tuition. Title V says illegal aliens are not eligible for in-State tuition at public colleges, universities, technical and vocational schools.

Well, my friends, the President wants this dropped from the bill. In other words, he wants them to get it.

What else does title V do? It imposes stiff penalties on people who forge immigration documents.

My colleague, Mr. GALLEGLY, held up his fake ID card, which is so easy to get in America. We need tough penalties. That is why Democrats and Republicans got together and passed this historic legislation, the House and Senate agreed on it, the White House commented, said they were agreeable. And now, after we passed the bill here in the House and it has been agreed to in the House and the Senate, the President says drop that provision. He wants to drop all of title V and take it out.

And Mr. HILLEARY says, "If you don't drop title V, you're going to be in indefinitely, all next week. Try and get your bill up in the Senate, and try and get it out, because our Democrats are going to filibuster it," and so on.

Well, colleagues, the President may want to shut down the Government to get his way in gutting the illegal immigration bill, and I hasten to add, I know that we all are aware of this, that the Gallegly provision is not what we are talking about. That was dropped before we voted on it. The President asked to have it out; it is out. We all agreed this was a fine bill and we wanted to get it passed. Now the President is saying he wants to carve it up still more.

Obviously, the President is not interested in California's major social problem of illegal immigration. Obviously, this President does not act in good faith. He has broken his word. Today, when asked by the press, "Will you sign the immigration bill?" he said, "I can't talk about that because we're going to negotiate it."

Some of us here in Congress said, "How do you negotiate a bill that has already been negotiated, that is already through conference?" In fact, the conference report has already been voted on. There is only one way.

He is not talking about vetoing the bill. He is negotiating it by blackmailing us with a Government shutdown. He will not sign the Government funding bill, which includes the billions more that he asked for, unless we drop title V. That, as my colleague from California just stated, is the only thing you cannot do in a legislative process. When you give your word, you keep it.

Now Bill Clinton has broken his word on many things, but usually it takes a little longer. Usually he promises as a candidate he is going to give you a middle class tax cut and then breaks his word a few years later with the largest tax increase in American history. Usually he says he is going to end welfare as we know it and then goes through a whole Congress with a Democrat majority, majority of his party, and does not even bring up a bill before you figure out what is going on, and it takes a Republican Congress to give you welfare reform.

Mr. HORN. Takes credit.

Mr. COX of California. For which he then takes credit. But he hardly ever breaks his word this fast.

I mean this is so fast, it is blinding. Days ago, he sent a letter up here and said all you need to do is take the Gallegly amendment out, and that is great. And we have got a copy of that letter. But of course the President now, today, has broken his word, and the consequences could not be more grave. We are talking about shutting down the——

Mr. GALLEGLY. If the gentleman would yield, I would just like to make one point about the Gallegly bill that was dropped because I think it is an important point.

The White House referred to this so-called Gallegly bill as nutty. Yesterday, after we removed it from the bill, we surprised the administration by bringing the bill to the floor as a free-standing bill and let the democratic process take place on the floor of this House, full and open debate.

With the President whipping all of his Democrat Members, and with all of the abuse and lies that have come through the media in the past 5 months about the Gallegly bill, after the debate, we had a vote. It passed overwhelmingly, a bill the President called nutty, that he was holding the immigration bill hostage with. It passed by a margin of 254 of 175 on this floor, with 41 Democrats supporting the bill he referred to as nutty before. His excuse today was the excuse he was going to use to try to kill the immigration bill.

The facts remains, the objective here is to kill meaningful immigration and tell the people of California, "You be damned."

I would only make one last comment. I wish that the polls in California were much closer, at 4 or 5 percent, not just because it is obvious to all my friends that I do support Bob Dole, but not for that reason; for the reason, if it was four or five points behind, we would have a President that was on Air Force One headed for California as we speak tonight, headed for the San Diego border, telephoning the Senate to get this bill out so he could sign it on the border, with the troops there standing off any illegal aliens coming into California. Unfortunately, that is not the case.

Mr. BURTON of Indiana. Does the gentleman [Mr. COX] need additional time?

Mr. COX of California. I just want to underscore what my colleague has said. The President obviously does not feel California is paying when it comes to illegal immigration. He is the cause of it. By gutting the immigration bill or attempting to do so after it has already gone through House-Senate negotiations, after it has passed by a bipartisan record majority here in the House of Representatives, after the Gallegly amendment was dropped at his request, to now say he wants to carve the bill up and take out Proposition 187, the guts of it; that is, prohibition on welfare for illegal aliens, prohibition on social security for illegal aliens, a prohibition on SSI benefits, on food stamps, on AFDC for illegal aliens, a prohibition on free housing, taxpayer supported for illegal aliens, a prohibition on cash assistance for illegal aliens, a prohibition on subsidies including contracts and grants and loans and licenses for illegal aliens; that is what he wants to take out of the bill. He wants illegal aliens to get all of these things.

I think we in California understand this much. If you pass a law and you expect it to be obeyed, then there needs to be a penalty. The penalty in the case of breaking our immigration laws is deportation. That is, we are supposed to send you home.

But the Clinton administration, which, we want to remind ourselves, controls the Justice Department and the INS, is not deporting illegal aliens. They are funding ways to give them taxpayer-supported benefits in reward for breaking our laws. And never has it been more clear than in this instance today when the President said: I am willing to shut down the Government. Even though you have given me a spending bill that includes billions of dollars more that I asked for in House and Senate levels, I have one more request, and that is that you take out the ban on welfare benefits for illegal aliens, that you take out the ban on social security benefits for illegal aliens, that you take out the ban on SSI benefits, food stamps, housing, cash assistance, and so on for illegal aliens, because I care so much about giving taxpayer-supported benefits to people who have broken our immigration laws that I am willing to sacrifice the good of the whole Nation.

I think that sends a very terrible message to this Congress, to the Democrats and Republicans who worked so hard on this bill, and to the American people, and particularly the Californians, Texans, Arizonans, people in New Mexico, all the border States, who are so hard hit by the illegal immigration problem, and I would certainly thank my colleague from Indiana for bringing this to the attention of the full House of Representatives.

Mr. BURTON of Indiana. I thank all my colleagues from California. Every taxpayer in America ought to be concerned about this.

And with that, I yield to my colleague, Mr. BILBRAY from California.

Mr. BILBRAY. I appreciate the gentleman from Indiana, and I think we need to say that this is not just a California issue.

If, frankly, by this action, the President is indicating that we have enough money for social security, there is more than enough money for college, college tuition and college benefits for everyone, including those who are illegally here, that the concept that benefits and welfare programs and social programs are so overflowing with resources that it does not matter if we give to those who are illegally here.

Now, I do not think anyone in this room believes that we have a surplus of resources for all these programs. In fact, I think there are a lot of us here that think there is not enough for those who deserve to get it. The question is, do we have an administration that says I am willing to expect Americans who have played by the rules to do without so that those who have broken the law get their part because I want them to get it?

And I do not think anyone is going to look at the fact of the mixed message, as a woman who is illegally in this country said to me, "Mr. BILBRAY, you wouldn't be giving us all these benefits if you didn't want us here." What a mixed message.

But we are talking about certain things. Let me say this to San Diego. I live on the border. I can see the bull ring by the sea from my front yard. This is very real and very personal. If you do not care about the tax dollars, if you do not care about social security, if you do not care about our kids and the law-abiding children here getting college benefits, think about the hospitals in San Diego County.

This bill, with title 5, this section that the President is talking about cutting out, is the part that reimburses for emergency health care that the Federal Government mandates that my hospitals provide the people who are illegally in the country.

This is how absurd it is. Somebody jumps the fence at the border and breaks their ankle. The immigration people call the local ambulance service that serves the working class community. And this is not rich neighborhoods; these are working class neighborhoods; they need these services. But those services are being used to transport somebody to the hospital in a working class hospital, not a wealthy neighborhood hospital, and that that hospital then provides the service for free because we mandate they get it for free, and then when immigration officers are called to come pick up these individuals, Immigration does not come pick them up, because then they would have to pay the bill. The Federal Government would have to pay for the expense of somebody who got injured jumping a Federal fence because they are illegally in this country.

And so the Federal Government is a deadbeat dad that walks away from it, and who ends up doing without because of it? Well, it is not the rich white people in the wealthiest neighborhoods, it is the poor and the needy, the people in this House and people in the White House say they care about. But this President would deny the fact that this Federal Government would finally start reimbursing those poor hospitals that are being impacted so severely.

One case, one case that is reported to be where an immigration truck had hit a person, could not be proven, was over a million dollars that came out of the hospital that serves the poor of San Diego County. And let me tell you right now I will send you the report that hospital is on the brink of bankruptcy because it is constantly being required to carry a burden.

And there are a lot of burdens, but one of them that is absolutely unforgivable is the Federal Government playing the deadbeat dad and dumping this on the people.

Now let me say the reimbursement for the ambulance service is in this, that is we start dropping off patients at a hospital, our Federal agents, our Federal Government, should start footing the bill. Now that may not seem like so much, but let me just say this to you. In 1988 and 1989, in California, the taxpayers of California paid $21 million providing emergency medical care. In 1996 to 1997, the costs reached $376 million. That is a 13-fold increase in just 8 years.

Now some people say, well, that is just money. Well, let me tell you what that money would buy. In California, if we were not having to provide this service, we could provide substance abuse treatment for an additional 19,000 pregnant women, 19,000, to avoid positive talks to try to prevent positive toxic children. We can provide perinatal care for 40,000 women and their babies, 40,000, and we could provide early mental health counseling for 18,000 young children.

So when someone says you just are insensitive, I provided these services as a county supervisor for over 8 years. I have seen who has been hurt by this issue, and it is the poor and the needy that everybody says they care about and have walked away from this.

I ask that the President reverse his position, do not hold us hostage by trying to strip us of title V. This is what the people of California say clearly, and this is what the people across this country say. Let us not deny the people that need these services who are here legally and have played by the rules. Let us not take away from the bright people that are playing by the rules and give it to somebody who has broken the rules. And let us not, for God's sake, be the biggest deadbeat dad in America and walk away from our responsibility to reimburse these poor working class communities for the unfair burden that they have been required to bear for so long.

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Mr. BURTON. Mr. Speaker, I thank the gentleman for that very eloquent and accurate statement.

I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I am just so angry tonight that I am almost beside myself, so it is hard to contain my anger. When the people of California find out the betrayal that has happened to them, they too, I believe, will be so angry that it will overflow and be at least reflected in the upcoming election.

The President tonight had better start worrying about the State of California, because they are not going to elect a man that has betrayed them and lied to them so blatantly as what the President of the United States has been doing on this issue of immigration.

I would like to congratulate the gentleman from California [Mr. GALLEGLY]. It has been a long, hard battle for the gentleman from California on this issue. When I first came here in 1989 he pulled me aside to talk to me about this issue. He has been struggling all these years. Until we had a Republican majority in this House, we were unable to get any type of meaningful immigration reform through this body. He has struggled so hard.

Mr. Speaker, we fought and we have worked for the last 2 years under a Republican majority to come up with a good bill, to come up with something that the Democrats would not block, because it would be so reasonable to the people of this country. Now we have the President of the United States threatening to close down the Federal Government if we pass a meaningful immigration bill, the same President of the United States who went to California and proclaimed, promised the people of the State of California, that he would do everything he could to confront this challenge to our well-being.

Mr. BILBRAY. San Diego, 1993, channel 8.

Mr. ROHRABACHER. He was not only in San Diego but he was in Los Angeles and he was throughout our State telling people, I am going to work with Congress and we are going to try to protect you from this flood of illegal aliens that is draining all the money from our health care.

The health care system in California is breaking down. The education system is breaking down. We have illegal immigrants coming to our country and immediately going on SSI, draining billions of dollars which should be going to our own senior citizens. Instead, it is being drained away. Believe me, a few years from now, if this President has his way, we will find the Social Security system is in a crisis, and he will be like, oh my gosh, it is in a crisis, and he will not relate it back to this decision today.

He promised us he would help us solve this problem. Tonight he is telling us that he will shut down the government unless we agree to give welfare payments to illegal immigrants into our State. He will shut down the Government unless we agree to let people who have never paid into the system receive Social Security benefits, that he is going to shut down the government unless illegal aliens get the same tuition as local residents.

Whose side is he on? What he is doing tonight is adding injury to insult. The insult is that he lied to us in the first place. The injury is that we have a wonderful immigration bill, something that will come to grips with this terrible problem that is threatening the well-being of our citizens, and he is threatening to close down the Government unless we trash that bill. The people of California had better understand what is going on here.

We have a Democratic process. This is still a democracy. The news media has not been doing their job in getting the word out, but tonight this act is so blatant I do not even believe that the news media ignoring it is going to be able to cover up this wrongdoing that the President is involved with.

As I say, Mr. Speaker, I am a little bit upset, people can see that, but my people are hurting, as the gentleman from California [Mr. BILBRAY] said. In San Diego, in Orange County, in Los Angeles County, all throughout California, people are sending their kids to school and their kids are not getting an education, because we have $2 billion a year that we have to spend on kids who just came from a foreign country. They might be good kids, but we have to care about our own kids.

Mr. Speaker, here we have a chance to come to grips with that, and the President is threatening to close down the Government unless we back down. It is just absolutely a terrible thing. ELTON GALLEGLY who has worked all of these years to accomplish this, you probably feel worse than I do, ELTON. It is just beyond me.

Mr. BURTON of Indiana. Mr. Speaker, I want to thank the gentleman for his fire tonight. I think he should be angry more.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, in my district is a city named after the grandmother of Jesus Christ, Santa Ana, St. Ann. In this city, which once won the all-American city award, and it is an all-American city, we have people living in garages, illegal aliens, and as my colleague, the gentleman from California, DANA ROHRABACHER said, good people fleeing a socialist government. It has had one corrupt government following another for all of my life in poor, politically ridden Mexico. But they live 14, 15, in one case the police officers of Santa Ana told me 18 people to a garage, the garage; who knows how many in the house.

They have a crack house three blocks from the civic center, which is the civic center for DANA ROHRABACHER's district, CHRIS COX's district. That is where they are going to complete next year the Ronald Reagan Courthouse, a civic center for six Congressmen here, ED ROYCE, RON PACKARD, part of JAY KIM's, DANA's, mine, and CHRIS COX's district.

Three blocks on Third Street from that district is a crack house that when I was doing a ridealong in a police car, I asked this black belt police officer to stop. I said, if we put that in a movie, if an art director finished that as a movie set and said, there is your crack house, a good director would reject it as ridiculous looking, too colorful; graffiti from the grass level to the eaves of the roof. It would be absurd. Yet, we have these crack houses, very close to neighborhoods where you see little children and perambulators around.

What we are asking, what the citizens, the Hispanic heritage citizens who are legal, the second, third, fourth, fifth, and tenth generation Hispanic Americans in California are asking for, is fairness. We are bankrupting every citizen, including Hispanic American citizens, and we must have relief.

I cannot see the bull ring, of course, in Tijuana, as the gentleman from California [Mr. BILBRAY] can, but you can drive around some nights and hear gunfire in Santa Ana. The crime is going up, and get this, some illegal aliens form gangs to protect themselves from the Lobos, or the American Hispanic gangs, because they do not think the illegals can go to the police, so they are preyed upon, murdered and beaten up by other gangs. It is mess.

For the arrogance of this man, who I will do 47½ minutes on, after the gentleman from New York, [Mr. OWENS] does his 47½ minutes, we will end at mignight here, the title of my speech will be, Follow the Money and Look at the Nose; follow the money, Whitewater, and look at the swelling red nose, and I will tell you what causes that before we close out at midnight.

Mr. BURTON of Indiana. Mr. Speaker, let me just end by saying I really and truly feel for my colleagues in California and their constituent, and I hope all of their colleagues paid attention to this special order tonight, because they are right on the money. It is an absolute tragedy what this President is perpetrating on this country and particularly the citizens of California.

We need immigration reform. We should not be using Americans taxpayers' dollars to pay all of their bills, to the detriment of all of your citizens in California.

THE CLOSING DAYS OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 47 minutes.

Mr. OWENS. Mr. Speaker, these are the closing days of the 104th Congress. I just wanted to again congratulate the American people or their common sense.

As we close out the 104th Congress, the situation in American political life is very different from what it was when we opened up the 104th Congress in January 1995. These are the closing days. It is important to note that we are going through the process of a large number of suspension bills. The public does not understand that fully.

Suspension bills means that we suspend the rules and do not follow the rules. These are not bills that have necessarily gone though the full procedure. They are expected to be so popular that there will be overwhelming approval, to the point where two-thirds of the people will vote for them and they will be able to pass.

The suspension process this year, large numbers of suspension bills at the very end of the session, is fraught with danger, because the abuse of the rules that has gone on all year in the 104th Congress is also taking place here, with some very important items that are being slipped into some of the suspension bills. That is nothing new. The abuse of the rules is one of the characteristics of the 104th Congress.

The biggest action is yet to come, in the next day or two. We hope tomorrow the continuing resolution will be on the floor. that continuing resolution will take all of the agencies and programs that have not yet had appropriations bills passed and lump them all together in one resolution, and will go forward, I hope, without having the agony of a shutdown.

I think my colleagues who spoke earlier, the gentlewoman from Connecticut [Ms. DELAURO] and the gentleman from New Jersey [Mr. PALLONE] did a very good summary of the highlights of what has happened during the past year. They talked at some length about the agony of the shutdown of the Government because of the refusal to deal with the budget in a responsible way by the 104th Congress.

The Republican majority of the 104th Congress will go down in history as being one of the most unreasonable groups. They sought revolution through a budget process. They sought to blackmail and force the President to do something that should have been debated, discussed, and negotiated.

Despite all that, we have something big we hope to celebrate when this continuing resolution comes forward. There are rumors, and I hope that they are true, that within the continuing resolution that is coming there may not only be a sustenance here, maintenance of some very vital programs that we feared might be cut, but there may be some increases in the budget for very important programs, especially in education.

There is a rumor that at least $1 billion in increases will take place with respect to education programs, and maybe more. That is something to celebrate. The 104th Congress can go out celebrating the fact that it found its way. It got lost for a while, the Republican majority was lost, and they came into the 104th Congress insisting that the Department of Education should be eradicated. They attacked education programs across the board: student loans, Head Start. There was nothing that was sacred enough for them to leave it alone in terms of budget cuts.

That is a fantastic turnaround. It ought to be celebrated. I congratulate the Republican majority for seeing the light. But it really is a result of the American people's common sense manifesting itself.

What I really want to do is congratulate the American people again for their common sense. In our polling procedures now that move so rapidly, we are able to determine what people are thinking very rapidly. we do a lot of studying of polls, and there are focus groups beyond the polls, and various other devices to measure what people are thinking.

So what you are thinking as a public gets measured rapidly, regularly, and congratulate you on the fact that you have indicated that some of the extremist actions taken by this 104th Congress are totally unacceptable, are repugnant, and they have responded. What they have done or proposed to do to education you indicated was totally unacceptable, and the biggest turnaround of the Republican majority in this 104th Congress has been its position on education.

If it is true, and I think it is, that we may have a large increase in the Federal assistance to education, then I am happy that they did turn around. I hope we can go back to a policy of bipartisan support for education programs.

While we may be able to celebrate the increase in education programs, we must mourn the eradication of the Aid to Families with Dependent Children. if there is a low point to be identified unquestionably, the lowest point in the 104th Congress is the eradication of the Aid to Families with Dependent Children, which is a part of the Social Security Act, by the way. It has existed for 61 years, since Franklin Delano Roosevelt initiated the New Deal, as part of the Social Security Act, which most people do not understand. Aid to Families with Dependent Children is part of the Social Security Act. Medicare is part of the Social Securiy Act. Medicaid is the part of the Social Security Act.

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When you worry about what is going to happen with Social Security, your worry is well-placed. You should worry. Because if we are going to take away the entitlement for Aid to Families with Dependent Children, take away the entitlement which says that any children who are poor in America, and they can meet the means test—it is a means-tested program—they deserve the help that their government can give. They are entitled to it. There cannot be any negotiation, there cannot be any favoritism shown by States or local governments. They are entitled to it. Entitlement means just what it says.

Well, that is gone. That is gone. We did not have welfare reform. We had the eradication of a very vital part of the Social Security Act, the eradication of Aid to Families with Dependent Children. That is the low point. We must mourn that just as we celebrate the fact that there has been a turnaround in education programs.

The 104th Congress opened with a bang, and it is closing with a whimper. That is because again the American people had the common sense to see that this is an extremist majority. The Republican majority moved with great extremism. It was not so much in their Contract With America, where they at least had written down what they were going to do, tried to reshape that, but it is all the other things that were not in the contract that they came on so strongly with that led to the opening of the eyes of the American people, with the help of the Democratic minority.

We helped to open the eyes of the American people, we helped to bring forth the common sense of the American people by highly visible efforts to expose what was going on here. We had an unprecedented set of actions which showed our resistance to the extremism, and the response of the American people was to understand better what is going on here.

So we are closing with a whimper because the American people understood. We are closing with a whimper because the Democratic minority took the case to the American people, and enabled them to understand and, in their understanding, they showed they were disappointed and revolted by certain things that were going on.

I understand a large number of Republicans are now carrying ice buckets around, and the Speaker of the House was on television citing as one of his great achievements the ending of the practice of delivering ice daily in the House of Representatives. I want to congratulate the Speaker. I think that in the age of refrigerators, as he said, we do not really need to have ice delivered every day. And that was a good reform. So congratulations, Mr. Speaker.

The 104th Congress, Republican majority, will be known for its ice delivery policy. If we are going to carry ice buckets around, we might join you. It is a good policy, your ice delivery polity, and the Speaker said maybe they saved $200,000 between the ending of delivery of ice and the privatization of the barber shops and beauty parlors.

He might have saved $200,000, but he added $13 billion to the defense budget; $13 billion more than the President wanted was added to the defense budget. So I think your common sense, the common sense of the American people can look at the saving of money on items which agreeably were obsolete, the delivery of ice. But on the other hand, adding $13 billion to the budget when the President, the Commander in Chief of the country, said we do not need it, the Joint Chiefs of Staff, a whole lot of other people saying we do not need certain items in this budget and they kept adding those items, so the waste goes on despite the fact that we have a new ice delivery policy.

So congratulations on the ice delivery policy. Let us look at a more practical way at where we are wasting money by adding to the defense budget things that the military experts say we definitely do not need.

The Republican majority will also be remembered for its honesty. I want to congratulate them on their honesty and their openness. They did not camouflage their intentions. They came on very strong, highly visible with their policy. They were highly visible with their intent to wipe out organized labor. They did not mince words and their actions showed that they were going to wipe out the benefits that organized labor and workers—let us forget about organized labor, because the benefits that workers have gained are spread throughout, whether you are in a union shop or not. OSHA is a benefit you have. The Occupational Health and Safety Agency benefits all workers, and an attempt to wipe that agency out or bring it to its knees and throttle its effectiveness would have hurt all workers.

They attempted to bring the National Labor Relations Board to its knees. On and on it goes. One of the chief advocates of getting rid of OSHA even said openly in the Washington Post that he had promised businessmen in his State that he would do it and he was rewarded with an immediate set of contributions from the businessmen in his State of $65,000. So it was quite a phenomenon. They were honest, they have been honest. And by being honest, they have presented the American people with some clear choices.

The 104th Congress Democratic minority continued to have faith in the common sense of the American people and not mourn its loss of power. It might have been a bit mournful in the first 3 or 4 months. We did not quite know what to do, it seemed. But I think that the Democratic minority is to be congratulated.

Our leadership under Minority Leader GEPHARDT was fantastic in rallying the troops and probably the turnaround point in this 104th Congress came in the summer of 1995, when the horror of the Republican extremists came home to the American people because the members of the Education Committee, the Committee on Economic and Educational Opportunities they call it now, the members put up a resistance to the cuts in the school lunch program.

The school lunch programs was a first battleground, the first time we took the battle to the American people in a highly visible way, about $2 billion over the 7 years of the budget period that was being proposed to the year 2002, $2 billion would have been gained from savings on the backs of the little children in America who use the school lunch program.

That $2 billion was slated to go into the infamous Republican majority's tax cut fund. They needed large amounts of money, $2 billion was just a drop in the bucket, and before it is over they were going to need something like close to $300 billion, the latest scale back, but large amounts of money were needed to provide a tax cut to the few.

The Republican majority made it clear from the very beginning that they were the government of the elite, that they had no qualms about proposing public policies which would benefit a small group of Americans, those who already have the largest amount of the wealth in the country. They own most of the wealth; 10 percent of the people own 90 percent of the wealth. You have this terrible gap that has been growing between the richest Americans and the poorest Americans. It used to be that Great Britain had that kind of gap with its lords and ladies and landed gentry, but America, the home of the brave, the land of the free, where the common man can get ahead and so forth. All of a sudden we are among the industrialized nations of the world the very worst in terms of the gap between the rich and the poor. The gap is bigger in America now than it is anywhere else in the world. That is most unfortunate.

But we had in the Committee on Economic and Educational Opportunities resisted the cuts. I just want to remind us, none of us should forget that 1 year ago, about this time, Federal education programs were facing a $4 billion cut. Among the cuts that we were facing was a cut in the school lunch program.

The records in our heads should be corrected to show that it was the fight against cuts in the school lunch programs, led by members of the Committee on Economic and Educational Opportunities, which began to change the public opinion polls in favor of the Democrats in Congress. The model of highly visible and personalized resistance used to fight the school lunch cuts was later adopted by the Medicare and Medicaid campaigns to stop the cuts. We used the same approach in terms of going straight to the people, getting examples of how people were going to be hurt, just as we had gone to school lunchrooms and talked to children, eaten lunch with children and dramatized for the American people the fact that this was the kind of cut we did not need.

The fight for aid to education was the pivotal point in the war to take back the Congress. In those days, in the summer of 1995, we did despair sometimes, it was difficult to believe that the American people were going to come to our rescue, we did not understand how strong the tradition of common sense is out there among our people and how they would definitely rise to the occasion.

At that time, I remember on Tuesday, April 4, one of the low points in the discussion, the swindle of the children's lunches, I entered into the RECORD the following notation with a little rap poem.

I said:

The very conservative but thorough Congressional Budget Office has estimated that the Republicans will capture slightly more than $2 billion from their block-granted School Lunch Program. This will be $2 billion more to go into the tax cut for the rich. This is a scenario filled with horror. It conjures up the image of the poster where Uncle Sam is pointing his finger and saying to potential military recruits: "I need you." While the Republicans advocate a $50 billion increase in the defense budget—at that time it was $50 billion—and turn their backs on welfare for corporations and rich farmers, they are saying to the children of America: "This Nation needs your lunch."

Kids of America
There is a fiscal crunch
This great Nation
Now needs your lunch
To set
The budget right
Go hungry
For one night
Don't eat
What we could save
Be brave
Patriots stand out
Above the bunch
Proudly surrender lunch
There is a fiscal crunch
This Nation needs your lunch
Pledge allegiance to the flag
Mobilize your own brown bag
The enemy deficit
Must be defeated
Nutrition suicide squads
Are desperately needed
Kids of America
There is a fiscal crunch
This great Nation
Now needs your lunch.

We had to resort to a little humor to save our souls during those difficult days, to keep our spirits up because it was the kind of horror we never expected to experience. And the American people felt the same way. They reacted with great horror and immediately there was a chain reaction that was set in motion about the cuts in education programs in general. Every education cut aroused great indignation and we began to move in a way which has resulted in our being able to celebrate at this time the fact that a proposed $1 billion increase is about to take place, more than a $1 billion increase in education programs.

We are moving toward a pivotal election, and it is very important that this common sense not lose focus. It is very important that the blitzkrieg that is coming, of advertisements on television, all kinds of devices will be used to try to confuse the American people, that we keep our sense of direction and understand that we still need to close the income gap, we still have a problem with income stagnation, it has to be halted. We still have a problem with the elitism, the idea that it is quite all right for 10 percent of Americans to own 90 percent of the wealth. That still must end. We still need a more creative taxation policy. I have talked about all these things during the course of this 104th Congress and I want to reemphasize the fact that they are still relevant.

We have a good report also that came from the Census Bureau. They recently reported, I think today or yesterday, that household income is up, family income is up, people in poverty have gone down, the poverty rate is down, the elderly poverty rate is down, the child poverty rate is down. But when you look at their statement, you will find that they are down by very small amounts and the great celebration and the reason that the Census Bureau is trumpeting these new figures and the reason that the Democrats are now trumpeting them is that it has been so long since we had any increases. A typical household's income is up $898 in 1995. That is the largest increase in the whole decade. It is not much money, $898 will not close the income gap. It will not really compensate for all the income stagnation that has taken place. But it is the only increase we have had in the last 10 years, in the last decade. The same thing is true of the family income going up and the poverty rate going down. It is small figures, there is no great deal of change to report, but the fact that change has taken place at all is something to celebrate and certainly the Clinton economic policy can take credit for what is happening.

The Democratic Family First initiative insist that we continue to do the kind of things that were initiated by President Clinton in his first 2 years. The economic policy which was certainly buttressed by a bill that not a single Republican voted for, that economic policy must continue.

□ 2245

Our Family First initiatives dealing with economics and job creation, our family first initiatives which deal with education, are all designed to guarantee that this forward increase in terms of economic benefits and growth will continue.

Mr. Speaker, we were cut down because of the division in time. I am going to wind up in a few minutes, because I want to share the time and yield to my colleague from Illinois, Mr. JACKSON, for a tribute to one of our departing members. I emphasize he has not departed, he is departing. He will rise again. In fact, he has not disappeared from the public scene. He will be here for a long time and doing magnificent work.

I will close now by saying that it is important to keep our perspective and keep the common sense of the American people focused. We have learned a lot this past year. We are grateful for the fact that the Republican majority in their extremism made everything crystal clear, and that our response to it, by taking it beyond the halls of this House and exposing it, allowed the American people to see what was going on. Therefore, we are coming to the end of this session in a very different spirit than the way we started it.

I want to just give a few examples of where we have to go in the future. The President talks about building bridges to the future. We must understand that we are going to have to be bold, and the 105th Congress is going to have to behave very differently, and the next 2 years must be different. In building the bridge to the future, we should not hesitate to rely on the examples of the past.

I was looking the other day at a documentary about the West. When they talked about the building of the railroads and how the building of railroads was critical in making our Nation one nation, really from the Atlantic to the Pacific we became one nation only as a result of the railroads.

The railroads were a highly subsidized venture. The railroads involved Government to a great degree. Government and private enterprise worked hand-in-hand, with the Government supplying the contracts and the private enterprise doing all of its usual tricks, including California having hired an expert to declare certain land was mountainous when it was really not mountainous so they would get a higher rate.

Another example is Congress working to establish land granted colleges across the Nation. It was a huge program that has a great benefit and made a big difference in this country, just as the GI bill later on was a large Government program which focused on education and had a great benefit.

We have a telecommunications revolution coming now, and we hope that we are going to move forward in the age of telecommunications and hear the President's initiatives on education in light of the fact that the opportunities for jobs will come through the telecommunications revolution. The next 105th Congress should be about jobs, jobs, and jobs, and education of course is inextricably interwoven into any attempt to create jobs in this very complex, modern economy of ours.

Mr. Speaker, at this point I want to change for us and yield for a tribute to our departing member of Congress, one in particular, but I just want to note we have several in the Congressional Black Caucus who are departing.

I would like to note we are going to very much miss HAROLD FORD of Tennessee. Earlier there was a discussion on Mr. FORD's achievements. I happen to come from the same hometown. I represent New York now, but I was born in Memphis, TN, where HAROLD FORD has represented the people of Memphis ably for a long time.

We also have departing CARDISS COLLINS, who is the ranking Democrat on the Committee on Government Reform and Oversight. She has done a magnificent job of maintaining the resistance, speaking out loudly, clearly, in a highly visible fashion, to keep the American people informed as to what is going on there, excellent leadership by CARDISS COLLINS.

BARBARA ROSE COLLINS is departing, from Michigan; and we earlier lost Kweisi Mfume from Maryland; and we are also now going to discuss Mr. CLEO FIELDS. CLEO is very special in many ways. I like to remind people that one of my favorite education programs is called the TRIO program. CLEO is a product of that program. He is an alumnus of that program. The TRIO program provides special attention for youngsters to guide them into a college career. It creates a whole environment as well as inspiring them. It provides tutors and practical steps toward entering college. CLEO is one of their alumni. They can be very proud of him.

CLEO, in the face of adversity, brought on by the fact that suddenly America has decided that drawing districts which don't look aesthetically beautiful is not good. Since the history of the country, we have always had strange-shaped districts for Congress. But all of a sudden the Supreme Court says if a district looks strange, they want to examine the district and see if race had anything to do with it.

Race has always had a great deal to do with drawing of districts all across the country. It is nothing new. It just so happens we are open and honest about the fact that you need to draw some districts and a way to correct the past imbalances and the past injustices, and the honesty has led to a change in policy which put CLEO's district on the line. He has been undaunted and kept going in the face of that, provided great leadership in a number of different areas, including the fight to bring relief to the black churches that are burning across the Nation and to guide us into some kind of policy of resistance on that issue, as well as many others.

Mr. Speaker, I salute CLEO FIELDS. As I said before, he is not departed, he is departing. He will rise again. He will maintain his visibility in public life.

At this point I would like to yield to the gentleman from Illinois [Mr. JACKSON] to carry on the rest of the special order.

GENERAL LEAVE

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. MICA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. JACKSON of Illinois. Mr. Speaker, today we come today to celebrate the outstanding work of the distinguished gentleman from Louisiana, the Honorable CLEO FIELDS. I am honored to be joined on this occasion by several Members of Congress who will be participating in this special order.

I certainly want to take this opportunity to thank Congressman OWENS from New York for his outstanding leadership on a myriad of issues. I also want to thank him for allowing us the privilege, as this 104th Congress comes to an end, to acknowledge the service of Congressman CLEO FIELDS. On this occasion I am joined by the distinguished gentleman from North Carolina, the honorable Congressman MEL WATT.

Before I yield time to Mr. WATT, I certainly want to say a few words about Congressman FIELDS.

We are living in a time when African-Americans, particularly young African-American men in our Nation, are being criticized and chastised for a whole host of things, from drug sale and drug use in our communities to violent crimes. Often time legislators on both the Democrat and Republican side, quite frankly, have used young African-American males as the justification for the building of more prisons and not funding schools adequately.

We are living at a time when the Sentencing Commission suggests that one out of every three black men in our Nation between the ages of 20 and 29 are involved in the criminal justice system, on probation, on parole, or in jail.

Even in my district, as I work with young people, I am astounded and amazed to see so many young people who have ankle identification systems that are now tagged to their legs because they are part of a probation system because of overcrowding in the prisons.

Yet, in the midst of all of the negative impressions that the media gives us about young African-American men, when I was not a member of this body, I had the privilege of speaking at high schools and colleges all across this country, and just no individual in the Nation, there are only 435 Members of Congress, just no individual in the Nation stood as a greater and a more outstanding example of what we could become than the distinguished gentleman from Louisiana, the Honorable CLEO FIELDS.

He was first the youngest state legislator in the history of Louisiana and the youngest legislator in the 103d Congress. He founded and sustained the Innovative Congressional Classroom, where high school students in the 4th District of Louisiana are involved in debating issues and developing appreciation of the political process. He is the founder and chairman of the House Education Caucus, which has over 60 members. He was the chairman of the Congressional Black Caucus Task Force on Church Burnings and Redistricting. He has helped every Member of this body to recognize the importance of these issues and how they affect every one of us.

I know all too well, long before I became a Member of this institution, that the role that Congressman CLEO FIELDS was playing in talking about the desegregation of this Congress, making it possible for more minorities to serve here, was all too an important role, when one considers that after the Plessy versus Ferguson decision of 1896, during that first reconstruction period, there were 22 African-Americans elected to Congress.

As a result of that decision in 1896, by 1901 there were zero African-Americans in this institution, and it was almost 60 years later that Brown versus the Board of Education was passed and the principles of equal protection under the law was established, which really laid the foundation for this institution to pass and President Johnson to sign into law the Voting Rights Act of 1965. As a result of that effort, there are now 39 African-American members in this institution.

Representative Fields was a college student when he ran for the State Senate. After having served in the State Senate with great distinction, he managed to develop and gain a seat on the Redistricting Committee in the State Senate in Louisiana. In a State almost 30-plus percent African-American, Congressman CLEO FIELDS was then in a position to effectuate and actualize the Voting Rights Act of 1965 with the 1990 census. Subsequently, he created a second congressional district for African-Americans in the State of Louisiana.

The goal was not to create reverse discrimination for voters in Louisiana, but it was to provide the kind of adequate and much-needed representation that 30 percent of the people of the State of Louisiana had heretofore been denied.

Congressman BILL JEFFERSON was the first African-American from the State of Louisiana elected since reconstruction, and the second African-American was the distinguished gentleman from Louisiana, Congressman CLEO FIELDS.

I was a student at North Carolina A&T State University when I first met CLEO FIELDS. He was involved in the Jessie Jackson for President campaign. I remember all too well when Congressman FIELDS and I came to Washington, and one night we were driving past this very noble and very distinguished institution, and Representative FIELDS looked out of the car window that night, and he said, "JESSIE JACKSON, Jr., one day you and I could very well have the opportunity to serve in that institution." I kind of laughed and kind of cajoled Congressman FIELDS, because I certainly knew he was on the track to serving in this institution. I had no idea that I would ever have the privilege and the honor of serving in this institution with Congressman FIELDS.

When I announced my candidacy a year and a half or so ago, I so looked forward to serving in this institution with Congressman CLEO FIELDS, because he alone has stood as an outstanding example for young African-Americans across this country. With all of the negative burden that had been heaped upon them as a generation, you alone stood as a bright and shining example of what we could all become, if we simply stopped complaining about what we did not have, if we just used what we did have.

So I am a member of Congress today because of the outstanding example that Congressman FIELDS has set, and because of the commitment that he has to public service. I am just honored and privileged to have had, albeit for a brief moment, this opportunity to serve with you.

With that, I would like to yield time to the distinguished gentleman from North Carolina, the Honorable MEL WATT.

Mr. WATT of North Carolina. Mr. Speaker, my colleagues, I wanted to first express my thanks to Congressman JESSIE JACKSON, Jr., for coming up with the idea and pulling the people together to pay tribute to my good friend CLEO FIELDS. I want to thank my colleague, MAJOR OWENS from New York, for reserving the time and yielding part of the time to us for this purpose.

□ 2300

Mr. Speaker, I have been wondering how to approach this tribute, because I could approach it in a number of different ways. First of all, I could approach it as a roast of my good friend the gentleman from Louisiana, CLEO FIELDS, because he is first and foremost my friend and we have, in the last 4 years, during the time that we have served in this Congress together, and 4 years ago was really the first time I had met him, although I had known of his reputation, but during that 4 years we have become what I would call in the community "ace buddies."

We do a lot of joking around, and so I was tempted to use this evening to roast him, but I decided that that probably would not be the proper thing to do when somebody 100 years from now or 50 years from now reads the CONGRESSIONAL RECORD and finds all of these things of a humorous nature on such a serious occasion.

So I started to reflect, well, why is it that we are honoring and saluting CLEO FIELDS this evening? We are honoring and saluting him because tomorrow or Saturday or next Wednesday or whatever day it is the leadership says we get out of here to adjourn this session of Congress will be the last day that we will have the opportunity to serve with this distinguished legislator. His term will run the balance of the year, but we will not be in a position where we can come and pay this tribute to him.

The reason that we pay tribute to him is that he has been an outstanding legislator, an outstanding friend and he will no longer be able to serve that role. Now, why will he not be able to serve that role? Well, the Supreme Court of the United States has said that race cannot be taken into account in the drawing of congressional districts in a manner which results in congressional districts favoring or making it possible for minority representatives to be elected to Congress.

Now, we can take race into account in a negative way. In fact, throughout the history of this country, race has been being taken into account in the drawing of congressional districts, especially in the South, for as long as we can remember and as long as history records, but when you start to take race into account in a manner which addresses this history of discrimination in the electoral process, then somehow the Supreme Court starts to feel that that is improper and that the Nation, all of a sudden, should be colorblind.

So it has handed down a series of devastating lawsuits and opinions as a result of lawsuits which quite possibly will have the effect of less and less minority representation. It is ironic that the first casualty of that series of cases is the person who has chaired the task force for the Congressional Black Caucus on redistricting.

Now, when we talk in the Halls, sometimes CLEO FIELDS will suggest to me that this would not have happened to him in Louisiana but for the Shaw versus Reno case, which originated in North Carolina, and that lawsuit was filed as a result of the drawing of my congressional district. So, in some measure, he is holding me responsible for his leaving Congress, and so in that sense, I guess I should be here roasting him and shoring him up and telling him that it is not me that bears responsibility for it but the Supreme Court, at least five members of the Supreme Court, who have promulgated this series of cases that has resulted in a district that he can no longer win in.

Let me conclude, Mr. Speaker, because I know the time is and I want to make one final point before I close.

We have been through this process leading to a diminution and, in fact, an elimination of minority representation in the Congress of the United States once before in our history. Maybe we could argue we have been through it twice before, because when the Constitution was written, it was written in such a way that none of us were taken into account, and so minorities, blacks, at that time, could not represent anybody in Congress because we were not even considered full-fledged citizens.

But at the end of the 1800's, after we had gained a measure of representation for minorities in the United States Congress as a result of poll taxes, literacy tests, Klan intimidation, we reached a point where the number of minorities in Congress decreased from approximately 20 down to, at the end of the 1800's we had only one left, and his name was George H. White. He was a black man from North Carolina, interestingly enough.

I want to close on the comments that he made in February 1901 when he took to the House floor and addressed the House for in excess of an hour in what was supposed to be a speech on an agriculture bill, and he started his speech by reciting two or three sentences about the agriculture bill, and then turned his attention to what was happening in the area of minority representation.

In that speech what he said was, my colleagues, this perhaps is the temporary farewell of Negroes in the Congress of the United States, but phoenix-like, someday we will rise up and come again. And I have that same feeling about my colleague, CLEO FIELDS. I mean I think it is great that he is such a young guy and he started at such a young age, because I think we will see CLEO FIELDS again in this body.

I think the words of George H. White will be prophetic. They were prophetic when he spoke them in February 1901. It took 30-plus years for any black representative from anyplace in the country to rise up and come again to the Congress. It took over 90 years for any minority, any black representative from the State of North Carolina to rise up and come again, and it might take a few years for CLEO FIELDS to rise up and come again, but I believe that this man, with these qualities, with this commitment, with the finesse and vitality and youth that CLEO FIELDS has, he will rise up and come again and he will make an impression on our Nation in this very House of Representatives.

I salute you, my friend, and I wish you the very best in years to come, and I am looking forward to serving again with you.

Mr. JACKSON of Illinois. Mr. Speaker, I do not think that we can provide a higher tribute to the distinguished gentleman from the Fourth District of Louisiana than the tribute provided by Mr. WATT of North Carolina. His historic call perspective is certainly profound. It was George H. White, as he indicated earlier, who said like a phoenix we will rise again.

Today we lose a significant Member of the House of Representatives who represented not only African Americans but Anglo-Americans and Asian Americans and Latino Americans in the Fourth Congressional District.

There is not one Member of this institution who can challenge the quality of leadership that Congressman CLEO FIELDS has brought to this institution. He belongs in this House, he belongs in the U.S. Congress, he belongs in the Senate, if he so chooses, and if he so chooses he belongs at 1600 Pennsylvania Avenue.

But the historical perspective is particularly important as we prepare to close out this particular tribute to Representative FIELDS. When we look at the challenges to representation all across this Nation, when we look at the number of African Americans that have served with great honor and distinction in this institution, none have been able to provide the kind of leadership and the kind of vision over such a short period of time that the distinguished gentleman from Louisiana represents.

I would like to take this opportunity as well, Congressman FIELDS, to support you and I wish you farewell and I wish you the best of luck.

CONGRESSMAN CLEO FIELDS FOURTH DISTRICT, LOUISIANA

Cleo Fields, a Louisiana Democrat, was reelected to serve a second term in the United States House of Representatives in 1994. Fields is a member of the House Committee on Banking and Financial Services, and the House Committee on Small Business. He sits on the Subcommittees on Financial Institutions and Consumer Credit and Domestic and International Monetary Policy of the Banking Committee, and the Small Business Subcommittees of Government Programs and Tax and Finance. He is the founder of the Education Caucus, and is a member of the Democratic Caucus Committee on Organization, Study, and Review for the 104th Congress, the Congressional Black Caucus, and the Progressive Caucus.

Elected to serve his first term in the House of Representatives in 1992, Fields, then 30 years old, was the youngest member of the 103rd Congress. As a freshman, he introduced the Delta Initiatives Act, the Stolen Guns Act, and the Check Cashing Act of 1993. Moreover, he assumed leadership on ATM legislation to provide consumers proper user-fee disclosure. Presently, he continues to work closely with colleagues to ensure enactment of meaningful ATM legislation. Fields' legislative initiatives also include the introduction of the "Education Trust Fund Act of 1995" and the "Tax-free Savings and Investment Income Act." His proposed "Education Trust Fund Act" levies a gaming tax of five percent to create a trust fund to be used to improve public elementary and secondary schools across the country by increasing funding for teacher salaries, school infrastructure, and educational supplies. Another bill, the "Tax-free Savings and Investment Income Act," encourages savings and investment by allowing tax-payers to make up to $5,000 for individuals and $10,000 for couples in unearned tax free income.

In the Banking Committee, he is a persistent advocate for inclusion of adequate consumer protections in all legislation the panel considers. He is responsible for bringing issues such as tenant representation on housing boards, low-cost banking accounts and government check cashing, insurance disclosure, and ATM fee disclosure to the attention of Committee Members. As the House Banking Committee has advanced legislation to roll back consumer protections, Fields has been instrumental in attempting to maintain current standards included in the Community Reinvestment Act, the Truth in Savings Act, the Truth in Lending Act and other consumer banking laws. He has worked closely with consumers and both the banking and insurance industries to explore mutually advantageous solutions to the issue of national banks selling insurance. Congressman Fields has also spent many hours in Committee trying to remedy the BIF/SAIF discrepancy, which has put bankers at odds with the S&L industry regarding their insurance funds.

As a residing member of the Small Business Committee, Congressman Fields has launched several initiatives to cultivate and increase economic development for small businesses. He organized the Fourth Congressional District Economic Development Summit, which exposed the local business community to existing federal programs that provide business development and enhancement assistance. Facilitating the Summit were prominent leaders such as the late Commerce Secretary Ron Brown, NASA Administrator Daniel Goldin, and the Regional Director for the Small Business Administration (SBA), Till Phillips.

Congresman Fields also spearheaded the drive to secure the future of the SBA's 8 (a) Minority Business Development Program. He challenged attempts to dismantle the program through letters, hearings, press conferences, and special orders. Further, he introduced legislation that requires the SBA to make procurement information available to Minority Business Development Centers in order to assist small and traditionally disadvantaged businesses in securing federal contracts.

One of the Congressman's most prized accomplishments is his creation of a Congressional Classroom for elementary and secondary school students. The first of its kind in the country, the Classroom was initiated to develop students' understanding of the legislative process through "hands-on" experience and mock legislative sessions. Numbering approximately 1200, Classroom members have had the privilege of hearing first hand from our nation's leaders including the President and Vice President of the United States, the Speaker of the House, the Attorney General, and various Cabinet Members. Each has enthusiastically addressed the students on national issues from their unique perspective of leadership.

During the 104th Congress, Fields organized the first-ever Education Caucus and currently serves as its House Chairman. This bi-partisan Caucus is comprised of over 60 Members of both Congressional Chambers. The first hearing, held in May of 1996, focused on the concerns of teachers, parents, and other organizations interested in improving education in our nation. The Caucus has also highlighted the benefits of corporate involvement in education, analyzed the reasons for the success and failure of national and local education programs, featured programs that have the potential to provide national models, and discussed the limitations imposed upon educational opportunities by decreased funding.

Throughout his tenure in the U.S. House of Representatives, Congressman Fields has been elected Chairman of both the Congressional Black Caucus Task Force on Redistricting and the CBC Task Force on Church Burnings. As CBC Chair of the Redistricting Task Force, Fields hosted hearings and meetings to provide Members of Congress, state legislators, civil rights leaders and constituents with comprehensive information on all issues pertinent to redistricting and the relevant cases across the nation. Chairing the Task Force on Church Burnings, Fields was able to bring together government and business resources with the congregations of burned churches to begin rebuilding initiatives. Working closely with President Clinton, the Department of Justice, and the Department of Treasury's Bureau of Alcohol, Tobacco and Firearms, Fields, along with the co-chairs of the National Church Arson Task Force, hosted the first public town hall meeting on church burnings in Baton Rouge, Louisiana.

Cleo Fields was born on November 22, 1962 in Baton Rouge, Louisiana. He is a 1980 graduate of McKinley High School in Baton Rouge. In 1984, Fields earned his B.A. degree from Southern University in Baton Rouge, where he also served as Student Government Association President and was elected by the Louisiana Council of Student Body Presidents to serve on the Louisiana Board of Regents.

Directly following his undergraduate studies, Fields earned his Juris Doctorate from Southern University School of Law. In 1987, the same year he graduated from law school, Fields was elected to the Louisiana State Senate. At the age of 24, he was the youngest state senator in Louisiana history and the youngest state senator in the nation. While in office, Fields sponsored and passed legislation that established Drug Free Zones near school campuses, as well as legislation creating an Inner City Economic Development Program. Concerned with increasing violence in schools, and in an effort to redirect students' attention, Fields introduced school uniform legislation.

In 1995, Cleo Fields, again made history by becoming the first African-American in a gubernatorial run-off in the State of Louisiana. Because of his dedicated commitment to education, the environment, economic development, and deficit reduction, he compelled the attention of the electorate. Many believe his candidacy in Louisiana's 1995 gubernatorial election has permanently changed the face of Louisiana politics.

Fields is a faithful member of Mt. Pilgrim Baptist-Church in Baton Rouge. He is happily married to Debra Horton Fields, and they have a son named Cleo Brandon Fields.

Cleo Fields (Democrat) of Baton Rouge—Elected 1992, 2nd Term

WASHINGTON.— For a brief time in 1994, Fields' nascent congressional career appeared to be over. But instead he was back in 1995, announcing the Jan. 22 birth of his firstborn child to cheering colleagues on the House floor.

The threat to Fields; re-election had come the previous July, when a panel of three federal judges ordered into effect a new congressional district plan for Louisiana that eliminated freshman Fields' majority-black 4th District.

But a month later, that court order was stayed while on appeal to the Supreme Court. The 1994 elections went ahead, using lines drawn earlier that year by the state Legislature. The new 4th looked nothing like its predecessor and was less black (the African-American percentage dropped from 66 to 58). But the new 4th retained Fields' Baton Rouge base and allowed him to win a second term with ease (his 70 percent majority in the October primary obviated a November vote).

Between December 1993 and August 1994, Fields' district changed drastically four times as federal judges and Louisiana state legislators redrew it. Late in 1994, the Supreme Court decided to hear the appeal of the Louisiana case, which may mean yet another overhaul. If one comes, Fields hopes not to be around for it: he announced in January 1995 that he would be a candidate for the November election for governor.

Fields supported his party leadership on more than nine votes out of 10 in the 103rd Congress, straying most notably when the party itself was most divided. He voted against both NAFTA and GATT, votes that helped him earn a perfect score in 1993 and 1994 from the AFL–CIO.

He strove to use his seats on the Banking Committee and the Small Business Committee to leverage capital for small businesses willing to relocate in his district, where poverty rates are high. He worked to protect the privacy of bank customers' credit and tried to force banks opening interstate branches to provide low-cost basic checking services.

But the continuing conflict over the district map seemed to overshadow all else. A federal three-judge panel in December 1993 threw out the congressional district map used in 1992, which contained a giant 'Z'-shaped 4th District, the second black-majority seat in Louisiana.

The state Legislature redrew the map in April 1994, but the federal court rejected that plan in July and imposed its own, one with only one majority-black district. This was the decision stayed by the Supreme Court the following month.

AT HOME: Fields pursued this seat relentlessly, starting with the redistricting struggle he fought as a member of the state Senate in the early 1990s.

He was the youngest state senator in Louisiana history at age 24. In the Legislature, he was a leader against illicit drug use and was regarded favorably by environmentalists, but not so much so that he was perceived as any enemy of the state's powerful natural gas industry.

Mostly Fields showed a knack for positioning himself to win elections. He also demonstrated the drive and energy to make good on his opportunities.

In the Senate, he chaired the redistricting committee and worked to craft a second majority-black district for the state in compliance with the Voting Rights Act. He competed with rival Sen. Charles "C.D." Jones, a 13-year incumbent from Monroe, over the shape of the district, and eventually Jones prevailed.

But if Jones won the battle. Fields won the war. He nearly won the seat in the all-party primary with 48 percent in a eight candidate field. Thrown into a November runoff with Jones. Fields continued his student-led, grass-roots campaign and walked away with 74 percent.

In 1994, no other Democrat entered the race, and Fields easily swept aside the lone Republican who came forward to test him in the all-party primary.

This is the district that returned the issue of race-based congressional redistricting to the Supreme Court. More precisely, this is the descendant of the district that mired Louisiana's redistricting map in litigation after its enactment in 1992. The 4th District used for the 1992 election was a Z-shaped creature that zigzagged through all or part of 28 parishes and five of Louisiana's largest cities, digesting black communities to create the state's second black-majority district.

A three-judge federal panel threw out that redistricting plan in December 1993. The judges, singling out the shape of the 4th, ruled that the map was the product of an unconstitutional racial gerrymander. In a special session, the Louisiana Legislature in April 1994 passed a new district map. That plan, signed into law and approved by the U.S. Justice Department, preserved the black majority in the 4th but substantially reoriented it.

The federal judges invalidated the Legislature's plan as well and imposed their own model with only one majority-black district (the New Orleans-based 2nd). But the Supreme Court stayed that ruling in August, leaving the Legislature's plan in place for the 1994 election. The court accepted the Louisiana case for its 1994–95 term.

The old 4th, dubbed "the 'Z' with drips" by a state redistricting staff member, had started in the northwest Louisiana industrial city of Shreveport. From there, the district snaked east along the Arkansas border, then followed the Mississippi River southward. At Pointe Coupee Parish it split. One finger plunged west, deep into central Louisiana, and the other continued east and south to the Cajun city of Lafayette. As chairman of the 1992 state redistricting committee, then-state Sen. Fields made sure Baton Rouge, his home base, anchored the 4th. Outside Baton Rouge in central and northeastern Louisiana the 4th was anchored by the black sections in blue-collar Alexandria and Lafayette, the center of the state's Cajun culture.

As redrawn by the Legislature, the 4th still covers a vast distance, from the Texas border to a point southeast of Baton Rouge. It retains Fields' Baton Rouge base and parts of Lafayette, Alexandria and Shreveport. But by redistricting criteria, it is more "compact" than its predecessor.

The 4th's 1994 version takes in three whole parishes and 12 split parishes. Shorn of switch-backs, it sticks to a northwest-to-southeast diagonal, resembling, in the words of a state official, "a sash on a beauty queen." For much of its course, it follows the Red River and interstate 49 and 10.

This version has a smaller black population than the one in which Fields ran in 1992. That district was 66 percent black; this one is 58 percent black. Poverty permeates many of the nooks and crannies of this Democratic district. While the 4th includes rural areas, it is dominated by its urban black communities. Nearly 25 percent of residents live in the 4th's portion of East Baton Rouge Parish (Baton Rouge). Nearly 20 percent live in the 4th's section of Caddo Parish (Shreveport).

Splitting the city with the 6th, the 4th captures all of northern and parts of southern Baton Rouge, which includes lower- and middle-income black and racially mixed neighborhoods. Many residents work in nearby chemical plants, including the Exxon Court Manufacturing Complex, the city's largest private employer. Several universities crucial to Fields' support, such as Louisiana State University (29,500 students) and the largely black Southern University, also were included.

The district ends in Shreveport. It includes almost every black enclave in the city, including populous Cooper Road, one of Louisiana's oldest black communities. Once an oil and gas town, Shreveport now counts AT&T Consumer Products and a General Motors plant in its economic mix.

HON CLEO FIELDS

Committee Assignments: Committee on Banking and Financial Services; Subcommittee on Housing and Community Opportunity, Subcommittee on Domestic and International Monetary Policy.

Committee on Small Business; Subcommittee on Government Programs, Subcommittee on Tax and Finance.

CBC Seniority Ranking: 24; Staff Contact: Kimberleigh Butler-Smith.

Cleo Fields, Louisiana Democrat was elected to serve his first term in the United States Congress in 1992. He was sworn into office on January 5, 1993 at the age of 30, making him the youngest member of the 103rd Congress.

As a member of the House Committee on Banking and Financial Services, Fields serves on the Subcommittees on Housing and Community Opportunity, and Domestic and International Monetary Policy.

In addition, Fields serves on the House Committee on Small Business where he serves on the Subcommittees on Government Programs and Tax and Finance.

Fields was a member of the Democratic Caucus Committee on Organization, Study and Review for the 103rd Congress.

Cleo Fields was born November 22, 1962 in Baton Rouge, Louisiana. He is a 1980 graduate of McKinley High School in Baton Rouge.

In 1984, Fields earned his B.A. degree from Southern University in Baton Rouge. During his senior year, he was elected Student Government Association President. In the same year, he was elected by the Louisiana Council of Student Body Presidents to serve on the Louisiana Board of Regents. He also made the Dean's List and was chosen a member of Who's Who Among Students in American Colleges and Universities.

Directly following his undergraduate studies, Fields entered Southern University School of Law. During law school, he served as a law clerk for both the East Baton Rouge Parish City Prosecutor's office and the Parish Attorney's Office.

In 1987, the same year he graduated from law school, Fields was elected to the Louisiana State Senate. At the age of 24, he was the youngest state senator in Louisiana history and the youngest state senator in the nation at the time.

In his second term, Fields continues to be strong voice for children and consumers. A long time advocates of youth, Fields strongly objects to weakening programs which benefit children. Fields has offered many bills and amendments which deal with education, job training, check cashing, insurance disclosure, and other banking related issues.

Fields is a member of Mt. Pilgrim Baptist Church in Baton Rouge, Louisiana. He is married to Debra Horton of Baton Rouge. The couple has one son, Cleo Brandon Fields, born January 22, 1995.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Illinois, Congressman JESSE JACKSON, Jr., for reserving time today. I join him and members of the Louisiana congressional delegation in saluting an outstanding Member of the House of Representatives, CLEO FIELDS. This bright, young leader has set a fine example of what can be achieved by those seeking to change the world around them. We gather to recognize his contributions to this Congress and the Nation.

From his days as the president of the Southern University Student Government Association, CLEO FIELDS knew how to accomplish tasks that to others seemed out of reach. His election to the Louisiana State Senate at the age of 24 showed his home State that a leader and player in Louisiana politics was emerging. At the age of 30, CLEO FIELDS was elected to the House of Representatives.

Mr. Speaker, constituents of Louisiana's Fourth Congressional District are fortunate to have the dedication and service of CLEO FIELDS. As chairman of the House Education Caucus, CLEO FIELDS has taken a provocative look at methods for improving our education system. He has involved leaders from all aspects of the system in candid discussions of the best methods to serve America's children.

As founder of a successful program called "Congressional Classroom", CLEO FIELDS has allowed nearly 1,200 elementary and secondary students to gain a better understanding of our legislative process. These young people benefit from a firsthand look at their Government in action, as well as meeting with congressional leaders from both sides of the aisle.

Mr. Speaker, one of the most powerful organizations in the Congress, the Congressional Black Caucus, has also benefited as a result of CLEO FIELD's expertise and determination. As a founder of this organization, I was proud to welcome CLEO FIELDS into our ranks. His dedication to equality and civil rights made him a very valuable player on our team.

We recall that when the U.S. Supreme Court eliminated what is now the Fourth District of Louisiana, thus turning back the clock on decades of progress, CLEO FIELDS stood strong and fought for his constituents. CLEO FIELDS rose to meet the challenge in a manner benefitting a true champion. In the process of leading this courageous battle, this articulate leader helped an even younger generation to understand the power of the ballot box, just as he had done at Southern University.

Mr. Speaker, some Members of this body might say that CLEO FIELDS is retiring. I would hasten to add, however, that this young star is just beginning to rise. I will miss CLEO FIELDS and I wish him all the best in the future.

Mr. CONYERS. Mr. Speaker, I rise today to honor my friend and distinguished colleagues Congressman CLEO FIELDS of Louisiana's Fourth Congressional District. When people talk about Congressman FIELDS, they often use the world "youngest." He was the youngest State legislator in Louisiana history, he was the youngest member of the 103d Congress. However, Representative FIELDS' personal and professional accomplishments belie his age. His tremendous energy, coupled with his desire to help America's youth and its minorities, has ensured that Congressman FIELDS will leave behind an significant legacy.

CLEO has always been a champion of the people. After receiving his juris doctorate from Southern University School of Law at the age of 24, he was elected to the Lousiana State Senate, becoming the youngest State senator in Louisiana history. While in office, he sponsored and passed legislation establishing Drug Free Zones near school campuses, and worked to create an Inner City Economic Development Program. He was a leader against illegal drug use and a champion of effective environmental protection initiatives.

In the House of Representatives, Congressman FIELDS, has continued to work tirelessly to protect and promote the opportunities and rights of all Americans.

As a member of the Small Business Committee, he has vigorously defended the Small Business Administration's Minority Business Development Program, helping to ensure that women and minority small business owners are able to succeed economically.

As a member of the Banking Committee, he has staunchly fought for consumer protections. In the face of 104th Congress' attempt to rollback consumer protections, Representative FIELDS has fought to maintain the consumer protections contained in the Community Reinvestment Act, the Truth in Savings Act, and the Truth in Lending Act.

Recognizing the importance of education and of our Nation's youth, Representative FIELDS organized the first-ever Education Caucus and currently serves as its House chairman. This bipartisan, bicameral, caucus has focused on the concerns of teachers, parents, and other organizations interested in improving education in our nation.

Finally, I especially commend Congressman FIELDS for his work as the chair of the Congressional Black Caucus' Task Force on Church Burnings. We have worked side-by-side in response to this national crisis. Representative FIELDS was able to bring together government and business resouces with the congregations of burned churches to begin the process of rebulding. His work helped to not only rebuild churches, but also hope. Working to educate all Americans as to why the church burnings affected them; his service in this area cannot be overstated.

I will miss Representative FIELDS' constant efforts to promote minority business development and to improve education in this country. I wish him the best of success in his future endeavors, and I feel honored to have served with him.

Mr. MONTGOMERY. Mr. Speaker, from the moment Congressman CLEO FIELDS came to Washington, he and I have been friends. We worked together a lot. In fact, when the Democratic party was in the majority, we used to take turns presiding over the House floor. I can tell you that he quickly earned my respect and admiration.

While I too will be leaving at the end of this session, I know that Representative FIELDS will be sorely missed. As one of the youngest State legislators in Louisiana's history and in the 103d Congress, he has been a shining example for the youth in his district and his State. His desire to help the American youth obtain the best education possible is evident in the education trust fund legislation he introduced.

I wish you, your lovely wife, Debra, and your son, Cleo much happiness in the future.

Mr. BISHOP. Mr. Speaker, I rise today to applaud the work and character of Congressman CLEO FIELDS. He is a champion of education, small businesses and consumers. His dedication to public service began at an early age. At 24, Congressman FIELDS became the youngest State senator in Louisiana history. As a legislator, he was a leader against illicit drug use, promoted school uniforms and created an Inner City Economic Development Program. His outstanding record as a State senator resulted in his election to the U.S. House of Representatives in 1992. Again, as the youngest member of the 103d Congress and a freshman, FIELDS' aptitude and abilities were recognized. Hence, Fields was able to win seats on the House Committee on Banking and Financial Services, and the House Committee on Small Business.

Representative FIELDS legislative initiatives demonstrate his commitment to education, small businesses and consumers. FIELDS is most noted for his introduction of the Education Trust Fund Act of 1995, which was designed to increase funding for teacher salaries, school infrastructure, and educational supplies. His creation of a Congressional classroom for elementary and secondary school students has also received a great amount of support. The classroom was initiated to develop student's understanding of the legislative process through experience and mock legislative sessions. FIELDS also organized the first-ever Education Caucus and currently services as its chairman.

Representative FIELDS initiated other legislation to address the concerns of the people of Louisiana, including the Tax Free Savings and Investment Income Act, to encourage savings and investments; the Fourth Congressional District Economic Summit; and programs to secure the future of the SBA's 8(a) Minority Business Development Program. In addition to the foregoing, FIELDS has served as chairman of both the Congressional Black Caucus Task Force on Redistricting and the Congressional Black Caucus Task Force on Church Burnings.

I applaud Congressman FIELDS for his newest endeavors which include working to reelect President Bill Clinton and working to help Democrats regain control of Congress. I also commend him for starting the new grass roots organization called Volunteers Organized to Encourage Registration. This is an organization committed to educating our young people about the importance of being involved in the political process and voting.

I salute the dedication and hard work of CLEO. I know the future holds great things for him. I thank him for his service and wish his family and him the best in the years ahead.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it brings me great pleasure to honor and applaud an extraordinary colleague who will be retiring at the end of the 104th Congress, the Honorable CLEO FIELDS of Louisiana. Congressman FIELDS came to Washington as a member of this body in 1992 along with me which makes this tribute extra special.

Congressman FIELDS pursued his seat relentlessly, starting with the redistricting struggle he fought as a member of the State senate in the early 1990's. He was the youngest State senator in Louisiana history at the age of 24. In the legislature, he was a leader against illicit drug use and was regarded favorably by environmentalists, but not so much so that he was perceived as an enemy of the State's powerful natural gas industry.

Mostly Congressman FIELDS showed a knack for positioning himself to win elections. He also demonstrated the drive and energy to make good on his opportunities. Congressman FIELDS' actions and his words have focused on improving the future for our Nation's youth, and recognizing the importance of opportunity for all his constituents. As chairman of the Congressional Black Caucus Task Forces on Church Burnings and Redistricting, he has helped every member of this body to recognize the importance of these issues and how they effect every one of us. As a member of the Banking and Financial Services Committee, he led efforts to insure that no consumers are taken advantage of by ATM user-fees, and that all Americans will continue to be protected by the Community Reinvestment Act, the Truth in Savings Act, the Truth in Lending Act, and other consumer banking laws.

Mr. Speaker, it has been both a pleasure and an honor to serve next to and with Congressman CLEO FIELDS of Louisiana. I, like the rest of my colleagues, wish him well in his future endeavors.

Ms. MILLENDER-McDONALD. Mr. Speaker, I'd like to thank my colleague, the gentleman from Illinois, for yielding time to me to honor one of this body's most distinguished gentleman, the honorable CLEO FIELDS from the 4th district of Louisiana.

While it pleases me to pay tribute to my dear friend, it saddens me to know that the reason I am here is because of an arbitrary rule change. My son Keith, who is about CLEO's age, tells me, "Mom, you have to be a student of the game", the game being sports.

Over the years I've read a sports page or two. And in my readings I have found that whenever we African-Americans began to excel at a particular sport, there is a "rule change". When Lou Alcindor—also known as Kareem Abdul-Jabbar—began playing college basketball, the NCAA outlawed the slam dunk—a rule change. When Wilt Chamberlain scored more than 100 points in one night, the NBA had a rule change. When Willie Brown became the most powerful speaker ever to preside over the California State Assembly, there was a rule change. And when the Nation's youngest State senator was elected to serve in this body, the most deliberative body in the world, there was a rule change.

These rule changes indicate one thing to me: The struggle has not been ended. There are battles to be fought and wars yet to be won.

It has truly been a pleasure to serve with CLEO on the Small Business Committee. I only wish that we could have served together longer. I have never seen a young man who was so wise beyond his years. He participated in some of the great debates of our committee. He brought clarity to the issues and always answered the call to defend the rights of minority and disadvantaged businesses.

At a time when more of our young black males are in jail than in our universities, we can look to the CLEO FIELDS' of this Nation and know that there is hope. When his son, Cleo Brandon Fields, looks for a role model, we know that his father, CLEO FIELDS, will be there.

As a mother, I am proud to say that I know this young giant, CLEO FIELDS. As a member of the Congressional Black Caucus, I will remember his service and his sacrifice. As an African-American, I will remember that the struggle is not over. And while the rules may change—and change often—we are still in the game.

Godspeed to you, CLEO FIELDS. And may His blessings follow you, Deborah, and Brandon in all of your future endeavors.

FOLLOW THE MONEY AND LOOK AT THE NOSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, if the gentlewoman wants to bid a fond farewell to the gentleman from Louisiana, CLEO FIELDS, I would yield to her, if I may do it first.

It has been an honor serving with you, sir, and I am glad they did not roast you tonight.

But I would gladly yield some time to the gentlewoman, also a distinguished Portia, a barrister and a lawyer in her own right of some standing.

CONTINUING TRIBUTE TO CONGRESSMAN CLEO FIELDS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his kindness and his collegiality this evening, for this is a special occasion, and I will not be long. I respect the Speaker and the time that is allotted to the gentleman.

Being in my office, as the waning hours of this session and this 104th Congress came to a close, I could not allow this evening to close out without my recognition of a friend, a legislator, an extremely able American, and that is in the name of CLEO FIELDS.

It is interesting, coming in as a freshman and working with my senior, the honorable CLEO FIELDS. He was a very good teacher. He is a lawyer by training, he is a legislator, but over the time that we have had an opportunity to work together, what I notice most about him is that he does not take up causes. He has avocations or he takes up issues which are filled with compassion.

I have watched him in his continuous efforts to have Americans recognize the need for not only educating our children but housing our children in the right infrastructure and a structure to allow them to learn.

I view CLEO FIELDS not only as a friend but as a friend of his constituents, a friend of Louisiana, and a friend of this country. As a young man he is someone who understands working families. I have watched him in women's issues be just as passionate about the needs and rights of women. I have watched him talk about, passionately, the opportunities for your college students and the need for a fair and just affirmative action.

I have watched him come to the floor continuously to talk about helpless babies who are in need of Head Start, school lunches, and, as well, who are in need of opportunities which he said he would have never had if the doors had not been open to him.

I spoke with him about his future, and in his own humble way he never offered to say that I expect to go on and slay a dragon.

□ 2315

I think what he said to me is that he will be back, that he wanted to continue to be a humble servant he wanted to continue to serve people. His proudest moment, as I have been able to recollect, is the birth of his son and, with his loving wife, I have watched that young man, now that I call him, though he is under 2 years old, grow in the love of his father.

The first days of the birth of his son, we were always kept apprised of his growth, the interesting things that he would be doing, the late nights that I understand that he was a good sleeper, but his father loves him and loved him and you could always see that relationship even as this young baby is growing up.

I really come to the floor to simply say that my friend, you will be missed, but you have claimed a place in our hearts and the minds of the American people. You have claimed a place by simply saying that I am a fighter for just causes. I will not do it in anger. I will do it forcefully.

Along with colleagues who joined you on the floor tonight, along with your colleague and friend, JESSE JACKSON, JR. who I heard describe the friendship and both your aspirations and wonderment about being in this place, we are better for it. This Congress is better. This Nation is better. I, for one, will certainly ask you to keep the light burning, to let us hear your voice resounding, for there are many great things in store for the Honorable CLEO FIELDS, for the 21st century is yet to open its doors to your bright mind and what you have to offer this country.

Partisan comments at this point certainly, and I will recognize the gentleman, are not appropriate, for I think, as my colleague from California has noted, he has enjoyed serving with you. So this is a bipartisan farewell, to say to you that all of us collectively will look forward again to the activism, the light, the message, the word of CLEO FIELDS, a great citizen of the State of Louisiana and a great American. God bless you.

I thank the gentleman from California.

Mr. DORNAN. Just remember the words of a great, if not the greatest American general, I shall return. JESSE JACKSON will be here waiting for you.

THE SADDEST DAY

Mr. Speaker, I was glad to give up those few minutes, I have 42½ minutes left. I want to try and cram 2 special hours into that. As I said earlier, the title for my overall special order, which I am going to say later, does not apply to this first part which I would call, the saddest day in my 20 years on Capitol Hill. That is today.

Today I was told, without a direct phone call, what we still have here, as they said in the movie, is a failure to communicate, Cool Hand Luke, I was told today, after I had already sent out thank you notes to the Speaker and others for getting the POW missing in action protection act back into law within a few days by tomorrow by putting it in the continuing resolution. This is different. This is not authorizing language on an appropriations bill. Clinton signed it into law.

The Bob Dole, BEN GILMAN, LAUTENBERG POW-MIA language that POWs and concerned citizens who have worked with them for 20, 25 years circulated on this hill for two decades and Clinton signed it into law in February 10, and one human being at the north end of this building, gutted it out and referred to people like myself, who have given more than months, years of their life, 8 trips to Vietnam in my own case while the war was going on, narrating while the brother of a U.S. Senator, sitting Senator now, while his younger brother was in POW clothing in a cage in Pershing Square for 2 days to make the case of what was happening to his brother at the ugly nonmercy of the Communists in Hanoi, and I narrated it, traveling around, getting people on. I create the cover of a Life magazine in November 1972, with a Navy hero on it, Ron Dodge, whose remains were finally returned years after I pushed the file at the Vietnamese in Hanoi and had the honor of going to his funeral at Arlington, to have one person at the north end of this building call me and others a hobbyist, this is not a hobby for me. This is a gut-wrenching issue.

Twelve hundred Americans left behind in Korea, at least three that I can name off, Air Force Captain Earl, known by his friends and his family as Glen Cobeil, C-O-B-E-I-L; Kenneth Cameron, another naval officer, James J. Connell, these men were beaten into a mental state, but recoverable, especially for two out of the three, they could have recovered. And the association of a loving wife Patty and son Jeffrey and a daughter could have even, I believe, brought Glen Cobeil out of this catatonic state that his torture masters had beaten him into. They were left behind under a Republican President, Nixon, left behind to be executed or rot and die because the Vietnamese Communists, the same ones in power right now, the two Senators stood by Clinton's side as we normalized relations with them, those same leaders murdered these men, allowed them to be murdered by Cubans and other guardsmen, pounding on them in savage medieval torture. They were left behind.

Abandoned, hundreds abandoned in Korea, hundreds of air crewmen captured in the spy planes around the periphery of the evil empire, abandoned. Thousands of Americans with Ukrainian and Slavic and Serbian and Russian, Belorussian, Ukrainian last names, abandoned.

It is a pattern in every war that we have had with Communism that we have abandoned men on the battlefield. So after this was signed into law on February 10, the same erosion process started that gutted, by a handful of people in another legislature, not this one, not this body, they gutted out my law that was to take effect August 10, that if you had a permanently permanent, nonreversible by medicine or surgery, a permanently permanent condition that through conduct kept you from being combat trainable or deployed overseas or you were jerked overseas, retrained into some healthy young man of woman's job and they were fired out of the military, that they would be honorably discharged on August 10, and two lame duck people at north end of the building demanded from my leadership here that they take the Dornan law out of Public Law. And it worked for them in May.

So what was signed into law February 10 came out and we now have about 900 people on active duty who have a fatal venereal disease called the AIDS HIV virus. And they are restricted here to the Continental United States. And they are not combat trainable and they are not deployable. And we had to retrain most of them in other jobs. They have medical appointments all year long, and $10,000 to $30,000 worth of drugs. They are in experimental programs. They would all be taken care of beautifully in the VA, in some cases the same hospitals. And that was stripped out of law.

Now it has happened again. This week, when the President, when Clinton signed the defense authorization, out came the Dornan POW law that was actually, as I said, the Dole-Gilman-Lautenberg POW protection law supported by a 7-year Hanoi POW, a hero, SAM JOHNSON of Dallas, TX, spent half of his captivity in solitary confinement in a stinking little hole called Alcatraz where they put 11 of the toughest. PETE PETERSON, who is leaving this Chamber, worked out with me, in a fair compromise, a burden on CINCs, combat commanders in the field, and took out the major objection of one human being in this town.

And then I put this bill together and got 272 original cosponsors, including Mr. MICA sitting in the chair, a House record for 20 years, 272 original cosponsors, when I dumped in, honorably placed it in the bill hopper, introducing it on August 2. Then we picked up 30 more people. Democrats came forward, our one independent, BERNIE SANDERS. When we were through, we almost had 300 cosponsors. I asked my chairman of national security, give me a hearing on this.

We had a special hearing, and the ranking Democrat, RON DELLUMS, and every Democrat in the hearing came on board. Ten before we voted asked to be cosponsors. And we got a vote, DUNCAN HUNTER got a vote, 49 to 0.

And my leadership, breaking promises today, would not put it in the continuing resolution. So I said, give me a stinking suspension, will you, tomorrow? So we are going to debate it on the House. Those people who track this House by electronic means will not understand a suspension, but it means you have to get two-thirds. And we will get that in a breeze in this House. But any suspension going over to the other body this late in the year, one Senator, because that is a body of 100 single legislators, each one is a lone force and only takes one person to blackball it.

I am told it is dead even if it goes out of here unanimously. This is wrong. This is a betrayal of the POW-MIA families. This is a travesty. This is my saddest day here in 20 years. I am not a hobbyist. I cannot believe this. Some people are not up for election in 1996. They are in 1998. I will not forget this. I will not forget banking scandals. I will not forget anything. I am not going to let this sit.

There is one salvation, Mr. Speaker. Our great rules chairman, a marine, proud marine, JERRY SOLOMON, if my Speaker is going to keep his word to me, JERRY SOLOMON can vote out a rule right up there on the third floor of the Committee on Rules. We can put this on that CR. The Dole campaign, his great young campaign manager, Scott Reed called the leader of the Senate today, the leader of the Senate is with me in heart and in mind and said, do it. It is hurting the Dole campaign. It is hurting the Republican contender for the presidency of the United States, who served 38 years his people as a 100 percent disabled vet.

This is his law, his language, he and Mr. GILMAN in this Chamber carried this. Do not hurt his campaign. Do not upset these POW families. Now the Korean families are suffering because we know we left behind 500 wounded and amputees and mentally hurt people because of the horrible conditions in the hell like North Vietnamese Communist camps. They are hurting now. They are going to go to sleep crying theirselves to sleep, sons and daughters, their late 40's, early 50's, because one human being, one contradicts 300 people over here, 49 to 0 on national security and easily two-thirds tomorrow in a suspension.

Where is the leadership here? Where is the leadership? Is tomorrow going to be a day of betrayal at the end of the day when one human being crushes my 20 years of activity on this hill, 40 years, 43 years of studying this issue since it was introduced to me as a young pre-cadet at Williams Air Force base when Army psychiatrists told us young Air Force cadets about the brainwashing and the torture and the prisoners, when I have gotten the documents out of the Eisenhower Library, when I have looked up Life magazines on four F-86 pilots left behind for 2 years on Jack Arnold's B-28 crew where they kept behind the two young radar guys, when I have had 2 years, the last 2 years, I am a hobbyist, a stinking hobbyist. Is that what I am called by a Naval officer whose father I loved, whose grandfather was a legend in the Navy? No, no. This does not sit.

Bob Dole himself, Mr. Speaker, for every veteran in this country from whom he properly asked loyalty, must call himself to the leader of the United States Senate and say, control your troops and get the Dole language that has been law since February 10 and out of law for the last 72 hours, get it back into law tomorrow night. Let these POW and MIA families, who are naturally inclined toward a pro-military strong anti-Communist, strong pro-family party, get behind our nominee.

What a sad day. What a travesty. The fight is on. I will not forget. I am coming back here next year. This sends me home for 39 days tomorrow to fight harder than I have ever fought in my life, to retake my chairmanship on military personnel and move from 8 years on the intelligence committee, and what revelations I am finding out about Communism in the last week, so I can work it as a top secret cleared Congressman with the knowledge on how to get this information that is so precious to us representatives of the people here. I know how to get it now.

□ 2330

And I will probably move to the Government Reform Committee. My leadership is going to have a lot to make up for me for a lot of double talk stripping out Dornan public law. I told my leadership this is not a question of embarrassing me in my district, but you will. It is not a question of making me look like I do not have the support of my leadership, but it will. It is a question of the honor of the Republican Party, the Grand Old Party, born out of the Civil War, Abraham Lincoln, and that horrible blood letting of brother against brother.

The honor of this party demands that they back up Bob Dole in his language in his presidential race and use any vehicle they can to get around one single human being arrogantly blackballing this. The honor of the Pow's left behind demands this, the honor of every American that may have been experimented on in some stinking Czech-built hospital in North Korea, that the tragedy of what we have done leaving American warriors behind wounded and crying and saying I am from the strongest country in the world that won World War II for the world, and I am being left behind to rot in Communist brutality. Now we have game playing, talking about problems for commanders in chief that has already been resolved by a former Democrat POW, 6 years and 7-year horribly tortured POW on this side of the aisle, PETERSON and SAM JOHNSON.

Now, something else happened to me today. Besides meeting a young man who told me he was corrupted here as a page on the elevator in one of the Rayburn buildings, said it cost him 2 years of school and finally he is getting out of the university late. I also saw Clinton come to the Longworth Office Building, so I thought I would stand in the hall, ask him about tampering with a grand jury system by telegraphing pardon messages through the media, specifically through PBS on Jim Lehrer's show. Got the transcript here from the Wall Street Journal. It is unbelievable. Outrageous is what it is. It is just what the Wall Street Journal calls it.

So I am standing there and out comes that battered wife, George Stephanopoulos. That is what Bob Woodward of Watergate Woodward and Bernstein fame, naval officer, Robert Woodward wrote: George Stephanopoulos is like a battered wife. The volcanic eruptions come out of the man's head with lava flowing all over George, and he is treated like a battered wife. I did not see whose head; the man.

So here comes the battered wife, and he comes up and said what are you doing. You going to talk through the man?

I will insert "the man" a lot tonight.

And I said, "Oh, just wanted to find out about jury tampering, telegraphing messages through media interviews and tampering with witnesses that are at this moment going before the grand jury in Little Rock."

He says OK.

He runs back into the Ways and Means room, a whole operation is organized. I saw the secret service smiling. I saw the Capitol police laughing. We saw the advance men talking in their little hand mikes, and I cost hundreds of people, I guess, 10 or 15 minutes as they had to run an operation kind of like the Bowery boys, you know playing 24 A, the diversion, to fake me out, and it worked. Got to give it to him.

But they had to announce to the entire press corps, the AP camera man, the Washington Post: Look, here comes the President, everybody—actual word out of advancement: all the press look this way.

So of course I looked that way, too, and we are all looking, and behind me comes AL GORE, Vice President, and the man, and up to the microphone. I turn around, I said, "Well done, guys."

But he will get his day in court. I was going to remind him that Paula Corbin Jones had her day in court and he will have his day in court because I am filing impeachment papers. I have got lawyers working on them and have been for about 5 or 6 months, and this may be the crowning issue, this may be the straw on the camel's back, telegraphing pardon messages to people. It is unbelievable.

So I stood there, and I looked, and the first thing that came in my mind was baby boomers in power, and the second thing came to my mind were the words of Maureen Dowd about the scenes on sacred Omaha Beach, that hallowed territory, that hallowed sand where so many Americans died, a thousand in few hours there in Utah Beach on the gorgeous coast of Normandy, France. And I thought of Maureen Dowd, New York Times reporter, her words: The prepubescent yuppies running around serving the man.

Well, listen to this, Mr. Speaker. Seven pounds of heroin were found in the nose cone of an Air Force One aircraft taking the President to the U.N. in New York from Bogotá, Colombia. The President in this case is Ernesto Samper, the man whose Presidency is collapsing in Bogotá, Colombia, a nation which drug users in this country have helped to destroy, particularly cocaine users. They have helped to destroy it.

When you see somebody with a big red bulbous nose and doctors tell me it is not allergies; that makes your eyes water. The nose only swells from alcohol or from tearing up your nasal passages with cocaine. When you see that, you will know that that is a person who has caused—Nancy Reagan had it right, just say no—who has caused a thousand young police officers to be killed in Colombia in the last year, calendar year 1995. This year we are running ahead of a thousand young men.

The head of the police force down there came to my office, speaks pretty good English, he told me that he asked these young boys to go to mass every morning or to Protestant services because they may see Jesus before the sun goes down or during that night. Gun battles over two-thirds of all the main police headquarters; it is kind of a Federal police. It is as though our FBI wore uniforms and had street duty instead of just investigative duties, and they are dying because people want to trip out up here on cocaine, because coke powder snows on Hollywood and snows on some of the elite and some of the not so wealthy, the crack cocaine in some of the poor areas of this country. Thousands of young Federal police officers in Colombia die, and now they have a President taking—it is alleged—narco money. Now this may have been planted on his plane, but the evidence is pretty tough that during his presidential campaign that money was coming in.

Well, so much for that President. How about another President in the free world? Another President? There is more books written on him than I have ever seen. How about this book by Roger Morris? Partners in Power.

Listen to this, Partners in Power: Much bigger in scope then Blood Sport. That was the book by Robert T. Stewart. Blood Sport. And considered more devastating in its frank revelations.

I am going to read some of the clips from this book. I will not have time to read clips from this book. I will not have time to read clips from this book; it is—Boy is the title, and then the name of a President in the free world, Boy something, the political biography by R. Emmett Tyro, Jr.

Remember when I came to the floor with all the books that are still down in my car, and I was too tired to carry them all up here. On the Make, by Meredith Oakley; The Agenda, by Bob Woodward; The Choice, by Bob Woodward; Inside the White House, by David Meredith, where the help talks about dialog in front of the cooks and the servants and the valets, those that were not fired. Blood Sport; Unlimited Access, the conservative action group here, CAT we call ourselves. I wish we called ourselves Tiger and were a little more effective around here since we are a majority within a majority. Why do we get trashed all the time by the lunch bunch? Blood Sport; Unlimited Access.

Here are the new ones. Boy Clinton. And Partners in Power.

Mr. Speaker, an important footnote here. I am not just reading about the man. Here is a book that just had to be written by the most evil person I have ever seen in public service, and it is a race now to see who is going to get that title by Election Day. This is about Robert, whose mother's maiden name was truly Strange—somebody asked me is it not cruel to call him Robert Strange McNamara. That is his name, Robert Strange McNamara. The Living and the Dead. An ex-seminarian, Paul Hendrickson, writes the definitive book, praised by the liberals at the Washington Post, praised by the conservatives at the Washington Times.

Listen to this.

The Living and the Dead, Robert McNamara, and five lives of a lost war, and I remember two of them. I remember the pictures by Bob Capra and Larry—from another war—and Larry Burroughs from Vietnam. Knew my brother Don, who was a photographer. Been in some tough spots.

Remember David Halverson's book, The Best and the Brightest, in 1972, a devastating portrait of McNamara? Halverson said he was a callous, arrogant technocrat who made one catastrophic error after another, blindly enthralled to his own qualifications and calculations, compounded the error by brusquely ignoring or suppressing any arguments or dissent.

Well, The Best and the Brightest has been topped by The Living and the Dead. One story is the tale of Yankee Papa 13, a marine H-34 Choctaw helicopter. They had a whole exhibit to it in the helicopter section at the Air and Space Museum. I hope they bring it back. I do not think it is there now. But this book sets the record straight on a war criminal named Robert Strange McNamara.

But I would beg people to buy this and not read it until after 40 days have gone by. Save this book after the election, when we either contemplate that we have a new President who is a 100-percent disabled American vet and a war hero who is a bridge to a future.

As my young son—not so young anymore, father of three, but as my son Bob Junior keeps saying, Dad, get Bob Dole to say Back to the Future. The young people will understand that. It was a successful movie. We cannot get to the future without going back to the treasured values that made this country so strong.

Mr. Speaker, you heard me say the other day that in a few months we pass 266 million Americans. This is not rocket science. This is pretty simple math. Cut 266 in half, and you get 133. That is how many million Americans there were when Pearl Harbor was struck, 133 million, and here we are exactly double that by Christmas time. Could we accomplish what we did in 3—less than 3 years and 5 months driving an evil demonic Adolph Hitler to suicide in 3 years and 5 months. Could we do that with a country that looks like it did at the Louisiana war games with bread trucks for tanks, tank written in cardboard on the side and Lt. Col. Ike Eisenhower trying to recall his World

War I memories down there? I think we can. I think we have only got maybe 5–10 percent of this country that went bonkers and maybe a third of the baby boomers and the drug sexual promiscuity the last 30 years that grew out of the mid-sixties. I do not know. I think we could do it again, but we are going to have to go back to the future.

So when George, excuse me, another war hero, when Bob Dole talks about a bridge and people make a play on his words and make a joke out of it, I do not see any role models right now for young America in the drug category.

I do not have time to read the review on the Boy book, but let me read first the opening of the Wall Street Journal editorial today and then ask unanimous consent to put it in the RECORD in its fulsome detail and then Out To Get The Clintons, this interview with Clinton on PBS News Hour with Jim Lehrer on the 23d. This is opening paragraph:

In some extraordinary statements Monday Clinton stoked Susan McDougal's hopes of a presidential pardon and stepped up the White House campaign against the independent counsel, Kenneth Starr. Before the voters go to the polls in November it seems to us Clinton owes them a forthright explanation about what he would do about both of these issues in a second term, attacking Kenneth Starr, pardoning everybody who he claimed when he was so angered that we voted to pay off Billy Dale and the six other innocent people in the Travelgate scandal when we offered to pay all of their legal—costing the U.S. taxpayers about $500,000, and it is millions that we are paying out for all of these people who have been wronged. And then the Senate went to vote for it. He said he would veto it unless we paid the legal bills of the McDougals and Jim Guy Tucker and everybody he said were so innocent and punished only because they knew him. All these people, indicted, about to be indicted, or going to jail only because they knew him. Yeah, the secret message is not so secret of going on; he is going to pardon him.

Listen to this. Here is the transcript of Lehrer; I will put this in the RECORD. Please do not write my office. Write your own Congressman. Write Mr. MICA if you are in his district in Florida to get the RECORD of today, September 26. Please, Mr. Speaker, let them not write me.

□ 2345

I know the phones are ringing off the wall in my office right now. That is why I have six people staying this late. Remember, it is only coming up on 9 o'clock in L.A., only 7 o'clock in Hawaii.

Mr. Lehrer says, "Susan McDougal told a Federal judge in Little Rock the other day the reason she was refusing to testify before a grand jury is she believed Kenneth Starr, the independent counsel, was out to get the Clintons. Do you agree with her?"

He is speaking to Clinton.

"Well, I think the facts speak for themselves. And I think we all know about her—she said what she said, and her lawyer said that he felt they did not want her to tell the truth. They wanted her to say something bad about us, whether it was the truth or not;" us means the Partners in Power; us, whether it was true or not. "And if it was false, it would still be perfectly all right. And if she told the truth and it wasn't bad about us, she simply would be punished for it. That's what her lawyer said."

Jim Lehrer, in his deadly low key style, "Do you believe him?" "Well, I think the facts speak for themselves. There's a lot of evidence to support that." "But do you personally believe that is what it is all about, is to get you and Mrs. Clinton?" "Well, isn't it obvious" "You only obviously believe that, right?" "Isn't it obvious?" I mean, you know, look at the D'Amato hearings. What do (the) D'Amato hearings reveal? Witness after witness after witness testifying that as governor, every time I was given a chance to do something unethical or ethical, I chose the ethical path. Witness after witness after witness, and they still—whenever a question was answered they'd go ask a bunch of new questions.

"But the American people have figured that out. They'll get that." That line, "they'll get that; where have I heard that before?

January 26, on a specially tailored Sixty Minutes program that was only 13 minutes long coming out of the Superbowl, all about a certain scandal involving somebody whose name rhymed with flowers. He said, "The American people get that. We have had problems. They will get that. They will get that."

I guess 43 percent got it, but the rest didn't.

"I'm not worried. I trust the people. I think that's what we all should be doing."

Mr. Lehrer: "If you're reelected, would you consider pardoning the McDougals and Jim Guy Tucker during a second term?" "I've given no consideration to that. You know, their cases are still on appeal. And I would—my position would be that their cases should be handled like others, they should go through—there's a regular process for that, and I have regular meetings on that," and on and on and on.

Here it comes. The reason he was over here in the Longworth building, in my building, I am sitting up there in Jim Wright's, the former Speaker's office. The reason he is over here is he thinks he has Bob Dole in a box. People have thought they had Bob Dole whipped before. He thinks he has got it made, so now he can go out and start campaigning to take the House and Senate back.

I didn't know Harry Truman, but I read the Pulitzer Prize-winning biography by David McCullough. You heard me read it the other day on the floor. Harry Truman said, "you can't ever trust a man who commits adultery. If he will break his word to his wife, you can't trust him on anything. Keep those bimbos away from me. He would run out of the hotel, leave the building, if anybody had women around. Beth could really trust him. We have no Harry Truman here.

Partners in Power. This is tough, so I am going to leave out the man and only talk about people who are not protected by rule 18.

First of all, story: London, Sunday. Imagine the respect factor in Europe. Here is the Sunday Telegraph, London, by Ambrose Evans Pritchard. Some day I am going to get to meet this great journalist.

"The longer he resists pressure to release his medical records, the stronger the suspicions become that he is hiding something important, perhaps even something that could affect the outcome of some elections."

"Some press secretary," I am leaving out names here, "was distinctly ambiguous when reporters asked in public whether someone was suffering from a sexually transmitted disease. It seemed almost as if the press secretary wished to encourage this sexual line of inquiry, because the calculation apparently is that nobody cares much about encounters long ago of a sexual nature. The impact, in post-Puritan America, would be nil."

Imagine the British people reading this in the tube, on the subway.

"But not everybody has fallen for this diversionary tactic. In a biting editorial last week," that I missed, so I will have to put it in the RECORD in January, "the Wall Street Journal asked whether" someone was covering up a history of drug use. "Drugs are a much more serious matter. If the American people were ever led to believe that somebody was a heavy user of cocaine while head of a certain subgovernment entity in a certain state, the scandal would be thermonuclear."

Stories about past drug use by some are a staple of the talk show programs around America, but no major paper in the U.S. has had the guts yet to publish an investigative expose. The Washington Times almost did this week. They came that close. They sent out sheets to people around the country saying, "Here it comes tomorrow." Then they backed off, and I got a headline story out of it, interesting, with my subcommittee on a Czech general saying that Americans were used as guinea pigs from the Korean and maybe the Vietnam War, because it left the whole area above the full front-page story empty.

So he goes on to say, Ambrose Evans Pritchard, to his London audience, in the biggest circulation paper in Great Britain, he says: This is not because drug use is too much of a tabloid issue. Far from it. The mainstream media were quick to print uncorroborated allegations of a stupid convicted felon in the slammer who claimed to have sold marijuana years ago to a young Dan Quayle. Remember how that moved on the network news, the headlines, of establishment paper after liberal paper?

In the case of someone, a number of people have come forward with direct knowledge of drug use, but the press always finds a reason to impugn the source's credibility; hence, a fascinating meeting with 20 of us telling Gary Aldrich, "We will protect you," giving him a round of applause, and then came his two little children. DAN BURTON and I said, "We were applauding for your honorable dad, Gary Aldrich, author of 'Unlimited Access.'"

Back to the London paper. This is not a tabloid, this is like the New York Times in London, or like the New York Post or Daily News.

He says, in the case of these people that have come forward, nothing short of documentary proof, though, will induce the newspapers to examine the claims. Hence, the intense speculation in Washington about the medical records. But there are other records. A freelance journalist, Scott Wheeler, has obtained copies of the Arkansas State police surveillance audio tapes from the 1984 investigation of a Roger, whose last name is Clinton, the younger brother of somebody. He was eventually convicted for dealing in cocaine and sent to prison.

The tapes revealed that Roger Clinton was a drug trafficker, not just an addict who crossed the line. He can be heard describing how he used to smuggle large amounts of cocaine right through the airports hidden under his clothes. And I have a tape somebody is going to play for me tomorrow where he says, I'm not worried about the cops surveilling me, I've got other cops watching those cops, because I've got a friend in a high place.

And it says, the most interesting comment he makes about the Governor is, got to get some for my brother. He's got a nose like a vacuum cleaner. Then there is the case of Charlene Wilson, currently serving a prison term in Arkansas for drug offenses. She told the Sunday Telegraph in London 2 years ago that she had supplied somebody with cocaine during his first term. He was so messed up that night he slid down the wall into a garbage can.

The story has credibility because she told it under oath to a Federal grand jury in Little Rock in December of 1990. At the time she was an informant for the 7th Judicial District drug task force in Arkansas. Gene Duffy, the prosecutor in charge of the task force, talked to this Wilson lady days after her grand jury appearance. She was terrified, the drug task force person, the prosecutor, says, prosecutor Gene Duffy, she was terrified. She said her house was being watched and she made a big mistake, she shouldn't have talked.

□ 2355

That was when she told me she testified about seeing someone get so high on cocaine he fell into a garbage can. I have no doubt she was telling the truth. What happens to her, Duffy? She's now in hiding in a secret place somewhere in Texas.

What about Charlene Wilson. Charged with drug violations. In 1992 she was sentenced to 31 years for selling a half ounce of marijuana and $100 worth of methamphetamine to an informant. She protested she was set up to eliminate her as a political liability and she appealed on the grounds of entrapment. With the help of a brilliant Arkansas lawyer, John Wesley Hall, her case went all the way to the U.S. Supreme Court—across the street, Mr. Speaker. Finding a violation of her constitutional rights, the court ordered the State of Arkansas to give Ms. Wilson a fresh trial or set her free. She's being set free as of November—probably after the election.

And what about those grand jury transcripts? They are secret, of course, sealed in perpetuity, but every witness has the right to the transcripts of their own testimony if they make a formal request.

So she will probably formally request them and we will get to see them and it may be too late because America has a morality test, all day long until the polls close, a morality test on November 5. And then at the same time it has an IQ test to see what we are going to tell the children in this country.

In this book, "Partners In Power," page 325:

On one of the 1983–84 videotapes—I better give the publisher, Henry Holt. Get this book, folks, Pop for the $27.50, for pete's sake. Henry Hold, "Partners In Power."

A fabulous biographer, Roger Morris, writes:

Yeah, there was a mansion in the guest house, Roger answered, oh, they love it. Even sketchy State trooper entry and exit logs at the Governor's mansion would bear him out showing him coming and going at the family quarters accompanies by females, girl, a friend, at least 36 times after February 7, 1983, the height of drug trafficking, and guards recorded visits within days of the women that he was bringing. Roger in with 2 females to change for party. Roger and girl going to the mansion, 2 hours. Girl, in, out. And on one of the 1983–84 videotapes filmed by the local narcotics officers, Roger Clinton was said to tell a supplier jauntily: Got to get some for my brother, he's got a nose like a vacuum.

So there it is, folks. You want the line. Get the book. "Partners In Power."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MICA). The Chair must ask the gentleman from California to suspend for a moment at this point.

The Chair would remind all Members that it is not in order to engage in personalities toward the President. Although remarks in debate may include criticism of the President's official actions or policy, it is a breach of order to question the personal conduct of the President whether by actual accusation or by mere insinuation.

The gentleman may proceed in order.

Mr. DORNAN. Mr. Speaker, I have a question.

The SPEAKER pro tempore. The gentleman will state his question.

Mr. DORNAN. If a Member has read—and, of course, I was talking about this Member—over 10 books, traveled Arkansas, spoken to people, and believes that a high public official was and may still be a cocaine addict, do I not have a right to state that publicly on the floor of this House?

The SPEAKER pro tempore. The Chair would respond not on the floor of this House. And also in response to a question concerning the proper bounds, the requirements of decorum in debate prohibit any personal abuse of the President spanning the full range of affronts from the attribution of unworthy motives to name-calling.

The gentleman may proceed in order.

Mr. DORNAN. Mr. Speaker, then let me deviate in the remaining few moments to point out the headline—these are public issues—the headline of yesterday's Washington Times: "In Jail, McDougal Plays Media Queen," is cocky. In Dayroom 212 of Pod B of the Faulker County Jail, she is the queen, she thinks she is going to get pardoned. "Clinton's Words Fuel Pardon Talk. Will Whitewater Figures Go Free?" Imagine if a Republican tried this. Today's headline: "Whitewater Log On Files Has 6-Month Gap."

These people are being charged with looting banks, and the taxpayers having to make up the difference, pirating money from banks, and if one person is immune from discussion, then let us talk about all the others. A person is known by the company he keeps.

I want to close discussing this rule XVII because people watching this House may be confused about the separation of powers. To keep order in this place, there is comity between Members and the Members in the other body, and it can be stretched when one Member criticizes on the Senate floor this Member for being a hobbyist on a gut-ripping issue like POW issues and Missing In Action, but we have to have some comity here.

But only in this Congress, the 104th Congress, was the office of the President and the office of the Vice President put under the rules, thereby damaging the separation of powers. I can assure you after I file charges of impeachment, articles of impeachment, and I can do it from zero to 1,000, after that, I will move when we reassemble, God willing I am back and you are back, I will demand in our rules from our leadership to finally show the guts to go back to the way this existed for over 200 years, and have this separation of powers so that the offices of the President and the Vice President are no longer included in our rule XVIII that demands civility between ourselves.

Let me read one line about President Samper of Colombia: A scathing assessment of the Bogota scene with its dozens of censored stories, crippling folly and indolence, intellectual shallowness, and social and mercenary corruption by the political world it is supposed to monitor, resulting in a "day of the locusts" talk-show demagoguery by liberals.

Mr. Speaker, when you read this, the reaction to a young person would be holy schnikes, how did our great country come to all this corruption and scandals?

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.
Mr. SAWYER, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. STENHOLM, for 5 minutes, today.
Mr. DICKS, for 5 minutes, today.
Mr. MCDERMOTT, for 5 minutes, today.
Mr. CLEMENT, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.
Mr. MCCOLLUM, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. WATTS of Oklahoma, for 5 minutes, today.
Mr. HYDE, for 5 minutes, today.
Mr. MCINNIS, for 5 minutes, today.
Ms. DUNN of Washington, for 5 minutes, today.
Mr. HOUGHTON, for 5 minutes, today.
Mr. FOX of Pennsylvania, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. DORNAN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,527.25.)

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. STARK.
Mrs. KENNELLY.
Mr. HALL of Ohio.
Mr. DINGELL.
Mr. TORRICELLI.
Mr. TRAFICANT.
Mr. YATES.
Mr. SCHUMER.
Mr. FOGLIETTA.
Mr. EDWARDS.
Mr. LANTOS.
Mr. TOWNS.
Mr. MASCARA.
Mr. BONIOR.
Mr. REED.
Mr. BERMAN.
Mr. JOHNSON of South Dakota.
Mr. GONZALEZ.
Mr. HOYER.
Mr. BENTSEN.
Mr. DELLUMS.
Mr. LIPINSKI.
Mr. WYNN.
Mr. MOAKLEY.
Mr. ROSE.
Ms. DELAURO.
Mr. STUDDS.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Mr. DAVIS.
Mr. WICKER in two instances.
Mr. BEREUTER.
Mr. BONO.
Mr. LIGHTFOOT.
Mr. DORNAN.
Mr. CRANE in three instances.
Mr. CHABOT.
Mr. GALLEGLY.
Mr. CASTLE.
Mr. CLINGER.
Mr. SMITH of New Jersey.
Mr. SOLOMON.
Mrs. JOHNSON of Connecticut.
Mr. FORBES in two instances.
Mr. STOCKMAN.
Mr. BAKER of California.
Mr. MCDADE.
Mr. GILMAN in two instances.
Mr. BURR.
Mr. PETRI.
Mr. COBLE.
Mr. ENGLISH of Pennsylvania.
Mr. CALLAHAN in two instances.
Mr. ROTH.
Mr. PORTER.

(The following Members (at the request of Mr. DORAN) and to include extraneous matter:)

Mr. MCDERMOTT.
Mr. PASTOR.
Mr. MENENDEZ.
Mr. TORRICELLI.
Mr. STEARNS.
Mr. KINGSTON.
Mr. SCOTT.
Mr. HASTINGS of Florida.
Mr. MORAN.
Mr. DUNN of Washington.
Mr. RICHARDSON.
Mr. FUNDERBURK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1897. An act to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes; to the Committee on Commerce.

S. 1973. An act to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1350. An act to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes.

H.R. 2366. An act to repeal an unnecessary medical device reporting requirement.

H.R. 2504. An act to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the United States courthouse located on Otis Street, in Asheville, North Carolina, as the "Veach-Baley Federal Complex."

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank.

H.R. 3056. An act to permit a county operated health insurance organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

H.R. 3186. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the "Sammy L. Davis Federal Building."

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the "Roman L. Hruska Federal Building and United States Courthouse."

H.R. 3710. An act to designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the "Sam M. Gibbons United States Courthouse."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1350. An act to amend the Merchant Marine Act, 1936, to revitalize the United States-flag merchant marine, and for other purposes.

H.R. 2366. An act to repeal an unnecessary medical device reporting requirement.

H.R. 2504. An act to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the United States courthouse located on Otis Street, in Asheville, North Carolina, as the "Veach-Baley Federal Complex."

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H.R. 3056. An act to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

H.R. 3186. An act to designate the federal building located at 1655 Woodson Road in Overland, Missouri, as the "Sammy L. Davis Federal Building."

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the "Roman L. Huska Federal Building and United States Courthouse."

H.R. 3710. An act to designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the "Sam M. Gibbons United States Courthouse."

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until today, Friday, September 27, 1996, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5332. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Regulations Issued Under the Export Apple and Pear Act; Relaxation of Grade Requirements for Apples and Pears Shipped to Pacific Ports of Russia [Docket No. FV-96-33-1 IFR] received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5333. A communication from the President of the United States, transmitting supplemental requests to make available appropriations totaling $291,000,000 in budget authority to the Departments of Agriculture, Commerce, Housing and Urban Development, and Transportation as well as the Small Business Administration and the Army Corps of engineers to assist the victims of Hurricanes Fran and Hortense and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-269); to the Committee on Appropriations and ordered to be printed.

5334. A letter from the Chairmen of the Securities and Exchange Commission and of the Board of Governors of the Federal Reserve System, transmitting the report to the Congress on the markets for small business and commercial mortgage related securities, pursuant to Public Law 103-325, section 209; to the Committee on Banking and Financial Services.

5335. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule—Higher Education Programs in Modern Foreign Language Training and Area Studies—Foreign Language and Area Studies Fellowships Program (RIN: 1840-AC28) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5336. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-128] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5337. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for Eritrea, Ethiopia, and Uganda, pursuant to 22 U.S.C. 2318(a)(1); to the Committee on International Relations.

5338. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Licensing of Commercial Communications Satellites Transferred from the U.S. Munitions List to the Commerce Control List; Expansion of National Security and Foreign Policy Controls on Commercial Communications Satellites and Hot Section Technology for the Development, Production or Overhaul of Commercial Aircraft Engines; Clarification of Jurisdiction for Development Aircraft Designed for Civil Use (RIN: 0694-AB09) received September 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5339. A letter from the Secretary of the Interior, transmitting the annual report entitled "Outer Continental Shelf Lease Sales" for fiscal year 1995, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

5340. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area [Docket No. 960129018-6018-01; I.D. 091996B] received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5341. A letter from the Acting Deputy Assistant Administrator, National Marine Fisheries Service transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Allow Longline Pot Gear (RIN: 0648-AI96) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5342. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Performance-oriented Packaging Standards; Final Transitional Provisions [Docket No. HM-181H; Amdt. Nos. 171-147, 172-150, 173-255, 178-117] (RIN: 2137-AC80) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5343. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation of Hazardous Materials By Rail; Miscellaneous Amendments; Response to Petitions for Reconsideration [Docket No. HM-216; Amdt. Nos. 172-148, 173-252, 174-83, 179-52] (RIN: 2137-AC66) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5344. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Exemption, Approval, Registration and Reporting Procedures; Miscellaneous Provisions [Docket No. HM-207C; Amdt. No. 173-249] (RIN: 2137-AC63) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5345. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Periodic Inspection and Testing of Cylinders; Response to Petitions for Reconsideration, Clarification and Editorial Correction [Docket No. HM-220A; Amdt. Nos. 172-150 and 173-258] (RIN: 2137-AC59) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5346. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28692; Amdt. No. 1753] (RIN: 2120-AA65) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5347. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations; Editorial Corrections and Clarifications (RIN: 2137-AC93) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5348. A letter from the Secretary of Energy, transmitting the 19th annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science.

5349. A letter from the Chairman, Interagency Coordinating Committee on Oil Pollution Research, transmitting the biennial report of the Coordinating Committee on Oil Pollution, pursuant to Public Law 101-380, section 7001(e) (104 Stat. 564); to the Committee on Science.

5350. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions (Revenue Proc. 96-48) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5351. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the Agency's implementation of the Waste Isolation Pilot Plant [WIPP] Land Withdrawal Act, pursuant to Public Law 102-579, section 23(a)(2); jointly, to the Committee on Commerce and National Security.

5352. A letter from the Comptroller General of the United States, transmitting the financial statements of the Congressional Award Foundation for the fiscal years ended September 30, 1995 and 1994 [GAO/AIMD-96-147], pursuant to 2 U.S.C. 802(e); jointly, to the Committee on Government Reform and Oversight and Economic and Educational Opportunities.

5353. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled "Environmental Crimes and Enforcement Act of 1996"; jointly, to the Committees on the Judiciary, Resources, Transportation and Infrastructure, Agriculture, and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANADY: Committee on the Judiciary. H.R. 3874. A bill to reauthorize the U.S. Commission on Civil Rights, and for other purposes; with amendments (Rept. 104-846). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 2086. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans; with an amendment (Rept. 104-847). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee of Conference. Conference report on H.R. 3539. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 104-848). Ordered to be printed.

Mr. CLINGER: Committee on Government Reform and Oversight. Investigation of the White House Travel Office Firings and Related Matters (Rept. 104-949). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MEYERS: Committee on Small Business. H.R. 3158. A bill to amend the Small Business Act to extend the pilot Small Business Technology Transfer program, and for other purposes; with an amendment (Rept. 104-850). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 540. Resolution Waiving points of order against the conference report to accompany the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 104-851). Referred to the House Calendar.

Mr. THOMAS: Committee on House Oversight. House Resolution 538. Resolution Dismissing the election contest against Charlie Rose (Rept. 104-852). Referred to the House Calendar.

Mr. THOMAS: Committee on House Oversight. House Resolution 539. Resolution Dismissing the election contest against Charles F. Bass (Rept. 104-853). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. GREENE of Utah:

H.R. 4193. A bill to amend title 18, United States Code, to provide that witnesses in grand jury proceedings have the presence and advice of counsel during that witness' testimony; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. GEKAS, and Mr. REED):

H.R. 4194. A bill to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes; to the Committee on the Judiciary.

By Mr. BALDACCI:

H.R. 4195. A bill to designate a U.S. Post Office in Brewer, ME, as the "General Joshua Lawrence Chamberlain Post Office"; to the Committee on Government Reform and Oversight.

By Mr. BURR (for himself, Mr. GREENWOOD, Mr. FLAKE, Mr. BROWN of Ohio, Mr. BORSKI, Mr. COBLE, Mr. HEINEMAN, Mr. TAYLOR of North Carolina, Mr. PAYNE of Virginia, Mr. CHAPMAN, and Mr. SMITH of Texas):

H.R. 4196. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging; to the Committee on Commerce.

By Mr. CAMP:

H.R. 4197. A bill to amend the Internal Revenue Code of 1986 to permit States to make advance payments of the earned income credit; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. RANGEL, and Mr. MCDERMOTT):

H.R. 4198. A bill to authorize a new trade and investment policy for sub-Saharan Africa; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mrs. MEEK of Florida, Mr. DIAZ-BALART, and Mr. MILLER of Florida):

H.R. 4199. A bill to amend the Act entitled "An Act to provide for the establishment of the Everglades National Park in the State of Florida and for other purposes," approved May 30, 1934, to clarify certain rights of the Miccosukee Tribe of Indians of Florida; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 4200. A bill to amend the Internal Revenue Code of 1986 to encourage the cleanup of contaminated brownfield sites; to the Committee on Ways and Means.

H.R. 4201. A bill to amend the Internal Revenue Code of 1986 to encourage qualified conservation contributions by individuals of capital gain property; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 4202. A bill to amend section 6901 of title 31, United States Code, to provide for certain lands taken into trust for Indian Tribes to be included in the definition of entitlement land; to the Committee on Resources.

By Mr. JONES:

H.R. 4203. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, NC, on December 17, 1903; to the Committee on Banking and Financial Services.

By Mrs. KENNELLY (for herself, Mrs. MEEK of Florida, Mrs. MALONEY, Ms. MCKINNEY, Ms. DELAURO, Miss COLLINS of Michigan, Ms. FURSE, Ms. KAPTUR, Ms. Slaughter, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mrs. LOWEY, Ms. NORTON, and Ms. ROYBAL-ALLARD):

H.R. 4204. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Transportation and Infrastructure, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING:

H.R. 4205. A bill to amend title 49, United States Code, concerning employment standards for airport security personnel; to the Committee on Transportation and Infrastructure.

By Mr. LIGHTFOOT:

H.R. 4206. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of the aviation excise taxes for any fiscal year shall equal the expenditures from the Airport and Airway Trust Fund for the prior fiscal year, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIVINGSTON:

H.R. 4207. A bill to amend the Higher Education Act of 1965 to protect the speech and association rights of students attending institutions of higher education; to the Committee on Economic and Educational Opportunities.

By Ms. LOFGREN:

H.R. 4208. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in a handgun and is capable of penetrating police body armor, and to prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCOLLUM:

H.R. 4209. A bill to amend the National Voter Registration Act of 1993 to require each individual registering to vote in elections for Federal office to provide the individual's Social Security number and to permit a State to remove a registrant who fails to vote in two consecutive general elections for Federal office from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence, if the registrant fails to respond to written notices requesting confirmation of the registrant's residence; to the Committee on House Oversight.

H.R. 4210. A bill to amend the Immigration and Nationality Act to permit certain aliens who are at least 55 years of age to obtain a 4-year nonimmigrant visitor's visa; to the Committee on the Judiciary.

H.R. 4211. A bill to direct the Secretary of the Army to conduct a study of mitigation banks, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. McDERMOTT:

H.R. 4212. A bill to suspend temporarily the duty on certain materials used in the manufacture of skis and snowboards; to the Committee on Ways and Means.

By Mr. McINNIS (for himself and Mr. THORNBERRY):

H.R. 4213. A bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale, CO; to the Committee on Resources.

By Mr. ORTON:

H.R. 4214. A bill to amend the Antiquities Act to provide for the congressional approval of the establishment of national monuments, and for other purposes; to the Committee on Resources, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI:

H.R. 4215. A bill to provide for the establishment and maintenance of personal Social Security investment accounts for all Americans under the Social Security system; to the Committee on Ways and Means, and in addition to the Committees on Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED:

H.R. 4216. A bill to require that jewelry boxes imported from another country be indelibly marked with the country of origin; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mr. DINGELL, Ms. McKINNEY, Mrs. LOWEY, Mrs. CLAYTON, Ms. NORTON, and Mrs. MEEK of Florida):

H.R. 4217. A bill to promote safer motherhood through improved surveillance and research on pregnancy outcomes through health professional and public education regarding pregnancy-related morbidity and mortality, through increased public education concerning folic acid supplements, through requiring health plan coverage of minimum hospital stays for childbirth, and through establishment of quality standards for facilities performing ultrasound procedures; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER (for himself, Mr. REED, Mr. PALLONE, and Mr. MILLER of California):

H.R. 4218. A bill to increase penalties and strengthen enforcement of environmental crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, Agriculture, Transportation and Infrastructure, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4219. A bill to amend title 11 of the United States Code to make nondischargeable debts for overpayments received under title XVIII or XIX of the Social Security Act, and to except from automatic stay exclusion from program participation under the Social Security Act; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4220. A bill to amend the Internal Revenue Code of 1986 and titles XVIII and XIX of the Social Security Act to ensure access to services and prevent fraud and abuse for enrollees of managed care plans, to amend standards for Medicare supplemental policies, to modify the Medicare select program, and to provide other protections for beneficiaries of health plans generally, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOCKMAN:

H.R. 4221. A bill to amend the tort claims procedures in title 28, United States Code, to allow a member of a uniformed service to bring an action for personal injury against a health care professional in a uniformed service, with the exception of injuries received during a declared state of war; to the Committee on the Judiciary.

H.R. 4222. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for tuition and related expenses for nonpublic elementary and secondary education; to the Committee on Ways and Means.

By Mr. TRAFICANT (for himself and Mr. VISCLOSKY):

H.R. 4223. A bill to designate the U.S. post office located at 125 West South Street, Indianapolis, IN, as the "Andrew Jacobs, Jr., United States Post Office"; to the Committee on Government Reform and Oversight.

By Mr. TRAFICANT (for himself and Mr. DORNAN):

H.R. 4224. A bill to provide for a three-judge division of the court to determine whether cases alleging breach of secret Government contracts should be tried in court; to the Committee on the Judiciary.

By Mrs. THURMAN (for herself, Mrs. FOWLER, Mr. DEUTSCH, and Mr. BILIRAKIS):

H.R. 4227. A bill to temporarily waive the enrollment composition rule under the Medicaid Program for certain health maintenance organizations; to the Committee on Commerce.

By Mr. KING (for himself and Mr. MANTON):

H.J. Res. 196. Joint resolution to recognize Commodore John Berry as the first flag officer of the U.S. Navy; to the Committee on National Security.

By Mr. SHUSTER:

H. Con. Res. 221. Concurrent resolution directing the Clerk of the House to make corrections in the enrollment of H.R. 3159; considered and agreed to.

By Mr. DORNAN:

H. Con. Res. 222. Concurrent resolution providing that George Washington's "Farewell Address" shall be read at the beginning of each Congress; to the Committee on Rules.

By Ms. GREENE of Utah (for herself and Mr. HANSEN):

H. Con. Res. 223. Concurrent resolution expressing the sense of the Congress with respect to considering addiction to nicotine to be a disability; to the Committee on Economic and Educational Opportunities.

By Mr. THOMAS:

H. Res. 538. Resolution dismissing the election contest against Charlie Rose; considered and agreed to.

H. Res. 539. Resolution dismissing the election contest against Charles F. Bass; considered and agreed to.

By Mr. CASTLE (for himself, Mr. WOLF, Mr. GILCHREST, Mr. GREENWOOD, Mr. GILMAN, Mr. SOLOMON, Mr. INGLIS of South Carolina, Mr. WICKER, Mr. LIPINSKI, Mr. DURBIN, Mr. McKEON, Mr. HEINEMAN, Ms. LOFGREN, Mrs. MYRICK, and Mr. PORTMAN):

H. Res. 541. Resolution to express the sense of the House of Representatives concerning violence on television; to the Committee on Commerce.

By Mr. HOYER (for himself, Mr. MASCARA, Mr. KING, Mr. CARDIN, Mr. MORAN, Mr. MARKEY, Mr. RICHARDSON, Mr. LANTOS, and Mr. CLEMENT):

H. Res. 542. Resolution concerning the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina; to the Committee on International Relations.

By Mrs. SCHROEDER (for herself and Mrs. MALONEY):

H. Res. 543. Resolution expressing the sense of the House of Representatives that the United States and the United Nations should support the election of a woman for the Secretary General of the United Nations; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BASS (by request):

H.R. 4225. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Hey, Da!*; to the Committee on Transportation and Infrastructure.

By Mr. ROTH:

H.R. 4226. A bill to require approval of an application for compensation for the injuries of Eugene Hasenfus; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. LAHOOD.

H.R. 218: Mr. POMBO.

H.R. 789: Mr. WYNN.

H.R. 820: Mr. CAMPBELL and Mr. DICKS.

H.R. 1055: Mr. LIPINSKI and Mr. GREEN of Texas.

H.R. 1136: Mr. KENNEDY of Massachusetts, Mr. FRANK of Massachusetts, Ms. NORTON, and Ms. MILLENDER-McDONALD.

H.R. 1402: Mr. STUDDS.

H.R. 1406: Mr. SKELTON.

H.R. 1582: Mr. CONDIT.

H.R. 1619: Mr. THOMPSON.

H.R. 1711: Mr. LEWIS of Kentucky.

H.R. 1748: Mr. POMEROY.

H.R. 2011: Mrs. MALONEY, Mrs. MORELLA, and Mr. HERGER.

H.R. 2019: Mr. ROHRABACHER.

H.R. 2089: Mr. LATHAM, Mr. WALSH, Mrs. KELLY, Mrs. CHENOWETH, Mr. HOBSON, MR. LIGHTFOOT, and Mr. SOUDER.

H.R. 2892: Mr. McNULTY and Mr. ENGEL.

H.R. 2962: Ms. DELAURO.

H.R. 2976: Mr. ABERCROMBIE, Mr. METCALF, and Mr. JOHNSON of South Dakota.

H.R. 3012: Mr. ZIMMER, Mr. GILCHREST, and Mr. TORKILDSEN.

H.R. 3037: Mr. LUCAS, Mr. LONGLEY, Mr. LAHOOD, and Mr. BROWNBACK.

H.R. 3057: Mr. PALLONE, Ms. WATERS, Ms. HARMAN, Mr. BARRETT of Wisconsin, and Ms. SLAUGHTER.

H.R. 3077: Mr. HAYES.

H.R. 3084: Mr. CAMPBELL, Mr. BASS, Mr. CAMP, and Mr. DEFAZIO.

H.R. 3142: Mrs. CUBIN.

H.R. 3195: Mr. CALLAHAN, Mr. HILLEARY, and Mr. KIM.

H.R. 3226: Mr. CRAPO and Mr. BONIOR.

H.R. 3368: Mr. MCCOLLUM.

H.R. 3401: Mr. PALLONE.

H.R. 3455: Mr. MCHALE, Mr. STARK, Ms. FURSE, Mrs. MALONEY, and Ms. PELOSI.

H.R. 3498: Mr. BROWN of California.

H.R. 3514: Mr. WELDON of Pennsylvania.

H.R. 3538: Mr. GREEN of Texas.

H.R. 3551: Mr. LAZIO of New York

H.R. 3558: Mr. FILNER, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. BROWN of California, Mr. LAFALCE, and Mrs. MINK of Hawaii.

H.R. 3688: Mr. WALSH.

H.R. 3692: Mr. SAXTON, Mr. TAUZIN, Mr. COBLE, and Mr. DORNAN.

H.R. 3714: Ms. KAPTUR and Mr. FRAZER.

H.R. 3775: Mr. FIELDS of Texas, Mr. NORWOOD, Ms. NORTON, Mr. COLLINS of Georgia, and Ms. JACKSON-LEE.

H.R. 3840: Mr. SHADEGG and Mr. HORN.

H.R. 3849: Mr. SHADEGG.

H.R. 3857: Mr. OBERSTAR and Mr. CONYERS.

H.R. 3920: Mr. DELLUMS.

H.R. 3938: Mr. GREEN of Texas.

H.R. 4011: Mr. MINGE, Mr. MCHALE, Mr. DEAL of Georgia, Mr. WELDON of Pennsylvania, and Mr. LONGLEY.

H.R. 4014: Mr. FRANKS of New Jersey.

H.R. 4052: Ms. MCKINNEY, Mr. WAXMAN, Mr. WALSH, Mr. JACOBS, Mr. LEWIS of Georgia, Mr. HILLIARD, Mr. COYNE, Mr. KILDEE, Mr. OBEY, Mr. CLAY, Mr. ANDREWS, Mr. LEVIN, Mr. RANGEL, Mr. SANDERS, Mr. HASTINGS of Florida, Mr. MARTINEZ, Mr. EVANS, Mr. BONIOR, Mr. MANTON, Mr. LAFALCE, Mr. PALLONE, and Ms. NORTON.

H.R. 4082: Mr. MARTINEZ, Mr. BONO, Mr. FAZIO of California, and Mr. FARR.

H.R. 4102: Ms. NORTON, Ms. KAPTUR, Mr. MINGE, Mr. CHAMBLISS, Mr. QUILLEN, and Mr. EHLERS.

H.R. 4105: Mr. HANCOCK, Mr. PACKARD, Mr. HEFLEY, Mr. SANFORD, Mr. TATE, Mr. NEUMANN, Mr. TIAHRT, Mr. METCALF, and Mr. CANADY.

H.R. 4113: Ms. NORTON, Mrs. THURMAN, Mr. FATTAH, Mr. HINCHEY, and Mr. FRAZER.

H.R. 4126: Mr. HUNTER and Mr. DORNAN.

H.R. 4131: Mr. FROST, Ms. RIVERS, Mr. BEVILL, Mr. PETERSON of Minnesota, Mr. FILNER, Mr. EVANS, Ms. PELOSI, Mr. CLEMENT, and Mr. RAHALL.

H.R. 4133: Mr. FILNER, Mrs. MEEK of Florida, Mr. BROWN of California, Ms. NORTON, Mr. WATT of North Carolina, Mr. FRAZER, and Mr. HOUGHTON.

H.R. 4145: Mr. MEEHAN, Mr. TOWNS, Mrs. SCHROEDER, Ms. JACKSON-LEE, Miss COLLINS of Michigan, and Ms. NORTON.

H.R. 4148: Mr. BALDACCI, Mr. BARRETT of Nebraska, Mr. BEVILL, Mr. BISHOP, Mr. BONIOR, Ms. BROWN of Florida, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CLAY, Mr. CLYBURN, Mr. CRAMER, Mr. COLEMAN, Miss COLLINS of Michigan, Mr. CONDIT, Mr. COYNE, Mr. CUMMINGS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. EDWARDS, Mr. ENGEL, Mr. FATTAH, Mr. FAZIO of California, Mr. FIELDS of Louisiana, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GEPHARDT, Mr. GORDON, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HAMILTON, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HAYWORTH, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOYER, Mr. JACKSON, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON, Mr. JOHNSTON of Florida, Ms. KAPTUR, Mr. KILDEE, Mr. KING, Mr. KLINK, Mr. LAFALCE, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. LINDER, Mr. LIPINSKI, Ms. LOFGREN, Mrs. MALONEY, Mr. MARKEY, Mr. MCCOLLUM, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MILLER of California, Ms. MILLENDER-MCDONALD, Mr. MINGE, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORAN, Mr. MURTHA, Mr. NADLER, Mr. OBERSTAR, Mr. OLVER, Mr. ORTON, Mr. OWENS, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. POMEROY, Mr. PORTER, Mr. POSHARD, Mr. RANGEL, Ms. RIVERS, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Ms. SLAUGHTER, Mr. SOLOMON, Mr. THOMAS, Mrs. THURMAN, Mr. TORRES, Mr. TRAFICANT, Mr. WARD, Ms. WATERS, Mr. WAXMAN, Mr. WILLIAMS, Mr. WISE, Ms. WOOLSEY, and Mr. WYNN.

H.R. 4159: Mrs. FOWLER.

H.R. 4170: Mr. FOX, Mr. BLILEY, Mr. NETHERCUTT, Mr. ENGLISH of Pennsylvania, Mr. DORNAN, Mr. HILLEARY, Mr. SENSENBRENNER, Mr. PAXON, Mr. BARR, Mr. PARKER, Mr. HUTCHINSON, Ms. MOLINARI, Mr. SOLOMON, Mr. CHRISTENSEN, Ms. GREENE of Utah, Mrs. MYRICK, Mrs. CHENOWETH, Mr. BUNN of Oregon, Mr. CANADY, and Mr. DEAL of Georgia.

H.J. Res. 174: Mr. ALLARD.

H.J. Res. 195: Mr. DELLUMS, Mr. FOGLIETTA, Mr. CUMMINGS, and Mr. FROST.

H. Con. Res. 21: Mrs. CLAYTON.

H. Con. Res. 205: Mrs. SCHROEDER, Mr. FILNER, Mrs. LOWEY, Mr. CUNNINGHAM, Mr. BROWN of California, Mr. EVANS, Mr. ACKERMAN, Mr. DOYLE, and Mr. KING.

H. Con. Res. 209: Mr. FLANAGAN.

H. Con. Res. 210: Mr. FIELDS of Louisiana, Mr. PASTOR, Mr. BLUTE, Mr. BRYANT of Texas, Mr. PETERSON of Florida, Mr. BUYER, Mrs. MYRICK, Mr. QUINN, Mr. PALLONE, Mr. ACKERMAN, Ms. MOLINARI, Mr. DAVIS, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. LAHOOD, Ms. LOFGREN, Mr. SABO, Mr. PETE GEREN of Texas, Ms. ROS-LEHTINEN, Mr. BALDACCI, Mr. BEREUTER, Mr. FLAKE, Mr. MCNULTY, Ms. DUNN of Washington, Mr. HEINEMAN, Mr. ENSIGN, Mr. COBLE, Mr. STOCKMAN, Mr. WOLF, Mr. CUNNINGHAM, Mr. HASTINGS of Florida, Ms. PELOSI, Mr. BALLENGER, Mr. SCHIFF, Mr. EWING, Mr. CAMP, Mr. LATOURETTE, Mr. MILLER of Florida, and Mr. LOBIONDO.

H. Con. Res. 216: Mr. FAWELL.

H. Con. Res. 218: Mr. WALKER, Mr. KINGSTON, Mr. MICA, Mr. CAMPBELL, Mr. EVERETT, Mr. HOKE, Mr. HOEKSTRA, Mr. GRAHAM, Mr. MCKEON, Mr. NETHERCUTT, Mr. SALMON, Mr. STUMP, Mr. UPTON, Mr. WELDON of Pennsylvania, Mr. BARR, Mr. CHRYSLER, Mr. KOLBE, Mr. ISTOOK, and Mr. FORBES.

H. Res. 30: Mr. CALVERT, Mr. SMITH of Michigan, and Ms. JACKSON-LEE.

H. Res. 441: Mr. COX.

H. Res. 510: Mr. ENSIGN and Mr. FOX.

EXTENSIONS OF REMARKS

RECOGNIZING THE WORK OF OUR NATION'S ANIMAL SHELTERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. BEREUTER. Mr. Speaker, our Nation's animal shelters and the tens of thousands of dedicated individuals who are employed by or volunteer in these facilities certainly deserve recognition for the work they have done in assisting animals. This Member is pleased that the Humane Society of the United States (HSUS), which has provided training and support to local animal shelters and humane organizations for over 40 years, has declared November 3–9, 1996, as National Animal Shelter Appreciation Week.

The idea for a national day of recognition and appreciation for animal shelters actually started with a humane society in this Member's district, the Capital Humane Society in Lincoln, NE. Bob Downey, the executive director of the Capital Humane Society, contacted the HSUS and suggested that they work together to establish a week intended to recognize the positive roles that animal shelters play in their communities; to recognize the staff and volunteers of shelters; and to educate the general public about animal shelters and the work they do.

The services offered by animal shelters are as varied as the communities they serve. Some handle animal control issues, such as controlling dogs running at large or sheltering unwanted or abandoned animals. Some conduct rescue operations by responding to calls regarding injured animals or animals that have fallen through the ice of a frozen lake or pond. Still others assist families who are considering adding a new four-legged member to the family by providing adoption services.

There are many ways that individuals can help our local animal shelters and humane societies. Many shelters, just like the Capital Humane Society, both need and welcome volunteers who perform a variety of tasks such as walking dogs, grooming animals, cleaning cages or assisting with adoptions. Shelters can also use donations of supplies such as blankets and towels to provide bedding, food or cages, or just cash donations to help pay for the costs of daily operations. National Animal Shelter Appreciation Week is an appropriate time for people to visit shelters, thank the people who work there, and volunteer their time.

CONGRATULATIONS TO MARVIN BROWN OF SAVANNAH, GA ON RECEIVING THE GRAND DECORATION OF HONOUR OF THE STATE OF SALZBURG, AUSTRIA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. KINGSTON. Mr. Speaker, Mr. Marvin Brown, a resident of Savannah, GA and the First Congressional District of Georgia, joined the ranks of Dwight D. Eisenhower and Winston Churchill when he was recently awarded one of Austria's highest commendations. Mr. Brown's achievements were highlighted in the August 23, 1996 edition of the Georgia Guardian:

Thank you for your assistance in this matter.

[From the Georgia Guardian, August 23–29, 1996]

MARVIN BROWN AWARDED AUSTRIAN COMMENDATION

(By Thom Nezbeda)

To read of Marvin Brown's accomplishments with the Georgia Salzburger Society is to be impressed. He may have joined the organization "late in life," as he put it, but what he's lost in time has certainly been more than made up for in performance.

He first joined the Georgia Salzburger Society, the national organization devoted to preserving Salzburger history and heritage, in 1979. "I had been hearing that I was a Salzburger," Brown said. "Jackie [his wife] and I went to a meeting out of curiosity, and that got us involved." He held the position of president for the society from 1990 to 1992. His first trip to "the Old Country" came in 1981, and he's led several tours of the state of Salzburg and other areas of Austria for fellow society members since then.

"We got started [traveling to Austria] back in 1981," said Brown, "just 'babes in the woods'. We were just tourists then."

Subsequent trips as tour guides and opportunities to meet Austrian officials visiting the United States for society activities have raised them above tourist status. "It all fell in place," Brown said in a tone that seems to suggest he and his wife are taking it all in stride. "This is how we became guests of the Austrian government on one occasion; guests of the Roman Catholic archbishop on another occasion. We've really had some wonderful things happen."

Brown's accomplishments don't stop there. Besides being a guest on Austrian television talk shows, and presenting keys to the City of Savannah to two Salzburg governors, Brown and his wife were appointed area coordinators for the Austrian Olympic Sailing Team. As such, they helped coordinate a wreath-laying ceremony at the Salzburger Monument on Bay Street. Members of the Georgia Salzburger Society, Mayor Floyd Adams Jr., and a delegation of Austrian government and industry leaders took part in the ceremony. After the ceremony, the group retired to a downtown restaurant for a late lunch.

That's when Brown, to his total surprise, received what is probably the largest feather in his cap to date: he was awarded the Grand Decoration of Honour of the State of Salzburg, in appreciation of his efforts to promote good will between Salzburger descendants and the country from which they came.

The honor, one of Austria's highest commendations, was given by Engelbert Wenckheim, the vice president of the Austrian Federal Economic Chamber.

"I really was definitely shocked; there's no other word for it," Brown said.

According to Ulf Pacher of the Austrian Embassy in Washington, D.C., the commendation is the highest decoration awarded by the province of Salzburg. "The medal is pretty exclusive," he said. "It's not given out that often—it's rarely awarded."

By receiving the award, Brown becomes part of an exclusive group of individuals including Winston Churchill and Dwight D. Eisenhower, among others.

IN ORDER TO SAVE THE COUNTRYSIDE, WE MUST STRENGTHEN OUR CITIES

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, as recently as the 1960's, Charles Adams wrote in "The City is the Frontier": "In our own era, the world's cities are witnessing their greatest surge in man's history * * * From 1800 to 1950, the proportion of people living in cities with more than 20,000 people leaped from 2.4 to 21 percent. Our civilization is becoming urban, and the advance into the cities is one of the most spectacular social phenomena of our time. The city has become the frontier."

Today, the promise of the urban frontier seems to be little more than reminder of opportunity lost. In the latter half of this century, the Nation's landscape has been transformed by sprawling development and urban decay. The movement of families and businesses from our Nation's cities has reshaped the cities themselves, the suburbs, and the countryside. Much of this change has been positive, as families have built homes and communities, fulfilling the American dream; but a great deal has been lost as well.

It is tragic that so many cities are dying at a time when the countryside is disappearing. The American Farmland Trust estimates that the United States converts to other uses 2 million acres of farmland annually, much of it on the edge of urban America. The USDA natural resources inventory found that developed land increased by 14 million acres between 1982 and 1992.

As the cities are losing their manufacturing industries, 95 percent of the growth in office

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

jobs occurs in low density suburbs. These office jobs accounted for 15 million of the 18 million new jobs in the 1980's.

There are many factors that have contributed to the mass migration away from the cities: a desire for greater personal safety, better schools, less congestion, and a way of life. The development of the Interstate Highway System, relatively inexpensive community expenses, and tax incentives for homeownership have made it easier for many people to move to the suburbs.

Offsetting some of the costs associated with this trend—urban decay and the loss of open space—will require both private sector and public sector initiative. No single public policy proposal will address all of the problems. Today, I am introducing two bills addressing two of the many factors that contribute to sprawling development.

The first is related to the costs of cleaning up contaminated land and buildings in urban areas so that they can be put to productive use. The rules surrounding the tax treatment of environmental remediation expenses are so convoluted and confusing it is no wonder that a number of businesses decide to sidestep them altogether and invest in previously undeveloped land and newer buildings outside of environmentally distressed urban areas.

Repairs to business property can be deducted currently as a business expense, but capital expenditures that add to the value of property have to be capitalized. This means that some environmental remediation costs are treated as a business expense, but others are treated as capital expenditures, depending on the facts and circumstances of each case.

The administration in its brownfields initiative has proposed to allow an immediate deduction for cleaning up certain hazardous substances in high-poverty areas, existing EPA brownfields pilot areas, and Federal empowerment zones and enterprise communities. This is commendable, as far as it goes, but there is a disturbing trend in urban policy to pick and choose among cities. If expensing environmental remediation costs is good tax policy and good urban policy, and I believe that it is, then it should apply in all communities. The bill I am introducing today would apply this policy to all property wherever located, and would expand the list of hazardous substances to include potentially hazardous materials such as asbestos, lead paint, petroleum products, and radon. This bill would remove the disincentive in current law to reinvestment in our cities and buildings.

My second bill addresses a provision in current tax law that limits the deduction for a gift of appreciated property to 30 percent of adjusted gross income. Under current law, the limit for gifts of cash is 50 percent of adjusted gross income. My bill would raise the cap for qualified gifts of conservation land and easements from 30 percent to 50 percent. Under the bill, any amount that cannot be deducted in the year in which the gift is made can be carried over to subsequent tax years until the deduction has been exhausted. Current law gives the donor 5 years in which to use up the deduction.

Conservation easements are a partial interest in property transferred to an appropriate nonprofit or governmental entity. These easements restrict the development, management, or use of the land in order to keep the land in a natural state or to protect historic or scenic values. Easements are widely used by land trusts, conservation groups, and developers to protect valuable land.

The 30-percent limit in current law actually works to the disadvantage of taxpayers who may be land rich but cash poor.

Several of my colleagues have introduced important bills to encourage greater use of conservation easements. My bill addresses the disadvantage the 30-percent limit imposes on lower income taxpayers.

Mr. Speaker, Gifford Pinchot, the founder of the U.S. Forest Service, once wrote that a nation "deprived of its liberty may win it, a nation divided may unite, but a nation whose natural resources are destroyed must inevitably pay the penalty of poverty, degradation and decay."

In order to save the countryside, we must strengthen our cities. Thanks to the leadership of Chairman BILL ARCHER, fundamental tax reform will be near the top of the agenda of the next Congress. We need to take a look at the impact of tax policy on land use decisions in this country. The bills I am introducing today would go a long way toward correcting two serious problems in existing law.

IN HONOR OF LILLIAN CARINE: AN OUTSTANDING COMMUNITY ACTIVIST MAKING A DIFFERENCE FOR THE RESIDENTS OF BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Lillian Carine, a dedicated community activist who has made a significant difference in the lives of my constituents in Bayonne. Mrs. Carine will be honored at the seventh annual Italian American Heritage Award dinner dance on September 28, 1996, at the F.A. Mackenzie Post in Bayonne.

Family has played a major role in our esteemed honoree's life. Mrs. Carine was born to Sicilian immigrants, Josephine and Nicola Alessi, on July 21, 1911, in Bayonne where she still lives. Alessi married Nicholas Carine on April 11, 1932. Their joyful union, which lasted 57 years until Nicholas' passing in 1989, produced two children, Frank and Rosalie, seven grandchildren and five great-grandchildren.

Competence and compassion are invaluable words to one who seeks to describe Mrs. Carine. This selfless individual's tradition of community involvement began under the influence of her mother who put her on a "trolley track" of service to others from which Mrs. Carine has yet to disembark. Along the way, there have been a number of stations which Mrs. Carine's trolley has passed through, including the Bayonne Board of Education to which she was elected twice, the Hudson County Juvenile Conference Committee and the Bayonne Child Abuse Prevention Council.

Additionally, Mrs. Carine is a founding member of the Sons of Italy, Father Del Monte Lodge 2560, a member of the selection panel of the Holocaust Memorial Committee of Bayonne, and a member of the Bayonne Visiting Nurse Association board of directors.

Senior citizens and their concerns have interested Mrs. Carine for a long time. She is the producer and host of a local cable television show called "Sixty Plus" geared toward senior citizens, relating information useful to seniors in their everyday lives. The Vial of Life program was an especially gratifying milestone in Mrs. Carine's chosen vocation. It provides seniors with information important to meet their health care needs.

It is an honor to have such an empathetic individual residing in my district. Mrs. Carine's performance of her civic duties is an example for everyone to emulate. I am certain that my colleagues will rise with me to honor this exceptional woman.

TRIBUTE TO THE 90TH ANNIVERSARY CELEBRATION OF NATIVITY OF THE BVM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. SCHUMER. Mr. Speaker, I am proud to join all my friends and colleagues in celebrating the Nativity of the Blessed Virgin Mary's 90th anniversary. This wonderful church has been serving Ozone Park, Queens faithfully for the past 90 years, and is well-deserving of recognition and praise.

I am pleased to congratulate the members of the Nativity of the Blessed Virgin Mary for making this area a source of community pride. As a result of the tireless work and vigilant dedication of the church, Ozone Park has maintained its reputation as a safe and quiet community distinct from the city's frenetic atmosphere.

I am certain that the strength of this community would not be what it is today without the commitment of its church. Such countless contributions have ensured the neighborhood's continued growth and stability which are fully appreciated by all.

For years, families have known Ozone Park as a solid community, making it a good place to live. I am honored to celebrate 90 years of civic leadership in Ozone Park—the Nativity of the Blessed Virgin Mary's members have done much to improve the quality of life for all area residents.

CONGRATULATIONS TO POSTAL WORKER WHO SAVED CHOKING 4 YEAR OLD

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MASCARA. Mr. Speaker, I would take a moment today to publicly thank Joanne Johnson, a postal worker from my district, who recently saved the life of a 4-year-old boy who had swallowed a quarter and was choking.

On a recent dreary Monday morning, Joanne was delivering mail on a rural route in her hometown of Hopwood, PA, when she heard the screams of Rosemary Bradshaw who was standing on her front porch.

Not really knowing what was wrong, Joanne jumped out of her mail truck and ran to the woman's aid. Mrs. Bradshaw's son, John Kenneth Thorpe, Jr. stood nearby in obvious distress, unable to breathe. Luckily, Joanne had built up a relationship with John since she began delivering the route in early spring. Daily the boy would raise the flag on his mailbox, even if there was nothing to pick up, just so he could chat and laugh with her. While Joanne had no formal training in CPR or the Heimlich maneuver, she coaxed him to come to her. She quickly flipped him around and squeezed him tightly. Fortunately the quarter popped out and John began to breathe again.

Local postal officials intend to recognize Joanne for her heroism. As they correctly state, daily Postal Service workers across the country, like Joanne, help citizens in distress, but rarely are these events ever reported on the evening news.

Joanne, naturally, does not see herself as a hero. She says she was just a the right place at the right time and would not hesitate to help again, if she could.

But I know that is not the case. Joanne is a very special person and her family and neighbors and coworkers should be very proud of her. More importantly, each and everyone of us should try and emulate her efforts to reach out to others in need.

Not surprisingly, little John knows a friend when he sees one. Lately, he has been leaving cards and presents for Joanne in the mailbox. She has been leaving him candy.

AFRICAN GROWTH AND OPPORTUNITY: THE END OF DEPENDENCY ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CRANE. Mr. Speaker, today I join my colleagues Congressman JIM MCDERMOTT and Congressman CHARLIE RANGEL in introducing legislation that will fundamentally shift how the United States approaches our relations with the 48 countries in sub-Saharan Africa. For many years, the United States has supported a variety of foreign assistance programs that have sought to aid the countries of sub-Saharan Africa. Unfortunately, traditional foreign aid has not led to the level of economic development that we would all like to see on the African continent. In the long run, private sector investment and development must serve as the catalyst for the countries of sub-Saharan Africa to compete in the global marketplace and to improve the standard of living for their people. Unfortunately, the region's immediate potential does not seem to be reflected either in the investment decisions of individual businesses or in the U.S. Government's export development priorities, including high-profile trade missions.

In this context, I believe that it is time for us to reexamine the nature of our relationship with sub-Saharan Africa and to focus our attention on ways to facilitate private sector trade and investment in the region. In 1994, Congress took an initial step in this direction by asking the President to develop "a comprehensive trade and development policy for the countries of sub-Saharan Africa" as part of the Uruguay Round Agreements Act. The first of the five annual reports required under this provision was submitted by President Clinton earlier this year. The President's report, in turn, has generated a broader discussion among many of my colleagues, the business community, and the public on the future direction of U.S. economic relations with sub-Saharan Africa.

Throughout this year, I have been pleased to work with Congressman JIM MCDERMOTT and Congressman CHARLIE RANGEL toward developing a bipartisan proposal to facilitate the economic development of sub-Saharan Africa by expanding our trade relations with the region. On August 1, 1996, the Subcommittee on Trade of the Ways and Means Committee held a hearing on this issue to look more closely at how we might elevate the priorities of business and government toward sub-Saharan Africa and pursue mutually beneficial trade expansion efforts. The legislation that we are introducing today is the culmination of our work on this issue in the 104th Congress and will serve as the basis for further action on this issue by the Ways and Means Committee next year.

Among other things, the "African Growth and Opportunity: The End of Dependency Act" calls for the negotiation of a free-trade agreement with the countries of sub-Saharan Africa that take appropriate steps to reform their economies. Moreover, to put momentum behind these negotiations and to focus greater attention on the region in the private sector, the bill calls for the creation of a United States-sub-Saharan Africa Trade and Economic Cooperation Forum. This forum will provide regular opportunities for policy leader and heads of state to meet to discuss issues of mutual interest and to keep the trade negotiations on track. Finally, our proposal will create privately managed equity and infrastructure funds to encourage private institutional investors in developed countries to pool their resources to make investments in established businesses and infrastructure projects in sub-Saharan Africa.

With a combined population of nearly 600 million people, sub-Saharan Africa can and should become a major export market for United States goods and services. In my view, the active participation of the global marketplace is essential to creating the economic and investment opportunities that will stimulate the conditions for developing countries to emerge as business partners, rather than aid recipients. By giving sub-Saharan African countries a trade and investment alternative to foreign aid, this important legislation will encourage the type of economic and political reforms in the region that will ultimately make traditional assistance unnecessary.

THE NEED FOR CONSUMER GRIEVANCE RIGHTS IN MANAGED CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. STARK. Mr. Speaker, today I introduced a comprehensive bill to improve consumer and provider rights in managed care plans. I introduced the bill late in this Congress so that everyone has the opportunity to review the bill over the autumn and suggest changes and improvements, prior to its reintroduction in the 105th.

One major section of the bill requires the timely consideration by managed care plans of patient appeals. The Medicare agency is very concerned about this area of consumer rights and is proposing a rule to better protect patients. Depending on the strength of the HCFA rule, the need for the appeals and grievance section of my legislation may be fully or partially addressed.

The following news articles from the Bureau of National Affairs of September 18 and 19 describe why this is such an important issue. As Bruce Fried, head of the Office of Managed Care states so well: The appeal and grievance process is "fundamentally the most important protection our beneficiaries have."

VLADECK URGES MANAGED CARE GROUPS TO IMPROVE APPEALS PROCESS

Increasing numbers of health care consumers are feeling powerless in the face of decisions made by their managed care organizations, Health Care Financing Administration Administrator Bruce C. Vladeck said Sept. 17 in urging such groups to improve their beneficiary grievance and appeals process.

Speaking at the annual meeting of the American Association of Health Plans, the nation's largest managed care group, Vladeck said Medicare managed care organizations should ensure Medicare enrollees are aware of their health care coverage appeals rights; should establish systems that do not deter, and even solicit coverage questions; and should employ staff that are well-versed in Medicare regulations.

As managed care has grown, "there is an increasing perception among consumers that they are voiceless and powerless in the system," even though they had little or no appeal rights in the fee-for-service system, Vladeck hold conference attendees.

He urged AAHP members to voluntarily upgrade their appeals and grievance process to parallel HCFA's on-going review of what is requires managed care groups to provide enrollees in this area.

"If it doesn't happen spontaneously, we will make it happen." he warned.

HCFA OFFICIALS WARN HMOS TO PROVIDE GOOD GRIEVANCE PLANS; RULE IN DEVELOPMENT

Health maintenance organizations that do not provide adequate grievance and appeals procedures to Medicare beneficiaries are violating beneficiaries' constitutional rights and will be closely scrutinized by the program, a Health Care Financing Administration official said Sept. 18.

HCFA Office of Managed Care Director Bruce M. Fried told managed care representatives that failure to provide an adequate grievance and appeals process to Medicare beneficiaries vilates their 14th Amendment rights to due process and equal protection under the law. It also violates Medicare statutes, Fried said.

HCFA has made this issue one of its top priorities and the appeals processes in place at HMOs will come under "enormous scrutiny" in the coming months, Fried said at a conference on managed care sponsored by HCFA, in conjunction with meetings on Medicare and Medicaid being held this week by the American Association of Health Plans.

Some HMOs are failing to improve their grievance and appeals process—in which beneficiaries can contest a decision by an HMO to deny or alter health care coverage—to remain competitive in a rapidly growing industry, Fried said.

"Human nature being what it is, this simply leads some folks to cut corners," Fried said. "We will be very attentive to that."

As of July 1, HCFA had Medicare contracts with 313 HMOs enrolling nearly 4.4 million beneficiaries, according to documents provided by HCFA at the meeting. HMOs are now required to have appeals and grievance processes for Medicare patients, but the quality is mixed and appeals are slow.

In a speech to the AAHP conference Sept. 16, HCFA Administrator Bruce C. Vladeck also warned HMOs to improve their grievance and appeals process, saying the agency would force them to do so if they do not voluntarily comply.

Fried called the appeals and grievance process "fundamentally the most important protection our beneficiaries have," adding that it was "critical" that HMOs take steps to improve the process.

"I don't want to threaten the industry with steps that I am willing to take" if HMOs do not act, Fried warned.

HCFA RULE EXPECTED BY END OF YEAR

HCFA is "very far down the road" in developing a proposed rule that for the first time specifically will define the grievance and appeal process requirements for HMOs, Fried said. Among other items, it will include a requirement that grievances be acted upon "in a matter of days," rather than the maximum 60 days required under current law, he added.

The current grievance and appeals process gives plans 60 days to act on a beneficiary appeal and another 60 days for HCFA's contractor to review appeal denials.

The proposed rule, part of HCFA's Medicare Appeals and Grievance Initiative, is expected to be issued by the end of the year, Maureen Miller, senior policy analyst with the Office of Managed Care's program policy and improvement team, told conference participants.

HCFA in the rule also will clarify what services beneficiaries are able to appeal, Miller said. The rule will state that in addition to pre-service denials, reduction in care decisions and service terminations also can be appealed, as well as services provided under optional supplemental coverage, she added.

The rule also will establish new reporting requirements for plans for grievance and appeals procedures and improve the way plans report such information to HCFA, Miller said.

Miller told plans, however, not to "sit and wait" until the rule is published to improve their grievance and appeals process. Plans on their own can shorten the time needed to decide an appeal, which already has been done by many commercial plans, Miller told those attending the conference.

Plans also can improve their internal information systems so they have more knowledge of who is filing grievances and why and launch an education effort to ensure beneficiaries in skilled nursing facilities and home health care know their appeal rights, Miller said.

They also can review their marketing materials to ensure they present information on appeals in a clear, understandable way, she added.

Plans also can better train their staff charged with handling grievances, Miller said. HCFA has learned of staff at some HMOs in these departments who are giving out incorrect information because they are working without relevant HCFA regulations at their disposal, she added.

A TRIBUTE TO HONOR THE PATCHOGUE, NY, SOCIAL SECURITY OFFICE IN RECOGNITION OF 50 YEARS OF SERVICE TO THE LONG ISLAND COMMUNITY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. FORBES. Mr. Speaker, I rise today to honor and pay tribute to the Social Security Office in Patchogue, NY, for 50 years of dedicated service to the Long Island community. It is with great sincerity that I ask my colleagues in the House of Representatives to join me in congratulating the Patchogue Social Security Office on this historical occasion.

In 1946, the Social Security Administration [SSA] opened its first Long Island office at 75 Oak Street, Patchogue, Long Island, NY. Prior to this, Suffolk County residents had to visit the Queens, NY, office, located in Jamaica, to receive Social Security services. During the last 50 years, the Patchogue office has served hundreds of thousands of Social Security beneficiaries.

Originally, Social Security was formulated as an entitlement program for retired workers and their surviving dependents. In the 1950's, the disability provisions were implemented. The 1960's saw the beginning of Medicare health insurance for the elderly, and in the 1970's, Medicare coverage was extended to the disabled. These changes also included implementation of the Supplemental Security Income [SSI] Program in 1974. This program was established by Congress to federalize assistance to financially needy, elderly, blind, and disabled individuals and children.

The Patchogue Social Security office has performed an exceptional duty in administering its programs to Suffolk County residents. Today, the office administers Social Security payments to 113,894 Suffolk residents each month for a total of $79,381,000. SSI payments are paid to 12,817 individuals each month for a total of $4,739,000.

Stuart Blau, the District Manager, has served the people in his Patchogue District for 20 years, the last 10 as Manager. His 35 years with the Social Security Administration have encompassed the introduction of disability benefits, Medicare, and the Supplemental Security Income Program.

He heads one of the largest field offices in the New York region and the Nation, servicing almost 1 million residents of Suffolk County. Along with a dedicated staff of Federal employees, he continues the tradition and dedication to public service begun in July 1946 when Patchogue was added to the growing roster of Social Security field offices across the country.

The staff in the Patchogue office looks forward to continuing their tradition of dedication and service to Suffolk County residents for many years to come. I wish them all the best for another 50 years in service to the Long Island community.

TRIBUTE TO MAJ. RICHARD M. "SLUG" McGIVERN

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. DORNAN. Mr. Speaker, I rise today to recognize Maj. Richard M. "Slug" McGivern for his distinguished and exemplary service to the U.S. Air Force and the 104th Congress through his work in the Air Force House Liaison Office from May 2, 1995, to October 14, 1996. In this capacity, Rick has excelled in providing the House of Representatives with outstanding service and unselfish commitment above and beyond the call of duty. During his short stay in this office,, he quickly established a solid reputation with both Members and staff, displaying his extensive knowledge of Air Force programs and issues, as well as national defense strategy. His strong operational fighter background gave him the credibility to provide guidance and advice on a wide array of aerospace and other national security issues. Slug's sound judgment and keen sense of priority are trusted attributes that have greatly benefited Congress and the U.S. Air Force. In the challenging arena of international travel, he was brilliant in planning, organizing, and executing congressional delegation trips to locations all over the world. It has been my extreme pleasure to have worked and traveled with Rick McGivern. He has served with great distinction and has earned our respect and gratitude for his many contributions to our Nation's defense. As he moves to the Pentagon to work on the Quadrennial Defense Review Board, we will continue to see Slug on the Hill. On behalf of my colleagues, I would like to bid Maj. Rick "Slug" McGivern and his wife Susan continued success in their new assignment.

POINTS TO CONSIDER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. KINGSTON. Mr. Speaker, I'm submitting the following, written by Nadra Enzi. These appeared in the Savannah Newspress and certainly make strong points for our society and government to consider.

[From the Savannah Morning News, Aug. 31, 1996]

(By Nadra Enzi)

ORDINARY CITIZENS COMBAT RACIST GRAFFITI

Editor: On May 22, while walking through Myers Park, an excited group of black girls called me over to its beautiful gazebo.

Puzzled, I strolled toward them and was treated to what they saw: intricate (not run-of-the-mill) white supremacist symbols, slogans and generally racist statements literally covered the gazebo's floor, railing and support beams.

Satisfied that adult attention was brought into the matter, they left, leaving me with a particularly golden opportunity to take action against an act of hate speech perpetrated in the heart of my historically predominant black community.

Given the gazebo's proximity to a nearby black church, I immediately walked there, wondering if this graffiti was connected to the black church burning campaign occurring nationally.

After showing its three occupants the scene, one of them, retired high school principal Richard Mole, called the police.

A unit arrived and its lone officer, also black, was so disturbed by what he saw that goose bumps raised on his arms.

Contacting his supervisor, who personally inspected the scene, including a note left behind, we were told that an investigation would be launched.

The next morning I called the city's Leisure Services Department, which referred my complaint to the direct of Park and Trees.

He personally called and told me that he'd have a crew there to photograph and remove the graffiti later that morning (which he did).

Later, a white male teen was arrested at the nearby McDonald's for defacing its men's room in the same fashion.

It is the personal responsibility of myself and every person of goodwill to ensure that this sort of criminal receives the maximum punishment possible. Otherwise, the crime receives a (pun intended) hoodwink and a high-five.

[From the Savannah Morning News]

AFRICAN-AMERICANS SHOULD SHED GROUP-THINK

(By Nadra Enzi)

African-Americans have been a unit of forced cohesion in this country. Slavery forced different tribal ethnicities to become a corporate entity and this entity's evolution has led to the national community existing today.

We face the frankly exciting opportunity to advance beyond the once-necessary group-think that was the hallmark of much of our past strategy. This opportunity, however, is not being welcomed with open arms by certain segments of our community.

It is worth mentioning that the very phrase "individualism" is often considered to be synonymous with greed and ethnic disloyalty.

This misperception is used by those entrenched interests (the civil Reich establishment, street corner revolutionaries, social program profiteers and others) who benefit from our current thinking.

It is also worth noting that not all civil rights advocates, black nationalists, program workers and others fall into this group. In fact, the rank and file in their number should not be considered as blindly approving of the antics from on high.

Our community, even now, is not the monolith that the above-mentioned interests market us as being. For instance, their continued demonization of U.S. Supreme Court Justice Clarence Thomas is a prime example of their thought policing at its worst.

Because his views and judicial decisions differ from theirs, he is openly and crudely denounced as not being a "brother," or, it seems, is undeserving of basic respect.

Is their vision of a "community" a "black space" (to quote Cornel West), where differing ideas are condemned without even a moment's consideration? It doesn't seem too liberating or much improvement from the strictures of the plantation and Jim Crow America.

Justice Thomas is a prime example of how fanatical, anti-individualists can place someone in exile for the heresy of thinking differently. It is hard to believe that people who trumpet freedom all the time would deny it so callously.

Recently, a black Prince George's County, Md., school board member nearly succeeded in barring Justice Thomas from addressing an honors ceremony at an area school. This contemptible act should serve as a textbook case in how low the monolith-pushers have sunk!

Individualism is one of the best options available to us as we progress past yesterday's artificially imposed limitations. Each of us is a committee of one whose mission is to develop his potential and contribute those competencies to the cause we hear so much about.

If liberation is truly the song we strive to sing, then individualism must be one its stanzas. It is not treasonous to diverge from the group. In fact, advancement comes from generating new ways of addressing reality.

One definition of insanity is doing the same thing and expecting different results. Obviously, this isn't the best course to choose on the eve of a new century and millennium.

The anti-individualists, in their crusade against this perspective, try to ghettoize individualism as belonging exclusively to black conservatives. In this way, they attempt to limit its impact to the relatively few but growing members of that philosophy.

Individualist tendencies exist among people of every class in black society. Not being a Republican or a conservative is not an automatic admission that one is anti-individualist. It is an outlook gloriously independent of other affiliations.

One becomes an individualist simply by choosing so. This choice is the result of reason, instead of emotion.

After declaring yourself one, watch the shouting and name calling erupt from the other side and please remember that, sadly, one of the difficult propositions for many white and black people to accept is the sight of a black person who thinks for himself.

Individualism can be the new middle-ground that joins homeboys, Buppies, hoochie mamas, nationalists, patriots, and every other identifiable community subset in the common cause of freeing what is best and original within each one of us without waiting for any self-appointed "massuh" to give his unasked-for approval.

After all, if I can dictate your development, then I essentially own you. Is trading white slavemasters and discriminators for black ones really an improvement?

[From the Savanah Morning News]

AFRICAN-AMERICAN VOTERS MUST HAVE A BIG TENT

(By Nadra Enzi)

Editor: There is an aching need for African-Americans to rid ourselves of the truly stupid notion that one's community membership can legitimately questioned if one commits the unpardonale offense of not being a Democrat.

It seems as if we are not free to exercise differing opinions and entertain alternative political affiliations in pursuit of the same goals.

Recently, the mayor of Savannah (a black Democrat) was quoted in your newspaper as having said, "Colin Powell is the most dangerous African-American in the nation."

One hopes this was an error on the part of the reporter. If not, it is yet another reminder of how vicious the anti-diversity attitude is among some of us.

Would the names of icons like Frederick Douglass, Jesse Owens, Jackie Robinson, Zora Neale Hurston or even Sir Charles Barkley need to be stricken from the hearts and minds of admiring African-Americans because they are (gasp!) Republicans?

If so, then former NAACP Executive Director Benjamin Hooks would have to be striken from the record of his organization, because he too is a Republican.

One can only wonder how far the anti-diversity klan will go in its unholy war against those of use who choose not to ride the donkey in the future. What is so criminal about now following liberal policies whose good intentions have been outstripped by an unsocial program plantation that nutates motivation into increasingly depressing, even dangerous, directions?

The inner city has been the testing ground for schemes whose damage to health human potential rivals even the programs of the Austrian paperhanger and Karl Marx's stepchildren.

Essentially, paying poor women to have more fatherless children and providing endless excuses for community criminals whose lethal adventures in the "hood amass body counts that would be unacceptable in other communities are far from being acceptable measures of one's "blackness."

Still, the anti-diversity klan feels that those who do not embrace these hideous initiatives are somehow threats to the well-being of all African-Americans.

Their treatment of Supreme Court Justice Clarence Thomas is their monument to intolerance. His being a virtual exile among the leadership class of our community is nothing short of tragic.

We are only four years away from a new century and milleium and this type of "thinking" serves as an anchor on our aspirations. Black Republicans, independents and every other kind of political creature are facts of life that these controllers will have to accept.

We have to have a "big tent" approach in our community if we our to achieve the objectives we claim are so important. Otherwise, the finger pointing and the shouting will be drowned out by the increasing volumes of triggers being pulled and hands that should be literate hopelessly scribbling on sheets of paper that threaten to become arrest reports if this trend is not ended.

Is being blindly loyal to any political party really worth losing everything that we found so hard to attain?

IN HONOR OF THE RIVER VALE-SPONSORED AMERICAN LEGION BASEBALL TEAM: INTERNATIONAL AMBASSADORS OF OUR NATIONAL PASTIME

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a special group of young men who have distinguished themselves through their exceptional achievements on the baseball diamond. Through their outstanding exhibition of athletic performance and sportsmanship, these individuals serve as reminders of what can be accomplished when people work together for a mutual goal.

Baseball has long been the national pastime. Although the sport has provided enjoyment to those who had played it intramurally, the earliest organized game took place in what is now my district on June 19, 1846 on the Elysian Fields in Hoboken. From the first pitch, it was obvious that this new sport would have a tremendously positive effect on all future participants. This can be seen in the young men who took part in the International Baseball Tournament in Breda, Holland.

The multi-national celebration of baseball took place from August 18 to 26. The River Vale American Legion team was the only American team to participate in the tournament. Other countries which competed in the week-long activity included Russia, Italy, France, Germany and Holland, the host country. While in Holland, the players lived with native families, toured various cities and attended a number of social functions.

The group of 12 young men who successfully represented the United States included: Steven Batista, Michael Della Donna, Seth Jason Testa, Craig De Vincenzo, Luke Frezza, Mathew Kent, Michael Wren, Scott Clark, Michael Russini, Russell Romano, Thomas Lamanowicz, and Thomas King. Each athlete earned the respect of his peers. Joseph Pistone and Thomas De Vincenzo coached them to their undefeated, 10–0, tournament-winning record.

I am certain that my colleagues will join me in recognizing the outstanding efforts of the River Vale American Legion baseball team. The cause of mutual cooperation and understanding among people in the United States and Europe was greatly enhanced by their participation. These young men will long be remembered as international ambassadors of our national pastime.

TRIBUTE TO HONOR MRS. MARIA THOMSON OF WOODHAVEN, NY, BY PLACING HER NAME IN THE CONGRESSIONAL RECORD

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to pay tribute to an unselfish and dedicated citizen of Woodhaven, NY, Mrs. Maria Thomson. As a president of the Woodhaven Residents' Block Association, and a member of the Community Board No. 9, Mrs. Thomson's volunteer efforts have been commendable. In addition to her prior achievements, Mrs. Thomson is the chairperson of the 102d Precinct Community Council, a founding member of the Woodhaven Residents' Security Patrol, and a graduate of the Civilian Academy of the New York City Police Department.

For nearly 20 years, Mrs. Thomson has labored tirelessly to improve the quality of life for the Woodhaven residents. As the executive director of the Greater Woodhaven Development Corporation and the Woodhaven Business Improvement District, Maria has encouraged and implemented the revitalization of our Jamaica Avenue shopping strip. As a result of her efforts, she has attracted quality businesses and improved security and lighting along the commercial strip.

As a testament to her dedication to the community, when Engine Company No. 294 closed due to New York City budget cuts, Maria Thomson worked as first cochairman of the committee to save Engine Company No. 294. Eventually, this fire engine company was reopened to restore safe living conditions for area residents.

Those in the Woodhaven community have come to recognize Maria Thomson's name as a household word because of her sincere interest and dedication to community betterment. She is known to always be ready to lend an ear and a hand to anyone who asks for her assistance. It is for all these reasons which I take great pride in recognizing Mrs. Maria Thomson as true community hero. I urge my colleagues to recognize her and wish her well in all of her future endeavors.

CONGRATULATIONS TO UNIONTOWN, PA, AS IT MARKS ITS 200TH BIRTHDAY

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MASCARA. Mr. Speaker, I would like to take a moment today to congratulate the residents of the historic city of Uniontown, PA, located in my district, as they celebrate their bicentennial on October 5, 1996.

Two hundred years ago, in 1796, this beautiful town, nestled in the foothills of the Appalachian Mountains, was officially incorporated as a borough. From its earliest days, it held a major spot in the country's history.

From its beginnings, Uniontown was considered an important market spot, drawing buyers and sellers alike from southwestern Pennsylvania and neighboring Maryland and West Virginia. This economic activity helped Uniontown become a popular resting stop along the Nation's first national highway which ran through the center of town. As such, Uniontown played a crucial role in encouraging the growth and movement of our Nation westward.

Uniontown also holds the distinction of being one of the centers of the Whiskey Rebellion, the Farmers Tax Revolt of 1791–94, which was a major test of the new U.S. Constitution. It is also the birthplace of such notables as Chief Justice of the Washington Territory, Charles Boyle; Industrialist J.V. Thompson; former U.S. Senator Dr. Daniel Sturgeon; Mason-Dixon Surveyor Alexander McClean; Revolutionary War Gen. Ephraim Douglas; and last, but not least, Five-star Gen. George C. Marshall.

During the late 1880's, Uniontown's fortunes brightened when it became a hub of the coal and coke boom. Site of some of the most immense deposits of the finest bituminous soft coal in the world, companies in and around Uniontown dug the coal from the ground and reduced it to coke for steelmaking in thousands of beehive ovens. The city quickly became the operational and financial center of the coal industry and the mercantile and cultural center for mining towns in the surrounding area.

Perhaps the town's most important attribute, however, is its hundreds of civic-minded citizens who share a vision to preserve and revitalize this very historic place. In recent years, the community has pulled together to promote tourism and economic development. I am confident all these efforts will prove to be successful and in the coming years, Uniontown will remain a very bright and unique jewel in the heritage of our Nation.

Again, I congratulate all the citizens of Uniontown and know they will have a wonderful day to celebrate their beginnings and renew their community spirit.

THE 50TH ALUMNI ASSOCIATION REUNION AT ST. AGNES HOME FOR BOYS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. GILMAN. Mr. Speaker, the St. Agnes Home for Boys in Sparkill, NY, was an outstanding home for orphaned boys for over 100 years. It closed its doors forever back in 1977, but the many boys who were raised by the loving Dominican Sisters of Sparkill will never forget their kindnesses and the outstanding lessons of life that they learned there.

In its over 100 years of existence, thousands of orphaned and needy boys were reared at St. Agnes home. The home taught these youngsters the importance of patriotism, which is underscored by the fact that over 555 graduates of St. Agnes served in the Armed Forces of our Nation during World War II alone. It is hard to believe that any school so small anywhere else in the Nation could possibly have produced so many soldiers. Sadly, 39 of them were killed in action during that conflict—a record of valor which is probably unequaled.

One graduate of St. Agnes, Gerald F. Merna, is today the vice president of the American Defense Preparedness Association, headquartered in Arlington, VA. Another is his brother James, a resident of Lanham, MD, who now serves as chairman of public relations for the St. Agnes Alumni Association. Jerry, James, and their four brothers all were raised at St. Agnes. Their eldest brother, George, was killed at the age of 19 in a sea battle during World War II.

On August 24 of this year, the St. Agnes Alumni Association conducted its 50th anniversary reunion. Seventy-five alumni of St. Agnes from all across the Nation came to Rockland County, in my congressional district, to pay tribute to the sisters, and the sports coaches, who molded them into outstanding citizens, and to reminisce about their incredible experiences at St. Agnes.

The Speaker of the House generated a great deal of controversy last year regarding his comments on orphanages. Here is an example of an orphanage which filled a community need and became a beacon for thousands of youngsters.

Mr. Speaker, I wish to insert into the CONGRESSIONAL RECORD the newspaper article dated August 25 which appeared in the Rockland Journal News recounting the recent reunion:

[From the Rockland Journal News, Aug. 25, 1996]

ST. AGNES ALUMNI CELEBRATE MEMORIES

(By Richard Gooden)

Sparkill.—Art Kingsley provided humor, emotion and nostalgia yesterday during the 50th anniversary celebration of St. Agnes Alumni Association's founding. He held the attention of 75 feisty people, in 85-degree heat, on the grounds of the Dominican Convent.

That was the easy part.

In order to prepare for the day's events, the 73-year-old World War II veteran and former resident of the St. Agnes Orphanage used a chain saw to remove two plaques from a wall of the Hallan Building. He bought a third plaque. He then dug a shallow 10-by-5 bed on the lawn, filled it with gray stone and embedded the plaques in a cream marble.

"This is a beautiful work of art," said James Merna, a resident of St. Agnes from 1946 to 1950 and now head of public relations for the alumni association. "Art Kingsley made this all happen today."

The corner plaques were dedicated to St. Agnes physical education teacher James Faulk and the nuns who worked at the home. The convent closed the orphanage in 1977.

The plaque in the middle honored the 39 soldiers that attended St. Agnes, who died in World War II and the Korean War.

Merna, a stocky round-faced man, eager to help all in attendance, reminisced on the transformation from childhood to manhood at St. Agnes.

"We went from the ballfields of St. Agnes to the battlefield of World War II and the Korean War," said the Marine veteran who graduated from Tappan Zee High School. Merna challenges any orphanage to equal or eclipse the 555 St. Agnes residents who went on to become soldiers.

Merna credits Faulk, who died in 1985, with shaping the orphans into productive citizens. In honor of his role model, Merna named his first child James Faulk.

Pete Lawton, a resident at St. Agnes from 1940 to 1948, also shared his recollections of the football coach while posing for a picture beside the plaques.

"This man was an inspiration to us kids," said Lawton, a Congers resident who was at the orphanage from age 6 through 13. "He is the major reason why most of the St. Agnes kids lived decent lives."

WELCOME TO AMBASSADOR JASON HU

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. FUNDERBURK. Mr. Speaker, greetings and best wishes to the Republic of China's Washington representative, Ambassador Jason Hu. He comes to Washington from his last post as the Republic of China's Director-General of the Government Information Office. With his wide government experiences and a solid background in politics and commerce, Ambassador Hu will forge ever stronger links between his country and ours. I heartily bid him welcome and look forward to working with him and his colleagues.

As I welcome Ambassador Hu to Washington, I hope the Republic of China will be able to return to the United Nations and other international organizations as soon as possible. As an economic power and a symbol of democracy, Taiwan deserves the world's respect and recognition. Since 1949, the Republic of China on Taiwan has moved from an agricultural society, exporting only bananas and sugar, to a major trading nation today. Moreover, the 21 million people on Taiwan are prosperous and free.

Last but not least, I would like to take this occasion to congratulate President Lee Teng-hui and Vice President Lien Chien. I wish them good luck as they prepare to celebrate their National Day on October 10, 1996.

GOLD ISN'T A WACKO IDEA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CRANE. Mr. Speaker, an old friend, Owen Frisby brought to my attention an August 19, 1996 article featured in The Detroit News, pertaining to the gold standard.

I have contended for years that in order to revitalize our Nation's economy, we must remove from Government the temptation and the ability to produce chronic budget deficits. Restoration of a dependable monetary standard based on a commodity with fixed value would, by making monetization impossible, accomplish this. It is for this reason that I have introduced legislation in previous Congresses reestablishing the Gold Standard.

The author of the article emphasizes that the Gold Standard has been tested, and proven over the centuries as the best mechanism to protect against destructive inflation and deflation. I commend to the attention of my colleagues, "Gold Isn't a Wacko Idea."

[The Detroit News, August 19, 1996]

GOLD ISN'T A WACKO IDEA

Even before Jack Kemp had been named as Robert Dole's running partner, the Clinton White House was on the attack. In addition to bashing his tax-cutting ideas, aides to the president cited Mr. Kemp's affinity for a return to the gold standard as further proof that he's an economic wacko. Should he choose to pursue the issue, however, we have little doubt that's an argument Messrs. Dole and Kemp would win.

The gold standard has pretty good history, after all. Alexander Hamilton placed America on a gold standard as part of his effort to refinance the young country's debt following the Revolution. The link with gold was broken temporarily during the Civil War and in the early 1930s, but it was soon reestablished in both cases. And for good reason: The gold standard proved a durable and politically potent means of ensuring the value of the dollar.

After the remaining links to gold established under the postwar Bretton Woods agreement were finally broken by Richard Nixon in the early 1970s, inflation soared. The market price of gold itself vaulted from $35 an ounce to $850 an ounce. It's still selling for more than $380 an ounce—more than 10 times its price only 25 years ago.

If you wonder why the American middle class is still feeling "anxious" about its living standards, you need look little further than at the massive expropriation of wealth and income that this represents. Little wonder it is so tough to wean people from such "middle-class entitlements" as Medicare, Social Security benefits, day-care and college tuition subsidies.

Many conservative "monetarists" share the belief of liberals that gold is "a barbarous relic," in the words of the late, great British economist, John Maynard Keynes.

They prefer allowing the dollar to "float" in value, letting its price be determined in world markets by supply and demand. And the Federal Reserve System, under Chairman Alan Greenspan, appears to be doing a credible job of wringing inflation out of the economy and keeping the dollar stable against other currencies.

But it's no secret that one reason for Mr. Greenspan's success is that he keeps a close informal eye on gold prices. Before he became Fed chairman, he openly expressed support for a gold standard on grounds that gold is an excellent barometer of the supply and demand for paper money.

But Mr. Greenspan may not be around forever. And interest rates remain stubbornly high by historical standards, imposing a huge cost not only on the federal budget but on the average American. These higher interest rates reflect the premium charged by lenders who must worry about the future course of the dollar. When gold was the standard, long-term rates seldom rose above 4–5 percent, compared with at least 6–8 percent today.

Few ordinary citizens can comprehend the Federal Reserve's money-market manipulations. They must guess at what's going on behind the doors at the Fed. The result is they demand a premium as a hedge against future inflation.

But even ordinary citizens can understand a gold standard. When the price of gold rises, they know that inflation may be in the offing. When it falls, they know it's time for the Fed to print more dollars in order to fend of deflation. A gold standard gives voters a practical reality check on the performance of the elites in Washington.

In short, the gold standard is no wacko idea. It's been tested over centuries. It may not be perfect, but is has provided a better hedge against the ravages of inflation and deflation than most other systems. And it is a fundamentally democratic mechanism that enhances the ability of the ordinary citizen to control his or her destiny. What's wacko is the notion the folks in Washington have done such a swell job maintaining the value of the dollar.

THE MEDICARE AND MEDICAID RECOVERY ACT OF 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. STARK. Mr. Speaker, today I am introducing the Medicare and Medicaid Recovery Act of 1996.

Providers and suppliers are using the Bankruptcy Code as a vehicle to defeat the Secretary's effort to recoup overpayments from the Medicare trust funds. Specifically, providers and suppliers, who owe financial obligations to Medicare, are seeking relief from bankruptcy courts to have their outstanding overpayments, which are unsecured, discharge or greatly reduced. The Medicare Program has been unsuccessful in efforts to halt such action.

Federal bankruptcy legislation is designed to provide equality to all creditors in the distribution of a debtor's assets. However, there are three main exceptions to the equal distribution principle that allow some creditors to receive more than others. The three main devices for some creditors getting more are, first, liens, second, exceptions to discharge, and third, priorities.

With the third main exception—priority—creditors have a demand to first payment from any assets the debtors have available for payment to unsecured creditors. Creditors with priorities get paid before other unsecured creditors.

The Federal Government has long had a priority for taxes, duties, and related penalties. However, it does not have a priority for nontax claims, such as Medicare and Medicaid overpayments to providers. The Government's priority for nontax claims was abolished in 1979.

A 1992 report issued by the Office of Inspector General, entitled "Federal Recovery of Overpayments from Bankrupt Providers," found that as of March 1991, the Medicare trust funds lost $109 million due to the ability of providers and suppliers to discharge their outstanding overpayments. While the report recommends giving Medicare claims a priority status in bankruptcy, better cost savings would be achieved by excepting these claims from discharge. This bill would correct this situation by prohibiting providers and suppliers from using a bankruptcy forum to avoid these outstanding obligations.

This bill addresses a second problem—individuals who owe financial obligations to the United States, or who have had a program exclusion imposed against them for other reasons, are seeking relief from the bankruptcy courts to have their exclusion subject to the automatic stay. Currently, the Secretary of HHS is required to exclude from participation in the Medicare and State health care programs health care professionals who have defaulted on their student loan or scholarship obligations owed to the United States. There are also a number of other bases for exclusion, such as criminal convictions related to the delivery of a health care item or service, or patient abuse. The purpose of the Secretary's exclusion authority is to protect the public, as well as the beneficiaries of the Medicare and State health care programs, from individuals and entities who have demonstrated by their past conduct that they are untrustworthy. This bill makes clear that the Bankruptcy Code should not be used to defeat this congressional purpose.

TRIBUTE TO THE THREE VILLAGE POST NO. 336 OF THE JEWISH WAR VETERANS

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Jewish War Veterans of the United States of America, a venerable veterans' organization that is celebrating its 100th anniversary this year.

In particular, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in saluting the Three Village Post No. 336 of the Jewish War Veterans, located in Port Jefferson Station, Long Island, NY. As members of America's armed services, Three Village Post members served their country with exemplary patriotic duty. As part of the Jewish War Veterans they epitomize those patriotic ideals, striving to maintain recognition of their comrades' sacrifices, while working to protect the rights and well-being of all veterans.

The oldest, continuously active veterans organization in the United States, the Hebrew Union Veterans Association was established on March 15, 1896 by Civil War veterans of the Union Army. Part of the group's original function was to help dispel the persistent falsehood that Jews did not serve in the Civil War. After World War I, when the group's rolls ballooned, they changed their name to the Jewish War Verterans—USA.

To celebrate the J.W.V. centennial anniversary, on Sunday, October 27, the Three Village Post will hold a special ceremony at the North Shore Jewish Center, in Setauket. At the centennial celebration, post members, their family, friends, and supporters will pay homage to those Jewish War Veterans who have fought and sacrificed in defense of democracy, so that America may remain strong and its people free. As Post Commander Robert Sandberg wrote to me, in a brief history of J.W.V. and Post No. 366: "The J.W.V. can be doubly proud. First, that we can live peacefully and freely in this wonderful country, and second, that American Jews themselves and their forebears fought and helped win that peace and freedom."

Since establishing its charter on January 27, 1975, the Three Village Post has sustained the benevolent and patriotic traditions of the J.W.V. Its members have spent thousands of volunteer hours working with the residents of the Northport Veterans Hospital and the State Veterans Home at Stony Brook. Each year, two local high school seniors receive a Jewish War Veterans' scholarship. To maintain the community's awareness of the sacrifices our veterans have made, post members participate in the local Memorial Day and Independence Day parades, along with the grave site memorial services at nearby Calverton National Cemetery.

In this, the Jewish War Veterans' centennial anniversary year, its members continue to work for the ideals on which the organization was founded. Remembering the sacrifices of all veterans is central to those ideals and the J.W.V. is working tirelessly to convince the U.S. Postal Service to issue a commemorative stamp to honor the Jewish War Veterans' 100th anniversary. Mr. Speaker, it was the selfless sacrifices of all veterans that have made America a great republic. None have sacrificed more, nor have others worked harder to protect America's democratic ideals than our Jewish war veterans. I respectfully request that the entire U.S. Congress join me in saluting the 100th anniversary of the Jewish War Veterans of the United States of America. Congratulations.

TRIBUTE TO TOM BEVILL

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. YATES. Mr. Speaker, I rise today in honor of my dear friend, TOM BEVILL. TOM is retiring after this session and I am saddened to see such a thoughtful legislator leave this House, but I am grateful to have had the distinct pleasure of serving with a man whose integrity is an example to us all.

In his time in the House, TOM won respect from both sides of the aisle for being a decent, honorable gentleman.

TOM and I have been good friends since 1966, the year he was first elected to the House. As chairman and ranking member of the Energy and Water Subcommittee, TOM has served the Nation and the Congress with rare distinction and poise and we are all in his debt.

His mentor and mate, beloved Lou, deserves accolades, a wonderful woman. I know they will enjoy finally being able to spend time together back in Alabama.

TOM is, without question, one of the most able and dedicated Members who has ever served. It has been an honor to have shared this floor with him. TOM will truly be missed.

INTRODUCTION OF LEGISLATION TO SUSPEND DUTIES ON CERTAIN IMPORTED RAW MATERIALS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation which supports important regional and national interests.

My home, the 7th Congressional District of Washington, is also the home of K2 Corp. the last remaining major U.S. manufacturer of skis and one of three major makers of snowboards in the United States. K2 conducts all significant manufacturing operations for skis and snowboards at its Vashon Island, WA facility. In fact, all K2 snowboards and virtually all K2 and Olin-brand skis sold throughout the world are individually crafted by technicians on Vashon Island. Moreover, K2 sources almost all of the components for its skis and snowboards in the U.S. stimulating the U.S. economy through its purchases of raw materials from U.S. suppliers, especially in the Pacific Northwest region of the country. However, for two key ski and snowboard components, i.e., spring steel edges and polyethylene base materials, K2 has been unable to find a supplier of these products in the United States that can meet its needs. Therefore, K2 has been forced to import these products, which are subject to U.S. customs duties upon importation. This legislation provides for a temporary suspension of customs duty on the two raw materials which are vital to the U.S. production of skis and snowboards and which are unavailable from domestic producers.

K2 is working hard to remain visible in the highly competitive international market for skis and snowboards. In fact, K2 has endured as a U.S. ski manufacturer in the face of fierce price competition, while several other major ski companies not longer manufacture skis in the United States. This temporary duty suspension legislation would support jobs in the region, as well as K2's ability to continue developing innovative, fine quality products. Equally important, a temporary duty suspension would help K2 preserve and increase its competitiveness in the global marketplace.

K2 is the only major export of skis made in the United States. In addition, K2 is one of three principal exporters of U.S.-made snowboards. Thus, K2's exports of U.S.-manufactured skis and snowboards represent a substantial percentage of U.S. skis and snowboards sold worldwide. If K2 is unable to remain competitive in global and domestic markets, skis manufactured in the United States may disappear from the global marketplace. The temporary duty suspension proposed by this legislation would help prevent the shutdown of the only remaining U.S. producer of skis.

TRIBUTE TO FATHER JAMES W. SAUVE

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. PETRI. Mr. Speaker, it is with the deepest regret that I note the passing this past Monday, September 23, of Father James W. Sauve, who was most recently the executive director of the Association of Jesuit Colleges and Universities.

Father Sauve was born in Two Rivers, WI, where his father Willard still lives. He spent 10 years at Marquette University in Milwaukee as a professor, campus minister and administrator; and another 10 years in Rome as Executive Secretary of the International Center for Jesuit Education.

I believe other members will comment more fully on Father Sauve's accomplishments, but it is quite clear that he made immense contributions to education in general and Jesuit education in particular. In his passing, we have all suffered a great loss, but through his life we have all gained immeasurably. No greater tribute can be paid to any man.

I wish to extend my deepest sympathy to Father Sauve's family and friends, and hope that they will not only mourn his death, but be able to celebrate his life.

TRIBUTE TO DR. LYUSHEN SHEN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. SOLOMON. Mr. Speaker, I would like to pay tribute to a friend of mine and a friend of America who unfortunately will be leaving Washington this week after spending many years here.

Dr. Lyushen Shen, director of public affairs at the Taipei Economic and Cultural Representative Office here in Washington, will be returning home to the Republic of China on Taiwan where he will assume his new post as director of North American Affairs in the Ministry of Foreign Affairs. I am absolutely certain that Lyushen will succeed in this important post which directly affects the working relationship between the Republic of China and the United States.

Dr. Shen has been the chief congressional liaison for the Republic of China for many years. He has nurtured the steady improvement of United States-Republic of China relations, and has been a truly indispensable diplomatic resource. The American people, including Members of Congress, all have a favorable impression of Taiwan.

This is directly attributable to the personal efforts made by officials such as Lyushen Shen. Lyushen has always been clear yet patient in explaining to us the differences between the cultures of the East and West, his government's efforts in reducing its trade surplus with the U.S. and his people's deep affection and regard for the American people.

As a Member of Congress who has strongly supported the Taiwanese in their struggle for democracy and prosperity, I have appreciated Lyushen's input. It has been my privilege to work with Lyushen over the years, and I will miss him.

I wish him and his family the very best.

HONORING MARTHA K. ROTHMAN

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to an outstanding leader of the child care community in Arizona and in the Nation, Martha K. Rothman, and to congratulate her organization, the Tucson Association of Child Care [TACC] for its 25 years of outstanding service to children. Martha has been the central force in the development of TACC. Through her vision and leadership, she has encouraged its growth from a small group who developed the first child care centers through the Model Cities Program to what it is today: a large network that makes a positive impact upon the lives of 20,000 children each day in Tucson, Phoenix, Yuma, Sierra Vista, Douglas, and Nogales.

The basic mission of TACC is to provide daily care for young children through a small group setting by licensed family care workers in their homes. This system provides the small group attention needed by young children while monitoring their safety and health through the DES regulatory and TACC oversight services. No child care provider in Arizona is more respected than TACC.

In providing daily child care for children, it became apparent to Martha that additional services and family support services were needed. Because Martha is a master of bringing visions into reality, the following lists only a few of the services that have been initiated through TACC: The Center for Adolescent Parents, Happy Hours School Age Child Care Program, Happy Hours Summer Camp, Educational Intervention for Children and Families, Pima County Health Start, TLC: Choices for Families, Sick Child Program, Kidline, Parentline.

Martha Rothman's determination to provide quality services and care for children has led to her involvement in a number of professional organizations that work for the betterment of children. Her commitment to excellence has earned her many awards and accolades from a grateful and admiring community. She has been honored as the Woman of the Year by the Tucson Jewish Community Council, as a Woman on the Move by the YWCA, as a Pace Setter by the United Way, and she has received the Governor's Meritorious Service Award. The list continues and her other awards are equally noteworthy.

As her impressive list of awards and honors testifies, her work through the TACC is extraordinary. For this reason, I pay tribute today to Martha K. Rothman, a woman of great vision who has truly changed the world for thousands of our children.

MEETING OUR BINATIONAL COMMITMENTS TO PROTECT THE GREAT LAKES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. DINGELL. Mr. Speaker, earlier this year I joined several colleagues who expressed concern about funding for the control of the sea lamprey, a nonindigenous creature that for more than 50 years has threatened the ecological and economic health of the $4 billion Great Lakes Fishery.

As we prepare to consider an omnibus appropriations bill for fiscal year 1997, I thought I should share with my colleagues a communication I received from the Government of Canada, assuring me of our northern neighbor's continued commitment to the sea lamprey control program administered jointly with the United States through the Great Lakes Fishery Commission [GLFC], as well as continuation of the Great Lakes Fishery Convention Act.

I was informed also that Canada is greatly concerned about action taken in the other body of Congress to scale back the U.S. contribution to the Commission by $1.5 million from the House-approved funding level. It is my hope that conferees to any omnibus bill will retain the House language on funding, but recede to Senate language which wisely retains the GLFC within the Department of State, as was discussed during debate in the House on H.R. 3814.

Mr. Speaker, I have attached the correspondence of Canadian Charge d'affaires D.G. Waddell. I urge my colleagues to remember the pressing needs of our Great Lakes as we conclude the 104th Congress.

CANADIAN EMBASSY,
AMBASSADE DU CANADA,
Washington, DC, September 20, 1996.

Hon. JOHN DINGELL,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN DINGELL: On January 31, you wrote to Ambassador Chrétien expressing concerns regarding a reduction in Canadian funding and legislative initiatives for the Great Lakes Fishery Commission. I am pleased to follow up, in the Ambassador's absence, on his interim response to you of March 6. On August 7, following discussions with the Province of Ontario and Canadian stakeholder groups, the Honorable Fred Mifflin, Minister of Fisheries and Oceans, announced that the Federal Government has decided to maintain funding for the Great Lakes Sea Lamprey Control Program for fiscal years 1996–97 and 1997–98. I enclose a copy of the press release issued in this respect.

I am also pleased to inform you that the Department of Fisheries and Oceans has decided not to recommend the repeal of the Great Lakes Fishery Convention Act.

Meanwhile, I understand that a subcommittee of the Senate Committee on Appropriations has reduced the United States funding for the Commission by U.S. $1.5 million. The Canadian government is accordingly concerned by what appears to signal a weakening of the U.S. commitment to the goals of the 1954 treaty and to a strong, healthy Great Lakes fishery.

I would, therefore, be grateful if you would convey these concerns to your colleagues on the appropriate committees.

Yours sincerely,

D.G. WADDELL,
Chargé d'affaries, a.i.

MOURNING THE LOSS OF KILLEEN JUSTICE OF THE PEACE ROBERT L. STUBBLEFIELD

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. EDWARDS. Mr. Speaker, I rise today to share with Members the loss of a community leader in my 11th Texas Congressional District.

Robert L. Stubblefield died July 28 from lung cancer. This strong and able public servant went far beyond his official duties to improve his beloved community. The beginning of the school year in Texas reminds us of his contributions to education and central Texas youth.

Robert Stubblefield, known as Stubby to his friends, moved to Killeen in 1951. He worked as a postal employee for more than 35 years and rose to the supervisory ranks. Robert Stubblefield served as a justice of the peace for 10 years. In addition he was a volunteer firefighter and served as president of the State Fireman's and Fire Marshalls' Association of Texas.

A strong advocate of education, Robert Stubblefield was a trustee for 18 years and served as president of the Killeen Independent School District. Robert Stubblefield believed that children were a valuable asset. He crafted a juvenile program in his justice of the peace court that moved young offenders from the streets back to study and a high school diploma. He devoted countless hours to many local youth programs.

I ask Members to join with me in honoring the memory of Robert Stubblefield, a man who will be sorely missed. Our thoughts and prayers go out to the family and friends of this community leader.

TRIBUTE TO THE CAMPUS BOULEVARD CORP. ON ITS 15TH-YEAR ANNIVERSARY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute on the occasion of the 15th-year anniversary of the Campus Boulevard Corp.

The Campus Boulevard Corp. [CBC] is a collaborative organization of nine educational and health-related institutions in Northwest Philadelphia consisting of the Albert Einstein Healthcare Network, Central High School, Germantown Hospital, LaSalle University, Manna Bible Institute, Pennsylvania College of Optometry, Philadelphia Geriatric Center, Philadelphia High School for Girls, and the Widener Memorial School. Incorporated in 1981, CBC's mission is to enhance the economic and social environment for those who use these institutions as well as for those who live and work in the neighborhoods of Belfield, Ogontz, Fern Rock, Germantown, and Logan which surround them.

Through CBC's efforts, these institutions have developed a vision for the advancement of economic vitality and safety for the Campus Boulevard/Olney Avenue area. In order to actualize this vision, CBC has encouraged partnerships between community organizations, member institutions, government agencies and others. As part of this process, CBC has created programs to advance economic and community development, promote a healthy and safe environment, attract development resources, and act as an advocate for increased public services.

Exhibiting this type of commitment to the community for the past 15 years, CBC has a long and illustrious list of achievements. They have successfully lobbied for the development of the Broad and Olney SEPTA Transportation Station, which forms a central hub in Northwest Philadelphia, guided the quality control and fiscal management of the Logan Police Sub-Station, the only professionally managed police sub-station in the city, and received funds from the Philadelphia Private Industry Council with which they created a successful job training program for low and moderate income residents in the healthcare industry which has been cited as a model for other such programs.

Utilizing a $50,000 grant awarded by the U.S. Department of Justice the CBC has implemented exciting youth workshops and provided minigrants to local youth organizations. With another $350,000 in grant awards, the CBC is establishing a Small Business Incubator to link the purchasing power of BCB member institutions to the Incubator tenants.

In light of its many contributions to Northwest Philadelphia's residents and community organizations, I hope that my colleagues will join me today in wishing "happy birthday" to the Campus Boulevard Corp. and congratulate its board of directors and staff for 15 years of "a different kind of partnering."

INVESTIGATION OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. TRAFICANT. Mr. Speaker, as part of my on-going investigation of the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I am inserting into the RECORD the following sworn affidavit:

AFFIDAVIT, STATE OF NEW JERSEY, COUNTY OF MONMOUTH

William Acosta, Being Duly Sworn, Deposes and States:

1. I executed this affidavit on behalf of Staten Island Borough President Guy V. Molinari and U.S. Representative James Traficant, Jr. who are investigating the alleged drug cartel conspiracy against former Immigration & Naturalization Service Agent Joseph Occhipinti. I possess evidence which can corroborate the drug cartel conspiracy against Mr. Occhipinti and I have agreed to share that evidence with the United States Congress and Borough President Molinari.

2. I am a former thirteen year law enforcement official who successfully infiltrated the Medellin and Cali Colombian drug cartels. I am considered an expert on the Colombian and Dominican drug and money laundering operations in the New York City area.

3. In 1987, I was previously employed as an undercover operative for the United States Customs Service, wherein I was assigned to route out corruption at John F. Kennedy International Airport. In 1987, I was the principle undercover agent on "Operation Airport 88", which resulted in the prosecution and conviction of seventeen government officials for bribery corruption and related criminal charges. I was then promoted to Special Agent and reassigned to the Los Angeles District Office.

4. In 1990, I was appointed to the New York City Police Department as a Police Officer. In view of my Colombian heritage and confidential sources close to the Colombian cartel, I was eventually assigned to the Internal

Affairs Unit. During my undercover activity, I generated evidence of police corruption for the Deputy Commissioner of Internal Affairs which was later corroborated by the "Mollen Commission" hearings which investigated police corruption.

5. On January 14, 1992, Manuel De Dios, a close personal friend and world renown journalist executed the attached notarized affidavit, wherein, Mr. Dios corroborated the existence of a drug cartel conspiracy against Mr. Occhipinti. The orchestrators of the conspiracy were major Dominican organized crime figures connected with the "Dominican Federation" which is the front for the Dominican drug cartel. The Federation are the principle drug distributors in the United States for the Colombian cartel. Unfortunately, Mr. De Dios was assassinated before he could bring forward his sources who could prove the drug cartel conspiracy against Mr. Occhipinti. After Mr. De Dios assassination, I too became fearful of my personal safety and never made public the evidence on the Occhipinti case.

6. It should be noted that I personally assisted Mr. De Dios in this investigation of the Occhipinti case which corroborated the Federation conspiracy. In fact, I personally accompanied Mr. De Dios to the Washington Heights area where we secretly taped recorded Federation members who conformed the drug cartel conspiracy. Those tapes still exist and can exonerate Mr. Occhipinti. In essence, Mr. Occhipinti was set up because of his increased enforcement efforts on Project Bodega which was exposing and hurting the Dominican Federation's criminal operations in New York City, which included illegal wire transfers, drug distribution, gambling operations, food stamp fraud, food coupon fraud, among other organized crime activity.

7. My investigation also determined that Mr. Occhipinti was exposing a major money laundering and loan sharking operation relating to the Federation which was controlled by the "Sea Crest Trading Company" of Greenwich, Connecticut. Sea Crest also maintains an office at 4750 Bronx River Parkway in the Bronx, New York. Sea Crest was using the Capital National Bank in order to facilitate their money laundering operations. In 1993, Carlos Cordoba, the President of Capital National Bank was convicted in Federal Court at Brooklyn, New York for millions of dollars in money laundering and he received a token sentence of probation. My investigation confirmed that Sea Crest, as well as the Dominican Federation, are being politically protected by high ranking public officials who have received illegal political contributions which were drug proceeds. In addition, the operatives in Sea Crest were former CIA Cuban operatives who were involved in the "Bay of Pigs". This is one of the reasons why the intelligence community has consistently protected and insulated Sea Crest and the Dominican Federation from criminal prosecution.

8. At present, there are nine major Colombian drug families which control drug operations in the New York City area. These drug families often referred to as the "Nine Kings". The Dominican Federation are part of their drug trafficking and money laundering operations. I possess documentary evidence, as well as video surveillance tapes of their drug operations. In addition, the New York City Police has investigative files to corroborate this fact. I have also uncovered substantial evidence of political and police corruption which has been intentionally ignored. In fact, it is my belief that former New York City Police Internal Affairs Commissioner Walter Mack, who I directly worked for, was intentionally fired because of his efforts to expose police corruption. I plan to make public this evidence to the United States Congress, as well as key members of the media in order to preserve this evidence in the event I am assassinated like Mr. De Dios.

9. It should also be noted that Criminal Investigators Benjamin Saurino and Ronald Gardello of the U.S. Attorney's Office in Manhattan similarly ignored the evidence I brought forward to them on the Nine Kings and Dominican Federation. These two investigators who were credited for convicting Mr. Occhipinti and they made it clear to me they didn't want to hear the evidence I had on the Federation which could have exonerated Mr. Occhipinti. They were only interested in corruption cases I had brought to their office. In fact, I recall a conversation, wherein, Investigator Saurino asked me about my involvement with Manuel De Dios and if I knew anything about the Occhipinti case. He then stopped and referred to Occipinti in a derogatory manner, by saying "He's no * * * good". Realizing his bias and lack of interest in investigating the Federation and Nine Kings, I changed the subject of conversation.

10. In April, 1995, I resigned from the New York City Police Department, Internal Affairs Unit after it became evident that my efforts to expose police corruption was being hampered. The same reason why I believe Commissioner Walter Mack was fired. It became evident to me that my life was in eminent danger and I could be easily set up on fabricated misconduct charges like Mr. Occhipinti. In fact, they brought departmental charges against me in 1995 and I won the case. The trial judge also admonished the department on the record for perjury. Often, I found myself isolated and in constant danger working alone in the worst neighborhoods of the city without a backup. Today, I possess substantial evidence to prove that the NYC Police Department media campaign to demonstrate that they could independently police themselves and route out corruption was simply a media ploy to avoid having an independent counsel to oversee their internal affairs unit. In reality, corruption is still rampant in the department and high ranking police brass are intentionally terminating viable corruption investigations in order to avoid future scandals exposed by the Mollen Commission. I also possess a consensually monitored tape conversation which implicates a high ranking police official who received bribes from the Dominican Federation.

11. I am willing to testify before Congress as to the allegations set forth in this affidavit. In addition, I am willing to turn over to Borough President Molinari and Congressman Traficant the documentary evidence I possess on the Dominican Federation, the Nine Kings and the Occhipinti drug cartel conspiracy. There are other important pieces of information relating to drug cartel operations and political corruption that I have not made public in this affidavit in order to protect my sources as well as ongoing media investigations that I am involved with. In addition, I am willing to submit to a polygraph examination to prove the veracity of my allegations.

WILLIAM ACOSTA.

AFFIDAVIT, STATE OF NEW YORK, COUNTY OF QUEENS

Manual DeDios, being duly sworn, deposes and says:

I am a former editor of El Diario/La Prensa Newspaper and am currently the editor of a weekly newspaper published in the Spanish language known as Canbyo.

During the course of my work for Canbyo, I undertook to write an expose concerning criminal complaints brought against an Immigration and Naturalization Service Supervisory Special Agent named Joseph Occhipinti by various members of the Federation of Dominican Merchants and Industrialists of New York.

During the course of my investigatory work in researching for the article, I interviewed numerous individuals who are members of the Federation of Dominican Merchants and Industrialists of New York. These individuals confided to me that Mr. Occhipinti had been set up by the Federation and that the complaints against him were fraudulent. These individuals have indicated to me that they are in fear of their safety and as a result would not go public with this information.

I would be more than willing to share my information with any law enforcement agencies or Courts concerned with these matters and would cooperate fully in any further investigations.

MANUAL DEDIOS.

TRIBUTE TO WARREN AND FOREST COUNTIES RETIRED AND SENIOR VOLUNTEER PROGRAM (R.S.V.P.)

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the Warren and Forest Counties Retired and Senior Volunteer Program (R.S.V.P.) as they celebrate their 25th Anniversary this month.

During my time in Congress, I've had the privilege to work with the R.S.V.P. and gain a more complete understanding of the outstanding work performed by R.S.V.P. volunteers. From resolving transportation problems to assisting with local environmental issues, these senior volunteers make a lasting impact on the communities in which they live.

The R.S.V.P. provides an excellent opportunity for retired members of our area to remain active and productive. I have long believed that involvement by older Americans in community-based solutions adds a unique and distinct perspective to each job that is performed or project that is undertaken. And I can attest to the fact that our part of Pennsylvania has benefited from the efforts of older Americans through such valuable programs.

The Warren and Forest Counties R.S.V.P. has coordinated the efforts of more than 500 volunteers in 1995 alone. What is even more impressive is the 47,000 hours of community service performed by its participants!

Mr. Speaker, it is my distinct honor to congratulate the Warren-Forest Counties R.S.V.P. for 25 years of hard work and proven success. Without question, their continued prosperity will enhance the quality of life that our fellow Pennsylvanians have come to enjoy.

TRIBUTE TO THE NORTH CAROLINA SHAKESPEARE FESTIVAL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. COBLE. Mr. Speaker, since it is not likely that we will be in session when the anniversary occurs, I wanted to share with my colleagues an upcoming milestone in the life of an extraordinary arts program in the Sixth District of North Carolina. On November 16, 1996, the North Carolina Shakespeare Festival [NCSF] in High Point, NC, will celebrate its 20th anniversary. For two decades, the NCSF has provided thousands of North Carolinians with an appreciation and understanding of great works of art.

The North Carolina Shakespeare Festival was founded in High Point in 1977 by Mark Woods and Stuart Brooks. Since that time, the NCSF has grown from a four-week festival with a budget of $100,000 to a 26-week festival with a budget in excess of $1 million. NCSF is nationally recognized for its artistic quality and for performing Shakespeare and other great plays in a way that is relevant to today's audiences.

The NCSF's Educational Outreach Program brings professional, live theatre to many students in high schools and colleges each year. Last year, approximately 34,000 students were served. The home of NCSF is located in High Point, but the festival serves our entire Piedmont Triad region with audience members, supporters and board members from Greensboro, Winston-Salem and High Point. In addition, NCSF is a statewide resource that provides quality cultural and educational programming in schools, civic centers and theatres throughout North Carolina.

The NCSF also serves as North Carolina's "Cultural Ambassador" when its annual tours travel to as many as nine Southeastern and East Coast states. The NCSF is an outstanding cultural organization, and it also contributes to both economic development and tourism by being an important part of the North Carolina quality of life.

For two decades, the NCSF has shared its artistic light with countless audiences. On the 20th anniversary of the North Carolina Shakespeare Festival, we look back with pride at what its members have achieved, and we eagerly await its future productions. On behalf of the citizens of the Sixth District of North Carolina, we congratulate the NCSF for outstanding artistic achievement.

TRIBUTE TO THE NORTHVALE FIRE ASSOCIATION

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. TORRICELLI. Mr. Speaker, I rise today to congratulate the Northvale Fire Association on its 100th anniversary. On December 6, 1896, a special meeting was held in Northvale by a six-man committee to form a volunteer fire department. Anthony Muzzio became the first fire chief.

Various trials and setbacks did not discourage the Fire Association from its mission. It originally possessed only horse-drawn wagons, but Northvale was able to purchase its first 500 gallon truck by 1927. Today, the association boasts a fleet of four trucks and an active membership of 50 firefighters.

Northvale's first firehouse was built in 1900 and underwent reconstruction in 1939. A series of renovations in 1970 brought it to its present state.

The dedication and commitment of Northvale's Fire Department is plainly obvious to even the most casual observer. Since 1965, its staff has trained at the Bergen County Fire Academy and continues to attend well after graduation to stay current on fire fighting techniques. Over the past 100 years, the one thing that has remained constant has been the selflessness of the men who have served in Northvale.

Once again, congratulations.

THERE ONCE WAS A CHILD (SONG OF AN UNBORN BABE)

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. KINGSTON. Mr. Speaker, Mrs. Carol Howard, a resident of Savannah, GA and the First Congressional District of Georgia, authored a poem that I think will touch many hearts. The poem is dedicated to her son, Scott Alexander, and her granddaughter, Yael Jordan. It is inspired by Father Jim Mayo.

THERE ONCE WAS A CHILD

(SONG OF AN UNBORN BABE)

(By Carol C. Howard)

Dedicated to my son, Scott Alexander and my granddaughter Yael Jordan and inspired by Father Jim Mayo.

There once was a child of grace, gentle of spirit and fair of face, who came to be in early spring, blessed by the kiss of an angel's wing.

The angel stood beside a Throne, he told the babe, "He was God's own, and that with his December birth, would come a man to change the earth!"

"For God has chosen you, sweet one, to try and right the wrongs they've done, to catch the flag before it falls, once you are big and strong and tall.

The greatest land the world has known will, by your birth, become your home, though other lands have been led by kings, the land you'll lead has been kissed with angel's wings."

He placed the babe within a room; he heard a lullabye in his mother's womb. Her voice was as the summer breeze that rocked him as a gentle sea.

The child though smaller than a hummingbird, would turn his head at Mommy's word. He loved her more each passing day, this child who loved to kick and play.

"Dear Mommy, I know that I am small and it will be awhile before I'm tall. I'll make you very proud of me, cause I'll be lots of help, you'll see."

His days were filled with great delights; he kicked and played with all his might; then summer rain hushed him to sleep. The tiny child gave not a peep.

The Lord, called the angel to his Throne, His tear-filled eyes like bright stars shone; "They have no room for him, you see, the way they had no room for Me."

The angel sad, with head cast down, with lonely eyes he looked around. "These men that Thou hast made like Thee care not for life because it's free."

The angel then with sorrowed eyes journeyed far beneath the skies, beyond the moon's impassioned plea he shook his head and took his leave.

The angel said with gentle tone, "Remember Heaven is your home, beyond the clouds and past Death's Door, the Father waits forevermore!"

As morning slipped right past the night the world was eager for it's light; The sun in sorrow hid his face from earth, and man and time and place.

In a fury came the rains. For Heaven's cries was the child's pain. He was thrown into a bucket cold with no one there, his hand to hold.

A tiny hand reached out to find a mother's face, the love that binds. But, all alone, in fear, he cried, then closed his eyes, And then he died.

Years later, on a cold, bleak day, a woman closed her eyes to pray. A tear upon her pale cheek lay; "Forgive, me child I threw away."

An angel came to take her home; he said he was her very own. "I love you mom, more than you know, Come take my hand, it's time to go . . .

IN HONOR OF DR. SIOMARA SANCHEZ-GUERRA: A DISTINGUISHED EDUCATOR MAKING A DIFFERENCE TO HER COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an extraordinary woman, Dr. Siomara Sanchez-Guerra, who is committed to making a difference in her community. Dr. Sanchez's accomplishments will be recognized at the 1996 Anniversary Dinner Dance of the National Association of Cuban-American Women on November 3 at the Mediterranean Manor in Newark, NJ.

Dr. Sanchez's road to becoming a respected community leader began with her birth in the province of Matanzas, Cuba. She subsequently moved with her mother to Havana where she attended high school and later Havana University where she earned a Doctorate of Law in 1959. However, Dr. Sanchez was unable to begin practice as a lawyer due to the accusation of anti-revolutionary activities against the Castro regime. Two years hence, she traveled to the United States in search of freedom and stability for her family and obtained employment as a bookkeeper and clerk in New York City.

The topic of education has been particularly important throughout Dr. Sanchez's career.

She completed coursework at Columbia University that resulted in an 8-year assignment as a social worker. In 1974, Dr. Sanchez earned a masters degree in education from Montclair State College. She became a guidance counselor at East Side High School in Newark, NJ where she has facilitated the educational development of students for the past 20 years.

Community activism has been a hallmark of Dr. Sanchez's existence. In 1977, she joined the New Jersey Chapter of the National Association of Cuban-American Women [NACAW] because she believed that Cuban-American women need to participate in the professional and political world. Dr. Sanchez has served as president of the State chapter of NACAW and is currently its national president. She has accomplished much in the area of community service, including the founding of an annual toy distribution on Three Kings Day to foster the continuation of Spanish traditions, the establishment of the Elena Mederos Award, which recognizes the contribution of women to the advancement of the Hispanic community, and a yearly visit on Easter Sunday with a group of associates to children in the Jersey City Medical Center and an AIDS group home to bring them the joy of the holiday season.

It is an honor to have such an outstanding and considerate individual working on behalf of the residents of my district. Dr. Sanchez epitomizes the immensely positive influence one woman can have on the lives of others in her community. I am certain my colleagues will rise with me and honor this remarkable woman.

"SHE HAS NO IDEA WHAT'S GOING ON AROUND HER—HER PARENTS ARE BECOMING ALL TOO AWARE"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. STARK. Mr. Speaker, I've just received a particularly moving letter about the problems facing American families in the era of managed care.

Today, I introduced legislation which will address some of the problems mentioned in the letter—in this case, timely appeals of coverage decisions and provision of specialty care locally. But there is clearly much, much more to do. Managed care companies—by making the kind of heartless decisions described in this letter—are sowing the wind. They should not be surprised if they reap the whirlwind.

Dr. Courntey's letter follows:

CHILD NEUROLOGY, INC.,
NEURODIAGNOSTIC LABORATORY
Mishawaka, IN, August 21, 1996.

Hon. FORTNEY PETE STARK,
House of Representatives, Cannon Office Building, Washington, DC

DEAR REPRESENTATIVE STARK: Today was another in a string of very frustrating and sad days. It was different from others in that the players made themselves so obvious. Often I have no one in particular to rail against. Today was different.

Stephanie is 16 months old. About 8 months ago she was abused at the hands of her day care worker. Looking at her MRI, only about 50 percent of her brain is left to perform the functions that it takes the rest of us 100% to accomplish. She may never behave appropriately. She will never think efficiently. She struggles through her week of therapies against the backdrop of seizures brought on by the beating she endured.

Her loving parents, having had a terrible time with conceiving Stephanie, were initially the prime suspects in her abuse. I was called to work with them shortly after they arrived at the hospital. The mother and father were then told that Stephanie was in a coma. They were not told that all the rest of us knew; Stephanie might not survive. The swelling of her brain, coupled with her seizures, might end her life. They could see that she had been damaged, but could not understand why anyone would want to accuse them of injuring someone they loved. They were accused anyway. So, in addition to having to weather their child's life and death fight, the parents had to face multiple meetings with social workers, psychologists, doctors, workers from the child protective agency, and a detective from the state police.

Now, 8 months later, I am looking at Stephanie's MRI and listening to her father tell me that their managed care company wants them to take her to Indianapolis to a panel-approved specialist, rather than the one that has been taking care of her since her admission to the hospital. The local specialist is boarded in the same specialty area as the one in Indianapolis and, in fact, is boarded in areas above and beyond the Indianapolis specialist. The HMO's position was clearly stated to the father as financially driven. The local specialist is not on their panel and they are not interested in establishing a relationship with him—even though he is willing to see the child for the same rate as the Indianapolis specialist and is only 20 minutes from the parent's home. It didn't end there.

The father, distraught by his continuing ordeal with the HMO, complained to his employer's personnel department about the treatment his daughter is receiving. He was subsequently pulled aside by his employer's Vice President and told that there were 80 other employees that he had to think about. If he "kept complaining about the insurance they had chosen, he could start looking for another job!"

This happens day after day. HMO's seem to be content as long as people are healthy. They define exclusions to coverage more extensive then the scope of that which they will cover. Mental health benefits, supposedly available, are almost impossible to have approved. The level of concurrent review is embarrassing for the patient and exhausting for the health care provider. The number of times this review occurs without the physician reviewer ever meeting or touching the patient is beyond belief. The medical reviewer almost never sees the patient. Moreover, diagnoses of the care-givers are constantly called into question or second-guessed by people employed by the insurance company without specialty training in our area of expertise, not licensed to practice, not trained in health care at all, and who are always advocates for the company and never advocates for the patient.

Within the last several years, you introduced and successfully passed an amendment to prevent doctors from operating medical businesses outside of their specialty area and outside of their total ownership (Stark). The public interest is threatened by a doctor referring a patient to another business for the purpose of their own financial gain. However, managed care companies can create panels of "providers" whose contracted fees are based lower than the otherwise prevailing rates. The managed care company directs the patient to the panel doctor who charges the managed care company less and is rewarded for providing less. This occurs for the purpose of the financial gain of the managed care company. To be simple, this style of behavior clearly violates the intent behind your amendment. These care limitations, in turn, increase the managed care company's profits, resulting in higher salaries for middle and upper management.

As a provider of health care, I see the soul of my field, and medicine in general, being corrupted by improper and mephistaphelean pacts with MBA's more concerned with numbers than they are about the patients. I know how the CEO in the managed care company would expect to be treated if it were his or her daughter whose MRIs were on my wall. They would never send their child 130 miles away for care that could be provided better locally. They would seek expensive and regular treatment for their tragically injured daughter. Our only hedge against a worsening condition for a child like this is to provide her with consistent and professional care. The best care, if available, is always local. These interventions may improve the child's future independence. They may improve her parent's will to continue to build their family.

Assurance against abuse on the part of insurers should be mandated. Insurance companies and managed care companies should be held accountable by holding them medically and legally liable for the medical decisions that they make under the guise of "financial decisions." They should not be allowed to operate outside of "safe harbors" without regulation. Insurance companies should not be in the business of making medical decisions which affect patients * * * it exemplifies an inherent conflict of interest. This basic and fundamental conflict of interest is a state both unethical and immoral.

In the meanwhile, Stephanie is sleeping in her father's arms. She has no idea what's going on around her. Her parents are becoming all too aware.

Sincerely,

JOHN C. COURTNEY, Psy. D.
Clinical Neuropsychologist,
Treasurer, Indiana Psychological Association.

TRIBUTE TO DAN STILL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. TOWNS. Mr. Speaker, service in the field of public and mental health is demanding and admirable. Dan Still has been performing work in this arena for his entire career, a career which began with the U.S. Public Health Service, Centers for Disease Control [CDC] working on the epidemiology of communicable diseases. Subsequently, he accepted an assignment with the New York City Department of Health and served as the administrative director of childhood lead poisoning and control, and later as the deputy administrator of the Department of Health.

When the New York city Health Services Administration was dissolved, Mr. Still assisted in the establishment of the Department of Mental Health Retardation and Alcoholism Services. He was later appointed assistant commissioner for administration, with a subsequent promotion to deputy commissioner for management and budget.

Mr. Still has extensive expertise in the financing of community mental hygiene programs and helped develop and implement numerous reforms of the system in New York State, culminating in the Community Mental Health Resources Act of 1993, landmark legislation that reinvests mental health funding from State psychiatric facilities to community services.

Dan is married to Lydia Still, an early childhood teacher, and they have two children in college. Mr. Still is active in an array of community activities and civic organizations. I am pleased to commend him for his efforts and contributions.

HONORING JAMES BONNER

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CALLAHAN. Mr. Speaker, when Alabama was redistricted a few years ago, Wilcox County was taken from the 1st District and put in the 7th District. While I am no longer privileged to represent the people of Wilcox County here in the House of Representatives, I obviously made a lot of friends there over the years, and I still value those friendships very much.

One of those friends is James Bonner. James is a man who tells it like he sees it, which in this day and time is a rare quality indeed. And if you are lucky enough to count James as your friend, you know you've got a friend for life.

James was recently honored with a front page tribute in his hometown newspaper, the Wilcox Progressive Era. The headline of the story tells it all—"James Bonner: One of Camden's living legends."

Mr. Speaker, at this time, I would like to submit for the RECORD the entire article on James Bonner, written by our mutual friend, M. Hollis Curl, the editor and publisher of the Progressive Era. And while I'm at it, I'd like to join Hollis in adding my thanks, too, to James, for all he has done for so many people. Keep it up, James, for many more years to come.

JAMES BONNER: ONE OF CAMDEN'S LIVING LEGENDS

If you're among Camden's younger residents—below 40—or a newcomer, chances are you don't know a whole lot about the elderly gentleman you've seen making his way along Broad Street each morning with the help of an aluminum walker and under the watchful eye of his driver or secretary.

If you're a native of Camden—one of the oldtimers—you know the gentleman as Mr. James Bonner. If you do know him chances are, small town's being what they are, that you have strong opinions about him; just as he certainly does about you.

Yes, sir, James Bonner is a forceful, opinionated individual. If he likes you, you have a friend forever. And no one is ever likely to know the breadth of his benevolence. James has helped failing businesses, folks with catastrophic illnesses, and he has sent numerous kids to school. He has a big, big heart. We just hope he doesn't take offense at our noting the softer side of his personality!

On the other hand, if he doesn't like you you can at least take comfort in the fact that your transgression has merited you the considerable wrath of a formidable adversary! James doesn't waste his time on petty individuals.

We heard a fellow say the other day that "James Bonner would wrestle a circle saw when he was younger". That's true as far as it goes. Actually, James Bonner will take on any foe right now. Eighty-plus years have not diminished his zest for espousing causes and pursuing them to satisfactory conclusions.

In the old days—when Bonner Brothers consisted of his late brothers Billy and Josiah Robins (James' twin) the trio were genuine movers and shakers in the Wilcox County community.

Land, timber and minerals were their primary focus but they dabbled in other things too. Billy, it is said, did yoeman duty while Jo Robins—who was Probate Judge at the time of his death—handled lawyering. Nobody ever doubted, though, that James Bonner was the thinker in that trinity.

But things have changed somewhat. Time—and better than eighty years—mandate a few changes. But none have been mental. James Bonner is as sharp today as he was back in 1929 when he left Wilcox County to attend Erskine College.

When he returned in the early 30's he taught school at Oak Grover near Pine Hill. He was at one time principal of that school and the one at Lower Peach Tree.

When World War II broke out James volunteered as a buck private in the Army Air Corps. He quickly advanced to corporal and it wasn't long before his superiors sent him to Officer Candidate School at Miami Beach.

After graduating as a lieutenant, James went to Wright Field in Ohio. A brief stint at the intelligence school in Harrisburg, PA, earned him the position of Post Intelligence Officer at what was to become Wright-Patterson AFB.

It was about then, with the war in full swing, that James recalled that his grandfather CSA Major James Bonner had been a courier during the War Between The States. That bit of family heritage prompted him to volunteer for often dangerous duty in the Courier Service.

As a courier stationed in San Francisco, James traveled all over the war-torn world under direct order from President Franklin D. Roosevelt. He delivered invasion maps and decoding equipment to forces fighting in the South Pacific, Australia, India and etc. It was while in New Guinea delivering these maps to General Douglas McArthur that his ship was torpedoed by the Japanese. Luckily, the torpedo was a dud and did not explode.

Once, while waiting on the airstrip at the Pacific island of Biak, the Japanese bombed the strip while James was on the flight line. It was there that he met Col. Bill Darwin (who now lives in Camden) who was in charge of the anti aircraft unit guarding the field. James says he recalls vividly watching Bill's men repel the Japs.

James' recollection of WWII also includes memories of Lt. Gen. David Godwin Barr, of Nanafalia. Gen. Barr was McArthur's assistant and directed the bombing of Japan and the destruction of the Japanese fleet. Barr's air unit also carried out the mission of dropping the Atomic bombs that ended the war.

After the war, James remembers, Col. R.R. "Fritz" Carothers, of Oak Hill and Camden (Mayor at one time) was assigned the job of special courier to carry pictures and information directly to President Harry Truman.

A sad memory for James was the death of a Camden native—a young prisoner of war—who was murdered by the Japanese a week after the Peace Treaty was signed aboard the deck of the battleship Missouri.

Following the war, James' courier unit was instrumental in delivering the documents throughout the world to countries which became part of the United Nations.

When James Bonner returned to Camden after the war he was confident that his military duty had been fulfilled. But it was not to be. He was called back to active duty during the Korean War to serve with the Strategic Air Command at Barksdale AFB. Legendary general Curtis LeMay was his commanding officer.

James eventually did retire, with the rank of Major, and has devoted his time to business—and worthy causes—ever since.

From a civic standpoint, James Bonner is the only surviving member of the original Industrial Board which helped pave the way for MacMillan Bloedel's coming to Wilcox County.

And it was with the help of fellow civic leaders John Webb, W.J. Bonner, Mrs. Clyde Miller and others that the Solomon Brothers sewing plant came here and is now the oldest local industry still operating with a steady payroll.

James also worked with the late Dr. Shannon "Shine" Hollinger, DVM, in securing a $1 million bond issue for the establishment of Camden Mills on the Bypass. The facility presently houses IKS Services.

Yes, James Bonner has witnessed many changes over the years. Some have been good and others not so good. He is particularly disappointed by the fact that state politicians have not kept the promises they made during the last election.

But from a civic standpoint is might be good that all the promises haven't been kept. That means that James Bonner will stay motivated to be a part of the things that make Camden and Wilcox County better.

Thanks James. Keep on Keeping on!

85TH NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. THOMPSON. Mr. Speaker, today, I would like to make note of and salute the upcoming 85th National Day of the Republic of China [ROC] on Taiwan which will be celebrated on Thursday, October 10, 1996.

I wish the ROC every success in its adoption and implementation of a pragmatic diplomacy; and its work toward a greater international voice and acceptance in the world community. We should all recognize that this is a country which has made a truly impressive effort to improve its position and gain recognition in the world community—becoming the world's 19th largest economy and 7th largest U.S. trading partner.

On this very special day to the ROC, I extend my congratulations to both the President of the ROC, Dr. Lee Teng-hui, and the Taipei

Economic and Cultural Representative in the United States, Dr. Jason Chih-chiang Hu.

TRIBUTE TO DEAN SCHOFIELD

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I would like to take this opportunity to recognize the long and distinguished career of Dean Schofield, deputy secretary of the Department of Transportation of the State of South Dakota. Dean consistently demonstrated utmost dedication and professionalism in his 35 years and 8 months of service to South Dakota.

Throughout his years with the South Dakota Department of Transportation, Dean served as a mentor and model for all employees through his quiet, thoughtful style, strong work ethic and leadership. His commitment to family, profession, church and community was something that many within the department strived to emulate and his ability to balance all of his responsibilities was remarked on by many. My office always enjoyed working with Dean and my staff came to rely heavily on Dean's extensive knowledge and ability to always provide much needed information, even on short notice.

Dean Schofield's hard work and extensive knowledge about South Dakota's transportation systems contributed to the passage of several pieces of major Federal legislation, including the Intermodal Surface Transportation and Efficiency Act and the National Highway System legislation, which are extremely beneficial to the State of South Dakota. Additionally, Dean was instrumental in developing the Department's Computerized Needs Data Book, the 5-Year Construction Program with its project prioritization system based on needs, the annual strategic Plan and the legislative program, and he served on numerous department, statewide, and special Governor's task forces.

Through his knowledge, judgment, openness, thoroughness, and integrity over the last 35 years, Dean has earned the respect of everyone he has dealt with, both within and outside the South Dakota Department of Transportation. In recognition of his outstanding service, Dean was voted the Department's most considerate and genuinely caring employee and is a unique individual who will be sorely missed by the Department and by my office. South Dakota will truly benefit from the fruits of Dean's labor for many years to come. I am honored to have the opportunity to recognize him today.

CONSUMER BANKRUPTCY CONCERNS

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. BONO. Mr. Speaker, along with many other Members I share a deep concern that the United States is about to set an economic record which is nothing to be proud of. I speak of the fact that by the end of 1996 total U.S. bankruptcy filings are expected to exceed 1 million for the first time in the Nation's history. It is particularly worrisome that this level of bankruptcies is occurring in a time of relatively good economic news, as it raises significant concerns about what bankruptcy levels will be whenever the next cyclical economic downturn arrives. As a member of the Banking Committee I am of course worried about the potential impact of losses stemming from bankruptcy on the health of our financial institutions, and on the price and availability of credit. And, as a member of the Judiciary Committee, aware that bankruptcy filings constitute more than three-quarters of all cases in the Federal courts, I worry about this increasing burden upon the judicial system.

About 9 out of 10 of all bankruptcy filings are consumer bankruptcies. About two-thirds of those are in chapter 7, where creditors are paid some percentage of what they are owed from the liquidation proceeds of the debtor's nonexempt assets, if there are any. Chapter 7 is a historical anachronism, a holdover from a time when credit was hard to come by and based upon what you owed. Today, of course, consumer credit is plentiful and is extended on the basis of the applicant's anticipated future income.

The remainder of consumer bankruptcies are in chapter 13, where employed debtors with a regular income commit to a multi-year repayment plan covering some portion of what they owe.

The majority of debtors filing for bankruptcy are in serious financial straits due to loss of employment, divorce, or medical emergency, and we must keep the system open and available to assist them in getting back on an even financial keel.

But there appears to be a significant percentage of individuals abusing the bankruptcy system through multiple filings to forestall legal actions, hiding of assets, making false and incomplete financial statements, and similar actions. Some individuals enter into chapter 13 repayment plans which are unrealistic and which inevitably fail, while other individuals with steady incomes and the ability to make significant repayment of their freely acquired debts choose to abandon them in chapter 7. The system is out of kilter, and its overburdened overseers are ill-equipped to catch those who abuse it.

It is my belief that individuals with financial problems should consider filing for bankruptcy to be their last resort, not their first. All of the individuals involved in the system—judges, trustees, administrators, and attorneys—have an obligation to ensure that consumer debtors are fully aware of their nonbankruptcy alternatives for accomplishing financial restructuring. Consumer credit counseling services are widely available throughout the nation and can help individuals and families avoid bankruptcy through various financial management techniques. Creditors are extremely supportive of these efforts.

Attorneys and other bankruptcy petition preparers have an obligation to fully disclose the very serious nature and consequences of filing for bankruptcy to individuals considering this step. Debtors need to be aware that this is a step with serious, negative long term consequences for their ability to obtain credit and other services, and that there are alternative means for redressing their problems which should be explored first.

Unfortunately, some attorneys and other bankruptcy preparers advertise their services as "debt reduction", "federal repayment", or similarly vague and misleading terms to disguise the true nature of their business and to downplay the consequences of entering into personal bankruptcy. As a result, many thousands of individuals each year are placed into bankruptcy without fully informed knowledge and consent. Attorneys and other petition preparers have a constitutional right to advertise, but this type of deceptive and misleading practice needs to be curbed.

In 1994 Congress passed bankruptcy reform legislation which established a National Bankruptcy Review Commission to review and further evaluate the bankruptcy system and make recommendations for fundamental reform to Congress. It is my understanding that the commission, which has a 2 year mandate expiring in the fall of 1997, has so far made very little progress in grappling with the fundamental problems rampant in the consumer bankruptcy system. It has instead permitted its staff to engage in a series of pointless academic debates and to advance proposals which have little support, much less consensus, in the broad bankruptcy community. While the other working groups established within the Commission have already issued numerous policy proposal in such areas as corporate restructuring, small business bankruptcy, and system administration, the consumer working group has yet to make even a single, tentative recommendation for reform of the current system. With consumer bankruptcy filings constituting about 90 percent of all filings, this wheel-spinning cannot be allowed to continue. Therefore, I was pleased to learn that the Commission is finally going to begin to grapple with this area in a comprehensive way with a series of hearings beginning in November. Congress needs this Commission to deliver a series of pragmatic proposals to get the system back under control and to provide debtors with the relief they require, creditors with the repayment they deserve, and society at large with the right balance between forgiveness and obligation.

One area which I hope the Commission devotes serious attention to is recommending ways in which individuals can be informed of alternatives to bankruptcy at the earliest possible time, perhaps even before their initial contact with the bankruptcy system. Consumer financial education must obviously play a larger role in addressing current problems.

I also believe that both the Federal Trade Commission and state bar associations should do a much better job of monitoring bankruptcy-related advertising, and should crack down on deceptive ads which fail to clearly and conspicuously disclose that the services being offered involve a declaration of bankruptcy along with all of its grave and lingering consequences. Disciplinary or enforcement action should certainly be utilized where appropriate.

Finally, the Office of U.S. Trustee, which administers the bankruptcy system, should undertaken efforts to ensure that the standing trustees in chapters 7 and 13 are making inquiries to determine that debtors are aware of alternatives to bankruptcy and are fully aware of the long-term effects of filing for bankruptcy.

It is my intention to continue to monitor bankruptcy developments and the ongoing work of the Bankruptcy Commission. This subject involves matters of economics, judicial fairness, and personal values. There may be many ways to address the ongoing bankruptcy crisis—but they all require an initial recognition that this is indeed a crisis, most particularly for the millions of debtors and their families caught up in it. Bankruptcy must remain available as a last resort for those who truly require legal forgiveness of their contractual obligations. But it cannot grow into a first resort for those with the ability but not the desire to make good on their financial obligations.

INTRODUCTION OF A RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES CONCERNING VIOLENCE ON TELEVISION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CASTLE. Mr. Speaker, a recent review of 34 new pilot television shows in U.S. News and Worked Report found that many of them contain extensive and graphic violence—some as early as 8 p.m. In one show, a criminal drives a nail into the palm of a corrupt mayor. In another, a man is buried alive with his mouth and eyes sewn shut. And in yet another offering, as the top of a corpse's head is sawed off an alien creature pops out.

Children are particularly sensitive to the world around them, as they notice and absorb everything they see and experience. Psychologist Stephen Garber of the Behavior Institute of Atlanta has seen an increasing number of children in his practice who, despite having no actual contact with violence and living in safe neighborhoods, are developing not just fears but full-blown phobias about being kidnaped, getting shot, and other real-world calamities. He attributes this in part to what children see on television. The American Psychological Association estimates that a typical child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school.

This matters because studies are pretty clear with respect to the impact that viewing violence has on children. In 1956, one of the first studies of television violence reported that 4 year olds who watched "Woody Woodpecker" cartoons were more likely to display aggressive behavior than children who watched the "Little Red Hen." Study after study in decade after decade confirmed similar findings. However, the harm caused by viewing violence is broader than the encouraging of violent behavior. Studies have found that viewing violence increases mistrust of others and fear of being a victim of violence, and desensitizes viewers to violence resulting in calloused attitudes and apathetic behavior toward violence.

Over the years, Congress and broadcasters have sporadically tackled this issue. For example, in 1990, Congress passed the Children's Television Act to increase the amount of quality educational programming for children. The recent rewrite of the Telecommunications bill included a requirement that television sets be manufactured with a computer chip that would allow parents to screen out programs, rated by the broadcast industry, that are inappropriate for their children. And more recently, the broadcasters have agreed to air 3 hours of educational television programming per week. I support these efforts.

But quite frankly, I don't think they are enough. I agree with the philosophy that if a river is polluted, you don't just put up a warning sign—you try to clean it up. That is why I am introducing a resolution, with Congressman WOLF and 10 other Members of Congress, expressing the sense of the House that broadcasters should not air violent programming between the hours of 6 a.m. and 10 p.m.

Cleaning up television will not resolve all of the Nation's ills. But as former Education Secretary William J. Bennett points out, in recent years we have seen a explosion in moral pathologies: abused and abandoned children, out-of-wedlock births, drug use, violent crime and just plain trashy behavior, as well as the vanishing of the unwritten rules of decency and civility, social strictures and basic good manners. He attributes this to the fact that "the good" requires constant reinforcement, and "the bad" needs only permission.

Turning the tide, reinforcing "the good" will ultimately take a massive collective effort, one that engages our families, our civic leaders, our religious leaders, our teachers, our community leaders, all levels of government, neighbors—everyone in society. But the media, too, with its enormous role in the socialization process, must join us in this effort.

SALUTE TO DON AND JACKIE PRUNER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. GALLEGLY. Mr. Speaker, I rise today to salute two people who have probably had a more direct effect on the health and welfare of Ventura County residents than anyone else—Don and Jackie Pruner.

In August of 1963, Don and Jackie scraped together nearly all the money they could find and bought an ambulance company that consisted of one 1958 Pontiac ambulance. Times were tight, so Don did the driving while Jackie handled business operations and dispatched about 15 calls a month (to a service population of about 9,000 people in the Thousand Oaks area) out of the couple's home.

Back then, the business was called Conejo Ambulance. Over the course of three decades, Pruner Health Services grew to provide 24-hour emergency service to a population of more than 345,000 people in an area of approximately 650 square miles.

Obviously, Don and Jackie have come a long way from that 1958 Pontiac. Like all business success stories, theirs is one of hard work, determination and day-to-day achievements that together form an extraordinary record of service.

As we celebrate their retirement, it is entirely appropriate that we celebrate all that Don and Jackie have given to all of us—those who know them personally as friends, and those who have known them only through the essential service they provide.

Anyone who has ever picked up a phone to summon an ambulance in the middle of an emergency knows that those calls are often made in frantic desperation. For more than three decades, the people of Ventura County and Malibu have found Don and Jackie Pruner on the other end of that phone—willing to do anything they could to preserve life.

Through it all, Don and Jackie have also found the time to raise three children, Michelle, Mike and Scott, and to welcome five grandchildren into the world.

Mr. Speaker, I would like to today salute my friends Don and Jackie Pruner, and to thank them for everything they have done for our community. It is rare to come across someone who has truly dedicated their lives to helping preserve the health and welfare of others. Don and Jackie Pruner are two such individuals. It is my hope that, in retirement, these two good friends can focus on their love of traveling, fishing and frequent excursions to Catalina. I think everyone who knows Don and Jackie personally would agree, after all the years of hard work, they deserve it.

Mr. Speaker, I commend Don and Jackie Pruner to this distinguished body and wish them all the best in the future.

20TH ANNIVERSARY OF NMMI TV

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. RICHARDSON. Mr. Speaker, I urge my colleagues to join me in recognizing the 20th anniversary of New Mexico Military Institute Television Productions in Roswell, NM. New Mexico is proud to have on the finest military schools in the country, New Mexico Military Institute. NMMI is known for academic excellence, offering one of the few 2-year Army Officer Commissioning Programs in the United States, and having a tough curriculum for the development of strength and character of the young men and women who attend NMMI from literally all around the world. In addition to this, NMMI has contributed greatly to its local community, through, among other things, outstanding television broadcasting produced at NMMI.

This school year NMMI Television Productions will begin its 20th season of providing the Roswell community with local and original broadcasting. Over 300 cadets, and numerous local citizens-as-program hosts and other community volunteers have been a part of this effort. Their programming ranges from community services, retirement programs and activities, bilingual awareness shows, sports, medicine, news, recreation and other programs of interest for and about Roswell. I commend NMMI–TV Productions for providing this additional technical and educational program as part of an experience-by-doing learning laboratory for cadets interested in the field of television broadcasting.

Recently, the superintendent of NMMI, Lt. Gen. Robert D. Beckel, came and briefed me on the many wonderful accomplishments and improvements taking place at NMMI. NMMI Television Productions is clearly an example of this excellence and what they are doing for the men and women attending their institution as well the local community. I am attaching an article from the Roswell Daily Record that explains in detail the exceptional work being done by this unique program. I urge may colleagues to join me in saluting NMMI and NMMI. Television Productions for their all-around dedication to the NMMI Corps of Cadets and the community of Roswell.

[From the Roswell Daily Record, Sept. 8, 1996]

NMMI BROADCASTS 20TH YEAR OF TV PRODUCTION

(By Marifrank DaHarb)

Lights . . . camera . . . and ACTION begins Tuesday as the New Mexico Military Institute TV Productions enters its 20th season on the air.

Under the supervision of executive producer Col. Bruce McLaren and director of broadcasting Lt. Col. Cory Woodbury, the NMMI programming airs on cable channel 11 every Tuesday night during the academic year.

"We share the channel with Community Calendar, First Baptist Church and Roswell City Council meetings," McLaren said. He also said they can offer local programming and a link to satellite teleconferences and telecourses to the community, Roswell schools and Eastern New Mexico University-Roswell as well as the institute.

"We've been on the telecommunications cutting edge for 20 years," McLaren said, "hosting numerous broadcast events and now extending into such new areas as a proposed additional downlink site from Eastern, the new Western Governors University and availability as a node in the new statewide telecommunications network now in the planning stages."

McLaren said the NMMI program's focus has always been on cadet training, sometimes for school credit and sometimes for fun.

"We have 27 volunteer cadets right now," he said, "and a waiting list."

College sophomore Estevan Padilla of Espanola is in his third year at the institute but this is his first year of involvement with TV production. "My friend, Mike, got me into it," he said. "It's my first experience with television, but I was already in audio as a member of the VMV Club which is open to everyone, not just for cadets.

"We set up for dances and other performers such as comedians, singers, bands, whatever they need us for."

Padilla's friend, Mike Ulanski of Wahiawa, Hawaii, also a sophomore and in his third year, said, "I did this all last year, including special projects like taping alumni activities during Homecoming and the superintendent's retirement party. We'll tape anything as long as it's approved by Col. McLaren."

Ulanski explained the cadets rotate responsibilities. "For one show, you might be director," he said. "For the next one you might be in charge of audio."

Mark Jacobs of Albuquerque is in his third year at NMMI and is a junior in high school. This is his second year in TV production. "I think I'm very interested in taking this another step," he said.

Lt. Col. Woodbury believes the experience can be invaluable, even if it's not a career goal. "One cadet who graduated from here worked his way through college working for PBS (Public Broadcasting System)."

Martha Ortiz of El Paso, a college freshman, said she had been at NMMI some 21 days. She got interested in TV production after learning about it at an event in the gym showcasing campus activities. "I like it a lot," she said. "It's very interesting."

The programs offered have a variety of interests for public viewing. Dori Lenz Wagner is no stranger to the production end, having been a frequent guest on Diane Holdson's "How To . . .". But this fall her own show, "Quilting," debuts. The nationally known quilting instructor will teach four different patterns—Fancy Three Patch, Mandevilla, Attic Window and Snowball—as well as how to finish a quilt. Everything will be machine pieced with rotary cutting.

"This is the first time they've done a quilting show," she said. "I think it'll be fun and I'm looking forward to it."

Wagner's six shows will alternate weeks with newcomer Bo Shero. Shero's program is on woodcarving. "I plan to take them through a full project of carving a bluebird," he said, "including all the techniques for attaching the wings, heads and feet and painting and sharpening tools."

Shero is new to Roswell as well as NMMI–TV. He spent five years as a guest woodcarver at Silver Dollar City in Branson, MO, where people demonstrate how things were done in the Ozarks in the 1890s.

"We think we have a good line-up this fall," McLaren said. "But we'd like to be able to offer shows for the home handyman and the Roswell gardener or something like 'New Mexico Out-of-Doors' and 'Learning to play . . . whatever musical instrument.' We're limited only by the availability of program hosts."

"LINKED FINANCING"—A NEW CONCEPT IN AVIATION FUNDING

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. LIGHTFOOT. Mr. Speaker, I rise today for the purpose of introducing legislation to establish an innovative new funding mechanism for the Federal Aviation Administration. We've named this new funding mechanism Linked Financing and I'm introducing the legislation at this obviously late date to ensure interested committees such as the Budget, Ways and Means and Transportation Committees, as well as organizations such as the National Civilian Aviation Review Commission, will have an opportunity to study and consider this interesting concept before work begins again next year on the controversial issue of FAA financing reform.

This concept known as Linked Financing is something I've worked on with my friends at the Aircraft Owners and Pilots Association (AOPA). AOPA has devoted substantial time and effort to refining the idea, and I believe it holds considerable promise for addressing the future funding needs of our Nation's air transportation system. It's based on a simple premise. That is, the services provided by the FAA are an essential Government function largely financed by the users of the system. As we know, under existing budget rules the cap on discretionary spending and the trade-offs it requires, sometimes constrain our ability to fully fund programs which are largely funded by the users.

This situation cries out for a fresh approach. Next year, Congress will begin to debate a number of issues closely tied to the future of aviation funding. The House, in an overwhelming vote to take the transportation trust funds off budget, has sent the clear signal that it wants transportation trust fund monies fully spent for the intended purpose. An internal fight among airlines for market share has crept into Congress and will likely cause a reexamination of the current airline ticket tax structure. Finally, the Clinton administration, in an attempt to use more discretionary spending to fund its liberal social agenda, has created what I believe is an artificial FAA funding crisis in order to justify a new aviation tax structure.

All of these issues contain potential pitfalls. Taking the transportation trust funds out of the unified budget process could send a mixed signal as we seek to balance the Federal budget over the next 7 years. It remains to be seen whether readjusting the airline ticket tax structure will increase either safety or savings to the traveling public. The administration has not been able to adequately demonstrate its alleged aviation funding shortfall. And its proposed solution, new aviation taxes, has a number of additional problems. They are costly to collect, they can disrupt the financial planning of the airlines, they have safety implications, and—most important—FAA would have little direct accountability to Congress for how the agency spends the money.

Linked Financing is a better alternative. This plan would provide FAA the funding the administration says it needs, but, unlike imposing the administration's proposed new aviation taxes, would not circumvent the current budget process.

Linked Financing would retain the excise taxes which airway system users now pay on airline tickets, fuel, and cargo. These taxes would continue to feed the Airport and Airway Trust Fund. This Trust Fund is for aviation spending only, and it finances most of the FAA's budget.

Under Linked Financing, what aviation users pay in taxes for a given year would depend on what Congress allowed the FAA to spend the year before. When the FAA's spending goes up, the taxes collected would be adjusted upwards by a corresponding amount the following year, according to a predetermined formula. An upper limit on the tax rates would keep the rates at a reasonable level. The objective is for tax revenues to match spending from year to year. We think most of the necessary growth in tax revenue would result from aviation industry growth, not tax rate increases. But the formula would provide for an adjustment in the tax rates, if necessary.

When FAA spending drops, tax rates would drop automatically the following year to reflect the decrease. This would ensure that system users will not pay for non-existent services.

Linked Financing also addresses the constraints imposed by the discretionary spending cap. Under the current rules, additional revenue doesn't automatically lead to additional spending. Why? Because spending is capped, regardless of how much money the government takes in.

The purpose of the spending cap is to control the deficit by cutting Government spending instead of raising taxes. However, under Linked Financing, aviation users would pay for the increased spending for FAA—not other taxpayers.

Therefore, the Linked Financing plan establishes an annual Trust Fund reserve account which would be available to the appropriations committees to supplement the resources otherwise available to them within the discretionary cap. This Annual Reserve Account would be outside the discretionary cap, so the discretionary cap would not limit the ability of Congress to spend the funds deposited in the Reserve Account. The amount deposited in the Annual Reserve Account each year would be equal to the annual increase in Aviation Trust Fund revenue, if any.

Linked Financing assures that the taxes that aviation users pay are promptly spent for aviation purposes. And it does this without major changes to the current budget process or the ability of Congress to oversee FAA's spending.

As an innovative mechanism for using dedicated taxes—taxes collected for a specific purpose—Linked Financing could offer a solution for other user financed Government programs, as well.

This is an interesting idea, Mr. Speaker, which deserves serious consideration. The challenges facing aviation are not going to go away and I urge my colleagues to give this proposal their attention as we begin to debate these issues in the final days of this Congress as well as the 105th Congress.

RECOGNIZING TAIWAN'S NATIONAL DAY

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CHABOT. Mr. Speaker, I just wanted to take a moment before the Congress adjourns for the year to congratulate our friends and allies in the Republic of China as they prepare to celebrate their National Day on October 10.

As my colleagues know, the Taiwanese people recently made history as they successfully and peacefully held the first Democratic elections in over four thousand years of Chinese history. President Lee Teng Hui and the people of the Republic of China are to be commended for that landmark achievement.

I join with my colleagues in the Congress and my many Taiwanese-American friends in Cincinnati and around the country in congratulating the people of the Republic of China on this, the 85th anniversary of their National Day.

TRIBUTE TO ALAN G. HEVESI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. TOWNS. Mr. Speaker, I rise to recognize the stalwart efforts of Alan Hevesi, who, as New York City's 41st comptroller has fought to ensure financial integrity in the budgetary process. A veteran of the State Assembly, Alan has been involved in the negotiation and passage of 18 balanced budgets.

Alan Hevesi has been a champion of affordable health care, education reform, and the rights of people with disabilities. His efforts were instrumental in passing legislation that cracked down on Medicaid fraud and nursing home abuses.

Under Alan Hevesi's administration, the number of audits conducted by the comptroller's office has doubled, generating $42 million in direct cash savings for the city of New York. Other efforts he has directed resulted in the elimination of individuals from welfare and their placement in meaningful jobs. Additionally, pension funds for which the comptroller is a trustee and advisor, are ranked in the top quartile for performance and the bottom quartile for costs.

The stellar performances of this exceptional individual are attributable to his vast energy, commitment, professional and academic training. He received his undergraduate academic training from Queens College, and his Ph.D in public law and government from Columbia University.

Alan Hevesi and his wife Carol have three children, Laura, Daniel, and Andrew. I am pleased to recognize his vast contributions and to introduce him to my House colleagues.

A VETERAN INSTRUCTOR SHARES HER EXPERIENCES IN THE CLASSROOM

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. WICKER. Mr. Speaker, I want to share with my colleagues an article that appeared in the Sunday, September 22 edition of the Northeast Mississippi Daily Journal in my hometown of Tupelo, MS. Claudia Hopkins is a fifth grade teacher at King Intermediate School in Tupelo. She was recently asked to talk about her career as a teacher before the Tupelo Rotary and Kiwanis Clubs. Her comments reaffirm my long-held feelings that classroom teachers are the most important part of education.

A VETERAN INSTRUCTOR SHARES HER EXPERIENCES IN THE CLASSROOM

(By Claudia Hopkins)

I never planned to teach. I didn't want to. My mother was a career teacher, my father had been a teacher at different times in my life, my aunts were teachers, and I just wasn't interested. I didn't like teachers! They were always so intrusive! I think I was like Winston Churchill who said, "Personally, I'm always ready to learn, although I do not always like to be taught."

I wanted to be a writer, and that's the employment I was seeking as a new college graduate 27 years ago in Nashville. I was scheduled for my second interview for a copywriter's position when I came home for the Labor Day weekend to find that the principal of a little school outside of Nashville had called saying he needed a fourth grade teacher. There was only one drawback, he said. My room would be on the stage. Well, those of you who know me can appreciate the irony in that! And, sure enough, without really knowing why, I canceled my copywriting interview, took that teaching job and with the exception of seven years, have been "on the stage" ever since!

Often I've felt just like Dolly Levi with a business card and a solution for every problem! A teacher makes so many decisions for so many people in one day—our profession ranks second in the number of immediate decisions that must be made every day. Air traffic controllers are first! They also have the highest suicide rate, but I don't want to dwell on that!

II. "GETTING TO KNOW YOU."

It didn't take me very long that first year to realize that if I wanted my students to be successful, I couldn't teach them as if they were all round pegs to fit into round holes. Some of them are square pegs, some are diamond-shaped—all are unique. I began to read and study and observe. Somewhere along the way, I read what a student had written, and the words had a profound effect on my teaching:

"Can't nobody teach me who don't know me and won't learn me." Let me repeat that: "Can't nobody teach me who don't know me and won't learn me."

Wow, what a powerful statement! I began to try to get to know each one of my students—to search out the learning style unique to each one—to find just the right way to help each child experience success. It's a hard task—often an exhausting one and one I'm still trying to master.

I guess the most outstanding example of tailoring education to fit the child was Fred. Fred was an older boy who'd been held back several years. By the time he was in the fourth grade, he was so mature that he wasn't just noticing the girls but the teachers, too! I found him in the sixth grade hall one day getting a drink of water, and as I passed, I patted him on his back and told him that he needed to return to his classroom. He never raised up—I just heard him utter, "Umm, umm, umm!"

Well, at the end of that fourth grade year, the principal decided to bypass fifth grade and put Fred in my sixth grade class because he was, quote, "getting too old to stay in elementary school" and "it didn't matter where he was anyway; he couldn't learn." Boy, don't ever give me a challenge like that! I discovered right away that Fred could learn—in fact, he could learn fast. I showed him how to annex the zero in multiplication in one day. He called that zero the "naked zero. I don't know why. But it worked for him. He was like that—you could see the light come on in his eyes, and whatever connection he made that year, I supported. He couldn't read very well and we weren't really successful in overcoming that, but he'd found his own system of deciphering the printed word enough to keep up in science and social studies.

In getting to know him, I discovered that he got up before sunrise every day to help his uncle on their farm and that he drove a tractor sometimes late into the night. Yet, he always had his homework that year. His lower elementary teachers couldn't understand the change. I didn't understand it. But Fred did. He understood a lot of things for the very first time, and it felt good to him.

Years later I was back in that little community for a visit, and I attended the very first graduation ceremony in their new high school. Can you imagine how I felt when the principal called his name and there he was in a cap and gown getting his diploma? That's why I teach.

III. HAVE CHILDREN CHANGED?

I'm often asked, "Don't you think children have changed? " I've even said it myself, but I really don't think it's the children who have changed. They haven't been here long enough! The world has changed, values have changed, communication has changed, delivery of instruction has changed, I have changed. But, I think the children are basically the same in 1996 as they were in 1969.

1. They love to be read to. I know that sentence ended with a preposition, but as long as I know it, it's OK. Isn't it? The beauty of the language is as appealing to children today as it ever was. I try to read to my students every day. I choose all kinds of literature, and they are just spellbound. For many, it's the only time of the day that they're completely quiet and focused on what's being said. That never changes. One of the perks of my job is hearing them say, "The book is better than the movie"

2. The approval of their peers is as important today as it was when I first started teaching. On Friday, one of my students was having a hard time getting anyone to work with him. He said to me, "Nobody likes me," and then he walked off with slumped shoulders. That's what the feeling does to children—to us all—it defeats us. I couldn't stand for him to feel that way, so he and I had a silent conversation while everyone else was working. Have you ever had a silent conversation? It's where you and someone else write your thoughts and questions and comments instead of speaking them. It's a wonderful way to communicate. You're more focused on what you're feeling, you're using more than one or two of your seven intelligences and it's really hard to whine on paper! Try it in your business. Try it at home with hour families! Anyway, I suggested that perhaps he was so busy distracting others and being loud that they weren't able to see the real him—the one that was so smart and capable. He didn't write a response—he just looked up at me, grinned and nodded, and said aloud, "This was fun" as he joined a group to finish his work.

3. Children today love to be creative, to perform, to improvise. But here's the great paradox in education. Even though studies show that children who are stimulated creatively through the arts perform better in school and on standardized tests, the arts budgets and the strictness of scheduling often cut out the very experiences that children need. Go figure! We're fortunate at King to have the time, thanks to Dr. Cother, and the materials, thanks to AEE, to be able to set up an art museum simulation this year and perform several musicals that extend our social studies, science and literature curricula and meet the creative needs of each child.

4. Children love to see you in a tense, uncomfortable situation and then they go in for the kill.

That hasn't changed.

I'll never forget the first time my superior came into my classroom to observe me. Of course, it was unexpected, but I felt pretty good about the lesson for the day. I'd spent a lot of time cutting out pictures from magazines to reinforce my lesson on writing descriptions. Each student had taken one, written a description, and then I was to read them and let them see if they could guess what the picture was from the description.

Well, my supervisor eased in just as I was reading the description of an elephant. "It has fat legs and big hips." One hand went up. I nervously asked, "Yes, honey, who or what do you think it is?" "Sounds a lot like my sister to me!" Well, I handled the laughter as well as I could and said something inadequate like, "No, sweetie, it's not your sister," and went on reading. "It has a little tail." I see you're ahead of me. And of course that same little voice piped up, "Nope, it sure ain't my sister if it's got a little tail. Hers is as big as the Grand Canyon." Well, you'd think that was the end of it, wouldn't you? Oh, no! Just as I reclaimed control of the class, another student raised his hand, and like a fool, I called on him. "What's that mark on your top?" You know, tact is not a child's long suit. Well, that morning I'd let the iron stay a bit too long on that spot and had a perfect print of an iron right on the front of my top, but I'd convinced myself that it wasn't noticeable. I explained, my humiliation almost complete. As we walked out of the classroom, one of the students said, "You need some new shoes, too." My supervisor never said a word, in fact, she never came back.

5. Brace yourselves, parents. Children tell us what you say about us. I really think there ought to be a contract signed every year between parents and teachers stating: We won't believe everything they say about you if you won't believe everything they say about us! I taught sex education one year—don't laugh—to sixth grade girls. I had looked through my teachers' edition of my science book and noticed that chapter 10 was about reproduction. The principal and I planned for months. We had filmstrips and videos, guest speakers lined up, and our lessons all prepared. We'd sent the science books home with instructions for the parents to read chapter 10, sign the permission notes and be in partnership with us as we went through the unit.

On the first day, I opened with, "Girls, I know you all have read chapter 10 and your parents have read chapter 10. What are your thoughts as we begin this unit?" There was just this long silence, so I tried another approach. "Did your parents discuss this with you?" Mary was the only one to raise her hand. "Yes, Mary?" "Well, my mother said it was just like an old maid to get in a stew over this. She said she didn't know what all the fuss was about." I began to respond with something like, "Mary, some parents think this is a very delicate subject," and Mary said, "What's delicate about plants?" Friends, I had read the alternate chapter in my teacher's edition. The students textbooks were all about cross pollination of pea pods—not sexual reproduction. If those parents had said to me what they'd said about me, we could have saved ourselves a lot of stress!

6. Children today are as hungry for an adult's approval as they ever were. Several years ago my students were asked to write in their journals at the beginning of every class period. It was one of those days when the silence was broken several times with the question, "What's today?" I'd answered that question over and over and finally, I jumped up, ran to the middle of the room and sang, "Da, da, da, da, da, da! Today's the 29th! Now, everybody knows what today is." On my way back to my seat, I heard one of the boys say to his neighbor, "Everybody but James—he's too dumb to know what today is." Before I could respond, I heard James say, just as quietly, "Uh huh. Da, da, da, da, da, da! Today's the 29th!" I just fell out and said, "James, I love you!" At the end of the week, I took up their journals and there in James' poor spelling and painfully childish writing were these words: "Miss Hockin love me. She say so." Some things never change.

IV. WHAT, THEN, HAS CHANGED?

Am I saying that children are still attending school in Mayberry with Miss Crump? Goodness, no! There ARE differences in our classrooms today. Because of advances in technology, the world can be brought to our doors. We can access research data almost as soon as new discoveries are made. We can communicate with students in other places from our classrooms. We have more materials, more comfortable classrooms, more up-to-date textbooks, more resources. But, because of drug abuse we have students who are severely altered in academic ability and in behavioral skills. Because of the changes in the home, we have students who are withdrawn or threatening. Because of neglect, we have students who seek attention in any way they can get it. Because they've been given too much too soon, we have students who are hopeless and jaded. The dead eyes alarm me more than anything.

Today's differences create more challenges for teachers. What are the greatest challenges I face today? Probably the same ones I faced in the early '70s—how to individualize instruction; how to provide a classroom climate where motivation can take place; how to manage behavior; how to communicate effectively with students, parents and other educators; how to meet the needs of every student whether the need be academic, emotional or physical; how to relinquish "teaching" time to laugh, to enjoy the spontaneous moment, to really look at a child, to really listen, to discover, to explore, to appreciate, to grow; and the continuing challenge of how to give a flawless performance on this education "stage" I've chosen, because . . .

. . . a doctor's mistake is buried
. . . a lawyer's mistake is imprisoned
. . . a plumber's mistake is stopped
. . . an accountant's mistake is written off
. . . a printer's mistake is reprinted
. . . But, a teacher's mistake is never erased.

A CLOSER LOOK AT PARTIAL-BIRTH ABORTIONS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. DORNAN. Mr. Speaker, even liberal newspapers such as the Washington Post agree that abortion advocates have been fast and loose with the facts concerning H.R. 1833, the Partial-Birth Abortion Act. It's time to set the record straight. Here is an in-depth, factual analysis of this important, life-saving bill.

[From the National Right to Life Committee, Inc., Sept. 11, 1996]

PARTIAL-BIRTH ABORTIONS: A CLOSER LOOK

(By Douglas Johnson, NRLC Federal Legislative Director)

The final version of the Partial-Birth Abortion Ban Act (HR 1833) was approved by the U.S. Senate by a vote of 54–44 on December 7, 1995, and by the U.S. House of Representatives on March 27, 1996, by a vote of 286–129. On April 10, 1996, President Clinton vetoed the bill. The House is expected to vote on whether to override the veto on or about September 19, 1996. If two-thirds of the House votes to override, the Senate also will vote on whether to override.

Opponents of the bill, including President Clinton and his subordinates, have propagated a number of myths regarding the partial-birth abortion procedure and the bill. These myths include the assertions that partial-birth abortions are very rare and are performed only in extreme circumstances involving serious fetal deformities or threat to the life of the mother; that the bill would jeopardize the lives or health of some women; and that anesthesia given to the mother kills the fetus/baby or renders her pain-free before the procedure is performed. Some of this misinformation—especially the claim that the procedure is used mostly in cases of severe "fetal deformity"—has been uncritically adopted as factual by some journalists, columnists, and editorialists.

Yet, these claims are contradicted by the past writings and recorded statements of doctors who have performed thousands of partial-birth abortions, and by other available documentation, including authoritative medical information gathered by the House Judiciary Committee and the Senate Judiciary Committee. This factsheet relies heavily upon such primary sources. For copies of documents cited here, contact the NRLC Federal Legislative Office at (202) 626–8820, fax (202) 347–3668.

WHAT IS A PARTIAL-BIRTH ABORTION, AND WHAT IS THE PARTIAL-BIRTH ABORTION BAN ACT (HR 1833)?

The Partial-Birth Abortion Ban Act (HR 1833) would prohibit performance of a partial-birth abortion, except in cases (if there are many) in which the procedure is necessary to save the life of a mother. The complete text of the bill is attached to this factsheet.

The bill defines a "partial-birth abortion" as "an abortion in which the person performing the abortion partially vaginally delivers a long fetus before killing the fetus and completing the delivery." Abortionists who violates the law would be subject to both criminal and civil penalties, but no penalty would be applied to the woman who obtained such an abortion.

This procedure is generally beginning at 20 weeks (4½ months) in pregnacy, and "routinely" at least 24 weeks (5½ months). It has often used much later—even into the ninth month. The Los Angeles Times accurately and succinctly described this abortion method in a June 16, 1995 news story: The procedure requires a physician to extract a fetus, feet first, from the womb and through the birth canal until all but its head is exposed. Then the tips of surgical scissors are thrust into the base of the fetus' skull, and a suction catheter is inserted through the opening and the brain is removed.

In 1992, Dr. Martin Haskell of Dayton, Ohio, wrote a paper that described in detail, step-by-step, how to preform the procedure. ["Dilation and Extraction for Late Second Trimester Abortion."] Dr. Haskell is a family practitioner who has performed over 1,000 such procedures in his walk-in abortion clinics. Anyone who is seriously seeking the truth behind the conflicting claims regarding partial-birth abortions would do well to start by reading Dr. Haskell's paper, and the transcripts of the explanatory interviews that Dr. Haskell gave in 1993 to two medical publications, American Medical News (the official AMA newspaper) and Cincinnati Medicine. [All are available from NRLC.]

Here is how Dr. Haskell explained a key part of the abortion method: With a lower [fetal] extremity in the vagina, the surgeon uses his fingers to deliver the opposite lower extremity, then the torso, the shoulders and upper extremities. The skull lodges at the internal cervical os[the opening to the uterus]. Usually there is not enough dilation for it to pass through. The fetus is oriented dorsum or spineup. At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and "hooks the shoulders of the fetus with the index and ring fingers (palm down) * * * [T]he surgeon takes a pair of blunt curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger * * * [T]he surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening. The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents." ["Dilation and Extraction for Late Second Trimester abortion," pages 30–31.]

Dr. Haskell also wrote that he "routinely performs this procedure on all patients 20 through 24 weeks LMP [i.e., from 4½ to 5½ months after the last menstrual period] with certain exceptions," these "exceptions" involving complicating factors such as being more than 20 pounds overweight. Dr. Haskell also wrote that he used the procedure through 26 weeks [six months] "on selected patients." [p.28] He added, "Among its advantages are that it is a quick, surgical outpatient method that can be performed on a scheduled basis under local anesthesia." (p. 33).

In sworn testimony in an Ohio lawsuit on Nov. 8, 1995, Dr. Haskell explained that he first learned of the method when a colleague described very briefly over the phone to me a technique that I later learned came from Dr. [James] McMahon where they internally grab the fetus and rotate it and accomplish—be somewhat equivalent to a breech type of delivery.

Dr. James McMahon, who died in 1995, used essentially the same procedure thousands of times, and to a much later point in pregnancy—even into the ninth month. Other abortionists also employ the procedure, as discussed below.

AREN'T "THIRD TRIMESTER" ABORTIONS RARE? AT WHAT STAGE IN PREGNANCY DO PARTIAL-BIRTH ABORTIONS OCCUR? ARE THESE BABIES "VIABLE"?

It appears that the substantial majority of partial-birth abortions are performed late in the second trimester—that is, before the 27-week mark—but usually after 20 weeks (4½ months). There is compelling evidence that the overwhelming majority of these pre-week-27 partial-birth abortions are performed for purely "social" reasons.

In an attempt to "filter out" this documentation, many opponents of the bill attempt to narrow the debate to only third-trimester partial-birth abortions procedures—that is, to abortions performed beginning in the 27th week [seventh month] of pregnancy. Some journalists and commentators have readily adopted this "filter." However, there is really no non-ideological justification for adopting this "third trimester" demarcation. It has no basis in the text of the Partial-Birth Abortion Ban Act (HR 1833), which bans partial-birth abortion at any point in pregnancy. Nor, contrary to some popular misconceptions, is there any basis in current Supreme Court constitutional doctrine or in neo-natal medical practice for adopting a "third trimester" demarcation.

Under the Supreme Court's doctrine, "viability" is regarded as the constitutionally significant demarcation. In Planned Parenthood v. Casey (1992), the Supreme Court explicitly disavowed the "trimester framework" of Roe v. Wade (1973), and reaffirmed that "viability" is (in the Court's view) the constitutionally significant demarcation. "Viability" is the point at which a baby born prematurely can be sustained by good medical assistance. Currently, many babies are "viable" a full three weeks before the "third trimester." Therefore, most partial-birth abortions kill babies who are already "viable," or who are at most a few days or weeks short of viability.[1]

(Even at 20 weeks, the baby is seven inches long on average. And, as discussed below, at a March 21 congressional hearing leading medical authorities testified that the baby by this point is very sensitive to painful stimuli.)

At least one partial-birth abortion specialist, the late Dr. James McMahon, regularly performed the procedure even after 26 weeks—even into the ninth month. In 1995, Dr. McMahon submitted to the House Judiciary Constitution Subcommittee a graph and explanation that explicitly showed that he aborted healthy ("not flawed") babies even in the third trimester (after 26 weeks of pregnancy). Dr. McMahon's own graph showed, for example, that at 29 or 30 weeks, one-fourth of the aborted babies had no "flaw" however slight. Underneath the graph, Dr. McMahon offered this explanation: After 26 weeks, those pregnancies that are not flawed are still non-elective. They are interrupted because of maternal risk, rape, incest, psychiatric or pediatric indications. [chart and caption reproduced in June 15 hearing record, page 109]

In an interview with Constitution Subcommittee Counsel Keri Harrison, Dr. McMahon explained that "pediatric indication" referred to underage mothers, not to any medical condition of the mother or the baby.

IS THE BABY ALIVE WHEN SHE IS PULLED FEET-FIRST FROM THE WOMB?

American Medical News reported in 1993, after conducting interviews with Drs. Haskell and McMahon, that the doctors "told AM News that the majority of fetuses aborted this way are alive until the end of the procedure." On July 11, 1995, American Medical News submitted the transcript of the tape-recorded interview with Dr. Haskell to the House Judiciary Committee. The transcript contains the following exchange:

American Medical News: Let's talk first about whether or not the fetus is dead beforehand.

Dr. Haskell: No it's not. No, it's really not. A percentage are for various numbers of reasons. Some just because of the stress—intrauterine stress during, you know, the two days that the cervix is being dilated [to permit extraction of the fetus]. Sometimes the membranes rupture and it takes a very small superficial infection to kill a fetus in utero when the membranes are broken. And so in my case, I would think probably about a third of those are definitely are [sic] dead before I actually start to remove the fetus. And probably the other two-thirds are not.

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[1] According to the landmark survey of neonatal units in the National Institute of Child Health and Human Development Neonatal Research Network, conducted in 1987 and 1988 by Dr. Maureen Heck, et al, babies born at 23 weeks had on average a 23% chance of survival, rising to 34% at 24 weeks, and 54% at 25 weeks. See "Very Low Birth Weight Outcomes of the National Institute of Child Health and Human Development Neonatal Network," Pediatrics, May 1991.

In an interview quoted in the Dec. 10, 1989 Dayton News, Dr. Haskell conveyed that the scissors thrust is usually the lethal act: "When I do the instrumentation on the skull * * * it destroys the brain tissue sufficiently so that even if it (the fetus) falls out at that point, it's definitely not alive," Dr. Haskell said. [For further evidence on this issue, see the next section.]

Brenda Pratt Shafer, a registered nurse from Dayton, Ohio, stood at Dr. Haskell's side while he performed three partial-birth abortions in 1993. In testimony before the Senate Judiciary Committee (Nov. 17, 1995), Shafer described in detail the first of the three procedures—which involved, she said, a baby boy at 26½ weeks (over 6 months). According to Mrs. Shafer, the baby was alive and moving as the abortionist delivered the baby's body and the arms—everything but the head. The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping, and his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks that he might fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby was completely limp.

Under HR 1833, in any case in which a baby dies before being partly removed from the uterus—whether of natural causes or by an action of an abortionist—the subsequent removal of that baby is not a partial-birth abortion as defined by the bill.

DOES ANESTHESIA GIVEN TO THE MOTHER KILL THE BABY?

Many prominent defenders of partial-birth abortion have publicly insisted that the unborn babies are killed by anesthesia given to the mother, prior to being "extracted" from the womb. For example, syndicated columnist Ellen Goodman wrote in November, 1995, that if you listened to supports of the ban, "You wouldn't even know that anesthesia ends the life of such a fetus before it comes down the birth canal." NARAL President Kate Michelman said, "The fetus, is, before the procedure begins, the anesthesia that they give the woman already causes the demise of the fetus. That is, it is not true that they're born partially. That is a gross distortion, and it's really a disservice to the public to say this." [KMOX-AM, St. Louis, Nov. 2, 1995]

Likewise, Planned Parenthood distributed to Congress a "fact sheet" signed by Dr. Mary Campbell, Medical Director of Planned Parenthood of Metropolitan Washington, which stated, "The fetus dies of an overdose of anesthesia given to the mother intravenously * * * This induces brain death in a fetus in a matter of minutes. Fetal demise therefore occurs at the beginning of the procedure while the fetus is still in the womb."

However, when this statement was read to Dr. Norig Ellison, the president of the 34,000-member American Society of Anesthesiologists (ASA), he testified, "There is absolutely no basis in scientific fact for that statement * * * think the suggestion that the anesthesia given to the mother, be it regional or general, is going to cause brain death of fetus is without basis fact." [Senate Judiciary Committee hearing record J-104-54, Nov. 17, 1995, p. 153]

Subsequently, in attempting to defend their "fetal demise" claims, pro-abortion advocacy groups disseminated new claims that the late Dr. James McMahon had utilized exceptionally massive doses of narcotic anesthesia before performing his abortions, and that these massive doses would indeed kill a fetus. But in the testimony before the House Judiciary Constitution Subcommittee on March 21, 1996, Dr. David J. Birnbach, president-elect of the Society for Obstetric Anesthesia and Perinatology, testified: In order to cause fetal demise, it would be necessary to give the mother dangerous and life-threatening doses of anesthesia." [* * *] Although there is no evidence that this massive dose will cause fetal demise, there is clear evidence that this excessive dose could cause maternal death. [House Judiciary Committee hearing record no. 73, pages 140, 142]

SINCE THE BABY IS STILL ALIVE WHEN "EXTRACTED" FROM THE WOMB, DOES SHE FEEL PAIN?

Dr. Norig Ellison, president of the American Society of Anesthesiologists (ASA), wrote to the Senate Judiciary Committee: Drugs administered to the mother, either local anesthesia administered in the paracervical area or sedatives/analgesics administered intramuscularly or intravenously, will provide little-to-no analgesia [pain relief] to the fetus. [Senate Judiciary Committee, Nov. 17, 1995 hearing record, page 226]

On March 21, 1996, the House Judiciary Subcommittee on the Constitution conducted a public hearing on "The Effects of Anesthesia During a Partial-Birth Abortion." Four leading experts in the field testified that the fetuses/babies who are old enough to be "candidates" for partial-birth abortion possess the neurological equipment to respond to painful stimuli, whether or not the mother has been anesthetized. Opponents of the bill were unable to produce a single medical witness willing to testify in support of the claims that anesthesia kills the fetus or renders the fetus insensible to pain. [See House Judiciary Committee Hearing Record No. 73, March 21, 1996.)

Dr. Jean A. Wright, associate professor of pediatrics and anesthesia at the Emory University School of Medicine in Atlanta, testified that recent research shows that by the stage of development that a fetus could be a "candidate" for a partial-birth abortion (20 weeks), the fetus "is more sensitive to pain than a full-term infant would be if subjected to the same procedures," Prof. Wright testified. These fetuses have "the anatomical and functional processes responsible for the perception of pain," and have "a much higher density of Opioid (pain) receptors" than older humans, she said.

Dr. David Birnbach, president-elect of the Society for Obstetric Anesthesia and Perinatology, testified, "Having administered anesthesia for fetal surgery, I know that on occasion we need to administer anesthesia directly to the fetus because even at these early ages the fetus moves away from the pain of the stimulation." [hearing record, page 288]

At a hearing before the same panel on June 15, 1995, Professor Robert White, Director of the Division of Neurosurgery and Brain Research Laboratory at Case Western Reserve School of Medicine, testified, "The fetus within this time frame of gestation, 20 weeks and beyond, is fully capable of experiencing pain." After analyzing the partial-birth procedure step-by-step for the subcommittee, Prof. White concluded: "Without question, all of this is a dreadfully painful experience for any infant subjected to such a surgical procedure." [House Judiciary Committee hearing No. 31, June 15, 1995, page 70.] Prof. Jean Wright concluded, "This procedure, if it were done on an animal in my institution, would not make it through the institutional review process. The animal would be more protected than this child is." [hearing record, page 286]

DOES THE BILL CONTAIN AN EXCEPTION FOR LIFE-OF-THE-MOTHER CASES?

HR 1833 explicitly provides that the ban "shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury," if "no other medical procedure would suffice for that purpose."

[Some pro-abortion advocacy groups have insisted that exception does not apply to disorders associated with pregnancy, since "pregnancy" per se is not a disorder or disease. House Judiciary Committee Chairman Henry J. Hyde (R-Il.) commented that this reading "is absurdly convoluted, and violates standard principles of statutory construction." In a June 7 letter, even President Clinton has acknowledged that the bill "provides an exception to the ban on this procedure only when a doctor is convinced that a woman's life is at risk."]

Under HR 1833, an abortionist could not be convicted of a violation of the law unless the government proved, beyond a reasonable doubt, that the abortion was not covered by this exception. (In addition, of course, the government would have to prove, beyond a reasonable doubt, all of the other elements of the offense—that the abortionist "knowingly" partly removed a baby from the womb, that the baby was still alive, and that the abortionist then killed the baby.)

It is noteworthy that none of the five women who appeared with President Clinton at his April 10 veto ceremony required a partial-birth abortion because of danger to her life. As one of the women, Claudia Crown Ades, said in a tape-recorded April 12 radio interview on WNTM (Mobile, AL): "My procedure was elective. That is considered an elective procedure, as were the procedures of Coreen Costello and Tammy Watts and Mary-Dorothy Line and all the other women who were at the White House yesterday. All of our procedures were considered elective." [Complete tape recording available on request.]

[Two of the women said that if their babies had died natural deaths within their wombs, it could have placed them at risk. But the removal of a baby who dies a natural death, whether by foot-first extraction or in any other manner, is not an abortion and has nothing to do with the bill. Professor Watson Bowes, Jr., of the University of North Carolina, co-editor of the Obstetrical and Gynecological Survey, has stated that weeks would pass between the baby's natural demise and the development of any resulting risk to the mother.]

WHAT REASONS HAS PRESIDENT CLINTON GIVEN FOR VETOING HR 1833?

On December 7, 1995, before the Senate had even voted on final passage of the bill, chief opponent Sen. Barbara Boxer (D-Cal.) took the floor to make an unqualified statement that President Clinton would veto the bill. On December 8, White House Press Secretary Michael McCurry said unequivocally that the President would veto the bill because "it would represent an erosion of a woman's right to choose."

However, when President Clinton next publicly addressed the issue in a February 28 letter to key members of Congress (after a national poll found 71% support for the ban), he took different tone, although the legal bottom line was unchanged. Mr. Clinton wrote of having "studied and prayed about this issue * * * for many months," of finding the procedure "very disturbing," and of seeking "common ground * * * that respects the views of those—including myself—who object to this particular procedure," while defending Roe v. Wade. But the "common ground" that Mr. Clinton proposed tracked the language offered by Sen. Boxer on December 7, and endorsed by the National Abortion and Reproductive Rights Action League (NARAL) as a "pro-choice vote." The Boxer/NARAL amendment would have allowed partial-birth abortion to be performed without any limitation whatever until "viability," and also "after viability where, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or avert serious adverse health consequences to the woman." (The Senate rejected this gutting amendment.)

The Boxer/Clinton language must be read in the light of Doe v. Bolton, the 1973 companion case to Roe v. Wade, in which the Supreme Court said that "health" must encompass "all factors—physical, emotional, psychological, familial and the woman's age—relevant to the well-being of the patient." Given this expansive definition of "health," adding the word "serious" has no legal effect, since Mr. Clinton proposes to leave entirely up to each abortionist to decide whether "depression" or some other "health" concern is "serious."

In a June 7 letter to leaders of the Southern Baptist Convention, Mr. Clinton said that he favored banning the procedure with an exception for "cases where a woman risks death or serious damage to her health," but not for cases involving "youth" or "emotional stress." But in his formal veto message on the bill, Mr. Clinton referred to a "health" exception as required by Roe v. Wade. Mr. Clinton, a former teacher of constitutional law, knows full well that these two positions are inconsistent, because if Roe/Doe applies to partial-birth abortions, then even after "viability," the exception must indeed cover "emotional" health.

In his June 7 letter, President Clinton asserted that "the medical community * * * broadly supports the continued availability of this procedure where a woman's serious health interests are at stake." However, the American Medical Association (AMA) Legislative Council voted unanimously to recommend endorsement of the bill, with one member explaining that the procedure was "not a recognized medical technique." (The full AMA Board of Trustees was divided on the bill and ultimately took "no position.") Of the five medical doctors who serve in Congress, four voted for the bill, including the only family practitioner/gynecologist.

HOW OFTEN ARE PARTIAL-BIRTH ABORTIONS PERFORMED?

There are at least 164,000 abortions a year after the first three months of pregnancy, and 13,000 abortions annually after 4½ months, according to the Alan Guttmacher Institute (New York Times, July 5 and November 6, 1995), which is an arm of Planned Parenthood. These numbers should be regarded as minimums, since they are based on voluntary reporting to the AGI. (The Centers for Disease Control reported that in 1993, over 17,000 abortions were performed at 21 weeks and later—and the CDC acknowledges that the reports that it receives are incomplete.)

No one really knows how many late abortions are done by the partial-birth procedure. The Center for Reproductive Law and Policy told The New York Times, "The number of procedures that clearly meet the definition of partial birth abortion is very small, probably only 500 to 1,000 a year." (March 28, 1996) Even if such figures were accurate, the legislation would be urgently needed. If a new virus swept through neo-natal units and killed 500 or 1,000 premature babies, it would be a top news story—not dismissed as too "rare" to be of consequence. For each human being at the pointed end of the scissors, a partial-birth abortion is a 100% proposition.

Moreover, the numbers may be considerably higher—perhaps thousands per year. Dr. Martin Haskell and the late Dr. James McMahon spend years trying to convince other abortionists of the merits of the procedure—that was the purpose of Dr. Haskell's 1992 instructional paper (see page 3) which was distributed by the National Abortion Federation, a lobbying group for abortion clinics. For years, Dr. McMahon was director of abortion instruction at the Cedar-Sinai Medical Center in Los Angeles. In addition, he invited other doctors to visit his abortion clinic for a period of days to learn the procedure. Also, The New York Times reported on Nov. 6, 1995: "Of course I use it, and I've taught it for the last 10 years," said a gynecologist at a New York teaching hospital who spoke on condition of anonymity. "So do doctors in other cities."

It is not known how many other abortionists have adopted the method, but a few have made themselves known. On March 19, 1996, Dr. William Rashbaum of New York City wrote a letter to Congressman Charles Canady (R–FL), stating that he has performed 19,000 late-term "procedures," and that he has performed the procedure that HR 1833 would ban "routinely since 1979. This procedure is only performed in cases of later gestational age."

In 1995, Dr. Martin Haskell filed a lawsuit challenging a state abortion-regulation law. In that proceeding, two other doctors filed affidavits affirming that they perform the same procedure as Dr. Haskell—and that's just in Ohio.

FOR WHAT REASONS ARE LATE-TERM ABORTIONS USUALLY PERFORMED?

There is no evidence that the reasons for which late-term abortions are performed by the partial-birth abortion method are any different, in general, than the reasons for which late-term abortions are performed by other methods—and it is well established that the great majority of late-term abortions do not involve any illness of the mother or the baby. They are purely "elective" procedures—that is, they are performed for purely "social" reasons.

In 1987, the Alan Guttmacher Institute (AGI), an affiliate of the Planned Parenthood Federation of America (PPFA), collected questionnaires from 1,900 women who were at abortion clinics procuring abortions. Of the 1,900, "420 had been pregnant for 16 or more weeks." These 420 women were asked to choose among a menu of reasons why they had not obtained the abortions earlier in their pregnancies. Only two percent (2%) said "a fetal problem was diagnosed late in pregnancy," compared to 71% who responded "did not recognize that she was pregnant or misjudged gestation," 48% who said "found it hard to make arrangements," and 33% who said "was afraid to tell her partner or parents." The report did not indicate that any of the 420 late abortions were performed because of maternal health problems. ["Why Do Women Have Abortions?," Family Planning Perspectives, July/August 1988.]

Also illuminating is an 1993 internal memo by Barbara Radford, then the executive director of the National Abortion Federation, a "trade association" for abortion clinics: There are many reasons why women have late abortions: life endangerment, fetal indications, lack of money or health insurance, social-psychological crises, lack of knowledge about human reproduction, etc."

Likewise, a June 12, 1995, National Abortion Federation letter to members of the House of Representatives noted that late abortions are sought by, among others, "very young teenagers * * * who have not recognized the signs of their pregnancies until too late," and by "women in poverty, who have tried desperately to act responsibly and to end an unplanned pregnancy in the early stages, only to face insurmountable financial barriers."

In her article about late-term abortions, based in part on extensive interviews with Dr. McMahon and on direct observation of his practice (Los Angeles Times Magazine, January 7, 1990), reporter Karen Tumulty concluded: If there is any other single factor that inflates the number of late abortions, it is youth. Often, teen-agers do not recognize the first signs of pregnancy. Just as frequently, they put off telling anyone as long as they can.

According to Peggy Jarman, spokeswoman for Dr. George Tiller, who specializes in late-term abortions in Wichita, Kansas: About three-fourths of Tiller's late-term patients, Jarman said, are teen-agers who have denied to themselves or their families they were pregnant until it was too late to hide it. [Kansas City Star]

FOR WHAT REASONS ARE PARTIAL-BIRTH ABORTIONS USUALLY PERFORMED?

Some opponents of HR 1833, such as NARAL and the Planned Parenthood Federation of America (PPFA), have persistently disseminated claims that the partial-birth abortion procedure is employed only in cases involving extraordinary threats to the mother or grave fetal disorders. For example, NARAL President Kate Michelman wrote in a Scripps Howard News Service op ed published June 16, 1996, "Late-term abortions are only used under the most compelling of circumstances—to protect a woman's health or life or because of grave fetal abnormality * * * nearly all abortions are performed in the first trimester." PPFA said in a press release that the partial-birth abortion procedure is "done only in cases when the woman's life is in danger or in cases of extreme fetal abnormality." (Nov. 1, 1995)

However, claims such as these are inconsistent with the writings and recorded statements of the three doctors who are most closely identified with the procedure: Dr. Martin Haskell, Dr. James McMahon, and Dr. David Grundmann.

Reasons for Partial-Birth Abortions: Dr. Martin Haskell

In his 1992 paper, Dr. Martin Haskell, who has performed over 1,000 partial-birth abortions, described the procedure as "a quick, surgical outpatient method that can be performed on a scheduled basis under local anesthesia." Dr. Haskell, a family practitioner who operates three abortion clinics, wrote that he "routinely performs this procedure on all patients 20 through 24 weeks" (4½ to 5½ months) pregnant, except on women who are more than 20 pounds overweight, have twins, or have certain other complicating factors.

For information on why Dr. Haskell adopted the method, the 1993 interview in Cincinnati Medicine is very instructive. Dr. Haskell explained that he had been performing dismemberment abortions (D&Es) to 24 weeks: But they were very tough. Sometimes it was a 45-minute operation. I noticed that some of the later D&Es were very, very easy. So I asked myself why can't they all happen this way. You see the easy ones would have a foot length presentation, you'd reach up and grab the foot of the fetus, pull the fetus down and the head would hang up and then you would collapse the head and take it out. It was easy. * * * Then I said, "Well gee, if I just put the ultrasound up there I could see it all and I wouldn't have to feel around for it." I did that and sure enough, I found it 99 percent of the time. Kind of serendipity.

In 1993, the American Medical News—the official newspaper of the AMA—conducted a tape-recorded interview with Dr. Haskell concerning this specific abortion method, in which he said: And I'll be quite frank: most of my abortions are elective in that 20–24 week range. * * * In my particular case, probably 20% [of this procedure] are for genetic reasons. And the other 80% are purely elective.

In a lawsuit in 1995, Dr. Haskell testified that women come to him for partial-birth abortions with "a variety of conditions. Some medical, some not so medical." Among the "medical" examples he cited was "agoraphobia" (fear of open places). Moreover, in testimony presented to the Senate Judiciary Committee on November 17, 1995, ob/gyn Dr. Nancy Romer of Dayton (the city in which Dr. Haskell operates one of his abortion clinics) testified that three of her own patients had gone to Haskell's clinic for abortions "well beyond" 4½ months into pregnancy, and that "none of these women had any medical illness, and all three had normal fetuses."

Brenda Pratt Shafer, a registered nurse who observed Dr. Haskell use the procedure to abort three babies in 1993, testified that one little boy had Down Syndrome, while the other two babies were completely normal and their mothers were healthy. [Nurse Shafer's testimony before the House Judiciary subcommittee, with associated documentation, is available on request to NRLC.]

Reasons for Partial-Birth Abortions: Dr. James McMahon

The late Dr. James McMahon performed thousands of partial-birth abortions, including the third-trimester abortions performed on the five women who appeared with President Clinton at his April 10 veto ceremony. Dr. McMahon's general approach is illustrated by this illuminating statement in the July 5, 1993 edition of *American Medical News*: "[A]fter 20 weeks where it frankly is a child to me, I really agonize over it because the potential is so imminently there. I think, 'Gee, it's too bad that this child couldn't be adopted.' On the other hand, I have another position, which I think is superior in the hierarchy of questions, and that is: 'Who owns the child?' It's got to be the mother."

In June, 1995, Dr. McMahon submitted to Congress a detailed breakdown of a "series" of over 2,000 of these abortions that he had performed. He classified only 9% (175 cases) as involving "maternal [health] indications," of which the most common was "depression."

Dr. Pamela E. Smith, director of Medical Education, Department of Obstetrics and Gynecology, Mt. Sinai Hospital, Chicago, gave the Senate Judiciary Committee her analysis of Dr. McMahon's 175 "maternal indication" cases. Of this sample, 39 cases (22%) were for maternal "depression," while another 16% were "for conditions consistent with the birth of a normal child (e.g., sickle cell trait, prolapsed uterus, small pelvis)," Dr. Smith noted. She added that in one-third of the cases, the conditions listed as "maternal indications" by Dr. McMahon really indicated that the procedure itself would be seriously risky to the mother.

Of Dr. McMahon's series, another 1,183 cases (about 56%) were for "fetal flaws," but these included a great many non-lethal disorders, such as cleft palate and Down Syndrome. In an op ed piece written for the *Los Angeles Times*, Dr. Katherine Dowling, a family physician at the University of Southern California School of Medicine, examined Dr. McMahon's report on this "fetal flaws" group. She wrote: Twenty-four were done for cystic hydroma (a benign lymphatic mass, usually treatable in a child of normal intelligence). Nine were done for cleft lip-palate syndrome (a friend of mine, mother of five, and a colleague who is a pulmonary specialist were born with this problem). Other reasons included cystic fibrosis (my daughter went through high school with a classmate with cystic fibrosis) and duodenal atresia (surgically correctable, but many children with this problem are moderately mentally retarded). Guess they can't enjoy life, can they? In fact, most of the partial-birth abortions in that [McMahon] survey were done for problems that were either surgically correctable or would result in some degree of neurologic or mental impairment, but would not harm the mother. Or they were done for reasons that were pretty skimpy: depression, chicken pox, diabetes, vomiting. ["What Constitutes A Quality Life?," *Los Angeles Times*, Aug. 28, 1996]

Over one-third of McMahon's 2,000-abortion "series" involved neither fetal nor maternal health problems, however trivial.

In Dr. McMahon's interviews with American Medical News and with Keri Harrison, counsel to the House Judiciary Subcommittee on the Constitution, Dr. McMahon freely acknowledged that he performed late second trimester procedures that were "elective" even by his definition ("elective" meaning without fetal or maternal medical justification).

After 26 weeks, Dr. McMahon claimed that all of his abortions were "non-elective"—but his definition of "non-elective" was very expansive. His written submission stated: "After 26 weeks [six months], those pregnancies that are not flawed are still nonelective. They are interrupted because of maternal risk, rape, incest, psychiatric or pediatric indications." ["Pediatric indications" was Dr. McMahon's terminology for young teenagers.]

Reasons for Partial-Birth Abortions: Dr. David Grundmann

Dr. David Grundmann, the medical director for Planned Parenthood of Australia, has written a paper in which he explicitly states that he uses the partial-birth abortion procedure (he calls it "dilatation and extraction") as his "method of choice" for abortions done after 20 weeks (4½ months), and that he performs such abortions for a broad variety of social reasons. [This paper, "Abortion After Twenty Weeks in Clinical Practice: Practical, Ethical and Legal Issues," and associated documentation, is available from NRLC.]

Dr. Grundmann himself described the procedure in a television interview as "essentially a breech delivery where the fetus is delivered feet first and then when the head of the fetus is brought down into the top of the cervical canal, it is decompressed with a puncturing instrument so that it fits through the cervical opening."

In the 1994 paper, Dr. Grundmann listed several "advantages" of this method, such as that it "can be performed under local and/or twi-light anesthetic" with "no need for narcotic analgesics," "can be performed as an ambulatory out-patient procedure," and there is "no chance of delivering a live fetus." Among the "disadvantages," Dr. Grundmann wrote, is "the aesthetics of the procedure are difficult for some people; and therefore it may be difficult to get staff." (Dr. Grundmann also wrote that "abortion is an integral part of family planning. Theoretically this means abortions at any stage of gestation. Therefore I favor the availability of abortion beyond 20 weeks.")

Dr. Grundmann wrote that in Australia, late-second-trimester abortion is available "in many major hospitals, in most capital cities and large provincial centres" in case of "lethal fetal abnormalities" or "gross fetal abnormalities," or "risk to maternal life," including "psychotic/suicidal behavior." However, Dr. Grundmann said, his Planned Parenthood clinic also offers the procedure after 20 weeks for women who fall into five additional "categories": (1) "minor or doubtful fetal abnormalities," (2) "extreme maternal immaturity i.e. girls in the 11 to 14 year age group," (3) women "who do not know they are pregnant," for example because of amenorrhea [irregular menstruation] "in women who are very active such as athletes of those under extreme forms of stress i.e. exam stress, relationship breakup * * *," (4) "intellectually impaired women, who are unaware of basic biology * * *," (5) "major life crises or major changes in socioeconomic circumstances. The most common example of this is a planned or wanted pregnancy followed by the sudden death or desertion of the partner who is in all probability the bread winner."

IS A PARTIAL-BIRTH ABORTION EVER THE ONLY WAY TO PRESERVE A MOTHER'S PHYSICAL HEALTH?

President Clinton and pro-abortion advocacy groups have made strenuous efforts to persuade the public that partial-birth abortions are necessary to protect the lives or health of pregnant women, and many journalists have uncritically accepted this claim at face value. However, these claims are coming under increasingly sharp challenge from prestigious medical experts, and from women who have given birth to babies in circumstances such as those cited by President Clinton.

The sort of cases highlighted by President Clinton third-trimester abortions of babies with disorders incompatible with sustained life outside the womb—account for a small fraction of all the partial-birth abortions. Confronted with identical cases, most specialists would never consider executing a breech extraction and puncturing the skull. Instead, most would deliver the baby alive, sometimes early, without jeopardy to the mother—usually viginally—and make the baby as comfortable as possible for whatever time the child has allotted to her.

In an interview published in the August 19 edition of American Medical News, former Surgeon General C. Everett Koop said, "I believe that Mr. Clinton was misled by his medical advisors on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that the later-term abortions as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby."

Dr. Koop, a world-renown pediatric surgeon, was asked by the American Medical News reporters whether he had ever "treated children with any of the disabilities cited in this debate? For example, have you operated on children born with organs outside of their bodies?" Dr. Koop replied, "Oh, yes indeed. I've done that many times. The prognosis usually is good. There are two common ways that children are born with organs outside of their body. One is an omphalocele, where the organs are out but sill contained in the sac * * * the first child I ever did, with a hug omphalocele much bigger than her head, went on to develop well and become the head nurse in my intensive care until many years later."

In addition, in the summer of 1996, an organization called Physicians' Ad Hoc Coalition for Truth (PHACT) began circulating material directly challenging President Clinton's claims. As of early September, PHACT reportedly consisted of over 230 physicians, mostly professors and other specialists in obstetrics, gynecology, and fetal medicine. In an advertisement published in August, the PHACT physicians said: Congress, the public—but most importantly women—need to know that partial-birth abortion is never medically indicated to protect a mother's health or her future fertility.

The PHACT doctors also referred directly to the specific medical conditions that affected some of the women who appeared with President Clinton at his April 10 veto ceremony, such as hydrocephalus (excessive fluid in the head), and commented: We, and many other doctors across the United States, regularly treat women whose unborn children suffer these and other serious conditions. Never is the partial-birth procedure medically indicated. Rather, such infants are regularly and safely delivered live, vaginally, with no threat to the mother's health or fertility.

At a July 24 briefing on Capitol Hill, PHACT member Dr. Curtis Cook, and ob/gyn perinatologist with the West Michigan Perinatal and Genetic Diagnostic Center (616-391-3681), said that partial-birth abortion is never necessary to preserve the life or the fertility of the mother, and may in fact threaten her health or well-being or future fertility. In my practice, I see these rare, unusual cases that come to most generalists' offices once in a lifetime—they all come into our office. We see these every day * * * The presence of fetal disabilities or fetal anomalies are not a reason to have a termination of pregnancy to preserve the life of the mother—they do not threaten the life of the mother in any way * * * [and] where these rare instances do occur, they do not require the death of the baby or the fetus prior to the completion of the delivery.

Also present at the July 24 briefing were several women who, while pregnant, had learned that their unborn babies were afflicted with conditions similar or identical to those cited by President Clinton, but who gave birth to their babies alive. One of the women, Jeannie French of Oak Park, Illinois, distributed a July 17 letter that she and several other women sent to President Clinton, asking for a meeting so that he could learn about the medical alternatives to partial-birth abortion. Ms. French wrote: In recent months, I have had the opportunity to get to know many women who've carried and given birth to children with fatal conditions from anacephaly, encepaloceles, Trisomy 18, hydrocephaly, and even a rare disease called body stalk anomaly, in which internal organs develop outside a baby's body. We gave birth to our children knowing that their serious physical disabilities might not allow them to live long. * * * You say that partial-birth abortion has to be legal for cases like ours, because women's bodies would be 'ripped to shreds' by carrying their very sick children to term. By your repeated statements, you imply that partial-birth abortion is the only or the most desirable response to children suffering severe disabilities like our children. * * * This message is so wrong! * * * Will you meet with us personally, and hear our stories?

Ms. French got a brief letter of response from two White House scheduling aides, who said that "the tremendous demands on the President will not give him the opportunity to speak with you and your group. * * * Your continued interest and support are deeply appreciated."

WHAT ABOUT PRESIDENT CLINTON'S STATEMENT THAT FOR SOME WOMEN, THE ONLY ALTERNATIVE TO PARTIAL-BIRTH ABORTION IS TO "RIP YOUR BODY TO SHREDS"?

President Clinton has repeatedly justified his veto by referring to cases in which the baby suffers from advanced hydrocephaly (head enlargement). Speaking in Milwaukee on May 23, President Clinton suggested that Bob Dole or others who would deny a partial-birth abortion in such cases are saying "it's okay with me if they ripped your body to shreds and you could never have another baby."

But this is medical nonsense. Medical specialists commonly deal with cases of severe hydrocephaly by a procedure called cephalocentesis, in which a needle is used to withdraw the excess fluid (but not the brain), reducing the head size so that normal delivery of a live baby can occur. An eminent authority on such matters, Dr. Watson A. Bowes, Jr., professor of ob/gyn (maternal and fetal medicine) at the University of North Carolina, who is co-editor of the Obstetrical and Gynecological Survey, wrote to Congressman Charles Canady: Critics of your bill who say that this legislation will prevent doctors from performing certain procedures which are standard of care, such as cephalocentesis (removal of fluid from the enlarged head of a fetus with the most severe form of hydrocephalus) are mistaken. In such a procedure a needle is inserted with ultrasound guidance through the mother's abdomen into the uterus and then into the enlarged ventricle of the brain (the space containing cerebrospinal fluid). Fluid is then withdrawn which results in reduction of the size of the head so that delivery can occur. This procedure is not intended to kill the fetus, and, in fact, is usually associated with the birth of a live infant.

(Note: Cases of hydrocephaly accounted for less than 4% of Dr. McMahon's partial-birth abortions, according to his submission to the House Judiciary Committee.)

WHAT ABOUT THE SMALL MINORITY OF CASES THAT DO INVOLVE "SERIOUS FETAL DEFORMITY"?

It is true that some partial-birth abortions—a small minority—involve babies who have grave disorders that will result in death soon after birth. But these unfortunate members of the human family deserve compassion and the best comfort-care that medical science can offer—not a scissors in the back of the head. In some such situations there are good medical reasons to deliver such a child early, after which natural death will follow quickly.

Dr. Harlan Giles, a professor of "high-risk" obstetrics and perinatology at the Medical College of Pennsylvania, performs abortions by a variety of procedures up until "viability." However, in sworn testimony in the U.S. Federal District Court for the Southern District of Ohio (Nov. 13, 1995), Prof. Giles said: [After 23 weeks] I do not think there are any maternal conditions that I'm aware of that mandate ending the pregnancy that also require that the fetus be dead or that the fetal life be terminated. In my experience for 20 years, one can deliver these fetuses either vaginally, or by Cesarean section for that matter, depending on the choice of the parents with informed consent. * * * But there's no reason these fetuses cannot be delivered intact vaginally after a miniature labor, if you will, and be at least assessed at birth and given the benefit of the doubt. [transcript, page 240]

In a partial-birth abortion, the abortionist dilates a woman's cervix for three days, until it is open enough to deliver the entire baby breech, except for the head. When American Medical News asked Dr. Martin Haskell why he could not simply dilate the woman a little more and remove the baby without killing him, Dr. Haskell responded: The point here is you're attempting to do an abortion * * * not to see how do I manipulate the situation so that I get a live birth instead. [American Medical News transcript]

Under closer examination, it becomes clear that in some cases, the primary reason for performing the procedure is not concern that the baby will die in utero, but rather, that he/she will be born alive, either with disorders incompatible with sustained life outside the womb, or with a non-lethal disability. (Again, in Dr. McMahon's table of partial-birth abortions performed for "fetal indications," the largest category was for Down Syndrome.)

Viki Wilson, whose daughter Abigail died at the hands of Dr. McMahon at 38 weeks, said: I knew that I could go ahead and carry the baby until full term, but knowing, you know, that this was futile, you know, that she was going to die * * * I felt like I needed to be a little more in control in terms of her life and my life, instead of just sort of leaving it up to nature, because look where nature had gotten me up to this point. [NAF video transcript, page 4.]

Tammy Watts, whose baby was aborted by Dr. McMahon in the 7th month, said: I had a choice. I could have carried this pregnancy to term, knowing everything that was wrong. [Testimony before Senate Judiciary Committee, Nov. 17, 1995]

Claudia Crown Ades, who appeared with President Clinton at the April 10 veto, said: My procedure was elective. That is considered an elective procedure, as were the procedures of Coreen Costello and Tammy Watts and Mary Dorothy-Line and all the other women who were at the White House yesterday. All of our procedures were considered elective. [Quotes from taped appearance on WNTM, April 12, 1996]

In a letter opposing HR 1833, one of Dr. McMahon's colleagues at Cedar-Sinai Medical Center, Dr. Jeffrey S. Greenspoon, wrote: As a volunteer speaker to the National Spina Bifida Association of America and the Canadian National Spina Bifida Organization, I am familiar with the burden of raising a significantly handicapped child * * * The burden of raising one or two abnormal children is realistically unbearable. [Letter to Rep. Hyde, July 19, 1995]

IS THERE A MORE "OBJECTIVE" TERM FOR THE PROCEDURE THAN "PARTIAL-BIRTH ABORTION?

Some opponents of the Partial-Birth Abortion Ban Act (HR 1833) insist that anyone writing about the bill should say that it bans a procedure "known medically as intact dilation and evacuation." But when journalists comply with this demand, they do so at the expense of accuracy. The bill itself makes no reference whatever to "intact dilation and evacuation" abortions. More importantly, the term "intact dilation and evacuation" is not equivalent to the class of procedures banned by the bill.

The bill would make it a criminal offense (except to save woman's life) to perform a "partial-birth abortion," which the bill would define—as a matter of law—as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

In contrast, the term "intact dilation and evacuation" was invented by the late Dr. James McMahon, and until recently, was idiosyncratic to him. It appeared in no standard medical textbook or database, nor anywhere in the standard textbook on abortion methods, Abortion Practice by Dr. Warren Hern. Because "intact dilation and evacuation"[2] is not a standard, clearly defined medical term, the House Judiciary Constitution Subcommittee staff (which drafted the bill under Congressman Canady's supervision) rejected it as useless for purposes of defining a criminal offense. Indeed, it is worse than useless—a criminal statute that relied on such a term would be stricken by the federal courts as "void for vagueness."

Although there is no clear definition of the term, we know enough to say that it is inaccurate to equate "intact dilation and evacuation" abortions with the procedures banned by HR 1833, since in his writings Dr. McMahon clearly used the term "intact dilation and evacuation" so broadly as to cover certain procedures which would not be affected at all by HR 1833 (e.g., removal of babies who are killed entirely in utero, and removal of babies who have died entirely natural deaths in utero). Indeed, at least one of the specific women highlighted by opponents of HR 1833 had various types of "intact D&E" abortion procedures that were not covered by HR 1833's definition of "partial-birth abortion."

[In his 1992 instructional paper, Dr. Haskell referred to the method as "dilation and extraction" or "D&X"—noting that he "coined the term." When the bill was drafted, the term "dilation and extraction" did not appear in medical dictionaries or databases.]

The term chosen by Congress, partial-birth abortion, is in no sense misleading. In sworn testimony in an Ohio lawsuit on Nov. 8, 1995, Dr. Martin Haskell—who has done over 1,000 partial-birth abortions, and who authored the instructional paper that touched off the controversy over the procedure—explained that he first learned of the method when a colleague described very briefly over the phone to me a technique that I later learned came from Dr. McMahon where they internally grab the fetus and rotate it and accomplish—be somewhat equivalent to a breech type of delivery.

ARE THE FIVE LINE DRAWINGS OF THE PROCEDURE CIRCULATED BY NRLC ACCURATE, OR MISLEADING?

The AMA newspaper American Medical News (July 5, 1993) interviewed Dr. Martin Haskell and reported: Dr. Haskell said the drawings were accurate "from a technical point of view." But he took issue with the implication that the fetuses were "aware and resisting."

Professor Watson Bowes of the University of North Carolina at Chapel Hill, co-editor of the Obstetrical and Gynecological Survey, wrote in a letter to Congressman Canady: Having read Dr. Haskell's paper, I can assure you that these drawings accurately represent the procedure described therein. * * * Firsthand renditions by a professional medical illustrator, or photographs or a video recording of the procedure would no doubt be more vivid, but not necessarily more instructive for a non-medical person who is trying to understand how the procedure is performed.

On Nov. 1, 1995, Congresswoman Patricia Schroeder and her allies actually tried to prevent Congressman Canady from displaying the line drawings during the debate on HR 1833 on the floor of the House of Representatives. But the House voted by nearly a 4-to-1 margin (332 to 86) to permit the drawings to be used.

DOES THE BILL CONTRADICT U.S. SUPREME COURT DECISIONS?

The Supreme Court has never said that there is a constitutional right to kill human beings who are mostly born.

In its official report on HR 1833, the House Judiciary Committee makes the very plausible argument that HR 1833 could be upheld by the Supreme Court without disturbing Roe. In Roe, the Supreme Court said that "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn." Thus, under the Supreme Court's doctrine, a human being becomes a legal "person" upon emerging from the uterus. But a partial-birth abortion does not involve an "unborn fetus." A partial-birth abortion, by the very definition in the bill, kills a human being who is partly born. Indeed, a partial-birth abortion kills a human being who is four-fifths across the 'line-of-personhood' established by the Supreme Court.

Moreover, in Roe v. Wade itself, the Supreme Court took note of a Texas law that made it a felony to kill a baby "in a state of being born and before actual birth," and the Court did not disturb that law.

Thus, the Supreme Court could very well decide that the killing of a mostly born baby, even if done by a physician, is not protected by Roe v. Wade.

THE PARTIAL-BIRTH ABORTION BAN ACT (H.R. 1833) AS PASSED BY THE U.S. SENATE ON DECEMBER 7, 1995 AND BY THE U.S. HOUSE OF REPRESENTATIVES ON MARCH 27, 1996

Section 1. Short Title.

This Act may be cited as the "Partial-Birth Abortion Ban Act of 1995."

Sec. 2. Prohibition on Partial-Birth Abortions

(a) In General.—Title 18, United States Code, is amended by inserting after Chapter 73 the following: "Chapter 74—Partial-Birth Abortions.

Sec. 1531. Partial-birth abortions prohibited.

(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both. This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury: Provided, That no other medical procedure would suffice for that purpose. This paragraph shall become effective one day after enactment.

(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: Provided, however, That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

(2) Such relief shall include—

(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

(B) statutory damages equal to three times the cost of the partial-birth abortion.

(d) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.

STEP 5

"[T]he surgeon then forces the scissors into the base of the skull * * * [H]e spreads the scissors to enlarge the opening. The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents. With the catheter still in place, he applies traction to the fetus, removing it completely from the patient." Text from Martin Haskell, M.D., Dilation and Extraction for Late Second Trimester Abortion.

TRIBUTE TO ANTONIO BROWN

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. KINGSTON. Mr. Speaker, I submit for the RECORD a story of a true hero. It is fitting and proper for Congress to recognize Mr. Antonio Brown for his gallant effort. We need more citizens like him.

[From the Savannah Morning News, June 28, 1996]

MAN SHOT TRYING TO THWART ARMED ROBBERY

(By John Cheves and Keith Paul)

Antonio L. Brown wasn't going to stand quietly and watch a mugging.

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[2] The term "intact dilation and evacuation" should not be confused with "dilation and evacuation," which is a procedure commonly sued in second-trimester abortions, involving dismemberment of the fetus/baby while still in the uterus. The bill does not apply to "dilation and evacuation" abortions at all.

Not on his street. Not when the victim was a friend.

Instead, Brown was shot in the head at about 11 p.m. Wednesday after he attempted to thwart the armed robbery on the 600 block of East Duffy Street, just a stone's throw from his family's home.

He remained in critical condition Thursday night at Memorial Medical Center.

The 21-year-old Savannah High School graduate was standing in his small front yard late Wednesday, relatives said. When Brown looked west down Duffy Street, he saw the attempted mugging of a male friend.

"He said, 'I just can't let that happen like that,' and then he walked over there," said nephew Rajai Steward on Thursday.

Added Savannah police Detective Deborah A. Robinson, "Brown stepped in between the two to stop the robbery. He was trying to fight with the assailant and was shot once in the head."

Police searched Thursday for the suspected gunman, Jarrett Myers, 20, of 413 E. Waldburg St. Police filed warrants charging Myers with aggravated assault.

Brown knew Myers casually, but the two weren't friends, Brown's family said.

The 600 block of East Duffy Street is a narrow, dead-end road that sits in the heart of "Area C," a midtown neighborhood generally considered the poorest and most violent part of Savannah.

But Brown, known as Tony to friends, wasn't the type of man to walk away from a threat in a hostile environment, relatives said.

"I look at him as a hero, Steward said. "A lot of * * * men, they wouldn't have gotten involved."

Brown's wife, Jacqueline Steward, said Brown had just been hired as a bricklayer here in Savannah, and he had a strong work ethic.

"He was the type of person, he didn't bother with nobody," she said. "He didn't hang out on the street or sell drugs, or anything like that."

DIABETES RESEARCH

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. SCOTT. Mr. Speaker, recently at a special session of the Congressional Black Caucus, members learned about the devastating impact of diabetes in the African-American community. I wanted to share with my colleagues the exciting research underway at the Diabetes Institute in Norfolk, VA. The work being done there holds out the hope that we can actually discover a cure for this disease and I believe we must do all we can to support efforts that have this much promise. Mr. Speaker, I ask unanimous consent that the attached article from the Virginia-Pilot be printed in the CONGRESSIONAL RECORD.

[The Virginia-Pilot, Tuesday, July 9, 1996]

A RESEARCH GAMBLE

(By Marie Joyce)

Someday, Dr. Aaron I. Vinik may be able to say that he and his colleagues helped cure diabetes, through work they did at the Diabetes Institutes at Norfolk's Eastern Virginia Medical School.

Someday.

Right now, Vinik, his staff and the medical school are taking a high-stakes gamble.

Medical research is expensive.

The payoff isn't guaranteed.

Other scientists around the world are chasing the same type of cure and hoping to get there first.

Because fund-raising efforts have fallen short and grants are hard to come by, money matters now loom almost as large as scientific questions at the institutes.

If Vinik's project succeeds, it could help millions of diabetes sufferers, and bring glory and money to the relatively new medical school and to Hampton Roads. If it fails—despite years of effort and millions of dollars—most people probably will never know about it.

The public hears only about the great discoveries, said Jock R. Wheeler, the school's dean.

"There are many more scientists who work their entire lifetimes and never gain recognition or the goals they've set for themselves," he said. "That doesn't mean they've been unsuccessful."

A scientist who cures diabetes would improve the lives of millions in the United States alone.

Diabetes happens because the body either can't make or can't properly use insulin, a hormone that helps process sugar and other carbohydrates.

It has been diagnosed in 8 million Americans, and some health officials estimate as many as 8 million more have the disease but don't know it. In 1992, diabetes contributed to the deaths of at least 170,000 people in the United States, according to the Centers for Disease Control and Prevention. It can lead to blindness, heart disease, stroke, kidney failure and nerve damage.

Vinik and his staff say they have taken a big step toward a possible cure. Working with collaborators at McGill University in Montreal, they've discovered a mix of proteins that spurs the body to grow more insulin-producing cells, Vinik says.

The researchers have experimented with a mix of proteins that cures the disease in hamsters, that were given a chemical to make them diabetic, Vinik said. The scientists do much of their work in a building on Brambleton Avenue, across from the medical school's main buildings.

The human body grows insulin-producing cells, located at the pancreas, before birth. After birth, the body doesn't create many more of these cells.

But in people with diabetes, the process malfunctions. With type 1 diabetes—which accounts for only about 5 percent of all cases—the body apparently attacks and kills its own insulin-producing cells. With type 2, either the body can't efficiently use the insulin or the cells can't make enough; sometimes, the cells die under the strain.

Vinik and his colleagues are trying to revive the ability the body had before birth, prompting it to grow more insulin-producing cells.

To do that, they must accomplish two things:

They must find a specific gene that acts as a blueprint, telling the body to create the protein. Or they must isolate the specific protein created by the gene.

They must find other substances that shut off the process once enough insulin-producing cells have been created.

Potentially, Vinik says, the discovery could help all type 1 sufferers and the 15 percent or so of type 2 victims who lose their insulin-producing cells.

If they can accomplish all this in animals, they probably can do it in humans, too, Vinik said. Right now, the key is finding the blueprint gene in hamsters.

No one at the medical school will disclose how close—or how far—they are. They must be careful, they say, not to reveal too much to rival scientists.

"One never knows until the last minute, until the last experiment was done," said Dr. Leon-Paul Georges, director of the institutes. "It's a tremendous gamble, in a way."

For the last 7 years or so, the medical school and Hampton Roads contributors have been putting their money on the table to fund this research.

The institutes run a large patient-care clinic and education programs. Vinik, who had earned an international reputation at the University of Michigan Medical School and elsewhere, arrived to head the research division in 1990. A new laboratory opened that fall, after a foundation fund-raising campaign brought in $11.5 million in less than four years.

Georges remembers a day when he and Vinik ordered a million dollars worth of sophisticated diagnostic equipment and supplies.

Since then, there have been up years and down years with fund raising, said Georges. The last year or so has been down. Last week, the research division dropped 10 jobs, almost half of its 25-person staff, although none of the researchers worked on Vinik's key project. They're also scaling back on supplies and equipment purchases. The patient care and education departments weren't affected.

The Diabetes Institutes Foundation, the Norfolk-based, non-profit group that finds money for the institutes, collected about $700,000 less than it hoped to in the 1994–95 fiscal year, according to the foundation's tax forms. The foundation began that year about $700,000 behind for a combined shortfall of about $1.4 million.

The foundation's board is composed mostly of community volunteers. Georges, who sits on the board, said that despite members' hard work, it simply wasn't possible to raise as much as they had hoped. They were able to raise about $800,000 for the institutes in the 1994–95 fiscal year, according to tax documents.

The medical school had been making up the difference between what was budgeted and what was raised. The foundation intends to repay the money, but so far hasn't been able to, Georges said.

This year, the medical school's and institutes' board members decided the school couldn't fill the gap anymore.

With less money, Vinik says, the institute must look to other funding sources to continue at the same pace. And success may depend on speed. More than a half-dozen other centers around the world are investigating the same type of treatment.

Wheeler, the medical school's dean, won't say whether he thinks the work will go more slowly now. He said the board still backs Vinik's project. "We think the diabetes program has been very successful and we think it will continue to be very successful," Wheeler said.

But the foundation and the medical school—like institutions around the country—have been hurt by a shrinking pot of research and education money from the government and private groups, say school officials.

"The decisions in medical schools are very difficult right now," Wheeler said.

The Diabetes Institutes will continue with other major research projects, although they may have to cut back on some less important investigations.

Among other things, the institutes are participating in a study of a medicine that reverses some diabetes-related nerve damage. A major biotechnology company is funding some of that work. The project has attracted a lot of attention and brought in patients and donations from around the country.

As for the project on growing insulin-producing cells, the institutes will look for other sources of money, said Vinik. They will seek more collaborators at other schools, who would take on some of the work in exchange for some of the benefits.

Biomedical companies may be willing to bankroll the work because they expect it to pay off. Georges and Vinik say they have spoken with several major firms, which have signed agreements to examine the research without divulging it.

Research spending is always a bit of a wild card investment, even through school administrators look hard at the science before they spend the money.

"I can't say, 'I have this project, and if I spend this amount of money, I'm going to get this result,'" Wheeler said. "You have to understand—that's what research is all about. You're looking for new ideas. . . You may not discover the fountain of youth."

BILL TO PRESERVE AND PROTECT THE RIGHTS OF THE MICCOSUKEE TRIBE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a very important bill which will carry out the longstanding intent of Congress in preserving and protecting the rights of Miccosukee Tribe of Indians of Florida. This bill is introduced in a truly bipartisan fashion, with my Florida colleagues Congresswoman CARRIE MEEK, and Congressmen LINCOLN DIAZ-BALART and DAN MILLER joining me as original cosponsors.

This legislation allows for the good people of the Miccosukee Tribe to live in perpetuity in the so-called permit area of Everglades National Park. The Miccosukees have lived and worked for generations in this area. The rights of the Miccosukees are recognized by the Everglades National Park Enabling Act of 1934 and their special use permit.

In 1934, the Everglades National Park Enabling Act specifically provided that rights of the Indians were protected. Subsequently, in 1962, and 1973, the tribe was guaranteed that they could build homes, schools, clinics, and other tribal buildings in the 300-plus acres identified in their special use permit.

Unfortunately, Mr. Speaker, the Park Service now seeks to restrict Miccosukee activites on their own land—even after the tribe has complied with all Federal, States, and local laws. The intent of this Congress in 1934 was to guarantee the Indians the freedom to live, work, and govern themselves as they wish in this area, not to be governed by the National Park Service. This bill will allow for Miccosukee self-government to continue.

These Indians seek nothing more than what we promised them when we passed the park bill in 1934, nothing more than was said on the floor of this House, nothing more than the Department of the Interior confirmed in the special use permit. In 1960, Justice Hugo Black wrote, "Great nations, like great men, should keep their promise." With this bill, we keep our promise to these native Americans, to these fellow citizens of the United States.

They deserve nothing less.

AMERICAN TEACHERS IN BOSNIA AND HERZEGOVINA HELP REBUILD CIVIL SOCIETY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MORAN. Mr. Speaker, I am proud to recognize Mr. Mark J. Molli of Alexandria, VA, for his participation in CIVITAS@Bosnia-Herzegovina from July 17 to July 27, 1996. This is an intensive program which prepares local teachers to assist with the development of democracy in Bosnia and Herzegovina. Mr. Molli was part of a team of 18 American educators and 15 teachers from the council of Europe who were assigned to key cities throughout the Federation of Bosnia and Herzegovina.

The summer training program was developed by the Center for Civic Education as part of a major initiative in Bosnia and Herzegovina supported by the United States Information Agency and the United States Department of Education. The United States Information Service in Sarajevo provided valuable assistance to the program as well. The goals of the program are to help prepare students and their communities for participation in elections and other civic matters. Achieving this goal will help restore a sense of community, cooperation, tolerance and support for democracy and human rights in this war torn area.

I am also pleased to announce that the curricular materials being used for the program in Bosnia and Herzegovina have been adapted from the We the People * * * the Citizen and the Constitution and the Project Citizen programs, as well as other programs supported by Congress which are used in schools throughout the United States. Initial reports evaluating the summer program indicate the materials and teaching methods were enthusiastically received and can be adapted for use in classrooms throughout Bosnia and Herzegovina.

Mr. Speaker, I wish to commend Mark Molli for his dedication and commitment during the CIVITAS@Bosnia-Herzegovina summer training program. His work is helping to achieve the overall objective of building support for democracy in Bosnia and Herzegovina.

FORMER INDIAN PRIME MINISTER INDICTED FOR CORRUPTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CRANE. Mr. Speaker, former Indian Prime Minister P.V. Narasimha Rao resigned as head of the Congress Party after he was indicted for defrauding an Indian businessman. The Congress Party is providing tacit support to the current government headed by H.D. Deve Gowda.

According to the Washington Post, Mr. Rao has been ordered to face criminal charges because an Indian expatriate businessman named Lakhubhai Pathak alleges that Mr. Rao conspired with a Hindu guru to cheat him out of $100,000. He will be formally indicted on September 30. This took place in 1983, and Mr. Rao is just now facing charges for it. It has also been reported that he received $3.5 million from the Jain brothers, who have been charged with bribing a wide range of Indian politicians from all parties. He has apparently received large sums of money from other influence-seekers as well. It looks like Mr. Rao dipped into the well of corruption too many times.

Mr. Rao's resignation proves that journalist Rajinder Puri of the Times of India was right when he wrote that India is "a rotten, corrupt, repressive, and anti-people system." It is that system which the Sikhs of Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and so many others are trying to escape. The corruption and the repression are tied together. The State Department reported that between 1991 and 1993, the regime paid over 41,000 cash bounties to police officers for killing Sikhs. Justice Ajit Singh Bains reports that more than 50,000 Sikhs disappeared or were murdered from 1992 through 1995. These events occurred on Mr. Rao's watch.

I am pleased that P.V. Narasimha Rao is finally facing the consequences of his corruption, but it is time that he also faced the consequences of his brutal terror campaign against the Sikh nation. As Home Minister in 1984, Mr. Rao was the person who organized the Delhi massacres that killed 20,000 Sikhs. When will he be indicted for these crimes?

In addition to its repression and corruption, India is a country that never misses an opportunity to take a swipe at the United States. Although it is one of the largest recipients of United States aid, India has a virulently anti-American voting record at the United Nations, and it is the country that single-handedly blocked the Comprehensive Test Ban Treaty [CTBT]. It is in America's interest to support the freedom movements in the subcontinent.

Unfortunately, the Sikhs and others continue to live under the brutal rule of a tyrannical regime. Recent events like the detention of American citizen Balbir Singh Dhillon and the savage beating of London-based Khalistani leader Jagjit Singh Chohan show that nothing has changed from Mr. Rao's brutal and corrupt rule. It is time for the United States to take a firm stand against these atrocities. We must institute an embargo against Indian companies and products. We must end United States aid to India. Finally, we must speak out for the freedom of Khalistan, Kashmir, Nagaland, and all the others seeking their freedom from India. Tyrants must know that America is on the side of freedom.

Mr. Speaker, I insert into the RECORD the September 22, 1996, Washington Post account of the Rao resignation.

INDIAN EX-PREMIER QUITS CONGRESS PARTY

NEW DELHI—Former Indian prime minister P.V. Narasimha Rao quit yesterday as head of the Congress party after a court upheld a summons ordering him to appear in a criminal case.

Although his party suffered a defeat in general elections earlier this year, Rao has retained a say in the nation's politics by offering his party's crucial support to the center-left United Front coalition government.

Rao, 75, said in a statement read at a news conference here by Congress general secretary Devendra Dwivedi that he was not guilty.

Earlier yesterday, a Delhi judge upheld the summons ordering Rao to appear in court September 30. Formal charges would be framed on the same day.

An Indian expatriate businessman, Lakhubhai Pathak, alleges Rao and a Hindu guru conspired conspired to cheat him of $100,000 in 1983.

THE MANAGED CARE CONSUMER PROTECTION ACT OF 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. STARK. Mr. Speaker, I am pleased to introduce the Managed Care Consumer Protection Act of 1996, a bill that will provide critically needed consumer protections to millions of Americans in managed care health plans.

Health care consumers who entrust their lives to managed care plans have consistently found that many plans are more interested in profit than in providing appropriate care. My constituent mail has been full of horror stories explaining the abuses that occur at the hands of HMO's and other forms of managed care.

For example, David Ching of Fremont, CA had a positive experience in a Kaiser Permanente plan and then joined an employer sponsored HMO expecting similar service. He soon learned that some plans would rather let patients die than authorize appropriate treatment. His wife developed colon cancer, but went undiagnosed for 3 months after the first symptoms. Her physician refused to make the appropriate specialist referral because of financial incentives and could not discuss proper treatment because of the health plan's policy. Mrs. Ching is now dead.

In a similar case, Jennifer Pruitt of Oakland wrote to me about her father who also had cancer. He went to his gatekeeper primary care physician numerous times with pain in his jaw. The doctor, who later admitted that she had never treated a cancer patient, refused to refer Mr. Pruitt to a specialist. Eventually, after months of pain, a dentist sent Mr. Pruitt to a specialist outside of the HMO network. The cancer was finally diagnosed, but it had spread too rapidly during the months that the health plan delayed. Mr. Pruitt died from a cancer that is very treatable if detected early.

These tragedies and others like them might have been avoided if the patients had known about the financial incentives not to treat, or if the physicians had not been gagged from discussing treatment options, or if there had been legislation forcing health plans to provide timely grievance procedures and timely access to care. It's too late for these victims, but it is not too late to provide these protections for the millions of people in managed care today.

A few years ago, Congress recognized a crisis in the health care industry. Expenditures were soaring and overutilization was the rule. At that time, I chose to address this problem with laws that prohibited physicians from making unnecessary referrals to health organizations or services that they owned.

Others responded by pushing Americans into new managed care plans that switched the financial incentives from a system that overserves to a system that underserves. They got what they asked for. The current system rewards the most irresponsible plans with huge profits, outrageous executive salaries, and a license to escape accountability. Unfortunately, patients are dying unnecessarily in the wake of this health care delivery revolution. It must stop.

Several States have already addressed the managed care crisis. In 1996, more than 1,000 pieces of managed care legislation flooded State legislatures. As a result, HMO regulations were passed in 33 States addressing issues like coverage of emergency services, utilization review, post-delivery care and information disclosure. Unfortunately, many States did not pass these needed safeguards resulting in a piecemeal web of protections that lacks continuity. The states have spoken; now it's time for Federal legislation to finish the job and provide consumer protections to all Americans.

The bill I offer today is a revision of an earlier bill, H.R. 1707, the Medicare Consumer Protection Act of 1995. This legislation includes a comprehensive set of protections that will force managed care plans to be accountable to all of their patients and to provide the standard of care they deserve.

In the U.S. Congress, we have the power to put an end to abuse in managed care and guarantee that Americans who choose managed care get the care for which they pay. It is irresponsible to do anything less.

Following is a summary of the consumer protections provided for in this bill.

MANAGED CARE CONSUMER PROTECTION ACT OF 1996

SUMMARY

I. MANAGED CARE ENROLLEE PROTECTIONS

A. UTILIZATION REVIEW

1. Any utilization review program that attempts to regulate coverage or payment for services must first be accredited by the Secretary of Health and Human Services or an independent, non-profit accreditation entity;

2. Plans would be required to provide enrollees and physicians with a written description of utilization review policies, clinical review criteria, information sources, and the process used to review medical services under the program;

3. Organizations must periodically review utilization review policies to guarantees consistency and compliance with current medical standards and protocols;

4. Individuals performing utilization review could not receive financial compensation based upon the number of certification denials made;

5. Negative determinations about the medical necessity or appropriateness of services or the site of services would be required to be made by clinically-qualified personnel of the same branch of medicine or specialty as the recommending physician;

B. ASSURANCE OF ACCESS

1. Plans must have a sufficient number, distribution and variety of qualified health care providers to ensure that all enrollees may receive all covered services, including specialty services, on a timely basis (even in rural areas);

2. Patients with chronic health conditions must be provided with a continuity of care and access to appropriate specialists;

3. Plans would be prohibited from requiring enrollees to obtain a physician referral for obstetric and gynecological services.

4. Plans would demonstrate that enrollees with chronic diseases or who otherwise require specialized services would have access to designated Centers of Excellence;

C. ACCESS TO EMERGENCY CARE SERVICES

1. Plans would be required to cover emergency services provided by designated trauma centers;

2. Plans could not require pre-authorization for emergency medical care;

3. A definition of emergency medical condition based upon a prudent layperson definition would be established to protect enrollees from retrospective denials of legitimate claims for payment for out-or-plan services;

4. Plans could not deny any claim for an enrollee using the "911" system to summon emergency care.

D. DUE PROCESS PROTECTIONS FOR PROVIDERS

1. Descriptive information regarding the plan standards for contracting with participating providers would be required to be disclosed;

2. Notification of a participating provider of a decision to terminate or not to renew a contract would be required to include reasons for termination or non-renewal. Such notification would be required not later than 45 days before the decision would take effect, unless the failure to terminate the contract would adversely affect the health or safety of a patient;

3. Plans would have to provide a mechanism for appeals to review termination or non-renewal decisions.

E. GRIEVANCE PROCEDURES AND DEADLINES FOR RESPONDING TO REQUESTS FOR COVERAGE OF SERVICES

1. Plans would have to establish written procedures for responding to complaints and grievances in a timely manner;

2. Patients will have a right to a review by a grievance panel and a second review by an independent panel in cases where the plan decision negatively impacts their health services;

3. Plans must have expedited processes for review in emergency cases.

F. NON-DISCRIMINATION AND SERVICE AREA REQUIREMENTS

1. In general, the service area of a plan serving an urban area would be an entire Metropolitan Statistical Area (MSA). This requirement could be waived only if the plans' proposed service area boundaries do not result in favorable risk selection.

2. The Secretary could require some plans to contract with Federally-qualified health centers (FQHCs), rural health clinics, migrant health centers, or other essential community providers located in the service area if the Secretary determined that such contracts are needed in order to provide reasonable access to enrollees throughout the service area.

3. Plans could not discriminate in any activity (including enrollment) against an individual on the basis of race, national origin, gender, language, socioeconomic status, age, disability, health status, or anticipated need for health services.

G. DISCLOSURE OF PLAN INFORMATION

1. Plans would provide to both prospective and current enrollees information concerning:

Credentials of health service providers

Coverage provisions and benefits including premiums, deductibles, and copayments

Loss ratios explaining the percentage of premiums spent on health services

Prior authorization requirements and other service review procedures

Covered individual satisfaction statistics

Advance directives and organ donation information

Descriptions of financial arrangements and contractual provisions with hospitals, utilization review organizations, physicians, or any other health care service providers

Quality indicators including immunization rates and health outcomes statistics adjusted for case mix

An explanation of the appeals process

Salaries and other compensation of key executives in the organization

Physician ownership and investment structure of the plan

A description of lawsuits filed against the organization

2. Information would be disclosed in a standardized format specified by the Secretary so that enrollees could compare the attributes of all plans within a coverage area.

H. PROTECTION OF PHYSICIAN—PATIENT COMMUNICATIONS

1. Plans could not use any contractual agreements, written statements, or oral communication to prohibit, restrict or interfere with any medical communication between physicians, patients, plans or state or federal authorities.

I. PATIENT ACCESS TO CLINICAL STUDIES

1. Plans may not deny or limit coverage of services furnished to an enrollee because the enrollee is participating in an approved clinical study if the services would otherwise have been covered outside of the study.

J. MINIMUM CHILDBIRTH BENEFITS

1. Insurers or plans that cover childbirth benefits must provide for a minimum inpatient stay of 48 hours following vaginal delivery and 96 hours following a cesarean section.

2. The mother and child could be discharged earlier than the proposed limits if the attending provider, in consultation with the mother, orders the discharge and arrangements are made for follow-up post delivery care.

II. AMENDMENTS TO THE MEDICARE PROGRAM, MEDICARE SELECT AND MEDICARE SUPPLEMENTAL INSURANCE REGULATIONS.

A. ORIENTATION AND MEDICAL PROFILE REQUIREMENTS

1. When a Medicare beneficiary enrolls in a Medicare HMO, the HMO must provide an orientation to their managed care system before Medicare payment to the HMO may begin;

2. Medicare HMOs must perform an introductory medical profile as defined by the Secretary on every new enrollee before payment to the HMO may begin.

B. REQUIREMENTS FOR MEDICARE SUPPLEMENTAL POLICIES (MEDIGAP)

1. All MediGap policies would be required to be community rated;

2. MediGap plans would be required to participate in coordinated open enrollment;

3. The loss ratio requirement for all plans would be increased to 85 percent.

C. STANDARDS FOR MEDICARE SELECT POLICIES

1. Secretary would establish standards for Medicare Select in regulations. To the extent practical, the standards would be the same as the standards developed by the NAIC for Medicare Select Plans. Any additional standards would be developed in consultation with the NAIC.

2. Medicare Select Plans would generally be required to meet the same requirements in effect for Medicare risk contractors under section 1876.

Community Rating

Prior approval of marketing materials

Intermediate sanctions and civil money penalties

3. If the Secretary has determined that a State has an effective program to enforce the standards for Medicare Select plans established by the Secretary, the State would certify Medicare Select plans.

4. Fee-for-service Medicare Select plans would offer either the MediGap "E" plan with payment for extra billing added or the MediGap "J" plan.

5. If an HMO or competitive medical plan (CMP) as defined under section 1876 offers Medicare Select, then the benefits would be required to be offered under the same rules as set forth in the MediGap provisions above. Such plans would therefore have different benefits than traditional MediGap plans.

D. ARRANGEMENTS WITH OUT OF AREA DIALYSIS SERVICES.

E. COORDINATED OPEN ENROLLMENT

1. The Secretary would conduct an annual open enrollment period during which Medicare beneficiaries could enroll in any MediGap plan, Medicare Select, or an HMO contracting with Medicare. Each plan would be required to participate.

III. AMENDMENTS TO THE MEDICAID PROGRAM

A. ORIENTATION AND IMMUNIZATION REQUIREMENTS

1. When a Medicaid beneficiary enrolls in a Medicaid HMO, the HMO must provide an orientation to their managed care system before Medicaid payment to the HMO may begin;

2. Medicaid HMOs must perform an introductory medical profile as defined by the Secretary on every new enrollee before payment to the HMO may begin.

3. When children under the age of 18 are enrolled in a Medicaid HMO, the immunization status of the child must be determined and the proper immunization schedule begun before payment to the HMO is made.

TRIBUTE TO FATHER JAMES SAUVE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. GILMAN. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to an outstanding American who passed away earlier this week.

Father James Sauve, the executive director of the Association of Jesuit Colleges and Universities, was a highly respected educator. As the director of the International Center for Jesuit Education in Rome, as the official representative of the 28 Jesuit colleges and universities, and as a highly respected pastor, Father Sauve threw himself into his work with gusto and zeal, and in so doing earned the respect of all of us.

Father Sauve was a graduate of Spring Hill College in Alabama, and received his Ph.D. from Johns Hopkins University. He was proficient in six languages, and traveled extensively throughout the world.

Father Sauve's sudden passing was a loss not only to the Jesuit world, but to all of us who appreciate learning and understanding of all cultures.

We join in the sorrow of Father Sauve's surviving family, which consists of his father, Willard, and his brother, Dudley, and his family. We also join all of Father Sauve's many students whose sense of loss must be immense.

HUMAN RIGHTS ABUSES IN EAST TIMOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. HALL of Ohio. Mr. Speaker, for many years I have been deeply concerned over the tragedy in the former Portuguese colony of East Timor. I have had the privilege of meeting the Roman Catholic Bishop of East Timor, Carlos Ximenes Belo, on several occasions. Bishop Belo is a most courageous figure who has ceaselessly tried to promote a peaceful solution and dialog as a way out of the 20-year-old conflict in East Timor, which Indonesia invaded in 1979 and where as many as a third of the population has perished.

During his 13 years as apostolic administrator of the Roman Catholic Church in the Indonesian-occupied former Portuguese colony of East Timor, Carlos Filipe Ximenes Belo has been a tireless advocate of peace, human rights, nonviolence and reconciliation in a situation marked by war, grim atrocities and an atmosphere of terror. It is worth recalling some of the details of Bishop Belo's effort. On November 12, 1991, Indonesian troops opened fire on a peaceful gathering of thousands of people at Santa Cruz cemetery in the East Timor capital of Dili. More than 250 were killed on that day, many more were badly wounded. The full extent of the tragedy surrounding the Santa Cruz events is still not widely known. Most of the victims were young people.

In the immediate aftermath of the Santa Cruz massacre, driving his own automobile, between the hours of 9 a.m. until 2 a.m. the next morning, Bishop Belo gathered, in groups of five and six, hundreds of young people who has been at Santa Cruz cemetery the morning of November 12 and returned them to their homes before they could meet further harm at the hands of the Indonesian military. Subsequent reports indicate that dozens of those who survived the massacre at Santa Cruz cemetery were taken away and executed by Indonesian security forces.

On numerous occasions before and since, Bishop Belo has acted to deter violence. But in the absence of greater international support his power over the situation is limited. The other day he told a friend from Washington that last week two villages—a civil servant on the way to picking up his pay envelope with a relative—were shot dead by Indonesian troops in the town of Viqueque, while others in the region of Ermera were beaten, arrested, and prevented from attending Mass and from tending their coffee fields.

The tension in East Timor is of great cause for concern, particularly now that the fifth anniversary of the November 12, 1991 Santa Cruz massacre approaches. I believe the Congress and the administration should be prepared to give the greatest possible support to Bishop Belo in his efforts to bring peace to East Timor and to help strengthen Bishop Belo's hand in the difficult weeks and months ahead.

For the benefit of my colleagues, I would like to submit for the RECORD a firsthand account by Arnold Kohen from the December 10, 1995, Boston Globe:

[From the Boston Sunday Globe, December 10, 1995]

BURIED ALIVE: EAST TIMOR'S TRAGIC OPPRESSION

(By Arnold S. Kohen)

With the world's attention focused on the Bosnian peace agreement, the 20th anniversary of an invasion that led to even greater carnage than the tragedy in the Balkans passed Thursday with little notice. But the consequences of Indonesia's December 1975 invasion of the former Portuguese colony of East Timor are still with us. The children of those who perished in the first wave of savage repression are at this moment being beaten and tortured.

Over most of the last two decades, East Timor has received only sporadic worldwide attention: in 1991, when Indonesian troops massacred more than 250 people in a church cemetery, an event filmed by British television and broadcast around the world, and again last year, when East Timorese students occupied part of the U.S. Embassy compound in Indonesia during a visit by President Clinton. On Thursday, in recognition of the anniversary of the invasion, pro-independence Timorese occupied part of the Dutch and Russian embassies in Jakarta. But for the most part, the public knows little of what is happening in East Timor.

East Timor, an area located off the north coast of Australia, and about the size of Connecticut, deserves the special sympathy of Americans, because, the United States provided the arms and diplomatic support for that 1975 invasion. President Ford and Secretary of State Henry Kissinger were in Jakarta the day before, and they made no objection to the Indonesian action, though it was illegal under international law and has never been recognized by the United Nations. Longtime efforts in Congress finally have stimulated pressure to address the tragedy in East Timor.

If the public is troubled about Bosnia, it should also be concerned over East Timor. About 250,000 people of a population of 4 million have perished in Bosnia since 1991, while in East Timor, it is estimated that 200,000 of a population of less than 700,000 died from the combined effects of the Indonesian assault between 1975 and 1979, many in a war-induced famine compared with some of the worst catastrophes in recent history, including starvation in Cambodian under Pol Pot.

"It defies imagination that so many people have perished in such a small place as East Timor," said Mairead Corrigan Maguire, who won the 1976 Nobel Peace Prize for her work in Northern Ireland, where 3,000 people have died in the violence since 1969. East Timor has sparked public concern in Ireland, in part because of the Irish historical experience of occupation by a powerful neighbor.

Today, tension and oppression have a vise-like grip on East Timor. I visited there in September, during some of the most serious upheavals since the Santa Cruz massacre of 1991. "This place is like a concentration camp," said a priest who could not be identified.

At a Mass one day at the home of Roman Catholic Bishop Carlos Ximenes Belo, himself considered for the Nobel Peace Prize in 1995, there was a crippled boy, his face black-and-blue with caked-up blood from a beating by security forces. Traumatized and barely willing to speak, he said he had been in a police station with 30 other young people who had been stripped naked and similarly assaulted.

"We have been going from prison to prison—I don't know where he is—and the police won't tell us," said one desperate parent searching for his child. He took a considerable risk simply in talking to a foreigner. Nearby, dozens of young people taking refuge in a courtyard, several with head wounds inflicted by Indonesian police.

"They're taking everything from us," said one man. "All most Timorese have now is the skin on their bones." Indonesian settlers brought into East Timor are taking the scrace jobs and opportunities. As in Tibet, invaded by the Chinese in 1950, the settlers seem to be there to swamp the East Timorese in their own country.

"It's a slow annihilation," said another priest, who reported that as many as 80 percent of the native East Timorese in some areas suffer from tuberculosis, while Indonesian authorities make it difficult for many people to obtain medicines.

The disparity between the two sides could not be more clear. On the one hand, unarmed young people who have little more than ideals to sustain them. The other consists of heavily armed elite units of Indonesian mobile brigade riot police. I saw countless trucks filled with machine-gun toting army troops, both uniformed and in plainclothes, some wearing ski masks in broad daylight in the oppressive tropical heat—an open reminder of those in East Timor who have "disappeared" without a trace. Spies working for Indonesian forces are everywhere.

In a telephone conversation this week, Bishop Belo, a courageous moderate who has worked hard to deter violence in the territory, said the situation remains the same.

During the past few months, dozens of young East Timorese have entered embassies in Jakarta seeking political asylum. The personal histories of almost all of these young people tell the story of East Timor today: Many, if not most, have lost parents in the war, and most have been beaten or tortured.

Involvement of the Clinton Administration in Bosnia and Northern Ireland has helped smooth the way for peace agreements. There are signs that over time, the same might work in East Timor. President Clinton, who has raised the issue with Indonesian President Suharto, can increase his support for United Nations peace talks and try to convince Indonesian government to take concrete steps in pursuit of a peaceful solution. Experts say there is growing recognition in Indonesia that changes must be made if Jakarta is to rid itself of what has come to be a debilitating injury to the country's international reputation.

In the meantime, international pressure could save lives. All official buildings in East Timor today are adorned by idealized portraits of Indonesia's vice president, Try Sutrisno, former commander of the army. I was reminded of his statement after the Santa Cruz massacre: The young victims "were delinquents who needed to be shot and we will shoot them." I was told by authoritative diplomatic sources that, in the absence of growing international pressure led by the United States, Indonesian forces would simply kill the young resisters of East Timor, as they have killed so many of their elders. All the more reason why distant East Timor should have more than a little meaning for us.

Arnold S. Kohen is writing a book on East Timor and international policy.

TRIBUTE TO THE HALFWAY SCHOOLHOUSE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. BONIOR. Mr. Speaker, this coming Saturday, September 28, 1996, in Eastpointe, MI, a historical marker honoring the Halfway Schoolhouse will be formally dedicated.

The Halfway Schoolhouse was built in 1872 and served the community until 1921. At that time it was located in the village of Halfway, midway between Mount Clemens and Detroit. When the school closed in 1921, it was moved and used as a warehouse. The East Detroit Historical Society acquired the school in 1984, returning it to within 100 feet of its original site and restoring its 19th century appearance. The contributions of the members of the historical society are numerous and they deserve our gratitude for their hard work and dedication to preserve this beautiful Victorian building for future generations.

It has been 124 years since this school first opened its doors to this community but many values remain the same. The people were hard working, family oriented and aware of the importance of education. This school brought hope for a better way of life. It opened doors within the minds of the young people and inspired future leaders. Today, the school is once again servicing the needs of the community. Children who visit leave with a sense of the past and a feeling of pride and belonging in their community.

I commend the members of the East Detroit Historical Society for their role in preserving this treasure. The Halfway Schoolhouse will be formally recognized as a Michigan historic site with the dedication of this marker. The citizens of Eastpointe should feel pride in knowing that they have reclaimed something precious that will now be a living memorial.

IN RECOGNITION OF THE DEDICATED SERVICE OF LARRY MATHIS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. BENTSEN. Mr. Speaker, I rise today to honor Larry L. Mathis, the president and chief executive officer of Methodist Health Care System in Houston, TX, in my district. Mr. Mathis has faithfully served the Houston area as the head of one of our Nation's leading nonprofit health care organizations for more than 25 years.

Later this year, Mr. Mathis will be retiring from Methodist Health Care System. Mr. Mathis began his career at Methodist Hospital in 1971 as an administrative resident. He was quickly promoted and was appointed president and chief executive officer of the hospital in 1983. During his leadership, Methodist grew from a single-site hospital in the Texas Medical Center to its emerging presence today as a community-based health care system. Methodist is now a leading provider of state-of-the-art medical care in the competitive managed care market in Houston. The Methodist Health Care System includes the Methodist Hospital, Diagnostic Center Hospital, San Jacinto Methodist Hospital, an international network of affiliated hospitals, a managed care organization, a health maintenance organization, home health services, skilled nursing, primary, and secondary physician groups, community health care centers, and hospice services.

During Mr. Mathis' tenure, the Methodist Hospital won the Commitment to Quality Award, an important award for hospital quality, and was named one of America's Best Hospitals by U.S. News and World Report. Methodist was also included in the 1993 edition of "The 100 Best Companies To Work for in America" and in the 1995 edition of the "Best Hospitals in America." Mr. Mathis was also named as one of the five best managers in nonprofit health services in Business Week.

Mr. Mathis has been recognized by his peers as an expert in health care policy. He is chairman-elect of the American College of Healthcare Executives, a professional society of 30,000 members. He has served as chairman of the board of the American Hospital Association, the Texas Hospital Association, and the Greater Houston Council. In addition, Mr. Mathis served as a member of the Prospective Payment Assessment Commission and the Quality Task Force of the Joint Commission on Accreditation of Healthcare Organizations.

As Methodist Hospital searches for a replacement, Mr. Mathis will continue to serve as president and CEO of Methodist Health Care System. After this retirement, Mr. Mathis will continue to consult and work with Methodist Hospital on selected projects and programs. I applaud the dedicated leadership and hard work that Mr. Mathis has given to the Houston area and wish him the very best in his new career. Thank you, Mr. Mathis, for your service to the patients, the employees, and your community at the Methodist Health Care System. Your presence as a health care visionary will be missed.

TRIBUTE TO BENJAMIN FRANKLIN CLEVELAND

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. SOLOMON. Mr. Speaker, it is great honor for me to introduce a true American hero, Benjamin Franklin Cleveland. Mr. Cleveland, a resident of Johnsburg, NY, will soon celebrate his 100th birthday. I am proud to call this gentleman one of my constituents.

Mr. Cleveland is the only living veteran of the First World War residing in Johnsburg. I would like to offer my heartfelt appreciation for his service to the Nation. In recognition of Mr. Cleveland's 100th birthday, the town of Johnsburg, a small town in the 22d Congressional District, is throwing a parade in his honor this Saturday, September 28. I am thrilled that Johnsburg is honoring Mr. Cleveland.

Mr. Speaker, serving your country is the ultimate sacrifice. It takes courage, dedication, perseverance, and above all, love of country. Mr. Cleveland has fought to preserve the freedoms many Americans, unfortunately, take for granted. You deserve the respect and admiration of all Americans.

The United States must look awfully different to Mr. Cleveland than it did in the year of his birth, 1896. In his lifetime, he has seen the introduction of air travel, the automobile, radio and television, nighttime baseball, and many other advances that have forever altered the American landscape.

Mr. Speaker, the country is different, but not necessarily better in all aspects. We have much to learn from members of Mr. Cleveland's esteemed generation. The country can draw on the wisdom he obtained in his 10 decades of life in the United States. He has a great deal to offer our Nation. I sincerely hope our youngsters can display the same virtues that Mr. Cleveland has amply demonstrated: duty, honor, sacrifice, and love of God and Country.

Once again, Mr. Speaker, I want to thank Mr. Cleveland on behalf of the U.S. Congress for your military service. I hope he has a wonderful birthday on October 14, 1996 and pray that he has many more years in beautiful upstate New York.

Living 100 years is a true milestone—Mr. Cleveland has great reason to feel proud of his accomplishment.

God Bless You, Mr. Cleveland. You are in our prayers.

TRIBUTE TO THE DEALE VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD ON THEIR 50TH ANNIVERSARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the past and present men and women of the Deale Volunteer Fire Department and Rescue Squad. This October, they will be celebrating their 50th anniversary of service to the citizens of Deale, MD.

Prior to the fire company's inception in 1946, the citizens of Deale relied upon surrounding communities to provide their fire protection. As the population grew, following World War II, it became apparent that Deale could no longer rely entirely on other communities and it needed its own fire department. In October 1946, a small group of community leaders started the Deale Volunteer Fire Department. They were Tilghman Franklin, Gordon Phipps, Oregon Nutwell, Ray Clark, Sterling Knopp, Maurice Whittington, and Joseph Adcock.

As with most volunteer fire companies they started off small. They didn't have much money and hadn't been in the community long enough to establish a very large volunteer base. However, what they lacked in resources they more than made up in hard work. Their first fire engine was purchased second hand from the Clinton Volunteer Fire Department and they used a local businessman's garage as a firehouse. The first few years of the department were difficult because the department had to be entirely self-sufficient. They raised the necessary funds to purchase all the equipment and start construction on a proper firehouse by hosting oyster roasts, game parties, and collecting donations from the community.

In 1951, the fire department started receiving tax funds from Anne Arundel County. This steady revenue, supplemented by their fundraising activities, allowed the department to complete the second stage of the firehouse construction which began in 1948. Additionally it allowed them to hire Junior Windsor and James "Tutti" Revell to be the first full-time professional firefighters for the department.

The department continued to grow with the community during the succeeding four decades. They made three additions to the existing firehouse, purchased new equipment, added ambulance service, and expanded their volunteer base and their activities in the community. Under the able leadership of Chief Tommy Manifold, President Gayle Moreland, and Delegates Matt Zang, Tammy Ladd, Jack Browing, and Leonard King the Deale Volunteer Fire Department is 71 members strong and operates three pumper engines, one ambulance, two brush units, and three fire and rescue boats.

The members of the Deale Volunteer Fire Department and Rescue Squad, past and present, are all heros. Not because they have all saved a child from a burning house, but because for the past 50 years they have given their time, their effort, and risked their lives on behalf of their community. They don't do it for money. They don't do it for fame or acclamation. They do it, Mr. Speaker, because they care. They care about the safety of their fellow citizens and they care about the welfare of their community above that of their own—and that Mr. Speaker is my definition of a hero.

Mr. Speaker, I am honored to congratulate the 50 years of service the Deale Volunteer Fire and Rescue Squad has given their community and wish them continued success in their mission.

TRIBUTE CELEBRATING THE 25TH ANNIVERSARY OF THE WOODHAVEN RESIDENTS' BLOCK ASSOCIATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to join all New Yorkers in celebrating the 25th anniversary of the Woodhaven Residents' Block Association, the Guardian of the Woodhaven Community. I believe this association's dedication to making the community a safer place to live deserves considerable recognition.

Throughout the years, this organization has worked tirelessly in conjunction with the police captain and officers in the 102d precinct, and in the successful campaign to reopen the local firehouse, engine company 294.

In addition, the Woodhaven Residents' Block Association has also formed the Woodhaven Resident's Security Patrol that patrol our streets, and have been supportive through the years to the Greater Woodhaven Development Corp., the Woodhaven Richmond Hill, Kew Gardens Ambulance Corps, the 102d precinct auxiliary police and the new Woodhaven Business Improvement District.

Those living in the Woodhaven community have come to understand the importance of the block association. I urge all my colleagues and fellow residents of Brooklyn to congratulate the Woodhaven Residents' Block Association for 25 years of service to the community and wish them continued success in the future.

IN MEMORY OF FATHER JAMES W. SAUVÉ, S.J.

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. McDADE. Mr. Speaker, I know that many of my colleagues join me in mourning the untimely death of Father James W. Sauvé, S.J. on Monday, September 23. Father Sauvé's passing is mourned by many communities around the world including the Society of Jesus, the Association of Jesuit Colleges and Universities where he worked as executive director, Marquette University, the International Center for Jesuit Education in Rome, and the University of Scranton in Pennsylvania.

Father Sauvé's was a nationally recognized leader in Jesuit education committed to the absolute best that is achievable for any human being. Throughout his life, Father Sauvé excelled at scholarship and inspired students and colleagues alike.

His proficiency in six languages allowed him to travel extensively throughout the world promoting all levels of Jesuit education.

In 1975, Father Sauvé organized the first worldwide meeting in Rome of all presidents of Jesuit colleges and universities. It was the first time in the 455 years of Jesuit history that a meeting of this magnitude was convened. It focused on the Jesuit mission of service of faith and promotion of justice worldwide.

Father Sauvé died unexpectedly of coronary complications at Georgetown University Hospital.

Survivors include his father, Willard F. Sauvé, an ordained permanent deacon in Two Rivers, WI, his step-mother, and his brother Dudley and his family in Farmville, VA.

The funeral for Father Sauvé is scheduled for Friday, September 27 at 7 p.m. at the Holy Family Chapel followed by an 8 p.m. Mass on Marquette University campus in Milwaukee, WI. Burial will be on Saturday at the Cemetery of Holy Cross.

There will also be a memorial service for Father Sauvé on Monday, September 30 at 7:30 p.m. at Dahlgren Chapel at Georgetown University here in Washington. Following the Mass, there will be a reception at the Jesuit Community next to the chapel.

TRIBUTE TO LOIS AND DICK GUNTHER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Lois and Dick Gunther, dear friends who this year are being given the Jewish Family Service's FAMMY Award. This award honors their outstanding community leadership and continuing devotion to Jewish Family Service. I cannot think of two more deserving recipients.

The Gunthers have a long and distinguished history of involvement in philanthropy and public service. For example, Dick is a cofounder of the Jewish Federation's Urban Affairs Committee; chaired and helped develop a community outreach Mid-Life Program at Cedars-Sinai Hospital; along with the American Association of Retired Persons created the Legacy Award, where cash awards go to senior citizens who are performing extraordinary services in their communities; and has been on the board of directors of public television station KCET for 28 years.

Lois has been just as active. Several decades ago she became a participant in an interracial, interreligious panel of women called Portraits of American Women. She later turned her attention to the Jewish community, serving on the board of directors of Brandeis-Bardin Institute for many years, as well as on the advisory committee of the School of Jewish Communal Service of Hebrew Union College.

The Gunthers are also passionate about politics, contributing time and effort to a variety of causes and candidates. Dick was even included on President Richard Nixon's infamous Enemies List—a sure sign that he was doing something right.

With all their community and professional activities, somehow the Gunthers found the time to raise three sons and dote on four grandchildren. There is nothing more important to Lois and Dick than family.

I ask my colleagues to join me today in saluting Lois and Dick Gunther, whose selflessness and dedication are a shining example to us all. I am proud to call them my close friends.

OUTSTANDING NEW JERSEY CHEERLEADERS OF SHORECHEER INTERNATIONAL

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. SMITH of New Jersey. Mr. Speaker, I recently had the opportunity to meet with Mr. Louis Pulcrano, coach of a unique group of students from Monmouth and Ocean Counties, NJ. These outstanding young women are members of ShoreCheer International, dedicated to excellence in cheerleading and service to their communities.

Not only have these athletes earned prestige for themselves in national and international cheerleading competitions, the young women have demonstrated great virtue and devotion in caring for those in need around them.

I was particularly moved by a special visit the young women of ShoreCheer made recently to Montoursville, PA, in a effort to help comfort those mourning the loss of family and friends who perished in the TWA Flight #800 tragedy. The cheerleaders spent time with their peers at the Montoursville High School and delivered messages of support and love. Once again, in a moment of sadness and need, these young women offered their time and energy to brighten the lives of others.

Mr. Speaker, I respectfully submit for the RECORD, an article written by the girls' coach, which outlines their numerous achievements and contributions to the community. I would first like to include a list of the names of the young women of ShoreCheer, so that we can all applaud their notable athletic distinction and, most importantly, the great kindness they show to others—something that impacts us all.

Senior All-Stars: Beth Allen; Wendy Dailey, Traci Mayer, Jill Balinski, Beth Hager, Heidi Farnham, Shannon O'Malley, Lauren Petty, Suzanne Heyniger, Kelly MacDonald, Melissa Lennon, Erin Lacey, Kristi Pilgrim, Brittany Larkin.

Junior Prep All-Stars: Laura Stogdill, Jenifer Vienna, Lauren Rogers, Anna Norcia, Danielle Berkely, Kristine Triola, Charolette Yorgenger, Nicole Gashlin, Kyle Allen, Rachelle Rose, Meghan Ward.

Junior All-Stars: Krystle Berryman, Jenny Biancella, Julie Biancella, Caitlin Bilotta, Gina Cifelli, Brianna Dwyer, Amanda Foderaro, Megan Jakubowski, Lauren Krueger, Tara Luchetti, Nicole Masiero, Kristen McCormick, Lauren McCrossan, Melissa Millen, Krissie Previte, Amber Tempsick, Lauren McCormick.

With so much negative publicity directed toward today's youth, we in New Jersey take great pride in a very special group of young athletes, who have emerged, not only leading their State, but leading their Nation as well in the promotion of pride, honor, and dignity.

They have been called, "A fine example of what the youth of America can accomplish" by President of the United States, Bill Clinton, as during the past 7 years of their existence, ShoreCheer International, a cheerleading, educational, and community service program for youth of all ages, has won 125 trophies on the local, State, national and international levels and over 100 honors and recognitions all on the national and international levels for their community service and caring for others in need.

These very special young adults have accumulated some very special achievements over the past 7 years. They have coached one of our Nation's few cheerleading squads made up of handicapped children and successfully trained and entered them in major cheerleading competitions in 1993, 1994, and 1995. A music video was made of these dedicated young ladies working with these special children and it ended up being used as a training tape for Special Olympics in China. In 1994, the group produced a second music video promoting the "Cheerleaders Fighting Cancer" program, challenging every cheerleading squad in America to donate 5 percent of all money raised to help put an end to the disease of cancer. That same year, they were selected and honored for the second time by the President of the United States for winning the 1994 CANAM International Sportsmanship Award, presented to just one out of 60,000 cheerleading squads in North America.

They were 1995 International Championship trophy winners in Myrtle Beach, SC, where, after saving up for this trip for a year, gave up their only day of sun and fun on the beach, visiting and paying tribute to the local police, visited a nursing home where they delivered homemade cookies and ended their day visiting a hospital, delivering personal get-well messages to every patient in the hospital and stuffed animals to every child there as well.

In 1992, they were selected as one of just two high school youth groups out of over 400 high schools in their State to speak and perform at the Governor's Summit on Drug and Alcohol Abuse and have lectured numerous other young adults on the dangers of drug, tobacco, and alcohol abuse and the importance of practicing proper values.

Members of ShoreCheer were selected by the motion picture industry to coach movie star Chirstina Ricci, star of "Casper," "The Addams Family," "Mermaids," "Then and Now" for her next motion picture, "Last of the High Kings." ShoreCheer Senior All-Star Lauren Petty was selected and featured on the front cover of American Cheerleader Magazine as "National Cheerleader of the Month" for February 1996. This year, and for the third year in a row, ShoreCheer will be representing cheerleaders from across the Nation as they have been selected and will perform in the Miss America Pageant Parade in Atlantic City.

Program cheerleaders have raised and donated funds to Hale House in New York City for babies born addicted to alcohol and drugs, to the Make-A-Wish Program, to the New Jersey Food Bank, the Red Cross, and Cheerleaders Fighting Cancer. They have twice performed half-time shows for the NBA New Jersey Nets.

The program received its spots highest honor when it was selected and won the 1995 National Outstanding Cheerleading Program of the Year Award for 1995-96. And most recently, 21 ShoreCheer International cheerleaders made a 500 mile, 10 hour round-trip to Montoursville, PA, on a mission of love and caring and to help in the healing process in a community which lost 21 of its members, including 16 high school students, in the TWA Flight 800 tragedy. The ShoreCheer girls met with the Montoursville High School Cheerleading Squad and presented them with six large megaphones containing close to 1,000 signatures and messages of support from cheerleaders all over the Northeast United States, a red rose for each family of the victims and had a star officially named "LoveCheer 800" in honor of those lost in the TWA tragedy. It was the words spoken by ShoreCheer cheerleader Lauren Petty which bonded the two groups together in a very special friendship as Lauren spoke these words of the twenty one victims:

"By reaching out with our hearts, no distance is too great to conquer and it is the love in our hearts that has brought us here today. And as the fingers of their love and the fingers of our love reach out and touch each other here today, we have bonded with them in eternal friendship—21 new friends who will be with us in mind and heart always."

The six megaphones will be placed on the Montoursville Athletic Field where two of the victims who were cheerleaders would normally cheer during the football season.

To date, ShoreCheer International Cheerleaders have performed live in front of over 2 million spectators from every State in the Nation and their dedication to dignity, honor, respect, pride, community, and those in need has won them recognition on four continents. This very special program and its very special young athletes can best be described by the words of the Governor of Alaska, Walter J. Hickel, "All of America is proud of you!"

THE 50TH ANNIVERSARY OF WNTM-AM 710

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CALLAHAN. Mr. Speaker, today commemorates 50 years of service from radio station WNTM-AM 710 in Mobile, AL. This station has bettered the lives of listeners throughout Mobile and Baldwin Counties by not only providing them with music, humor, and relaxation, but by informing them through news, sports, and local affairs. I rise today to applaud the efforts to those who have continued the tradition of this great station, and I wish to express my deep appreciation to them.

Originally signing on the air as WKRG in 1946, this station was born out of postwar exuberance, relief, and anticipation for the future. Although the station has been known by different call letters over the years, WNTM has always been influential in tapping Mobile's rich potential.

During a span of 50 years, WNTM has obviously created a number of local personalities who have turned the ears of listeners daily. From Jack Bitterman and Carl Haug, during the early years of the station's history, to current celebrities like Dick Scott and Mike Malone, these gentlemen, coupled with dozens of other loyal employees, past and present, have truly provided a quality, family oriented program to radio listeners throughout south Alabama. Special thanks should also go to Tim Camp, the current general manager of WNTM.

Mr. Speaker, it is with obvious pride that I ask my colleagues to join me, and thousands of south Alabamians, in celebrating the 50th anniversary of WNTM-AM 710. I wish to offer my deepest congratulations, as well as my gratitude for a job well done. Here's to the next 50 years.

TRIBUTE TO MAUREEN KENNEDY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. THOMPSON. Mr. Speaker, today, I would like to pay tribute to one of President Clinton's finest appointees, the Administrator of the U.S. Department of Agriculture's Rural Housing Service, Maureen Kennedy. As a result of the reorganization of the Department of Agriculture, Maureen Kennedy served as the first Administrator of the newly created Rural Housing Service [RHS]. In that role, she broke new ground by creating directives to change the priorities of the housing programs that were formerly administered by the Farmers Home Administration.

Shortly after accepting the position of Administrator, she traveled throughout the delta of my district to look at the challenges this poor section of the country faces each day. This was not a hollow/perfunctory visit to satisfy the request of the Congressman from the Second District of Mississippi. This was the work of a dedicated and sincere public servant—she observed, took notes, and then took steps to make a visible difference. In fact, she followed through on a commitment to return a year later and complete a project she had been working on—even though she was actually on maternity leave.

Maureen Kennedy is now leaving the RHS. I know Maureen well enough to know that she will continue to be a tireless advocate for the poor in her next undertaking. Many people in my district and across this Nation are better off today as a result of Maureen Kennedy's work.

In an era when it is extremely popular to denigrate public servants and label them unfit to represent the Government, I am pleased to have the opportunity to salute one who served this President, this Congress, and more importantly the people of this country with honor and distinction. Maureen will be missed. I am certain she will be successful in whatever endeavor she pursues in the future.

IN HONOR OF WILLIAM F. ZENGA: A TRUE TRAILBLAZER FOR THE DREDGING INDUSTRY IN NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an individual whose distinguished service to his community and the labor movement in New Jersey will long be remembered. Mr. William Zenga's efforts will be commemorated on September 28, 1996, when the headquarters of the International Union Operating Engineers is renamed in his honor.

The dedication ceremony of the William F. Zenga Building will be the culmination of a long and notable career. Mr. Zenga's journey to this monumental occasion began upon his graduation from Dickerson High School, Jersey City in 1939 when he became a dredgeman. One year later, he attained the position of operating engineer which he has held continuously, interrupted only by a period of service as a Navy SeeBee during World War II where he earned the rank of chief petty officer.

Mr. Zenga's career in the dredging industry has lasted 56 years. During that time, he has taken up the cause of his fellow dredgemen through his activities with the International Union of Operating Engineers, local 25. Since the inception of local 25, Mr. Zenga has held a number of positions starting as a business agent and executive board member, and progressively moving upward in the labor organization. He has held positions as vice president of the Maritime Port Council of the Delaware Valley and Vicinity, vice president of the Maritime Trades Department of the AFL–CIO, and trustee of the Maritime Port Council of Greater New York.

Commitment to family and community are paramount to Mr. Zenga. He and his wife, Caroline, make their home in Woodbridge, and are the proud parents of three sons: James, an attorney, William, Jr., an oral surgeon, and Jack, a certified public accountant. Mr. Zenga's interest in having our waterway be free for passage by our Nation's shipping fleet has led to involvement in a number of associations that promote the dredging and maritime industry. He currently serves as a board member of the State of New Jersey Maritime Advisory Council, the New York State Coastal Zone Management Advisory Committee, and a member of the New Jersey Alliance for Action.

It is an honor to recognize the important work of this dedicated individuals. His contributions to the dredging industry are of tremendous importance to many of the residents of my district who depend on an unobstructed coastline to make a living. I am certain my colleagues will rise with me and pay tribute to this trailblazer in the dredging industry.

CONCERNING THE ANNIVERSARY OF THE 1991 MASSACRE IN EAST TIMOR

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. PORTER. Mr. Speaker, as cochairman of the Congressional Human Rights Caucus, I have long been concerned about the deteriorating human rights situation on the Indonesian island of East Timor.

On November 12, 1996, we will mark the fifth anniversary of the brutal massacre of peaceful, unarmed protesters at the Santa Cruz Cemetery in the capital of East Timor. As many as 273 defenseless citizens were killed by the Indonesian military in a ferocious, unprovoked attack.

The Indonesian security forces who were responsible for this brutal act of terror are still operating with impunity throughout East Timor. This impunity is illustrated by the legal aftermath of the massacre. Those military personnel who were responsible for the massacre received a slap on the wrist; the strongest punishment was house arrest. Compare this with the harsh punishment meted out to those who were convicted of organizing peaceful protests. They received sentences ranging from 9 years to life in prison. They are still in prison as we speak.

The Dili massacre is one of the most egregious, but by no means the only, example of severe repression in East Timor. Arbitrary arrests, militarization of the island, and training and arming young East Timorese loyal to the Indonesian Government are all on the rise.

It is unconscionable that we are considering transfer of high-technology military equipment to a country whose military is responsible for such a reprehensible act against its own people. I hope that Members will consider the consequences for the people of East Timor when we turn a blind eye to horrible acts such as this.

TRIBUTE TO TONY BEILENSON

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. STUDDS. Mr. Speaker, I rise today to honor our retiring colleague, TONY BEILENSON of California. Congressman BEILENSON is one of the most constructive and productive Members of this body. While his diligence has earned his colleagues' respect in a variety of substantive areas, his lifelong legislative passion has been in habitat protection, especially for the endangered African elephant, and the Asian tiger and rhinoceros.

As I noted at a recent Resources Committee hearing on elephants, tigers, and rhinos, Jonathan Swift wrote, in 1793, "Geographers mapping Africa over unhabitable downs placed elephants for want of towns." For better or worse, Europeans saw fit soon to rectify what they viewed as a shortage of towns with the colonization of the African Continent. And along with that colonization came big game hunters and a booming global trade in elephant ivory.

Two hundred and fifty years after Swift penned that little poem, American consumers were indirectly responsible for the deaths of thousands of elephants each year, and the millions of elephants that had once stood on maps in the place of African towns were reduced to fewer than 700,000.

This magnificent species was facing the possibility of extinction in the wild if the slaughter were not stopped. Fortunately, we were able to respond to the pending crisis and diminish, if not completely halt, the uncontrolled killing of African elephants for their dubious honor of emerging from the evolutionary process bearing a resource more precious than gold.

Although habitat protection and the pressures of industrialization continue to pose a threat to African elephant populations, this species appears to be on the rebound, thanks in part to our colleague from California.

I understand that elephants, like the whales found off the coast of Massachusetts, are able to communicate over long distances by making deep rumbling sounds that humans cannot hear. If we could hear them, I am sure the elephants would be thanking Mr. BEILENSON for his extraordinary work on their behalf.

I wish we could be as optimistic about the future of the other species these laws are designed to protect. Due to the continuing demand for rhino horns and tiger bones in traditional Asian medicines, and the deplorable illegal trade in tiger skins, these extraordinary creatures may be gone from the face of the Earth by the time the Democrats regain control of this Congress. There is some hope, however, for both the rhinos and tigers and the Democrats.

The battle to save these species from extinction is far from over, but at least the battle is joined. We must continue to do all we can through international cooperation and environmental education to ensure that rhinos, tigers, and elephants still exist for future generations.

We all know that extinction, like politics, is forever. It is a very special privilege to recognize TONY, whose loss will be immense to this institution and to the country, to say nothing of the heffalumps.

INTRODUCTION OF COMPREHENSIVE WOMEN'S PENSIONS PROTECTION ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mrs. KENNELLY. Mr. Speaker, we are here this morning to announce the introduction of the comprehensive women's pension bill of 1996.

While Republicans spent the 104th Congress trying to deny working American families $40 billion of their hard earned pension money by allowing employers to raid pension plans, Democrats beat back these attempts and worked to ensure that working Americans, particularly women, get the benefits to which they are entitled.

For instance, President Clinton recently signed into law legislation I have championed since 1986 which reduces the vesting period—the period you must work before become entitled to a pension—from 10 to 5 years for multiemployer plans. The moment President Clinton put his signature on the bill, 1 million Americans became entitled to a pension. But there is much more work to be done, particularly for the women of America.

For instance, less than one-third of all women retirees over age 55 receive pension benefits compared to 55 percent of male retirees. Yet the typical American woman who retires can expect to live approximately 19 years. Sadly, over one-third of elderly women living alone live below the poverty line and three-fifths live within 150 percent of the poverty line. Women's pension benefits depend on several factors including: participation in the work force, lifetime earnings relative to those of current or former husbands, and marital history.

There has been a long-term trend toward greater labor market participation by women. In 1940, only 28 percent of all women worked and less than 15 percent of married women worked. By 1993, almost 60 percent of all women worked and married women were slightly more likely than other women to be working. The growth of women in the work force is even more pronounced for women in their prime earning years—ages 25 to 54. The labor force participation rate for these women increased from 42 percent in 1960 to 75 percent in 1993. For married women in this age bracket labor force participation increased from 35 percent in 1960 to 72 percent in 1993.

Not only are more women working, they are staying in the work force longer. For instance, 19 percent of married women with children under age 6 worked in 1960; by 1993, 60 percent of these women were in the work force. Similarly, 39 percent of married women with children between the ages of 6 and 17 were in the work force in 1960 and by 1993, fully 75 percent of these women were in the work force.

Women's median year-round, full-time covered earnings were a relatively constant 60 percent of men's earnings until about 1980. Since that time, women's earnings have risen to roughly 70 percent of men's. This increase will, in time, increase pension benefits for women although this change will be slow because benefits are based on average earnings over a lifetime.

A woman's martial status at retirement is also a critical factor in determining benefits. The Social Security Administration projects that the proportion of women aged 65 to 69 who are married will remain relatively constant over the next 25 years, and that the proportion who are divorced will more than double over this period. There are tremendous inequities in the law with respect to the pension of a widow or divorced spouse. For instance, only about 54 percent of married private pension plan recipients have selected a joint and survivor option, which, in the event of their death, will continue to provide benefits to their spouse.

The face of women in America today has changed; it's time our pension laws recognize those changes. The bill before us today does just that. A number of us have been active in this area. We have been successful in getting small pieces enacted. And today, we pledge to work together in the next Congress to update our pension laws for the women of America.

SOUND ADVICE ON UNITED STATES-CHINA RELATIONS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. ROTH. Mr. Speaker, as we consider our future trade relations with China, I would like to bring to my colleagues' attention to an excellent speech on the issue by former Secretary of Commerce Barbara Hackman Franklin.

Secretary Franklin not only has long experience in United States trade policy, but she also has particular expertise in United States-Chinese relations. That is why the Heritage Foundation asked her to make a special address on this subject.

In her remarks, Ms. Franklin emphasized that our relationship with China has come to a critical point. She urged us to consider the long term implications of our annual fight over MFN. Further, Ms. Franklin described the significant changes occurring in China and the impact of trade investment on those changes.

As Ms. Franklin pointed out, China is rapidly becoming a global economic power, making it crucial that the United States have a consistent, long-range strategy for stable, constructive relations.

Barbara Franklin has made a major contribution to a better understanding of our relationship with China as well as the implications of MFN for our national interest. I am including a summary of her speech in the CONGRESSIONAL RECORD and I urge my colleagues to read it carefully.

SUMMARY OF REMARKS GIVEN BY THE HONORABLE BARBARA HACKMAN FRANKLIN—"CHINA: FRIEND OR ENEMY?"

(Prepared by the staff of the Committee on International Relations)

The bilateral relationship between the U.S. and China is one of the most important in the world today. We have come to a critical point, where a better understanding between the two countries has become crucial for a stable and predictable relationship for the future.

Change in China is occurring at a tremendous rate and the result of China's transition can affect the U.S. for many reasons. China has the largest population and standing army in the world. It also is strategically positioned in the center of Asia and is a permanent member of the U.N. Security Council, giving China the power to veto decisions in the U.N.

China's growing economic clout is significant for the U.S. as well. Currently, China is rated as the third largest economy in the world, behind Japan and the U.S., and predictions of China's future economic growth show that within the next 15 years it has the potential of becoming the world's largest economy. This has become important for the U.S. because China is the largest market in the world for aircraft, telephones, construction equipment, agriculture products, and increasingly for consumer goods. We can see that China is a market for many of the products sold by the U.S. and, more importantly, the figures show that the demand in China continues to grow rapidly.

At the same time, we cannot ignore the vital concerns many people have brought up about the problems with human rights abuses, nuclear proliferation, and protection of intellectual property rights in China. Our increasing trade deficit has also caused a great deal of anxiety in the U.S., along with the question of both Taiwan and Hong Kong and the intentions of China's military. Many goals are being set by the central government and provinces, ranging from expanding education to strengthening China's agriculture to meeting the basic needs of the Chinese people, to help alleviate the problems and issues that China faces.

Threatening to deny MFN status should not be used as a means of addressing these concerns. Congress should renew MFN for China. Denying MFN status to China or attaching unrelated conditions does not make any sense for many reasons. The economic consequences would be profound, as denial of MFN would hinder trade and increase tariffs and costs for U.S. companies doing business in China. A negative message to the Asia-Pacific region would also result, where there is already concern about whether the U.S. is going to withdraw. Denying MFN would also harm the economies of Taiwan and Hong Kong and, as previously stated, would not correct or erase any of the concerns we have with China. Furthermore, the time has come to make MFN for China permanent as our strategic and economic relationship with China is too important to continue this heated and controversial debate every year.

It is also important to note that, currently, the U.S.-China relationship is at one of its all-time lowest points. It is characterized by distrust and misunderstanding, stemming in large part from the inconsistent actions of the Clinton Administration in its policies toward China. Many in China's government have interpreted our mixed messages as a policy of "containment", which has led to feelings of resentment against the U.S., as well as confusion on the part of the Chinese about what we really mean. We need a strategic framework for our relationship. Clear objectives and expectations for our relationship must be articulated to the Chinese. Dialogues at the highest levels should be used as means by which we can express and push for the goals we have set to achieve. Areas of common interest and agreement, such as commercial relations, provide a good foundation from which we can build.

The U.S. should actively encourage China's economic reform process as well as that country's integration into the world community. The U.S. should help to bring China into the WTO on acceptable terms; that way we can pursue our trade agenda multilaterally as well as bilaterally. The U.S. needs to focus on consistent actions that courage the Chinese to move forward instead of publicly shouting at them, as the Clinton Administration has been doing. We need to stay engaged with China, to use our best diplomatic judgment and skill, to disagree and be tough-minded when we must, while keeping our eye on the goal of achieving a working relationship.

The attitude of the U.S. toward China and the tone of the U.S.-China government relationship can have an influence on which way things go. But using trade as a weapon to address the concerns will not eliminate the problems and may only punish U.S. exports more than they hurt China. Therefore, we must look at the long term, instead of being short sighted, and adopt a consistent policy towards China that intelligibly addresses our concerns and objectives. The future relationship is at hand and if we continue our current, inconsistent approach to China, there is no telling what will result. This is a gamble the U.S. and the world cannot afford to take.

LIVEMORE PUBLIC LIBRARY TURNS 100

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. BAKER of California. Mr. Speaker, in 1896, the Wright Brothers had yet to fly, Henry Ford's mass production line had not yet opened, and Dwight Eisenhower was still a boy on the Kansas prairie. Yet the public-spirited citizens of Livermore, CA were already showing their commitment to building a strong community as they opened the Livermore Public Library.

For 10 decades, the Livermore Library has opened the doors of learning to generations of East Bay residents. The library has survived a Depression, two World Wars, and great social changes. Whatever was occurring in the world outside, the walls of the library were witnessing the quiet, steady flow of knowledge, and the library's resources were helping prepare people of all ages to fulfill their chosen tasks and pursue their personal interests.

Thanks belong to the people of Livemore for all they have done to continue this tradition to the present day. I applaud their commitment to learning, to public service, and to education, and wish them all the best as they celebrate this unique event in the history of the Livermore community.

A TRIBUTE TO EDWARD LENZ

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. ENGLISH of Pennsylvania. Mr. Speaker, too often we forget here in Washington that a pyramid rests on its broad base, not its pinnacle. In like manner, our political system rests not on Congressmen but on those who devote their time to local government: a lot of headaches and little pay.

Ed Lenz was a solid man, a good man, one of those foundation stones of America's democratic system. He shouldered the burden of public service without complaint, and served his family, his community, and his God. Would that we all have the same spirit of public service that Ed did.

Ed passed away after a lifetime of service. He was a Korean war veteran, serving in a too often ignored war in the Army.

He then studied electrical engineering, and worked for General Electric in locomotive testing for 27 years.

Ed was a husband and a father, and was always there for his family and community.

That is why he was a Republican committeeman, a member of the Wesleyville Planning Commission, and a Wesleyville councilman.

Wesleyville is going to miss Ed. In these days of cheap celebrity, I mention Ed because he was a good man, and I think such men should be remembered.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING ESTABLISHMENT ACT

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. BURR. Mr. Speaker, today I am introducing the National Institute of Biomedical Imaging Establishment Act of behalf of myself and my colleagues Mr. GREENWOOD, Mr. FLAKE, Mr. BROWN of Ohio, Mr. BORSKI, Mr. COBLE, Mr. HEINEMAN, Mr. PAYNE of Virginia, Mr. TAYLOR of North Carolina, Mr. CHAPMAN, and Mr. SMITH of Texas.

As millions of Americans know from personal experience, new developments in medical imaging have revolutionized patient care in the past quarter century. The field is no longer limited to x-rays. Sophisticated new technologies such as computed tomography [CT], magnetic resonance imaging [MRI], positron emission tomography [PET], and ultrasound allow physicians to diagnose and treat disease in ways that would have seemed impossible just a generation ago.

Mammography, for example, has improved the odds enormously for patients through early detection. And now, image-based biopsy methods have made it possible to diagnose many suspicious lumps in women without resorting to expensive and painful surgery.

For children, imaging has meant a dramatic reduction in the need for surgery. In the past, for example, a child brought into a hospital after an automobile accident would often undergo exploratory surgery if internal injuries were suspected. Today, a CT scan immediately after admission to the emergency room often eliminates the need for surgery at all. This not only avoids an expensive and potentially dangerous procedure; it also eliminates unnecessary pain and lengthy recovery periods.

The achievements of medical imaging are remarkable. And the potential for the future is equally dramatic. Imaging research promises breakthroughs in the early detection of such diseases as prostate and colon cancer, as well as the identification of individuals at risk for Alzheimer's disease.

Imaging research is also developing the foundation for the surgical techniques of the 21st century. Virtual reality neurosurgery, robotic surgery, and a whole array of image-guided procedures are revolutionizing surgical practice.

Developments in imaging are also making it possible to deliver better medical services to patients in rural regions and other underserved areas. Through teleradiology, experts in hospitals hundreds or even thousands of miles from patients can read images and make accurate diagnoses.

Americans can reap impressive benefits from future innovations in imaging. But these developments could be delayed significantly, or even lost, if we do not make a renewed commitment to image researching at the National Institutes of Health. The NIH is the premier biomedical institution in the world, but it is not organized to optimize research in this crucial field. The NIH is organized in Institutes, to support research related to specific diseases or body organ systems.

Imaging, however, is not specific to any one disease or organ. It has applications in virtually every area. For that reason, imaging research is conducted at most of the Institutes at NIH, but it is not a priority at any Institute. Instead, it is dispersed throughout the Institutes, producing uncoordinated decision-making and resource allocation.

The same is true on a larger scale beyond the NIH. A number of Federal agencies, including the Department of Defense, NASA, the National Science Foundation, the Department of Energy, and the intelligence agencies support imaging research programs. There is, however, no central coordination or direction for this research.

We can fix this problem. We can provide the needed oversight and direction for imaging research at NIH and throughout the Federal Government. We can ensure that taxpayer dollars expended on imaging research produce a greater return. And we can do all of this without additional spending.

The bill we are introducing today creates an organization at NIH to oversee and direct imaging research. But it does not add further layers of bureaucracy. On the contrary, the bill allows the Director of NIH to use existing administrative structures, existing personnel, and existing facilities for the new Institute.

In addition, this bill does not further dilute our increasingly scarce health care resources. Rather than require larger appropriations or create a whole new program with increased overhead, this bill consolidates the imaging research programs that are already in place to ensure more effective decision-making and investment of resources. It also creates a center to coordinate imaging research throughout the Federal Government.

In short, this bill provides an opportunity to improve health care for our citizens and improve efficiency at the same time. It will help us meet both the formidable scientific and budgetary challenges we face.

I fully recognize that there is not sufficient time remaining in the current Congress for the House to act on this legislation. Nevertheless, I believe that it is important to raise this issue now. We will be considering legislation to reauthorize the NIH in the next Congress, and we need to focus on imaging research as we continue the debate on the future of biomedical research in this Nation. I hope that the introduction of this bill now will contribute to that debate, as well as to the construction of a more effective national research program.

TRIBUTE TO RUTH SALZMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. TOWNS. Mr. Speaker, it is my pleasure to highlight the sterling efforts of Ruth Salzman, executive vice president for the Chase Community Development Corp. [CCDC]. Ruth was named to direct commercial lending for CCDC in 1992. She is tasked with the challenge of providing loans to minority and women-owned small businesses located in low- and moderate-income communities, in addition to addressing the needs of community-based nonprofit organizations.

Businesses in the tristate area of New York, New Jersey, and Connecticut have been recipients of loans from Chase, under the auspices of Ruth Salzman. In an era when it is fashionable to eliminate access to capital for groups desperately in need of access to capital, most notably minorities and women who own small businesses, it is comforting to know that Ruth Salzman is working overtime to support these groups.

Ruth's expertise and training are traceable to her work with Chemical Bank, where she managed a specialized lending portfolio known as the Community Policy Lending Unit, which provided capital loans to nonprofit organizations that developed transitional and permanent housing for people with special needs.

Ms. Salzman is a graduate of the Wharton Graduate Division and received her B.A. from Brooklyn College. She is married to Ira Salzman and is the mother of two children. Ruth's efforts have opened doors for many minority and female small business owners who have known nothing but despair in their efforts to secure commercial loans. Her efforts deserve recognition and commendation, and it is my honor to introduce her to my fellow colleagues.

TRIBUTE TO OUR LADY OF THE RIDGE VOLLEYBALL CHAMPIONS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding group of volleyball players in my district. This special group of players are students at Our Lady of the Ridge High School in Chicago Ridge, IL. What makes this group stand out and shine is that when other schools were out for the summer, this group of players extended their season into late June and captured their program's first national title. This is truly a momentous triumph and I am very proud to represent such a fine group of young women in Congress.

This year's Amateur Athletic Union Junior National Volleyball Championships were held in Des Moines, IA, on June 21–25. This year, a division was started which included volleyball players ages 10 years and younger. The division was created to allow younger players to compete in the national competition. This year, 10 young ladies from last season's fourth grade team received maximum benefit from the exposure.

The team was led by tournament MVP Jessica Strama and All-Americans Kellie and Katie Pratl. Additionally, Elizabeth Rutan, Cori Omiecinski, Megan Liston, Laura Dirschl, and Katherine Casey played an important role in their aggressive floor play during the game. Stefanie Krawisz and Lauren Uher were top in their field outstanding serving ability during the game. The Our Lady of the Ridge team was coached by Milena Strama and Ron Pratl. The team ended its season with an impressive 77–23 record. Finally, the team could not have come as far as they did if it were not for their many sponsor and supporters from the parish community of Our Lady of the Ridge. As the team coach Ron Pratl said, "There was a team of supporters that made it possible for us to get here, and then there was the team that won the gold. My hat goes off to all of them."

Mr. Speaker, I am very proud to have such a fine group of players and supporters in my district. This group of hard working young volleyball players are truly an inspiration and I am pleased to be given the opportunity to honor their hard work today.

TRIBUTE TO HONOR JANET FASH BY PLACING HER NAME IN THE CONGRESSIONAL RECORD

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to pay tribute to a brave and honorable individual, Miss Janet Fash, of Rockaway, NY. Her courage enabled her to save the life of a fellow civilian. Her contributions to the civic life of her community are commendable.

Miss Fash is a lifeguard in Rockaway, NY. While her job is to save lives, she has demonstrated the virtues of a citizen who goes above and beyond the call of duty.

Janet Fash was off-duty when she was walking down the beach. She noticed a crowd and found them attempting to rescue a drowning child from the ocean. Having been pulled out to sea by the tide, the child's life was in grave danger. Miss Fash quickly swam out to sea in order to rescue the child, ultimately saving its life.

For many individuals, this would be a random act of heroism. However, Janet Fash practices these acts for a living, spending the majority of her time saving lives. Her duty to her community is also to be commended, as she is a regular attendant at all community meetings, and is the epitome of a civic-minded individual.

As Janet Fash has been such a notable member of her community, I would encourage my colleagues to join me in congratulating her on her bravery and superior heroism.

CONDEMNING VIOLENCE IN EAST TIMOR

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. REED. Mr. Speaker, there has been growing international concern over the plight of the former Portuguese colony of East Timor, especially since November 12, 1991, when Indonesian troops killed more than 250 defenseless people and wounded hundreds more at Santa Cruz Cemetery in the East Timorese capital of Dili.

Thousands of East Timorese had gathered at the cemetery for a memorial service that turned into a demonstration. In an unprovoked attack, Indonesian forces opened fire on the crowd. A British television journalist filmed part of this tragic event, attracting the attention and indignation of the global community.

Nearly 5 years later, the situation in East Timor remains extremely tense. While the Indonesian officers and soldiers who were responsible for the Santa Cruz massacre received light punishment, when they received any punishment at all, the East Timorese accused of organizing the demonstration received long sentences, ranging from 9 years to life in prison. So far as is known, all of the Indonesian perpetrators have long ago been freed, in contrast to the East Timorese, all of whom were charged with nonviolent activities, but none of whom have been released.

As we near the fifth anniversary of the massacre, it would be fitting for the Indonesian Government to release all those charged with nonviolent activities in connection with the event.

In July 1996, Amnesty International presented a summary analysis of the human rights situation in East Timor to the United Nations Special Committee on Decolonization. I now ask that this important documemt, which underscores the need for concrete action, be placed in the CONGRESSIONAL RECORD:

INDONESIA: HUMAN RIGHTS DETERIORATE IN EAST TIMOR AS UN TALKS GO ON

Another year of talks and vague promises of greater openness by the Indonesian government has brought no relief to the people of East Timor, Amnesty International said today at the United Nations (UN) Special Commission on Decolonization in New York.

Despite the recent completion of the eighth round of talks between the governments of Indonesia and Portugal, and a visit to Indonesia and East Timor by the UN High Commissioner for Human Rights, the root causes of human rights violations in East Timor remain unaddressed.

Reports of arbitrary arrests, torture, "disappearance", extrajudicial killings, the imprisonment of prisoners of conscience, and unfair trials have continued. There is particular concern that the authorities may be using disturbances in the territory as a pretext to arrest people involved in peaceful pro-independence activities.

"Instead of committing itself to taking concrete measures to address gross violations by its security forces, the Indonesian government responds to criticism with cosmetic measures aimed at appeasing international and domestic critics," Amnesty International said.

In 1995, for example, the government agreed to a visit by the High Commissioner for Human Rights to Indonesia and East Timor. During the visit the authorities said they were prepared to cooperate further with the mechanisms of UN human rights bodies, but gave no indication of how or when this would be done.

"The international community should not be fooled into thinking this constitutes real progress on human rights in East Timor. Limited concessions as such have not alleviated the deteriorating situation on the ground," Amnesty International said.

Concrete action is urgently required to curb arbitrary use of power by the security forces, end the impunity and remove legislation which allows for the detention of prisoners of conscience.

The international community should also fulfill its responsibility to the people of East Timor by holding the Indonesian government accountable for violations whenever they occur.

"The time for talking is over. The Indonesian government must now demonstrate a genuine commitment to human rights in East Timor—and the international community must hold that government to such a commitment," Amnesty International said.

CONGRATULATIONS TO PG&E

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. DELLUMS. Mr. Speaker, two major projects aimed at replenishing the economic vitality of Oakland are the Oakland Inner City Competitiveness Project and the Oakland Communications Business Cluster Incubator. Deeply involved in both of these projects is Pacific Gas & Electric Co. [PG&E], serving Oakland and much of northern and central California. For its leading role in economic development, PG&E received the Edison Electric

Institute's [EEI] Common Goals Special Distinction Award for customer satisfaction.

Tapan Munroe, PG&E's chief economist who cochaired an economic forum for Oakland, was in Washington to receive the award from EEI President Thomas R.Kuhn in a Capitol Hill ceremony.

In the face of economic stagnation, military base-closings, and downsizing throughout northern California, PG&E played a key role in bringing stakeholders together to forge a strategic plan for Oakland's future. PG&E and other supporters and businesses funded the forum, and PG&E produced the Proceedings and Action Plan which envision 12,000 new jobs through four strategic areas: Port of Oakland, Downtown Redevelopment Plan, Neighborhood Revitalization, and New and Changing Industries. Now PG&E is taking a leading role in putting the action plan into effect.

I commend all the partners and their good work through the Oakland Economic Action Forum. Congratulations to PG&E on winning the EEI Common Goals Award.

TRIBUTE TO FREEHOLDER P. MARVIN PADGETT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. ANDREWS. Mr. Speaker, I rise to honor to Freeholder P. Marvin Padgett, a member of the Cumberland County Board of Chosen Freeholders in New Jersey. Mr. Padgett has announced his retirement. He will be leaving office at the end of his term in 1998.

Mr. Padgett, a resident of Fairfield Township has dedicated his life to public service. He is currently concluding a 9-year stretch as Freeholder, which began in 1988. Prior to this he had served a 3-year term from 1971–73. Mr. Padgett has been affiliated with many Camden County Departments during his illustrious career.

Freeholder Padgett began his community involvement as an active member of the Bridgeton Jaycees in the 1950's and has also held the post of President of that organization. Following his involvement with the Jaycees, the Freeholder was appointed a member of the Bridgeton Housing Authority. Mr. Padgett was later elected to the Fairfield Township Board of Education. In 1964, Mr. Padgett was elected to the first of his two terms as County Coroner. He was later appointed to the Cumberland County Utilities Authority where he served for a total of 8½ years, the final 3 as Chairman. In 1978 he was elected Camden County Democratic Chairman.

Mr. Speaker, I would like to take this opportunity to recognize and thank Mr. Padgett for his lifelong commitment to his community. Through his years of hard work, Freeholder Padgett has shown uncompromising dedication to his family, his colleagues, and to the people of his community.

IN MEMORY OF FATHER JAMES SAUVE (1932–96)

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MOAKLEY. Mr. Speaker, I rise today with great sadness to honor the memory of a truly great American leader who passed away earlier this week.

Father James Sauve, our country's leading expert on Jesuit education, left this world far too quickly. Lucky for us, in the 64 years he was here, he made more difference; he had more positive contributions, than most people even dream of making.

Father Sauve had just recently been named the executive director of the Association of Jesuit Colleges and Universities. In this, and his many other experiences, he devoted his life to the two greatest goals: justice and education. And he succeeded mightily.

Whether this gentle man was teaching his students mathematics at Marquette University, organizing a worldwide meeting of the leaders in Jesuit higher education, or simply chatting with friends over a good pipe smoke and classical music, Father Sauve always enjoyed his mission in life.

It was his mission to help focus the greatest educational tradition in our country, Jesuit education, and to help ensure its continued prosperity well into the future. For that we should all be very thankful.

The Jesuit mission promotes a service of faith in a world that often makes faith hard to find. In this world, their vocation is to promote a shared, lasting good and to promote justice. According to the Jesuit teachings, "God challenges His people to act justly, to speak respectfully of serious things, and to counter social conflict." Father Sauve embodied these principles through his teachings of the importance of education—education that teaches service to others, justice for all, and peace around the world.

In the Gospel according to John, Jesus says, "This is my commandment, that you love one another, as I have loved you." John 15:12. I believe Father Sauve succeeded better than many of us in breathing life into this commandment and teaching its meaning.

Father Sauve was and still is an inspiration to all of us.

TRIBUTE TO ST. GABRIEL POSSENTI

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. STEARNS. Mr. Speaker, Thomas Jefferson wrote, "No free man shall ever be debarred the use of arms." I, along with many of my colleagues, wholeheartedly agree and have fought attempts to limit a law-abiding citizen's constitutional right to keep and bear arms. Law-abiding citizens have the right to protect themselves, their families, and their property.

As a strong supporter of the second amendment, I would like to take a moment to pay tribute to a courageous, but little known saint, St. Gabriel Possenti, who exemplifies the need for legitimate gun ownership. In 1859, the Catholic seminarian saved the village of Isola, Italy from 20 dangerous terrorists who were terrifying the citizens, burning down the village, and stealing personal possessions.

As one of the terrorists was in the process of assaulting a young woman, Possenti, unarmed and alone, went to face the band of criminals. The terrorist who was about to rape the young woman, looked over and rested his gaze on Possenti and commented on him being all alone. Possenti quickly grabbed the terrorist's weapon from his holster and demanded the release of the young woman. Startled, the terrorist obliged. Possenti then disarmed a second terrorist.

Upon hearing the commotion, the rest of the band came over to Possenti with the intent of overtaking the lone monk. It was at that fateful moment, a lizard ran across the road. When it stopped midroad, Possenti, using one of the terrorist's revolvers, demonstrated his shooting prowess. He carefully aimed and killed the lizard with a single, clean shot. Possenti, then turned both revolvers on the terrorists and ordered them to douse the fires, return the property and leave the village. Not surprisingly, the bank of brigands was never heard from again.

Possenti, who was thereafter referred to as the Savior of Isola, died in 1862. Pope Benedict XV canonized him in 1920. Possenti's prowess with the revolver protected life and property. His brave actions evidence the necessary right of legitimate self-defense. It is this past conduct of the 19th-century Italian saint that is celebrated and studied by the St. Gabriel Possenti Society, Inc., which seeks his designation as the Patron Saint of Handgunners. I would like to personally thank Mr. John Snyder of the St. Gabriel Possenti Society for his tireless dedication on behalf of the crusade for legitimate self-defense.

I urge all my colleagues to remember this truly amazing story when they are called upon to make decisions regarding a citizen's second amendment right to keep and bear arms. Via the second amendment, citizens have the right to protect themselves, their families and their possessions from those who roam our streets and terrorize whole communities. As stewards of the public trust, we have the obligation to ensure the ability of law-abiding citizens to exercise this important right.

TAIWAN'S NATIONAL DAY MARKS THE TRIUMPH OF DEMOCRACY

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. ROSE. Mr. Speaker, on October 10, 1996, the Republic of China [ROC] on Taiwan celebrates its national day. I salute the great changes that have been undertaken by the people on Taiwan to transform their country into one that guarantees the right of every individual to participate in the election of its leaders.

While Taiwan's National Day is a happy occasion, we in the United States must be concerned by the recent heightened tensions in the region. The People's Republic of China [PRC] has undertaken a program of intimidation toward Taiwan. On the eve of Taiwan's Presidential elections, the PRC launched missiles less than 100 miles off the coast of Taiwan, staged "island landing" military exercises, and openly threatened naval blockades. The PRC took these actions because democratic Taiwan continues to seek greater international recognition.

The United States has an important role to play in resolving this matter. We must continue to work to bring the ROC into the World Trade Organization in a timely manner. We also must coordinate with President Clinton to make sure that, within the framework of current treaties, Taiwan borders are secure. And we must continue to promote Taiwan's participation in humanitarian organizations around the world.

Mr. Speaker, Taiwan held open Presidential elections in March of this year. The United States has always promoted the idea of democracy throughout the world. Now that democracy is a reality on Taiwan, the United States must make certain Taiwan is protected from any external threats.

Mr. Speaker, I congratulate Taiwan on its National Day and send warm regards to President Lee Teng Hui on his country's amazing economic and democratic successes.

TRAGEDY OF EAST TIMOR

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. TORRICELLI. Mr. Speaker, the tragedy in the former Portuguese colony of East Timor is of growing concern to Americans, and in particular, to church and secular human rights organizations in the State of New Jersey. There has been growing interest in this problem in my State dating back to the 1975 invasion of East Timor by Indonesia, which may have claimed more than 200,000 East Timorese lives of a population that was less than 700,000 before the Indonesian occupation. Public interest in my State and around the world has increased since the November 12, 1991, massacre of more than 250 unarmed people by Indonesian troops at Santa Cruz cemetery in the East Timor capital of Dili. The Santa Cruz massacre, filmed in part by a British TV journalist, was televised throughout the world, and alerted international public opinion to the plight of East Timor in an unprecedented manner. Nearly 5 years after the Santa Cruz massacre, East Timor's suffering continues.

An illustrious in the midst of this tragedy is the Roman Catholic Bishop of East Timor, Carlos Ximenes Belo, who has received acclaim for his efforts to bring peace to East Timor. Earlier this year, several international editions of Reader's Digest published a profile of Bishop Belo entitled "Hero for a Forgotten People." Shortly after it appeared, Reader's Digest announced that the edition had been banned from newsstands in Indonesia.

The article is a poignant portrait, and deserves wider attention, especially at this time, as the fifth anniversary of the Santa Cruz massacre approaches. In conclusion, Bishop Belo tells the Reader's Digest writer, "We beg the outside world not to forget us * * * If that happens, we are doomed."

The U.S. Congress and administration should do everything within reason to ensure that Bishop Belo's fear does not come to pass.

For the benefit of my colleagues, I request that the text of the March 1996 Far Eastern edition of Reader's Digest be published in the RECORD. I urge all of my colleagues to read this important article.

HOUSE CONCURRENT RESOLUTION 220—COMMENDING HUNGARY AND ROMANIA ON THE SIGNING OF A TREATY OF UNDERSTANDING, COOPERATION, AND GOOD NEIGHBORLINESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. LANTOS. Mr. Speaker, earlier this week, representatives of Hungary and Romania signed a "Treaty of Understanding, Cooperation and Good Neighborliness" in the Romanian city of Timisoara/Temesvar. The important document was signed by Hungarian Prime Minister Gyula Horn and Romanian Prime Minister Nicolae Vacaroiu. The treaty represents another milestone in the process of reconciliation and improved relations between these two important Central European countries.

Mr. Speaker, with the support of our distinguished colleague from Ohio, Mr. HOKE, yesterday I introduced House Concurrent Resolution 220 commending the leaders of both countries for this important action. I invite my colleagues to join us in cosponsoring this resolution and ask for their support of this important piece of legislation.

The text of our resolution reads as follows:

H. CON. RES. 220

Commending the Governments of Hungary and Romania on the occasion of the signing of a Treaty of Understanding, Cooperation and Good Neighborliness.

Whereas on September 16, 1996, a "Treaty of Understanding, Cooperation and good Neighborliness between Romania and the Republic of Hungary" was signed by Gyula Horn, Prime Minister of the Republic of Hungary, and by Nicolae Vacaroiu, Prime Minister of Romania, in Timisoara/Temesvar, Romania;

Whereas this agreement between the two governments is an important step in contributing to the stability of that region and to reconciliation and cooperation among the nations of Central and Eastern Europe;

Whereas this agreement will enhance the participation of both countries in the Partnership for Peace program and will contribute to and facilitate their closer cooperation with the members of the North Atlantic Treaty Organization and the eventual entry of these countries into full NATO participation; and

Whereas this agreement is a further significant step in the process of reconciliation between Hungary and Romania and reflects the desire and effort of both countries to improve their economic cooperation, to foster the free movement of peoples between their countries, to expand military relationships, and to increase cultural and educational cooperation: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the farsighted leadership shown by both the government of Hungary and the government of Romania in reaching agreements on the Treaty of Understanding, Cooperation and Good Neighborliness signed on September 16, 1996;

(2) commends the frank, open, and reasoned political dialogue between officials of Hungary and Romania which led to the treaty;

(3) commends the two countries for their effort to foster improved relations in all fields; and

(4) calls upon the President to utilize all available and appropriate means on behalf of the United States to support the implementation of the provisions of the "Treaty of Understanding, Cooperation and good Neighborliness between Romania and the Republic of Hungary" and to promote their efforts for regional cooperation as the best means of bringing these two countries into NATO and to ensure lasting security in the region.

IN HONOR OF CHARLES F. VANCE

HON. THOMAS M. DAVIS

OF VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. DAVIS. Mr. Speaker, it gives us great pleasure to rise and pay tribute to Mr. Charles F. Vance, who is this year's recipient of the Northern Virginia Community Foundations's [NVCF] Founders Award. Mr. Vance is being honored for his dedicated service to the Northern Virginia community.

The Northern Virginia Community Foundation is a nonprofit public charity which provides donors with a flexible and efficient vehicle for charitable giving to benefit the arts, community improvement, education, health, and youth programs. The Founders Award is NVCF's most prestigious award and is presented annually to an individual who has a record of outstanding community service and dedication to the improvement of Northern Virginia.

This year's recipient, Mr. Charles F. Vance, is the chairman and CEO of Vance International, Inc., a firm he founded in 1984. Vance International provides the private sector a full line of security services, including executive protection, uniformed services, investigations, tactical response teams, training of security personnel, technical surveys, and consulting.

Prior to entering the private security field, Mr. Vance served for 14 years as a special agent and supervisor in the U.S. Secret Service. During his tenure, Mr. Vance was assigned on a permanent basis to President Gerald R. Ford, and Vice Presidents Hubert

Humphrey and Spiro Agnew. He also protected several foreign heads of state.

A firm believer that businesses are an integral part of their surrounding communities, Mr. Vance serves on the Northern Virginia roundtable and is a member of the Fairfax County Chamber of Commerce. He is an active member of several business-to-community organizations. He also has been a major supporter of more than 50 charitable organizations, such as Youth for Tomorrow, the American Heart Association, the Close Up Foundations, Fight for Children, Special Olympics, United Cerebral Palsy, America's Smithsonian, and the KFS Memorial Golf Classic.

For his exemplary business and community service, Mr. Vance has been awarded Arthur Anderson's 1995 and 1996 Fast Track Award for revenue growth and their 1996 Enterprise Award for Best Business Practices. Mr. Vance was also awarded Inc. Magazine's 1995 Entrepreneur of the Year Award.

He and his wife, Cynthia Steele, live in Northern Virginia. They have two daughters, Tyne and Heather, and are expecting a baby early next month.

Mr. Speaker, we know our colleagues will join us in saluting the commitment that Mr. Vance has made to helping our community. He is, indeed, well-deserving of this distinguished award.

ENVIRONMENTAL CRIMES AND ENFORCEMENT ACT OF 1996

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. REED. Mr. Speaker, I am pleased to introduce, along with my colleagues Mr. SCHUMER of New York, Mr. PALLONE of New Jersey, and Mr. MILLER of California, President Clinton's Environmental Crimes and Enforcement Act of 1996.

Our Nation's environmental quality is among the best in the world, in part thanks to laws like the Safe Drinking Water Act and the Clean Air Act that we have passed here in Congress. Over the last 25 years, these laws have worked to make our air cleaner, our water safe to drink, our lakes and rivers safe to swim in. But these laws are only pieces of paper. Effective enforcement of these laws is needed to protect public health and environmental quality.

The Environmental Crimes and Enforcement Act will provide new tools to investigate and prosecute environmental crimes.

For example, the bill adds an attempt provision to environmental statutes so that environmental crimes can be prosecuted even when law enforcement agents come upon and stop a crime in progress. Under current law, if agents conducting surveillance of a hazardous waste transporter stop the transporter from illegally dumping the hazardous waste, the perpetrator cannot be prosecuted for illegal dumping because no crime has occurred. Only if the agents were to allow the dumpers to complete their crime, and possibly cause damage to the environment and risk to public health, could the perpetrators be prosecuted. With an attempt provision, illegal dumpers can be stopped before causing environmental damage and still be held responsible for their actions. Also, an attempt provision will allow Federal agents to use benign substitutes for hazardous wastes in undercover operations.

The act would also extend the statute of limitations where the violator has concealed the environmental crime. In one typical incident, a waste hauler buried 55-gallon drums of toxic waste in a vacant lot rather than disposing of them properly. The concealed drums deteriorated and leaked, causing environmental contamination. Because the drums were not discovered within the short statute of limitations, no criminal charges could be brought against the hauler. This provision will ensure that polluters cannot escape justice by hiding their wrongdoing.

The bill would enhance penalties where a criminal violation of environmental law causes a death or serious injury. Police officers, fire fighters, and members of the public can suffer serious injury or death from toxic chemicals or other hazardous materials—it is appropriate to make the punishment fit the crime in these cases.

The bill will also enable Federal courts to ensure that those charged with environmental crimes do not shield or dispose of assets needed to pay for restitution.

In my home State of Rhode Island, the U.S. attorney, the EPA, the State attorney general, and the State Department of Environmental Management have formed a taskforce to target and prioritize environmental enforcement issues. This taskforce is accompanied by a citizen's advisory group that suggests priorities for enforcement. In a State like Rhode Island, where tourism and economic growth depend upon a clean and healthy environment, this type of cooperation is essential. The Environmental Crimes and Enforcement Act will enhance such partnerships between Federal law enforcement and State, local, and tribal governments.

As Attorney General Janet Reno said when announcing this proposal, "The American people want, and have a right to expect, strong environmental protection. This bill will provide us with better tools" to achieve those goals.

TRIBUTE TO ALFREDA H. ABBOTT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to Ms. Alfreda H. Abbott and her 25 years of dedicated and committed service to our community. A native of Oakland, CA, Ms. Abbott earned a Bachelor of Arts Degree in Social Welfare from the University of California, Berkeley. Ms. Abbott has also been a recipient of many awards including the Allen Temple Baptist Church Outstanding Leadership Award, the Zeta Phi Beta Award, Ella Hill Hutch Political Action Award, Oakland Consumer Council Award, BWOPA Leadership Award and the East Oakland Democratic Club Democrat of the Year Award.

Ms. Abbott played a very active role in the 1950's as an advocate for the Oakland Poverty Program and was an original member of the Oakland Black Caucus. Prior to 1972, Ms. Abbott served as a Deputy Probation Officer for Alameda County, and as a Group Counselor for the Social Services Bureau. Ms. Abbott has also served as Vice Chair of the Oakland Planning Commission. She has been affiliated with many organizations such as, the Oakland Museum Association, the Bay Area Urban League and Planned Parenthood.

Ms. Abbott is also a founder and former Political Action Chairperson and serves currently as the Ist Vice President for BWOPA, statewide.

In 1985, Ms. Abbott was elected to the Board of Education, Oakland Unified School District, and in 1990, was elected to serve as Board President.

Most recently, Ms. Abbott has served as the Administrative Aide for Senator Nicholas C. Petris, where she has rendered her outstanding services to the constituents of the 9th Senatorial District, and throughout the State of California.

Because of her dedication and compassion, Ms. Abbott has been an invaluable part of the community and is very deserving of the highest commendations and public appreciation.

It is with great honor that I pay tribute to an exemplary individual, who without fail has given of herself unselfishly to not only her community but to the State of California. I extend my congratulations on her retirement, and hope that the future holds only good endeavors.

RUTGERS UNIVERSITY POLICE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. ANDREWS. Mr. Speaker, I invite my colleagues to join me in honoring a group of citizens that glorify the State of New Jersey. On May 14th of this year the city of Camden held its' Police Awards Banquet. The event recognized citizens and police officers that went beyond the call of duty in their particular areas of service. I would like to highlight the officers of the Rutgers University Police Department who protect our communities and place our lives before their own. Their dedication and service to the people enables us to live in safety. Moreover, their example serves as a model for all citizens.

The following Rutgers University Police should be recognized for their meritorious service: Capt. Guy Still, Lt. Edmund Johnson, Sgt. Michael Amorim, Sgt. Louis Capelli, Officer John Denmark, Officer William Singleton, Officer Lynn Vrooman, Officer Tracy McGriff, Officer William Princiotta.

The following officers were killed in the line of duty: Officer George F. Jefferis 1951, Sergeant Carmin Fuscellaro 1961, Officer George Schultz 1969, Officer Charles Sutman 1969, Officer Rand Chandler 1969, Officer Elwood Ridge 1973, Officer Stuart Roberts 1975.

SENATE—*Friday, September 27, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Lord bless you and keep you; the Lord make his face to shine upon you, and be gracious to you; the Lord lift up His countenance upon you, and give you peace.

Father, we begin this day by claiming this magnificent fivefold assurance. We ask You to make this a blessed day filled with the assurance of Your blessing. May we live today with the Godly esteem of knowing You have chosen us and called us to receive Your love and serve You. Keep us safe from danger and the forces of evil. Give us the helmet of salvation to protect our thinking brains from any intrusion of temptation to pride, resistance to Your guidance, or negative attitudes. Smile on us as Your face, Your presence, lifts us from fear or frustration. Thank You for Your grace to overcome the grimness that sometimes pervades our countenance. Instead, may our countenance reflect Your joy. May Your peace flow into us calming our agitated spirits, conditioning our dispositions, and controlling all we say and do. Help us to say to one another, "Have a blessed day," and expect nothing less for ourselves. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, I wish to again thank all the Senators for their cooperation yesterday in moving a couple of important bills—the pipeline safety bill and the NIH reauthorization. It looks as if we are going to have some other conference reports available today. I also wish to thank the Senator from New Hampshire for his efforts on the bill that we did have a vote on yesterday.

This morning there will be a period of morning business until the hour of 12 noon. I believe Senator MCCAIN and others have time reserved. Following morning business today, the Senate will be asked to turn to the consideration of any of the following items: the Presidio-parks bill conference report, FAA conference report, the Coast Guard conference report, and possibly begin consideration of the omnibus appropriations bill making continuing appropriations for fiscal year 1977. Rollcall votes are possible during today's session, and depending on the progress that is made on the omnibus CR, there could even be votes tonight. We will begin meetings at 9:30 and get reports of the negotiations that went on into the wee hours this morning. Also, we will get a report on how negotiations are going on the illegal immigration bill.

Last night, we did file a cloture motion with regard to the illegal immigration conference report with a rollcall vote on invoking cloture occurring on Monday, September 30, at a time to be determined by the two leaders. We assume that would be mid-afternoon, perhaps around 2 o'clock on Monday. So Senators need to be aware that it will occur before 5 o'clock in all likelihood, and they would need to be here for a vote earlier than that during the day.

The reason for that, obviously, is it is the end of the fiscal year, and we will have other business we will be having to work on. If we get an agreement worked out, of course, then the chance is that the illegal immigration bill would be put into the CR, and it would not be necessary to have a cloture vote or further debate on the bill at that time. We will keep all Senators advised over the next couple hours what is happening with the negotiations, and, of course, we do hope to get up some of these conference reports today.

I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein not to exceed 5 minutes each. Specifically, the Senator from Arizona [Mr. MCCAIN], has 20 minutes; the Senator from Maine [Mr. COHEN], has 45 minutes; the Senator from New York [Mr. D'AMATO], has 10 minutes; the Senator from Georgia [Mr. NUNN], has 30 minutes; the Senator from Delaware [Mr. BIDEN], has 20 minutes.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized for up to 30 minutes.

SENATOR ROBERT C. BYRD

Mr. NUNN. Mr. President, I suspect that all Senators, when we first come to this great institution we call the U.S. Senate, look around this Chamber for role models and mentors to help us become effective and productive Senators. I was privileged, after graduating law school at Emory University 1962, to come to Washington and work for Congressman Carl Vinson for nearly a year. I was privileged to follow in the footsteps of Senator Richard Russell. These were certainly two great Georgians who set an example of public service that I have sought to emulate. I was honored to have served with many Senators I have learned from, including Senator John Stennis and Senator Scoop Jackson, two legendary Senators who served in the Richard Russell tradition.

I have also learned very much from a unique Senator, the Senator from West Virginia by the name of ROBERT BYRD. Before I leave the Senate which I love, I want to take a few moments to thank my colleague and my good friend, Senator ROBERT BYRD, for the encouragement and assistance he has given me during my entire career here in the Senate and for the example he has set for all of us who served here and who have observed his leadership and his personality.

It has been said that great men are like eagles. They do not flock together. You find them one at a time, soaring alone, using their skill and their strengths to reach new heights and to seek new horizons. Such a man and such an eagle is ROBERT BYRD.

Twenty-four years after I first came to the Senate, Senator BYRD continues to be a role model for me. His tremendous understanding and deep reverence for the role of the Senate in our democracy; his total commitment to serving the people of his beloved State of West Virginia and the people of this country; his life-long commitment to learning; his sense of honor and integrity; his commitment to high moral standards; and his tremendous work ethic represent the highest ideals of public service.

ROLE OF THE SENATE

The "Almanac of American Politics" has what I think is a very appropriate

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

description of Senator BYRD. "Robert Byrd, senior senator from West Virginia," says the Almanac, "may come closer to the kind of senator the Founding Fathers had in mind than any other." Mr. President, the ideals of the Founding Fathers and the role they envisioned for the Senate have always shaped Senator BYRD's performance of his duties.

ROBERT BYRD reveres the Senate of the United States, not just because he serves in it, but because of his respect for its role in the history of our Nation and the world. Over the years, Senator BYRD has devoted an enormous amount of time and effort to the study of the Senate's role in our history and its duties under the Constitution. His four volumes of speeches on the history of the Senate mark Senator BYRD as the most knowledgeable person on the history of this body to ever serve in the Senate, and he is the leading expert on this subject in the country today.

By the power of his intellect and the depth of his understanding of the Senate's history and rules, Senator BYRD is not just the Senate's institutional memory. He is also the custodian of the Senate ideals and values that go back to the Founding Fathers and even to ancient Rome—as he reminded us in his extraordinary series of speeches on the Senate of the Roman Republic in 1993. I have heard Senator BYRD recall the words of Majorianus, a Roman Senator, who said that when he was crowned emperor in 457 A.D. that he still gloried in the name of Senator. "That," Senator BYRD is fond of saying, "is my bottom line."

Like the authors of our Constitution, Senator BYRD views the legislative branch as closest to the people and the primary safeguard of their rights and liberties. In his speeches on the history of the U.S. Senate, Senator BYRD points out that the Senate is unique not only because its rules allow unlimited debate, and that, of course, attracts a lot of attention from time to time. Unlike some legislative bodies in the world, the Senate can originate legislation. In addition, Senator BYRD reminds us:

> The Senate not only has the power to legislate. It also has the power to investigate, to approve the ratification of treaties, to confirm nominations, and to try impeached persons. Thus, it has judicial, legislative, executive and investigative powers. This combination of powers makes the Senate unique.

Senator BYRD's knowledge of the rules and procedures of the Senate has become legendary. Senator BYRD recalled that in 1967, when he was elected Secretary of the Senate Democratic Conference, "I began to study the book of precedents and the book of rules, and soon came to know something about floor work. As a result, I became proficient in the use of the rules." Mr. President, saying that ROBERT BYRD is proficient in the use of the rules is like saying Rembrandt knew something about painting. I suspect there have been few Members of the Senate in the last 200 years who approached Senator BYRD's knowledge of the rules and precedents of the Senate.

As a result of his exhaustive study of Senate procedure, Senator BYRD has had a major impact in shaping the rules and precedents under which the Senate operates today. Some of these precedents bear his name. The Byrd rule has become a household term for anyone who follows the progress of reconciliation bills in the Congress. That rule, of course, precludes consideration of provisions in reconciliation bills that are not related to the deficit reduction goals of the reconciliation process.

In his farewell address earlier this year, the majority leader, another remarkable legislator, Senator Dole, paid an unusual tribute to Senator BYRD when he said, "I have learned from a lot of people in this room. I have even gone to Senator BYRD when I was the majority leader to ask his advice on how to defeat him on an issue. If you know ROBERT BYRD as I do, he gave me the answer." That is high praise indeed from a man with Senator Dole's great skills as a legislator in this body, who was in the opposing party—actually going to Senator BYRD and asking him, "What rule can I use to defeat you on this motion?" That is about as high a compliment as an individual can be paid in this body.

In his devotion to the U.S. Senate, Senator BYRD has always shown a personal concern for the people who serve in this institution—not just Senators but all those who are part of the Senate family. Despite his responsibilities in the Senate leadership or his duties as chairman or ranking Democratic member on the Appropriations Committee, he has never been too busy to ease the burdens, remember a birthday, or share in the joys and sorrows of a colleague or staff member with a note or a bit of poetry. I have never forgotten a dinner given in my honor by my friends in Dublin, GA, in February 1975. Senator BYRD came to Georgia for that dinner. He gave a speech and brought down the house when he played "Going Up Cripple Creek" on his fiddle, all for a junior member of his party who had only been in the Senate for 2 years. My friends from Georgia, needless to say, were very impressed.

Over the years I have received tremendous support from Senator BYRD as a member and then chairman of the Armed Services Committee. Senator BYRD has always been a strong supporter of national defense and of our men and women in uniform. I am proud of the fact that the Armed Services Committee has passed a Defense authorization bill every year since I have served in the Senate. During my chairmanship, Senator BYRD's leadership as majority leader and his parliamentary skills were absolutely essential to completing Senate action on this national security legislation.

I have also had the pleasure of participating in delegations to foreign countries headed by Senator BYRD. I remember two trips in particular. One was a trip to the People's Republic of China early in my Senate career in 1975, back when Chairman Mao and Chou En-Lai, President Chou En-Lai were still alive. We did not visit with them because they were very ill, but it was a crucial time, not only in Chinese history but in United States-Chinese relationship. The other was a trip to the Soviet Union in 1985 to meet with Soviet President Mikhail Gorbachev. Senator BYRD led the bipartisan Senate delegation on both of these trips. He was a very effective spokesman for U.S. interests, and he always managed to leave our foreign hosts with an understanding of the role of the Senate in U.S. foreign policy.

Mr. President, from the day I came to the U.S. Senate in 1973, whether the issue was foreign policy, national security policy or Senate floor procedure, Senator BYRD has been my teacher and my colleague; in many cases, my legislative partner. And, most of all, my friend.

SERVING THE PEOPLE OF WEST VIRGINIA

Senator BYRD's reverence for the U.S. Senate is matched only by his commitment to serving the people he represents in West Virginia.

Senator BYRD was first elected by his fellow citizens of West Virginia 50 years ago to represent them in the State legislature. He has retained that trust and won every public office he has sought since then. Few people are ever accorded the honor and responsibility of being elected to represent their fellow citizens—a very high compliment. ROBERT BYRD has sought that honor and that responsibility 13 times and 13 times he has succeeded, starting with his election to the first of two terms in the West Virginia House, a term in the State Senate, three terms in the House of Representatives and seven terms in the U.S. Senate.

This makes 50 years—5 decades—of public service to the people of West Virginia by this remarkable man.

Senator BYRD has served in the Senate longer than any of the 29 other United States Senators who had been elected from West Virginia. Next year, he will become the fourth longest serving Senator in the history of our Nation. He is also only the third Senator to be elected to seven 6-year terms. Think of it, seven times he has been elected to 6-year terms, along with Senator Carl Hayden and another remarkable Senator, the President pro tempore, our colleague, Senator STROM THURMOND from South Carolina. This week, Senator BYRD cast his 14,577th rollcall vote—14,577 rollcall votes—

more than any other Senator who has ever served in this body.

In his seven elections to the U.S. Senate, Senator BYRD has won with an average of 72 percent of the popular vote—72 percent. Twice he has carried every single county in his State, the only person in the history of West Virginia to do so.

For all the time he has spent in the Nation's Capital, Mr. President, ROBERT BYRD has never forgotten where he came from or why the people of West Virginia sent him here. His childhood during the Depression taught him about the plight of people who had a hard time in life, including the people who worked in the coal mines. His father moved the family from town to town looking for work, but despite these constant moves, ROBERT BYRD graduated first in his high school. He married his high school sweetheart, Erma James, after he graduated from high school and found a job—ROBERT BYRD, the son of a coal miner, marrying a coal miner's daughter. At a time when America is suffering from the breakdown of the family which causes so many more of our other problems, the 59-year marriage of ROBERT BYRD and Erma James Byrd and their dedication to their family should serve as an example to each and every one of us, not only in this body but in America.

Senator BYRD had to save for 12 years before he could afford to attend college, even part time, but he made great use of his time. Working as a gas station attendant, a produce boy in a coal company store, a shipyard welder, and meat cutter, he learned about the lives and the hardships of ordinary people, and he learned about the hopes and the dreams of the citizens of West Virginia.

ROBERT BYRD's legislative priorities have been shaped by the needs of his State—investment in highways and other infrastructure projects to stimulate economic development badly needed in West Virginia; adequate and affordable health care, particularly for the coal miners of his State; and education to improve the lives of young people, not only in West Virginia but across the Nation.

Senator BYRD's diligence and approach to every challenge he undertakes is summed up in the passage from Ecclesiastes he is fond of quoting:

> Whatsoever thy hand findeth to do, do it with thy might.

Mr. President, everything ROBERT BYRD does he does with all of his might. He brings an intensity to his work that few of us could match and none of us could sustain. Watching ROBERT BYRD serve as majority leader and as leader of the Appropriations Committee, it is clear to everyone that when the going gets tough, ROBERT BYRD doubles his efforts and just works harder.

So, Mr. President, from humble beginnings, Senator BYRD has made himself into something truly extraordinary in the history of our Nation. He was not born with wealth or connections. He certainly wasn't born with any power. He has made himself what he is today by working harder and studying harder than anyone else, and in doing so, he has become a wonderful example for the young people of this Nation of what can be achieved through the old-fashioned values of integrity, hard work, faith and perseverance.

LIFE-LONG COMMITMENT TO LEARNING

Mr. President, from the experience of his past, Senator BYRD has become a strong proponent of investing in our future, our people and our infrastructure in this country. Children are our most important resource, and he knows that there is nothing more important to the future of our children than education. But the Senator from West Virginia is living proof that education is not just for young people preparing for a career. He has given all of us an example that education is a lifetime experience. ROBERT BYRD has never stopped learning. He has never stopped trying to improve himself. He has never been satisfied that he knows everything he needs to know, and he never will be. That is the nature of this remarkable man.

Like the senior Senator from New York, Senator MOYNIHAN, the Senator from West Virginia is both a student and a teacher who constantly absorbs information, he soaks it in, and who shares his knowledge and his wisdom with his colleagues to the benefit of this entire institution and the Congress. Senator BYRD started his Senate career as a student, absorbing the lessons of history, its traditions and its rules, from men like Richard Russell and John Stennis. Over the years, the student ROBERT BYRD has become the teacher ROBERT BYRD, but also remains the student ROBERT BYRD—a remarkable combination.

He has devoted his time and energy to formal education, earning a law degree while serving as a Member of Congress. Imagine that, all the duties of a Congressman and also getting a law degree, the only time in history that anyone has both begun and completed law school while serving in the Congress.

But just as important, the Senator from West Virginia also studies for his own enjoyment because he loves to learn, he loves to study and he loves to go through self-improvement, and he does it every day. ROBERT BYRD's devotion to learning is reflected in his work. When Senator BYRD offers an amendment, manages a bill, or speaks on an issue, he knows what he is talking about, and all of us recognize that on both sides of the aisle.

As chairman of the Appropriations Committee, Senator BYRD's advice and counsel led to the system of discretionary spending caps we have been using for the last 6 years. These spending caps and the reductions in Federal discretionary spending they have enforced have made the most significant contribution to deficit reduction of any policy we have adopted in the last decade.

If we in the Congress took the same kind of step on entitlement programs that we have done under Senator BYRD's leadership on discretionary programs, the fiscal outlook for our country and the future of our children and grandchildren would dramatically improve.

Too often today, when important matters are being considered, the media and some politicians look to opinion polls first for guidance. The Senator from West Virginia is not one of those individuals. The Senator from West Virginia is much more likely to follow the advice of Winston Churchill who said: "Study history, study history. In history lies all the secrets of statecraft."

Mr. President, Senator BYRD's knowledge of history and the relevance of history to the issues we face today—it is not just knowledge of history, it is the parallel between what we should learn from history and the kind of challenges we face today—and his deep appreciation of the connection all Senators should feel to those who have gone before us are the hallmarks of his service and, indeed, I think the unique contribution he has made to this institution.

When Senator BYRD speaks on issues like the line-item veto, for instance—and I agree with him that in the future the Senate will regret turning over this power to the executive branch. It has been done. We will see how it works, but I am one of those in the ROBERT BYRD school on the line-item veto. I do not think it will be used to bring down the deficit. I think it will be used by the President for whatever power he would like to display on whatever his priorities are at the moment, depending on the President.

But when he speaks on issues like the line-item veto, ROBERT BYRD speaks with the knowledge born of long hours of study of the development of constitutional Government and of separated and shared powers in the history of England and ancient Rome as well as our own country.

Historian ROBERT BYRD knows how long it took for the legislative branch to attain the power of the purse. He knows what it means to have the power of the purse. He knows what it means for the President to have the power of the purse, because that has been done more frequently in history than having the legislative body with that power. He also is keenly aware of what it means to lose the power of the purse.

ROBERT BYRD understands and articulates better than any Member of this body the crucial role that an independent legislature plays in a democracy. You do not have a democracy without a legislative branch. The Senator from West Virginia knows that we cannot have democracy without an independent legislative branch.

Mr. President, I could speak about the leadership and virtues of ROBERT BYRD for a long time. But let me wrap up my remarks by quoting the senior Senator from West Virginia in his history of the Senate, a magnificent quote in my view, summing up his view, and I hope increasingly all of our views, of the role of this great body.

> After two hundred years, [the Senate] is still the anchor of the Republic, the morning and evening star in the American constitutional constellation. It has had its giants and its little men, its Websters and its Bilbos, its Calhouns and its McCarthys. It has been the stage of high drama, of comedy and of tragedy, and its players have been the great and the near-great, those who think they are great, and those who will never be great. It has weathered the storms of adversity, withstood the barbs of cynics and the attacks of critics, and provided stability and strength to the nation during periods of civil strife and uncertainty, panics and depressions. In war and peace, it has been the sure refuge and protector of the rights of the states and of a political minority. And, today, the Senate still stands—the great forum of constitutional American liberty!

Mr. President, the U.S. Senate still stands as a great forum of constitutional liberty, in large part because of the vision of our Founding Fathers and the genius and durability of our constitutional system of Government. The men and women who serve in the Senate have a solemn obligation to understand this history and to protect the combination of powers that make the Senate unique under the Constitution.

Senator BYRD further reminds us of this solemn obligation in his addresses on the history of Roman constitutionalism when he said:

> For over two hundred years, from the beginning of the republic to this very hour, [the American constitutional system] has survived in unbroken continuity. We received it from our fathers. Let us surely pass it on to our sons and daughters

Mr. President, it is my hope and prayer that our successors will study the words, study the life and emulate the deeds of ROBERT BYRD, U.S. Senator from West Virginia, as he has studied the words and emulated the deeds of our forefathers. If they do, the Senate of the United States will stand as a beacon of liberty, and the lamp of America's freedom will shine for the next 200 years. That will be the ultimate tribute to the service in the U.S. Senate of a remarkable individual—ROBERT C. BYRD of West Virginia. I thank the Chair.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me first say it is an honor to simply have heard the tribute by the Senator from Georgia directed at the Senator from West Virginia. It is an honor to simply serve with these two men. I was delighted to hear the tribute. I thank the Senator. We will all miss him very, very much in this body.

TAX CUTS

Mr. FEINGOLD. Mr. President, we are nearing the end of the 104th Congress, a time when many will review the accomplishments and the failures of the last 2 years.

Though the dramatic budget disputes have dominated much of the brief history of the 104th Congress, there have in fact been a number of bipartisan successes that have not been as publicly noted. These bipartisan efforts have included congressional compliance, unfunded mandates legislation, lobby and gift reform, modest, but helpful, health insurance reform, and the promising beginnings of campaign finance reform.

But, Mr. President, perhaps the biggest achievement of this Congress has been something that was not done. This Congress did not enact any of the massive, fiscally irresponsible tax-cut proposals that Members of both parties have proposed.

Mr. President, a recent headline in the Washington Post read, "Dole's Tax Cut Centerpiece Has Yet To Strike a Chord With Voters." It is a telling story about the inability of the Dole campaign to gain significant political benefit from his proposal to cut taxes by nearly half a trillion dollars.

To a certain extent, I think the same kind of story could be written, in fairness, about President Clinton's tax-cut proposals. The bulk of the success that the President has enjoyed—I believe will continue to enjoy—clearly comes not from his tax-cut plans, but from his handling of the economy and his record on deficit reduction.

So, Mr. President, I think neither candidate has benefited in any significant way from proposing tax cuts. The reason is straightforward. Voters understand we simply cannot afford to cut taxes if we are to balance the Federal budget within the next 6 years. Mr. President, do Americans want lower taxes? Of course they do. But given the choice between cutting taxes and balancing the budget, the American voter wants to balance the budget.

Make no mistake, Mr. President, that is the choice we have before us. We have to do one or the other. You cannot do both. Anyone who claims you can do both is either blowing smoke or simply does not understand the huge problem we have in this country with our deficit and the debt which underlies it.

Mr. President, we saw how politically unsustainable a budget package becomes when it attempts to provide a major tax cut while it also claims to be eliminating the deficit. The political developments of this past year are testimony to this fact.

Indeed, any budget package that eliminates the deficit will be difficult enough to sustain over the next few years that it would take to fully implement its provisions even without the added burden of funding a significant tax cut.

The failure of the tax-cut plans offered by either party to gain political momentum is, of course, not due to a lack of effort. Millions of dollars are being spent on carefully crafted television commercials advocating these tax-cut proposals. These plans are not new nor are the efforts to promote them.

The President's plan that we have heard about recently is similar, in many ways, to the one he proposed in December of 1994. The Dole plan clearly has its roots in the massive tax cut proposed as a part of the now famous Contract With America. In fact, many in this body will recall that the Speaker of the other body pronounced that the tax-cut proposal, of all the proposals in the Contract With America, was the "crown jewel" of the Contract With America, in his words.

Mr. President, the Speaker's characterization was notable. Of all the provisions in that political document, it was the tax cut that he, the leader of that charge, gave the privileged position. Yet, despite the considerable political inertia that is conferred by being singled out as the crown jewel of the Contract With America, the tax cut has not been enacted.

Mr. President, does anyone doubt that, if there had been strong broad-based support for that tax cut, it would have been enacted by now? Clearly it would have been. If the American people truly preferred tax cuts to deficit reduction, we would have seen an inevitable bipartisan rush to enact them. But that has not been the case.

In the Washington Post story on the failure of the Dole tax-cut plan to attract voter support, a gentleman named Ralph Miller, of Greencastle, IN, a self-described independent, is quoted as saying this:

> When I hear all that talk about how they're going to cut taxes and balance the budget, it turns me against the both of them.

He added:

> I don't believe anybody can do that * * * I have respect for Bob Dole, but this seems ridiculous to me.

Mr. President, despite the lost opportunity to make even more progress to reduce the deficit during the 104th Congress, the deficit-reduction package passed in 1993 continues to lower the annual budget deficits below where they otherwise would have been.

As many have noted, in the last 4 years we have seen deficits come down from nearly $300 billion to an estimated $117 billion. That progress, of course, has come only with great difficulty. Finishing the job will be even tougher, but it is something that absolutely must be done.

Mr. President, proposals to provide large tax cuts jeopardize that effort by pirating the savings generated by spending cuts away from deficit reduction in order to fund tax cuts.

They also undercut deficit reduction by providing an alluring alternative to the often painful and unpopular work of balancing the budget.

It is much easier it is to talk of cutting taxes than it is to focus on where to cut spending.

The American people have not been swayed by the talk of cutting taxes by the Presidential candidates.

In fact, if President Clinton wins, as I hope and expect he will, it will in large part be because of his success in reducing the deficit, not because of his tax cut proposals.

Mr. President, in 1994, the first time many voters became aware of the Contract With America, including its crown jewel, was after the election.

But that fact was conveniently ignored when the new congressional leadership sought to advance their agenda.

The contract's provisions were held up as an electoral mandate, though I doubt 1 voter in 10 was in any way familiar with the real specifics of the Contract With America.

There will be no comparable, after-the-fact, document this year, Mr. President.

The differences between the two candidates are well known.

And despite the efforts of some in both parties, and the political and media specialists in both campaigns, the outcome of this election will rest in large part on whether voters choose reducing the deficit or cutting taxes as the higher economic priority of this Nation.

Mr. President, despite the loudly trumpeted promises made at the beginning of this Congress, and despite the significant political pressure brought to bear by well-funded special interests, we have succeeded in avoiding significant damage to the deficit, and to the goal of a balanced budget, that a huge tax cut would have meant.

If, in the 105th Congress, as I very much hope, we are finally able to enact a bipartisan budget plan that will balance the Federal books, it will be in large part because we did not enact a fiscally irresponsible tax cut in the 104th Congress.

The PRESIDING OFFICER. The Senator from New York is recognized to speak for up to 10 minutes.

Mr. D'AMATO. Mr. President, I thank the Chair.

(The remarks of Mr. D'AMATO pertaining to the introduction of S. 2136 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

COOPERATIVE RESEARCH EFFORTS BETWEEN THE NATIONAL MARINE FISHERIES SERVICE AND USDA'S EXPERIMENT STATION AT MISSISSIPPI STATE UNIVERSITY

Mr. LOTT. Mr. President, I come to the floor today to report to Congress and the American people on a unique success story. A story about a public-private partnership. A story involving a cooperative effort of two Federal agencies. A story requiring teamwork between a State government and the Federal Government. A story about our land grant university for Mississippi, and catfish farmers in Mississippi's Delta.

First, let me say, I am proud to report to my colleagues that the Mississippi Delta produces 80 percent of the farm-raised catfish enjoyed in America. This farm-raised catfish industry represents approximately 70 percent of the commercial value of America's entire aquaculture industry. Clearly, farm-raised catfish is big business in America. And clearly, it is big business for Mississippi.

But, it was not always successful. The catfish industry in Mississippi struggled for 25 years. There were many tales of financial woe. However, with hard work and the willingness to accept large fiscal risk, Mississippians developed aquaculture into a dynamic and viable economic enterprise. The pioneers in this industry spent a lot of their own money to build a giant infrastructure which includes production, processing, transportation, marketing, distribution, and feed mill capacity. We are talking about a $2 billion agricultural investment.

Mr. President, according to data provided to my office by the State of Mississippi, the Mississippi catfish industry employs more than 25,000. And this industry sells approximately $0.5 billion each year of catfish at the pond bank.

Throughout the growth of this new fledgling agricultural enterprise over the past 25 years, the No. 1 priority for the catfish farmers has always been to find new production techniques. If you build a pond and fill it with catfish, the question is not where the fish are. No—the real question and challenge is how to harvest the fish of a certain size.

Similar to any other intensely managed livestock operation, the farm-raised catfish industry experienced enormous production challenges such as nutrition problems, disease, and harvesting technology. There were many costly false starts in a search for solutions. Success was a hit or miss event. Gradually, solutions to feeding and health problems have been developed. Today, part of the catfish industry's attention is focused on obtaining new technology. This involves the National Marine Fisheries Service. The goal is to take advantage of existing technology.

Now, to many Americans fish are fish. To some, fish are classified as either fresh water or salt water. Here is where the Federal Government often draws a hard and fast bureaucratic line. The Federal Government has two different and distant agencies in two separate departments which deal with fish depending on the water they live in.

This is OK if these agencies talk to each other and share their success stories—yes, fish stories. And not about the one that got away. In Washington they call this dialog interagency coordination which is formalized with a memorandum of agreement. Sadly, this does not always occur.

Today, I stand here to tell you about one of those instances where the two Federal agencies did indeed find each other. They found each other without prodding from outside sources—like Congress. The story gets even better. When they found each other, there was a cooperative spirit to help America's catfish industry. Here, there is a success story.

Mr. President, it is encouraging for me to report to my colleagues there was a personal commitment, at the staff level, to help Mississippi's Delta catfish farmers. The National Marine Fisheries Service [NMFS], in Pascagoula, which is part of the Department of Commerce took on the persistent fresh water pond harvesting technology problems. They worked with Scientists at the Department of Agriculture [USDA] laboratory, at Mississippi State University in Stoneville. Together they formed a joint effort to apply existing marine fisheries' technology to catfish ponds. The established saltwater fishing industry is excellent at catching fish. The new fresh water community is good at growing fish, however, they needed to learn how to be more effective at catching them. NMFS stepped in to share new gear technology with the fresh water fish community. This sharing of technology kept the fresh water community from reinventing the wheel.

The Government's traditional business as usual policy would have prevented the assistance and technology exchange. To provide this help across jurisdictional lines is a Federal no-no. More importantly the policy would have been prevented because it threatens budget authority and funding issues.

But, despite these Washington obstacles assistance was offered and received. A Mississippi success story.

The NMFS laboratory in Pascagoula committed itself because of its can do attitude. And clearly USDA and Mississippi State University were receptive. NMFS brought a range of potential solutions to the harvesting technology problems of the warmwater aquaculture industry because they had worked on this issue for years in the marine fishing industry. I want to single out two individuals. Specifically, John Watson and Charles "Wendy" Taylor of NMFS's Pascagoula laboratory. These two directly assisted in the development and retrofitting of harvesting equipment. They had lots of ideas. They offered hands-on help. They produced rapid results.

They showed those fresh water folks lots of new ideas and real solutions. Many of these ideas caused revolutionary improvements in the harvesting efficiency and quality control for the farm-raised catfish industry. Revolutionary is not an overstatement. This is not a fish story about the one that got away. This is about the catfish that got caught. The proof was tangible and quickly evident at the processing plants. John and Wendy made a difference in Stoneville.

The NMFS laboratory staff in Pascagoula could have told the scientists in Stoneville's USDA Laboratory that procedures and policies prohibit the marine fisheries' experts of Federal Government from sharing their technology with a sister industry. But, they did not. Instead, through the combined efforts of these two diligent scientists and the cooperative spirit of personnel with USDA's Stoneville Experiment Station and Mississippi State University, steps were taken to discover potential solutions to the technology problems which have plagued the farm-raised catfish industry.

I must say this cooperative spirit extends all the way back to Washington. It is also exhibited by Rolland Schmitten, the Director for the National Marine Fisheries Service. There is a leadership example which is reflected throughout the agency.

Mr. President, it is a pleasure to share with my colleagues this story of Federal interagency cooperation. It also illustrates that public-private partnership can be productive. I think it is worth noting that this cooperative effort has reduced duplication of Federal efforts. This makes fiscal sense, especially as we strive to make the services of government more efficient.

All of us should look for similar opportunities within Federal agencies in our own home States. I am sure there are more Stoneville's out there. I am sure there are more ways that the Federal Government can deliver cost-effective solutions to the problems. I am also sure there are more public-private partnerships that can make a difference. Let us use our oversight responsibilities in the next Congress to reexamine Government priorities, policies, and procedures for other interagency opportunities with an aim of forming more partnerships with industry.

Mr. President, Stoneville should be the standard in the future, not the exception.

Again, I applaud the efforts of the National Marine Fisheries Service and I want to publicly thank them. They have significantly helped America's farm-raised catfish industry. I strongly encourage the continuation of the successful relationship between Stoneville and Pascagoula.

THE ACADEMY OF TELEVISION ARTS AND SCIENCES

Mrs. FEINSTEIN. Mr. President, I rise today to recognize the Academy of Television Arts and Sciences as it celebrates its 50th anniversary.

The television industry reflects so much of what we are as Americans. The Academy of Television Arts and Sciences—with its annual Emmy Award—recognizes the positive impact television makes on so much of our everyday life.

I'm an avid channel surfer at home, so I watch a fair amount of television. I know how positive a messenger television can be—whether explaining the spread of a deadly disease, bringing us up-to-the-minute reports of world events, or simply making us laugh during a half-hour situation comedy when our day has ended and we're ready to take a break.

The people and programs honored with the Emmy Award are a permanent part of our country's history.

Just listen to some of the who's who's list of recipients of the acting awards in the comedy field alone: Lucille Ball—four time recipient—Red Skelton, Danny Thomas, Eve Arden, Jack Benny, Shirley Booth, Carol Burnett, Dick Van Dyke, Mary Tyler Moore, Julie Andrews, and today's recent recipients Candace Bergen—five time recipient—Kelsey Grammer, and Helen Hunt. The programs honored—"Dick Van Dyke," "The Odd Couple," "All in the Family," "Get Smart," "Taxi," and "Barney Miller"—show just why the programming of "Nick at Nite" is so popular with people trying to recapture the classic days of comedy.

The drama programs honored over the years also give us a snapshot of American life at the time the programs aired: "Studio One," "Gunsmoke," "The Fugitive," "Mission Impossible," "Marcus Welby, M.D.," "Masterpiece Theatre," "The Waltons," and the modern-day "Hill Street Blues" and "E.R." Who can forget the Waltons' powerful message of family persevering through the Depression or who can forget how "Hill Street Blues" showed us the life of a police officer like we had never seen it before.

For all that is good, educational and powerful on television, I am pleased to play a small part in honoring the academy and the entire television industry for its work.

As the Senior Senator for California, I also know how vital the entertainment industry is to my home State, where more than 150,000 people are employed in more than 1,000 entertainment-related companies.

The academy, itself, was founded in 1946 by Syd Cassyd, and elected a year later Edgar Bergan as president. Under his direction, the academy first produced the Emmy Awards in 1948. The organization went national when it merged with the New York Academy in 1947 with Ed Sullivan as its first president.

The academy continued to expand adding new chapters throughout the United States.

Today, with 9,000 members, the academy is the largest organization in the television industry. In addition to the Emmys for which it is best known, the academy also runs an intern program for college students interested in film and holds student film competitions. In 1984, the academy formed its first steering committee on drug and alcohol abuse and began its work with a 2-day seminar in Washington, DC with First Lady Nancy Reagan. A decade later, the academy sponsored another meeting—this one focusing on the information superhighway—with our Vice President, AL GORE.

Mr. President, it is an honor and a privilege to acknowledge the accomplishments of the Academy of Television Arts and Sciences as a leader in the entertainment industry. I commend the academy on its growth and creativity over the past 50 years and I look forward to the next 50.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I ask that I might be able to speak for about 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS PARKS BILL

Mr. MURKOWSKI. Mr. President, there has been a great deal of interest from many Members in the disposition of the omnibus parks bill. As the Chair is aware, we as a committee, the Energy and Natural Resources Committee, met in conference and reported out the Presidio package several days ago, which contains 126 separate sections covering some 41 States.

We sent it over to the House. There was an implication regarding taxes on one particular section. We attempted to clear it over here. We had an objection. That objection has been addressed. It is my understanding that, procedurally, this matter can move from this body, assuming there is no further objection.

There is another track that is underway by some Members—mostly from the other body—that suggest that the disposition of the omnibus parks bill should be in the appropriation bill, the CR that is forming. I find that extraordinary because there are authorizers and there are appropriators. My committee, as an authorizing committee, has done its job. The Committee on Natural Resources, chaired by Representative YOUNG, has done its job. We got our packages together. We had further communicated with the White House over a week ago, addressing specifically certain contentious sections and asking for a disposition.

There are, initially, four major items in dispute. One was the Utah wilderness issue. The administration saw fit to initiate the invocation of the Antiquities Act to take care of the Utah wilderness. In other words, it was a land grab; the administration simply took 1.8 million acres and didn't notify the Utah delegation—the Governor, the Members of the Senate or the House. It was really a land grab, with no public process, which this administration highlights as part of their philosophy. We had been debating Utah wilderness for an extensive period of time and hadn't resolved it. But the democratic process was going on, people were being heard, different views were being heard.

It wasn't so long ago that we had an opportunity to debate the California wilderness bill. There was no antiquities application or land grab there. They let the democratic process move forward. The reason I point this out is because that was a contentious item, Utah wilderness. We withdrew it because of the threat of a veto.

Another contentious issue involved a 15-year extension for the only manufacturing plant in my State of Alaska. Without a 15-year extension, it could not make the $200 million investment to change that plant from a conventional pulp plant to a chlorine-free plant. They needed that commitment. The Forest Service would put up the timber so they could amortize the investment. The administration chose to object to that. The problem is, of course, that there is no source of timber, other than Federal timber, because all of southeastern Alaska is part of the Tongass National Forest. The communities are in the forest. The communities were assured at the time the forest was created that there would be enough timber to maintain a modest timber industry. So out of the 17 million acres of the forest, we have digressed down to trying to maintain an industry on about 1.7 million acres.

The pathetic part of it is, Mr. President, only roughly half of the timber is suitable for pulp. It is either dead, dying, or immature, in the sense that there is not enough soil to continue to maintain growth to full maturity. It has no other use. The reason this pulp mill was created is so we would have a tax base—this is the only year-round manufacturing plant in the State—and to secure jobs, and we would not have to export the pulp out of the State of Alaska—at that time, it was the territory of Alaska—down to the mills in the State of Washington, or to British Columbia, or Oregon.

Well, by the administration's dictate of lack of support for the extension, this mill will close. So the Senator from Alaska has taken his hit. I withdrew that from the omnibus parks package. Then we had the grazing issue. The administration objected to the fee structure of grazing on public land—the traditional Western use of public land. So we withdrew that. Then we moved up to Minnesota and we had the Boundary Waters Area. This was a question of whether you could use small motorized four-wheelers to haul small boats, canoes, and so forth, over a trail between the lake system. It is all right for the young folks to get 10 people out there and push it, but some of the older folks need some motorized assistance. They objected to that. So we took that out.

Mr. President, as justification for that I ask unanimous consent that the letter from the OMB outlining the objections be printed in the RECORD, along with a list.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 25, 1996.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LOTT: I am writing to provide the Administration's initial views on the conference report on H.R. 1296, the Omnibus Parks Legislation, that was filed last night. We are still in the process of reviewing this extensive legislation and understand that a number of changes were made to the conference report from the version of the bill we reviewed late last week. But, on the basis of our review of the conference report language, the President would veto the conference report.

The conference report still includes provisions that are unacceptable to the Administration including: unwarranted boundary reductions to the Shenandoah and Richmond Battlefield National Parks in Virginia, special interest benefits adversely affecting the management of the Sequoia National Park in California, permanent changes in the process for regulating rights of way across national parks and other federal lands, unfavorable modification of the Ketchikan Pulp Company contract in the Tongass National Forest, erosion of coastal barrier island protections in Florida, and mandated changes that would significantly alter and delay the completion of the Tongass Land Management Plan.

We have repeatedly stated our strong support for legislation to improve the management of the Presidio in San Francisco, use Federal funds to help acquire the Sterling Forest in the New York/New Jersey Highlands Regions, and establish the Tallgrass Prairie National in Kansas. We have also repeatedly stated our strong willingness to work with you to develop bipartisan, compromise legislation that protects our Nation's natural resources. This conference report does not meet that test. We remain willing to work with you to develop a compromise package that could be included in a bill to provide continuing appropriations for FY 1997.

Sincerely,

FRANKLIN D. RAINES,
Director.

H.R. 1296, OMNIBUS PARKS BILL

Sec.	Title
101	Presidio (CA).
201	Yucca House (AZ) boundary.
202	Zion NP (UT) boundary.
203	Pictured Rocks (MI) boundary.
204	Independent Hall (PA) boundary.
205	Craters of the Moon (ID) boundary.
206	Hagerman Fossil Beds boundary.
207	Wupatki (AZ) boundary.
208	Walnut Canyon (AZ) boundary adj.
209	Butte County (CA) conveyance.
210	Taos Pueblo (NM) land transfer.
211	Colonial (VA) NHP transfer.
212	Cuprum (ID) relief (FS).
213	Ranch A (WY) land conveyance.
214	Douglas (WY) relinquishment of interest.
215	Modoc (CA) NF boundary expansion.
217	Cumberland Gap (VA) NHP exchange.
221	Merced (CA) irrigation district exchange.
222	Father Aull (NM) land transfer.
301	Targhee (ID) NF land exchange.
302	Anaktuvuk Pass (AK) land exchange.
305	Arkansas and Oklahoma land exchange.
306	Big Thicket (TX) land exchange.
307	Lost Creek (MT) land exchange.
308	Cleveland (CA) NF land exchange.
310	BLM reauthorization.
402	Rio Puerco (NM) wastershed.
403	Old Spanish Trail study.
404	Great Western Trail (CO and others).
407	Lamprey (NH) wild and scenic river.
408	West Virginia rivers amendments.
409	Wild & Scenic River technical amend.
410	North St. Vrain Creek (CO) protection.
501	Selma-Montgomery (AL) historic trail.
503	Kaloko-Honokohan (HI) commission ext.
504	Boston Library (MA) carry NPS material.
505	Women's Rights NHP (NY) amendments.
506	Black Rev. War Patriots memorial ext.
507	Hist. Black Colleges historic buildings.
508	Martin Luther King memorial in D.C.
509	ACHP reauthorization.
510	Great Falls (NJ) Historic District.
511	New Bedford (MA) Nat. His. District.
512	Nicodemus (KS) Nat. His. Site.
513	Unalaska (AK) affiliated area.
514	Japanese American memorial in D.C.
515	Manzanar (CA) NHS land exchange.
516	AIDS Memorial Grove (CA) memorial.
601	U.S. Civil War Center (LA) at LSU.
605	American Battlefield Protection.
606	Chikamauga (GA) NMP auth. increase.
702	Delaware Water Gap (PA) fees.
801	Remove limit on park buildings.
802	Authority for NPS to transport children.
804	NPS museum properties.
805	Volunteers in parks.
807	Carl Garner cleanup day.
808	Fort Pulaski (GA) reservation removal.
809	Laura Hudson Vis. Center (LA) renaming.
810	Lagomarsino Vis. Center (CA) renaming.
812	Dayton (OH) Aviation Heritage amend.
813	Angeles NF (CA) transfer prohibition.
814	Grand Lake Cemetery.
817	William Smullin (OR) BLM visitor center.
901	Blackstone (MA) heritage area amend.
902	Illinois & Michigan Canal (IL) NHA amend.
1001	Tallgrass Prairie (KS) Nat'l Preserve.
1011	Sterling Forest (NY/NJ).
1023	Recreation lakes commission.
1024	Bisti/De-Na-Zin (NM) wilderness expand.
1025	Opal Creek (OR) wilderness and rec. area.
1026	Upper Klamath Basin (OR) restoration.
1027	Deschutes Basin (OR) restoration.
1030	Bull Run (OR) watershed protection.
1031	Oregon Islands (OR) wilderness additions.
1032	Umpqua River (OR) land exchange study.
1033	Boston Harbor Islands (MA) NRA.
1035	Elkhorn Ridge (CA) BLM substitute timber.
Added in conference:	
313	Kenai Natives (AK) land exchange—House version only.
1042	Katmai (AK) NP subsistance fishing.
1101	California Bay Delta Environment.
(NPS advises it could support individual heritage area designations if overall program authority in HR 1296 is deleted or replaced with HR 1301.)	
	Essex (MA) NHA.
	Ohio and Erie Canal (OH) NHA.
	Augusta (GA) NHA.
	Steel Industry (PA) NHA.
	South Carolina NHA.
	Tennessee Civil War NHA.
	West Virginia Coal NHA.
	Great Northern Frontier (NY) study.
	Lower Eastern Shore (MD) study.
	Champlain Valley (VT) study.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

Mr. President, that being done, we assumed that the administration may have mild objection to others. But last night we had a proposal from the administration. I want those that are watching in the offices to pay particular attention because I am going to refer to those in the balance of my remarks because, if you look at them, I can't say they are nonpartisan. They are very partisan as to what they now want omitted from the package. So it seems like they have goalposts on wheels because now they want more omitted. Not only do they want more omitted but they do not want this package that the authorizers have completed in both the House and Senate. They don't want this package to be presented in the two bodies.

As evidence of that, Mr. President, I read the accompanying letter dated September 25. I think just the last sentence is in order. The letter is from Franklin D. Raines, Director of the Executive Offices of the President. "This conference report"—which is our authorizing effort—"does not meet the test. We remain willing to work with you to develop a compromise package that could be included in a bill to provide continuing appropriations."

So what they want to do is they want to cherry pick this 126-section, 41-State report—over 2 years of effort. Some of these things have been before my committee for over 4 years. Our committee acted in a bipartisan manner. We took the issues on the merits.

Let me show you what the administration proposed last night, and you can judge for yourselves.

Of course, title I, the Presidio, which we all support, is included. But when we get into title II, the Boundary Adjustments and Conveyances, it is rather interesting.

Section 216 they want omitted. That is conveyance to the city of Sumpter, OR. That happens to be Senator HATFIELD.

Section 218, Shenandoah National Park: That is Senator WARNER. Senator JEFFORDS has an interest I believe, and Senator ROBB also has an interest.

Section 219, Tulare conveyance: The Colorado delegation and perhaps the Utah delegation has an interest.

Section 220, the Alpine School District: Senator HATFIELD. They want that omitted.

Section 223, Coastal Barrier Resource System in Florida: Senator MACK, Senator GRAHAM, and I believe the Governor of Florida, a Democrat, happens to feel very strongly that this should be in there. They want that stricken.

There is a Unified School District. I think that is the California issue.

Several in Alaska: The Alaska Peninsula Subsurface Consolidation, which is a very, very small consolidation on the Alaskan Peninsula.

But here is a big one they want stricken: Snowbasin Land Exchange Act. That is big in Utah. That is big in the Olympics. That is big in Idaho. That is big out west. This is going to allow a land exchange so Utah can hold the winter Olympics. They want it stricken out of here. They don't want it. They don't want that land exchange. There are some, evidently, environmental objections somewhere. It must be a lot stronger than we thought. We held hearings on it. The base of support from the States and the Olympic Committee spoke for itself.

Sand Hollow Land Exchange: Another Utah issue they want stricken.

Out in Colorado, section 311, 312, 313: Land exchange with the city of Greeley, CO, for the water supply and storage company.

And, then there are a couple more: Gates of the Arctic Land Preserve Exchange; the Native's association land exchange.

They own our State. There is no question about that. As we try to make adjustments to accommodate our citizens, we go through a process of hearings, get the input, and get the State administration involved.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. Mr. President, I was not aware there was a time limit on morning business.

The PRESIDING OFFICER. There is a time limit on morning business.

Mr. MURKOWSKI. I ask unanimous consent that I may have another 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair. I will try to be a little more rapid.

Colorado, section 101: Cache La Poudre corridor, Senator BROWN, Senator CAMPBELL.

RS2477, Section 405: An Alaskan issue.

They want to strike 406, the Hanford Reach protection which is out in the State of Washington.

Section 502, which is an historic area, the Vancouver National Historical Reserve: GORTON; MURRAY. They want to strike that.

Civil and Revolutionary War sites: That is section 602.

The Corinth, Mississippi Battlefield Act: I believe Senator LOTT.

The Richmond National Battlefield Park: Senator WARNER, and perhaps Senator ROBB.

Section 604, the Revolutionary War, and the War of 1812 Historic Preservation Study: Senator JEFFORDS.

The Shenandoah Valley Battlefield: Senator WARNER and Senator ROBB:

Ski area permit for rental charges they want stricken.

Visitors' services they want stricken. This is a park fee.

Glacier Bay National Park: Section 704 stricken.

And then out in the West: Senator BOND, Senator ASHCROFT, section 803, referral, burros and horses.

And, moving on, another Alaskan issue, 806, Katmai.

Senator CAMPBELL, section 811: Expenditure of Funds Outside Authorized Boundaries of the Rocky Mountain National Park, stricken.

Section 815: National Park Service Administration Reform; Senator BAUCUS, and Senator FEINSTEIN, I believe.

Mineral King, additional permits, Section 816, stricken.

Section 818, Calumet Ecological Park: I believe that is Senator SIMON, and Senator MOSELEY-BRAUN.

Moving over to others: Black Canyon of the Gunnison National Park Complex, stricken; 1021, Senator CAMPBELL, National Park Foundation, Senator BUMPERS and myself, stricken; 1027, 1028, 1029, the Deschutes basin ecosystem, Senator HATFIELD; Mount Hood Corridor Land Exchange, HATFIELD; creation of a forest; Senator HATFIELD; 1034, Natchez National Historical Park, Senator COCHRAN; and the rest of them are in this section 1035; and a few Alaskan issues of little consequence.

Mr. President, the point I want to conclude with is we as authorizers have done our job. There is an effort now to circumvent the legitimate process of the authorizers by momentum of the administration to put this in the appropriations package. I have committed to Senator GORTON. If they want to put the whole thing in, that is one thing. But I am not going to see the effort made by our authorizing committee and our conferees to have this simply cherry picked. Otherwise, there is absolutely no reason for our existence. If the appropriations process is going to pick up and cherry pick what we have done when we are ready to go, we have our holdings—at least I am sure on our side—addressed because of the way this process would proceed. The way this process would proceed, Mr. President, since we are ready to send it back over to the House by taking off the technical blue slip because of the tax implications, but we have to do that, of course, without objection. We are ready to do that.

Our job is done. The only risk to this is in sending it and subjecting it to a vote for recommittal. If the vote fails, the package is dead. But it will not fail. It will not fail in the House. It will not fail here. Give us a chance to vote on the package. Give us a chance to vote on what the authorizers have done here.

I implore my colleagues, particularly those who have been around here for a while, to recognize what this attempt is all about. They did not think we could get a consensus on the parks omnibus package. They thought all along they would be able to cherry-pick what they want out of it, but we fooled them. We got our job done. And now they are using the momentum of some in the minority to suggest they are going to go ahead anyway.

Well, we will see about that. We are ready to go. Our job is done. And to suggest some expeditious action by including it in the appropriations process at this late stage simply is not the way the Senate is supposed to function. I know that all of us get frustrated from time to time relative to our chairmanships, but this is a travesty of the process if this is a successful effort to cherry-pick those things and put them in the appropriations process when we are ready to go now. We can have it done today. We should be allowed to proceed.

So I hope that the leadership would reflect on that at noon when we proceed with the remainder of the calendar and just how we are going to treat these provisions, specifically the omnibus parks legislation, because at noon we will be ready to go subject to an objection. If there is an objection, I hope those objecting will come up with an alternative so that we can meet their objections, because our job is done. Technically, there is no reason why the parks omnibus package should not move ahead as it was intended and designed to do and as reported by the Committee on Energy and Natural Resources.

Mr. President, I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I certainly understand and sympathize with the distinguished Senator from Alaska [Mr. MURKOWSKI], who, as chairman of an authorizing committee, has before us an important bill on which time has been spent and many hearings have been held. It is enormously frustrating not to be able to have that put before us and acted upon. I am very supportive of the efforts he spoke of regarding the Presidio bill.

WORK FORCE AND CAREER DEVELOPMENT ACT

Mrs. KASSEBAUM. Mr. President, I wish also to speak as chairman of an authorizing committee, the Labor and Human Resources Committee, about my frustration that we cannot act on a piece of legislation I think is very important. It deals with job training reform. It is called the Work Force and Career Development Act. Numerous hearings have been held on this bill over the past 2 years of the 104th Congress. It passed the Senate with only two dissenting votes. It passed the House. And now we have on the calendar a conference report. It is enormously disappointing to me that in the final days of the 104th Congress we are subject to dilatory tactics, and if legislation is not going to be called up today, or at the latest Monday, there is no hope of it succeeding.

So I would like to speak for a moment, before this legislation will be put in the dust bin of the 104th Congress, on the need for major job training reform. I would like to speak on why I believe it was so important for us to have been able to consider this legislation and my disappointment that it cannot be brought forward.

The legislation would have reformed our job training and training-related programs. There is no doubt that the current maze of training programs is woefully inadequate to address the very real and immediate needs of workers for training and education. I think nothing makes us more aware of this than reports we have continually heard about how important skilled workers are to our work force today and the importance of vocational education.

Despite over $5 billion which the Federal Government spends annually on our various job training programs, the results are less than impressive. Study after study has pointed out the waste and overlap among job training programs that now exists.

Just to name a few, in January of 1994, the General Accounting Office issued a report, entitled "Conflicting Requirements Hampered Delivery of Services."

Another GAO report was issued in March of 1994: "Most Federal Agencies Do Not Know if Their Programs Are Working Effectively." Other titles include: "Overlap Among Training Programs Raises Questions About Efficiency," and "Major Overhaul Needed To Reduce Costs, Streamline the Bureaucracy, and Improve Results."

According to a 1996 GAO report, entitled "Long-Term Earnings and Employment Outcomes," few training programs have been rigorously evaluated to assess their true impact on the long-term earnings of participants. While there may be some positive effects for participants shortly after training, the GAO found that over a 5-year period JTPA, the Job Training Partnership Act, participants rarely earn much more than comparable individuals who do not participate in that program, and their employment rates are only slightly higher. Despite months of training and placement assistance, the GAO could not attribute the higher earnings to JTPA training rather than to chance alone.

All too often, Mr. President, training programs spell disappointment for those who have sought assistance in building a better life for themselves and their families. That is why I think this is such a missed opportunity. We have talked and talked about reinventing government. That was an initiative that President Clinton, when he took office, announced he was going to undertake. This is a perfect example of where we had the opportunity to do so, and now we find we are thwarted from voting on the conference report on this important piece of legislation.

We heard testimony before the Committee on Labor and Human Resources from Ernestine Dunn who said that her experience with Federal job training programs was "a journey [she] thought would never end." She spent over 10 years and went through eight different job-training programs before getting the job skills and training she needed to get off welfare and into a permanent, well-paying job.

Her experience is not unique. With all the different programs and organizations that deliver services, people have difficulty knowing where to begin to look for assistance. As a result, they may go to the wrong agency or, worse, give up altogether. When training is provided, it often results in only part-time or temporary work. We must do better if we are going to create a world-class work force that can compete in the 21st century. I believe it is our responsibility to see that we assist and work with local and State governments and the business community to do just that.

The Congress and the President both agree that reform is long overdue. Less than 1 year ago, as I said, we passed this with overwhelming bipartisan majorities. Last October, the ranking member of the Labor and Human Resources Committee, Senator KENNEDY, remarked that "this is an area of public policy which is of great significance and importance to working families in this country and of great significance and importance to the United States as a nation and its ability to compete." That was true then and is even more true now. With ever rapid advances in technology, workers will have to constantly change and upgrade their skills in order to compete.

The importance of training and education were also central to the debate and passage of the welfare reform legislation this summer. In order for welfare recipients to successfully make the transition to work, they must have the training, education, and job skills that will help them get in jobs and stay in jobs. That is what this legislation is all about.

It is not about programming a child from kindergarten clear through high school in a career path. It is about giving our States and our local communities the resources to help design flexible programs that will meet the needs of Kansans, or meet the needs of those who live in New Hampshire or Maine or California. There are differing needs in differing States and at different times in a person's progress through school and work.

Again, that is what this legislation is all about. It would allow the States the flexibility to design integrated systems where services are delivered on a one-stop basis. No longer would an individual have to go to several different offices for help. With a one-stop system they could get job counseling, skills training, and other services all in one place. That is what the administration said they wanted as well.

Meeting these challenges will not be an easy task. One possible response might be to increase funding for education and training. We are on the way to doing just that. I am troubled, however, that we would pursue this course while leaving in place the same old programs which we all recognize do not work. More funding, I would argue, will not advance the type of major structural overhaul and consolidation of training and education programs that is needed to create a workforce system that can serve the local needs of job seekers and employers alike. It is a Band-Aid approach that deals only with the symptoms and not the underlying causes of the problem.

This bill would consolidate over 90 programs of various job training efforts scattered among 15 different agencies. It really does take us in a new direction that I think offers positive assistance. So, it is with enormous disappointment that I see these efforts may now be wasted—but I hope not—as we complete the 104th Congress. For those who will remain, because I will be retiring, it is my hope that what we have laid out here in months and months of work can provide a background for further efforts in the 105th Congress.

This legislation has been strongly supported by the National Governors' Association, both Democratic and Republican Governors. They believed this was one of the most important pieces of legislation that could be passed in this Congress.

The workforce development conference report that is now on the calendar is a result of 2 years of bipartisan work to develop a vision of a workforce development system for the 21st century. The elements of this common vision include:

Flexibility for the States to design systems that meet their own needs, while preserving the core activities traditionally supported by the Federal Government;

Greater coordination among educators, trainers, and the business people who create the jobs for which individuals are being trained;

Innovative strategies like vouchers to improve training; and

Improved effectiveness of programs by focusing on results, not bureaucratic redtape.

This conference report, I think, deserves the full support of all those, both Republican and Democrat, who were committed to achieving broad job training reform less than 1 year ago. One of the staunchest supporters of this effort is on the other side of the aisle, Mr. President, Senator KERREY of Nebraska.

Some have complained the conference report does not go far enough in preserving a Federal role in job training. Others claim it creates too broad a Federal role. I do not believe that any of the specific criticisms that were leveled against this bill are significant enough to bring down such a solid piece of legislation which has been years in the making.

I had hoped that what began as a bipartisan effort with passage of the reform efforts in both the Senate and House would come to completion in a bipartisan vote of support for the conference report. We are faced with a challenge of creating a new and coherent system in which all segments of the workforce can obtain the skills necessary to earn wages sufficient to maintain a a high quality of living. In addition, American businesses need a skilled workforce that can compete in the world marketplace. I believe this legislation gives the States the necessary tools to meet those challenges.

We should not have allowed the distractions of an election year to detract us from moving forward in a bipartisan fashion on this legislation, which I believe is so important.

Mr. President, I conclude by saying it is my hope that in the 105th Congress it will be one of the top priorities as we recognize how extremely important it is for us to address our skilled work force for the 21st century.

The PRESIDING OFFICER. The Senator from Maine.

LEAVING THE SENATE

Mr. COHEN. Mr. President, it is altogether fitting that I follow the remarks of my colleague from Kansas. I think those who have been watching have seen just an example of the kind of passion that she has brought to public service, the kind of strength and integrity that she continues to display even in the waning moments of this session. I know the country is going to miss her service. I am certainly going to miss being a partner in so many endeavors that we have had over the past 18 years in the U.S. Senate.

I must say, this is both a sentimental and a sweet moment for me. It shortly will mark 24 years of serving in both the House and the Senate. It is a mere blink of the cosmic eye of time, and it has all been telescoped into these final few moments as we conclude this session. So it is sentimental in that sense, but it is also sweet in another, because I have been standing in the glow cast by so many friends and their kind remarks. Last evening, Senator BYRD took the floor and delivered an encomium to me. I was pleased that I was not here to hear it, because, had I been here, I would have been too embarrassed to have remained on the floor.

If someone throws rocks at me, I am quite accustomed to throwing them back. But if you hurl a bouquet, then I am usually undone.

So, I thank Senator BYRD for his gracious comments last night, along with those of Senator NUNN, who also was most kind. He and I have served on the Senate Armed Services Committee for the past 18 years. I must say it has been truly an honor for me to have served with such a distinguished, intelligent, and dedicated individual, one who has dedicated his life to promoting a sound and responsible national defense policy, foreign policy, and, indeed, economic policy. It is my hope that sometime in the future we will be able to continue efforts in all of these areas.

While I have been caught up in the golden afterglow of the accolades of my colleagues and those of the editorial writers in my home State, I have always been mindful of Dr. Johnson's observation that: "In lapidary inscriptions, men are not under oath." I suspect there may be some truth to that as far as the editorial comments are concerned or final tributes to our departing Members. I might say, for my own part, I have been little more than Aesop's fly on the wheel of history's chariot, marveling that I could kick up so much dust in a period of 2½ decades.

I have also been deeply humbled by the experience. I think it is a testament to the openness of the people of this country, especially the people of Maine, that a boy who was born in the bed of his mother on the third story of a tenement building on Hancock Street, in Bangor, ME, just a block away from what used to be described as the "Devil's half acre" could, in fact, be elected to the greatest elective body in the entire world.

Maine people have always demonstrated a generosity of heart and, also, I believe, self-serving as it may sound, a great soundness of mind, to judge people not on their origins, not on their economic status, ethnicity or race, but on merit, and that is why, historically, we can point to people like Margaret Chase Smith, who stood on this floor so many years ago and delivered her "Declaration of Conscience."

It is why the people of Maine elected Ed Muskie, whom we lost just a few months ago who demonstrated his commitment to this Nation's interest in helping to clean up our waterways, improve the quality of our air and became known as Mr. Clean, then Mr. Budget, and the enormous contribution he made through public service to the entire country. The people of Maine are very, very proud of him and are working to memorialize all of his work.

They elected George Mitchell, who, in a very short period of time, became the Senate majority leader and one of the most effective in the history of this body.

They elected OLYMPIA SNOWE to replace Senator Mitchell when he decided to retire. Soon I believe they are going to send Susan Collins to sit beside OLYMPIA SNOWE. Governor King, who is an Independent Governor of the State of Maine, made the comment when I announced my retirement, "What do you do? What does a State do when it loses Babe Ruth and Lou Gehrig?" I suspect he was referring to Senator Mitchell as being Babe Ruth and me as Lou Gehrig. But what do you do?

I might say the same for Kansas. What does Kansas do when it loses a Bob Dole and a NANCY KASSEBAUM? What the people of Maine will do is do what the Yankees did. They will go out and recruit Mickey Mantle, which they have done in OLYMPIA SNOWE, and Roger Maris, which they will have in Susan Collins.

I think all of us feel the sense of loss with so many leaving—some 13 now, with Bob Dole, 14—the U.S. Senate at the end of this term. We feel that perhaps things won't go on as they should. People talk about the "center no longer holding, of things falling apart." But I believe it was Charles De Gaulle who said "That our graveyards are filled with indispensable people." There will be others equally qualified, if not more qualified, to take our place in this distinguished institution.

I had occasion to travel out to Ann Arbor, MI, yesterday afternoon to partake in a conference that was held at the Gerald Ford Library. The moderator of the panel, which consisted of Tom Foley, Bob Michel, and myself, hit me with a question the moment I arrived. He said, "Why are you leaving? Why are you and so many others leaving?"

Of course, I could have given a glib answer and said, "Well, I'd rather have people wonder why I'm leaving than stay and have people wonder why I'm staying." But it was a serious question that required a serious answer.

Each of us are leaving for different and profoundly personal reasons. Some are departing the Senate at the end of this session because of age. Some are departing because of health factors. Some are departing, like my colleague from Kansas, for family reasons, of wanting to be at home with her children and grandchildren.

For me, I must say, there is never a good time to leave the best job in the world. There is never a good time to do that. But for me, it is the best time. I have what I would call a Gothic preoccupation with the relentless tick of time. I have served almost a quarter of a century on Capitol Hill representing the people of Maine, and I know that had I chosen to run one more term, the pressure would have been on to stay. "Well, now that you are chairman of one of the various committees on which you serve, we need to keep you where you are, so run again." So it would be 12 years from now I would then still be running after Senator STROM THURMOND, whom I am sure by that time would have renounced his late-blooming support for term limits and decided he wanted just one more term.

But the subject of term limits, of course, raises another issue. The people of Maine passed by way of referendum a proposal to place a two-term limitation on those who serve in the U.S. Senate. It was not binding, as such. It was not retroactive, and so it never would have applied to me or, indeed, to Senator Mitchell. But it basically said something about the mood of the people of our State; that they feel, or have come to feel, at least those who voted, that 12 years is long enough.

I must say, in the back of my mind, that weighed rather heavily; that even though it did not apply to me in any legal sense, in spirit, some were at least saying, you have been there twice as long as we would like to see people serve in the U.S. Congress.

I think it is a mistake. It is open, obviously, to a difference of opinion, with good will on both sides of this particular debate. But I think it is a mistake to suggest that people should only be here 12 years and move on. It will only, in my judgment, continue the churning of people moving in, moving out, and we will lose a sense of history that a Senator ROBERT BYRD possesses and that of Senator MOYNIHAN and others. I can go down the list of people who serve with great distinction, who bring such a wealth of information, a sense of history, a sense of reverence for the finest institution in the world.

That is a personal judgment on my part, but I think we should be wary of just pushing people in, pushing them out, relieving people of their responsibility of voting. We have term limits. We have them now. They are called elections. If you don't like what your elected official is doing, then go to the polls and vote them out. But, no, it is an easy way to say, "We don't even have to think about it, it is automatic. You have done your 12 years; now move on."

So that was something that weighed at least in the corners of my consciousness as to whether I should stay or leave.

I must say to my colleagues that my goal in politics has always been quite modest, and that is to help restore a sense of confidence in the integrity of the process itself, to help bring Washington a bit closer to the main streets of my home State. I have always tried to bring a sense of balance and perspective and, yes, let me use the word, moderation. It is not in vogue today to talk about being a moderate. We are frequently depicted as being mushy or weak-principled or having no principle, looking for compromise—another word which has somehow taken on a negative tone.

I recall after supporting the crime bill 2 years ago, a call came into one of my district offices, and a man was very angry. He said to one of my staffers, "I am angry with your boss."

I asked, "Why was he angry?"

He said, if you excuse the expression, "He's too damn reasonable."

Perhaps that will be the epitaph on my gravestone.

I believe it is essential to have passion in politics, provided that passion doesn't blind us to the need to seek, find and build consensus. Republicans and Democrats have different philosophies. We are different. We see the role of Government in different ways, of either the need for its limitation or expansion. But we have the same goal, and that is to provide the greatest amount of good for the greatest amount of people in this country. I also think it is sheer folly to believe that either party holds the keys to the kingdom of wisdom, and I think the danger to our political system is that each party is going to plant its feet in ideological cement and refuse to move.

The Senate has changed since I first came here. The personalities have surely changed, and that was to be expected. It was inevitable. We had people of such stature like Senator Ribicoff, Senator Baker, Senator Javits, Senator Tower, Senator Jackson, Senator Rudman, Senator Danforth, and the list goes on. They have all departed from this institution, and we lost a great deal when they retired or passed away.

So the personalities have changed, but the process has also changed. Toffler wrote a book some years ago in which he said we were entering the age of future shock, in which time would be speeded up by events and our customs and culture would be shaken in the hurricane winds of change.

Those hurricane winds of change have been blowing through this Chamber over the past three decades as well, and have changed, fundamentally, the operation of the Senate itself. The introduction of cameras into our Chamber has changed it, some for the good and some not for the good.

The House has always been able to act differently than the Senate. The House is a different body, a different institution with a different history. I served there for 6 years.

I recall reading that Emerson with a visitor in the gallery, pointed to the House floor, and he said, "There, sir, is a standing insurrection." And that is what it is. It is far more energetic and boisterous and full of passion because that is the House of the people. That is where they are closest to the people that we serve.

The House undertook a 100-day march at the beginning of this session. They passed some major legislation. The pressure immediately was on the Senate: "Why can't you do the same? We did all of this in 100 days. Why can't you do the same?" And the answer is, the Senate was never designed to act in 100 days, to take up the same agenda in the same period of time. We were designed to slow down the process, to be more thoughtful about exactly what we were about, to take up major issues and to ventilate them, to debate them at length, if necessary, to allow the public to understand exactly what we were undertaking, to express their approbation or disapproval.

But now the pressure is on to move faster and faster, to become more like the House. That is a great institution, but we should not merge the two identities.

I think there has been a loss of reverence for our institutions. In fact, if you look, perhaps the Supreme Court may be the only institution for which there is a deep sense of respect and reverence, and perhaps that is because the mystique that surrounds it has yet to be torn away and shredded.

I find it troubling that we see shoving matches outside committee rooms in the other body. While poets have asked, "What rough beast is slouching its way toward Bethlehem," we have to ask, "What rough beast is slouching its way toward the Potomac?" Is it the Russian Duma? Have we come to shoving matches to make our points? It was discouraging to see that passions are so high that we have to resort to fisticuffs.

Perhaps there is a recognition that we have gone too far. We can take some hope that Members in the other body are now holding retreats and actually socializing. Think about that. They are deciding to socialize, Democrats and Republicans, something unheard of for the past 2 years, and now starting to socialize to get to know each other a little bit better so that perhaps during the height of those passionate debates, they might still maintain a sense of order and respect.

I remember during the Watergate process I served on the House Judiciary Committee that was debating whether to bring impeachment articles against Richard Nixon. It was more than 22 years ago. And I raised a question. I said, "How did we ever get from 'The Federalist Papers' to the edited transcripts? How have we come that far?" And I wondered yesterday, in the same vein, how did we ever get away from the kind of relationships that Gerald Ford and "Tip" O'Neill and Tom Foley and Bob Michel had with each other where they could vigorously debate their philosophical differences but go out and play a round of golf or have a drink after debate ended that day, and now we find ourselves filing ethics complaints against each other, a volley going back and forth to see who can make the strongest charges against the other?

Mr. President, there are many reasons why this is taking place. It would take a full day and longer to analyze them from a sociological point of view. I would prefer to defer to someone of Senator MOYNIHAN's stature and knowledge, to talk about social issues. But I think radio and television has contributed somewhat to that stripping away of reverence for our institutions. We now have journalists who are heralded as celebrities. They have radio shows and television programs though through which they have achieved a great deal of notoriety.

Some of them achieve notoriety by taking the most extreme positions possible and using the most inflammatory rhetoric they can, and, of course, as the rhetoric becomes more extreme, their popularity tends to soar. As their popularity soars, the invitations for them to come and address various conventions and groups also continues to escalate, as do their speaking fees.

Somehow, all of that excessive, inflated, and sometimes outrageous rhetoric starts to get recirculated back into the congressional debates, because then Members of Congress are invited to participate in those very shows and programs. They are then prone to come up with something equally extreme or quotable so that they can continue to be invited back on the programs.

So a little vicious circle has been set up and set in motion, with people then vying for the best quote, the most inflammatory, provocative thing they can say in order to make the news on that program or another.

There is also the hydraulic pressure that everyone in this body and the other body faces from the endless quest for raising campaign funds.

There is the rise of the negative attack ads. It is a sorry spectacle that we have been witnessing all too much. We all say that they are terrible, but all of the consultants say, "But they work." So we have allowed ourselves to lower the sense of decency and civility in this country by attacking character, trying to portray our adversaries, our political adversaries as enemies, as evil-minded people who have set out to destroy the fabric of this country.

We have witnessed the rise of special interest groups. There have always been special interest groups, but today they are far more organized, they are far more technologically advanced than ever before, and they have a greater capability than ever before of blunting and stultifying any attempt to forge legislation in the Congress.

Jonathan Rauch wrote an article for the National Journal some time ago—I think since has been expanded into a book—but it referred to the process as "demosclerosis," that the arteries of our democratic system have become so clogged with special-interest activities and organizations that it is virtually impossible to work any kind of change because single-minded groups have more at stake in preventing legislative changes than the general public has in supporting them. So there is that intensity of interest, and they are able to hit a button and suddenly flood our offices with 5,000 letters overnight or several hundred phone calls in the matter of a few hours.

There is also, I must say, a reluctance on the part of the Members of this body and the other body to touch the so-called third rails, to touch politically volatile issues like Social Security and Medicare and entitlements. All of us have been shying away from these issues.

We have to rethink exactly what the role of a U.S. Senator is. I always felt that it was the responsibility of Members of this body who are elected to come to Washington, to become as informed as they possibly could, to have an open door to all special interests—and everyone in this country has a special interest—to be open to all issues and arguments and advocates, and then to weigh the respective merits of those arguments, to sift through them and come to a conclusion and vote, and then go back to our constituents and explain exactly why we voted as we did, not just react to or appease the most vocal among our citizenry.

Some of that has changed. We do not quite do that anymore. Today, we are being driven by overnight polls. Today, we are lobbied intensively by various groups. Today, everything has become compressed.

Margaret Chase Smith, I mentioned her earlier. She used to sit over here to my right. She never announced a vote until the roll was called—never. And that was her particular mark that said, "I want to hear what all the arguments are before I make my decision." Most people cannot do that today. Most people are not allowed that luxury of waiting until debate is concluded before announcing their decision. Those who do run the risk of being criticized editorially or otherwise as being indecisive, possessing a Hamlet-like irresoluteness. You mean you do not know how you will vote on a bill that may come to the floor a month from now? Have you not thought it clearly through?

We are even ranked by various groups on legislation that we do not cosponsor, so that you have black marks listed next to your name if you refuse to cosponsor a bill that may never come to the Senate floor.

I have on occasion taken this podium and announced that the mail coming to my office and phone calls coming to my office were running heavily against the position I was about to take. Having said that on the Senate floor, my office would then be flooded with immediate calls saying, how dare you indicate that your mail is running two or three or four or five to one but you are going to vote the other way? How could you possibly be so arrogant? Well, of course, those callers presume that that body of mail and that volume of calls received reflect the will of the people of Maine, which may or may not be the case. Much of the time it is so highly organized it does not reflect the general will of the people of the State.

But it also presumes that we serve no function other than to tally up the letters and to tally up the phone calls. You do not need us for that. You do not need a U.S. Senator to do that. All the people have to do is just buy a few computer terminals and put them in our offices, have the mail come in, count the phone calls, and then push a button and have a vote. You do not need us for that.

So we have to restore the sense of what the role of a Senator is. We have to really work to persuade our constituents that this is not a direct democracy, it is a republic. It is what Benjamin Franklin said: "We have given you a republic, if you can keep it."

So we have to dedicate ourselves not to a direct democracy, or to voting according to the passions of the moment of what an overnight poll may or may not show, but to consider thoughtfully and weigh the merits of the opposing arguments and then take a stand on an issue and try to persuade our constituents we have done, if not the right thing, at least a reasonable thing. If we cannot do that, we do not deserve to be reelected. That is the way the system should operate—not, take an overnight poll and formulate our policy to comport to what the overnight poll shows. Polling is now driving our policies, driving it in the White House—this is not the first White House—and it is driving it in Congress as well.

Mr. President, I am fond of quoting from Justice Oliver Wendell Holmes Jr, and the Presiding Officer as a very gifted attorney, I know, is familiar with his writings and his works.

He wrote at one point:

> I often imagine Shakespeare or Napoleon summing himself up and thinking: "Yes, I have written 5,000 lines of solid gold and a good deal of padding—I, who have covered the Milky Way with words that outshone the stars, yes, I beat the Australians in Italy and elsewhere, and I made a few brilliant campaigns, I ended up in a cul-de-sac. I, who dreamed of a world monarchy and Asiatic power." Holmes said, "We cannot live our dreams, we are lucky enough if we can give a sample of our best, if in our hearts we can feel it has been nobly done."

During the past 24 years, I have tried to give a sample of my best. I will leave it, of course, to the people of Maine to judge whether it has been nobly done. I mentioned a sample of the best, because yesterday for me was a very momentous day. I had the great privilege of cochairing a hearing held by the Senate Aging Committee and the Senate Appropriations Committee. For the first time in 18 years, I had the honor of sitting beside Senator MARK HATFIELD, a man whom I admire enormously, someone who stands as tall and straight and tough as any individual that has ever occupied these desks.

We held a hearing to deal with the issue of providing in some fashion more funding for research for medical technologies and developments. We had quite a remarkable group of people testifying before that joint committee. We had General Schwarzkopf who, having defeated Saddam Hussein's army on the battlefield, waged another kind of battle against prostate cancer. He was successful, and he is now waging a campaign on a national level to educate the American people of what the dread disease really entails and how it needs to be combated.

We heard from Rod Carew who talked about losing his 18-year-old daughter Michelle to leukemia, a very painful experience for him, and the television program that was shown to demonstrate her lightness of being, her generosity of heart and spirit was moving to all of us.

We heard from Travis Roy. Travis Roy is a young man from Yarmouth, ME. He was a great hockey player. He lived for the moment that he would take to the rink and play for Boston University. He suited up, stepped on to the ice, and 11 seconds later he became a quadraplegic, having been shoved head first into the boards. But to listen to him talk about what his aspirations are, that he wanted one day to have the kind of help, medical help that would allow him to get married, to hug his wife, to hug his mother, to teach his son how to play hockey, as his father had taught him, was quite a moment.

We had Joan Samuelson who has been waging a 9-year battle against Parkinson's disease. She talked about the day-to-day struggle that she has to encounter, and so many others, hundreds of thousands if not millions of others, have to confront every day of their lives, just to carry out functions that we take for granted.

We heard from a young woman from Oregon who is dedicating her life to become a research scientist but does not know if she will be able to complete that kind of education or whether the funding will ever be available to carry on medical research.

It was a momentous occasion for all of us. But what was equally poignant for me and memorable was the reaction of our colleagues. I paraphrased a poet during the course of the morning, and I said each of us, every one of us, here in the galleries, here on the floor, we all prepare a face to meet the faces that we meet. Every one of us puts on a mask every single day. But for at least a moment yesterday, every one of the Senators who were there dropped the mask of being U.S. Senators and revealed the pain and suffering that they, too, have known.

We had Senator PRYOR who talked about his son's illness, having cancer of his Achilles tendon and what that entailed. We heard from Senator CONNIE MACK who talked about the loss of his brother and his wife's fight against breast cancer. CONRAD BURNS, HARRY REID, BOB BENNETT, HERB KOHL—each one of them told a personal story of their own pain and suffering of that of friends and family members.

It was not, Mr. President, an adversarial hearing. It was a bipartisan meeting, a realization that we have to dedicate ourselves to defeating on a bipartisan basis common enemies that assault us daily. Yesterday we spoke of disease, but there are far more enemies that await us as we rocket our way into the 21st century.

There is something called a balanced budget. We can work toward a balanced budget on a bipartisan basis. This is not a political statement. This is a moral imperative. This is something that we have an absolute obligation to our children and our grandchildren to do. It does not matter whether you are a Republican or a Democrat or Independent. We have to balance the budget within a reasonable timeframe if there is any hope for ever solving this country's fiscal crisis.

Mr. President, we can have and we have to have a bipartisan consensus on the need for a strong national defense and a coherent and consistent foreign policy. I say this not as partisan, but we have lacked coherency, we have lacked consistency, and it has been to the great detriment of this country's credibility as the only superpower in the world.

I am fond of thinking back to a time when Churchill was being served his breakfast by his man-servant and, as the breakfast was being delivered to him, he said, "Take this pudding away; it has no theme." Well, we have been lacking a theme in foreign policy for too long.

You cannot pick up today's paper without being disheartened, if you look at what is taking place in Israel today, or Russia, or Bosnia, or Iraq, or China, or Japan. You cannot adopt the policy or the position that, well, I am just going to focus upon domestic issues. You can't focus just on domestic issues. You have to focus on foreign policy because foreign activities can overwhelm your domestic concerns and considerations.

We need to develop a strong bipartisan consensus on what the role of the country is to be in the next century. We have to do so and put aside those differences that we may have on other issues. Everyone is fond of saying, "We can't be the world's policeman." I agree, but we can't afford to become a prisoner of world events either. It requires us to be engaged, and requires us to be engaged not only with the President, which we have yet to be engaged fully, in my judgment, on a number of key issues; we have to be engaged with our allies and, indeed, even our adversaries. We have to have a world view. There is no such notion of coming back to America, of zipping ourselves in a continental cocoon and watching the world unfold on CNN. We have to be actively and aggressively engaged in world affairs. History has shown that every time we have walked away from the world, the world has not walked away from us. The history of the 20th century has been one of warfare. What we need to prevent the 21st century from descending into warfare is an active, aggressive engagement in world affairs.

Mr. President, we need to have a restoration of individual and community responsibilities. We don't need to debate that issue as Democrats or Republicans. We have to return to the stern virtues of discipline and self-reliance. That should not be a matter of partisan debate. Everyone understands what has happened in this country by simply turning to Government to solve our problems. We have to get back to a sense of moral responsibility, fiscal responsibility, self responsibility, to be accountable for our own actions, and, yes, turn to the Government and have that Government care for individuals who are unable to care for themselves, be they poor, disabled or elderly.

We also, Mr. President, must work very hard on a bipartisan basis to heal the racial divide in this country. The words "affirmative action" are no longer in vogue; it is distinctly out of fashion to talk about affirmative action in America. Many people say it is the obligation of Government—if not the reality—to be colorblind. Well, we don't live in a colorblind society. It is a fiction. We live in a society in which racism is still very much alive. It is an evil that we have to rise up and confront day in and day out.

The notion that we are all starting from the same line, the same end zone, running a 100-yard dash, is pure folly. Can you imagine suggesting that we are starting out equal, when you have some young children in suburbia who go to bed with their laptops and teddy bears at night, and children in the urban areas who go to sleep still ducking bullets that are fired by gangs? Are they starting off equally in our society?

Affirmative action may not be the answer to these problems, but we cannot adopt a position of indifference or hostility to recognizing the need to overcome barriers that have been erected for centuries against people who have been deprived of their opportunity to participate fully in the American dream.

Mr. President, I could go on at length about the subject of the need to heal the racial divide, or the wound that has been opened up in our communities. I will save it for another time in a different forum, obviously.

I would like to conclude my remarks by referring to a book that was written many years ago by Allen Drury. If ever there was an author who captured the essence of what this institution at least used to be like, it was Allen Drury in his novel "Advice and Consent," written and published in 1959. He said something which I have carried around with me from those very days when I first read the book. He said about us:

> They come, they stay, they make their mark writing big or little on their times in a strange, fantastic, fascinating land in which there are few absolute wrongs or absolute rights, few all-blacks or all-whites, few dead-certain positives that won't change tomorrow, their wonderful, mixed-up, blundering, stumbling, hopeful land, in which evil men do good things and bad men do evil things, where there is a delicate balance that only Americans can understand, and often they, too, are baffled.

It was a wonderful description of Washington itself. But I have gone further back into the past in Mr. Drury's writings, and I found something even more pertinent and important to me. He kept a journal. He used to sit up in that press gallery and look down upon the workings of the U.S. Senate. He kept a journal between 1943 to 1945. It is a remarkable piece of writing. It is so brilliantly and eloquently expressed, I don't think there has been a better piece of writing since that time. He said something about the Senate which I would like to repeat for my colleagues, because I am sure that the book is not on the shelves of all of us. He said:

> You will find them very human, and you can thank God that they are. You will find that they consume a lot of time arguing, and you can thank God that they do. You will find that the way they do things is occasionally brilliant, but often slow and uncertain, and you can thank God that it is. Because of all these things, they are just like the rest of us, and you can thank God for that, too. That is their greatness and their strength, and that is what makes your Congress what it is—the most powerful guarantor of human liberties free men have devised. You put them there, and as long as they are there, then you can remain free because they don't like to be pushed around any more than you do. This is comforting to know.

I don't know, if Mr. Drury were sitting up in the gallery today, that he would look down and find as much comfort as he did in 1943 through 1945. But I must say that I do.

After all that I have said in pointing out all the difficulties and all the problems that confront us as an institution, I take hope. I look at people like BOB KERREY of Nebraska, JOHN BREAUX of Louisiana, KENT CONRAD, JOHN CHAFEE, OLYMPIA SNOWE, SLADE GORTON, who is sitting in the Chair, BOB BENNETT, PAT MOYNIHAN, and they are just a few—in spite of all of the difference, all of the criticism we have witnessed in the past—and JOHN GLENN who just walked through the door. I include him by all means in that category of people that I look to the future with great hope and encouragement.

I want to just point out that, several years ago, when Senator SAM NUNN and Senator PETE DOMENICI—two more giants in this body—offered an amendment to curb the growth of entitlements, I thought they came up with a very rational, responsible proposal. It said, let us take the entitlement programs that are growing at such a dramatic rate and see if we can't rein in those spending programs a little. Everybody who is entitled to enter a program can still come in and we will provide a cost-of-living adjustment, a COLA, every year, and for the next 2 years we will even add 2 percent, and then we will cap it at that rate. It sounded eminently reasonable to me. But what happened? How many people voted for that? I think it was 26. Only 26 Members were prepared to stand up and endure the wrath of our constituents, for fear that we were taking away something that they were entitled to. Well, that has changed,

Mr. President, thanks to people like you, the senior Senator from Washington, and thanks to the others I have mentioned, and so many more, we had a vote recently in which we presented a balanced budget that included some very difficult choices. It included reductions in the growth of Medicare. It included some tax cuts—not as much as many had hoped but more than perhaps many believe we are entitled to at this moment in time, but, nonetheless, tax cuts; Medicare reductions; reductions of a half of a percentage point in the Consumer Price Index. Some would like to have at least 1 percent, but half a percent is a very courageous thing from Members to do in an election year. Forty-six Members of the U.S. Senate went on record in favor of that. That is why I am encouraged that we will find men and women succeeding those of us who are departing and who will look into the eyes of their constituents and say, "This is something that is right for us to do."

The Social Security system eventually will go bankrupt, the trustees say by the year 2029. Around 2015, revenues collected will be exceeded by payments to beneficiaries. Medicare will be broke in 6 years.

It is a tragedy that the White House has absolved itself of this issue and has refused to come to the grips with the issue of Medicare solvency. I know what is going to happen. They will wait until the elections are over, and then, whoever wins at that time—if it is President Clinton who wins reelection, I can almost guarantee that the first thing he will do will call for the creation of a blue ribbon commission to resolve the Medicare crisis. It is an issue that should be debated this year. It should have been resolved this year, but it will not be.

I take hope, Mr. President, when I look at leaders such as TOM DASCHLE and TRENT LOTT. I know, again, what the reaction was when Senator Mitchell, my colleague from Maine—again, I point out he was one of the most effective majority leaders in the history of this body—when he left, there was a great expression of woe. "What will we do?" When our distinguished colleague, Bob Dole, left, all of us felt the pang and the anxiety of saying, "What are we going to do now?" Bob Dole is no longer with us—a master at bringing people together.

I believe that we are still in good hands. I am impressed with the majority leader, with his drive, intelligence, and determination and, yes, his pragmatism, his willingness on key issues to reach across the aisle, and to say, "Can't we work this out? We have our differences, but can't we at least come to some kind of consensus on the major issues confronting this country?" I am enormously impressed with his talents, and those of Senator DASCHLE as well, both men of outstanding ability and good will.

To those people who declare that "the center can no longer hold; things are going to fall apart; the best are lacking in conviction while the worst are full of passion and intensity," I say nonsense. There are going to be people who will come to this Chamber who will be filled with passion, to be sure, who will argue strenuously for their positions. But I believe it is inevitable that they will come back to the center.

The center may have shifted slightly to the right. People are more conservative today than they were 10 or 20 years ago. But the center has to hold. If the center does not hold, then you will have stagnation. If the center does not hold, then you will have paralysis. If the center does not hold, you will have Government shutdowns. When that takes place, the level of cynicism that currently exists will only deepen to a point that is so dangerous that it will afflict us for generations to come.

Mr. President, Alistair Cooke summed it up for me in his wonderful book called "America." In one of his chapters, he made the inevitable comparison between the United States and Rome. He said that we, like Rome, were in danger of losing that which we profess to cherish most. He said liberty is the luxury of self-discipline; that those nations who have historically failed to discipline themselves have had discipline imposed upon them by others. He said America is a country in which I see the most persistent idealism and the greatest cynicism, and the race is on between its vitality and its decadence. He said we have—paraphrasing Franklin—a great country, and we can keep it, but only if we care to keep it.

I believe based upon the many friends that I have made here—the people that I admire and who are leaving with me, but those, more importantly, who are staying and those who will come—that there is a genuine desire to keep this the greatest country on the face of the Earth, a country that is still a beacon of hope and idealism throughout a world that is filled with so much oppression and darkness, and this will remain the greatest living institution in all of the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR BILL BRADLEY

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to my friend, colleague, and the senior Senator from New Jersey, BILL BRADLEY, as he leaves the U.S. Senate. I have served with BILL BRADLEY for nearly 14 years, my entire tenure in this body, and it is difficult to imagine what it will be like without him. Although we have different styles, rhythms, and backgrounds, we formed an effective team which fought together for our State's and our Nation's interests.

Throughout his life, BILL BRADLEY has achieved remarkable success as a scholar, an athlete, an author and an outstanding public official. And whether he was helping his team to championships at Princeton University, the Olympic arena, or the floor of Madison Square Garden, or helping to pass landmark legislation on the floor of the Senate, BILL BRADLEY always strives for the best. He has performed always as a rising star, and I know that this is not his apex.

Mr. President, in the Senate, BILL BRADLEY concentrated on a few areas and helped to translate his own vision into public policy. As a member of the Finance Committee, he continually fought for fair tax policy, honest budgeting, and economic policies that enhance growth. He is widely known as the author of the fair tax, which was the foundation of the Tax Reform Act of 1986.

BILL also knew that the single best economic advantage is a good education. So he designed a new way to help pay for college. His self-reliance loans give all students, regardless of income, the chance to borrow money from the Federal Government.

He has been a strong voice against gun violence and crime in our communities and a creative thinker in developing opportunities for urban youth. His efforts are reflected in the enactment of community banking and urban enterprise zone legislation, educational reforms and community policing programs.

But what many of us will remember most is BILL's passion when it comes to issues involving equality. BILL established himself as a serious and badly needed voice in the national dialog on racism, pluralism, and discrimination. He has challenged every American to confront the festering sore of racism. In his keynote at the 1992 Democratic convention, he warned that "We will advance together, or each of us will be diminished."

One of his most powerful moments in the Senate, and one which I will never forget, was his denunciation of the horrifying beating of Rodney King. I will always remember BILL standing at his podium, pounding it 56 times with a bunch of pencils. His blows were meant to represent the beating administered by the police to Rodney King. The sound, resonating through the Senate Chamber, was a powerful reminder of just how far we need to go on the road to equality.

In the international arena, BILL BRADLEY was so energetic and committed that he traveled to the former Soviet Union for a weekend—to try to facilitate understanding between the superpowers, and to foster peaceful co-existence through economic cooperation.

With all of his achievements, BILL's chief goal in the Senate was to further the interests of New Jersey. He has written that he once received a special gift, a collection of every variety of rock found in our Garden State. I, too, think that it is the perfect gift, because what could better symbolize a man whose commitment to New Jersey's interests and her people was always rock solid?

His hard-working schedule would, on occasion, take BILL to New Jersey twice in a single day, in order to fulfill his obligations to meet with constituents, to help solve a problem, to deliver a talk to students, or to simply stay on top of the Garden State's needs. And his famous New Jersey beach walks, which he took during every one of the past 18 years, are symbolic of BILL's constant presence and consistent commitment to our State.

BILL has written that he prefers moving to standing still, well I know that wherever his journey takes him, his ultimate destination will be success, and all of us will benefit from his efforts. To my friend, colleague, and fellow New Jerseyan, I thank you for the contributions you have made, and for those yet to come. I offer my wish for continued success and happiness.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

REVISION AND EXTENSION OF REMARKS

Mr. HEFLIN. Mr. President, on Wednesday, September 25, 1996, notice appeared in the CONGRESSIONAL RECORD that a final issue of the CONGRESSIONAL RECORD for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks. And then that there will be a publication of the RECORD, and that it would be available I believe on October 23. The material is to be submitted to the Office of Official Reporters of Debate at various times but up until 3 p.m. on October 21.

I ask unanimous consent that I be allowed permission to revise and extend remarks in connection with the space program, national security, trade, civil rights, crime, agriculture, drugs, foreign policy, domestic policy, and other related subjects including research and development matters relating to my State.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO "THE JUDGE"

Mr. DASCHLE. Mr. President, the time has come that, I daresay, every Member in this Chamber, Republican as well as Democrat, hoped would never come. With the end of the 104th Congress, we must say goodbye to "The Judge"—Senator HOWELL HEFLIN.

Since he was first elected to the Senate in 1978, the senior Senator from Alabama has always shown himself to be a southern gentleman of the first order. His word is his bond; his integrity and dedication to public service is without question; and his love of country and devotion for the U.S. Senate is apparent to all who know him.

During his 18 years in the Senate, Senator HEFLIN has been respectfully called the "spokesman for Southern agriculture" for his efforts to improve the life and work of America's farmers and to preserve his State's valuable agricultural heritage.

He is also commonly and warmly referred to as "The Judge," not only for his years of service as the chief justice of the Alabama Supreme Court, but for his efforts in State court reform, his extraordinary leadership in fighting crime and drug abuse, and his service on both the Senate Judiciary and Ethics Committees. Dozens of times I have observed my colleagues seek his advice on how to vote on legal issues.

Mr. President, I would like to add another characterization of "The Judge"—I think of Senator HEFLIN as "Mr. Alabama." No Senator has more cherished or more ably respesented his or her State than the senior senator from Alabama. He has magnificently and skillfully combined the national interest with the interest of his State through his support of Federal agricultural programs, America's space program, and the maintenance of a first-rate defense. Only in 1 year during his 18 years in the Senate did he fail to visit each of the 67 counties in his State in order to do what he says he likes best—"talk to the home folks."

The people of Alabama, obviously, appreciated his work and his service. Never once did he poll less than 61 percent of the vote in any election.

I will always remember "The Judge." I will always remember him as a "public servant who served with dignity, integrity and diligence, worthy of the confidence and trust that Alabamians placed" in him.

And I miss him. I will miss his folksy, southern humor. His stories of "Sockless Sam." His depictions of friends and foes alike—in his 1990 campaign, he did not run against a mere Republican, he ran against a "Gucci-shoed, Mercedes-driving, Jacuzzi-soaking, Perrier-drinking, Grey Poupon Republican."

Now the time has come. I say thank you and congratulations to Senator HEFLIN on a remarkable career in the Senate. I wish him all the best, and to his wonderful wife, "Mike," as they embark on the next phase of their lives—their return to Tuscumbia, which, "Mr. Alabama" has called "a wonderful little town to be from and best little town in America to go home to."

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 1296

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent, after consultation with the distinguished Democratic leader, that we may turn to the consideration of the conference report to accompany the Presidio bill, and when the Senate turns to the consideration of the conference report, at this time, the reading be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. On behalf of a number of my colleagues, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI. Mr. President, I obviously regret hearing the objection from the other side to dispense with the reading of the Presidio conference report. I am informed by the clerk that this would take awhile. It has been estimated at some 10 hours or thereabouts. Needless to say, the Senate has many very important pieces of legislation that we must enact prior to the end of the fiscal year.

This objection is an obvious indication that Members on the other side of the aisle do not intend or do not want to have this significant parks bill have consideration before this body. The objecters have been informed, it is my understanding, if they were to let the Senate turn to the conference report, that I, as leader, was to immediately ask unanimous consent that the conference report be recommitted back to the conference committee in order that the conferees could address several issues raised by the President. Consequently, since the objection was raised, that conference committee unfortunately will be unable to meet and address these concerns.

So, obviously, the will of the Members will not have been addressed, they will not have an opportunity to proceed with that. I regret that the Senate Democrats feel a need to block the Senate from enacting this massive omnibus parks bill, the single largest environmental package we have had before us that affects 41 States and includes 126 separate parks and public land matters.

Each Member will continue to work with the Democratic leader. Speaking for the leadership, Senator LOTT has indicated he will continue to work with the Democratic Members who have objections, but time is running out. So I urge all Members to rethink this objection, allow the conferees to address this very important issue.

Further, Mr. President, we are prepared—the Republicans are prepared; as chairman of the Energy and Natural Resources Committee, I am prepared; our conferees are prepared—to recommit this bill to conference. We can fix the provision which the leader referred to in his statement which causes that small problem in the House.

What it was, was a small tax-related problem. As you know, most all tax issues must originate in the House, so we have taken that out. We have the report here, Mr. President, ready to go, 700 pages, the result of 2 years of work, 126 separate sections are in here, 41 States are represented in here.

We have heard from the administration, but they objected to the Utah wilderness. Utah wilderness was not included. They went ahead and initiated an action under the Antiquities Act. That is another story for another time.

Grazing was a major issue, more objection from the administration. Grazing is not in here. The Tongass issue in my State to extend a contract for 15 years so we could build a new pulp mill and save 4,000 jobs, 1,000 directly in the pulp mill by extending the contract. That mill will never be built. The existing mill will be shut down. We will lose our jobs. I do not know what those people will do. That was taken out.

Up in Minnesota, the Minnesota wilderness lakes bill was objected to by the administration. We took that out. We have had communication with the administration. We have tried to be responsive. They keep changing the goal posts. They move them back. So now we are in a position where, I suppose, the administration has prevailed on some Members on the other side, and we are down in this mire again.

Now, we have still, if we can clear those objections, an opportunity to move this. We are ready to go, Mr. President. As I have said, the work is done and our committee has acted. What we have is a rather curious process around here where the authorizing committees, when we get down to the end, seem to have no voice. But the appropriations effort is now to pick a few things out of here, put them on the Appropriations Committee, and abandon the rest.

I looked at a list that came in from the White House last night, and it is significant, Mr. President, to see what they want deleted. They want conveyance to the city of Sumpter, which authorizes the Secretary to convey 1.5 acres to the city of Sumpter, OR, for public purposes. They are prepared to veto the whole package. This is supposed to be the people's President. What in the world does he have against a place for kids to play?

I just met with a spokesman for the White House. They do not have any idea what is in here. They are simply carrying the bucket. Somebody said, object to that, we do not want it. That is Senator HATFIELD's will.

Section 218, Shenandoah National Park—Senators ROBB and WARNER and Congressmen BLILEY and WOLF in the House. It is interesting to identify who is who, because there is a certain amount of partisanship that you cannot help but see as a reality. It adjusts a 1923 boundary authorization to meet today's park boundary. The White House staff informs me they would have reached the same conclusion on the boundary adjustment but they needed more "process." Now, when they invoked the Antiquities Act, they did not need more process. They made a land grab in Utah of 1.8 million acres. It does not take anything away from the park. The old map authorized 500,000 acres. If we went to that limit, there would not be enough money in the Treasury to buy all the private farms and homes that would be in the park.

The Tular conveyance, CA, big issue in the House, affirms that land sold by the railroad to citizens in Tular, CA, is free from any title problems. That is section 219. They want that out. This was an attempt to bring some stability and certainty to land ownership in the town of Tular. This administration does not seem to care about the town, the folks, or their future.

Section 210, the Alpine school district, Senator KYL and Senator MCCAIN, 30 acres of lands for a public school facility. What in the world is wrong with supporting a school district and aiding in the education of schoolchildren? I thought this was the educational President. We took these up. We have had hearings, 2 years of hearings. We set up a process. This administration, in some of their rabbit-trail clearance process has come up with this lesson and said this is unacceptable.

I am saying we have an opportunity to move this, to remove the objections. If we do not, there is another opportunity and we can put the parks package as passed with the objectionable items they threatened to veto that I already outlined, and we will put the whole package in the appropriations bill and let it go. I pleaded with them to do that this morning. Well, they cannot accept all these little things. These are the little things they cannot accept now.

Coastal barrier resource system, all Florida issues, transfers 40 acres of development property out of 2.1 million acres of undeveloped resource area. This is what the Florida delegation and the Governor believes, Democratic Governor believes, is in the best interest of their citizens. Since this President knows better than the States and the elected officials what is good for the people, there is certainly no longer a need for State-level elected officials, if that is the case.

Section 224, conveyance to the Del Norte County unified school district, a big issue in California and House Members, transfers a small acreage to the school district for educational purposes. I guess it now takes more than a village to raise a child. The title to the new President's book is, "All You Really Need Is a President To Raise a Child."

I find this incredible, Mr. President. Here we are, picking the bones, if you will, of this legislation to suggest that Presidio should be lost, San Francisco Bay area should be lost, Sterling Forest should be lost. That is what they are saying. The Alaska peninsula subsurface consolidation, one of mine, authorizes the Secretary to exchange subsurface holdings of a small native corporation on an equal value—equal value—for lands and interest owned by the Federal Government. This will complete exchanges approved earlier. It was this provision of the bill that caused the tax problem. That was unfortunate. We have taken care of it. From this action I can only conclude that the President thinks it is a good idea to have private inholdings in national parks. We have taken that out.

Section 304—Olympic Committee, wake up—Snow Basin land exchange—I do not know whether they have simply written off the State of Utah as they have perhaps Alaska. Senators HATCH and BENNETT, Representative HANSEN. This allows expedited land exchange to facilitate the 2002 Winter Olympics which would be an economic boom to Utah, economic boom to the West, and an economic boom, of course, to the United States as well—the United States, Utah, the West. This has been in the process for 6 years, and we have received absolutely nothing from the Clinton administration as they try to balance some environmental objection. They want to balance it. I am not sure what the President has against the Olympics or the people of Utah. Maybe he would like to see the United States, I do not know, embarrassed in the eyes of the world by not coming through. As far as Utah, Alaska, Idaho, and a few other States, we are ready to secede from the Union. We would do better ourselves than trying to deal with a legislative process that this administration has dictated.

You know, I used to think, Mr. President, because we control the House and the Senate, we could perhaps get a few things done around here. It doesn't seem to be the case.

Section 309. Sand Hollow Exchange. Senators HATCH and BENNETT. Another Utah. They seem to be pointing at Utah. Equal value exchange to add acreage to Zion National Park and allows additional water to flow through the park.

His "own" people and the environmental community have pushed this exchange. I don't know what the President has against Utah. All I can conclude is that, perhaps, as a young man, Bill Clinton must have been pushed down by a big kid from Utah during recess. That is the best explanation I have heard.

Section 311. Land Exchange, city of Greely, CO, Senators CAMPBELL and BROWN. Equal value exchange to secure property needed by the city to secure ownership of a city's water supply.

Well, apparently, this administration would like to manage the city of Greely's water supply—having achieved world peace and cured the common cold, they apparently are bored and need something to do. Well, sorry, Greely.

Section 312. Gates of the Arctic National Park and Preserve land exchange and boundary adjustment. That is mine, Governor Knowles, Senator STEVENS, and Representative YOUNG.

This exchange would have led to more than a 2 million acre expansion of the Gates of the Arctic National Park and Preserve in Alaska—in exchange for lands in Naval Petroleum Reserve-Alaska.

Since when is helping the national parks a bad idea in the Clinton administration? The only conclusion that can be drawn is they don't like it because it is not their idea. I don't know what else.

Kenai Natives Association land exchange. This would facilitate an exchange between the Kenai natives and the Fish and Wildlife Service to allow an Alaska Native Corporation to gain the economic use of their land, which would result from the acre-for-acre exchange.

There seems to be no rhyme or reason in the White House position. On one hand, they don't want to add 2 million acres to a national park and, on the other hand, they want to double the acreage put into a withdrawal.

Now, I know we can debate the merits of some of these. We did it in committee. But we had a committee action, Mr. President. We had a committee vote. We brought the package before this body. You can vote up and down on the package. Some members said, "Senator MURKOWSKI, why do you have this big package with 126 sections in it?" The reason we have this big package is obvious: Because Democrats—one specific Democrat from New Jersey had a hold on every single bill out of our committee. There were holds put on by the Senators from Nevada, one or the other. That is their own business. But that is why we could not move these bills in the orderly process associated with the every-day business of this body. So we waited until the end because that is all we could do, put it in the package, present it before the Senate, and that is where we are today.

Section 401. Cashe La Poudre Corridor, Senators CAMPBELL and BROWN, their number one priority. Establishes corridor to interpret and protect unique and historical waterway.

All I can conclude from their refusal to support this action is they don't think that the Cache La Poudre deserves to be protected. I guess the people of Colorado are wrong in wanting to preserve an important piece of their history.

Section 405. RS2477, a western issue, Senators MURKOWSKI, HATCH, BENNETT, STEVENS. Puts a moratorium on the putting new regulations in place without Congressional approval.

What in the world is the objection to that? That is the democratic process. This is "just" moratorium language. The minority and the BLM negotiated this language with us. We were all in agreement.

Out west again. Section 406. To be eliminated is Hanford Reach Preservation, Senator GORTON and Congressman HASTINGS in the House. Extends a moratorium on construction of any new dams or impoundments in this area.

Can we conclude from this action that Clinton wants to start building dams on the river? I don't know.

Section 502. Vancouver National Historic Preserve, Senators GORTON and MURRAY. It changes a historic site into a national park. I don't know whether Senator MURRAY and Senator GORTON don't know what their constituents want, but I assume they do.

Section 602, stricken. Corinth, Mississippi Battlefield Act. This is Senator LOTT, who has been working on it for a long time. Establishes a National Park Service Civil War site in Mississippi. Is there something wrong with honoring the events associated with the Civil War in Mississippi? Or could it be that this is the majority leader's State, Mississippi?

Moving a little further north in the south, section 603. Stricken. Richmond National Battlefield Park, Senators WARNER and ROBB. Establishes boundary in accordance with a new National Park Service management plan, dated August of this year.

The administration is concerned about the process. This did not seem to bother them when the President declared a national monument in Utah, which was created with no process. But the administration's excuse here, to establish a boundary in accordance with new National Park Service management plan, dated August of 1996. Is that an administration that is concerned about the process? Come on, give us a break.

Where were the administration's explanations when the land grab was made of 1.8 million acres in Utah, over the objections, and without the knowledge of the process even occurring—no public hearings and no notification to the Utah delegation. They didn't do it, Mr. President, as you will recall, in Utah. They went to Arizona and put the desk on the edge of the Grand Canyon—a big show. The press bought it, they are gullible. They bought it hook, line, and sinker. They knew there would have been a few objections. A few school kids would have said, "Hey, what about our school funding from some of this land?" There was no public process. I tell you, when you start to try to identify who is responsible for these things, the accountability is awfully hard to find in this administration, but there are a lot of rabbit trails that are easy to find.

Section 604. Revolutionary War, Senator JEFFORDS. That was a study to determine if these sites warrant further protection.

Most of the problems we have had with this administration is that they simply leap before they think. I guess the idea of studying the need for something before doing it perhaps is a bit alien in the concepts of the White House. That has been proven time and again. This is very important to Senator JEFFORDS. It is a study to determine if these sites warrant further protection.

Section 607. Shenandoah Valley Battlefield, Senators WARNER and ROBB again. There is an election in Virginia this year, I believe. This would establish a historical area. It doesn't make a new park. This they want stricken. This is what the delegation wants. That is why we held the hearings. That is why we had the input. That is why we responded. Can they not be trusted, their own delegation, to determine what's right for their own constituents? Evidently not, because the White House wants that stricken. That is part of their veto package.

Ski Area Permits, 701. This simplifies a very complex ski area fee collection process, making collection easier, cutting down on the administrative costs, and it provides more funding for the Forest Service and other Federal agencies that are collecting ski area permits. It is supported by the ski industry and supported by the ski operators.

As far as we knew there was not any objection to it. This is supported by the National Ski Association and the Western States elected officials. We are elected officials. That is what I do not understand about this process. We are supposed to know something about what the people want. We are supposed to hold hearings. We are supposed to initiate a process. We have done that in these 126 sections of this bill. Now they are saying this is what is wrong. This is what we want out. And we can only speculate that the rationale is based on the conversations we have had.

Make no mistake about it. This is a process of long deliberations. This package is part of a process. That is why it is so important it stay together. We have taken again those items out that they want to initiate a veto on, and now they have come back again.

Section 703—visitor services—would raise $150 million for parks to help with badly needed repairs of existing park structure. One hundred percent of new fees go back to the park.

I do not understand the opposition to this. We had testimony in support of it. It is simply ridiculous. The Park Service needs these funds to maintain operations.

This seems like a blatant attempt to tear down the national parks and blame the Congress. The national parks are over $4 billion behind on maintenance. Here is a way to generate some relief.

Section 704—Glacier Bay National Park—raises fees to support research and natural resource protection through a head tax on passengers that go into Glacier Bay. And the only way you can get in there is the cruise ships. It is a 90-day season. It starts Memorial Day and ends Labor Day.

What is wrong with that? Never let it be said that this administration would let scientific data get between them and a political decision.

Section 803—feral burros and horses. This is a Missouri issue; Senator ASHCROFT, and Senator BOND.

Notice the trend here, Mr. President, as we address the partisanship.

This bill would prevent the slaughter of wild horses by the National Park Service. It would prevent it. Take a look at it, you environmentalists out there.

Section 803—feral burros and horses; ASHCROFT, and BOND. The bill would prevent the slaughter of horses by the National Park Service.

It is not bad enough that the White House has declared an open hunting season on people of the West. They want to shoot the horses that they rode into the West on as well, it seems. It is the only conclusion I can come to.

Section 806—Katmai National Park Agreements. It means a lot to Congressman YOUNG. It authorizes the U.S. Geological Service to drill scientific core samples. This is volcanic research. In Alaska we have a pretty hot plate. It blows up occasionally. It is about ready to do it here. We have volcanoes. We have earthquakes. This is volcanic research authorization.

What is wrong with that? Maybe Mr. Clinton needs to live at the base of an active volcano, and he would appreciate the need for the advanced volcano research. And where do you do it? You do it where you have volcanoes. You don't do it in Vermont or Washington, DC. You do it out on the Alaskan peninsula.

That is what this is all about. They object. They want to veto this over that.

I hope the American public would just be indignant for picking out these—well, you have to judge for yourselves.

Section 811—expenditures of funds outside the boundary of Rocky Mountain National Park.

That is rather interesting because that again focuses in on the great State of Colorado—Senator CAMPBELL, and Senator BROWN.

It simply allows the National Park Service to build a visitors center outside the park, mostly with private funds. They don't want that.

Section 815—National Park Service administrative reform—provides authorities which the National Park Service has requested for years—aid parks in protection of resources and provide facilities for employees; provides facilities for National Park Service employees; provides Senate confirmation of the National Park Service Director.

In keeping with that theme, not only evidently does this administration—the President—not trust his park employees, now he wants them to live under substandard conditions, which a lot of them are doing.

So what we have attempted to do—this isn't the Senator from Alaska doing this. This is a process that occurred in our committee by the introduction of the bill, hearings held, voting it out to the floor, and putting it into the package. That is the process. We had a process, not like the inequities in the Utah land where there was no process.

Section 816—Mineral King—a California issue—extends summer cabin leases. I am not familiar with it—totally discretionary by the Secretary.

Opposition to this provision I think is simply ridiculous. The Park Service needs these funds to maintain operations.

This seems like a blatant attempt to tear down the national parks and blame the Congress, I guess.

Mr. DORGAN. Mr. President, I wonder if the Senator will yield.

Mr. MURKOWSKI. I would be happy to yield. But I want to finish my statement, and then I would be happy to yield for a question.

Mineral King—I want to finish that. That is a California issue—extends summer cabin leases totally discretionary by the Secretary.

Again, I can only assume that the President does not trust his Secretary of the Interior or his Park Service folks to do what, obviously, a majority of the committee felt was the right thing.

This bill, of course, gives them complete control.

Section 818—the Calumet Ecological Park—that is Senator SIMON and Senator MOSELEY-BRAUN—a study to extend the I and M Canal National Heritage Corridor to incorporate a large portion of Chicago.

I am not conversant on that. But it certainly sounds reasonable.

Section 819—they want stricken—acquisition of certain property in Santa Cruz.

There are goats evidently that are ruining the island. Provisions in this bill would allow the National Park Service to address the removal of the goats from the island and try to restore a more pristine condition. It does not authorize the shooting of the goats, I might add. This portion of the island that is not under Government management I am told looks like certain areas of Afghanistan. The remainder of this island needs to be protected.

Section 1021—the Black Canyon of the Gunnison National Park. This is a major issue for one Senator, Senator CAMPBELL.

It formally creates a recreation area. Changes monument status to a park. Creates a BLM conservation area. Creates 22,000 acres of wilderness. Has all the four management agencies involved operating under one complex. Extensive hearings; extensive support; no questions about this. But it is on the list for veto.

National Park Foundation—I believe Senator LIEBERMAN, and myself—provides for the opportunity for the private sector to sponsor the National Park Service similar to the sponsorship of the Olympic games. We accepted Senator BUMPERS' six amendments which clarify that the sanctity of our National Park Service will be maintained. Clarifies that in no way the corporate entity can overcommercialize the Park Service.

The national environmental community is ginning up opposition against this. Well, let them come up with the $4 billion that is necessary to provide adequate maintenance in our parks.

They are quick to criticize. But when somebody comes up with a solution, obviously, they criticize but they don't counter with a response.

Mount Hood—Senator HATFIELD—1028—exchange between private company and Federal Government. Provisions already in the continuing resolution.

Section 1029—creation of the Coquille Forest—Senator HATFIELD—equal value exchange creating a tribal forest.

Section 1034—Natchez National Historical Park—creates an auxiliary area to the National Park Service unit, and provides $3 million for intermodal transportation system and a visitors center.

Is this administration opposed to creating less intrusive modes of transportation to allow more people to be able to enjoy the magnificent national park system, or are they just opposed to Republicans getting something for their home States? I don't know whether this is just a partisan shot. But it sure looks like it.

Section 1036—rural electric and telephone facilities—it authorizes the BLM to waive right-of-way rental charges for small rural electric and phone cooperatives.

Section 1037. Federal borough recognition, payment in lieu of taxes. This allows the unorganized borough in Alaska to receive PILT payments. They are unorganized, few people living there; 60 percent of the Federal lands in Alaska are in this borough. The administration did not oppose this during the committee action, and the language was worked out in cooperation with them. The administration supported this in committee. This is a slap in the face to my State, the rural Alaskans in my State, who lose out on economic opportunity because of the massive amount of public lands in their backyards. What could possibly be the reason for opposing this other than it is in a State that probably will not vote for the President?

Alternative processing, 1038.

The PRESIDING OFFICER. The Senator's 5 minutes under the morning business agreement has expired.

Mr. MURKOWSKI. Mr. President, I have about 3 more minutes. I wonder if I may be allowed to complete this statement.

Mr. DORGAN. Reserving the right to object, and I shall not object, certainly, I would like to ask if we might lock in some time for a bill introduction following the completion of the work by the Senator from Alaska. I would like to be recognized for 12 minutes; the Senator from California, Mrs. FEINSTEIN, for 12 minutes; and Senator REID of Nevada, for 12 minutes.

The PRESIDING OFFICER. Is that a unanimous consent request?

Mr. DORGAN. Yes. I make that in the form of a unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MURKOWSKI. I thank my colleague.

Section 1038. Alternative processing. This is an attempt to save the remaining jobs in my State, in southeastern Alaska in a timber area. Why doesn't the President just tell us: I want the remaining jobs to go away. I want the communities to go away, or simply suffer.

That is what he is doing. What this would do would be to simply transfer timber that is being used as pulp, as a designation of that timber under an 8-year contract that is binding to be transferred over to sawmill use so that, as we lose our pulp mills, we can continue to have a supply under a contractual commitment to our sawmills. We only have four sawmills, three of which are running. The other one is not because they do not have enough logs.

So we have taken our pound of flesh on this package. We have withdrawn what we hoped the administration would support and that was a 15-year contract to allow a $200 million investment to bring our pulp mill up to environmental standard. They would not support that.

Section 1039. Village land negotiations. This is another slap in the face of Alaska Native people. This provision just asks the Secretary to talk to five tiny Alaska villages that have waited more than 20 years for a conveyance that they were promised. This is a classic example of the Federal Government using the old bait-and-switch routine on America's native people and having no intention, evidently, of making good on the promises.

Section 1040. Unrecognized communities in southeastern Alaska. That merely let five communities in Alaska establish as a group or urban native corporations. It involved no land transfer. It was a Alaska Native equal rights bill that gave these people simply an opportunity or the authority to proceed. No land transfer was associated with it—another solution in which the Federal Government has turned its back on Alaska Natives.

Section 1041. Gross Brothers. They served their country in uniform. They lost their deed. Their country is denying them the land they homesteaded, land they lived on.

Section 1043. Credit for reconveyance. This would have allowed Cape Fox Corp. to transfer 320 acres of land near a hydro project back to the Forest Service. They would not have gotten any land in exchange. I do not know why they oppose that. We are giving the land back.

Section 1044. Radio site report. A study to determine if radio sites are needed.

Section 1045. Retention and maintenance of dams and weirs. Forces the Forest Service to maintain specific dams and weirs in the Immigrant Wilderness.

Section 1046. Matching land conveyance, University of Alaska. This authorization is for the Secretary of the Interior to discuss—discuss, not mandate—a land grant with the University of Alaska, which has never received its Federal entitlement, on a matching basis with the State.

Once again, this is an education President striking again against education, and I just do not understand the rationale. This is the only statewide university in our State. It is a land grant college. It has no land in the largest State.

In conclusion, Mr. President, I want to advise my colleagues also that I have maintained that we have put this package in the most responsible form. It is ready to go. If it does not go, if it does not go in the package, it is not going to go. We will have to come back and start the process all over again. We will lose Presidio. We will lose the San Francisco Bay area cleanup. We will lose the issues in New Jersey, Sterling Forest. We will lose 126 sections of hard work that came out of the democratic process simply because, by executive mandate, this administration says they will not accept it. I find that unconscionable.

I am very pleased with the action of our leader in introducing this. I hope we can address the concerns of the minority, and I am willing to work with the minority to try to do that in the time remaining.

With that, I yield the floor. I thank the Chair and my friend for allowing me to continue. I appreciate their graciousness.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for up to 12 minutes.

Mr. DORGAN. I did not, when I asked the Senator to yield, intend to discuss goats or horses, or erupting volcanoes for that matter. I expect there will be a rejoinder at some point on the floor, but that was not my intention. I appreciate the courtesy of the Senator from Alaska.

(The remarks of Mr. DORGAN and Mrs. FEINSTEIN pertaining to the introduction of S. 2140 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DAKOTA, MINNESOTA, AND EASTERN RAILROAD CELEBRATES 10TH ANNIVERSARY

Mr. PRESSLER. Mr. President, this month marks the 10th anniversary of the Dakota, Minnesota, and Eastern [DME] Railroad. The DME is South Dakota's only statewide railroad and operates more than 1,100 miles. I offer my heartfelt congratulations to the DME. I particularly commend the many dedicated workers and officials who have worked to make DME such a successful rail service provider. All associated with DME should be proud.

I recall back in 1983 when I first became involved in a lengthy battle to preserve critical rail service slated for abandonment. The Chicago and North-Western was planning to abandon 167-miles connecting Ft. Pierre and Rapid City. That fight ultimately lead to establishment of the DME.

At first, many were skeptical about DME's prospect for success. Those same skeptics are believers today. DME's annual revenue and freight tonnage have doubled during the past 10 years. So has its number of employees. And, more than $90 million has been invested in main line infrastructure improvements during that same period.

I am proud to have played a role both in DME's creation and its successes. I have enjoyed working closely with rail shippers and DME to advance this critical transportation service. I remain committed to doing all I can to promote adequate and effective rail service for our State.

Mr. President, I ask unanimous consent that an article by Roger Larson and an editorial printed in the Huron Daily Plainsman detailing the DME odyssey be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huron Daily Plainsman]

LAYING TRACKS FOR THE FUTURE

(By Roger Larsen)

Larry Pressler says 1989 marked the beginning of what he now calls his "DM&E odyssey."

Dakota, Minnesota & Eastern Railroad officials are more direct. Without the senator's intervention, they say, their corporation wouldn't exist.

And South Dakota's roads would be taking a severe pounding.

"If we weren't here, it would probably take about 50,000 semis hauling on the state and U.S. highways here in South Dakota, which would certainly cost the state a lot more money in road and bridge maintenance," said Lynn Anderson, DM&E's vice president for marketing and public affairs.

Looking back on their first 10 years in operation, DM&E officials say Pressler, at substantial political risk, was instrumental in the railroad's creation and survival.

It hasn't always been a smooth ride.

The short-line railroad was born out of necessity—and a sense of urgency—when the Chicago & North Western Railroad announced in 1983 that it wanted to abandon 167 miles of track between Pierre and Rapid City.

Pressler received an emergency phone call. Could he send a representative to a meeting of shippers and others in Philip?

He went himself.

"I worked with local shippers in organizing an abandonment protest," he said. "That triggered a formal ICC (Interstate Commerce Commission) investigation."

As C&NW pushed forward with its abandonment plans, an ICC field hearing was conducted in September 1983.

"The ICC decision in November denied the abandonment request," Pressler said.

The ruling by the administrative law judge surprised more than a few people who had become resigned to the situation.

But the judge based his decision on "the serious impact of the loss of rail service on rural and community development or the lack of any viable rail or motor carrier alternatives to that service."

"At that time, I was the only public official in the state who believed the 167-mile stretch could be saved," Pressler said.

Anderson doesn't believe the senator is overstating his involvement.

"Well, I think he was the key individual that worked to keep the railroad in place between Pierre and Rapid City," he said. "Without the things he did and the support he gathered, I think there's a good likelihood the line would have been abandoned."

The judge's decision, PRESSLER said, "allowed us more time to work with C&NW to find a long-range solution to the Pierre-to-Rapid-City line problem. It was the only route west for years."

Still, C&NW remained adamant. It appealed the ruling to the full ICC. In February 1984, it was upheld on a tie vote.

By August, the railroad again announced it would continue its efforts to abandon the track.

"C&NW made it clear that there was no interest in compromise," PRESSLER said. "They wanted to get rid of it. Early attempts to come up with a long-term solution seemed to fall on deaf ears."

Eyebrows were raised in January 1985 when C&NW extended its abandonment plans all the way to Wolsey, pushing the total to 273 miles. The Aberdeen to Oakes line in northeastern South Dakota was also being considered for abandonment.

C&NW declined invitations to negotiate. The future of the rail lines looked bleak.

A breakthrough came when PRESSLER intervened in a proposed sale of Conrail to the Norfolk Southern Railroad, a merger that C&NW claimed would cost it $60 million a year in traffic diversions.

In return, C&NW approached the negotiating table with a commitment to find a potential buyer of its South Dakota track.

And in dramatic fashion, those along the track provided a huge show of support.

"C&NW joined me in a day-long working train trip in May 1985," PRESSLER said. "We rode in a rail car between Rapid City and Pierre. Twelve hundred people turned out along the way to express their support for continued service. That really helped turn things around with C&NW officials."

For the first time, the shortline or regional railroad concept was introduced.

And that trip across South Dakota's prairie seemed to have a calming effect on the players.

"It coalesced everyone," PRESSLER said. "It was the first time all sides sat down and discussed the issue with the uniform goal to make the line work. Everyone agreed it would take some give and take."

At a rail conference in September 1985, C&NW outlined a divestiture proposal which led to the birth of the DM&E Railroad.

A year later, the new railroad's locomotives were pulling cars full of grain, lumber, wood chips, bentonite clay and cement.

This summer, 100 miles of deteriorated track between Wessington and Pierre has been upgraded with new, 115-pound rail. This $20 million project is being financed by a bond issue the railroad will repay over 20 years with no state dollars.

The project is two months ahead of schedule. Crews are in the stretch run, laying new track between Blunt and Pierre.

In May, DM&E added 203 miles to its system when it purchased the "Colony Line" from the Union Pacific Railroad.

The line connects with the DM&E at Rapid City and extends north to Bentonite near Colony, Wyo., and south to Crawford and Chadron, Neb., where it links with Burlington Northern Santa Fe and Nebkota Railway.

"We are looking forward to a smooth transition" DM&E president J.C. "Pete" McIntyre said when the sale was announced.

The railroad purchased 12 more locomotives and hired 50 employees, increasing the workforce to more than 300.

"These are good-paying jobs and benefits," *Pressler* said.

Also, the railroad announced it is spending more than $32 million for 625 new freight cars, including 325 covered hoppers to haul cement from South Dakota Cement Plant at Rapid City.

Others—such as grain elevators along the rail line—have made major improvements as well.

It's obvious to Anderson that had C&NW been successful in its abandonment efforts, the line wouldn't have been rebuilt.

"Business would have gone over to the Nebraska line," he said.

But because it didn't—and rail traffic now travels in South Dakota—it means long-term economic development for the state, he said.

"The C&NW had rerouted traffic out of the Black Hills to Nebraska," he said. "When they failed to abandon the line from Rapid City to Pierre, they decided to sell it.

"After we began operations, and began upgrading the line and showed the ability to handle the carload business, we convinced C&NW to reroute that traffic coming across South Dakota in lieu of Nebraska."

And then C&NW decided to abandon the Nebraska line.

"The reverse could have happened," Anderson said.

Ten years ago, one of the first repainted C&NW locomotives was named the "Larry *Pressler*." Since then, locomotives have carried the names of cities along DM&E's service area.

The railroad also honored him by naming a Rapid City intersection "*Pressler* Junction."

Pressler admits he was like a kid in a candy store on a particularly memorable trip back home.

"They let me drive a locomotive a little bit once," he said.

DM&E KEEPS S.D. ON THE RIGHT TRACK

In the middle of the night, a train whistle carries a mournful, lonely sound on the prairie air.

As homesteaders pushed westward in the 19th century, the advent of trains signaled hope and opportunity in the uncertain vastness of Dakota Territory.

Today, they continue to represent a kind of comforting stability.

They have become as familiar to the landscape as rolling grasslands and an endless horizon. But trains in much of west and central South Dakota were nearly derailed by a corporate stroke of the pen a decade ago.

Chicago & North Western Railroad wanted to abandon its deteriorating track between Rapid City and Wolsey. It talked about walking away from its line between Aberdeen and Oakes, N.D., as well.

In historic fashion, shippers circled their wagons and waited for reinforcements. And, as their forefathers had done with other territorial disputes, they pushed for a reasonable solution.

Into the mix came Sen. Larry Pressler, R–S.D., who rightfully used his political standing in Washington to force field hearings.

In the end, it came down to a little give-and-take. C&NW's back was scratched when a railroad merger elsewhere in the country—which could have hurt its bottom line—was opposed by Pressler. In return, the boys in the C&NW boardroom agreed to find a buyer for the track it wanted to abandon in South Dakota.

Thus, the birth of Dakota, Minnesota & Eastern Railroad.

DM&E has been a good corporate neighbor in its first 10 years. It has proven it can handle the needs of shippers, farmers and other customers up and down its 900-mile line.

And it's doing something else that's certainly long overdue.

It's putting its money—and longterm viability—where its mouth is.

With the current track upgrade between Wolsey and Pierre nearly complete, DM&E has invested some $90 million in infrastructure. Millions more dollars have been committed to purchase hundreds of new rail cars.

Trains have had a romantic, endearing quality in this part of the country for well over a century.

For those who truly care about the future, their whistles will continue to beckon with faith and anticipation.

ECONOMIC NEEDS OF PUERTO RICO

Mr. JOHNSTON. Mr. President, since 1973, my first year in the Senate, I have spent a great deal of time and energy on issues affecting Puerto Rico. I rise today to voice my concern for our fellow citizens in Puerto Rico, who have been greatly affected by our recent action to eliminate economic development incentives under section 936 of the Internal Revenue Code without providing them with an alternative program. I understand the need to curb excessive corporate tax benefits in order to get our Nation's fiscal house in order. However, in accomplishing this, we must not ignore the needs of the people of Puerto Rico. The 3.7 million American citizens of Puerto Rico deserve the opportunity to become economically solvent and self-sufficient. We must work hand in hand with them to develop a sound economic development program that helps achieve those goals. Modifications, improvements or alternatives such as a wage credit have been suggested for Puerto Rico. All of these options deserve serious consideration, but above all we must not allow the economy of Puerto Rico to be devastated by inaction or the wrong action by Congress. Although I shall not be returning for the 105th Congress, I urge my colleagues to give prompt attention to this issue early next year.

AMERICA, WHO STOLE THE DREAM?

Mr. HOLLINGS. Mr. President, lost in the rhetorical haze generated by pollster politics is a serious discussion of the principle challenge facing this Nation, that is, how can we arrest the decline in wages and living standards and restore the American Dream. Instead of addressing this fundamental issue, what currently passes for political discourse is a mindless discussion in which each candidate stands up and proudly proclaims that he or she is for the family and he or she is against crime. What neither party wants to address is the immutable connection between two decades of economic stagnation and dislocation, and the breakdown of families and the destruction of communities.

In the past decade over 2 million high paying jobs in manufacturing have disappeared. The social fabric of hundreds of communities have been ripped apart. Those who have jobs are working longer and harder for less compensation. Isn't it more than a coincidence that the breakdown in the family and the collapse of our inner cities would coincide with an unprecedented era of economic insecurity? Once the land of opportunity, America now has the worst distribution of income in the industrialized world.

Fortunately, the Philadelphia Inquirer has filled this void. In a penetrating 10 part series, the Pulitzer Prize winning team of Donald Barlett and James Steele have put a human face on the devastation wrought by our failed trade policy. From our unwillingness to enforce our trade laws to the sorrid spectacle of former U.S. officials lining up to represent foreign interests, Bartlett and Steele correctly identify the root causes of our economic decline.

The strength of Barlett and Steele's piece is epitomized by the vicious attacks that have been leveled at this prize-winning team. Barlett and Steele have drawn fire from the same crowd who have for decades produced the same mindless, conventional wisdom that equates unilateral free trade with economic growth. These are the same people, whose wild assertions about NAFTA and GATT, were utterly false.

During the NAFTA debate the purveyors of conventional wisdom anointed Carlos Salinas as the man of the decade, valiantly reforming the political system and transforming Mexico into a first world economy. NAFTA was supposed to usher in a golden era for U.S. exports to Mexico creating thousands of new high wage jobs. Two years later we have recorded $23.2 billion worth of trade deficits with Mexico. The Mexican economy collapsed into a depression and the man of the year, Carlos Salinas, is living in forced exile while the extent of his administration's corruption is documented in the pages of the New York Times and the Wall Street Journal. NAFTA was supposed to create a North American Free Trade Block to compete against Europe and Asia. Instead, Asian investment has poured into Mexico. A recent article in the Nikkei Weekly, specifically cites Mexico's low wages and NAFTA's duty-free access as the reason why Asian investors are flocking to Mexico.

Mr. President, the same group that attacks Barlett and Steeles' objectivity, never once, during the debate on the GATT, questioned blatantly false assertions made about the efficacy of section 301, or the GATT Rounds' impact on the U.S. economy.

While we were assured that the United States maintained its rights to use section 301, Japan's Minister of Trade and Industry boldly proclaimed that, "the era of bilateralism is over, all disputes will be settled by the WTO."

In the year since the GATT/WTO has taken effect, our trade deficit has continued to soar at a record pace. Trade has become a net drag on the economy, robbing the United States of close to 1 percent of growth as imports consistently out-pace exports. Most pernicious were the claims made by the members of the Alliance for GATT Now. Claims of export booms that would lead to increases in employment. The reality is that 250 companies are responsible for 85 percent of U.S. exports. These same companies have been among the largest downsizers in the American economy. Pink slips rained down on workers at AT&T, IBM, and General Electric. According to an executive vice president at General Electric, "We did a lot of violence to the expectations of the American worker."

How can those who have consistently been wrong about trade now turn around and question Barlett and Steele?

Mr. President, this provocative series in the Philadelphia Inquirer has undermined many of the dubious assertions about trade. Assertions that for decades have been unquestionably accepted.

I urge my colleagues to read this series, and I hope it will stimulate a much needed debate on the most serious issue facing this Nation.

GLOBAL CLIMATE CHANGE

Mr. HELMS. Mr. President, Senator Sam J. Ervin, Jr., the distinguished former Senator from North Carolina, often said that the United States had never lost a war nor won a treaty. Well, during the summer, the Clinton administration quietly set the wheels in motion in Geneva for yet another disastrous treaty for the United States.

During July meetings, Tim Wirth, Undersecretary of State for Global Affairs, committed the United States to the negotiation of a binding legal instrument with the stated goal of reducing global greenhouse gas emissions.

Many experts agree that the premise for this new treaty, which excludes developing countries from enforcing the commitments to reduce emissions, makes its goal simply unachievable. Developing nations such as China will be the largest source of new greenhouse gas emissions in the post 2000 period, yet will be exempt from any new restrictions.

The United States currently is party to the U.N. Convention on Global Climate Change, signed at Rio in 1992 and ratified by the Senate in 1993. Under that treaty the member countries are divided into industrialized countries, termed "Annex I countries," and developing countries, termed "non-Annex I countries," for purposes of determining treaty commitments. The treaty tasks Annex I Parties to reduce greenhouse gas emissions to 1990 levels by the year 2000.

In March 1995, the parties to the U.N. Convention laid the framework for the current negotiations when they met in Berlin, Germany, and agreed to the so-called Berlin mandate. The Berlin mandate states that the parties to the Convention would address this global problem post 2000 without binding any of the non-Annex I parties to new commitments. By agreeing to this disastrous concession—after making assurances to Congress that they would not do so, I might add—the means for addressing the issue as a global problem were removed from the table.

Mr. President, as things often happen, the flawed Berlin mandate became the building block for the latest round of concessions made by Tim Wirth in Geneva. There, parties approved a Ministerial Declaration which—in "U.N. speak"—directs Annex I parties to "instruct their representatives to accelerate negotiations on the text of a legally-binding protocol of another legal instrument." The Declaration directs that the commitments of Annex I parties will include "quantified legally-binding objectives for emission limitations and significant overall reductions within specified timeframes, such as 2005, 2010, 2020."

In plain English this means that any new treaty commitments regarding greenhouse gas emissions will set forth legally binding emission levels that must be met by industrialized countries only. The U.S. position turns basic principles of sound economic policy on its head since it directs industrialized countries to subsidize developing countries by polluting less while incurring higher costs so that developing countries can pollute more without incurring costs.

Some of our allies recognize the serious flaws in the current negotiations.

According to the findings of an Australian Government study entitled "Global Climate Change: Economic Dimensions of a Cooperative International Policy Response Beyond 2000," the treaty will not even achieve the desired environmental effect. The study finds that stabilizing carbon dioxide emissions of developed countries only at 1990 levels during the period from the years 2000 to 2020 "would lead to minimal reductions in global emissions and would have higher costs for most countries than alternative abatement strategies." According to the Australian study, despite the additional costs, there will be no substantial reduction in the growth of global emissions because of the continued growth in the rest of world emissions.

Mr. President, even the elements that would provide some leveling of the playing field are nonexistent in the Ministerial Declaration that was approved by the parties in Geneva. For example, the document makes no reference to Joint Implementation [JI], a practice by which a country's emissions abatement costs can be spread across national borders. Under JI, a nation with relatively high marginal abatement costs can offset costs through involvement with projects in countries with relatively low emissions reduction costs. If countries were truly serious about decreasing the level of global emissions this plan would provide a global solution to the problem and bring economic benefits to the lower cost country in the form of foreign investment. These are clearly not the goals of the parties advancing this doomed policy.

According to a study by the General Accounting Office that I requested, during the period from 1993 to 1995, Federal agencies of the United States have spent almost $700 million on global climate change related spending. This is more than 70 percent of the total spending by the United States to advance major international environmental treaties. Despite the heavy resources being pumped into this Convention by the Clinton administration, Congress has yet to be provided a full economic analysis of the costs of the proposed protocol to the original treaty. Nor has the administration been forthcoming in its own proposals for the new Protocol. Instead, a shell game is being played out in which the substance of the new protocol will be laid on the table in December, after U.S. elections.

During hearings last week in the Senate Energy Committee, the able Senator from Alaska, FRANK MURKOWSKI, raised serious questions about the administration's support of the current negotiations underway at the United Nations, particularly the possibility of a carbon tax. I can assure you that for so long as I am chairman of the Foreign Relations Committee any international legal instrument agreed to by this administration must not and should not put the U.S. economy at a competitive disadvantage to other countries. Most importantly, the treaty should actually achieve the purpose for which it is negotiated. Any treaty that comes before the Senate for ratification must ensure that U.S. businesses will remain competitive and U.S. jobs will be protected.

HONORING THE PETERS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Jack and Irene Peters of Joplin, MO, who on October 12, 1996, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Jack and Irene's commitment to the principles and values of their marriage deserves to be saluted and recognized.

ASYLUM AND SUMMARY EXCLUSION PROVISIONS

Mr. HATCH. Mr. President, I would like to comment briefly on the asylum-related provisions of H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The agreements we reached with the House in the conference report involved a number of compromises on provisions involving the asylum system. I worked very hard in conference to modify the House provisions, and I think we arrived at workable compromises that will be fair in practice.

The conference report's provisions on summary exclusion, also referred to as expedited exclusion, significantly revise the summary exclusion provisions of the Terrorism Act, which apply to those excludable based on document fraud or the absence of documents. The provisions of the Terrorism Act would not have provided adequate protection to asylum claimants, who may arrive in the United States with no documents or with false documents that were needed to exit a country of persecution.

Under the revised provisions, aliens coming into the United States without proper documentation who claim asylum would undergo a screening process to determine if they have a credible fear of persecution. If they do, they will be referred to the usual asylum process. While I supported the Leahy-DeWine amendment that was included in the Senate bill and that passed the Senate 51 to 49, the conference report represents a compromise.

The conference report provisions apply to incoming aliens and to those who entered without inspection, so-called EWI's but have not been present in this country for 2 years. Although the Senate provisions applied only in extraordinary migration situations, House Members felt very strongly about applying these procedures across the board. I think that, with adequate safeguards, the screening procedures can be applied more broadly. If any problems with these provisions arise in their implementation, however, and they do not seem to offer adequate protections, I am willing to consider changes to them.

The credible fear standard applied at the screening stage would be whether, taking into account the alien's credibility, there is a significant possibility that the alien would be eligible for asylum. The Senate bill had provided for a determination of whether the asylum claim was "manifestly unfounded," while the House bill applied a "significant possibility" standard coupled with an inquiry into whether there was a substantial likelihood that the alien's statements were true. The conference report struck a compromise by rejecting the higher standard of credibility included in the House bill. The standard adopted in the conference report is intended to be a low screening standard for admission into the usual full asylum process.

Under the conference report, screening would be done by fully-trained asylum officers supervised by officers who have not only had comparable training but have also had substantial experience adjudicating asylum applications. This should prevent the potential that was in the terrorism bill provisions for erroneous decisions by lower level immigration officials at points of entry. I feel very strongly that the appropriate, fully trained asylum officers conduct the screening in the summary exclusion process.

Under the new procedures, there would be a review of adverse decisions within 7 days by a telephonic, video or in-person hearing before an immigration judge. I believe the immigration judges will provide independent review that will serve as an important though expedited check on the initial decisions of asylum officers.

Finally, under the conference report, there would be judicial review of the process of implementation, which would cover the constitutionality and statutory compliance of regulations and written policy directives and procedures. It was very important to me that there be judicial review of the implementation of these provisions. Although review should be expedited, the INS and the Department of Justice should not be insulated from review.

With respect to the summary exclusion provisions, let me remind my colleagues that I supported the Leahy-DeWine amendment on the Senate floor, which passed by a vote of 51 to 49. The compromise included in the conference report is exactly that: a compromise. I support the compromise because I believe it will provide adequate protections to legitimate asylum claimants who arrive in the United States. If it does not, let me say that I will remain committed to revisiting this issue to ensure that we continue to provide adequate protection to those fleeing persecution.

I would also like to comment briefly on one of the more significant changes to the full asylum process that are contained in the conference report. The Conference Report includes a 1-year time limit, from the time of entering the United States, on filing applications for asylum. There are exceptions for changed circumstances that materially effect an applicant's eligibility for asylum, and for extraordinary circumstances that relate to the delay in filing the application.

Although I supported the Senate provisions, which had established a 1-year time limit only on defensive claims of asylum and with a good-cause exception, I believe that the way in which the time limit was rewritten in the conference report—with the two exceptions specified—will provide adequate protections to those with legitimate claims of asylum.

In fact, most of the circumstances covered by the Senate's good-cause exception will be covered either by the changed circumstances exception or the extraordinary circumstances exception. The first exception is intended to deal with circumstances that changed after the applicant entered the United States and that are relevant to the applicant's eligibility for asylum. For example, the changed circumstances provision will deal with situations like those in which an alien's home government may have stepped up its persecution of people of the applicant's religious faith or political beliefs, where the applicant may have become aware through reports from home or the news media just how dangerous it would be for the alien to return home, and that sort of situation.

As for the second exception, that relates to bona fide reasons excusing the alien's failure to meet the 1-year deadline. Extraordinary circumstances excusing the delay could include, for instance, physical or mental disability, efforts to seek asylum that were thwarted due to technical defects or errors for which the alien was not responsible, or other extenuating circumstances.

Once again, if the time limit and its exceptions do not provide adequate protection to those with legitimate claims of asylum, I will remain committed to revisiting this issue in a later Congress.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABUSE IN PRISONS OF THE RELIGIOUS FREEDOM RESTORATION ACT

Mr. REID. Mr. President, in this morning's Washington Post newspaper—and newspapers all over the United States have headlines that are comparable to the headline in the Washington Post—"Ring Used Religion as Cover To Sneak Drugs Into Lorton."

Lorton is a Federal penitentiary in this area. This was on the front page of the Washington Post.

Mr. President, I wish I were not here today to say, "I told you so," but I am here today saying, "I told you so." When the Religious Freedom Restoration Act came up for a vote, I offered an amendment to exclude religion in prisons from the confines of that act. It was a very close vote in this body. It was defeated. People said, "Don't worry about it. It won't cause any problems."

From the day the Religious Freedom Restoration Act passed, it caused problems in prison. This article says a number of interesting things. Among which:

> A drug ring posing as a church group smuggled cocaine and prostitutes into the Lorton Correctional Complex and filmed a pornographic video in the prison chapel, with a law protecting religious freedom to avoid scrutiny by guards . . .
>
> Posing as members of the Moorish Science Temple—

Mr. President, I have nothing to say bad about this religion. It could have been any religion. They happen to be using this religion as a front for their criminal and basically immoral activities.

> Posing as members of the Moorish Science Temple, a religion popular in jails, the group exploited what officials called a gaping loophole in Lorton's security.
>
> Because of a 1993 federal law protecting religious freedom of prisoners, members were allowed to have private visits with inmates at virtually any hour and were subjected to only minimal searches, officials said. The members also routinely intimidated guards by threatening to sue them, they said.
>
> "We had correctional officers who were afraid to do their jobs," said D.C. Corrections Director Margaret A. Moore. . . .

* * * * *

> "This case is not an indictment of the Moorish Science Temple." . . . "It is an indictment of individuals who exploited a religious exemption to smuggle drugs."

I was very happy that one of the leaders of this religion said, and is quoted in the paper, a man by the name of Harvin-Bey:

> "We don't condone anything like that, and if they are members [of the Moorish Science Temple], then justice should take its course." . . . "It's sad that anyone would misuse any religious organization. That's not what our teachings promote."

Skipping on:

> Federal prosecutors and prison officials said they had suspected for several years that illegal activities were occurring during some religious services. Outsiders seeking to attend religious services in the complex only had to fill out a card, and prison officials did not verify whether they were church members. . . .
>
> In addition . . . such visitors received numerous exemptions from standard security procedures at the District's 6,000-inmate prison complex [located] in southern Fairfax County.

Mr. President, the sad part about it, this was not uncovered by some great work done by the prison itself. There was an inmate who participated in taking pictures of people having sex during the religious service, and he passed these on to the authorities. That is the only way. They had somebody who thought, for what was going on there, that that was a little much.

They would never have uncovered this. They would have continued to let these activities—cocaine.

> Posing as a drug seller in the maximum-security unit, the inmate received drugs brought in by mostly female visitors, many in dresses of the type often worn by Islamic women.

* * * * *

> . . . Bell and Cook [these two individuals] allegedly brought in three women to a scheduled religious service in a conference room that was being used as a makeshift chapel. Prison officials earlier had intercepted a phone call between Bell and an inmate making plans to bring in the women. . . .
>
> For about 10 minutes, an inmate using a smuggled video camera recorded sex acts between the women and the inmates. . . .

* * * * *

> Moore said prisons nationally are experiencing problems—

Moore is the prison official talking.

> Moore said prisons nationally are experiencing problems with the 1993 Religious Freedom and Restoration Act, saying it limits the ability of prison officials to restrict religious activities among inmates.

I repeat, I did not want to come here and say, "I told you so," but I have to. I come here and say, I warned everyone. I warned the U.S. Senate that this would happen. This is a problem of inmates abusing the special protections provided under the Religious Freedom Restoration Act. The special protection should not be there. Prisons should be exempted.

During the consideration of this bill, I repeat, I offered an amendment to exempt prisoners from coverage of the act. It failed. I feared then, and I fear even more now, these special protections will be abused, would be abused, have been abused, and will continue to be abused by these inmates. I say regrettably that my amendment was defeated because it is now apparent that inmates are in fact abusing the special rights provided under this act.

I have worked with Senator HATCH, chairman of the Judiciary Committee, and I appreciate his efforts, his good will, in working to solve some of the problems that I see existing. He worked with me very hard earlier in this Congress to pass the Prisoner Litigation Reform Act. That is the one, you will recall, Mr. President, where prisoners were suing over whether they had to eat chunky or smooth peanut butter, or they were suing over how many times they could get their underwear changed or whether they were entitled to wear lady's underwear in a men's prison, some of these very weighty, substantive issues that they were wasting the court's time on. In Nevada, 40 percent of the Federal courts' time is wasted on this senseless litigation. So I appreciate Senator HATCH working with me on that legislation.

But I say that Senator HATCH told me that if there is a problem with this prison litigation, prison abuse with the Religious Freedom Restoration Act, he would work with me. We need some work done on this. We need to stop this foolishness. Why we would allow anything like this to take place—people whose civil rights have been taken from them basically who have committed so many crimes that they are in prison—and we are saying that they have the right to do anything they want regarding religion.

That is indicated in this newspaper article. We are not going to check who comes into the religious services. We are not going to check to see what they bring in. We are not going to check to see who they bring in or check to see what they do when they are having these so-called services. Mr. President, I think today's article in the Washington Post and the one that is appearing all over the country indicates why we need to do more.

I repeat again, to spread all over this RECORD, I appreciate very much what the chairman of the full committee has done to work with me on some of these problems I have. This is an important issue that we need to review as soon as we get back next year. I will pursue this problem. This is a problem the attorney generals all over the United States recognize as a problem—frivolous litigation—and now we have these problems that are raised by the Religious Restoration Freedom Act. We need to do more. I intend to do what I can with the U.S. Attorney General so that she appreciates the growing litigation they face in this area.

She has not been strong on this issue in the past, and I think that is not appropriate. I think she should be the leader in this issue to make the prisons prisons and not places to allow stuff like this to take place. Criminals do not enjoy the same rights and privileges as do law-abiding citizens. But, according to what we see in the papers today, they have more privileges, not less. The sooner we recognize that criminals do not enjoy the same rights and privileges as law-abiding citizens, the better off we will be.

I ask unanimous consent to have the Washington Post article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

RING USED RELIGION AS COVER TO SNEAK DRUGS INTO LORTON

(By Charles W. Hall)

A drug ring posing as a church group smuggled cocaine and prostitutes into the Lorton Correctional Complex and filmed a pornographic video in the prison chapel, using a law protecting religious freedom to avoid scrutiny by guards, officials said yesterday as they announced more than 30 arrests.

Posing as members of the Moorish Science Temple, a religion populated in jails and prisons, the group exploited what officials called a gaping loophole in Lorton's security.

Because of a 1993 federal law protecting religious freedom of prisoners, members were allowed to have private visits with inmates at virtually any hour and were subjected to only minimal searches, officials said. The members also routinely intimidated guards by threatening to sue them, they said.

"We had correctional officers who were afraid to do their jobs," said D.C. Corrections Director Margaret A. Moore, who announced several measures to tighten control of prison visits at a news conference in Alexandria.

U.S. Attorney Helen F. Fahey said she hoped the arrests will warn visitors not to smuggle drugs into Lorton. She emphasized that the crackdown was not intended as an attack on any religious group.

"This case is not an indictment of the Moorish Science Temple," Fahey said. "It is an indictment of individuals who exploited a religious exemption to smuggle drugs."

A. Harvin-Bey, grand sheik of Moorish Science Temple No. 74 in the District, condemned those involved in the alleged crimes at Lorton.

"We don't condone anything like that, and if they are members [of the Moorish Science Temple], then justice should take its course," Harvin-Bey said. "It's sad that anyone would misuse any religious organization. That's not what our teachings promote."

Harvin-Bey said the religion has attracted millions of worshipers across the country. There are about 10 temples in the Washington area, he said. The religion, which is open to all races, focuses on the ancestry of American slaves, saying they descended from Moabites who formed the Morrish empire.

A grand jury issued 38 secret indictments Tuesday. About 6 a.m. yesterday, federal agents and local police officers began arresting suspects. By 6 p.m., seven remained at large, said William Megary, acting special agent in charge of the FBI's Washington field office.

Officials said 21 suspects were from the District, eight from Maryland, two from Virginia and seven had unknown addresses.

All of the defendants were charged with cocaine distribution offenses, and two—Nathaniel Pleasant Bell and Karima Cook, both of Baltimore—also were charged with transporting women across state lines for prostitution.

Federal prosecutors and prison officials said they had suspected for several years that illegal activities were occurring during some religious services. Outsiders seeking to attend religious services in the complex had only to fill out a card, and prison officials did not verify whether they were church members, Moore said.

In addition, according to papers filed yesterday in U.S. District Court in Alexandria, such visitors received numerous exemptions from standard security procedures at the District's 6,000 inmate prison complex in southern Fairfax County.

In January, officials said, a cooperative inmate gave investigators vital access to the drug ring.

Posing as a drug seller in the maximum-security unit, the inmate received drugs brought in by mostly female visitors, many in dresses of the type often worn by Islamic women. The drugs were supplied by an undercover officer posing as a drug seller outside the complex.

Because all of the cocaine ultimately was routed to the cooperating inmate, none actually reached the general inmate population, prosecutors said.

On Jan. 23, Bell and Cook allegedly brought in three women to a scheduled religious service in a conference room that was being used as a makeshift chapel. Prison officials earlier had intercepted a phone call between Bell and an inmate making plans to bring in the women, authorities said.

For about 10 minutes, an inmate using a smuggled video camera recorded sex acts between the women and the inmates, according to Timothy J. Shea, an assistant U.S. attorney who helped supervise the investigation. The informant later was able to obtain a copy of the video inside Lorton.

Moore said the prison temporarily will issue no new passes to visitors who say they represent religious groups and will subject all current volunteers to criminal background checks. In addition, she said, guards will be ordered to constantly monitor services through observation windows and periodically walk through rooms where services are taking place.

Moore said prisons nationally are experiencing problems with the 1993 Religious Freedom and Restoration Act, saying it limits the ability of prison officials to restrict religious activities among inmates.

Todd Craig, a U.S. Bureau of Prisons spokesman, said representatives of religions who visit federal prisons already go through criminal background checks and receive extensive training on rules.

Jonathan Smith, executive director of the D.C. Prisoners Legal Services Project, said that he would closely review any restrictions on religious worship but that he probably would not oppose reasonable security measures.

"Religious activities in prisons are one of the most valuable tools available for an inmate's rehabilitation," Smith said. "If they want to search visitors, I probably would not have a problem. If they say there will be no more religious visitors, we would very likely challenge that in court."

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent to rescind the call for the quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I wish to make a couple of statements this afternoon in regard to our departing colleagues. Let me begin by talking about a fellow South Dakotan.

SENATOR EXON'S RETIREMENT

Mr. DASCHLE. The Senate and the American people will greatly regret the absence of Senator EXON from this Chamber upon his retirement at the end of Congress. I cannot think of anyone in this body who reflects the concerns of America's heartland and the commonsense approach to problems so prevalent in that part of the country better than the senior Senator from Nebraska. I am very pleased to have been able to call him a friend now for a long, long time.

I have always felt a special bond with Senator EXON because he, too, was born and raised in South Dakota. His parents were active in the South Dakota Democratic Party. I do not know if that accounts for his outstanding career in the Senate, but I know it did not hurt.

Senator EXON has given a lifetime of public service. He served in the Army in World War II and afterward became a successful businessman and proud father of three. In the 1970's, he was elected twice as Governor of Nebraska, serving longer than any other person in the State's history. He was elected three times to the U.S. Senate, and through his hard work and dedication, he has earned the affection and the trust of the people of Nebraska who know him best.

Reflecting his rural upbringing, JIM EXON, without a doubt, is one of the most knowledgeable Members of this body on agricultural issues. As a Governor and certainly as a Senator, he has always had his hand on the pulse of rural America. I have turned to him on numerous occasions for advice and counsel, and will not hesitate to pick up the phone in the future on these same issues.

JIM EXON is also well-known for his command of budgetary issues. By the time he came to the Senate, Senator EXON had already established a proven record of fiscal responsibility. As Governor of Nebraska, he balanced that State's books time and again. Therefore, when he assumed his Senate duties and a seat on the Budget Committee, he did not enter the Nation's budget battles unprepared or unarmed.

After observing him closely in my time in the Senate, I can confidently say that Senator EXON stands second to none in his knowledge of the Federal budget and its impact on working Americans everywhere. As Senate Democratic leader, I have repeatedly drawn on his experience and wisdom for guidance in the many fiscal battles that have come to define this Congress.

As ranking member of the Budget Committee, Senator EXON has been my most valuable ally and adviser as we developed a plan to balance the budget without compromising the priorities we stand for. He has never wavered in his commitment to balance the budget fairly.

Most of all, Senator JIM EXON will be remembered as having served the people of Nebraska and all Americans with dignity, diligence, and integrity. As a soldier, Governor, as a Senator and as a friend, he has exemplified all these virtues and many more.

His love for the Senate is exceeded only by his love for his family and the beautiful State of Nebraska, and I might add the not-so-successful team in the last weeks, the Nebraska Cornhuskers. I know that troubled him, and he has lost a great deal of sleep over that during the last week, and I am sure his fortunes will turn.

Both he and I have had the good fortune now to serve in this wonderful body for some time. I can say in all sincerity I will miss him a great deal. I wish Senator JIM EXON, his wife, Pat, and their family the very best in the years ahead.

Mr. President, at times like this you wish you could find other ways with which to express gratitude and friendship and the best of health to those who are retiring. Oftentimes, we wait too long to come to the floor to make these expressions of great affection and admiration for the public servants who come here every day. I could talk at some length about Senator EXON, as I now will about Senator Sam NUNN. They are men from whom I have learned a great deal, men of remarkable decency, men respected on both sides of the aisle, men with a sense of humor and a sense of devotion to country.

FAREWELL TO SENATOR NUNN

Mr. DASCHLE. The day SAM NUNN cast his 10,000th vote, I mentioned that his first vote, on January 23, 1973, was to confirm a nominee to be Assistant Secretary of Defense. Since then, Senator SAM NUNN has become the Senate's leading authority on defense policies. He has served as chairman of the Senate Armed Services Committee from 1987 to 1994. He has introduced or cosponsored the most important legislation and the most important military and defense issues of the last two decades, including Defense reorganization, reducing the threat of nuclear war, Pentagon procurement reform, base closing, and restructuring of military pay and benefits.

He has earned the respect of virtually every colleague with whom he has served—Republican, Democrat, conservative and liberal, Presidents, Vice Presidents, Members of the House. He has earned, also, the thanks of every American throughout this country for his efforts to ensure the integrity and mission of our military establishment in the face of many of history's most significant challenges. Every administration since the 1970's has consulted him on military matters and considered him for top-level positions in their administrations.

Senator NUNN's career has neither been confined to nor consumed by military and defense issues, however. In the Senate, he has played monumental roles in laying the groundwork for national service, deficit reduction, and on efforts to redirect our national economic and tax policies. He has applied his talents and energy to a multitude of issues whenever they were required. I must say that America is better for it.

Mr. President, I congratulate my colleague, my advisor, my friend, Senator SAM NUNN, on his remarkable career, and I thank him for his service to this institution and to this country. Unfortunately, it is also time to say goodbye and wish him well in his future endeavors. We will miss him in the Senate, but I must say that we expect him to be very visible, very active, very involved, very engaged, both in public policy and in matters relating to private enterprise, for many, many years and decades ahead.

I hope that, should he have the opportunity to serve in other capacities in government, he will take them—not for his benefit, but for ours.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ETHICS RULES

Mr. MCCONNELL. Mr. President, as everyone knows, we have, over the last year, year and a half, made some adjustments in the ethics rules for the Senate. The Select Committee on Ethics is principally in business to do investigative and disciplinary work, but its work in the area of Member and public education is also a major part of what the committee does, and that is less familiar to most Americans.

The committee's advice and counsel, typically provided to Members, staff and the public affected by the Senate code of conduct, in fact, constitutes a substantial amount of the work that the committee does in giving advice to people who are seeking not to run afoul of the rules of the Senate. On a regular basis, the committee answers questions and provides guidance on a wide array of subjects, from financial disclosure to the application of gift and travel rules, to conflicts of interest. Much of the advice takes the form of just responses to telephone calls, which are typically received by the committee staff. But, frequently, the committee responds in writing to a specific question raised by a Senator or, for that matter, somebody out in the public who is trying to get advice about how to structure an event. All inquiries, frankly, are welcome and are treated as confidential, in accordance with the committee's rules.

On occasion, a specific question raised with the committee is determined to have general relevance to the entire Senate. Over the years, the committee has published the answers to such questions as interpretative rulings. Between 1977 and 1992, the committee issued more than 440 interpretative rulings, all of which are publicly available.

The committee has also, from time to time, communicated with all Senators in the form of "Dear Colleague" letters on a particular point of the Code of Conduct. The committee did that earlier this year regarding the application of the new gifts rule. The committee has compiled various other documents explaining rules governing proper and appropriate Senate conduct.

The committee staff also conducts regular briefings for staff and orientation sessions when we have new Members coming in at the beginning of each Congress.

The sum and substance of this means that information and education are an important part of the work of the Ethics Committee. In order to facilitate and improve the committee's educational role, we have, today, published the first-ever Senate Ethics Manual. I regret that it is as thick as it is, but the Senate, over the last 10, 15 years has been increasingly made more complex in the rules by which we must live our lives, so we have had the staff work, over the last year, trying to develop a manual which, candidly, Mr. President, is not going to answer every question, but may help in providing a sort of quick, ready reference for Members of the Senate in trying to determine how to handle a matter that might raise some ethical question. Again, I apologize for the thickness of it, but I think it illustrates how many new rules we have adopted for ourselves and how much interpretation is needed in order to discover what to do under the new rules. So this will be made available to every Member of the Senate. I suggest that, for whoever in the office becomes sort of the office expert on matters of this sort, this be on their desk and, hopefully, that person will be able to be of some assistance to the Senator in the coming years in answering questions.

The manual is comprehensive. It covers gifts, conflicts of interest, outside income, office account, financial disclosure, political activity, the frank, Senate facilities, constituent service, and employment practices. It explains the rules and incorporates the interpretations that we have developed over the years. In addition, it contains many illustrations of situations that have occurred, or could occur, and sets forth the standard for appropriate conduct.

I am confident that every Senator will incorporate this manual in his or her important office documents. As I have suggested earlier, it will probably end up occupying a significant spot in the office of every Senator. I think it is not likely to eliminate the need to call the Ethics Committee for advice, although it may make those phone calls less frequent.

The committee staff worked long and hard on this manual, and they deserve the appreciation of the Senate and the American people. In particular, Victor Baird, Linda Chapman, Elizabeth Ryan, Adam Bramwell, Marie Mullis, and Annette Gillis toiled long hours over the last several months to bring this project to fruition. They have turned out, in my view, a very fine product.

As I indicated earlier, one copy of this manual will be made available to each Senator. In fact, this afternoon, one copy will be delivered to each office. I am not going to ask that it be printed in the CONGRESSIONAL RECORD, as it is quite thick, but I ask unanimous consent that the manual be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Then there will be sufficient copies available to committees and subcommittees as well as the general public.

So, Mr. President, I hope that this ethics manual will be useful to Members of the Senate and to others who will need to become at least generally familiar with the rules of the Senate.

Again, I thank the staff of the Ethics Committee for an outstanding piece of work. It was really quite a difficult project. I thank them on behalf of all Members of the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with the time between now and 2:30 p.m. open for statements limited to 5 minutes each; I further ask that the time between 2:30 p.m. and 3:30 p.m. be under the control of the Democratic leader or his designee and the time between 3:30 p.m. and 4:30 p.m. be under the control of the Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLORADO ENVIRONMENTAL PROJECTS

Mr. BROWN. Mr. President, I was shocked and saddened today to learn of the President's threat to eliminate or veto the parks bill that included a number of projects.

I was particularly disheartened over the decision to kill four Colorado environmental projects—surprised because, on a number of these, the administration has specifically reviewed them and signed off on them; that is, we had taken the trouble and the time to walk them through, to seek their advice, to incorporate their suggestions, and to work with them for something that could meet the President's guidelines.

Thus, after doing that—and having secured, at least in many of those projects, the administration's input and approval—we are now faced with a political hit list with regard to Colorado projects. I think it is particularly surprising when you look at where that hit list focuses. It focuses primarily in States where the President has had a difficult time in winning good reelect numbers—Alaska, Colorado, and Virginia are the heaviest hit on that hit list.

Mr. President, the projects in Colorado are bipartisan projects. They are ones that are of enormous benefit to the environment and the State. I hope that the President will reconsider.

This is raw politics to punish those who will not go along with the President's bid for reelection. And it is vindictive politics. It is beneath the Office of the President to engage in this kind of vindictive hit list based not on a rational review of the issues or reasonable discussions of the problems, but simply sending a cold power play to punish those States where the President's ratings are not high enough.

I called the White House this morning because I was concerned about these projects and about one project in particular which, I think, particularly saddens me, and asked why these projects were being eliminated. They were not able to give me an answer. The woman who was kind enough to chat with me did speculate with regard to one of them, and speculated that maybe they were concerned about it being a heritage area. And, of course, the major one involved the Cache La Poudre River bill which is not a heritage area. We specifically changed that aspect because Members of the House and others had concerns about heritage areas.

Mr. President, I want to talk for a moment about a project that we worked for more than 20 years on which is included in that Cache La Poudre area bill. The Cache La Poudre River is a river that was named by the French, obviously, in the pioneer days. It is a river that has provided the flow of communications, water, transportation, and a lifeline throughout eastern Colorado. It starts in the high mountains in northern Colorado, in those high mountain regions, and it flows down toward the plains. It is now Colorado's only wild and scenic river. I offered that as a Member the House of Representatives.

Peter Dominick did a study perhaps three decades ago on wild and scenic rivers in the State. And it was a great pleasure for me to see the passage of that wild and scenic designation. While Peter Dominick has long passed away, his sons came to that signing ceremony. It was, I think, a token of something very important because it is an effort to preserve part of our national heritage.

The La Poudre bill the President now wants to veto is one that takes that area of the river as it passes through Fort Collins and extends out on the plains. The suggestion is very simple. Let us see if there is some way to set aside the floodplain of the river as it passes through the city of Fort Collins and Greeley and by the city of Windsor on its way. It is an area of rapid growth. It is in the middle of a great urban area stretching from Denver, or perhaps even Colorado Springs, all the way up to Cheyenne, WY.

What a wonderful thing to have set aside open space of a floodplain area for riding and bike paths and hiking paths and recreation facilities in the heart and the middle of a great metropolitan area.

Mr. President, as you well know, many in our part of the world are not so sure they want the heritage broke, and it is controversial. But the saddest thing of all would be to see it grow and for us not to prepare for it, plan for it, and set aside the open space that will keep some of the quality of life that has attracted so many to that part of the world.

That is really what this bill is all about. It does it without a cost to the U.S. Treasury.

It does it by saying if there is surplus land in the State that is federally owned, this bill allows the exchange of surplus land in other parts of Colorado for part of the flood plain of the Cache La Poudre. It will not have a net impact on the Treasury, but what it will do is gradually see land that is held by the Federal Government in areas where it is not needed exchanged for land in the flood plain of the Cache La Poudre River. It promises, I believe, over a lengthy period of time to give us a substantial amount of open space that will be preserved throughout the Republic to the lasting benefit of the community.

Frankly, I think it is a question that needs to be addressed in the Western United States itself. The West is blessed with a large amount of public land held by the Federal Government, but I do not think anyone, liberal or conservative, Democrat or Republican, would question the fact that sometimes that land is not held in the location where most would prefer it. Most of our land ends up being where settlers did not homestead it or where miners did not stake a claim. However, it is not the only basis that you ought to use for land allocation and ownership.

What this bill does is give us a chance to shift the ownership of the public land away from areas where it is not needed to areas where it clearly will be needed.

I cannot help but think that this measure has enormous environmental pluses in it, and I find myself dumbfounded that the President would choose to veto it. My hope is that the administration will be willing to sit down with us, let us know their concerns, and work things out if that is the case. But, also, I must say I am not willing to roll over on this. I am not willing to ignore good legislation. My suggestion is that if the President wants to work with Congress, he has to be willing to step forward and enunciate his concerns. Right now we are in a circumstance where the President has put these projects on a hit list without even being willing to name or articulate what his concerns are.

My belief is and always has been that good legislation is a product of thoughtful review and good communication between those involved not only at the legislative level but those outside of this body. I hope the President will reconsider his actions. Once before a President of the United States came up with a hit list for the Western United States. President Carter took vengeance out on the Western United States with his hit list. My hope is that President Clinton will not repeat that mistake.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Chair for recognizing me.

ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT AGREEMENT

Mr. BREAUX. Mr. President, I take the floor to make a couple of comments about my extreme disappointment over the obvious fact that now this Congress will not be able to take up an agreement that has been worked on and negotiated for over 7 years that has now been completed but that will not be considered by our Congress through the ratification process.

The agreement that I speak to is the so-called OECD agreement, which is the Organization for Economic Cooperation and Development, which has brought together the shipbuilding countries of the world, and after 7 years and two administrations negotiating this agreement and having the other nations of the world that build ships sign on the dotted line saying that this agreement is right for this time, unfortunately, this Congress, and this Senate in particular, will not be in a position to even bring it up for ratification.

The bottom line is that this agreement, which has been negotiated for so long, has as its major purpose the ending of shipbuilding subsidies by the other countries of the world.

In my time in the Congress, I have heard from people who work in shipyards, people who own shipyards, people who have shipyards in their districts and in their States, that if we could only end the other countries' subsidies to their yards, government subsidies, we in the United States could not only compete with these other foreign shipyards but we could do much better than they are doing.

This agreement, I say to my colleagues and to all, does exactly that. After 7 years of negotiation under the leadership of the Clinton administration and Bush administration, both of which have said this is a priority, and this agreement has now been completed and signed, we at this last hour refuse to take it up because there are some in our country who have said it is not perfect so, if it is not perfect, we will not participate. The losers of this battle are the people who asked us to enter into these negotiations in the first place, the shipbuilding industry. It is unfortunate that now there is such a division among the industry that we in the Congress are not able to do something which helps everybody in a major way.

I am committed to continue our efforts in the next Congress. I am fearful, however, that other countries will see the U.S. lack of ratification of this international agreement to mean that they will then be able to engage in their own subsidy wars once again, and that will be most unfortunate because, if there is anything which is clear, it is that this country cannot participate and cannot win an international subsidy battle with other countries willing to heavily subsidize their shipbuilding industries as a matter of national policy.

We have no subsidies directly provided by our Government to our shipbuilding industry. That program, the construction subsidy differential program, was ended in the administration of President Ronald Reagan. He said we are not going to do that any more. Congress agreed, and there is no longer any shipbuilding subsidies in place for our yards in this country, but all the other countries that are major shipbuilders still have subsidy programs.

This international agreement got them all to sit down at the table after 7 years and say, all right, if everybody agrees they are not going to do it, we are not going to do it either.

That agreement is a win-win for the United States. Failure to ratify and approve that treaty is a lose-lose for the United States industry and the thousands and thousands of men and women who work in those industries, because if we do not enact this agreement and other countries continue to subsidize their yards, we will continue to lose business. We will continue to build only militarily useful vessels in this country and commercial shipbuilding will continue to go overseas to yards that are consistently subsidized by their governments, because in many of these countries shipbuilding is their biggest industry. It is not in our country, and therefore we do not subsidize it. This agreement would have put other countries on a level playing field with us.

I am struck by the fact that at the last minute, when some of our industry people came in and said, well, we do not like this agreement because of this, that and the other, my staff, USTR people, many Members of the Senate and in the House sat down and said, all right, we will try to get what we can to fix it to address your concerns. Those who opposed the treaty said, well, they needed explicit clarification that the United States would not under any circumstances change our Jones Act, and we did that and clarified that in the treaty, that that would be exactly the way they asked for it.

They said that they need explicit clarification that our national security interests would be protected by this treaty, and that the defense features and military reserve vessels would be outside of the agreement. And we put that into this treaty to be ratified.

They said they needed 30 additional months of the current title 11 financing program for our shipbuilders to cover projects that were close to having their applications in. And we did that.

They said they needed clarification that the limited restructuring subsidies for some countries, which were allowed under the agreement to four countries in order to reduce their shipbuilding capacity, would be actionable if they, in fact, increased their capacity instead of reduced their capacity. And we did that.

It is unfortunate that, in the end, some would agree only on a perfect agreement. If anyone has been here longer than 2 weeks, he or she knows there are no such things as perfect bills, perfect legislation, or perfect treaties—or perfect anything. We are humans who try to do the best we can. Perfection is not something that we, oftentimes, are able to achieve.

So, while this agreement may not have been perfect, we answered in each instance the opposition of those who continue to oppose this treaty. They, in my opinion, will be the ones who will ultimately suffer the most by their stopping this Congress from bringing forth this agreement for ratification.

I know there are a lot of people who worked very hard. I commend Congressman SAM GIBBONS, from the other body, who really tried to bring his people together on this issue. Senator BILL ROTH, the distinguished chairman of the Senate Finance Committee, worked very hard with his staff to say, yes, let us meet to try to bring this together. Our Democratic leader, TOM DASCHLE, tried to urge people to sit and negotiate. And also, particularly, Senator TRENT LOTT, the majority leader, who hosted meetings with the differing parties to try to bring people closer together, to say, yes, we should get this agreement in a posture to which everyone could agree.

I will conclude, Mr. President. We have been ravaged, ravaged by the subsidy practices of other countries in the shipbuilding industries. This agreement that two different administrations hammered out and negotiated over a 7-year period was an effort to end those subsidy practices of those other countries so the United States, which does not have a direct subsidy program, would be able to compete with our competitors from around the world on a level playing field.

Unfortunately, in the absence of this agreement being ratified by this body, we as a country have a signature on a piece of paper which is meaningless because we in the Senate could not bring the parties together to see the benefits of this agreement. It is a most unfortunate set of circumstances. It is unfortunate because there will be thousands of men and women who work in these yards every day who will be disadvantaged and who will be less competitive, not because they have less skills or are less productive, but because they are unable to compete with other governments.

Our workers and our industry and our engineers and our technicians can compete with any other engineer or any other technician or any other worker anywhere in the world. But our workers cannot compete with other governments who are not concerned about making a profit. We cannot compete under those terms with another government that so highly subsidizes those industries in those nations.

It is clear, at a time when we are talking about reducing Medicaid benefits, reducing welfare benefits, reducing benefits in Medicare, that we are certainly not going to start subsidizing our shipbuilding industries in the opposite direction.

So I am extremely disappointed, but, as always, I try to always be optimistic. There will be those in the next Congress who will realize this was a tragic mistake. I say to the other countries around the world that they, too, should look upon this effort, not as a final failure on the part of the United States, but rather only a pause in the legislative process, and, in the next Congress, hopefully we will get back on track and get our industries together to allow this Congress, and particularly this body, to approve what I think is a good treaty.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S. ECONOMY—ON THE RIGHT TRACK

Mr. CONRAD. Mr. President, yesterday we received more good news on the performance of the U.S. economy. Yesterday, the Census Bureau reported outstanding news with respect to increases in personal income and reductions in the levels of poverty in our country. I believe a significant part of the reason for the excellent economic performance is the Clinton economic plan that was passed in 1993. I believe that plan has contributed by reducing the deficit, reducing the deficit 4 years in a row. That took pressure off interest rates, and that fueled an economic resurgence in this country.

I think when we evaluate the performance of the last three Presidents on the question of deficit reduction, the record is remarkably clear.

Back in 1981, President Reagan came into office and inherited a deficit of $79 billion. The deficit promptly skyrocketed under the theory of supply-side economics—the notion that we could dramatically cut taxes while increasing defense spending and somehow it would all add up.

Unfortunately, it did not add up. In fact, the deficit exploded. The deficit went up to over $200 billion a year and stayed at that level through much of the Reagan administration, although there was some improvement in the final years of that administration.

Then we saw President Bush come into office. He inherited a deficit of about $153 billion, and then the deficit truly went out of control. Each and every year the deficit rose, until in the final year of the Bush administration, we had a budget deficit of $290 billion. That was the budget deficit.

Perhaps it would be helpful to explain the difference between deficits and debt, because I often find that people are confused by the two. Deficits are the annual difference between what we raise in revenue and what we spend. It is the annual difference. Debt, of course, is the accumulation of all of the deficits.

Under President Clinton, unlike President Bush where the deficit went up every year, in the Clinton years, the deficit has declined each and every year. In fact, we went from a unified deficit of $290 billion——

Mr. REID. Will the Senator yield for a question?

Mr. CONRAD. I will be happy to yield.

Mr. REID. It is true, is it not, I say to the Senator from North Dakota, that 4 years in a row of declining deficits, the last time that happened was in the 1840's—that is 1840's—prior to the Civil War; is that true?

Mr. CONRAD. That is correct. The first time that we have seen the deficit decline 4 years in a row under one President was back in the 1840's.

Mr. REID. I also ask the Senator from North Dakota, in looking at the chart as I came into the Chamber, it appears to me that the deficit is only one-third of what it was at the height of the Reagan deficits.

Mr. CONRAD. If you measure the deficit against the size of our national income, which is probably the best measure of the deficit, that is true. In fact, the deficit measured against the size of the economy is the lowest it has been since 1974. In fact, we now have the lowest deficit of any of the major industrialized countries in the world. Again, I think that is the central reason we have seen this economic resurgence.

Mr. REID. Can I ask one final question? And that is, I think the Senator from North Dakota would agree that even though the last 4 years have been remarkable in driving down the annual deficit, I think we would all acknowledge we are working toward a zero deficit; is that true?

Mr. CONRAD. I think that is the goal that many of us share. I hope that would be what we could accomplish, to have a balanced budget in this country. It is critically important that we do that, because we face the demographic time bomb of the baby-boom generation. In very short order, the retirement of the baby boomers is going to double the number of people eligible for our major programs, from 24 billion to 48 billion. That is why we have to keep the pressure on to keep the deficit down.

I will conclude the point with respect to the Clinton administration's performance. In 1992 President Clinton promised he would cut the deficit in half. He has done much better than that. In fact, the deficit is down about 60 percent during the Clinton years.

Interestingly enough, the Federal Reserve Chairman, not known as a strong supporter of the Clinton administration—in fact, originally appointed by a Republican President—said that the deficit reduction in President Clinton's 1993 economic plan was "an unquestioned factor in contributing to the improvement in economic activity that occurred thereafter."

This is the Chairman of the Federal Reserve in February of this year indicating that the Clinton plan was the central reason we have seen that dramatic improvement in the deficit during the Clinton years.

Not only do we see an outstanding story with respect to deficit reduction, this chart shows what has happened to real business fixed investment in billions of 1992 dollars. This chart goes back to 1985. You can see, ever since Bill Clinton has been in office, we have seen a dramatic improvement in business fixed investment. In fact, this is the best record for increases in business investment for any President since World War II.

The good news doesn't stop there, because we also see the misery index at its lowest level since 1968. The misery index is a combined measure of the unemployment rate and the level of inflation. The misery index is now at the lowest level it has been in 28 years.

Again, the good news doesn't stop there. We remember when President Clinton was seeking the office of President. He said that he would have as a goal the creation of 8 million jobs in the first 4 years of his administration. He has exceeded that. He has delivered on his promise. We have more than 10 million new jobs. In fact, we have now reached 10.5 million new jobs.

And unemployment is down, down sharply, under President Clinton. In December of 1992, the level of unemployment in this country was 7.3 percent. This chart shows in June of 1996, it was down to 5.3 percent. It has gotten even better since then. The level of unemployment was down to 5.1 percent in August 1996.

We have also experienced strong economic growth under President Clinton. In fact, this chart compares private-sector growth under President Clinton as compared to President Bush. Under President Bush, the private sector grew at a rate of 1.3 percent during his 4 years. Under President Clinton, this chart shows 3.1 percent. With the latest update, private-sector growth in this country is up to 3.2 percent during the Clinton years. In fact, this is the highest rate of growth of any of the last three Presidents—private sector economic growth, the best of any of the last three Presidents.

Mr. REID. Will the Senator yield for a question?

Mr. CONRAD. Mr. President, I will be happy to yield.

Mr. REID. You have talked about the private growth in our economy. Will the Senator agree that we have a smaller Federal work force now than we had during the years of President John F. Kennedy? Federal jobs have been cut back significantly; is that not true?

Mr. CONRAD. It is true. The Federal work force is at its smallest level since the 1960's, during the administration of President Kennedy. I might also point out, and I think this is interesting, that Federal spending—this President is accused of being a big spender—Federal spending measured against our national income has gone down each and every year of the Clinton administration. Interesting.

During the Bush administration, Federal spending went up. Under President Clinton, Federal spending has declined each and every year as measured against our national income.

I might just conclude that yesterday we got more good news. We got the Census Bureau report showing that incomes are going up; poverty is coming down. Median household income showed its largest increase in a decade. We had the largest decline in income inequality in 27 years. We saw the biggest drop in poverty in 27 years; 1.6 million fewer people in poverty. We saw the poverty rate for the elderly drop to its lowest rate ever, lowest rate ever for elderly poverty, and the biggest drop in child poverty in 20 years.

It seems to me that part of any Presidential campaign ought to be the record. The record, with respect to the economy, of this administration is crystal clear: The deficit is down, unemployment is down, poverty is down, incomes are up, jobs are up, business investment is up. That is an outstanding record. I hope people will have a chance to learn this record between now and the election. I think if they do, this President will be reelected with a resounding vote. I am happy to yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me yield myself such time as I may consume of the hour that has been set aside.

Mr. REID. Would the Senator from North Dakota, prior to the senior Senator from North Dakota leaving the floor, allow me to just ask a couple questions of the senior Senator from North Dakota?

Mr. DORGAN. I would be happy to.

Mr. REID. I say to my friend, the senior Senator from North Dakota, that you have made an interesting and I think a compelling case how things have improved during the past 4 years, from lower Federal employment, to higher private-sector employment, millions of new jobs, 10 million new jobs created, the lowest poverty levels in 27 years. You have gone through that, and I think made, as I indicated, a compelling case.

But I would like to ask the Senator a question. Do you realize in the State of Nevada—this is not on the overall economy of this country—but in the State of Nevada, which is a State sparsely populated but growing, the most rapidly growing State in the Union, do you realize that the unemployment rate in Nevada has declined from almost 7.5 percent when President Clinton took office now to about 5 percent? Were you aware of that?

Mr. CONRAD. I was not aware of that. But I was aware of national figures that showed the unemployment rate declining from 7.3 percent nationally to 5.1 percent today, the lowest level of unemployment we have had in this country in 7 years. I think that is another indicator that the Clinton economic plan, which passed in this Chamber by a single vote, is a plan that is clearly working.

Mr. REID. I would also ask the Senator—in fact, you have made an interesting and, again, a very dynamic case for what has happened with private-sector growth during these last 4 years nationally. But let me ask you if you know that in Nevada, there are 2½ times as many new private-sector jobs per year than during the previous 4 years? That is a tremendous increase.

Mr. CONRAD. That is a remarkable accomplishment. I think any objective observer who looks at the economic indicators can only conclude that this economic plan has been remarkable in its success. In fact, last year, for the first time in many years, the United States was judged to be the most competitive economy in the world. That designation has been given to the United States again this year. It is the first time in a very long time we saw the United States replace Japan as the most competitive nation in the world. So again, I think the evidence is clear and powerful and compelling that this President's economic plan is working and working well.

Mr. REID. I will just ask one last question before the floor is taken by the junior Senator from North Dakota. In Nevada, we have had new business incorporations increase by 14 percent—that is big for any State—but 14 percent during the 4-year period of time. This is in the State of Nevada, not nationally, but the State of Nevada.

Mr. CONRAD. Again, it follows the trend we are seeing nationally. President Clinton has the best record in terms of an increase in business investment, the rate of increase, of any President since World War II. You see the stock market at an all-time high. Virtually every indicator shows clearly that this economic plan has been a tremendous success.

I might just say that when we passed that plan, we took a lot of heat for it. I remember our friends across the aisle said that this plan would crater the economy. They said that if we passed this plan, it would increase unemployment, it would reduce economic growth, it would increase the deficit. They were wrong. They were wrong on every single count. The fact is, those of us who voted for that plan, it was controversial and we took a lot of political heat for passing it, that plan has proved itself and proved itself remarkably well.

Mr. DORGAN. Mr. President, on the last point, the Senator talks about what the reaction was to the plan in 1993 that required some amount of fortitude to vote for because it was not popular. The political thing would have been to vote "no." And half this Chamber did. It passed by one vote. Speaker GINGRICH said at the time, "This will lead to a recession," August 6. "Pass this, it will lead to a recession." What has happened? Well, the deficit is down, unemployment is down, inflation is down, jobs are up, economic growth is up.

I will just discuss a bit some of the things that you have talked about. I thought I would just tell a story, if I might, that happened to a friend of mine the other day that describes context. You always have to put things in context, because what happens in politics is, someone comes to the floor of the Senate—and it has been done a lot lately—and they will take one little piece that you are able to find, and they will hold it up to the light and say, "Look at this. Isn't this ugly? Isn't this awful? Look at this awful bad news." That is the way this system works.

Of course, bad news travels faster than good news. The old saying: "Bad news travels halfway around the world before good news gets its shoes on." So people do this. Let me talk about context.

A friend of mine has a precocious 3-year-old. She went to the video store, because they were going to be home for the weekend and they thought they would get a couple movies. They went to the video store and bought a little cartoon for the 3-year-old to watch and then a couple of movies for her and her husband to watch for the weekend.

She told me this story. After they went to the video store and got these three movies, they stopped at the grocery store, and this precocious 3-year-old of hers, as they are walking past the checkout counter in the grocery store, the little boy said, "Well, Mommy got us some movies for the weekend." The cashier said, "Really?" He said, "Yes. She got a cartoon movie for me and two adult movies for them." What happened is the little boy was explaining on the way to the grocery store, "Gee, I get to watch three movies," and the mother said, "No. We bought one for you, and the other ones are for myself and your father." "Why can't I watch them?" "They are for adults." Then he tells the cashier, "Mommy got two adult movies." Well, he was technically accurate, but contextually, in the context of this discussion she told me, she was trying to look for a cash register to crawl under.

That is what happens with respect to all of this discussion. It loses context when you take just a part of it and hold it up.

The Senator from North Dakota and the Senator from Nevada talked about where we are and where we are heading. The question is, it seems to me, not so much in isolation but in the context of the broader economic question, are we headed in the right direction or are we headed in the wrong direction? Are we moving forward or are we moving backward?

Let us just not listen to Senator CONRAD. He wears a blue suit, serves in the Senate, and talks, and Senator REID wears a blue suit and serves in the Senate and talks, and I am talking. So people say, "Well, you're politicians on the floor of the Senate. All you do is talk about these things." Let us not listen to us.

Let us listen to money magazine. Here is what they say:

> The majority of Americans are better off on most pocketbook issues after 3½ years under [President] Clinton, who's presided over the kind of economic progress any Republican President would be proud to post.

Barron's:

> In short, Clinton's economic record is remarkable. . . . Clinton also rightfully boasted that, "our economy is the healthiest that it has been in 30 years."

Business Week:

> [I]nflation is low, growth is good, and the dollar is strengthening. America is in its best economic shape in 20 years.

Reuters:

> Clinton has run up an enviable record in the past 4 years, cutting the budget deficit each year, and making good on a campaign promise to cut the deficit in half.

That is not us. Money magazine, Barron's, Reuters, Business Week are telling this story. It is the story that Senator CONRAD just told with charts—steady economic growth, deficits down, way down, and inflation down, way down, 5 years in a row, unemployment down to 5.1 percent. This is a remarkable economic story.

Are things perfect in our country? No. Are we finally heading in the right direction? Are we seeing higher deficits? No, we are seeing much lower deficits. Are we seeing unemployment grow? No, we are seeing unemployment diminish, more people are working. That is movement in the right direction.

This economic news in our country is news that most of us ought to view as remarkable news, that ought to be a source of strength to the American people.

Senator CONRAD just touched in the last part of his presentation on some things that just came out yesterday, and we were at a meeting with the President last evening, in fact, a meeting with the President yesterday at noon, the three of us were there, and then a gathering with the President last evening again where he talked about the new Census Bureau information.

I would like to share it with people because it is important. Typical household income up $898 in 1995, the largest increase in a decade. Typical African American family's income is up $3,000 since 1992. The median income of African-American families has increased from $22,900 to $25,900, the largest decline in income inequality in 27 years. We have had a problem with income inequality, the poor getter poorer and the rich getting richer, the largest decline in that inequality in 27 years. The number of people in poverty fell by 1.6 million, the largest drop in 27 years. The poverty rolls are not growing, they are shrinking. The poverty rate fell to 13.8 percent, the biggest drop in over a decade. The African-American poverty rate dropped to its lowest level in history. The elderly poverty rate dropped to 10.5 percent, the lowest level ever. The biggest drop in children living in poverty in 20 years. The largest drop in poverty rate of female-headed households in 30 years. This is from the census data about what is happening in the American economy.

The point I want to conclude with is that we put this country on course with a plan that was not popular and we paid a price for that. I understand that. It was not popular at the time. It turns out to have put this country on solid footing to move toward greater economic strength, more jobs, more economic growth, less unemployment, less inflation. It was the right thing to do and America is heading in the right direction.

While there might be some who are complainers in America, we have a designated corps of complainers in our country who never want to do anything for the first time, have never found anything they are pleased about. They might want to find small areas where they would say, "Gee, this is not right. This is not working." While they have complained it will not work and it is not right, we have set it right and are making it work and are moving this country in the right direction. That is the story of the economic numbers.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. REID. There are two Senators from North Dakota on the floor and they, of course, attended the meeting yesterday where the President came and talked to us. There was no press, not a single press person in the room, and I listened very closely as did my colleagues.

The thing I will never forget, I am confident I am not telling tales out of school, is when the President showed us this, he said, "Last night, late at the White House, I was given this, and I sat there alone looking at one page and almost cried," because he has also, as you recall, gone through literal hell, people criticizing his economic plan. The President of the United States, alone in the White House, said when he saw this he became so emotional he almost cried because this is good news.

Would the Senator agree this is good news? This is the glass being half full, not half empty. We all recognize, as I indicated to the Senator from North Dakota earlier in this discussion, we can do better. We can do better. But the glass is half full. It is not half empty.

The American people deserve to hear this good news. Would the Senator agree?

Mr. DORGAN. I absolutely agree. As I said earlier, good news does not travel very far, very well, or very quickly. There is an industry that is interested in seizing and entertaining people on bad news. Part of that industry is in American politics, because they understand that negatives far more easily motivate people than do positives. I understand even though today we could have people come to the floor and hold up a bunch of negatives and say, "Is this not awful," we do not have a situation that is perfect in this country. Circumstances exist where the American people govern this country in a representative government. We make decisions, at times, decisions that the American people probably do not want us to make, but we do it in what we think is in the best interests of this country.

This President is a mortal President. I like him. I vote with him when I think he is right. Yesterday I voted against him. I thought he was wrong on something. He is not a perfect President. None of us is perfect. This President has attempted to be a leader. When he took office in 1993 he proposed a plan that says this is a tough plan, and it is tough medicine, but let us, together, try and eliminate this Federal budget deficit. I would like you to vote for a plan that does it. Part of the medicine will be, yes, some increases in taxes, although most of the tax increases went to the very highest income people in this country, and especially some spending cuts in areas where we were spending too much money, and it was a package that we voted for, and I was pleased to vote for it. It was the right thing to do. We did not get even one vote from that side of the aisle. You would expect somebody to make a mistake occasionally and vote wrong. Not one would vote with us. We won by one vote, one single vote in the House and the Senate.

We put in place an economic plan that was the right thing to do. The result? More employment, less unemployment; more economic growth, lower inflation and lower deficits. That is a country that is moving in the right direction.

I am happy to yield the floor and allow the Senator from Nevada to take some time at this point.

Mr. REID. Mr. President, I want to spend a little bit of time reviewing the good news that we received yesterday. The good news, I repeat, typical household income went up last year almost $900. In 1995, the median household income increased 2.7 percent. This is tremendous. It is now up to $34,076, the largest 1-year increase since 1986. Typical family income is up over $1,600 since the President's economic plan has passed. Median family income has increased, up to over $40,000 a year in 1995. That is an increase of over $1,600, as I indicated, since his plan passed in 1993, when the Vice President of the United States had to come in and cast the deciding vote because it was on a 50–50 tie with Senators.

Under President Bill Clinton, the typical Afro-American family in America's income is up over $3,000. The median income is up to almost $26,000. This is a $3,047 increase compared to when President Clinton took office.

Mr. President, 27 years—we have had the largest decline in income inequality in 27 years. In 1995, household income inequality fell as every income group from the most well off to the poorest experienced a real increase in their income for the second straight year. One measure of inequality, something called the Gini coefficient, which is something economists use but is deemed to be the most reliable judge of inequality, dropped more in 1995 than any year since 1968.

People in poverty. Mr. President, enough people are off poverty to fill the States of North Dakota and the State of Wyoming and then have people left over—1.6 million people are off poverty. This is significant. This is even though the population is growing. We are still maintaining this drop. It is the largest 1-year decline since 1968.

Mr. DORGAN. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. DORGAN. That would be the equivalent of five Wyoming's, as I calculate?

Mr. REID. Mr. President, 1.6 million—I think Wyoming is about 600,000, so it is about 2½ to 3½ Wyomings.

Mr. DORGAN. I thought Wyoming had a smaller population than that, but it is sufficient to say you could take a number of the States in the northern Great Plains that are not heavily populated and you can compare the kind of progress we have made in a number of these areas by referring to those States.

It is remarkable when you take a look at income data provided by the Census Bureau, no one would have predicted this kind of economy would produce that in this 3½-year period.

Mr. REID. I say to my friend, the reason I mention States is these are real human beings, real people that go to work every day, hopefully, if that is possible, if they have a job. But these people get up every morning and go to bed every night—real human beings, 1.6 million of them are off poverty. That says a lot, I think.

The poverty rate fell to 13.8 percent, the biggest drop in over a decade. In 1995, the poverty rate dropped from 14.5 percent to 13.8 percent. That is the largest 1-year fall in the poverty rate since 1984. Since President Bill Clinton's economic plan was signed into law, the poverty rate declined from 15.1 percent to 13.8 percent, the biggest 2-year drop in the poverty rate in 23 years.

The Afro-American poverty rate dropped to its lowest level in history. I repeat: The Afro-American poverty rate dropped to its lowest level in history. In 1995, the rate declined from 30.6 percent to 29.3 percent. That is the first time it dropped below 30 percent and is the lowest level since data was first collected in 1959.

The elderly poverty rate dropped to its lowest figure ever —ever—to 10.5 percent. Of people over the age of 65, only 10.5 of them are in poverty. That is tremendous. By far, that is the best of any country in the world. In 1966, 28.5 percent of American elderly lived in poverty. That was before Medicare came into being. Medicare has kept a lot of people off the poverty rolls. In 1995, the elderly poverty rate declined to 10.5 percent. That is a new record low for elderly poverty—ever—not in the last decade or two, but ever. Not only do we have seniors poverty rate declining, but child poverty has dropped to its lowest level in 20 years, also. So seniors and children are doing better. We are doing better by them.

Mr. CONRAD. Will the Senator yield for a question?

Mr. REID. I am happy to.

Mr. CONRAD. You mentioned that the poverty rate for the elderly was at a level of 28 percent, or more than 28 percent in 1966.

Mr. REID. Almost 29 percent.

Mr. CONRAD. Almost 29 percent was the rate of poverty for the elderly; 29 percent of the elderly lived in poverty as recently as 1966. What did it drop to?

Mr. REID. It dropped to 10.5 percent.

Mr. CONRAD. To 10.5 percent. You know, sometimes we say, well, the Government doesn't do anything that has much value. But here is a case where the portion of our elderly population that lived in poverty has been reduced from 29 percent of the elderly to 10.5 percent. That is a dramatic improvement in the lives of real people. I think that is something people can be proud of. I think Bill Clinton and his economic plan, which has led to an economic resurgence in this country, ought to get some of the credit. This President deserves some of the credit.

Mr. DORGAN. Will the Senator yield on that point?

Mr. REID. Yes.

Mr. DORGAN. I heard a Senator come to the floor of the Senate a while ago and say, "For this President to claim credit for the good news about the economy is like a rooster claiming credit for the sunshine." There are some here who are unwilling to give this President credit for anything.

I read this, a few moments ago, in Money magazine, who understands. Barron's, Business Week, and Reuters give the President credit. Do you think this President would not have been given the blame for an economy that was faltering and failing?

Let me read, if I might, a comment by the Chairman of the Federal Reserve, Alan Greenspan. He said:

> The deficit reduction in President Clinton's 1993 economic plan was an unquestioned factor in contributing to the improvement in economic activity that occurred thereafter.

That is language from an economist. It could be clearer, I suppose. But he said "unquestioned factor." The President's plan is an "unquestioned factor" in contributing to the improvement in economic activity that occurred thereafter.

Paul Volcker, former Chairman of the Federal Reserve Board, said:

> The deficit has come down, and I give the Clinton administration and President Clinton himself a lot of credit for that. I think we are seeing some benefits.

The Philadelphia Inquirer, in a series they did, said:

> What the GOP won't admit is that the President also helped the economy grow. Clintonomics showed enough fiscal discipline that it helped produce the lower interest rates, which, in turn, spurred economic growth.

I still hear people, who are Members of the Senate, come to the floor and say, "Well, the only people who care about the Federal deficit are we conservatives, we Republicans."

The people who care about the Federal deficit are the people who stood up and owned up to a vote in 1993 and said, "I will cast an unpopular vote in order to reduce this Federal deficit and get interest rates down and put this country back on track." Some of our colleagues who did that are not here. They lost their seats as a result of that. But the fact that we did that in 1993, according to all of these sources—don't just listen to me, but to these sources—the fact that we did that created the circumstances that allowed the American economy to grow and produce the kind of news we heard yesterday. Once again, this President is providing leadership in the right direction, and this country is moving ahead and in the right direction, rather than languishing or moving backward. That is the point I wanted to make today.

Mr. REID. Will the Senator read that quote from Barron's and from Money magazine again?

Mr. DORGAN. The Money magazine article was in August, last month. It says the following——

Mr. REID. And things have gotten even better since then.

Mr. DORGAN. Yes.

It says this:

> The majority of Americans are better off on most pocketbook issues after 3½ years under President Clinton, who has presided over the kind of economic progress any Republican President would be proud to post.

Barron's magazine said:

> In short, Clinton's economic record is remarkable. Clinton also rightfully boasted that our economy is the healthiest it has been in 30 years.

Finally, Business Week—and these are not publications that would normally be supportive of a Democratic President—Business Week said:

> Inflation is low, growth is good, and the dollar is strengthening. America is in its best economic shape in 20 years.

So if one doesn't want to listen to us because they say, "Well, obviously you are partisan on that," these publications are not partisan voices who evaluate this economy and say that America is finally on the right track. It is growing, moving ahead, reducing poverty, increasing employment, reducing inflation, reducing interest rates. That is good for this country.

The point today is, again, in an era of so much bad news and in a society which entertains people with other people's dysfunctional behavior and bad news, it is time to trumpet a little bit that we are finally moving in the right direction—deficits down, unemployment down, employment up, inflation down. It is finally important for us to say that we have turned the corner, and America is moving ahead.

Mr. CONRAD. If the Senator will yield, I just want to comment on the question of who gets credit and who gets blame.

The blame game is very popular, especially just before an election. Some are holding this President responsible for anything that has happened anywhere in the country during his time as President, even if it relates to things for which the President has very little influence or control.

The national economy is one place where the President does have significant influence and control. I just say to my colleague, the Senator from Nevada, that facts are stubborn things. President Reagan said that: "Facts are stubborn things." My colleague from North Dakota says there are others that are not partisan voices who are confirming that this President's economic plan is working.

I would say that even those of us who are partisans can report facts and report them accurately. I would be prepared to debate any of my colleagues at any time and any place on the question of the facts presented here. Every single one of these facts is verifiable by anybody who cares to check. These numbers indicate clearly this President's economic plan has worked. The deficit is down each and every year of the Clinton administration, and down dramatically.

The head of the Federal Reserve says to us that it is unquestioned that the President's economic plan contributed to this improvement. This improvement has radiated through this economy, improving incomes. The Senator from Nevada reports the biggest increase in personal income in a decade; the biggest reduction in poverty in 27 years.

All I can say to my friends across the aisle is if they had a President with this economic record they would be running a campaign of "It's morning in America." They ran that campaign when the debt and the deficits were skyrocketing. Now we have a case where not only is the economy improving, income is improving, investment is improving, unemployment is being reduced, inflation is being reduced, and the deficit is declining—but this President has done it without writing the hot checks adding to the deficit—adding to the debt. That was being done during the 1980's.

So this is even a more remarkable accomplishment—to have this economy showing this resurgence and this strength even while President Clinton is bringing the deficit down each and every year—bringing the deficit down 60 percent. It took a vote that occurred here in 1993 on the Clinton economic plan, and it passed by one vote.

Mr. DORGAN. I wonder if the Senator will yield?

Mr. REID. I am happy to yield to the Senator in one second. But think how much better the economy would be if we were not having to pay the interest on the debt that accumulated during principally the Reagan and Bush years. I mean we would have no deficit.

Will the Senator acknowledge that?

Mr. CONRAD. The Senator is absolutely right. It is very interesting. If we didn't have to pay the interest on the debt that was accumulated during the Reagan and Bush years, just those years, we would have a balanced unified budget today. That is a fact.

Mr. REID. I say also the document about which we speak today is not something that was prepared by the Democratic National Committee, or the Democratic Senatorial Campaign Committee. This came from the Census Bureau. These are facts. And as the Senator from North Dakota has indicated, facts don't lie. These are the facts.

Mr. DORGAN. Will the Senator yield for a moment? If we go back 6, 7, or 8 years—6 years, for example—and think of where we were, deficits at record highs and increasing each year. There were the junk bonds, failed savings and loans; the derision with almost a financial casino in the country with the taxpayers paying the bill from S&L's that go belly up, junk bonds that were nonperforming, people going to prison, the placing of junk bonds under circumstances that were not legal. Do you remember when we were, 6 or 7 years ago, deep in debt, and getting deeper?

The point we are making now is that this country has turned around. It didn't happen just by accident. It happened because a set of Federal policies were put in place that said here is what we should do: We should turn the corner, and move in this direction—cut spending. This President proposed that; cut spending.

We have 250,000 roughly fewer Federal employees on the public payroll today than when this President took office. A quarter of a million Federal workers, who were working when this President took over from a Republican President, are no longer working for the Federal Government. It is the smallest Federal Government in decades in real numbers.

Mr. REID. Since John Kennedy.

Mr. DORGAN. Since John Kennedy was President.

I want to add one more bit of context to this. It is not my intention to come to the floor—nor is it the intention of Senator CONRAD, or Senator REID, or others who will join us—and say that we on the Democratic side of the aisle, or this President, President Clinton, are infallible, that we have not made mistakes, that we are solely responsible for everything that is good. That is not my point. It is not my point.

But my point is when others come to the floor and continue to kick and flail away at every tiny little thing they can find wrong, hold it up, and say, "Isn't this ugly," and entertain us for hours with this today because, "Gee, this is awful." Let us put in context where this country is headed, and who had the courage and the plan to move it in that direction. This President deserves some credit for that. I can name names. I will not do it. But I could just for fun go down a list of people here and what they said in 1993. They said this President is going to lead us into a recession; this plan will not work; this plan will bankrupt America; this plan will lead to slower growth; this plan will lead to less employment; this plan is in the wrong direction. It turns out that every single one of those people were dead wrong—not just wrong but dead wrong.

This economic plan put this country on the right path so that deficits came way down, interest rates came down, unemployment came down, new jobs went up, and inflation came down. They were wrong. This plan worked.

I mean, I have people in my hometown who are the kind of people who oppose everything for the first time. We all know people like that; just sit around and play pinochle and complain. No matter what somebody proposes. It is wrong; it will not work; and it can't work. This country was not built by complainers. While they were playing cards and complaining other people were out building, and doing.

This President came to office with a mission. He said here is a plan. And this plan he said, I think, will restore vitality to the American economy, and move us in the right direction. And it was surprising that some people found that the Democratic President provided leadership in a way that cut Federal spending, cut Federal programs, reduced the deficit, and put the country back on track, but he did.

I think the purpose of this discussion today is to put that in full context so that we can talk about something that ought to be good news for everyone—Republicans and Democrats—that every American ought to believe that it is better for us, no matter who gets credit if our country is moving in the right direction, because internationally we now must compete with tough, shrewd international competitors in a game where there are winners and losers, and the losers suffer the British degree of slow economic decline and the winners experience new jobs, hope, and opportunity. That is why it is so important to have this economic strength and why it is important that we are finally back on track with an economy that is stronger.

Mr. REID. I want to finish with two thoughts:

One, we had the lowest drop in elderly poverty. We talked about that; the biggest drop in child poverty; and, the largest drop in the poverty rate of households in 30 years.

There are statistics that relate to the State of Nevada. Bank lending increased by $10.5 billion. Home building increased by 25 percent per year during the years of President Clinton. Almost 5½ times as much new manufacturing jobs were created; 261,000 workers are protected by family and medical leave. We have new police officers, and that is going up. A lot of good things have happened.

What I say to my two colleagues on the floor today and the Presiding Officer is to build just briefly on what the Senator from North Dakota just said. I think with the Presidential election winding down and 5 or 6 weeks until it is over, I hope that, if we gain nothing else from our experiences during these past 2 years, we should recognize how much better things would be if we had a Congress that was willing to work, where you had a conference and where both parties were in on the conference; where instead of having the majority run roughshod over the minority you had people working together for the good of the country.

As it has happened in years gone by in this great body and the one down the Hall in the Capitol, I hope, if we learn nothing more, it is time that we develop and urge a thirst for bipartisanship here because of what has happened in spite of the polarization that is taking place here in Congress. Think about how much better it would have been had we worked together on these issues.

I yield to my friend.

Mr. CONRAD. Mr. President, I was going to make another point. When I got up this morning I went to get the Washington Post. Right on the front page is the reporting of what we are talking about here today. The headline on the front page of the Washington Post is, "Household Income Climbs."

The subheadline is, "Census Bureau Also Reports Poverty Rate Drop."

So if anybody is watching this and wondering if this is an accurate recitation of what the Census Bureau is reporting, you can just turn to your local newspaper and you will find these news reports all across America.

"Median household income rose 2.7 percent * * * after being adjusted for inflation."

Inflation is running about 3 percent. So incomes actually went up about 6 percent last year—biggest increase in a decade. Over the same period, the Washington Post reports the poverty rate declined from 14.5 to 13.8 percent. The number of people in poverty fell by 1.6 million.

That is the statistic the Senator from Nevada was using—the largest decrease in 27 years. The largest decrease in poverty in America in 27 years. That is the statistic both the Senator from North Dakota and the Senator from Nevada were using. If we need evidence this plan is working, here it is right here in this morning's newspaper.

Let me just conclude:

> The benefits of economic growth were spread widely through the economy—in nearly all occupations, all education levels and all income categories.

That is the kind of economic results you would like to have, and this economic plan is delivering those results. We ought to stay the course. We ought to stick with this plan. Absolutely the worst thing we could do is take a riverboat gamble and go back to the old days of supply-side economics in which somehow, as Senator Dole said last year, you cut taxes and you are supposed to get a big, big revenue increase. As Senator Dole said last summer—he said, you know, we tried that in the eighties. That was the idea that NEWT and the House Republicans had. We said everything would be all right. Well, it wasn't.

That was Senator Dole speaking just last summer, and only when he found himself 20 points behind in the polls did he decide a different policy would make sense. And if anybody is wondering whether his plan adds up, I just give you two numbers. We are projected to spend $11.3 trillion over the next 6 years. Our income is projected to be $9.9 trillion. Those two do not match up. You cannot spend $11.3 trillion and have income of $9.9 trillion and add up.

Mr. DORGAN. Is that under the Dole plan?

Mr. CONRAD. That means you are going to add to the debt.

Mr. DORGAN. I ask the Senator a question. Is that the projected income under the Dole plan?

Mr. CONRAD. That is the projected income under current law, that we would spend $11.3 trillion, we would have income of $9.9 trillion. And what does Senator Dole say? The first thing he wants to do is cut the income by $550 billion. Now you have a $2 trillion gap between spending and income. That is how you raise the debt. That is how you raise deficits. That is how you put this economy right back in the ditch.

If we are going to go back to a policy of debts, deficit and decline, that is the path to take.

I might just say Senator Dole says cut the income $550 billion. That would create a $2 trillion gap between our spending and our income. You would then think, well, he is going to propose $2 trillion of spending cuts to make up for it. Oh, no. He is not even close. He has about $700 billion of specific spending cuts that he has recommended, and if you look at the spending cuts what you find is he is saying we ought to cut just one category of Federal spending about 30 percent. And the category he has chosen is what Senator REID from Nevada knows well—domestic spending. He wants to cut it 30 percent, I say to the Senator.

Mr. REID. Education.

Mr. CONRAD. Law enforcement.

Mr. REID. Environment.

Mr. CONRAD. Environmental cleanup, roads, bridges, airports. He wants to cut those 30 percent. In fact, by the sixth year, he would cut them 40 percent.

If anybody in this country thinks the way we should build for the future is to cut, in the sixth year of Senator Dole's plan, education 40 percent, cut law enforcement 40 percent, cut the construction of roads, bridges and airports 40 percent, sign up to the Dole plan because that is precisely what he is recommending to the American people. That would be a disaster for the economic future of this country. And even with those cuts he is nowhere close to adding up. Instead, we are going to get a huge increase in the debt. That will increase interest rates. That will slow the economy. That will put our economy in the ditch. That is a policy of debt, deficits and decline, and we ought to avoid it at all cost.

I yield the floor.

Mr. DORGAN. Will the Senator yield?

Mr. REID. I would be happy to yield, indicating that one of the things we have not talked about here today with the Clinton plan is something that we recognized very clearly in Nevada. As a result of the Clinton economic plan, in Nevada nine times more Nevada families received a tax cut than an increase. It happened all over the United States. In addition to that, businesses got tax breaks in the Clinton plan of 1993. We fail to talk about it. In the little State of Nevada, almost 7,000 small businesses got a tax break when we passed the deficit reduction plan.

Mr. CONRAD. Will the Senator yield just on that point?

Mr. REID. I will be happy to yield.

Mr. CONRAD. I asked my staff to find out in North Dakota what happened because we continually are told these are the big taxers and the big spenders. I have reported what happened to spending. Every year under the Clinton administration spending as a share of our national income has gone down—each and every year.

Big spending? I do not think so. This President has reduced spending measured against our national income. And on the tax side, in my State of North Dakota, as a result of the 1993 plan, 29,000 people got a tax cut because of the expansion of the earned-income tax credit that was included in the Clinton plan; about 1,400 people got an income tax rate increase. And who were they? They were couples earning over $180,000 a year and individuals earning over $140,000 a year. So 20 times as many people got a tax reduction as got a tax increase.

Mr. DORGAN. If the Senator will yield, one of the concerns I have about the proposal now for a substantial across-the-board tax cut offered by Senator Dole is that it is so at odds with what is required of leadership at this point. I said on the floor yesterday, and I will say it again, I admire Senator Dole. I think the service he has given to this country is something most Americans should be thankful for and grateful for. He has been a good public servant.

I said yesterday I would not trade one Senator Dole and his experience for all 73 House Republican freshmen who boasted they had no experience and came here and proved it quickly.

I admire Senator Dole, but the fact is a test of leadership in our country is are you willing to do what is necessary for this country? Are you willing to propose what is necessary? President Clinton came in 1993 and made a proposal that was not popular. He knew and we knew people are not going to belly up to this one and say, well, sign me up; please let me have some of that—spending cuts and tax increases.

We knew that was not going to be politically popular. We knew it was going to be hard to do. It turned out to be extraordinarily hard to do. It turned out it passed in this Chamber by a tie-breaking vote being cast by the Vice President. So it turned out to be enormously difficult. Why? Because it was not popular. It was tough medicine. It was needed to put the country back on course. That is the test of leadership.

Mr. REID. And it was very partisan.

Mr. DORGAN. It turned out to be very partisan, regrettably. I wish it would have been a bipartisan effort to say, if we have to do some heavy lifting, let us all lift. But that was not the case. In any event, what has happened now is that Senator Dole, who has always stood here in this Chamber and said I do not agree with those who say let us have a big across-the-board tax cut and the deficits, the heck with the deficits, let us not care what happens as a result of it, he has always been one who stood in the well of the Senate and said these things do not make any sense. This does not make any sense. Now he has been convinced apparently to propose an across-the-board tax cut which will substantially reduce the revenue and substantially increase deficits. And do not trust me on that. Trust the Concord Coalition, a bipartisan organization or nonpartisan organization run jointly by a former Republican Senator and Democratic Senator who say this is going to vastly inflate the Federal deficit.

It seems to me, given the economic story we have talked about today, the question is, do we want to move in that direction again: swollen deficits, slower growth, more unemployment? Or do we want to continue with the plan that has worked for our country?

Mr. REID. I would say to my friend, in closing, we have heard a discussion here this afternoon about the economy and how the glass is half full rather than half empty. I have heard on the Senate floor, over the past month or so, the same type of discussion as it relates to crime in America; that is, "the glass is half empty, it is not half full," when we should recognize that the violent crime rate has dropped for adults. We are making progress with the approximately 40,000 new police officers throughout America. We are making great progress. We should talk about the positive effect of how crime is being attacked in this country rather than continually dwelling on the negative.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Georgia controls the next hour.

TAX RELIEF

Mr. COVERDELL. Mr. President, it is not going to be the subject I intended to address, but I could not help hearing some of the remarks from the other side about how onerous it would be if we were to allow the American family to keep more of what it earns in its checking account via tax relief. I am going to talk for just a second about it.

An average family in my State gets to keep 47 percent of its gross income. In 1950 those people got to keep 80 percent. Now they can only keep 47 percent after they get finished paying their Federal tax bill, State, local, the cost of Federal regulations, and extra costs they pay in interest payments because of the national debt that has been drummed up by an ever-increasing and larger Federal Government here in Washington.

Mr. President, 47 percent is what is left at the end of the day. I will say as long as I am here that any effort to bring relief to those average families and to allow more of their earnings to stay in their checking accounts is laudable and correct, because we have pushed the average family to the wall. That which we ask them to do, get the country up in the morning, feed it, house it, shelter it, take care of its health, is virtually impossible to do today with what is left in that checking account after some Government bureaucrat marches through it.

It is not my purpose to discuss it here this afternoon. But lowering the economic pressure on the average family in our country would do more to end the stress and the anxiety and the behavioral problems in our middle-class families than any other thing we can do. You can track the stress in those families and track it day by day, month by month, year by year, as we ratcheted up the tax pressure on those families. You can see the effect it has had on them—smaller families, no savings in their savings accounts, lower SAT scores, more members of the family having to work just to keep up; in some of them, not only both parents working but both parents having two jobs.

I am absolutely mind boggled that we would be arguing that it would be some evil and sinister thing to lower the tax pressure on the American family.

RE-CREATE A MELTDOWN

Mr. COVERDELL. Mr. President, we are hours away from the end of the fiscal year. There are leadership meetings occurring everywhere. I have become convinced that the other side has concluded it is to their political advantage to try to re-create a meltdown here.

We have learned from reading in the paper that the now famous Dick Morris, political consultant to the White House, spent 5 months planning the last shutdown, and we see the exact same characteristics as we come to trying to bring the year to a logical and bipartisan closure. Let us remember that, unlike a year ago, we have 60,000 troops in harm's way right now in Iraq and Bosnia. We have just watched a hurricane sweep across our eastern shores, and we have families desperately trying to dig out. We are 6 weeks from an election, and we ought to get the electioneering out of the Halls of Congress, come to closure here, lower the anxiety level for all those families involved, keep the Federal Government on course and move the campaigning to the elections.

Our majority leader, I believe, has done everything humanly possible to keep this in a bipartisan manner, keep tempers cool. He has come out here on the Senate floor and offered a resolution that would keep that safety net under our troops and under our disaster-stricken families. He has offered both sides six amendments and then come to closure on Wednesday night at a logical hour.

What was the response? "No way."

He then offered to start a debate on a resolution that would keep the safety net under the Government this past Tuesday with no limits on the amendments in process but an agreement that we would finish in an orderly manner by Wednesday night. What was the answer? "Absolutely not."

Then he said, let's take the Department of Defense appropriations conference report and, with a continuing resolution, you know, a safety net under the Government, omnibus spending vehicle attached to it. "No way."

So, option after option is presented, denial after denial occurs, and the clock is running and the troops are still in harm's way.

The White House has indicated that it wants to make the illegal immigration bill, which is a very, very large piece of legislation on which hours and hours and hours have been expended, wants to make this a center point, some sort of a leverage to bring us to the brink. I am reading from the Los Angeles Times: "Clinton seeks to halt further limits on noncitizens. Holdup of appropriation would vex GOP members anxious to hit campaign trail."

> Washington—Setting up a confrontation with Republican leaders, the White House indicated Thursday that President Clinton will not sign a must-pass spending bill [that is the safety net] until the GOP agrees to amend separate immigration legislation.

There will be others who will speak to this, but the White House said you have to take out the Gallegly amendment. The Gallegly amendment left States the right to choose to allow legal immigrants in schools or not, and it has been argued and argued and argued. But the Republican leadership of the Senate and House said, "OK. In an effort to maintain the safety net, in an effort to bring a bipartisan conclusion to the 104th Congress, we will remove it." So, they did. After they did it, the White House says, "No, that is not enough. Now we want more changes in it before we will agree to sign it."

This reminds me of the system that apparently Dick Morris organized a year ago. Let me read from one of our daily papers, the Washington headline. It says:

> Immigration and Naturalization Service officials have learned that about 5,000 of the 60,000 immigrants naturalized in six days of mass ceremonies in Los Angeles last month concealed past criminal records that might have disqualified some of them from citizenship. . . .
>
> Of the 5,000 who proved to have criminal records . . . their alleged crimes ranged from serious offenses, such as murder and rape, that would disqualify them from citizenship to minor violations that would not.

This article says, "Clinton administration election year program to naturalize 1.3 million new citizens during this fiscal year ending October 1 * * *"

In other words, it is a rush, it is a political plan we have here to rush people through so fast that the FBI cannot even provide the traditional background check that would have spotted these murderers and rapists who are now U.S. citizens because of this political program.

Right here, it reads:

> Because of the rush to naturalize citizens, none of this FBI data was available to the Immigration and Naturalization Service before the ceremony.

What kind of nonsense have we gotten ourselves into here? What price are these elections worth?

It reads that:

> Prior to the inception of citizenship, USA officials said the INS generally waits until it receives the result of an FBI check on applicants for naturalization before granting them citizenship.

But that was pushed aside because the politics of this program was more important.

Now we come to this illegal immigration bill, and all of a sudden, it has become bigger than running the Government, and one cannot help but miss the connection that we have throttled up this immigration bill, we have used it as a wedge against keeping an orderly transition of Government, a safety net under these troops that are overseas, our seniors, our children's programs, school programs, all set aside for the politics of the moment.

The idea of strategically using immigration and naturalization politically, the idea of a political plan for posturing to destabilize our troops, disaster victims, is not a very pretty picture. No wonder there is so much cynicism about this process that goes on in our Capital City.

Mr. President, we have been joined by the senior Senator from Utah, by the chairman of the Judiciary Committee of the U.S. Senate, by an individual who has been deeply involved in this process since its inception. I yield up to 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 10 minutes.

Mr. HATCH. Mr. President, I have to say I am very disappointed. The Clinton administration is playing political games with the illegal immigration reform bill. This is one of the most important bills of this whole Congress. The Congress has worked very hard on this very necessary legislation.

On August 2, 1996, President Clinton wrote to Speaker GINGRICH. The only item on which he said he would veto the immigration bill was the Gallegly provision on the free public education of illegal aliens. The provision was, in fact, contained in a draft conference report proposal circulated on the evening of September 10 by Republican conferees.

At no time in the next 2 weeks, as this draft proposal was circulated, was I advised that the administration wanted to remove title V of that proposal, dealing with restrictions on benefits for aliens.

Indeed, the administration mentioned the Gallegly provision was really the big item to them; that if we took Gallegly out, the President would sign the bill.

In order to accommodate this administration and facilitate passage of this very tough illegal immigration bill, the Republican conferees dropped the Gallegly provision outright, and I argued for the dropping of that provision, mainly because I wanted to get this bill through because there are excellent provisions in this bill that are desperately needed.

Additional changes were made to accommodate other concerns expressed by some Members on the other side of the aisle. For example, illegal aliens' use of Head Start programs, English as a second language programs, and job-training programs would not count in the determination of whether the alien had become a public charge and, therefore, subject to deportation. A legal immigrant's use of emergency medical services would not be subject to deeming.

But the administration is now engaging in a shell game. Even though we removed the one item the President said would lead to a veto and made still other changes in the September 10 draft, and even though the President had 2 weeks to weigh in and did not do so, the administration is now calling upon its congressional allies to slow down and even derail this bill unless wholesale changes are made to it. These changes are coming out of left field. By so demanding, the President is acting as the "Guardian in Chief" of the status quo.

These tactics make me wonder whether the President really favors tough anti-illegal-immigration legislation. Why did he wait until after the conference to make these demands as a condition of his support for the bill?

The American people want Congress and the President to deliver on this subject. The Congress is prepared to do so. Is the President?

Let me go over just a few of the items in the conference report that the President is helping to delay action on.

This is the illegal immigration conference report. On border control and illegal immigration control, we provide for 5,000 new Border Patrol agents, which are dramatically needed at this time if we are going to make any headway in this battle; 1,500 new Border Patrol support personnel; and 1,200 new Immigration and Naturalization Service investigators, which are very badly needed. They will not be there unless this bill passes.

We provide for improved equipment and technology for border control; for an entry-exit control system to keep track of the aliens who are supposed to leave the United States; and for additional and improved border control fences in southern California. All of that is included in just part of this bill.

Let me go on.

With regard to alien smuggling, document fraud, and illegal immigration enforcement, we provide:

Increased criminal penalties for alien smuggling and document fraud;

New document fraud and alien smuggling offenses;

New Federal prosecutors to investigate and prosecute immigration violations;

That alien smuggling penalties will be calculated for each alien a smuggler has smuggled in;

Wiretap authority in alien smuggling and document fraud cases; and

A new civil penalty for illegal entry.

We also make it unlawful to falsely claim U.S. citizenship for the purpose of obtaining Federal benefits, which has been going on now for years, and it is time to bring a stop to it. This bill will do it, and this President is stopping this bill.

With regard to removal of illegal aliens, we streamline the removal procedures so it can happen, so it can be done. Illegal aliens who are removed will be inadmissible for certain periods.

We revise expedited exclusion provisions of the Terrorism Act to ensure that those with valid asylum claims receive adequate protections from persecution. We take care of those with valid asylum claims.

You can see, these are just a few more of the things that this bill does, all of which are absolutely critical to solving this illegal alien problem in our country. Let me just go on.

With regard to criminal aliens—and we have plenty of those in this country right now; they are causing an awfully high percentage of the crimes in our country today. We have expanded the definition of "aggravated felon" for the purposes of the Immigration and Nationality Act. We have mandatory detention of most deportable criminal aliens. We have improved removal of deportable criminal aliens.

We eliminate loopholes under which criminal aliens have stayed within the United States. We improve the identification of deportable criminal aliens. We increase the Immigration and Naturalization Service detention space by 9,000 beds, something they tell us absolutely has to happen or we are going to have an even greater crisis on our hands than we have now.

We also have additional financial resources for the detention of criminal aliens and other detainees, which is absolutely critical if we are going to fight and win this battle with regard to illegal immigration. Let me go a little bit further.

With regard to interior enforcement, we provide that State and local authorities will be able to perform immigration control functions, including transporting illegal aliens to INS detention facilities across State lines, something that currently we have difficulty doing. A lot of States, just to get these people out of their States and get them into detention facilities, would pay for the costs themselves. Many States would provide the sheriffs' deputies and others to get these people out of their States. We provide they can do that, of course, with the cooperation and help of the INS.

We ensure at least 10 active-duty INS agents in each State. We certainly think that is critical. Of course, in the major border States, we have many more than that.

We improve legal border crossing.

We have increased border inspectors to speed up legal border crossing.

We have commuter-lane pilot projects for frequent border crossers.

As you can see, all of these various provisions that we have in this bill are absolutely crucial if we are going to make any headway against this problem of illegal immigration.

I have to tell you that it took this Congress to do some of these tough things. I want to personally compliment the distinguished Senator from Wyoming, Senator SIMPSON, for working so hard as subcommittee chairman to get it done, and the whole Judiciary Committee, because it was there that we really worked out the difficulties between the Democrats and the Republicans, and I think came up with a pretty superior bill, which now has become primarily the bill that came out of conference.

I want to compliment LAMAR SMITH and Mr. GALLEGLY and Mr. MCCOLLUM, and others over in the House who have played a tremendous role in this matter.

In the Senate, of course, Senator SIMPSON and everybody on the Judiciary Committee deserves enormous credit. On the other side of the aisle, Senator KENNEDY and Senator FEINSTEIN have really played significant roles, although Senator FEINSTEIN is primarily working with us today to try to get the bill through. She has done an excellent job. She has fought hard for her State. She realizes California, Texas, Arizona, Florida—all of these Southern States, these border States—have to have the bill. So she is fighting to get it. At the same time she is fighting her guts out, this administration is trying to undercut her and undercut what we have done.

It is an amazing thing that we have been able to bring 535 people together in the legislature, at least a majority of them, to pass a bill that will make a difference in this country.

This conference report passed overwhelmingly in the House for good reason. People over there are concerned about what is happening. And it will pass overwhelmingly here if we can get it up. Frankly, the only logjam in getting it up happens to be the President of the United States and his cohorts who are all over Capitol Hill trying to ruin this illegal immigration bill.

To me, I cannot understand that kind of reasoning. I cannot understand that type of activity. I cannot understand the President doing this. I cannot understand why they are not working with us to get this bill through, especially since we made every effort to get the Gallegly amendment out of that bill.

To be honest with you, the Gallegly amendment was not as bad as some people have been making out. It was a rule of Federalism. All Mr. Gallegly and California wanted is for the States to have a right to determine whether or not they will educate illegal alien kids, at a tremendous cost—$2 billion to $3 billion in California.

I do not think there is a State in this Union that would decide not to do so, even California, in spite of what some out there would like to do. But the fact of the matter is, it was not a bad amendment in terms of Federalism. It would not have hurt anybody, in my opinion. We even modified it to try to please the President, so we grandfathered K through 6 and 7 through 12. We provided a safety valve so we could rip it out of the bill at a future time, with expedited consideration by the Congress. But that was not good enough.

Finally, it came down to literally just ripping it out of the bill, calling it up maybe separately, but ripping it out of the bill to satisfy this President who said he would not veto this bill if we got rid of Gallegly. No sooner did we do that, and last night they come up here and said, we want title 5 out of the bill. Title 5 is a pretty important provision of this bill. As a matter of fact, it contains a number of very important provisions if we are going to get a handle on illegal immigration in this country. It is incredible to me that they would do that after they gave their word, it seemed to me, with regard to the Gallegly amendment and taking it out of the bill.

Mr. President, I see my time is up. Let me just finish by saying this. This is an important bill. It is one of the most important bills in this country's history. We can no longer afford to allow our borders to be just overrun by illegal aliens. There are some indications that this administration has been soft on letting people into this country, most of whom vote Democratic once they get here as noncitizen illegals. Frankly, a lot of our criminality in this country today happens to be coming from criminal, illegal aliens who are ripping our country apart. A lot of the drugs are coming from these people.

This bill will play a significant role in making a real difference for the benefit of our country, and I am calling upon the President and the people at the White House to get off their duffs and start helping us to get it passed and quit this type of activity. I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate the remarks by the Senator from Utah. I now yield up to 10 minutes to the senior Senator from Missouri and the chairman of the appropriations subcommittee on VA–HUD.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. BOND. Mr. President, I thank my colleague from Georgia. I appreciate the opportunity to explain to some of my colleagues, and those who might be interested, what is going on with the appropriations process.

I think all of us know that the time has come to shut down this session of Congress. We have a couple of very important things pending.

The fine chairman of the Judiciary Committee has just described what needs to be done on a problem that everyone recognizes, and that is the problem of illegal immigration. Can we move forward on that bill? I think it is one of the key elements of a resolution of this session of the Congress. But everybody knows that before we leave town we have to provide the appropriations measures to keep the Government running and to keep programs going which the Federal Government has undertaken as a responsibility.

I understand that perhaps an hour or so ago the Democratic leaders on this side and on the House side had another one of their infamous non-infomercials, a news conference in which the facts were not necessarily the absolute requirement of any of the discussions. I believe they were talking about how the Republicans intend to shut down the Government again.

Let me be clear about one thing, Mr. President. The distinguished occupant of the chair chairs an important appropriations subcommittee. The appropriations bills are extremely important, and we work on those appropriations bills on a bipartisan basis.

I have the pleasure of serving as chairman of the Veterans Administration, Housing and Urban Development, and Independent Agencies Subcommittee. And on that subcommittee, I am greatly aided and assisted by my ranking member, Senator Barbara MIKULSKI, a Democrat from Maryland.

Now, we often have disagreements on those measures, but we work them out here on the floor. We can, in this body, pass measures that are greatly objectionable because of the right of any Senator to filibuster. So we, in essence, need to have 60 votes for a controversial provision in any measure. And we customarily operate on the basis of courtesy to take into consideration the views of the minority.

In this VA-HUD bill, we went a long way because there were a lot on this side of the aisle who were not thrilled about AmeriCorps, the national service program. Yet, as an accommodation to those who felt strongly about it—Senator MIKULSKI was an original sponsor of it; it had the strong backing of the administration—we put $400 million in that bill for AmeriCorps. We carried it over to conference with the House. And the House, many on our side, felt even more strongly in opposition. We made the point that we fought the battle and we won because we knew it was important to Members on the Democratic side here, to the President. We included that in the bill.

Our bill has some very, very difficult things. Allocating scarce funds for housing, for urban affairs, for the Veterans Administration, for EPA, for NASA, for the Federal Emergency Management Agency. We worked all those out. During the course of those conversations, we had not only the budget requests from the White House in front of it, but we were assured that the White House had conversations with and expressed their views to the members on the minority side in our committee.

We came up with what I think was a good bill. It passed overwhelmingly. It had some additional things on it this time. It became not just an appropriations bill, it is an authorizing bill, a new entitlement bill. But we got it through.

Yesterday, at about 10 o'clock, the President signed the VA-HUD bill. He signed it, signed it into law. It is law. The appropriations bill is the law for spending for those key agencies for the coming fiscal year.

Imagine my surprise when I was summoned to a meeting of the negotiators on the omnibus appropriations bill to handle the unresolved issues in appropriations. I was told by Mr. Panetta, a representative of the White House, that they wanted to put $160-plus million in the VA-HUD bill. I said, "Excuse me, I believe the President just signed the bill yesterday." They said, "Well, the President had some reservations and he wanted more money."

There are a lot of things, Mr. President, on which I wanted more money. We did not put enough money into the preservation of low-income housing. We need to do more in terms of an investment to make sure we have an affordable housing stock, that we have the stock of housing that is either publicly owned or reflects public assistance through section 8 programs in this country. If we had more money in the budget I could find some very, very important places to put it in terms of housing, in terms of science, space, and environment, giving more money to the States for their State revolving funds.

The White House said, "But we want to add some more money to your bill." I said, "This is the bill that you signed about 26 hours ago." They said, "No, we had reservations."

Mr. President, I heard of the old trick of moving the goalposts. Some may like the analogy of the Peanuts cartoon strip, where every fall Lucy promises to hold the football for Charlie Brown. She says she will not move the ball this year, but every year she takes the ball away.

We are beginning to learn very slowly, too slowly I am afraid, that this administration does not negotiate in good faith. This administration has some other game they are playing. It is not designed to achieve a reasonable accommodation between the parties, between the legislative and executive branch, to move forward on appropriations.

Now, if there is a shutdown, let me assure you it will be a shutdown engineered by the White House and their allies in Congress. This is where the responsibility will lie.

Why do we have a number of bills that are not signed? Mr. President, you and I have been here while we went through the process. Now, a lot of people may not understand what we say by the term "filibuster by amendment." But for those who do not understand the procedures of the Senate, unless you have a unanimous consent agreement, unless there is an agreement before you start out on a bill, you can continue to add things and add things and add things. You can never come to closure. As Republicans we have 53 votes. If we wanted to cut off debate we have to have 60 votes. We cannot stop people from talking or filibustering by adding amendment after amendment after amendment. That is what was done on Treasury-Postal. I worked on the Treasury-Postal bill in the previous Congress as the ranking member, and it funds some very important things—White House, Treasury, Customs, GSA, things like that are very, very important. There are not 50 different amendments that needed to be offered to that bill.

I remember one of the measures we voted on was a measure to establish a new Federal responsibility, a new Federal responsibility relating to guns in schools. Mr. President, if there is one area where the Federal Government has not been before, it is in local law enforcement. I suggest that the Federal Government has fallen short in those responsibilities which are properly the Federal Government's responsibility.

We fought—and when I was the ranking member, Senator DeConcini was the chairman of the committee, my good friend from Arizona—we fought against cutting back on the Customs work in interdiction, to stop drugs coming into this country. We have cut too much in the Federal law enforcement agencies. We certainly do not need to be setting up new Federal responsibilities which directly overlap and are totally inconsistent with local law enforcement responsibilities.

But that amendment was voted on on the Treasury-Postal appropriations bills, after 3 days on the floor, a bill which should take at most 2 days to debate those issues, that genuinely related to appropriations for Treasury-Postal accounts. We had so many amendments still hanging out that the majority leader had to withdraw the bill.

We went on to Interior, to try to get a resolution for those. Then the amendments kept coming out of the woodwork. If anybody does not understand it, I can tell you unless you have 60 votes and can invoke cloture continually, you can continue to hold this place hostage by offering amendments or talking as long as you want.

Now, we have made a good-faith effort across the board to get the appropriations bills done. I have no interest in going back and reopening one of the appropriations bills that has been signed. More and more ideas keep floating in from the White House. They want to add this. They want to add that. They want to write their own legislation. It is as if they never worked in a government where there was a strong opposition party—in this case, a party in control of the Congress.

I came from Missouri where I served as Governor for 8 years with a 2-1 Democratic majority in both houses. I learned early on, I had to learn, that bipartisan cooperation, comity, honesty in dealing with the other side was essential to make the process move. We do not have that here. It is perhaps the fact that the President comes from a one-party State.

All I can say is we are doing our work on appropriations. We are going to move forward on appropriations. I hope our leaders will make the best offer they can, trying to guess what the White House's latest demands are to accommodate as many as they can. If they will not, we should do a continuing resolution and get out of town.

One last piece of business that we have from the small business committee, since my colleagues on the other side are not present I will not at this point ask unanimous consent to proceed to H.R. 3719. That is vitally important if we are to keep the lending programs, 5047(a) program, SBIC program working, for the Small Business Administration. It is being held up on the minority side. I will come back and explain in detail why the SBA and small business in this country needs that measure. I hope the hold is lifted so we could pass this measure, many of the provisions of which have already been passed in this body.

I acknowledge and appreciate the work of the Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator for his remarks. The moving goalposts, as he has described, become clearer and more evident with each passing hour here in the Nation's Capitol. Unfortunately, the anxiety level of those—not suffered by us—by the families of the troops overseas and flood victims and all those people dependent on the system, needing the safety net we are trying to put in place.

We have been joined by the senior Senator from Wyoming who is the preeminent authority on legal and illegal immigration and has been undergoing this moving goalpost now for some period of time. I am glad he could join us.

I yield up to 10 minutes to the Senator from Wyoming.

Mr. SIMPSON. I thank my colleague from Georgia, Senator COVERDELL. I think it is tremendous that you have arranged this bit of time to share with the American people so we each get to step forward and tell the theory of the moving of the goalpost. To me it is the moving of the stadium. I think they moved the end zones, the stadium, and as far as I know, the campus. We will review this for a minute.

I have been doing this stuff for 31 years. It is called legislating. You do it with Democrats if you are a Republican, and hopefully if you are a Democrat, you do it with Republicans. It cannot work any other way.

Over the years of my time here I have served as chairman or ranking member with some very unique partisan people. Senator Al Cranston with the Veterans' Affairs; Gary Hart, nuclear; TED KENNEDY, Senator KENNEDY, with Immigration and Judiciary; JOE LIEBERMAN, BOB GRAHAM, nuclear; JAY ROCKEFELLER.

These are the things that I have done. It has always been done with civility. It has always been done openly and honestly. I can't function in an atmosphere where people lie. That is what is happening here, and I am appalled by it. Let me tell you, it isn't about TED KENNEDY, who is one of my most delightful friends, and I have the highest respect for him. Let me tell you what happened yesterday. Get it down. The administration, the White House—remember, they told us if we would take the Gallegly amendment off the immigration reform bill, it wasn't, "Well, I might," but it was, "I will probably sign it." It was said that way. We didn't have any reason to believe they would not sign it at the White House.

Last night, in good faith, myself, Senator KENNEDY, HOWARD BERMAN, a Democrat from California who I delight in and enjoy very much, Congressman LAMAR SMITH, who is just one of the most splendid young men I know, who does a tremendous job with the chairmanship of immigration, the four of us sat down to see if we could give a little on title V because the latest request from the White House was, "If you get rid of title V, we will complete all the work on the CR and sign it by tonight at midnight." The only thing wrong with that is nobody had ever agreed to give up title V—not ORRIN HATCH, the chairman of the committee, not Senator KYL, a member of the subcommittee, not Senator FEINSTEIN, who has been an absolute stalwart in working with me; she deserves extraordinary credit for doing strong, strong legislative work in an atmosphere of high emotion from her State. She and Senator BOXER are more affected than anybody else in this place. They have stepped up to the plate, and it is a great honor to work with them.

So we are going to get down to title V. I said we are going to go to cloture next Monday on that bill, and we have about 70 votes in our pocket, which will get you cloture in any ballpark here; you need 60 votes. So most of the Republicans would vote for cloture, and thanks to the work of Senator FEINSTEIN and others on that side of the aisle, we would get cloture because there are 15 to 20 Democrats who will get cloture for us and help with that. So here we are.

On August 2, the President wrote a letter to the Speaker to express concern about a single provision of the immigration bill, which was authorizing the States to deny a free public education to illegal aliens. The President threatened to veto the conference report if that provision or anything like it was included. No other provision was opposed in that way.

After several weeks of hard, considerable debate and efforts to develop an acceptable compromise—admittedly, it was done, I think, in too much of a partisan way, but it was done and everybody knew what happened; everybody has seen the conference report—we agreed to delete the provision that was very popular in the House and had considerable support in the Senate. Yet, within the last day or so, the White House and Democrat allies have moved the goal posts. They have been attempting to obtain even further changes. All the time there is something new.

You have had it reported here. I have never seen anything like it in 31 years of legislating. It would be bad enough if this were done by another veto threat, and early in the session. But this time the President is attempting to blackmail this Congress into accepting the changes he wants in the immigration bill, as well as changes in several other bills. Get this one: You could tell by the tenor of the discussion when the White House person entered the room last night that what they were really trying to do was get the stuff they could not get in the welfare bill and get it out of the immigration bill and correct the deficiencies in the welfare bill. I am not having any part of that. The President signed the welfare bill. I commended him on that. I thought that was great. He got flack and he wants to change some of it. But he isn't going to do it on this watch and, surely, he is not going to do it with an immigration bill. I can assure you of that.

Then we have this threat to refuse to sign the CR. We have the threat to close the Government. Let me tell you, that won't work this trip because we are going to stick around to see that the Government does not shut down, because we are going to shovel this back and say there is nothing in there that would shut the Government down. The Democrats and the Republicans in the House and the Senate, trying their best, did what they could. If they fail, then the Republicans, which is the duty of leadership, produce a bill. If the President wants to veto it, do so.

So here we are. You can see the scenario—oh, it is so vivid. Tuesday, we will have to think about closing the Government. Guess who will take the flack for that? Those bone-headed Republicans that let it happen the last time. That is not going to happen this trip because there is nothing in there to veto. It is called doing the business of the United States. It is done by people like MARK HATFIELD and Senator ROBERT BYRD, and by people like Senator MIKULSKI and Senator BOND, and it is done by people like Senator FEINSTEIN and Senator SIMPSON; it is done that way over here. Maybe the White House does not understand that, but I understand it.

So now what are the changes that we want here? Oh, well, title V, get rid of title V. Why would you want to get rid of title V? I will tell you what is in it.

Without the requirements that sponsors earn at least 140 percent to 200 percent of the poverty line, welfare recipients will be in a position to sponsor immigrant relatives, even though they will be unable to provide the support for that relative that they have promised. These immigrant relatives will then be able to qualify for welfare programs costing the United States billions of dollars.

That is in title V.

Without the amendments making a "public charge" deportation effective, immigrants who go on welfare soon after their entry will be able to continue to receive it indefinitely, without fear of deportation.

That is in title V.

Without "deeming"—in other words, considering that the petitioner and his or her income is that of the immigrant—for immigrants now in the country, many immigrants will continue to receive welfare, even though their middle-class or wealthy relatives who sponsored them are perfectly able to provide needed support.

That is in title V.

Without the new welfare verification requirements, illegal aliens, who claim to be U.S. citizens and just stand there and say they are, will continue to receive assistance, such as AFDC, Medicaid, and public housing.

That is in title V.

Without the provision authorizing full reimbursement to States—listen to this one—now being forced by Federal mandate to provide emergency medical services to illegal aliens, the heavy burden of that mandate will continue to grow.

That is in title V.

Without the provisions expediting removal of illegal aliens from public housing—which is the work of Senator REID and what he has been talking about for years—illegals will continue to occupy public housing, displacing U.S. citizens and lawful resident aliens.

That is in title V.

Without the prohibition on States treating illegal aliens more favorably than U.S. citizens, States will be able to make illegals eligible for reduced in-State tuition at taxpayer-funded State colleges.

That is in title V, together with all the stuff to clean up their use of unemployment compensation, their use of the Social Security system, and much, much more.

That is what is in title V.

There we are. I thank Senator FEINSTEIN for being most courageous in the face of the onslaught that I am sure she is going to get. I want to commend Senator KENNEDY, who worked with me until 2 in the morning to do a package, which must have drawn such a great big chuckle this morning when it got down to the White House. I have been doing this a long time, and I have always done it with absolute honesty. I have done it with orneriness, with passion, and I have done it with glee, with grief, but I didn't lie. This is appalling, absolutely appalling.

If the trick is simply to shut down the Government, well, that is nothing. I never spent a nickel's worth of time figuring out how to do a bill that would go to the President so he would veto it so he would lose California. That has never been in my scenario—never would be; don't care about that. I care about doing something about illegal immigration. We couldn't do anything about legal immigration. That is for another date.

Ladies and gentleman, this is a strong, potent, powerful bill. And, if all goes well, it will be voted on; Monday at 2 o'clock on a cloture vote. And cloture will carry. The debate will be cut off, and after the hours of postcloture and debate are over, we will do that on through the night, we will vote. We will do an immigration bill, and place it on the President's desk. I hope and pray that he will sign it. But it isn't crafted to blow up in his face, and it was not crafted by people who come to Congress, as they have been doing in these last days who stand in front of you and do something different than they said they would do before. And I am sick of it.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I am grateful to the Senator from Wyoming for coming and sharing these last 2 days with us, and the American people. It is quite an alarming story.

We have been joined by the senior Senator from New Mexico, the chairman of the Budget Committee, and I yield up to 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Thank you, very much, Mr. President. I thank the Senator from Georgia.

Let me thank Senator SIMPSON for his forthrightness and the way he conducted himself as a Senator. The fact that he has been honest, and the fact that he has been diligent in everything he has done around here, lends great credence to what he is talking about here today.

Frankly, let me just pledge to the Senator—not that I can be of any help, but I agree with everything he has said here on the floor. In fact, I think there is a lot of game playing going on right now, not only with reference to that bill but also the immigration bill. But there are a lot of other things going on about who is going to be responsible for closing down the Government. Everybody is on that kick. We have a few hours, and we have to get our work done. That is what the Senator has been talking about—getting our work done. There isn't anybody trying to close the Government down. And the President is getting almost everything he has asked for in major expenditures in terms of education, and in terms of the environment. What is there to close the Government down over? It can't be the kinds of things he was talking about last year. It must be something very strange that is in somebody's craw around here. And I wonder just precisely who it is and what the agenda is.

I do not think we ought to be threatening each other with closing down the Government, or using tricks, or gimmicks to try to blame it on somebody. We can get this job done, and get it done right. Every piece of legislation that is ever dreamed up can't get passed. With 200 amendments around here that have nothing to do with appropriations, we can't fix all of those in the last 72 hours of the U.S. Congress.

I didn't come down here to talk on that. I came to take on the economy and a few of the contentions presented on the floor of the Senate by some on the Democratic side about the status of the economy. If I get enough time when I am finished analyzing what really has happened and whether there is really anything to brag about in terms of how the economy has proceeded in the last year or two, if I have enough time, what I have to say will fit right into why Senator Dole has a new economic plan.

Let me first suggest that yesterday some Census data came out that permitted the President of the United States and some Members of the other party to tell the American people that things are really going right, and that the economic facts are really on the side of staying the course that the President has set for America.

One of the things that they talked about has to do with real median household incomes. Listen to this. They are saying the real median household income rose. And so they are saying we are on the right track. It is going up.

Let us get the numbers and let us get the facts. It rose from $33,178 in 1994 to $34,076—not a significant increase, but an increase. But what was not said was that even as it has increased, it is still lower than it was in 1990 under President Bush. It was only higher in 1995 relative to the low levels it fell to in the early 1990s. It increased in 1995 because it went down after 1990 during this era that the President claims is a great economic era and we ought to maintain the status quo. Under the Bush administration it was $34,914, which is almost $900 higher than it is now. The year 1995's level only rose from 1994 because it was recouping some of the ground lost in the preceding years.

Arguments are also being made that Census data shows a lessening of income inequality in 1995. They note that the income share of the top quintile has gone down some, thus bridging that gap between the poor and the rich, or the rich and the poor. Let us look at that.

In 1995, there is seemingly something to brag about because the top quintile's income share went from 49.1 percent to 48.7 percent, four-tenths of a percent down. What isn't said is that the income distribution was much more fair in 1992—at that point, the top quintile had only 46.9 percent of the total income pie. Thus, income inequality was much less when the President was inaugurated, it then worsened significantly, and then eased back fractionally last year. For this, we should tell America the economy is doing splendidly? When in its best status under President Clinton, income inequality is still worse than the last year of the previous Presidency.

I do not choose to make this a battle among Presidents in a partisan fashion. But I do choose to say that when I left the White House yesterday at a bill signing, I heard our President make these statements. Somebody wanted my comments. I will tell the Senate what I said to that newsperson. I said, "I do not want to comment now, because I want to go back and look at the facts because something intuitively tells me that there is another side to this story." I came back and asked: Is there? I just told you that, indeed, there is.

Let me take another one. We are talking about trying to have the lower income people get a bigger share of the economic pie when compared with the wealthier people. So bragging is going on that in fact the bottom quintile did increase its share a little bit in 1995, in terms of the size of the income pie that they took in. There again, it is interesting to note that that the bottom quintile's income share was higher in the last year of Bush Administration than it is now during the bragging year. It only went up in 1995 because their share went down so far during the first 2 years of this administration.

But most importantly, there is another aspect of the Census report which concerns me greatly - real median earnings for full-time workers in America are still going down—not up. The very same survey that yielded some limited good news about 1995 median incomes says the following: For men in 1995, real median earnings were down 0.7 percent, and for women, real median earnings were down 1.5 percent—not up; down. In fact, real median earnings have fallen in every year of the Clinton administration for both men and women.

That brings me to what I would have been saying on the floor in light of some of the discussions about the Dole economic plan. And I am going to run out of time. But it is a perfect entre to say to those who want to listen, that the distinguished Republican majority leader who is running for President of the United States had two options on the economy when he decided to run. One was to say, "The status quo is neat. Let us just stay on the status quo for the next 4 years, if I am elected President." That would have put him right alongside of our President saying things are really going very well. Or he could ask some experts for the best we can put together. "Can we do better? Should we do better?" He did that. And the answer given by eminent economists—not wild-eyed economists with new theories, but mainstream Nobel laureate economists—was, "We can do better and we should do better." Then the question was asked: "How do we do it?" And, interestingly enough, what our candidate for President has been busy trying to do is to argue for the six-point plan they recommended, a plan which would produce some economic figures that would be truly worthy of boasting about. I am not here saying he has presented his message magnificently. But, I believe that if the details of his plan got out to the public more fully, it would change the election as people identified increasingly with his vision of America.

Mr. President, I have just summarized for the Senate what the situation is with reference to incomes for men and for women in the year 1995. And even though some Members on the other side of the aisle and the President have touted an increase in real median household incomes in the year 1995, I remind the Senate that is the case only as compared with 1994. But if you look to 1990 during the Bush administration, median household income was higher than it is today. Furthermore, throughout every year of the Clinton administration, real earnings for full-time workers have fallen. They grew by minus seven-tenths of a percent for men, and minus 1.5 for women. That means we are not making any real headway in what people are earning for the time they spend working trying to get ahead.

It also means that income inequality is not getting any less. The President has championed the fact that the wealthy people's share of the total income pie came down in 1995. While this small move toward lessened income inequality is welcome, this gain is small in comparison to significant widening of income inequality which has occurred during his Presidency. In fact, the income distribution is far more unequal today than it was in 1992, the last year of the Bush Presidency.

Coupled with these above facts, there are other striking economic woes that now face the U.S. economy. We are experiencing the slowest growth rate of any recovery in the last 50 years. We have the lowest productivity growth during any Presidential term in the last 50 years. Tax burdens for middle income individuals have risen sharply under this President. The personal savings rate is now at its lowest average level of any President's term in 50 years. With this unfortunate backdrop, it is no wonder that many Americans wonder why they are working harder and getting less for their work.

Senator Dole, as I indicated in my earlier remarks, looked to five or six of the best economists around and they suggested it need not be this way; that we ought to be able to do it better. What they suggested, he adopted after a few months of study and discernment.

The conclusions reached were that Senator Dole and his running mate should not run for the White House, based upon trying to keep the American economy as it is now and keep the fiscal policy as it is now and the tax policy as it is now and the regulatory policy as it is now and the education policy as it is now, because to do so is to extend this very serious negative backdrop of the American economy for working men and women. The wealth machine that is enumerated in the gross domestic product is not getting big enough each year for those people working to get more for what they do, rather than stagnating or getting less.

Essentially, Senator Dole concluded, as I urged him to do, that we ought to try to do better, and that meant he had to come up with an economic plan that experts would say would do better. One that would ensure that the earnings of all Americans and median household incomes would be up in 7 or 8 years as compared with 1992 or 1996 or 1995.

These economists recommended six things. Six things are his plan. Where people have learned about these and understand them, they opt for this economic direction instead of the status quo. First, he suggests that to get there we ought to adopt a constitutional amendment to balance the budget. Clearly, I believe it is fair to say that whomever is President next year can cause that to happen, for it would already be out there in the States with ratification working had this President wanted it, for all he had to do was say the word and one or two—I cannot remember which—Democrats would have clearly gone with him.

The next key item is a program to balance the budget by the year 2002. Might I say in that regard that there are some who insist that he tell us how, our candidate for President Dole, tell us precisely how he would do that. Mr. President and fellow Senators, he is not President, he does not have OMB with a couple hundred staff. He cannot produce a 1,000-page document. But he has said essentially here are some things I would do. There are two parts to it and they are both easily understood. Adopt this year's Republican budget and implement it, and then reduce spending over the next 6 years, 1 percent a year for a total of 6 percent over 6 years.

Now, what do you get for that is what the American people ought to ask. And they get the next part of this reform. And it is tax rates are cut 5 percent a year for 3 years—a 15-percent reduction in tax rates. Let me spell out what this means for ordinary citizens. A married couple with two children earning $30,000 would save $1,272 per year. A married couple with two children earning $50,000 would save $1,657 per year. A retired couple with no children earning $60,000 would save $1,727 per year.

This is money that average citizens in our sovereign States would keep. Money that now gets sent to Washington in taxes. They could keep and spend this money however they see fit, instead of under the Federal Government's budget and programs.

In addition, the capital gains tax, which is an onerous imposition upon the sale of assets and the sale of investments would be changed to be 50 percent of what it is now, or 14 percent. All our industrial partners in the world tax these kinds of asset sales much less than we do, and they make their money and their resources work better for them, and make the economy more vibrant. We must do the same. This is a direct effort to cause growth to occur more. It would make productivity go up, for there is more to invest and more to be saved.

His fourth point was to do away with the IRS as we know it.

Furthermore, in his first term, he intends to reform the entire tax structure, to press hard for savings and investments which are now penalized under the code because, for the most part, they are taxed twice.

And that left two other major points, for you can see this plan of his is not just a tax cut, tax reform plan.

The two remaining issues are very important. Modify the regulations on business in America so that you keep those that are needed and effective, and you reduce those that are not effective and not needed. Now, how does that help? To the extent that we are spending money for excess compliance, it cannot go into the pockets of our working people. It cannot be part of real growth for it goes into unnecessary expenditures that cool the economy rather than let it grow.

On that score he recommends in this plan that the best economists in America helped prepare, that the justice system, the civil justice system should be also amended, modified and made more responsive by eliminating some of the drag and costliness of litigation that is truly not necessary for the American people's well-being. Such litigation extracts an enormous cost from the economy, which goes to attorney's fees and court costs, public punitive damages and things like that that almost everybody thinks are significantly out of hand. To the extent that cost is put on the economy, there is less there for wage earners to get in their paychecks and for small business to earn as the businesses grow.

And then last but definitely not least, if you are going to have more productivity in America and begin to reduce income inequality significantly and permanently, we must reform our education system. Others have different solutions. They say "why don't you tax the rich more?" Well, let me give you a very living example that it does not work, because we have taxed the rich more under this President's economic policies and, lo and behold, the spread between the rich and the poor got bigger. I just told you that in my previous remarks.

It did not get littler; it got bigger. In fact, the President is bragging today because in 1 out of the last 3 years, income inequality came down a bit, but it never was as favorable as it was in the last year of President Bush's term. So, that is not a solution.

Almost everybody says we have to do a better job of training some Americans who are not getting educated very well, not getting trained very well, and thus do not get in the mainstream and cannot earn good money on good jobs. One of the economists advising our nominee, the Republican nominee, is a Nobel laureate named Dr. Becker, from the University of Chicago. His expertise is the development of the human side, that is people development in a capitalistic society. The recommendation is that President-elect Dole be bold, and he say boldly and firmly: We are going to make education in the ghettos and in the barrios and in the areas where our young people are getting inferior education, we are going to change that even if we have to give them scholarships to move out of that area to get educated in another school.

There would be a whole reshuffling, reorganizing, reforming of how we educate those who are getting poor education in this system, for whatever reason. While we are busy about that, the way we train post-high-school kids and young people for living jobs in the workplace, that we take the money we are spending and, instead of throwing it around in hundreds of programs, that we focus it clearly in a competitive way, with a lot of choice on the part of the recipients, in an improved job training program.

Now, Mr. President, for those who would choose to say this plan cannot be done, I merely suggest that they do not know Robert Dole. They do not know these marvelous economists, full-blooded, true-blue Americans, mainstream, but the best, who say the status quo of today is not good enough. A status quo where real median household incomes are worse than in 1990, where, for men and women who are employed full time, average earnings are still coming down, not going up. That means, contrary to the braggadocio of this administration about what kind of jobs are coming on, that facts seem to indicate many of the new jobs are cheap jobs, where the administration would suggest they are not. That fact that I just gave you would indicate, since there are more jobs but median real earnings are still coming down rather than up for full-time workers, it would mean they are not getting better jobs, in terms of the new entrants in this job market.

So, when you add all these up, I conclude—and since the issue was raised on the floor today I thought I would give my version to whatever Americans are listening and to whatever Senators truly care—I think it can be done, I think we can do better than today's status quo.

Let me suggest, for those of us who have been trying to move this huge battleship, the battleship of Federal expenditures, which turns ever so slowly in this huge ocean of demands, of people wanting more from their Government, it moves slowly. But for those of us who want to continue the movement in the direction of balancing the budget, we can say to those who will listen to us about the Dole plan: If we cannot do it, we cannot prove balance, then we will not do the plan. If we cannot prove balance, we will not have the tax cuts. If we cannot prove that we know how to turn the expenditure ship in the direction of balance, then obviously we will not carry out this plan.

I thank the Senate for the time, and I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I have an agreement from the other side to have 5 more minutes under my control of the time for the Senator from Texas.

Mr. DOMENICI. I yield the floor, and if I can find time later in the afternoon, I will complete this.

Mr. COVERDELL. If I might, Mr. President, tell the Senator from New Mexico that after her 5 minutes, it will go to a period of morning business until 5 and there will be ample time.

Mr. WARNER. Mr. President, reserving the right to object, if that is——

Mrs. HUTCHISON addressed the Chair.

Mr. WARNER. Could I be recognized for a period of time following the distinguished Senator from Texas for a period not to exceed 5 minutes, with the understanding that an equal amount of time should be offered to Senator Bob GRAHAM of Florida. The purpose for the Senator from Virginia and the Senator from Florida is to introduce a bipartisan bill for consideration by the next Congress.

Mr. COVERDELL. If I might respond to the Senator from Virginia, I am going to ask unanimous consent for 5 minutes to be accorded to the Senator from Texas, and then under——

Mrs. HUTCHISON. Mr. President, will the Senator yield and let me just ask if he would consider letting Senator DOMENICI finish with 3 minutes and then giving me my 5 minutes, and then I think perhaps Senator BYRD is going to ask for some time. So we could work something out so that everyone would have an opportunity with Senator WARNER as well.

Mr. DOMENICI. Do not ask for me to have 3 minutes because I want to use the regular order as best we can, and I need more than 3 minutes.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senate is now in a period of morning business.

Mr. COVERDELL. Let me ask unanimous consent that the hour of controlled business under the Senator from Georgia be expanded 5 minutes—and we talked to the other side of the aisle—so the Senator from Texas may finish her remarks. I will then ask unanimous consent that the period for morning business be extended until the hour of 5 with statements limited to 5 minutes each, which I believe will accord the Senators from Virginia and Florida their opportunity.

Mr. WARNER. And the Senator from Florida, Mr. GRAHAM.

Mr. COVERDELL. Yes. So I ask unanimous consent that the period I control be expanded for 5 minutes and that that time be dedicated to the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. And I shall not object, but I would like to be recognized following the distinguished Senator from Virginia and the Senator from Florida about whom he has referred. I would like then to be recognized for such time as I may consume. That time would be probably 30 minutes, 35 minutes, or some such. I want to speak about the great senior Senator from Georgia, who will be leaving us, and I do not want to be cramped for time. But I will not overstay my welcome on the Senate floor. So I would like to be recognized at that point for not to exceed such time as I may consume, which probably will not be more than 30 minutes, but it could be 35.

Mr. COVERDELL. If I might respond to the Senator from West Virginia, I do not know the purpose for which the leader asked for morning business to be extended until 5.

I am advised that is certainly appropriate, and I am glad to accord the Senator from West Virginia the appropriate time he is seeking.

Mr. BYRD. I thank the Senator.

Mr. WARNER. Mr. President, could the Chair restate the entire unanimous-consent request as it applied to the Senator from Texas, the Senator from Virginia, the Senator from Florida, and the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Chair will ask the Senator from Georgia to restate his unanimous-consent request.

Mr. COVERDELL. I am asking unanimous consent the time I control be extended 5 minutes to accord the Senator from Texas 5 minutes; following that unanimous consent, that 5 minutes be granted to the Senator from Virginia, followed by the Senator from Florida for 5 minutes, and then to be followed by the Senator from West Virginia for up to 30 minutes, and that the hour of morning business be extended until the hour of 5:30 with statements limited to 5 minutes each.

Mr. GRAHAM addressed the Chair.

Mr. BYRD. Mr. President, reserving the right to object, I do not want to be limited to 30 minutes. But I will be very considerate of the desires of others to speak.

Mr. COVERDELL. I would amend the unanimous consent to extend the Senator of West Virginia the time that he needs, but that there be a period of morning business to extend 30 minutes at the conclusion of his remarks with statements limited by each Senator to up to 5 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, reserving the right to object, and I hope not to, will the Senator from Georgia add at the end of the statement by the Senator from West Virginia 20 minutes. I had 20 minutes earlier in the day which was taken for another purpose. I would request 20 minutes at the conclusion of the Senator from West Virginia in morning business.

Mr. DOMENICI. Mr. President, reserving the right to object——

Mr. COVERDELL. I would have to check, I say to the Senator from Florida. I would have to check with the leadership before I could agree to that position. But I have agreed to the 5 minutes in accordance with the Senator from Virginia. The Senator is included in that.

The PRESIDING OFFICER. Is there objection? Without objection——

Mr. GRAHAM. Mr. President, I will withdraw my objection at this time, but I want to alert the Senate that at some time I will be reinitiating my request for 20 minutes for purposes other than that which I am going to speak in conjunction with my colleague and friend from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

GOOD FAITH NEGOTIATIONS

Mrs. HUTCHISON. Mr. President, I wish to commend the senior Senator from Wyoming for an outstanding job on a bill that really will put teeth in the laws against illegal immigration into our country. He has been working for months in a bipartisan way to make sure that before the end of this session we did a meaningful job of addressing a terrible problem in my State and for the whole country, and that is an influx of illegal aliens that is causing the taxpayers of my State and our country millions of dollars.

The senior Senator from Wyoming worked until late in the night last night trying to make sure that this bill stays together. All we have heard from the White House is that the White House objected to the Gallegly amendment, and beyond that would sign the bill that was indeed a bipartisan bill in both Houses of Congress.

Today, we have a change of mood, and all of a sudden now the bill that will stop, or at least give us a chance to stop, the illegal immigration into our country is now being held up by the White House saying, no, we want you to take out title V. Now, title V would, in fact, take out the enforceability of the welfare reform bill that also passed this body and this Congress overwhelmingly.

It is time for us to have an integrity in the system that says once you come to an agreement, it is an agreement, our word is good, and we go forward. We cannot have the goalposts changing every time we make an agreement. I believe that Senator LOTT has really tried to work with his colleagues on the other side of the aisle to offer them all of the options to do what is the responsible thing that we must do in order to fund Government before October 1 when the fiscal year ends.

A week ago, Senator LOTT asked Senator DASCHLE if he would like to have a continuing resolution offered in which there would be six amendments on each side, and then we would pass the continuing resolution that would fund Government. That was rejected. Then another offer was made. Let us start debate on Tuesday on a continuing resolution to make sure that we do the responsible thing and keep Government going. Unlimited amendments on either side, but we finish by Wednesday night. That was rejected. The last offer was a Department of Defense appropriations conference report that all the other spending bills that are now outstanding would be put together with, and that has not yet been accepted.

The time has come for it to be called what it is. That is a delay tactic, an inability to come to an end, a closure so that we can all do what is responsible, and that is fund Government.

I think Senator LOTT is trying very hard. Senator HATFIELD was up until 4:30 in the morning this morning trying to negotiate in good faith with the White House and both sides of the aisle and both sides of this Capitol, trying to do the right thing, but has been thwarted at every step either by delay tactics during the process of handling the appropriations bills for the last few months or delay tactics right now.

Mr. President, we are trying. Our leadership is trying. We want a bill for illegal immigration that all of us have agreed to. Now is not the time for the White House to step in and change the level of negotiation. We were finished with negotiation. We agreed that the Gallegly amendment would be done separately. Now, all of a sudden, title V is supposed to be taken out of the bill and that takes a very important part out of the bill. I have a State that has 1,250 miles of border with Mexico. We are under siege, not only with illegal aliens but with drugs coming across the border and we need relief.

Mr. President, I know my time is up. I am asking that the President of the United States work in good faith with Congress. We are trying to do the responsible thing. We do not have much more time. We have made offers but have been unable to gain their acceptance. Mr. President, now is the time for responsibility on a bipartisan basis. It is a two-way street.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER and Mr. GRAHAM pertaining to the introduction of S. 2143 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. Mr. President, I ask unanimous consent that, immediately upon the conclusion of the remarks of the Senator from West Virginia, I might have 30 minutes to speak on another subject.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from West Virginia is recognized for such time as he may consume.

Mr. BYRD. Mr. President, I thank the Chair

TRIBUTE TO SENATOR SAM NUNN

Mr. BYRD. Mr. President, we are rapidly approaching that season when we shall witness the departure of many of our colleagues who have elected not to serve beyond this Congress.

Mr. President, I was the 1,579th Senator of 1,826 men and women who have served in the U.S. Senate from the beginning. I have seen many fine Senators come and go. As I think back over the years, something good might well have been said about most, if not all, of these Senators. We are prone, of course, to deliver heartfelt eulogies, speeches declaring our regrets that our colleagues choose to leave the service of this body.

About all of these Senators whom I have seen depart the Senate, some good could be said, unlike Lucius Aelius Aurelius Commodus, the Roman emperor who served from 180 to 192 A.D., one of the few Roman emperors about whom nothing good could be said.

I don't think that any of the Senators that I can recall at the moment who voluntarily retired with honor from this body were Senators about whom nothing good could be said. But shortly, we will witness the departure of one of the truly outstanding United States Senators of our time, and when I say "of our time," I mean my time as a Member of Congress for 44 years, a Member of this body for 38 years. The departure of SAM NUNN will be an irreparable loss. Someone might be able to take his place over a period of years.

I remember the death of Senator Russell, Richard Russell of Georgia, on January 21, 1971, 25 years ago. In the course of those 25 years, one-quarter of a century, I have to say that I have not seen the likeness of Richard Russell, except in Senator SAMUEL AUGUSTUS NUNN.

So it may be another 25 years, it may be 50 years before we see the likeness of Senator NUNN.

I pay tribute to this distinguished colleague who is retiring from the Senate after 24 years—illustrious years. There are many things that one can say about SAM NUNN, as he has been consistently productive, growing in stature year by year to become, without doubt, the leading Senate voice on national defense security and alliance issues—the leading voice. His accomplishments, of which there are many, are notable and derive from an approach to his work which is unfailingly thorough and well-focused. He is blessed with an exceptional intellect, and in Senator NUNN's case that sharp intellect combines with a much rarer talent for harnessing creative visions to practical techniques. SAM NUNN has been especially successful as a legislator in this body because of his ability to reduce complicated issues to an understandable scope, while avoiding oversimplification. Then he works patiently and persistently to build bipartisan support.

Indeed, his many ideas and initiatives are often shared and supported by his colleagues across the aisle. In a day when bipartisanship is as rare as platinum and gold and rubies, and certainly as valuable, SAM NUNN epitomizes that for which so many of us strive, and often fail to achieve—bipartisan consensus which the people so desire and which fuels large majorities behind legislative endeavors. The ingredients of vision coupled with practicality, and balance between liberal and conservative views, mark his spectacularly successful career as a Senator and are textbook examples for the younger Members of this body and the newer Members of this body in the years to come to heed and to emulate.

SAM NUNN hails from Georgia, where commitment to the Nation's defense runs deeply, and from whence some of our greatest legislators on national defense have emerged. He has upheld the great Georgia tradition so ably begun by his granduncle Representative Carl Vinson, with whom I served in the House of Representatives before coming to the Senate, and his predecessor, Senator Richard B. Russell.

While Senator NUNN has only served as the chairman or ranking member of the Armed Services Committee for 12 years, his record of achievement and the reverence in which he is held in this body are comparable to that—and I know—comparable to that of the great Russell. This is a feat of enormous distinction. The State of Georgia has to be extremely proud to have given such talented sons to our Republic, men who have so well borne the mantle of responsibility to protect the defense of our Nation and promote its fighting forces.

Now, if you ask SAM NUNN what he regards as the most important of his many, many achievements in affecting and directing U.S. policy in the national defense arena, I doubt—and I have never asked him this question—but I doubt that he would mention the more widely publicized of his achievements, such as his role in developing the Stealth fighter; or the many initiatives he authored to reduce the dangers of war in the Russian-American relationship; or the meaningful measures enacted to reduce and make safer the world's inventories of nuclear weapons and fissile materials; or even his role in broadening and deepening American leadership in NATO, in Bosnia, in the Persian Gulf, or in Haiti. It is in the less heralded, less glamorous but critically important area of the morale and welfare of our men and women in uniform that is at the top of the list that SAM NUNN might himself cite as his most noteworthy achievement in the defense area.

Senator NUNN was the key player in meeting the needs of the All Volunteer Force so that we could attract and retain the kind of men and women who could effectively manage and lead our forces across the globe in all environments. He constructed a benefits package for the men and women who fought so well in the Kuwait Desert in Operation Desert Storm. He crafted the post-cold war transition measures that address the needs of our military personnel as they make their way from the front lines of the cold war back into American civilian society.

He has worked tirelessly to instill a sense of pride and loyalty in our uniformed men and women that is of such great value to the Nation. As Edmund Burke said on March 22, 1775,

> It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and navy, and infuses in both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

Now I have been privileged to serve with SAM NUNN as a member of the Armed Services Committee and with SAM NUNN as its leader. Senators are not renowned for their managerial skills, but the Armed Services Committee under SAM NUNN's leadership has been superbly managed.

In my 44 years in Congress, I have yet to see a chairman of any committee who excelled SAM NUNN. In my humble judgment, he is the best committee chairman that I have ever seen in these 44 years in Congress, including myself. I worked hard at being a good chairman. But Senator NUNN, to me, represents the ideal, the model, the paragon of excellence as a chairman.

Unusual among authorization committees in the Senate, he produced, from 1987 through 1994, eight straight authorization acts, each of which continued major initiatives to build a better managed, sounder Department of Defense. He was the key figure behind the so-called Goldwater-Nichols Reorganization Act, which decentralized power in the armed services, giving more on-the-ground authority to our unified commanders in the geographic areas where they had to prepare forces to fight in various contingencies. He developed the legislation which produced the Defense Base Closure and Realignment Commission, which cut through the political snarls involved in closing bases, and has been a most effective tool in downsizing the DOD establishment in a fair and orderly way.

Over the years our uniformed leaders have consistently looked to SAM NUNN as their champion, as a strong but sensitive force, who empathized with their special needs and could be counted on to take the kind of action appropriate to best enhance the morale of the men under their command. He did not fail them.

Perhaps some of the most creative ideas that SAM NUNN willed into reality came in the knotty area of reducing the quantum of danger in the Russian-American relationship. He championed, together with JOHN WARNER, programs to increase communication between the American and Russian leadership, and thus reduce the possibilities of tragic, accidental nuclear war. Together with RICHARD LUGAR, he crafted a successful program to dismantle nuclear weapons possessed by the states of the former Soviet Union. He led the Senate Arms Control Observer Group for many years, as my appointee to that group when I was Majority Leader, traveling frequently to Geneva, leading delegations of Senators to ensure that progress on the INF and START Treaties had the knowledge and support of the United States Senate. He traveled extensively to Russia, and in turn Russian legislative leaders traveled to the United States, to exchange views and develop cooperative solutions to problems, thereby increasing the level of confidence and understanding between these two superpowers. Lately he has developed additional initiatives, again with a leading Republican counterpart, Senator DOMENICI, to tackle the problem of terrorist actions against the United States. All in all, SAM NUNN, when he leaves this Chamber and walks out of this door for the last time as a Member of this body, can take immense pride in his long, intense and patient efforts in the superpower relations arena. Those hard-won initiatives have had a substantial impact on the measure of safety in our world. It is indeed no exaggeration to say that the world today is a safer place in part because of the monumental efforts of one man, the senior Senator from the State of Georgia—SAM NUNN.

These achievements and the quality of his dedication and work on defense, alliance and international issues, ranging from NATO to arms control and reduction, anti-terrorism, and joint U.S.-Russian threat reduction and communications measures have propelled his glorious reputation far beyond the Senate. He is known internationally and he is viewed universally as an expert in the defense field. He is well known in official circles around the globe and is widely sought for his wise counsel.

Is it not remarkable that in my time there would have been two chairmen of the Senate Armed Services Committee, two "tall men, who lived above the fog in public duty and in private thinking"—Senator Richard Russell and Senator SAMUEL NUNN—both experts in the field of national defense. Both of whom sought for their wise counsel,—sought out on this floor,—sought out before the bar of the Senate, in the well, sought out in foreign capitals for their wise counsel.

It is not an overstatement to say SAM NUNN's reach and impact have been international and characterized by workable, sound proposals and brilliant judgment. The global scope of his work has set him apart from the vast majority of men who have served in this body and is a testimony to his dedication to the addressing of the burning issues of sanity and order in our world today.

While SAM NUNN will undoubtedly be remembered for his Senate service in the area of national defense, as if that were not enough, his energy and creativity have also been evident in many other areas. The range of his thinking and his talents as a legislator and policy maker encompass everything from health care, to student loans, to insurance industry reform. In his farewell address, announcing his retirement, in Georgia on October 9, 1995, he dwelled extensively on the need for America to put our youth first, to work on protecting our children from street violence and drugs. He spoke eloquently of the need to reverse the saturation of our TV airwaves with programs of sex and violence. He focused on the need to reinvigorate our educational system in order to reincorporate great numbers of American citizens back into the working culture of our nation. He has developed successful legislation to lay the groundwork for a nationwide "civilian service corps" by offering education benefits in exchange for public service. As the cochairman of the Strengthening of America Commission, a bipartisan group of business, educational, labor and academic leaders, he has proposed an impressive plan to make radical changes in the income tax code to refocus our economy on savings and investment and away from consumption.

Most importantly, and as my fellow Senators well know, SAM NUNN's success is in large part attributable to his hard rock integrity.

A religious man, he does not go around wearing his religion on his sleeve; he does not go around making a big whoop-de-do about his religion, but he is a religious man, a moral man. SAM NUNN is known as a man whose judgment can be trusted. How many times have I heard Senators come to the Senate floor to vote on a measure and ask: "How is SAM voting on this one?" He is a leader in this body, in spite of the fact that he has not especially sought to lead. He has not been elected to a leadership position, but he has grown into a leadership position. He is a natural leader. His is the best type of leadership, because it is a leadership that is born of strong character. Horace Greeley said: "Fame is a vapor; popularity an accident; riches take wings. Those who cheer today, may curse tomorrow. Only one thing endures: character."

SAM NUNN epitomizes that great trait, character. The Senate will feel the loss of SAM NUNN and feel it deeply. His legacy and achievements certainly will grow with time. I am personally deeply sorry that he has chosen to go. He will leave an empty place in the Senate.

Napoleon rejoiced that the "bravest of the brave," Marshal Ney, had escaped and had returned across the Dnieper River, even though he had lost all of his cannons. Napoleon ordered that there be a salute to celebrate the escape and the return of Ney. And he said, "I have more than 400 million francs in the cellar of the Tuileries in

Paris, and I would have gladly given them all for the ransom of my old companion in arms."

Had SAM NUNN been an officer in the Grand Army of France, Napoleon would have given everything he possessed for another SAM NUNN.

His great natural talents will continue to bring him to the forefront of the national policy discussion, and he will, I know, continue to achieve great things in a variety of new settings.

I have never really felt about a man in the Senate—other than Senator Richard Russell—as I have felt about SAM NUNN. I was the majority whip in the Senate when SAM NUNN came to the Senate, and I urged that he be placed on the Senate Armed Services Committee. As a member of the Steering Committee, I cast my vote to put SAM NUNN on that committee. That is where he wanted to serve. I watched him grow. I have had some differences, from time to time—minor, of course—with SAM on some issues. That is not the point. SAM has fulfilled my idea of what a Senator ought to be.

There were 74 delegates chosen to attend the Constitutional Convention. The Convention met behind closed doors from May 25 to September 17, 1787. Fifty-five of those 74 delegates who were chosen participated, and 39 of the 74 signed the Constitution of the United States. I can see in my mind's eye a SAM NUNN in that gallery. I might well imagine that, as they met from day to day, if SAM NUNN had been a participant, they would have come, as they come here when Members of this body gather in the well, and asked, "What does SAM NUNN think about this?" I have no difficulty in imagining that. In such an august gathering as was that Convention, which sat in 1787, with George Washington, the Commander in Chief at Valley Forge and the soon-to-be first President of the United States, I can imagine that it would have been the same there. They would have said, "What does SAM NUNN think? How is he going to vote?"

The First Congress was to have convened on March 4, 1789. And only 8 Senators—less than a quorum—of the 22 were there on March 4, 1789. Five States were represented—New Hampshire, Connecticut, Massachusetts, Pennsylvania, and Georgia. And the Senator from Georgia who attended that day was William Few.

It could very well have been SAM NUNN as a Member of that first Senate, serving with Oliver Ellsworth, Maclay and Morris, and others. And as they met to blaze the pioneer paths of this new legislative body, the U.S. Senate, I have no problem in imagining that, often, those men would have turned to SAM NUNN and said, "How are you going to vote, SAM?" "How is SAM going to vote?"

I think every Member of this body shares with me that feeling about SAM NUNN. He could have been an outstanding U.S. Senator at any time in the history of this Republic—not this democracy. When the Convention completed its work, a lady approached Benjamin Franklin and said, "Dr. Franklin, what have you given us?" He didn't answer, "A democracy, Madam." He said, "A republic, Madam, if you can keep it."

Now, what is there about SAM NUNN that makes him this kind of man? He is not the typical politician that one conjures up in his mind when thinking about Senators and other politicians. Senator NUNN is not glib. He doesn't jump to hasty conclusions.

He does not rush to be ahead of all of the other Senators so that he will get the first headline. He thinks about the problem, and he logically, methodically, and systematically arrives at a decision. Then he carefully prepares to put that decision into action.

I suppose that had he lived at the time of Socrates, who lived during the chaos of the great Peloponnesian wars, SAM would have been out there in the marketplace debating with Socrates, about whom Cicero said he "brought down philosophy from Heaven to Earth." SAM would have been a hard man for Socrates to put down because he has that talent, that knack of thinking, an organized thinking, and the consideration of a matter logically, carefully, and thoroughly. He is truly a man for all seasons. His wisdom, his judgment, and his statesmanship have reflected well on the profession of public service at a time when fierce "take-no-prisoners politics" has embroiled the Nation to alarming degrees.

Napoleon did not elect to go into Spain, and Wellington was concerned that Napoleon himself might lead. Wellington later told Earl Stanhope that Napoleon was superior to all of his marshals and that his presence on the field was like 40,000 men in the balance. SAM NUNN, the 1,668th Senator to appear on this legislative field of battle, is like having a great number in array against or for your position.

I was looking just this morning over the names of those Senators who are leaving, and examining their votes on what is called pejoratively the Legislative Line-Item Veto Act of 1995. Of those Senators who are leaving, seven voted against that colossal monstrosity, for which many of those who voted will come to be sorry. If this President is reelected, he will have it within his power to make them sorry. He is just the man who might do it.

Among the departing Senators, SAM NUNN is one of those who opposed that bill. Senator HEFLIN, Senator JOHNSTON, Senator PELL, Senator PRYOR, Senator COHEN, Senator HATFIELD, and Senator NUNN voted, to their everlasting honor, against that miserable piece of junk.

Just wait until this President exercises that veto and see how they come to heel—h-e-e-l. They will rue the day. But SAM NUNN voted against it.

For the outstanding quality of his character as well as for the brilliance of his service, this Senate and the Nation are eternally in his debt. He will always command, in my heart and in my memory, a place with Senator Richard Russell.

God, give us men. A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagog
And damn his treacherous flatteries without winking.
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo. Freedom weeps,
Wrong rules the land and waiting justice sleeps.
God give us men.
Men who serve not for selfish booty,
But real men, courageous, who flinch not at duty.
Men of dependable character; men of sterling worth.
Then wrongs will be redressed and right will rule the earth.
God, give us men.

Men like SAMUEL AUGUSTUS NUNN.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MCCONNELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, if Senator NUNN would care to make any comments, I would be pleased to defer to him.

Mr. GRAMS. Will the Senator yield for a moment? I ask unanimous consent to follow the Senator's 30 minutes with 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I am left speechless after listening to my friend ROBERT BYRD. So I will reserve my time. Thank you.

CONFERENCE REPORT TO ACCOMPANY ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

Mr. GRAHAM. Mr. President, we will soon begin a debate on the conference report entitled "Illegal Immigration Reform and Immigrant Responsibility Act of 1996." I am concerned that, when we commence that debate, we are not going to be in as advanced a position as we should be, for several reasons—two in particular.

One of those is that, when this legislation was considered in the House of Representatives, a provision was attached which would have given to individual States the prerogative of denying public education, elementary and secondary education, to the children of illegal immigrants. That provision became so inflammatory that it tended to focus total attention on this legislation on that single provision. That provision has now been eliminated. It has been withdrawn. Therefore, we are now focusing for the first time on the totality of this legislation.

A second reason why we are not in as advanced a position as we should be for legislation which is as significant as this, has to do with the process by which this conference committee prepared its report. First, it was an elongated process that took many weeks and months to reach the conclusion that is now before us. But it was also essentially a closed process. Not only were many of the members of the conference committee not given the opportunity to participate, at the conclusion of the conference they were not even allowed to offer amendments to try to modify provisions which were found to be objectionable. So we have a product today which has not had the kind of thoughtful dialog and debate which we associate with a conference report which is presented to the U.S. Senate for final consideration.

For this reason, I joined those who urge that objectionable provisions in this act—and I will use the bulk of my time to attempt to outline what I consider some of those objectionable provisions—be excised, be eliminated, from this conference report, or, failing to do so, then that the conference report, regrettably, be rejected.

I speak to this position based on some principles of fundamental fairness to all of those who will be affected by this legislation entitled "Illegal Immigration Reform and Immigrant Responsibility Act of 1996." I speak not only for the legal immigrants who will feel the full weight of this report, which is supposed to deal not with legal immigrants, but, by its title, with illegal immigration; but I also speak of the apparent, and not so apparent, adverse effects that this will have on the States and local communities in which most of the persons affected live.

This Congress has spent an enormous amount of time discussing immigration. I fully support the mandates which were passed to help assure that individuals do not enter this country illegally. The U.S. Government has a fundamental responsibility to enforce the laws which this Congress passes. Unfortunately, we have failed to do so as it relates to our immigration laws, and, thus, we have millions of illegal aliens within our society.

I am proud of the fact that this legislation includes steps such as strengthening our Border Patrol. These are the hard-working officers who are our first line of defense against illegal immigration. I do not contest, but, in fact, fully support, better enforcement and funding to prevent illegal immigration, including those steps that would demagnetize jobs as a reason why illegal aliens come to the United States.

Our Government has brought an unfair and strenuous burden to many States in the form of allowing thousands, in some cases millions, of illegal immigrants to enter within their borders. Florida has been particularly affected because of its unique geographic location, its diverse population, its temperate climate.

Our Government, for several decades, has made Florida the gateway to immigrants arriving from South America and the Caribbean basin. A large majority of those who seek to be called Americans are Floridians. These new arrivals, those who come legally, those who come playing by the rules, are, in large part, law-abiding citizens. They work hard, they pay taxes, they ask nothing of our Government other than the opportunity to eventually be called a citizen of the United States of America.

But on occasion, as may happen to native-born Americans, a circumstance arises where assistance is needed. In the past, our State and local communities have scraped by doing all that was possible to assist these newcomers. The Federal Government was frequently a partner of States and communities in providing assistance in unexpected emergency conditions.

Mr. President, we are now faced with the prospect of trying to continue our humanitarian efforts without that Federal partner and, thus, with even fewer resources available from the National Government a greater demand for those resources from the States and local communities which are affected.

In some ways, we have come to the conclusion that eliminating even minimal benefits to legal immigrants will somehow solve our illegal immigration problem. This is not true. In reality, it only hurts those who follow the rules, those who made every effort to enter the United States in a lawful, orderly, documented manner, and it hurts our communities, it hurts those cities and towns that provide services to legal immigrants and now will receive no assistance from the Federal Government.

This, Mr. President, is wrong. We speak so often of the Federal-State partnership. The Federal Government, in this case, is no longer a partner to our States and communities. This is unfair—and for many reasons, of which I will only discuss a few this evening.

It is within the purview and responsibility of Congress to act to end and to avoid further extension of this unfairness. My State of Florida brought suit in the Federal courts, brought suit on the basis that our State had been asked to shoulder hundreds of millions of dollars of responsibilities for legal and illegal immigrants, responsibility which should have been a national obligation.

As the 11th Circuit Court of Appeals explained in its 1995 decision, Chiles versus the United States:

> The overall statutory scheme established for immigration demonstrates that Congress intended whether the Attorney General is adequately guarding the borders of the United States to be "committed to agency discretion by law" and, thus, unreviewable. Florida must seek relief in Congress. We conclude that whether the level of illegal immigration is an "invasion" of Florida and whether this level violates the guarantee of a republican form of government presents nonjusticiable political questions.

Essentially, what the court was saying is, do not come to us for justice. You must seek justice in the political arm of the Federal Government, the Congress of the United States.

I state tonight, Mr. President, that the legislation which is before us is not just and does not treat our communities and our States fairly.

What are some of the bill of complaints against this legislation, that it is unfair to the States and communities of America? Let me list a few of those complaints.

This legislation extends a concept which has been in our immigration law and which was used extensively in the immigration changes made as part of the welfare reform bill passed earlier in this session of Congress, referred to as "deeming."

What is deeming? Deeming, essentially, is a concept that states that the income of the individual who sponsored a legal immigrant into the United States is deemed—d-e-e-m-e-d—deemed to be the income of the person who was sponsored. This concept of deeming is now applied to persons who came into the United States in the past, when the concept behind the law of sponsorship was different, where the sponsor's affidavit of sponsorship was not legally enforceable.

The rules have changed on these law-abiding citizens in the middle of the game. The sponsor who put his name behind a legal immigrant coming to the United States under the rules that existed up to 5 years ago is now being told retroactively, "You have just taken on very significant new financial responsibilities."

Under the welfare bill, these new deeming restrictions only apply to newly arrived immigrants. Under this conference report, deeming is applied retroactively to legal immigrants who came to the United States within the last 5 years. As a result, sponsored legal immigrants who came into the United States under the old rules stand to lose access to dozens of programs, including prenatal care, nonemergency Medicaid, Head Start and job training.

These provisions will require a further cost shift to the States who will now have to shoulder the burden of these Federal programs which will no longer be available.

Another item in that bill of particulars of unfairness is Medicaid. Even though the welfare bill contains no immigrant restrictions on the use of emergency Medicaid, the conference report provides that if a legally sponsored immigrant has an emergency and uses Medicaid, the sponsor becomes liable for the entire cost of care, without limitation.

What does this mean, Mr. President? This means that if a sponsor has brought in a legal immigrant and that legal immigrant is hit by a truck or contracts cancer or any of the other items that might result in a serious emergency circumstance, the sponsor would be legally responsible for all of those medical costs. Realistically, most sponsors would not be able to pay, and, therefore, what will happen? This will just become another uncompensated burden on the hospital or health care provider.

While I support the idea that sponsors should be required to provide housing, food, or even cash assistance to immigrants who have become unable to provide for themselves, even the most responsible sponsor may not always be able to finance health care, care for illness or serious disease or injury.

Mr. President, as I said, we are going to apply, retroactively, standards to those persons who have sponsored legal aliens, such as their parents or a child, into the United States and now, retroactively, are going to have to take on additional responsibilities which were unknown to them at the time that they entered into that sponsorship relationship.

Also, I will discuss some of the changes which have been made in Medicaid, the program that provides health care to indigent Americans, which today is available to legal—legal—aliens. I underscore that difference between those persons who are here because they follow the rules and those persons who are in the country because they broke the rules. We are talking now exclusively about people who are here legally.

One of the changes that has been made in the Medicaid Program states that a sponsor, including those who are being swept up in this retroactive provision, will now have to be financially responsible for the emergency medical services provided under Medicaid to those persons who they have sponsored into this country. If their mother that they sponsored contracts cancer, or a child is hit by a car and suffers a serious injury, those kinds of costs now will become the responsibility of the sponsor. Even more egregious, if the sponsor is unable to meet those expenses, it then becomes an obligation of the provider to accept those costs as unreimbursed medical expenses. In most cases, they are going to end up being the unreimbursed medical expenses of an emergency room in a public hospital.

One final part of this is that if the sponsor can't pay, and if the person who they sponsored can't pay, then that sponsored individual will be barred from becoming a naturalized citizen of the United States until the bill is paid, which means that this child, who may have suffered this injury in youth, is going to be permanently precluded from becoming a U.S. citizen, unless they are able to achieve a financial status to pay off this emergency medical bill.

A third problem with this legislation, Mr. President, relates to the treatment of communicable diseases. This conference report, I find, unbelievably, provides that under no circumstances will the Federal Government provide funding for the treatment of HIV and AIDS-infected patients who are legal immigrants. This, I thought initially, this must have been a misprint. But when you read the conference report on page 239, it states explicitly,

> The exception for treatment of communicable diseases is very narrow. The managers intend that it only apply where absolutely necessary to prevent the spread of such diseases. The managers do not intend that the exception for testing and treatment for communicable diseases should include treatment for the HIV virus or Acquired Immune Deficiency Syndrome.

I represent a State where we have many persons who come from areas of the world—many within this hemisphere—which have a high incidence of HIV and AIDS. What this bill says is if a person is in this country as assailees, refugees, parolees, or whatever status, is found to have HIV or AIDS, the Federal public health service cannot use its resources to treat those persons. Mr. President, I find this to be unbelievable. Are we just going to ignore this deadly disease and hope that, for humanitarian reasons, or public health concerns, the State or local agency will again shoulder this national obligation for persons who are in this country under national immigration laws?

The Medicaid provisions, the deeming provisions, and sponsor affidavits are currently nothing more than a means of shifting costs to States, local government agencies, and our Nation's hospital system. Simply, if people are sick and cannot afford to pay for coverage of a disabling condition, somebody will absorb those costs. The question is whether the Federal Government will help to pay a portion of that cost, or whether such cost will be shifted entirely to States, local governments, and health care providers.

This bill does not protect the health care providers, even though it is the Federal Government's health care policy which requires the health care provider to render such medical assistance.

The Federal Emergency Medical Treatment and Labor Act requires that all persons who come to a Medicare-participating hospital for emergency care be given a screening examination to determine if they are experiencing a medical emergency, and if they are found to be experiencing such a medical emergency, that they receive stabilizing treatment before being discharged or moved to another facility.

Federal law requires all hospitals that have emergency rooms, that receive Medicare participation, must provide those services, without regard to the ability of the person who has presented themselves for such care to pay. And now we are saying that the Federal Government is going to be a "deadbeat dad" by sticking those health care providers with the full cost, without a Federal sharing and participation.

Mr. President, the National Conference of State Legislatures, the National Association of Counties, and the National League of Cities, has written on April 25 of this year, in anticipation of just exactly what is before us now, with the following statement:

> Without Medicaid eligibility, many legal immigrants will have no access to health care. Legal immigrants will be forced to turn to State indigent health care programs, public hospitals, and emergency rooms for assistance, or avoid treatment altogether. This will in turn endanger the public health and increase the cost of providing health care to everyone.

For the Medicaid caseworker as well as all other State and Federal programs he or she must now learn immigration law as well and the Medicaid system.

As a study by the National Conference of State Legislatures notes, this conference report would require an extensive citizenship verification made for all applicants to the Medicaid Program.

In addition to the costs to determine eligibility, States will also have infrastructure, training and ongoing implementation cost associated with the staff time needed to make a complicated deeming calculation. The result will be a tremendous, costly and bureaucratic unfunded mandate on State Medicaid Programs.

Mr. President, another item in the bill of particulars of unfairness of this immigration bill relates to parolees and their inability to work. I would put this in the specific context of an agreement which the United States had entered into with Cuba.

Under that agreement which was intended to avoid another repetition of the mass rafting explosion which we have experienced on several occasions since Fidel Castro came to power in Cuba, the United States now allows 15,000 Cuban immigrants per year to enter the United States. Approximately 10,000 of those who have arrived per year under this agreement have been under the category of parolees.

Under this bill, as parolees they will be prohibited from working in most jobs 1 year after they arrive here. How can that be? It can be because the conference report provides that after 1 year of entry into the United States, a person who is legally in this country, classified as a parolee for humanitarian reasons, would be ineligible to obtain or maintain the following:

They could not receive any State or Federal grants; any State or Federal loan; any State or Federal professional license; and, believe this, Mr. President: They could not receive a State driver's license or a commercial license.

Where are these legal immigrant parolees going to work without a driver's license, without a work permit, without a commercial license? Who will assume the burden of caring for these legal immigrant parolees who are in our country? Of course, the cost of their care will shift to the local community, even though it was through Federal Government action—and in the case of the United States-Cuban agreement, Federal Government foreign policy considerations, which brings them to this country in the first place, and then tells them that they cannot drive and that they cannot hold a job.

The conference report that is before us is a huge cost shift to State and local governments that will impose an administrative burden and huge unfunded mandate on State governments to verify eligibility for applicants.

Mr. President, one of the first priorities of this 104th Congress was S. 1, the Unfunded Mandate Reform Act of 1995. It was a top priority of the House of Representatives. It passed both bodies in the first 100 days of this session.

The purpose section of the Unfunded Mandate Act stated that the:

> Purposes of this act are to strengthen the partnership between the Federal Government and State, local, and tribal governments to end the imposition in the absence of full consideration by Congress of Federal mandates on State, local, and tribal governments without adequate Federal funding.

Mr. President, this conference report breaks every premise and breaks every basis of the unfunded mandate law because this conference report on immigration requires all Federal, State, and local means-tested programs, as well as programs such as State driver's licenses, State licensing departments, for State occupational licenses as well as any grant or funding to first determine whether the individual applying is an eligible immigrant.

The National Conference of State Legislatures just yesterday, September 26, 1996, indicated that the mandates of this conference report will:

> impose new unfunded mandates on State and local governments regarding deeming requirements for determining immigrant eligibility for all Federal means-tested programs. These provisions create new unfunded Federal mandates, defying the intent of the S. 1, the Unfunded Mandates Reform Act.
>
> This bill requires States to deem many immigrants currently residing in the United States who do not have enforceable affidavits of support. These requirements will place an excessive administrative burden on States by shifting massive costs to State budgets. As we have consistently stated on numerous issues, if the Federal Government expects States to administer Federal programs related to Federal responsibilities, full Federal funding must be provided.

What are some examples of this massive shift? Let me use the example of my own home State of Florida.

For professional and driver's licenses, the State of Florida estimates that it will cost approximately $31 million to verify and recertify 13.7 million driver and professional licenses. This figure does not include State administration and initiation costs, nor does the figure include the amount it will cost to verify new applications for these licenses. This is just the cost to verify those that are already outstanding.

Occupational licenses: To determine eligibility for occupational licenses based on immigration status, it is estimated that $16 million annually will be passed on to the small businesses of my State of Florida.

AIDS patients: Jackson Memorial Hospital in Miami alone cares for between 1,500 and 2,000 noncitizen AIDS patients annually. The estimated cost to treat noncitizen AIDS patients for this one hospital will be at least $4 million a year.

Mr. President, in summary, this conference report violates basic concepts of fairness and adds new and, in many cases, retroactive restrictions on legal immigrants. It imposes cost shifts to local and State governmental agencies in order to comply with its unfunded mandates. It violates the legislation which we passed and which we have taken great pride in: The Unfunded Mandate Reform Act of 1995.

If this is not an unfunded mandate, what could be an unfunded mandate?

As currently drafted, the conference report would have the following negative consequences: It shifts costs to States, local governments, and hospitals; it imposes an administrative unfunded mandate on State Medicaid programs; and it is not cost effective.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately after my remarks a series of documents, including letters from the National Association of Counties, from the National Conference of State Legislatures, editorials which have appeared criticizing sections of this immigration conference report, and a letter from the Governor of Florida outlining the impact that this will have on our State.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, for the reasons stated, I urge that this Senate, before it takes up at this late hour important legislation which will have the kind of far-reaching effect that this immigration bill will have, that we consider carefully the impact that this is going to have on the States and communities that we represent.

I urge that we either delete those provisions from this conference report or that the conference report be rejected.

I thank the Chair.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. GRAHAM. I yield back the remainder of my time.

EXHIBIT 1

NATIONAL ASSOCIATION
OF COUNTIES,
Washington, DC, September 26, 1996.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to urge you to exclude from the conference agreement on immigration (H.R. 2202) provisions that mandate new federal requirements for certificates and drivers licenses, and adds new deeming requirements to determine immigrant eligibility for federal means tested programs. The National Association of Counties (NACo) considers these provisions to be unfunded mandates as a well as a preemption of local authority. While NACo shares the goal of solving the problems posed by illegal immigration, we urge you to oppose the bill if these provisions are not deleted from the conference report.

Although the birth certificate and drivers' license provisions have improved somewhat by extending the implementation date and making a general reference to federal grant funds, these changes are minimal. Extending the implementation date may avoid the Unfunded Mandates Reform Act threshold of $50 million a year, but it masks the fact that county and state governments will still have to bear the brunt of these expenses. Additionally, these are documents that fall clearly under the jurisdiction of state and local governments. Mandating federal standards on these documents preempts state and local authority and is a hardship on citizens and noncitizens alike.

The deeming requirements in the conference agreement go beyond the stringent requirements in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193). This law already made the affidavits of support enforceable and extended deeming to federal means tested programs for immigrants with new affidavits of support. The conference agreement, however, would also applying deeming to current legal residents who do not have enforceable affidavits of support. By making this retroactive change, the bill places additional administrative burdens on counties and shifts more costs from the federal programs to county general assistance programs.

NACo appreciates your consideration of these issues. We urge you again to removed these provisions from the conference agreement, or vote against the legislation if they continue to be included.

Sincerely,

LARRY NAAKE,
Executive Director.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, September 26, 1996.

DEAR SENATOR GRAHAM: On behalf of the National Conference of State Legislatures, we again urge you to exclude from the conference agreement on immigration legislation, H.R. 2202, provisions that (1) federalize the current state and local driver's license and birth certificate issuance process and establish federal document content standards for both, and (2) impose new unfunded mandates on state and local governments regarding deeming requirements for determining immigrant eligibility for all federal "means-tested" programs. These provisions create new unfunded federal mandates, defying the intent of S. 1, the Unfunded Mandates Reform Act. They unnecessarily preempt traditional state auhtority. The provisions also create a "one size fits all" administrative process, contradicting the entire spirit of devolution. Furthermore, NCSL believes that these provisions will create an identification nightmare for citizens and legal immigrants. We share with you the goal of managing and resolving issues regarding illegal immigration. However, should these provisions remain in the conference report, NCSL urges you to to oppose the bill.

We have noted in previous communications that federalization of the driver's license and birth certificate processes is unnecessary, inappropriate and a misguided intrusion into a traditional state and local government responsibility. The conference agreement does improve on language from S. 1660, allowing states to be exempted from using Social Security Numbers on driver's licenses if they satisfy certain federal requirements, moving the implementation date to the year 2000, and alluding to some federal grant funds that may be available to help states pay for the new mandates. However, these are minimal changes at best. We see no compelling public policy reason for the federal government to strip states of their authority regarding driver's licenses and birth certificates nor to endorse an identification mechanism fraught with potential for fraud and abuse. The bill still places enormous unfunded federal mandates on state and local governments.

The deeming requirements in the immigration reform legislation go well beyond those in the recently enacted welfare reform legislation. The welfare reform law already makes new affidavits of support legally enforceable and extends deeming requirements to all federal means-tested programs for sponsored immigrants with the new affidavits. This bill requires states to deem many immigrants currently residing in the U.S. who do not have enforceable affidavits of support. These requirements will place an excessive administrative burden on states and shift massive costs to state budgets. As we have consistently stated on numerous issues, if the federal government expects states to administer federal programs related to federal responsibilities, full federal funding must be provided.

We appreciate your consideration of our positions. We urge you again to exclude the aforementioned provisions from any conference report or oppose the report should they be included.

Sincerely,

WILLIAM T. POUND,
Executive Director.

THE GOVERNOR OF
THE STATE OF FLORIDA,
September 23, 1996.

Hon. BILL MCCOLLUM,
House of Representatives,
Washington, DC.

DEAR BILL: I'm pleased to hear that you and Clay Shaw are conferees on the comprehensive immigration bill (H.R. 2202) as immigration policy certainly continues to be of major importance to Floridians.

We've previously discussed my opposition to provisions which deny critical assistance to legal tax paying residents of this country who have come here through the legal process and have been law abiding members of our society. As you're well aware, I have been particularly concerned about these provisions and their impact on our Cuban community and am still hopeful that Cuban/Haitian entrants will continue to be given access to all programs as they were under Fascell/Stone. The fiscal impact of the new restrictions on our State and local governments is still being assessed but will obviously be an additional burden.

However, I want to comment on what I see as major conflicts and discrepancies in this conference version language. It appears that the language of H.R. 2202 prohibiting any public benefit to certain legal immigrants is even more restrictive than the new welfare law which as a significant impact on Florida and other states with large immigrant populations.

It has been over month since the President signed the welfare bill into law. In those weeks, Florida has moved aggressively forward in preparing its state plan and has submitted it to HHS in order to begin implementation by October 1. We have made every effort to provide for a reasonable transition to allow affected families to explore their options and make other arrangements for future needs. Further sweeping restrictions for legal immigrants will require more alterations in administrative processes and will certainly complicate and frustrate an orderly implementation of the law and create disruption in medical care, children's services and other programs in our State.

I certainly understand and appreciate some of the enforcement provisions of the bill which are directed at controlling immigration. As you know, Florida has recently entered into a unique partnership with the federal government to combat illegal immigration—the Florida Immigration Initiative—and continues to strive to assist where the State has a role in controlling our borders.

It is my hope that you and the other conferees will focus on these enforcement tools and delete the provisions restricting assistance to legal immigrants in light of the welfare reform restrictions which are already being interpreted and acted upon in many instances.

I appreciate your continued attention to our concerns in Florida. Please call on me if I can be of any assistance to your efforts.

With best regards, I am

Sincerely,

LAWTON CHILES.

STOP THE IMMIGRATION BILL

(By The Miami-Herald)

Republicans in Congress eliminated one of the more onerous provisions of the immigration bill yesterday. Resisting pressure from presidential hopeful Bob Dole, they struck out language that would have kept the children of illegal immigrants out of public schools.

It was a wise and humane move, but not nearly wise nor humane enough: The deletion simply turned a terrible, mean-spirited bill into a very bad one.

It is every country's duty to control its borders and to insist on orderly immigration, but this bill oversteps duty. Its most xeonophobic provisions subvert cherished American traditions, including the offer of asylum to the persecuted and the guarantee of equal rights to all.

The bill would summarily—without meaningful access to counsel—exclude asylum seekers who arrive in the United States undocumented. This is heartless. It also violates our international obligations, established by treaty, regarding refugees.

Men and women fleeing oppression are often forced to seize the moment. They don't have the leisure to gather visas and passports. They arrive fearful and scared; often they are unable to speak English well enough to make their plight understood. The United States takes in a tiny share of the men and women who ask for asylum across the world. Last year, it amounted to less than 1 percent of asylum seekers. We can afford to help them, and we should be glad to do it.

The reunification of families divided by legal immigration would also be encumbered by the bill, which requires sponsors—to have incomes significantly higher than present law demands.

In addition, the bill goes well beyond the recently enacted welfare reform legislation in limiting the access that legal immigrants have to government programs. For example:

Legal immigrants would be deported if they receive certain types of government assistance—child care and housing among them—for more than 12 months during their first seven years in the United States.

After a year in the United States, people who have been paroled and who are not yet legal residents—would become ineligible for means-tested assistance, as well as for grants, professional or commercial licenses, even driver's licenses.

These provisions make the immigration bill unacceptable. It deserves a veto. President Clinton should not try to wash his hands of responsibility, as he did with the most Draconian elements of last summer's welfare reform. That bill was not perfect, he essentially said then, but it was the best we could.

The immigration reform is certainly not the best we can do, and we should not settle for it.

IMMIGRATION POLITICS

In an effort to salvage the illegal immigration reform bill, congressional Republicans finally backed off their plan to penalize the school children of illegal immigrants—and bucked Bob Dole, their presidential candidate, in the process. Unfortunately, the bill they struggled to save is still a severely flawed piece of work.

Though the proposal to allow states to deny public education to illegal immigrants was a cornerstone of the House-passed version, it faced a Senate filibuster and a presidential veto. Anxious to save both face and the remainder of the bill, Republicans agreed to uncouple the education proposal from the rest of the bill and vote separately on each.

Dole belatedly endorsed the move in a letter to conferees. But earlier this month, he tried to strong-arm his former colleagues into retaining the controversial amendment in an attempt to torpedo the immigration reform bill—one he had supported when he was in the Senate—to keep Clinton from scoring political points. That's not just hard-ball. That's irresponsible. Congressional Republicans deserve some credit for defying Dole, even if they acted out of political self-interest. The Republicans want to take an immigration bill, even a watered-down one, back home to their constituents before election time.

Though improved, the bill has other problems which still merit that presidential veto. The conference report gives virtually unchecked authority to the Immigration and Naturalization Service to turn away immigrants, with false papers or none, who seek asylum from genocide, political death squads or other forms of persecution. Though the conferees softened this summary exclusion procedure by inserting a meager administrative review, that is still not sufficient. Also included are restrictions on benefits to legal immigrants more onerous than those contained in the new welfare bill. These defects overshadow the bill's constructive provisions, such as a doubling of the number of Border Patrol officers.

The Clinton administration has voiced tepid concern and has so far withheld its promise of support. But undoubtedly eager to claim victory himself, Clinton cannot be counted on to veto the bill even with these glaring problems. On illegal immigration reform, like welfare, he might not be that far behind Dole on the pander meter.

IMMIGRANT BASHING

Congress is waging its usual election-year war on immigrants. Although we suspect, in this case, the real target of the new immigration "reform" bill making its way through Congress is Bill Clinton.

Yes, Republicans have stripped from the bill—in the face of a Clinton veto threat—a provision that would allow states to throw the children of illegal immigrants out of school, presumably to run wild and ignorant in the streets.

But the measure that remains is still far too punitive in its treatment of both legal and illegal immigrants, too lenient on U.S. employers who hire illegals and too willing to grant the U.S. Immigration and Naturalization Service chilling new authority.

This week, legal immigrants around the nation were being told that they are no longer eligible for food stamps, thanks to the recently enacted welfare reform bill. The anti-immigrant measure would continue that trend of denying legal immigrants public assistance when they are in trouble. These are people who have permission to be here, who hold down jobs when they can get them and who pay taxes and otherwise support the economy.

One particularly mean-spirited provision, for instance, would even deny legal immigrants Medicaid assistance for the treatment of AIDS or HIV-related illnesses. Let them suffer, chortle the bashers in Congress.

And what about unscrupulous employers who hire illegal immigrants for slave wages, thus encouraging still more undocumented aliens to flock to this country? Congress couldn't be bothered to crack down too hard on such practices. Tougher penalties for such practices were deleted from the bill.

One of the most ominous provisions of the bill would grant an unprecedented degree of autonomy to the INS. Under the measure, no court, other than the U.S. Supreme Court, would be authorized to grant injunctions against that police agency when it acts in a legally questionable manner. That's an immunity not afforded the IRS, the FBI, the Drug Enforcement Agency or any other federal police force. Giving it to the INS would constitute a frightening precedent.

The bill isn't all bad. It authorizes a much-needed increase in the size of the U.S. Border Patrol. It would establish new, more efficient procedures for verifying the status of legal immigrants. It would provide tougher penalties for document fraud and for those who smuggle aliens into the country.

But there are so many harsh, immigrant-bashing provisions in the bill that, on balance, it deserves a veto. This is an issue that cries out for resolution after the election—when lawmakers are less inclined to use the immigration issue as a political football.

If President Clinton vetoes the measure, Republicans are sure to paint him as "soft" on illegal immigrants. Indeed, Bob Dole is already hitting on that very theme because of the president's unwillingness to purge the classrooms of the children of illegal aliens.

But as a matter of principle, Clinton should stand up to the Republicans this time and refuse to participate in their immigrant-bashing.

This is another case where politics makes for bad public policy.

A DANGEROUS IMMIGRATION BILL

(New York Times, Editorial)

As the White House and members of Congress make final decisions this week about a severely flawed immigration bill, they seem more concerned with protecting their political interests than the national interest. The bill should be killed.

Debate over the bill has concentrated on whether it should contain a punitive amendment that would close school doors to illegal-immigrant children. But even without that provision, it is filled with measures that would harm American workers and legal immigrants, and deny basic legal protections to all kinds of immigrants. At the same time, the bill contains no serious steps to prevent illegal immigrants from taking American jobs.

Its most dangerous provisions would block Federal courts from reviewing many Immigration and Naturalization Service actions. This would remove the only meaningful check on the I.N.S., an agency with a history of abuse. Under the bill, every court short of the Supreme Court would be effectively stripped of the power to issue injunctions against the I.N.S. when its decisions may violate the law or the Constitution.

Injunctions have proven the only way to correct system-wide illegalities. A court injunction, for instance, forced the I.N.S. to drop its discriminatory policy of denying Haitian refugees the chance to seek political asylum.

On an individual level, legal immigrants convicted of minor crimes would be deported with no judicial review. If they apply for naturalization, they would be deported with no judicial review. If they apply for naturalization, they would be deported for such crimes committed in the past. The I.N.S. would gain the power to pick up people it believes are illegal aliens anywhere, and deport them without a court review if they have been here for less than two years.

The bill would also diminish America's tradition of providing asylum to the persecuted. Illegal immigrants entering the country, who may not speak English or be familiar with American law, would be summarily deported if they do not immediately request asylum or express fear of persecution. Those who do would have to prove that their fear was credible—a tougher standard than is internationally accepted—to an I.N.S. official on the spot, with no right to an interpreter or attorney.

Scam artists with concocted stories would be more likely to pass the test than the genuinely persecuted, who are often afraid of authority and so traumatized they cannot recount their experiences. Applicants would have a week to appeal to a Justice Department administrative judge but no access to real courts before deportation.

The bill would also go further than the recently adopted welfare law in attacking legal immigrants. Under the immigration bill they could be deported for using almost any form of public assistance for a year, including English classes. It would make family reunification more difficult by requiring high incomes for sponsors of new immigrants. The bill would also require workers who claim job discrimination to prove that an employer intended to discriminate, which is nearly impossible.

A bill that grants so many unrestricted powers to the Government should alarm Republicans as well as Democrats. This is not an immigration bill but an immigrant-bashing bill. It deserves a quick demise.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

WATER RESOURCES DEVELOPMENT ACT OF 1996—CONFERENCE REPORT

Mr. LOTT. Mr. President, we do have a very important piece of legislation that has been in the making for quite some time. I know Senators on both sides of the aisle are very interested in it and have been working on it in committee and in conference. This is the water resources conference report.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany S. 640.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 25, 1996.)

Mr. CHAFEE. Mr. President, today the Senate will consider the conference report to accompany S. 640, the Water Resources Development Act of 1996. This measure, similar to water resources legislation enacted in 1986, 1988, 1990, and 1992, is comprised of water resources project and study authorizations, as well as important policy initiatives, for the U.S. Army Corps of Engineers Civil Works Program.

S. 640 was introduced on March 28, 1995, and was reported by the Environment and Public Works Committee to the full Senate on November 9, 1995. The measure was adopted unanimously by the Senate on July 11, 1996. On July

30 of this year, the House of Representatives adopted its version of the legislation.

Since that time, we have worked together with our colleagues from the House of Representatives and the administration to reach bipartisan agreement on a sensible compromise measure. Because of the numerous differences between the Senate- and House-passed bills, completion of this conference report has required countless hours of negotiation.

To ensure that the items contained in this legislation are responsive to the Nation's most pressing water infrastructure and environmental needs, we have adhered to a set of criteria established in previous water resources law. Mr. President, let me take a few moments here to discuss these criteria—that is—the criteria used by the conference committee to determine the merit of proposed projects, project studies, and policy directives.

On November 17, 1986, almost 10 years ago, under President Reagan, we enacted the Water Resources Development Act of 1986. Importantly, the 1986 act marked an end to the 16-year deadlock between Congress and the executive branch regarding authorization of the Army Corps Civil Works Program.

In addition to authorizing numerous projects, the 1986 act resolved longstanding disputes relating to cost-sharing between the Army Corps and non-Federal sponsors, waterway user fees, environmental requirements and, importantly, the types of projects in which Federal involvement is appropriate and warranted.

The criteria used to develop the legislation before us are consistent with the reforms and procedures established in the landmark Water Resources Development Act of 1986.

Is a project for flood control, navigation, environmental restoration, or some other purpose cost-shared in a manner consistent with the 1986 act?

Have all of the requisite reports and studies on economic, engineering, and environmental feasibility been completed for major projects?

Are the projects and policy initiatives consistent with the traditional and appropriate mission of the Army Corps?

Should the Federal Government be involved?

These, Mr. President, are the fundamental questions that we have applied to the provisions contained in the pending conference report.

As I noted at the outset, water resources legislation has been enacted on a biennial basis since 1986, with the exception of 1994. As such, we have a 4-year backlog of projects reviewed by the Army Corps and submitted to Congress for authorization.

The measure before us authorizes 33 flood control, environmental restoration, inland navigation, and harbor projects which have received a favorable report by the Chief of Engineers. Fourteen other water resources projects are included for authorization, contingent upon the Congress receiving a favorable Chief's report by December 31 of this year. The estimated Federal cost of this bill is $3.8 billion.

I would like to note that almost one-fourth of the cost of this bill, or an estimated $890 million, is specifically dedicated to environmental restoration and protection. In terms of projects, programs and policies, this is far and away the most environmentally significant Water Resources Development Act to have been assembled by the Congress.

What are some of the important new policy and program initiatives included in the bill? First, we have included a provision proposed by the administration to clarify the cost-sharing for dredged material disposal associated with the operation and maintenance of harbors.

Currently, Federal and non-Federal responsibilities for construction of dredged material disposal facilities vary from project to project, depending on when the project was authorized, and the method or site selected for disposal.

For some projects, the costs of providing dredged material disposal facilities are all Federal. For others, the non-Federal sponsor bears the entire cost of constructing disposal facilities. This arrangement is inequitable for numerous ports.

In addition, the failure to identify economically and environmentally acceptable disposal options has reduced operations and increased cargo costs in many port cities. Regrettably, this is the case for the Port of Providence in Rhode Island.

Under this bill, the costs of constructing dredged material disposal facilities will be shared in accordance with the cost-sharing formulas established for general navigation features by section 101(a) of the 1986 Water Resources Development Act. This would apply to all methods of dredged material disposal including open water, upland and confined. This provision will allow ports like the one in Providence to compete on an equal footing.

We have also expanded section 1135 of the 1986 act in this bill. Currently, section 1135 authorizes the Secretary of the Army to review the structure and operation of existing projects for possible modifications—at the project itself—which will improve the quality of the environment. The 1986 act authorizes a $5 million Federal cost-sharing cap for each such project and a $25 million annual cap for the entire program.

The revision included here does not increase the existing dollar limits. Instead, it authorizes the Secretary to implement small fish and wildlife habitat restoration projects in cooperation with non-Federal interests in those situations where mitigation is required off of project lands.

Third, we have included a provision to shift certain dam safety responsibilities from the Army Corps to the Federal Emergency Management Agency [FEMA]. This change, proposed by Senator BOND and supported by the two agencies, authorizes a total of $22 million over 5 years for FEMA to conduct dam safety inspections and to provide technical assistance to the States.

Next, a provision has been included to address the administration's proposal to discontinue Army Corps involvement in shore protection projects. The provision directs continued beach and shoreline protection, restoration and renourishment activities which are economically justified. I want to credit Senators MACK and BRADLEY, in particular, for their efforts on this matter.

Mr. President, this legislation includes landmark Everglades restoration provisions. On June 11 of this year, the administration submitted its plan to restore and protect the Everglades.

The conferees have worked closely with the Florida delegation to modify and improve the administration's proposal to reverse damage done to this critical natural resource.

The provision we have agreed to would: expedite the Corps study process for future restoration activities; formally establish the South Florida Ecosystem Restoration Task Force; authorize $75 million for the implementation of critical projects through fiscal year 1999; and authorize important modifications to the existing Canal–51 and Canal–111 projects.

Mr. President, I would like to highlight an important cost-sharing reform made necessary by current budget circumstances. The non-Federal share for flood control projects has been increased from the current 25 percent to 35 percent. The fact of the matter is that Corps of Engineers's construction dollars are increasingly scarce.

In order to meet the very real flood control needs across the nation, we are forced to require greater participation by non-Federal project sponsors. Importantly, the bill also includes prudent, yet meaningful ability-to-pay eligibility reforms for poor areas.

Also provided here is a pilot program to demonstrate the benefits of privatizing the management of wastewater treatment plants through long-term lease arrangements. Over the past 25 years, Congress has made a considerable investment in protecting water quality by working with States and cities to ensure the proper treatment and disinfection of domestic sewage. Federal appropriations exceeding $65 billion under the Clean Water Act and $10 billion through the Department of Agriculture have supported grants and loans for the construction of sewage treatment plants.

But in recent years, the flow of funds from the Federal level has slowed while needs at the local level have increased. The most recent survey by EPA indicates that the cost to build and maintain needed sewage collection and treatment facilities across the country exceeds $130 billion. We can't close that gap with Federal tax dollars and local governments are hard-pressed to keep up.

One source of funds that remains virtually untapped is private financing and operation of these facilities. Although many cities are receiving their drinking water from privately owned utilities, this is a much rarer occurrence for the ownership and operation of sewage treatment plants.

To encourage privatization, as it is sometimes called, President Bush issued an Executive order establishing a Federal policy for the sale of sewage plants now owned by cities to entities in the private sector. A policy change is necessary, because the law now requires that any Federal assistance received to build the plant must be repaid from the proceeds of the sale. The Executive order requires that only the undepreciated value of the grant be repaid.

However, sales are not the only means to encourage private investment in these facilities. Another option is a long-term lease. This approach may be more advantageous than a sale because sewage plants that remain in the ownership of municipal government agencies are subject to less stringent pollution control regulations than those that are owned by private entities.

There has only been one outright sale under the Executive order, but several communities including Wilmington, DE, and Cranston, RI, are looking at long-term lease arrangements.

To encourage this approach, the conference report provides that the requirement to repay grants that applies under the Clean Water Act and the Executive order in the case of a sale would not apply to leases if two conditions are met. First, the municipal agency must retain ownership of the facility.

And second, EPA must determine that the lease furthers the purposes and objectives of the Clean Water Act. Our principal aim here is to assure that privatization does not lead to disinvestment. When the Federal Government provided the grant to build the plant, we required the city to collect rates sufficient to maintain the plant and keep it in good working order.

The law and the Executive order also require that the consumer charges supporting maintenance and reinvestment be imposed in a fair and reasonable way. The administrator is to look to these and other requirements of the Clean Water Act to ensure that privatization does not undermine the purposes for which the grant and loan programs to finance the construction of sewage treatment plants were first enacted.

Mr. President, nothing in this legislation directs EPA to approve any particular lease arrangement. As I have said, the city of Cranston in my home State has developed what I believe to be an excellent proposal. Mayor Traficante is to be commended on the innovative approach that he is taking to hold down the costs of municipal government for the people of his city.

Cranston has worked closely with EPA to develop the details of its lease and we very much appreciate the assistance that EPA has provided. There has been a question on whether Cranston would be required to repay part of its grant in the event the lease is completed. This legislation would answer that question, but only if EPA determines that lease arrangement serves the purposes and objectives of the Clean Water Act.

Again, Mr. President, in the area of environmental protection, one of the most difficult water quality problems is the discharge of untreated sewage into rivers, lakes, and estuaries from combined sanitary and stormwater sewers. Sewage treatment plants are designed to handle all of the wastewater generated by a community during dry weather periods.

But for the 1,200 communities that have systems with connections between the stormwater and domestic sewage pipes, large storm events can overwhelm the capacity of the treatment works and lead to discharges of untreated wastewater. This problem is one of the most significant unresolved issues in water quality today.

We have this problem in Rhode Island. The intermittent discharges from our combined sewer overflows have led to closures of swimming beaches and shellfishing beds. Rhode Island is well on the way to correcting the problem, but it will be an expensive undertaking.

In fact, the solution—a planned underground tunnel to hold stormwater runoff until it can be treated—is the biggest public construction project ever planned for the State, with expected costs exceeding $450 million. The bill includes an authorization of modest Federal assistance to Rhode Island to solve this problem and to pay for the water quality mandate imposed by the Federal Clean Water Act.

Mr. President, this legislation is vitally important for countless States and communities across the country.

For economic and life-safety reasons, we must maintain our harbors, ports and inland waterways, flood control levees, shorelines, and the environment.

Despite the fact that this package represents a 4-year backlog of project authorizations, it is consistent with the overall funding levels authorized in previous water resources measures. I urge my colleagues to support the conference report.

Before I yield the floor, Mr. President, I would like to pay tribute to just a handful of the many individuals responsible for this important legislation. First, I would like to thank Senators WARNER, SMITH, BAUCUS, and MOYNIHAN for their hard work as conferees.

Likewise, we could not have reached agreement this year without the efforts of House Transportation and Infrastructure Committee Chairman BUD SHUSTER, his ranking minority member, JIM OBERSTAR, Representative SHERWOOD BOEHLERT, and their excellent staff.

We have worked closely with the administration, Mr. President, and I want to recognize the valuable input of Assistant Secretary Martin Lancaster. Secretary Lancaster and his team, including Deputy Assistant Secretary Mike Davis, Jim Rausch, Gary Campbell, Milton Reider, Bill Schmidtz, John Anderson, Susan Bond, and others have aided us immeasurably.

Finally, I want to thank the Senate staff who have worked so hard on this bill. On Senator BAUCUS's staff, I extend my appreciation to Jo-Ellen Darcy and Tom Sliter. On the Republican side, I want to thank staff members Ann Loomis, Chris Russell, Steve Shimberg, Linda Jordan, Stephanie Brewster, Dan Delich and Senate legislative counsel, Janine Johnson.

I again urge the adoption of the conference report and yield the floor.

Mr. BAUCUS. Mr. President, the Senate now has before it the conference report to accompany S. 640, the Water Resources Development Act of 1996. I would like to compliment the conferees on the fine work they have done in bringing this conference report to the Senate for resolution before the 104th Congress adjourns.

A great deal of work has been done by the House and Senate committees, working together, to reach this point. Everyone involved has been diligent in applying sound criteria for determining the worthiness of individual projects.

I particularly want to commend the conferees for deleting the House provision that would have increased the navigation season on the Missouri River. The operation of the Missouri River is a controversial issue in my State. The Corps of Engineers is currently in the middle of a comprehensive review to determine the best way to manage the river for all interests, including recreation, navigation, irrigation, hydropower and water supply.

For Congress to intervene at this stage of the reevaluation, to predetermine its outcome, would have been counterproductive to a fair and equitable resolution of this issue. I thank the House conferees for receding to the Senate on this issue.

There are some laudable provisions in this conference report, most notably the changes in flood control policy. With tighter Federal budgets, there is a growing need for local interests to become even more committed to their projects. The conference report changes the current Federal cost share for flood control projects from 75 percent to 65 percent.

It also reforms the so-called ability-to-pay provisions of current law to make them more meaningful. It requires floodplain management plans and the consideration of nonstructural alternatives to traditional flood control facilities. Finally, the conference report requires the corps, for the first time, to provide levee owners with a manual describing what they must do in order to maintain a levee to corps specifications.

Another important provision of the bill directs the Secretary to provide increased emphasis on recreation opportunities at corps facilities. And it recognizes the problem of funding disposal facilities for dredged materials and allows that cost to be considered when calculating the overall cost of a navigation project.

Mr. President, while all of these provisions are important improvements to current law and corps policy, I have one overriding concern with this conference report and that is its cost. This bill authorizes $3.8 billion in new Federal spending.

When the Senate considered this bill earlier this year, I voiced concern that the cost of the bill at that time—$3.3 billion—was at odds with our efforts to balance the budget. Since that time, the cost of the bill has grown. I have long supported investments in our infrastructure, including our water infrastructure. They are necessary if America is to retain its competitive advantage and keep a sound base of manufacturing jobs.

But we need to make choices about these investments, hard choices. And while the majority of the projects in this bill are worthy ones, the truth is that we simply cannot afford them all at this time.

Mr. BOND. Mr. President, we are at the end of a very long road in the process of enacting the 1996 Water Resources Development Act authorizing various water resources projects to enhance flood protection, navigation, environmental protection, and related Corps of Engineers projects. Special thanks and congratulations are in order for the Chairman of the full committee, Senator CHAFEE and his ranking member, Senator BAUCUS and the Subcommittee Chairman, Senator WARNER. They and their excellent staff have carried the difficult burden of sorting through in a bipartisan manner these very complex and sensitive issues—issues that are of vital concern to many in this country but particulary for my State of Missouri.

For States like Missouri, who rely greatly on water resources, this legislation is crucial to provide safety, economic development opportunities, and cost-effective navigation on our inland waterway system. Since 1928, for every dollar the corps has spent on flood control, 8 dollars' worth of damages have been avoided. This 8 to 1 benefit to cost ratio does not account for the economic development and job creation benefits that flood protection provides. Recent flooding has highlighted the need to maintain this commitment and keep the Corps of Engineers engaged in partnering with Missouri citizens in this regard. This is a safety, jobs, and international competitiveness issues pure and simple.

Again, I applaud the efforts of the chairman and urge strongly support for this bipartisan legislation.

THE EPA LONG ISLAND SOUND OFFICE

Mr. LIEBERMAN. Mr. President, I rise today to note the critical importance of this legislation, the Water Resources Development Act, to the future of Connecticut's most valuable natural resource, Long Island Sound.

Included in the bill is a provision reauthorizing the EPA's Long Island Sound Office [LISO], which was established by legislation I was proud to sponsor 6 years ago, and which is now responsible for coordinating the massive clean-up effort ongoing in the Sound. Quite simply, the LISO is the glue holding this project together, and I want to express my deep appreciation to the chairman and ranking member of the Environment and Public Works Committee—Senators CHAFEE and BAUCUS—for their help in making sure this office stays open for business.

Mr. President, the Long Island Sound Office has been given a daunting task—orchestrating a multibillion dollar, decade-long initiative that requires the cooperation of nearly 150 different Federal, State and municipal agents and offices. Despite the odds, and the limited resources it has had to work with, the LISO is succeeding. Over the last few years, the EPA office has developed strong working relationships with the State environmental protection agencies in Connecticut and New York, local government officials along the Sound coastline and a number of proactive citizen groups. Together, these many partners have made tremendous progress toward meeting the six key goals we identified in the Sound's long-term conservation and management plan.

The plan's top priority is fighting hypoxia, which is caused by the release of nutrients into the Sound's 1,300 square miles of water. Thanks in part to the LISO's efforts, nitrogen loads have dropped 5,000 pounds per day from the baseline levels of 1990, exceeding all expectations. In addition, all sewage treatment plants in Connecticut and in New York's Westchester, Suffolk, and Nassau counties are now in compliance with the no net increase agreement brokered by the LISO, while the four New York City plants that discharge into the East River are expected to be in compliance by the end of this year. And the LISO is coordinating 15 different projects to retrofit treatment plants with new equipment that will help them reduce the amount of nitrogen reaching the Sound.

The LISO and its many partners have made great strides in other areas, such as cracking down on the pathogens, toxic substances, and litter that have been finding their way into the Sound watershed and onto area beaches. A major source of toxic substances are industrial plants, and over the last few years the LISO has helped arrange more than 30 pollution prevention assessments at manufacturing facilities in Connecticut that enable companies to reduce emissions and cut their costs. Also, New York City has recently reduced the amount of floatable debris it produces by 70 percent, thanks to the use of booms on many tributaries and efforts to improve the capture of combined sewer overflows.

With Congress' help, the LISO will soon be able to build on that progress and significantly broaden its efforts to bring the Sound back to life. This week the House and Senate approved an appropriation of the $700,000 for the Long Island Sound Office, doubling our commitment from the current fiscal year. These additional funds will be used in part to launch an ambitious habitat restoration project. The States of New York and Connecticut have been working with the LISO and the U.S. Fish and Wildlife Service to develop a long-term strategy in this area, and they have already identified 150 key sites. The next step is to provide grants to local partnerships with local towns and private groups such as the National Fish and Wildlife Foundation and The Nature Conservancy, which would focus on restoring tidal and freshwater wetlands, submerged aquatic vegetation, and areas supporting anadromous fish populations.

The funding will also be used for site-specific surveys to identify and correct local sources of non-point source pollution. This effort will focus on malfunctioning septic systems, stormwater management, and illegal stormwater connections, improper vessel waste disposal, and riparian protection. All of these sources contribute in some way to the release of pathogens and toxic compounds into the Sound, a problem that is restricting the use of area beaches and shellfish beds and hurting our regional economy.

Finally, the LISO will continue to build on the successful public education and outreach campaign it initiated last year. In New York, the LISO has already been in contact with public leaders in 50 local communities, held follow-up meetings with officials in 15 key areas, and scheduled on-the-water workshops for this fall. The LISO is planning to conduct a similar effort to reach out to Connecticut communities in 1997.

All of this could have been put in jeopardy, however, if we had not acted to extend the LISO's authorization, which is set to expire next week. The clean-up project is a team effort, with many important contributors, but it would be extremely difficult for those many partners to work in concert and keep moving forward without the leadership and coordination that the LISO has supplied. So I want to thank my colleagues, especially my friends from Rhode Island and from Montana, for passing this provision before the LISO's authorization lapsed.

The people of Connecticut care deeply about the fate of the Sound, not only because of its environmental importance but also because of its importance as one of our region's most valuable economic assets. With the steps we've taken this week, we have reassured them that we remained committed to preserving this great natural resource, and that we are not about to sell Long Island Sound short.

EVERGLADES RESTORATION PROVISION

Mr. MACK. Mr. President, I rise today in strong support of the conference report on the Water Resources Development Act and, in particular, the provision in the bill relating to the restoration of Florida's Everglades. I want to especially thank the distinguished chairman of the committee, Mr. CHAFEE. The Senator from Rhode Island clearly understands the unique nature of the Everglades problem and, on behalf of all Floridians, I extend my appreciation for his efforts on behalf of this legislation.

It is no secret, Mr. President, that the Everglades are a resource unique and precious to all Americans. This "river of grass"—extending from the Kissimmee chain of lakes through to Florida Bay and the Florida Keys—is the primary source of south Florida's drinking water, critical to our cultural heritage and essential to our continued economic well-being. As the Everglades go, Mr. President, so goes south Florida. How best to craft a balance between the urban, agricultural, and environmental interests presents one of the greatest challenges facing this generation of Floridians.

This Congress has already demonstrated its unwavering commitment to this resource by appropriating $200 million in direct funding for Everglades restoration during consideration of the farm bill earlier this year. This move represents the single-largest funding commitment to the Everglades in history and is indicative of the interest this Congress has in ensuring that this important resource is passed on to future generations.

It has not always been so. In an effort to provide flood control for the rapidly-growing region, Congress in 1948 authorized the massive central and southern Florida project. The goal of this effort was to drain the swamp through a series of canals extending from Lake Okeechobee to the sea. The result was thousands of acres opened to agriculture and development and an unprecedented economic expansion in the region.

This was not, however, without a significant cost. The reallocation of water resulting from the project disrupted the natural hydroperiod of the Everglades. Wildlife populations plummeted and fresh water flows were diminished. Critical resources like Florida Bay—a once-vibrant body of water that sustained both a healthy environment and a strong coastal economy—began to wither on the vine. As Florida's coastal communities felt the effect of this harm, an effort began to rethink the project and how it relates to the new realities in south Florida.

In 1992, Mr. President, Congress directed the Army Corps of Engineers to perform a Comprehensive Review Study—restudy—of the C&SF project with an eye toward capturing the millions of acre-feet of fresh water currently being lost to tide every year and reallocating this resource within the south Florida ecosystem. This restudy presents the opportunity to integrate scientifically sound environmental restoration into the mix of priorities in south Florida in a balanced, equitable, and responsible manner.

Due to the complexity of this task and the difficulty coming to consensus on solutions, it began to appear that this restudy would last at least several years into the next century. This, Mr. President, was simply unacceptable. The citizens and water users in south Florida have a legitimate interest in knowing the specifics of the restoration effort sooner rather than later. The Congress has a legitimate interest in knowing how much all of this is going to cost the Federal Government. And the State of Florida—which has committed to become a 50/50 partner with the Federal Government in this effort—has a legitimate interest in knowing the size and duration of its commitment to Everglades restoration.

In fact, the State of Florida recognized the need for balance and consensus several years ago. The Governor's Commission for a Sustainable South Florida—an ad-hoc coalition of 46 interest groups and governmental entities across the spectrum in south Florida—was created to seek out restoration goals and projects which everyone agreed would accelerate the restoration without harming the various water users. The commission recently unanimously approved a remarkable document which details 40 specific projects. This blueprint will increase the pace of restoration while taking into account the water-related needs of all parties in the region. The corps has indicated that if it were able to work from this consensus document, it could come to closure on the restudy within 3 years.

Thus began, Mr. President, our efforts this year. After much negotiation and effort, my colleague from Florida, Senator GRAHAM and I were able to arrive at the package we are considering today.

Specifically, Mr. President, the legislation before us requires the corps to submit a comprehensive plan for restoration of the Everglades by July 1, 1999. This plan will include a list of specific projects for authorization by Congress and will include the necessary engineering and design. Clearly, this will require a monumental effort by the corps as it works to complete its work by this deadline. We have been repeatedly assured by the corps that it can be done without shortcutting necessary engineering and planning.

The legislation further contains $75 million in authority for the Corps of Engineers to construct projects deemed critical to the restoration effort. The report language accompanying this bill indicates five projects which ought to be top priority for the corps as it exercises this authority. These projects are universally accepted in south Florida as projects which can be carried out within the next 3 years and which will significantly accelerate the restoration effort.

Lastly, Mr. President, this bill establishes in law the South Florida Ecosystem Restoration Task Force. This is an intergovernmental body which includes representatives from the Federal Government, State and local entities and the two Indian tribes present in the Everglades. The task force is based largely on the successful arrangement currently operating in south Florida and will provide a forum for exchanging information, taking public comment and input, and coordinating the overall restoration effort.

Mr. President, we believe this package represents a significant step forward in the continuing effort to restore the Everglades and provide a sustainable economy for all the residents of south Florida. I again express my sincere appreciation to Senator CHAFEE and Senator BAUCUS—and the Environment Committee staff—for their outstanding support and leadership on this effort. I urge my colleagues to support the conference report.

Thank you, Mr. President.

Mr. CONRAD. Mr. President, I rise today in support of S. 640, the Water Resources Development Act of 1996 [WRDA]. Congress last passed a WRDA bill in 1992, and I am pleased that we are able to pass this legislation that authorizes spending for many important water projects.

A provision in this bill authorizes the Secretary of the Army to acquire, from willing sellers, permanent flowage and saturation easements for lands within or contiguous to the boundaries of the Buford Trenton Irrigation District, ND. These flowage easements are to compensate landowners for land that has been affected by rising ground water and the risk of surface flooding due to the operation of the Garrison Dam on the Missouri River. The corps began operation of this Dam in 1955.

In acquiring these easements, this provision specifies the Secretary shall pay an amount based on the unaffected fee value of the lands, meaning the value of the lands as if unaffected by rising ground water and the risk of surface flooding. The intent of Congress is for the Secretary to acquire these easements based on the current fair market value of the land, and not the value of land before Garrison Dam was operational. I would like to submit a copy of a letter I sent to the corps requesting a clarification of their intent in implementing this provision, and a copy of the corps' response stating the Secretary shall appraise these easements at their current fair market value, as if the lands are not affected by rising ground water and the risk of surface flooding.

I applaud this provision that justly compensates these landowners for damage to their land from rising ground water and the risk of surface flooding due to the operation of the Garrison Dam.

Mr. President, I would also like to express my position to a provision in this bill that raises the non-Federal cost-share requirement for Corps of Engineers flood control projects from 25 percent to 35 percent. it is my understanding that this provision does not apply to flood control projects that have previously been authorized, or are authorized in this bill.

I am concerned that this provision will have a detrimental impact on smaller communities in North Dakota that are in need of flood control projects. I understand the motivation to save the Federal Government money by requiring local partners to contribute more to these flood control projects. However, this provision will place a significant financial burden on communities in North Dakota that are in dire need of flood control projects but do not possess the resources or the tax-base to raise this additional cost share.

Also, some communities in my State, such as Grand Forks, are currently cost-sharing feasibility studies for flood control projects with the corps. These communities have committed significant funds based on the fact any flood control project that resulted from the study would be cost-shared at a 75-to-25 Federal/non-Federal ratio. This provision places a financial burden on communities like Grand Forks that are currently financing feasibility studies and budgeting for a cost share of 25 percent on flood control projects. It is my hope the Congress would recognize the negative impact this provision has on communities like Grand Forks and allow flood control projects to be constructed under the current 25 percent non-Federal cost-share, should the community demonstrate an inability to meet the 35 percent cost-share requirement.

Mr. President, I would like to thank the chairman of the Senate Committee on Environment and Public Works, Senator CHAFEE, and the ranking member of the committee, Senator BAUCUS, for their efforts in completing this important legislation during the 104th Congress.

Mr. President, I ask unanimous consent that two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 26, 1996.

H. MARTIN LANCASTER,
Assistant Secretary for Civil Works, Department of the Army, Washington, DC.

DEAR ASSISTANT SECRETARY LANCASTER: I am writing in regard to the Water Resources Development Act of 1996 (WRDA). I would like to know the intent of the U.S. Army Corps of Engineers in implementing Section 336 of this bill.

As you know, Section 336 of the conference version of the WRDA bill authorizes the Secretary of the Army to acquire, from willing sellers, permanent flowage and saturation easements for lands within or contiguous to the boundaries of the Buford Trenton Irrigation District in North Dakota. These flowage easements are to compensate landowners for land that has been affected by rising ground water and the risk of surface flooding due to the operation of the Garrison Dam on the Missouri River.

In acquiring these easements, this provision specifies the Secretary shall pay an amount based on the unaffected fee value of the lands, meaning the value of the lands as if unaffected by rising ground water and the risk of surface flooding. The intent of Congress is for the Secretary to acquire these easements based on the current fair market value of the land, as if unaffected by rising ground water and the risk of surface flooding. Implementing this provision as Congress intends will justly compensate these landowners for damage to their land due to the operation of the Garrison Dam.

I am requesting an assurance from the Corps that, for the purpose of acquiring these flowage easements, this land will be appraised at the current fair market value, as if unaffected by the operation of Garrison Dam.

Thank you for your consideration and I look forward to hearing from you.

Sincerely,

KENT CONRAD,
U.S. Senate.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS, 108 ARMY PENTAGON,
Washington, DC, September 27, 1996.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CONRAD: This letter is written in response to your letter dated September 26, 1996, regarding the Army Corps of Engineers intent in implementing Section 336 of the conference version of the proposed Water Resources Development Act of 1996.

In implementing section 336 and the acquisition of flowage easements from willing sellers, the Corps shall appraise such easements at their current fair market value as if the lands are not affected by rising ground water and the risk of surface flooding.

I hope this letter addresses your concerns.

Sincerely,

JOHN H. ZIRSCHKY,
Principal Deputy Assistant Secretary of the Army (Civil Works).

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the Water Resources and Development Act of 1996. This legislation authorizes funding for a number of critical flood control projects in Pennsylvania, whose need was once again demonstrated by the devastating flooding that occurred in January 1996. It will provide essential protection to existing commercial and residential developments, reducing losses attributable to floods, lowering flood insurance, and creating opportunities for economic growth.

I have worked closely with Senator SANTORUM, as well as Chairman CHAFEE, Chairman WARNER, and Senator BAUCUS, to ensure that this legislation reauthorizes the Saw Mill Run project in Pittsburgh, authorizes Army Corps of Engineers funding for upgrades to the storm water pumping station at the Wyoming Valley levee raising project in Luzerne County, and authorizes a flood control project for the Plot and Green Ridge neighborhoods in Scranton.

The flood protection project at Saw Mill Run will alleviate flood damage in the West End section of Pittsburgh, bringing relief to residents who have been hard hit by overbank flooding and creating opportunities for economic development in the Saw Mill Run corridor. During my visit to the project site with the mayor of Pittsburgh, Tom Murphy, on November 21, 1995, he and I discussed the city's commitment to protecting its vulnerable riverside communities and to providing the city's share of the development funds. I am pleased that this project can go forward and that we were able to secure $500,000 for construction-related costs in the fiscal year 1997 energy and water appropriations legislation.

The Wyoming Valley levee raising project is necessary to the completion of the flood control project of 1986, so that the families and businesses of Wyoming Valley will not have to withstand the devastation of flooding as they did in 1972 from Tropical Storm Agnes. This January's flooding forced more than 100,000 people to evacuate their homes and businesses and resulted in President Clinton's declaring it a disaster area. Such a flood control project is vitally important to the affected communities along the Lackawanna River and is deserving of significant attention from the Congress. This February, the corps approved the General Design Memorandum and has begun to develop the mitigation measures for the downstream communities. This legislation incorporates an amendment offered on my behalf in the Senate managers' amendments which directs the corps to take responsibility for funding the upgrades to the storm water pumping stations.

Finally, I have worked closely with Senator SANTORUM, Congressman JOSEPH MCDADE, Chairman CHAFEE, and Scranton Mayor Jim Connors on legislation authorizing the modification of the ongoing project for flood control along the Lackawanna River in Scranton to include the Diamond Plot and Green Ridge neighborhoods. These neighborhoods have been consistently damaged by flooding, including in 1985, 1986, 1993, and 1996. On March 11, 1996, I convened a meeting in the city council chambers so Federal, State, and local officials, the Army Corps, and residents could discuss the potential for a Federal flood control project. I came away from that meeting even more impressed with the need for the Federal Government to respond with a substantial flood control effort to protect the lives and property of the residents.

The conference report authorizes the flood control project in the Plot and Green Ridge areas, with the cost-sharing element to be worked out between the Army Corps of Engineers and the city of Scranton. This is a creative solution to a difficult problem and I am hopeful that the city and the Commonwealth will work together to develop a strategy for providing the non-Federal share of the project costs. It is worth noting that the fiscal year 1997 energy and water appropriations bill contains $600,000 for initial planning and design work of the Plot/Green Ridge projects, which means that additional time will not be lost on protecting the residents of those areas.

Mr. President, thousands of families and businesses in Pennsylvania were adversely affected by in this January's floods, and one of my priorities has been that Congress respond with sufficient funding for justified Army Corps projects. I remain concerned with the time it takes to make progress on various corps projects in Pennsylvania and will continue to explore ways to streamline the construction process. In the meantime, this legislation allows much-needed flood control projects to go forward and thus deserves our support.

Mr. KEMPTHORNE. Mr. President, I am pleased today to support the Water Resources Development Act of 1996 and I would like to congratulate the conferees of the Environment and Public Works Committee for their fine work supporting the Senate's position on this bill.

I also want to thank the conferees for supporting my amendments to that bill. Specifically, the committee supported research and development programs to improve salmon survival and supporting the continuing presence of the dredge fleet in the Columbia River.

By now everyone in the country knows the immense challenges we in the Northwest face concerning salmon survival in the Columbia and Snake Rivers. The puzzle of salmon survival is a complex one which has its roots in not only the water projects on the Columbia and Snake Rivers but also on the coasts and in the open ocean. Although a great deal of money has been spent on salmon survival, I was surprised in hearings before the Drinking Water, Fisheries and Wildlife Subcommittee that sometimes basic research into salmon survival is either not done or waits until adaptive management techniques are implemented.

The intent of my amendment was to ensure that basic research into marine mammal predation, spawning and rearing areas, estuary and near ocean survival, salmon passage, light and sound guidance of salmon, surface collection, transportation, dissolved gas monitoring, and other innovative techniques to improve fish survival does not have to wait until an adaptive management experiment is initiated. Adaptive management should be a response to sound science not a substitute for it. A $10 million authorization is provided for this research.

The amendment would also ensure a continuing authorization for advanced turbine development. One of the most overlooked sources of renewable energy in the Nation's energy arsenal is hydroelectric power. New research into turbine design has been for the most part overlooked. With the environmentally and fish friendly turbine design research authorized by this bill we can ensure that innovative, efficient, and environmentally safe hydropower turbines will be providing us with the next generation of power into the 21st century. A $12 million authorization is provided for this research.

Finally, the Water Resources Development Act includes language which ensures the continued presence of Army Corps of Engineers hopper dredges in the Pacific Northwest. I thank the conferees and Chairman CHAFEE for including language in the bill which directs the Secretary to not reduce the availability or utilization of Federal hopper dredge vessels on the Pacific coast below 1996 levels. I appreciate the conferees working closely with me to develop language that would ensure that the necessary resources remain available to keep the Columbia River channel open to commerce of up river cities, including Idaho's inland port of Lewiston.

I wholeheartedly support this legislation and I thank the conferees for their consideration of my concerns.

WHITE RIVER BASIN LAKES, ARKANSAS AND MISSOURI

Mr. BOND. Mr. President, section 304 of this legislation includes "recreation and fish and wildlife mitigation" as purposes of the White River Basin Lakes project approved June 28, 1938 (52 Stat. 1218.). There are some in my State who have voiced strong concern that this provision may impact adversely the currently authorized project purposes of flood control, power generation, and other purposes. They fear that the outcome may be loss in generation capacity or energy production which would increase the costs to ratepayers and adversely affect the region's citizens.

The Senate language, however, explicitly authorizes these new purposes "to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project." Is it the intent of the Senators from Arkansas, who sponsored this provision, that this provision forbids any adverse impacts on currently authorized projects?

Mr. BUMPERS. The Senator from Missouri is correct. We drafted this language to explicitly preclude adverse impacts to flood control, power generation, and the other project purposes. It is the clear intent of this legislation to recognize the contribution of tourism and recreation to the economies of our respective States and to take such actions as may be proper to protect that contribution. It is equally clear that such action can occur only as long as the primary project purposes, previously established by law and practical application of that law, are fully protected.

It should be remembered that prudent use of our Nation's water resources is not limited to a few specific purposes that are mutually exclusive of one another. In addition, we must also recognize that, at times, the establishment and protection of priorities are also proper elements of public policy. Such is the case here. It is true that the tourism and recreation industries have grown beyond the expectations of anyone associated with the original construction of flood control and power generation facilities along the White River. However, this does not mean that our continuing support for flood control and efficient power generation has diminished in any degree.

I have long been one of the strongest supporters in the U.S. Senate of hydroelectric power generation. It is one of the most efficient and environmentally based sources available to our ever-growing demand for energy. Reasonable electric rates are critical to economic development and a comfortable standard of living for our people. I understand the concerns of those involved with power generation along the White River that the inclusion of recreation as a project purpose may somehow impair their access to an efficient and affordable energy source. Let me clearly state that these concerns are totally unnecessary.

The provision before us plainly prohibits any adverse impact to power generation. We clearly recognize the customary practices employed by the Corps of Engineers and power generators along the White River which have achieved proper resource conservation, energy output, and ratepayer equity. In no way should those practices be impaired or restricted by this provision. Instead, we have made certain that power generation, along with flood control and other prior purposes and practices, will remain intact.

Mr. PRYOR. Mr. President, I join my colleague from Arkansas to express thanks to the Committee on Environment and Public Works for including the language in section 304 of the Water Resources Development Act relating to the project purposes of the White River Basin Lakes in Missouri and Arkansas. This is a significant development for the tourism and recreation industries in our States.

In Arkansas, tourism has become the second leading industry, directly behind agriculture, in terms of its impact on State and local economies. Nowhere is it felt more strongly than in the White River Basin. And it is not just the local economies that feel the impact. The tax revenues generated return to the Federal treasury an amount far exceeding the Federal investment.

The White River Basin Lakes were authorized during an era when our Nation's needs and economies were quite different from today. While the Congresses of the 1940's were visionary and accomplished many positive things for our Nation in terms of flood control, and later power generation, it would have been impossible for them to imagine the development of tourist industries, such as Branson, MO, that would be affected by these lakes. It would have been impossible to know that millions of visitors each year would spend untold millions of dollars on recreation related goods and services.

I am aware of the concerns of power suppliers in both States who worry that this language will somehow subordinate power generation at these dams to recreation interests. Mr. President, as we read this language, it is absolutely clear that flood control and power generation will not be adversely affected by any actions that this legislation authorizes the Army Corps of Engineers to undertake. This language simply grants a place at the table to recreation, tourism and fish and wildlife interests. It allows the Corps of Engineers to consider impacts on these interests when making decisions about the management and operation of these lakes. This is long overdue.

Mr. INHOFE. I too am concerned that this language not adversely impact flood control, power generation capacity, energy production, Federal revenues or other authorized purposes. Has the Senator from Arkansas been in contact with the Corps of Engineers to this regard?

Mr. BUMPERS. My office has contacted representatives of the Corps of Engineers and they share our interpretation that this provision, as drafted, cannot adversely impact ratepayers. As stated by my colleague from Arkansas, we have no intention that this provision will raise rates, affect energy production or Federal revenues or any other project purposes currently authorized. Conversely, it is our strong view that there are measures that can be taken to assist the tourism and fish and wildlife interests that do not impact adversely the existing project purposes. It is not our intention to have this provision result in loss of generation capacity or increase exposure to ratepayers. It was for this reason that we drafted the language in such an explicit manner.

Mr. BOND. Mr. President, is it the interpretation of the distinguished chairman of the Committee that the clear priority project purposes remain flood control, power generation capacity, energy production, Federal revenues, and those other purposes authorized subject to the 1938 law and that the additional authorization included in this legislation shall be secondary should there be any conflict between them, and the current operation of the projects for the purposes of flood control and power shall remain project priorities?

Mr. CHAFEE. The Senator from Missouri is correct. The project priorities are clear.

Mr. BOND. Mr. President, I appreciate the consideration of the Senators from Arkansas, Senator INHOFE from Oklahoma and the chairman of the Committee. Hydropower is critical to the citizens and economies of our states. I understand that power producers have been working already with fish and wildlife specialists to accommodate their interests. As this project proceeds, I will watch with great interest to see that fish and wildlife interests can be served additionally without undermining the clear and explicit intent of this provision.

Mr. CONRAD. I notice that the chairman of the Senate Committee on Environment and Public Works is on the floor. I would like to engage him in a short colloquy.

As you know, section 336 of the Water Resources Development Act of 1996 authorizes $34 million for the Secretary of the Army to acquire, from willing sellers, permanent flowage and saturation easements for lands within and contiguous to the boundaries of the Buford Trenton Irrigation District, North Dakota. These flowage easements are to compensate landowners for land that has been affected by rising ground water and the risk of surface flooding due to the operation of the Garrison Dam on the Missouri River. The corps began operation of this dam in 1955.

In acquiring these easements, this provision specifies the Secretary shall pay an amount based on the unaffected fee value of the lands, meaning the value of the lands as if unaffected by rising ground water and the risk of surface flooding. Would the chairman agree that it is the intent of Congress that the unaffected fee value of the land be based on the current fair market value of the land as if unaffected by rising ground water and the risk of surface flooding, and not the value of the land before the Garrison Dam was operational?

Mr. CHAFEE. I would agree with the Senator that the intent of Congress is to compensate these landowners, as necessary, for damages due to the operation of the Garrison Dam using the current fair market fee value of the land. The Secretary shall value the land using current fair market rates as if the land has not been affected by rising ground water and the risk of surface flooding, and would compensate the landowners based on this price assessment. The Secretary should not value this land at the pre-project rate.

Mr. CONRAD. I thank the chairman for clarifying the intent of Congress regarding the purchase of flowage easements for lands in and adjacent to the Buford Trenton Irrigation District. I also want to thank the chairman for his efforts in passing this important legislation during the 104th Congress.

Mrs. BOXER. Will Senator CHAFEE, the distinguished chairman of the Environment and Public Works Committee, yield for a question?

Mr. CHAFEE. I will be happy to yield to the Senator from California.

Mrs. BOXER. I first want to thank the chairman as well as Senator BAUCUS, the ranking Democrat, and Senator JOHN WARNER, the chairman of the Transportation and Infrastructure Subcommittee, for their determination to bring the Water Resources Development Act to conference. They have crafted a bill and a conference report that will mean for my State of California strong economic progress by opening our ports to more international trade, protecting our people from natural disasters while providing opportunities to preserve and enhance the environment.

I would like to focus on one provision of the bill involving the American river watershed. Mr. President, subparagraph D of this provision states:

> The non-Federal sponsor shall be responsible for . . . 25 percent of the costs incurred for the variable flood control operation of the Folsom Dam and Reservoir.

Therefore, I interpret this to say that the local, non-Federal share of the costs of the variable flood control operation of Folsom Dam is not to exceed 25 percent.

It is also my understanding that it is the intent of the conferees that the remaining 75 percent of the costs associated with the variable flood control operation of Folsom Dam and Reservoir be the responsibility of the United States and that such costs shall be considered a nonreimbursable expense. In other words, these costs should not be passed on to the water and power ratepayers of California. May I ask the chairman if my understanding of the language is correct?

Mr. CHAFEE. Yes, the intent here is to ensure that the costs associated with the variable flood control operation of Folsom Dam and Reservoir be shared between the non-Federal project sponsor and the Federal Government. The cost of the provision of interim flood protection to the citizens of Sacramento is to be shared.

Mrs. BOXER. I thank the Senator from Rhode Island for this clarification, and ask if he would yield for a question on another provision.

Mr. CHAFEE. I will be happy to yield.

Mrs. BOXER. The Water Resources Development Act authorizes construction of the San Lorenzo River flood control project. The authorization includes critical habitat restoration, which is to done in conjunction with the flood control portion.

It is my understanding that the Army Corps of Engineers has completed the prerequisite studies for this restoration under the section 1135 environmental restoration program. In addition, the fiscal year 1995 and 1997 energy and water appropriations bills direct funding for this project through the section 1135 program. Further, it is my understanding that the intent of the conferees that the authorization of this project will allow the use of section 1135 studies as well as funding so that there is no further delay in the engineering, design, and construction of this project. Is my interpretation correct?

Mr. CHAFEE. Yes, the intent here is to include the habitat restoration work as part of the authorized project. Studies which have been completed by the Secretary for the habitat restoration should be put to use. Similarly, appropriations approved by Congress for the project should be made available to avoid unnecessary delay.

Mrs. BOXER. I thank the chairman for his responses and for his continued leadership in water resource development and environmental protection.

THE LA FARGE DAM

Mr. FEINGOLD. Mr. President, I want to express my strong support for the conference language in the 1996 Water Resources Development Act reauthorization [WRDA] that deauthorizes the La Farge Dam and Lake project. I wish to commend the hard work of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Montana [Mr. BAUCUS], the Senator from Virginia [Mr. WARNER], and their staff in completing the conference on this measure in a timely fashion prior to the adjournment of the 104th Congress. I have also been very pleased with the collegial work that has taken place among the Members of the Wisconsin delegation—Representative GUNDERSON, Senator KOHL, and myself—in steadfastly pursuing this deauthorization this year.

As I stated when this measure passed the Senate in July 1996, I am pleased that the Congress is finally acting to end this controversial project and to seek a new beginning for the Kickapoo Valley. We are finally able to say to the people of the Kickapoo Valley that the Federal Government can act to improve their lives and correct a situation that has long been the symbol, to many in the area, of a broken promise. This legislation will allow the property to be managed jointly by a local government panel comprised of local, State and tribal representation. It will be the first time in our State's history that these three different levels of government will work together to manage a property to preserve its ecological integrity while allowing the public access to the outstanding recreational opportunities.

I wanted to briefly review the details of the conference agreement with respect to this project. Under this legislation, the 8,569 acres of land purchased by the Federal Government for the construction of the La Farge Dam and Lake project will be transferred to two owners: The State of Wisconsin and the Ho Chunk Nation, a federally recognized tribe in my State. The Ho Chunk Nation will receive no more than 1,200 acres in the transfer of culturally and religiously significant sites, and the State will receive the rest.

This transfer will occur once the State and the tribe enter into a memorandum of understanding [MOU]. That MOU must ensure that the property is developed only to enhance outdoor recreational or educational purposes, described how the lands will be jointly managed, protect the confidentiality of sites of cultural and religious significance to the Ho Chunk as appropriate, and establish the terms by which the agreement will be revisited in the future.

I am particularly pleased that the conference committee was able to include a $17 million authorization for improvement projects at this site, an authorization which was supported by the Wisconsin delegation and the local community. These improvements include: Reconstruction of the three roads; remediation of old underground storage tanks and wells on the abandoned farms; and the stabilization of the old dam site.

Next month, members of a gubernatorially appointed negotiating panel will meet with representatives of the Ho Chunk Nation to begin the MOU negotiating process. Bolstered by the passage of this legislation, I know they will try to work as swiftly as possible to complete their task.

In conclusion, Mr. President, I again want to express my gratitude to the members of the conference committee for their assistance in working with the delegation on this matter. I believe that this legislation will result in a truly landmark arrangement for the management of a public recreational area. I look forward to the final establishment of the Kickapoo Valley reserve, and the protection of this truly outstanding resource.

I first introduced legislation, S. 2186, to achieve this goal on June 14, 1994, and reintroduced that measure as S. 40 on January 4, 1995. It is a great pleasure to see this measure finally enacted.

Mr. LOTT. Mr. President, I ask unanimous consent that the conference report be considered adopted, the motion to reconsider be laid upon the table, and that statements relating to the report be placed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The conference report was agreed to.

UNANIMOUS-CONSENT REQUEST—CONFERENCE REPORT TO ACCOMPANY H.R. 3539

Mr. LOTT. Mr. President, I ask unanimous-consent that the Senate turn to the consideration of the conference report to accompany H.R. 3539, the FAA reauthorization bill, and the reading of the conference report be waived.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object.

The PRESIDING OFFICER. The acting leader.

Mr. FORD. Mr. President, I know there will be an objection after I make my statement, and I regret that. We have worked long and hard to bring this FAA reauthorization bill to the floor. I have worked years on it, along with the occupant of the Chair. We have security in there. We have funding for airports. We have the money to cover letters of intent. All of this is extremely important. And one item in this bill is going to bring it down.

I wish it was not in there. I wish we did not have it, but it is there. And I hope that those that object to that portion of it would just give us an up-and-down vote. The House did that. And why we could not have an up-and-down vote—based on the content of the bill, if you are opposed to all of this, all the funding for the airports, all the security, and opposed to all the money going to your airports, opposed to essential air service, all these things, then you have to vote no on the whole bill for this one item.

Mr. LOTT. Mr. President, if I could just make a comment before there is objection, if there is in fact going to be objection, to be heard further in support of my unanimous-consent request. I want to thank the Senator from Kentucky for his good work on this legislation. It has been a long time coming. He and Senator McCAIN and Senator STEVENS and others have worked very hard.

You have an outstanding bill here. In less than 72 hours the Federal Government's authority to provide critical funding to airports across the country and our national air transportation system will expire unless we pass this FAA reauthorization bill. I am talking about over $9 billion annually for the national needs, such as air traffic control, repair, maintenance and modernization of our air traffic control equipment, repair and construction of runways, taxiways, and other vital aviation infrastructure, the purchase of critical firefighting equipment at our Nation's airports. And the list goes on. I mean, this is also very much a question of safety.

Mr. FORD. No question about it.

Mr. LOTT. Mr. President, the recent tragic aircraft accidents, and continuing reports of power outages and equipment failures in our air traffic control centers, have raised questions about the safety of our Nation's air transportation system and the effectiveness of the Federal Government in safeguarding the traveling public.

We must do our part to reassure the traveling public that we have the world's safest air transportation system. This comprehensive legislation will go a long way in reassuring the public that the system is safe, and ensure the FAA will have a stable, predictable, and sufficient funding stream for the long term. Again, the FAA bill will:

Ensure that the FAA and our Nation's airports will be adequately funded by reauthorizing key FAA programs, including the Airport Improvement Program, for fiscal year 1997;

Ensure that the FAA has the resources it needs to improve airport and airline security in the near term;

Direct the National Transportation Safety Board to establish a program to provide for adequate notification of and advocacy services for the families of victims of aircraft accidents;

Enhance airline and air travelers' safety by requiring airlines to share employment and performance records before hiring new pilots;

Strengthen existing laws prohibiting airport revenue diversion, and provide the FAA with the tools they need to enforce Federal law prohibiting revenue diversion;

Most important, provide for thorough reform, including long-term funding reform, of the FAA to secure the resources to ensure we continue to have the safest, most efficient air transportation system in the world.

To assure air travelers and other users of our air transportation system that safety is paramount, the bill:

Requires the FAA to study and report to Congress on whether certain air carrier security responsibilities should be transferred to or shared with airports or the federal government;

Requires the National Transportation Safety Board [NTSB] to take action to help families of victims following commercial aircraft accidents;

Requires NTSB and the FAA to work together to develop a system to classify aircraft accident and safety data maintained by the NTSB, and report to Congress on the effects of publishing such data;

Ensures that the FAA gives high priority to implement a fully enhanced safety performance analysis system, including automated surveillance;

Bolsters weapons and explosive detection technology through research and development;

Improves standards for airport security passenger, baggage, and property screeners, including requiring criminal history records checks;

Requires the FAA to facilitate quick deployment of commercially available explosive detection equipment;

Contains a sense of the Senate on the development of effective passenger profiling programs;

Authorizes airports to use project grant money and passenger facility charges [PFC] for airport security programs;

Establishes aviation security liaisons at key Federal agencies;

Requires the FAA and FBI to carry out joint threat and vulnerability assessments every 3 years;

Requires all air carriers and airports to conduct periodic vulnerability assessments of security systems; and

Facilitates the transfer of pilot employment records between employing airlines so that passenger safety is not compromised.

The bill also expands the prohibition on revenue diversion to cover more instances of diversion and establishes clear penalties and stronger mechanisms to enforce Federal laws prohibiting airport revenues from leaving the airport. "It is fundamental that we reverse the disturbing trend of illegal diversion of airport revenues to ensure that airport revenues are used only for airport purposes," said McCain.

"We must do our part to reassure the traveling public that we have the world's safest air transportation system," concluded McCain. "This comprehensive legislation will go a long way in reassuring the public that the system is safe, and ensure the FAA will have a stable, predictable, and sufficient funding stream to be the long term."

Each of these elements of H.R. 3538 is essential to fulfill Congress' responsibility to improving our country's air transportation system.

Clearly, Congress, the White House, DOT, the FAA, and others throughout the aviation industry have been under close scrutiny regarding the state of the U.S. air transportation system.

The traveling public has told us they are worried about the safety and security of U.S. airports and airlines, and the ability of the Government to alleviate these concerns. Recent tragic events suggest that this apprehension is justified, and we have been strongly encouraged to correct the problems in our air transportation system. The FAA bill will go a long way toward making the system safer and better in every way.

The American people demand we get this done, and they deserve no less.

It really alarms me that we have cut it this close. It looks like there may be objection. In fact, the recent tragic aircraft accidents and the continuing reports of power outages and equipment failures in our air traffic control centers have raised all kinds of questions that we are trying to address with this bill.

So I think we need to move it forward. There are so many good parts of this bill. It is so essential. It does have so many safety ramifications that I hope that we could move it forward in a unanimous way.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Reserving the right to object for a moment, let me just say that I am intrigued by the conversation and am concerned about the airline safety issues, the funding. I am very concerned about those issues. I want this bill to pass too.

So why in the world, yesterday, just yesterday, under the guise of a technical correction to the Railway Labor Act, was an unacceptable and very controversial special interest provision added to this bill? It was not because of airline safety. It was not because of funding for the airports. And it was not a technical correction.

The provision makes a significant change in Federal law to give Federal

Express an edge in its current attempt to stop some of its employees from joining a union. That is what is so all-fired important here and had to be put in yesterday in a bill that we are being told has to pass because of airline safety. That is the issue. Let us just get this out of there. That is what that provision is about. It has nothing to do with airline safety.

Mr. President, because of what really has happened here, I object.

The PRESIDING OFFICER. Objection is noted.

PRESIDIO PROPERTIES ADMINISTRATION ACT

Mr. LOTT. Mr. President, I also want to comment, if I could, on the objections that we heard earlier today to the omnibus parks bill, commonly referred to as the Presidio bill. I might say to the Senator from Kentucky, this is not a unanimous-consent request. I just want to make a brief statement.

Mr. FORD. That is fine.

Mr. LOTT. I would be glad to yield further.

Mr. FORD. Go ahead.

Mr. LOTT. On the Presidio bill there has been objection now from our Democratic colleagues to turning to that omnibus bill. We had tried to dispense with the reading and recommit the conference report back to the conference in order to take care of a provision in there that had raised concern, the tax provision. And I thought at one point, I guess 24 hours ago now, that we were going to be able to get agreement on both sides of the aisle to recommit that conference report and take care of the problem and then move this very important parks bill forward that affects 41 States, contains 126 separate provisions relating to parks and public lands.

This is the most important parks bill we have had in probably 4 years. It does have a lot of very important areas involved that need to be preserved, from battlefield sites to the Sterling Forest site that affects the New Jersey and New York area, the tall grass project out in Kansas, as well as the Presidio, and some very important projects in the State of Alaska. I know the distinguished Presiding Officer certainly cares an awful lot about that and the chairman of the committee.

So I do not understand what is going on here. I understand from the administration that they have a list of their preferred projects, that they say, "Oh, well, we'll take these and no more." Well, probably those projects that they say they cannot be included, they are good projects, most of them, they are projects from Democrats and Republicans.

There has been a continuing effort to work out something on this. I am astounded we are going to leave and not get this done. But we are not going to be able to put this whole bill in the continuing resolution. If we do not move it separately as an omnibus bill, then we will have no parks bill this year.

There was an effort maybe just to include one or two projects. I understand that has been objected to from the administration. I do not know where we go from here on this very important legislation but time is certainly running out.

I think it is once again going to be a tragedy, like the FAA reauthorization. In an effort to force an effect, a unionization of a company, they are going to bring down the whole FAA infrastructure. I do not understand that. And now in order to block two or three minor projects, we are going to have the whole parks bill go down?

Here is another thing about that. It is the continuing process of how when we meet objections the goalposts move. We were told on the illegal immigration, the Gallegly section is the problem. "We'll veto it over that." Well, we took it out. They said, "Wait a minute. We have some other problems." Same thing on this bill. We were told there were certain projects, three or four that were major problems. The chairman took them out. Then they said, "Oh, well. No. We have 50 other projects that we have problems with."

Mr. President, we have to have, in these final hours of the session, good faith, and we have to be prepared to stick with what we say we have to have when that is done, and not keep saying then you have to have something else. It is a very disappointing way to wind up this session.

I yield to the Senator from Alaska.

Mr. MURKOWSKI. Relative to reviewing the list of 126, it affects Senators from Oregon, Utah, Virginia, California, Alaska, Louisiana, Mississippi, Maine, Vermont, Idaho, Washington, Missouri, to name a few, and in some cases, parks in every State. These are States affected by the administration's announcement last night they wanted 46 more out. These are the States that are affected. This is after an extended hearing process. We reported these out, and we have withdrawn those the administration initially listed as objections that they would veto.

I have personally met with my conferees by telephone relative to trying to clear this, and as the leader has pointed out, a technical correction in the House has been taken care of. We can pass this. We can move it right now if there is no objection. Otherwise, we will have to wait for another session, the 105th Congress, to start this process that we spent over 2 years on, which benefits virtually every State in the Union with very meaningful projects, including the Presidio and cleaning up the San Francisco Bay area.

I urge the leader to continue to work in every manner, because time is running out on the biggest and most important parks public land package in two decades. We are ready to move forward and pass this legislation. If we cannot proceed, it would truly be a shame, because on both sides, Democrats and Republicans will not see——

Mr. LOTT. Will the Senator yield?

Mr. MURKOWSKI. I am happy to yield to the Senator.

Mr. LOTT. I thought there was going to be a meeting last night between key players on both sides of the aisle to meet with the administration and see if some compromise could be worked out. I am told that meeting never occurred.

Mr. MURKOWSKI. The majority leader is correct. We were ready to have the meeting, and we were advised by the White House representative that they had no authority and were not familiar with the specifics of the bill and they wanted us to submit a bill, items which we would agree to take out.

As chairman of that committee I feel a responsibility, bipartisan, both Democrats and Republicans, to try to represent them in a conference mode as opposed to arbitrarily taking out their sections to accommodate the administration.

We have, for Senator HEFLIN, who is retiring, Selma to Montgomery Historic Trail designation, the historic black college funding; for Senator SIMON and Senator MOSELEY-BRAUN, the Illinois and Michigan canal, Calumet Ecological Park study; for Senator JOHNSTON and Senator BREAUX, Civil War Center, Louisiana University, the Laura Hudson Visitor Center; Senators KENNEDY and KERREY, and retiring Congressman STUDDS, Boston Harbor Islands park establishment, Blackstone heritage area, New Bedford establishment.

I cannot understand why, after all this work, there is still objection. I encourage the majority leader to continue to work on, and I stand ready to try to meet the objections of my colleagues. I understand there is a hold now from the administration, and I think it is fair to say we have an obligation, certainly, relative to a process here, and as an authorizer, if the White House is going to line-item veto everything, we might as well go out of business.

I encourage the majority leader to continue the effort because we are not very far away, and I stand ready to be here all night if necessary, come in and meet with any group, to try to address this.

I thank my colleague.

Mr. LOTT. I yield to the Senator from Oklahoma.

Mr. NICKLES. One, on the parks bill, I want to commend Chairman MURKOWSKI and other members on the Energy Committee who worked hard to make this happen. This is a large bill, and unfortunately now it has a lot of items throughout the year that many of us have been working on for a long, long time.

The Senator from Alaska has been generous enough to withdraw one of the bills he felt very strongly about, that was important to his State, so we could get it signed. I asked him to do that. I appreciate his willingness to do it.

The Senator from Minnesota dropped an item. Again, we heard it being in there meant it would be vetoed, so we dropped two or three of the most contentious items. We dropped a project in Utah that, again, other people talked about would bring a certain veto.

Now, all of a sudden—we thought we had really taken away the veto objective so we could pass this bill. I committed to the Senator from California that I would try to help pass the Presidio bill this year. I want to maintain that commitment. I would like to pass this bill.

I urge my colleagues to work together. This bill has been put together in a bipartisan fashion. I have not counted up the number of Democrat and the number of Republican bills, but there are a lot on both sides of the aisle that impact parks all across the country and most of the States across the country. It would really be a shame to have that much work and that much time invested in that bill not to see it passed this year.

I compliment my colleague from Alaska and also the majority leader. I hope we will find a way to be able to work out the differences and pass this bill and get it signed into law before we adjourn the 104th Congress.

Let me make an announcement on behalf of the majority leader. I announce there will be no further rollcall votes tonight. The Senate obviously will be working tonight, in various conferences, trying to work out differences both on the continuing resolution and on the immigration and the parks bill. There will be work done tonight but there will be no further rollcall votes tonight.

I announce on behalf of the majority leader the Senate will reconvene at 10 a.m. tomorrow morning and we will try to give as much advance notice to all Senators prior to any recorded rollcall votes. As of now, there has not been one ordered, but Senators should stand on notice there may well be a recorded rollcall vote in the event we are able to come to an agreement on the continuing resolution, the parks bill or the immigration bill.

I thank my colleague from Kentucky.

Mr. MURKOWSKI. I wonder if I may be recognized for 1 minute relative to advising my colleagues of the status of the parks omnibus package.

It is my understanding that the appropriations subcommittee chairman has indicated it will not include specific items taken from the park omnibus bill and put on the appropriation CR. Now, that is a matter outside the control of the Senator from Alaska as chairman of the Energy and Natural Resource Committee. I think that has been clearly stated, and it has been reinforced by the Speaker of the House.

What I am encouraging, obviously, is that we proceed with this package. I agree, if it is in the interests of my colleagues to put the package on the appropriations as an entire package, I have no objection to that. Otherwise, the alternative is to proceed as we have, try to address the objections from the other side, and get on with it.

For those who think we will cherry pick it out and put specific portions on the appropriations CR and pass it there, that is not going to be an available alternative. We will simply lose for this year and have to start again. I hope that will not happen.

Mr. FORD. Mr. President, we are getting into a position where everybody seems to think we have to get out. Our salary still goes on. We still get paid whether we are here or not. I think we might as well stay here and earn our keep. We do not have to get out tomorrow. We do not have to get out Monday. We do not have to get out next Friday. We can go ahead and pass a continuing resolution and we could stay here and pass some bills or we can give a short-term continuing resolution for 3 or 4 days and we can work things out.

But we appear to be pushed up against a wall: you have to get out, got to do this, or it is dead. There is no such thing, unless the majority leader wants to take us out, and then things are dead.

I feel like we are being pushed awfully hard here just because tomorrow night we want to get out or Monday we want to get out. I understand everybody wants to go home and campaign. Let them go home and campaign, and the rest of us can stay here and work. That suits me fine.

FAA REAUTHORIZATION CONFERENCE REPORT

Mr. FORD. Mr. President, I want to make one comment about the express carrier we got the objection on to the FAA. I have been advised by legal counsel—not representing either side in this controversy—that every fact of law has sustained the express portion of the ICC bill. It was to be in there because nothing should be narrower or wider. Nobody should get anything when they pass the ICC legislation.

So I understand where we are coming from, and I understand whose fight it is in. I hate to be in the catch-22. We can stay a while if that's what they want to do, offer a cloture petition, and we will have 30 hours, and we can drive right on. I don't mind staying here. I don't want to any more than anybody else. But if that's the way the game is going to be played, I understand how to play it. If we get 60 votes, then we will have to vote on it. If we have to vote on it and we pass it, then it goes to the President. That is the end of it.

If you want to stay around a while, keep objecting to this one, file a cloture petition, we will get cloture and get our 30 hours and do our thing around here, Mr. President.

THE BOUNDARY WATERS CANOE AREA WILDERNESS

Mr. GRAMS. Mr. President, I rise today to speak on behalf of the people of northern Minnesota about an issue that symbolizes for us the difference between what the role of government should be and what it has become. I am speaking, of course, about the current struggle to restore the rights of the citizens to have reasonable access to the cherished Boundary Waters Canoe Area Wilderness [BWCAW].

My colleague from northern Minnesota, Congressman JIM OBERSTAR, and I have unfortunately spent our days fighting a campaign of distortions and misinformation by a national coalition of special interest groups that want this national treasure for themselves: their private research territory not to be touched by what they view as the unclean, ignorant citizens of northern Minnesota. I believe a brief history of this controversy is needed if we hope to carry on an honest and reasonable debate on how best to resolve it.

In 1978, 1 million acres in northern Minnesota were designated by Congress as our Nation's only lakeland-based Federal wilderness area. By establishing the BWCAW, Congress rightfully acknowledged the need to protect the tremendous ecological and recreational resources within the area, with the understanding that it was to be a multiple-use wilderness area, as first envisioned by Senator Hubert Humphrey in 1964.

When Senator Humphrey included the Boundary Waters as part of the National Wilderness System, he made a promise to the people of Minnesota, saying "The wilderness bill will not ban motorboats." It is safe to say that without that commitment to the people of northern Minnesota, this region would not be a wilderness area today.

In 1978, additional legislation was passed making further enhancements to the protection of the Boundary Waters, such as a justified ban on commercial activities like logging and mining. The 1978 law also limited recreational uses. For instance, motorboat users could only use 18 of the 1,078 lakes within the region.

Under the 1978 law, however, motorboat users were given the right to access some of these motorized lakes through three portage trails. Trucks and other mechanized means could be used to transport boats, canoes and people across the three portages from one lake to another. While many northern Minnesotans believed the 1978 law unduly restricted their boating privileges, they were comforted that these three mechanized portages would continue to allow reasonable access for everyone—from the young and the old to the strong and the weak—into many of these motorized lakes.

The intent of Congress was altered in 1993 when environmental extremists succeeded in a lawsuit to close these portages to mechanized transport. As a result of this court order, visitors can only transport their boats now by carrying them on their backs or with pieces of equipment which are pulled like a wagon. That is great fun for the young and strong, but wrenching work for those who are elderly, disabled, or traveling with children.

To illustrate the importance of allowing mechanized transport of boats over these portages, I wanted to show these pictures taken at Trout portage, one of the portages in question.

As you can see, the physical requirements of dragging boats across these portages have placed an obvious roadblock to the open access guaranteed to the public by law.

What is worse is that this court order came as the result of legalistic trickery by the radical environmentalists who filed the lawsuit—a deception they readily admit to and describe in great detail in a book they wrote entitled "Troubled Waters."

According to their book, the compromise worked out between the attorneys representing the radical environmentalists and the people of northern Minnesota, which was adopted in the 1978 law, allowed portages to use mechanized transport if the U.S. Forest Service determined that a feasible nonmotorized alternative could not be established.

In 1989, the Forest Service, after careful study, did in fact make that determination, thereby keeping the portages accessible to all.

But unbeknownst to the people of northern Minnesota, and apparently the U.S. Congress, the term "feasible" did not have the same meaning in environmental law as it does in everyday English.

According to "Troubled Waters," a "feasible" alternative could, under law, permit something that was possible only from an engineering standpoint, regardless of whether it would take longer, be less convenient, or even be, and I quote the preservationists' own words, "downright tortuous."

The extreme environmentalists go on in their book to describe how their attorney did not even bother to tell the attorney representing the interests of northern Minnesota about their sleight-of-hand gamesmanship.

In other words, they purposely salted the deal with words they knew they would later challenge in court.

It was under this narrow interpretation of the word "feasible" that a federal appeals panel ordered the portages closed, after reversing a lower court decision which determined that a group of healthy, able-bodied people could not always transport these boats using muscle power and portage wheels. And so for four years, these portages have been effectively restricted from use by the elderly and disabled.

By the way, the word "feasible" means that the Ely football team or dog sleds can maybe help do this, but in other words it restricts an average person's ability to be able to get access to the park.

Since the court decision, the number of motorboats transported across these portages has significantly decreased.

Even more telling are the letters I have received from Minnesotans who have been shut out of the land they once called home.

John Novak, a veteran from Ely, MN, wrote me about his frustration with the closing of the portages, saying:

> I was good enough to go into the armed services for our country for 3 years back in the forties. Now that I am disabled, I am not good enough to get in the Boundary Waters Canoe Area Wilderness.

I received another letter from a young man from Virginia, MN, named Joe Madden who wrote "I went to visit the Boundary Waters with my grandfather. We wanted to go fishing in Trout Lake, but we could not get there because we could not get my grandpa's boat over the portage. Can you please open it up so Grandpa and I could go fishing?

These are just two of the many letters and requests sent to me by average, hard-working Minnesotans who have seen the promises made to them long ago by the Federal Government broken and forgotten over the years—people who rightfully believed that the Government was meant to work for them, but found out just the opposite.

It is these people—the men, women, and children of northern Minnesota—whose crusade Jim Oberstar and I have carried to the Halls of Congress in trying to reopen the three portages in the Boundary Waters.

In the 104th Congress alone, there have been a number of developments bringing us to the point at which we find ourselves today.

Eight Minnesota State legislators—all Democrats—asked me to request a field hearing on this issue.

The Senate Energy and Natural Resources Committee then held a field hearing in International Falls, MN, on issues surrounding the Boundary Waters and Minnesota's Voyageurs National Park.

A second field hearing was held in St. Paul at the request of my colleagues from Minnesota, Senator WELLSTONE and Congressman BRUCE VENTO.

This year, Congress has held three committee hearings in Washington on bills introduced by Congressman OBERSTAR and me to reopen the portages, and provide the public greater input into how the Boundary Waters and Voyageurs National Park are managed in the future.

At each of these hearings, a major display of opposition was organized by the extreme environmental special interests groups and their allies in Congress against our bills.

As a result, Senators with little knowledge or legitimate interests in the Boundary Waters were scripted to pronounce the bills dead on arrival and to make unbiased charges that we introduced our legislation for political reasons—criticisms which ignored the clear bipartisan nature of our work.

This organized campaign of disinformation and propaganda placed a significant obstacle against our hopes to move these bills through the committee process, leaving us and the taxpayers of Minnesota, who we represent, with few legislative options to resolve the problems facing the people of northern Minnesota.

While many contentious issues surround the management of these two national treasures, no issue more perfectly symbolizes the failure of the Federal Government to live up to its proper role of serving the people than that of the three portages.

The same radical environmental individuals engaged in Senator WELLSTONE's mediation effort have claimed that any portage changes are "non-negotiable." And yes, the same environmental lawyer who came up with the word "feasible" is part of this mediation effort. Congressman OBERSTAR and I persuaded the managers of the conference committee considering the omnibus parks bill to include a compromise provision which would reopen the Trout, Prairie, and Four-Mile portages to the elderly, disabled, and everyone who did not have a washboard stomach.

We hoped that at long last, the people of northern Minnesota would finally have their voices heard in Congress.

But once again, those same special interest groups—who had fooled the people of northern Minnesota in 1978, closed the portages in 1993, and used their influence to block our bills from the committee process this year—struck again, soliciting letters of opposition from Senators outside of Minnesota and even a veto threat from the White House.

The compromise was pulled out of the conference report late Tuesday night—and the people of northern Minnesota were shut out once again.

I am disappointed by this turn of events—not so much for myself and

Congressman OBERSTAR, though we have put much time and effort to get the portages reopened—but rather for John Novak, Joe Madden, and the thousands of northern Minnesotans who were counting on this Congress to begin righting the wrongs of the last two decades.

You see, we in Minnesota still honestly believe in the words of President Lincoln that this is a "government of the people, by the people, and for the people."

These words and the principles of democracy they embody have been passed down from generation to generation—the uniquely American idea that Government should work in the interests of the people, not against them.

But somewhere down the line, that idea was forgotten by those Federal officials and bureaucrats who have been serving the radical environmental cabal, rather than for those hard-working taxpayers in northern Minnesota who ask for so little.

It is not surprising that the people of northern Minnesota are questioning just whom the Federal Government really serves.

It was President Clinton—yes, the same President Clinton whose White House threatened to veto the portages compromise—who said "There is nothing wrong with America that cannot be fixed by what is right with America." In taking up the cause of the people of northern Minnesota, I embrace those words and only slightly modify them to say "There is nothing wrong with the federal government that cannot be fixed by what is right with the American people." And it is what is right about our fellow Americans that keeps me hopeful that we will indeed resolve this issue in a way that best suits those Minnesotans who I am proud to represent in the Senate.

We may not have the money that the radical environmentalists do, or have at our disposal the highly-paid lobbyists and lawyers who are working against us—but we do have something more important than all of that. We have the truth on our side. And we are working for the same thing every American wants from our government: accountability to the people.

Accountability means balancing the protection of our pristine wilderness with the rights of the people to enjoy our natural resources. It means restoring the promises made in the past and establishing a partnership with the people to ensure those promises will be honored in the future. And it means keeping the Federal Government in check to guarantee that it works for the best interests of the people.

We who love the Boundary Waters Canoe Area Wilderness are working toward—and will continue to work toward—those goals. I am pleased to have a commitment from the distinguished chairman of the Senate Energy and Natural Resources Committee for an early markup of this common-sense reform effort in the next Congress. We will not stop our efforts until the principles of democracy are embodied in the future management of this beautiful national treasure. The people of northern Minnesota will have their voices heard in Congress, past injustices will be remedied, and the promises made so long ago by Senator Humphrey will be kept.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes according to the previous order.

NOMINATION OF NAVY CAPT. JEFFREY A. COOK

Mr. GRASSLEY. Mr. President, I want to discuss an issue I have with the Armed Services Committee.

On May 15, 1995, I wrote a letter to the chairman of the Committee, my friend from South Carolina, Senator THURMOND.

This was a very important letter.

It concerned the nomination for promotion of Navy Capt. Jeffrey A. Cook.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHARLES E. GRASSLEY,
U.S. SENATE,
Washington, DC, May 15, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR STROM: I am writing to raise questions about the pending promotion of Navy Captain Jeffrey A. Cook to the rank of rear admiral (lower half).

My questions about Captain Cook's fitness for promotion pertain to his service as the A-12 class desk officer during the period 1987 to 1990. In that capacity, he was the chief engineer for the A-12 stealth bomber program and the principal adviser for engineering matters to the A-12 program manager, Captain Lawrence G. Elberfeld.

A-12 CRIMINAL INVESTIGATION

The main source of my concern about Captain Cook's qualification for promotion are the results of a criminal investigation. The investigation was conducted by the Chicago Field Office of the Defense Criminal Investigation Service, Department of Defense Inspector General (IG). The report on the investigation is dated April 20, 1994, and carries the designation 9011045M-20-SEP-90-40SL-E5A/D.

The purpose of the criminal investigation was to examine allegations that "U.S. Navy and DOD [Department of Defense] officials may have concealed or conspired to conceal, or otherwise thwart, the dissemination of adverse A-12 program information to the DOD and to Congress."

The investigation found several specific instances in which former Secretary of the Navy H. Lawrence Garrett and other Navy A-12 program officials "withheld, concealed, and/or suppressed adverse A-12 program information" from cognizant DOD and Navy oversight personnel and from Congress. Both Mr. Garrett and Captain Elberfeld are accused of withholding relevant documents and material during an official inquiry and subsequent congressional oversight hearings. Worse still, the report suggests that Mr. Garrett may have in fact destroyed important evidence during the criminal phase of the investigation.

Based on the results of the investigation, the Inspector General concluded there were reasonable grounds to believe that Federal criminal law had been violated. Therefore, all the detailed information related to the actions of Secretary Garrett were referred to the Department of Justice for possible prosecution. Similarly, the case against Captain Elberfeld was referred to the Office of the Judge Advocate General of the Navy for possible court-martial. Captain Elberfeld was suspected of violating various articles of the Uniform Code of Military Justice, including article 907—pertaining to false official statements. In both cases, a decision was made not to prosecute.

CAPTAIN COOK'S POSSIBLE ROLE IN A-12 COVER-UP

Now, this is the issue that must be addressed on the pending nomination: Did Captain Cook allow himself to be drawn into the web of deceit spun out by former Secretary Garrett and Captain Elberfeld? Was Captain Cook a willing or unwilling participant in the scheme to withhold and conceal adverse information on the A-12 program?

On the surface, Captain Cook's performance appears to have been exceptional. He is the only Navy official I know of who was critical of the program, and the investigators say he is the only person who was "open and cooperative" during the probe. His criticism came in the form of several briefings in which he "identified severe technical problems with the A-12 program." These briefings are discussed in the IG's investigative report. His criticism was very much to his credit.

While his critical technical assessments were commendable, I fear they may have been nothing more than a clever bureaucratic "cover-your-fanny" operation. This is the scenario I visualize. Captain Cook would present a briefing identifying "severe technical problems," but in the face of opposition and pressure from Captain Elberfeld and more senior officers, Cook would quickly back down. Without further protest, Captain Cook would then join Captain Elberfeld in pumping out false and misleading status reports on the A-12. In the end, I think, Captain Cook acquiesced in the scheme to conceal adverse information on the program.

The incidents described on pages C29 to C31 of the investigative report seem to lend credence to idea that Captain Cook went along with the coverup.

On April 16, 1990, Captain Cook provided one of his briefings to a group of senior officers, including Vice Admiral Richard C. Gentz, Commander of the Naval Air Systems Command. In the briefing, he identified "severe technical problems" that could "slip" the program for at least one year. After hearing that piece of bad news, Admiral Gentz told Captain Elberfeld to "re-assess" the A-12 program and report back to him with solutions within 24 hours. As I understand it, Captain Cook helped Captain Elberfeld prepare a "revised" technical update briefing for Admiral Gentz. This is where Captain Cook seems to have taken a 180 degree turn in his thinking. He did an about-face and worked with Elberfeld late into the night, twisting and distorting the facts, turning his own assessment upside down, helping Elberfeld put a favorable spin on the status of the program. After their night of handy work, Admiral Gentz felt the one-year "slip" was unnecessary, leaving the money spigot wide open. That particular piece of work came at a very critical point in the program. (Refer to page C–31)

Captain Cook also participated in the confiscation and suppression of a devastating report on the A–12 program. This incident occurred in February 1990 and is described on pages C–29 to C–30 of the investigative report.

The highly critical evaluation was prepared by Mr. Ed Carroll, a civilian production analyst assigned to the Office of the Secretary of Defense. His report predicted a one-year "slip" in the program. The Carroll report was "confiscated"—allegedly for a security violation—and "relinquished" to Captain Cook. He subsequently turned it over to one of his subordinates, Mr. John J. Dicks. When investigators discovered the Carroll report buried in A–12 program office files, attached to it was a handwritten note by Dicks. The note stated in part: "Keep this package quiet and close controlled." As a result of Cook's actions, the highly critical Carroll report never saw the light of day. The handling of the Carroll report suggests to me that Captain Cook could have played a role in concealing adverse information on the A–12 stealth bomber.

HOLDING CAPTAIN COOK TO A HIGHER STANDARD

Strom, as I said, compared to other A–12 program officials, Captain Cook's performance was exceptional. It makes him look like a hero. But in making that comparison, we are holding him to a negative standard. A candidate for promotion to rear admiral must be held to a much higher standard—a standard of excellence. When that is done, I don't think Captain Cook measures up.

There is a fundamental principle of leadership: "Seek Responsibility and Take Responsibility for your Actions."

At the time, the A–12 was a top priority Navy program. As chief engineer on the project, he had identified a major technical problem that posed a very real threat to the viability of the whole program. It was a "show stopper"—a problem that had to be fixed. He was responsible for developing a sound and timely solution to the problem. He had a responsibility to follow through. He was fully accountable for that problem. A man in his position should not wait for his superiors to tell him what to do. He needed to take the initiative and solve it—with the approval, of course, of his superiors. However, when those over him balked at his solutions but at the same time refused to even address "show stopper" problems, then he had a responsibility to confront them and push it up the chain of command. For example, he would have sent a written report up the chain of command to the top DOD acquisition "czar"—if necessary, laying out his view of the problem.

Unfortunately, Captain Cook's protests ended where they began—in his briefings. Had he pushed them further up the chain of command, he would have run the risk of ruining his career. Doing the right thing almost always involves risks and even danger. Doing what must be done takes courage, commitment and integrity. Had Captain Cook pursued the more risky solution, he would have set an example of excellence. No aspect of leadership is more powerful that setting a good example. Had he done it, Cook would have been a role model for all to respect. Strom, we must judge Captain Cook against such a standard of excellence.

A candidate for promotion to rear admiral should demonstrate certain outstanding leadership qualities including courage, competence, candor, commitment, and integrity. In my mind, Captain Cook failed to demonstrate those skills as chief engineer on the A–12 project. His superior officers told him to do the wrong thing, and he did it. He failed to stick to his beliefs. He failed to act on the information he had. He failed to demonstrate a solid commitment to solving the engineering problems that he had identified and for which he was accountable.

OVERALL IMPACT OF A–12 MISMANAGEMENT

The failure of former Secretary Garrett, Captain Elberfeld, Captain Cook and others to confront major technical problems on the A–12 in an open, honest, and timely way has had a profound, long-term negative impact on the Navy.

The A–12 was supposed to begin replacing the Navy's aging fleet the A–6 bombers in 1994. That was last year. Well, there are no A–12 bombers in the fleet and never will be. All the money spent on the A–12—nearly $3.0 billion—was wasted. We have absolutely nothing to show for it.

The A–12 program was terminated for default in January 1991. Former Secretary of Defense Cheney killed the program because it was way over cost and way behind schedule, and no one could tell him how much money it would take to finish it. To make matters worse, the two A–12 contractors—McDonnell Douglas and General Dynamics—are suing the Government for billions. And the Government's case is weak. It's very difficult to blame the contractors for what happened when top Navy officials like Garrett, Elberfeld, and Cook all knew the program was in deep trouble but did nothing about it. They just kept shoveling more money at the contractors in the form of fraudulent progress payments—payments made for work that was not performed. In all probability, we are going to end up spending even more money on a dead horse—mainly because people like Garrett, Elberfeld and Cook didn't do their jobs. Had any one of them done the right thing, the A–12 might be in the fleet today.

Strom, I only ask that you review the IG's investigative report and determine what role, if any, Captain Cook played in the scheme to withhold and conceal adverse information on the A–12 program.

I also ask that Captain Cook's performance not be evaluated against the performance of the other A–12 program officers. I respectfully request that he be judged against a much higher standard of excellence. Please let me know what you decide.

Your consideration in this matter is greatly appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

Mr. GRASSLEY. Mr. President, this letter raised several very serious questions about Captain Cook's fitness for promotion to the rank of admiral.

Specifically, my questions about Captain Cook pertained to his service as chief engineer on the A–12 stealth bomber project that was terminated for default in January 1991.

The A–12 project collapsed because of an unresolved engineering problem—uncontrolled increases in the weight of the airplane.

It was a "show stopper," and Captain Cook was up to his ears in the whole mess.

As the weight of the airplane grew, the schedule kept sliding, and the price kept going up.

Eventually, this top priority Navy program was buried in a massive cost overrun.

This kind of mismanagement was bad enough by itself.

But A–12 mismanagement became a criminal enterprise when senior Navy officials attempted to conceal and cover up the cost overrun with lies.

They attempted to hide the problem from the Secretary of Defense and the Congress.

This behavior triggered a criminal investigation by the Inspector General [IG] of the Department of Defense.

The IG concluded that Federal criminal laws were violated, and the case was referred to the Justice Department for prosecution.

The investigation found several specific instances in which the Secretary of the Navy at the time, H. Lawrence Garrett, and A–12 program officials "withheld, concealed, and/or suppressed adverse A–12 program information" from the Secretary of Defense and the Congress.

That is a quote from the IG's criminal report.

I also believe the IG report shows that Captain Cook may have participated in the scheme to conceal and suppress adverse information about the program.

These are very serious allegations.

They need to be addressed and resolved.

Maybe the Committee conducted an investigation and cleared him, but I do not know that. The Committee has never bothered to tell me about it.

So I was very surprised and very disappointed to find Captain Cook's name on a July 1996 list of "United States Navy Flag Officers."

He has been confirmed and "frocked."

That means he wears an admiral's insignia but is still paid as a captain.

Once an admiral's billet opens up, he will assume the full duties and responsibilities of an admiral.

Mr. President, I think the Committee owes me an explanation.

Mr. President, on September 27, I wrote a second time—1½ years later—to Senator THURMOND, asking for a response.

I ask unanimous consent to have this second letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, September 27, 1996.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR STROM, I am writing to follow up on my letter of May 15, 1995, regarding the nomination for promotion of Navy Captain Jeffrey A. Cook.

> In my letter to you of May 15, 1995, I raised several very serious questions bearing on Captain Cook's fitness for promotion to the rank of admiral. My questions were based on a criminal investigation conducted by the Inspector General of the Department of Defense. These questions pertained to his service as chief engineer on the A-12 stealth bomber project that was terminated for default in January 1991. These questions suggest that Captain Cook may have participated in a scheme to conceal adverse information on the A-12 from both the Secretary of Defense and Congress.
>
> In view of these allegations and since I never received a response from you, I was very surprised and disappointed to find Captain Cook's name on July 1996 list of "United States Navy Flag Officers." This list indicates that he has been confirmed and "frocked." Once an admiral's billet becomes available, he will assume the full duties and responsibilities of the rank.
>
> Would you be kind enough to explain how your Committee resolved the questions raised in my letter of May 15, 1995. Had I known that your Committee was prepared to proceed with this nomination, I would have liked to have had an opportunity to raise my objections on the floor. Strom, we in the Senate have a Constitutional responsibility to nurture topnotch leadership in the Armed Forces. Officers who meet those high standards should be praised and promoted. Those who fail to meet the high standards should be weeded out.

I would appreciate a response to my letter.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senate.

Mr. GRASSLEY. Had I known the committee was prepared to confirm Captain Cook, I would have asked for an opportunity to raise my objections on the floor.

Mr. President, we in the Senate have a constitutional responsibility to nurture topnotch leadership in the Armed Forces.

Officers who meet those standards should be praised and promoted.

Those who fail to meet those high standards should be weeded out.

Based on what I know right now today, I do not think Captain Cook meets the highest standards nor should have been promoted to admiral.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2150 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. I thank the Chair. Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the Senator from South Carolina have whatever time he may consume for a tribute—about 4 minutes; that following his remarks, Senator WYDEN and I speak as in morning business for a period not to exceed a total of 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

RETIREMENT OF SENATOR ALAN SIMPSON

Mr. THURMOND. Mr. President, I rise to pay tribute to one of the finest men I have had the privilege to serve with in the U.S. Senate. I refer to my very good friend, the senior Senator from Wyoming, ALAN SIMPSON, who is retiring from the Senate. AL SIMPSON comes from a family with a rich Wyoming heritage.

Mr. President, from territorial days to the present, the Simpsons have made Wyoming justifiably proud of their distinguished public service. His father, Milward, served as Governor and then came to the Senate in 1962. Like his father, AL has a wonderful sense of humor, even if it is sometimes a bit ribald. He calls a sense of human "the universal solvent against the abrasive elements of life." I know of no one who lives up to that motto like my friend, AL SIMPSON.

AL has other sterling qualities that have made him one of the best-liked members of the Senate on either side of the aisle. His personal warmth, his integrity, his loyalty, his sense of fairness, and his willingness to listen to the concerns of his colleagues were attributes that allowed him to do a superb job as assistant Republican leader for 10 years.

Bob Dole could not have had a more loyal "deputy" than AL. President George Bush never had a more loyal friend than AL. AL spent countless hours on the floor of the Senate and in the media as an advocate and defender of his friend, President Bush.

I have served many years in the military and in combat as well and I can attest that AL is the kind of loyal friend who you would want by your side in battle. That includes legislative battles, too. For 18 years—at my initial urging—he served with me on the Senate Judiciary Committee. We have been through a great deal of controversial legislation and nominations together. We have worked together side by side with never a cross word and always the highest level of mutual respect and friendship.

When he leaves the Senate, he will leave behind a legacy of great legislative achievements, particularly in the area of immigration. Early on, AL was willing to take on the tough job of being the Republican's subcommittee leader on immigration. While serving as chairman of the Judiciary Committee, I appointed AL as chairman of the Immigration Subcommittee. No one appreciates his work more than I. Immigration issues are often emotionally charged. It takes a very talented legislative leader to shepherd significant immigration legislation through Congress. AL has done it with great effectiveness throughout his career, and in this last week of the 104th Congress he once again is about to lead us in the passage of an illegal immigration reform bill of which he can be very proud. He authored the Senate bill, and his influence on the final conference report is without peer.

He is tough, but fair, and his word is his bond. Accordingly, he is justly recognized by his colleagues on both sides of the aisle as an incredibly skillful legislator.

He is married to one of the most gracious, attractive ladies I have known. As AL tells it, Ann Simpson got more votes for him than he did for himself. She is much more than an effective campaigner. She has made wonderful contributions to her State and the Nation through her work on mental health issues, through her efforts on behalf of Ford's Theater, and in her work for the University of Wyoming, particularly the art museum there.

I know that cowboy AL SIMPSON is not going to "ride off into the sunset." He will maintain an active, stimulating life. His first venture will be a professorship at Harvard University. I am sure his students will be treated to some unforgettable AL SIMPSON stories which will evoke both laughter and warmth.

I will deeply miss that daily dosage of AL's humor and warmth. However, I am confident that we will continue to see each other and the real friendship which we have will endure.

God bless both AL and Ann Simpson in all their endeavors.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I certainly join with the distinguished chairman of the Senate Armed Services Committee in that tribute to Senator SIMPSON. I think we will all miss his daily dose of wit. And I certainly share those sentiments.

Mr. THURMOND. I wish to thank the able Senator.

THE GAG RULE AMENDMENT

Mr. KYL. Senator WYDEN and I want to take a few minutes right now to try to brief our colleagues, as well as our constituents and others, who have been interested in the issue on the status of the so-called gag rule amendment. That is not perhaps a very glamorous name for what we are talking about, so let me describe that briefly. Then we will try to provide a report, as I said, about the status of the negotiations and how we might try to conclude this matter.

People have heard the distinguished majority leader speak on several occasions about the effort to resolve this question. I think we are very close to it and want to report that to our colleagues. First of all, what we are talking about is an assurance for physicians that they are able to communicate freely with their patients about their patients' health and about the medical care or treatment options that might be important for their patients' health.

When these physicians are a part of a plan, like an HMO, for example, they are constrained in certain ways with respect to what the plan provides in the way of coverage and, therefore, in the way of treatment. So this issue has evolved.

To what extent can the HMO limit the physicians in their communications with patients? Well, virtually no one wants to create that kind of a conflict, at least intentionally, because clearly the physician has an obligation to his patient, and we all want the patients to have the maximum degree of care. So we want to ensure that this communication is not inhibited. What we have been involved in over the last several days is trying to craft legislation that is not overly broad but still ensures that degree of protection.

We have also tried to ensure that this is done to the maximum extent possible at the State level. We are not interested in some kind of a new Federal mandate or new Federal program here. But, of course, we do at least need to get the process started here so that the States who have not yet adopted statutes—and many have—but for those who have not done so yet, that there would be an incentive for them to provide the kind of protection for the kind of communication which we are talking about.

We also want to ensure that there is a conscience clause provision here that enables physicians who, for moral or religious beliefs, do not want to get into certain discussions, that they would not have to do so, and, likewise, that a provider, an HMO or other kind of insurer that may have based its benefits on its beliefs, including religious beliefs, be protected as well.

So these are not necessarily easy issues, but I think in terms of a general concept, there has not been a great deal of disagreement. But nevertheless, trying to put this all together at this time of the year has not been real easy.

I want to thank several people for their involvement in this, in particular the majority leader, who has been most patient in waiting for us to try to get this resolved; the assistant majority leader, who has been personally involved in discussions on this to try to craft it in the right way; Senator DAN COATS, who has been involved; and several others who have expressed an interest and given their input.

Senator WYDEN and I have developed a series of drafts. Our most recent draft, we think, is a very good product which achieves this goal but with the minimum of difficulty. As we speak, even this draft is being revised to some extent to try to reflect the views of other Senators.

I urge that anyone who has an interest in this issue and would like to give us their views, or who has heard about a particular version of this and would like to know what the actual most current version of it is, that they please communicate with us because we would be most pleased to share our ideas with them and to get their ideas as well.

The majority leader would very much like to get this wrapped up. We would, too. Therefore, again, I thank those who have been involved. We stand ready to try to wrap it up if people will give us their views. But I think we have come to a point now where there are not very many issues that prevent us from doing this. I really urge any Senators who have an interest to help us bring this to conclusion.

Under the previous agreement, at this time I yield the floor to Senator WYDEN.

Mr. WYDEN. I want to thank the Senator from Arizona for not just his very thoughtful statement, but for all of the effort over these last few weeks. He and I got to know each other in the House and enjoyed working together, and it has been a pleasure to work with my friend from Arizona on it. I share Senator KYL's view that we have had a number of Senators—I see Senator NICKLES is here and Senator COATS on the Republican side; Senator KENNEDY, for example, on the Democratic side—that have been working some very long hours and working in good faith to try to deal with this. I believe we are now very close in terms of dealing with the issue.

I just want to spend a minute and try to outline the problem and then talk a bit more about some of the remedies that Senator KYL has talked about.

The reason this issue is so important is that managed care is the fastest growing part of American medicine. Now, health care, we know, is a multibillion dollar industry. The fastest growing part of it is managed care. I want to make it clear that there is a lot of good managed care in our country. I come from a part of our Nation, the State of Oregon, that has been a pioneer in the managed care field. We have seen good managed care. If you want to see 21st century medicine, you can come to my State and see a lot of it in action every day.

But, unfortunately, too often we have seen that financial concerns, concerns about expensive treatments or referrals, have replaced what is the important essence of American health care, which is free and unfettered communication between doctors and patients.

These limitations are what is known as gag clauses. A health maintenance organization may say to the doctors, "We're watching you in terms of those expensive treatments." Or the health maintenance organization will say to the doctors, "We're keeping track of the referrals that you're making," with an idea that perhaps a doctor who tells about an additional provider outside the network is doing something detrimental to the plan.

We can have differences of opinion—and Senator KYL and I have talked about this before—on a lot of health care issues. Reasonable people surely differ with respect to the role of the Federal Government, the role of the private sector. There are lots of issues in American health care that there can be legitimate differences of opinion on.

I offer up the judgment that what should never be in dispute is the importance of patients and families to get all the facts, to get the truth, to get all the information about the various issues relating to their medical condition and the treatments that are available. In fact, I think 21st century health care is about getting information over the Internet. The kind of legislation we are talking about today is going to be built around empowering patients to get the information so as they look at the various options that they might consider for their treatment, they can do it on the basis of having all the facts.

Now, Senator KYL has outlined briefly a few of the issues that we have focused on in some depth. Let me just add to them very briefly. The first is on the matter of the regulatory framework and the role of the Federal Government and the States. What Senator KYL and I have done, in very blunt, straightforward terms, is make it clear the States will take the lead with respect to carrying out this statute. Congress has done this before in a number of areas, done it in the Medigap area, done it in the maternity stay legislation. The legislation that we offer up and is based on our discussion, basically makes it clear when a State acts in a way that is rationally connected to the purposes of this statute, the State is going to be in a position to take the lead.

Second, we know there are many who are concerned with respect to an issue that comes up in this body quite often, and that is reproductive health issues, in the matter of abortion specifically. We have sought to make sure that each individual practitioner or doctor can exercise what amounts to a "conscience clause" and be able to express that for religious or moral reasons, there are certain matters—abortion—that they would not be comfortable discussing. We also thought to make it clear that plans would have certain rights, particularly to make it clear to their individual practitioners, doctors, and others, that the plan did not offer abortion services.

There are other ideas that may be worth exploring, built principally on the concept of disclosure. Plans ought to know they are not going to be subject to unexpected legal consequences, and the consumer ought to be in a position to get full disclosure of exactly what their plan offers. I believe we have made considerable headway in that regard.

We believe, with a bit more work and the kind of good faith we have seen over these last few weeks—and it is important to note that the same spirit exists in the House. Dr. GANSKE of Iowa and Congressman MARKEY, like Senator KYL and I, have been working on a bipartisan basis, with the idea that these gag clauses have no place in 21st century American health care.

Mr. President, 21st century American health care ought to be built around the idea that when patients and families sit down with their physician, their physician would give them all the facts, all the information they need, to make these choices.

I want to thank Senator KYL. He knows when I offered this the first time we got a majority of votes in the U.S. Senate, but the point is to get something that is going to bring the entire Senate together, to bring all the Members together around a proposition of full consumer disclosure and consumer empowerment. I think we can do that.

We are putting the States in the lead. This is not an example of Federal micromanagement or Federal Government run wild. We are going to make sure that plans and practitioners, who, for religious or moral reasons, have concerns about discussing abortion, and others, would be protected. I think we do it in a way that is sensitive to legitimate concerns of many in the field for managed care plans. For example, we have important provisions on utilization review. Those managed care plans ask for those. That is part of our compromise.

Let me at this time yield, because I know there are a number of Senators who have been working in good faith and want to participate in this. Therefore, I yield back to Senator KYL and our other colleagues who have been putting some long hours on this. I am looking forward to staying with this until we get these protections for consumers and doctors, and do it in a fair way.

Mr. KYL. Mr. President, before the distinguished acting majority leader speaks to this, I thank Senator WYDEN for his bipartisan cooperation and make the point with all of the things we have to do here at the end of the session to finish the Nation's business, the assistant majority leader, the Senator from Oklahoma, is right in the middle of all of that, yet he has taken the time to personally be involved to improve this legislation.

If we are able to craft an agreement here, it will be in no small part due to the ideas that he brought into the debate to ensure, for example, that the State control was preeminent and that some of the other protections that we have in here are here.

Again, I want to thank him, as well as Senator COATS, for all of their contributions to this effort, too. It has gotten us much closer to the goal line than we otherwise would have been.

Mr. NICKLES. Mr. President, to the Senator from Arizona and the Senator from Oregon, flattery will get you everywhere, and may well end up getting an amendment.

Let me state, Mr. President, my thoughts. Originally, I will tell my friends and colleagues that I thought this was not the right way or the right time to legislate such an important matter. I am very dubious at the outset when I see legislative actions taking play the last day or two of the session, when measures have not had time to have hearings and have the benefit of congressional thought, hearings, markup, input from people on all sides.

This is important legislation. I will tell my colleague from Oregon who originally introduced this and had the assistance of the Senator from Arizona, the thrust of it I would concur. I also want to compliment the Senators from Oregon and Arizona for their willingness to be flexible, to understand that some of us did have serious concerns, concerns about making sure we protect the rights of States. They have shown a willingness to do that. Some States have acted. We want to compliment those States. We do not want to preempt their actions.

Also, dealing with religious institutions, I think, we still have a little way to go there. I know we will confer more tonight, and maybe tomorrow we can bring that to a conclusion. I, for one, want to make sure we would not be mandating to, for example, a religious institution, a Catholic hospital, or something that might have a clause that physicians that would work within this institution would not provide assistance to suicide, for example. I do not want to pass legislation in the wee hours that might outlaw or ban that particular clause or section of their contract.

I want to be careful. I know we are probably on about the ninth draft. I think the legislation has been improved significantly.

Again, I thank my colleagues who have worked so hard, including Senator COATS, as well as Senator WYDEN and Senator KYL, for their input on this legislation, and just state to my colleagues that we will continue working in good faith, and if we are able to resolve some of the few remaining differences, it may well be that we can have some legislation that would be acceptable, and maybe as an amendment to the continuing resolution or as independent legislation. So I compliment my colleagues for their willingness and their patience to work with some of us, and we will continue working.

I see an effort by many to legislate a whole agenda in the last two days of Congress. I urge people to be maybe a little more patient and wait for next year. The continuing resolution is growing, and that, to me, is not really the best way to legislate. So I urge our colleagues to realize that they don't have to do everything on this one bill. I also urge my colleagues to speak out on the public lands bill that Senator MURKOWSKI has been working so hard on. There is no reason for us not to be able to pass this package, which I believe will probably have an overwhelming vote of support by both Houses of Congress.

I think the administration is, unfortunately, moving the goal posts. We removed the major veto threats in that legislation in the last 24 to 48 hours. Yet, now they are finding more objections. I even say that maybe that is not in good faith, and that bothers me. There has been a lot of work by Members on both sides of the aisle. That bill was a bipartisan bill, and it should pass. I know the Senator from Minnesota reluctantly dropped an amendment that was very important to him. The Senator from Alaska dropped an amendment that was very important to him, and others were able to make concessions so we could pass an omnibus bill that is important to most of the Members in this body. It would be unfortunate indeed if we didn't pass this bill before we adjourn this Congress.

Finally, I want to say something on the immigration bill. The administration sent signals that they would sign that if we dropped the Gallegly amendment. We did drop the Gallegly amendment. Now there have been additional requests for additional modifications. I find that, too, moving the goal posts. I hope we will take up the immigration bill and pass it, as amended, without the Gallegly amendment. I think we will have an overwhelming vote in both Houses—well, the House already passed it by an overwhelming vote. I think in the Senate we will, as well. I urge colleagues to be patient and not try to pass everything on their legislative agenda in the next two days.

Let us work together and finish the unfinished appropriations bills, the continuing resolution, do it responsibly. Again, I thank my colleague from Oregon and my colleague from Arizona for their willingness to be at least flexible enough for some of us who had concerns about their amendments. Perhaps we can get that resolved.

I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent to address the Senate for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I want to tell the Senator from Oklahoma that we very much appreciate his involvement in this. I only asked for 5 additional minutes because I want to go back to negotiating with him and his staff on it. As you know, Senator KENNEDY has done yeoman work on this and has been very involved in this as well. I think we are going to have good input and involvement on both sides of the aisle if we try to finish it up.

I think it is important that the Senate and the country understand that what we are talking about is ensuring that straightforward, honest conversation could take place between doctors, nurses, chiropractors, therapists, and their patients. That is all we are talking about here—information, and those honest, straightforward discussions. Right now, because of these gag clauses, that kind of communication so often can't take place. That is not right. That is what we are going to try to change.

Mr. President, I thank the Senate for the additional time. I yield the floor.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 26, the debt stood at $5,198,325,061,997.28.

One year ago, September 26, 1995, the Federal debt stood at $4,953,251,000,000.

Five years ago, September 26, 1991, the Federal debt stood at $3,638,501,000,000.

Ten years ago, September 26, 1986, the Federal debt stood at $2,109,293,000,000. This reflects an increase of more than $3 trillion ($3,089,032,061,997.28) during the 10 years from 1986 to 1996.

TRIBUTE TO HOWARD GREENE

Mr. BIDEN. Mr. President, last week the Senate took a few moments to pass a resolution honoring the service of Sergeant-at-Arms Howard Greene, who is leaving after a 28 year career with this body. I was away from the Senate floor during the discussion of that resolution, but I did not want this Congress to adjourn without having had the opportunity to share my appreciation for Howard Greene's service to the Senate, and for his personal friendship during my tenure here.

Mr. President, much of the important work which we do here in the Senate could not be accomplished without the dedication of the professional staff members who serve the Senate, and Howard Greene has been the consummate professional. His love for the Senate; his keen understanding of its workings and its constitutional role; his discretion and his tact, have gone hand-in-hand with Howard Greene's fundamental decency and sense of public service to make him one of the Senate's greatest assets for many, many years. I doubt that there is a single Member of this body who has not benefited from Howard's counsel, his industry, his knowledge of the Senate, or his friendship. I know that I have gained a great deal from each.

I am especially proud that Howard is a fellow Delawarean, and have always believed that his sense of public service embodies the bipartisan tradition that is the hallmark of our State. As Sergeant-at-Arms, or Secretary to the majority, or in any of the roles he has undertaken during his long career here, Howard has been a source of wisdom and assistance, counsel and comfort to all Senators, Republican and Democrat alike. He has been a fundamental believer in the idea that once the election is over, we are all public servants, and he has worked tirelessly to enable us to fulfill the trust that the people of our States have placed in us.

Mr. President, the halls of Congress are filled with idealistic young people who have come to Washington hoping for a career in public service. They are the lifeblood of this institution, and are the democratic system's hope for the future. For any of those young people searching for a model of integrity, commitment, and public spiritedness upon which to base their career, I would suggest that they look to the long and distinguished career of Howard Greene.

We will miss him a great deal. And I will always be proud to call him my friend.

RETIRING SENATORS

Mr. FORD. Mr. President, these last few days mark the last that we will have the pleasure of working with some of the most talented and dedicated Senators to have served in the U.S. Senate. That's because 13 of our finest Members will be retiring this year.

Recently, former Senator Warren Rudman wrote that "As a Senator I had enjoyed sitting down with colleagues like George Mitchell, SAM NUNN, BILL BRADLEY, JOE BIDEN, and TED KENNEDY and saying, 'We have a problem here—let's find a way to solve it.' They were Democrats, to the left of me politically, but just because we saw things differently I didn't question their morality or their patriotism. I didn't come to Washington to cram things down people's throats or to have people cram anything down my throat. I thought the essence of good government was reconciling divergent views with compromises that served the country's interests."

All of the Senators retiring at the end of this Congress have set their moral compasses in the direction of compromises to best serve the country's interests. In doing so, they have served their constituents, the U.S. Senate and the Nation well.

They understood that the arbitrary labels many are so insistent to place on each other, in the end, fall short and are inadequate to describe an individual's commitment to country. That in fact, to weigh a life, a community's future or a country's needs, a different type of scale is required.

In a pluralistic society such as ours, there are many ways to confront a problem and arrive at a solution. These fine Senators recognized that their job was to reach a principled position amidst all of these often conflicting choices. Henry Kissinger put it another way saying, "The public life of every political figure is a continual struggle to rescue an element of choice from the pressure of circumstance."

They saw that the preoccupation with these labels is what grips us in gridlock. And that paralysis can cripple a nation's ability to solve its problems and move forward. With their fine guidance we have been able to move beyond gridlock on issues of great importance to the everyday lives of all Americans from health care reforms to important budget and spending questions, energy, immigration, the elderly, and judicial matters.

When judging the choices they've made, I believe history will look back on their service with great respect and admiration. Over and over again, when confronted with conflict or when called upon for leadership, they insisted that their decisions answer the larger questions: Will it stand the test of time for our country? Will our country gain strength from this decision? Time and again, their guidance has resulted in policies that have come to define our country and the common vision we hold as a nation.

In closing, Mr. President, I want to extend my personal thanks to Senators SAM NUNN, NANCY KASSEBAUM, HOWELL HEFLIN, DAVID PRYOR, CLAIBORNE PELL, JIM EXON, HANK BROWN, ALAN SIMPSON, PAUL SIMON, BILL BRADLEY, MARK HATFIELD, BENNETT JOHNSTON, and BILL COHEN for a job well done and my wishes for continued success in the future.

SECTION 405 OF THE HIGHER EDUCATION ACT OF 1965

Mr. MACK. Mr. President, I rise today to address a situation resulting from the Department of Education's interpretation of section 435 of the Higher Education Act of 1965 [HEA] which has adversely impacted many schools in Florida and across the country. In 1990, Congress amended the act to prohibit institutions from continuing their participation in the Federal Family Education Loan [FFEL] Program if their cohort default rate is equal to or above the threshold percentage for the 3 consecutive years "for which data is available." Along similar lines, this year Congress passed additional legislation which required that any school terminated from the FFEL program will no longer be eligible to receive Pell Grants for its students.

However, the Department of Education has taken the position that this law will be enforced using default rate data for years 1991, 1992, and 1993. Schools have already received their prepublished 1994 rates, many which are below the current threshold requirement, and some are even half of what they were in years prior. Despite this achievement, the Department has terminated or is currently terminating schools based on their 1991, 1992, and 1993 rate—not on their 1994 rate—because the Department does not consider the 1994 rate to be "available" until it is published. Based upon their technicality, the Department is essentially punishing schools which have implemented costly default management programs and achieved the desired result of the law—reducing their cohort default rate.

Mr. President, the intent of this law was for schools to educate their students about the importance of repaying their loans, and established a 3-year period within which a school must take proper measures to reduce its cohort default rate. It is perfectly acceptable for Congress to enact legislation to protect taxpayers from the costs associated with high default rates, and current law does so by requiring those involved in the Federal student loan process to educate students about the importance of repayment. However, I do not believe that Congress intended for schools which have reduced their default rate to be terminated from these programs.

Given this late hour, it is unlikely that legislation addressing this situation will be enacted prior to the close of the 104th Congress. Therefore, I ask the Department to do everything in its power to use the most recent data when evaluating the eligibility status of these institutions. I thank the Chair and I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 172

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1995, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12 (1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 173

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Seventeenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1995.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

REPORT OF PROPOSED LEGISLATION ENTITLED "THE FAMILY-FRIENDLY WORKPLACE ACT OF 1996"—MESSAGE FROM THE PRESIDENT—PM 174

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to transmit today for consideration and passage the "Family-Friendly Workplace Act of 1996." Also transmitted is a section-by-section analysis. This legislative proposal is vital to American workers, offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities.

The legislation would offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families. In particular, the legislation would allow eligible employees who work overtime to receive compensatory time off—with a limit of up to 80 hours per year—in lieu of monetary compensation. In addition, the legislation contains explicit protections against coercion by employers and abuses by unstable or unscrupulous businesses.

The legislation also would amend the Family and Medical Leave Act of 1993. This statute currently allows eligible workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Although enactment of this statute was a major step forward in helping families balance work and family obligations, the law does not address many situations that working families typically confront. The enclosed legislation would cover more of these situations, thereby enhancing workers' ability to balance their need to care for their children and elderly relatives without sacrificing their employment obligations. Under the expanded law, workers could take up to 24 hours of unpaid leave each year to fulfill additional, specified family obligations, which would include participating in school activities that relate directly to the academic advancement of their children, accompanying children or elderly relatives to routine medical appointments, and attending to other health or care needs of elderly relatives.

I urge the Congress to give this legislation favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

MESSAGES FROM THE HOUSE

At 9:40 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 221. Concurrent resolution correcting the enrollment of H.R. 3159.

The message also announced that the House agrees to the amendment of the Senate bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3535. An act to redesignate a Federal building in Suitland, Maryland, as the "W. Edwards Deming Federal Building."

H.R. 4138. An act to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

At 12:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1044. An act to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

S. 1577. An act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001.

S. 2085. An act to authorize the Capital Guide Service to accept voluntary services.

S. 2100. An act to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

S. Con. Res. 34. Concurrent resolution to authorize the printing of "Vice Presidents of the United States, 1789–1993."

S. Con. Res. 67. Concurrent resolution to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4011. An act to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a delony, such member shall not be eligible for retirement benefits based on that individual's service as a member, and for other purposes.

H.J. Res. 195. Joint resolution recognizing the end of slavery in the United States, and a true day of independence for African-Americans.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3546) entitled "An Act to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3378) to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 145. Concurrent resolution concerning the removal of Russian Armed Forces from Moldava.

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress regarding the importance of United States membership and participation in the regional South Pacific organizations.

H. Con. Res. 216. Concurrent resolution providing for relocation of the Portrait Monument.

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4194. An act to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The message further announced that the House has agreed to the resolution (H. Res. 545) that the bill of the Senate (S. 1311) to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Commerce, Science, and Transportation. in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

At 4:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 39. An act to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills.

H.R. 2508. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under the Act, and for other purposes.

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge, and for other purposes.

H.R. 3068. An act to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

At 6:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1031. An act for the relief of Oscar Salas-Velazquez.

H.R. 1087. An act for the relief of Nguyen Quy An.

H.R. 4000. An act to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before amendments made by the National Defense Authorization Act for Fiscal Year 1997.

H.R. 4041. An act to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school.

H.R. 4139. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act.

The message also announced that the House has passed the following bill, without amendment:

S. 1505. An act to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and Hazardous liquids, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1972. An act to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker, has signed the following enrolled bills:

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

S. 1970. An act to amend the national Museum of the American Indian Act to make improvements in the Act, and for other purposes.

S. 2085. An act to authorize the Capital Guide Service to accept voluntary services.

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrent of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 3391. An act to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act; to the Committee on Environment and Public Works.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4181. A communication from Assistant Attorney General, transmitting, a draft of proposed legislation to amend the Violent Crime Control and Law Enforcement Act of 1994; to the Committee on the Judiciary.

EC–4182. A communication from Assistant Attorney General, transmitting, a draft of proposed legislation entitled "The Compact on the Exchange of Criminal-History Records for Noncriminal-Justice Purposes"; to the Committee on the Judiciary.

EC–4183. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, regulations under the Export Apple and Pear Act (FV-96-33-1), received on September 26, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4184. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, regulations pertaining to tart cherries grown in Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin (FV-93-930-3), received on September 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4185. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a regulation regarding Irish potatoes grown in Colorado (FV-96-948-2), received on September 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4186. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a regulation regarding apricots and cheries (FV-96-922-2), received on September 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4187. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a regulation regarding domestic dates grown in Georgia (FV-96-955-1), received on September 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4188. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a regulation regarding Vidalia onions grown in Georgia (FV-96-955-1), received on September 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4189. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a regulation regarding almonds grown in California (FV-96-981-2), received on September 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4190. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a regulation regarding nectarines and fresh peaches grown in California (FV-96-916-1), received on September 23, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4191. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a regulation regarding oranges and grapefruit (FV-96-906-1), received on September 23, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4192. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a regulation regarding kiwi fruit (FV-96-920-1), received on September 23, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4193. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, twelve rules including one entitled "HOME Investment Partnerships Program Final Rule" (FR-3962, 3814, 4080, 4108, 3472, 3929, 4110, 3857, 3813, 2958, 4114) received on September 26, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–4194. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, a rule entitled "Terms and Conditions For Advances" (received on September 23, 1996); to the Committee on Banking, Housing, and Urban Affairs.

EC–4195. A communication from the Chairman of the Securities and Exchange Commission and the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report regarding markets for small business; to the Committee on Banking, Housing, and Urban Affairs.

EC–4196. A communication from the Board of Governors of the Fedral Reserve System, the Comptroller of the Currency, the Chairman of the Federal Deposit Insurance Corporation, and the Acting Director of the Office of Thrift Supervision, transmitting, pursuant to law, a report regarding streamlining of regulatory requirements; to the Committee on Banking, Housing, and Urban Affairs.

EC–4198. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule regarding standard instrument approach procedures (RIN 2120-AA65) received on September 26, 1996; to the Committee on Commerce, Science, and Transportation.

EC–4199. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule regarding hazardous materials regulation (RIN 2137-AC93) received on September 26, 1996; to the Committee on Commerce, Science, and Transportation.

EC–4200. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a rule regarding international traffic in arms regulations, recieved on September 23, 1996; to the Committee on Foreign Relations.

EC–4201. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. ABRAHAM, Mr. BENNETT, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BUMPERS, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mrs. FRAHM, Mr. FRIST, Mr. GRAHAM, Mr. GRAMS, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. KERREY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WYDEN):

S. 2136. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG:

S. 2137. A bill to amend title 18, United States Code, to make misuse of information received from the National Crime Information Center a criminal offense; to the Committee on the Judiciary.

S. 2138. A bill to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; to the Committee on the Judiciary.

By Mrs. MURRAY:

S. 2139. A bill to amend title 49, United States Code, to require the use of child safety restraint systems approved by the Secretary of Transportation on commercial aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mrs. FEINSTEIN, Mr. EXON, and Mr. D'AMATO):

S. 2140. A bill to limit the use of the exclusionary rule in school disciplinary proceedings; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2141. A bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 2142. A bill to provide for the inclusion of certain counties in North Carolina in certain metropolitan statistical areas, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WARNER (for himself, Mr. GRAHAM, Mr. INHOFE, Mr. COATS, Mr. LUGAR, Mr. GRAMM, Mrs. HUTCHISON, Mr. ROBB, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. MCCONNELL, Mr. FORD, and Mr. NICKLES):

S. 2143. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself, Mr. KERRY, Mr. FAIRCLOTH, Mr. PRESSLER, and Mr. DODD):

S. 2144. A bill to enhance the supervision by Federal and State banking agencies of foreign banks operating in the United States, to limit participation in insured financial institutions by persons convicted of certain crimes, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. 2145. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take parental involvement leave to participate in or attend the educational activities of their children; to the Committee on Labor and Human Resources.

By Mr. SHELBY:

S. 2146. A bill to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PELL (for himself and Mr. HATFIELD):

S. 2147. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mrs. MURRAY):

S. 2148. A bill to amend the Internal Revenue Code of 1986 to expand the child and dependent care credit, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 2149. A bill to establish a program to provide health insurance for workers changing jobs; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself, Mr. CRAIG, Mr. HATCH, Mr. BENNETT, Mr. CAMPBELL, Mr. BURNS, Mr. NICKLES, and Mr. STEVENS):

S. 2150. A bill to prohibit extension or establishment of any national monument on public land without full compliance with the National Environmental Policy Act and the Endangered Species Act, and an express Act of Congress, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMPSON (by request):

S. 2151. A bill to provide a temporary authority for the use of voluntary separation incentives by Department of Veterans Affairs offices that are reducing employment levels, and for other purposes; to the Committee on Veterans' Affairs.

S. 2152. A bill to amend title 38, United States Code, to provide benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY (for himself, Mr. BOND, Mr. GRAMS, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. KYL, Mr. INHOFE, Mr. SANTORUM, Mrs. FRAHM, Mr. THURMOND, Mr. HELMS, and Mr. BENNETT):

S. Con. Res. 72. A concurrent resolution expressing the sense of the Congress that the President should categorically disavow any intention of issuing a pardon to James or Susan McDougal or to Jim Guy Tucker; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. Con. Res. 73. A concurrent resolution concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. ABRAHAM, Mr. BENNETT, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BUMPERS, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mrs. FRAHM, Mr. FRIST, Mr. GRAHAM, Mr. GRAMS, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. KERREY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, AND Mr. WYDEN):

S. 2136. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson; to the Committee on Banking, Housing, and Urban Affairs.

THE JACKIE ROBINSON COMMEMORATIVE COIN ACT

• Mr. D'AMATO. Mr. President, on behalf of myself and 64 colleagues, I rise today to introduce the Jackie Robinson Commemorative Coin Act. It is appropriate and important that the Congress honor Jackie Robinson, a true American hero who rose above prejudice and segregation to become a pillar of our national pastime—and a leader in the fight for racial equality. The bill would authorize the U.S. Mint to commemorate the 50th anniversary of Jackie Robinson's historic and heroic act of breaking baseball's color barrier.

Mr. President, the life story of this great American citizen is so uplifting. It is a story of a pioneer, a man of many many, "firsts."

As a young boy growing up in New York, I was consumed by baseball like so many others. I have a personal connection to Jackie Robinson and the legendary Brooklyn Dodgers. Those were certainly the banner days for baseball, in New York and elsewhere. Jackie Robinson, one of the all stars with the legendary Brooklyn Dodgers, stood as tall as one of New York's skyscrapers themselves.

Jackie Robinson's courage, quiet determination and competitive spirit were evident throughout his life. At UCLA, Jackie Robinson was the first four-letter man excelling at football, basketball, track, and baseball.

Although he was far along the path to a promising future in sports, Jackie Robinson had to leave college after 3 years to support his mother. He realized that coming to his mother's aid in a time of need was a more compelling priority. Jackie Robinson was a giving, unselfish man, and devoted son.

In 1942, Jackie Robinson faced another noble calling. He joined the Army to serve his country during World War II. In his 3 years of service, Jackie rose to the rank of 2d lieutenant and attended Officers Candidate School. The atmosphere of segregation in the Army inspired him to forge ahead and begin a quiet but lifelong determined effort to fight discrimination.

After the Army, Jackie Robinson returned to his true dream—playing baseball. Despite the color barrier, Jackie Robinson persisted. Jackie Robinson experienced the ugly face of bigotry firsthand playing for the Negro Baseball League in 1945. It was commonplace to have hotel and restaurant doors shut in his face. He withstood vicious taunts and threats from fans. Even some of his own teammates would not acknowledge him.

But those affronts and experiences did not diminish Jackie Robinson's spirit. Eventually, his excellence and determination prevailed. In 1946 he joined the Montreal Royals minor-league team in the Dodgers organization. That same year, he was recognized as the MVP of the league, the first of many baseball honors.

In 1947, Jackie Robinson became prominent in the history of our Nation and its great pastime. He penetrated the color barrier in baseball when he was brought up to play for the Brooklyn Dodgers. This breakthrough reverberated throughout all professional sports and is acknowledged today as a watershed event in the continuing struggle for racial equality.

Mr. President, in late 1947, Jackie Robinson was named Rookie of the Year, actually the first so-named in the major leagues. Then in 1949 he was named MVP of the National League. Throughout his 11-year career with the Dodgers, Jackie Robinson won batting titles, set fielding records, and was feared as a base stealer.

Another first occurred in 1962 when Jackie Robinson became the first African-American to be inducted into the Baseball Hall of Fame located in Cooperstown, NY.

Mr. President, for many of us, especially, those of my generation, Jackie Robinson is synonymous with baseball. He dazzled and electrified crowds with his energetic performances on the field. Time and time again, he brought fans to their feet. At the same time, he united a whole city with his personal enthusiasm, and baseball excellence. But, Jackie Robinson, the man transformed his greatness on the baseball diamond to greatness in his community, hitting homeruns for his fellow man. In many ways, Jackie Robinson united our Nation through all of his achievements.

After retiring from professional baseball, he entered a life of service to his community. He donned the many hats of businessman, community leader, and civil rights activist. His dedication to bringing down social barriers thrived. He provided affordable housing to low-income families through the Jackie Robinson Development Corp. He helped spur economic development in Harlem by founding the Freedom National Bank, now a prosperous financial institution. As vice president for personnel at a well-known fast-food chain, he championed the cause of increasing benefits for workers and their families.

Mr. President, Jackie Robinson remains an inspiration to this Nation and a commemorative coin will serve as a fitting tribute to this great man. In the spirit of honoring our greatest American heroes, I am introducing this bill which would authorize silver dollar commemorative coins to be minted in 1997 celebrating the 50th anniversary of breaking the color barrier in American baseball by Jackie Robinson. Once the Mint has recovered its costs, profits would go to the Jackie Robinson Foundation, a public, not-for-profit organization.

The focus of the Jackie Robinson Foundation is to make educational and leadership development opportunities available to minority youths of limited financial resources. Full 4-year college scholarships are awarded to those youths who meet the selection criteria of the foundation. These criteria are based on academic achievement, community service, leadership potential, and financial need.

The successes of the foundation's primary goal are undeniable. Since its inception, over 400 young adults from all parts of this Nation have benefited from participation with most students obtaining degrees in engineering, science and related fields. And furthermore, the graduation rate of the foundation participants is 92 percent, one of the best in our country.

The Jackie Robinson Foundation was established by Mrs. Rachel Robinson a year following Jackie Robinson's untimely death. She has worked tirelessly to keep his inspiration alive through her gentle strength and relentless determination. Jackie Robinson once said of his wife of 26 years—"strong, loving, gentle, and brave, never afraid to either criticize or comfort." Rachel Robinson is truly an incredible woman. I can attest to that.

Mr. President, I want to thank my colleague from New York, FLOYD FLAKE for his leadership and dedication in this matter. I would also like to extend a deep appreciation to all cosponsors for their incredible support in realizing this effort. I owe a special debt of gratitude to the Honorable Robert Rubin, Secretary of the Treasury and Philip Diehl, Director of the U.S. Mint for their support.

Mr. President, I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jackie Robinson Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson and the legacy that Jackie Robinson left to society, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of Jackie Robinson and his contributions to major league baseball and to society.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1997"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Jackie Robinson Foundation (hereafter in this Act referred to as the "Foundation") and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on April 15, 1997, and ending on April 15, 1998.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Foundation for the purposes of—

(1) enhancing the programs of the Foundation in the fields of education and youth leadership skills development; and

(2) increasing the availability of scholarships for economically disadvantaged youths.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Foundation as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the Foundation unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the Foundation submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the Foundation has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum amount the Foundation may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The Foundation shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the Foundation, of all such payments to the Foundation beginning in the first fiscal year of the Foundation in which any such amount is received and continuing until all such amounts received by the Foundation with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the Foundation pursuant to paragraph (1) shall report—

(A) the amount of payments received by the Foundation during the fiscal year of the Foundation for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the Foundation from the proceeds of such surcharges during the fiscal year of the Foundation for which the audit is conducted; and

(C) whether all expenditures by the Foundation from the proceeds of such surcharges during the fiscal year of the Foundation for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF FOUNDATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The Foundation shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the Foundation in each fiscal year of the Foundation can be accounted for separately from all other revenues and expenditures of the Foundation.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the Foundation for which an audit is required under paragraph (1), the Foundation shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The Foundation may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the Foundation for any fiscal year after taking into account the amount of surcharges which such Foundation received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The Foundation shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the Foundation, or by any independent public accountant who audited the Foundation in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the Foundation.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the Foundation from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the Foundation to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.•

Mr. MURKOWSKI. I wonder if my friend from New York will make sure I am added as a cosponsor.

Mr. D'AMATO. I am delighted. I ask unanimous consent that Senator MURKOWSKI be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. GREGG:

S. 2137. A bill to amend title 18, United States Code, to make misuse of information received from the National Crime Information Center a criminal offense; to the Committee on the Judiciary.

THE NATIONAL CRIME INFORMATION CENTER DATABASE PROTECTION ACT OF 1996

• Mr. GREGG. Mr. President, I introduce the National Crime Information Center [NCIC] Database Protection Act of 1996. This legislation will make it a Federal offense to purposely misuse the NCIC data base.

The NCIC was originally established in order to centralize information about outstanding warrants and criminal history of citizens of the United States. This data-base allows law enforcement agencies across the United States to have access to any information regarding suspected criminals within their jurisdictions. It is an indisputable fact that the NCIC has helped apprehend thousands of criminals over the years, including Timothy McVeigh, who allegedly bombed the Oklahoma City Federal building. By providing instantaneous and accurate information about individuals with criminal pasts, NCIC has helped reduce recidivism and identify those people who are dangerous to society.

It also is an indisputable fact that those individuals whose names are included on the data-base have a right to privacy. They have a right to feel secure that their information will be available only to law enforcement and that the information will be accessed only when it is necessary for law enforcement to perform their prescribed duties.

Over the past several years, there have been instances when the NCIC has been used by individuals other than law enforcement officers to check the backgrounds of individuals who are not having a routine background check or under suspicion of a crime. In some cases, law enforcement officers themselves have used the data-base improperly. For instance, NCIC was used by a drug gang in Pennsylvania to identify narcotics agents. The gang got the NCIC information through a corrupt police officer.

NCIC was used by an Arizona law enforcement official to locate his ex-girlfriend and kill her. The data-base has also been used by private detectives doing background investigations on political candidates.

Unfortunately, these chilling tales are becoming far too common and there is no ready mechanism under which the perpetrators of these crimes can be prosecuted for misusing the NCIC data-base.

There is an obvious need for a law that states in no uncertain terms that the NCIC should not be readily available to any non-law enforcement officers or for any unofficial purposes. We need to send a message that those who are caught violating the privacy of others through NCIC will be prosecuted to the full extent of the law.

I urge my fellow Senators to support this legislation and join in my outrage at the ease with which NCIC information is available to criminals. Our Nation's private citizens are not safe from those who would exploit their personal information.

I ask unanimous consent that the provisions in the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MISUSE OF INFORMATION RECEIVED FROM THE NATIONAL CRIME INFORMATION CENTER.

(a) IN GENERAL.—Chapter 101 of title 18, United States Code, is amended by adding at the end the following:

“§ 2077. Misuse of information received from the National Crime Information Center.

“Whoever obtains information from the National Crime Information Center without authorization under law or uses information lawfully received for purposes not authorized by law shall be fined under this title or imprisoned not more than 3 years, or both.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 101 of title 18, United States Code, is amended by adding at the end the following:

“2077. Misuse of information received from the National Crime Information Center.”.•

By Mr. GREGG:

S. 2138. A bill to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; to the Committee on the Judiciary.

THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION AMENDMENTS OF 1996

• Mr. GREGG. Mr. President, I introduce the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Amendments of 1996.

The current Jacob Wetterling Act is an effective and responsible way to keep track of sexually violent predators, especially those who prey on our children. This act requires States to implement a program through which these types of offenders, once on parole, must register their places of residence with State and local law enforcement agencies. I have always supported the premise behind this provision in the 1994 crime bill, as I believe it provides law enforcement with the information necessary to locate prior offenders, should they strike again.

I was particularly pleased to support this provision because New Hampshire has had an exemplary sex offender registration program for several years. In fact, the Department of Justice has complimented the Granite State's program as one of the best in the Nation.

Despite my support of the Jacob Wetterling Act, I call on the Senate to amend this legislation because it has come to my attention that this act has established parameters for compliance that are too restrictive. In fact, according to the Department of Justice, while most States have established successful sex offender registration programs, not one is in compliance with the narrowly drawn provisions outlined in the bill.

This fact is particularly distressing considering that the penalty for noncompliance is the loss of 10 percent of that State's Edward Byrne Memorial Grant funds. States that already run successful registration programs do not deserve such a penalty.

The amendments that I propose will allow States to be in compliance with Jacob Wetterling while retaining their own unique system of registering sexually violent offenders.

First, this legislation would allow States to devise their own way of registering paroled offenders. Current law requires States to conduct a mail registration system, which is costly. In New Hampshire and other States, the current system requires offenders to register in person at their local police departments. My amendments would allow these States to retain their current, successful systems.

Second, my bill would amend the current provision that requires States to create a board of experts, whose purpose is to determine whether an offender should be labeled as sexually violent and required to register. My amendment would allow States to make this determination through an assessment of the individual for purposes of a sentencing enhancement determination. My own State of New Hampshire is an example of the latter situation in that all people required to register have been designated as sexually violent by a psychiatrist at the time of sentencing. In New Hampshire, no State board needs to be created.

Finally, my bill would allow sex offenders to first register with local law enforcement agencies, who then pass the information to the State, the FBI, and other appropriate agencies.

These amendments simply recognize that it is not the role of the Federal Government to devise each State's system for dealing with its paroled offenders. Each State's methods and needs are different. The Federal Government should not mandate that each of them conduct identical programs.

I ask unanimous consent that the provisions in the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF STANDARDS FOR STATE SEX OFFENDER REGISTRATION PROGRAMS.

Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended—

(1) in subsection (a)(1), by striking “with a designated State law enforcement agency” in each of subparagraph (A) and subparagraph (B);

(2) in subsection (a)(2), by inserting before the period the following: “, or pursuant to an assessment for purposes of a sentencing enhancement determination”;

(3) in subsection (a)(3)(C), by inserting before the period the following: “, or means a person who has been convicted of a sexually violent offense and has received an enhanced sentence based on a determination that the person is a serious danger to others due to a gravely abnormal mental condition”;

(4) in subsection (b)(1)(A)—

(A) in clause (ii), by striking “give” and all that follows through “days” and inserting “report the change of address as provided by State law”; and

(B) in clause (iii), by striking “shall register” and all that follows through “requirement” and inserting “shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence”;

(5) by amending paragraph (2) of subsection (b) to read as follows:

“(2) TRANSFER OF INFORMATION TO STATE AND THE FEDERAL BUREAU OF INVESTIGATION.—The officer, or in the case of a person placed on probation, the court, shall forward the registration information to the agency responsible for registration under State law. State procedures shall ensure that the registration information is available to a law enforcement agency having jurisdiction where the person expects to reside, that the information is entered into the appropriate State records or data system, and that conviction data and fingerprints for registered persons are transmitted to the Federal Bureau of Investigation.”;

(6) in subsection (b)(3)(A)—

(A) in the matter preceding clause (i), by inserting after “(a)(1),” the following: “State procedures shall provide for verification of address at least annually. Such verification may be effected by providing that”;

(B) in clause (i), by striking “The designated State law enforcement” and inserting “A designated”;

(C) in clause (ii), by striking “State law enforcement”;

(D) in clause (iii), by striking “to the designated State law enforcement agency”; and

(E) in clause (iv), by striking “State law enforcement”;

(7) in subsection (b)(4), by striking “section reported” and all that follows through “requirement” and inserting the following: “section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is available to a law enforcement agency having jurisdiction where the person will reside and that the information is entered into the appropriate State records or data system.”;

(8) in subsection (b)(5), by striking “shall register” and all that follows through “requirement” and inserting “who moves to another State shall report the change of address to the responsible agency in the State the person in leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided to an agency responsible for registration in the new State, if that State requires registration”; and

(9) in subsection (d)(3), by striking “the designated” and all that follows through “State agency” and inserting “the State or any agency authorized by the State”.•

By Mrs. MURRAY:

S. 2139. A bill to amend title 49, United States Code, to require the use of child safety restraint systems approved by the Secretary of Transportation on commercial aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CHILDREN'S AIRLINE SAFETY ACT OF 1996

• Mrs. MURRAY. Mr. President I introduce legislation that would protect our Nation's small children as they travel on aircraft. We currently have Federal regulations that require the safety of passengers on commercial flights. However, neither flight attendants nor an infant's parents can protect unrestrained infants in the event of an airline accident or severe turbulence. A child on a parent's lap will likely break free from the adult's arms as a plane takes emergency action or encounters extreme turbulence.

This child then faces two serious hazards. First, the child may be injured as they strike the aircraft interior. Second, the parents may not be able to find the infant after a crash. The United/Sioux City, IA crash provides one dark example. On impact, no parent was able to hold on to her/his child. One child was killed when he flew from his mother's hold. Another child was rescued from an overhead compartment by a stranger.

In July 1994 during the fatal crash of a USAir plane in Charlotte, NC, another unrestrained infant was killed when her mother could not hold onto her on impact. The available seat next to the mother survived the crash intact. The National Transportation Safety Board believes that had the baby been secured in the seat, she would have been alive today. In fact, in a FAA study on accident survivability, the agency found that of the last nine infant deaths, five could have survived had they been in child restraint devices.

Turbulence creates very serious problems for unrestrained infants. In four separate incidences during the month of June, passengers and flight attendants were injured when their flights hit sudden and violent turbulence. In one of these, a flight attendant reported that a baby seated on a passenger's lap went flying through the air during turbulence and was caught by another passenger. This measure is endorsed by the National Transportation Safety Board and the Aviation Consumer Action Project.

We must protect those unable to protect themselves. Just as we require seatbelts, motorcycle helmets, and car seats, we must mandate restraint devices that protect our youngest citizens. I urge my colleagues to support this legislation that ensures our kids remain passengers and not victims.●

By Mr. DORGAN (for himself, Mrs. FEINSTEIN, Mr. EXON, and Mr. D'AMATO):

S. 2140. A bill to limit the use of the exclusionary rule in school disciplinary proceedings; to the Committee on the Judiciary.

THE SAFER SCHOOLS ACT OF 1996

Mr. DORGAN. I come to the floor, Mr. President, along with my colleague, Senator FEINSTEIN, from California, to introduce legislation that will help keep our kids safe from gun violence in school. It is late in the session to do this, but I am joined in this effort by the Senator from California, Mrs. FEINSTEIN, the Senator from Nebraska, Mr. EXON, and the Senator from New York, Mr. D'AMATO. I want to describe what this legislation is and why it is necessary at this point.

Yesterday, in the Washington Post, there was a tiny little paragraph at the bottom of a section called "Around the Nation." It is the smallest of paragraphs describing the fate of a man named Horace Morgan. Horace Morgan was a teacher who, as reported in yesterday's news, was killed trying to break up a fight at a school for problem students in Scottdale, GA. He was fatally shot by a teenager. He had taught English and language arts at the De Kalb County Alternative School for 10 years. This teacher died of multiple gunshot wounds. A 16-year-old student was arrested. This was not headlines. It was not the front section. It was not on the front page—a tiny little paragraph in the newspaper about a teacher being shot in school, a teacher named Horace Morgan dying of multiple gunshot wounds.

The point is that it is not so uncommon that it warrants headlines in this country when a student shoots and kills a teacher. About 2 years ago, Senator FEINSTEIN and I wrote the Gun-Free Schools Act, which is now law. The Gun-Free Schools Act says there shall be zero tolerance on the issue of guns in schools—no excuses, no tolerance. Guns do not belong in schools. Schools are places of learning. Students cannot bring guns to school to threaten other students. Bring a gun to school and you will be expelled for 1 year—no tolerance, no excuses, no ifs, ands or buts. No guns in schools. Bring a gun, you are expelled for a year. That is now the law.

A week ago yesterday, I came to the Senate floor and again spoke on the issue of guns in schools. I did this because, as I was shaving in the morning getting ready for work, I heard a news piece on NBC television that so infuriated me I wanted to address it right away. The news story was about an appellate court in New York that had ruled a student who brought a gun to school should not have been expelled for a year because the security aide who found the gun did not have reasonable suspicion to search the student.

The facts of this case made me so angry because it simply stands common sense on its head. In 1992, Juan C. was stopped by a school security aide who said he saw a bulge resembling the handle of a gun inside Juan's leather jacket. The aide grabbed for the bulge, which was indeed a loaded .45 semiautomatic handgun.

Juan was expelled for school for one year. This internal disciplinary action is consistent with the requirements of the Gun-Free Schools Act. Juan was also changed with criminal weapons violations.

The family court that heard Juan's criminal case ruled that the security guard did not have reasonable suspicion to search this student. As a result, the court refused to admit the gun as evidence of Juan's guilt, relying on the judicially created mechanism known as an exclusionary rule.

The New York appellate court took this decision to ridiculous lengths by applying the exclusionary rule to the internal school disciplinary action against this student. In essence, this court was saying that the security aide in the school was to blame for catching this young student red-handed bringing a gun to school. They said he should not have been expelled and ordered his record expunged of any wrongdoing in the matter.

This is the most ludicrous decision from a court. If this ruling is allowed to stand, teachers and school administrators who know that a student is packing a gun will be powerless to act without a "reasonable suspicion"—whatever that now is—that the gun exists. In some cases, like this one, it tells school officials to look the other way when they know a student is carrying a loaded gun.

I do not understand this thinking. What on Earth has happened to common sense? When you and I board an airplane, we voluntarily consent to security checks in order to preserve the safety and security of ourselves and other passengers. Now we have a court that says, "Oh, but you can't have that same level of security with respect to kids in school. Yes, you can remove a gun from a passenger who is going on an airplane because it is unsafe, but you cannot remove a gun from the jacket of a 15-year-old who is carrying a loaded .45 semiautomatic pistol into a school." What has happened to common sense?

I am introducing a piece of legislation today that is painfully simple. So simple, in fact, that it ought not to have to be introduced. It simply says that you cannot exclude a gun as evidence in a disciplinary action in school. This bill returns to schools the most basic and necessary of disciplinary tools—the ability to keep classrooms safe from gun violence for the students who want to learn.

Let me emphasize that this bill does not violate the constitutional rights of kids. School officials who conduct unreasonable or unlawful searches will not be exonerated by this legislation, and people who have been aggrieved will be free to pursue any judicial or statutory remedies available to them. What they are not free to do—once they have been found with a gun—is slip through a school's disciplinary process and return to school where they can continue to threaten other kids and teachers. I do not want that kid in school with my children. I do not want that kid in school with the children of the Presiding Officer or any other citizen of this country. When a kid puts a semiautomatic pistol, loaded, in his waistband or jacket and heads off to school, if my children or the children of any American citizen are in that school, I want that kid expelled and out immediately.

If our court system does not understand that, then there is something wrong with our court system. Never again, in this country, should we have a circumstance where a court says that, even though a student is caught red-handed with a loaded gun, the security guard who finds it should pat the kid on back and say, "Sorry, I really should not have seen that. You go to class now."

No wonder people are angry in this country about a system that excuses everything. I know people will say to me, "How dare you personalize this? How dare you criticize a judge?" But who is a judge? Judges are public servants, paid for with public money. I want judges to make thoughtful, reasonable decisions.

When judges, just as when other public officials come up with decisions that defy all common sense, we have a right to be publicly critical. Certainly in this case we have a right to offer legislation to say there ought not be one school district in America that has any other than zero tolerance for guns in schools. There ought not be one judicial jurisdiction in this country that is able to say to any school board, any principal, or any teacher, that a kid bringing a gun to school ought to be sent back to a classroom because someone had no right to find the gun.

If we have a right to ensure the security of passengers who get on airplanes in this country, and we do, then we have a right to ensure the safety of teachers and children in our public schools. If we do not have that right, if we cannot take the first baby step in making sure that places of learning are safe, then we cannot take any step in improving our educational system in America.

I offer this bill in the spirit of bipartisanship. There are Republicans and Democrats who have joined me in offering it. I recall a couple years ago, at the end of a legislative session just like we are now, when Senator FEINSTEIN and I were trying very hard to save the provision that we had put in law saying we ought to adopt a zero tolerance on guns in schools. At the time, I shared a story with my colleagues. I know it is repetitious but it is important, so I am going to tell it again. I do not know about the subject of guns in schools so much from my hometown because I come from North Dakota, a town of 300, a high school class of nine; a small school. We did not have so many of the problems that so many schools have now.

But a few years ago I toured a school not very far from this Capitol building. That school had metal detectors and security guards. A month later, a student at that school bumped a student who was taking a drink at a water fountain and the student taking the drink, after he was bumped, pulled out a pistol, turned around, and shot the other student four times. The name of the young man who was shot is Jerome. He survived; critically wounded, but he survived. I visited with Jerome after that. He has since graduated.

But I was trying to understand, what is happening here? What is happening that a child who bumps another child in a lunchroom finds himself facing a loaded pistol and is shot four times? I do not even begin to understand it. But I do not need to begin to understand it to know that we ought, in every circumstance, under every condition, decide to fight to make certain that people are not bringing guns into our schools. Our schools ought to be safe havens, places of learning where our young boys and girls come, believing they are going to learn during that day and be safe while they are learning.

That is why we introduced the legislation 2 years ago. I am very surprised we are here on the floor of the Senate talking again about this issue, but we are here because of a court decision that stands logic on its head. When they do that, I will come to the floor again, and again, and again, and introduce legislation that restores some common sense on this issue.

Mr. President, let me say again that I appreciate the opportunity to work closely with the Senator from California on this issue. Mr. President, I yield the floor, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safer Schools Act of 1996".

SEC 2. SAFER SCHOOLS.

(a) IN GENERAL.—Section 14601(b)(1) of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921(b)(1)) is amended—

(1) by striking "under this Act shall have" and inserting the following: "under this Act—

"(A) shall have";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(B) beginning not later than 2 years after the date of enactment of the Safer Schools Act of 1996, shall have in effect a State law or regulation providing that evidence that a student brought a weapon to a school under the jurisdiction of the local educational agencies in that State, that is obtained as a result of a search or seizure conducted on school premises, shall not be excluded in any school disciplinary proceeding on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States.".

(b) REPORT TO STATE.—Section 14601(d) of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921(d)) is amended—

(1) in paragraph (1), by striking "the State law required by" and inserting "each State law or regulation"; and

(2) in paragraph (2), by striking "subsection (b)" and inserting "subsection (b)(1)(A)".

(c) REPORT TO CONGRESS.—Section 14601(f) of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921(f)) is amended by inserting "of subsection (b)(1)(A)" before "of this".

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I thank the Senator from North Dakota for his leadership on this issue. I have been very proud to cosponsor the bill with him, and it has been a very important bill in California.

I will never forget going to a school in Hollywood, CA, speaking to a fourth grade class and asking that class, What is your No. 1 fear?

Do you know what it was? It was getting shot in class or on the way to school. I didn't believe it, so I asked the class: Well, how many of you have even heard gunshots? In the fourth grade of this Hollywood elementary school, every single hand went up.

Then I remember going to Reseda High School and embracing a mother whose son had been shot in a hallway for no reason at all, just shot dead by another student. That is when I came back and sort of firmed up my resolve to really try to do something about it.

In 1993—this is the year before we passed this bill, gun-free schools—the Oakland school officials confiscated 60 guns; Fresno school officials confiscated 43 guns; San Jose, 175 guns; Los Angeles, 256 guns; Long Beach, 37 guns; and San Diego, 30 guns.

These are the schools of California. Who can learn when a youngster has a .45 in their pocket? I don't think your son or daughter could learn. I know my son or daughter or granddaughter couldn't learn in a school if guns are present. So this is a good bill.

I share the frustration of Senator DORGAN. I wasn't shaving that morning, but I did read the New York Times, and what I saw in the New York Times amazed me, because what it said was that no school security guard, seeing a bulge in a youngster's pocket, could go up to that youngster and say, "What do you have in your pocket?"

If you see a bulge in somebody's pocket, you can have a reasonable belief that they are carrying a weapon, particularly in a day and age where we have 160,000 students a year going into schools with weapons. That is a reasonable belief if there is a bulge.

We know for a fact that many schools now have metal detectors, that many schools routinely search backpacks. What does this court finding do to these routine searches? I think it decimates them.

So we have submitted to you a bill which we hope will correct this. I know that gun-free schools work. In Los Angeles, when they put in a gun-free-school bill, gun incidents went down by 65 percent. In San Diego, gun incidents in school were cut in half.

What we contend is that any school that takes Federal money should have a zero tolerance policy for guns in that school. That means you bring a gun to school, you are expelled for 1 year. No ifs, ands, or buts, you go out. The superintendent has the ability to be able to see there is some alternative placement if that is available and to provide counseling for the youngster. But the point of this is, it has to be enforced. For the New York City Family Court to strike down a gun being entered into evidence that was confiscated by a bona fide security person in the course of their duties on school grounds to me just boggles my mind.

Let me talk just for a moment about what happens if this ruling stands and if we don't address it legislatively. I think it is really a shot in the back of school districts that are attempting to eliminate gun violence in their schools. How many school security guards and teachers will now hesitate to be just a little bit more vigilant in protecting the millions of good, innocent kids who are in our schools? How many overworked and underpaid teachers, fearful for their safety, will decide that this is the last straw and simply turn away from teaching if they can't go out there and say, "I think you may have something in your backpack that is contraband. Open it up." Or, "Susie," or "Jeff, what is that bulge in your pocket? Let me see what you have in your pocket."

This raises the whole kind of commonsense aspect: Should a youngster in a school have the same privacy rights that a youngster in a home would have? I don't think so. I think a minor should be subject to search for contraband, to search for possession of a weapon, and if we let our laws in this country bend over so backward that a security guard or a teacher can't say, "Show me what you have in that pocket," or "Show me what I think you have in that backpack," or "I have reason to believe you may have something you shouldn't have in your locker; I am going to open it up and look at it," I think any effort to protect youngsters in schools will go right out the window.

So I think that what we are trying to do today—Senator DORGAN, myself, I know I talked with Senator D'AMATO about this. I know he has said, "Let's work together." I am delighted to see he is on this bill as well.

It is extraordinarily important that we get guns out of our schools, and this court decision was just a major setback, because what it said is, you can't enter the gun into evidence, you can't make it stick. I cannot fathom how any judge could do this.

I am not entirely sure that the remedy we present today is the full remedy that we need. I think it may even need beefing up in itself. But I think it is a real start in the right direction, and I think it is extraordinarily important that Senators on both sides of the aisle really state to the public their belief that guns must not be brought to school, that knives must not be brought to school, that drugs, for that matter, should not be brought to school, and that we reinforce this in every way, shape or form we can legislatively.

I am very, very pleased and proud to join with the Senator from North Dakota, once again, in hopes that this body will take prompt action in the early part of the next session. My hope also is, as this case proceeds on appeal, that common sense may reign. I cannot believe that the Framers of the Constitution of the United States of America wanted a situation whereby a youngster could be search-proof in a school for a weapon of destruction.

By Mrs. FEINSTEIN:

S. 2141. A bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Finance.

CHARITABLE GIVING TAX LEGISLATION

• Mrs. FEINSTEIN. Mr. President, I introduce legislation to strengthen tax incentives to encourage more charitable giving in America. The legislation would represent an important step and encourage greater private sector support of important educational, medical, and other valuable programs in local communities across the country.

Americans are among the most caring in the world, contributing generously to charities in their communities:

American families contribute, on average, nearly $650 per household, or about $130 billion, per year, to charities.

Approximately, three out of every four households give to nonprofit charitable organizations.

However, charities are very concerned for the future, anticipating a decline in Federal social spending to address urgent needs like childrens' services, homelessness, job training, health and welfare, just as the need for help accelerates.

Nonprofit charities are very concerned about their ability to maintain their current level of services, let alone expand to meet the increasing demand for services. While charitable contributions grew by 3.7 percent in 1994, contributions for human services, the area most closely associated with poverty programs, dropped by 6 percent.

Private charities can never replace government programs for national social priorities. However, nonprofit charities across America play a critical role in providing vital services to people in need. The Federal Government needs to take steps to ensure we are doing everything we can to encourage private charitable support to supplement government programs and government support.

The Federal Government needs to take steps to encourage greater private sector support. Government must provide both the leadership and the incentives to encourage more private, charitable giving through the tax code. Analysts believe the gift of closely held business stock is an underutilized source of potential funds for charitable activities that warrants closer attention and legislative remedies.

A closely held business is a corporation, in which stock is issued to a small number shareholders, such as family members, but is not publicly traded on a stock exchange. This business form is very popular for family businesses involving different generations.

However, today, the tax cost of contributing closely-held stock to a charity or foundation can be prohibitively high. The tax burden discourages families and owners from winding down a business and contributing the proceeds to charity. This legislation would permit certain tax-free liquidations of closely held corporations into one or more tax exempt 501(c)(3) organizations.

Under current law, a corporation may have to be liquidated to effectively complete the transfer of assets to the charity for its use, incurring a corporate tax at the Federal rate of 35 percent. In 1986, Congress repealed the "General Utilities" doctrine, imposing a corporate level tax on all corporate transfers, including those to tax exempt charitable organizations. Additionally, a charitable organization could also be subject to taxation on its unrelated business income from certain types of donated property.

These tax costs make contributions of closely held stock a costly and ineffective means of transferring resources to charity. If the Federal Government is going to find new ways to encourage charitable giving, we need to look at these tax costs which undercut both the incentive to give and the potential value of any charitable gift.

Governments at the Federal, State, and local level, are reducing spending in all areas of their budgets, including spending for social services. Public charities and private foundations already distribute funds to a diverse and wide ranging group of social support organizations at the community level. Congressional leaders have looked to private charities in our religious institutions, our schools and communities, to fill the void created by government cut-backs. However, volunteers are already hard at work in their communities and charitable funding is already stretched dangerously thin. Charities need added tools to unlock the public's desire to give generously. We need to create appropriate incentives for the private sector to do more.

In California and throughout the country, volunteer and charitable organizations, together, perform vital roles in the community and they deserve our support. Allow me to provide a few examples, which could be repeated in any town across America:

Summer Search: In San Francisco, the Summer Search Foundation is hard at work preventing high school students from dropping out of school. Summer Search helps students not only successfully complete high school but, for 93 percent of the participants, go on to college. By increasing charitable contributions, groups like Summer Search can help keep kids in school and moving forward toward graduation and a more productive contribution to the Nation.

Drew Center For Child Development: Dramatic increases in the number of child abuse and neglect cases, which now total nearly 3 million children in the United States, is deeply troubling for everyone. We must do everything to prevent these cases, but cutbacks in Social Services block grants will impose new burdens on local communities. Charitable support can be a small part of the solution.

Drew Child Development, a child care and development center in the Watts neighborhood of Los Angeles, works directly with children and families involved in child abuse environments. Unfortunately, these 130 families in which the Drew Center supports is not the end of the story. There are thousands of other families that could benefit from this child abuse treatment program if more resources were available.

The Drew Center expects cuts in government funding. They anticipate that they will have to cut counselor positions and turn needy families away. Stronger incentives for private sector giving would provide the Drew Center with some of the resources needed to combat this enormous problem.

The Chrysalis Center: In 1993 I visited the Chrysalis Center, a nonprofit organization in downtown Los Angeles dedicated to helping homeless individuals find and keep jobs. Chrysalis provides employment assistance, from training in job-seeking skills to supervised searches for permanent employment. In 1995, the center helped over 750 people find work, and has helped place more than 3,000 people in permanent, full-time jobs in the last decade.

However, there are still an estimated 15,000 homeless individuals in the Los Angeles area that are able to work. Most of these men and women, however, lack literacy skills and the resources to move from the streets to full-time employment. With increased charitable contributions, Chrysalis would be able to offer hope and opportunity for thousands more.

Today, I introduce tax incentive legislation to encourage stronger support for the Nation's vital charities. The proposal:

Eliminates the corporate tax upon liquidation of a qualifying closely-held corporation under certain circumstances. The legislation would require 80 percent or more of the stock to be bequeathed to a 501(c)(3) tax-exempt organization; and

Clarifies that a charity can receive mortgaged property in a qualified liquidation, without triggering unrelated business income tax for a period of 10 years. This change parallels the exemption from unrelated business income tax provided under current law for direct transfers by gift or bequest.

Under the legislation, the individual donor would receive no tax benefit from the proposal, as the tax savings generated would increase the funds available for the charity.

By eliminating the corporate tax upon liquidation, Congress would encourage additional, and much needed, charitable gifts. Across America, countless thousands have built successful careers and have generated substantial wealth in closely-held corporations. As the individuals age and plan for their estate, we should help them channel their wealth to meet philanthropic goals. Individuals who are willing to make generous bequests of companies and assets, often companies they have spent years building, should not be discouraged by substantially reducing the value of their gifts through Federal taxes.

While the Joint Tax Committee has not yet prepared an official revenue cost, previous estimates suggest a 7-year cost of about $600 million.

However, the revenue estimate represents the expectation of significant transfer to charity as a result of the legislation. By the same techniques used to estimate the tax cost to Treasury, we estimate between $3 and $5 billion in charitable contributions would be stimulated by this tax change. This tax proposal may generate as much as seven times its revenue loss in expanded charitable giving.

The legislation has been endorsed by the Council on Foundations, the umbrella organization for foundations throughout the country, and the Council of Jewish Federations.

I am pleased to add my colleagues MARK HATFIELD, of Oregon, SLADE GORTON of Washington and MAX BAUCUS, of Montana, as co-sponsors of the legislation. I encourage others to review this legislation and listen to the charitable sectors in your community. During this past year, the proposed legislation went through several different revisions in order to sharpen the bill's focus and target the legislation in the most effective manner. I want to encourage the review process to continue, so we may continue to build support and target the bill's impact for the benefit of the Nation's nonprofit community.

With virtually limitless need, we must look at new ways to encourage and nurture a strong charitable sector. The private sector cannot begin to replace the government role, but if the desire to support charitable activity exists, we should not impose taxes to deplete the value of that support.

Tax laws should encourage, rather than impede, charitable giving. By inhibiting charitable gifts, Federal tax laws hurt those individuals that most need the help of their government and their community.

I request unanimous consent to have the legislation and section-by-section analysis printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF CORPORATE LEVEL TAX UPON LIQUIDATION OF CLOSELY HELD CORPORATIONS UNDER CERTAIN CONDITIONS.

(a) IN GENERAL.—Paragraph (2) of section 337(b) of the Internal Revenue Code of 1986 (relating to treatment of indebtedness of subsidiary, etc.) is amended—

(1) by striking "Except as provided in subparagraph (B)" in subparagraph (A) and inserting "Except as provided in subparagraph (B) or (C)", and

(2) by adding at the end the following new subparagraph:

"(C) EXCEPTION IN THE CASE OF STOCK ACQUIRED WITHOUT CONSIDERATION.—If the 80-percent distributee is an organization described in section 501(c)(3) and acquired stock in a liquidated domestic corporation from either a decedent (within the meaning of section 1014(b)) or the decedent's spouse, subparagraph (A) shall not apply to any distribution of property to the 80-percent distributee. This subparagraph shall apply only if all of the following conditions are met:

"(i) Eighty percent or more of the stock in the liquidated corporation was acquired by the distributee, solely by a distribution from an estate or trust created by one or more qualified persons. For purposes of this clause, the term 'qualified person' means a citizen or individual resident of the United States, an estate (other than a foreign estate within the meaning of section 7701(a)(31)(A)), or any trust described in clause (i), (ii), or (iii) of section 1361(c)(2)(A).

"(ii) The liquidated corporation adopted its plan of liquidation on or after January 1, 1997.

"(iii) The 80-percent distributee is an organization created or organized under the laws of the United States or of any State.

Nothing in subsection (d) shall be construed to limit the application of this subsection in circumstances in which this subparagraph applies.".

(b) REVISION OF UNRELATED BUSINESS INCOME TAX RULES TO EXEMPT CERTAIN ASSETS.—Subparagraph (B) of section 514(c)(2) of the Internal Revenue Code of 1986 (relating to property acquired subject to mortgage, etc.) is amended by inserting "or pursuant to a liquidation described in section 337(b)(2)(C)," after "bequest or devise,".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SECTION BY SECTION DESCRIPTION

Amending the Internal Revenue Code to permit certain tax free corporate liquidations into 501(c)(3) organizations and to revise the Unrelated Business Income Tax (UBIT) rules regarding the receipt of mortgaged property in a corporate liquidation:

Section 1: Establishes an exception under IRC section 337 to permit a tax-free liquidation of a corporation into a charitable organization under IRC section 501(c)(3) when eighty percent or more of the corporation is dedicated to the charity through a bequest at death by a US citizen or resident of the US, an estate or trust.

Section 2: Expands the current law ten year exemption from the Unrelated Business Income Tax to include entities receiving mortgaged assets in a corporate liquidation. When a tax exempt entity receives mortgaged property from a corporate liquidation covered by section one of this bill, no Unrelated Business Income Tax would be imposed for 10 years.

Section 3: The amendment takes effect upon date of enactment for corporate plans of liquidation adopted on or after January 1, 1997.●

By Mr. WARNER (for himself, Mr. GRAHAM, Mr. INHOFE, Mr. COATS, Mr. LUGAR, Mr. GRAMM, Mrs. HUTCHISON, Mr. ROBB, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. MCCONNELL, Mr. FORD, and Mr. NICKLES):

S. 2143. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Environment and Public Works.

THE ISTEA INTEGRITY RESTORATION ACT

Mr. WARNER. Mr. President, I am pleased to introduce today, along with my distinguished colleague from Florida, Mr. GRAHAM, the ISTEA Integrity Restoration Act. We have a number of cosponsors, I am pleased to say, whom I shall not list. But it is a bipartisan group.

As chairman of the Subcommittee on Transportation and Infrastructure, and the distinguished Senator from Florida is a member of my subcommittee, we do this on behalf of many Senators and invite others, hearing of this introduction at this time, to consider adding their names as cosponsors.

This legislation is the product of 2 years of work on the part of many Senators and, indeed, specifically a group of States, 21 in number, known as STEP–21. The goals of this group of States, referred to as STEP–21, are incorporated in this legislation. This group shares, among those goals, that of ensuring that our surface transportation system is prepared to respond to the economic challenges of the 21st century.

The current surface transportation authorization bill, known as ISTEA—I might refer to it as ISTEA 1, and next year I, hopefully, will be a part of the legislating group to provide for ISTEA 2—but ISTEA 1 expires September 30, 1997. So it is imperative that the Congress of the United States draft and legislate ISTEA 2 next year.

American products are reaching domestic and international markets in shorter times. Manufacturing plants are reducing inventories and relying on just-in-time deliveries. I visited an industrial plant in my State, in Luray, VA, which is primarily making blue jeans. I asked them, "How do you compete with the low-cost labor market in Asia? Indeed, how do you compete with the European markets?" They came straight to the point. No. 1, the hard work delivered by the citizens of Virginia in that plant. But, No. 2, it is very clear, is turnaround time. We get an order in, we fill the boxes, we put it on the truck, and that truck turns around and goes back, back to the purchasers in a very short period of time. Mr. President, that turnaround time, that ability to turn goods around on the roads as they exist in America today that will exist even in better form tomorrow through improved bridges and other forms of transportation, that gives us an edge in this "one world market" to beat those other competitors.

Throughout Virginia, all types of industries tell me that their ability to get the goods to domestic or international markets makes the difference in their competitiveness here at home, indeed, and worldwide. In this one-world market, our existing modern transportation system is probably one of the major factors that gives us such a competitive edge as we have here today. But we must improve that for a tougher competitive environment of tomorrow.

We are a mobile society here in the United States, but our transportation challenges are growing as we face an aging surface transportation system. As we work to develop a national consensus on transportation policy, I remain committed to a future that provides for easier access for every community to a modern, safer road system designed for ever-increasing volumes of traffic.

Responding to the congestion on our Nation's highways and the resulting lost productivity is a primary focus of the legislation we are introducing today, such that all in America can study it. And tomorrow, next year, we will begin work in response to the needs of our country.

It is not too early to begin the discussion, to ensure that the next multiyear surface transportation bill provides a system that:

First, effectively moves people and goods—that is more effectively;

Second, provides for the safety of the traveling public, and this Senator and, indeed, my colleague from Florida have always stood in the forefront for provisions which add safety to our transportation system;

Third, fosters a healthy economy;

Fourth, ensures a consistent level of performance and service among the 50 States and provides an equitable distribution of highway trust funds that responds to the challenging demographics in America.

These are our national priorities that must be met.

The legislation Senator GRAHAM and I are introducing today is a sound approach that meets these priorities.

With the completion of the Interstate Highway System, the mobility of Americans has steadily increased.

Every day we commute longer distances to our jobs. We travel longer distances for vacations or to visit friends and family.

In testimony before the Transportation and Infrastructure Subcommittee this year, Secretary of Transportation Peña indicated that gridlock on our Nation's highways wastes $30 billion annually. The ISTEA Integrity Restoration Act addresses this critical problem by redirecting Federal dollars to our States on a more equitable basis.

Our legislation also builds upon the successes of ISTEA by: preserving public participation and the role of local governments in transportation decision-making; continuing the national goal of intermodalism; expanding State and local authority to determine transportation priorities; and, increasing the flexibility to use transportation dollars on other modes of transportation that improve air quality, facilitates the flow of traffic or enhances the preservation of historic transportation facilities.

The ISTEA Integrity Restoration Act continues to move our surface transportation policy forward. It responds to the single most glaring failure of ISTEA by modernizing our outdated Federal apportionment formulas.

Virginia and many other States have historically been "donor" States—sending more into the Highway Trust Fund that we receive in return.

This legislation addresses the needs of the "donor" States and also recognizes the demands of our rural States and small States with dense populations.

This bill is an honest, good-faith effort to reduce the extremes in the funding formulas. It provides that all States should receive at least 95 percent of the funds their citizens pay into the highway trust fund by way of the Federal gas tax.

We are introducing this legislation today, near the end of the 104th Congress, to stimulate discussion among the States, local governments and various interested groups on how the Congress should approach the reauthorization of ISTEA.

As chairman of the Subcommittee on Transportation and Infrastructure of the Environment and Public Works

Committee, the subcommittee will hold extensive hearings next year of ISTEA reauthorization.

I pledge to work with all of my colleagues to craft a multiyear reauthorization bill that addresses the issues I have outlined. I welcome all comments on the legislation I am introducing today as we share the common goal of providing for an efficient transportation system for the 21st century.

I want to credit my distinguished colleague from Florida, because the two of us, along with others, have stood toe-to-toe on this floor trying to bring into balance a more equitable system of allocation of the public highway trust funds donated by our respective States. As I said, some of our States, like Virginia and Florida, are referred to as donor States, meaning we send more to Washington than we get back. That must be adjusted next year.

Mr. GRAHAM. Mr. President, I appreciate the opportunity this afternoon to join my friend and colleague from Virginia in the introduction of this important legislation. I believe there are a couple of historical notes that should be made at this time.

First is, we are introducing legislation to carry on a program which will expire 368 days from today. By introducing this legislation today, we are giving to our colleagues—but more important to the millions of Americans who will be affected by this legislation—more than a year to give full consideration to the policy proposals which we are advancing.

We are doing that at the very time that, here on the Senate floor, other important matters are being denied that kind of full attention and exploration. I commend the Senator from Virginia for his vision and his farsightedness in making it possible for such a dispassionate, thoughtful consideration of this important legislation.

Mr. WARNER. Mr. President, I thank my distinguished colleague for helping draft the first blueprint of this exciting challenge for America.

Mr. GRAHAM. The second historical point is consistent with what my friend from Virginia has just said, and that is we are at a new point of departure for our surface transportation system. We could date the current era with adoption of the Interstate Highway Act during the administration of President Eisenhower. We have had a great national objective over almost a half century, to link America with the highest standards of highway engineering, design and construction and maintenance. We have largely accomplished the task that we set out for ourselves in the 1950's.

Now the question is, what will this generation's contribution be to America's transportation for the first half of the 21st century? The decisions that we will be making in 1997 will be an important step toward answering that question of what we shall do for the future of America's transportation.

I am pleased to cosponsor this important legislation which has a number of significant provisions. One of those provisions is the need for equity in the funding of our highway system. In report after report—and I bring to the Senate's attention just two of many. One, a report in 1985, "Highway Funding, Federal Distribution Formulas Should Be Changed," which was produced prior to the 1991 act upon which we are currently distributing our Federal highway funds, and then a second dated November of 1995, 4 years after the adoption of the 1991 Highway Act, which is entitled "Highway Funding Alternatives for Distributing Highway Funds" in which it states that "the formula process in the current law is cumbersome, yielding a largely predetermined outcome and partially relies on outdated and irrelevant factors."

So, Mr. President, in spite of repeated reports pointing out shortcomings in our past and current distribution laws, we still are subject to the criticism of being cumbersome, predetermined, and outdated and irrelevant in our distribution facts.

One of the important objectives of this legislation that we introduced today is to bring greater rationality and modernity into our distribution of highway funds while we also strive to give greater flexibility to the States that have the responsibility for administering these funds.

I am glad that we commenced the debate today. I look forward to more than a year of opportunity to move this idea into a form that can come before the Senate and our colleagues in the House for passage and to usher in a new postinterstate era for American highway transportation.

By Mr. D'AMATO (for himself, Mr. KERRY, Mr. FAIRCLOTH, Mr. PRESSLER, and Mr. DODD):

S. 2144. A bill to enhance the supervision by Federal and State banking agencies of foreign banks operating in the United States, to limit participation in insured financial institutions by persons convicted of certain crimes, and for other purposes; to the Committee on Banking, Housing, and Urban affairs.

THE FOREIGN BANK ENFORCEMENT ACT OF 1996

• Mr. D'AMATO. Mr. President, today I introduce the Foreign Bank Enforcement Act of 1996.

This legislation proposes a number of important modifications to statutes governing the activities of foreign banks operating in the United States. It reflects the recommendations of Federal and State bank regulators. It will enhance the ability of U.S. regulators to oversee the 275 foreign banks from 61 countries now operating in the United States.

The world's financial system is increasingly interconnected, and foreign banks operate in the United States to a greater degree than ever before. These banks now hold more than $1 trillion in U.S. banking assets and make approximately 30 percent of the amount of all loans to U.S. businesses.

The integrity of the U.S. financial system is one of our most important national assets. This asset is threatened whenever any bank—domestic or foreign—operating on our shores engages in misconduct or fraud. It is therefore imperative that U.S. bank regulators possess all of the tools necessary to supervise the U.S. operations of foreign banks with the same care and attention as those of our domestic banks.

Over the past several years, the activities of rogue traders at banks and securities firms have shaken world financial markets. Last year, the $1.3 billion in hidden losses from derivatives trading by Nicholas Leeson in Singapore brought down the venerable Barings Bank in Great Britain. In September 1995—and much closer to home—Federal bank regulators learned that Daiwa Bank's New York branch had incurred losses of $1.1 billion from the unauthorized trading activities of just one employee, Mr. Toshihide Iguchi, over a period of 10 years.

Mr. President, the Daiwa matter is particularly troubling. Although Daiwa senior management learned of these hidden trading losses of $1.1 billion in July 1995, they concealed the losses from U.S. bank regulators for almost 2 months. Even worse, Daiwa senior management directed Mr. Iguchi to continue his fraudulent transactions during July and August 1995 to avoid detection of the losses.

In November 1995, Federal and State bank regulators took the stern, but entirely appropriate step, of terminating all of Daiwa Bank's operations in the United States. The bank also paid a criminal fine of $340 million, and two of its officials entered guilty pleas to criminal offenses.

In the wake of the Daiwa scandal, I asked the Federal Reserve to conduct a full inquiry into this matter and to examine our existing scheme for regulating the U.S. activities of foreign banks. The Banking Committee also held a hearing in November 1995 on Daiwa and related matters at which Federal and State bank regulators testified.

Mr. President, it is clear that we must learn from the Daiwa scandal. Over the past year, the Banking Committee has worked with Federal and State regulators, including the Federal Reserve and the New York State Banking Department, to identify any limitations in the existing laws governing the U.S. operations of foreign banks.

After reviewing the recommendations of Federal and State bank regulators, I today introduce the Foreign Bank Enforcement Act. This legislation would make the following five changes to the statutory scheme now governing the U.S. operations of foreign banks.

First, it would clarify that the Federal Reserve possesses the statutory authority to set conditions for the termination of a foreign bank's activities in the United States. Under the International Banking Act of 1978, the Federal Reserve may order the complete termination of a foreign bank's branches and agencies in the U.S. This amendment would make explicit that the Federal Reserve also may issue, on an involuntary basis, a termination order that sets specific conditions on the termination of a foreign bank's U.S. activities. These conditions might include requiring the terminated bank to maintain the records of its U.S. activities in the U.S., to make its officials available in the U.S. to facilitate U.S. investigatory efforts, and to escrow funds in the U.S. to meet contingent liabilities after the foreign bank has left the U.S.

Second, this bill would clarify the authority of federal banking agencies to remove convicted felons from the banking industry. Under Section 8(g) of the Federal Deposit Insurance Act, the Federal Reserve and other Federal banking agencies may suspend and permanently bar from the banking industry persons convicted of certain felonies. This amendment would make clear that Federal banking agencies possess this authority with regard to persons who are not actually employed by a banking organization.

Third, the Foreign Bank Enforcement Act would expand the current automatic bar on the employment of persons convicted of a crime involving dishonesty, breach of trust, or money laundering. Under Section 19 of the Federal Deposit Insurance Act, a person convicted of such crimes may not work for an insured depository institution without the approval of the Federal Deposit Insurance Corporation; it does not expressly bar the future employment of a convicted person by a bank holding company, an Edge or Agreement corporation, or a U.S. branch or agency of a foreign bank. For instance, under the current Section 19, Mr. Iguchi, the senior Daiwa official who caused the bank's $1.1 billion trading loss, would not automatically be barred from working for another U.S. branch or agency of a foreign bank. This amendment would close this loophole.

Fourth, this legislation would increase the ability of the federal bank regulators to obtain from foreign bank supervisors critical examination and supervision-related information concerning foreign banks operating in the U.S. Specifically, it would amend the International Banking Act of 1978 to provide explicitly that federal bank regulators may keep confidential critical bank-examination information obtained from foreign supervisors. This provision would not protect such information from disclosure to Congress or to the courts and is similar to a provision in the securities laws that allows the SEC to maintain the confidentiality of information received from a foreign securities authority.

Finally, this bill would authorize Federal courts, upon a motion of a U.S. Attorney, to issue orders authorizing the disclosure of matters occurring before a grand jury to State bank regulators. Under current law, such disclosures may be made only to Federal bank regulators, and, as the Daiwa matter demonstrates, State bank regulators play an important role in the supervision of foreign banks operating in the U.S.

Mr. President, we must not allow loopholes in existing law to erode the confidence of the American people in the integrity of our financial system. Congress must provide Federal and State bank regulators with all of the tools necessary to supervise fully the U.S. operations of foreign banks. The Foreign Bank Enforcement Act proposes a number of narrow, but important, changes in existing law. It reflects the recommendations of the Federal Reserve and other bank regulators. I urge the swift approval of this important legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Bank Enforcement Act of 1966".

SEC. 2. UNAUTHORIZED PARTICIPATION BY CONVICTED PERSONS.

Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended—

(1) in subsection (a), by striking "Corporation" and inserting "appropriate Federal banking authority"; and

(2) by adding at the end the following new subsection:

"(c) DEFINITION.—For purposes of this section—

"(1) the term 'appropriate Federal banking authority' means—

"(A) the Corporation, in the case of any insured depository institution, except as specifically provided in subparagraphs (B), (C), and (D), or in the case of any insured branch of a foreign bank;

"(B) the Board of Governors of the Federal Reserve System, in the case of any bank holding company and any subsidiary thereof (other than a bank), uninsured State branch or agency of foreign bank, or any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act;

"(C) the Comptroller of the Currency, in the case of any Federal agency or uninsured Federal branch of a foreign bank; and

"(D) the Office of Thrift Supervision, in the case of any savings and loan holding company and any subsidiary thereof (other than a bank or a savings association) or any institution that is treated as an insured bank under section 8(b)(9); and

"(2) the term 'insured depository institution' shall be deemed to include any institution treated as an insured bank under paragraph (3), (4), or (5) of section 8(b) or as a savings association under section 8(b)(9).".

SEC. 3. REMOVAL ACTIONS AGAINST PERSONS CONVICTED OF FELONIES.

Section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended—

(1) by inserting ", or any order pursuant to subsection (g)," after "any notice"; and

(2) by inserting "or order" after "such notice".

SEC. 4. INTERNATIONAL COOPERATION.

Section 15 of the International Banking Act of 1978 (12 U.S.C. 3109) is amended by adding at the end the following new subsections:

"(c) INFORMATION OBTAINED FROM FOREIGN SUPERVISORS.—

"(1) IN GENERAL.—Except as provided in subsection (d), the Board, the Comptroller, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision shall not be compelled to disclose information obtained from a foreign supervisor if—

"(A) the foreign supervisor has, in good faith, determined and represented to such agency that public disclosure of the information would violate the laws applicable to that foreign supervisor; and

"(B) the United States agency obtains such information pursuant to—

"(i) such procedure as the agency may authorize for use in connection with the administration or enforcement of the banking laws; or

"(ii) a memorandum of understanding.

"(2) TREATMENT UNDER TITLE 5.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered to be a statute described in subsection (b)(3)(B) of such section 552.

"(d) SAVINGS PROVISION.—Nothing in this section authorizes the Board, the Comptroller, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision to withhold information from the Congress or to prevent such agency from complying with an order of a court of the United States in an action commenced by the United States or by such agency.".

SEC. 5. TERMINATION OF FOREIGN BANK OFFICES IN THE UNITED STATES.

Section 7(e) of the International Banking Act of 1978 (12 U.S.C. 3105(e)) is amended by adding at the end the following new paragraph:

"(8) PROVISIONS OF A TERMINATION ORDER.—An order issued by the Board under paragraph (1) or by the Comptroller under section 4(i) may contain such terms and conditions as the Board or the Comptroller, as the case may be, deems appropriate to carry out this subsection.".

SEC. 6. DISCLOSURE OF CERTAIN MATTERS OCCURRING BEFORE GRAND JURY.

Section 3322(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "State or Federal" before "financial institution"; and

(2) in paragraph (2), by inserting "at any time during or after the completion of the investigation of the grand jury" before "upon".

SUMMARY OF THE FOREIGN BANK ENFORCEMENT ACT OF 1996

SECTION 2. EMPLOYMENT PROHIBITION

Section 19 of the Federal Deposit Insurance Act ("FDI Act"), (12 U.S.C. 1829), prohibits anyone convicted of a criminal offense from being employed by, or participating in the affairs of, an insured depository institution unless they receive the written consent of the FDIC. Section 19 covers only employees of depository institutions and thus does not currently prohibit the employment of convicted felons in a bank holding company, Edge or Agreement Corporation, or in a U.S. branch or agency of a foreign bank. The Act would expand the employment bar to these regulated entities and give authority for regulatory review to the federal regulator with oversight over the affected institution.

SECTION 3. REMOVAL ACTIONS

Banking regulators are empowered under Section 8(g) of the FDI Act (12 U.S.C. 1818(g)) to suspend or permanently prohibit a person who is indicted or convicted of a felony from participating in the affairs of a regulated institution. Under 8(g), the regulatory order must be made against an "institution-affiliated party." The FDI Act clarifies that even when the person resigns or is terminated by the institution and is thus no-longer an "institution-affiliated party," the regulators may prohibit employment in regulated institutions.

SECTION 4. INTERNATIONAL COOPERATION

Section 4 provides that communications from foreign supervisors to U.S. banking agencies may be held confidential. The provision, by making such protection explicit in the law, would encourage foreign bank supervisors to communicate more closely with their U.S. counterparts, thereby contributing to better oversight of banks operating internationally. The provision parallels the authority already available to securities regulators, and would not affect the ability of Congress or the courts to obtain such information.

SECTION 5. TERMINATION OF FOREIGN BANK OFFICES

The International Banking Act of 1978 (12 U.S.C. 3105(e)(1)) authorizes the Federal Reserve Board and the OCC to terminate a foreign bank's activities in the U.S. The Act is unclear, however, about whether the termination order can require the foreign bank to take actions such as establishment of escrow accounts for the payment of potential fines. Section 5 states explicitly that the regulators may include appropriate terms and conditions in their termination orders.

SECTION 6. GRAND JURY DISCLOSURE

Under section 3322 of the U.S. Criminal Code, (18 U.S.C. 3322(b)) a federal court may authorize disclosure to federal banking regulators of grand jury information used by law enforcement authorities investigating federal banking law violations. Section 6 expands the scope of this provision to include disclosure of such information to state bank regulatory authorities.•

By Mr. PELL (for himself and Mr. HATFIELD):

S. 2147. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress; to the Committee on Banking, Housing, and Urban Affairs.

THE LIBRARY OF CONGRESS COMMEMORATIVE

Mr. PELL. Mr. President, at the request of the Library of Congress I am introducing, for myself and for the senior Senator from Oregon [Mr. HATFIELD], the Library of Congress Commemorative Coin Act, in recognition of the 200th anniversary of the Library of Congress, which will occur in the year 2000.

Established in 1800, the Library of Congress is our Nation's oldest national cultural institution and has become the largest repository of recorded knowledge in the world. It stands as a symbol of the vital connection between knowledge and democracy.

The Library of Congress Commemorative Coin Act authorizes the Secretary of the Treasury to issue, in year 2000, 500,000 silver dollars and 500,000 half dollar coins commemorating the anniversary. The proceeds of the sale of the coins will support not only the observance of the bicentennial of the Library's creation, but also digitization projects that will share the resources of the Library with the Nation's schools and libraries.

James Madison said "Learned institutions ought to be the favorite objects of every free people. They throw the light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty." This bill commemorates the fact that the Library of Congress for two centuries has fulfilled James Madison's hope by dispensing the light of knowledge over the Congress, the Nation, and the world.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 2149. A bill to establish a program to provide health insurance for workers changing jobs; to the Committee on Labor and Human Resources.

THE TRANSITIONAL HEALTH INSURANCE COVERAGE FOR WORKERS BETWEEN JOBS ACT

Mr. KENNEDY. Mr. President, last month, President Clinton signed the Kassebaum-Kennedy Health Insurance Reform Act. That legislation provides portability of health insurance coverage. It said to American workers and their families: you do not have to lose your health insurance coverage because you lose your job.

That legislation is important. But for too many workers who lose their job, it could be an empty promise if the coverage is unaffordable. In fact, those between jobs typically have great difficulty paying the cost of insurance coverage. In 1996, family coverage costs an average of $6,900 a year, and individual coverage costs $2,600.

The legislation we are introducing today will help fill this gap. It is a modified version of President Clinton's proposal to provide temporary assistance for workers to keep their coverage between jobs. I commend the President for offering this progressive, thoughtful program, and I commend my colleague, Senator JOHN KERRY, for his leadership on this issue and his important contribution to the development of this legislation.

This is a logical and needed step in health insurance reform. The needs of the unemployed are especially great. Since 1936, we have provided a temporary program of income maintenance to workers who lose their jobs. Because of the high cost of health care, temporary assistance for health insurance during periods of unemployment is essential for American workers in 1996. Unemployment insurance alone is no longer sufficient.

Temporary health insurance assistance is especially critical as we face the economic changes associated with the new global economy and changing corporate behavior. Corporations used to reduce their work forces only when they were in trouble. But now, no worker can count on job security, since the trend is for profitable companies to lay off good workers to become even more profitable. Experts estimate that the average worker entering the work force today will change jobs seven to nine times in a typical career. Some of these workers will choose to change jobs, but others will be forced to. The Department of Labor estimates that in 1996 alone, 8.5 million workers will collect unemployment insurance for some period of time.

The legislation we are proposing today will provide financial assistance to help maintain health insurance coverage for workers and their families who are no longer eligible for on-the-job coverage because they have lost their job. To qualify, an individual would have to be eligible for unemployment insurance, would have to have had employer-sponsored coverage for 6 months before becoming unemployed, and could not be eligible for employment-based coverage through a spouse or domestic partner or for Medicaid or Medicare.

In the month for which assistance is provided, the family income would have to be 240 percent of poverty or less—about $37,440 for a family of four. Assistance would be limited to 6 months. The goal of this program is to help workers in transition between jobs—not to provide permanent coverage.

The program will be administered through the states. Typically, an eligible individual will receive assistance in paying the cost of COBRA continuation coverage under current law. If the worker is not eligible for COBRA, assistance will be available for any other policy that is not more generous than the Blue Cross-Blue Shield standard option plan available to Federal employees and Members of Congress.

There are a number of unanswered questions about the best way to structure the program, and I look forward to working with my colleagues in the next Congress, with the administration, and outside experts to improve it before it is passed. But the underlying principle is clear. No family should lose its health insurance coverage because a breadwinner is in transition between jobs.

The administration estimates that the cost of the program will be approximately $2 billion a year over the next 6 years, that approximately 3 million workers and their families will be helped to maintain their coverage every year.

The program can be paid for largely by closing two of the most notorious corporate tax loopholes—the title passage loophole and the runaway plant loophole. The first loophole involves bookkeeping transactions under which multinational corporations artificially shift income to overseas operations to avoid U.S. taxes. The second loophole allows corporations to move jobs abroad, accrue large in foreign bank accounts, and avoid U.S. taxes. Closing these loopholes to help unemployed workers keep their health insurance coverage is an appropriate use of the revenue.

This program is a modest attempt to help American workers cope with the disclosures of modern industrial life and the new global economy. But it is also important to understand what it does not do:

It does not add to the deficit. The program will be fully financed. In President Clinton's budget, it was paid for within his balanced budget plan.

It does not impose additional burdens on employers or create an employer mandate.

It is not an unfunded mandate on the States. The Federal Government pays 100 percent of the cost of the program. If a State chooses not to administer the program, it is not required to do so.

The Kassebaum-Kennedy health insurance reform bill passed the Senate by a strong bipartisan vote of 98 to 0, because it was clearly needed. This additional improvement is also needed—to help see that the promise of health insurance portability is fulfilled in practice.

We have heard a great deal of talk about family values in this campaign year. One of the most important expressions of family values is to help families keep their health insurance coverage when a breadwinner is between jobs. For the millions of American workers who worry that their family will lose their health insurance if they lose they job, this bill can be a lifeline, and I look forward to its bipartisan passage next year.

Mr. KERRY. Mr. President, today Senator KENNEDY and I are introducing the Transitional Health Insurance Coverage for Workers Between Jobs Act. This bill would build on the recently passed Kennedy-Kassebaum health bill by providing funding to States in order to finance up to 6 months of health coverage for unemployed workers and their families.

The Kennedy-Kassebaum bill was an important step toward assuring portability of health insurance coverage. More than 20 million people will benefit from that legislation and the senior Senator from Massachusetts deserves our thanks for his tireless efforts to achieve its passage. Unfortunately, however, although more people are now allowed to purchase health care coverage, many workers are still unable to afford this coverage. Those workers who have been laid off are most likely not to be able to obtain coverage.

The bill we are introducing today would help temporarily unemployed workers to afford health coverage for themselves and their families. It would do so by providing Federal assistance to pay the premium for health insurance. A worker would be eligible who had employer-based coverage in his or her prior job, is receiving unemployment benefits, and has income below certain levels. Families would have to earn no more than $37,440 for a family of four to qualify for the subsidy. People who are eligible for Medicaid or Medicare would not be able to receive this subsidy. Funds would be allocated to States based on the proportion of unemployed persons in the State who collected unemployment insurance [UI] benefits relative to all persons in the Nation who collected UI benefits.

This bill is necessary because, in the real world, workers between jobs still face mortgage or rent payments, utility bills, and other expenses necessary to support themselves and their families in addition to health insurance costs. Many lack a source of income and have exhausted family savings and other resources during the period of unemployment. And unemployment insurance in most states barely pays enough to cover rent and food—the average monthly UI benefit was only $692 in 1993. In today's increasingly turbulent economy, a secure job is difficult to find. This year in Massachusetts, for example, such major corporations as Digital, Raytheon, and Fleet Bank have laid off hundreds of workers. And over the last few years, most of the major hospitals in my State have significantly downsized their work force. This bill will help workers as they move to new jobs.

I want to squarely address the issue of the cost of this program. The administration has estimated the annual cost to be approximately $2 billion. But I want to make clear that we are committed to fully offsetting the cost with other budget components. I am heartened that President Clinton was able to support establishing such a program in the context of his fiscal year 1997 balanced budget request. Senator KENNEDY has described two corporate loopholes we propose to close. I look forward to working with the administration and my colleagues to identifying a budget offset that is acceptable to my colleagues for this important program.

As Senator KENNEDY said, this plan will not add to the deficit, does not impose additional burdens on employers, and is not an unfunded mandate on States. I look forward to working with the administration and my colleagues to refine this bill and to pass it in the 105th Congress.

By Mr. MURKOWSKI (for himself, Mr. CRAIG, Mr. HATCH, Mr. BENNETT, Mr. CAMPBELL, Mr. BURNS, Mr. NICKLES, and Mr. STEVENS):

S. 2150. A bill to prohibit extension or establishment of any national monument on public land without full compliance with the National Environmental Policy Act and the Endangered Species Act, and an express Act of Congress, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUBLIC LANDS PROTECTION ACT OF 1996

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation for myself, Senator CRAIG, Senator HATCH, Senator BENNETT, Senator GRAMS, Senator NICKLES, Senator CAMPBELL, Senator BURNS, and Senator STEVENS to protect public lands from the type of assault visited upon the people of Utah last week, when our President created a new national monument containing 1.7 million acres. That was done without a process, without a process involving public hearings, without a process involving notification of the Utah delegation, and without courtesies extended in advance so the delegation could be responsive to the particular delineations of the area suggested.

I think it is further important to point out the announcement of the President's action was not made in the State of Utah but in the State of Arizona. The withdrawal of land, 1.7 million acres, was in the State of Utah. One could curiously ask, for a Presidential proclamation, why go to another State? It was clear that this action was not welcome in Utah. There would have been many school children to protest that action.

The legislation I introduce with my colleagues is called the Public Lands Protection Act of 1996. It provides that no extension or establishment of a national monument can be undertaken pursuant to the Antiquities Act without full compliance with the National Environmental Policy Act, NEPA, and the Endangered Species Act, and an affirmative act of Congress.

Yet, by invoking the Antiquities Act, the President chose to ignore NEPA, ignore the Endangered Species Act, and take action almost as though it were simply a Presidential mandate that was necessary. Some of us might suggest it was political expediency suggested by some of the President's advisers that caused him to circumvent the process, the public process.

We have had some tough conversations in the Congress. The California

Desert Wilderness was an example, of contested legislation and contested hearings. But the process went forward. We got the job done. This action taken in Utah last week defies logic, defies principle, and defies all semblance of courtesy. In effect, the President declared himself to be above the law by unilaterally declaring that the action he took, which unquestionably is a "major Federal action" within the meaning of NEPA, did not require an analysis to determine its impact on the environment. By specifically using the authority of the Antiquities Act, a statute enacted in 1906 to enable President Theodore Roosevelt to take action to protect unique features of our public land, the President conveniently sidestepped NEPA and the requirement to consider the environmental consequences of his action.

We know President Clinton is no President Theodore Roosevelt. Theodore Roosevelt allowed a tremendous public dialog to take place before he invoked the Antiquities Act. President Carter invoked the Antiquities Act in my State in a massive land withdrawal. But there was a long process. We didn't like it, but we participated. The people of Utah simply had the national monument dictated to them.

Further, by creating a national monument in the manner the President chose, he circumvented the Endangered Species Act, a law that the elite environmental lobbyists invoke at every turn to strike fear in the hearts of the American people that public land use for timber harvesting, oil and gas development, livestock grazing, and mining is causing irreversible and intolerable damage to threatened and endangered species and their habitat and that such use of the public domain should be eliminated altogether.

Finally, Mr. President, the Clinton administration kept the decision concerning the national monument cloaked in secrecy until it was sprung on the citizens of Utah by surprise. There was no consultation with the Governor, no consultation with the congressional delegation, no outreach effort to the citizens, no interactive process with the public land users, and no consideration of any of the benefits of the lands that have now been taken out of productive multiple use.

The President didn't want the democratic process, or the hearing process to go forward. It would have gone into the 105th Congress. We would have resolved it.

I dare say, President Clinton's action is probably the most arrogant, hypocritical, and blatantly political exercise of Federal power affecting public lands ever, and the media seems to have bought it. President Clinton's and Interior Secretary Bruce Babbitt's war on the West, in this unprecedented action, has almost the feel of Pearl Harbor. The President chose the most politically expedient and least publicly interactive route possible. The fact that he announced his decision, as I stated, in Arizona speaks for itself.

My bill and that of my colleagues would bring an end to the use of this old law to abuse Federal power and trample on States' rights. It is not needed anymore. We have the democratic process, we have NEPA, we have the Endangered Species Act, and we have the checks and balances so that a Presidential land grab is not in order.

Our bill is very straightforward. It provides that no extension or establishment of a national monument can be undertaken pursuant to the Antiquities Act without full compliance with NEPA, full compliance with the Endangered Species Act and an expressed act of Congress. What is wrong with that? That is the process. That is the democratic way.

This bill, when passed, would mean that there will be a public process and a deliberate, thoughtful analysis of the environmental consequences of the proposed action. There will also be consultation under the Endangered Species Act among the affected agencies on the potential effects on threatened and endangered species and their habitat.

More important, Mr. President, by requiring an act of Congress before a monument can be extended or established, the American people, the affected citizenry of the State involved, and interested public land users will have an opportunity to voice their opinions during the process.

This can occur during the NEPA process, during the endangered species consultation process and during legislative consideration of the act to extend or establish a national monument. No secret decision by the President's handlers and spin doctors and no campaign ploys, such as we have seen with the Utah monument.

President Clinton's action in Utah ignored public sentiment. It ignored the wishes of the citizens of Utah, of the public land users, of those who hold valid existing property rights and those who care deeply—deeply—about environmental stewardship. As our committee process continued, had it been allowed to continue, areas would have been identified and put into wilderness that were agreed upon by the State of Utah, the Governor, the legislature and the congressional delegation.

My bill would restore the public's voice in these matters and give meaning to the concept of public participation.

Mr. President, I urge my colleagues to join me in supporting this bill. I ask unanimous consent that the RECORD be left open until the end of the session to allow additional sponsors to join me on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I rise today in support of a bill being introduced that has been forced by recent events. I'm talking about President Clinton's proclamation unilaterally declaring nearly two million acres of southern Utah a National Monument.

After the President's announcement, Senator KEMPTHORNE and I introduced the Idaho Protection Act. The bill would require that the public and the Congress be included before a National Monument could be established in Idaho.

When we introduced that bill, I was immediately approached by other Senators seeking the same protection. What we see unfolding before us in Utah ought to frighten all of us. Without including Utah's Governor, Senators, congressional delegation, the state legislature, county commissioners, or the people of Utah—President Clinton set off limits forever approximately 1.7 million acres of Utah.

Under the 1906 Antiquities Act, President Clinton has the authority to create a National Monument where none existed before. And if he can do it in the State of Utah, he can do it in Idaho, or Montana, or California. In fact, since 1906, the law has been used some 66 times to set lands aside.

Just as 64 percent of the land in Utah is owned by the Federal Government, 62 percent of Idaho is also owned by Uncle Sam. Even New Hampshire, on the East Coast, has 14 percent of its land owned by the Federal Government. What the President has done in Utah, without public input, he could also do in Idaho or any of the States where the Federal Government has a presence.

The bill that is being introduced would simply require that the public and the Congress be fully involved and give approval before such a unilateral administrative act could take effect on our public lands.

Unfortunately, for the people of Utah, what the President has done there, should be a wake up call to people across America. While we all want to preserve what is best in our States, people everywhere understand that much of their economic future is tied up in what happens on the public lands in our States.

In the West, where public lands dominate the landscape, issues such as grazing, timber harvesting, water use, have all come under attack by an administration seemingly bent upon kowtowing to a segment of our population that wants other uses off our public lands.

But in addition to those in the West, everyone wants the process to be open and inclusive. No one wants the President, acting alone, to unilaterally lock up enormous parts of any State. That is not what Idahoans, or Utah natives or others. We certainly don't work that way in the West. There is a recognition that with common sense, a balance can be struck that allows jobs to grow and families to put down roots while at the same time protecting America's great natural resources.

In my view, the President's actions are beyond the pale and for that reason—to protect others from suffering a similar fate, I am cosponsoring this bill.

Thank you and I yield the floor.

By Mr. SIMPSON (by request):

S. 2151. A bill to provide a temporary authority for the use of voluntary separation incentives by Department of Veterans Affairs offices that are reducing employment levels, and for other purposes; to the Committee on Veterans' Affairs.

THE DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT REDUCTION ASSISTANCE ACT OF 1996

Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2151, the "Department of Veterans Affairs Employment Reduction Assistance Act of 1996" relating to the Department of Veterans Affairs' authority to offer separation incentives to achieve reductions in employment levels. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated September 11, 1996.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department Of Veterans Affairs Employment Reduction Assistance Act of 1996."

SEC. 2. DEFINITIONS.

For the purpose of this Act—

(1) "Department" means the Department of Veterans Affairs.

(2) "employee" means an employee (as defined by section 2105 of title 5, United States Code) who—

(A) is employed by the Department of Veterans Affairs;

(B) is serving under an appointment without time limitation; and

(C) has been currently employed for a continuous period of at least 12 months; but does not include—

(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Federal Government;

(ii) an employee having a disability on the basis of which such employee is eligible for disability retirement under the applicable retirement system referred to in clause (i);

(iii) an employee who is in receipt of a specific notice of involuntary separation for misconduct or performance;

(iv) an employee who has accepted a final offer of a voluntary separation incentive payment, payable upon completion of an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111);

(v) an employee who previously has received any voluntary separation incentive payment by the Federal Government under this Act or any other authority and has not repaid such payment; or

(vi) an employee covered by statutory reemployment rights who is on transfer to another organization.

(3) "Secretary" means the Secretary of Veterans Affairs.

SEC. 3. DEPARTMENT PLANS; APPROVAL.

(a) If the Secretary determines that, in order to improve the efficiency of operations or to meet actual or anticipated levels of budgetary or staffing resources, the number of employees employed by the Department must be reduced, the Secretary may submit a plan to the Director of the Office of Management and Budget to pay voluntary separation incentives under this Act to employees of the Department who agree to separate from the Department by retirement or resignation. The plan shall specify the planned employment reductions and the manner in which such reductions will improve operating efficiency or meet actual or anticipated levels of budget or staffing resources. The plan shall include a proposed period of time for the payment of voluntary separation incentives by the Department and a proposed coverage for offers of incentives to Department employees, targeting positions in accordance with the Department's strategic alignment plan and downsizing initiatives. The proposed coverage may be based on—

(1) any component of the Department;

(2) any occupation, occupation level or type of position;

(3) any geographic location; or

(4) any appropriate combination of the factors in paragraphs (1), (2), and (3).

(b) The Director of the Office of Management and Budget shall approve or disapprove each plan submitted under subsection (a), and may make appropriate modifications to the plan with respect to the time period in which voluntary separation incentives may be paid or with respect to the coverage of incentives on the basis of the factors in subsection (a) (1) through (4).

SEC. 4. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) In order to receive a voluntary separation incentive payment, an employee must separate from service with the Department voluntarily (whether by retirement or resignation) during the period of time for which the payment of incentives has been authorized for the employee under the Department plan under section 3.

(b) A voluntary separation incentive payment—

(1) shall be paid in a lump sum at the time of the employee's separation:

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code (without adjustment for any previous payment made under that section), if the employee were entitled to payment under that section; if the employee were entitled to payment under that action; or

(B) if the employee separates—

(i) during fiscal year 1996 or 1997, $25,000;

(ii) during fiscal year 1998, $20,000;

(iii) during fiscal year 1999, $15,000;

(iv) during fiscal year 2000, $10,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit, except that this paragraph shall not apply to unemployment compensation funded in whole or in part with Federal funds;

(4) shall not be taken into account in determining the amount of severance pay to which an employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(5) shall be paid from the appropriations or funds available for payment of the basic pay of the employee.

SEC. 5. EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.

(a) An individual who has received a voluntary separation incentive payment under this Act and accepts any employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay, prior to the individual's first day of employment, the entire amount of the incentive payment to the Department.

(b)(1) If the employment under subsection (a) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(2) If the employment under subsection (a) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under subsection (a) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(c) For the purpose of this section, the term "employment"—

(1) includes employment of any length or under any type of appointment, but does not include employment that is without compensation; and

(2) includes employment under a personal services contract, as defined by the Director of the Office of Personnel Management.

SEC. 6. ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.

(a) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the Department shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Department who is covered under subchapter III of chapter 83 or chapter 84 of title 5 to whom a voluntary separation incentive has been paid under this Act.

(b) For the purpose of this section, the term "final basic pay", with respect to an employee, means the total amount of basic pay that would be payable for a year of service by that employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

SEC. 7. REDUCTION OF AGENCY EMPLOYMENT LEVELS.

(a) Total full-time equivalent employment in the Department shall be reduced by one for each separation of an employee who receives a voluntary separation incentive payment under this Act. The reduction will be calculated by comparing the Department's full-time equivalent employment for the fiscal year in which the voluntary separation payments are made with the actual full-time equivalent employment for the prior fiscal year.

(b) The Office of Management and Budget shall monitor the Department and take any action necessary to ensure that the requirements of this section are met.

(c) Subsection (a) of this section may be waived upon a determination by the President that—

(1) the existence of a state of war or other national emergency so requires; or

(2) the existence of an extraordinary emergency which threatens life, health, safety, property, or the environment so requires.

SEC. 8. REPORTS.

(a) The Department, for each applicable quarter of each fiscal year and not later than 30 days after the date of such quarter, shall submit to the Office of Personnel Management a report stating—

(1) the number of employees who receive voluntary separation incentives for each type of separation involved;

(2) the average amount of the incentives paid;

(3) the average grade or pay level of the employees who received incentives; and

(4) such other information as the Office may require.

(b) No later than March 31st of each fiscal year, the Office of Personnel Management shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a report which, with respect to the preceding fiscal year, shall include—

(1) the number of employees who received voluntary separation incentives;

(2) the average amount of such incentives;

(3) the average grade or pay level of the employees who received incentives; and

(4) the number of waivers made under section 5 of this Act in the repayment of voluntary separation incentives, and for each such waiver—

(A) the reasons for the waiver; and

(B) the title and grade or pay level of the position filled by each employee to whom the waiver applied.

SEC. 9. VOLUNTARY PARTICIPATION IN REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ", the Secretary of Veterans Affairs," after "Defense";

(2) in paragraph (3), by inserting ", the Department of Veterans Affairs," after "Defense";

(3) by striking paragraph (4); and

(4) by redesignating paragraph (5) as paragraph (4); and

(5) by amending such paragraph (4), as so redesignated, by striking "1996" and inserting "2000" in lieu thereof.

SEC. 10. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "in or under the Department of Defense";

(2) in subparagraph (B)—

(A) by striking "1999" in clause (i) and (ii) and inserting "2000"; and

(B) by striking "2000" in clause (ii) and inserting "2001"; and

(3) in subparagraph (C) by inserting "by the agency" after "identified".

SEC. 11. REGULATIONS.

The Director of the Office of Personnel Management may prescribe any regulations necessary to administer the provisions of this Act.

SEC. 12. LIMITATION; SAVINGS CLAUSE.

(a) No voluntary separation incentive under this Act may be paid based on the separation of an employee after September 30, 2000;

(b) This Act supplements and does not supersede other authority of the Secretary of Veterans Affairs.

ANALYSIS OF DRAFT BILL

The first section provides a title for the bill, the "Department of Veterans Affairs Employment Reduction Assistance Act of 1996."

Section 2 provide definitions of "Department", "employee", and "Secretary." Among the provisions, an employee who has received any previous voluntary separation incentive from the Federal Government and has not repaid the incentive is excluded from any incentives under this Act.

Section 3 provides that, when the VA Secretary determines that employment in the agency must be reduced in order to improve operating efficiency or meet anticipated budget or staffing levels, the Secretary may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to Department employees. The plan must specify the manner in which the planned employment reductions will improve efficiency or meet budget or staffing levels. The plan must also include a proposed time period for payment of separation incentives, and a proposed coverage for offers of incentives to Department employees, targeting positions in accordance with VA's strategic alignment plan. Coverage may be on the basis of any component of the Department, any occupation or levels of an occupation, any geographic location, or any appropriate combination of these factors. The Director of the Office of Management and Budget shall approve or disapprove each plan submitted, and may modify the plan with respect to the time period for incentives or the coverage of incentive offers.

Section 4 provides that in order to receive a voluntary separation incentive, an employee covered by an offer of incentives must separate from service with the agency (whether by retirement or resignation) within the time period specified in the agency's plan as approved. For an employee who separates, the voluntary separation incentive is an amount equal to the lesser of the amount that the employee's severance pay would be if the employee were entitled to severance pay under section 5595 of title 5, United States Code (without adjustment for any previous severance pay), or whichever of the following amounts is applicable based on the date of separation: $25,000 during fiscal year 1996 or 1997; $20,000 during fiscal year 1998; $15,000 during fiscal year 1999; or $10,000 during fiscal year 2000. These reductions in incentive amount for each year an employee delays separation would encourage eligible employees to take the incentive at an earlier point.

Section 5 provides that any employee who receives a voluntary separation incentive under this Act and then accepts any employment with the Government within 5 years after separating must, prior to the first day of such employment, repay the entire amount of the incentive to the agency that paid the incentive. If the subsequent employment is with the Executive branch, including the United States Postal Service, the Director of the Office of Personnel Management may waive the repayment at the request of the agency head if the individual possesses unique abilities and is the only qualified applicant available for the position. For subsequent employment in the legislative branch, the head of the entity or the appointing official may waive repayment on the same basis. If the subsequent employment is in the judicial branch, the Director of the Administrative Office of the United States Courts may waive repayment on the same criteria. For the purpose of the repayment and waiver provisions, employment includes employment under a personal services contract, as defined by the Director of the Office of Personnel Management.

Section 6 requires additional agency contributions to the Civil Service Retirement and Disability Fund in amounts equal to 15 percent of the final basic pay of each employee of the Department who is covered by the Civil Service Retirement System to whom a voluntary separation incentive is paid under this Act.

Section 7 provides that full-time equivalent employment (FTEE) in the Department will be reduced by one for each separation of an employee who receives a voluntary separation incentive under this Act, and directs the Office of Management and Budget to take any action necessary to ensure compliance. Reductions will be calculated by using the Department's actual FTEE levels. For example, if the Department's FTEE usage in FY 1996 is 1,050 FTEEs, and 50 FTEEs separate during FY 1997 using voluntary separation incentive payments provided under this Act, then the Department's staffing levels at the end of FY 1997 shall not exceed 1,000 FTEEs. The President may waive the reduction in FTEE in the event of war or emergency.

Section 8 requires the Department to report to the Office of Personnel Management (OPM) on a quarterly basis: the number of employees receiving incentive payments for each type of separation; the average amount of incentive payments; the average grade or pay of employees receiving incentive payments; and other information OPM may require. This section also requires the Office of Personnel Management to report by March 31st of each year to the Senate Committee on Governmental Affairs and the House Committee on Government Reform and Oversight concerning the Department's use of voluntary separation incentives in the previous fiscal year. The report must show the number of employees who received incentives, the average amount of the incentives, and the average grade or pay level of the employees who received incentives. The report must also include the number of waivers made under the provisions of section 5 in the repayment of incentives upon subsequent employment with the Government, the reasons for each waiver, and the title and grade or pay level of each employee to whom the waiver applied.

Section 9 amends section 3502(f) of title 5 to authorize the Secretary to allow an employee to volunteer for separation in a reduction-in-force when this will result in retaining an employee in a similar position who would otherwise be released in the reduction-in-force. Section 9 also changes section 3502(f)'s sunset date from 1996 to 2000.

Section 10 amends section 8905a(d)(4) to provide that employees who are involuntarily separated in a reduction in force, or who voluntarily separate from a surplus position that has been specifically identified for elimination in the reduction in force, can continue health benefits coverage for 18 months and be required to pay only the employee's share of the premium. Section 10 also extends section 8905a(d)(4) sunset provisions.

Section 11 provides that the Director of OPM may prescribe any regulations necessary to administer the provisions of the Act.

Section 12 provides that no voluntary separation incentive under the Act may be paid based on the separation of an employee after September 30, 2000, and that the Act supplements and does not supersede other authority of the Secretary.

SECRETARY OF VETERANS AFFAIRS,
Washington, DC, September 11, 1996.
Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: We are submitting a draft bill "Department of Veterans Affairs Employment Reduction Assistance Act of 1996." We request that it be referred to the appropriate committee for prompt consideration and enactment.

In the next several years, VA will undergo dramatic change. VA believes that separation incentives can be an appropriate tool for those VA components that are redesigning their employment mix when the use of incentives is property related to the specific changes that are needed within those components and thus will reshape the agency for the future. They can also be an invaluable tool for components that are restructuring and reengineering, such as the Veterans Health Administration and the Veterans Benefits Administration, as they move towards primary care and new methods of delivering services to veterans. Further, it is vital to provide for consistent administration of any incentive programs that prove necessary for different components, and to appropriately limit the time period for any incentive offers.

This initiative is based on VA's experience with voluntary separation incentives under the Federal Workforce Restructuring Act of 1994. The Restructuring Act provided Federal civilian agencies, including VA, with authority to offer voluntary separation incentives for a 1-year period that ended March 31, 1995. VA generally used these incentives successfully to help avoid involuntary separations and to achieve reductions in administrative overhead and supervisory positions, and the Restructuring Act provided a useful framework for consistent administration of incentive programs in many different VA components.

This proposal would provide an overall system for the limited use of voluntary separation incentives by VA. When the Secretary determines that employment in particular organizations must be reduced in order to meet restructuring goals, the Secretary may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to Department employees. The plan must specify how the planned employment reductions will improve efficiency or meet budget or staffing levels. The plan must also include a proposed time period for payment of incentives, and a proposed coverage for offers of incentives to agency employees on the needed organizational, occupational, or geographic basis, targeting positions in accordance with VA's strategic alignment plan. The Director of the Office of Management and Budget would approve or disapprove each plan submitted, and would have authority to modify the time period for incentives or coverage of incentive offers. We believe that these provisions for plan approval will ensure that separation incentives are appropriately targeted within the Department in view of the specific cuts that are needed, and are offered on a timely basis. Although the Department's full-time equivalent employment would be reduced by one for each employee of the Department who receives an incentive, we believe that service to veterans will improve as a result of the reengineering that is happening simultaneously within the system.

The authority for separation incentives would be in effect for the period starting with the enactment of this Act and ending September 30, 2000. The amount of an employee's incentive would be the lesser of the amount that the employee's severance pay would be, or whichever of the following amounts is applicable based on the year of separation in accordance with the agency plan; for employees who retire, $25,000 during fiscal year 1996 or 1997, $20,000 during fiscal year 1998, $15,000 during fiscal year 1999, and $10,000 during fiscal year 2000.

These reductions in the incentive amount for each year an employee delays separation would encourage employees to take the incentives during the first year of eligibility. An employee who receives an incentive and then accepts any employment with the Government within 5 years after separating must, prior to the first day of employment, repay the entire amount of the entire amount of the incentive. The repayment requirement could be waived only under very stringent circumstances of agency need.

In order to further assist VA components in making needed changes, the bill would authorize VA, under appropriate conditions, to allow an employee to volunteer for separation in a reduction-in-force when this will prevent the involuntary separation of an employee in a similar position. In addition, in order to minimize the impact of reduction-in-force actions on employees, the bill provides that employees who are involuntarily separated in reductions-in-force can continue their health insurance coverage for 18 months while continuing to pay only the premium that would apply to a current employee.

This proposal would provide a very useful tool to assist in reorganizing VA and reengineering services provided to veterans, quickly, effectively, and humanely. We also believe that it is a tool that will allow significant cost savings. If the proposal is enacted, we will report, on an annual basis, cost savings associated with separation incentives as well as where such funds have been redirected to improve the provision of services to veterans.

By Mr. SIMPSON (by request):

S. 2152. A bill to amend title 38, United States Code, to provide benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans' Affairs.

THE AGENT ORANGE BENEFITS ACT OF 1996

Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2152, a bill to provide benefits for certain children of Vietnam veterans who are born with spina bifida. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated July 25, 1996.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter of the draft legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SECTION 2. BENEFITS FOR THE CHILDREN OF VIETNAM VETERANS WHO ARE BORN WITH SPINA BIFIDA.

(a) SHORT TITLE.—This section may be cited as the "Agent Orange Benefits Act of 1996."

(b) Establishment of new chapter 18.—Part II is amended by inserting after chapter 17 the following new chapter:

"CHAPTER 18—BENEFITS FOR THE CHILDREN OF VIETNAM VETERANS WHO ARE BORN WITH SPINA BIFIDA

"Sec.
"1801. Purpose.
"1802. Definitions.
"1803. Health care.
"1804. Vocational training.
"1805. Monetary allowance.

"1801. Purpose

"The purpose of this chapter is to provide for the special needs of certain children of Vietnam veterans who were born with the birth defect spina bifida, possibly as the result of the exposure of one or both parents to herbicides during active service in the Republic of Vietnam during the Vietnam era, through the provision of health care, vocational training, and monetary benefits.

"1802. Definitions

"For the purposes of this chapter—

"(1) The term 'child' means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the veteran first entered the Republic of Vietnam during the Vietnam era.

"(2) The term 'Vietnam veteran' means a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era.

"(3) The term 'spina bifida' means all forms of spina bifida other than spina bifida occulta.

"1803. Health care

"(a) In accordance with regulations the Secretary shall prescribe, the Secretary shall provide such health care under this chapter as the Secretary determines is needed to a child of a Vietnam veteran who is suffering from spina bifida, for any disability associated with such condition.

"(b) The Secretary may provide health care under this section directly or by contract or other arrangement with a health care provider.

"(c) For the purposes of this section—

"(1) The term 'health care' means home care, hospital care, nursing home care, outpatient care, preventive care, habilitative and rehabilitative care, case management, and respite care, and includes the training of appropriate members of a child's family or household in the care of the child and provision of such pharmaceuticals, supplies, equipment, devices, appliances, assistive technology, direct transportation costs to and from approved sources of health care authorized under this section, and other materials as the Secretary determines to be necessary.

"(2) The term 'health care provider' includes, but is not limited to, specialized spina bifida clinics, health-care plans, insurers, organizations, institutions, or any other entity or individual who furnishes health care services that the Secretary determines are covered under this section.

"(3) The term 'home care' means outpatient care, habilitative and rehabilitative care, preventive health services, and health-related services furnished to an individual in the individual's home or other place of residence.

"(4) The term 'hospital care' means care and treatment for a disability furnished to an individual who has been admitted to a hospital as a patient.

"(5) The term 'nursing home care' means care and treatment for a disability furnished to an individual who has been admitted to a nursing home as a resident.

"(6) The term 'outpatient care' means care and treatment of a disability, and preventive health services, furnished to an individual other than hospital care or nursing home care.

"(7) The term 'preventive care' means care and treatment furnished to prevent disability or illness, including periodic examinations, immunizations, patient health education, and such other services as the Secretary determines are necessary to provide effective and economical preventive health care.

"(8) The term 'habilitative and rehabilitative care' means such professional, counseling, and guidance services and treatment programs (other than vocational training under section 1804 of this title) as are necessary to develop, maintain, or restore, to the maximum extent, the functioning of a disabled person.

"(9) the term 'respite care' means care furnished on an intermittent basis in a Department facility for a limited period to an individual who resides primarily in a private residence when such care will help the individual to continue residing in such private residence.".

"§ 1804. Vocational training

"(a) Pursuant to such regulations as the Secretary may prescribe, the Secretary may provide vocational training under this section to a child of Vietnam veteran who is suffering from spina bifida if the Secretary determines that the achievement of a vocational goal by such child is reasonably feasible.

"(b)(1) If a child elects to pursue a program of vocational training under this section, the program shall be designed in consultation with the child in order to meet the child's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation.

"(2)(A) Subject to subparagraph (B) of this paragraph, a vocational training program under this subsection shall consist of such vocationally oriented services and assistance, including such placement and post-placement services and personal and work adjustment training, as the Secretary determines are necessary to enable the child to prepare for and participate in vocational training or employment.

"(B) A vocational training program under this subsection—

"(i) may not exceed 24 months unless, based on a determination by the Secretary that an extension is necessary in order for the child to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan formulated for the child, the Secretary grants an extension for a period not to exceed 24 months;

"(ii) may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment; and

"(iii) may include a program of education at an institution of higher learning only in a case in which the Secretary determines that the program involved is predominantly vocational in content.

"(c)(1) A child who is pursuing a program of vocational training under this section who is also eligible for assistance under a program under chapter 35 of this title may not receive assistance under both of such programs concurrently but shall elect (in such form and manner as the Secretary may prescribe) under which program to receive assistance.

"(2) The aggregate period for which a child may receive assistance under this section and chapter 35 of this title may not exceed 48 months (or the part-time equivalent thereof).

"§ 1805. Monetary allowance

"(a) The Secretary shall pay a monthly allowance under this chapter to any child of a Vietnam veteran for disability resulting from spina bifida suffered by such child.

"(b) The amount of the allowance paid under this section shall be based on the degree of disability suffered by a child as determined in accordance with such schedule for rating disabilities resulting from spina bifida as the Secretary may prescribe. The Secretary shall, in prescribing the rating schedule for the purposes of this section, establish three levels of disability upon which the amount of the allowance provided by this section shall be based. The allowance shall be [$200] per month for the lowest level of disability prescribed, [$700] per month for * * *.

* * * * *

(B) by striking out", aggravation," both places it appears; and

(C) by striking out "sentence" and substituting in lieu thereof "subsection".

(b) The amendments made by subsection (a) shall govern all administrative and judicial determinations of eligibility for benefits under section 1511 of title 38, United States Code, made with respect to claims filed on or after the date of enactment of this Act, including those based on original applications and applications seeking to reopen, revise, reconsider, or otherwise readjudicate on any basis claims for benefits under section 1151 of that title or predecessor provisions of law.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, July 25, 1996.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill "To amend title 38, United States Code, to provide benefits for certain children of Vietnam veterans who are born with spina bifida."

On March 14, 1996, the Institute of Medicine (IOM) of the National Academy of Sciences released a report which concluded that there is "limited/suggestive" evidence of an association between exposure to herbicides and spina bifida, a neural tube birth defect in which the bones of the spine fail to close over the spinal cord, often causing neurological impairment.[1] Based on this conclusion, and consistent with the spirit of the statutory standard governing decisions regarding presumptions of service connection for disabilities associated with exposure to herbicides during active military service in the Republic of Vietnam, as established by Public Law 102-4, I have determined that a positive association exists between exposure of a parent to herbicides during such service and the birth defect of spina bifida.

This determination was made based on a recommendation of a special task force I established to review the IOM report. The task force noted that certain studies of Vietnam veterans suggested an apparent increase in the risk for spina bifida in their offspring. These included studies conducted by the Centers for Disease Control and Prevention and, more recently, a study of offspring of Air Force Ranch Hand personnel. Although noting that scientific questions remain, the task force indicated that spina bifida does appear to meet the statutory standards set forth in Public Law 102-4.[2] The task force noted that VA currently has no authority to establish presumptions of service connection for diseases in the offspring of veterans, but concluded that, if such authority existed, it would recommend, at this time, that spina bifida in the offspring of Vietnam veterans be treated in the same manner as prostate cancer and acute/subacute peripheral neuropathy. Because VA currently has no authority to provide benefits to these offspring, enabling legislation is necessary.

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[1] That report, *Veterans and Agent Orange: Update 1996*, also concluded that "limited/suggestive" evidence of an association exists between exposure to herbicides and cancer of the prostate and acute/subacute peripheral neuropathy. Based on these conclusions, I have determined, under statutory guidelines set forth in section 1116(b)(3) of title 38, United States Code, that a "positive association" exists between such exposure and the two conditions. Pursuant to section 1116(b)(1), we intend to add such diseases to the list of diseases for which a presumption of service connection is established.

[2] The standard for determining whether a positive association exists with respect to herbicide exposure and diseases in Vietnam veterans is set forth in 38 U.S.C. §1116(b)(3), as added by Public Law 102-4, which states, "An association between the occurrence of a disease in humans and exposure to a herbicide agent shall be considered to be positive for the purposes of this section if the credible evidence

We recognize that the provisions of law that govern and, in some instances, mandate, the addition of new disabilities for which a presumption of service connection is provided do not govern the present situation. However, the level of association that we believe has been shown to exist is no less compelling for the conditions suffered by these children than for certain diseases in Vietnam veterans themselves for which the Government has assumed responsibility. It seems appropriate, therefore, and in the best interests of these children, that the same benefit of the doubt as is required to be given Vietnam veterans be given to their offspring, whose birth defects may be a result of their father's or mother's service to this country.

Historically, benefits for spouses and/or children have been derivative, that is, based on the death or disability of a veteran. The benefits proposed in this draft bill would represent the first instance in which VA would be authorized to provide benefits to a nonveteran based on a possible relationship between that individual's disability and a veteran's service. While this is unprecedented, we believe it to be an appropriate extension of the principle of providing benefits for disabilities that are incurred or aggravated as a result of an individual's service on active duty in the Armed Forces of the United States. When sound medical judgment indicates a course of action, as it appears to in this case, we believe that it is not only reasonable, but responsible, to propose the enactment of appropriate legislative remedies. We believe Congress, in enacting the standards for compensation found in Public Law 102–4, intended that the benefit of the doubt should be applied in making judgments regarding the consequences surrounding the use of herbicide agents and that benefits be provided to individuals who have suffered injury as a result thereof, a policy which should have equal force in terms of providing benefits to the offspring of such individuals.

The primary benefit proposed in the draft bill is associated comprehensive medical care, which could be provided directly by VA or by contract with non-VA providers. Second, because of the likelihood that individuals who suffer from spina bifida will encounter difficulties in pursuing vocational goals, we believe it is appropriate to assist them through the provision of vocational training benefits. Finally, in recognition of other, special financial needs these children are likely to have, we believe they should be provided with a monthly stipend to help defray additional expenses associated with their disabilities. The Secretary would be required to base the amount of the stipend, or allowance, on each child's level of disability, in accordance with a special schedule established for this purpose. Under the proposed framework, the Secretary would pay the allowance based upon three levels of disability, resulting in monthly levels of $200 per month for the lowest level of disability assigned, $700 per month for the intermediate level of disability assigned, and $1,200 per month for the highest level of disability assigned.

In addition, this proposal includes a provision to offset costs associated with these new benefits. This provision would effectively reverse the U.S. Supreme Court decision in *Gardner* v. *Brown* which held that monthly VA disability compensation must be paid for any additional disability or death attributable to VA medical treatment even if VA was not negligent in providing that care. A detailed explanation of the justification for this cost-saving measure appears in the testimony of VA's General Counsel before the Senate Committee on Veterans' Affairs on June 8, 1995.

This bill would affect direct spending and therefore is subject to the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990. Enactment of this legislation would increase direct spending by $5.5 million in Fiscal Year 1997 and decrease direct spending by $291.5 million over a 5-year period.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

JESSE BROWN.

ADDITIONAL COSPONSORS

S. 1189

At the request of Mr. DEWINE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

S. 1237

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1237, a bill to amend certain provisions of law relating to child pornography, and for other purposes.

S. 1628

At the request of Mr. BROWN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

S. 1734

At the request of Mr. BRYAN, his name was added as a cosponsor of S. 1734, a bill to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes.

S. 1925

At the request of Mr. GORTON, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1925, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 2030

At the request of Mr. LOTT, the names of the Senator from Tennessee [Mr. THOMPSON] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, and for other purposes.

S. 2057

At the request of Mr. THURMOND, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2057, a bill to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs guarantee loans with adjustable rate mortgages.

S. 2104

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2104, a bill to amend chapter 71 of title 5, United States Code, to prohibit the use of Federal funds for certain Federal employee labor organization activities, and for other purposes.

S. 2108

At the request of Mr. DORGAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2108, a bill to clarify Federal law with respect to assisted suicide, and for other purposes.

S. 2123

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 2123, a bill to require the calculation of Federal-aid highway apportionments and allocations for fiscal year 1997 to be determined so that States experience no net effect from a credit to the Highway Trust Fund made in correction of an accounting error made in fiscal year 1994, and for other purposes.

S. 2125

At the request of Mr. HELMS, his name was added as a cosponsor of S. 2125, a bill to provide a sentence of death for certain importations of significant quantities of controlled substances.

SENATE RESOLUTION 233

At the request of Ms. SNOWE, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. HATCH], the Senator from Vermont [Mr. JEFFORDS], the Senator from Vermont [Mr. LEAHY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Illinois [Mr. SIMON], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Resolution 233, a resolution to recognize and support the efforts of the United States Soccer Federation to bring the 1999 Women's World Cup tournament to the United States.

SENATE RESOLUTION 295

At the request of Mr. BIDEN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 295, a resolution to designate October 18, 1996, as ''National Mammography Day.''

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for the association is equal to or outweighs the credible evidence against the association.''

SENATE CONCURRENT RESOLUTION 72—RELATIVE TO PARDONS

Mr. SHELBY (for himself, Mr. BOND, Mr. GRAMS, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. KYL, Mr. INHOFE, Mr. SANTORUM, Mrs. FRAHM, Mr. THURMOND, Mr. HELMS, and Mr. BENNETT) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 72

Whereas it is incumbent upon the Congress to oppose any action that would have the effect of undermining the rule of law or the faith of the American people in our jury system;

Whereas on May 28, 1996, former business partners of the President were convicted of a total of 24 felony counts by a jury of 12 Arkansas residents;

Whereas Susan McDougal and Jim Guy Tucker have been sentenced for their crimes by a Federal district judge in Little Rock, Arkansas, and their codefendant James McDougal is awaiting sentencing by the same judge;

Whereas on September 4, 1996, Susan McDougal was held in contempt of court for refusing to answer questions before a Federal grand jury relating to (1) the knowledge of the President with respect to the fraudulent transactions for which she was convicted, and (2) the truthfulness of the testimony of the President at her trial;

Whereas in a televised interview broadcast on September 23, 1996, the President stated that any request for a Presidential pardon made by James or Susan McDougal or Jim Guy Tucker would be reviewed in the normal course, thereby leaving open the possibility that one or more pardons might indeed be issued at some later date;

Whereas any Presidential pardon of James or Susan McDougal or Jim Guy Tucker would seriously undermine the confidence of the American people in our criminal justice system, by essentially nullifying felony convictions of friends and associates of the President rendered by a jury of 12 Arkansas residents on charges initially brought by a grand jury comprised of 23 other Arkansans; and

Whereas the September 23, 1996, remarks by the President could be construed by his recently convicted friends and associates as offering them an inducement to refuse to testify honestly and openly about matters under investigation by Federal law enforcement authorities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should categorically disavow any intention of issuing a Presidential pardon to James or Susan McDougal or Jim Guy Tucker, and thereby affirm the principle that, in the system of justice in the United States, no person is above the law.

• Mr. SHELBY. Mr. President, I have been very disturbed by the recent press reports detailing the President's willingness to pardon Susan McDougal and possibly other former business partners and friends who have been convicted of defrauding the government.

The President's public willingness to suggest that a pardon may be forthcoming, at a time when Susan McDougal is facing contempt charges by a lawfully empaneled grand jury for not responding to questions about the role and truthfulness of the President himself, undermines our judicial system and seriously questions his ability to fulfill his obligation to see that "the laws be faithfully executed."

As you will recall, Mr. President, Susan McDougal was convicted on several felony counts of defrauding the government. She was tried and convicted by a jury of her peers in Little Rock, Arkansas and sentenced to 2 years in prison for her crimes.

While the President may not be pleased with the results of Independent Counsel Kenneth Starr's, investigation, including the conviction of many of his friends and former associates, it is outrageous for the President to now allege prosecutorial misconduct on behalf of Mr. Starr. At the request of Attorney General Reno, a three judge panel appointed an Independent Counsel, Kenneth Starr, to investigate fully any violation of Federal law relating in any way to James B. McDouglal's, President William Jefferson Clinton's or Mrs. Hillary Rodham Clinton's relationships with Madison Guaranty Savings & Loan Association, Whitewater Development Corporation, or Capital Management Services, Inc.

Mr. President, the President's recent statements raise serious questions about his intent to interfere with, and possibly undermine, the Independent Counsel's ongoing investigation into these matters.

Today, Senator BOND and I are submitting a concurrent resolution that would express the Sense of the Congress that the President should disavow any intent of issuing presidential pardons to James and Susan McDougal and Jim Guy Tucker and reaffirm one of the basic tenets of our American system of justice that no one is above the law.•

SENATE CONCURRENT RESOLUTION 73—RELATIVE TO PROPERTY CLAIMS

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 73

Whereas Fascist and Communist dictatorships have caused immeasurable human suffering and loss, degrading not only every conceivable human right, but the human spirit itself;

Whereas the villainy of communism was dedicated, in particular, to the organized, and systematic destruction of private property ownership;

Whereas the wrongful and illegal confiscation of property perpetrated by Fascist and Communist regimes was often specifically designed to victimize people because of their religion, national or social origin, or expressed opposition to the regimes which repressed them;

Whereas Fascists and Communists often obtained possession of properties confiscated from the victims of the systems they actively supported;

Whereas Jewish individuals and communities were often twice victimized, first by the Nazis and their collaborators and then by the subsequent Communist regimes;

Whereas churches, synagogues, mosques, and other religious properties were also destroyed or confiscated as a means of breaking the spiritual devotion and allegiance of religious adherents;

Whereas Fascists, Nazis, and Communists have used foreign financial institutions to launder and hold wrongfully and illegally confiscated property and convert it to their own personal use;

Whereas some foreign financial institutions violated their fiduciary duty to their customers by converting to their own use financial assets belonging to Holocaust victims while denying heirs access to these assets;

Whereas refugees from communism, in addition to being wrongly stripped of their private property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by the Communists who ruled their countries;

Whereas the participating states of the Organization for Security and Cooperation in Europe have agreed to give full recognition and protection to all types of property, including private property, as well as the right to prompt, just, and effective compensation in the event private property is taken for public use;

Whereas the countries of Central and Eastern Europe, as well as the Caucasus and Central Asia, have entered a post-Communist period of transition and democratic development, and many countries have begun the difficult and wrenching process of trying to right the past wrongs of previous totalitarian regimes;

Whereas restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation are arbitrary and discriminatory in violation of international law; and

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures and such laws themselves must be consistent with international human rights standards: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of plundered properties;

(2) urges countries which have not already done so to return plundered properties to their rightful owners or, as an alternative, pay compensation, in accordance with principles of justice and in a manner that is just, transparent, and fair;

(3) calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;

(4) calls on the Czech Republic, Latvia, Lithuania, Romania, Slovakia and any other country with restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation to remove such restrictions from their restitution or compensation laws;

(5) calls upon foreign financial institutions, and the states having legal authority over their operation, that possess wrongfully and illegally property confiscated from Holocaust victims, from residents of former Warsaw Pact states who were forbidden by Communist law from obtaining restitution of such property, and from states that were occupied by Nazi, Fascist, or Communist forces, to assist and to cooperate fully with efforts to restore this property to its rightful owners; and

(6) urges post-Communist countries to pass and effectively implement laws that provide for restitution of, or compensation for, plundered property.

• Mr. D'AMATO. Mr. President, I submit a concurrent resolution which addresses a number of distinct, but closely related, property issues. It follows up on work already done by the Helsinki Commission, which held a hearing on this subject on July 18, 1996. This same concurrent resolution is being submitted today in the House by the Commission's distinguished Chairman, my good friend and colleague from New Jersey, Congressman CHRIS SMITH. It is cosponsored by the majority of the Commission.

The substance of this concurrent resolution has been discussed with the Administration and parallels and supports the work being done by Under Secretary of Commerce for International Trade Stuart E. Eizenstat, who also serves as the U.S. Department of State Special Envoy for Property Claims in Central and Eastern Europe.

I strongly believe that there must be a full, complete and final accounting of the assets of Holocaust victims that have been wrongfully held by Swiss—and possibly other banks—for some five decades now. Those records must be opened, and the stolen assets returned to their rightful heirs. This concurrent resolution addresses that issue.

It also addresses the compelling situation of Holocaust survivors in Central and Eastern Europe. Many of these people, unlike their counterparts in Western Europe, were denied the chance to receive any compensation for their suffering or to receive the return of properties stolen by the Nazis when the iron curtain closed, leaving them at the mercy of new dictatorships. This concurrent resolution recognizes the urgent need for Jewish communal properties to be restored to their rightful owners, to help give these survivors the means to live out their final days in dignity.

Finally, this concurrent resolution speaks to the difficult and complex process underway in many post-Communist countries in Central and Eastern Europe and the former Soviet Union. Some countries have already taken steps to return property or provide compensation for property wrongly confiscated by Communist regimes. I commend those countries for their efforts.

At the same time, I am deeply troubled that some restitution or compensation laws have discriminated against American citizens, people who lost both their property and their citizenship when they sought refuge in this country, fleeing Communist persecution. To exclude these people from efforts to right past wrongs pours salt on an open wound. I urge my colleagues to join me in supporting this concurrent resolution, and in sending a message that these injustices must be remedied before the passage of time carries the victims beyond our mortal abilities to offer them some recompense for their suffering.

While restoration of property ownership or compensation for its wrongful confiscation can never right the terrible wrongs done to the victims by their Nazi, fascist, and communist oppressors, it can go some way toward balancing the scales. That is what this concurrent resolution is about and why it deserves our support.•

AMENDMENTS SUBMITTED

THE FEDERAL POWER ACT AMENDMENTS OF 1996

MURKOWSKI AMENDMENT NO. 5412

Mr. NICKLES (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 737) to extend the deadlines applicable to certain hydroelectric projects, and for other purposes; as follows:

Beginning of page 2 line 1 through page 6 line 6, strike section 2, 3, 4, 5 and 6, and renumber subsequent section accordingly.

On page 9, following line 17, add the following new section

“SEC. 5. EXTENSION OF COMMENCEMENT OF CONSTRUCTION DEADLINE CERTAIN HYDROELECTRIC PROJECTS LOCATED IN ILLINOIS.

“(A) PROJECT NUMBER 3943.—

“(1) Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for project number 3943 (and after reasonable notice), may extend the time required for commencement of construction of such project for not more than 3 consecutive 2-year periods, in accordance with paragraphs (2) and (3).

“(2) An extension may be granted under paragraph (1) only in accordance with—

“(A) the good faith, due diligence, and public interest requirements contained in section 13 of the Federal Power Act; and

“(B) the procedures of the Federal Energy Regulatory Commission under such section.

“(3) This subsection shall take effect for project number 3943 upon the expiration of the extension of the period required for commencement of construction of such project issued by the Federal Energy Regulatory Commission under section 13 of the Federal Power Act.

“(b) PROJECT NUMBER 3944.—

“(1) Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project number 3944 (and after reasonable notice), may extend the time required for commencement of construction of such project for not more than 3 consecutive 2-year periods, in accordance with paragraphs (2) and (3).

“(2) An extension may be granted under paragraph (1) only in accordance with-

“(A) the good faith, due diligence, and public interest requirements contained in section 13 of the Federal Power Act; and

“(B) the procedures of the Commission under such section.

“(3) This subsection shall take effect for project number 3944 upon the expiration of the extension of the period required for commencement of construction of such project issued by the Commission under section 13 of the Federal Power Act.

“SEC. 6. REFURBISHMENT AND CONTINUED OPERATION OF A HYDROELECTRIC FACILITY IN MONTANA

“Notwithstanding section 10(e)(1) of the Federal Power Act or any other law requiring payment to the United States of an annual or other charge for the use, occupancy, and enjoyment of land by the holder of a license issued by the Federal Energy Regulatory Commission under Part I of the Federal Power Act, a political subdivision of the State of Montana that accepts the terms and conditions of a license for Federal Energy Regulatory Commission project number 1473 in Granite County and Deer Lodge County, Montana—

“(a) shall not be required to pay any such charge with respect to the 5-year period following the date of acceptance; and

“(b) after that 5-year period and for so long as the political subdivision holds the license, shall be required to pay such charges under section 10(e)(1) of the Federal Power Act or any other law for the use, occupancy, and enjoyment of the land covered by the license as the Federal Energy Regulatory Commission or any other federal agency may assess, not to exceed a total of $20,000 for any year.”.

ADDITIONAL STATEMENTS

INNOVATIVE CONTRACTING FOR TECHNOLOGY AT THE NATIONAL INSTITUTES OF HEALTH

• Mr. COHEN. Mr. President, this morning I rise to commend the National Institutes of Health and its leadership for changing the way the Government buys technology.

Earlier this year, the Information Technology Management Reform Act, which I authored, became law. ITMRA fundamentally changes the rules governing how the Government purchases and uses technology. It eliminated overly bureaucratic and cumbersome procedures that resulted in the Government's failure to get what it needed and frustrated vendors who were unable to provide government with the optimum solution. ITMRA sets the stage for Federal agencies to emulate successful organizations and break up large computer projects into smaller more manageable segments—a strategy that up to now had been hindered by a procurement system that encourages large complex contracts.

Despite passage of this major reform, the Government must also overcome a culture that arose from the antiquated and cumbersome way of doing business. While the full impact of this reform may take a little time to be felt, some agencies have seized the opportunity to become leaders in innovation consistent with the spirit and intent of the legislation. While I have witnessed recent innovations within the Department of Defense, General Services Administration and a number of other agencies, one effort stands out as exemplifying the spirit behind ITMRA and is particularly well developed based on the intent behind ITMRA.

The chief information officers solutions and partners contract at the National Institutes of Health is an excellent example of how government, under ITMRA, will be able to meet its technology needs in a reasonable time frame and obtain optimum solutions. By comprehending the possibilities presented by recently enacted procurement reform, NIH has provided a contracting vehicle that will allow Federal agencies to buy goods and services in a manner that is competitive, easy to use, fair and timely.

Although the ultimate success of this program will depend on NIH's ability to properly administer the task orders it receives, the innovation demonstrated in the early phases of this procurement deserves special mention. In particular, the leadership and hard work of two NIH employees, Manny DeVera and Gale Greenwald, deserve special attention.

Both Mr. DeVera and Ms. Greenwald quickly recognized the potential of ITMRA and procurement reform, allowing them to award a flexible contract in record time. Both the Government customers and the vendor community are quite excited about the prospects for obtaining needed services in a timely and efficient manner. Government clients will be able to obtain the technology, services, and solutions they need under ITMRA via competitive task orders. Agencies will not have to bundle their requirements into large contracts that take years to award and often end in protest and litigation. Under the new law, an agency can look to the growing number of multiple award task order contracts or the GSA schedule to fulfill information technology requirements. Agency chief information officers can then focus on the return on investment from information technology rather than on finding ways to overcome obstacles in the Federal procurement system.

Mr. President, while this contract must still prove itself, this effort represents a milestone in innovation. The two Federal employees most responsible for this innovation, Manny DeVera and Gale Greenwald, deserve our thanks and appreciation.•

HIGHWAY FUNDING FAIRNESS ACT OF 1996

• Mr. BIDEN. Mr. President, today I proudly join with the distinguished ranking member of the Environment and Public Works Committee, Senator BAUCUS, to correct a serious accounting error that will cost my home State of Delaware millions of dollars in badly needed Federal highway assistance.

Federal-aid highway funds are for the creation and maintenance of our Nation's interstate highways—literally the lifelines of our economy. The east coast's largest, most important interstate, I–95, runs through the northernmost part of Delaware, carrying hundreds of millions of tons of goods and products from Maine to Florida and beyond. Tens of thousands of Delawareans commute daily on I–95.

In fact, the Delaware Department of Transportation is just now beginning a massive, $73 million project to repave and resurface key parts of I–95. This undertaking is vitally important not only to the people of Delaware, but to commuters and businesses across America.

Yet, next fiscal year, Delaware—partly because of a 1994 bureaucratic snafu—is going to receive approximately $8.2 million less than it received in 1996. That is an 11-percent cut.

This will occur even though the Federal Government will spend a record $18 billion on Federal highway assistance—roughly $455 million more than the current year.

During consideration of the Transportation Appropriations bill this past July, Senator BAUCUS successfully offered an amendment that I supported to correct this miscalculation and restore the needed funding. Yet despite the strong vote in support, and the best efforts of Senator LAUTENBERG, conferees dropped the Baucus amendment, thus preserving the slip-up and cutting funding to 28 States.

Because of this fundamental unfairness, and the egregious, short-sighted cuts in Amtrak funding, I voted against the Transportation Appropriations conference report.

The legislation introduced by Senator BAUCUS that I am cosponsoring today, the Highway Funding Fairness Act of 1996, corrects the 1994 highway fund credit mistake and gives the 28 affected States their rightful allocations.

This 1994 accounting error skims the surface of the issue, however. The root cause of the $8 million cut in funding to Delaware is the skewed allocation formula put in place by the 1991 Intermodal Surface Transportation Efficiency Act [ISTEA], which fails to accurately reflect highway needs. This formula, particularly the so-called 90 percent of payments guarantee, unfairly rewards selected States at the expense of smaller, less populated States, such as Delaware.

I intend to work hard next year during consideration of the ISTEA reauthorization bill to correct this fundamental unfairness, and ensure that States, like Delaware, receive their proper share of highway funds.

I hope my colleagues representing the other 27 affected States will seriously consider cosponsoring the Highway Funding Fairness Act of 1996, and I commend and thank Senator BAUCUS for all of his work.•

JOE MARK ELKOURI

• Mr. INHOFE. Mr. President, I rise today to honor a great American and a great Oklahoman, Joe Mark Elkouri, who passed from this earth September 26, 1996. Joe Mark was born February 28, 1950, in Altus, OK, and was a respected long-time resident of Oklahoma City.

An alumnus of Oklahoma State University, the Oklahoma City University School of Law, and Southern Methodist University Law School, where he specialized in tax law, Joe Mark utilized his education to the betterment of society.

Joe Mark tirelessly involved himself in civic causes such as the Red Andrews Christmas Dinner, Toys for Tots, the Aids Support Program, and the Winds House, an assisted living center in Oklahoma City. Throughout his life, Joe Mark gave of himself for the benefit of countless others, endearing friends and loved ones for life.

He is survived by two loving daughters, Brie and Lee Elkouri of Oklahoma City; two sisters, KoKo Sparks and family of Oklahoma City, and Sharon Massad of California; his mother Dorothy Weinstein of Dallas, TX, and Jim Roth of the home.

Joe Mark served his community as a distinguished member of the State bar of Oklahoma and served as an Administrative Law Judge for numerous State agencies and as a Special Judge for the city of Oklahoma City. Joe Mark's professional accomplishments are many, but he will be remembered most for his tremendous good will, enormous heart, and joyful sense of humor. He will be greatly missed by all who knew him and loved him. May He Rest In Peace.•

TRIBUTE TO ARMY COL. BARBARA SCHERB

• Mr. INOUYE. Mr. President, as the 104th Congress draws to a close, I stand to pay tribute to a distinguished Army officer who served as a congressional science fellow on my staff during this Congress. Col. Barbara Scherb, U.S. Army, was selected for this highly coveted fellowship as a result of her outstanding training, experience, and accomplishments. She is the prototype of what nursing leadership should be. Her impeccable credentials and superb performance earned her the respect and admiration of the Senate staff. She distinguished herself rapidly as a professional who possessed an infectious demeanor, tremendous integrity, decisive leadership style, political savvy, and unending energy. The ultimate Army officer, Colonel Scherb is a visionary thinker who has the innate ability to implement these visions. Colonel Scherb is the consummate professional; nursing never had a better ambassador nor patients a more devoted advocate.

Colonel Scherb forged strong alliances and affiliations with a myriad of congressional offices, committees, and Federal and civilian agencies to present a cohesive approach to legislative proposals. She worked closely with staff members on the Senate Armed Services and Labor and Human Resources Committees and Defense and Labor, Health and Human Services and Education Appropriations Subcommittees in support of military health issues and national nursing and health care agendas.

As a champion of tri-service nursing and military health issues, Colonel Scherb was instrumental in the clarification of the board certification pay statutes to include certain military nurse specialists; establishment of equitable disbursement of incentive special pay for nurse anesthetists; authorization to establish a graduate school of nursing at the Uniformed Services University of the Health Sciences [USUHS]; and authorization to establish a tri-service nursing research program at USUHS.

Her dynamic leadership provided the driving force behind legislation that enabled any qualified officer in the military health system to be appointed as Surgeon General, and promoted the development of leadership opportunities for nurses and other nonphysicians to include command and general officer promotion. Colonel Scherb wrote legislative language enabling the Services to distribute their field grade end-strength equitably ushering in a new era of equality for military medicine. Colonel Scherb actively pursued codification of Army and Air Force chief nurse appointments as general officers. She championed telemedicine initiatives including advanced medical technologies, digitized radiography, computerized patient records, teleconsultation, and remote distance learning.

As a recognized authority on health care, Colonel Scherb's expertise was in constant demand as a speaker and writer. At significant personal sacrifice, she eagerly sought each and every opportunity to advance nursing, and the health care goals and vision of America.

Colonel Scherb is now attending the Army War College. Based on her splendid performance and exceptional leadership while in my office, I am confident that she will excel in this new endeavor.

Colonel Scherb is an officer of whom the military and our Nation can and should be justifiably proud; a unique combination of talent and devotion to duty. I want to personally and publicly acknowledge my sincere appreciation to Colonel Scherb for her dedicated months of exemplary service and to bid her a fond aloha and heartfelt mahalo.•

CONGRATULATING REPUBLIC OF CHINA'S CONGRESSIONAL LIAISON

• Mr. MURKOWSKI. Mr. President, many Senators have come to the floor this week to give tribute to our retiring colleagues as the 104th Congress moves toward adjournment. The end of the congressional session also means that many of our friends in the diplomatic community are moving on to other assignments.

I rise today to say farewell and to congratulate Dr. Lyushun Shen, who has served as head of the Republic of China's Congressional Liaison Division in Washington for many years. In recognition of his good work here, Dr. Shen has been named Director of North American Affairs in the the Ministry of Foreign Affairs and will return to Taipei at the end of this month. This is an extremely important position because he will be responsible for coordinating Taiwan's policies toward the United States, among other things. I am pleased the United States will have a good friend in that position.

My staff and I have had many occasions to work with Lyushun during his tenure in Washington. Whether the issue was one where we disagreed, such as back in the days of fishing disputes between Taiwan and Alaska, or where we agreed, such as allowing a private visit by President Lee to his alma mater, Lyushun has served his country with diligence, professionalism, and a fine sense of humor—an important quality in this town. I also had the chance to observe his fishing skills when he attended my wife's charity fishing tournament this past summer, but I think he should stick with diplomacy.

I am confident that Lyushun will be as successful in his new role as he has been here. And I know our paths will cross again during my travels to Asia. I am certain that my colleagues join me in wishing Lyushun and his family all the best in the coming years.•

AD HOC HEARING ON TOBACCO

• Mr. LAUTENBERG. Mr. President, on September 11, I cochaired with Senator KENNEDY an ad hoc hearing on the problem of teen smoking. We were joined by Senators HARKIN, WELLSTONE, BINGAMAN, and SIMON. Regrettably, we were forced to hold an ad-hoc hearing on this pressing public health issue because the Republican leadership refused to hold a regular hearing, despite our many pleas.

Yesterday I entered into the RECORD the testimony of the witnesses from the second panel. Today I am entering the testimony of the witnesses from the third panel which included talk-show host Morton Downey, Jr.; his doctor, Dr. Martin Gordon; former Marlboro man, Alan Landers; and, former cigarette model Janet Sackman.

Mr. President, I ask that the testimony and related materials from the third panel of this ad hoc hearing be printed in the RECORD.

The material follows:

TESTIMONY AT THE AD-HOC TOBACCO HEARING, U.S. SENATE, SEPTEMBER 11, 1996

STATEMENT OF MORTON DOWNEY, JR.

Mr. Chairman, distinguished Senators, Dr. Martin Gordon, Fellow members of the American Lung Association, Ladies and Gentleman, I wish I did not belong on this panel of people who have learned first hand the connection between smoking and cancer. Sadly this former smoking fool heads the list.

Like 3,000 kids every day, I began smoking at the age of about 13. My parents had sent me to military school. All my buddies smoked, it was cool. By Christmas vacation I was hooked. Banging down about 20 butts a day. I knew they couldn't hurt me, because the full-page advertising Life magazine and the Policeman's Gazette said, "More Doctors Smoke Camels Than Any Other Cigarette." Think of how hooked I was. It was military boarding school, every time I got caught smoking it was ten demerits, which meant ten hours of marching with a rifle on my shoulder after class and on weekends. In my first year, I marched over 300 hours of punishment for smoking. My dad said that showed how stupid I was to smoke. Billy Waldon, my roommate, said it showed how stupid I was to get caught. I agreed, kept smoking and kept being stupid. Bill Waldon, my ex-roommate, died when he was 53. He had given up smoking at 40 and started chewing tobacco so as not to get lung cancer. He died ten years of tongue and throat cancer—some trade off.

What kind of trade off are we giving our children, Mr. Chairman? An absolute guarantee that if we do not face our responsibility right now, at least 1,000 of those new daily smokers will die an agonizing death from a smoking-related illness.

To those who falsely gnash their teeth over First Amendment rights, what about the Preamble, those first thoughts our forefathers had about the right to Life, Liberty and the Pursuit of Happiness? Cancer will steal their life! Liberty should mean the right to be liberated from our own youthful stupidity.

Mr. Chairman, can I find happiness for my child when I know the adults who pretend to care for her, the Tobacco Lobbyists, the Government that is sworn to protect her, abandon their responsibility and bow to the cigarette giants, the Tobacco Terrorists?

She needs your courage, your leadership, your ability to stand-up in the face of those who would spend 5 billion a year to send our children to an early but agonizing death—but not spend one red cent toward the breaking of the smoking habit, money to purchase medication for the agonizing pain as death approaches, or dollars to develop a cure for their addicting gift to our children.

To think I was a role model for cigarette smoking youth, even signing my name on their cigarettes. To that generation, I beg your forgiveness. May the next generation have kinder and wiser role models such as you Senators and President Bill Clinton who will not bow to the Tobacco Terrorists by weakening the regulations that only serves to deny our youth the opportunity to destroy themselves as many of us already have. I ask you to show the legislative courage to save my little girl. She need not suffer as I have, as my colleagues have. Think of some of my fellow smokers, Sammy Davis, Jr., Edward R. Murrow, Yul Brynner——

They smoked and they're dead. Wouldn't it be a better world if they were alive today?

STATEMENT OF MARTIN N. GORDON, M.D.

Good Morning.

My name is Dr. Martin N. Gordon. I am a physician specializing in pulmonary medicine at Cedars Sinai Medical Center and I am Morton Downey, Jr.'s pulmonologist. I am honored and pleased to address this committee and offer my views on tobacco smoke, lung cancer and the FDA regulations.

It is generally agreed by those in the scientific and medical communities that most lung cancer is attributable to the inhalation, by a susceptible host, of carcinogenic pollutants. Cigarette and other tobacco smoke are the most important of these pollutants. Members of the committee may be interested to know that the initial suspicion that tobacco might cause cancer was first voiced by the English physician, John Hill, in 1761! This was promptly followed by our Surgeon General's report in 1964.

Early in this century, physicians and scientists alike strongly suspected a relationship between smoking and lung cancer. Dr. I. Adler was the first to strongly suggest that lung cancer is related to smoking in a monograph published in 1912. A similar conclusion was reached in a 1941 article by Dr. Michael DeBakey, who cited a correlation between the increased sale of tobacco and the increasing prevalence of lung cancer. In addition, early investigators seemed to understand the correlation between the age when one first begins to smoke and lung cancer, finding that smokers with lung cancer began smoking earlier and continued to smoke longer than control groups.

Lung cancer is only the tip of the iceberg. Smoking has been causally related to an increased incidence of a number of other malignancies, and is a significant risk factor in the development of coronary artery disease. As Dr. Thomas Petty from Colorado states, "Today, no reasonable person would deny that smoking is the cause of 90% to 95% of lung cancer."

Lung cancer is the most fatal malignancy of both men and women. In the United States we will probably have close to 193,000 reported cases of lung cancer this year, 112,000 in men and 81,000 in women, with a 5 year mortality rate of 85%.

Building on Dr. Petty's statement, it would be safe to state that, sadly, 90% of lung cancers are preventable. Logically, preventing people from smoking would be the single most positive step towards reducing the incidence of lung cancer. Furthermore, since it is widely known that starting to smoke at an early age is a particularly strong risk factor in the development of lung cancer and almost 90% of daily smokers begin before the age of 18, it would make sense to focus our effort on preventing children from smoking. This is the goal of the FDA regulations—to protect children from tobacco's addictive properties and its deadly effects. As a physician who has seen the ravages of lung cancer, I fully support the timely enactment of the FDA regulations. I believe they will go a long way towards my seeing fewer patients like Morton Downey, Jr. walk through my door.

I urge those on the committee and other members of Congress to support the FDA regulations and oppose any legislative efforts to weaken them. Thank you for the opportunity to address this distinguished body. I would be happy to answer any questions.

STATEMENT OF ALAN LANDERS

My name is Alan Landers. I live in Ft. Lauderdale, Florida, and I am 55 years old. I am a professional actor, model, and acting teacher. My career began with the pilot film "Aloha from Hawaii". Over the years I appeared in various television shows and motion pictures, including "Annie Hall", "Stacey", "The Tree", "The Web", "Hurricane," "Ellery Queen", "The DuPont Show", "Deadly Rivals", "Cop and ½", "South Beach", "America's Most Wanted," "Superboy", "Model of the Year", "Petrocelli", "Kate McShane". I also appeared as a model and actor in numerous advertising campaigns, including: Binaca, United Airlines, Lancer Wine, Brylcreme, M.J.B. Coffee, BelAir Cigarettes (South America), Sony, and Vics 44.

I owned the Alan Landers Acting Studio in Hollywood, California. Some of the people who attended the Studio and were coached by me include: JoAnne Woodward, Jerry Hall, Ali McGraw, Joe Penny, George Lazinbee, Sara Purcell, Frankie Crocker, Lynn Moody, Lydia Cornell, Susan Blakely, Merite Van Kamp, Vinviano Vincenzoni, Shel Silverstein, and Joe Lewis. I have appeared in numerous television and motion picture productions, including "Annie Hall".

During the height of my acting and modeling career I was courted by R.J. Reynolds to appear as the "Winston Man". I did the majority of the print ads for the RJ Reynolds tobacco company in the late 1960's and early 1970's.

I appeared on billboards and in magazine advertising holding a Winston cigarette urging others, young and old, to smoke. I was expected to portray smoking as stylish, pleasurable, and attractive. I was required to smoke on the set, constant smoking was required to achieve the correct appearance of the cigarette, ash, and butt length. During this time frame I also promoted Tiparillo small cigars. In television advertisements, my character, dressed in a trenchcoat utters the rhetorical line, "should a gentleman offer a Tiparillo to a lady?"

Despite the fact that I worked closely with cigarette company personnel during the shooting, at no time was I ever told that cigarettes could be dangerous to my health. I knew that some people believed them to be unhealthful, but the cigarette manufacturers denied, and still deny to this date, that their product is harmful.

Later in this statement I explain what I have learned about the hazards of cigarette smoke, and when the cigarette industry realized these hazards. Looking back on my career I am ashamed that I helped promote such a lethal and addictive product to the children and adults of this country. Had I understood then what I now understand—that cigarettes are an addictive poison that kills almost 50% of their users—I would never have participated in their mass marketing.

In 1987 the hazard of cigarettes became tragically apparent as I was diagnosed with lung cancer. Although 95% of lung cancer victims do not survive five years from diagnosis, I was determined to beat the odds. In a painful and dangerous surgical procedure, my doctors removed a large section of lung, hopefully to remove the cancer from my body. After the surgery, I lived from examination to examination, hoping the cancer would not recur. In 1992 I received devastating news. Another cancer had formed, this time in my other lung. The only hope was more surgery, which was accomplished with major complications. A nerve leading to my vocal cords was cut, causing it to be almost impossible to speak normally. This is a crushing blow to an actor. I survived the second surgery and am hoping for the best, although there are no guarantees. I am extremely short winded because sections of both lungs have been removed, and I am told that I have in addition emphysema from cigarette smoking. Scars from the surgery wrap around my back permanently disfiguring me, but I feel lucky to be alive.

I have learned a great deal since the surgery for lung cancer, about the true dangers of cigarettes and the deceit of the industry that sold them. I never understood how lethal the product really is. Looking back, I recall smoking on the eve of my second surgery. I am a strong willed person who had broken the addiction several years earlier. The addictive power of nicotine addiction is real and that my frustration of being unable to quit is shared with many, if not most, regular smokers.

I have also became aware of the industry's deceitful attitude toward its customers. My attorney, Mr. Norwood S. Wilner of Jacksonville, has filed a case on my behalf seeking compensation from R.J. Reynolds and others. I was delighted to see that Mr. Wilner was successful in August of this year in obtaining a verdict on behalf of one of his other clients against the cigarette industry. The landmark case *Carter v. Brown and Williamson Tobacco Comapny*, tried in Jacksonville, showed that juries will not forgive the cigarette industry for its carelessness and deception in refusing to warn its customers or to develop safer alternative products.

I have donated my time to the fight against tobacco and to protect children from becoming involved in this dangerous drug. Lawton Chiles, Florida's courageous Governor, has asked me to address the Florida Legislature. I have appeared numerous times for the American Cancer Society, the Tobacco Free Coalition, Citizens Against Tobacco, the Duval County Public Schools ZIP program, the Monroe County (Key West) School System, the Cancer Survivors for Life. I have at my expense appeared on national and local television and radio shows.

I now understand, and wish to place into the record, some of the shocking facts that the Carter jury saw, which reveal how the industry put profits over people, stonewalled its critics, and concealed scientific evidence from the public and its customers. The attached article entitled "Mass Destruction: A Medical, Legal, and Ethical Indictment of the Cigarette Industry" authored by my attorney, Norwood S. Wilner, and my physician, Dr. Allan Feingold of South Miami Hospital, outlines my understanding of these terrible facts.

I call upon the lawmakers of this country to protect our children from this dangerous substance. Tobacco products should be regulated as the addictive drugs they are. Tobacco advertising should be eliminated or strictly curtailed. I call upon the tobacco industry to compensate its victims, its former customers, who are suffering and dying from its products. Thank you for permitting me to appear before this committee.

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, August 12, 1996.

Mr. ALAN LANDERS,
Lauderhill, FL.

DEAR ALAN: On behalf of the citizens of Florida, I wish to thank you. As a former model for cigarette manufacturers, your compelling testimony before the Florida Legislature of cigarettes' insidious poison, and the perverse marketing of this product to our youth is a true "profile in courage". Your personal message made the difference in our winning 1996 Legislative battle against Big Tobacco.

Your critical help, combined with the American Cancer Society, American Lung Society, and the American heart Association, permitted Floridians to beat back over sixty (60) high paid lobbyists and a million dollar media campaign designed to distort the truth. In biblical parlance, "we smote them with the jaw bone of an ass."

Alan, thank you again. We will need your help in the future, and I am glad that I can count on you.

Warmly yours,

LAWTON C. CHILES.

JANET SACKMAN

Janet Sackman was born on September 3, 1931 in New York City, New York. In 1946, at age 14, Mrs. Sackman began working as a photographer's model, and soon became the Lucky Strike cover girl. At the request of a tobacco executive, Mrs. Sackman learned to smoke at age 17. He advised her that she should learn to smoke in order to learn to hold a cigarette, and look more natural when being photographed.

In 1983, Mrs. Sackman was diagnosed with throat cancer, and underwent a laryngectomy. In 1990 late doctors found cancer in her right lung, and Mrs. Sackman had a portion of that lung removed.

After her illness Mrs. Sackman vowed to begin speaking out against smoking. She has made numerous appearances worldwide in order to educate the public regarding the health hazards of cigarette smoking.●

PUBLIC LANDS ENVIRONMENTAL PROTECTION ACT OF 1997

● Mr. CRAIG. Mr. President, this month marks the 20th anniversary of Congress' passage of the National Forest Management Act of 1976 [NFMA]. As many of you know, at the beginning of this Congress we embarked upon the first sustained oversight of the implementation of the NFMA, and the related statutes and regulations that govern the management of Federal forest lands—both those managed by the U.S. Forest Service, as well as by the Bureau of Land Management.

During the course of last year and this, our subcommittee held 15 hearings, receiving testimony from over 200 witnesses concerning the status of Federal forest management. We then participated in, and reviewed the results of, the Seventh American Forest Congress before finalizing our conclusions. These conclusions are summarized in a June 20, 1996 letter that I sent to Secretary of Agriculture, Dan Glickman. Since the transmittal of this letter and its subsequent circulation, we have received a number of letters, calls, and comments from various individuals both inside and outside the federal land management establishment. Generally, they have been: First telling us that we are accurate in our diagnosis of the problems associated with federal forest management; and second urging us to address some of the problems and opportunities described in the June 20 letter.

At the conclusion of our oversight hearings earlier this year we invited the administration to provide us with ideas about needed changes, basically making good on the commitment that Secretary Glickman made when he was confirmed by the Senate in March 1995. In the June 20 letter, we again offered to entertain the administration's proposals. On August 1 we received a response indicating that no proposals were ready to tender. We are distributing a copy of the letter and the Secretary's response to you.

Last week, I met with the Secretary to see whether the administration was close to offering a proposal of any sort. Not surprisingly, they are not—nor will they be anytime before a certain date in November that seems to figure heavily in all of their planning.

I also asked the Secretary whether he imagined that—if we were to introduce a legislative proposal before that magic date—we might have a thoughtful and substantive discussion detached from partisan wrangling and political recriminations? He thought not. What a surprise, but more the pity.

Without being overly critical, I think we have to question both the seriousness of the administration's approach to these issues, and the depth of the Secretary's commitment to constructively engage Congress on Federal forest management. But I want to emphasize that my mind and my door are still open. As we move forward, we would still be happy to see a legislative proposal from the administration to put alongside what we propose.

WE MUST CHOOSE A COHERENT PHILOSOPHY UNDER WHICH OUR FEDERAL FOREST LANDS SHOULD BE MANAGED

Today, I want to review the basic approach we took to our oversight task. In evaluating the need for change, we started by evaluating how well our current statutes are working. Then, having established that change is imperative, we stepped back and tried to evaluate the overall philosophy under which we want our Federal lands to be managed.

We chose to reaffirm the multiple-use mandate that has guided the management of Federal forest lands since the early part of this century. We have refused to accede to the no-use philosophy that is currently being popularized by elements of the national environmental community and, to some extent, agents of this administration.

We have chosen the former over the latter because any sentient being can see the results of the no-use philosophy on the land. Fires are burning out of control through forests that are inherently unhealthy because of stand conditions that have been allowed to deteriorate as a consequence of both simple administrative inaction, and a more basic and grievous confusion over the role of man in nature. The bill we will propose does not deal with the forest health issue alone. Rather, it will also deal with the health of the Forest Service and the other land managing agencies. It is our conclusion that the clear results of the implementation of no-use philosophies on the agencies have been as dramatic as the results of the application of similar philosophies on the land.

Consider this—in over 15 hearings with 200 witnesses—no one supported the status quo. Let me repeat, no one from any walk, profession, interest group, or point of view provided any testimony that suggested Congress need not act to fix the current situation. In sum, the health of the Forest Service—or, more broadly, our Federal Government—as an enlightened advocate of professional resource management has reached a critical point. In an era of tightening Government budgets this might be the case even if this administration was not subjecting the agencies to unprecedented political interference. But, in fact, the amount of political interference that the Forest Service and the Bureau of Land Management are facing is extraordinary.

Thus, as we summarize our general philosophy, we flatly reject the preservationist philosophy that the best thing we can do for our Federal forests is to walk away and leave them alone. Rather, we choose to: First, reaffirm and reinvigorate multiple-use management; second, restore the health of our forests and the morale of our professional forest managers; third, fashion forest policy on hope instead of fear; fourth, develop solutions instead of conflict; fifth, encourage education instead of litigation; sixth, rely upon science instead of stoking emotions; and seventh, employ human resources in environmental stewardship, instead of destroying them in the interest of environmental purism.

OUR APPROACH TO THIS PROCESS HAS NECESSARILY BEEN TIME CONSUMING

When we initiated this oversight process two Marches ago, I remarked upon the novelty of Congress wading into an area where it has been absent from the field for so many years. I also noted that, if our oversight uncovered the need for significant changes, these changes would take time. Indeed, legislative changes of this nature always take more than one Congress to achieve. When you write the environmental history of this Congress I hope you will remember that we expected it to take awhile, but we will get the job done.

I relish the opportunity to quote Senator Hubert Humphrey's remarks 20 years ago this week as he brought the conference report accompanying the 1976 National Forest Management Act to the Senate floor. He stated that:

> It is with a tremendous amount of pride and satisfaction that I offer this measure for the consideration of the Senate. It is a product of 3 years of work by four committees of this Congress, as well as more than a dozen public interest groups and business interests.

These issues could not be viewed as the work of a single Congress or the result of an individual election, even then. They certainly cannot now. For those critical of Congress' efficiency, it is worth noting that the number of congressional committees has decreased, even as the panoply of interest groups has expanded exponentially.

Generally speaking, significant change comes only through crisis or consensus. I would submit that, today, we have a consensus that the status quo is unacceptable. But there is not yet a shared sense of crisis, nor any specific agreement on an appropriate solution. Therefore, our proposal will represent a starting point to see if we can: First, build upon the only established consensus—that is, the status quo is unacceptable; and second, move toward some agreement on what kinds of appropriate solutions should be provided.

By necessity, many parties will be involved in the deliberations that we will begin in a few weeks, and carry forward through the next Congress and perhaps beyond. But at the same time, many parties have already been involved in providing us useful insights that are reflected in the proposal we will circulate in the near future. Let me mention a few groups that have been involved and deserve recognition for the contributions made to date.

First, I want to recognize the thousands of people involved in the Seventh American Forest Congress. Their coming together was a truly unique experience. I directed my staff to attend, and they benefitted greatly from the insights provided. We delayed introduction of this measure to benefit from their deliberations. I hope to continue this extraordinary dialog with this other Congress.

Second, representatives of the environmental community have also been instrumental in providing both the backdrop for the discussions that have occurred in this Congress, as well as a number of specific suggestions for changes. While we do not agree with all they advocate, they nevertheless deserve the credit for elevating the public's interest in the state of our Federal forests.

Third, I want to recognize the forest scientists that have begun to look at land management and ecosystem analysis at broader geographic scales. Many of the initiatives that have been pioneered by this group of devoted Forest Service and other Federal agency scientists over the last 4 years are going to be recognized and provided with a statutory basis.

Fourth, I want to thank State and local officials who have provided considerable testimony about the current state of federalism, insofar as Federal resource management is concerned. They have suggested a number of improvements based upon their increasingly impressive capabilities to perform a number of the management functions that are currently entrusted solely to the diminishing number of Federal agency employees spread across the country.

Fifth, I want to thank representatives of local, dependent communities and industries. I want to commend their patience in seeing us through these deliberations, while in many cases—and for justifiable reasons—they felt their concerns are of a more immediate nature.

Finally and most importantly, I want to thank the Forest Service and other Federal agency employees who contributed so much to our oversight process both formally and informally. By elevating environmental considerations within the agency, Forest Service employees have made many of the changes that we will propose both reasonable and possible. There is less need now to use other Federal employees to police the work and commitment of Forest Service scientists, biologists, and land management professionals than there may once have been. For this, and for other efficiencies in better land stewardship that we will propose, Forest Service employees deserve considerable credit. I am also appreciative of the amount of time and effort that went into the development of agency testimony and support materials that provided the information necessary for our oversight and ongoing drafting processes. I deeply appreciate, the professionalism and commitment of these employees.

I do not expect any of the above mentioned groups to be wholly or very satisfied—or, in a few cases, even remotely satisfied—with the proposal that we will unveil shortly. Nevertheless, all of their views were heard and in many ways reflected, even if not exactly the way they thought they would be.

Now having reviewed the process that we used to develop the legislation, let me explain how we will proceed. Prior to meeting with the Secretary last week, I was prepared to introduce this measure immediately and start the process of discussing these ideas. The Secretary's responses to my questions have convinced me that this would result in little more than the most cynical exercise in political posturing at the present time.

Therefore, I plan to wait and circulate this proposal immediately after the election. If the current administration returns, the invitation to come forward with their own proposal still stands. If not, I expect that their successors may well be more aggressive and communicative in their desire to proceed and address these issues. After I finish a little work I have back in Idaho, I will sponsor a series of workshops and/or hearings during the recess to secure specific comments and suggestions for change. I will also direct our staff to meet with interested groups to secure additional comments. I hope that we will then have an improved bill to introduce at the beginning of the next Congress in order to begin a more focused dialogue on legislation that I will strive to advance in a bi-partisan fashion.

To this end, I look at the forthcoming proposal as a working draft—even though I have been at it for 2 years. I urge people to review it carefully. I hope that, with a minimum amount of rhetorical overkill, they will tell us what they think the good parts and the bad parts are. I will not be seeking immediate support, and I will try to avoid immediate condemnation. This proposal is going to change—perhaps dramatically—as we listen and rework it to reintroduce in the next Congress.•

DR. JOE CARROLL CHAMBERS

• Mr. HOLLINGS. Mr. President, I would like to recognize today a man who has given selflessly to his community and profession, Dr. Joe Carroll Chambers. He will be retiring on October 11, 1996 and we are very sad to see him go. Dr. Chambers is a graduate of the University of Tennessee College of Medicine, interned at the Baptist Hospital in Nashville, and completed a masters in public health at the University of North Carolina. He is the recipient of many awards, including the James Hayne Award by the SC Public Health Association for meritorious achievements in public health over an extended period time and the American Lung Association's John Martin Medal for significant contributions. I wish him and his wife, Bettye Ann, the best as they take on the slower pleasures and pace of retirement. I ask to have printed in the RECORD a synopsis of Dr. Chambers' accomplishments as director of the Charleston County Health Department.

The synopsis follows:

JOE CARROLL CHAMBERS, MD, MPH

Dr. Joe Chambers was named Health Director of the Charleston County Health Department in 1977 after having served in the same capacity for Aiken County. Since that time, Charleston has seen improved public health, grown in services, increased activity in preventing potential environmental hazards and, in general, an increased awareness of the need for preventative health measures.

The CCHD Public Health Nursing Division is accredited by the National League for Nursing as is the Home Health Services Program. Home Health visits have continued to grow for the past several years as the public has become increasingly aware of this service for those in need.

The Women, Infants and Children Food Program serves pregnant, breast feeding, postpartum women, infants and children under five. The Charleston program serves the largest number of patients, who are at nutritional or medical risk, in the state.

One of the County Health Clinics recently received the Distinguished Volunteer Award from the Charleston County School District.

Environmental Health programs have prevented the spread of communicable disease through control of the environment. Annually, the food protection program inspects over 1,700 food service establishments.

Think about this health department that sponsors rabies clinic throughout the county vaccinating 10,000 animals annually, handling more than 4,000 relative activities through its Solid Waste/Litter Control Program and being nationally recognized for its Lead Poisoning Prevention Program. All these have had skillful leadership of fine teams, headed by Dr. Chambers.

Certain health conditions serve as a barometer of the health status of the community. In Charleston, as the immunization of children under two continues to improve, the infant mortality rate improves. Because early and continuous prenatal care services have been promoted by Dr. Chambers, results are positive. Dr. Chambers is recognized as an advocate for prevention initiatives that protect and improve the health of our community.

The Charleston County Board of Health recognizes and congratulates Dr. Joe Carroll Chambers for his vision, knowledge and leadership as Director of the Charleston County Health Department. Through his tenure, we have witnessed a safer Charleston, a growth in needed health services and an increased awareness of environmental risks. This Tri-County area, Charleston, Berkeley and Dorchester Counties, has been fortunate to have enjoyed better community health due to Dr. Chambers' diligence, dedication and foresight. He has given attention to every facet of this area's well being that touches on good health and disease prevention. All of this he has done with skill, grace, kindness and understanding.•

POOT

• Mr. INHOFE. Mr. President, everyone should have one—a Poot, that is. And maybe everyone does have one. The important thing is I do.

We all have our causes. It's just that some of us are more assertive than others. In my business we're all assertive. So I engage in combat every day with my adversaries who, although I love each and every one of the misguided souls, would sell our country and everything we hold dear for one more social program.

Mr. President, they look the other way as we strip our Nation of its vital defenses, leaving us vulnerable to both conventional and missile attacks—and hope desperately the people don't find out the truth. They load up our system with unbearable burdens of overregulation and wonder why we are not globally competitive. They bleed the very lifeblood from our veins in the form of taxes until we are too weak and disheartened to produce—and then come after that last drop—all to support their insatiable appetite to render their control of our lives absolute. They give dancing lessons to hardened criminals—punishment, heaven forbid—and then turn them lose to plunder again.

And so I do combat every day with every fiber of my being, leaving no doubt in my mind that the fate and the very essence of Western civilization is absolute in its dependence upon my actions, wisdom and performance.

That is, until—until I see Poot. And I realize that while she is tolerant of my priorities, hers are not the same. Not even close. She wants the same thing I want but she doesn't worry about it because she assumes I'll do it. And that lets her keep close to the ones she loves, which is everybody, and stay in touch with them to the extent that she knows every birthday, wedding date, draft status and social security number. She, along with her diary, is a data bank with the chip capacity of the CONGRESSIONAL RECORD—that's her priority.

And in addition she is the control center for compassion. For her family, yes, but also anyone else who stumbles along. No matter who is in trouble or in need, she is their counselor and companion—that's her priority.

But all the while her capacity for enjoyment will never be challenged. There's not a Broadway show she hasn't both seen and memorized—that's her priority.

So, Mr. President, you should be so lucky to have a Poot like I do. Just when you begin to believe that you are so important, you have no one to put you back in perspective. I do. And when you forget the street address where you lived when you were 6 years old, you don't have anyone to call. I do. And when you cast a vote that makes everyone hate you, you don't have anyone who understands. I do—in fact she even agrees with me.

So Mr. President, I've got the No. 1 70-year-old Poot in the Nation, a beautiful and compassionate consolidation of the pioneer woman, mother Teresa, and hello Dolly. So maybe, Mr. President, she's right and we're wrong. Anyway, you should be so lucky. Amen.•

ARMED TROOPS IN ARMENIA ARREST DOZENS OF PROTESTERS

• Mr. SIMON. Mr. President, I was sorry to read the story in the New York Times by Steve LeVine under the title "Armed Troops in Armenia Arrest Dozens of protesters."

Armenia is generally moving in the right direction.

While there may have been abuses in the election, the fact that the election results showed the incumbent president getting 51 percent and his major rival 42 percent suggests to me that it was basically a free election.

I have come to have great respect for President Ter-Petrossian who apparently has been reelected.

I believe that restraint is essential for freedom to survive in Armenia.

We do not want Armenia to go in the direction of chaos.

An overreaction to protests does not help the future and the stability of Armenia.

I was particularly concerned about the suggestions in the story that opposition leaders have been jailed or chased underground and that government troops went into an opposition party office and arrested eight people.

I will continue to do what I can for Armenia in or out of the United States Senate, but I hope self-restraint is used by the government. Self-restraint is essential for stability and for freedom.

Mr. President, I ask that the New York Times story be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 27, 1996]

ARMED TROOPS IN ARMENIA ARREST DOZENS OF PROTESTERS

(By Steve LeVine)

YEREVAN, Armenia, Sept. 26—Government troops arrested and beat dozens of demonstrators and bystanders today in an effort to end three days of protests against Armenia's presidential election, which was tainted by charges of fraud.

Armored vehicles blocked the streets, parks and squares where tens of thousands of opposition supporters had protested the announced victory by President Levon Ter-Petrossian in the election on Sunday.

Bands of soldiers in full combat gear patrolled the streets, breaking up gatherings of civilians as the Government imposed what in effect was a state of emergency in parts of the capital.

The main opposition leader, Vazgen Manukian, a former Prime Minister who trailed in the vote to Mr. Ter-Petrossian according to official results, disappeared from public view and his whereabouts were unknown. An Interior Ministry spokesman said Mr. Manukian, 50, was "being pursued."

Some tension remained this evening, but the Government moves seemed to bring at least a pause the three days of protests outside Parliament in which crowds of opposition supporters called for Mr. Ter-Petrossian to resign.

With the crackdown, Mr. Ter-Petrossian has now jailed, chased underground or forced into exile most of his key political opponents.

The Government action came a day after demonstrators tore down a gate and part of a fence surrounding Parliament, charged onto the grounds and beat up the Speaker.

The protesters asserted that fraud nudged Mr. Ter-Petrossian over the 50 percent mark in the election, allowing him to avoid a runoff in Armenia's first presidential election since the collapse of the Soviet Union in 1991.

Government troops dispersed the crowd by firing in the air and beating protesters on Wednesday, and a state newspaper reported today that a policeman and a civilian were killed.

In a television address this morning that opened with pictures of the protest, Mr. Ter-Petrossian condemned his rivals and banned unauthorized public gatherings. Citing the strife in neighboring Georgia and Azerbaijan since the Soviet collapse, Mr. Ter-Petrossian suggested that he was the only barrier between calm and chaos in Armenia.

"Can it possibly be that the mistakes of our immediate neighbors have taught us nothing, or did we have to feel this on our own skin"? Mr. Ter-Petroassian asked. "I warned you about this danger, the danger of fascism from one group of mentally ill people who wanted to rule over you."

Within an hour, troops stormed into an opposition party office, beat up and arrested eight people, according to a Reuters reporter who witnessed the incident.

At the same time, soldiers fired live ammunition into the air near the Opera House, an opposition gathering place. Men booed and women screamed as soldiers and armed men in plainclothes pursued, beat and arrested several bystanders.

Pro-Government Members of Parliament beat up six opposition members when they entered a morning emergency session. The opposition politicians were then arrested by Interior Ministry troops.

Government officials said the deputies and some other opposition figures would be tried in what they are calling an attempted coup.

Near the concentrations of Government troops, residents were openly bitter, angry and frightened. Uniformed soldiers and men in black leather or denim jackets roamed these areas, slapping, kicking or beating seemingly any Armenian who inquired in less than polite tones about the action.

"This is a nightmare," said Vartan Petrossian, a musician who was strolling with his wife to buy some fish. "This has happened to our neighbors, but how can this happen in Armenia"? I don't want a government that splits in my face."

Another man, who did not want to give his name, asserted: "They are worse than the Communists. What kind of government do we have that keeps power this way?"

In the sprawling flea market near the Razdan Soccer Stadium, a dozen merchants expressed sympathy with the opposition. But they voiced dismay that the opposition would risk disorder in a republic that until now has been spared it.

The ferocity of the crackdown has perplexed diplomats who generally admire Mr. Ter-Petrossian, who rose to power in a wave of nationalism that began here in 1988 and once had been jailed with Mr. Manukian, then a close ally.

It has been hard for some diplomats to reconcile the harsh local ruler with a President who is moderate on other matters like seeking better relations with Turkey.

"What has surprised me is that the Government is doing nothing to sound conciliatory," a Western diplomat said today of the crackdown. "They just sent out the attack dogs."•

TRIBUTE TO BILL MONROE

• Mr. FRIST. Mr. President, I rise today to salute a legend in Bluegrass music. Bill Monroe, the father of Bluegrass music and a member of Nashville Tennessee's Grand Ole Opry, passed away this month. He was a national treasure whose talents spanned several generations and influenced many musical talents.

Bill Monroe had a simple upbringing. While his formal education ended with the third or fourth grade, he had of such great musical talent that he was credited with founding an American music form. Bluegrass music was born when Bill Monroe took the ingredients of what had come before him and mixed them with his emotions, acoustic talent, and mandolin playing skills.

Monroe and his brothers, Charlie and Birch Monroe, performed together for several years and made their radio debut in 1927. Later, Bill struck out on his own, forming his own Bluegrass band and joining the Grand Ole Opry in 1939. Monroe's success with the mandolin in Bluegrass music influenced other musicians to include that instrument. In time it became an essential instrument to Bluegrass music.

Mr. President, over the years Monroe's band went through many changes. Band members moved on and new talents were brought in. At its peak in the 1940's, Monroe's band remained a stronghold in the music industry. Though rock 'n' roll quickly took center stage and pushed aside the sound of Bluegrass, Monroe's genius left its mark on the music industry.

The influence of Bill Monroe and his mandolin tunes can be seen in rock 'n' roll, as well as country music. The "King of Rock 'N' Roll," Elvis Presley, was heavily influenced by the music of Bill Monroe, and even recorded Monroe's "Blue Moon of Kentucky" on his first album. Buddy Holly was one of Bill Monroe's greatest fans and Bluegrass contributed to many of his songs. Country music has also been influenced by Bill Monroe. Ricky Skaggs grew up listening to Bluegrass music and was a young fan of Monroe. The music of Hank Williams is also influenced by the Bluegrass great. Bill Monroe's music and spirit has become a part of our culture.

Mr. President, it is important that we remember Bill Monroe as an artist and a contributor to our Nation's culture. He influenced the lives of so many young artists and his music and talent live on today. He will be missed, but never forgotten.•

A TRIBUTE TO GAIL WALKER, RN

• Mr. INOUYE. Mr. President, I rise to pay tribute to an outstanding American health care hero. Ms. Gail Walker is a registered nurse and the executive director of the Hamakua Health Center in Honokaa, HI. She was recently honored by the Robert Wood Johnson Community Health Leadership Program for her outstanding commitment to providing residents of the Hamakua area with continuing access to health care. She was 1 of 10 health care heroes selected from a national pool of 720 candidates and the recipient of a $100,000 award for her community cause. This is truly an outstanding life-time achievement.

Ms. Walker was born in Honokaa, HI and raised on a cattle ranch in Kukaiau, a community just east of Honokaa, where her father worked as a cowboy and mechanic. Her mother is a retired nurse. Leaving her native home for a formal nursing education and several years of work experience, she returned to excel in the health care industry on Oahu. In 1989 she returned to her home to take the position of director of nursing at the Hamakua Medical Center. In 1991, she became the executive director of that health center, the only medical clinic in the district.

Ms. Walker quickly reorganized this clinic, instituting an appointment process, thus expediting medical care to the beneficiaries. In 1992, disaster struck the area when the Hamakua Sugar Co. filed for bankruptcy. Her friends and neighbors were without jobs and their families without support. Without the innovation, dedication, energy, and personal sacrifice of Ms. Walker these people would have lost not only their security, but their health care as well.

Ms. Walker organized a task force of local residents, politicians, and department of health representatives. Financing the clinic's operation through her own funds, she had to manage the health care of a community with one tenth of her normal budget. Over the next 2 years, Ms. Walker engineered support initiatives with the insurance companies, local banks, local private donors, and the State Legislature. This resulted in the restoration of the health care system, a life line for the 7,500 residents of this 900-square-mile poverty-stricken area.

In 1995 the State of Hawaii built a 7,000-square foot rural health clinic with a staff of 32 dedicated physicians, nurses, and support personnel in Honokaa. This new facility provides an expanded array of medical and social services never seen before in this rural, plantation community. These services include primary care, mental health, disease prevention, an indigent medication program, a nurse certification training program, and a School-to-Work Nurse's Aide Training Program for high school juniors. Ms. Walker will use funds from this award to establish a new urgent care program thus expanding the health care services in the community even further.

It is hard to overstate the benefits these services provide the community of Honokaa, HI. Ms. Walker's ability to overcome enormous obstacles to provide modern health care in her native community attests to her strength of character, her compassion, and vision. I want to personally and publicly acknowledge my sincere appreciation to Ms. Walker for her dedicated years of exemplary leadership and service to her community and to bid her a heartfelt mahalo.•

TRIBUTE TO BRIAN THOMPSON, BOB GAGNON, "CHIPPER" ROWE, SANDY ROBINSON, MURRAY SMITH, AND ALBERT DAUPHINAIS, SIX NEW HAMPSHIRE HEROES

• Mr. SMITH. Mr. President, I rise today to pay tribute to six heroic residents of North Sutton, NH, who saved the life of my good friend and neighbor, Rosa Weinstein. Brian Thompson, Bob Gagnon, "Chipper" Rowe, Sandy Robinson, Murray Smith and Albert Dauphinais all acted without hesitation to rescue Rosa from her burning car in order to get her to the hospital. I am very proud of these six individuals from North Sutton who did not waste 1 second in coming to Rosa's rescue. I would like to extend a personal word of thanks to each one of them for saving my friend's life.

On September 1, Rosa Weinstein was driving through North Sutton, NH, when her car went out of control, flipped over on its side and caught on fire. By what many have described as a miracle, the accident occurred within a few yards of the North Sutton Volunteer Fire Station and in front of the home of Brian Thompson. Immediately after Brian saw the car from his kitchen window, he used a fire extinguisher to contain the flames coming from the car. As Brian was doing this, two firemen, Bob Gagnon and "Chipper" Rowe, ran to the nearby firehouse for the equipment to put out the flames. Three additional heroes, Murray Smith, Albert Dauphinais, and Sandy Robinson, a emergency management technician, helped put out the flames, rescued Rosa from inside the car and kept her alive long enough to be taken to the hospital.

Rosa suffered considerably from the accident, but she is very grateful for the actions of the North Sutton residents who so quickly came to her aid. There is no doubt whatsoever in anyone's mind that Rosa owes her life to these six heroes.

It is my hope that Rosa will regain her strength soon and will make a speedy recovery over the next few weeks. Both Rosa and her husband, Harris, are wonderful, thoughtful friends. Indeed, I was very sad to hear about the accident, but am also very proud of the way the six North Sutton residents reacted.

Harris expressed the deep gratitude of Rosa's family by saying, "The uncommon heroism demonstrated by Brian Thompson, Bob Gagnon, "Chipper" Rowe, Sandy Robinson, Murray Smith, and Albert Dauphinais is an extraordinary example of America at its best. We will forever be thankful for their selfless, quick-thinking action."

Mr. President, the actions of these six individuals on that day in early September are truly remarkable. Their efforts are appreciated not only by Rosa's family but by myself and many other New Hampshire residents. And, for Rosa, I wish the very best for her as she recovers from her injuries. Our thoughts and prayers are with her.•

TRIBUTE TO DANA PODELL OF COLORADO, GIRL SCOUT GOLD AWARD WINNER

• Mr. BROWN. Mr. President, I would like to take this opportunity to recognize 18-year-old Dana Podell of Greeley, CO. The Mountain Prairie Girl Scout Council honored Molly with the Girl Scout Gold Award on May 4, 1996. The Gold Award is considered to be the highest honor achieved in U.S. Girl Scouting and is awarded to young women between the ages of 14 and 17 who display outstanding achievement in the areas of leadership, community service, career planning, and personal development. Additionally, a Girl Scout must earn the Career Exploration Pin, four interest patches, the Senior Girl Scout Leadership Award, and complete a Gold Award project of her own creation.

As a senior at Greeley Central High School, and a member of Girl Scout Troop 2000, Dana displays genuine leadership and truly exhibits concern for the world around her. In March 1996, Dana began work on the Gold Award project by organizing bilingual story times, recruiting Spanish-speaking volunteers from the community. She also found an established organization—the Chavez Center—willing to continue the program.

Dana has made outstanding contributions to her community and is an excellent role model for all youth. I am proud to salute Dana as a recipient of the prestigious Girl Scout Gold Award.•

MENTAL HEALTH CARE: AN AGENDA FOR THE FUTURE

• Mr. FRIST. Mr. President, yesterday, the "Mental Health Parity Act of 1996" was signed into law by President Clinton. Mr. President, the act provides parity of coverage for treatment of mental illness. The debate over the bill was both stimulating and educational, in that it encouraged many of us to learn more about issues affecting the management of mental health disorders. I believe that, as a group, we now have a greater awareness and sensitivity to this area. I would like to take this opportunity to present some of the issues which I feel must be addressed.

Mental health may be affected by numerous factors ranging from outside stressors, presenting in ways that may be difficult to manage, to physical disease or genetic defects that impair brain function. The erosion of our traditional social support systems, including fragmentation of extended and nuclear family structures, have contributed to the morbidity of mental disorders. Increased complexity and stress in society are also responsible for the higher incidence of symptoms.

Consequently, alcohol, drug abuse, and mental health disorders affect 18–30 percent of adults annually. Suicide claims 30,000 lives each year. We are also faced with skyrocketing costs and utilization of mental health and substance abuse services which now represent 4 percent of the GDP. However, these costs represent only one-fourth of the total price. Employees with behavioral health problems experience higher accident rates, use more health benefits, and have lower overall work performance ratings than other workers. The costs of crimes which are committed as a result of behavioral disorders must also be included.

As a physician and surgeon, I understand the impact of mental illness on the lives of my patients and their families. I also understand the importance of good psychiatric care. Advances in medication and psychological therapeutic techniques have improved our ability to treat these disorders effectively. In addition, the destigmatization of mental illness and chemical dependency have led to a greater willingness on the part of the general public to seek help for these problems.

However, traditional techniques have not been effective in controlling either the costs or quality of care provided in this arena. Reorganization of public sector, local authority, and managed care contracting has begun and a niche industry of specialized managed mental health/substance abuse organizations or carve-outs has developed.

Unfortunately, we cannot necessarily rely on competition and the market to solve these problems. These forces may fail because of externalities and information problems. Even our health care providers have not always received the education about mental illness necessary to perform their tasks. At this point, no one is sure that the new programs are any more effective than the old ones.

As a transplant surgeon, I understand the value of teamwork. I believe that we must use that approach if we are to solve these problems. Government, payers, providers, and consumers must each contribute solutions. Together, we can accomplish the following objectives:

First, parity of coverage between mental and physical disorders must be encouraged.

Second, payers must develop incentives for providers to provide appropriate care as well as information for patients.

Third, we must educate providers about the most cost-effective ways to deliver high quality care. Medical school curricula should be revised to provide more in-depth training on mental health and substance abuse disorders. Reimbursement mechanisms for graduate medical education must be changed so that residents are less tied to acute-in-patient facilities. When they are placed in facilities across the continuum of care they will receive more exposure to issues of chronic behavioral disease management.

Fourth, we must learn how to measure the real value of care we provide in terms of health improvements per dollar spent on care. We must also consider the social consequences of that care.

Fifth, we must learn how to better estimate the effects of cost containment measures on treatment cost effectiveness.

Sixth, we must encourage the development of consistent standards for use of evidence in policy debates.

Mr. President, this Congress has worked in a bipartisan fashion to address mental health parity. As policy makers, we can continue to address the needs of the mental health community by working with educators, health plans, employers, and researchers to encourage them to meet these other important objectives. I believe our health care system can meet these goals. However, it requires cooperation from the entire health care community. I urge my colleagues in the U.S. Senate to consider the issues of mental health in this broader context; as well as, to continue to educate ourselves on the mental health issues that impact our health system and society as a whole.•

MENTAL HEALTH PARITY

• Mr. WELLSTONE. Yesterday, President Clinton signed the VA/HUD appropriation bill and the Mental Health Parity amendment which was included in the appropriated bill into law. For all of us who worked so hard to achieve passage of the parity amendment, the enactment of the provision represented more than the insurance policy changes that the provision will actually require. Passage of the legislation is a symbol of fairness, progress and hope for millions of Americans and their families who, for far too long, have been victims of discrimination—families who for far too long have been thrust into bankruptcy, or denied access to cost-effective treatments because their illness was a mental illness and not a physical illness like cancer or heart disease. Mental illness has, in one way or another, touched the lives of many of us who work here on Capitol Hill and I am pleased that the 104th Congress was able to take this first and very necessary step toward parity.

I want to take this opportunity to say that while the passage of this amendment was a historic step forward for people with mental illnesses, the amendment was a fist step and a first step only. It does not require parity for copayments or deductibles or inpatient days or outpatient visit limits. It also does not include substance abuse services. My State of Minnesota has passed legislation which goes much further than what we were able to accomplish in this Congress. Minnesota requires that health plans provide full parity coverage for mental health and substance abuse services. The cost impact of this legislation in Minnesota has been minimal according to a recent study based on preliminary data.

Without full parity coverage for mental health and substance abuse, health plans will continue to discriminate against individuals and families in need of services. The responsibility for and cost of care will continue to be shifted from the private to the public sector. For children and adolescents, the burden and cost of care will continue to be shifted to the child welfare, education, and juvenile justice systems. These overburdened systems are often not able to provide needed services, and many are forced to go without treatment. This will continue to be the case.

I have seen first hand in my State at facilities like Hazelden and others, the benefits that drug and alcohol treatment can bring to the lives of millions of Americans. Alcohol and other drug addictions effect 10% of American adults and 3 percent of our youth. Untreated addition last year alone cost this Nation nearly $167 billion. Ultimately we all bear the cost of delays or gaps in mental health and substance abuse services. Sadly, that fact has not been changed by the passage of Senator DOMENICI's and my amendment.

We have much more work to do and I look forward to consideration of legislation which would provide full parity coverage for mental health and substance abuse services. I am grateful for the advocacy, hard work, and compassion of the mental health and substance abuse community. Without them, we could not have achieved such success this year. This victory was made possible because families and friends of people struggling with mental illnesses were willing to speak out in public. This issue has a human face now and that made it possible to win votes and enact legislation.

I look forward to continuing to work with Senators DOMENICI, KENNEDY and CONRAD to expand coverage for mental health and substance abuse services and I also want to take this moment to thank Senators SIMPSON and KASSEBAUM who will not be here next year but were critical in enabling us to take the first critical step toward parity.•

TRIBUTE TO JEREMY MARKS-PELTZ

• Mr. MACK. Mr. President, every day Americans are exposed to much of what is wrong with America and not enough about what is good and right across our Nation and in our communities.

It is in that light that I rise today to speak about a young man in Florida whose compassion and humanity should serve as a reminder to all of us that there is much about America that is good and right—12 year old Jeremy Marks-Peltz of Kendall, FL.

Last year Jeremy was on a boat tour in south Florida and saw the unfortunate plight of homeless people living in cardboard boxes. He decided he wanted to help them, and began organizing a food, clothes and furniture drive for some of south Florida's homeless charities.

Jeremy went to Bloomingdale's in Miami seeking assistance for his charity drive; they decided to help. Bloomingdale's recently wrote me about Jeremy's efforts and why they got involved.

> We receive hundreds of requests from charities for donations through letters, but this was the first time I was face to face with a twelve year old boy wanting to help the needy. It was touching and in a society that some times only remembers the needy during the holidays, it was refreshing.

With Bloomingdale's assistance. Jeremy's desire to make a difference in his community has resulted in a full-scale campaign called, Making a World of Difference, which will run through the year. The campaign, which began in February, consists of an appeal to all of Bloomingdale's customers for donations for the needy, including food, clothing and furniture.

Over the years I have said many times that individuals must play a greater role in the fight to make our communities safer, more prosperous, and simply better places for all of us to live. Jeremy's work to make south Florida a better place for all its residents to live exemplifies that ideal.

John Randolph once wrote, "Life is not so important as the duties of life." Only 12 years old, Jeremy Marks-Peltz has already learned this lesson well. His compassion, commitment, and understanding of what is genuinely important in this world are truly shining examples for all of us.•

TRIBUTE TO FIRST TENNESSEE BANK

• Mr. FRIST. Mr. President, I rise today to salute First Tennessee National Corporation, an innovative company that maintains company success by focusing on a family-friendly environment. First Tennessee Bank's success can be attributed in part to the amount of time and effort they put into maintaining a positive employee-company relationship.

Three years ago, First Tennessee developed its Family Matters program to address concerns that involved the work-family relationship. They realized early on that employee job performance did not rely solely on the working conditions at the office. Personal time influenced employees' overall attitude, and in turn, their attitude toward work. First Tennessee adopted a non-traditional work schedule that gives employees more freedom to adjust their schedules around personal needs or family obligations. Family Matters trained managers and supervisors to work with employees who wanted flexible work hours to give them the time they needed without sacrificing job productivity. Variations of the flexible hours differ, but one good example can be seen at First Tennessee's downtown Chattanooga branch office. Richard Grant, Vice President of Business Development and Manager of the word processing center, was approached by two of his employees in the word processing center who wanted to stagger their work hours and give themselves a day off every other Friday. He agreed, and the women were not only happier, their productivity in their high stress jobs has increased. Now they work longer 4-day weeks one week, followed by a regular 5-day work week the next.

Mr. President, First Tennessee's efforts have paid off. They were recently named the number one family-friendly company by Business Week magazine. This is a fine example of how change and risk-taking are beneficial to the growth of companies. First Tennessee has seen the benefits of its Family Matters program and other family friendly programs in elevated company morale, improved productivity and increased employee tenure.

First Tennessee's interest in improving itself from the inside out is an example to us all that every organization can make improvements. Taking a proactive approach and involving employees in the learning process is a greatly admired advance toward company improvement. First Tennessee has been innovative and is sure to continue to see added improvements and benefits due to its responsibility to its employees as well as its customers.•

TRIBUTE TO DR. BILL WILEY

• Mr. JOHNSTON. Mr. President, I have been privileged in my career in the U.S. Senate, through my work on the Energy and Natural Resources Committee and on the Appropriations Subcommittee on Energy and Water Development, to work with many of the great scientific minds of this country. I rise today to pay tribute to one of those scientists with whom I worked especially closely and who was a longtime close personal friend before his death last summer.

Dr. Bill Wiley of the Battelle Memorial Institute built a monumental career and left a huge legacy first and foremost because of his special gifts and training as a fine scientist. His achievements over his 31-year career with Battelle, beginning as a staff research scientist and ending with his position as vice president for Science and Technology, contributed significantly to this country's scientific understanding.

But I believe that the work for which Bill Wiley should and will be best remembered is the concrete result of his vision which is now nearing completion on the banks of the Columbia River in Richland, WA, the Environmental Molecular Sciences Laboratory [EMSL], which will be the jewel of the Pacific Northwest National Laboratory and which may very well hold the key to this country's Herculean effort to the cleanup of the Hanford Nuclear Reservation and other, similar sites around the country.

Armed only with this vision and his irresponsible charm and enthusiasm, Bill Wiley came to see me several years ago to lay out his plans for EMSL, undaunted by skeptics who had told him at every turn that it might be a good idea, but the Congress was unlikely to embrace such a costly project. I must say that had it been anyone other than Bill Wiley pushing the dream, the skeptics probably would have been right. But Bill not only convinced me that it was worth doing, he persuaded all the other relevant players that not only was it something we could do, but that it was something a great nation should not fail to do. I visited the EMSL facility in its late stages of construction shortly before Bill's death last summer. Anyone who ever harbored doubts about the wisdom of this research facility should go have a look when it opens its doors next month. It will be home to America's finest scientists employing the latest tools doing the best research in the world today. And it is a point of special pride to those of us who were his friends that they will be doing so in the building named in memory of William R. Wiley.

This African-American son of an Oxford, MS, cobbler served his Nation well professionally and as a humanitarian who was never too busy in his career to help the less fortunate who were trying to work their way up the ladder or merely to get to the first rung of the ladder. I know many colleagues join me in expressing our condolences to Bill's loving wife Gus and to his daughter Johari Wiley-Johnson and in expressing our deep gratitude for the paths that Bill Wiley charted and the mark he left behind.•

THE WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT

• Mr. KEMPTHORNE. Mr. President, late last night the Senate acted to adopt S. 2078, the Wildfire Suppression Aircraft Transfer Act. Senator BINGAMAN of New Mexico and I introduced this bill, along with Senator CRAIG with the support of the administration 2 weeks ago. Senator KYL has joined us as a cosponsor, and the bill has been cleared by the Armed Services Committee.

This summer, more acres have burned than in any other fires season in the past 50 years, and unfortunately, this fire season is not over yet. Forest scientists warn us that severe fire seasons are becoming more and more frequent, which is a real cause of concern when rural populations growth is increasing the number of private homes that come into direct contact with fires on Federal lands.

The Forest Service has determined that the existing fleet of aircraft is inadequate to meet Federal obligations to control fire to protect lives, property and resources. The fleet available to them consists currently of 39 planes, two thirds of which are World War II and Korean war era aircraft. An average of one plane a year is lost to old age or accidents. In meetings with the Armed Service Committee, to which the bill was referred, the Forest Service estimated that they will need access to 20 additional planes over the next 3 to 5 years to maintain service and meet increasing demands.

The most obvious source of these planes is surplus military equipment. But the Forest Service and the Department of Defense have found that the planes are not making it through the system to be available for purchase by private contractors. In response, this bill would give the Secretary of Defense the option of making fire fighting needs a priority for the sale of aircraft excess to the needs of the Department. The Secretary of Defense would do so only in response to a request from the Secretary of Agriculture. The legislation ensures that aircraft could only be available for purchase by companies certified to have Forest Service contracts to fight fires, and requires the Secretary of Defense to develop regulations to enforce restrictions that the aircraft sold would only be used for fire fighting purposes.

We do not have time to waste. It will take an estimated 1 to 2 years to retrofit a plane to be used to fight forest and range fires. By Forest Service estimates, we are already two planes short of an adequate fire fighting fleet. The 1996 fire season has already burned nearly 6 million acres across the country. That is three times the 10 year average, but it is not much more than we saw burn in 1994. These fires are burning more intensely, with devastating effects on the environment, and creating dangerous situations for our citizens. In my own State, local and Federal officials are working around the clock to ensure that the scorched hillsides above Boise to try to minimize the devastating mudslides that are only a few inches of rain away. In the way of those mudslides are schools, homes, the downtown district, and our State capitol building.

I am pleased my colleagues recognized the urgency, and agreed to adopt this legislation to make it possible for the Forest Service to have access to the equipment they need to keep our citizens, their property and our natural resources safe from catastrophic fires.•

TRIBUTE TO CHARLES M. PIGOTT

• Mr. GORTON. Mr. President, at the end of this year Mr. Charles M. Pigott will step down as chairman and chief executive officer of PACCAR, Inc. Today I would like to recognize Mr. Pigott for his superb achievements and to pay tribute to a thoughtful and considerate friend.

Guided for nearly three decades by Mr. Pigott's steady hand, PACCAR is now America's largest domestically owned truck manufacturer. His pursuit of quality and innovation has left a lasting imprint on the company and American industry as well.

Mr. Pigott began at PACCAR with a summer job in 1945. He went on to receive an engineering degree from Stanford University, then served as a Navy aviator in Korea. When his tour of duty ended, he rejoined PACCAR. In 1967 he became chief executive officer. He oversaw a period of great change in the industry, a period in which trucks became safer, more efficient and longer-lasting.

The technical center Mr. Pigott built has brought forth many new products and innovations. They include the aerodynamic Kenworth T600, which was so widely acclaimed and imitated it changed the look of heavy-duty trucks; the Kenworth T2000, PACCAR's newest edition; and the more than 330 patents PACCAR has garnered under Mr. Pigott.

The market, of course, rewards quality. Nearly one out of four class 8 trucks sold in America today is a Peterbilt or Kenworth. And company sales have, on Mr. Pigott's watch, grown from $320 million to $4.5 billion annually. Net income increased almost sixteen-fold, and shareholders' equity from $88 million to well over $1.2 billion. It is remarkable that every year in which Mr. Piggot was CEO, PACCAR, recorded a profit.

Mr. Pigott has made his mark in the community as well. For nearly five decades he has worked with the Boy Scouts of America, serving as president of both the Chief Seattle Council and the National Council. He has been general campaign chairman and trustee for United Way of King County, chairman of the Washington Roundtable and in leadership positions for many other cultural and civic organizations. He also heads the PACCAR Foundation, which distributes approximately $3 million yearly to civic, cultural, educational and health and welfare causes in communities where PACCAR does business.

Mr. Pigott has been blessed with a wonderful family. He and his wife Yvonne have raised seven fine children.

When Mr. Pigott steps down on December 31, 1996, he will continue family tradition and hand leadership over to his son. I congratulate him on a splendid career, thank him for his contributions to American industry, and wish him all the best in his retirement.•

TRIBUTE TO DAVID EHRENFRIED

• Mr. COHEN. Mr. President, recently, Dave Ehrenfried retired after 40 years as an editor and cornerstone of Lewiston, ME's Sun-Journal.

He began at the paper in 1956, where he quickly showed his talent for newspaper reporting. Dave held many positions throughout his tenure at the Sun-Journal. Most notably, his work was recognized by the New England News Executives Association with a first place award for editorial writing in 1982. In 1988, Dave was named the assistant executive editor at the Sun-Journal and in 1991 he became a representative, advocating for readers of the daily and Sunday papers. He was once again recognized by his peers for his dedication to journalism by being asked to serve as president of the New England Society of Newspaper Editors in 1993.

Dave has always been a hard worker, a requirement when you work for one of Maine's leading newspapers. His coworkers hold him in the highest esteem, including one member of the Sun-Journal staff who referred to him as a quiet leader with sound judgment. Dave gave himself and his time to all who asked and the people who turned to him who knew that they were heard. Dave is a remarkable person who has dedicated his life to journalism and integrity.

I commend his commitment to his family, his coworkers, and to Maine journalism.•

THE CALENDAR

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following bills, en bloc: Calendar Nos. 369, 488, 235, 238, 371, 233, 236, 237, 368, 232, 370, 372, and 373.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bills be deemed read the third time, passed, the motion to reconsider be laid upon the table, that any statements relating to these measures be placed at this point in the RECORD, and that the preceding all occur en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL POWER ACT DEADLINE EXTENSION

The bill (H.R. 2501) to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT DEADLINE EXTENSION

The bill (H.R. 1014) to authorize extension of time limitation for a FERC-issued hydroelectric license, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

POWER ACT DEADLINE EXTENSION

The bill (H.R. 1290) to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT DEADLINE EXTENSION

The bill (H.R. 657) to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT DEADLINE EXTENSION

The bill (H.R. 2695) to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT DEADLINE EXTENSION

The bill (H.R. 1011) to extend the deadline under the Federal Power Act application to the construction of a hydroelectric project in the State of Ohio, was considered, ordered to a third reading, read the third time, and passed.

HYDROELECTRIC PROJECT EXTENSION

The bill (H.R. 1335) to provide for the extension of a hydroelectric project in the State of West Virginia, was considered, ordered to a third reading, read the third time, and passed.

FERC-ISSUED HYDROELECTRIC LICENSE TIME LIMITATION EXTENSION

The bill (H.R. 1366) to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT DEADLINE EXTENSION

The bill (H.R. 2773) to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FERC LICENSED HYDRO PROJECTS

The bill (H.R. 680) to extend the time for construction of certain FERC licensed hydro projects, was considered, ordered to a third reading, read the third time, and passed.

HYDROELECTRIC PROJECT DEADLINE EXTENSION

The bill (H.R. 2630) to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT DEADLINE EXTENSION AND LICENSE REINSTATEMENT

The bill (H.R. 2816) to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT DEADLINE EXTENSION

The bill (H.R. 2869) to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT AMENDMENTS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 100, S. 737.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 737) to extend the deadlines applicable to certain hydroelectric projects, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5412

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. MURKOWSKI, proposes an amendment numbered 5412.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 2, line 1, through page 6, line 6, strike sections 2, 3, 4, 5 and 6, and renumber subsequent sections accordingly.

On page 9, following line 17, add the following new section:

"SEC. 5. EXTENSION OF COMMENCEMENT OF CONSTRUCTION DEADLINE FOR CERTAIN HYDROELECTRIC PROJECTS LOCATED IN ILLINOIS.

"(a) PROJECT NUMBER 3943.—

"(1) Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for project number 3943 (and after reasonable notice), may extend the time required for commencement of construction of such project for not more than 3 consecutive 2-year periods, in accordance with paragraphs (2) and (3).

"(2) An extension may be granted under paragraph (1) only in accordance with—

"(A) the good faith, due diligence, and public interest requirements contained in section 13 of the Federal Power Act; and

"(B) the procedures of the Federal Energy Regulatory Commission under such section.

"(3) This subsection shall take effect for project number 3943 upon the expiration of the extension of the period required for commencement of construction of such project issued by the Federal Energy Regulatory Commission under section 13 of the Federal Power Act.

"(b) PROJECT NUMBER 3944.—

"(1) Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project number 3944 (and after reasonable notice), may extend the time required for commencement of construction of such project for not more than 3 consecutive 2-year periods, in accordance with paragraphs (2) and (3).

"(2) An extension may be granted under paragraph (1) only in accordance with—

"(A) the good faith, due diligence, and public interest requirements contained in section 13 of the Federal Power Act; and

"(B) the procedures of the Commission under such section.

"(3) This subsection shall take effect for project number 3944 upon the expiration of the extension of the period required for commencement of construction of such project issued by the Commission under section 13 of the Federal Power Act.

"SEC. 6. REFURBISHMENT AND CONTINUED OPERATION OF A HYDROELECTRIC FACILITY IN MONTANA.

"Notwithstanding section 10(e)(1) of the Federal Power Act or any other law requiring payment to the United States of an annual or other charge for the use, occupancy, and enjoyment of land by the holder of a license issued by the Federal Energy Regulatory Commission under Part I of the Federal Power Act, a political subdivision of the State of Montana that accepts the terms and conditions of a license for Federal Energy Regulatory Commission project number 1473 in Granite County and Deer Lodge County, Montana—

"(a) shall not be required to pay any such charge with respect to the 5-year period following the date of acceptance; and

"(b) after that 5-year period and for so long as the political subdivision holds the license, shall be required to pay such charges under section 10(e)(1) of the Federal Power Act or any other law for the use, occupancy, and enjoyment of the land covered by the license as the Federal Energy Regulatory Commission or any other federal agency may assess, not to exceed a total of $20,000 for any year.".

Mr. NICKLES. I ask unanimous consent that the amendment No. 5412 offered by Senator MURKOWSKI be agreed to, the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5412) was agreed to.

The bill (S. 737), as amended, was deemed read the third time, and passed, as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Power Act Amendments of 1996".

SEC. 2. LIMITED EXEMPTION TO HYDROELECTRIC LICENSING PROVISIONS FOR TRANSMISSION FACILITIES ASSOCIATED WITH THE EL VADO HYDROELECTRIC PROJECT.

(a) EXEMPTION.—Part I of the Federal Power Act, and the jurisdiction of the Federal Energy Regulatory Commission under such part I, shall not apply to the transmission line facilities associated with the El Vado Hydroelectric Project (FERC Project No. 5226–002) which are described in subsection (b).

(b) FACILITIES COVERED BY EXEMPTION.—The facilities to which the exemption under subsection (a) applies are those transmission facilities located near the Rio Chama, a tributary of the Rio Grande, in Rio Arriba County, New Mexico, referred to as the El Vado transmission line, a three phase 12-mile long 69 kV power line installed within a 50-foot wide right-of-way in Rio Arriba County, New Mexico, originating at the El Vado Project's switchyard and connecting to the Spills 69 kV Switching Station operated by the Northern Arriba Electric Cooperative, Inc.

SEC. 3. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

The Federal Power Act, as amended, (16 U.S.C. 1791a et seq.) is further amended by adding the following at the end of section 23:

"(c) In the case of any project works in the State of Alaska—

"(1) that are not part of a project licensed under this Act prior to the date of enactment of this subsection;

"(2) for which a license application has not been accepted for filing by the Commission prior to the date of enactment of this subsection (unless such application is withdrawn at the election of the applicant);

"(3) having a power production capacity of 5,000 kilowatts or less;

"(4) located entirely within the boundaries of the State of Alaska; and

"(5) not located in whole or in part on any Indian reservation, unit of the National Park System, component of the Wild and Scenic Rivers System or segment of a river designated for study for potential addition to such system,

the State of Alaska shall have the exclusive authority to authorize such project works under State law, in lieu of licensing by the Commission under the otherwise applicable provisions of this part, effective upon the date on which the Governor of the State of Alaska notifies the Secretary of Energy that the State has in place a process for regulating such projects which gives appropriate consideration to the improvement or development of the State's waterways for the use or benefit of intrastate, interstate, or foreign commerce, for the improvement and use of waterpower development, for the adequate protection, mitigation of damage to, and enhancement of fish and wildlife (including related spawning grounds), and for other beneficial public uses, including irrigation, flood control, water supply, recreational and other purposes, and Indian rights, if applicable.

"(d) In the case of a project that would be subject to authorization by the State under subsection (c) but for the fact that the project has been licensed by the Commission prior to the enactment of subsection (c), the licensee of such project may in its discretion elect to make the project subject to the authorizing authority of the State.

"(e) With respect to projects located in whole or in part on Federal lands, State authorizations for project works pursuant to subsection (c) of this section shall be subject to the approval of the Secretary having jurisdiction with respect to such lands and subject to such terms and conditions as the Secretary may prescribe.

"(f) Nothing in subsection (c) shall preempt the application of Federal environment, natural, or cultural resources protection laws according to their terms.".

SEC. 4. FERC VOLUNTARY LICENSING OF HYDROELECTRIC PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act is amended by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required by section 23 of the Act), or upon".

SEC. 5. EXTENSION OF COMMENCEMENT OF CONSTRUCTION DEADLINE FOR CERTAIN HYDROELECTRIC PROJECTS LOCATED IN ILLINOIS.

(a) Project Number 3943.—

(1) Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for project number 3943 (and after reasonable notice), may extend the time required for commencement of construction of such project for not more than 3 consecutive 2-year periods, in accordance with paragraphs (2) and (3).

(2) An extension may be granted under paragraph (1) only in accordance with—

(A) the good faith, due diligence, and public interest requirements contained in section 13 of the Federal Power Act; and

(B) the procedures of the Federal Energy Regulatory Commission under such section.

(3) This subsection shall take effect for project number 3943 upon the expiration of the extension of the period required for commencement of construction of such project issued by the Federal Energy Regulatory Commission under section 13 of the Federal Power Act.

(b) Project Number 3944.—

(1) Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project number 3944 (and after reasonable notice), may extend the time required for commencement of construction of such project for not more than 3 consecutive 2-year periods, in accordance with paragraphs (2) and (3).

(2) An extension may be granted under paragraph (1) only in accordance with—

(A) the good faith, due diligence, and public interest requirements contained in section 13 of the Federal Power Act; and

(B) the procedures of the Commission under such section.

(3) this subsection shall take effect for project number 3944 upon the expiration of the extension of the period required for commencement of construction of such project issued by the Commission under section 13 of the Federal Power Act.

SEC. 6. REFURBISHMENT AND CONTINUED OPERATION OF A HYDROELECTRIC FACILITY IN MONTANA.

Notwithstanding section 10(e)(1) of the Federal Power Act or any other law requiring payment to the United States of an annual or other charge for the use, occupancy, and enjoyment of land by the holder of a license issued by the Federal Energy Regulatory Commission under part I of the Federal Power Act, a political subdivision of the State of Montana that accepts the terms and conditions of a license for Federal Energy Regulatory Commission project number 1473 in Granite County and Deer Lodge County, Montana—

(1) shall not be required to pay any such charge with respect to the 5-year period following the date of acceptance; and

(2) after that 5-year period and for so long as the political subdivision holds the license, shall be required to pay such charges under section 10(e)(1) of the Federal Power Act or any other law for the use, occupancy, and enjoyment of the land covered by the license as the Federal Energy Regulatory Commission or any other Federal agency may assess, not to exceed a total of $20,000 for any year.

RELOCATION OF THE PORTRAIT MONUMENT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 216, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 216) providing for relocation of the Portrait Monument.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 216) was agreed to.

The preamble was agreed to.

Mr. STEVENS. Mr President, House Concurrent Resolution 216, to move the Suffrage Statue from the crypt to the rotunda is a good compromise.

I congratulate Representative Constance Morella and the leadership of the House for devising and approving this measure.

The House resolution compliments the resolution passed in the Senate last session and recognizes three important women leaders: Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony; and an important right—the right for women to vote. That change in our democracy changed the world.

This statue will inspire some 4 million visitors to the rotunda next year with the physical reality that this Nation was shaped by both men and women leaders.

There are several people that deserve special recognition: Of the $75,000 required for the move, $1,600 was raised by 9-year old Arlyss Endres from Arizona; Coline Jenkins—the great granddaughter of Elizabeth Cady Stanton—worked tirelessly with the Woman Suffrage Statue campaign committee.

Marian Miller, vice president of the Federation of Republican Women, and political activists from both sides of the aisle such as Republican Ann Stone and Democrat Joan Wages, demonstrated the commitment of women across the Nation to this cause.

Among the literally thousands of men and women contributing their time and money to this project, I would like to recognize for the record the work of Sherry Little, Shelley Heretyk, Barbara Irvine, Maia Greco, Kay Cash-Smith, Anita Estell, and National Woman Suffrage Statue Campaign cochairs Joan Meacham and Karen Staser.

The resolution affirms our respect for the historic contributions of women.

There is an unfinished portion of the statue that represents future generations of women leaders. My hope is that young women, like my own daughters, will take inspiration in the accomplishments of these historic figures.

Mr President, these were real women who made real sacrifices to accomplish real social change. I am gratified that the Congress has acted to recognize them with this resolution.

Mr. WARNER. Mr. President, I rise today in support of House Concurrent

Resolution 216—a resolution that has received unanimous support in the House of Representatives. This resolution directs the Architect of the Capitol to relocate to the Capitol rotunda, the suffrage monument of Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott, three pioneers who fought for women's enfranchisement.

In the House, this legislation passed under the able leadership of Congresswoman CONNIE MORELLA from Maryland. This resolution represents a 76-year battle to honor these visionary women. First presented to the Congress in 1921, the all-male legislature unveiled the statue with fanfare and pageantry in the Capitol rotunda. Not one day later, the sculpture was promptly ushered to the relative obscurity of the Capitol crypt. Four legislative attempts and 75 years later, my good friend and colleague from Alaska, Senator TED STEVENS, secured the support of the Senate for this bill to commemorate the milestone anniversary of woman's suffrage. The House of Representatives then considered the measure and expressed concerns about the use of public funds for the relocation costs. As a result, the resolution was tabled and negotiations for an acceptable compromise began.

Mr. President, I am proud that this compromise has the unanimous support of the House of Representatives, the U.S. Senate, 72 national women's organizations and the very dedicated woman suffrage statue campaign. House Concurrent Resolution 216 will allow women across America the opportunity to personally participate in making their history visible. Armed with $75,000 in donations from citizens across the country—dollars from schoolchildren in Arizona, businessmen in Tennessee, as well as many committed women from my home State of Virginia—the woman suffrage statue campaign is now prepared to donate those funds to recognize women's rich achievements in our society. This resolution will also create a bipartisan commission to select a permanent site for this monument and develop an appropriate educational display that will focus on the lives and hard-won struggles of these crusaders. This is a solid compromise that represents the views of the House of the Representatives, the U.S. Senate, many diverse women's organizations, and, I believe, the views of most Americans.

Mr. President, I want to recognize those individuals who have been truly committed to this effort: The thousands of American citizens who contributed their hard-earned dollars toward this worthy cause. Those who spread the word to friends, sisters, mothers and daughters about the campaign. Members in the House, Representative MORELLA, Representative SCHROEDER, and Representative JOHNSON for their diligence in reaching this compromise. And especially Karen Staser and Joan Meacham, cochairs of the woman suffrage statue campaign, and Sherry Little of my Rules Committee staff. All of these individuals have worked diligently to make this historic piece of legislation a reality.

Mr. President, this bill represents 76 years of effort on the part of American women. I am proud to say that passage of this legislation ensures that every American who visits the U.S. Capitol will see the history of the woman suffrage movement preserved in our Nation's rotunda. I am honored to have taken part in an effort that, after so many years, makes visible the traditions of equality and democracy that make our country great.

MEDICAID CERTIFICATION ACT OF 1995

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 1791, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1791) to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid on the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R 1791) was deemed read a third time, and passed.

DAVID H. PRYOR POST OFFICE BUILDING IN CAMDEN, AR

Mr. NICKLES. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3877, just receive from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3877) to designate the "David H. Pryor Post Office Building" in Camden, Arkansas.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. I ask unanimous consent that the bill be read three times, passed, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3877) was deemed read a third time, and passed.

CHILD ABUSE PREVENTION AND TREATMENT ACT AMENDMENTS OF 1996

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 919) to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 919) entitled "An Act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Abuse Prevention and Treatment Act Amendments of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 100. Findings.

Subtitle A—General Program

Sec. 101. Office on Child Abuse and Neglect.
Sec. 102. Advisory Board on Child Abuse and Neglect.
Sec. 103. Repeal of Inter-Agency Task Force on Child Abuse and Neglect.
Sec. 104. National clearinghouse for information relating to child abuse.
Sec. 105. Research, evaluation and assistance activities.
Sec. 106. Grants for demonstration programs.
Sec. 107. State grants for prevention and treatment programs.
Sec. 108. Repeal.
Sec. 109. Miscellaneous requirements.
Sec. 110. Definitions.
Sec. 111. Authorization of appropriations.
Sec. 112. Rule of construction.
Sec. 113. Technical and conforming amendments.

Subtitle B—Community-Based Family Resource and Support Grants

Sec. 121. Establishment of program.

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

Sec. 131. Repeal of title III.

Subtitle D—Miscellaneous Provisions

Sec. 141. Table of contents.
Sec. 142. Repeals of other laws.

TITLE II—AMENDMENTS TO OTHER ACTS

Subtitle A—Family Violence Prevention and Services Act

Sec. 201. State demonstration grants.
Sec. 202. Allotments.
Sec. 203. Authorization of appropriations.

Subtitle B—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 ("Adoption Opportunities Act")

Sec. 211. Findings and purpose.
Sec. 212. Information and services.
Sec. 213. Authorization of appropriations.

Subtitle C—Abandoned Infants Assistance Act of 1988

Sec. 221. Priority requirement.
Sec. 222. Reauthorization.

Subtitle D—Reauthorization of Various Programs

Sec. 231. Missing Children's Assistance Act.

Sec. 232. Victims of Child Abuse Act of 1990.

TITLE I—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 100. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), to read as follows:

"(1) each year, close to 1,000,000 American children are victims of abuse and neglect;";

(2) in paragraph (3)(C), by inserting "assessment," after "prevention,";

(3) in paragraph (4)—

(A) by striking "tens of"; and

(B) by striking "direct" and all that follows through the semicolon and inserting "tangible expenditures, as well as significant intangible costs;";

(4) in paragraph (7), by striking "remedy the causes of" and inserting "prevent";

(5) in paragraph (8), by inserting "safety," after "fosters the health,";

(6) in paragraph (10)—

(A) by striking "ensure that every community in the United States has" and inserting "assist States and communities with"; and

(B) after "child" insert "and family"; and

(7) in paragraph (11)—

(A) by striking "child protection" each place that such term appears and inserting "child and family protection"; and

(B) in subparagraph (D), by striking "sufficient".

Subtitle A—General Program

SEC. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

Section 101 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101) is amended to read as follows:

"SEC. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

"(a) ESTABLISHMENT.—The Secretary of Health and Human Services may establish an office to be known as the Office on Child Abuse and Neglect.

"(b) PURPOSE.—The purpose of the Office established under subsection (a) shall be to execute and coordinate the functions and activities of this Act. In the event that such functions and activities are performed by another entity or entities within the Department of Health and Human Services, the Secretary shall ensure that such functions and activities are executed with the necessary expertise and in a fully coordinated manner involving regular intradepartmental and interdepartmental consultation with all agencies involved in child abuse and neglect activities.".

SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended to read as follows:

"SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

"(a) APPOINTMENT.—The Secretary may appoint an advisory board to make recommendations to the Secretary and to the appropriate committees of Congress concerning specific issues relating to child abuse and neglect.

"(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (a).

"(c) COMPOSITION.—In establishing the board under subsection (a), the Secretary shall appoint members from the general public who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

"(1) law (including the judiciary);

"(2) psychology (including child development);

"(3) social services (including child protective services);

"(4) medicine (including pediatrics);

"(5) State and local government;

"(6) organizations providing services to disabled persons;

"(7) organizations providing services to adolescents;

"(8) teachers;

"(9) parent self-help organizations;

"(10) parents' groups;

"(11) voluntary groups;

"(12) family rights groups; and

"(13) children's rights advocates.

"(d) VACANCIES.—Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

"(e) ELECTION OF OFFICERS.—The board shall elect a chairperson and vice-chairperson at its first meeting from among the members of the board.

"(f) DUTIES.—Not later than 1 year after the establishment of the board under subsection (a), the board shall submit to the Secretary and the appropriate committees of Congress a report, or interim report, containing—

"(1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;

"(2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of abuse or neglect which place a child in danger; and

"(3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare.".

SEC. 103. REPEAL OF INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103) is repealed.

SEC. 104. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), to read as follows:

"(a) ESTABLISHMENT.—The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "Director" and inserting "Secretary";

(B) in paragraph (1)—

(i) by inserting "assessment," after "prevention,"; and

(ii) by striking ", including" and all that follows and inserting "; and";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "general population" and inserting "United States";

(ii) in subparagraph (B), by adding "and" at the end;

(iii) in subparagraph (C), by striking "; and" at the end and inserting a period; and

(iv) by striking subparagraph (D); and

(D) by striking paragraph (3); and

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking "In establishing" and inserting the following:

"(1) IN GENERAL.—In establishing"; and

(ii) by striking "Director" and inserting "Secretary";

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving the text of subparagraphs (A) through (D) (as redesignated) 2 ems to the right;

(C) in subparagraph (B) (as redesignated), by striking "that is represented on the task force" and inserting "involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses";

(D) in subparagraph (C) (as redesignated), by striking "State, regional" and all that follows and inserting the following: "Federal, State, regional, and local child welfare data systems which shall include—

"(i) standardized data on false, unfounded, unsubstantiated, and substantiated reports; and

"(ii) information on the number of deaths due to child abuse and neglect;";

(E) by redesignating subparagraph (D) (as redesignated) as subparagraph (F);

(F) by inserting after subparagraph (C) (as redesignated), the following new subparagraphs:

"(D) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific and integrated with other case-based foster care and adoption data collected by the Secretary;

"(E) compile, analyze, and publish a summary of the research conducted under section 105(a); and"; and

(G) by adding at the end the following:

"(2) CONFIDENTIALITY REQUIREMENT.—In carrying out paragraph (1)(D), the Secretary shall ensure that methods are established and implemented to preserve the confidentiality of records relating to case specific data.".

SEC. 105. RESEARCH, EVALUATION AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ", through the Center, conduct research on" and inserting ", in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on";

(B) by redesignating subparagraphs (A) through (C) as subparagraph (B) through (D), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) the nature and scope of child abuse and neglect;";

(D) in subparagraph (B) (as so redesignated), to read as follows:

"(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect;"; and

(E) in subparagraph (D) (as so redesignated)—

(i) by striking clause (ii);

(ii) in clause (iii), to read as follows:

"(ii) the incidence of substantiated and unsubstantiated reported child abuse cases;"; and

(iii) by adding at the end the following:

"(iii) the number of substantiated cases that result in a judicial finding of child abuse or neglect or related criminal court convictions;

"(iv) the extent to which the number of unsubstantiated, unfounded and false reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;

"(v) the extent to which the lack of adequate resources and the lack of adequate training of individuals required by law to report suspected cases of child abuse have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

"(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed in substitute care, and the duration of such placement;

"(vii) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

"(viii) the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

"(ix) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system."; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and demonstration"; and

(ii) by striking "paragraph (1)(A) and activities under section 106" and inserting "paragraph (1)"; and

(B) in subparagraph (B), by striking "and demonstration".

(b) REPEAL.—Subsection (b) of section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is repealed.

(c) TECHNICAL ASSISTANCE.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(c)) is amended—

(1) by striking "(c)" and inserting "(b)";

(2) by striking "The Secretary" and inserting: "(1) IN GENERAL.—The Secretary";

(3) by striking ", through the Center,";

(4) by inserting "State and local" before "public and nonprofit";

(5) by inserting "assessment," before "identification"; and

(6) by adding at the end thereof the following new paragraphs:

"(2) EVALUATION.—Such technical assistance may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under titles I and II.

"(3) DISSEMINATION.—The Secretary may provide for and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse.".

(d) GRANTS AND CONTRACTS.—Section 105(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

(1) by striking "(d)" and inserting "(c)"; and

(2) in paragraph (2), by striking the second sentence.

(e) PEER REVIEW.—Section 105(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended—

(1) in the heading preceding paragraph (1), by striking "(e)" and inserting "(d)";

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "establish a formal" and inserting ", in consultation with experts in the field and other federal agencies, establish a formal, rigorous, and meritorious";

(ii) by striking "and contracts"; and

(iii) by adding at the end thereof the following new sentence: "The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect."; and

(B) in subparagraph (B)—

(i) by striking "Office of Human Development" and inserting "Administration on Children and Families"; and

(ii) by adding at the end thereof the following new sentence: "The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ", contract, or other financial assistance"; and

(B) by adding at the end thereof the following flush sentence:

"The Secretary shall award grants under this section on the basis of competitive review."; and

(4) in paragraph (3)(B), by striking "subsection (e)(2)(B)" each place it appears and inserting "paragraph (2)(B)".

(f) TECHNICAL AMENDMENT.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended in the section heading by striking "of the national center on child abuse and neglect".

SEC. 106. GRANTS FOR DEMONSTRATION PROGRAMS.

Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the section heading, by striking ***"OR SERVICE";***

(2) in subsection (a), to read as follows:

"(a) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may make grants to, and enter into contracts with, public agencies or private nonprofit agencies or organizations (or combinations of such agencies or organizations) for time limited, demonstration programs and projects for the following purposes:

"(1) TRAINING PROGRAMS.—The Secretary may award grants to public or private nonprofit organizations under this section—

"(A) for the training of professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including the links between domestic violence and child abuse;

"(B) to improve the recruitment, selection, and training of volunteers serving in public and private nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally; and

"(C) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

"(2) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to private nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

"(3) OTHER INNOVATIVE PROGRAMS AND PROJECTS.—

"(A) IN GENERAL.—The Secretary may award grants to public and private nonprofit agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, schools, churches and synagogues, and other community agencies to allow for the establishment of a triage system that—

"(i) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

"(ii) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

"(iii) provides further investigation and intensive intervention where the child's safety is in jeopardy.

"(B) KINSHIP CARE.—The Secretary may award grants to public and private nonprofit entities in not more than 10 States to assist such entities in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home, where such relatives are determined to be capable of providing a safe nurturing environment for the child and where such relatives comply with the State child protection standards.

"(C) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

"(i) for court-ordered supervised visitation between children and abusing parents; and

"(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.";

(3) by striking subsection (b);

(4) by redesignating subsection (c) as subsection (b)

(5) in subsection (b) (as redesignated)—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) through (7) as paragraphs (1) through (5), respectively; and

(6) by adding at the end the following new subsection:

"(c) EVALUATION.—In making grants for demonstration projects under this section, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.".

SEC. 107. STATE GRANTS FOR PREVENTION AND TREATMENT PROGRAMS.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended to read as follows:

"SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

"(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective services system of each such State in—

"(1) the intake, assessment, screening, and investigation of reports of abuse and neglect;

"(2)(A) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

"(B) improving legal preparation and representation, including—

"(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and

"(ii) provisions for the appointment of an individual appointed to represent a child in judicial proceedings;

"(3) case management and delivery of services provided to children and their families;

"(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;

"(5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

"(6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

"(7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;

"(8) developing, implementing, or operating—

"(A) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

"(i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

"(ii) the parents of such infants; and

"(B) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

"(i) existing social and health services;

"(ii) financial assistance; and

"(iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; or

"(9) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level.

"(b) ELIGIBILITY REQUIREMENTS.—

"(1) STATE PLAN.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall, at the time of the initial grant application and every 5 years thereafter, prepare and submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State intends to address with amounts received under the grant.

"(B) ADDITIONAL REQUIREMENT.—After the submission of the initial grant application under subparagraph (A), the State shall provide notice to the Secretary of any substantive changes to any State law relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section.

"(2) COORDINATION.—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including—

"(A) an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect that includes—

"(i) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

"(ii) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

"(iii) procedures for immediate steps to be taken to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of abuse or neglect and ensuring their placement in a safe environment;

"(iv) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;

"(v) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act shall only be made available to—

"(I) individuals who are the subject of the report;

"(II) Federal, State, or local government entities, or any agent of such entities, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

"(III) child abuse citizen review panels;

"(IV) child fatality review panels;

"(V) a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and

"(VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

"(vi) provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality;

"(vii) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse or neglect;

"(viii) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment;

"(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, who may be an attorney or a court appointed special advocate (or both), shall be appointed to represent the child in such proceedings—

"(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and

"(II) to make recommendations to the court concerning the best interests of the child;

"(x) the establishment of citizen review panels in accordance with subsection (c);

"(xi) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section—

"(I) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and

"(II) by which individuals who disagree with an official finding of abuse or neglect can appeal such finding;

"(xii) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction—

"(I) to have committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

"(II) to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

"(III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; or

"(IV) to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent; and

"(xiii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xii), conviction of any one of the felonies listed in clause (xii) constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (although case by case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State);

"(B) an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

"(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;

"(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

"(iii) authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life threatening conditions;

"(C) a description of—

"(i) the services to be provided under the grant to individuals, families, or communities, either directly or through referrals aimed at preventing the occurrence of child abuse and neglect;

"(ii) the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect; and

"(iii) the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect; and

"(D) an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act comply with the requirements set forth in paragraph (1) and this paragraph.

"(3) LIMITATION.—With regard to clauses (v) and (vi) of paragraph (2)(A), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State

may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'near fatality' means an act that, as certified by a physician, places the child in serious or critical condition; and

"(B) the term 'serious bodily injury' means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(c) CITIZEN REVIEW PANELS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each State to which a grant is made under this section shall establish not less than 3 citizen review panels.

"(B) EXCEPTIONS.—

"(i) ESTABLISHMENT OF PANELS BY STATES RECEIVING MINIMUM ALLOTMENT.—A State that receives the minimum allotment of $175,000 under section 203(b)(1)(A) for a fiscal year shall establish not less than 1 citizen review panel.

"(ii) DESIGNATION OF EXISTING ENTITIES.—A State may designate as panels for purposes of this subsection one or more existing entities established under State or Federal law, such as child fatality panels or foster care review panels, if such entities have the capacity to satisfy the requirements of paragraph (4) and the State ensures that such entities will satisfy such requirements.

"(2) MEMBERSHIP.—Each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

"(3) MEETINGS.—Each panel established pursuant to paragraph (1) shall meet not less than once every 3 months.

"(4) FUNCTIONS.—

"(A) IN GENERAL.—Each panel established pursuant to paragraph (1) shall, by examining the policies and procedures of State and local agencies and where appropriate, specific cases, evaluate the extent to which the agencies are effectively discharging their child protection responsibilities in accordance with—

"(i) the State plan under subsection (b);

"(ii) the child protection standards set forth in subsection (b); and

"(iii) any other criteria that the panel considers important to ensure the protection of children, including—

"(I) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act; and

"(II) a review of child fatalities and near fatalities (as defined in subsection (b)(4)).

"(B) CONFIDENTIALITY.—

"(i) IN GENERAL.—The members and staff of a panel established under paragraph (1)—

"(I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and

"(II) shall not make public other information unless authorized by State statute.

"(ii) CIVIL SANCTIONS.—Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

"(5) STATE ASSISTANCE.—Each State that establishes a panel pursuant to paragraph (1)—

"(A) shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions under paragraph (4); and

"(B) shall provide the panel, upon its request, staff assistance for the performance of the duties of the panel.

"(6) REPORTS.—Each panel established under paragraph (1) shall prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the panel.

"(d) ANNUAL STATE DATA REPORTS.—Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

"(1) The number of children who were reported to the State during the year as abused or neglected.

"(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—

"(A) substantiated;

"(B) unsubstantiated; or

"(C) determined to be false.

"(3) Of the number of children described in paragraph (2)—

"(A) the number that did not receive services during the year under the State program funded under this section or an equivalent State program;

"(B) the number that received services during the year under the State program funded under this section or an equivalent State program; and

"(C) the number that were removed from their families during the year by disposition of the case.

"(4) The number of families that received preventive services from the State during the year.

"(5) The number of deaths in the State during the year resulting from child abuse or neglect.

"(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

"(7) The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.

"(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

"(9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made.

"(10) The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(11) The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse and neglect, including the death of the child.

"(12) The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.

"(e) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after receiving the State reports under subsection (i), the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report and such information available to the Congress and the national clearinghouse for information relating to child abuse.".

SEC. 108. REPEAL.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106b) is repealed.

SEC. 109. MISCELLANEOUS REQUIREMENTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 110. DEFINITIONS.

Section 113 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h) is amended—

(1) by striking paragraphs (1), (2), (5), and (9);

(2)(A) by redesignating paragraphs (3), (4), and (6) through (8) as paragraphs (1) through (5), respectively; and

(B) by redesignating paragraph (10) as paragraph (6);

(3) in paragraph (2) (as redesignated), to read as follows:

"(2) the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;"; and

(4) in paragraph (4)(B) (as redesignated), by inserting ", and in cases of caretaker or interfamilial relationships, statutory rape" after "rape".

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title, $100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.

"(2) DISCRETIONARY ACTIVITIES.—

"(A) IN GENERAL.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this title.

"(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make available not more than 40 percent of such amounts to carry out section 106.".

SEC. 112. RULE OF CONSTRUCTION.

Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

"SEC. 115. RULE OF CONSTRUCTION.

"(a) IN GENERAL.—Nothing in this Act shall be construed—

"(1) as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treatment against the religious beliefs of the parent or legal guardian; and

"(2) to require that a State find, or to prohibit a State from finding, abuse or neglect in cases in which a parent or legal guardian relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of the parent or legal guardian.

"(b) STATE REQUIREMENT.—Notwithstanding subsection (a), a State shall, at a minimum, have in place authority under State law to permit the child protective services system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life threatening conditions. Except with respect to the withholding of medically indicated treatments from disabled infants with life threatening conditions, case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State.".

SEC. 113. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CHILD ABUSE PREVENTION AND TREATMENT ACT.—

(1)(A) Sections 104 through 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104 through 5106a), as amended by this subtitle, are redesignated as sections 103 through 106 of such Act, respectively.

(B) Sections 109 through 114 of the Child Abuse Prevention and Treatment Act (42 U.S.C 5106c through 5106h), as amended by this subtitle, are redesignated as sections 107 through 112 of such Act, respectively.

(C) Section 115 of the Child Abuse Prevention and Treatment Act, as added by section 112 of this Act, is redesignated as section 113 of the Child Abuse Prevention and Treatment Act.

(2) Section 107 of the Child Abuse Prevention and Treatment Act (as redesignated) is amended—

(A) in subsection (a), by striking "acting through the Center and";

(B) in subsection (b)(1), by striking "sections" and inserting "section";

(C) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting a comma after "maintain"; and

(ii) in subparagraph (F), by adding a semicolon at the end; and

(D) in subsection (d)(1), by adding "and" at the end.

(3) Section 110(b) of the Child Abuse Prevention and Treatment Act (as redesignated) is amended by striking "effectiveness of—" and all that follows and inserting "effectiveness of assisted programs in achieving the objectives of section 107.".

(b) VICTIMS OF CRIME ACT OF 1984.—Section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603a) is amended—

(1) by striking "1402(d)(2)(D) and (d)(3)." and inserting "1402(d)(2)"; and

(2) by striking "section 4(d)" and inserting "section 109".

Subtitle B—Community-Based Family Resource and Support Grants

SEC. 121. ESTABLISHMENT OF PROGRAM.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended to read as follows:

"TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

"SEC. 201. PURPOSE AND AUTHORITY.

"(a) PURPOSE.—It is the purpose of this title—

"(1) to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that coordinate resources among existing education, vocational rehabilitation, disability, respite care, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State; and

"(2) to foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.

"(b) AUTHORITY.—The Secretary shall make grants under this title on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this title as the 'lead entity') under section 202(1) for the purpose of—

"(1) developing, operating, expanding and enhancing Statewide networks of community-based, prevention-focused, family resource and support programs that—

"(A) offer assistance to families;

"(B) provide early, comprehensive support for parents;

"(C) promote the development of parenting skills, especially in young parents and parents with very young children;

"(D) increase family stability;

"(E) improve family access to other formal and informal resources and opportunities for assistance available within communities;

"(F) support the additional needs of families with children with disabilities through respite care and other services; and

"(G) decrease the risk of homelessness;

"(2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;

"(3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based family resource and support program to the extent practicable given funding levels and community priorities;

"(4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; and

"(5) financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.

"SEC. 202. ELIGIBILITY.

"A State shall be eligible for a grant under this title for a fiscal year if—

"(1)(A) the chief executive officer of the State has designated a lead entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite care services integrated with the Statewide network;

"(B) such lead entity is an existing public, quasi-public, or nonprofit private entity (which may be an entity that has not been established pursuant to State legislation, executive order, or any other written authority of the State) with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

"(C) in determining which entity to designate under subparagraph (A), the chief executive officer should give priority consideration equally to a trust fund advisory board of the State or to an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

"(D) in the case of a State that has designated a State trust fund advisory board for purposes of administering funds under this title (as such title was in effect on the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996) and in which one or more entities that leverage Federal, State, and private funds (as described in subparagraph (C)) exist, the chief executive officer shall designate the lead entity only after full consideration of the capacity and expertise of all entities desiring to be designated under subparagraph (A);

"(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

"(A) a network of community-based family resource and support programs composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

"(B) direction to the network through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers; and

"(C) direction and oversight to the network through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

"(3) the chief executive officer of the State provides assurances that the lead entity—

"(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs;

"(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, comprehensive services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

"(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

"(D) will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

"SEC. 203. AMOUNT OF GRANT.

"(a) RESERVATION.—The Secretary shall reserve 1 percent of the amount appropriated under section 210 for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

"(b) REMAINING AMOUNTS.—

"(1) IN GENERAL.—The Secretary shall allot the amount appropriated under section 210 for a fiscal year and remaining after the reservation under subsection (a) among the States as follows:

"(A) 70 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the number of children under the age of 18 residing in the State bears to the total number of children under the age of 18 residing in all States (except that no State shall receive less than $175,000 under this subparagraph).

"(B) 30 percent of such amount appropriated shall be allotted among the States by allotting to

each State an amount that bears the same proportion to such amount appropriated as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the State lead agency in the preceding fiscal year bears to the aggregate of the amounts leveraged by all States from private, State, or other non-Federal sources and directed through the lead agency of such States in the preceding fiscal year.

"(2) ADDITIONAL REQUIREMENT.—The Secretary shall provide allotments under paragraph (1) to the State lead entity.

"(c) ALLOCATION.—Funds allotted to a State under this section—

"(1) shall be for a 3-year period; and

"(2) shall be provided by the Secretary to the State on an annual basis, as described in subsection (a).

"SEC. 204. EXISTING GRANTS.

"(a) IN GENERAL.—Notwithstanding the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of the enactment of such Act under any program described in subsection (b), shall continue to receive funds under such program, subject to the original terms under which such funds were provided under the grant, through the end of the applicable grant cycle.

"(b) PROGRAMS DESCRIBED.—The programs described in this subsection are the following:

"(1) The Community-Based Family Resource programs under section 201 of this Act, as such section was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

"(2) The Family Support Center programs under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.), as such title was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

"(3) The Emergency Child Abuse Prevention Services grant program under section 107A of this Act, as such section was in effect on the day before the date of the enactment of the Human Services Amendments of 1994.

"(4) Programs under the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986.

"SEC. 205. APPLICATION.

"A grant may not be made to a State under this title unless an application therefore is submitted by the State to the Secretary and such application contains the types of information specified by the Secretary as essential to carrying out the provisions of section 202, including—

"(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 202;

"(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by public and private, nonprofit organizations, including those funded by programs consolidated under this Act, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

"(3) an assurance that an inventory of current family resource programs, respite care, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;

"(4) a budget for the development, operation and expansion of the State's network of community-based, prevention-focused, family resource and support programs that verifies that the State will expend in non-Federal funds an amount equal to not less than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

"(5) an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the Statewide network of community-based, prevention-focused, family resource and support programs;

"(6) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

"(7) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

"(8) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups;

"(9) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development, operation, expansion and enhancement activities;

"(10) a description of how the applicant entity's activities and those of the network and its members will be evaluated;

"(11) a description of the actions that the applicant entity will take to advocate systemic changes in State policies, practices, procedures and regulations to improve the delivery of prevention-focused, family resource and support program services to children and families; and

"(12) an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

"SEC. 206. LOCAL PROGRAM REQUIREMENTS.

"(a) IN GENERAL.—Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that—

"(1) assess community assets and needs through a planning process that involves parents and local public agencies, local nonprofit organizations, and private sector representatives;

"(2) develop a strategy to provide, over time, a continuum of preventive, family centered services to children and families, especially to young parents and parents with young children, through public-private partnerships;

"(3) provide—

"(A) core family resource and support services such as—

"(i) parent education, mutual support and self help, and leadership services;

"(ii) outreach services;

"(iii) community and social service referrals; and

"(iv) follow-up services;

"(B) other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including all forms of respite care services to the extent practicable; and

"(C) access to optional services, including—

"(i) referral to and counseling for adoption services for individuals interested in adopting a child or relinquishing their child for adoption;

"(ii) child care, early childhood development and intervention services;

"(iii) referral to services and supports to meet the additional needs of families with children with disabilities;

"(iv) referral to job readiness services;

"(v) referral to educational services, such as scholastic tutoring, literacy training, and General Educational Degree services;

"(vi) self-sufficiency and life management skills training;

"(vii) community referral services, including early developmental screening of children; and

"(viii) peer counseling;

"(4) develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services;

"(5) provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services; and

"(6) participate with other community-based, prevention-focused, family resource and support program grantees in the development, operation and expansion of the Statewide network.

"(b) PRIORITY.—In awarding local grants under this title, a lead entity shall give priority to effective community-based programs serving low income communities and those serving young parents or parents with young children, including community-based family resource and support programs.

"SEC. 207. PERFORMANCE MEASURES.

"A State receiving a grant under this title, through reports provided to the Secretary—

"(1) shall demonstrate the effective development, operation and expansion of a Statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this title;

"(2) shall supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202;

"(3) shall demonstrate the establishment of new respite care and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 205(3);

"(4) shall describe the number of families served, including families with children with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family resource and support programs that are part of the Statewide network funded under this title;

"(5) shall demonstrate a high level of satisfaction among families who have used the services of the community-based, prevention-focused, family resource and support programs;

"(6) shall demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion and enhancement of the Statewide network of community-based, prevention-focused, family resource and support programs;

"(7) shall describe the results of a peer review process conducted under the State program; and

"(8) shall demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community based, prevention-focused, family resource and support programs.

"SEC. 208. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

"The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the lead entity in the State—

"(1) to create, operate and maintain a peer review process;

"(2) to create, operate and maintain an information clearinghouse;

"(3) to fund a yearly symposium on State system change efforts that result from the operation of the Statewide networks of community-based, prevention-focused, family resource and support programs;

"(4) to create, operate and maintain a computerized communication system between lead entities; and

"(5) to fund State-to-State technical assistance through bi-annual conferences.

"SEC. 209. DEFINITIONS.

"For purposes of this title:

"(1) CHILDREN WITH DISABILITIES.—The term 'children with disabilities' has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act.

"(2) COMMUNITY REFERRAL SERVICES.—The term 'community referral services' means services provided under contract or through interagency agreements to assist families in obtaining needed information, mutual support and community resources, including respite care services, health and mental health services, employability development and job training, and other social services, including early developmental screening of children, through help lines or other methods.

"(3) FAMILY RESOURCE AND SUPPORT PROGRAM.—The term 'family resource and support program' means a community-based, prevention-focused entity that—

"(A) provides, through direct service, the core services required under this title, including—

"(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

"(ii) services to facilitate the ability of parents to serve as resources to one another (such as through mutual support and parent self-help groups);

"(iii) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources and support program activities;

"(iv) community and social services to assist families in obtaining community resources; and

"(v) follow-up services;

"(B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite care services; and

"(C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including—

"(i) child care, early childhood development and early intervention services;

"(ii) referral to self-sufficiency and life management skills training;

"(iii) referral to education services, such as scholastic tutoring, literacy training, and General Educational Degree services;

"(iv) referral to services providing job readiness skills;

"(v) child abuse and neglect prevention activities;

"(vi) referral to services that families with children with disabilities or special needs may require;

"(vii) community and social service referral, including early developmental screening of children;

"(viii) peer counseling;

"(ix) referral for substance abuse counseling and treatment; and

"(x) help line services.

"(4) OUTREACH SERVICES.—The term 'outreach services' means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

"(5) RESPITE CARE SERVICES.—The term 'respite care services' means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—

"(A) are in danger of abuse or neglect;

"(B) have experienced abuse or neglect; or

"(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title, $66,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.".

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

SEC. 131. REPEAL OF TITLE III.

Title III of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5118 et seq.) is repealed.

Subtitle D—Miscellaneous Provisions

SEC. 141. TABLE OF CONTENTS.

The table of contents of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended to read as follows:

"Sec. 1. Short title and table of contents.
"Sec. 2. Findings.

"TITLE I—GENERAL PROGRAM

"Sec. 101. Office on Child Abuse and Neglect.
"Sec. 102. Advisory Board on Child Abuse and Neglect.
"Sec. 103. National clearinghouse for information relating to child abuse.
"Sec. 104. Research and assistance activities.
"Sec. 105. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.
"Sec. 106. Grants to States for child abuse and neglect prevention and treatment programs.
"Sec. 107. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
"Sec. 108. Miscellaneous requirements relating to assistance.
"Sec. 109. Coordination of child abuse and neglect programs.
"Sec. 110. Reports.
"Sec. 111. Definitions.
"Sec. 112. Authorization of appropriations.
"Sec. 113. Rule of construction.

"TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

"Sec. 201. Purpose and authority.
"Sec. 202. Eligibility.
"Sec. 203. Amount of grant.
"Sec. 204. Existing grants.
"Sec. 205. Application.
"Sec. 206. Local program requirements.
"Sec. 207. Performance measures.
"Sec. 208. National network for community-based family resource programs.
"Sec. 209. Definitions.
"Sec. 210. Authorization of appropriations.

SEC. 142. REPEALS OF OTHER LAWS.

(a) TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT OF 1986.—The Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117 et seq.) is repealed.

(b) FAMILY SUPPORT CENTERS.—Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.) is repealed.

TITLE II—AMENDMENTS TO OTHER ACTS

Subtitle A—Family Violence Prevention and Services Act

SEC. 201. STATE DEMONSTRATION GRANTS.

Section 303(e) of the Family Violence Prevention and Services Act (42 U.S.C. 10420(e)) is amended—

(1) by striking "following local share" and inserting "following non-Federal matching local share"; and

(2) by striking "20 percent" and all that follows through "private sources." and inserting "with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under this title, not less than 35 percent.".

SEC. 202. ALLOTMENTS.

Section 304(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(a)(1)) is amended by striking "$200,000" and inserting "$400,000".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) in subsection (b), by striking "80" and inserting "70"; and

(2) by adding at the end thereof the following new subsections:

"(d) GRANTS FOR STATE COALITIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

"(e) NON-SUPPLANTING REQUIREMENT.—Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title.".

Subtitle B—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 ("Adoption Opportunities Act")

SEC. 211. FINDINGS AND PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "50 percent between 1985 and 1990" and inserting "61 percent between 1986 and 1994"; and

(ii) by striking "400,000 children at the end of June, 1990" and inserting "452,000 as of June 1994";

(B) in paragraph (5), by striking "local" and inserting "legal"; and

(C) in paragraph (7), to read as follows:

"(7)(A) currently, 40,000 children are free for adoption and awaiting placement;

"(B) such children are typically school aged, in sibling groups, have experienced neglect or abuse, or have a physical, mental, or emotional disability; and

"(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group;"; and

(2) in subsection (b)—

(A) by striking "conditions, by—" and all that follows through "Department of Health and Human Services to—" and inserting "conditions, by providing a mechanism to—"; and

(B) by redesignating subparagraphs (A) through (C) of paragraph (2), as paragraphs (1) through (3), respectively, and by realigning the margins of such paragraphs accordingly.

SEC. 212. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (6), to read as follows:

"(6) study the nature, scope, and effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes;";

(B) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(C) by inserting after paragraph (6), the following new paragraph:

"(7) study the efficacy of States contracting with public or private nonprofit agencies (including community-based and other organizations), or sectarian institutions for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption;"; and

(3) in subsection (d)(2)—

(A) by striking "Each" and inserting "(A) Each";

(B) by striking "for each fiscal year" and inserting "that describes the manner in which the State will use funds during the 3-fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be"; and

(C) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide, directly or by grant to or contract with public or private nonprofit agencies or organizations—

"(i) technical assistance and resource and referral information to assist State or local governments with termination of parental rights issues, in recruiting and retaining adoptive families, in the successful placement of children with special needs, and in the provision of pre- and post-placement services, including post-legal adoption services; and

"(ii) other assistance to help State and local governments replicate successful adoption-related projects from other areas in the United States.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a), by striking "$10,000,000" and all that follows through "203(c)(1)" and inserting "$20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

Subtitle C—Abandoned Infants Assistance Act of 1988

SEC. 221. PRIORITY REQUIREMENT.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following:

"(h) PRIORITY REQUIREMENT.—In making grants under subsection (a), the Secretary shall give priority to applicants located in States that have developed and implemented procedures for expedited termination of parental rights and placement for adoption of infants determined to be abandoned under State law.".

SEC. 222. REAUTHORIZATION.

Section 104(a)(1) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "$20,000,000" and all that follows and inserting "$35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.".

Subtitle D—Reauthorization of Various Programs

SEC. 231. MISSING CHILDREN'S ASSISTANCE ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended—

(1) by striking "To" and inserting "(a) IN GENERAL.—To"

(2) by striking "1993, 1994, 1995, and 1996" and inserting "1997 through 2001"; and

(3) by adding at the end the following new subsection:

"(b) EVALUATION.—The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title.".

(b) SPECIAL STUDY AND REPORT.—Section 409 of the Missing Children's Assistance Act (42 U.S.C. 5778) is repealed.

SEC. 232. VICTIMS OF CHILD ABUSE ACT OF 1990.

Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a)(2), by striking "and 1996" and inserting "1996, and each of the fiscal years 1997 through 2000"; and

(2) in subsection (b)(2), by striking "and 1996" and inserting "1996, and each of the fiscal years 1997 through 2000".

Mr. COATS. Mr. President, child abuse is a critical issue facing our Nation. Each year, close to one million children are abused or neglected and as a result, in need of assistance and out of home care.

While these numbers are staggering, we should also be concerned by the nearly 2 million false or unsubstantiated reports of child abuse and neglect that are filed wrongfully and in some cases maliciously. What this means is that case workers, who are already over worked, are conducting 2 million investigations at some level, possibly resulting in inappropriate interventions—including removal of the children from their homes.

Members of the Labor Committee may recall the testimony of Jim Wade who spoke of his 3-year ordeal, in which his daughter was wrongfully removed from his home. I have received many such reports and complaints, and while we should be mindful not to legislate by anecdote, these stories involve real people and are chilling.

I am also reminded of the tragic case of Elisa Izquierdo of Brooklyn, the 6-year-old girl brutally murdered by her mother on the day before Thanksgiving this past year. Elisa was well known to the overburdened case workers who were assigned to monitor her, however it appears that they simply did not have enough time to keep a close watch on Elisa, nor maybe enough training to realize the tremendous seriousness of her situation.

Each of us unfortunately, can share similar stories from our States and communities. Each of us can point to a child whose life ended far too early, and then tragically—at the hands of a loved one.

The legislation that the Senate will shortly vote on, S. 919, will not solve the epidemic of child abuse and neglect. That solution rests with families and communities. But it will better enable caseworkers to do their jobs and protect children who are in serious jeopardy. By focusing on better training and the use of risk assessment procedures S. 919 will help to improve the safety of children and will in significant and positive ways, improve the way we respond to an investigate reports of child abuse and neglect.

First, in order to protect individuals from false reports S. 919 eliminates current law's blanket immunity from prosecution for persons making knowingly false allegations of child abuse or neglect. On good faith reports will be protected by immunity.

Second, in order to ensure citizen participation and public accountability of State and local child protection agencies, we have required each State receiving funds under this act to establish citizen review panels to evaluate the extent to which child protection agencies are effectively discharging their child protection responsibilities and to review the facts surrounding local child fatalities or near fatalities resulting from abuse or neglect.

Third, S. 919 protects children at risk of abuse by eliminating the requirement that States seek to preserve families and reunify children with parents who abuse or neglect them. States would no longer have to pursue reunification with surviving children where a parent was convicted of murder, voluntary manslaughter or felony homicide of another child.

Additionally, States would be required to include murder, voluntary manslaughter, and felony assault as a statutory ground for termination of parental rights. The decision to pursue termination or to seek reunification in these cases would be determined by the State on a case-by-case basis.

Finally, S. 919 includes a new provision requiring States to have procedures for expedited termination of parental rights in cases involving abandoned infants.

These changes in the law have been sorely needed and will result in a more cohesive child protection system, with an enhanced ability to respond to the very serious problems of abuse and neglect.

One of the other important sections of CAPTA is its research component. S. 919 streamlines and better targets limited research dollars into areas with the most promise, in terms of responding to child abuse. Additionally, we have revised CAPTA's research demonstration program to focus on innovative and effective new approaches in the area of child protection. Kinship care is such an approach. S. 919 authorizes the Department of Health and Human Services to conduct a 10-State demonstration of kinship care programs and to report back with recommendations concerning its possible expansion. Kinship care has been shown in several States to be a very effective and compassionate alternative to foster care.

Similar programs in other States have been less successful. The kinship care demonstration will enable us to ascertain where this program works and why and what we need to do to avoid any possible negative consequences.

Finally, we have clarified the definition of child abuse or neglect to include at a minimum, acts which result in death or serious physical or emotional harm or which present an imminent risk of serious harm. This definition provides additional guidance to States and should assist them as they endeavor to protect children from abuse and neglect.

S. 919 also reauthorizes several other important programs: The community and family resource grants which significantly consolidates the community based prevention grant, respite care program, and family resource programs into one cohesive network; reauthorizes The Family Violence Prevention and Services Act which provides assistance to States to help victims of domestic violence; reauthorizes The Adoption Opportunities Act which supports aggressive efforts to strengthen the capacity of States to find permanent homes for children with special needs; The Abandoned Infants Assistance Act which provides for the needs of children who are abandoned, especially those with aids; The Children's Justice Act; The Missing Children's Assistance Act and section 214 of the Victims of Child Abuse Act.

Mr. President, as we are moving toward passage of this legislation I wanted to take the time to thank several colleagues for their tireless efforts: Senator KASSEBAUM, Senator DODD, and Senator KENNEDY. We have worked together over the last year and a half in a truly bipartisan fashion and I think we have produced a very good product. I would also like to acknowledge the significant contributions of their staffs, Kimberly Barnes-O'Connor and Rebecca Jones with Senator KASSEBAUM, Michael Iskowitz and Jeffrey Teitz with Senator KENNEDY, Jane Lowenson and Brook Byers-Goldman with Senator DODD, and Stephanie Monroe and Townsend Lange of my staff. Thank you all for the hard work you have done on this legislation.

Mr. President, at this time I would like to ask unanimous consent that a colloquy between myself and Senator DODD on the issue of medical neglect be inserted into the RECORD as if read.

Mr. DODD. Mr. President, I rise in support of the Child Abuse Prevention and Treatment Act of 1996. I am very pleased that this has been a bipartisan effort. This bill comes at a very critical time. Just last week the results of the National Incidence Study conducted by the National Center on Child Abuse and Neglect showed an alarming increase in the incidence of child abuse and neglect. Since 1986 the number of abused and neglected children has almost doubled. Physical abuse has nearly doubled and sexual abuse has more than doubled. Additionally the study indicates that children from families with incomes below $15,000 are 22 times more likely to be victims of child abuse and neglect than are those children from families with incomes above $30,000.

Mr. President, I am concerned that the welfare reform bill signed into law last month may lead to an increase in cases of child abuse and neglect. That legislation left no safety net for children whose parents had reached their 5-year limit on public assistance. I intend to watch this issue very closely.

The good news is that today we are asking the Senate to consider, by unanimous consent, the reauthorization of the Child Abuse Prevention and Treatment Act, S. 919. First enacted in 1974, this legislation provides, among other things, Federal financial assistance for identifying, preventing, and treating child abuse and neglect. This bill affirms a clear Federal role in addressing prevention and treatment of child abuse. Further, it recognizes the importance of Federal leadership in funding research, training, technical assistance, and data collection to help aid the States to do their jobs better. It also continues support to States to improve child protective service systems.

Finally, I am pleased that the bill reauthorizes and enhances the Family Resource and Support Center Program that I authored in 1990 and expanded in the Human Services Act in 1994. The Family Resource Services are essential to prevention and allow families to meet their needs to avoid problems that propel them into crisis down the road.

I thank Senator COATS for all his hard work and cooperation on the reauthorization of this bill. I am very pleased that this has been a bipartisan effort.

Mr. President, it is my understanding that under CAPTA, States have been allowed to exempt parents from prosecution on grounds of medical neglect if the parent was employing alternative means of healing as part of the parent's religious practice. CAPTA also has required States to have procedures in place to report, investigate and intervene in situations where children are being denied medical care needed to prevent harm.

Mr. COATS. That is correct. The two provisions you have described have caused problems for some States. The Department of Health and Human Services has moved to disqualify certain States from CAPTA funding based on the State's accommodation of the religious treatment in lieu of medical treatment.

Mr. DODD. And it is my further understanding that we have clarified that issue in the Rule of Construction in the bill before us.

Mr. COATS. Yes, we have. After a very lengthy negotiation we have reached a compromise which will both protect children in need of medical intervention while ensuring that the first amendment rights of parents to practice their religion are not infringed upon. Under this bill, no parent or legal guardian is required to provide a child with medical service or treatment against their religious beliefs, nor is any State required to find, or prohibited from finding, abuse or neglect cases where the parent or guardian relied solely or partially upon spiritual means rather than medical treatment in accordance with their religious beliefs.

Mr. DODD. Does the bill address the State's authority to pursue any legal remedies necessary to provide medical care or treatment when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life-threatening conditions?

Mr. COATS. Yes it does. In addition, the bill gives States sole discretion over case-by-case determinations relating to the exercise of authority in this area. No State is foreclosed from considering parents use of treatment by spiritual means. No State is required to prosecute parents in this area. But every State must have in place the authority to intervene to protect children in need. Let me also state that nothing in this bill should be interpreted as discouraging the reporting of suspected incidences of medical neglect to child protection services, where warranted.

Mr. DODD. I also see that a new section has been added that requires the States to include in their State laws, as statutory grounds for the termination of parental rights, convictions of parents for certain specified crimes against children. It also eliminates a Federal mandate that States must seek reunification of the convicted parent with surviving children. Given the crimes that have been specified—murder, voluntary manslaughter, and felony assault—it appears that what we are addressing is a parent who deliberately takes the life or seriously injures his child.

Mr. COATS. That is correct. This section is intended to give the States flexibility in this area by not requiring them to seek to reunify a parent convicted of a serious and violent crime against his child, with that surviving child or other children. States may still seek to reunify the family but will no longer be required to do so by Federal law. Second, the bill provides that these very serious crimes should be grounds in State law for the termination of parental rights. Any decision, however, to terminate parental rights, even in these cases, is entirely a State issue and remains so under this bill.

Mr. DODD. Would States be allowed to consider a parent's motive when deciding to terminate parental rights or to seek reunification of that family? And could this include sincerely held religious beliefs of the parent?

Mr. COATS. Yes. Since this is entirely a matter of State law, States are free to consider whatever mitigating circumstances they would like.

Mr. DODD. Mr. President, it is my understanding that concerns have been raised regarding outreach services that grantees must make to various communities. It is my understanding that when grantees engage in outreach activities, they must ensure that they maximize the participation of racial and ethnic minorities and members of underserved or underrepresented groups. I just want to ascertain that this list envisions inclusion of immigrant communities.

Mr. COATS. That is correct.

Mr. NICKLES. I ask unanimous consent that the Senate concur to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER DESALINIZATION RESEARCH AND DEVELOPMENT ACT OF 1996

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 811) a bill to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 811) entitled "An Act to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Desalination Act of 1996".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) DESALINATION OR DESALTING.—The terms "desalination" or "desalting" mean the use of any process or technique for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline or biologically impaired waters, by itself or in conjunction with other processes.

(2) SALINE WATER.—The term "saline water" means sea water, brackish water, and other mineralized or chemically impaired water.

(3) UNITED STATES.—The term "United States" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(4) USABLE WATER.—The term "usable water" means water of a high quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. AUTHORIZATION OF RESEARCH AND STUDIES.

(a) IN GENERAL.—In order to determine the most cost-effective and technologically efficient means by which usable water can be produced from saline water or water otherwise impaired or contaminated, the Secretary is authorized to award grants and to enter into contracts, to the extent provided in advance in appropriation Acts, to conduct, encourage, and assist in the financing of research to develop processes for converting saline water into water suitable for beneficial uses. Awards of research grants and contracts under this section shall be made on the basis of a competitive, merit-reviewed process. Research and study topics authorized by this section include—

(1) investigating desalination processes;

(2) ascertaining the optimum mix of investment and operating costs;

(3) determining the best designs for different conditions of operation;

(4) investigating methods of increasing the economic efficiency of desalination processes through dual-purpose co-facilities with other processes involving the use of water;

(5) conducting or contracting for technical work, including the design, construction, and testing of pilot systems and test beds, to develop desalting processes and concepts;

(6) studying methods for the recovery of byproducts resulting from desalination to offset the costs of treatment and to reduce environmental impacts from those byproducts; and

(7) salinity modeling and toxicity analysis of brine discharges, cost reduction strategies for constructing and operating desalination facilities, and the horticultural effects of desalinated water used for irrigation.

(b) PROJECT RECOMMENDATIONS AND REPORTS TO THE CONGRESS.—As soon as practicable and within three years after the date of enactment of this Act, the Secretary shall recommend to Congress desalination demonstration projects or full-scale desalination projects to carry out the purposes of this Act and to further evaluate and implement the results of research and studies conducted under the authority of this section. Recommendations for projects shall be accompanied by reports on the engineering and economic feasibility of proposed projects and their environmental impacts.

(c) AUTHORITY TO ENGAGE OTHERS.—In carrying out research and studies authorized in this section, the Secretary may engage the necessary personnel, industrial or engineering firms, Federal laboratories, water resources research and technology institutes, other facilities, and educational institutions suitable to conduct investigations and studies authorized under this section.

(d) ALTERNATIVE TECHNOLOGIES.—In carrying out the purposes of this Act, the Secretary shall ensure that at least three separate technologies are evaluated and demonstrated for the purposes of accomplishing desalination.

SEC. 4. DESALINATION DEMONSTRATION AND DEVELOPMENT.

(a) IN GENERAL.—In order to further demonstrate the feasibility of desalination processes investigated either independently or in research conducted pursuant to section 3, the Secretary shall administer and conduct a demonstration and development program for water desalination and related activities, including the following:

(1) DESALINATION PLANTS AND MODULES.—Conduct or contract for technical work, including the design, construction, and testing of plants and modules to develop desalination processes and concepts.

(2) BYPRODUCTS.—Study methods for the marketing of byproducts resulting from the desalting of water to offset the costs of treatment and to reduce environmental impacts of those byproducts.

(3) ECONOMIC SURVEYS.—Conduct economic studies and surveys to determine present and prospective costs of producing water for beneficial purposes in various locations by desalination processes compared to other methods.

(b) COOPERATIVE AGREEMENTS.—Federal participation in desalination activities may be conducted through cooperative agreements, including cost-sharing agreements, with non-Federal public utilities and State and local governmental agencies and other entities, in order to develop recommendations for Federal participation in processes and plants utilizing desalting technologies for the production of water.

SEC. 5. AVAILABILITY OF INFORMATION.

All information from studies sponsored or funded under authority of this Act shall be considered public information.

SEC. 6. TECHNICAL AND ADMINISTRATIVE ASSISTANCE.

The Secretary may—

(1) accept technical and administrative assistance from States and public or private agencies in connection with studies, surveys, location, construction, operation, and other work relating to the desalting of water, and

(2) enter into contracts or agreements stating the purposes for which the assistance is contributed and providing for the sharing of costs between the Secretary and any such agency.

SEC. 7. COST SHARING.

The Federal share of the cost of a research, study, or demonstration project or a desalination development project or activity carried out under this Act shall not exceed 50 percent of the total cost of the project or research or study activity. A Federal contribution in excess of 25 percent for a project carried out under this Act may not be made unless the Secretary determines that the project is not feasible without such increased Federal contribution. The Secretary shall prescribe appropriate procedures to implement the provisions of this section. Costs of operation, maintenance, repair, and rehabilitation of facilities funded under the authority of this Act shall be non-Federal responsibilities.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTION 3.—There are authorized to be appropriated to carry out section 3 of this Act $5,000,000 per year for fiscal years 1997 through 2002. Of these amounts, up to $1,000,000 in each fiscal year may be awarded to institutions of higher education, including United States-Mexico binational research foundations and interuniversity research programs established by the two countries, for research grants without any cost-sharing requirement.

(b) SECTION 4.—There are authorized to be appropriated to carry out section 4 of this Act $25,000,000 for fiscal years 1997 through 2002.

SEC. 9. CONSULTATION.

In carrying out the provisions of this Act, the Secretary shall consult with the heads of other

Federal agencies, including the Secretary of the Army, which have experience in conducting desalination research or operating desalination facilities. The authorization provided for in this Act shall not prohibit other agencies from carrying out separately authorized programs for desalination research or operations.

Mr. NICKLES. I ask unanimous consent that the Senate concur in the amendments of the House, and I move to reconsider and lay on the table that action.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE CLEAN AIR ACT

Mr. NICKLES. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2988 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2988) to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of EPA rules.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be placed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO THE UNITED STATES-ISRAEL FREE TRADE IMPLEMENTATION ACT

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 404, H.R. 3074.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3074), to amend the United States-Israel Free Trade Area Implementation Act of 1985, to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone, reported with an amendment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Table of contents.

TITLE I—EXTENSION OF FREE TRADE TO WEST BANK AND GAZA

Sec. 101. Additional proclamation authority.

TITLE II—APPROVAL AND IMPLEMENTATION OF OECD SHIPBUILDING AGREEMENT

Subtitle A—General Provisions

Sec. 201. Short title.
Sec. 202. Approval of the Shipbuilding Agreement.
Sec. 203. Injurious pricing and countermeasures relating to shipbuilding.
Sec. 204. Enforcement of countermeasures.
Sec. 205. Judicial review in injurious pricing and countermeasure proceedings.

Subtitle B—Other Provisions

Sec. 211. Equipment and repair of vessels.
Sec. 212. Effect of agreement with respect to private remedies.
Sec. 213. Implementing regulations.
Sec. 214. Amendments to the Merchant Marine Act, 1936.

Subtitle C—Effective Date

Sec. 221. Effective date.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

Sec. 301. Short title.
Sec. 302. Generalized system of preferences.
Sec. 303. Effective date.
Sec. 304. Conforming amendments.

TITLE IV—REVENUE OFFSETS

Sec. 400. Amendment of 1986 Code.

Subtitle A—Foreign Trust Tax Compliance

Sec. 401. Improved information reporting on foreign trusts.
Sec. 402. Comparable penalties for failure to file return relating to transfers to foreign entities.
Sec. 403. Modifications of rules relating to foreign trusts having one or more United States beneficiaries.
Sec. 404. Foreign persons not to be treated as owners under grantor trust rules.
Sec. 405. Information reporting regarding foreign gifts.
Sec. 406. Modification of rules relating to foreign trusts which are not grantor trusts.
Sec. 407. Residence of trusts, etc.

Subtitle B—International Shipping Income Disclosure

Sec. 411. Penalties for failure to disclose position that certain international shipping income is not includible in gross income.

TITLE I—EXTENSION OF FREE TRADE TO WEST BANK AND GAZA

SEC. 101. ADDITIONAL PROCLAMATION AUTHORITY.

The United States-Israel Free Trade Area Implementation Act of 1985 (19 U.S.C. 2112 note) is amended by adding at the end the following new section:

"SEC. 9. ADDITIONAL PROCLAMATION AUTHORITY.

"(a) ELIMINATION OR MODIFICATIONS OF DUTIES.—The President is authorized to proclaim elimination or modification of any existing duty as the President determines is necessary to exempt any article from duty if—

"(1) that article is wholly the growth, product, or manufacture of the West Bank, the Gaza Strip, or a qualifying industrial zone or is a new or different article of commerce that has been grown, produced, or manufactured in the West Bank, the Gaza Strip, or a qualifying industrial zone;

"(2) that article is imported directly from the West Bank, the Gaza Strip, Israel, or a qualifying industrial zone; and

"(3) the sum of—

"(A) the cost or value of the materials produced in the West Bank, the Gaza Strip, Israel, or a qualifying industrial zone, plus

"(B) the direct costs of processing operations performed in the West Bank, the Gaza Strip, Israel, or a qualifying industrial zone,

is not less than 35 percent of the appraised value of the product at the time it is entered into the United States.

For purposes of determining the 35 percent content requirement contained in paragraph (3), the cost or value of materials which are used in the production of an article in the West Bank, the Gaza Strip, or a qualifying industrial zone, and are the products of the United States, may be counted in an amount up to 15 percent of the appraised value of the article.

"(b) APPLICABILITY OF CERTAIN PROVISIONS OF THE AGREEMENT.—

"(1) NONQUALIFYING OPERATIONS.—No article shall be considered a new or different article of commerce under this section, and no material shall be included for purposes of determining the 35 percent requirement of subsection (a)(3), by virtue of having merely undergone—

"(A) simple combining or packaging operations, or

"(B) mere dilution with water or with another substance that does not materially alter the characteristics of the article or material.

"(2) REQUIREMENTS FOR NEW OR DIFFERENT ARTICLE OF COMMERCE.—For purposes of subsection (a)(1), an article is a 'new or different article of commerce' if it is substantially transformed into an article having a new name, character, or use.

"(3) COST OR VALUE OF MATERIALS.—(A) For purposes of this section, the cost or value of materials produced in the West Bank, the Gaza Strip, or a qualifying industrial zone includes—

"(i) the manufacturer's actual cost for the materials;

"(ii) when not included in the manufacturer's actual cost for the materials, the freight, insurance, packing, and all other costs incurred in transporting the materials to the manufacturer's plant;

"(iii) the actual cost of waste or spoilage, less the value of recoverable scrap; and

"(iv) taxes or duties imposed on the materials by the West Bank, the Gaza Strip, or a qualifying industrial zone, if such taxes or duties are not remitted on exportation.

"(B) If a material is provided to the manufacturer without charge, or at less than fair market value, its cost or value shall be determined by computing the sum of—

"(i) all expenses incurred in the growth, production, or manufacture of the material, including general expenses;

"(ii) an amount for profit; and

"(iii) freight, insurance, packing, and all other costs incurred in transporting the material to the manufacturer's plant.

If the information necessary to compute the cost or value of a material is not available, the Customs Service may ascertain or estimate the value thereof using all reasonable methods.

"(4) DIRECT COSTS OF PROCESSING OPERATIONS.—(A) For purposes of this section, the 'direct costs of processing operations performed in the West Bank, Gaza Strip, or a qualifying industrial zone' with respect to an article are those costs either directly incurred in, or which can be reasonably allocated to, the growth, production, manufacture, or assembly, of that article. Such costs include, but are not limited to, the following to the extent that they are includible in the appraised value of articles imported into the United States:

"(i) All actual labor costs involved in the growth, production, manufacture, or assembly of the article, including fringe benefits, on-the-job training, and costs of engineering, supervisory, quality control, and similar personnel.

"(ii) Dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the article.

"(iii) Research, development, design, engineering, and blueprint costs insofar as they are allocable to the article.

"(iv) Costs of inspecting and testing the article.

"(B) Those items that are not included as direct costs of processing operations with respect to an article are those which are not directly attributable to the article or are not costs of manufacturing the article. Such items include, but are not limited to—

"(i) profit; and

"(ii) general expenses of doing business which are either not allocable to the article or are not related to the growth, production, manufacture, or assembly of the article, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions, or expenses.

"(5) IMPORTED DIRECTLY.—For purposes of this section—

"(A) articles are 'imported directly' if—

"(i) the articles are shipped directly from the West Bank, the Gaza Strip, a qualifying industrial zone, or Israel into the United States without passing through the territory of any intermediate country; or

"(ii) if shipment is through the territory of an intermediate country, the articles in the shipment do not enter into the commerce of any intermediate country and the invoices, bills of lading, and other shipping documents specify the United States as the final destination; or

"(B) if articles are shipped through an intermediate country and the invoices and other documents do not specify the United States as the final destination, then the articles in the shipment, upon arrival in the United States, are imported directly only if they—

"(i) remain under the control of the customs authority in an intermediate country;

"(ii) do not enter into the commerce of an intermediate country except for the purpose of a sale other than at retail, but only if the articles are imported as a result of the original commercial transactions between the importer and the producer or the producer's sales agent; and

"(iii) have not been subjected to operations other than loading, unloading, or other activities necessary to preserve the article in good condition.

"(6) DOCUMENTATION REQUIRED.—An article is eligible for the duty exemption under this section only if—

"(A) the importer certifies that the article meets the conditions for the duty exemption; and

"(B) when requested by the Customs Service, the importer, manufacturer, or exporter submits a declaration setting forth all pertinent information with respect to the article, including the following:

"(i) A description of the article, quantity, numbers, and marks of packages, invoice numbers, and bills of lading.

"(ii) A description of the operations performed in the production of the article in the West Bank, the Gaza Strip, a qualifying industrial zone, or Israel and identification of the direct costs of processing operations.

"(iii) A description of any materials used in production of the article which are wholly the growth, product, or manufacture of the West Bank, the Gaza Strip, a qualifying industrial zone, Israel or United States, and a statement as to the cost or value of such materials.

"(iv) A description of the operations performed on, and a statement as to the origin and cost or value of, any foreign materials used in the article which are claimed to have been sufficiently processed in the West Bank, the Gaza Strip, a qualifying industrial zone, or Israel so as to be materials produced in the West Bank, the Gaza Strip, a qualifying industrial zone, or Israel.

"(v) A description of the origin and cost or value of any foreign materials used in the article which have not been substantially transformed in the West Bank, the Gaza Strip, or a qualifying industrial zone.

"(c) SHIPMENT OF ARTICLES OF ISRAEL THROUGH WEST BANK OR GAZA STRIP.—The President is authorized to proclaim that articles of Israel may be treated as though they were articles directly shipped from Israel for the purposes of the Agreement even if shipped to the United States from the West Bank, the Gaza Strip, or a qualifying industrial zone, if the articles otherwise meet the requirements of the Agreement.

"(d) TREATMENT OF COST OR VALUE OF MATERIALS.—The President is authorized to proclaim that the cost or value of materials produced in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the cost or value of materials produced in Israel under section 1(c)(i) of Annex 3 of the Agreement, and the direct costs of processing operations performed in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the direct costs of processing operations performed in Israel under section 1(c)(ii) of Annex 3 of the Agreement.

"(e) QUALIFYING INDUSTRIAL ZONE DEFINED.—For purposes of this section, a 'qualifying industrial zone' means any area that—

"(1) encompasses portions of the territory of Israel and Jordan or Israel and Egypt;

"(2) has been designated by local authorities as an enclave where merchandise may enter without payment of duty or excise taxes; and

"(3) has been specified by the President as a qualifying industrial zone.".

TITLE II—APPROVAL AND IMPLEMENTATION OF OECD SHIPBUILDING AGREEMENT

Subtitle A—General Provisions

SEC. 201. SHORT TITLE.

This title may be cited as the "OECD Shipbuilding Agreement Act".

SEC. 202. APPROVAL OF THE SHIPBUILDING AGREEMENT.

The Congress approves The Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry (hereafter in this title referred to as the "Shipbuilding Agreement"), a reciprocal trade agreement which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development, and was entered into on December 21, 1994.

SEC. 203. INJURIOUS PRICING AND COUNTERMEASURES RELATING TO SHIPBUILDING.

The Tariff Act of 1930 is amended by adding at the end the following new title:

"TITLE VIII—INJURIOUS PRICING AND COUNTERMEASURES RELATING TO SHIPBUILDING

"Subtitle A—Imposition of Injurious Pricing Charge and Countermeasures

"Sec. 801. Injurious pricing charge.
"Sec. 802. Procedures for initiating an injurious pricing investigation.
"Sec. 803. Preliminary determinations.
"Sec. 804. Termination or suspension of investigation.
"Sec. 805. Final determinations.
"Sec. 806. Imposition and collection of injurious pricing charge.
"Sec. 807. Imposition of countermeasures.
"Sec. 808. Injurious pricing petitions by third countries.

"Subtitle B—Special Rules

"Sec. 821. Export price.
"Sec. 822. Normal value.
"Sec. 823. Currency conversion.

"Subtitle C—Procedures

"Sec. 841. Hearings.
"Sec. 842. Determinations on the basis of the facts available.
"Sec. 843. Access to information.
"Sec. 844. Conduct of investigations.
"Sec. 845. Administrative action following shipbuilding agreement panel reports.

"Subtitle D—Definitions

"Sec. 861. Definitions.

"Subtitle A—Imposition of Injurious Pricing Charge and Countermeasures

"SEC. 801. INJURIOUS PRICING CHARGE.

"(a) BASIS FOR CHARGE.—If—

"(1) the administering authority determines that a foreign vessel has been sold directly or indirectly to one or more United States buyers at less than its fair value, and

"(2) the Commission determines that—

"(A) an industry in the United States—

"(i) is or has been materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is or has been materially retarded,

by reason of the sale of such vessel, then there shall be imposed upon the foreign producer of the subject vessel an injurious pricing charge, in an amount equal to the amount by which the normal value exceeds the export price for the vessel. For purposes of this subsection and section 805(b)(1), a reference to the sale of a foreign vessel includes the creation or transfer of an ownership interest in the vessel, except for an ownership interest created or acquired solely for the purpose of providing security for a normal commercial loan.

"(b) FOREIGN VESSELS NOT MERCHANDISE.—No foreign vessel may be considered to be, or to be part of, a class or kind of merchandise for purposes of subtitle B of title VII.

"SEC. 802. PROCEDURES FOR INITIATING AN INJURIOUS PRICING INVESTIGATION.

"(a) INITIATION BY ADMINISTERING AUTHORITY.—

"(1) GENERAL RULE.—Except in the case in which subsection (d)(6) applies, an injurious pricing investigation shall be initiated whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a charge under section 801(a) exist, and whether a producer described in section 861(17)(C) would meet the criteria of subsection (b)(1)(B) for a petitioner.

"(2) TIME FOR INITIATION BY ADMINISTERING AUTHORITY.—An investigation may only be initiated under paragraph (1) within 6 months after the time the administering authority first knew or should have known of the sale of the vessel. Any period during which an investigation is initiated and pending as described in subsection (d)(6)(A) shall not be included in calculating that 6-month period.

"(b) INITIATION BY PETITION.—

"(1) PETITION REQUIREMENTS.—

"(A) IN GENERAL.—Except in a case in which subsection (d)(6) applies, an injurious pricing proceeding shall be initiated whenever an interested party, as defined in subparagraph (C), (D), (E), or (F) of section 861(17), files a petition with the administering authority, on behalf of an industry, which alleges the elements necessary for the imposition of an injurious pricing charge under section 801(a) and the elements required under subparagraph (B), (C), (D), or (E) of this paragraph, and which is accompanied by information reasonably available to the petitioner supporting those allegations and identifying the transaction concerned.

"(B) PETITIONERS DESCRIBED IN SECTION 861(17)(C).—

"(i) IN GENERAL.—If the petitioner is a producer described in section 861(17)(C), and—

"(I) if the vessel was sold through a broad multiple bid, the petition shall include information indicating that the petitioner was invited to tender a bid on the contract at issue, the petitioner actually did so, and the bid of the petitioner substantially met the delivery date and technical requirements of the bid,

"(II) if the vessel was sold through any bidding process other than a broad multiple bid and the petitioner was invited to tender a bid on the contract at issue, the petition shall include information indicating that the petitioner actually did so and the bid of the petitioner substantially met the delivery date and technical requirements of the bid, or

"(III) except in a case in which the vessel was sold through a broad multiple bid, if there is no invitation to tender a bid, the petition shall include information indicating that the petitioner was capable of building the vessel concerned and, if the petitioner knew or should have known of the proposed purchase, it made demonstrable efforts to conclude a sale with the United States buyer consistent with the delivery date and technical requirements of the buyer.

"(ii) REBUTTABLE PRESUMPTION REGARDING KNOWLEDGE OF PROPOSED PURCHASE.—For purposes of clause (i)(III), there is a rebuttable presumption that the petitioner knew or should have known of the proposed purchase if it is demonstrated that—

"(I) the majority of the producers in the industry have made efforts with the United States buyer to conclude a sale of the subject vessel, or

"(II) general information on the sale was available from brokers, financiers, classification societies, charterers, trade associations, or other entities normally involved in shipbuilding transactions with whom the petitioner had regular contacts or dealings.

"(C) PETITIONERS DESCRIBED IN SECTION 861(17)(D).—If the petitioner is an interested party described in section 861(17)(D), the petition shall include information indicating that members of the union or group of workers described in that section are employed by a producer that meets the requirements of subparagraph (B) of this paragraph.

"(D) PETITIONERS DESCRIBED IN SECTION 861(17)(E).—If the petitioner is an interested party described in section 861(17)(E), the petition shall include information indicating that a member of the association described in that section is a producer that meets the requirements of subparagraph (B) of this paragraph.

"(E) PETITIONERS DESCRIBED IN SECTION 861(17)(F).—If the petitioner is an interested party described in section 861(17)(F), the petition shall include information indicating that a member of the association described in that section meets the requirements of subparagraph (C) or (D) of this paragraph.

"(F) AMENDMENTS.—The petition may be amended at such time, and upon such conditions, as the administering authority and the Commission may permit.

"(2) SIMULTANEOUS FILING WITH COMMISSION.—The petitioner shall file a copy of the petition with the Commission on the same day as it is filed with the administering authority.

"(3) DEADLINE FOR FILING PETITION.—

"(A) DEADLINE.—(i) A petitioner to which paragraph (1)(B)(i) (I) or (II) applies shall file the petition no later than the earlier of—

"(I) 6 months after the time that the petitioner first knew or should have known of the sale of the subject vessel, or

"(II) 6 months after delivery of the subject vessel.

"(ii) A petitioner to which paragraph (1)(B)(i)(III) applies shall—

"(I) file the petition no later than the earlier of 9 months after the time that the petitioner first knew or should have known of the sale of the subject vessel, or 6 months after delivery of the subject vessel, and

"(II) submit to the administering authority a notice of intent to file a petition no later than 6 months after the time that the petitioner first knew or should have known of the sale (unless the petition itself is filed within that 6-month period).

"(B) PRESUMPTION OF KNOWLEDGE.—For purposes of this paragraph, if the existence of the sale, together with general information concerning the vessel, is published in the international trade press, there is a rebuttable presumption that the petitioner knew or should have known of the sale of the vessel from the date of that publication.

"(c) ACTIONS BEFORE INITIATING INVESTIGATIONS.—

"(1) NOTIFICATION OF GOVERNMENTS.—Before initiating an investigation under either subsection (a) or (b), the administering authority shall notify the government of the exporting country of the investigation. In the case of the initiation of an investigation under subsection (b), such notification shall include a public version of the petition.

"(2) ACCEPTANCE OF COMMUNICATIONS.—The administering authority shall not accept any unsolicited oral or written communication from any person other than an interested party described in section 861(17) (C), (D), (E), or (F) before the administering authority makes its decision whether to initiate an investigation pursuant to a petition, except for inquiries regarding the status of the administering authority's consideration of the petition or a request for consultation by the government of the exporting country.

"(3) NONDISCLOSURE OF CERTAIN INFORMATION.—The administering authority and the Commission shall not disclose information with regard to any draft petition submitted for review and comment before it is filed under subsection (b)(1).

"(d) PETITION DETERMINATION.—

"(1) TIME FOR INITIAL DETERMINATION.—

"(A) IN GENERAL.—Within 45 days after the date on which a petition is filed under subsection (b), the administering authority shall, after examining, on the basis of sources readily available to the administering authority, the accuracy and adequacy of the evidence provided in the petition, determine whether the petition—

"(i) alleges the elements necessary for the imposition of an injurious pricing charge under section 801(a) and the elements required under subsection (b)(1) (B), (C), (D), or (E), and contains information reasonably available to the petitioner supporting the allegations; and

"(ii) determine if the petition has been filed by or on behalf of the industry.

"(B) CALCULATION OF 45-DAY PERIOD.—Any period in which paragraph (6)(A) applies shall not be included in calculating the 45-day period described in subparagraph (A).

"(2) AFFIRMATIVE DETERMINATIONS.—If the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, the administering authority shall initiate an investigation to determine whether the vessel was sold at less than fair value, unless paragraph (6) applies.

"(3) NEGATIVE DETERMINATIONS.—If—

"(A) the determination under clause (i) or (ii) of paragraph (1)(A) is negative, or

"(B) paragraph (6)(B) applies,

the administering authority shall dismiss the petition, terminate the proceeding, and notify the petitioner in writing of the reasons for the determination.

"(4) DETERMINATION OF INDUSTRY SUPPORT.—

"(A) GENERAL RULE.—For purposes of this subsection, the administering authority shall determine that the petition has been filed by or on behalf of the domestic industry, if—

"(i) the domestic producers or workers who support the petition collectively account for at least 25 percent of the total capacity of domestic producers capable of producing a like vessel, and

"(ii) the domestic producers or workers who support the petition collectively account for more than 50 percent of the total capacity to produce a like vessel of that portion of the domestic industry expressing support for or opposition to the petition.

"(B) CERTAIN POSITIONS DISREGARDED.—In determining industry support under subparagraph (A), the administering authority shall disregard the position of domestic producers who oppose the petition, if such producers are related to the foreign producer or United States buyer of the subject vessel, or the domestic producer is itself the United States buyer, unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an injurious pricing charge.

"(C) POLLING THE INDUSTRY.—If the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total capacity to produce a like vessel—

"(i) the administering authority shall poll the industry or rely on other information in order to determine if there is support for the petition as required by subparagraph (A), or

"(ii) if there is a large number of producers in the industry, the administering authority may determine industry support for the petition by using any statistically valid sampling method to poll the industry.

"(D) COMMENTS BY INTERESTED PARTIES.—Before the administering authority makes a determination with respect to initiating an investigation, any person who would qualify as an interested party under section 861(17) if an investigation were initiated, may submit comments or information on the issue of industry support. After the administering authority makes a determination with respect to initiating an investigation, the determination regarding industry support shall not be reconsidered.

"(5) DEFINITION OF DOMESTIC PRODUCERS OR WORKERS.—For purposes of this subsection, the term 'domestic producers or workers' means interested parties as defined in section 861(17) (C), (D), (E), or (F).

"(6) PROCEEDINGS BY WTO MEMBERS.—The administering authority shall not initiate an investigation under this section if, with respect to the vessel sale at issue, an antidumping proceeding conducted by a WTO member who is not a Shipbuilding Agreement Party—

"(A) has been initiated and has been pending for not more than one year, or

"(B) has been completed and resulted in the imposition of antidumping measures or a negative determination with respect to whether the sale was at less than fair value or with respect to injury.

"(e) NOTIFICATION TO COMMISSION OF DETERMINATION.—The administering authority shall—

"(1) notify the Commission immediately of any determination it makes under subsection (a) or (d), and

"(2) if the determination is affirmative, make available to the Commission such information as it may have relating to the matter under investigation, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

"SEC. 803. PRELIMINARY DETERMINATIONS.

"(a) DETERMINATION BY COMMISSION OF REASONABLE INDICATION OF INJURY.—

"(1) GENERAL RULE.—Except in the case of a petition dismissed by the administering authority under section 802(d)(3), the Commission, within the time specified in paragraph (2), shall determine, based on the information available to it at the time of the determination, whether there is a reasonable indication that—

“(A) an industry in the United States—

“(i) is or has been materially injured, or

“(ii) is threatened with material injury, or

“(B) the establishment of an industry in the United States is or has been materially retarded,

by reason of the sale of the subject vessel. If the Commission makes a negative determination under this paragraph, the investigation shall be terminated.

“(2) TIME FOR COMMISSION DETERMINATION.—The Commission shall make the determination described in paragraph (1) within 90 days after the date on which the petition is filed or, in the case of an investigation initiated under section 802(a), within 90 days after the date on which the Commission receives notice from the administering authority that the investigation has been initiated under such section.

“(b) PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—

“(1) PERIOD OF INJURIOUS PRICING INVESTIGATION.—

“(A) IN GENERAL.—The administering authority shall make a determination, based upon the information available to it at the time of the determination, of whether there is a reasonable basis to believe or suspect that the subject vessel was sold at less than fair value.

“(B) COST DATA USED FOR NORMAL VALUE.—If cost data is required to determine normal value on the basis of a sale of a foreign like vessel that has not been delivered on or before the date on which the administering authority initiates the investigation, the administering authority shall make its determination within 160 days after the date of delivery of the foreign like vessel.

“(C) NORMAL VALUE BASED ON CONSTRUCTED VALUE.—If normal value is to be determined on the basis of constructed value, the administering authority shall make its determination within 160 days after the date of delivery of the subject vessel.

“(D) OTHER CASES.—In cases in which subparagraph (B) or (C) does not apply, the administering authority shall make its determination within 160 days after the date on which the administering authority initiates the investigation under section 802.

“(E) AFFIRMATIVE DETERMINATION BY COMMISSION REQUIRED.—In no event shall the administering authority make its determination before an affirmative determination is made by the Commission under subsection (a).

“(2) DE MINIMIS INJURIOUS PRICING MARGIN.—In making a determination under this subsection, the administering authority shall disregard any injurious pricing margin that is de minimis. For purposes of the preceding sentence, an injurious pricing margin is de minimis if the administering authority determines that the injurious pricing margin is less than 2 percent of the export price.

“(c) EXTENSION OF PERIOD IN EXTRAORDINARILY COMPLICATED CASES OR FOR GOOD CAUSE.—

“(1) IN GENERAL.—If—

“(A) the administering authority concludes that the parties concerned are cooperating and determines that—

“(i) the case is extraordinarily complicated by reason of—

“(I) the novelty of the issues presented, or

“(II) the nature and extent of the information required, and

“(ii) additional time is necessary to make the preliminary determination, or

“(B) a party to the investigation requests an extension and demonstrates good cause for the extension,

then the administering authority may postpone the time for making its preliminary determination.

“(2) LENGTH OF POSTPONEMENT.—The preliminary determination may be postponed under paragraph (1)(A) or (B) until not later than the 190th day after—

“(A) the date of delivery of the foreign like vessel, if subsection (b)(1)(B) applies,

“(B) the date of delivery of the subject vessel, if subsection (b)(1)(C) applies, or

“(C) the date on which the administering authority initiates an investigation under section 802, in a case in which subsection (b)(1)(D) applies.

“(3) NOTICE OF POSTPONEMENT.—The administering authority shall notify the parties to the investigation, not later than 20 days before the date on which the preliminary determination would otherwise be required under subsection (b)(1), if it intends to postpone making the preliminary determination under paragraph (1). The notification shall include an explanation of the reasons for the postponement, and notice of the postponement shall be published in the Federal Register.

“(d) EFFECT OF DETERMINATION BY THE ADMINISTERING AUTHORITY.—If the preliminary determination of the administering authority under subsection (b) is affirmative, the administering authority shall—

“(1) determine an estimated injurious pricing margin, and

“(2) make available to the Commission all information upon which its determination was based and which the Commission considers relevant to its injury determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

“(e) NOTICE OF DETERMINATION.—Whenever the Commission or the administering authority makes a determination under this section, the Commission or the administering authority, as the case may be, shall notify the petitioner, and other parties to the investigation, and the Commission or the administering authority (whichever is appropriate) of its determination. The administering authority shall include with such notification the facts and conclusions on which its determination is based. Not later than 5 days after the date on which the determination is required to be made under subsection (a)(2), the Commission shall transmit to the administering authority the facts and conclusions on which its determination is based.

“SEC. 804. TERMINATION OR SUSPENSION OF INVESTIGATION.

“(a) TERMINATION OF INVESTIGATION UPON WITHDRAWAL OF PETITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an investigation under this subtitle may be terminated by either the administering authority or the Commission, after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner.

“(2) LIMITATION ON TERMINATION BY COMMISSION.—The Commission may not terminate an investigation under paragraph (1) before a preliminary determination is made by the administering authority under section 803(b).

“(b) TERMINATION OF INVESTIGATIONS INITIATED BY ADMINISTERING AUTHORITY.—The administering authority may terminate any investigation initiated by the administering authority under section 802(a) after providing notice of such termination to all parties to the investigation.

“(c) ALTERNATE EQUIVALENT REMEDY.—The criteria set forth in subparagraphs (A) through (D) of section 806(e)(1) shall apply to any agreement that forms the basis for termination of an investigation under subsection (a) or (b).

“(d) PROCEEDINGS BY WTO MEMBERS.—

“(1) SUSPENSION OF INVESTIGATION.—The administering authority and the Commission shall suspend an investigation under this section if a WTO member that is not a Shipbuilding Agreement Party initiates an antidumping proceeding described in section 861(30)(A) with respect to the sale of the subject vessel.

“(2) TERMINATION OF INVESTIGATION.—If an antidumping proceeding described in paragraph (1) is concluded by—

“(A) the imposition of antidumping measures, or

“(B) a negative determination with respect to whether the sale is at less than fair value or with respect to injury,

the administering authority and the Commission shall terminate the investigation under this section.

“(3) CONTINUATION OF INVESTIGATION.—(A) If such a proceeding—

“(i) is concluded by a result other than a result described in paragraph (2), or

“(ii) is not concluded within one year from the date of the initiation of the proceeding,

then the administering authority and the Commission shall terminate the suspension and continue the investigation. The period in which the investigation was suspended shall not be included in calculating deadlines applicable with respect to the investigation.

“(B) Notwithstanding subparagraph (A)(ii), if the proceeding is concluded by a result described in paragraph (2)(A), the administering authority and the Commission shall terminate the investigation under this section.

“SEC. 805. FINAL DETERMINATIONS.

“(a) DETERMINATIONS BY ADMINISTERING AUTHORITY.—

“(1) IN GENERAL.—Within 75 days after the date of its preliminary determination under section 803(b), the administering authority shall make a final determination of whether the vessel which is the subject of the investigation has been sold in the United States at less than its fair value.

“(2) EXTENSION OF PERIOD FOR DETERMINATION.—

“(A) GENERAL RULE.—The administering authority may postpone making the final determination under paragraph (1) until not later than 290 days after—

“(i) the date of delivery of the foreign like vessel, in an investigation to which section 803(b)(1)(B) applies,

“(ii) the date of delivery of the subject vessel, in an investigation to which section 803(b)(1)(C) applies, or

“(iii) the date on which the administering authority initiates the investigation under section 802, in an investigation to which section 803(b)(1)(D) applies.

“(B) REQUEST REQUIRED.—The administering authority may apply subparagraph (A) if a request in writing is made by—

“(i) the producer of the subject vessel, in a proceeding in which the preliminary determination by the administering authority under section 803(b) was affirmative, or

“(ii) the petitioner, in a proceeding in which the preliminary determination by the administering authority under section 803(b) was negative.

“(3) DE MINIMIS INJURIOUS PRICING MARGIN.—In making a determination under this subsection, the administering authority shall disregard any injurious pricing margin that is de minimis as defined in section 803(b)(2).

“(b) FINAL DETERMINATION BY COMMISSION.—

“(1) IN GENERAL.—The Commission shall make a final determination of whether—

“(A) an industry in the United States—

“(i) is or has been materially injured, or

“(ii) is threatened with material injury, or

“(B) the establishment of an industry in the United States is or has been materially retarded, *by reason of the sale of the vessel with respect to which the administering authority has made an affirmative determination under subsection (a)(1).*

‘‘(2) PERIOD FOR INJURY DETERMINATION FOLLOWING AFFIRMATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 803(b) is affirmative, then the Commission shall make the determination required by paragraph (1) before the later of—

‘‘(A) the 120th day after the day on which the administering authority makes its affirmative preliminary determination under section 803(b), or

‘‘(B) the 45th day after the day on which the administering authority makes its affirmative final determination under subsection (a).

‘‘(3) PERIOD FOR INJURY DETERMINATION FOLLOWING NEGATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 803(b) is negative, and its final determination under subsection (a) is affirmative, then the final determination by the Commission under this subsection shall be made within 75 days after the date of that affirmative final determination.

‘‘(c) EFFECT OF FINAL DETERMINATIONS.—

‘‘(1) EFFECT OF AFFIRMATIVE DETERMINATION BY THE ADMINISTERING AUTHORITY.—If the determination of the administering authority under subsection (a) is affirmative, then the administering authority shall—

‘‘(A) make available to the Commission all information upon which such determination was based and which the Commission considers relevant to its determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information as to which confidential treatment has been given by the administering authority, and

‘‘(B) calculate an injurious pricing charge in an amount equal to the amount by which the normal value exceeds the export price of the subject vessel.

‘‘(2) ISSUANCE OF ORDER; EFFECT OF NEGATIVE DETERMINATION.—If the determinations of the administering authority and the Commission under subsections (a)(1) and (b)(1) are affirmative, then the administering authority shall issue an injurious pricing order under section 806. If either of such determinations is negative, the investigation shall be terminated upon the publication of notice of that negative determination.

‘‘(d) PUBLICATION OF NOTICE OF DETERMINATIONS.—Whenever the administering authority or the Commission makes a determination under this section, it shall notify the petitioner, other parties to the investigation, and the other agency of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the Federal Register.

‘‘(e) CORRECTION OF MINISTERIAL ERRORS.—The administering authority shall establish procedures for the correction of ministerial errors in final determinations within a reasonable time after the determinations are issued under this section. Such procedures shall ensure opportunity for interested parties to present their views regarding any such errors. As used in this subsection, the term ‘ministerial error’ includes errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.

“SEC. 806. IMPOSITION AND COLLECTION OF INJURIOUS PRICING CHARGE.

‘‘(a) IN GENERAL.—Within 7 days after being notified by the Commission of an affirmative determination under section 805(b), the administering authority shall publish an order imposing an injurious pricing charge on the foreign producer of the subject vessel which—

‘‘(1) directs the foreign producer of the subject vessel to pay to the Secretary of the Treasury, or the designee of the Secretary, within 180 days from the date of publication of the order, an injurious pricing charge in an amount equal to the amount by which the normal value exceeds the export price of the subject vessel,

‘‘(2) includes the identity and location of the foreign producer and a description of the subject vessel, in such detail as the administering authority deems necessary, and

‘‘(3) informs the foreign producer that—

‘‘(A) failure to pay the injurious pricing charge in a timely fashion may result in the imposition of countermeasures with respect to that producer under section 807,

‘‘(B) payment made after the deadline described in paragraph (1) shall be subject to interest charges at the Commercial Interest Reference Rate (CIRR), and

‘‘(C) the foreign producer may request an extension of the due date for payment under subsection (b).

‘‘(b) EXTENSION OF DUE DATE FOR PAYMENT IN EXTRAORDINARY CIRCUMSTANCES.—

‘‘(1) EXTENSION.—Upon request, the administering authority may amend the order under subsection (a) to set a due date for payment or payments later than the date that is 180 days from the date of publication of the order, if the administering authority determines that full payment in 180 days would render the producer insolvent or would be incompatible with a judicially supervised reorganization. When an extended payment schedule provides for a series of partial payments, the administering authority shall specify the circumstances under which default on one or more payments will result in the imposition of countermeasures.

‘‘(2) INTEREST CHARGES.—If a request is granted under paragraph (1), payments made after the date that is 180 days from the publication of the order shall be subject to interest charges at the CIRR.

‘‘(c) NOTIFICATION OF ORDER.—The administering authority shall deliver a copy of the order requesting payment to the foreign producer of the subject vessel and to an appropriate representative of the government of the exporting country.

‘‘(d) REVOCATION OF ORDER.—The administering authority—

‘‘(1) may revoke an injurious pricing order if the administering authority determines that producers accounting for substantially all of the capacity to produce a domestic like vessel have expressed a lack of interest in the order, and

‘‘(2) shall revoke an injurious pricing order—

‘‘(A) if the sale of the vessel that was the subject of the injurious pricing determination is voided,

‘‘(B) if the injurious pricing charge is paid in full, including any interest accrued for late payment,

‘‘(C) upon full implementation of an alternative equivalent remedy described in subsection (e), or

‘‘(D) if, with respect to the vessel sale that was at issue in the investigation that resulted in the injurious pricing order, an antidumping proceeding conducted by a WTO member who is not a Shipbuilding Agreement Party has been completed and resulted in the imposition of antidumping measures.

‘‘(e) ALTERNATIVE EQUIVALENT REMEDY.—

‘‘(1) AGREEMENT FOR ALTERNATE REMEDY.—The administering authority may suspend an injurious pricing order if the administering authority enters into an agreement with the foreign producer subject to the order on an alternative equivalent remedy, that the administering authority determines—

‘‘(A) is at least as effective a remedy as the injurious pricing charge,

‘‘(B) is in the public interest,

‘‘(C) can be effectively monitored and enforced, and

‘‘(D) is otherwise consistent with the domestic law and international obligations of the United States.

‘‘(2) PRIOR CONSULTATIONS AND SUBMISSION OF COMMENTS.—Before entering into an agreement under paragraph (1), the administering authority shall consult with the industry, and provide for the submission of comments by interested parties, with respect to the agreement.

‘‘(3) MATERIAL VIOLATIONS OF AGREEMENT.—If the injurious pricing order has been suspended under paragraph (1), and the administering authority determines that the foreign producer concerned has materially violated the terms of the agreement under paragraph (1), the administering authority shall terminate the suspension.

“SEC. 807. IMPOSITION OF COUNTERMEASURES.

‘‘(a) GENERAL RULE.—

‘‘(1) ISSUANCE OF ORDER IMPOSING COUNTERMEASURES.—Unless an injurious pricing order is revoked or suspended under section 806 (d) or (e), the administering authority shall issue an order imposing countermeasures.

‘‘(2) CONTENTS OF ORDER.—The countermeasure order shall—

‘‘(A) state that, as provided in section 468, a permit to lade or unlade passengers or merchandise may not be issued with respect to vessels contracted to be built by the foreign producer of the vessel with respect to which an injurious pricing order was issued under section 806, and

‘‘(B) specify the scope and duration of the prohibition on the issuance of a permit to lade or unlade passengers or merchandise.

‘‘(b) NOTICE OF INTENT TO IMPOSE COUNTERMEASURES.—

‘‘(1) GENERAL RULE.—The administering authority shall issue a notice of intent to impose countermeasures not later than 30 days before the expiration of the time for payment specified in the injurious pricing order (or extended payment provided for under section 806(b)), and shall publish the notice in the Federal Register within 7 days after issuing the notice.

‘‘(2) ELEMENTS OF THE NOTICE OF INTENT.—The notice of intent shall contain at least the following elements:

‘‘(A) SCOPE.—A permit to lade or unlade passengers or merchandise may not be issued with respect to any vessel—

‘‘(i) built by the foreign producer subject to the proposed countermeasures, and

‘‘(ii) with respect to which the material terms of sale are established within a period of 4 consecutive years beginning on the date that is 30 days after publication in the Federal Register of the notice of intent described in paragraph (1).

‘‘(B) DURATION.—For each vessel described in subparagraph (A), a permit to lade or unlade passengers or merchandise may not be issued for a period of 4 years after the date of delivery of the vessel.

‘‘(c) DETERMINATION TO IMPOSE COUNTERMEASURES; ORDER.—

‘‘(1) GENERAL RULE.—The administering authority shall, within the time specified in paragraph (2), issue a determination and order imposing countermeasures.

‘‘(2) TIME FOR DETERMINATION.—The determination shall be issued within 90 days after the date on which the notice of intent to impose countermeasures under subsection (b) is published in the Federal Register. The administering authority shall publish the determination, and the order described in paragraph (4), in the Federal Register within 7 days after issuing the

final determination, and shall provide a copy of the determination and order to the Customs Service.

"(3) CONTENT OF THE DETERMINATION.—In the determination imposing countermeasures, the administering authority shall determine whether, in light of all of the circumstances, an interested party has demonstrated that the scope or duration of the countermeasures described in subsection (b)(2) should be narrower or shorter than the scope or duration set forth in the notice of intent to impose countermeasures.

"(4) ORDER.—At the same time it issues its determination, the administering authority shall issue an order imposing countermeasures, consistent with its determination under paragraph (1).

"(d) ADMINISTRATIVE REVIEW OF DETERMINATION TO IMPOSE COUNTERMEASURES.—

"(1) REQUEST FOR REVIEW.—Each year, in the anniversary month of the issuance of the order imposing countermeasures under subsection (c), the administering authority shall publish in the Federal Register a notice providing that interested parties may request—

"(A) a review of the scope or duration of the countermeasures determined under subsection (c)(3), and

"(B) a hearing in connection with such a review.

"(2) REVIEW.—If a proper request has been received under paragraph (1), the administering authority shall—

"(A) publish notice of initiation of a review in the Federal Register not later than 15 days after the end of the anniversary month of the issuance of the order imposing countermeasures, and

"(B) review and determine whether the requesting party has demonstrated that the scope or duration of the countermeasures is excessive in light of all of the circumstances.

"(3) TIME FOR REVIEW.—The administering authority shall make its determination under paragraph (2)(B) within 90 days after the date on which the notice of initiation of the review is published. If the determination under paragraph (2)(B) is affirmative, the administering authority shall amend the order accordingly. The administering authority shall promptly publish the determination and any amendment to the order in the Federal Register, and shall provide a copy of any amended order to the Customs Service. In extraordinary circumstances, the administering authority may extend the time for its determination under paragraph (2)(B) to not later than 150 days after the date on which the notice of initiation of the review is published.

"(e) EXTENSION OF COUNTERMEASURES.—

"(1) REQUEST FOR EXTENSION.—Within the time described in paragraph (2), an interested party may file with the administering authority a request that the scope or duration of countermeasures be extended.

"(2) DEADLINE FOR REQUEST FOR EXTENSION.—

"(A) REQUEST FOR EXTENSION BEYOND 4 YEARS.—If the request seeks an extension that would cause the scope or duration of countermeasures to exceed 4 years, including any prior extensions, the request for extension under paragraph (1) shall be filed not earlier than the date that is 15 months, and not later than the date that is 12 months, before the date that marks the end of the period that specifies the vessels that fall within the scope of the order by virtue of the establishment of material terms of sale within that period.

"(B) OTHER REQUESTS.—If the request seeks an extension under paragraph (1) other than one described in subparagraph (A), the request shall be filed not earlier than the date that is 6 months, and not later than a date that is 3 months, before the date that marks the end of the period referred to in subparagraph (A).

"(3) DETERMINATION.—

"(A) NOTICE OF REQUEST FOR EXTENSION.—If a proper request has been received under paragraph (1), the administering authority shall publish notice of initiation of an extension proceeding in the Federal Register not later than 15 days after the applicable deadline in paragraph (2) for requesting the extension.

"(B) PROCEDURES.—

"(i) REQUESTS FOR EXTENSION BEYOND 4 YEARS.—If paragraph (2)(A) applies to the request, the administering authority shall consult with the Trade Representative under paragraph (4).

"(ii) OTHER REQUESTS.—If paragraph (2)(B) applies to the request, the administering authority shall determine, within 90 days after the date on which the notice of initiation of the proceeding is published, whether the requesting party has demonstrated that the scope or duration of the countermeasures is inadequate in light of all of the circumstances. If the administering authority determines that an extension is warranted, it shall amend the countermeasure order accordingly. The administering authority shall promptly publish the determination and any amendment to the order in the Federal Register, and shall provide a copy of any amended order to the Customs Service.

"(4) CONSULTATION WITH TRADE REPRESENTATIVE.—If paragraph (3)(B)(i) applies, the administering authority shall consult with the Trade Representative concerning whether it would be appropriate to request establishment of a dispute settlement panel under the Shipbuilding Agreement for the purpose of seeking authorization to extend the scope or duration of countermeasures for a period in excess of 4 years.

"(5) DECISION NOT TO REQUEST PANEL.—If, based on consultations under paragraph (4), the Trade Representative decides not to request establishment of a panel, the Trade Representative shall inform the party requesting the extension of the countermeasures of the reasons for its decision in writing. The decision shall not be subject to judicial review.

"(6) PANEL PROCEEDINGS.—If, based on consultations under paragraph (4), the Trade Representative requests the establishment of a panel under the Shipbuilding Agreement to authorize an extension of the period of countermeasures, and the panel authorizes such an extension, the administering authority shall promptly amend the countermeasure order. The administering authority shall publish notice of the amendment in the Federal Register.

"(f) LIST OF VESSELS SUBJECT TO COUNTERMEASURES.—

"(1) GENERAL RULE.—At least once during each 12-month period beginning on the anniversary date of a determination to impose countermeasures under this section, the administering authority shall publish in the Federal Register a list of all delivered vessels subject to countermeasures under the determination.

"(2) CONTENT OF LIST.—The list under paragraph (1) shall include the following information for each vessel, to the extent the information is available:

"(A) The name and general description of the vessel.

"(B) The vessel identification number.

"(C) The shipyard where the vessel was constructed.

"(D) The last-known registry of the vessel.

"(E) The name and address of the last-known owner of the vessel.

"(F) The delivery date of the vessel.

"(G) The remaining duration of countermeasures on the vessel.

"(H) Any other identifying information available.

"(3) AMENDMENT OF LIST.—The administering authority may amend the list from time to time to reflect new information that comes to its attention and shall publish any amendments in the Federal Register.

"(4) SERVICE OF LIST AND AMENDMENTS.—

"(A) SERVICE OF LIST.—The administering authority shall serve a copy of the list described in paragraph (1) on—

"(i) the petitioner under section 802(b),

"(ii) the United States Customs Service,

"(iii) the Secretariat of the Organization for Economic Cooperation and Development,

"(iv) the owners of vessels on the list,

"(v) the shipyards on the list, and

"(vi) the government of the country in which a shipyard on the list is located.

"(B) SERVICE OF AMENDMENTS.—The administering authority shall serve a copy of any amendments to the list under paragraph (3) or subsection (g)(3) on—

"(i) the parties listed in clauses (i), (ii), and (iii) of subparagraph (A), and

"(ii) if the amendment affects their interests, the parties listed in clauses (iv), (v), and (vi) of subparagraph (A).

"(g) ADMINISTRATIVE REVIEW OF LIST OF VESSELS SUBJECT TO COUNTERMEASURES.—

"(1) REQUEST FOR REVIEW.—

"(A) IN GENERAL.—An interested party may request in writing a review of the list described in subsection (f)(1), including any amendments thereto, to determine whether—

"(i) a vessel included in the list does not fall within the scope of the applicable countermeasure order and should be deleted, or

"(ii) a vessel not included in the list falls within the scope of the applicable countermeasure order and should be added.

"(B) TIME FOR MAKING REQUEST.—Any request seeking a determination described in subparagraph (A)(i) shall be made within 90 days after the date of publication of the applicable list.

"(2) REVIEW.—If a proper request for review has been received, the administering authority shall—

"(A) publish notice of initiation of a review in the Federal Register—

"(i) not later than 15 days after the request is received, or

"(ii) if the request seeks a determination described in paragraph (1)(A)(i), not later than 15 days after the deadline described in paragraph (1)(B), and

"(B) review and determine whether the requesting party has demonstrated that—

"(i) a vessel included in the list does not qualify for such inclusion, or

"(ii) a vessel not included in the list qualifies for inclusion.

"(3) TIME FOR DETERMINATION.—The administering authority shall make its determination under paragraph (2)(B) within 90 days after the date on which the notice of initiation of such review is published. If the administering authority determines that a vessel should be added or deleted from the list, the administering authority shall amend the list accordingly. The administering authority shall promptly publish in the Federal Register the determination and any such amendment to the list.

"(h) EXPIRATION OF COUNTERMEASURES.—Upon expiration of a countermeasure order imposed under this section, the administering authority shall promptly publish a notice of the expiration in the Federal Register.

"(i) SUSPENSION OR TERMINATION OF PROCEEDINGS OR COUNTERMEASURES; TEMPORARY REDUCTION OF COUNTERMEASURES.—

"(1) IF INJURIOUS PRICING ORDER REVOKED OR SUSPENDED.—If an injurious pricing order has been revoked or suspended under section 806(d) or (e), the administering authority shall, as appropriate, suspend or terminate proceedings under this section with respect to that order, or

suspend or revoke a countermeasure order issued with respect to that injurious pricing order.

"(2) IF PAYMENT DATE AMENDED.—

"(A) SUSPENSION OR MODIFICATION OF DEADLINE.—Subject to subparagraph (C), if the payment date under an injurious pricing order is amended under section 845, the administering authority shall, as appropriate, suspend proceedings or modify deadlines under this section, or suspend or amend a countermeasure order issued with respect to that injurious pricing order.

"(B) DATE FOR APPLICATION OF COUNTERMEASURE.—In taking action under subparagraph (A), the administering authority shall ensure that countermeasures are not applied before the date that is 30 days after publication in the Federal Register of the amended payment date.

"(C) REINSTITUTION OF PROCEEDINGS.—If—

"(i) a countermeasure order is issued under subsection (c) before an amendment is made under section 845 to the payment date of the injurious pricing order to which the countermeasure order applies, and

"(ii) the administering authority determines that the period of time between the original payment date and the amended payment date is significant for purposes of determining the appropriate scope or duration of countermeasures,

the administering authority may, in lieu of acting under subparagraph (A), reinstitute proceedings under subsection (c) for purposes of issuing a new determination under that subsection.

"(j) COMMENT AND HEARING.—In the course of any proceeding under subsection (c), (d), (e), or (g), the administering authority—

"(1) shall solicit comments from interested parties, and

"(2)(A) in a proceeding under subsection (c), (d), or (e), upon the request of an interested party, shall hold a hearing in accordance with section 841(b) in connection with that proceeding, or

"(B) in a proceeding under subsection (g), upon the request of an interested party, may hold a hearing in accordance with section 841(b) in connection with that proceeding.

"SEC. 808. INJURIOUS PRICING PETITIONS BY THIRD COUNTRIES.

"(a) FILING OF PETITION.—The government of a Shipbuilding Agreement Party may file with the Trade Representative a petition requesting that an investigation be conducted to determine if—

"(1) a vessel from another Shipbuilding Agreement Party has been sold directly or indirectly to one or more United States buyers at less than fair value, and

"(2) an industry, in the petitioning country, producing or capable of producing a like vessel is materially injured by reason of such sale.

"(b) INITIATION.—The Trade Representative, after consultation with the administering authority and the Commission and obtaining the approval of the Parties Group under the Shipbuilding Agreement, shall determine whether to initiate an investigation described in subsection (a).

"(c) DETERMINATIONS.—Upon initiation of an investigation under subsection (a), the Trade Representative shall request the following determinations be made in accordance with substantive and procedural requirements specified by the Trade Representative, notwithstanding any other provision of this title:

"(1) SALE AT LESS THAN FAIR VALUE.—The administering authority shall determine whether the subject vessel has been sold at less than fair value.

"(2) INJURY TO INDUSTRY.—The Commission shall determine whether an industry in the petitioning country is or has been materially injured by reason of the sale of the subject vessel in the United States.

"(d) PUBLIC COMMENT.—An opportunity for public comment shall be provided, as appropriate—

"(1) by the Trade Representative, in making the determinations required by subsection (b), and

"(2) by the administering authority and the Commission, in making the determinations required by subsection (c).

"(e) ISSUANCE OF ORDER.—If the administering authority makes an affirmative determination under paragraph (1) of subsection (c), and the Commission makes an affirmative determination under paragraph (2) of subsection (c), the administering authority shall—

"(1) order an injurious pricing charge in accordance with section 806, and

"(2) make such determinations and take such other actions as are required by sections 806 and 807, as if affirmative determinations had been made under subsections (a) and (b) of section 805.

"(f) REVIEWS OF DETERMINATIONS.—For purposes of review under section 516B, if an order is issued under subsection (e)—

"(1) the final determinations of the administering authority and the Commission under subsection (c) shall be treated as final determinations made under section 805, and

"(2) determinations of the administering authority under subsection (e)(2) shall be treated as determinations made under section 806 or 807, as the case may be.

"(g) ACCESS TO INFORMATION.—Section 843 shall apply to investigations under this section, to the extent specified by the Trade Representative, after consultation with the administering authority and the Commission.

"Subtitle B—Special Rules

"SEC. 821. EXPORT PRICE.

"(a) EXPORT PRICE.—For purposes of this title, the term 'export price' means the price at which the subject vessel is first sold (or agreed to be sold) by or for the account of the foreign producer of the subject vessel to an unaffiliated United States buyer. The term 'sold (or agreed to be sold) by or for the account of the foreign producer' includes any transfer of an ownership interest, including by way of lease or long-term bareboat charter, in conjunction with the original transfer from the producer, either directly or indirectly, to a United States buyer.

"(b) ADJUSTMENTS TO EXPORT PRICE.—The price used to establish export price shall be—

"(1) increased by the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject vessel, and

"(2) reduced by—

"(A) the amount, if any, included in such price, attributable to any additional costs, charges, or expenses which are incident to bringing the subject vessel from the shipyard in the exporting country to the place of delivery,

"(B) the amount, if included in such price, of any export tax, duty, or other charge imposed by the exporting country on the exportation of the subject vessel, and

"(C) all other expenses incidental to placing the vessel in condition for delivery to the buyer.

"SEC. 822. NORMAL VALUE.

"(a) DETERMINATION.—In determining under this title whether a subject vessel has been sold at less than fair value, a fair comparison shall be made between the export price and normal value of the subject vessel. In order to achieve a fair comparison with the export price, normal value shall be determined as follows:

"(1) DETERMINATION OF NORMAL VALUE.—

"(A) IN GENERAL.—The normal value of the subject vessel shall be the price described in subparagraph (B), at a time reasonably corresponding to the time of the sale used to determine the export price under section 821(a).

"(B) PRICE.—The price referred to in subparagraph (A) is—

"(i) the price at which a foreign like vessel is first sold in the exporting country, in the ordinary course of trade and, to the extent practicable, at the same level of trade, or

"(ii) in a case to which subparagraph (C) applies, the price at which a foreign like vessel is so sold for consumption in a country other than the exporting country or the United States, if—

"(I) such price is representative, and

"(II) the administering authority does not determine that the particular market situation in such other country prevents a proper comparison with the export price.

"(C) THIRD COUNTRY SALES.—This subparagraph applies when—

"(i) a foreign like vessel is not sold in the exporting country as described in subparagraph (B)(i), or

"(ii) the particular market situation in the exporting country does not permit a proper comparison with the export price.

"(D) CONTEMPORANEOUS SALE.—For purposes of subparagraph (A), 'a time reasonably corresponding to the time of the sale' means within 3 months before or after the sale of the subject vessel or, in the absence of such sales, such longer period as the administering authority determines would be appropriate.

"(2) FICTITIOUS MARKETS.—No pretended sale, and no sale intended to establish a fictitious market, shall be taken into account in determining normal value.

"(3) USE OF CONSTRUCTED VALUE.—If the administering authority determines that the normal value of the subject vessel cannot be determined under paragraph (1)(B) or (1)(C), then the normal value of the subject vessel shall be the constructed value of that vessel, as determined under subsection (e).

"(4) INDIRECT SALES.—If a foreign like vessel is sold through an affiliated party, the price at which the foreign like vessel is sold by such affiliated party may be used in determining normal value.

"(5) ADJUSTMENTS.—The price described in paragraph (1)(B) shall be—

"(A) reduced by—

"(i) the amount, if any, included in the price described in paragraph (1)(B), attributable to any costs, charges, and expenses incident to bringing the foreign like vessel from the shipyard to the place of delivery to the purchaser,

"(ii) the amount of any taxes imposed directly upon the foreign like vessel or components thereof which have been rebated, or which have not been collected, on the subject vessel, but only to the extent that such taxes are added to or included in the price of the foreign like vessel, and

"(iii) the amount of all other expenses incidental to placing the foreign like vessel in condition for delivery to the buyer, and

"(B) increased or decreased by the amount of any difference (or lack thereof) between the export price and the price described in paragraph (1)(B) (other than a difference for which allowance is otherwise provided under this section) that is established to the satisfaction of the administering authority to be wholly or partly due to—

"(i) physical differences between the subject vessel and the vessel used in determining normal value, or

"(ii) other differences in the circumstances of sale.

"(6) ADJUSTMENTS FOR LEVEL OF TRADE.—The price described in paragraph (1)(B) shall also be increased or decreased to make due allowance for any difference (or lack thereof) between the *export price and the price described in paragraph (1)(B) (other than a difference for which allowance is otherwise made under this section) that is shown to be wholly or partly due to a difference in level of trade between the export price and normal value, if the difference in level of trade—*

"(A) involves the performance of different selling activities, and

"(B) is demonstrated to affect price comparability, based on a pattern of consistent price differences between sales at different levels of trade in the country in which normal value is determined.

In a case described in the preceding sentence, the amount of the adjustment shall be based on the price differences between the two levels of trade in the country in which normal value is determined.

"(7) ADJUSTMENTS TO CONSTRUCTED VALUE.—Constructed value as determined under subsection (e) may be adjusted, as appropriate, pursuant to this subsection.

"(b) SALES AT LESS THAN COST OF PRODUCTION.—

"(1) DETERMINATION; SALES DISREGARDED.—Whenever the administering authority has reasonable grounds to believe or suspect that the sale of the foreign like vessel under consideration for the determination of normal value has been made at a price which represents less than the cost of production of the foreign like vessel, the administering authority shall determine whether, in fact, such sale was made at less than the cost of production. If the administering authority determines that the sale was made at less than the cost of production and was not at a price which permits recovery of all costs within 5 years, such sale may be disregarded in the determination of normal value. Whenever such a sale is disregarded, normal value shall be based on another sale of a foreign like vessel in the ordinary course of trade. If no sales made in the ordinary course of trade remain, the normal value shall be based on the constructed value of the subject vessel.

"(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

"(A) REASONABLE GROUNDS TO BELIEVE OR SUSPECT.—There are reasonable grounds to believe or suspect that the sale of a foreign like vessel was made at a price that is less than the cost of production of the vessel, if an interested party described in subparagraph (C), (D), (E), or (F) of section 861(17) provides information, based upon observed prices or constructed prices or costs, that the sale of the foreign like vessel under consideration for the determination of normal value has been made at a price which represents less than the cost of production of the vessel.

"(B) RECOVERY OF COSTS.—If the price is below the cost of production at the time of sale but is above the weighted average cost of production for the period of investigation, such price shall be considered to provide for recovery of costs within 5 years.

"(3) CALCULATION OF COST OF PRODUCTION.—For purposes of this section, the cost of production shall be an amount equal to the sum of—

"(A) the cost of materials and of fabrication or other processing of any kind employed in producing the foreign like vessel, during a period which would ordinarily permit the production of that vessel in the ordinary course of business, and

"(B) an amount for selling, general, and administrative expenses based on actual data pertaining to the production and sale of the foreign like vessel by the producer in question.

For purposes of subparagraph (A), if the normal value is based on the price of the foreign like vessel sold in a country other than the exporting country, the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or on their disposition which are remitted or refunded upon exportation.

"(c) NONMARKET ECONOMY COUNTRIES.—

"(1) IN GENERAL.—If—

"(A) the subject vessel is produced in a nonmarket economy country, and

"(B) the administering authority finds that available information does not permit the normal value of the subject vessel to be determined under subsection (a),

the administering authority shall determine the normal value of the subject vessel on the basis of the value of the factors of production utilized in producing the vessel and to which shall be added an amount for general expenses and profit plus the cost of expenses incidental to placing the vessel in a condition for delivery to the buyer. Except as provided in paragraph (2), the valuation of the factors of production shall be based on the best available information regarding the values of such factors in a market economy country or countries considered to be appropriate by the administering authority.

"(2) EXCEPTION.—If the administering authority finds that the available information is inadequate for purposes of determining the normal value of the subject vessel under paragraph (1), the administering authority shall determine the normal value on the basis of the price at which a vessel that is—

"(A) comparable to the subject vessel, and

"(B) produced in one or more market economy countries that are at a level of economic development comparable to that of the nonmarket economy country,

is sold in other countries, including the United States.

"(3) FACTORS OF PRODUCTION.—For purposes of paragraph (1), the factors of production utilized in producing the vessel include, but are not limited to—

"(A) hours of labor required,

"(B) quantities of raw materials employed,

"(C) amounts of energy and other utilities consumed, and

"(D) representative capital cost, including depreciation.

"(4) VALUATION OF FACTORS OF PRODUCTION.—The administering authority, in valuing factors of production under paragraph (1), shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are—

"(A) at a level of economic development comparable to that of the nonmarket economy country, and

"(B) significant producers of comparable vessels.

"(d) SPECIAL RULE FOR CERTAIN MULTINATIONAL CORPORATIONS.—Whenever, in the course of an investigation under this title, the administering authority determines that—

"(1) the subject vessel was produced in facilities which are owned or controlled, directly or indirectly, by a person, firm, or corporation which also owns or controls, directly or indirectly, other facilities for the production of a foreign like vessel which are located in another country or countries,

"(2) subsection (a)(1)(C) applies, and

"(3) the normal value of a foreign like vessel produced in one or more of the facilities outside the exporting country is higher than the normal value of the foreign like vessel produced in the facilities located in the exporting country,

the administering authority shall determine the normal value of the subject vessel by reference to the normal value at which a foreign like vessel is sold from one or more facilities outside the exporting country. The administering authority, in making any determination under this subsection, shall make adjustments for the difference between the costs of production (including taxes, labor, materials, and overhead) of the foreign like vessel produced in facilities outside the exporting country and costs of production of the foreign like vessel produced in facilities in the exporting country, if such differences are demonstrated to its satisfaction.

"(e) CONSTRUCTED VALUE.—

"(1) IN GENERAL.—For purposes of this title, the constructed value of a subject vessel shall be an amount equal to the sum of—

"(A) the cost of materials and fabrication or other processing of any kind employed in producing the subject vessel, during a period which would ordinarily permit the production of the vessel in the ordinary course of business, and

"(B)(i) the actual amounts incurred and realized by the foreign producer of the subject vessel for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like vessel, in the ordinary course of trade, in the domestic market of the country of origin of the subject vessel, or

"(ii) if actual data are not available with respect to the amounts described in clause (i), then—

"(I) the actual amounts incurred and realized by the foreign producer of the subject vessel for selling, general, and administrative expenses, and for profits, in connection with the production and sale of the same general category of vessel in the domestic market of the country of origin of the subject vessel,

"(II) the weighted average of the actual amounts incurred and realized by producers in the country of origin of the subject vessel (other than the producer of the subject vessel) for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like vessel, in the ordinary course of trade, in the domestic market, or

"(III) if data are not available under subclause (I) or (II), the amounts incurred and realized for selling, general, and administrative expenses, and for profits, based on any other reasonable method, except that the amount allowed for profit may not exceed the amount normally realized by foreign producers (other than the producer of the subject vessel) in connection with the sale of vessels in the same general category of vessel as the subject vessel in the domestic market of the country of origin of the subject vessel.

For purposes of this paragraph, the profit shall be based on the average profit realized over a reasonable period of time before and after the sale of the subject vessel and shall reflect a reasonable profit at the time of such sale. For purposes of the preceding sentence, a 'reasonable period of time' shall not, except where otherwise appropriate, exceed 6 months before, or 6 months after, the sale of the subject vessel. In calculating profit under this paragraph, any distortion which would result in other than a profit which is reasonable at the time of the sale shall be eliminated.

"(2) COSTS AND PROFITS BASED ON OTHER REASONABLE METHODS.—When costs and profits are determined under paragraph (1)(B)(ii)(III), such determination shall, except where otherwise appropriate, be based on appropriate export sales by the producer of the subject vessel or, absent such sales, to export sales by other producers of a foreign like vessel or the same general category of vessel as the subject vessel in the country of origin of the subject vessel.

"(3) COSTS OF MATERIALS.—For purposes of paragraph (1)(A), the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition which are remitted or refunded upon exportation of the subject vessel produced from such materials.

"(f) SPECIAL RULES FOR CALCULATION OF COST OF PRODUCTION AND FOR CALCULATION OF CONSTRUCTED VALUE.—For purposes of subsections (b) and (e)—

"(1) COSTS.—

"(A) IN GENERAL.—Costs shall normally be calculated based on the records of the foreign producer of the subject vessel, if such records are kept in accordance with the generally accepted accounting principles of the exporting country and reasonably reflect the costs associated with the production and sale of the vessel. The administering authority shall consider all available evidence on the proper allocation of costs, including that which is made available by the foreign producer on a timely basis, if such allocations have been historically used by the foreign producer, in particular for establishing appropriate amortization and depreciation periods, and allowances for capital expenditures and other development costs.

"(B) NONRECURRING COSTS.—Costs shall be adjusted appropriately for those nonrecurring costs that benefit current or future production, or both.

"(C) STARTUP COSTS.—

"(i) IN GENERAL.—Costs shall be adjusted appropriately for circumstances in which costs incurred during the time period covered by the investigation are affected by startup operations.

"(ii) STARTUP OPERATIONS.—Adjustments shall be made for startup operations only where—

"(I) a producer is using new production facilities or producing a new type of vessel that requires substantial additional investment, and

"(II) production levels are limited by technical factors associated with the initial phase of commercial production.

For purposes of subclause (II), the initial phase of commercial production ends at the end of the startup period. In determining whether commercial production levels have been achieved, the administering authority shall consider factors unrelated to startup operations that might affect the volume of production processed, such as demand, seasonality, or business cycles.

"(iii) ADJUSTMENT FOR STARTUP OPERATIONS.—The adjustment for startup operations shall be made by substituting the unit production costs incurred with respect to the vessel at the end of the startup period for the unit production costs incurred during the startup period. If the startup period extends beyond the period of the investigation under this title, the administering authority shall use the most recent cost of production data that it reasonably can obtain, analyze, and verify without delaying the timely completion of the investigation.

For purposes of this subparagraph, the startup period ends at the point at which the level of commercial production that is characteristic of the vessel, the producer, or the industry is achieved.

"(D) COSTS DUE TO EXTRAORDINARY CIRCUMSTANCES NOT INCLUDED.—Costs shall not include actual costs which are due to extraordinary circumstances (including, but not limited to, labor disputes, fire, and natural disasters) and which are significantly over the cost increase which the shipbuilder could have reasonably anticipated and taken into account at the time of sale.

"(2) TRANSACTIONS DISREGARDED.—A transaction directly or indirectly between affiliated persons may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales of a like vessel in the market under consideration. If a transaction is disregarded under the preceding sentence and no other transactions are available for consideration, the determination of the amount shall be based on the information available as to what the amount would have been if the transaction had occurred between persons who are not affiliated.

"(3) MAJOR INPUT RULE.—If, in the case of a transaction between affiliated persons involving the production by one of such persons of a major input to the subject vessel, the administering authority has reasonable grounds to believe or suspect that an amount represented as the value of such input is less than the cost of production of such input, then the administering authority may determine the value of the major input on the basis of the information available regarding such cost of production, if such cost is greater than the amount that would be determined for such input under paragraph (2).

"SEC. 823. CURRENCY CONVERSION.

"(a) IN GENERAL.—In an injurious pricing proceeding under this title, the administering authority shall convert foreign currencies into United States dollars using the exchange rate in effect on the date of sale of the subject vessel, except that if it is established that a currency transaction on forward markets is directly linked to a sale under consideration, the exchange rate specified with respect to such foreign currency in the forward sale agreement shall be used to convert the foreign currency.

"(b) DATE OF SALE.—For purposes of this section, 'date of sale' means the date of the contract of sale or, where appropriate, the date on which the material terms of sale are otherwise established. If the material terms of sale are significantly changed after such date, the date of sale is the date of such change. In the case of such a change in the date of sale, the administering authority shall make appropriate adjustments to take into account any unreasonable effect on the injurious pricing margin due only to fluctuations in the exchange rate between the original date of sale and the new date of sale.

"Subtitle C—Procedures

"SEC. 841. HEARINGS.

"(a) UPON REQUEST.—The administering authority and the Commission shall each hold a hearing in the course of an investigation under this title, upon the request of any party to the investigation, before making a final determination under section 805.

"(b) PROCEDURES.—Any hearing required or permitted under this title shall be conducted after notice published in the Federal Register, and a transcript of the hearing shall be prepared and made available to the public. The hearing shall not be subject to the provisions of subchapter II of chapter 5 of title 5, United States Code, or to section 702 of such title.

"SEC. 842. DETERMINATIONS ON THE BASIS OF THE FACTS AVAILABLE.

"(a) IN GENERAL.—If—

"(1) necessary information is not available on the record, or

"(2) an interested party or any other person—

"(A) withholds information that has been requested by the administering authority or the Commission under this title,

"(B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (b)(1) and (d) of section 844,

"(C) significantly impedes a proceeding under this title, or

"(D) provides such information but the information cannot be verified as provided in section 844(g),

the administering authority and the Commission shall, subject to section 844(c), use the facts otherwise available in reaching the applicable determination under this title.

"(b) ADVERSE INFERENCES.—If the administering authority or the Commission (as the case may be) finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission (as the case may be), in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. Such adverse inference may include reliance on information derived from—

"(1) the petition, or

"(2) any other information placed on the record.

"(c) CORROBORATION OF SECONDARY INFORMATION.—When the administering authority or the Commission relies on secondary information rather than on information obtained in the course of an investigation under this title, the administering authority and the Commission, as the case may be, shall, to the extent practicable, corroborate that information from independent sources that are reasonably at their disposal.

"SEC. 843. ACCESS TO INFORMATION.

"(a) INFORMATION GENERALLY MADE AVAILABLE.—

"(1) PROGRESS OF INVESTIGATION REPORTS.—The administering authority and the Commission shall, from time to time upon request, inform the parties to an investigation under this title of the progress of that investigation.

"(2) EX PARTE MEETINGS.—The administering authority and the Commission shall maintain a record of any ex parte meeting between—

"(A) interested parties or other persons providing factual information in connection with a proceeding under this title, and

"(B) the person charged with making the determination, or any person charged with making a final recommendation to that person, in connection with that proceeding,

if information relating to that proceeding was presented or discussed at such meeting. The record of such an ex parte meeting shall include the identity of the persons present at the meeting, the date, time, and place of the meeting, and a summary of the matters discussed or submitted. The record of the ex parte meeting shall be included in the record of the proceeding.

"(3) SUMMARIES; NONPROPRIETARY SUBMISSIONS.—The administering authority and the Commission shall disclose—

"(A) any proprietary information received in the course of a proceeding under this title if it is disclosed in a form which cannot be associated with, or otherwise be used to identify, operations of a particular person, and

"(B) any information submitted in connection with a proceeding which is not designated as proprietary by the person submitting it.

"(4) MAINTENANCE OF PUBLIC RECORD.—The administering authority and the Commission shall maintain and make available for public inspection and copying a record of all information which is obtained by the administering authority or the Commission, as the case may be, in a proceeding under this title to the extent that public disclosure of the information is not prohibited under this chapter or exempt from disclosure under section 552 of title 5, United States Code.

"(b) PROPRIETARY INFORMATION.—

"(1) PROPRIETARY STATUS MAINTAINED.—

"(A) IN GENERAL.—Except as provided in subsection (a)(4) and subsection (c), information submitted to the administering authority or the Commission which is designated as proprietary by the person submitting the information shall not be disclosed to any person without the consent of the person submitting the information, other than—

"(i) to an officer or employee of the administering authority or the Commission who is directly concerned with carrying out the investigation in connection with which the information is submitted or any other proceeding under this title covering the same subject vessel, or

"(ii) to an officer or employee of the United States Customs Service who is directly involved in conducting an investigation regarding fraud under this title.

"(B) ADDITIONAL REQUIREMENTS.—The administering authority and the Commission shall require that information for which proprietary treatment is requested be accompanied by—

"(i) either—

"(I) a nonproprietary summary in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, or

"(II) a statement that the information is not susceptible to summary, accompanied by a statement of the reasons in support of the contention, and

"(ii) either—

"(I) a statement which permits the administering authority or the Commission to release under administrative protective order, in accordance with subsection (c), the information submitted in confidence, or

"(II) a statement to the administering authority or the Commission that the business proprietary information is of a type that should not be released under administrative protective order.

"(2) UNWARRANTED DESIGNATION.—If the administering authority or the Commission determines, on the basis of the nature and extent of the information or its availability from public sources, that designation of any information as proprietary is unwarranted, then it shall notify the person who submitted it and ask for an explanation of the reasons for the designation. Unless that person persuades the administering authority or the Commission that the designation is warranted, or withdraws the designation, the administering authority or the Commission, as the case may be, shall return it to the party submitting it. In a case in which the administering authority or the Commission returns the information to the person submitting it, the person may thereafter submit other material concerning the subject matter of the returned information if the submission is made within the time otherwise provided for submitting such material.

"(c) LIMITED DISCLOSURE OF CERTAIN PROPRIETARY INFORMATION UNDER PROTECTIVE ORDER.—

"(1) DISCLOSURE BY ADMINISTERING AUTHORITY OR COMMISSION.—

"(A) IN GENERAL.—Upon receipt of an application (before or after receipt of the information requested) which describes in general terms the information requested and sets forth the reasons for the request, the administering authority or the Commission shall make all business proprietary information presented to, or obtained by it, during a proceeding under this title (except privileged information, classified information, and specific information of a type for which there is a clear and compelling need to withhold from disclosure) available to all interested parties who are parties to the proceeding under a protective order described in subparagraph (B), regardless of when the information is submitted during the proceeding. Customer names (other than the name of the United States buyer of the subject vessel) obtained during any investigation which requires a determination under section 805(b) may not be disclosed by the administering authority under protective order until either an order is published under section 806(a) as a result of the investigation or the investigation is suspended or terminated. The Commission may delay disclosure of customer names (other than the name of the United States buyer of the subject vessel) under protective order during any such investigation until a reasonable time before any hearing provided under section 841 is held.

"(B) PROTECTIVE ORDER.—The protective order under which information is made available shall contain such requirements as the administering authority or the Commission may determine by regulation to be appropriate. The administering authority and the Commission shall provide by regulation for such sanctions as the administering authority and the Commission determine to be appropriate, including disbarment from practice before the agency.

"(C) TIME LIMITATIONS ON DETERMINATIONS.—The administering authority or the Commission, as the case may be, shall determine whether to make information available under this paragraph—

"(i) not later than 14 days (7 days if the submission pertains to a proceeding under section 803(a)) after the date on which the information is submitted, or

"(ii) if—

"(I) the person that submitted the information raises objection to its release, or

"(II) the information is unusually voluminous or complex,

not later than 30 days (10 days if the submission pertains to a proceeding under section 803(a)) after the date on which the information is submitted.

"(D) AVAILABILITY AFTER DETERMINATION.—If the determination under subparagraph (C) is affirmative, then—

"(i) the business proprietary information submitted to the administering authority or the Commission on or before the date of the determination shall be made available, subject to the terms and conditions of the protective order, on such date, and

"(ii) the business proprietary information submitted to the administering authority or the Commission after the date of the determination shall be served as required by subsection (d).

"(E) FAILURE TO DISCLOSE.—If a person submitting information to the administering authority refuses to disclose business proprietary information which the administering authority determines should be released under a protective order described in subparagraph (B), the administering authority shall return the information, and any nonconfidential summary thereof, to the person submitting the information and summary and shall not consider either.

"(2) DISCLOSURE UNDER COURT ORDER.—If the administering authority or the Commission denies a request for information under paragraph (1), then application may be made to the United States Court of International Trade for an order directing the administering authority or the Commission, as the case may be, to make the information available. After notification of all parties to the investigation and after an opportunity for a hearing on the record, the court may issue an order, under such conditions as the court deems appropriate, which shall not have the effect of stopping or suspending the investigation, directing the administering authority or the Commission to make all or a portion of the requested information described in the preceding sentence available under a protective order and setting forth sanctions for violation of such order if the court finds that, under the standards applicable in proceedings of the court, such an order is warranted, and that—

"(A) the administering authority or the Commission has denied access to the information under subsection (b)(1),

"(B) the person on whose behalf the information is requested is an interested party who is a party to the investigation in connection with which the information was obtained or developed, and

"(C) the party which submitted the information to which the request relates has been notified, in advance of the hearing, of the request made under this section and of its right to appear and be heard.

"(d) SERVICE.—Any party submitting written information, including business proprietary information, to the administering authority or the Commission during a proceeding shall, at the same time, serve the information upon all interested parties who are parties to the proceeding, if the information is covered by a protective order. The administering authority or the Commission shall not accept any such information that is not accompanied by a certificate of service and a copy of the protective order version of the document containing the information. Business proprietary information shall only be served upon interested parties who are parties to the proceeding that are subject to protective order, except that a nonconfidential summary thereof shall be served upon all other interested parties who are parties to the proceeding.

"(e) INFORMATION RELATING TO VIOLATIONS OF PROTECTIVE ORDERS AND SANCTIONS.—The administering authority and the Commission may withhold from disclosure any correspondence, private letters of reprimand, settlement agreements, and documents and files compiled in relation to investigations and actions involving a violation or possible violation of a protective order issued under subsection (c), and such information shall be treated as information described in section 552(b)(3) of title 5, United States Code.

"(f) OPPORTUNITY FOR COMMENT BY VESSEL BUYERS.—The administering authority and the Commission shall provide an opportunity for buyers of subject vessels to submit relevant information to the administering authority concerning a sale at less than fair value or countermeasures, and to the Commission concerning material injury by reason of the sale of a vessel at less than fair value.

"(g) PUBLICATION OF DETERMINATIONS; REQUIREMENTS FOR FINAL DETERMINATIONS.—

"(1) IN GENERAL.—Whenever the administering authority makes a determination under section 802 whether to initiate an investigation, or the administering authority or the Commission makes a preliminary determination under section 803, a final determination under section 805, a determination under subsection (b), (c), (d), (e)(3)(B)(ii), (g), or (i) of section 807, or a determination to suspend an investigation under this title, the administering authority or the Commission, as the case may be, shall publish the facts and conclusions supporting that determination, and shall publish notice of that determination in the Federal Register.

"(2) CONTENTS OF NOTICE OR DETERMINATION.—The notice or determination published under paragraph (1) shall include, to the extent applicable—

"(A) in the case of a determination of the administering authority—

"(i) the names of the United States buyer and the foreign producer, and the country of origin of the subject vessel,

"(ii) a description sufficient to identify the subject vessel (including type, purpose, and size),

"(iii) with respect to an injurious pricing charge, the injurious pricing margin established and a full explanation of the methodology used in establishing such margin,

"(iv) with respect to countermeasures, the scope and duration of countermeasures and, if applicable, any changes thereto, and

"(v) the primary reasons for the determination, and

"(B) in the case of a determination of the Commission—

"(i) considerations relevant to the determination of injury, and

"(ii) the primary reasons for the determination.

"(3) ADDITIONAL REQUIREMENTS FOR FINAL DETERMINATIONS.—In addition to the requirements set forth in paragraph (2)—

"(A) the administering authority shall include in a final determination under section 805 or

807(c) an explanation of the basis for its determination that addresses relevant arguments, made by interested parties who are parties to the investigation, concerning the establishment of the injurious pricing charge with respect to which the determination is made, and

"(B) the Commission shall include in a final determination of injury an explanation of the basis for its determination that addresses relevant arguments that are made by interested parties who are parties to the investigation concerning the effects and impact on the industry of the sale of the subject vessel.

"SEC. 844. CONDUCT OF INVESTIGATIONS.

"(a) Certification of Submissions.—Any person providing factual information to the administering authority or the Commission in connection with a proceeding under this title on behalf of the petitioner or any other interested party shall certify that such information is accurate and complete to the best of that person's knowledge.

"(b) Difficulties in Meeting Requirements.—

"(1) Notification by Interested Party.—If an interested party, promptly after receiving a request from the administering authority or the Commission for information, notifies the administering authority or the Commission (as the case may be) that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative forms in which such party is able to submit the information, the administering authority or the Commission (as the case may be) shall consider the ability of the interested party to submit the information in the requested form and manner and may modify such requirements to the extent necessary to avoid imposing an unreasonable burden on that party.

"(2) Assistance to Interested Parties.—The administering authority and the Commission shall take into account any difficulties experienced by interested parties, particularly small companies, in supplying information requested by the administering authority or the Commission in connection with investigations under this title, and shall provide to such interested parties any assistance that is practicable in supplying such information.

"(c) Deficient Submissions.—If the administering authority or the Commission determines that a response to a request for information under this title does not comply with the request, the administering authority or the Commission (as the case may be) shall promptly inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person with an opportunity to remedy or explain the deficiency in light of the time limits established for the completion of investigations or reviews under this title. If that person submits further information in response to such deficiency and either—

"(1) the administering authority or the Commission (as the case may be) finds that such response is not satisfactory, or

"(2) such response is not submitted within the applicable time limits,

then the administering authority or the Commission (as the case may be) may, subject to subsection (d), disregard all or part of the original and subsequent responses.

"(d) Use of Certain Information.—In reaching a determination under section 803, 805, or 807, the administering authority and the Commission shall not decline to consider information that is submitted by an interested party and is necessary to the determination but does not meet all the applicable requirements established by the administering authority or the Commission if—

"(1) the information is submitted by the deadline established for its submission,

"(2) the information can be verified,

"(3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination,

"(4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the administering authority or the Commission with respect to the information, and

"(5) the information can be used without undue difficulties.

"(e) Nonacceptance of Submissions.—If the administering authority or the Commission declines to accept into the record any information submitted in an investigation under this title, it shall, to the extent practicable, provide to the person submitting the information a written explanation of the reasons for not accepting the information.

"(f) Public Comment on Information.—Information that is submitted on a timely basis to the administering authority or the Commission during the course of a proceeding under this title shall be subject to comment by other parties to the proceeding within such reasonable time as the administering authority or the Commission shall provide. The administering authority and the Commission, before making a final determination under section 805 or 807, shall cease collecting information and shall provide the parties with a final opportunity to comment on the information obtained by the administering authority or the Commission (as the case may be) upon which the parties have not previously had an opportunity to comment. Comments containing new factual information shall be disregarded.

"(g) Verification.—The administering authority shall verify all information relied upon in making a final determination under section 805.

"SEC. 845. ADMINISTRATIVE ACTION FOLLOWING SHIPBUILDING AGREEMENT PANEL REPORTS.

"(a) Action by United States International Trade Commission.—

"(1) Advisory Report.—If a dispute settlement panel under the Shipbuilding Agreement finds in a report that an action by the Commission in connection with a particular proceeding under this title is not in conformity with the obligations of the United States under the Shipbuilding Agreement, the Trade Representative may request the Commission to issue an advisory report on whether this title permits the Commission to take steps in connection with the particular proceeding that would render its action not inconsistent with the findings of the panel concerning those obligations. The Trade Representative shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate of such request.

"(2) Time Limits for Report.—The Commission shall transmit its report under paragraph (1) to the Trade Representative within 30 calendar days after the Trade Representative requests the report.

"(3) Consultations on Request for Commission Determination.—If a majority of the Commissioners issues an affirmative report under paragraph (1), the Trade Representatives shall consult with the congressional committees listed in paragraph (1) concerning the matter.

"(4) Commission Determination.—Notwithstanding any other provision of this title, if a majority of the Commissioners issues an affirmative report under paragraph (1), the Commission, upon the written request of the Trade Representative, shall issue a determination in connection with the particular proceeding that would render the Commission's action described in paragraph (1) not inconsistent with the findings of the panel. The Commission shall issue its determination not later than 120 calendar days after the request from the Trade Representative is made.

"(5) Consultations on Implementation of Commission Determination.—The Trade Representative shall consult with the congressional committees listed in paragraph (1) before the Commission's determination under paragraph (4) is implemented.

"(6) Revocation of Order.—If, by virtue of the Commission's determination under paragraph (4), an injurious pricing order is no longer supported by an affirmative Commission determination under this title, the Trade Representative may, after consulting with the congressional committees under paragraph (5), direct the administering authority to revoke the injurious pricing order.

"(b) Action by Administering Authority.—

"(1) Consultations with Administering Authority and Congressional Committees.—Promptly after a report or other determination by a dispute settlement panel under the Shipbuilding Agreement is issued that contains findings that—

"(A) an action by the administering authority in a proceeding under this title is not in conformity with the obligations of the United States under the Shipbuilding Agreement,

"(B) the due date for payment of an injurious pricing charge contained in an order issued under section 806 should be amended,

"(C) countermeasures provided for in an order issued under section 807 should be provisionally suspended or reduced pending the final decision of the panel, or

"(D) the scope or duration of countermeasures imposed under section 807 should be narrowed or shortened,

the Trade Representative shall consult with the administering authority and the congressional committees listed in subsection (a)(1) on the matter.

"(2) Determination by Administering Authority.—Notwithstanding any other provision of this title, the administering authority shall, in response to a written request from the Trade Representative, issue a determination, or an amendment to or suspension of an injurious pricing or countermeasure order, as the case may be, in connection with the particular proceeding that would render the administering authority's action described in paragraph (1) not inconsistent with the findings of the panel.

"(3) Time Limits for Determinations.—The administering authority shall issue its determination, amendment, or suspension under paragraph (2)—

"(A) with respect to a matter described in subparagraph (A) of paragraph (1), within 180 calendar days after the request from the Trade Representative is made, and

"(B) with respect to a matter described in subparagraph (B), (C), or (D) of paragraph (1), within 15 calendar days after the request from the Trade Representative is made.

"(4) Consultations Before Implementation.—Before the administering authority implements any determination, amendment, or suspension under paragraph (2), the Trade Representative shall consult with the administering authority and the congressional committees listed in subsection (a)(1) with respect to such determination, amendment, or suspension.

"(5) Implementation of Determination.—The Trade Representative may, after consulting with the administering authority and the congressional committees under paragraph (4), direct the administering authority to implement, in whole or in part, the determination, amendment, or suspension made under paragraph (2). The administering authority shall publish notice of such implementation in the Federal Register.

“(c) OPPORTUNITY FOR COMMENT BY INTERESTED PARTIES.—Before issuing a determination, amendment, or suspension, the administering authority, in a matter described in subsection (b)(1)(A), or the Commission, in a matter described in subsection (a)(1), as the case may be, shall provide interested parties with an opportunity to submit written comments and, in appropriate cases, may hold a hearing, with respect to the determination.

“Subtitle D—Definitions

“SEC. 861. DEFINITIONS.

“For purposes of this title:

“(1) ADMINISTERING AUTHORITY.—The term ‘administering authority’ means the Secretary of Commerce, or any other officer of the United States to whom the responsibility for carrying out the duties of the administering authority under this title are transferred by law.

“(2) COMMISSION.—The term ‘Commission’ means the United States International Trade Commission.

“(3) COUNTRY.—The term ‘country’ means a foreign country, a political subdivision, dependent territory, or possession of a foreign country and, except as provided in paragraph (16)(E)(iii), may not include an association of 2 or more foreign countries, political subdivisions, dependent territories, or possessions of countries into a customs union outside the United States.

“(4) INDUSTRY.—

“(A) IN GENERAL.—Except as used in section 808, the term ‘industry’ means the producers as a whole of a domestic like vessel, or those producers whose collective capability to produce a domestic like vessel constitutes a major proportion of the total domestic capability to produce a domestic like vessel.

“(B) PRODUCER.—A ‘producer’ of a domestic like vessel includes an entity that is producing the domestic like vessel and an entity with the capability to produce the domestic like vessel.

“(C) CAPABILITY TO PRODUCE A DOMESTIC LIKE VESSEL.—A producer has the ‘capability to produce a domestic like vessel’ if it is capable of producing a domestic like vessel with its present facilities or could adapt its facilities in a timely manner to produce a domestic like vessel.

“(D) RELATED PARTIES.—(i) In an investigation under this title, if a producer of a domestic like vessel and the foreign producer, seller (other than the foreign producer), or United States buyer of the subject vessel are related parties, or if a producer of a domestic like vessel is also a United States buyer of the subject vessel, the domestic producer may, in appropriate circumstances, be excluded from the industry.

“(ii) For purposes of clause (i), a domestic producer and the foreign producer, seller, or United States buyer shall be considered to be related parties, if—

“(I) the domestic producer directly or indirectly controls the foreign producer, seller, or United States buyer,

“(II) the foreign producer, seller, or United States buyer directly or indirectly controls the domestic producer,

“(III) a third party directly or indirectly controls the domestic producer and the foreign producer, seller, or United States buyer, or

“(IV) the domestic producer and the foreign producer, seller, or United States buyer directly or indirectly control a third party and there is reason to believe that the relationship causes the domestic producer to act differently than a nonrelated producer.

For purposes of this subparagraph, a party shall be considered to directly or indirectly control another party if the party is legally or operationally in a position to exercise restraint or direction over the other party.

“(E) PRODUCT LINES.—In an investigation under this title, the effect of the sale of the subject vessel shall be assessed in relation to the United States production (or production capability) of a domestic like vessel if available data permit the separate identification of production (or production capability) in terms of such criteria as the production process or the producer's profits. If the domestic production (or production capability) of a domestic like vessel has no separate identity in terms of such criteria, then the effect of the sale of the subject vessel shall be assessed by the examination of the production (or production capability) of the narrowest group or range of vessels, which includes a domestic like vessel, for which the necessary information can be provided.

“(5) BUYER.—The term ‘buyer’ means any person who acquires an ownership interest in a vessel, including by way of lease or long-term bareboat charter, in conjunction with the original transfer from the producer, either directly or indirectly, including an individual or company which owns or controls a buyer. There may be more than one buyer of any one vessel.

“(6) UNITED STATES BUYER.—The term ‘United States buyer’ means a buyer that is any of the following:

“(A) A United States citizen.

“(B) A juridical entity, including any corporation, company, association, or other organization, that is legally constituted under the laws and regulations of the United States or a political subdivision thereof, regardless of whether the entity is organized for pecuniary gain, privately or government owned, or organized with limited or unlimited liability.

“(C) A juridical entity that is owned or controlled by nationals or entities described in subparagraphs (A) and (B). For the purposes of this subparagraph—

“(i) the term ‘own’ means having more than a 50 percent interest, and

“(ii) the term ‘control’ means the actual ability to have substantial influence on corporate behavior, and control is presumed to exist where there is at least a 25 percent interest.

If ownership of a company is established under clause (i), other control is presumed not to exist unless it is otherwise established.

“(7) OWNERSHIP INTEREST.—An ‘ownership interest’ in a vessel includes any contractual or proprietary interest which allows the beneficiary or beneficiaries of such interest to take advantage of the operation of the vessel in a manner substantially comparable to the way in which an owner may benefit from the operation of the vessel. In determining whether such substantial comparability exists, the administering authority shall consider—

“(A) the terms and circumstances of the transaction which conveys the interest,

“(B) commercial practice within the industry,

“(C) whether the vessel subject to the transaction is integrated into the operations of the beneficiary or beneficiaries, and

“(D) whether in practice there is a likelihood that the beneficiary or beneficiaries of such interests will take advantage of and the risk for the operation of the vessel for a significant part of the life-time of the vessel.

“(8) VESSEL.—

“(A) IN GENERAL.—Except as otherwise specifically provided under international agreements, the term ‘vessel’ means—

“(i) a self-propelled seagoing vessel of 100 gross tons or more used for transportation of goods or persons or for performance of a specialized service (including, but not limited to, ice breakers and dredgers), and

“(ii) a tug of 365 kilowatts or more,

that is produced in a Shipbuilding Agreement Party or a country that is not a Shipbuilding Agreement Party and not a WTO member.

“(B) EXCLUSIONS.—The term ‘vessel’ does not include—

“(i) any fishing vessel destined for the fishing fleet of the country in which the vessel is built,

“(ii) any military vessel, and

“(iii) any vessel sold before the date that the Shipbuilding Agreement enters into force with respect to the United States, except that any vessel sold after December 21, 1994, for delivery more than 5 years after the date of the contract of sale shall be a ‘vessel’ for purposes of this title unless the shipbuilder demonstrates to the administering authority that the extended delivery date was for normal commercial reasons and not to avoid applicability of this title.

“(C) SELF-PROPELLED SEAGOING VESSEL.—A vessel is ‘self-propelled seagoing’ if its permanent propulsion and steering provide it all the characteristics of self-navigability in the high seas.

“(D) MILITARY VESSEL.—A ‘military vessel’ is a vessel which, according to its basic structural characteristics and ability, is intended to be used exclusively for military purposes.

“(9) LIKE VESSEL.—The term ‘like vessel’ means a vessel of the same type, same purpose, and approximate size as the subject vessel and possessing characteristics closely resembling those of the subject vessel.

“(10) DOMESTIC LIKE VESSEL.—The term ‘domestic like vessel’ means a like vessel produced in the United States.

“(11) FOREIGN LIKE VESSEL.—Except as used in section 822(e)(1)(B)(ii)(II), the term ‘foreign like vessel’ means a like vessel produced by the foreign producer of the subject vessel for sale in the producer's domestic market or in a third country.

“(12) SAME GENERAL CATEGORY OF VESSEL.—The term ‘same general category of vessel’ means a vessel of the same type and purpose as the subject vessel, but of a significantly different size.

“(13) SUBJECT VESSEL.—The term ‘subject vessel’ means a vessel subject to investigation under section 801 or 808.

“(14) FOREIGN PRODUCER.—The term ‘foreign producer’ means the producer or producers of the subject vessel.

“(15) EXPORTING COUNTRY.—The term ‘exporting country’ means the country in which the subject vessel was built.

“(16) MATERIAL INJURY.—

“(A) IN GENERAL.—The term ‘material injury’ means harm which is not inconsequential, immaterial, or unimportant.

“(B) SALE AND CONSEQUENT IMPACT.—In making determinations under sections 803(a) and 805(b), the Commission in each case—

“(i) shall consider—

“(I) the sale of the subject vessel,

“(II) the effect of the sale of the subject vessel on prices in the United States for a domestic like vessel, and

“(III) the impact of the sale of the subject vessel on domestic producers of a domestic like vessel, but only in the context of production operations within the United States, and

“(ii) may consider such other economic factors as are relevant to the determination regarding whether there is or has been material injury by reason of the sale of the subject vessel.

In the notification required under section 805(d), the Commission shall explain its analysis of each factor considered under clause (i), and identify each factor considered under clause (ii) and explain in full its relevance to the determination.

“(C) EVALUATION OF RELEVANT FACTORS.—For purposes of subparagraph (B)—

“(i) SALE OF THE SUBJECT VESSEL.—In evaluating the sale of the subject vessel, the Commission shall consider whether the sale, either in absolute terms or relative to production or demand in the United States, in terms of either volume or value, is or has been significant.

“(ii) PRICE.—In evaluating the effect of the sale of the subject vessel on prices, the Commission shall consider whether—

"(I) there has been significant price underselling of the subject vessel as compared with the price of a domestic like vessel, and

"(II) the effect of the sale of the subject vessel otherwise depresses or has depressed prices to a significant degree or prevents or has prevented price increases, which otherwise would have occurred, to a significant degree.

"(iii) IMPACT ON AFFECTED DOMESTIC INDUSTRY.—In examining the impact required to be considered under subparagraph (B)(i)(III), the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry in the United States, including, but not limited to—

"(I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

"(II) factors affecting domestic prices, including with regard to sales,

"(III) actual and potential negative effects on cash flow, employment, wages, growth, ability to raise capital, and investment,

"(IV) actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of a domestic like vessel, and

"(V) the magnitude of the injurious pricing margin.

The Commission shall evaluate all relevant economic factors described in this clause within the context of the business cycle and conditions of competition that are distinctive to the affected industry.

"(D) STANDARD FOR DETERMINATION.—The presence or absence of any factor which the Commission is required to evaluate under subparagraph (C) shall not necessarily give decisive guidance with respect to the determination by the Commission of material injury.

"(E) THREAT OF MATERIAL INJURY.—

"(i) IN GENERAL.—In determining whether an industry in the United States is threatened with material injury by reason of the sale of the subject vessel, the Commission shall consider, among other relevant economic factors—

"(I) any existing unused production capacity or imminent, substantial increase in production capacity in the exporting country indicating the likelihood of substantially increased sales of a foreign like vessel to United States buyers, taking into account the availability of other export markets to absorb any additional exports,

"(II) whether the sale of a foreign like vessel or other factors indicate the likelihood of significant additional sales to United States buyers,

"(III) whether sale of the subject vessel or sale of a foreign like vessel by the foreign producer are at prices that are likely to have a significant depressing or suppressing effect on domestic prices, and are likely to increase demand for further sales,

"(IV) the potential for product-shifting if production facilities in the exporting country, which can presently be used to produce a foreign like vessel or could be adapted in a timely manner to produce a foreign like vessel, are currently being used to produce other types of vessels,

"(V) the actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of a domestic like vessel, and

"(VI) any other demonstrable adverse trends that indicate the probability that there is likely to be material injury by reason of the sale of the subject vessel.

"(ii) BASIS FOR DETERMINATION.—The Commission shall consider the factors set forth in clause (i) as a whole. The presence or absence of any factor which the Commission is required to consider under clause (i) shall not necessarily give decisive guidance with respect to the determination. Such a determination may not be made on the basis of mere conjecture or supposition.

"(iii) EFFECT OF INJURIOUS PRICING IN THIRD-COUNTRY MARKETS.—

"(I) IN GENERAL.—The Commission shall consider whether injurious pricing in the markets of foreign countries (as evidenced by injurious pricing findings or injurious pricing remedies of other Shipbuilding Agreement Parties, or antidumping determinations of, or measures imposed by, other countries, against a like vessel produced by the producer under investigation) suggests a threat of material injury to the domestic industry. In the course of its investigation, the Commission shall request information from the foreign producer or United States buyer concerning this issue.

"(II) EUROPEAN COMMUNITIES.—For purposes of this clause, the European Communities as a whole shall be treated as a single foreign country.

"(F) CUMULATION FOR DETERMINING MATERIAL INJURY.—

"(i) IN GENERAL.—For purposes of clauses (i) and (ii) of subparagraph (C), and subject to clause (ii) of this subparagraph, the Commission shall cumulatively assess the effects of sales of foreign like vessels from all foreign producers with respect to which—

"(I) petitions were filed under section 802(b) on the same day,

"(II) investigations were initiated under section 802(a) on the same day, or

"(III) petitions were filed under section 802(b) and investigations were initiated under section 802(a) on the same day,

if, with respect to such vessels, the foreign producers compete with each other and with producers of a domestic like vessel in the United States market.

"(ii) EXCEPTIONS.—The Commission shall not cumulatively assess the effects of sales under clause (i)—

"(I) with respect to which the administering authority has made a preliminary negative determination, unless the administering authority subsequently made a final affirmative determination with respect to those sales before the Commission's final determination is made, or

"(II) from any producer with respect to which the investigation has been terminated.

"(iii) RECORDS IN FINAL INVESTIGATIONS.—In each final determination in which it cumulatively assesses the effects of sales under clause (i), the Commission may make its determinations based on the record compiled in the first investigation in which it makes a final determination, except that when the administering authority issues its final determination in a subsequently completed investigation, the Commission shall permit the parties in the subsequent investigation to submit comments concerning the significance of the administering authority's final determination, and shall include such comments and the administering authority's final determination in the record for the subsequent investigation.

"(G) CUMULATION FOR DETERMINING THREAT OF MATERIAL INJURY.—To the extent practicable and subject to subparagraph (F)(ii), for purposes of clause (i) (II) and (III) of subparagraph (E), the Commission may cumulatively assess the effects of sales of like vessels from all countries with respect to which—

"(i) petitions were filed under section 802(b) on the same day,

"(ii) investigations were initiated under section 802(a) on the same day, or

"(iii) petitions were filed under section 802(b) and investigations were initiated under section 802(a) on the same day,

if, with respect to such vessels, the foreign producers compete with each other and with producers of a domestic like vessel in the United States market.

"(17) INTERESTED PARTY.—The term 'interested party' means, in a proceeding under this title—

"(A)(i) the foreign producer, seller (other than the foreign producer), and the United States buyer of the subject vessel, or

"(ii) a trade or business association a majority of the members of which are the foreign producer, seller, or United States buyer of the subject vessel,

"(B) the government of the country in which the subject vessel is produced or manufactured,

"(C) a producer that is a member of an industry,

"(D) a certified union or recognized union or group of workers which is representative of an industry,

"(E) a trade or business association a majority of whose members are producers in an industry,

"(F) an association, a majority of whose members is composed of interested parties described in subparagraph (C), (D), or (E), and

"(G) for purposes of section 807, a purchaser who, after the effective date of an order issued under that section, entered into a contract of sale with the foreign producer that is subject to the order.

"(18) AFFIRMATIVE DETERMINATIONS BY DIVIDED COMMISSION.—If the Commissioners voting on a determination by the Commission are evenly divided as to whether the determination should be affirmative or negative, the Commission shall be deemed to have made an affirmative determination. For the purpose of applying this paragraph when the issue before the Commission is to determine whether there is or has been—

"(A) material injury to an industry in the United States,

"(B) threat of material injury to such an industry, or

"(C) material retardation of the establishment of an industry in the United States,

by reason of the sale of the subject vessel, an affirmative vote on any of the issues shall be treated as a vote that the determination should be affirmative.

"(19) ORDINARY COURSE OF TRADE.—The term 'ordinary course of trade' means the conditions and practices which, for a reasonable time before the sale of the subject vessel, have been normal in the shipbuilding industry with respect to a like vessel. The administering authority shall consider the following sales and transactions, among others, to be outside the ordinary course of trade:

"(A) Sales disregarded under section 822(b)(1).

"(B) Transactions disregarded under section 822(f)(2).

"(20) NONMARKET ECONOMY COUNTRY.—

"(A) IN GENERAL.—The term 'nonmarket economy country' means any foreign country that the administering authority determines does not operate on market principles of cost or pricing structures, so that sales of vessels in such country do not reflect the fair value of the vessels.

"(B) FACTORS TO BE CONSIDERED.—In making determinations under subparagraph (A) the administering authority shall take into account—

"(i) the extent to which the currency of the foreign country is convertible into the currency of other countries,

"(ii) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management,

"(iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country,

"(iv) the extent of government ownership or control of the means of production,

"(v) the extent of government control over the allocation of resources and over the price and output decisions of enterprises, and

"(vi) such other factors as the administering authority considers appropriate.

"(C) DETERMINATION IN EFFECT.—

"(i) Any determination that a foreign country is a nonmarket economy country shall remain in effect until revoked by the administering authority.

"(ii) The administering authority may make a determination under subparagraph (A) with respect to any foreign country at any time.

"(D) DETERMINATIONS NOT IN ISSUE.—Notwithstanding any other provision of law, any determination made by the administering authority under subparagraph (A) shall not be subject to judicial review in any investigation conducted under subtitle A.

"(21) SHIPBUILDING AGREEMENT.—The term 'Shipbuilding Agreement' means The Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry, resulting from negotiations under the auspices of the Organization for Economic Cooperation and Development, and entered into on December 21, 1994.

"(22) SHIPBUILDING AGREEMENT PARTY.—The term 'Shipbuilding Agreement Party' means a state or separate customs territory that is a Party to the Shipbuilding Agreement, and with respect to which the United States applies the Shipbuilding Agreement.

"(23) WTO AGREEMENT.—The term 'WTO Agreement' means the Agreement defined in section 2(9) of the Uruguay Round Agreements Act.

"(24) WTO MEMBER.—The term 'WTO member' means a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO Agreement.

"(25) TRADE REPRESENTATIVE.—The term 'Trade Representative' means the United States Trade Representative.

"(26) AFFILIATED PERSONS.—The following persons shall be considered to be 'affiliated' or 'affiliated persons':

"(A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

"(B) Any officer or director of an organization and such organization.

"(C) Partners.

"(D) Employer and employee.

"(E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization, and such organization.

"(F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

"(G) Any person who controls any other person, and such other person.

For purposes of this paragraph, a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

"(27) INJURIOUS PRICING.—The term 'injurious pricing' refers to the sale of a vessel at less than fair value.

"(28) INJURIOUS PRICING MARGIN.—

"(A) IN GENERAL.—The term 'injurious pricing margin' means the amount by which the normal value exceeds the export price of the subject vessel.

"(B) MAGNITUDE OF THE INJURIOUS PRICING MARGIN.—The magnitude of the injurious pricing margin used by the Commission shall be—

"(i) in making a preliminary determination under section 803(a) in an investigation (including any investigation in which the Commission cumulatively assesses the effect of sales under paragraph (16)(F)(i)), the injurious pricing margin or margins published by the administering authority in its notice of initiation of the investigation; and

"(ii) in making a final determination under section 805(b), the injurious pricing margin or margins most recently published by the administering authority before the closing of the Commission's administrative record.

"(29) COMMERCIAL INTEREST REFERENCE RATE.—The term 'Commercial Interest Reference Rate' or 'CIRR' means an interest rate that the administering authority determines to be consistent with Annex III, and appendices and notes thereto, of the Understanding on Export Credits for Ships, resulting from negotiations under the auspices of the Organization for Economic Cooperation, and entered into on December 21, 1994.

"(30) ANTIDUMPING.—

"(A) WTO MEMBERS.—In the case of a WTO member, the term 'antidumping' refers to action taken pursuant to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

"(B) OTHER CASES.—In the case of any country that is not a WTO member, the term 'antidumping' refers to action taken by the country against the sale of a vessel at less than fair value that is comparable to action described in subparagraph (A).

"(31) BROAD MULTIPLE BID.—The term 'broad multiple bid' means a bid in which the proposed buyer extends an invitation to bid to at least all the producers in the industry known by the buyer to be capable of building the subject vessel.".

SEC. 204. ENFORCEMENT OF COUNTERMEASURES.

Part II of title IV of the Tariff Act of 1930 is amended by adding at the end the following:

"SEC. 468. SHIPBUILDING AGREEMENT COUNTERMEASURES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, upon receiving from the Secretary of Commerce a list of vessels subject to countermeasures under section 807, the Customs Service shall deny any request for a permit to lade or unlade passengers, merchandise, or baggage from or onto those vessels so listed.

"(b) EXCEPTIONS.—Subsection (a) shall not be applied to deny a permit for the following:

"(1) To unlade any United States citizen or permanent legal resident alien from a vessel included in the list described in subsection (a), or to unlade any refugee or any alien who would otherwise be eligible to apply for asylum and withholding of deportation under the Immigration and Nationality Act.

"(2) To lade or unlade any crewmember of such vessel.

"(3) To lade or unlade coal and other fuel supplies (for the operation of the listed vessel), ships' stores, sea stores, and the legitimate equipment of such vessel.

"(4) To lade or unlade supplies for the use or sale on such vessel.

"(5) To lade or unlade such other merchandise, baggage, or passenger as the Customs Service shall determine necessary to protect the immediate health, safety, or welfare of a human being.

"(c) CORRECTION OF MINISTERIAL OR CLERICAL ERRORS.—

"(1) PETITION FOR CORRECTION.—If the master of any vessel whose application for a permit to lade or unlade has been denied under this section believes that such denial resulted from a ministerial or clerical error, not amounting to a mistake of law, committed by any Customs officer, the master may petition the Customs Service for correction of such error, as provided by regulation.

"(2) INAPPLICABILITY OF SECTIONS 514 AND 520.—Notwithstanding paragraph (1), imposition of countermeasures under this section shall not be deemed an exclusion or other protestable decision under section 514, and shall not be subject to correction under section 520.

"(3) PETITIONS SEEKING ADMINISTRATIVE REVIEW.—Any petition seeking administrative review of any matter regarding the Secretary of Commerce's decision to list a vessel under section 807 must be brought under that section.

"(d) PENALTIES.—In addition to any other provision of law, the Customs Service may impose a civil penalty of not to exceed $10,000 against the master of any vessel—

"(1) who submits false information in requesting any permit to lade or unlade; or

"(2) who attempts to, or actually does, lade or unlade in violation of any denial of such permit under this section.".

SEC. 205. JUDICIAL REVIEW IN INJURIOUS PRICING AND COUNTERMEASURE PROCEEDINGS.

(a) JUDICIAL REVIEW.—Part III of title IV of the Tariff Act of 1930 is amended by inserting after section 516A the following:

"SEC. 516B. JUDICIAL REVIEW IN INJURIOUS PRICING AND COUNTERMEASURE PROCEEDINGS.

"(a) REVIEW OF DETERMINATION.—

"(1) IN GENERAL.—Within 30 days after the date of publication in the Federal Register of—

"(A)(i) a determination by the administering authority under section 802(c) not to initiate an investigation,

"(ii) a negative determination by the Commission under section 803(a) as to whether there is or has been reasonable indication of material injury, threat of material injury, or material retardation,

"(iii) a determination by the administering authority to suspend or revoke an injurious pricing order under section 806 (d) or (e),

"(iv) a determination by the administering authority under section 807(c),

"(v) a determination by the administering authority in a review under section 807(d),

"(vi) a determination by the administering authority concerning whether to extend the scope or duration of a countermeasure order under section 807(e)(3)(B)(ii),

"(vii) a determination by the administering authority to amend a countermeasure order under section 807(e)(6),

"(viii) a determination by the administering authority in a review under section 807(g),

"(ix) a determination by the administering authority under section 807(i) to terminate proceedings, or to amend or revoke a countermeasure order,

"(x) a determination by the administering authority under section 845(b), with respect to a matter described in paragraph (1)(D) of that section, or

"(B)(i) an injurious pricing order based on a determination described in subparagraph (A) of paragraph (2),

"(ii) notice of a determination described in subparagraph (B) of paragraph (2),

"(iii) notice of implementation of a determination described in subparagraph (C) of paragraph (2), or

"(iv) notice of revocation of an injurious pricing order based on a determination described in subparagraph (D) of paragraph (2),

an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

"(2) REVIEWABLE DETERMINATIONS.—The determinations referred to in paragraph (1)(B) are—

"(A) a final affirmative determination by the administering authority or by the Commission under section 805, including any negative part of such a determination (other than a part referred to in subparagraph (B)),

"(B) a final negative determination by the administering authority or the Commission under section 805,

"(C) a determination by the administering authority under section 845(b), with respect to a matter described in paragraph (1)(A) of that section, and

"(D) a determination by the Commission under section 845(a) that results in the revocation of an injurious pricing order.

"(3) Exception.—Notwithstanding the 30-day limitation imposed by paragraph (1) with regard to an order described in paragraph (1)(B)(i), a final affirmative determination by the administering authority under section 805 may be contested by commencing an action, in accordance with the provisions of paragraph (1), within 30 days after the date of publication in the Federal Register of a final negative determination by the Commission under section 805.

"(4) Procedures and fees.—The procedures and fees set forth in chapter 169 of title 28, United States Code, apply to an action under this section.

"(b) Standards of Review.—

"(1) Remedy.—The court shall hold unlawful any determination, finding, or conclusion found—

"(A) in an action brought under subparagraph (A) of subsection (a)(1), to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or

"(B) in an action brought under subparagraph (B) of subsection (a)(1), to be unsupported by substantial evidence on the record, or otherwise not in accordance with law.

"(2) Record for review.—

"(A) In general.—For purposes of this subsection, the record, unless otherwise stipulated by the parties, shall consist of—

"(i) a copy of all information presented to or obtained by the administering authority or the Commission during the course of the administrative proceeding, including all governmental memoranda pertaining to the case and the record of ex parte meetings required to be kept by section 843(a)(2); and

"(ii) a copy of the determination, all transcripts or records of conferences or hearings, and all notices published in the Federal Register.

"(B) Confidential or privileged material.—The confidential or privileged status accorded to any documents, comments, or information shall be preserved in any action under this section. Notwithstanding the preceding sentence, the court may examine, in camera, the confidential or privileged material, and may disclose such material under such terms and conditions as it may order.

"(c) Standing.—Any interested party who was a party to the proceeding under title VIII shall have the right to appear and be heard as a party in interest before the United States Court of International Trade in an action under this section. The party filing the action shall notify all such interested parties of the filing of an action under this section, in the form, manner, and within the time prescribed by rules of the court.

"(d) Definitions.—For purposes of this section:

"(1) Administering authority.—The term 'administering authority' has the meaning given that term in section 861(1).

"(2) Commission.—The term 'Commission' means the United States International Trade Commission.

"(3) Interested party.—The term 'interested party' means any person described in section 861(17).".

(b) Conforming Amendments.—

(1) Jurisdiction of the court.—Section 1581(c) of title 28, United States Code, is amended by inserting "or 516B" after "section 516A".

(2) Relief.—Section 2643 of title 28, United States Code, is amended—

(A) in subsection (c)(1) by striking "and (5)" and inserting "(5), and (6)"; and

(B) in subsection (c) by adding at the end the following new paragraph:

"(6) In any civil action under section 516B of the Tariff Act of 1930, the Court of International Trade may not issue injunctions or any other form of equitable relief, except with regard to implementation of a countermeasure order under section 468 of that Act, upon a proper showing that such relief is warranted.".

Subtitle B—Other Provisions

SEC. 211. EQUIPMENT AND REPAIR OF VESSELS.

Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466), is amended by adding at the end the following new subsection:

"(i) The duty imposed by subsection (a) shall not apply with respect to activities occurring in a Shipbuilding Agreement Party, as defined in section 861(22), with respect to—

"(1) self-propelled seagoing vessels of 100 gross tons or more that are used for transportation of goods or persons or for performance of a specialized service (including, but not limited to, ice breakers and dredges), and

"(2) tugs of 365 kilowatts or more.

A vessel shall be considered 'self-propelled seagoing' if its permanent propulsion and steering provide it all the characteristics of self-navigability in the high seas.".

SEC. 212. EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.

No person other than the United States—

(1) shall have any cause of action or defense under the Shipbuilding Agreement or by virtue of congressional approval of the agreement, or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, the District of Columbia, any State, any political subdivision of a State, or any territory or possession of the United States on the ground that such action or inaction is inconsistent with such agreement.

SEC. 213. IMPLEMENTING REGULATIONS.

After the date of the enactment of this title, the heads of agencies with functions under this title and the amendments made by this title may issue such regulations as may be necessary to ensure that this title is appropriately implemented on the date the Shipbuilding Agreement enters into force with respect to the United States.

SEC. 214. AMENDMENTS TO THE MERCHANT MARINE ACT, 1936.

The Merchant Marine Act, 1936, is amended as follows:

(1) Section 511(a)(2) (46 App. U.S.C. 1161(a)(2)) is amended by inserting after "1939," the following: "or, if the vessel is a Shipbuilding Agreement vessel, constructed in a Shipbuilding Agreement Party, but only with regard to moneys deposited, on or after the date on which the Shipbuilding Trade Agreement Act takes effect, into a construction reserve fund established under subsection (b)".

(2) Section 601(a) (46 App. U.S.C. 1171(a)) is amended by striking ", and that such vessel or vessels were built in the United States, or have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date;" and inserting "and that such vessel or vessels were built in the United States, or, if the vessel or vessels are Shipbuilding Agreement vessels, in a Shipbuilding Agreement Party;".

(3) Section 606(6) (46 App. U.S.C. 1176(6)) is amended by inserting "or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party or in the United States," before ", except in an emergency.".

(4) Section 607 (46 App. U.S.C. 1177) is amended as follows:

(A) Subsection (a) is amended by inserting "or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party," after "built in the United States".

(B) Subsection (k) is amended as follows:

(i) Paragraph (1) is amended by striking subparagraph (A) and inserting the following:

"(A)(i) constructed in the United States and, if reconstructed, reconstructed in the United States or in a Shipbuilding Agreement Party, or

"(ii) that is a Shipbuilding Agreement vessel and is constructed in a Shipbuilding Agreement Party and, if reconstructed, is reconstructed in a Shipbuilding Agreement Party or in the United States,".

(ii) Paragraph (2)(A) is amended to read as follows:

"(A)(i) constructed in the United States and, if reconstructed, reconstructed in the United States or in a Shipbuilding Agreement Party, or

"(ii) that is a Shipbuilding Agreement vessel and is constructed in a Shipbuilding Agreement Party and, if reconstructed, is reconstructed in a Shipbuilding Agreement Party or in the United States, but only with regard to moneys deposited into the fund on or after the date on which the Shipbuilding Trade Agreement Act takes effect.".

(5) Section 610 (46 App. U.S.C. 1180) is amended by striking "shall be built in a domestic yard or shall have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date," and inserting "shall be built in the United States or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party,".

(6) Section 901(b)(1) (46 App. U.S.C. 1241(b)(1)) is amended by striking the third sentence and inserting the following:

"For purposes of this section, the term 'privately owned United States-flag commercial vessels' shall be deemed to include—

"(A) any privately owned United States-flag commercial vessel constructed in the United States, and if rebuilt, rebuilt in the United States or in a Shipbuilding Agreement Party on or after the date on which the Shipbuilding Trade Agreement Act takes effect, and

"(B) any privately owned vessel constructed in a Shipbuilding Agreement Party on or after the date on which the Shipbuilding Trade Agreement Act takes effect, and if rebuilt, rebuilt in a Shipbuilding Agreement Party or in the United States, that is documented pursuant to chapter 121 of title 46, United States Code.

The term 'privately owned United States-flag commercial vessels' shall also be deemed to include any cargo vessel that so qualified pursuant to section 615 of this Act or this paragraph before the date on which the Shipbuilding Trade Agreement Act takes effect. The term 'privately owned United States-flag commercial vessels' shall not be deemed to include any liquid bulk cargo vessel that does not meet the requirements of section 3703a of title 46, United States Code.".

(7) Section 905 (46 App. U.S.C. 1244) is amended by adding at the end the following:

"(h) The term 'Shipbuilding Agreement' means the Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry, which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development, and was entered into on December 21, 1994.

"(i) The term 'Shipbuilding Agreement Party' means a state or separate customs territory that is a Party to the Shipbuilding Agreement, and with respect to which the United States applies the Shipbuilding Agreement.

"(j) The term 'Shipbuilding Agreement vessel' means a vessel to which the Secretary determines Article 2.1 of the Shipbuilding Agreement applies.

"(k) The term 'Export Credit Understanding' means the Understanding on Export Credits for Ships which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development and was entered into on December 21, 1994.

"(l) The term 'Export Credit Understanding vessel' means a vessel to which the Secretary determines the Export Credit Understanding applies.".

(8) Section 1104A (46 App. U.S.C. 1274) is amended as follows:

(A) Paragraph (5) of subsection (b) is amended to read as follows:

"(5) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such percent per annum on the unpaid principal as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary, except that, with respect to Export Credit Understanding vessels, and Shipbuilding Agreement vessels, the obligations shall bear interest at a rate the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be;".

(B) Subsection (i) is amended to read as follows:

"(i)(1) Except as provided in paragraph (2), the Secretary may not, with respect to—

"(A) the general 75 percent or less limitation contained in subsection (b)(2),

"(B) the 87½ percent or less limitation contained in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or in section 1112(b), or

"(C) the 80 percent or less limitation in the 3rd proviso to such subsection,

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.

"(2) With respect to Export Credit Understanding vessels and Shipbuilding Agreement vessels, the Secretary may establish by rule, regulation, or procedure a uniform percentage that the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be.".

(C) Section 1104B(b) (46 App. U.S.C. 1274a(b)) is amended by striking the period at the end and inserting the following:

", except that, with respect to Export Credit Understanding vessels and Shipbuilding Agreement vessels, the Secretary may establish by rule, regulation, or procedure a uniform percentage that the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be.".

Subtitle C—Effective Date

SEC. 221. EFFECTIVE DATE.

This title and the amendments made by this title take effect on the date that the Shipbuilding Agreement enters into force with respect to the United States.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

SEC. 301. SHORT TITLE.

This title may be cited as the "GSP Renewal Act of 1996".

SEC. 302. GENERALIZED SYSTEM OF PREFERENCES.

(a) In General.—Title V of the Trade Act of 1974 is amended to read as follows:

"TITLE V—GENERALIZED SYSTEM OF PREFERENCES

"SEC. 501. AUTHORITY TO EXTEND PREFERENCES.

"The President may provide duty-free treatment for any eligible article from any beneficiary developing country in accordance with the provisions of this title. In taking any such action, the President shall have due regard for—

"(1) the effect such action will have on furthering the economic development of developing countries through the expansion of their exports;

"(2) the extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized preferences with respect to imports of products of such countries;

"(3) the anticipated impact of such action on United States producers of like or directly competitive products; and

"(4) the extent of the beneficiary developing country's competitiveness with respect to eligible articles.

"SEC. 502. DESIGNATION OF BENEFICIARY DEVELOPING COUNTRIES.

"(a) Authority To Designate Countries.—

"(1) Beneficiary developing countries.—The President is authorized to designate countries as beneficiary developing countries for purposes of this title.

"(2) Least-developed beneficiary developing countries.—The President is authorized to designate any beneficiary developing country as a least-developed beneficiary developing country for purposes of this title, based on the considerations in section 501 and subsection (c) of this section.

"(b) Countries Ineligible for Designation.—

"(1) Specific countries.—The following countries may not be designated as beneficiary developing countries for purposes of this title:

"(A) Australia.

"(B) Canada.

"(C) European Union member states.

"(D) Iceland.

"(E) Japan.

"(F) Monaco.

"(G) New Zealand.

"(H) Norway.

"(I) Switzerland.

"(2) Other bases for ineligibility.—The President shall not designate any country a beneficiary developing country under this title if any of the following applies:

"(A) Such country is a Communist country, unless—

"(i) the products of such country receive nondiscriminatory treatment,

"(ii) such country is a WTO Member (as such term is defined in section 2(10) of the Uruguay Round Agreements Act) (19 U.S.C. 3501(10)) and a member of the International Monetary Fund, and

"(iii) such country is not dominated or controlled by international communism.

"(B) Such country is a party to an arrangement of countries and participates in any action pursuant to such arrangement, the effect of which is—

"(i) to withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level, and

"(ii) to cause serious disruption of the world economy.

"(C) Such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce.

"(D)(i) Such country—

"(I) has nationalized, expropriated, or otherwise seized ownership or control of property, including patents, trademarks, or copyrights, owned by a United States citizen or by a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens,

"(II) has taken steps to repudiate or nullify an existing contract or agreement with a United States citizen or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property, including patents, trademarks, or copyrights, so owned, or

"(III) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property, including patents, trademarks, or copyrights, so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property,

unless clause (ii) applies.

"(ii) This clause applies if the President determines that—

"(I) prompt, adequate, and effective compensation has been or is being made to the citizen, corporation, partnership, or association referred to in clause (i),

"(II) good faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or the country described in clause (i) is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

"(III) a dispute involving such citizen, corporation, partnership, or association over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum,

and the President promptly furnishes a copy of such determination to the Senate and House of Representatives.

"(E) Such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute.

"(F) Such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism.

"(G) Such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country (including any designated zone in that country).

Subparagraphs (D), (E), (F), and (G) shall not prevent the designation of any country as a beneficiary developing country under this title if the President determines that such designation will be in the national economic interest of the United States and reports such determination to the Congress with the reasons therefor.

"(c) Factors Affecting Country Designation.—In determining whether to designate any country as a beneficiary developing country under this title, the President shall take into account—

"(1) an expression by such country of its desire to be so designated;

"(2) the level of economic development of such country, including its per capita gross national product, the living standards of its inhabitants, and any other economic factors which the President deems appropriate;

"(3) whether or not other major developed countries are extending generalized preferential tariff treatment to such country;

"(4) the extent to which such country has assured the United States that it will provide equitable and reasonable access to the markets and basic commodity resources of such country and the extent to which such country has assured the United States that it will refrain from engaging in unreasonable export practices;

"(5) the extent to which such country is providing adequate and effective protection of intellectual property rights;

"(6) the extent to which such country has taken action to—

"(A) reduce trade distorting investment practices and policies (including export performance requirements); and

"(B) reduce or eliminate barriers to trade in services; and

"(7) whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights.

"(d) WITHDRAWAL, SUSPENSION, OR LIMITATION OF COUNTRY DESIGNATION.—

"(1) IN GENERAL.—The President may withdraw, suspend, or limit the application of the duty-free treatment accorded under this title with respect to any country. In taking any action under this subsection, the President shall consider the factors set forth in section 501 and subsection (c) of this section.

"(2) CHANGED CIRCUMSTANCES.—The President shall, after complying with the requirements of subsection (f)(2), withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, the President determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under subsection (b)(2). Such country shall cease to be a beneficiary developing country on the day on which the President issues an Executive order or Presidential proclamation revoking the designation of such country under this title.

"(3) ADVICE TO CONGRESS.—The President shall, as necessary, advise the Congress on the application of section 501 and subsection (c) of this section, and the actions the President has taken to withdraw, to suspend, or to limit the application of duty-free treatment with respect to any country which has failed to adequately take the actions described in subsection (c).

"(e) MANDATORY GRADUATION OF BENEFICIARY DEVELOPING COUNTRIES.—If the President determines that a beneficiary developing country has become a 'high income' country, as defined by the official statistics of the International Bank for Reconstruction and Development, then the President shall terminate the designation of such country as a beneficiary developing country for purposes of this title, effective on January 1 of the second year following the year in which such determination is made.

"(f) CONGRESSIONAL NOTIFICATION.—

"(1) NOTIFICATION OF DESIGNATION.—

"(A) IN GENERAL.—Before the President designates any country as a beneficiary developing country under this title, the President shall notify the Congress of the President's intention to make such designation, together with the considerations entering into such decision.

"(B) DESIGNATION AS LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRY.—At least 60 days before the President designates any country as a least-developed beneficiary developing country, the President shall notify the Congress of the President's intention to make such designation.

"(2) NOTIFICATION OF TERMINATION.—If the President has designated any country as a beneficiary developing country under this title, the President shall not terminate such designation unless, at least 60 days before such termination, the President has notified the Congress and has notified such country of the President's intention to terminate such designation, together with the considerations entering into such decision.

"SEC. 503. DESIGNATION OF ELIGIBLE ARTICLES.

"(a) ELIGIBLE ARTICLES.—

"(1) DESIGNATION.—

"(A) IN GENERAL.—Except as provided in subsection (b), the President is authorized to designate articles as eligible articles from all beneficiary developing countries for purposes of this title by Executive order or Presidential proclamation after receiving the advice of the International Trade Commission in accordance with subsection (e).

"(B) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES.—Except for articles described in subparagraphs (A), (B), and (E) of subsection (b)(1) and articles described in paragraphs (2) and (3) of subsection (b), the President may, in carrying out section 502(d)(1) and subsection (c)(1) of this section, designate articles as eligible articles only for countries designated as least-developed beneficiary developing countries under section 502(a)(2) if, after receiving the advice of the International Trade Commission in accordance with subsection (e) of this section, the President determines that such articles are not import-sensitive in the context of imports from least-developed beneficiary developing countries.

"(C) THREE-YEAR RULE.—If, after receiving the advice of the International Trade Commission under subsection (e), an article has been formally considered for designation as an eligible article under this title and denied such designation, such article may not be reconsidered for such designation for a period of 3 years after such denial.

"(2) RULE OF ORIGIN.—

"(A) GENERAL RULE.—The duty-free treatment provided under this title shall apply to any eligible article which is the growth, product, or manufacture of a beneficiary developing country if—

"(i) that article is imported directly from a beneficiary developing country into the customs territory of the United States; and

"(ii) the sum of—

"(I) the cost or value of the materials produced in the beneficiary developing country or any two or more such countries that are members of the same association of countries and are treated as one country under section 507(2), plus

"(II) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time it is entered.

"(B) EXCLUSIONS.—An article shall not be treated as the growth, product, or manufacture of a beneficiary developing country by virtue of having merely undergone—

"(i) simple combining or packaging operations, or

"(ii) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

"(3) REGULATIONS.—The Secretary of the Treasury, after consulting with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out paragraph (2), including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article—

"(A) must be wholly the growth, product, or manufacture of a beneficiary developing country, or

"(B) must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary developing country.

"(b) ARTICLES THAT MAY NOT BE DESIGNATED AS ELIGIBLE ARTICLES.—

"(1) IMPORT SENSITIVE ARTICLES.—The President may not designate any article as an eligible article under subsection (a) if such article is within one of the following categories of import-sensitive articles:

"(A) Textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on such date.

"(B) Watches, except those watches entered after June 30, 1989, that the President specifically determines, after public notice and comment, will not cause material injury to watch or watch band, strap, or bracelet manufacturing and assembly operations in the United States or the United States insular possessions.

"(C) Import-sensitive electronic articles.

"(D) Import-sensitive steel articles.

"(E) Footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of this title on January 1, 1995, as this title was in effect on such date.

"(F) Import-sensitive semimanufactured and manufactured glass products.

"(G) Any other articles which the President determines to be import-sensitive in the context of the Generalized System of Preferences.

"(2) ARTICLES AGAINST WHICH OTHER ACTIONS TAKEN.—An article shall not be an eligible article for purposes of this title for any period during which such article is the subject of any action proclaimed pursuant to section 203 of this Act (19 U.S.C. 2253) or section 232 or 351 of the Trade Expansion Act of 1962 (19 U.S.C. 1862, 1981).

"(3) AGRICULTURAL PRODUCTS.—No quantity of an agricultural product subject to a tariff-rate quota that exceeds the in-quota quantity shall be eligible for duty-free treatment under this title.

"(c) WITHDRAWAL, SUSPENSION, OR LIMITATION OF DUTY-FREE TREATMENT; COMPETITIVE NEED LIMITATION.—

"(1) IN GENERAL.—The President may withdraw, suspend, or limit the application of the duty-free treatment accorded under this title with respect to any article, except that no rate of duty may be established with respect to any article pursuant to this subsection other than the rate which would apply but for this title. In taking any action under this subsection, the President shall consider the factors set forth in sections 501 and 502(c).

"(2) COMPETITIVE NEED LIMITATION.—

"(A) BASIS FOR WITHDRAWAL OF DUTY-FREE TREATMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii) and subject to subsection (d), whenever the President determines that a beneficiary developing country has exported (directly or indirectly) to the United States during any calendar year beginning after December 31, 1995—

"(I) a quantity of an eligible article having an appraised value in excess of the applicable amount for the calendar year, or

"(II) a quantity of an eligible article equal to or exceeding 50 percent of the appraised value of the total imports of that article into the United States during any calendar year,

the President shall, not later than July 1 of the next calendar year, terminate the duty-free treatment for that article from that beneficiary developing country.

"(ii) ANNUAL ADJUSTMENT OF APPLICABLE AMOUNT.—For purposes of applying clause (i), the applicable amount is—

"(I) for 1996, $75,000,000, and

"(II) for each calendar year thereafter, an amount equal to the applicable amount in effect for the preceding calendar year plus $5,000,000.

"(B) COUNTRY DEFINED.—For purposes of this paragraph, the term 'country' does not include an association of countries which is treated as one country under section 507(2), but does include a country which is a member of any such association.

"(C) REDESIGNATIONS.—A country which is no longer treated as a beneficiary developing country with respect to an eligible article by reason of subparagraph (A) may, subject to the considerations set forth in sections 501 and 502, be redesignated a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in subparagraph (A) during the preceding calendar year.

"(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country.

"(E) ARTICLES NOT PRODUCED IN THE UNITED STATES EXCLUDED.—Subparagraph (A)(i)(II) shall not apply with respect to any eligible article if a like or directly competitive article was not produced in the United States on January 1, 1995.

"(F) DE MINIMIS WAIVERS.—

"(i) IN GENERAL.—The President may disregard subparagraph (A)(i)(II) with respect to any eligible article from any beneficiary developing country if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed the applicable amount for such preceding calendar year.

"(ii) APPLICABLE AMOUNT.—For purposes of applying clause (i), the applicable amount is—

"(I) for calendar year 1996, $13,000,000, and

"(II) for each calendar year thereafter, an amount equal to the applicable amount in effect for the preceding calendar year plus $500,000.

"(d) WAIVER OF COMPETITIVE NEED LIMITATION.—

"(1) IN GENERAL.—The President may waive the application of subsection (c)(2) with respect to any eligible article of any beneficiary developing country if, before July 1 of the calendar year beginning after the calendar year for which a determination described in subsection (c)(2)(A) was made with respect to such eligible article, the President—

"(A) receives the advice of the International Trade Commission under section 332 of the Tariff Act of 1930 on whether any industry in the United States is likely to be adversely affected by such waiver,

"(B) determines, based on the considerations described in sections 501 and 502(c) and the advice described in subparagraph (A), that such waiver is in the national economic interest of the United States, and

"(C) publishes the determination described in subparagraph (B) in the Federal Register.

"(2) CONSIDERATIONS BY THE PRESIDENT.—In making any determination under paragraph (1), the President shall give great weight to—

"(A) the extent to which the beneficiary developing country has assured the United States that such country will provide equitable and reasonable access to the markets and basic commodity resources of such country, and

"(B) the extent to which such country provides adequate and effective protection of intellectual property rights.

"(3) OTHER BASES FOR WAIVER.—The President may waive the application of subsection (c)(2) if, before July 1 of the calendar year beginning after the calendar year for which a determination described in subsection (c)(2) was made with respect to a beneficiary developing country, the President determines that—

"(A) there has been a historical preferential trade relationship between the United States and such country,

"(B) there is a treaty or trade agreement in force covering economic relations between such country and the United States, and

"(C) such country does not discriminate against, or impose unjustifiable or unreasonable barriers to, United States commerce,

and the President publishes that determination in the Federal Register.

"(4) LIMITATIONS ON WAIVERS.—

"(A) IN GENERAL.—The President may not exercise the waiver authority under this subsection with respect to a quantity of an eligible article entered during any calendar year beginning after 1995, the aggregate appraised value of which equals or exceeds 30 percent of the aggregate appraised value of all articles that entered duty-free under this title during the preceding calendar year.

"(B) OTHER WAIVER LIMITS.—The President may not exercise the waiver authority provided under this subsection with respect to a quantity of an eligible article entered during any calendar year beginning after 1995, the aggregate appraised value of which exceeds 15 percent of the aggregate appraised value of all articles that have entered duty-free under this title during the preceding calendar year from those beneficiary developing countries which for the preceding calendar year—

"(i) had a per capita gross national product (calculated on the basis of the best available information, including that of the International Bank for Reconstruction and Development) of $5,000 or more; or

"(ii) had exported (either directly or indirectly) to the United States a quantity of articles that was duty-free under this title that had an aggregate appraised value of more than 10 percent of the aggregate appraised value of all articles that entered duty-free under this title during that year.

"(C) CALCULATION OF LIMITATIONS.—There shall be counted against the limitations imposed under subparagraphs (A) and (B) for any calendar year only that value of any eligible article of any country that—

"(i) entered duty-free under this title during such calendar year; and

"(ii) is in excess of the value of that article that would have been so entered during such calendar year if the limitations under subsection (c)(2)(A) applied.

"(5) EFFECTIVE PERIOD OF WAIVER.—Any waiver granted under this subsection shall remain in effect until the President determines that such waiver is no longer warranted due to changed circumstances.

"(e) INTERNATIONAL TRADE COMMISSION ADVICE.—Before designating articles as eligible articles under subsection (a)(1), the President shall publish and furnish the International Trade Commission with lists of articles which may be considered for designation as eligible articles for purposes of this title. The provisions of sections 131, 132, 133, and 134 shall be complied with as though action under section 501 and this section were action under section 123 to carry out a trade agreement entered into under section 123.

"(f) SPECIAL RULE CONCERNING PUERTO RICO.—No action under this title may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 319 of the Tariff Act of 1930 on coffee imported into Puerto Rico.

"SEC. 504. REVIEW AND REPORT TO CONGRESS.

"The President shall submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary developing country.

"SEC. 505. DATE OF TERMINATION.

"No duty-free treatment provided under this title shall remain in effect after May 12, 1997.

"SEC. 506. AGRICULTURAL EXPORTS OF BENEFICIARY DEVELOPING COUNTRIES.

"The appropriate agencies of the United States shall assist beneficiary developing countries to develop and implement measures designed to assure that the agricultural sectors of their economies are not directed to export markets to the detriment of the production of foodstuffs for their citizenry.

"SEC. 507. DEFINITIONS.

"For purposes of this title:

"(1) BENEFICIARY DEVELOPING COUNTRY.—The term 'beneficiary developing country' means any country with respect to which there is in effect an Executive order or Presidential proclamation by the President designating such country as a beneficiary developing country for purposes of this title.

"(2) COUNTRY.—The term 'country' means any foreign country or territory, including any overseas dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands. In the case of an association of countries which is a free trade area or customs union, or which is contributing to comprehensive regional economic integration among its members through appropriate means, including, but not limited to, the reduction of duties, the President may by Executive order or Presidential proclamation provide that all members of such association other than members which are barred from designation under section 502(b) shall be treated as one country for purposes of this title.

"(3) ENTERED.—The term 'entered' means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

"(4) INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—The term 'internationally recognized worker rights' includes—

"(A) the right of association;

"(B) the right to organize and bargain collectively;

"(C) a prohibition on the use of any form of forced or compulsory labor;

"(D) a minimum age for the employment of children; and

"(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

"(5) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRY.—The term 'least-developed beneficiary developing country' means a beneficiary developing country that is designated as a least-developed beneficiary developing country under section 502(a)(2).".

(b) TABLE OF CONTENTS.—The items relating to title V in the table of contents of the Trade Act of 1974 are amended to read as follows:

"TITLE V—GENERALIZED SYSTEM OF PREFERENCES

"Sec. 501. Authority to extend preferences.
"Sec. 502. Designation of beneficiary developing countries.
"Sec. 503. Designation of eligible articles.
"Sec. 504. Review and report to Congress.
"Sec. 505. Date of termination.
"Sec. 506. Agricultural exports of beneficiary developing countries.
"Sec. 507. Definitions.".

SEC. 303. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title apply to articles entered on or after October 1, 1996.

(b) RETROACTIVE APPLICATION.—

(1) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to subsection (c)—

(A) any article that was entered—

(i) after July 31, 1995, and

(ii) before January 1, 1996, and

to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the *entry had been made on July 31, 1995, shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry, and*

(B) any article that was entered—

(i) after December 31, 1995, and

(ii) before October 1, 1996, and

to which duty-free treatment under title V of the Trade Act of 1974 (as amended by this title) would have applied if the entry had been made on or after October 1, 1996, shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(2) LIMITATION ON REFUNDS.—No refund shall be made pursuant to this subsection before October 1, 1996.

(3) ENTRY.—As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(c) REQUESTS.—Liquidation or reliquidation may be made under subsection (b) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(1) to locate the entry; or

(2) to reconstruct the entry if it cannot be located.

SEC. 304. CONFORMING AMENDMENTS.

(a) TRADE LAWS.—

(1) Section 1211(b) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3011(b)) is amended—

(A) in paragraph (1), by striking "(19 U.S.C. 2463(a), 2464(c)(3))" and inserting "(as in effect on July 31, 1995)"; and

(B) in paragraph (2), by striking "(19 U.S.C. 2464(c)(1))" and inserting the following: "(as in effect on July 31, 1995)".

(2) Section 203(c)(7) of the Andean Trade Preference Act (19 U.S.C. 3202(c)(7)) is amended by striking "502(a)(4)" and inserting "507(4)".

(3) Section 212(b)(7) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)(7)) is amended by striking "502(a)(4)" and inserting "507(4)".

(4) General note 3(a)(iv)(C) of the Harmonized Tariff Schedule of the United States is amended by striking "sections 503(b) and 504(c)" and inserting "subsections (a), (c), and (d) of section 503".

(5) Section 201(a)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3331(a)(2)) is amended by striking "502(a)(2) of the Trade Act of 1974 (19 U.S.C. 2462(a)(2))" and inserting "502(f)(2) of the Trade Act of 1974".

(6) Section 131 of the Uruguay Round Agreements Act (19 U.S.C. 3551) is amended in subsections (a) and (b)(1) by striking "502(a)(4)" and inserting "507(4)".

(b) OTHER LAWS.—

(1) Section 871(f)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "within the meaning of section 502" and inserting "under title V".

(2) Section 2202(8) of the Export Enhancement Act of 1988 (15 U.S.C. 4711(8)) is amended by striking "502(a)(4)" and inserting "507(4)".

(3) Section 231A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(a)) is amended—

(A) in paragraph (1) by striking "502(a)(4) of the Trade Act of 1974 (19 U.S.C. 2462(a)(4))" and inserting "507(4) of the Trade Act of 1974";

(B) in paragraph (2) by striking "505(c) of the Trade Act of 1974 (19 U.S.C. 2465(c))" and inserting "504 of the Trade Act of 1974"; and

(C) in paragraph (4) by striking "502(a)(4)" and inserting "507(4)".

(4) Section 1621(a)(1) of the International Financial Institutions Act (22 U.S.C. 262p–4p(a)(1)) is amended by striking "502(a)(4)" and inserting "507(4)".

(5) Section 103B of the Agricultural Act of 1949 (7 U.S.C. 1444–2) is amended in subsections (a)(5)(F) (v) and (n)(1)(C) by striking "503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d))" and inserting "503(b)(3) of the Trade Act of 1974".

TITLE IV—REVENUE OFFSETS

SEC. 400. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Foreign Trust Tax Compliance

SEC. 401. IMPROVED INFORMATION REPORTING ON FOREIGN TRUSTS.

(a) IN GENERAL.—Section 6048 (relating to returns as to certain foreign trusts) is amended to read as follows:

"SEC. 6048. INFORMATION WITH RESPECT TO CERTAIN FOREIGN TRUSTS.

"(a) NOTICE OF CERTAIN EVENTS.—

"(1) GENERAL RULE.—On or before the 90th day (or such later day as the Secretary may prescribe) after any reportable event, the responsible party shall provide written notice of such event to the Secretary in accordance with paragraph (2).

"(2) CONTENTS OF NOTICE.—The notice required by paragraph (1) shall contain such information as the Secretary may prescribe, including—

"(A) the amount of money or other property (if any) transferred to the trust in connection with the reportable event, and

"(B) the identity of the trust and of each trustee and beneficiary (or class of beneficiaries) of the trust.

"(3) REPORTABLE EVENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'reportable event' means—

"(i) the creation of any foreign trust by a United States person,

"(ii) the transfer of any money or property (directly or indirectly) to a foreign trust by a United States person, including a transfer by reason of death, and

"(iii) the death of a citizen or resident of the United States if—

"(I) the decedent was treated as the owner of any portion of a foreign trust under the rules of subpart E of part I of subchapter J of chapter 1, or

"(II) any portion of a foreign trust was included in the gross estate of the decedent.

"(B) EXCEPTIONS.—

"(i) FAIR MARKET VALUE SALES.—Subparagraph (A)(ii) shall not apply to any transfer of property to a trust in exchange for consideration of at least the fair market value of the transferred property. For purposes of the preceding sentence, consideration other than cash shall be taken into account at its fair market value and the rules of section 679(a)(3) shall apply.

"(ii) DEFERRED COMPENSATION AND CHARITABLE TRUSTS.—Subparagraph (A) shall not apply with respect to a trust which is—

"(I) described in section 402(b), 404(a)(4), or 404A, or

"(II) determined by the Secretary to be described in section 501(c)(3).

"(4) RESPONSIBLE PARTY.—For purposes of this subsection, the term 'responsible party' means—

"(A) the grantor in the case of the creation of an inter vivos trust,

"(B) the transferor in the case of a reportable event described in paragraph (3)(A)(ii) other than a transfer by reason of death, and

"(C) the executor of the decedent's estate in any other case.

"(b) UNITED STATES GRANTOR OF FOREIGN TRUST.—

"(1) IN GENERAL.—If, at any time during any taxable year of a United States person, such person is treated as the owner of any portion of a foreign trust under the rules of subpart E of part I of subchapter J of chapter 1, such person shall be responsible to ensure that—

"(A) such trust makes a return for such year which sets forth a full and complete accounting of all trust activities and operations for the year, the name of the United States agent for such trust, and such other information as the Secretary may prescribe, and

"(B) such trust furnishes such information as the Secretary may prescribe to each United States person (i) who is treated as the owner of any portion of such trust or (ii) who receives (directly or indirectly) any distribution from the trust.

"(2) TRUSTS NOT HAVING UNITED STATES AGENT.—

"(A) IN GENERAL.—If the rules of this paragraph apply to any foreign trust, the determination of amounts required to be taken into account with respect to such trust by a United States person under the rules of subpart E of part I of subchapter J of chapter 1 shall be determined by the Secretary.

"(B) UNITED STATES AGENT REQUIRED.—The rules of this paragraph shall apply to any foreign trust to which paragraph (1) applies unless such trust agrees (in such manner, subject to such conditions, and at such time as the Secretary shall prescribe) to authorize a United States person to act as such trust's limited agent solely for purposes of applying sections 7602, 7603, and 7604 with respect to—

"(i) any request by the Secretary to examine records or produce testimony related to the proper treatment of amounts required to be taken into account under the rules referred to in subparagraph (A), or

"(ii) any summons by the Secretary for such records or testimony.

The appearance of persons or production of records by reason of a United States person being such an agent shall not subject such persons or records to legal process for any purpose other than determining the correct treatment under this title of the amounts required to be taken into account under the rules referred to in subparagraph (A). A foreign trust which appoints an agent described in this subparagraph shall not be considered to have an office or a permanent establishment in the United States, or to be engaged in a trade or business in the United States, solely because of the activities of such agent pursuant to this subsection.

"(C) OTHER RULES TO APPLY.—Rules similar to the rules of paragraphs (2) and (4) of section 6038A(e) shall apply for purposes of this paragraph.

"(c) REPORTING BY UNITED STATES BENEFICIARIES OF FOREIGN TRUSTS.—

"(1) IN GENERAL.—If any United States person receives (directly or indirectly) during any taxable year of such person any distribution from a foreign trust, such person shall make a return with respect to such trust for such year which includes—

"(A) the name of such trust,

"(B) the aggregate amount of the distributions so received from such trust during such taxable year, and

"(C) such other information as the Secretary may prescribe.

"(2) INCLUSION IN INCOME IF RECORDS NOT PROVIDED.—

"(A) IN GENERAL.—If adequate records are not provided to the Secretary to determine the proper treatment of any distribution from a foreign trust, such distribution shall be treated as an accumulation distribution includible in the gross

income of the distributee under chapter 1. To the extent provided in regulations, the preceding sentence shall not apply if the foreign trust elects to be subject to rules similar to the rules of subsection (b)(2)(B).

"(B) APPLICATION OF ACCUMULATION DISTRIBUTION RULES.—For purposes of applying section 668 in a case to which subparagraph (A) applies, the applicable number of years for purposes of section 668(a) shall be ½ of the number of years the trust has been in existence.

"(d) SPECIAL RULES.—

"(1) DETERMINATION OF WHETHER UNITED STATES PERSON MAKES TRANSFER OR RECEIVES DISTRIBUTION.—For purposes of this section, in determining whether a United States person makes a transfer to, or receives a distribution from, a foreign trust, the fact that a portion of such trust is treated as owned by another person under the rules of subpart E of part I of subchapter J of chapter 1 shall be disregarded.

"(2) DOMESTIC TRUSTS WITH FOREIGN ACTIVITIES.—To the extent provided in regulations, a trust which is a United States person shall be treated as a foreign trust for purposes of this section and section 6677 if such trust has substantial activities, or holds substantial property, outside the United States.

"(3) TIME AND MANNER OF FILING INFORMATION.—Any notice or return required under this section shall be made at such time and in such manner as the Secretary shall prescribe.

"(4) MODIFICATION OF RETURN REQUIREMENTS.—The Secretary is authorized to suspend or modify any requirement of this section if the Secretary determines that the United States has no significant tax interest in obtaining the required information.".

(b) INCREASED PENALTIES.—Section 6677 (relating to failure to file information returns with respect to certain foreign trusts) is amended to read as follows:

"SEC. 6677. FAILURE TO FILE INFORMATION WITH RESPECT TO CERTAIN FOREIGN TRUSTS.

"(a) CIVIL PENALTY.—In addition to any criminal penalty provided by law, if any notice or return required to be filed by section 6048—

"(1) is not filed on or before the time provided in such section, or

"(2) does not include all the information required pursuant to such section or includes incorrect information,

the person required to file such notice or return shall pay a penalty equal to 35 percent of the gross reportable amount. If any failure described in the preceding sentence continues for more than 90 days after the day on which the Secretary mails notice of such failure to the person required to pay such penalty, such person shall pay a penalty (in addition to the amount determined under the preceding sentence) of $10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period. In no event shall the penalty under this subsection with respect to any failure exceed the gross reportable amount.

"(b) SPECIAL RULES FOR RETURNS UNDER SECTION 6048(b).—In the case of a return required under section 6048(b)—

"(1) the United States person referred to in such section shall be liable for the penalty imposed by subsection (a), and

"(2) subsection (a) shall be applied by substituting '5 percent' for '35 percent'.

"(c) GROSS REPORTABLE AMOUNT.—For purposes of subsection (a), the term 'gross reportable amount' means—

"(1) the gross value of the property involved in the event (determined as of the date of the event) in the case of a failure relating to section 6048(a),

"(2) the gross value of the portion of the trust's assets at the close of the year treated as owned by the United States person in the case of a failure relating to section 6048(b)(1), and

"(3) the gross amount of the distributions in the case of a failure relating to section 6048(c).

"(d) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the required information is not reasonable cause.

"(e) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).".

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 6724(d) is amended by striking "or" at the end of subparagraph (S), by striking the period at the end of subparagraph (T) and inserting ", or", and by inserting after subparagraph (T) the following new subparagraph:

"(U) section 6048(b)(1)(B) (relating to foreign trust reporting requirements).".

(2) The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by striking the item relating to section 6048 and inserting the following new item:

"Sec. 6048. Information with respect to certain foreign trusts.".

(3) The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6677 and inserting the following new item:

"Sec. 6677. Failure to file information with respect to certain foreign trusts.".

(d) EFFECTIVE DATES.—

(1) REPORTABLE EVENTS.—To the extent related to subsection (a) of section 6048 of the Internal Revenue Code of 1986, as amended by this section, the amendments made by this section shall apply to reportable events (as defined in such section 6048) occurring after the date of the enactment of this Act.

(2) GRANTOR TRUST REPORTING.—To the extent related to subsection (b) of such section 6048, the amendments made by this section shall apply to taxable years of United States persons beginning after December 31, 1995.

(3) REPORTING BY UNITED STATES BENEFICIARIES.—To the extent related to subsection (c) of such section 6048, the amendments made by this section shall apply to distributions received after the date of the enactment of this Act.

SEC. 402. COMPARABLE PENALTIES FOR FAILURE TO FILE RETURN RELATING TO TRANSFERS TO FOREIGN ENTITIES.

(a) IN GENERAL.—Section 1494 is amended by adding at the end the following new subsection:

"(c) PENALTY.—In the case of any failure to file a return required by the Secretary with respect to any transfer described in section 1491, the person required to file such return shall be liable for the penalties provided in section 6677 in the same manner as if such failure were a failure to file a notice under section 6048(a).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

SEC. 403. MODIFICATIONS OF RULES RELATING TO FOREIGN TRUSTS HAVING ONE OR MORE UNITED STATES BENEFICIARIES.

(a) TREATMENT OF TRUST OBLIGATIONS, ETC.—

(1) Paragraph (2) of section 679(a) is amended by striking subparagraph (B) and inserting the following:

"(B) TRANSFERS AT FAIR MARKET VALUE.—To any transfer of property to a trust in exchange for consideration of at least the fair market value of the transferred property. For purposes of the preceding sentence, consideration other than cash shall be taken into account at its fair market value.".

(2) Subsection (a) of section 679 (relating to foreign trusts having one or more United States beneficiaries) is amended by adding at the end the following new paragraph:

"(3) CERTAIN OBLIGATIONS NOT TAKEN INTO ACCOUNT UNDER FAIR MARKET VALUE EXCEPTION.—

"(A) IN GENERAL.—In determining whether paragraph (2)(B) applies to any transfer by a person described in clause (ii) or (iii) of subparagraph (C), there shall not be taken into account—

"(i) except as provided in regulations, any obligation of a person described in subparagraph (C), and

"(ii) to the extent provided in regulations, any obligation which is guaranteed by a person described in subparagraph (C).

"(B) TREATMENT OF PRINCIPAL PAYMENTS ON OBLIGATION.—Principal payments by the trust on any obligation referred to in subparagraph (A) shall be taken into account on and after the date of the payment in determining the portion of the trust attributable to the property transferred.

"(C) PERSONS DESCRIBED.—The persons described in this subparagraph are—

"(i) the trust,

"(ii) any grantor or beneficiary of the trust, and

"(iii) any person who is related (within the meaning of section 643(i)(2)(B)) to any grantor or beneficiary of the trust.".

(b) EXEMPTION OF TRANSFERS TO CHARITABLE TRUSTS.—Subsection (a) of section 679 is amended by striking "section 404(a)(4) or 404A" and inserting "section 6048(a)(3)(B)(ii)".

(c) OTHER MODIFICATIONS.—Subsection (a) of section 679 is amended by adding at the end the following new paragraphs:

"(4) SPECIAL RULES APPLICABLE TO FOREIGN GRANTOR WHO LATER BECOMES A UNITED STATES PERSON.—

"(A) IN GENERAL.—If a nonresident alien individual has a residency starting date within 5 years after directly or indirectly transferring property to a foreign trust, this section and section 6048 shall be applied as if such individual transferred to such trust on the residency starting date an amount equal to the portion of such trust attributable to the property transferred by such individual to such trust in such transfer.

"(B) TREATMENT OF UNDISTRIBUTED INCOME.—For purposes of this section, undistributed net income for periods before such individual's residency starting date shall be taken into account in determining the portion of the trust which is attributable to property transferred by such individual to such trust but shall not otherwise be taken into account.

"(C) RESIDENCY STARTING DATE.—For purposes of this paragraph, an individual's residency starting date is the residency starting date determined under section 7701(b)(2)(A).

"(5) OUTBOUND TRUST MIGRATIONS.—If—

"(A) an individual who is a citizen or resident of the United States transferred property to a trust which was not a foreign trust, and

"(B) such trust becomes a foreign trust while such individual is alive,

then this section and section 6048 shall be applied as if such individual transferred to such trust on the date such trust becomes a foreign trust an amount equal to the portion of such trust attributable to the property previously transferred by such individual to such trust. A rule similar to the rule of paragraph (4)(B) shall apply for purposes of this paragraph.".

(d) MODIFICATIONS RELATING TO WHETHER TRUST HAS UNITED STATES BENEFICIARIES.—

Subsection (c) of section 679 is amended by adding at the end the following new paragraph:

"(3) CERTAIN UNITED STATES BENEFICIARIES DISREGARDED.—A beneficiary shall not be treated as a United States person in applying this section with respect to any transfer of property to foreign trust if such beneficiary first became a United States person more than 5 years after the date of such transfer.".

(e) TECHNICAL AMENDMENT.—Subparagraph (A) of section 679(c)(2) is amended to read as follows:

"(A) in the case of a foreign corporation, such corporation is a controlled foreign corporation (as defined in section 957(a)),".

(f) REGULATIONS.—Section 679 is amended by adding at the end the following new subsection:

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of property after February 6, 1995.

SEC. 404. FOREIGN PERSONS NOT TO BE TREATED AS OWNERS UNDER GRANTOR TRUST RULES.

(a) GENERAL RULE.—

(1) Subsection (f) of section 672 (relating to special rule where grantor is foreign person) is amended to read as follows:

"(f) SUBPART NOT TO RESULT IN FOREIGN OWNERSHIP.—

"(1) IN GENERAL.—Notwithstanding any other provision of this subpart, this subpart shall apply only to the extent such application results in an amount (if any) being currently taken into account (directly or through 1 or more entities) under this chapter in computing the income of a citizen or resident of the United States or a domestic corporation.

"(2) EXCEPTIONS.—

"(A) CERTAIN REVOCABLE AND IRREVOCABLE TRUSTS.—Paragraph (1) shall not apply to any portion of a trust if—

"(i) the power to revest absolutely in the grantor title to the trust property to which such portion is attributable is exercisable solely by the grantor without the approval or consent of any other person or with the consent of a related or subordinate party who is subservient to the grantor, or

"(ii) the only amounts distributable from such portion (whether income or corpus) during the lifetime of the grantor are amounts distributable to the grantor or the spouse of the grantor.

"(B) COMPENSATORY TRUSTS.—Except as provided in regulations, paragraph (1) shall not apply to any portion of a trust distributions from which are taxable as compensation for services rendered.

"(3) SPECIAL RULES.—Except as otherwise provided in regulations prescribed by the Secretary—

"(A) a controlled foreign corporation (as defined in section 957) shall be treated as a domestic corporation for purposes of paragraph (1), and

"(B) paragraph (1) shall not apply for purposes of applying section 1296.

"(4) RECHARACTERIZATION OF PURPORTED GIFTS.—In the case of any transfer directly or indirectly from a partnership or foreign corporation which the transferee treats as a gift or bequest, the Secretary may recharacterize such transfer in such circumstances as the Secretary determines to be appropriate to prevent the avoidance of the purposes of this subsection.

"(5) SPECIAL RULE WHERE GRANTOR IS FOREIGN PERSON.—If—

"(A) but for this subsection, a foreign person would be treated as the owner of any portion of a trust, and

"(B) such trust has a beneficiary who is a United States person, such beneficiary shall be treated as the grantor of such portion to the extent such beneficiary or any member of such beneficiary's family (within the meaning of section 267(c)(4)) has made (directly or indirectly) transfers of property (other than in a sale for full and adequate consideration) to such foreign person. For purposes of the preceding sentence, any gift shall not be taken into account to the extent such gift would be excluded from taxable gifts under section 2503(b).

"(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations providing that paragraph (1) shall not apply in appropriate cases.".

(2) The last sentence of subsection (c) of section 672 of such Code is amended by inserting "subsection (f) and" before "sections 674".

(b) CREDIT FOR CERTAIN TAXES.—

(1) Paragraph (2) of section 665(d) is amended by adding at the end the following new sentence: "Under rules or regulations prescribed by the Secretary, in the case of any foreign trust of which the settlor or another person would be treated as owner of any portion of the trust under subpart E but for section 672(f), the term 'taxes imposed on the trust' includes the allocable amount of any income, war profits, and excess profits taxes imposed by any foreign country or possession of the United States on the settlor or such other person in respect of trust income.".

(2) Paragraph (5) of section 901(b) is amended by adding at the end the following new sentence: "Under rules or regulations prescribed by the Secretary, in the case of any foreign trust of which the settlor or another person would be treated as owner of any portion of the trust under subpart E but for section 672(f), the allocable amount of any income, war profits, and excess profits taxes imposed by any foreign country or possession of the United States on the settlor or such other person in respect of trust income.".

(c) DISTRIBUTIONS BY CERTAIN FOREIGN TRUSTS THROUGH NOMINEES.—

(1) Section 643 is amended by adding at the end the following new subsection:

"(h) DISTRIBUTIONS BY CERTAIN FOREIGN TRUSTS THROUGH NOMINEES.—For purposes of this part, any amount paid to a United States person which is derived directly or indirectly from a foreign trust of which the payor is not the grantor shall be deemed in the year of payment to have been directly paid by the foreign trust to such United States person.".

(2) Section 665 is amended by striking subsection (c).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION FOR CERTAIN TRUSTS.—The amendments made by this section shall not apply to any trust—

(A) which is treated as owned by the grantor under section 676 or 677 (other than subsection (a)(3) thereof) of the Internal Revenue Code of 1986, and

(B) which is in existence on September 19, 1995.

The preceding sentence shall not apply to the portion of any such trust attributable to any transfer to such trust after September 19, 1995.

(e) TRANSITIONAL RULE.—If—

(1) by reason of the amendments made by this section, any person other than a United States person ceases to be treated as the owner of a portion of a domestic trust, and

(2) before January 1, 1997, such trust becomes a foreign trust, or the assets of such trust are transferred to a foreign trust, no tax shall be imposed by section 1491 of the Internal Revenue Code of 1986 by reason of such trust becoming a foreign trust or the assets of such trust being transferred to a foreign trust.

SEC. 405. INFORMATION REPORTING REGARDING FOREIGN GIFTS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6039E the following new section:

"SEC. 6039F. NOTICE OF LARGE GIFTS RECEIVED FROM FOREIGN PERSONS.

"(a) IN GENERAL.—If the value of the aggregate foreign gifts received by a United States person (other than an organization described in section 501(c) and exempt from tax under section 501(a)) during any taxable year exceeds $10,000, such United States person shall furnish (at such time and in such manner as the Secretary shall prescribe) such information as the Secretary may prescribe regarding each foreign gift received during such year.

"(b) FOREIGN GIFT.—For purposes of this section, the term 'foreign gift' means any amount received from a person other than a United States person which the recipient treats as a gift or bequest. Such term shall not include any qualified transfer (within the meaning of section 2503(e)(2)) or any distribution properly disclosed in a return under section 6048(c).

"(c) PENALTY FOR FAILURE TO FILE INFORMATION.—

"(1) IN GENERAL.—If a United States person fails to furnish the information required by subsection (a) with respect to any foreign gift within the time prescribed therefor (including extensions)—

"(A) the tax consequences of the receipt of such gift shall be determined by the Secretary, and

"(B) such United States person shall pay (upon notice and demand by the Secretary and in the same manner as tax) an amount equal to 5 percent of the amount of such foreign gift for each month for which the failure continues (not to exceed 25 percent of such amount in the aggregate).

"(2) REASONABLE CAUSE EXCEPTION.—Paragraph (1) shall not apply to any failure to report a foreign gift if the United States person shows that the failure is due to reasonable cause and not due to willful neglect.

"(d) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning after December 31, 1996, the $10,000 amount under subsection (a) shall be increased by an amount equal to the product of such amount and the cost-of-living adjustment for such taxable year under section 1(f)(3), except that subparagraph (B) thereof shall be applied by substituting '1995' for '1992'.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for such subpart is amended by inserting after the item relating to section 6039E the following new item:

"Sec. 6039F. Notice of large gifts received from foreign persons.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act in taxable years ending after such date.

SEC. 406. MODIFICATION OF RULES RELATING TO FOREIGN TRUSTS WHICH ARE NOT GRANTOR TRUSTS.

(a) MODIFICATION OF INTEREST CHARGE ON ACCUMULATION DISTRIBUTIONS.—Subsection (a) of section 668 (relating to interest charge on accumulation distributions from foreign trusts) is amended to read as follows:

"(a) GENERAL RULE.—For purposes of the tax determined under section 667(a)—

"(1) INTEREST DETERMINED USING UNDERPAYMENT RATES.—The interest charge determined under this section with respect to any distribution is the amount of interest which would be determined on the partial tax computed under section 667(b) for the period described in paragraph (2) using the rates and the method under section 6621 applicable to underpayments of tax.

"(2) PERIOD.—For purposes of paragraph (1), the period described in this paragraph is the period which begins on the date which is the applicable number of years before the date of the distribution and which ends on the date of the distribution.

"(3) APPLICABLE NUMBER OF YEARS.—For purposes of paragraph (2)—

"(A) IN GENERAL.—The applicable number of years with respect to a distribution is the number determined by dividing—

"(i) the sum of the products described in subparagraph (B) with respect to each undistributed income year, by

"(ii) the aggregate undistributed net income.

The quotient determined under the preceding sentence shall be rounded under procedures prescribed by the Secretary.

"(B) PRODUCT DESCRIBED.—For purposes of subparagraph (A), the product described in this subparagraph with respect to any undistributed income year is the product of—

"(i) the undistributed net income for such year, and

"(ii) the sum of the number of taxable years between such year and the taxable year of the distribution (counting in each case the undistributed income year but not counting the taxable year of the distribution).

"(4) UNDISTRIBUTED INCOME YEAR.—For purposes of this subsection, the term 'undistributed income year' means any prior taxable year of the trust for which there is undistributed net income, other than a taxable year during all of which the beneficiary receiving the distribution was not a citizen or resident of the United States.

"(5) DETERMINATION OF UNDISTRIBUTED NET INCOME.—Notwithstanding section 666, for purposes of this subsection, an accumulation distribution from the trust shall be treated as reducing proportionately the undistributed net income for undistributed income years.

"(6) PERIODS BEFORE 1996.—Interest for the portion of the period described in paragraph (2) which occurs before January 1, 1996, shall be determined—

"(A) by using an interest rate of 6 percent, and

"(B) without compounding until January 1, 1996.".

(b) ABUSIVE TRANSACTIONS.—Section 643(a) is amended by inserting after paragraph (6) the following new paragraph:

"(7) ABUSIVE TRANSACTIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this part, including regulations to prevent avoidance of such purposes.".

(c) TREATMENT OF LOANS FROM TRUSTS.—

(1) IN GENERAL.—Section 643 (relating to definitions applicable to subparts A, B, C, and D) is amended by adding at the end the following new subsection:

"(i) LOANS FROM FOREIGN TRUSTS.—For purposes of subparts B, C, and D—

"(1) GENERAL RULE.—Except as provided in regulations, if a foreign trust makes a loan of cash or marketable securities directly or indirectly to—

"(A) any grantor or beneficiary of such trust who is a United States person, or

"(B) any United States person not described in subparagraph (A) who is related to such grantor or beneficiary, the amount of such loan shall be treated as a distribution by such trust to such grantor or beneficiary (as the case may be).

"(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) CASH.—The term 'cash' includes foreign currencies and cash equivalents.

"(B) RELATED PERSON.—

"(i) IN GENERAL.—A person is related to another person if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b). In applying section 267 for purposes of the preceding sentence, section 267(c)(4) shall be applied as if the family of an individual includes the spouses of the members of the family.

"(ii) ALLOCATION.—If any person described in paragraph (1)(B) is related to more than one person, the grantor or beneficiary to whom the treatment under this subsection applies shall be determined under regulations prescribed by the Secretary.

"(C) EXCLUSION OF TAX-EXEMPTS.—The term 'United States person' does not include any entity exempt from tax under this chapter.

"(D) TRUST NOT TREATED AS SIMPLE TRUST.—Any trust which is treated under this subsection as making a distribution shall be treated as not described in section 651.

"(3) SUBSEQUENT TRANSACTIONS REGARDING LOAN PRINCIPAL.—If any loan is taken into account under paragraph (1), any subsequent transaction between the trust and the original borrower regarding the principal of the loan (by way of complete or partial repayment, satisfaction, cancellation, discharge, or otherwise) shall be disregarded for purposes of this title.".

(2) TECHNICAL AMENDMENT.—Paragraph (8) of section 7872(f) is amended by inserting ", 643(i)," before "or 1274" each place it appears.

(d) EFFECTIVE DATES.—

(1) INTEREST CHARGE.—The amendment made by subsection (a) shall apply to distributions after the date of the enactment of this Act.

(2) ABUSIVE TRANSACTIONS.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

(3) LOANS FROM TRUSTS.—The amendment made by subsection (c) shall apply to loans of cash or marketable securities made after September 19, 1995.

SEC. 407. RESIDENCE OF TRUSTS, ETC.

(a) TREATMENT AS UNITED STATES PERSON.—

(1) IN GENERAL.—Paragraph (30) of section 7701(a) is amended by striking "and" at the end of subparagraph (C) and by striking subparagraph (D) and by inserting the following new subparagraphs:

"(D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and

"(E) any trust if—

"(i) a court within the United States is able to exercise primary supervision over the administration of the trust, and

"(ii) one or more United States fiduciaries have the authority to control all substantial decisions of the trust.".

(2) CONFORMING AMENDMENT.—Paragraph (31) of section 7701(a) is amended to read as follows:

"(31) FOREIGN ESTATE OR TRUST.—

"(A) FOREIGN ESTATE.—The term 'foreign estate' means an estate the income of which, from sources without the United States which is not effectively connected with the conduct of a trade or business within the United States, is not includible in gross income under subtitle A.

"(B) FOREIGN TRUST.—The term 'foreign trust' means any trust other than a trust described in subparagraph (E) of paragraph (30).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply—

(A) to taxable years beginning after December 31, 1996, or

(B) at the election of the trustee of a trust, to taxable years ending after the date of the enactment of this Act. Such an election, once made, shall be irrevocable.

(b) DOMESTIC TRUSTS WHICH BECOME FOREIGN TRUSTS.—

(1) IN GENERAL.—Section 1491 (relating to imposition of tax on transfers to avoid income tax) is amended by adding at the end the following new flush sentence:

"If a trust which is not a foreign trust becomes a foreign trust, such trust shall be treated for purposes of this section as having transferred, immediately before becoming a foreign trust, all of its assets to a foreign trust.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

Subtitle B—International Shipping Income Disclosure

SEC. 411. PENALTIES FOR FAILURE TO DISCLOSE POSITION THAT CERTAIN INTERNATIONAL SHIPPING INCOME IS NOT INCLUDIBLE IN GROSS INCOME.

(a) IN GENERAL.—Section 883 is amended by adding at the end the following new subsection:

"(d) PENALTIES FOR FAILURE TO DISCLOSE POSITION THAT CERTAIN INTERNATIONAL SHIPPING INCOME IS NOT INCLUDIBLE IN GROSS INCOME.—

"(1) IN GENERAL.—A taxpayer who, with respect to any tax imposed by this title, takes the position that any of its gross income derived from the international operation of a ship or ships is not includible in gross income by reason of subsection (a)(1) or section 872(b)(1) (or by reason of any applicable treaty) shall be entitled to such treatment only if such position is disclosed (in such manner as the Secretary may prescribe) on the return of tax for such tax (or any statement attached to such return).

"(2) ADDITIONAL PENALTIES FOR FAILING TO DISCLOSE POSITION.—If a taxpayer fails to meet the requirement of paragraph (1) with respect to any taxable year—

"(A) the amount of the income from the international operation of a ship or ships—

"(i) which is from sources without the United States, and

"(ii) which is attributable to a fixed place of business in the United States,

shall be treated for purposes of this title as effectively connected with the conduct of a trade or business within the United States, and

"(B) no deductions or credits shall be allowed which are attributable to income from the international operation of a ship or ships.

"(3) REASONABLE CAUSE EXCEPTION.—This subsection shall not apply to a failure to disclose a position if it is shown that such failure is due to reasonable cause and not due to willful neglect."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 872(b) is amended by striking "Gross income" and inserting "Except as provided in section 883(d), gross income".

(2) Paragraph (1) of section 883(a) is amended by striking "Gross income" and inserting "Except as provided in subsection (d), gross income".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the later of—

(A) December 31, 1996, or

(B) the date that the Shipbuilding Agreement enters into force with respect to the United States.

(2) COORDINATION WITH TREATIES.—The amendments made by this section shall not apply in any case where their application would be contrary to any treaty obligation of the United States.

(d) INFORMATION TO BE PROVIDED BY CUSTOMS SERVICE.—The United States Custom Service shall provide the Secretary of the Treasury

or his delegate with such information as may be specified by such Secretary in order to enable such Secretary to determine whether ships which are not registered in the United States are engaged in transportation to or from the United States.

Mr. NICKLES. Mr. President, I ask unanimous consent the committee amendment be considered not agreed to; the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, the amendment to the title be considered tabled, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was rejected.

The bill (H.R. 3074) was deemed read for a third time, and passed.

MEASURE READ THE FIRST TIME—H.R. 3452

Mr. NICKLES. Mr. President, I understand H.R. 3452 has arrived from the House. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes.

Mr. NICKLES. I now ask for its second reading and would object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The bill will remain at the desk pending its second reading on the next legislative day.

PROVIDING FOR THE SAFETY OF JOURNEYMEN BOXERS

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate immediately proceed to consideration of H.R. 4167, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4167) to provide for the safety of journeymen boxers, and for other purposes.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4167) was deemed read for a third time, and passed.

FALSE STATEMENTS ACCOUNTABILITY ACT OF 1996

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (H.R. 3166) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 3166) entitled "An Act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter", with the following House amendment to Senate amendments:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "False Statements Accountability Act of 1996".

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Section 1001 of title 18, United States Code, is amended to read as follows:

"§1001. Statements or entries generally

"(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(2) makes any materially false, fictitious, or fraudulent statement or representation; or

"(3) makes or uses any false writing or document knowing the same to contain any materially false fictitious or fraudulent statement or entry;

shall be fined under this title or imprisoned nor more than 5 years, or both.

"(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

"(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

"(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

"(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.".

SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) As used in section 1505, the term 'corruptly' means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.".

SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by striking "Federal Government acting within his official capacity" and inserting "executive branch of the Federal Government acting within his or her official capacity, except that this section shall apply if the refusal to comply is based on the assertion of a personal privilege or objection and is not based on a governmental privilege or objection the assertion of which has been authorized by the executive branch of the Federal Government".

SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.

Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or ancillary to" after "any proceeding before"; and

(2) in subsection (b)—

(A) in paragraphs (1) and (2), by inserting "or ancillary to" after "a proceeding before" each place that term appears; and

(B) in paragraph (3), by adding a period at the end.

Mr. SPECTER. Mr. President, I am pleased that the Senate is taking final action to enact the False Statements Accountability Act of 1996, legislation to overturn the Supreme Court's 1995 decision in Hubbard versus United States and restore the prohibition on making false statements to Congress.

The bill before us is in substance identical to the bill that passed the Senate on July 25, 1996, except in one respect. I do not want to reiterate all that I said at that time, so I will address at this time only the one substantive difference between the bill passed by the Senate and the current compromise we will vote on today.

As passed, the Senate bill provided blanket application to prohibit any false statement made to Congress or any component of Congress, including individual members and their offices. The coverage provided by the House bill was much narrower in scope. The trick was to reconcile the two approaches. Through detailed negotiations and the good faith of all concerned, we have been able to produce this compromise legislation, which restores the applicability of section 1001 of title 18 of the United States Code to the areas in which Congress most needs it.

First, the compromise covers false statements made in all administrative matters. This includes claims for payment, vouchers, and contracting proposals. The provision also covers all employment related matters, such as submitting a phony resume or making false claims before the Office of Compliance or Office of Fair Employment Practices. Also covered are all documents required by law, rule, or regulation to be submitted to Congress. This crucial provision will cover all filings under the Ethics in Government Act and the Lobbying Disclosure Act and provides a real deterrent to false filings under these two laws, among others. For this reason alone, this bill is one of the most important congressional reforms we will have taken during this Congress.

The compromise also applies the prohibition on false statements to an investigation or review conducted by any committee, subcommittee, commission, or office of the Congress. This provision will prohibit knowing and willful material false statements to entities like the General Accounting Office and the Congressional Budget Office. False statements to the Capitol Police will also be covered.

The greatest difficulty was in formulating the scope of the applicability of the false statement prohibition to committees and subcommittees of each House of Congress. Only committee or subcommittee investigations or reviews conducted pursuant to the authority of the particular committee or subcommittee, meaning within its jurisdiction, will receive the protection of section 1001, and then only so long as the investigation or review is conducted in a manner consistent with the rules of the House or Senate, as relevant. This provision will allow each House to determine for itself whether to limit the circumstances in which committee or subcommittee investigations or reviews will be covered by section 1001. We do not intend, however, for the Senate to need to change its rules before false statements made to a committee or subcommittee conducting a review of a policy within its jurisdiction be punishable under this act.

In having the bill cover any investigation, we intend to cover formal investigations conducted pursuant to the rules of particular committees of the Senate, many of which have specific rules covering investigations. Thus, an investigation will be a more formal inquiry into a particular matter within the jurisdiction of a committee or subcommittee. Included in the definition of investigation are ancillary proceedings, such as depositions, and formal steps employed by certain committees that are a necessary prelude to an investigation, such as a preliminary inquiry and initial review employed by the Select Committee on Ethics.

The application of the bill to any review by a committee or subcommittee is broader. Under Rule XXVI (8) of the Standing Rules of the Senate, each committee "shall review * * * on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee." By using review in this law, we intend to cover all such review conducted by committees and subcommittees of the Senate. Often, we refer to such reviews as oversight. The sponsors of the bill, who include the chairman and former chairman of the Committee on Governmental Affairs, and the chairman and former chairman of the Permanent Subcommittee on Investigations, among others, intend that the term "review" be read broadly to cover all committee oversight and inquiries into the current operation of federal law and policy, compliance with Federal law, or proposals to improve Federal law, policy, or administration. In addition, we intend to capture within the meaning of review matters within committee jurisdiction that are not directly legislative, such as confirmation proceedings.

We chose to limit the act to committees and subcommittees, and their staff, because these are the entities through which Congress conducts its inquiries and oversight; these are the entities that hold hearings; these are the entities that can issue and enforce legal process; these are the entities charged with developing legislation for consideration by each House of Congress. Thus, section 1001 will not apply to statements made to individual members not acting as part of a committee or subcommittee investigation or review. This restriction should alleviate any concern that constituents exercising their right to petition Congress would fear prosecution for inadvertent or minor misstatements. No first amendment rights will be chilled by this bill. Nor will the bill apply to the statement of opinion or argument, as only knowing and willful false statements of fact are meant to be covered.

This is an important bill. I am pleased that enough Members of both Houses saw the need to act quickly on this legislation, which I believe to be absolutely necessary to protect the constitutional interests of the Congress. I want to thank my colleagues and cosponsors, in particular Senator LEVIN, the lead cosponsor, for their efforts. I also want to thank Representative Bill Martini, sponsor of the House companion, for pushing so hard to get this done, and Chairman BILL MCCOLLUM of the House Subcommittee on Crime, and his staff, Paul McNulty and Dan Bryant, for working so hard to reach agreement on this bill.

Mr. LEVIN. Mr. President, as a sponsor of S. 1734, the Senate-passed version of this legislation, I am pleased to join Senator SPECTER in urging passage of this bill. The House passed this bill, which restores criminal penalties for knowing, willful, material false statements made to a Federal court or Congress, by rollcall vote without a single vote in opposition. I hope we can pass it here by unanimous consent.

For 40 years, title 18 United States Code, section 1001 has been a mainstay of our legal system, by criminalizing intentional false statements to the Federal Government. In 1955, the Supreme Court interpreted title 18 United States Code, section 1001 to prohibit knowing, willful, material false statements not only to the executive branch, but also to the judicial and legislative branches. Last year the Supreme Court, in Hubbard versus United States, reversed this precedent and held that Section 1001 prohibits false statements only to the executive branch, and not to the judiciary or legislative branches.

The Supreme Court based its decision on the wording of the statute which doesn't explicitly reference either the courts or Congress. The Court noted in Hubbard that it had failed to find in the statute's legislative history "any indication that Congress even considered whether, section 1001, might apply outside the Executive Branch."

The obvious result of the Hubbard decision has been to reduce parity among the three branches. And the new interbranch distinctions are difficult to justify, since there is no logical reason why the criminal status of a willful, material false statement should depend upon which branch of the Federal Government received it.

Senator SPECTER and I each introduced bills last year to supply that missing statutory reference. This year, we joined forces, along with a number of our colleagues, and introduced S. 1734. It was passed by the Senate on July 26 of this year with the support of the administration. We then worked out our differences with the House, and that's how we are able to bring this final product before the Senate. I want to associate myself with the remarks of Senator SPECTER in describing the differences between H.R. 3166 and S. 1734.

Provisions to bar false statements and compel testimony have been on the Federal statute books for 40 years or more. Recent court decisions and events have eroded the usefulness of some of these provisions as they apply to the courts and Congress. The bill before you is a bipartisan effort to redress some of the imbalances that have arisen among the branches in these areas. It rests on the premise that the courts and Congress ought to be treated as coequal to the executive branch when it comes to prohibitions on false statements.

I want to thank Senator SPECTER and his staff, Richard Hertling, for their dedication to this legislation. We have been able to solve problems that arose because of the truly bipartisan approach we had to this bill. I also want to thank Senator HATCH, chairman of the Judiciary Committee, for recognizing the significance of this legislation and acting promptly on it in committee to get it to the Senate floor, and I want to thank the Members in the House, Congressmen MARTINI, MCCOLLUM and HYDE, without whose assistance this bill wouldn't be at this point. I also want to thank Morgan Frankel and Mike Davidson. Morgan is currently Deputy Senate Legal Counsel and Mike recently left as Senate Legal Counsel. Their experience with the work of the Senate was valuable in working through a number of technical issues. I particularly want to thank Elise Bean of my staff who is as capable as they come and simply an excellent lawyer.

Mr. President, I urge my colleagues to join Senator SPECTER, myself, and our cosponsors in sending this bill to the President for his signature.

Mr. ROTH. Mr. President, I rise today to indicate my full support for this bill, which returns to the Federal false statements statute, 18 U.S.C. §1001, the simple but vital proposition that lying to Congress is as unacceptable as lying to any other part of the Government.

This legislation has enormous practical importance for the oversight and investigative work performed by the Senate. As the past chairman of the Governmental Affairs Committee and the current chairman of the Permanent Subcommittee on Investigations, I have chaired many oversight hearings and conducted numerous investigations that have probed the efficacy of Federal Government programs and initiatives. Oftentimes, the Committee and Subcommittee's work has uncovered serious problems, sometimes of a criminal dimension. In the best of circumstances, gathering facts that may not reflect well on an agency, or a program, or an individual is difficult. Willful deceit out of the mouths of witnesses or in the documents they provide to Congress can make that job nearly impossible.

Until Hubbard was decided last year, the threat of criminal sanctions under §1001 was a powerful deterrent to such deceit, and it was the source of appropriate punishment for those who lie to Congress. We need to return §1001 to Congress' investigative and oversight arsenal, and this legislation will do just that. That being the primary effect of the legislation, it also works well-crafted and necessary changes to other aspects of Congress's ability to investigate, and I support those as well.

Many years ago, Woodrow Wilson wrote, "Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct." It is for this fundamental reason—that Congress must be able to scrutinize accurately the matters before it—that I am proud to co-sponsor this legislation and urge my colleagues to support it.

Mr. BRYAN. Mr. President, today the Senate has agreed to pass a very important bill, the False Statements Penalty Restoration Act (H.R. 3166).

When Congress originally enacted the False Statements Act, the Federal perjury statute, 18 U.S.C. Sec. 1001, to impose felony criminal penalties on an individual who knowingly and willfully makes a false or fraudulent statement, it thought it had created a criminal law that applied to all three branches of Government, including Congress. And since 1955, when the U.S. Supreme Court specifically held that the statute applied to all three branches, this was the law of the land.

However, in 1995, the U.S. Supreme Court held that the statute did not apply to the judiciary branch, thus creating uncertainty about whether false statements made to Congress and by Members of Congress were now covered by the law.

To our constituents, it once again appeared that Members of Congress were a special class to which a particular law did not apply—and that may have been the case.

Since the 1995 Supreme Court decision, indictments charging individuals with making knowing and willful false statements on financial disclosure forms and other reports have been dismissed. This situation must not be allowed to continue for one day more.

Today's legislation makes clear that Congress is indeed subject to this important law, as it should be. It returns us to where the law was for the last 40 years.

As a former chair and vice chair of the Ethics Committee, I know this legislation has particular significance. Without this legislation, there are currently no sanctions for deliberately filing false information in connection with these Federal reporting documents. To ensure the integrity of these reporting requirements, this bill must be enacted so it is very clear there are penalties for knowing and willful violations.

This legislation also addresses needed clarification in the obstruction of justice statute, 18 U.S.C. Sec. 1505. This law makes it a Federal offense to impede or obstruct an investigation of a congressional committee. In 1991, the D.C. District Circuit Court of Appeals held, however, that the statute did not clearly prohibit an individual from personally lying to or obstructing Congress in its investigations.

Again, I know first hand from my Senate Ethics Committee experience how this court interpretation risks impairing the ability of the Ethics Committee, and other congressional investigations to maintain any integrity in its proceedings. If a person can lie, or induce another to lie for him without worry of being prosecuted for such action, of what consequence would be any congressional investigation.

This legislation corrects the 1991 Supreme Court decision. Any individual who tries to impede a congressional or other governmental investigation, regardless of whether the individual acts on his own, or through the actions of another individual is going to be penalized—period.

I am pleased to support this legislation to remedy these ambiguities in our statutes, and ensure the integrity of Congress' investigations, and the Federal reporting requirements. For the American public, this bill also ensures that no member of Congress is above the law.

The following is a more detailed explanation of the changes this legislation will make, and its particular impact on the work of the Senate Ethics Committee, and other congressional investigations.

The Federal perjury statute, 18 U.S.C. Sec. 1621, punishes knowing false and material testimony, only if given under oath, such as in formal committee hearings and depositions. The Ethics Committee necessarily uses a variety of other, less formal fact-gathering techniques in the conduct of its initial examinations of complaints and preliminary inquiries, in order to determine whether there are sufficient grounds to warrant receipt of formal testimony through depositions and hearings.

It is critical to the Ethics Committee's ability to fulfill its responsibility to the Senate to investigate allegations of misconduct, and to the subjects of allegations to investigate fairly, that the committee's preliminary judgments about potential wrongdoing be based on the most accurate information possible. The availability of a criminal sanction under section 1001 for knowing false and material statements to the committee is an important safeguard to preserve the quality of the committee's investigative functions.

The absence of section 1001 liability may push the Ethics Committee to initiate formal proceedings more often, and earlier, than it would otherwise, just to ensure it receives truthful information. This premature heightening of ethics inquiries risks imposing unwarranted and unfair injury to subjects' reputations and unnecessary expense to the Senate.

This bill would restore the applicability of section 1001 to false material statements to congressional committees during inquiries.

Individuals who have knowingly filed false financial disclosure statements have in the past been convicted of violating the false statements statute, 18 U.S.C. Sec. 1001. Following the U.S. Supreme Court's reinterpretation of section 1001 last year, executive branch officials are still subject to punishment for false statements under section 1001, but congressional filers cannot be punished under section 1001 for identical misconduct. While congressional filers may potentially remain subject to sanction under other criminal code provisions, the applicability of these other provisions is untested and uncertain. Members of Congress and their staffs should not receive any possibility of special treatment, but should face the same criminal sanction for their false financial disclosures as other government officials.

In addition, the Senate Code of Official Conduct and Federal law require the filing of a number of other reports and disclosure forms under various circumstances. These include reports of the acceptance of gifts from foreign governments, disclosure of employees' reimbursed travel expenses and authorization for such reimbursement, reports of designations of charitable contributions by registered lobbyists or foreign agents in lieu of honoraria, and reports of contributions to and expenditures from legal expense funds, among other matters for which reports or disclosure is required.

Without section 1001, there are currently no sanctions for deliberately filing false information in connection with any of these reporting requirements. For these disclosure and reporting requirements to fulfill the purpose for which they were established, there need to be clear penalties for willful violations of the rules by the filing of false reports.

The obstruction of justice statute, 18 U.S.C. Sec. 1505, makes it a Federal offense corruptly to impede or obstruct an investigation of a congressional committee. Historically, this provision has served to safeguard the integrity of congressional inquiries by providing a penalty for individuals who seek to obstruct a proper inquiry. In 1991, the D.C. Circuit Court of Appeals decision in the Poindexter case seriously eroded the protection of section 1505 by holding that, as applied to conduct undertaken by an individual witness him/herself, rather than through another individual, the law was unconstitutionally vague to be applied.

For a committee like the Senate Ethics Committee, which has the task of finding facts in sensitive and complicated cases involving potential misconduct of Senators, this narrowed interpretation raises serious risks of impairing the integrity of the committee's proceedings. In the case involving former Senator Bob Packwood, the Ethics Committee noted in its report that "the committee is specifically empowered to obtain evidence from Members and others who are the subject of committee inquiry, and it is entitled to rely on the integrity of such evidence. Indeed, the entire process is compromised and rendered wholly without value if persons subject to the committee's inquiry, or witnesses in an inquiry, are allowed to jeopardize the integrity of evidence coming before the committee." [Report at pages 142–43].

For many years, it has been understood that an individual who acts with improper or corrupt purpose to obstruct a committee or other Government investigation, whether by false or misleading testimony, the deliberate destruction or alteration of documents, or other nefarious means, commits wrongdoing subject to punishment under 18 U.S.C. section 1505. Now, after the Poindexter decision, a serious question exists whether an individual who engages in conduct to obstruct an investigation personally, rather than by persuading someone else to do so, may be called to account for such unacceptable conduct under section 1505.

It is my firm conviction that Congress has already acted legislatively through the present language of section 1505 to criminalize this conduct. However, since at least one court was apparently unclear on what Congress had in mind, it is important that we provide explicit guidance in the law so clear that no confusion will arise in the future.

This bill would correct the court's nonsensical interpretation of section 1505 by making clear that the statute prohibits witnesses from engaging with improper purpose in any of the variety of means by which individuals may seek to impede a congressional or other governmental investigation, whether doing so personally or through another individual, and whether by making false or misleading statements or withholding, concealing, altering, or destroying documents sought by congressional committees and other investigative bodies.

The Senate subpoena enforcement statute, 28 U.S.C. section 1365, provides the mechanism for Senate committees to go to court to seek assistance from the court in enforcing compliance with a subpoena of the committee. This system, which was enacted in 1978, permits a committee seeking necessary testimony or documents to apply to court, with the Senate's authorization, so that the witness may present his/her privilege or other basis not to comply with the Senate subpoena. If the court sustains the committee's position, it may order the witness to comply with the subpoena and thereby enable the committee to obtain the information it needs in a timely and fair manner.

Over the past 20 years, the availability of this system has proven extremely beneficial to Senate committees, including the Ethics Committee. The Ethics Committee utilized this process to obtain a judicial ruling on Senator Packwood's objections to providing portions of his diaries to the committee. In that case, the courts upheld the committee's position and Senator Packwood was ordered to turn over his diary materials, subject to the masking of privileged and personal information, which the committee respected. The process worked well and enabled the committee to obtain the evidence it needed to complete its responsibilities to the Senate and the public.

An ambiguity in the current statute, however, periodically threatens the ability of this salutary system to work to resolve controversies between Senate committees and witnesses. When the enforcement law was enacted, an exception was carved out for privilege assertions by the executive branch, so that the courts would not be called on to resolve disputes between the two political branches of Government. The drafting of that exception left some unfortunate doubt, however, as to its applicability when a witness who happened to be employed by the Federal Government was asserting a personal privilege or objection to a Senate subpoena, not a governmental privilege. The law was never intended to exclude such cases from judicial resolution and there is no good reason for so doing.

The ambiguity has created questions in some cases as to whether or not the Senate could utilize the civil enforcement mechanism to obtain judicial assistance with one of its committees' subpoenas. Even in the example, I described involving Senator Packwood, a question could have arisen whether, because he was a Senator, and, therefore, a Government officer, the exception precluded judicial enforcement of the Ethics Committee subpoena. Senator Packwood did not make such an argument, and the court did accept jurisdiction over the case.

However, the mere possibility of such a jurisdictional issue's arising creates an impediment to the swift and sure resolution of disputes over the entitlement of Senate committees to information they need. In the context of an important and sensitive ethics investigation, the risk of such a situation arising in the midst of an investigation is unacceptable. This bill would clarify section 1365 to make clear that the Senate may authorize committees to go to court to resolve subpoena disputes, whether with private individuals or Government employees, as long as the witness is raising a personal privilege or objection, rather than governmental privilege.

The final clarification in the bill involves the congressional immunity statute, 18 U.S.C. section 6005. Senate committees have power to confer use immunity, by vote of two-thirds of their membership, to compel witnesses to testify notwithstanding an assertion of Fifth Amendment privilege. Committees properly immunize witnesses very sparingly, only when they determine that receiving the testimony is necessary to the committee's task and that the possible adverse effect on future criminal prosecution is tolerable. Following the D.C. Circuit's decision in the North case, in particular, committees are on notice that conferral of use immunity to receive testimony in public hearings subject to television broadcast may have a dramatic impact on the ability of a prosecution to obtain a conviction for criminal wrongdoing. Since the North decision, Senate committees have proceeded exceedingly cautiously before agreeing to grant use immunity to a witness.

There are occasions, nonetheless, when immunity is appropriate and necessary to receive testimony from an essential witness. In such circumstances, committees have properly conferred use immunity. This has happened in the Senate on a total of 10 occasions since the North decision. All but 1 of these instances—that is, 9 times out of the 10—were in the context of Ethics Committee investigations, when immunity was necessary to obtain information about allegations of wrongdoing by a Senator.

One of the tools that the Ethics Committee has used in these instances in order to help make sure that there are not adverse repercussions on criminal prosecutions is its authority to receive the immunized testimony in private session, as in staff depositions. Indeed, eight of the nine witnesses who were immunized for testimony at staff depositions, not at public hearings. This procedure enables the Committee to receive information that it needs, but to do so in a forum that does not run the risk of spreading a witness' immunized testimony across the nation's television screens.

Unfortunately, the technical drafting of the immunity statute has apparently left a question in some people's minds as to whether the Senate's immunity poser extends to authorized staff depositions, or only to committee hearings. This was raised as a serious problem in the Iran-Contra investigation and any committee that ever seeks to receive testimony under immunity in a deposition runs the risk of the issue being raised there to block the testimony. The Ethics Committee is the committee that bears the greatest chance of facing this impediment in the future.

Accordingly, this bill contains a very simple, but important, amendment to make clear that the congressional immunity statute covers ancillary proceedings, like staff depositions, as well as committee hearings. Immunity still would be conferred only on a two-thirds vote of the full committee, and would be done so sparingly. However, with this change, there will be no questions that committees would be able to compel immunized testimony at staff depositions, rather than being forced to receive the testimony in a committee hearing, where it could possibly later taint a criminal prosecution.

Mr. NICKLES. I ask unanimous consent the Senate concur in the House amendment to the Senate amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR SATURDAY, SEPTEMBER 28, 1996

Mr. NICKLES. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Saturday, September 28; further, immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business, with statements limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Following morning business on Saturday, the Senate will be awaiting House action on an omnibus appropriations bill, if produced from negotiations. The Senate may also be asked to turn to consideration of any other items cleared for action. Rollcall votes are therefore possible throughout the day on Saturday. The leadership will attempt to give adequate notice to Members in the event that rollcall votes prove to be necessary.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:54 p.m., adjourned until Saturday, September 28, 1996, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27, 1996:

NATIONAL MEDIATION BOARD

MAGDALENA G. JACOBSEN, OF OREGON, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1999. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

BRIAN C. CONROY
RONALD J. MAGOON
ARLYN R. MADSEN, JR.
CHRIS J. THORNTON
KEITH F. CHRISTENSEN
DOUGLAS W. ANDERSON
TIMOTHY J. CUSTER
NATHALIE DREYFUS
SCOTT A. KITCHEN
KURT A. CLASON
JACK W. NIEMIEC
GREGORY W. MARTIN
RHONDA F. GADSDEN
NONA M. SMITH
GLEN B. FREEMAN
WILLIAM H. RYPKA
ROBERT C. LAFEAN
GERALD F. SHATINSKY
THOMAS J. CURLEY III
STEVEN M. HADLEY
JEROME R. CROOKS, JR.
JOHN F. EATON, JR.
CHARLES A. HOWARD
DAVID H. DOLLOFF
MARK A. HERNANDEZ
STEPHEN E. MAXWELL
ROBERT E. ASHTON
DAVID W. LUNT
ABRAHAM L. BOUGHNER
WILLIAM J. MILNE
GLENN F. GRAHL, JR.
GREGORY W. BLANDFORD
ANNE L. BURKHARDT
DOUGLAS C. LOWE
THOMAS M. MIELE
EDDIE JACKSON III
ANTHONY T. FURST
MATTHEW T. BELL, JR.
DUANE R. SMITH
MARC D. STEGMAN
KEVIN K. KLECKNER
WILLIAM G. HISHON
JAMES A. MAYORS
LARRY A. RAMIREZ
WYMAN W. BRIGGS
BENJAMINE A. EVANS
GWYN R. JOHNSON
TRACY L. SLACK
GEOFFREY L. ROWE
THOMAS C. HASTING, JR.
JOHN M. SHOUEY
WILLIAM H. OLIVER II
EDWARD R. WATKINS
TALMADGE SEAMAN
WILLIAM S. STRONG
MARK E. MATTA
RICHARD C. JOHNSON
JANIS E. NAGY
JAMES O. FITTON
SALVATORE G. PALMERI, JR.
TERRY D. CONVERSE
MARK D. RIZZO
MARK C. RILEY
SPENCER L. WOOD
ERIC A. GUSTAFSON
RICARDO RODRIQUEZ
CHRISTOPHER E. AUSTIN
RANDALL A. PERKINS III
RICHARD R. JACKSON, JR.
TIMOTHY B. O'NEAL
PETE V. ORTIZ, JR.
ROBERT P. MONARCH
PAUL D. LANG
EDWARD J. HANSEN, JR.
DONALD J. MARINELLO
PAUL E. FRANKLIN
CHARLES A. MILHOLLIN
STEVEN A. SEIBERLING
DENNIS D. DICKSON
SCOTTIE R. WOMACK
TIMOTHY R. SCOGGINS
RONALD H. NELSON
GENE W. ADGATE
HENRY M. HUDSON, JR.
BARRY J. WEST
FRANK D. GARDNER
JEFFREY W. JESSEE
RALPH MALCOLM, JR.
GEORGE A. ELDREDGE
DONALD N. MYERS
SCOTT E. DOUGLASS
RICHARD A. PAGLIALONGA
JOHN K. LITTLE
JAMES E. HAWTHORNE, JR.
SAMUEL WALKER VII
JAY A. ALLEN
ROBERT R. DUBOIS
GORDON A. LOEBEL
ROBERT J. HENNESSY
GARY T. CROOT
THOMAS E. CRABBS
SAMUEL L. HART
STEVEN D. STILLEKE
WEBSTER D. BALDING
JOHN S. KENYON
CHRISTOPHER N. HOGAN
DOUGLAS J.CONDE
THOMAS D. COMBS III
WILLIAM R. CLARK
BEVERLY A. HAVLIK
DONNA A. KUEBLER
THOMAS H. FARRIS, JR.
TIMOTHY A. FRAZIER
TIMOTHY E. KARGES
ROCKY S. LEE
DAVID SELF
RANDY C.TALLEY
JOHN D. GALLAGHER
ROBERT M. CAMILLUCCI
ROBERT G. GARROTT
CHRISTOPHER B. ADAIR
GREGORY W. JOHNSON
ERIC C. JONES
SCOT A. MEMMOTT
JOHN R. LUSSIER
GREGORY P. HITCHEN
MELVIN W. BOUBOULIS
RICHARD W. SANDERS
MELISSA BERT
JASON B. JOHNSON
ANITA K. ABBOTT
RAYMOND W. PULVER
VERNE B. GIFFORD
STUART M. MERRILL
SCOTT N. DECKER
JOSEPH E. VORBACH
PETER W. GAUTIER
KEVIN E. LUNDAY
MATTHEW T. RUCKERT
BRIAN R. BEZIO
CHRISTOPHER M. SMITH
CHRISTINE L. MACMILLIAN
ANTHONY J. VOGT
JOANNA M. NUNAN
JAMES A. CULLINAN
JOSEPH SEGALLA
DONALD R. SCOPEL
JOHN J. PLUNKETT
GWEN L. KEENAN
CHRISTOPHER M. RODRIGUEZ
RICHARD J. RAKSNIS
PATRICK P. O'SHAUGHNESSY
MARC A. GRAY
ANTHONY POPIEL
GRAHAM S. STOWE
MATTHEW L. MURTHA
CHRISTOPHER P. CALHOUN
JAMES M. CASH
KYLE G. ANDERSON
DWIGHT T. MATHERS
JONATHAN P. MILKEY
PAULINE F. COOK
MATTHEW J. SZIGETY
ROBERT J. TARANTINO
RUSSEL C. LABODA
JOHN E. HARDING
ANDREW P. KIMOS
CRAIG S. SWIRBLISS
JOHN T. DAVIS
JOHN J. ARENSTAM
ANTHONY R. GENTILELLA
JOHN M. FITZGERALD
JOHN G. TURNER
KIRK D. JOHNSON
RAMONCITO R. MARIANO
DAVID R. BIRD
LEIGH A. ARCHBOLD
WILLIAM B. BREWER
DANA G. DOHERTY
WILLIAM G. KELLY

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

MONICA L. LOMBARDI
MICHAEL E. TOUSLEY
LATICIA J. ARGENTI
THOMAS F. LENNON
SLOAN A. TYLER
DONALD A. LACHANCE II
KAREN E. LLOYD

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE-DUTY LIST, FOR PROMOTION TO THE GRADE OF COLONEL IN THE U.S. MARINE CORPS IN ACCORDANCE WITH SECTIONS 618 AND 628 OF TITLE 10, UNITED STATES CODE:

TODD H. GRIFFIS, [redacted]

HOUSE OF REPRESENTATIVES—*Friday, September 27, 1996*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. INGLIS of South Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 27, 1996.

I hereby designate the Honorable BOB INGLIS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, O God, that even when life seems crowded and cluttered and there are so many voices demanding attention, we can still hear Your still, small voice that calls and sustains us and makes us whole. We know that in the center of the winds of change there is the vision that You freely give—a vision of faith and hope and love—a faith that guides us in our decisions, a hope that sustains no matter what our circumstances and a love that transcends all the details of the day and allows us to receive the blessings of Your hand. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. TALENT] come forward and lead the House in the Pledge of Allegiance.

Mr. TALENT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3458. An act to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1505. An act to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 2078. An act to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire.

S. 2100. An act to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SEPAKER pro tempore. The Chair announces he will entertain ten 1-minutes on each side.

CONTRACT WITH AMERICA HAS CHANGED POLITICAL LANDSCAPE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, 2 years ago I signed the Contract With America. I am as proud of that decision today as I was then. I have been blessed and honored to have been part of history; to be part of a movement dedicated to a brighter and a more hope-filled future for America.

Our friends on the other side like to say we are running from the contract. I say horse feathers.

The Contract With America has changed the political landscape right here in Washington, DC. The days of tax and spend are history. No longer will Congress levy taxes on the people of this great country for inefficient and burdensome bureaucracy.

Mr. Speaker, 65 percent of the contract is now signed into law. We have changed Congress, we have cut spending and ended welfare, and most importantly, we have kept our promises.

2-YEAR ANNIVERSARY OF CONTRACT SIGNING

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, today is the contract on America's birthday.

Two years ago today, Republicans went out to the west front of the Capitol and had a big celebration—with all the fancy trimmings. There was a nicely decorated stage, a large and lively crowd, TV cameras. And one by one, Republicans paraded across that stage to put their name on that contract.

Now, where I come from, whenever you have a birthday, you usually have a big celebration to go with it. But how can there be a party when we do not even know where the guest of honor is?

Where is the contract on America?

Is it filed away somewhere in the Speaker's office? Is it stuffed inside one of those ice buckets that the Speaker keeps carrying around? Is it hidden underneath that unknown, unseen, "won't-go-public" ethics report?

But burying the contract away in somebody's desk is not going to make the American people forget what it was.

It was NEWT GINGRICH's plan to bankrupt Medicare and Medicaid, retreat from our bipartisan environmental success over the last 20 years, kill the cops-on-the-beat and gun programs that have cut crime rates in our cities, and put kids and education dead last instead of putting families first.

Happy birthday, Contract on America.

TWO-THIRDS OF CONTRACT WITH AMERICA HAS BEEN SIGNED INTO LAW

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, this Republican-led 104th Congress has been one of the most productive ever. Not only has two-thirds of the contract been signed into law, we have also delivered health insurance reform, lobbying reform, food safety legislation, the Safe Drinking Water Act, a small business tax cut, and the list goes on and on.

In fact, President Clinton's acceptance speech at the Democrat National Convention took credit for many of these Republican-initiated issues, including the contract issues—welfare reform, line-item veto, long-term care insurance deduction, congressional accountability, the adoption tax credit, and the Congressional Accountability Act.

Mr. Speaker, the bottom line is this—the Republican majority has delivered commonsense policies for a better America. We have changed the way Washington works by placing power back in the people's hands. And if imitation is the most sincere form of flattery, then Bill Clinton must be throwing Republicans a big fat kiss.

FAREWELL REFLECTIONS

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Mr. Speaker, Monday I returned from Rwanda and Sudan, and when you are on a plane for 16 hours you have time to reflect on your life.

I have had a variety of jobs during my life: WWII in a PX warehouse, later a garbage man, Army for 2 years, law for 35 years, State Senate, and now 8 years in Congress.

Congress has by far been the most exciting and challenging job during my life.

This is a unique job, a tremendous experience. Our authority is great—our responsibility is great. This House—this institution—must be protected. The Constitution must be protected. We cannot continue to look at this document as a loose leaf notebook that we cut and passed.

I now join the exclusive 10,000 graduates of the body—since the inception of the Constitution.

I am very proud to have been a Member of Congress.

I bid you farewell and Godspeed.

CALLING ON THE PRESIDENT TO PROMISE NOT TO PARDON THE McDOUGALS

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I believe the American people deserve a clear and unequivocal promise from the President that prior to or after the November 5 election he will not pardon Jim and Susan McDougal or anyone else connected with the Whitewater scandal.

Recent public comments have tended to give us the idea that the President may want to pardon people involved in this scandal. I would just call to his attention that this is not a conviction that was caused by his office. This was caused by people who let their greed get in the way of their good sense, who played loose with the law and with the taxpayer-protected funds that they were managing, all to the detriment of the American taxpayer and the hardworking, saving American citizens.

Mr. President, do not, do not pardon people who have been convicted of crimes. The American people will remember.

CONGRESS IS AFRAID OF THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the 104th Congress has failed.

Even though the American people feel ripped off and taxed off, in 1997 the American taxpayer will still be guilty under the eyes of the law in a civil tax case and will still have to prove their innocence.

Shame.

Mr. Speaker, I am not just taking a slap at Republicans. The Democrats were no better.

It comes down to the fact, the major problem in America is today the people do not govern, today the institutions govern, and the Congress, in my opinion, is afraid to death of the Internal Revenue Service. I say to my colleagues, after all, you do not want the IRS to come snooping around, do you, judges and politicians?

The sad truth is the Congress of the United States has become nothing more than background music in a doctor's office when it comes to the Internal Revenue Service. Shame, Congress.

THE BIRTH OF SARA MEADE INGLIS

(Mr. TALENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALENT. Mr. Speaker, it is a great pleasure for me to be here this morning because during our August recess a very significant event happened in the lives of one of our colleagues, and we did not have the opportunity to acknowledge it as a House because we were not in session.

Our good friend, and, Mr. Speaker, you know him well, the gentleman from South Carolina [Mr. INGLIS] and his wife, Mary Anne, had their fifth child on August 7, 1996. She is Sara Meade Inglis; they are going to call her Meade. She was 6 pounds 13 ounces. I am sure she has grown since then. She has a brother, Robert, and three sisters: Mary Ashton, McCullough, and Andrews. So our good friend and colleague, the gentleman from South Carolina [Mr. INGLIS] now has and his wife, Mary Anne, have one son and four daughters.

I am sure that the House joins me in wishing little Meade well and congratulating the Inglis family. There is no greater blessing in the life of any family than the birth of another child, and I am sure we all wish them health and happiness for many years.

MR. SPEAKER, SHOW SOME PERSONAL RESPONSIBILITY

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, refresh my memory. Was not a big part of NEWT GINGRICH's so-called Contract With America personal responsibility?

Well, NEWT, here is your chance.

After 2 years of distortions, distractions and delays, you can finally show some personal responsibility.

The ethics committee has directed the special counsel to expand his investigation of you, to determine, in part, whether you failed to—quote—"provide accurate, reliable and complete information" to him.

It is all about personal responsibility.

You like to preach to legal immigrants about it. You like to preach to low-income Americans about it. You like to preach to vulnerable mothers and children about it. Now it is time for you to show some personal responsibility of your own.

Since reasons to expand this investigation have been found, you should step down.

NEWT, you are fond of saying that you are a revolutionary. Why do you not show a revolutionary change in your behavior?

Have enough decency to do what you screamed that Jim Wright should do 8 years ago—stop the embarrassment to this institution, stop the embarrassment to this country—step aside as Speaker of the House.

INTRODUCTION OF RESOLUTION CONDEMNING THE NORTH KOREANS

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, last Wednesday a North Korean submarine filled with armed commandos landed 60 miles into South Korean territory.

Upon infiltrating South Korea, the 26 North Korean espionage agents scattered into South Korea and have already killed 4 South Korean soldiers. Today, I am introducing a resolution condemning the North Koreans for this outrageous behavior.

Considering that we have 37,000 U.S. military personnel in South Korea helping to keep the peace, we cannot sit idly by as the Communist North continues to conduct these aggressive spy missions in the democratic South, our strong ally.

And yet, under the Clinton administration American taxpayer-funded aid to North Korea has grown faster than to any other country in Asia. President Clinton has even threatened to veto the Republican foreign operations bill because he says we are not giving enough aid to North Korea. Not enough?

Is this what Americans are subsidizing? Commando raids and military attacks on our own troops and our allies? I urge my colleagues to support my resolution.

REPUBLICAN DAMAGE IN THE 104TH CONGRESS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, as the 104th Congress comes to a close, we look back on successes and failures, and I am proud to say, Mr. Speaker, that the Democratic Members can claim responsibility for some of the most impressive successes.

The minimum wage increase, it is a flagship of the Democratic agenda, and it focused on what American people really want. Next week American workers get the raise they deserve, a bipartisan success.

The Kennedy-Kassebaum health care bill came only after Democrats defended it against the House Republicans, who stonewalled for months.

Putting more money in people's pockets and providing employees with the option of portable health care are Democratic answers to Republicans' measures that have shaken Americans' confidence.

The 104th Congress began with an all-out onslaught on Medicare and education funding that the President and Democrats stopped cold.

The American people rightfully lost confidence in the Republican's ability to run Congress after two Government shutdowns and one looming next week. We can do much better. Americans cannot afford another Gingrich Congress.

We need to remember whom we represent, the hard-working Americans who want to better tomorrow, not a better yesterday.

□ 0915

TRIBUTE TO S. SGT. HAMMETT L. BOWEN, JR.

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, in Vietnam in 1969, a platoon of men serving in the U.S. Army were advancing on a mission into enemy controlled territory when a crossfire of small arms erupted and grenades began exploding.

An enemy grenade was thrown directly at S. Sgt. Hammett L. Bowen, Jr., and his men just as Sergeant Brown shouted a warning. Fearlessly, Sergeant Bowen thrust himself on the grenade, absorbing the explosion and saving the lives of his fellow soldiers, but sacrificing his own.

For his heroic bravery, Sergeant Bowen, a La Grange, GA, native, was awarded the Congressional Medal of Honor. Hammett will also now be remembered by tens of thousands of travelers each year, when they travel Route 109 east in La Grange, now known as the Hammett L. Bowen, Jr. Memorial Highway.

I commend the Georgia Department of Transportation, as well as other State and local authorities for recognizing Hammett's sacrifice. As Americans, we owe our lives to the many men and women who serve our country, just as Staff Sergeant Bowen did, and who make it a safer and freer place in which all of us might live and prosper.

"OUR BIGGEST MISTAKE WAS BACKING OFF FROM THE GOVERNMENT SHUTDOWN," SAYS THE MAJORITY WHIP

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the Republican majority, under the imperial Speaker, the gentleman from Georgia, NEWT GINGRICH, have become very upset when we look at their policies, and we call them and their policies extreme and radical. They get very upset.

Are they, really? I can read something that the majority whip has said. The gentleman from Texas, TOM DELAY, knows exactly when the GOP lost the momentum. "Our biggest mistake was backing off from the Government shutdown." That is right, folks. He says the biggest mistake they made in the 104th Congress was backing off of the Government shutdown.

"We should have stuck it out," he says, "our calls were 400 to 5 in favor of the shutdown. The worst moment was November 19. I was cooking steaks for five or six Members at my condo." That is right, he is having steaks. Federal contractors and employees and all are eating peanut butter, but he was having steaks. "The TV was on. All of a sudden there's NEWT and Dole and the President, and everybody is shaking hands and saying they've reached agreement to reopen the Government. I'll never forget it as long as I live."

Radical? Extreme? Yes, the shoe fits.

PAYBACK TIME?

(Ms. GREENE of Utah asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GREENE of Utah. Mr. Speaker, in February 1995, the Clinton administration settled a 212-page draft criminal complaint against the Laborers' International Union. The Justice Department listed some 80 criminal convictions of Laborers officials over a 20-year period. The convictions were for major felonies like racketeering, extortion, tax evasion, and attempted murder.

To reform the union, career prosecutors asked for appointment of an outside administrator. Instead, Clinton let Union President Arthur Coia off the hook, and told him to clean up the union in which he had—according to Justice—created a "climate of fear and intimidation."

Federal Election Commission records show that the Laborers gave the Democratic Party soft money contributions of $460,000, for the 18-month period ending in June, more than any other union, and more than all but seven other donors.

Could the connection be more obvious?

SO MUCH FOR THE REPUBLICAN CONTROLLED 104TH CONGRESS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, the Speakership of the gentleman from Georgia, NEWT GINGRICH, like the 104th Congress and the contract on America, are all beginning to unravel. The ethics probe has been dramatically expanded, and now the committee believes that the Speaker may have been lying to the outside counsel.

Even committee Republicans, who have seen all the evidence and who still refuse to release the report, supported the decision to expand the probe. Republicans obviously have decided to throw the gentleman from Georgia [Mr. GINGRICH] overboard, as long as they can postpone the bad news until after the election. Throw NEWT overboard, use their little gray buckets to bail themselves out with the American people.

The charges are very serious: Tax fraud, money laundering, corruption, and now, lying to the outside counsel. So much for personal responsibility, so much for a reform-minded Congress, and so much for the Republican-controlled 104th Congress.

PUERTO RICO AS THE 51ST STATE?

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, have Members thought about Puerto Rico as the 51st State? That is what we are going to be voting on today.

Now the proponents are going to say, this is not for statehood, this is solely a plebiscite. They have had three plebiscites in Puerto Rico, and the Commonwealth has won every one. The rules are going to be structured so statehood finally has a chance to win. If I can set the rules, I can win any game.

This is a very serious issue. It is like the old Communist system, the Communists lost, lost, lost and when they finally won, no more elections, no more plebiscites. That is the way it is going to be here.

I hope the people take a look at this bill when it comes up today, and just not rush over into the sea like a bunch of lemmings. I have a question, too. How do the American people feel about this? When we add a State to the United States, I think that is a very serious question. I hope the people in this House today take a look at this bill and vote with their conscience.

THE SPEAKER'S ICE BUCKETS AND WATER BOYS ARE ON THE WAY OUT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, why is Speaker GINGRICH still smiling over his ice bucket? It is true, he has collected many an ice bucket, and even though he has had all that ice to try to put that ethics report in deep freeze, he has not been successful. It is sizzling through.

Like any time when the ice begins to melt, it turns into dirty slush. What we find in this Congress is one Member after another who is still carrying around the slush, or the water, the water boys for NEWT on one issue after another, as they have done through this entire Congress.

After all, it was NEWT's water boys who carried pails like those I see Members carrying around Congress today who carried the water to shut down the Government and cost the taxpayers $1.5 billion. It was NEWT's water boys who wanted to cut student loans by over $20 billion. It was NEWT's water boys who turned over the writing of our water laws and our other environmental laws to the polluters, to sit right here in this Capitol and write those laws.

NEWT's water boys are still going, but not for much longer.

THE DEMOCRATS' CHANGE OF HEART ABOUT THE NEED FOR A BALANCED BUDGET, AND CELEBRATING THE 2-YEAR ANNIVERSARY OF THE CONTRACT WITH AMERICA

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, as we draw this 104th Congress to a close, I think it is appropriate to remember where we were 2 years ago, before Republicans became a majority in this House. The Democrats were not talking about a balanced budget. In fact, the President's balanced budget at that time, 2 years ago, had a $200 billion deficit every year into the foreseeable future.

In 1995, the new Republican majority came in and insisted that Government do what Americans have to do in their personal family budgets—that being—balance the Federal budget. The Democrats, the President, did their focus groups, they took the polls. They decided, Americans do want a balanced budget. They think it is reasonable. Two years ago, nobody on the liberal side of the aisle was talking about a balanced budget, and now everybody is talking about it. That is progress.

The liberals and big Government advocates try to belittle this Republican Congress, and criticize the Contract With America. We are going to celebrate our 2-year anniversary of the Contract With America today. Let us just remember that most of the brag items of accomplishments that President Clinton mentioned in his acceptance speech were passed by the Republican-controlled 104th Congress.

Mr. Speaker, I include for the RECORD the Contract With America items signed into law in the last 2 years.

The material referred to is as follows:

The Contract With America has significantly contributed in making the 104th Republican-led Congress one of the most productiver ever. Of 75 Contract legislative provisions considered in the House, 49 (65 percent) have been enacted by statute or rules change, 20 (27 percent) have been vetoed by President Clinton, and 6 (8 percent) await Senate action. The bottom line: two-thirds of the Contract is now law.

CONTRACT MEASURES SIGNED INTO LAW

Congressional Accountability Act—Applies civil rights and job protection laws to Congress. (H.R. 1)

Congressional Reforms—Host of "opening day" reforms approved as part of House rules, including a one-third cut in committee staff (saving $45 million), term limits for the Speaker and committee chairmen, a ban on committee proxy voting, a three-fifths vote requirement for tax increases, public and media access to committee meetings, and authorization for an audit of the House books.

Line-Item Veto—Gives the President line-item veto authority beginning January 1, 1997 to eliminate wasteful discretionary spending, targeted tax benefits, and new or increased entitlement programs. (H.R. 3136)

Mandatory Victim Restitution—Requires federal judges to order convicted criminals to pay restitution to their crime victims. (S. 735)

Effective Death Penalty Enforcement—Places reasonable limits on appeals filed by violent criminals seeking to overturn their convictions. (S. 735)

Criminal Alien Deportation—Improves current laws to make it easier for the government to deport criminal aliens. (S. 735)

Truth-In-Sentencing State Prison Grants—More than $400 million provided in FY '96 to help states build prisons, provided violent criminals serve at least 85 percent of their sentences. (H.R. 3019)

Local Government Law Enforcement Block Grants—$503 million provided in FY '96 to give local law enforcement officials greater flexibility in fighting violent crime in their communities. (H.R. 3019)

Sexual Crimes Against Children Prevention Act—Instructs the U.S. Sentencing Commission to increase the recommended penalties for making or trafficking in child pornography. (H.R. 1240)

National Security Revitalization—The FY '96 defense appropriations bill reversed Clinton's "hollow" military by restoring $7 billion in Clinton defense cuts and providing an additional $600 million for anti-missile defenses. (H.R. 2126)

Unfunded Mandates Reform—Ends intrusive federal mandates that require local governments (i.e., taxpayers) to pick up the costs. (H.R. 5)

Paperwork Reduction Act—Reduces federal reporting requirements by 40 percent over six years. (H.R. 830)

Regulatory Flexibility Act Amendments—Provides judicial review of the Regulatory Flexibility Act and allows expedited congressional review of new regulations costing more than $100 million. (H.R. 3136)

Small Business Tax Relief—Increases equipment expensing from $17,500 to $25,000 and clarifies the tax treatment of home office/product-sample storage costs. (H.R. 3448)

Securities Litigation Reform Act—Prevents class-action lawyers from abusing the rules to extort settlements from innocent companies whose predictions of corporate performance are not fulfilled. (H.R. 1058)

Personal Responsibility and Work Opportunity Act—Requires welfare recipients to work within 2 years or lose benefits, limits lifetime cash welfare to 5 years, gives states tools for reducing out-of-wedlock births, reforms the fast-growing food stamp program, and ends most welfare to non-citizens. (H.R. 3734)

Drug Abusers Collecting Welfare—Ends SSI payments to drug and alcohol abusers. (H.R. 3136)

Adoption Tax Credit—Allows up to a $5,000 tax credit to offset adoption expenses for families with adjusted gross incomes of less than $75,000 and prohibits adoption agencies from making placements based on race. (H.R. 3448)

Spousal IRAs—Increases from $250 to $2,000 the amount non-working spouses can contribute to IRAs. (H.R. 3448)

Social Security Earnings Limit—Phases in an increase of the earnings limit to $30,000 in 2002 for seniors who choose to work between ages 65 to 69. (H.R. 3136)

Long-Term Care Tax Incentives—Encourages more people to buy long-term care insurance and allows chronically or terminally ill individuals to receive life insurance benefits before death without a tax penalty. (H.R. 3103)

Housing for Older Person Act—Protects senior citizen communities from discrimination lawsuits by defining in law "senior-only" housing complexes. (H.R. 660)

CONTRACT MEASURES VETOED BY THE PRESIDENT

A Balanced Budget by 2002—The balanced budget amendment included in the Contract required a balanced budget in 2002. Falling short by one vote in the Senate, Congress approved the Balanced Budget Act to balance the budget in 7 years. (Vetoed 12/6/95)

Family Tax Cuts—$500 per-child tax cut, marriage penalty relief, $1,000 eldercare deduction, and American Dream Savings Accounts. (Vetoed 12/6/95)

Economic Growth Tax Cuts—Reductions in capital gains and inheritance taxes, among others. (Vetoed 12/6/95)

Lawsuit Abuse Reform—Reforms product liability laws to lower litigation costs to employers and end abuses by trial lawyers. (Vetoed 5/2/96)

Ballistic Missile Defense—Protects America's cities from accidental or terrorist nuclear attack (Vetoed 12/28/95)

U.N. Command of U.S. Troops—Prohibits the president from placing U.S. troops under foreign command. (Vetoed 12/28/95)

THE AMERICAN PEOPLE CANNOT AFFORD ANOTHER GINGRICH CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, these are the last hours of the Gingrich Congress. American families are breathing a sigh of relief that this extremist Congress is leaving town. Two years ago Republicans marched up Capitol Hill, taking over the people's House and shouting for revolution. But now the American people understand what they meant.

It meant $270 billion cuts in Medicare to pay for a tax break for the wealthiest Americans. It meant cutting student loans by $10 million to put college even further out of the reach of working middle-class families hoping for a shot at the American dream, and then exposing workers' pensions to raids by corporations, making retirement even less secure, rather than honoring a lifetime of hard work.

But the most amazing revelation of all comes from the House Republican whip, the gentleman from Texas, TOM DELAY, who says, "We wouldn't change a thing." The American people cannot afford another Gingrich Congress.

TIME FOR MEMBERS TO STOP PERSONAL DISPLAYS OF PARTISANSHIP AND GET ON WITH THE BUSINESS OF THE HOUSE

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, one more time today we have seen a pathetic display from the Democrats, who for the last 2 weeks have been demanding that a report, that now we know did not exist at the time, be published. The report was published yesterday, and we now know what it says.

It says, signed by two Democrats and signed by the special counsel:

> It is important to understand that this action does not mean the subcommittee has at this point made any determination that there is reason to believe Representative GINGRICH committed any violation within the jurisdiction of this committee.

The fact of the matter is the Ethics Committee has asked for more time to look into other things. It does not say, as the gentleman from Michigan pointed out, it does not say anything about tax fraud. It does not say anything about corruption. It does not say anything about money laundering.

It says, "This action does not mean the subcommittee has at this point made any determination that there is any reason to believe that Representative GINGRICH committed any violation within the jurisdiction of the committee."

Mr. Speaker, it is time to stop the personal displays of partisanship and get on with the business of the House.

THE GREATEST ACCOMPLISHMENTS OF THE 104TH CONGRESS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I was asked the other day, what is the greatest accomplishment of this past Congress? What came to mind was a big stop sign.

The greatest accomplishments of this Congress were stopping the extremist majority from ripping away at what the American family, the average family, needs. The greatest accomplishment of this Congress was stopping them from cutting and decimating Medicare. The greatest accomplishment of this Congress was stopping them from raping the environment. The greatest accomplishment of this Congress was stopping them from taking away the few rights that working people in America have.

Unfortunately, unfortunately, the great accomplishments of this Congress were not positive things that made the average family's life better, but were negative things: Stopping the extremist majority, the Gingrich majority, from doing things that would have helped the top few and hurt the rest of America.

Mr. Speaker, I am sure that most American families hope we will not have another 2 years of this. I am sure that most American families wish and pray that we can get back to doing certain things that will make their lives better in terms of their health and in terms of their pensions and in terms of their ability simply to pay the bills and raise their families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. INGLIS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later in the day.

HEALTH CENTERS CONSOLIDATION ACT OF 1996

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1044) to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

The Clerk read as follows:

S. 1044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Centers Consolidation Act of 1996".

SEC. 2. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended to read as follows:

"Subpart I—Health Centers

"SEC. 330. HEALTH CENTERS.

"(a) DEFINITION OF HEALTH CENTER.—

"(1) IN GENERAL.—For purposes of this section, the term 'health center' means an entity that serves a population that is medically underserved, or a special medically underserved population comprised of migratory and seasonal agricultural workers, the homeless, and residents of public housing, by providing, either through the staff and supporting resources of the center or through contracts or cooperative arrangements—

"(A) required primary health services (as defined in subsection (b)(1)); and

"(B) as may be appropriate for particular centers, additional health services (as defined in subsection (b)(2)) necessary for the adequate support of the primary health services required under subparagraph (A);

for all residents of the area served by the center (hereafter referred to in this section as the 'catchment area').

"(2) LIMITATION.—The requirement in paragraph (1) to provide services for all residents within a catchment area shall not apply in the case of a health center receiving a grant only under subsection (g), (h), or (i).

"(b) DEFINITIONS.—For purposes of this section:

"(1) REQUIRED PRIMARY HEALTH SERVICES.—

"(A) IN GENERAL.—The term 'required primary health services' means—

"(i) basic health services which, for purposes of this section, shall consist of—

"(I) health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians and where appropriate, physician assistants, nurse practitioners, and nurse midwives;

"(II) diagnostic laboratory and radiologic services;

"(III) preventive health services, including—

"(aa) prenatal and perinatal services;

"(bb) screening for breast and cervical cancer;

"(cc) well-child services;

"(dd) immunizations against vaccine-preventable diseases;

"(ee) screenings for elevated blood lead levels, communicable diseases, and cholesterol;

"(ff) pediatric eye, ear, and dental screenings to determine the need for vision and hearing correction and dental care;

"(gg) voluntary family planning services; and

"(hh) preventive dental services;

"(IV) emergency medical services; and

"(V) pharmaceutical services as may be appropriate for particular centers;

"(ii) referrals to providers of medical services and other health-related services (including substance abuse and mental health services);

"(iii) patient case management services (including counseling, referral, and follow-up services) and other services designed to assist health center patients in establishing eligibility for and gaining access to Federal, State, and local programs that provide or financially support the provision of medical, social, educational, or other related services;

"(iv) services that enable individuals to use the services of the health center (including outreach and transportation services and, if a substantial number of the individuals in the population served by a center are of limited English-speaking ability, the services of appropriate personnel fluent in the language spoken by a predominant number of such individuals); and

"(v) education of patients and the general population served by the health center regarding the availability and proper use of health services.

"(B) EXCEPTION.—With respect to a health center that receives a grant only under subsection (g), the Secretary, upon a showing of good cause, shall—

"(i) waive the requirement that the center provide all required primary health services under this paragraph; and

"(ii) approve, as appropriate, the provision of certain required primary health services only during certain periods of the year.

"(2) ADDITIONAL HEALTH SERVICES.—The term 'additional health services' means services that are not included as required primary health services and that are appropriate to meet the health needs of the population served by the health center involved. Such term may include—

"(A) environmental health services, including—

"(i) the detection and alleviation of unhealthful conditions associated with water supply;

"(ii) sewage treatment;

"(iii) solid waste disposal;

"(iv) rodent and parasitic infestation;

"(v) field sanitation;

"(vi) housing; and

"(vii) other environmental factors related to health; and

"(B) in the case of health centers receiving grants under subsection (g), special occupation-related health services for migratory and seasonal agricultural workers, including—

"(i) screening for and control of infectious diseases, including parasitic diseases; and

"(ii) injury prevention programs, including prevention of exposure to unsafe levels of agricultural chemicals including pesticides.

"(3) MEDICALLY UNDERSERVED POPULATIONS.—

"(A) IN GENERAL.—The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

"(B) CRITERIA.—In carrying out subparagraph (A), the Secretary shall prescribe criteria for determining the specific shortages of personal health services of an area or population group. Such criteria shall—

"(i) take into account comments received by the Secretary from the chief executive officer of a State and local officials in a State; and

"(ii) include factors indicative of the health status of a population group or residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.

"(C) LIMITATION.—The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to such designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with—

"(i) the chief executive officer of such State;

"(ii) local officials in such State; and

"(iii) the organization, if any, which represents a majority of health centers in such State.

"(D) PERMISSIBLE DESIGNATION.—The Secretary may designate a medically underserved population that does not meet the criteria established under subparagraph (B) if the chief executive officer of the State in which such population is located and local officials of such State recommend the designation of such population based on unusual local conditions which are a barrier to access to or the availability of personal health services.

"(c) PLANNING GRANTS.—

"(1) IN GENERAL.—

"(A) CENTERS.—The Secretary may make grants to public and nonprofit private entities for projects to plan and develop health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of the acquisition and lease of buildings and equipment (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include—

"(i) an assessment of the need that the population proposed to be served by the health center for which the project is undertaken has for required primary health services and additional health services;

"(ii) the design of a health center program for such population based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project;

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project; and

"(v) proposed linkages between the center and other appropriate provider entities, such as health departments, local hospitals, and rural health clinics, to provide better coordinated, higher quality, and more cost-effective health care services.

"(B) COMPREHENSIVE SERVICE DELIVERY NETWORKS AND PLANS.—The Secretary may make grants to health centers that receive assistance under this section to enable the centers to plan and develop a network or plan for the provision of health services, which may include the provision of health services on a prepaid basis or through another managed care arrangement, to some or to all of the individuals which the centers serve. Such a grant may only be made for such a center if—

"(i) the center has received grants under subsection (e)(1)(A) for at least 2 consecutive years preceding the year of the grant under this subparagraph or has otherwise demonstrated, as required by the Secretary, that such center has been providing primary care services for at least the 2 consecutive years immediately preceding such year; and

"(ii) the center provides assurances satisfactory to the Secretary that the provision of such services on a prepaid basis, or under another managed care arrangement, will not result in the diminution of the level or quality of health services provided to the medically underserved population served prior to the grant under this subparagraph.

Any such grant may include the acquisition and lease of buildings and equipment which may include data and information systems (including the costs of amortizing the principal of, and paying the interest on, loans), and providing training and technical assistance related to the provision of health services on a prepaid basis or under another managed care arrangement, and for other purposes that promote the development of managed care networks and plans.

"(2) LIMITATION.—Not more than two grants may be made under this subsection for the same project, except that upon a showing of good cause, the Secretary may make additional grant awards.

"(d) MANAGED CARE LOAN GUARANTEE PROGRAM.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish a program under which the Secretary may, in accordance with this subsection and to the extent that appropriations are provided in advance for such program, guarantee the principal and interest on loans made by non-Federal lenders to health centers funded under this section for the costs of developing and operating managed care networks or plans.

"(B) USE OF FUNDS.—Loan funds guaranteed under this subsection may be used—

"(i) to establish reserves for the furnishing of services on a pre-paid basis; or

"(ii) for costs incurred by the center or centers, otherwise permitted under this section, as the Secretary determines are necessary to enable a center or centers to develop, operate, and own the network or plan.

"(C) PUBLICATION OF GUIDANCE.—Prior to considering an application submitted under this subsection, the Secretary shall publish guidelines to provide guidance on the implementation of this section. The Secretary shall make such guidelines available to the universe of parties affected under this subsection, distribute such guidelines to such parties upon the request of such parties, and provide a copy of such guidelines to the appropriate committees of Congress.

"(2) PROTECTION OF FINANCIAL INTERESTS.—

"(A) IN GENERAL.—The Secretary may not approve a loan guarantee for a project under this subsection unless the Secretary determines that—

"(i) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such percent per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States, except that the Secretary may not require as security any center asset that is, or may be, needed by the center or centers involved to provide health services;

"(ii) the loan would not be available on reasonable terms and conditions without the guarantee under this subsection; and

"(iii) amounts appropriated for the program under this subsection are sufficient to provide loan guarantees under this subsection.

"(B) RECOVERY OF PAYMENTS.—

"(i) IN GENERAL.—The United States shall be entitled to recover from the applicant for a loan guarantee under this subsection the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery (subject to appropriations remaining available to permit such a waiver) and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made. Amounts recovered under this clause shall be credited as reimbursements to the financing account of the program.

"(ii) MODIFICATION OF TERMS AND CONDITIONS.—To the extent permitted by clause (iii) and subject to the requirements of section 504(e) of the Credit Reform Act of 1990 (2 U.S.C. 661c(e)), any terms and conditions applicable to a loan guarantee under this subsection (including terms and conditions imposed under clause (iv)) may be modified or waived by the Secretary to the extent the Secretary determines it to be consistent with the financial interest of the United States.

"(iii) INCONTESTABILITY.—Any loan guarantee made by the Secretary under this subsection shall be incontestable—

"(I) in the hands of an applicant on whose behalf such guarantee is made unless the applicant engaged in fraud or misrepresentation in securing such guarantee; and

"(II) as to any person (or successor in interest) who makes or contracts to make a loan to such applicant in reliance thereon unless such person (or successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

"(iv) FURTHER TERMS AND CONDITIONS.—Guarantees of loans under this subsection shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved.

"(3) LOAN ORIGINATION FEES.—

"(A) IN GENERAL.—The Secretary shall collect a loan origination fee with respect to loans to be guaranteed under this subsection, except as provided in subparagraph (C).

"(B) AMOUNT.—The amount of a loan origination fee collected by the Secretary under subparagraph (A) shall be equal to the estimated long term cost of the loan guarantees involved to the Federal Government (excluding administrative costs), calculated on a net present value basis, after taking into account any appropriations that may be made for the purpose of offsetting such costs, and in accordance with the criteria used to award loan guarantees under this subsection.

"(C) WAIVER.—The Secretary may waive the loan origination fee for a health center applicant who demonstrates to the Secretary that the applicant will be unable to meet the conditions of the loan if the applicant incurs the additional cost of the fee.

"(4) DEFAULTS.—

"(A) IN GENERAL.—Subject to the requirements of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary may take such action as may be necessary to prevent a default on a loan guaranteed under this subsection, including the waiver of regulatory conditions, deferral of loan payments, renegotiation of loans, and the expenditure of funds for technical and consultative assistance, for the temporary payment of the interest and principal on such a loan, and for other purposes. Any such expenditure made under the preceding sentence on behalf of a health center or centers shall be made under such terms and conditions as the Secretary shall prescribe, including the implementation of such organizational, operational, and financial reforms as the Secretary determines are appropriate and the disclosure of such financial or other information as the Secretary may require to determine the extent of the implementation of such reforms.

"(B) FORECLOSURE.—The Secretary may take such action, consistent with State law respecting foreclosure procedures and, with respect to reserves required for furnishing services on a prepaid basis, subject to the consent of the affected States, as the Secretary determines appropriate to protect the interest of the United States in the event of a default on a loan guaranteed under this subsection, except that the Secretary may only foreclose on assets offered as security (if any) in accordance with paragraph (2)(A)(i).

"(5) LIMITATION.—Not more than one loan guarantee may be made under this subsection for the same network or plan, except that upon a showing of good cause the Secretary may make additional loan guarantees.

"(6) ANNUAL REPORT.—Not later than April 1, 1998, and each April 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning loan guarantees provided under this subsection. Such report shall include—

"(A) a description of the number, amount, and use of funds received under each loan guarantee provided under this subsection;

"(B) a description of any defaults with respect to such loans and an analysis of the reasons for such defaults, if any; and

"(C) a description of the steps that may have been taken by the Secretary to assist an entity in avoiding such a default.

"(7) PROGRAM EVALUATION.—Not later than June 30, 1999, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing an evaluation of the program authorized under this subsection. Such evaluation shall include a recommendation with respect to whether or not the loan guarantee program under this subsection should be continued and, if so, any modifications that should be made to such program.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

"(e) OPERATING GRANTS.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Secretary may make grants for the costs of the operation of public and nonprofit private health centers that provide health services to medically underserved populations.

"(B) ENTITIES THAT FAIL TO MEET CERTAIN REQUIREMENTS.—The Secretary may make grants, for a period of not to exceed 2-years, for the costs of the operation of public and nonprofit private entities which provide health services to medically underserved populations but with respect to which the Secretary is unable to make each of the determinations required by subsection (j)(3).

"(2) USE OF FUNDS.—The costs for which a grant may be made under subparagraph (A) or (B) of paragraph (1) may include the costs of acquiring and leasing buildings and equipment (including the costs of amortizing the principal of, and paying interest on, loans), and the costs of providing training related to the provision of required primary health services and additional health services and to the management of health center programs.

"(3) CONSTRUCTION.—The Secretary may award grants which may be used to pay the costs associated with expanding and modernizing existing buildings or constructing new buildings (including the costs of amortizing the principal of, and paying the interest on, loans) for projects approved prior to October 1, 1996.

"(4) LIMITATION.—Not more than two grants may be made under subparagraph (B) of paragraph (1) for the same entity.

"(5) AMOUNT.—

"(A) IN GENERAL.—The amount of any grant made in any fiscal year under paragraph (1) to a health center shall be determined by the Secretary, but may not exceed the amount by which the costs of operation of the center in such fiscal year exceed the total of—

"(i) State, local, and other operational funding provided to the center; and

"(ii) the fees, premiums, and third-party reimbursements, which the center may reasonably be expected to receive for its operations in such fiscal year.

"(B) PAYMENTS.—Payments under grants under subparagraph (A) or (B) of paragraph (1) shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary and adjustments may be made for overpayments or underpayments.

"(C) USE OF NONGRANT FUNDS.—Nongrant funds described in clauses (i) and (ii) of subparagraph (A), including any such funds in excess of those originally expected, shall be used as permitted under this section, and may be used for such other purposes as are not specifically prohibited under this section if such use furthers the objectives of the project.

"(f) INFANT MORTALITY GRANTS.—

"(1) IN GENERAL.—The Secretary may make grants to health centers for the purpose of assisting such centers in—

"(A) providing comprehensive health care and support services for the reduction of—

"(i) the incidence of infant mortality; and

"(ii) morbidity among children who are less than 3 years of age; and

"(B) developing and coordinating service and referral arrangements between health centers and other entities for the health management of pregnant women and children described in subparagraph (A).

"(2) PRIORITY.—In making grants under this subsection the Secretary shall give priority to health centers providing services to any medically underserved population among which there is a substantial incidence of infant mortality or among which there is a significant increase in the incidence of infant mortality.

"(3) REQUIREMENTS.—The Secretary may make a grant under this subsection only if the health center involved agrees that—

"(A) the center will coordinate the provision of services under the grant to each of the recipients of the services;

"(B) such services will be continuous for each such recipient;

"(C) the center will provide follow-up services for individuals who are referred by the center for services described in paragraph (1);

"(D) the grant will be expended to supplement, and not supplant, the expenditures of the center for primary health services (including prenatal care) with respect to the purpose described in this subsection; and

"(E) the center will coordinate the provision of services with other maternal and child health providers operating in the catchment area.

"(g) MIGRATORY AND SEASONAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—The Secretary may award grants for the purposes described in subsections (c), (e), and (f) for the planning and delivery of services to a special medically underserved population comprised of—

"(A) migratory agricultural workers, seasonal agricultural workers, and members of the families of such migratory and seasonal agricultural workers who are within a designated catchment area; and

"(B) individuals who have previously been migratory agricultural workers but who no longer meet the requirements of subparagraph (A) of paragraph (3) because of age or disability and members of the families of such individuals who are within such catchment area.

"(2) ENVIRONMENTAL CONCERNS.—The Secretary may enter into grants or contracts under this subsection with public and private entities to—

"(A) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migratory agricultural worker labor camps, and applicable Federal and State pesticide control standards; and

"(B) conduct projects and studies to assist the several States and entities which have received grants or contracts under this section in the assessment of problems related to camp and field sanitation, exposure to unsafe levels of agricultural chemicals including pesticides, and other environmental health hazards to which migratory agricultural workers and members of their families are exposed.

"(3) DEFINITIONS.—For purposes of this subsection:

"(A) MIGRATORY AGRICULTURAL WORKER.—The term 'migratory agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes for the purposes of such employment a temporary abode.

"(B) SEASONAL AGRICULTURAL WORKER.—The term 'seasonal agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

"(C) AGRICULTURE.—The term 'agriculture' means farming in all its branches, including—

"(i) cultivation and tillage of the soil;

"(ii) the production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in or on, the land; and

"(iii) any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in clause (ii).

"(h) HOMELESS POPULATION.—

"(1) IN GENERAL.—The Secretary may award grants for the purposes described in subsections (c), (e), and (f) for the planning and delivery of services to a special medically underserved population comprised of homeless individuals, including grants for innovative programs that provide outreach and comprehensive primary health services to homeless children and children at risk of homelessness.

"(2) REQUIRED SERVICES.—In addition to required primary health services (as defined in subsection (b)(1)), an entity that receives a grant under this subsection shall be required to provide substance abuse services as a condition of such grant.

"(3) SUPPLEMENT NOT SUPPLANT REQUIREMENT.—A grant awarded under this subsection shall be expended to supplement, and not supplant, the expenditures of the health center and the value of in kind contributions for the delivery of services to the population described in paragraph (1).

"(4) DEFINITIONS.—For purposes of this section:

"(A) HOMELESS INDIVIDUAL.—The term 'homeless individual' means an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations and an individual who is a resident in transitional housing.

"(B) SUBSTANCE ABUSE.—The term 'substance abuse' has the same meaning given such term in section 534(4).

"(C) SUBSTANCE ABUSE SERVICES.—The term 'substance abuse services' includes detoxification and residential treatment for substance abuse provided in settings other than hospitals.

"(i) RESIDENTS OF PUBLIC HOUSING.—

"(1) IN GENERAL.—The Secretary may award grants for the purposes described in subsections (c), (e), and (f) for the planning and delivery of services to a special medically underserved population comprised of residents of public housing (such term, for purposes of this subsection, shall have the same meaning given such term in section 3(b)(1) of the United States Housing Act of 1937) and individuals living in areas immediately accessible to such public housing.

"(2) SUPPLEMENT NOT SUPPLANT.—A grant awarded under this subsection shall be expended to supplement, and not supplant, the expenditures of the health center and the value of in kind contributions for the delivery of services to the population described in paragraph (1).

"(3) CONSULTATION WITH RESIDENTS.—The Secretary may not make a grant under paragraph (1) unless, with respect to the residents of the public housing involved, the applicant for the grant—

"(A) has consulted with the residents in the preparation of the application for the grant; and

"(B) agrees to provide for ongoing consultation with the residents regarding the planning and administration of the program carried out with the grant.

"(j) APPLICATIONS.—

"(1) SUBMISSION.—No grant may be made under this section unless an application therefore is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

"(2) DESCRIPTION OF NEED.—An application for a grant under subparagraph (A) or (B) of subsection (e)(1) for a health center shall include—

"(A) a description of the need for health services in the catchment area of the center;

"(B) a demonstration by the applicant that the area or the population group to be served by the applicant has a shortage of personal health services; and

"(C) a demonstration that the center will be located so that it will provide services to the greatest number of individuals residing in the catchment area or included in such population group.

Such a demonstration shall be made on the basis of the criteria prescribed by the Secretary under subsection (b)(3) or on any other criteria which the Secretary may prescribe to determine if the area or population group to be served by the applicant has a shortage of personal health services. In considering an application for a grant under subparagraph (A) or (B) of subsection (e)(1), the Secretary may require as a condition to the approval of such application an assurance that the applicant will provide any health service defined under paragraphs (1) and (2) of subsection (b) that the Secretary finds is needed to meet specific health needs of the area to be served by the applicant. Such a finding shall be made in writing and a copy shall be provided to the applicant.

"(3) REQUIREMENTS.—Except as provided in subsection (e)(1)(B), the Secretary may not approve an application for a grant under subparagraph (A) or (B) of subsection (e)(1) unless the Secretary determines that the entity for which the application is submitted is a health center (within the meaning of subsection (a)) and that—

"(A) the required primary health services of the center will be available and accessible in the catchment area of the center promptly, as appropriate, and in a manner which assures continuity;

"(B) the center has made and will continue to make every reasonable effort to establish and maintain collaborative relationships with other health care providers in the catchment area of the center;

"(C) the center will have an ongoing quality improvement system that includes clinical services and management, and that maintains the confidentiality of patient records;

"(D) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(E) the center—

"(i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan; or

"(ii) has made or will make every reasonable effort to enter into such an arrangement;

"(F) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(G) the center—

"(i) has prepared a schedule of fees or payments for the provision of its services consistent with locally prevailing rates or charges and designed to cover its reasonable costs of operation and has prepared a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay;

"(ii) has made and will continue to make every reasonable effort—

"(I) to secure from patients payment for services in accordance with such schedules; and

"(II) to collect reimbursement for health services to persons described in subparagraph (F) on the basis of the full amount of fees and payments for such services without application of any discount; and

"(iii) has submitted to the Secretary such reports as the Secretary may require to determine compliance with this subparagraph;

"(H) the center has established a governing board which except in the case of an entity operated by an Indian tribe or tribal or Indian organization under the Indian Self-Determination Act or an urban Indian organization under the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.)—

"(i) is composed of individuals, a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center;

"(ii) meets at least once a month, selects the services to be provided by the center, schedules the hours during which such services will be provided, approves the center's annual budget, approves the selection of a director for the center, and, except in the case of a governing board of a public center (as defined in the second sentence of this paragraph), establishes general policies for the center; and

"(iii) in the case of an application for a second or subsequent grant for a public center, has approved the application or if the governing body has not approved the application, the failure of the governing body to approve the application was unreasonable;

except that, upon a showing of good cause the Secretary shall waive, for the length of the project period, all or part of the requirements of this subparagraph in the case of a health center that receives a grant pursuant to subsection (g), (h), (i), or (p);

"(I) the center has developed—

"(i) an overall plan and budget that meets the requirements of the Secretary; and

"(ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to—

"(I) the costs of its operations;

"(II) the patterns of use of its services;

"(III) the availability, accessibility, and acceptability of its services; and

"(IV) such other matters relating to operations of the applicant as the Secretary may require;

"(J) the center will review periodically its catchment area to—

"(i) ensure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the residents of the area promptly and as appropriate;

"(ii) ensure that the boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs; and

"(iii) ensure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social grouping, and available transportation;

"(K) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has—

"(i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals; and

"(ii) identified an individual on its staff who is fluent in both that language and in English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences; and

"(L) the center, has developed an ongoing referral relationship with one or more hospitals.

For purposes of subparagraph (H), the term 'public center' means a health center funded (or to be funded) through a grant under this section to a public agency.

"(4) APPROVAL OF NEW OR EXPANDED SERVICE APPLICATIONS.—The Secretary shall approve applications for grants under subparagraph (A) or (B) of subsection (e)(1) for health centers which—

"(A) have not received a previous grant under such subsection; or

"(B) have applied for such a grant to expand their services;

in such a manner that the ratio of the medically underserved populations in rural areas which may be expected to use the services provided by such centers to the medically underserved populations in urban areas which may be expected to use the services provided by such centers is not less than two to three or greater than three to two.

"(k) TECHNICAL AND OTHER ASSISTANCE.—The Secretary may provide (either through the Department of Health and Human Services or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management assistance and training in such management) to any public or private nonprofit entity to assist entities in developing plans for, or operating as, health centers, and in meeting the requirements of subsection (j)(2).

"(l) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated $802,124,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.

"(2) SPECIAL PROVISIONS.—

"(A) PUBLIC CENTERS.—The Secretary may not expend in any fiscal year, for grants under this section to public centers (as defined in the second sentence of subsection (j)(3)) the governing boards of which (as described in subsection (j)(3)(G)(ii)) do not establish general policies for such centers, an amount which exceeds 5 percent of the amounts appropriated under this section for that fiscal year. For purposes of applying the preceding sentence, the term 'public centers' shall not include health centers that receive grants pursuant to subsection (h) or (i).

"(B) DISTRIBUTION OF GRANTS.—

"(i) FISCAL YEAR 1997.—For fiscal year 1997, the Secretary, in awarding grants under this section shall ensure that the amounts made available under each of subsections (g), (h), and (i) in such fiscal year bears the same relationship to the total amount appropriated for such fiscal year under paragraph (1) as the amounts appropriated for fiscal year 1996 under each of sections 329, 340, and 340A (as such sections existed one day prior to the date of enactment of this section) bears to the total amount appropriated under sections 329, 330, 340, and 340A (as such sections existed one day prior to the date of enactment of this section) for such fiscal year.

"(ii) FISCAL YEARS 1998 AND 1999.—For each of the fiscal years 1998 and 1999, the Secretary, in awarding grants under this section shall ensure that the proportion of the amounts made available under each of subsections (g), (h), and (i) is equal to the proportion of amounts made available under each such subsection for the previous fiscal year, as such amounts relate to the total amounts appropriated for the previous fiscal year involved, increased or decreased by not more than 10 percent.

"(3) FUNDING REPORT.—The Secretary shall annually prepare and submit to the appropriate committees of Congress a report concerning the distribution of funds under this section that are provided to meet the health care needs of medically underserved populations, including the homeless, residents of public housing, and migratory and seasonal agricultural workers, and the appropriateness of the delivery systems involved in responding to the needs of the particular populations. Such report shall include an assessment of the relative health care access needs of the targeted populations and the rationale for any substantial changes in the distribution of funds.

"(m) MEMORANDUM OF AGREEMENT.—In carrying out this section, the Secretary may enter into a memorandum of agreement with a State. Such memorandum may include, where appropriate, provisions permitting such State to—

"(1) analyze the need for primary health services for medically underserved populations within such State;

"(2) assist in the planning and development of new health centers;

"(3) review and comment upon annual program plans and budgets of health centers, including comments upon allocations of health care resources in the State;

"(4) assist health centers in the development of clinical practices and fiscal and administrative systems through a technical assistance plan which is responsive to the requests of health centers; and

"(5) share information and data relevant to the operation of new and existing health centers.

"(n) RECORDS.—

"(1) IN GENERAL.—Each entity which receives a grant under subsection (e) shall establish and maintain such records as the Secretary shall require.

"(2) AVAILABILITY.—Each entity which is required to establish and maintain records under this subsection shall make such books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying or mechanical reproduction on or off the premises of such entity upon a reasonable request therefore. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have the authority to conduct such examination, copying, and reproduction.

"(o) DELEGATION OF AUTHORITY.—The Secretary may delegate the authority to administer the programs authorized by this section to any office, except that the authority to enter into, modify, or issue approvals with respect to grants or contracts may be delegated only within the central office of the

Health Resources and Services Administration.

"(p) SPECIAL CONSIDERATION.—In making grants under this section, the Secretary shall give special consideration to the unique needs of sparsely populated rural areas, including giving priority in the awarding of grants for new health centers under subsections (c) and (e), and the granting of waivers as appropriate and permitted under subsections (b)(1)(B)(i) and (j)(3)(G).

"(q) AUDITS.—

"(1) IN GENERAL.—Each entity which receives a grant under this section shall provide for an independent annual financial audit of any books, accounts, financial records, files, and other papers and property which relate to the disposition or use of the funds received under such grant and such other funds received by or allocated to the project for which such grant was made. For purposes of assuring accurate, current, and complete disclosure of the disposition or use of the funds received, each such audit shall be conducted in accordance with generally accepted accounting principles. Each audit shall evaluate—

"(A) the entity's implementation of the guidelines established by the Secretary respecting cost accounting,

"(B) the processes used by the entity to meet the financial and program reporting requirements of the Secretary, and

"(C) the billing and collection procedures of the entity and the relation of the procedures to its fee schedule and schedule of discounts and to the availability of health insurance and public programs to pay for the health services it provides.

A report of each such audit shall be filed with the Secretary at such time and in such manner as the Secretary may require.

"(2) RECORDS.—Each entity which receives a grant under this section shall establish and maintain such records as the Secretary shall by regulation require to facilitate the audit required by paragraph (1). The Secretary may specify by regulation the form and manner in which such records shall be established and maintained.

"(3) AVAILABILITY OF RECORDS.—Each entity which is required to establish and maintain records or to provide for and audit under this subsection shall make such books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying or mechanical reproduction on or off the premises of such entity upon a reasonable request therefore. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have the authority to conduct such examination, copying, and reproduction.

"(4) WAIVER.—The Secretary may, under appropriate circumstances, waive the application of all or part of the requirements of this subsection with respect to an entity.".

SEC. 3. RURAL HEALTH OUTREACH, NETWORK DEVELOPMENT, AND TELEMEDICINE GRANT PROGRAM.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 2) is further amended by adding at the end thereof the following new section:

"SEC. 330A. RURAL HEALTH OUTREACH, NETWORK DEVELOPMENT, AND TELEMEDICINE GRANT PROGRAM.

"(a) ADMINISTRATION.—The rural health services outreach demonstration grant program established under section 301 shall be administered by the Office of Rural Health Policy (of the Health Resources and Services Administration), in consultation with State rural health offices or other appropriate State governmental entities.

"(b) GRANTS.—Under the program referred to in subsection (a), the Secretary, acting through the Director of the Office of Rural Health Policy, may award grants to expand access to, coordinate, restrain the cost of, and improve the quality of essential health care services, including preventive and emergency services, through the development of integrated health care delivery systems or networks in rural areas and regions.

"(c) ELIGIBLE NETWORKS.—

"(1) OUTREACH NETWORKS.—To be eligible to receive a grant under this section, an entity shall—

"(A) be a rural public or nonprofit private entity that is or represents a network or potential network that includes three or more health care providers or other entities that provide or support the delivery of health care services; and

"(B) in consultation with the State office of rural health or other appropriate State entity, prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(i) a description of the activities which the applicant intends to carry out using amounts provided under the grant;

"(ii) a plan for continuing the project after Federal support is ended;

"(iii) a description of the manner in which the activities funded under the grant will meet health care needs of underserved rural populations within the State; and

"(iv) a description of how the local community or region to be served by the network or proposed network will be involved in the development and ongoing operations of the network.

"(2) FOR-PROFIT ENTITIES.—An eligible network may include for-profit entities so long as the network grantee is a nonprofit entity.

"(3) TELEMEDICINE NETWORKS.—

"(A) IN GENERAL.—An entity that is a health care provider and a member of an existing or proposed telemedicine network, or an entity that is a consortium of health care providers that are members of an existing or proposed telemedicine network shall be eligible for a grant under this section.

"(B) REQUIREMENT.—A telemedicine network referred to in subparagraph (A) shall, at a minimum, be composed of—

"(i) a multispecialty entity that is located in an urban or rural area, which can provide 24-hour a day access to a range of specialty care; and

"(ii) at least two rural health care facilities, which may include rural hospitals, rural physician offices, rural health clinics, rural community health clinics, and rural nursing homes.

"(d) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to applicant networks that include—

"(1) a majority of the health care providers serving in the area or region to be served by the network;

"(2) any federally qualified health centers, rural health clinics, and local public health departments serving in the area or region;

"(3) outpatient mental health providers serving in the area or region; or

"(4) appropriate social service providers, such as agencies on aging, school systems, and providers under the women, infants, and children program, to improve access to and coordination of health care services.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts provided under grants awarded under this section shall be used—

"(A) for the planning and development of integrated self-sustaining health care networks; and

"(B) for the initial provision of services.

"(2) EXPENDITURES IN RURAL AREAS.—

"(A) IN GENERAL.—In awarding a grant under this section, the Secretary shall ensure that not less than 50 percent of the grant award is expended in a rural area or to provide services to residents of rural areas.

"(B) TELEMEDICINE NETWORKS.—An entity described in subsection (c)(3) may not use in excess of—

"(i) 40 percent of the amounts provided under a grant under this section to carry out activities under paragraph (3)(A)(iii); and

"(ii) 20 percent of the amounts provided under a grant under this section to pay for the indirect costs associated with carrying out the purposes of such grant.

"(3) TELEMEDICINE NETWORKS.—

"(A) IN GENERAL.—An entity described in subsection (c)(3), may use amounts provided under a grant under this section to—

"(i) demonstrate the use of telemedicine in facilitating the development of rural health care networks and for improving access to health care services for rural citizens;

"(ii) provide a baseline of information for a systematic evaluation of telemedicine systems serving rural areas;

"(iii) purchase or lease and install equipment; and

"(iv) operate the telemedicine system and evaluate the telemedicine system.

"(B) LIMITATIONS.—An entity described in subsection (c)(3), may not use amounts provided under a grant under this section—

"(i) to build or acquire real property;

"(ii) purchase or install transmission equipment (such as laying cable or telephone lines, microwave towers, satellite dishes, amplifiers, and digital switching equipment); or

"(iii) for construction, except that such funds may be expended for minor renovations relating to the installation of equipment;

"(f) TERM OF GRANTS.—Funding may not be provided to a network under this section for in excess of a 3-year period.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $36,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.".

(b) TRANSITION.—The Secretary of Health and Human Services shall ensure the continued funding of grants made, or contracts or cooperative agreements entered into, under subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as such subpart existed on the day prior to the date of enactment of this Act), until the expiration of the grant period or the term of the contract or cooperative agreement. Such funding shall be continued under the same terms and conditions as were in effect on the date on which the grant, contract or cooperative agreement was awarded, subject to the availability of appropriations.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Public Health Service Act is amended—

(1) in section 224(g)(4) (42 U.S.C. 233(g)(4)), by striking "under" and all that follows through the end thereof and inserting "under section 330.";

(2) in section 340C(a)(2) (42 U.S.C. 256c) by striking "under" and all that follows through the end thereof and inserting "with assistance provided under section 330."; and

(3) by repealing subparts V and VI of part D of title III (42 U.S.C. 256 et seq.).

(b) SOCIAL SECURITY ACT.—The Social Security Act is amended—

(1) in clauses (i) and (ii)(I) of section 1861(aa)(4)(A) (42 U.S.C. 1395x(aa)(4)(A)(i) and (ii)(I)) by striking "section 329, 330, or 340" and inserting "section 330 (other than subsection (h))"; and

(2) in clauses (i) and (ii)(II) of section 1905(l)(2)(B) (42 U.S.C. 1396d(l)(2)(B)(i) and (ii)(II)) by striking "section 329, 330, 340, or 340A" and inserting "section 330".

(c) REFERENCES.—Whenever any reference is made in any provision of law, regulation, rule, record, or document to a community health center, migrant health center, public housing health center, or homeless health center, such reference shall be considered a reference to a health center.

(d) FTCA CLARIFICATION.—For purposes of section 224(k)(3) of the Public Health Service Act (42 U.S.C. 233(k)(3)), transfers from the fund described in such section for fiscal year 1996 shall be deemed to have occurred prior to December 31, 1995.

(e) ADDITIONAL AMENDMENTS.—After consultation with the appropriate committees of the Congress, the Secretary of Health and Human Services shall prepare and submit to the Congress a legislative proposal in the form of an implementing bill containing technical and conforming amendments to reflect the changes made by this Act.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on October 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the health centers programs play a vital role in bringing community-based primary care to millions of Americans in underserved areas. Nationwide, over 2,400 health centers provide basic services to over 9 million persons.

S. 1044 consolidates the authority for the four health centers programs—community, migrant, homeless, and public housing and authorizes it through fiscal year 2001. Fiscal year 1997 is authorized at $802 million, the amount provided in the House Labor-HHS Appropriations bill. Consolidating these programs will eliminate duplication while maintaining their unique functions that have made them so effective.

The bill provides special definitions and provisions for the farm worker, homeless, and public housing health care programs. Total funding for health centers in fiscal year 1997 must be distributed so that each of these programs will receive a percentage of the overall funding equal to its percentage of funding in fiscal year 1996. For example, homeless health centers received 8.6 percent of the total amount provided to health centers so it will receive 8.6 percent in fiscal year 1997.

The bill clarifies the current authority to use funds for grants to assist health centers in developing networks and managed care plans, so that they can continue to become integrated into the evolving managed care environment. In addition, the bill authorizes a loan guarantee program to help centers obtain private sector financing to help with the initial phase of establishing a network.

There are also provisions to encourage the establishment of health centers in rural areas, including a provision authorizing the Secretary to give special consideration to the unique needs of sparsely populated rural areas. S. 1044 also helps to address the problems in rural areas by authorizing a rural health outreach, network development, and telemedicine grant program.

These health centers provide an invaluable service to many Americans who otherwise would be without health care. I urge my colleagues to join me in supporting this important legislation.

□ 0930

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, S. 1044, which reaffirms our support for the Community and Migrant Health Centers programs and for those programs that provide health care for the homeless and people living in public housing. These are essential programs for unfortunately millions of Americans who have nowhere else to go for their health care needs.

I have a longer statement which I will put into the RECORD talking about the Community and Migrant Health Centers and the kinds of things that they do. I cannot imagine any controversy with this legislation. Whatever differences we might have on health care policy, we are united in agreeing that we ought to have funding for those clinics that provide health care for some of our neediest citizens and residents in this Nation.

Mr. Speaker, S. 1044 reaffirms our support for Community and Migrant Health Centers and for programs that provide health care for the homeless and for people who live in public housing. These excellent programs provide health care for millions of people who otherwise would have no access to care. Today, health centers provide care in more than 2,200 communities across the country, to more than 8 million people whose lives literally depend on this care.

Health centers provide high quality primary health care to the most vulnerable in our society: Struggling young families; poor children; and elderly people whose incomes or location close them off from other avenues to good, caring medical services. And health centers do this at incredibly low cost. They are not, and cannot be, the whole solution to our country's continuing need for affordable, quality health care for every American. However, they are doing a terrific job of filling a large and increasing need to care for the uninsured, the poor, and the geographically and medically isolated. They do this in every State in the United States.

This legislation recognizes the need to revise and modernize the authorities for the health centers programs. It adopts the administration's proposals to consolidate and simplify the process for awarding grants and operating the programs. The new single authority and consolidated funding will include all programs, whether community or migrant health centers or health care for the homeless or residents of public housing. I am pleased that S. 1044 maintains a focus on special populations and makes clear that the health centers programs must continue to meet the unique needs of homeless people, migrant farm workers, and others.

S. 1044 also authorizes a new loan guarantee program, to enable health centers to form or join integrated service networks, but at the same time retain their mission to provide high-quality care and a broad range of services to medically underserved people. To participate in such plans, health centers often are required to have capital in reserve, as well as to pay for costs associated with development of networks. The difficulty of obtaining capital has prevented many health centers from changing to accord with changes in the health care system.

Over the last several years, a few health centers have received small demonstration project grants to begin network development activity. The General Accounting Office has evaluated this program and identified lack of capital as a significant problem. Some health centers have learned, for example, that investors may be willing to provide the needed capital, but only if the center relinquishes its autonomy and control. This could greatly disadvantage patients, who potentially could be placed at risk of not being able to receive the care and services the centers must provide.

The loan guarantee program of S. 1044 addresses this problem carefully. The program is subject to appropriations and to the Credit Reform Act, and loan origination fees are deposited in a special fund for this purpose. Thus, no loans would be guaranteed by the Government unless funds are available to cover the potential cost.

The Subcommittee on Health and Environment held a hearing on health centers' programs, and we heard about the need for this reauthorization and for the loan guarantee program. We also heard about the importance, in any consolidation effort, of maintaining a focus on the special populations now served in separate facilities and programs. S. 1044 accomplishes these goals.

Today, health centers are integral parts of communities they serve. Community participation in the policies and programs of the centers is an essential component of their operation. This legislation will ensure that continued involvement, and will also assist health centers to modernize their operations and their service delivery so they can be even more efficient and effective as the American health care system moves into the next century.

Mr. Speaker, this is good legislation, and I urge my colleagues to support it.

Mrs. LINCOLN. Mr. Speaker, I rise in strong support of the community health center reauthorization bill because I believe in continuing the tremendous work that is being performed in thousands of local communities by these health centers.

Community health centers have provided health care to low-income and elderly residents throughout the First District of Arkansas, which I represent. This area is extremely rural with very few hospitals and physicians available. Without the help of community health centers, my constituents would not receive the important primary health care services they need to maintain quality lives.

I would also like to call the Members' attention to one very important aspect of the health centers, one which makes them quite unique among health care providers—and that is their strong base in the communities they serve. For the past 30 years, community and migrant health centers have involved community members in the development, organization, and delivery of health care.

This experience plays out in a number of important ways, such as serving as a conduit of important information to and from the community on matters such as how to avoid common childhood injuries or potentially serious agricultural accidents, warnings about unsafe water supply sources or the emergence of an infectious disease in the area; serving as an "anchor" in the communities by helping to attract or retain other local businesses, including other physicians, diagnostic services, pharmacies or other health care providers; and providing meaningful employment and career opportunities for community residents.

Mr. Speaker, experience has shown that the greater the degree of community involvement in the health center, the greater the center's role and strength as a vital part of the community itself. I ask my colleagues to support the community health center reauthorization bill so that we can continue providing meaningful, quality care to our citizens.

Mr. DINGELL. Mr. Speaker, today the House has a signal opportunity to do the right thing for the American people. S. 1044, legislation to reauthorize the health centers program, gives us that chance. This is good legislation. But, more importantly, these are good programs; necessary programs; programs that care about people and help people.

Earlier in this Congress, we heard a lot about why and how this country should care for its vulnerable citizens—children, young mothers, low-income senior citizens, struggling middle-class working families. We disagreed strongly—and we still disagree—about the philosophy and policy this country must pursue to protect its people. Today, I hope, we will see no such disagreement, for today we will talk about programs that truly are "motherhood and apple pie" (made from Michigan apples, of course).

For many years, health centers have been the bastion and the fortress of high-quality health care for people who otherwise have no access to care. They have provided this care to every person, regardless of health insurance status or ability to pay for services. Health centers have developed with the communities they serve, working with the people in those communities and becoming active, supporting members of each community.

In my own 16th District of Michigan, we are proud and pleased that two health centers serve our people. The Family Medical Center in Temperance serves approximately 6,000 people, including migrant farm workers and their families. The Monway Family Health Center in Carleton serves about 4,500 people. These centers provide health care in rural areas, where geographic, financial, and other factors create a critical health care need. I have strongly supported these centers, because they have served the people well.

The legislation before us today reaffirms our support for health centers. It also advances the administration's proposal to consolidate some of the centers' authorities and to simplify the program administration. Wisely, it does this while retaining a special focus on populations such as homeless people and residents of public housing, so that the unique needs of these people are not overlooked in the future. The bill also authorizes a careful and limited loan guarantee program to allow health centers some flexibility in forming or participating in integrated health networks, so they can modernize with the changing health care system.

Health centers are important programs—a real example of Government working well, doing right, and functioning 100 percent in the public interest. They are a critical piece of the solution to the continuing question of how to provide good health care for all of our citizens. Health centers are increasingly challenged as the number of people without health insurance grows. We can help them meet these challenges by our continued support. However, as the health care system changes, the centers need to change as well, and we must assist them to make those changes. This legislation accomplishes both of those objectives.

Mr. Speaker, I support this bill and I urge my colleagues to support it.

Mr. BONILLA. Mr. Speaker, I rise in support of S. 1044, the Health Centers Consolidation Act of 1996. This bill will provide a 5-year authorization for America's Community, Migrant, Homeless, and Public Housing Health Center programs through fiscal year 2001.

America's health center programs are doing a tremendous job in rural communities across the country bringing doctors and health facilities to communities in need. In its 30-year history, America's health centers have shown the value and strength of a health system rooted in community partnership and built on the delivery of accessible, quality primary care to Americans in need.

Today, this growing network of community-based providers spans rural communities in all 50 States. Its innovative programs in primary care, prevention, and outreach serve nearly 8 million of America's poor and medically underserved population in 2,400 communities.

Health centers serve in medically underserved communities. They are defined areas—suffering high levels of poverty, infant mortality, and poor health. They are rural and isolated areas, with few or no providers.

Health centers hold the challenging task of providing for some of the poorest, sickest, and most vulnerable. These are people who confront enormous barriers to health care because of where they live—their economic status, and often, their costly and far greater complex health needs. They are people, frequently, locked out of traditional health care—whom others will not or cannot serve. And, they are people whose unmet health and social needs represent a huge and growing cost to the Nation.

Today, in approving this reauthorization, we are helping the communities of the Nation project public health. Health centers have proven to be wise public investments. Compelling evidence shows that health center programs work. Their innovative programs in primary care and prevention keep people healthy—save tax dollars—and build stronger communities.

In my district, there are 20 migrant and community health center delivery sites serving approximately 76,650 patients. These health centers are providing quality, cost-effective care to individuals who otherwise would not have access to health care. I personally have visited these centers, and have seen the enormous good they achieve. In many cases, they are the only provider of care for the people living in this region.

For example, the Uvalde County Clinic, under the direction of Rachel Gonzales, is a key provider of comprehensive primary care. It delivers medical care to approximately 7,000 patients out of a total population of 28,000. It also has the only pharmacy available in Uvalde County. Some patients travel as far as 60 miles to get to this health center for treatment. The Uvalde County Clinic is also vitally important in that it trains medical students, physician assistants, and residents from our medical schools in the State.

For the hardworking people of Laredo, TX, the Gateway Community Health Center, of which Mike Trevino is the executive director, is a source of health care for the indigent population in the area. It serves approximately 12,000 patients, 83 percent of whom are uninsured. This center, with its focus on patient-centered care, reaches out with special programs for diabetes, hypertension and other chronic diseases, while promoting wellness and prevention.

My friend, Ventura Gonzales, operates the Vida y Salud Health Systems, Inc. in Crystal City. This is an area where unemployment is high and health needs are growing. This center serves nearly 12,000 patients, providing service to approximately 70 percent of the uninsured in that area. Remarkably, in an area where there is no other provider, this center has achieved a 93.3 percent immunization rate for children. It is a major employer in the area, and next to the school board, represents the second largest industry in my congressional district.

Today, in improving this reauthorization, we are helping the communities of my district and communities across this Nation protect public health and expand access to health care. It is also important to emphasize that health centers are built by community initiative. A limited Federal grant program provides seed money to empower communities themselves to find partners and resources to develop centers, to hire doctors and needed health professionals, and to build their own points of entry into the Nation's health care delivery system.

For these reasons I support America's health centers. It is a cost-effective way to do a job that needs doing. This is why I have consistently fought very hard in the appropriations process to provide funding for these health centers.

America's health centers meet today's rigid fiscal demands for cost effectiveness, efficiency, and accountability. They do a tremendous job reaching out to energize communities and their people to meet critical health needs and promote greater personal responsibility for good health. They work because they are partnerships—partnerships of people, Government, businesses and communities working together to improve health.

Mr. Speaker, I support the passage of S. 1044.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I urge an "aye" vote on this proposal, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS] that the House suspend the rules and pass the Senate bill, S. 1044.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1044.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF RULES

Mr. MICA. Mr. Speaker, pursuant to House Resolution 525, it is expected that House Concurrent Resolution 218 will be considered under suspension today.

The SPEAKER pro tempore. The gentleman from Florida is serving notice?

Mr. MICA. Yes, Mr. Speaker.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AUTHORIZATION FOR FISCAL YEARS 1998, 1999, 2000 AND 2001

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1577) to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000 and 2001.

The Clerk read as follows:

S. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION.

Section 2504(f)(1) of title 44, United States Code, is amended—

(1) in subparagraph (F) by striking out "and" after the semicolon;

(2) in subparagraph (G) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(H) $10,000,000 for fiscal year 1998;

"(I) $10,000,000 for fiscal year 1999;

"(J) $10,000,000 for fiscal year 2000; and

"(K) $10,000,000 for fiscal year 2001.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentlewoman from Florida [Mrs. THURMAN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the sponsor of H.R. 3625, the House version of this bill, I want to thank the distinguished Senator HATFIELD for his leadership on the bill before us. I would also like to thank Chairman CLINGER of the Committee on Government Reform and Oversight, Chairman ZELIFF of the Subcommittee on National Security, International Affairs, and Criminal Justice, and the gentlelady from Florida and ranking member of the subcommittee, Mrs. THURMAN for their support of this bill.

The National Historical Publications and Records Commission [NHPRC], established in 1934, is a Federal-State partnership program, administered by the national archives. The NHPRC is dedicated to promoting, preserving, and publishing records that document American history nationwide. No other Federal program has this mandate.

In cooperation with State historical records advisory boards, the NHPRC generates grants to solve archival problems, preserve valuable historical records, and ensure accessibility to non-Federal records. These NHPRC grants are enabling historians to collect, edit, and publish papers on major figures in American history such as Thomas Edison, Abraham Lincoln, Thomas Jefferson, and Martin Luther King. Thanks to the NHPRC, priceless historical documents previously lost to sight are becoming widely accessible.

The NHPRC's current 4-year authority expires at the end of fiscal year 1997, for which the appropriations ceiling is $10 million. S. 1577 reauthorizes the commission for another 4 years at the same appropriations ceiling previously authorized. Because administrative costs for the NHPRC's staff are absorbed by the National Archives, all funds authorized by S. 1577 will go directly to support non-Federal projects in the field. Matching grants, cost-sharing requirements, and private-sector fundraising provide on average $3 for every $1 granted by the NHPRC.

I urge my colleagues on both sides of the aisle to join in passing this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. THURMAN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Florida [Mr. MICA] for bringing this bill before the House today.

The National Historical Publications and Records Commission is an important part of the efforts to preserve the documents which make up the history of our country for future generations. The reauthorization we are voting on today continues the Commission's authorization at the current level of $10 million for another 4 years.

The National Historical Publications and Records Commission helps State, local, and private institutions preserve non-Federal records, helps publish the papers of major figures in American History, and helps archivists and records managers improve their techniques, training, and ability to serve a range of information users.

This Commission is as dedicated to assuring that local and State records are afforded the same preservation as Federal records wherever possible.

The Commission has assisted in preserving the papers of Thomas Jefferson, Andrew Johnson, and Andrew Jackson, as well as the correspondence of James K. Polk. It has been an important force in preserving the papers of political figures, military leaders, scientists, diplomats, and numerous corporate and organizational records.

Nearly all of the grants provided by the National Historical Publications and Records Commission are matching grants. The local organization, be it a city library or a State archive, are required to pay a substantial portion of the project. This allows the Commission to support more projects, and it requires a strong local commitment for the project to go forward.

The Commission has given grants to historical societies, libraries and State and local institutions for the preservation of a broad range of materials. Since its inception, more than 500 organizations in all 50 States and the District of Columbia, as well as Puerto Rico, the Virgin Islands, and American Samoa have received grants.

In my State, the Commission has made grants to the Florida State Historical Records Advisory Board, the Florida Department of State, and several grants to the University of Florida in Gainesville.

The National Historical Publications and Records Commission plays a vital part in preserving the documents that make American history come alive at the national, State, and local level. This reauthorization allows the Commission to continue for another 4 years, and I urge my colleagues to vote for H.R. 3625.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is not the most monumental piece to pass this Congress. There have been so many significant accomplishments of this Congress, passing the first balanced budget for the American people since 1969, passing line-item veto which I read about as a student in high school and talked about as a candidate for office years ago, changing our insurance and health care coverage so that people with prior disabilities and people who change or lose jobs could in fact be secure in the knowledge of being able to receive health coverage. Many other significant reforms have passed this Congress, including cutting the budget of the legislative branch of Government by a quarter of a billion dollars, doing away with 2,000 positions, doing away with the daily delivery of ice at a cost of over $400,000 and requiring 14 employees in the Congress, requiring an extra majority for passage of tax increases on the floor, ending the proxy voting which took place on a regular basis in the committee process. So many reforms that have taken place here.

This is not that kind of legislation, but it is a piece of legislation that is important to our children, to people who are interested in the great history of this country, of this Congress, our great Nation and its historic background, and it also shows what the Federal Government working in partnership with States and local governments and the private sector can do to make those documents available that outline the rich heritage and history of our Nation.

Mr. Speaker, I am very pleased to present this legislation and again want to thank the gentlewoman for her leadership. I have enjoyed working with her, I have enjoyed working with the gentleman from Pennsylvania [Mr. CLINGER], the chairman of our committee who is going to be leaving, and the gentlewoman for Illinois [Mrs. COLLINS], also, the ranking member of the full committee, who also was supportive of this legislation and many other reforms that came through the Committee on Government Reform and Oversight.

Mr. Speaker, again this is not a monumental piece of legislation but it is a significant piece of legislation and important that we pass on the rich heritage of this Nation to our children and do it in cooperation with many organizations and levels of government.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the Senate bill, S. 1577.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1577, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 0945

WALHALLA NATIONAL FISH HATCHERY CONVEYANCE ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3546) to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina.

The Clerk read as follows:

Senate amendments:

Page 1, after line 2 insert:

TITLE I—WALHALLA NATIONAL FISH HATCHERY

Page 2, line 1, strike out "SECTION 1" and insert "SEC. 101".

Page 2, line 4, strike out "SEC. 2" and insert "SEC. 102".

Page 3, after line 7 insert:

TITLE II—CORRECTION OF COASTAL BARRIER RESOURCES MAP

SEC. 201. CORRECTIONS OF MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the set of maps described in subsection (b) as are necessary to move the southern-most boundary of Unit SC–01 of the Coastal Barrier Resources System (known as the "Long Pond Unit") to exclude from the Unit the structures known as "Lands End", "Beachwalk", and "Courtyard Villas", including the land lying between the structures. The corrected southern boundary shall extend in a straight line, at the break in development, between the coast and the north boundary of the unit.

(b) MAPS.—The set of maps described in this subsection is the set of maps entitled "Coastal Barrier Resources System" dated October 24, 1990, insofar as the maps relate to Unit SC–01 of the Coastal Barrier Resources System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 30 of this year, the House overwhelmingly adopted H.R. 3546, a bill introduced by our colleague, LINDSEY GRAHAM, to transfer the Walhalla National Fish Hatchery to the State of South Carolina.

This noncontroversial bill is nearly identical to measures the House has approved to transfer certain Federal fish hatcheries to non-Federal control.

This hatchery, which is about 78 acres, is currently being operated by the South Carolina Department of Natural Resources under a long-term agreement with the U.S. Fish and Wildlife Service. Without this agreement, the Service would have closed the hatchery because it is no longer an essential component of its nationwide stocking program.

The other body has now acted on H.R. 3546 and while they made no changes in the Walhalla provision, they did add a new title which makes technical changes to the Coastal Barrier Resources System.

In fact, they have specifically redrawn the boundaries of unit 01 in South Carolina to delete certain properties, known as Beachwalk, Courtyard Villas, and Lands End, from the System. It is my understanding that there were structures on these properties prior to the passage of the Coastal Barrier Improvement Act of 1990. It is, therefore, appropriate to correct this mistake and to remove this property from the System because it does not satisfy the criteria for inclusion.

Finally, I would advise my colleagues that the U.S. Fish and Wildlife Service has indicated they support this modification to the Coastal Barrier Resource System. This is the second time we have removed property from the System this year. In each instance, we have done so without undermining the fundamental goals of this important environmental law.

I urge a vote in favor of this legislation and I compliment LINDSEY GRAHAM for his outstanding leadership on behalf of his South Carolina constituents.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we join in the support of this legislation on the Walhalla National Fish Hatchery Conveyance Act. The committee did report out the legislation, and we think it does make sense to allow for the transfer of this hatchery. We have no objections to the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have not further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3546.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 3546.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4073) to authorize the National Park Service to coordinate programs with, provide technical assistance to, and enter into cooperative agreements with, the National Underground Railroad Freedom Center in Cincinnati, OH, and for other purposes.

The Clerk read as follows:

H.R. 4073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the story of the Underground Railroad, which links historical themes related to slavery, the desire for freedom, inter-racial cooperation, and the African-American experience, is unique and nationally significant;

(2) elements of the story of the Underground Railroad are not adequately represented and protected;

(3) an entity to interpret and preserve the story of the Underground Railroad is appropriate and necessary; and

(4) the National Underground Railroad Freedom Center in Cincinnati, Ohio, has been established to commemorate historic themes related to slavery, the desire for freedom, inter-racial cooperation, and the African-American experience and to relate these themes to the ongoing struggle for freedom among men, women, and children around the world.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to recognize the importance of the Underground Railroad, the sacrifices made by those in search of freedom from tyranny and oppression, and the sacrifices made by those who helped those individuals in search of freedom;

(2) to encourage and assist the National Underground Railroad Freedom Center in Cincinnati, Ohio, in becoming a principal interpretive center of the Underground Railroad experience in the United States; and

(3) to provide a role for the Federal Government in enhancing public understanding and appreciation of the Underground Railroad and in preserving the many resources of the Underground Railroad.

SEC. 3. COORDINATION OF PROGRAMS; TECHNICAL ASSISTANCE; AFFILIATED STATUS.

(a) COORDINATION OF PROGRAMS.—The Secretary of the Interior may coordinate the Underground Railroad interpretive programs of the National Park Service with the interpretive activities of the National Underground Railroad Freedom Center (in this Act referred to as the "Center"), which is to be built in Cincinnati, Ohio, and is to be devoted to the story of the Underground Railroad.

(b) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Center in developing the interpretative programs of the Center.

(c) RELATIONSHIP TO NATIONAL PARK SERVICE.—The Secretary shall treat the Center as an affiliated area of the National Park System.

SEC. 4. COOPERATIVE AGREEMENTS; PARTNERSHIP.

(a) COOPERATIVE AGREEMENTS.—The Secretary of the Interior may enter into cooperative agreements with the State of Ohio, the city of Cincinnati, Ohio, and other public or private entities to provide technical assistance to the Center.

(b) PARTNERSHIP.—The National Park Service may work in partnership with the Center in the efforts of the Center to disseminate information on the Underground Railroad.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4073, a bill introduced by our colleague, Mr. PORTMAN, to designate the National Underground Railroad Freedom Center in Cincinnati, OH as an affiliated area of the National Park System.

The Underground Railroad was perhaps the most dramatic protest action against slavery in U.S. history. It was a clandestine operation that began during the colonial period, later became part of organized abolitionist activity in the 19th century, and reached its peak in the period 1830–1865. The story of the Underground Railroad is one of individual sacrifice and heroism in the efforts of enslaved people to reach freedom from bondage.

In 1990, Congress passed Public Law 101–628 which directed the National Park Service to conduct a study of the Underground Railroad to determine methods for commemorating and interpreting the Underground Railroad. In February of this year, the administration transmitted their study to Congress. Among other things, the study concluded that a variety of partnership approaches would be most appropriate for the protection and interpretation of the Underground Railroad.

One of the main routes of the Underground Railroad went through western Tennessee, central Kentucky and Ohio and into Canada. Along this route, Cincinnati was a key stopover. A private foundation in Cincinnati has already raised substantial funds to develop an interpretive center. H.R. 4073 authorizes the National Park Service to provide technical assistance to the Underground Railroad Freedom Center in Cincinnati, as an affiliated area of the National Park Service, yet result in no increased expenditure.

This is a good bill and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this legislation. While the goals are laudable in terms of recognizing our historic and cultural experience with regards to slavery and emancipation, we do not know the role of Cincinnati, OH, and its role in that history.

In fact, this has been the subject of extensive studies by the National Park System, and the fact is while there are many areas that have been touched by this phenomena of the Underground Railroad and the emancipation of American minorities and the African-American in this Nation in that incident, there is, as far as I know, no fabric that exists in Cincinnati. There is no reason for this legislation at this point.

I think one of the major problems, with the legislation that is before us, Mr. Speaker, is that there have not been hearings, to my knowledge, on this subject in the House this session or in the past. This merely tries to build a center, construct a site, which would attract people.

I just do not understand the basis and rationale on which this legislation is before the House. I first learned of it on reading the suspension calendar today.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, the gentleman just mentioned a point. My understanding in this legislation is that this legislation was introduced just 2 weeks ago, and obviously we have not had hearings nor markups on this bill. Yet what we are doing is we are committing the resources of the National Park System to assist and to help operate what is an interpretive center in Cincinnati, and yet the center has not been built. We do not know the extent of those obligations, and we are creating something now called an affiliated area.

The gentleman on the other side of the aisle has very often spoken in the committee and on the floor about the continued spreading of the resources of the National Park Service, given their budgetary problems and the backlogs and all of the other issues they are confronted with, and here we are being asked to commit to something that for the moment does not exist, may never exist, but if it does exist, we do not know the extent of the commitment to which we are asking.

Mr. Speaker, I just think that the gentleman is correct in opposing this legislation, since we do not even quite yet understand what the center is going to do. We appreciate they want to be affiliated with the historical events of the underground railroad, which is a proud moment to a sad situation in this country, but to just take this shot in the dark and commit us and commit the National Park Service without any discussion of what this truly means I think would be a mistake, and I thank the gentleman for yielding.

□ 1000

Mr. VENTO. Mr. Speaker, I thank the ranking member for his comments.

I understand that the study was completed in February 1996 but that it identified a number of Underground Railroad sites in Ohio but did not identify Cincinnati. The point is that this is basically an open-end authorization for the Park Service to go in and agree to cooperate in a variety of ways, including construction, operation, and maintenance funding. This could result in obligations which would be in the tens of millions of dollars over a period of years, in fact, this legislation will result in facilitating this funding.

I think this issue, I am sure that there are many, whether Cincinnati should be the central nexus of where this takes place, or other areas would be, I think is an open question. We know of the Underground Railroad activities at a time in Pennsylvania and in many other of the central Eastern States. So I do not know the justification for this or the rationale.

I do not think we have had the benefit of reviewing the study in an open way in terms of questioning what is happening. I do not know the suitability, as I said, I do not know if there is any fabric. I regret I arrived on the floor late, but I do not know of any fabric that exists that would be accorded the type of recognition that guide the Park Service with regard to cultural and national resources.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I think the gentleman makes a very important point, and I hope our colleagues are listening, because this is, in theory, as the gentleman from Utah says, this is based upon a study that was done. But when we look at the study authorized by this Congress to discuss this issue, they come up with a list of high potential candidates for interpretation in association with the national parks.

They come up with Farmington, CT, the First Church of Christ; they come up with Sumatra, FL, which was Fort Gadsden; they come up with St. Augustine, FL, which was the Castillo de San Marcos National Monument, they come up with the Levi Coffin House, which is in Fountain City, IN; the Bishop Paul Quinn House in Richmond, IN; Harriet Tubman's birthplace, which is Bucktown, MD; Harriet Tubman Home for the Aged in Auburn, NY; the John Rankin House in Ripley, Union Township, OH; the John Parker House in Ripley, OH; the Mother Bethel African Methodist Episcopal Church in Philadelphia. PA; the Stono River Slave Rebellion site in Rantowles, SC; the Nat Turner Slave Revolt Historic District in Courtland, VA; the Rokeby House in Ferrisburg, VT.

Nowwhere is Cincinnati, OH, suggested by this report, that this would be the proper place to deal with the interpretation aspects of commemorating the underground railroad or in association with the National Park Service.

I think we have got to take that into consideration, and that is why we would have preferred that we had a hearing in the committee. We could discuss this. We could list this. If the gentleman wanted to, he could suggest Cincinnati, OH, and we could bounce that off of the Park Service. But the fact of the matter is, as one goes through this report, there is more evidence that Canton may had more to do with this or Oberlin, if you will but not Cincinnati at this point, or at least not in this report.

I would hope that the gentleman will withdraw bill before we head off in this direction and commit the National Park Service to this effort. Again, I would say to my colleagues, there were some 380 sites that were suggested, and then that was distilled down to 42 different sites. With all due respect, they are not in Cincinnati, OH.

If we are going to keep the historical integrity and respect to the fact that we went out and funded a very large and detailed study, and now we are going to decide on the day before we adjourn that we are just going to put this in Cincinnati, OH, without any hearings, it may become in Cincinnati. Maybe there is a case that can be made, maybe the missed something. But the fact of the matter is, it should not be done on suspension and should not be done without hearings.

I thank the gentleman for yielding to me and for his opposition to this.

Mr. VENTO. Mr. Speaker, reclaiming my time, I appreciate the ranking member yielding me time, and I want to give the others that are opposed to this some time.

I want to stipulate that I do not disagree with the goals in terms of recognition of the underground railroad, but we need to have a plan. We need to follow and use the information from the study.

I understand that the gentleman from California is talking about the historic fabric that is in place. It does not necessarily reflect what the role of Cincinnati was, and the issue here is that we need to know what the level of this commitment is and how we are going to relate to the other sites.

I think we need to provide the Park Service with more direction in this particular instance other than simply saying we are going to let you go and agree to an affiliated area in Ohio, which will not be part of the Park Service but could represent significant dollars and amounts that are invested in it.

We should be doing partnerships like this, but my suggestion is, if Cincinnati wants to go ahead and construct an interpretive center in this and do work in this, I commend them. I think that is great. They may have rich history in the underground railroad. But the history as far as I know, as represented by the gentleman from California, that there is not fabric there, we do not know what the nature is, how it will be tied together with the other elements.

We know there are many other competing proposals. To try to come in and award Cincinnati the type of recognition that this bill would do and directing the Park Service in this way, I think is, to say the least, premature. To do it this late, without hearings or without understanding, I would hope that we would not do this at this time. Therefore, I oppose the bill.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Again in the discussion of the historical sites, even in Ohio there is Toledo and Sandusky and Oberlin and Seville and Cleveland and Plainfield and Ashtabula and Jefferson and Wooster and Homeworth, Millersburg, Loudonville, McKay, Hayesville, Ashland, Savannah, Mt. Vernon, Utica, and Zanesville.

Mr. VENTO. Mr. Speaker, reclaiming my time, I think the issue here is one of suitability of this particular location as the visitor center that relates to all the other type of historic fabric and experience, in terms of our experience in terms of emancipation and the whole phenomenon that dealt with slavery.

I think that this is a very important topic, one that we should sit down and I think that we can come to agreement on. I am very pleased as a matter of fact to see that there is this type of interest on both sides of the aisle in terms of this issue. So it should not break down in this way. This is an issue where we can come to agreement.

But at this point I strongly oppose taking this action today and directing the Park Service to do this type of activity, and I would hope my colleagues would agree. This, as I said, could be tens of millions of dollars of commitment and the wrong direction for our policy.

Mr. MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Speaker, I appreciate the gentleman yielding me this time. I am a little surprised by the discussion. I wanted to come out and clarify a few points. I apologize I was not out here earlier. I did not know it was to be on the floor. I would hope that other supporters of this legislation, including the gentleman from Ohio, LOU STOKES, the gentleman from Georgia, JOHN LEWIS, the gentleman from Louisiana, BILL JEFFERSON, the Ohio delegation in its entirety and others, will be able to come out on the floor to talk on it also.

I want to go over, if I could, some of the background for the purposes of the gentleman from California and the gentleman from Minnesota just to give them a little more understanding of where we are and how we got here, and they try to address some of the concerns raised by the gentleman from Minnesota [Mr. VENTO].

This is bipartisan. This does not require any Federal funds, as the gentlemen know. It is an authorization simply for the Park Service to work with a private group that has been working with the Park Service in any case for the past couple of years.

This group has indeed moved forward in a very constructive way, bringing in all elements of our community, as well as the entire country in terms of underground railroad experience, to come up with an Underground Railroad Freedom Center, which would be an interpretive center. This would not be the kind of more traditional museum one might think of, but instead would commemorate the underground railroad experience across the country, at all the sites the gentleman from California [Mr. MILLER] mentioned, including the sites in the greater Cincinnati area that he mentioned.

The Ripley, OH, sites happen to be in my district that the gentleman mentioned, and Cincinnati does have a rich heritage with regard to the underground railroad.

I just am amazed this Congress would oppose this type of activity. We are not asking for any money or any commitment from this Congress in terms of the tens of millions of dollars Mr. VENTO talked about. We are talking about a wonderful partnership between the Park Service and the private sector to be able to move forward with this project, for which in the private sector has already been raised over $400,000.

It is clearly the No. 1 project of this kind in the country. It is an event in our history that must be commemorated. I think it is an outrage it has not been commemorated. And I think it would be a slap in the face to these efforts and exactly the wrong way to go for us as a Congress now to say we are not even going to allow the Park Service to enjoy this affiliate status which requires no funding with this group that has done so much, because I think it would discourage them.

Let me say also that this is in Cincinnati for two important reasons. One is, frankly, Cincinnati is way out front on it; but, second, Cincinnati does have a rich history and tradition with regard to the underground railroad. In fact, slaves from as far away as New Orleans and so on equated Cincinnati with the word "freedom" because it was such a center for this. The Harriet Beecher Stowe Home, of course, is in Cincinnati. Harriet Beecher Stowe is from Cincinnati.

There is a lot of underground railroad archeological evidence in the Cincinnati area, including the sites, again, that Mr. MILLER talked about in Ripley, OH, the Rankin House, the John Parker House, and so on.

Let me also say that the Park Service has been working with us for over a year on this project. I know Mr. MILLER reads carefully all the correspondence he gets from the Park Service and the acknowledgment letter that came with the report that he mentioned earlier specifically talks about Cincinnati, and let me quote from it.

This is from the Park Service in February of this year, when they submitted the statutorily required report on the underground railroad.

> We are especially encouraged to see that the private sector already has expressed a strong interest in these concepts, as evidenced by substantial progress in planning for an Underground Railroad freedom center to be developed by private, State and local funding sources in Cincinnati, Ohio. The Park Service foresees the possibility of collaborating with this organization in the future to implement some of the goals of this report.

This is signed by George Frampton, Assistant Secretary for Fish and Wildlife and Parks, Assistant Secretary of the Department of the Interior.

Again, we have worked carefully with the Park Service, not only in terms of this development of the underground railroad freedom center in Cincinnati, we have raised over $400,000 locally, all from private sources, not 1 Government dollar; and, importantly, we have worked closely with the National Park Service in coming up with this legislation.

So I do not know what more to say. I think it would be exactly the wrong thing for this Congress not to at least acknowledge the good work these folks have done. And these are people from all around the country. Their national advisory group includes people who are from all the areas, I think, that Mr. MILLER talked about. They have a lot of academic support from various places around the country.

Again, if we look at the cosponsorship of this, it includes people who have been involved in this issue in the past. I hope that the gentleman from Georgia, JOHN LEWIS, the gentleman from Ohio, LOU STOKES, and others will be able to come down to the floor; I happened to be in another meeting when I heard about this, to be able to also talk on behalf of this.

Mr. VENTO, I think maybe that answers some of your questions, I hope it does. But if the gentleman would like me to yield, maybe there are some other more specific ones.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Minnesota.

Mr. VENTO. Well, Mr. Speaker, I thank the gentleman for his time, but I think the gentleman has not answered the question.

Our problem is that we cannot conduct a hearing on the House floor after we get no notification until we see this on the schedule this morning. That is where I am coming from.

After chairing and working on these subjects for years, after putting these studies in place to get the information back, I have no idea of the validity of whether or not the gentleman is relating to what is in the study. That is where we are.

It is not a question of the recognition of the underground railroad here. It is a question of why we are going to give this designation or symbolic recognition to this community. If there is no Federal money in it, they can go ahead and we can deal with this type of legislation later. In fact, I think the Park Service can give technical assistance without authorization.

But there is money in this bill. It is more than a symbolic act in terms of what is proposed to occur here. As I attributed it, as I said, I know there is not much fabric here. Obviously, I understand what the interpretive center is, but I do not know why this, of all locations, should be the location. I do not know that it is recommended in the study.

Mr. PORTMAN. Mr. Speaker, reclaiming my time just for a moment. The gentleman was involved in the study, and I commend him for that. I had thought that, perhaps, because he is in constant communication with the Park Service, that maybe he knew more about this. They have been working with us for at least a solid year, not only on the concepts of Cincinnati, where we have looked to them for guidance all along the way, but also this specific legislation.

Let me say that if this private sector group were to move forward without additional technical assistance and without additional guidance from the Park Service, then the very goals that are outlined in that report might not be followed as closely as the gentleman might like or I might like. I think this is a way, in fact, to bring to fruition the kinds of things that the gentleman has been supporting.

All it says is that there will be an affiliate status with the Park Service. There is no money in the bill. It is an authorization to allow the Park Service to enter into some sort of a technical assistance, some sort of a guidance relationship with this group in Cincinnati that has done so much work.

□ 1015

Again, it is a national group. If you look at the members of the board, they are a national advisory group. This is a group that was brought together, academic experts and so on. I think what is going to happen is they are going to go ahead. They are going to move ahead. They have already raised over $400,000. They brought in the best experts from around the country to give them advice, did a feasibility study. They are going to move ahead.

Let us be sure they move ahead with the advice of the Park Service, since the Park Service, because of the gentleman's good work, put so much time and effort into this report. I, too, wish there could be a hearing. I would love if there could be a hearing. There cannot be at this point. Yet we have this group moving ahead.

I think this is the least we can do, to instead of slapping them and saying "We discourage what you are doing," is to encourage what they are up to. I apologize for not communicating better with the gentleman in advance. I would have thought the Park Service would have done so. I hope that following this discussion we will be able to pass this legislation and then work more closely together.

Mr. VENTO. Mr. Speaker, if the gentleman will continue to yield, if the funding could be limited to technical assistance, the issue here is that he is going to, he is suggesting that the Park Service may enter into an affiliated status with this. They may not. I think that is the wrong way to legislate.

We ought to have had hearings on this. It should not be anything that is controversial, but we have no idea right now. If the gentleman would limit his funding to merely technical assistance, but there is all sorts of coordination of program costs. The partnership issue, in other words, is implying that there are going to be construction dollars and other types of assistance that are provided.

Mr. PORTMAN. Mr. Speaker, I do not see anything in the legislation that has anything to do with construction or anything beyond an affiliate status that can be worked out over time. Congress would always have the ability to come in an further fund this relationship.

Mr. VENTO. Mr. Speaker, it provides cooperative agreements to operate it. It provides operating expenses.

Mr. PORTMAN. Reclaiming my time, it does not provide operating expenses.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, in good faith, this is the problem: We once had a little tiny authorization for Steamtown and now we could not stop it with a gun. It is costing us millions and millions of dollars. It is a little bit of an operation.

Once this project is authorized, unfortunately, the history we have is that the best intentioned groups eventually want some Federal participation, subsidy, however you want to call it. This authorizes operating agreements. That is how we got the Kennedy Center. Pretty soon we were running the whole Kennedy Center, and it was supposed to be done by private individuals. The gentleman from Utah knows this is the history. We start out with a couple of sentences and we end up spending millions.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I would love to hear from the gentleman from California and the gentleman from Utah, who have much more experience than I do, but it is very clear in this legislation, this involves no Federal funding. Congress could come back at a later date and decide that is appropriate.

This involves a lot of private sector activity from around the country to support this effort. We should be encouraging that. This is exactly the kind of creative partnership that I think Mr. MILLER and others who have been involved with the National Park Service have been trying to encourage.

I would like to yield to the chairman and see how he would compare this to other projects. I think the analogies that have been made are not right. We are not asking for Federal funds. We encourage a private sector effort and allowing this report that Mr. VENTO and others worked so hard on to become implemented through an interpretive center which commemorates the Underground Railroad experience throughout the country.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. CHABOT]. This is in his particular district.

Mr. CHABOT. Mr. Speaker, I rise in strong support of this legislation to assist in the establishment of the National Underground Railroad Freedom Center in Cincinnati. And I applaud my good friend, Mr. PORTMAN, for his outstanding work in helping to make this wonderful idea a reality.

Cincinnati is the ideal location for a center commemorating the Underground Railroad and the brave men and women who risked their lives for the cause of freedom. As a large city located at the boundary line between slave and free States before the Civil War, Cincinnati became a major depot of the Underground Railroad. For many, many men, women, and children fleeing the evil bonds of slavery, Cincinnati meant freedom.

As a life-long Cincinnatian, I am tremendously proud that the Queen City served as a major center of organization for the abolitionist movement. The city was a hub of organizations working to end slavery and to assist the escape to freedom of former slaves. We have a great tradition in Cincinnati of standing up against tyranny and government oppression and fighting for individual liberty. Such notable figures as antislavery author Harriet Beecher Stowe, Liberty Party nominee James Birney, Republican Party organizer and later Supreme Court Justice Salmon P. Chase, and many other historic opponents of slavery made their homes in Cincinnati.

The people of Cincinnati enthusiastically support the National Underground Railroad Freedom Center. The community has mobilized behind this important project to create a center that honors the Underground Railroad, and that educates today's generations about the great failings and the great heroism of our past. H.R. 4073 is an important bill, and I am proud to join with my friend, Mr. PORTMAN, in urging its passage.

The SPEAKER pro tempore (Mr. KINGSTON). Without objection, the gentleman from Minnesota [Mr. VENTO], is recognized to control the remainder of the time.

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume. I understand that there is some misunderstanding with regard to what some of the phrases in this legislation mean. As you go through it, on page 3, line 16, it talks about the National Park Service can work with and do interpretive activities. That is, of course, interpretive activities is what goes on at the site in terms of operating activities and expenses. That is how that will translate, that we can make a commitment to fund such activity.

Clearly, what happens in the appropriation process is dollars get placed into such sites, designated very often for some of these types of activities, for developing the various types of materials that might be at that site. I mean, in essence what are doing is taking and committing the Park Service to this type of activity. I just think it is worthy of a hearing. It is worthy of a better understanding of what is basically a very, very important topic. We should not be in the last day of the session bringing up legislation. Without a clear understanding of the consequences—we should look before we jump.

Whatever the intention or misunderstandings are, I was not aware of what was being presented here, and others were not on this side of the aisle aware.

I am not surprised that there are both Democrat and Republican sponsors to something of this nature, but the fact is I think some of us have to speak up to what is going to be the expansion and expenditure with regard to the Park Service. I see no limitations in this bill in terms of what the Park Service expenditures will be.

"Interpretive activities" is an open phrase. There is no limitation in terms of dollars in this bill. Technical assistance is another, interpretive programs: "The Secretary may provide technical assistance and interpretive programs to the center." These can cost literally millions of dollars.

We have a center at Harper's Ferry that has to develop some of those interpretive programs, some of those materials. This is a very expensive and worthwhile effort to do, but it is one that is very costly and undefined in the measure before us, the denial of cost is misleading.

The relationship, of course, we are giving the Park Service "Arrowhead" to this particular site in Cincinnati. That, too, I think is an important piece of symbolism that should not be given without proper consideration by the committee to this one site.

The fact is that the Secretary can deal with the technical assistance without this legislation. They can provide some of the technical help. They do not need authorization legislation for that. But to in fact designate this as an affiliated area, we have to look back in the statutes and see what that means. What that has come to mean is that operating expenditures can be made at those sites. We try to resist it, but the history is that operating expenditures can be made at such sites based on the contractual, cooperative language in this measure.

Again, of course, it talks about cooperative agreements with regard to technical assistance and to the function of the public or private entities. We do not even know who the entity is in this instance that we are going to deal with. In other words, I assume that there is a nonprofit group. I assume that it may be the city. But no one has stipulated that and the legislation is silent. But the fact is that we anticipate cooperative agreements. That will, of course, commit the Park Service to certain activities, as well as, I assume, those private parties.

This is something that is worthy of a much closer look. I do not see the urgency in terms of acting on this today. If they are going to go ahead with it, if it has the type of merit and follows the thematic lines and outline of the study that was presented to us in February 1996, I do not think that there is a problem in terms of this being refined and defined more exactly as to the NPS role.

We are talking about partnerships. We are talking about cooperative agreements. We are talking about technical assistance. We are talking about interpretive activities. We are talking about interpretive programs and affiliation and giving the recognition to this specific site. These are rather significant charges and direction that we are giving to the Park Service, at least on a discretionary basis. And, frankly, I do not think that we ought to do that without having a better idea of the parameters of what is being involved in terms of dollars and resource commitment. And most importantly how this fits with the topic and themes within the literature and other sites.

This is a very important topic. We have the benefit of the study. We ought to use it. We ought to have an open hearing on it. That has not occurred to date. Therefore, I resist and will oppose this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Speaker, let me try to address the concerns once more and be very clear.

This does not involve Federal funding. If we look at this legislation very carefully, it is all discretionary. The Secretary may coordinate, may enter into cooperative agreements and may work in partnership. It is all discretionary.

It is ironic to me that we are going to sit here in Congress and oppose something that in fact will keep that good report from collecting dust on the shelf. This is something that will move the report forward.

Here you have a private sector group representing the entire country, working on a coordinated basis with sites around the country. They want to set up an interpretive center, not a museum, to commemorate this experience in America's history that should have been commemorated a long time ago.

All we are saying is, we want affiliated status to get the Park Service to work with us to provide technical support. It is ironic that we would be saying, no, we are going to stop this, it is not appropriate.

I think it is a real shame. I think it is the kind of thing we should be doing. It is a private-sector effort to work in partnership with Government, not involving taxpayer funds. If Congress determines down the line other areas maybe should get that affiliated status, that is fine, too. They do not want Federal funds. That is what is so great about this. It is noncontroversial.

I was led to believe that this was going to be noncontroversial in the committee, that we had minority-majority support. I was surprised to find out that that was not true. I just think it is exactly the kind of thing we ought to be promoting. I think it is a great effort. I think it is exactly the sort of thing that this Congress ought to be encouraging.

I am sorry that the gentleman from Georgia, Mr. JOHN LEWIS, cosponsor of this legislation, was not aware of this; the gentleman from Ohio, LOU STOKES, and so many other Members of this Congress who are strongly supportive of this effort cannot be here to join with us today, to encourage this and to say that this is exactly the way we ought to be going in this Congress in terms of providing for strong public-private partnerships.

Mr. VENTO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the fact that is misunderstood here is while this may all be discretionary in the bill based on the status of the language, the fact is that the history of this has been that in the Committee on Appropriations they will place money into the appropriation designated for various sites. That is how we end up with hundreds of thousands of dollars and millions of dollars being spent on some of these sites which are not designated or are outside the authorizing gambit of the committee.

So it is the opportunity and responsibility of the authorizing committee, the Committee on Resources that has charged the Park Service to do these studies, to use the information and to come back and try to guide the policy path with regard to resources, culturally important issues, as the Underground Railroad. We cannot wrap this up and hide the fact that we are proposing today an open-ended expenditure from the Federal treasury and authorizing the appropriators to in fact appropriate money, and in fact providing under technical assistance, where there is an open dollar amount that is given each year for the Park Service to use. So there are Federal dollars that are going to flow—taxpayer fund and we should be guided by sound policy.

No question, this is an important topic and issue in our culture and history. That is why I am on my feet debating this policy path. I think that it is a topic that the committee ought to have dealt with, rather than getting up here at the last minute and putting something on the table and, in fact, pushing dollars in a direction without a well defined policy.

I commend the folks in Cincinnati for their work, but there is no indication or case being made here as to the suitability of this site, as to the interpretation that is going to be taking place there as to the feasibility of this particular area. Many locations around the Nation may already be doing this activity or others may be better candidates.

We need to ask the same questions of affiliated areas that we would be asking of any type of park unit that is developed, in terms of operating expenses, technical assistance down the road. We do not have those answers today, only good intentions and misunderstandings.

This is basically an open-ended authority for the appropriators to put money into—a specific community. If my colleagues on the authorizing committee want to know how things get to be where they are, off track and out of sync, they just have to look at bills like this that are enacted open ended and out of control.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

□ 1030

Mr. YOUNG of Alaska. Mr. Speaker, I listen to the gentleman from Minnesota and the gentleman from California, and it amazes me how anyone on that side can oppose this great project the gentleman from Ohio [Mr. PORTMAN] has brought to the floor, the underground railroad, part of our history. How can they protest against this? I cannot believe it when this is totally discretionary, totally discretionary. It is one of the few bills I have ever seen that really is so totally discretionary. It is up to the Secretary absolutely and not even the Congress. We just give him the authority to really do this job if he wishes to do so.

Now I am a little bit concerned because as my colleagues know, I heard some comments on this floor as if this is the first time this has ever happened? Please. The gentleman from Minnesota, when he was a chairman of the subcommittee, I saw this happen time after time, and all the great merits, open ended. I see bills open ended. I do not know how many hundreds of bills, under his leadership, passed were open ended.

One of the reasons, I would suggest respectfully, a lot of the areas were made into parks were open ended, and the cost to the taxpayer was tremendous. But this bill, and very frankly the gentleman from Ohio [Mr. PORTMAN] has done a tremendous job, actually gives so much discretion to the Secretary whether it should be or should not be done, whether the study should go forth.

And please do not insult the underground railroad and the activity in the Congress by opposing, for whatever reason I do not know. This is a good bill. I want to compliment the gentleman. He has done an excellent job.

Let us just go ahead and move it. We have spent 20 minutes on this. I came here a little late because of the great traffic around Washington, DC, and I began to listen to this, and what a charade and waste of time when this bill should have been up and passed out of this House.

Recognize the importance of this great historical moment; that is all I am asking. And if it was the first time, I might be a little more concerned. I see the staff talking to them now, whispering in their ear as they usually do. I love these staff whispering in their ear. They really made great strides.

This issue should be passed on. Let us go on to something more important.

Mr. VENTO. Mr. Speaker, I yield myself the balance of my time.

I would say that it is true; I have worked on hundreds of bills in the past, and I will tell my colleagues every one of those bills that I worked on had a hearing, and I did not act in those years that I did so on any affiliated area, none were designated and I tell my colleagues, I also acted to inform and be certain that the minority was aware of my actions and measures. They may not always have agreed, but they had reasonable notice of hearings and action on the issues. This bill has not had hearing. It is not the issue of the underground railroad, which my colleagues would like to make the issue; that is not the issue here.

The issue here is how we are going to deal with this extraordinarily important topic in a positive reasonable way and give it the type of recognition and status that it deserves in terms of hearings and a proper policy path for the park and the Park Service and the citizens of Cincinnati. They deserve that. They deserve that hearing. They did not get it.

Members of Congress should understand what the degree of involvement is going to be and how we are going to deal with this overall policy and issue rather than simply passing something here without necessarily a good understanding or a policy path as to where we are going. This is indeed the tail wagging the dog.

This is the wrong way to do business, but unfortunately it has characterized our committee too often during this 104th Congress.

I would just suggest that this bill because of that, not because of the topic, the topic is a wonderful topic that ought to be part of our cultural and is part of our cultural history and part of the Park Service and part of its cultural and historic preservation roles.

That is why we authorized the study. What we are asking the advocates to do, to use the information that we have available to us and pick the best policy path rather than one that simply happens to be expedient because we are in a hurry to be out of here at the end of the fiscal year.

This is wrong, and this bill should be defeated for that reason, certainly not because of the subject matter.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 4073.

The question was taken.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4073, the bill just considered.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Utah?

There was no objection.

INDIAN HEALTH CARE IMPROVEMENT TECHNICAL CORRECTIONS ACT OF 1996

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 544) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3378.

The Clerk read as follows:

H. RES. 544

Resolved, That upon adoption of this resolution the bill (H.R. 3378) to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors, with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same are hereby, agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—Tthis Act may be cited as the "Indian Health Care Improvement Technical Corrections Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act.

SEC. 2. TECHNICAL CORRECTIONS IN THE INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) DEFINITION OF HEALTH PROFESSION.—Section 4(n) (25 U.S.C. 1603(n)) is amended)—

(1) by inserting "allopathic medicine," before "family medicine"; and

(2) by striking "and allied health professions" and inserting "an allied health profession, or any other health profession".

(b) INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.—Section 204(b) of the Indian Health Care Improvement Act (25 U.S.C. 1613a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the matter preceding clause (i) and inserting the following:

"(3)(A) The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 2541) that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice, by service—";

(ii) by striking "or" at the end of clause (iii); and

(iii) by striking the period at the end of clause (iv) and inserting "; or";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

"(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).";

(D) in subparagraph (C), as so redesignated, by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A)" and inserting "described in subparagraph (A) by service in a program specified in that subparagraph"; and

(E) in subparagraph (D), as so redesignated—

(i) by striking "Subject to subparagraph (B)," and inserting "Subject to subparagraph (C),"; and

(ii) by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m)" and inserting "described in subparagraph (A)";

(2) in paragraph (4)—

(A) in subparagraph (B), by striking the matter preceding clause (i) and inserting the following:

"(B) the period of obligated service described in paragraph (3)(A) shall be equal to the greater of—"; and

(B) in subparagraph (C), by striking "(42 U.S.C. 254m(g)(1)(B))" and inserting "(42 U.S.C. 2541(g)(1)(B))"; and

(3) in paragraph (5), by adding at the end the following new subparagraphs:

"(C) Upon the death of an individual who received an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(D) The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

"(i) it is not possible for the recipient to meet that obligation or make that payment;

"(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

"(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

"(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

"(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.".

(c) CALIFORNIA CONTRACT HEALTH SERVICE DEMONSTRATION PROGRAM.—Section 211(g) (25 U.S.C. 1621j(g)) is amended by striking "1993, 1994, 1995, 1996, and 1997" and inserting "1996 through 2000".

(d) EXTENSION OF CERTAIN DEMONSTRATION PROGRAM.—Section 405(c)(2) (25 U.S.C. 1645(c)(2)) is amended by striking "September 30, 1996" and inserting "September 30, 1998".

(e) GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.—Section 706(d) (25 U.S.C. 1665e(d)) is amended to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 1996 through 2000, such sums as may be necessary to carry out subsection (b).".

(f) SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROGRAM.—Section 711(h) (25 U.S.C. 1665j(h)) is amended by striking "1993, 1994, 1995, 1996, and 1997" and inserting "1996 through 2000".

(3) HOME AND COMMUNITY-BASED CARE DEMONSTRATION PROGRAM.—Section 821(i) (25 U.S.C. 1680k(i)) is amended by striking "1993, 1994, 1995, 1996, and 1997" and inserting "1996 through 2000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3378 was passed by the House earlier this year, sent to the other body, amended by the other body and sent back to us for further action. The other body amended the bill to make technical amendments to certain provisions in the Health Care Improvement Act and authorized several Indian Health care demonstration programs, the year 2000.

Mr. Speaker, I include for the RECORD a letter dated September 25 from Chairman THOMAS J. BLILEY, Jr. This letter explains the support of the gentleman from Virginia [Mr. BLILEY] for 3378, as amended.

The letter referred to follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 25, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Senate recently passed an amended version of H.R. 3378, a bill to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors. I remain concerned about the implications of passing this measure, but appreciate your interest in having it move forward, since the projects would otherwise expire September 30, 1996.

It is my understanding that the Committee on Resources would like to bring the measure up for Floor consideration, with an amendment negotiated among the House Committee on Commerce, the House Committee on Resources, and the Senate Committee on Indian Affairs. Based on our agreement to drop section 2(b)(1)(A)(iv), and to include in the record of the debate the statement regarding scholarship paybacks, the Committee on Commerce will not object to Floor consideration of H.R. 3378.

By participating in this process of expending consideration of H.R. 3378, this Committee does not waive its jurisdictional interest in the matter. Although I understand a conference of this measure is unlikely, I reserve the right to seek conferees on issues within the jurisdiction of the Commerce Committee during any House-Senate conference that may be convened.

I want to thank you and your staff for your cooperation in this process. I would appreciate your including this letter as part of the record during consideration of this bill by the House.

Sincerely,
THOMAS J. BLILEY, Jr., *Chairman.*

Mr. Speaker, in conclusion I note that the managers have amended the other body's amendment to delete certain language which we feel is unnecessary.

Mr. Speaker, H.R. 3378 is an important piece of legislation which has been admitted and then readmitted. It is a good bill, and I urge my colleagues to give it full support.

Mr. Speaker, H.R. 3378 was passed by this House earlier this year, sent to the other body, amended by the other body, and sent back to us for further action.

The other body amended the bill to make technical amendments to certain provisions of the Indian Health Care Improvement Act and to reauthorize several Indian health care demonstration programs through the year 2000.

Among the technical amendments to the Indian Health Care Improvement Act made by the other body was legislation which clarifies that the Secretary may waive or modify the service obligation requirements, under the Indian health scholarship program, in a case of extreme hardship or for other good cause.

In the past, the Secretary has granted a small number of such waivers, in accord with National Health Service Corps regulations. This change clarifies that this authority may be exercised specifically for the Indian health service scholarship program.

Other than for severe hardship circumstances, such waivers have been considered in particular in cases where service has been performed by Indian health scholarship awardees in certain recruitment and training programs in academic institutions. In these cases, an individual scholarship awardee has served in a significant capacity in a program, funded by the Indian Health Service, designed to attract and retain American Indian and Alaska Native students in health professions training.

In recognition of the enormous need for such recruitment and retention activities, it has been decided in a small number of cases that such service can be substituted, in whole or in part, for direct provision of health care.

The managers emphasize that the primary purpose for the Indian health scholarship program is to increase the number of individuals providing direct health care to American Indian and Alaska Native people in areas and at facilities where access to health care is difficult or limited. Thus, service in such a capacity should remain the principal way that scholarship payback obligations are fulfilled.

However, the managers recognize the importance of stronger, more targeted, and more aggressive recruitment and retention of American Indian and Alaska Native students into health care training, and that such efforts may be enhanced by having an Indian health scholarship recipient serve in such a program.

When the major duties and responsibilities of an individual, who already has received training through an Indian health scholarship, are the recruitment and training of Indian health professionals, that individual may be contributing to the purpose of the scholarship program through increasing the number of available health care providers, even though that individual is not providing health care personally.

Thus, there may be a small number of cases where such service is a good cause to waive or offset the scholarship service obligation.

It has come to the attention of the managers that both the Indian Health Service and a number of tribal organizations have identified the need for greater flexibility in assessing payback obligations to best serve the health care needs of Indian people.

The managers emphasize, in granting this additional flexibility to the Secretary, that they expect this avenue of fulfilling scholarship obligations to be limited.

Most Indian health scholarship recipients will fulfill their service obligations by providing direct health care, and the Secretary is expected to exercise significant caution and considerable judgment is using this new authority.

It must not be forgotten that direct health care service to Indian people, in addition to successfully having completed a health professions program, is a key component contributing to any individual's ability to recruit students.

In conclusion, I note that the managers have amended the other body's amendment to delete certain language which we feel is unnecessary.

Mr. Speaker, H.R. 3378 is an important piece of legislation which has been amended and then reamended. It is a good bill and I urge my colleagues to give it their full support.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3378, under suspension of the rules last month, was properly discharged by the Committee on Commerce, and of course it was passed by this committee. We are again amending the provisions of H.R. 3378 in the process of sending it back to the Senate.

Mr. Speaker, H.R. 3378 extends for 2 years a demonstration project authorized in section 405 of the Indian Health Care Improvement Act that allows four Indian hospitals to bill HCFA directly for Medicaid reimbursement rather than go through the Indian Health Service, which will save them time and money.

The Senate renamed our bill the Indian Health Care Improvement Act Technical Corrections Act of 1996 and added six new provisions. Five were noncontroversial, and one of these provisions Mr. Speaker, includes alleopathic medicine within the act's definition of health professions; the second amendment also extended the California Contract Health Services Demonstration Project through the year 2000. Another amendment also extends the funding through the year 2000 and authorizes the appropriation of such sums as necessary to fund the Gallup Alcohol and Substance Abuse Treatment Center. Furthermore, Mr. Speaker, the amendments also extend funding through the year 2000 for the Substance Abuse Counselor Education Program; another amendment continues funding for the year 2000 for the home and community-based care demonstration program.

The sixth amendment, Mr. Speaker, alters the requirements of the Indian Health Care Service Professional Scholarship Program. The amendment allows scholarship recipients to meet their service obligations by serving as an academic institution where the recipient's primary responsibility is the recruitment of other Indian medical students. The amendment also allows the Secretary to waive obligations for extreme hardships or for other good cause. The amendment also allows for release of a recipient's obligation for bankruptcy and cancels a recipient's obligation upon death.

Mr. Speaker, we in the Committee on Commerce had a problem with the portion of the amendment that allows scholarship recipients to pay back their debt by working in an academic setting where their primary responsibility is the recruitment of more Indians. The problem is that Indians do not have enough medical care on their reservations, and this amendment offers somewhat of a loophole for scholarship recipients to avoid working on reservations by living and working at universities.

Mr. Speaker, after reviewing these hardship cases of health professionals who thought that they were getting credit for doing recruitment, we agree those cases were better dealt with on a case-by-case basis under a Secretarial waiver authority rather than by a large loophole. The amendments grant the Secretary waiver authority for hardship and good cause, so we all agreed to strike the academic recruitment language from the bill, and the managers state their concerns on the floor.

Mr. Speaker, with the above concerns discussed earlier relative to the legislation, I support the amendments that we have now agreed to with the other side, and I ask my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I will compliment the gentleman on the statement. He and I worked very closely on these issues in committee, and he is a great friend of Alaska natives and most people involved in American native group.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers at this time. I urge the adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and agree to the resolution, House Resolution 544.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

SUSTAINABLE FISHERIES ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 39) to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

The Clerk read as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Sustainable Fisheries Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Magnuson Fishery Conservation and Management Act.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Findings; purposes; policy.
Sec. 102. Definitions.
Sec. 103. Authorization of appropriations.
Sec. 104. Highly migratory species.
Sec. 105. Foreign fishing and international fishery agreements.
Sec. 106. National standards.
Sec. 107. Regional fishery management councils.
Sec. 108. Fishery management plans.
Sec. 109. Action by the Secretary.
Sec. 110. Other requirements and authority.
Sec. 111. Pacific community fisheries.
Sec. 112. State jurisdiction.
Sec. 113. Prohibited acts.
Sec. 114. Civil penalties and permit sanctions; rebuttable presumptions.
Sec. 115. Enforcement.
Sec. 116. Transition to sustainable fisheries.
Sec. 117. North Pacific and northwest Atlantic Ocean fisheries.

TITLE II—FISHERY MONITORING AND RESEARCH

Sec. 201. Change of title.
Sec. 202. Registration and information management.
Sec. 203. Information collection.
Sec. 204. Observers.
Sec. 205. Fisheries research.
Sec. 206. Incidental harvest research.
Sec. 207. Miscellaneous research.
Sec. 208. Study of contribution of bycatch to charitable organizations.
Sec. 209. Study of identification methods for harvest stocks.
Sec. 210. Review of Northeast fishery stock assessments.
Sec. 211. Clerical amendments.

TITLE III—FISHERIES FINANCING

Sec. 301. Short title.
Sec. 302. Individual fishing quota loans.
Sec. 303. Fisheries financing and capacity reduction.

TITLE IV—MARINE FISHERY STATUTE REAUTHORIZATIONS

Sec. 401. Marine fish program authorization of appropriations.
Sec. 402. Interjurisdictional Fisheries Act amendments.
Sec. 403. Anadromous fisheries amendments.
Sec. 404. Atlantic coastal fisheries amendments.
Sec. 405. Technical amendments to maritime boundary agreement.
Sec. 406. Amendments to the Fisheries Act.

SEC. 2. AMENDMENT OF MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. FINDINGS; PURPOSES; POLICY.

Section 2 (16 U.S.C. 1801) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.";

(2) by inserting "to facilitate long-term protection of essential fish habitats," in subsection (a)(6) after "conservation,";

(3) by adding at the end of subsection (a) the following:

"(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.

"(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.";

(4) by striking "principles;" in subsection (b)(3) and inserting "principles, including the promotion of catch and release programs in recreational fishing;";

(5) by striking "and" after the semicolon at the end of subsection (b)(5);

(6) by striking "development." in subsection (b)(6) and inserting "development in a non-wasteful manner; and";

(7) by adding at the end of subsection (b) the following:

"(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.";

(8) in subsection (c)(3)—

(A) by striking "promotes" and inserting "considers"; and

(B) by inserting "minimize bycatch and" after "practical measures that";

(9) striking "and" at the end of paragraph (c)(5);

(10) striking the period at the end of paragraph (c)(6) and inserting "; and"; and

(11) adding at the end of subsection (c) a new paragraph as follows:

"(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.".

SEC. 102. DEFINITIONS.

Section 3 (16 U.S.C. 1802) is amended—

(1) by redesignating paragraphs (2) through (32) as paragraphs (5) through (35) respectively, and inserting after paragraph (1) the following:

"(2) The term 'bycatch' means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

"(3) The term 'charter fishing' means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46, United States Code) who is engaged in recreational fishing.

"(4) The term 'commercial fishing' means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.";

(2) in paragraph (7) (as redesignated)—

(A) by striking "COELENTERATA" from the heading of the list of corals and inserting "CNIDARIA"; and

(B) in the list appearing under the heading "CRUSTACEA", by striking "Deep-sea Red Crab—Geryon quinquedens" and inserting "Deep-sea Red Crab—Chaceon quinquedens";

(3) by redesignating paragraphs (9) through (35) (as redesignated) as paragraphs (11) through (37), respectively, and inserting after paragraph (8) (as redesignated) the following:

"(9) The term 'economic discards' means fish which are the target of a fishery, but which are not retained because they are of an undesirable size, sex, or quality, or for other economic reasons.

"(10) The term 'essential fish habitat' means those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.";

(4) by redesignating paragraphs (16) through (37) (as redesignated) as paragraphs (17) through (38), respectively, and inserting after paragraph (15) (as redesignated) the following:

"(16) The term 'fishing community' means a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.";

(5) by redesignating paragraphs (21) through (38) (as redesignated) as paragraphs (22) through (39), respectively, and inserting after paragraph (20) (as redesignated) the following:

"(21) The term 'individual fishing quota' means a Federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person. Such term does not include community development quotas as described in section 305(i).";

(6) by striking "of one and one-half miles" in paragraph (23) (as redesignated) and inserting "of two and one-half kilometers";

(7) by striking paragraph (28) (as redesignated), and inserting the following:

"(28) The term 'optimum', with respect to the yield from a fishery, means the amount of fish which—

"(A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

"(B) is prescribed on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant social, economic, or ecological factor; and

"(C) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery.";

(8) by redesignating paragraphs (29) through (39) (as redesignated) as paragraphs (31) through (41), respectively, and inserting after paragraph (28) (as redesignated) the following:

"(29) The terms 'overfishing' and 'overfished' mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

"(30) The term 'Pacific Insular Area' means American Samoa, Guam, the Northern Mariana Islands, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Wake Island, or Palmyra Atoll, as applicable, and includes all islands and reefs appurtenant to such island, reef, or atoll.";

(9) by redesignating paragraphs (32) through (41) (as redesignated) as paragraphs (34) through (43), respectively, and inserting after paragraph (31) (as redesignated) the following:

"(32) The term 'recreational fishing' means fishing for sport or pleasure.

"(33) The term 'regulatory discards' means fish harvested in a fishery which fishermen are required by regulation to discard whenever caught, or are required by regulation to retain but not sell.";

(10) by redesignating paragraphs (36) through (43) (as redesignated) as paragraphs (37) through (44), respectively, and inserting after paragraph (35) (as redesignated) the following:

"(36) The term 'special areas' means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990. In particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.";

(11) by striking "for which a fishery management plan prepared under title III or a preliminary fishery management plan prepared under section 201(g) has been implemented" in paragraph (42) (as redesignated) and inserting "regulated under this Act"; and

(12) by redesignating paragraph (44) (as redesignated) as paragraph (45), and inserting after paragraph (43) the following:

"(44) The term 'vessel subject to the jurisdiction of the United States' has the same meaning such term has in section 3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)).".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

The Act is amended by inserting after section 3 (16 U.S.C. 1802) the following:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this Act, not to exceed the following sums:

"(1) $147,000,000 for fiscal year 1996;

"(2) $151,000,000 for fiscal year 1997;

"(3) $155,000,000 for fiscal year 1998; and

"(4) $159,000,000 for fiscal year 1999.".

SEC. 104. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended by striking "promoting the objective of optimum utilization" and inserting "shall promote the achievement of optimum yield".

SEC. 105. FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS.

(a) AUTHORITY TO OPERATE UNDER TRANSSHIPMENT PERMITS.—Section 201 (16 U.S.C. 1821) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) is authorized under subsections (b) or (c) or section 204(e), or under a permit issued under section 204(d);

"(2) is not prohibited under subsection (f); and";

(2) by striking "(i)" in subsection (c)(2)(D) and inserting "(h)";

(3) by striking subsection (f);

(4) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively;

(5) in paragraph (2) of subsection (h) (as redesignated), redesignate subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and insert after subparagraph (A) the following:

"(B) in a situation where the foreign fishing vessel is operating under a Pacific Insular Area fishing agreement, the Governor of the applicable Pacific Insular Area, in consultation with the Western Pacific Council, has established an observer coverage program that is at least equal in effectiveness to the program established by the Secretary;"; and

(6) in subsection (i) (as redesignated) by striking "305" and inserting "304".

(b) INTERNATIONAL FISHERY AGREEMENTS.—Section 202 (16 U.S.C. 1822) is amended—

(1) by adding before the period at the end of subsection (c) "or section 204(e)";

(2) by adding at the end the following:

"(h) BYCATCH REDUCTION AGREEMENTS.—

"(1) The Secretary of State, in cooperation with the Secretary, shall seek to secure an international agreement to establish standards and measures for bycatch reduction that are comparable to the standards and measures applicable to United States fishermen for such purposes in any fishery regulated pursuant to this Act for which the Secretary, in consultation with the Secretary of State, determines that such an international agreement is necessary and appropriate.

"(2) An international agreement negotiated under this subsection shall be—

"(A) consistent with the policies and purposes of this Act; and

"(B) subject to approval by Congress under section 203.

"(3) Not later than January 1, 1997, and annually thereafter, the Secretary, in consultation with the Secretary of State, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing actions taken under this subsection.".

(c) PERIOD FOR CONGRESSIONAL REVIEW OF INTERNATIONAL FISHERY AGREEMENTS.—Section 203 (16 U.S.C. 1823) is amended—

(1) by striking "GOVERNING" in the section heading;

(2) by striking "agreement" each place it appears in subsection (a) and inserting "agreement, bycatch reduction agreement, or Pacific Insular Area fishery agreement";

(3) by striking "60 calendar days of continuous session of the Congress" in subsection (a) and inserting "120 days (excluding any days in a period for which the Congress is adjourned sine die)";

(4) by striking subsection (c);

(5) by redesignating subsection (d) as subsection (c); and

(6) by striking "agreement" in subsection (c)(2)(A), as redesignated, and inserting "agreement, bycatch reduction agreement, or Pacific Insular Area fishery agreement".

(d) TRANSSHIPMENT PERMITS AND PACIFIC INSULAR AREA FISHING.—Section 204 (16 U.S.C. 1824) is amended—

(1) by inserting "or subsection (d)" in the first sentence of subsection (b)(7) after "under paragraph (6)";

(2) by striking "the regulations promulgated to implement any such plan" in subsection (b)(7)(A) and inserting "any applicable federal or State fishing regulations";

(3) by inserting "or subsection (d)" in subsection (b)(7)(D) after "paragraph (6)(B)"; and

(4) by adding at the end the following:

"(d) TRANSSHIPMENT PERMITS.—

"(1) AUTHORITY TO ISSUE PERMITS.—The Secretary may issue a transshipment permit under this subsection which authorizes a vessel other than a vessel of the United States to engage in fishing consisting solely of transporting fish or fish products at sea from a point within the exclusive economic zone or, with the concurrence of a State, within the boundaries of that State, to a point outside the United States to any person who—

"(A) submits an application which is approved by the Secretary under paragraph (3); and

"(B) pays a fee imposed under paragraph (7).

"(2) TRANSMITTAL.—Upon receipt of an application for a permit under this subsection, the Secretary shall promptly transmit copies of the application to the Secretary of State, Secretary of the department in which the Coast Guard is operating, any appropriate Council, and any affected State.

"(3) APPROVAL OF APPLICATION.—The Secretary may approve, in consultation with the appropriate Council or Marine Fisheries Commission, an application for a permit under this section if the Secretary determines that—

"(A) the transportation of fish or fish products to be conducted under the permit, as described in the application, will be in the interest of the United States and will meet the applicable requirements of this Act;

"(B) the applicant will comply with the requirements described in section 201(c)(2) with respect to activities authorized by any permit issued pursuant to the application;

"(C) the applicant has established any bonds or financial assurances that may be required by the Secretary; and

"(D) no owner or operator of a vessel of the United States which has adequate capacity to perform the transportation for which the application is submitted has indicated to the Secretary an interest in performing the transportation at fair and reasonable rates.

"(4) WHOLE OR PARTIAL APPROVAL.—The Secretary may approve all or any portion of an application under paragraph (3).

"(5) FAILURE TO APPROVE APPLICATION.—If the Secretary does not approve any portion of an application submitted under paragraph (1), the Secretary shall promptly inform the applicant and specify the reasons therefor.

"(6) CONDITIONS AND RESTRICTIONS.—The Secretary shall establish and include in each permit under this subsection conditions and restrictions, including those conditions and restrictions set forth in subsection (b)(7), which shall be complied with by the owner and operator of the vessel for which the permit is issued.

"(7) FEES.—The Secretary shall collect a fee for each permit issued under this subsection, in an amount adequate to recover the costs incurred by the United States in issuing the permit, except that the Secretary shall waive the fee for the permit if the foreign nation under which the vessel is registered does not collect a fee from a vessel of the United States engaged in similar activities in the waters of such foreign nation.

"(e) PACIFIC INSULAR AREAS.—

"(1) NEGOTIATION OF PACIFIC INSULAR AREA FISHERY AGREEMENTS.—The Secretary of State, with the concurrence of the Secretary and in consultation with any appropriate Council, may negotiate and enter into a Pacific Insular Area fishery agreement to authorize foreign fishing within the exclusive economic zone adjacent to a Pacific Insular Area—

"(A) in the case of American Samoa, Guam, or the Northern Mariana Islands, at the request and with the concurrence of, and in consultation with, the Governor of the Pacific Insular Area to which such agreement applies; and

"(B) in the case of a Pacific Insular Area other than American Samoa, Guam, or the Northern Mariana Islands, at the request of the Western Pacific Council.

"(2) AGREEMENT TERMS AND CONDITIONS.—A Pacific Insular Area fishery agreement—

"(A) shall not be considered to supersede any governing international fishery agreement currently in effect under this Act, but shall provide an alternative basis for the conduct of foreign fishing within the exclusive economic zone adjacent to Pacific Insular Areas;

"(B) shall be negotiated and implemented consistent only with the governing international fishery agreement provisions of this title specifically made applicable in this subsection;

"(C) may not be negotiated with a nation that is in violation of a governing international fishery agreement in effect under this Act;

"(D) shall not be entered into if it is determined by the Governor of the applicable Pacific Insular Area with respect to agreements initiated under paragraph (1)(A), or the Western Pacific Council with respect to agreements initiated under paragraph (1)(B), that such an agreement will adversely affect the fishing activities of the indigenous people of such Pacific Insular Area;

"(E) shall be valid for a period not to exceed three years and shall only become effective according to the procedures in section 203; and

"(F) shall require the foreign nation and its fishing vessels to comply with the requirements of paragraphs (1), (2), (3) and (4)(A) of section 201(c), section 201(d), and section 201(h).

"(3) PERMITS FOR FOREIGN FISHING.—

"(A) Application for permits for foreign fishing authorized under a Pacific Insular Areas fishing agreement shall be made, considered and approved or disapproved in accordance with paragraphs (3), (4), (5), (6), (7)(A) and (B), (8), and (9) of subsection (b), and shall include any conditions and restrictions established by the Secretary in consultation with the Secretary of State, the Secretary of the department in which the Coast Guard is operating, the Governor of the applicable Pacific Insular Area, and the appropriate Council.

"(B) If a foreign nation notifies the Secretary of State of its acceptance of the requirements of this paragraph, paragraph (2)(F), and paragraph (5), including any conditions and restrictions established under subparagraph (A), the Secretary of State shall promptly transmit such notification to the Secretary. Upon receipt of any payment required under a Pacific Insular Area fishing agreement, the Secretary shall thereupon issue to such foreign nation, through the Secretary of State, permits for the appropriate fishing vessels of that nation. Each permit shall contain a statement of all of the requirements, conditions, and restrictions established under this subsection which apply to the fishing vessel for which the permit is issued.

"(4) MARINE CONSERVATION PLANS.—

"(A) Prior to entering into a Pacific Insular Area fishery agreement, the Western Pacific Council and the appropriate Governor shall develop a 3-year marine conservation plan detailing uses for funds to be collected by the Secretary pursuant to such agreement. Such plan shall be consistent with any applicable fishery management plan, identify conservation and management objectives (including criteria for determining when such objectives have been met), and prioritize planned marine conservation projects. Conservation and management objectives shall include, but not be limited to—

"(i) establishment of Pacific Insular Area observer programs, approved by the Secretary in consultation with the Western Pacific Council, that provide observer coverage for foreign fishing under Pacific Insular Area fishery agreements that is at least equal in effectiveness to the program established by the Secretary under section 201(h);

"(ii) conduct of marine and fisheries research, including development of systems for information collection, analysis, evaluation, and reporting;

"(iii) conservation, education, and enforcement activities related to marine and coastal management, such as living marine resource assessments, habitat monitoring and coastal studies;

"(iv) grants to the University of Hawaii for technical assistance projects by the Pacific Island Network, such as education and training in the development and implementation of sustainable marine resources development projects, scientific research, and conservation strategies; and

"(v) western Pacific community-based demonstration projects under section 112(b) of the Sustainable Fisheries Act and other coastal improvement projects to foster and promote the management, conservation, and economic enhancement of the Pacific Insular Areas.

"(B) In the case of American Samoa, Guam, and the Northern Mariana Islands, the appropriate Governor, with the concurrence of the Western Pacific Council, shall develop the marine conservation plan described in subparagraph (A) and submit such plan to the Secretary for approval. In the case of other Pacific Insular Areas, the Western Pacific Council shall develop and submit the marine conservation plan described in subparagraph (A) to the Secretary for approval.

"(C) If a Governor or the Western Pacific Council intends to request that the Secretary of State renew a Pacific Insular Area fishery agreement, a subsequent 3-year plan shall be submitted to the Secretary for approval by the end of the second year of the existing 3-year plan.

"(5) RECIPROCAL CONDITIONS.—Except as expressly provided otherwise in this subsection, a Pacific Insular Area fishing agreeement may include terms similar to the terms applicable to United States fishing vessels for access to similar fisheries in waters subject to the fisheries jurisdiction of another nation.

"(6) USE OF PAYMENTS BY AMERICAN SAMOA, GUAM, NORTHERN MARIANA ISLANDS.—Any payments received by the Secretary under a Pacific Insular Area fishery agreement for American Samoa, Guam, or the Northern Mariana Islands shall be deposited into the United States Treasury and then covered over to the Treasury of the Pacific Insular Area for which those funds were collected. Amounts deposited in the Treasury of a Pacific Insular Area shall be available, without appropriation or fiscal year limitation, to the Governor of the Pacific Insular Area—

"(A) to carry out the purposes of this subsection;

"(B) to compensate (i) the Western Pacific Council for mutually agreed upon administrative costs incurred relating to any Pacific Insular Area fishery agreement for such Pacific Insular Area, and (ii) the Secretary of State for mutually agreed upon travel expenses for no more than 2 Federal representatives incurred as a direct result of complying with paragraph (1)(A); and

"(C) to implement a marine conservation plan developed and approved under paragraph (4).

"(7) WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.—There is established in the United States Treasury a Western Pacific Sustainable Fisheries Fund into which any payments received by the Secretary under a Pacific Insular Area fishery agreement for any Pacific Insular Area other than American Samoa, Guam, or the Northern Mariana Islands shall be deposited. The Western Pacific Sustainable Fisheries Fund shall be made available, without appropriation or fiscal year limitation, to the Secretary, who shall provide such funds only to—

"(A) the Western Pacific Council for the purpose of carrying out the provisions of this subsection, including implementation of a marine conservation plan approved under paragraph (4);

"(B) the Secretary of State for mutually agreed upon travel expenses for no more than 2 federal representatives incurred as a direct result of complying with paragraph (1)(B); and

"(C) the Western Pacific Council to meet conservation and management objectives in the State of Hawaii if monies remain in the Western Pacific Sustainable Fisheries Fund after the funding requirements of subparagraphs (A) and (B) have been satisfied.

Amounts deposited in such fund shall not diminish funding received by the Western Pacific Council for the purpose of carrying out other responsibilities under this Act.

"(8) USE OF FINES AND PENALTIES.—In the case of violations occurring within the exclusive economic zone off American Samoa, Guam, or the Northern Mariana Islands, amounts received by the Secretary which are attributable to fines or penalties imposed under this Act, including such sums collected from the forfeiture and disposition or sale of property seized subject to its authority, after payment of direct costs of the enforcement action to all entities involved in such action, shall be deposited into the Treasury of the Pacific Insular Area adjacent to the exclusive economic zone in which the violation occurred, to be used for fisheries enforcement and for implementation of a marine conservation plan under paragraph (4).".

(e) ATLANTIC HERRING TRANSSHIPMENT.—Within 30 days of receiving an application, the Secretary shall, under Section 204(d) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, issue permits to up to fourteen Canadian transport vessels that are not equipped for fish harvesting or processing, for the transshipment, within the boundaries of the State of Maine or within the portion of the exclusive economic zone east of the line 69 degrees 30 minutes west and within 12 nautical miles from the seaward boundary of that State, of Atlantic herring harvested by United States fishermen within the area described and used solely in sardine processing. In issuing a permit pursuant to this subsection, the Secretary shall provide a waiver under section 201(h)(2)(C) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, provided that such vessels comply with Federal or State monitoring and reporting requirements for the Atlantic herring fishery, including the stationing of United States observers aboard such vessels, if necessary.

(f) LARGE SCALE DRIFTNET FISHING.—Section 206 (16 U.S.C. 1826) is amended—

(1) in subsection (e), by striking paragraphs (3) and (4), and redesignating paragraphs (5) and (6) as (3) and (4), respectively; and

(2) in subsection (f), by striking "(e)(6)," and inserting "(e)(4),".

(g) RUSSIAN FISHING IN THE BERING SEA.—No later than September 30, 1997, the North Pacific Fishery Management Council, in consultation with the North Pacific and Bering Sea Advisory Body, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing the institutional structures in Russia pertaining to stock assessment, management, and enforcement for fishery harvests in the Bering Sea, and recommendations for improving coordination between the United States and Russia for managing and conserving Bering Sea fishery resources of mutual concern.

SEC. 106. NATIONAL STANDARDS.

(a) Section 301(a)(5) (16 U.S.C. 1851(a)(5)) is amended by striking "promote" and inserting "consider".

(b) Section 301(a) (16 U.S.C. 1851(a)) is amended by adding at the end thereof the following:

"(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

"(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

"(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.".

SEC. 107. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) Section 302(a) (16 U.S.C. 1852(a)) is amended—

(1) by inserting "(1)" after the subsection heading;

(2) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively;

(3) by striking "section 304(f)(3)" wherever it appears and inserting "paragraph (3)";

(4) in paragraph (1)(B), as amended—

(A) by striking "and Virginia" and inserting "Virginia, and North Carolina";

(B) by inserting "North Carolina, and" after "except";

(C) by striking "19" and inserting "21"; and

(D) by striking "12" and inserting "13";

(5) by striking paragraph (1)(F), as redesignated, and inserting the following:

"(F) PACIFIC COUNCIL.—The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Pacific Council shall have 14 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State), and including one appointed from an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho in accordance with subsection (b)(5).";

(6) by indenting the sentence at the end thereof and inserting "(2)" before "Each Council"; and

(7) by adding at the end the following:

"(3) The Secretary shall have authority over any highly migratory species fishery that is within the geographical area of authority of more than one of the following Councils: New England Council, Mid-Atlantic Council, South Atlantic Council, Gulf Council, and Caribbean Council.".

(b) Section 302(b) (16 U.S.C. 1852(b)) is amended—

(1) by striking "subsection (b)(2)" in paragraphs (1)(C) and (3), and inserting in both places "paragraphs (2) and (5)";

(2) by striking the last sentence in paragraph (3) and inserting the following: "Any term in which an individual was appointed to replace a member who left office during the term shall not be counted in determining the number of consecutive terms served by that Council member."; and

(3) by striking paragraph (5) and inserting after paragraph (4) the following:

"(5)(A) The Secretary shall appoint to the Pacific Council one representative of an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho from a list of not less than 3 individuals submitted by the tribal governments. The Secretary, in consultation with the Secretary of the Interior and tribal governments, shall establish by regulation the procedure for submitting a list under this subparagraph.

"(B) Representation shall be rotated among the tribes taking into consideration—

"(i) the qualifications of the individuals on the list referred to in subparagraph (A),

"(ii) the various rights of the Indian tribes involved and judicial cases that set forth how those rights are to be exercised, and

"(iii) the geographic area in which the tribe of the representative is located.

"(C) A vacancy occurring prior to the expiration of any term shall be filled in the same manner as set out in subparagraphs (A) and (B), except that the Secretary may use the list from which the vacating representative was chosen.

"(6) The Secretary may remove for cause any member of a Council required to be appointed by the Secretary in accordance with paragraphs (2) or (5) if—

"(A) the Council concerned first recommends removal by not less than two-thirds of the members who are voting members and submits such removal recommendation to the Secretary in writing together with a statement of the basis for the recommendation; or

"(B) the member is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 307(1)(O).".

(c) Section 302(d) (16 U.S.C. 1852(d)) is amended in the first sentence—

(1) by striking "each Council," and inserting "each Council who are required to be appointed by the Secretary and"; and

(2) by striking "shall, until January 1, 1992," and all that follows through "GS-16" and inserting "shall receive compensation at the daily rate for GS-15, step 7".

(d) Section 302(e) (16 U.S.C. 1852(e)) is amended by adding at the end the following:

"(5) At the request of any voting member of a Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate records of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote.".

(e) Section 302(g) (16 U.S.C. 1852(g)) is amended by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following:

"(4) The Secretary shall establish advisory panels to assist in the collection and evaluation of information relevant to the development of any fishery management plan or plan amendment for a fishery to which subsection (a)(3) applies. Each advisory panel shall participate in all aspects of the development of the plan or amendment; be balanced in its representation of commercial, recreational, and other interests; and consist of not less than 7 individuals who are knowledgeable about the fishery for which the plan or amendment is developed, selected from among—

"(A) members of advisory committees and species working groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species; and

"(B) other interested persons.".

(f) Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) for each fishery under its authority that requires conservation and management, prepare and submit to the Secretary (A) a fishery management plan, and (B) amendments to each such plan that are necessary from time to time (and promptly whenever changes in conservation and management measures in another fishery substantially affect the fishery for which such plan was developed);";

(2) in paragraph (2)—

(A) by striking "section 204(b)(4)(C)," in paragraph (2) and inserting "section 204(b)(4)(C) or section 204(d),";

(B) by striking "304(c)(2)" and inserting "304(c)(4)"; and

(3) by striking "304(f)(3) "in paragraph (5) and inserting "subsection (a)(3)".

(g) Section 302 is amended further by striking subsection (i), and by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(h) Section 302(i), as redesignated, is amended—

(1) by striking "of the Councils" in paragraph (1) and inserting "established under subsection (g)";

(2) by striking "of a Council:" in paragraph (2) and inserting "established under subsection (g):";

(3) by striking "Council's" in paragraph (2)(C);

(4) by adding the following at the end of paragraph (2)(C): "The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to

the meeting date, unless such modification is to address an emergency action under section 305(c), in which case public notice shall be given immediately.";

(5) by adding the following at the end of paragraph (2)(D): "All written information submitted to a Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.";

(6) by striking paragraph (2)(E) and inserting:

"(E) Detailed minutes of each meeting of the Council, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chairman shall certify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction.";

(7) by striking "by the Council" the first place it appears in paragraph (2)(F);

(8) by inserting "or the Secretary, as appropriate" in paragraph (2)(F) after "of the Council"; and

(9) by striking "303(d)" each place it appears in paragraph (2)(F) and inserting "402(b)"; and

(10) by striking "303(d)" in paragraph (4) and inserting "402(b)".

(i) Section 302(j), as redesignated, is amended—

(1) by inserting "and Recusal" after "Interest" in the subsection heading;

(2) by striking paragraph (1) and inserting the following:

"(1) For the purposes of this subsection—

"(A) the term 'affected individual' means an individual who—

"(i) is nominated by the Governor of a State for appointment as a voting member of a Council in accordance with subsection (b)(2); or

"(ii) is a voting member of a Council appointed—

"(I) under subsection (b)(2); or

"(II) under subsection (b)(5) who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government; and

"(B) the term 'designated official' means a person with expertise in Federal conflict-of-interest requirements who is designated by the Secretary, in consultation with the Council, to attend Council meetings and make determinations under paragraph (7)(B).";

(3) by striking "(1)(A)" in paragraph (3)(A) and inserting "(1)(A)(i)";

(4) by striking "(1)(B) or (C)" in paragraph (3)(B) and inserting "(1)(A)(ii)";

(5) by striking "(1)(B) or (C)" in paragraph (4) and inserting "(1)(A)(ii)";

(6)(A) by striking "and" at the end of paragraph (5)(A);

(B) by striking the period at the end of paragraph (5)(B) and inserting a semicolon and the word "and"; and

(C) by adding at the end of paragraph (5) the following:

"(C) be kept on file by the Secretary for use in reviewing determinations under paragraph (7)(B) and made available for public inspection at reasonable hours.";

(7) by striking "(1)(B) or (C)" in paragraph (6) and inserting "(1)(A)(ii)";

(8) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

"(7)(A) After the effective date of regulations promulgated under subparagraph (F) of this paragraph, an affected individual required to disclose a financial interest under paragraph (2) shall not vote on a Council decision which would have a significant and predictable effect on such financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interests of other participants in the same gear type or sector of the fishery. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

"(B) At the request of an affected individual, or upon the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

"(C) Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B) within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

"(D) Any affected individual who does not vote in a Council decision in accordance with this subsection may state for the record how he or she would have voted on such decision if he or she had voted.

"(E) If the Council makes a decision before the Secretary has reviewed a determination under subparagraph (C), the eventual ruling may not be treated as cause for the invalidation or reconsideration by the Secretary of such decision.

"(F) The Secretary, in consultation with the Councils and by not later than one year from the date of enactment of the Sustainable Fisheries Act, shall promulgate regulations which prohibit an affected individual from voting in accordance with subparagraph (A), and which allow for the making of determinations under subparagraphs (B) and (C)."; and

(9) by striking "(1)(B) or (C)" in paragraph (8), as redesignated, and inserting "(1)(A)(ii)".

SEC. 108. FISHERY MANAGEMENT PLANS.

(a) REQUIRED PROVISIONS.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) in paragraph (1)(A) by inserting "and rebuild overfished stocks" after "overfishing";

(2) by inserting "commercial, recreational, and charter fishing in" in paragraph (5) after "with respect to";

(3) by striking paragraph (7) and inserting the following:

"(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;";

(4) by striking "and" at the end of paragraph (8);

(5) by inserting "and fishing communities" after "fisheries" in paragraph (9)(A);

(6) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(7) by adding at the end the following:

"(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

"(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—

"(A) minimize bycatch; and

"(B) minimize the mortality of bycatch which cannot be avoided;

"(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

"(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

"(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.".

(b) IMPLEMENTATION.—Not later than 24 months after the date of enactment of this Act, each Regional Fishery Management Council shall submit to the Secretary of Commerce amendments to each fishery management plan under its authority to comply with the amendments made in subsection (a) of this section.

(c) DISCRETIONARY PROVISIONS.—Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the—

"(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

"(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

"(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;";

(2) by striking "system for limiting access to" in paragraph (6) and inserting "limited access system for";

(3) by striking "fishery" in subparagraph (E) of paragraph (6) and inserting "fishery and any affected fishing communities";

(4) by inserting "one or more" in paragraph (8) after "require that";

(5) by striking "and" at the end of paragraph (9);

(6) by redesignating paragraph (10) as paragraph (12); and

(7) by inserting after paragraph (9) the following:

"(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

"(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and".

(d) REGULATIONS.—Section 303 (16 U.S.C. 1853) is amended by striking subsection (c) and inserting the following:

"(c) PROPOSED REGULATIONS.—Proposed regulations which the Council deems necessary or appropriate for the purposes of—

"(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

"(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.".

(e) INDIVIDUAL FISHING QUOTAS.—Subsection 303 (16 U.S.C. 1853) is amended further by striking subsections (d), (e), and (f), and inserting the following:

"(d) INDIVIDUAL FISHING QUOTAS.—

"(1)(A) A Council may not submit and the Secretary may not approve or implement before October 1, 2000, any fishery management plan, plan amendment, or regulation under this Act which creates a new individual fishing quota program.

"(B) Any fishery management plan, plan amendment, or regulation approved by the Secretary on or after January 4, 1995, which creates any new individual fishing quota program shall be repealed and immediately returned by the Secretary to the appropriate Council and shall not be resubmitted, reapproved, or implemented during the moratorium set forth in subparagraph (A).

"(2)(A) No provision of law shall be construed to limit the authority of a Council to submit and the Secretary to approve the termination or limitation, without compensation to holders of any limited access system permits, of a fishery management plan, plan amendment, or regulation that provides for a limited access system, including an individual fishing quota program.

"(B) This subsection shall not be construed to prohibit a Council from submitting, or the Secretary from approving and implementing, amendments to the North Pacific halibut and sablefish, South Atlantic wreckfish, or Mid-Atlantic surf clam and ocean (including mahogany) quahog individual fishing quota programs.

"(3) An individual fishing quota or other limited access system authorization—

"(A) shall be considered a permit for the purposes of sections 307, 308, and 309;

"(B) may be revoked or limited at any time in accordance with this Act;

"(C) shall not confer any right of compensation to the holder of such individual fishing quota or other such limited access system authorization if it is revoked or limited; and

"(D) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested.

"(4)(A) A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)), to issue obligations that aid in financing the—

"(i) purchase of individual fishing quotas in that fishery by fishermen who fish from small vessels; and

"(ii) first-time purchase of individual fishing quotas in that fishery by entry level fishermen.

"(B) A Council making a submission under subparagraph (A) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under clauses (i) and (ii) of subparagraph (A) and the portion of funds to be allocated for guarantees under each clause.

"(5) In submitting and approving any new individual fishing quota program on or after October 1, 2000, the Councils and the Secretary shall consider the report of the National Academy of Sciences required under section 108(f) of the Sustainable Fisheries Act, and any recommendations contained in such report, and shall ensure that any such program—

"(A) establishes procedures and requirements for the review and revision of the terms of any such program (including any revisions that may be necessary once a national policy with respect to individual fishing quota programs is implemented), and, if appropriate, for the renewal, reallocation, or reissuance of individual fishing quotas;

"(B) provides for the effective enforcement and management of any such program, including adequate observer coverage, and for fees under section 304(d)(2) to recover actual costs directly related to such enforcement and management; and

"(C) provides for a fair and equitable initial allocation of individual fishing quotas, prevents any person from acquiring an excessive share of the individual fishing quotas issued, and considers the allocation of a portion of the annual harvest in the fishery for entry-level fishermen, small vessel owners, and crew members who do not hold or qualify for individual fishing quotas.".

(f) INDIVIDUAL FISHING QUOTA REPORT.— (1) Not later than October 1, 1998, the National Academy of Sciences, in consultation with the Secretary of Commerce and the Regional Fishery Management Councils, shall submit to the Congress a comprehensive final report on individual fishing quotas, which shall include recommendations to implement a national policy with respect to individual fishing quotas. The report shall address all aspects of such quotas, including an analysis of—

(A) the effects of limiting or prohibiting the transferability of such quotas;

(B) mechanisms to prevent foreign control of the harvest of United States fisheries under individual fishing quota programs, including mechanisms to prohibit persons who are not eligible to be deemed a citizen of the United States for the purpose of operating a vessel in the coastwise trade under section 2(a) and section 2(c) of the Shipping Act, 1916 (46 U.S.C. 802 (a) and (c)) from holding individual fishing quotas;

(C) the impact of limiting the duration of individual fishing quota programs;

(D) the impact of authorizing Federal permits to process a quantity of fish that correspond to individual fishing quotas, and of the value created for recipients of any such permits, including a comparison of such value to the value of the corresponding individual fishing quotas;

(E) mechanisms to provide for diversity and to minimize adverse social and economic impacts on fishing communities, other fisheries affected by the displacement of vessels, and any impacts associated with the shifting of capital value from fishing vessels to individual fishing quotas, as well as the use of capital construction funds to purchase individual fishing quotas;

(F) mechanisms to provide for effective monitoring and enforcement, including the inspection of fish harvested and incentives to reduce bycatch, and in particular economic discards;

(G) threshold criteria for determining whether a fishery may be considered for individual fishing quota management, including criteria related to the geographical range, population dynamics and condition of a fish stock, the socioeconomic characteristics of a fishery (including participants' involvement in multiple fisheries in the region), and participation by commercial, charter, and recreational fishing sectors in the fishery;

(H) mechanisms to ensure that vessel owners, vessel masters, crew members, and United States fish processors are treated fairly and equitably in initial allocations, to require persons holding individual fishing quotas to be on board the vessel using such quotas, and to facilitate new entry under individual fishing quota programs;

(I) potential social and economic costs and benefits to the nation, individual fishing quota recipients, and any recipients of Federal permits described in subparagraph (D) under individual fishing quota programs, including from capital gains revenue, the allocation of such quotas or permits through Federal auctions, annual fees and transfer fees at various levels, or other measures;

(J) the value created for recipients of individual fishing quotas, including a comparison of such value to the value of the fish harvested under such quotas and to the value of permits created by other types of limited access systems, and the effects of creating such value on fishery management and conservation; and

(K) such other matters as the National Academy of Sciences deems appropriate.

(2) The report shall include a detailed analysis of individual fishing quota programs already implemented in the United States, including the impacts: of any limits on transferability, on past and present participants, on fishing communities, on the rate and total amount of bycatch (including economic and regulatory discards) in the fishery, on the safety of life and vessels in the fishery, on any excess harvesting or processing capacity in the fishery, on any gear conflicts in the fishery, on product quality from the fishery, on the effectiveness of enforcement in the fishery, on the size and composition of fishing vessel fleets, of the economic value created by individual fishing quotas for initial recipients and non-recipients, on conservation of the fishery resource, on fishermen who rely on participation in several fisheries, on the success in meeting any fishery management plan goals, and the fairness and effectiveness of the methods used for allocating quotas and controlling transferability. The report shall also include any information about individual fishing quota programs in other countries that may be useful.

(3) The report shall identify and analyze alternative conservation and management measures, including other limited access systems such as individual transferable effort systems, that could accomplish the same objectives as individual fishing quota programs, as well as characteristics that are unique to individual fishing quota programs.

(4) The Secretary of Commerce shall, in consultation with the National Academy of Sciences, the Councils, the fishing industry, affected States, conservation organizations

and other interested persons, establish two individual fishing quota review groups to assist in the preparation of the report, which shall represent: (A) Alaska, Hawaii, and the other Pacific coastal States; and (B) Atlantic coastal States and the Gulf of Mexico coastal States. The Secretary shall, to the extent practicable, achieve a balanced representation of viewpoints among the individuals on each review group. The review groups shall be deemed to be advisory panels under section 302(g) of the Magnuson Fishery Conservation and Management Act, as amended by this Act.

(5) The Secretary of Commerce, in consultation with the National Academy of Sciences and the Councils, shall conduct public hearings in each Council region to obtain comments on individual fishing quotas for use by the National Academy of Sciences in preparing the report required by this subsection. The National Academy of Sciences shall submit a draft report to the Secretary of Commerce by January 1, 1998. The Secretary of Commerce shall publish in the Federal Register a notice and opportunity for public comment on the draft of the report, or any revision thereof. A detailed summary of comments received and views presented at the hearings, including any dissenting views, shall be included by the National Academy of Sciences in the final report.

(6) Section 210 of Public Law 104-134 is hereby repealed.

(g) NORTH PACIFIC LOAN PROGRAM.—(1) By not later than October 1, 1997 the North Pacific Fishery Management Council shall recommend to the Secretary of Commerce a program which uses the full amount of fees authorized to be used under section 303(d)(4) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, in the halibut and sablefish fisheries off Alaska to guarantee obligations in accordance with such section.

(2)(A) For the purposes of this subsection, the phrase "fishermen who fish from small vessels" in section 303(d)(4)(A)(i) of such Act shall mean fishermen wishing to purchase individual fishing quotas for use from Category B, Category C, or Category D vessels, as defined in part 676.20(c) of title 50, Code of Federal Regulations (as revised as of October 1, 1995), whose aggregate ownership of individual fishing quotas will not exceed the equivalent of a total of 50,000 pounds of halibut and sablefish harvested in the fishing year in which a guarantee application is made if the guarantee is approved, who will participate aboard the fishing vessel in the harvest of fish caught under such quotas, who have at least 150 days of experience working as part of the harvesting crew in any U.S. commercial fishery, and who do not own in whole or in part any Category A or Category B vessel, as defined in such part and title of the Code of Federal Regulations.

(B) For the purposes of this subsection, the phrase "entry level fishermen" in section 303(d)(4)(A)(ii) of such Act shall mean fishermen who do not own any individual fishing quotas, who wish to obtain the equivalent of not more than a total of 8,000 pounds of halibut and sablefish harvested in the fishing year in which a guarantee application is made, and who will participate aboard the fishing vessel in the harvest of fish caught under such quotas.

(h) COMMUNITY DEVELOPMENT QUOTA REPORT.—Not later than October 1, 1998, the National Academy of Sciences, in consultation with the Secretary, the North Pacific and Western Pacific Councils, communities and organizations participating in the program, participants in affected fisheries, and the affected States, shall submit to the Secretary of Commerce and Congress a comprehensive report on the performance and effectiveness of the community development quota programs under the authority of the North Pacific and Western Pacific Councils. The report shall—

(1) evaluate the extent to which such programs have met the objective of providing communities with the means to develop ongoing commercial fishing activities;

(2) evaluate the manner and extent to which such programs have resulted in the communities and residents—

(A) receiving employment opportunities in commercial fishing and processing; and

(B) obtaining the capital necessary to invest in commercial fishing, fish processing, and commercial fishing support projects (including infrastructure to support commercial fishing);

(3) evaluate the social and economic conditions in the participating communities and the extent to which alternative private sector employment opportunities exist;

(4) evaluate the economic impacts on participants in the affected fisheries, taking into account the condition of the fishery resource, the market, and other relevant factors;

(5) recommend a proposed schedule for accomplishing the developmental purposes of community development quotas; and

(6) address such other matters as the National Academy of Sciences deems appropriate.

(i) EXISTING QUOTA PLANS.—Nothing in this Act or the amendments made by this Act shall be construed to require a reallocation of individual fishing quotas under any individual fishing quota program approved by the Secretary before January 4, 1995.

SEC. 109. ACTION BY THE SECRETARY.

(a) SECRETARIAL REVIEW OF PLANS AND REGULATIONS.—Section 304 (16 U.S.C. 1854) is amended by striking subsections (a) and (b) and inserting the following:

"(a) REVIEW OF PLANS.—

"(1) Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall—

"(A) immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

"(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(2) In undertaking the review required under paragraph (1), the Secretary shall—

"(A) take into account the information, views, and comments received from interested persons;

"(B) consult with the Secretary of State with respect to foreign fishing; and

"(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

"(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

"(A) the applicable law with which the plan or amendment is inconsistent;

"(B) the nature of such inconsistencies; and

"(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

If the Secretary does not notify a Council within 30 days of the end of the comment period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved.

"(4) If the Secretary disapproves or partially approves a plan or amendment, the Council may submit a revised plan or amendment to the Secretary for review under this subsection.

"(5) For purposes of this subsection and subsection (b), the term 'immediately' means on or before the 5th day after the day on which a Council transmits to the Secretary a fishery management plan, plan amendment, or proposed regulation that the Council characterizes as final.

"(b) REVIEW OF REGULATIONS.—

"(1) Upon transmittal by the Council to the Secretary of proposed regulations prepared under section 303(c), the Secretary shall immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the fishery management plan, plan amendment, this Act and other applicable law. Within 15 days of initiating such evaluation the Secretary shall make a determination and—

"(A) if that determination is affirmative, the Secretary shall publish such regulations in the Federal Register, with such technical changes as may be necessary for clarity and an explanation of those changes, for a public comment period of 15 to 60 days; or

"(B) if that determination is negative, the Secretary shall notify the Council in writing of the inconsistencies and provide recommendations on revisions that would make the proposed regulations consistent with the fishery management plan, plan amendment, this Act, and other applicable law.

"(2) Upon receiving a notification under paragraph (1)(B), the Council may revise the proposed regulations and submit them to the Secretary for reevaluation under paragraph (1).

"(3) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (1)(A). The Secretary shall consult with the Council before making any revisions to the proposed regulations, and must publish in the Federal Register an explanation of any differences between the proposed and final regulations.".

(b) PREPARATION BY THE SECRETARY.—Section 304(c) (16 U.S.C. 1854(c)) is amended—

(1) by striking the subsection heading and inserting "PREPARATION AND REVIEW OF SECRETARIAL PLANS";

(2) by striking "or" at the end of paragraph (1)(A);

(3) by striking all that follows "further revised plan" in paragraph (1) and inserting "or amendment; or";

(4) by inserting after subparagraph (1)(B), as amended, the following new subparagraph:

"(C) the Secretary is given authority to prepare such plan or amendment under this section.";

(5) by striking paragraph (2) and inserting:

"(2) In preparing any plan or amendment under this subsection, the Secretary shall—

"(A) conduct public hearings, at appropriate times and locations in the geographical areas concerned, so as to allow interested persons an opportunity to be heard in the preparation and amendment of the plan and any regulations implementing the plan; and

"(B) consult with the Secretary of State with respect to foreign fishing and with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea.";

(6) by inserting "for a fishery under the authority of a Council" after "paragraph (1)" in paragraph (3);

(7) by striking "system described in section 303(b)(6)" in paragraph (3) and inserting "system, including any individual fishing quota program"; and

(8) by inserting after paragraph (3) the following new paragraphs:

"(4) Whenever the Secretary prepares a fishery management plan or plan amendment under this section, the Secretary shall immediately—

"(A) for a plan or amendment for a fishery under the authority of a Council, submit such plan or amendment to the appropriate Council for consideration and comment; and

"(B) publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(5) Whenever a plan or amendment is submitted under paragraph (4)(A), the appropriate Council must submit its comments and recommendations, if any, regarding the plan or amendment to the Secretary before the close of the 60-day period referred to in paragraph (4)(B). After the close of such 60-day period, the Secretary, after taking into account any such comments and recommendations, as well as any views, information, or comments submitted under paragraph (4)(B), may adopt such plan or amendment.

"(6) The Secretary may propose regulations in the Federal Register to implement any plan or amendment prepared by the Secretary. In the case of a plan or amendment to which paragraph (4)(A) applies, such regulations shall be submitted to the Council with such plan or amendment. The comment period on proposed regulations shall be 60 days, except that the Secretary may shorten the comment period on minor revisions to existing regulations.

"(7) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (6). The Secretary must publish in the Federal Register an explanation of any substantive differences between the proposed and final rules. All final regulations must be consistent with the fishery management plan, with the national standards and other provisions of this Act, and with any other applicable law.".

(c) INDIVIDUAL FISHING QUOTA AND COMMUNITY DEVELOPMENT QUOTA FEES.—Section 304(d) (16 U.S.C. 1854(d)) is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by inserting the at the end the following:

"(2)(A) Notwithstanding paragraph (1), the Secretary is authorized and shall collect a fee to recover the actual costs directly related to the management and enforcement of any—

"(i) individual fishing quota program; and

"(ii) community development quota program that allocates a percentage of the total allowable catch of a fishery to such program.

"(B) Such fee shall not exceed 3 percent of the ex-vessel value of fish harvested under any such program, and shall be collected at either the time of the landing, filing of a landing report, or sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested.

"(C)(i) Fees collected under this paragraph shall be in addition to any other fees charged under this Act and shall be deposited in the Limited Access System Administration Fund established under section 305(h)(5)(B), except that the portion of any such fees reserved under section 303(d)(4)(A) shall be deposited in the Treasury and available, subject to annual appropriations, to cover the costs of new direct loan obligations and new loan guarantee commitments as required by section 504(b)(1) of the Federal Credit Reform Act (2 U.S.C. 661c(b)(1)).

"(ii) Upon application by a State, the Secretary shall transfer to such State up to 33 percent of any fee collected pursuant to subparagraph (A) under a community development quota program and deposited in the Limited Access System Administration Fund in order to reimburse such State for actual costs directly incurred in the management and enforcement of such program.".

(d) DELAY OF FEES.—Notwithstanding any other provision of law, the Secretary shall not begin the collection of fees under section 304(d)(2) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, in the surf clam and ocean (including mahogany) quahog fishery or in the wreckfish fishery until after January 1, 2000.

(e) OVERFISHING.—Section 304(e) (16 U.S.C. 1854(e)) is amended to read as follows:

"(e) REBUILDING OVERFISHED FISHERIES.—

"(1) The Secretary shall report annually to the Congress and the Councils on the status of fisheries within each Council's geographical area of authority and identify those fisheries that are overfished or are approaching a condition of being overfished. For those fisheries managed under a fishery management plan or international agreement, the status shall be determined using the criteria for overfishing specified in such plan or agreement. A fishery shall be classified as approaching a condition of being overfished if, based on trends in fishing effort, fishery resource size, and other appropriate factors, the Secretary estimates that the fishery will become overfished within two years.

"(2) If the Secretary determines at any time that a fishery is overfished, the Secretary shall immediately notify the appropriate Council and request that action be taken to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks of fish. The Secretary shall publish each notice under this paragraph in the Federal Register.

"(3) Within one year of an identification under paragraph (1) or notification under paragraphs (2) or (7), the appropriate Council (or the Secretary, for fisheries under section 302(a)(3)) shall prepare a fishery management plan, plan amendment, or proposed regulations for the fishery to which the identification or notice applies—

"(A) to end overfishing in the fishery and to rebuild affected stocks of fish; or

"(B) to prevent overfishing from occurring in the fishery whenever such fishery is identified as approaching an overfished condition.

"(4) For a fishery that is overfished, any fishery management plan, amendment, or proposed regulations prepared pursuant to paragraph (3) or paragraph (5) for such fishery shall—

"(A) specify a time period for ending overfishing and rebuilding the fishery that shall—

"(i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and

"(ii) not exceed 10 years, except in cases where the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise;

"(B) allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery; and

"(C) for fisheries managed under an international agreement, reflect traditional participation in the fishery, relative to other nations, by fishermen of the United States.

"(5) If, within the one-year period beginning on the date of identification or notification that a fishery is overfished, the Council does not submit to the Secretary a fishery management plan, plan amendment, or proposed regulations required by paragraph (3)(A), the Secretary shall prepare a fishery management plan or plan amendment and any accompanying regulations to stop overfishing and rebuild affected stocks of fish within 9 months under subsection (c).

"(6) During the development of a fishery management plan, a plan amendment, or proposed regulations required by this subsection, the Council may request the Secretary to implement interim measures to reduce overfishing under section 305(c) until such measures can be replaced by such plan, amendment, or regulations. Such measures, if otherwise in compliance with the provisions of this Act, may be implemented even though they are not sufficient by themselves to stop overfishing of a fishery.

"(7) The Secretary shall review any fishery management plan, plan amendment, or regulations required by this subsection at routine intervals that may not exceed two years. If the Secretary finds as a result of the review that such plan, amendment, or regulations have not resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks, the Secretary shall—

"(A) in the case of a fishery to which section 302(a)(3) applies, immediately make revisions necessary to achieve adequate progress; or

"(B) for all other fisheries, immediately notify the appropriate Council. Such notification shall recommend further conservation and management measures which the Council should consider under paragraph (3) to achieve adequate progress.".

(f) FISHERIES UNDER AUTHORITY OF MORE THAN ONE COUNCIL.—Section 304(f) is amended by striking paragraph (3).

(g) ATLANTIC HIGHLY MIGRATORY SPECIES.—Section 304 (16 U.S.C. 1854) is amended further by striking subsection (g) and inserting the following:

"(g) ATLANTIC HIGHLY MIGRATORY SPECIES.—(1) PREPARATION AND IMPLEMENTATION OF PLAN OR PLAN AMENDMENT.—The Secretary shall prepare a fishery management plan or plan amendment under subsection (c) with respect to any highly migratory species fishery to which section 302(a)(3) applies. In preparing and implementing any such plan or amendment, the Secretary shall—

"(A) consult with and consider the comments and views of affected Councils, commissioners and advisory groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species, and the advisory panel established under section 302(g);

"(B) establish an advisory panel under section 302(g) for each fishery management plan to be prepared under this paragraph;

"(C) evaluate the likely effects, if any, of conservation and management measures on participants in the affected fisheries and minimize, to the extent practicable, any disadvantage to United States fishermen in relation to foreign competitors;

"(D) with respect to a highly migratory species for which the United States is authorized to harvest an allocation, quota, or at a fishing mortality level under a relevant international fishery agreement, provide fishing vessels of the United States with a reasonable opportunity to harvest such allocation, quota, or at such fishing mortality level;

"(E) review, on a continuing basis (and promptly whenever a recommendation pertaining to fishing for highly migratory species has been made under a relevant international fishery agreement), and revise as appropriate, the conservation and management measures included in the plan;

"(F) diligently pursue, through international entities (such as the International Commission for the Conservation of Atlantic Tunas), comparable international fishery management measures with respect to fishing for highly migratory species; and

"(G) ensure that conservation and management measures under this subsection—

"(i) promote international conservation of the affected fishery;

"(ii) take into consideration traditional fishing patterns of fishing vessels of the United States and the operating requirements of the fisheries;

"(iii) are fair and equitable in allocating fishing privileges among United States fishermen and do not have economic allocation as the sole purpose; and

"(iv) promote, to the extent practicable, implementation of scientific research programs that include the tagging and release of Atlantic highly migratory species.

"(2) CERTAIN FISH EXCLUDED FROM 'BYCATCH' DEFINITION.—Notwithstanding section 3(2), fish harvested in a commercial fishery managed by the Secretary under this subsection or the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d) that are not regulatory discards and that are tagged and released alive under a scientific tagging and release program established by the Secretary shall not be considered bycatch for purposes of this Act.".

(h) COMPREHENSIVE MANAGEMENT SYSTEM FOR ATLANTIC PELAGIC LONGLINE FISHERY.—(1) The Secretary of Commerce shall—

(A) establish an advisory panel under section 302(g)(4) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, for pelagic longline fishing vessels that participate in fisheries for Atlantic highly migratory species;

(B) conduct surveys and workshops with affected fishery participants to provide information and identify options for future management programs;

(C) to the extent practicable and necessary for the evaluation of options for a comprehensive management system, recover vessel production records; and

(D) complete by January 1, 1998, a comprehensive study on the feasibility of implementing a comprehensive management system for pelagic longline fishing vessels that participate in fisheries for Atlantic highly migratory species, including, but not limited to, individual fishing quota programs and other limited access systems.

(2) Based on the study under paragraph (1)(D) and consistent with the requirements of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), in cooperation with affected participants in the fishery, the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas, and the advisory panel established under paragraph (1)(A), the Secretary of Commerce may, after October 1, 1998, implement a comprehensive management system pursuant to section 304 of such Act (16 U.S.C. 1854) for pelagic longline fishing vessels that participate in fisheries for Atlantic highly migratory species. Such a system may not implement an individual fishing quota program until after October 1, 2000.

(i) REPEAL OR REVOCATION OF A FISHERY MANAGEMENT PLAN.—Section 304, as amended, is further amended by adding at the end the following:

"(h) REPEAL OR REVOCATION OF A FISHERY MANAGEMENT PLAN.—The Secretary may repeal or revoke a fishery management plan for a fishery under the authority of a Council only if the Council approves the repeal or revocation by a three-quarters majority of the voting members of the Council.".

(j) AMERICAN LOBSTER FISHERY.—Section 304(h) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, shall not apply to the American Lobster Fishery Management Plan.

SEC. 110. OTHER REQUIREMENTS AND AUTHORITY.

(a) Section 305 (18 U.S.C. 1855) is amended—

(1) by striking the title and subsection (a);

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting the following before subsection (c):

"SEC. 305. OTHER REQUIREMENTS AND AUTHORITY.

"(a) GEAR EVALUATION AND NOTIFICATION OF ENTRY.—

"(1) Not later than 18 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall publish in the Federal Register, after notice and an opportunity for public comment, a list of all fisheries —

"(A) under the authority of each Council and all fishing gear used in such fisheries, based on information submitted by the Councils under section 303(a); and

"(B) to which section 302(a)(3) applies and all fishing gear used in such fisheries.

"(2) The Secretary shall include with such list guidelines for determining when fishing gear or a fishery is sufficiently different from those listed as to require notification under paragraph (3).

"(3) Effective 180 days after the publication of such list, no person or vessel may employ fishing gear or engage in a fishery not included on such list without giving 90 days advance written notice to the appropriate Council, or the Secretary with respect to a fishery to which section 302(a)(3) applies. A signed return receipt shall serve as adequate evidence of such notice and as the date upon which the 90-day period begins.

"(4) A Council may submit to the Secretary any proposed changes to such list or such guidelines the Council deems appropriate. The Secretary shall publish a revised list, after notice and an opportunity for public comment, upon receiving any such proposed changes from a Council.

"(5) A Council may request the Secretary to promulgate emergency regulations under subsection (c) to prohibit any persons or vessels from using an unlisted fishing gear or engaging in an unlisted fishery if the appropriate Council, or the Secretary for fisheries to which section 302(a)(3) applies, determines that such unlisted gear or unlisted fishery would compromise the effectiveness of conservation and management efforts under this Act.

"(6) Nothing in this subsection shall be construed to permit a person or vessel to engage in fishing or employ fishing gear when such fishing or gear is prohibited or restricted by regulation under a fishery management plan or plan amendment, or under other applicable law.

"(b) FISH HABITAT.—(1)(A) The Secretary shall, within 6 months of the date of enactment of the Sustainable Fisheries Act, establish by regulation guidelines to assist the Councils in the description and identification of essential fish habitat in fishery management plans (including adverse impacts on such habitat) and in the consideration of actions to ensure the conservation and enhancement of such habitat. The Secretary shall set forth a schedule for the amendment of fishery management plans to include the identification of essential fish habitat and for the review and updating of such identifications based on new scientific evidence or other relevant information.

"(B) The Secretary, in consultation with participants in the fishery, shall provide each Council with recommendations and information regarding each fishery under that Council's authority to assist it in the identification of essential fish habitat, the adverse impacts on that habitat, and the actions that should be considered to ensure the conservation and enhancement of that habitat.

"(C) The Secretary shall review programs administered by the Department of Commerce and ensure that any relevant programs further the conservation and enhancement of essential fish habitat.

"(D) The Secretary shall coordinate with and provide information to other Federal agencies to further the conservation and enhancement of essential fish habitat.

"(2) Each Federal agency shall consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.

"(3) Each Council—

"(A) may comment on and make recommendations to the Secretary and any Federal or State agency concerning any activity authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any Federal or State agency that, in the view of the Council, may affect the habitat, including essential fish habitat, of a fishery resource under its authority; and

"(B) shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority.

"(4)(A) If the Secretary receives information from a Council or Federal or State agency or determines from other sources that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any State or Federal agency would adversely affect any essential fish habitat identified under this Act, the Secretary shall recommend to such agency measures that can be taken by such agency to conserve such habitat.

"(B) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.".

(b) Section 305(c) (16 U.S.C. 1855(c) is amended—

(1) in the heading by striking "ACTIONS" and inserting "ACTIONS AND INTERIM MEASURES";

(2) in paragraphs (1) and (2)—

(A) by striking "involving" and inserting "or that interim measures are needed to reduce overfishing for"; and

(B) by inserting "or interim measures" after "emergency regulations"; and

(C) by inserting "or overfishing" after "emergency"; and

(3) in paragraph (3)—

(A) by inserting "or interim measure" after "emergency regulation" each place such term appears;

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (D); and

(D) by inserting after subparagraph (A) the following:

"(B) shall, except as provided in subparagraph (C), remain in effect for not more than 180 days after the date of publication, and may be extended by publication in the Federal Register for one additional period of not more than 180 days, provided the public has had an opportunity to comment on the emergency regulation or interim measure, and, in the case of a Council recommendation for emergency regulations or interim measures, the Council is actively preparing a fishery management plan, plan amendment, or proposed regulations to address the emergency or overfishing on a permanent basis;

"(C) that responds to a public health emergency or an oil spill may remain in effect until the circumstances that created the emergency no longer exist, provided that the public has an opportunity to comment after the regulation is published, and, in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action; and".

(c) Section 305(e) is amended—

(1) by striking "12291, dated February 17, 1981," and inserting "12866, dated September 30, 1993,"; and

(2) by striking "subsection (c) or section 304(a) and (b)" and inserting "subsections (a), (b), and (c) of section 304".

(d) Section 305, as amended, is further amended by adding at the end the following:

"(g) NEGOTIATED CONSERVATION AND MANAGEMENT MEASURES.—

"(1)(A) In accordance with regulations promulgated by the Secretary pursuant to this paragraph, a Council may establish a fishery negotiation panel to assist in the development of specific conservation and management measures for a fishery under its authority. The Secretary may establish a fishery negotiation panel to assist in the development of specific conservation and management measures required for a fishery under section 304(e)(5), for a fishery for which the Secretary has authority under section 304(g), or for any other fishery with the approval of the appropriate Council.

"(B) No later than 180 days after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations establishing procedures, developed in cooperation with the Administrative Conference of the United States, for the establishment and operation of fishery negotiation panels. Such procedures shall be comparable to the procedures for negotiated rulemaking established by subchapter III of chapter 5 of title 5, United States Code.

"(2) If a negotiation panel submits a report, such report shall specify all the areas where consensus was reached by the panel, including, if appropriate, proposed conservation and management measures, as well as any other information submitted by members of the negotiation panel. Upon receipt, the Secretary shall publish such report in the Federal Register for public comment.

"(3) Nothing in this subsection shall be construed to require either a Council or the Secretary, whichever is appropriate, to use all or any portion of a report from a negotiation panel established under this subsection in the development of specific conservation and management measures for the fishery for which the panel was established.

"(h) CENTRAL REGISTRY SYSTEM FOR LIMITED ACCESS SYSTEM PERMITS.—

"(1) Within 6 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall establish an exclusive central registry system (which may be administered on a regional basis) for limited access system permits established under section 303(b)(6) or other Federal law, including individual fishing quotas, which shall provide for the registration of title to, and interests in, such permits, as well as for procedures for changes in the registration of title to such permits upon the occurrence of involuntary transfers, judicial or nonjudicial foreclosure of interests, enforcement of judgments thereon, and related matters deemed appropriate by the Secretary. Such registry system shall—

"(A) provide a mechanism for filing notice of a nonjudicial foreclosure or enforcement of a judgment by which the holder of a senior security interest acquires or conveys ownership of a permit, and in the event of a nonjudicial foreclosure, by which the interests of the holders of junior security interests are released when the permit is transferred;

"(B) provide for public access to the information filed under such system, notwithstanding section 402(b); and

"(C) provide such notice and other requirements of applicable law that the Secretary deems necessary for an effective registry system.

"(2) The Secretary shall promulgate such regulations as may be necessary to carry out this subsection, after consulting with the Councils and providing an opportunity for public comment. The Secretary is authorized to contract with non-federal entities to administer the central registry system.

"(3) To be effective and perfected against any person except the transferor, its heirs and devisees, and persons having actual notice thereof, all security interests, and all sales and other transfers of permits described in paragraph (1), shall be registered in compliance with the regulations promulgated under paragraph (2). Such registration shall constitute the exclusive means of perfection of title to, and security interests in, such permits, except for federal tax liens thereon, which shall be perfected exclusively in accordance with the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). The Secretary shall notify both the buyer and seller of a permit if a lien has been filed by the Secretary of Treasury against the permit before collecting any transfer fee under paragraph (5) of this subsection.

"(4) The priority of security interests shall be determined in order of filing, the first filed having the highest priority. A validly-filed security interest shall remain valid and perfected notwithstanding a change in residence or place of business of the owner of record. For the purposes of this subsection, 'security interest' shall include security interests, assignments, liens and other encumbrances of whatever kind.

"(5)(A) Notwithstanding section 304(d)(1), the Secretary shall collect a reasonable fee of not more than one-half of one percent of the value of a limited access system permit upon registration of the title to such permit with the central registry system and upon the transfer of such registered title. Any such fee collected shall be deposited in the Limited Access System Administration Fund established under subparagraph (B).

"(B) There is established in the Treasury a Limited Access System Administration Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purposes of—

"(i) administering the central registry system; and

"(ii) administering and implementing this Act in the fishery in which the fees were collected. Sums in the Fund that are not currently needed for these purposes shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.".

(e) REGISTRY TRANSITION.—Security interests on permits described under section 305(h)(1) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, that are effective and perfected by otherwise applicable law on the date of the final regulations implementing section 305(h) shall remain effective and perfected if, within 120 days after such date, the secured party submits evidence satisfactory to the Secretary of Commerce and in compliance with such regulations of the perfection of such security.

SEC. 111. PACIFIC COMMUNITY FISHERIES.

(a) HAROLD SPARCK MEMORIAL COMMUNITY DEVELOPMENT QUOTA PROGRAM.—Section 305, as amended, is amended further by adding at the end:

"(i) ALASKA AND WESTERN PACIFIC COMMUNITY DEVELOPMENT PROGRAMS.—

"(1)(A) The North Pacific Council and the Secretary shall establish a western Alaska community development quota program under which a percentage of the total allowable catch of any Bering Sea fishery is allocated to the program.

"(B) To be eligible to participate in the western Alaska community development quota program under subparagraph (A) a community shall—

"(i) be located within 50 nautical miles from the baseline from which the breadth of the territorial sea is measured along the Bering Sea coast from the Bering Strait to the western most of the Aleutian Islands, or on an island within the Bering Sea;

"(ii) not be located on the Gulf of Alaska coast of the north Pacific Ocean;

"(iii) meet criteria developed by the Governor of Alaska, approved by the Secretary, and published in the Federal Register;

"(iv) be certified by the Secretary of the Interior pursuant to the Alaska Native

Claims Settlement Act (43 U.S.C. 1601 et seq.) to be a Native village;

"(v) consist of residents who conduct more than one-half of their current commercial or subsistence fishing effort in the waters of the Bering Sea or waters surrounding the Aleutian Islands; and

"(vi) not have previously developed harvesting or processing capability sufficient to support substantial participation in the groundfish fisheries in the Bering Sea, unless the community can show that the benefits from an approved Community Development Plan would be the only way for the community to realize a return from previous investments.

"(C)(i) Prior to October 1, 2001, the North Pacific Council may not submit to the Secretary any fishery management plan, plan amendment, or regulation that allocates to the western Alaska community development quota program a percentage of the total allowable catch of any Bering Sea fishery for which, prior to October 1, 1995, the Council had not approved a percentage of the total allowable catch for allocation to such community development quota program. The expiration of any plan, amendment, or regulation that meets the requirements of clause (ii) prior to October 1, 2001, shall not be construed to prohibit the Council from submitting a revision or extension of such plan, amendment, or regulation to the Secretary if such revision or extension complies with the other requirements of this paragraph.

"(ii) With respect to a fishery management plan, plan amendment, or regulation for a Bering Sea fishery that—

"(I) allocates to the western Alaska community development quota program a percentage of the total allowable catch of such fishery; and

"(II) was approved by the North Pacific Council prior to October 1, 1995;

the Secretary shall, except as provided in clause (iii) and after approval of such plan, amendment, or regulation under section 304, allocate to the program the percentage of the total allowable catch described in such plan, amendment, or regulation. Prior to October 1, 2001, the percentage submitted by the Council and approved by the Secretary for any such plan, amendment, or regulation shall be no greater than the percentage approved by the Council for such fishery prior to October 1, 1995.

"(iii) The Secretary shall phase in the percentage for community development quotas approved in 1995 by the North Pacific Council for the Bering Sea crab fisheries as follows:

"(I) 3.5 percent of the total allowable catch of each such fishery for 1998 shall be allocated to the western Alaska community development quota program;

"(II) 5 percent of the total allowable catch of each such fishery for 1999 shall be allocated to the western Alaska community development quota program; and

"(III) 7.5 percent of the total allowable catch of each such fishery for 2000 and thereafter shall be allocated to the western Alaska community development quota program, unless the North Pacific Council submits and the Secretary approves a percentage that is no greater than 7.5 percent of the total allowable catch of each such fishery for 2001 or the North Pacific Council submits and the Secretary approves any other percentage on or after October 1, 2001.

"(D) This paragraph shall not be construed to require the North Pacific Council to resubmit, or the Secretary to reapprove, any fishery management plan or plan amendment approved by the North Pacific Council prior to October 1, 1995, that includes a community development quota program, or any regulations to implement such plan or amendment.

"(2)(A) The Western Pacific Council and the Secretary may establish a western Pacific community development program for any fishery under the authority of such Council in order to provide access to such fishery for western Pacific communities that participate in the program.

"(B) To be eligible to participate in the western Pacific community development program, a community shall—

"(i) be located within the Western Pacific Regional Fishery Management Area;

"(ii) meet criteria developed by the Western Pacific Council, approved by the Secretary and published in the Federal Register;

"(iii) consist of community residents who are descended from the aboriginal people indigenous to the area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the Western Pacific region;

"(iv) not have previously developed harvesting or processing capability sufficient to support substantial participation in fisheries in the Western Pacific Regional Fishery Management Area; and

"(v) develop and submit a Community Development Plan to the Western Pacific Council and the Secretary.

"(C) In developing the criteria for eligible communities under subparagraph (B)(ii), the Western Pacific Council shall base such criteria on traditional fishing practices in or dependence on the fishery, the cultural and social framework relevant to the fishery, and economic barriers to access to the fishery.

"(D) For the purposes of this subsection 'Western Pacific Regional Fishery Management Area' means the area under the jurisdiction of the Western Pacific Council, or an island within such area.

"(E) Notwithstanding any other provision of this Act, the Western Pacific Council shall take into account traditional indigenous fishing practices in preparing any fishery management plan.

"(3) The Secretary shall deduct from any fees collected from a community development quota program under section 304(d)(2) the costs incurred by participants in the program for observer and reporting requirements which are in addition to observer and reporting requirements of other participants in the fishery in which the allocation to such program has been made.

"(4) After the date of enactment of the Sustainable Fisheries Act, the North Pacific Council and Western Pacific Council may not submit to the Secretary a community development quota program that is not in compliance with this subsection.".

(b) WESTERN PACIFIC DEMONSTRATION PROJECTS.—(1) The Secretary of Commerce and the Secretary of the Interior are authorized to make direct grants to eligible western Pacific communities, as recommended by the Western Pacific Fishery Management Council, for the purpose of establishing not less than three and not more than five fishery demonstration projects to foster and promote traditional indigenous fishing practices. The total amount of grants awarded under this subsection shall not exceed $500,000 in each fiscal year.

(2) Demonstration projects funded pursuant to this subsection shall foster and promote the involvement of western Pacific communities in western Pacific fisheries and may—

(A) identify and apply traditional indigenous fishing practices;

(B) develop or enhance western Pacific community-based fishing opportunities; and

(C) involve research, community education, or the acquisition of materials and equipment necessary to carry out any such demonstration project.

(3)(A) The Western Pacific Fishery Management Council, in consultation with the Secretary of Commerce, shall establish an advisory panel under section 302(g) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(g)) to evaluate, determine the relative merits of, and annually rank applications for such grants. The panel shall consist of not more than 8 individuals who are knowledgeable or experienced in traditional indigenous fishery practices of western Pacific communities and who are not members or employees of the Western Pacific Fishery Management Council.

(B) If the Secretary of Commerce or the Secretary of the Interior awards a grant for a demonstration project not in accordance with the rank given to such project by the advisory panel, the Secretary shall provide a detailed written explanation of the reasons therefor.

(4) The Western Pacific Fishery Management Council shall, with the assistance of such advisory panel, submit an annual report to the Congress assessing the status and progress of demonstration projects carried out under this subsection.

(5) Appropriate Federal agencies may provide technical assistance to western Pacific community-based entities to assist in carrying out demonstration projects under this subsection.

(6) For the purposes of this subsection, 'western Pacific community' shall mean a community eligible to participate under section 305(i)(2)(B) of the Magnuson Fishery Conservation and Management Act, as amended by this Act.

SEC. 112. STATE JURISDICTION.

(a) Paragraph (3) of section 306(a) (16 U.S.C. 1856(a)) is amended to read as follows:

"(3) A State may regulate a fishing vessel outside the boundaries of the State in the following circumstances:

"(A) The fishing vessel is registered under the law of that State, and (i) there is no fishery management plan or other applicable federal fishing regulations for the fishery in which the vessel is operating; or (ii) the State's laws and regulations are consistent with the fishery management plan and applicable federal fishing regulations for the fishery in which the vessel is operating.

"(B) The fishery management plan for the fishery in which the fishing vessel is operating delegates management of the fishery to a State and the State's laws and regulations are consistent with such fishery management plan. If at any time the Secretary determines that a State law or regulation applicable to a fishing vessel under this circumstance is not consistent with the fishery management plan, the Secretary shall promptly notify the State and the appropriate Council of such determination and provide an opportunity for the State to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the State does not correct the inconsistencies identified by the Secretary, the authority granted to the State under this subparagraph shall not apply until the Secretary and the appropriate Council find that the State has corrected the inconsistencies. For a fishery for which there was a fishery management plan in place on August 1, 1996 that did not delegate management of the fishery to a State as of that date, the authority provided by this subparagraph applies only if the Council approves the delegation of management of the fishery to the State by a three-quarters majority vote of the voting members of the Council.

"(C) The fishing vessel is not registered under the law of the State of Alaska and is operating in a fishery in the exclusive economic zone off Alaska for which there was no fishery management plan in place on August 1, 1996, and the Secretary and the North Pacific Council find that there is a legitimate interest of the State of Alaska in the conservation and management of such fishery. The authority provided under this subparagraph shall terminate when a fishery management plan under this Act is approved and implemented for such fishery.".

(b) Section 306(b) (16 U.S.C. 1856(b)) is amended by adding at the end the following:

"(3) If the State involved requests that a hearing be held pursuant to paragraph (1), the Secretary shall conduct such hearing prior to taking any action under paragraph (1).".

(c) Section 306(c)(1) (16 U.S.C. 1856(c)(1)) is amended—

(1) by striking "(4)(C); and" in subparagraph (A) and inserting "(4)(C) or has received a permit under section 204(d);";

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon and the word "and"; and

(3) by inserting after subparagraph (B) the following:

"(C) the owner or operator of the vessel submits reports on the tonnage of fish received from vessels of the United States and the locations from which such fish were harvested, in accordance with such procedures as the Secretary by regulation shall prescribe.".

(d) INTERIM AUTHORITY FOR DUNGENESS CRAB.—(1) Subject to the provisions of this subsection and notwithstanding section 306(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1856(a)), the States of Washington, Oregon, and California may each enforce State laws and regulations governing fish harvesting and processing against any vessel operating in the exclusive economic zone off each respective State in a fishery for Dungeness crab (Cancer magister) for which there is no fishery management plan implemented under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(2) Any law or regulation promulgated under this subsection shall apply equally to vessels operating in the exclusive economic zone and adjacent State waters and shall be limited to—

(A) establishment of season opening and closing dates, including presoak dates for crab pots;

(B) setting of minimum sizes and crab meat recovery rates;

(C) restrictions on the retention of crab of a certain sex; and

(D) closure of areas or pot limitations to meet the harvest requirements arising under the jurisdiction of United States v. Washington, subproceeding 89-3.

(3) With respect to the States of Washington, Oregon, and California—

(A) any State law limiting entry to a fishery subject to regulation under this subsection may not be enforced against a vessel that is operating in the exclusive economic zone off that State and is not registered under the law of that State, if the vessel is otherwise legally fishing in the exclusive economic zone, except that State laws regulating landings may be enforced; and

(B) no vessel may harvest or process fish which is subject to regulation under this subsection unless under an appropriate State permit or pursuant to a Federal court order.

(4) The authority provided under this subsection to regulate the Dungeness crab fishery shall terminate on October 1, 1999, or when a fishery management plan is implemented under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for such fishery, whichever date is earlier.

(5) Nothing in this subsection shall reduce the authority of any State, as such authority existed on July 1, 1996, to regulate fishing, fish processing, or landing of fish.

(6)(A) It is the sense of Congress that the Pacific Fishery Management Council, at the earliest practicable date, should develop and submit to the Secretary fishery management plans for shellfish fisheries conducted in the geographic area of authority of the Council, especially Dungeness crab, which are not subject to a fishery management plan on the date of enactment of this Act.

(B) Not later than December 1, 1997, the Pacific Fishery Management Council shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives describing the progress in developing the fishery management plans referred to in subparagraph (A) and any impediments to such progress.

SEC. 113. PROHIBITED ACTS.

(a) Section 307(1)(J)(i) (16 U.S.C. 1857(1)(J)(i)) is amended—

(1) by striking "plan," and inserting "plan"; and

(2) by inserting before the semicolon the following: ", or in the absence of any such plan, is smaller than the minimum possession size in effect at the time under a coastal fishery management plan for American lobster adopted by the Atlantic States Marine Fisheries Commission under the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 et seq.)".

(b) Section 307(1)(K) (16 U.S.C. 1857(1)(K)) is amended—

(1) by striking "knowingly steal or without authorization, to" and inserting "to steal or attempt to steal or to negligently and without authorization"; and

(2) by striking "gear, or attempt to do so;" and insert "gear;".

(c) Section 307(1)(L) (16 U.S.C. 1857(1)(L)) is amended to read as follows:

"(L) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this Act, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this Act;".

(d) Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" at the end of subparagraph (M);

(2) by striking "pollock." in subparagraph (N) and inserting "pollock; or"; and

(3) by adding at the end the following:

"(O) to knowingly and willfully fail to disclose, or to falsely disclose, any financial interest as required under section 302(j), or to knowingly vote on a Council decision in violation of section 302(j)(7)(A).".

(e) Section 307(2)(A) (16 U.S.C. 1857(2)(A)) is amended to read as follows:

"(A) in fishing within the boundaries of any State, except—

"(i) recreational fishing permitted under section 201(i);

"(ii) fish processing permitted under section 306(c); or

"(iii) transshipment at sea of fish or fish products within the boundaries of any State in accordance with a permit approved under section 204(d);".

(f) Section 307(2)(B) (16 U.S.C. 1857(2)(B)) is amended—

(1) by striking "(j)" and inserting "(i)"; and

(2) by striking "204(b) or (c)" and inserting "204(b), (c), or (d)".

(g) Section 307(3) (16 U.S.C. 1857(3)) is amended to read as follows:

"(3) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to transfer at sea directly or indirectly, or attempt to so transfer at sea, any United States harvested fish to any foreign fishing vessel, while such foreign vessel is within the exclusive economic zone or within the boundaries of any State except to the extent that the foreign fishing vessel has been permitted under section 204(d) or section 306(c) to receive such fish;".

(h) Section 307(4) (16 U.S.C. 1857(4)) is amended by inserting "or within the boundaries of any State" after "zone".

SEC. 114. CIVIL PENALTIES AND PERMIT SANCTIONS; REBUTTABLE PRESUMPTIONS.

(a) Section 308(a) (16 U.S.C. 1858(a)) is amended by striking "ability to pay," and adding at the end the following new sentence: "In assessing such penalty the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay, provided that the information is served on the Secretary at least 30 days prior to an administrative hearing.".

(b) The first sentence of section 308(b) (16 U.S.C. 1858(b)) is amended to read as follows: "Any person against whom a civil penalty is assessed under subsection (a) or against whom a permit sanction is imposed under subsection (g) (other than a permit suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such order.".

(c) Section 308(g)(1)(C) (16 U.S.C. 1858(g)(1)(C)) is amended by striking the matter from "or (C) any" through "overdue," and inserting the following: "(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue, or (D) any payment required for observer services provided to or contracted by an owner or operator who has been issued a permit or applied for a permit under any marine resource law administered by the Secretary has not been paid and is overdue,".

(d) Section 310(e) (16 U.S.C. 1860(e)) is amended by adding at the end the following new paragraph:

"(3) For purposes of this Act, it shall be a rebuttable presumption that any vessel that is shoreward of the outer boundary of the exclusive economic zone of the United States or beyond the exclusive economic zone of any nation, and that has gear on board that is capable of use for large-scale driftnet fishing, is engaged in such fishing.".

SEC. 115. ENFORCEMENT.

(a) The second sentence of section 311(d) (16 U.S.C. 1861(d)) is amended—

(1) by striking "Guam, any Commonwealth, territory, or" and inserting "Guam or any"; and

(2) by inserting a comma before the period and the following: "and except that in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands".

(b) Section 311(e)(1) (16 U.S.C. 1861(e)(1)) is amended—

(1) by striking "fishery" each place it appears and inserting "marine";

(2) by inserting "of not less than 20 percent of the penalty collected or $20,000, whichever is the lesser amount," after "reward" in subparagraph (B), and

(3) by striking subparagraph (E) and inserting the following:

"(E) claims of parties in interest to property disposed of under section 612(b) of the Tariff Act of 1930 (19 U.S.C. 1612(b)), as made applicable by section 310(c) of this Act or by any other marine resource law enforced by the Secretary, to seizures made by the Secretary, in amounts determined by the Secretary to be applicable to such claims at the time of seizure; and".

(c) Section 311(e)(2) (16 U.S.C. 1861(e)(2)) is amended to read as follows:

"(2) Any person found in an administrative or judicial proceeding to have violated this Act or any other marine resource law enforced by the Secretary shall be liable for the cost incurred in the sale, storage, care, and maintenance of any fish or other property lawfully seized in connection with the violation.".

(d) Section 311 (16 U.S.C. 1861) is amended by redesignating subsection (g) as subsection (h) , and by inserting the following after subsection (f):

"(g) ENFORCEMENT IN THE PACIFIC INSULAR AREAS.—The Secretary, in consultation with the Governors of the Pacific Insular Areas and the Western Pacific Council, shall to the extent practicable support cooperative enforcement agreements between Federal and Pacific Insular Area authorities.".

(e) Section 311 (16 U.S.C. 1861), as amended by subsection (d), is amended by striking "201(b), (c)," in subsection (i)(1), as redesignated, and inserting "201(b) or (c), or section 204(d),".

SEC. 116. TRANSITION TO SUSTAINABLE FISHERIES.

(a) Section 312 is amended to read as follows:

"SEC. 312. TRANSITION TO SUSTAINABLE FISHERIES.

"(a) FISHERIES DISASTER RELIEF.—(1) At the discretion of the Secretary or at the request of the Governor of an affected State or a fishing community, the Secretary shall determine whether there is a commercial fishery failure due to a fishery resource disaster as a result of—

"(A) natural causes;

"(B) man-made causes beyond the control of fishery managers to mitigate through conservation and management measures; or

"(C) undetermined causes.

"(2) Upon the determination under paragraph (1) that there is a commercial fishery failure, the Secretary is authorized to make sums available to be used by the affected State, fishing community, or by the Secretary in cooperation with the affected State or fishing community for assessing the economic and social effects of the commercial fishery failure, or any activity that the Secretary determines is appropriate to restore the fishery or prevent a similar failure in the future and to assist a fishing community affected by such failure. Before making funds available for an activity authorized under this section, the Secretary shall make a determination that such activity will not expand the size or scope of the commercial fishery failure in that fishery or into other fisheries or other geographic regions.

"(3) The Federal share of the cost of any activity carried out under the authority of this subsection shall not exceed 75 percent of the cost of that activity.

"(4) There are authorized to be appropriated to the Secretary such sums as are necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) FISHING CAPACITY REDUCTION PROGRAM.—(1) The Secretary, at the request of the appropriate Council for fisheries under the authority of such Council, or the Governor of a State for fisheries under State authority, may conduct a fishing capacity reduction program (referred to in this section as the 'program') in a fishery if the Secretary determines that the program—

"(A) is necessary to prevent or end overfishing, rebuild stocks of fish, or achieve measurable and significant improvements in the conservation and management of the fishery;

"(B) is consistent with the federal or State fishery management plan or program in effect for such fishery, as appropriate, and that the fishery management plan—

"(i) will prevent the replacement of fishing capacity removed by the program through a moratorium on new entrants, restrictions on vessel upgrades, and other effort control measures, taking into account the full potential fishing capacity of the fleet; and

"(ii) establishes a specified or target total allowable catch or other measures that trigger closure of the fishery or adjustments to reduce catch; and

"(C) is cost-effective and capable of repaying any debt obligation incurred under section 1111 of title XI of the Merchant Marine Act, 1936.

"(2) The objective of the program shall be to obtain the maximum sustained reduction in fishing capacity at the least cost and in a minimum period of time. To achieve that objective, the Secretary is authorized to pay—

"(A) the owner of a fishing vessel, if such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions that permanently prohibit and effectively prevent its use in fishing, and if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the owner relinquishes any claim associated with the vessel and permit that could qualify such owner for any present or future limited access system permit in the fishery for which the program is established; or

"(B) the holder of a permit authorizing participation in the fishery, if such permit is surrendered for permanent revocation, and such holder relinquishes any claim associated with the permit and vessel used to harvest fishery resources under the permit that could qualify such holder for any present or future limited access system permit in the fishery for which the program was established.

"(3) Participation in the program shall be voluntary, but the Secretary shall ensure compliance by all who do participate.

"(4) The Secretary shall consult, as appropriate, with Councils, Federal agencies, State and regional authorities, affected fishing communities, participants in the fishery, conservation organizations, and other interested parties throughout the development and implementation of any program under this section.

"(c) PROGRAM FUNDING.—(1) The program may be funded by any combination of amounts—

"(A) available under clause (iv) of section 2(b)(1)(A) of the Act of August 11, 1939 (15 U.S.C. 713c-3(b)(1)(A); the Saltonstall-Kennedy Act);

"(B) appropriated for the purposes of this section;

"(C) provided by an industry fee system established under subsection (d) and in accordance with section 1111 of title XI of the Merchant Marine Act, 1936; or

"(D) provided from any State or other public sources or private or non-profit organizations.

"(2) All funds for the program, including any fees established under subsection (d), shall be paid into the fishing capacity reduction fund established under section 1111 of title XI of the Merchant Marine Act, 1936.

"(d) INDUSTRY FEE SYSTEM.—(1)(A) If an industry fee system is necessary to fund the program, the Secretary, at the request of the appropriate Council, may conduct a referendum on such system. Prior to the referendum, the Secretary, in consultation with the Council, shall—

"(i) identify, to the extent practicable, and notify all permit or vessel owners who would be affected by the program; and

"(ii) make available to such owners information about the industry fee system describing the schedule, procedures, and eligibility requirements for the referendum, the proposed program, and the amount and duration and any other terms and conditions of the proposed fee system.

"(B) The industry fee system shall be considered approved if the referendum votes which are cast in favor of the proposed system constitute a two-thirds majority of the participants voting.

"(2) Notwithstanding section 304(d) and consistent with an approved industry fee system, the Secretary is authorized to establish such a system to fund the program and repay debt obligations incurred pursuant to section 1111 of title XI of the Merchant Marine Act, 1936. The fees for a program established under this section shall—

"(A) be determined by the Secretary and adjusted from time to time as the Secretary considers necessary to ensure the availability of sufficient funds to repay such debt obligations;

"(B) not exceed 5 percent of the ex-vessel value of all fish harvested from the fishery for which the program is established;

"(C) be deducted by the first ex-vessel fish purchaser from the proceeds otherwise payable to the seller and accounted for and forwarded by such fish purchasers to the Secretary in such manner as the Secretary may establish; and

"(D) be in effect only until such time as the debt obligation has been fully paid.

"(e) IMPLEMENTATION PLAN.—(1) The Secretary, in consultation with the appropriate Council or State and other interested parties, shall prepare and publish in the Federal Register for a 60-day public comment period an implementation plan, including proposed regulations, for each program. The implementation plan shall—

"(A) define criteria for determining types and numbers of vessels which are eligible for participation in the program taking into account characteristics of the fishery, the requirements of applicable fishery management plans, the needs of fishing communities, and the need to minimize program costs; and

"(B) establish procedures for program participation (such as submission of owner bid under an auction system or fair market-value assessment) including any terms and conditions for participation which the Secretary deems to be reasonably necessary to meet the goals of the program.

"(2) During the 60-day public comment period—

"(A) the Secretary shall conduct a public hearing in each State affected by the program; and

"(B) the appropriate Council or State shall submit its comments and recommendations, if any, regarding the plan and regulations.

"(3) Within 45 days after the close of the public comment period, the Secretary, in consultation with the appropriate Council or State, shall analyze the public comment received and publish in the Federal Register a final implementation plan for the program and regulations for its implementation. The Secretary may not adopt a final implementation plan involving industry fees or debt obligation unless an industry fee system has been approved by a referendum under this section.".

(b) Study of Federal Investment.—The Secretary of Commerce shall establish a task force comprised of interested parties to study and report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives within 2 years of the date of enactment of this Act on the role of the Federal Government in—

(1) subsidizing the expansion and contraction of fishing capacity in fishing fleets managed under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); and

(2) otherwise influencing the aggregate capital investments in fisheries.

(c) Section 2(b)(1)(A) of the Act of August 11, 1939 (15 U.S.C. 713c3(b)(1)(A)) is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting a semicolon and the word "and"; and

(3) by adding at the end the following new clause:

"(iv) to fund the Federal share of a fishing capacity reduction program established under section 312 of the Magnuson Fishery Conservation and Management Act; and".

SEC. 117. NORTH PACIFIC AND NORTHWEST ATLANTIC OCEAN FISHERIES.

(a) North Pacific Fisheries Conservation.—Section 313 (16 U.S.C. 1862) is amended—

(1) by striking "RESEARCH PLAN" in the section heading and inserting "CONSERVATION";

(2) in subsection (a) by striking "North Pacific Fishery Management Council" and inserting "North Pacific Council"; and

(3) by adding at the end the following:

"(f) Bycatch Reduction.—In implementing section 303(a)(11) and this section, the North Pacific Council shall submit conservation and management measures to lower, on an annual basis for a period of not less than four years, the total amount of economic discards occurring in the fisheries under its jurisdiction.

"(g) Bycatch Reduction Incentives.—(1) Notwithstanding section 304(d), the North Pacific Council may submit, and the Secretary may approve, consistent with the provisions of this Act, a system of fines in a fishery to provide incentives to reduce bycatch and bycatch rates; except that such fines shall not exceed $25,000 per vessel per season. Any fines collected shall be deposited in the North Pacific Fishery Observer Fund, and may be made available by the Secretary to offset costs related to the reduction of bycatch in the fishery from which such fines were derived, including conservation and management measures and research, and to the State of Alaska to offset costs incurred by the State in the fishery from which such penalties were derived or in fisheries in which the State is directly involved in management or enforcement and which are directly affected by the fishery from which such penalties were derived.

"(2)(A) Notwithstanding section 303(d), and in addition to the authority provided in section 303(b)(10), the North Pacific Council may submit, and the Secretary may approve, conservation and management measures which provide allocations of regulatory discards to individual fishing vessels as an incentive to reduce per vessel bycatch and bycatch rates in a fishery, provided that—

"(i) such allocations may not be transferred for monetary consideration and are made only on an annual basis; and

"(ii) any such conservation and management measures will meet the requirements of subsection (h) and will result in an actual reduction in regulatory discards in the fishery.

"(B) The North Pacific Council may submit restrictions in addition to the restriction imposed by clause (i) of subparagraph (A) on the transferability of any such allocations, and the Secretary may approve such recommendation.

"(h) Catch Measurement.—(1) By June 1, 1997 the North Pacific Council shall submit, and the Secretary may approve, consistent with the other provisions of this Act, conservation and management measures to ensure total catch measurement in each fishery under the jurisdiction of such Council. Such measures shall ensure the accurate enumeration, at a minimum, of target species, economic discards, and regulatory discards.

"(2) To the extent the measures submitted under paragraph (1) do not require United States fish processors and fish processing vessels (as defined in chapter 21 of title 46, United States Code) to weigh fish, the North Pacific Council and the Secretary shall submit a plan to the Congress by January 1, 1998, to allow for weighing, including recommendations to assist such processors and processing vessels in acquiring necessary equipment, unless the Council determines that such weighing is not necessary to meet the requirements of this subsection.

"(i) Full Retention and Utilization.—(1) The North Pacific Council shall submit to the Secretary by October 1, 1998 a report on the advisability of requiring the full retention by fishing vessels and full utilization by United States fish processors of economic discards in fisheries under its jurisdiction if such economic discards, or the mortality of such economic discards, cannot be avoided. The report shall address the projected impacts of such requirements on participants in the fishery and describe any full retention and full utilization requirements that have been implemented.

"(2) The report shall address the advisability of measures to minimize processing waste, including standards setting minimum percentages which must be processed for human consumption. For the purpose of the report, 'processing waste' means that portion of any fish which is processed and which could be used for human consumption or other commercial use, but which is not so used.".

(b) Northwest Atlantic Ocean Fisheries.—Section 314 (16 U.S.C. 1863) is amended by striking "1997" in subsection (a)(4) and inserting "1999".

TITLE II—FISHERY MONITORING AND RESEARCH

SEC. 201. CHANGE OF TITLE.

The heading of title IV (16 U.S.C. 1881 et seq.) is amended to read as follows:

"TITLE IV—FISHERY MONITORING AND RESEARCH".

SEC. 202. REGISTRATION AND INFORMATION MANAGEMENT.

Title IV (16 U.S.C. 1881 et seq.) is amended by inserting after the title heading the following:

"SEC. 401. REGISTRATION AND INFORMATION MANAGEMENT.

"(a) Standardized Fishing Vessel Registration and Information Management System.—The Secretary shall, in cooperation with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, develop recommendations for implementation of a standardized fishing vessel registration and information management system on a regional basis. The recommendations shall be developed after consultation with interested governmental and nongovernmental parties and shall—

"(1) be designed to standardize the requirements of vessel registration and information collection systems required by this Act, the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), and any other marine resource law implemented by the Secretary, and, with the permission of a State, any marine resource law implemented by such State;

"(2) integrate information collection programs under existing fishery management plans into a non-duplicative information collection and management system;

"(3) avoid duplication of existing state, tribal, or federal systems and shall utilize, to the maximum extent practicable, information collected from existing systems;

"(4) provide for implementation of the system through cooperative agreements with appropriate State, regional, or tribal entities and Marine Fisheries Commissions;

"(5) provide for funding (subject to appropriations) to assist appropriate State, regional, or tribal entities and Marine Fisheries Commissions in implementation;

"(6) establish standardized units of measurement, nomenclature, and formats for the collection and submission of information;

"(7) minimize the paperwork required for vessels registered under the system;

"(8) include all species of fish within the geographic areas of authority of the Councils and all fishing vessels including charter fishing vessels, but excluding recreational fishing vessels;

"(9) require United States fish processors, and fish dealers and other first ex-vessel purchasers of fish that are subject to the proposed system, to submit information (other than economic information) which may be necessary to meet the goals of the proposed system; and

"(10) include procedures necessary to ensure—

"(A) the confidentiality of information collected under this section in accordance with section 402(b); and

"(B) the timely release or availability to the public of information collected under this section consistent with section 402(b).

"(b) Fishing Vessel Registration.—The proposed registration system should, at a minimum, obtain the following information for each fishing vessel—

"(1) the name and official number or other identification, together with the name and address of the owner or operator or both;

"(2) gross tonnage, vessel capacity, type and quantity of fishing gear, mode of operation (catcher, catcher processor, or other), and such other pertinent information with respect to vessel characteristics as the Secretary may require; and

"(3) identification (by species, gear type, geographic area of operations, and season) of the fisheries in which the fishing vessel participates.

"(c) FISHERY INFORMATION.—The proposed information management system should, at a minimum, provide basic fisheries performance information for each fishery, including—

"(1) the number of vessels participating in the fishery including charter fishing vessels;

"(2) the time period in which the fishery occurs;

"(3) the approximate geographic location or official reporting area where the fishery occurs;

"(4) a description of fishing gear used in the fishery, including the amount and type of such gear and the appropriate unit of fishing effort; and

"(5) other information required under subsection 303(a)(5) or requested by the Council under section 402 .

"(d) USE OF REGISTRATION.—Any registration recommended under this section shall not be considered a permit for the purposes of this Act, and the Secretary may not propose to revoke, suspend, deny, or impose any other conditions or restrictions on any such registration or the use of such registration under this Act.

"(e) PUBLIC COMMENT.—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall publish in the Federal Register for a 60-day public comment period a proposal that would provide for implementation of a standardized fishing vessel registration and information collection system that meets the requirements of subsections (a) through (c). The proposal shall include—

"(1) a description of the arrangements of the Secretary for consultation and cooperation with the department in which the Coast Guard is operating, the States, the Councils, Marine Fisheries Commissions, the fishing industry and other interested parties; and

"(2) any proposed regulations or legislation necessary to implement the proposal.

"(f) CONGRESSIONAL TRANSMITTAL.—Within 60 days after the end of the comment period and after consideration of comments received under subsection (e), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a recommended proposal for implementation of a national fishing vessel registration system that includes—

"(1) any modifications made after comment and consultation;

"(2) a proposed implementation schedule, including a schedule for the proposed cooperative agreements required under subsection (a)(4); and

"(3) recommendations for any such additional legislation as the Secretary considers necessary or desirable to implement the proposed system.

"(g) REPORT TO CONGRESS.—Within 15 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall report to Congress on the need to include recreational fishing vessels into a national fishing vessel registration and information collection system. In preparing its report, the Secretary shall cooperate with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, and consult with governmental and nongovernmental parties.".

SEC. 203. INFORMATION COLLECTION.

Section 402 is amended to read as follows:

"SEC. 402. INFORMATION COLLECTION.

"(a) COUNCIL REQUESTS.—If a Council determines that additional information (other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information (other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this subsection regarding a Council request shall be made within a reasonable period of time after receipt of that request.

"(b) CONFIDENTIALITY OF INFORMATION.—(1) Any information submitted to the Secretary by any person in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except—

"(A) to Federal employees and Council employees who are responsible for fishery management plan development and monitoring;

"(B) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

"(C) when required by court order;

"(D) when such information is used to verify catch under an individual fishing quota program;

"(E) that observer information collected in fisheries under the authority of the North Pacific Council may be released to the public as specified in a fishery management plan or regulation for weekly summary bycatch information identified by vessel, and for haul-specific bycatch information without vessel identification; or

"(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

"(2) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (1)(E) .

"(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

"(2) The Secretary may not require the submission of a federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

"(d) CONTRACTING AUTHORITY.—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

"(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

"(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

"(e) RESOURCE ASSESSMENTS.—(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

"(2) The Secretary, in consultation with the appropriate Council and the fishing industry—

"(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

"(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

"(C) may permit fish harvested during such survey to count towards a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

"(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.".

SEC. 204. OBSERVERS.

Section 403 is amended to read as follows:

"SEC. 403. OBSERVERS.

"(a) Guidelines for Carrying Observers.—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and opportunity for public comment, for fishing vessels that carry observers. The regulations shall include guidelines for determining—

"(1) when a vessel is not required to carry an observer on board because the facilities of such vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; and

"(2) actions which vessel owners or operators may reasonably be required to take to render such facilities adequate and safe.

"(b) Training.—The Secretary, in cooperation with the appropriate States and the National Sea Grant College Program, shall—

"(1) establish programs to ensure that each observer receives adequate training in collecting and analyzing the information necessary for the conservation and management purposes of the fishery to which such observer is assigned;

"(2) require that an observer demonstrate competence in fisheries science and statistical analysis at a level sufficient to enable such person to fulfill the responsibilities of the position;

"(3) ensure that an observer has received adequate training in basic vessel safety; and

"(4) make use of university and any appropriate private nonprofit organization training facilities and resources, where possible, in carrying out this subsection.

"(c) Observer Status.—An observer on a vessel and under contract to carry out responsibilities under this Act or the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) shall be deemed to be a Federal employee for the purpose of compensation under the Federal Employee Compensation Act (5 U.S.C. 8101 et seq.).".

SEC. 205. FISHERIES RESEARCH.

Section 404 is amended to read as follows:

"SEC. 404. FISHERIES RESEARCH.

"(a) In General.—The Secretary shall initiate and maintain, in cooperation with the Councils, a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this Act. Such program shall be designed to acquire knowledge and information, including statistics, on fishery conservation and management and on the economics and social characteristics of the fisheries.

"(b) Strategic Plan.—Within one year after the date of enactment of the Sustainable Fisheries Act, and at least every 3 years thereafter, the Secretary shall develop and publish in the Federal Register a strategic plan for fisheries research for the five years immediately following such publication. The plan shall—

"(1) identify and describe a comprehensive program with a limited number of priority objectives for research in each of the areas specified in subsection (c);

"(2) indicate goals and timetables for the program described in paragraph (1);

"(3) provide a role for commercial fishermen in such research, including involvement in field testing;

"(4) provide for collection and dissemination, in a timely manner, of complete and accurate information concerning fishing activities, catch, effort, stock assessments, and other research conducted under this section; and

"(5) be developed in cooperation with the Councils and affected States, and provide for coordination with the Councils, affected States, and other research entities.

"(c) Areas of Research.—Areas of research are as follows:

"(1) Research to support fishery conservation and management, including but not limited to, biological research concerning the abundance and life history parameters of stocks of fish, the interdependence of fisheries or stocks of fish, the identification of essential fish habitat, the impact of pollution on fish populations, the impact of wetland and estuarine degradation, and other factors affecting the abundance and availability of fish.

"(2) Conservation engineering research, including the study of fish behavior and the development and testing of new gear technology and fishing techniques to minimize bycatch and any adverse effects on essential fish habitat and promote efficient harvest of target species.

"(3) Research on the fisheries, including the social, cultural, and economic relationships among fishing vessel owners, crew, United States fish processors, associated shoreside labor, seafood markets and fishing communities.

"(4) Information management research, including the development of a fishery information base and an information management system under section 401 that will permit the full use of information in the support of effective fishery conservation and management.

"(d) Public Notice.—In developing the plan required under subsection (a), the Secretary shall consult with relevant Federal, State, and international agencies, scientific and technical experts, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan. The Secretary shall ensure that affected commercial fishermen are actively involved in the development of the portion of the plan pertaining to conservation engineering research. Upon final publication in the Federal Register, the plan shall be submitted by the Secretary to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.".

SEC. 206. INCIDENTAL HARVEST RESEARCH.

Section 405 is amended to read as follows:

"SEC. 405. INCIDENTAL HARVEST RESEARCH.

"(a) Collection of Information.—Within nine months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall, after consultation with the Gulf Council and South Atlantic Council, conclude the collection of information in the program to assess the impact on fishery resources of incidental harvest by the shrimp trawl fishery within the authority of such Councils. Within the same time period, the Secretary shall make available to the public aggregated summaries of information collected prior to June 30, 1994 under such program.

"(b) Identification of Stock.—The program concluded pursuant to subsection (a) shall provide for the identification of stocks of fish which are subject to significant incidental harvest in the course of normal shrimp trawl fishing activity.

"(c) Collection and Assessment of Specific Stock Information.—For stocks of fish identified pursuant to subsection (b), with priority given to stocks which (based upon the best available scientific information) are considered to be overfished, the Secretary shall conduct—

"(1) a program to collect and evaluate information on the nature and extent (including the spatial and temporal distribution) of incidental mortality of such stocks as a direct result of shrimp trawl fishing activities;

"(2) an assessment of the status and condition of such stocks, including collection of information which would allow the estimation of life history parameters with sufficient accuracy and precision to support sound scientific evaluation of the effects of various management alternatives on the status of such stocks; and

"(3) a program of information collection and evaluation for such stocks on the magnitude and distribution of fishing mortality and fishing effort by sources of fishing mortality other than shrimp trawl fishing activity.

"(d) Bycatch Reduction Program.—Not later than 12 months after the enactment of the Sustainable Fisheries Act, the Secretary shall, in cooperation with affected interests, and based upon the best scientific information available, complete a program to—

"(1) develop technological devices and other changes in fishing operations necessary and appropriate to minimize the incidental mortality of bycatch in the course of shrimp trawl activity to the extent practicable, taking into account the level of bycatch mortality in the fishery on November 28, 1990;

"(2) evaluate the ecological impacts and the benefits and costs of such devices and changes in fishing operations; and

"(3) assess whether it is practicable to utilize bycatch which is not avoidable.

"(e) Report to Congress.—The Secretary shall, within one year of completing the programs required by this section, submit a detailed report on the results of such programs to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.

"(f) Implementation Criteria.—To the extent practicable, any conservation and management measure implemented under this Act to reduce the incidental mortality of bycatch in the course of shrimp trawl fishing shall be consistent with—

"(1) measures applicable to fishing throughout the range in United States waters of the bycatch species concerned; and

"(2) the need to avoid any serious adverse environmental impacts on such bycatch species or the ecology of the affected area.".

SEC. 207. MISCELLANEOUS RESEARCH.

(a) Fisheries Systems Research.—Section 406 (16 U.S.C. 1882) is amended to read as follows:

"SEC. 406. FISHERIES SYSTEMS RESEARCH.

"(a) Establishment of Panel.—Not later than 180 days after the date of enactment of the Sustainable Fisheries Act, the Secretary shall establish an advisory panel under this Act to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities.

"(b) Panel Membership.—The advisory panel shall consist of not more than 20 individuals and include—

"(1) individuals with expertise in the structures, functions, and physical and biological characteristics of ecosystems; and

"(2) representatives from the Councils, States, fishing industry, conservation organizations, or others with expertise in the management of marine resources.

"(c) Recommendations.—Prior to selecting advisory panel members, the Secretary shall, with respect to panel members described in subsection (b)(1), solicit recommendations from the National Academy of Sciences.

"(d) REPORT.—Within 2 years after the date of enactment of this Act, the Secretary shall submit to the Congress a completed report of the panel established under this section, which shall include—

"(1) an analysis of the extent to which ecosystem principles are being applied in fishery conservation and management activities, including research activities;

"(2) proposed actions by the Secretary and by the Congress that should be undertaken to expand the application of ecosystem principles in fishery conservation and management; and

"(3) such other information as may be appropriate.

"(e) PROCEDURAL MATTER.—The advisory panel established under this section shall be deemed an advisory panel under section 302(g).".

(b) GULF OF MEXICO RED SNAPPER RESEARCH.—Title IV of the Act (16 U.S.C. 1882) is amended by adding the following new section:

"SEC. 407. GULF OF MEXICO RED SNAPPER RESEARCH.

"(a) INDEPENDENT PEER REVIEW.—(1) Within 30 days of the date of enactment of the Sustainable Fisheries Act, the Secretary shall initiate an independent peer review to evaluate—

"(A) the accuracy and adequacy of fishery statistics used by the Secretary for the red snapper fishery in the Gulf of Mexico to account for all commercial, recreational, and charter fishing harvests and fishing effort on the stock;

"(B) the appropriateness of the scientific methods, information, and models used by the Secretary to assess the status and trends of the Gulf of Mexico red snapper stock and as the basis for the fishery management plan for the Gulf of Mexico red snapper fishery;

"(C) the appropriateness and adequacy of the management measures in the fishery management plan for red snapper in the Gulf of Mexico for conserving and managing the red snapper fishery under this Act; and

"(D) the costs and benefits of all reasonable alternatives to an individual fishing quota program for the red snapper fishery in the Gulf of Mexico.

"(2) The Secretary shall ensure that commercial, recreational, and charter fishermen in the red snapper fishery in the Gulf of Mexico are provided an opportunity to—

"(A) participate in the peer review under this subsection; and

"(B) provide information to the Secretary concerning the review of fishery statistics under this subsection without being subject to penalty under this Act or other applicable law for any past violation of a requirement to report such information to the Secretary.

"(3) The Secretary shall submit a detailed written report on the findings of the peer review conducted under this subsection to the Gulf Council no later than one year after the date of enactment of the Sustainable Fisheries Act.

"(b) PROHIBITION.—In addition to the restrictions under section 303(d)(1)(A), the Gulf Council may not, prior to October 1, 2000, undertake or continue the preparation of any fishery management plan, plan amendment or regulation under this Act for the Gulf of Mexico commercial red snapper fishery that creates an individual fishing quota program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class.

"(c) REFERENDUM.—

"(1) On or after October 1, 2000, the Gulf Council may prepare and submit a fishery management plan, plan amendment, or regulation for the Gulf of Mexico commercial red snapper fishery that creates an individual fishing quota program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class, only if the preparation of such plan, amendment, or regulation is approved in a referendum conducted under paragraph (2) and only if the submission to the Secretary of such plan, amendment, or regulation is approved in a subsequent referendum conducted under paragraph (2).

"(2) The Secretary, at the request of the Gulf Council, shall conduct referendums under this subsection. Only a person who held an annual vessel permit with a red snapper endorsement for such permit on September 1, 1996 (or any person to whom such permit with such endorsement was transferred after such date) and vessel captains who harvested red snapper in a commercial fishery using such endorsement in each red snapper fishing season occurring between January 1, 1993, and such date may vote in a referendum under this subsection. The referendum shall be decided by a majority of the votes cast. The Secretary shall develop a formula to weight votes based on the proportional harvest under each such permit and endorsement and by each such captain in the fishery between January 1, 1993, and September 1, 1996. Prior to each referendum, the Secretary, in consultation with the Council, shall—

"(A) identify and notify all such persons holding permits with red snapper endorsements and all such vessel captains; and

"(B) make available to all such persons and vessel captains information about the schedule, procedures, and eligibility requirements for the referendum and the proposed individual fishing quota program.

"(d) CATCH LIMITS.—Any fishery management plan, plan amendment, or regulation submitted by the Gulf Council for the red snapper fishery after the date of enactment of the Sustainable Fisheries Act shall contain conservation and management measures that—

"(1) establish separate quotas for recreational fishing (which, for the purposes of this subsection shall include charter fishing) and commercial fishing that, when reached, result in a prohibition on the retention of fish caught during recreational fishing and commercial fishing, respectively, for the remainder of the fishing year; and

"(2) ensure that such quotas reflect allocations among such sectors and do not reflect any harvests in excess of such allocations.".

SEC. 208. STUDY OF CONTRIBUTION OF BYCATCH TO CHARITABLE ORGANIZATIONS.

(a) STUDY.—The Secretary of Commerce shall conduct a study of the contribution of bycatch to charitable organizations by commercial fishermen. The study shall include determinations of—

(1) the amount of bycatch that is contributed each year to charitable organizations by commercial fishermen;

(2) the economic benefits to commercial fishermen from those contributions; and

(3) the impact on fisheries of the availability of those benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall submit to the Congress a report containing determinations made in the study under subsection (a).

(c) BYCATCH DEFINED.—In this section the term "bycatch" has the meaning given that term in section 3 of the Magnuson Fishery Conservation and Management Act, as amended by section 102 of this Act.

SEC. 209. STUDY OF IDENTIFICATION METHODS FOR HARVEST STOCKS.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study to determine the best possible method of identifying various Atlantic and Pacific salmon and steelhead stocks in the ocean at time of harvest. The study shall include an assessment of—

(1) coded wire tags;

(2) fin clipping; and

(3) other identification methods.

(b) REPORT.—The Secretary shall report the results of the study, together with any recommendations for legislation deemed necessary based on the study, within 6 months after the date of enactment of this Act to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 210. REVIEW OF NORTHEAST FISHERY STOCK ASSESSMENTS.

The National Academy of Sciences, in consultation with regionally recognized fishery experts, shall conduct a peer review of Canadian and United States stock assessments, information collection methodologies, biological assumptions and projections, and other relevant scientific information used as the basis for conservation and management in the Northeast multispecies fishery. The National Academy of Sciences shall submit the results of such review to the Congress and the Secretary of Commerce no later than March 1, 1997.

SEC. 211. CLERICAL AMENDMENTS.

The table of contents is amended by striking the matter relating to title IV and inserting the following:

"Sec. 312. Transition to sustainable fisheries.
"Sec. 313. North Pacific fisheries conservation.
"Sec. 314. Northwest Atlantic Ocean fisheries reinvestment program.

"TITLE IV—FISHERY MONITORING AND RESEARCH

"Sec. 401. Registration and information management.
"Sec. 402. Information collection.
"Sec. 403. Observers.
"Sec. 404. Fisheries research.
"Sec. 405. Incidental harvest research.
"Sec. 406. Fisheries systems research.
"Sec. 407. Gulf of Mexico red snapper research.".

TITLE III—FISHERIES FINANCING

SEC. 301. SHORT TITLE.

This title may be cited as the "Fisheries Financing Act".

SEC. 302. INDIVIDUAL FISHING QUOTA LOANS.

(a) AMENDMENT OF MERCHANT MARINE ACT, 1936.—Section 1104A of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274) is amended—

(1) by striking "or" at the end of subsection (a)(5);

(2) by striking the period at the end of subsection (a)(6) and inserting a semicolon and "or";

(3) by adding at the end of subsection (a) the following:

"(7) financing or refinancing, including, but not limited to, the reimbursement of obligors for expenditures previously made, for the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(d)(4)).''; and

(4) by striking "paragraph (6)" in the last sentence of subsection (a) and inserting "paragraphs (6) and (7)"; and

(5) by striking "equal to" in the third proviso of subsection (b)(2) and inserting "not to exceed".

(b) PROHIBITION.—Until October 1, 2001, no new loans may be guaranteed by the Federal Government for the construction of new fishing vessels if the construction will result in an increased harvesting capacity within the United States exclusive economic zone.

SEC. 303. FISHERIES FINANCING AND CAPACITY REDUCTION.

(a) CAPACITY REDUCTION AND FINANCING AUTHORITY.—Title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), is amended by adding at the end the following new sections:

"Sec. 1111. (a) The Secretary is authorized to guarantee the repayment of debt obligations issued by entities under this section. Debt obligations to be guaranteed may be issued by any entity that has been approved by the Secretary and has agreed with the Secretary to such conditions as the Secretary deems necessary for this section to achieve the objective of the program and to protect the interest of the United States.

"(b) Any debt obligation guaranteed under this section shall—

"(1) be treated in the same manner and to the same extent as other obligations guaranteed under this title, except with respect to provisions of this title that by their nature cannot be applied to obligations guaranteed under this section;

"(2) have the fishing fees established under the program paid into a separate subaccount of the fishing capacity reduction fund established under this section;

"(3) not exceed $100,000,000 in an unpaid principal amount outstanding at any one time for a program;

"(4) have such maturity (not to exceed 20 years), take such form, and contain such conditions as the Secretary determines necessary for the program to which they relate;

"(5) have as the exclusive source of repayment (subject to the proviso in subsection (c)(2)) and as the exclusive payment security, the fishing fees established under the program; and

"(6) at the discretion of the Secretary be issued in the public market or sold to the Federal Financing Bank.

"(c)(1) There is established in the Treasury of the United States a separate account which shall be known as the fishing capacity reduction fund (referred to in this section as the 'fund'). Within the fund, at least one subaccount shall be established for each program into which shall be paid all fishing fees established under the program and other amounts authorized for the program.

"(2) Amounts in the fund shall be available, without appropriation or fiscal year limitation, to the Secretary to pay the cost of the program, including payments to financial institutions to pay debt obligations incurred by entities under this section; provided that funds available for this purpose from other amounts available for the program may also be used to pay such debt obligations.

"(3) Sums in the fund that are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of the United States.

"(d) The Secretary is authorized and directed to issue such regulations as the Secretary deems necessary to carry out this section.

"(e) For the purposes of this section, the term 'program' means a fishing capacity reduction program established under section 312 of the Magnuson Fishery Conservation and Management Act.

"SEC. 1112. (a) Notwithstanding any other provision of this title, all obligations involving any fishing vessel, fishery facility, aquaculture facility, individual fishing quota, or fishing capacity reduction program issued under this title after the date of enactment of the Sustainable Fisheries Act shall be direct loan obligations, for which the Secretary shall be the obligee, rather than obligations issued to obligees other than the Secretary and guaranteed by the Secretary. All direct loan obligations under this section shall be treated in the same manner and to the same extent as obligations guaranteed under this title except with respect to provisions of this title which by their nature can only be applied to obligations guaranteed under this title.

"(b) Notwithstanding any other provisions of this title, the annual rate of interest which obligors shall pay on direct loan obligations under this section shall be fixed at two percent of the principal amount of such obligations outstanding plus such additional percent as the Secretary shall be obligated to pay as the interest cost of borrowing from the United States Treasury the funds with which to make such direct loans.".

TITLE IV—MARINE FISHERY STATUTE REAUTHORIZATIONS

SEC. 401. MARINE FISH PROGRAM AUTHORIZATION OF APPROPRIATIONS.

(a) FISHERIES INFORMATION COLLECTION AND ANALYSIS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out fisheries information and analysis activities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $51,800,000 for fiscal year 1997, and $52,345,000 for each of the fiscal years 1998, 1999, and 2000. Such activities may include, but are not limited to, the collection, analysis, and dissemination of scientific information necessary for the management of living marine resources and associated marine habitat.

(b) FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS.— There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out activities relating to fisheries conservation and management operations under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $29,028,000 for fiscal year 1997, and $29,899,000 for each of the fiscal years 1998, 1999, and 2000. Such activities may include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources, hatchery operations, habitat conservation, and protected species management.

(c) FISHERIES STATE AND INDUSTRY COOPERATIVE PROGRAMS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out State and industry cooperative programs under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $27,932,000 for fiscal year 1997, and $28,226,000 for each of the fiscal years 1998, 1999, and 2000. These activities include, but are not limited to, ensuring the quality and safety of seafood products and providing grants to States for improving the management of interstate fisheries.

(d) AUTHORIZATION OF APPROPRIATIONS FOR CHESAPEAKE BAY OFFICE.—Section 2(e) of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98-210; 97 Stat. 1409) is amended—

(1) by striking "1992 and 1993" and inserting "1997 and 1998";

(2) by striking "establish" and inserting "operate";

(3) by striking "306" and inserting "307"; and

(4) by striking "1991" and inserting "1992".

(e) RELATION TO OTHER LAWS.—Authorizations under this section shall be in addition to monies authorized under the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 3301 et seq.), the Anadromous Fish Conservation Act (16 U.S.C. 757 et seq.), and the Interjurisdictional Fisheries Act (16 U.S.C. 4107 et seq.).

(f) NEW ENGLAND HEALTH PLAN.—The Secretary of Commerce is authorized to provide up to $2,000,000 from previously appropriated funds to Caritas Christi for the implementation of a health care plan for fishermen in New England if Caritas Christi submits such plan to the Secretary no later than January 1, 1997, and the Secretary, in consultation with the Secretary of Health and Human Services, approves such plan.

SEC. 402. INTERJURISDICTIONAL FISHERIES ACT AMENDMENTS.

(a) REAUTHORIZATION.—Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

"(1) $3,400,000 for fiscal year 1996;

"(2) $3,900,000 for fiscal year 1997;

"(3) $4,400,000 for each of the fiscal years 1998, 1999, and 2000.";

(2) by striking "$350,000 for each of the fiscal years 1989, 1990, 1991, 1992, and 1993, and $600,000 for each of the fiscal years 1994 and 1995," in subsection (c) and inserting "$700,000 for fiscal year 1997, and $750,000 for each of the fiscal years 1998, 1999, and 2000,".

(b) NEW ENGLAND REPORT.—Section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)) is amended by adding at the end the following new paragraph:

"(7) With respect to funds available for the New England region, the Secretary shall submit to the Congress by January 1, 1997, with annual updates thereafter as appropriate, a report on the New England fishing capacity reduction initiative which provides:

"(A) the total number of Northeast multispecies permits in each permit category and calculates the maximum potential fishing capacity of vessels holding such permits based on the principal gear, gross registered tonnage, engine horsepower, length, age, and other relevant characteristics;

"(B) the total number of days at sea available to the permitted Northeast multispecies fishing fleet and the total days at sea weighted by the maximum potential fishing capacity of the fleet;

"(C) an analysis of the extent to which the weighted days at sea are used by the active participants in the fishery and of the reduction in such days as a result of the fishing capacity reduction program; and

"(D) an estimate of conservation benefits (such as reduction in fishing mortality) directly attributable to the fishing capacity reduction program.".

SEC. 403. ANADROMOUS FISHERIES AMENDMENTS.

Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

"SEC. 4. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

"(A) $4,000,000 for fiscal year 1997; and

"(B) $4,250,000 for each of fiscal years 1998, 1999, and 2000.

"(2) Sums appropriated under this subsection are authorized to remain available until expended.

"(b) Not more than $625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.".

SEC. 404. ATLANTIC COASTAL FISHERIES AMENDMENTS.

(a) DEFINITION.—Paragraph (1) of section 803 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5102) is amended—

(1) by inserting "and" after the semicolon in subparagraph (A);

(2) by striking "States; and" in subparagraph (B) and inserting "States."; and

(3) by striking subparagraph (C).

(b) IMPLEMENTATION STANDARD FOR FEDERAL REGULATION.—Subparagraph (A) of section 804(b)(1) of such Act (16 U.S.C. 5103(b)(1)) is amended by striking "necessary to support" and inserting "compatible with".

(c) AMERICAN LOBSTER MANAGEMENT.—Section 809 (16 U.S.C. 5108) and section 810 of such Act are redesignated as sections 811 and 812, respectively, and the following new sections are inserted at the end of section 808:

"SEC. 809. STATE PERMITS VALID IN CERTAIN WATERS.

"(a) PERMITS.—Notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 et seq.), or any requirement of a fishery management plan or coastal fishery management plan to the contrary, a person holding a valid license issued by the State of Maine which lawfully permits that person to engage in commercial fishing for American lobster may, with the approval of the State of Maine, engage in commercial fishing for American Lobster in the following areas designated as federal waters, if such fishing is conducted in such waters in accordance with all other applicable federal and state regulations:

"(1) west of Monhegan Island in the area located north of the line 43° 42′ 08″ N, 69° 34′ 18″ W and 43° 42′ 15″ N, 69° 19′ 18″ W;

"(2) east of Monhegan Island in the area located west of the line 43° 44′ 00″ N, 69° 15′ 05″ W and 43° 48′ 10″ N, 69° 08′ 01″ W;

"(3) south of Vinalhaven in the area located west of the line 43° 52′ 21″ N, 68° 39′ 54″ W and 43° 48′ 10″ N, 69° 08′ 01″ W; and

"(4) south of Bois Bubert Island in the area located north of the line 44° 19′ 15″ N, 67° 49′ 30″ W and 44° 23′ 45″ N, 67° 40′ 33″ W.

"(b) ENFORCEMENT.—The exemption from federal fishery permitting requirements granted by subsection (a) may be revoked or suspended by the Secretary in accordance with section 308(g) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858(g)) for violations of such Act or this Act.

"SEC. 810. TRANSITION TO MANAGEMENT OF AMERICAN LOBSTER FISHERY BY COMMISSION.

"(a) TEMPORARY LIMITS.—Notwithstanding any other provision of this Act or of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), if no regulations have been issued under section 804(b) of this Act by December 31, 1997, to implement a coastal fishery management plan for American lobster, then the Secretary shall issue interim regulations before March 1, 1998, that will prohibit any vessel that takes lobsters in the exclusive economic zone by a method other than pots or traps from landing lobsters (or any parts thereof) at any location within the United States in excess of—

"(1) 100 lobsters (or parts thereof) for each fishing trip of 24 hours or less duration (up to a maximum of 500 lobsters, or parts thereof, during any 5-day period); or

"(2) 500 lobsters (or parts thereof) for a fishing trip of 5 days or longer.

"(b) SECRETARY TO MONITOR LANDINGS.—Before January 1, 1998, the Secretary shall monitor, on a timely basis, landings of American lobster, and, if the Secretary determines that catches from vessels that take lobsters in the exclusive economic zone by a method other than pots or traps have increased significantly, then the Secretary may, consistent with the national standards in section 301 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801), and after opportunity for public comment and consultation with the Atlantic States Marine Fisheries Commission, implement regulations under section 804(b) of this Act that are necessary for the conservation of American lobster.

"(c) REGULATIONS TO REMAIN IN EFFECT UNTIL PLAN IMPLEMENTED.—Regulations issued under subsection (a) or (b) shall remain in effect until the Secretary implements regulations under section 804(b) of this Act to implement a coastal fishery management plan for American lobster.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 810 of such Act, as amended by this Act, is amended further by striking "1996." and inserting "1996, and $7,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

SEC. 405. TECHNICAL AMENDMENTS TO MARITIME BOUNDARY AGREEMENT.

(a) EXECUTION OF PRIOR AMENDMENTS TO DEFINITIONS.—Notwithstanding section 308 of the Act entitled "An Act to provide for the designation of the Flower Garden Banks National Marine Sanctuary", approved March 9, 1992 (Public Law 102-251; 106 Stat. 66) hereinafter referred to as the "FGB Act", section 301(b) of that Act (adding a definition of the term "special areas") shall take effect on the date of enactment of this Act.

(b) CONFORMING AMENDMENTS.—

(1) Section 301(h)(2)(A) of the FGB Act is repealed.

(2) Section 304 of the FGB Act is repealed.

(3) Section 3(15) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(15)) is amended to read as follows:

"(15) The term 'waters under the jurisdiction of the United States' means—

"(A) the territorial sea of the United States;

"(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the other boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured; and

"(C) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured, except that this subparagraph shall not apply before the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States.".

SEC. 406. AMENDMENTS TO THE FISHERIES ACT.

Section 309(b) of the Fisheries Act of 1995 (Public Law 104-43) is amended by striking "July 1, 1996" and inserting "July 1, 1997".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from Massachusetts [Mr. STUDDS] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of House passage of S. 39, the Sustainable Fisheries Act.

This legislation reauthorizes the Magnuson Fishery Conservation and Management Act of 1976 through fiscal year 1999. Mr. Speaker, as I am sure you are aware, the Magnuson Act was enacted in 1976 in direct response to the depletion of U.S. fishery resources by foreign vessels. The Magnuson Act expanded U.S. jurisdiction over fishery resources to 200 miles. The act also included provisions intended to encourage the development of a domestic fishing industry.

The Magnuson Act created eight regional fishery management councils to manage the fishery resources within their geographic area. This means the councils were charged with determining the appropriate level of harvest to maximize the benefit to the Nation, while still protecting the long-term sustainability of the stocks.

These councils are in the difficult position of balancing the often competing interests of commercial and recreational fishermen, and the often competing gear groups within the commercial industry.

It is important to note that this legislation maintains and supports the current regional fishery management councils system. This legislation does include some reforms of the council process and requires new disclosure rules to deal with the perception of conflict of interest on the councils.

Mr. Speaker, the House passed H.R. 39, the Fishery Conservation and Management Amendments of 1995, on October 18, 1995, by a vote of 388 to 37. I appreciate all of the hard work that members of the Resources Committee put into H.R. 39, and I especially appreciate the bipartisan nature of the entire process. I want to thank Mr. MILLER, the ranking member of the full committee, Mr. STUDDS, the ranking subcommittee member, and Mr.

SAXTON, the subcommittee chairman for their dedication to creating a very good bill.

Mr. Speaker, while S. 39 is similar to H.R. 39, in my opinion the House-passed bill is a much stronger bill. However, in the waning days of this Congress, we are in a position of accepting a weaker bill or accomplishing nothing for fisheries conservation and management.

As Members are aware, the other body was negotiating the package until S. 39 was actually taken up on the Senate Floor. Because of the constant negotiations, the authors of the bill in the other body may have left a number of provisions unclear. I want to take this opportunity to clarify in legislative history the intent of several provisions in the bill. I have attached these clarifications to my statement.

Mr. Speaker, while I would prefer having more time to conference with the Senate on a number of provisions in this legislation, this appears to be the best deal we can get under the circumstances. Having said that, I would like to highlight a number of the major themes of H.R. 39 also contained in S. 39, including: Provisions for the reduction of bycatch; for the identification and prevention of overfishing; for the protection of habitat necessary for the continued reproduction and long-term health of important commercial and recreational fisheries; and buyout provisions to reduce the harvesting capacity in overfished fisheries.

Mr. Speaker, this legislation does a number of important things to better fisheries management in the Federal Exclusive Economic Zone [EEZ].

First, the bill recognizes that bycatch is one of the most pressing problems facing the continuation of sustainable fisheries, and one of the most crucial challenges facing fisheries managers today. In 1993, in the North Pacific alone, more than 740 million pounds of fish were discarded. This is clearly unacceptable.

This legislation creates a new national standard that requires all fishery management plans and regulations to include conservation and management measures to minimize bycatch to the extent practicable. In the event that bycatch cannot be avoided, plans and regulations should include efforts to minimize the mortality of bycatch to the extent practicable. While these provisions are not as strong as those in the House-passed bill, this is still a major step forward.

The legislation also creates a new system for the identification and prevention of overfished fisheries. It is crucial that the management agencies within the Federal Government be proactive in protecting fisheries rather than attempting to address overfished stocks after they are in a crisis situation. This legislation requires that the Secretary report annually on the status of fisheries and identify any fisheries which are over fished or approaching an overfished condition. The Regional Councils are then required to take steps to address any overfished fishery and include measures for rebuilding the overfished stocks.

Mr. Speaker, these are just a few of the main provisions of S. 39 which will help to maintain a viable fishing industry through sustainable fishing measures. While not as strong as H.R. 39, this bill is a step in the right direction for sound fishery conservation and management.

Mr. Speaker, I have been approached by a number of Members who support passage of this legislation, but share my concern about specific provisions which may need to be modified next year. Despite the number of misgivings I have about this bill, in my opinion, this bill is better than the alternative—no bill at all. A number of Members of the other body have threatened to kill this bill if the House makes any changes. I regret that they have taken that position and regret that the House is in a position of having to accept a bill which is not as good as the House-passed bill.

Mr. Speaker, while I support passage of this legislation and urge all Members to do so, I also realize there may be some problems with the legislation which will need to be addressed in the next Congress. I am committed to working with Members next year to address outstanding concerns.

If we had a few weeks or months left in this Congress, I would urge all Members to join me in sending the Senate a better bill than the one they have sent us. Unfortunately, we do not have that luxury.

While most of the affected industry groups and the environmental community would like to see some minor modifications to this bill, a reluctant groundswell has urged the House to accept this legislation rather than lose all that we have worked so hard for.

I urge all Members to support passage of S. 39 and send this important piece fishery management and conservation legislation to the President for his signature.

Mr. Speaker, in their efforts to achieve consensus on S. 39, the authors of the bill in the other body accidentally left unclear some of the provisions in the bill. In order to avoid confusion on the part of those affected by these provisions—including the National Marine Fisheries Service, the regional councils, and the seafood industry—I will take this opportunity to clarify in legislative history the intent of these parts of the bill.

Section 105(d) of S. 39 amends section 204 of the act in a manner similar to the House-passed bill by allowing permits to be issued for transshipment of fish. The Senate added a requirement that permit applications be forwarded to affected States and that the Secretary consult with the appropriate Marine Fisheries Commission. Since the Marine Fisheries Commissions are composed of individual States, it is obvious that the consultation requirement was meant to extend to any individual affected State that received a copy of the permit. Although this is inferred, rather than written directly, it is the intent of this provision that States, as well as commissions and councils, be consulted.

Section 106 of S. 39 establishes a new national standard regarding bycatch which is similar to the new national standard established in the House-passed bill. The application of this new standard is expanded in section 108(a)(7) of S. 39, which describes new required provisions for fishery management plans. Both the standard and the required provision make clear that bycatch be avoided where practicable, and the mortality of unavoidable bycatch be minimized where practicable. The use of the term "to the extent practicable" was chosen deliberately by both the Senate and the House. Both bodies recognize that bycatch can occur in any fishery, and that complete avoidance of mortality is impossible. Councils should make reasonable efforts in their management plans to prevent bycatch and minimize its mortality. However, it is not the intent of the Congress that the councils ban a type of fishing gear or a type of fishing in order to comply with this standard. "Practicable" requires an analysis of the cost of imposing a management action; the Congress does not intend that this provision will be used to allocate among fishing gear groups, nor to impose costs on fishermen and processors that cannot be reasonably met.

Section 107 of S. 39 adds an additional seat on the Pacific Fishery Management Council that is to be filled by a member of an Indian tribe with Federally recognized fishing rights. The Senate neglected to define this term, believing that its meaning is obvious. Unfortunately, a recent court ruling in U.S. District Court in the Western District of Washington regarding a subproceeding of United States versus Washington, which is under appeal, has clouded the previously clear meaning of this term as upheld by the Supreme Court. In order to avoid confusion in the definition of a term that has been clear for nearly 20 years, I want to make clear that is the intent of the Congress that the term "Federally recognized fishing rights" as used in regard to the Magnuson Fishery Conservation and Management Act, means a treaty fishing right that has been finally approved by the courts under the process defined in section 19(g) of the final court order under United States versus Washington, and the approval is not subject to further appeal.

Section 107(h) of S. 39 amends section 302(l) of the Magnuson Fishery Conservation and Management Act by providing additional procedures for the operation of Regional Fishery Management Councils. Specifically, it requires individuals testifying before, or providing information to, a Council to disclose their background and interest in the matter at hand. This provision was included in the House passed bill. The Senate added an additional sentence to make sure that valid data is provided to the councils. Unfortunately, this sentence could be interpreted as precluding a fisherman, processor, or member of the public from providing information based on their own experiences. Clearly, this was not the intent of the authors of the bill. The council system was established specifically to allow public input into the fisheries management process. It is clearly the intent of the Congress that this provision is not meant to require a fisherman, processor, or member of the public to fully document every statement made in a letter to a council by providing fish tickets, landing receipts, processing records, or similar information.

Section 109(3)(6) of S. 39 amends section 304(c)(3) of the Magnuson Fishery Conservation and Management Act regarding the authority of the Secretary to propose a limited entry system under a fishery management plan or amendment prepared by the Secretary. The amendment is purely technical in nature and is not intended to modify the requirement that the Secretary obtain approval of a council before a limited entry system is put in place. In other words, the Secretary has no authority to prepare a plan for a fishery managed by a State or a Marine Fishery Commission and include a limited entry system in the plan without obtaining approval of the council within whose area of jurisdiction that fishery exists.

Section 109(e) of S. 39 includes new provisions regarding overfishing and rebuilding overfished stocks that are essentially the same as those included in the House passed bill. Both the House and the Senate noted that exceptions could be made to the time required for rebuilding. While the House was more specific in its list of exceptions, the Senate incorporated all of the House exceptions under the phrase "other environmental conditions." It is the intent of this section that the phrase "other environmental conditions" includes factors beyond the control of the rebuilding program.

The rebuilding provisions of section 109(e) also require the Secretary to prepare a plan or plan amendment if the council takes no action within 1 year. The Senate language as drafted is unclear on the time frame for Secretarial action. The intent of the Senate provision is that the Secretary take action within 9 months of the end of the period provided for council action.

Section 110(d) of S. 39 amends section 305 of the Magnuson Fishery Conservation and Management Act by adding a new subsection (h) providing for a limited entry permit lien registry system. While establishment of the lien registry system by the Secretary is mandatory, participation in the system by limited access permit holders is not. It is the intent of the Congress that any permit holder registering a permit with the system comply with the requirements of this section, including paying any applicable fees. However, it is not the intent of the Congress that all permit holders register with the system; this is a discretionary action that each permit holder must decide to take after weighing the costs and benefits of participating in the system.

Section 111(a) of S. 39 amends section 305 of the Magnuson Act by adding a new subsection to require the North Pacific Fishery Management Council and the Secretary of Commerce to consolidate the western Alaska community development quota programs that the council and the Secretary presently are implementing. Of co-equal importance, subsection (i)(1)(A) also requires the council and the Secretary to allocate to the single program a percentage of the total allowable catch—and with respect to crab fisheries a percentage of the guideline harvest level—of each Bering Sea fishery.

I am pleased that in drafting subsection 305(i)(1)(A) and (B) the Senate incorporated the text of paragraphs (1) and (2) of the amendment to section 313 of the Magnuson Act that is contained in section 14 of H.R. 39.

In that regard, when the western Alaska community development quota program was considered by the Resources Committee, I and other members of the committee gave serious consideration to including a provision which would have mandated the North Pacific Fishery Management Council and the Secretary to annually allocate specific percentages of the total allowable catches and guideline harvest levels of each Bering Sea fishery to the western Alaska community development quota program, so that the percentages allocated are large enough to enable participating communities and organizations to accomplish the economic, social, developmental, and other objectives that implementation of the program is intended to achieve.

However, we did not do so. Instead, H.R. 39 assigned the council and the Secretary the important task of deciding the percentage of the total allowable catch and guideline harvest level of each Bering Sea fishery that should be allocated to the western Alaska community development quota program. However, in recommending section 14 of H.R. 39 to the House, it was the intent of the Resources Committee—and by accepting the text of that portion of H.R. 39 it is the intent of the Senate—that, with respect to each Bering Sea fishery, the percentage allocated by the council and the Secretary shall be large enough to enable communities participating in the program to accomplish the program's objectives, and particularly the objective of establishing a sustainable local economy in each participating community.

It is of particular importance to note that the North Pacific Fishery Management Council previously has allocated a least 7.5 percent of the total allowable catches and guideline harvest levels of Bering Sea pollock, sablefish, other groundfish species, halibut, and all crab species to the three community development quota programs.

It is important to note the reason the House and Senate versions of the Sustainable Fisheries Act both mandate the establishment and implementation of the western Alaska community development quota program. In 1976 Congress, speaking through section 301(a)(4)(A) of the Magnuson Act, established as the policy of the Nation the regulatory principle that fishery management councils and the Secretary shall allocate commercial fishing privileges in the exclusive economic zone among U.S. fishermen in a manner that is fair and equitable to all such fishermen.

Unfortunately, throughout the 1980's the North Pacific Fishery Management Council and the Secretary's regulation of commercial fishing in the Alaska portion of the EEZ did not allocate fishing privileges in a manner that was fair and equitable to the Eskimo and Aleut fishermen who live in 55 Native villages located from the northern coast of the Aleutian Islands north along the coast of western Alaska to the Seward Peninsula, as well as on the Pribilof Islands. To alleviate that regulatory omission, in 1991 the North Pacific Fishery Management Council established a western Alaska community development quota program for pullock, after which it established a second program for halibut and sablefish, and in June 1995 recommended to the Secretary the establishment of a third program for all other Bering Sea groundfish species, as well as all Bering Sea crab species.

When S. 39 was debated on the Senate floor Senator Inouye, the former chairman of the Committee on Indian Affairs and one of the Nation's steadfast champions of Alaska Native and other Native American rights, explained to the Senate the history of the western Alaska community development quota program and the important objectives the Senate intends implementation of the program to achieve. I would like to associate myself with the remarks of Senator INOUYE. I also would like to associate myself with the remarks of Senator TED STEVENS, Alaska's senior Senator and the sponsor both of S. 39 and of the amendment in the nature of a substitute that the Senate adopted. As Senator STEVENS rightly reminded the Senate, the intended beneficiaries of the western Alaska community development quota program are Native Americans for whose economic and social well-being Congress, the Secretary of Commerce has a well-recognized fiduciary responsibility. As Senator STEVENS explained:

> The community development quotas are based in part on the authority of Congress to regulate the commerce of the Indian tribes. The communities of the west coast of Alaska are predominately Alaska Native people. They were there and fishing a long time before anyone else came on the fishing scene. As a matter of fact, there were no factory trawlers off Alaska from the State of Washington until about 9 years ago. . . . We are allocating a portion of the fisheries to the communities involved that are historic Native communities along our coast.

In addition to directing the House's attention to the history and policy objectives of the western Alaska community development quota programs that the enactment of S. 39 will consolidate, I also would like to explain the manner in which the new subsection 305(i)(1) is intended to affect the North Pacific Fishery Management Council and the Secretary of Commerce's implementation of the program.

Subsection (i)(1)(C) prohibits the North Pacific Fishery Management Council between the date of enactment of the Sustainable Fisheries Act and October 1, 2001, submitting to the Secretary a fishery management plan for a Bering Sea fishery, or an amendment to a fishery management plan for a Bering Sea fishery, or a regulation whose promulgation will implement a plan or an amendment if the Secretary's approval of the plan or plan amendment or promulgation of the regulation will allocate a percentage of the total allowable catch or guideline harvest level of a Bering Sea fishery to the western Alaska community development quota program. However, the aforementioned prohibition does not apply to the submission of a plan or plan amendment or regulation whose approval or promulgation will allocate a percentage of the total allowable catch or guideline harvest level of a Bering Sea fishery for which prior to October 1, 1995 the Council approved the allocation of a percentage of the catch or guideline harvest level to a western Alaska community development quota program. Bering Sea fisheries not subject to the aforementioned prohibition include the pollock, halibut, sablefish, crab, and other groundfish fisheries.

It also is the intent of subsection (i)(1)(C) that the expiration in 1998 of the amendment to the Bering Sea and Aleutian Islands Area groundfish fishery management plan that made the initial allocation of pollock to a western Alaska community development quota program not subject pollock to the prohibition on Council authority that subparagraph (C) imposes.

Subparagraph (C) also prohibits the Council from submitting and prohibits the Secretary from approving and implementing between the date of enactment of the Sustainable Fisheries Act and October 1, 2001, a fishery management plan or an amendment to a fishery management plan that allocates a percentage of the total allowable catch or guideline harvest level of a Bering Sea fishery to the western Alaska community development quota program that is greater than the percentage of the catch or guideline harvest level that the Council approved for allocation to a western Alaska community development quota program prior to October 1, 1995. For example, prior to October 1, 2001, no more than 7.5 percent of the total allowable catches and guideline harvest levels of Bering Sea pollock and of each Bering Sea crab species may be allocated to the program.

In June 1995 the North Pacific Management Council recommended to the Secretary that he approve and implement the allocation of 7.5 percent of the guideline harvest levels of each Bering Sea crab species and 7.5 percent of the total allowable catch of each Bering Sea groundfish species—other than pollock and sablefish—to a western Alaska community development quota program for those species. Rather than approving and implementing the immediate allocation of 7.5 percent for Bering Sea crab species, subsection (i)(1)(C)(iii) requires the Secretary to phase in his implementation of the Council's recommendation for crab species by in 1998 allocating to the western Alaska community development quota program 3.5 percent of the guideline harvest level of each crab species, by in 1999 allocating 5 percent of the guideline harvest level of each crab species to the program, and by in 2000 allocating 7.5 percent of the guideline harvest level of each crab species to the program, after which without further action by either the Council or the Secretary 7.5 percent of the guideline harvest level of each crab species will each year be allocated to the program unless in 2001, the Council submits and the Secretary approves and implements a percentage for a particular crab species that is less than 7.5 percent, or unless during a year subsequent to October 1, 2001, the Council submits and the Secretary approves and implements a percentage for a particular crab species that is a percentage that is either less than or more than 7.5 percent.

Finally, subsection (i)(1)(D) eliminates the necessity for the North Pacific Fishery Management Council and the Secretary to implement subsection (i)(1)(A) by the Council resubmitting or the Secretary reapproving a fishery management plan or an amendment to a plan that contains an allocation of the total allowable catch or guideline harvest level of a Bering Sea fishery to the western Alaska community development quota program, if the plan or amendment in which the allocation is contained was approved by the Council prior to October 1, 1995. For example, as a consequence of subparagraph (D), the Council is not required to resubmit to the Secretary the plan amendment it approved in June 1995 in order for the Secretary to implement the phase in of the percentage allocation of the guideline harvest level for Bering Sea crab species established by subparagraph (C)(iii). Similarly, in 1998 and during each year thereafter the Secretary shall continue to allocate 7.5 percent of the total allowable catch of Bering Sea pollock to the western Alaska community development quota program notwithstanding the expiration of the plan amendment in which the allocation initially was made, unless prior to October 1, 2001, the council submits and the Secretary approves and implements an amendment to the Bering Sea and Aleutian Islands area groundfish fishery management plan that allocates a percentage that is less than 7.5 percent, or unless subsequent to October 1, 2001, the council submits and the Secretary approves and implements an amendment to such plan that allocates a percentage that is either less than or more than 7.5 percent.

The enactment of section 111(a) of S. 39 will provide the North Pacific Fishery Management Council and the Secretary of Commerce the statutory tools required to improve the efficiency of their implementation of the western Alaska community development quota program. And the enactment of section 111(a) will codify Congress strong support for the council and the Secretary's innovative effort to provide fishermen and other residents of Native villages on the coast of the Bering Sea a fair and equitable opportunity to participate in Bering Sea fisheries that prior to the creation of the western Alaska community development quota program was long overdue.

Section 112(d) of S. 39 provides interim authority for limited State management of the Dungeness crab fishery in the exclusive economic zone adjacent to the States of Washington, Oregon, and California. This authority is provided only to ensure conservation of the crab resource outside of State waters; it is not intended to provide allocation authority to the States, nor to have an allocative effect on vessels based on size or State of registry. This is underscored by the provisions of section 112(d)(3), that make clear that State limited entry programs cannot be enforced against vessels of another State when those vessels are operating in the exclusive economic zone.

Section 112(d)(2) also specifically limits the type of State authority allowed, providing the States only with authority that is generally agreed to now on a voluntary basis. This includes conservation-based rules on season opening and closing dates, minimum crab sizes, and requirements to release female crabs. This section also allows the State of Washington to impose area closures and limits on the number of pots that can be fished, but only if these are necessary to meet the requirements of a court-imposed mandate. It is not the intent that this gives the State of Washington authority to impose allocative regulations such as a ban on the practice of "longlining" pots—that is, fishing with pots that are connected to each other by a line. A ban on longlining would constitute an impermissible allocation regulation not required by the courts and is not allowed under the provisions of this section.

Finally, the Congress strongly encourages the Pacific Fishery Management Council to develop a fishery management plan for the Dungeness crab fishery, in order to avoid future allocation fights of this nature.

Section 113(c) establishes a new prohibited action that is punishable as a criminal offense. Again, the Senate language is vague on its face and requires clarification. The use of the adverb "forcibly" in the beginning of the new subparagraph added by this amendment should be construed to apply to all physical actions listed in the subparagraph, including assaulting, resisting, opposing, impeding, intimidating, sexually harassing, and interfering. Since forcible bribery cannot occur, the adverb is to be read as modifying only the other verbs in this subparagraph.

Section 116(a) of S. 39 establishes a mechanism for an industry-funded buyback program. Among other provisions, this section requires industry contributions—if required—to be deducted by the first ex-vessel fish purchaser. This requirement could impose an unwarranted burden on a seafood processor who stands to receive no benefit from a buyback program. The intent of the Congress is that a deduction system be designed that imposes no unnecessary paperwork or financial burden on the fish purchaser collecting the deductions.

Section 203 of S. 39 modifies existing data collection requirements and establishes a new data collection program. It should be noted that—as a new provision of law—this section takes precedence over prior enacted law. The Office of Management and Budget has from time to time imposed rules interpreting the Paperwork Reduction Act to apply to collection of social, economic, and scientific data under the Magnuson Fishery Conservation and Management Act. Notwithstanding the goals of the Paperwork Reduction Act, these interpretations have resulted in an increased burden for data collectors and data providers alike. It is clearly the intent of Congress that the data collection provisions enacted in this bill are not to be interpreted as requiring Paperwork Reduction Act review or agency approval under that Act.

□ 1045

Mr. SAXTON. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I will ask the chairman of the committee to engage in a colloquy regarding the definition of the term "recreational fishery" in the Senate bill.

Mr. Speaker, the Senate bill appears to define recreational fishing, at least it appears to define it to some people, as fishing for sport or pleasure, but makes no mention of fishing for personal consumption.

My understanding of the definition is that it is not in any way intended to preclude a recreational angler from consuming the fish which he or she catches.

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman from New Jersey [Mr. SAXTON], is right. He has brought this to my attention. The definition in no way denies the recreational fishermen the pleasure of eating their catch, as long as the fish was caught during the appropriate season and met any State or Federal regulations, including size restriction, and other appropriate landing laws.

My staff has contacted the National Marine Fisheries Service and their interpretation is the same as mine and the same as the gentleman's, that this definition does not preclude the recreational fisherman from consuming his or her catch if it meets the appropriate State and Federal rules.

Mr. SAXTON. Mr. Speaker, it is my intention to introduce legislation in the coming Congress to clarify that recreational fishing indeed does include harvesting fish for personal consumption.

I thank the chairman for his leadership, and I look forward to working to remedy this deficiency.

Mr. YOUNG of Alaska. Mr. Speaker, again I want to thank the gentleman from New Jersey [Mr. SAXTON].

It is funny how these things happen, if the gentleman will just bear with me. It was never the intent, we never thought it was interpreted that way, that the guy who catches the fish cannot eat them. That would not affect me because I do not catch a whole lot, but I would suggest respectfully that is not the intention.

Mr. SAXTON. Mr. Speaker, with that understanding, I rise in support of House passage of S. 39, the Sustainable Fisheries Act.

The House passed H.R. 39, the Fisheries Conservation and Management Amendments of 1995 by a vote of 388 to 37 almost a full year ago. We in the House worked in a bipartisan fashion to craft a strong conservation measure that was fair and equitable to all fishing sectors.

Mr. Speaker, the chairman of the committee, along with the gentleman from California [Mr. MILLER], and the gentleman from Massachusetts [Mr. STUDDS], and I know that fish do not respect the artificial boundaries imposed upon them, nor do they care which party is in power.

All fisheries measures are by definition bipartisan, which is one of the reasons it is such a pleasure to chair the Subcommittee on Fisheries, Wildlife and Oceans of the Committee on Resources. I thank each of my colleagues for taking into consideration the unique needs of the mid-Atlantic fishermen throughout the negotiations on H.R. 39.

It was a great bill, and I cannot pretend to be as pleased about the passage of S. 39 as I was our bill. I firmly believe the House bill was far stronger and more comprehensive and made far more sense than the bill we are currently passing. So I concur with Chairman YOUNG that it is necessary to accept the hastily assembled Senate bill, because a weaker bill that does provide some new fisheries and conservation and management guidance is better than nothing at all. However, I intend to work closely with the chairman in the coming Congress to fix the deficiencies in this bill.

Having said that, I request that all Members vote "aye" today.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with mixed emotions to support the passage of this bill. The Magnuson Act was the first substantive piece of legislation I coauthored when I came to Congress in 1973, the same year the gentleman from Alaska came. So it is somewhat fitting that it will also be one of the last bills in my career here.

Mr. Speaker, the original Magnuson Act took 4 years of effort and negotiations, but finally, in 1976, H.R. 200 became law. At the time, the gentleman may recall, and those who are old enough to remember, it was intended to be an interim measure that would stay in place until the Law of the Sea was ratified. Instead, it has become the cornerstone of fisheries management in the United States.

A year ago when the House began consideration to reauthorize the act, it was clear very major changes were needed. Despite numerous efforts to improve the law over the past two decades, the sad reality is that the act did not prevent the current crisis in New England groundfish stocks, a crisis for the conservation of both fish stocks and fishing families.

Working together last year with the gentleman from Alaska [Mr. YOUNG], and the gentleman from California, [Mr. MILLER], and others, we passed a strong bipartisan bill that addressed problems of overfishing, of bycatch, and of habitat degradation that faced fishermen in New England and around the country. It had the support of the environmental community and much of the industry.

Now, a year later, and in the last waning hours of this Congress, our colleagues in the Senate instead have sent back to us a bill that also contains provisions that I find, some of them, of serious concern. The bill before us today would, for instance, authorize the Secretary to buy back fishing permits; allow nations in violation of the International Whaling Commission to fish in some U.S. waters; and make possible the future giveaway of Individual Transferable Quotas, so-called ITQ's, at public expense.

Regretfully, we will not be given the chance to correct these flaws, and we are obliged to choose, as has been said moments ago, between this bill and no bill at all. While I do not believe it had to be this way, that we could have been given the opportunity to resolve differences and issues of concern to our constituents, I will support S. 39 at this time.

Despite these shortcomings, the bill also includes many long overdue conservation measures critical for fish and fishermen. Most significantly, it will finally require the Council and the Secretary to maintain fishing at biologically sustainable levels. In addition, they will be required to rebuild fisheries which have collapsed, and to take new steps to protect fisheries habitat.

As was the case in 1976, when foreign vessels were plying our shores and we passed the first act, the fisheries from Maine to Alaska need these new protections and they need them now. The crisis in New England, unfortunately, clearly demonstrates that.

Finally, on a personal note, I would like to add that I have had no greater privilege over the past 24 years than representing the hardworking fishing families of southeastern Massachusetts. In 1921 in his Maritime History of Massachusetts, Samuel Elliott Morrison admired our fisherman as "a tough but nervous, tenacious but restless race * * * eternally torn between a passion for righteousness and a desire to get on in the world."

It was with deep respect for fishermen across America, from New England to the gulf and north Pacific, that I coauthored the first Magnuson Act in 1973. It is for those fishermen that I support this bill today.

May I also add, Mr. Speaker, that there seems to be an impression in the other body that, notwithstanding article I of the Constitution, we have a unicameral legislature around here. The gentleman from Alaska will recall that time and time again, as we have shared leadership on the previous Committee on Merchant Marine and Fisheries, and in the current Congress, we have done our work in diligent fashion, had hearings, markups, debates on the floor, amended bills, considered bills, sent them to the Senate where they resided for a year, and they would come back here in the waning hours of a Congress, essentially labeled take it or leave it, so we are forced again and again to deal with a product that is solely the product of the other body, and does not reflect the very good, very conscientious, very nonpartisan, and serious work of this committee and this Congress.

It ought not to be that way. That flies in the face of the clear constitutional intent for a bicameral legislature. I salute the gentleman from Alaska and the gentleman from New Jersey for pointing that out as clearly as they have.

Finally, Mr. Speaker, I would like to pay my personal respects to the gentleman from Alaska, with whom I have served for more years than either he or I would like to acknowledge. His beard was of a different hue when we first got here. In fact, I do not think he had a beard when we first got here. Actually, we will not discuss hair any longer, it is a very sensitive topic.

I want to say to the gentleman, I had thought that he would choose this opportunity to move to send this bill back to the Senate with an amendment renaming the act, something we have discussed many years, many years, but it seems to me only fitting that at this time in my career, and relatively late in the gentleman's career, that at long last we should have at least one fishery statute named the Young-Studds Act. So I hope the gentleman will take advantage of that opportunity.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I suggest respectfully, I have great respect for the gentleman from Massachusetts [Mr. STUDDS], and his efforts in the fisheries field. As many times as he has mentioned the subject, I think this bill will probably get that name through attrition more than anything else.

But I will say again that the gentleman from Massachusetts, it may be the last time he works on this floor on this type of legislation, and that I do thank him for his love for the sea and the fishermen he has served with, and the sense that he and I had a great deal in common with regard to the oceans. I believe we have worked well.

I cannot agree with him more about the actions of the Senate. I will defend my senior Senator. We worked on the bill, and of course they were threatened with, you know, holds and blocks, et cetera. This is not what I would have liked to have done, but it is the best thing we can do for our oceans today.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER], the distinguished ranking member of the committee.

Mr. MILLER of California. Mr. Speaker, I reluctantly oppose the passage of S. 39, the Sustainable Fisheries Act.

Like many other Members of the House, I had hoped to be able to give this bill my unqualified support, or to amend it in the same bipartisan spirit with which we initially passed our bill in the House, and send it back to the other body. The process by which this product arrives on the floor today, however, has not allowed the Members of the House, who passed a different—and stronger—bill to play any significant role in the formulation of the bill now before us.

As most Members are aware, the chairman of the Resources Committee and I rarely see eye to eye on natural resource management issues. The reauthorization of the Magnuson Act, however, proved to be a departure from the norm.

Last year, we worked together to pass a strong, bipartisan bill that had broad support from the fishing industry, the environmental community, and the administration. We passed that bill by a 10-to-1 margin, and then waited for the other body to act so that we could work out our differences in conference.

As everyone knows, it has been a long wait. In fact, it took a year for the bill to finally be returned to us last week. To no one's surprise, it was returned in a much altered state. Even worse, the legislation has been presented to us, in the closing days of the Congress, as a take it or leave it proposition. Members in the other body flatly stated that "Any unilateral changes to the legislation by the House would be the death knell to the bill." So, we are given a choice between this bill, which ignores many of the provisions overwhelmingly supported by the Members of this body, or no bill, which would allow the overfishing that now plagues many of our fisheries to continue.

There are provisions in this bill that improve on the status quo of fisheries management, including measures to address overfishing, habitat protection, and Fishery Management Council reform.

There are, however, also many provisions that are bad for the fish and bad for the fishing communities. The result is a bill that comes with qualified support: This is the best we are going to get.

In fact, it is difficult to find strong support for the bill. Many in the industry have concerns about the bill. Fishermen and fish processors from California, who were strong supporters of the House-passed bill, have told me they would prefer no bill to the enactment of S. 39. The environmental community's support is generally qualified and hardly overwhelming, and many Members in this body retain concerns about provisions that were added without debate or the knowledge of those most affected in the industry.

Let me mention several provisions of concern to me that were never debated in the House at all, or where the House position was essentially ignored in S. 39.

BUYING BACK A PUBLIC RESOURCE AT THE TAXPAYERS' EXPENSE

S. 39 authorizes the Secretary to buy back fishing permits in biologically depressed fisheries as a means of reducing fishing effort. Those permits are issued for free or for a nominal administrative cost. As a result of this Senate provision, the taxpayer could be paying to reclaim a permit—issued for free—when the industry itself was responsible for the decline of the stocks. Given that there are already administrative and regulatory methods for reclaiming permits, this provision establishes an unnecessary precedent whereby Government would compensate industry for conservation measures necessary to restore a public natural resource.

PROTECTION FOR FISHING COMMUNITIES HAS BEEN IGNORED

The House bill contained important measures to protect small family fishermen. S. 39 turns these protections on their head, defining fishing communities far too broadly. Some have gone as far as to suggest that the provisions in the Senate bill are actually worse than the status quo for the small fishermen, and would prefer to see the provisions stricken altogether.

THE GIVE AWAY OF A PUBLIC RESOURCE WILL CONTINUE

The House bill contained clear provisions to prevent the sale for private profit of individual fishing quotas issued for free. While S. 39 includes a moratorium on new quota programs, it does nothing to address the continued give away that will occur when the moratorium is over. This is bad for the taxpayer and bad for the small fishermen who will be unable to compete with large, corporate interests. The result will be a rip-off of the taxpayers, and the continued concentration of the fishing industry into the hands of those who can pay the most.

WHALING

Under long established domestic law, foreign nations wishing to fish in U.S. waters are prohibited from doing so, or are penalized, if they are out of compliance with the International Whaling Commission [IWC]. This bill would allow countries that wish to fish in the waters of U.S. Pacific Insular Areas to do so regardless of whether they comply with the IWC. Let us be clear about what this means: Japan, which consistently flaunts IWC policies for protecting whales, will now be permitted to fish for tuna and other valuable fisheries in the waters off United States territories. Once again, we are told that those who ignore not only our environmental protection policies, but those subscribed to by dozens of other nations as well, will be granted special privileges in trade and economic relations.

BYCATCH

At the beginning of this debate, bycatch reduction was identified as a top priority for environmentalists, industry, and the chairman, Mr. YOUNG. To that end, the House passed a bill mandating strong bycatch reduction measures. S. 39 weakened those provisions.

Mr. Speaker, it should come as no surprise to the other body that we have concerns about these and other provisions in the bill. House staff from both parties made every effort to convey these concerns to their Senate counterparts, but the majority of our concerns were dismissed as being outside the brokered Senate deal, or simply were not addressed.

It is unlikely that the Senate is going to comprehend the message that the House must be granted a coequal role in preparing legislation that affects our constituents if we simply roll over and play dead when presented with an ultimatum. This bill is just not good enough. We were consulted little in its drafting, and our concerns were ignored. There are legitimate problems in the way it affects coastal communities, the environment, marine mammal protection, and the taxpayers.

At some point, when we are told—with our backs to the legislative wall—"This is a take-it-or-leave-it offer"—the House will have to find the courage to leave it, and hope that by standing up for our institution and for our constituents, we improve the likelihood for better legislation. Unfortunately, that was not done in this case, and so I cannot support either this legislation or the process that produced it.

□ 1100

Mr. Speaker, the gentleman from Alaska and the gentleman from Massachusetts have worked hard on this legislation, and I have enjoyed working with them on this matter along with the gentleman from New Jersey [Mr. SAXTON].

Finally, let me just say that this is probably the last bill I will work on with the gentleman from Massachusetts [Mr. STUDDS]. His service in this Congress has become synonymous with concern about our oceans, about our fisheries, about the fishermen and their families. His efforts over the years have provided many improvements not only to the environment, to the habitat, to the fisheries but to those families. He has tried his darnedest to see whether or not we could sustain those families in this endeavor, to sustain an American fishing industry, to sustain what it means to the culture of many of these people, to our communities and to regions of this country.

I thank him for that, because this was a shambles before he got involved and the devastation would have continued without his involvement. I thank him for that effort. I also thank him for his service in this Congress. As many have said already on this floor, he is clearly one of our brightest, most articulate and committed Members to ever serve in this House. It has been a pleasure that I have been able to serve so many years with him and I thank him for his public service.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Maine [Mr. LONGLEY], a great committee member.

Mr. LONGLEY. Mr. Speaker, I want to thank Chairman YOUNG and Chairman SAXTON of the Subcommittee on Fisheries, Wildlife and Oceans. In every single instance on matters pertaining to fisheries in Maine, the waters off the State of Maine, in the gulf of Maine, they have been extremely supportive of issues of concern to us.

I also want to thank the gentleman from Massachusetts [Mr. STUDDS]. It has been a pleasure to work with him again on issues relating to fisheries.

I have to say honestly from the standpoint of Maine, we are very pleased with the provisions of the legislation that are now before us. That is not to say that we could not have hoped for something better, but on a very practical and fundamental level, we feel comfortable that we have made important changes to the Magnuson Act which will enhance the fisheries off the coast of Maine.

Specifically, two issues that we think are improvements are improved language relating to the consideration of habitat, in the evaluation of each fishery, as well as provisions relating to bycatch.

In an effort to be practical with respect to the actual difficulties that the fishermen experience in attempting to harvest their resource, we are particularly pleased at the incorporation of the bulk buyout program. We believe that this is a concrete, positive step in the direction of reducing fishing vessel capacity in limited-access fisheries that will allow for better conservation of the resource over the long term.

Some other provisions of the legislation that have particular benefit to the State of Maine include a change in jurisdiction relative to pockets of Federal waters that are surrounded on three sides by State water. In this case, in certain situations we will be seeing the State assert more jurisdiction over Federal waters off the coast of Maine.

This is particularly important because, as I visited the fishing ports along the coast of Maine, one point has become abundantly clear, and that is, to the extent that the State officials and the fishermen on the State level have had an enhanced ability to act in the management of and control of the resource, generally those resources are doing significantly better than the resources that are being managed federally.

Again, that is not to suggest that one jurisdiction has any greater or solitary responsibility as opposed to any of the others. Each jurisdiction must work hand in hand with each other. But again, as I said, by favoring State jurisdiction over waters that potentially could be in either Federal or State jurisdiction, I believe that we are acting to protect the resources off the coast of Maine.

Furthermore, there is a provision in the bill that is going to allow the continuation of the practice of transporting herring at sea by Maine harvesters. Again, given the fluctuation in harvest with the seasons and the location of the herring, this is an important consideration both for herring fishermen as well as for those who are concerned with bait.

Finally, there is a provision that I think we should all be ecstatic about, and that is, there has been a practice that has developed in Federal waters off the coast of Maine for a number of years where dragging for lobsters has occurred, and that is to say that fishing has not occurred in the traditional method of lobster pot but in the manner of a wholesale destruction of the floor of the ocean.

Senator SNOWE's amendment to the bill, which I think is a singular accomplishment, will restrict dragging for lobsters off the coast of Maine. This is going to help protect Maine's lobster fishery by restricting this wasteful and destructive practice.

Furthermore, her amendment is going to require the National Academy of Sciences to conduct independent peer review on the science on which the management of New England groundfish fishery is based.

As we all know, amendment 7 is having and is going to continue to have an enormous impact on thousands of Maine and New England fishing families. These small businesses deserve the reassurance of sound science before we restrict their livelihood. On balance, as I indicated, we are very pleased with the content of this legislation.

I spoke this morning with Commissioner Robin Alden of the Maine Department of Marine Resources. She is very pleased that it is coming to the floor today. That is not to say that the legislation is perfect, but at least from the vantage of my State and my district, we have made a concrete, positive step forward in a direction that will help ensure the continuation of a valuable resource in a State that has a tradition of fishing off the oceans that goes back almost 390 years to when we were first settled in 1607 at Popham Beach.

Again, Mr. Speaker, I appreciate the opportunity to address the provisions of this legislation. Again, I want to thank Chairman YOUNG of the Resources Committee as well as Chairman JIM SAXTON of the Subcommittee on Fisheries, Wildlife and Oceans for their extra efforts to pay attention to the issues that affect the fishermen off the coast of Maine and their consideration of these issues in this legislation.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to join the gentleman from California [Mr. MILLER] and also the gentleman from Massachusetts [Mr. STUDDS] in expressing concern over the take it or leave it process that has been offered essentially by the Senate in bringing this bill to the floor.

I believe, because there was no conference, there was no opportunity to negotiate, if you will, a compromise or conference bill, that is why there are many problems with this legislation, including the one that my colleague the gentleman from New Jersey [Mr. SAXTON] mentioned with the definition of recreational fishermen.

I just wanted to say on that topic that in my State, many of the recreational fishermen are very concerned about the definition. The term in the bill, recreational fishing, is defined as, "fishing for sport or pleasure," and does not account for the importance of personal consumption nor the significance upon which sectors of the recreational fishing community sell, barter, or trade fish. For decades, fishermen of all social classes have engaged in these practices, which have not been shown to be deleterious to fisheries resources.

I am very pleased to see the colloquy that the chairman and the gentleman from New Jersey [Mr. SAXTON] entered into basically making it clear that it was not the intent of Congress to exclude these fundamental historical characteristics of the recreational fishing industry. I hope that NMFS, or the National Marine Fisheries Service, gets it.

What the fishermen are afraid of is that when we do allocations, they will not get their quota, that the recreational guys will be told, "You can just catch and release, you can't keep your fish." But I think that that colloquy between the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Alaska [Mr. YOUNG] hopefully will put that to rest.

If anybody from NMFS comes to me at some point in the future in their rulemaking and says that we are going to somehow negatively impact recreational fishermen because of that definition, I will go back to that colloquy that was entered into today.

I also want to point out that I will be cosponsoring, I mentioned to the gentleman from New Jersey [Mr. SAXTON], the legislation that he plans to introduce in the next session that will ensure that national policy clearly acknowledges all the elements of recreational fishing with a more appropriate definition.

The SPEAKER pro tempore (Mr. KINGSTON). The time of the gentleman from New Jersey, [Mr. PALLONE] has expired.

Mr. PALLONE. Lastly, I wanted to say something about the gentleman from Massachusetts [Mr. STUDDS]. He would probably appreciate it if I sat down, anyway. So with that I will say thank you for everything, GERRY, and I will sit down.

Mr. STUDDS. No greater commendation than silence. Mr. Speaker, I thank the gentleman, it was a very clever ploy, but it did not work.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. I thank the gentleman for yielding me the time.

Mr. Speaker, I want to get my congratulations in early so I will not have to ask for more time. Congratulations for all your fine work, Mr. STUDDS.

Mr. Speaker, I am pleased to rise in support of the Senate's version of the Sustainable Fisheries Act. This legislation contains important provisions which would authorize the Secretary of State to institute Pacific insular area fisheries agreements at the request of and with the concurrence of the Governors of the affected Pacific insular areas.

The inclusion of these provisions is the culmination of efforts which started when the Governors met with the Department of the Interior and other Federal agencies to draft legislation which would allow for the responsible development of fisheries resources in the Pacific.

I am pleased to note that the other body has included provisions which were part of my original legislation, H.R. 2369, introduced last year, and this element includes an important recognition of the growing role of Pacific territories over their exclusive economic zone.

Under this legislation, fees from these fisheries agreements would be covered over into the Treasury of the insular area from where the fees were collected. Fees may be charged to foreign fishing vessels that wish to take advantage of the Pacific fisheries agreements under this bill.

It is our understanding that the legislative intent is not to limit the foreign fishing fees to correspond directly to the fees charged by the United States or to be specific to a single nation but, rather, to give us a mechanism for charging such fees in a manner similar to current agreements with foreign nations. This provision will level the playing field between American and foreign fishing vessels in the Pacific.

It is also our understanding that the legislative intent is to give maximum flexibility to the Secretary of State in interpreting appropriate reciprocal agreements.

I would like to thank the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Alaska [Mr. YOUNG] for their fine work on this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. I thank the chairman for yielding me this time.

Mr. Speaker, I think this has been a very positive exercise for this body, the House of Representatives, to go through and understand the nature and importance of the marine ecosystems, the world's oceans and especially the coastal waters of the United States in order to sustain the fishing stock which is necessary for so many livelihoods and so many people that depend on that type of food source.

There are three very important elements that I think have occurred in this legislation that survived in the House, that survived in the Senate, and that survived in the conference. Those three very important provisions are the habitat provisions, the bycatch provisions and the optimum yield provisions.

The habitat provision. If we did not include those into the legislation, even if we had all of the best regulations concerning the coastal fisheries possible, we could still lose, without protecting the habitat where the fish spawn, 75 percent of the commercial caught fish. We have solved that problem.

The next one, if we are going to have some type of efficiency built into the bycatch provision, if we do not have some type of protection built into the bycatch provision, we were catching and throwing away 10 fish for every targeted fish we were keeping. So the bycatch provisions in this legislation practically eliminates that and works to bringing that down to zero.

The last one is the optimum yield provision which I think is one of the most important. If we do not have any understanding as to the data of the health of the fish stock, how do we know how to allocate those fish stocks to each fisherman?

☐ 1115

The scientific data collected now to determine the health of the efficient stocks is to be calculated into the allocation and the quota to each fisherman. Sustaining the marine ecosystem in this way, this piece of legislation goes a long way into accomplishing that task.

I want to thank the gentleman from Massachusetts [Mr. STUDDS], and wish him well in his future endeavors, and thank the gentleman from Alaska [Mr. YOUNG], for all the work he has done. I encourage people to vote for the conference report.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, in my first Congress I served on the Merchant Marine and Fisheries Committee. Chairman STUDDS demonstrated that under his leadership it was possible to legislate in a manner that puts the public interest first, rather than the personal interest. That is a rare talent, indeed.

His quick wit and humor are far too rare in this body and will be sorely missed. His ability to craft bipartisan compromise is something we should all learn. But most of all, GERRY has become a very dear friend to me. He has greatly brightened my years in this Congress, and I will miss him sorely.

Unfortunately, I must also today rise in reluctant opposition to this bill. When we considered the House version a year ago, I was an enthusiastic supporter of the legislation, but, unfortunately, because of the Senate's failure to act on this issue until this final hour, we are forced to accept an inferior bill. There are a number of provisions which I find objectionable, but I will list just two.

First, the Senate bill removes the safeguards for coastal communities, and those small coastal communities that are up and down my district are often economically dependent on the bounty of the fishery resource. They must be taken into account when fishery regulations are developed. I do not think this bill does that.

Second, the Senate bill attempts to limit public participation in council proceedings. For example, a fisherman writing a letter to a council who does not provide complete documentation for his views could be subject to a $100,000 fine.

Now, that is absurd. We need more input, not less.

It is a shame that this bill is not what it could or should have been, and I must reluctantly conclude that no bill is better than this second-rate Senate bill.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of this bill. This bill passed out of this body last October. I regret that some of the strong provisions in the House bill were watered down in the Senate. However, the bill still retains many of the strongest provisions of the House-passed bill, particularly that which we just heard from Congressman WAYNE GILCHREST, the optimum sustained yield standard. Is it is a remarkably strong standard we ought to have in law. The second is the fish habitat protections. In balance it is a good bill, and I commend the authors for their leadership and urge an "aye" vote.

While I am here, I would like for a moment to just talk about the fact that this is perhaps Congressman STUDDS' last appearance on the floor, and I think it would be remiss if we did not recognize that history is going to be very kind to this man in his service to this Nation. As former chairman of the Merchant Marine and Fisheries Committee and now, I guess, chairman emeritus, he was able to do some remarkable things. One of them was that he authored legislation to make oil companies liable for their spills.

He created the Studds-Magnuson Act which extended the 200-mile limit to our coastal zone. When you think about it, that is the largest acquisition of land without any price paid for it and without a shot fired. It was bigger than the Louisiana Purchase, and it now allows us to govern out to 200 miles from our shorelines all around the United States and its territory islands.

He also is famous, I think, for starting remarkable town hall meetings. Everybody knows his meetings in Massachusetts kind of set the stage for how we should all conduct our meetings at home.

To pay the greatest tribute to him, I think because he was involved with so many fishermen of Portuguese descent in this committee, he went out and learned Portuguese.

He has done many great things as chairman, and we are going to sadly miss him. This bill and the marine sanctuary bill are a real tribute to his years in Congress. We look forward to having many years of friendship with him after he is gone.

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that each side have 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I join my enormous admiration for my colleague from Massachusetts with my disappointment at the bill he has been put, against his will, in the position of supporting. I acknowledge also that the gentleman from Alaska, who has been unfailingly courteous to other Members, also was put in an uncomfortable position.

There is a lot of good work in this bill and I wish we had back the bill these two gentlemen brought forward. But in a development that will undoubtedly astound people, the United States Senate did not do what we all wished they would do, namely, keep a good bill.

One of the things they have added, quite surprisingly in this climate, is a new tax, in effect, on fishermen, because this bill says that under the new central lien registry fishermen will involuntarily be assessed one-half of 1 percent of the value of their permits. We are not sure what the permits are, but this is going to go to fishermen who are struggling now, trying to make a living, and take more money from them to finance government activities.

This is an assessment on the fishermen that will be indistinguishable to them when they have to pay it from any other tax. It is an error. I hope we will have a chance, and I will vote against this bill because of it in part, but I hope we have a chance to revisit it in the future. There are ambiguities because permits are not valued here.

I also oppose the lobster bycatch restrictions. We have State authority here. Again, it seems to me somewhat unusual that the Senate would disregard States' rights and impose nationally through legislation rules which are fully within the competence of States to deal with and which, at least in the case of Massachusetts, States have already dealt with.

I welcome the inclusion of peer review, because I think there has been an error with regards to further restrictions. I think amendment 7 in New England goes much further than necessary, when amendment 5 is working. I welcome the improvements there. But I do not welcome the additional tax, I do not welcome the intrusion into what could be a State matter, and I very much regret the Senate has ruined a good bill.

Mr. STUDDS. Mr. Speaker, I yield one minute to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, first I would like to commend the chairman emeritus of the committee, the gentleman from Massachusetts, GERRY STUDDS, for his leadership over his course of history here in the U.S. Congress, because certainly our fisheries in Maine and Massachusetts and elsewhere have been well served through his leadership.

I would also like to thank the gentleman from Alaska [Mr. YOUNG] for indulging us in some additional time on a very important issue, especially as it pertains to Maine.

I would like to stand in support of this legislation, recognizing that everything is not going to be perfect and we are not all going to get what we all would like to get, that there is more here to be gained I think for the fisheries, for fishery management, for our lobster resources and for the fishermen. I think those are the important people that we have to recognize and serve.

Here in Maine, we are going to be well served by this legislation, because it is going to conserve our lobster resources, it is going to protect our ground fish, and it is going to continue the boat buyback program which has been started by the Department of Commerce. I would like to commend them for their work, working with the State and working with the fishermen, because I think we are moving in the right direction, and it will be supportive of this legislation.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished dean of the House, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, this is a good bill and I urge my colleagues to support it.

Mr. Speaker, I want to pay tribute to two men. First, the distinguished chairman of the committee, my friend from Alaska, DON YOUNG, with whom I have served over the years on other committees and in other places and with whom I have done some great work. I have enormous respect and affection for him, and I wish to salute him at this time.

I also wish to pay tribute to my distinguished friend and colleague from Massachusetts, GERRY STUDDS. I have served with him on the Merchant Marine and Fisheries Committee earlier in happier days. I also have had the pleasure of serving with him on the Committee on Commerce, in which capacity he has been an extraordinarily competent, dedicated and decent man.

I want to praise him for the hard work he has done in the area of the environment, in the area of conservation, and to note that milestone legislation in the whole area of conservation bears his name and his imprimatur. Superfund legislation on proposals relating to conservation, fish and wildlife, things like the endangered species, ocean dumping, marine mammals protective legislation, and National Environmental Policy Act, are pieces of legislation which bear the imprint of his hand, his wisdom and his character.

We are grateful to him for what he has done in these area. The people that he has served so well in the Cape Cod, Massachusetts area, have reason to be grateful to him for his interest in fisheries and natural resources, for the splendid programs that he has pushed, not only to protect fishery resources, but for the constituent service which he has given, and for the concern he has had about them, about the people of the country, about the environment, about the future of this Nation, and about the general things that are so important to quality of life to the people of this country.

He has been a valuable member of the Committee on Commerce, and I will personally miss him. The committee will miss his wisdom, his superb service, and his diligence. We will also miss his sense of humor and the good will and good spirit with which he approaches legislation and the problems of this place.

I express to him my warm good wishes for great happiness and success in his future undertakings. I will miss him, and the lovely Deborah, my wife, joins in expressing to him our joint wishes for happiness, success, and long life.

Mr. STUDDS. Mr. Speaker, I yield myself a minute just to acknowledge with deep appreciation and, believe it or not, humility, for the very kind remarks of the dean of the House. In fairness, many of the statutes for which he gave me credit bear his name.

May I finally just say what a pleasure it has been to serve with him and my friend from Alaska and all of my colleagues here, almost all of them, and leave you with one thing I heard at one point.

Long before I served in this Congress, a very dear friend of mine had a grandfather who was a very senior Republican Member of Congress. Once, after a couple of drinks, he looked at me and he said, "Young man, remember Rule 6. Rule 6 is don't take yourself too seriously, and there are no other rules."

Mr. Speaker, I thank my colleagues for a magnificent 24 years, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was sitting here listening to the gentleman from Michigan, the dean of the House [Mr. DINGELL], give his compliments for my good friend, the gentleman from Massachusetts, and I cannot echo those words enough. I can assure him as one that has been the author and the worker of the Magnuson Act, and the gentleman from California [Mr. MILLER], I want them both to be aware that I have not left this subject. As I mentioned, we have reviewed this three times.

I will cherish the advice that the gentleman from Massachusetts [Mr. STUDDS] can give me on this issue as he goes into another life. We have modern communications today, far exceed that which we had in the past. As a friend, I expect him to keep in contact with me on issues that he thinks are important to the sea.

The gentleman from California himself brought up some issues that I believe very strongly in. I happen to think that the issuance of an IDQ, or IFQ, and then creating a great value of it, to be sold for wealth, is very wrong, and it is wrong to accumulate a massive amount, creating a monopoly. We are going to continue to address those issues as the future unfolds as far as our seas go.

I would like to say, Mr. Speaker, to my friends in the House, I would like to extend our interest in the oceans beyond the 200 miles. We sometimes concentrate, because fishermen vote and fishermen are very vocal and they are probably the hardest group in the world to represent, but I would like to extend our interest concerning what effect is going on beyond the 200 miles.

□ 1130

Because the key to our survival in this Nation today and all nations in this world is a healthy, providing ocean. If it is unhealthy, it does not provide. If it does not provide, I do not think any nation can survive. Someone who may live in the middle of our great Nation or the middle of Russia or the middle of India or the middle of China may say, what has that got to do with me? All of our food cycle chain and all of our wealth eventually is created from the sea.

So I am going to suggest in the future, if I have anything to do with it, with the gentleman from California [Mr. MILLER], that we extend not only beyond the 200 miles, I mean brought within the 200 miles, to be beyond the 200 miles, internationally trying to come to grips with, are the seas healthy, are the species healthy, have we done something wrong, have the death curtains been eliminated, what should we be doing, not impinging upon people's rights but how do we prevail in maintaining a healthy sea.

Mr. Speaker, again, in closing, I can suggest that those who have worked with me over the years on these issues, the ocean, I deeply appreciate their friendship and especially their dedication. The staffs that have been working with the gentleman from Massachusetts [Mr. STUDDS] are exceptionally good. We will continue to overview and to watch the great oceans that surround our shores.

Mr. GOSS. Mr. Speaker, I am pleased that today we will send S. 39, the Sustainable Fisheries Act, to the President. The bill before us is the result of a long process—it was almost a year ago that the House passed H.R. 39, the basis for the bill we're debating today. H.R. 39 was carefully crafted to limit over-fishing, rebuild depleted stocks of fish, reduce bycatch and protect our marine resources.

Of particular concern to me is the bycatch issue—when sea turtles, red snapper, and other nontargeted species get caught and die in fishing nets. During consideration of the Magnuson reauthorization bill, the House adopted an amendment I offered to address this issue.

It is clear that the delicate balance between protecting our marine resources and encouraging industry has been maintained in this bill.

Mr. Speaker, this bill is slightly different than the House-passed bill, but on the whole, it is a responsible step forward and an environmentally sound bill. Reauthorization of the Magnuson Act is long overdue. I strongly urge my colleagues to support passage of S. 39.

Mr. RIGGS. Mr. Speaker, I first want to thank my colleague from Alaska, the chairman of the committee, for his work on this bill. As the representative of a coastal district, I appreciate the difficulties and complexities you faced in crafting legislation in the face of such diverse and complicated fishing interests.

As you know, the reauthorization of the Magnuson Act is crucial to continuing the sound management of our Nation's fishery resources. Responsible fishing practices are necessary for protecting our nation's essential fishery habitat.

Last October, the House completed work on the Magnuson Act. The bill we sent the other body was a good bill that went a long way to restore the health of our fisheries.

However, it was not until last week that the Senate completed work on this bill and sent it to the House for final consideration. Obviously with only a few days left in the session, our options are limited and the opportunity to amend it is nonexistent. This has left me and many of my colleagues with a difficult choice. Either pass the bill in its current form, as watered down as it is, or send it back to the Senate where it would surely die. With reservations I will support this bill, in the hope that when we return to Congress next year, further improvements can be made.

I first want to point out that the Senate failed to adequately address the interests of small coastal fishing communities in the version delivered to the House.

Second, while the House addressed the windfall profit aspect associated with ITQS, the Senate bill falls silent. In addition, the Senate bill does not prohibit the development of ITQS through the moratorium period and does not prohibit ITQS from being placed in perpetuity.

Third, limited access schemes included in the bill may require permit holders to register their permits with a lien registry and pay a fee every time the permit is transferred.

I am concerned regarding provisions in the bill that may give the Secretary of Commerce the ability to impose a limited access plan, including ITQS, at his discretion, on any fishery that is not currently managed by a regional fishery management plan.

My last point is of special concern to many of my constituents. The Senate bill obscures the fishing community language by including the home ports of the distant water, corporately held, factory trawlers under the definition of "community-based fleets." The House bill gives consideration of local, community-based fleets and protects the interests of the historic, generation after generation family fishermen.

As I stated previously, while I have very real concerns and reservations regarding this bill, I will vote for final passage to further the process of protecting our Nation's fisheries.

Mr. MILLER of California, Mr. Speaker, yesterday, the House passed S. 39, The Sustainable Fisheries Act, and sent that measure to the President. I regret that this important fishery management bill was significantly altered, and weakened, by the Senate during a year of consideration, and that the House was denied any opportunity to improve on that version of the legislation.

H.R. 39 as passed by the House last year was a much stronger bill for the fish and the fishermen. While I realize that S. 39 does include important conservation measures, these measures could have been stronger. They should have provided more protection for the fish stocks, the fishing communities, and for the taxpayers.

The inferior version finally passed by the Senate contained many provisions that are unacceptable to the west coast fishing industry, including commercial fishermen, and processors. And it contains several provisions were particularly unacceptable, such as authorizing the Secretary to buy back fishing permits—(that were granted for free)—in biologically depressed fisheries and allowing violators of International Whaling Commission restrictions to gain access to U.S. territorial waters.

The Senate also deleted provisions of the House bill to assure that smaller communities are fairly represented, and to prohibit the private profiting from the sale of fishing quotas, which could also allow the growing concentration of quotas in the hands of the large-scale industry at the expense of family fishermen.

I am inserting in the RECORD two letters from fisheries industry groups in California, expressing their opposition to the House acceptance of S. 39 and their desire to see amendments made to the bill before it became law.

Finally, I would just like to thank the fishing families of California for their support. During the past 2 years, they worked tirelessly with us to ensure that the best Magnuson bill possible was enacted in to law. I regret that in the final analysis, the House leadership decided simply to accept the Senate's version that was negotiated with no input from the House. I salute the efforts of those families. In addition, I pledge to work with them in the years ahead to continue to seek the protections that our small fishing families and the fishery resources deserve.

WEST COAST SEAFOOD
PROCESSORS ASSOCIATION,
Portland, OR, September 18, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Rayburn Building, Washington, DC.

DEAR DON: As you know, over the past two years our Association has worked with you, other members of the House, and your counterparts in the Senate to develop a Magnuson Fishery Conservation and Management Act bill that will conserve and manage our fisheries and still provide an opportunity for our members to conduct their business and employ thousands of workers in Alaska, California, Oregon, and Washington. The House bill, while not perfect, did a good job of accomplishing these goals. The most current version of the Senate bill (which I realize is still being changed) improves the House bill in some areas, but is worse in many others. We had hoped that the Senate would act in time to allow a conference committee to develop a final product that we could all embrace. Unfortunately, time will not permit that to occur.

I have spoken to all of the members of my board of directors. Collectively, they represent the majority of shore based processors of Pacific groundfish, Dungeness crab, and shrimp—along with many other species in California, Oregon, and Washington. In addition, they represent shore based processors of salmon, king crab, tanner crab, pollock, cod, sole, sablefish, halibut, herring, and razor clams with plants on the Kenai Peninsula and in Bristol Bay, Kodiak, Cordova, and Petersburg. They unanimously agree that—absent a regular conference committee—the House should amend the Senate bill and return it to the Senate.

This decision was not made lightly. All of my members recognize the risks that this action would entail. However, they would rather make a fresh start in the next Congress than have a bill signed into law which has the potential to put them out of business.

To give you just a few examples, here are some of the Senate provisions which need to be addresses:

The Senate provisions on overfishing and bycatch do not take into account the realities of commercial fishing, leaving the industry, the Councils, and NMFS open to crippling lawsuits that could shut down fishing.

The Senate enforcement provisions could subject a fisherman or processing worker to criminal penalties if they get into an argument with a port sampler under contract to NMFS.

The Senate bill would allow the Secretary to impose a federal limited entry plan—not reviewable by the Council on fisheries such as Gulf of Alaska king crab, Pacific Dungeness crab, and Atlantic striped bass.

A fisherman writing a letter to a Council who does not provide complete documentation for his views could be subject to a $100,000 fine.

The Senate bill could allow a State to allocate Dungeness crab through area closures and pot limits at the expense of traditional fishermen legally harvesting crab in federal waters.

Every groundfish fisherman in the Pacific Council area would be required to register their limited entry permit with a newly established lien identification system and pay a fee every time the permit was transferred a provision that was never discussed with affected fishermen in California, Oregon, and Washington.

This is not an all-inclusive list of troublesome provisions, but it demonstrates the additional work that is needed on the Senate bill before it becomes law. On behalf of our members and their employees in San Luis Obispo, the San Francisco area, Sacramento, Fort Bragg, Eureka, Crescent City, Brookings, Charleston, Newport, Astoria, Warrenton, Portland, Chinook, Westport, Seattle, Bellingham, Petersburg, Cordova, the Kenai Peninsula, Kodiak, and Bristol Bay, I urge you to improve S. 39 when it arrives in the House and return it to the Senate for final action.

Sincerely,

ROD MOORE,
Executive Director.

PACIFIC COAST FEDERATION
OF FISHERMEN'S ASSOCIATIONS,
Sausalito, CA, September 23, 1996.

Re reauthorization of the Magnuson Act.

Hon. GEORGE MILLER,
Ranking Minority Member, House Committee on Natural Resources, Longworth House Office Building, Washington, DC.

DEAR GEORGE: The Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working men and women in the west coast commercial fishing fleet, respectfully requests the House reject the effort to force House adoption of the Senate bill, S. 39, to reauthorize the Magnuson Act. While PCFFA had encouraged the Senate to take action on Magnuson, after nearly two years of delay, and worked for inclusion of language giving California, Oregon and Washington jurisdiction in federal waters over the Dungeness crab fishery, it was with the understanding that the two bills would be reconciled in conference. We understand now that this may not happen due to the Senate's delay.

PCFFA fully supports the House bill: Indeed, the only thing missing from it was the Dungeness crab language. The Senate version, on the other hand, we find seriously flawed and suggest that *no* bill this session would be better than adopting the measure passed last week by the Senate. There are a number of concerns we have with the Senate version, including:

S. 39 would require any limited access fishery (most of our west coast and Alaska fisheries are under limited entry, including salmon, pink shrimp, herring, groundfish, halibut, blackcod, swordfish/shark, Dungeness crab, sea cucumber, sea urchin and abalone) to register their limited access permit in a line registry and pay a fee every time they transfer it. This provision, slipped in the Senate bill as an apparent favor to Seattle bankers, was not discussed with fishermen here on the west coast and, frankly, does not belong in a statute governing the conservation and management of fish stocks. Just who is the Senate concerned with here, the fish and the fishing fleet, or the bankers?

S. 39 allows the Secretary to impose limited access plans, including ITQs, on any fishery that is not under regional fishery management council jurisdiction. As mentioned, most of our fisheries here on the west coast are under limited access management, mostly under state-developed programs. Moreover, most of the state programs are working well and, in the case of California, most were industry-developed. As we read the Senate language, the Secretary could impose his/her own will over state fisheries under S. 39.

S. 39 perverts the fishing community language, which in the House bill gives consideration of local, community-based fleets, by including the home ports of the distant water, corporately-held, factory trawlers under the definition of "community-based fleets." About the only thing the Senate version did not do was define the corporate headquarters for these fleets as a "fishing community" and that's probably only because Arkansas is land-locked.

S. 39's language on bycatch is much weaker than your House version and actually makes reducing mortality of bycatch coequal with avoiding or reducing bycatch. The Senate bill also exempts the East Coast large pelagic fishery from the bycatch provision of the bill. The shark bycatch in the East Coast fishery is giving the whole of the commercial fishing industry a black eye. We have dealt with shark and shark bycatch issues here on the west coast (through state regulation) in an effort to ensure the resource was protected and the fishery is sustainable; surely it's not too much to ask that bycatch requirements be put in place for the Atlantic.

S. 39, moreover, fails to address the issue of windfall profits from ITQs. The problem of profiteering on permits has to be addressed, first to dissuade non-fishing speculators from seeking or gaining quota shares; second to assure quota shares are affordable for fishermen/women seeking to enter a fishery (by preventing windfall profits and restricting quota sales to those directly engaged in the harvest of fish—not bankers or processors); and third to assure the public a fair return on this publicly-held resource.

The House is to be commended for its bipartisan effort in developing H.R. 39, which is a very good bill. The only reason we had for pressing a Senate bill was to get in the Dungeness crab language, offered by Senator Widen, and get the two bills into conference with the idea of getting a measure out this year, If the choice now, however, is between the Senate version and no bill at all, PCFFA recommends waiting until next year.

Thank you for all your efforts this year on Magnuson and please convey to your colleagues our dissatisfaction with S. 39.

Sincerely,

W.F. "ZEKE" GRADER, Jr.,
Executive Director.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the Senate bill, S. 39.

The question was taken.

Mr. MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 39, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

EXTENDING AUTHORITY FOR THE MARSHAL AND POLICE OF THE SUPREME COURT

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4164) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

The Clerk read as follows:

H.R. 4164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13n(c)) is amended by striking "1996" and inserting "2000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the consideration of the House H.R. 4164, a bill to extend the authority for the Marshal of the Supreme Court and the Supreme Court Police to provide security to Justices, court employees, and official visitors beyond the Court's buildings and grounds. It is crucial that we take favorable action on this legislation before adjourning this Congress, since authority to provide this protection is slated to expire on December 29, 1996.

The authority for the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond court grounds appears at 40 U.S.C. 13n(a)(2), and was first established by Congress in 1982. Congress has periodically extended that authority—in the past 14 years, there has not been an interruption of the Supreme Court police's authority to provide such protection. Congress originally provided that the authority would terminate in December 1985, and extensions have been provided ever since. In 1985, authority was extended through December 26, 1990; in 1990, it was extended through December 29, 1993; and in 1993, it was extended through December 29, 1996.

Chief Justice Rehnquist has written to me requesting that Congress extend this authority permanently. As the Chief Justice correctly pointed out to me in his letter, "As security concerns have not diminished, it is essential that the off-grounds authority of the Supreme Court police be continued without interruption." The Supreme Court informs me that threats of violence against the Justices and the Court have increased since 1982, as has violence in the Washington metropolitan area. Accordingly, I support a permanent extension of this authority to provide for the safety of the Justices, court employees, and official visitors.

Given the late date in the Congress, however, and the fact that we must pass an extension before December 29, 1996, the bill we are considering today would provide for only a 4-year extension, until December 29, 2000. My colleague in the Senate, Senator HATCH, has introduced a similar, stopgap bill, which will allow for the orderly continuation of Supreme Court security measures until the time that we can consider a permanent authorization. Yesterday, the Senate approved that bill.

This provision is without significant cost, but provides great benefits to those on the highest court in the land and those working with them. According to the Supreme Court, from 1993 through 1995, there were only 25 requests for Supreme Court police protection beyond the Washington, DC, metropolitan area, at a toal cost of $2,997. I am also informed that off-grounds protection of the Justices within the D.C. area is provided without substantial additional cost, since it is part of the officers' regularly scheduled duties along with tasks on court grounds.

I encourage my colleagues to support this much-needed extension so as to preserve the security of the Supreme Court.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be brief because the gentleman from Illinois has clearly outlined what this is. This is basically housekeeping and it must be done. I wish we did not ever have to worry about policing for the Supreme Court or for anything else, but that is a wish that, obviously, is absolutely ridiculous when we look at the real world. If we do not do this, we are in real trouble.

Yes, we probably need to do the permanent one as soon as possible because this constantly rolling it over every few years does not make sense either.

The gentleman from Illinois has explained this. We have no objection over here.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume to pay tribute to my friend, the gentlewoman from Colorado, PAT SCHROEDER. This may be our last clash on the floor. We have had several over the past 22 years anyway, and they have all been civil. They have been fervent but they have been civil.

The gentlewoman makes a great contribution to this body, and she will be missed by this Member. I wish her Godspeed in her future endeavors.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 4164.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. HYDE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2100) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. REED. Mr. Speaker, reserving the right to object, I have no objection but I would like an explanation.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. REED. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I would say to the gentleman that the bill is the identical bill with the one we just passed in the House. It is the Senate version.

Mr. REED. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY.

Section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking "1996" and inserting "2000".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4164) was laid on the table.

ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4194) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

The Clerk read as follows:

H.R. 4194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Administrative Dispute Resolution Act of 1996".

SEC. 2. AMENDMENT TO DEFINITIONS.

Section 571 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ", in lieu of an adjudication as defined in section 551(7) of this title,";

(B) by striking "settlement negotiations,"; and

(C) by striking "and arbitration" and inserting "arbitration, and use of ombuds"; and

(2) in paragraph (8)—

(A) in subparagraph (B) by striking "decision," and inserting "decision;"; and

(B) by striking the matter following subparagraph (B).

SEC. 3. AMENDMENTS TO CONFIDENTIALITY PROVISIONS.

(a) LIMITATION OF CONFIDENTIALITY APPLICATION TO COMMUNICATION.—Subsections (a) and (b) of section 574 of title 5, United States Code, are each amended in the matter before paragraph (1) by striking "any information concerning".

(b) DISPUTE RESOLUTION COMMUNICATION.—Section 574(b)(7) of title 5, United States Code, is amended to read as follows:

"(7) except for dispute resolution communications generated by the neutral, the dispute resolution communication was provided to or was available to all parties to the dispute resolution proceeding.".

(c) ALTERNATIVE CONFIDENTIALITY PROCEDURES.—Section 574(d) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) To qualify for the exemption established under subsection (j), an alternative confidential procedure under this subsection may not provide for less disclosure than the confidential procedures otherwise provided under this section.".

(d) EXEMPTION FROM DISCLOSURE BY STATUTE.—Section 574 of title 5, United States Code, is amended by amending subsection (j) to read as follows:

"(j) A dispute resolution communication which is between a neutral and a party and which may not be disclosed under this section shall also be exempt from disclosure under section 552(b)(3).".

SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE ADMINISTRATIVE CONFERENCE.

(a) PROMOTION OF ADMINISTRATIVE DISPUTE RESOLUTIONS.—Section 3(a)(1) of the Administrative Dispute Resolution Act (5 U.S.C. 571 note; Public Law 101–552; 104 Stat. 2736) is amended to read as follows:

"(1) consult with the agency designated by, or the interagency committee designated or established by, the President under section 573 of title 5, United States Code, to facilitate and encourage agency use of alternative dispute resolution under subchapter IV of chapter 5 of such title; and".

(b) COMPILATION OF INFORMATION.—

(1) IN GENERAL.—Section 582 of title 5, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 582.

(c) FEDERAL MEDIATION AND CONCILIATION SERVICE.—Section 203(f) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(f)) is amended by striking "the Administrative Conference of the United States and other agencies" and inserting "the agency designated by, or the interagency committee designated or established by, the President under section 573 of title 5, United States Code,".

SEC. 5. AMENDMENTS TO SUPPORT SERVICES PROVISION.

Section 583 of title 5, United States Code, is amended by inserting "State, local, and tribal governments," after "other Federal agencies,".

SEC. 6. AMENDMENTS TO THE CONTRACT DISPUTES ACT.

Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended—

(1) in subsection (d) by striking the second sentence and inserting: "The contractor shall certify the claim when required to do so as provided under subsection (c)(1) or as otherwise required by law."; and

(2) in subsection (e) by striking the first sentence.

SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.

(a) EXPEDITED HIRING OF NEUTRALS.—

(1) COMPETITIVE REQUIREMENTS IN DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by striking "agency, or" and inserting "agency, or to procure the services of an expert or neutral for use".

(2) COMPETITIVE REQUIREMENTS IN FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended

by striking "agency, or" and inserting "agency, or to procure the services of an expert or neutral for use".

(b) REFERENCES TO THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.—Section 573 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

"(c) The President shall designate an agency or designate or establish an interagency committee to facilitate and encourage agency use of dispute resolution under this subchapter. Such agency or interagency committee, in consultation with other appropriate Federal agencies and professional organizations experienced in matters concerning dispute resolution, shall—

"(1) encourage and facilitate agency use of alternative means of dispute resolution; and

"(2) develop procedures that permit agencies to obtain the services of neutrals on an expedited basis."; and

(2) in subsection (e) by striking "on a roster established under subsection (c)(2) or a roster maintained by other public or private organizations, or individual".

SEC. 8. ARBITRATION AWARDS AND JUDICIAL REVIEW.

(a) ARBITRATION AWARDS.—Section 580 of title 5, United States Code, is amended—

(1) by striking subsections (c), (f), and (g); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) JUDICIAL AWARDS.—Section 581(d) of title 5, United States Code, is amended—

(1) by striking "(1)" after "(b)"; and

(2) by striking paragraph (2).

(c) AUTHORIZATION OF ARBITRATION.—Section 575 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking "Any" and inserting "The";

(2) in subsection (a)(2), by adding at the end the following: "Each such arbitration agreement shall specify a maximum award that may be issued by the arbitrator and may specify other conditions limiting the range of possible outcomes.";

(3) in subsection (b)—

(A) by striking "may offer to use arbitration for the resolution of issues in controversy, if" and inserting "shall not offer to use arbitration for the resolution of issues in controversy unless"; and

(B) by striking in paragraph (1) "has authority" and inserting "would otherwise have authority"; and

(4) by adding at the end the following:

"(c) Prior to using binding arbitration under this subchapter, the head of an agency, in consultation with the Attorney General and after taking into account the factors in section 572(b), shall issue guidance on the appropriate use of binding arbitration and when an officer or employee of the agency has authority to settle an issue in controversy through binding arbitration.".

SEC. 9. PERMANENT AUTHORIZATION OF THE ALTERNATIVE DISPUTE RESOLUTION PROVISIONS OF TITLE 5, UNITED STATES CODE.

The Administrative Dispute Resolution Act (Public Law 101-552; 104 Stat. 2747; 5 U.S.C. 571 note) is amended by striking section 11.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter IV of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 584. Authorization of appropriations

"There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 583 the following:

"584. Authorization of appropriations.".

SEC. 11. REAUTHORIZATION OF NEGOTIATED RULEMAKING ACT OF 1990.

(a) PERMANENT REAUTHORIZATION.—Section 5 of the Negotiated Rulemaking Act of 1990 (Public Law 101-648; 5 U.S.C. 561 note) is repealed.

(b) CLOSURE OF ADMINISTRATIVE CONFERENCE.—

(1) IN GENERAL.—Section 569 of title 5, United States Code, is amended—

(A) by amending the section heading to read as follows:

"§ 569. Encouraging negotiated rulemaking"; and

(B) by striking subsections (a) through (g) and inserting the following:

"(a) The President shall designate an agency or designate or establish an interagency committee to facilitate and encourage agency use of negotiated rulemaking. An agency that is considering, planning, or conducting a negotiated rulemaking may consult with such agency or committee for information and assistance.

"(b) To carry out the purposes of this subchapter, an agency planning or conducting a negotiated rulemaking may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal if that agency's acceptance and use of such gifts, devises, or bequests do not create a conflict of interest. Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the head of such agency. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 569 and inserting the following:

"569. Encouraging negotiated rulemaking.".

(c) EXPEDITED HIRING OF CONVENORS AND FACILITATORS.—

(1) DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by inserting "or negotiated rulemaking" after "alternative dispute resolution".

(2) FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by inserting "or negotiated rulemaking" after "alternative dispute resolution".

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subchapter III of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 570a. Authorization of appropriations

"There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 570 the following:

"570a. Authorization of appropriations.".

(e) NEGOTIATED RULEMAKING COMMITTEES.—The Director of the Office of Management and Budget shall—

(1) within 180 days of the date of the enactment of this Act, take appropriate action to expedite the establishment of negotiated rulemaking committees and committees established to resolve disputes under the Administrative Dispute Resolution Act, including, with respect to negotiated rulemaking committees, eliminating any redundant administrative requirements related to filing a committee charter under section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) and providing public notice of such committee under section 564 of title 5, United States Code; and

(2) within one year of the date of the enactment of this Act, submit recommendations to Congress for any necessary legislative changes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Rhode Island [Mr. REED] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4194 and urge its adoption by the House.

Back in 1990, Mr. Speaker, the then-President of the United States, George Bush, signed into law the Administrative Dispute Resolution Act, which brings us to this moment in the history of this type of legislation. What we are about to do, if the House should agree and if the Senate, of course, is to reauthorize that first attempt at, and successful attempt, I might add, at bringing a new mechanism into play for the solution of problems that arise between agencies and people who deal with the agencies in the private sector most especially.

We ought to set the stage, Mr. Speaker, by saying assume that we have a contractor, and we have testimony in hearings that buttress the example that I am about to render, a contractor deals with an agency and they come to a stalemate on an important issue in which there is no alternative left for the contractor except to bring the matter to court.

What happens then is a protracted period. As we all know, a protracted period is part of the court system these days, during which the contractor is not going to be doing any work and which the agency may find itself frozen in its tracks in attempting to do the mandate while the court proceeds to handle a case that may take years to reach final docket stage.

The purpose then of the Administrative Dispute Resolution Act is to allow a mechanism where an interim kind of cooperative measure can be taken where both parties go before a mechanism which allows them an alternative way to solve their dispute.

What this does for the contractor is save enormous amounts of money, of course. No. 2, it, more importantly, saves important time segments for both the agency and the contractor and, in the long run, brings about for the public a swift answer to the vexing problems that may have arisen. So by itself it is an excellent cost saver and time saver, and we want to make sure that the House and the Senate fully complement our efforts here by passing this legislation.

What more we can say about it is that on June 12, 1996, the Senate approved a predecessor to this bill with an amendment that included several substantive additions. First, several provisions in the Senate passed bill relating to ADR were different, notably with respect to the issues of confidentiality of ADR communications and the authority of the Government to engage in binding arbitration.

Second, the Senate added a permanent reauthorization of the Negotiated Rulemaking Act, a law designed to improve the development of agency rules by encouraging the formation of committees composed of representatives from the regulated public to work together with agency representatives.

Third, the Senate added a provision dealing with the jurisdiction of the Federal district courts to entertain bid protests in procurement cases, something which is commonly referred to as Scanwell jurisdiction, after the name of the case that wended its way through the court system.

The conferees of the House and Senate negotiated over a period of several months to arrive at an agreement that would enable two important provisions to be reauthorized, two provisions which our subcommittee had heard testimony that indicated that considerable taxpayer dollars were being saved, as I indicated in my hypothetical, because of their existence.

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Both the ADR Act and the Negotiated Rulemaking Act have reduced the cost of government to the taxpayer by, in the instance of the former, reducing resort to litigation, which is what I have been trying to emphasize, and in the case of the latter, by ensuring the promulgation of agency rules that make sense and which do not overburden the regulated public.

The question of changing Scanwell jurisdiction. This added feature that I mentioned had not been raised in the House but was supported by the administration and insisted upon by the Senate, thereby causing the delays that caused us to wait until almost the last day to make sure that this can be passed. The conference adopted a course of compromise with respect to Scanwell, but it is obvious that since efforts to change Scanwell jurisdiction have never been the subjects of hearings in the House, they cannot be successful at this point without discrete consideration in this body. Thus H.R. 4194 embodies the conference agreement with the exception of Scanwell, dropping off Scanwell, which is left for consideration as we see it in the next Congress.

With respect to ADR, the House receded to the Senate language on confidentiality with an amendment that brought it closer to the House position. The same course was taken with respect to the issue of arbitration. The conference report provided, and so does the current bill, H.R. 4194, that ADR communications between the neutral and the parties are exempted from disclosure under the Freedom of Information Act. It did so in order to promote honest and candid discussions in the process which will lead to the settlement of issues in dispute and a resulting savings in time and money to every party to a particular dispute. ADR communications between the parties themselves are not so exempted in recognition that the public does in fact have a right to know something about the process and how it is operating.

Now, with respect to arbitration, the conference report and H.R. 4194 authorize agencies to engage in binding arbitration but with certain limitations and guidelines designed to foster discretion and accountability. This bill, as did the conference report, clarifies that an agency cannot exceed its otherwise applicable settlement authority in ADR proceedings and it requires an agency, in consultation with the Attorney General, to issue guidelines on the use and limitations of binding arbitration.

Mr. Speaker, I think it is an important accomplishment of this body to reauthorize two very significant statutes that have been extremely useful in saving the taxpayers money and in helping agencies and the regulated public develop a better working relationship that makes government work better. I wish to commend my colleague, the distinguished gentleman from Rhode Island, Mr. REED, and thank him for his efforts and his cooperation and that of his staff in promoting the final result in this overextended controversy. We also wish to extend our personal wishes of good luck to the gentleman who is embarking on a new career that if he would be successful would result, of course, in the elevating of the IQ of both the House and the Senate and in doing so we wish him the best.

In the meantime, Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise in support of this important, bipartisan legislation.

The original Alternative Dispute Resolution Act [ADRA] was signed into law in 1990 in order to encourage the use of alternative dispute resolution techniques—such as mediation, arbitration, and negotiation—to resolve disputes involving Federal agencies. The authorization for this program expired in October 1995, and this legislation would permanently reauthorize the program. Although agencies can engage in ADR without authorizing legislation, the ADRA provided a governmentwide framework for ADR and its expiration has caused unnecessary disruption in the field.

I favor innovative programs such as ADRA which can lower the costs of litigation without diminishing access to justice. This benefits both sides to the litigation equation—Government as well as business and private parties—and is the type of civil justice reform we can all support.

In addition to permanently reauthorizing ADRA, H.R. 4194 makes several other changes to the law. It expands the range of cases which are subject to referral to ADR by eliminating exemptions for certain types of workplace grievances and discrimination cases, so long as the employee so consents. I believe the program has been sufficiently tested so that it can be used for these very sensitive cases. H.R. 4194 also makes the ADR procedure more user friendly by streamlining the acquisition process for neutrals.

The bill also creates a limited exemption from the Freedom of Information Act [FOIA] for certain documents disclosed to an arbitrator or other neutral in the course of a dispute resolution proceeding. As with all other exemptions to FOIA, this new exemption is to be construed in the narrowest possible manner.

For example, it is important to note that the parties are not permitted to use this exemption as a mere sham to exempt sensitive information from FOIA. Thus, as noted in the statement of managers on the predecessor legislation to this bill (H.R. 2977), litigants may not resort to ADR principally as a means of taking advantage of the new exemption—in such a case the new FOIA exemption should not be held to apply. There are few policies which are more important than openness in Government and release of Government documents to the people.

Finally, I would like to note that this bill does not authorize an agency or any other employer to require its employees to submit to binding arbitration as a condition of employment or to relinquish any rights they may have under title VII of the Civil Rights Act of 1964 or any other statute. The decision to engage in binding arbitration concerning such disputes must be voluntary by all parties. No one should be required to relinquish his or her statutory rights as a condition of obtaining employment with the Federal Government. Under no condition could I support this legislation if this were not the case.

I urge my colleagues to join me in supporting this worthwhile, bipartisan legislation.

Mr. REED. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to thank the gentleman from Pennsylvania [Mr. GEKAS] for his hard work on this legislation. It was a pleasure working with him and his staff, and I commend him on the excellent job he has done this year as chairman of the Subcommittee on Commercial and Administrative Law. I thank him for his kind words and his accurate assessment of my intelligence.

The original House version of this legislation, H.R. 2977, passed the House by voice vote on June 4 of this year. The bill before us today is identical to the conference report on H.R. 2977 minus a controversial procurement reform provision added by the Senate. That provision would have repealed Federal district court jurisdiction over bid protests otherwise known as the Scanwell jurisdiction, as has been explained by Chairman GEKAS. Removing this provision will give the House the opportunity to hold hearings on this issue and examine it more closely. In particular, close scrutiny should be given to the impact on small contractors of this provision.

The remaining provisions of this legislation permanently authorize the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act.

Mr. Speaker, I include my full statement for the RECORD:

First, I want thank Chairman GEKAS for his hard work on this legislation. It was a pleasure working with him and his staff and I commend him on the excellent job he has done this year as the chairman of the Subcommittee on Commercial and Administrative Law.

The original House version of this legislation, H.R. 2977, passed the House by voice vote on June 4 of this year. The bill before us today is identical to the conference report on H.R. 2977, minus a controversial procurement reform provision added by the Senate. That provision would have repealed Federal district court jurisdiction over bid protests, otherwise known as Scanwell jurisdiction. Removing this provision will give the House the opportunity to hold hearings on this issue and examine it more closely. In particular, close scrutiny should be given to the impact on small contractors.

The remaining provisions of this legislation permanently reauthorize the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act.

When the ADR Act was first enacted in 1990, the Federal Government lagged well behind the private sector and the courts in using alternative dispute resolution. Since then, almost every agency has experimented with consensus based dispute resolution techniques. Now, the Federal Government has the opportunity to become a leader in making dispute resolution easier, cheaper, and more effective.

H.R. 4194 makes several changes to the existing ADR Act:

It removes a procedural impediment to the use of binding arbitration by Government agencies while at the same time imposing safeguards to ensure binding arbitration is used only where appropriate.

It expands the range of cases that can be referred to ADR by eliminating the exemptions for certain types of workplace related disputes so they may, with the consent of the employee, be referred to ADR. The general provisions of section 572(b), which establish criteria for identifying cases where ADR is not appropriate, would still apply.

I would like to take a moment to address a concern that was recently brought to my attention by the gentlelady from Colorado [Mrs. SCHROEDER]. She wanted to make clear that this bill does not authorize an agency or any other employer to require its employees to submit to binding arbitration as a condition of employment or to require employees to relinquish rights they may have under title VII of the Civil Rights Act of 1964 or any other statute.

I wanted to assure her that she has no reason to worry about this bill. The decision to engage in binding arbitration must be voluntary by all parties, as provided by sections 572 (a) and (c) of the ADR Act. Also, 5 U.S.C. 2302(b)(9)(A) makes it a prohibited personnel practice to take any action against an employee because of the "exercise of any appeal, complaint or grievance right granted by any law, rule, or regulation." A party cannot be required to enter into binding arbitration as a condition of initial or continued employment. I wanted to make sure that point is absolutely clear. We have been assured of this by the Department of Justice, the EEOC, and OPM. Both the Ranking Member, Mr. CONYERS, and I signed the conference report with this understanding and would not have signed it otherwise, nor would we be supporting this legislation today.

H.R. 4194 makes ADR easier for agencies to use by streaming the acquisition process for neutrals.

H.R. 4104 also enhances the confidentially provisions of the ADR statute. The bill provides that a document generated by a neutral and provided to all parties is exempt from discovery under section 574(b)(7), as well as from disclosure pursuant to FOIA. This change will facilitate the use of early neutral evaluation and similar ADR processes that provide an outcome prediction to both sides. Parties are understandably reluctant to subject themselves to the risk of the neutral's opinion, which is not based on full discovery, being used against them at trial later. This is a change from the House passed version of H.R. 2977.

Another change from the House passed version of H.R. 2977 concerns the interaction between the confidentiality protections in the ADR Act and the Freedom of Information Act. As passed by the House, H.R. 2977 provided that the memoranda, notes, or work product of the neutral would be exempt from disclosure under the Freedom of Information Act. According to the testimony of the Federal Mediation and Conciliation Service, the lack of a FOIA exemption has served as an incentive to hire private neutrals who are not subject to FOIA, rather than Government neutrals. This is a particular problem for Government agencies, like FMCS, that furnish employees as neutrals for proceedings involving other Federal agencies, since their neutrals' notes, unlike the notes of private sector neutrals, may be subject to FOIA disclosure.

The conference was reluctant to go as far as the Senate bill and exempt all ADR communication from FOIA. Under prevailing law, documents exchanged by the Government and its litigation adversaries in the course of settlement are not withholdable under FOIA, and key documents have been made public that shed light on why the Government settled important enforcement actions.

But the House conferees were persuaded to go slightly farther than the original House proposal to cover the situation where a neutral asks an agency to prepare a statement outlying the strengths and weakness of its case. Under the House passed H.R. 2977, such a document in the hands of the mediator would be protected against disclosure pursuant to FOIA, yet that same document in the hands of an agency party would not be, unless it fit one of the existing FOIA exemptions. The overall purpose of the confidentiality provision is to encourage a candid exchange between a party and the neutral to the end of facilitating an agreement. Thus, the conference agreed that dispute resolution communications between a party and a neutral are to be protected against disclosure under FOIA. It is not the intent of the conferees, as is made clear by the statement of managers, that this provision be read to permit parties to evade FOIA by passing documents through the neutral to another party. It only exempts a document generated by an agency during a dispute resolution proceeding that is provided to the neutral alone. If a party provides a document to the neutral and the neutral provides it to another party, that document would be regarded as being exchanged between the parties, and hence outside the revised section 474(j). It would therefore, be subject to FOIA. In fact, under ADRA section 574(b)(7), if the document is provided to or available to all parties, it is also not protected against disclosure through discovery.

H.R. 4194 also narrows the definition of documents accorded confidentiality. They are limited to communications prepared for a dispute resolution proceeding. Preexisting documents are not protected. Section 574(f) already states that the ADR Act does not prevent the discovery or admissibility of any evidence that is otherwise discoverable.

When the Department of Justice drops antitrust charges against a software company pursuant to a settlement agreement or the FDIC settles a case with the directors of a failed savings and loan, the public should be able to find out why the Government acted as it did. The public interest in disclosure does not disappear simply because of a shift in venue from a trial court or an unassisted settlement setting to an alternative dispute resolution proceeding.

At the same time, ADR is qualitatively different from unassisted settlement negotiations and litigation. Working with a neutral, participants share information and concede weaknesses that otherwise would be more advantageous to withhold. Exempting from FOIA disclosure documents shared with the neutral, along with the work product of the neutral, will encourage ADR without sacrificing accountability and openness.

The conference report also permanently reauthorizes the Negotiated Rulemaking Act. The Negotiated Rulemaking Act was passed in 1990 to provide an alternative to traditional notice and comment rulemaking. Instead, of formulating a rule on its own, publishing it, and waiting for interested parties to comment, under negotiated rulemaking an agency brings together representatives of the parties that will be affected by the rule to develop that rule by consensus. Our subcommittee held a very informative hearing this year where we heard from the participants of a negotiated rulemaking involving OSHA, the construction industry, and labor, that succeeded where a decade of traditional rulemaking had failed.

Agencies have used negotiated rulemaking in a variety of circumstances, from fall protection in the steel industry to headlight aiming. Vice President GORE's National Performance Review encouraged its use, citing the reduction in compliance costs, greater ease in implementation, and more cooperative relationships between the agency and regulated parties that result. President Clinton by Executive order has required executive departments and selected agencies to do at least one negotiated rulemaking this year.

The Negotiated Rulemaking Act would expire at the end of November. This conference report would permanently reauthorize it, and make some primarily technical improvements. For example, the process for acquiring neutrals and facilitators is streamlined. Likewise, OMB is directed to expedite the procedures for forming a negotiated rulemaking committee.

H.R. 4194 also authorizes the President to designate an agency or interagency panel to coordinate and facilitate agency use of ADR and negotiated rulemaking, to make up for the loss of ACUS, the Administrative Conference of the United States, which lost its funding last year.

Finally, I insert into the RECORD a copy of the statement of managers as part of the legislative history of this bill.

It is important that we reauthorize both the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act. This bill has the support of the administration and I urge my colleagues to vote for H.R. 4194.

Mr. Speaker, I include for the RECORD a copy of the statement of managers as part of the legislative history of the bill:

The conferees incorporate by reference in this Statement of Managers the legislative history reflected in both House Report 104–597 and Senate Report 104–245. To the extent not otherwise inconsistent with the conference agreement, those reports give expression to the intent of the conferees.

Section 3—House recedes to Senate amendment with modifications. This section clarifies that, under 5 U.S.C. section 574, a dispute resolution communication between a party and a neutral or a neutral and a party that meets the requirements for confidentiality in section 574 is also exempt from disclosure under FOIA. In addition, a dispute resolution communication originating from a neutral and provided to all of the parties, such as Early Neutral Evaluation, is protected from discovery under 574(b)(7) and from disclosure under FOIA. A dispute resolution communication originating from a party to a party or parties is not protected from disclosure by the ADR Act.

The Managers recognize that the intent of the Conference Agreement not to exempt from disclosure under FOIA a dispute resolution communication given by one party to another party could be easily thwarted if a neutral in receipt of a dispute resolution communication agrees with a party to in turn pass the communication on to another party. It is the intent of the Managers that if the neutral attempts to circumvent the prohibitions of the ADR Act in this manner, the exemption from FOIA would not apply.

As with all other FOIA exemptions, the exemption created by section 574(j) is to be construed narrowly. The Managers would not expect the parties to use the new exemption as a mere sham to exempt information from FOIA. Thus, for example, we would not expect litigants to resort to ADR principally as a means of taking advantage of the new exemption. In such a case the new exemption would not apply.

Section 7—Senate recedes to House with a modification. This section requires the President to designate an agency or to designate or establish an interagency committee to facilitate and encourage the use of alternative dispute resolution. The Managers encourage the President to designate the same entity under this provision as is designated under section 11 (regarding Negotiated Rulemaking). This would promote the coordination of policies, enhance institutional memory on the relevant issues, and make more efficient the use of ADR and Negotiated Rulemaking.

Section 8—House recedes to Senate amendment with modifications. This section permits the use of binding arbitration under certain conditions, and clarifies that an agency cannot exceed its otherwise applicable settlement authority in alternative dispute resolution proceedings.

The head of an agency that is a party to an arbitration proceeding will no longer have the authority to terminate the proceeding or vacate any award under 5 U.S.C. section 580. However, it is the Managers' intent that an arbitrator shall not grant an award that is inconsistent with law. In addition, prior to the use of binding arbitration, the head of each agency, in consultation with the Attorney General, must issue guidelines on the use and limitations of binding arbitration.

Section 11—House recedes to Senate amendment with modifications. This section permanently reauthorizes the Negotiated Rulemaking Act of 1990. The President is required to designate an agency or interagency committee to facilitate and encourage the use of negotiated rulemaking.

In addition, this section requires the Director of the Office of Management and Budget to take action to expedite the establishment of negotiated rulemaking committees and committees to resolve disputes under the Administrative Dispute Resolution Act. It is the understanding of the Managers that the Federal Advisory Committee Act (FACA) applies to proceedings under the Negotiated Rulemaking Act, but does not apply to proceedings under the Administrative Dispute Resolution Act. The Director also is required to submit recommendations to Congress for any necessary legislative changes within one year after enactment.

The Managers deleted language in paragraph (b)(1)(B) determining that property accepted under this section shall be considered a gift to the United States for federal tax purposes because the Managers determined that the language merely repeated current law.

Section 12—House recedes to Senate amendment with modifications. This section consolidates federal court jurisdiction for procurement protest cases in the Court of Federal Claims. Previously, in addition to the jurisdiction exercised by the Court of Federal Claims, certain procurement protest cases were subject to review in the federal district courts. The grant of exclusive federal court jurisdiction to the Court of Federal Claims does not affect in any way the authority of the Comptroller General to review procurement protests pursuant to Chapter 35 of Title 31, U.S. Code.

This section also applies the Administrative Procedure Act Standard of review previously applied by the district courts (5 U.S.C. sec. 706) to all procurement protest cases in the Court of Federal Claims. It is the intention of the Managers to give the Court of Federal Claims exclusive jurisdiction over the full range of procurement protest cases previously subject to review in the federal district courts and the Court of Federal Claims. This section is not intended to affect the jurisdiction or standards applied by the Court of Federal Claims in any other area of the law.

Mr. Speaker, it is important that we reauthorize both the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act. This bill has the support of the administration and I urge my colleagues to vote for H.R. 4194.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, the cost and length of traditional litigation is increasingly leading to the settlement of claims through alternative means. Many different techniques, such as mediation, arbitration, minitrials, and partnering have been found effective in reaching expeditious and consensual resolutions to matters which would have otherwise been adjudicated through our courts. The benefits of these alternative dispute resolution techniques are equally apparent where one or more of the parties to the dispute is a governmental entity. In order to promote their use by agencies, we are today considering H.R. 4194, the Alternative Dispute Resolution Act of 1996, which will reauthorize that act.

In addition to providing a permanent authorization for the act, H.R. 4194 contains several provisions which will improve procedures governing alternative dispute resolution, and give parties incentives to use these techniques. First, it eliminates the provision of current law which gives the Government 30 days to vacate the award of an arbitrator. The practical effect of this provision was that no private party would agree to arbitration with the Government. This change is anticipated to dramatically increase the use of binding arbitration.

Under the bill, an agency cannot use binding arbitration if doing so would exceed its otherwise applicable settlement authority in alternative dispute resolution proceedings. An arbitrator would not be permitted to grant an award that is inconsistent with law. In addition, prior to the use of binding arbitration, the head of each agency, in consultation with the Attorney General, must issue guidelines on the use and limitations of binding arbitration.

Second, H.R. 4194 increases the confidentiality of dispute resolution communications between a party and a neutral. While current law sets out in great detail what communications in an alternative dispute resolution may be disclosed by the neutral and the parties, and under what conditions, it fails to ensure that such documents are also protected from disclosure under the Freedom of Information Act [FOIA]. If either a party or the neutral is a Government agency, a dispute resolution communication would be potentially available to the public through FOIA dispute the intent of the ADR Act that it be kept confidential. This confidentiality is of vital importance to reaching a voluntary agreement, because it encourages a candid exchange between a party and a neutral. H.R. 4194 provides an exemption from FOIA disclosure for communications between a party and a neutral, so long as they would also be confidential according to the terms of the ADR Act.

The bill clarifies that, under 5 U.S.C. section 574, a dispute resolution communication between a party and a neutral or a neutral and a party that meets the requirements for confidentiality in section 574 is also exempt from disclosure under FOIA. In addition, a dispute resolution communication originating from a neutral and provided to all of the parties, such as early neutral evaluation, is protected from discovery under 574(b)(7) and from disclosure under FOIA. A dispute resolution communication originating from a party to a party or parties is not protected from disclosure by the ADR Act.

The intent of this provision not to exempt from disclosure under FOIA a dispute resolution communication given by one party to another party could be easily thwarted if a neutral in receipt of a dispute resolution communication agrees with a party to in turn pass the communication on to another party. If the neutral attempts to circumvent the prohibitions of the ADR Act in this manner, the FOIA exemption would not apply.

As with all other FOIA exemptions, the exemption created by section 574(j) is to be construed narrowly. Parties should not be allowed to use the new exemption as a mere sham to exempt information from FOIA. Thus, for example, litigants should not resort to ADR principally as a means of taking advantage of the new exemption. In such case the new exemption would not apply.

Mr. Speaker, H.R. 4194 also reauthorizes the Negotiated Rulemaking Act, which encourages agencies to use negotiated rulemaking when its use would enhance the informal rulemaking process. The bill requires the President to designate an agency or to designate or establish an interagency committee to facilitate and encourage the use of negotiated rulemaking, and to do the same to facilitate the use of alternative dispute resolution. Hopefully, the President will designate the same entity for both purposes. This would promote the coordination of policies, enhance institutional memory on the relevant issues, and make more efficient the use of ADR and negotiated rulemaking. In addition, the bill requires the Director of the Office of Management and Budget to take action to expedite the establishment of negotiated rulemaking committees and committees to resolve disputes under the Administrative Dispute Resolution Act. The Federal Advisory Committee Act [FACA] would apply to proceedings under the Negotiated Rulemaking Act, but not to proceedings under the Administrative Dispute Resolution Act.

Mr. Speaker, I strongly support H.R. 4194 and urge its swift adoption.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we engaged in hearings on this bill, I want to spread on the record the thought that I have that the quality of the testimony was what spurred this Member in attempting to bring about a final solution to the resolution of administrative disputes. Particularly I want to pay tribute to the gentlemen from TRW, who in their testimony outlined how in effect money could be saved and, more importantly, time and energy of the various agencies and the private entities involved in an enterprise and very forcefully convinced this Member, along with the testimony of others, that this type of mechanism indeed should be and is now on the verge of being reauthorized.

We worry about what effect the Scanwell language might have and what atmosphere it casts over the final passage of this legislation. The gentleman from Rhode Island was correct in stating that hearings ought to be held and that the next Congress ought to make it a part of its agenda. I want to place on the record my pledge that if reelected and we return to the work of the committee in which we participate, that we will hold hearings and look at it very closely. But for now, we do no harm to anyone by leaving the law as it is without delving into the controversial aspects of the Scanwell item about which we speak. So, with that pledge, I am determined to offer the best possible face of this legislation so it can be reauthorized now, along with its other provisions.

I wonder if the gentleman from Rhode Island would engage in a colloquy with me with some of my remaining time. I remembered during the conference that the gentleman from Rhode Island was not unhappy with but was not final in his determination as to the report language. Could I ask the gentleman if he is now satisfied with the report language as now will accompany the bill?

Mr. REED. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Rhode Island.

Mr. REED. Mr. Speaker, I believe we have made progress with respect to the report language and it is adequate. We have made progress with the report language. I believe at this juncture, it is adequate to substantiate our understanding of the legislation and provide guidance to interpretation of the legislation.

Mr. GEKAS. Mr. Speaker, I thank the gentleman.

So that the last tidiness that has to be applied to this legislation, namely the report language, will probably offer no obstacle to the final passage of this legislation; is that correct?

Mr. REED. Mr. Speaker, I do not think there is anything that we should know. I believe that the staffs have been in communication and that there is an understanding that the language of the report will substantiate our mutual understanding of the legislation. Consequently, I do not at this juncture anticipate any problems.

Mr. GEKAS. Mr. Speaker, I am rapidly coming to the close of the remarks that I want to insert into the record, but I am searching diligently for even additional language that I feel should become part of the RECORD. I am doing that to give time to the gentleman from Georgia [Mr. LINDER] to get here so that we can proceed with the next item of business. You are going to have to listen to me drone on for a few minutes, if you do not mind. The gentleman from Massachusetts [Mr. MOAKLEY] is present but he cannot begin the process without the presence of his colleague from the Committee on Rules. We are consulting here on how best we can fill the time.

Mr. Speaker, as my final item in the discourse which I have embarked on this morning, I want to give some statistics that will show the value of what we are about here today. The Army Corps of Engineers reportedly used dispute resolution in 55 contract disputes between 1989–94, 53 of which were successful. One case reportedly resulted in a claim for $55 million being settled for $17 million in 4 days. So this gives you an idea that we are not just puffing here when we are saying that to allow for a mechanism for alternative ways to solve disputes between contractors and agencies, that we indeed can demonstrate to the public that we are utilizing time, energy and cost savings very efficiently.

I think that the gentleman from Georgia [Mr. LINDER] would agree with me if he were here. If he should get to the floor rather quickly, I could end my discourse.

Mr. Speaker, this is not the most exciting of issues and my heart is not pounding with the rapture that usually accompanies my involvement in issues before the floor, but insofar as it was granted to us to have the power to deal with the issue and because it was relegated to my committee, I now take the privilege of thanking every member of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, both on the minority side and the majority side. This may be the last time that our voice, collectively or individually, will be heard as members of that committee.

I daresay that we had excellent cooperative, bipartisan action on many items and where we did devolve into ideological or partisan approaches to a particular problem, those were handled on a civil basis with great cooperation being accorded between staffs and between and among Members.

Mr. Speaker, I reserve the balance of my time.

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Mr. REED. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like, if I could, to engage the gentleman from Pennsylvania [Mr. GEKAS] in a colloquy, and in doing so I would like to take a moment to address a concern that was recently brought to my attention by the gentlewoman from Colorado [Mrs. SCHROEDER]. She wanted to make clear that this bill does not authorize an agency or any other employer to require its employees to submit to binding arbitration as a condition of employment, or to relinquish rights they may have under title 7 of the Civil Rights Act of 1964 or any other statute. I want to assure her that she has no reason to worry about this bill and that the decision to engage in binding arbitration must be voluntary by all parties, as provided in sections styled 72(a) and (c) of the ADR act, and in fact would like if the gentleman could confirm that understanding.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. REED. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I assert for the record and for the gentleman's confirmation that indeed this bill does not in any way change the current law, the current system for handling binding arbitration of the type that has been described by the gentleman in his hypothetical. We remain nongermane in this bill as to the current situation on binding arbitration.

Mr. REED. Mr. Speaker, I thank the gentleman from Pennsylvania, and reclaiming my time once again, I do want to commend him for his leadership on the committee and to commend all of my colleagues on the committee, both the members of the minority and majority parties and the staffs who have done an excellent job. I, too, second the chairman's determination that this has been a committee I think marked by collegiality and cooperation, and at times when we did disagree it was done based upon principle, in a very civil and constructive manner, and I thank the chairman for that atmosphere that he has created.

I have no more speakers, Mr. Speaker, and I would reserve the balance of my time pending other comments by the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one other item: I made it the point throughout the entire 2-year period in which I chaired this committee to begin the each meeting and each hearing on time. When we said 10 o'clock or 9:30 or 11 o'clock, the gavel actually rapped every single time that we had a hearing or meeting throughout the course of the 2 years.

Now many times we had to recess immediately upon convening the hearing because of the absence of a quorum, but I want the record to show that every single meeting or hearing that was conducted in the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary began on time. I believe, unless someone can contravene it, that that is a record.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts [Mr. MOAKLEY] to see if he can challenge that assertion on my part. Seeing that he is rising, that worries me, but I will yield to the gentleman.

Mr. MOAKLEY. Mr. Speaker, actually I cannot affirm whether or not that is true, but the only thing is I know that presently, right now, I am waiting for a Republican member of the Committee on Rules to show up who is not on time.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his noncomment.

Another matter that I wanted to bring before the CONGRESSIONAL RECORD is my personal thanks to Ray Smietanka, to Roger Fleming, to Charles Kern, who are staff attorneys in the subcommittee, and of course Susan Guttierez and Becky Ward who are visible most of the time, but invisible another part-time, but who very boldly and carefully helped the process of the committee.

Now I want to speak some more, and the gentleman from Georgia [Mr. LINDER] is here, but I refuse to end my discourse because I am getting warm now. But I think I am going to have to do so.

Mr. Speaker, I yield back the balance of my time.

Mr. REED. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 4194.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 3539, FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 540 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 540

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 540 provides for the consideration of the conference report for H.R. 3539, Federal Aviation Reauthorization. House Resolution 540 is a typical House rule for a conference report. The rule waives all points of order against the conference report and against its consideration, and the conference report shall be considered as read.

The House understands the importance of the timely consideration of this bill, and the Rules Committee favorably approved this rule yesterday. It is imperative that this bill be enacted into law soon so that airport improvement funds can be released across the country by the end of the month. We are close to completing the work of the 104th Congress, and the House cannot delay sending the President this legislation for his signature; therefore, I urge adoption of this rule so that we can get on with debate and passage of this essential legislation.

As a conferee on the section of this legislation under the jurisdiction of the Rules Committee, I want to commend Chairman BUD SHUSTER, and BILL CLINGER, and JOHN DUNCAN for their hard work in resolving the differences that remained between the House and the Senate legislation. The conferees had to balance an assortment of concerns, and the resulting product closely resembles the FAA reauthorization bill that passed the House.

The conference report authorizes the Federal Aviation Administration's major program for 2 years and provides about $19 billion dollars for FAA operations, airport grants, and FAA facilities, equipment, and research. This legislation reforms the FAA, authorizes the necessary funding to increase aviation safety and security, and assures expanded aircraft inspection. These are provisions that are vital to provide the effective services and protection that the American public deserves.

I also want to comment on a number of notable items in the bill. First, the conference report authorizes an airport privatization pilot program that will allow five airports to be either sold or to enter into long term leases. The pilot program gives us an opportunity to observe the ability of the private sector to introduce the necessary capital and efficiencies that may help to advance our current airport system into the 21st century.

Another significant provision in the conference report is a requirement that the National Transportation Safety

Board serve as the responsible contact following an accident. Under these requirements, the NTSB would designate an independent, nonprofit entity to provide emotional care and support for the families of any passenger involved in an accident. It is crucial that we provide family members with information about their loved ones, and this provision helps provide the care that is needed under the most horrible of circumstances.

Finally, this Nation has seen a disturbing rise in the practice of lawyers immediately harassing the grieving families of victims following an accident. I am particularly pleased this bill protects passengers and family members by prohibiting unsolicited contacts from lawyers until 30 days after an accident. It is a compassionate provision that deserves our support.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed with the debate and consideration of a conference report that contains these meaningful FAA reforms, vital transportation resources and significant safety and security protections for American families across the nation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from Georgia [Mr. LINDER], for yielding me the customary half-hour.

Mr. Speaker, most of the things that this bill does are excellent.

It authorizes $10.4 billion for the next 2 fiscal years for our Federal Aviation Administration. These are people in charge of our air traffic control, air routes and airline safety.

It also authorizes $4.6 billion in airport grants.

It authorizes funding for airline safety and inspection programs which will improve the safety of air travel in the United States.

It improves the notification process for families of airline accident victims to end confusion and to speed the transfer of information during that very, very difficult time.

And if that were all that this bill would do, Mr. Speaker, I would happily support it, and so would many of my colleagues. But that is not all that is in this bill.

This bill contains a direct attack on working Americans. This bill contains a provision that was not part of either the House or Senate bill. This provision will resurrect the term "express carrier" solely on behalf of the Federal Express Co. No other company is categorized as an express carrier.

In fact, Mr. Speaker, the term "express carrier" was dropped with the passage of the ICC Termination Act in 1995, but this bill pulls that term out of the trash heap, and in doing so will effectively prohibit the employees of Federal Express from unionizing.

The supporters of this provision, this blatant attack on American workers, call it a technical correction. The person testifying before the committee said it was inadvertently left out of the House bill. It was inadvertently left out of the Senate bill. But somehow it showed up in the conference committee report.

I would argue that for the 130,000 employees of Federal Express this change is hardly a correction, it is more like a misdirection.

If Federal Express employees cannot unionize locally, Mr. Speaker, they cannot unionize at all, and the powerful people at the top of Federal Express know it.

So, I urge my colleagues to stand up for those 130,000 employees of this company and defeat the rule and defeat the bill. Despite all of the progress this bill will make towards improving air travel and airline safety, it should be defeated because of that one provision.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, H.R. 3539 is a good bipartisan bill except for one horrible extraneous provision which was beyond the scope of the conference. We should be passing a conference report today in order to fund airport improvement program grants, reform the FAA, address the security needs of our aviation system, restructure the Washington Airport Authority, and deal with the ways that pilot records are shared, accident victim families are treated, and children are allowed to fly. But I cannot ask my colleagues to vote for this bill because the Republican leadership has chosen to sabotage this important legislation with a big favor for the Federal Express Corp.

In case my colleagues have not heard, the history of this controversial so-called Fed Ex provision is as follows:

There has never been a hearing on it, not in a subcommittee in the House, not in a full committee of the House, not in a subcommittee of the Senate, not in a full committee of the Senate. They attempted to attach this provision to the fiscal year 1996 omnibus appropriations bill and failed. They tried to attach it to the NTSB reauthorization bill and failed.

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They tried to attach it to the Railroad Unemployment Act amendments and failed. They attempted to attach it to the amendments to the DOT appropriations and failed. I understand that they even tried to attach it to the CR that we will be voting upon today, tomorrow, Sunday, Monday, Tuesday, whenever it comes to pass. Now they have stuck it on this very important aviation bill, threatening everything in it.

Defeating the rule will enable us to have this terrible special interest provision removed so that the product of 2 years of effort of the Aviation Subcommittee will not be sacrificed to Federal Express.

Mr. Speaker, I hate to see the progress that we have made in improving virtually every aspect of aviation for the American people thrown away to cater to one powerful corporation. We have had splendid, outstanding cooperation on all aviation matters here in the House, principally because of the nature of the chairman of the Aviation Subcommittee, the gentleman from Tennessee [Mr. DUNCAN]. He and I have worked splendidly together throughout the entire process of this bill and many other bills.

The ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the committee, have worked in tremendous cooperation to improve the aviation industry in this country, with all the legislation that is included in this bill.

Now, unfortunately, at the last moment, when everything else was done in conference, when we had worked everything else out between the House and Senate, at the 11th hour, an amendment is brought forward to aid and assist one giant corporation against the American middle class, a provision for Federal Express.

Mr. Speaker, I say to one and all in this House, this is an opportunity for Members to stand up and do something for American middle class people, and vote against this rule.

For the arguments that people will put forth that we do not want to defeat this very important piece of legislation because so many things will be adversely impacted in the aviation industry, I simply say to them, the very distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], has stated in several publications if the rule is defeated, if the bill is defeated, they will simply put it on the continuing resolution, or they will bring it back without this provision and pass a clean aviation bill.

Mr. Speaker, I say to the Members, vote against this terrible rule.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the Committee on Transportation.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule. The issue which my friend, the gentleman from Illinois, brings up will, of course, be debated after this rule has passed, and we can address it at that point. Our view is that it is simply a technical correction that needs to be made.

But beyond that, let me emphasize that the provision was offered by the Senate. Indeed, it was offered by Senator HOLLINGS, a Democrat. The Senate conferees unanimously, Republican and Democrat alike, including Senator WENDELL FORD, supported this provision. So this is certainly not simply something, it is not something that we have proposed, it is something that the Senate has proposed. It is something that we accept, because we think it is a technical correction.

But, indeed, that can be debated, and I am sure it will be debated at length when we get into the conference report itself. I simply rise and urge my colleagues to vote in favor of this rule so we can get to the debate, to the substance of the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I have heard certain people in the Republican party do not want this bill. I wanted to ask my dear friend, the gentleman from Pennsylvania [Mr. SHUSTER], who just sat down, if he really wants this proviso in the bill.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I would be happy to respond. Absolutely.

It is outrageous, it is outrageous that we even have to deal with this issue this way, because it is nothing more than a technical correction. Indeed, if we were the ones who were involved in putting something in here which inadvertently hurt labor, we would be down there in the well saying it should be taken out.

We think it is fundamentally wrong, it is outrageous that this issue is even contentious, because this is nothing more than a technical fix. In the gentleman's heart of heart, he knows it.

Mr. MOAKLEY. Mr. Speaker, I do not know how anybody could say that something that affects 130,000 working people, that has not had one minute of hearing in the House committees or the Senate committees, that was put into the conference committee, is a technical correction. I would like to take a look at that dictionary to see what technical correction really means.

Mr. Speaker, this is a terrible thing. This is a terrible affront to the working men and women of America, that this type of proviso could be inserted into this otherwise great bill. For anybody to jeopardize the millions of Americans that fly every year, the protections that are put in this bill are jeopardized by putting this proviso in there.

I think we would do best to defeat the rule, then extract this amendment, and I am sure that the conference committee, it probably would go through without a negative vote.

I just think that the stakes are too high. Regardless of what party the gentleman is in who inserted this amendment in the Senate, I just think it is the wrong place. This should be debated before it gets to the conference committee report. This should have been debated in the House. This should have been debated in the Senate. This should not end up on our doorstep, at the 11th hour, when we are trying to get out of this place.

Mr. Speaker, I would hope my colleagues would join me in voting against the rule, so we can strip out this terrible provision.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 187, not voting 24, as follows:

[Roll No. 445]

YEAS—222

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Portman
Pryce
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—187

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Forbes
Ford
Frank (MA)
Frisa
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rangel
Reed
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer

Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—24

Boucher
Campbell
Chapman
Dellums
Foglietta
Frost
Green (TX)
Hayes
Heineman
Jackson-Lee (TX)
Johnston
Largent
Levin
McCrery
McIntosh
Peterson (FL)
Porter
Quillen
Richardson
Rogers
Rose
Solomon
Thompson
Wilson

☐ 1243

The Clerk announced the following pair:

On this vote:

Mr. Porter for, with Ms. Jackson-Lee of Texas against.

Messrs. DAVIS, ENGLISH of Pennsylvania, and McHUGH changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1245

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 540, I call up the conference report on the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to House Resolution 540, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 26, 1996, at page 25172.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Illinois [Mr. LIPINSKI] will each control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report is an omnibus aviation bill that includes many important issues that the Subcommittee on Aviation has considered during the 104th Congress. This conference report incorporates many bills and issues, including the FAA reauthorization, aviation safety, FAA reform passed by the House this March, the child pilot safety bill passed by the House this July, the pilot record sharing bill, passed by the House this July, the aviation security bill, passed by the House this August, assistance to families of passengers involved in aircraft accidents, passed by the House earlier this month, and the Metropolitan Washington Airports Authority bill.

It is a good bill. It is a must piece of legislation, because if this is not passed and signed into law, our airports across America will get no funding for their airport improvement programs. Therefore, it is absolutely imperative that we pass this legislation.

As far as I know, there is only one issue which has been made controversial, an issue which many of us believe should not be controversial, because it is a technical correction. It is an issue which was offered by Senator HOLLINGS, a Democrat, in conference in the Senate, supported by all of the Senate conferees, Republicans and Democrats, and supported by the Republicans in the House.

Therefore, the provision is a technical correction to correct a provision in the bill in which we eliminated the ICC. It is referred to as the Fed-Ex provision. We believe that this should not be controversial at all, because, as a matter of good faith, it is simply correcting something that was inadvertently left out of the legislation when the ICC bill was passed. Nevertheless, it has become controversial, and I am sure it will be debated as we move along here this afternoon.

Mr. Speaker, I would urge my colleagues to support this conference report, because if we do not support it, if it goes down, there will be no funding for America's airports in the coming years.

Mr. Speaker, I include the following letters for the RECORD:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, September 18, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. SHUSTER: This is in response to your letter of September 3, 1996, requesting our opinion as to whether certain proposed changes to the Federal approving legislation for the Metropolitan Washington Airports Authority (the "Authority") would result in the Authority being viewed as a Federal instrumentality under the Internal Revenue Code (the "Code") rules governing issuance of tax-exempt bonds. The Authority is established as an interstate compact by laws of Virginia and the District of Columbia. The compact was approved by Congress in the Metropolitan Washington Airports Act of 1986 (P.L. 99-591, the "Act"); the Act also provided for a lease of Washington National and Dulles International Airports to the Authority. The Authority has been viewed as a political subdivision of Virginia during past periods when it was permitted to incur debt because it was created by Virginia law, operates in Virginia with respect to property located in the Commonwealth, and possesses the power of eminent domain and the police power, two of the three principal indicia of governmental status under the Code's tax-exempt bond rules.[1]

Your proposed legislation would reverse several limitations currently placed on the Authority as a result of a court determination that a Congressional Review Board is unconstitutional. The proposed legislation also would (1) expand the Authority's Board of Directors to include two additional directors appointed by the President and (2) sunset certain reinstated powers and benefits after five years. The concerns about future issuance of tax-exempt bonds for the Authority arise from the latter proposed amendments to the Act.

The Code exempts interest on debt of States and local governments from the regular income tax when the debt is incurred to finance activities conducted by those governmental entities or to finance certain private activities specified in the Code. One such private activity is financing for airport facilities. Interest on both debt of the Federal Government and debt issued by any other entity (including States or local governments) for the benefit of the Federal Government is taxable. Further, under long-standing Treasury Department rules, if a beneficiary of tax-exempt bonds ceases to qualify for this subsidized financing, interest on the bonds (in certain cases) becomes taxable retroactive to the date the bonds are issued (referred to as "change in use" rules). A prohibited change in use could occur, for example, if the Authority were to become a Federal instrumentality during the term of any previously issued debt as a result of sunset provisions in relevant authorizing legislation. If the possibility of such a change in use were specified in legislation when bonds were issued, required certifications of tax-exemption could not be made. An unqualified opinion from the bond counsel of the issuer as to the tax-exempt nature of interest is required at the time of bond issuance as part of industry marketing requirements, and certain information reports must be made to the Internal Revenue Service (the "IRS") that debt which purports to be tax-exempt has been issued.

The relevant Code tax-exempt bond rules do not provide specific guidance on when an entity is treated as a Federal instrumentality. Rather, that determination is made by the IRS based on all relevant facts and circumstances. The IRS has issued no guidance directly on point to your inquiry. As a result, the only manner in which a binding determination could be made would be either revenue legislation enacted by the Congress or a ruling letter issued to the Authority by the IRS. Because of the absence of clear present-law authority on the effect of your proposal, we recommended to your Aviation Subcommittee staff that the Authority and its bond counsel be contacted to discuss in detail the source of the concerns which had been expressed to you about the proposed legislation. A conference call was held with your staff and Authority counsel on September 11, 1996. At the request of the Aviation Subcommittee staff, this letter outlines the matters discussed in that conference call.

The Authority counsel concurred with the Joint Committee staff that there is no tax guidance directly on point to the questions raised by your proposed legislation. We discussed with the counsel the factors which might lead them to conclude that they could obtain a favorable ruling from the IRS, if requested, and therefore issue a favorable tax opinion on future bonds of the Authority if your proposals were enacted. The counsel stated that such a determination would be based on whether the Authority remained as valid political subdivision of Virginia. They cautioned that any final legislation would have to be reviewed in its totality to determine whether the Authority continued to be a political subdivision of Virginia before making such a determination; however, they did state that the two changes you propose, viewed standing alone, would not in all cases lead them to opine that the Authority had become a Federal instrumentality.

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[1] The third principal factor is the power to tax, which has not been granted to the Authority.

Specifically, the counsel stated that the mere expansion of the Authority's Board of Directors from 11 directors to 13, with the two additional directors being appointed by the President, would not preclude their giving a favorable tax opinion for future bond issuances based on their belief that they would receive a favorable ruling from the IRS, if requested. This statement was conditioned upon any such expansion being drafted to preserve the existing procedures whereby directors are appointed pursuant to the Virginia statute creating the Authority, rather than pursuant to Federal law. On the other hand, if Virginia law were overridden in providing for the additional directors, the counsel stated that they would decline to give a favorable opinion. The counsel noted that amendment of the relevant Virginia statutes is limited by the State legislature's rules and schedule, and that any legislation that is enacted should take into account at least minimum time periods needed to comply with those requirements.

Your legislation also proposes a sunset of certain Authority powers, including the power to issue additional debt, after a five-year period. Unlike similar provisions which we understand to have been included in some past versions of this proposal, however, this sunset would not affect the status of the Authority as a continuing entity. Provided that the powers subject to the sunset provision are not essential to the Authority's continued status as a political subdivision of Virginia, both we and bond counsel concur that the provision should not preclude continued eligibility of Authority debt for tax-exemption. However, if the legislation were drafted to terminate the Authority or powers essential to its status as a political subdivision, as opposed to limiting certain of its other powers, we and the Authority's counsel agree that the change in use rules described above would preclude future issuance of Authority debt as tax-exempt.

In conclusion, while certain additional Federal restrictions may be imposed on the Authority without precluding tax-exemption for its debt, there is no direct legal authority on how pervasive those restrictions may be. Any such restrictions must be carefully structured to avoid adversely affecting the Authority's continued status as a political subdivision of Virginia.

I hope this information is helpful as you finalize your proposed legislation.

Sincerely,

KENNETH J. KIES.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 26, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SHUSTER: I am writing to you regarding the pending conference report on H.R. 3539, the Federal Aviation Reauthorization Act of 1996. As I stated in an earlier letter, I remain opposed to any provisions to create a "fast-track" procedure in the House for considering possible tax legislation in the future.

The Committee on Ways and Means has always been cooperative in giving Administration proposals their due consideration. I want to reassure you and the other conferees that my opposition to legislative mandates does not preclude expeditious consideration of recommendations of the Administration by the Committee on Ways and Means as appropriate. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is, on the whole, with one glaring exception, an excellent and bipartisan piece of legislation. Beginning with the work in the subcommittee, throughout the hearing process, the chairmanship of the gentleman from Tennessee [Mr. DUNCAN] and the leadership on our side of the gentleman from Illinois [Mr. LIPINSKI], the subcommittee worked together, ironed out many contentious issues, others of lesser significance, but worked through all of the fundamental aviation issues, to produce a truly fine piece of legislation.

In full committee we did again the same thing. Working together with the gentleman from Pennsylvania, Chairman SHUSTER, we were able to come to accommodation on major issues. We have already discussed these previously on the floor when the bill passed the House.

The conference report largely reflects the House position on most of the significant aviation issues concerning structure and formula for the Aviation Improvement Program. All airports are going to receive their full formula allocation. The allocations for general aviation airports are streamlined and improved in many respects.

We placed more emphasis on the need for a strong discretionary fund in the airport improvement program, and the reason for that discretionary fund is to underscore the role of the Secretary of Transportation in ensuring that we have a national system of airports.

Mr. Speaker, the reason for the role of the secretary is to ensure that we integrate our national airports in the spirit of the national system of integrated airports. That is the concept of the airport improvement program.

The conference report provides for a minimum discretionary fund of $300,000 for fiscal year 1997. That is an important provision. It means that in the future, emphasis will be able to be placed on those airports that truly contribute in a very special way to the movement of people and goods throughout the Nation's air space.

The conference report also supports an important letter of intent program. That is important for major mega projects, to ensure that the revenue stream will be available over the period of several years needed to complete these large airports, like improvement of Hartsfield airport in Atlanta, and of DFW, O'Hare, of Los Angeles, of JFK, where you have major aviation traffic and projects that cannot be done overnight, that take years of planning and years to complete.

So the letter of intent is vitally important to ensure there will be sufficient funds, and that provision provides about $150 million for high priority projects that offer expansion in capacity and improvement in safety.

At the beginning of our process, there was a lot of pressure to eliminate the noise setaside program, the so-called part 150 program of FAA. The bill rejects that rather ill-conceived notion. Noise funding is a capacity issue. If people living near the airport or within the noise footprint of the airport object to increased traffic, then you cannot flow more traffic into that airport. If you can abate the noise, calm neighbors' concerns, you really have, in effect, increased the capacity of the airport.

By the end of the decade, thanks to the 1990 aviation bill, we will cut in half the number of people impacted by noise, and this legislation continues that commitment.

The bill also includes legislation previously passed in the House to require airlines to share pilot training records so bad pilots can be weeded out of the system, to ensure the tragedy that befell the 7-year-old child pilot trying to set a cross-country record is not going to happen again, to ensure that families of aircraft accidents, victims, are getting the proper consideration and care and sensitive treatment and the information and the prompt response that they require in the aftermath of an aviation tragedy.

The bill will also remove the constitutional problems associated with the Metropolitan Washington Airport Commission and a bill that we passed in the House in August concerning antiterrorism measures.

The bill also brings small commuter airports up to the higher standards of major airports and inaugurates a pilot program to review the privatization of airports, whether this privatization program might be a good way to attract additional capital investment airports need that they otherwise cannot achieve in order to expand capacity.

Mr. Speaker, for these and a host of other reasons, other provisions of the bill that I need not go into at this time, I think we ought to pass that part of the bill, the part that is offensive, which I shall address in later remarks.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Tennessee

[Mr. DUNCAN], chairman of the Aviation Subcommittee.

Mr. DUNCAN. Mr. Speaker, I rise in strong support of the conference report to H.R. 3539, the Federal Aviation Reauthorization Act.

First, let me congratulate the chairman of the Transportation and Infrastructure Committee, the gentleman from Pennsylvania [Mr. SHUSTER], for his outstanding leadership on this bill and throughout the entire 104th Congress.

He has been, in my opinion, one of the, if not the most effective and hardest working chairmen in the entire Congress.

I also want to thank the ranking member of the full committee, Mr. OBERSTAR, and the ranking member of the Aviation Subcommittee, Mr. LIPINSKI, for their expertise in aviation matters and for their bipartisanship throughout this entire Congress.

We have certainly accomplished significant improvements to aviation in this Nation by working together.

Mr. Speaker, the Federal Aviation Reauthorization Act conference report, H.R. 3539, is a comprehensive measure that this House can be proud of. It is must pass legislation. If we do not pass this conference report, no airport in this Nation will receive any Federal grants to make much needed improvements to their respective airports.

No Federal funds can be spent to improve our aging air traffic control equipment, which so desperately needs to be updated. Mandated airport security requirements will go unfunded.

We just cannot afford to let these things go unfinished. We must pass this conference report.

Mr. Speaker, by the end of this year, there will have been well over 500 million passengers boarding planes all across this country. Experts predict that this number will increase to more than 800 million in just 10 years time.

I cannot stress enough the urgency of this legislation.

We have addressed many important issues in this conference report in a very bipartisan manner and I think members on both sides and staff have done an outstanding job.

We have worked throughout this entire process in a bipartisan manner and we have also worked closely with our colleagues in the Senate.

This conference report is very similar to the House passed bill. Although we had a 3-year authorization, the Senate had a 1-year authorization. So we split the difference in conference and agreed to a 2-year authorization.

□ 1300

Mr. Speaker, this legislation will bring needed and additional reforms to the personnel and procurement systems at the FAA, very similar to the FAA reforms that were included in H.R. 2276, that the House passed unanimously in March. It helps move the FAA into the 21st century in a very businesslike manner.

It also incorporates and improves upon several of the aviation security measures that the House passed just 1 month ago. We have required criminal background checks for certain airport employees, required standards for airport security personnel, called for improvements to passenger profiling, to help detect bombs and terrorists, allowed bomb sniffing dogs to be used at our largest airports, and several other security improvements.

In addition, the conference report also includes the pilot record sharing bill, the Child Pilot Safety Act, and the Aviation Disaster Family Assistance Act, all of which were overwhelmingly passed by the House this year.

It expands the State block grant program, so that two additional States can be more involved in the allocation of Federal dollars to airports in their respective States.

The conference report includes a scaled back version of the Metropolitan Washington Airport Authority legislation that the Transportation Committee favorably reported.

I am very pleased that this conference report includes a new and innovative privatization pilot program, developed in our subcommittee, that will allow at least five airports across the Nation to become private.

With scarce Federal dollars we need to be looking at new ways of doing things. And I think this pilot program will be very successful just as other privatization efforts have been in several other countries.

It will be good for the taxpayers and the flying public.

And Mr. Speaker, this conference report establishes a Commission to review alternative financing methods that will enable us to develop a stabilized funding system for the FAA in the near future.

Finally, Mr. Speaker, this legislation will help every airport in the Nation.

We have adjusted the formulas under the airport improvement program so that the entitlements for all but I think four airports across the Nation will be increased, and those are the four largest airports and they wanted a larger discretionary fund for the FAA and so we have take care of all of the smaller- and medium-sized airports in this bill.

Mr. Speaker, the flying public pays for much of our aviation system and infrastructure through a 10-percent ticket tax. These taxes are placed in the aviation trust fund. So we have a system that is mainly payed for by those who use the system.

And I hope that we can push forward again in the next Congress, like we did here in the House earlier this year, by approving Chairman SHUSTER's trust funds-off budget legislation.

This will also enable us to make aviation security and safety improvements. And it will be mainly payed for by those who use the aviation system in this Nation.

Mr. Speaker, we have an outstanding conference report that I believe every Member of the House can and should support.

We need to improve aviation security and aviation safety in this Nation—and we should do it as soon as possible.

We must pass this conference report today. The American people deserve nothing less.

Mr. Speaker, I urge passage of this bill.

Mr. LIPINSKI. Mr. Speaker, how much time do we have remaining on our side?

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Illinois [Mr. LIPINSKI] has 23½ minutes remaining and the gentleman from Pennsylvania [Mr. SHUSTER] has 22½ minutes remaining.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO.]

Mr. DEFAZIO. Mr. Speaker, I thank the ranking member for yielding me this time. There are, indeed, many important parts to this legislation, those that go to security, those that go to the infrastructure of the air traffic system in this country, and a provision which I worked hard to get in my decade here in Congress; that is, to finally say that the FAA's business is to regulate in the public interest and regulate for safety and not promote the airlines.

Those are the good parts of this bill. They have merit and they should be enacted into law.

Unfortunately, what we have here is one last attempt at the very last moment to put in an extraneous matter, voted on by neither committee of jurisdiction, voted on neither by the House or the Senate, to benefit one very large multinational corporation who has generously filled many campaign coffers of Members of this House and the other body.

This is not a technical correction. It is not a technical correction. Do trucks run on rails? No. Well, we are going to classify Federal Express for the purposes of this bill as a rail carrier.

Now, Mr. Speaker, there is one very simple reason for that. It makes it a lot harder to organize. So, once again, the working people of this country are going to be screwed by a large corporation, screwed behind the closed doors of a conference committee. Special interest provisions are being put into what is an otherwise meritorious must-pass bill for this Congress.

We can defeat this bill and send a message to the big corporations: It is not business as usual here in Washington anymore.

What happened to the changes in the revolution? Is this the revolution? Special interest for one large corporation stuck into a bill that otherwise benefits the people of America generally and would not hurt the working people. It is not too much to ask.

Reject this bill. If we do not reject it, the President may well veto it. Let us reject it, send it back to conference, get the special interest provision, this provision for one large company, taken out and get a clean bill.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York [Ms. MOLINARI] chairman of the Subcommittee on Railroads of the Committee on Transporation.

Ms. MOLINARI. Mr. Speaker, I thank the chairman for yielding me this time, and perhaps at the risk of trying to restore some sense of order, sanity and, hopefully, some reasonableness back into this House, I would like to explain, in fact, without the political hysteria that has just gone on, exactly what happened here.

Mr. Speaker, we are talking about, and there has been references made with some very colorful language, to the Hollings amendment that is included in this conference report has drawn far more controversy than it should have. A careful review of the facts, as opposed to the rhetoric, should bear this out.

To begin with, the Interstate Commerce Commission Termination Act, which was enacted last December, removed the term "Express Company" from the I.C.C. statute. This was done at the suggestion of the then ICC—now the Surface Transportation Board—because the staff believed the term no longer had any meaning. The ICC bill also included many conforming amendments to other laws. One of these conforming amendments removed the term "Express Company" from the Railway Labor Act, again under the assumption that the term was obsolete and had no meaning.

The assumption, that "Express Company" no longer had any meaning, was true for ICC purposes. What no one realized at the time, however, is that the term does have meaning for National Mediation Board purposes in determining who is and who is not covered by the Railway Labor Act. In fact, as recently as 1993, the National Mediation Board has used the term "Express Company" standard in deciding Railway Labor Act cases.

So the effect of the drafting error in the ICC Termination Act is possibly to jeopardize certain entities' existing status under the Railway Labor Act. This ambiguity flies in the face of the stated intent of the ICC legislation—made explicit at labor's request—not to "expand nor contract coverage of employees and employers under the Railway Labor Act."

The Hollings amendment would simply correct the mistake that was made in the ICC Termination Act by restoring the Railway Labor Act legal standards that existed before the ICC Termination Act was enacted. It would not make it more difficult to organize, as some critics have claimed, since no one's status is being altered. It would not affect trucking companies, since trucking companies are explicitly excluded by statute from the Railway Labor Act. What it would do is correct an honest mistake that certain groups are trying to exploit to their own advantage.

I urge my colleagues to consider the facts of this issue and vote "yes" on the conference report.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from New York, [Mr. NADLER].

Mr. NADLER. Mr. Speaker, as a member of the Subcommittee on Aviation, I was expecting to support this conference report. The gentleman from Tennessee, Chairman DUNCAN, the gentleman from Pennsylvania, Chairman SHUSTER, the gentleman from Minnesota, Ranking Member OBERSTAR, and the gentleman from Illinois, Ranking Member LIPINSKI, and the other members of the committee as well as the staff put in countless hours crafting a bill that was bipartisan in nature and would easily have passed this House.

That is why I am so disappointed. We now find ourselves in a heated debate over one provision in this bill, a provision that is beyond the scope of the conference report.

The majority has inserted language to reinstate the language "express carrier" as a recognized term in the Railway Labor Act, a term that was deleted by the majority in the ICC Termination Act just a few months ago. It was not done by accident, it was not an oversight on the part of some clerk. It was deliberate and reasonable because, according to the ICC and its successor, the Surface Transportation Board, there are no companies left that fall into that classification. But we know the real reason why this is being done.

With this language, the Federal Express Corporation, a large source of campaign contributions for lots of people, will be able to apply to be reclassified as a so-called express carrier. If the Federal Express were successful, it would be able to deny to its truck drivers the protections afforded by the National Labor Relations Act of their right to organize a labor union, should they wish to do so.

Why has Federal Express suddenly found the need to be classified as an express carrier? The classification has been around for more than 20 years. What has changed? Why is it suddenly so important? It is obvious: to keep out the union. This is a union-busting provision, pure and simple. If, as was stated, this is simply a technical correction being made, why was it not done at the committee level? Why was it not done at the House? Why was it not done at the Senate? Why this last minute secret addition in the conference report? Why does the Committee on Rules have to waive the point of order to make this nonconferenceable provision admissible into the conference report?

It is terrible that we are now perhaps jeopardizing billions of dollars in airport construction funds in order to carry out some secret promise to one company. If this is a reasonable request, let us have hearings, let us have some debate about this. This is the wrong time to be doing this. It is the wrong bill to be doing this in.

I urge a no vote on this conference report as long as it contains this nefarious "FEDEX" amendment.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague for yielding me this time.

Mr. Speaker, there are a number of good reasons to oppose this bad legislation, but let me tell my colleagues about another less publicized provision. This is a Republican special interest fix which was so bungled we are not in this legislation about to eliminate a key airline safety provision.

The tale starts with some airline companies that were concerned that EPA may be overly aggressive in regulating airplane emissions from engines. I, too, frequently have criticized the EPA for its ovezealousness but I cannot support the solution that this conference has advised.

I would also point out that existing law, the Clean Air Act, forbids this action from being taken by EPA where it would jeopardize the health and the safety of the traveling public.

As passed out of the Senate committee, the measure included a provision which stripped EPA of its power to regulate aircraft engine emissions. When the measure got to the Senate floor, an amendment was adopted that basically stated EPA could not change aircraft emission standards where the change would impact engine noise or aviation safety.

Unfortunately, this was translated into legislative language on the Senate floor and as adopted by the conference, from which the Committee on Commerce, which has jurisdiction and expertise on clean air, was excluded, the result was that the provision literally only applies to EPA emission standards, which both significantly increases engine noise and harms engine safety.

In other words, as passed by the Senate, the safety concerns alone are not enough to stop EPA engine emission standards. Bungling. Incompetence.

Worse, because this new language was placed by the conferees, over my strong objections, directly into the Clean Air Act, this provision now conflicts with existing provisions of the law in the Clean Air Act which allowed FAA to prevent implementation of EPA airplane emission standards where airline safety may be compromised. The result is a thoroughly screwed up, incompetently done statute, which risks the safety of our traveling public.

We can resolve this whole problem by rejecting the bill and going about our business in a more sensible fashion.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume to respond to my good friend from Michigan as well as my colleagues on our side of the aisle on this issue, that it was the Senate bill that included this provision. Indeed, both Republicans and Democrats.

So when my good friend from Michigan calls it a Republican provision; the Democrats in the Senate supported this as well as the Republicans, I am told. And it gave the FAA a greater role in setting aircraft emission standards. It is important because emission standards can affect aviation safety as well as aircraft noise.

□ 1315

Currently, aircraft emissions are controlled by EPA and the House Committee on Commerce. We acknowledge that. We agreed with this provision in conference for the sake of safety, not committee, jurisdiction. The provision was changed in conference, indeed, to make it more acceptable to the Committee on Commerce. Our staffs worked with the Committee on Commerce to try to make it more acceptable.

We would be happy to continue to work with that committee on this issue and we certainly acknowledge their jurisdiction on this issue, and we have already committed to put that in writing, that we will indeed acknowledge that this is their jurisdiction on this issue. It was a Senate provision which we found in the course of negotiating in the conference we had to accept in order to get on with the legislation.

Mr. LIPINSKI. Mr. Speaker, I yield 15 seconds to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the answer is the Committee on Transportation and Infrastructure thoroughly bollixed up and botched this matter. Airline safety is adversely affected because the committee did not talk to the Committee on Commerce and because the Committee on Commerce was excluded. The result is that the traveling public is going to be much less safe under this legislation than they are under existing law.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I rise in support of the conference report on H.R. 3539, the Federal Aviation Administration Authorization Act of 1996. We must pass this bill without delay. The time is way overdue.

This year the FAA has been the target, and rightfully so in many cases, of public concern over aviation security and airline safety. In this crucial time when we are asking the FAA to secure our airports and ensure the safety of our planes, this is no time to let a partisan squabble over a technical amendment threaten the future of the FAA, our airports, and our airline passengers.

For the last 2 years of this Congress, I have been a strong advocate of FAA reform. In fact, I introduced my own FAA reform bill, H.R. 2403, just 1 year ago this month.

Mr. Speaker, this bill takes the final steps to set these reforms in motion. We can all rest easier when we fly knowing that the FAA will be able to place qualified and satisfied air traffic controllers in towers and cities across our Nation. This bill also ensures that the FAA can begin replacing its outdated air traffic control computer with reliable and updated computer systems that will guarantee the safety of our Nation's skies.

Finally, this bill requires airlines and airports to implement security screening standards and bomb detection equipment. Again, are we going to hold up this bill in the final hour? I think not.

Mr. Speaker, it is time to pass the FAA Authorization Act. Just this morning a major airline experienced a security threat at the Nashville International Airport, which serves my district. This bill, ensuring new safety and security for our Nation's airports, airlines, and passengers cannot be delayed. I call on my colleagues to support H.R. 3539.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, as chairman of the Health and Environment Subcommittee, I must rise in opposition to section 406 of H.R. 3539.

This new section changes current law respecting the promulgation of aircraft emission standards. Although the changes are specifically made to the Clean Air Act, and not to the underlying bill, I believe this is a matter which is properly addressed through the normal legislative process and not through last minute legislating in a conference which was closed to the committee of jurisdictional interest in this matter.

The new section 406 is not a radical departure from current law. It maintains the present requirements of the Clean Air Act for consultation between the Environmental Protection Agency and the Federal Aviation Administration regarding aircraft emission standards.

However, the new section is duplicative at best and troublesome at worst for its attempt to alter standards affecting the promulgation of new emission standards. While I do not personally object to considering noise and safety as part of developing new emission standards—I do object when my subcommittee, which has jurisdiction over the Clean Air Act, is allowed neither time nor opportunity to assess recommended changes to the law.

Section 406 has not been subject to proper review by the Health and Environment Subcommittee and there is no legislative record to support its inclusion in H.R. 3539. This section was added without the consent of the Commerce Committee or the Subcommittee on Health and Environment.

Years ago, I objected when such provisions were added by the former majority in various bills and conference reports—most often late in the session and very often late at night. I do not believe the new majority should fall into the same trap of ignoring bona fide interest and expertise of the committee of jurisdiction. As we all know, what may appear to be simple and innocuous legislative language often can have an impact far beyond that which is apparent in the initial review. Aircraft emission standards are an important subject for consideration within the Clean Air Act and within the committee given explicit authority over the act. And so, Mr. Speaker, this is a protest against doing business in this manner.

Mr. LIPINSKI. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, let us focus on what this debate is really about. This provision for FedEx is another assault on the American middle class, the American middle class that has been attacked for over 15 years by our Nation's terrible trade policies, technology, profit driven downsizing, profit-driven deregulation, and systematic sinister weakening of unions. How, you ask? Let me explain.

During the debate on the rule, I outlined the history of this dubious Federal Express provision. Let us take a closer look at what my colleagues are calling a technical correction.

The last express carrier, as defined by the ICC, went out of existence 20 years ago, so at the ICC's suggestion the classification was removed from statute because it was obsolete.

But suddenly, after the ICC bill is signed into law, one company and its countless consultants decided that it might want to be an express carrier some day and started knocking on doors up here.

I have already outlined the five other times FedEx has tried to get this provision into law. Judging by the consistent effort and expense they have gone to, it must really be important for them to remove this dead classification.

But why? Federal Express would not go through all this trouble if they were not going to get something out of it. The fact is that it is much more difficult for a union to organize under the Railway Labor Act than under the National Labor Relations Act.

Under the RLA a unit of the company would have to be organized companywide, while under the NLRA it can be done facility by facility.

Why is this relevant for a company like Federal Express, which is currently classified as an air carrier and already subject to the RLA? Federal Express' operations have changed. No longer does every package get on a plane. Often it just goes on a truck to its destination.

I understand that Federal Express' long-term plan is to truck in packages less than 400 miles away from their hubs around the country. Why would an airline like Federal Express rely so much upon trucks? Because it is cheaper. To their credit, Federal Express is planning for the future to remain competitive. It sure seems to be working. In fiscal year 1996, Federal Express had revenues of $10.3 billion. That is $10.3 billion revenues in 1996. It has headquarters in Memphis, Miami, Hong Kong, and Brussels, with offices in hundreds of cities around the world. And yet, it is afraid of middle-class Americans coming together in a union to improve their way of life, improve their children's way of life, and expand the American middle class.

Managers at FedEx get a labor law book which states in large print: "Our corporation goal is to remain union free." Sections in that document are titled: "What are indications of union activity and what can I do?" "What can I do to prevent union intervention?" I have that documented right here in my hands at the present time, if anyone would like to look at it. No wonder they want to be an express carrier.

Mr. Speaker, there are no express carriers and have not been any for two decades. Federal Express is pushing this provision so it will be prepared in the future to meet its corporate objective: Remain union free. That is why they have tried to attach this provision to six bills in the last 9 months.

The Republican leadership has decided even though the airports need funding, the FAA needs to be reformed and aviation security needs to be addressed, as well as the other four areas this bill addresses, it is more important to do FedEx a favor.

Today we have an opportunity to take a stand for the American middle class, a small but very significant stand. We can strip from this bill the 11th hour, no hearings in subcommittee or full committee, Federal Express amendment that makes it much, much more difficult for middle-class Americans to organize into unions so that they can improve their standard of living with better salaries, wages, and benefits.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

We may disagree and have different opinions, but I am sure my good friend would not want to misstate the facts. When we hear that Federal Express is not an express company, that simply is factually incorrect. There is no reclassification here. According to the National Mediation Board findings of law, it is very clearly spelled out that they are recognized as an express company. They have been for as many years as they have been in business. So this is a matter of fact, and I am sure my friend would not want to mislead the body. I think the fact needs to be stated.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. DELAY.]

Mr. DELAY. Mr. Speaker, I rise in support of this conference report, but I am disturbed by the kinds of things that are being said on this floor with regard to what is frankly a simple technical correction that was made by the conferees of this committee. FedEx is not trying to get something that they have not had for many, many years. FedEx is not trying to get something new. FedEx is not union bashing. FedEx understands that we made a mistake in the Interstate Commerce Commission Termination Act, and they are trying to regain and correct that mistake. It is fairness here. And I am very disturbed that like the ads that are being run against us time and time again out in the country and almost $100 million misrepresenting what we have been doing in this, once again the facts are being misrepresented in this regard.

When the Interstate Commerce Commission Termination Act was signed into law last year, a drafting error in a conforming amendment created an ambiguity concerning the status of express companies under the Railroad Labor Act, which is the sole statute governing labor relations in the rail and the airline industry. That is fact. Prior to the enactment of the ICC Termination Act, the Railway Labor Act had jurisdiction over carriers which were defined as "any express company, sleeping car company, carrier by railroad."

□ 1330

Due to a drafting error, express companies were inadvertently dropped from the scope of the Railway Labor Act, and that is fact. The result is that an ambiguity was created.

The ICC Termination Act states that the enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of the employees and employers by the Railway Labor Act.

Now clearly, Congress did not intend to change the status of express companies with regard to the Railway Labor Act in any way, and unfortunately that is the result of this error. So I certainly would hope that those Members expressing concerns about this provision are not trying to take advantage of an unintended mistake for their own gain. This bill simply corrects an error to restore what was the status quo in this country.

So I urge my colleagues to support this bill and oppose any motion to recommit that would strip out this provision.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Missouri.

Mr. VOLKMER. I would ask the gentleman, why, if this is just a technical thing, was it not put in the House bill back originally?

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman's time has expired.

Mr. DELAY. Could I have 15 seconds to respond?

Mr. SHUSTER. I just do not have any more time.

Mr. DELAY. I hope someone will answer that.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to reiterate and adopt what the previous speaker said, the gentleman from Texas [Mr. DELAY]. This is nothing more than an issue of fairness. As he said and as others have said, there was an ambiguity unintentionally created, and I want to read again what we said in the bill.

The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of the employees and employers by the Railway Labor Act.

These are not my words; these are the words of Congress. Some of the people who are opposing the conference report for this reason are the very ones that drafted it. These are not our words; these are the words of Congress.

And to say this is any way antilabor is simply untrue. As a matter of fact, there are a higher percentage of workers unionized under the National Railway Labor Act than there are under the National Labor Relations Act, and I see it as a basic matter of fairness to correct an unintended error made in drafting.

Mr. Speaker, I want to say something else about FedEx. I represent part of Memphis, TN. Federal Express has dedicated 100 percent of their aircraft to the civil patrol. They flew more missions in Desert Storm than any other civilian aircraft company in this country. Fred Smith is a dedicated patriot who served in Vietnam, crawled through the rice paddies, and I resent this attack on one company because of a drafting error that is clearly the intent of Congress to correct today, and that is all this matter is about.

Mr. LIPINSKI. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I not only am a lover of cats, but I love flowers, and flowers are very beautiful, and what I saw developing as this bill passed through the House, passed through the Senate, started in the conference up to Wednesday was a beautiful bouquet of flowers that smelled just beautifully. And then Wednesday night, something happened. Wednesday night, a skunk snuck in a beautiful flower garden and smelled up the whole thing, and this bill now just smells, smells, smells terribly.

Why? Because of one special interest provision that was put in there for Federal Express. That is all. The rest of the bill is fine.

I would like to ask the gentleman from Illinois who worked so hard on this legislation to get all the good points in, and I want to commend him and also the gentleman from Minnesota, the ranking member of the full committee.

As my colleagues know, this provision which we have heard here, this leadership, and I will talk about that leadership in a minute, that leadership calls it a technical thing. Did we ever have any hearings on it?

Mr. LIPINSKI. Mr. Speaker, if the gentleman would yield, no, there were never any hearings on it in the House.

Mr. VOLKMER. In the subcommittee?

Mr. LIPINSKI. Not in the subcommittee.

Mr. VOLKMER. Full committee?

Mr. LIPINSKI. Not in the full committee.

Mr. VOLKMER. How about the Senate? Did they have any in subcommittee or full committee?

Mr. LIPINSKI. No hearings in the subcommittee or full committee in the Senate.

Mr. VOLKMER. That explains why it was not in the bill when it passed the House and the Senate.

Mr. LIPINSKI. Absolutely.

Mr. VOLKMER. Because it really did not need to be in this bill, but all of a sudden—now it was not in either bill when it passed through the House or the Senate; is that correct?

Mr. LIPINSKI. That is correct.

Mr. VOLKMER. Now how many times has Fed Ex tried to get this provision in other bills unsuccessfully before this bill?

Mr. LIPINSKI. At least five and perhaps six. I cannot confirm the sixth one, but I certainly can confirm five occasions.

Mr. VOLKMER. Now if this was purely a technical little provision that really did not harm anybody or do anything, they would not have that problem; would they?

Mr. LIPINSKI. It is my opinion that they would not, no.

Mr. VOLKMER. Now, as my colleagues know, I have been reading about this, and I admire the gentleman from Pennsylvania, and up to Wednesday night I would say he helped grow that beautiful bouquet of flowers.

But I would like to quote the gentleman from Pennsylvania when this came up in conference. It says:

> Representative SHUSTER: I am told by my staff that this is clean language to accomplish what the Senator stated. I am instructed by our leadership to accept it from my perspective.

That is what I find, that the gentleman from Pennsylvania, from the leadership, and I find that leadership down on the floor, but I also find that leadership has raised all kinds of dollars all through this political process through this whole Congress from special interests.

And I would like to ask anybody in this body, ethics, I think somebody should take a look at the Federal Election Commission reports and let us see where Fed Ex money is going to. How much is the Republican National Committee getting from FedEx? How much is the Republican Congressional Campaign Committee getting from FedEx? How much are the members of the leadership on that side getting from FedEx?

I think there is our answer right there, Members. That is what this is all about. It is a payoff; that is all it is, is a payoff.

Now even the gentleman from Tennessee, the subcommittee chairman, and he is up at the Committee on Rules, he did not say he wanted this. And I admire that gentleman greatly. He said in answer to the chairman's question in the Committee on Rules, "It would have suited me if it was not in there." That is what he said. Now, that is the truth. It is better not to be in here.

The best thing we can do to get this skunk out of the flower bed is to defeat this bill, and if the bill is not defeated, I think we all should urge the President to veto this smelly, skunky bill.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Pennsylvania for yielding the time.

Let me congratulate Members on both sides of the aisle for bringing this bill to the floor and the job that they have done in reauthorizing the FAA and in furthering many projects that need to be done to improve the Nation's airports.

Now we all know that there has been a great change in this Congress. We have just not restored common sense back to Congress, but we have also brought an awful lot of accountability back to Congress, and when we make a mistake, we have had the courage to stand up and to correct that mistake. That is why we are here today, fighting over one small provision of this bill.

When we eliminated the ICC last year, we made a drafting mistake, and I think every Member of this body understands it was truly a mistake. And since then, we have lawyers around America trying to exploit the mistake that was made when we eliminated the ICC.

What we are trying to do today is to have the courage and the guts to stand up to do what is right and to fix the mistake that we made and to stop those from exploiting this innocent mistake for their own professional good or, frankly, for their own livelihood.

Now the outrageous claims that were just made by the previous speaker, I am not going to even provide enough dignity to what was said to respond to it, other than no person's name, no company's name ever ought to be uttered on the floor of this House.

We know we made a mistake. Let us stand up and do the right thing.

We know in the Senate, where this provision came from, that the Senate Members unanimously agreed to put it in the bill. That means all of the Democrat Senators and all of the Republican Senators in the other body unanimously argued to put this provision in this bill.

That is where it came from, that is why it is here, and that is why we are dealing with it today. But more importantly, we are dealing with it because it is the right thing to do, to admit we made a mistake and correct it.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Speaker, let me just say this is being painted as a union vote, and it seems incredible to me that it could be cast in those terms. It is simply correcting a technical error that was made when the ICC Regulation Termination Act was passed.

Someone having firsthand knowledge of this, actually having facts in this case, will understand that while Federal Express was under the Railway Labor Act, that in fact its pilots did unionize. So I am not sure I understand the facts that this is an antiunion vote.

I might also cite the national statistics on this, that folks under the National Labor Relations Act in the private sector are unionized about 11 percent, whereas under the Railway Labor Act they are unionized 65 to 70 percent.

So, again, I fail to see how this could possibly be, under any circumstances, an antiunion or a union vote.

I urge my colleagues to do the right thing to correct this mistake and give the relief sought.

Mr. SHUSTER. I yield 1 minute to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in very strong opposition to this bill. Let me just talk to the Members on our side.

This bill expands the essential air service that our Committee on the Budget voted to phase out. I thought we had abolished all the ice buckets on Capitol Hill. We have created a massive ice bucket with regard to this bill. We are expanding essential air service.

There are so many other things, Mr. Speaker, I am just going to revise and extend. I strongly urge my colleagues on this side to vote against this bill, because when they read this bill later on next week, they will be very regretful that they voted to spend all this additional money.

Mr. Speaker, I wish I could vote for the conference report to H.R. 3539, the Federal Aviation Authorization Act of 1996. This bill funds airport improvements, air traffic control facilities and equipment, and salaries and expenses to operate the FAA.

But the bill includes amendments to the Metropolitan Washington Airports Act which I find unacceptable. Colleagues who were serving in the mid-1980's may recall the legislation to turn control of the two metropolitan Washington airports—National and Dulles—from the Federal Government to a local authority.

We got the Federal Government out of the airport management business and established an authority made up of a majority of local residents to run these two airports located in Virginia. And what has happened since the 1986 act establishing the Metropolitan Washington Airports Authority? I believe everyone would agree that it's been a true success story. I submit here for the RECORD a copy of statistics on the success of the two airports.

Both airports have had major renovation and expansion projects underway and are serving more passengers more efficiently than ever before in modern and safe facilities.

If there has been one ongoing source of contention, though, in this almost decade-long process of having the local authority operate these airports, it has been the Congressional Board of Review which was set up in tandem with the Airports Authority as a way to keep congressional oversight and even, some would say, control over the airports.

I never believed the Review Board was necessary because Congress already has a built-in mechanism for oversight and that's the committee hearing process. Court challenges also were made to the Review Board and twice the U.S. Supreme Court struck down the Review Board as unconstitutional.

Legislation was then introduced to try to keep Congress involved with the airports and get around the constitutional challenges. What has emerged in this Congress as provisions in the FAA conference report are changes to the make-up of the Airports Authority board of directors which I find incongruous with one of the primary changes this Congress has tried to make in the area of Federal mandates and turning back control to State and local governments of what should be State and local government decisions.

This conference report mandates two additional directors to the MWAA board appointed by the President and specifically mandates that the two additional appointments "shall be registered voters of States other than Maryland, Virginia, and the District of Columbia." Furthermore, provisions in the conference report for the two additional Presidentially appointed board members state that "in carrying out their duties on the board, members of the board appointed by the President shall ensure that adequate consideration is given to the national interest."

That is wholly unacceptable and defies what this Congress has tried to accomplish in turning back control of program and decision-making to the local and State levels.

Another provision in his conference report is merely a job protection provision for a former employee of the Congressional Board of Review. Even though the Board of Review is terminated, this bill provides that this employee will continue to have a position with the Department of Transportation serving "to assist the Secretary in carrying out this Act."

Mr. Speaker, I am a strong supporter of aviation programs but am convinced that the provisions in the conference report to H.R. 3539 relating to the Metropolitan Washington Airports Authority are unnecessary and regret that these provisions are included in legislation I would like to support. I thought we got rid of ice buckets.

There are other bad provisions in this bill and I therefore oppose H.R. 3539.

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3. Daily service to Amsterdam by United and Northwest/KLM.

For air cargo shipments Washington offers:

1. 141 airlines and companies providing freight forwarding, customs brokerage, trucking, warehouse and bonded space, foreign-trade zone, cold storage, and other services with reliable, 24-hour operations.
2. Modern cargo facilities and a vibrant growing cargo industry.
3. Paperless, electronic interfaces with U.S. Customs, allowing prompt service and clearance of cargo, in some instances before the plane lands.
4. Uncongested airport access through the Washington Dulles Access Road and an uncongested extensive road feeder trucking network.
5. A high standard of secure, rapid and responsive cargo services with extremely low loss and damage levels.

THE REGION'S AIRPORTS

Washington is served by three airports which provides the traveler and shipper with an unusually side competitive choice for fares and services. American cities with only one airport which is predominantly served by one or two carriers typically have fares 18 percent higher than the national norm.

Washington Dulles International and Washington National Airports are part of the National Capital Region and operated by the Metropolitan Washington Airports Authority—a regional self-funding government agency.

Baltimore Washington International Airport is located between Washington and Baltimore and operated by the state of Maryland. BWI and Washington Dulles are located approximately 40 minutes from downtown Washington. National Airport is located on the Potomac River in the downtown area.

National Airport is a physically limited facility offering a controlled number of flights to U.S. and Canadian destinations without 1,250 miles. Washington Dulles is the region's full service growth airport with a design capacity of 50 million passengers and 750,000 flights per year with 320,424 flights handled over the 12 months ending with July 1996. BWI provides a wide range of North American service, including transcontinental, Canadian and Caribbean flights, and transatlantic service principally to the U.K. and Scandinavian countries.

The Smithsonian plans to open a 720,000 sq. ft. expansion of the National Air & Space Museum at Washington Dulles in 2001.

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[1] Summer 1996 Schedule.

Mr. LIPINSKI. Mr. Speaker, we at the present time only have two speakers remaining. I do not know how many speakers the gentleman from Pennsylvania has. He still has more time than we have, so I would like to try to balance this out, Mr. Speaker.

Mr. SHUSTER. Mr. Speaker, I am still attempting scientifically to determine how many speakers I would have, I would say to my friend, but I yield myself such time as I may consume.

Mr. Speaker, I would respond to my friend from Virginia, who was in the well a moment ago, two points. First of all, the authorized levels in this bill are below previous authorized levels; and, second, it is easy for someone from a large metropolitan area, indeed, the Nation's Capital, to not care about essential air service for rural America. But rural America cares about essential air service. Indeed, many of our communities are dependent upon it.

So for those Members on both sides of the aisle who care not only about supporting our major metropolitan areas, and we do, but also care about supporting rural America, the essential air service provision is an important provision.

☐ 1345

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, in 1978, if we had not had an agreement that created essential air service, we likely would not have had deregulation. Continuing EADS is continuing the commitment we made to small towns and communities and rural areas across this country, that they, too, would be served by aviation.

Mr. LIPINSKI. Mr. Speaker, I yield 3½ minutes to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let us just get the record straight on this express issue. The reason for ending ICC regulation and oversight of express carriers was that the concept of express carrier had become obsolete. The ICC staff itself recommended the elimination of express carrier status.

It was not an oversight, it was not something that someone forgot to do, it was not something that was neglected in drafting. It was not a drafting error. It was done for good reason. The last express carrier went out of business in the mid-1970's.

Federal Express purchased that carrier's operating certificates. The Surface Transportation Board, successor to ICC, advised us in writing, "Federal Express apparently never engaged in the operations authorized by these certificates."

Subsequently, Federal Express obtained and operated new certificates which, according to the Surface Transportation Board, were "different from the licenses typically issued to motor common carriers to provide express service."

In short, Mr. Speaker, and factually, without hyperbole, Federal Express has never been an express carrier. There have been no other express carriers since the 1970's.

The change in the Railway Labor Act does not deprive Federal Express or anyone else of rights they held in 1995. Whether you are an express carrier or not is going to be determined on the basis of the nature of your operations as a carrier.

If express carriers continue to be covered by the Railway Labor Act, then we will be in an Alice in Wonderland situation. Supposing a trucking company is formed in the year 2000 and claims to be an express carrier under the Railway Labor Act. How will its case be decided? Will the National Mediation Board have to decide whether the ICC would have issued to this company an express carrier certificate? It just creates a lot of problems.

Whether Federal Express is an express carrier within the meaning, or is a carrier within the meaning of the Railway Labor Act, is determined on the basis of the dollar volume of its operations and whether the preponderance of its operations are as an air carrier or as a truck carrier, motor carrier. They are an air carrier.

We should not, on the thin thread of a nonexistent operation of a dormant authority purchased and never used, lock this carrier into a statutorily established position within the meaning of the Railway Labor Act forever and ever. That is simply wrong.

If Federal Express wants to make its case, we can hold hearings in the ordinary course of events and attempt to find a way, but we should not use the subterfuge of dormant authority, never used, never undertaken by this carrier, to give them a very special and privileged status.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, counsel informs me that Federal Express is indeed an express carrier, and refers very specifically to findings of law in 1993, three different cases, instances before the National Mediation Board, in which they state "Federal Express corporation has been found to be a common carrier as defined in 45 U.S.C. 151, First;" and it goes on. The important point is 45 U.S.C. 151, First is the express carrier statute. So very clearly, Mr. Speaker, in these findings of law Federal Express has been identified as an express carrier.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Illinois [Mr. LIPINSKI] is recognized for 2½ minutes.

Mr. LIPINSKI. Mr. Speaker, first of all I want to say that the cooperation I have had with the gentleman from Minnesota has been outstanding, and I sincerely thank him for that, in regard to all these aviation bills.

I also want to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, for the excellent cooperation we have had with him, and the majority staff on the Republican side has worked extremely well with the minority staff on the Democratic side. They have all worked enormously hard on these pieces of legislation.

They are very, very good pieces of legislation. Mr. Speaker, none of us want to see them fail. But, unfortunately, we do have this Federal Express provision in this bill. It was not ever talked about in any hearing in the subcommittee or a full committee, in the House or in the Senate.

In fact, there were no discussions between the conferees in regard to this particular provision until at the absolute end of the conference, when everything else was decided, a Senator brought forth this provision. It prevailed. I understand that. But just because it prevailed in a conference committee among 10 Members, it should not mean that this House has to accept it. Mr. Speaker, this House has a right to reject it.

As I have said before, we all give lipservice to protecting, strengthening the American middle class. This is an opportunity to do it. This is a $10.7 billion corporation. They can afford to have their employees unionized. They can afford to have their employees come together for a better way of life, a better way of life for their family, a better way of life for themselves.

If Members truly support the American middle class, if they want to see it grow, vote "no" on this bill, and we will come back and pass this bill without this terrible provision.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I happen to agree with my friends that we should not have to be here today on this floor debating this particular issue. This issue should have been easily resolved many months ago, and of course, as my friends know, we tried to resolve it but they blocked it. We were unable to.

Then, of course, we did not bring this issue to the floor in our conference report. Rather, it was offered by our colleagues in the Senate, and indeed by Senator HOLLINGS, and passed unanimously by the Senate conferees, Republicans and Democrats, and supported by the Republican conferees because we believe and are absolutely convinced that the evidence is overwhelming that this is nothing more than a correction of a mistake, an honest mistake that was made at the time we eliminated the ICC.

Mr. Speaker, we have had a lot of rhetoric on the floor here today, everything from flowers to skunks, but I would hope we could set the rhetoric aside and look at the facts. Mr. Speaker, let us look at the facts. There are certain facts that are incontrovertible. Perhaps the most significant, the most overwhelming fact of all is that there is labor-requested language included in the ICC Termination Act. Let me quote what is in the law.

"The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act." That was the quote. Let me emphasize it again, that is the law: "It shall neither expand nor contract coverage of employees and employers by the Railway Labor Act." I do not see how anybody can misinterpret that. It is there. It is a fact. It is the law.

Then we discovered we had made a mistake. By making that honest mistake on both sides of the aisle, we find that this term of the law is not met, so we simply are attempting to correct it.

Mr. Speaker, it is very clear to everybody, I think, that our friends in labor saw this as a windfall opportunity, the opportunity to capitalize on an honest mistake that was made in drafting the legislation, so they are attempting to capitalize on this windfall.

I believe, from the bottom of my heart, that had we discovered an unintentional provision of the law which inadvertently hurt labor, I would be down in the aisles today, as would many of my colleagues, supporting the removal of that unintended provision that hurt labor. But, so be it, everybody must make their own judgment.

The evidence is overwhelming. Indeed, the technical correction contained in this report is entirely neutral. It does not predetermine the actual status of any company, either in the present or in the future. It simply restores the legal standards that were in place before the ICC Termination Act was passed.

So I hope we would set aside the rhetoric, I hope we would set aside the misinformation, I hope we would deal with the facts. Indeed, the facts are very clear. The law spells out, there is no advantage or disadvantage. We are simply correcting a mistake which was made in the law. For that reason, I urge my colleagues to support this legislation. It is must legislation.

I regret that something that should have been handled routinely much earlier has not been handled routinely much earlier, but at bottom, what we are doing here is fair. What we are doing here is correcting a mistake. Very importantly, what we are doing here is bringing to the floor of this House vital aviation legislation so we can continue to build and improve the airports of America, the United States of America's aviation system, and provide for the safety and security of the pension.

For all of those reasons, I would urge my colleagues to support this legislation.

Mr. ARCHER. Mr. Speaker, I rise in support of the conference report to accompany H.R. 3539, the Federal Aviation Reauthorization Act of 1996. The bill, as introduced, was referred to the Committee on Ways and Means, and the Committee on Ways and Means was named as conferees on this bill. The bill is necessary to extend the expenditure authority of the aviation trust fund contained in the Internal Revenue Code, ensuring needed funding for the operation of our aviation system, and to enhance air safety and security.

I am very pleased to inform my colleagues that the conference report does not include Senate amendments which would have required a fast-track procedure for House consideration of future administration recommendations on aviation financing, including taxes. Legislative mandates of this nature only serve to limit the input of congressional committees of jurisdiction and to circumscribe consideration of a proposed financing package. I what to thank my colleague, Rules Committee Chairman SOLOMON, who helped us oppose this legislative straight jacket for the House.

I will also note that section 273 of the conference report and accompanying statement of managers contains language to clarify the method by which the Federal Aviation Administration may establish and collect fees on aircraft that overfly the United States but do not take off or land here. These clarifications have been included to ensure that these overflight fees are true user fees and not new taxes on air carriers.

Specifically, the statement of managers on this section states:

> The user fee imposed on any flight must be based on the FAA's actual cost of service and not on any non-cost based determination of the "value" of the service provided. Further, assuming similar costs of serving different carrier and aircraft types, the user fee may not vary based on factors such as aircraft seating capacity or revenues derived from passenger fares.

Any interpretation of these fees by the FAA to the contrary would be a clear violation of congressional intent. Furthermore, the Committee on Ways and Means will continue to exercise vigorous oversight on any proposed fees which could be viewed as inconsistent with this statement of congressional intent or as a delegation of congressional taxing authority.

The lion's share of this bill is the product of enormous work and effort by Chairman SHUSTER and his committee to develop a bipartisan agreement for strengthening and improving our Nation's aviation programs. The bill before us accomplishes those goals, and it deserves the support of the House.

Mr. ROEMER. Mr. Speaker, one of the important accomplishments of this bill is that it focuses the FAA exclusively on safety, a matter of renewed concern in this country.

The conference report includes a number of provisions similar to the Vice President's Aviation Security and Antiterrorism Commission. These include requiring airlines and airports to conduct background checks—in some cases, criminal background checks—of all personnel who would screen passengers, baggage, or cargo; and requires the FAA to certify companies that provide security screening, and to develop uniform performance standards for the training and testing of security screeners.

While these steps are welcome and needed, they should be considered a beginning. The FAA should establish performance milestones that are attached to the development of technology. They should conduct a classified review of which airports are the safest, and immediately take steps to bring other airports up to speed using the safest airports as working models. The FAA should be implementing a long-term strategy taking into consideration all of the Vice President's recommendations, including any followup report that the Commission may have in the coming months.

Although the bill requires the FAA to use existing technology for explosives detection even if the technology has not been perfected, the FAA gets to decide whether such technology provides a benefit. The FAA should accept technology even of minimal benefit. Even if a device can only detect explosives or weapons 30 percent of the time, it will improve safety.

In addition, Mr. Speaker, in privatizing some airports, the Congress and the FAA should consider what this will do to the uniform standards that the bill is working to implement. There is a lot of promise in new technology: in explosive detection machines to explosion-proof cargo holds. These will augment traditional procedures such as well-trained staff, bomb-sniffing dogs, x-ray devices, and others. These needs provide a clear mandate for Government-sponsored research and development of technology.

All of these efforts should be looked at as milestones toward a single goal: that no airport should be less safe than another. We must achieve a single standard of high security for American airports; a standard that every airport in this country meets at the same level.

Mr. POMEROY. Mr. Speaker, I rise in reluctant opposition to the conference report on the FAA Authorization Act (H.R. 3539).

The legislation before the House contains many vitally important provisions to enhance the efficiency and safety of air travel in this country. I supported the bill when it passed the House, and I fully expected to be able to support the conference report. However, regrettably, in the 11th hour, a positively poison pill was added to the bill that was not part of either the House or the Senate bill, has not been the subject of a single congressional hearing, and represents a serious setback for the interests of working people.

This provision is textbook special-interest legislation added in conference to aid a single, powerful company—Federal Express. The effect of the provision, which would reinstate an outdated classification under the Railway Labor Act, would be to make it much more difficult for Federal Express employees to unionize. This is precisely the wrong step to take in this time of corporate downsizing and financial insecurity. Instead, we must work to safeguard worker protections.

Mr. Speaker, because of this provision, I am forced to oppose an otherwise outstanding bill. However, I am confident that this objectionable provision will ultimately be deleted and the FAA legislation passed before the 104th Congress adjourns.

Mr. CLAY. Mr. Speaker, I rise in opposition to the conference report accompanying H.R. 3539. This legislation includes a blatant effort to deny workers the right to form and join unions. While I support other provisions of the bill, I will not vote for this legislation so long as it includes the express carrier provision.

The express carrier provision was not a part of this legislation as passed by either the House or the Senate. Rather it is a wholly extraneous provision that was inserted into the conference report at the behest of a single company. The sole purpose of the provision is to deny employees of that company any realistic means of being able to form a union and bargain on their own behalf.

This is a measure of the lengths antiunion Members of Congress will go on behalf of the rich and powerful to undermine the rights of ordinary citizens.

The express carrier provision is intended to accomplish a single end—to ensure that employees will not be protected by the National Labor Relations Act, but by the weaker protections of the Railway Labor Act instead. If this transfer of jurisdiction is accomplished, employees would be required to organize on a national basis before they would be able to exercise any voice in the determination of their wages and working conditions. In effect, the express carrier provision is intended to make it impossible for employees to engage in collective bargaining.

That some are willing to jeopardize passage of the Federal Aviation Reauthorization Act in order to deny workers the ability to have a voice in their working conditions demonstrates once again the antiworker animus of this Congress. I urge Members to defeat the conference report.

Mr. BLILEY. Mr. Speaker, I must reluctantly rise to report that the House Commerce Committee does not agree with provisions contained in section 406 of H.R. 3539 which affect the promulgation of aircraft emission standards.

These provisions were added in the other body and adopted in conference with some modification to reflect the fact that aircraft emission standards are established under the authority of the Clean Air Act. However, the Commerce Committee did not assent to the inclusion of these provisions in the conference agreement and was not allowed an opportunity to make changes to the legislative language of this conference report.

The Commerce Committee has an undisputed jurisdictional interest in section 406. In essence, this section amends the Clean Air Act to alter the current provisions under which aircraft emission standards may be set. Section 406 creates a new legislative hurdle to changing any existing regulation requiring the consideration of factors unrelated to health or environmental protection.

To be sure, these new factors are not unreasonable considerations. The new language bars changing existing standards if such change would significantly increase noise and adversely affect safety. But now is not the time—in this bill—to advance new legislative standards for aircraft engines. Present statutory authority has stood—unamended—for nearly 20 years. Such standards should not be altered in an unrelated bill.

I recognize the long labors of my colleagues to bring this bill to the House floor. I know that members of the Transportation and Infrastructure Committee and other House committees which were allowed to be part of the conference have labored long and hard to produce a good bill. But I repeat—section 406 in its present form should not be part of this legislation.

I thank the Speaker for the opportunity to address the House on this most important legislation and this most important concern of the Commerce Committee.

Mrs. MORELLA. Mr. Speaker, I rise today in support of H.R. 3539, the Federal Aviation Authorization [FAA] Act of 1996. I would like to thank Chairman WALKER and the Technology Subcommittee ranking member, Congressman JOHN TANNER for their work in crafting title XI of the H.R. 3539.

Title XI is the FAA Research, Engineering, and Development [RD&E] Management Reform Act of 1996. I originally introduced the RD&E Act on May 16, 1996. Its major provisions were subsequently incorporated into H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996 which passed the House on May 30, 1996.

The language in title XI is taken from H.R. 3322. It has been modified slightly to increase the authorization for aviation security research by just over $21 million. This increase should allow the FAA to step up its efforts to develop effective antiterrorism technologies for U.S. airports.

In total, title XI authorizes $208 million for FAA research and development activities in fiscal year 1997—an increase of $21 million over the fiscal year 1996 appropriated level. The title further directs the FAA research advisory committee to annually review the FAA research and development funding allocations and requires the Administrator of the FAA to consider the advisory committee's advice in establishing its annual funding priorities. Finally, title XI streamlines the requirements of the national aviation research plans and shortens the timeframe the plans must cover from 15 to 5 years.

Mr. Speaker, title XI strengthens an already good bill, and I would like to thank Transportation Committee Chairman SHUSTER and Aviation Subcommittee Chairman DUNCAN along with full Committee Ranking Member OBERSTAR and Subcommittee Ranking Member LIPINSKI for their support and assistance in including the FAA RD&E Act in H.R. 3539.

Also included in H.R. 3539 are provisions to restore the operating authority of the Metropolitan Washington Airports Authority [MWAA]. MWAA, which oversees operations at National and Dulles Airports, has been functioning with limited powers under a court order for more than 1 year.

I firmly believe that the only flaw in the original legislation creating the airport authority is the unconstitutionality of the congressional board of review. I maintain that the best remedy would be to amend this legislation by eliminating the congressional review board.

However, I recognize that there is a strong interest to preserve the federal interest, and I have expressed my willingness to accept the compromise provisions included in this conference report. Two additional Federal appointments to the MWAA board of directors surely would ensure that the two airports remain attentive to Federal concerns.

I am pleased that the provisions protect the high density rule at Washington National Airport. Any change in the hourly limits would impose serious social and economic consequences on Maryland and the entire metropolitan Washington region. The primary safety and economic concerns, as well as the impact of noise generated by additional flights on the airport's neighbors, make the high density rule imperative for this heavily traveled metropolitan airport.

I urge all of my colleagues to vote to suspend the rules and pass H.R. 3539.

Mr. SHUSTER. Mr. Speaker, the conference report for H.R. 3539, the Federal Aviation Reauthorization Act of 1996 includes an airport privatization pilot program. Five airports will be allowed to either be sold or enter into long-term leases.

The intent is to allow the private sector to bring more capital, efficiency, and cost-effectiveness to our congested airport system.

The bill requires these privatization agreements to be approved by the Department of Transportation and the majority of airlines.

The bill contains many safeguards to ensure that not only does the airport remain open to the public, but that proper capital investments and safety improvements are made.

This is a pilot program, but I am confident that the success of the program will convince the skeptics that privatization of some airports can be extremely beneficial.

Under this program, DOT will select five airports to privatize, one of which must be a general aviation airport. Allegheny Airport in Pennsylvania is a general aviation airport which is interested in privatization and would be an excellent candidate to be sold as part of the program. Allegheny Airport was the only general aviation airport discussed during the conference and it is the one the conferees expect to be chosen for the program, if they choose to apply.

Ms. BROWN of Florida. Mr. Speaker, I rise today to express my disappointment in the passage by the House of the conference report for H.R. 3539 which reauthorizes the Federal Aviation Administration.

As a member of the Aviation Subcommittee, I've worked in a bipartisan fashion with Chairman SHUSTER, Chairman DUNCAN, Congressman OBERSTAR, and Congressman LIPINSKI to develop this important legislation to authorize funding for our Nation's airports and to address serious aviation security issues in a noncontroversial bill that could be enacted by the end of the fiscal year in order to avoid disruption in AIP funding for the Nation's airports. The future ability of our Nation's airports to provide safe and convenient air transportation strongly depends on the AIP Program.

I was especially pleased with provisions in the bill regarding the Military Airport Program. Nationwide, there is $30 billion of military airfield infrastructure that can be converted and used to meet the capacity needs of the national aviation system. In addition, the bill changes the criteria for the FAA's distribution of discretionary AIP funds to address issues raised by airports in Florida.

Unfortunately, I remain opposed to the conference report as long as it contains a provision added in conference for a particular company. This antiworker provision would make it very difficult for employees of this company to organize as a union. It is unconscionable that this provision was attached at the last minute, without the benefit of hearings, to a bill that has broad bipartisan support.

I hope that the Senate will do the right thing, and take this controversial provision out of the bill so that it can be signed into law by the October 1 deadline.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 198, not voting 17, as follows:

[Roll No. 446]

YEAS—218

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Ford
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Rahall
Ramstad
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—198

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Canady
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Cooley
Costello
Coyne
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Fox
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Myers
Nadler
Neal
Neumann
Ney
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Quinn
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—17

Boucher
Chapman
Collins (MI)
Dellums
Deutsch
Frisa
Frost
Green (TX)
Hayes
Heineman
Jackson-Lee (TX)
Obey
Peterson (FL)
Quillen
Rose
Solomon
Thompson

□ 1418

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Ms. Jackson-Lee of Texas against.

Messrs. BARR of Georgia, STUPAK, ROYCE, WATT of North Carolina, and Mrs. KENNELLY changed their vote from "yea" to "nay."

Mrs. KELLY changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LINDER. Mr. Speaker, pursuant to House Resolution 525, the following suspensions are expected to be considered today, September 27:

H.R. 4000, POW/MIA; H.R. 4041, Dos Palos Land Conveyance; H.R. 3219, Native American Housing; S. 1004, Coast Guard Reauthorization Conference Report; S. 1505, Pipeline Safety; H.R. 2779, Metric Conversion (if/when Senate sends over); and S. 1972, Older American Indian Tech. Amdts.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1311, NATIONAL PHYSICAL FITNESS AND SPORTS FOUNDATION ESTABLISHMENT ACT

Mr. ARCHER. Mr. Speaker, I rise to a question of privileges of the House.

Mr. Speaker, I offer a privileged resolution (H. Res. 545) returning to the Senate the bill S. 1311 and I ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 545

Resolved, That the bill of the Senate (S. 1311) entitled the "National Physical Fitness and Sports Foundation Establishment Act", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution constitutes a question of privilege under rule IX.

Under the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 1311. S. 1311 contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. It would override current tax law and direct a particular tax treatment for a certain newly established foundation, and therefore contravenes this constitutional requirement.

Section 2 of S. 1311 would establish the National Physical Fitness and Sports Foundation. Subsection (a) provides that the foundation shall be a charitable and not-for-profit corporation and shall not be an agency or establishment of the United States. In particular, it dictates that the foundation shall be established as an organization described in section 501(c)(3) of the Internal Revenue Code and that it shall be presumed for tax purposes to be a 501(c)(3) organization until the Secretary of the Treasury determines that the foundation fails to meet the requirements of section 501(c)(3). The final sentence of the subsection explicitly waives the requirements of subsection (a) of section 508 of the Internal Revenue Code, which generally requires new organizations to notify the Secretary that they are applying for recognition of section 501(c)(3) status.

This provision explicitly overrides the Federal income tax rules governing recognition of tax-exempt status. The Internal Revenue Code has specific rules that govern tax-exempt organizations and that specify the application for 501(c)(3) status and the tax treatment of entities applying for 501(c)(3) status. S. 1311 supersedes those rules in this instance and grants special Federal income tax treatment to the newly established National Physical Fitness and Sports Foundation.

The provision would have a direct effect on tax revenues. The proposed change in our tax laws in a "revenue affecting" infringement on the House's prerogatives, which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on October 7, 1994, the House returned to the Senate S. 2126, containing Internal Revenue Code provisions regarding exemption from taxation. On July 21, 1994, the House returned to the Senate S. 1030, containing a provision exempting certain veteran payments from taxation. On June 15, 1989, the House returned to the Senate S. 774, conferring tax-exempt status to two corporations. Finally, on September 25, 1986, the House returned to the Senate S. 638, containing numerous provisions relating to the tax treatment of the sale of Conrail.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. Adoption of this privileged resolution to return the bill to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

The proposed action today is procedural in nature, and is necessary to preserve the prerogatives of the House to originate revenue matters. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill, and for the Senate to accept it or amend it as it sees fit.

Mr. Speaker, on a personal note, I'd like to say that this is probably the last time that my friend, SAM GIBBONS, and I will be working together on a legislative matter on the floor of the House of Representatives. As our colleagues know, SAM is retiring at the end of this Congress.

In a way, it's only fitting that we are standing here shoulder to shoulder defending the constitutional prerogatives of the House of Representatives to originate revenue measures.

Mr. Speaker, this morning the members of the Committee on Ways and Means had a breakfast to pay tribute to SAM and to give him a send-off with our very, very best wishes for his years of service. I want to say to my colleague, SAM, I will personally miss you.

Mr. Speaker, further on a personal note, the end of the congressional session brings with it both joys and sorrows. I take a considerable amount of joy in reaching the end of the one of the more grueling legislative sessions in my memory—knowing that we are all heading to our congressional districts to face our constituents, and compete for election based on our record of accomplishments and our differing philosophies of government.

But I take great sorrow knowing that as the year comes to a close, the House of Representatives is going to lose one of the most outstanding staff members who has ever served in these halls, Phil Moseley, the chief of staff of the Ways and Means Committee.

Phil came to Washington from San Antonio, TX, in 1973 to serve as my press secretary. He was a bright and enthusiastic 27-year-old, ready to take on the heady world of congressional politics. His intention was to stay for a couple of years and then to return to Texas to settle down. Fate had a different answer in store for Phil. He fell in love with a lovely young woman who also worked in my office, Norah Horrocks, and she soon became his bride.

Fortune smiled on me when Phil and Norah met, because I have been the chief beneficiary of their decision to make the Nation's Capital their home. Phil served as my administrative assistant from 1978 to 1988. When I became the ranking Republican on the House Ways and Means Committee, I managed to prevail upon him to take on the new challenge of serving as the minority chief of staff.

When the Republican Party took control of the House in 1994, fortune was with me again because Phil was at my side as the committee's chief of staff when I took over the reigns of the chairmanship. We hit the ground running in November and we haven't stopping running yet.

Within 2 weeks of the election, Phil had already prepared a plan to reduce the committee's budget by 39 percent and reduce the size of the committee staff by a third. The taxpayers can thank Phil Moseley for helping to save them $3.1 million.

In the first 3 months of 1995, the Ways and Means Committee held more hearings receiving testimony from more witnesses than during any similar period in history. We reported out many major pieces of legislation—among them, welfare reform and the Contract With America Tax Relief Act. Phil was a guiding force during the long days and nights as the committee did its job. At a time when everyone in Congress was working hard and giving 100 percent, Phil gave 150 percent.

In his 2 years as the chief of staff of the Ways and Means Committee, Phil Moseley has developed a reputation as one of the House's most capable, thoughtful, and politically astute staff members. It's a reputation that is totally deserved. He is person of great intelligence and integrity, and I am sure my Democrat colleagues on the committee will agree that Phil has provided fair and an evenhanded service to all committee members on both sides of the aisle.

Phil's departure leaves me with a great sense of personal sorrow, because he's one of the best friends I've had in my life. We know each other so well that we often know what each other is thinking without having no articulate it. He is leaving some mighty big shoes that no one will be able to fill. I know that everyone on the Ways and Means Committee, both Republicans and

Democrats alike, is sorry to lose a person of his integrity and ability.

But as I said, this is also a time of joy. As Phil's close friend, I take great joy in knowing that in leaving the House, he will have more time to spend with Norah and his daughter, Kendall, and his son, Clay. Phil, I will truly miss you. God bless and good fishing, my friend.

□ 1430

The taxpayers can thank Phil Moseley for helping to save them $3.1 million in that first year.

In the first 3 months of 1995, the Committee on Ways and Means held more hearings, receiving testimony from more witnesses, than during any similar period in history. We reported out many major pieces of legislation, among them welfare reform and the Contract With America Tax Relief Act.

Phil was a guiding force during those long days and nights as the committee did its job. At a time when everyone in the Congress was giving 100 percent, Phil Moseley was giving 150 percent.

In his 2 years as chief of staff of the Committee on Ways and Means, he developed a reputation as one of the House's most capable, thoughtful, and politically astute staff members. It is a reputation that is totally deserved. He is a person of great intelligence and integrity, and I am sure my Democrat colleagues on the committee will agree that Phil has provided fair and evenhanded service to all committee members on both sides of the aisle.

His departure leaves me with a great sense of personal loss. He is one of the best friends that I have ever had, and we know each other so well that, more often than not, we can know what the other is thinking and articulate it without even conversation between ourselves. He is leaving some mighty big shoes to be filled.

I know that everyone on the Committee on Ways and Means, both Republicans and Democrats alike, is sorry to lose a person of such integrity and ability. But, as I said, it is also a time of joy. As Phil's close friend, I take great joy in knowing that in leaving the House, he will have more time to spend with Nora and with his children, Kendall and Clay.

Phil, I will truly miss you. God bless you, and good fishing.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank the gentleman from Texas [Mr. ARCHER] for the kind words that he had to say about me. I appreciate them.

Second, I want to say that Phil Moseley deserves and has earned all the credit that Mr. ARCHER has paid to him. I have known him not as well and not as long, but I have observed his operation, and he is a very fine individual and has done a fine job for all of us Americans.

Third, I want to say that the motion that Mr. ARCHER has made deserves to be supported here in the House of Representatives because the Constitution, very wisely, placed in the House of Representatives the exclusive right, let me repeat that, the exclusive right to originate tax legislation.

Now, this is not a bad bill that this tax legislation is connected with, and if we blue-slip it back to the Senate, and if they give a hoot about it over there, they will strip out the obnoxious part of the legislation and send it back to us, and then the private corporation that they are setting up can follow the same procedure that every other American corporation can follow by filing with the appropriate people in the United States the necessary forms to be declared tax exempt. Or they can come back to the House of Representatives next year and, if they deserve it, then we will grant them that tax exemption.

But the tax exemption they get in this bill should not be originated in the Senate. It never has been. It is something we have always had to fight in the 218 year history of this Republic.

Every year since I have been here, always on the closing days and in the closing hours of this Congress, the Senate zaps over one of these little zingers hoping we will swallow them. We never have. We never should. We should defend the rights of the American public by sending this back to the Senate to take out the objectionable, unconstitutional part.

Mr. Speaker, I urge an "aye" vote on the chairman's motion.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to say, in reiteration of what the gentleman from Florida has said, let this be the last time in this session that this House needs to spend the time doing what we are doing at this moment. Let this be a signal to the Senate that we will assert over and over again our constitutional prerogatives.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LONGLEY. Mr. Speaker, pursuant to House Resolution 525, the following suspension is expected to be considered today, September 27: S. 1918.

ANNOUNCEMENT OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 4073, by the yeas and nays; and S. 39, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4073.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 4073, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 170, not voting 19, as follows:

[Roll No. 447]

YEAS—244

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum

McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stokes
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—170

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Geren
Gibbons
Gonzalez
Gordon
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—19

Barrett (WI)
Boucher
Chapman
Collins (MI)
Dellums
Durbin
Frost
Gephardt
Green (TX)
Gunderson
Hayes
Heineman
Hoekstra
Hunter
Jackson-Lee (TX)
Peterson (FL)
Quillen
Rose
Thompson

□ 1500

Mr. MONTGOMERY changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the second motion to suspend the rules on which the Chair has postponed further proceedings.

SUSTAINABLE FISHERIES ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 39.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the Senate bill, S. 39, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 30, not voting 19, as follows:

[Roll No. 448]

YEAS—384

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Rangel
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant

Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—30

Becerra
Berman
Conyers
DeFazio
Eshoo
Farr
Fattah
Fazio
Filner
Frank (MA)
Furse
Gibbons
Gutierrez
Johnston
Lantos
Lofgren
Martinez
Matsui
Miller (CA)
Pallone
Pelosi
Rahall
Reed
Roybal-Allard
Royce
Schroeder
Stark
Torres
Velazquez
Woolsey

NOT VOTING—19

Barrett (WI)
Boucher
Chapman
Collins (MI)
Dellums
Durbin
Frost
Green (TX)
Gunderson
Hayes
Heineman
Hoekstra
Hunter
Jackson-Lee (TX)
Peterson (FL)
Quillen
Thompson
Tiahrt
Waxman

☐ 1509

Mr. MATSUI, Ms. PELOSI, Ms. WOOLSEY, and Mr. BERMAN changed their vote from "yea" to "nay."

Mr. KENNEDY of Rhode Island changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1995, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Seventeenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1995.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

FAMILY-FRIENDLY WORKPLACE ACT OF 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–270)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Economic Opportunities and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for consideration and passage the "Family-Friendly Workplace Act of 1996." Also transmitted is a section-by-section analysis. This legislative proposal is vital to American workers, offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities.

The legislation would offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families. In particular, the legislation would allow eligible employees who work overtime to receive compensatory time off—with a limit of up to 80 hours per year—in lieu of monetary compensation. In addition, the legislation contains explicit protections against coercion by employers and abuses by unstable or unscrupulous businesses.

The legislation also would amend the Family and Medical Leave Act of 1993. This statute currently allows eligible workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Although enactment of this statute was a major step forward in helping families balance work and family obligations, the law does not address many situations that working families typically confront. The enclosed legislation would cover more of these situations, thereby enhancing workers' ability to balance their need to care for their children and elderly relatives without sacrificing their employment obligations. Under the expanded law, workers could take up to 24 hours of unpaid leave each year to fulfill additional, specified family obligations, which would include participating in school activities that relate directly to the academic advancement of their children, accompanying children or elderly relatives to routine medical appointments, and attending to other health or care needs of elderly relatives.

I urge the Congress to give this legislation favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

DOS PALOS LAND CONVEYANCE

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4041) to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school.

The Clerk read as follows:

H.R. 4041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, UNUSED AGRICULTURAL LAND, DOS PALOS, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, including section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)), the Secretary of Agriculture may convey to the Dos Palos Ag Boosters of Dos Palos, California, all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) held by the Secretary that consists of approximately 22 acres and is located at 18296 Elgin Avenue, Dos Palos, California, to be used as a farm school for the education and training of students and beginning farmers regarding farming. Any such conveyance shall be final with no future liability accruing to the Secretary of Agriculture.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the transferee shall pay to the Secretary an amount equal to the fair market value of the parcel conveyed under subsection (a).

(c) ALTERNATIVE TRANSFEREE.—At the request of the Dos Palos Ag Boosters, the Secretary may make the conveyance authorized by subsection (a) to the Dos Palos School District.

(d) DETERMINATION OF FAIR MARKET VALUE AND PROPERTY DESCRIPTION.—The Secretary shall determine the fair market value of the parcel to be conveyed under subsection (a). The exact acreage and legal description of the parcels shall be determined by a survey satisfactory to the Secretary. The cost of any such survey shall be borne by the transferee.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. SMITH] and the gentleman from California [Mr. CONDIT] each will control 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we expect this to be very short, very quick. The bill as introduced by the gentleman from California [Mr. CONDIT] on September 10 is a noncontroversial land sale that has the support of the local community, the Department of Agriculture, the Democrats and the Republicans.

Mr. Speaker, I include the following letter for the RECORD:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 1996.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, the Congressional Budget Office has reviewed H.R. 4041, a bill to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school. The bill was introduced in the House of Representatives on September 10, 1996. Based on information provided by the Farm Service Agency (FSA), which owns the land, CBO estimates that enacting H.R. 4041 would have no significant impact on the federal budget. Because the bill could affect direct spending, pay-as-you-go procedures would apply; but any such effect would be negligible.

The bill would direct the Secretary of Agriculture to convey a parcel of about 22 acres of land in Dos Palos, California, to the Dos Palos Ag Boosters. As consideration for the conveyance, the transferee would pay to the Secretary an amount equal to the fair market value of the parcel, as determined by the Secretary. The transferee would also be required to pay the cost of a survey to determine the exact acreage and legal description.

According to the FSA, the land is worth less than $100,000. The agency acquired the parcel through liquidation and then leased the land out. That lease has since expired. Under new procedures, FSA now is required to sell such land at its appraised value (if possible) upon expiration of a lease, so this land would likely be sold in the near future under current law. CBO estimates that receipts from the sale of this land would not be significantly different under H.R. 4041.

H.R. 4041 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no significant costs on state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The staff contact is Craig Jagger.

Sincerely,

JUNE E. O'NEILL, *Director*.

Mr. Speaker, I reserve the balance of my time.

Mr. CONDIT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to thank Committee Chairman ROBERTS and Subcommittee Chairman ALLARD in addition to Ranking Members DE LA GARZA and JOHNSON for expediting this bill through the committee and to the House floor, for consideration at this time.

This bill is simple and straightforward.

H.R. 4041 gives USDA the authority to sell 22 acres of land in my congressional district to a nonprofit organization or alternatively, to the Dos Palos School District in Dos Palos, CA.

This land will be used to establish a farm school for the education and training of students and beginning farmers regarding farming.

Under the farm school proposal, high school and middle school students will be farming the ground under the advisement of the school Agriculture advisor.

The students will be taught all aspects of modern agriculture practices, including irrigation and conservation methods, integrated pest management, agricultural marketing and administration.

In addition, all proceeds from the farm school will allow students to purchase their own equipment and supplies for use at the site.

Finally, not only would this project benefit beginning farmers, it would also assure that the land remain in an agricultural use.

This legislation has the support of the local school district and the community of Dos Palos, in addition to the USDA at the local, State and Federal levels as a very worthwhile project to help young beginning farmers get started.

I hope that all of the members will join me in supporting H.R. 4041 and I urge the House to approve the bill at this time.

Mr. Speaker, I thank the House for its generosity in allowing us to do this at this time, and I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is 22 acres of land, it will be sold at market value and any other provisions that the Secretary of Agriculture deems appropriate.

Mr. DE LA GARZA. Mr. Speaker, this bill will give some kids a chance to learn how to farm the old-fashioned way: through hard work and sweat. They will work hard, planting their crops, watering them, guarding them against the many threats faced by all farmers—the weather, disease, insects. And they will feel the satisfaction of bringing in the harvest. This bill will help these students learn to appreciate the hard work that goes into producing our Nation's food, and it may even get a few of them off to a good start as farmers.

Mr. SMITH of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 4041.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1515

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

RESTORATION OF CERTAIN POW/MIA AUTHORITIES APPLICABLE TO THE DEPARTMENT OF DEFENSE

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 4000, to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997, as amended.

The Clerk read as follows:

H.R. 4000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF MISSING PERSONS AUTHORITIES APPLICABLE TO DEPARTMENT OF DEFENSE AS IN EFFECT BEFORE ENACTMENT OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997.

(a) APPLICABILITY TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

"(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(2) Any civilian employee of the Department of Defense, and any employee of a contractor of the Department of Defense, who serves with or accompanies the armed forces in the field under orders who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for."; and

(B) by adding at the end the following new subsection:

"(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the element of the Department of Defense employing the employee or contracting with the contractor, as the case may be.".

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out "one military officer" and inserting in lieu thereof "one individual described in paragraph (2)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.".

(3) Section 1504(d) of such title is amended—

(A) in paragraph (1), by striking out "who are" and all that follows in that paragraph and inserting in lieu thereof "as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry."; and

(B) in paragraph (4), by striking out "section 1503(c)(3)" and inserting in lieu thereof "section 1503(c)(4)".

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

"(1) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is in a missing status; or

"(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.".

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of such title is amended—

(A) in subsection (a)(2)—

(i) by striking out "10 days" and inserting in lieu thereof "48 hours"; and

(ii) by striking out "Secretary concerned" and inserting in lieu thereof "theater component commander with jurisdiction over the missing person";

(B) in subsection (a), as amended by subparagraph (A)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(ii) by inserting "(1)" after "COMMANDER.—"; and

(iii) by adding at the end the following new paragraph:

"(2) However, if the commander determines that operational conditions resulting from hostile action or combat constitute an emergency that prevents timely reporting under paragraph (1)(B), the initial report should be made as soon as possible, but in no case later than ten days after the date on which the commander receives such information under paragraph (1).";

(C) by redesignating subsection (b) as subsection (c);

(D) by inserting after subsection (a), as amended by subparagraphs (A) and (B), the following new subsection (b):

"(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person."; and

(E) in subsection (c), as redesignated by subparagraph (C), by adding at the end the following new sentence: "The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.".

(2) Section 1503(a) of such title is amended by striking out "section 1502(a)" and inserting in lieu thereof "section 1502(b)".

(3) Section 1504 of such title is amended by striking out "section 1502(a)(2)" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "section 1502(a)".

(4) Section 1513 of such title is amended by adding at the end the following new paragraph:

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.".

(c) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of such title is amended to read as follows:

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502(a) of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for.".

(d) PENALTIES FOR WRONGFUL WITHHOLDING OF INFORMATION.—Section 1506 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) WRONGFUL WITHHOLDING.—Except as provided in subsections (a) through (d), any person who knowingly and willfully withholds from the personnel file of a missing person any information relating to the disappearance or whereabouts and status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.".

(e) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of such title is amended adding at the end the following new paragraphs:

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.".

(f) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of such title is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) SPECIAL RULE FOR PERSONS CLASSIFIED AS 'KIA/BNR'.—In the case of a person described in subsection (b) who was classified as 'killed in action/body not recovered', the case of that person may be reviewed under this section only if the new information referred to in subsection (a) is compelling.".

(2)(A) The heading of such section is amended by inserting "***, special interest***" *after* "***Preenactment***".

(B) The item relating to such section in the table of sections at the beginning of chapter 76 of such title is amended by inserting ", special interest" after "Preenactment".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect immediately after the enactment of the National Defense Authorization Act for Fiscal Year 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from Virginia [Mr. PICKETT] each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4000, a bill to restore a number of important authorities to chapter 76 of title 10, United States Code that were originally included when it was first passed.

I was disappointed when the original version of the Missing Persons Act was amended this year. I believed we had the right answer in 1995 and I believe that H.R. 4000 will again set the record straight.

Mr. Speaker, all Members should note that the Military Personnel Subcommittee conducted nine hearings on POW/MIA matters over the last 2 years. Additionally, the full Committee on National Security was unanimous in its support of H.R. 4000 when it reported the bill to the House with a 45-to-0 vote.

Mr. Speaker, the case in support of H.R. 4000 is overwhelming. I urge the House to send a message with this vote—the record must be corrected and H.R. 4000 must be included in the law of the land.

Mr. Speaker, I reserve the balance of my time.

Mr. DORNAN. Mr. Speaker, we are talking about dead heroes here, and missing men who may be alive. I would hope the Chamber would be as quiet as a church, and that includes our wonderful guides in the gallery, who are carrying on a narration. I know you are a great historian. Please do not do it. Let that great group listen to this.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEY). The gentleman from California [Mr. DORNAN] will refrain from referring to individuals in the gallery. But the gentleman is correct, the gentleman speaking on this bill deserves to be heard. The subject is of a serious nature that deserves respect.

Mr. PICKETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4000 and urge its adoption.

Under Chairman DORNAN's leadership, the Subcommittee on Military Personnel conducted a series of hearings in the 104th Congress on U.S. prisoner of war and missing in action issues. The chairman is to be commended for his diligent work in this effort. It is important that we follow up immediately on all data and reports concerning the fate of United States Korean war and Vietnam war POW's-MIA's, and develop a comprehensive policy for dealing with this issue. It is clear from the hearings held so far that the U.S. Government has not exerted the kind of focused and consistent effort that could be expected to fully account for those men.

The unknown extent of the reported involvement of the Soviet Union, China, and other nations in the exploitation, torture and experimentation on United States prisoners of war from Korea and Vietnam fully justify the additional investigative work that will be required. It is also becoming increasingly apparent that a full accounting of our prisoners and missing in action cannot be achieved until the United States has gained the full cooperation of these other nations.

As I told witnesses who appeared before the Military Personnel Subcommittee earlier this month, their testimony was compelling. Having listened to and questioned the witnesses at each one of the POW-MIA hearings over the last 2 years, I am convinced that the missing persons section of title 10, United States Code, as enacted just 5 months ago, is a necessary element to achieving full accounting for U.S. POW's and MIA's. It is past time that the U.S. Government put this issue to rest by adopting and implementing an honorable and responsible program.

Therefore, Mr. Speaker, I urge my colleagues to vote in favor of H.R. 4000. This will reinstate the POW-MIA provisions deleted from Public Law 104-106 when the fiscal year 1997 Defense authorization bill was signed into law. These provisions are necessary if our Nation is to have a thorough and comprehensive statutory framework for effectively dealing with the POW-MIA issue.

Mr. Speaker, I reserve the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. DORNAN], the chairman of the Subcommittee on Military Personnel of the Committee on National Security.

Mr. DORNAN. Mr. Speaker, I would like to immediately defer, as I discussed with the gentleman from New York [Mr. GILMAN], who is one of the cosponsors of the original language that was worked out over two decades, and he and I discussed this, to a Member of this House who spent 7 years in Communist captivity in Hanoi.

Only the words medieval barbarity, inquisition, or Nazi or Japanese warlord prison camps, can conjure up the image of what was done to this Member of Congress and 10 other men who stood up to the Communist brutality in Hanoi, and were isolated for almost 4 years from everyone else and from one another in a slimy little hole in downtown Hanoi that they, with fighter pilot bravado, called Alcatraz.

Mr. SAM JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we have been uncovering all kinds of information in the committee of the gentleman from California [Mr. DORNAN], as well as on the United States-Russia Commission on POWs/MIAs, of which I am a member, about prisoners being taken to Russia during World War II, the cold war, Korea, and Vietnam. We have yet to resolve that. I think our families are owed that.

Members will recall last year we included in the defense authorization bill language which clarified and strengthened the policies and procedures regarding missing service personnel. It was praised by both military and veterans groups. As a matter of fact, it was also praised by the families, who were still alive, of missing members. They are vitally concerned and support this, as we know.

Those who support the repeal of these provisions, some of them on the other side, claim it puts undue pressure on our field commanders. Do Members want to know, is it undue pressure to ask a commander to report a missing person in 48 hours? I do not think so.

They also claim it is too burdensome to require division or theater commander staffs to handle search and rescue calls. Come on, is it too much to answer our families when they are asking about their missing guys? As a 29-year Air Force veteran who has fought in 2 wars, I want to say this thinking, besides being totally illogical, is potentially devastating to all American military families.

One of the most basic standards we live by in this U.S. military is the promise that if while performing your duty you are found missing or taken prisoner, that everything possible will be done to try to find you or free you. This bond of trust was made stronger by the missing person language that was signed into law last year. If we continue to revoke that language now, are we not revoking our promise to our military to take care of our troops who fight to keep this country free?

Mr. Speaker, I ask Members to please understand what I am saying. Before going into combat, the service member does not know if they are going to be fully backed up by our Government if they get into trouble. It is a matter of morale. We should not even be debating this issue, in my view. I think we should support our valiant military and support this bill. I thank the gentleman for bringing this to the front.

Mr. DORNAN. Mr. Speaker, as much as anyone, I am proud to serve with the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of our Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to commend the chairman of the committee, the gentleman from South Carolina [Mr. SPENCE], for bringing this measure to the floor. I want to commend, too, the gentleman from New York [Mr. SOLOMON], for his dedicated work to this issue, and the chairman of the subcommittee, the gentleman from California [Mr. DORNAN], for his devotion to the cause of our MIA's and POW's.

Mr. Speaker, I rise in strong support of H.R. 4000, the POW/MIA Restoration Act. Last year, this body secured a victory for U.S. service personnel, their families, and the families of POW/MIA's by the passage of H.R. 945, the Missing Service Personnel Act.

H.R. 945 received unanimous support in the House as part of the Department of Defense Authorization Act of 1996.

Unable to prevent the passage of H.R. 945, the opponents of the legislation waited to attach a Senate amendment to the 1997 defense authorization conference report which essentially gutted the Missing Service Personnel Act.

H.R. 4000 restores the provisions stricken from the Missing Service Personnel Act by the Senate amendment.

The first provision to be restored requires that military commanders report and initiate searches for missing service personnel within 48 hours, rather than 10 days as proposed by the Senate amendment. While current regulations require local commanders to report any individual missing more than 24 hours, the missing often fall through the cracks, especially during military operations.

The second provision covers civilian employees of the Defense Department who are in the field under orders to assist our military. They deserve the same protections afforded our men and women in uniform.

The third provision to be restored provides if a body were recovered and could not be identified by visual means, that a certification by a credible forensic authority must be made. There have been too many recent cases where misidentification of remains has caused undue trauma for families.

Finally, H.R. 4000 restores the provision which requires criminal penalties for Government officials who knowingly and willfully withhold information related to the disappearance, whereabouts and status of a missing person.

Prompt and proper notification of any new information is essential to the successful investigation of any POW/MIA case. This cannot be achieved if individual bureaucrats deliberately seek to derail the process.

The opponents of the Missing Service Personnel Act have to this day never offered any credible reasons for their opposition to the legislation. Rather than create more redtape I believe these provisions will help streamline the bureaucracy and improve the investigation process.

Moreover, the Missing Service Personnel Act has not been public law long enough to be adequately evaluated. To repeal provisions of a law after 5 months does not make sense, especially when that law has not yet had a chance to be tested.

Accordingly, I urge my colleagues today to join me in supporting H.R. 4000, the POW/MIA Restoration Act.

Mr. Speaker, I thank the gentleman for yielding time to me, and I commend him for his staunch support of this measure.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, as former chairman of the Task Force on POW-MIA's, and a member of that task force, I just want to thank all of the Members for bringing this vital piece of legislation to the floor. It ought to be made part of the omnibus appropriation bill that is coming to this floor so it becomes a law, without any question about it.

□ 1530

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I wish to speak this afternoon to the civilian MIA's and POW's. There are far more qualified men in this body to speak about the military MIA's and prisoners of war. I was a young man of 10 years old and I was the 10th child of 17 children when my father went to Wake Island to help build a military air base. He was a civilian. He, of course, was taken prisoner shortly after the war broke out. Wake Island was bombed the same day that Pearl Harbor was bombed and every day thereafter until it fell to the Japanese. He served the entire war years in a prison camp. It was almost 2 years before my mother and his children found out whether he was alive or not. If we did not have the Government to follow and to look after and be able to report to the families of any prisoner of war, whether it be a military or a civilian prisoner of war, the families have no place to turn to. They are left without information. They have no resources or no source to get information about their family member who might be held in a prison camp.

Mr. Speaker, I strongly urge that this bill be passed and signed into law. It will require the Government to keep track of and to report to the families of military prisoners of war but it will also make the same requirement for the civilians who might be involved in Government contracting and thus the Government has a responsibility to report to the families and keep them posted. Had we had that information, we would have certainly not gone through the anguish, the bitterness, and the difficulty that we did.

It was a pleasure, of course, to see my father come home, but we should have known long before he did. Two years is too long to know whether your father is alive or not.

I urge the Members to pass this and then urge the President to sign it.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT], a very valuable member of our committee.

Mr. TALENT. Mr. Speaker, I thank my chairman for yielding me this time and I want to congratulate him for his work on this and the gentleman from Virginia [Mr. PICKETT] for his work as well and the leadership of the House for bringing this bill to the floor so quickly.

Like many of the people who have spoken on this, I want to relate my remarks from a personal standpoint. I do not have a personal connection, but a lot of my constituents do. When I got elected to Congress in 1992 they came and talked to me about the issue. I decided to study it some. After I studied it, it did not take all that long, I reached the conclusion that indeed we had left hundreds and hundreds of men behind in Vietnam and probably in Korea as well, and I reached that conclusion, Mr. Speaker, to my shame.

Well, in the years that have passed since then, I along with many of the other Members here have tried to get out what we believe is the truth about these men and to take whatever steps we can to recover them or at least to recover their bodies. It has been difficult to do and I am not naive enough to believe that it is going to be any easier in the future. But earlier this year we did something that I thought was very significant. We established a series of safeguards to try and make sure that at least it did not happen again. We put that in the defense authorization bill which the President eventually signed, and I was very proud of those changes and very sorry when many of them were taken out in the bill which recently passed the House and Senate and which the President signed. I know that my chairman and others from the House fought the deletion of those provisions at that time and I respect their work very much. I did not see why we needed to have 10 days for commanders in the field to decide whether a person was missing. I did not see why we did not need to require forensic, standard forensic certification before finding that a bone or a tooth was sufficient to identify a missing serviceman, and I did not see why we should not have periodic reviews of cases so that families could have current understandings of what had happened to their loved ones. We are remedying it now with this bill. I think it is an attempt, after the fact, but an attempt after the fact to keep faith with those we did leave behind.

Mr. Speaker, if there is one thing we can do for them, it is to try to make sure it does not happen again.

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Speaker, Red McDaniel, a returned Vietnam POW told Congress: "We were prepared to be captured; we were prepared to die for our country. But we were never prepared to be abandoned!"

I thank BOB DORNAN for his leadership, and for introducing the POW/MIA Protection Act.

I ask that my colleagues support this bill to show those still missing and otherwise unaccounted that we still care,—that we don't consider them ghosts, and that they have not been forgotten by an ungrateful nation!

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I welcome this opportunity to rise in support for H.R. 4000. Under the leadership of my chairman on the Personnel Subcommittee, BOB DORNAN, this Congress has done more for the recovery of American servicemen than any Congress before.

I am proud to support this legislation that sends a clear message to the administration that it must drop the rhetoric and adopt the resolve to recover missing Americans in Asia.

I would also like to commend the hard work of the families and friends of our missing Americans like Ms. Joanne Shirley of Georgia who serves as the chairman of the board of the National League of POW/MIA Families. Her hard work, and the work of countless others like her, ensures that we remain committed to the promise printed on the POW flag that hangs in front of my office—"You are not forgotten."

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I thank Chairman SPENCE and I thank Chairman DORNAN for offering this legislation.

Mr. Speaker, I want to express my strong support for H.R. 4000 and America's forgotten heroes, our POW's and MIA's. Recent hearings before the Military Personnel Subcommittee that revealed that more than 900 American fighting men were left behind in Korea by our Government, and on whom the most inhumane experimentation was done, is proof of the necessity to enact this legislation. I strongly urge my colleagues to support this important legislation if for no other reason than regard for those who await the fate of their loved ones, the families.

Mr. SPENCE. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DORNAN], the chairman of our Military Personnel Subcommittee and the author of this legislation.

The SPEAKER pro tempore (Mr. NEY). The gentleman from California is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I want to correct two things. I am proud that I was the quarterback, with the help of the gentleman from Virginia [Mr. PICKETT], to get the legislation, written by veterans and sponsored in the Senate by the Republican presidential candidate, a World War II veteran, 100 percent disabled and an inspiration in a bipartisan way, to all the country that you can still serve when your body has been torn apart in combat, and serve well.

On this side of the aisle, it was the gentleman from New York, Mr. GILMAN, fighting for it and backed up by others, and I was proud to be one of them; on the Senate side, FRANK LAUTENBERG, Democrat of New Jersey; all of them fighting together; on our side, naval captain reserve, retired, the gentleman from South Carolina, Mr. SPENCE, and everybody on our side and everybody on the other side eventually. It was a unanimous vote in the full committee, 40 to 0. The six or seven that were not there all made it a point to come to me and say, "I would have voted with you if I had been there." More original cosponsors, 262, than any bill introduced in 20 years. And people came to me, like the gentleman from Vermont, BERNIE SANDERS, the Independent, and 30 other Democrats came to me.

Mr. Speaker, it is amazing to me that we are here on suspension when one U.S. Senator, for reasons that are still mysterious, can blackball this tonight, or tomorrow.

Let me read a letter, and it is a leadership letter. It is from the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations. That is a leader.

The gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules. That is a leader.

The gentleman from South Carolina [Mr. SPENCE] is a leader.

Mr. PICKETT is a leader.

I am a chairman.

All five chairmen and almost every one of the chairmen of the military subcommittees in both Chambers. Are we not leaders?

We all want the following, but this is from Mr. GILMAN and Mr. SOLOMON:

"As you consider the Omnibus Appropriations Bill for fiscal year 1997, we respectfully request that you please attach H.R. 4000, the POW/MIA Protection Act."

The continuing resolution, the CR, is our last chance to have this legislation enacted into law before the end of the session. One person will not dare filibuster the Senate over a whole CE to run the government and keep 535, minus our Bill Emerson watching us from heaven, to keep 533 other people from going home while he filibusters. But to blackball a suspension vote like this, even a unanimous one, a snap of the fingers, mysteriously, for some people.

The chairmen continue: "As you are well aware," this bill "will restore the provisions that were removed from the Missing Service Personnel Act," at 11:52 at night, without a phone call to me, "by the McCain amendment to the 1997 Defense Authorization Conference Report. It requires no additional funding.

"Under the language in the Defense Authorization Act," which was law from February 10 to this Tuesday, a couple of days ago. And Clinton did not even know this was in the bill when he signed it, or he could have said "I will veto it," and then he would have had a claim on the POW families because he always tried to get to the right of another war combat person, President Bush, on this.

I have to correct one tiny thing that this hero the gentleman from Texas, SAM JOHNSON, said. It is not 48 hours. We negotiated it with the POW who heroically withstood 6 years of deprivation and torture, the gentleman from Florida, PETE PETERSON. It is 10 full days for a CINC. That was the one amendment of this, 10 full days, to paraphrase Mr. JOHNSON. Is that an inconvenience on a combat commander, particularly Marines, who almost have it emblazoned in their brains we do not leave our wounded on the battlefield, let alone desert our missing? I do not think so.

"Missing servicepersons can be declared dead by the Pentagon without credible proof," as of Tuesday. If a body were recovered that was not identifiable by visual means, forensic certification is no longer required, as of Tuesday.

We restore that.

"Criminal penalties were removed for government officials" get these words, "who knowingly and willingly withhold information related to the disappearance, whereabouts, or status of a missing person." What clod would do that? Some criminal person once in every 10 years? But the families want this to prevent people not paying attention to them being included in the process 10, 20, 30, 40 years later.

"H.R. 4000 would restore the original language," the Dole-Gilman language, that has been public law for months, since February 10. 49–0 vote in the full committee.

"We realize that there are numerous difficult choices being made in organizing this Omnibus" CR bill. "However, it is critical that H.R. 4000 be included in the measure to," and this is Chairman GILMAN and Chairman JERRY SOLOMON, an Air Force veteran and a Marine veteran, to reestablish the core of the Missing Service Personnel Act.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. DORNAN. Mr. Speaker, could I ask the gentleman from Virginia [Mr. PICKETT] if I could have any remaining time he has?

Mr. PICKETT. If the gentleman will allow me to yield to the gentleman from Mississippi [Mr. MONTGOMERY] for a unanimous-consent request, then I will yield him time.

Mr. DORNAN. Absolutely.

Mr. PICKETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 4000. I commend the gentleman from California [Mr. DORNAN], the author of the bill. We have worked together for years on this issue. I thank the gentleman for giving me this opportunity.

Mr. PICKETT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. Before the gentleman continues, the Chair would remind Members of the House, it is not in order to cast reflections on the Senate or its Members individually or collectively.

The gentleman may proceed.

Mr. DORNAN. Mr. Speaker, before I continue, I was remiss in talking about heroes on both sides of the aisle. General MONTGOMERY has gone to Hanoi itself, has argued eyeball to eyeball in the 1970's starting, chaired a commission, has given so much time as he has to every aspect of military life, all services, and has been properly rewarded by every veterans group in this country. Every enlisted group and every officer group has commended him for his undying support of our men in the Reserves, the Guard, on active duty, and yes, those left by political and diplomatic circumstances behind while others walked across a freedom bridge or got on a freedom bird in Hanoi, those big Air Force C–141's.

☐ 1545

I left out the last line of Chairmen GILMAN and SOLOMON. "Our Nation's POWs and missing-in-action and their families deserve no less than this being put on the CR."

I am not casting aspersions on anybody in the other body; I am talking about our leadership here. I am a NEWT GINGRICH fan. I supported him at every point in his career. He is a son of an Army artillery officer, as I am the son of an Army artillery officer. He promised me, he saw no reason this could not go on the CR. Kick into high gear, Mr. Speaker; do it for these families. They are counting on you. Mr. ARMEY, Mr. DELAY, to all the leadership, there is only a handful between JERRY SOLOMON and BEN GILMAN and the Speaker at the top. They all promised me this could be done.

Staff tells me, "We can't put authorizing language on the CR." This does not cost a nickel. This is a point of honor. I deliberately wore my RAF, Royal Air Force, regimental tie today. Can you hear Churchill's words ringing down through history? "Never in the course of human conflict have so many owed so much to so few."

Well, we are the many here, and we owe it to the few left behind to do the right thing here and put it on the CR so it cannot be blackballed in the other distinguished Chamber.

Now, this POW–MIA Act will further ensure that the families are treated with respect by the U.S. Government and are provided with full disclosure of the facts regarding their loved one's fate.

Imagine taking a report of American pilots sent from Korea, not through China, but through Siberia, to the Soviet Union, for air combat tactics, information, and then to reside there as guinea pigs or God knows what, for any other intelligence or stealing identity schemes by the MVD and then the KGB?

Imagine a report of that thing being given to the Russians, and when former and current KGB people at the time objected to it, it came back here and was stamped "working document." Thank heavens the guy named Ross who did that was fired within a week.

Imagine backing off from your own work product because former KGB people out of nothing but embarrassment or maybe ongoing operations say "we reject this U.S. report." And then the families could not get that report? It was suppressed, so that the loved ones of the people involved here could not get the best work effort of our best intelligence sources on what happened to them? It is outrageous.

The gentleman from California [Mr. PACKARD] summed it up beautifully for his dad, Forrest Packard. Because he was 46 he was put to work in the hospital. All his young construction workers were given that old tin pot helmet that my dad wore in World War I, a Springfield 1903 rifle, and told, "Defend Wake Island."

Some of them died as civilians with a gun and helmet. The ones captured along with Forrest Packard, 200 of them were executed. The lucky ones that did not die in Manchuria or other coal mines under the Japanese warloads like RON PACKARD's dad, the older ones were sent off to prison camps in Japan. But the 200 best young kids that stayed, that were hired for $25 a month, they worked as slave labor for 2 years, still building pill boxes, and then were executed as we bypassed Wake Island. How could any Member of this or the other body say civilians do not count?

"Slang word, cuss word, write them off. They all make $100,000 a week."

Give me a break. These kids were making nothing for 2 years until they were executed. Restore the requirement not for 40 hours, but as soon as possible, which is reasonable, not later than 10 hours, for the review board to provide a description to the parents and the primary relatives, principally other brothers and sisters and grown-up children who become primary relatives, if evidence comes forward and if they want it. It is not an immediate review of every case cycled over and over. The rest of it is pretty well-known in this House.

I beg my leadership on this last day, I beg you to put it in the CR.

Mr. Speaker, I include for the RECORD the letter referred to.

COMMITTEE ON INTERNATIONAL RELATIONS
SEPTEMBER 27, 1996

To: House Leadership
From: Chairman Benjamin A. Gilman, Committee on International Relations, Chairman Gerald Solomon, Committee on Rules.
Re H.R. 4000, the POW/MIA Protection Act.

As you consider the Omnibus Appropriations Bill for FY '97, we respectfully request that you please attach H.R. 4000, the POW/MIA Protection Act. The continuing resolution is our last chance to have this legislation enacted into law before the end of the session.

As you are well aware, H.R. 4000 will restore the provisions that were removed from the Missing Service Personnel Act of 1996 by the McCain amendment to the 1997 Defense Authorization Conference Report. It requires no additional funding or expenditures.

Under the language in the Defense Authorization Act:

Unit commanders are permitted to wait 10 full days (rather than 48 hours) before reporting that a service person a missing or unaccounted for.

Missing service persons can be declared dead by the Pentagon without credible proof. If a body were recovered that was not identifiable by visual means, forenic certification would no longer be required.

Criminal penalties were removed for government officials who knowingly and willingly withhold information related to the disappearance, whereabouts, or status of a missing person.

H.R. 4000 would restore the original language of the Missing Service Personnel Act. This bill, which at present has over 270 cosponsors, was passed unanimously out of the National Security Committee on September 17, 1996, 49–0!

We realize that there are numerous difficult choices being made in organizing this Omnibus Bill. However, it is critical that H.R. 4000 be included in the measure to reestablish the core of the Missing Service Personnel Act. Our nation's POW/MIA's and their families deserve no less.

Mr. BUYER. Mr. Speaker, when a young man or woman joins our military, they make a commitment to support and defend our Constitution. At that same time, our Government assumes a sacred commitment to care for those personnel throughout their service.

I am appalled by recent revelations, made in Chairman DORNAN's Military Forces and Personnel Subcommittee, that on two occasions, our Government knowingly left live POW's behind at the end of a conflict. This is outrageous and inexcusable.

This legislation restores provisions removed from the law by this year's Defense authorization bill that make it difficult for such a grave breach of confidence to happen again.

I urge my colleagues to support this bill.

Mr. ENSIGN. Mr. Speaker, in regard to rollcall No. 449, I would like to register my remarks in support of H.R. 4000, a bill to restore certain missing persons authorities applicable to the Department of Defense. I was unavoidably detained and was unable to vote on this measure. However, I am a cosponsor and strong supporter of H.R. 4000. It is the responsibility of the Federal Government to account for every U.S. service man and woman sent into combat to protect and defend the United States and its interests. If soldiers are taken as prisoners of war [POW] or are determined to be missing in action [MIA], the Department of Defense must investigate their cases until it has exhausted all hope of locating these individuals. They should not be declared dead merely because of the passage of time. I support H.R. 4000 because it establishes strict guidelines to account for POW's and MIA's and to monitor their status. This legislation will ensure that there are specific procedures for meeting these guidelines. We owe this to missing soldiers and their families. I would have voted "yea" on H.R. 4000.

Mr. SOLOMON. Mr. Speaker, as a young marine in my youth, I was proud to have served in the U.S. Marine Corps during our Korean war, but never had the opportunity to serve in Korea. I still live by the fundamental lesson I learned from my beloved corps. This lesson is very simple—accomplish your mission and take care of your buddies.

A mission that has always guided me in my congressional career is an unwavering commitment to achieve the fullest possible accounting for those servicemen still missing in action. In accomplishing this mission we all take care of our buddies.

During my service, soldiers, sailors, airmen, and my fellow marines stood up and stopped communism dead in its tracks on the Korean Peninsula, making this country proud. And make no mistake about it—we won that war!

But tragically, all wars have a severe price, and many of my fellow warriors who will remain forever young in my minds were left behind. Remembering that mission—the fullest possible accounting of our buddies—recently in the 104th Congress, the tragic fate of POW's in Korea was revealed. Information has been made public that hundreds of Korean war veterans were indeed left behind.

The Korean war, called the "forgotten war", still reached out over 40 years later and beckons all of us to never have forgotten warriors.

I pledge that there will be unrelenting pressure from Congress on all individuals and organizations within our Government with any relevant information to come forward. We owe all family members an understanding as to what happened to their loved ones—silence is not an option.

We in Washington, in both political parties and on both ends of Pennsylvania Avenue, the Congress and the President, have a sacred and moral responsibility to resolve uncertainty of all cases of POW's and MIA's. That means not only those from the Korean war, but the unresolved cases from the Vietnam War as well.

Perhaps more than any war, Vietnam continues to illustrate the complexity of the POW/MIA issue, In 1973, 591 Americans were released by the North Vietnamese. And as of this date, the National League of Families of American Prisoners and Missing in Southeast Asia report that "2,140 Americans are still missing and unaccounted for from the Vietnam war."

Therefore, the fundamental lesson I learned from my experiences as an advocate in supporting POW/MIA's and their loved ones is to have unrelenting vigilance in always passing the strongest possible legislation. All Members of both parties are well aware, H.R. 4000 will restore the provisions that were removed from the Missing Service Personnel Act of 1996 by the McCain amendment to the 1997 Defense authorization conference report. It requires no additional funding or expenditures.

Under the language in the Defense Authorization Act:

Unit commanders are permitted to wait 10 full days before reporting that a service person is missing or unaccounted for.

Missing service persons can be declared dead by the Pentagon without credible proof. If a body were recovered that was not identifiable by visual means, forensic certification would no longer be required.

Criminal penalties were removed for Government officials who knowingly and willingly withhold information related to the disappearance, whereabouts, or status of a missing person.

H.R. 4000 would restore the original language of the Missing Service Personnel Act. The bill, which at present has over 270 cosponsors, was passed unanimously out of the National Security Committee on September 17, 1996.

It is critical that H.R. 4000 be passed and included in the omnibus appropriations bill for fiscal year 1997. Our Nation's POW/MIA's and their families deserve no less.

Mr. EVERETT. Mr. Speaker, I rise in strong support of H.R. 4000, legislation to restore a number of key provisions relating to the Department of Defense missing persons policy that were modified or deleted in the fiscal year 1997 Defense Authorization Act—H.R. 3230—as the request of the Clinton Administration and the Senate. I was pleased to be an original cosponsor of this measure which was unanimously reported out of the National Security Committee 45 to 0.

Among the provisions included in H.R. 4000, this bill will reestablish the 48-hour time period that a field commander must report a missing person, restores the requirement that the theater commander must assess the adequacy of actions taken to resolve the missing person's status, restores the requirement that the status of persons last known to be alive be reviewed every 3 years for 30 years, and restores criminal penalties for the knowing and willful withholding of information from a missing person's file.

The restoration of these provisions are significant in that the United States must never again leave behind American prisoners of war or those declared "missing in action" without exhausting every means available to determine the fate of all U.S. servicemen.

One of the most important commitments this government can make to those patriots who are willing to fight and die for our freedom, is to ensure that the United States will never abandon them in the hardships of war. Equally important is to instill this commitment with the families of our uniformed personnel. They both must have full confidence that their support from the United States will always be strong, and never fade. This legislation certainly helps us keep this commitment and I urge its adoption.

Mr. PICKETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE] that the House suspend the rules and pass the bill, H.R. 4000, as amended.

The question was taken.

Mr. DORNAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. GOODLING. Mr. Speaker, pursuant to House Resolution 525, the following suspension is expected to be considered today, September 27: H.R. 4139.

OLDER AMERICANS ACT INDIAN TECHNICAL AMENDMENTS

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1972) to amend the Older Americans Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

S. 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

Sec. 1. Table of contents.

TITLE I—OLDER AMERICANS ACT OF 1965

Sec. 101. Indian employment; definition of Indian reservation.
Sec. 102. Population statistics development.
Sec. 103. Reporting requirements.
Sec. 104. Expenditure of funds for nutrition services.
Sec. 105. Coordination of services.

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

Sec. 201. Extension of National Literacy Act of 1991.
Sec. 202. Adult Education Act amendments.
Sec. 203. Extension of Carl D. Perkins Vocational and Applied Technology Education Act.

Subtitle B—Museums and Libraries

Sec. 211. Museum and library services.
Sec. 212. National Commission on Libraries and Information Science.
Sec. 213. Transfer of functions from Institute of Museum Services.
Sec. 214. Service of individuals serving on date of enactment.
Sec. 215. Consideration.
Sec. 216. Transition and transfer of funds.

TITLE III—HIGHER EDUCATION

Subtitle A—Debt Reduction

Sec. 301. Unsubsidized student loans.
Sec. 302. Study of loan fees.

Subtitle B—Financial Responsibility Standards

Sec. 311. Extension of public comment period.

TITLE I—OLDER AMERICANS ACT OF 1965

SEC. 101. INDIAN EMPLOYMENT; DEFINITION OF INDIAN RESERVATION.

Section 502(b)(1)(B) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(B)) is amended to read as follows:

"(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

"(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals who are Indians residing on or near an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));".

SEC. 102. POPULATION STATISTICS DEVELOPMENT.

Section 614(b) of the Older Americans Act of 1965 (42 U.S.C. 3057e(b)) is amended by striking "certification" and inserting "approval".

SEC. 103. REPORTING REQUIREMENTS.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.".

SEC. 104. EXPENDITURE OF FUNDS FOR NUTRITION SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section 103, is further amended by adding at the end the following new paragraph:

"(3) In determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant who seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographical needs of the Indian populations to be served.".

SEC. 105. COORDINATION OF SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section 104, is further amended by adding at the end the following new paragraph:

"(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographical area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.".

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

SEC. 201. EXTENSION OF NATIONAL LITERACY ACT OF 1991.

(a) NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.—Subsection (c) of section 201 of the National Literacy Act of 1991 (20 U.S.C. 1211-1(c)) is amended by striking "$5,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

(b) FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAM FOR STATE AND LOCAL PRISONERS.—Paragraph (3) of section 601(i) of the National Literacy Act of 1991 (20 U.S.C. 1211-2(i)) is amended by striking "$10,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 202. ADULT EDUCATION ACT AMENDMENTS.

The Adult Education Act (20 U.S.C. 1201 et seq.) is amended—

(1) in section 312—

(A) in each of subparagraphs (A) and (B) of paragraph (11), by moving the left margin two ems to the right;

(B) in each of paragraphs (11) through (15), by moving the left margin two ems to the right; and

(C) by adding at the end the following:

"(16) The term 'family literacy services' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents on how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training.

"(D) An age-appropriate education program for children.";

(2) in section 313(a), by striking "the fiscal year 1991," and all that follows through "1995" and inserting "fiscal year 1997";

(3) in section 321, by inserting "and family literacy services" after "and activities";

(4) in the first sentence of section 322(a)(1), by inserting "and family literacy services" after "adult education programs";

(5) in section 341(a), by inserting "and for family literacy services" after "adult education";

(6) in section 356(k), by striking "$25,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.";

(7) in section 371(e)(1), by striking "the fiscal year 1991," and all that follows through the period and inserting "fiscal year 1997.";

(8) in section 384, by striking subsections (c) through (n); and

(9) by adding at the end the following:

"SEC. 386. NATIONAL INSTITUTE FOR LITERACY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services whose purpose is determined by the Interagency Group to be related to the purpose of the Institute.

"(2) OFFICES.—The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.

"(3) BOARD RECOMMENDATIONS.—The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (d) in planning the goals of the Institute and in the implementation of any programs to achieve such goals.

"(4) DAILY OPERATIONS.—The daily operations of the Institute shall be carried out by the Director of the Institute appointed under subsection (g).

"(b) DUTIES.—

"(1) IN GENERAL.—The Institute shall improve the quality and accountability of the adult basic skills and literacy delivery system by—

"(A) providing national leadership for the improvement and expansion of the system for delivery of literacy services;

"(B) coordinating the delivery of such services across Federal agencies;

"(C) identifying effective models of basic skills and literacy education for adults and families that are essential to success in job training, work, the family, and the community;

"(D) supporting the creation of new methods of offering improved literacy services;

"(E) funding a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by—

"(i) encouraging the coordination of literacy services;

"(ii) carrying out evaluations of the effectiveness of adult education and literacy activities;

"(iii) enhancing the capacity of State and local organizations to provide literacy services; and

"(iv) serving as a reciprocal link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources;

"(F) supporting the development of models at the State and local level of accountability systems that consist of goals, performance measures, benchmarks, and assessments that can be used to improve the quality of adult education and literacy activities;

"(G) providing information, and other program improvement activities to national, State, and local organizations, such as—

"(i) improving the capacity of national, State, and local public and private organizations that provide literacy and basic skills services, professional development, and technical assistance, such as the State or regional adult literacy resource centers referred to in subparagraph (E); and

"(ii) establishing a national literacy electronic database and communications network;

"(H) working with the Interagency Group, Federal agencies, and the Congress to ensure that such Group, agencies, and the Congress have the best information available on literacy and basic skills programs in formulating Federal policy with respect to the issues of literacy, basic skills, and workforce and career development; and

"(I) assisting with the development of policy with respect to literacy and basic skills.

"(2) GRANTS, CONTRACTS, AND AGREEMENTS.—The Institute may make grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

"(c) LITERACY LEADERSHIP.—

"(1) FELLOWSHIPS.—The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

"(2) USE OF FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

"(3) INTERNS AND VOLUNTEERS.—The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

"(d) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—There is established a National Institute for Literacy Advisory Board. The Board shall consist of 10 individuals appointed by the President, with the advice and consent of the Senate, from individuals who—

"(i) are not otherwise officers or employees of the Federal Government; and

"(ii) are representative of entities or groups described in subparagraph (B).

"(B) ENTITIES OR GROUPS DESCRIBED.—The entities or groups referred to in subparagraph (A) are—

"(i) literacy organizations and providers of literacy services, including—

"(I) nonprofit providers of literacy services;

"(II) providers of programs and services involving English language instruction; and

"(III) providers of services receiving assistance under this title;

"(ii) businesses that have demonstrated interest in literacy programs;

"(iii) literacy students;

"(iv) experts in the area of literacy research;

"(v) State and local governments; and

"(vi) representatives of employees.

"(2) DUTIES.—The Board—

"(A) shall make recommendations concerning the appointment of the Director and staff of the Institute;

"(B) shall provide independent advice on the operation of the Institute; and

"(C) shall receive reports from the Interagency Group and the Director.

"(3) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(4) TERMS.—

"(A) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

"(B) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

"(5) QUORUM.—A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

"(6) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

"(7) MEETINGS.—The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

"(e) GIFTS, BEQUESTS, AND DEVISES.—The Institute may accept, administer, and use gifts or donations of services, money, or property, both real and personal.

"(f) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(g) DIRECTOR.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

"(h) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum rate payable under section 5376 of title 5, United States Code.

"(i) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(j) REPORT.—The Institute shall submit a report biennially to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Each report submitted under this subsection shall include—

"(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;

"(2) a description of how plans for the operation of the Institute for the succeeding two fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

"(3) any additional minority, or dissenting views submitted by members of the Board.

"(k) FUNDING.—Any amounts appropriated to the Secretary of Education, the Secretary of Labor, or the Secretary of Health and Human Services for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this section.".

SEC. 203. EXTENSION OF CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

Subsection (a) of section 3 of the Carl D. Perkins Vocational and Applied Technology Act is amended by striking "appropriated" and all that follows through "1995" and inserting "appropriated for fiscal year 1997 such sums as may be necessary".

Subtitle B—Museums and Libraries

SEC. 211. MUSEUM AND LIBRARY SERVICES.

The Museum Services Act (20 U.S.C. 961 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES

"Subtitle A—General Provisions

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Museum and Library Services Act'.

"SEC. 202. GENERAL DEFINITIONS.

"As used in this title:

"(1) COMMISSION.—The term 'Commission' means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).

"(2) DIRECTOR.—The term 'Director' means the Director of the Institute appointed under section 204.

"(3) INSTITUTE.—The term 'Institute' means the Institute of Museum and Library Services established under section 203.

"(4) MUSEUM BOARD.—The term 'Museum Board' means the National Museum Services Board established under section 275.

"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

"(a) ESTABLISHMENT.—There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

"(b) OFFICES.—The Institute shall consist of an Office of Museum Services and an Office of Library Services. There shall be a National Museum Services Board in the Office of Museum Services.

"SEC. 204. DIRECTOR OF THE INSTITUTE.

"(a) APPOINTMENT.—

"(1) IN GENERAL.—The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—The Director shall serve for a term of 4 years.

"(3) QUALIFICATIONS.—Beginning with the first individual appointed to the position of Director after the date of the enactment of the Act entitled 'An Act to amend the Older Americans Act of 1965, and for other purposes', every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after the date of enactment of the Act entitled 'An Act to amend the Older Americans Act of 1965, and for other purposes', every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

"(b) COMPENSATION.—The Director may be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) DUTIES AND POWERS.—The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this title.

"(d) NONDELEGATION.—The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

"(e) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

"SEC. 205. DEPUTY DIRECTORS.

"The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

"SEC. 206. PERSONNEL.

"(a) IN GENERAL.—The Director may, in accordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

"(b) VOLUNTARY SERVICES.—The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 207. CONTRIBUTIONS.

"The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special interest-bearing account to the credit of the Institute for the purposes specified in each case.

"Subtitle B—Library Services and Technology

"SEC. 211. SHORT TITLE.

"This subtitle may be cited as the 'Library Services and Technology Act'.

"SEC. 212. PURPOSE.

"It is the purpose of this subtitle—

"(1) to consolidate Federal library service programs;

"(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;

"(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;

"(4) to provide linkages among and between libraries; and

"(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.

"SEC. 213. DEFINITIONS.

"As used in this subtitle:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) LIBRARY.—The term 'library' includes—

"(A) a public library;

"(B) a public elementary school or secondary school library;

"(C) an academic library;

"(D) a research library, which for the purposes of this subtitle means a library that—

"(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

"(ii) is not an integral part of an institution of higher education; and

"(E) a private library, but only if the State in which such private library is located determines that the library should be considered a library for purposes of this subtitle.

"(3) LIBRARY CONSORTIUM.—The term 'library consortium' means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

"(4) STATE.—The term 'State', unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

"(6) STATE PLAN.—The term 'State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submits copies for approval as required by regulations promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

"SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subtitle.

"(2) TRANSFER.—The Secretary of Education shall—

"(A) transfer any funds appropriated under the authority of paragraph (1) to the Director to enable the Director to carry out this subtitle; and

"(B) not exercise any authority concerning the administration of this title other than the transfer described in subparagraph (A).

"(b) FORWARD FUNDING.—

"(1) IN GENERAL.—To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing library activities and projects, appropriations for grants, contracts, or other payments under any program under this subtitle are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(2) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for a program under this subtitle (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

"(c) ADMINISTRATION.—Not more than 3 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

"CHAPTER 1—BASIC PROGRAM REQUIREMENTS

"SEC. 221. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—

"(1) IN GENERAL.—From the amount appropriated under the authority of section 214 for any fiscal year, the Director—

"(A) shall reserve 1½ percent to award grants in accordance with section 261; and

"(B) shall reserve 4 percent to award national leadership grants or contracts in accordance with section 262.

"(2) SPECIAL RULE.—If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) for the fiscal year succeeding the fiscal year for which the funds were so reserved.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the sums appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph (2).

"(2) REMAINDER.—From the remainder of any sums appropriated under the authority of section 214 that are not reserved under subsection (a) and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

"(3) MINIMUM ALLOTMENT.—

"(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) RATABLE REDUCTIONS.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

"(C) SPECIAL RULE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

"(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"(iv) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.

"(4) DATA.—The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

"SEC. 222. ADMINISTRATION.

"(a) IN GENERAL.—Not more than 4 percent of the total amount of funds received under this subtitle for any fiscal year by a State may be used for administrative costs.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation costs under section 224(c) from sources other than this subtitle.

"SEC. 223. PAYMENTS; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS.

"(a) PAYMENTS.—Subject to appropriations provided pursuant to section 214, the Director shall pay to each State library administrative agency having a State plan approved under section 224 the Federal share of the cost of the activities described in the State plan.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share shall be 66 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

"(c) MAINTENANCE OF EFFORT.—

"(1) STATE EXPENDITURES.—

"(A) REQUIREMENT.—

"(i) IN GENERAL.—The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this chapter shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

"(ii) CALCULATION.—Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

"(B) DECREASE IN FEDERAL SUPPORT.—If the amount made available under this subtitle for a fiscal year is less than the amount made available under this subtitle for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(2) LEVEL OF STATE EXPENDITURES.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

"(3) WAIVER.—The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"SEC. 224. STATE PLANS.

"(a) STATE PLAN REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director not later than April 1, 1997.

"(2) DURATION.—The State plan shall cover a period of 5 fiscal years.

"(3) REVISIONS.—If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

"(b) CONTENTS.—The State plan shall—

"(1) establish goals, and specify priorities, for the State consistent with the purposes of this subtitle;

"(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subtitle, and section 231, that the State library administrative agency will carry out during such year using such grant;

"(3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);

"(4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);

"(5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subtitle; and

"(6) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out the purposes of this subtitle.

"(c) EVALUATION AND REPORT.—Each State library administrative agency receiving a grant under this subtitle shall independently evaluate, and report to the Director regarding, the activities assisted under this subtitle, prior to the end of the 5-year plan.

"(d) INFORMATION.—Each library receiving assistance under this subtitle shall submit to the State library administrative agency such information as such agency may require to meet the requirements of subsection (c).

"(e) APPROVAL.—

"(1) IN GENERAL.—The Director shall approve any State plan under this subtitle that meets the requirements of this subtitle and provides satisfactory assurances that the provisions of such plan will be carried out.

"(2) PUBLIC AVAILABILITY.—Each State library administrative agency receiving a grant under this subtitle shall make the State plan available to the public.

"(3) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

"(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

"(B) offer the State library administrative agency the opportunity to revise its State plan;

"(C) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

"(D) provide the State library administrative agency the opportunity for a hearing.

"CHAPTER 2—LIBRARY PROGRAMS

"SEC. 231. GRANTS TO STATES.

"(a) IN GENERAL.—Of the funds provided to a State library administrative agency under section 214, such agency shall expend, either directly or through subgrants or cooperative agreements, at least 96 percent of such funds for—

"(1) establishing or enhancing electronic linkages among or between libraries and library consortia; and

"(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the purposes described in subsection (a) between the two purposes described in paragraphs (1) and (2) of such subsection, as appropriate, to meet the needs of the individual State.

"CHAPTER 3—ADMINISTRATIVE PROVISIONS

"Subchapter A—State Requirements

"SEC. 251. STATE ADVISORY COUNCILS.

"Each State desiring assistance under this subtitle may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities.

"Subchapter B—Federal Requirements

"SEC. 261. SERVICES FOR INDIAN TRIBES.

"From amounts reserved under section 221(a)(1)(A) for any fiscal year the Director shall award grants to organizations primarily serving and representing Indian tribes to enable such organizations to carry out the activities described in section 231.

"SEC. 262. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

"(a) IN GENERAL.—From the amounts reserved under section 221(a)(1)(B) for any fiscal year the Director shall establish and carry out a program awarding national leadership grants or contracts to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants or contracts shall be used for activities that may include—

"(1) education and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

"(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;

"(3) preservation or digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project; and

"(4) model programs demonstrating cooperative efforts between libraries and museums.

"(b) GRANTS OR CONTRACTS.—

"(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, libraries, agencies, institutions of higher education, or museums, where appropriate.

"(2) COMPETITIVE BASIS.—Grants and contracts under this section shall be awarded on a competitive basis.

"(c) SPECIAL RULE.—The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

"SEC. 263. STATE AND LOCAL INITIATIVES.

"Nothing in this subtitle shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subtitle, the determination of the best uses of the funds provided under this subtitle, shall be reserved for the States and their local subdivisions.

"Subtitle C—Museum Services

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

"(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education, and with programs of nonformal education for all age groups;

"(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

"(3) to ease the financial burden borne by museums as a result of their increasing use by the public.

"SEC. 272. DEFINITIONS.

"As used in this subtitle:

"(1) MUSEUM.—The term 'museum' means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis.

"(2) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) GRANTS.—The Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, through such activities as—

"(1) programs that enable museums to construct or install displays, interpretations, and exhibitions in order to improve museum services provided to the public;

"(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet the needs of the museums;

"(3) assisting museums in meeting the administrative costs of preserving and maintaining the collections of the museums, exhibiting the collections to the public, and providing educational programs to the public through the use of the collections;

"(4) assisting museums in cooperating with each other in developing traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

"(5) assisting museums in the conservation of their collections;

"(6) developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions; and

"(7) model programs demonstrating cooperative efforts between libraries and museums.

"(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—

"(1) PROJECTS TO STRENGTHEN MUSEUM SERVICES.—The Director, subject to the policy direction of the Museum Board, is authorized to enter into contracts and cooperative agreements with appropriate entities, as determined by the Director, to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations acts.

"(2) LIMITATION ON AMOUNT.—The aggregate amount of financial assistance made available under this subsection for a fiscal year shall not exceed 15 percent of the amount appropriated under this subtitle for such fiscal year.

"(3) OPERATIONAL EXPENSES.—No financial assistance may be provided under this subsection to pay for operational expenses.

"(c) FEDERAL SHARE.—

"(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsections (a) and (b) shall be not more than 50 percent.

"(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be greater than 50 percent.

"(d) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this subtitle. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this subtitle shall not be subject to any review outside of the Institute.

"SEC. 274. AWARD.

"The Director, with the advice of the Museum Board, may annually award a National Award for Museum Service to outstanding museums that have made significant contributions in service to their communities.

"SEC. 275. NATIONAL MUSEUM SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established in the Institute a National Museum Services Board.

"(b) COMPOSITION AND QUALIFICATIONS.—

"(1) COMPOSITION.—The Museum Board shall consist of the Director and 14 members appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The appointive members of the Museum Board shall be selected from among citizens of the United States—

"(A) who are members of the general public;

"(B) who are or have been affiliated with—

"(i) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

"(ii) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, and botanical gardens; and

"(C) who are recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

"(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum Board may not include, at any time, more than 3 members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums.

"(c) TERMS.—

"(1) IN GENERAL.—Each appointive member of the Museum Board shall serve for a term of 5 years, except that—

"(A) of the members first appointed, 3 shall serve for terms of 5 years, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 2 shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

"(B) any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(2) REAPPOINTMENT.—No member of the Museum Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

"(3) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, a member of the Museum Board shall serve after the expiration of the term of the member until the successor to the member takes office.

"(d) DUTIES AND POWERS.—The Museum Board shall have the responsibility to advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum services, including general policies with respect to—

"(1) financial assistance awarded under this subtitle for museum services; and

"(2) projects described in section 262(a)(4).

"(e) CHAIRPERSON.—The President shall designate 1 of the appointive members of the Museum Board as Chairperson of the Museum Board.

"(f) MEETINGS.—

"(1) IN GENERAL.—The Museum Board shall meet—

"(A) not less than 3 times each year, including—

"(i) not less than 2 times each year separately; and "(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for projects described in section 262(a)(4); and

"(B) at the call of the Director.

"(2) VOTE.—All decisions by the Museum Board with respect to the exercise of the duties and powers of the Museum Board shall be made by a majority vote of the members of the Museum Board who are present. All decisions by the Commission and the Museum Board with respect to the policies described in paragraph (1)(A)(ii) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the Museum Board who are present.

"(g) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official meetings of the Museum Board, but a lesser number of members may hold hearings. A majority of the members of the Commission and a majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the Museum Board.

"(h) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Each member of the Museum Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum Board. All members of the Museum Board who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.

"(2) TRAVEL EXPENSES.—The members of the Museum Board may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(i) COORDINATION.—The Museum Board, with the advice of the Director, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.

"SEC. 276. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.

"(b) ADMINISTRATION.—Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subtitle.

"(c) SUMS REMAINING AVAILABLE.—Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation until expended.".

SEC. 212. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

(a) FUNCTIONS.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (a) the following:

"(b) The Commission shall have the responsibility to advise the Director of the Institute of Museum and Library Services on general policies with respect to the duties, powers, and authority of the Institute of Museum and Library Services relating to library services, including—

"(1) general policies with respect to—

"(A) financial assistance awarded under the Museum and Library Services Act for library services; and

"(B) projects described in section 262(a)(4) of such Act; and

"(2) measures to ensure that the policies and activities of the Institute of Museum and Library Services are coordinated with other activities of the Federal Government.

"(c)(1) The Commission shall meet not less than 1 time each year in a joint meeting with the National Museum Services Board, convened for purposes of providing advice on general policy with respect to financial assistance for projects described in section 262(a)(4) of such Act.

"(2) All decisions by the Commission and the National Museum Services Board with respect to the advice on general policy described in paragraph (1) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the National Museum Services Board who are present.

"(3) A majority of the members of the Commission and a majority of the members of the National Museum Services Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the National Museum Services Board.".

(b) MEMBERSHIP.—Section 6 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "Librarian of Congress" and inserting "Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member),";

(B) in the second sentence—

(i) by striking "special competence or interest in" and inserting "special competence in or knowledge of"; and

(ii) by inserting before the period the following: "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(C) in the third sentence, by inserting "appointive" before "members"; and

(D) in the last sentence, by striking "term and at least" and all that follows and inserting "term."; and

(2) in subsection (b), by striking "the rate specified" and all that follows through "and while" and inserting "the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including traveltime) during which the members are engaged in the business of the Commission. While".

SEC. 213. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS FROM THE INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OFFICE.—There are transferred to the Director of the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act—

(1) all functions that the Director of the Institute of Museum Services exercised before the date of enactment of this section (including all related functions of any officer or employee of the Institute of Museum Services); and

(2) all functions that the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education exercised before the date of enactment of this section and any related function of any officer or employee of the Department of Education.

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Institute of Museum and Library Services may delegate any of the functions transferred to the Director of the Institute of Museum and Library Services by this section and any function transferred or granted to such Director of the Institute of Museum and Library Services after the effective date of this section to such officers and employees of the Institute of Museum and Library Services as the Director of the Institute of Museum and Library Services may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate, except that any delegation of any such functions with respect to libraries shall be made to the Deputy Director of the Office of Library Services and with respect to museums shall be made to the Deputy Director of the Office of Museum Services. No delegation of functions by the Director of the Institute of Museum and Library Services under this section or under any other provision of this section shall relieve such Director of the Institute of Museum and Library Services of responsibility for the administration of such functions.

(e) REORGANIZATION.—The Director of the Institute of Museum and Library Services may allocate or reallocate any function transferred under subsection (b) among the officers of the Institute of Museum and Library Services, and may establish, consolidate, alter, or discontinue such organizational entities in the Institute of Museum and Library Services as may be necessary or appropriate.

(f) RULES.—The Director of the Institute of Museum and Library Services may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director of the Institute of Museum and Library Services determines to be necessary or appropriate to administer and manage the functions of the Institute of Museum and Library Services.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Institute of Museum and Library Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Institute of Museum and Library Services to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(j) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Institute of Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to functions transferred by this section. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Institute of Museum Services, or by or against any individual in the official capacity of such individual as an officer of the Institute of Museum Services, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Institute of Museum Services relating to a function transferred under this section may be continued by the Institute of Museum and Library Services with the same effect as if this section had not been enacted.

(k) TRANSITION.—The Director of the Institute of Museum and Library Services may utilize—

(1) the services of such officers, employees, and other personnel of the Institute of Museum Services with respect to functions transferred to the Institute of Museum and Library Services by this section; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Director of the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Director of the Institute of Museum and Library Services; and

(2) the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Institute of Museum and Library Services.

(m) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Director of the Institute of Museum and Library Services shall prepare and submit to the appropriate committees of Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this section, the Director of the Institute of Museum and Library Services shall submit to the appropriate committees of Congress the recommended legislation referred to under paragraph (1).

SEC. 214. SERVICE OF INDIVIDUALS SERVING ON DATE OF ENACTMENT.

Notwithstanding section 204 of the Museum and Library Services Act, the individual who was appointed to the position of Director of the Institute of Museum Services under section 205 of the Museum Services Act (as such section was in effect on the day before the date of enactment of this Act) and who is serving in such position on the day before the date of enactment of this Act shall serve as the first Director of the Institute of Museum and Library Services under section 204 of the Museum and Library Services Act (as added by section 211 of this title), and shall serve at the pleasure of the President.

SEC. 215. CONSIDERATION.

Consistent with title 5, United States Code, in appointing employees of the Office of Library Services, the Director of the Institute of Museum and Library Services shall give strong consideration to individuals with experience in administering State-based and national library and information services programs.

SEC. 216. TRANSITION AND TRANSFER OF FUNDS.

(a) TRANSITION.—The Director of the Office of Management and Budget shall take appropriate measures to ensure an orderly transition from the activities previously administered by the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services under this title. Such measures may include the transfer of appropriated funds.

(b) TRANSFER.—The Secretary of Education shall transfer to the Director the amount of funds necessary to ensure the orderly transition from activities previously administered by the Director of the Office of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services. In no event shall the amount of funds transferred pursuant to the preceding sentence be less than $200,000.

TITLE III—HIGHER EDUCATION

Subtitle A—Debt Reduction

SEC. 301. UNSUBSIDIZED STUDENT LOANS.

(a) AMENDMENT.—Paragraph (1) of section 428H(f) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(f)(1)) is amended to read as follows:

"(1) AMOUNT OF ORIGINATION FEE.—Except as provided in paragraph (5), an origination fee shall be paid to the Secretary with respect to each loan under this section in the amount of 3.0 percent of the principal amount of the loan. Each lender under this section is authorized to charge the borrower for such origination fee, provided that the lender assesses the same fee to all student borrowers. Any such fee charged to the borrower shall be deducted proportionately from each installment payment of the proceeds of the loan prior to payment to the borrower.".

(b) CONFORMING AMENDMENTS.—Section 428H(f) of such Act is further amended—

(1) in paragraph (3), by striking "the origination fee" and inserting "any origination fee that is charged to the borrower";

(2) in paragraph (4), by striking "origination fees authorized to be collected from borrowers" and inserting "origination fees required under paragraph (1)"; and

(3) by adding at the end the following new paragraph:

"(6) EXCEPTION.—Notwithstanding paragraph (1), a lender may assess a lesser origination fee for a borrower demonstrating greater financial need as determined by such borrower's adjusted gross family income.".

(c) REPORT ON COMPETITIVE ALLOCATION.—Within 60 days after the date of enactment of this Act, the Secretary of Education shall submit to each House of the Congress a legislative proposal that would permit the Secretary to allocate the right to make subsidized and unsubsidized student loans on the basis of competitive bidding. Such proposal shall include provision to ensure that any payments received from such competitive bidding are equally allocated to deficit reduction and to pro rata reduction of origination fees in both guaranteed and direct student loans.

SEC. 302. STUDY OF LOAN FEES.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a statistical analysis of the subsidized and unsubsidized student loan programs under part B of title IV of the Higher Education Act of 1965 to gather data on lenders' use of loan fees and to determine if there are any anomalies that would indicate any institutional, programmatic or socioeconomic discrimination in the assessing or waiving such fees.

(b) REPORT.—The Secretary of Education shall submit to each House of the Congress a report on the study required by subsection (a) within 2 years after the date of enactment of this Act.

(c) STATISTICAL CHARACTERISTICS TO BE STUDIED.—In conducting the study required by subsection (a), the Secretary of Education shall compare recipients of loans on the basis of income, residence location, type and location of higher education, program of instruction and type of lender.

Subtitle B—Financial Responsibility Standards

SEC. 311. EXTENSION OF PUBLIC COMMENT PERIOD.

The Secretary of Education shall extend until December 1, 1996, the period for public comment on rules published in the Federal Register on September 20, 1996 (61 Fed. Reg. 49552), relating to financial responsibility standards for institutions participating in higher education programs (34 C.F.R. part 668). The Secretary shall publish such rules in final form by February 1, 1997. Notwithstanding section 482(c) of the Higher Education Act of 1965 (20 U.S.C. 1089(c)), such rules shall, if so published by such date, be effective for award year 1997–98.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Montana [Mr. WILLIAMS] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering S. 1972, a bill which makes technical amendments to the Older Americans Act. In the waning days of this Congress, we have added a number of other legislative provisions that we believe are of great importance to parents, children, and families.

I want to also take this opportunity on the floor today to alert the other body that these provisions are important to the House and must be enacted into law prior to adjournment.

Briefly, let me describe the provisions contained in this bill. Let me begin with the Older Americans Act Technical Amendments which the other body has sent to the House and expects to be enacted into law during this session. This bill clarifies certain provisions of the Older Americans Act to provide more flexibility to Indian tribal applicants in meeting certain application and reporting requirements. In general, they would allow the Assistant Secretary for Aging to take into consideration the unique cultural and geographical circumstances facing American Indian and Alaska Native populations. As a result, tribes will be able to tailor supportive and nutrition services to better meet the diverse needs of American Indian and Alaska Native communities. Strict accountability standards would be also retained to ensure results.

The provisions that we have attached to S. 1972 have all previously passed this House and include the following:

H.R. 3863, the Student Debt Reduction Act which passed the House 2 weeks ago by a vote of 414 to 1. At a time when students and parents everywhere are worrying about paying for college, every extra dollar becomes more and more important. This bill is designed to make college more affordable for students, make no mistake about it. The first and most important thing this bill does is lower costs for students. This technical correction simply allows lenders or others to pay the origination fees on behalf of students who borrow unsubsidized Stafford loans. This benefit is already available to students borrowing subsidized Stafford loans. The correction has no cost to the Federal Government. It specifically prohibits any discrimination on the part of lenders when offering programs that reduce a student's origination fees. It increases competition in the student loan program among lenders and is clearly the right thing to do. Let me make it perfectly clear: The House will not consider this legislation if it comes back and does not include the Student Debt Reduction Act.

The House has also added a provision to strengthen and improve the Federal commitment to this Nation's libraries and museums. This provision will streamline and consolidate Federal library programs into a more efficient, more flexible, and easier-to-use singular Federal program. This newer, more modern library program will help bring our Nation's libraries into the next century by ensuring that all libraries have access to new technologies, are better able to share resources, and can better serve our citizens, including the disadvantaged and those with special needs.

This legislation will increase cooperation between libraries and museums by placing management of these programs in the Institute of Museums and Library Services, to be headed on an alternating basis by someone with expertise in museums or libraries. Today, libraries and museums are beginning to cooperate to improve the services that both provide. This bill will foster this cooperation, and our Nation's libraries and museums will be the better for it.

One-year extensions for the National Literacy Act, the Adult Education and Literacy Act, and the Carl D. Perkins Vocational and Applied Technology Act. Along with the extension of the Adult Education Act for 1 year we have included one important change to clarify that funds under the Adult Education Act may be used for family literacy programs.

This bill also authorizes the National Institute for Literacy and revises current law to allow the Institute to more effectively assist with national efforts to improve the literacy level of our country's citizens. If we are going to effectively reduce the number of adults who are illiterate, we must work with families. Children with parents who can help them with their school work have a greater likelihood of succeeding in school. Family literacy programs provide adults with the education and parenting skills necessary to help their children succeed in school. While some States do use their adult education funds for family literacy programs, it is important that we amend current law to clarify that this is an allowable use of funds.

All of these are important provisions which have bipartisan support but for some reason cannot get through the other body. It is my hope that in these waning days the other body will pass this legislation that we are sending them and enact all of these provisions into law. I urge my colleagues in the Senate to pass this bill and send it to the President to enact into law. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the chairman of the full committee, the distinguished gentleman and my friend from Pennsylvania, in supporting S. 1972, the Older American Indian Technical Amendments Act. under the Older Americans Act, grants are provided to native Americans and Native Hawaiian organizations to provide a range of services that allow native American elders to live longer with dignity and independence in their communities and on their reservations, and this bill is Congress' continual effort to simply enhance that dignity and independence.

The bill modifies the definition of reservation to clarify that tribes in Oklahoma and California, as well as Alaska Native communities, represented by our friend Chairman YOUNG, are eligible to provide critically needed nutrition and support services to their native Americans. As the gentleman from Pennsylvania has mentioned, this bill tailors support services to better address the needs of Indian people living in very rural areas, and I have such native Americans in tribes in my State of Montana.

Additionally, the bill provides that the Assistant Secretary for Aging may waive or exempt certain reporting requirements for tribal applicants in these isolated areas. The flexibility provided under this bill will better allow native American elders to receive critically needed nutrition and social services. However, and this is important, the bill still maintains strict accountability standards for all program applicants, including native Americans.

This bill also contains provisions establishing the Library Services and Technology Act. This authority creates a new Institute for Museum and Library Services that will integrate our Federal library and museum programs, to consolidate funds, and hopefully promote increased cooperation between libraries and museums across America.

This new partnership, we are hopeful, will focus funds on assisting libraries in acquiring new technologies and increasing access to library services for individuals with special needs, including America's children.

This new merger, by the way, was developed in cooperation with and strongly supported by the American Library Association, of which I am a member, the U.S. Commission on Libraries and Information Sciences, and the Institute of Museum Services, of which this Congress is justifiably proud.

This bill contains an extension of a specific Department of Education comment period for regulations dealing with financial responsibility standards without delaying the implementation of those regulations. The House is hopeful that this will allow additional input from the higher education community and give the department additional time to consider their suggestions before issuing final regulations.

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This package also contains a 1-year extension of the Adult Education Act, the Carl Perkins Vocational Education Act, and the National Institute for Literacy.

I was hopeful, as were my colleagues on this side of the aisle, that it would also contain a reauthorization of the National Environmental Education Act. However, there was contention and disagreement, particularly from our Republican colleagues, to reauthorize the National Environmental Education Act, despite the good attempts of the sponsor of this reauthorization, the gentleman from Michigan [Mr. KILDEE].

The Democrats want to express our concern that the National Environmental Education Act will expire because of this action. We were hopeful to continue an appropriate, although small, but important Federal role in environmental education. Because it is not in this bill, the act will apparently expire, and I express on behalf of my Democratic colleagues our objection to that.

I want to thank the gentleman from Pennsylvania, Chairman GOODLING, and the others for their work on the American Indian Technical Amendments Act.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding this time to me.

I rise in strong support of this legislation. My special interest in it is the Older Americans Indian technical fix. The bill clarifies certain provisions of the Older Americans Act to provide more flexibility to Indian tribal applicants in meeting application reporting requirements.

It allows the Assistant Secretary for Aging to take into consideration the unique cultural and geographical circumstances facing the American Indians and the Alaskan Native populations, thus allowing the tribes to tailor supportive and nutrition services to better meet the diverse needs of the American Indian and Alaskan Native communities.

Strict accountability, though, will still be retained, and standards will be retained. I think it is a great provision for this legislation, and I want to compliment the gentleman for bringing it to the floor.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to say, in relationship to the Environmental Education Act, all of us 5 years ago had agreed, and I made a powerful closing speech at the end of those 5 years, we want to make sure that the private sector understands that they will pick it up.

Mr. Speaker, I want to take this closing time to honor one who decided to leave this body. The gentleman from Wyoming [Mr. WILLIAMS] has served for a long time in the Congress of the United States. An awful lot of young people, parents, colleges, universities, native Americans, owe him a great deal of thanks for all of his efforts.

I can remember many times and many hours that he spent trying to reauthorize a Higher Education Act that would be far better than the act that we had before.

And of course native Americans truly owe him a debt of gratitude because he and the gentleman from Michigan [Mr. KILDEE], a few others who were there, and the gentleman from Alaska [Mr. YOUNG], were the staunchest supporters to provide a better way of life for our native Americans.

So on this side of the aisle, we thank the gentleman from Wyoming [Mr. WILLIAMS] for all his efforts on behalf of children and parents.

Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

I will close on this side by primarily thanking the chairman of the Committee on Economic and Educational Opportunities for his long and continuing service, and especially acknowledge what a pleasure it has been to serve with the gentleman from Pennsylvania, BILL GOODLING, particularly, and his remarks today are very generous, and I am appreciative of them.

I also want to thank the gentleman on behalf of the Members on this side for all his years of service, which are, most likely, continuing. It has been a specific enjoyment for me to work with him during the past nine terms that I have served on that committee.

Mr. Speaker, I encourage my colleagues to support this legislation with no objection.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the Senate bill, S. 1972, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1972, a bill to amend the Older Americans Act of 1965 and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1996

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to suspend the rules and pass the bill (H.R. 4139) to reauthorize and amend the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read as follows:

H.R. 4139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atlantic Striped Bass Conservation Act Amendments of 1996".

SEC. 2. REAUTHORIZATION.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking "For each of fiscal years 1986," and all that follows through "1994," and inserting "For fiscal year 1997,".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) COMMISSION MONITORING OF IMPLEMENTATION OF INTERSTATE PLAN.—Section 4(a)(1) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended in the material preceding subparagraph (A) by striking "of fiscal year 1987, and of each fiscal year thereafter," and inserting "of each fiscal year,".

(b) REPEAL OF INOPERATIVE PROVISIONS.—Sections 8 and 10 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) are repealed.

SEC. 4. PUBLIC PARTICIPATION IN PREPARATION OF PLANS AND AMENDMENTS TO PLANS FOR ATLANTIC STRIPED BASS.

(a) IN GENERAL.—The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note), as amended by section 3(b) of this Act, is further amended by adding after section 7 the following new section:

"SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF PLANS AND AMENDMENTS TO PLANS FOR ATLANTIC STRIPED BASS.

"The Commission shall establish standards and procedures to ensure that the Commission provides an adequate opportunity for public participation in the preparation of any plan for the management of Atlantic Striped Bass and any amendment to such a plan (including any amendment to the Interstate Fisheries Management Plan for Striped Bass, dated October 1, 1981), including public hearings and procedures for the submission of written comments to the Commission.".

(b) DEADLINE.—Within 6 months after the date of the enactment of this Act, the Atlantic States Marine Fisheries Commission shall issue standards and procedures under section 8 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note), as amended by subsection (a) of this section.

SEC. 5. TRANSFER OF EXISTING PROVISION TO ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 6 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes" (approved November 3, 1988; Public Law 100-589; 102 Stat. 2986)—

(1) is amended by striking subsection (g);

(2) as so amended, is transferred from that Act to the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note);

(3) shall appear immediately after section 8 of the Atlantic Striped Bass Conservation Act, as amended by section 4 of this Act; and

(4) is redesignated as section 9 of the Atlantic Striped Bass Conservation Act.

SEC. 6. AMENDMENT AND EXTENSION OF AUTHORIZATION FOR ANADROMOUS FISH CONSERVATION ACT

(a) SCOPE OF STUDIES.—Section 7(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(a)) is amended by striking "and" after the semicolon at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "; and", and by adding at the end following new paragraph:

"(4) the effects of water quality and other habitat changes on the recruitment, spawning potential, mortality rates, and population abundance of the Delaware River striped bass population.".

(b) EXTENSION OF AUTHORIZATION.—Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking "each of the fiscal years 1991, 1992, 1993, and 1994" and inserting "fiscal year 1997".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from New Jersey [Mr. PALLONE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Atlantic coast stock of striped bass are found in waters from North Carolina to Maine. They are highly migratory but move primarily along the coast within the 3-mile zone, which is subject to State fishery management.

While striped bass populations have fluctuated dramatically in the past, the population suffered a drastic decline in the 1970's. In fact, striped bass harvests dropped from 15 million pounds in 1973 to 3.5 million pounds in 1983.

In response to this serious problem, Congress approved an emergency striped bass study and the Atlantic Striped Bass Conservation Act of 1984. This law requires all affected coastal States to implement management measures to conserve and protect the remaining stocks of Atlantic striped bass.

The resurgence of striped bass is a major fishery management success story. In fact, Maryland recently announced that a record-shattering number of young striped bass were found this year in the State's long-running annual striped bass survey. This survey is one of the most important barometers used to judge the health of the Atlantic coast striped bass stock. H.R. 4139 will ensure that this remarkable recovery continues.

This legislation will reauthorize both the Striped Bass Conservation Act and ongoing striped bass population studies. In addition, the bill focuses attention on stripers in the Delaware River and encourages greater public participation in the writing of management plans.

Mr. Speaker, let me just say also that we have done a lot of things on the Fisheries, Wildlife and Oceans Subcommittee, and, of course, previous to that we operated in the framework of the Merchant Marine Committee.

For the past 12 years, the years that I have been here, we have done a lot of things to try to conserve and protect and enhance fisheries populations, not only in the Atlantic Ocean, obviously, but in the Gulf and in the waters offshore of the west coast as well.

This effort, which, I must add, has been on a bipartisan basis, has been a real success story, and so early in 1995 we passed in this House a bill very similar to this to reauthorize the act for 1995 and 1996. The other body has failed to act.

This bill reauthorizes, therefore, the Atlantic Striped Bass Conservation Act with some very minor changes for the year 1997. We are hopeful that in the next 48 hours or so, the other body will see its way clear to take up this measure so that we can proceed to have an enhanced striped bass protection and enhancement effort ongoing in 1997.

Mr. Speaker, I urge all of my colleagues to support the continuation of this vital and highly successful conservation effort by voting in favor of what I consider to be very important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill.

Twelve years ago striped bass stocks along the Atlantic coast had declined to very low levels as a result of overfishing and pollution. Fishermen and managers alike were concerned that this fishery would soon become an endangered species.

In an unprecedented move, Congress passed the Striped Bass Conservation Act designed to support State efforts to reverse this frightening trend. Today, the implementation of the Federal-State partnership embodied in the Striped Bass Act has restored the striper to its former glory as one of the most important sport and commercial fisheries on the east coast. It is clear evidence that conservation can work.

The conservation management programs that have brought this fishery back from the crash of the 1980's must continue, and H.R. 4139 will ensure this is the case, and I enthusiastically urge Members to support it today.

I wanted to say I also am pleased that the gentleman from New Jersey [Mr. SAXTON], has included in the legislation public participation in preparation of plans and amendments to plans for Atlantic striped bass. This is something that the recreational fishermen along the Jersey coast have particularly been very concerned about, that there is sufficient public participation, and that provision is now in the bill.

In addition, if I could mention, I know today that since we need to move this bill, and it is important we move it, we can certainly not bring up the issue of the game status of striped bass or the ban or moratorium on the sale of striped bass caught in the EEZ. But I want to mention that I know Mr. SAXTON and I would like to see a continued ban or moratorium on the sale in the EEZ. Both of us have legislation that will either accomplish that or make striped bass a game fish.

I am hopeful in the next Congress we can work toward these goals. But today I am pleased to see this legislation, this reauthorization, is coming to the floor. It is very important, and I would again urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

I am told by my diligent staff that during my statement I said that we were reauthorizing for 1987, which is obviously only 10 years off and it is really 1997. I would also like to thank Mr. PALLONE for his cooperation here today. This was kind of a last minute thing that we decided to do for the reasons that I stated before, primarily because of its importance to the continuation of this extremely successful effort.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 4139.

The question was taken; and (two-thirds having voting in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1505) to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

The Clerk read as follows:

S. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accountable Pipeline Safety and Partnership Act of 1996".

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 60101(a) is amended—

(1) by striking the periods at the end of paragraphs (1) through (22) and inserting semicolons;

(2) by striking paragraph (21)(B) and inserting the following:

"(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term 'transporting gas' includes the movement of gas through regulated gathering lines;"; and

(3) by adding at the end the following:

"(23) 'risk management' means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

"(24) 'risk management plan' means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

"(25) 'Secretary' means the Secretary of Transportation.".

(b) GATHERING LINES.—Section 60101(b)(2) is amended by inserting ", if appropriate," after "Secretary" the first place it appears.

SEC. 4. GENERAL AUTHORITY.

(a) MINIMUM SAFETY STANDARDS.—Section 60102(a) is amended—

(1) by striking "transporters of gas and hazardous liquid and to" in paragraph (1)(A);

(2) by striking paragraph (1)(C) and inserting the following:

"(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities."; and

(3) by striking paragraph (2) and inserting the following:

"(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.".

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—Section 60102(b) is amended to read as follows:

"(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

"(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

"(A) practicable; and

"(B) designed to meet the need for—

"(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

"(ii) protecting the environment.

"(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

"(A) relevant available—

"(i) gas pipeline safety information;

"(ii) hazardous liquid pipeline safety information; and

"(iii) environmental information;

"(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

"(C) the reasonableness of the standard;

"(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

"(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

"(F) comments and information received from the public; and

"(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

"(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

"(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

"(B) identify the costs and benefits associated with the proposed standard;

"(C) include—

"(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

"(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

"(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

"(4) REVIEW.—

"(A) IN GENERAL.—The Secretary shall—

"(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

"(ii) make that risk assessment information available to the general public.

"(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

"(i) an evaluation of the merit of the data and methods used; and

"(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

"(C) Review by Secretary.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

"(i) shall review the report;

"(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

"(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

"(5) Secretarial decisionmaking.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter only upon a reasoned determination that the benefits of the intended standard justify its costs.

"(6) Exceptions from application.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

"(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

"(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

"(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

"(7) Report.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

"(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

"(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.".

(c) Facility Operation Information Standards.—The first sentence of section 60102(d) is amended—

(1) by inserting "as required by the standards prescribed under this chapter" after "operating the facility";

(2) by striking "to provide the information" and inserting "to make the information available"; and

(3) by inserting "as determined by the Secretary" after "to the Secretary and an appropriate State official".

(d) Pipe Inventory Standards.—The first sentence of section 60102(e) is amended—

(1) by striking "and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gather line (as defined under section 60101(b)(2) of this title),"; and

(2) by striking "transmission" and inserting "transportation".

(e) Smart Pigs.—

(1) Minimum safety standards.—Section 60102(f) is amended by striking paragraph (1) and inserting the following:

"(1) Minimum safety standards.—The Secretary shall prescribe minimum safety standards requiring that—

"(A) the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and

"(B) when the replacement of existing natural gas transmission pipeline or hazardous liquid pipeline facilities or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices (commonly referred to as 'smart pigs'). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.".

(2) Periodic inspections.—Section 60102(f)(2) is amended—

(A) by striking "(2) Not later than" and inserting the following:

"(2) Periodic inspections.—Not later than"; and

(B) by inserting ", if necessary, additional" after "the Secretary shall prescribe".

(f) Updating Standards.—Section 60102 is amended by adding at the end the following:

"(l) Updating standards.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.".

(g) Mapping.—Section 60102(c) is amended by adding at the end thereof the following:

"(4) Promoting public awareness.—

"(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

"(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

"(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.".

(h) Remote Control.—Section 60102(j) is amended by adding at the end thereof the following:

"(3) Remotely controlled valves.—(A) Not later than June 1, 1998, the Secretary shall survey and assess the effectiveness of remotely controlled valves to shut off the flow of natural gas in the event of a rupture of an interstate natural gas pipeline facility and shall make a determination about whether the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility.

"(B) Not later than one year after the survey and assessment are completed, if the Secretary has determined that the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility, the Secretary shall prescribe standards under which an operator of an interstate natural gas pipeline facility must use a remotely controlled valve. These standards shall include, but not be limited to, requirements for high-density population areas.".

SEC. 5. RISK MANAGEMENT.

(a) In General.—Chapter 601 is amended by adding at the end the following:

"§ 60126. Risk management

"(a) Risk Management Program Demonstration Projects.—

"(1) In general.—The Secretary shall establish risk management demonstration projects—

"(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the application of risk management; and

"(B) to evaluate the safety and cost-effectiveness of the program.

"(2) Exemptions.—In carrying out a demonstration project under this subsection, the Secretary, by order—

"(A) may exempt an owner or operator of the pipeline facility covered under the project (referred to in this subsection as a 'covered pipeline facility'), from the applicability of all or a portion of the requirements under this chapter that would otherwise apply to the covered pipeline facility; and

"(B) shall exempt, for the period of the project, an owner or operator of the covered pipeline facility, from the applicability of any new standard that the Secretary promulgates under this chapter during the period of that participation, with respect to the covered facility.

"(b) Requirements.—In carrying out a demonstration project under this section, the Secretary shall—

"(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

"(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

"(3) provide for—

"(A) collaborative government and industry training;

"(B) methods to measure the safety performance of risk management plans;

"(C) the development and application of new technologies;

"(D) the promotion of community awareness concerning how the overall level of safety will be maintained or enhanced by the demonstration project;

"(E) the development of models that categorize the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

"(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of models developed under subparagraph (E);

"(G) the development of project elements that are necessary to ensure that—

"(i) the owners and operators that participate in the demonstration project demonstrate that they are effectively managing the risks referred to in subparagraph (E); and

"(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

"(H) a process whereby an owner or operator of a pipeline facility is able to terminate a risk management plan or, with the approval of the Secretary, to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

"(i) changed circumstances; or

"(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

"(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

"(J) an opportunity for public comment in the approval process; and

"(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

"(c) EMERGENCIES AND REVOCATIONS.—Nothing in this section diminishes or modifies the Secretary's authority under this title to act in case of an emergency. The Secretary may revoke any exemption granted under this section for substantial noncompliance with the terms and conditions of an approved risk management plan.

"(d) PARTICIPATION BY STATE AUTHORITY.—In carrying out this section, the Secretary may provide for consultation by a State that has in effect a certification under section 60105. To the extent that a demonstration project comprises an intrastate natural gas pipeline or an intrastate hazardous liquid pipeline facility, the Secretary may make an agreement with the State agency to carry out the duties of the Secretary for approval and administration of the project.

"(e) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

"(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

"(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.".

(f) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

"60126. Risk management.".

SEC. 6. INSPECTION AND MAINTENANCE.

Section 60108 is amended—

(1) by striking "transporting gas or hazardous liquid or" in subsection (a)(1) each place it appears;

(2) by striking the second sentence in subsection (b)(2);

(3) by striking "NAVIGABLE WATERS" in the heading for subsection (c) and inserting "OTHER WATERS"; and

(4) by striking clause (ii) of subsection (c)(2)(A) and inserting the following:

"(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.".

SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRONMENTALLY SENSITIVE AREAS.

(a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is amended by striking "a navigable waterway (as the Secretary defines by regulation)" and inserting "waters where a substantial likelihood of commercial navigation exists".

(b) UNUSUALLY SENSITIVE AREAS.—Section 60109(b) is amended to read as follows:

"(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

"(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

"(2) locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.".

SEC. 8. EXCESS FLOW VALVES.

Section 60110 is amended—

(1) by inserting ", if any," in the first sentence of subsection (b)(1) after "circumstances";

(2) by inserting ", operating, and maintaining" in subsection (b)(4) after "cost of installing";

(3) by inserting ", maintenance, and replacement" in subsection (c)(1)(C) after "installation"; and

(4) by inserting after the first sentence in subsection (e) the following: "The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.".

SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.

Section 60113 is amended—

(1) by striking the caption of subsection (a); and

(2) by striking subsection (b).

SEC. 10. TECHNICAL SAFETY STANDARDS COMMITTEES.

(a) PEER REVIEW.—Section 60115(a) is amended by adding at the end the following: "The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.".

(b) COMPOSITION AND APPOINTMENT.—Section 60115(b) is amended—

(1) by inserting "or risk management principles" in paragraph (1) before the period at the end;

(2) by inserting "or risk management principles" in paragraph (2) before the period at the end;

(3) by striking "4" in paragraph (3)(B) and inserting "5";

(4) by striking "6" in paragraph (3)(C) and inserting "5";

(5) by adding at the end of paragraph (4)(B) the following: "At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B)."; and

(6) by inserting after the first sentence of paragraph (4)(C) the following: "At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.".

(c) COMMITTEE REPORTS.—Section 60115(c) is amended—

(1) by inserting "including the risk assessment information and other analyses supporting each proposed standard" before the semicolon in paragraph (1)(A);

(2) by inserting "including the risk assessment information and other analyses supporting each proposed standard" before the period in paragraph (1)(B);

(3) by inserting "and supporting analyses" before the first comma in the first sentence of paragraph (2);

(4) by inserting "and submit to the Secretary" in the first sentence of paragraph (2) after "prepare";

(5) by inserting "cost-effectiveness," in the first sentence of paragraph (2) after "reasonableness,";

(6) by inserting "and include in the report recommended actions" before the period at the end of the first sentence of paragraph (2); and

(7) by inserting "any recommended actions and" in the second sentence of paragraph (2) after "including".

(d) MEETINGS.—Section 60115(e) is amended by striking "twice" and inserting "up to 4 times".

(e) EXPENSES.—Section 60115(f) is amended—

(1) by striking "PAY AND" in the subsection heading;

(2) by striking the first 2 sentences; and

(3) by inserting "of a committee under this section" after "A member".

SEC. 11. PUBLIC EDUCATION PROGRAMS.

Section 60116 is amended—

(1) by striking "person transporting gas" and inserting "owner or operator of a gas pipeline facility";

(2) by inserting "the use of a one-call notification system prior to excavation," after "educate the public on"; and

(3) by inserting a comma after "gas leaks".

SEC. 12. ADMINISTRATIVE.

Section 60117 is amended—

(1) by adding at the end of subsection (b) the following: "The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines.";

(2) by adding at the end thereof the following:

"(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping."; and

(3) by striking "transporting gas or hazardous liquid" in subsection (b) and inserting "owning".

SEC. 13. COMPLIANCE.

(a) Section 60118 (a) is amended—

(1) by striking "transporting gas or hazardous liquid or" in subsection (a); and

(2) by striking paragraph (1) and inserting the following:

"(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;".

(b) Section 60118 (b) is amended to read as follows:

"(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.".

(c) Section 60118(c) is amended by striking "transporting gas or hazardous liquid" and inserting "owning".

SEC. 14. DAMAGE REPORTING.

Section 60123(d)(2) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

SEC. 15. BIENNIAL REPORTS.

(a) BIENNIAL REPORTS.—

(1) SECTION HEADING.—The section heading of section 60124 is amended to read as follows:

"§ 60124. Biennial reports".

(2) REPORTS.—Section 60124(a) is amended by striking the first sentence and inserting the following: "Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by striking the item relating to section 60124 and inserting the following:

"60124. Biennial reports.".

SEC. 16. POPULATION ENCROACHMENT.

(a) IN GENERAL.—Chapter 601, as amended by section 5, is further amended by adding at the end the following new section:

"§ 60127. Population encroachment

"(a) LAND USE RECOMMENDATIONS.—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled 'Pipelines and Public Safety'.

"(b) EVALUATION.—The Secretary shall—

"(1) evaluate the recommendations in the report referred to in subsection (a);

"(2) determine to what extent the recommendations are being implemented;

"(3) consider ways to improve the implementation of the recommendations; and

"(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60126 the following:

"60127. Population encroachment.".

SEC. 17. USER FEES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by the Department of Transportation in the regulation of pipeline transportation; or

(2) another basis of assessment would be a more appropriate measure of those resources.

(b) CONSIDERATIONS.—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public.

SEC. 18. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 601, as amended by section 16, is further amended by adding at the end the following new section:

"§ 60128. Dumping within pipeline rights-of-way

"(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

"(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).".

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Section 60123(a) is amended by striking "or 60118(a)" and inserting ", 60118(a), or 60128".

(2) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended by adding at the end the following new item:

"60128. Dumping within pipeline rights-of-way.".

SEC. 19. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

Section 60117(a) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities".

SEC. 20. TECHNICAL CORRECTIONS.

(a) SECTION 60105.—The heading for section 60105 is amended by inserting "**pipeline safety program**" after "**State**".

(b) SECTION 60106.—The heading for section 60106 is amended by inserting "**pipeline safety**" after "**State**".

(c) SECTION 60107.—The heading for section 60107 is amended by inserting "**pipeline safety**" after "**State**".

(d) SECTION 60114.—Section 60114 is amended—

(1) by striking "60120, 60122, and 60123" in subsection (a)(9) and inserting "60120 and 60122";

(2) by striking subsections (b) and (d); and

(3) by redesignating subsections (c) and (e) as subsections (b) and (d), respectively.

(e) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended—

(1) by inserting "pipeline safety program" in the item relating to section 60105 after "State";

(2) by inserting "pipeline safety" in the item relating to section 60106 after "State"; and

(3) by inserting "pipeline safety" in the item relating to section 60107 after "State".

(f) SECTION 60101.—Section 60101(b) is amended by striking "define by regulation" each place it appears and inserting "prescribe standards defining".

(g) SECTION 60102.—Section 60102 is amended by striking "regulations" each place it appears in subsections (f)(2), (i), and (j)(2) and inserting "standards".

(h) SECTION 60108.—Section 60108 is amended—

(1) by striking "regulations" in subsections (c)(2)(B), (c)(4)(B), and (d)(3) and inserting "standards"; and

(2) by striking "require by regulation" in subsection (c)(4)(A) and inserting "establish a standard".

(i) SECTION 60109.—Section 60109(a) is amended by striking "regulations" and inserting "standards".

(j) SECTION 60110.—Section 60110 is amended by striking "regulations" in subsections (b), (c)(1), and (c)(2) and inserting "standards".

(k) SECTION 60113.—Section 60113(a) is amended by striking "regulations" and inserting "standards".

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125 is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for sections 60107 and 60114(b)) related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

"(1) $19,448,000 for fiscal year 1996;

"(2) $20,028,000 for fiscal year 1997, of which $14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;

"(3) $20,729,000 for fiscal year 1998, of which $15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;

"(4) $21,442,000 for fiscal year 1999, of which $15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title; and

"(5) $22,194,000 for fiscal year 2000, of which $16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.".

(b) STATE GRANTS.—Section 60125(c)(1) is amended by adding at the end the following:

"(D) $12,000,000 for fiscal year 1996.

"(E) $14,000,000 for fiscal year 1997, of which $12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.

"(F) $14,490,000 for fiscal year 1998, of which $12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.

"(G) $15,000,000 for fiscal year 1999, of which $13,300,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title.

"(H) $15,524,000 for fiscal year 2000, of which $13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from West Virginia [Mr. RAHALL] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that 10 minutes of my 20 minutes be given to the gentleman from Colorado [Mr. SCHAEFER], and that he be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PALLONE. Mr. Speaker, my understanding, I could be wrong, is that those of us in opposition, which I am, are entitled to 20 minutes under the rules.

The SPEAKER pro tempore. The gentleman is correct.

Mr. PALLONE. Mr. Speaker, unless there is some other Member in opposition, I would ask for the 20 minutes.

The SPEAKER pro tempore. Is the gentleman from West Virginia [Mr. RAHALL] opposed to the bill?

Mr. RAHALL. No, Mr. Speaker, I am in favor of the bill.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to vacate my unanimous-consent request and reclaim my time from the gentleman from Colorado [Mr. SCHAEFER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. If the gentleman from New Jersey [Mr. PALLONE] is opposed to the bill, he can be recognized for 20 minutes.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that we extend the time here by an additional 10 minutes so that we are able to give 5 minutes to the gentleman from Colorado [Mr. SCHAEFER], 5 minutes to the gentleman from West Virginia [Mr. RAHALL], and 10 minutes to myself, which I will be liberal with for the first time in my life in order to share it with others who support this legislation.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] will control 10 minutes, the gentleman from Colorado [Mr. SCHAEFER] will control 5 minutes, and the gentleman from West Virginia [Mr. RAHALL] will control 5 minutes, and the gentleman from New Jersey [Mr. PALLONE] will control 20 minutes in opposition.

Is there objection to the request of the gentleman from Pennsylvania [Mr. SHUSTER]?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996. The bill authorizes the pipeline safety program for 5 years. It ensures and oversees the safety of our Nation's gas and hazardous liquid pipelines. I certainly want to thank my colleagues for their support.

Pipelines remain the safest form of transportation in our country. Fatalities from pipeline accidents represent less than 0.003 percent of the total number of fatalities of all modes of transportation. The bill we are considering today is a new direction for pipeline safety. In the last decade, Congress has micromanaged the program. However, because of the outstanding safety record, we think it makes a lot of sense that the industry and the Department of Transportation now move away from a command and control approach to a risk-based approach and that is what the legislation does.

This has been bipartisan throughout. We have worked with colleagues on the other side of the aisle. Indeed we have worked with the Department of Transportation, with all parties who are interested. And we believe that this is a strong safety bill in the right direction and we would urge its support.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to S. 1505, legislation that would roll back in my opinion the gains made by the pipeline safety improvement act of 1992, which was largely written by the former chairman of the Energy and Power Subcommittee, Phil Sharp. That law, which was passed a mere 4 years ago, made positive, significant public safety and environmental changes to our pipeline laws.

That law and the protections already on the books are important to me. About 2 years ago the residents of Edison, NJ, which is in my district, and communities across the country got a very loud wake-up call when a natural gas pipeline exploded, sending a fireball hundreds of feet into the air and destroying the homes of more than 1,000 people in my district.

This bill, which was drafted primarily with far more input from the industry than from the House Democrats, allows pipeline operators to decide for themselves what safety precautions to take and which to ignore while, making it even more difficult for Federal regulators to pass new safety requirements. However, as evidenced with the Iroquois pipeline in New York, there is an inherent conflict of interest that prevents companies from regulating themselves in a manner that provides maximum protection to the public.

Unfortunately, despite some lone cries from both parties, this Congress is set to let the industry govern itself and at the same time weaken protections in existing law. Right now the law requires that all individuals responsible for operating and maintaining pipelines be tested for qualifications and certified to operate and maintain those pipelines. But the bill before us removes the testing and certification requirement.

The 1992 act, which I mentioned, required the Department of Transportation to issue several new safety and environmental protection regulations. This bill, however, creates risk management demonstration programs, I will repeat that, risk management demonstration programs that allow pipeline companies to write their own rules.

Furthermore, the general language is written to give industry maximum wiggle room. The bill allows DOT to exempt pipelines from current regulations and forces DOT to release them from future regulations, including those based upon the public law of 1992 and essentially the rules that are still pending right now.

The bill is so poorly drafted that it allows pipeline operators who fail to comply with the plans that they themselves wrote to continue to regulate themselves. Instead of mandating that companies that are in substantial noncompliance be automatically kicked out of the program, it opens the door to allowing those bad actors to remain exempt from the rules that every one else has to play by.

This bill also deletes a requirement in current law requiring that pipelines be inch inspected at least once every 2 years. If you think about the Edison accident, after that accident the DOT and everyone who was involved thought the inspection should be more frequent. This bill says they do not even have to do it every 2 years.

The bill would undermine a DOT regulation that allows DOT to require companies to replace old pipes with new pipelines that are able to be inspected by an internal inspection device, also known as a smart pig. During the Edison accident aftermath there was much suggestion that smart pigs be used wherever possible. This does not require that anymore. By changing the underlying basis for the DOT rule, pipeline companies would now be able to successfully overturn current regulation in court.

The bill also removes a requirement in current law that DOT, when issuing a standard, has to consider the extent to which the standard contributes to safety and environmental protection. The bill replaces this with risk assessment and cost-benefit analysis. This is the Contract With America risk assessment and cost-benefit analysis that I thought that this Congress had rejected.

Furthermore, the bill would add more industry representation to the two committees that would serve to peer review the risk assessment/cost-benefits processes, while leaving in place weak conflict-of-interest provisions.

Finally, perhaps most egregiously, this bill completely changes environmental language in current law to benefit the oil industry. It undermines wetlands protection and removes the requirement to identify pipelines in earthquake zones. And, to add insult to injury, it removes a mandate for regular inspection of pipelines in environmentally sensitive areas.

I just have to say, Mr. Speaker, I am very happy that the New Jersey delegation has worked hard to improve this bill. On the Senate side, amendments were added by Senators LAUTENBERG and BRADLEY that would require DOT to study effectiveness of remote shutoff valves, and if the study finds them technically or economically feasible, would require DOT to publish standards for their use where they would reduce risk.

It also contains language requiring criminal penalties for dumping in pipeline rights-of-way. That is something that Mr. SCHAEFER put in at my request, and I appreciate that. And it retains a House Democratic amendment authorizing DOT to engage in public education to promote One-Call and pipeline damage prevention, again something that Mr. SCHAEFER put in the bill at my request, and I appreciate that.

These are poison-coated carrots, I think, meant to entice us into supporting a bill that will ultimately undermine the very protections we support. Even with these additions by the New Jersey delegation, this is a bad bill.

None of this bill's provisions have ever been the subject of legislative hearings in either the House or the Senate. Last year, as part of their Contract With America, the House Republicans rammed a dangerous industry-drafted bill through two committees without significant Democratic input. That bill has been sitting in limbo for well over a year.

But because the original bill contained risk assessment language that condemned it to a near certain Presidential veto, Republicans finally sat down with us and other Democrats to negotiate a new bipartisan bill. But Republicans broke off negotiations, for example, after only one session because they realized that they could get a better deal by forcing the Senate bill on the Democrats. That is what we are getting here today. That is wrong.

We went to the table in good faith. We were prepared to make a deal and help move it through the House and Senate on a truly bipartisan and inclusive basis, which is what should happen. Instead we have this: broken-off negotiations and a bill that we are being denied our right to amend. The process stinks. It is unnecessary process.

If it was brought under normal circumstances, this would be subject to a point of order because it has a $6 million pay-as-you-go violation. No amendments. It undermines safety and environmental protection. It is opposed by the Natural Resources Defense Council, the American Oceans Campaign, and the Center for Marine Conservation.

I urge my colleagues, before you vote, think about this. Do you really know what you are getting into in this Senate bill? I am here to tell you that this is not what you think. This is not something that is going to move forward on protections for pipelines. It is harmful. It deserves to be defeated. It is really backtracking on the issue of pipeline safety in this country. It deserves to be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I am astonished at the gentleman's comments when he says the House Democrats did not have an opportunity to participate. I recognize that his committee does not have primary jurisdiction and they may be very upset about that, but the facts are the Committee on Transportation and Infrastructure has primary jurisdiction over this, and the Democrats on our committee were full partners throughout the process when this legislation was crafted.

Further, there were hearings held on this legislation and, further, this legislation passed the Senate unanimously, passed our Committee on Transportation and Infrastructure, which has primary jurisdiction, unanimously.

Indeed, the distinguished Senator from New Jersey, Senator LAUTENBERG, said this on the floor of the Senate: "The bill before us enhances our existing pipeline safety program in a number of ways." He goes on to list those ways. He also goes on to say that the bill would also increase funding for pipeline safety programs and make other improvements.

It passed the Senate unanimously; passed our committee unanimously. Now at this 11th hour suddenly we find that the committee which does not have primary jurisdiction, but I guess would like to have jurisdiction, is on the floor opposing this legislation. I regret that.

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Mr. Speaker, I reserve the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996 reauthorizes the Natural Gas and Hazardous Liquid Pipeline Safety Acts both of which expired in September of last year.

Natural gas and oil pipelines play a vital role in getting energy to market. In the United States there are approximately 280,000 miles of natural gas transmission lines and 1.5 million miles of gas distribution lines. Hazardous liquid pipelines consist of over 200,000 miles of pipeline. Even with this extensive pipeline network, oil and gas pipelines have maintained a remarkable safety record. However, because of the enormous potential for loss of life or harm to the environment from a pipeline rupture, it is important that we make sure our national pipeline system operates as safely as possible.

The bill we are considering today, S. 1505, is a compromise version of a bill passed last year by the Commerce Committee, Like the House bill, H.R. 1323, S. 1505 changes the way pipelines will be regulated in the future. In the past, Congress responded to specific accidents by creating inflexible, one-size fits all mandates which were applied to all pipelines. The result has been a layering of congressional mandates, which don't necessarily lead to improved safety, and in some instances may even divert limited resources away from more promising safety measures.

S. 1505, like its House predecessor, gets away from the old approach, by requiring the Department of Transportation to conduct a risk assessment for new pipeline safety regulations. In addition, S. 1505 establishes a voluntary, 4-year risk management demonstration project at DOT's Office of Pipeline Safety.

Under this demonstration program, pipeline operators would be allowed to assess the unique safety risks associated with their pipelines, create specific safety measures tailored to a pipeline or a segment of pipelines, and implement these measures subject to DOT approval and management. DOT would have the responsibility of ensuring that the risk management proposal contains provisions designed to provide an equal or greater level of safety than currently exists under the statute.

S. 1505 also makes a number of smaller and technical changes. Among other things, pipeline operators must now be qualified rather than certified to operate a pipeline, the definition of environmentally sensitive areas is clarified, and DOT is given authority to enter into agreements with States and other entities to promote pipeline safety.

S. 1505 lowers the user fees pipelines must collect to pay for the pipeline safety program. The improvements made to the pipeline safety program by this bill will result in less costly and more effective regulation of pipelines. Importantly, the user fees, while lower than DOT's original request, are significantly higher than the amounts authorized in the House bill. Keeping pipeline safety user fees at a reasonable level will assure that consumers can afford to purchase clean burning, environmentally friendly natural gas and will help keep the cost of heating oil and gasoline at reasonable levels.

I believe DOT can run an efficient and effective Office of Pipeline Safety with the money authorized in S. 1505, given the fact that more emphasis will be placed on risk management and risk assessment as opposed to command and control regulation. S. 1505 is the kind of innovative solutions we need to ensure responsible regulation while controlling the cost of government.

Overall, I believe S. 1505 will improve an already high level of safety on our Nation's interstate pipelines. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come from an area of the country where, at times, terror springs forth from deep within the Earth. The ground shakes, fire and smoke belch forth, the siren wails, and then the process of counting the dead begins.

It is unfortunate, but true, that this is part of the legacy of underground coal mining in Appalachia. For deep within many of these mines stalks a silent killer: It is known as methane gas. As it accumulates, it takes just one spark to set off a disaster that leaves many families without a father, son, or daughter.

In many parts of the country, another potential silent killer lies beneath the ground. It is the natural gas that flows through the 1.6 million miles of pipelines which run through rural and urban areas alike. A natural gas pipeline, lying beneath the Earth, can explode, and it can cause the same terror, the same trauma, and the same consequences to life and property as occurs with mine disasters.

It is from this perspective that I approach the pending measure, and it is from this perspective why I am pleased to rise in support of the pending legislation, Mr. Speaker.

The basic purpose of this bill is to reauthorize the natural gas and hazardous liquid pipeline safety programs through the year 2000. In this regard, the pending legislation provides authorization levels that are consistent with the administration's budget request for the Office of Pipeline Safety.

The bottom line is that this legislation would not diminish pipeline safety whatsoever.

At the same time, it provides the necessary authorization for the Office of Pipeline Safety to continue with its very important work of ensuring the safety of the American public as their safety relates to potential hazards associated with gas and liquid pipeline.

I would note as the gentleman from Pennsylvania [Mr. SHUSTER] noted, that this bill passed the Senate in a bipartisan fashion, and it is generally supported by the Office of Pipeline Safety at the Department of Transportation.

In this body, the Committee on Transportation and Infrastructure reported a reauthorization, as has already been stated bill on May 1, 1995. We did so in a bipartisan fashion.

Under a sequential referral, the Commerce Committee reported its version on June 1, 1995. It did not do so in a bipartisan fashion, and that is where we find ourselves today.

The Transportation and Infrastructure Committee is bipartisan in its support of the pending measure. In fact, from my perspective, the Senate version is superior to what the Transportation Committee Democrats agreed to last year.

This is because the risk assessment provisions of the Senate bill are far more flexible than what was in the House bill, and basically comports with what the Office of Pipeline Safety is already undertaking. Further, the Senate bill has a higher authorization level than what is in the House measures.

I see my very good friend from Michigan, the ranking Democrat on the Committee on Commerce, on the floor at this moment, and I realize fully that my distinguished friend from Michigan and his Committee on Commerce views itself rather as being second to none. Indeed our friendship is probably second to none in this body.

It is a powerful committee, and it deserves our respect with all due respect to my friend. But in this case, in this particular piece of legislation, it is the Committee on Transportation and Infrastructure which has the primary jurisdiction in this body, and we are united in our support thereof, Democrat and Republican alike.

So I would urge my Democratic colleagues to support the pending measure and certainly realize that this came out of the bipartisan Committee on Transportation and Infrastructure.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I want to express my affection and respect for the gentleman from West Virginia [Mr. RAHALL] and also the gentleman from Pennsylvania [Mr. SHUSTER], and I want to point out that we on the Committee on Commerce have no concerns about the jurisdiction or jurisdictional questions or the referrals of these matters. I want to talk a little about the history of how this bill came to be and what is in it and why, perhaps, it ought to be rejected.

First of all, the bill was only voted out of the Senate last night. No legislative hearings were held upon this bill either in the House or in the Senate. The bill, if my colleagues will read it, is poorly drafted and it is ambiguous. The Committee on Transportation and Infrastructure broke off discussions and negotiations with the other committees last week, so there have been no real discussions during that time.

The threat to communities from unsafe pipelines is real. In 1994, a gas pipeline explosion destroyed an apartment complex in Edison, NJ. In 1993, a leak in the Colonial Oil Pipeline in Fairfax County, VA, caused extensive property and environmental damage, and other events of this kind are waiting to happen.

The bill allows, in a rather curious provision, the Department of Transportation to substitute a voluntary demonstration project for real regulation. That is hardly protecting the public safety or public interest. It does not ensure public participation when the Department of Transportation considers whether or not a pipeline should be exempt from regulation. That is possible even for pipelines which go through heavily settled metropolitan areas where some fine, fine explosions could occur. The bill discontinues the existing requirement that pipelines be inspected every 2 years, even in high density communities or in environmentally sensitive areas.

Now, there are a lot of questions about this bill: Does the bill undermine rulemaking protections under the Administrative Procedure Act? The language of it indicates yes, that it does undermine the Administrative Procedure Act's requirements.

The bill also raises questions of whether the APA applies or not. I do not believe that any member of the Committee on Transportation and Infrastructure can tell us whether in fact it applies or not.

The question arises are the safety standards referred to in section 60102 required to be set by rulemaking? Are they going to be done publicly? Or will they be done in some curious, sneaky, dishonest, underhanded fashion in the dark of night without public participation?

Another question: What is going to happen to existing and pending pipeline safety standards? How will this requirement affect DOT's pending rule for replacing pipelines to facilitate better safety inspections? What kind of delay is this going to introduce in finalizing that rule?

Now, there is a question of demonstration projects in public participation. The bill permits DOT to set up demonstration projects for pipelines in lieu of existing regulation.

What does that mean?

Question: Does DOT consider an application under this type of exemption?

If it does, can local citizens participate? Are exemptions done through rulemaking where they can be challenged in court? Are citizens' comments to be a part of the public record, or will we hear only from pipeline executives? Will pipeline executives function in some kind of a curious darkened place where there is no public participation?

The bill significantly alters wetland protections. It sets up some new category of critical wetlands. These are not defined in the bill. Question: What are these curious types of wetlands? Are they better or worse? Are they entitled to different protections than other wetlands? And what does this all mean?

Now there is one other little item that is in this: peer review. The question here is, does the secretary have to put a peer review panel above the other rulemaking process? Does he bring into the peer review process ordinary citizens? Who is to be on this peer review panel? Are they going to be pipeline lobbyists or pipeline lawyers or pipeline executives or will ordinary citizens be permitted to participate in this? Is the mayor of a community that a major pipeline goes through going to be involved in this, or will there be representatives of cities and counties and local governments and safety authorities and fire insurance people and specialists in public safety of all kinds?

The hard fact here is this bill drips questions, this bill raises more questions than it answers. It puts in place loopholes which raise questions about public safety. It was done in a very curious fashion. There have been no hearings. Nobody of the Transportation Committee can tell us what is in the bill. The Transportation Committee endorses it with great enthusiasm, and perhaps that is because they do not really know what is in the bill.

The bill raises the fine question then of whether we should perhaps reject it because we are supposed to pass a bill on which there can be no amendments, without adequate discussion, in a period of 40 minutes which is going to raise fine questions later as to public safety.

I would remind my colleagues that in the 1940's there was a natural gas explosion in the City of Cleveland which cost the citizens of Cleveland better than $300 million. That was in 1940's dollars; that was a huge sum. Enormous numbers of buildings were destroyed, citizens were destituted, and the consequences were horrible to see.

The pipeline explosion which occurred in New Jersey was a spectacular event. It was reminiscent of an atom bomb going off.

I would say that in the addressing of questions of pipeline safety we should consider the need to be concerned about the well-being of the pipelines. We also should be aware of the need to be concerned about the safety of citizens and about the mechanisms that government has to assure the safety of citizens from risks of leaking or exploding pipelines or fires which are associated with leaks in these pipelines.

I urge the rejection of this bill.

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin [Mr. Petri].

Mr. PETRI. Mr. Speaker, I would urge my colleagues to follow the unanimous lead of the Senate and of the Committee on Transportation and Infrastructure in adopting the measure before us. I would like to be clear that the Senate bill we are currently considering is based on a House bill that was favorably reported last year by both the Transportation and Infrastructure Committee and the Committee on Commerce. The Committee on Transportation and Infrastructure approved the bill by a unanimous voice vote.

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The only significant differences between the Senate bill that is before us and the bill approved by our committees are less prescriptive risk assessment provisions and increased authorization levels. The risk assessment provisions were developed with the United States Department of Transportation and reflect the current practices of the Office of Pipeline Safety, in accordance with President Clinton's executive order regarding cost-benefit analysis.

This risk assessment approach is particularly suited to the pipeline safety program, as facts clearly show that pipelines remain the safest form of transportation. Fatalities from pipeline accidents represent only three one-thousandths of 1 percent of the total number of annual transportation fatalities.

The second major new initiative in the bill before us, which was also included in the bill that our committees earlier adopted, is a pilot project to demonstrate the safety and cost-effectiveness of risk management.

This provision gives statutory authority to a program already under development by the department. The goal of risk management is to focus resources on the greatest risks and improve protection of the public, rather than proposing a one-size-fits-all regulatory straitjacket and wasting resources and endangering the public by not focusing on where we can do the most good.

A participant may submit a risk management safety plan for approval by the Secretary that would achieve a level of safety that is equal to or greater than that which would be achieved by following existing regulations. So we give them flexibility to improve safety, not to lower safety. I think it is something we should be encouraging.

In return, the pipeline owner or operator would be allowed to operate free of the regulations that may be proved unnecessary based on the safety plan submitted.

Mr. Speaker, I would note, as I said before, that the Senate passed this legislation by unanimous consent. We have worked for 18 months to reach the point we are today. Because this bill will improve pipeline safety by allowing the Department of Transportation and pipeline owners and operators to focus and allocate resources on the greatest risks to public safety and environment, I would urge the House to pass the bill before us.

In conclusion, I would like to thank our colleagues, the gentleman from West Virginia, Nick Rahall, the ranking minority member of the Subcommittee on Surface Transportation, as well as the gentleman from Pennsylvania, Mr. Shuster, and the gentleman from Minnesota, Jim Oberstar, for their support in the past, and their hard work on this important legislation.

The gentleman from New Jersey, Mr. Bob Franks, a member of the Committee on Transportation, has worked diligently on this issue for a number of years, and so has the gentleman from Colorado, Mr. Schaefer, and the gentleman from Virginia, Mr. Bliley, of the Committee on Commerce, which shares jurisdiction over the pipeline safety program.

Finally, I would like to recognize the many hours that the Department of Transportation has devoted to this legislation. I think it is a good, worthwhile product, and we should adopt it today.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. Markey].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I ask that this bill be rejected. Let me just give the Members the very simple five-step program to understanding this bill.

Step No. 1: The Department of Transportation finds a very serious problem in pipelines across the United States. They might explode, for some reason or another, because of some defect which they have found in pipelines nationally, a very serious problem, a great public safety problem in community after community across the United States.

Step No. 2: The Department of Transportation decides to promulgate a rule in order to ensure that the public safety will be protected against the defects which have been created in pipelines in neighborhoods near where children play all across the United States.

Step No. 3: The bill, as constructed by the authors, then forces an extremely complex risk assessment cost-benefit analysis of whether or not these pipelines should in fact be repaired or the changes made in the methodology that in the future will ensure that all of the citizens, all of the children that live in these neighborhoods, will be protected.

Step No. 4: An industry-dominated peer review panel reviews the rule and then dissents from it. It says to the Department of Transportation, as the peer review panel we really do not think that this rule is necessary.

The interesting thing is that under the bill, the peer review panel that has this right to dissent is packed with, guess what, pipeline company officials, who will have to change the way in which they make these pipes that are endangering the children in the neighborhoods. Now, with this peer review panel packed with pipeline officials that make their living off of these pipes, they say no, we dissent. We do not think the rule should go into place.

Then, step No. 5: The lawyers for the pipeline companies then use the dissent of the peer review panel at the Department of Transportation as the basis for their lawsuit, which keeps the rule from going on the books for years in this country. Meanwhile, the pipelines continue to exist or continue to be built that endanger the children in the neighborhoods of this country.

Mr. Speaker, how in the world can we in good conscience, with less than 1 day left to go in the Congress, with so little understanding of what this impact could be, cater to the special interests of pipeline companies and give them this opportunity of railroading through here this inoculation against the guarantee that the people of this country will be protected?

Mr. SCHAEFER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. HALL].

The SPEAKER pro tempore. The gentleman from Texas [Mr. HALL] is recognized for 3 minutes.

Mr. HALL of Texas. Mr. Speaker, I rise in strong support of S. 1505, the Pipeline Safety Reauthorization Act. This legislation is not really a stranger to this House. In fact, it is similar to the legislation that passed the Committee on Transportation and Infrastructure over a year ago.

Mr. Speaker, the bill reaches some important compromises on several issues that were contentious in the House. If I recollect, the gentleman from New Jersey had some problems with some of those. Frankly, I had thought the gentleman had done such a good job representing the people of New Jersey that he had had his problems solved over there. I am surprised to find out today that he has not. I admire his spunk in standing up and taking the positions he has taken.

I think we have reached out the hands to try to take care of the problems that were set forth. If not, had I known so 2 weeks ago, we would have done our best to have addressed them.

Really and truly, Mr. Speaker, the bill reaches all types of important compromises. I think first, the risk assessment cost-benefit analysis in the Senate bill is significantly less prescriptive than last year's regulatory reform legislation.

Senators JOHN GLENN and CARL LEVIN, the senior Democrats on the Senate Government Affairs Committee, agree. According to these two Senators, I understand that their position is that the risk assessment provision in S. 1505 is carefully tailored to the pipeline safety program at the Department of Transportation, and represents a fair and reasonable approach, so they said. This provision has the support of the Department of Transportation.

Second, S. 1505 contains a risk management demonstration project which is virtually identical to a provision in the House legislation. Some have suggested that this program will exempt pipeline operators from existing pipeline safety regulations. Of course that is not so. Under the voluntary demonstration program, pipeline operators would be given the opportunity to submit alternative safety plans to the Department of Transportation which address the unique safety concerns of that pipeline system.

The Department of Transportation would have to certify that the risk management plan provided an equal or greater level of safety than existing regulations before the plan could be approved. This is not a plan for thwarting regulations, it is a way of providing an even higher level of safety than simply sticking to minimum safety standards.

Last, this bill provides a more than adequate budget for DOT to carry out its pipeline safety program. The authorization figures in S. 1505 are significantly higher than those contained in last year's bill, and have the support of both DOT and the regulated industry.

Mr. Speaker, this legislation enjoyed unanimous bipartisan support in the other body just yesterday. It is not anything new. They passed it unanimously over there, Republicans and Democrats alike. I do not see any reason why, Mr. Speaker, it should not be approved today and receive the same overwhelming support in this Chamber today.

I am really a little surprised that there is even any opposition to it. The bill is going to continue to provide the Department of Transportation the necessary tools to continue to protect the public safety and the environment. I urge Members' support.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to mention, because I know different statements were made, that there is no administration position on this legislation. To characterize it and say that the President has said whether he will support this bill or not is simply not accurate. There is no position at this time.

In addition, I would like to point out again that we are talking about a bill that passed the Senate and that came over here today. There was no conference on this bill. In fact, the House versions of the bill, even though they passed the two committees, the Committee on Commerce and the Committee on Transportation and Infrastructure, never were reconciled and never came to the floor of the House. So there was no hearing on the Senate bill, and the Senate bill is very different in many respects from the House versions in both of the two committees.

Mr. Speaker, I am very concerned, because 2 years ago when the explosion occurred in my district, in Edison, NJ, there were officials who came in from the Office of Pipeline Safety. There was an investigation by the National Transportation Safety Board. They made a series of recommendations as to what should be done in the future with pipeline safety.

Unfortunately, Mr. Speaker, a lot of those recommendations have not been met. Essentially what came out of the Edison explosion, I feel, was a feeling nationally that was expressed by many organizations that more needed to be done to protect residents, to protect the average American from the dangers of pipelines that were not properly inspected or that were subject to risks for various reasons.

We have had many incidents since that time, and in fact, I was given a press article that was actually in the Associated Press just a couple of weeks ago, September 26, 1996: "U.S. orders Colonial to test entire pipeline, from Dallas. The Nation's biggest petroleum pipeline is hazardous, and its owners have been ordered to test the entire 1,500 mile line, from Texas through to the Carolinas to New Jersey," a Federal official said. I mentioned the Iroquois pipeline before.

The bottom line is that there is every reason to believe that there needs to be more protection because of problems with pipelines. Yes, what do we get instead? We have a Congress now that, instead of reacting to that in a progressive way, instead puts in place a regressive, if you will, method of essentially downgrading and turning the clock back, if you will, on the way we go about pipeline inspections right now.

The germ of all this is that risk assessment procedure. What we have essentially, and I listened to some of the comments made by my colleague on the other side of this issue, what we have essentially here is an effort to put into this bill the risk assessment ideology, if you will, that existed in the Contract With America, that says that industry knows best; that industry, through demonstration programs, should be allowed to get out of existing rules or existing requirements and basically do what they want: set up their own safety standards, do their own testing, do their own investigation. That is not the way it should be. There is too much of a conflict of interest here.

Mr. Speaker, this is going to be a prime example of how the Gingrich Congress, the 104th Congress, basically lets industry write the laws. Those industry laws, those laws are written in a way that hurt the average American, do not provide protection, safety protections for the average American.

Mr. Speaker, I had hoped that this Congress had learned a lesson, that that was not the way to go. But this legislation if it passes today is going to be a prime example of exactly the type of legislation that we passed under that risk assessment procedure, under that procedure that says that we need to downgrade regulations, we do not need to protect the average American, we need to let industry do its own investigation, its own enforcement, as it sees fit.

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I see a basic conflict of interest there. I think if you look at the explosions and you look at what has been happening with pipeline safety over the last few years, you can tell that that is not the way to go, and yet that is what we have in this instance.

Mr. RAHALL. Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this bill. The fact of the matter is this legislation has been hanging around, dragging along, whatever, for a long, long time.

The natural gas industry, though, is an industry that is rapidly developing. That is one bright spot as we try to become energy dependent. Natural gas is the way that we achieve a lot of that, and so it is very important that we have some rules of the road. That is why this bill is so important.

It seems to have been worked out in a bipartisan compromise. That is the way that we ought to be doing that, and we ought to give those in the natural gas industry and those who also make their living from the natural gas industry and those who live in the gas fields, we ought to give them that predictability.

Mr. Speaker, I urge support for this legislation.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the gentleman from New Jersey [Mr. PALLONE] that I never said the President supported this bill. I said the Office of Pipeline Safety within DOT supports this legislation.

In regard to the risk assessment provisions, we did not and we have not in this bill taken the risk assessment language of the Contract With America word for word. We have made it more flexible. We have actually improved the risk assessment language, and the Senate bill went even further than our original House legislation.

We made it more flexible. We have increased the authorization levels for the Office of Pipeline Safety. So we have dramatically improved this bill over what it was originally, and it is not the prescriptive language that the gentleman from New Jersey would ascribe to it. I would say in addition to that, we have had hearings on this issue. It has gone on for well over 18 months as we have heard now. We have not had hearings on the Senate bill precisely but we have had hearings on this issue and it has been dealt with quite a bit.

We asked the gentleman from New Jersey early on in the process, throughout the process, what are his recommendations for improving the bill, what are his amendments, please present them in the process and we will talk further with you and negotiate further with you. We received no such process. So yes, I guess in that sense the process did break down.

Mr. Speaker, I urge support of the legislation.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am proud to rise in support of this measure today, a measure that was supported by both U.S. Senators from my home State of New Jersey. I do so because the impact of this bill will be to focus additional resources on areas that present the greatest potential risk. For a highly developed, densely populated State like New Jersey, with hundreds of miles of pipeline and densely populated areas, this approach will have a positive impact, leading to more frequent inspections and greater use of safety enhancing technologies.

Instead of spreading out resources to provide for the same level of safety for every mile of pipeline, whether it is located in the wilderness or next to an apartment complex, the provisions of this bill will allow pipeline companies greater flexibility in defining a program to enhance safety, not less safety but equal and enhanced safety measures.

Mr. Speaker, let me finally point out that the existing command and control structure did not help the residents of Durham Woods. It is under the old system of command and control that that explosion took place. We need to invest greater resources in areas that present the greatest risk.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, frankly, I was quite surprised to hear this legislation attacked by my good friend from New Jersey when indeed both New Jersey Senators not only support this legislation, but Senator LAUTENBERG, who has dedicated his life to transportation safety, has been a vigorous supporter of this legislation and, indeed, has put an extensive statement in the CONGRESSIONAL RECORD in support of this legislation.

Further, I am surprised to hear attacks on risk assessment, because the risk assessment in this legislation starts with the position the administration has taken on risk assessment and in fact toughens it up.

We all know, nobody disputes, that pipeline is the safest form of transportation we have. Indeed, I think at bottom, what this really boils down to, this debate, is a debate between the old command and control, "Washington knows best" point of view and the point of view which says let's modernize, let's look to the future instead of the past, let's put our focus in those areas where we need the most emphasis and not try to micromanage an industry.

So for all of those reasons, I believe that this bipartisan legislation should be vigorously supported, and I would urge its passage.

Mr. BLILEY. Mr. Speaker, I rise in support of S. 1505, the Accountable Pipeline Safety Act. This bill is a modified version of H.R. 1323 which was passed out of the Commerce Committee last year. It is a good bill and will protect the public and the environment from hazards posed by natural gas and hazardous liquid pipelines. And it will do so in a more cost-effective manner.

I have long been concerned with the safe operation of natural gas and hazardous liquid pipelines. Since 1980, there have been at least seven pipeline ruptures in the State of Virginia. The most recent occurred in Fairfax County, VA, when approximately 9,000 gallons of diesel was spilled due to third party damage to a pipeline. Another accident in 1989 forced the city of Fredericksburg to shut down its city water intake when 5,000 gallons of kerosene were spilled.

I believe it is vitally important that our natural gas and oil pipelines are operated in as safe a manner as possible. S. 1505, like H.R. 1323, takes a new and better approach to pipeline safety. In the past, the Congress approached pipeline safety by requiring the Department of Transportation to implement Federal minimum standards which all pipelines are required to meet. Both industry and DOT agree that this is not an efficient use of resources.

The risk assessment and risk management approach taken in S. 1505 will result in improved safety at lower costs. The Commerce Committee is committed to the concept of risk assessment and I believe it is appropriate to apply it to pipeline safety regulations. In this case, this modified risk approach will benefit those living or working near pipelines by making them safer, as well as benefit consumers who pay for the cost of the pipeline safety program by lowering user fees.

I commend the subcommittee chairman and the chairmen from the Transportation and Infrastructure Committee for their hard work on this bill and I urge my colleagues to support it.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today in support of S. 1505. the Accountable Pipeline Safety and Partnership Act of 1995.

Mr. Speaker, over 2 years ago a 36-inch interstate natural gas pipeline, operated by Texas Eastern Gas Pipeline Co., exploded in Edison, NJ. For the residents of the nearby Durham Woods Apartment Complex, March 23, 1994 was a night of sheer terrors. Men, women and children raced from their homes in the middle of the night to escape an approaching wall of fire. Miraculously only 1 person died and 29 persons were injured. The blast leveled eight apartment buildings and could be seen as far away as New York City.

This terrifying explosion alerted people throughout New Jersey to the potential hidden dangers of natural gas pipelines. This concern is certainly justified. New Jersey is the most densely populated State in the Nation and buried underground are 961 miles of interstate natural gas pipelines. In my congressional district alone, 14 out of the 34 communities I represent have natural gas transmission pipelines.

Although the pipeline industry has a good overall safety record, and the pipeline that exploded in Edison was in compliance with all Federal safety regulations, these facts are of little comfort to the victims of Durham Woods.

The accident in Edison last year demonstrate that the existing regulatory scheme governing pipelines is inadequate. It is frighteningly clear that not enough attention or resources are being dedicated to confronting the most significant dangers related to pipelines. While statistically one may be more likely to be struck by lightening than die in a pipeline accident, the potential for large-scale fatalities from a pipeline explosion are frightening and real.

After carefully analyzing this legislation and its new risk-management approach to regulating the pipeline industry, I am convinced that it will lead to enhanced safety for those living or working near pipelines.

The overall goal of this legislation is to move the pipeline safety program away from a command-and-control approach and toward risk assessment and risk management. This risk-based approach contained in the bill allows greater flexibility in developing individual safety programs for pipeline owners. But first and foremost, pipeline operators must prove that any new approach will result in the same level or an even greater level of safety provided under the current system. If the pipeline owner or operator cannot prove to the Department of Transportation that their plan meets this basic requirement to enhance safety, then the current system of regulatory controls governing pipeline safety would remain in full effect.

The impact of this bill would be to focus additional resources on areas, the present the greatest potential risk. For a highly developed State like New Jersey with hundreds of miles of pipeline in densely populated areas, this approach will have a positive impact. It will lead to more frequent inspections and greater use of safety-enhancing technologies.

Instead of spreading out resources to provide the same level of safety procedures for every mile of pipeline, whether it is located in the wilderness of Utah or next to an apartment complex in New Jersey, risk management will require pipeline operators and regulatory agencies to pay greater attention to densely populated areas.

Unfortunately, placing pipeline companies under the most stringent safety and inspection requirements is no guarantee against disaster. Two-thirds of pipeline accidents are beyond the control of pipeline companies—they are caused by third parties. These third parties are generally excavation crews that accidentally hit pipelines and never report the damage to the operator of the pipeline so that corrective action can be taken. That is the probable cause of what happened in Edison.

This bill contains a provision I drafted that is aimed at reducing accidental damage to pipelines by work crews and making sure that if such an accident does take place, it is promptly reported to the proper authorities. Under my provision for the first time it would be a Federal crime to damage a pipeline and not promptly report it to the appropriate authorities. Violators would face up to 5 years in jail and a $25,000 fine. Any fines collected under this section would be deposited in the Crime Victims Fund and spent the following year. This provision was originally part of a bipartisan pipeline safety bill I reintroduced on March 3, 1995, entitled the "Durham Woods Natural Gas Pipeline Safety Act of 1995" (H.R. 1126).

Public education on one-call systems is also vital. I am pleased that a provision I advocated encouraging pipeline operators to launch education programs was included in the bill. Although all States have some form of a one-call system requiring construction crews to call in when they will be working near a pipeline, the success of these programs is often hindered by a lack of knowledge about the existence of the program or how it works. This provision would increase the knowledge of the public on one-call systems.

This bill also includes a provision originally in H.R. 1126 that would remove the pay for the members of the Technical Safety Standards Committees. While this cut may be relatively small, I am committed to rooting out all unnecessary spending, be it for the space station or for the pay of the Technical Safety Standards Committees' members.

During the subcommittee markup of H.R. 1323, which is the companion House bill to S. 1505, I offered an amendment regarding population encroachment on pipeline right-of-ways. My amendment would direct the Secretary of Transportation to consider and develop new ways to increase the awareness of local planning and zoning boards regarding issues involved with population encroachment in proximity to interstate transmission pipeline right-of-ways.

The Research and Special Programs Administration [RSPA] estimates that of the 272,000 miles of natural high pressure pipelines in our Nation, only 7 percent of these pipelines are in urban areas. Despite the low percentage of pipelines located in urban areas, the potential hazard to public safety is increasing because of residential growth and development. In the case of the Durham Woods disaster, the character of the land had changed dramatically from when the pipeline that failed was constructed in the 1960's. Back then, the asphalt plant and its surrounding structures near the rupture point were isolated and surrounded by farmland and forests. By the time of the explosion, extensive urbanization had occurred within 1 mile of the rupture point.

After the Edison explosion, many of my constituents asked me why a pipeline was built so closely to a large apartment complex. In reality, the apartment complex was erected long after the pipeline was built. Zoning boards and local planning commissions need to be made aware of the risks and dangers of approving residential housing near pipelines. My amendment would increase the information available to local governments so they can make sensible, informed zoning decisions.

As a Member of Congress from the most densely populated State in the Nation, my amendment is especially important to New Jersey. As the urbanization of America continues, the problems associated with the siting of pipelines near population centers will grow. I was pleased that my amendment was adopted by the Subcommittee by voice vote.

This bill contains many other provisions that will benefit my home State of New Jersey. For example, the increased funding in the bill will be used to sustain the recently established New Jersey Pipeline Safety Office and for improvement to one-call systems.

The bill also includes a provision requiring the Office of Pipeline Safety [OPS] to gather information regarding the technical and economic feasibly of remote controlled valves for interstate natural gas pipelines, with special attention to high density population areas like New Jersey. OPS is further required to conduct a rulemaking on the issue of installation of these valves. This provision is important to New Jersey because the pipeline that exploded near Durham Woods had to be manually shut off following the explosion, which took a significant amount of time. If a remote controlled valve was in place during the time of the Durham Woods disaster, it could have lessened the property damage resulting from the blast.

Also included in the bill is a provision advocated by Mr. PALLONE and myself that makes it illegal to dump on a pipeline right of way. My colleagues may recall that near the rupture point of the Durham Woods explosion, investigators found exposed deep in the hole created by the blast vehicle parts, a drink vending machine, manhole covers and other various debris, including a stolen 1990 Ford Ranger pickup truck and other debris near the site of the Durham Woods disaster. This provision ensures that people who dump near pipelines, where the possibility of damaging the pipeline is great, will be prosecuted.

Mr. Speaker, I was heartened yesterday listening to the debate in the Senate on this bill when the junior Senator from New Jersey stated that S. 1505 "is an improvement on the status quo and should improve pipeline safety significantly." Senator LAUTENBERG also states that "this bill represents a very good step forward." My colleague in the Senate has been a staunch advocate for improving pipeline safety, and his support for this legislation reassures me that this bill should become law.

Moreover, my constituents have been waiting 2½ years for Congress to improve pipeline safety. It is incredible to me that at this late date, some Members still want to delay enacting a comprehensive pipeline safety bill. I know my constituents do not care who gets the political credit for passing a pipeline safety bill—they want pipelines made safer now. Furthermore, considering that New Jersey's unique pipeline safety issues are effectively addressed in this bill, I especially urge all my New Jersey colleagues to put aside partisan differences and put the safety of our citizens first by supporting this legislation.

Mr. Speaker, I would oppose this bill if I thought for one second this legislation would decrease pipeline safety. My constituents in Edison lived under the old regulatory system, and on a cold night in March, 2 years ago, that system utterly failed them. This bill promises to do better. I urge my colleagues to vote "yes" on S. 1505.

Mr. SHUSTER. Mr. Speaker, I wish to address a concern that was raised at the last minute that this bill may somehow affect protection for wetlands. Under the current pipeline safety laws, in section 60109 of title 49, the Office of Pipeline Safety at the Department of Transportation is required to identify unusually sensitive environmental areas. Once these areas have been identified, DOT is to promulgate rules to minimize the chances of a liquid pipeline accident in those areas. DOT is currently in the process of implementing these laws.

Currently, subsection (b) of section 60109 does not specify which areas should be identified as unusually environmentally sensitive; rather, it identifies several types of areas that DOT should consider when making its determination. In fact, current law does not even identify wetlands as one of the areas DOT should look at when identifying areas that should be classified as unusually environmentally sensitive. That is why the Congress in S. 1505 directed DOT to include critical wetlands in the types of areas that it should consider when it determines areas that are unusually environmentally sensitive.

Apparently, at the last minute, the use of the term "critical" has raised a question as to whether the Congress is somehow attempting to create a new category of wetlands that might undermine other wetlands protection programs carried out by the Environmental Protection Agency or the Corps of Engineers. This is not true.

The language in S. 1505 that amends section 60109(b) of title 49 is simply intended to give direction to DOT as to what type of areas should be considered when it determines what areas are unusually environmentally sensitive. In no way is this provision intended to have any application or precedent with respect to any other statute or any other Federal agency. This provision is not intended to diminish the role of DOT to protect the environment and the public's safety in and around pipelines. Rather, this language is intended to strengthen the pipeline safety program's protection of people and the environment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1505.

The question was taken.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1505, the bill just considered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 4000; and S. 1505.

The Chair will reduce to 5 minutes the time for the second vote in this series.

RESTORATION OF CERTAIN POW/MIA AUTHORITIES APPLICABLE TO THE DEPARTMENT OF DEFENSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4000, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE] that the House suspend the rules and pass the bill, H.R. 4000, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 449]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts

Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Barrett (WI)
Boucher
Chapman
Chrysler
Collins (MI)
Dellums
Durbin
Ensign
Filner
Forbes
Fowler
Frost
Green (TX)
Hayes
Heineman
Hobson
Hoekstra
Hyde
Jackson-Lee (TX)
Kasich
Kennedy (MA)
King
Lewis (GA)
Peterson (FL)
Quillen
Riggs
Thompson
Torricelli
White

□ 1727

Mr. YATES changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, on rollcall No. 449, I was unavoidably detained. Had I been present I would have voted "yea" for this important legislation.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1505.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1505, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 276, nays 125, not voting 32, as follows:

[Roll No. 450]

YEAS—276

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hilleary
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—125

Abercrombie
Ackerman
Andrews
Becerra
Beilenson
Bevill
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Conyers
Cummings
Davis
DeFazio
DeLauro
Deutsch
Dingell
Engel
Eshoo
Evans
Fattah
Flake
Foglietta
Ford
Furse
Gejdenson
Gephardt
Gilman
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jacobs
Johnson (CT)
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Rangel
Reed
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wolf
Woolsey
Yates
Zimmer

NOT VOTING—32

Barrett (WI)
Berman
Boucher
Chapman
Chrysler
Collins (MI)
Dellums
Dixon
Durbin
Filner
Forbes
Fowler
Fox
Frost
Green (TX)
Hayes
Heineman
Herger
Hoekstra
Hyde
Jackson-Lee (TX)
Kasich
Kennedy (MA)
King
Lewis (GA)
Moorhead
Peterson (FL)
Quillen
Radanovich
Thompson
Torricelli
White

□ 1736

Mrs. MORELLA and Mr. SHAYS changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Speaker, on rollcall No. 450 I was called away from the House floor and therefore was not recorded on rollcall No. 450. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3937

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3937.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Vermont?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, this is the last vote of the evening. Following this discussion we will return to regular order. Pending a further unanimous-consent request, 9 a.m. tomorrow will be the point at which we will reconvene. I would expect no votes before 11 o'clock tomorrow.

We may be putting a few more suspension bills on the floor and, should that be the case, we certainly would notify the minority as soon as possible as to which bills those might be.

Mr. Speaker, as the Members know, there have been trilateral negotiations between the two bodies of Congress and the White House regarding the continuing resolution by which we would complete our spending program and the year's work and allow us to move on to sine die adjournment. These have been going very slow, as they tend to do. That is all very understandable.

If I may just take a moment, Mr. Speaker, I would certainly like to express my commendation for the long hours of work that have been devoted to this task by Members from both bodies and the White House. We have had people that worked here as late as 4:30 this morning and were back on the job early today and have been at it again, continuing to continue on continuing resolution. They have shown enormous resolve in this matter.

Nevertheless, we have just been informed that there are further complications in the process because the White House has indicated that they are not willing to accept an agreement reached last night by the gentleman from Texas, Congressman LAMAR SMITH, the gentleman from California, HOWARD BERMAN, the gentleman from Wyoming, Senator SIMPSON, and the gentleman from Massachusetts, Senator KENNEDY, on the immigration bill.

The White House has indicated that they are not willing to accept title V, even within the context of the negotiated revisions offered by that working group. This has been a very disappointing turn of events for all of us. Perhaps Senator SIMPSON has expressed his disappointment in the most sincere terms.

This, obviously, means that we will spend more time on that since the White House wishes to connect the immigration bill with the continuing resolution and is not prepared to agree on the continuing resolution until we reach some agreement on the immigration bill. All this, obviously, leaves things a bit more tenuous, but still I remain confident and hopeful that we will be able to pick up our work tomorrow morning as scheduled and move on with it, hopefully for a fairly early afternoon adjournment.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I appreciate the majority leader yielding.

Those of us in California are aware of this issue. Would you explain what is in title V so this body realizes what the administration is opposing?

Mr. Leader, my question is this: Does the administration realize that the reimbursement for emergency health care that we have is in that package?

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. BILBRAY. Mr. Speaker, we are talking about $375 million for the people of California. I think there should be an answer.

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. ARMEY. Mr. Speaker, reclaiming my time from the gentleman from California, I think it is fairly clearly known by all of us concerned that title V has to do with the question of welfare benefits for illegal aliens and the enforcement of the sponsorship provision on legal immigrants so that they too would be kept off the rolls. And that, obviously, has been a matter of concern and we will have to go back and work on that.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding and for informing us what the schedule is for the remainder of the afternoon and for tomorrow.

I would just say to my friend from California that I have just been advised by my friend, the gentleman from California [Mr. BERMAN], that the administration is indeed in favor and supportive of reimbursements to hospitals in the situation that the gentleman has described.

And while I do not want to get into a full-fledged debate here tonight on the immigration piece, the gentleman should rest easy tonight that that will be taken care of.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, there are millions of people, over 5 million people voted for an initiative that says we need to stop giving benefits. I just want to know, does that include the benefit packages that were all in this?

We cannot ask those of us in California to walk away.

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. ARMEY. Reclaiming my time, Mr. Speaker, it has, in fact, been rather commonplace and, I think, quite frankly a good time has been had by all on many occasions when difficult questions have been put to me while announcing the schedule. The colloquies have lasted sometimes, it seemed, well into the night.

☐ 1745

The gentleman from California wishes to express his concern and his anxiety related to his State, and it does not seem to me it would be fair, in the respect that has been given to me in the past as we have dealt with these fascinating discourses, that we let the gentleman from California proceed without the catcalls.

Mr. BILBRAY. Mr. Speaker, I am sorry if I ask questions on this. We disagreed on certain elements of the immigration bill across the aisle. There are those of us that tried to find a compromise and felt that this body went too far. I am sorry if I am saying now that those of us that went to the compromise and agreed now feel the goal post has been moved. I have got to go back to California and explain this to the people of San Diego County. I apologize for asking questions.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to point out, if we are going to debate this, let us do it. The provisions we are talking about do not just deal with illegal immigrants but the medical and other benefits that do to legal immigrants. If we are going to ask questions, we ought to have the accurate premises. Some of us have objected to restrictions on the ability of legal immigrants to get medical care. I think it ought to be accurately phrased.

Mr. ARMEY. Mr. Speaker, I just want to say to the gentleman from Massachusetts, his points are well taken, very fast and very rapidly, and some of us are still trying to understand them.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield for a simultaneous translation?

Mr. ARMEY. I would be happy to yield to the gentleman, my good friend from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I have no objection to the gentleman from California doing this, although he says he has to go back to California and he is, of course, delaying the moment when that will happen. But if we are going to debate the immigration bill, it should not be as part of this measure. Let us have more time to debate it tomorrow morning. I object to a one-sided discussion of the issues.

Mr. ARMEY. Mr. Speaker, if I may reclaim my time, I think the gentleman from Massachusetts has made the point. The House has, in fact, debated this bill, has, in fact, passed it by over 390 votes. We are waiting to complete the conference work on it, and I think the gentleman from Massachusetts makes a good point that we ought to have the debate at the time we deal with the conference.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I want to clarify two issues. No. 1, the administration wants the provision in title V that reimburses hospitals, public and private, nonprofit and proprietary, who treat illegal immigrants in emergency care. They want that reimbursement. They think that is the Federal obligation and they support it. Let there be no more fuzzing over that issue.

Second, before we all get too high and mighty about what is happening, remember the Republican conference committee, where no one was allowed to offer an amendment, where the bipartisan relationships in both the Senate and House to put together a bill that passed the House and Senate were totally violated, where months went by without a conference committee, where things were changed so far beyond the scope of either House's bill that the Committee on Rules had to grant a waiver of that and where no amendment was made.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I thank the gentleman from California for his first point. I think it is helpful and encouraging.

I can only say that the Members of this body, as I pointed out, voted by a vote of over 390 votes for this, and we do need to work on that. I expect and feel somewhat encouraged by the gentleman from California that we must get back to these negotiations.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, my question to the gentleman from Texas is this, we would like to have a list of the bills that you propose to put on suspension tonight so that the membership will have the opportunity, if we are going in at 9 a.m. and going to vote at 11 a.m., we need some notification of what we will be discussing. I hope you could accommodate us there.

I might also say, I understand the difficulty of putting these schedules together, but I would hope that we could have come in a little bit later. I suspect we are going to have more than just a few suspensions, and we would have time to debate that. It seems to me noon or 1 p.m. would be a more convenient time for us to debate fully these resolutions.

Mr. ARMEY. Mr. Speaker, if I may, I would ask my colleagues on this side of the aisle, please do not further provoke the gentleman from Massachusetts. I cannot listen that fast.

Mr. Speaker, I think the gentleman's point is well taken. We have delivered to the minority leader's office a list. While it may not be necessarily complete, the gentleman is absolutely right; we should get any further additions to you as quickly as possible this evening.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, on the schedule, approximately how many do we have, 8 or 10 suspensions for in the morning?

Mr. ARMEY. Mr. Speaker, I thank the gentleman. We have, as the gentleman has indicated, 8 or 10. As the gentleman from Michigan expresses his concern about having time to debate them, and I can only express to the body it is my firm hope, and all consideration to those who may be disappointed, that we will wrap up our negotiations and come back with the continuing resolution in such a timely fashion that there will not be time to consider everything that is on the list.

Mr. VOLKMER. Mr. Speaker, if the gentleman will continue to yield, the gentleman has been here before. I have been here before. From what I understand is going on in the negotiations, very little was done today. There is a good likelihood that we are going to do these suspensions tomorrow and whatever few you have left over, and then we are not going to have anything to do, because I understand Puerto Rico has pretty much dropped by the wayside. We are going to sit, and we are going to sit, and we are going to sit, and we are going to sit, and we are going to sit, and we are going to sit.

Let us say we are here by tomorrow evening and that conference still is going on. Do we come in Sunday?

Mr. ARMEY. Mr. Speaker, reclaiming my time, again, I thank the gentleman from Missouri. We, in our offices, every now and then have in the past historically seen that blue screen, and it does bother us. It is not our intention to do that. We think these negotiators are approaching a conclusion of their work.

I frankly am anxious to go back and join them with it. Again, I think we need to appreciate how hard they have worked, how clearly they have shown their resolve to complete this work. And I do believe that, if the gentleman from Missouri will just bear with everybody who sits at that table, we will find ourselves tomorrow able to complete our work here.

I think we should entertain only the greatest expectations born out of appreciation for the effort already made. If, in fact, there are disappointments, I will certainly be the one to come back and share that information later. At this point I do believe that between 1:00 and 2:00, maybe 3:00 tomorrow, we will be able to complete that work.

Mr. VOLKMER. Mr. Speaker, if the gentleman will continue to yield, let us say, 3:00 or 4:00 tomorrow, perhaps we could know at that time whether there is a likelihood we will finish up tomorrow, or we will be back Sunday or be back Monday. Can I get that from the gentleman?

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman's point. I am sure that, if we are back in these circumstances conducting a colloquy at 3:00 or 4:00 or 5:00 tomorrow, the gentleman from Missouri will want me to yield time for the purpose of telling me he told me so. And I will be happy to yield time for that purpose at that time.

Mr. VOLKMER. Mr. Speaker, I am looking at Sunday and for all Members. There are a lot of Members here that have a lot of things scheduled Sunday. I do not have much scheduled Sunday. My big day is tomorrow. That is gone. There are Members here, and I think everybody would like to have some idea, if we can, whether we are going to be here Sunday.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I think we really need to go back to our work. We are working, and I have to say there are a good many of our Members that have been working and continue to work tirelessly. We want to go back and complete that work.

The fact of the matter is, we all know how difficult it is to finish up under these circumstances. It is not a new way. It always happens. We do have Members working, I believe, in good faith with one another. We need to encourage that work through our appreciation, and I think it will be done soon.

Finally, Mr. Speaker, if I may for one last final time—and then I will have to close this out—I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the majority leader for yielding. We are now getting down to a time when, of course, the fiscal year ends on Monday at 12 midnight. I would hope the majority party, along with the leadership in the minority party, is considering the contingency to ensure the operations of Government for Monday and Tuesday, maybe only 48 hours or 72 hours.

I know; I have been in some of these negotiations. They are tough. Everybody has an opinion. I think everybody is working honestly and hard to try to get to resolution. I would hope that we are providing for the contingency that for whatever reasons we do not get to closure prior to midnight on Monday.

Mr. ARMEY. Mr. Speaker, I thank the gentleman. I do feel obliged, and I think it is of due consideration that I fulfill that sense of obligation, to yield to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, on today's list of suspensions was House

Concurrent Resolution 218 dealing with instructions to the President concerning pardons. Will that be on the list for tomorrow?

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry. Let me say that is one of the items that is under consideration. I am sorry to say I have no announcement to make at this time.

Mr. BACHUS. Mr. Speaker, I would urge the gentleman to consider that we work on this very important matter.

Mr. BONIOR. Mr. Speaker, if the gentleman will continue to yield, would it be possible for the distinguished majority leader, on the CR vote itself, to provide us with two or three hours', preferably, notice so that Members could be here for that important vote?

Mr. ARMEY. Mr. Speaker, let me say to the gentleman, his point again is well taken. Once the work is completed on filing, we will try to give Members as much notice as possible. If I may ask the Members, if they will check the whip notice, perhaps even before they retire for the evening, we will certainly make every effort. Some folks will be driving and traveling. We want to be sure that everyone has an opportunity to make that vote. I do appreciate the gentleman's inquiry.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, if I might remind the Members that we are going to have a Committee on Rules meeting right now to deal with some procedure resolutions so we can get out of here tomorrow, if possible, right away.

Mr. ARMEY. Mr. Speaker, I thank the Chair.

CONFERENCE REPORT ON S. 1004, COAST GUARD AUTHORIZATION ACT OF 1996

Mr. SHUSTER submitted the following conference report and statement on the Senate bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–854)

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to call up the conference report on the Senate bill (S. 1004) to authorize appropriations for the U.S. Coast Guard, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the committee, for a brief explanation of the item concerning tort reform. Is the final language what we had agreed upon subsequent to the conference?

Mr. SHUSTER. Mr. Speaker, that is my understanding. This is the conference report that we agreed upon.

Mr. OBERSTAR. Mr. Speaker, so I have that language. We are comfortable with it, and with the gentleman's assurance that that is the language.

Mr. SHUSTER. Mr. Speaker, that is correct.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

□ 1800

Mr. NADLER. Reserving the right to object, Mr. Speaker, could I ask is there any language in this bill regarding Governors Island?

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. No, it is not in this conference report.

Mr. NADLER. Mr. Speaker, I thank the gentleman from Pennsylvania very much.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the conference report be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

(For conference report and statement see today's proceedings of the House.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBERSTAR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of the conference report, Bipartisan Authorization Act of 1996. I want to thank all the conferees as well as the Senate conferees for their cooperation in reaching a fair compromise on this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a landmark day. It has been 5 years since the House has had a Coast Guard authorization bill ready to be sent to the President. This bill does that.

Mr. Speaker, this is a landmark day. It has been 5 years since the House has had a Coast Guard Authorization bill that is ready to be sent to the President.

S. 1004, the Coast Guard Authorization Act of 1996, authorizes funding for the Coast Guard for fiscal years 1996 and 1997 for their many missions: search and rescue; providing aids-to-navigation; drug interdiction; fisheries enforcement; icebreaking; marine pollution prevention and response; and commercial and recreational vessel safety.

The House first passed its version of this legislation, H.R. 1361, way back in May of 1995. The Senate passed S. 1004 in November 1995. The House requested a conference on the Senate bill in February 1996 and the Senate finally agreed to go to conference in July. Mr. Speaker, it has been a long and arduous process. Everyone has had to reach deeply to achieve a compromise that a consensus of the Members can support. On balance, this is a very good piece of legislation.

Not only does it provide funding for the Coast Guard, but it improves their personnel management system, improves our marine safety laws, provides clear authority for the Coast Guard Auxiliary, implements the administration's proposal for streamlining the Coast Guard's regulatory system for commercial vessels, provides for the safer operation of towing vessels, conveys many lighthouses whose grounds will no longer need to be maintained by the Coast Guard, decreases the cost of financing U.S.-flag ships which will benefit both our vessel owners and our shipyards, and many other programmatic improvements to our Coast Guard laws.

I would like to thank the leadership of our committee, our distinguished chairman, Mr. SHUSTER, as well as Mr. COBLE and Mr. CLEMENT for their outstanding work on this bill and for their dedication to improving the Coast Guard and all of our maritime programs.

Mr. Speaker, I strongly urge my colleagues to support passage of the conference report on S. 1004, the Coast Guard Authorization Act of 1996.

Ms. HARMAN. Mr. Speaker, included as a provision in the Coast Guard Authorization Conference Report is the California Cruise Ship Act, which I and other members of the California delegation re-introduced earlier this Congress to help our State's tourism industry.

Currently under the Johnson Act, a cruise ship that makes an intrastate stop is subject to State law even if that ship travels in international waters and is destined for another State or foreign country. Using this loophole and its authority to regulate gambling, States like California prohibit gambling aboard these ships.

The provision included in this conference report, and which passed both the House and Senate in our respective Coast Guard authorization bills, would allow gambling on internationally-bound cruises and cruises bound for another State. It does not result in the expansion of gambling on the mainland, which remains under State control. Instead, the provision simply amends the Johnson Act to allow Federal control over voyages that begin and end in the same State so long as part of the voyage is to another country or another State within 3 days of leaving State waters.

This issue is of great interest of the citizens of San Pedro and Catalina Islands whom I represent. According to Catalina's Chamber of Commerce, the city of Avalon itself loses $1.5 million annually in canceled port visits because of the existing restriction.

Similarly, the city of San Diego, from which many cruises originate, is affected. That's why Lynn Schenk, my friend and colleague who was elected with me in 1992, introduced the original California Cruise Ship Act. Her measure passed the House in the 103d Congress, but was not considered in the other body.

Today's action, and the final enactment of the California Cruise Ship Act, is a tribute to her dedicated efforts and perseverance.

I strongly support this provision and thank the members of the Transportation Committee and the Coast Guard Subcommittee for their help in moving this important change forward toward enactment.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER THE CALL OF THE PRIVATE CALENDAR

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be in order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. Pursuant to the unanimous-consent agreement, this is the day for the call of the Private Calendar.

The Clerk will call the first individual bill on the Private Calendar.

OSCAR SALAS-VELAZQUEZ

The Clerk called the bill (H.R. 1031) for the relief of Oscar Salas-Velazquez.

There being no objection, the Clerk read the bill, as follows:

H.R. 1031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF GROUNDS FOR DISAPPROVAL OF REQUESTS FOR CLASSIFICATION AND ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Immigration and Nationality Act, the Attorney General may not disapprove a petition for classification of Oscar Salas-Velazquez under section 201(b)(2)(A)(i) of such Act, or an application for adjustment of the status of Oscar Salas-Velazquez under section 245 of such Act, on any ground relating to a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws.

(b) WAIVER OF INADMISSIBILITY.—Notwithstanding subparagraphs (A), (B), and (C) of section 212(a)(6) of the Immigration and Nationality Act, Oscar Salas-Velazquez may not be considered to be within a class of excludable aliens at any time on or after the date of the enactment of this Act on any ground relating to—

(1) a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws; or

(2) the deportation of Oscar Salas-Velazquez on February 9, 1995.

With the following committee amendment in the nature of a substitute:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert;

SECTION 1. WAIVER OF GROUNDS FOR DISAPPROVAL OF REQUESTS FOR CLASSIFICATION AND ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Immigration and Nationality Act, the Attorney General may not disapprove a petition for classification of Oscar Salas-Velazquez under section 201(b)(2)(A)(i) of such Act, or an application for adjustment of the status of Oscar Salas-Velazquez under section 245 of such Act, on any ground relating to a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws.

(b) WAIVER OF INADMISSIBILITY.—Notwithstanding subparagraphs (A), (B), and (C) of section 212(a)(6) of the Immigration and Nationality Act, Oscar Salas-Velazquez may not be considered to be within a class of excludable aliens at any time on or after the date of the enactment of this Act on any ground relating to—

(1) a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws; or

(2) the deportation of Oscar Salas-Velazquez on February 9, 1995.

(c) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Oscar Salas-Velazquez shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Oscar Salas-Velazquez, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Committee amendment in the nature of a substitute was agreed to.

Mr. RAMSTAD. Mr. Speaker, the purpose of this legislation, H.R. 1031, is to reunite a family that has been ripped apart.

This bill is not about policy or politics. It is about bringing back a father for two adorable little boys, ages 3 and 6, who have missed their dad so much that they have cried every day for almost 2 years.

It is about bringing together a loving husband and wife who have been devastated for almost 2 years.

Mr. Speaker, this bill deals with the human side of government—the side that directly impacts families, mothers, fathers, and children.

Mr. Speaker, my staff and I have worked to help the Oscar and Sharron Velazquez family of Plymouth, MN, for more than 3 years.

For the past 2 years, we have worked to reunite Sharron Velazquez and her two young sons, Rico, 6, and Nicolas, 3, who have been separated from their husband and father, Oscar Velazquez. Oscar was deported in early 1995 and has been forced to live far away from his family in Mexico.

Mr. Speaker, this is truly a case of undue hardship that justifies the return of Oscar Velazquez.

Because Sharron Velazquez has a special medical condition that predisposes her to Reiter's Syndrome, a crippling disease with no cure, doctors have forbidden her from joining or even visiting her husband in Mexico.

According to medical experts who have examined Sharron Velazquez extensively, she has the antigen for Reiter's Syndrome, which would be triggered by organisms in the food and water in Mexico.

The unique circumstances facing this family certainly merit passage of this bill. This has been a long and tortuous struggle for the Velazquez family and their extended family, Jim and Julie Libby, Karen and Ron LePage, Ted and Therese Salonek, Rich and Becky Farniok and Patricia Morrison, and their many wonderful friends who have never lost faith that justice and fairness would prevail.

Mr. Speaker, I want to express my gratitude, on behalf of the Velazquez and Libby families, to several people whose assistance was crucial in moving this bill.

Our colleagues from the Judiciary Committee, especially Chairman HYDE, Chairman LAMAR SMITH and Mr. SENSENBRENNER, were key in moving this bill through the Immigration and Claims Subcommittee and the full Judiciary Committee. On the other side, Ranking Member BRYANT was also very supportive.

Also, special thanks to Cindy Blackston of the Immigration and Claims Subcommittee and Karin Hope of my staff, who worked so hard on this bill and whose expertise and counsel have been invaluable.

Finally, I am grateful to Senator HATCH and his staff, who have also been very helpful.

Mr. Speaker, a loving family awaits Oscar Velazquez, his employer eagerly awaits his return, and the members of this church, who have been holding nightly vigils, are praying for Oscar's return.

Let us put politics totally aside here and do the right thing for the Velazquez family.

Let us right a wrong. Let us reunite the Velazquez family by passing H.R. 1031.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NGUYEN QUY AN AND NGUYEN NGOC KIM QUY

The Clerk called the bill (H.R. 1087) for the relief of Nguyen Quy An and Nguyen Ngoc Kim Quy.

There being no objection, the Clerk read the bill as follows:

H.R. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR NGUYEN QUY AN AND NGUYEN NGOC KIM QUY.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Nguyen Quy An and Nguyen Ngoe Kim Quy shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Nguyen Quy An or Nguyen Ngoe Kim Quy enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and nationality Act as of the date of the enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Number.—Upon the granting of an immigrant visa or permanent residence to Nguyen Quy An and Nguyen Ngoe Kim Quy, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

With the following committee amendment in the nature of a substitute:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. WAIVER OF CERTAIN NATURALIZATION REQUIREMENTS FOR NGUYEN QUY AN.

(a) In General.—Notwithstanding the inability of Nguyen Quy An to meet the requirements of section 316 of the Immigration and Nationality Act that relate to having the status of an alien lawfully admitted for permanent residence, and residence and physical presence in the United States, if otherwise qualified he shall be considered eligible for naturalization and, upon filing an application for naturalization and being administered the oath of renunciation and allegiance pursuant to section 337 of such Act, shall be naturalized as a citizen of the United States.

(b) Deadline for Application and Payment of Fee.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 2 years after the date of the enactment of this Act.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

Ms. LOFGREN. Mr. Speaker, as Members of Congress we are often called upon to enact sweeping legislation that will have a substantial impact on millions of people. However, I think most of us realize that many times we can take smaller, more limited actions that will have an enormous effect on the lives of only a few. Often, it is these actions that are most fulfilling and most meaningful.

Today, I am hopeful that the House will pass legislation that exemplifies such an endeavor, and which also honors a man whose bravery saved the lives of American servicemen, and cost him dearly in his service to our country. This bill, H.R. 1087, will secure the immigration status of Major Nguyen Quy An by allowing him to apply for U.S. citizenship without waiting an additional 5 years. However, in actuality I believe it is we who would be honored by the naturalization of this courageous man.

Major An is a genuine hero who, as a pilot in South Vietnam's elite "King Bee" helicopter group, flew numerous combat missions in support of U.S. troops during the Vietnam war. In one particularly notable act of heroism, he risked his own life in order to save the lives of four American servicemen. On January 17, 1969, he led a combined American-South Vietnamese flight to insert American Special Forces troops deep into an enemy-held, sniper-infested jungle along the Ho Chi Minh Trail in Laos. After one of the U.S. Army helicopters in the flight was hit by enemy fire, Major An maneuvered his ship to a position next to his American comrades and led them to a clearing in the jungle. With complete disregard for his own safety, and under incessant, intense enemy fire, he landed his helicopter next to the crippled American ship and waited for the four crew members to make their way to him.

Major An was cited for the Silver Star and the U.S. Government awarded him the Distinguished Flying Cross for heroism in combat for his courage in this incident. He later lost his arms when he was severely burned after his helicopter was downed in a similar U.S. cobat rescue mission.

Our Government, recognizing the heroism and service that he has given to the United States, granted Major An "humanitarian parole" so that he and his daughter could come to the United States in 1994. They were granted a 1-year extension of their humanitarian visas last December, but H.R. 1087 would allow Major An to quickly become an American citizen, and to promptly file for his daughter to become a permanent U.S. resident. A similar bill has been introduced in the Senate by Senator Bennett Johnston and has been cosponsored by former Senator Dole, as well as Senators Bennett, Hatfield, Nickles, Shelby, Specter, Brown, and Inouye. It is my understanding that the Senate is prepared to pass our bill quickly once we send it to them.

Without passage of this bill, Major An will not be able to resolve his immigration status and could ultimately be forced to return to Vietnam where he would face an uncertain future. Even if he is allowed to remain here, the uncertainty of his status prevents him from obtaining employment, and creates terrible concern and anguish for him and his daughter.

Private bills are certainly an extreme measure, and should be given close scrutiny. However, in this case, I believe a private bill is clearly warranted. The Immigration and Naturalization Service has found that, other than enactment of this bill, Major An and his daughter have no other options. The House Judiciary Committee unanimously approved this measure by voice vote.

This country owes Major An a debt of gratitude. He is a decorated war veteran who risked his own life to save the lives of four American servicemen, and lost his arms during a U.S. combat mission. The least that our country can do to honor his service to America is to secure his place here in America, and to help him to quickly become a citizen of his adopted country.

Mr. Speaker, I urge my colleagues to support this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Nguyen Quy An."

A motion to reconsider was laid on the table.

GAIL E. DOBERT

The Clerk called the bill (H.R. 4025) for the relief of the estate of Gail E. Dobert.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COMMENDING OPERATION SAIL

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 64) to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Ms. DeLAURO. Reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. Gilman] for an explanation of the legislation.

Mr. GILMAN. Mr. Speaker, this resolution commends Operation Sail for its advancement of international cooperation among nations, for its continuing commemoration of the history of the United States and its contribution to the training of young cadets in the skills of seamanship.

The bill encourages all Americans and citizens of the world to join in the celebration of the 224th birthday of the United States.

Equally important, it encourages continued American participation in the international tall ship community and in tall ship events across the United States and the world.

Ms. DELAURO. Mr. Speaker, I rise in support of my Republican colleague's request to pass Senate Joint Resolution 64 by unanimous consent request. Senate Joint Resolution 64 is a bipartisan resolution honoring the Operation Sail Organization and OpSail 2000, an international gathering of tall ships that will take place in New York Harbor to celebrate the 224th birthday of the United States and to welcome the new millennium.

This glorious event follows the tradition of the previous OpSail events: OpSail '76 which celebrated the bicentennial of the Nation; OpSail '86 which celebrated the centennial of the Statue of Liberty; and, OpSail '92 which celebrated the 500th anniversary of Columbus' discovery of North America. Operation Sail has worked in cooperation with every President of the United States since John F. Kennedy, and all OpSail events have been endorsed by the President of the United States at that time.

OpSail 2000 is expected to be the largest gathering of tall ships in history, and it will foster international good will and the advancement of brotherhood among nations. In addition, OpSail 2000 will showcase the beautiful Connecticut coast of the Long Island Sound for all the world to see. We look forward to this exciting even of which all Americans can be proud.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, just to add my voice to this resolution, it is truly bipartisan, Mr. DODD and Mr. D'AMATO in the Senate and others, and just to say that this is an exciting opportunity for this country.

Operation Sail expects the largest gathering of tall sailing ships ever to be assembled, and I thank my colleague from New York for helping to bring this out.

Ms. DELAURO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 64

Whereas Operation Sail is a nonprofit corporation dedicated to building good will among nations and encouraging international camaraderie;

Whereas Operation Sail has represented and promoted the United States of America in the international tall ship community since 1964, organizing and participating in numerous tall ship events across the United States and around the world;

Whereas Operation Sail has worked in partnership with every American President since President John F. Kennedy;

Whereas Operation Sail has established a great tradition of celebrating major events and milestones in United States history with a gathering of the world's tall ships, and will continue this great tradition with a gathering of ships in New York Harbor, called OpSail 2000, to celebrate the 224th birthday of the United States of America and to welcome the new millennium;

Whereas President Clinton has endorsed OpSail 2000, as Presidents Kennedy, Carter, Reagan, and Bush have endorsed Operation Sail in previous endeavors;

Whereas OpSail 2000 promises to be the largest gathering in history of tall ships and other majestic vessels like those that have sailed the ocean for centuries;

Whereas in conjunction with OpSail 2000, the United States Navy will conduct an International Naval Review; and

Whereas the International Naval Review will include a naval aircraft carrier as a symbol of the international good will of the United States of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Operation Sail is commended for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship;

(2) all Americans and citizens of nations around the world are encouraged to join in the celebration of the 224th birthday of the United States of America and the international camaraderie that Operation Sail and the International Naval Review will foster; and

(3) Operation Sail is encouraged to continue into the next millennium to represent and promote the United States of America in the international tall ship community, and to continue organizing and participating in tall ship events across the United States and around the world.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Joint Resolution 64.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

OMNIBUS CIVIL SERVICE REFORM ACT OF 1996

Mr. MICA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3841), to amend the civil service laws of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. MORAN. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida [Mr. MICA], the subcommittee chairman, to explain the changes in the bill.

Mr. MICA. Mr. Speaker, yesterday the House voted on this legislation. Although a majority of the House voted for the bill, we fell short of the two-thirds required to suspend the rules and pass this legislation. Unfortunately the controversy centered on section 201 of that legislation and that version which we have deleted in this amendment. Under that section, the current rules on reduction in force would have been changed to give greater weight to job performance in determining which employees are retained. It would have been easier for the agencies, in fact, to keep their best employees when they downsize. Taxpayers and talented, conscientious Federal employees, I believe, would have benefited from this change. However, yesterday, Mr. Speaker, on this floor we did not get the two-thirds necessary to pass that provision.

Mr. Speaker, yesterday on the floor, the distinguished gentlewoman from Maryland [Mrs. MORELLA], the distinguished gentleman from Virginia [Mr. MORAN], the gentleman from Virginia [Mr. WOLF], and the gentleman from Virginia [Mr. DAVIS] all spoke eloquently of the benefits to Federal employees contained in this legislation. They explained how its provisions, many of which they authored, would have softened the impact of Federal Government downsizing. I thank them for their support yesterday and for their honest efforts on behalf of our hardworking Federal employees.

Mr. Speaker, I have discussed this matter with these distinguished Members and others, and I know how hard they all work to provide these important protections to our Federal employees who are, in fact, caught up in downsizing. I am not willing to allow any special interests to frustrate their work or to prevent this House from providing those protections to all Federal employees on a bipartisan basis. That is why I brought this version of the bill forward to the floor today, and I hope that again in this fashion that we can pass this in unanimous consent. I thank the gentleman from Virginia [Mr. MORAN], the ranking member of our subcommittee, for his leadership, and others.

Mr. MORAN. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from Florida [Mr. MICA] for explaining the change that he has made from the bill that we brought up yesterday and that failed to get the two-thirds majority necessary.

I also particularly want to thank them for bringing the bill back today without that controversial provision which prevented us from being able to move it on to the Senate yesterday.

We have an opportunity today to enact legislation that will have a very positive impact upon the lives of our Nation's civil servants. As I said yesterday, this legislation is the culmination of the work of the Subcommittee on Civil Service over the past 6 months. It contains important provisions that provide needed benefits for Federal Employees. For example, the bill contains provisions, originally offered by the administration, that improve the agencies' management flexibility through a demonstration projects program and individual agencies can choose to participate in and determine what types of flexibilities enhance program performance.

The bill provides a number of provisions designed to help employees undergoing reductions in force. These provisions allow an employee to continue to participate in the government life insurance programs provided that they pay both the employer and employee contribution. It would allow an employee who loses their job due to a reduction in force to continue to participate in the Federal employee health benefits program for 18 months with the Federal share being paid. It also establishes a priority placement program in education assistance grants to help displaced Federal employees improve their competitiveness in the job market through greater education.

The provision with which a majority of Democrats disagree has been deleted from this draft. With section 201 removed, this legislation is supported by the gentlewoman from Illinois [Mrs. COLLINS], the ranking member; by the gentlewoman from Florida [Mrs. MEEK] and all the Federal employee unions. That should get the Democratic support that we were looking for, and I hope we can quickly pass this legislation and send it over to the Senate for their immediate consideration.

Further reserving the right to object, Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, we are back today to reconsider a bill to improve our Civil Service system and help Federal employees cope with downsizing. This is the same bill that we considered yesterday, except without section 201, a controversial provision to enhance performance management. This provision should have been removed in the first place, but I appreciate the willingness of Civil Service Subcommittee Chairman MICA to take it out today. While I certainly believe that we should promote people based on merit and reward outstanding performers through enhanced performance management, we did not have time to work out a fair compromise to section 201. For that reason, it should not have been in the bill yesterday.

Throughout this Congress, I have pursued a legislative strategy to help Federal employees and agencies cope with downsizing. We have the responsibility to help our dedicated civil servants through this difficult time, and although I think we should go much further, this bill is a good start.

It provides important retraining provisions to equip Federal employees for private sector jobs, and it includes a soft-landings package to ease the pain of downsizing for Federal employees. When a long-time Federal employee faces a reduction-in-force, he or she needs help. Under this bill, separated Federal employees would be able to continue their health and life insurance benefits, receive job training and counseling geared toward the private sector, and receive money to return to school. Mr. Speaker, this is the least we can do.

I want to thank the other Members who have contributed so much to this legislation; JIM MORAN, TOM DAVIS, and FRANK WOLF, and I strongly urge its passage today.

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Mr. MORAN. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Illinois, Mrs. CARDISS COLLINS, the ranking Democratic member of the committee, to give what may be her last speech before this body. It is fitting that it be on behalf of public servants.

Mrs. COLLINS of Illinois. Mr. Speaker, I certainly appreciate the hard work that has gone into creating this Omnibus Civil Service Reform Act. I want to thank the gentleman from Florida [Mr. MICA] for his willingness to help us get rid of section 201, which was very controversial, even though I know he wanted so badly to keep it in there. But he at least heard what we had to say. We talked with him on the floor, we talked with him on the telephone, we talked with him even in the picture-taking today. He assured me that he was going to work very hard at this.

I want to also thank the ranking member of the Subcommittee on Civil Service, Mr. MORAN, for the hard work that he has done. Since yesterday we have all been almost constantly in touch with each other. This is a fine piece of legislation. There are very good things here for civil service workers. I in the State of Illinois have a large number of civil service workers, as do all of us here.

I think this is a great piece of legislation. I commend everyone who worked on it, including all the staff members in our committees as well as other committees who have worked on this. I thank the gentleman very much for this wonderful legislation.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. MORAN. Further reserving the right to object, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I appreciate the gentleman yielding, albeit very briefly. I did want to follow up on one of the gentleman's comments regarding the gentlewoman from Illinois [Mrs. COLLINS] and her long service here in this institution and the tremendous contributions that she has made, not just on this legislation, but on important areas of airline safety, of sports equity, workers' rights, and humanitarian causes that have benefited people in our country and across the globe.

As the gentlewoman finishes her service here in the Congress, it is important for the record and for the history books to note that she is the longest serving woman of African-American descent to have served in this body, and done so in such a distinguished manner for so many years. I wanted to call our colleagues' special attention to her and to thank her on behalf of the people of this institution and our country. I thank you, Mrs. COLLINS. It has been an honor to serve with you.

Mrs. COLLINS of Illinois. Mr. Speaker, if the gentleman will continue to yield further, I must say how wonderful it has been to serve in this body since June 7, 1973. I have met so many wonderful people, all of you, in fact; and those here before, many of us got to know so very, very well. It has been a great experience.

I could not have done a better thing than to have the opportunity and the honor of serving the people of the 7th Congressional District of Illinois, and knowing all of you. Thank you very much.

Mr. MORAN. Mr. Speaker, further reserving the right to object, we certainly thank the ranking member, the distinguished gentlewoman from Illinois, for so many reasons, and for so much contribution to the work of this body. We thank the gentlewoman from Ohio [Ms. KAPTUR] for her very appropriate remarks.

Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. MEEK] who presented such a spirited attack on section 201 yesterday.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding to me. I am very pleased to say thank you to the ranking member of the subcommittee, and to say to the chairman of the subcommittee, I know am very pleased at the kind of negotiations that we were able to put together, that we could work together in a consensus type fashion and come up with a bill which all of us can support. I certainly support this bill as it is presently constituted. I think what we have here is perhaps a fairer approach to the reduction in force process.

Mr. Speaker, I want to compliment the committee for the soft landing kinds of initiatives which they have in the bill, and the many other strong things that will help Federal workers, particularly when we are reducing in force. Certainly we want to pay tribute to the many Federal workers to whom this may apply. We want everyone to be treated fairly, and that is what this Congress wants to do. I do not feel any pull for any special interest in this, but more or less the interests of the people involved. That has been my major interest all along, in all of my career work in public life.

Mr. Speaker, I want to say again, by removing this I give my full support, and I know that the 11,000 Federal workers in my district and the almost 2 million throughout the country will be grateful. I thank the gentleman very much.

Mr. MORAN. Mr. Speaker, we thank the gentlewoman from Florida.

Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from Maryland [Mr. HOYER]. I want to thank him in advance of when this gets through for using his considerable influence in getting it through the Senate side, after this gets through the House.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for his comments. I appreciate his continuing efforts. Mr. Speaker, I will use whatever little influence I might have to do just that.

I want to congratulate the gentleman from Florida [Mr. MICA], and the gentleman from Virginia [Mr. DAVIS]. The legislative process is a process in which we try to come together and reach agreement.

Yesterday, there were some who disagreed with section 201 and there were some who agreed with section 201. I want to say, as I said yesterday, I think there is merit in the premise underlying 201, and will look forward to working together with both gentlemen to come up with a provision which does in fact say that we are not going to close our eyes and slavishly follow last in-first out. That is not a rational system. Both gentlemen were speaking to that. I understand that. I made the point that I thought the disparities were greater than perhaps, or the benefits of the outstanding performance, were greater than were appropriate.

However, having said that, Mr. Speaker, this is in the best traditions of the legislative process, because all of us, I think to a person, I will be surprised if either this comes to a vote or there is any vote against it, because in point of fact, it was a consensus that the provisions in this bill were important provisions for us to extend to Federal employees, particularly at this time, where we are going to probably have involuntarily removed employees and where the soft landing and the other provisions provided in this bill are going to be important to them.

While I disagreed with that particular provision, Mr. Speaker, I made it clear I agreed with the overwhelming majority of the work product of the committee. I congratulate them for bringing it back. I think this is in the best traditions of bipartisan legislative process, and I look forward to having this legislation passed.

Yes, I would tell the gentleman from Virginia, I will work, starting tonight, to try to make that happen.

Mr. MORAN. Mr. Speaker, continuing to reserve my right to object, I thank the distinguished gentleman from Maryland, and I thank him for recognizing the merits of section 201, too. I do think that at some point we have to figure out an appropriate way to recognize a person's performance as an important criteria is determining who should get riffed in periods of downsizing. I do not believe that pure seniority should be the only governing factor in determining who gets riffed. The fact is that everyone is not equal. Everyone does not produce equal levels of effort. There ought to be some way to sufficiently recognize people's contribution to the performance of a program and their dedication to its mission.

Having said that, we have a bill that is of substantial benefit to Federal employees, particularly those who would be adversely affected by RIF's, by downsizing of the Federal Government, which we know is inevitable, and will inevitably continue for the next several years.

This provides important soft landing features, and enables them to get preference in being hired for other functions within the agencies, and extends their health and life insurance, gives them some educational assistance. It is the right thing to do. I urge all my colleagues to support it.

Mr. MICA. Mr. Speaker, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Florida.

Mr. MICA. Mr. Speaker, before the gentleman withdraws his objections, I just want to take one moment and recognize the chairman, the gentleman from Pennsylvania [Mr. CLINGER], and our ranking member, the gentlewoman from Illinois [Mrs. COLLINS], both of whom are retiring and have done yeoman's service.

Chairing this subcommittee has been like a ride at Disney World; it has had it ups and downs. I want to also thank the staff. They had 54 staffers that handled civil service issues. We have done it with seven. We have held a record number of hearings.

To the gentleman from Virginia [Mr. MORAN] to serve alongside him has been an honor and privilege to me, for us working together. Sometimes people see the conflict of this place and the heated discussion, and heaven knows, I have added to some of that. But I think today, when we have finished our last committee meeting the gentlewoman from Maryland [Mrs. MORELLA] came over and kissed and hugged the gentlewoman from Illinois [Mrs. COLLINS] and they both said how much they were going to miss each other, people do not see that or appreciate the relationship and camaraderie that goes on here and blossoms here.

I thank the gentleman, and I thank him for also lifting his objections to this.

Mr. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. MORAN. Further reserving the right to object. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Speaker, I thank the gentleman for yielding to me.

I am glad we are here where we are today, Mr. Speaker. Section 201, despite its controversy, is out of the bill now. We can accomplish some of the things that I think everybody agrees need to happen for Federal employees as we experience this downsizing over the next few years, the fact that some parts of the life insurance, health insurance payably by the Federal Government, will be continued during those downsizing times. There will be some job preference for Federal employees and future openings at the Federal level, training. These are things that need to be done.

We have to be sensitive. Federal workers have undergone some very, very difficult times in the last few years, and I think this is one measure which will be some good news at a time that has otherwise sent the wrong message, if we are to try to continue to bring the best and brightest to Washington to work in the Civil Service.

We still have a great Civil Service. I think this is bringing some appropriate recognition to them, and some tangible results as we go through some difficult times in the years ahead.

I want to thank the chairman, the gentleman from Florida, Mr. MICA, the ranking member and my friend, the gentleman from northern Virginia, JIM MORAN, the gentleman from Virginia, FRANK WOLF, who helped introduce some of these soft landing provisions, the gentlewoman from Maryland, Mrs. MORELLA, and the gentlewoman from the District of Columbia, Ms. NORTON, and others who have worked so hard.

I thank the gentlewoman from Illinois, Mrs. COLLINS, her for efforts in bringing this forward after yesterday's defeat under suspension. I think we are about at the time where we can move it through this body, send it to the other body, and I hope we can get a favorable result in the waning hours of this Congress. I thank the gentleman for yielding.

Mr. MORAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Civil Service Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEMONSTRATION PROJECTS

Sec. 101. Demonstration projects.

TITLE II—SIMPLIFYING APPEALS

Sec. 201. Elimination of mixed-case procedures.
Sec. 202. Appeal to Merit Systems Protection Board as exclusive administrative remedy.
Sec. 203. Agency flexibility and encouraging the use of alternative dispute resolution techniques.
Sec. 204. Effective date.

TITLE III—PERFORMANCE MANAGEMENT ENHANCEMENT

Sec. 301. Increased weight given to performance for order-of-retention purposes in a reduction in force.
Sec. 302. No appeal of denial of periodic step-increases.
Sec. 303. Performance appraisals.
Sec. 304. Amendments to incentive awards authority.
Sec. 305. Due process rights of managers under negotiated grievance procedures.
Sec. 306. Collection and reporting of training information.

TITLE IV—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Subtitle A—Additional Investment Funds for the Thrift Savings Plan

Sec. 401. Short title.
Sec. 402. Additional investment funds for the Thrift Savings Plan.
Sec. 403. Acknowledgement of investment risk.
Sec. 404. Effective date.

Subtitle B—Thrift Savings Account Liquidity

Sec. 411. Short title.
Sec. 412. Notice to spouses for in-service withdrawals; de minimus accounts; Civil Service Retirement System participants.
Sec. 413. In-service withdrawals; withdrawal elections, Federal Employees Retirement System participants.
Sec. 414. Survivor annuities for former spouses; notice to Federal Employees Retirement System spouses for in-service withdrawals.
Sec. 415. De minimus accounts relating to the judiciary.
Sec. 416. Definition of basic pay.
Sec. 417. Eligible rollover distributions.
Sec. 418. Effective date.

Subtitle C—Other Provisions Relating to the Thrift Savings Plan

Sec. 421. Percentage limitations on contributions.
Sec. 422. Loans under the Thrift Savings Plan for furloughed employees.
Sec. 423. Immediate participation in the Thrift Savings Plan.

Subtitle D—Resumption of Certain Survivor Annuities That Terminated by Reason of Marriage

Sec. 431. Resumption of certain survivor annuities that terminated by reason of marriage.

Subtitle E—Life Insurance Benefits

Sec. 441. Domestic relations orders.
Sec. 442. Exception from provisions requiring reduction in additional optional life insurance.
Sec. 443. Temporary continuation of Federal employees' life insurance.

TITLE V—REORGANIZATION FLEXIBILITY

Sec. 501. Voluntary reductions in force.
Sec. 502. Nonreimbursable details to Federal agencies before a reduction in force.

TITLE VI—SOFT-LANDING PROVISIONS

Sec. 601. Continued eligibility for life insurance.
Sec. 602. Continued eligibility for health insurance.
Sec. 603. Priority placement programs for Federal employees affected by a reduction in force.
Sec. 604. Job placement and counseling services.
Sec. 605. Education and retraining incentives.

TITLE VII—MISCELLANEOUS

Sec. 701. Reimbursements relating to professional liability insurance.
Sec. 702. Employment rights following conversion to contract.
Sec. 703. Debarment of health care providers found to have engaged in fraudulent practices.
Sec. 704. Extension of certain procedural and appeal rights to certain personnel of the Federal Bureau of Investigation.
Sec. 705. Conversion of certain excepted service positions in the United States Fire Administration to competitive service positions.
Sec. 706. Eligibility for certain survivor annuity benefits.

TITLE I—DEMONSTRATION PROJECTS

SEC. 101. DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—Paragraph (1) of section 4701(a) of title 5, United States Code, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) PRE-IMPLEMENTATION PROCEDURES.—Subsection (b) of section 4703 of title 5, United States Code, is amended to read as follows:

"(b) Before an agency or the Office may conduct or enter into any agreement or contract to conduct a demonstration project, the Office—

"(1) shall develop or approve a plan for such project which identifies—

"(A) the purposes of the project;

"(B) the methodology;

"(C) the duration; and

"(D) the methodology and criteria for evaluation;

"(2) shall publish the plan in the Federal Register;

"(3) may solicit comments from the public and interested parties in such manner as the Office considers appropriate;

"(4) shall obtain approval from each agency involved of the final version of the plan; and

"(5) shall provide notification of the proposed project, at least 30 days in advance of the date any project proposed under this section is to take effect—

"(A) to employees who are likely to be affected by the project; and

"(B) to each House of the Congress.".

(c) NONWAIVABLE PROVISIONS.—Section 4703(c) of title 5, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) any provision of subchapter V of chapter 63 or subpart G of this title;"; and

(2) by striking paragraph (3) and inserting the following:

"(3) any provision of chapter 15 or subchapter II or III of chapter 73 of this title;".

(d) LIMITATIONS.—Subsection (d) of section 4703 of title 5, United States Code, is amended to read as follows:

"(d)(1) Each demonstration project shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that the project may continue for a maximum of 2 years beyond the date to the extent necessary to validate the results of the project.

"(2)(A) Not more than 15 active demonstration projects may be in effect at any time, and of the projects in effect at any time, not more than 5 may involve 5,000 or more individuals each.

"(B) Individuals in a control group necessary to validate the results of a project shall not, for purposes of any determination under subparagraph (A), be considered to be involved in such project.".

(e) CONDITION RELATING TO BARGAINING AGREEMENTS.—Paragraph (1) of section 4703(f) of title 5, United States Code, is amended by striking "(as defined in section 7103(8) of this title)" and inserting "(as defined in section 7103(8), excluding any agreements entered into or renewed after the date of the enactment of the Omnibus Civil Service Reform Act of 1996)".

(f) EVALUATIONS.—Subsection (h) of section 4703 of title 5, United States Code, is amended by adding at the end the following: "The Office may, with respect to a demonstration project conducted by another agency, require that the preceding sentence be carried out by such other agency.".

(g) PROVISIONS FOR TERMINATION OF PROJECT OR MAKING IT PERMANENT.—Section 4703 of title 5, United States Code, is amended—

(1) in subsection (i) by inserting "by the Office" after "undertaken"; and

(2) by adding at the end the following:

"(j)(1) If the Office determines that termination of a demonstration project (whether under subsection (e) or otherwise) would result in the inequitable treatment of employees who participated in the project, the Office shall take such corrective action as is within its authority. If the Office determines that legislation is necessary to correct an inequity, it shall submit an appropriate legislative proposal to both Houses of Congress.

"(2) If the Office determines that a demonstration project should be made permanent, it shall submit an appropriate legislative proposal to both Houses of Congress.".

TITLE II—SIMPLIFYING APPEALS

SEC. 201. ELIMINATION OF MIXED-CASE PROCEDURES.

(a) IN GENERAL.—Section 7702, paragraph (2) of section 7703(b), and the last sentence of section 7121(d) of title 5, United States Code, are repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The item relating to section 7702 in the table of sections at the beginning of chapter 77 of title 5, United States Code, is repealed.

(2) Section 7701(e)(1) of title 5, United States Code, is amended—

(A) by striking "(e)(1) Except as provided in section 7702 of this title, any" and inserting "(e) Any";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) by striking "subparagraph (A) of this paragraph." and inserting "paragraph (1).".

(3) Section 753(e)(1) of title 31, United States Code, is amended by striking "sections 7701 and 7702" and inserting "section 7701".

(4) Section 7703(c) of title 5, United States Code, is amended by striking the semicolon at the end of paragraph (3) and all that follows through "court." and inserting a period.

SEC. 202. APPEAL TO MERIT SYSTEMS PROTECTION BOARD AS EXCLUSIVE ADMINISTRATIVE REMEDY.

(a) IN GENERAL.—Section 7701(b)(1) of title 5, United States Code, is amended by striking "(b)(1)" and inserting "(b)(1)(A)" and by adding at the end the following:

"(B) Notwithstanding any other provision of law, rule, or regulation, an appeal under this section shall be the exclusive administrative remedy for any action by an employee or applicant who—

"(i) has been affected by an action which the employee or applicant may appeal to the Merit Systems Protection Board; and

"(ii) alleges that a basis for the action was discrimination prohibited by—

"(I) section 717 of the Civil Rights Act of 1964;

"(II) section 6(d) of the Fair Labor Standards Act of 1938;

"(III) section 501 of the Rehabilitation Act of 1973;

"(IV) sections 12 and 15 of the Age Discrimination in Employment Act of 1967; or

"(V) any rule, regulation, or policy directive prescribed under any provision of law described in subclauses (I) through (IV).

"(C) In lieu of filing an appeal under this section, an employee or applicant described in paragraph (B) may file a civil action under—

"(i) section 717(c) of the Civil Rights Act of 1964 or section 15(c) of the Age Discrimination in Employment Act of 1967, as applicable, within 90 days after receipt of notice of final action taken by the agency on a complaint of discrimination under a provision of law described in subclause (I), (III), or (IV) of subparagraph (B)(ii) or any rule, regulation, or policy directive prescribed under any such provision of law; or

"(ii) section 16(b) of the Fair Labor Standards Act of 1938 within 2 years (or, if the violation is willful, within 3 years) after the date of an alleged violation of section 6(d) of the Fair Labor Standards Act of 1938 or any rule, regulation, or policy directive prescribed thereunder.".

(b) PETITION FOR BOARD REVIEW.—(1) Section 7701(e)(1)(A) of title 5, United States Code, is amended by striking "a party to the appeal or the Director" and inserting "a party to the appeal, the Director, or the Equal Employment Opportunity Commission".

(2) Subsection (e) of section 7701 of title 5, United States Code, is amended by adding at the end the following:

"(3) The Equal Employment Opportunity Commission may petition the Board for review under paragraph (1) only if the Commission is of the opinion that the decision is erroneous and will have a substantial impact on any equal employment opportunity law, rule, or regulation under the jurisdiction of the Commission.".

(3) Subsection (d) of section 7703 of title 5, United States Code, is amended to read as follows:

"(d)(1) The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive.

"(2) The Equal Employment Opportunity Commission may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Commission determines, in its discretion, that the Board erred in interpreting an equal employment opportunity law and that the Board's decision will have a substantial impact on an equal employment opportunity law, rule, regulation, or policy directive.

"(3) If the Director or the Commission did not intervene in a matter before the Board, the Director or the Commission may not petition for review of a Board decision under this section unless the Director or the Commission first petitions the Board for reconsideration of its decision, and such petition is denied.

"(4) In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for review shall be at the discretion of the Court of Appeals, except that it may not deny a petition for review solely because it disagrees with the determination of the Director or the Commission that the Board's decision will have a substantial impact on a law, rule, regulation, or policy directive within their jurisdiction. The Court of Appeals shall require payment by the Director or the Commission, as appropriate, of reasonable attorney fees incurred by the other parties if, after rendering a decision on the merits of the petition, the court determines that the Board's decision would not have had a substantial impact on a law, rule, regulation, or policy directive within their jurisdiction.".

SEC. 203. AGENCY FLEXIBILITY AND ENCOURAGING THE USE OF ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES.

(a) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by adding at the end the following:

"§ 7704. Alternative dispute resolution techniques

"Notwithstanding any other provision of law, each agency (including the United States Postal Service, the Postal Rate Commission, and the Tennessee Valley Authority) shall have the authority to develop an internal procedure under which its employees may file with the agency a complaint of discrimination by the agency under the laws described in subclauses (I) through (V) of section 7701(b)(1)(B)(ii), or any other matter appealable to the Merit Systems Protection Board or the Federal Labor Relations Authority. Agencies are encouraged to use alternative dispute resolution techniques in order to resolve such complaints. An agency may require its employees to exhaust such internal procedure for a period not to exceed 90 days before seeking external administrative or judicial review under this chapter. To the extent that a private entity may do so, an agency may require employees to submit to alternative dispute resolution techniques in lieu of other administrative or judicial review.".

(b) TASK FORCE.—In order to encourage the use of alternative dispute resolution techniques in resolving personnel-related disputes within the Federal Government, the Chairman of the Merit Systems Protection Board shall, in consultation with the Chairman of the Equal Employment Opportunity Commission, the Chairman of the Federal Labor Relations Authority, the Director of the Office of Personnel Management, the Special Counsel, and the Director of the Federal Mediation and Conciliation Service, organize and chair a task force—

(1) to study and evaluate the use of alternative dispute resolution techniques in resolving Federal personnel disputes;

(2) to facilitate the exchange of information between agencies;

(3) to examine and evaluate alternative dispute resolution techniques used in the private sector for possible application to Federal personnel disputes; and

(4) to issue a report to Congress no later than 18 months after the date of enactment of this Act on the use of alternative dispute resolution techniques in personnel disputes by Federal agencies, including Federal adjudicatory agencies.

The Merit Systems Protection Board shall provide administrative support to the task force.

SEC. 204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect 6 months after the date of the enactment of this Act.

(b) TASK FORCE.—Subsection (b) of section 203 shall take effect on the date of the enactment of this Act.

(c) SAVINGS PROVISION.—Matters or proceedings pending as of, and continuing after, the effective date of this title shall continue as if this title had not been enacted.

TITLE III—PERFORMANCE MANAGEMENT ENHANCEMENT

SEC. 301. INCREASED WEIGHT GIVEN TO PERFORMANCE FOR ORDER-OF-RETENTION PURPOSES IN A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3502 of title 5, United States Code, is amended—

(1) in subsection (a)(4) by striking "ratings." and inserting "ratings, in conformance with the requirements of subsection (g)."; and

(2) by adding at the end the following:

"(g)(1) The regulations prescribed to carry out subsection (a)(4) shall be the regulations in effect, as of January 1, 1996, under section 351.504 of title 5 of the Code of Federal Regulations, except as otherwise provided in this subsection.

"(2) For purposes of this subsection—

"(A) subsections (b)(4) and (e) of such section 351.504 shall be disregarded;

"(B) subsection (d) of such section 351.504 shall be considered to read as follows:

"'(d)(1) The additional service credit an employee receives for performance under this subpart shall be expressed in additional years of service and shall consist of the sum of the employee's 3 most recent (actual and/or assumed) annual performance ratings received during the 4-year period prior to the date of issuance of reduction-in-force notices or the 4-year period prior to the agency-established cutoff date (as appropriate), computed in accordance with paragraph (2) or (3) (as appropriate).

"'(2) Except as provided in paragraph (3), an employee shall receive—

"'(A) 5 additional years of service for each performance rating of fully successful (Level 3) or equivalent;

"'(B) 7 additional years of service for each performance rating of exceeds fully successful (Level 4) or equivalent; and

"'(C) 10 additional years of service for each performance rating of outstanding (Level 5) or equivalent.

"'(3)(A) If the employing agency uses a rating system having only 1 rating to denote performance which is fully successful or better, then an employee under such system shall receive 5 additional years of service for each such rating.

"'(B) If the employing agency uses a rating system having only 2 ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

"'(i) 5 additional years of service for each performance rating at the lower of those 2 ratings; and

"'(ii) 7 additional years of service for each performance rating at the higher of those 2 ratings.

"'(C) If the employing agency uses a rating system having 3 or more ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

"'(i) 5 additional years of service for each performance rating at the lowest of those 3 or more ratings;

"'(ii) 7 additional years of service for each performance rating at the next rating above the rating referred to in clause (i); and

"'(iii) 10 additional years of service for each performance rating above the rating referred to in clause (ii).

"'(D) For purposes of this paragraph, a rating shall not be considered to denote performance which is fully successful or better unless, in order to receive such rating, such performance must satisfy all requirements for a fully successful rating (Level 3) or equivalent, as established under part 430 of this chapter (as in effect as of January 1, 1996).'; and

"(C) subsection (c) of such section shall be considered to read as follows:

"'(c)(1) Service credit for employees who do not have 3 actual annual performance ratings of record received during the 4-year period prior to the date of issuance of reduction-in-force notices, or the 4-year period prior to the agency-established cutoff date for ratings permitted in subsection (b)(2) of this section, shall be determined in accordance with paragraph (2).

"'(2) An employee who has not received 1 or more of the 3 annual performance ratings of record required under this section shall—

"'(A) receive credit for performance on the basis of the rating or ratings actually received (if any); and

"'(B) for each performance rating not actually received, be given credit for 5 additional years of service.'.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reductions in force taking effect on or after October 1, 1999.

SEC. 302. NO APPEAL OF DENIAL OF PERIODIC STEP-INCREASES.

(a) IN GENERAL.—Section 5335(c) of title 5, United States Code, is amended—

(1) by striking the second sentence;

(2) in the third sentence by striking "or appeal"; and

(3) in the last sentence by striking "and the entitlement of the employee to appeal to the Board do not apply" and inserting "does not apply".

(b) PERFORMANCE RATINGS.—Section 5335 of title 5, United States Code, as amended by subsection (a), is further amended—

(1) in subsections (a)(B) and (c) by striking "of an acceptable level of competence" and inserting "at least fully successful";

(2) in the last sentence of subsection (c) by striking "acceptable level of competence" and inserting "fully successful work performance"; and

(3) by adding at the end the following:

"(g) For purposes of this section, the term 'fully successful' has a meaning similar to that given under section 351.504(d)(3)(D) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 301(a)(2) of the Omnibus Civil Service Reform Act of 1996).".

SEC. 303. PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Section 4302 of title 5, United States Code, is amended—

(1) in subsection (b) by striking paragraphs (5) and (6) and inserting the following:

"(5) assisting employees in improving unacceptable performance, except in circumstances described in subsection (c); and

"(6) reassigning, reducing in grade, removing, or taking other appropriate action against employees whose performance is unacceptable."; and

(2) by adding at the end the following:

"(c) Upon notification of unacceptable performance, an employee shall be afforded an opportunity to demonstrate acceptable performance before a reduction in grade or removal may be proposed under section 4303 based on such performance, except that an employee so afforded such an opportunity shall not be afforded any further opportunity to demonstrate acceptable performance if the employee's performance again is determined to be at an unacceptable level.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply in the case of any proposed action as to which the employee receives advance written notice, in accordance with section 4303(b)(1)(A) of title 5, United States Code, before the effective date of this section.

SEC. 304. AMENDMENTS TO INCENTIVE AWARDS AUTHORITY.

Chapter 45 of title 5, United States Code, is amended—

(1) by amending section 4501 to read as follows:

"§ 4501. Definitions

"For the purpose of this subchapter—

"(1) the term 'agency' means—

"(A) an Executive agency;

"(B) the Library of Congress;

"(C) the Office of the Architect of the Capitol;

"(D) the Botanic Garden;

"(E) the Government Printing Office; and

"(F) the United States Sentencing Commission;

but does not include—

"(i) the Tennessee Valley Authority; or

"(ii) the Central Bank for Cooperatives;

"(2) the term 'employee' means an employee as defined by section 2105; and

"(3) the term 'Government' means the Government of the United States."; and

(2) by amending section 4503 to read as follows:

"§ 4503. Agency awards

"(a) The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

"(1) by his suggestion, invention, superior accomplishment, sustained superior performance, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

"(2) performs a special act or service in the public interest in connection with or related to his official employment.

"(b)(1) If the criteria under paragraph (1) or (2) of subsection (a) are met on the basis of the suggestion, invention, superior accomplishment, act, service, or other meritorious effort of a group of employees collectively, and if the circumstances so warrant (such as by reason of the infeasibility of determining the relative role or contribution assignable to each employee separately), authority under subsection (a) may be exercised—

"(A) based on the collective efforts of the group; and

"(B) with respect to each member of such group.

"(2) The amount awarded to each member of a group under this subsection—

"(A) shall be the same for all members of such group; and

"(B) may not exceed the maximum cash award allowable under subsection (a) or (b) of section 4502, as applicable.".

SEC. 305. DUE PROCESS RIGHTS OF MANAGERS UNDER NEGOTIATED GRIEVANCE PROCEDURES.

(a) IN GENERAL.—Paragraph (2) of section 7121(b) of title 5, United States Code, is amended to read as follows:

"(2) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply with respect to orders issued on or after the date of the enactment of this Act, notwithstanding the provisions of any collective bargaining agreement.

SEC. 306. COLLECTION AND REPORTING OF TRAINING INFORMATION.

(a) TRAINING WITHIN GOVERNMENT.—The Office of Personnel Management shall collect information concerning training programs, plans, and methods utilized by agencies of the Government and submit a report to the Congress on this activity on an annual basis.

(b) TRAINING OUTSIDE OF GOVERNMENT.—The Office of Personnel Management, to the extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and methods utilized outside the Government. The Office, on request, may make such information available to an agency and to Congress.

TITLE IV—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Subtitle A—Additional Investment Funds for the Thrift Savings Plan

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Thrift Savings Investment Funds Act of 1996".

SEC. 402. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);";

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out "and" at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out "paragraph (7)(D)" in each place it appears and inserting in each such place "paragraph (8)(D)"; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end thereof the following new paragraph:

"(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D)."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out "and" at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

"(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

"(E) an International Stock Index Investment Fund as provided in paragraph (4)."; and

(B) by adding at the end thereof the following new paragraphs:

"(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

"(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

"(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

"(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

SEC. 403. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3)," and inserting in lieu thereof "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),".

SEC. 404. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act, and the Funds established under this subtitle shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

Subtitle B—Thrift Savings Account Liquidity

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Thrift Savings Plan Act of 1996".

SEC. 412. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS.

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out "An election, change of election, or modification (relating to the commencement date of a deferred annuity)" and inserting in lieu thereof "An election or change of election";

(ii) by inserting "or withdrawal" after "and a loan";

(iii) by inserting "and (h)" after "8433(g)";

(iv) by striking out "the election, change of election, or modification" and inserting in lieu thereof "the election or change of election"; and

(v) by inserting "or withdrawal" after "for such loan"; and

(B) in subparagraph (D)—

(i) by inserting "or withdrawals" after "of loans"; and

(ii) by inserting "or (h)" after "8433(g)"; and

(2) in paragraph (6)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

SEC. 413. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS.

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

"(1) an annuity;

"(2) a single payment;

"(3) 2 or more substantially equal payments to be made not less frequently than annually; or

"(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

"(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

"(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

"(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

"(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.";

(2) in subsection (d)—

(A) in paragraph (1) by striking out "Subject to paragraph (3)(A)" and inserting in lieu thereof "Subject to paragraph (3)";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out "(A)"; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or" and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out "February 1" and inserting in lieu thereof "April 1";

(B) in subparagraph (A)—

(i) by striking out "65" and inserting in lieu thereof "70½"; and

(ii) by inserting "or" after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)—

(A) in paragraph (1) by striking out "after December 31, 1987, and"; and

(B) by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(6) by adding after subsection (g) the following new subsection:

"(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon—

"(A) the employee or Member having attained age 59½; or

"(B) financial hardship.

"(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

"(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

"(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

"(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.".

(b) Invalidity of Certain Prior Elections.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this title), with respect to an annuity which has not commenced before the implementation date of this title as provided by regulation by the Executive Director in accordance with section 407, shall be invalid.

SEC. 414. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS.

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out "may make an election under subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section" and inserting in lien thereof "may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election"; and

(B) by adding at the end thereof "A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out "An election, change of election, or modification of the commencement date of a deferred annuity" and inserting in lieu thereof "An election or change of election"; and

(ii) by striking out "modification, or transfer" and inserting in lien thereof "or transfer"; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out "modification,";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "or withdrawal" after "A loan";

(II) by inserting "and (h)" after "8433(g)"; and

(III) by inserting "or withdrawal" after "such loan";

(ii) in subparagraph (B) by inserting "or withdrawal" after "loan"; and

(iii) in subparagraph (C)—

(I) by inserting "or withdrawal" after "to a loan"; and

(II) by inserting "or withdrawal" after "for such loan"; and

(B) in paragraph (2)—

(i) by inserting "or withdrawal" after "loan"; and

(ii) by inserting "and (h)" after "8344(g)"; and

(4) in subsection (g)—

(A) by inserting "or withdrawals" after "loans"; and

(B) by inserting "and (h)" after "8344(g)".

SEC. 415. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY.

(a) Justices and Judges.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(2) by striking out "unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

(b) Bankruptcy Judges and Magistrates.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

(c) Federal Claims Judges.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

SEC. 416. DEFINITION OF BASIC PAY.

(a) In General.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out "except as provided in subchapter III of this chapter,".

(2) Section 8431 of title 5, United States Code, is repealed.

(b) Technical and Conforming Amendments.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out "8431,".

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out "section 8431 of title 5, United States Code,".

SEC. 417. ELIGIBLE ROLLOVER DISTRIBUTIONS.

Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) For the purpose of this subsection—

"(A) the term 'eligible rollover distribution' has the meaning given such term by section 402(c)(4) of the Internal Revenue Code of 1986; and

"(B) the term 'qualified trust' has the meaning given such term by section 402(c)(8) of the Internal Revenue Code of 1986.

"(2) An employee or Member may contribute to the Thrift Savings Fund an eligible rollover distribution from a qualified trust. A contribution made under this subsection shall be made in the form described in section 401(a)(31) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee's or Member's gross income for Federal income tax purposes.

"(3) The Executive Director shall prescribe regulations to carry out this subsection.".

SEC. 418. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act and withdrawals and elections as provided under the amendments made by this subtitle shall be made at the earliest practicable date as determined by the Executive Director in regulations.

Subtitle C—Other Provisions Relating to the Thrift Savings Plan

SEC. 421. PERCENTAGE LIMITATIONS ON CONTRIBUTIONS.

(a) Amendments Relating to FERS.—

(1) In general.—Subsection (a) of section 8432 of title 5, United States Code, is amended by striking "10 percent of".

(2) Justices and judges.—Subsection (b) of section 8440a of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively; and

(B) in paragraph (6) (as so redesignated by subparagraph (A)) by striking "paragraphs (4) and (5)" and inserting "paragraphs (3) and (4)".

(3) Bankruptcy judges and magistrates.—Subsection (b) of section 8440b of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(B) in paragraph (4) (as so redesignated by subparagraph (A)) by striking "paragraph (4)(A), (B), or (C)" and inserting "paragraph (3)(A), (B), or (C)"; and

(C) in paragraph (7) (as so redesignated by subparagraph (A)) by striking "Notwithstanding paragraph (4)," and inserting "Notwithstanding paragraph (3),".

(4) Court of federal claims judges.—Subsection (b) of section 8440c of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(B) in paragraph (4) (as so redesignated by subparagraph (A)) by striking "paragraph (4)(A) or (B)" and inserting "paragraph (3)(A) or (B)"; and

(C) in paragraph (7) (as so redesignated by subparagraph (A)) by striking "Notwithstanding paragraph (4)," and inserting "Notwithstanding paragraph (3),".

(5) Judges of the united states court of veterans appeals.—Paragraph (2) of section 8440d(b) of title 5, United States Code, is amended to read as follows:

"(2) For purposes of contributions made to the Thrift Savings Fund, basic pay does not include any retired pay paid pursuant to section 7296 of title 38.".

(b) Amendments Relating to CSRS.—Paragraph (2) of section 8351(b) of title 5, United States Code, is amended by striking "5 percent of".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect 6 months after the date of the enactment of this Act or such earlier date as the Executive Director may by regulation prescribe.

(2) Coordination with election periods.—The Executive Director shall by regulation determine the first election period in which elections may be made consistent with the amendments made by this section.

(3) Definitions.—For purposes of this subsection—

(A) the term "election period" means a period afforded under section 8432(b) of title 5, United States Code; and

(B) the term "Executive Director" has the meaning given such term by section 8401(13) of title 5, United States Code.

SEC. 422. LOANS UNDER THE THRIFT SAVINGS PLAN FOR FURLOUGHED EMPLOYEES.

Section 8433(g) of title 5, United States Code, is amended by adding at the end the following:

"(6) An employee who has been furloughed due to a lapse in appropriations may not be denied a loan under this subsection solely because such employee is not in a pay status.".

SEC. 423. IMMEDIATE PARTICIPATION IN THE THRIFT SAVINGS PLAN.

(a) Elimination of Certain Waiting Periods for Purposes of Employee Contributions.—Paragraph (4) of section 8432(b) of title 5, United States Code, is amended to read as follows:

"(4) The Executive Director shall prescribe such regulations as may be necessary to carry out the following:

"(A) Notwithstanding subparagraph (A) of paragraph (2), an employee or Member described in such subparagraph shall be afforded a reasonable opportunity to first make an election under this subsection beginning on the date of commencing service or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

"(B) An employee or Member described in subparagraph (B) of paragraph (2) shall be afforded a reasonable opportunity to first make an election under this subsection (based on the appointment or election described in such subparagraph) beginning on the date of commencing service pursuant to such appointment or election or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

"(C) Notwithstanding the preceding provisions of this paragraph, contributions under paragraphs (1) and (2) of subsection (c) shall not be payable with respect to any pay period before the earliest pay period for which such contributions would otherwise be allowable under this subsection if this paragraph had not been enacted.

"(D) Sections 8351(a)(2), 8440a(a)(2), 8440b(a)(2), 8440c(a)(2), and 8440d(a)(2) shall be applied in a manner consistent with the purposes of subparagraphs (A) and (B), to the extent those subparagraphs can be applied with respect thereto.

"(E) Nothing in this paragraph shall affect paragraph (3).".

(b) Technical and Conforming Amendments.—(1) Section 8432(a) of title 5, United States Code, is amended—

(A) in the first sentence by striking "(b)(1)" and inserting "(b)"; and

(B) by amending the second sentence to read as follows: "Contributions under this subsection pursuant to such an election shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.".

(2) Section 8432(b)(1)(B) of such title is amended by inserting "(or any election allowable by virtue of paragraph (4))" after "subparagraph (A)".

(3) Section 8432(b)(3) of such title is amended by striking "Notwithstanding paragraph (2)(A), an" and inserting "An".

(4) Section 8432(i)(1)(B)(ii) of such title is amended by striking "either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or".

(5) Section 8439(a)(1) of such title is amended by inserting "who makes contributions or" after "for each individual" and by striking "section 8432(c)(1)" and inserting "section 8432".

(6) Section 8439(c)(2) of such title is amended by adding at the end the following: "Nothing in this paragraph shall be considered to limit the dissemination of information only to the times required under the preceding sentence.".

(7) Sections 8440a(a)(2) and 8440d(a)(2) of such title are amended by striking all after "subject to" and inserting "subject to this chapter.".

(c) Effective Date.—This section shall take effect 6 months after the date of the enactment of this Act or such earlier date as the Executive Director (within the meaning of section 8401(13) of title 5, United States Code) may by regulation prescribe.

Subtitle D—Resumption of Certain Survivor Annuities That Terminated by Reason of Marriage

SEC. 431. RESUMPTION OF CERTAIN SURVIVOR ANNUITIES THAT TERMINATED BY REASON OF MARRIAGE.

(a) Civil Service Retirement System.—Section 8341(e) of title 5, United States Code, is amended by adding at the end the following:

"(4) If the annuity of a child under this subchapter terminates under paragraph (3)(E) because of marriage, then, if such marriage ends (whether by death of the spouse, divorce, or annulment), such annuity shall resume on the first day of the month in which the marriage ends, but only if—

"(A) any lump sum paid is returned to the Fund; and

"(B) that individual is not otherwise ineligible for such annuity.".

(b) Federal Employees' Retirement System.—Section 8443(b) of such title is amended by adding at the end the following: "If the annuity of a child under this subchapter terminates under subparagraph (E) because of marriage, then, if such marriage ends (whether by death of the spouse, divorce, or annulment), such annuity shall resume on the first day of the month in which the marriage ends, but only if any lump sum paid is returned to the Fund, and that individual is not otherwise ineligible for such annuity.".

(c) Health Benefits Program.—Section 8908 of title 5, United States Code, is amended by adding at the end the following:

"(d) An individual—

"(1) whose survivor annuity under section 8341(e) is terminated, and then later restored under paragraph (4) thereof, or

"(2) whose survivor annuity under section 8443(b) is terminated, and then later restored under the last sentence thereof,

may, under regulations prescribed by the Office, enroll in a health benefits plan described by section 8903 or 8903a if such individual was covered by any such plan immediately before such annuity so terminated.".

(d) Applicability.—The amendments made by this section shall apply with respect to any termination of marriage taking effect before, on, or after the date of the enactment of this Act, except that no amount shall be payable by reason of the amendments made by subsections (a) and (b), respectively, except to the extent of any amounts accruing for periods beginning on or after the first day of the first month beginning on or after the later of—

(1) the date of the enactment of this Act; or

(2) the date as of which termination of marriage takes effect.

Subtitle E—Life Insurance Benefits

SEC. 441. DOMESTIC RELATIONS ORDERS.

(a) In General.—Section 8705 of title 5, United States Code, is amended—

(1) in subsection (a) by striking "(a) The" and inserting "(a) Except as provided in subsection (e), the"; and

(2) by adding at the end the following:

"(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

"(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

"(3) A designation under this subsection with respect to any person may not be changed except—

"(A) with the written consent of such person, if received as described in paragraph (2); or

"(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

"(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.".

(b) Directed Assignment.—Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by adding at the end the following:

"(2) A court decree of divorce, annulment, or legal separation, or the terms of a court-approved property settlement agreement incidental to any court decree of divorce, annulment, or legal separation, may direct that an insured employee or former employee make an irrevocable assignment of the employee's or former employee's incidents of ownership in insurance under this chapter (if there is no previous assignment) to the person specified in the court order or court-approved property settlement agreement.".

SEC. 442. EXCEPTION FROM PROVISIONS REQUIRING REDUCTION IN ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) In General.—Subsection (c) of section 8714b of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) The amount of additional optional insurance continued under paragraph (2) shall be continued, without any reduction under the last two sentences thereof, if—

"(i) at the time of retirement, there is in effect a designation under section 8705 under which the entire amount of such insurance would be paid to an individual who is permanently disabled; and

"(ii) an election under subsection (d)(3) on behalf of such individual is made in timely fashion.

"(B) Notwithstanding subparagraph (A), any reduction required under paragraph (2) shall be made if—

"(i) the additional optional insurance is not in fact paid in accordance with the designation under section 8705, as in effect at the time of retirement;

"(ii) the Office finds that adequate arrangements have not been made to ensure that the insurance provided under this section will be used only for the care and support of the individual so designated; or

"(iii) the election referred to in subparagraph (A)(ii) terminates at any time before the death of the individual who made such election.

"(C) For purposes of this paragraph, the term 'permanently disabled' shall have the meaning given such term under regulations which the Office shall prescribe based on subparagraphs (A) and (C) of section 1614(a)(3) of the Social Security Act, except that, in applying subparagraph (A) of such section for purposes of this subparagraph, 'which can be expected to last permanently' shall be substituted for 'which has lasted or can be expected to last for a continuous period of not less than twelve months'.".

(b) CONTINUED WITHHOLDINGS.—Subsection (d) of such section 8714b is amended by adding at the end the following:

"(3)(A) To be eligible for unreduced additional optional insurance under subsection (c)(3), the insured individual shall be required to elect, at such time and in such manner as the Office by regulation requires (including procedures for demonstrating compliance with the requirements of subsection (c)(3)), to have the full cost thereof continue to be withheld from the former employee's annuity or compensation, as the case may be, beginning as of when such withholdings would otherwise cease under the second sentence of paragraph (1).

"(B) An election made by an insured individual under subparagraph (A) (and withholdings pursuant thereto) shall terminate in the event that—

"(i) the insured individual—

"(I) revokes such election; or

"(II) makes any redesignation or other change in the designation under section 8705 (as in effect at the time of retirement); or

"(ii) the Office finds, upon the application of the insured individual or on its own initiative, that any of the requirements or conditions for unreduced additional optional insurance under subsection (c)(3) are, at any time, no longer met.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ELECTION FOR CERTAIN INDIVIDUALS NOT OTHERWISE ELIGIBLE.—The Office of Personnel Management shall prescribe regulations under which an election under section 8714b(d)(3)(A) of title 5, United States Code (as amended by this section) may be made, within 1 year after the date of the enactment of this Act, by any individual not otherwise eligible to make such an election, but only if such individual—

(A) separated from service on or after the first day of the 50-month period ending on the date of enactment of this Act; and

(B) would have been so eligible had the amendments made by this section (and implementing regulations) been in effect as of the individual's separation date (or, if earlier, the last day for making such an election based on that separation).

(3) WITHHOLDINGS.—

(A) PROSPECTIVE EFFECT.—If an individual makes an election under paragraph (2), withholdings under section 8714b(d)(3)(A) of such title 5 shall thereafter be made from such individual's annuity or compensation, as the case may be.

(B) EARLIER AMOUNTS.—If, pursuant to such election, benefits are in fact paid in accordance with section 8714b(c)(3) of such title 5 upon the death of the insured individual, an appropriate reduction (computed under regulations prescribed by the Office) shall be made in such benefits to reflect the withholdings that—

(i) were not made (before the commencement of withholdings under subparagraph (A)) by reason of the cessation of withholdings under the second sentence of section 8714b(d)(1) of such title; but

(ii) would have been made had the amendments made by this section (and implementing regulations) been in effect as of the time described in paragraph (2)(B).

(4) NOTICE.—The Office shall, by publication in the Federal Register and such other methods as it considers appropriate, notify current and former Federal employees as to the enactment of this section and any benefits for which they might be eligible pursuant thereto. Included as part of such notification shall be a brief description of the procedures for making an election under paragraph (2) and any other information that the Office considers appropriate.

SEC. 403. TEMPORARY CONTINUATION OF FEDERAL EMPLOYEES' LIFE INSURANCE.

Section 8706 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) Notwithstanding subsections (a) and (b) of this section, an employee whose coverage under this chapter would otherwise terminate due to a separation described in paragraph (3) shall be eligible to continue basic insurance coverage described in section 8704 in accordance with this subsection and regulations the Office may prescribe, if the employee arranges to pay currently into the Employees Life Insurance Fund, through the former employing agency or, if an annuitant, through the responsible retirement system, an amount equal to the sum of—

"(A) both employee and agency contributions which would be payable if separation had not occurred; plus

"(B) an amount, determined under regulations prescribed by the Office, to cover necessary administrative expenses, but not to exceed 2 percent of the total amount under subparagraph (A).

"(2) Continued coverage under this subsection may not extend beyond the date which is 18 months after the effective date of the separation which entitles a former employee to coverage under this subsection. Termination of continued coverage under this subsection shall be subject to provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance as provided by subsection (a). If an eligible employee does not make an election for purposes of this subsection, the employee's insurance will terminate as provided by subsection (a).

"(3)(A) This subsection shall apply to an employee who, on or after the date of enactment of this subsection and before the applicable date under subparagraph (B)—

"(i) is involuntarily separated from a position due to a reduction in force, or separates voluntarily from a position the employing agency determines is a 'surplus position' as defined by section 8905(d)(4)(C); and

"(ii) is insured for basic insurance under this chapter on the date of separation.

"(B) The applicable date under this subparagraph is October 1, 1999, except that, for purposes of any involuntary separation referred to in subparagraph (A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 1999, the applicable date under this subparagraph is February 1, 2000.".

TITLE V—REORGANIZATION FLEXIBILITY

SEC. 501. VOLUNTARY REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended to read as follows:

"(f)(1) The head of an Executive agency or military department may—

"(A) separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

"(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

"(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force, except for purposes of priority placement programs and advance notice.

"(3) An employee with critical knowledge and skills (as defined by the head of the Executive agency or military department concerned) may not participate in a voluntary separation under paragraph (1)(A) if the agency or department head concerned determines that such participation would impair the performance of the mission of the agency or department (as applicable).

"(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

"(5) No authority under paragraph (1) may be exercised after September 30, 2001.".

SEC. 502. NONREIMBURSABLE DETAILS TO FEDERAL AGENCIES BEFORE A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3341 of title 5, United States Code, is amended to read as follows:

"§ 3341. Details; within Executive agencies and military departments; employees affected by reduction in force

"(a) The head of an Executive agency or military department may detail employees, except those required by law to be engaged exclusively in some specific work, among the bureaus and offices of the agency or department.

"(b) The head of an Executive agency or military department may detail to duties in the same or another agency or department, on a nonreimbursable basis, an employee who has been identified by the employing agency as likely to be separated from the Federal service by reduction in force or who has received a specific notice of separation by reduction in force.

"(c)(1) Details under subsection (a)—

"(A) may not be for periods exceeding 120 days; and

"(B) may be renewed (1 or more times) by written order of the head of the agency or department, in each particular case, for periods not exceeding 120 days each.

"(2) Details under subsection (b)—

"(A) may not be for periods exceeding 90 days; and

"(B) may not be renewed.

"(d) The 120-day limitation under subsection (c)(1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

"(1) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

"(2) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

"(e) For purposes of this section—

"(1) the term 'base closure law' means—

"(A) section 2687 of title 10;

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act; and

"(C) the Defense Base Closure and Realignment Act of 1990; and

"(2) the term 'military installation'—

"(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

"(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

"(C) in the case of an installation covered by the Act referred to in subparagraph (C) of paragraph (1), has the meaning given such term in section 2910(4) of such Act.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3341 and inserting the following:

"3341. Details; within Executive agencies and military departments; employees affected by reduction in force.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

TITLE VI—SOFT-LANDING PROVISIONS

SEC. 601. CONTINUED ELIGIBILITY FOR LIFE INSURANCE.

(a) IN GENERAL.—Section 8706 of title 5, United States Code, is amended by redesignating subsections (d) through (f) as subsections (e) through (g), respectively, and by inserting after subsection (c) the following:

"(d)(1) Notwithstanding subsection (b), any employee who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

"(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

"(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, but does not satisfy the requirements of subsection (b)(1), and

"(C) is insured on the date of separation, may, within 60 days after the date of separation, elect to continue such employee's insurance and arrange to pay currently into the Employees' Life Insurance Fund both the employee and agency contributions therefor, in accordance with procedures prescribed by the Office. If the employee does not so elect, such employee's insurance will terminate as provided by subsection (a).

"(2) The applicable date under this paragraph is October 1, 1999, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 1999, the applicable date under this paragraph is February 1, 2000.

"(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.".

(b) CONFORMING AMENDMENT.—Section 8706(g) of title 5, United States Code, as so redesignated by subsection (a), is amended by striking "subsection (e)" and inserting "subsection (f)".

SEC. 602. CONTINUED ELIGIBILITY FOR HEALTH INSURANCE.

(a) CONTINUED ELIGIBILITY AFTER RETIREMENT.—Section 8905 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b) by striking "An" and inserting "Subject to subsection (g), an"; and

(2) by adding at the end the following:

"(g)(1) The Office shall waive the requirements for continued enrollment under subsection (b) in the case of any individual who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

"(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

"(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, and

"(C) is enrolled in a health benefits plan under this chapter as an employee immediately before retirement.

"(2) The applicable date under this paragraph is October 1, 1999, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 1999, the applicable date under this paragraph is February 1, 2000.

"(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.".

(b) TEMPORARY CONTINUED ELIGIBILITY AFTER BEING INVOLUNTARILY SEPARATED.—Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "the Department of Defense" and inserting "an Executive agency"; and

(2) by amending subparagraph (C) to read as follows:

"(C) For purposes of this paragraph, the term 'surplus position' means a position that, as determined under regulations prescribed by the head of the agency involved, is identified during planning for a reduction in force as being no longer required and is designated for elimination during the reduction in force.".

SEC. 603. PRIORITY PLACEMENT PROGRAMS FOR FEDERAL EMPLOYEES AFFECTED BY A REDUCTION IN FORCE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3330a. Priority placement programs for employees affected by a reduction in force

"(a) Not later than 3 months after the date of the enactment of this section, each Executive agency shall establish an agencywide priority placement program, to facilitate employment placement for employees who—

"(1) are scheduled to be separated from service due to a reduction in force under—

"(A) regulations prescribed under section 3502; or

"(B) procedures established under section 3595;

"(2) are separated from service due to such a reduction in force; or

"(3) have received a rating of at least fully successful (or the equivalent) as the last performance rating of record used for retention purposes (except for employees in positions excluded from a performance appraisal system by law, regulation, or administrative action taken by the Office of Personnel Management).

"(b)(1) Each agencywide priority placement program under this section shall include provisions under which a vacant position shall not (except as provided in this subsection) be filled by the appointment or transfer of any individual from outside of that agency (other than an individual described in paragraph (2)) if—

"(A) there is then available any individual described in paragraph (2) who is qualified for the position; and

"(B) the position—

"(i) is at the same grade or pay level (or the equivalent) or not more than 3 grades (or grade intervals) below that of the position last held by such individual before placement in the new position;

"(ii) is within the same commuting area as the individual's last-held position (as referred to in clause (i)) or residence; and

"(iii) has the same type of work schedule (whether full-time, part-time, or intermittent) as the position last held by the individual.

"(2) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this paragraph if such individual is—

"(A) an employee of such agency who is scheduled to be separated, as described in subsection (a)(1); or

"(B) an individual who became a former employee of such agency as a result of a separation, as described in subsection (a)(2).

"(c)(1) If after a reduction in force the agency has no positions of any type within the local commuting areas specified in this section, the individual may designate a different local commuting area where the agency has continuing positions in order to exercise reemployment rights under this section. An agency may determine that such designations are not in the interest of the Government for the purpose of paying relocation expenses under subchapter II of chapter 57.

"(2) At its option, an agency may administratively extend reemployment rights under this section to include other local commuting areas.

"(d)(1) In selecting employees for positions under this section, the agency shall place qualified present and former employees in retention order by veterans' preference subgroup and tenure group.

"(2) An agency may not pass over a qualified present or former employee to select an individual in a lower veterans' preference subgroup within the tenure group, or in a lower tenure group.

"(3) Within a subgroup, the agency may select a qualified present or former employee without regard to the individual's total creditable service.

"(e) An individual is eligible for reemployment priority under this section for 2 years from the effective date of the reduction in force from which the individual will be, or has been, separated under section 3502.

"(f) An individual qualified present or former employee loses eligibility for reemployment priority under this section when the individual—

"(1) requests removal in writing;

"(2) accepts or declines a bona fide offer under this section or fails to accept such an offer within the period of time allowed for such acceptance, or

"(3) separates from the agency before being separated under section 3502.

A present or former employee who declines a position with a representative rate (or equivalent) that is less than the rate of the position from which the individual was separated under section 3502 retains eligibility for positions with a higher representative rate up to the rate of the individual's last position.

"(g) Whenever more than one individual is qualified for a position under this section, the agency shall select the most highly qualified individual, subject to subsection (d).

"(h) The Office of Personnel Management shall issue regulations to implement this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to the section 3330 the following:

"3330a. Priority placement programs for employees affected by a reduction in force.".

SEC. 604. JOB PLACEMENT AND COUNSELING SERVICES.

(a) AUTHORITY FOR SERVICES.—The head of each Executive agency may establish a program to provide job placement and counseling services to current and former employees.

(b) TYPES OF SERVICES AUTHORIZED.—A program established under this section may include such services as—

(1) career and personal counseling;

(2) training in job search skills; and

(3) job placement assistance, including assistance provided through cooperative arrangements with State and local employment service offices.

(c) ELIGIBILITY FOR SERVICES.—Services authorized by this section may be provided to—

(1) current employees of the agency or, with the approval of such other agency, any other agency; and

(2) employees of the agency or, with the approval of such other agency, any other agency who have been separated for less than 1 year, if the separation was not a removal for cause on charges of misconduct or delinquency.

(d) REIMBURSEMENT FOR COSTS.—The costs of services provided to current or former employees of another agency shall be reimbursed by that agency.

SEC. 605. EDUCATION AND RETRAINING INCENTIVES.

(a) NON-FEDERAL EMPLOYMENT INCENTIVE PAYMENTS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "eligible employee" means an employee who is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force, except that such term does not include an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, other than under section 8336(d) or 8414(b) of such title;

(B) the term "non-Federal employer" means an employer other than the Government of the United States or any agency or other instrumentality thereof;

(C) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code; and

(D) the term "surplus position" has the meaning given such term by section 8905(d)(4)(C) of title 5, United States Code.

(2) AUTHORITY.—The head of an Executive agency may pay retraining and relocation incentive payments, in accordance with this subsection, in order to facilitate the reemployment of eligible employees who are separated from such agency.

(3) RETRAINING INCENTIVE PAYMENT.—

(A) AGREEMENT.—The head of an Executive agency may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees—

(i) to employ an individual referred to in paragraph (2) for at least 12 months for a salary which is mutually agreeable to the employer and such individual; and

(ii) to certify to the agency head any costs incurred by the employer for any necessary training provided to such individual in connection with the employment by such employer.

(B) PAYMENT OF RETRAINING INCENTIVE PAYMENT.—The agency head shall pay a retraining incentive payment to the non-Federal employer upon the employee's completion of 12 months of continuous employment by that employer. The agency head shall prescribe the amount of the incentive payment.

(C) PRORATION RULE.—The agency head shall pay a prorated amount of the full retraining incentive payment to the non-Federal employer for an employee who does not remain employed by the non-Federal employer for at least 12 months, but only if the employee remains so employed for at least 6 months.

(D) LIMITATION.—In no event may the amount of the retraining incentive payment paid for the training of any individual exceed the amount certified for such individual under subparagraph (A), subject to subsection (c).

(4) RELOCATION INCENTIVE PAYMENT.—The head of an agency may pay a relocation incentive payment to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Subject to subsection (e), the amount of the incentive payment shall not exceed the amount that would be payable for travel, transportation, and subsistence expenses under subchapter II of chapter 57 of title 5, United States Code, including any reimbursement authorized under section 5724b of such title, to a Federal employee who transfers between the same locations as the individual to whom the incentive payment is payable.

(5) DURATION.—No incentive payment may be paid for training or relocation commencing after June 30, 2000.

(6) SOURCE.—An incentive payment under this subsection shall be payable from appropriations or other funds available to the agency for purposes of training (within the meaning of section 4101(4) of title 5, United States Code).

(b) EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Under regulations prescribed by the Office of Personnel Management, all or any part of the amount described in subsection (c) may be afforded to any employee described in paragraph (2) in the form of educational assistance.

(2) ELIGIBLE EMPLOYEE.—An individual shall not be eligible for educational assistance under this subsection unless such individual—

(A) is an eligible employee, within the meaning of subsection (a); and

(B) has completed at least 3 years of current continuous service in any Executive agency or agencies.

(c) AGGREGATE LIMITATION.—No incentive payment or other amount may be paid under this section to or on behalf of any individual to the extent that such amount would cause the aggregate amount otherwise paid or payable under this section, to or on behalf of such individual, to exceed $10,000.

TITLE VII—MISCELLANEOUS

SEC. 701. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.

(a) AUTHORITY.—Notwithstanding any other provision of law, any amounts appropriated, for fiscal year 1997 or any fiscal year thereafter, for salaries and expenses of Government employees may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means—

(1) an agency employee whose position is that of a law enforcement officer;

(2) an agency employee whose position is that of a supervisor or management official; or

(3) such other employee as the head of the agency considers appropriate

(c) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term "law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5;

(3) the terms "supervisor" and "management official" have the respective meanings given them by section 7103(a) of such title 5; and

(4) the term "professional liability insurance" means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

SEC. 702. EMPLOYMENT RIGHTS FOLLOWING CONVERSION TO CONTRACT.

(a) IN GENERAL.—An employee whose position is abolished because an activity performed by an Executive agency (within the meaning of section 105 of title 5, United States Code, is converted to contract shall receive from the contractor an offer in good faith of a right of first refusal of employment under the contract for a position for which the employee is deemed qualified based upon previous knowledge, skills, abilities, and experience. The contractor shall not offer employment under the contract to any person prior to having complied fully with this obligation, except as provided in subsection (b), or unless no employee whose position is abolished because such activity has been converted to contract can demonstrate appropriate qualifications for the position.

(b) EXCEPTION.—Notwithstanding the contractor's obligation under subsection (a), the contractor is not required to offer a right of first refusal to any employee who, in the 12 months preceding conversion to contract, has been the subject of an adverse personnel action related to misconduct or has received a less than fully successful performance rating.

(c) LIMITATION.—No employee shall have a right to more than 1 offer under this section based on any particular separation due to the conversion of an activity to contract.

(d) REGULATIONS.—Regulations to carry out this section may be prescribed by the President.

SEC. 703. DEBARMENT OF HEALTH CARE PROVIDERS FOUND TO HAVE ENGAGED IN FRAUDULENT PRACTICES.

(a) IN GENERAL.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)(2)(A) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(2) in subsection (b)—

(A) by striking "may" and inserting "shall" in the matter before paragraph (1); and

(B) by amending paragraph (5) to read as follows:

"(5) Any provider that is currently suspended or excluded from participation under any program of the Federal Government involving procurement or nonprocurement activities.";

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

"(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

"(1) Any provider—

"(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

"(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

"(2) Any provider that is an entity directly or indirectly owned, or with a 5 percent or more controlling interest, by an individual who is convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been excluded from participation under this chapter.

"(3) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charges for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

"(4) Any provider that the Office determines has committed acts described in subsection (d).";

(4) in subsection (d), as so redesignated by paragraph (3), by amending paragraph (1) to read as follows:

"(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

"(A) an item or service not provided as claimed;

"(B) charges in violation of applicable charge limitations under section 8904(b); or

"(C) an item or service furnished during a period in which the provider was excluded from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);";

(5) in subsection (f), as so redesignated by paragraph (3), by inserting "(where such debarment is not mandatory)," after "under this section" the first place it appears;

(6) in subsection (g), as so redesignated by paragraph (3)—

(A) by striking "(g)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is excluded from participation may request a hearing in accordance with subsection (h)(1).

"(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(4) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).";

(B) in paragraph (3)—

(i) by inserting "of debarment" after "notice"; and

(ii) by adding at the end the following: "In the case of a debarment under paragraphs (1) through (4) of subsection (b), the minimum period of exclusion shall not be less than 3 years, except as provided in paragraph (4)(B)(ii)."; and

(C) in paragraph (4)(B)(i)(I) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(7) in subsection (h)—

(A) by striking "(h)(1)" and all that follows through the end of paragraph (2) and inserting the following:

"(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection must be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

"(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his principal place of business by filing a notice of appeal in such court within 60 days from the date the decision is issued and simultaneously sending copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the cause for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as a whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion."; and

(8) in subsection (i), as so redesignated by paragraph (3)—

(A) by striking "subsection (c)" and inserting "subsection (d)"; and

(B) by adding at the end the following: "The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2) and (4) of section 8902a(c) of title 5, United States Code, as amended by subsection (a), shall apply only to the extent that the misconduct which is the basis for debarment thereunder occurs after the date of the enactment of this Act.

(B) Section 8902a(d)(1)(B) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to charges which violate section 8904(b) of such title 5 for items and services furnished after the date of the enactment of this Act.

(C) Section 8902a(g)(3) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 704. EXTENSION OF CERTAIN PROCEDURAL AND APPEAL RIGHTS TO CERTAIN PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Section 7511(b)(8) of title 5, United States Code, is amended by striking "the Federal Bureau of Investigation,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any personnel action taking effect after the end of the 45-day period beginning on the date of the enactment of this Act.

SEC. 705. CONVERSION OF CERTAIN EXCEPTED SERVICE POSITIONS IN THE UNITED STATES FIRE ADMINISTRATION TO COMPETITIVE SERVICE POSITIONS.

(a) IN GENERAL.—No later than the date described under subsection (d)(1), the Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management shall take such actions as necessary to convert each excepted service position established before the date of the enactment of this Act under section 7(c)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(c)(4)) to a competitive service position.

(b) EFFECT ON EMPLOYEES.—Any employee employed on the date of the enactment of this Act in an excepted service position converted under subsection (a)—

(1) shall remain employed in the competitive service position so converted without a break in service;

(2) by reason of such conversion, shall have no—

(A) diminution of seniority;

(B) reduction of cumulative years of service; and

(C) requirement to serve an additional probationary period applied; and

(3) shall retain their standing and participation with respect to chapter 83 or 84 of title 5, United States Code, relating to Federal retirement.

(c) PROSPECTIVE COMPETITIVE SERVICE POSITIONS.—Section 7(c)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(c)(4)) is amended to read as follows:

"(4) appoint faculty members to competitive service positions and with respect to temporary and intermittent services, to make appointments of consultants to the same extent as is authorized by section 3109 of title 5, United States Code;".

(d) EFFECTIVE DATE.—(1) Except as provided under paragraph (2), this section shall take effect on the first day of the first pay period, applicable to the positions described under subsection (a), beginning after the date of the enactment of this Act.

(2)(A) The Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management shall take such actions as directed under subsection (a) on and after the date of the enactment of this Act.

(B) Subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 706. ELIGIBILITY FOR CERTAIN SURVIVOR ANNUITY BENEFITS.

For the purpose of determining eligibility for survivor annuity benefits for a former spouse under section 8341 of title 5, United States Code, an application of any former spouse shall be approved if—

(1) the annuitant is deceased;

(2) the former spouse was living as of January 1, 1992;

(3) the former spouse has not received Social Security benefits based on eligibility as the spouse of the annuitant;

(4) such application was filed on or after January 1, 1989;

(5) the annuitant rendered at least 25 years of creditable service to the Federal Government;

(6) at the time of the annuitant's retirement, the annuitant and the former spouse had been married at least 25 years;

(7) at the time of the annuitant's retirement, the annuitant designated the former spouse to receive survivor annuity benefits;

(8) the annuitant and the former spouse were divorced prior to September 14, 1978, and after the annuitant retired;

(9) neither at the time of the divorce nor at any time thereafter was a joint waiver of survivor annuity benefits executed between the annuitant and the former spouse;

(10) the divorce decree was silent as to survivor annuity benefits or designated the former spouse to receive survivor annuity benefits;

(11) subsequent to the divorce of the annuitant and the former spouse, the annuitant advised the Office of Personnel Management of the divorce;

(12) neither the annuitant nor the former spouse married any other individual after their divorce from each other;

(13) no direct notice outlining or defining the former spouse's survivor annuity benefits election rights was delivered to the former spouse by the Office of Personnel Management; and

(14) the former spouse has exhausted all judicial remedies up to and including remedies available through the United States Court of Appeals.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MICA

Mr. MICA. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows.

Amendment in the nature of a substitute offered by Mr. MICA: Strike out all after the enacting clause and insert in lieu thereof:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Civil Service Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEMONSTRATION PROJECTS

Sec. 101. Demonstration projects.

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

Sec. 201. No appeal of denial of periodic step-increases.
Sec. 202. Performance appraisals.
Sec. 203. Amendments to incentive awards authority.
Sec. 204. Due process rights of managers under negotiated grievance procedures.
Sec. 205. Collection and reporting of training information.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Sec. 301. Loans under the Thrift Savings Plan for furloughed employees.
Sec. 302. Domestic relations orders.
Sec. 303. Unreduced additional optional life insurance.

TITLE IV—REORGANIZATION FLEXIBILITY

Sec. 401. Voluntary reductions in force.
Sec. 402. Nonreimbursable details to Federal agencies before a reduction in force.

TITLE V—SOFT-LANDING PROVISIONS

Sec. 501. Temporary continuation of Federal employees' life insurance.
Sec. 502. Continued eligibility for health insurance.
Sec. 503. Job placement and counseling services.
Sec. 504. Education and retraining incentives.

TITLE VI—MISCELLANEOUS

Sec. 601. Reimbursements relating to professional liability insurance.
Sec. 602. Employment rights following conversion to contract.
Sec. 603. Debarment of health care providers found to have engaged in fraudulent practices.
Sec. 604. Consistent coverage for individuals enrolled in a health plan administered by the Federal banking agencies.
Sec. 605. Amendment to Public Law 104–134.
Sec. 606. Miscellaneous amendments relating to the health benefits program for Federal employees.
Sec. 607. Pay for certain positions formerly classified at GS–18.
Sec. 608. Repeal of section 1307 of title 5 of the United States Code.
Sec. 609. Extension of certain procedural and appeal rights to certain personnel of the Federal Bureau of Investigation.

TITLE I—DEMONSTRATION PROJECTS

SEC. 101. DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—Paragraph (1) of section 4701(a) of title 5, United States Code, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) PRE-IMPLEMENTATION PROCEDURES.—Subsection (b) of section 4703 of title 5, United States Code, is amended to read as follows:

"(b) Before an agency or the Office may conduct or enter into any agreement or contract to conduct a demonstration project, the Office—

"(1) shall develop or approve a plan for such project which identifies—

"(A) the purposes of the project;

"(B) the methodology;

"(C) the duration; and

"(D) the methodology and criteria for evaluation;

"(2) shall publish the plan in the Federal Register;

"(3) may solicit comments from the public and interested parties in such manner as the Office considers appropriate;

"(4) shall obtain approval from each agency involved of the final version of the plan; and

"(5) shall provide notification of the proposed project, at least 30 days in advance of the date any project proposed under this section is to take effect—

"(A) to employees who are likely to be affected by the project; and

"(B) to each House of the Congress.".

(c) NONWAIVABLE PROVISIONS.—Section 4703(c) of title 5, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) any provision of subchapter V of chapter 63 or subpart G of part III of this title;"; and

(2) by striking paragraph (3) and inserting the following:

"(3) any provision of chapter 15 or subchapter II or III of chapter 73 of this title;".

(d) LIMITATIONS.—Subsection (d) of section 4703 of title 5, United States Code, is amended to read as follows:

"(d)(1) Each demonstration project shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that the project may continue for a maximum of 2 years beyond the date to the extent necessary to validate the results of the project.

"(2)(A) Not more than 15 active demonstration projects may be in effect at any time, and of the projects in effect at any time, not more than 5 may involve 5,000 or more individuals each.

"(B) Individuals in a control group necessary to validate the results of a project shall not, for purposes of any determination under subparagraph (A), be considered to be involved in such project.".

(e) EVALUATIONS.—Subsection (h) of section 4703 of title 5, United States Code, is amended by adding at the end the following: "The Office may, with respect to a demonstration project conducted by another agency, require that the preceding sentence be carried out by such other agency.".

(f) PROVISIONS FOR TERMINATION OF PROJECT OR MAKING IT PERMANENT.—Section 4703 of title 5, United States Code, is amended—

(1) in subsection (i) by inserting "by the Office" after "undertaken"; and

(2) by adding at the end the following:

"(j)(1) If the Office determines that termination of a demonstration project (whether under subsection (e) or otherwise) would result in the inequitable treatment of employees who participated in the project, the Office shall take such corrective action as is within its authority. If the Office determines that legislation is necessary to correct an inequity, it shall submit an appropriate legislative proposal to both Houses of Congress.

"(2) If the Office determines that a demonstration project should be made permanent, it shall submit an appropriate legislative proposal to both Houses of Congress.".

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

SEC. 201. NO APPEAL OF DENIAL OF PERIODIC STEP-INCREASES.

(a) IN GENERAL.—Section 5335(c) of title 5, United States Code, is amended—

(1) by striking the second sentence;

(2) in the third sentence by striking "or appeal"; and

(3) in the last sentence by striking "and the entitlement of the employee to appeal to the Board do not apply" and inserting "does not apply".

(b) PERFORMANCE RATINGS.—Section 5335 of title 5, United States Code, as amended by subsection (a), is further amended—

(1) in subsection (a)(B) by striking "work of the employee is of an acceptable level of competence" and inserting "performance of the employee is at least fully successful";

(2) in subsection (c)—

(A) in the first sentence by striking "work of an employee is not of an acceptable level of competence," and inserting "performance of an employee is not at least fully successful,"; and

(B) in the last sentence by striking "acceptable level of competence" and inserting "fully successful work performance"; and

(3) by adding at the end the following:

"(g) For purposes of this section, the term 'fully successful' denotes work performance that satisfies the requirements of section 351.504(d)(3)(D) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 3502(g)(2)(B)).".

SEC. 202. PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Section 4302 of title 5, United States Code, is amended—

(1) in subsection (b) by striking paragraphs (5) and (6) and inserting the following:

"(5) assisting employees in improving unacceptable performance, except in circumstances described in subsection (c); and

"(6) reassigning, reducing in grade, removing, or taking other appropriate action against employees whose performance is unacceptable."; and

(2) by adding at the end the following:

"(c) Upon notification of unacceptable performance, an employee shall be afforded an opportunity to demonstrate acceptable performance before a reduction in grade or removal may be proposed under section 4303 based on such performance, except that an employee so afforded such an opportunity shall not be afforded any further opportunity to demonstrate acceptable performance if the employee's performance again is determined to be at an unacceptable level.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply in the case of any proposed action as to which the employee receives advance written notice, in accordance with section 4303(b)(1)(A) of title 5, United States Code, before the effective date of this section.

SEC. 203. AMENDMENTS TO INCENTIVE AWARDS AUTHORITY.

Chapter 45 of title 5, United States Code, is amended—

(1) by amending section 4501 to read as follows:

"§ 4501. Definitions

"For the purpose of this subchapter—

"(1) the term 'agency' means—

"(A) an Executive agency;

"(B) the Library of Congress;

"(C) the Office of the Architect of the Capitol;

"(D) the Botanic Garden;

"(E) the Government Printing Office; and

"(F) the United States Sentencing Commission;

but does not include—

"(i) the Tennessee Valley Authority; or

"(ii) the Central Bank for Cooperatives;

"(2) the term 'employee' means an employee as defined by section 2105; and

"(3) the term 'Government' means the Government of the United States.";

(2) by amending section 4503 to read as follows:

"§ 4503. Agency awards

"(a) The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

"(1) by his suggestion, invention, superior accomplishment, or other personal effort, contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

"(2) performs a special act or service in the public interest in connection with or related to his official employment.

"(b)(1) If the criteria under paragraph (1) or (2) of subsection (a) are met on the basis of the suggestion, invention, superior accomplishment, act, service, or other meritorious effort of a group of employees collectively, and if the circumstances so warrant (such as by reason of the infeasibility of determining the relative role or contribution assignable to each employee separately), authority under subsection (a) may be exercised—

"(A) based on the collective efforts of the group; and

"(B) with respect to each member of such group.

"(2) The amount awarded to each member of a group under this subsection—

"(A) shall be the same for all members of such group, except that such amount may be prorated to reflect differences in the period of time during which an individual was a member of the group; and

"(B) may not exceed the maximum cash award allowable under subsection (a) or (b) of section 4502, as applicable."; and

(3) in subsection (a)(1) of section 4505a by striking "at the fully successful level or higher" and inserting "higher than the fully successful level".

SEC. 204. DUE PROCESS RIGHTS OF MANAGERS UNDER NEGOTIATED GRIEVANCE PROCEDURES.

(a) IN GENERAL.—Paragraph (2) of section 7121(b) of title 5, United States Code, is amended to read as follows:

"(2) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply with respect to orders issued on or after the date of the enactment of this Act, notwithstanding the provisions of any collective bargaining agreement.

SEC. 205. COLLECTION AND REPORTING OF TRAINING INFORMATION.

(a) TRAINING WITHIN GOVERNMENT.—The Office of Personnel Management shall collect information concerning training programs, plans, and methods utilized by agencies of the Government and submit a report to the Congress on this activity on an annual basis.

(b) TRAINING OUTSIDE OF GOVERNMENT.—The Office of Personnel Management, to the extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and methods utilized outside the Government. The Office, on request, may make such information available to an agency and to Congress.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

SEC. 301. LOANS UNDER THE THRIFT SAVINGS PLAN FOR FURLOUGHED EMPLOYEES.

Section 8433(g) of title 5, United States Code, is amended by adding at the end the following:

"(6) An employee who has been furloughed due to a lapse in appropriations may not be denied a loan under this subsection solely because such employee is not in a pay status.".

SEC. 302. DOMESTIC RELATIONS ORDERS.

(a) IN GENERAL.—Section 8705 of title 5, United States Code, is amended—

(1) in subsection (a) by striking "(a) The" and inserting "(a) Except as provided in subsection (e), the"; and

(2) by adding at the end the following:

"(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

"(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

"(3) A designation under this subsection with respect to any person may not be changed except—

"(A) with the written consent of such person, if received as described in paragraph (2); or

"(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

"(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.".

(b) DIRECTED ASSIGNMENT.—Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by adding at the end the following:

"(2) A court decree of divorce, annulment, or legal separation, or the terms of a court-approved property settlement agreement incidental to any court decree of divorce, annulment, or legal separation, may direct that an insured employee or former employee make an irrevocable assignment of the employee's or former employee's incidents of ownership in insurance under this chapter (if there is no previous assignment) to the person specified in the court order or court-approved property settlement agreement.".

SEC. 303. UNREDUCED ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) IN GENERAL.—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

"(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee's written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

"(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

"(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the beginning of the second calendar month after the date the employee becomes 65 years of age and is retired or is in receipt of compensation; and

"(ii) the reduction under clause (i) shall continue for 50 months at which time the insurance shall stop.

"(B) The employee may, instead of the option under subparagraph (A), elect to have the full cost of additional optional insurance continue to be withheld from such employee's annuity or compensation on and after the date such withholdings would otherwise cease pursuant to an election under subparagraph (A), in which case the amount of additional optional insurance continued under paragraph (2) shall not be reduced, subject to paragraph (4).

"(C) An employee who does not make any election under the preceding provisions of this paragraph shall be treated as if such employee had made an election under subparagraph (A).

"(4) If an employee makes an election under paragraph (3)(B), that individual may subsequently cancel such election, in which case additional optional insurance shall be determined as if the individual had originally made an election under paragraph (3)(A)."; and

(2) in the second sentence of subsection (d)(1) by inserting "if insurance is continued as provided in subparagraph (A) of paragraph (3)," after "except that,".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 120th day after the date of the enactment of this Act and shall apply to employees who become eligible, on or after such 120th day, to continue additional optional insurance during retirement or receipt of compensation.

TITLE IV—REORGANIZATION FLEXIBILITY

SEC. 401. VOLUNTARY REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended to read as follows:

"(f)(1) The head of an Executive agency or military department may, in accordance with regulations prescribed by the Office of Personnel Management—

"(A) separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

"(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

"(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force, except for purposes of priority placement programs and advance notice.

"(3) An employee with critical knowledge and skills (as defined by the head of the Executive agency or military department concerned) may not participate in a voluntary separation under paragraph (1)(A) if the agency or department head concerned determines that such participation would impair the performance of the mission of the agency or department (as applicable).

"(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

"(5) No authority under paragraph (1) may be exercised after September 30, 2001.".

SEC. 402. NONREIMBURSABLE DETAILS TO FEDERAL AGENCIES BEFORE A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3341 of title 5, United States Code, is amended to read as follows:

"§ 3341. Details; within Executive agencies and military departments; employees affected by reduction in force

"(a) The head of an Executive agency or military department may detail employees, except those required by law to be engaged exclusively in some specific work, among the bureaus and offices of the agency or department.

"(b) The head of an Executive agency or military department may detail to duties in the same or another agency or department, on a nonreimbursable basis, an employee who has been identified by the employing agency as likely to be separated from the Federal service by reduction in force or who has received a specific notice of separation by reduction in force.

"(c)(1) Details under subsection (a)—

"(A) may not be for periods exceeding 120 days; and

"(B) may be renewed (1 or more times) by written order of the head of the agency or department, in each particular case, for periods not exceeding 120 days each.

"(2) Details under subsection (b)—

"(A) may not be for periods exceeding 90 days; and

"(B) may not be renewed.

"(d) The 120-day limitation under subsection (c)(1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

"(1) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

"(2) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

"(e) For purposes of this section—

"(1) the term 'base closure law' means—

"(A) section 2687 of title 10;

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act; and

"(C) the Defense Base Closure and Realignment Act of 1990; and

"(2) the term 'military installation'—

"(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

"(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

"(C) in the case of an installation covered by the Act referred to in subparagraph (C) of paragraph (1), has the meaning given such term in section 2910(4) of such Act.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3341 and inserting the following:

"3341. Details; within Executive agencies and military departments; employees affected by reduction in force.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

TITLE V—SOFT-LANDING PROVISIONS

SEC. 501. TEMPORARY CONTINUATION OF FEDERAL EMPLOYEES' LIFE INSURANCE.

Section 8706 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) Notwithstanding subsections (a) and (b) of this section, an employee whose coverage under this chapter would otherwise terminate due to a separation described in paragraph (3) shall be eligible to continue basic insurance coverage described in section 8704 in accordance with this subsection and regulations the Office may prescribe, if the employee arranges to pay currently into the Employees Life Insurance Fund, through the former employing agency or, if an annuitant, through the responsible retirement system, an amount equal to the sum of—

"(A) both employee and agency contributions which would be payable if separation had not occurred; plus

"(B) an amount, determined under regulations prescribed by the Office, to cover necessary administrative expenses, but not to exceed 2 percent of the total amount under subparagraph (A).

"(2) Continued coverage under this subsection may not extend beyond the date which is 18 months after the effective date of the separation which entitles a former employee to coverage under this subsection. Termination of continued coverage under this subsection shall be subject to provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance as provided by subsection (a). If an eligible employee does not make an election for purposes of this subsection, the employee's insurance will terminate as provided by subsection (a).

"(3)(A) This subsection shall apply to an employee who, on or after the date of enactment of this subsection and before the applicable date under subparagraph (B)—

"(i) is involuntarily separated from a position due to a reduction in force, or separates voluntarily from a position the employing agency determines is a 'surplus position' as defined by section 8905(d)(4)(C); and

"(ii) is insured for basic insurance under this chapter on the date of separation.

"(B) The applicable date under this subparagraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in subparagraph (A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this subparagraph is February 1, 2002.".

SEC. 502. CONTINUED ELIGIBILITY FOR HEALTH INSURANCE.

(a) CONTINUED ELIGIBILITY AFTER RETIREMENT.—Section 8905 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b) by striking "An" and inserting "Subject to subsection (g), an"; and

(2) by adding at the end the following:

"(g)(1) The Office shall waive the requirements for continued enrollment under subsection (b) in the case of any individual who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

"(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

"(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, and

"(C) is enrolled in a health benefits plan under this chapter as an employee immediately before retirement.

"(2) The applicable date under this paragraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this paragraph is February 1, 2002.

"(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.".

(b) TEMPORARY CONTINUED ELIGIBILITY AFTER BEING INVOLUNTARILY SEPARATED.—Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "the Department of Defense" and inserting "an Executive agency"; and

(2) by amending subparagraph (C) to read as follows:

"(C) For purposes of this paragraph, the term 'surplus position' means a position that, as determined under regulations prescribed by the head of the agency involved, is identified during planning for a reduction in force as being no longer required and is designated for elimination during the reduction in force.".

SEC. 503. JOB PLACEMENT AND COUNSELING SERVICES.

(a) AUTHORITY FOR SERVICES.—The head of each Executive agency may establish a program to provide job placement and counseling services to current and former employees.

(b) TYPES OF SERVICES AUTHORIZED.—A program established under this section may include such services as—

(1) career and personal counseling;

(2) training in job search skills; and

(3) job placement assistance, including assistance provided through cooperative arrangements with State and local employment service offices.

(c) ELIGIBILITY FOR SERVICES.—Services authorized by this section may be provided to—

(1) current employees of the agency or, with the approval of such other agency, any other agency; and

(2) employees of the agency or, with the approval of such other agency, any other agency who have been separated for less than 1 year, if the separation was not a removal for cause on charges of misconduct or delinquency.

(d) REIMBURSEMENT FOR COSTS.—The costs of services provided to current or former employees of another agency shall be reimbursed by that agency.

SEC. 504. EDUCATION AND RETRAINING INCENTIVES.

(a) NON-FEDERAL EMPLOYMENT INCENTIVE PAYMENTS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "eligible employee" means an employee who is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force, except that such term does not include an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, other than under section 8336(d) or 8414(b) of such title;

(B) the term "non-Federal employer" means an employer other than the Government of the United States or any agency or other instrumentality thereof;

(C) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code; and

(D) the term "surplus position" has the meaning given such term by section 8905(d)(4)(C) of title 5, United States Code.

(2) AUTHORITY.—The head of an Executive agency may pay retraining and relocation incentive payments, in accordance with this subsection, in order to facilitate the reemployment of eligible employees who are separated from such agency.

(3) RETRAINING INCENTIVE PAYMENT.—

(A) AGREEMENT.—The head of an Executive agency may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees—

(i) to employ an individual referred to in paragraph (2) for at least 12 months for a salary which is mutually agreeable to the employer and such individual; and

(ii) to certify to the agency head any costs incurred by the employer for any necessary training provided to such individual in connection with the employment by such employer.

(B) PAYMENT OF RETRAINING INCENTIVE PAYMENT.—The agency head shall pay a retraining incentive payment to the non-Federal employer upon the employee's completion of 12 months of continuous employment by that employer. The agency head shall prescribe the amount of the incentive payment.

(C) PRORATION RULE.—The agency head shall pay a prorated amount of the full retraining incentive payment to the non-Federal employer for an employee who does not remain employed by the non-Federal employer for at least 12 months, but only if the employee remains so employed for at least 6 months.

(D) LIMITATION.—In no event may the amount of the retraining incentive payment paid for the training of any individual exceed the amount certified for such individual under subparagraph (A), subject to subsection (c).

(4) RELOCATION INCENTIVE PAYMENT.—The head of an agency may pay a relocation incentive payment to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Subject to subsection (e), the amount of the incentive payment shall not exceed the amount that would be payable for travel, transportation, and subsistence expenses under subchapter II of chapter 57 of title 5, United States Code, including any reimbursement authorized under section 5724b of such title, to a Federal employee who transfers between the same locations as the individual to whom the incentive payment is payable.

(5) DURATION.—No incentive payment may be paid for training or relocation commencing after June 30, 2002.

(6) SOURCE.—An incentive payment under this subsection shall be payable from appropriations or other funds available to the agency for purposes of training (within the meaning of section 4101(4) of title 5, United States Code).

(b) EDUCATIONAL ASSISTANCE.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "eligible employee" means an eligible employee, within the meaning of subsection (a), who —

(i) is employed full-time on a permanent basis;

(ii) has completed at least 3 years of current continuous service in any Executive agency or agencies; and

(iii) is admitted to an institution of higher education within 1 year after separation;

(B) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code;

(C) the term "educational assistance" means payments for educational assistance as provided in section 127(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 127(c)(1)); and

(D) the term "institution of higher education" has the meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(2) AUTHORITY.—Under regulations prescribed by the Office of Personnel Management, and subject to the limitations under subsection (c), the head of an Executive agency may, in his or her discretion, provide educational assistance under this subsection to an eligible employee for a program of education at an institution of higher education after the separation of the employee.

(3) DURATION.—No educational assistance under this subsection may be paid later than 10 years after the separation of the eligible employee.

(4) SOURCE.—Educational assistance payments shall be payable from appropriations or other funds which would have been used to pay the salary of the eligible employee if the employee had not separated.

(5) REGULATIONS.—The Office of Personnel Management shall prescribe regulations for the administration of this subsection. Such regulations shall provide that educational assistance payments shall be limited to amounts necessary for current tuition and fees only.

(c) LIMITATIONS.—

(1) AGGREGATE LIMITATION.—No incentive payment or educational assistance payment

may be paid under this section to or on behalf of any individual to the extent that such amount would cause the aggregate amount otherwise paid or payable under this section, to or on behalf of such individual, to exceed $10,000.

(2) LIMITATION RELATING TO EDUCATIONAL ASSISTANCE.—The total amount paid under subsection (b) to any individual—

(A) may not exceed $6,000 if the individual has at least 3 but less than 4 years of qualifying service; and

(B) may not exceed $8,000 if the individual has at least 4 but less than 5 years of qualifying service.

(3) QUALIFYING SERVICE.—For purposes of paragraph (2), the term "qualifying service" means service performed as an employee, within the meaning of section 2105 of title 5, United States Code, on a permanent full-time or permanent part-time basis (counting part-time service on a prorated basis).

TITLE VI—MISCELLANEOUS

SEC. 601. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.

(a) AUTHORITY.—Notwithstanding any other provision of law, any amounts appropriated, for fiscal year 1997 or any fiscal year thereafter, for salaries and expenses of Government employees may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means—

(1) an agency employee whose position is that of a law enforcement officer;

(2) an agency employee whose position is that of a supervisor or management official; or

(3) such other employee as the head of the agency considers appropriate

(c) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term "law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5;

(3) the terms "supervisor" and "management official" have the respective meanings given them by section 7103(a) of such title 5; and

(4) the term "professional liability insurance" means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

(d) POLICY LIMITS.—

(1) IN GENERAL.—Reimbursement under this section shall not be available except in the case of any professional liability insurance policy providing for—

(A) not to exceed $1,000,000 of coverage for legal liability (as described in subsection (c)(4)(A)) per occurrence per year; and

(B) not to exceed $100,000 of coverage for the cost of legal representation (as described in subsection (c)(4)(B)) per occurrence per year.

(2) ADJUSTMENTS.—The head of an agency may from time to time adjust the respective dollar amount limitations applicable under this subsection to the extent that the head of such agency considers appropriate to reflect inflation.

SEC. 602. EMPLOYMENT RIGHTS FOLLOWING CONVERSION TO CONTRACT.

(a) IN GENERAL.—An employee whose position is abolished because an activity performed by an Executive agency (within the meaning of section 105 of title 5, United States Code) is converted to contract shall receive from the contractor an offer in good faith of a right of first refusal of employment under the contract for a position for which the employee is deemed qualified based upon previous knowledge, skills, abilities, and experience. The contractor shall not offer employment under the contract to any person prior to having complied fully with this obligation, except as provided in subsection (b), or unless no employee whose position is abolished because such activity has been converted to contract can demonstrate appropriate qualifications for the position.

(b) EXCEPTION.—Notwithstanding the contractor's obligation under subsection (a), the contractor is not required to offer a right of first refusal to any employee who, in the 12 months preceding conversion to contract, has been the subject of an adverse personnel action related to misconduct or has received a less than fully successful performance rating.

(c) LIMITATION.—No employee shall have a right to more than 1 offer under this section based on any particular separation due to the conversion of an activity to contract.

(d) REGULATIONS.—Regulations to carry out this section may be prescribed by the President.

SEC. 603. DEBARMENT OF HEALTH CARE PROVIDERS FOUND TO HAVE ENGAGED IN FRAUDULENT PRACTICES.

(a) IN GENERAL.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)(2)(A) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(2) in subsection (b)—

(A) by striking "may" and inserting "shall" in the matter before paragraph (1); and

(B) by amending paragraph (5) to read as follows:

"(5) Any provider that is currently suspended or excluded from participation under any program of the Federal Government involving procurement or nonprocurement activities.";

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

"(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

"(1) Any provider—

"(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

"(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

"(2) Any provider that is an entity directly or indirectly owned, or with a 5 percent or more controlling interest, by an individual who is convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been excluded from participation under this chapter.

"(3) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charges for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

"(4) Any provider that the Office determines has committed acts described in subsection (d).";

(4) in subsection (d), as so redesignated by paragraph (3), by amending paragraph (1) to read as follows:

"(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

"(A) an item or service not provided as claimed;

"(B) charges in violation of applicable charge limitations under section 8904(b); or

"(C) an item or service furnished during a period in which the provider was excluded from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);";

(5) in subsection (f), as so redesignated by paragraph (3), by inserting "(where such debarment is not mandatory)" after "under this section" the first place it appears;

(6) in subsection (g), as so redesignated by paragraph (3)—

(A) by striking "(g)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is excluded from participation may request a hearing in accordance with subsection (h)(1).

"(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(4) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).";

(B) in paragraph (3)—

(i) by inserting "of debarment" after "notice"; and

(ii) by adding at the end the following: "In the case of a debarment under paragraphs (1) through (4) of subsection (b), the minimum period of exclusion shall not be less than 3 years, except as provided in paragraph (4)(B)(ii)."; and

(C) in paragraph (4)(B)(i)(I) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(7) in subsection (h), as so redesignated by paragraph (3), by striking "(h)(1)" and all that follows through the end of paragraph (2) and inserting the following:

"(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection must be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

"(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his principal place of business by filing a notice of appeal in such court within 60 days from the date the decision is issued and simultaneously sending copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the cause for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as a whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion."; and

(8) in subsection (i), as so redesignated by paragraph (3)—

(A) by striking "subsection (c)" and inserting "subsection (d)"; and

(B) by adding at the end the following: "The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2) and (4) of section 8902a(c) of title 5, United States Code, as amended by subsection (a), shall apply only to the extent that the misconduct which is the basis for debarment thereunder occurs after the date of the enactment of this Act.

(B) Section 8902a(d)(1)(B) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to charges which violate section 8904(b) of such title 5 for items and services furnished after the date of the enactment of this Act.

(C) Section 8902a(g)(3) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 604. CONSISTENT COVERAGE FOR INDIVIDUALS ENROLLED IN A HEALTH PLAN ADMINISTERED BY THE FEDERAL BANKING AGENCIES.

Section 5 of the FEGLI Living Benefits Act (Public Law 103–409; 108 Stat. 4232) is amended—

(1) by inserting "and the Board of Governors of the Federal Reserve System" after "Office of the Comptroller of the Currency and the Office of Thrift Supervision" each place it appears;

(2) in subsection (a), by inserting "or under a health benefits plan not governed by chapter 89 of such title in which employees and retirees of the Board of Governors of the Federal Reserve System participated before January 4, 1997," after "January 7, 1995,";

(3) in subsection (b)—

(A) by inserting "(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or on January 4, 1997 (in the case of the Board of Governors of the Federal Reserve System)" after "on January 7, 1995" each place it appears;

(B) by inserting ", or in which employees and retirees of the Board of Governors of the Federal Reserve System participate," after "Office of the Comptroller of the Currency or the Office of Thrift Supervision" each place it appears; and

(C) by inserting "(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or after January 5, 1997 (in the case of the Board of Governors of the Federal Reserve System)" after "January 8, 1995" each place it appears;

(4) in subsection (b)(1)(A), by striking "title;" and inserting "title or a retiree (as defined in subsection (e);"; and

(5) by adding at the end the following:

"(e) DEFINITION.—For purposes of this section, the term 'retiree' shall mean an individual who is receiving benefits under the Retirement Plan for Employees of the Federal Reserve System.".

SEC. 605. AMENDMENT TO PUBLIC LAW 104–134.

Paragraph (3) of section 3110(b) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–343) is amended to read as follows:

"(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by sections 8432 and 8351 of title 5, United States Code, for those employees who elect to retain their coverage under the Civil Service Retirement System or the Federal Employees' Retirement System pursuant to paragraph (1).".

SEC. 606. MISCELLANEOUS AMENDMENTS RELATING TO THE HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES.

(a) DEFINITION OF A CARRIER.—Paragraph (7) of section 8901 of title 5, United States Code, is amended by striking "organization;" and inserting "organization and the Government-wide service benefit plan sponsored by an association of organizations described in this paragraph;".

(b) SERVICE BENEFIT PLAN.—Paragraph (1) of section 8903 of title 5, United States Code, is amended by striking "plan," and inserting "plan, underwritten by participating affiliates licensed in any number of States,".

(c) PREEMPTION.—Section 8902(m) of title 5, United States Code, is amended by striking "(m)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(m)(1) The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance or plans.".

SEC. 607. PAY FOR CERTAIN POSITIONS FORMERLY CLASSIFIED AT GS–18.

Notwithstanding any other provision of law, the rate of basic pay for positions that were classified at GS–18 of the General Schedule on the date of the enactment of the Federal Employees Pay Comparability Act of 1990 shall be set and maintained at the rate equal to the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5, United States Code.

SEC. 608. REPEAL OF SECTION 1307 OF TITLE 5 OF THE UNITED STATES CODE.

(a) IN GENERAL.—Section 1307 of title 5, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 5, United States Code, is amended by repealing the item relating to section 1307.

SEC. 609. EXTENSION OF CERTAIN PROCEDURAL AND APPEAL RIGHTS TO CERTAIN PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Section 7511(b)(8) of title 5, United States Code, is amended by striking "the Federal Bureau of Investigation,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any personnel action taking effect after the end of the 45-day period beginning on the date of the enactment of this Act.

Mr. MICA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. MICA].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3841.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

L. CLURE MORTON UNITED STATES POST OFFICE AND COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the Senate bill (S. 1931) to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, TN, shall be known and designated as the "L. Clure Morton United States Post Office and Courthouse."

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. TRAFICANT. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Maryland [Mr. GILCHREST] to explain the bill.

□ 1830

Mr. GILCHREST. I thank the gentleman for yielding.

Mr. Speaker, S. 1931 is a bill which would designate the United States Post Office and Courthouse in Cookeville, TN as the L. Clure Morton United States Post Office and Courthouse.

Judge Morton was appointed to the U.S. District Court by President Richard M. Nixon, on July 15, 1977.

He was elevated to Chief Judge and took Senior status on July 31, 1984. As a District Judge, Judge Morton was known as exacting but fair, delivering decisions based upon the letter of the law rather than strong public sentiment.

In 1971, Judge Morton rendered a decision ordering the massive crosstown busing of students in Nashville in order to desegregate the public school system. Among Judge Morton's other notable decisions were those that led to sweeping reforms in Tennessee's prison, welfare and mental health systems.

Judge Morton retired from the bench this past August. He has been a dutiful public servant for over 25 years; this bill is a fitting tribute to an accomplished jurist.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member on our committee.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation to designate the U.S. Post Office and Courthouse in Cookeville, TN in honor of Judge Morton.

Mr. Speaker, S. 1931 would designate the U.S. Post Office and Courthouse in Cookeville. TN in honor of Judge L. Clure Morton. This bill has full bipartisan support in the House of Representatives.

Judge L. Clure Morton graduated from the University of Tennessee Law School and practiced law in the private sector for 33 years. His judicial career began in 1970 when he was appointed to the Federal bench as District Court Judge in Nashville. In 1977 he was elevated to Senior Judge, and in 1984 Judge Morton took senior status.

Judge Morton has decided to retire after 26 years of exemplary public service. He will be fondly remembered as a man of fairness, insight, and scholarly reasoning.

It is fitting and proper to honor the outstanding career and civic contributions of Judge L. Clure Morton by designating the Federal buildings in Cookeville, TN as the "L. Clure Morton Post Office and Courthouse."

I support S. 1931 and urge its passage.

Mr. TRAFICANT. Mr. Speaker, Judge Morton has served the citizens of Tennessee for 26 years, beginning his career in 1970 with an appointment to the Federal bench.

Judge Morton is known for his fairness, judicial innovation and courtroom demeanor. He has tackled such controversial issues as school integration, welfare, mental health, and prison reform. He is honored and respected by not only the Tennessee community at large but also his judicial peers and colleagues. This designation is a fitting tribute to Judge L. Clure Morton. I support the legislation and urge its passage.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF L. CLURE MORTON UNITED STATES POST OFFICE AND COURTHOUSE.

The United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the "L. Clure Morton United States Post Office and Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office and Courthouse building referred to in section 1 shall be deemed to be a reference to the "L. Clure Morton United States Post Office and Courthouse".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1931.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TED WEISS UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4042) to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman from Maryland [Mr. GILCHREST] for an explanation of the legislation.

Mr. GILCHREST. I thank the gentleman from Ohio for yielding.

Mr. Speaker, H.R. 4042 is a bill which would designate the United States Courthouse in New York City as the Ted Weiss United States Courthouse. Ted Weiss was born in Gava, Hungary in September 1927. He and his family fled Eastern Europe to escape Nazi persecution on the last passenger ship to leave Hamburg, Germany during the course of World War II, arriving in the United States in 1938.

In 1961, Ted Weiss was elected to the New York City Council where he was influential in writing the city's gun control laws and environmental measures. After 15 years of service as a councilman, he was elected to the United States House of Representatives in 1976.

As a colleague of so many in this body, Ted Weiss is remembered as a thoughtful advocate of all that he believed. Though one may not have always agreed with his position, one could always respect the force of his convictions. Unfortunately, Ted passed away on September 4, 1992.

The naming of this courthouse in his honor is a fitting tribute to a distinguished colleague.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I consider it a great privilege to be a cosponsor of this legislation to name the new courthouse in Foley Square, NY, for our former colleague, Ted Weiss. It was a great privilege to serve with Ted Weiss, who escaped with his family just at the leading edge of the Nazi persecutions in Hungary.

He grew up as a young lad in New York City and fulfilled the immigrant dream of being elected to the highest office in the land, the United States Congress, the U.S. House of Representatives, where here his wisdom, his understanding, his memories brought justice to this body, brought justice to the issues of human rights, of civil rights, and to support for the oppressed at home and the oppressed abroad, a person who was always filled with justice and peace, of understanding and honor for others.

His legacy will be one of deep sensitivity to the broadest of all human needs, and his name on this courthouse, I hope, will serve as an inspiration to all who enter it, to honor his name by deliberating in that place with the same spirit of fairness, justice, wisdom, understanding, and love of others that Ted Weiss demonstrated in this body.

Mr. Speaker, I rise in support of H.R. 4042, a bill to designate the new courthouse in Foley Square, New York as the Ted Weiss United States Courthouse.

Ted Weiss was an active, vibrant, thoughtful member of the House of Representatives. He brought to our attention, indeed to the attention of our Nation, the need for an increase in funding for AIDS research long before the word epidemic was used.

He was a leader in addressing the needs of the homeless and in devising an appropriate role for the Federal Government in solving this problem.

Ted Weiss created a legacy of devotion and commitment to issues such as social and economic justice, environmental protection, and peacetime conversion of defense industries.

Ted Weiss will be remembered as a brilliant, caring, conscientious public servant who cared deeply for people and worked tirelessly to bring society closer together. I urge support for H.R. 4042.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. NADLER], the dynamic young sponsor of this legislation.

Mr. NADLER. Mr. Speaker, as the sponsor of this bill, I would like to begin by thanking Chairman GILCHREST and the gentleman from Ohio, Mr. TRAFICANT, the ranking member, as well as Chairman SHUSTER and ranking member JIM OBERSTAR for their support of this legislation which names the new Federal courthouse in New York City after our late colleague, Ted Weiss.

Mr. Speaker, I knew Ted Weiss for almost 30 years. I knew him to be a compassionate, dedicated, hardworking, and loving man. Ted was born in Hungary in September 1927. At the age of 10, he and his family fled the Nazi tyranny and left for the United States on the last passenger ship out of Hamburg, Germany, before World War II, arriving here in March 1938.

Ted went on to earn his undergraduate and law degrees, both in 4½ years, at Syracuse University. After serving in the United States Army, he served as an assistant district attorney in Manhattan for 4 years.

In 1961, Ted was elected to the New York City Council, where he was instrumental in supporting gun control legislation, the first environmental laws in New York City, and the first noise control laws in New York City. He was known as the conscience of the city council. He began there a lifetime of public service that was marked by compassion and principle.

As a constituent and a friend of Ted's, I knew firsthand how tirelessly he worked to bring issues important to the people whom he served to the forefront of public debate.

Ted Weiss was one of the first elected officials in the Nation to focus attention on the need to increase funding for AIDS research before the epidemic dominated discussion nationwide and worldwide. He was a strong supporter of human rights throughout the world and here at home. He received the Vietnam Veterans of America's highest award 2 years in a row for his work on behalf of America's veterans.

Ted was not afraid to stand up for his convictions and make sure we understood why he held them so dear to his heart. We will be honoring Ted by naming this courthouse after him. I believe this suits the man who fought so hard to create a more just world. By adopting this legislation, this House will honor the memory of a friend and colleague who was respected by all who knew him, who was loved by many of us, and who brought prestige and honor to this institution.

Mr. Speaker, I rise in strong support of this bill. I again thank the chairman, the ranking members and the other Members of this body for supporting it.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the ranking member for yielding.

Mr. Speaker, I consider it a great privilege to rise in support of this resolution and commend the chairman of the committee and the ranking member as well as the author of the resolution for bringing it to the floor tonight, because in honoring Ted Weiss by naming this courthouse in his honor, we bring honor to the House of Representatives.

Anyone who served in this House with Ted Weiss knows that on a daily basis he brought dignity to his service here and as he challenged the conscience of our country. Many of us were close friends of Ted's and had a regular dinner group, and so we miss him not only as a colleague but as a precious and dear friend.

I had the special privilege of speaking at Ted's service. It was a shock to us when Ted passed away. So it was remarkable to see that in 2 days, it was actually the day after the primary election in New York, and all of the New York politicos were out in full force to see this funeral, the cross section, the rich, the poor, in a synagogue in midtown Manhattan.

Harry Belafonte spoke and sang. Have you ever been in a temple where they sing "Amazing Grace"? This was Ted Weiss, he was ecumenical, and he had a sense of humor. His beautiful sons spoke so lovingly of their father, and his loving wife, Sonny Weiss, helped us all through our grief.

But why I mention his service was, I remember the lasting impression on me was that, there was Ted Weiss, this champion of the First Amendment, this super-patriot of defending our Constitution every single day of his public service, and especially in the Congress of the United States, there he was, wrapped in the flag, and I thought, how appropriate. I cannot think of anyone who deserves more to be wrapped in the flag for his defense of the Constitution and his great patriotism.

The gentleman from New York [Mr. NADLER] mentioned that the Weiss family came here March 5, 1938. Many of us were in service here in the House on March 5, 1988, and will never forget how he rose that day to speak with great pride of his family coming to America 50 years before, that was obviously the 50-year anniversary, and how lovingly and how proudly he spoke of what America meant to the Weiss family and to this little boy fleeing tyranny and coming to America. Maybe perhaps more than some of us who have never had to flee tyranny, he appreciated what America means to the world and to its citizens and, as I say, deserved as much as anyone I can think of to be draped in the American flag.

And so in that spirit, I again, with the greatest appreciation, commend all of those who have taken part in bringing this resolution to the floor. As I said before, in honoring Ted Weiss, we honor this House of Representatives.

Mr. TRAFICANT. Mr. Speaker, Ted Weiss was a friend and colleague of mine as well. It was an honor just to have known him and to have served with him, and everybody who did remembers him and appreciates his presence, what he stood for. He was an acknowledged champion of human rights. His commitment to fairness and justice and peace set a standard for anybody who rubbed shoulders with him here in the House of Representatives and during his service on the city council of New York. Ted Weiss is fondly remembered as a man of gentleness and grace who represented the best in public service that was there to be offered. It is absolutely fitting and proper to honor Ted Weiss's civic contributions by designating the new courthouse in New York City as the Ted Weiss United States Courthouse.

Mr. Speaker, I want to join with the gentleman from New York [Mr. NADLER] and all of those who have spoken on behalf of this legislation.

Mr. ENGLE. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. Further reserving the right to object, I yield to the gentleman from New York.

Mr. ENGEL. I thank my friend from Ohio for yielding.

Mr. Speaker, I just would not feel right if I did not add my words of praise to our late colleague, Ted Weiss, and just to state how happy I am that we are naming this courthouse in New York City in Foley Square after Ted Weiss.

I had the honor and privilege of knowing Ted for about 25 years, when he was a member of the New York City Council and I was a member of the New York State Assembly and we worked together many, many times on many, many projects.

Of course with his colleagues here in the U.S. House of Representatives, I worked very closely with Ted on the Committee on Foreign Affairs and on many different pieces of legislation.

When you look and you think back on a career, and I know it has been stated by my colleagues, there is no one who was more decent, more caring, than Ted Weiss. He was not afraid to take unpopular stands. He did not care if there was a bill which 434 colleagues voted for. If he felt strongly against it, he got up and said so and voted his conscience each and every time. I think that all of us always respected him both on this side of the aisle and the other side of the aisle even when they disagreed with him.

He was a very gentle person, he was a person who really cared about the district he represented. With reapportionment, I represent a portion of the Bronx called Riverdale which Ted had represented under the old lines, and I know the people in my district, in Riverdale, felt very, very close to Ted Weiss and felt that he had provided them with excellent representation throughout the years. I remember at his funeral, which was in Manhattan, hundreds and hundreds and hundreds of people were there. It was so packed that you could not even get into the funeral.

□ 1845

Person after person eulogized him and all said the same thing. The word "decent" kept coming up. The words "really caring about people" kept coming up.

The is how I will always remember Ted, as a good friend, someone who truly served his constitutes, someone who loved this country, and someone who cared about people.

So I want to commend my colleagues for this bill. It is fitting tribute to Ted Weiss. When I go to Manhattan and to the courthouse, as I know I will on occasion, I will always think of, at Foley Square, my good friend Ted Weiss. I am just delighted to be a part of this and to pay tribute to a wonderful, wonderful guy.

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the "Ted Weiss United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 2 shall be deemed to be a reference to the "Ted Weiss United States Courthouse".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign my seat on the House Intelligence Committee effective today.

I appreciate the opportunity to serve on the committee beyond my allotted time. Your efforts to accommodate my many international assignments have been most helpful.

I look forward to serving on the committee in the future.

Sincerely,

BILL RICHARDSON,
Chief Deputy Whip.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair announces the Speaker's appointment of the gentlewoman from California [Ms. HARMAN] to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon and to rank after the gentlewoman from California [Ms. PELOSI].

There was no objection.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4042.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

WILLIAM AUGUSTUS BOOTLE FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4119) to designate the Federal building and U.S. courthouse located at 475 Mulberry Street in Macon, GA, as the "William Augustus Bootle Federal Building and U.S. Courthouse."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Maryland [Mr. GILCHREST] for an explanation of the legislation.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 4119 is a bill which would designate the U.S. courthouse in Macon, GA as the William Augustus Bootle Federal Building and U.S. Courthouse.

He was appointed to the U.S. district court by President Dwight D. Eisenhower on May 20, 1954. Judge Bootle presided as district judge and acted as chief judge handling all six divisions of the court in six different courthouses, in 71 counties of Georgia.

In his time on the bench, Judge Bootle was highly regarded by lawyers throughout the district for his keen intellect and warm sense of humor, he is, perhaps, most widely recognized for his decision in 1961 ordering the admittance of two African-American students to the University of Georgia. This decision led to the desegregation of Georgia's public school system.

The naming of a courthouse in Judge Bootle's honor is a fitting tribute to a distinguished jurist. I support this bill and urge my colleagues' support.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I rise in support for H.R. 4119, a bill to designate the Federal building and United States Courthouse in Macon, GA, as the William Augustus Bootle Federal Building and United States Courthouse.

Judge Bootle has been serving the citizens of Georgia since 1928 when he was appointed Assistant U.S. Attorney for the Middle District of Georgia.

He has been very active in the community, serving for many years as a Trustee for Mercer University. Judge Bootle is known for his fairness and judicial scholarship. This bill deserves our support and I urge its adoption.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the distinguished author of the bill, the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I appreciate both my colleagues from Ohio and Maryland for moving this bill along as quickly as they did.

Mr. Speaker, I rise in strong support of H.R. 4119. Judge William Augustus Bootle was born in Walterboro, SC, on August 19, 1902. He is a graduate of Mercer University undergraduate school, as well as Mercer University Law School. Mercer University is located in Macon, GA, and happens to be the university where my son, Bo, is currently in his second year of undergraduate work.

Judge Bootle is married to the former Virginia Childs. They have three children, Dr. William Augustus Bootle, Jr., Dr. James C. Bootle, and Mrs. Ann B. Hall.

Judge Bootle was admitted to the bar of the State of Georgia in 1925. He was appointed Assistant U.S. Attorney to the Middle District of Georgia and served from 1928 to 1929. He was appointed U.S. Attorney for the Middle District of Georgia and served from 1929 until 1933. He then entered the active practice of law in Macon, GA.

As the gentleman from Maryland [Mr. GILCHREST] said, in 1954, which happened to be 16 days after the U.S. Supreme Court ruling regarding the desegregation of public schools in this country, Judge Bootle was appointed to the bench as the Judge for the Middle District of Georgia.

I asked a couple of Judge Bootle's friends to tell me a little bit about him and make a couple of comments regarding the naming of this courthouse after Judge Bootle, and the Honorable Duross Fitzpatrick, who is currently United States District Judge for the Middle District of Georgia, and Mr. Manley Brown, who is a mutual friend practicing law in Macon, GA, sent me these comments.

They said when Judge Bootle was appointed to the court in 1954, the chief Judge was ill and remained so for an extended period of time, and therefore, until 1962, when another Judge was subsequently appointed, Judge Bootle handled all six divisions of the Middle District of Georgia. That included the Athens Division, the Macon Division, the Columbus Division, the Americus Division, the Albany Division, and the Valdosta Division. Those six courthouses covered 71 counties in Georgia.

They say he is a very modest man, who has always shunned publicity and who always said "I didn't do anything but what I was paid to do."

Judge Fitzpatrick and Manley Brown refer to Judge Bootle as a lawyer's lawyer and a judge's judge. He was highly respected by lawyers throughout the district for his keen intellect, wonderful sense of humor, and utter fairness. He had no favorites at the bar.

In 1935 he argued and won a case before the U.S. Supreme Court. He is a great story teller, who naturally attracts all those around him. He is a very optimistic person and an avid skeet shooter for most of his life.

He developed a cataract in his right eye in the late eighties, and he had an operation on that eye, so it forced him to learn to shoot left handed. On this 90th birthday, Judge Bootle went out and shot skeet, and hit 25 out of 25 clay pigeons.

Two very important decisions that Judge Bootle made that made his mark in history occurred in Athens, GA. He presided at a trial in Athens in 1964 of several members of the Ku Klux Klan who were convicted of following a black Army colonel through town and shooting him point blank as he crossed over the Broad River Bridge in a rural area. This was a high profile case and Judge Bootle was given high marks for the manner in which he handled it.

I quote from a book titled "Atlanta Rising" which deals with a lot of history that took place in the Atlanta area during the years of the civil rights era.

There were two black applicants to the University of Georgia, Charlayne Hunter and Hamilton Holmes, who were denied admittance. They filed suit in the Middle District of Georgia, and, quoting from this book, I read as follows:

> Two black applicants, Charlayne Hunter and Hamilton Holmes, went to the court attacking the welter of excuses University of officials had concocted to keep them out. The two made a convincing case that the only reason they had been denied admission was segregation, pure and simple. In a ruling issued late on the afternoon of Friday, January 6, 1961, Judge William A. Bootle ordered Hunter and Holmes admitted to the school, not in 6 months or a year, but bright and early the next Monday morning.

I also called my good friend and former law partner, Lamar Moore, a very distinguished lawyer in Moultrie, GA, and told him we were doing this, and I said, "Give me a comment about Judge Bootle,"

Lamar said:

> Judge Gus Bootle refereed a lot of battles between my clients and the government, mainly the Treasury and the Labor Departments, and I found his calls to be good and all penalties just, particularly those against the Government. Trying a case before Judge Bootle was always a pleasure, and I had been amazed how he recalls the details of amusing incidents after so many years. Put him back on the bench.

Judge Bootle loved the law and legal profession. I would like to quote from a speech which Judge Bootle gave in April of 1995, which I think sums up his philosophy very well.

> As I see it, everything that is well organized is beautiful. Everything that functions well is beautiful. All harmony and proportion are beautiful, and so is every success and pursuit of a noble objective. By these exacting standards, law qualifies.

Judge Bootle, I commend you on the many years of public service you gave to this country, and Mr. Speaker, it is very appropriate that we honor Judge Bootle in this way. I ask my colleagues to support the passage of this bill.

Mr. TRAFICANT. Mr. Speaker, Judge Bootle has served as a mentor for many junior colleagues and associates. He is well-known for his scholarly approach and courtly demeanor. It is fitting and proper to honor the career and contributions of Judge Bootle by this designation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, shall be known and designated as the "William Augustus Bootle Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document paper, or the record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "William Augustus Bootle Federal Building and United States Courthouse".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4119.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR SINE DIE ADJOURNMENT OF 104TH CONGRESS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report

(Rept. No. 104-855) on the resolution (H. Res. 546) providing for consideration of certain resolutions in preparation for the adjournment of the second session sine die, which was referred to the House Calendar and ordered to be printed.

CARL B. STOKES UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4133) to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Maryland [Mr. GILCHREST], the distinguished chairman of the subcommittee, to explain the bill.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 4133 is a bill which would designate the United States Courthouse in Cleveland, Ohio as the Carl B. Stokes United States Courthouse.

In 1962, Carl Stokes began a life devoted to public service upon his election to the Ohio General Assembly. Five years later, Carl Stokes broke new ground when he won Cleveland's mayoral race becoming the first African-American to be elected the mayor of a major city.

Deciding not to seek reelection in 1971, Carl Stokes entered the field of journalism with WNBC-TV in New York City. For his work at WNBC, he received an Emmy Award.

In 1983, Carl Stokes returned to Cleveland where he won election to Cleveland's municipal court. Within weeks, he was elected both presiding and administrative judge.

After serving on the bench for 10 years, Carl Stokes assumed the position of chief statesman when in 1994 President Clinton appointed him the Ambassador to the African Island Republic of Seychelles. In this position, he advised emerging African nations on the establishment of a democratic form of government and lobbied the administration in support of the African Continent.

Carl Stokes passed away on April 3, 1996. This is a fitting tribute to a man who dedicate so much of his life to public service. I support this bill and urge my colleague's support.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding. I thank the chairman of the subcommittee for considering this legislation and bringing it so expeditiously to the floor, and to the gentleman from Ohio for supporting the legislation for a fellow Ohioan.

Carl Stokes is more than a fellow Ohioan. He is more than an American citizen. He was a pioneer in his time, one of the very first handful of African-Americans to be elected mayor, and mayor of a large city. At the time I think there were only four.

As I recall, Mayor Hatcher was elected the same day, received somewhat greater public attention than did Carl Stokes, but Mayor Stokes came in at a time when Cleveland was experiencing severe economic difficulties, racial strife, social unrest, and he brought calm and restored economic progress and focus in the community, brought a great leadership quality to his service as mayor.

Following his leadership, more than 350 African-Americans are now mayors of American cities. He led the way. He showed them that it could be done.

He was a journalist, a political commentator, a television anchorman and Emmy Award winner, a devoted family man. I had the privilege of meeting him but once. That once, the hour I spent with him and a group of other mayors, was enough to make a lasting impression of a person really dedicated to community service, to his fellow human beings, and to the vision of a greater city, the city being the crossroads of civilization, and he made his City of Cleveland that very crossroads and launched the city on a great comeback.

□ 1900

It is very fitting that we designate the Carl B. Stokes United States Courthouse. We do his memory great justice and honor, and we expect that those who enter that courthouse will live up to that memory.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield such time as he may consume to the gentleman from Ohio [Mr. LATOURETTE], an outstanding new Member.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Ohio, Mr. TRAFICANT, for yielding me this time, and I want to also thank the gentleman from Maryland, Chairman GILCHREST, for moving this legislation so that we can complete it before we complete our work here in this session of Congress.

Mr. Speaker, in April of this year Ambassador Carl B. Stokes died of cancer. Those of us in Washington may know Carl Stokes because he was the younger brother of one of our colleagues, U.S. Representative Louis R. Stokes. For many other Americans, however, Carl B. Stokes was a trailblazer who became the first black mayor of a major metropolitan U.S. city and paved the way for so many other African-Americans to seek public office.

Carl B. Stokes grew up in the ghetto in Cleveland, but never let his surroundings hold him back. In fact,he made it his life's devotion to make a difference in the lives of others and to help others aspire to the greatness lurking within them. In 1962, Carl B. Stokes became the first black Democrat to be elected to the Ohio House of Representatives, winning a seat in Cuyahoga County, which at that time was only 14 percent black. Three years later, he made a bid for mayor of his hometown, Cleveland. He ran as an independent in the 1965 race and narrowly lost to the Democratic incumbent. The loss would have deterred many, but it served as motivation to Carl B. Stokes.

In 1967, Carl B. Stokes returned to the fray and beat the city's mayor in the Democratic primary by 20,000 votes. Carl B. Stokes, who was raised by a single, widowed mother in one of the country's first public housing complexes for the poor, then faced a member of one of Ohio's and this country's most notable political families—the Tafts. That November, Carl B. Stokes, the great-grandson of a slave, defeated Seth Taft, the grandson of President William Howard Taft.

At that time, less than 40 percent of Cleveland's population was black. Dr. Martin Luther King, Jr., said of this historic election, "Once again American voters have successfully hurdled the barrier of race." Meanwhile, at his election-night victory party, Carl B. Stokes said until that very moment he had never known the full meaning of the words "God Bless America."

Carl B. Stokes served two terms as mayor of Cleveland, and became the first black to head the National League of Cities in his second term. He left Cleveland to face other challenges, and wound up in New York City, where he became that city's first black television anchorman.

Carl B. Stokes returned to his hometown in the 1980's, and later was elected a Cleveland Municipal Court Judge, serving from 1983 to 1994. In 1994, President Clinton appointed Carl B. Stokes as ambassador of the Seychelles Islands in the Indian Ocean. He served in that post until a year ago June when he was diagnosed with cancer of the esophagus.

At his funeral, Carl B. Stokes was remembered with great fondness and admiration. The Reverend Jesse Jackson delivered the eulogy, calling Carl B. Stokes a "dream maker, an odds buster," and noting that he never internalized "ghetto limitations." President Clinton, meanwhile, praised Carl B. Stokes' "legacy of public service that continues to inspire us all."

Of course, few were able to capture the essence of magic of Carl B. Stokes more than his brother, LOU, who described his brother's life this way:

> A life that has been a series of firsts for African-Americans. A life that opened up doors and opportunities and raised the aspirations of African-Americans everywhere. He wrote a different American story. He wrote the poor American black boy's story. He didn't rise from rags to riches. He went from poverty to power. And he used that power to help people.

In Cleveland, OH, Carl B. Stokes is revered. Cleveland will never forget his contributions as Mayor Stokes, Judge Stokes, and Ambassador Stokes. He served his city and his country with dignity and purpose. It is now left up to his very capable brother, LOU, to continue the Stokes' family legacy of service to others.

It is only fitting that an important piece of the Cleveland architectural and political landscape be memorialized in his name. It is for that reason that I have proposed naming the new Federal courthouse at Huron and Superior roads in Cleveland the "Carl B. Stokes United States Courthouse."

Carl B. Stokes was a true visionary and one of Cleveland's most remarkable sons. He forever changed the face of urban governing, and left an indelible mark on his hometown and his country. Carl B. Stokes honored his city, and it is appropriate that his city honor him in return, making permanent his legacy in the "Carl B. Stokes United States Courthouse."

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield to the gentlewoman from Ohio [Ms. KAPTUR], one of Ohio's brightest stars.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to join my colleagues in strong support of this measure designating the Carl B. Stokes Courthouse in the great city of Cleveland.

As a young girl growing up in Ohio, it was rather interesting to me to first learn of Carl Stokes through television from a city 2½ hours east of Toledo, and to frame a lot of my own views of America through what we learned from him.

Without a doubt, his successes as an elected official helped shape the views not just of the Buckeyes of Ohio but, in fact, of all of America because what he did was, in fact, so precedent setting.

Looking back, for this generation of Americans now growing up, on his life, it may seem all so simple and it may seem as if all the pieces just fit into place. But having watched those times and lived through those times, his ability to retain composure under enormous pressures from those who probably did not understand what he was trying to accomplish, and trying to maintain a demeanor that would continue to build bridges across differences and points of view, and then looking at where he went with what he had makes him such a renaissance man to me.

It is interesting to me not just where he went but where he came from. I know in this Chamber joining us tonight is his very distinguished brother, also of Cleveland, Congressman LOU STOKES. I remember once going on a trip with LOU through Cleveland where he showed us where they grew up. To see that and then to understand the family, two brothers, a very devoted mother, understanding where they came form and how far they have gone and how they have influenced the mindset of a Nation is truly, truly profound.

So in helping to honor the mother and the family and certainly Carl Stokes in the naming of this courthouse, I lend my support to this measure to a man who was not just a mayor and not just a judge and not just an attorney's attorney, and not just an ambassador, but a true leader for us all.

Those of us from the Buckeye State are very, very proud of Carl B. Stokes, very proud of the Stokes family and how they helped lead America into a new day.

I thank the gentleman very much for yielding me the time and again lend my strong support to this very necessary measure.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Ohio [Mr. BROWN], another fine young legislator.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Ohio and add my support for naming the Cleveland courthouse after my friend Carl Stokes.

When I was, I believe, a teenager either in high school or perhaps college, I read "Promises of Power," the story of Carl Stokes and how he overcame adversity and made so much of himself. He was elected to the State legislature and then moved on to become mayor of one of the great cities of this country.

I never had the honor of knowing Carl Stokes when he was mayor. I got to know Carl Stokes after he became a judge and knew him obviously as Judge Stokes and saw the great kind of public service that he gave to northeast Ohio, to his city of Cleveland.

Carl was elected mayor before his older brother, LOU, I believe, ever ran for anything. One of the highlights of this year for me was actually going to Carl Stokes' funeral, which was not a mournful time; it was a time of celebration in a lot of ways.

I remember that LOU, and older brother, stood up at Carl's funeral and he said, and for those who knew Carl Stokes and those who know LOU, they know that Carl was very outgoing and very colorful and very outspoken and sometimes got a little carried away, and LOU is much more reserved. LOU is every bit as smart, but much more reserved and much quieter and lends his leadership in a different sort of way. I remember the highlight of the funeral probably was when LOU stood at the podium, and he looked up and he said Carl never really understood what it was like to be a younger brother.

Again, one had to know both LOU and Carl to understand that. But while Carl was great in his way, of the kind of charismatic leadership that the time demanded, it was Carl, the younger brother, who always looked to LOU, the older brother, I think in quieter times. I do not think Carl would ever have admitted that in public, but the leadership they have both shown and given to this country is remarkable.

I am pleased to lend my name and support to this resolution and to honor Carl Stokes for the work he did for Cleveland and the work he did nationally for this country and for our communities.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Ohio [Mr. SAWYER], a distinguished leader from our State.

Mr. SAWYER. Mr. Speaker, I rise with enormous gratitude to all of our colleagues who have made it possible for this resolution to come before us this evening.

There are certain people that a person comes across in their life who not only effect change in the era in which they live and work but have touched other people's lives in such a way that their work lives on long after them. Carl Stokes is precisely such a man.

In the middle of the 1960's, during a time of tension and some discord in America's cities, Carl Stokes came to a kind of leadership that not only was a matter of managing a city, of helping to give direction at a time of disruption but, more than that, gave hope to an entire generation of young emerging adults.

Nearly 30 years ago I was teaching in a school not far from where LOU and Carl Stokes grew up. My 7th, 8th, and 9th graders came to school prepared to learn. Central Junior High School at that time was a place known as the Harvard of the east side. It was a place where kids had parental support or grandparental support. But whatever they did, they knew their parents expected them to learn.

As difficult as the situation may have been, it was an extraordinary opportunity both to teach, for me, and for them to learn, and perhaps for me to learn as well. The fact is that Carl Stokes stood as a model to an entire generation whose example gave them hope, inspiration and expectation that they could succeed in ways that their predecessors never had.

That kind of ability to effect leadership stretches far beyond the business of balancing budgets or producing a police force or making sure the fire is kept put out or paving the streets and the sidewalks. It really is a matter of leadership. Carl Stokes was precisely such a man.

And 25, perhaps not 25, 15 years later, when I was running for mayor of my city, Carl Stokes appeared at a dinner at which he was a guest, not a speaker at all. He noticed me from the audience and asked me to stand and held out a standard of what it means to be a mayor that can only be offered by someone who has walked the walk and lived the challenge that that entails.

That is what Carl Stokes was at every point in his life, a man who confronted the difficult and provided real opportunity and hope for others.

Far more than those several thousand kids that I taught during the time when I was at Central, he moved an entire generation. The work they do not only today in Cleveland, OH, but as they have moved throughout the Nation, is in some way affected by the quality of leadership that he gave. That is the kind of life that lives on in those who he has touched, far more in number than he ever knew but far more lasting than most of us can ever hope for.

In that sense what we do here today in recognizing him through the naming of this courthouse really represents an opportunity to have that story told over and over again to people for whom it will continue to have meaning for generations to come.

I thank the gentleman for this opportunity.

☐ 1915

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio, Mr. LOU STOKES, one of America's great legislators and leaders, the dean of the Ohio delegation we are so proud of and the brother of Carl Stokes.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend and colleague, the gentleman from Ohio [Mr. TRAFICANT], for yielding to me. I will just take a moment or two.

First, I want to thank Mr. GILCHREST, the chairman of the committee, for bringing this resolution to the floor naming the new Federal building in Cleveland after my late brother Ambassador Carl B. Stokes. Second, I want to thank Mr. TRAFICANT, the ranking member of the committee, for his actions in making this resolution possible today and for the actions that he has taken to bring it forth to the floor.

I also want to thank my good friend and colleague from Cleveland, OH, Mr. LATOURETTE, the sponsor of this legislation, and all of those who joined as cosponsors of the legislation, along with all of my colleagues who have taken time out of their busy schedules to eulogize my brother in the very elegant and eloquent manner in which he has been eulogized from this floor today.

I shall not endeavor in any respect to add to those eulogies. I think that the individuals who have spoken here today have certainly been far more eloquent than I. Suffice it to say that I want to express to each and every one of you my personal and heartfelt appreciation and for the honor that you have given not only the memory and legacy of my brother Carl but also the honor you pay the Stokes family and what we have tried to represent in terms of our careers.

Carl and I were both fortunate enough to have a mother who believed fervently in this country, and though she was a woman who was relegated to poverty and who herself only had an 8th grade education, she had great faith in this country and she had great faith that given an education, her two boys could become whoever they wanted to be in this country. Of course, in her wildest dreams she never anticipated that either one of us would do more than acquire the dream she had, and that dream was that we would both acquire high school diplomas.

That was her dream. She knew she could never send these two boys to college because of her poverty-stricken condition, a mother who was a domestic worker, one who was also on welfare. But she thought if she could just get that diploma, that these two boys could be somebody. Those were the words she preached to us all the time: Be somebody, get an education, get something in your head so you do not have to work with your hands the way I worked with my hands all of my life.

Carl, who was a dropout from high school, later came out of the service and saw that I had gone to college and he, too, followed me then to take advantage of the GI bill. Of course the rest is history. Carl loved this country. He loved the opportunity that he was given in this country, in spite of circumstances of birth, to become the outstanding person that he was in his lifetime. So I thank you for recognizing his contributions during the course of his life and express my heartfelt appreciation to all of you for the honors you have paid the Stokes family.

Mr. TRAFICANT. Mr. Speaker, continuing my reservation of objection, being from Youngstown, OH, some 65 miles away, I remember that race for mayor. I believe that mayor's race is one of the most significant political events in our Nation's history.

People in Youngstown, OH went to Cleveland and helped to campaign, not just black people, white people as well. The Stokes family has been known for fairness. Color has never had anything to do with it. I once was on trail for my life, literally, and I was acquitted. I got a little note in the mail from Carl Stokes. He said, "Congratulations. Go to law school." That is all he said.

It was evident that he was not only a good politician but he followed current events and he became one of the strongest political forces in Ohio history, perhaps only surpassed by his very humble brother here. But I would just like to say that when he was elected, he was not just elected. He defeated, as Mr. LATOURETTE has said, the grandson of a U.S. President, Seth Taft, and that let all minorities in America know that the system can work, that you have to work at it. There was history made in Cleveland, great history that we are all proud of.

As a result, we are all here tonight because we are proud of the designation of this courthouse being named after our great former Mayor Carl B. Stokes.

Mr. TRAFICANT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I would like to say to the gentleman from Ohio [Mr. STOKES], his eloquence is evident as a result of the love and friendship he has for his brother and his mother.

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse to be constructed at the corner of superior and Huron Roads, in Cleveland, Ohio, shall be known and designated as the "Carl B. Stokes United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Carl B. Stokes United States Courthouse".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4133.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

VACATING THIRD READING AND PASSAGE OF H.R. 3576, ROBERT KURTZ RODIBAUGH UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the proceedings of Thursday, September 26, 1996, whereby the bill (H.R. 3576) to designate the United States courthouse located at 401 South Michigan Street in South Bend, IN, as the "Robert Kurtz Rodibaugh United States Courthouse," was read a third time and passed, be vacated and I ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Without objection, the third reading and passage of H.R. 3576 of yesterday are vacated.

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, there were some technical changes. We have no objection. We hope that everyone supports the bill.

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

The Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

Mr. GILCHREST (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the 'Robert K. Rodibaugh United States Bankruptcy Courthouse',".

A motion to reconsider was laid on the table.

MARTIN LUTHER KING, JR. MEMORIAL

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the joint resolution (H.J. Res. 70) authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia or its environs, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

Mr. HINCHEY. Mr. Speaker, reserving the right to object, I will not object, and I yield to the gentlewoman from Maryland [Mrs. MORELLA] to explain the bill.

Mrs. MORELLA. Mr. Speaker, I appreciate the opportunity to bring House Joint Resolution 70 to the House floor. This legislation would authorize the Alpha Phi Alpha Fraternity to establish a memorial to Dr. Martin Luther King, Jr. in the District of Columbia.

I particularly want to thank Subcommittee Chairman JIM HANSEN, Resources Committee Chairman DON YOUNG, and Ranking Minority Member GEORGE MILLER for their support and their assistance in moving this bill through the House.

As the sponsor of the resolution, I am enthusiastic about the memorial, and I am committed to seeing it built. I would like to recognize the other chief sponsor of this resolution, Congressman JULIAN DIXON, and the men of Alpha Phi Alpha Fraternity, in particularly George Sealy and Al Bailey, for their vision to create a memorial to one of our truly great Americans. This memorial will stand as a testament to the tireless efforts of these men of distinction and serve as an inspiration to residents of the area and visitors to our Nation's Capital.

No American has addressed the social and economic problems of our Nation as effectively as Dr. King. His principles of nonviolence are known throughout the world and have had a profound impact on our country. This doctrine earned him the Nobel Prize for Peace in 1964.

Alpha Phi Alpha, which Dr. King joined in 1952, is one of the oldest predominantly African-American fraternities in the Nation. Alpha Phi Alpha has 700 chapters in 42 States, and its members include some of the most prominent leaders and distinguished public officials within the United States. The fraternity wishes to honor Dr. King's remarkable role with a memorial in the Nation's Capital. The memorial will provide a tangible recognition that will assist in passing Dr. King's message from generation to generation.

The building of the memorial will be supported entirely through private contributions. House Joint Resolution 70 provides that no U.S. funds be used to pay for costs incurred for design, installation, construction or maintenance of the memorial. Rather, Alpha Phi Alpha will organize a nationwide design competition and lead private fundraising efforts to pay for all phases of the monument's establishment.

Mr. Speaker, a King memorial is long overdue. A King memorial would be a place of hope where all Americans ever after can contemplate King's words and deeds and act upon them.

My thanks also to Sandy Zimmet of my staff and all those who helped shepherd this bill to passage.

Mr. HINCHEY. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I join with the distinguished gentlewoman from Maryland in this resolution. I particularly want to congratulate her for diligently pursuing what I think is a very, very important and historic resolution.

As she pointed out, this will not cost the Federal Government money. It is a program of the oldest African American fraternity in the country, the Alpha Phi Alpha Fraternity, of which Dr. King was a distinguished member, and I am proud to also be a member of.

It seems fitting that this fraternity now make the effort and a contribution to the Federal enclave by raising funds for a memorial to remind people of his nonviolent positions and the contributions he has made to the history of the United States.

Mr. Speaker, I rise today in support of House Joint Resolution 70, which authorizes the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. on Federal land in the District of Columbia.

No figure in American history has embodied more genuinely the spirit of unity and cooperation which is so desperately needed to address the social and economic problems faced by our Nation. Dr. King challenged us to envision a country, indeed a world, in which justice and peace prevail among all people.

Under the measure, Alpha Phi Alpha would be authorized to establish this memorial as a tangible recognition of Dr. King's remarkable role in the history of this country. The fraternity will be solely responsible for the financing of the King Memorial, with no Federal funds involved in its construction.

The monument would demonstrate our renewed commitment to ensuring equal justice for all Americans and improving the social and economic conditions which have spawned hopelessness among millions of disenfranchised citizens.

It is time we have a memorial that will encourage visitors to our Nation's Capital to reflect upon Dr. King's contributions and I urge passage of this bill.

Mr. HINCHEY. Mr. Speaker, continuing my reservation of objection, I just want to express my appreciation on behalf of all those who will have the benefit of seeing this memorial once it is in place. I express my appreciation to the gentlewoman from Maryland for her initiation of this very worthy piece of legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is thee objection to the request of the gentlewoman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 70

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) IN GENERAL.—The Alpha Phi Alpha Fraternity is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor Martin Luther King, Jr.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001, et seq.).

SEC. 2. PAYMENT OF EXENSES.

The Alpha Phi Alpha Fraternity shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the estabishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance of funds received for the establishment of the memorial, the Alpha Phi Alpha Fraternity shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

TRIBUTE TO THE HON. WILLIAM CLINGER

(Mr. HOUGHTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Speaker, we are winding down the 104th Congress. Whether it is tonight or tomorrow or the night after tomorrow, we will be finished. But a very distinguished person will be leaving this Chamber.

I just wanted to say a word about him, a man called WILLIAM CLINGER from Warren, PA. He is the type of person that represents the finest this Chamber has to offer.

☐ 1930

He is a thought-full man; not a thoughtful man, but a thought-full man, a man with a precise concept of the significant, somebody who is always there, always decent. You know we have got a lot of discordant sounds around here. People are unhappy with the lack of comity. It is not just words we say about bringing people together, it is example, and if there is one thing that will be left in our memory, my memory certainly, it is the example of WILLIAM CLINGER in terms of representing the decency and the concept and the verve of this place the way it should be played under any circumstance.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF RULES ON SATURDAY, SEPTEMBER 28, 1996

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 525, the following suspensions are expected to be considered on Saturday, September 28, 1996:

H.R. , concerning metric conversion (identical version reintroduced);

S. 1918, concerning normal trade relations;

H.R. 3219, concerning native American housing; and

H.R. 4088, concerning land conveyance.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THIRTEEN INDICATORS THAT IT'S TIME TO LEAVE THE U.S. CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HANCOCK] is recognized for 5 minutes.

Mr. HANCOCK. Mr. Speaker, this probably is the last opportunity that I will ever have to speak on the House floor of the United States Congress. You know that is restricted to only Members of Congress, and we are going to be adjourning shortly, and I am not coming back next year. After 8 years of representing the voters in the seventh district in the U.S. Congress, I am voluntarily leaving.

I would like to take this opportunity specifically to thank the staff of the House floor that have extended me outstanding courtesy and also for their dedication to this great institution called the United States Congress.

I said 8 years ago I would only ask the voters to elect me for four terms, if they decided to do so, and even though the Republicans are now in the majority and I have had the opportunity to serve on what I think is the greatest committee in the United States Congress, the Committee on Ways and Means, I am still going to keep my word and go back to the private sector and my home in southwest Missouri.

Fewer than 12,000 people have ever served in the United States House of Representatives, and I am honored that the people of southwest Missouri trusted their vote to me over the past 8 years.

A few days ago, I sat down and made a list of 13 indicators that it is time to leave the United States Congress. Possibly some of my colleagues and some of the Members of Congress in the future might take note of the indicators of when it is time to leave the United States Congress:

No. 1, when the news media slants a story making you look good.

No. 2, when you start attending more funerals than weddings.

No. 3, when campaign contributors start asking you for money for their favorite charity.

No. 4, when Washington cab drivers seem to be speaking English.

No. 5, when airport attendants start offering you a wheelchair.

No. 6, when the debate on the House floor starts making sense.

No. 7, when handling a bill means something other than paying it.

No. 8, when you cannot remember whether it costs millions or billions.

No. 9, when your next-door neighbor back home asks your wife what you do for a living.

No. 10, when you start believing you can balance a budget by only spending 5 percent more of your income instead of 10 percent more.

No. 11, when the National Rifle Association notifies you it is time to renew your lifetime membership.

No. 12, when you ask your wife for unanimous consent to revise and extend your remarks and she objects.

No. 13, and this one is actually more serious than a lot of people realize, when your grandchildren start calling you Congressman instead of Grandpa.

It has been a great privilege to serve in the United States Congress, and I am going to go home and be grandpa to my nine grandchildren.

HONORING DR. JACK LEIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. McDERMOTT] is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I rise to acknowledge the exceptional career of Dr. Jack Lein of the University of Washington. Dr. Lein will retire at the end of the year, concluding a record of service at the University that is without equal.

Over the course of more than 30 years, he has worked to enhance the University's medical and health sciences education and administration.

Although a professor of obstetrics and gynecology, Dr. Lein is perhaps best known for his singular success in bringing Federal attention, and Federal dollars to the University of Washington.

In so doing, he has helped to shape and to strengthen the university so significantly that it is nearly impossible to imagine that institution without his forceful presence.

A Spokane native, Jack Lein received a medical degree from the University of Washington in 1955. Nine years later, he joined the University as both a faculty member and an administrator, and began the work which would elevate the school's medical research and training programs to national renown.

Working with Senators Warren Magnuson and Henry Jackson and House Speaker Tom Foley, Jack guided a steady flow of Federal monies to the UW.

Thanks to his skill and tireless effort, the University of Washington today ranks first among all State universities in the country in receipt of Federal funds. Much of this support came through research grants from the National Institutes of Health.

Today, the University is widely known for its groundbreaking medical work in areas ranging from cancer research and treatment to fetal alcohol syndrome to burn treatment. None of these achievements would have been possible without Jack Lein.

His service to the citizens of Washington State is immeasurable, covering a spectrum of contributions that defies description.

Dr. Lein has served the university in a dizzying number of key positions. In addition to his faculty appointment, he was an assistant and then associate dean of the School of Medicine. He founded the School's Continuing Medical Education program and directed it for nearly 20 years.

He also was instrumental in developing regional medical education systems that have become national models. Under his aegis, the University's Schools of Medicine, Dentistry, Nursing, Pharmacy, Public Health, and Community Medicine have flourished, and today, University of Washington Health Sciences students enjoy an educational experience unique in the country.

In addition to these achievements, Jack also served as both State legislative liaison for Health Sciences and coordinator of Federal relations for the entire University.

My own relationship with Jack Lein spans many years and many endeavors. Among his multiple roles, Jack was a sort of concierge of the medical establishment.

He knows nearly every politician in Washington State, and whenever a legislator or other officeholder needed a medical referral, Jack was the oracle. And since he put this role to productive use, as he did all others, he really knew how to get you when you were down.

Jack will be long-remembered throughout the University community as a consummate tactician with an absolutely unrelenting sense of humor.

No matter how dire the situation, and many have been, Jack finds the humor in it. He is a delightful companion and a wonderful friend. I wish him a long and rewarding retirement, and hope that he will slow down enough to savor it.

The University of Washington is losing one its lions, but I know of no one who has contributed more to it than Jack Lein.

IF REELECTED, WILL THE PRESIDENT GRANT PARDONS TO THREE CONVICTED CRIMINALS: HIS FORMER BUSINESS PARTNERS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS. Mr. Speaker, this May, a Little Rock jury returned guilty verdicts on a total of 24 felony counts against President and Mrs. Clinton's business partners, James and Susan McDougal, and against his successor as Governor, Jim Guy Tucker.

Earlier this week, many of us watched with great surprise as the President, on the news hour with Jim Lehrer, in a televised national broadcast, refused to rule out the possibility of pardons for these three Whitewater convicted criminals if he is reelected.

□ 1945

Accordingly, Mr. Speaker, earlier this week I introduced a resolution that would declare that it is the sense of this House that President Clinton should specifically, categorically, and immediately disavow any intention to grant Presidential pardons for his former Whitewater business partners, or to former Governor Tucker.

By passing this resolution before we leave this House, we send the right signal to the country that in this country no one is above the law and that convicted criminals do not walk free by virtue of having friends in high places.

Mr. Speaker, the President's statement raising this issue on national TV was not the first time the President has held open the possibility of presidential pardons for Susan and James McDougal and for former Governor Tucker.

About a month ago, in a televised interview on CNN, the President offered to use his considerable fund-raising abilities to raise money for these Whitewater defendants and for other individuals who had incurred legal expenses in connection with the Whitewater probe.

He said that once he leaves office, whether that be in 1997 or 2001, he will dedicate himself to raising money on behalf of those whose activities are being investigated by the Whitewater independent counsel.

Not surprisingly, the President's comments have been interpreted by many as a veiled promise to those implicated, convicted or otherwise, that if they will stand with the President, if they will stand tough this fall, that they will receive a pardon.

The American people need to know, what is the President doing with promises of raising funds to pay their attorney's fees, and with indications that a pardon may be forthcoming. We are talking about an investigation that was started by the Whitewater independent counsel, who was appointed pursuant to the President's own Attorney General, Janet Reno.

Ms. Reno charged the independent counsel to investigate violations of criminal law relating in any way to James McDougal, President William Jefferson Clinton, or Mrs. Hillary Rodham Clinton's relationship with Madison Guaranty Savings, or Whitewater Development, or Capital Management.

The investigation has resulted in convictions. The investigation has shown that over $300,000 in taxpayers' money was stolen from the American people. This investigation has been at taxpayers' expense. For the President now to become directly involved and to hint that he may pardon those who directly benefit is nothing short of outrageous.

In conclusion, Mr. Speaker, the American people are entitled to an answer before this election occurs. All we are asking for is an answer. Bill Clinton should not, nor should anyone, dance around and waffle on this important question. We need an answer directly from Bill Clinton; not from Mike McCurry, but from Bill Clinton.

Mr. Speaker, I will read a statement of President Clinton, made when he was the Democratic candidate for Congress in Arkansas's Third District back in 1974, when President Ford pardoned Richard Nixon.

Back in 1974, when President Ford pardoned Richard Nixon, the Democratic candidate for Congress in Arkansas' 3rd District bitterly criticized the pardon, stating that it had "undermined respect for law and order, prejudiced pending trials, and dealt another blow to that vast body of law-abiding Americans, whose faith in equal justice under the law has been shaken." In the intervening 22 years since he issued that stern pronouncement condemning the Nixon pardon, Bill Clinton's view of presidential pardons has apparently "evolved." The President's refusal to rule out pardons for his personal friends and business associates found guilty on 24 felony counts by a jury of 12 Arkansas citizens is another example of the hypocrisy and "situational ethics" that we have come to expect from this administration. It is absolutely incumbent upon this President to assure the American people—before the November 5 election—that he will not abuse the presidential pardon authority to let the guilty go free.

Democratic Theme: All President Clinton has said is that pardon applications submitted by the McDougals or former Governor Tucker will be treated like any others would be, pursuant to procedures established by the Department of Justice for processing such applications. To categorically rule out pardons for the McDougals and Jim Guy Tucker at this time would be an injustice to them, denying them a right that other Americans have to petition the President for executive clemency.

One need look no further than the lead editorial in this morning's Washington Post for a rebuttal to the specious suggestion that the President should feel free to treat pardon requests by his convicted Whitewater business partners as he would any other request for clemency. The Post writes as follows:

> These Whitewater cases are not like any other, because those seeking pardons may have information bearing on Mr Clinton himself or his wife. Before the election, Mr. Clinton should make clear that, if reelected, he will not subvert the judicial process through attacks on the special prosecutor or by abusing the president's pardon power. That much should be obvious.

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Florida [Mr. GIBBONS] and speak in his stead for 5 minutes.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

THE UPCOMING CONTINUING RESOLUTION MAY CONTAIN SPECIAL INTEREST PROVISIONS, INCLUDING ONE TO AVOID "BUY AMERICAN" LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I recall Speaker GINGRICH's initiative this evening called Correction Days. The idea was to do away with congressional business as usual and make government more responsive to our people.

Mr. Speaker, I fear today and tomorrow may be the opposite of Corrections Day. They could be renamed Special Interest Days. Maybe we will need another Corrections Day to undo the damage we think is being done as the House completes its regular business, passes its respective appropriations bills, and finally recesses.

I am speaking in particular of the continuing resolution about to emerge from behind closed doors and being worked on by the leaders of one side of this Chamber.

Mr. Speaker, the special interests know full well that Members of Congress are eager to wrap up and get back home and prepare for the upcoming election. So they have lined up, it appears, so they can speak their special provisions into law at the last minute in the continuing resolution, because they know we have to pass that in order to keep the Government running.

We used to have Howard Metzenbaum as the watchdog over on the other side, but we have heard rumors, in fact, that patent law protections might be undermined by some provisions being inserted by one of the Members in the other body.

This afternoon, and I am going to insert this in the RECORD for our colleagues, the Associated Press reported that certain companies are trying to skirt "Made in the U.S.A." laws by sneaking special provisions into the continuing resolution. Let me read the first sentence, the lead sentence, in fact, to a story written by AP congressional writer Jim Drinkard.

He writes:

> Lobbyists for one of America's largest toolmakers are seeking a last-minute congressional deal that would allow them to continue marketing wrenches and other tools forged in foreign countries as made in the U.S.A.

Let me repeat. This is from the Associated Press. It says that this particular toolmaker is seeking to put language in this bill that would allow them to continue marketing wrenches and other tools made in other countries under the "Made in the U.S.A." label.

That is not what is supposed to be in this bill. Not only is it nongermane to the continuing resolution, it is also false advertising. It is not only an abuse of the legislative process, sneaking through special interest provisions in the closing hours of the session, it is unfair to American workers, because skirting "Made in America" laws kills American jobs.

Mr. Speaker, we have many skilled workers in our country whose future depends on strong and competitive machine tool industries. We do not want to be undercutting them just to cut a special deal for a special interest. But according to the AP, Stanley Works, headquartered in New Britain, CT, sells tools that were cast or forged in foreign plants.

Federal courts have required that tools made in foreign countries had to bear markings showing where they came from, so someone from Toledo, or any other community who wants to buy some tools, will know whether those tools were made in our country by American workers or whether they were made in a foreign country.

That was not good enough for Stanley Works, it appears. They want to sell their tools to the consumer without revealing the true origin of those tools. That is misleading to the American consumer, it is unfair to American workers, and special interests appear to be lined up to do an end run around our "Made in America" laws right in the continuing resolution.

Mr. Speaker, "Made in America" laws help keep American workers employed. They help keep the orders coming in and jobs alive. They should not be eviscerated in a last-minute congressional deal to placate a special interest.

Mr. Speaker, I include for the RECORD the article by Mr. Drinkard.

The article referred to is as follows:

ENDGAME OF A CONGRESS: TIGHTENING THE SCREWS ON FEDERAL REGULATORS

(By Jim Drinkard)

WASHINGTON (AP) Lobbyists for one of America's largest toolmakers are seeking a last-minute congressional deal that would allow them to continue marketing wrenches and other tools forged in foreign countries as "Made in the U.S.A."

It's an example of how in the frenzied endgame of a congressional session, special-interest provisions that have lain dormant for months suddenly take on new life as their backers seek to attach them to any bill that moves.

In this case, there is "only one train leaving the station," in congressional parlance the omnibus money bill needed to keep the government running once the new fiscal year begins Tuesday. That bill has become a magnet for pet amendments ranging from gun control to banking regulatory changes.

The Stanley Works, based in New Britain, Conn., sells tools that in many cases were cast or forged in overseas plants. Customs rules for years have allowed them to be imported and finished in the U.S., then sold without markings showing the country where the parts originated.

But a Federal court ruling four years ago upset that arrangement. It required that some foreign-origin tools had to bear markings showing where they came from, because the final product was substantially the same as the imported items. That triggered the current lobbying scramble.

Lobbyists for Stanley began angling to attach their provision to the money measure, and lobbyists for their competitors laid trip wires around Capitol Hill to head them off.

"This reflects an intra-industry war," said Rep. Nancy Johnson, R-Conn, who has gone to bat for Stanley, a large home-state employer.

A lawyer for the company, Stave Weddle, said Customs is "particularly unwise to be making a change when the whole area of country-of-origin labeling is being addressed by the World Trade Association," which may reach a different conclusion.

The saga began several years ago, when National Hand Tool Corp., a Stanley division, sought to import socket wrenches made in Taiwan without stamping them with the name of the country. The company argued that the tools were heat-tempered and further machined in the United States, so they were primarily U.S. made.

But the Customs Service ruled otherwise, saying that the tools had not been "substantially transformed" in the United States. That meant they were required to be marked as made in Taiwan. The tool company appealed, but lost in federal court.

Against that backdrop, Customs announced last year that it planned to update its rules to codify the court's ruling and make clearer which imported tools had to be marked with the country where they originated.

For Stanley, the announcement was like a hammer blow; it had built a network of suppliers in several foreign countries, relying in part on a series of Customs rulings that permitted it to label the final tools as made in the United States. Any change would threaten its marketing, which emphasizes quality homegrown products.

In the first six months of the year, Stanley paid a Washington law and lobbying firm about $120,000 to advocate its position on Capitol Hill, and paid another lobbyist $12,100, according to lobbying disclosure reports.

In May, Sen. Phil Gramm, R-Texas, introduced a bill that would have let toolmakers market their goods as made in the United States, even if the metal parts were made abroad. It amounted to a blanket exemption from the foreign-marking requirement.

Johnson inserted a similar provision into a catchall trade "technical corrections" bill that passed the House. That language would simply have barred Customs from issuing any new regulations for at least a year while the entire spectrum of regulations on labeling of imports is studied.

"If you change it for one product, it has enormous implications for other products," Johnson said. "Customs is overreaching."

But Danaher Corp., a competing toolmaker with plants across the United States, countered by hiring the law firm Hogan & Hartson for $100,000, and the lobbying firm WinCapitol for $220,000, both to help torpedo the provision.

To strengthen its hand Hogan & Hartson formed the American Hand Tool Coalition, which says it represents 10 companies with manufacturing plants in 13 states.

Johnson said she had enlisted high-powered help from Senate Majority Leader Trent Lott and from the two lawmakers with the most say on trade policy: House Ways and Means Committee Chairman Bill Archer, R-Texas, and Senate Finance Committee Chairman William Roth, R-Del.

Using the threat of a legislative mandate as pressure, the issue may well be resolved "in a side discussion with Customs," she said.

TRIBUTE TO THE HONORABLE RAY THORNTON AND THE HONORABLE BLANCHE LAMBERT LINCOLN ON THEIR RETIREMENT FROM CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. DICKEY] is recognized for 5 minutes.

Mr. DICKEY. Mr. Speaker, I want to take this moment to honor two of my distinguished colleagues from Arkansas who are retiring from Congress; first, RAY THORNTON.

RAY has served a very honorable career in public service. He served 4 years in the Navy, during which he saw combat on the U.S.S. *Philipplines Sea* during the Korean war. He served as deputy prosecutor in Pulaski and Perry Counties in Arkansas for 2 years and as the attorney general for 3 years.

In 1973, RAY was elected to Congress to represent the Fourth District of Arkansas and later in 1990 was elected to the Second District. During his 24 years in Congress, RAY sat on the Committee on Agriculture; the Committee on the Judiciary; the Committee on Science and Technology, serving as Chair of the Subcommittee on Science, Research, and Technology; and the Committee on Appropriations. This was a committee that I have had the honor of serving on with RAY.

With RAY's leaving and DAVID PRYOR's leaving, we also are losing two of the three people who are representing the Fourth District of Arkansas, or who have. I am doing that at this present time. He also served as president of Arkansas State University in Jonesboro and the president of the university system of the whole State.

It would be impossible to touch on all of RAY's accomplishments over his long career in public service, but I would like to relay some philosophies to which RAY adhered when legislating for our country.

RAY THORNTON once said: "I want America to be the mightiest nation on earth militarily, the strongest economically, and the strongest in terms of personal freedom, dignity, and democracy." RAY selflessly served with the goal of improving our Nation's productivity, education, and infrastructure and, I must say, in a very gentlemanly and respectful way.

RAY recognized the can-do spirit that makes our Nation great. He knew that in order to accomplish America's goals, the process must be aimed at stimulating the combined efforts of the States, the private sector, and the cooperative groups of individuals and institutions.

The second colleague I would like to recognize is BLANCHE LAMBERT LINCOLN.

BLANCHE and I both came to Congress in January of 1993, she being from Helena, AR. BLANCHE has been a role model for all of us in the way she has served, repeatedly going to bat for the First District of Arkansas, conscientiously serving on her committees and subcommittees, tackling complex legislation head-on, putting people above politics, handling her responsibilities with tact and grace and with a sense of humor and good spirit.

BLANCHE has served on the Committee on Commerce, where she has earned a reputation as a champion for rural causes, ranging from rural water to health care and telecommunications access. She has worked hard to eliminate the Federal budget deficit, claiming that she does not want to pass it on to the next generation, and she has worked to break the cycle of poverty and put welfare dependents back to work.

BLANCHE continues to be a role model as she leaves office. In this day and age when so many other priorities come before family, BLANCHE has made a very selfless decision to leave this demanding occupation and return home to rear her twin boys, Reese and Bennett.

I was impressed when BLANCHE was once asked when she would return to her career, and she answered, "When my boys know the difference between right and wrong." We all need to learn a lesson from BLANCHE LAMBERT LINCOLN in setting priorities. She will always be remembered as a trailblazer, whether in Congress or acting as a wife and mom.

I wish these two beloved Members of Congress all the best, and hope to see both of you in Arkansas from time to time. We will miss you.

TRIBUTE TO THE HONORABLE JIM ROSS LIGHTFOOT ON HIS RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I will be brief but sincere in my remarks. I thank my friend for taking out this time.

Mr. Speaker, we are here to say bon voyage, good luck, and best wishes to our good friend, the gentleman from Iowa, JIM ROSS LIGHTFOOT, the distinguished Congressman from Iowa, who has been with us since he was elected to Congress in 1984.

JIM ROSS is running for the Senate, and we certainly wish him lots of success in that endeavor. We do not know why he wants to aspire to the other body when he has got a great life here, and he has a lot of friends, and we enjoy having him here. But the fact is, he has made that decision, and he has lots of talents that he will take with him.

He grew up on a farm in Iowa. He has a wonderful family. His wife Nancy and his four children I know are wishing him well and working hard for him in his current effort.

JIM ROSS and I, I went in the Navy after high school and he went in the Army. I guess that gives us some reason for our great friendship that we have had over the years. After he got out of the Army, he worked for IBM. He was transferred to Oklahoma, worked as a police officer, then a small businessman in Texas, and ultimately as a broadcaster in Iowa.

I really believe it was in that role that he kind of learned a trait that made him much like that fellow that wrote the book under the pseudonym "Anonymous," because I have suspected for many, many years that JIM ROSS LIGHTFOOT is really that voice, the anonymous voice, on Motel 6 ads.

□ 2000

You listen to him, he is the same guy. But whether he is or not, I just have to thank him for his dedicated devoted service to the Committee on Appropriations and to the U.S. Congress. He served as chairman of the Subcommittee on Treasury, Postal Service, and General Government over the last 2 years. He served on the Appropriations Subcommittees on Foreign Operations and Transportation, as I know my friend from Virginia will talk about, and he served as co-chair of the law enforcement caucus because of his law enforcement background.

He represented his constituents with great distinction and honor and dignity, and he will take that dignity with him wherever he goes. I personally wish him well. I want to express my sincere thanks to him for his wonderful work over these last 2 years in assisting, as part of a team to literally transform America, to show America that we do not have to have ever larger, bigger, more expensive government, that we can do more for less and give efficiency to the taxpayer and also represent the taxpayer with great aplomb and honor.

Mr. WOLF. Reclaiming my time, the chairman might want to go to the Senate because he filibustered this entire 5 minutes.

Mr. Speaker, I will include my full statement in the RECORD. I am here to pay tribute to JIM LIGHTFOOT. I will say a couple of things and submit the rest for the RECORD. JIM is an honest, decent, ethical person. We got to know each other very, very well in our Bible study. He is great storyteller. He is a good family man.

I just say God bless you, we wish you well, we know you are going to be elected to the Senate, but, JIM, it is an honor and privilege to serve with you.

Mr. Speaker, I am pleased to take the floor this evening to honor Congressman JIM LIGHTFOOT as he retires from the House of Representatives and embarks on a campaign to represent the entire State of Iowa in the Senate. He will be sorely missed in this body and I wish him well.

Mr. Speaker, when Republicans assumed control of the 104th Congress, JIM LIGHTFOOT was called upon to steer the Treasury, Postal Service, and General Government appropriations subcommittee through its difficult work. He guided the subcommittee with humor, heart, and conviction. The Nation is safer because Representative LIGHTFOOT stood by Federal law enforcement when they were under fire. He stood up for what was right and persevered in his convictions.

I don't mean to imply that JIM was cocky or overestimated his opponents. In fact, wary of the outcome of a potentially contentious subcommittee markup, Representative JIM LIGHTFOOT rolled up his sleeves, sharpened his pencils, and strapped on a flak jacket just to be sure. All turned out well, the bill was passed, Federal law enforcement emerged a bit stronger, and JIM was not shot at once. I was relieved because as vice chairman of the subcommittee, I had the pleasure of sitting next to him.

JIM, this body will miss your humor and good will. I appreciate your working with all Members in a bipartisan manner, working with me on a variety of issues of interest to Federal employees and other issues addressed by the subcommittee. JIM and I also worked on a number of transportation issues together, and I have always been thankful that he never once asked to have a field hearing aboard his plane.

The citizens of Iowa should be proud and honored by your work here. You have done your constituents proud. Good luck to you in the busy months ahead and godspeed.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding. I just want to echo the comments of my colleagues.

I have served with JIM on the Committee on Appropriations. What I appreciate about his approach is that it is very businesslike. He takes the challenge of stretching a dollar to give the people of this Nation responsible government. JIM is the epitome of what a good legislator should be. Certainly his record in the Committee on Appropriations stands as a challenge to all of us to manage the Nation's affairs well on behalf of the people we represent. I along with my colleagues wish him well in his new ventures.

TRIBUTE TO JIM ROSS LIGHTFOOT

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under a previous order of the House, the gentleman from Iowa [Mr. LATHAM] is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I too would like to rise this evening to pay tribute to my colleague from Iowa, JIM ROSS LIGHTFOOT. I came here less than 2 years ago now. As a freshman Member, I looked to certain individuals for leadership, for advice, for counsel. JIM has been there every time I have asked for anything.

Mr. Speaker, I knew he had a great start. He was born in Sioux City, IA, which is in my district, and was adopted by two very loving parents. I think he reflects very much what Iowa is all about, the honesty, the kind of values that I think this Nation needs today and has lived by those.

JIM, your wife Nancy and your family should be congratulated for putting up with you, but, also, your entire family has been a great inspiration to all of us here. I just want to thank you on behalf of the State of Iowa and especially the people in your district. You had several counties previously that I now represent. They love you very much in those counties. I wish you the very, very best in your run for the Senate and offer my total support. I want to tell you how much it has been an honor for me to serve with you in this body.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Iowa.

Mr. NUSSLE. I thank the gentleman first of all for taking the time and for yielding to me.

Mr. Speaker, I would like to join with my colleagues from Iowa in commending my friend and colleague from Iowa, JIM ROSS LIGHTFOOT. We have served during a very interesting time together. Not all of it together; you were here, of course, before I was. Interestingly enough, when I think of your service, I think probably of one of the most interesting commitments that you made, that you would serve for a period of time and then you were going to take off. That, if I am not mistaken, was 12 years. You are right at the threshold of crossing that 12-year mark, and you are ready to go on to hopefully bigger and better things.

The interesting thing that that brings to mind for me is that, as most Iowans appreciate, when you make a promise and you make a commitment and you make a pledge, you keep it. That has certainly been your mantra. That has been how you have served here in this body.

There have been disagreements, I am sure, with colleagues, whether it is across the aisle or even on the same aisle, but I have to tell you that when somebody sees they are going to do something and they do it, you have to have that kind of respect because around here your word is your bond.

When you leave here, there is going to be a CONGRESSIONAL RECORD of all these fancy speeches and everything, but when it comes right down to it, it is that kind of friendship in remembering, when somebody said something, they meant it, and it meant something because it was backed up by the people that they represent. We know those people because we all have the pleasure of representing those folks in Iowa.

I just want to say good luck to you. I thank you for your service, in being a mentor to so many of us who came after you. We are going to look for inspiration from you, hopefully, maybe from a different vantage point. We would like to see that vantage point not too far away, maybe just down the hall here in the other body, as we have to refer to it; we cannot say "the Senate." We have to say "the other body." So hopefully we will be able to go visit you over at the other building. Godspeed to you and to your wife Nancy. You will always be a constituent of ours because we represent all of Iowa.

Mr. LATHAM. Mr. Speaker, I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman for yielding. I like JIM LIGHTFOOT. I am very glad that in his working career he got to spend some time in Oklahoma. We are grateful for that, so we can consider him at least to some extent an adopted son of the Sooner State.

Essentially, when I was a freshman on the Committee on Appropriations and especially serving on the Subcommittee on Treasury, Postal Service, and General Government, JIM LIGHTFOOT more than anyone else took me under his wing, helped me to understand what was going on, comparing it with what should be going on instead. I have always been grateful for that and enjoyed the chance to serve with him on the full committee and on that subcommittee.

JIM has very patient with me, which is not always easy, as he well knows and a lot of other people do. He has been very attractive as well and interested in wanting to help listen to and act on other people's ideas.

It is nice to have something in common. JIM loves flying. I started flying lessons about the time I got into politics and never got to finish, so I am jealous of that. He served in law enforcement. I had a brief law enforcement stint. It is over.

I am glad, though, that he for many years as a farm broadcaster was up early in the morning because in my years in broadcasting, I only lasted a few months when I had to start a shift at 3 a.m., and he went on for years. So I am grateful for JIM LIGHTFOOT.

The final thing that I think anyone ought to say about him, because I understand this is your birthday today, JIM, your 58th birthday. After all the years with him, when some people were trying to claim that he did not care about senior citizens, JIM's mother made a commercial saying she knows you can trust her son, JIMMY. By golly, after 58 years if his mother says that JIM LIGHTFOOT can still be trusted and is still an obedient, dutiful son, if it is good enough for mom, it is good enough for me. I am proud of JIM LIGHTFOOT.

Mr. DELAY. Mr. Speaker, it's not often that a distinguished cardinal of the Appropriations Committee flies away to the other body. But JIM LIGHTFOOT has decided that he will take his common-sense, his great humor, and his great ability to the Senate.

The House's loss will be the Senate's gain.

Serving with JIM LIGHTFOOT on the Appropriations Committee has been both an honor and a privilege.

He has fought hard to cut out wasteful Washington spending, while making certain that his constituents in Iowa are represented fairly. He has been a passionate defender of small business owners and farmers of his district.

Most importantly, JIM LIGHTFOOT is a man of his word. When JIM LIGHTFOOT makes an agreement, he sticks to it. That is a trait that needs to become more common here in the United States Congress.

JIM LIGHTFOOT is a great American and he will make an outstanding Senator when he wins in November.

Mr. STOKES. Mr. Speaker, I want to thank our distinguished colleague, Chairman JIM LIVINGSTON, for reserving this Special Order. I am pleased to join in this salute to our colleague, JIM ROSS LIGHTFOOT, as he prepares to depart at the end of this legislative session.

JIM LIGHTFOOT was elected to the United States Congress in 1984. During his tenure, he has done an excellent job of representing the Third Congressional District of Iowa. His constituents and the Nation have benefited as a result of his strong commitment to public service. He has played a key role in deliberations that have helped to shape our society and the Nation.

JIM LIGHTFOOT earned the respect of his colleagues for his efforts as a member of the House Appropriations Committee. On that panel, he chairs the Subcommittee on the Treasury, Postal Service and General Government. JIM is also a member of the Appropriations Subcommittee on Foreign Operations. In additional to these assignments, JIM LIGHTFOOT distinguished himself in his role as Chairman of the Republican Task Force on Health Care and Cochairman of the House Law Enforcement Caucus. His legislative record reflects his hard work on issues which include health care reform, crime and agricultural matters.

Mr. Speaker, as a senior member of the Appropriations panel, I have tremendous respect for JIM LIGHTFOOT. Our congressional delegation worked closely with him to secure funding for new Federal Court House Building. JIM is a conscientious lawmaker and a gentleman for whom I have great respect.

Mr. Speaker, I am proud to join my colleagues in saluting JIM ROSS LIGHTFOOT. We wish him and the members of his family our very best in the years to come.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to honor the distinguished representative from Iowa, the Hon. JIM ROSS LIGHTFOOT. For the past 12 years, JIM has honorably served the people of Iowa's Third District. Now I wish him the best in his attempt to represent Iowa in the United States Senate.

JIM has served this country in many different capacities, including in the Army, as a police officer, on the Corsicana, Texas City Commission, and most recently, as the Representative from Iowa's Third District.

While in Congress, JIM has made his marks on the Appropriations Committee, where he has served as the Subcommittee Chairman on Treasury, Postal Service, and General Government for the past 2 years. Because of his work as Chairman, JIM deserves some of the credit for the savings achieved in Government spending during the 104th Congress.

JIM'S humor and demeanor will be missed in this body. He is a fighter whose courage and tenacity have allowed him to outlive his political obituary written by many pundits.

On behalf of the citizens of Wisconsin's Ninth District, I thank the Hon. JIM ROSS LIGHTFOOT for his service to the House of Representatives and the United States.

Mr. MCDADE. Mr. Speaker, it is my very great pleasure to rise today to pay tribute to my colleague and dear friend, JIM ROSS LIGHTFOOT from Iowa who will be retiring from the House at the end of this Congress to pursue a seat in the other body.

We thank JIM for his years of distinguished public service in the House of Representatives and wish him well as he returns to Iowa—just as he has done every week Congress was in session—to stay in touch with the people of Iowa.

When he was first elected to the Congress in 1984, JIM brought with him to the House of Representatives a wide array of experience nearly as vast as his 27-county Congressional District.

A small businessman himself, JIM has long been a good friend to small business owners. After serving in the U.S. Army and Army Reserve in 1956–64, JIM was and is an outstanding spokesman for our Nation's veterans. As a former Tulsa, OK police officer, JIM was a valued leader in the Law Enforcement Caucus as its cochairman to pursue a seat in the other body.

His stewardship of the Treasury, Postal Service and General Government Appropriations Subcommittee was marked by a commitment to safeguard taxpayers hard-earned dollars and assuring that the Federal departments and agencies under his jurisdiction stuck to the good Government policies which were and are JIM's hallmark.

I wish JIM, his wife Nancy and their children Terri, Jamie, Alison and Jim Jr. the very best.

IMMIGRATION BILL STANDS TO BE GUTTED IN OMNIBUS APPROPRIATIONS MEASURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, President Clinton has been in California probably more often than Ronald Reagan. The fact is that he is out there visiting his billionaire buddies from Hollywood and, of course, these billionaire buddies, along with the millionaires, are the ones who bankroll the liberal left activists who control the Democratic party.

But being out in California so often, he has spoken to the people of California and made the promise that he would try to help us come to grips with the problem that threatens the social infrastructure of our State and, that is, the flood of illegal immigration that is basically destroying the education, health care and social service infrastructure of the State of California. He has made this promise on several occasions.

The fact is that this is the same President who people have learned to sort of when he promises something, to take it with a grain of salt. After all, he is the same one who, as soon as he became President, started referring to taxes as contributions and Federal spending as investment which seems a little crass in the use of words. He is not putting anything over on anybody.

He is the one who promised us a middle-class tax cut, then raised taxes on gasoline and, of course, raised taxes dramatically on senior citizens; and also promised to end welfare as we know it, but then vetoed welfare reform bills that made their way through Congress.

But he did promise California, to help us with this flood of immigration. The people of the State of California, and I think the people of the rest of this country, should understand what is happening in Washington today. Today the President of the United States is in negotiations with the Republican leadership. What is he demanding of us? What is he demanding of the Republicans who now control both Houses of Congress? The President who promised to help us stem this flood of illegal immigration that is destroying our schools and our health care, that same President is now threatening to close down the United States Government if the Republicans do not agree to gut the immigration reform bill that was recently passed in the House of Representatives with a substantial majority.

Yes, we were told that we had to remove that provision that said illegal alien children cannot get free education, or the States, we had a provision that said the States should not be forced to provide education benefits for illegal alien children. The cry went up, "Oh, the poor children." Well, the fact is we should be caring more about our own children rather than millions of children coming from overseas. We took that provision out, however. We took it out of the immigration bill and they moved the goal post.

Now the administration says we have got to take out a whole section, the guts, the real meaning, the heart and soul of our immigration reform bill in order for him to move, to agree with us and to cooperate with us to see that there is an omnibus spending bill that will keep government going. He is willing to cut off widows and veterans benefits, checks that go to the destitute in our country, the checks that are going to these programs that our people depend upon, he is willing to close all of that down to ensure that illegal aliens and immigrants who are getting benefits that they do not deserve, to make sure that they continue to drain away these resources. Whose side is he on? He is not on the side of the American people. This is not just a broken promise. Mr. Speaker, this is a betrayal. Not only of the people of California but for people across the United States of America who are picking up the bill.

In SSI and Medicaid benefits alone, the legal immigrants who come into this country are expected to sign a pledge that they will not be draining these resources away. But $20 billion of our tax dollars are going now to pay for these benefits for legal immigrants who are basically going straight for the office, filled out the forms and immediately start collecting these benefits. The fact is they should not be collecting the benefits at all because in order to come here they have agreed not to become wards of the government. But the President, in order to keep spending this $20 billion on foreigners who have come here on the understanding that they will not collect these benefits, the President is threatening to close down the government.

□ 2015

He is threatening to end the checks to our veterans, to our widows and our orphans, because he is insisting that we do this.

This is an attack on every taxpayer in the country, and what it is is an invitation to people throughout the world to come here in even greater numbers.

Again, the people of this country should understand the travesty that is happening and the betrayal that of their interests by President Clinton.

ALLEGATIONS OF CIA PROVIDING DRUGS TO AMERICAN CITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, as you know, I have been involved in trying to move the investigations that finally have been agreed to in order to get to the root of the facts and allegations that have been unveiled in the San Jose Mercury News under the heading "Dark Alliance," written by investigative reporter Gary Webb.

It has been an interesting journey over the past two weeks. Over the past 2 weeks, not only have we begun to ask questions about these revelations; we are bombarded with requests to send more information to individuals all around this Nation.

I held a community meeting down in South-Central Los Angeles and reached out to about 75 community leaders. About 250 showed up. During the Congressional Black Caucus weekend here in Washington, I had a workshop. Over 3,000 people showed up at the workshop. This morning, I was up in Baltimore for the Human Rights Commission that was meeting there. Seven hundred people were there. This afternoon the Howard students rallied down near the Reflecting Pool. They had a good turnout.

The major press has now gotten involved. Just this evening Tom Brokaw on NBC did quite an extensive piece. Included in that piece was JOHN KERRY and information about his investigation.

I have continued to reach out. People are calling me with all kinds of information. I began to look in the archieves, just to see what is there, and discovered some very interesting things.

I decided to look in the diary that is in the archives of Oliver North. I discovered that there was a notebook entry, for example, on a conversation with Robert Owen, who was his liaison with the Contras, dated August 9, 1985. The discussion covers a plane being used by Mario Calero, brother of the head of the FDN Adolpho Calero, based in New Orleans, to ferry supplies to the Contras in Honduras.

This is what the notation said: "Honduran DC–6 which is being used for runs out of New Orleans is probably being used for drug runs into the United States."

These are his diary notations that are in the archives. There are many more. It seems as it we are going to spend many, many hours on this.

Mr. ROHRABACHER. Mr. Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from California.

Mr. ROHRABACHER. If the gentlewoman would yield for a question, was the gentlewoman clear that Oliver North was noting that to move against it?

Ms. WATERS. When I checked with the DEA, who he was supposed to give the information to, nobody has a record.

Mr. ROHRABACHER. It was a secret operation. He wouldn't be telling any one. Do any of the allegations being made, and obviously there are some very bad characters involved with drug dealing on various sides of various issues, but did any of these drug shipments go through Mena Airport at a time when President Clinton was Governor of Arkansas?

Ms. WATERS. Mr. Speaker, reclaiming my time, we are going to find out exactly where they went. What is interesting about one of the introductions to the JOHN KERRY committee report was, everybody knew that there were drug runs. Several agencies of the Federal Government had distinct knowledge that drugs were being flown into the United States, and the proceeds were being used to fund the Contras.

My point is this: Whether the CIA or the DEA or the Justice Department or anybody knew and did nothing, turned their heads, allowed it to go on, or directly participated in it, they are guilty of undermining the citizens of this country. They are guilty of creating the devastation of many of the communities in this country.

We are going to proceed with these investigations. I am going to spend considerable time looking in the archives, going through Oliver North's diaries, looking at information that surfaced in newspapers during the period of time this was going on. We are going to get to the bottom of this.

I am pleased about the involvement now of many of our churches, schools that are coming on line, universities that are getting interested, community groups that are calling from all over. People are calling from the so-called right and the left.

We have citizens who say, "Ms. WATERS, I do not agree with you on a lot of things, but I agree with you on this. We want you to stick with it, to stay with it. We are outraged at the idea that our government could have known, could have been involved with this, could have been a part of a plot."

Mr. Speaker, this is just the beginning. I will be with you often as we unveil this information about CIA, DEA, involvement in drug trafficking in America.

ISSUES OF CONCERN AT THE CLOSE OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, as we wrap up the 104th Congress, there are three unrelated things which have come up this week which I would like to mention, all of which touch on important political issues.

First, just yesterday this House overwhelmingly passed by a 3 to 1, 75 percent margin, a bill attempting to crack down on illegal aliens. The immigration reform bill passed the other body 97 to 3. Almost everyone wants us to get tougher on illegal aliens.

We had already given the INS a 72 percent increase in funding over the last 3 years, 8 times the rate of inflation. Our appropriation bill this year gives them a 25.6 percent increase to $2.2 billion for the fiscal year starting October 1. Yet in spite of all this money, the INS is shirking its duty and it refusing to enforce the law and do the job it is supposed to be doing.

Just 2 days ago a state trooper in Knox County, Tennessee, my home county, stopped a van, a regular-sized small van, containing 25 illegal aliens. The people were piled on top of each other. They were on their way to North Carolina. Our local law enforcement officer called the INS office in Memphis and could not even get an answer, even though this was during regular working hours.

One of our local radio stations has attempted several times to get through, repeatedly, and has been unable to do so.

This was the 6th time in recent months that the INS has either refused to act or even has at times told our local law enforcement officials in Tennessee to let a van of illegal aliens go.

The problem is not money. No other agency in the Federal Government has received such a huge increase in the last 3 or 4 years. The problem is the system, Mr. Speaker. These people are paid the same whether they work hard or whether they work easy. Apparently, we have many in the INS who are wanting to do as little as they possibly can. Because our civil service system protects even lazy and incompetent workers, bad Federal employees can get away with almost anything.

This is one of the reasons why so many people are so fed up with the Federal Government today and why we so desperately need to reform our civil service laws so that some of these Federal employees will have to start working at least half as hard as those in the private sector.

Secondly, Mr. Speaker, a member of the Committee on National Security told me this week that our Bosnian adventure will ultimately cost us $10 billion. We have spent $4 billion in Haiti and, according to the Washington Post, have had our troops down there picking up garbage and settling domestic disputes. We have turned our men and women in our armed forces into international social workers, and we have spent and are spending billions in Bosnia, Haiti, Rwanda, Somalia, and especially, of course, in the former Soviet Union, where we even spent hundreds of millions constructing homes for returning members of the Soviet military.

This does not even count our regular foreign aid. Any time anyone opposes throwing away all these billions overseas, they are insulted with the false label of isolationist. Yet, anyone who fairly looks at this would have to admit that the United States could carry on many close, active, friendly relationships with all nations without pouring billions and billions down foreign black holes.

Let us be friends with everyone, Mr. Speaker, but you should not have to buy friends, especially with billions that we are taking away from our own children, putting their futures very much in jeopardy. We need to remember, Mr. Speaker, that we are over $5 trillion in debt and we are spending money that we do not have. We should not send our troops overseas unless there is a serious threat to our own national security or a definite U.S. vital interest involved, and neither of these is present in Bosnia.

Finally, Mr. Speaker, I want to briefly mention or briefly touch on one other incident which received national publicity this week. A 6-year-old boy in Lexington, N.C., was charged with sexual harassment because he gave a 6-year-old girl a peck of a kiss on the cheek after she asked him to do so. This little boy, who knows nothing about sex, was held away from his classmates for the entire day and missed an ice cream party with his fellow students.

This is taking political correctness to a ridiculous extreme. Surely, we can operate our schools with a little common sense. The school system in Lexington justified its actions based on a manual that this little boy could not have understood even if he had been told about it.

Some of these extremists, I say extreme women's libbers, seem to want to turn men and women into enemies in this country, but we need to resist this. We need to stand up to this and say that some of this is wrong and ridiculous, and surely we should not have done this to this little 6-year-old boy.

DEDICATION TO HON. RAY THORNTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PACKARD] is recognized for 5 minutes.

Mr. PACKARD. Mr. Speaker, I want to take this time to honor a dear friend and colleague of mine, RAY THORNTON. RAY will be leaving this body soon and before he goes his dedication and fellowship deserves high praise. As chairman of the Legislative Branch Subcommittee on Appropriations, I would like to thank him for his assistance as ranking member.

RAY assumed the ranking member position this year with great enthusiasm and skill. I appreciated his input as well as his willingness to work in a friendly and bipartisan way. Together we accomplished a great deal. To date, the legislative branch is a full 12 percent leaner than it was 2 years ago and serves as the model for rightsizing the rest of Government.

RAY contributed tremendously to this effort. He supported and advanced our efforts to find additional opportunities to save dollars and increase efficiencies here in the legislative branch.

The Legislative Branch spending bill is primarily about people. RAY's administrative background, as a former University of Arkansas president, proved invaluable. As RAY and I worked together to rightsize this institution, time again he brought his management orientation to task.

Unfortunately, we may be losing RAY to another branch of government as he works to assume a judgeship on the Arkansas Supreme Court. His dedication and enormous talents will certainly continue to prove beneficial to the people of Arkansas. While I wish RAY well in his future endeavors, I will miss him as my colleague here in the House and on my subcommittee.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES REFLECTING ACTION COMPLETED AS OF SEPTEMBER 18, 1996 FOR FISCAL YEARS 1996–2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year-period fiscal year 1996 through fiscal year 2000.

This report is to be used in applying the fiscal year 1996 budget resolution, House Concurrent Resolution 67, for legislation having spending or revenue effects in fiscal years 1996 through 2000.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 27, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of September 18, 1996.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 67, the concurrent resolution on the budget for fiscal year 1996. These levels are consistent with the recent revisions made pursuant to section 606(e) of Congressional Budget Act of 1974 as amended by the Contract with America Advancement Act (P.L. 104–121) which provides additional new budget authority and outlays to pay for continuing disability reviews. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1996 because appropriations for those years will be considered under future budget resolutions.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 67 for fiscal year 1996 and for fiscal years 1996 through 2000. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1996 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on December 5, 1995.

Sincerely,

JOHN R. KASICH,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1996 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 67

[Reflecting action completed as of September 18, 1996]

[On-budget amounts, in millions of dollars]

	Fiscal year 1996	Fiscal year 1996–2000
Appropriate Level (as set by H. Con. Res. 67):		
Budget authority	1,285,515	6,814,600
Outlays	1,288,160	6,749,200
Revenues	1,042,500	5,656,841
Current Level:		
Budget authority	1,306,896	(1)
Outlays	1,307,685	(1)
Revenues	1,039,110	5,691,500
Current Level over(+)/under(−) Appropriate Level:		
Budget Authority	21,381	(1)
Outlays	19,525	(1)
Revenues	−3,390	34,659

[1] Not applicable because annual appropriation Act for Fiscal Years 1997 through 2000 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing any new budget authority for FY 1996 (if not already included in the current level estimate) would cause FY 1996 budget authority to exceed the appropriate level set by H. Con. Res. 67.

OUTLAYS

Enactment of measures providing any new budget or entitlement authority that would increase FY 1996 outlays (if not already included in the current level estimate) would cause FY 1996 outlays to exceed the appropriate level set by H. Con. Res. 67.

REVENUES

Enactment of any measure that would result in any revenue loss in FY 1996 (if not already included in the current level estimate) or in excess of $34,659,000,000 for FY 1996 through 2000 (if not already included in the current level) would increase the amount by which revenues are less than the recommended levels of revenue set by H. Con. Res. 67.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTION ACTION COMPLETED AS OF SEPTEMBER 18, 1996

[Fiscal years, in millions of dollars]

	1996			1996–2000		
	BA	Outlays	NEA	BA	Outlays	NEA
House committee:						
Agriculture:						
Allocation	−992	−992	177	−8,477	−8,477	−2,164
Current level	−330	−722	−758	−5,011	−5,366	−6,771
Difference	662	270	−935	3,466	3,111	−4,607
National Security:						
Allocation	−1,168	−1,168	382	1,733	1,733	1,467
Current level	369	367	401	1,378	1,374	1,758
Difference	1,537	1,535	19	−355	−359	291
Banking, Finance and Urban Affairs:						
Allocation	−481	−481	0	−1,698	−1,698	0
Current level	3	3	0	0	0	0
Difference	484	484	0	1,698	1,698	0
Economic and Educational Opportunities:						
Allocation	−128	122	−2,015	−1,976	−1,534	−11,465
Current level	0	0	0	8,568	7,919	6,900
Difference	128	−122	2,015	10,544	9,453	18,365
Commerce:						
Allocation	−555	−405	−3,619	−11,381	−11,480	−84,935
Current level	0	0	0	6,453	6,406	7,367
Difference	555	405	3,619	17,834	17,886	92,302
International Relations:						
Allocation	−3	−3	0	−19	−19	−6
Current level	−72	−72	0	−73	−73	0
Difference	−69	−69	0	−54	−54	6
Government Reform & Oversight:						
Allocation	−436	−436	−106	−2,903	−2,903	−2,729
Current level	0	0	0	0	0	6
Difference	436	436	106	2,903	2,903	2,735

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTION ACTION COMPLETED AS OF SEPTEMBER 18, 1996—Continued

[Fiscal years, in millions of dollars]

	1996			1996–2000		
	BA	Outlays	NEA	BA	Outlays	NEA
House Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−106	−104	0	−2,698	−2,693	0
Current level	−19	−25	0	−161	−167	8
Difference	87	79	0	2,537	2,526	8
Judiciary:						
Allocation	0	0	0	−238	−238	0
Current level	0	1	1	17	16	6
Difference	0	1	1	255	254	6
Transportation and Infrastructure:						
Allocation	−63	−63	0	92,844	−457	0
Current level	0	0	0	0	−2	0
Difference	63	63	0	−92,844	455	0
Science:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−79	−79	−195	−686	−686	−2,928
Current level	0	0	−21	0	0	−106
Difference	79	79	174	686	686	2,822
Ways and Means:						
Allocation	−7,163	−7,615	−4,502	−192,899	−193,345	−82,895
Current level	34	−8	−25	55,337	55,305	−31,986
Difference	7,197	7,607	4,477	248,236	248,650	50,909
Unassigned:						
Allocation	306	306	0	4,892	4,892	0
Current level	0	0	0	0	0	0
Difference	−306	−306	0	−4,892	−4,892	0
Total Authorized:.						
Allocation	−10,868	−10,918	−9,878	−123,506	−216,905	−185,655
Current level	−15	−456	−402	66,508	65,412	−22,818
Difference	10,853	10,462	9,476	190,014	282,317	162,837

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1996—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (December 5, 1995)				Current level as of September 18, 1996				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,325	13,608	0	0	13,306	13,577	0	0	−19	−31	0	0
Commerce, Justice, State	22,810	24,148	3,956	2,113	23,338	24,320	3,956	2,112	528	172	0	−1
Defense	243,042	243,512	0	0	241,853	242,306	0	0	−1,189	−1,206	0	0
District of Columbia	727	727	0	0	712	712	0	0	−15	−15	0	0
Energy & Water Development	19,562	19,858	0	0	19,326	19,801	0	0	−236	−57	0	0
Foreign Operations	12,284	13,848	0	0	12,153	13,856	0	0	−131	8	0	0
Interior	12,213	13,174	0	0	12,122	13,047	0	0	−91	−127	0	0
Labor, HHS & Education	61,947	68,380	53	44	63,195	68,838	53	25	1,248	458	0	0
Legislative Branch	2,126	2,180	0	0	2,125	2,180	0	0	−1	0	0	0
Military Construction	11,178	9,597	0	0	11,136	9,592	0	0	−42	−5	0	0
Transportation	12,500	36,754	0	0	11,705	36,751	0	0	−795	−3	0	0
Treasury-Postal Service	11,237	11,542	78	70	10,826	11,144	77	70	−411	−398	−1	0
VA–HUD–Independent Agencies	61,686	74,440	0	0	62,349	74,480	0	0	663	40	0	0
Reserve	437	0	0	0	0	0	0	0	−437	0	0	0
Grand total	485,074	531,768	4,087	2,227	484,146	530,604	4,086	2,207	−928	−1,164	−1	−20

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 24, 1996.

Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1996. These estimates are compared to the appropriate levels for those items contained in the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67) and are current through September 18, 1996. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 178)	Current level +/− resolution
Budget authority	1,306,896	1,285,515	+21,381
Outlays	1,307,685	1,288,160	+19,525
Revenues:			
1996	1,039,110	1,042,500	−3,390
1996–2000	5,691,500	5,656,841	−34,659

Since my last report, dated May 21, 1996, the Congress has cleared and the President has signed the Agriculture Appropriations Act, 1997 (P.L. 104–180), and Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act (P.L. 104–164), the Taxpayer Bill of Rights 2 Act (P.L. 104–168), the Small Business Job Protection Act (P.L. 104–188), the Health Insurance Portability and Accountability Act of 1996 (P.L. 104–91), the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193), an Act for the Relief of Benchmark Rail Group, Inc. (Pvt. L. 104–1), and an Act for the Relief of Nathan C. Vance (Pvt. L. 104–2). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

PARLIAMENTARIAN STATUS REPORT—104TH CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS SEPTEMBER 18, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,039,122
Permanents and other spending legislation	830,272	798,924	
Appropriations legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,039,122
ENACTED IN FIRST SESSION			
Appropriation Bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 104–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsettings receipts	−7,946	−7,946	
Authorization Bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Right Amendments of 1995 (P.L. 104–43)		(1)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(1)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(1)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation Bills:			
Ninth Continuing Resolution (P.L. 104–99)[2]	−1,111	−1,313	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
District of Columbia (P.L. 104–134)	712	712	
Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
1997 Agriculture Appropriations (P.L. 104–180)	−4		
Authorization Bills:			
Gloucester Marine Fisheries Act (P.L. 104–91)[3]	14,054	5,882	
Smithsonian Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mt. Arizona Settlement Act of 1995 (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104)[4]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act, FY 1996 (P.L. 104–106)	369	367	
To Award Congressional Gold Medal to Ruth and Billy Graham (P.L.104–111)	(1)	(1)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia, and Macedonia (P.L. 104–117)			−38
Agriculture Improvement and Reform Act (P.L. 104–127)	−330	−721	
Federal Tea Testers Repeal Act of 1996 (P.L. 104–128)			(1)
Anti-terrorism and Effective Death Penalty Act (P.L. 104–132)			2
An Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act (P.L. 104–164)	−72	−72	
The Taxpayer Bill of Rights 2 (P.L. 104–168)			−30
Small Business Job Protection Act (P.L. 104–188)			92
Health Insurance Portability and Accountability Act of 1996 (P.L. 104–91)		10	62
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193)	52		
An Act for the Relief of Benchmark Rail Group, Inc. (Pvt. L. 104–1)		1	
An Act for the Relief of Nathan C. Vance (Pvt. L. 104–2)	(1)	(1)	
Total enacted second session	292,795	201,713	88
APPROPRIATED ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[5]	17,656	19,168	
Total Current Level[6]	1,306,896	1,307,685	1,039,110
Total Budget Resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under Budget Resolution			3,390
Over Budget Resolution	21,381	19,525	

[1] Less than $500,000.

[2] P.L. 104–92 and P.L. 104–99 provide funding for specific appropriated accounts until September 30, 1996.

[3] This bill funds specific appropriated accounts until September 30, 1996.

[4] The effects of this Act on budget authority, outlays, and revenues begin in fiscal year 1997.

[5] Estimates include the effects of changes enacted this session in the following public laws: P.L. 104–57. P.L. 104–121, and P.L. 104–127.

[6] In accordance with the Budget Enforcement Act, the total does not include $4,836 million in budget authority and $2,737 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

Notes.—Detail may not add due to rounding.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 27, 1996.

Hon. NEWT GINGRICH,
Speaker, Office of the Speaker,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (P.L. 104-193), I hereby submit revised 602 allocations and other appropriate budgetary levels. Subsection 211(d)(5) of P.L. 104-193 amends section 103(b) of the Contract with America Advancement Act of 1996 (P.L. 104-121) which provided for an adjustment in the various budgetary levels established by budget resolutions to accommodate additional appropriations for conducting continuing disability reviews (CDRs) under the Supplemental Security Income program.

P.L. 104-121 directed the Chairman of the Committee on the Budget to revise the discretionary spending limits, 602(a) allocations, and the appropriate budgetary aggregates when the Appropriations Committee reports an appropriations measure that provides additional new budget authority and additional outlays to pay for the costs of continuing disability reviews.

For fiscal year 1997, the adjustment reflects the amount appropriated for CDRs that is in excess of $100 million in new budget authority and $200 million in outlays (subject to a maximum adjustment of $175 million in budget authority and $310 million in outlays). The adjustment is based on the levels provided for CDRs in H.R. 3755, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies.

These revised levels will supersede those established by the conference report accompanying H. Con. Res. 178 (H. Rept. 104-575) and shall be binding for purposes of enforcing sections 302(f) and 311(a) of the Congressional Budget Act of 1974.

The revised allocations and other budgetary levels are as follows:

[In millions of dollars]

	Budget authority	Outlays
Discretionary spending limits	492,842	535,849
602(a)/302(a) allocations	497,525	538,922
Budget aggregates	1,314,935	1,311,321

If you have any questions, please contact Art Sauer or Jim Bates at ext–6–7270.

Sincerely,

JOHN R. KASICH,
Chairman, Committee on the Budget.

GAO REPORT AFFIRMING LEGALITY OF RUBIN ACTION ON DEBT LIMIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, on behalf of the American people, I would like to express our gratitude and respect to Treasury Secretary Robert Rubin for his courageous and responsible actions during the last year in the face of the regrettable debt limit crisis. Specifically, I would like to call to the attention of my colleagues a report that the General Accounting Office [GAO] issued earlier this month reporting on the Treasury's handling of the debt limit crisis. As you may recall, for several months beginning last October the Republican Congressional leadership refused to increase the statutory debt limit, an intransigence that brought the Nation to the brink of default on its sovereign debt for the first time in its history. As a result of Congress' actions, Treasury Secretary Rubin was required to take a variety of extraordinary measures to safeguard the Nation's credit and to prevent a situation that was deemed "unthinkable." The recent GAO report concluded that all of Secretary Rubin's actions were legal, calling them "proper and consistent with legal authorities the Congress has provided to the Secretary of the Treasury."

We all owe a debt of gratitude to Secretary Rubin. Clearly, his extensive experience in financial markets enabled him to understand fully the disastrous consequences of default. The GAO report makes abundantly clear that Secretary Rubin met this challenge in a manner that was both lawful and effective.

It was clear at the time, and it is even clearer in hindsight, that the debt limit impasse was simply a tactic to force President Clinton to sign a budget deal with which his Administration could not live. It was a dangerous game to play, because the Nation's credit affects the financial well-being of all Americans and the financial stability of all the world. It was not only a risky game. It was ultimately a losing game. It should come as no surprise then that neither the Dole campaign nor the Republican leadership of this Congress has offered any comment on this report.

Secretary Rubin's actions were as effective as they were courageous. The American people should be proud of this very fine public servant.

A CALL FOR FURTHER INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank you for the time. I will share my time with my friend and colleague from California, Mr. ROHRABACHER.

This is, if not the last night of this session of the 104th Congress, it certainly is close to it. I should be rising to display a happy sentiment about what has happened because I am proud of what we have done in this Congress. I am proud of the work we have achieved. I am proud that our party has moved forward with a very aggressive agenda.

But, unfortunately, I rise to talk about something that to me is very sad, Mr. Speaker, because it gets at the heart of what this country is all about, and it relates back to one of the reasons why I got involved in public life in the first place.

In 1972, Mr. Speaker, I was teaching in public schools back in Pennsylvania, and to be very frank, I was somewhat dismayed when the investigation showed here in Washington that the President of my party, Richard Nixon, tried to cover up a third-rate burglary.

Now, that was not a major felony, but it was something that no one in fact should be allowed to get away with in this country, and in fact the system worked. That gentleman who served in the White House eventually had to step down because this body did a very thorough job in supporting an independent prosecutor who went in and found out that, yes, the President had in fact tried to cover up a third-rate burglary. And that is exactly what it was, and that is all it was.

Mr. Speaker, the President of the United States right now is about my age, a little bit older than I am. We are from the same generation. I understand that his wife, the First Lady, was involved in that investigation, was on the team who went after Richard Nixon, as a staff person, an idealist of the sixties generation, as perhaps I would characterize myself.

And here, Mr. Speaker, our paths now cross. I am a Republican Member of Congress and President Clinton and his wife are in the White House. And while I have been dismayed at many of the actions of this administration and this President, a President of my generation, nothing, Mr. Speaker, nothing has outraged me as much as what I have seen over the past several days.

The Attorney General of this country suggested that we needed a special prosecutor to investigate the Whitewater case. Whether you believe the facts in that situation or not, in a bipartisan way we all agree, like we did with those who were in office when Richard Nixon was President, that this should best be handled by a special prosecutor. The majority of the Members in both bodies agreed that that should be handled, especially if it potentially involved the President and First Lady, by a special prosecutor.

The special prosecutor has proceeded, Mr. Speaker, and he has gotten some convictions along the way, in fact, some convictions of some formerly very high ranking people in this administration. Now, Mr. Speaker, 1 month before the election, the heat is starting to be turned up on the White House.

□ 2030

And what really offends me, Mr. Speaker, is that while we have an investigation being conducted by an independent prosecutor, as we saw during Richard Nixon's era, we have a President for the first time in the history of this country come out and make public statements leading to the possibility of pardon for those people who, first of all, have been tried and convicted by a jury of their peers.

Now, for those who say, well, it is the right of the President to pardon those who have done wrong, I would say I do not disagree with that. But, Mr. Speaker, what we have here is something that has never happened before in the history of this country, a sitting President making public statements about a case where the investigator is trying to bring in witnesses who have refused to testify, who have gone on national television, who have been jailed because they have not cooperated with the Grand Jury and the special prosecutor, and a President who has said publicly that he has not yet thought about whether or not a pardon would be considered.

Now, if you were one of those individuals who has been convicted by a jury of your peers for wrongdoing, and in each of the cases of the convictions they are for multiple counts, they are not for one count, you would, I would think, be very enlightened and heartened by the comments of the President of the United States that he thinks justice should prevail.

But then he goes on to say he has not even thought about whether or not a pardon should be considered. But even worse than that, Mr. Speaker, he comes out publicly and says that it is commonly understood that the special prosecutor is, in fact, pursuing politics in his investigation of this situation.

Mr. Speaker, now I am not a lawyer. I am one of the few Members of this Congress that got here as a public school teacher, as someone who got involved in my community as a mayor and then county commissioner and now as a Member of Congress. But let me tell you one thing I have learned about our legal system, Mr. Speaker, and that is when you attempt to affect someone who is involved as a witness or a potential witness in a criminal investigation, for every citizen in America that is called tampering with a witness. Mr. Speaker, as a layperson and not an attorney, that is a felony far more grave than covering up a third-rate burglary.

Mr. Speaker, if you or I or my fellow citizens back in Delaware County or across Pennsylvania were being charged with something and had some way of affecting a potential witness to that case against us, and said that publicly and tried to influence what that individual may or may not say, they could be charged with tampering with a witness.

Mr. Speaker, that is illegal. That is not allowed in this country. And for the President of the United States to lay out the possibility of a pardon for someone who was making herself to be a national folk hero, after she was convicted by a jury of her peers for having done wrong, along with her husband who was convicted of many more counts, and who currently is in prison because she is saying she does not want to cooperate, is tampering with a witness.

Mr. Speaker, that is outrageous, and that is why I got involved in public life in the first place back in my county, back in the 1970's, when I first ran for mayor of my town. I was upset with the way the system was working. I was upset that a President could think that he could be above the law and that he could cover up any third-rate burglary and get away with it.

But President Nixon did not do that during the course of the investigation. His crime was covering up. It was Gerald Ford, the next President who, in fact, gave a pardon which caused him to be defeated.

Now, Mr. Speaker, some would say this is sour grapes, you are just a Republican and all you want to do is beat up on the President because it is so close to the election. Mr. Speaker, that is not my reason for being here. In fact, let me read you some quotes that appeared in the national media this past week in response to what this President has done.

First of all, let me quote Richard Cohen. Richard Cohen is a columnist for the Washington Post, and anyone who reads the Washington Post knows that Richard Cohen is not exactly what you would call a conservative columnist. In fact, he is thought to be rather to the left in terms of his positions on issues.

Mr. Cohen, in an article this past week, likened Mr. Clinton's anti-Starr campaign to the Watergate era when Richard Nixon fired his nemesis, Archibald Cox.

This is the quote from Richard Cohen. "Personal attacks on the independent counsel or appeals to partisan chauvinism hardly reassure me," Mr. Cohen wrote in a column this week. To go on and quote him further, "It seems to me I have heard this song before, in 1972 to be exact."

Now, this is not the gentleman from Pennsylvania, CURT WELDON, Republican. This is not the gentleman from Georgia, NEWT GINGRICH, Speaker. This is not the gentleman from New York, BILL PAXON, chairman of the congressional committee, or even Bob Dole, Republican candidate. This is Richard Cohen, columnist in the Washington Post, likening the President's actions, Mr. Speaker, to those of 1972 when Richard Nixon was, in fact, in office.

But let us go beyond Richard Cohen Mr. Speaker. How about the New York Times? The New York Times is not exactly the Washington Times. It is not known for its conservative principles, its conservative thinking, or its conservative editorials. What did the New York Times editorial page say this week in response to what this leader of our country did in terms of his public statements in regard to the Whitewater situation and Special Prosecutor Starr?

The Times blasted the President for his verbal shots at Mr. Starr this past Monday during a PBS interview when the President was being interviewed and for his discussion of the pardon process while ex-Whatewater partner Susan McDougal refuse to testify before a Federal Grand Jury. And this is what the New York Times said, Mr. Speaker.

"Both comments create the impression that it is the White House that wants to use partisan thrusts to disrupt the legal process, not Mr. Starr and others, who remain legitimately curious about the full story of Whitewater."

Again, Mr. Speaker, this was not Republicans in this body, this was not Bob Dole or Jack Kemp. This was the New York Times in an editorial this week, Mr. Speaker.

Let us go further, Mr. Speaker, and let us talk about Daniel Schorr. Daniel Schorr, who covered Watergate for CBS News and now does commentary on National Public Radio, said, "The President's answers to PBS anchor Jim Lehrer were designed to put Mr. Starr on the defensive and keep McDougal hopeful. His game is to keep Starr on the defense. I think he is having some success in doing that," said Mr. Schorr. "What serves Clinton's purpose very well," and I am quoting him, "is to just leave open the possibility of a pardon," he said. "It leaves the defendants some incentive not to give away the Clintons."

Which I think the President perhaps knows could happen. That is not the quote, by the way, I am adding my own editorial comment. I will get back to the quote.

"When you look at the words, you can't have a problem with it. It's not what he said, it's what he didn't say."

Mr. Speaker, this President is very clever sometimes at not necessarily saying or conveying directly what he means, but using whatever he says to convey some other meaning, and that is exactly what Daniel Schorr is saying the President is doing in this particular situation.

We could go on to the Wall Street Journal, and some would say, well, the Wall Street Journal is more conservative, and I would agree with that publicly, but I will still quote Paul Gigot, a Wall Street Journal columnist, who said, and I quote, "It sure wasn't appropriate." Continuing the quote, "It seemed to me that he was holding out hope to Susan McDougal about the prospect of a pardon, which is an interference with the Starr investigation."

Mr. Speaker, what we have seen happen in this country this past week may not sway the election. It may not help or hurt this President in his efforts to be reelected to a second term. But I can tell you one thing, Mr. Speaker, as a child of the 1960's, close to this President's age, as someone who got involved in public life because I was fed up when I saw a sitting President try to cover up a third-rate burglary and who was offended that he was from my party, so I got involved, that I am outraged. I am incensed that this individual would think that he has the ability to so blatantly in the public process leave the option open for a pardon.

Mr. Speaker, when this happened this week, even though I am not on the appropriate committees, I felt that I had to do something, and so I did. I am here tonight, Mr. Speaker, to announce what I have done. I drafted a letter, Mr. Speaker, 2 days ago. I would like to read the letter which will go to this President tomorrow.

"Dear Mr. President. We are shocked and alarmed by several of your recent statements about the ongoing investigation of independent counsel, Kenneth Starr, and the possibility that several of the figures involved in the Whitewater affair might receive Presidential pardons.

"Accordingly, we write to ask for your assistance with two very specific issues. First, we ask for your assurance that Jim and Susan McDougal, Jim Guy Tucker and other individuals associated with the Whitewater affair will not receive presidential pardons of any sort. This is particularly important in the case of Susan McDougal, who remains in jail on contempt charges. Even the hint of a possible pardon smacks of interference on your part in the important work of the independent counsel. Leaving the door open for a pardon at some point represents, as Richard Cohen in a recent Washington Post column correctly observes, 'a whisper of an offer,' of a pardon.

"Second, we request that you make public the evidence which supports your contention that Susan McDougal is being held in jail on contempt because she refuses to lie about the First Lady and you. This is an extremely serious charge about the integrity of Kenneth Starr. If there is even a grain of truth to support this charge, you should produce that 'evidence' immediately or withdraw your claim.

"These are issues of the gravest importance that speak directly to the integrity of the independent counsel and the investigation he is undertaking. We look forward to your response on these two critical issues. Sincerely."

Mr. Speaker, when I drafted the letter on Wednesday I thought I would bring it over and get some of my friends who I thought would be concerned about this to sign this letter with me, but I was prepared to sign it myself.

Mr. Speaker, in 2 hours on the floor of this House, and I had not talked and still have not talked to anyone in the leadership, including the Speaker or the other leaders who are not involved and aware of what I am doing, I was able to collect 185 signatures, from 185 representatives all across this country, from every State in this Union. And that was in 2 hours yesterday and a half-hour on the floor today. And during that time period, 185 elected officials, representing almost one-half of the population of this Nation agree with me, Mr. Speaker, that this has got to be stopped.

No one is above the law in America, even someone who can look in the camera and with a straight face say that he will wait until the process is over and that, in fact, it is political, without providing any bit of evidence to support that claim.

Mr. Speaker, some would say, well, you are just a Republican and all you got were those conservative Republicans to support you in signing that letter. Mr. Speaker, I will admit the overwhelming majority of these signatures are Republican.

I can tell you one month before an election it would be extremely difficult to get any member of the President's party to sign a letter of this type that basically confronts him directly and asks him to respond.

□ 2045

But, Mr. Speaker, it is a bipartisan letter. In fact, three Democrats joined with us in saying to this President, put up or shut up. If you have no evidence of political involvement on the part of the special prosecutor, then shut your mouth. And stop going around the country attempting to provide support for someone who has been convicted by her peers and who sits in jail on contempt charges because you are fearful that she might say something that will implicate you and your wife.

Mr. Speaker, 185 Members of this body signed this letter. The letter is still open and my colleagues and our colleagues, I would hope, who want to sign this letter can do so by calling my office this evening, I will be there; as well as calling tomorrow, I will be in there again. And I will let them sign the letter there or on the House floor, because I think we have to make a statement, Mr. Speaker.

Back to my days in 1972, when I got involved because the leader of my party tried to cover up a third-rate burglary, and now we have a situation where our sitting President flaunts his ability to do what every citizen in this country cannot do and that is intimidate or somehow affect what a witness will say in a grand jury proceeding and make allegations about political implications of Special Prosecutor Starr with no evidence presented to back what he is saying publicly.

Mr. Speaker, the Republicans who signed this letter are no conservatives. They are moderates, and many of them would be considered to the left in our party, Members who supported this President on issues as I have. I have voted with this President on family and medical leave and voted with him on anti-strike breaker and voted with him on environmental issues and voted with him on more funding for the poor, $100 million plus up in the community action agency program and supported him when he has been right. But I will not stand in this body and allow anyone to think that because of their office they can manipulate the system in such a way that he will hope that through the next 5 weeks that this woman will just stay quiet and not be involved because there is that possibility out there of a presidential pardon.

Mr. Speaker, I would say that we need to have this President come before the American people and do what he has not done very well, and that is be honest with the people about his intentions.

All he has to say publicly is, I will not issue a pardon for Jim or Susan McDougal, for Jim Guy Tucker or anyone else. I will let the process work. If he says that, he has solved our problem and we will let the process work as it did with Richard Nixon.

Mr. President, again, as a child of the 1960's, as someone who is very close in age to this President, I am absolutely outraged at what is occurring. I think that this body has got to take action and this letter will help accomplish that.

With that I yield to the gentleman from California [Mr. ROCHRABACHER].

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The Chair reminds all Members, they must address their remarks to the Chair.

Mr. ROHRABACHER. Mr. Speaker, I would like to ask my friend from Pennsylvania, perhaps he could explain, perhaps he could explain for the record exactly what the Whitewater investigation is all about. Some people who have heard Whitewater do not fully understand that what we are really talking about here is the looting of a savings and loan institution in Arkansas. Basically a clique, a small political clique in Arkansas who ran that State are basically being accused of looting the savings and loan that was guaranteed by the taxpayers. Once that savings and loan, Madison Savings and Loan went belly up, then we got stuck, the American taxpayers got stuck for tens of millions of dollars that then were needed to pay off the debts of the bankrupt savings and loan.

All of the activities that are going on concerning Whitewater, basically the roadblocks that are being put up and the stonewalling that is happening and the various attempts to attack the special prosecutor and to prevent people from getting evidence, that basically is happening as part of an attempt to thwart the investigation of the looting of a savings and loan, is that not correct?

Mr. WELDON of Pennsylvania. The gentleman is very familiar with the case. I am not on the appropriate Committee on House Oversight but I have followed it during my process. As I understand it, that is exactly what happened. It was a looting of a savings and loan.

That is why the special prosecutor was set up and comparing it to what happened in the 1970's, it was a bipartisan effort to see whether or not the President, who was of my party and of the gentleman's party, in fact did something that violated the basic trust of the American people, and we found that he did. What bothers me the most is that the President's wife at that time was leading the effort to uncover the President and what he had done.

And now we have a situation where the President has gone far beyond, far, far beyond the coverup of a third-rate burglary. Tampering with a Federal witness is a felony. To lay out the possibility of a pardon, while there is a person who is incarcerated because she will not respond to a request by a legitimate judge and special prosecutor in this country, is a felonious act. I am not a lawyer but that is what it is. I have asked people. It is an outrage that this country should not allow to happen. In my mind this action makes Richard Nixon look like a Sunday school teacher in comparison in terms of what has occurred this week.

Mr. ROHRABACHER. Mr. Speaker, in 1992, when then-Governor Clinton was kicking off his presidential campaign, I have a distant memory of that event.

And recently someone called my attention to the subject matter that he used to kick off his presidential campaign. I am not sure if my friend from Pennsylvania is aware of what the central theme of the President's first campaign speech was, but it was honesty in government. And he used as an example of the terrible dishonesty that was going on in the Federal Government, he used the savings and loan scandal as the basis for his charge of the corruption that was going on in Washington, DC.

I believe that it is ironic at best, it is ironic today for us to be confronted with stonewalling and roadblocks being thrown into the path of a special prosecutor who is attempting to come to grips and to follow the leads that are necessary to bring to justice those people who were involved with the looting of a savings and loan institution that cost the taxpayers tens of millions of dollars.

Some people have said that the President, that this President, President Bill Clinton, has more chutzpah in the history of this country. There are a lot of reasons for saying that. He did have enough chutzpah, for example, to try to change the language when he tried to say that taxes were contributions and Federal spending all of a sudden became investments. It took a lot of chutzpah to be able to try to face the American people and try to say that, convince them that taxation is really contribution and Federal spending is really investment and in some way fool them into the reality that that was different.

It takes a lot of chutzpah for a President who began his presidential campaign on the theme of honesty in government and attacking this savings and loan scandal to now be engaged in the type of tactics that you have just outlined, to try to basically thwart an investigation into the savings and loan scandal that was taking place right in Arkansas. Of course, he would suggest that it was happening right underneath his nose but he did not know anything about it and that his wife, although deeply involved in the law firm that had some of these accounts and dealt with people who were dealing with the savings and loan, that she of course knew nothing about it as well. This does take some chutzpah.

It also takes some chutzpah, as they say, for the same President to simply shrug off miraculous happenings that have been going on during this investigation. For example, most people have probably forgotten by now the miraculous appearance of Hillary Clinton's billing records for the Rose Law Firm that just were, had disappeared for about a year and then like a miracle appeared in the living quarters of the first family in the White House.

These things were either a miracle or someone consciously did these things. It just seems that the press is willing to ignore that, but if a Republican like Richard Nixon would have been involved in something as blatant as this, it would not be a matter for a chuckle, it would be a matter for questions and follow-up questions and a dogged investigation from that moment on.

Mr. WELDON of Pennsylvania. I would say to my friend and colleague that I think this is the straw that breaks the camel's back, because now we have the American people seeing through what has been going on here and we have an instance where you have a major columnist for the Washington Post, the New York Times editorial board, Daniel Schorr, the Wall Street Journal, editorial papers across the country, my own local paper in my county has been so incensed with the President that when he visited Philadelphia this past Wednesday, they broke their tradition and editorially endorsed his opponent the day he came to Philadelphia.

This is incensing people who have worked with this President, and I wanted to yield to the gentleman from California [Mr. HORN], who just came over here, because like me and perhaps unlike some of our other Members of our caucus, he and I worked with this President on issues. He and I have supported him on environmental priorities. He and I have supported him on issues affecting those things that we maybe differ with our caucus a little bit. And now it has got us to the point where we are incensed and outraged because perhaps in our, I will let the gentleman speak for himself but in my case, 1972 was a turning point because it displayed the arrogance that one person could have in thinking that they were above the people and above the laws that all of us have to live under. What he has done in this case is he has gone beyond the limit.

I yield to the gentleman from California [Mr. HORN] who, by the way, came over to sign the letter. We now have 186 signatures and, Mr. Speaker, I would urge our colleagues sitting in their offices who have not signed from either party to come over to the floor. The letter is here and, Mr. Speaker, I would encourage their constituents back home, Mr. Speaker, if they would like to make sure they communicate that, that would be appropriate because many of them are in their offices this very evening and phone calls to them might prod them to come over.

Mr. DORNAN. If I could just have 10 seconds, did you notice the front page of the most truthful paper calls it a curt letter with a small "c." First, I looked and I said, hey, CURT's name should be capitalized here. They meant it was a rather brief, succinct letter. What should we be doing, dripping with honey and with treacle running down our back and tell him, do not pardon these people?

Mr. WELDON of Pennsylvania. My point is, this is something I did not want to have to do on the last day of the session, which should not be in this mode, but, Mr. Speaker, this is it. It is the last chance for us to speak out.

Mr. HORN. Mr. Speaker, I thank the gentleman from Pennsylvania. I happened to be working here on another bill that we are putting through the Senate, and we have already put through here. I heard your remarks and I think they are frankly the most brilliant remarks I have heard since becoming a Member of Congress in January 1993. You are absolutely right. You are absolutely digging into the right aspects of this.

What we have is the intimidation of the chief executive of the United States, of the judicial branch of the United States Government. What you have described, which is true, is absolutely unheard of. I think every American citizen should share your and our outrage that are talking about this subject tonight. It is absolutely shameless conduct. As you say, if you have some evidence on the special counsel, produce it or quit the nonsense and the PR and the charm going around this country.

I gave the gentleman a question I wrote out a few days ago on this very subject, which is what should be put to all candidates in the national debates. If the press sits in that debate and does not put the question, and I have put it about as succinctly as I can there, then I think you are doing the people a disservice before they vote in November, because what you described, your hunches, your instincts are absolutely correct.

I have spent a year and a half with Chairman CLINGER of the Committee on Government Reform and Oversight. I am chairman of one of the relevant subcommittees on this matter. On Filegate, Travelgate, call it anything you want in the Watergate tradition, what we have seen there is the most cruel treatment to civil servants, if you will, in quotes, who have served numerous presidents of both parties, were doing their job. And suddenly the Arkansas gang said, hey, we would like those jobs. Everybody knows any President can come in and fire anybody he wants. But this presidency knew that those people were respected by the media, so charges were trumped up and the FBI, I am sorry to say, was brought into the matter and even told what to write hither and yon.

When you look at that record that Chairman CLINGER, who regretfully is retiring from this institution, brought out, his instincts were right in the spring of 1993; he knew something was wrong. And there is a law on the books that says, if so many, seven or eight of us on Government Operations, as it was at that time, sign, requesting the executive branch to produce the papers, we can do it.

□ 2100

And we did it, and we were stiffed every single week for weeks. Now our friends on the other side say, "Well, gee, why are you bringing this up in an election year?" Well, if they produced the documents that the law says they should have produced, we would have had that thing wound up in 1993 and 1994.

Now some of us are objective on that committee. And I will tell you, I did not know CHRIS SHAYS until I came here, but I never was so proud to serve with an individual in my life as CHRIS SHAYS. In the previous Congress, when you had the HUD scandal that occurred under the Reagan administration, he, as a Republican, went after the witnesses to get the truth, just like any of us should, regardless of who is in the White House.

What we want is the truth. That is what Chairman CLINGER wanted. That is what I wanted. That is what most of us on the committee wanted. And slowly we are getting it. But it is dribbled out to us after subpoena, after subpoena is issued, after we have to threaten them with contempt of Congress, after passing a resolution here which could mean jail time, and finally it is dribbled out.

And as my colleague from California knows, just the most amazing amount of miracles appear. Papers; it is like Peter Pan is running around dropping records on tables, and suddenly people come in and find them. You know, it is unbelievable, and where is the media to do the hard work that Woodward and Bernstein did which brought them the appropriate prizes because they were right on the track? They nailed it down. And where is the help to nail it down?

But I commend you for raising this subject, because it is on everybody's mind, and each presidential candidate should be asked that question.

Mr. WELDON of Pennsylvania. I thank my colleague.

Mr. HORN. And I would like to put the question in the——

Mr. WELDON of Pennsylvania. Put that question in the RECORD, Mr. speaker.

The question referred to is as follows:

Mr. President: Will you promise the America people that if you are re-elected, or even if you should lose in November, that you will, under no circumstances, use the Presidential pardon power to pardon either Jim McDougal, or Susan McDougal, or Jim Guy Tucker, or any member, present or former, of the White House staff, or any member of your own family, or any other person that the Independent Counsel may investigate or prosecute?

Potential follow-ups: Will you promise to resign if you should use the pardon power?

Why will you not give a straight answer to this very simple question?

And I would just say to him that CHRIS SHAYS, in fact, signed the letter, as did many other moderate Republicans who stood up when there was a HUD scandal in the Reagan administration, asked the tough questions, went to the wall to go through the investigation in a bipartisan way, just as bipartisan Members did, Republicans and Democrats back in 1972.

And I would just ask the gentleman who has been involved in the oversight committee in this area, that individual who had, as you say, trumped up charges brought against him that basically ruined his career and his family and caused him to spend hundreds and thousands of dollars, Billy Dale; that led to a trial, also like Susan McDougal.

Would the gentleman tell me what the outcome of that trial was and how quickly the verdict came down?

Mr. HORN. It came within, I believe, 2 hours. It was a very quick verdict, and the sad thing is, after they wrecked not only Billy Dale's reputation, but other members of the Travel Office staff, they wrecked their reputations, and they cost hundreds of thousands of dollars collectively on the part of the individuals who were in that Travel Office, and, as I said earlier, they served Democratic and Republican administrations with good faith and efficiency, yet they were dragged out of the White House, told to get out of there by 5 o'clock, a station wagon comes up, they are lying on the floor as they are taken out.

I mean it was something that would happen in the Soviet Union, for Heaven's sake, and this has happened in 13 acres downtown. The White House of the United States; it is supposed to epitomize democracy. And talk about the misuse of institutions of the Government. As was true of the Nixon administration, they misused the FBI. And when we get into Filegate, that is a whole other story we ought to——

Mr. WELDON of Pennsylvania. And what the gentleman did not mention was, that verdict that came down within 2 hours was a complete and total acquittal, unlike Susan McDougal, who went on television after a jury of her peers convicted her, I believe, of four counts and her husband of 18 or 19 counts. Unlike Susan McDougal, Billy Dale was acquitted by a jury of his peers of all charges within 2 hours. But his reputation was ruined.

Mr. Speaker, this kind of action is not America. We did not tolerate this when Richard Nixon was the president. We came together as a country and said this is not the kind of leadership that should be leading America. And in this case, this President had better answer for his actions and withdraw his political statements, answer whether or not he will pardon, or he should step aside, or this country should take action to remove him from office based on his actions in this situation.

Mr. ROHRABACHER. I think the President's action concerning the Travelgate affair does indeed show the character of the individual we are now talking about who happens to be President of the United States.

I worked in the White House for 7 years and knew Billy Dale very well, and the public should understand whom we are talking about here. We are not talking about a political appointee, who was appointed by the Republicans, who happened to be a holdover. No.

Billy Dale is a civil servant. He is a veteran who ran an office in the White House that had served President Carter as well as President Ford and as well as Ronald Reagan, a man who is just a civil servant like other civil servants, whose patriotism is demonstrated in the hard work and long hours that he takes in a job that is different than other civil service jobs, because he had to travel with the President, he had to make sure things are done.

Sometimes they work until midnight, but as a civil servant, he does not get overtime pay. This is someone whose patriotism was expressed in the fact that he was doing his very best job for those who held the office.

And that is the way it was with all those folks down in the travel office; we knew that. They were regular human beings, they were people that, you know, spend their times with their family and churches, and they are totally nonpolitical. You could always go to them with a problem, and they were there to help.

Well, these people were fired precipitously when President Clinton became President. Now why were they fired? Well, we know now that they were fired because the President had some cronies that he wanted to put in the office. One was an attractive female, and one had to do with a crony who basically was engaged in a travel company that wanted to get contracts, that had something to do with who was handling the travel office.

Well, before we can do that, of course, we have to get rid of these just average Americans. But who cares about them? Who cares about these civil servants?

What is significant is not only the President was off base and that the White House was off base in this matter, but that once that act happened, once it happened, it was a wrong thing to do.

Instead of admitting that they made a mistake, the White House set out to destroy these people, to destroy them, not just to fire them, but to charge then with improprieties and illegalities and to actually bring legal and criminal charges against them to utterly destroy them. In order to what? In order to make sure there was no political damage for the President for making a wrong decision.

This is the nature of the person who is occupying the Presidency of the

United States today. This is wrong. This indicates an arrogance; it indicates an absolute disregard for other human beings. How can you look at another human being and treat them in that way? I would not treat my enemies in that way. I would not charge my enemies with crimes that they did not commit in order to gain some type of upsmanship in a political match. I would not do that.

This is even worse than that. This is charging a civil servant with crimes in order to give yourself a political advantage, someone who is not even your political enemy.

Let us just note that this wrongdoing was recognized almost immediately by the jury, and within 2 hours, as we said, Billy Dale and these loyal civil servants, these loyal Americans who had worked their lives out in this particular spot in the White House, they were totally exonerated, and then what was the President's action?

When we tried to ensure that these people would not have to sell their homes, that these people would not have to have all of their life savings drained away because they had to have such legal bills, what then did the President do? Do you remember?

The President at first agreed, OK—well, through his spokesman—well, yeah, we will sign the bill if the Congress passes a bill to take care of their legal fees, and then he took it back. And then he took it back because he says he wants the legal fees of these people who were charged with criminal activity themselves to be paid by the Government or we cannot take care of these people who were just absolutely victims of his own misdeeds.

Mr. WELDON of Pennsylvania. The gentleman is absolutely correct, and the actions there are appalling to those Members who have been involved in looking at this situation, and it has just been devastating for that family.

Unfortunately, as much as the media had a fond affection for Billy Dale, and some of them I even understand contributed to his legal defense fund, they did not take this case. It was early on in the Clinton administration. It was just kind of brushed aside.

And it has been confusing for the American people to understand, and some who do not tune in regularly say, Well, there is another they are just charging; you know, it is another accusation; these accusations fly back and forth all the time, and it is just politics as usual. But, Mr. Speaker, this is different.

As I said before, this struck me this week because I have not felt this way since I was outraged, as a public school teacher in 1972, when I, as a Republican, heard that Richard Nixon had, in fact, covered up a third-rate burglary and, in fact, accidentally or deliberately had part of his tapes erased that he kept in his office.

What do we have now, Mr. Speaker? We have a President who feels such arrogance that he can stand up in a public forum on national TV and he can say with a straight face, "I don't know whether I'm going to deal with that issue of pardons or not, it will take its course," and then goes on to say, "But there is no doubt that what is being done to Susan McDougal is politically motivated because they want to get Bill and Hillary Clinton."

Mr. Speaker, I will say it again. No person in this country, be he or she Republican or Democrat, potentate or king, President or street worker, is entitled to violate the law and violate it especially with the arrogance that we have seen displayed this week.

But I think, Mr. Speaker, the bending point and the breaking point has arisen, and I sense a frustration and a feeling of incense across the country that is being displayed by the media that perhaps was not displayed during the Bill Dale situation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The Chair must remind all Members that it is not in order to engage in personalities toward the President.

Mr. WELDON of Pennsylvania. Mr. Speaker, I understand that comment, and I am not engaging in personalities, I am engaging in factual information in regard to comments made by the leader of this country in a national public forum where he basically allowed the impression to be left that a pardon could be offered to someone who right now is in jail for contempt, of not cooperating with the Federal grand jury and the U.S. prosecutor.

I yield to my friend and colleague, Mr. HORN.

Mr. HORN. I think you are absolutely right on that, and I regret to say, on the earlier point you made, that Billy Dale's legal fees and the others that were so terribly treated by White House officials have been stopped in this Congress by some of our friends on the other side of the aisle and the other body, and those fees should certainly be paid.

I think one of the most eloquent members of our Committee on Government Reform and Oversight is the representative from Maryland, CONNIE MORELLA, and she has zeroed in over many hearings on just the point you have, the inhumane treatment of these workers, some of whom voted for the President, some of whom went back to the Kennedy-Johnson administration, and, as was said by my colleague from California, they were professionals, they were serving the media, and the media had a lot of demands, especially when you travel with the President, all that involved, and they did a splendid job, and they knew they were respected by the media, and they covered their tracks.

This was the modern coverup. They were covering their tracks on why they really wanted to get rid of the office. And as all three of us have said, and it is in the evidence under oath since all our witnesses are under oath, it was simply relatives of the President that want to take over the travel office.

Mr. ROHRABACHER. If the gentleman would yield, the fact is that when things are just permitted to happen and the proper attention is not paid to them by the press, other things that are worse happen. People get arrogant because they can get away with things.

For example, right off the bat we heard that the First Lady had been involved with some kind of commodity scheme that permitted her $100,000 profit. Now, if that had been any Republican President's wife, this would have been examined, and today, every time there would be a press conference during the election, you would be having people ask questions about it.

But that is just a distant memory now. It is a distant memory, and the fact that she got away with that, then we have—who hears about the Travelgate scandal now? Is the President being asked about this?

The fact is, if we were not bringing it up, the press would not be following through. And, my dear friend from Pennsylvania, you are talking about something and comparing it to the Watergate scandal wherein a third-rate burglary, which was wrong, which was a wrong thing for President Nixon and his staff to have gotten involved with during a political year, the incredible time and effort that was taken by members of the media to follow up, to dog it, to get every detail, to follow through every bank account was just something that they would not let go.

☐ 2115

That sent a message to a lot of people. That was a good message: We in government cannot be arrogant and we cannot abuse power.

But what has happened with the current administration is that they came here believing that they could get away with things that no other administration could get away with. I am afraid that the news media, the news media is verifying this terrible fact.

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to thank both of my friends and colleagues for appearing here tonight with me. I had originally come here to do a 5-minute special order, but felt the opportunity to take additional time and did so.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from California.

Mr. DORNAN. Mr. WELDON, my special order is following you, and I will ask my California colleagues to stay, because I want to see the same firestorm in the press about Clinton threatening to shut down the Government over giving Social Security to illegal immigrants, and demanding that we use up tens of thousands of schoolteachers like my brother Dick to educate the children of illegal immigrants, even though we have grandfathered in anybody who is already in school through grade 12. We are going to discuss that.

Here is something I want to tell you. I have a reputation around here, Mr. WELDON——

Mr. WELDON of Pennsylvania. No, I do not believe that.

Mr. DORNAN. For not being a shy, retiring type. But I just saw you do something that makes me feel not limp-wristed, but not as tough as I thought I was, because you challenged the Parliamentarian, and you were right.

Our great Speaker up here, the gentleman from Georgia, MAC COLLINS, the Speaker pro tem of the day, only transmits to us what the Parliamentarian tells him. The Parliamentary advice was to tell you that you were getting personal with Clinton.

We are talking about pirating funds from a bank, looting a bank. Webster Hubbell is in jail for the mirror image of doing what he and Hillary Clinton did together. So of course Clinton is thinking pardon, because Hillary Clinton is not protected by rule XVIII.

ANNOUNCEMENT BY THE SPEAKER P.T.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The gentleman will suspend.

Mr. DORNAN. Yes. I am going to fight back with the Parliamentarian. Let us have it out on the last day of Congress.

The SPEAKER pro tempore. The Chair must remind Members that, although remarks in debate may include criticism of the President's official actions or policies, it is a breach of order to question the personal conduct of the President, whether by actual accusation or by mere insinuation.

Mr. DORNAN. I deliberately did not mention him, Mr. Speaker. Tell the Parliamentarian to open up her ears and listen. I said Hillary is not protected by rule XVIII.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DORNAN. All right. I have had it.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DORNAN. Thank you. I said Hillary. She is not protected by rule XVIII. Only Mr. AL GORE and Mr. Bill Clinton.

Hillary, I can talk about Roger Clinton being a cocaine addict for the next solid hour. I can even quote what he said about his brother if I do not use the name. People will have to figure out who his brother is. He might have 10 brothers. He might have one half-brother. But I can do anything I want to Roger Clinton, and I choose not to bang on Hillary Clinton much, but tonight is an exception, because she is the twin of Webster Hubbell.

Together they did all the coverups in what the gentleman from California [Mr. ROHRABACHER] called the pirating, the looting, I am not talking about the President here, the looting and the pirating of funds for their own personal political gain in Arkansas.

I could talk for 1 hour without mentioning——

Mr. WELDON of Pennsylvania. I know the gentleman will talk for 1 hour. I would just ask the gentleman to let me conclude.

Mr. DORNAN. Mr. Speaker, I want to compliment the gentleman again for not allowing the Chair, through our pal, Mr. COLLINS, to chastise you incorrectly when you are discussing public crimes, not making personal attacks.

Mr. WELDON of Pennsylvania. I thank the gentleman.

Just in concluding, Mr. Speaker, once again it was with reluctance that I came over here tonight, but I had to do it.

I got involved in the 1970's in public life probably for the same reason the President did, to serve my constituents. I was outraged at what Richard Nixon did. He was in my party. I was dismayed at my party because of what he had done, in thinking he could be above the law and he could cover up a third-rate burglary.

What I saw this past week, Mr. Speaker, and I am not talking about anything that has gone before, what I saw this week in terms of publicly talking about an ongoing investigation, leaving the possibility out there of a Presidential pardon, and then making accusations with no proper backup, has to be dealt with.

Mr. Speaker, on behalf of the 186 Members of this institution, and perhaps some more who will join us, I, tomorrow, will have this communication delivered to the President of United States. I hope that he takes positive response to the first question, which is, in fact, to say yes, positively, he will not issue a Presidential pardon to any of those who have been convicted in the Whitewater scandal; and, second, I ask him to either provide documentation of political motives or efforts on the part of Mr. Starr or to withdraw the public statements that he has made.

I do so in the hopes of keeping this country the freest, the most democratic country in the world, and a country where everyone, including my friends back in Delaware County, who have to go to work every day and abide by the speed limits and the regular laws all of us have to abide by, understand that the man sitting in the White House is no better than they are, and must abide by those same rules and laws.

INTEGRITY NEEDED IN THE WHITE HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, a bit of bipartisan levity. In case the 1,300,000 audience from the territory of Guam, in which it is already tomorrow, on the other side of the dateline, all the way through our beautiful 50th State, Hawaii, down to the territory of Puerto Rico and the Virgin Island, not to forget Western Samoa, back in the Pacific, all of them watching may have missed it earlier today, because of the various time zones, my friend, the gentleman from Ohio JIM TRAFICANT, made this observation on our runaway, bloated Federal Government.

This is JIM TRAFICANT. He is the best one-minute man in the House, not I, so I hope I do it some justice. Here goes TRAFICANT, fighting Democrat of Ohio: "Don't be fooled by the Clinton Administration's budget-cutting rhetoric, because nothing has changed," says Representative JAMES A. TRAFICANT, Ohio Democrat.

"In and effort to cut the budget, the GAO called the OMB and the CBO, the RTC and the NSC and the ITC and the GSA and the IRS, and they had no success." I am with him so far. I have tracked every one of those agencies. I have been here 20 years, so the alphabet soup is okay to the point.

Now, "So since they had no success," Mr. TRAFICANT continues, "The GAO then called the DOD, the DOE, the DOT, and the DDT." I think he lost me on DDT. "Still, they could find no cuts. So then the GAO called the CIA, the DIA, and the OSI, and the PCBs and the PCPs." I fell off the charts on the last one. "And they could find no cuts."

"So then they called again the OSI and the ORI and the IUD, and could find no cuts. And finally, so frustrated, they called," and I am a married guy, I know the code on this next one, "they called the PMS, and there were no cuts to be made. So they decided there should be a whole new program called the accounting selection system, hereafter to be known as A-S-S, which only goes to show us, when it comes to bureaucrats and cuts, it is still the same in Washington, D.C. It is called BS in D.C."

That is the last time I will be lighthearted here, because I would like to read a letter. Last night I was happily incorrect. I did not make the last special order of the very successful 104th Congress. Canadian yearly multimillionare—meaning every year he becomes a multimillionaire over and over—Peter Jennings says this was not a productive Congress. Contraire, Peter, my Canadian friend, who pays a lot of U.S. income tax, I hope. It was very successful.

I though last night was it. So here I am back for an hour, to be joined by my friend, the gentleman from Huntington Beach and the greater area, including a lot of parts that I represented for 8 years in beautiful Orange County, he will be joining me. But I want to read a letter, I would say to the gentleman from California, Mr. ROHRABACHER, and then ask the Chair's unanimous consent to engage in a colloquy.

Mr. Speaker, this is from a doctor in the hometown where by mom and my aunt, Flo Haley, grew up, Wilkes-Barre, Pennsylvania, the great Scranton Wilkes-Barre, Wyoming Valley. That is where the State of Wyoming got its name, right there in eastern Pennsylvania.

This is Dr. Gerald Ferry—I will not give his address. Jerry Ferry, kind of an easy name to remember, said "Dear Congressman DORNAN, I respectfully request that you consider organizing a series of special orders regarding Clinton's attempted reelection similar to those conducted in 1992," when, of course, he was not protected by rule XVIII, which is to keep us from going for one another's throats here and in the other, as Tip O'Neill used to say, "the other body;" I like the great American's way of calling the Senate "the other body."

Dr. Ferry continues, "Please, do whatever you can to rid our great Nation of the Clinton menace." He means the Clinton administration; he is not being personal there, I am sure. Dr. Ferry would not do that. "Your friend, Jerry. No response necessary."

We had talked, and we were called Tiger Flight. This post-Korean War fighter pilot and three combat pilots, the gentleman from Texas, SAM JOHNSON, a few years older than I, fought in Korea and came back in Vietnam. That is what almost 30 years of service did for that great American; shot down in both wars, captured in Vietnam, horribly tortured. Only the torture of Red McDaniel, our friend, and a few others ever went beyond SAM JOHNSON of Texas, our colleague's torture.

He joined me on the floor one night after our colleague, the gentleman from California, DUNCAN HUNTER, joined me. And then the only aerial ace since World War I began to ever serve in the U.S. House or Senate, our colleague, the gentleman from California, "DUKE" CUNNINGHAM, he joined us. His district adjoins DUNCAN HUNTER's.

That was 4 years ago this very day, and we went into October. I think we adjourned late into the night of October 4–5, and we became known as Tiger Flight, and I was getting a thousand calls every 24 hours from smart Americans who saw what was coming.

There were no books out on either Clinton, no talk about, it takes a Clinton village to raise my children. You know where my kids were raised. Mr. Speaker, you may not know; but you know, DANA, in Westwood Village and Brentwood. I do not think O.J. Simpson's Brentwood or Westwood Village at the foot of UCLA is the village that was going to help raise my five kids, who are all thoughtful but outspoken and passionate conservatives, particularly on life issues, in raising what will soon be 11 grandkids.

My daughter Terry, who ran my presidential campaign, she is great, Terry Dornan Cobban, she does not need any help from Springfield Village or Burke Center Village or anybody. She knows what to do with her kids, and she knows good teachers from bad teachers.

So going back 4 years ago, people remembered that, and they expected about 10 days here, and it did not happen.

I would ask the gentleman from California [Mr. ROHRABACHER], did you see the movie, "The Longest Day?" General Eisenhower, by then a four-star, said, "I am not putting men on the beach unless we control the air." And we so pounded the Luftwaffe, the Flying Army, so that by the time D-Day rolled around we had air superiority; not supremacy, yet. The Luftwaffe only sent up two airplanes, two Messerschmitts, the first helicopter seen over simulating a strafing run across the beach on a camera in oil, to steady the camera; an early steadying device.

The German fighter pilot, who is still alive, he just died recently, his name is something like Pappin, Pippin, he gave the exact dialogue he said that day. It is in Cornelius Ryan's book, "The Longest Day," after they strafed. And they killed some Americans; so when the audience laughed, I did not like it. They strafed the whole beach and killed some Americans. That was it, one pass. Ran for their lives.

As he pulled off the target, our young men hitting the beach at Omaha, way after the first waves, first two waves, he said, "Well, the Luftwaffe has had its day." Two fighters.

□ 2130

Mr. ROHRABACHER, it is you. It is me. This is it. There will be no special orders tomorrow. We are going to adjourn sine die. So we will respect this rule XVIII for the last time. Because when we meet in December and organize, it is going. If we have to find people trained as Republicans to be parliamentarians, that is not good enough. I want rule XVIII out the window, for anyone. Let us say Bob Dole wins and our pal Jack Kemp whom we love. I do not want to hamstring—that means tie their ankles together—I do not want to hamstring the minority, and I hope they are still the minority, bless their hearts. Out of the last 66 years, they have had 60 and they had 40 in a burst right up through November 8, 1994. So bless their hearts. They had their 40 years to run up $5 trillion of debt. I hope we hold a majority here. But I do not want to hamstring the minority.

I know what it is like to be in the minority. I was in the minority for 18 years. You were in the minority for 8 years. It is not nice. Or 6 years.

So Mr. Dole, President Dole and Vice President Jack Kemp, they are going to have to take a pounding, because my colleagues on the other side have destroyed the value in this Chamber of two words: Extremist and radical. They have made them synonymous, at least in their minds, with the word "conservative" and the word "Republican." I have never called a Member on the other side an extremist on this floor or a radical and they do it all day long. Where do they pick it up? From the White House.

Mr. ROHRABACHER. If the gentleman would yield, I do not ever remember someone on the left being referred to as an extremist.

Mr. DORNAN. Not in this Chamber or in the U.S. Senate.

Mr. ROHRABACHER. Actually in the news media as well. It seems to me you actually have to be carrying a gun and trying to kill someone to be an extremist on the left. And on the right you basically have to be someone who, even if your views are parallel to, let us say, 75 or 80 percent of the American people but opposed to what the liberal news media believes is a standard, basically the standard belief in our news columns, then you are an extremist if you are a conservative.

Mr. DORNAN. If you want to balance the budget, you are a child-hating extremist radical.

Mr. ROHRABACHER. I believe that the President said that the Gallegly amendment was a nutty idea, which was something that got quoted, and that "nutty idea," of course, passed overwhelmingly in the House of Representatives.

Mr. DORNAN. With a lot of bipartisan support.

Mr. ROHRABACHER. If I could mention, as we get into this illegal alien issue, which is one of the reasons I am here tonight and I am so concerned, is that President Clinton has repeatedly promised the people of California that he would be helpful on that issue and that I am sorry to say tonight that what we see happening in Washington, DC today is that not only is the President not trying to help us on the illegal alien issue but the President is using all of his powers, all of the threats that he can make in terms of the legislative process and the Presidential involvement in it to try to prevent us from passing a meaningful immigration bill.

It has reached the point today that during our negotiations, what President Clinton is doing is basically threatening to shut down the entire U.S. Government if we refuse to gut the immigration bill that passed with a substantial margin here in the House of Representatives. Those things that apparently are upsetting the President are that, he claims it is our restrictions on legal immigrants that he is upset with.

The American people should understand, and I believe for the record that we should state that the restrictions on legal immigration that are now being discussed by the President and which he adamantly is opposed to deals with SSI, welfare, and Medicaid. The President of the United States is threatening to close down the Federal Government unless we take out our immigration reform bill provisions that prevent people who come here and never contributed to the system from immediately getting on the SSI. He is also worried about, for example, that we have restrictions to prevent people who come here from other countries, now, they are supposed to be healthy when they come here, they are supposed to be, and the idea is if someone comes here, that they do not become a ward of the State and that they do not drain money that is meant to be for the American people themselves. But the President wants us to take out a provision that permits people who come here from every other country, legally or not, from receiving Medicaid. We are talking about $20 billion of Federal expenditures. The President is threatening to shut down the Government, prevent the widows and orphans and veterans of this country from getting their benefit checks from the Federal Government, in order to protect foreigners who come here and who are now currently draining money out of our SSI system and out of the health care system that was meant for American citizens.

This is totally contrary to the promises that he made the people of California. But the people of California should not be the only ones that are upset. The people of the entire country are the ones who are having to pick up this bill. If our social infrastructure in California breaks down, our education system and our health system and we go belly up financially, this is only a harbinger of what will happen to the entire country.

Mr. DORNAN. Exactly.

Mr. ROHRABACHER. If we send a message to the people of the world, which we have, "Come on in, come on in, because you will get the benefits if you can come to the United States, legally or illegally."

One of the things that concerns me the most is that we have seen this incredible flood of illegal immigration into our country at a time when this administration is trying to speed up the process of naturalization.

In the last 12 months there have been more immigrants naturalized than in any other year in the history of our country. In fact, it is three times greater than the year before. This administration is intentionally speeding up the naturalization process in order to make voters out of foreigners, many of whom came here illegally and were given amnesty back in 1986.

What is happening, then, is that in a speedup of the naturalization process, thousands upon thousands of convicted criminals, of felons, are being given U.S. citizenship by a President of the United States who is hell-bent to try to gut our ability to come to grips with this challenge to the people of not only California but of the entire country.

Who do we care about? Why are we here? Who are we supposed to represent? We are elected by the people of the United States to care for them. We have different philosophies and people with different philosophies can disagree. There can be honest disagreements. But we must always keep in mind what is the benefit to the people of the United States

I am afraid that what has happened is there is a political power block in this country that sees that they are losing their power. The liberal left that controlled the news media and communications and controlled the political apparatus of this country for decades is losing their grip. The political liberal left thinks that there is one way they can keep hold, and they look at millions and tens of millions of people coming illegally and legally into our country as a potential voting block to save them from the political oblivion of a time when the American people are rejecting their liberal left philosophy.

This is a threat to the Democratic process, it is a threat to the well-being of every American. I would hope that those people reading the CONGRESSIONAL RECORD and those people who watch over C-SPAN will pay close attention to the negotiations that are now going on.

Why would a President of the United States insist that we provide tens of billions of dollars worth of benefits to foreigners at a time when we are having to cut down on programs for our own people? Why is that? Why would the President of the United States be willing to close this Government, to close the U.S. Government and to prevent our widows, our orphans, our own veterans from receiving their benefits in order to insist, to add pressure on Republicans to gut a welfare reform bill that protects our own budgets from being looted by foreigners?

Something is going on here. Something terrible is going on here. Every American should be aware of this. Thank goodness for talk radio, and thank goodness for the fact that we have a CONGRESSIONAL RECORD that is distributed to libraries throughout the United States and a C-SPAN that is seen by the American people throughout the country, because the news media is not doing their job. It is very easy to see that the news media is not doing their job.

Does anyone remember, for example, we have talked tonight about the commodities, the tens of thousands, if not $100,000 made in the commodities market by Hillary Clinton before she became First Lady? Not many people talk about that anymore. We talked about the details, the horrible details of the Travelgate scandal where some civil servants, their lives were destroyed for just trying to protect someone's political career.

Well, what about the FBI Filegate scandal? That was just a few months ago, and already we do not hear anything about that. That is not in the media. Already people are sort of ignoring that. In fact, just yesterday and the day before there were dramatic revelations that the logbook that was kept on the people who saw these FBI files that were being illegally kept by the White House, that there is a logbook that has a 6-month gap, and that they do not know who looked at the FBI files during this 6-month period.

Well, let us remind the public what the FBI Filegate scandal is all about.

Church Colson, during the Watergate scandal, showed one-half of one FBI file to one person and was sent to prison for 2 years because this was considered and is considered today a horrible personal assault on the privacy rights of those individuals who the FBI has gathered information on. When that scandal broke, the President first announced that it was 35 files. Then, if you remember, it became 50, and then 100, and then it became 900 FBI files.

Then, if you remember, the President mentioned something about, oh, this was just a low-level detailee from the Defense Department. Only later did we find out that what we were really talking about, was what? We were talking about a man who had been engaged, a professional opposition researcher who worked in several major Democratic campaigns, who just happened to have the FBI files land on his desk.

My goodness, a detailee from the Defense Department becomes an opposition researcher, or vice versa, and 35 files become 900. Well, that is sort of miraculous but I think that there is even a better answer than thinking that this is a miracle, of how these things happen.

If you remember, BOB, there was recently also what we have, and by the way, we would have none of this information except for the fact that the Republicans took control of this House and began to subpoena this information from the White House. If we would not be in control, this would have all been covered up, this arrogance of power, the fact that people have illegal possession of FBI files and have violated the privacy of people throughout

Washington, DC and people throughout the country, in fact, political activists, and we have not gotten anywhere near the bottom of this yet. But we would not know this except for the fact that Republicans got this control and subpoenaed this information.

Right after the Republicans took control of this body, the legal counsel's office at the White House did a study and they created what they call a task list. What it is, is what I call a blueprint for coverup. I think there is no other really more reasonable description of this list.

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What it is, it was a list that was developed by the White House, and it basically said these are the areas of a potential scandal within the administration. That is what basically they were saying in this memo, this long memo. They tasked various people to look into and investigate all of the possible scandals.

Now, this happened two years ago. This happened right after the Republicans took control of the House of Representatives, because the White House understood at that point they were vulnerable to being asked under oath questions and being subpoenaed.

Who was on that list? Mr. Livingstone, the man in charge of the FBI files, had his hand on the FBI files, was on that list of potential scandals. Two years ago this White House asked people within the White House structure to go to Mr. Livingstone and look at this matter so they would be prepared to handle the scandal.

Now, was their instructions after they interviewed Mr. Livingstone and after they developed the plan of how to handle this problem once it becomes problem, that there has been an abuse of problem, was part of the plan that the first statements to come out of the White House were to try to act, one, confused, like there were only 35 FBI files, or act confused that the President did not know, that maybe it was just a low level Defense Department detailee, as if the President did not know that it was really a opposition researcher who had been involved in major democratic political campaigns? Was this part of the plan that was developed by whoever it was in the White House, who was asked to go and see Mr. Livingstone?

Well, we do not know that. But the public deserves to know, because they deserve to know when the President of the United States is speaking to them, whether or not the President of the United States is speaking truthfully, or whether he is involving himself in a straegy intentionally aimed at deceiving people.

Now, when the President came to California and promised to help us stem the flood of illegal immigration, people took his word for it. And the fact that today we see that the President is threatening to close down the government unless we gut our immigration bill, well, some people in public office, I think all people in public office, deserve a little bit of leeway, and they deserve to be given the benefit of the doubt. It has happened a lot with this President, and I think it is becoming very difficult for people to give him the benefit of the doubt.

We have seen it in the FBI scandal. But I will say this: When it comes to the liberal news media, they seem to have a ceaseless reservoir of patience and are giving the President the benefit of the doubt, time and time again. They do not even feel they have to follow through on many of these things we have talked about today, much less ask follow-up questions that would be done to any Republican, especially NEWT GINGRICH.

So, with that said, I am pleased to be with you here tonight, because I know that Bob and I share Orange County together, and we have seen what has happened to Southern California because of this flood of illegal immigration. It is destroying the infrastructure of our State. It is a horrible, horrible burden, that people who have worked all of their lives, all of their lives, trying to build up a decent place for the Amercian people, for their children to live, and now they see it is all being destroyed because we do not have the courage to set the policies that will prevent foreigners from coming into our country. They may be good people, they may be very good people, but our allegiance, again, who are we here for? We are here to protect the interests of the American people.

Mr. DORNAN. Mr. Speaker, I ask unanimous consent to engage in a colloquy, and Ace DUKE CUNNINGHAM did not join us, but Ace of the Waves, BRIAN BILBRAY, has joined us. We will hear from him in a second.

Mr. ROHRABACHER. The best surfer in Congress. But, I might add, the second best surfer in Congress is here as well.

Mr. DORNAN. That is true. It is not me. I am the 19th best, according to my grandkids. I am going to speak about the Chosin Reservoir in a few moments, because on POW day, September 20th, I had a press conference, I know you tried to make it, in the middle of Orange County in the Civic Center, beautiful World War I, for my dad, World War II, Korean and Vietnam memorial. The largest contingent that showed up were, and it is a wonderful play on words, the "Chosin Few." Your dad is Marine, a retired colonel. I learned there were more Army guys trapped on one side of the big lake created by the Chosin Reservoir than there were Marines trapped on the eastern side. But I am going to read off the names.

Mr. ROHRABACHER. I have to go now, because there is a radio interviewer waiting for me. If I could say this, my father, when I was young, who was a career military officer, told me many times of how he flew the generals and officers and enlisted men from the Chosin Reservoir back in his plane, across the Pacific, in order to bring them back to the United States after that incredible military action.

Mr. DORNAN. Your dad, I know, was a fighter pilot. He also flew everything.

Mr. ROHRABACHER. My dad was also a transport pilot. He had three fighter squadrons, but also two transport squadrons. He flew these fellows back, and there was one general, I remember him telling me about this conversation with this general, but that was something worth going into.

Mr. DORNAN. Let me finish this commercial, and thank you, DANA, for joining me. I just want to let people know I will keep my promise to discuss about our great victory today, and I wanted to thank both of you, 404 to 0, for the MIA-POW Protection Act, to restore into law what has been law for almost a year, that was stripped out when Clinton signed the defense authorization bill on Tuesday. I wanted to talk a little bit about Korea.

This report, and I showed this to you the other day, the transfer of U.S. Korean war prisoners to the Soviet Union, a heck of a way to end this year. Then McNamara, this book again, The Living and the Dead, our lost prisoners of war, sold down the river. I will put in the RECORD a shockingly, or not shockingly, a pridefully excellent piece by Bruce Neelon, of Time Magazine, a bad Xerox, the issue dated on September 30, a few days from now.

And then I want to close out talking about the worst vote of the year in either Chamber, the vote to certify that Clinton is the abortion President, the first abortion President in our history, and aggressive, pro-abortion President. And I know that CHRIS SMITH has said that many times from this mike, that mike, that mike, the lectern, so I do not anticipate any Parliamentarian thinking that is a personal attack. But Clinton has taken on all the Protestant bishops, Billy Graham, the Pope, Mother Theresa, every single cardinal in the world, almost every practicing Islamic person in the world, everybody who understands what the code of ethics of Buddhism, of Shintoism, Confucianism, it is just unbelievable this vote in the Senate.

I will read some quotas from religious leaders about this. Some of them get pretty tough. My pal Jim Donaldson says we are afraid if we fail today, the judgment that will be wreaked upon this Nation. I know atheists hate to hear that. Tough. It is my time.

Before we do that, Brian Bilbray of California was so good last night. I asked him to come back, because I did not know that you actually lived, Mr. BILBRAY. Again, I ask unanimous consent to have a colloquy, with Mr.

BILBRAY, where you can see the border, where you feel Tijuana is a friendly town, where you have 5, 6, 7, 8 generation Hispanic Americans living in your county, beautiful San Diego, bigger county than mine, took the number 2 spot away from us, we are number 3 in Orange County, we are identical cultures. We love our Hispanic culture. Our streets are named after beautiful Hispanic names. We put tile roofs on. We theme our whole southern part of the state, and all the way up through Monterey, we are proud of our Spanish heritage.

But, please capture for a new audience some of the words you said last night about how this has nothing to do with individuals, it has to do with law and law breaking and fairness.

Mr. BILBRAY. I appreciate the gentleman from California, and I want to first clarify that the gentleman from Huntington Beach who just left has to qualify as the Member of Congress who is improving in surfing faster than any other Member of Congress.

Mr. DORNAN. He has a good coach, finally.

Mr. BILBRAY. My stepfather actually was a PBY pilot, decorated in World War II. But when we talk about the border issue, I grew up along the border, as you know. It is part of our culture to be binational.

In fact, I was mayor when I was 27 years old with a city that was sister cities with Tijuana. And we would constantly have that intercultural communication again and again.

Mr. DORNAN. You were mayor of National City?

Mr. BILBRAY. I was mayor of Imperial Beach. It is easy to find my hometown, if you know where the Pacific Ocean and where the Mexican border is. Where they meet is where I live.

Mr. DORNAN. It is where Jonathan Winters starred in his movie, "It's a Mad, Mad, Mad, Mad World."

Mr. BILBRAY. It is a mad, mad world down there right now. The fact is those of us that live along the border, like I have, when I was a lifeguard, I rescued illegal aliens drowning. But what I have seen——

Mr. DORNAN. Drowning trying to swim around the border fence?

Mr. BILBRAY. They were actually trying to swim across the rivers. Now what happens is while there are floods going on, the cayotes, the smugglers, tell them swim across this body of water, and they do not realize how swift it is and how hard it is to make it across. There is debris in there. I have actually, when I was chairman of San Diego County, gone out with the lifeguards. They asked me to come help them because they needed somebody who was a lifeguard, who knew the area. I went out and rescued illegal aliens and put them on the skids of helicopters so we could pick them up and carry them off.

Let me remind you, the Federal Government did not say anything about the expense of rescuing those people. Those of us in San Diego County paid for this expense. The thing that really shocked me was how many people did not make it? In one year, when I was chairman of the county, we spent over $30,000 sending people back to Mexico in body bags, $30,000 worth of dead people that were caused from the lack of control.

So when people talk about——

Mr. DORNAN. All of them drowning or from desert dehydration?

Mr. BILBRAY. There were drowning, there were cliffs, they were running off cliffs. They still do it tonight, and they were killed on the highways. But just the County of San Diego, the taxpayers of one county had to pay $30,000 just to send people back. The most heartbreaking situations.

So I am trying to come here to Washington to wake up this body, that this is a Federal responsibility. The Constitution says the people of San Diego and the people of California do not have the right to control the border. They do not have the right to enforce immigration law. By law, only the Federal Government has the right to do that. And you can hear people again and again in this hall talk about we need to hire more law enforcement, and we need to hire more teachers.

Well, let me tell the gentleman from California, it does not take an act of Congress for a city like when I was mayor to hire a police officer. We can do that locally. It does not take an act of Congress for a school district to hire a teacher. But it takes an act of Congress and an act of the President to stop the carnage along our borders.

If I have to say anything else, please, please be sensitive to the fact of how many people are dying in this situation. Over the last few years, and if you say 3 or 4 years, more people have died trying to cross into our country illegally than were killed in Oklahoma's explosion. And I wish this institution could have people stand up as outraged and infuriated about the terrorism along our border, as they said about Oklahoma. And it was right to be outraged about Oklahoma, but it is wrong for this institution or the President to ignore the problems along the border.

The thing that really hit me——

Mr. DORNAN. In less than a month, more people can die, good citizens, coming to North America for a dream, a percentage coming to rob cars, three cars stolen in L.A. in Orange County, and we found one of them on a hill in Tijuana only partially stripped. The chief of police in Tijuana called. It had congressional plates on it. They had not yet completely stripped it. It had an engine. I could drive it back. I repeat again the atrocity of Oklahoma City happens every 2 or 3 weeks.

Mr. BILBRAY. It happened over the last few years. You have to recognize that that atrocity is happening today and continues to happen, while those of us in Washington fiddle, people today are driving off roads and crashing. I saw a brother and a sister, and these were not young kids, these are 15 and 16 year old brother and sister, trying to run across a freeway late at night, actually it was afternoon, following a smuggler. And what happens is the old and the young are usually in the back of these linings and there may be 30 people running across a freeway. And the smuggler is in the front. And the poor people that are the slower, younger, older people in the back, and when you have seen what has happened when they get hit by a car, you have to say when will Washington wake up to the fact that this is a cruel hoax?

What we are doing is we are saying officially you are supposed to come into this country legally. But, but, if you come in here illegally, we will give your children free education, we will give you welfare benefits, we will give you health benefits. We will give you a world that you can only dream of where you are now.

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And no wonder these people risk their life and play this game. We had a poor group of illegals that died within less than a mile of a hospital in Chula Vista, CA; died from exposure and thirst, sitting in a canyon. Within a mile. And this is supposed to be a great humane thing to do?

So when somebody comes up here and says you are mean-spirited because you want to control illegal immigration, you are mean-spirited because you want to stop this carnage, all I can say is come in my neighborhood and see what is going on.

Mr. DORNAN. What was the question that you asked Member BARNEY FRANK of Massachusetts that sent him off into hyper-speed talk?

Mr. BILBRAY. All I know is what is happening now is we have heard that the President's administrative aides are asking that a thing called title V be taken out of our immigration bill. And the title V section is the section where our hospitals in California and around the country that have to give emergency health care to illegal aliens will be reimbursed.

It does not sound like a big thing. It is $375 million a year. And let us remember, these are not rich hospitals in wealthy neighborhoods that are impacted. These are poor neighborhoods. These are in neighborhoods of the working class.

And we here in Washington and at the White House say we care about the working class. This is really the proof of the pudding. Do they care enough to send the resources to pay back to these people the cost of providing health care to people that were not supposed to be here and the Federal Government is responsible for?

Let me tell you, the Federal Government and this administration is the biggest deadbeat dad in this country if they do not pay for this baby, if they do not pay for this expense, because it is coming out of the working class.

Mr. DORNAN. So title V says it is a Federal failure to control our borders and, therefore, we all want to be merciful, but it is the Federal responsibility.

Mr. BILBRAY. To pay the bill.

Mr. DORNAN. Because they mandate this, another Federal mandate, to pay the bill.

Mr. BILBRAY. To pay the bill. The other aspect is, when I operated, as chairman of San Diego County, I operated a welfare system that was larger than 32 States in the Union. Much larger than Arkansas.

Mr. DORNAN. And more effective.

Mr. BILBRAY. Our county actually started the concept of workfare back in 1977. Finally got to Washington. A little slow but we are moving.

But the real thing here that comes down is that we are not allowed to ask people to prove that they are legal or illegal, because they say that that may be a violation of some kind of Federal regulation. And you run into the frustration of trying to make sure that illegal aliens are not coming into our country and getting these benefits.

The American people I think strongly believe that those who are truly needy, those who are deserving, should be allowed to get benefits, but you do not reward somebody for breaking the law.

And I need to really make sure I clarify for the American people. Where I live, when you look up on the hills at night, you see Tijuana. A million people living in Mexico that have never broken one of our laws.

Mr. DORNAN. Big as Houston. Houston is a little over a million.

Mr. BILBRAY. It is well over a million in Tijuana. They have never broken one law. They have not snuck across and broken our national sovereignty. There are a lot of children that would love to have a free education, a lot of people who would love to have free health care. They do not get it.

But if they break the law, jump the fence, run down our freeways, swim across our rivers, then Washington says you have got to give them all these free services that the law-abiding citizens that are staying in Tijuana, in their own country, do not receive.

Now, I went to a high school, it was interesting, and I always have to chuckle about this, I went to a high school where a lot of kids were from Mexico. They gave American addresses and we went back and forth. And the fact is those of us that were here in the States legally had to prove that we could not provide the resources to be able to pay for our health care. But if they perceive that you are here illegally, they automatically assume, do not worry, we will pay for it. That is wrong.

It is wrong then American citizens and legal residents have to stand behind someone who has broken the law. It is wrong when somebody says I will sponsor, and here is the other part of title V, I will sponsor this person and make sure this person does not go on public assistance. And then when the person does go on public assistance, people walk away from that responsibility.

I have to say this to you. The one thing I did not tell you, Congressman, is my mother was an Australian war bride. She was an immigrant. In fact, my family is very proud, and you may not know this, my family is very proud that my mother was the first Australian war bride to get her citizenship.

Mr. DORNAN. Her name was not Sheila, was it? That is what they called all those beautiful war brides then.

Mr. BILBRAY. Obviously, with a name like Mavis, she had to be from Australia. But the interesting thing: They met in General MacArthur's office.

Mr. DORNAN. I have a MacArthur quote right in front of me.

Mr. BILBRAY. The only Army man my father ever really appreciated. He was a Navy man.

But getting back to the issue. What we are talking about is, I do not understand why the President and Mr. Panetta would hold up the continuation of Government operations because they want to bust up what is called title V, which has reimbursements for the health care; to those of us that need to be reimbursed for the health care of illegal aliens that says that those who want to sponsor people coming into this country have to be responsible for it. It says that those who come here illegally will not get the social benefits; that law-abiding American citizens should get the first priority when it comes to being provided Social Security.

Mr. DORNAN. Social Security.

Mr. BILBRAY. Social Security. You hear people say, what are we doing about Social Security? Maybe the one thing we should do is start talking about who is getting Social Security benefits. But the President and this administration think there is so much money to be able to be spent on health care, education, Social Security for everybody, even those who should not be here.

Mr. DORNAN. Are they meeting as we speak at 10 o'clock?

Mr. BILBRAY. They are meeting now, and I hope they work this out.

Mr. DORNAN. Is the Speaker down at the White House?

Mr. BILBRAY. I hear they are trying to work this out to have it ready for tomorrow. And we have to work together. This is key. We have to cross the aisle and make sure Democrats and Republicans work on this, because, frankly, I think the American people are fed up with the partisan fighting, and I think the President and Mr. Panetta think that somehow it is an advantage by trying to mess with this immigration bill. It is really sad.

Mr. DORNAN. There is a handful of people who do want to circle the wagons, seal the country up, forget that we are a nation of immigrants, and I am tired of the liberal part of the news media going after them for quotes. They are not part of the debate.

It is the average generous American who says I believe in the Statue of Liberty, I believe in the Golden Gate, "Send us your tired, your poor, your huddled masses, yearning to breathe free, the wretched refuge of your teaming shores. Send these, the homeless, tempest-tost to me. I lift my lamp beside the door."

That was punishment from a nun in the sixth grade, but I love Emma Lazarus' words. What we are talking about is law, justice, fairness and lawbreaking, and making a fool out of every Mexican who has decided he cannot stand the corruption and wants to be an American and does it legally. Every Ecuadorian, every Argentinian, every Tibetan.

I was at your border in your district and they took and introduced me to two English-speaking Finns from Finland. And I said why not do it legally? "Well, your border is so open down here, so porous, we just thought we would come through this way and stay a couple of years."

Mr. BILBRAY. I was on the House floor yesterday and a Member of Congress called me down because I said my cousin from Australia said, we hear you can just break your immigration law and then there is no problem.

In Australia they have learned that if you fly to Tijuana and walk across the border, do not worry about it. You get in this country and you get more benefits if you break the rules than playing by the so-called silly rulings.

That really scares me. Can you imagine what the rest of the world thinks of this country when they think of immigration issues; when they think about what kind of country would not only allow but telegraph around the world to come break our laws and we will reward you? This is the greatest Nation in the world.

Mr. DORNAN. There are 185 nations in the United Nations, 7 that are not, Switzerland by choice, a few islands, Tonga and Nauru and a few other island nations, and the Vatican City, which is not a member of the United Nations, but of the 185 nations in the United Nations and these 7 tiny countries, can you name one besides the United States that lets lawbreakers receive all the benefits of the country?

Mr. BILBRAY. Let me name you one that does not. It is the Republic of Mexico. When I met with the Senators and Congressmen of Mexico, I held up our new immigration law and held up their immigration law. And I said where we are changing it is to make ours more like yours.

And when they looked at it, they said you are right, you are making your law more reasonable.

Mr. DORNAN. I have to reclaim my time.

Mr. BILBRAY. Let me just tell you what Australians say, though. When my cousin stood up at the border and stood up and watched 135 illegals run by us——

Mr. DORNAN. Where is he from?

Mr. BILBRAY. He is from Brisbane. Queensland. He stood up and said, and this is a passivist, he said you are the greatest military power, the greatest strongest Nation in the world. You go all over the world to defend other people's borders and you cannot even defend your own.

And I said, Jim, that is not the crime; that is not the sin. The crime and the sin is not that we cannot, but we choose not to.

Mr. DORNAN. Wow. Mr. BILBRAY you were as eloquent tonight as last night, and I hope all of America on Saturday clicks on C–SPAN. I hope the great MAC COLLINS of Georgia is in the Chair and that we have America watching a merciful, fair, reasonable debate tomorrow if the White House digs in their heels and tries to demagog this issue and find people in uniforms or children to grind into the mix and keep hitting us with this destruction of the English language, calling us extremists and radicals who want fairness and low-respecting people to file and come here as our brothers.

Mr. BILBRAY, do you not love, did you not love, as the mayor of a small city and the chairman of San Diego County, did you not love to go to ceremonies and get a lump in your throat watching new American citizens, by choice, get sworn in? It is the best way I can spend the Fourth of July.

We always do it on the Fourth of July in Orange County. I love it. I think they are all wonderful law-abiding citizens who learn our Constitution, learn what we say every morning, the Pledge of Allegiance to the Flag. They answer civics questions better than most high school students.

Mr. BILBRAY. In fact, let me tell you a story. An old, old friend of mine, a newscaster in San Diego, Maria Velazquez.

Mr. DORNAN. I know her.

Mr. BILBRAY. And she was there doing a reporter's job about these citizens becoming the new U.S. citizens. One of them was her mother. And she came up to me and said, my mother is so proud. Not because she just passed the test, but she did it in English because she wanted to be mainstream American.

And you could see in Maria's eyes, someone who has lived her whole life here, that lump in her throat. She was so proud of her mother wanting be mainstream American and proud to be an American. And that is what it is all about.

Mr. DORNAN. We will fix some of that language silliness next year. We touched on it some this year, but it is going to take a conservative, thoughtful, heartful Congress doing it, and we will do it.

Thank you, Mr. BILBRAY.

Mr. BILBRAY. Thank you very much.

Mr. DORNAN. I am going to do my tribute to the chosen few, and then the pro-life closing statement for me, and there is another gentleman who will get to close out the last special order, probably, unless something goes wrong tomorrow and this whole immigration thing blows up in our face. Because it is all being played for politics down at Foggy Bottom.

The men who showed up at the memorial in Santa Ana, CA, the chosen few, the ones who made it back, wanted me to read the names. They gave me these beautiful documents, I will hold it up for camera six, the battle stars. In the case of these men they have five battle stars on their Korean ribbon. I am a Korea veteran, an era veteran, but I did not set foot on Korea until after the war, so I cannot wear the U.N. colors of the beautiful Korean ribbon.

But, first, I want to read these words of General MacArthur, who Mr. BILBRAY's father admired. And my father was a boxing coach in the 1928 Olympics, and General MacArthur, as an Army four-star, led the Olympic team to Holland in 1928.

General MacArthur said at the end of World War II, "Spiritual strength and power has brought us through to victory. Our men are homeward bound. Take care of them."

Take care of them. Five years later men started getting captured by the company, by the battalion, when the Chinese troops poured across the Yalu River, and we had almost liberated, under MacArthur, all of Korea.

Take care of them. One of the witnesses in front of my committee, quoted here in Time magazine, Col. Philip Corso, said, "We sold them down the river." General MacArthur was still alive. He lived until my birthday in 1964, when he went to his reward, well advanced in years, in his late eighties. And I am sure that he knew we had left the young men captured under him because a cabal, British traitors, Burgess, Maclean, Philby and Alan Blout, "The Fourth Man", the great movie with Sir Anthony Hopkins, those people betrayed all of our top secrets. Told the Chinese that Harry Truman was crippled and frozen in his thinking now on Korea; that if they came across, we would never respond or even bomb the bridges on the Chinese side of the Yalu.

□ 2215

So it cost these men their lives: Thomas E. Seward, same spelling as one of Lincoln's Cabinet members who bought Alaska, Thomas E. Seward, Greensville, VA, born 1930, all of these men and only 2 or 3 years older than I am, as my older brother said, a year younger than my older brother. U.S. Army private first class, gives his serial number, killed in action November 28, 1950, fighting the Chinese. We had already whipped the North Korean agressor army.

Alfred Underbaggage, Shannon, SD, born 1928, Army sergeant, killed in action, 29 November. Harry C. Sutton, this is all at the Chosin Reservoir on the Army side of the struggle, Hartford, CT, born 1922, these are one of the old men in their early 30's that the younger guys called Pappy or Doc or a lifer, U.S. Army master sergeant, killed in action, December 1, sad Christmas in the Sutton house; Connie M. Conner, Irish Connie, a male Connie, LA, CA, born just 2 years ahead of me, U.S. Army corporal, died while prisoner of war, December 6, 1950. Top kick. U.S. Army Sfc. Billy James Allen, Norton, KS, born 1921, killed in action December 6. All of these are in the same unit. Doyle L. Smith, born 1931, U.S. Army corporal, died of wounds while missing in action, this is one of the ones left behind, the 1,200 of which 5- or 6-, 7-, 900 were left behind, the wounded and the ones with amputations or mental trauma from torture and exposure. Clyde E. McElroy, Montgomery, PA, born 1930. I wish I could do this in front of the Congress on the exact 46th anniversary next month or in 2 months. He was born 1930, Clyde McElroy, corporal, died of wounds while missing in action, December 6. Harold L. Hodge, Adams, WI, born 1922, a captain, killed in action, December 6, 1950, 28-year-old young captain. Beverly E. Russell, Frederick, VA, born 1930, corporal, died of wounds while missing in action, what a tragedy. Let me show that report again, Mr. Speaker. The transfer of U.S. Korean war POW's to the Soviet Union, suppressed from the families after 3 years. It is an August 26, 1993 report.

I used the word "beg" twice on the floor today, my staff tells me, my wife tells me. It is kind of sad, after 20 years I have to beg my Speaker to put the MIA-POW Protection Act, restoring into law what the families want into the CR, the appropriations continuing resolution, or any one of the Senators can blackball it, one human being, as though they in and of themselves are a parliament. Strange way the Senate has evolved. I had some scholars tell me today it was not meant to be that way, 100 independent people blocking a House vote of 404 to zero.

Mr. Speaker, last night I mentioned some books on the floor. It is up to 12 now on Clinton: "On the Make," Meredith Oakley; "The Agenda," Bob Woodward; First in His Class, meaning a baby boomer to get power, he never graduated first in his class in anything academically; "Inside the White House," as the Brits would say, it is poor form, it is unseemly to use foul language in front of the help and to throw things at one another in front of the help, that is a fascinating book; then a book called "Clinton," by George Carposi, who now has a fascinating article out that Ross Perot was in collusion with Hillary Clinton even before the election to socialize medicine in this country. I will call Ross to see if there is any truth in George Carposi Jr.'s article, but he did the definitive reporting in the book, "Clinton, the Confidential Story." He really found all the mysteries and exposed them on the Prague-Moscow trip. "Blood Sport," James T. Stewart, hired by the Clintons to kind of blow away the whole Whitewater thing. Like Joe McGinnis writing about the Green Beret, Dr. McDonald who killed his family, he switched in the middle of it when he looked at the evidence and changed his mind completely, James Stewart's "Blood Sport."

Then next to come out in order was "Primary Colors". We now know it is by Joe Klein. Then came "The Choice" by Woodward again. Then came "Boy Clinton" Bob Turow, Jr. who publishes American Spectator. Then "Unlimited Access" comes out. Then came "Partners in Power," page 325, which gave its name to book number 12 by Floyd Brown, a "Nose like a Vacuum," yes, "Nose like a Vacuum." There they are, 12 books.

If any American reads one of them and they are thinking of voting for Clinton, they will pause. They probably will not, but if they read 2, I do not know any American who can read 2 or 3 of these 12 books that would not either abstain, if they cannot stomach voting for a war hero like Bob Dole, or they would start supporting Bob Dole and then support their local Democrats for other offices maybe. But this is amazing.

I will close with this tonight. The debate on partial birth abortion. I dedicate the closing 5 minutes to my wife, Sally. She begged me to point out the ignominious way this Congress closed with these debates on infanticide.

My wife said, call Kevorkian what he is, a serial killer, a serial murderer. Euthanasia is Greek for death with dignity. He is a serial killer. Any abortionist is a first degree serial murderer if he gives birth to a baby, breach block, which is a distressful situation, and takes out 80 percent of the body, holds the baby's head and stabs it in the back of the head, murdering it while he is looking at the arms and legs flailing.

I will ask unanimous consent to put all of these James Dobson, Paul Weyrich, stunning quotes in this, you could not hear a pin drop in the Senate and a baby screamed from the hall. Everyone was silent for about 30 seconds.

The SPEAKER pro tempore. Without objection, according to the rules of the House.

There was no objection.

Mr. DORNAN. Mr. Speaker, I thank the Chair.

> And then, impossibly, in an already hushed gallery, in one of those moments when the floor of the Senate looks like a stage set, with its rich wooden desks somehow too small for the matters at hand, the cry of a baby pierced the room, echoing across the chamber from an outside hallway.
>
> No one mentioned the cry, but for a few seconds no one spoke at all.
>
> I truly fear that infanticide—legal infanticide—will not be far behind," said the archbishop of Philadelphia, Cardinal Anthony Bevilacqua. "No nation, no civilization that loses its moral life, that murders its children, can possibly survive."
>
> A nation which sanctions infanticide is no better than China, Colson said, no better than Nazi Germany.
>
> If it seemed the language could not get hotter, it did: Standing in the antechamber, of Majority Leader Trent Lott's office; in the very room where senators cast 34 ballots before choosing Thomas Jefferson over Aaron Burr for president, the Rev. Richard John Neuhaus, a prominent Catholic writer and pastor, said, "It is not hyperbole to say that we are at a point at which millions of conscientious American citizens are reflecting upon whether this is a legitimate regime. That is the solemn moment we have reached."

Mr. STUPAK. Mr. Speaker, the gentleman asked for unanimous consent. I stand to object if the gentleman is going to put that extraneous material into the RECORD.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The gentleman's objection is untimely.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STUPAK. Mr. Speaker, the Chair indicated that the extraneous material which is proposed to be put into the RECORD would be in accordance with the rules of the House; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. STUPAK. In particular, it would be in accordance with the rules of the House, in particular rules XVII and XVIII concerning Special Orders and the insertion, if I may quote from the footnotes thereafter, a Member may not read or put forth extraneous material critical of Members, and it goes on to include the President or the Presidential family. Would that be a correct parliamentary inquiry as to the wishes or the directions of the Chair?

The SPEAKER pro tempore. It would be in accordance to all rules of the House, particularly in reference to clause (1) of rule XIV of the rules of the House, avoiding personalities.

Mr. STUPAK. With that direction from the Chair, I will withdraw any objection I may have.

CONFERENCE REPORT ON S. 1004, COAST GUARD AUTHORIZATION ACT OF 1996

Mr. SHUSTER submitted the following conference report and statement on the Senate bill (S. 1004) to authorize appropriations for the U.S. Coast Guard, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–854)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1996".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Quarterly reports on drug interdiction.
Sec. 104. Sense of the Congress regarding funding for Coast Guard.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

Sec. 201. Provision of child development services.
Sec. 202. Hurricane Andrew relief.
Sec. 203. Dissemination of results of 0–6 continuation boards.
Sec. 204. Exclude certain reserves from end-of-year strength.
Sec. 205. Officer retention until retirement eligible.
Sec. 206. Recruiting.
Sec. 207. Access to National Driver Register information on certain Coast Guard personnel.
Sec. 208. Coast Guard housing authorities.
Sec. 209. Board for Correction of Military Records deadline.
Sec. 210. Repeal temporary promotion of warrant officers.
Sec. 211. Appointment of temporary officers.
Sec. 212. Information to be provided to officer selection boards.
Sec. 213. Rescue diver training for selected Coast Guard personnel.
Sec. 214. Special authorities regarding Coast Guard.

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

Sec. 301. Changes to documentation laws.

Sec. 302. Nondisclosure of port security plans.
Sec. 303. Maritime drug and alcohol testing program civil penalty.
Sec. 304. Renewal of advisory groups.
Sec. 305. Electronic filing of commercial instruments.
Sec. 306. Civil penalties.
Sec. 307. Amendment to require EPIRBs on the Great Lakes.
Sec. 308. Report on LORAN-C requirements.
Sec. 309. Small boat stations.
Sec. 310. Penalty for alteration of marine safety equipment.
Sec. 311. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.
Sec. 312. Withholding vessel clearance for violation of certain Acts.
Sec. 313. Information barred in legal proceedings.
Sec. 314. Marine casualty reporting.

TITLE IV—COAST GUARD AUXILIARY

Sec. 401. Administration of the Coast Guard auxiliary.
Sec. 402. Purpose of the Coast Guard auxiliary.
Sec. 403. Members of the auxiliary; status.
Sec. 404. Assignment and performance of duties.
Sec. 405. Cooperation with other agencies, States, territories, and political subdivisions.
Sec. 406. Vessel deemed public vessel.
Sec. 407. Aircraft deemed public aircraft.
Sec. 408. Disposal of certain material.

TITLE V—DEEPWATER PORT MODERNIZATION

Sec. 501. Short title.
Sec. 502. Declarations of purpose and policy.
Sec. 503. Definitions.
Sec. 504. Licenses.
Sec. 505. Informational filings.
Sec. 506. Antitrust review.
Sec. 507. Operation.
Sec. 508. Marine environmental protection and navigational safety.

TITLE VI—COAST GUARD REGULATORY REFORM

Sec. 601. Short title.
Sec. 602. Safety management.
Sec. 603. Use of reports, documents, records, and examinations of other persons.
Sec. 604. Equipment approval.
Sec. 605. Frequency of inspection.
Sec. 606. Certificate of inspection.
Sec. 607. Delegation of authority of Secretary to classification societies.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 701. Amendment of inland navigation rules.
Sec. 702. Measurement of vessels.
Sec. 703. Longshore and harbor workers compensation.
Sec. 704. Radiotelephone requirements.
Sec. 705. Vessel operating requirements.
Sec. 706. Merchant Marine Act, 1920.
Sec. 707. Merchant Marine Act, 1956.
Sec. 708. Maritime education and training.
Sec. 709. General definitions.
Sec. 710. Authority to exempt certain vessels.
Sec. 711. Inspection of vessels.
Sec. 712. Regulations.
Sec. 713. Penalties—Inspection of vessels.
Sec. 714. Application—Tank vessels.
Sec. 715. Tank vessel construction standards.
Sec. 716. Tanker minimum standards.
Sec. 717. Self-propelled tank vessel minimum standards.
Sec. 718. Definition—Abandonment of barges.
Sec. 719. Application—Load lines.
Sec. 720. Licensing of individuals.
Sec. 721. Able seamen—Limited.
Sec. 722. Able seamen—Offshore supply vessels.
Sec. 723. Scale of employment—Able seamen.
Sec. 724. General requirements—Engine department.
Sec. 725. Complement of inspected vessels.
Sec. 726. Watchmen.
Sec. 727. Citizenship and Naval Reserve requirements.
Sec. 728. Watches.
Sec. 729. Minimum number of licensed individuals.
Sec. 730. Officers' competency certificates convention.
Sec. 731. Merchant mariners' documents required.
Sec. 732. Certain crew requirements.
Sec. 733. Freight vessels.
Sec. 734. Exemptions.
Sec. 735. United States registered pilot service.
Sec. 736. Definitions—Merchant seamen protection.
Sec. 737. Application—Foreign and intercoastal voyages.
Sec. 738. Application—Coastwise voyages.
Sec. 739. Fishing agreements.
Sec. 740. Accommodations for seamen.
Sec. 741. Medicine chests.
Sec. 742. Logbook and entry requirements.
Sec. 743. Coastwise endorsements.
Sec. 744. Fishery endorsements.
Sec. 745. Convention tonnage for licenses, certificates, and documents.
Sec. 746. Technical corrections.
Sec. 747. Technical corrections to references to ICC.

TITLE VIII—POLLUTION FROM SHIPS

Sec. 801. Prevention of pollution from ships.
Sec. 802. Marine plastic pollution research and control.

TITLE IX—TOWING VESSEL SAFETY

Sec. 901. Reduction of oil spills from non-self-propelled tank vessels.
Sec. 902. Requirement for fire suppression devices.
Sec. 903. Studies addressing various sources of oil spill risk.

TITLE X—CONVEYANCES

Sec. 1001. Conveyance of lighthouses.
Sec. 1002. Conveyance of certain lighthouses located in Maine.
Sec. 1003. Transfer of Coast Guard property in Gosnold, Massachusetts.
Sec. 1004. Conveyance of property in Ketchikan, Alaska.
Sec. 1005. Conveyance of property in Traverse City, Michigan.
Sec. 1006. Transfer of Coast Guard property in New Shoreham, Rhode Island.
Sec. 1007. Conveyance of property in Santa Cruz, California.
Sec. 1008. Conveyance of vessel S/S RED OAK VICTORY.
Sec. 1009. Conveyance of equipment.
Sec. 1010. Property exchange.
Sec. 1011. Authority to convey Whitefish Point Light Station land.
Sec. 1012. Conveyance of Parramore Beach Coast Guard Station, Virginia.
Sec. 1013. Conveyance of Jeremiah O'Brien.

TITLE XI—MISCELLANEOUS

Sec. 1101. Florida Avenue Bridge.
Sec. 1102. Oil Spill Recovery Institute.
Sec. 1103. Limited double hull exemptions.
Sec. 1104. Oil spill response vessels.
Sec. 1105. Service in certain suits in admiralty.
Sec. 1106. Amendments to the Johnson Act.
Sec. 1107. Lower Columbia River maritime fire and safety activities.
Sec. 1108. Oil pollution research training.
Sec. 1109. Limitation on relocation of Houston and Galveston marine safety offices.
Sec. 1110. Uninspected fish tender vessels.
Sec. 1111. Foreign passenger vessel user fees.
Sec. 1112. Coast Guard user fees.
Sec. 1113. Vessel financing.
Sec. 1114. Manning and watch requirements on towing vessels on the Great Lakes.
Sec. 1115. Repeal of Great Lakes endorsements.
Sec. 1116. Relief from United States documentation requirements.
Sec. 1117. Use of foreign registry oil spill response vessels.
Sec. 1118. Judicial sale of certain documented vessels to aliens.
Sec. 1119. Improved authority to sell recyclable material.
Sec. 1120. Documentation of certain vessels.
Sec. 1121. Vessel deemed to be a recreational vessel.
Sec. 1122. Small passenger vessel pilot inspection program with the State of Minnesota.
Sec. 1123. Commonwealth of the Northern Mariana Islands fishing.
Sec. 1124. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.
Sec. 1125. Offshore facility financial responsibility requirements.
Sec. 1126. Deauthorization of navigation project, Cohasset Harbor, Massachusetts.
Sec. 1127. Sense of Congress; requirement regarding notice.
Sec. 1128. Requirement for procurement of buoy chain.
Sec. 1129. Cruise ship liability.
Sec. 1130. Sense of Congress on the implementation of regulations regarding animal fats and vegetable oils.
Sec. 1131. Term of Director of the Bureau of Transportation Statistics.
Sec. 1132. Waiver of certain requirements for historic former Presidential Yacht Sequoia.
Sec. 1133. Vessel requirements.
Sec. 1134. Existing tank vessel research.
Sec. 1135. Plan for the engineering, design, and retrofitting of the Icebreaker Mackinaw.
Sec. 1136. Cross-border financing.
Sec. 1137. Vessel standards.
Sec. 1138. Vessels subject to the jurisdiction of the United States.
Sec. 1139. Reactivation of closed shipyards.
Sec. 1140. Sakonnet Point Light.
Sec. 1141. Dredging of Rhode Island Waterways.
Sec. 1142. Interim payments.
Sec. 1143. Oil spill information.
Sec. 1144. Compliance with oil spill response plans.
Sec. 1145. Bridge deemed to unreasonably obstruct navigation.
Sec. 1146. Fishing vessel exemption.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) for fiscal year 1996, $2,618,316,000; and

(B) for fiscal year 1997, $2,637,800,000;

of which $25,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) for fiscal year 1996, $428,200,000; and

(B) for fiscal year 1997, $411,600,000;

to remain available until expended, of which $32,500,000 for fiscal year 1996 and $20,000,000 *for fiscal year 1997 shall be derived each fiscal year from the Oil Spill Liability Trust fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.*

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) for fiscal year 1996, $22,500,000; and

(B) for fiscal year 1997, $20,300,000;

to remain available until expended, of which $3,150,000 for fiscal year 1996 and $5,020,000 for fiscal year 1997 shall be derived each fiscal year from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—

(A) for fiscal year 1996, $582,022,000; and

(B) for fiscal year 1997, $608,100,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) for fiscal year 1996, $25,300,000, to remain available until expended; and

(B) for fiscal year 1997, $25,100,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $25,000,000 for each of fiscal years 1996 and 1997, to remain available until expended.

(b) AMOUNTS FROM THE DISCRETIONARY BRIDGE PROGRAM.—(1) Section 104 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) Notwithstanding the provisions of sections 101(d) and 144 of title 23, highway bridges determined to be unreasonable obstructions to navigation under the Truman-Hobbs Act may be funded from amounts set aside from the discretionary bridge program. The Secretary shall transfer these allocations and the responsibility for administration of these funds to the United States Coast Guard.".

(2) Notwithstanding any other provision of law, the Secretary of Transportation shall allocate out of funds available, $9,100,000 for the John F. Limehouse Memorial Bridge, Charleston, South Carolina. The allocation shall be deposited in the Truman-Hobbs bridge program account. The Secretary shall transfer this allocation and responsibility for administration of these funds to the United States Coast Guard.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of—

(1) 38,400 as of September 30, 1996; and

(2) 37,561 as of September 30, 1997.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training—

(A) for fiscal year 1996, 1604 student years; and

(B) for fiscal year 1997, 1604 student years.

(2) For flight training—

(A) for fiscal year 1996, 85 student years; and

(B) for fiscal year 1997, 95 student years.

(3) For professional training in military and civilian institutions—

(A) for fiscal year 1996, 330 student years; and

(B) for fiscal year 1997, 295 student years.

(4) For officer acquisition—

(A) for fiscal year 1996, 874 student years; and

(B) for fiscal year 1997, 878 student years.

SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

SEC. 104. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. PROVISION OF CHILD DEVELOPMENT SERVICES.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 514 the following new section:

"§515. Child development services

"(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

"(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of services under this section at Coast Guard child development centers be used only for compensation of employees at those centers who are directly involved in providing child care.

"(2) If the Commandant determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of such fee receipts, the Commandant may (to the extent that such compliance would be uneconomical and inefficient) use such receipts—

"(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

"(B) if the requirements of such centers for consumable or disposable items for a given fiscal year have been met, for other expenses of those centers.

"(c) The Commandant shall provide for regular and unannounced inspections of each child development center under this section and may use Department of Defense or other training programs to ensure that all child development center employees under this section meet minimum standards of training with respect to early childhood development, activities and disciplinary techniques appropriate to children of different ages, child abuse prevention and detection,and appropriate emergency medical procedures.

"(d) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary may use for child development services under this section an amount not to exceed the total amount the Commandant estimates will be received by the Coast Guard in the fiscal year as fees for the provision of those services.

"(e) The Commandant may use appropriated funds available to the Coast Guard to provide assistance to family home day care providers so that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

"(f) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

"(g) For purposes of this section, the term 'child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item related to section 514 the following:

"515. Child development services.".

SEC. 202. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that funds available to the Coast Guard, not to exceed $25,000, shall be used. The Secretary of Transportation shall administer the provisions of section 2856 for the Coast Guard.

SEC. 203. DISSEMINATION OF RESULTS OF 0–6 CONTINUATION BOARDS.

Section 289(f) of title 14, United States Code, is amended by striking "Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large.".

SEC. 204. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

"(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.".

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if, on the date specified for the officer's discharge under this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.".

SEC. 206. RECRUITING.

(a) CAMPUS RECRUITING.—Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2776) is amended—

(1) by inserting "or the Department of Transportation" in subsection (a)(1) after "the Department of Defense";

(2) by inserting "or the Secretary of Transportation" after "the Secretary of Defense" in subsection (a)(1); and

(3) by inserting "and the Secretary of Transportation" after "the Secretary of Education" in subsection (b).

(b) FUNDS FOR RECRUITING.—The text of section 468 of title 14, United States Code, is amended to read as follows:

"The Coast Guard may expend operating expense funds for recruiting activities, including but not limited to advertising and entertainment, in order to—

"(1) obtain recruits for the Service and cadet applicants; and

"(2) gain support of recruiting objectives from those who may assist in the recruiting effort.".

(c) RECRUITMENT OF WOMEN AND MINORITIES.—Not later than January 31, 1997, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

SEC. 207. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, is amended—

(1) by striking "and" after the semicolon at the end of paragraph (t);

(2) by striking the period at the end of paragraph (u) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(v) require that any member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.".

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

"(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.".

SEC. 208. COAST GUARD HOUSING AUTHORITIES.

(a) IN GENERAL.—Title 14, United States Code, is amended by adding after chapter 17 the following new chapter:

"CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

"Sec.
"680. Definitions.
"681. General authority.
"682. Loan guarantees.
"683. Leasing of housing to be constructed.
"684. Limited partnerships in nongovernmental entities.
"685. Conveyance or lease of existing property and facilities.
"686. Assignment of members of the armed forces to housing units.
"687. Coast Guard Housing Fund.
"688. Reports.
"689. Expiration of authority.

"§680. Definitions

"In this chapter:

"(1) The term 'construction' means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

"(2) The term 'contract' includes any contract, lease, or other agreement entered into under the authority of this chapter.

"(3) The term 'military unaccompanied housing' means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

"(4) The term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, and the District of Columbia.

"§681. General authority

"(a) AUTHORITY.—In addition to any other authority providing for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary may exercise any authority or any combination of authorities provided under this chapter in order to provide for the acquisition or construction by private persons of the following:

"(1) Family housing units on or near Coast Guard installations within the United States and its territories and possessions.

"(2) Unaccompanied housing units on or near such Coast Guard installations.

"(b) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made to acquire or construct military family housing or military unaccompanied housing under this chapter if that acquisition or construction has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"§682. Loan guarantees

"(a) LOAN GUARANTEES.—

"(1) Subject to subsection (b), the Secretary may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

"(A) 80 percent of the value of the project; or

"(B) the outstanding principal of the loan.

"(3) The Secretary shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of the United States with respect to such guarantees.

"(4) The funds for the loan guarantees entered into under this section shall be held in the Coast Guard Housing Fund under section 687 of this title. The Secretary is authorized to purchase mortgage insurance to guarantee loans in lieu of guaranteeing loans directly against funds held in the Coast Guard Housing Fund.

"(b) LIMITATION ON GUARANTEE AUTHORITY.—Loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriations Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))) which shall be available for the disbursement of payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of guarantees made under this section.

"§683. Leasing of housing to be constructed

"(a) BUILD AND LEASE AUTHORIZED.—The Secretary may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this chapter.

"(b) LEASE TERMS.—A contract under this section may be for any period that the Secretary determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

"§684. Limited partnerships with nongovernmental entities

"(a) LIMITED PARTNERSHIPS AUTHORIZED.—The Secretary may enter into limited partnerships with nongovernmental entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

"(b) LIMITATION ON VALUE OF INVESTMENT IN LIMITED PARTNERSHIP.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33⅓ percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(2) If the Secretary conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

"(c) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

"§685. Conveyance or lease of existing property and facilities

"(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary may convey or lease property or facilities (including ancillary support facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this chapter.

"(b) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon

such terms and conditions as the Secretary considers appropriate for the purposes of this chapter and to protect the interests of the United States.

"(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) may enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

"(c) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

"(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(2) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (47 Stat. 412, chapter 314; 40 U.S.C. 303b).

"(3) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"§686. Assignment of members of the armed forces to housing units

"(a) IN GENERAL.—The Secretary may assign members of the armed forces to housing units acquired or constructed under this chapter.

"(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

"(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

"(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary may require members of the armed forces who lease housing in housing units acquired or constructed under this chapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

"§687. Coast Guard Housing Fund

"(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Coast Guard Housing Fund (in this section referred to as the 'Fund').

"(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

"(1) Amounts authorized for and appropriated to that Fund.

"(2) Subject to subsection (e), any amounts that the Secretary transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Transportation or Coast Guard for the acquisition or construction of military family housing or unaccompanied housing.

"(3) Proceeds from the conveyance or lease of property or facilities under section 685 of this title for the purpose of carrying out activities under this chapter with respect to military family and military unaccompanied housing.

"(4) Income from any activities under this chapter, including interest on loan guarantees made under section 682 of this title, income and gains realized from investments under section 684 of this title, and any return of capital invested as part of such investments.

"(c) USE OF AMOUNTS IN FUND.—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (d), the Secretary may use amounts in the Coast Guard Housing Fund to carry out activities under this chapter with respect to military family and military unaccompanied housing units, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this chapter.

"(2) Amounts made available under this subsection shall remain available until expended.

"(d) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreements entered into under this chapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

"(e) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to the Fund under subsection (b)(2) or (b)(3) of this section may be made only after the end of a 30-day period beginning on the date the Secretary submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

"(f) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this chapter shall not exceed $20,000,000.

"§688. Reports

"The Secretary shall include each year in the materials the Secretary submits to the Congress in support of the budget submitted by the President pursuant to section 1105 of title 31, the following:

"(1) A report on each contract or agreement for a project for the acquisition or construction of military family or military unaccompanied housing units that the Secretary proposes to solicit under this chapter, describing the project and the method of participation of the United States in the project and providing justification of such method of participation.

"(2) A report describing each conveyance or lease proposed under section 685 of this title.

"(3) A methodology for evaluating the extent and effectiveness of the use of the authorities under this chapter during such preceding fiscal year.

"(4) A description of the objectives of the Department of Transportation for providing military family housing and military unaccompanied housing for members of the Coast Guard.

"§689. Expiration of authority

"The authority to enter into a transaction under this chapter shall expire October 1, 2001.".

(b) FINAL REPORT.—Not later than March 1, 2000, the Secretary of the department in which the Coast Guard is operating shall submit to the Congress a report on the use by the Secretary of the authorities provided by chapter 18 of title 14, United States Code, as added by subsection (a). The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 14, United States Code, is amended by inserting after the item relating to chapter 17 the following:

"18. Coast Guard Housing Authorities 680".

(d) PILOT PROJECT.—Notwithstanding section 681(b) of title 14, United States Code, as amended by this Act, and subject to the other requirements of chapter 18 of such title, as amended by this Act, the Secretary of Transportation may use the authority provided in sections 682, 683, 684, 685, and 686 of such chapter to provide for the acquisition or construction of up to 60 family housing units and unaccompanied housing units on or near Coast Guard Integrated Support Command, Ketchikan, Alaska.

SEC. 209. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 424 the following new section:

"§425. Board for Correction of Military Records deadline

"(a) DEADLINE FOR COMPLETION OF ACTION.—The Secretary shall complete processing of an application for correction of military records under section 1552 of title 10 by not later than 10 months after the date the Secretary receives the completed application.

"(b) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

"(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the department in which the Coast Guard is operating; or

"(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

"(A) an order under section 706(1) of title 5, directing final action be taken within 30 days from the date the order is entered; and

"(B) from amounts appropriated to the department in which the Coast Guard is operating, the costs of obtaining the order, including a reasonable attorney's fee.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 424 the following new item:

"425. Board for Correction of Military Records deadline.".

(c) SPECIAL RIGHT OF APPLICATIONS UNDER THIS SECTION.—This section applies to any applicant who had an application filed with or pending before the Board or the Secretary of the department in which the Coast Guard is operating on or after June 12, 1990, who files with the Board for Correction of Military Records of the Coast Guard an application for relief under the amendment made by subsection (a). If a recommended decision was modified or reversed on review with final agency action occurring after expiration of the 10-month deadline under that amendment, an applicant who so requests shall have the order in the final decision vacated and receive the relief granted in the recommended decision if the Coast Guard has the legal authority to grant such relief. The recommended decision shall otherwise have no effect as precedent.

(d) EFFECTIVE DATE.—This section shall be effective on and after June 12, 1990.

SEC. 210. REPEAL TEMPORARY PROMOTION OF WARRANT OFFICERS.

(a) REPEAL.—Section 277 of title 14, United States Code, is repealed. The repeal of such section shall not be construed to affect the status of any warrant officer currently serving under a temporary promotion.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended by striking the item relating to section 277.

SEC. 211. APPOINTMENT OF TEMPORARY OFFICERS.

(a) IN GENERAL.—Section 214 of title 14, United States Code, is amended—

*(1) in the heading by striking "**Original appointment**" and inserting "**Appointment**";*

(2) by redesignating subsections (d), (e), and (f) in order as subsections (b), (c), and (d); and

(3) in subsection (c), as so redesignated, by inserting ", or a subsequent promotion appointment of a temporary officer," after "section".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended in the item relating to section 214 by striking "Original appointment" and inserting "Appointment".

SEC. 212. INFORMATION TO BE PROVIDED TO OFFICER SELECTION BOARDS.

Section 258(2) of title 14, United States Code, is amended by striking ", with identification of those officers who are in the promotion zone".

SEC. 213. RESCUE DIVER TRAINING FOR SELECTED COAST GUARD PERSONNEL.

(a) IN GENERAL.—Section 88 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) The Secretary shall establish a helicopter rescue swimming program for the purpose of training selected Coast Guard personnel in rescue swimming skills, which may include rescue diver training.".

(b) CONFORMING AMENDMENT.—Section 9 of the Coast Guard Authorization Act of 1984 (98 Stat. 2862; 14 U.S.C. 88 note) is repealed.

SEC. 214. SPECIAL AUTHORITIES REGARDING COAST GUARD.

(a) REIMBURSEMENT OF EXPENSES FOR MESS OPERATIONS.—Section 1011 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) When the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation shall establish rates for meals sold at Coast Guard dining facilities, provide for reimbursement of operating expenses and food costs to the appropriations concerned, and reduce the rates for such meals when the Secretary determines that it is in the best interest of the United States to do so.".

(b) SEVERABLE SERVICES CONTRACTS CROSSING FISCAL YEARS.—Section 2410a of title 10, United States Code, is amended—

(1) by striking "Funds" and inserting "(a) Funds"; and

(2) by adding at the end the following new subsection:

"(b) The Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year. Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of this subsection.".

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. CHANGES TO DOCUMENTATION LAWS.

(a) CIVIL PENALTY.— Section 12122(a) of title 46, United States Code, is amended by striking "$500" and inserting "$10,000".

(b) SEIZURE AND FORFEITURE.—

(1) IN GENERAL.— Section 12122(b) of title 46, United States Code, is amended to read as follows:

"(b) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government—

"(1) when the owner of a vessel or the representative or agent of the owner knowingly falsifies or conceals a material fact, or knowingly makes a false statement or representation about the documentation or when applying for documentation of the vessel;

"(2) when a certificate of documentation is knowingly and fraudulently used for a vessel;

"(3) when a vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(4) when a vessel is employed in a trade without an appropriate trade endorsement;

"(5) when a documented vessel with only a recreational endorsement is operated other than for pleasure; or

"(6) when a documented vessel, other than a vessel with only a recreational endorsement, is placed under the command of a person not a citizen of the United States.".

(2) CONFORMING AMENDMENT.—Section 12122(c) of title 46, United States Code, is repealed.

(c) LIMITATION ON OPERATION OF VESSEL WITH ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c) of title 46, United States Code, is amended to read as follows:

"(c) A vessel with only a recreational endorsement may not be operated other than for pleasure.".

(d) TERMINATION OF RESTRICTION ON COMMAND OF RECREATIONAL VESSELS.—

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended by inserting ", other than a vessel with only a recreational endorsement," after "A documented vessel"; and

(2) CONFORMING AMENDMENTS.—

(A) Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: "in violation of section 12110(d) of this title".

(B) Section 317 of Public Law 101–595 is amended by striking "and 12111" and inserting "12111, and 12122(b)".

(e) FISHERY ENDORSEMENTS.—Section 12108 of title 46, United States Code, is amended by adding at the end the following:

"(d) A vessel purchased by the Secretary of Commerce through a fishing capacity reduction program under the Magnuson Fishery Conservation Management Act (16 U.S.C. 1801 et seq.) or section 308 of the Interjurisdictional Fisheries Act (16 U.S.C. 4107) is not eligible for a fishery endorsement, and any fishery endorsement issued for that vessel is invalid.".

SEC. 302. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

"(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.".

SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end a new section 2115 to read as follows:

"§2115. Civil penalty to enforce alcohol and dangerous drug testing

"Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements prescribed by the Secretary for, chemical testing for dangerous drugs or for evidence of alcohol use, as prescribed under this subtitle or a regulation prescribed by the Secretary to carry out the provisions of this subtitle, is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following:

"2115. Civil penalty to enforce alcohol and dangerous drug testing.".

SEC. 304. RENEWAL OF ADVISORY GROUPS.

(a) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(b) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "September 30, 2000".

(c) TOWING SAFETY ADVISORY COMMITTEE.—Subsection (e) of the Act to Establish A Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(d) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—The Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by adding at the end of section 18 the following:

"(h) The Committee shall terminate on September 30, 2000.".

(e) LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.—The Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by adding at the end of section 19 the following:

"(g) The Committee shall terminate on September 30, 2000.".

(f) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—Section 13110(e) of title 46, United States Code, is amended by striking "September 30, 1996" and inserting "September 30, 2000".

(g) CLERICAL AMENDMENT.—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "Rules of the Road Advisory Council" and inserting "Navigation Safety Advisory Council".

SEC. 305. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

"(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.".

SEC. 306. CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code is amended by striking "$1,000" and inserting "not more than $25,000".

(b) OPERATION OF UNINSPECTED TOWING VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 307. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting "or beyond 3 nautical miles from the coastline of the Great Lakes" after "high seas".

SEC. 308. REPORT ON LORAN-C REQUIREMENTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Commerce, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan prepared in consultation with users of the LORAN-C radionavigation system defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The plan shall provide for—

(1) mechanisms to make full use of compatible satellite and LORAN-C technology by all modes of transportation, the telecommunications industry, and the National Weather Service;

(2) an appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation and taking into consideration the need to ensure that LORAN-C technology purchased by the public before the year 2000 has a useful economic life; and

(3) agencies in the Department of Transportation and other relevant Federal agencies to share the Federal government's costs related to LORAN-C technology.

SEC. 309. SMALL BOAT STATIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"§673. Small boat station rescue capability

"The Secretary of Transportation shall ensure that each Coast Guard small boat station (including a seasonally operated station) maintains, within the area of responsibility for the station, at least 1 vessel that is fully capable of performing offshore rescue operations, taking into consideration prevailing weather, marine conditions, and depositional geologic features such as sand bars.

"§674. Small boat station closures

"(a) CLOSURES.—The Secretary of Transportation may not close a Coast Guard multimission small boat station or subunit unless the Secretary—

"(1) determines that—

"(A) remaining search and rescue capabilities maintain the safety of the maritime public in the area of the station or subunit;

"(B) regional or local prevailing weather and marine conditions, including water temperature or unusual tide and current conditions, do not require continued operation of the station or subunit; and

"(C) Coast Guard search and rescue standards related to search and rescue response times are met; and

"(2) provides an opportunity for public comment and for public meetings in the area of the station or subunit with regard to the decision to close the station or subunit.

"(b) OPERATIONAL FLEXIBILITY.—The Secretary may implement any management efficiencies within the small boat station system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide. No stations or subunits may be closed under this subsection except in accordance with subsection (a).".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 17 of title 14, United States Code, is amended by adding at the end the following new items:

"673. Small boat station rescue capability.
"674. Small boat station closures.".

SEC. 310. PENALTY FOR ALTERATION OF MARINE SAFETY EQUIPMENT.

Section 3318(b) of title 46, United States Code, is amended—

(1) by inserting "(1)" before "A person"; and

(2) by adding at the end thereof the following:

"(2) A person commits a class D felony if the person—

"(A) alters or services lifesaving, fire safety, or any other equipment subject to this part for compensation; and

"(B) by that alteration or servicing, intentionally renders that equipment unsafe and unfit for the purpose for which it is intended.".

SEC. 311. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

(a) PROHIBITION.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

"A Coast Guard vessel the home port of which is in a State of the United States may not be overhauled, repaired, or maintained in a shipyard outside the United States, other than in the case of voyage repairs.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.".

SEC. 312. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or individual in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or individual in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.".

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

"(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

"(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or individual in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

"(e)(1) If any owner, operator, or individual in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

SEC. 313. INFORMATION BARRED IN LEGAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 63 of title 46, United States Code, is amended by inserting after section 6307 the following:

"§6308. Information barred in legal proceedings

"(a) Notwithstanding any other provision of law, no part of a report of a marine casualty investigation conducted under section 6301 of this title, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States. Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation. The Secretary shall not withhold permission for such employee or member to testify, either orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means.

"(b) Nothing in this section prohibits the United States from calling the employee or member as an expert witness to testify on its behalf. Further, nothing in this section prohibits the employee or member from being called as a fact witness in any case in which the United States is a party. If the employee or member is called as an expert or fact witness, the applicable Federal Rules of Civil Procedure govern discovery. If the employee or member is called as a witness, the report of a marine casualty investigation conducted under section 6301 of this title shall not be admissible, as provided in subsection (a), and shall not be considered the report of an expert under the Federal Rules of Civil Procedure.

"(c) The information referred to in subsections (a) and (b) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions and statements.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item relating to section 6307 the following new item:

"6308. Information barred in legal proceedings.".

SEC. 314. MARINE CASUALTY REPORTING.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) PENALTIES FOR VIOLATING REPORTING REQUIREMENTS.—Section 6103(a) of title 46, United States Code, is amended by inserting "or 6102" after "6101" the second place it appears.

TITLE IV—COAST GUARD AUXILIARY

SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

"§821. Administration of the Coast Guard Auxiliary

"(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

"(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of the following:

"(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

"(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

"(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act).

"(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

"(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

"(6) Other matters related to noncontractual civil liability.

"(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

"821. Administration of the Coast Guard Auxiliary.".

SEC. 402. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

"§822. Purpose of the Coast Guard Auxiliary

"The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

"822. Purpose of the Coast Guard Auxiliary.".

SEC. 403. MEMBERS OF THE AUXILIARY; STATUS.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 823 the following new section:

"§823a. Members of the Auxiliary; status

"(a) Except as otherwise provided in this chapter, a member of the Coast Guard Auxiliary shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, Federal employee benefits, ethics, conflicts of interest, and other similar criminal or civil statutes and regulations governing the conduct of Federal employees. However, nothing in this subsection shall constrain the Commandant from prescribing standards for the conduct and behavior of members of the Auxiliary.

"(b) A member of the Auxiliary while assigned to duty shall be deemed to be a Federal employee only for the purposes of the following:

"(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

"(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

"(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act).

"(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

"(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

"(6) Other matters related to noncontractual civil liability.

"(7) Compensation for work injuries under chapter 81 of title 5.

"(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 3721).

"(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 14, United States Code, is amended by inserting the following new item after the item relating to section 823:

"823a. Members of the Auxiliary; status.".

SEC. 404. ASSIGNMENT AND PERFORMANCE OF DUTIES.

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking "specific".

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking "specific" each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking "specific" each place it appears.

SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§141. Cooperation with other agencies, States, territories, and political subdivisions";

(2) in the first sentence of subsection (a), by inserting after "personnel and facilities" the following: "(including members of the Auxiliary and facilities governed under chapter 23)"; and

(3) by adding at the end of subsection (a) the following new sentence: "The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

"141. Cooperation with other agencies, States, territories, and political subdivisions.".

SEC. 406. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows:

"§827. Vessel deemed public vessel

"While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.".

SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

Section 828 of title 14, United States Code, is amended to read as follows:

"§828. Aircraft deemed public aircraft

"While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.".

SEC. 408. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting after "with or without charge," the following: "to the Coast Guard Auxiliary, including any incorporated unit thereof,"; and

(2) by striking "to any incorporated unit of the Coast Guard Auxiliary,".

TITLE V—DEEPWATER PORT MODERNIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the "Deepwater Port Modernization Act".

SEC. 502. DECLARATIONS OF PURPOSE AND POLICY.

(a) PURPOSES.—The purposes of this title are to—

(1) update and improve the Deepwater Port Act of 1974;

(2) assure that the regulation of deepwater ports is not more burdensome or stringent than necessary in comparison to the regulation of other modes of importing or transporting oil;

(3) recognize that deepwater ports are generally subject to effective competition from alternative transportation modes and eliminate, for as long as a port remains subject to effective competition, unnecessary Federal regulatory oversight or involvement in the ports' business and economic decisions; and

(4) promote innovation, flexibility, and efficiency in the management and operation of deepwater ports by removing or reducing any duplicative, unnecessary, or overly burdensome Federal regulations or license provisions.

(b) POLICY.—Section 2(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1501(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by inserting at the end the following:

"(5) promote the construction and operation of deepwater ports as a safe and effective means of importing oil into the United States and transporting oil from the outer continental shelf while minimizing tanker traffic and the risks attendant thereto; and

"(6) promote oil production on the outer continental shelf by affording an economic and safe means of transportation of outer continental shelf oil to the United States mainland.".

SEC. 503. DEFINITIONS.

(a) ANTITRUST LAWS.—Section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (19) as paragraphs (3) through (18), respectively.

(b) DEEPWATER PORT.—The first sentence of section 3(9) of such Act, as redesignated by subsection (a), is amended by striking "such structures," and all that follows through "section 23." and inserting the following: "structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the transportation, storage, and further handling of oil for transportation to any State, except as otherwise provided in section 23, and for other uses not inconsistent with the purposes of this title, including transportation of oil from the United States outer continental shelf.".

SEC. 504. LICENSES.

(a) ELIMINATION OF UTILIZATION RESTRICTIONS.—Section 4(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(a)) is amended by striking all that follows the second sentence.

(b) ELIMINATION OF PRECONDITION TO LICENSING.—Section 4(c) of such Act is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(c) CONDITIONS PRESCRIBED BY SECRETARY.—Section 4(e)(1) of such Act is amended by striking the first sentence and inserting the following: "In issuing a license for the ownership, construction, and operation of a deepwater port, the Secretary shall prescribe those conditions which the Secretary deems necessary to carry out the provisions and requirements of this title or which are otherwise required by any Federal department or agency pursuant to the terms of this title. To the extent practicable, conditions required to carry out the provisions and requirements of this title shall be addressed in license conditions rather than by regulation and, to the extent practicable, the license shall allow a deepwater port's operating procedures to be stated in an operations manual, approved by the Coast Guard, in accordance with section 10(a) of this title, rather than in detailed and specific license conditions or regulations; except that basic standards and conditions shall be addressed in regulations.".

(d) ELIMINATION OF RESTRICTION ON TRANSFERS.—Section 4(e)(2) of such Act is amended by striking "application" and inserting "license".

(e) FINDINGS REQUIRED FOR TRANSFERS.—Section 4(f) of such Act is amended to read as follows:

"(f) AMENDMENTS, TRANSFERS, AND REINSTATEMENTS.—The Secretary may amend, transfer, or reinstate a license issued under this title if the Secretary finds that the amendment, transfer, or reinstatement is consistent with the requirements of this Act.".

SEC. 505. INFORMATIONAL FILINGS.

Section 5(c) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)) is amended by adding the following:

"(3) Upon written request of any person subject to this subsection, the Secretary may make a determination in writing to exempt such person from any of the informational filing provisions enumerated in this subsection or the regulations implementing this section if the Secretary determines that such information is not necessary to facilitate the Secretary's determinations under section 4 of this Act and that such exemption will not limit public review and evaluation of the deepwater port project.".

SEC. 506. ANTITRUST REVIEW.

Section 7 of the Deepwater Port Act of 1974 (33 U.S.C. 1506) is repealed.

SEC. 507. OPERATION.

(a) AS COMMON CARRIER.—Section 8(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1507(a)) is amended by inserting after "subtitle IV of title 49, United States Code," the following: "and shall accept, transport, or convey without discrimination all oil delivered to the deepwater port with respect to which its license is issued,".

(b) CONFORMING AMENDMENT.—Section 8(b) of such Act is amended by striking the first sentence and the first 3 words of the second sentence and inserting the following: "A licensee is not discriminating under this section and".

SEC. 508. MARINE ENVIRONMENTAL PROTECTION AND NAVIGATIONAL SAFETY.

Section 10(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1509(a)) is amended—

(1) by inserting after "international law" the following: "and the provision of adequate opportunities for public involvement"; and

(2) by striking "shall prescribe by regulation and enforce procedures with respect to any deepwater port, including, but not limited to," and inserting the following: "shall prescribe and enforce procedures, either by regulation (for basic standards and conditions) or by the licensee's operations manual, with respect to".

TITLE VI—COAST GUARD REGULATORY REFORM

SEC. 601. SHORT TITLE.

This title may be cited as the "Coast Guard Regulatory Reform Act of 1996".

SEC. 602. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

"CHAPTER 32—MANAGEMENT OF VESSELS

"Sec.

"3201. Definitions.

"3202. Application.

"3203. Safety management system.

"3204. Implementation of safety management system.

"3205. Certification.

"§3201. Definitions

"In this chapter—

"(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

"(2) 'responsible person' means—

"(A) the owner of a vessel to which this chapter applies; or

"(B) any other person that has—

"(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

"(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

"(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

"(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

"(B) making a voyage between places outside the United States; or

"(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

"§3202. Application

"(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

"(1) Beginning July 1, 1998—

"(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

"(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

"(2) Beginning July 1, 2002, a freight vessel and a self-propelled mobile offshore drilling unit of at least 500 gross tons.

"(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

"(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

"(1) a barge;

"(2) a recreational vessel not engaged in commercial service;

"(3) a fishing vessel;

"(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

"(5) a public vessel.

"§3203. Safety management system

"(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

"(1) a safety and environmental protection policy;

"(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

"(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

"(4) procedures for reporting accidents and nonconformities with this chapter;

"(5) procedures for preparing for and responding to emergency situations; and

"(6) procedures for internal audits and management reviews of the system.

"(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

"§3204. Implementation of safety management system

"(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

"(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

"(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

"§3205. Certification

"(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

"(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

"(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

"(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

"(2) revoke the Secretary's approval of the plan and each Safety Management Certificate

and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

"(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 U.S.C. App. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

"32. Management of vessels .... 3201".

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

"§3103. Use of reports, documents, and records

"The Secretary may rely, as evidence of compliance with this subtitle, on—

"(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

"(2) other methods the Secretary has determined to be reliable.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3103. Use of reports, documents, and records.".

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting "or have examined" after "examine".

SEC. 604. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

"(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

"(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

"(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

"(C) for lifesaving equipment, the foreign government—

"(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

"(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.".

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking "clauses (1)–(3)" and inserting "paragraphs (1), (2), and (3)".

SEC. 605. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "and nautical school vessel" and inserting ", nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage"; and

(B) by adding "and" after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "2 years" and inserting "5 years".

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking "24 months" and inserting "5 years".

SEC. 606. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking "(but not more than 60 days)".

SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) by striking "Bureau" in subsection (a), as redesignated, and inserting "American Bureau of Shipping"; and

(4) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

"(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection required by this part;

"(B) conduct inspections and examinations; and

"(C) issue a certificate of inspection required by this part and other related documents.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

"(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

"(B) if the foreign classification society has offices and maintains records in the United States.".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§3316. Classification societies".

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

"3316. Classification societies.".

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

"(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).";

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting "power-driven" after "Secretary, a";

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after "masthead light forward"; by striking "except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;";

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

"(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

"(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

"(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

"(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.";

(5) in Rule 26 (33 U.S.C. 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking "a vessel of less than 20 meters in length may instead of this shape exhibit a basket;"; and

(B) by amending subsection (d) to read as follows:

"(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing."; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

"(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the

whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.".

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

"(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. Any such regulation shall be considered to be an interpretive regulation for purposes of section 553 of title 5. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.

"(c) The head of each Federal agency shall ensure that regulations issued by the agency that specify particular tonnages comply with the alternate tonnages implemented by the Secretary.".

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after "1,600 tons gross" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after "one hundred gross tons" the following "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883–1), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 App. U.S.C. 883a), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after "1,000 gross tons or more" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after "15 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in paragraph (13a), by inserting after "3,500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in paragraph (19), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in paragraph (22), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in paragraph (30)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(6) in paragraph (32), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(7) in paragraph (33), by inserting after "300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(8) in paragraph (35), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(9) in paragraph (42), by inserting after "100 gross tons" each place it appears, the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in paragraph (5), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (c)(4)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (d)(1), by inserting after "150 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in subsection (i)(1)(A), by inserting after "300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(6) in subsection (j), by inserting after "15 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (i), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (j)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(3) in subsection (d), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c)(2), by inserting after "5,000 gross tons" each place it appears the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (c)(3)(A), by inserting after "15,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (c)(3)(B), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(5) in subsection (c)(3)(C), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (b), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after "10,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in paragraph (5), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(3) in paragraph (10), by inserting after "150 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (d), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (f)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(5) in subsection (f)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (d), by inserting after "100 gross tons" and after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (l)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (m)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in subsection (o)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(6) in subsection (o)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after "1,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (a)(3), by inserting after "at least 200 gross tons but less than 1,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (a)(4), by inserting after "at least 100 gross tons but less than 200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (a)(5), by inserting after "300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(5) in subsection (b), by inserting after "200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after "4,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after "50 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after "20 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 745. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§7506. Convention tonnage for licenses, certificates, and documents

"Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

"(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

"(2) issue the license, certificate, or document based on that service.".

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

"7506. Convention tonnage for licenses, certificates, and documents.".

SEC. 746. TECHNICAL CORRECTIONS.

(a) Title 46, United States Code, is amended—

(1) by striking the first section 12123 in chapter 121;

(2) by striking the first item relating to section 12123 in the table of sections for such chapter 121;

(3) by striking "proceeding" in section 13108(a)(1) and inserting "preceding"; and

(4) by striking "Secertary" in section 13108(a)(1) and inserting "Secretary".

(b) Section 645 of title 14, United States Code, is amended by redesignating the second subsection (d) and subsections (e) through (h) as subsection (e) and subsections (f) through (i), respectively.

(c) Effective September 30, 1996, the Act of November 6, 1966 (Public Law 89–777), is amended—

(1) in section 2(d) (46 U.S.C. App. 817d(d)) by striking "Shipping Act, 1916," and inserting "Shipping Act of 1984"; and

(2) in section 3(d) (46 U.S.C. App. 817e(d)) by striking "Shipping Act, 1916," and inserting "Shipping Act of 1984".

(d) Section 672 of title 14, United States Code, is amended by striking the section heading and inserting the following:

"§672. Long-term lease authority for navigation and communications systems sites".

SEC. 747. TECHNICAL CORRECTIONS TO REFERENCES TO ICC.

Section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), is amended—

(1) in the third proviso—

(A) by striking "Interstate Commerce Commission" and inserting "Surface Transportation Board"; and

(B) by striking "said Commission" and inserting "the Board"; and

(2) in the fifth proviso—

(A) by striking "Interstate Commerce Commission" the first place it appears and inserting "Surface Transportation Board"; and

(B) by striking "Interstate Commerce Commission" the second place it appears and inserting "Board".

TITLE VIII—POLLUTION FROM SHIPS

SEC. 801. PREVENTION OF POLLUTION FROM SHIPS.

(a) IN GENERAL.—Section 6 of the Act to Prevent Pollution From Ships (33 U.S.C. 1905) is amended—

(1) by striking "(2) If" in subsection (c)(2) and inserting "(2)(A) Subject to subparagraph (B), if"; and

(2) by adding at the end of subsection (c)(2) the following:

"(B) The Secretary may not issue a certificate attesting to the adequacy of reception facilities under this paragraph unless, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

"(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Coast Guard Authorization Act of 1996, prescribe by regulation differing periods of validity for such certificates.";

(3) by striking subsection (c)(3)(A) and inserting the following:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and"; and

(4) by striking subsection (d) and inserting the following:

"(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.".

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution From Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Not later than 18 months after the date of enactment of the Coast Guard Authorization Act of 1996, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.".

SEC. 802. MARINE PLASTIC POLLUTION RESEARCH AND CONTROL.

(a) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended—

(1) by striking "for a period of 6 years"; and

(2) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 1996, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)".

(b) COORDINATION.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (101 Stat. 1466) is amended to read as follows:

"SEC. 2203. COORDINATION.

"(a) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee.

"(b) MEMBERSHIP.—The Committee shall include a senior official from—

"(1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

"(2) the Environmental Protection Agency;

"(3) the United States Coast Guard;

"(4) the United States Navy; and

"(5) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

"(c) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

"(d) MONITORING.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

"(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

"(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201.".

(c) PUBLIC OUTREACH PROGRAM.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act of 1987 (42 U.S.C. 6981 note) is amended—

(1) by striking "for a period of at least 3 years," in paragraph (1) in the matter preceding subparagraph (A);

(2) by striking "and" at the end of paragraph (1)(C);

(3) by striking the period at the end of subparagraph (1)(D) and inserting "; and";

(4) by adding at the end of paragraph (1) the following:

"(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)."; and

(5) by striking paragraph (2) and inserting the following:

"(2) AUTHORIZED ACTIVITIES.—

"(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

"(iv) distribution of leaflets and posters; and

"(v) any other means appropriate to educating the public.

"(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States and with public and private entities, and provide other financial assistance to eligible recipients.

"(C) CONSULTATION.—In developing outreach initiatives for groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

"(i) the heads of State agencies responsible for implementing State boating laws; and

"(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.".

TITLE IX—TOWING VESSEL SAFETY

SEC. 901. REDUCTION OF OIL SPILLS FROM NON-SELF-PROPELLED TANK VESSELS.

(a) IN GENERAL.—Chapter 37 of title 46, United States Code, is amended by adding at the end the following new section:

"§3719. Reduction of oil spills from single hull non-self-propelled tank vessels

"The Secretary shall, in consultation with the Towing Safety Advisory Committee and taking into consideration the characteristics, methods of operation, and the size and nature of service of single hull non-self-propelled tank vessels and towing vessels, prescribe regulations requiring a single hull non-self-propelled tank vessel that operates in the open ocean or coastal waters, or the vessel towing it, to have at least one of the following:

"(1) A crew member and an operable anchor on board the tank vessel that together are capable of arresting the tank vessel without additional assistance under reasonably foreseeable sea conditions.

"(2) An emergency system on the tank vessel or towing vessel that without additional assistance under reasonably foreseeable sea conditions will allow the tank vessel to be retrieved by the towing vessel if the tow line ruptures.

"(3) Any other measure or combination of measures that the Secretary determines will provide protection against grounding of the tank vessel comparable to that provided by the measures described in paragraph (1) or (2).".

(b) DEADLINE.—The Secretary of the department in which the Coast Guard is operating shall issue regulations required under section 3719 of title 46, United States Code, as added by subsection (a), by not later than October 1, 1997.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 46, United States Code, is amended by adding at the end the following new item:

"3719. Reduction of oil spills from non-self-propelled tank vessels.".

SEC. 902. REQUIREMENT FOR FIRE SUPPRESSION DEVICES.

(a) IN GENERAL.—Section 4102 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) The Secretary, in consultation with the Towing Safety Advisory Committee and taking into consideration the characteristics, methods of operation, and nature of service of towing vessels, may require the installation, maintenance, and use of a fire suppression system or other measures to provide adequate assurance that fires on board towing vessels can be suppressed under reasonably foreseeable circumstances.

"(2) The Secretary shall require under paragraph (1) the use of a fire suppression system or other measures to provide adequate assurance that a fire on board a towing vessel that is towing a non-self-propelled tank vessel can be suppressed under reasonably foreseeable circumstances.".

(b) REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall issue regulations establishing the requirement described in subsection (f)(2) of section 4102 of title 46, United States Code, as added by this section, by not later than October 1, 1997.

SEC. 903. STUDIES ADDRESSING VARIOUS SOURCES OF OIL SPILL RISK.

(a) STUDY OF GROUP-5 FUEL OIL SPILLS.—

(1) DEFINITION.—In this subsection, the term "group-5 fuel oil" means a petroleum-based oil that has a specific gravity of greater than 1.0.

(2) COORDINATION OF STUDY.—The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council to conduct a study of the relative environmental and public health risks posed by discharges of group-5 fuel oil.

(3) MATTERS TO BE INCLUDED.—The study under this subsection shall include a review and analysis of—

(A) the specific risks posed to the public health or welfare of the United States, including fish, shellfish and wildlife, public and private property, shorelines, beaches, habitat, and other natural resources under the jurisdiction or control of the United States, as a result of an actual or threatened discharge of group-5 fuel oil from a vessel or facility;

(B) cleanup technologies currently available to address actual or threatened discharge of group-5 fuel oil; and

(C) any technological and financial barriers that prevent the prompt remediation of discharges of group-5 fuel oil.

(4) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under this subsection.

(5) RULEMAKING.—If the Secretary of Transportation determines, based on the results of the study under this subsection, that there are significant risks to public health or the environment resulting from the actual or threatened

discharge of group-5 fuel oil from a vessel or facility that cannot be technologically or economically addressed by existing or anticipated cleanup efforts, the Secretary may initiate a rulemaking to take such action as is necessary to abate the threat.

(b) STUDY OF AUTOMATIC FUELING SHUTOFF EQUIPMENT.—

(1) COORDINATION OF STUDY.—The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council to conduct a study of the unintentional or accidental discharge of fuel oil during lightering or fuel loading or off-loading activity.

(2) MATTERS TO BE INCLUDED.—The study under this subsection shall include a review and analysis of current monitoring and fueling practices to determine the need for automatic fuel shutoff equipment to prevent the accidental discharge of fuel oil, and whether such equipment is needed as a supplement to or replacement of existing preventive equipment or procedures.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under this subsection.

(4) RULEMAKING.—If the Secretary of Transportation determines, based on the results of the study conducted under this subsection, that the use of automatic oil shutoff equipment is necessary to prevent the actual or threatened discharge of oil during lightering or fuel loading or off loading activity, the Secretary may initiate a rulemaking to take such action as is necessary to abate a threat to public health or the environment.

(c) LIGHTERING STUDY.—The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council on a study into the actual incidence and risk of oil spills from lightering operations off the coast of the United States. Among other things, the study shall address the manner in which existing regulations are serving to reduce oil spill risks. The study shall take into account current or proposed international rules and standards and also include recommendations on measures that would be likely to further reduce the risks of oil spills from lightering operations. Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE X—CONVEYANCES

SEC. 1001. CONVEYANCE OF LIGHTHOUSES.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation or the Secretary of the Interior, as appropriate, shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Cape Ann Lighthouse, located on Thachers Island, Massachusetts, to the town of Rockport, Massachusetts.

(B) Light Station Montauk Point, located at Montauk, New York, to the Montauk Historical Association in Montauk, New York.

(C) Squirrel Point Light, located in Arrowsic, Maine, to Squirrel Point Associates, Incorporated.

(D) Point Arena Light Station, located in Mendocino County, California, to the Point Arena Lighthouse Keepers, Incorporated.

(E) Saint Helena Island Light Station, located in MacKinac County, Moran Township, Michigan, to the Great Lakes Lighthouse Keepers Association.

(F) Presque Isle Light Station, located in Presque Isle Township, Michigan, to Presque Isle Township, Presque Isle County, Michigan.

(G) Cove Point Lighthouse, located in Calvert County, Maryland, to Calvert County, Maryland.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) EXCEPTION.—The Secretary may not convey any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by this section and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this subsection shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(ii) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(iii) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Secretary of Transportation provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—A conveyance of property under this section shall be made subject to the conditions that the Secretary of Transportation considers to be necessary to assure that—

(A) the lights, antennas, sound signal, electronic navigation equipment, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The owner of property conveyed under this section is not required to maintain any active aid to navigation equipment on the property.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The owner of property conveyed under this section shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and other applicable laws.

(c) MAINTENANCE STANDARD.—The owner of any property conveyed under this section, at its own cost and expense, shall maintain the property in a proper, substantial, and workmanlike manner.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Montauk Light Station" includes the keeper's dwellings, adjacent Coast Guard rights-of-way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker.

(2) The term "owner" means the person identified in subsection (a)(1)(A) through (G), and includes any successor of assign of that person.

(3) The term "Point Arena Light Station" includes the light tower building, fog signal building, 2 small shelters, 4 residential quarters, and a restroom facility.

(4) The term "Squirrel Point Light" includes the light tower, dwelling, boat house, oil house, barn, any other ancillary buildings, and any other land as may be necessary for the owner to operate a nonprofit center for public benefit.

(5) The term "Presque Isle Light Station" includes the light tower, attached dwelling, detached dwelling, 3-car garage, and any other improvements on that parcel of land.

SEC. 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the "Secretary") shall convey to an entity recommended by the Island Institute, Rockland, Maine (in this section referred to as the "Institute"), and approved by the Selection Committee established in subsection (d)(3)(A), by an appropriate means of conveyance, all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) IDENTIFICATION OF PROPERTIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Burnt Island Light.
(B) Rockland Harbor Breakwater Light.
(C) Monhegan Island Light.
(D) Eagle Island Light.
(E) Curtis Island Light.
(F) Moose Peak Light.
(G) Great Duck Island Light.
(H) Goose Rocks Light.
(I) Isle au Haut Light.
(J) Goat Island Light.
(K) Wood Island Light.
(L) Doubling Point Light.
(M) Doubling Point Front Range Light.
(N) Doubling Point Rear Range Light.
(O) Little River Light.
(P) Spring Point Ledge Light.
(Q) Ram Island Light (Boothbay).
(R) Seguin Island Light.
(S) Marshall Point Light.
(T) Fort Point Light.
(U) West Quoddy Head Light.
(V) Brown's Head Light.
(W) Cape Neddick Light.
(X) Halfway Rock Light.
(Y) Ram Island Ledge Light.
(Z) Mount Desert Rock Light.
(AA) Whitlock's Mill Light.
(BB) Nash Island Light.
(CC) Manana Island Fog Signal Station.
(DD) Franklin Island Light.

(3) DEADLINE FOR CONVEYANCE.—(A) The conveyances authorized by this subsection shall take place not later than 2 years after the date of the enactment of this Act.

(B) During the period described in subparagraph (A), the Secretary may not transfer or convey any right, title, or interest in the properties listed in paragraph (2) in any manner that is inconsistent with this section, nor shall the Secretary transfer these properties to the General Services Administration for disposal, unless the Selection Committee notifies the Secretary that an eligible entity referred to in subsection (d)(2) will not be identified during that period.

(C) During the period described in subparagraph (A), no other provision of law concerning the disposal of Federal property that is inconsistent in any manner with the provisions of this section shall apply to the properties listed in paragraph (2).

(4) ADDITIONAL CONVEYANCES.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith—

(A) directly to the United States Fish and Wildlife Service:

(i) Two Bush Island Light.

(ii) Egg Rock Light.

(iii) Libby Island Light.

(iv) Matinicus Rock Light.

(B) to the Institute, with the concurrence of the Maine Lighthouse Selection Committee:

(i) Whitehead Island Light.

(ii) Deer Island Thorofare (Mark Island) Light.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by this section and other terms and conditions the Secretary may consider appropriate.

(2) MAINTENANCE OF NAVIGATION FUNCTION.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers necessary to assure that—

(A) the lights, antennas, sound signal, electronic navigation equipment, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Institute, the United States Fish and Wildlife Service, and an entity to which property is conveyed under this section may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to property conveyed under this section as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter property conveyed under this section without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to and across property conveyed under this section for the purpose of maintaining the aids to navigation in use on the property.

(3) OBLIGATION LIMITATION.—The Institute, or any entity to which a lighthouse is conveyed under subsection (d), is not required to maintain any active aid to navigation equipment on a property conveyed under this section.

(4) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to this section, the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) such property or any part of such property ceases to be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses;

(B) such property or any part of such property ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) such property or any part of such property ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(c) INSPECTION.—The State Historic Preservation Officer of the State of Maine may at any time inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this section to an entity that is not a Federal agency, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsection (b). The Institute, and conveyees under subsection (d) that are not Federal agencies, shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(d) CONVEYANCE OF LIGHTHOUSES.—

(1) REQUIREMENT.—The Secretary shall convey, without consideration, all right, title, and interest of the United States in and to the lighthouses identified in subsection (a)(2), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (c); and

(iii) has agreed to comply with the conditions set forth in subsection (b); and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) SELECTION OF CONVEYEES AMONG ELIGIBLE ENTITIES.—

(A) COMMITTEE.—

(i) IN GENERAL.—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the "Committee").

(ii) MEMBERSHIP.—The Committee shall consist of five members appointed by the Secretary, in consultation with the Advisory Council on Historic Preservation, as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) APPOINTMENT DEADLINE.—The Secretary shall appoint the members of the Committee not later than 90 days after the date of the enactment of this Act.

(iv) MEMBERSHIP TERM.—

(I) Members of the Committee shall serve for such terms not longer than 2 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) VOTING.—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) RESPONSIBILITIES.—

(i) IN GENERAL.—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Secretary may make the conveyance of the lighthouse under this subsection.

(ii) APPROVAL.—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval. The Institute shall forward such recommendations to the Secretary.

(iii) DISAPPROVAL.—If the Committee disapproves of the entities, the Committee shall notify the Institute and the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove entities identified pursuant to the preceding sentence in accordance with this subparagraph and the criteria set forth in subsection (b).

(C) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) TERMINATION.—The Committee shall terminate 2 years from the date of the enactment of this Act.

(E) FUNDING.—Nothing in this section shall imply a commitment or obligation of any department or agency of the Federal Government to fund the expenses of the Committee.

(4) CONVEYANCE.—Upon notification under paragraph (3)(B)(ii) of the approval of an identified entity for conveyance of a lighthouse under this subsection, the Secretary shall, with the consent of the entity, convey the lighthouse to the entity.

(5) RESPONSIBILITIES OF CONVEYEES.—Each entity to which the Secretary conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (c).

(e) DESCRIPTION OF PROPERTY.—The legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary. The Secretary shall retain all right, title, and interest of the United

States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

SEC. 1003. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "United States Coast Guard Cuttyhunk Boathouse and Wharf", as described in subsection (c).

(b) CONDITIONS.—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. 1004. CONVEYANCE OF PROPERTY IN KETCHIKAN, ALASKA.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation or the Administrator of General Services, as appropriate, shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use as a health or social services facility.

(b) IDENTIFICATION OF PROPERTY.—The Secretary or the Administrator, as appropriate, shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—(1) The conveyance of property described in subsection (b) shall be subject to the conditions that—

(A) the existing buildings on such property shall be demolished and removed by not later than July 3, 1997; and

(B) such property, and all right, title and interest in such property, shall transfer to the City of Ketchikan if, within 24 months of the date of enactment of this Act, the Ketchikan Indian Corporation has not completed design and construction plans for a health and social services facility (including local permitting requirements, but not financing plans) and received approval from the City of Ketchikan for such plans or the written consent of the City to exceed this period.

(2) If the property described in subsection (b) is transferred to the City of Ketchikan under subsection (c), the transfer shall be subject to the condition that all right, title, and interest in and to the property shall immediately revert to the United States if the property ceases to be used by the City of Ketchikan in a health-related or hospital-related capacity.

SEC. 1005. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property identified, described, and determined by the Secretary under subsection (b), subject to all easements and other interests in the property held by any other person.

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a) or (d), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City Area Public School District.

(d) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(1) the pump room located on the property shall continue to be operated and maintained by the United States for as long as it is needed for this purpose;

(2) the United States shall have an easement of access to the property for the purpose of operating and maintaining the pump room; and

(3) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating and maintaining the pump room.

SEC. 1006. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) may convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

SEC. 1007. CONVEYANCE OF PROPERTY IN SANTA CRUZ, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (referred to in this section as the "Secretary") may convey to the Santa Cruz Port District by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) CONSIDERATION.—Any conveyance of property pursuant to this section shall be made without payment of consideration.

(c) CONDITION.—The conveyance provided for in subsection (a) may be made contingent upon agreement by the Port District that—

(1) the utility systems, building spaces, and facilities or any alternate, suitable facilities and buildings on the harbor premises would be available for joint use by the Port District and the Coast Guard when deemed necessary by the Coast Guard; and

(2) the Port District would be responsible for paying the cost of maintaining, operating, and replacing (as necessary) the utility systems and any buildings and facilities located on the property as described in subsection (a) or on any alternate, suitable property on the harbor premises set aside for use by the Coast Guard.

(d) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in Subunit Santa Cruz shall immediately revert to the United States—

(1) if Subunit Santa Cruz ceases to be maintained as a nonprofit center for education, training, administration, and other public service to include use by the Coast Guard; or

(2) at the end of the thirty day period beginning on any date on which the Secretary provides written notice to the Santa Cruz Port District that Subunit Santa Cruz is needed for national security purposes.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) DEFINITIONS.—For purposes of this section—

(1) "Subunit Santa Cruz" means the Coast Guard property and improvements located at Santa Cruz, California;

(2) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(3) "Port District" means the Santa Cruz Port District, or any successor or assign.

SEC. 1008. CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as the "Secretary") may convey the right, title, and interest of the United States Government in and to the vessel S/S RED OAK VICTORY (Victory Ship VCS–AP2; United States Navy Hull No. AK235) to the City of Richmond Museum Association, Inc., located in Richmond, California (in this section referred to as "the recipient"), if—

(1) the recipient agrees to use the vessel for the purposes of a monument to the wartime accomplishments of the City of Richmond;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or a national emergency;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and PCB's, after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3);

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000; and

(6) the recipient agrees to any other conditions the Secretary considers appropriate.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet for use to restore the S/S RED OAK VICTORY to museum quality.

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

SEC. 1009. CONVEYANCE OF EQUIPMENT.

The Secretary of Transportation may convey any unneeded equipment from other vessels in the National Defense Reserve Fleet to the JOHN W. BROWN and other qualified United States memorial ships in order to maintain their operating condition.

SEC. 1010. PROPERTY EXCHANGE.

(a) PROPERTY ACQUISITION.—The Secretary may, by means of an exchange of property, acceptance as a gift, or other means that does not require the use of appropriated funds, acquire all right, title, and interest in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska.

(b) ACQUISITION THROUGH EXCHANGE.—For the purposes of acquiring property under subsection (a) by means of an exchange, the Secretary may convey all right, title, and interest of the United States in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska and in the control of the Coast Guard if the Secretary determines that the exchange is in the best interest of the Coast Guard.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1011. AUTHORITY TO CONVEY WHITEFISH POINT LIGHT STATION LAND.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary of the Interior (in this section referred to as the "Secretary") may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in 1 of the 3 parcels comprising the land on which the United States Coast Guard Whitefish Point Light Station is situated (in this section referred to as the "Property"), to each of the Great Lakes Shipwreck Historical Society, located in Sault Ste. Marie, Michigan, the United States Fish and Wildlife Service, and the Michigan Audubon Society (each of which is referred to in this section as a "recipient"), subject to all easements, conditions, reservations, exceptions, and restrictions contained in prior conveyances of record.

(2) LIMITATION.—Notwithstanding paragraph (1), the Secretary shall retain for the United States all right, title, and interest in—

(A) any historical artifact, including any lens or lantern, and

(B) the light, antennas, sound signal, towers, associated lighthouse equipment, and any electronic navigation equipment, which are active aids to navigation,

which is located on the Property, or which relates to the Property.

(3) IDENTIFICATION OF THE PROPERTY.—The Secretary may identify, describe, and determine the parcels to be conveyed pursuant to this section.

(4) RIGHTS OF ACCESS.—If necessary to ensure access to a public roadway for a parcel conveyed under this section, the Secretary shall convey with the parcel an appropriate appurtenant easement over another parcel conveyed under this section.

(5) EASEMENT FOR PUBLIC ALONG SHORELINE.—In each conveyance under this section of property located on the shoreline of Lake Superior, the Secretary shall retain for the public, for public walkway purposes, a right-of-way along the shoreline that extends 30 feet inland from the mean high water line.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Any conveyance pursuant to subsection (a) shall be made—

(A) without payment of consideration; and

(B) subject to such terms and conditions as the Secretary considers appropriate.

(2) MAINTENANCE OF NAVIGATION FUNCTIONS.—The Secretary shall ensure that any conveyance pursuant to this section is subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, towers, and associated lighthouse equipment, and any electronic navigation equipment, which are located on the Property and which are active aids to navigation shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the recipients may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation, or make any changes on any portion of the Property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the Property without notice for the purpose of maintaining aids to navigation;

(E) the United States shall have—

(i) an easement of access to and across the Property for the purpose of maintaining the aids to navigation and associated equipment in use on the Property; and

(ii) an easement for an arc of visibility; and

(F) the United States shall not be responsible for the cost and expense of maintenance, repair, and upkeep of the Property.

(3) MAINTENANCE OBLIGATION.—The recipients shall not have any obligation to maintain any active aid to navigation equipment on any parcel conveyed pursuant to this section.

(c) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—Each recipient shall maintain the parcel conveyed to the recipient pursuant to subsection (a) in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable laws.

(d) MAINTENANCE STANDARD.—Each recipient shall maintain the parcel conveyed to the recipient pursuant to subsection (a), at its own cost and expense, in a proper, substantial, and workmanlike manner, including the easements of access, the easement for an arc of visibility, the nuisance easement, and the underground easement.

(e) SHARED USE AND OCCUPANCY AGREEMENT.—The Secretary shall require, as a condition of each conveyance of property under this section, that all of the recipients have entered into the same agreement governing the shared use and occupancy of the existing Whitefish Point Light Station facilities. The agreement shall be drafted by the recipients and shall include—

(1) terms governing building occupancy and access of recipient staff and public visitors to public restrooms, the auditorium, and the parking lot; and

(2) terms requiring that each recipient shall be responsible for paying a pro rata share of the costs of operating and maintaining the existing Whitefish Point Light Station facilities, that is based on the level of use and occupancy of the facilities by the recipient.

(f) LIMITATIONS ON DEVELOPMENT AND IMPAIRING USES.—It shall be a term of each conveyance under this section that—

(1) no development of new facilities or expansion of existing facilities or infrastructure on property conveyed under this section may occur, except for purposes of implementing the Whitefish Point Comprehensive Plan of October 1992 or for a gift shop, unless—

(A) each of the recipients consents to the development or expansion in writing;

(B) there has been a reasonable opportunity for public comment on the development or expansion, and full consideration has been given to such public comment as is provided; and

(C) the development or expansion is consistent with preservation of the Property in its predominantly natural, scenic, historic, and forested condition; and

(2) any use of the Property or any structure located on the property which may impair or interfere with the conservation values of the Property is expressly prohibited.

(g) REVISIONARY INTEREST.—

(1) IN GENERAL.—All right, title, and interests in and to property and interests conveyed under this section shall revert to the United States and thereafter be administered by the Secretary of Interior acting through the Director of the United States Fish and Wildlife Service, if—

(A) in the case of such property and interests conveyed to the Great Lakes Shipwreck Historical Society, the property or interests cease to be used for the purpose of historical interpretation;

(B) in the case of such property and interests conveyed to the Michigan Audubon Society, the property or interests cease to be used for the purpose of environmental protection, research, and interpretation; or

(C) in the case any property and interests conveyed to a recipient referred to in subparagraph (A) or (B)—

(i) there is any violation of any term or condition of the conveyance to that recipient; or

(ii) the recipient has ceased to exist.

(2) AUTHORITY TO ENFORCE REVERSIONARY INTEREST.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall have the authority—

(A) to determine for the United States Government whether any act or omission of a recipient results in a reversion of property and interests under paragraph (1); and

(B) to initiate a civil action to enforce that reversion, after notifying the recipient of the intent of the Secretary of the Interior to initiate that action.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—In the event of a reversion of property under this subsection, the Secretary of the Interior shall administer the property subject to any conditions the Secretary of Transportation considers to be necessary to maintain the navigation functions.

SEC. 1012. CONVEYANCE OF PARRAMORE BEACH COAST GUARD STATION, VIRGINIA.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall convey to the Nature Conservancy (a nonprofit corporation established under the laws of the District of Columbia and holder of ownership interest in Parramore Island, Virginia), by not later than 30 days after the date of the enactment of this Act and without consideration, all right, title, and interest of the United States in and to all real property comprising the Parramore Beach Coast Guard Station, located on Parramore's Island near the town of Wachapreague in Accomack County, Virginia.

(b) COMPLETION OF ENVIRONMENTAL REVIEWS, ASSESSMENTS, AND CLEANUP.—

(1) AUTHORITY TO CONVEY BEFORE COMPLETION.—Notwithstanding any other provision of law that would require completion of an environmental review, assessment, or cleanup with respect to the Parramore Beach Coast Guard Station before the conveyance under subsection (a), the Secretary may make that conveyance before the completion of that review, assessment, or cleanup, as applicable.

(2) TIME FOR COMPLETION.—Any environmental review, assessment, or cleanup with respect to the Parramore Beach Coast Guard Station shall be completed by as soon as practicable after the date of the enactment of this Act.

SEC. 1013. CONVEYANCE OF JEREMIAH O'BRIEN.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation (in this section referred to as the "Secretary") may convey, subject to the conditions set forth in subsection (b), the right, title, and interest of the United States Government in the vessel JEREMIAH O'BRIEN (United States official number 243622; in this section referred to as the "Vessel"), to a nonprofit corporation (in this section referred to as the "Recipient") for use as a merchant marine memorial museum, if on the date of enactment of this Act the Recipient has at least 10 consecutive years experience in restoring and operating a Liberty Ship as a merchant marine memorial museum.

(b) CONDITIONS.—The conveyance of the Vessel under subsection (a) shall be subject to the following conditions:

(1) The Recipient agrees—

(A) to use the Vessel as a nonprofit merchant marine memorial museum;

(B) not to use the Vessel for commercial transportation purposes;

(C) to make the Vessel available to the Government without cost if and when the Secretary requires use of the Vessel by the Government;

(D) in the event the Recipient no longer requires the Vessel for use as a merchant marine memorial museum, to—

(i) reconvey, at the discretion of the Secretary, the Vessel to the Government in as good condition as when it was received from the Government, except for ordinary wear and tear; and

(ii) deliver the Vessel to the Government at the place where the Vessel was delivered to the Recipient;

(E) to hold the Government harmless for any claims founded on occurrences after conveyance of the Vessel, except for claims against the Government arising from use by the Government under subparagraphs (C) and (D) of this paragraph, which claims shall include any claims resulting from exposure to asbestos and other substances; and

(F) to any other conditions the Secretary considers appropriate.

(2) If a conveyance is made under this section, the Secretary shall deliver the Vessel to the Recipient at the place where the Vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) CONVEYANCE OF EQUIPMENT AND MATERIAL.—The Secretary may convey to the Recipient any unneeded equipment and material from other vessels at any time in the National Defense Reserve Fleet in order to assist in placing and maintaining the Vessel in operating condition.

(d) EXPIRATION OF AUTHORITY.—The authority of the Secretary to convey the Vessel under this section shall expire 2 years after the date of enactment of this Act.

TITLE XI—MISCELLANEOUS

SEC. 1101. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 1102. OIL SPILL RECOVERY INSTITUTE.

(a) ADVISORY BOARD AND EXECUTIVE COMMITTEE.—Section 5001 of the Oil Pollution Act of 1990 (33 U.S.C. 2731) is amended—

(1) by striking "to be administered by the Secretary of Commerce" in subsection (a);

(2) by striking "and located" in subsection (a) and inserting "located";

(3) by striking "the EXXON VALDEZ oil spill" each place it appears in subsection (b)(2) and inserting "Arctic or Subarctic oil spills";

(4) by striking "18" in subsection (c)(1) and inserting "16";

(5) by striking ", Natural Resources, and Commerce and Economic Development" in subsection (c)(1)(A) and inserting a comma and "and Natural Resources";

(6) by striking subsection (c)(1)(B), (C), and (D);

(7) by redesignating subparagraphs (E) and (F) of subsection (c)(1) as subparagraphs (G) and (H), respectively;

(8) by inserting after subparagraph (A) of subsection (c)(1) the following:

"(B) One representative appointed by each of the Secretaries of Commerce, the Interior, and Transportation, who shall be Federal employees.

"(C) Two representatives from the fishing industry appointed by the Governor of the State of Alaska from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill, who shall serve terms of 2 years each. Interested organizations from within the fishing industry may submit the names of qualified individuals for consideration by the Governor.

"(D) Two Alaska Natives who represent Native entities affected by the EXXON VALDEZ oil spill, at least one of whom represents an entity located in Prince William Sound, appointed by the Governor of Alaska from a list of 4 qualified individuals submitted by the Alaska Federation of Natives, who shall serve terms of 2 years each.

"(E) Two representatives from the oil and gas industry to be appointed by the Governor of the State of Alaska who shall serve terms of 2 years each. Interested organizations from within the oil and gas industry may submit the names of qualified individuals for consideration by the Governor.

"(F) Two at-large representatives from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill who are knowledgeable about the marine environment and wildlife within Prince William Sound, and who shall serve terms of 2 years each, appointed by the remaining members of the Advisory Board. Interested parties may submit the names of qualified individuals for consideration by the Advisory Board.";

(9) adding at the end of subsection (c) the following:

"(4) SCIENTIFIC REVIEW.—The Advisory Board may request a scientific review of the research program every five years by the National Academy of Sciences which shall perform the review, if requested, as part of its responsibilities under section 7001(b)(2).";

(10) by striking "the EXXON VALDEZ oil spill" in subsection (d)(2) and inserting "Arctic or Subarctic oil spills";

(11) by striking "Secretary of Commerce" in subsection (e) and inserting "Advisory Board";

(12) by striking ", the Advisory Board," in the second sentence of subsection (e);

(13) by striking "Secretary's" in subsection (e) and inserting "Advisory Board's";

(14) by inserting "authorization in section 5006(b) providing funding for the" in subsection (i) after "The";

(15) by striking "this Act" in subsection (i) and inserting "the Coast Guard Authorization Act of 1996";

(16) by striking the first sentence of subsection (j); and

(17) by inserting "The Advisory Board may compensate its Federal representatives for their reasonable travel costs." in subsection (j) after "Institute.".

(b) FUNDING.—Section 5006 of the Oil Pollution Act of 1990 (33 U.S.C. 2736) is amended by—

(1) striking subsection (a) and redesignating subsection (b) as subsection (a);

(2) striking "5003" in the caption of subsection (a), as redesignated, and inserting "5001, 5003,";

(3) inserting "to carry out section 5001 in the amount as determined in section 5006(b), and" after "limitation," in the text of subsection (a), as redesignated; and

(4) adding at the end thereof the following:

"(b) USE OF INTEREST ONLY.—The amount of funding to be made available annually to carry out section 5001 shall be the interest produced by the Fund's investment of the $22,500,000 remaining funding authorized for the Prince William Sound Oil Spill Recovery Institute and currently deposited in the Fund and invested by the Secretary of the Treasury in income producing securities along with other funds comprising the Fund. The National Pollution Funds Center shall transfer all such accrued interest, including the interest earned from the date funds in the Trans-Alaska Liability Pipeline Fund were transferred into the Oil Spill Liability Trust Fund pursuant to section 8102(a)(2)(B)(ii), to the Prince William Sound Oil Spill Recovery Institute annually, beginning 60 days after the date of enactment of the Coast Guard Authorization Act of 1996.

"(c) USE FOR SECTION 1012.—Beginning with the eleventh year following the date of enactment of the Coast Guard Authorization Act of 1996, the funding authorized for the Prince William Sound Oil Spill Recovery Institute and deposited in the Fund shall thereafter be made available for purposes of section 1012 in Alaska.".

(c) CONFORMING AMENDMENTS.—

(1) Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended by striking "5006(b)" and inserting "5006".

(2) Section 7001(c)(9) the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(9)) is amended by striking the period at the end thereof and inserting "until the authorization for funding under section 5006(b) expires.".

SEC. 1103. LIMITED DOUBLE HULL EXEMPTIONS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b), by—

(A) striking "or" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting a semicolon; and

(C) adding at the end the following new paragraphs:

"(4) a vessel documented under chapter 121 of this title that was equipped with a double hull before August 12, 1992;

"(5) a barge of less than 1,500 gross tons (as measured under chapter 145 of this title) carrying refined petroleum product in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

"(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant

Ship Sales Act of 1946 (50 App. U.S.C. 1744).''; and

(2) by adding at the end the following new subsection:

''(d) The operation of barges described in subsection (b)(5) outside waters described in that subsection shall be on any conditions as the Secretary may require.''.

SEC. 1104. OIL SPILL RESPONSE VESSELS.

(a) DESCRIPTION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

''(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.''.

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) This chapter does not apply to an oil spill response vessel if—

''(1) the vessel is used only in response-related activities; or

''(2) the vessel is—

''(A) not more than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title;

''(B) designated in its certificate of inspection as an oil spill response vessel; and

''(C) engaged in response-related activities.''.

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

''(p) The Secretary may prescribe the watchstanding and work hours requirements for an oil spill response vessel.''.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

''(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.''.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (7),

(2) by striking the period at the end of paragraph (8) and inserting a semicolon and ''and''; and

(3) by adding at the end thereof the following new paragraph:

''(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.''.

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.''.

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(14) oil spill response vessels.''.

SEC. 1105. SERVICE IN CERTAIN SUITS IN ADMIRALTY.

Section 2 of the Act of March 9, 1920 (popularly known as the Suits in Admiralty Act; 46 App. U.S.C. 742), is amended by striking ''The libelant'' and all that follows through ''and such corporation.''.

SEC. 1106. AMENDMENTS TO THE JOHNSON ACT.

(a) CALIFORNIA CRUISE INDUSTRY REVITALIZATION.—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the ''Johnson Act'', is amended by adding at the end thereof the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

''(i) that begins and ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.''.

(b) AUTHORITY OF THE STATE OF INDIANA OVER VESSELS ON VOYAGES IN THE TERRITORIAL JURISDICTION OF THE STATE OF INDIANA.—Section 5(b)(1) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)), commonly known as the ''Johnson Act'', is amended—

(1) in subparagraph (A) by striking ''or'' after the semicolon at the end;

(2) in subparagraph (B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(C) the repair, transport, possession, or use of a gambling device on a vessel on a voyage that begins in the State of Indiana and that does not leave the territorial jurisdiction of that State, including such a voyage on Lake Michigan.''.

(c) APPLICABILITY TO CERTAIN VOYAGES IN ALASKA.—Section 5 of the Act of January 2, 1951 (15 U.S.C. 1175), commonly referred to as the ''Johnson Act'', is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—(1) This section does not prohibit, nor may any State make it a violation of law for there to occur, the repair, transport, possession, or use of any gambling device on board a vessel which provides sleeping accommodations for all of its passengers and that is on a voyage or segment of a voyage described in paragraph (2), except that a State may, within its boundaries—

''(A) prohibit the use of a gambling device on a vessel while it is docked or anchored or while it is operating within 3 nautical miles of a port at which it is scheduled to call; and

''(B) require the gambling devices to remain on board the vessel.

''(2) A voyage referred to in paragraph (1) is a voyage that—

''(A) begins, ends, or otherwise includes a stop in Canada;

''(B) includes stops in at least 2 different ports situated in the State of Alaska;

''(C) does not begin, end, or otherwise include a stop in any other State; and

''(D) is of at least 60 hours duration.''.

SEC. 1107. LOWER COLUMBIA RIVER MARITIME FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard not more than $940,000 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Maritime Fire and Safety Association.

SEC. 1108. OIL POLLUTION RESEARCH TRAINING.

Section 7001(c)(2)(D) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(2)(D)) is amended by striking ''Texas;'' and inserting ''Texas, and the Center for Marine Training and Safety in Galveston, Texas;''.

SEC. 1109. LIMITATION ON RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas. Nothing in this section prevents the consolidation of management functions of these Coast Guard authorities.

SEC. 1110. UNINSPECTED FISH TENDER VESSELS.

Section 3302 of title 46, United States Code, as amended by this Act, is further amended as follows:

(1) Subsection (b) is amended by striking ''A fishing vessel,'' and inserting ''Except as provided in subsection (c)(3) of this section, a fishing vessel''.

(2) Subsection (c)(1) is amended by striking ''A fish processing vessel'' and inserting ''Except as provided in paragraph (3) of this subsection, a fish processing vessel''.

(3) Subsection (c)(2) is amended by striking ''A fish tender vessel'' and inserting ''Except as provided in paragraphs (3) and (4) of this subsection, a fish tender vessel''.

(4) Subsection (c)(3) is amended to read as follows:

''(3)(A) A fishing vessel or fish processing vessel is exempt from section 3301(1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska if—

''(i) that place does not receive weekly common carrier service by water from a place in the United States;

''(ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or

''(iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

''(B) A fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, which is qualified to engage in the Aleutian trade is exempt from section 3301(1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska outside the Aleutian trade geographic area if—

''(i) that place does not receive weekly common carrier service by water from a place in the United States;

''(ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or

''(iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

''(C) In this paragraph, the term 'proprietary cargo' means cargo that—

''(i) is used by the owner of the vessel or any affiliated entity or subsidiary in activities directly related to fishing or the processing of fish;

''(ii) is consumed by employees of the owner of the vessel or any affiliated entity or subsidiary who are engaged in fishing or in the processing of fish; or

''(iii) consists of fish or fish products harvested or processed by the owner of the vessel or any affiliated entity or subsidiary.

''(D) Notwithstanding the restrictions in subparagraph (B) of this paragraph, vessels qualifying under subparagraph (B) may transport cargo (including fishery-related products) from a place in Alaska receiving weekly common carrier service by water to a final destination in Alaska not receiving weekly service by water from common carriers.''.

SEC. 1111. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) by striking ''(a)'' in subsection (a); and

(2) by striking subsection (b).

SEC. 1112. COAST GUARD USER FEES.

(a) LIMITS ON USER FEES.—Section 10401(g) of the Omnibus Budget Reconciliation Act of 1990

(46 U.S.C. 2110(a)(2)) is amended by adding after "annually." the following: "The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a small passenger vessel under this title that is more than $300 annually for such vessels under 65 feet in length, or more than $600 annually for such vessels 65 feet in length and greater.".

(b) FERRY EXEMPTION.—Such section is further amended by adding at the end the following: "The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination under this title for any publicly-owned ferry.".

SEC. 1113. VESSEL FINANCING.

(a) ELIMINATION OF MORTGAGEE RESTRICTIONS.—Section 31322(a) of title 46, United States Code, is amended to read as follows:

"(a) A preferred mortgage is a mortgage, whenever made, that—

"(1) includes the whole of the vessel;

"(2) is filed in substantial compliance with section 31321 of this title; and

"(3)(A) covers a documented vessel; or

"(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.".

(b) ELIMINATION OF TRUSTEE RESTRICTIONS.—

(1) REPEAL.—Section 31328 of title 46, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking "31328 or" each place it appears.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 313 of title 46, United States Code, is amended by striking the item relating to section 31328.

(c) REMOVAL OF MORTGAGE RESTRICTIONS.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), is amended—

(1) in subsection (c)—

(A) by striking "31328" and inserting "12106(e)"; and

(B) in paragraph (1) by striking "mortgage," each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking "transfer, or mortgage" and inserting "or transfer";

(B) in paragraph (2) by striking "transfers, or mortgages" and inserting "or transfers";

(C) in paragraph (3)(B) by striking "transfers, or mortgages" and inserting "or transfers"; and

(D) in paragraph (4) by striking "transfers, or mortgages" and inserting "or transfers".

(d) LEASING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the vessel is eligible for documentation;

"(B) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is primarily engaged in leasing or other financing transactions;

"(C) the vessel is under a demise charter to a person that certifies to the Secretary that the person is a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

"(D) the demise charter is for a period of at least 3 years or a shorter period as may be prescribed by the Secretary; and

"(E) the vessel is otherwise eligible for documentation under section 12102.

"(2) The demise charter and any amendments to that charter shall be filed with the certificate required by this subsection, or within 10 days following the filing of an amendment to the charter, and such charter and amendments shall be made available to the public.

"(3) Upon termination by a demise charterer required under paragraph (1)(C), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on such terms and conditions as the Secretary may prescribe.

"(4) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of this subsection is deemed to be owned exclusively by citizens of the United States.".

(e) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by striking "sections 31322(a)(1)(D)" and inserting "sections 12106(e), 31322(a)(1)(D),".

(f) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the methods for leasing, demise chartering, and financing of vessels operating in the coastal trades of other countries and whether the laws of other countries provide reciprocity for United States banks, leasing companies, or other financial institutions with respect to the rights granted under the amendment made by subsection (d). The study shall develop recommendations whether additional laws requiring reciprocity should be considered for non-United States banks, leasing companies, or other financial institutions.

(2) REPORT.—The Secretary shall submit to the Congress a report 1 year after the date of enactment of this Act of the results of the study required under paragraph (1), including recommendations developed in the study.

SEC. 1114. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking "or permitted"; and

(2) by inserting after "day" the following: "or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period".

(b) Section 8104(e) of title 46, United States Code, is amended by striking "subsections (c) and (d)" and inserting "subsection (d)".

(c) Section 8104(g) of title 46, United States Code, is amended by striking "(except a vessel to which subsection (c) of this section applies)".

SEC. 1115. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking "or 12107".

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking "coastwise, Great Lakes endorsement" and all that follows through "foreign ports," and inserting "registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,"; and

(B) by striking ", as if from or to foreign ports".

(5) Section 9302(a)(1) of title 46, United States Code, is amended by striking "subsections (d) and (e)" and inserting "subsections (d), (e) and (f)".

(6) Section 9302(e) of title 46, United States Code, is amended by striking "subsections (a) and (b)" and inserting "subsection (a)".

(7) Section 9302 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) A documented vessel regularly operating on the Great Lakes or between ports on the Great Lakes and the St. Lawrence River is exempt from the requirements of subsection (a) of this section.".

SEC. 1116. RELIEF FROM UNITED STATES DOCUMENTATION REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any other law or any agreement with the United States Government, a vessel described in subsection (b) may be transferred to or placed under a foreign registry or sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) MV PLATTE (United States official number number 653210).

(2) SOUTHERN (United States official number 591902).

(3) ARZEW (United States official number 598727).

(4) LAKE CHARLES (United States official number 619531).

(5) LOUISIANA (United States official number 619532).

(6) GAMMA (United States official number 598730).

(7) BAY RIDGE (United States official number 600128).

(8) COASTAL GOLDEN (United States official number 598731).

SEC. 1117. USE OF FOREIGN REGISTRY OIL SPILL RESPONSE VESSELS.

Notwithstanding any other provision of law, an oil spill response vessel documented under the laws of a foreign country may operate in waters of the United States on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near those waters, if—

(1) an adequate number and type of oil spill response vessels documented under the laws of the United States cannot be engaged to recover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil; and

(2) that foreign country has by its laws accorded to vessels of the United States the same privileges accorded to vessels of that foreign country under this section.

SEC. 1118. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) This section does not apply to a documented vessel that has been operated only for pleasure.".

SEC. 1119. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: ", except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant".

SEC. 1120. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL CERTIFICATES.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (24 Stat. 81; chapter 421; 46 App. U.S.C. 289), and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) ABORIGINAL (United States official number 942118).

(2) ALPHA TANGO (United States official number 945782).

(3) ANNAPOLIS (United States official number 999008).

(4) ARK (United States official number 912726).

(5) AURA (United States official number 1027807).

(6) BABS (United States official number 1030028).

(7) BAGGER (State of Hawaii registration number HA1809E).

(8) BAREFOOT'N (United States official number 619766).

(9) BARGE 76 (United States official number 1030612).

(10) BARGE 77 (United States official number 1030613).

(11) BARGE 78 (United States official number 1030614).

(12) BARGE 100 (United States official number 1030615).

(13) BEACON (United States official number 501539).

(14) BEAR (United States official number 695002).

(15) BEULA LEE (United States official number 928211).

(16) BEWILDERED (United States official number 902354).

(17) BIG DAD (United States official number 565022).

(18) BILLY BUCK (United States official number 939064).

(19) BROKEN PROMISE (United States official number 904435).

(20) CAPTAIN DARYL (United States official number 580125).

(21) CAROLYN (State of Tennessee registration number TN1765C).

(22) CHARLOTTE (State of Maryland certification number MN1397AM).

(23) CHESAPEAKE (United States official number 999010).

(24) CHRISSY (State of Marine registration certification number ME4778B).

(25) COLT INTERNATIONAL (United States official number 913637).

(26) CONSORT (United States official number 999005).

(27) CONSORTIUM (British registration number 303328).

(28) COURIER SERVICE (Vanuatu registration number 688).

(29) CURTIS BAY (United States official number 999007).

(30) DAMN YANKEE (United States official number 263611).

(31) DANTE (United States official number 556188).

(32) DELTA KING (United States official number 225874).

(33) DORDY III (United States official number 286553).

(34) DRAGONESSA (United States official number 646512).

(35) EAGLE MAR (United States official number 575349).

(36) EMERALD AYES (United States official number 986099)

(37) EMMA (United States official number 946449).

(38) EMPRESS (United States official number 975018).

(39) ENDEAVOUR (United States official number 947869).

(40) EVENING STAR (State of Hawaii registration number HA8337D).

(41) EXPLORER (United States official number 918080).

(42) EXTREME (United States official number 1022278).

(43) EXUBERANCE (United States official number 698516).

(44) FIFTY ONE (United States official number 1020419).

(45) FINESSE (State of Florida registration number 7148).

(46) FOCUS (United States official number 909293).

(47) FREJA VIKING (Danish registration number A395).

(48) 3 barges owned by the Harbor Maine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth

(49) GIBRALTAR (United States official number 668634).

(50) GLEAM (United States official number 921594).

(51) GOD'S GRACE II (State of Alaska registration number AK5916B).

(52) HALCYON (United States official number 690219).

(53) HAMPTON ROADS (United States official number 999009).

(54) HERCO TYME (United States official number 911599).

(55) HER WEIGH (United States official number 919074).

(56) HIGH HOPES (United States official number 935174).

(57) HIGH HOPES II (United States official number 959439).

(58) HOPTOAD (Hull Identification number 528162 NET 12).

(59) HOT WATER (United States official number 965985).

(60) IDUN VIKING (Danish registation number A433).

(61) INTREPID (United States official number 508185).

(62) ISABELLE (United States official number 600655).

(63) ISLAND STAR (United States official number 673537).

(64) JAJO (Hull ID number R1Z200207H280).

(65) JAMESTOWN (United States official number 999006).

(66) JIVE DEVIL (United States official number 685348).

(67) JOAN MARIE (State of North Carolina registration number NC2319AV).

(68) KALYPSO (United States official number 566349).

(69) KARMA (United States official number 661709).

(70) LADY HAWK (United States official number 961095).

(71) LIBERTY (United States official number 375248).

(72) LIV VIKING (Danish registration number A394).

(73) M/V MARION C II (United States official number 570892).

(74) MAGIC CARPET (United States official number 278971).

(75) MAGIC MOMENTS (United States official number 653689).

(76) MADRINE (United States official number 663842).

(77) MARALINDA (State of Florida registration number C023203–97).

(78) MARANTHA (United States official number 638787).

(79) MARSH GRASS II (Hull ID number AUKEV51139K690).

(80) MEMORY MAKER (Hull No 3151059, State of Maryland registration number MD8867AW).

(81) MOONRAKER (United States official number 645981).

(82) MORGAN (State of Ohio registration number OH–0358–EA).

(83) MOVIN ON (United States official number 585100).

(84) MY LITTLE SHIP (State of Washington registration number WN9979MF5).

(85) NAMASTE (United States official number 594472).

(86) OLD HAT (United States official number 508299).

(87) ONRUST (United States official number 515058).

(88) PAUL JOHANSEN (United States official number 1033607).

(89) PHOENIX (United States official number 940997).

(90) PLAY HARD (State of North Carolina registration number NC1083CE).

(91) POLICY MAKER III (United States official number 569223).

(92) PRIME TIME (United States official number 660944).

(93) QUIET SQUAW (United States official number 998717).

(94) QUIETLY (United States official number 658315).

(95) QUINTESSENCE (United States official number 934393).

(96) RAFFLES LIGHT (United States official number 501584).

(97) RAINBOW'S END (United States official number 1026899; Hull ID number MY13708C787).

(98) RATTLESNAKE (Canadian registration number 802702).

(99) REEL TOY (United States official number 698383).

(100) RELENTLESS (United States official number 287008).

(101) 2 barges owned by Roen Salvage (a corporation organized under the laws of the State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(102) ROYAL AFFAIRE (United States official number 649292).

(103) SALLIE D (State of Maryland registration number MD2655A).

(104) SARAH-CHRISTEN (United States official number 342195).

(105) SEA MISTRESS (United States official number 696806).

(106) SEA SISTER (United States official number 951817).

(107) SERENITY (United States official number 1021393).

(108) SHAKA MARU (United States official number 983176).

(109) SHAMROCK V (United States official number 900936).

(110) SHOGUN (United States official number 577839).

(111) SISU (United States official number 293648).

(112) SMALLEY (6808 Amphibious Dredge: State of Florida registration number FL1855FF).

(113) SNOW HAWK (United States official number 955–637).

(114) SOUTHERN CRUZ (United States official number 556797).

(115) SUNDOWN (United States official number 293434).

(116) SUNRISE (United States official number 950381).

(117) TECUMSEH (United States official number 668633).

(118) THE SUMMER WIND (United States official number 905819).

(119) TIVOLI (United States official number 582516).

(120) TOO MUCH FUN (United States official number 936565).

(121) TOP GUN (United States official number 623642).

(122) TRIAD (United States official number 988602).

(123) TWO CAN (United States official number 932361).

(124) VICTORIA CLIPPER II (United States official number 725338).

(125) WATERFRONT PROPERTY (United States official number 987686).

(126) WESTFJORD (Hull ID number X–53–109).

(127) WESTERN ATLANTIC (Panamanian registration number 10484–80–CEO).

(128) WHITE WING (United States official number 283818).

(129) WHY KNOT (United States official number 688570).

(130) WOLF GANG II (United States official number 984934).

(131) YES DEAR (United States official number 578550).

(132) Former United States military vessels, as follows:

(A) LACV–30 hovercraft hulls numbered 1 through 26.

(B) AP–188 hovercraft hulls numbered 8701 and 8901.

For the purposes of chapter 121 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the engine twin paks, the thrust and lift engines, and all spare parts, appurtenances, and accessories transferred by the United States with the vessels referred to in this paragraph are deemed to have been built in the United States.

(b) M/V TWIN DRILL.—Section 601(d) of the Coast Guard Authorization Act of 1993 (Public Law 103–206) is amended—

(1) in paragraph (3) by striking "June 30, 1995" and inserting "June 30, 1998"; and

(2) in paragraph (4)—

(A) by striking "12 months" and inserting "36 months"; and

(B) by inserting "or convert under the same terms and conditions as provided in paragraphs (1) and (2)" after "construct"; and

(3) in paragraph (5) by striking "constructed" and inserting "delivered".

(c) CERTIFICATES OF DOCUMENTATION FOR GALLANT LADY.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with an appropriate endorsement for employment in coastwise trade for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to the carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue a certificate of documentation for a vessel under paragraph (1) unless, not later than 90 days after the date of enactment of this Act, the owner of the vessel referred to in paragraph (1)(B) submits to the Secretary a letter expressing the intent of the owner to, before April 1, 1998, enter into a contract for the construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1) shall take effect—

(A) for the vessel referred to in paragraph (1)(A), on the date of the issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), on the date of delivery of the vessel to the owner.

(5) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under paragraph (1) shall expire—

(A) on the date of the sale of the vessel by the owner;

(B) on April 1, 1998, if the owner of the vessel referred to in paragraph (1)(B) has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under paragraph (3); or

(C) on such date as a contract referred to in paragraph (2) is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner of the vessel referred to in paragraph (1)(B).

(d) CERTIFICATES OF DOCUMENTATION FOR ENCHANTED ISLE AND ENCHANTED SEAS.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the vessels ENCHANTED ISLE (Panamanian official number 14087–84B) and ENCHANTED SEAS (Panamanian official number 14064–84D), except that the vessels may not operate between or among islands in the State of Hawaii.

(e) EXCEPTION TO CHAIN OF TITLE RESTRICTION.—Section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) is amended in the first proviso after "no vessel" by inserting "of more than 200 gross tons (as measured under chapter 143 of title 46, United States Code)".

(f) CERTIFICATE OF DOCUMENTATION FOR A LIQUIFIED GAS TANKER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156) and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for a vessel to transport liquified natural gas or liquified petroleum gas to the Commonwealth of Puerto Rico from other ports in the United States, if the vessel—

(1) is a foreign built vessel that was built prior to the date of enactment of this Act; or

(2) is documented under chapter 121 of title 46, United States Code, before the date of enactment of this Act, even if the vessel is placed under a foreign registry and subsequently redocumented under that chapter for operation under this section.

(g) VESSELS DEEMED CONSTRUCTED IN UNITED STATES.—Notwithstanding any other provision of law, the coastwise qualified vessels COASTAL SEA (United States official number 666754), COASTAL NOMAD (United States official number 686157), and COASTAL MERCHANT (United States official number 1038382) are deemed to have been constructed in the United States as of the date of their original delivery.

(h) LIMITED WAIVER FOR THE TUG MV JANIS GUZZLE.—Notwithstanding any other law or any agreement with the United States Government, the tug MV JANIS GUZZLE (ex-G.R. MOIR; United States official number 608018) may be permanently operated in the domestic trade of the United States upon the repayment of $1,140,619 to the Secretary of Transportation.

(i) REGENT RAINBOW.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel REGENT RAINBOW (Bahamas official number 715557), after the completion of the sale of the REGENT RAINBOW to an operator of another passenger vessel measuring more that 20,000 gross tons that on the day before the date of the enactment of this Act is in operation with a coastwise endorsement.

(j) MILITARY HOVERCRAFT.—Notwithstanding any other provision of law, the Administrator of General Services shall waive all conditions and restrictions relating to transfer or use of the property described in subsection (a)(132) (including the engine twin paks, the thrust and lift engines, and all spare parts, appurtenances, and accessories referred to in that subsection) and shall transfer unconditional and unrestricted title to all such property to the recipient eligible donee.

SEC. 1121. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

(a) IN GENERAL.—The vessel described in subsection (b) is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons, if—

(1) it does not carry cargo or passengers for hire; and

(2) it does not engage in commercial fisheries or oceanographic research.

(b) VESSEL DESCRIBED.—The vessel referred to in subsection (a) is an approximately 96 meter twin screw motor yacht, the construction of which commenced in October, 1993, and that has been assigned the builder's number 13583 (to be named the LIMITLESS).

SEC. 1122. SMALL PASSENGER VESSEL PILOT INSPECTION PROGRAM WITH THE STATE OF MINNESOTA.

(a) IN GENERAL.—The Secretary may enter into an agreement with the State under which the State may inspect small passenger vessels operating in waters of that State designated by the Secretary, if—

(1) the State plan for the inspection of small passenger vessels meets such requirements as the Secretary may require to ensure the safety and operation of such vessels in accordance with the standards that would apply if the Coast Guard were inspecting such vessels; and

(2) the State will provide such information obtained through the inspection program to the Secretary annually in such form and in such detail as the Secretary may require.

(b) FEES.—The Secretary may adjust or waive the user fee imposed under section 3317 of title 46, United States Code, for the inspection of small passenger vessels inspected under the State program.

(c) TERMINATION.—The authority provided by subsection (a) terminates on December 31, 1999.

(d) DEFINITIONS.—For purposes of this section—

(1) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(2) STATE.—The term "State" means the State of Minnesota.

(3) SMALL PASSENGER VESSEL.—The term "small passenger vessel" means a small passenger vessel (as defined in section 2101(35) of title 46, United States Code) of not more than 40 feet overall in length.

SEC. 1123. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FISHING.

Section 8103(i)(1) of title 46, United States Code, is amended—

(1) by striking "or" in subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon and "or"; and

(3) by adding at the end thereof the following:

"(D) an alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands if the vessel is

permanently stationed at a port within the Commonwealth and the vessel is engaged in the fisheries within the exclusive economic zone surrounding the Commonwealth or another United States territory or possession.".

SEC. 1124. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) Availability of Extrajudicial Remedies.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "mortgage may" and inserting "mortgagee may";

(2) in paragraph (1) by—

(A) striking "perferred" and inserting "preferred"; and

(B) striking "; and" and inserting a semicolon; and

(3) by adding at the end the following:

"(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

"(A) the remedy is allowed under applicable law; and

"(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).".

(b) Notice.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

"(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

"(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

"(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.".

(c) Rule of Construction.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 1125. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) Amount of Financial Responsibility.—Section 1016 of the Oil Pollution Act of 1990 (33 U.S.C. 2716) is amended—

(1) by amending subsection (c)(1) to read as follows:

"(1) In general.—

"(A) Evidence of financial responsibility required.—Except as provided in paragraph (2), a responsible party with respect to an offshore facility that—

"(i)(I) is located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters; or

"(II) is located in coastal inland waters, such as bays or estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea;

"(ii) is used for exploring for, drilling for, producing, or transporting oil from facilities engaged in oil exploration, drilling, or production; and

"(iii) has a worst-case oil spill discharge potential of more than 1,000 barrels of oil (or a lesser amount if the President determines that the risks posed by such facility justify it),

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), as applicable.

"(B) Amount required generally.—Except as provided in subparagraph (C), the amount of financial responsibility for offshore facilities that meet the criteria of subparagraph (A) is—

"(i) $35,000,000 for an offshore facility located seaward of the seaward boundary of a State; or

"(ii) $10,000,000 for an offshore facility located landward of the seaward boundary of a State.

"(C) Greater amount.—If the President determines that an amount of financial responsibility for a responsible party greater than the amount required by subparagraph (B) is justified based on the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is explored for, drilled for, produced, or transported by the responsible party, the evidence of financial responsibility required shall be for an amount determined by the President not exceeding $150,000,000.

"(D) Multiple facilities.—In a case in which a person is a responsible party for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

"(E) Definition.—For the purpose of this paragraph, the seaward boundary of a State shall be determined in accordance with section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)).";

(2) by amending subsection (f) to read as follows:

"(f) Claims Against Guarantor.—

"(1) In general.—Subject to paragraph (2), a claim for which liability may be established under section 1002 may be asserted directly against any guarantor providing evidence of financial responsibility for a responsible party liable under that section for removal costs and damages to which the claim pertains. In defending against such a claim, the guarantor may invoke—

"(A) all rights and defenses which would be available to the responsible party under this Act;

"(B) any defense authorized under subsection (e); and

"(C) the defense that the incident was caused by the willful misconduct of the responsible party.

The guarantor may not invoke any other defense that might be available in proceedings brought by the responsible party against the guarantor.

"(2) Further requirement.—A claim may be asserted pursuant to paragraph (1) directly against a guarantor providing evidence of financial responsibility under subsection (c)(1) with respect to an offshore facility only if—

"(A) the responsible party for whom evidence of financial responsibility has been provided has denied or failed to pay a claim under this Act on the basis of being insolvent, as defined under section 101(32) of title 11, United States Code, and applying generally accepted accounting principles;

"(B) the responsible party for whom evidence of financial responsibility has been provided has filed a petition for bankruptcy under title 11, United States Code; or

"(C) the claim is asserted by the United States for removal costs and damages or for compensation paid by the Fund under this Act, including costs incurred by the Fund for processing compensation claims.

"(3) Rulemaking authority.—Not later than 1 year after the date of enactment of this paragraph, the President shall promulgate regulations to establish a process for implementing paragraph (2) in a manner that will allow for the orderly and expeditious presentation and resolution of claims and effectuate the purposes of this Act."; and

(3) by amending subsection (g) to read as follows:

"(g) Limitation on Guarantor's Liability.—Nothing in this Act shall impose liability with respect to an incident on any guarantor for damages or removal costs which exceed, in the aggregate, the amount of financial responsibility which that guarantor has provided for a responsible party pursuant to this section. The total liability of the guarantor on direct action for claims brought under this Act with respect to an incident shall be limited to that amount.".

(b) Limitation on Application.—The amendment made by subsection (a)(2) shall not apply to any final rule issued before the date of enactment of this section.

SEC. 1126. DEAUTHORIZATION OF NAVIGATION PROJECT, COHASSET HARBOR, MASSACHUSETTS.

The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: A 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, starting at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

SEC. 1127. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 1128. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, as amended by section 311 of this Act, is further amended by adding at the end the following:

"§97. Procurement of buoy chain

"(a) Except as provided in subsection (b), the Coast Guard may not procure buoy chain—

"(1) that is not manufactured in the United States; or

"(2) substantially all of the components of which are not produced or manufactured in the United States.

"(b) The Coast Guard may procure buoy chain that is not manufactured in the United States if the Secretary determines that—

"(1) the price of buoy chain manufactured in the United States is unreasonable; or

"(2) emergency circumstances exist.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 14, United States Code, as amended by section 311 of this Act, is further amended by adding at the end the following:

"97. Procurement of buoy chain.".

SEC. 1129. CRUISE SHIP LIABILITY.

(a) APPLICABILITY OF STATUTORY LIMITATIONS.—Section 4283 of the Revised Statutes (46 App. U.S.C. 183) is amended by adding at the end the following new subsection:

"(g) In a suit by any person in which the operator or owner of a vessel or employer of a crewmember is claimed to have vicarious liability for medical malpractice with regard to a crewmember occurring at a shoreside facility, and to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, such operator, owner, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State of the United States in which the shoreside medical care was provided.".

(b) CONTRACT LIMITATIONS ALLOWED.—Section 4283b of the Revised Statutes of the United States (46 App. U.S.C. 183c) is amended by redesignating the existing text as subsection (a) and by adding at the end the following new subsection:

"(b)(1) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a crewmember, manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit such liability if the emotional distress, mental suffering, or psychological injury was—

"(A) the result of physical injury to the claimant caused by the negligence or fault of a crewmember or the manager, agent, master, owner, or operator;

"(B) the result of the claimant having been at actual risk of physical injury, and such risk was caused by the negligence or fault of a crewmember or the manager, agent, master, owner, or operator; or

"(C) intentionally inflicted by a crewmember or the manager, agent, master, owner, or operator.

"(2) Nothing in this subsection is intended to limit the liability of a crewmember or the manager, agent, master, owner, or operator of a vessel in a case involving sexual harassment, sexual assault, or rape.".

SEC. 1130. SENSE OF CONGRESS ON THE IMPLEMENTATION OF REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in an effort to reduce unnecessary regulatory burdens, a regulation issued or enforced and an interpretation or guideline established pursuant to Public Law 104–55 should in any manner possible recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law.

(b) REPORT.—Within 60 days after the date of enactment of this section and on January 1 of each year thereafter, the Secretary of Transportation shall submit a report to Congress on the extent to which the implementation by the United States Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to public Law 104–55, carry out the intent of Congress and recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law.

SEC. 1131. TERM OF DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS.

Section 111(b)(4) of title 49, United States Code, is amended by adding at the end the following sentence: "The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.".

SEC. 1132. WAIVER OF CERTAIN REQUIREMENTS FOR HISTORIC FORMER PRESIDENTIAL YACHT SEQUOIA.

The vessel M/V SEQUOIA (United States official number 225115) is deemed to be less than 100 gross tons, and the Secretary of Transportation may exempt that vessel from certain requirements of section 3306 of title 46, United States Code, and the regulations thereunder. The Secretary may impose special operating restrictions on that vessel as to route, service, manning, and equipment, necessary for the safe operation of that vessel.

SEC. 1133. VESSEL REQUIREMENTS.

Section 3503(a) of title 46, United States Code, is amended by striking the last sentence and inserting in lieu thereof the following: "Before November 1, 2008, this section does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.".

SEC. 1134. EXISTING TANK VESSEL RESEARCH.

(a) FUNDING.—The Secretary of Transportation shall take steps to allocate funds appropriated for research, development, testing, and evaluation, including the combination of funds from any source available and authorized for this purpose, to ensure that any Government-sponsored project intended to evaluate double hull alternatives that provide equal or greater protection to the marine environment, or interim solutions to remediate potential environmental damage resulting from oil spills from existing tank vessels, commenced prior to the date of enactment of this section, is fully funded for completion by the end of fiscal year 1997. Any vessel construction or repair necessary to carry out the purpose of this section must be performed in a shipyard located in the United States.

(b) USE OF PUBLIC VESSELS.—The Secretary may provide vessels owned by, or demise chartered to, and operated by the Government and not engaged in commercial service, without reimbursement, for use in and the support of projects sponsored by the Government for research, development, testing, evaluation, and demonstration of new or improved technologies that are effective in preventing or mitigating oil discharges and protecting the environment.

SEC 1135. PLAN FOR THE ENGINEERING, DESIGN, AND RETROFITTING OF THE ICEBREAKER MACKINAW.

(a) IN GENERAL.—Not later than May 1, 1997, the Secretary of the department in which the Coast Guard is operating shall submit to the Committees a plan and cost estimate for the engineering, design, and retrofitting of the icebreaker MACKINAW (WAGB–83) to equip the vessel with new engines, command and control features, habitability improvements, and other features needed to allow operation of the vessel by a significantly reduced crew, including 24-hour continuous operation when necessary.

(b) COMMITTEES DEFINED.—In subsection (a), the term "Committees" means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1136. CROSS-BORDER FINANCING.

(a) DOCUMENTATION OF VESSELS OWNED BY TRUSTS.—Section 12102 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) For the issuance of a certificate of documentation with only a registry endorsement, subsection (a)(2)(A) of this section does not apply to a beneficiary of a trust that is qualified under paragraph (2) of this subsection if the vessel is subject to a charter to a citizen of the United States.

"(2)(A) Subject to subparagraph (B) of this paragraph, a trust is qualified under this paragraph with respect to a vessel only if—

"(i) each of the trustees is a citizen of the United States; and

"(ii) the application for documentation of the vessel includes the affidavit of each trustee stating that the trustee is not aware of any reason involving a beneficiary of the trust that is not a citizen of the United States, or involving any other person that is not a citizen of the United States, as a result of which the beneficiary or other person would hold more than 25 percent of the aggregate power to influence or limit the exercise of the authority of the trustee with respect to matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States.

"(B) If any person that is not a citizen of the United States has authority to direct or participate in directing a trustee for a trust in matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States or in removing a trustee for a trust without cause, either directly or indirectly through the control of another person, the trust is not qualified under this paragraph unless the trust instrument provides that persons who are not citizens of the United States may not hold more than 25 percent of the aggregate authority to so direct or remove a trustee.

"(3) Paragraph (2) of this subsection shall not be considered to prohibit a person who is not a citizen of the United States from holding more than 25 percent of the beneficial interest in a trust.

"(4) If a person chartering a vessel from a trust that is qualified under paragraph (2) of this subsection is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), then the vessel is deemed to be owned by a citizen of the United States for purposes of that section and related laws, except for subtitle B of title VI of the Merchant Marine Act, 1936.".

(b) Approval of Certain Vessel Transactions Before Documentation of the Vessel.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended by adding at the end the following new subsection:

"(e) To promote financing with respect to a vessel to be documented under chapter 121 of title 46, United States Code, the Secretary may grant approval under subsection (c) before the date the vessel is documented.".

(c) Trust Charterers—Notwithstanding section 12102(d)(4) of title 46, United States Code, as amended by this section, for purposes of subtitle B of title VI of the Merchant Marine Act, 1936 a vessel is deemed to be owned and operated by a citizen of the United States (as that term is used in that subtitle) if—

(1) the person chartering the vessel from a trust under section 12102(d)(2) of that title is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802); and

(2)(A) the vessel—

(i) is delivered by a shipbuilder, following completion of construction, on or after May 1, 1995 and before January 31, 1996; or

(ii) is owned by a citizen of the United States under section 2 of the Shipping Act, 1916 on September 1, 1996, or is a replacement for such a vessel; or

(B) payments have been made with respect to the vessel under subtitle B of title VI of the Merchant Marine Act, 1936 for at least 1 year.

(d) Indirect Vessel Owners—Notwithstanding any other provision of law, for purposes of subtitle B of title VI of the Merchant Marine Act, 1936 the following vessels are deemed to be owned and operated by a citizen of the United States (as that term is used in that subtitle) if the vessels are owned, directly or indirectly, by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802):

(1) Any vessel constructed under a shipbuilding contract signed on December 21, 1995, and having hull number 3077, 3078, 3079, or 3080.

(2) Any vessel delivered by a shipbuilder, following completion of construction, on or after May 1, 1995, and before January 31, 1996.

(3) Any vessel owned on September 1, 1996, by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916, or a replacement for such a vessel.

(4) Any vessel with respect to which payments have been made under subtitle B of title VI of the Merchant Marine Act, 1936 for at least 1 year.

SEC. 1137. VESSEL STANDARDS.

(a) Certificate of Inspection.—A vessel used to provide transportation service as a common carrier which the Secretary of Transportation determines meets the criteria of section 651(b) of the Merchant Marine Act, 1936, but which on the date of enactment of this Act is not a documented vessel (as that term is defined in section 2101 of title 46, United States Code), shall be eligible for a certificate of inspection if the Secretary determines that—

(1) the vessel is classed by and designed in accordance with the rules of the American Bureau of Shipping or another classification society accepted by the Secretary;

(2) the vessel complies with applicable international agreements and associated guidelines, as determined by the country in which the vessel was documented immediately before becoming a documented vessel (as defined in that section); and

(3) that country has not been identified by the Secretary as inadequately enforcing international vessel regulations as to that vessel.

(b) Continued Eligibility for Certificate.—Subsection (a) does not apply to a vessel after any date on which the vessel fails to comply with the applicable international agreements and associated guidelines referred to in subsection (a)(2).

(c) Reliance on Classification Society.—

(1) In general.—The Secretary may rely on a certification from the American Bureau of Shipping or, subject to paragraph (2), another classification society accepted by the Secretary to establish that a vessel is in compliance with the requirements of subsections (a) and (b).

(2) Foreign classification society.—The Secretary may accept certification from a foreign classification society under paragraph (1) only—

(A) to the extent that the government of the foreign country in which the society is headquartered provides access on a reciprocal basis to the American Bureau of Shipping; and

(B) if the foreign classification society has offices and maintains records in the United States.

SEC. 1138. VESSELS SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

(a) In General.—Section 3 of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903) is amended—

(1) in subsection (c)(2) by striking "and" after the semicolon in subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following new subparagraph:

"(C) a vessel aboard which the master or person in charge makes a claim of registry and the claimed nation of registry does not affirmatively and unequivocally assert that the vessel is of its nationality.";

(2) in subsection (c)(1) by striking "and may be" and inserting "and is conclusively";

(3) in subsection (c)(2) by striking "nation may be" and inserting "nation is conclusively";

(4) in subsection (d) by inserting before the first sentence the following: "Any person charged with a violation of this section shall not have standing to raise the claim of failure to comply with international law as a basis for a defense."; and

(5) by adding at the end of subsection (f) the following: "Jurisdiction of the United States with respect to vessels subject to this chapter is not an element of any offense. All jurisdictional issues arising under this chapter are preliminary questions of law to be determined solely by the trial judge.".

(b) Conforming Amendment.—Subsection (c) of such section is amended by inserting "or (C)" after "under subparagraph (A)".

SEC. 1139. REACTIVATION OF CLOSED SHIPYARDS.

(a) In General.—The Secretary may issue a guarantee or a commitment to guarantee obligations under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), upon such terms as the Secretary may prescribe, to assist in the reactivation and modernization of any shipyard in the United States that is closed on the date of the enactment of this Act, if the Secretary finds that—

(1) the closed shipyard historically built military vessels and responsible entities now seek to reopen it as an internationally competitive commercial shipyard;

(2)(A) the closed shipyard has been designated by the President as a public-private partnership project; or

(B) has a reuse plan approved by the Navy in which commercial shipbuilding and repair are primary activities and has a revolving economic conversion fund approved by the Department of Defense; and

(3) the State in which the shipyard is located, and each other involved State, or a State-chartered agency, is making a significant financial investment in the overall cost of reactivation and modernization as its contribution to the reactivation and modernization project, in addition to the funds required by subsection (d)(2) of this section.

(b) Waivers.—Notwithstanding any other provision of title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), the Secretary shall not apply the requirements of section 1104A(d) of that Act when issuing a guarantee or a commitment to guarantee an obligation under this section.

(c) Conditions.—The Secretary shall impose such conditions on the issuance of a guarantee or a commitment to guarantee under this section as are necessary to protect the interests of the United States from the risk of a default. The Secretary shall consider the interdependency of such shipyard modernization and reactivation projects and related vessel loan guarantee requests pending under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) before issuing a guarantee or a commitment to guarantee under this section.

(d) Funding Provisions.—

(1) The Secretary may not guarantee or commit to guarantee obligations under this section that exceed $100,000,000 in the aggregate.

(2) The amount of appropriated funds required by the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.) in advance of the Secretary's issuance of a guarantee or a commitment to guarantee under this section shall be provided by the State in which the shipyard is located, and other involved States, or by a State-chartered agency, and deposited by the Secretary in the financing account established under the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.) for loan guarantees issued by the Secretary under title XI of the Merchant Marine Act of 1936 (46 App. U.S.C. 1271 et seq.). No federally appropriated funds shall be available for this purpose. The funds deposited into that financing account shall be held and applied by the Secretary in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.), except that, unless the Secretary shall have earlier paid an obligee or been required to pay an obligee pursuant to the terms of a loan guarantee, the funds deposited in that financing account shall be returned, upon the expiration of the Secretary's loan guarantee, to the State, States, or State-chartered agency which originally provided the funds to the Secretary.

(3) Notwithstanding the provisions of any other law or regulation, the cost (as that term is defined by the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.)) of a guarantee or commitment to guarantee issued under this section—

(A) may only be determined with reference to the merits of the specific closed shipyard reactivation project which is the subject of that guarantee or commitment to guarantee, without reference to any other project, type of project, or averaged risk; and

(B) may not be used in determining the cost of any other project, type of project, or averaged risk applicable to guarantees or commitments to guarantee issued under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.).

(e) Sunset.—No commitment to guarantee obligations under this section shall be issued by the Secretary after one year after the date of enactment of this section.

(f) Definition.—As used in this section, the term "Secretary" means the Secretary of Transportation.

SEC. 1140. SAKONNET POINT LIGHT.

Notwithstanding any other provision of law, any action in admiralty brought against a private nonprofit organization (including any officer, director, employee, or agent of such organization) for damages or injuries resulting from an incident occurring after the date of enactment of this Act, and arising from the operation, *maintenance, or malfunctioning of an aid to navigation operated by the Coast Guard on or within property or a structure owned by such nonprofit organization at Sakonnet Point, Little Compton, Rhode Island, shall be determined exclusively according to the law of the State in which such property or structure is located.*

SEC. 1141. DREDGING OF RHODE ISLAND WATERWAYS.

The Chief of Engineers of the Army Corps of Engineers, in conjunction with the Secretary of Transportation and other relevant agencies, shall—

(1) review the report of the commission convened by the Governor of Rhode Island on dredging Rhode Island waterways; and

(2) not later than 120 days after the date of enactment of this section, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives any recommendations that the Chief of Engineers may have concerning the feasibility and environmental effects of the dredging.

SEC. 1142. INTERIM PAYMENTS.

(a) DAMAGES FOR LOSS OF PROFITS OR IMPAIRMENT OF EARNING CAPACITY.—Section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705) is amended by—

*(1) in the title inserting "; **PARTIAL PAYMENT OF CLAIMS**" before the period; and*

(2) adding at the end of subsection (a) the following: "The responsible party shall establish a procedure for the payment or settlement of claims for interim, short-term damages. Payment or settlement of a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled shall not preclude recovery by the claimant for damages not reflected in the paid or settled partial claim.".

(b) CLARIFICATION OF CLAIMS PROCEDURE.—Section 1013(d) of the Oil Pollution Act of 1990 (33 U.S.C. 2713(d)) is amended by striking "section" and inserting the following: "section, including a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled,".

(c) ADVERTISEMENT.—Section 1014(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2714(b)) is amended—

(1) by inserting "(1)" before "If"; and

(2) by adding at the end the following new paragraph:

"(2) An advertisement under paragraph (1) shall state that a claimant may present a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled and that payment of such a claim shall not preclude recovery for damages not reflected in the paid or settled partial claim.".

(d) CLARIFICATION OF SUBROGATION.—Section 1015(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2715(a)) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) INTERIM DAMAGES.—

"(1) IN GENERAL.—If a responsible party, a guarantor, or the Fund has made payment to a claimant for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled, subrogation under subsection (a) shall apply only with respect to the portion of the claim reflected in the paid interim claim.

"(2) FINAL DAMAGES.—Payment of such a claim shall not foreclose a claimant's right to recovery of all damages to which the claimant otherwise is entitled under this Act or under any other law.".

SEC. 1143. OIL SPILL INFORMATION.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (j)(2)(A) by inserting after "paragraph (4)," the following: "and of information regarding previous spills, including data from universities, research institutions, State governments, and other nations, as appropriate, which shall be disseminated as appropriate to response groups and area committees, and"; and

(2) in subsection (j)(4)(c)(v) by inserting before "describe" the following: "compile a list of local scientists, both inside and outside Federal Government service, with expertise in the environmental effects of spills of the types of oil typically transported in the area, who may be contacted to provide information or, where appropriate, participate in meetings of the scientific support team convened in response to a spill", and".

SEC. 1144. COMPLIANCE WITH OIL SPILL RESPONSE PLANS.

Section 311(c)(3)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)(3)(B)) is amended by striking "President" and inserting "President, except that the owner or operator may deviate from the applicable response plan if the President or the Federal On-Scene Coordinator determines that deviation from the response plan would provide for a more expeditious or effective response to the spill or mitigation of its environmental effects".

SEC. 1145. BRIDGE DEEMED TO UNREASONABLY OBSTRUCT NAVIGATION.

The Sooline & Milwaukee Road Swing Bridge, located in Oshkosh, Wisconsin, is deemed to unreasonably obstruct navigation for purposes of the Act of June 21, 1940 (popularly known as the Hobbs Bridge Act; 33 U.S.C. 511 et seq.).

SEC. 1146. FISHING VESSEL EXEMPTION.

(a) IN GENERAL.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:

"§8105. Fishing vessel exemption

"Notwithstanding any other provision of law, neither the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, nor any amendment to such convention, shall apply to a fishing vessel, including a fishing vessel used as a fish tender vessel.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 81 of title 46, United States Code, is amended by adding at the end the following:

"8105. Fishing vessel exemption.".

And the House agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

Bud Shuster,
Don Young,
Howard Coble,
Tillie K. Fowler,
Bill Baker,
James L. Oberstar,
Bob Clement,
Glenn Poshard,

From the Committee on the Judiciary, for consideration of sec. 901 of the Senate bill, and sec. 430 of the House amendment, and modifications committed to conference:

Henry Hyde,
Bill McCollum,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

Larry Pressler,
Ted Stevens,
Slade Gorton,
Trent Lott,
Kay Bailey Hutchison,
Olympia Snowe,
John Ashcroft,
Spencer Abraham,
Fritz Hollings,
Daniel Inouye,
John F. Kerry,
John Breaux,
Byron L. Dorgan,
Ron Wyden,

From the Committee on Environment and Public Works:

John H. Chafee,
John Warner,
Bob Smith,
Lauch Faircloth,
Jim Inhofe,
Max Baucus,
Frank R. Lautenberg,
Joe Lieberman,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference and noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SECTION 1. SHORT TITLE

Section 1 of the Senate bill states that the Act may be cited as the "Coast Guard Authorization Act of 1996." This section of the House amendment states that the Act may be cited as the "Coast Guard Authorization Act for Fiscal Year 1996."

The Conference substitute cites the Act as the "Coast Guard Authorization Act of 1996."

SECTION 2. TABLE OF CONTENTS

Section 2 of the Senate bill, the House amendment, and the conference substitute provide a table of contents for the bill.

TITLE I—AUTHORIZATIONS

SECTION 101. AUTHORIZATION OF APPROPRIATIONS

Section 101 of the Senate bill authorizes Coast Guard appropriations for Fiscal Year (FY) 1996, at the following levels:

	Fiscal year 1996
Operating Expenses	$2,618,316,000
AC&I	428,200,000
R&D	22,500,000
Retired Pay	582,022,000
Alteration of Bridges	16,200,000
Environmental Compliance	25,000,000

This bill also authorizes the transfer of funds from the discretionary bridge program of the Federal Highway Administration to the Coast Guard for alteration of highway bridges that are determined to be obstructions to navigation.

Section 101 of the House amendment contains identical authorization levels, but does not contain the funding change for alteration of highway bridges that are determined to be obstructions to navigation.

The Conference substitute adopts the Senate provision with an amendment to authorize Coast Guard appropriations for fiscal year 1997 at the following levels:

	Fiscal year 1997
Operating Expenses	$2,637,800,000
AC&I	411,600,000
R&D	20,300,000
Retired Pay	608,100,000
Alteration of Bridges	25,100,000
Environmental Compliance	25,000,000

The Conference Committee recommends that a study be conducted to look at ways the aviation program could cut its operating and replacement costs. The study should include looking at alternative aircraft to replace some of the aging HC-130's and HU-25's. The Committee believes some surveillance missions could be done by aircraft that are much less costly to operate. Further, the Committee believes there may be creative ways these alternate aircraft may be acquired without major capital expense. The Coast Guard shall report back to the Committee on Transportation and Infrastructure of the House and the Committee on Commerce, Science, and Transportation of the Senate by December 15, 1997.

SECTION 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING

Section 102 of the Senate bill authorizes a Coast Guard end-of-year strength of 38,400 active duty military personnel and military training student loads for fiscal year 1996. These authorized strength levels would not include members of the Coast Guard Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for period of 180 days or less.

Section 102 of House amendment has the identical strength numbers, but does not contain the Coast Guard Ready Reserve provision.

The Conference substitute amends the House provision by authorizing a Coast Guard end-of-year strength of 37,561 by the end of fiscal year 1997 and military training student loads for fiscal year 1997.

SECTION 103. QUARTERLY REPORT ON DRUG INTERDICTION

The Senate bill contains no comparable provision.

Section 103 of the House amendment requires the Secretary of Transportation to submit to the Committee on Transportation and Infrastructure in the House of Representatives and Committee on Commerce, Science, and Transportation in the Senate quarterly reports on Coast Guard drug interdiction expenditures. The requirement for quarterly reports will allow the Committees to closely monitor the expenditures for Cost Guard drug interdiction, and to ensure that critical drug interdiction resources are not diverted to other Coast Guard missions.

The Conference substitute adopts the House provision.

SECTION 104. SENSE OF THE CONGRESS REGARDING FUNDING FOR THE COAST GUARD

The Senate bill contains no comparable provision.

Section 422 of the House amendment states that it is the sense of Congress that Congress should appropriate for the Coast Guard adequate funds to enable it to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

The Conference substitute adopts the House amendment.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SECTION 201. PROVISION OF CHILD DEVELOPMENT SERVICES

Section 201 of the Senate bill adds a new section 515 to title 14, United States Code, authorizing the Coast Guard to establish a program to provide child development services for members of the armed forces and Federal civilian employees. Subsection (a) of new section 515 provides authority for the Commandant to expend appropriated funds to make child development services available. Subsection (b) of the new section establishes priorities for the use of parents' fees. Subsection (c) requires regular inspections of Coast Guard child care centers and establishes minimum requirements for training child care center employees. Subsection (d) authorizes the use of Coast Guard operating expenses in an amount not to exceed annual child care receipts to support child care center operation. Subsection (e) authorizes the use of appropriated funds to provide assistance to home day-care providers. Subsection (f) authorizes the Secretary to charge fees for child development services provided.

Section 203 of the House amendment amends section 93 of title 14, United States Code, to authorize the Coast Guard to establish a program to provide child development services for military members and civilian employees. This program provided in this section is similar in most respects to the existing Department of Defense child care development program.

The Conference substitute adopts the House amendment.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SECTION 201. PROVISION OF CHILD DEVELOPMENT SERVICES

Section 201 of the Senate bill adds a new section 515 to title 14, United States Code, authorizing the Coast Guard to establish a program to provide child development services for members of the armed forces and Federal civilian employees. Subsection (a) of new section 515 provides authority for the Commandant to expend appropriated funds to make child development services available. Subsection (b) of the new section establishes priorities for the use of parents' fees. Subsection (c) requires regular inspections of Coast Guard child care centers and establishes minimum requirements for training child care center employees. Subsection (d) authorizes the use of Coast Guard operating expenses in an amount not to exceed annual child care receipts to support child care center operation. Subsection (e) authorizes the use of appropriated funds to provide assistance to home day-care providers. Subsection (f) authorizes the Secretary to charge fees for child development services provided.

Section 203 of the House amendment amends section 93 of title 14, United States Code, to authorize the Coast Guard to establish a program to provide child development services for military members and civilian employees. This program provided in this section is similar in most respects to the existing Department of Defense child care development program.

The Conference substitute adopts the Senate provision.

SECTION 202. HURRICANE ANDREW RELIEF

Section 202 of the Senate bill authorizes Coast Guard military personnel assigned to a facility around Homestead Air Force Base, Florida, on or before August 24, 1992, to be compensated if they are unable to sell their homes due to damage from Hurricane Andrew.

Section 201 of the House amendment is identical to the Senate bill.

The Conference substitute adopts the Senate provision.

SECTION 203. DISSEMINATION OF RESULTS OF 0–6 CONTINUATION BOARDS

Section 203 of the Senate bill amends section 289 of title 14 United States Code, eliminating the requirement for dissemination to the service at large of the result of boards convened to recommend captains for continuation on active duty.

The House amendment contains no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 204. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH

Section 204 of the Senate bill amends section 712 of title 14, United States Code, to eliminate the requirement to include Coast Guard Reservists ordered to active duty in the calculation of Coast Guard end-of-year personnel strength. This new authority parallels the Secretary of Transportation's existing authority to exceed annual Coast Guard end-of-year strength ceilings in order to respond to national defense emergencies.

Section 202 of the House amendment is similar to the Senate bill.

The Conference substitute adopts the House provision.

SECTION 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE

Section 205 of the Senate bill amends section 283(b) of title 14, United States Code, to allow Coast Guard officers with at least 18 years of service, and who have been passed over for promotion twice, to continue on active duty until they are eligible for retirement after 20 years of service. A similar provision applies to members of the Coast Guard Reserve and the other branches of the armed forces.

Section 205 of the House amendment is identical to the Senate bill.

The Conference substitute adopts the Senate provision.

SECTION 206. RECRUITING

Section 207 of the Senate bill expands the Coast Guard's authority to recruit its military work force. Subsection (a) amends the National Defense Authorization Act for Fiscal Year 1995 to extend to the Department of Transportation a provision that denies funds to institutions of higher education that have a policy of denying recruiters from the armed forces access to their campuses or students, or denying access to director information pertaining to students.

Subsection (b) provides specific authority for the Coast Guard to use operating funds for entertainment expenses arising from recruiting activities in the Coast Guard's "centers of influence" program, modeled after the programs of the Navy, Marine Corps, and Air Force.

Subsection (c) expands the Coast Guard's authority to enter into contracts with, and make grants to, public and private organizations and individuals for the purpose of meeting identified personnel resource requirements. Students who successfully qualify for the program would be offered a one-year or two-year scholarship that would pay for all or part of the tuition and related living expenses while enrolled in a college or university.

Section 407 of the House amendment requires the Coast Guard to submit a report to the Committee on Transportation and Infrastructure in the House of Representatives and the Committee on Commerce, Science, and Transportation in the Senate on efforts to recruit women and minorities, and to make recommendations on the need for future action in this area.

Section 206 of the Conference substitute adopts subsections (a) and (b) of section 207 of the Senate bill. Subsection (a) denies funds to institutions which do not allow Coast Guard recruiters on campus. Subsection (c) allows the Coast Guard to use operating funds to cover advertising and entertainment expenses related to certain recruiting activities. Section 207(c) of the conference substitute includes the study on recruiting women and minorities from section 407 of the House amendment.

SECTION 207. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL

Section 208(a) of the Senate bill amends section 93 of title 14, United States Code, to authorize the Commandant of the Coast Guard to require that Coast Guard military personnel request all information contained in the National Driver Register (NDR) pertaining to the individual and be made available to the Commandant. Current law allows an employer to have access to NDR records of an individual who is seeking employment or is employed as a driver of a commercial vehicle, an individual who has applied for, or has received an airman's medical certificate, an individual who is seeking employment or is employed as an operator of a locomotive, and a holder of, or applicant for, a merchant mariner's license, certificate of registry, or merchant mariner's document.

Subsection (b) of this section amends section 30305 of title 49, United States Code, to allow Coast Guard military personnel to request the chief licensing official of a State to provide information in the National Driver Register about the individual to the Commandant of the Coast Guard, and to allow the Commandant to receive the information.

Section 204 of the House amendment is identical to the Senate bill.

The Conference substitute adopts the Senate provision.

SECTION 208. COAST GUARD HOUSING AUTHORITIES

Section 209 of the Senate bill establishes a new financing mechanism for the construction of military family housing and unaccompanied housing units on or near Coast Guard installations. It authorizes the Coast Guard to use direct loans, loan guarantees, long-term leases, rental guarantees, barter, direct government investment, and other financial arrangements to encourage private sector participation in the building of military housing.

A Coast Guard Housing Improvement Fund (Fund) is established to provide these new housing projects. In addition to the amounts appropriated to the Fund, the Fund may receive transfers from other U.S. Department of Transportation housing accounts, receipts from property sales and rents, returns on any capital, and other income operations or transactions connected with the program. The amounts in the Fund are available to acquire housing using the various techniques mentioned above, but the total value of budget authority for all contracts and investments are limited to $60 million.

The House amendment has no comparable provision.

The Conference substitute amends the Senate provision in several ways. The substitute allows the Coast Guard Housing program to use loan guarantees for developers of military family housing and military unaccompanied housing. The substitute also allows the Secretary of Transportation to enter into limited partnerships with nongovernmental entities for the purpose of carrying out projects for the acquisition or construction of housing units for military housing.

Section 208 of the Conference Substitute ensures that amounts available from the Fund are subject to appropriations. This provision does not allow the acquisition or construction of military housing unless the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate have adopted resolutions approving of the plans. The conferees believe the Coast Guard should submit to each committee a prospectus for each project based on OMB Circular A–104, which is used by the General Services Administration for their capital construction and leasing program. Section 208 identifies one housing project on or near Coast Guard Integrated Support Command, Ketchikan, Alaska, to be exempted from the committee approval process.

SECTION 209. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE

Section 210 of the Senate bill is similar to section 404 of the House amendment, except that it requires those affected by the provision to apply for retroactive relief.

Section 404 of the House amendment clarifies the application of section 212 of the Coast Guard Authorization Act of 1989, (Public Law 101–225, 10 U.S.C. 1552 note). This section required the Secretary of Transportation to amend the regulations governing the Coast Guard's Board for the Correction of Military Records (BCMR) to ensure that appeals are processed expeditiously and that final decisions are made within 10 months of their receipt by the BCMR. Section 212 also required the Secretary to appoint and maintain a permanent staff, and a panel of civilian officers or employees to serve as members of the board, which are adequate to ensure compliance with the 10-month deadline for final action on the application. Section 404 of the House amendment clarifies that the 10-month deadline established under section 212 of the 1989 Coast Guard Authorization Act was intended to be mandatory. Section 404 also clarifies that section 212 was intended to apply to applications pending before the BCMR or the Secretary of Transportation on June 12, 1990, which was six months after the date of enactment of the 1989 Coast Guard Authorization Act.

Under section 404 of the House amendment, and section 212 of the 1989 Coast Guard Authorization Act, extensions of time granted to applicants by the BCMR do not count toward the 10-month deadline. The purpose of section 212 of the 1989 Coast Guard Authorization Act was to impose a deadline on the Department of Transportation that resulted in timely, meaningful resolution of claims for BCMR applicants. Extensions of the 10-month deadline requested by applicants themselves are not contrary to the purpose of section 212.

Section 209 of the Conference substitute creates a new section 425 of title 46, United States Code, which is similar to the Senate provision. The conferees believe that the lack of prompt resolution of BCMR cases has denied meaningful relief to many BCMR applicants who are found to have been unjustly passed over for promotion. Because the Coast Guard does not convene special selection boards for officers whom the BCMR finds to have been wrongly passed over, it is imperative that the BCMR adhere to the 10-month deadline in each case. Officers who fall behind the regular promotion cycle because of delayed BCMR relief are at a competitive disadvantage when competing for promotion against officers whose careers have progressed at a normal pace.

The conferees direct the BCMR to resolve all cases within the 10-month deadline, eliminating the necessity for Coast Guard special selection boards. The conferees also direct the BCMR to establish a system to monitor the implementation of this section, including a method to easily determine the dates on which applications are filed with the BCMR, and other significant dates related to a BCMR application.

SECTION 210. REPEAL TEMPORARY PROMOTION OF WARRANT OFFICERS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute repeals section 277 of title 14, United States Code, which provides that Coast Guard warrant officers may be temporarily promoted to higher warrant officer grades. Section 541 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) made the Warrant Officer Management Act (WOMA) applicable to the Coast Guard warrant officer corps. There are no temporary warrant officer promotions under WOMA and the repeal of section 277 of title 14, United States Code, is necessary to remove this inconsistent provision.

SECTION 211. APPOINTMENT OF TEMPORARY OFFICERS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute permits the Coast Guard to vacate the appointments of a temporary commissioned officer at any point prior to the officer's becoming a permanent commissioned officer and not just during the period of the original appointment. This provides an important means for managing the size of the Coast Guard officer corps in an era of decreasing budgets, while at the same time allowing individuals to continue a Coast Guard career.

SECTION 212. INFORMATION TO BE PROVIDED TO OFFICER SELECTION BOARDS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute deletes the requirement for the Coast Guard to identify officers who are in the promotion zone of the group. This will allow officers who have failed to be selected for promotion by an earlier board to compete on an equal basis with officers who are being considered for the first time.

SECTION 213. RESCUE DIVER TRAINING FOR SELECTED COAST GUARD PERSONNEL

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute allows the Coast Guard to provide rescue diver training to selected Coast Guard personnel under the helicopter rescue swimming program.

SECTION 214. SPECIAL AUTHORITIES REGARDING COAST GUARD

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adds two provisions which involve Coast Guard reimbursement of expenses for mess operations and severable services contracts.

Subsection (a) of section 214 allows the Secretary of Transportation, when the Coast Guard is not operating as part of the Navy, to establish rates for meals sold at Coast Guard dining facilities and to reimburse mess expense operations for the cost of those meals. This will allow the Coast Guard to operate its mess facilities more efficiently and effectively, in the same manner as the other armed services, which already have this authority.

Subsection (b) of section 214 allows the Secretary of Transportation to enter into contracts for severable services contracts across fiscal years. Severable services are services funded by annual appropriations that can be subdivided by year for performance, such as services performed for equipment and facility maintenance. This provision gives the Coast Guard the same authority previously granted to other Federal agencies under the Federal Acquisition Streamlining Act of 1994.

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

SECTION 301. CHANGES TO DOCUMENTATION LAWS

Section 301 of the Senate bill amends section 12122(a) of title 46, United States Code, increasing the maximum civil penalty for violation of documentation laws from $500 to $10,000.

Subsection (b) of this section amends section 12122(b) of title 46, United States Code, broadening the seizure and forfeiture authority within the penalty section. This subsection moves three existing authorities currently in section 12110(c) of title 46, United States Code, to section 12122(b). Consolidating these authorities in this section should clarify those violations of U.S. documentation laws for which seizure and forfeiture authority would be exercised.

In addition, this subsection adds a new substantive basis for seizure and forfeiture when a vessel is placed under the command of a person not a citizen of the United States. The term "under the command of" is intended to have the same meaning as in section 12110(d) of title 46, United States Code. Command of a vessel would include, complete authority and control over and responsibility for all aspects of vessel navigation, stability, cargo loading, and communications; material condition of the vessel; health, welfare, safety, and training of the crews; fishing and fish processing activities; crew hiring, firing, discipline, and pay; maintenance, provisioning, and supplies; and compliance with all applicable U.S. laws and regulations.

Section 301 (c) and (d) makes technical and conforming changes to sections 12122(c) and 12110(d) of title 46, United States Code. Section 301(e) terminates the eligibility for a fisheries endorsement of a vessel purchased by the Secretary of Commerce under a fishing capacity reduction program.

The House amendment contains no comparable provision.

The Conference substitute adopts the Senate provision with several technical modifications.

SECTION 302. NONDISCLOSURE OF PORT SECURITY PLANS

Section 302 of the Senate bill amends section 7 of the Ports and Waterways Safety Act, as amended (33 U.S.C. 1226), to exempt information regarding passenger vessels or terminal security plans established by the Coast Guard from the public disclosure requirements of any law. Currently, airline and security plans developed by the Federal Aviation Administration are exempt from disclosure under the Freedom of Information Act. Section 302 of this bill extends the same degree of protection to Coast Guard security plans for passenger vessels and terminals to ensure that safety and security are not compromised at these facilities.

Section 306 of the House amendment contains a provision identical to the Senate bill.

The Conference substitute adopts the Senate provision.

SECTION 303. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

Section 3034 of the Senate bill amends chapter 21 of title 46, United States Code, to provide for a civil penalty of not more than $1,000 per day for marine employees who violate the Coast Guard's chemical testing regulations.

Section 307 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 304. RENEWAL OF ADVISORY GROUPS

Section 304 of the Senate bill amends sections 18 and 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241, 105 Stat. 2208-2235) to extend the termination dates for the Houston-Galveston Navigation Safety Advisory Committee and the Lower Mississippi River Waterway Advisory Committee until September 30, 2000. This section also amends section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) and section 4508(e)(1) of title 46, United States Code, to extend the termination dates for the Navigation Safety Advisory Council and the Commercial Fishing Industry Vessel Advisory Committee, respectively, until September 30, 2000. The section further extends the Towing Safety Advisory Committee until September 30, 2000.

Sections 303, 304, 305, and 311 of the House amendment also extend the termination dates for these organizations. The House amendment amends section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) to change the name of the Rules of the Road Advisory Council to the Navigational Safety Advisory Council.

The Conference substitute adopts the Senate provision with the House provision related to the Navigation Safety Advisory Council. The substitute also extends the statutory authority for the National Boating Safety Advisory Council until September 30, 2000.

SECTION 305. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS

Section 305 of the Senate bill amends section 31321(a) of title 46, United States Code, to allow the public to file a bill of sale, conveyance, mortgage, assignment, or related instrument with the Coast Guard electronically. Under the amendments made by this section, the original instrument must be provided to the Secretary of Transportation within 10 days after the electronic transfer.

Section 403 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 306. CIVIL PENALTIES

Section 306(a) of the Senate bill amends section 6103(a) of title 46, United States Code, to increase the civil penalty against an owner, charterer, managing operator, agent, master, or individual in charge of a vessel for failure to report a vessel casualty from $1,000 to not more than $25,000. Section 306(b) amends section 8906 of title 46, United States Code, to increase the civil penalty against an owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of small vessel operator licensing requirements, from $1,000 to not more than $25,000.

Section 309 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 307. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT LAKES

Section 307 of the Senate bill amends paragraph 7 of section 4502(a) of title 46, United States Code, to require uninspected commercial fishing vessels operating beyond three nautical miles from the coastline of the Great Lakes to carry emergency position indicating radio beacons (EPIRBS).

Section 310 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 308. REPORT ON LORAN-C REQUIREMENTS

Section 308 of the Senate bill requires the Secretary of Transportation, in consultation with users of the LORAN-C radio navigation system, to submit a report on the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system as satellite based technology becomes the sole means of safe and efficient navigation.

This section specifically requires the Secretary to address several issues in the report. These include determining an appropriate timetable for transitioning from ground-based radio navigation technology, and the possible need for all agencies in the Department of Transportation, as well as other government beneficiaries, to share in the Federal government's costs related to LORAN-C technology.

Section 415 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision. The LORAN-C radionavigation system has been operated as a cost-effective, proven, reliable system for millions of marine and other users over the years which provides an important enhancement to user safety. In recent years, numerous steps have been taken to emphasize that the Coast Guard and other agencies in the Department of Transportation should take advantage of the compatibility of LORAN with GPS technology so that the substantial investment made by users can continue to be utilized until satellite technology is available as a sole means of navigation. The Conferees have heard from every segment of the LORAN user community, expressing strong support for continued funding and upgrade of the LORAN infrastructure. Therefore, the Conferees have included a provision requiring the Secretary within 180 days to provide a plan for the future funding and upgrade of the Loran system and infrastructure.

SECTION 309. SMALL BOAT STATIONS

Section 309 in the Senate bill prohibits the Secretary of Transportation from closing any Coast Guard multi-mission small boat station or subunit before October 1, 1996. Section 309 prohibits the Coast Guard from closing any Coast Guard small boat station or subunit after October 1, 1996 unless he certifies that the closure will not result in the degradation of services that would cause a significantly increased threat to life, property, the environment, public safety, or our national security. The Secretary must also notify the public of the intended closure, make available to the public information used in making the determination and assessment under this section, and provide an opportunity for public meetings and written comments about the closure.

Section 104 of the House amendment prohibits the closure of Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

The Conference substitute also adds a new section 673 to title 14, United States Code, which requires that Coast Guard small boat stations maintain at least one vessel capable of performing off-shore rescue operations.

The Conference substitute adds a new section 674 to title 14, United States Code, which prevents the Secretary of Transportation closing a Coast Guard multi-mission small boat station unless the Secretary determines that the remaining search and rescue capabilities maintain the safety of the maritime public in the area of the station or subunit. The Secretary must also determine that the regional or local prevailing weather and marine conditions, including water temperature or unusual tide and current conditions, do not require continued operation of the search and rescue station. The Secretary must further determine that the Coast Guard search and rescue standards related to search and rescue response times are met. The Secretary must provide an opportunity for public comment and meetings in regard to any proposed station closure.

SECTION 310. PENALTY FOR ALTERATION OF MARINE SAFETY EQUIPMENT

Section 310 of the Senate bill broadens section 3318 of title 46, United States Code, to classify as a felony the knowing alteration of lifesaving, fire fighting, and other marine safety equipment, if the alteration results in equipment that is insufficient to accomplish the purpose for which it is intended.

The House amendment contains no comparable provision.

The Conference substitute adopts the Senate bill with an amendment establishing a criminal penalty applicable commercial alteration or serving which intentionally renders the equipment unsafe and unfit for the purpose for which it is intended.

SECTION 311. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS

Section 311 of the Senate bill amends chapter 5 of title 14, United States Code, to require that all non-emergency repairs of Coast Guard vessels be conducted in shipyards located in the United States. This provision is similar to the current restrictions on the repair of U.S. Navy vessels.

The House amendment contains no comparable provision.

The Conference substitute amends the Senate provision to exempt voyage repairs and vessels that are home ported outside a U.S. State from this section.

SECTION 312. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS

Section 312 of the Senate bill authorizes the Secretary of the Treasury, at the request of the Secretary of Transportation, to refuse or revoke a vessel's clearance, when that vessel is liable, or reasonable cause exists to believe that the vessel is liable, to the United States Government for certain civil or criminal penalties. Under the amendments made by this section, the Secretary of the Treasury may grant a clearance previously refused or revoked only if the owner of the vessel obtains a bond or other surety satisfaction to the Secretary of Transportation to cover the amount of the potential fine or penalty assessment.

Section 312(a) amends section 5122 of title 49, United States Code, to authorize the Secretary of Treasury to refuse or revoke a vessel's clearance for violations of chapter 51 of title 49, United States Code, formerly the Hazardous Materials Transportation Act. Chapter 51 of title 49 applies to all vessels that transport, ship, maintain, or manufacture hazardous materials in waters subject to the jurisdiction of the United States.

Section 312(b) amends section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) to authorize the Secretary of the Treasury to refuse or revoke a vessel's clearance for violations of that Act. The Ports and Waterways Safety Act promotes port and merchant vessel safety through the establishment of vessel traffic service systems and the requirement to carry certain navigation equipment abroad vessels in waters subject to the jurisdiction of the United States.

Section 312(c) amends section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) to authorize the Secretary of the Treasury to refuse or revoke a vessel's clearance for violations of that Act. The Inland Navigational Rules Act governs the "rules of the road" for vessel navigation for the various inland, Great Lakes, and Western Rivers waters.

Section 312(d) amends section 3718(e) of title 46, United States Code, to authorize the Secretary of Treasury to refuse or revoke a vessel's clearance for violations of chapter 37 of title 46, United States Code, governing the carriage of liquid bulk dangerous cargoes in the navigable waters or a port of place subject to the jurisdiction of the United States.

Section 308 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 313. INFORMATION BARRED IN LEGAL PROCEEDINGS

The Senate bill contains no comparable provision.

Section 414 of the House amendment adds a new section to chapter 63 of title 46, United States Code, to limit the use of certain portions of formal and informal marine casualty investigations in civil judicial, administrative, and state criminal proceedings unless the Secretary of Transportation consents to releasing the report. The section would also prohibit any employee of the United States or member of the Coast Guard investigating a marine casualty or assisting in any such investigation being subject to deposition or other discovery, or to otherwise testify or give information in such proceedings relevant to a marine casualty investigation without the consent of the Secretary. New section 6308 also clarifies that the restriction on the use of the portions of investigations is not an admission of liability by the United States or by a person referred to in the investigation.

Although there are certain statutory and discovery provisions that presently protest parts of an investigation from use in civil and state criminal proceedings, there is no statutory prohibition on the use of opinions, recommendations, deliberations, and conclusions contained in marine casualty investigation reports.

The Conference substitute alters the House provision to completely prohibit a report of a Coast Guard marine casualty investigation from being admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States. The substitute also prohibits any employee of the United or member of the Coast Guard investigating a marine casualty from being subject to deposition or other discovery without the permission and consent of the Secretary of Transportation. The Secretary may not withhold permission for the employee or member to testify on solely factual matters where the information is not available elsewhere.

SECTION 314. MARINE CASUALTY REPORTING

Section 503(a) of the Senate bill requires the Coast Guard to submit a plan to Congress to increase the reporting of vessel accidents to appropriate state law enforcement officials.

Section 503(b) amends section 6130(a) of title 46, United States Code, to establish a $1,000 civil penalty for an owner, charterer, operator, agent, master, or individual in charge of a vessel who has failed to submit a marine casualty report to state authorities as required under existing law.

The House amendment contains no comparable provision.

The Conference adopts the Senate provision.

TITLE IV—COAST GUARD AUXILIARY

SECTION 401. ADMINISTRATION OF THE COAST GUARD AUXILIARY

Section 401 of the Senate bill amends section 821 of title 14, United States Code, to establish an organizational structure for the Coast Guard Auxiliary and to designate the Auxiliary as an "Instrumentality of the United States" only with respect to acts or omissions committed by Auxiliary members performing a Coast Guard function or operation authorized by the Commandant of the Coast Guard, under section 822 of title 14, United States Code. Instrumentality status will allow the U.S. Government to provide legal representation and indemnification for the Auxiliary in litigation in which the Auxiliary is a defendant.

Instrumentality status will also protect Auxiliary assets and members from liability in the event of alleged tortious conduct committed by members while acting within the scope of their official duties. The liability protection provided to the Auxiliary under this section is for noncontractual civil tort liability.

Section 401 of the Senate bill also authorizes the national board of the Auxiliary, Auxiliary districts, and regions of the Auxiliary to incorporate under state law in accordance with policies established by the Commandant. The ability to incorporate will allow the Auxiliary's national board to manage its finances more effectively and to hold auxiliary copyrights, trademarks, and title to property used by the Auxiliary in performing its missions. Regional or district corporations may be formed under this section only for the purpose of holding property for Auxiliary use. Corporations formed under this authority are not considered instrumentalities of the United States.

Section 801 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the House provision.

SECTION 402. PURPOSE OF THE COAST GUARD AUXILIARY

Section 402 of the Senate bill provides that the purpose of the Coast Guard Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast

Guard function, power, duty, role, mission, or operation authorized by law. As the functions and operations of the Coast Guard expand in future years, the Auxiliary will have the flexibility to act in support of Coast Guard operations, under the direction of the Commandant. Future uses of the Coast Guard Auxiliary may include the establishment and support of marine safety and security zones; port and harbor patrols; parade and regatta patrols; pollution patrols; transportation of Coast Guard personnel for mission support; training support; and other support missions authorized by the Commandant.

Section 802 of the House amendment is similar to this provision.

The Conference substitute adopts the House provision.

SECTION 403. MEMBERS OF THE AUXILIARY; STATUS

Section 403 of the Senate bill clarifies the status of individual members of the Coast Guard Auxiliary, and affords an Auxiliarist, while acting within the scope of official duties, the same degree of protection from legal liability as is provided to Coast Guard personnel. Under section 403, Auxiliary members are considered Federal employees for limited purposes, and are protected under the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) from the claims of a third party who is allegedly harmed by the Auxiliary member while the member is acting within the scope of official duties.

Section 803 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 404. ASSIGNMENT AND PERFORMANCE OF DUTIES

Section 404 of the Senate bill deletes the antiquated term "specific duties" from sections 830, 831, and 832 of title 14, United States Code.

Section 804 of the House amendment is similar to the Senate provision.

The conference substitute adopts the House provision.

SECTION 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS

Section 405 of the Senate bill allows the Commandant to prescribe conditions under which the Coast Guard Auxiliary may assist the States, when requested by proper State authorities. Assistance provided under this section may include supporting and augmenting state safety and security patrols for boat parades, regattas, and other special waterborne events.

Section 805 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the House provision.

SECTION 406. VESSEL DEEMED PUBLIC VESSEL

Section 406 of the Senate bill clarifies that an Auxiliary vessel, while assigned to authorized Coast Guard duty, is deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of title 14, United States Code, and other applicable provisions of law, for purposes of resolving third-party claims for damage.

Section 806 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the House provision.

SECTION 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT

Section 407 of the Senate bill clarifies that an Auxiliary aircraft, while assigned to authorized Coast Guard duty, is deemed to be a Coast Guard aircraft, a public aircraft of the United States, and an aircraft of the Coast Guard for purposes of resolving third-party claims for damage. This section also deems Auxiliary pilots to be Coast Guard pilots while assigned to Coast Guard duty.

Section 807 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the House provision.

SECTION 408. DISPOSAL OF CERTAIN MATERIAL

Section 408 of the Senate bill allows the Auxiliary to acquire directly obsolete or other material that is not needed by the Coast Guard, in those states where unincorporated associations may do so, or indirectly, through a corporation formed for purposes of acquiring, owning, and disposing of property.

Section 808 of the House bill is similar to the Senate provision.

The Conference substitute adopts the House provision.

TITLE V—DEEPWATER PORT MODERNIZATION

Title V of the Senate bill contains provisions to: (1) ensure funding for state recreational boating safety grants; (2) improve boating access; and (3) establish age requirements for personal flotation devices.

The House amendment contains no comparable provision.

The Conference substitute includes the Deepwater Port Modernization Act with the following provisions:

SECTION 501. SHORT TITLE

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

Section 501 of the Conference substitute provides that this title shall be cited as "The Deepwater Port Modernization Act".

SECTION 502. DECLARATIONS OF PURPOSE AND POLICY

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute states that this provision's overall purpose is to promote greater construction and use of deepwater ports by improving the statutory and regulatory framework under which deepwater ports operate. This title streamlines governmental regulations so as to address legitimate public concerns, including safety and minimizing risks to the environment, without subjecting deepwater ports to unduly burdensome, unnecessary or duplicative regulations or licensing provisions.

SECTION 503. DEFINITIONS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute amends certain definitions in the Deepwater Ports Act of 1974 (DWPA) (33 U.S.C. 1502 et seq.).

SECTION 504. LICENSES

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute restructures the current three-tiered approach of licensing, operations manuals, and regulations into an approach that relies on licenses and operations manuals. However, the provision preserves the use of regulations for basic standards and conditions.

SECTION 505. INFORMATION FILINGS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute amends the procedural provisions of the DWPA to authorize the Secretary of Transportation to waive, under certain circumstances, informational filing requirements for applications under the Act.

SECTION 506. ANTITRUST REVIEW

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute repeals certain provisions in the DWPA that impose antitrust review requirements that are in addition to existing antitrust laws and requirements.

SECTION 507. OPERATION

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute clarifies provisions in the DWPA relating to common carrier status and prohibitions against discriminatory acceptance, transport, or conveyance of oil.

SECTION 508. MARINE ENVIRONMENTAL PROTECTION AND NAVIGATIONAL SAFETY

The Senate will contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute amends the regulatory structure under which deepwater ports operate, including the relationships between regulations and operations manuals.

TITLE VI—COAST GUARD REGULATORY REFORM

SECTION 601. SHORT TITLE

Section 601 of the Senate bill states that this title may be cited as the "Coast Guard Regulatory Reform Act of 1995".

Section 501 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 602. SAFETY MANAGEMENT

Section 602 of the Senate bill adds a new chapter 32 to title 46, United States Code, to authorize the Secretary of Transportation to prescribe regulations regarding shipboard and shorebased management of vessels and personnel. This authority would include conducting examinations and requiring the maintenance of records. The purpose of this section is to implement the International Safety Management (ISM) Code. This agreement, which the United States Government has signed, requires owners of vessels engaged in foreign commerce to manage their vessels in a safe manner. The Secretary currently lacks legal authority to require adoption and use of the ISM Code by the owners and operators of U.S.-flag vessels.

Section 502 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS

Section 603 of the Senate bill adds a new section 3103 to title 46, United States Code. This new section will allow the Secretary to use reports, documents, and certificates issued by persons that the Secretary decides may be relied on to inspect, examine, or survey vessels.

Section 503 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 604. EQUIPMENT APPROVAL

Section 604 of the Senate bill amends section 3306 of title 46, United States Code, concerning vessel inspection regulations and equipment and material approvals. Subsection (b)(1) contains the same language as the current section 3306(b), except that the language has been broadened to specifically include material subject to regulation. This term is added for clarification only.

Section 504 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 605. FRQUENTLY OF INSPECTION

Section 605 of the Senate bill amends section 3307(1) of title 45, United States Code, to clarify its purpose and to change the period of validity for certificates of inspection from two to five years. No practical changes will result with respect to inspection and examinations that are the basis for issuing the certificates of inspection.

Section 505 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 606. CERTIFICATE OF INSPECTION

Section 606 of the Senate bill eliminates the prohibition of a vessel owner from scheduling an inspection for a vessel more than 60 days in advance of the inspection. This change will allow shipowners to request inspections more than 60 days prior to the expiration of the current certificate of inspection.

Section 506 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 607. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES

Section 607 of the Senate bill amends section 3316 of title 46, United States Code, concerning the use of classification societies to inspect vessels. Currently, section 3316 limits delegations to the American Bureau of Shipping (ABS) "or a similar United States classification society." Since there is no similar U.S. classification society, there is, in effect, no delegation under this section other than to ABS.

Section 507 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SECTION 701. AMENDMENT OF INLAND NAVIGATION RULES

Section 701 of the Senate bill adopts the Navigation Safety Advisory Council's (NAVSAC) recommendations for changing a number of the Inland Navigational Rules (Inland Rules) (33 U.S.C. 2001-2071). These changes to the Inland Rules help clarify ambiguities in the practical application of the Rules, as well as to bring them into closer conformity with the International Regulations of Preventing Collisions at Sea (COLREGS), (33 U.S.C. 1602). The Coast Guard agrees with the recommendations of NAVSAC and has proposed amendments to Inland Rules 9, 15, 23, 24, 26, and 34.

Section 701 of the House amendment is identical.

The Conference substitute adopts the Senate provision.

SECTIONS 702–744. ESTABLISHMENT OF ALTERNATE CONVENTION TONNAGE

Section 702–744 of the Senate bill authorize the Secretary of Transportation to establish alternate International Tonnage Convention (ITC) tonnage requirements for the purposes of statutes that contain vessel tonnage thresholds. Tonnage thresholds in existing statutes are based on the regulatory measurement system under chapter 145 of title 46, United States Code, which allows vessel designers to use tonnage reduction techniques to artificially lower the tonnage of a vessel. Since the ITC measurement system, implemented under chapter 143 of title 46, United States Code, became effective for the United States on July 18, 1984, statutory tonnage limits have not been revised to reflect the higher tonnages that often result when a vessel is measured under the ITC system. The availability of alternate ITC tonnages established by the Secretary will discourage vessel designers and operators from using the regulatory measurement system to comply with existing statutory and regulatory requirements to maintain their competitive viability. Alternate ITC tonnages will give the maritime industry the flexibility to build and operate vessels. Alternate tonnages will also enable U.S. vessel designers and operators to be competitive in the international market.

Sections 702 through 744 authorize the Secretary of Transportation to establish alternate ITC tonnage thresholds for the purposes of each of the statutes amended. Under the amendments made by these sections, vessel owners have the option to measure their vessels under the new ITC tonnage system or the regulatory system. The Committee expects that owners of many existing vessels, and virtually all owners of vessels constructed in the future, will exercise this option, leading ultimately to the demise of the antiquated regulatory measurement system. However, the amendments made by sections 702–744 do not effect the option of an "existing vessel" as defined in section 14101(2) of title 46, United States Code, to retain its regulatory tonnage measurement as provided in section 14301(d) of that title.

Finally, sections 702–744 authorize the Secretary to establish an alternate regulatory tonnage for the purposes of statutes enacted after July 18, 1994, that apply the ITC system. Alternate regulatory tonnages must be established to allow vessels entitled to use the regulatory tonnage measurement system to comply with laws enacted after July 18, 1994.

Sections 702–744 of the House amendment are similar to the Senate provisions.

The Conference substitute adopts the Senate provisions with several amendments.

The Conferees have included a sentence in proposed section 14104(b) of title 46, U.S. Code, that states that the regulations prescribing alternate tonnages would be interpretative regulations. The Conferees consider them to be interpretative in that the action the Coast Guard is required to take under this section is to interpret what the threshold tonnage for application of the current shipping laws to a class of vessels, which is currently based on regulatory tonnage, would be under the International Tonnage Convention (ITC). Because these regulations would be interpretative, under the Administrative Procedure Act (APA) (5 U.S.C. 551 et seq.), the notice of proposed rulemaking and comment requirements and the 30 day effective date delay of section 553 of the APA would not be required. Therefore the Conferees believe that these interpretative regulations should be able to be prescribed expeditiously.

SECTION 745. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS

Section 745 of the Senate bill amends chapter 75 of title 46, United States Code, by adding a new section 7506 to authorize the Secretary to evaluate the service of an individual applying for a license, certificate of registry, or merchant mariners document based on the size of the vessel on which the individual served as measured under the International Tonnage Convention (chapter 143, title 46, United States Code). Eligibility of individuals for licenses, certificates of registry, and merchant mariners' documents issued by the Secretary is based, in part, on the size of the vessel on which the individual has experience.

Section 747 of the House amendment is identified to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 746. TECHNICAL CORRECTIONS

Section 746 of the Senate bill is a technical amendment to chapter 121 and corrects two misspelled words in chapter 131 of title 46, United States Code.

Section 745 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision, with an amendment regarding the FMC's authority over cruise ship bonding regulations. Public Law 89–777, 80 Stat 1356 (November 6, 1966) requires the owners or charterers of certain passenger vessels to establish their financial responsibility for death or injury to passengers or for nonperformance of a voyage. Section 2(d) of Pub. L. 89–777 states in part:

> The provisions of the Shipping Act, 1916, shall apply with respect to proceedings conducted by the Commission under this section.

Consequently, since 1966, the Federal Maritime Commission has used provisions of the Shipping Act, 1916 ("1916 Act") to administer its responsibilities under Pub. L. 89–777, including enforcement of the bond requirements. However, recent legislative changes to the Interstate Commerce Commission ("ICC") may have inadvertently affected the FMC's ability to continue to employ the 1916 Act to conduct proceedings under Pub. L. 89–777. The Conference substitute corrected this by allowing the 1984 Act authority to be used in lieu of the identical 1916 Act authority.

SECTION 747. TECHNICAL CORRECTIONS TO REFERENCES TO ICC

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute amends section 27 of the Merchant Marine Act, 1920, to replace the reference to the "Interstate Commerce Commission" with its successor, the "Surface Transportation Board."

TITLE VIII—POLLUTION FROM SHIPS

SECTION 801. PREVENTION OF POLLUTION FROM SHIPS

Section 801 of the Senate bill amends section 6 of the Act to Prevent Pollution from Ships (APPS) to require that the Secretary of Transportation inspect waste reception facilities prior to issuing a certificate of adequacy, and would provide for automatic expiration of certificates after five years, or sooner if there is a change in operator or if the certificate is suspended or revoked. In addition, this section would encourage public participation by making available a current list of certificates of status at ports and by requiring that ports post placards containing telephone numbers where citizens can call to report inadequate reception facilities.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 802. MARINE PLASTIC POLLUTION RESEARCH AND CONTROL

Section 802(a) of the Senate bill amends section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (MPPRCA) (33 U.S.C. 1902 note) to extend indefinitely the requirement that the Secretary report to Congress biennially on compliance with MARPOL Annex V. This subsection would also require that a list of enforcement actions taken against any domestic or foreign ship pursuant to APPS be published in the Register on an annual basis.

Section 802(b) amends section 2203 of the MPPRCA to: (1) establish a Marine Debris Coordinating Committee; and (2) direct the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to use the marine debris data collected under title V of MPPRCA to assist that Committee in ensuring coordination of research, monitoring, education, and regulatory actions and assist the Coast Guard in assessing the effectivenes of MPPRCA and APPS.

Section 802(c) amends section 2204(a) of MPPRCA, extending indefinitely the authorization for cooperative public outreach and educational programs. This subsection also specifies activities that could be included in outreach programs and would require that such programs provide the public with information on how to report violations of the MPPRCA and APPS. In developing these programs, the Committee directs Federal agencies to consult with state or local agencies that have direct contract with recreational and commercial boaters. Finally, this subsection would authorize the Coast Guard, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency to award grants and enter into cooperative agreements for implementing public outreach programs.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

TITLE IX—TOWING VESSEL SAFETY

SECTION 901. REDUCTION OF OIL SPILLS FROM NON-SELF-PROPELLED TANK VESSELS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding towing vessels.

SECTION 902. REQUIREMENT FOR FIRE SUPPRESSION DEVICES

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding fire suppression devices.

SECTION 903. STUDIES ADDRESSING VARIOUS SOURCES OF OIL SPILL RISK

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding oil spills.

TITLE X—CONVEYANCES

SECTION 1001. CONVEYANCE OF LIGHTHOUSES

Section 1001(a)(3)(A) of the Senate bill authorizes the transfer of the Cape Ann Lighthouse and surrounding Coast Guard property located on Thachers Island, Massachusetts, to the Town of Rockport, Massachusetts. Section 1003 of the Senate bill authorizes the transfer of the property comprising Squirrel Point Light located in Arrowsic, Maine, to Squirrel Point Associates, Incorporated. Section 1004 of this bill authorizes the transfer of the property comprising Montauk Light Station located in Montauk, New York, to the Montauk Historical Association. Finally, Section 1005 of the Senate bill authorizes the transfer of the property comprising Point Arena Light Station located in Mendocino County, California to the Point Arena Lighthouse Keepers, Incorporated. In making these transfers, the United States would convey all right, title and interest, except that the Coast Guard retains ownership of any historic artifact. The conveyance of these properties is subject to the condition that the properties are maintained in a manner that ensures their present and future use for Coast Guard aids to navigation and is consistent with the provisions of the National Historic Preservation Act of 1996. In addition, the Coast Guard continues to have access to the properties for the operation and maintenance of aids to navigation.

Section 424 of the House amendment authorizes the transfer of the Cape Ann Lighthouse and section 423 of the House amendment authorizes the transfer Montauk Light Station. The conditions of transfer from the United States are similar to the Senate provisions.

Section 1001 of the Conference substitute combines all of these House and Senate lighthouse transfers into one section. The Conference substitute also transfers the Presque Isle Light Station, Michigan, to Presque Isle Township, Presque Isle County, Michigan, the Saint Helena Island Light Station to the Great Lakes Lighthouse Keepers Association, and the Cove Point Light Station to Calvert County, Maryland. The conditions for the transfer of the property from the United States are similar to the conditions of the Senate provision.

SECTION 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE

Section 1002 of the Senate bill authorizes the transfer of lighthouse properties located in Maine to the Island Institute in Rockland, Maine, and four lighthouse properties located in Maine to the United States Fish and Wildlife Service. In making the transfer of the 31 lighthouse properties to the Island Institute, the United States would convey all right, title and interest, except that the Coast Guard would retain ownership of any historic artifact from any of the 35 lighthouses transferred under this section. The Island Institute is directed to further transfer 29 of the 31 lighthouse properties it receives from the Coast Guard to eligible Federal agencies, Maine state or local government entities, nonprofit corporations, educational agencies, or community development organizations. The further conveyances by the Island Institute would be subject to approval by the Maine Lighthouse Selection Committee the members of which are to be appointed by the Secretary. The conveyance of the 35 lighthouse properties would be subject to the condition that the properties: (1) be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for other uses that the Secretary of Transportation determines are not inconsistent; and (2) are maintained in a manner that ensures their present and future use for Coast Guard aids to navigation and is consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.). In addition, the Coast Guard would continue to have access to the properties for the operation and maintenance of aids to navigation.

The House amendment does not contain a comparable provision.

The Conference substitute amends the Senate proposal to require that the Secretary of Transportation to transfer 30 Maine lighthouses to eligible entities recommended by the Island Institute, and approved by a Selection Committee. The lighthouses must be conveyed within two years of the Act's enactment. The substitute further authorizes the transfer of four lighthouses to the U.S. Fish and Wildlife Service and two lighthouses directly to the Island Institute. The substitute identifies eligible entities for receipt of the 30 lighthouses and establishes a Maine Lighthouse Selection Committee to review and approve the lighthouse transfer recommendations of the Island Institute. The terms of all the lighthouse transfers are similar to the Senate provision's terms of conveyance.

SECTION 1003. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS

Section 1001(a)(3)(B) of the Senate bill authorizes the transfer of the Coast Guard Cuttyhunk Boathouse and Wharf property located in Gosnold, Massachusetts, to the Town of Gosnold, Massachusetts. In making this transfer, the United States would convey all right, title and interest, except that the Coast Guard retains ownership of any historic artifact. The conveyance of this property is subject to the conditions listed in the Senate's section 1001, explained above.

Section 426 of the House amendment also authorizes the transfer of the Coast Guard Cuttyhunk Boathouse and Wharf property to the Town of Gosnold, Massachusetts. This section would condition the conveyance to the Coast Guard retaining the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels. The Coast Guard also retains the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard function.

The Conference substitute adopts the House provision.

SECTION 1004. CONVEYANCE OF PROPERTY IN KETCHIKAN, ALASKA

Section 1006 of the Senate bill transfers approximately ¾ of an acre of excess property in Ketchikan, Alaska, from the United States to the Ketchikan Indian Corporation. The property is adjacent to Ketchikan Hospital and will be used by the Ketchikan Indian Corporation as the site for a new health or social services facility. The property shall transfer to the City of Ketchikan if, within 18 months the Act's enactment, the Ketchikan Indian Corporation has not completed design and construction plans for a health and social services facility and received approval from the City of Ketchikan for such plans or the written consent of the City to exceed this period. The ownership of this property reverts to the United States if the property ceases to be used by the City of Ketchikan.

Section 402 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision with an amendment.

SECTION 1005. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN

Section 1007 of the Senate bill directs the Secretary of Transportation to transfer approximately 27 acres of excess property located in Traverse City, Michigan, from the Coast Guard to the Traverse City Area Public School District. This property will be used by the School District for athletic fields. The ownership of this property reverts to the United States if the Traverse City Area School District ceases to use the property for the statutorily authorized purposes. The United States shall continue to operate and maintain a pump room located on the property for as long as it is needed by the United States.

Section 401 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1006. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND

Section 1008 of the Senate bill authorizes the Secretary of Transportation to transfer approximately 10.7 acres of property known as Coast Guard Station Block Island located on Block Island, Rhode Island, to the Town of New Shoreham, Rhode Island. The ownership of this property reverts to the United States if the property, or any part of the property, ceases to be used by the Town of New Shoreham, Rhode Island.

Section 427 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1007. CONVEYANCE OF PROPERTY IN SANTA CRUZ, CALIFORNIA

Section 1009 in the Senate bill authorizes the Secretary to transfer the Coast Guard property located in Santa Cruz, California, to the Santa Cruz Port District. In making this transfer, the United States would convey all right, title and interest. The conveyance of this property would be subject to the conditions that: the property be available for joint use by the Coast Guard and the Port District; the Port District would be responsible for the cost of maintaining, operating, and replacing the utility systems, buildings, and facilities; the site be maintained as a nonprofit center for education, training, administration, and other public service to include use by the Coast Guard; and the site be returned to the Secretary after 30 days notice that it is needed for national security purposes.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1008. CONVEYANCE OF VESSEL S/S RED OAK VICTORY

Section 1010 of the Senate bill authorizes the Secretary to transfer the National Defense Reserve Fleet (NDRF) vessel *S/S Red Oak Victory* (Victory Ship VCS–AP2; U.S. Navy Hull No. AK235) to the City of Richmond Museum Association, Incorporated, located in Richmond, California. In making this transfer, the United States would convey all right, title and interest. The conveyance of this property would be subject to the condition that: (1) the vessel be used for the purposes of a monument to the wartime accomplishments of the City of Richmond; (2) the vessel not be used for commercial transportation purposes; (3) the recipient agrees to make the vessel available to the government if the Secretary requires the vessel for war or national emergency; (4) the recipient agrees to hold the Federal government harmless for any claims arising from exposure to asbestos after transfer of the vessel, except for claims arising from use by the government for war or national emergency; and (5) and the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or written loan commitment, financial resources of at least $100,000.

The conveyance, if made, would transfer the vessel in its present condition, without any cost to the Federal government, to the recipient. The Secretary also would be authorized to transfer unneeded equipment from other NDRF vessels to restore the vessel to museum quality. Finally, the Secretary would be required to retain the vessel in the NDRF for the earlier of two years from the date of enactment of the reported bill or until the vessel is conveyed, whichever date is earlier.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment.

SECTION 1009. CONVEYANCE OF EQUIPMENT

Section 1011 of the Senate bill conveys any unneeded equipment from other vessels in the National Defense Reserve Fleet to the John W. Brown and other qualified United States memorial ships in order to maintain their operating condition.

The House amendment does not contain a comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1010. PROPERTY EXCHANGE

Section 1012 of the Senate bill authorizes the Secretary of Transportation to accept a property exchange within the limits of the City and Borough of Juneau, Alaska, if the Secretary determines that the exchange is in the best interest of the Coast Guard.

The House amendment does not contain a comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1011. AUTHORITY TO CONVEY WHITEFISH POINT LIGHT STATION LAND

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute authorizes the conveyance of a portion of the land located at the United States Coast Guard Whitefish Point Light Station to the Great Lakes Shipwreck Historical Society. The remainder of the property is split between the U.S. Fish and Wildlife Service and the Michigan Audubon Society. For a description of the property to be transferred, please refer to H.R. 2611, as introduced.

SECTION 1012. CONVEYANCE OF PARRAMORE BEACH COAST GUARD STATION, VIRGINIA

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute conveys the Parramore Beach Coast Guard Station, Virginia, to the Nature Conservancy.

SECTION 1013. CONVEYANCE OF JEREMIAH O'BRIEN

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute authorizes the Secretary of Transportation to convey the obsolete ship *Jeremiah O'Brien* to a nonprofit corporation as a merchant marine memorial museum. To assure the success of the museum, the recipient must have an established track record of maintaining a Liberty Ship for the public's life.

TITLE XI—MISCELLANEOUS

SECTION 1101. FLORIDA AVENUE BRIDGE

Section 1101 of the Senate bill deems the drainage siphon adjacent to the Florida Avenue Bridge in New Orleans, Louisiana, to be an appurtenance of the bridge, pursuant to the Truman-Hobbs Act. In 1992, the Florida Avenue Bridge was declared to be an "unreasonable obstruction to navigation" under the Truman-Hobbs Act. Since that time, funds have been appropriated by Congress to commence planning and engineering for the replacement of the bridge.

The Coast Guard has determined that the drainage siphon, which is connected to the bridge's southern fender, must be removed to widen the channel sufficiently and restore the necessary navigability for commercial vessels on the Gulf Intracoastal Waterway. By declaring the siphon an appurtenance, its removal qualifies for funding under the Truman-Hobbs Act.

Section 302 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision. As a result of the enactment of this provision, and the appropriation of sufficient funds in the current Coast Guard budget, the conferees expect that the Coast Guard will initiate construction on the replacement Florida Avenue Bridge as soon as possible in FY 97. The hazardous conditions that exist as a result of the current bridge must be rectified without delay in order to ensure the free flow of commerce on the Industrial Canal in the Port of New Orleans.

SECTION 1102. OIL SPILL RECOVERY INSTITUTE

Section 1102 of the Senate bill authorizes the Prince William Sound Oil Spill Recovery Institute (OSRI), which is authorized under section 5001 of the Oil Pollution Act of 1990, to fund research using the interest earned on the $22.5 million it is authorized to spend from the Oil Spill Liability Trust Fund, which was transferred from the Trans-Alaska Pipeline Fund in December of 1994.

This section also scales back the size of the OSRI Advisory Board from 18 members to 16 members.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision with amendments.

SECTION 1103. LIMITED DOUBLE-HULL EXEMPTIONS

Section 1103 of the Senate bill amends section 3703a of title 46, United States Code, to exempt certain vessels from the double-hull construction requirements of the Oil Pollution Act of 1990. This section exempts those double-hulled U.S.-flag vessels delivered before August 12, 1992, from the OPA 90 double-hull requirements. This section also exempts barges of less than 1,500 gross tons that are primarily used to carry deck cargo and bulk fuel to Alaska Native villages from the OPA 90 double-hull requirements. The section also exempts vessels in the National Defense Reserve Fleet from the double-hull requirements.

Section 416 of the House amendment differs from the Senate provision by exempting all vessels, not just U.S.-flag vessels, equipped with a double-hull before August 12, 1992, from the OPA 90 double-hull requirements.

The House bill also exempts Alaskan barges of less than 2,000 gross tons, rather than 1,500 gross tons, from the OPA 90 double-hull requirements.

The Conference substitute adopts the Senate provision with several amendments.

SECTION 1104. OIL SPILL RESPONSE VESSELS

Section 1104(a) of the Senate bill amends section 2101 of title 46, United States Code, to define an "oil spill response vessel" (OSRV) as a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material. Under the amendments made by this section, the Coast Guard is required to establish a new regulatory system for OSRVs.

Section 1104(b) adds a new subsection (f) to section 3702 of title 46, United States Code, to exempt OSRVs from the tank vessel requirements of chapter 37 of title 46, United States Code. Section 1104(b) also divides OSRVs into two distinct categories. The first category addresses dedicated response vessels which are used only in spill response related activities. These vessels are not certified for any other type of service other than response. This category includes barges which are not used for carriage of oil in bulk as cargo and in some cases will never contain oil. There is no tonnage limit in this category. The second category recognizes that some vessels are dual-certified. This category exempts vessels from tank vessel requirements only when designated in the certificate for inspection as a response vessel and only when actually engaged in spill response related activities. This category is limited to 500 gross tons.

Section 1104(c) and 1104(d) amend sections 8104 and 8301 of title 46, United States Code, to authorize the Secretary of Transportation to prescribe watch standing and licensing requirements for OSRVs.

Section 1104(e) amends the requirements for Merchant Mariner's Documents (MMDs) under section 8701 of title 46, United States Code, by providing the Secretary with the flexibility to prescribe which, if any, individuals onboard an OSRV should be required to hold an MMD.

Section 1104(f) amends section 8905 of title 46, United States Code, to clarify that a person licensed to operate towing vessels should not be required to operate vessels engaged in oil spill response or training activities. Currently, section 8904 of title 46, United States Code, requires that a towing vessel that is at least 26 feet in length be operated by a licensed individual. These provisions are not intended to apply to vessels towing in an emergency or on an intermittent basis during oil spill response or training.

Section 1104(g)) amends section 3301 of title 46, United States Code, to establish a new vessel inspection category for OSRVs.

Section 417 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1105. SERVICE IN CERTAIN SUITS IN ADMIRALTY

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute corrects the service of process provisions contained in the Suits in Admiralty Act, (46 App. U.S.C. §742). Those provisions are different from the service provision in Rule 4 of the Federal Rules of Civil Procedure. Under the proposed amendments, the general service of process procedures in Civil Rule 4 would apply to all civil cases, including admiralty and non-admiralty cases.

Section 742 was enacted before the Federal Rules of Civil Procedure were adopted, and there is no apparent remaining reason to treat suits in admiralty differently than other civil actions. Rule 4(i) of the Federal Rules of Civil Procedure currently governs service upon the United States in all other civil cases.

The Conference substitute deletes the service of process provisions contained in the Suits in Admiralty Act, which are different from the service provisions in Rule 4 of the Federal Rules of Civil Procedure. The general service of process procedures in Civil Rule 4 would apply to all civil cases, including admiralty and non-admiralty cases.

SECTION 1106. AMENDMENTS TO THE JOHNSON ACT

Section 1106 of the Senate bill resolves a conflict between certain Federal and state laws involving authorized gambling aboard cruise vessels. Section 1106 amends section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(B)(2)), commonly referred to as the "Johnson Act", to prohibit a state from regulating gambling in international waters during the intrastate segment of a voyage that begins or ends in the same state or U.S. possession and is part of a voyage to another state or country. States may still regulate gambling in state waters, on "voyages to nowhere," and on other state voyages. The section does not apply to a voyage within the boundaries of the State of Hawaii.

Section 408 of the House amendment is identical to the Senate section 1106. In addition, section 425 of the House amendment amends the Johnson Act to allow the State of Indiana to permit gambling aboard vessels that begin voyages within the territorial waters of Indiana and that do not leave the territorial jurisdiction of that state.

The Conference substitute adopts the House provision, with an amendment that allows gambling on vessels which provide sleeping accommodations for all of its passengers if the vessel is on a voyage (or the segment of a voyage) that is of at least 60 hours and that includes a stop in Canada or in a State other than the State of Alaska and also includes stops in at least 2 different ports in Alaska. The amendment only applies to traditional cruises, not so called "cruises to nowhere".

SECTION 1107. LOWER COLUMBIA RIVER MARITIME FIRE AND SAFETY ACTIVITIES

Section 1107 of the Senate bill authorizes the Secretary to expend out of amounts appropriated for the Coast Guard for fiscal year 1996 not more than $491,000 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Maritime Fire and Safety Association.

The House amendment contains no comparable provision.

The Conference substitute authorizes $940,000 to complete the activities of the Maritime Fire and Safety Association.

SECTION 1108. OIL POLLUTION RESEARCH TRAINING

Section 1108 of the Senate bill amends section 7001(c)(2)(D) of Oil Pollution Act of 1990 to allow research and training to be conducted at the Center for Marine Training and Safety in Galveston, Texas, which is Texas A&M University facility. Currently, OPA 90 authorizes oil pollution research and training on innovative oil pollution technology to be conducted using, as appropriate, the National Spill Control School in Corpus Christi, Texas, another Texas A&M University facility.

The House amendment contains no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1109. LIMITATION ON RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES

Section 1109 of the Senate bill prohibits the Secretary of Transportation from relocating the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas. Nothing in this section prevents the consolidation of management functions of these Coast Guard authorities.

Section 421 of the House amendment prohibits the consolidation and relocation of the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

The Conference substitute adopts the Senate provision.

SECTION 1110. UNINSPECTED FISH TENDER VESSELS

Section 1110 of the Senate bill clarifies section 3302 of title 46, United States Code, relating to the carriage of cargo in uninspected fish-tender vessels providing service outside the Aleutian trade geographic region. Section 3302(c)(3) of title 46, United States Code, permits uninspected fish-tender vessels of not more than 500 gross tons to carry: (1) cargo to or from a place in Alaska that does not receive weekly common carrier service by water from a place in the United States; or (2) cargo which is of the type not accepted by that common carrier service. The Coast Guard has interpreted this weekly common carrier test to apply only to general cargo. Section 1110 applies the weekly common carrier service test to all cargo which is of the type accepted by common carriers. Such cargo includes frozen fish products, canning components, cardboard, salt, and other materials directly related to fishing or the preparation of fish.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision with several amendments. The Conferees have sought to clarify the law governing the carriage of cargo for hire by uninspected fish tender vessels to ports in Alaska outside of the Aleutian trade geographic region. The Conferees agree that such uninspected vessels are to be limited to the carriage of proprietary cargo and any cargo of a type not accepted by common carriers to communities being served weekly by common carriers, and a definition of "proprietary cargo" has been provided in the statute. The Conferees understand that there is at least one company in Alaska which owns both uninspected tender vessels and a number of marine supply stores. These vessels are currently being used to carry retail marine supplies for the affiliated marine supply stores. The bill language is drafted to permit the proprietary carriage of the retail inventory for these affiliated marine supply stores by the uninspected tender vessels.

SECTION 1111. FOREIGN PASSENGER VESSEL USER FEES

Section 1111 of the Senate bill authorizes the Coast Guard to collect user fees for the full cost of inspecting foreign passenger vessels. Section 3303(b) of title 46, United States Code, currently requires the Secretary of Transportation to collect the same fees for the inspection of foreign passenger vessels that a foreign country charges U.S. vessels at the ports of that country. Because the United States currently has no passenger vessels that call at foreign ports, the Coast Guard is prohibited from charging foreign passenger vessels fees to recover the costs of examining those vessels in U.S. ports. Section 1111 of this bill strikes subsection (b) of section 3303, title 46, United States Code, to allow the Coast Guard to collect user fees for examining foreign passenger vessels.

Section 301 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1112. COAST GUARD USER FEES

Section 1112 of the Senate bill sets upper limits on user fees of $300 annually for small passenger vessels under 65 feet in length and $600 annually for passenger vessels 65 feet or longer. In addition, section 1112 exempts publicly-owned ferries these fees.

Section 431 of the House amendment prohibits the Secretary of Transportation from assessing or collecting a fee or charge from any ferry vessel.

The Conference substitute adopts the Senate provision with a technical amendment.

SECTION 1113. VESSEL FINANCING

Section 1113(a) of the Senate bill amends section 31322 of title 46, United States Code, to broaden the categories of persons eligible to be mortgagees for U.S.-flag vessels without the approval of the Secretary.

Section 1113(b) of the Senate bill amends section 31328 of title 46, United States Code, to broaden the categories of persons eligible to act as trustees for ship mortgage purposes to include persons eligible to own a documented vessel under chapter 121 of the title.

Section 1113(c) of the Senate bill differs from section 409(d) of the House amendment in several important ways. The Senate section eliminates the citizenship requirement for leasing companies only when the leasing company is primarily engaged in leasing or other financing transactions. Section 1113(c) further differs from the House amendment by not allowing vessels with coastwise fishery endorsements from using a foreign leasing agent.

Section 409(a) of the House amendment amends section 31322 of title 46, United States Code, to eliminate all restrictions on persons that may be a mortgagee for a U.S.-flag vessel. This amendment is intended to promote vessel financing.

Section 409(b) of the House amendment repeals section 31328 of title 46, United States Code, which provided for the establishment of Westhampton Trusts. This section is no longer needed since all restrictions on mortgagees have been eliminated.

Section 409(c) of the House amendment makes conforming changes to section 9(c) of the Shipping Act, 1916, (46 App. U.S.C. 808) to eliminate the need to obtain permission from the Secretary before using a foreign mortgagees.

Section 409(d) of the House amendment amends section 12106 of title 46, United States Code, to promote lease financing for vessels engaged in the coastwise trade by eliminating citizenship requirements for leasing companies. Currently, there are no citizenship requirements on leasing companies that finance vessels that have Great Lakes or Registry endorsements. Section 409(d) will also allow these companies to finance vessels that have coastwise endorsements.

Section 409(d) amends section 12106 of title 46, United States Code, to authorize the Secretary to issue coastwise endorsements for vessels owned by any leasing company that is eligible to own a documented vessel. However, if the leasing company is not a U.S. citizen under section 2 of the Shipping Act, 1916, the vessel may only be operated in the coastwise trade if the vessel is operated under a demise charter to a section 2 citizen for a period of at least three years. It is expected that most of the charters will be long-term charters. However, once the initial long-term charter has expired, the leasing company may find it necessary to enter into short-term charters until another long-term charter is obtained. The lease agreement need not remain in effect for the full three years if there is a default by the lessee or a casualty or other event where the lease might be terminated by the vessel owner or lessee prior to the expiration of that period.

The Secretary of Transportation may also authorize leases for a period shorter than three years under appropriate circumstances such as when a vessel's remaining useful life would not support a lease of three years or to preserve the use or possession of the vessel. The section also provides that on termination of a demise charter, the coastwise endorsement may be continued for a period not to exceed six months on any terms and conditions that the Secretary may prescribe. This will allow the leasing company to move the vessel, maintain it, have it repaired, or layed-up, but does not allow the vessel to be used in the coastwise trade since it is not under a charter to a section 2 citizen.

The Conference substitute adopts the House amendment with several amendments. The provision also requires the Department of Transportation to conduct a study on the methods for leasing and financing of vessels operating in the coastal trades of other countries and whether the laws of other countries provide reciprocity for U.S. banks, leasing companies or other financial institutions with respect to the new leasing provisions in this section.

In 1988, Congress began easing the restrictions on persons that can be mortgagees for U.S.-flag vessels by eliminating all restrictions on mortgagees for recreational vessels and fishing industry vessels. Additionally, the Secretary of Transportation was authorized to approve any other person to be a mortgagee for vessels with coastwise and registry endorsements.

Section 1113(a) of the Conference substitute amends section 31322 of title 46, United States Code, to eliminate all restrictions on persons that may be a mortgagee for a U.S.-flag vessel. This amendment is intended to promote vessel financing. U.S. vessel owners should be able to obtain the cheapest financing available anywhere in the world in the same manner as their foreign competition without having to get approval from the Secretary. In the past, U.S. operators could obtain this financing by setting up a trust in a U.S. bank. These trusts, called "Westhampton Trusts," resulted in additional costs to the U.S. vessel owners without giving any real protection to the Government to control the vessel.

Section 1113(b) repeals section 31328 of title 46, United States Code, which provided for the establishment of Westhampton Trusts. This section is no longer needed since all restrictions on mortgagees have been eliminated.

Section 1113(c) makes conforming changes to section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808) to eliminate the need to obtain permission from the Secretary before using a foreign mortgagee.

Section 1113(d) of the Conference substitute amends section 12106 of title 46, United States Code, to promote lease financing for vessels engaged in the coastwide trade by eliminating citizenship requirements for leasing companies. Lease financing has become a very common way to finance capital assets in many industries, including the maritime industry. Many vessel operators choose to acquire or build vessels through lease financing instead of traditional mortgage financing. Currently, there are no citizenship requirements on leasing companies that finance vessels that have registry endorsements. Section 1113(d) will also allow these companies to finance vessels that have coastwise endorsements.

The overall purpose of section 1113(d) of the Conference substitute is to eliminate technical impediments to using various techniques for financing vessels operating in the domestic trades. At the same time, the Conferees do not intend to undermine a basic principle of U.S. maritime law that vessels operated in domestic trades must be built in a shipyard in the United States and be operated and controlled by American citizens, which is vital to United States military and economic security.

Ownership of vessels endorsed with a coastwise endorsement must reside either with a person who qualifies as an American citizen under section 2 of the Shipping Act, 1916 946 App. U.S.C. section 802), or with a person otherwise qualified under 46 U.S.C. §12106. Current law permits oil spill response vessels to be owned by non-profit entities which may not meet the technical requirements for U.S. citizenship. 46 U.S.C. §12106(d).

Section 1113(d) of the Conference substitute adds a new subsection (e) to section 12106 which would permit a coastwise endorsement for non-U.S. citizen vessel ownership where (1) ownership is primarily a financial investment in the vessel without the ability and intent to control the vessel's operations by a person not primarily engaged in the direct operation or management of vessels and (2) where the owner has transferred to a qualified American citizen full possession, control and command of the U.S. built vessel in a demise charter and the demise charterer is considered the owner pro hac vice during the charter term. It is intended that banks, leasing companies or other financial institutions qualify as owners of U.S.-flag vessels under this section even if they have a vessel owning and operating affiliate so long as the majority of the aggregate revenues of any such group are not derived from the operation or management of vessels by group members. Groups primarily engaged in the operation or management of commercial foreign-flag vessels used for the carriage of cargo for unrelated third parties will not qualify under this section.

Section 1113(d) of the Conference substitute amends section 12106 of title 46, United States Code, to authorize the Secretary to issue coast wise endorsements for vessels owned by any leasing company that is eligible to own a documented vessel. However, if the leasing company is not a U.S. citizen under section 2 of the Shipping Act, 1916, the vessel may only be operated in the coast trade if the vessel is operated under a demise charter to a section 2 citizen for a period of at least three years. It is expected that most of the charters will be long-term charters until another long-term charter is obtained. The lease agreement need not remain in effect for the full three years if there is a default by the lessee or a casualty or other event where the lease might be terminated by the vessel owner or lessee prior to the expiration of that period.

The Secretary may also authorize leases for a period shorter than three years under appropriate circumstances such as when a vessel's remaining useful life would not support a lease of three years or to preserve the use of possession of the vessel. The section also provides that on termination of a demise charter, the coastwise endorsement may be continued for a period not to exceed six months on any terms and conditions that the Secretary may prescribe. This will allow the leasing company to move the vessel, maintain it, have it repaired, or layed-up, but does not allow the vessel to be used in the coastwise trade since it is not under a charter to a section 2 citizen.

The Secretary shall establish as part of the vessel documentation procedures administered by the Coast Guard, or its successor, the necessary regulations to administer new subsection (e) and the filing of demise charter, and any amendments thereto, for vessels issued a coastwise endorsement under this provision. Provision shall also be made so that proprietary information contained in a demise charter shall not be disclosed to the public under this new subsection (e). The Coast Guard is directed to develop regulations governing the filing of false certifications under (e)(12)(C) with an application for documentation for a coastwise endorsement of a U.S. built vessel. The Coast Guard is also directed to conduct a study regarding reciprocity of foreign leasing laws.

SECTION 1114. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES

Section 1114 of the Senate bill amends section 8104 of title 46, United States Code, to conform the manning requirements for Great Lakes towing vessels to the requirements for towing vessels operating in other parts of the country. Section 1114(a) of this section amends section 8104(c) of title 46 to permit licensed individuals and seamen aboard Great Lakes towing vessels to work no more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period. Section 1114 also amends section 8104(e) of title 46 to allow crewmen to work in both the deck and engine departments of a towing vessel operating on the Great Lakes. Finally, the section amends section 8104(g) of title 46, United States Code, to allow the licensed individuals and crewmembers aboard Great Lakes towing vessels to be divided in two watches, rather than the current three watch requirement.

Section 419 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1115. REPEAL OF GREAT LAKES ENDORSEMENTS

Section 1115 of the Senate bill corrects an error in the Coast Guard Authorization Act of 1989 (Public Law 101–225) which made technical changes to the Coast Guard vessel documentation scheme. These changes reflect the conversion from a system of separate and distinct types of documents based on the use of the vessel to a system of multiple endorsements for a particular trade or use. These changes unintentionally added all of the requirements of the U.S. coastwise trade (Jones Act) to all vessels operating on the Great Lakes, even those only trading between the United States and Canada. This section permits U.S.-flag vessels to trade between the United States and Canada with a certificate of documentation with a registry endorsement. However, a vessel engaged in the coastwise trade or fisheries on the Great Lakes must meet all the requirements necessary to obtain coastwise or fisheries endorsements.

Section 746 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision with an amendment.

SECTION 1116. RELIEF FROM UNITED STATES DOCUMENTATION REQUIREMENTS

Section 1116 of the Senate bill would authorize nine specific vessels to be sold to a person that is not a citizen of the United States and to be transferred or placed under foreign registry, notwithstanding the Construction-Differential Subsidy requirements. Currently, U.S.-flag vessels built with the assistance of a Construction-Differential Subsidy are required to be owned by United States citizens and documented under the laws of the United States for a period of 25 years.

Section 609 of the House amendment allows the vessel *MV Platte* to be sold to a non U.S. citizen.

The Conference substitute amends the Senate provision by deleting the vessels *Rainbow Hope*, *Iowa Trader*, and *Kansas Trader*, and adding the vessels *Bay Ridge* and *Coastal Golden*.

SECTION 1117. USE OF FOREIGN REGISTRY OIL SPILL RESPONSE AND RECOVERY VESSELS

Section 1117 of the Senate bill allows oil spill response and recovery vessels of Canadian registry to operate in waters of the United States adjacent to the border between Canada and the State of Maine, on an emergency basis, in the event of an oil spill. These vessels could only be used if there were not enough U.S.-flag recovery vessels available during an oil spill.

The House amendment does not contain a comparable provision.

The Conference substitute expands the Senate provision to the use of any foreign registered oil spill response vessel throughout the United States.

SECTION 1118. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS

Section 1118 of the Senate bill amends section 31329 of title 46, United States Code, to allow for the sale, by order of a District Court, of recreational vessels to non-U.S. citizens. This would conform the conditions for the judicial sale of these vessels to the conditions for their private sale under section 9(c) of the Shipping Act of 1916 (46 App. U.S.C. 808(c)). In the past, the provisions of section 31329 of title 46 have unreasonably restricted the foreign sales of recreational vessels and the ability of subsequent U.S. owners to document the vessels.

Section 405 of the House amendment is similar to the Senate provision, but also allows the sale, by an order of a court, of documented fishing industry vessels.

The Conference substitute adopts the House amendment with several technical amendments.

SECTION 1119. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL

Section 1119 of the Senate bill amends section 641(c)(2) of title 14, United States Code, to exempt sales by the Coast Guard of recyclable materials for which the proceeds of sale will not exceed $5,000 from current excess property disposal requirements for the sale of recyclable materials. This section also authorizes the Coast Guard to make these small sales under regulations prescribed by the Commandant.

Section 406 of the House amendment is identical.

The Conference substitute adopts the Senate provision.

SECTION 1120. DOCUMENTATION OF CERTAIN VESSELS

Section 1120 of the Senate bill waives certain U.S. coastwise trade laws for 65 individually listed vessels.

Section 601 of the House amendment authorizes the Secretary of Transportation to issue a certificate of documentation with a coastwise endorsement for a vessel that is less than 200 gross tons, is eligible for documentation, was built in the United States, and was sold foreign or placed in a foreign registry. Section 602 of the amendment provides a limited U.S. coastwise trade waiver for the *Gallant Lady*. Section 603 extends the deadline under section 601(d) of the Coast Guard Authorization Act of 1993 for the major conversion of the vessel *M/V Twin Drill* from June 30, 1995, to June 30, 1996. Section 604 grants a U.S. coastwise trade waiver to the vessel *Rainbow's End*. Section 605 of the House amendment grants a U.S. coastwise trade waiver to the vessel *Gleam*. Section 606 of the House amendment grants a U.S. coastwise trade waiver to 25 individually listed vessels. Section 607 grants a U.S. coastwise trade waiver to four barges owned by McLean Contracting Company.

The Conference substitute adopts all the House and Senate provisions. The substitute also allows an additional number of individually listed vessels to engage in the U.S. coastwise trade. Subsection (f) entitles any vessel that either is foreign built prior to the date of enactment of this Act and documented under the U.S. registry or is documented under the U.S.-flag before the date of enactment, placed under foreign registry and subsequently redocumented under U.S. registry, to transport liquefied natural gas or liquefied petroleum gas to Puerto Rico. Subsection (g) deems the coastwise qualified vessels *Coastal Sea* and *Coastal Merchant* to have been constructed in the United States.

Section 608 grants a U.S. coastwise trade waiver for the *Enchanted Isle* and the *Enchanted Seas*. The Conferees applaud the efforts to reinvigorate the U.S. coastwise cruise vessel market with the re-entry of these U.S.-built vessels. The Conferees are hopeful that these vessels will prove the economic viability of U.S.-built, U.S.-documented vessels in the U.S. coastwise trade and will serve as the foundation for the re-emergency of a U.S.-built, U.S.-flag cruise vessel industry.

The Conferees believe strongly, however, that the re-entry into the U.S. coastwise trade of older vessels, albeit vessels originally constructed in the United States, is merely an interim step in the promotion of a U.S.-flag cruise vessel industry. Further vessels obtaining eligibility to operate in the U.S. coastwise trade should not only be U.S.-built vessels, but also vessels new built in the United States.

The United States is strongly encouraging construction of commercial vessels in U.S. shipyards. U.S. Navy shipbuilding orders over the next few years are not projected to be sufficient to sustain the U.S. shipyard defense mobilization base this country needs in the event of a national emergency. Other means of maintaining that mobilization base must also be employed.

Fortunately, U.S. shipyards are showing renewed vigor with regard to their international commercial competitiveness. U.S. shipyards are winning orders for the export of a number of commercial vessels. And the conferees understand that U.S. shipyards are developing designs for highly marketable cruise vessels that can be constructed by such yards and offered at prices competitive with European shipyards, the leaders in cruise vessel construction. U.S. government programs, including the National Defense Features Program, Maritech, and MARAD Title XI should be helpful in assisting U.S. shipyards in offering competitive prices for cruise vessels.

The Conferees, therefore, intend the coastwise re-flagging permissions contained in this provision to be strictly limited. Moreover, the Conferees strongly encourage persons affected by this section to replace their vessels as soon as practicable with newly constructed U.S.-built cruise vessels and to take advantage of U.S. Navy and other government incentives in such new construction.

Section 1120(g) of the Conference substitute simply deems three forfeiture vessels to be considered to be "constructed in the United States" for the limited purpose of the Merchant Marine Act of 1936, as amended.

Section 1120(h) of the Conference substitute inserts a new section in the Coast Guard Authorization Act for Fiscal Year 1996 which authorizes the repayment to the Secretary of Transportation of the remaining unamortized construction-differential subsidy on the tug *M/V Janis Guzzle.* The repayment of the unamortized portion of the construction-differential subsidy for the vessel will permanently release it from the domestic trading restrictions.

SECTION 1121. VESSEL DEEMED TO BE A RECREATIONAL VESSEL

Section 1121 of the Senate bill deems an approximately 96 meter twin screw motor yacht, to be named the *Limitless*, to be a recreational vessel under chapter 43 of title 46, United States Code, as along as the vessel does not carry passengers for hire or engage in commercial fishing.

Section 428 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1122. SMALL PASSENGER VESSEL PILOT INSPECTION PROGRAM WITH THE STATE OF MINNESOTA

Section 1122 of the Senate bill allows the Secretary of Transportation to enter into an agreement with the State of Minnesota under which the state may inspect small passenger vessels operating in the waters of Minnesota under certain conditions.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision. As a matter of Constitutional law, the Federal Government has responsibility for requirements pertaining to vessel structure, design, equipment, and operation. (See Ray v. Atlantic Richfield Co., 435 U.S. 151 (1978) and Kelly v. Washington, 302 U.S. 1 (1937)). Authority to make such regulations are vested in the Secretary of Transportation under sections 3306 and 3307 of title 46, United States Code. Federal uniformity in these matters is critical to maintain interstate and international commerce, and because the absence of uniformity hinders the United States' ability to seek increased international vessel standards to better protect the environment.

However, the Coast Guard is allowed to delegate its' authority to non-Federal entities and has delegated its' authority to inspect vessels to private classification societies such as the American Bureau of Shipping. This section establishes a new type of delegation—to a State. However, the State must enter into an agreement that will ensure that the State will apply the Federal standards to the inspection of these vessels. This will guarantee that there will continue to be uniformity in the application of the law to all vessels subject to Federal jurisdiction in Minnesota.

SECTION 1123. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FISHING

Section 1123 of the Senate bill allows an alien employed under the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) to be employed on a fishing vessel in the CNMI if the vessel is permanently stationed at a port within the Commonwealth.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1124. AVAILABILITY OF EXTRAJUDICIAL REMEDIES UPON DEFAULT OF PREFERRED MORTGAGE LIENS ON VESSELS

Section 1124 of the Senate bill establishes a nonjudicial alternative for lenders to take possession of a vessel after a default.

Under current law, marine lenders seeking to foreclose loans secured by mortgaged vessels must pursue their rights in the courts to clearly preserve their right to recover a deficiency after the sale of the vessel.

Section 31325 of title 46, United States Code, provides for the foreclosure of a preferred mortgage on a documented vessel by an in rem arrest action against the vessel within the district court's admiralty jurisdiction. This remedy establishes the priority for the mortgage lien as against any maritime lien or land-based lien on the vessel and permits the vessel to be sold free and clear of liens.

Under the Uniform Commercial Code in effect in almost every state, a secured creditor may take possession of the collateral security for the loan upon a default and sell it in foreclosure of the creditor's lien. For many years, lender's holding preferred mortgages on documented vessels regularly exercised this type of "self-help" remedy to sell mortgaged vessels upon a loan default. Particularly for smaller loans secured by recreational vessels, when the debtor raised no opposition to repossession and there was little likelihood of an adverse maritime lien claim against the vessel, there was no reason to go through the time-consuming, expensive procedures of an action in court.

In 1985, the decision in Bank of America National Trust and Savings Association v. Fogle, 637 F. Supp. 305, 1986 AMC 205 (N.D. Cal. 1985) was rendered. In Fogle, the court held that in providing for an in rem admiralty remedy in law, Congress must have intended to preclude a "self-help" remedy under state law. The Fogle decision has forced lenders seeking to foreclose defaulted loans secured by documented vessels to use a court action, even when no controversy requiring judicial action is necessary.

Section 1124(a) of the Senate bill adds a new paragraph (3) to section 31325(b) of title 46, United States Code, to clarify that the remedies currently available under section 31325(b) do not preclude the exercise of other lawful rights and remedies available to mortgagees, including extrajudicial, "self-help" remedies. New paragraph 31325(b)(3) also supports the international recognition of vessel mortgage foreclosures under principles of comity and permits a preferred mortgage on a U.S.-flag vessel to be foreclosed in a foreign court having jurisdiction over the vessel.

Consistent with existing law, the rights of any maritime lien claimant or holder of a preferred mortgage are expressly preserved under the amendments made by this section, notwithstanding the use of a self-help remedy under state law.

The amendment will also not affect the remedies available under state law to the holder of a security interest which is deemed to be a preferred mortgage pursuant to section 31322(d) of title 46, United States Code, when the Vessel Identification System established under chapter 125 of title 46 is effective.

Section 1124(b) of this bill requires the person exercising the extrajudicial remedy to give notice of the remedy to the Coast Guard, to any other mortgage whose mortgage is recorded, and to any maritime claimant who has recorded a notice of a claim of a lien with the Coast Guard.

Section 412 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1125. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS

The Senate bill contains a provision regarding offshore oil spill evidence of financial responsibility.

The House amendment also contains a provision.

The Conference substitute contains a compromise amendment.

1126. DEAUTHORIZATION OF NAVIGATION PROJECT, COHASSET HARBOR, MASSACHUSETTS

Section 1126 of the Senate bill deauthorizes a portion of the navigation project in Cohasset Harbor, Massachusetts.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1127. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

The Senate bill contains no comparable provision.

Section 410 of the House amendment expresses the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased by the Coast Guard should be American-made.

The Conference substitute adopts the House provision.

SECTION 1128. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN

The Senate bill does not contain a comparable provision.

Section 429 of the House amendment requires that the Coast Guard purchase buoy chain manufactured in the United States.

The Conference substitute adopts the House provision with an amendment.

SECTION 1129. CRUISE SHIP LIABILITY

The Senate bill contains no comparable provision.

Section 430 of the House amendment makes three changes in current maritime law: The first allows foreign ship owners to provide that foreign crew members must bring lawsuits for damages involving injury or death in appropriate foreign courts. The second provision allows a shipowner to invoke a state's cap on medical malpractice damages when the shipowner is held vicariously liable for a doctor's medical malpractice. The third provision prohibits cruise vessel passengers from recovering damages for psychological injuries that are not accompanied by physical injury or actual risk of physical injury.

The Conference substitute adopts two subsections of the House amendment, with amendments. Section 1129(a) of the conference substitute provides that in a civil action by any person in which the operator or owner of a vessel is claimed to have vicarious liability for medical malpractice involving a crewmember that occurs to a shoreside facility, to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, the owner or operator of the vessel is entitled to rely upon statutory limitations applicable to the doctor or other health care provider in the state in which the shoreside medical care was provided. Section 1129(b) allows an owner or operator of a vessel to be relieved from liability for infliction of emotional distress under certain conditions. This relief does not apply if the emotional distress was the result of physical injury to the claimant caused by negligence of the owner, the result of the claimant having been at actual risk of physical injury, or intentionally inflicted by a crewmember or the owner or operator of the vessel (or his manager, agent, or master). Nothing in the Conference substitute limits the liability of a crewmember or the manager, agent, master, owner or operator of a vessel in a case involving sexual harassment, sexual assault, or rape.

SECTION 1130. SENSE OF CONGRESS ON THE IMPLEMENTATION OF REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

In enacting the Edible Oil Regulatory Reform Act, Public Law 104–55, the Congress intended that the agencies recognize the differences between animal fats and vegetable oils from other oils and provide regulatory relief from the burdens of various environmental statutes, such as the Oil Pollution Act of 1990 and the Federal Water Pollution Control Act. Those statutes were enacted to regulate petroleum oil and other toxic oils and hazardous substances. Because of the over broad definition of oil, those statutes applied to animal fats and vegetable oils as well. This provision expresses the sense of Congress that agencies responsible for the regulation of animal fats and vegetable oils under those laws should consider and recognize the differences in these oils and structure different regulatory requirements based on those differences. This provision also requires the submission of an annual report to Congress on the implementation of this policy.

The Conference substitute expresses the sense of Congress that agencies responsible for the regulation of animal fats and vegetable oils should consider and recognize the differences between these oils and petroleum-based oils and implement regulatory requirements reflective of those differences. This provision also requires the submission of an annual report to Congress on the implementation of this policy.

SECTION 1131. TERM OF DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute provides that when the term of the Director of the Bureau of Transportation Statistics (BTS) expires, the Director may continue to serve until his or her successor is appointed and confirmed. It is important to provide for continuity in the leadership of BTS, due to the important work that BTS performs.

SECTION 1132. WAIVER OF CERTAIN REQUIREMENTS FOR HISTORIC FORMER PRESIDENTIAL YACHT SEQUOIA

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The SEQUOIA was originally constructed in 1925 and served as a presidential yacht for over half a century. It is a national treasure listed on the Register of the National Trust for Historic Preservation. The vessel has been completely refurbished and restored in a manner in which its historic value has been preserved and the vessel has recently been brought up to date. The Conferees intend for the Coast Guard to work with the vessel's owners to allow the SEQUOIA to carry passengers for hire without imposing requirements that compromise the historic integrity of the restoration of the vessel or the safety of its passengers.

SECTION 1133. VESSEL REQUIREMENTS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute (1) extends the original expiration date by ten years from 1998 to 2008; (2) expands the term "a vessel"; and (3) modestly expands the permissible area of operation beyond inland rivers to include that narrow band shoreward of the boundary Line.

The Conferees urge the Coast Guard to work with the owners of the *Delta King* to assist them in meeting the inspection standards in the most cost effective manner possible.

SECTION 1134. EXISTING TANK VESSEL RESEARCH

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute requires the Secretary of Transportation to fully fund certain research projects intended to evaluate double-hull alternatives by the end of Fiscal Year 1997. The substitute also permits the Secretary to use public vessels for research in oil pollution technologies which prevent or mitigate oil discharges and protect the environment. This public vessel use is restricted to projects sponsored by the U.S. government so that the status of the vessel as a public vessel will not be lost, and so that no additional cost will be added to the project.

SECTION 1135. PLAN FOR THE ENGINEERING, DESIGN, AND RETROFITTING OF THE ICEBREAKER MACKINAW

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute requires the Coast Guard to submit by May 1, 1997, a plan and cost estimate for the engineering, design, and retrofitting of the icebreaker *Mackinaw*.

SECTION 1136. CROSS BORDER FINANCING

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

Currently U.S. companies wanting to purchase vessels and then place those vessels under United States registry cannot take full advantage of modern financing methods available to their foreign competition and other domestic transportation sectors. For example, the U.S. airline industry frequently acquires aircraft by chartering them from ownership trusts that have non-citizen beneficiaries. Many investors view ownership trusts as more secure than debt instruments (such as mortgages) and trusts sometimes receive favorable treatment under foreign tax codes. Furthermore, there is no reason why these trusts cannot be structured in a way that preserves U.S. citizen control of vessels.

Under current U.S. law, a vessel owned by a trust is eligible for documentation only if all its "members" are U.S. citizens and it is capable of holding title to a vessel under the Laws of the United States or a State. The U.S. Coast Guard has interpreted this requirement to mean that a trust arrangement is a citizen if each of its trustees and each beneficiary with an enforceable interest in the trust is a citizen. In contrast, a corporation is a documentation citizen if it was established under U.S. law and the CEO, Chairman of its board and a sufficient number of board members sufficient to establish a quorum are all U.S. Citizens. There is no requirement that the stock of the corporation be owned by citizens, because the purpose of the law is satisfied so long as the vessel is controlled by U.S. citizens. Unfortunately, the ambiguity of the law with respect to passive beneficiaries of trusts is impeding the revitalization of our fleet.

Under present law, the Secretary of Transportation may grant the right to sell or transfer a vessel foreign generally only after it is documented under the U.S. flag. Investors will not participate in financing vessels using these trusts unless they can first be assured that a particular trust instrument will meet the documentation test and they have the option to sell or transfer the vessel world-wide if the vessel charterer subsequently defaults or the charter terminates. It is not realistic to expect much enthusiasm from investors unless they have reasonable option to protect their assets.

Section 1136(a) of the Conference substitute amends section 12102 of Title 46 to permit documentation of vessels subject to ownership trusts under which not all of the beneficiaries are U.S. citizens, provided that the trust document permits not more than 25% of the authority to direct or remove a trustee is held by non-citizens, and the trustee(s) gives certain assurances. The conferees intend this section to be implemented in the same manner as similar cross border leasing transactions as for aircraft administered by the FAA. New section 12102(d)(4) provides that a vessel chartered by the trust to a citizen of the United States under section 2 of the Shipping Act, 1916 is deemed to be a citizen of the United States for purposes of that section and related laws such as the Capital Construction Fund Program. However, the charterer is not considered a section 2 citizen for purposes of new subtitle B of title VI of the Merchant Marine Act, 1936 which is dealt with separately in this section. The purpose of this section is to allow greater flexibility for section 2 citizens to use widely used international financing practices to decrease the acquisition cost of new vessels.

Section 1136(b) amends Section 9 of the Shipping Act, 1916 to permit the Secretary of Transportation to grant, prior to the documentation of a vessel, approval for prospective sale or transfer foreign of a vessel owned by these trusts. This amendment codifies current practices of the Secretary.

Section 1136(c) provides that for purposes of determining whether a vessel is owned and operated by a citizen of the United States for participation the program established under subtitle B of title VI of the Merchant Marine

Act, 1936, a vessel chartered by a trust under section 12102(d)(2) of title 46, United States Code (as enacted by subsection (a) of this section) is a citizen of the United States under section 2 of the Shipping Act, 1916 if: (1) the vessel is delivered by a shipbuilder on or after May 1, 1995 and before January 31, 1996; (2) the vessel is owned by a section 2 citizen on September 1, 1996 or is a replacement for such a vessel; or (3) payments have been made with respect to the vessel under subtitle B of title VI of that Act for at least one year.

Section 1136(d) provides that, for purposes of determining whether a vessel is owned and operated by a citizen of the United States for participation the program established under subtitle B of title VI of the Merchant Marine Act, 1936, a vessel is deemed to be owned and operated by a section 2 citizen if the vessel is owned "directly or indirectly" by a section 2 citizen and the vessel was: (1) built under a shipbuilding contract signed on December 21, 1995 and having hull number 3077, 3078, 3079, or 3080; (2) delivered by a shipbuilder on or after May 1, 1995 and before January 31, 1996; owned by a section 2 citizen on September 1, 1996 or is a replacement for such a vessel; or (4) the beneficiary of under subtitle B of title VI of the Merchant Marine Act, 1936 for at least 1 year.

Nothing in the amendments made by this section diminishes the authority of the Secretary to impose reasonable conditions, such as requisition of the vessel in time of emergency under Section 902 of the Merchant Marine Act, 1936, on the foreign transfer of a vessel.

SECTION 1137. VESSEL STANDARDS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute provides for Certification of Inspection provisions, and for reliance on non-governmental classification societies. Subsection (b) applies only for the period of time that the vessel fails to comply with the applicable standards.

SECTION 1138. VESSELS SUBJECT TO THE JURISDICTION OF THE UNITED STATES

The Senate bill contains a provision enhancing law enforcement authorities related to vessels and aircraft.

The House amendment contains no comparable provision.

The Conference substitute establishes new law enforcement provisions which expand the Government's prosecutorial effectiveness in drug smuggling cases. Claims of foreign registry must be "affirmatively and unequivocally" verified by the nation of registry to be valid. People arrested in these international situations would not be able to use as a defense that the U.S. was acting in violation of international law regarding recognition of registry at the time of the arrest. The Secretary of State's certification as to the content of discussions with foreign nations about matters of registry would be considered "fact", irrespective of the statements or certifications of the foreign nation at a later time. Jurisdictional issues would always be issues of law to be decided by the trial judge, not issues of fact to be decided by the jury.

SECTION 1139. REACTIVATION OF CLOSED SHIPYARDS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute establishes the basis for the Secretary of Transportation to assist certain closed shipyards by supporting projects for the reactivation and modernization of those yards and the construction of ships at those yards. Subsection (a) authorizes the Secretary to provide loan guarantees under the shipping laws to assist in the reactivation and modernization of a currently closed shipyard that (1) historically built vessels and intends to compete in international commercial shipbuilding; (2) is either a designated public-private partnership project or has an approved reuse plan and revolving economic conversion fund; and (3) involves a State or State-chartered agency that makes a significant investment in the project.

Subsection (b) waives the application of certain factors designed to apply to existing yards but subsection (c) directs the Secretary to impose appropriate standards for a reactivation and modernization project to protect the United States from the risk of default. Included in subsection (c) is a provision regarding shipyard and shipbuilding project interdependency. This provision was added to give the Maritime Administration guidance when considering whether to issue a guarantee or a commitment to guarantee obligations for the construction of vessels in connection with and as an integral part of the reactivation or modernization of closed shipyards. It recognizes that vessels integral to the reactivation of a closed shipyard may request approval of a loan guarantee at the same time the closed shipyard is requesting approval of a loan guarantee and that due consideration and weight should be afforded the vessel's application. This interdependency language is intended to facilitate the Maritime Administration's review and approval of closed shipyard and vessel loan guarantee applications simultaneously as part of the total shipyard reactivation and modernization project. This is not intended, however, to be a limiting provision allowing the Maritime Administration to precondition the issuance of a guarantee or commitment to guarantee for a closed shipyard on the approval of related vessel loan guarantees.

Subsection (d) limits the aggregate guarantees for shipyards only under this section to $100 million, requires a State or State-agency to provide to the Secretary the amount of funds needed to cover the risk factor cost under the Federal Credit Reform Act for the Secretary to deposit into a financing account in the Treasury, and provides for the reversion of the deposited amount to the State or State-agency if, on the expiration of the guarantee, no obligation is to be paid from the deposited funds under the terms of the guarantee. Other factors related to the cost of a guarantee are established in this section.

Subsection (e) sets an expiration date of one year after the date of enactment and subsection (f) contains a definition.

SECTION 1140. SAKONNET POINT LIGHT

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute states that an action for damage or injury arising from the operation, maintenance, or malfunctioning of an aid to navigation, at Sakonnet Point, Little Compton, Rhode Island shall be determined by State law.

SECTION 1141. DREDGING OF RHODE ISLAND WATERWAYS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding Rhode Island dredging.

SECTION 1142. INTERIM PAYMENTS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding interim payments.

SECTION 1143. OIL SPILL INFORMATION

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding oil spill information.

SECTION 1144. COMPLIANCE WITH OIL SPILL RESPONSE PLANS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding oil spill response plans.

SECTION 1145. CLARIFICATION OF TANK VESSEL REQUIREMENTS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding tank vessel requirements.

SECTION 1146. FISHING VESSEL EXEMPTION

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

Section 1146 clarifies that the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW) does not apply to fishing vessels, including fishing vessels when they are operating as fish tender vessels. The STCW sets qualifications for masters, officers, and watchkeeping personnel on seagoing merchant ships, including the approximately 350 large U.S. merchant ships, and is not appropriate for fishing vessels or traditional fish tender operations.

SECTION 1147. BRIDGE DEEMED TO UNREASONABLY OBSTRUCT NAVIGATION

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference Substitute deems the Sooline & Milwaukee Road Swing Bridge in Oshkosh, Wisconsin as an "unreasonable obstruction to navigation". This makes the vessel eligible for funding under the Truman-Hobbs Act, a program to fund the removal of these types of bridges that pose a threat to safe navigation of vessels.

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

BUD SHUSTER,
DON YOUNG,
HOWARD COBLE,
TILLIE K. FOWLER,
BILL BAKER,
JAMES L. OBERSTAR,
BOB CLEMENT,
GLENN POSHARD,

From the Committee on the Judiciary, for consideration of sec. 901 of the Senate bill, and sec. 430 of the House amendment, and modifications committed to conference:

HENRY HYDE,
BILL MCCOLLUM,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

LARRY PRESSLER,
TED STEVENS,
SLADE GORTON,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,
JOHN ASHCROFT,
SPENCER ABRAHAM,
FRITZ HOLLINGS,
DANIEL INOUYE,
JOHN F. KERRY,
JOHN BREAUX,
BYRON L. DORGAN,
RON WYDEN,

From the Committee on Environment and Public Works:

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
LAUCH FAIRCLOTH,
JIM INHOFE,
MAX BAUCUS,
FRANK R. LAUTENBERG,
JOE LIEBERMAN,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY), for today after 4:30 p.m., on account of personal business.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT), for today after noon, on account of official business.

Mr. THOMPSON (at the request of Mr. GEPHARDT), for today, on account of an emergency in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, on September 28.

Mr. BURTON of Indiana, for 5 minutes, on September 28.

Mr. MCINNIS, for 5 minutes, on September 28.

Mr. LONGLEY, for 5 minutes, on September 28.

Mr. DICKEY, for 5 minutes, on September 28.

Mr. HUTCHINSON, for 5 minutes, on September 28.

Mr. PACKARD, for 5 minutes, September 28.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. BACHUS, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. COX of California, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Mr. DICKEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LATHAM, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. JACOBS.
Mr. FILNER.
Mr. DELLUMS.
Ms. DELAURO.
Mr. WILLIAMS.
Ms. PELOSI.
Mr. SCHUMER.
Ms. KAPTUR.
Mr. GIBBONS.
Ms. SLAUGHTER.
Mr. KANJORSKI.
Ms. LOFGREN.
Mr. BONIOR.
Mr. CARDIN.
Mr. LEVIN.
Ms. ESHOO.
Mr. REED.
Mr. PALLONE.
Mr. LANTOS.
Mr. CONDIT.
Mrs. MALONEY.
Mr. STOKES.
Mr. FAZIO.
Mr. DURBIN.
Mr. SANDERS.
Mr. HOYER.
Mr. TRAFICANT.
Mr. PASTOR.
Ms. MCCARTHY.
Mr. CLAY.
Ms. WATERS.
Mr. BREWSTER.
Mr. DOOLEY of California.
Mr. BARCIA.
Mr. KLINK.
Mr. ENGEL.
Mr. STARK.
Mr. ORTIZ.
Mr. ROEMER.
Mr. UNDERWOOD.
Mr. RICHARDSON.
Ms. HARMAN.
Mr. TORRES.
Mr. BENTSEN.

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. PETRI in three instances.
Mr. MILLER of Florida.
Mr. CUNNINGHAM in two instances.
Mr. TALENT.
Mr. RAMSTAD in two instances.
Mr. SCHAEFER.
Mr. MANZULLO.
Mr. GUNDERSON in two instances.
Mr. SCARBOROUGH.
Mr. SHUSTER.
Mr. GOODLING in three instances.
Mr. RADANOVICH.
Mr. SKEEN.
Mr. GINGRICH.
Mr. PACKARD.
Mr. SOLOMON in two instances.
Mr. SMITH of New Jersey in two instances.
Mr. HOUGHTON.
Mr. BUYER.
Mr. LEWIS of California.
Mr. SEASTRAND.
Mr. CHABOT.
Mr. QUINN.
Mr. NEY in three instances.
Mr. BUNNING of Kentucky.
Mrs. MORELLA.
Mr. BURTON of Indiana.
Mr. ARCHER.
Mr. COBLE.
Mr. BEREUTER.
Mr. KING in two instances.
Mr. MCCOLLUM.
Mr. ROBERTS.
Mr. HYDE.
Mr. OXLEY.
Mr. FOLEY.
Mr. HEFLEY.
Mr. JONES.
Mr. FUNDERBURK.
Mrs. FOWLER.
Mr. YOUNG of Alaska.
Mr. SPENCE.
Mr. SENSENBRENNER.
Mr. ROTH.
Mr. MCDADE.
Mr. LAZIO of New York.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2508. An act to amend the Federal Food, Drug and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes;

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes;

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge, and for other purposes; and

H.R. 3068. An act to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes;

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes;

S. 1970. An act to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes;

S. 2085. An act to authorize the Capitol Guide Service to accept voluntary services; and

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 24 minutes p.m.) the House adjourned until Saturday, September 28, 1996, at 9 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee of Conference. Conference report on S. 1004. An act to authorize appropriations for the United States Coast Guard, and for other purposes (Rept. 104–854). Ordered to be printed.

Ms. PRYCE: Committee on Rules. House Resolution 546. Resolution providing for consideration of certain resolutions in preparation for the adjournment of the second session sine die (Rept 104–855). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4067. A bill to provide for representation of the Northern Mariana Islands by a nonvoting Delegate in the House of Representatives; with an amendment (Rept. 104–856). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Year 2000 Computer Software Conversion: Summary of Oversight Findings and Recommendations (Rept. 104–857). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Crude Oil Undervaluation: The Ineffective Response of the Minerals Management Service (Rept. 104–858). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 3158. The Committee of the Whole House on the State of Union discharged, and referred to the Committee on Science for a period ending not later than October 11, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the Committee on Science pursuant to clause 1(n), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2740. Referral of the Committee on Commerce extended for a period ending not later than October 2, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Alaska:

H.R. 4228. A bill to provide a process leading to full self-government for Puerto Rico; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 4229. A bill to amend title XVIII of the Social Security Act to provide for prospective payment for home health services under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUNNING of Kentucky (for himself, Mr. JACOBS, Mr. GIBBONS, Mr. CRANE, Mr. THOMAS, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. CAMP, Mr. SAM JOHNSON, Mr. COLLINS of Georgia, Mr. PORTMAN, Mr. LAUGHLIN, Mr. ENGLISH of Pennsylvania, Mr. CHRISTENSEN, and Ms. DUNN of Washington):

H.R. 4230. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the rehabilitation programs provided for disabled individuals under such Act, and for other purposes; to the Committee on Ways and Means.

By Mr. ORTON (for himself and Mr. GIBBONS):

H.R. 4231. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from tax for gain on sale of a principal residence; to the Committee on Ways and Means.

By Mr. PETE GEREN of Texas:

H.R. 4232. A bill to designate the U.S. post office building located at 251 West Lancaster Street in Fort Worth, TX, as the "Jim Wright Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. COX (for himself, Mr. WALKER, Mrs. MORELLA, and Mr. HASTERT);

H.R. 4233. A bill to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes; to the Committee on Science.

By Mr. PALLONE (for himself, Mr. ANDREWS, Mr. TORRICELLI, and Mr. MARKEY):

H.R. 4234. A bill to require reporting on toxic chemicals, to protect children's health, and for other purposes; to the Committee on Commerce.

By Mr. FOX:

H.R. 4235. A bill to amend the Fair Housing Act to prevent certain abuses; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska.

H.R. 4236. A bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes; to the Committee on Resources.

By Mr. BARRETT of Wisconsin:

H.R. 4237. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or substantial reduction of retiree health benefits, to require a preponderance of evidence for termination or substantial reduction of retiree health benefits, and to allow court to use extrinsic evidence in determining the intent of a plan; to the Committee on Economic and Educational Opportunities.

By Mr. BOEHNER:

H.R. 4238. A bill to amend the Internal Revenue Code of 1986 to enhance tax incentives for charitable contributions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Transportation and Infrastructure, Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California:

H.R. 4239. A bill to provide for the licensing of commercial space reentry vehicles and reentry sites, and for other purposes; to the Committee on Science.

By Mr. CUNNINGHAM:

H.R. 4240. A bill to amend the Tariff Act of 1930 with respect to the marking of golf clubs and golf club components; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself and Mr. GROSS):

H.R. 4241. A bill to amend the National Parks and Recreation Act of 1978 to designate the Marjory Stoneman Douglas Wilderness, to amend the Everglades National Park Protection and Expansion Act of 1989 to designate the Earnest F. Coe Visitor Center, and for other purposes to the Committee on Resources.

By Mr. DOOLITTLE (for himself, Mr. HERGER, Mrs. SEASTRAND, Mr. POMBO, Mr. CALVERT, Mr. PACKARD, Mr. DORNAN, Mr. CUNNINGHAM, Mrs. CHENOWETH, and Mr. COOLEY)

H.R. 4242. A bill to amend the act commonly known as the Antiquities Act to limit further extension or establishment of national monuments in California; to the Committee on Resources.

By Ms. DUNN of Washington (for herself, Ms. FURSE, Mr. BUNN of Oregon, and Mr. BLUMENAUER):

H.R. 4243. A bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Ways and Means.

By Mr. DURBIN (for himself and Mr. ENSIGN):

H.R. 4244. A bill to require the Secretary of Health and Human Services to waive the 3-day prior hospitalization requirement for coverage of skilled nursing facility services in the case of individuals classified within certain diagnosis-related groups; to the Committee on Ways and Means.

By Mr. FOX:

H.R. 4245. A bill to restrict the access of youth to tobacco products, and for other purposes; to the Committee on Commerce.

H.R. 4246. A bill to require a study by the U.S. Sentencing Commission of sentencing for drug offenses where domestic violence has been found to occur; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 4247. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner; to the Committee on Economic and Educational Opportunities.

By Ms. GREENE of Utah:

H.R. 4248. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of certain antibiotics that are parenterally administered in a home setting; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUNDERSON:

H.R. 4249. A bill to amend and strengthen the Animal Welfare Act; to the Committee on Agriculture.

By Mr. GUNDERSON (for himself and Mr. GINGRICH):

H.R. 4250. A bill to amend title XIX of the Social Security Act to permit a State the option of covering community-based attendant services under the Medicaid Program; to the Committee on Commerce.

By Mr. HASTINGS of Washington:

H.R. 4251. A bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the required use of the electronic fund transfer system for depository taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 4252. A bill to establish labor provision and tax provisions for small-business concerns; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself and Mrs. KENNELLY):

H.R. 4253. A bill to enhance the financial security of children by providing for contributions by the Federal Government to child retirement accounts; to the Committee on Ways and Means.

By KLECZKA:

H.R. 4254. A bill to amend the Community Services Block Grant Act with respect to the composition of the boards of community action agencies, and of nonprofit private organizations, that receive funds under such act; to the Committee on Economic and Educational Opportunities.

By KLINK:

H.R. 4255. A bill to encourage the States to streamline the adoption process and make their adoption laws more uniform; to the Committee on Ways and Means.

By LAUGHLIN:

H.R. 4256. A bill to amend the Internal Revenue Code of 1986 to provide for the abatement of interest on deficiencies attributable to certain partnership items; to the Committee on Ways and Means.

By LAZIO of New York:

H.R. 4257. A bill to amend the Public Health Service Act to provide a one-stop shopping information service for individuals with serious or life-threatening diseases; to the Committee on Commerce.

By McCOLLUM:

H.R. 4258. A bill to establish the U.S. Immigration Court; to the Committee on the Judiciary.

By Mr. McHALE (for himself, Mr. BONIOR, Mr. MURTHA, Mr. KILDEE, Mr. FAZIO of California, Mr. EVANS, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. HOLDEN, Mr. TEJEDA, Mr. ANDREWS, and Ms. HARMAN):

H.R. 4259. A bill to amend the Higher Education Act of 1965 to authorize Presidential Honors Scholarships to be awarded to all secondary school students in the top 5 percent of their graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. METCALF:

H.R. 4260. A bill to require uniform appraisals of certain leaseholds of restricted Indian lands, and for other purposes; to the Committee on Resources.

By Mr. MILLER of Florida (for himself, Mrs. MEEK of Florida, and Mr. GOSS):

H.R. 4261. A bill to require the Director of the U.S. Fish and Wildlife Service to expedite issuance of and implement a contingency plan for responding to red tide events involving Florida Manatees, and to authorize the Director to make grants for research and evaluation of potential methods of therapeutic intervention for manatees intoxicated by red tide brevetoxins; to the Committee on Resources.

By Mrs. MORELLA:

H.R. 4262. A bill to save lives and prevent injuries to children in motor vehicles through improved national, State, and local child passenger protection program; to the Committee on Transportation and Infrastructure.

By Mr. MURTHA:

H.R. 4263. A bill to reinstate the emergency unemployment compensation program; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT (for himself, Mr. WELDON of Pennsylvania, Mr. GINGRICH, Mr. WATTS of Oklahoma, Mr. BONILLA, and Mr. BILIRAKIS):

H.R. 4264. A bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUMANN (for himself and Ms. KAPTUR):

H.R. 4265. A bill to apply the Buy American Act to articles, materials, and supplies for use outside the United States; to the Committee on Government Reform and Oversight.

By Mr. PETRI:

H.R. 4266. A bill to amend the Fair Labor Standards Act of 1938 to prescribe a salary base for an exemption of an employee from the wage requirements of such act, and for other purposes; to the Committee on Economic and Educational Opportunities.

H.R. 4267. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosure and reports relating to polling by telephone or electronic device, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself and Mr. HOUGHTON):

H.R. 4268. A bill to provide for a project to demonstrate the application of telemedicine and medical informatics to improving the quality and cost-effectiveness in the delivery of health care services under the Medicare Program and other health programs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROMERO-BARCELO:

H.R. 4269. A bill to relieve the Puerto Rico Housing Bank and Finance Agency and its assignees of liability for certain loans subject to the Truth-in-Lending Act; to the Committee on Banking and Financial Services.

By Mr. SANDERS:

H.R. 4270. A bill to require reporting on research and development expenditures for drugs approved for marketing, and for other purposes; to the Committee on Commerce.

By Ms. SLAUGHTER:

H.R. 4271. A bill to amend title XVIII of the Social Security Act to continue full-time-equivalent resident reimbursement for an additional 1 year under Medicare for direct graduate medical education for residents enrolled in combined approved primary care medical residency training programs; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 4272. A bill to amend the Solid Waste Disposal Act to improve public accountability and public safety in the management of hazardous waste facilities; to the Committee on Commerce.

By Mr. KIM (for himself, Mr. BEREUTER, and Mr. DORNAN):

H. Con. Res. 224. Concurrent resolution concerning the infiltration of North Korean commandos into the sovereign territory of the Republic of Korea on September 18, 1996; to the Committee on International Relations.

By Ms. ESHOO (for herself, Mr. TORRES, Mr. LANTOS, Mr. HOUGHTON, Mr. LEACH, Mr. DELLUMS, Mrs. MORELLA, Mr. ENGEL, Mrs. MALONEY, Mr. RANGEL, Mr. ACKERMAN, Mr. HINCHEY, Mr. BROWN of California, Mrs. LOWEY, Mr. PAYNE of New Jersey, Mr. HALL of Ohio, Mr. MILLER of California, Mr. SERRANO, Mr. NADLER, and Mr. BERMAN):

H. Con. Res. 225. Concurrent resolution expressing the commitment of the Congress to continue the leadership of the United States in the United Nations by honoring the financial obligations of the United States to the

United Nations; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. FRELINGHUYSEN, Mr. GILMAN, Mr. TORRICELLI, Mr. PAYNE of New Jersey, Mr. PALLONE, Mr. ZIMMER, Mr. MARTINI, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, and Mr. ANDREWS):

H. Con. Res. 226. Concurrent resolution expressing the sense of the Congress that a model curriculum designed to educate elementary and secondary school-aged children about the Irish famine should be developed; to the Committee on Economic and Educational Opportunities.

By Mr. SCHIFF (for himself, Mrs. SCHROEDER, Mr. BOEHLERT, Ms. HARMAN, Mr. HEINEMAN, Mr. SCHUMER, Mrs. KENNELLY, and Mr. WAMP):

H. Con. Res. 227. Concurrent resolution expressing the sense of Congress that the technology program at the National Institute of Justice of the Department of Justice, should be designated as the national focal point for law enforcement technology programs; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. PORTER, Mr. WOLF, Mr. FUNDERBURK, Mr. SALMON, Mr. HOYER, Mr. MARKEY, and Mr. CARDIN):

H. Con. Res. 228. Concurrent resolution concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H. Res. 544. Resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3378; considered under suspension of the rules and agreed to.

By Mr. ARCHER:

H. Res. 545. Resolution returning to the Senate the bill S. 1311; considered and agreed to.

By Ms. KAPTUR:

H. Res. 547. Resolution expressing the sense of the House of Representatives that any extension of fast-track negotiating authority to the executive branch for the expansion of the North American Free Trade Agreement [NAFTA] be tied solely to negotiations with the European Union on creation of a Trans-Atlantic Free Trade Area [TAFTA]; to the Committee on Ways and Means.

By Mr. MINGE (for himself, Mr. SHAYS, Mr. STENHOLM, and Mr. KLUG):

H. Res. 548. Resolution amending the Rules of the House of Representatives to allow floor consideration of amendments that are supported by at least 20 percent of the membership of the majority and minority parties of the House; to the Committee on Rules.

By Ms. PRYCE (for herself, Mr. DREIER, Mr. MCINNIS, Mr. DIAZ-BALART, and Ms. GREEN of Utah):

H. Res. 549. Resolution amending the Rules of the House of Representatives to impose the Ramseyer requirement on conference reports; to the Committee on Rules.

By Mr. SHAYS (for himself and Mr. BARRETT of Wisconsin):

H. Res. 550. Resolution amending the Rules of the House of Representatives to permit standing committees and subcommittees to designate members to question witnesses for periods not to exceed 30 minutes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. JONES introduced a bill (H.R. 4273) to provide for the liquidation or reliquidation of certain entries of pharmaceutical grade phospholipids; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 103: Mr. CALLAHAN.

H.R. 218: Mr. CREMEANS.

H.R. 500: Mr. CHABOT.

H.R. 820: Mr. RUSH.

H.R. 878: Mr. JACKSON.

H.R. 895: Mr. KILDEE.

H.R. 974: Mr. WYNN.

H.R. 997: Mr. MCHALE.

H.R. 1000: Mr. JACKSON.

H.R. 1010: Mr. NADLER.

H.R. 1046: Mr. PAYNE of Virginia.

H.R. 1136: Mr. CLAY, Miss COLLINS of Michigan, Mr. CONYERS, Mr. DEFAZIO, Mr. FATTAH, Ms. FURSE, Mr. HILLIARD, Mr. RUSH, Ms. VELAZQUEZ, Mrs. CLAYTON, Mrs. COLLINS of Illinois, Mr. COYNE, Mr. FIELDS of Louisiana, Mr. FORD, Mr. STOKES, Ms. WATERS, Mr. BEILENSON, Mr. THORNTON, Mr. BROWN of Ohio, Mr. COLEMAN, Mr. BRYANT of Texas, Mr. STUPAK, Mr. CALVERT, Mrs. MEEK of Florida, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, and Mr. THOMPSON.

H.R. 1386: Mr. HEFNER.

H.R. 1462: Mr. BARRETT of Wisconsin.

H.R. 1853: Mr. MINGE.

H.R. 1889: Mr. OLVER.

H.R. 2011: Mr. SABO.

H.R. 2089: Ms. FURSE.

H.R. 2152: Mr. SMITH of New Jersey, Ms. RIVERS, Mr. HORN, Mr. KINGSTON, and Mr. VOLKMER.

H.R. 2167: Mr. FIELDS of Louisiana.

H.R. 2185: Mr. WELDON of Florida.

H.R. 2223: Ms. NORTON, Ms. FURSE, Mr. KENNEDY of Rhode Island, Mr. REED, and Mr. FRELINGHUYSEN.

H.R. 2400: Mr. MCHALE.

H.R. 2416: Mr. KLUG.

H.R. 2434: Mr. MCNULTY.

H.R. 2582: Mr. DELLUMS.

H.R. 2610: Mr. TORKILDSEN.

H.R. 2655: Mr. JOHNSON of South Dakota.

H.R. 2734: Mr. GILCHREST.

H.R. 2777: Mr. SERRANO.

H.R. 2877: Ms. DELAURO.

H.R. 2976: Mr. FATTAH, Mr. PAYNE of New Jersey, and Mr. ZIMMER.

H.R. 2999: Mr. SMITH of New Jersey.

H.R. 3077: Mr. ENSIGN and Mr. QUINN.

H.R. 3142: Mr. BALDACCI.

H.R. 3187: Mr. OLVER.

H.R. 3200: Mr. FRELINGHUYSEN and Mr. LEWIS of Kentucky.

H.R. 3311: Mr. PETERSON of Minnesota, Mr. HILLIARD, Mr. GREEN of Texas, and Mr. CUMMINGS.

H.R. 3401: Mr. SERRANO and Mrs. MORELLA.

H.R. 3413: Mr. FOGLIETTA.

H.R. 3426: Mr. EHLERS, Ms. DELAURO, Mr. RAMSTAD, Mr. LEWIS of Georgia, Mr. RAHALL, and Ms. KAPTUR.

H.R. 3434: Mr. HAYWORTH.

H.R. 3455: Ms. ESHOO and Mr. MARTINI.

H.R. 3482: Mr. NADLER, Mr. FOGLIETTA, and Ms. BROWN of Florida.

H.R. 3518: Mr. THOMAS.

H.R. 3531: Mr. GOODLATTE and Mr. HOKE.

H.R. 3538: Mr. CRAMER and Mr. BALDACCI.

H.R. 3566: Mrs. MALONEY.

H.R. 3621: Ms. VELAZQUEZ and Mr. HOKE.

H.R. 3636: Mr. BILBRAY.

H.R. 3654: Mr. BLUTE and Mr. FILNER.

H.R. 3714: Mrs. KENNELLY.

H.R. 3747: Mr. DELLUMS, Ms. WATERS, Mr. CUMMINGS, Mr. CONYERS, Mr. BENTSEN, Mr. FOGLIETTA, Mr. TOWNS, Mr. ACKERMAN, Mr. BLUMENAUER, Mr. SERRANO, Mr. WATT of North Carolina, and Mr. JACKSON.

H.R. 3753: Mr. HASTINGS of Washington.

H.R. 3785: Ms. SLAUGHTER, Mrs. THURMAN, and Mr. WAXMAN.

H.R. 3786: Mr. HASTERT, Mr. EWING, Mr. NUSSLE, Mr. CALVERT, Mr. HAYES, Mr. DICKEY, Mr. HUTCHINSON, and Mr. BARRETT of Nebraska.

H.R. 3807: Mr. SERRANO.

H.R. 3817: Ms. PRYCE and Mr. KING.

H.R. 3830: Mr. HINCHEY.

H.R. 3835: Mr. CONDIT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. THURMAN.

H.R. 3838: Mr. WICKER and Mr. VOLKMER.

H.R. 3839: Mr. SHAYS.

H.R. 3849: Mr. DAVIS.

H.R. 3860: Ms. NORTON.

H.R. 3891: Mr. LAZIO of New York.

H.R. 3901: Ms. FURSE, Mr. CLEMENT, Mr. KINGSTON, Mr. BAKER of Louisiana, Mr. NORWOOD, Mr. GUTKNECHT, and Mr. LIPINSKI.

H.R. 3927: Mr. NEUMANN.

H.R. 3938: Mr. CRAMER and Mr. BALDACCI.

H.R. 4016: Mr. BARTON of Texas, Mr. HASTERT, and Mr. CHRYSLER.

H.R. 4028: Ms. KAPTUR.

H.R. 4047: Mr. SHAYS, Mr. FOGLIETTA, Mrs. KENNELLY, Mr. LOBIONDO, Mr. NEY, Mr. NADLER and Mr. HOUGHTON.

H.R. 4056: Mr. PASTOR, Mr. SERRANO, Mr. STARK, Mr. TOWNS, Mr. FALEOMAVAEGA, and Mr. DELLUMS.

H.R. 4090: Mr. CRANE and Mr. POMEROY.

H.R. 4100: Mr. KENNEDY of Rhode Island.

H.R. 4106: Mr. OLVER.

H.R. 4122: Mr. BROWN of California.

H.R. 4124: Mr. FRANK of Massachusetts.

H.R. 4133: Mr. LEWIS of California.

H.R. 4145: Mr. SHAYS, Mr. FATTAH, Mr. COLEMAN, Mr. SCHUMER, and Mr. ZIMMER.

H.R. 4148: Mr. BARRETT of Wisconsin, Mr. BLUTE, Mr. CAMPBELL, Mr. DEUTSCH, Mr. EHLERS, Mr. FORBES, Mr. GILCHREST, Mr. HASTINGS of Washington, Mr. HOKE, Mr. HOUGHTON, Mrs. KELLY, Mr. MANZULLO, Mrs. MYRICK, Mr. OXLEY, Mr. QUINN, Mr. RUSH, Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. TORKILDSEN, Mr. WELDON of Pennsylvania, Mr. BASS, Mr. BOEHLERT, Mr. DAVIS, Mr. DICKEY, Mr. ENGLISH of Pennsylvania, Mr. FRELINGHUYSEN, Mr. FUNDERBURK, Mr. GILLMOR, Mr. HOBSON, Mr. HORN, Mr. JONES, Mr. LAHOOD, Ms. MOLINARI, Mr. NEY, Ms. PRYCE, Mrs. ROUKEMA, Mr. SANDERS, Mr. SMITH of New Jersey, Mr. THOMPSON, Mr. UPTON, and Mr. YATES.

H.R. 4166: Mr. SANDERS.

H.R. 4170: Mr. WATTS of Oklahoma, Mr. MARTINI, Mr. STUMP, Mr. KIM, and Mr. TATE.

H.R. 4174: Mr. GILLMOR.

H.R. 4183: Mr. LIPINSKI.

H.R. 4217: Mr. MINGE.

H.J. Res. 171: Mr. MARKEY.

H. Con. Res. 21: Mr. CONYERS.

H. Con. Res. 128: Ms. FURSE.

H. Con. Res. 164: Mr. ACKERMAN, Mr. BROWN of California, Mr. DEAL of Georgia, Mr. EVANS, and Mr. MCHUGH.

H. Con. Res. 190: Mr. HOSTETTLER, Mr. HASTINGS of Washington, and Mr. BARRETT of Wisconsin.

H. Con. Res. 205: Mr. PORTER and Mr. FROST.

H. Con. Res. 209: Ms. FURSE.

H. Con. Res. 220: Mr. MORAN.

H. Res. 30: Mr. RUSH, Mr. HOKE, Mr. STUPAK, Mrs. FOWLER, Mrs. CHENOWETH, Mr. LAUGHLIN, Mr. BARTLETT of Maryland, Mr. MILLER of California, Ms. BROWN of Florida, Mr. QUILLEN, and Mr. VOLKMER.

H. Res. 49: Mr. STOKES.

H. Res. 478: Mr. BARRETT of Wisconsin and Ms. FURSE.

H. Res. 490: Mr. HASTINGS of Washington, Mr. YATES, and Mr. WELLER.

H. Res. 491: Ms. FURSE.

H. Res. 520: Mr. HILLIARD, Mr. RANGEL, Mr. DEFAZIO, Mr. FRAZER, and Mr. CLAY.

H. Res. 521: Mr. SERRANO, Mr. CARDIN, Mr. VENTO, Mr. PAYNE of New Jersey, and Mr. BLUMENAUER.

H. Res. 537: Mr. HINCHEY, Mr. FARR, Mr. CAMPBELL, Ms. LOFGREN, and Mr. NEAL of Massachusetts.

H. Res. 541: Mr. BEREUTER and Mr. SMITH of Michigan.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3937: Mr. SANDERS.

EXTENSIONS OF REMARKS

GPO—A NETWORK READY FOR THE FUTURE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. HOYER. Mr. Speaker, I rise today to recognize the work conducted by a very important and often forgotten office which serves Congress each and every day. The Government Printing Office [GPO] has seen vast changes in its 136 years of service to the Congress and was recently acknowledged for its ability to reach toward the future in the much respected trade publication In-Plant Graphics.

I would like to share this article with my colleagues and the public, as I believe it aptly captures the breadth of the work conducted by the GPO and addresses the great resource the GPO is to the Government. The Government Printing Office and the employees who do the work stand ready and prepared to deal with the challenges they face ahead, but more importantly, the GPO stands ready to meet its mission of doing the Government's printing in a timely and cost-effective manner.

GPO: NETWORKED, MODERNIZED, AND READY FOR THE FUTURE

(As the king of all in-plants, the 136-year-old Government Printing Office is a slimmer, more modern version of its former self—but challenges still remain)

(By Bob Neubauer)

As darkness wraps itself tightly around the nation's capital, the keyboard operators at the Government Printing Office (GPO) glance anxiously from their computer terminals toward the U.S. Capitol dome, visible through their windows.

Atop the dome glows a light. When it's on, Congress is in session. When Congress is in session, every detail of its proceedings is being transcribed and delivered to the folks in this room to be input into the Congressional Record database.

When the light goes out, it means the end is in sight, and soon their frenzied keyboarding will be over for another day.

Sometimes the light stays on for a long, long time. That's the nature of life at the GPO. The 9-to-5 life is not part of the deal. Long after the dome light goes dark and the Record database has been compiled, prepress and press workers are wide awake, hustling to convert this digital data to plates and get the Record printed and delivered to Congress by 9 a.m.

And with the average Record comprising more than 200 pages—about the same amount of type as four to six metropolitan daily newspapers—this is a daunting task indeed.

The GPO has been handling congressional printing since 1860, after experiments with contract printing failed miserably. Much has changed.

Today, under the leadership of Public Printer Michael DiMario, up to 80 percent of the GPO's work is procured from the private sector, leaving only complex, time- and security-critical work like the Record to be printed at the GPO's downtown Washington, D.C., headquarters.

With three buildings containing almost 35 acres of floor space, the GPO is a massive operation. It generates $800 million a year and employs 3,830 people. In addition to printing for Congress, the GPO also handles most executive branch printing.

A HEAVY LOAD

Some examples of the GPO's workload are:

The Federal Register, a daily publication that contains about 200 pages and has a press run of 23,000.

The U.S. Budget, which is produced under tight security and updated up until the last minute.

Daily business calendars for the House of Representatives and Senate. They are about 16 pages long at the beginning of a session and more than 200 pages by the end.

The President's annual economic report, a 400-page publication.

U.S. passports are also produced under tight security.

But with more than 10,000 copies required by 9 a.m. every morning that Congress is in session—even when sessions stretch through the night to the following day—the Congressional Record takes top priority among the jobs printed by the GPO.

The Record is also available online on the World Wide Web (http://www.access.gpo.gov) within an hour from the time the final page is sent to the pressroom. So far, users have downloaded an average of 2 million documents per month from 58 databases, which include the Record, the Register and other documents.

"We're able to make electronic products available to everyone," remarks DiMario. In addition to offering Web, modem and telnet availability of documents, he says, the GPO runs the Federal Depository Library program, making government publications available through a network of 1,400 libraries across the country.

Most of the work that goes into the Record, acknowledges Robert Schwenk, superintendent of the electronic photocomposition division, involves generating the electronic database. Tasks such as keyboarding, proofing, revising, assembling and electronic composing make up about two thirds of the cost of producing the Record.

Printing is done on a trio of new Rockwell web presses that were designed especially for the GPO. They can robotically handle all bundles and automatically strap them. When the webs aren't being used for the Record, the Register is keeping them busy.

There is always plenty of work to be done at the GPO to keep the equipment in action, and priorities change constantly throughout the day. Jobs are occasionally even pulled off of presses so that more important ones can be done.

"The work has to be done to meet, first and foremost, legislative, congressional priorities," notes GPO Staff Assistant Andrew Sherman—even if that means wasting part of a job and throwing the schedule off.

GPO employees, DiMario observes, have adapted well to this environment and are a hard-working lot.

"They really do believe they're doing important work to serve the public," he says. "They're very proud of the products they produce."

The GPO employs a vast assortment of digital and traditional graphic arts technologies—an intriguing mix of old and new. Hand binding and page-end marbling of some books, along with hand-set type for gold stamping, contrast sharply with the GPO's fiber-optic connections to Capitol Hill, CD recorders and computers numbering into the hundreds.

The GPO receives Senate proceedings via fiber-optic transmission from Capitol Hill for up to half of the Senate portion of the Record. Drafts of new legislation are received digitally from the House and Senate Legislative Counsel's office. About 80 percent of the Register is transmitted to the GPO by laser beam from the Office of the Federal Register.

"We're a 20th-century agency moving into the 21st," comments DiMario. The GPO is constantly exploring alternate methods of document dissemination, like CD-ROM and multi-media, depending on the needs of customers.

"We're attempting to be the multimedia producer of government publications, and we're restructuring the agency along those lines," DiMario continues. "That does not diminish the value of in-plant production of paper products, although we recognize that in time that need is going to go down."

THE PUSH TO PRIVATIZE

Though the GPO's high-tech capabilities may be impressive, certain government factions, caught up in the privatization fervor, see them as extravagant and are gunning to close the GPO, calling it wasteful. They believe that government printing should be contracted out to the private sector, supposedly saving the government millions.

It's not that easy, Sherman cautions.

"We have expressed skepticism that a similar capability exists in the private sector," he notes.

First of all, the GPO already outsources up to 80 percent of its printing. What is retained could not easily be handled by an outside supplier. Producing the Record, for example—with page counts fluctuating from 10 to a record 1,912 pages, and source material arriving in many different forms, including handwritten notes—by 9 a.m. every day, would be a challenge for even the largest printer.

The GPO is staffed to handle those heavy workloads but has enough other work, such as bills or hearings, to keep employees busy when the Record is smaller. Could a private printer keep a sizable staff on hand just to be prepared for the busy times?

If the Record were contracted out, the printer would also be responsible for converting the data and making it available on the Web each day. And with so much data coming in from Congress via fiber-optic connections, private sector printers would have to equip themselves with the same technologies and be provided with access to Congress' network.

In fact, with so much sharing of information between the Record and various bills,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

reports and other government databases, private contractors would require access to numerous currently secure government networks. The security of other documents, such as the Budget of the United States and the President's annual Economic Report, would also be put to a test.

Sherman points out that the GPO has already been busy scrutinizing itself and cutting back on printing to save money. Between 10,000 and 12,000 copies of the Record are now being produced, compared with 18,000 a year ago. Many GPO regional plants have been or are about to be closed. Since February 1993 the GPO has slashed its work force by about 900 positions, saving $45 million annually.

SERVICE STILL TAKES PRIORITY

Though the GPO continues to be a target of well-meaning legislators, Sherman stresses that the organization's main interest is serving the public, not merely fighting for survival.

"Our job is to help everyone perform the mission of getting printing requirements performed as cost effectively and in as timely a manner as possible—and granting public access," he notes. "If people have got ways to do that mission better, we want to cooperate with them.

"In some cases legislation is offered without a great deal of research being put into what the possible consequences will be," he continues. "Our job is to point out those consequences."

Sherman advises government in-plant managers who are facing similar scrutiny to be open and cooperative with their challengers. Make sure to be recognized as a knowledgeable printing authority, not merely a scared manager fighting for his or her job. Carefully analyze all proposals.

"If something looks good and looks like it's going to work, than get behind it," he advises. On the other hand, if the proposal is flawed, "don't be afraid to characterize the effects as you really see them." Still, he adds, be prepared to make changes that may seem painful at first, but that may prove smart later on.

In addition to challenges from pro-privatization forces, the GPO faces other possible roadblocks. A Justice Department opinion released in May said that the GPO's printing of executive branch documents is unconstitutional. Yet the public printer, head of the GPO, is appointed by the President, chief of the executive branch. And an April White House memo directed executive departments and agencies to "make maximum use of the capabilities and expertise of the Government Printing Office in handling your agency's printing and duplicating procurements." The effects of the Justice Department's opinion are still unclear.

So for the time being, the work is still flowing in, keeping the GPO's presses and other equipment in high gear.

And as long as that light in the Capitol dome keeps shining and Congress keeps meeting, Sherman and his coworkers intend to throw themselves full-force into the task of getting the government's printing done on time and as inexpensively as possible.

MILFORD TOWNSHIP CLERK 24 YEARS OF SERVICE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor my friend Elaine Skarritt who will retire after 24 years of dedicated service to Milford Township, MI. A devoted servant and loyal friend to all residents in Milford Township, Elaine has a distinguished career and reputation throughout the State. She was the charter president of the Michigan Association of Clerks and also served as a past president of the Michigan Townships Association.

Elaine is so popular in the community, she was selected by the Huron Valley Chamber of Commerce as Citizen of the Year in 1982, as well as being named a Distinguished Graduate of Milford High School in 1990. The recognition she has received from the community is a testament to her standing in the community. It also shows how much Elaine will be missed.

Since 1972, Elaine has run every election in Milford Township with a fair and even hand. She also achieved accreditation by the International Institute of Municipal Clerks, the highest professional accomplishment for a municipal clerk. She is only the 54th clerk worldwide to receive such an honor.

Elaine Skarritt is a model citizen, community leader, and public servant. Her hard work and dedication is reflected in the praise and friendships she has throughout the community. Congratulations Elaine. We wish you a long and healthy retirement.

TRIBUTE TO JUDGE EDMUND A. SARGUS, JR.

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Judge Edmund A. Sargus, Jr. will be invested as a United States District Judge in the Southern District of Ohio; and,

Whereas, The Honorable Edmund Sargus has shown exemplary dedication to justice and the practice of law; and,

Whereas, Judge Sargus has honorably served the City of Bellaire and the State of Ohio as a Law Director, United States Attorney and special Council to the Ohio Attorney General; and,

Be it resolved, the residents of Belmont County, with a real sense of pleasure and pride, join me in commending The Honorable Edmund A. Sargus, Jr. for his hard work and commitment to justice and to the law.

IN HONOR OF MR. ALBIN GRUHN CENTRAL LABOR COUNCIL'S "LABOR LEADER OF THE YEAR"

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. DOOLEY of California. Mr. Speaker, I rise before my colleagues today in order to pay tribute to an important individual from California's Central Valley, Mr. Albin Gruhn. Mr. Gruhn is being honored during a special ceremony in Bakersfield next week as the Central Labor Council's "Labor Leader of the Year."

As the 27th recipient of this prestigious award, Mr. Gruhn has joined a legacy of key leaders in the central valley's labor community. With one look at his remarkable record, it's not difficult to determine why he is so deserving of this honor.

For more than six decades, Mr. Gruhn has faithfully devoted himself to organizing successful worker unity campaigns. In July of this year, he retired from 36 years of service as president of the California Labor Federation, AFL–CIO. While this position was perhaps his best known, Mr. Gruhn has also given his talents to the labor community in other capacities.

Mr. Gruhn served as executive board member of Northern California District Council of Laborers for nearly 50 years, in addition to being appointed by State and Federal officials to several commissions and advisory committees.

Mr. Gruhn, who triumphed as a potent force in the labor community more than 60 years after being blacklisted for union activities, is a natural choice for this award. I applaud Mr. Gruhn for his commitment and perseverance, and I hope that his enthusiasm for protecting workers' rights will live on within the valley's labor community.

THE FRIENDS OF RAOUL WALLENBERG FOUNDATION—ANALYSIS AND ACTION AGAINST OPPRESSION AND HUMAN RIGHTS VIOLATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LANTOS. Mr. Speaker, in just a few days we will mark the 15th anniversary of the adoption by the Congress and the signature by the President of legislation making Raoul Wallenberg an honorary citizen of the United States—the second individual after Sir Winston Churchill to be so honored by the Congress and the American people.

As my colleagues know, Raoul Wallenbrg is the Holocaust hero who saved the lives of as many as 100,000 people in Hungary during 1944. His extraordinary achievement has been rightfully and appropriately honored around the world.

Mr. Speaker, among the unique and important ways the memory of Raoul Wallenberg is honored, perpetuated, and memorialized is through the establishment of the Friends of Raoul Wallenberg, a nonprofit foundation organized in Washington, DC. In a statement explaining the purposes which motivated the creation of this foundation, the organizers said: "The experience of this heroic individual demonstrates that violations of human rights are neither singular nor isolated, and that effective resistance in one such situation may not pertain to another. The Friends of Raoul Wallenberg concerns itself with the comparative analysis of the many forms of resistance and oppression and with the direct application of the resultant knowledge to current situations in which the full exercise of human rights is curtailed or endangered."

Mr. Speaker, currently the Friends of Raoul Wallenberg Foundation is pursuing a two-part project. The first calls for the establishment of a network of individuals who are qualified and willing to promote the cause of human rights through active, peaceful engagement. The second is the convocation of a major symposium entitled "Beyond Lamentation: Options in Preventing Genocidal Violence."

The purpose of the symposium is to identify successful techniques and strategies for preventing and mitigating violence. An important source of these techniques is "The Roots of Evil," an outstanding book by Professor Ervin Staub, a psychologist whose family was rescued from Budapest by Wallenberg himself. Staub—who has spent his professional life studying conflict from the point of view of the victim, the perpetrator, and witnesses—argues that passive bystanding promotes the spread of violence, whereas protest impedes it.

This conference will take place in Stockholm on June 13–16, 1997. The conference will provide an opportunity for agencies and organizations with similar concerns to establish connections, and the ideas of Professor Staub will be examined in some detail. Targets will be identified for a his new army of "young Raoul Wallenbergs" who will learn how, when, and where to exert the great potential force of becoming "active bystanders."

Case studies that will be considered in detail are South Africa, where bystanders from many nations had a clear impact; the Scandinavian reactions to the Nazi Holocaust, which evidenced degrees of activity/passivity; the current problems between Israel and the Palestinians; and the case of Bosnia, where healing clearly is a critical need. Several important international leaders have agreed to participate in this conference, including the Dalai Lama, United Nations High Commissioner for Refugees Sadako Ogata, and Richard Holbrooke, the former United States Assistant Secretary of State, who negotiated the Dayton Peace Agreements on Bosnia. In addition to these individuals, journalists, scholars, and interested individuals with experience and background in these issues will also participate.

The Friends of Raoul Wallenberg Foundation does not aim to compete with existing human rights and humanitarian organizations. It seeks to identify and explore the active steps that can be taken beyond the perpetuation of grief and the documentation of abuses. It offers a force and a remedy. History has thus far not shown us a way to eliminate group violence, but there are ways we can reduce that violence, and we must examine patterns and encourage constructive efforts.

The Friends of Raoul Wallenberg is administered by a board consisting of Wilton S. Dillon, long-time director of international studies for the Smithsonian Institution; Stephen P. Goldman, foundation attorney and incorporator of Amnesty International, American Branch; Barry Jagoda, an investigative journalist and head of communications in the Carter White House; and Robert Walker, historian of social change, professor and first director of educational and public programs of the National Endowment for the Humanities.

Mr. Speaker, the Congress of the United States relies for its effectiveness on educated, concerned, and active voters. Similarly, safety and liberty within the community of nations depends on educated and concerned activists capable of turning passive bystanding into active involvement. No action could more fittingly perpetuate and symbolize the honored legacy of Raoul Wallenberg.

INTRODUCTION OF THE CHILD PASSENGER PROTECTION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. MORELLA. Mr. Speaker, today I am introducing the Child Passenger Protection Act which would prevent injuries to children in motor vehicles and ultimately save lives through improved child passenger education safety programs. This bill would provide grants to experienced child passenger safety organizations to carry out effective child restraint education programs.

Recently, the National Transportation Safety Board [NTSB] held a press conference during which they released figures relating to the use of child restraints. They discovered that a majority of parents are not properly installing their children's safety seat. With more than 50 different kinds of child restraint designs and numerous seat belt configurations, putting children in properly-used safety seats can be a complex process.

So many combinations of seats and car models exist that parents cannot easily figure out what is safe. A seat that works well in one car may not work well in another. Consequently, too many children riding in child restraint seats are at risk.

I have been working on initiatives to educate families across the country about the safety seat incompatibility problem. I have been working with the National Highway Transportation Safety Administration [NHTSA] in getting the word out about the proper installation of safety seats to parents, grandparents, and anyone who transports a young child. One of my goals is to provide NHTSA with enough money to fully carry out its child passenger safety program.

I also have been working with the D.A.N.A. [Drivers' Appeal for National Awareness] foundation and its founder, Mr. Joseph Colella. D.A.N.A. was established in memory of Dana Hutchinson, age 3, who died in an automobile accident while secured in a child safety seat.

It was a rainy day in the fall of 1994 when Dana's mother strapped her into her child-safety seat for a trip to her grandmother's house. As always, Dana's father checked to make sure that the seat was held tightly, sure that he was doing everything possible to keep his little girl safe.

Dana's mother was driving; the roads were slick and slippery. Their car collided with a pick-up truck. Dana's car seat pitched forward and her head struck the dashboard. The police report stated an opinion that her child safety restraint was improperly secured.

Dana's father, looking for an answer, called his local dealership and was told that everything he did was correct. Then he looked in his owner's manual. After pages of information he found the answer: the seatbelt system in their car was incompatable with their child-safety seat.

Joe Colella is Dana's uncle, and it is through his tireless work and the establishment of the D.A.N.A. foundation that efforts are being made to alert the public about the compatibility and misuse problems that exist between child restraints and vehicle seat belt systems.

I am pleased to introduce the Child Passenger Protection Act, which I call Dana's bill, and I am committed to continue working with Joe Colella and with NHTSA to encourage parents to properly use child restraints to protect our Nation's children.

UNITED STATES NATIONAL TOURISM ORGANIZATION ACT OF 1996

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CUNNINGHAM. Mr. Speaker, I strongly support the United States Travel and Tourism Partnership Act (H.R. 2579). This important legislation will use the entrepreneurial spirit of the private sector with the international reach of the Federal Government. This private/public partnership will improve the promotion of international travel and tourism to the United States.

H.R. 2579 establishes a National Tourism Board to oversee and regulate the National Tourism Organization. The NTB would be comprised of 36 members appointed by the President and their mission will be responsible to utilize the joint private/public partnership for travel and tourism policy making; develop a national travel and tourism strategy for increasing travel and tourism to and within the United States; advise the President, Congress, and the travel and tourism industry on strategies to improve tourism; and provide guidance to the National Tourism Organization.

The National Tourism Organization will be the successor to the now disposed United States Travel and Tourism Administration. The NTO would be established by Federal charter as a not-for-profit organization. The board of directors for the NTO will be comprised of 45 travel and tourism industry leaders appointed by the President and accountable to the NTB. The NTO's mission will focus on increasing the U.S. share of the global tourism market;

operating travel and tourism promotion programs outside the United States in partnership with the travel and tourism industry; establishing a travel-tourism data bank which would collect international market data for distribution to the U.S. travel and tourism industry; and promoting U.S. travel and tourism at international trade shows.

Last year, travel and tourism contributed nearly $430 billion to the U.S. economy. In my District of San Diego, CA, the tourism industry is the second largest employer accounting for one out of every eight jobs and adds $3.8 billion to the local economy.

I would like to thank the gentleman from Wisconsin [Mr. ROTH] for his work on this issue. It is through his leadership as chairman of the Travel and Tourism Caucus that we are here today moving America's travel and tourism industry forward into the 21st century.

TRIBUTE TO DR. LYUSHUN SHEN, DIRECTOR OF CONGRESSIONAL AFFAIRS, TAIWAN MISSION

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SCARBOROUGH. Mr. Speaker, earlier today I paid tribute to the brave people of the Republic of China on Taiwan. I should now like to single out for particular mention one citizen of that nation who has distinguished himself in its service.

Dr. Lyushun Shen has served for the last 2 years as the Director of Congressional Affairs for the Taipei Economic and Cultural Office in the United States. In that capacity, Dr. Shen has proven to be a most able diplomat, making a substantive and important contribution to the betterment of relations between Taipei and Washington, DC. In the continuing effort to bring amity and greater understanding between the Republic of China on Taiwan and the United States, Dr. Shen has been a crucial player.

Dr. Shen is now leaving to return to Taipei for a promotion. I am sure I join all of my colleagues who have worked with Dr. Shen in wishing him Godspeed and best wishes in his next assignment.

SITUATION IN EAST TIMOR OF INCREASING CONCERN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. PELOSI. Mr. Speaker, the situation in East Timor, which was invaded and occupied by the Indonesian Government in 1975, has been of increasing concern to Americans in recent years. Five years ago, on November 12, 1991, in full view of a British television journalist, Indonesian troops opened fire on thousands of predominantly young East Timorese at a church cemetery. The Santa Cruz massacre became known throughout the world as a result of this shocking televised film. Now, nearly 5 years later, the Timor situation still cries out for a solution.

One heroic figure in the midst of this grim tragedy is Bishop Carlos Felipe Ximenes Belo, the head of the Roman Catholic Church in East Timor. At the time of the Santa Cruz massacre, Bishop Belo helped hundreds of young East Timorese avert a violent end. To this day, Bishop Belo continues to work tirelessly to defend his people. Bishop Belo deserves our strong support for his efforts to defend human rights and to promote a just and peaceful solution to the conflict in East Timor.

As we approach the fifth anniversary of the tragic Santa Cruz massacre, I hope the administration will encourage the release of all East Timorese prisoners still being held in connection with the Santa Cruz events. Such a gesture of reconciliation would be in keeping with the portion on Humanitarianism of Indonesia's state philosophy, the Panca Sila. It would also be in keeping with Bishop Belo's extraordinary work for peace and human rights.

The United States Catholic Conference, the public policy unit of the National Conference of Catholic Bishops, has long taken a strong interest in East Timor. In 1994, the Catholic Conference issued a statement of solidarity with the East Timor Church. This statement is still relevant today. I request that the Bishops' statement be published in the RECORD and urge my colleagues to read it.

STATEMENT ON EAST TIMOR

(By Bishop Daniel P. Reilly, Chairman)

Small nations oppressed by larger neighbors often draw sympathetic responses from the world community, but seldom has a population as small, and as distant from us, as East Timor held our attention as that tiny community continues to do. A population of some 650,000 Timorese has, for almost twenty years, lived under the control, and the abusive, harsh and often violent treatment, of their Indonesian military overseers.

These people have survived the brutal invasion of December 7, 1975 and the subsequent policies which have been described by serious observers as nearly genocidal. More than 100,000 people—some estimates are much higher—perished in the early years as a direct result of Indonesian military rule. The massacre of unarmed and non-violent demonstrators at the Santa Cruz cemetery on November 12, 1991, captured in horrifying detail on film by a foreign filmmaker, is now etched in the consciousness of many. Repressive policies and actions directed especially against the young people of East Timor, and often against the Catholic church there, are a continuing reality.

We admire the people of East Timor for their bravery, their suffering and their determination to preserve their culture against overwhelming odds, but we also feel the special bond with them that comes from our shared Catholic faith. The Church of East Timor, led by Bishop Carlos Ximenes Belo, S.D.B., has become a source of hope and encouragement for all the people. It is instructive to note that, during the 400 years of Portuguese colonial rule, Catholics remained a relatively small minority among the largely animist population, whereas today over 90% of all East Timor is now Catholic. It is surely a testament to the fidelity of that local church to the Gospel of Jesus Christ and to the church's commitment to the defense of human rights and the dignity of every person.

East Timor continues to pose a political challenge to the community of nations. It presents a set of conflicting interests and rights not unlike other situations in the world today. Some of these areas of conflict, as in South Africa, the Middle East, and Central America, have witnessed extraordinary breakthroughs in just the last years; others, as in the Balkans and parts of Africa, remain apparently intractable. East Timor, it seems to us, represents a far less thorny problem than many others; it is a problem that can and should be solved.

The mechanism that is already in place, namely the ministerial meetings between the governments of Indonesia and Portugal under the auspices of the United Nations, is the appropriate vehicle to advance the negotiations. Ever since 1983, the U.N. Secretary General has been entrusted with the task of finding a settlement to the dispute. The recent meetings, held in Rome and New York last year and in Geneva this May, thus far without participation of Timorese representatives, appear not to be moved by a sense of urgency. It seems appropriate for the Secretary General to press for more vigorous action to come from these meetings, and we urge him to do so.

The United States and Indonesia are very important partners of one another. We recognize that our government has made a number of useful overtures to Jakarta concerning East Timor, for which we are grateful. We urge, however, that new initiatives be undertaken, to encourage both the resolution of the political crisis and full compliance on issues of human rights.

We recognize that differing proposals for resolving the region's status may exist among the people, some apparently favoring annexation, others full independence, and the rest calling for a process that would eventually lead to a referendum determining the relationship. Prior to any political resolution, however, all can agree that there must be an end to the kind of political and even religious persecution and violation of human rights that continue to plague that tortured community.

A year ago, Pope John Pall II expressed to the Indonesian foreign minister his wish that new talks on the future of East Timor might promote "the well-being of that people in respect of their rights and cultural and religious traditions." We invite our Catholic people to pray for the well-being of our Timorese brothers and sisters, that they may continue to grow in their rich cultural and religious traditions, free of outside pressures and coercion. And we express our fraternal solidarity with Bishop Belo and all the church of Dili, asking God's blessing on their ministry to the people of East Timor.

SUPPORT FREEDOM OF INFORMATION—PERMIT RELEASE OF GOVERNMENT FILES ON NAZI WAR CRIMINALS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SCHUMER. Mr. Speaker, it is a disgrace that 50 years after the end of World War II and the tragedy of the Holocaust that U.S. intelligence files remain closed on Nazi war criminals.

The War Crimes Disclosure Act attempts to remedy this black out by improving the public's access to information. The bill expands the Freedom of Information Act and, specifically, prevents Government agencies from concealing information about people who are on the Immigration and Naturalization Service "Watch List" for their wartime activities.

Rather than take this opportunity to shed light on the activities of those commiting wartime atrocities, the CIA is electing to protract the information blackout. It has attempted to stall this legislation, demanding repeated iterations in its development. It has attempted to weaken the legislation, attenuating the language of legislation to reduce its potency.

Why is the CIA thwarting this legislation? Only the CIA knows. Regardless of their rationale, they should reconsider their opposition, recognizing the value of public trust engendered by disclosure. Case in point, public outrage over CIA foreknowledge of the nefarious wartime activities of Kurt Waldheim. Had the public access to information that this bill would allow, the past of Kurt Waldheim may have been brought to the light of public debate, rather than shrouded in the veiled secrecy of intelligence files.

Recognizing the value of information to a democratic public, the Soviet Union has begun to open its Nazi era records. On this issue of critical importance to a democratic nation, the United States is not a leader. Unfortunately, we haven't even decided if we're followers.

HONORING DOM BADOLATO FOR HIS YEARS OF PUBLIC SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. DELAURO. Mr. Speaker, on Tuesday, November 19, 1996 the Connecticut State AFL–CIO will hold a tribute dinner to honor Dominic J. Badolato. Dom is executive vice president of the Connecticut State AFL–CIO and president of AFSCME 1303. I have known Dom for a number of years and it gives me great pleasure to acknowledge his years of leadership and service to the public in his capacities on both the State and local level.

I'm not sure where to begin when honoring Dom, he has contributed so much to the State and people of Connecticut. Dom began his career in the Connecticut General Assembly in 1954. He served as a State Representative for 22 years, representing his constituent's interests on a number of important issues like, fair labor laws and education. Indeed, Dom's most important and lasting legacy in the general assembly is his commitment to passing labor legislation. Dom worked on the passage of legislation which assured that Connecticut's minimum wage is always higher than the Federal minimum wage requirement. This permitted Connecticut public employees to be covered for the first time, and also provided them coverage under the Connecticut Fair Labor Standards Act. Dom worked to pass legislation which eliminated the waiting period for qualifying for unemployment compensation benefits, expanded the number of people covered by the law and included public employees under the law for the first time, as well as employees of nonprofit institutions. His legislation established a benefit level at 60 percent of taxable wages earned and expanded the number of unemployment compensation offices.

Dom has been an untiring advocate of public employees. His efforts and leadership won public employees the right to collective bargaining. He also saw to the enactment of the Connecticut Municipal Employees Relations Act, the State Employees Relations Act, and the Teachers Collective Bargaining Act. In addition to being a champion for public employees in the general assembly, Dom has been a leader of the AFSCME Connecticut Council 4. Dom became a staff representative for AFSCME in 1961 and, in 1968, was elected to the post of executive director, a position he still holds. What is clear is that the issues that affect public employees have remained central to Dom's work and life.

I am proud to join Dom's friends, family and colleagues as they honor his extraordinary commitment to the workers of the State of Connecticut. He has truly embodied the spirit of what it means to be a public servant and I applaud his unparalleled dedication.

TRIBUTE TO HERB AND CHARLOTTE REED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. VISCLOSKY. Mr. Speaker, one of the remarkable qualities of Indiana's First Congressional District is the harmony between its massive industries and its exquisite natural treasures. One of the northwest Indiana's jewels is the Indiana Dunes National Lakeshore [IDNL] on the shores of Lake Michigan. Two outstanding individuals, who have dedicated their lives to successfully preserving the beauty of northwest Indiana, are Herb and Charlotte Reed. Herb and Charlotte are two of a select few people in the country to be named "American Heros" for their work to protect our national public lands.

Herb's direct involvement with the Indiana Dunes began in 1952, when he joined the Save the Dunes Council. Save the Dunes was formed to establish a dunes national park, as well as to preserve the Indiana Dunes, which were threatened by powerful political and economic interests trying to industrialize all of Indiana's Lake Michigan shoreline. As a result of the fine work of the Save the Dunes Council, the 5,800-acres Indiana Dunes National Lakeshore was established in 1966. Today, the park consists of approximately 15,000 acres, 2,182 of which are located in Indiana Dunes State Park and managed by the Indiana Department of Natural Resources.

In 1966, Charlotte joined the fight after Congress agreed to authorize the IDNL. She served as one of the very first park rangers and later became the Save the Dunes Council's first paid staffer. Since that time, Charlotte served as the Council's executive director from 1974 to 1992, and she currently serves as its assistant executive director.

Over the years, Herb and Charlotte have been actively involved in several other environmental organizations. In the late 1950's, Herb founded the Porter County Chapter of the Izaak Walton League, which is one of the region's strongest voices for environmental action. Charlotte is confounder of the Hoosier Environmental Council.

Charlotte is a recipient of the Indiana Department of Environmental Management's [IDEM] Environmental Impact Award. She was chosen for this honor as a result of her advocacy on behalf of environmental protection issues during IDEM's formative years. Herb and Charlotte have both been recognized by several organizations for their joint efforts to preserve our natural treasures. Awards bestowed upon them include the 1990 Gold Cup Award from the Hoosier Environmental Council, the 1991 Gold Cup Award from the Hoosier Sierra Club, and two industry-sponsored awards.

As a result of the Reeds' work, a State and national park will forever protect 15,000 acres of Indiana's dunes, home to giant sand dunes, river forests, prairie lands, and bogs. The national lakeshore contains 1,400 plant species—only four national parks contain more plant diversity.

TRIBUTE TO RAYMOND SAVEL

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to a hard-working Pennsylvanian who has endlessly devoted his time and energy to a noble cause. Raymond Savel has been president for 20 years of the Mosquito Creek Sportsmen's Association located in Frenchville, PA. The mission of this organization was described by a member, as well as a Pennsylvania Fish and Boat Commission official, as being, "dedicated to conservation, sporting ethics, education, and accountability of our natural heritage."

The Mosquito Creek Sportsmen's Association began as a small club in 1946. The stage was set after World War II to look ahead for a brighter future after 4 years of sacrifice, struggle, and global mayhem. A town meeting in Frenchville was called on May 26, 1946, and 40 sportsmen from the area attended the first meeting to discuss setting up a club that would serve the area and pay tribute to their most esteemed and valued outdoor sports: hunting, trapping, fishing, and other related outdoor activities. A club charter was signed by the new members and the organization was named after the premier trout stream in the area at the time, Mosquito Creek.

By 1976, after 30 years of existence, the club had grown to 650 members. In the year of our Nation's bicentennial, Ray Savel took over as president of the club. Under Savel's leadership the organization's number has grown to an incredible 5,016 members today. However, the success of Mosquito Creek is truly measured in their accomplishments thus far.

Clearfield County and the surrounding area is a better place to live because of President

Savel's and Mosquito Creek's efforts. For 20 years, Ray Savel has organized massive cleanups, annual rallies for support and education of the surrounding area, letter writing campaigns, and newsletters. Also they perform activities such as stocking lakes and steams, fishing derbies, hunting events and safety, and just about every other outdoor sports activity.

Perhaps one of the greatest accomplishments by Mosquito Creek and President Savel has been their tireless efforts to save and preserve one of Pennsylvania's most pristine wildlife areas, the Quehanna Wild Area. Thanks to Ray and Mosquito Creek, the wild area has been preserved and nearly restored to its original State.

Mr. Speaker, I will close by once again thanking Ray Savel for his outstanding service to the area in which he lives. President Savel is a true community leader and his continuous efforts are a testament to his firm commitment to the sportsmen of Pennsylvania.

THE ANIMAL WELFARE ACT AMENDMENTS OF 1996

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. GUNDERSON. Mr. Speaker, on August 1, 1996, the House Livestock, Dairy and Poultry Subcommittee, which I chair, held a hearing on two different versions of the Pet Protection Act—H.R. 3393 introduced by the gentleman from Pennsylvania [Mr. FOX] and H.R. 3398 introduced by the gentleman from Florida [Mr. CANADY].

At that time, I asked USDA to provide me with draft legislation that would enhance and expedite their enforcement of the Animal Welfare Act. Today I am introducing the language I received from USDA in fulfillment of that request.

I should note for the record that this language was furnished by USDA without comment or endorsement. They have not indicated whether they will support or oppose the same at some future date.

While we do not have time remaining in the 104th Congress to move pet protection legislation this year, I am introducing the Animal Welfare Act Amendments of 1996 today to preserve these proposed changes for future Congresses and commend the attention of my colleagues to this legislation.

OUTSTANDING SERVICE TO COMMERCE TOWNSHIP

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor my friend Robert H. Long who will retire next week after 29 years of dedicated service to Commerce Township, MI. A lifelong resident of Commerce, public service has come naturally to Bob, just as it did for his father, a former township supervisor and State legislator. After being appointed as Commerce Township supervisor in 1967, he was elected in 1968 and began his distinguished career. Bob has also served as a member of several boards and associations, including the Michigan Townships Association and the Oakland County Board of Commissioners.

For over a quarter of a century, Bob Long has been a model supervisor. He has balanced the budget with one of the lowest tax rates in the area, still managing to implement impressive improvements in the roads, sewers, drainage, and other infrastructure projects.

In the years of development and growth, Bob Long has met the challenges of the times with professionalism and compassion. He has maintained Commerce Township's environment by securing the preservation of vulnerable wetlands areas and acquiring a 500-acre natural park with 15,000 newly planted trees. Bob led the fight to prevent annexation of sections of Commerce to neighboring cities. And he was instrumental in bringing a senior center and full-service hospital to the Lakes area.

Bob Long is a model citizen and public servant. His hard work and dedication are reflected not only in the books, but the beauty of Commerce Township. Congratulations, Bob. We wish you a long and healthy retirement.

IN HONOR OF THE KERN COUNTY HISPANIC CHAMBER OF COMMERCE

HON. CALVIN M. DOOLEY

OF CALIFONRIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. DOOLEY of California. Mr. Speaker, I rise before my colleagues today in order to pay tribute to an organization that is known in California's central valley for its wonderful entrepreneurial spirit. This organization is the Kern County Hispanic Chamber of Commerce.

More than a decade after its inception, the Kern County Hispanic Chamber of Commerce has diligently served owners of minority businesses and has proven its effectiveness as a leader in the greater business community of Kern County.

The Hispanic chamber came from rather humble beginnings—just 15 members attended its first meeting in 1985—but its founders were not lacking in vision nor in perseverance. The Hispanic chamber now proudly boasts an impressive 250 members and is still growing strong.

I ask my colleagues to join me in saluting the Kern County Hispanic Chamber of Commerce for providing the Latino business community with such outstanding leadership. I hope that Kern County residents will continue to support vigorously the members and businesses of this well-respected organization.

UNITED STATES FRIENDSHIP WITH TAIWAN—THE NATIONAL DAY OF THE REPUBLIC ON CHINA ON TAIWAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LANTOS. Mr. Speaker, since we all expect that the Congress will adjourn within the next few days, I want to take this opportunity to extend my congratulations to the Republic of China on Taiwan just a few days early. The national holiday is celebrated on October 10. October 10 of this year marks the 85th anniversary of the Chinese revolution of 1911 and the formation of the Republic of China.

Mr. Speaker, this past year was an important but a difficult one for the people of Taiwan and the Government of Taiwan. The people of Taiwan faced a severe test when the Government went forward with open and democratic presidential elections while the People's Republic of China launched missiles less than 50 miles off the coast of Taiwan in an effort to intimidate the voters and the Government.

Despite the Beijing government's attempts to bully and intimidate the voters of Taiwan, the Taiwanese electorate ignored the threat of military attack and participated in that election in overwhelming numbers. More than two-thirds of the eligible voters went to the polls. President Lee Teng-Hui won 54 percent of the vote in a four-way race and became the first popularly elected President in the history of the Republic of China.

Mr. Speaker, Taiwan's continued independence and security is crucial to the United States economically, militarily, and politically. Economically, Taiwan is the sixth largest trading partner of the United States, and Taiwan is one of the only nations in Asia that has successfully reduced its trade deficit with our Nation every year for the past 10 years—an action that has been taken with the active support of the Taipei government.

Militarily, Taiwan's survival is important to maintain balance in the Pacific region, and its continued military strength is an important element in contributing to the reduction of tensions throughout the region. Politically, Taiwan represents one of the finest examples in the world of the success of efforts to foster democracy and freedom and respect for human and civil rights. Taiwan began as a country desperately in need of American assistance for food, infrastructure, and military assistance. Now Taiwan is an example of incredible success—Taiwan now is an important source of assistance to other emerging democracies. Simply put, it is in the United State's interest to help maintain the independence and integrity of the democratic Republic of China on Taiwan.

Mr. Speaker, I would also like to take this occasion to welcome the new Representative of Taiwan in the United States, Dr. Jason Hu. Dr. Hu previously served as the head of the Government Information Office in Taipei and was a principal advisor to President Lee Teng-hui. His presence here is a clear signal that the Government of Taiwan greatly values a continuing, strong relationship between our two countries. I would also like to note that two of Taiwan's best diplomats are leaving positions here in Washington to take new senior positions in the Foreign Ministry in Taipei—Dr. Lyushen Shen and Mr. James Huang. Both of these senior have served their country well here in Washington and those of us who have had the opportunity to work with them will miss their knowledge, skill, and commitment.

I invite my colleagues to join me in congratulating the people of the Republic of China on Taiwan on the occasion of the National Day this October 10. May the friendship and strong relations that have bound our two countries for many generations continue for many, many more.

FOUR MORE YEARS? HERE ARE 40 REASONS TO SAY NO

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. DORNAN. Mr. Speaker, I submit the following article, written by Jeff Jacoby, for insertion into the RECORD:

[From the Boston Globe, Sept. 27, 1996]

FOUR MORE YEARS? HERE ARE 40 REASONS TO SAY NO

[By Jeff Jacoby]

Bill and Hillary Clinton want to extend their grip on the Executive Branch for four more years. I can give you 40 reasons to turn them down. In no particular order:

1. Joycelyn Elders.

2. According to the General Accounting Office, ethics investigations of the Clintons and their aides are costing taxpayers more than $1 million per month.

3. Eighty-six men, women, and children died in Waco, Tex., after the FBI used grenade launchers to mount a CS gas attack on their compound.

4. "100,000 more police on the streets." Seen them yet?

5. "A tax cut for the middle class." Seen it yet?

6. Clinton went on national television and answered questions about his underwear.

7. The candidate: "We're going to end welfare as we know it." The President: Vetoed two welfare-reform bills before finally, reluctantly, signing a third.

8. His pet scheme—AmeriCorps—pays college-age "volunteers" more than $7 an hour.

9. Webster Hubbell.

10. "Clinton's an unusually good liar. Unusually good. Do you realize that?"—Democratic U.S. Sen. (and Medal of Honor recipient) Bob Kerrey of Nebraska.

11. The candidate: "I think President Bush played racial politics with the Haitian refugees. I wouldn't be shipping those poor people back." The President: "The practice of returning those who fled Haiti by boat will continue. . . . Those who do leave Haiti . . . will be stopped and directly returned by the U.S. Coast Guard."

12. His "Cabinet that looks like America" contained 14 lawyers and 10 millionaires.

13. Hillary's 1,342-page health care "reform" would have created 33 new federal agencies and 200 regional alliances, added $70 billion to the federal budget deficit—and taken away your right to choose your own doctor.

14. Terrorists at the White House I: Yasser Arafat.

15. Terrorists at the White House II: Gerry Adams.

16. George Bush was right: Clinton did turn the White House into the waffle house.

17. The candidate: "Bush hasn't fought a real war on crime and drugs. I will." The President: Slashed the Office of National Drug Control Policy; teen-age drug use doubled from 1992 to 1995.

18. First priority of his first week in office: gays in the military.

19. Hiked the tax on gasoline to its highest rate ever.

20. Shut down two of the four runways at Los Angeles International Airport so he could have his hair cut aboard Air Force One by Cristophe of Beverly Hills.

21. Cristophe's going rate: $200 per haircut.

22. George Stephanopoulos's explanation: "The President has to get his hair cut like everybody else."

23. Average per-capita federal tax burden, 1992: $4,153. 1996: $5,225. Increase: 25.8%.

24. Craig Livingstone.

25. Clinton calls the Defense of Marriage Act "gay baiting, pure and simple"—and promises to sign it.

26. Midnight basketball: Your Federal tax dollars at work.

27. Hillary's chats with Eleanor Roosevelt.

28. Clinton's 1996 budget proposal forecast $200-billion-plus deficits for the next seven years.

29. "North Korea cannot be allowed to develop a nuclear bomb"—Clinton Administration, November 1993. "North Korea already has as many as two nuclear bombs and is continuing to develop atomic weapons"—Clinton Administration, April 1994.

30. Sent Jimmy Carter to cut a deal with the North Koreans: We agreed to give Pyongyang free oil, two free nuclear reactors,diplomatic ties and increased trade—and Pyongyang agreed to dismantle its bomb making facilities in 10 years.

31. The Clinton tax increase on Social Security recipients hit 5.5 million retirees.

32. At the first sign of controversy, he walked away from Zoe Baird.

33. And from Kimba Wood.

34. And from Lani Guinier.

35. He chose to celebrate the 50th anniversary of V-E Day in Moscow—Berlin's ally in invading Poland and starting World War II.

36. "The Arkansas state troopers said they were often called upon to act as intermediaries to arrange and conceal Clinton's extramarital encounters. They say they frequently picked up and delivered gifts from Clinton to various women, and often drove Clinton . . . to meetings with women. 'We were more than bodyguards. We had to lie, cheat and cover up for that man,' said Larry G. Patterson, a 26-year veteran state trooper"—Los Angeles Times, Dec. 21, 1993.

37. Hazel O'Leary.

38. Key Clinton adviser on "family values": Dick Morris.

39. The candidate: "We should not reward China with improved trade status when it has . . . failed to make sufficient progress on human rights since the Tiananmen Square massacre." The President: "I am moving, therefore, to delink human rights from the annual extension of most-favored-nation trading status."

40. Clinton argued in court that Paula Jones's sexual harassment lawsuit should be postponed until he leaves office because he is on "active duty" as commander in chief.

There. Forty reasons to turn out the Clintons, and I didn't even get to Warren Christopher. Did I omit your favorite grounds for chanting "No More Years"? Just send them to me in care of the Boston Globe (jacoby@globe.com) or Box 2378, Boston, MA 02107). I'll supply another Top 40 list before the election.

TRIBUTE TO KHI SERVICES, INC.

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to KHI Services, Inc., based in Rockville, MD, on the occasion of the corporation's 25th anniversary. Over the past quarter century, KHI Services, a community-based, residential, therapeutic treatment program has allowed over 1,600 people to confront their problems and set realistic goals to improve their lives.

In 1971, concerned private citizens with financial assistance from Montgomery, and the State government, and the Federal Law Enforcement Assistance Administration, created KHI Services as a nonprofit corporation to facilitate the work of the Karma Academies. Since its establishment, KHI Services has developed a number of programs, including Karma Academies for Boys and Girls, the Howard Academy, the Thomas O'Farrell Youth Center, and a counseling and community services program.

KHI Services has never deviated from the concept of family involvement to provide ongoing emotional support to adolescents in times of crisis. A primary goal of the corporation is to maintain the family's active involvement while the child is in residence, wherever possible, to promote the necessary changes in family functioning crucial to that child's successful return home.

I am proud to pay tribute to KHI Services, Inc., and I am honored to add my voice to the praises of the many friends and family who gather to salute this fine corporation.

NATIONAL ANIMAL SHELTER APPRECIATION WEEK

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SCHAEFER. Mr. Speaker, I rise today to ask my colleagues to join me in saluting America's animal shelters and the tens of thousands of caring individuals who are employed by or volunteer in these facilities. Just like other essential services our communities depend on, animal shelters and the people who work in them are services we often take for granted.

The Humane Society of the United States, which has provided training and support to local animal shelters and humane organizations for over 40 years, has declared November 3–9, 1996, as National Animal Shelter Appreciation Week. They are asking for us to take a minute of our time to show our appreciation for what shelters do to help animals and people in their communities.

The idea for a national week of recognition and appreciation for animal shelters is supported by numerous animal shelter and humane society directors, including the Denver Dumb Friends League, that serves my community. Bob Rohde, the executive director of the Denver Dumb Friends League is one of those individuals who has made a difference in making animal care and control the life saving profession it has now become.

I ask that you and all Americans join me, the Humane Society of the United States and local animal shelters like the Denver Dumb Friends League, in celebrating National Animal Shelter Appreciation Week during the first week of November this year.

AMERICAN LEADERSHIP IN GOLF CLUB MANUFACTURING NEEDS FAIRNESS IN NEW TRADE REGULATIONS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CUNNINGHAM. Mr. Speaker, golf was not invented in the United States. But the United States leads the world in the manufacturing of quality golf clubs. Golfers know that most of these manufacturers are headquartered in California, predominantly in Carlsbad in my congressional district. They dominate this $2 billion industry because they lead in research and development of new materials that improve the performance, durability, and appearance of golf clubs. Major American investment have been made in the research, development, design, and manufacture of golf clubs, components, and their materials.

To remain competitive, these companies at times source components, such as golf club heads, offshore. Their high-paying research and design and final manufacturing operations remain here in the United States. Modern quality domestic golf clubs undergo precision operations involving many skilled U.S. technicians, using leading edge assembly and test equipment here in the United States.

Unfortunately, the prosperity of American employer is threatened and disrupted by country of origin marking rules and regulations. These have been adopted and proposed by the U.S. Customs Service. They include the NAFTA marking regulations, the proposed marking regulations, and ultimately the Uruguay round country of origin changes scheduled for implementation in several years. The U.S. golf club industry has been able to cope with U.S. Customs regulations prior to implementation of the NAFTA marking rules. But the new country of origin marking requirements have become real trade and economic barriers. Contrary to their stated purpose, the new requirements are less understandable, more subjective, and more burdensome that previous marking requirements.

The marking problems can be resolved by recognizing that the process of final manufacturing of golf clubs in the United States is clearly a substantial transformation. Unlike golf clubs of the past, the final manufacturing of modern golf clubs is a high-precision, multistep process by skilled U.S. technicians requiring significant attention to detail. They use laser guided equipment and highly sensitive scales to determine the weights of individual components and final clubs. Any slight variance causes the rejection of a club that does not meet company of industry swingweight standards.

The U.S. golf club manufacturing industry is a significant domestic employer that deserves to be treated fairly by trade laws. New and proposed country of origin marking requirements simply fail to recognize the technological progress this industry has made, at the demand of golfers everywhere. By enacting legislation that reflects current industry practices, we restore trade fairness to the U.S. golf club industry, preserve good American jobs, and enhance our trade competitiveness.

THE LOOMING THREAT OF BROWN CITRUS APHID

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MILLER of Florida. Mr. Speaker, last fall, an unwanted invader landed in Broward and Dade Counties in south Florida. An infestation was quickly identified and confirmed by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service: the brown citrus aphid has arrived in the United States.

The brown citrus aphid is a very effective host and transmitter of the dreaded citrus tristeza virus [CTV]. The combination of the aphid and the CTV virus have devastated citrus groves across the globe—according to the National Citrus Research Council, CTV has killed over 40 million trees worldwide. Certain types of rootstocks of trees are particularly vulnerable, and are wiped out by virulent strains of CTV. For example, the popular sour orange tree stock is no longer viable in South America because of the citrus tristeza virus. More resilient rootstocks don't die, but suffer from stem pitting. Sadly, thus far the most resistant breeds have succumbed to another disease, citrus blight.

After wiping out Brazilian and Argentine groves in the 1930's and 1940's, the brown citrus aphid and the CTV virus began an inexorable march northward. Outbreaks in Venezuela over the past 15 years have hampered their production, killing over 80 percent of their trees from 1980–87. In 1989, the brown citrus aphid was spotted in Costa Rica, and in Jamaica in 1993.

Obviously, the deadly combination of the aphid and CTV pose a serious threat to the U.S. citrus industry and the national economy. There are over 1.2 million acres of citrus in the United States, and the citrus industry exceeds over $19 billion in gross revenue. The U.S. Government and the citrus industry need to combat this threat on three fronts: First, gain a better understanding of the different strains of CTV and their relationship with the brown citrus aphid; second, develop more resistant rootstocks; and third, develop and embark upon a comprehensive control strategy. Citrus tristeza virus and the brown citrus aphid will not go away, but with early identification and action we can limit the damage of this scourge.

TRIBUTE TO THE 85TH ANNIVERSARY OF THE FOUNDING OF THE REPUBLIC OF CHINA

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a beacon of freedom on the far shores of the Pacific. A nation that has, in its own way and in its own part of the world, come to symbolize freedom and defiance of tyranny much in the same way that our own Nation has come to be seen as a city of hope. The many twists and turns of history have obscured it, but when 85 years ago the forces of Dr. Sun Yat-sen's Koumintang triumphed over the decrepit and decaying Ch'ing dynasty, a whole new epoch in the history of not only China, but Asia itself, began.

Mr. Speaker viewed through the prism of this turbulent and terrible century, the establishment of the Republic of China can be seen for the significance it held. Few are alive today who can remember the importance that the United States attached to the revolution that brought the Republic to power. For our Nation, it was proof that China was committed to establishing itself as a free and great nation, in partnership with the other democracies of the world. From the founding of the Republic, a practical, at times difficult, but ultimately sturdy relationship was built between the United States and China, a relationship that has endured through two world wars, a second Chinese revolution whose outcome was not as hopeful as the first, and the vicissitudes of the cold war.

It does no dishonor to the Republic whose establishment I pay tribute to today to note that, sadly, the first half of the Republic's history did not live up to expectations. Dr. Sun Yat-sen proclaimed for his supporters a unique blend of confucianism and Western nationalism that promised a new dawn of democracy for China, and that today has underwritten the Republic's prosperity. Unfortunately, at the time that philosophy was put to the test during democracy's darkest hour. In 1914, just several years after the founding of the republic and the premature death of its founder, World War I began and China saw itself used as a battlefield by foreign powers. Then came the Second World War and an even more trying time for the people of China, who now found themselves caught in both a bloody international war and a civil war. Finally, there came the defeat of the Axis Powers, only to see the rise of an even more monstrous tyranny led by a megalomaniacal madman, Mao Zedong.

By the unfortunate happenstance of history. By an unhappy turn of events. By an inexorable tide that only in the 1980's began to recede, the Communists triumphed, drove the nationalists to an island then called Formosa, and today we refer to the Republic as the Republic of China on Taiwan. I submit, however, Mr. Speaker, that such an appellation is a temporary aberration. The tyrants in what is called in appropriate Orwellian parlance, the People's Republic of China, are living on borrowed time. The so-called People's Republic is a corpse that does not yet know enough to fall down.

We hear today in all the learned journals that China is the superpower of the future. Well it is, but not that China. Beijing lives on the belief that economic prosperity is the key to the preservation of the regime. The Communists lay claim to a false god to which no one any longer bows, and sit atop the powderkeg, hoping to keep the economic engine going in order to save the regime. That is a fools gamble, and all right thinkers know that the future lay across the Straits of Taiwan.

On that island there is also prosperity—wealth that would have seen unimaginable but 30 years ago. Indeed, the second half of the Republic's history has been marked by prosperity and freedom unlike almost anything known anywhere but in a few fortunate corners of Asia. Yet that is not what makes the regime in Taipei great and insures its longevity. Wealth is merely the reward. The Republic survives, and will endure, not because it can make radios, VCR's, and MTV entertainment, but because it is founded on human dignity, on liberty in law, and on honor. Economic prosperity is ephemeral. It cannot last forever. Sooner or later the lean times must come, and when they do, Beijing will come crashing down, while the Republic, a government that is truly a people's Republic, will endure.

So, Mr. Speaker, I congratulate President Lee Teng-hui, the first elected leader in Chinese history, and the 21 million hard-working men and women of the Republic of China, who stand as a stirring example of courage, hard work and dedication. They prove by their exertions the triumph of the human spirit. So, on the 85th anniversary of the founding of the Republic of China, Mr. Speaker, I pay tribute to this lamp of liberty across the sea. I encourage our Government to similarly pay tribute by granting to the Republic that which it has earned, representation among the nations of the world at the United Nations Organization, and I am sure I speak for all of my colleagues when I say that we salute this brave and honorable government and its people.

30TH ANNIVERSARY OF THE ARAPAHOE LIBRARY DISTRICT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. HEFLEY. Mr. Speaker, the first amendment of the Constitution guarantees citizens the right to the free flow of information—and it is our country's libraries that provides the public with access to such information.

Libraries also serve as community meeting places for events and public forums. Groups of folks can gather and share ideas at libraries.

Since 1966 the Arapahoe Library District in my home State of Colorado has provided library services to residents of all ages—from pre-school children to senior adults—and it has supplied communities with endless information through books, periodicals, newspapers, recordings, and on-line internet searches.

Public libraries are the backbones of close-knit communities—and the Arapahoe Library District of Colorado is to be highly commended for 30 years of service to its State and to its neighborhoods. I would like to offer my hearty congratulations to this fine organization for their actions to create and support a well-informed populace.

TRIBUTE TO MONSANTO CO.

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. TALENT. Mr. Speaker, I rise today in recognition of Monsanto Co. of St. Louis, MO. Awarded the first National Watershed Award, Monsanto was honored for Operation Greenstripe, a voluntary partnership to protect the quality of America's watersheds.

Developed in 1992, Operation Greenstripe combats the problem of surface water runoff of soil sediment, the No. 1 threat to stream quality in the United States. Monsanto works with the students in Future Farmers of America [FFA] to encourage farmers to plant and maintain grassy buffer strips along waterways. Seed retailers join the partnership and donate wildlife-compatible grass seed for farmers to plant to lessen runoff and nurture wildlife habitat areas. The result has been to encourage farmers to adopt stream-protecting practices, teach future farmers the benefits of good stewardship, and to begin to make a difference in stream quality.

Since its inception, the program has been expanded from 1 test location, to acceptance in 14 States with partnerships involving State and Federal agencies and with support from organizations and private groups. It's an excellent example of a voluntary, private initiative that makes a difference.

The Watershed Award was established by CF Industries and is administered by the Conservation Fund. The award is given to those programs that safeguard fresh water through innovative, nonregulatory methods. It is truly an honor for Monsanto to be included in the first group of those recognized for their efforts to protect one of our Nation's greatest natural resources.

Mr. Speaker, I hope you will join me in congratulating Monsanto on winning the Watershed Award and for their outstanding efforts to improve the quality of our Nation's waterways.

EPA'S CLUSTER RULE

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BISHOP. Mr. Speaker, the EPA's proposed cluster rule for the pulp and paper industry is something we in Congress need to take a look at. First proposed in 1993, it was the first time the EPA had ever attempted to cluster an air and a water rule for the same industry. The theory was that regulatory synergies could be achieved and a duplication cold be avoided if the regulatory decisions were made together. It was a good idea, and even the industry supports the concept.

Unfortunately, however, as is too often the case, theory and practice did not coincide. Instead of providing regulatory synergy, the cluster rule simply burdened industry and its workers with separate rules with nearly identical compliance deadlines. Some requirements of one rule would have created compliance problems with the other rule. And the rule would have had a devastating impact on the industry. Over 100,000 jobs would have been affected by the rule, and the compliance costs would have exceeded $11 billion.

The pulp and paper industry is very important to my district and my State of Georgia. According to the information compiled by the American Forest & Paper Association, the pulp and paper industry employ 33,000 people in Georgia, with another 38,000 workers in the forestry, lumber, and wood products sectors. Total payroll for this combined industry in Georgia is over $2 billion. Over 200 facilities in Georgia manufacture 7 million tons of paper and paperboard annually, with a value of $7½ billion.

I am pleased to report that since 1993, the industry and EPA have worked closely together to gather new information to fill data gaps in the Agency's information profile for the industry. The industry proposed an alternative compliance scheme which has comparable environmental benefits as the one proposed by EPA but at far less cost. EPA also worked closely with other stakeholders in the rulemaking process and in July of this year, published in the Federal Register a new notice for the cluster rule. In this notice, EPA acknowledges its receipt of the industry's alternative and outlines the choices it is facing. In August, I joined my colleagues in Georgia in encouraging EPA to adopt option A in the July notice. We also encouraged EPA to allow more flexibility in the best management practices [EMP's] provision and to modify the incentives program to make it truly meaningful. I remain cautiously optimistic that EPA will do the right thing.

I thank the EPA for its willingness to work with the industry, their workers, and other stakeholders, in making changes to the rulemaking procedure. If successful, the outcome of the cluster rule could serve as a model for future regulatory reform efforts.

TWO GRATUITOUS AND PROMINENTLY PUBLIC CRUELTIES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. JACOBS. Mr. Speaker, the world can note that on September 26, 1996, two gratuitous and prominently public cruelties were perpetrated, one in Los Angeles, CA and the other in Washington, DC.

The first was a patently false and despicable allegation against a decent and grieving father. The second was a putridly partisan and singularly cruel hurt to the family of an already convicted and currently imprisoned former Member of the House. The theory in the second unkindness seems to be, "never hit a man when he's up."

Let the record show that high Federal officials of both parties have been convicted of felonies. And in the case of one high Federal official who was not convicted, only because he was pardoned by the President he handpicked to succeed himself, the assertion by his allies was, "He has suffered enough"—suffered enough without serving so much as a day in prison.

Our colleague from Connecticut is to be commended for having the decency demonstrably to remove from the easel in the Well of the House the device by which salt was callously rubbed into the wound.

TRIBUTE TO GREG RICE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Greg Rice has won the International Auctioneers Championship; and,

Whereas, Greg Rice has brought the international title to Ohio for the first time in history; and,

Whereas, Greg Rice has demonstrated a steadfast commitment to auctioneering;

Whereas, Greg Rice should be recognized for his outstanding victory and persistence; and,

Be it resolved, the residents of Coshocton, with a real sense of pleasure and pride, join me in commending Greg Rice for his hard work and dedication to his occupation.

FIFTH ANNIVERSARY, EAST TIMOR DILI MASSACRE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. DELLUMS. Mr. Speaker, I rise to address conditions in East Timor. November 12 will mark the fifth anniversary of the massacre at Santa Cruz cemetery, when Indonesian troops fired on a gathering of thousands of innocent people. A distinguished Californian, Bishop Melvin Talbert, presiding bishop of the California Nevada Annual Conference of the United Methodist Church and also the President of the National Council of Churches, has written a statement in connection with these events. It is my belief that the Congress should be vigilant during this crucial period in East Timor and Indonesia, and lend what weight we have to efforts to foster justice in these areas.

I take this opportunity to share Bishop Melvin G. Talbert's comments, "Remembering East Timor" with my distinguished colleagues:

For some time I have been concerned about the tragedy in the former Portuguese colony of East Timor. On November 12, 1996, it will be 5 years since Indonesian troops opened fire on peaceful East Timorese mourners and demonstrators at Sana Cruz cemetery in the East Timor capital of Dili, killing more than 250 innocent people. The Santa Cruz massacre drew considerable international attention to the plight of East Timor. As the fifth anniversary of this event approaches, we should bear in mind the conclusions of the United Nations special rapporteur on extrajudicial, summary, or arbitrary executions, Mr. Bacre Waly Ndiaye of Senegal. His report, based on a visit to the area, issued on November 1, 1994, remains relevant today and should be heeded by the international community, especially the United States. Among other things, Mr. Bacre concluded that "conditions that allowed the Santa Cruz killings to take place are still present."

"I strongly believe that the United States must use its influence with the Indonesian Government to prevent violence in East Timor, especially in light of the history of the conflict: Congressional testimony by State Department officials have made it clear that roughly 90 percent of the military equipment available to the Indonesian Armed Forces when they invaded East Timor in 1975 had been supplied by the United States. Shipments of American weaponary were stepped up in the later 1970's, when as much as a third of East Timor's population of less than 700,000 perished as a result of Indonesian military action. The Clinton administration put restrictions in 1994 on the transfer to Indonesia of certain small arms that could be used in places like East Timor and in recent weeks, has also placed restrictions on the transfer of armored personnel carriers. These are welcome steps but they can never erase the earlier history, in which American diplomacy and arms played a significant role in making the East Timor tragedy possible.

"The United States therefore has a special responsibility to help protect the East Timorese people in the 1990's. The world must be particularly vigilant as the fifth anniversary of the Santa Cruz massacre approaches. The United States must also be alert to opportunities to support East Timor's international law and democratic principles. The continued denial of these rights led to the Santa Cruz tragedy in 1991 and is the root of the sorry situation that exists at present. In addition to taking diplomatic action to protect the people of East Timor from further violence, the United States must do whatever is possible to foster an authentic, peaceful solution to the conflict that is based on the wishes of the East Timorese people themselves."

INDIA DENIES RELIGIOUS FREEDOM

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CUNNINGHAM. Mr. Speaker, an editorial from the March 1996 issue of the Sikh Review was recently brought to my attention. This editorial details reports showing India's ongoing efforts to crush the Sikh religion. In India the Sikhs and other religious minorities are subjected to the same brutal policies.

The article, which I will introduce into the RECORD, discusses the Indian regime's effort to "normalize" the Sikh people. That is, as the article puts it, "a term that has become a euphemism for destroying their culture and lifestyle, in cynical disregard of the democratic principles of plurality and coexistence." This kind of ethnic cleansing was our justification for our involvement in the Bosnian conflict. Why are we continuing to look the other way when India is involved?

I am introducing the March 1996 editorial from the Sikh Review into the RECORD.

A DANGEROUS SLANT

This is not a parable. Recently, a group of distinguished intellectuals, motivated by ordinary humanity, wrote to the President of India pleading for the release of several hundred Sikh youth detained without trial for as long as ten years. The silence in Rashtrapati Bhavan was deafening. In disgust, the memorandum was released to the Press coinciding with Human Rights Day, Dec. 11, 1995. The effect was even more silence.

Silence has its uses in statecraft. As the Indian poet, Vikram Seth has said: "Ten hostages is terrorism; A million, and it's strategy" (*The Golden Gate*).

Prolonged detention of the Sikhs is part of strategy. Nazi Germany had another name for it: The Final Solution.

How many of us have noticed that the government tourism department has, for over a decade, withdrawn all pictures and posters of the Golden Temple? Airport lounges, railway station waiting rooms, secretariat corridors, coaches of Rajdhani Express, even anterooms of Indian embassies abroad are singularly bereft of pictures of Sikh historical places. The model of the Golden Temple at Amritsar's rail terminal was smashed by Hindu zealots many years ago. This is apparently a part of the deep seated strategy to downplay the Sikh religion and culture. Those who attended the Vishwa Sikh Sammelan in Amritsar were struck by the weird black-*patka*-wearing commandos of the Punjab police crawling all over the holy city, not because India's textile mills have stopped manufacturing cloth for turbans—the ceremonial headgear!

In this grim strategy, the Press—vernacular as well as English—has become a willing tool of the government. Their method is simple: Do not project the Sikh in a positive light. Exaggerate every minor fracas. Underplay the Sikh identify. Depict the *patit* Sikh on the idiot box as the stereotype. Boost the un-Sikh practices. Highlight factional fights over gurdwaras. Deny *kirpan*-wearing passengers seats in airlines and railways. The list seems endless.

Thanks to economic liberalization, NRI is an honoured guest in India, a sort of prodigal son. Not so the Sikh NRI. He is earmarked by the Indian Embassies in the West for special treatment. No wonder so many of them dropped out of the Amritsar conference. The other day an Indian businessman was denied visa by Saudi Arabia to visit Riyadh on the ground that he professes Sikh religion. Government cannot be bothered with such petty aberations. Constitutional guarantees are, after all, so much paper.

The press in India, in most cases, owned by ultra-conservative Hindu businessmen often suffers from an overwearing sense of self-righteousness where the Sikh minority is concerned; How dare the Sikhs claim an independent religious identity? They must be taught a lesson. Simply brand them anti-national! No wonder these newspapers are natural allies of government and its gargantuan power machine. One good turn begets another. Unburdened by moral scruples, the newspapers lend all support to the government to undermine Sikh values.

We give, in this issue, a few instances of this insensitive attitude of the national Dailies, The Tribune, Chandigarh. The Hindustan Times, New Delhi and The Statesman, Calcutta. The malady has, however, become chronic and endemic. Readers will surely recall the disdainful manner in which the newly elected Parliament under Rajiv Gandhi on Jan 2, 1985 ignored the massacre of Sikhs in Delhi even as it mourned the dead of the Bhopal gas tragedy. Election posters of the party in power had then depicted the Sikh taxi driver as a potential terrorist—ignoring his reputation for honesty and bravery. Even the cartoonist Abu Abraham had, more in malice than satirical humour, made a caricature of a saintly Sikh holding a transistor bomb. The Doordarshan, which had blacked out the savagery of Oct. 1984 as a non-event, let its cameras linger balefully over the victims of transistor bombs which shadowy anti-socials had planted in Delhi bazars. When The Telegraph published, on May 5, 1986, a photo of a Sikh youth in police custody the caption proclaimed: "A terrorist being taken away", ignoring the elementary rule that no one can be so labelled except when convicted by due process. We had written to the Editor, Mr. M.J. Akbar, who did us the courtesy of a reply: "I accept your point. In fact, I had pointed out the error to our (The Telegraph) people. I hope you understand that there was not deliberate malice. . . ."

More recently, The Times of India was less penitent. It published on April 12, 1995, a report that the house of union home minister, Mr. S.B. Chavan, in Nanded had been "attacked by five men, four of them Sikhs." The ever-vigilant Rear Admiral (Retd.) Satyindra Singh lodged a protest with Press Council of India which drew the Times Editor's attention to the council "Guidelines" that the Press must avoid identifying the community of a person involved in crime. The newspaper took more than six months to publish a luke warm apology on Dec. 6, 1995. This is typical of a newspaper that had been known for its anti-Sikh slant dating back to Girilal Jain's vituperative writings that included his editorial "De-turbaning of Sikhs" in 1982.

As a minority religion, Sikhs have been under fierce pressure from the media and their mentor, the government. Far from showing an understanding and sympathy for their religious and cultural tradition, they have vowed to "to mainstream" the Sikhs—a term that has become a euphemism for destroying their culture and lifestyle, in cynical disregard of the democratic principles of plurality and co-existence.

Sikhs have no doubt survived challenges down the centuries. However, the ongoing challenge is far more insidious. It calls for what Guru Gobind Singh termed Gyaneh-ki-badhni, the scythe (sword) of wisdom. Our choice is clear. Let us stand up—not succumb—to the hostile machinations. Let us not abandon God and the Guru for the glittery tinsel of a modern state. Let us hold our head high in honour. Five hundred years ago Guru Nanak admonished the tyrannical rulers "Koorh phire pardhan, ve Lalo". The German philosopher, Emmanuel Kant later predicted that eventually a just world order would come about either through intellectual and moral insights or through the experience of chaos. Unless Indian polity makes the right choice, its slide into chaos is but a matter of time.

TRIBUTE TO JERRY WATERS

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. ROBERTS. Mr. Speaker, yesterday in the Senate Foreign Relations room in our U.S. Capitol, I joined the many friends and colleagues of Dr. Jerry Waters in paying tribute to an outstanding public servant and to wish him well upon his retirement.

Jerry Waters, a native of St. Francis, KS, first came to Washington to work for Senator Jim Pearson. Prior to coming to our Nation's Capital, Jerry was a political science professor at Kansas State University. Jerry came to Washington with the intent of staying but 1 year but his devotion to and performance of duty was such that he stayed to his State's and Nation's benefit.

Serving as administrative assistant to Jim Pearson, Jerry was responsible for hiring quality staff and one such staffer was the daughter of our former Governor and Kansas political legend, Alf Landon. Yes, we can thank Jerry Waters, in part, for Senator NANCY KASSEBAUM's outstanding service. Another former Waters' staffer is the current Secretary of Agriculture, Dan Glickman.

In his capacity as administrative assistant, Jerry played a key role in ensuring that agricultural policy was commensurate with the needs of both Kansas and our Nation's farmers. During this time, Dr. Jerry Waters became a recognized expert in agriculture and transportation public policy.

After Senator Pearson retired, Jerry moved to the private sector as a consultant and has worked for the farmer-owned Farmland Industries System representing them and the farmers and consumers they serve in Washington. His expertise has resulted in sound agricultural policy accomplishment.

Part of the reason that Dr. Jerry Waters has achieved significant success in our Nation's capital has been the fact he has never lost touch with Kansas. Some 30 years after coming to Washington, he still owns a farm in his hometown of St. Francis.

Mr. Speaker, I also speak for many, many colleagues and friends—people who have in their own right achieved success in Washington in saying that we have been fortunate to have had Jerry as a mentor, advisor, and friend. I am reminded of the true adage that there are no self made men and women in public service, that it is your friends who make you what you are. In this regard, Jerry Waters is a man who has always kept his word and whose integrity and keen sense of purpose have been an example to us all. He is a man of great institutional memory and knowledge buttressed by his love and respect for the Congress and the people we serve.

On a personal note, Mr. Speaker, Jerry has been a close friend whose advice I have always solicited and from which I have always benefitted. I shall always remember with fondness and a sense of accomplishment the days when Jerry, Bill Kats of then-Congressman Bob Dole's office, Lester Rosen, of Congressman Garner Shriver's office and Charles Freburg of Congressman Mize's office and myself in Senator Frank Carlson's office, were the Kansas delegation administrative assistants.

Jerry showed me the ropes just as he has for so many others in government, in academia, in the business community and in public service. He remains one of my dearest, longtime friends. I speak for all of his friends and colleagues in wishing he and Jan the very best during their retirement years.

SUSTAINABLE DEVELOPMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. YOUNG of Alaska. Mr. Speaker, sustainable development is a catch phrase that is heard a lot in Washington, DC, these days. This is a resource management concept which recognizes that renewable resources can be harvested without endangering long-term survival of the resource.

While the concept is gaining support in this country and in Congress, there are still those who resist the sustainable harvest of some of our resources.

Another concept discussed a lot in management debates is wise-use. This concept is closely related to the idea of sustainable development. Proponents of the wise-use movement argue that resources of a nation can and should be used for the benefit of the nation and its people.

In order for our renewable natural resources to be managed for long-term sustainability, it is important to have three things: Good data, good science to interpret the data for making sound decisions, and good management and enforcement. Without any of these three, the long-term viability of the resource may be compromised.

The U.S. Congress is currently working to reauthorize the Magnuson Fishery Conservation and Management Act, the law which governs domestic fisheries. It is important, not only for the health of the resource, but also for the health of the commercial fishing industry and coastal fishing communities, to manage the Nation's fishery resources for the long term.

In recent years, the United States has experienced resource depletions in some fisheries, the most recent and most reported on is the situation with New England groundfish stocks. The cause of this resource depletion may be a number of things including loss of habitat, overfishing, increased predation, or changes in temperature and climate.

Fishery resources are vitally important to many regions of the country and the protection oft he stocks is important to keeping many coastal communities alive. The Magnuson Fishery Conservation and Management Act tries to maintain the balance of allowing the sustained harvest of our fishery resources as well as protecting the stocks from overfishing. These concepts are transferrable to other renewable natural resources; however, other domestic resource laws do not always recognize that development and conservation can coexist.

In the United States, bowhead whales are harvested by Alaskan Natives for subsistence purposes at a sustainable level. Care is taken to determine the population of the stocks being harvested, the level of acceptable harvest is carefully determined, and rigorous monitoring and enforcement measures are followed. The villages which participate in the hunt for the bowhead must and do continue to remain concerned about the long-term health of the stocks and treat the resource with the respect it requires.

This combination of good data, careful scientific use of the data, and rigorous monitoring have allowed the sustainable harvest for subsistence purposes for these Alaskan Natives in the same manner that has allowed fishermen to harvest fishery resources in most areas of the country without harming the long-term health of the resource.

The United States is working internationally to ensure the sustained development of marine fishery resources. An International Conference on the Sustainable Contribution of Fisheries to Food Security was held December 4–9, 1995 in Kyoto, Japan. The international delegates of this conference promoted the enhancement of subregional and regional cooperation in establishing conversation and management measures to protect marine fishery resources.

This conference followed up on concerns and ideas discussed at the 27th session of the Food and Agriculture Organization [FAO] held in November 1993 and detailed in the U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks in December 1995. The sustainable development of fishery resources will again be discussed this coming November at the world food summit which is being convened by the FAO of the United Nations.

The marine fishery resources of the United States and the world will obtain the protections they need when the United States and the international community work together to develop conservation and management measures that allow marine fishery resources to be harvested at a sustainable levels. Moreover, these sustainable harvest levels will also sustain the livelihoods of those individual dependent on marine fishery resources.

DEDICATION TO HON. RAY THORNTON

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. PACKARD. Mr. Speaker, I want to take this time to honor a dear friend and colleague of mine, RAY THORNTON. RAY will be leaving this body soon and before he goes, his dedication and fellowship deserves high praise. As chairman of the Legislative Branch Subcommittee on Appropriations, I would like to thank him for his assistance as ranking member.

RAY assumed the ranking member position this year with great enthusiasm and skill. I appreciated his input as well as his willingness to work in a friendly and bipartisan way. Together we accomplished a great deal. To date, the legislative branch is a full 12-percent leaner than it was 2 years ago and serves as the model for rightsizing the rest of Government.

RAY contributed tremendously to this effort. He supported and advanced our efforts to find additional opportunities to save dollars and increase efficiencies here in the legislative branch.

The legislative branch spending bill is primarily about people. RAY'S administrative background, as a former University of Arkansas president, proved invaluable. As RAY and I worked together to rightsize this institution, time again he brought his management orientation to task.

Unfortunately, we may be losing RAY to another branch of government as he works to assume a judgeship on the Arkansas Supreme Court. His dedication and enormous talents will certainly continue to prove beneficial to the people of Arkansas. While I wish RAY well in his future endeavors, I will miss him as my colleague here in the House and on my subcommittee.

TRIBUTE TO MAGGIE KILDEE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. LOFGREN. Mr. Speaker, I would like to take this opportunity to pay tribute to Maggie Kildee on the occasion of her impending retirement from the County of Ventura Board of Supervisors.

Supervisor Kildee is a native of California and a graduate of the University of Redlands with a B.A. in education. She received her M.A. degree in public administration from California Lutheran University. Before her election to the Board of Supervisors, she was a teacher and an administrator with the Pleasant Valley School District.

First elected to the Ventura County Board of Supervisors in November 1980, Supervisor Kildee was one of the first two women elected to the Board and in 1982 served as its first woman chairperson.

Supervisor Maggie Kildee's leadership contributed to a number of important developments within Ventura County. Her various programs included the County's Greenbelt Agreements between cities, the first-in-the-state Agricultural Lands Preservation Program, the Ventura County Council on Economic Vitality, and the "Beyond the Year 2000 Committee". She also served as the chair for numerous committees such as the Ventura County Medical Center Oversight Committee, the Ventura County Jail Ad-Hoc Committee, and the Ventura County Waste Commission.

As the end of her term draws near, I would like to extend my gratitude and appreciation to Maggie Kildee for her dedication to both the County of Ventura, CA, and the Board of Supervisors.

TRIBUTE TO MIKE RHODE, JR.

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SKEEN. Mr. Speaker, I rise today to note the passing of and to pay tribute to Michael Rhode, Jr., of South Carolina.

Mike Rhode died earlier this year, in May, after a brave bout with cancer, only too briefly after he retired from his position as Secretary of the Panama Canal Commission. His wife, Lin, worked in my congressional office from 1981 until her retirement in 1995.

Mike Rhode was a close and valuable friend and a talented and dedicated public servant. He and Lin planned for an early retirement to spend more time with his daughter, Pamela Lister, and two sons, Michael and Randy.

Mike Rhode served as chief of the U.S. Army's Senate Legislative Liaison Office in the 1970's. His combat experience in Korea and Vietnam was of major help to the Members of Congress he worked with on his travels to Southeast Asia. Mike was extremely knowledgeable on issues affecting our country's membership to the North Atlantic Treaty Organization [NATO].

After 26 years of distinguished and dedicated service to our country in the Army, Mike retired to take the position of Secretary of the Panama Canal Commission in 1980. Mike was extraordinarily helpful to me and several Members of Congress in his position with the Panama Canal Commission. He was successful in explaining and analyzing proposed legislation and to suggest ways in which the laws governing the operation and maintenance of the Panama Canal could be modified over the years to ease the transition to Panamanian control by the year 2000.

Mike Rhode will be remembered by his family and friends for living a distinguished life on behalf of his family and our country. My thoughts and prayers remain with his family and friends on his passing. He will be sorely missed by us all.

INTRODUCTION OF THE REHABILITATION AND RETURN TO WORK OPPORTUNITY ACT OF 1996

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BUNNING of Kentucky. Mr. Speaker, today, in behalf of myself, ANDY JACOBS, CLAY SHAW, and other members of the Ways and Means Committee on both sides of the aisle, I am introducing the Rehabilitation and Return to Work Opportunity Act of 1996. This legislation will help Social Security and Supplemental Security Income disability recipients who want to work return to a life of financial independence and self-sufficiency.

We are all too familiar with the huge increases in the Social Security disability insurance and Supplemental Security Income disability rolls over the last decade. From 1986 to 1995 alone, the rolls grew almost 70 percent, to 7.5 million recipients. Unfortunately, there is no end to this alarming trend in sight. In fact, new disability awardees are, on average, becoming younger and younger. This means they will spend more of their lives dependent on Social Security or SSI unless Congress gives them the opportunity to obtain the tools and training they need to return to productive and self-sufficient lives.

The General Accounting Office recently reported that the Social Security Administration has placed little priority on helping disabled recipients return to productive employment. GAO found that SSA's rehabilitation programs don't focus on providing the support and assistance that many people with disabilities need to transition from the disability rolls back to work. In my view, SSA's record on rehabilitation is appalling.

Of the 6.6 million working-age people who were receiving Social Security or SSI benefits in 1995, only 4 percent were even referred for rehabilitation. Of these, only 6,238, or less than one-tenth of 1 percent, were successfully rehabilitated. This isn't fair to disabled recipients, who will otherwise face a life of dependency and denied opportunity. It is time we let Social Security and SSI recipients who are disabled know we care enough to invest in their future.

The Social Security Act requires that individuals applying for disability benefits be referred to State vocational rehabilitation agencies for services, but State agencies are reluctant to take on the more difficult cases. GAO estimates that if only an additional 1 percent of the 6.6 million working-age people receiving Social Security or SSI disability benefits were to leave the rolls by returning to work, an estimated $3 billion could be saved in subsequent years.

Under my legislation, Social Security and SSI disability recipients would no longer be limited to using State vocational rehabilitation agencies for services, but would be able to choose whether to receive rehabilitation services from private, nonprofit, or State rehabilitation providers. Disabled recipients would, for the first time, have a broad choice of certified providers from whom they could receive the rehabilitation services they need. It would be up to the individual with the disability to decide which rehabilitation provider best met his or her needs. The competition that would result would guarantee that persons with disabilities would be choosing from the highest quality services.

In addition, my bill would extend Medicare coverage for 5 years for disabled recipients who work, and Medicare would continue to be the primary insurer for employers with fewer than 100 employees. And employers who hire Social Security or SSI disability recipients would be eligible for a 1-year tax credit for the employer share of FICA taxes.

The legislation creates a commission of rehabilitation experts to oversee the implementation of a new out-come-based rehabilitation program designed to help recipients move from dependency to self-sufficiency. The program would create a competitive system utilizing networks of service providers; a straightforward incremental fee structure for providers that caps overall costs at certain milestones of service; criteria for SSA to contract out the administration of the new system; and a coucher-type system to maximize consumer choice and limit costs.

To ensure that disabled recipients receive the best quality services, the bill calls for standards, including review by consumer organizations, that rehabilitation providers must meet in order to serve Social Security or SSI disability recipients.

These are all features that persons with disabilities, rehabilitation providers, and small businesses agree are necessary for a successful return-to-work effort. I look forward to hearing comments from all of these constituencies so that in the next Congress we can take legislative action to provide real opportunity to persons with severe disabilities, enabling them to return to productive employment and self-sufficiency. I urge my colleagues on both sides of the aisle to join with me in this effort by supporting this legislation.

DYSTONIA AWARENESS WEEK

HON. ANDREA H. SEASTRAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. SEASTRAND. Mr. Speaker, thousands of people recognize the week of September 28 to October 5 as Dystonia Awareness Week. I have learned and urge other citizens to learn about this alarming neurological disorder that affects as many as 250,000 people in North America.

Dystonia is a neurological disorder which creates muscle spasms to all parts of the body. The muscle spasms are very painful and sometimes disabling. Unfortunately the cause of Dystonia is unknown and there is no cure. The Dystonia Medical Research Foundation has been formed to help those who suffer from Dystonia, along with their families and friends in finding the cause and cure of this neurological disorder. As we help those who suffer from Dystonia I hope and pray that a cure will be found to put an end to this disabling pain.

NEIGHBOR DAY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. REED. Mr. Speaker, I rise today to urge my colleagues to support measures in their States to designate the Sunday before the Memorial Day Weekend each year as "Neighbor Day."

The neighborhoods we once knew as places of peace and harmony are now engaged in the fight against a rising tide of crime and violence. One of the saddest results of this increasing crime is that neighbors fear for their safety and become alienated from one another.

Four years ago, my constituents in Westerly, RI, came up with the idea of celebrating "Neighbor Day" as a way to reach out to one another, introduce themselves to new neighbors and renew old friendships. With parties and open house gatherings, Neighbor Day in Westerly gave people a sense of neighborhood pride and positive community spirit. Two years ago, the entire State celebrated this spirit of good will.

I believe that by celebrating "Neighbor Day" nationally, we can bring people closer together and overcome the atmosphere of fear and mistrust found too often in our neighborhoods. This effort is not solely confined to Rhode Island. Indeed, Boys Nation passed a resolution in July 1994 to make the Sunday before Memorial Day weekend each year "National Neighbor Day."

Mr. Speaker, I ask my colleagues to join me in this unique endeavor by supporting measures to create "Neighbor Day" in their States.

OBSERVATIONS ON BOSNIA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the text of a report prepared by high school teacher Pat Feichter.

Pat, a teacher of American government at Maine South High School in Park Ridge, IL, recently returned from a humanitarian mission to Bosnia. He and other civics teachers from the United States and Western Europe organized and led seminars for Bosnians who teach government and civics.

The seminars, sponsored by the Center for Civic Education, are part of the center's ongoing mission—here at home and abroad—to advance our collective knowledge about the institutions of western-style democracy:

OBSERVATIONS ON BOSNIA

When the Center for Civic Education asked me to volunteer to teach in Bosnia this summer, I jumped at the opportunity. Many people thought I was crazy, but I knew it would be a unique experience and one in which I could make a positive contribution in promoting democratic values.

As one enters Bosnia, it does not take long to experience destruction. Our seven hour bus trip to Sarajevo passed through dozens of war ravaged villages and towns. Some were selectively damaged, with only certain areas felled by artillery shells, others were totally leveled. The once beautiful city of Mostar was one of the worst. Everywhere, in this Muslim-Croatian divided city, was evidence of war.

Sarajevo, once the proud host of the 1984 Winter Olympic Games, is a city of burnt-out hulks. Over 1,300,000 artillery shells have struck Sarajevo. The effects were extensive and devastating. The Holiday Inn, where we stayed while in Sarajevo, is still marked by the effects of war. There are elevators and guest rooms with bullet holes and a stairway being repaired from a direct artillery hit.

I was assigned to teach in the Canton of Travnik, 60 miles north of Sarajevo. I worked with one other American teacher from Minnesota and two Europeans, one from Germany and the other from Switzerland. This was the first time any of us had worked together. Flexibility and a willingness to compromise was a basic need. We were able to work together well.

Our class had thirty participants. These were teachers of Muslim, Croatian, and Serbian ancestry. We worked entirely through interpreters. Our facility was a Jesuit founded secondary school 114 years old.

Apprehension is the best way to describe our feelings going into this two week course. Would the class understand us? Would they like us? Would they be willing to participate in simulations and group projects? The answer to this was a resounding yes!

The Bosnian teachers, our students, were a joy to work with. They had a great sense of humor and an incredible interest in learning about democracy. Our mock trial and simulated election were two of the most popular activities. We became so close to members of our class that we were frequently invited to their apartments.

People often ask me if I was frightened being in Bosnia. The answer is no. As long as you use common sense, there was nothing to fear. I walked the streets of both Travnik and Sarajevo in the evenings without a worry. However, you could not plan picnics in the countryside. Landmines, as estimated 8 to 11 million, are a danger. You must stay on paved roads and sidewalks.

One of the saddest effects of the war is the huge number of refugees living in squalor. They have very little food to eat. One man showed me a small plate of goat cheese which was his only allotment of food for the day. These displaced people have in many cases been living in refugee centers for more than two years and often don't know where their loved ones are or even if they are alive. The most we could do for them was to offer clothes, some food, and a small amount of money.

Ethnic tensions do exist in Bosnia and are usually just below the surface. One evening on the streets of Travnik, I was approached by an irate group of Croatians. They were very upset because the person who selected the Bosnian teachers to attend our program was a Muslim. They were concerned about bias in the selection process. From time to time, we would hear stories about churches and mosques being bombed. Yes, ethnic tensions are a fact of life in Bosnia.

Would I return? In a heartbeat! Working with the Bosnian teachers was one of the most rewarding experiences of may life. In a small way I feel I may have helped further democracy and peace in this troubled land.

HONORING MANUEL DE JESUS ALVARADO

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. PASTOR. Mr. Speaker, today I rise to honor the life of Manuel de Jesus Alvarado, a man who brought hope and laughter to all who knew him. His goodwill was contagious but he had a serious mission in life. Manny, as everyone knew him, was an educator and an activist. From his earliest days at the University of Arizona in Tucson, he worked aggressively to improve the educational and employment opportunities for minorities.

Manny's commitment to civil rights and educational activism is evidenced by the range and length of his community and volunteer work: Board of Directors for Southern Arizona Legal Aid—22 years; Tucson Dropout Prevention Collaborative—15 years. The list goes on.

Manny was often recognized for his immeasurable contributions. Among the awards he was most proud of were the Tucson Association for Bilingual Education Award, the Chicano Student Leader Award, the TUSD Dropout Prevention Award, the Pima Community College Award for Dedicated Service.

This award from Pima College best exemplifies his love for his work and his students as talent search program director at Pima Community College. His compassion and his enthusiasm found their outlet through this work with Tucson's youth. Manny recognized that many academically talented Hispanic and native American youth were not prepared to go on to college. Working through Pima College, Manny created the talent search program in 1988 to monitor junior high and high school students. Those students with academic potential were recruited and many have gone on to complete their college education.

Above all, Manny was a "doer". He created, built, and energized people, groups, and communities. Although Manny can never be replaced, the legacy he left is strong. He was a role model and achieved all the worthwhile things of life: a loving, close, and supportive family; devoted friends; the respect of the community; a meaningful life's work, the trust of his students; a deep and abiding faith in God.

Again, I would like to pay tribute to the lifetime of accomplishments of Manuel de Jesus Alvarado, and extend to his family, his wife, Theresa, his daughters Angela and Monica, and to his step-son, Fred Medina, my condolences on the loss of a great and honorable man.

INTRODUCTION OF LEGISLATION

HON. WALTER B. JONES, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. JONES. Mr. Speaker, today I am reintroducing legislation to correct the unintended reclassification of pharmaceutical-grade, FDA-approved egg yolk phospholipid by the Harmonized Tariff Classification System [HTS]. HTS is a world-wide standardized classification of items for duty. The implementation of HTS in 1988 was not supposed to change the duty on any item. However, unintentionally, HTS more than tripled the duty on this phospholipid, which is a unique component that must be imported by a North Carolina manufacturer.

Pharmacia is a U.S. company located in Clayton, NC. The main product Pharmacia manufactures is Intralipids, a unique intravenous feeding solution. Pharmacia must import a key Intralipid ingredient because it is made only by Pharmacia's parent in Sweden.

The duty on Pharmacia's phospholipid was set at 1.5 percent when Pharmacia began operations in North Carolina in the 1970's. Beginning in March 1991, the unintentional HTS reclassification of the phospholipid more than tripled this duty.

My legislation would return the rate on the phospholipid to 1.5 percent for the period from March 29, 1991 until January 1, 1995, when the duty for Pharmacia's phospholipid and other pharmaceutical components and products became zero under the GATT Agreement. The unintended duty increase that was paid in the interim, $396,779.16, would be refunded.

Mr. Speaker, there has been no disagreement that the duty increase on Pharmacia's phospholipid was unintended. The issue is a matter of equity. Congress should be very concerned whenever a growing company like Pharmacia is unintentionally taxed without equitable redress. I hope that a way can be found very soon to enact the legislation necessary to correct the unintended duty the North Carolina company has paid.

AMERICAN WINE DELEGATION CONTRIBUTES TO IMPROVED UNITED STATES-CHINA TRADE DIALOG

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. RADANOVICH. Mr. Speaker, Government colleagues and friends in the United States wine industry, earlier this year, at the invitation of the People's Republic of China, the first official American delegation of viticulturists and enologists since 1949 completed a 2-week consultative tour of the Chinese wine industry.

The trip, under the sponsorship of the People to People Citizen Ambassador Program, has resulted in broadening the scope of business and market contacts in China and in identifying new opportunities for trade and joint venture activities.

As I was consulted during the planning stages of this trip, I was able to lend it my full support and would have joined the delegation had scheduling permitted.

The delegation report, I feel, will serve as a valuable source of information for anyone in the United States business community who is interested in doing business in China now or in the future.

I wish to commend the delegation, led by Gordon Murchie, president of the Vinifera Wine Growers Association, for its professionalism in representing our country in this important factfinding and trade relations trip.

It gives me great pleasure in making excerpts of the delegation's trip report a part of the CONGRESSIONAL RECORD:

WINE BUSINESS AND DIPLOMACY

China, a nation of 1.2 billion people, has a history of grape growing dating back to the Han Dynasty (121-136 BC) and of grape winemaking dating from the Tang Dynasty (618-907 AD). Vitis Vinifera wine production, however, is a more recent 20th-century innovation.

While only about one-fifth of China's current grape harvest is made into wine, the potential for wine production and consumption is enormous. Importing and exporting wine is gaining the attention of the newly emerging economic structures of China and foreign investors and partnerships. Both Chinese government and private-sector wine interests are eager to welcome and learn from American viticulture and enology techniques and methodologies.

Thus, with an invitation from the Government of the People's Republic of China and through the sponsorship of the Citizen Ambassador Program of People to People International, our Viticulture and Enology Delegation of one French and eleven American wine experts, representing all sectors of the wine industry, visited China, April 14 to 27, 1996.

This was the first official U.S. wine Delegation to travel to China since 1949. A previous Viticulture and Enology Delegation was cancelled the day before departure in June of 1989 due to the Tiananman Square incident.

the mission of the Delegation was to meet with counterpart contacts at all levels of the Chinese wine industry; exchange information; discuss topics of mutual interest such as vineyard management, winemaking technology, viticulture-enology research and training, sales and marketing strategies, government regulatory oversight, foreign investment and joint venture opportunities, import and export potentials, and tariff rate issues; establish ongoing professional and business relationships; and, generally, assess the status of development and growth potential of the wine industry in the People's Republic of China.

The tip itinerary, which included site visits in Beijing, Tianjin, Yantai and Shanghai, provided the Delegation an opportunity to make contacts throughout the whole of the alcohol beverage industry in China. It included meeting the leadership of the PRC Government's oversight ministry, product control and distribution organizations, research and educational facilities, import and export companies, and visits to government, quasi-government, and joint venture wineries and distilleries, and farm vineyard sites.

As wine is truly an international language, the Delegation feels that an overall objective of the Citizen Ambassador Program to make friends and promote greater understanding among professional and concerned individuals internationally, in this case between the wine communities of the United States and the People's Republic of China, was in a good measure achieved.

The Delegation wishes to express its collective appreciation to all the American and Chinese organizations and individuals which contributed to the planning, arranging, conducting, hosting and support of what the Delegation views as a successful professional exchange experience for all concerned.

Our thanks go to the Citizen Ambassador Program People to People International, United States Congressman George P. Radanovich, His Excellency Li Daoyu, Ambassador of the People's Republic of China in Washington, D.C., the U.S. Embassy in Beijing, China National Council of Light Industry, China National Research Institute of Food & Fermentation Industries, China National Cereals, Oils & Foodstuffs Import & Export Corp., the Tianjin, Yantai and Shanghai Foodstuffs Import & Export Corporations, Shanghai Sugar, Cigarette & Wine Corp., Beijing Agriculture University, Shanghai Academy of Agricultural Sciences, Beijing Pernod Ricard/Dragon Seal Winery, Tianjin Remy Martin/Dynasty Winery, Yantai Chang Yu Winery, Shanghai Remy Martin/Shenma Winery, Mr. Wang Kefa, Town Leader for Longkou vineyards (Penglai), Mr. Scott R. Reynolds, Director, U.S. Agricultural Trade Office, Shanghai, Mr. Peter Chang of Mandarin International Travel and his colleagues (program arrangers), Mr. Jiang in Yantai, Mr. Yan in Shanghai, and especially Mr. Zhao Ying Kong who was the Delegation's guide and mentor throughout the entire trip.

Finally, our special thanks go to Anita Murchie who recorded and maintained additional notes on all Delegation meetings and site visits, transcribed the hours of tapes, and typed and edited this 75-page journal report. The full report is available by contacting by VWGA, P.O. Box 10045, Alexandria, Virginia 22310.

DOING WINE BUSINESS IN CHINA

The following is a general list of pluses, minuses, and other considerations that any individual, winery, wine consortium or allied business interested in doing business in China should take into consideration.

They are not intended to be conclusive, but to serve as a basic check list to be used in developing any business strategy to establish trade, investment, joint venture and/or production and marketing relations with the People's Republic of China.

American Products have edge:

+Historical and cultural connections.

+Chinese view of U.S. on world stage is that it remains a major international economic and political power.

−Continuing political contentions between the U.S. and the PRC.

−Established and growing foreign competition.

Market potential is there (1.2 billion population):

+Western products and styles have appeal.

+Youth and young business classes are change-minded and looking for a more prosperous and comfortable life style.

+Whole nation is undergoing a building-construction boom, further promoting change. More wage earning employment is increasing public desire for more consumer gods.

−Established cultural identification with tastes of traditional products, i.e., sweeter, heavy bodied, high alcohol content and flavored wines.

−Higher prices and limited availability of foreign products.

Lessening of PRC government's monopoly control of distribution systems of major products, i.e., grains, oil, sugar and alcohol:

+Government entities are freer to establish direct business contacts with foreign companies.

+Small private sector businesses are present everywhere, adding a stimulus to the development of alternative distribution and marketing systems within the country.

−Government bureaucracy, out of date regulations, paperwork, etc.

Business and trade considerations:

Patience and long-term commitment are necessary.

Include overseas Chinese connection in PRC business arrangement.

Joint venture connection with government or government connected organization best for near future.

Establishment of dependable distribution and warehousing system is key.

Capital investment is offset by inexpensive labor costs.

Targeted advertising strategy is essential, building product identification and product appeal.

Networking international hotels and restaurants.

Developing wine expos and other public wine education/appreciation events.

Current alcohol beverage market:

Distilled spirits traditional, brandies and cognacs are king.

Beer is being brewed locally in all cities. Beer popularity and consumption is growing rapidly throughout the country.

Wine: Table grapes and vineyards for 6,000 yards. Wine grapes and wine for 2,000 years, but always in limited quantity. Rice, plum and other fruit flavored, sweet and heavy-bodied wines are traditional and remain popular. Late 1800s and early 1900s began foreign influence and production of European styled dry wines. 1892 Chang Yu Winery was the establishment of the first commercial plant in Yantai, China.

Bottom line: If there is money to be made by Chinese involved individuals and/or businesses in marketing and selling an American product (wine), success will eventually happen!

SUGGESTIONS FOR AN ONGOING DIALOG BETWEEN THE WINE INDUSTRIES OF THE PEOPLE'S REPUBLIC OF CHINA AND THE UNITED STATES

Plan and conduct a series of Chinese wine expos in several American cities with large Chinese populations. Hold trade and public wine tasting events to improve the marketing and sale of Chinese dry wines in the U.S.

Establish a cost sharing exchange program between the PRC and the U.S. agricultural universities and institutions for viticulturists and enologists—short term teaching, study and research grants.

Recommended American consultants for short working assignments with China's alcohol beverage industry:

1. Alcohol beverage trade association consultant.
2. Alcohol beverage consultant on warehousing, distribution systems and marketing strategies.
3. Consultant team from the U.S. Bureau of Alcohol, Tobacco & Firearms to advise on: (a) Establishing national regulations and standards for the Chinese alcohol beverage industry; (b) Label and formula approval; (c) Compliance matters; (d) Laboratory research and testing procedures; and (e) Product taxing and collection.

Increase incentive for foreign wine importation and joint venture activity by further lowering the tariff on wine considerably below the present 70% level. Increased sales of American dry wines in China will correspondingly increase the popularity and sale of Chinese dry wines.

MEMBERS OF THE DELEGATION

Gordon W. Murchie, Delegation Leader and President, Vinifera Wine Growers Association, Alexandria, Virginia; Anita J. Murchie, Delegation Reporter, VWGA; Albert A. and Donna M. Oliveira, Basport Vineyard, King City, California; Tony K. Wolf, State Viticulturist, Virginia; Wilbert E. Rojewski, President, Alasco Rubber & Plastics Corp., Belmont, California; John R. Pramaggiore, Director of Fine Wines, Service Liquor Distributors, Inc., Schenectady, New York; Tomas F. Rodriguez, President, La Provencale Cellars, Reston, Virginia; Stephen D. Reiss, Buyers & Cellars Wine Consultants, Aspen, Colorado; Anne V. and Roger W. Webb, Apponagansett Bay Vineyard, South Dartmouth, Massachusetts; and Robert J. Boidron, Director, E.N.T.A.V., France.

TRIBUTE TO POLISH-AMERICANS

HON. MARK ADAM FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FOLEY. Mr. Speaker, I rise today, Pulaski Day, to pay tribute not only to Kazimierz

Pulaski but to all men and women of Polish descent who have helped to make this Nation the greatest in the world.

Kazimierz Pulaski was an energetic and fiery soldier who, in July 1777, came to America to offer his services in the Revolutionary War. As a cavalry general he fought courageously and won distinction in several campaigns.

Pulaski was to the American Revolution what Patton was to World War II. Though he was mortally wounded in the Battle of Savannah, he left behind a cavalry unit that earned him the title "Father of the American Cavalry."

Mr. Speaker, Kasimierz Pulaski knew, just as the following famous Polish-Americans, that freedom isn't free and that America is a great nation because it provides an opportunity for every person regardless of ethnicity:

FAMOUS POLISH-AMERICANS

Mieczyslaw G. Bekker—scientist; built the first vehicle used on the moon (moon rover used by Apollo 15 in 1971).

Zbigniew Brzezinski—professor of political science; National Security Advisor in President Carter Administration (1977–1981).

Stanislaw Burzynski—physician, cancer specialist.

Adam Didur—opera singer; at the beginning of the 20th century was for 25 years principal bass of the Metropolitan Opera.

Mieczyslaw Haiman—historian; the first curator of the Polish Museum of America in Chicago.

Bronislaw Kaper—composer; composed for nearly 150 Hollywood movies, won Oscar for "Lili."

Jan Karski—diplomat and professor of political science; author of the report concerning conditions in the Warsaw Ghetto and concentration camps in the early World War II, who tried to bring to the attention of unwilling-to-listen Allied governments and societies the atrocities committed by Germans in Europe.

Jan Kiepura—opera singer; star of the Metropolitan Opera and Broadway.

Tadeusz Kosciuszko—political leader and philosopher; brilliant military strategist, a Revolutionary War hero, built West Point.

Jerzy Kosinski—writer; author of "The Painted Bird."

Jan Krol—the first Polish-American cardinal (from Philadelphia).

Wladimir B. Krzyzanowski—soldier; organized Polish Legion that fought in the Civil War; the first Governor of Alaska.

Bronislaw Malinowski—anthropologist; a founder of cultural anthropology; famous for his research in Trobriand Islands.

Czeslaw Milosz—poet and writer; won Nobel prize for literature (1980).

Helena Modrzejewska—actress; famous in the 19th century America for her appearances in Shakespeare's plays.

Ralph Modjeski—engineer; specialized in building bridges (Themes Bridge over Mississippi, Delaware River Bridge, Trans-Bay Bridge in San Francisco, Blue Water Bridge in Michigan).

Stan Musial—baseball player (St. Louis Cardinals); Sportsman of 1957, Baseball Player of the Decade, 1946–56.

Edmund Muskie-Marciszewski—U.S. Senator from Maine; Democratic candidate in the presidential elections of 1968 and 1972.

Pola Negri—actress; star of many films in the early era of Hollywood.

Ignacy Jan Paderewski—pianist, composer and statesman; loved by the American audience, played an important role in establishing free Poland after the World War I, Prime Minister.

Ed Paschke—contemporary painter; representative of the Chicago Abstract Imagists.

Roman Polanski—film director; famous for "Rosemary's Baby," "Chinatown" and other movies.

Tadeusz Sendzimir—engineer; author of over 50 inventions in mining and metallurgy.

Leopold Stokowski—conductor.

Leopold Tyrmand—writer, editor of "Chronicles of Culture."

Stanislaw Ulam—mathematician, cocreator of the atomic and H-bombs.

Korczak Ziolkowski—sculptor, creator of the statue of Crazy Horse in the Dakota Black Hills; member of the team of artists that carved head of presidents in Mt. Rushmore.

Florian Znaniecki—sociologist; coauthor of "The Polish Peasant in Europe and America, 1918–1920; considered the foundation of modern empirical sociology.

TRIBUTE TO THE FRANCIS CHILD DEVELOPMENT INSTITUTE AND THE FRANCIS FAMILIES FOUNDATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. McCARTHY. Mr. Speaker, I rise today to salute the Francis Families Foundation in Kansas City, for their dedication to improving the quality of child care for thousands of families in our community.

The Francis Institute is a major program at Penn Valley Community College, one of the metropolitan community colleges, whose mission is to provide high-quality training and education to child care providers and students seeking careers in early childhood development. In its short 6-year history, the Francis Institute has become a national leader and advocate for the profession of child care. It is also changing the way Kansas City views child care facilities—not as babysitting services, but as enriching places for children to go for learning and development.

Today, thanks to a $6.5 million grant from the Francis Families Foundation, the Francis Institute is breaking ground on an exciting state-of-the-art facility. This building will provide exciting new benefits to the community, including a comprehensive resource library, a model child development center, facilities for community workshops and seminars on child care and more.

Since 1990, the Francis Families Foundation has worked quietly behind the scenes providing leadership in the area of child care education and training. As one of the founders of the Francis Institute, it has helped establish a unique public-private partnership with the metropolitan community colleges. The outcome is accessible education and professional development opportunities to urban child care providers.

The Francis Institute's success and impact are built upon a foundation of community partnerships and collaborative programs. Working with local, State, and national organizations to provide academic courses, workshops, consultation, entrepreneurial training, mentoring, and more, the Francis Institute has improved the skills of thousands of child care providers and students. At the same time, its qualified staff fosters a lifelong love for learning and personal growth.

It is common for people to talk about the problems our children face today. It is rare for organizations such as the Francis Families Foundation and the Francis Child Development Institute to work hand in hand toward a common goal with so much success in such a short period of time.

Mr. Speaker, I congratulate the Francis Families Foundation of its vision and tremendous generosity, and I wish the Francis Child Development Institute great success in its efforts to change the way we think about child care to the benefit of families.

40TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SMITH of New Jersey. Mr. Speaker, 40 years ago, on October 23, 1956, students in Hungary protested against the Russian and Marxist-Leninist classes which had been imposed by the Soviet Union. The Hungarian Revolution had begun. Students and the Writers' Union then publicly supported the Polish anti-Soviet movement, and workers joined them in calling to reinstate as Premier the Communist Party reformer Imre Nagy. Within days, despite hard-liner Premier Hegedus' plea to the Soviet Union for assistance, the Communist Party reinstated Nagy and his reform efforts were allowed to resume. The Hungarian people wanted more, and pushed for an end to the dominance of the Communist system itself. With Soviet troops and tanks entering Budapest, a new government was formed as fighting spread across the country. Revolutionary workers' councils and local national committees demanded attention be given to political and economic demands, including calls for free elections, free speech, press, assembly, and worship.

Imre Nagy, siding with the people, announced the end of the one-party system, and called for free elections. He even criticized the Warsaw Pact and indicated his intention to make Hungary a neutral state. The Soviet Union quickly reacted to this secession with a crushing military advance on strategic locations throughout Hungary in mid-November. Imre Nagy was ousted from office. For his loyalty to his people and to their revolution, he was executed by the Soviets in 1958.

Mr. Speaker, despite courageous efforts, the revolutionaries were ruthlessly and bloodily suppressed while a sympathetic but ineffective international community stood by. In the end thousands were killed in the fighting, and hundreds of thousands fled the country to avoid imprisonment and repression after the revolution. Many settled in the United States.

The 40th anniversary of the Hungarian Revolution is an appropriate time to reflect upon the historical contribution made by those who valiantly fought for freedom. Although the revolution did not succeed in freeing the Hungarian people, its influence on Hungarian life has been strong. To Hungarians, East and Central Europeans, and the rest of the world, the Revolution served as a reminder that the Soviet Communist bloc was an artificial edifice which would crumble without the support of Soviet military strength.

Hungary and Poland led the way in 1989 to cast off Communist rule, and Hungary remains in the forefront of those East European nations working to consolidate democracy and build market economies. In 1990, Hungary was the first East European country to become a member of the Council of Europe, reflecting Hungary's advances in human rights. Indicative of the country's progress in establishing a democracy, Hungary is currently among the first-tier countries to be considered for membership in an expanded NATO.

In fact, acknowledging the need for security and cooperation with their European neighbors, the Hungarian Government—led by Gyula Horn—made a significant step toward historic reconciliation with Romania by signing a bilateral treaty just a few weeks ago. Hopefully this treaty will be a useful mechanism for handling future concerns peacefully and in a constructive manner. In its ongoing transition, Hungary continues to face the complex tasks of sustaining newly-developed democratic institutions, furthering the growth of civil society, and managing the hardships associated with privatization and economic reforms following decades of Soviet domination and centralization.

Hungary's commitment to a free and democratic system are deeply rooted in the legacy of those who valiantly fought in 1956. With history as a measure, Hungary has great staying power. This year, Hungary commemorates not only the 40th anniversary of the 1956 Revolution, but also the 1100th anniversary of Hungary as a nation. Mr. Speaker, in this 40th anniversary year we honor Hungary's legacy of a love for freedom.

GIRL SCOUT GOLD AWARD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. COBLE. Mr. Speaker, since 1980, the Girl Scout Gold Award has been the highest award that a Senior Girl Scout can earn. In the Sixth District North Carolina, we are proud to announce that 88 members of the Tarheel Triad Girl Scout Council have earned this prestigious honor.

The Gold Award is the most highly valued honor in Girl Scouting. The potential honoree must spend 2 to 3 years committing herself to hard work in order to obtain a Gold Award. Her efforts must express a special dedication to personal growth, helping her community and her world, and to her future.

To receive the award, a Girl Scout must earn four Interest Project Patches, the Career Exploration Pin, the Senior Leadership Award, and the Girl Scout Senior Challenges. She must also design and implement a Girl Scout Gold Award project that takes a minimum of 50 hours to complete. A plan for fulfilling these requirements is created by the Senior Girl Scout, an adult advisor, and the community in which she lives.

We are pleased to state that the following Girl Scouts from the Tarheel Triad Girl Scout Council of North Carolina have achieved the ultimate success—the Gold Award.

GOLD AWARD RECIPIENTS—1995-96 Troop Year

Kathryn Abel, Anna Antonowicz, Kendall Bain, Anne Beatty, Renee Blackburn, Kerstin Blomquist, Jennifer Bowman, Dana Braddy, Karen Bright, Hana Brown, JoNelle Bruff, Anna Bulluck, Melissa Burgess, Hillary Craven, Jocelyn Crawford, Aarika Cupp, Janet Dawson, Jennifer Dickson, Kristen Dowler, Jennifer Duncan, Anne Duquette, Danette Farmer, Kristin Felts, Ashley Finn, Erin Florence, Christianna Floyd, Jillian Fulbright, Leta Jo Gardner, Heather Gillaspie, Elizabeth Grabasky, Jessica Grandon, Nyia Gravely, Sikia Gravely, Lara Hensley, Robin Huckabee, Mary Kathryn Jester, Julie Johnson, Laurie Jones, Emily Knott, Heather Lloyd, Heather Long, Katherine Love, Kelly Lowry, Erin Lutz, Whitley Maner, Kara Marcus, Kelly McBrayer, Tonia McCaslin, Erin McClure, Jennifer McGinnis, Amber McKinnon, Rowena McNairy, Hawanya Miller, Kristina Miller, Charita Moore, Lindsey Moxley, Erin Murphy, Carrie Navey, Meredith Newlin, Lauren Pate, Amanda Patty, Monica Pedelty, Katie Potts, Katie Raines, Katherine Redding, Kate Roskelly, Mary Kathryn Ross, Elizabeth Rowland, Jerilyn Shaw, Valerie Smith, Drema Snedeker, Dawn Sneed, Dawn Snider, Katherine Spencer, Meredith Stewart, Lindsey Strickland, Aisha Taylor, Jinger Thies, Margaret Tilley, Mary Elizabeth Waddell, Wellsley Wallace, Mary Weatherly, Anna West, Dana Wiley, Valerie Williams, Vachelle Willis, Meredith Wood, and Patty Yu.

We often hear about the negative achievements of today's youth. I am pleased to share with my colleagues the positive developments of a group of young women in my district. On behalf of the Sixth District of North Carolina, we offer our congratulations to every recipient of the Girl Scout Gold Award.

INDIA FINALLY PUNISHES MURDERER INVOLVED IN 1984 MASSACRE OF SIKHS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BURTON of Indiana. Mr. Speaker, the September 16 issue of the New York Times reported that, thanks to a personal crusade by a magistrate named Shiv Narain Dhingra, some of the people responsible for the 1984 Delhi massacre of Sikhs are being punished. Over 20,000 Sikhs died in those massacres following the assassination of Indira Ghandi. All the while, state radio and television called for more bloodshed and the Home Minister locked Sikh policemen in their barracks.

The New York Times called this "one of the darkest chapters in the country's half-century of independence."

According to the Times, "despite evidence implicating politicians, police officers, and officials in the anti-Sikh rioting, not a single person had been convicted for the killings that followed the assassination," until this year. This year, a butcher who was involved in at least 150 of those murders, Kishori Lal, was sentence to death by Judge Dhingra. This crusading magistrate has also sentenced 89 people involved in the massacres to 5 years of "rigorous imprisonment," the harshest punishment in the Indian prison system. These moves constitute a first step toward justice, but they are not nearly enough.

Gurcharan Singh Babbar, a Sikh activist whose campaign on behalf of the victims of this government-inspired massacre caused him to be labeled a "terrorist" by the regime, reports that he has affidavits from the families of at least 5,000 victims. Clearly, the sentences imposed by Mr. Dhingra are just the tip of the iceburg. A Sikh woman named Satnami Bai, finally succeeded in getting a criminal indictment against former government minister H.K.L. Bhagat, who was involved in the murder of her husband, Mohan. It seems that Mohan Bai was pulled from his home, beaten with iron bars, and burned to death by a government-inspired mob. Unfortunately, Mohan Bai is just one of many. Despite the indictment against Mr. Bhagat, he has been allowed to stay in a government bungalow with the protection of the elite and brutal Black Cats security forces. After he was thrown out under pressure this past spring, the Government wrote off thousands of dollars in back rent that Mr. Bhagat owed.

The judge said the Government's belated effort to investigate the massacre is clearly a farce designed to cover up its own responsibility. As Mr. Dhingra points out, the government felt that "the massacre was necessary to teach (the Sikhs) a lesson." This is further proof that the rights of Sikhs and other minorities have never been respected in "the world's largest democracy." That is why we must raise our voices to force the Indian government to stop the atrocities in Punjab and Kashmir, and punish the criminals who are guilty of committing these crimes in the past. We must also do everything in our power to compel the Indian government to respect the rights of the Sikhs in Punjab and the Muslims in Kashmir to freedom from abuses, democracy, and self-determination.

I ask to enter the New York Times article on the massacres into the RECORD.

[From the New York Times, Sept. 16, 1996]

A DECADE AFTER MASSACRE, SOME SIKHS FIND JUSTICE

(By John F. Burns)

NEW DELHI, September 15.—A dismal air pervades the dank residential blocks of Tilak Vihar, a gloom that goes beyond the unpaved lanes turned to swamps by monsoons and the stench of human waste. In this quarter of New Delhi, the degration common in Indian slums is compounded by a blankness on the faces, a lack of the optimism and vitality that, against all odds, inspirits so many of India's poor.

The quarter's popular name is Widows' Colony. In these walk-up blocks live hundreds of women and children who lost their husbands, fathers, sons and brothers in the massacre of thousands of Sikhs that followed the assassination of Prime Minister Indira Gandhi in October 1984. Mrs. Gandhi was shot in the garden of her New Delhi home by Sikhns in her security detail, who acted to avenge hundreds of Sikhs killed in a crackdown by Mrs. Gandhi's Government on insurgents holed up in the holiest Sikh temple in India.

For many Indians, the massacre, and India's failure until recently to punish any of those responsible, has been one of the darkest chapters in the country's half-century of independence. Two men found guilty of Mrs. Gandhi's murder was hanged in 1988.

But despite evidence implicating politicians, police officers and officials in the anti-Sikh rioting, not a single person had been convicted for the killings that followed the assassination until a magistrate imposed a death sentence this week on a butcher found guilty of two of the Skih murders. Evidence presented in court indicated he was involved in at least 150 other killings.

The death sentence on the butcher, Kishori Lai, was the latest move in personal crusade by the magistrate, Shiv Narain Dinghra. Two weeks ago, Mr. Dinghra drew headlines across India by sentencing 89 of the 1984 rioters to jail terms of five years, to be served under the "rigorous imprisonment" regime that is the harshest imposed in Indian jails.

They were sentenced for crimes like arson, illegal use of exposives, rioting, looting and curfew-breaking. Last fall, Mr. Dinghra, a hitherto obscure figure, sentenced 44 others for their roles in the rioting, the first such action since 1984.

Although the Sikh insurgency in the Punjab was effectively crushed in the early 1990's, the legacy of 1984 has embittered many of India's 18 million Sikhs, whose culture and religion are closely linked to India's predominant faith, Hinduism, from which Sikhism, emerged in an 18th century schism.

India's failure until now to make any reckoning for the 1984 killings has also troubled many secular Indians who have taken the Government's inaction as a token of a growing tendency among Hindu politicians who dominate the major parties to pander to sectarian impulses.

Even Mr. Dinghra's efforts are discounted as tokenism by many Sikhs like Gurucharan Singh Babbar.

Mr. Babbar, a Sikh activist, has campaigned on behalf of the riot victims, causing him to be branded a "terrorist" by the Government of Rajiv Gandhi, who succeeded his mother as Prime Minister, and was assassinated himself in 1991. At his home in New Delhi, *Mr. Babbar has piles of affidavits from victims' families that prove, he says, that 5,015 Sikhs were killed, more than double the official figure of 2,300.*

But Mr. Dinghra is part of what many people see as a wider awakening of conscience among India's judiciary that many Indians believe could be the spur to wider changes in the way the country is governed.

The new judicial assertiveness first surfaced in rulings by the Supreme Court that swept aside efforts by the Government of Prime Minister P.V. Narasimha Rao to shield Mr. Rao and others from corruption investigations.The judges have accompanied many of their rulings with wider conclusions about the need to rein in the arrogance and criminality that, the judges have said, has become a trademark of Indian politics.

Mr. Dinghra picked up these themes last month in sentencing the 1984 rioters to jail terms. Calling the Government's show of investigating the killings over the years "a farce," Mr. Dinghra said the attitude among top officials at the time was that "the massacre was necessary to teach a lesson" to India's Sikhs.

But the larger lesson of Government inaction in the case, he said, was that justice was available only to those with power.

"Cases against the rich and influential either do not reach the courts, or, if they do, they are seldom finalized, while the cries of the victims go unheard," he said.

A similar conclusion was reached long ago by Satnami Bai, a 36-year-old grandmother, who has waited years to get justice for her husband, Mohan, a 30-year-old driver of a motorized rickshaw who was among the Sikh men pulled from their homes in New Delhi by Hindu mobs, beaten, with staves and iron bars, then burned alive.

Earlier this year, Mrs. Bai successfully petitioned for a criminal indictment in her husband's killing to be drawn up against a former minister in Mrs. Gandhi's government, H.K.L. Bhagat.

Mr. Bhagat, 75, who has pleaded not guilty, was Mrs. Gandhi's Information Minister. He was named by several unofficial inquiries conducted immediately after the killings as being one of several powerful Congress Party politicians who instigated and led the 1984 killings.

Under Rajiv Gandhi's prime ministership, Mr. Bhagat prospered, holding four ministerial posts and heading the Congress Party in New Delhi. After Mr. Gandhi's Government fell in 1989, Mr. Bhagat stayed on in a luxurious Government bungalow, protected by an elite security force, the Black Cats. Only this spring, when Mrs. Bai's pressures prompted his indictment, was he forced out of the bungalow, and then only after Mr. Rao, the Congress Party leader and then Prime Minister, ordered housing officials to write off tens of thousands of dollars Mr. Bhagat owed in back rent.

The Congress Party has been in an accelerating decline, and its humiliation in a general election earlier this year has emboldened those who have long wanted a reckoning. For these people, Mrs. Bai is just as much a hero as Mr. Dinghra.

Now working as a $50-a-month cleaner in a Government-run dispensary, a job given to her under a program to compensate widows of the 1984 massacre, Mrs. Bai said powerful figures apparently still believed that people like her could be stopped in their efforts to secure justice.

After Mr. Bhagat was hauled into court for the first time, Mrs. Bai said, a woman who identified herself as a relative of Mr. Bhagat called Mrs. Bai at work and offered her 500,000 rupees, equivalent to $14,300, if she dropped the case against him. "I said, 'Fine, we'll do a deal, but forget about the 500,000 rupees,'" Mrs. Bai recalled. "Instead, I said, 'Just give me my husband back, and I'll drop the case.'"

DOUBLE SPEAK CLINTON TRADE POLICY

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MANZULLO. Mr. Speaker, this week the Clinton administration released its annual National Export Strategy, as required by the 1992 Export Enhancement Act. The report contains many accolades for various initiatives within the administration to boost exports. Many of these initiatives are good. But what I found missing was the Clinton administration's record on the single largest export opportunity—its policy on killing sales of United States equipment and services to the Three Gorges Dam [TGD] project in the People's Republic of China.

Last summer, America was confronted by a new reality on the international scene. For the first time in history, the Census Bureau revealed that China has eclipsed Japan as the nation with which the United States has the largest trade deficit at $3.33 billion for the month of June. In fact, our trade deficit with China expanded even further to $3.8 billion in July. The United States could have a trade gap with China of over $40 billion for 1996 if this trend continues.

Many pundits have decried this growing trade deficit. Some argue that the United States should erect more trade barriers to keep out imports from China. Yet, there is a consensus among free traders and protectionists that the United States should use every opportunity to sell products to China. In this case, there are willing customers in China who wish to buy over $1 billion in United States products for the TGD, but the Clinton administration has thus far effectively prevented these exports in order to please certain constituencies in the Democrat Party.

American exporters need the help of the Export-Import Bank of the United States [Ex-Im] in order to win the fierce competition for huge contracts associated with the TGD. Ex-Im can provide loans with lower interest rates—generally 3 to 6 percent less—so that our exporters will not be shut out of the bidding when our European and Japanese competitors secure similar loans from their home government export finance agencies. Already, Canada's export finance agency has provided some help to its exporters willing to sell to the TGD project.

Two years ago, Ex-Im asked the National Security Council [NSC] for advice on the TGD project. Because of its immense size, Ex-Im determined that they did not have sufficient expertise to deal with all the complex issues associated with this dam project. The NSC convened several meetings of 11 different agencies to come up with a series of recommendations for the project. In May 1995, all the agencies involved, including the usually pro-trade Department of Commerce and Ex-Im, recommended that the White House oppose the dam project at this point in time because of environmental issues and human rights concerns over the resettlement of 1.2 million Chinese. Many of the strongest voices against the TGD in this NSC interagency working group came from individuals who had previously worked for environmental lobbying groups prior to their service in the Clinton administration.

Since then, the Yangtze River has flooded twice. More than 3,200 people died in the flooding that occurred during the summers of 1995 and 1996. In fact, during the most recent flooding in July, more than 3 million were left stranded and 810,000 homes ere completely destroyed. Some cities were under 20 feet of water and 2.5 million acres of cropland were completely wiped out, costing China $11.3 billion in economic losses. And, southern China has been hit with five more typhoons, further compounding the flooding damage closer to the coastal areas. Thus, the flooding along the Yangtze in this year alone has done more environmental damage and relocated more Chinese than ever contemplated by the TGD project.

China has debated over the past 70 years a possible solution to this annual flooding problem along the Yangtze River. They fear a repeat of a massive 50 year flood, which last occurred in 1954 that killed 30,000 people and displaced 19 million others. China's leadership concluded that building a dam across the Yangtze at the Three Gorges area would be the best solution in terms of cost, engineering design, and least damage to the environment. While 80 percent of the project is expected to be designed, built, and funded by China itself, it has identified several high-quality foreign products China wishes to use in the dam construction such as hydroelectric power generators, earth moving and concrete placing equipment. The United States is in a unique position to sell these products but the Clinton administration has placed several hurdles in the way.

The most troubling aspect is that the supposedly independent Ex-Im agreed with the Clinton White House recommendation. A number of Members of Congress are very concerned about the independence and the future mission of Ex-Im in light of the May 30, 1996 board decision to indefinitely postpone further consideration of a letter of interest for American companies who want a level playing field against foreign firms competing to win contracts associated with the TGD. The way this decision was made was a diversion from Ex-Im's charter and Ex-Im's own internal environmental regulations.

Ex-Im has gone well beyond its statutory mandate contained in the charter and lost sight of its primary mission to "arrange competitive and innovative financing for the foreign sales of United States exporters." According to Ex-Im's charter, environmental policy and procedures apply to any transaction involving the following three criteria:

First, the project requires more than $10 million of long-term support;

Second, Ex-Im's participation in the project would be "critical to its implementation"; and

Third, the project "may have significant environmental effects upon the global commons or any country not participating in the project, or may produce an emission, an effluent, or a principal product that is prohibited or strictly regulation pursuant to Federal environmental law."

While the financing request for U.S. exporters to sell American goods and services to the TGD certainly fits the first criteria, it does not meet the other two tests. All foreign financing will form approximately 20 percent of the total cost of the final project. Thus, Ex-Im's participation in the project is not critical to the TGD implementation. The dam will be built with or without U.S. participation. The way events are unfolding, it appears that the real life consequence of the Clinton administration policy is to have the dam built, but only with foreign-made equipment.

Regarding the third environmental criteria mentioned in the charter, the TGD project is located in the heart of central China. The dam will only impact the internal environment of China. It will not affect China's neighbors in Russia, India, or Southeast Asia. As a "clean" hydropower project, the TGD will not produce an emission or a noxious effluent. Thus, Ex-Im was not forced by Congress in its charter to turn down these letters of interest.

In fact, Ex-Im has gone even beyond its own internal environmental procedures and violated its own guidelines, which clearly state that "no environmental review will be conducted by Ex-Im Bank prior to issuance of a Letter of Interest." The guidelines also explain that "no LI's will be issued * * * for projects that * * * involve potentially unacceptable environmental risks. As a result, such transactions must seek preliminary commitments or final commitments * * *." Yet American companies were repeatedly told to apply for a letter of interest from Ex-Im for the Three Gorges project even though the proper step should have been quick advancement to the preliminary commitment stage where environmental considerations would be taken into account. Ex-Im's response was that they were simply seeking a way to help the applicants avoid the substantial charge for processing a preliminary commitment application. So, American workers were denied a $1 billion export opportunity to willing buyers in China to save a few hundred bucks on an application fee.

If millions of exports and thousands of jobs weren't at stake, this might be an interesting academic exercise. But unfortunately, it isn't. One has to wonder if Ex-Im had already made up its mind months before their May decision, as evidenced by their concurrence with the NSC memorandum. This was the first major test case of Ex-Im's implementation of its new environmental guidelines since they were finalized last April. If this is any indication of future action, the United States will certainly surrender many export opportunities to our foreign competitors who have no similar prohibitions.

What adds insult to injury is that now the Clinton administration has begun to provide humanitarian aid to the Chinese suffering from this flood while, at the same time, refuses to revisit its failed policy on the TGD to provide a permanent solution to this annual tragedy. A wise man once said, "Give a man a fish, he is fed for a day. Teach him to fish, he will be fed for a lifetime."

Ex-Im still has one last opportunity to rescue themselves from this dilemma. China is working very hard to get substantive answers to the remaining questions asked by Ex-Im at their May 30 press conference dealing with water pollution, endangered species, relocation, and salvaging archeological treasures. If China fulfills their end of the bargain, I urge Ex-Im to use that opportunity to reissue letters of interest to United States exporters to keep them in the game. Our exporters lost out on $4 billion in export opportunities last April because Ex-Im kept delaying their decision. Let's not repeat that mistake because there are more contracts worth billions more up for bid later this fall. Let's use America's ingenuity and expertise to "teach" China to build the best, safest, and most environmentally benign dam to prevent the annual tragedy that occurs on the Yangtze and lower the trade deficit with China by supporting Ex-Im involvement with the Three Gorges Dam.

THE SPORTSMEN'S BILL OF RIGHTS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CUNNINGHAM. Mr. Speaker, I rise today to support the Sportsmen's Bill of Rights (H.R. 4144), which was introduced by my dear friend and colleague BILL BREWSTER of Oklahoma.

From America's earliest days, hunting and fishing have been a part of the American experience. Today, over 36 million Americans enjoy fishing as a regular recreational activity, and over 16 million Americans enjoy hunting.

Hunting and fishing are essential components of effective wildlife management. They provide important incentives for the conservation of wildlife, and the habitat and ecosystems upon which wildlife depends. Funds raised from the sale of licenses, permits, and stamp purchases, as well as excise taxes on goods used by anglers and hunters, are used for wildlife management and research. American's sportsmen are conservationists working to protect habitats and wildlife for the future.

As a member of the bipartisan Congressional Sportsmen's Caucus, I am proud to work with my colleagues to promote opportunities for sportsmen across America. The Sportsmen's Bill of Rights:

Requires Federal agencies managing Federal land and water resources to support promote, and enhance opportunities for fishing and hunting.

Amends the current land management process to include the promotion of hunting and fishing as a priority for Federal land use.

Raises the awareness of Federal land managers of the impact that their policy decisions have on hunting and fishing opportunities.

Ensures that our Nation's Federal lands will continue to be places where opportunities for hunting and fishing are promoted.

I would like to thank in Mr. BREWSTER for introducing the legislation. I also want to encourage all my colleagues to join us ensuring that all Americans have the opportunity to take part in America's sporting tradition.

BIRTH OF ALEXANDRA KATHRYN RANDALL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Alexandra Kathryn Randall was born on the twelfth day of August, 1996; and

Whereas, Alexandra's parents, David and Cortney Randall, are proud to welcome their first child into their home; and,

Whereas, I am sure that Alexandra Kathryn will bring her parents and family love and joy; and

Be it resolved, the parents of Alexandra Kathryn, with a real sense of pleasure and pride, join me in celebrating her birth and the happiness she brings to their family.

TRIBUTE TO POPE JOHN PAUL II IN HONOR OF HIS 50TH ANNIVERSARY OF ORDINATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SCHUMER. Mr. Speaker, I am proud to join all my friends and colleagues in honoring our Holy Father Pope John Paul II celebrating the 50th anniversary of his ordination. I truly believe that due to the tireless efforts of Pope John Paul II, the world has become a more unified and peaceful place to live.

In a time of need for the championing of human rights around the world, a strong moral leader who is widely and enormously respected emerged in the person of John Paul II. Pope John Paul II a warm, earthly figure, whose very presence wins the hearts of the millions who cheer him at every turn on his international pilgrimages. He is also a gifted philosopher, intellectual, and religious statesman.

As our society has grappled with serious social questions, Pope John Paul II has dealt with them in such a way as to maintain a peaceful and fair world order. Over the past 50 years, Pope John Paul II has been a dedicated servant to the world in his goals that include peace, disarmament, and the conquering of world hunger.

On this most joyous anniversary celebration, Pope John Paul II remains a beacon of strength and hope for every world citizen. For all these reasons and more I pay tribute to Pope John Paul II today and salute him as a true world hero. May he be blessed with the fortune of celebrating many more anniversaries well into the future.

TRIBUTE TO ILENE MUNETZ PACHMAN AND HER EFFORTS FOR THE RAOUL WALLENBERG POSTAGE STAMP

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Ilene Munetz Pachman—a Bucks County, PA, freelance writer, educator, and author of children's books—who spent 4 years of determined effort to convince the United States Postal Service to issue a commemorative stamp in honor of the Swedish Holocaust hero Raoul Wallenberg. On May 8 of this year, a number of my colleagues from the House and the Senate joined with me, Mrs. Pachman, Postmaster General Marvin Runyan, Postal Service Governor S. David Fineman, and my wife, Annette, in unveiling the design of the Wallenberg stamp. This stamp will be issued next year.

It is highly appropriate to have a U.S. stamp honoring Wallenberg. This Swedish businessman, a member of Sweden's most prominent banking and business family, went to Budapest, Hungary, at the request of the United States Government in 1944 in a desperate effort to save the lives of Jewish victims of the Nazi extermination machine. Through his incredible struggle, he saved the lives of tens of thousands.

Mrs. Pachman first learned about Wallenberg at her synagogue. Initially, she wrote articles about him. Even after the collapse of the Soviet Union, as his fate continues to be a mystery, she was determined to see that he continued to have a high profile. In continuing her efforts, Ilene said that she was inspired by the success of my wife, Annette, in bringing recognition to Raoul Wallenberg's extraordinary deeds.

Mr. Speaker, in 1992, about the time that a U.S. stamp was issued with Elvis Presley, Mrs. Pachman focused on the importance of honoring Raoul Wallenberg with a U.S. commemorative stamp. "Our children need genuine heroes," she told me. "With the precious name and likeness of Wallenberg coming into millions of American homes, via a stamp, his altruism will be discussed and, hopefully, his goodness emulated."

Often squeezing as many as 40 hours a week for correspondence and telephone networking into the time left from her professional and family life, Mrs, Pachman enlisted the support of a broad spectrum of civil rights and human rights leaders, including Elie Wiesel, Coretta Scott King, Secretary of Education Richard W. Riley, Steven Spielberg, and president of the American Red Cross, Elizabeth Dole. Confident that the Wallenberg stamp would be supported by Americans of all faiths, she enlisted support from Cardinal Anthony Bevilacqua, the National Council of Churches, the U.S. Holocaust Memorial Council, Evangelical Lutheran Church in America, B'nai B'righ International, and other organizations. She also received the support of Senators CARL LEVIN and PAUL WELLSTONE and Mrs. Pachman's own representative, Congressman JIM GREENWOOD, in addition to the support of more than 100 other Members of Congress.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Ilene Pachman for her efforts in winning support for the issuing of a stamp to honor Raoul Wallenberg and to perpetuate the memoray of that outstanding humanitarian.

IN HONOR OF THE 75TH ANNIVERSARY OF THE LEMOORE VOLUNTEER FIRE DEPARTMENT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. DOOLEY of California. Mr. Speaker, I rise before my colleagues today in order to pay tribute to the outstanding history of the Lemoore Volunteer Fire Department, which is celebrating its 75th anniversary this year.

This fine group of dedicated individuals first came together in 1921, and has been serving the Lemoore community continuously since its inception. Today, the members of the Lemoore Volunteer Fire Department provide an invaluable service to Lemoore by responding to nearly 200 fire alarm and over 600 medical calls each year.

I sometimes hear a sentiment of regret from people that our communities are suffering because of an unwillingness on the part of its members to become involved in service activities. The Lemoore volunteer fire fighters certainly defy this supposed trend. They have contributed to their community with an overwhelming spirit of generosity and caring, from the practical services they offer by way of fire fighting to the little extras, like providing the city with its annual Christmas tree.

I commend the dedicated individuals in the Lemoore Volunteer Fire Department for their remarkable 75 years of continuous service, and I hope that their fellow citizens will continue to support them with vigorous appreciation.

LET'S REALLY PROTECT AND STRENGTHEN OUR VETERANS' EMPLOYMENT PROGRAMS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FILNER. Mr. Speaker, issues related to employment and training assistance for veterans have received a lot of attention in the 104th Congress. In fact, my colleagues on the other side of the aisle have talked endlessly about our national responsibility to support and assist veterans in their efforts to obtain employment and training. However, to quote the Bard, their rhetoric is largely "much ado about nothing," and their legislative commitment to veterans in no way matches the passion of their words.

For over 50 years the House of Representatives deemed veterans' issues as near sacred—and far too important for partisan bickering and cynicism. Expecting that this bipartisan tradition would continue, I introduced three bills to protect, strengthen, and expand employment opportunities for our Nation's veterans. Unfortunately, the Republican chairman of the Veterans' Affairs Subcommittee on Education, Training, Employment, and Housing, which has jurisdiction over these measures, chose not to act on any of this legislation. H.R. 3538, the Veterans' Job Protection Act, H.R. 3938, the Veterans' Training and Employment Bill of Rights Act of 1996, and H.R. 4080, the Veterans' Entrepreneurship Promotion Act of 1996, are all significant bills that would make significant differences in the lives of thousands of veterans. These bills are serious business—they are not "much ado about nothing"—and I hope that in the 105th Congress they will not fall victim to the hypocrisy surrounding veterans' matters we have experienced this year.

It is important that our veterans fully understand and appreciate what they have lost as a result of the destruction of the historical bipartisan support for veterans. Accordingly, I will briefly describe the bills which the Republican leadership chose not to support. First, I introduced H.R. 3538, the Veterans' Job Protection Act. This measure responded to a recent Supreme Court ruling which inadvertently eliminated job protections for veterans and members of the Selected Reserve whose civilian employment is with a State government.

My bill would restore reemployment rights for these individuals. It would clarify that States must abide by the Federal law which requires employers to reestablish veterans in their former jobs when they return from military service. Because H.R. 3538 has not been enacted, members of the Selected Reserve who were activated for service in Bosnia could have problems when they return home and attempt to reclaim their civilian jobs if they are State employees. We hope and expect that the Selected Reservists now in Bosnia will soon return to the United States. It will be a dismal "welcome home" if their civilian jobs are not available to them because some in Congress chose not to protect them.

Under H.R. 3938, the Veterans' Training and Employment Bill of Rights Act of 1996, disabled veterans and veterans who have served in combat areas would have the opportunity, for the first time, for the first time, to fully participate in all federally funded training programs. Too often, veterans have been underserved by these national programs. For example, although veterans accounted for approximately 24 percent of all dislocated workers, only 14 percent of those trained under the Job Training Partnership Act [JTPA] program for dislocated workers were veterans. Veterans' service organizations have told us that some program managers mistakenly assume veterans receive similar services from the Department of Veterans' Affairs and discourage veterans from taking advantage of JTPA services. Additionally, we are in the midst of a major redesign of our national labor exchange and job training programs. My bill would ensure that our country's long-standing commitment to providing priority services to veterans seeking employment and training assistance would be protected and strengthened. H.R. 3938 would also establish, for the first time, an effective appeals process for veterans who believe their rights have been violated under certain veterans' employment-related programs.

Finally, I introduced H.R. 4080, the Veterans' Entrepreneurship Promotion Act of 1996. The purpose of this measure is to promote and assist the creation, development, and growth of small businesses owned by disabled veterans and other eligible veterans. Under this bill, a Governmentwide procurement program would be established to assist eligible veteran-owned small businesses to receive Federal Government contracts. For the first time, certain veteran-owned small businesses would have a real opportunity to become suppliers of needed goods and services through access to contract award opportunities in the multi-billion dollar Federal market. Additionally, because the availability of adequate capital for business startup and expansion can be an obstacle to the development and growth of veteran-owned small businesses, my bill would establish a guaranteed loan program for these concerns in the Small Business Administration [SBA]. H.R. 4080 would also provide eligible veteran small business owners with entrepreneurial training, counseling, and management assistance. I believe our Government has a responsibility to help the veterans of this country because of the sacrifices they have made in the service of their country. I also believe that the men and women who have served in our Armed Forces are a valuable national resource whose skills and abilities must be absorbed by, and integrated into, the civilian workforce. In order to facilitate this transfer of talent, however, we must provide our service members the tools, training, and job protection they need to reenter the nonmilitary workplace. Finally, I believe veterans are special and unique members of our American family. They have defended us all and have protected the freedoms we all value. I hope that in the next Congress we can work together as Americans, not as Republicans or Democrats, to develop responsible, effective, meaningful policies affecting our Nation's veterans.

FORMER YUGOSLAVIAN REPUBLIC OF MACEDONIA: NATION-BUILDING IN A HOSTILE NEIGHBORHOOD

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BEREUTER. Mr. Speaker, as the 104th Congress comes to its conclusion, this Member would take a moment to point out a major, unsung success story in American foreign policy. For 5 years the Former Yugoslav Republic has survived in a fragile and tenuous manner. Surrounded by adversaries and facing an embargo from Greece, the tiny Balkan State of Macedonia, which is formally recognized at this time in international fora as the Former Yugoslavian Republic of Macedonia [FYROM], has defied the odds and emerged as a viable state. FYROM has a democratically elected government, and with international assistance seems to have avoided much of the turmoil that has afflicted the rest of the former Yugoslavia.

The United States can justifiably take some pride in Macedonia's success. For the past 3 years, American troops have served in the international peacekeeping force that monitors the border with Serbia. Together with Danish and Swedish troops, these forces have served as an important deterrent to ensure that the Bosnian conflict did not migrate into the southern Balkans. American diplomats helped resolve, or at least dramatically reduce, the longstanding differences the Government of Greece has had with the Skopje government. American foreign aid and technical assistance, including assistance provided by the University of Nebraska-Lincoln College of Business Administration, has provided an important catalyst to develop entrepreneurs in Macedonia.

Many obstacles remain. Greeks and Macedonians continue to have a number of differences, including the final name of the country. Ethnic Albanians has serious concerns that their special needs are not always adequately considered. And, there always is the grave risk that a crisis in Kosovo would spill over into Macedonia.

These potential problems notwithstanding, Macedonia rightfully deserves praise. As Cord Meyer noted in a recent editorial, "For the first time in many years, it is possible to look with some optimism at the future of the southern Balkans." This Member would ask that Mr. Meyer's editorial entitled "Achieving Stability Macedonia's Way" from the September 26, 1996, edition of the Washington Times be included in the RECORD.

[From the Washington Times, Sept. 26, 1996]

ACHIEVING STABILITY MACEDONIA'S WAY

(By Cord Meyer)

On September 8, Macedonia celebrated the fifth anniversary of its vote for an Independent and sovereign Macedonia, as opposed to remaining part of the Socialist Federal Republic of Yugoslavia. It is the only former member of the Yuguslav Republic that managed to declare independence peacefully and without bloodshed. Even Slovenia had 10 days of war before it broke free.

Having survived an attempt to assassinate him last October, the 79-year-old president, Kiro Gligurov, has made an extraordinary recovery from his serious wounds, is now back in full control of the presidency, and presides over a coalition government. Having survived the glancing blow of United Nations sanctions aimed at Serbia and a year's embargo on its trade with Greece, the Macedonian economy is beginning to feel results from the rigorous privatization program that Mr. Gligorov has insisted upon.

Mr. Gligoruv can also claim a large share of the credit for the timely deployment in 1993 of the U.N. peacekeeping forces in Macedonia's Northern border with Serbia. The assignment of 500 U.S. troops and 600 Nordic forces as an effective tripwire to discourage aggression remains a classic example of timely preventive diplomacy. It would be a serious mistake to withdraw these forces prematurely, as some of Congress are urging.

Another example of effective diplomacy was the agreement reached last September by Macedonia with its southern neighbor, Greece. By agreeing to change its flag and modify its constitution, Macedonia with the help of Cyrus Vance as U.N. negotiator, managed to lift the damaging embargo on trade with Greece. The name issue was set aside for future negotiation and both countries claim to be enjoying profitable and peaceful relations.

Perhaps the most serious and difficult unresolved problem. Macedonia now faces is the status of its 23 percent Albanian minority. In addressing that issue, we are fortunate to have available a number of recommendations made this week by a working group appointed by the Council on Foreign Relations to promote stability in the Southern Balkans. They urge as the first priority maintaining the U.N. force on Macedonia's border with Serbia, as proof of U.S. commitment to Macedonia's territorial integrity and to minimize military expenditures by the Balkan states.

Second, the working group urges support of economic recovery in Macedonia, because no effort to reduce ethnic conflict is likely to succeed if economic conditions deteriorate. They recommend international support for "construction of an East-West transportation corridor that would link Bulgaria to its Adriatic ports via Macedonia." They urge other efforts at economic integration of the region.

Thirdly, the group found two key areas where reforms could make a difference: education and the political system. They urge the Macedonian government to end its opposition to Tetovo University, where the Albanian language is taught, and the expansion of Albanian language instruction at Skopje University. They call on the United States "to accompany efforts to facilitate the satisfaction of Albanian cultural needs with efforts to support Macedonian cultural development."

Finally, the working group heard several conflicting arguments about the ethnic composition of public sector employment with the Albanian minority claiming discrimination. In the long run, the conclusion was that economic progress in Macedonia will depend on the growth of the private sector.

On the issue of electoral reform, they found a consensus that reforms should be designed "to equalize the population of electoral districts and introduce some element of proportionality in the distribution of seats." The hope is that the probable increase in diversification of ethnic Albanian participation in parliament would encourage Albanian participation in coalition politics and legitimate the Macedonian political order in the Albanian community. The group suggested permitting the use of minority languages in the conduct of local business in state offices.

Finally, Macedonia's political stability is to some extent at the mercy of events in Kosovo on its northern border. The 90 percent Albanian majority in Kosov has been kept under a brutal suppression by the 10 percent Serbian minority, and the danger of a violent revolt has been real. However, on Sept. 3 Slobodan Milosevic, the president of Serbia, seems to have reached a deal with Ibrahim Rugova, the longtime leader of ethnic Albanians in Kosovo, to end the six-year Albanian boycott of state schools. Motivating Mr. Milosevic may have been the American warning to him that he could not expect to join the International Monetary Fund until he improved his treatment of the Albanian population.

For the first time in may years, it is possible to look with some optimism at the future of the Southern Balkans.

HONORING SAMMY YUKUAN LEE

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FUNDERBURK. Mr. Speaker, I rise today to honor Sammy Yukuan Lee, a world renowned scholar of Chinese antiquities, who has been a United States citizen since June 28, 1984. Even in his youth Sammy Lee was strongly principled and highly disciplined. Gifted with extraordinary foresight, he was able to take advantage of the many opportunities he encountered. His accomplishments demonstrate that hard work and discipline can be a formula for success.

A native of Da Lao Wa village in Zhaoyuan county of Shandong province, China, Sammy Lee is the youngest of five sons in a rural farming family. Village life offered little chance of obtaining a higher education and few prospects for earning a good livelihood. Armed with a sixth-grade education, Sammy Lee who was then in his teens, was sent by his father, Lee Quande, to Beijing to learn a trade from Mr. Teng, the owner of Ji Zhen Xiang, an antique shop. There, Sammy Lee met a fellow apprentice, David Techun Wang, with whom he developed a life-long partnership and close friendship.

In China in the 1920's, most of the workers were illiterate. Sammy Lee and David Wang, fortunate enough to have a basic education, looked beyond their immediate environment. In Beijing, they saw the need for communicating with the many foreign residents to expand their business. Therefore, besides their daily work activities, they also taught themselves English, German, and Japanese from whatever books or methods they could obtain.

In the early 1930's, through his skill and knowledge in Chinese antiques, Sammy Lee met Dr. Hans Bidder, the First Secretary of the German Embassy; Dr. Grand, Chief of Staff of Peking Union Medical College Hospital; and Drs. Ecket and Huwer, who were on the staff of the German Hospital. They were all very much interested in Chinese antiques including carpets, bronzes, ceramics and furniture. Despite his limited command of foreign languages, Sammy Lee was able to interact well with his customers. He established an enduring friendship with each of them built upon mutual trust. His relationships with Europeans and Americans exposed him to Western culture and opened his mind to new opportunities.

Sammy Lee's quest for knowledge and his desire to satisfy his customers prompted him to travel throughout China in search of sources of antique carpets. In those days, any place outside of Beijing proper was beyond the reach of most Chinese merchants, who maintained a traditionally centric view of China. Sammy Lee endured considerable hardship during these days, but found his travels into adjacent provinces to be rewarding.

The most difficult time for Mr. Lee was probably the years between 1935 and 1938, when he was diagnosed with tuberculosis, a prevalent disease at that time. Before the development of the miracle drug for this infectious disease, most of its victims had little hope of recovery. Sammy Lee, true to his character, was determined to overcome this dreadful obstacle. Under the personal care of Dr. and Mrs. Grand in their home, he followed Dr. Grand's professional advice to the letter—total rest and inactivity. For an energetic and ambitious young man, the treatment was drastic. Fortunately, he completely recovered and was able to return to work in the antique shop.

After World War II, Sammy Lee and David Wang decided to expand the business to Nanjing and Shanghai; and, of course, Mr. Lee was always ready to take on new challenges. However, because of the political turmoil in China, Mr. Tenberg, a close friend, strongly advised him to leave China. in 1947, the Lee's and the Wang's moved from Shanghai to Hong Kong along with several friends and a few of their employees.

Relying upon their own resilience and determination, Sammy Lee and David Wang capitalized on their knowledge of Chinese art and became partners in a new enterprise, the Sammy Y. Lee and Wang's Company Limited, specializing in Chinese antiques and the manufacture of furniture.

Foreseeing an opportunity for expansion, Sammy Lee ventured to Tokyo, Japan, and established the Oriental House Limited, providing Chinese carpets, furniture, tablecloths, and artifacts to American Armed Forces stationed in Japan. Mr. Lee moved his family to Tokyo, while Mr. Wang and his family remained in Hong Kong to manage Sammy Y. Lee and Wang's Co.

During the mid-1950's, leaving his eldest son, King Tsi, in control of his interests in Tokyo, Sammy Lee eagerly explored new markets in Germany and America. Having a loving wife to take care of their home and four younger sons in Tokyo, Sammy Lee was free to travel throughout the world expanding his business contacts and searching for art objects. In 1957, he organized an exhibition and sale in Lempetz Gallery in Koln. In 1964, Mr. Lee held his first lacquer collection exhibition at the Royal Scottish Museum.

By this time, the Japanese economy was well on its way to recovery, enabling many Japanese to rekindle their love of collecting Chinese works of art. Oriental House was able to thrive by meeting the demands of the Japanese for art objects.

Sammy Lee devotes his spare time to researching and writing about Chinese antiquities. His knowledge of and experience with Chinese lacquer, blue and white porcelain, and carpets have been incorporated into one catalog, four books, and three articles and monographs, some of which are listed below.

Sammy Lee has always emphasized the importance of education because he felt the inadequacy of his own formal training. A forward thinker, he insisted that his children attend American schools. In the late 1980's, to honor their father, his five sons established and endowed the Sammy Yukuan Lee Foundation for the purposes of promoting the study of Chinese culture and providing financial assistance to qualified students of Chinese descent.

Sammy Lee lives in southern California with his youngest son, King Yang (John), near his second son King Hao (Howard), and third son King Sum (Sam). One of Sammy Yukuan Lee's sons, Dr. Sam K. Lee, taught International Relations and Government at Campbell University in North Carolina's Second District, and today works in my office as a foreign policy adviser.

At least twice a year, he travels to Tokyo to see his oldest son, King Tsi, and to Hong Kong to visit his fourth son, King Kong. He enjoys the excitement provided by his five sons and daughters-in-law, nine grandchildren, and six great grandchildren, but still looks forward to new challenges. He currently divides his time between his latest research into Chinese archaic jades and his pursuit of the art of golfing.

PUBLICATIONS IN ENGLISH BY SAMMY YUKUAN LEE

"Catalogue of the Collection of Chinese Lacquer," Edinburgh, Scotland 1964.

"Preliminary Study of Chinese Ceramics in Blue and White (Ching Hau)." Tokyo, 1971.

"Oriental Lacquer Art," Tokyo, 1972.

"Art Rugs from Silk Route and Great Wall Area," Tokyo, 1980.

"A Study of Sung Underglaze Blue and Red Porcelains," Tokyo, 1982.

"Some Problems of Yutu Yao, Shuidong Yao, Bohai Yao, Tingchou Yao, and Hengfeng Yao," Scientific and Technological Insights on Ancient Chinese Pottery and Procelain, Beijing, 1986.

TRIBUTE TO DR. MYRNA GOLDENBERG

HON. CONSTANCE MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. MORELLA. Mr. Speaker, I rise to speak today in honor of an extraordinary woman, Dr. Myrna Goldenberg, I would like to pay tribute to her most recent accomplishment for which she will be presented the William H. Meardy Faculty Member Award on October 12. This highly competitive award annually recognizes one community college faculty member who personifies the concept of faculty excellence as the foundation of the success of the community college movement.

When Dr. Goldenberg joined Montgomery College in 1971 she began her cursade to raise awareness of the importance of diversity in education. Under her leadership, Montgomery College received a $280,000 Ford Foundation Grant to lead community colleges in multicultural curirculum transformation. The year-long project focused on changing the curriculum to include feminist and minority scholarship in representative community colleges, including historically black and American Indian colleges. Goldenberg is also the creator and former host of a popular campus cable television show on women's issues titled "Pandora's Box."

Dr. Goldenberg is credited with developing the college's Women's Studies Program, which the American Association of Women in Community Colleges named No. 1 in the Nation. In recognition of Goldenberg's success with the Women's Studies Program, her colleagues created a scholarship award in her honor last year.

Not only is she a college leader, she is a community activist, and a consultant to Montgomery County Public Schools. She taught two summer institutes for over 50 secondary school teachers to help develop a broad and holistic perspective of American society. Also, she is a mentor to high school students in the National Endowment for the Humanities Younger Scholars Program that studies immigrant women.

Mr. Speaker, I am pleased to once again have the opportunity to bring the many accomplishments of this distinguished educational leader, Dr. Myrna Goldenberg, to the attention of my colleagues. I applaud the choice of the William H. Meardy faculty members for selectig her this year's honoree.

RECOGNIZING TAIWAN'S NATIONAL DAY

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CHABOT. Mr. Speaker, I just wanted to take a moment before the Congress adjourns for the year to congratulate our friends and allies in the Republic of China as they prepare to celebrate their National Day on October 10.

As my colleagues know, the Taiwanese people recently made history as they successfully and peacefully held the first Democratic elections in over 4,000 years of Chinese history. President Lee Teng Hui and the people of the Republic of China are to be commended for that landmark achievement.

I join with my colleagues in the Congress and my many Taiwanese-American friends in Cincinnati and around the country in congratulating the people of the Republic of China on this, the 85th anniversary of their National Day.

TRIBUTE TO BISHOP CHARLES HENRY McCOY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. QUINN. Mr. Speaker, I rise today in memory of Bishop Charles Henry McCoy.

Throughout his life, Bishop McCoy tirelessly dedicated himself to the enhancement of our western New York community.

On September 22, 1996, the Buffalo community lost one of its true leaders. A man whose dedicated and charitable community service, commitment to God and family, and strong principles serve as an inspiration to us all.

A gospel preacher for over 60 years, Bishop McCoy dedicated himself to his ministry and to service to his community. On May 28, 1926, Charles McCoy was licensed to the ministry. From that time until the day he died, Bishop McCoy served the Church of God in Christ. Whether it was as pastor, district superintendent, executive secretary, elder, or jurisdictional bishop, Charles McCoy's church building skills were demonstrated clearly.

Under that leadership, the second jurisdiction has grown to include 53 churches. Further, through the McCoy Center, a brilliant facility built under the direction of Bishop McCoy, the Church of God in Christ has been able to make a significant contribution to the development of our community with emerging housing projects.

Mr. Speaker, today I would like to join with the city of Buffalo, western New York second jurisdiction of the Church of God in Christ, and indeed, our entire western New York community, to honor Bishop Charles Henry McCoy, who is survived by his stepson, Douglas; seven grandchildren, Tyrone, Delores, Douglas, Stacy, Cheryl, Eric, and Trent; and nine great-grandchildren for his dedicated service to our western New York community. To that end, I would like to convey to the Bishop's family my deepest sympathies, and ask my colleagues in the House of Representatives to join with me in a moment of silence.

IN RECOGNITION OF MIKE GUIGNO FOR 56 YEARS OF PUBLIC SERVICE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. PALLONE. Mr. Speaker, on September 30 of this year, Mr. Mike Guigno, special projects officer for the directorate of public works at Fort Monmouth, NJ, will be retiring after 56 years of distinguished and exemplary public service. I am proud to have the opportunity to commend Mr. Guigno for this service and congratulate him on his retirement.

As all of those who know Mike Guigno are aware, his record is truly an outstanding one. Having joined the National Guard in 1939 and served his country in World War II as part of Headquarters Company, 114th Intelligence and Reconnaissance, he established himself as a public servant in the earliest days of this professional life—a fact which the Fort Monmouth community would discover a few years after the war when he was transferred to the post engineers in October 1950.

Since that time, Mr. Guigno's career has been nothing short of a model of excellence. He has worked tirelessly to improve Fort Monmouth and his work, which included a 1970 visit with President Nixon to discuss problems affecting the fort's community, will never be forgotten. The numerous letters, certificates and awards he has received in recognition of this service—most notably selection as the 1989 Fort Monmouth Civilian Employee of the Year and 1995 U.S. Army Material Command Public Works Support Executive of the Year—ensure the Fort Monmouth community will forever be in his debt. Indeed as a co-chair of the Save Our Fort Committee, a grassroots organization committed to improving Fort Monmouth, it is with great pleasure that I express both the public's gratitude, and my own, for all he has done.

Mr. Guigno's family, wife Marguerite, son and daugther-in-law Victor and Cyndee, and sister Theresa are surely proud of him as well. Undoubtedly the road he has paved to get to his final position of special projects office of the directorate of public works—including that outside of professional life, which led to frequent participation in local church parish activities—has undoubtedly enriched their lives.

Mr. Speaker, as this long and honorable list of accomplishments indicates, Mike Guigno's life has been full and his record of public service stellar. In short, he has set an example of citizenry that all should follow.

In closing, I once again, congratulate Mike Guigno and thank him for a lifetime dedicated to improving the life of his fellow citizen.

CHILDREN'S INN GALA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. GINGRICH. Mr. Speaker, the following remarks were made to at the Children's Inn Gala on September 26, 1996. I thought my colleagues would find this touching and inspiring.

Introduction by Mrs. Debbie Dingell: It is my pleasure to introduce Kathy Schwanfelder. Kathy has been a member of the Children's Inn Board of Directors since 1994. She brings something very special to the board, a parent's perspective of how the Inn can best help its guests. Kathy has experienced the Inn first hand. She and her family stayed at the Inn with her daughter Lizzie while Lizzie was being treated at NIH. Kathy can tell you better than I can what the Inn means to her. I just thank Kathy for her tremendous support on the board and her for being here this evening.

Remarks by Mrs. Kathy Schwanfelder: I've wanted to thank the supporters and friends of the children's Inn NIH since 1:00 in the morning of a cold February night 3 years ago. It was the moment my daughter Liz and I walked through the doors—to a cup of tea and a warm bed.

At the same time that I share my gratitude with you I share my grief and the grief of the other families who have passed through the doors of the Inn. A horror surrounds us—a horror that our children are facing life threatening illnesses, that their days and nights are filled with painful medical procedures at a time when they should be filled with birthday parties and that is how I know the Inn—as a home away from home—a place that celebrates life, a place that helped my daughter Lizzie celebrate her short life.

When children are ill, they are isolated—but not at the Inn. Here they are surrounded by others in the same boat. There need be no explanations for bald heads and feeble bodies.

At the Inn my 17 year old could "hang out" with others her age. She was buoyed up by fighters and survivors. She could ask questions about what she was to face next—of people who knew because they had been there.

Meanwhile, I could sit and have a cup of coffee with other parents who were also finding it hard to swallow—who knew my nightmares. No explanations were necessary. At the same time we could smile together at the Children's Inn as we watched our children take a step out of the misery that illness had inflicted on them and play in the playroom, watch a movie together in the family room, play a game in the library or just lounge on the couches and share stories about their friends back home in that other world where some of them would never really return.

I want to thank you for having the vision and the continuing desire to support the Inn. I want you to picture a feeble-faced bald kid saying from her hospital bed up in Building 10: I feel strong enough to go home to the Inn tonight, could we sleep there so I can take a bath in my own bathroom—very important to 17-year-olds—and talk to Victoria and Chris, anyway I promised Marilyn a story next time I see her. And maybe more you could cook me up some nachos. I want you to picture an otherwise sophisticated, reserved young lady painting her whole bald head and face orange so she could be a jack-o-lantern at the Inn Halloween party. Picture her folding herself into a cubby in the little kids playhouse because they wanted her to be the mother. Know that when a child is painting her face and playing with others she is taking a break from disease and pain—sunlight shines if only for a moment.

Picture being away from home for your 18th birthday when all your friends are back home shopping for senior prom dresses and instead of moaning and groaning because you've already learned that life can only be lived in the moment because that's all you have, you smile and plan your birthday in the Inn. Your guests include mostly 6-to-10-year-old boys because they happened to be there.

Picture Liz saying to me: I think I've learned everything I know about living in this place. How can we pay them back mom?

Well my precious child—this is the best I can do for you—and for all the children.

TRIBUTE TO YEOMAN FIRST CLASS PETTY OFFICER TIMOTHY JOHN POLLARD

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. FOWLER. Mr. Speaker, it is a pleasure for me to pay tribute today to a truly outstanding gentleman: Yeoman First Class Petty Officer Timothy John Pollard, who will soon be completing his assignment as the Office Manager for the Navy's Office of Legislative Affairs in the Rayburn House Office Building. Petty Officer Pollard's professionalism, kindness, and wonderful personality have endeared him to many of us on the Hill, and we shall miss him very much.

A native of Philadelphia, PA, Tim Pollard enlisted in the Navy in 1981. After basic training and Yeoman "A" School, he was assigned to Patrol Squadron 46. In 1985, he was assigned to the Office of the Chief of Naval Operations on the liaison staff for all Joint Chief of Staff matters. In 1989, he was assigned as Leading Petty Officer of the Plans and Exercise Department for the Commander 6th Fleet aboard the USS *Belknap* (CG–26) homeported in Gaeta, Italy.

Returning to Washington, DC, in 1992, Petty Officer Pollard served as Administrative Officer for the Communication Department for the Armed Forces Inaugural Committee. In 1993, he was assigned to the Chief of Naval Personnel, assisting in the initial assignments of women to combatant ships; the transfer of personnel from decommissioned ships; and the reassignment of personnel from numerous fleet ships executing homeport changes.

Petty Officer Pollard reported to the Navy Legislative Affairs Office in November 1994. Since that time, he has efficiently and effectively managed the Rayburn HOB Office, handling countless inquiries relating to naval personnel and assisting in the organization of many Navy orientation trips which have been beneficial to Members and staff alike.

During Tim Pollard's 15-year naval career, he and his family have made many sacrifices for this Nation. I would like to thank them all—Tim, his lovely wife, Veronica, and their three children, Taviona, Nadia, and Tim, Jr.—for their contributions to the Navy and to our national security. We owe all of our Navy families a great debt of gratitude.

Mr. Speaker, Yeoman First Class Petty Officer Pollard is a great credit to the U.S. Navy and the country he so proudly serves. As he prepares to depart for yet another new challenge, I know that my colleagues on both sides of the aisle join me in wishing him every success, as well as fair winds and following seas always.

REFORM THE AAPCC PAYMENT FORMULA FOR GREATER MEDICARE EQUITY AND FAIRNESS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. RAMSTAD. Mr. Speaker, throughout the 104th Congress, many Medicare concerns have been raised that have a significant impact on access to health care throughout Minnesota and ultimately to the health and well-being of our Nation's health care system.

Today, I rise to share some thoughts on an issue which knows no distinct, definable boundary. It is an issue of great importance to Medicare beneficiaries and health car providers in my disrict—reforming the payment for Medicare risk-based managed care plans.

But, before I delve into my statement, I want to take a moment to salute and thank my good friend and colleague from western Wisconsin, STEVE GUNDERSON. I commend him for his tireless commitment to improving access to and delivery of quality health care in rural communities. During this Congress, as cochair of the Rural Health Care Coalition, STEVE literally took the bull by the horns to respond to a variety of health care issues, especially the need to reform the payment formula for Medicare risk-based managed care plans.

Currently, Medicare payments to risk-based health care plans are calculated on the basis of Medicare spending in each county's fee-for-service section—medical care outside of managed care plans. The variation in the adjusted average per capita cost [AAPCC] formula reflects different utilization of health care services.

Dr. John E. Wennberg, director of the Center for the Evaluative Clinical Studies at the Dartmouth Medical School recently published "The Dartmouth Atlas of Health Care." The Atlas definitely documents that the rates of hospital beds and physicians per 1,000 residents determines how much car Medicare beneficiaries use. Revising the highly variable AAPCC payment formula will result in greater equity for Medicare beneficiaries regardless of where they live, allowing choices among plans and more equitable distribution of out of pocket costs and additional benefit packages.

Because of the need to correct the inequity in the AAPCC payment formula for millions of Medicare beneficiaries, I strongly supported changes to the formula during the Ways and Means Committee consideration of the Medicare Preservation Act. Regrettably, progress may be by this Congress to reform our Medicare Program, including the geographic disparity and inequities in the AAPCC formula, was vetoed by the President.

Since that time, I have continued to be concerned about this issue and am an original cosponsor of Mr. GUNDERSON's H.R. 3753, the Rural Health Improvement Act. This legislation incorporates a number of rural health care reforms including improvements to the AAPCC payment formula.

Title I of this legislation narrows the AAPCC payment gap between rural and urban areas by ending the practice of basing the formula on utilization rates, and it does so in a budget neutral fashion. At a minimum a county would receive 80 percent of the national input-price-adjusted capitation rate. This change helps reflect the true cost of doing business—uncontrollable factors, such a wage rates or supply costs. The language also implements a 3-year average for the baseline rather than 1 year, which was in the Balanced Budget Act of 1995. This change gives greater representation of historical health care costs for an area. This provision of H.R. 3753 is based on the Physician Payment Review Commission's "1996 Annual Report to Congress."

Realizing reforms to the AAPCC formula are not doable in the remaining days of this Congress, it is helpful to know where the debate will begin in the 105th Congress.

About a week before this hearing, the Health Care Financing Administration [HCFA] released the 1997 payment rates for Medicare managed car plans. What HCFA told us was nationally Medicare risk payments will increase an average of 5.9 percent as of January 1, 1997—lower than the 1996 national average increase of 10.1 percent.

In terms of the solvency of the Medicare trust fund this is good news—slowing the growth of Medicare. The bad news is that this average increase reflects wide variation in percentage increases from county to county. Four counties: Valencia, NM; and three New York State counties, Bronx, Monroe, and New York, actually will receive negative percentage decreases. Because the actual dollar variations are also extreme, many low-payment areas get a double whammy—lower percentage increases off of a lower base.

This situation continues a trend which is inherent in the flawed payment formula. The table below illustrates the vast variation between counties across the country. I believe it is important to point out that even through the 1996 AAPCC payment increased an average of 10.1 percent, not all counties shared in the bounty of that increase. The same is also true for the 1997 AAPCC payments.

Counties that typically lost ground were those in efficient markets and rural counties with historically lower reimbursement rates. Because of these lower payment rates and lower annual increases these regions will continue to lack the ability to attract managed case options to their area or offer enhanced health care benefits often found in higher payment communities.

MONTHLY PAYMENTS RATES TO MEDICARE MANAGED CARE PLANS

Area/County	1995 payment	1995 increase (percent)	1996 payment	1996 increase (percent)	1997 payment	1997 increase (percent)
National Average	$400.52	5.9	$440.90	10.1	$466.95	5.9
Richmond, NY	668.48	6.2	758.53	13.4	767.35	1.1
Kern, CA	439.15	5.8	478.33	8.9	512.08	7.0
Hennepin, MN	359.33	2.0	386.77	7.6	405.63	4.8
Tulare, CA	333.96	2.9	360.38	7.9	390.78	8.4
Vernon, WI	209.28	6.6	237.09	13.2	250.30	5.5

The payment rates also illustrate the overall instability and unpredictability of AAPCCs—factors that discourage health plans from entering new markets and remaining in other markets.

If there is a silver lining to HCFA's release of the 1997 risk-based managed care payment rates it was in Dr. Vladeck's remarks:

> The formula used to set HMO payment rates is flawed. It shortchanges rural areas and markets where care is delivered more efficiently, and may limit beneficiary choice.

Dr. Vladeck's comments indicate HCFA's understanding of the inequity in the current AAPCC formula and the need for change if we are to offer all Medicare beneficiaries true choices in the type and form of health care they want to receive. I see this as a signal that in the future we can work in a bipartisan, pragmatic way to improve the AAPCC payment formula.

Mr. Speaker, correcting the AAPCC payment formula is vital. In this Congress, we have come a long way to improve our understanding the many dimensions of the AAPCC payment issue and the need to make the formula more equitable. I look forward to working with you and my colleagues on the Committee on Ways and Means in the future to make the needed changes to the AAPCC payment formula. The longer we continue to use our payment current formula, the longer efficient health care markets will be penalized and rural areas will lag behind leaving many Medicare beneficiaries with fewer choices.

JUSTICE ON TIME ACT OF 1996

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. GOODLING. Mr. Speaker, today, I am pleased to introduce the Justice on Time Act of 1996, legislation which would address the profound concern expressed by several of my constituents who have experienced long delays in the processing of their cases by the National Labor Relations Board [NLRB]. The Justice on Time Act of 1996 would require the NLRB to issue a final decision within 1 year on all unfair labor practice complaints where it is alleged that an employer has discharged an employee in an attempt to encourage or discourage union membership.

The Justice on Time Act recognizes that the lives of employees and their families, wondering whether and when they will get their jobs back, are hanging in the balance during the long delays associated with the National Labor Relations Board's processing of unfair labor practice charges. The act also recognizes that the discharge of an employee who engages in union activity has a particularly chilling effect on the willingness of fellow employees to support a labor organization or to participate in the types of concerted action protected by the National Labor Relations Act [NLRA].

Thus, the legislation requires the Board to resolve discharge cases in a timely manner to send a strong message to both employers and employees that the NLRA can provide effective and swift justice. The Justice on Time Act ensures that employees who are entitled to reinstatement will quickly get their jobs back and employers will not be saddled with liability for large backpay awards.

The median time for National Labor Relations Board processing of all unfair labor practice cases in fiscal year 1995 was 546 days and has generally been well over 500 days since 1982. This length of time is a disservice to the hardworking men and women who seek relief from the Board for unfair treatment in their workplaces. The Justice on Time Act tells the National Labor Relations Board that, at least when it comes to employees who may have wrongly lost their jobs, it must do better and must give employees a final answer on whether they are entitled to their jobs back within 1 year.

NINTH ANNIVERSARY OF KHALISTAN'S DECLARATION OF INDEPENDENCE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SOLOMON. Mr. Speaker, on October 7, 1987, the Sikh Nation declared its independence from India, calling their new country Khalistan. Since we will be in recess on October 7, I would like to take this opportunity to salute the Sikhs of Khalistan on this important anniversary.

The Sikhs have every reason to want freedom from oppression. Since 1984, over 150,000 Sikhs have been murdered by the Indian regime. Another 70,000 or more languish in Indian prisons under the very repressive Terrorist and Disruptive Activities Act, which expired in March 1995. According to respected Justice Ajit Singh Bains, who has testified before the Congressional Human Rights Caucus before the regime prohibited him from leaving the country, more than 50,000 Sikhs disappeared or were killed from 1992 to 1995. If this happened in any other country, we would call it repression. In India, however, it is called democracy.

The Sikhs of Khalistan showed their clear demand for freedom in February 1992 when, according to India Abroad, only 4 percent of the Sikhs voted in the Punjab state elections held under the Indian Constitution, which no Sikh ever signed. The Sikhs have a history of freedom and independence. The Sikhs ruled Punjab from 1710 to 1716 and from 1765 to 1849. When India achieved independence, the Sikhs were one of three nations that were to be granted sovereign power. They stayed with

India on the promise that they would enjoy freedom and autonomy in Punjab. As India's record of repression shows, that promise has never been kept. Yet when the Sikhs embarked on a peaceful struggle to free themselves from the chains of repression, the Indian regime responded by increasing the reign of terror in Punjab and enforcing it with over 500,000 troops. The British colonists never stationed 500,000 troops in the entire subcontinent.

Mr. Speaker, India is one of the most anti-American countries in the world. Although it is a major recipient of United States aid, India votes against the United States at the U.N. more than any other country except Cuba. I might add by the way, that this aid has been an economic debacle as well as having failed to buy any good faith from India. After 50 years on the international dole, India remains a highly impoverished land, shackled by a statist and corrupt government bureaucracy. Given India's anti-Americanism and its aggressive nuclear weapons drive, I must wonder out loud why we continue to drop our money into this black hole.

As to the Sikhs, Mr. Speaker, all they are asking for is just a chance to determine their future, free from this severe repression. Is this too much too ask?

TRIBUTE TO WILLIAM BROWER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to note the recent retirement from the Blade newspaper of Toledoan William Brower, a well-known veteran journalist of more than 50 years. He became one of the first African-Americans to work for a daily Ohio newspaper. He was officially recognized this year by the National Association of Black Journalists for its Lifetime Achievement Award.

A Wilberforce University graduate, Bill began his journalism career writing for African-American newspapers in Baltimore, Philadelphia, and Richmond, VA. Hired by Toledo's newspaper, the Blade, in 1947, Bill began as a general assignment reporter. Throughout his years with the paper, he held positions covering the police, courthouse, and education beats, and served as an assistant city editor, news editor, and associate editor. His thrice weekly editorial columns covering politics, sports, and topics of interest to African-Americans became a staple of Toledo area news.

In 1951 he was awarded a Pulitzer Prize nomination for a series of stories written after a tour of 20 States on the conditions experienced by black Americans. In 1971, he followed that story with a series, "Black America—20 Years Later," which won him a Robert F. Kennedy Foundation Award.

The National Association of Black Journalists paid tribute to Bill for his "pioneering spirit" and "outstanding leadership in the media industry." The same can be said of his role in our community. Bill Brower and his wife Edna have been groundbreakers, trailblazers, and voices of strength and wisdom, in Toledo. Their dedication to one another continues to be a source of inspiration to us all. His writings have often required us to look at a reflection of ourselves, and in doing so, have moved us to become better people.

No commendation could sum up fully half a century of journalistic achievement. But in honoring his life, the Blade has endorsed independent thought and the advancement of our common heritage as a free people.

WORLD OSTOMY DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CARDIN. Mr. Speaker, as many of my colleagues know, I am a strong proponent of updating Medicare to include coverage of important preventive benefits. One of the most important preventive benefits we can add to Medicare is colon cancer screening.

Today, I would like to bring to the attention of my colleagues the existence of an important upcoming date: October 5, 1996. This day has been set aside by the United Ostomy Association and the International Ostomy Association to celebrate World Ostomy Day. This day will provide an opportunity for us all to increase our awareness and understanding of ostomy and continent rehabilitation and the disease that can lead to this type of surgery.

An estimated 750,000 people in the United States have had ostomy surgery. Ostomy refers to a surgical procedure that replaces normal bodily function in providing a cure for colon and rectal cancers, inflammatory bowel diseases including colitis and Crohn's disease, birth defects, and severe internal injuries.

Approximately 60 percent of all ostomy surgeries are performed as a result of colon cancer. Colon cancer is the second most common cancer in America and, contrary to popular belief, it strikes men and women equally. There are more than 140,000 new cases diagnosed each year, and more than 55,000 men and women die of this cancer annually. Like most cancers, early detection of colorectal cancer is crucial to the survival of those diagnosed with this deadly disease.

The United Ostomy Association provides psychological and educational services and support for individuals, and their families, who face ostomy or continent surgery. Education and awareness help to remove the fear and misunderstanding associated with ostomy surgery and encourages the continuation of a full and productive life after surgery. The United Ostomy Association has over 35,000 members in chapters throughout the United States and Canada.

Through World Ostomy Day, the United Ostomy Association and the International Ostomy Association seek to inform persons with an ostomy or continent procedure of the support and assistance services that are available through their chapters and to encourage a better understanding and acceptance of people who have had ostomy or continent surgery. I commend these organizations for their important work with those who must undergo ostomy surgery and for helping to education us all.

During this session of Congress we have made a strong case that Medicare reform must be more than simply slashing reimbursement levels. If we want true Medicare reform, we must update the program so that it can take advantage of medical technological advances. Preventive care such as colon cancer screening is a perfect example of such needed improvement. Not only will the inclusion of colon cancer screening save lives, it will also save money in the long-run. Including colon cancer screening in Medicare is a win-win situation. I will be reintroducing my legislation, the Colon Cancer Screening and Prevention Act, next Congress and look forward to working with my colleagues to gain passage of this important component of Medicare reform.

CHICAGO STREET RENAMED TO HONOR RAOUL WALLENBERG—TRIBUTE TO THE EFFORTS OF JAN MULLER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LANTOS. Mr. Speaker, on the 5th of October in 1981, President Ronald Reagan signed bipartisan legislation making Raoul Wallenberg an honorary citizen of the United States—the second individual after Sir Winston Churchill to be so honored. That legislation, Mr. Speaker, was the first bill that I introduced as a Member of Congress, and it was my first bill to become law.

Mr. Speaker, I am delighted to bring to the attention of my colleagues in the Congress the information that the City Council of Chicago—at the request of Jan Muller and the Raoul Wallenberg Committee of Chicago—has approved the creation of "a salient place where America can pay tribute to a magnificent Hero—Raoul Wallenberg." The area, to be named the Raoul Wallenberg Place, is located on State Street between Wacker Drive and Lake Street.

It is most appropriate that we in the United States honor Raoul Wallenberg. It was at the request of the Government of the United States that Wallenberg—a member of the leading banking family of Sweden—left the security and comfort of Stockholm in the summer of 1944 and traveled to the hell and chaos of Budapest under Nazi occupation. Through innovative and creative confrontations with Nazi officials, Wallenberg saved the lives of tens of thousands who otherwise would have been killed by the Nazi war machine.

Mr. Speaker, the dedication and the formal renaming of "The Raoul Wallenberg Place" will take place on Friday, October 4, at 10:30 a.m. at the intersection of Wacker Drive and State Street in Chicago. The timing of the dedication has been chosen to coincide with the 15th anniversary of the signing of the legislation naming Raoul Wallenberg an honorary U.S. citizen. The first announcement of the Chicago City Council's decision was made on August 4 this year, the 84th birthday of Wallenberg. Among those participating in the dedication ceremony next week will be Chicago Alderman Burton F. Natarus, Consul

General of Israel Arthur Avnon, and distinguished representatives of the Jewish and Christian communities in the Chicago area.

Mr. Speaker, I want to pay particular tribute to Jan Muller. This tribute to Raoul Wallenberg is in response to a proposal he made to the Chicago City Council. Mr. Muller's steadfast commitment to honoring Raoul Wallenberg has been an inspiration to all throughout the world who honor this great Swedish humanitarian. Jan is the founder and president of the Raoul Wallenberg Committee of Chicago, an organization that is dedicated to humanitarian education. Mr. Muller is the founding president and managing director of the NordicCenter, dedicated to enhancing Scandinavian cultural arts and business in North America.

Mr. Speaker, I invite my colleagues to join me in commending Jan Muller and the City Council of Chicago for this outstanding and appropriate tribute to Raoul Wallenberg.

TAIWAN ANNIVERSARY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. RICHARDSON. Mr. Speaker, October 10 marks the 85th anniversary of the founding of the Republic of China [ROC]. In Taiwan, October 10 is known as National Day and is a day of celebration and remembrance. I think it is important my colleagues and I take a moment to send our congratulations to the 21 million people on Taiwan for promoting market-orientated solutions to their economy and developing a strong participatory democracy.

Mr. Speaker, three decades ago Taiwan was an underdeveloped nation. During the past 30 years, the people on Taiwan have worked diligently, saved much, and invested wisely. Today, the ROC is the United States' sixth largest trading partner and enjoys a standard of living which approaches the United States. Ten years ago, the ROC also began a political transformation to democracy beginning with legislative elections. These reforms culminated with the popular, direct election of Li Teng-hui as Taiwan's President.

Mr. Speaker, Taiwan has always shown that it can overcome adversity and achieve success. Taiwan proved that again earlier this year when the People's Republic of China [PRC] attempted to interfere in Taiwan's presidential elections by staging military maneuvers in the Taiwan straits. The people of Taiwan, however, did not permit the PRC to tamper with this exercise of their democratic rights. The strength and perseverance of the people on Taiwan is a lesson for all the world. I hope my colleagues will join me in wishing the ROC continued success.

FASCIST AND COMMUNIST ERA CONFISCATIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a resolution that takes up the difficult, complex, and challenging issue of property claims arising from Fascist and Communist era confiscations. Joining me as original cosponsors are Representatives PORTER, WOLF, FUNDERBURK, SALMON, HOYER, MARKEY, and CARDIN and we welcome others who would want to cosponsor the measure. The resolution brings focus to points long raised by Americans who have unresolved property claims and particular issues which were the subject of a hearing on property claims in Central and Eastern Europe held in July by the Helsinki Commission, which I chair.

In convening that hearing, Mr. Speaker, the Helsinki Commission sought to address two specific questions. First, as Central and East European countries privatize and, in some cases, make restitution of, or compensation for, property that had been wrongly confiscated in the past, are the interests of American citizens being adequated protected?

Second, we sought to examine the situation of Holocaust survivors in Central and Eastern Europe. While survivors in the West and in Israel were, in general, able to receive some compensation—primarily from Germany—at the end of World War II, survivors in the East found themselves twice victimized: first by the Nazis, and then by Communist regimes which prevented them from pursuing compensation claims and often prevented them from regaining lands expropriated by the Nazis. Our second question, therefore, was this: Can compensation now be made available to these survivors—in time to help them live their remaining days in dignity?

The Commission received expert testimony from two individuals who lead our Government's efforts in this area: Stuart E. Eizenstat, Undersecretary of Commerce and Special Envoy for Property Claims in Central and Eastern Europe, and Delissa A. Ridgway, Chair of the Foreign Claims Settlement Commission.

Mr. Speaker, our witnesses' testimony, augmented by significant information provided by nongovernmental sources, provided clear answers to our questions. While some progress has been made in every country in Central and East Europe, more progress is needed. Our resolution seeks to send that message to the countries of Central and Eastern Europe and, in particular, calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the especially compelling problems of aging and often destitute survivors of the Holocaust.

Also, in some countries, the rights of Americans are clearly not being adequately protected. I understand, of course, that property restitution or compensation is a very complex subject, and I commend those countries that have sought to address it and sought to correct the past wrongs of Fascist and Communist regimes. But those efforts will fall far short of their mark if they perpetuate a new form of discrimination—discrimination against individuals who dared flee communism and sought refuge here in the United States. Accordingly, this resolution calls for countries to remove from their books restrictions which require claimants seeking compensation or restitution to have the citizenship of, or residency in, the country from which they seek compensation or restitution.

Finally, Mr. Speaker, this resolution would be incomplete if it did not also address the related problem of those financial institutions, notably Swiss banks, which are known to have converted for their own use, financial assets rightly belonging to Holocaust victims. The measure I introduce today calls on such financial institutions to restore this property to it rightful owners. A resolution of this inexcusable wrong is long overdue.

Mr. Speaker, I urge my colleagues to support this resolution.

IN HONOR OF ST. JOSEPH'S SCHOOL FOR THE BLIND: CONTINUING TO MAKE A DIFFERENCE IN THE LIVES OF SO MANY IN THE STATE OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to St. Joseph's School for the Blind, an institution devoted to educating individuals with blindness and visual impairments for more than a century. The school's services and facilities have done much to bring a sense of hope and accomplishment to many special students in New Jersey. On October 7, 1996, the St. Joseph's School for the Blind will hold a dedication ceremony celebrating the opening of their new residence facility.

As the only school for the blind in the State of New Jersey, St. Joseph's continues to make a difference in the lives of many students in need of services not available in standard academic institutions. The school has become more than a learning institution for these special students, it has become a home, a place where caring individuals provide an opportunity for students to reach their fullest potential in life.

The opening of the new residence facility and the services that it will provide are important to the progress of this institution as we approach a new millennium. This new facility allows the school to offer not only a residential and functional academic education, but also the opportunity to master activities for everyday life. These services aim to help the students become fully integrated members of their communities following their graduation from the school.

I would like to commend the efforts and contributions of the city of Jersey City, the County of Hudson, and the Department of Housing and Urban Development. Their support has helped bring this new facility to fruition.

It is an honor to recognize the unique contributions of this outstanding learning institution. I ask that my colleagues join me in honoring St. Joseph's School for the Blind and all that it has done to keep the dreams of so many children alive.

THE HEALTH CARE RESEARCH AND DEVELOPMENT AND CONSUMER PROTECTION ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SANDERS. Mr. Speaker, the U.S. taxpayer is the single largest supporter of biomedical research in the world, spending $33 billion—in 1994 alone—for biomedical and related health research. Yet the taxpayer is not getting a fair return on their investment—paying twice for health care inventions, first as taxpayers and second as consumers.

It is incumbent upon the Secretary of Health and Human Services to require a reasonable relationship between the pricing of drugs, the public investment in those drugs, and the health and safety needs of the public. Unfortunately, taxpayer accountability was tossed aside when the Nation's reasonable pricing policy on drugs—which was put in place by the bush administration—was dropped in April 1995.

The reasonable pricing clause was dropped after extensive review of the policy, even though the review resulted in no certain recommendations. The rationale for this decision was that "the pricing clause had driven industry away from potentially beneficial scientific collaborations with the Public Health Service." Yet, there was no hard evidence given during the review to show that this was the case—only anecdotal stories by the drug industry.

When 42 percent of all U.S. health care research and development expenditures is paid for by the taxpayer, and 92 percent of the cancer drugs developed since 1955 were developed with Federal funding, we owe it to the taxpayer to give them a fair return on their investment with a reasonable price on the drugs they paid to develop. The Health Care Research and Development and Consumer Protection Act reinstates the reasonable pricing clause and gives the Secretary of HHS the authority to waive the clause when it is determined to be in the public interest to do so.

In determining a reasonable price for a drug, the Secretary shall consider—

The public interest in continued health care research and development;

The contribution of the person marketing such drug to the drug research and development expenses, including the amount, timing, and risk of investment in such research development;

The contribution of the Federal Government to the research and development of such drug, including the amount, timing, and risk of investment in such research and development;

The therapeutic value of such drugs;

The number patients who are expected to purchase drug;

The cost of producing and marketing of such drug;

The cost of therapies which are similar to the therapy using such drug; and

Other relevant factors.

In addition to restoring the reasonable pricing clause, this legislation will promote the research and development of new drugs by requiring the Secretary of Health and Human Services to adopt rules which set out minimum levels of reinvestment in research and development for persons engaged in the manufacture of drugs sold in the United States.

I urge my colleagues to restore accountability to the U.S. taxpayer and support The Health Care Research and Development and Consumer Protection Act.

"IT MATTERS WHEN AMERICA TAKES THE LEAD"—MADELEINE K. ALBRIGHT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. ESHOO. Mr. Speaker, in an era of increasing interdependence, no one nation alone can solve problems that cross national borders. That's why the United Nations [U.N.] was founded 50 years ago. In the last half of this century, the U.N. continues to address international social and economic problems such a terrorism, nuclear proliferation, the spread of disease, environmental degradation, and illicit drug trafficking.

The United Nations is essential: the U.N.'s work benefits the United States and advances America's foreign policy. As the only international organization seeking to save succeeding generations from the scourge of war. U.N. peacekeepers and human rights monitors have helped build democratic forms of government and prevented regional and global conflicts. In an era of stringent domestic budgets, it makes sense to work through the United Nations to solve transnational problems. The United Nations is an investment in the future of our children and the children of the world.

Making the United Nations more efficient: The United Nations has begun to implement internal reforms as the organization prepares for the next century, and yes, there is much that remains to be done. However we, as members of the United Nations, cannot seek reform when we have refused to meet our financial obligations. As U.N. Ambassador Madeleine Albright recently stated, "To achieve reform, you have to be a builder, not a destroyer; you have to embrace change, but you also have to understand that change does not occur without cost."

Our continued commitment: Our concerned constituents are sending personal checks to the United Nations to demonstrate their concern about our financial obligations to the United Nations. These Americans believe the U.N.'s goals are being hindered by the $1 billion in back dues the United States has withheld. In fact, a recent poll conducted by the U.N. Association indicates that fully 64 percent of Americans believe the Congress should allocate enough resources to pay our dues in full and on schedule.

That's why I'm introducing a concurrent resolution recognizing the important of the United Nations and calling on the United States to meet our financial obligations in a full, timely, and consistent manner. Paying our dues and supporting the ongoing reform efforts will help the United Nations to effectively and efficiently meet the challenges of the 21st century. I urge my colleagues to support this important measure.

WHITE COLLAR REFORM ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. PETRI. Mr. Speaker, today I am introducing a bill to clarify and modernize the white collar exemption in the Fair Labor Standards Act. I hope this bill will receive close attention in the next Congress.

The Fair Labor Standards Act enjoys a unique status among Federal labor laws. The rights it creates, including the minimum wage and the 40-hour workweek, have become as ingrained as constitutional guarantees. Any attempt to tinker with the FLSA is immediately perceived as an attack on these basic rights or at least is so portrayed by political opponents.

It is now becoming increasingly apparent, however, that more than a half century of hands-off politics has left a law that is seriously out of step with the times. No one is suggesting that the FLSA's fundamental precepts should be rethought in any way. Rather, it is the way the law achieves these ends that needs improvement.

Two relatively recent developments have brought the issue to a head. First, disgruntled employees have begun to use the FLSA's salary basis test as a tool—not for logically distinguishing exempt from non-exempt employees—but rather for seeking revenge. The problem would not be so bad if it were limited to a few individual overtime awards; but it is not. Instead, seizing upon a single two-word phrase in the regulations, employees have argued that everyone theoretically "subject to a technically flawed payroll policy is entitled to the same windfall—regardless of whether the flaw affected any particular employee's pay. Employers, of course, rarely issue separate payroll policies for different groups of exempt employees; thus, every employee, up to the top levels of the corporate boardroom, becomes an equally viable candidate for unexpected largesse. The potential overtime liability is as enormous as it is irrational.

Second, and just as disturbing, is the increasing arbitrariness of FLSA duties tests. Concepts such as discretion and independent judgment have always been difficult to define, but these problems seemed manageable in the era of assembly lines and hierarchical management structures. Today, however, technology has diversified job duties, service-based employment has proliferated, and even old-line manufacturing operations have moved to team management concepts. In this environment, employers can no longer rely on cookie-cutter paradigms in making duties judgments. Employers often have to guess—and too many are guessing wrong. Even the courts struggle to achieve consistency, reaching irreconcilable results in cases involving the growing ranks of quasi-professionals such as accountants, engineers, insurance professionals, and journalists.

The legislation I am introducing addresses these problems in three separate ways. First, my proposal will restore original understandings of the salary basis test by requiring the Department of Labor, and the courts, to focus on actual pay reductions rather than speculation as to potential deductions under some nebulous policy. The FLSA still will protect exempt employees from inappropriate practices, since regulatory provisions denying exempt status for actual salary deductions would remain unchanged. My legislation, however, will prevent employees from using a policy's theoretical application to extort huge overtime windfalls for company-wide classes of highly-paid employees who never could have imagined themselves as non-exempt laborers.

Second, my proposal will address perhaps the most confusing and indefensible requirement among the FLSA's duties tests: the attempted distinction between production and management workers. Under current regulations, for example, an administrative assistant might meet exemption standards simply by opening a management executive's mail and deciding who should handle it, because such a job is directly related to management policies or general business operations of (the) employer or (the) employer's customers. On the other hand, employees with far more sophisticated, challenging, and lucrative jobs may be nonexempt simply because they work on production tasks. The regulations reasonably expect an administrative employee to exercise a certain level of discretion and independent judgment, and my legislation would not alter that requirement. There is no reason to think, however, that a production or management label on the object of an employee's discretion or judgment has anything to do with that employee's professionalism, or the need for FLSA protections. Therefore, my bill eliminates the requirement that the employee's exercise of discretion and judgment be directly related to management policies or general business operations of (the) employer or (the) employer's customers.

Third, and perhaps most significantly, my legislation would directly reverse the recent trend toward questionable overtime awards for highly compensated employees by creating an income threshold exempting the highest stratum of the workforce from FLSA scrutiny. There is no reason that the FLSA, which was passed to protect laborers who toil in factory and on farm helpless victims of their own bargaining weakness should ever be interpreted to protect workers making high five-figure or six figure incomes. Yet, without considering the policy implications, courts are reaching such conclusions on an alarmingly frequent basis.

A worker drawing a large salary must perform some valuable job duty for an employer. Why, then, should that employer have to satisfy a complex set of artificial and archaie duties tests to prove that the employee is valuable? A worker drawing a large salary also must possess considerable bargaining leverage. Why then, should employers be forced, regardless of the employee's needs or preferences, to calculate paychecks only in the inflexible manner dictated by government salary basis regulations?

The FLSA, in nearly six decades, has strayed from its laudable goal of protecting the poorest and weakest laborers from workplace abuses. The Department of Labor, and the courts, need to refocus their efforts in this direction. My proposal would go a long way—both by directly exempting highly paid employees and by making long overdue adjustments to the salary and duties tests—toward providing this new direction. I ask that a copy of the bill be printed in the RECORD at this point.

A BILL

To amend the Fair Labor Standards Act of 1938 to prescribe a salary base for an exemption of an employee from the wage requirements of such Act and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(A) SHORT TITLE.—This Act may be cited as the "White Collar Reform Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provisions, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938.

SEC. 2. SALARY EXEMPTION.

(a) EXEMPTION AMENDMENT.—Section 13(a)(1) (29 U.S.C. 213(a)(1)) is amended by adding after "(1)" the following: "any employee whose rate of annual compensation is not less than $40,000 or".

(b) DEFINITION.—Section 13 (29 U.S.C. 213) is amended by adding at the end the following:

"(k) For purposes of subsection (a)(1)—

"(1) the term 'annual compensation' includes all amounts reportable to the Internal Revenue Service for Federal income tax purposes by an employee's employer;

"(2) an employee's rate of annual compensation shall be determined without regard to the number of hours worked by the employee and shall be prorated for any employee who does not work for an employer during an entire calendar year to reflect annual compensation which would have been earned if the employee had been compensated at the same rate for the entire calendar year; and

"(3) reasonably anticipated bonuses, commissions, or other elements of annual compensation not paid on an evenly distributed bases throughout the year may be prorated over an entire calendar year or over the portion of the calendar year worked by the employee for the employer in determining the employee's rate of annual compensation.".

SEC. 3. ADMINISTRATIVE EXEMPTION EMPLOYEE.

Section 13 (29 U.S.C. 213), as amended by section 2(b), is amended by adding at the end the following:

"(l) The relationship between an employee's job duties and the management policies or general business operations of the employee's employer or employer's customers shall not be considered in determining whether such employee is employed in a bona fide administrative capacity for purposes of subsection (a)(1).".

SEC. 4. EFFECT OF CERTAIN SALARY PRACTICES.

Section 13 (29 U.S.C. 213), as amended by section 3, is amended by adding at the end the following:

"(m)(1) The fact that an employee is subject to deductions from pay for absences of less than a full day or of less than a full pay period shall not be considered in determining whether such employee is an exempt employee described in subsection (a)(1) when there has not been an actual reduction in pay. For purposes of this paragraph, the term 'actual reduction in pay' does not include any reduction in accrued pay leave or any other practice that does not reduce the amount of the employee's pay for a period.

"(2) The payment of overtime compensation or other additions to compensation based on hours worked in excess of a daily or weekly amount shall not be considered in determining if the employee qualifies for the exemption under subsection (a)(1).".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to any civil action involving section 13(a)(1) of the Fair Labor Standards Act of 1938 which has not reached final judgment before such date.

PROFESSOR HOFFMAN, YOU HAVE MADE A DIFFERENCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BARCIA. Mr. Speaker, education is a tool that informs and inspires each of us. And education is immensely influenced by the learned individuals who serve as instructors, teachers, and professors. One of the professors who was a mentor in my instruction was Dr. William S. Hoffman, who on January 1 will be retiring after 32 years at Saginaw Valley State University, my alma mater.

The gentleman has taught some of the most stimulating history classes known to any student. I know how vivid he made some of these events when I was his student. He not only made the event come back to life, he made sure that the significance of it lived on in our understanding and appreciation of what preceded us.

Dr. Hoffman was one of the three original faculty members of Saginaw Valley College, which later became Saginaw Valley State University. He was known for his expertise on Andrew Jackson, one of the key leaders of the Democratic party. Dr. Hoffman is someone who could easily be a member of any President's kitchen cabinet as his expertise provides a clarity of thought that truly allows us to learn from history.

Having taught at Wiley College in Texas, Appalachian State Teachers College in North Carolina, and Bay City Junior College, Delta College, and Saginaw Valley, he has certainly left his impression on great number of students. And with his publication of numerous articles, book reviews, and two books on North Carolina history, he has influenced countless others in appreciating portions of our national heritage.

Dr. Hoffman was certainly deserving of winning Saginaw Valley State University's first Landee Award for teaching excellence. But he will always be remembered as a man who knew history, who imparted its lessons by reliving it in his writings and instruction, and someone who could be counted upon to make a difference for a student, the highest accolade I believe there can be for any academic professional.

Mr. Speaker, as Dr. William S. Hoffman prepares to retire, and his many friends and colleagues at Saginaw Valley State University look forward to feting him prior to his departure, let me urge you and all of our colleagues to join me in wishing this man the very best as he earns his place in history, and moves forward to create even more in his retirement.

A TRIBUTE TO THE ST. ELIZABETH COMMUNITY HOSPITAL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize the Sisters of Mercy of Auburn in celebration of their 19th anniversary of health care ministry through St. Elizabeth Community Hospital, Red Bluff.

St. Elizabeth Community Hospital has been located in Red Bluff since 1906 when Mother Mary Joseph Bolan saw a need for health care and founded the hospital.

Over the past 90 years, St. Elizabeth has demonstrated dedicated service to the community in providing the highest caliber of health care and improving the quality of life and well-being for the families of northern California.

St. Elizabeth Community Hospital is an invaluable asset to the community, and reflects the talents and commitment of the Sisters, the physicians an employees.

Upon this noteworthy occasion, St. Elizabeth Community Hospital deserves the most sincere congratulations and best wishes for a future filled with continued success.

TRIBUTE TO PAMELA ANAGNOS LIAPAKIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to Pamela Anagnos Liapakis. Pamela, recently featured in Time Magazine as America's most politically influential and successful trial lawyer, has been named HANAC's 1996 Woman of the Year.

Pamela Liapakis should serve as an inspiration to women throughout the Nation. She served this year as president of the Association of Trial Lawyers of America. She has served as president of the New York State Trial Lawyers Association, and is currently a trustee on the boards of the Rosco Pound Foundation, the Civil Justice Foundation, and ATLA PAC, and LAW PAC, the Federal and State political action committees of the trial bar.

Her accomplishments have won her numerous accolades, including the 1994 National Organization for Women Woman of Power and Influence Award, the 1994 ORT Jurisprudence Award, the 1993 United Jewish Appeal Trial Lawyer of the Year Award, the 1993 Young Adult Institute Advocate Award, and the 1991 Freedom Award from the Institute of Jewish Humanities.

I ask all of my colleagues to join me today, Mr. Speaker, in paying tribute to Pamela Liapakis, an extraordinary Greek-American. She has received the respect and honor of the American legal community by fighting to protect and preserve the individual rights of average citizens. I ask my colleagues to join me in honoring the most recent achievement of a truly remarkable career.

HONORING DOW CHEMICALS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Dow Chemical Co. of La Porte, TX, which has been named the 1996 Industry of the Year by the Deer Park Chamber of Commerce. Dow will be honored at a luncheon on November 21, 1996 for their outstanding work in the production of polyurethane chemicals and for their commitment to teamwork, safety and environmental protection. Dow is the fifth largest chemical company in the world and manufactures basic chemicals and plastics.

Along with being a world leader in chemical production, Dow has not lost its focus on safety and environmental protection. I commend their goal of eliminating all injuries and preventing adverse environmental and health impacts. Fundamental to the accomplishment of these impressive achievements have been the 500 employees and contractors in La Porte. The company's commitment to teamwork has encouraged a worker management respect which stresses personal freedom and growth to allow for innovative decisionmaking at all levels of the operation.

Mr. Speaker, many times in the 104th Congress we have talked about how American industry needs to continue to be innovative to maintain their position in the world economy. Dow Chemicals in La Porte, TX, exemplifies this innovation and is model for all companies.

DR. VICTOR GRECO, 147TH PRESIDENT OF PENNSYLVANIA MEDICAL SOCIETY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to bring an important event to the attention of my colleagues. On October 19, 1996, Dr. Victor Greco will be installed as the 147th president of the Pennsylvania Medical Society at a ceremony in Hershey.

Dr. Greco's résumé is long and distinguished. His many accomplishments throughout his long career in medicine began with his graduation from Jefferson Medical College in Philadelphia in 1951. He interned at Philadelphia General Hospital and spent his residency at Jefferson.

By 1963, Dr. Greco was chief of surgery at St. Joseph's Medical Center in Hazleton, PA, his hometown. Following this he became chief surgeon at State General in Hazleton. During his career Dr. Greco has been a member of the advisory council to the Director of the National Institutes of Health, vice chairman of the board of trustees of the Pennsylvania Medical Society, and a member of the State Board of Medicine appointed by then Governor Casey. Dr. Greco was also nominated to serve on President Clinton's National Health Board and was asked to serve on Speaker GINGRICH's Medical Care Reform Advisory Committee.

During his many years of practice, Victor Greco was responsible for developing the first prototype cancer screening clinic in the country, which is still operated by the National Cancer Institute. Dr. Greco trained under Dr. John H. Gibbons, professor of surgery at Jefferson Medical College and Hospital, and assisted in the development of the heart and lung machine. He was a member of the operating team that performed the first successful case of open heart surgery in the world in 1953. He was chairman of the Pennsylvania State Board of Medicine in 1994 and is now president elect of the Pennsylvania Medical Society.

Mr. Speaker, Dr. Greco's medical accomplishments speak for themselves and are a testament to this outstanding and distinguished surgeon. I am proud to have a close personal friendship with this accomplished man. It is with the greatest pleasure and pride that I rise today to bring just a few of these accomplishments to the attention of my colleagues. I send my heartiest best wishes to Dr. Victor Greco on his new leadership position in the Pennsylvania Medical Society and join with his lovely wife Mary Jean, his family and his many friends in congratulating him on this achievements.

CALIFORNIA CIVIL RIGHTS INITIATIVE

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. WATERS. Mr. Speaker, the State of California is in the middle of a crucial debate on the future of affirmative action. The so-called California civil rights initiative will be voted on this November 5.

I call to my colleagues' attention the following testimony of Professor David Oppenheimer of Golden Gate University. He prepared this statement on behalf of several California branches of the American Civil Liberties Union. I think it greatly enhances the discussion on this most important public policy issue.

STATEMENT OF DAVID B. OPPENHEIMER

INTRODUCTION

Thank you for giving me the opportunity to submit testimony on behalf of the three ACLU affiliates from California. Since its founding in 1920, the ACLU has had as its primary concern the protection of those civil liberties provided by the United States Constitution, and particularly the liberties protected by the Bill of Rights and the Post-Civil War Amendments. The right to be free of government sponsored race and sex discrimination is central to the opportunity of all Americans to fully participate in our system of democratic self-governance. It is because these rights are imperilled by the

CCRI that we wish to address this Committee.

It is no secret that our country has a long and shameful history of discrimination against women and racial, religious and ethnic minority groups. Our very foundation as a nation was dependent on the right of our citizens to own human beings of African descent. Our Constitution required amendment in the wake of the Civil War to establish for the first time under our laws that African Americans were entitled to the same rights as white citizens. It was only in this century that women were first enfranchised, and only late in this century, with the passage of the 1965 Civil Rights Act, that we began to enfranchise African Americans in a meaningful way.

Despite the aspirations of most people, our legacy of discrimination is being felt today. Many believe the reason for continuing discrimination is no longer the virulent diseases of race-hatred and misogyny, but the far more well-hidden problems of unconscious discrimination and sterotyping. Whatever the sources, the effects are plain to see. Highly disproportionate numbers of women and minority group members are poor, hungry and ill-housed. Women and minority group members earn substantially less, and own substantially less, than similarly educated, similarly qualified, white men. Over forty years after *Brown* v. *Board of Education* most black children attend segregated schools that are far inferior to the national or local standard. Even among those African Americans fortunate enough to become successful members of the American middle class, discrimination is a constant companion.

Dr. Martin Luther King told us in his last sermon that he had been to the mountaintop and seen the promised land. We have not yet arrived in that promised land.

AFFIRMATIVE ACTION TODAY

Because of the glaring inequities caused by contemporary discrimination, many state and local governments have made the policy decision to act affirmatively to counteract discrimination and create true equality of opportunity. Some have done so because their leaders believe it is the right thing to do. Some have done so to avoid litigation. Some have done so as a condition of receiving federal funds. Whatever their motivation, if they have met the strict limits placed on affirmative action programs by the Supreme Court, they are fully within the laws and Constitution of this country.

"Affirmative action" is a term much used, yet much disputed as to its meaning. In discussing affirmative action, I find it useful to distinguish the four kinds of voluntary affirmative action programs currently used by state and local government. They are:

(1) anti-discrimination programs, such as anti-harassment training, sensitivity training, or diversity training; (2) outreach, recruitment and counseling programs, directed at increasing the number of women or minority group members applying for jobs, promotions, contracts, or school admissions; (3) self-study programs, in which employers or schools study their applicant flow data, admissions decisions, and retention statistics, in order to determine whether they are engaging in discrimination, and sometimes adopt goals and timetables to measure progress in eliminating discrimination; and, (4) preference programs, which range from set-asides to tie-breakers to "one factor in many" programs.

There is a fifth form of affirmative action program, quotas, which, in the affirmative action context, operate as participation floors for women or minority group members. Quotas are not permitted in voluntary affirmative action programs. They are only permitted when approved or ordered by a court as a remedy in a discrimination lawsuit.

Voluntary preference programs, including set-asides, are rarely permitted; they are allowed only as a remedy to discrimination, and only in unusual circumstances as a matter of Constitutional law. Our Constitution puts strict limits on the authority of any unit of government to consider race or sex in its decision making. It is only within these strictly defined limits that sex-based or race-based decision making is permitted, but when these limits are adhered to, the Supreme Court has made it clear that such decision making is Constitutionally proper. In the *Croson* case, and again in the *Adarand* case, the Court held that governmental affirmative action plans that permit race-based or sex-based selections are only permissible if: There is strong evidence that the government adopting the affirmative action program has itself discriminated against the group now being assisted, and that the discrimination has resulted in that group being currently underrepresented in the area addressed by the affirmative action program; the affirmative action program reaches no further than the discrimination it is intended to counteract; the program is limited to the selection of persons or firms fully qualified for selection; the program operates with goals or aspirations, not quotas; the program is limited in time so that it will expire once its goals have been met; and the program does not require the lay-off or termination of existing employees, or the recision of current contracts.

Under the authority of the *Croson* decision, the City and County of San Francisco held hearings in 1988 to determine why so few of its contracts were with firms owned by women or minority group members. At that time approximately 95% of the dollar value of the City's contracts were with white male-owned firms. The hearings uncovered systemic discrimination in the contract bidding process, leading to a comprehensive affirmative action program. Eight years later, approximately 15% of the City's contract dollars go to firms owned by women or minority group members, while 85% continue to go to white male-owned firms.

The San Francisco plan has received provisional approval from the United States Court of Appeals. Similarly, the County of Santa Clara, whose largest city is San Jose, has adopted a voluntary affirmative action program to increase its hiring of women and minority group members which has been approved by the United States Supreme Court. Despite the fact that these plans have been approved by the federal courts, they will become illegal if CCRI is passed.

AFFIRMATIVE ACTION AND THE CCRI

CCRI has two substantive clauses. Clause (a) prohibits certain conduct by state and local government. Clause (c) permits certain forms of sex discrimination.

Clause (a) provides: "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."

Clause (c) provides: "Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting."

In addition, CCRI provides at Clause (e) that "Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state."

SOURCE OF CLAUSE A

The initiative's authors have stated that their language is based on the Civil Rights Act of 1964. Section 703(a) of Title VII, the analogous section of the 1964 Act, provides:

"It shall be an unlawful employment practice for an employer [or other covered entity] to * * * discriminate against any individual with respect to his * * * employment because of such individual's race, color, religion, sex, or national origin."

There are a number of significant differences between Clause (a) of CCRI and Section 703(a) of the 1964 Act. The most important is CCRI's prohibition of "preferential treatment." Also significant is CCRI's applicability to "groups" as well as individuals, and CCRI's substitution of "ethnicity" for "religion."

CCRI AND THE PROHIBITION OF "PREFERENTIAL TREATMENT"

The full meaning of the prohibition of "preferential treatment" must await analysis by the courts. The phrase is one without preexisting legal meaning; it is not a term of art used in civil rights law. In interpreting it, courts will be primarily guided by two principles. First, since it is assumed that all phrases do have meaning, and since it is used in conjunction with a prohibition of "discrimination," it must mean something different from discrimination. Second, since it is not a legal term of art, is should be given its "plain meaning."

On a first read, one might expect that if CCRI passes, its broadest impact will be on preference programs such as the Santa Clara and San Francisco programs. This may not prove to be true. Pursuant to clause (e), CCRI will prohibit such voluntary programs only if their elimination will not affect eligibility for federal funds. If CCRI passes, some communities may successfully argue that their programs are necessary to remain in compliance with federal regulations requiring federal funds recipients to refrain from discrimination. This is a particularly potent argument for those communities that have complied with Croson by studying their own behavior, if they have concluded that their own discrimination is the cause of a current underrepresentation.

It other communities, affirmative action plans are likely to be abandoned. But here again, if they have done Croson studies, we should expect that federal lawsuits will be filed using the data collected in the study to prove that the government has engaged in intentional discrimination. CCRI cannot limit the remedies available under federal law for a violation of the federal civil rights laws. Thus, where the evidence justifying the plan is sufficient to sustain a judgment, the federal courts will require the plans to continue. The net effect is that in many communities the existence of affirmative action plans will be unchanged, but the authority to govern the plans will pass from elected officials and civil servants to federal judges.

IMPACT ON SELF-STUDIES/GOALS & TIMETABLES

In the area of self-studies, and the related area of goals and timetables, CCRI will again have less impact than one might expect. Most self-studies conducted by state and local government are required by federal law. Executive Order 11246 requires employers receiving federal funds to conduct self-studies as a condition of their funding. When such studies reveal an underutilization of women or minority employees compared to the available pool of qualified applicants, the employers are required to adopt goals and timetables designed to increase the number of women and minority employees until they mirror the available selection pool. As a result, state and local governments must utilize self-studies and must adopt employment goals and timetables for women and minorities in order to receive federal funding. Since most publicly funded self-studies and goals and timetables are required as a condition of federal funding, they too are protected by clause (e), and CCRI is unlikely to have a substantial impact on self-studies or goals and timetables.

IMPACT ON OUTREACH, RECRUITMENT AND COUNSELING

It is in the area of outreach, recruiting and counseling that CCRI may have its greatest impact. If programs directed at recruiting or counseling women or minority group members are considered a form of preferential treatment, these programs will violate CCRI. This is the position taken by the California Legislative Analyst. In the OLA's report to the Attorney General analyzing the meaning and fiscal impact of CCRI, the Analyst wrote:

"This measure would eliminate affirmative action programs used to promote the hiring and advancement of women and minorities for state and local government jobs, to the extent these programs involve 'preferential treatment.' . . . In addition, the measure would eliminate a variety of public school (kindergarten through grade 12) and community college programs such as counseling, tutoring, student financial aid, and financial aid to selected school districts, where these programs are targeted based on race, sex, ethnicity, or national origin. . . . The measure would eliminate a variety of programs such as outreach, counseling, tutoring, and financial aid used by the University of California and California State University to admit and assist students from 'under-represented' groups."

Unlike preference programs, or self-studies and goals and timetables, there is no federal mandate for the various outreach, recruitment and counseling programs affected by CCRI. As a result, outreach, recruitment and counseling programs will truly be eliminated if the initiative passes. Examples of such programs include: programs run by the University of California to inform students at minority high schools of the admissions requirements at UC; programs run by the University of California and the California State University to enrich the academic programs at minority high schools; programs run by the University of California and the California State University to encourage minority students to attend college; programs run by the University of California and the California State University to encourage middle school and high school girls to consider careers in math and science; programs run by the state and/or by local governments to inform woman-owned and minority-owned businesses of the criteria for applying for government contracts; programs run by the state and/or by local governments to inform woman-owned and minority-owned businesses of opportunities to bid on government contracts; programs run by the state and/or by local government to inform women and/or minority group members of employment, career or promotional opportunities in government; and programs run by the state and/or by local government to assist women and/or minority group members in establishing their own businesses or applying for government employment.

IMPACT ON ANTI-DISCRIMINATION PROGRAMS

In the area of anti-discrimination and diversity promotion programs, it is difficult to assess how much of an impact CCRI will have. For example, many government employers have anti-harassment training programs designed to prevent sexual harassment in the workplace. An argument could be made that such programs constitute preferential treatment for women. It seems unlikely that a court would agree, but it is certainly not out of the question. The same would be true of programs designed to teach racial tolerance.

CCRI AND THE OPERATION OF PUBLIC EDUCATION

One substantial area outside of affirmative action will be affected by CCRI. Because it reaches all operation of public education, CCRI is expected to have a major impact on education programs which are not concerned with affirmative action but which do consider race, ethnicity or gender. The existence of university women's centers, for example, will probably be deemed a violation of CCRI. College or university programs designed to serve the needs of, or appeal to, minority students are also vulnerable. These could include counseling programs, social programs, or educational programs. It would almost certainly apply to programs like a black students' union, and might extend as far as community college classes in English as a second language, which are designed for people who are not of U.S. national origin.

In primary and secondary education, there are many voluntary desegregation programs which CCRI would ban. The California Legislative Analyst has concluded: "The measure could eliminate some or all voluntary desegregation programs operated by school districts." Among the savings predicted by the OLA are the costs incurred by all magnet schools, which the OLA views as a form of "preferential treatment."

A third area in the operation of public education within CCRI's purview is the consideration of race, sex and ethnicity for special recognition or accommodation. For example, many school districts inadvertently scheduled the first day of school in 1994 to coincide with the Jewish holiday Rosh Hashannah. In Northern California, a number of civil rights and Jewish community groups lobbied school district administrators to change the opening day in order to permit Jewish students to attend the first day of school without violating their religious observation. A series of federal civil rights cases have recognized that for the purpose of the civil rights laws the Jewish people are a race. In addition, Jews may be considered an ethnic group. As a result, under CCRI, such preferential treatment for Jews would be unconstitutional. Similarly, a school's decision to recognize certain ethnic groups through school assemblies, pageants, learning themes, or other diversity awareness programs may constitute preferential treatment based on ethnicity.

CCRI'S EXTENSION OF NONDISCRIMINATION LAW FROM INDIVIDUALS TO GROUPS

One of the foundations of American civil rights law is that all rights are held by individuals. For good or for ill, there are no civil rights held as group rights. Thus, the 1964 Civil Rights Act applies only to discrimination against individuals. As a result, an important barrier in discrimination lawsuits is the issue of standing; if an individual cannot allege personal harm, she cannot bring an action. Even in class actions, the group is defined as a group of individuals who have suffered individual harm.

Somewhat surprisingly, however, CCRI prohibits discrimination against and preferential treatment for not only individuals, but also groups. This may provide its most significant impact. For example, it appears that under CCRI any African American may bring a discrimination claim against a local government asserting race discrimination against blacks, even if she was in no way affected by the discrimination. Similarly, any person who wants to challenge an affirmative action program as granting preferential treatment may do so, as long as she is not a member of the group receiving the preferential treatment. Since the government is usually assessed legal fees if it loses a civil rights suit, we may expect an explosion of litigation if CCRI passes.

CCRI, SEX DISCRIMINATION, AND THE CALIFORNIA CONSTITUTION

In 1971, the California Supreme Court interpreted the California Constitution to prohibit sex discrimination by the government unless the government could prove a compelling purpose which withstood strict scrutiny by the court. The phrase "strict scrutiny" is sometimes described as "strict in theory, fatal in fact" because it is virtually unheard of for any government action to survive such scrutiny. It is because of this decision that the California Constitution is said to have a de facto Equal Rights Amendment.

Clause (c) may do substantial damage to the protection now offered California women under the Constitution. The language of the clause was taken from the Civil Rights Act of 1964, which provides at Section 703(e)(1):

"It shall not be an unlawful employment practice for an employer to hire . . . any individual . . . on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

In the 1964 Act the BFOQ exception applies only to employment, and even then only in cases involving an "occupational" qualification and only to cases brought under the Act, not cases brought under the Constitution. In interpreting the language under the 1964 Act, the Supreme Court has held that the State of Alabama could refuse to hire women guards at its maximum security prison because the presence of women would encourage the male inmates to attack them. The Court was particularly concerned that the guards would provoke sex offenders in the prison population, but explained that "there would also be a real risk that other inmates, deprived of a normal heterosexual environment, would assault women guards because they were women." The Court has also suggested that differential hiring policies for women with young children might constitute a BFOQ if "such conflicting family obligations [were] demonstrably more relevant to job performance for a woman than for a man."

CCRI expends upon this allowance of sex discrimination in two critical areas, both of which are presently untested. First, the Supreme Court has ruled that the limitation to "occupational" qualifications is a criminal limitation. By dropping the limitation to "occupational" qualifications, CCRI extends the permitted kinds of sex discrimination which will now be permitted. Second, the

BFOQ limitation in the 1964 Civil Rights Act is limited to employment discrimination. CCRI permits BFOQ sex discrimination in education and contracting as well as employment.

If CCRI passes, it will become the primary provision of the California Constitution regarding sex discrimination by government; as such it will probably be held to overrule or amend the current interpretation of the Constitution. Thus, sex discrimination by government in the areas of public education, employment and contracting will only be illegal if the discrimination is not "reasonably necessary to the normal operation of public employment, public education, or public contracting."

In the area of employment, clause (c) will foreclose independent sex discrimination actions under the Constitution, limiting them to the provisions of federal law. It is difficult to assess how broad an impact this will have. In the area of government contracting, contracts may be let to male-owned companies, or (perhaps more likely) companies that only hire men, when it is deemed reasonably necessary that men alone do the work. The most obvious application will be in California's fastest growing industry, corrections. In public education, the clause again may make possible sex-segregated activities which would otherwise be deemed discriminatory. Because the concept of a bona fide qualification based on sex has no precedent outside the area of employment, it is difficult to predict how far the clause will reach. Nonetheless, it clearly opens the doors to discrimination which is now impermissible under the California Constitution.

SUBSTITUTION OF ETHNICITY FOR RELIGION

It is not clear why the drafters of CCRI, who claim to have tracked the language of the 1964 Civil Rights Act, substituted "ethnicity" for "religion." But presumably religious discrimination by the government will remain illegal under the California and United States Constitutions' "free exercise" clauses, while religious preferential treatment will remain illegal under the "establishment" clauses. Since the initiative fails to define "ethnicity" it will have to be read as meaning something other than "national origin" (which is also delineated). Given the broad reading currently given to "national origin" this may prove difficult.

CONCLUSION

It appears that the greatest impact of CCRI will be in three areas: (1) outreach, recruiting, and counseling programs targeting women and minorities; (2) higher education programs assisting women and minority students; and (3) primary and secondary education programs designed to promote voluntary desegregation. The initiative is likely to have no effect on quotas and little effect on preferences or goals and timetables. In the few cases where quotas are permissible they either are or will be ordered by federal courts, which are outside the scope of the initiative. In the most of the limited number of cases where preferences are permitted, federal lawsuits will probably be filed to move the authority for the preferences from local government to the federal courts. Most public goals and timetables are adopted to maintain eligibility for federal funding, and will thus be exempt from CCRI. But outreach, recruiting, counseling, assistance and voluntary desegregation programs are not tied to federal funding, and are thus most vulnerable to CCRI.

THE 85TH ANNIVERSARY OF THE REPUBLIC OF CHINA

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KING. Mr. Speaker, October 10 marks the anniversary of the birth of the Republic of China [ROC]. On this occasion, I wish to send my greetings and congratulations to the leaders on Taiwan, especially to President Lee Teng Hui.

For many years Taiwan has been a loyal trading partner of the United States. Its people participate in and fully subscribe to the principles of freedom and democracy. They have worked with the United States on issues ranging from endangered species to trademark infringements. Taiwan is our friend and ally.

One of the ways the United States can help Taiwan is to make sure the ROC has an easy transition into the World Trade Organization [WTO]. Without question their economic status and legal system more than qualify them for membership. The only reason Taiwan has not been admitted to the WTO is the strong objection of the People's Republic of China. While the United States formally recognizes the PRC, we must not allow our relations with the 21 million people on Taiwan to be compromised by the demands of the PRC, and if it were not for the situation with the PRC, they would be a member today. The United States should work to assure the ROC its rightful place at the table in the WTO. Better relations between the U.S. and the PRC must not come at the expense of the 21 million people on Taiwan who must depend on the United States to help promote and defend their interests.

Mr. Speaker, Taiwan is fortunate to have Dr. Jason Hu as the new representative in Washington. Dr. Hu formerly served as the head of the Government Information Office. He replaced Benjamin Lu who has returned to Taipei to serve as an advisor to the President. I also want to take this opportunity to note that several solid officials from the Taipei representative office here in Washington will be returning to Taiwan at the end of the month. Dr. Lyushen Shen, and his colleague Mr. James Huang, have served their country admirably during their time here in Washington.

The October 10 celebration marks the continuance of the friendship between our two countries, as well as the founding of a nation. Again, I congratulate Taiwan on the occasion of its National Day.

ESCANABA ESKYMOS CENTENNIAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. STUPAK. Mr. Speaker, on October 25, 1996, the Escanaba High School Eskymos football will be celebrating its 100th anniversary. In September of 1897, Escanaba won its first game against St. Joseph Catholic School. It was not the type of football we think of today.

At the turn of the century the usual procedure for organizing a football team was to find a ball, improvise some equipment and find an open field. Most of the uniforms were handmade. What little padding the players had was soft and sewn into their jerseys, and headgear was almost non-existent. Most times the games were arranged by students, as faculty regarded football as a waste of time which interfered with their education. Players would improvise and quarrel over which rules to follow. It was a fast-paced and brutal sport.

Michigan high school football traditionally revolved around fierce rivalries. As documented in 1994 by Michigan History Magazine, Michigan football fans witnessed, the beginning of one of the greatest rivalries and most exciting games in Michigan football history when Escanaba met Ishpeming in 1901. Escanaba played in Ishpeming, a small northern Michigan mining community, and during the second half, two linemen began fighting. Then the two coaches stormed onto the field, followed by fans from both sides, bringing the game to a halt. Police were forced to restore order. Conceding defeat, the Escanaba players walked off the field with 12 minutes left to play, saying that they feared for their lives.

In 1903 Escanaba won its first Upper Peninsula championship and went on to challenge for the State championship title but coming up a little short against Benton Harbor.

Escanaba would rebound to win the State championship in 1904, and again in 1907. In 1908 the Eskymos were 5–0, but the lower Michigan champions from Ann Arbor refused to acknowledge or play the Eskymos for the State championship. By such an unsportsmanlike tactic, Ann Arbor wound up becoming the State champions.

In 1910 the Escanaba Eskymos won eight games against other Upper Peninsula teams, outscoring their opponents 131 points to 10. Escanaba won the Upper Peninsula championship but Detroit Central High School would not play Escanaba for the championship and erroneously, Detroit would hold the State title that year.

Until formal playoffs began in 1975, there would be no more championship games between Upper Peninsula and Lower Michigan teams.

In 1920 Escanaba beat Ishpeming 103 to 0 and one of the star backs on the tam put his name into the record books. Marmaduke "Duke" Christie scored 10 touchdowns and 6 extra points for a total of 66 points in one game. This record stands today in Michigan record books as the most points in one game for an individual player.

Beginning in 1962, the Eskymos were coached by Jerry Cvengros, a native of Ironwood, a graduate of the University of Wisconsin and a letterman in football. Coach Cvengros would go on to coach the Eskymos for the next 23 years and set the all-time winning record for the Eskymos. His teams won 79 percent of their games, won the Upper Peninsula football title nine times, and became runner-up in class A high school football in 1979. They would not lose a single game in 1981 en route to winning the Class A State Title.

Escanaba's last title was in 1989 as the Upper Peninsula football champions. In the 99 years that Escanaba has fielded a football team their all-time record of 512 games puts them in third place for all high schools in the State of Michigan.

This October 25th, the Escanaba Eskymos will host the Menominee Maroons for the 100th meeting of these two long-time rivals.

Mr. Speaker, Members of the U.S. House of Representatives, please join with me in congratulating all Escanaba Eskymo team members, coaches, teachers and fans, past and present, on 100 great seasons! The Eskymos have continued to display their devotion to the game, their sportsmanship and pride in their school teams. The Escanaba Eskymos and their outstanding record of success have made a lasting impact on their community, the Upper Peninsula, the State of Michigan and this Nation. We wish them continued gridiron success!

TRIBUTE HONORING ELYRIA UNITED METHODIST CHURCH

HON. PAUL GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and salute a church in my area. This year, Elyria United Methodist Church in Elyria, OH, will celebrate the 100th year of its founding.

Located in Northern Ohio, the church was founded in 1896. Many of the same family names are still in the congregation 100 years later. The vision at its founding a centennial ago was to be a church where people live with God and work for the communal good.

The same vision is true today. The church building has been a source of civic pride for many years and the stately design of the building solidifies its place as a local landmark. A monument such as this does not survive on structure alone, however. The building is a testament to the dedication of the congregation in preserving links to their heritage.

Mr. Speaker, as the church marks its 100th year of service, we commemorate the past and celebrate the future. A new generation continues the exemplary record of community service and pride that distinguishes Elyria United Methodist. I ask my colleagues to join me in honoring this special church.

HONORING KMEX–TV CHANNEL 34 ON THE OCCASION OF ITS 34TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. TORRES. Mr. Speaker, I rise today in honor of Univision and KMEX–TV, Channel 34. On October 3, 1996, KMEX will celebrate its 34th year as one of our Nation's premier Spanish-language television stations.

Founded on September 29, 1962, KMEX has been a pioneer in Los Angeles broadcasting history. The station was the first to change successfully from film to videotape, and use satellite transmission in the news market. KMEX also was the first station nationally to create a Spanish-language morning talk show. Now in its eighth year, the program is the only locally produced morning program in the Los Angeles market, in either English or Spanish. Today, KMEX remains one of the Southland's most innovative stations.

For the past three decades, KMEX–TV has served the Latino community with programs that inform Spanish-speaking viewers on local and world events. The station's programming is broad-based and family-oriented, and aims to educate and entertain. KMEX's news department has received many journalistic awards, including the prestigious Peabody Award. This year, "Noticias 34" received six Golden Mike Awards and is the national recipient of the Edward R. Murrow Award, proclaiming it "America's Best Newscast."

KMEX also maintains a record of public service to our community. Recently, the station joined forces with Cities In Schools, a national nonprofit organization aimed at reducing the high school drop out rate. By serving as mentors, KMEX volunteers give Latino students guidance and emphasize the importance of a high school and college education.

KMEX is also active with the Junior Achievement of Southern California Program. Together they established the Junior Achievement Hispanic Program with the goal of recruiting Latino volunteers from local businesses and communities into inner-city schools to provide guidance to students. Over the years, KMEX has also raised millions of dollars to assist the victims of such disasters as the earthquakes in Northridge, Mexico City, and El Salvador, as well as other international natural disasters.

KMEX has also been involved with numerous community organizations such as the American Cancer Society, American Red Cross, Puente Learning Center, MALDEF, CARECEN, Southwest Voter Registration and Education Project, NALEO, Hollenbeck Boys and Girls Club, LA Works, the Century Council, and numerous others.

Mr. Speaker, I ask my colleagues to join me in honoring Univision Television Group Inc., headed by chairman and chief executive officer A. Jerrold Perenchio, and executive vice president and chief financial officer George Blank. Under their leadership, Augustine Martinez, KMEX's general manager, and Tom Amost, station manager, have worked to establish KMEX's tradition of excellence in programming and commitment to community involvement. On October 3, 1996, they will join with their dedicated employees and volunteers to celebrate 34 years of innovative programming and service to our community.

TRIBUTE TO BETHESDA-CHEVY CHASE HIGH SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. MORELLA. Mr. Speaker, I rise to honor Bethesda-Chevy Chase High School on the occasion of the school's 70th anniversary. B–CC is Montgomery County's oldest urban high school, and the school is marking this milestone anniversary this weekend with a community-wide celebration.

Under the leadership of principal Janice Mastow, vice-principals Richard Bishop and Jeani Haven, and a devoted staff, the school has been a leader in the Montgomery County tradition of providing a quality education to its students and dedicated service to the community. B–CC has just initiated Montgomery County's second international baccalaureate program, which will keep students well-prepared for the challenges of the 21st century. In its urban setting, the school is a vibrant cornerstone of the Bethesda-Chevy Chase business area.

The school's rich and enduring history began in 1926, with a class of 14 students. Over the past 70 years, the high school has produced many distinguished graduates: war heroes, county, State and federally-elected officials, Federal judges, and community leaders at every level. The festivities and the open house will focus on the diversity and achievements of B–CC's 25,000 alumni, its students, faculty, parents, and its programs. Some distinguished graduates who will participate in the celebration include Daniel Stern and Arch Campbell.

As a former teacher, I am delighted to recognize B–CC on the school's 70th anniversary. I pay tribute to the devoted faculty, supportive parents, outstanding students, and diverse alumni, and I wish them continued success.

TRIBUTE TO SAN DIEGO POSTAL EMPLOYEES

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the U.S. Postal Service employees of San Diego. An independent survey, conducted by Price Waterhouse and published in yesterday's papers, confirmed that 95 percent of all letters mailed to and from San Diego arrived on time. This 95-percent score places San Diego mail carriers second best in country.

The Postal Service employees of San Diego have a commitment to providing excellent service to the citizens of San Diego. This survey proves that they deliver. Every year, San Diego's Postal employees rank near the top of the national, scores. Like the weather in San Diego, they are nearly perfect.

I would specifically like to commend San Diego District Manager Danny Jackson, the Margaret L. Sellers Processing and Distribution Center Manager Dianna Hempen, and the San Diego Postmaster Glenn Crouch. Along with every Postal employee in San Diego, they have the right to be proud of their accomplishments. They have brought national recognition to San Diego and enhanced our reputation as America's finest city.

ONE-STOP-SHOPPING INFORMATION

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LAZIO of New York. Mr. Speaker, I rise today to introduce legislation to help the thousands of Americans battling life-threatening disease. My bill would enable these individuals to gain easy access to essential information on clinical trials, information that could potentially save lives. In my Long Island, NY, district, where breast cancer occurs at unusually high rates, access to potentially promising treatments that are otherwise unavailable is crucial. A one-stop-shopping information service would allow those suffering from terrible illnesses, such as breast cancer or Parkinson's disease, to learn more about these clinical trials by simply dialing a 1–800 number.

Since coming to Congress, I have been working with breast cancer activists in my district, trying to reduce the suffering breast cancer brings to women and their families. I have fought hard for research funding to bring us closer to finding a cause, or possibly a cure, for breast cancer. Through researchers have made great progress, the public's knowledge of their findings has been limited. Its time we make these new findings available to those who need the information most.

Earlier this year, physicians and breast cancer advocates came before Congress to bring to light the difficulty in obtaining information on clinical trials. I was then contacted by cancer activists from my district, who conveyed the need for a one-stop-shopping program for clinical trials.

Currently, information is available through the Cancer Information Service at the National Cancer Institute. While the service is helpful, it lists only publicly funded trials, leaving information on more than 300 private clinical trials untapped. Sadly, cancer patients are left without readily available information, presented in a clear, concise manner. It is evident that a better system is needed.

In 1988, Congress directed HHS to establish an AIDS Clinical Trial Information Service. By simply calling 1–800–TRIALS–A, patients can find out more about trials which are evaluating experimental drugs and innovative therapies. The one-stop-shopping service would provide those facing serious illness with the same option that is now available to AIDS patients.

One-stop-shopping information will bring patients one step closer to treatments that could change their lives. I urge my colleagues to support this bill, and to give those stricken by serious illness more than just hope for a cure.

STATEMENT TO SUBCOMMITTEE ON PERSONNEL, SENATE ARMED SERVICES COMMITTEE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for the last 2 months, I have assisted my constituents, Charles and Annette Casto, in attempting to locate information regarding the death of their son, L. Cpl. Anthony A. Casto, U.S. Marine Corps. After a hurried investigation, the Marine Corps concluded that Anthony Casto died as a result of suicide. The few material possessions given to the family, brief and uninformative talks with senior military personnel and the investigative branches involved in the process, yielded more questions and uncertainties than answers to Anthony's death.

The families which appeared before the subcommittee were in concurrence that the military's death investigation process is fractured. Currently, separate entities come to conclusions on a single death and withhold information underlying their conclusions. This is the antithesis to freedom of information and contrary to families' legitimate expectations that services will be forthcoming and truthful about the cause of a loved one's death.

All governmental entities and departments are accountable to the citizenry. I am not overzealous when I say that, just as we expect our government to be effective, it should be standard that it is also compassionate when dealing with the families of those who sacrifice their lives for our country. Unfortunately, the personal experiences of families of deceased military personnel illustrate a different picture. Though the people and places were different, there was a common theme that the investigative process treated families as outsiders, not obligated to knowing how their sons and daughters died while serving our country.

I know that the members of the subcommittee listened to the stories on September 12 with sincere interest, professionalism, and sympathy. However, I ask that the subcommittee lead this Congress in a first, but major step, in reforming the military death investigation process to transform it into one that is efficient, responsive, accountable and most importantly, one that is respectful and compassionate to our deceased servicemen and women's families.

HONORING ALVIN R. BELL

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. OXLEY. Mr. Speaker, I am proud to recognize Alvin R. Bell a constituent of mine who participated in CIVITAS@Bosnia-Herzegovina, an intensive program to train local teachers in education for democracy. Mr. Bell was part of a team of 18 American educators and 15 teachers from the Council of Europe who were assigned last July to key cities throughout the Federation of Bosnia and Herzegovina.

The summer training program was developed by the Center for Civil Education as part of a major civic education initiative in Bosnia and Herzegovina. The goals of the program are to help prepare students and their communities for competent and responsible participation in elections and other opportunities in the political life of their communities. Achieving this goal will contribute to the reconstitution of a sense of community, cooperation, tolerance and support for democracy and human rights in this war torn area.

I am also pleased to announce that the curricular materials being used for the program in Bosnia and Herzegovina have been adapted from the We the People * * * the Citizen and the Constitution and Project Citizen programs that have been very successful in may congressional district. Initial reports evaluating the summer program indicate the materials and teaching methods were enthusiastically received and can be adapted for use in classrooms throughout Bosnia and Herzegovina.

Alvin Bell is a teacher at Findlay High School in my hometown of Findlay, OH. Over the years Mr. Bell has brought five different teams of students to Washington, DC to compete in the We the People * * * the Citizen and the Constitution national finals, an academic competition involving simulated Congressional hearing to test the knowledge of your youth in the U.S. Constitution and Bill of Rights.

Mr. Speaker, I wish to commend Alvin Bell for his dedication and commitment during the CIVITAS@Bosnia-Herzegovina summer training program. His work, is helping to achieve the overall objective to building support for democracy in Bosnia and Herzegovina.

THE BREAST CANCER PATIENT PROTECTION ACT OF 1996

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SANDERS. Mr. Speaker, I am pleased today to join with Representative ROSA DELAURO in introducing "The Breast Cancer Patient Protection Act of 1996" to require insurers to pay for a minimum 2-day hospital stay for a mastectomy and a 1-day stay for a lymph node removal, unless the doctor and patient decide less time is appropriate. The legislation responds to a recent trend by insurers who are refusing to pay for an overnight stay for a woman with breast cancer who has had a mastectomy, the surgical removal of a breast, unless the doctor can prove it is "medically necessary."

While medical societies have no established guidelines on how long a woman should stay in the hospital following a mastectomy, doctors have argued that women need to stay 1 to 2 nights after such surgery. Surgeons have told me that the large majority of women would not do well going home the same day after such a surgery. It is unbelievable to me that the insurance industry is now considering mastectomy an "outpatient procedure" and denying women overnight stays.

After a mastectomy, a women has a large wound, still-attached drainage tubes and intravenous fluids, and, often times, excessive pain. Overnight stays allow doctors to address many of the problems that can arise in the 12 to 24 hours following surgery and allow women the time to learn how to care for the wound, handle the paint that accompanies such surgery and recover from the emotional trauma that can result from the surgery.

Outpatient mastectomies are disturbing new part of a growing trend in the insurance industry to deny care or truncate stays. First they denied insurance to victims of domestic violence, then they sent mothers and their newborn home within hours following a birth and now women with breast cancer are being denied the ability to have a very difficult surgery with some degree of dignity.

I have played an active role in ensuring that victims of domestic violence are no longer discriminated against in the health insurance industry and in guaranteeing that mothers and newborns are not sent home before they are ready to go. To that end, I will remain steadfast in my commitment to protect breast cancer patients from premature discharges from the hospital.

I am pleased that the National Breast Cancer Coalition has given its support to "The Breast Cancer Patient Protection Act of 1996." I look forward to working together with the Breast Cancer Coalition, surgeons and medical societies to protect safe and appropriate care for cancer survivors.

The truth of the matter is that insurance companies are trampling on the sacred doctor-patient relationship and it must stop. The decision about when a woman should leave the hospital after a mastectomy should be made between the doctor and the woman, not by insurance companies bent on profits.

Congress must restore the doctor-patient relationship once and for all, and I am doing everything I can to see that that happens. In the meantime, this critical measure will protect thousands of women who confront breast cancer surgery from being forced out of the hospital against their will and against the best advice of their doctor.

TRIBUTE TO REV. EDWARD O. HUG

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a man of true faith—longtime servant of the church and our larger community in the greater Toledo area, the dear and beloved Rev. Edward O. Hug. He generously bestowed upon our community, particularly in the Catholic parishes throughout northwest Ohio to which he devoted his life for 47 years gentleness, dedication, and spiritual depth.

A man of God, Father Hug ministered to thousands, providing counsel, direction, and solace. His final parish was my own, Little Flower Catholic Church in Toledo.

As we remember Father Hug, his life, and his work and reflect upon his passing, I would like to quote from what has been regarded as one of Father Hug's finest sermons. In discussing life's passages, Father Hug told his congregation, "we should never be afraid of dying. When a baby comes into this world, the baby says 'I'm afraid to be born.' Then he comes out into the world and sees all the friendly faces and realizes the world is a wonderful place." It's the same with death. We're all afraid of dying, but when we die, we are entering a new life. And it's the most wonderful place to be." Upon his own death, to which he professed to look forward, Father Hug's words echo. We know that he is at peace after a long and heroic struggle, and he is happy.

Our entire community expresses heartfelt gratitude for the life and beneficence of Father Edward Hug. No man could have given others more. We extend our prayers to his family, his brothers Father Fritz and Father Relmond Hug, also men of the church, and Eldred Hug, his devoted sisters Virginia Kunisch and Marlene Alter, and the entire Hug family. Godspeed.

INCREASING ACCESS TO MEDICARE SERVICES

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. DURBIN. Mr. Speaker, I am introducing legislation today, along with Congressman JOHN ENSIGN, to create a demonstration program to waive, for selected diagnoses, the Medicare rule requiring a 3-day hospital stay before Medicare will cover services in a skilled nursing facility. There is growing evidence that, for selected diagnosis-related groups or [DRG's], a waiver could save money by allowing care in a less expensive setting.

The legislation would require the Secretary of Health and Human Services to cover services in skilled nursing facilities for at least five DRG's that involve medical conditions that do not need inpatient care and that are not likely or are least likely to result in any net increase in Medicare expenditures. Over the course of time, the Secretary would be able to add to the list of DRG's for which the 3-day stay rule is waived.

The Secretary would monitor this demonstration program to determine the impact of the program on overall Medicare expenditures. If this experiment is successful, it will increase access to Medicare-covered services without an increase in costs.

I expect that, if the DRG's are carefully selected based on evidence of which medical conditions could be treated less expensively in skilled nursing facilities, there will be no increase in total Medicare expenditures and there might even be budget savings. However, in case that expectation is not met, the legislation includes explicit language to ensure budget neutrality.

If this demonstration program, as a whole, causes an increase in overall Medicare spending, payments to skilled nursing facilities will be reduced by a corresponding amount in the following year to make up for the losses. This provides a fail-safe mechanism, supported by the skilled nursing facility industry itself, to ensure that the measure does not cause new Federal outlays. Moreover, the Secretary would be authorized to remove DRG's from the waived list that result in an increase in overall Medicare spending.

If, as I hope, this demonstration program is successful and overall Medicare costs do not rise as a result of the 3-day stay waivers, the legislation directs the Secretary to actively consider adding other DRG's to the waiver list that could be added without increasing total Medicare costs.

While I do not expect Congress to move forward on this measure in the waning days of this legislative year, I believe this idea deserves careful consideration. I am introducing it now in the hope that we can lay the groundwork for this type of budget-neutral reform in the next Congress.

H.R. 4244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF 3-DAY PRIOR HOSPITALIZATION REQUIREMENT FOR COVERAGE OF SKILLED NURSING FACILITY SERVICES FOR CERTAIN DRGS.

(a) IN GENERAL.—By not later than October 1, 1997, the Secretary of Health and Human Services shall provide for coverage, under section 1812(f) of the Social Security Act, of extended care services for individuals with a condition that is classifiable within a diagnosis-related group selected under subsection (b).

(b) SELECTION OF DIAGNOSIS-RELATED GROUPS.—For purposes of subsection (a) and subject to subsections (c) and (d), the Secretary—

(1) beginning with fiscal year 1998, shall select at least 5 diagnosis-related groups (as established for purposes of section 1886(d)(4)(A) of the Social Security Act that—

(A) relate to conditions that do not require treatment through receipt of inpatient hospital services, and

(B) are not likely (or are least likely) to result in any net increased expenditures under title XVIII of such Act; and

(2) for subsequent fiscal years may select additional diagnosis-related groups that meet the requirements of subparagraphs (A) and (B) of paragraph (1).

(c) RECOVERY OF EXCESS EXPENDITURES.—If the Secretary determines that the application of this section in a fiscal year has resulted in any increase in aggregate expenditures under such title for the fiscal year above the amount of such expenditures that would have occurred in the fiscal year if this section did not apply (taking into account any reductions in expenditures resulting from the elimination of or a reduction in the length of hospitalization), the Secretary—

(1) shall, notwithstanding any other provision of law, provide for a reduction in the amounts otherwise payable under part A of such title for post-hospital extended care services in the following fiscal year by such proportion as will reduce aggregate Federal expenditures in such fiscal year under such part by the aggregate amount of such a increase in the previous fiscal year, and

(2) may rescind the selection of any diagnosis-related group if the application of this section with respect to such group has resulted in such an increase in expenditures under such title.

(d) CONSIDERATION OF ADDITIONAL SELECTIONS.—The Secretary shall actively consider the selection of additional groups under subsection (b)(2) if the Secretary determines that the application of this section has resulted in a net reduction in expenditures under such title.

REAUTHORIZATION OF THE PUBLIC HEALTH SERVICE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of our community health centers and this reauthorization bill.

I have introduced this piece of legislation in the House as H.R. 3180. Although time constraints prevented the House Commerce Committee from moving this bill through the committee this year, I am extremely please that the House will have the opportunity to vote on this important reauthorization.

This bill will consolidate community health centers, migrant health centers, health care for the homeless and health care in public housing projects under one authority as requested by the administration and as supported by the health centers.

Health center programs have been highly successful in delivering primary health care to the Nation's most needy inner city and remote rural over the last 30 days.

These centers have improved health, have high-confidence ratings from the people they serve, and have produced Federal savings by lessening the use of more expensive Federal provided health care.

In New Mexico, Federal health centers serve over 150,000 patients each year. My State has 56 clinics in 27 of our 33 counties. In most areas these clinics are the sole providers of health care in the county. These clinics are usually also the only providers with a sliding fee scale, which means they provide both geographic and economic access to health care for many uninsured or geographically isolated New Mexicans.

Community health programs are a vital part of health delivery to underserved communities across the country and a model of a Federal program that works.

However, over the last 30 years the health care industry in our country has undergone significant changes. This is why I believe we must—through reauthorization—give the health center programs the flexibility and streamlined efficiency to survive in today's health care marketplace.

This authority would support the continued development and operation of local, community-based systems of health care to address the needs of medically underserved communities and vulnerable populations.

At the same time, my legislation frees these centers from unnecessary and burdensome requirements. This bill will: First, make the grant process more flexible, simpler, streamlined, and less burdensome for communities receiving health center awards; second, reduce the Federal administrative costs associated with administering the programs; and third, assure continued Federal support—in these times of tight budgets—for health centers by consolidating the funding previously requested under separate authorities.

In addition, this legislation addresses the rapid expansion of managed care and gives our health centers the ability to complete in today's health care marketplace. This bill will create grants for health centers to plan and develop networks with health maintenance organizations or form their own networks with other physicians and hospitals.

Further this legislation will reauthorize the Rural Health Outreach, Network Development, and Telemedicine Grant Program to focus on the development of coordinated, integrated health care delivery systems in rural areas using advanced technologies.

I believe this bill is the most comprehensive approach to reauthorizing public health centers. This legislation has the support of the public health centers and would allow our public health centers to continue providing top quality services to some of America's most underserved populations.

TRIBUTE TO THE NOME CULT "TRAIL OF TEARS"

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize the 133d anniversary of the Nome Cult "Trail of Tears."

Not long ago, native Americans from Chico were forced to relocate across what is now the Mendocino National Forest to Round Valley.

In September 1863, 461 Indians were marched under guard from Chico to the Nome Cult Reservation, nearly 100 miles across the Sacramento Valley and rugged north cost ranges. Most of those removed from Chico were Maidu from the north Sacramento Valley and adjacent foothills, but members of other tribes were also relocated. Only 277 Indians completed the journey to Nome Cult Reservation.

Although the path has disappeared, we now call this route the Nome Cult Trail. Currently, U.S. Forest Service signs mark the route where the Indians and their military escorts camped along the most grueling part of the trail in the Mendocino National Forest.

Today, I wish to acknowledge this tragedy but also to celebrate in full recognition of our past. While the Nome Cult Trail is a tragic chapter in my State's history, it is also a story about the resilience and strength of California Indians. It is an important legacy for their descendants and for all Californians.

TRIBUTE TO GEN. WITOLD URBANOWICZ AND JAN NOWAK-JEZIORANSKI

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. MALONEY. Mr. Speaker, I rise today in honor of Polish Heritage Week, and to remind my colleagues of the contributions made to our society by Polish-Americans.

First, I would like to pay special tribute to Gen. Witold Urbanowicz. I was saddened to hear of his death on August 18, 1996. General Urbanowicz was a true hero to the Allied forces during World War II, serving as a fighter pilot in the Battle of Britain and in China with the Flying Tigers of Gen. Claire L. Chennault. For his distinguished service, General Urbanowicz received Poland's highest decoration for valor, the Order of Vertuti Militari. He was also awarded the British Order of Merit and the Distinguished Flying Cross. Last year, he received a formal promotion to general in the Polish Forces from Polish President Lech Walesa. His brave service will not be forgotten.

Additionally, I would like to honor Jan Nowak-Jezioranski. On September 20, 1996, Nowak was awarded the highest civilian honor in the United States, the Presidential Medal of Freedom. The award honored his service during World War II, in which he risked his life to bring vital information from Poland to the Allies. Later, he directed Radio Free Europe's Polish Service, and was a voice of hope to millions of his fellow Poles.

Mr. Speaker, I rise today to honor these two great men, and to celebrate the contributions of all Polish-Americans during this very special week.

V.F.W. POST 5267 50TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Veterans of Foreign Wars (VFW) Post 5267 of Hanover Township, Pennsylvania. The post is celebrating its 50th anniversary and I am pleased to have been asked to participate in this milestone event.

On November 5, 1945 thirty veterans returning from overseas duty in World War II accepted the invitation of the late Edward Dozyk, a WWI veteran, to formulate initial plans for a V.F.W. post in Hanover Township. Application for a charter was sent to the National Headquarters and the charter was granted in 1946.

The first group of officers were founder of the post Commander Edward Dozyk, Senior Vice Commander Nelson Gray and Adjutant and third year Commander Michael Juls.

During the next few years the post spent time moving from one location to another. In 1967 the post purchased its current home.

Mr. Speaker, since its beginning in 1946 the post has grown from 30 members to over 700. The post provides valuable community services to the active veterans community in the Wyoming Valley. During its history members of the post have participated in over 2100 military funerals as well as numerous Veterans Day Celebrations.

Mr. Speaker, I am proud to honor these dedicated men and to join the Hanover Township Board of Commissioners and Commission President Pat Aregood in proclaiming the week of September 22nd as V.F.W. Post 5267 week in Hanover. I send my best wishes on their 50th anniversary.

DOSE OF REALISM NEEDED IN DEALING WITH RUSSIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SMITH of New Jersey. Mr. Speaker, earlier this month, in a major policy speech delivered in Stuttgart, Germany, Secretary of State Christopher presented his vision for the future of a "New Atlantic Community" and called for the elaboration of a formal charter between NATO and Russia as an integral aspect of the alliance's process of enlargement. The headstrong determination of the Clinton administration to forge ahead with some form of formal partnership between Russia and NATO should give cause for concern.

I am not convinced that such an initiative—which is fraught with risks—is warranted.

In his address, Secretary Christopher boldly proclaimed that "a Democratic Russia can participate in the construction of an integrated, Democratic Europe." Frankly, Mr. Speaker, Russia's Democratic credentials are not yet firmly established. One need look no further than the killing fields of Chechnya to see the limits of the Kremlin's commitment to genuine democracy. Let us not forget that President Yeltsin signed the decrees, later made public, that launched the large-scale Russian military operations which laid waste to Grozny, leveled scores of towns and villages, led to the displacement of hundreds of thousands of Russian and Chechen civilians, and resulted in tens of thousands of deaths.

As Chairman of the Helsinki Commission, I am particularly disturbed by Secretary Christopher's attempts to gloss over Moscow's campaign of death and destruction in Chechnya. "Though their [the Russian people's] struggle is far from complete," Christopher acknowledged, "as the 20-month assault on Chechnya demonstrated, the Russian people have rejected a return to the past and vindicated our confidence in democracy." In keeping with the tendency of the Clinton administration to turn a blind eye toward Chechnya, the Secretary's remark papers over the Chechnya's negative consequences for democracy in Russia.

Instead of heeding the Kremlin's brutality in Chechnya as a wakeup call of the threat to Russia's fledgling democracy, Secretary Christopher and others in the administration seemed content to push the snooze button and roll over while thousands of innocent men, women, and children were killed and those truly committed to Democratic principles increasingly came under fire for their opposition to Yeltsin's Chechen policy.

Russia must consolidate democracy, human rights, and rule of law at home, Mr. Speaker, before she can ever be considered a credible partner in constructing an integrated, Democratic Europe, envisioned by Mr. Christopher. Welcoming the Russians as full partners in building a new Europe that is free of tyranny, division, and war, as the Secretary has done, is premature at best. A fundamentally new relationship with Russia can only be built on a firm foundation of trust and confidence based on concrete deeds.

Secretary Christopher's smug assertion that no power in Europe now poses a threat to any other belies the fact that Russian missiles, once targeted at the United States, can be reprogrammed within a matter of minutes. His claim is also easier made in Stuttgart than in places like Tallinn, Riga, Vilnius, or for that matter, Kiev.

While the United States should continue to encourage cooperation among countries in the Baltic region, Mr. Speaker, it is important to keep in mind that such cooperation cannot substitute for NATO membership.

We cannot ignore that historical relationship between Russia and her neighbors, many of whom have understandable concerns for their sovereignty and independence, given decades of brutal domination and suppression by Moscow. Such apprehension can only be heightened by the current leadership crisis in the Kremlin and by the fact that some Russians yearn for the recreation of their empire. All the while, Russia's neighbors continue to seek normal relations with the Russian Federation based on mutual respect and sovereign equality.

I would remind Mr. Christopher that Russian Foreign Minister Yevgeny Primakov, who earlier headed the Russian Foreign Intelligence Service, has been one of the chief proponents of the reestablishment of a Russian sphere of influence in the newly independent States of the former Soviet Union, the so-called "near abroad."

Should the United States decide to pursue a formal charter between NATO and Russia several key issues must be addressed. First, the Russian Federation must not be given a veto, or implied veto, over the timing or conditions for the admission of new members into the alliance. Second, such an accord must firmly oppose any moves by Moscow to establish "spheres of influence" in East Central Europe. Third, the charter must in no way impede the development of enhanced relations between NATO and nonmembers, such as Ukraine.

Mr. Speaker, let us now lose sight of the fact that an essential element of any partnership is, and must be, trust. The reality is that much time is needed to heal the wounds inflicted by the war in Chechnya and establish Moscow's credentials as a trustworthy partner. In the meantime, the single greatest contribution Russia can make to the construction of an integrated and Democratic Europe would be to consolidate democracy, human rights, and rule of law at home.

IN HONOR OF PRABHAKAR SHUKLA: AN EXEMPLARY INDIVIDUAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to honor a very distinguished and outstanding individual from my district. Prabhakar R. Shukla has been a devoted father and an extraordinary individual who has inspired many of his fellow community members.

Mr. Shukla was born in the small village of Saras in Gujarat, India. He grew up in Saras working on his family farm while receiving his education. At the age of 12, he was sent to boarding school to pursue further studies and earned a bachelors degree in physics and chemistry, a law degree and an education degree. He also received a Vishard, an advanced degree in Hindi and Sanskrit from Beneras Hindu University. In 1958, he married a wonderful woman, Hasumati, and had one son. In 1962, he left India to work as a principal at a high school in Africa for 4 years and then worked in England as a teacher for 6 years. In 1970, he came to the United States with his family working as a substitute teacher, salesman, and insurance agent. Through hard work and dedication, he became a full time teacher. For the past 16 years, he has taught physics and chemistry at East Orange High School, has been chairman of the science department, and has been recognized as an outstanding teacher.

As an active member of his community, Mr. Shukla has sought to contribute to the vitality of Hudson County and its residents. He is a member of the North Bergen Planning Board, the Hudson County Commissioner of Human Relations and a member of the Hudson County Vicarage Advisory Committee. He is a founder and life member of the Hindu Cultural Society, India Cultural Society, Hindu Mandir and Bharat Cultural Society. In addition, he serves as the chairman of the board of trustees for the Bharat Cultural Society and the Brahmin Samaj.

Prabhakar Shukla is well respected by his friends, students, and neighbors. He has distinguished himself with his contributions to the citizens of New Jersey. His success is proof that America is a land of opportunity for all those willing to seize it. I ask that my colleagues join me in honoring this outstanding individual.

HONORING AMBASSADOR WILLIAM COLBY

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. ROHRABACHER. Mr. Speaker, General Vang Pao, the Vietnam war hero and Colonel Wangyee Vang, the National President of the Lao Veterans of America, organized a major event earlier this year to commemorate the sacrifices of the Hmong and Lao combat veterans. Tragically, Ambassador William Colby, former Director of the Central Intelligence Agency [CIA], who was slated to speak at this special event, passed away just prior to it.

In honor of Ambassador Colby, and the Hmong and Lao veterans who staunchly fought as allies of the United States to defend freedom from Southeast Asia, I request to include the following article from the Washington Times in the CONGRESSIONAL RECORD.

[From the Washington Times, May 8, 1996]

REFUGEES FROM LAOS MOURN A FRIEND, COLBY

(By Gary Scheets)

Chia Kue was born on the CIA base of Long Chieng 24 years ago. She remembers eluding

Laotian communist insurgents with her family as they followed a trail of refugees out of Laos and into Thailand, where squalid camps harbored them until, and if, they were lucky enough to get to the United States.

At that same base, William Colby, who would later direct the Central Intelligence Agency, staged operations using recruited Hmong soldiers to guard America installations and fight the North Vietnamese along the Ho Chi Minh Trail during the Vietnam War.

Miss Kue's father was a Hmong soldier fighting under Maj. Gen. Vang Pao, commander of the Royal Lao Army Region Two, who took his direction from Mr. Colby.

This Saturday and Sunday, thousands of Hmong combat veterans and refugee families will gather in Fresno, Calif., to pay tribute to Mr. Colby. At the event, originally designed as a ceremony to honor the actions of Hmong soldiers, Mr. Colby was scheduled to attend and present commendations and citations.

Instead, Hmong tribal and military honors will be staged in remembrance of Mr. Colby, whose body was found Monday along the banks of the Wicomico River. Authorities believe Mr. Colby drowned after his canoe capsized nine days earlier.

The Maryland State Medical Examiner's Office won't have autopsy results until the end of the week.

Miss Kue, of Arlington, is a first-grade teacher at the Fairfax Brewster School, a private school in Baileys Crossroads. She and her family spent four years in Nong Chai, a refugee camp in Thailand that was closed when the Thai government began repatriation of the Laotion refugees.

She first met Mr. Colby in April 1994 at congressional hearings on the plight of Hmong refugees in the camps and their forced repatriation to Laos to face persecution and possible death for their collaboration with the CIA.

Miss Kue and Mr. Colby kept in contact on the refugee issue, meeting and talking several times.

Miss Kue said the death of Mr. Colby will be a significant loss to the Hmong community because he was one of the few in official Washington openly championing their cause.

"He was so important to the Hmong because he knew so much of what they did," Miss Kue said. "He was one of their greatest allies."

The Hmong most likely will never have someone of Mr. Colby's stature advocating their cause again, she said.

Miss Kue said Mr. Colby struck her as an honorable man who was not afraid to fight for what he believed in.

"He was someone who was willing to stand up for the truth, for what he knows and what he believes in," Miss Kue said.

Gen. Pao, who worked side-by-side with Mr. Colby in Laos during the Vietnam War, called him "a good friend to the Hmong people."

Speaking in a telephone interview from Fresno, where he is preparing for this weekend's program, Gen. Pao said Mr. Colby will be sorely missed by the people he fought for:

"Bill Colby's death is a great loss not only for all freedom-loving people," Gen. Pao said. "We are hoping that someone will step forward and fill his shoes."

During the war, the two men got to know each other quite well. "I told him in great respect," Gen. Pao said.

Philip Smith, a Washington representative for the Lao Veterans of American, said Mr. Colby was an integral part of the effort to have the wartime work of the Hmong recognized.

"Because Laos is such an obscure country, Bill Colby was so important and why no one will be able to replace him," Mr. Smith said.

Mr. Smith said Mr. Colby understood the contribution of the Hmong and how it fitted into the geostrategic picture of the Cold War.

Mr. Smith, who will attend the Fresno ceremonies this weekend, had planned to fly to California with Mr. Colby.

Now, he said, the seat next to him on the plane will be empty.

SOCIAL SECURITY

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. PETRI. Mr. Speaker, yesterday I introduced legislation, H.R. 4215, to help put the Social Security system on a better financial footing while providing future Americans with the peace of mind that comes with their own retirement account which is their personal property.

My bill will establish a retirement account for each newborn American citizen, initially worth $1,000. The money for the initial $1,000 is to come from the sale of Government assets. This amount is to be invested in the same manner, and with the same choices, as the Thrift Savings Plan available to Government employees. These choices include investment options which promise higher rates of return than can be earned by the government bonds held in the Social Security Trust Fund. The investment decisions among the fund options are to be made by the parent or guardian until the account holder reaches the age of majority when he or she is able to make such decisions. The account holder, or his or her parent, can add to the principal of the account, up to $2,000 per year tax free, but even if that never happens the $1,000, if invested in a stock index fund, can be expected to grow to $651,683 by the time the account holder is ready for retirement.

It is not a sound financial practice for the Government to sell its assets and use the funds to pay for its current operating costs, as it does now. If we are going to be selling assets anyway we should be reinvesting the funds in something which will pay a return. My bill will accomplish that goal and put more money into the retirement system at the same time. This bill does not replace the Social Security system; it provides more funds for it. The funds in the account are to pay for Social Security benefits for the account holder first, and only if the account is depleted can the account holder draw on the Social Security Trust Fund. If, due to individuals adding to the account, there is more in the account than necessary to pay for Social Security benefits, the account holder will have several lump sum or annuity options for withdrawing the extra funds.

Future workers will not have to worry so much whether or not the Government will keep its promises or that the Social Security system might go bankrupt because each will have an account which is his or her personal property. I don't claim that this program will solve all the financial problems of Social Security but it will certainly help.

ANTITRUST HEALTH CARE ADVANCEMENT ACT OF 1996

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 2925, the Antitrust Health Care Advancement Act of 1996, which would ensure that the antitrust laws permit full utilization of private cooperative initiatives and help make the Nation's health care system more efficient. H.R. 2925 provides that when doctors, nurses, and hospitals form integrated joint ventures to offer health care services, their conduct will be reviewed on the basis of its reasonableness—the rule of reason test—for compliance under antitrust laws. The measure would provide more choices for consumers while allowing for greater competition in the marketplace.

Health care provider networks [HCPN's] comprised of doctors, hospitals and other entities which provide health care services—can produce increased competition for health care services. Their formation can lead to lower costs while providing a high quality of care. Physicians and other health care professionals are more than qualified to strike the proper balance between conserving costs and meeting the needs of the patient.

Current antitrust laws, however, hinder the formation of HCPN's by prohibiting them to engage in joint pricing agreements. H.R. 2925 would eliminate this obstacle by conforming agency enforcement practices to the manner in which courts have interpreted the law.

Antitrust law states that agreements among competitors that fix prices or allocate markets are per se illegal. Where competitors unite in a joint venture, however, agreements or prices or other terms of competition are not generally unlawful. Price setting conduct by these joint ventures should be evaluated under the rule of reason, that is, on the basis of reasonableness, by considering all relevant factors that may affect competition.

H.R. 2925 addresses these concerns by applying the rule of reason test to HCPN's. Enactment of this measure would lead to increased competition, greater choice of services, and the delivery of quality health care at a lower price.

While I urge the House to consider H.R. 2925 before the end of the session, I am encouraged by new guidelines recently released by the Department of Justice which state that the rule of reason test will now be applied to HCPN's. While I would still like to see H.R. 2925 enacted into law, I believe that the new guidelines are a major step towards the recognition of HCPN's as viable entities in the health care field and I commend the Justice Department for its decision.

SOUTHWESTERN PENNSYLVANIA MANUFACTURERS WEEK

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KLINK. Mr. Speaker, I rise today to share with my colleagues that the week of October 6–12, 1996 has been designated Southwestern Pennsylvania Manufacturers Week.

Manufacturing is vital to the economy of southwestern Pennsylvania. This field employs more than 125,000 people in the counties of Allegheny, Beaver, Butler, Washington, and Westmoreland. Local manufacturers finance an annual payroll of nearly $5 billion, the highest of all employment sectors. In southwestern Pennsylvania, the average wage for a manufacturing job is 40 percent higher than the average wage for all employees in the region.

Manufacturing provides one of every seven jobs for workers in southwestern Pennsylvania, outranking health care, construction, financial services, education, transportation, and government, in total employment. The local manufacturing payroll is crucial to the economy of our area, yielding a greater total economic impact than any other endeavor. Indeed, local manufacturers contribute nearly $200 million in local, county, and State taxes, to help support our communities and schools in southwestern Pennsylvania.

Our manufacturers continue to uphold the proud industrial heritage of our region, and perform with a work ethic that is second to none productivity and quality. The wide range of goods produced in our region is distributed and used around the world.

The advanced manufacturing network of the Pittsburgh High Technology Council, in partnership with the Southwestern Pennsylvania Industrial Resource Center is committed to supporting the needs of manufacturers throughout the region.

It is a pleasure and an honor to recognize the contributions of local manufacturers in southwestern Pennsylvania.

HONORING OCTOBER AS CO-OP MONTH

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FAZIO of California. Mr. Speaker, in the United States, cooperatives celebrate their activities and honor their history every year during October, Coop Month. Today over 40,000 cooperatives and credit unions serve nearly 100 million Americans in almost every community in our nation.

On October 24, 1844, 28 weavers incorporated the Rochdale Society of Equitable Pioneers to start their humble cooperative in Rochdale, England. The principles and practices they formulated ensured the success of the cooperative ideal. The results of their efforts gave rise to the modern cooperative movement which in 1996 counts over 750 million members.

The nearly 30 cooperatives and credit unions in Davis, CA are an important part of the daily lives of its citizens. A number of those cooperatives are unique models of "people helping people" acclaimed throughout the U.S.A. Cooperatives in Davis provide service to children in child-care cooperatives, through students in student housing cooperatives, to seniors in housing cooperatives.

The efforts of the Center for Cooperatives at the University of California at Davis has helped find new opportunities for cooperative development in rural northern California. The center's activities bring together leaders of our rural communities to offer solutions which address unemployment, recycling and sustainable and environmental economic development.

On behalf of the Congress of the United States, I would like to join the citizens of Davis in recognizing and celebrating Co-op Month.

TRIBUTE TO TWA FLIGHT 800 CRASH INVESTIGATION AND RECOVERY OPERATION PERSONNEL

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SPENCE. Mr. Speaker, July 17, 1996, will forever be remembered as a tragic date in American history—a day in which 230 people were killed when TWA Flight 800 exploded over Long Island, NY, and plummeted into the deep water offshore.

Today, I rise to honor the men and women of the Navy, Coast Guard, and National Transportation Safety Board [NTSB] who, throughout the past 2 months, have dedicated their lives daily to recovering the victims of the crash and investigating the cause of the explosion.

First, I would like to express my gratitude to the U.S. Navy personnel working at the crash site who have been responsible for all underwater recovery operations. In particular, I wish to commend the Navy's divers for their heroic work in some of the most difficult working conditions imaginable. Despite working at depths of over 100 feet, in water in which visibility is measured in inches instead of feet, these Navy divers have logged some 1,300 hours—the equivalent of 54 straight days—searching a 25 square mile patch of ocean floor. These divers are directly responsible for the recovery of nearly half of the victims as well as for the majority of the wreckage salvaged thus far.

I would also like to commend the men and women of the Coast Guard who were involved in the search, rescue, and recovery operation immediately following the crash. Specifically, I wish to recognize those workers who arrived at the crash site within minutes of the explosion to begin searching for survivors. Working tirelessly, Coast Guard personnel recovered victims and pieces of the aircraft throughout the night and the following days. In subsequent weeks, Coast Guard workers have conducted surface recovery operations, centralized search planning, as well as regional environmental operations. In the 2 months since the Flight 800 explosion, the Coast Guard has searched over 3,100 square miles of the ocean's surface, recovering more than half of the victims from the water in the process.

Finally, I would like to recognize the NTSB for its candor, honesty, and tenacity in conducting the investigation effort. The men and women of the NTSB have done an admirable job of keeping the victims' families and the American public well informed of the status of the recovery effort and crash investigation.

Mr. Speaker, I know my colleagues will join me in extending a heartfelt thanks to theses exemplary men and women for the time and effort they have selflessly dedicated to the recovery effort. I commend them for a job well done.

As a final note, I would like to recognize Mr. Henry Allen, who correctly pointed out to me that Congress has not yet credited the Navy, Coast Guard, and NTSB personnel working in this investigation for their work. Mr. Allen lost his son and grandson in the TWA crash, but his unselfish and caring character allowed him to ask me to recognize the hard work and dedication of these personnel even in his time of need. I'm proud to serve men like Mr. Allen, and my thoughts, prayers, and condolences are with him and his family.

LACK OF HEALTH INSURANCE—HIGHER DEATH RATE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. STARK. Mr. Speaker, health insurance for everyone isn't just a nice idea, it is a matter of life and death. The data is clear. In 1982, the State of California terminated Medi-Cal benefits for the State's 270,00 medically indigent adults. Some 186 of these adults were then enrolled in a study to examine the effects of this action on the health of these individuals. A comparison group was also established. Within 6 months of termination of health coverage, five individuals died compared to zero deaths for the comparison group. After 1 year of the study, seven individuals from the group whose Medi-Cal benefits had been terminated had died compared to one death in the comparison group.

Investigation of the circumstances of death suggest that lack of access to care played a part in at least four of the deaths in the medically indigent group. At least four deaths that could have been prevented if these individuals had health insurance. And now this Congress is preparing to adjourn without having adequately addressed one of the greatest problems facing our Nation: the lack of health insurance for everyone. How many more people will have to die before we decide to commit ourselves to this problem and find a solution?

Another study used data from 17 hospitals to examine outcomes for patients admitted with pneumonia. Self-pay patients were six times more likely to die with in the hospital compared to those with insurance. A national study determined that the probability of an in-hospital death for uninsured patients was 1.08 to 1.32 times higher than for privately insured patients in 15 of 16 age-sex-rate cohorts.

In another study, a representative cohort of the U.S. population was followed for up to 16 years. The study hypothesis in this case was that a lack of health insurance is causally related to a higher mortality rate, because of decreased access and lower quality of care. Not only is this hypothesis in accordance with the results of previous studies, but it also agrees with the conclusions of our own former Office of Technology Assessment in a report issued in 1992.

Furthermore, the study found that lacking insurance is associated with subsequent higher mortality independent of our risk factors.

INDEPENDENT OF OTHER RISK FACTORS

In one of the same studies mentioned above, fully 68 percent of the study's participants in the medically indigent group reported a specific episode in which they had not obtained care that they believed they needed; of those patients, 78 percent listed the cost as a reason for not obtaining care. We cannot let this problem escalate into a national tragedy of even greater proportions.

The numbers are alarming. The evidence is clear. As members of a civilized society, I would hope that the next Congress has the courage to deal with this issue.

For those who share my concerns, I invite you to reference the following sources:

(1) Lurie, N., Ward, N.B., Shapiro, M.F., Brook, R.H., "Termination from Medi-Cal: does it affect health?" N Engl J Med. 1984; 311: 480–484.

(2) Lurie, N., Ward, N.B., Shapiro, M.F., Gallego, C., Vaghaiwalla, R., Brook, R.H., "Termination of medical benefits: a follow-up study one year later." N Engl J Med. 1986; 314: 1266–1268.

(3) Weissman, J.S., Epstein, A.M., "Falling Through the Safety Net: The Impact of Insurance on Access to Care." Baltimore, Md: Johns Hopkins University Press; 1994.

(4) Franks, P., Clancy, C.M., Gold, M.R., "Health insurance and mortality: evidence from a national cohort," JAMA. 1993; 270: 737–741.

OLYMPIC GOLD MEDALIST CHRYSTE GAINES IS HONORED

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to give recognition to a Dallas unsung heroine, Chryste Gaines, a 1996 Olympic Gold Medalist. Ms. Gaines propelled the team to its victory as the first leg of the 4100 women's relay.

Chryste Gaines' fruitful track career began as she set many personal and team records in the State of Texas. She has also received a gold medal at both the world championships 4100 relay and at the Pan Am games in the 100-meter dash. In addition, she has brought home many medals from the World University Games, NCAA indoor and outdoor meets, grand prix, and world indoor championships. Furthermore, Ms. Gaines has run on the U.S.A. Pan Africa Team and the U.S.A. versus Great Britain Team.

Not only is Ms. Gaines exceptionally talented in track and field, she has also excelled in her academic studies. She graduated valedictorian of South Oak Cliff High School in 1988 and went on to Stanford University to obtain a bachelor of science degree in psychology. Ms. Gaines is a member of the alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Inc.

I wish to extend my congratulations to Chryste for your outstanding performance. We hope to see you in the year 2000 at the Olympics in Sidney, Australia.

GLENS FALLS' VOLUNTARY ACTION CENTER TURNS 25

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SOLOMON. Mr. Speaker, this fall will mark the 25th anniversary of the Voluntary Action Center, a truly remarkable organization located in my hometown of Glens Falls, NY.

For a quarter century, the center has helped thousands of needy folks every year. Each year, the center delivers nearly 100,000 Meals-on-Wheels in Queensbury and Glens Falls, helps thousands of families at Thanksgiving and Christmas, counsels hundreds of troubled persons on its Crisis Line and Teen Line, assists homeless families find emergency lodging, helps frail seniors perform simple household tasks so that they can maintain their independent lifestyle, places hundreds of court-referred clients in community service programs, and collects food for local food pantries. And by the way, that list is not exhaustive!

Mr. Speaker, I cannot tell you how much respect and admiration the surrounding communities have for the Voluntary Action Center. This group embodies effective compassion. It represents all that is good in America: service, voluntarism, pride in community, and a concern for fellow man.

In closing, Mr. Speaker, I want to reiterate my congratulations to the center on its 25 years of service to the communities of Glens Falls and Queensbury. I hope and pray that the center continues to provide its invaluable work well into the next century. The Voluntary Action Center proves every single day that Americans have not lost their desire and willingness to lend a helping hand. Voluntarism, I am proud to note, is alive and well in Glens Falls, NY.

PERSONAL EXPLANATION

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. ROTH. Mr. Speaker, yesterday, the House approved H.R. 2579, the U.S. National Tourism Organization Act. Due to the speed with which the bill moved through the House, Congressman BOB FRANKS of new Jersey and Congressman FRANK MASCARA of Pennsylvania were unable to be added to the list of cosponsors.

I would like to recognize their support and thank them for their desire to cosponsor H.R. 2579.

TRIBUTE TO SHERIFF JOSEPH U. MAINO

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. STUPAK. Mr. Speaker, it is with great pride that I bring to the attention of the U.S. House of Representatives and this Nation the retirement of Sheriff Joseph Maino, an outstanding member of the law enforcement community in my northern Michigan congressional district. I also have the opportunity to relay to you and the Nation the many contributions Marquette County Sheriff Joseph U. Maino has made to his community, fellow officers, and the State of Michigan.

Sheriff Maino was born and raised in Negaunee, MI, where he attended St. Paul's School. Following graduation, he served his country by enlisting in the U.S. Army. In the military, he spent 3 years in the military police stationed in California and later in France. Upon leaving the service in 1967, he joined the Marquette County Sheriff's Department in Michigan's Upper Peninsula.

Sheriff Maino quickly worked his way up through the ranks, first to sergeant and then undersheriff. In 1976, at age 34, the people of Marquette elected him sheriff and he became one of the youngest law enforcement officials in the State of Michigan to guide a law enforcement agency. Presently, Sheriff Maino is serving his 20th year as sheriff marking him the second longest active serving sheriff in the State of Michigan.

Sheriff Maino has worked diligently over the past two decades to enrich his community and educate them on the dangers of drinking and drug use. During his first year in office, Sheriff Maino implemented the Narcotics Enforcement Team for the County of Marquette. In 1987, he pioneered the first DARE program for the Upper Peninsula. In addition, he served as executive director of the Upper Peninsula Substance Enforcement Team during the outbreak and victory over the dangerous drug "CAT." Presently, Sheriff Maino is the project director for Marquette County Team Voice which teaches young people about the lethal combination of drinking and driving.

Sheriff Maino has not only been an asset the Marquette County, but also to the State of Michigan. He has been an active member of the Michigan Sheriff's Association, serving as president in 1981–82. He is a member of many other community service organizations including: The U.P. Children's Coalition, United Way, Kellog Youth Initiatives Partnership, U.P. Law Enforcement Officer's Association, Marquette County Chief's Association, U.P. Law Enforcement Development Center, Public Safety Institute, Marquette General Hospital Mental Health Advisory Board, Alger-Marquette Human Services Coordinating Body, and the Central U.P. Planning and Development Criminal Justice Committee.

The Marquette County Sheriff's Department has earned several awards under the leadership of Sheriff Maino. They have received the National Recognition for Public Service Award for drunk driving enforcement, a resolution of tribute from the State of Michigan for its drug enforcement activities, and obtained over $4 million in grants from local, State, and Federal sources to better serve and protect the citizens of Marquette County.

In addition to his dedication to the public sector, Sheriff Maino is a proud husband and father. His wife Jean was also born and raised in Negaunee and graduated from Negaunee High School. Jean is active in the Negaunee Booster Club & Iron Range Hockey Association. In addition, the Maino's son, Ryan, has been involved in community athletics including basketball, baseball, football, and hockey. A family of avid sports fans, they enjoy, fishing, hunting, and Joe's passion for horseshoes.

Mr. Speaker, Sheriff Joseph U. Maino will be retiring from the Marquette County Sheriff's Department on December 31, 1996. As a former city police officer and a Michigan State Trooper, I have had the honor of working with and personally knowing Sheriff Maino. He is one of the fairest, honest, and dedicated law enforcement professionals I know and I wish to thank him for all he has accomplished during his career. Mr. Speaker, on behalf of the citizens of northern Michigan, the State of Michigan, and the Nation, I would like to extend best wishes for an enjoyable retirement to Marquette County Sheriff Joseph Maimo.

HONORING DON GLENN ON THE OCCASION OF HIS RETIREMENT FROM THE AFL–CIO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring Don Glenn on the occasion of his retirement from the AFL–CIO after dedicating his entire adult life to the labor movement.

Don was hired as an AFL–CIO field representative in 1967. He was instrumental in establishing statewide central labor council conferences both in Wisconsin and California. He also assisted the Los Angeles Orange County Organizing Committee [LAOCOC] with organizing workshops, think tank sessions, and organizing projects.

Before joining the AFL–CIO field staff, Don served in the U.S. Army for 2 years, and was a member of the Meatcutters Union, the Structural Ironworkers Union, the Railroad Union, and the Steelworkers Union.

When he was a steelworker, he became a steward. He than took a position as an organizer, and worked as a negotiator and servicer for 6 years for a joint council in Chicago, which included several unions. Among them were the Distillery Union, and the Laborers International Union. Production Workers Union, Sheetmetal Workers Union, and the Laborers International Union. During this time he also attended Roosevelt University, and successfully completed a 4-year course in labor leadership.

Prior to completion of his studies, AFL–CIO Regional Director Dan Healy interviewed and hired Don as a field representative, where he would serve for 20 years. He then transferred to California, where he began his assistance with the LAOCOC. He served in that capacity for another 8 years, retiring on July 1, 1996.

On Friday, October 4, 1996, the leadership of the AFL–CIO will pay tribute to Don Glenn as he retires after over 25 years of selfless service to the labor movement. I proudly ask my colleagues to rise and join in solidarity paying tribute to Don Glenn on the occasion of his retirement.

INDIAN REGIME KILLING FAMILIES OF SIKH ACTIVISTS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KING. Mr. Speaker, recent reports show that the Indian regime has been killing and torturing the families of Sikh activists, whom the regime describes as militants. According to the video "Disappearances in Punjab," the grandfather of Paramjit Singh Panjwat, a man in his 80's, was tortured by the regime. His mother was killed and his brother and sister were murdered, as over 50,000 other Sikhs have, according to statements by Justice Aiit Singh Bains, the former judge of the Punjab and Haryana High Court who heads the Punjab Human Rights Organization.

Gurbachan Singh Manochal was the head of the Panthic Committee until he was killed by the security forces. The Panthic Committee is the organization that declared the independence of Khalistan on October 7, 1987. His mother, father, sisters, and brothers—10 people in all—were all killed by the regime.

The Panthic Committee, which represents the full range of Sikh organizations in Punjab, Khalistan, authorized the Council of Khalistan to conduct Khalistan's struggle for freedom. The Council of Khalistan is committed to conducting that struggle by peaceful, democratic, nonviolent means. Even if these people are militants, this does not justify extrajudicial killings, torture, disappearance, and other acts of brutality against their families.

The Sikhs are struggling for freedom against a regime which has stationed half a million troops in Punjab, Khalistan. This oppressive regime continues to hold over 70,000 Sikhs under the repressive "Terrorist and Disruptive Activities Act," which expired last year. It has murdered over 150,000 Sikhs since 1984, including the families of political opponents. It kidnapped human rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs. The regime refuses to allow American citizen Balbir Singh Dhillon to return to his family in California even though the charges against him have been proven false by the Human Rights Wing. Thousands of family members of Sikhs labeled "terrorists" or "militants" have been killed.

STATEMENT UPON INTRODUCTION OF THE HOME AND COMMUNITY-BASED CARE ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. GUNDERSON. Mr. Speaker, I am proud to say that I became a Member of the Task Force on Disabilities on the fifth anniversary of the signing of the American with Disabilities Act. As part of that Task Force, I would like to introduce today legislation that encourages the principles of home- and community-based care for the disabled on behalf of the advocates of personal attendants care.

Home- and community-based care allows disabled individuals maximum freedom by providing them with the necessary help to start their day, feed themselves, and perform everyday tasks that you and I take for granted. Often times, this help is the only help needed to send someone to work and to truly integrate that person into society. Just because someone's body might fail them does not mean that their mind does as well, and it is smart government to help facilitate that transition from welfare recipient to taxpayer from both a human and economic standpoint.

While I realize that the Republican Medicaid reform proposals that received wide bipartisan support from Members of Congress and the unanimous support of the National Governors Association would have given states the flexibility to develop these programs, President Clinton chose to twice veto these proposals. Now, in the absence of meaningful Medicaid reform, I am introducing legislation that would give states the needed flexibility to put these important programs in place.

Furthermore, I realize that this proposal is merely the starting point for a very important debate. While more input is needed on all aspects of this legislation, including whatever costs may be associated with it, I wholly support the concept of giving states the necessary tools to administer the most effective and efficient programs that best meet the needs of a diverse constituency.

I applaud Speaker GINGRICH for announcing this Task Force and for bringing the importance of home- and community-based care to light during this 104th Congress.

Please add the following cosponsors on the bill: Mr. GUNDERSON introduced the following bill, along with Mr. GINGRICH of Georgia.

HOME BUSINESSES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the more than 24 million citizens who have exemplified the American entrepreneurial spirit by establishing businesses in their homes.

Over the past several years, businesses being run from home have continued to increase in both numbers and in their success.

From graphic artists to computer consultants, these men and women contribute significantly to the economic growth of our country, the safety of our neighborhoods, and the health of our families. In addition, home-based business owners serve the community through their extensive volunteer work in our schools, churches, and civic groups.

I also wish to pay tribute to the American Association of Home-Based Businesses, headquartered in Montgomery County, MD, which I am honored to represent in Congress. This national, non-profit association represents the interests of American's home business entrepreneurs through a network of local chapters and a national education program for home-based business owners, as well as by lobbying for the rights and benefits of home-based businesses. Their president, Beverly Williams and their national directors, Jan Caldwell, Betty Stehman, John Scott Williams, Stu Rutchik, and Ron Wohl are community leaders, home-based business owners and outspoken advocates for the benefits and the rights of home businesses.

I am particularly proud to honor the American Association of Home-Based Businesses, their Montgomery chapter, and the city of Gaithersburg, MD, which for the third year in a row has been named one of the top locations for home-based businesses in America by a leading national magazine.

I also want to recognize the first national conference on home-based business sponsored by the Tampa, FL chapter of AAHBB, scheduled for October 11, 12, and 13. In celebration of Home-Based Business Week, October 6 to 12, 1996, I urge my colleagues to join me in commending all of the hard-working Americans who work from home, for their contributions to their communities and the economy. It can truly be said that the success of America starts from its home base.

HONORING THE KIWANIS CLUB OF OTTAWA ON THE OCCASION OF THEIR 75TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding service organization located in Ohio's Fifth Congressional District. On November 18, the Kiwanis Club of Ottawa, OH, will celebrate their 75th anniversary.

The city of Ottawa is a community renowned for its civic pride and commitment to service. Kiwanians are individuals who give a little of their time to make this community a better place to live and work. The Ottawa Club has sponsored Boy Scout Troop 224 since 1930 and the Kiwanis Key Club for high school students since 1962. The club helped provide funds for the Ottawa Glandorf High School Band and has conducted a blood screening program annually since 1988. The club erected a new Girl Scout house in 1971. The club also developed Tawa Manor, a housing project for the elderly.

The club has been active in the community from the very beginning. Throughout its history there has never been a lack of enthusiasm or volunteer labor for its many projects. In addition, the Ottawa Kiwanis Club has been active throughout the years in zone, State, and International Kiwanis.

Anniversaries are a time to reflect upon a steadfast tradition of service. They are also a time to look toward new horizons. Kiwanis have made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind.

Mr. Speaker, it is obvious that the community and the members of the club have greatly benefited from the effort that was started in 1921. I ask my colleagues to join me today in recognizing the achievements of the Ottawa Kiwanians and encourage them to continue to uphold what has become the standard for service in Ohio.

TRIBUTE TO DR. EARL CRANE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dr. Earl R. Crane, who has made and continues to make a tremendous difference in the lives of children in California through his efforts with the Children's Dental Health Center in San Bernardino. Dr. Crane will be recognized for his 40 years of work with the naming of the Dr. Earl R. Crane Children's Dental Health Center on October 3, 1996.

Dr. Crane came to San Bernardino in 1942 as an army dentist at San Bernardino Army Air Base where he settled, and later met and married his wife, Marilyn. Recognizing the need for low-cost dental services for children, Dr. Crane enlisted the support of the Assistance League of San Bernardino, the dental community, and local schools and established the Children's Dental Health Center.

The dental center provides services to children of the working poor in San Bernardino. The goal of the center is to help those who are not on public assistance and who have no dental insurance. Hundreds of students, referred by area schools, are served each year with thousands of varying dental procedures at little or no cost. In addition, all students in the local school district are screened for dental health by the center in the first grade.

Since 1949, the dental center has been located in the Assistance League building. Over the years, Dr. Crane has served on the dental center board and as a liaison between the dental community and the center. The Assistance League of San Bernardino, which has sponsored this philanthropic effort for the children of our community since its inception, has decided to honor the man who founded the center and remains active in its success.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the inspiring efforts of Dr. Earl Crane in making a tremendous difference in the lives of thousands of children during the last 40 years. It is only appropriate that the House recognize this outstanding man at the dedication of the Dr. Earl R. Crane Children's Dental Health Center.

PROBLEMS WITH EPA'S IMPLEMENTATION OF CLEAN AIR ACT SECTION 183(e)

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CONDIT. Mr. Speaker, as part of the 1990 Clean Air Act Amendments, Congress mandated that EPA examine the Volatile Organic Compounds [VOC's] emissions from various consumer and commercial products for the sole purpose of determining which of these VOC emissions contribute to ozone levels which violate the national ambient air quality standard for ozone. After this determination was made, EPA was to list those categories of consumer or commercial products that the Administrator determined, based on the study, accounted for at least 80 percent of the VOC emissions, on a reactivity-adjusted basis, from consumer or commercial products in areas that violate the ozone standard. At that time, the Administrator was to divided the list into 4 groups establishing priorities for regulation based on the criteria established in this law. Every 2 years after promulgating such list, the Administrator is to regulate one group of categories until all 4 groups are regulated.

EPA has recently proposed a rule under Clean Air Act Section 183(e), the law I just described, that would limit the VOC content of paints and coatings. In doing so, EPA has violated not only the letter and intent of this law, but also the intent of the Small Business Regulatory Enforcement Fairness Act [SBREFA], an act that we overwhelmingly passed to protect small businesses from draconian rules such as the one EPA is now proposing. I have been made aware that the overwhelmingly negative impact of this rule will fall predominately on the shoulders of small paint manufacturers, those who are the least able to bear this burden, the very result we passed SBREFA to avoid.

Clean Air Act Section 183(e) directs EPA to follow certain steps in regulating the emissions of VOC's from consumer and commercial products. The act directs EPA to report to Congress after studying the reactive adjusted basis of emissions of various VOC chemicals from consumer and commercial products. This Report to Congress was supposed to determine the potential extent to which VOC emissions from paints and coatings, and other consumer and commercial products contribute to the exceedance of the ozone standard.

Clean Air Act Section 183(e) sets forth the specific criteria that EPA "shall" use in conducting this Report to Congress. These criteria are, in effect, a mini risk assessment/cost benefit mandate. Section 183(e) sets forth the specific criteria that EPA shall use in conducting this study: The uses, benefits and commercial demand of consumer and commercial products; the health or safety functions (if any) served by such consumer and commercial products; those consumer and commercial products which emit highly reactive VOC's into the ambient air; those consumer and commercial products which are subject to the most cost-effective controls; and the availability of alternatives (if any) to such consumer and commercial products which are of comparable costs, considering health, safety, and environmental impacts. It is important to note that the use of "shall" by Congress means that EPA has no discretion in altering, ignoring, or adding to this list.

After the completion of this study, EPA is to prioritize the regulation of consumer and commercial products, based on this study. "Upon submission of the final report * * * the Administrator shall list those categories of consumer or commercial products that the Administrator determines, based on the study, that account for at least 80 percent of the VOC emissions, on a reactivity-adjusted basis, from consumer or commercial products in areas that violate the NAAQS for ozone."

Clearly, this law is intended to make EPA examine the underlying science and economic impact of reducing VOC's in consumer and commercial products, and then, if reductions would lower the potential to violate the NAAQS for ozone, EPA could exercise its judgment in comparing these VOC attributes in promulgating the appropriate regulations.

On March 15, 1995, EPA filed with Congress its Clean Air Act Section 183(e) Report. This report to Congress is the predicate that will attempt to justify for EPA the hundreds of consumer and commercial products subject to the regulations it will issue during the next eight years. In this report, EPA states that it did not perform the reactivity analysis, although admitting that such an analysis is required by law.

Congress wanted to have the benefit of EPA's scientific and economic analysis for each consumer and commercial products, so we would know the extent of these VOC's contributions and to ensure that EPA issued regulations that met our objectives as stated in the law. In its 1995 report, EPA has failed to provide this information to Congress. In addition, EPA has yet to provide us with this required information. What are they waiting for? Why do they persist in putting out a rule that they say meets the requirements of Section 183(e) of the Clean Air Act while keeping from Congress the information that we demanded they produce that scientifically and economically justify these far reaching rules?

Instead of focusing on reactive VOC's in products, this report focuses on industries. Instead of focusing on reactivity, this report focuses on volume. Instead of focusing on VOC emissions, it focuses on VOC content. Instead of a detailed study of the uses, benefits, and commercial demand of paint and coatings, the health or safety functions (if any) served by such coatings, the most cost-effective controls on and availability of alternatives (if any) to such coatings which are of comparable costs considering health, safety, and environmental impacts, EPA wrote a nonpeer-reviewed document that purposefully ignores information required by law and, with an apparent prejudice, comes to the presumptive conclusion that VOC's from these industries contribute to ozone without any factual predicate, instead of determining their potential to contribute to ozone levels which violate EPA's ozone standard—the standard mandated by Congress. The fact that EPA has failed to perform its duties is a critical error in our nation's attempt to solve the ozone puzzle.

On June 25, 1996, EPA published an incomplete notice of proposed rulemaking purportedly announcing the draft VOC in paint and coatings rule. This draft, in addition to its other defects, changes the definition of small business because without it, EPA would not have as much control over this industry as it wanted. So, instead of crafting a rule that adheres to established law and regulation, EPA changes the definition to have as much command and control over an industry that it wants, not what Congress mandated. EPA has disregarded our will as clearly stated in the Clean Air Act as well as SBREFA—a law that we overwhelmingly passed and that EPA avoided by publishing this proposed rule three days prior to it going into effect.

An examination of the statements made by Members of this Body at the time this law was being considered highlights EPA's lack of understanding of Clean Air Act section 183(e). During the House of Representatives consideration of this law, Congressman Luken from Ohio made some specific statements regarding reactivity:

> It is expected that the study will provide a much needed data base and a better understanding of the relative net environmental impacts of these products. This will provide a sound basis for regulation * * * I am particularly pleased that the language now emphasizes the importance of photochemical reactivity as a key criterion to be used by the Administrator in determining the categories of emissions to be listed. It is commendable that we are recognizing the fundamentals of atmospheric chemistry in this area by requiring that emissions be considered on a reactivity adjusted basis before being considered for regulation. The term reactivity adjusted basis requires a focus of regulatory controls on the more reactive VOCs by relating the amount of urban ozone formed to the weight of the VOC emitted to the ambient air, thereby achieving the most cost effective control measures. I am pleased that we have provided the Administrator very specific factors for determining the criteria for selecting product categories which are to be subject to control.

"The Report of the House Committee on Energy and Commerce on H.R. 3030," H.R. Rep. No. 490, 101st Cong., 2d Sess., pt 1(1990) states that "the Administrator is required to propose regulations reducing [VOC] emissions from consumer and commercial products * * * that may reasonably be anticipated to contribute to ozone levels that violate the NAAQS." In other words, in ozone nonattainment areas.

It is unquestionably clear from this legislative history that: (1) Any rule was to focus solely on nonattainment areas; (2) the study that EPA was to produce was to analyze whether any rule was necessary, as well as analyze the role of consumer and commercial product VOC's at levels that cause the exceedance of the ozone standard; (3) the reactivity test intended by Congress was based upon what happens scientifically at the NAAQS for ozone; (4) that the reactivity study occur PRIOR to any regulation being issued; and (5) that reactivity was key to any rulemaking.

Given the above, we are confused by EPA's insistence on regulating VOC's from consumer and commercial products before the required study is performed. Their insistence to do this in the face of no apparent evidence finds no support in the law nor in the legislative history. Furthermore, EPA has purposefully blinded themselves from the fact that small paint companies in attainment areas would be the hardest hit by this rule—again, a result that finds no support in the law nor in the legislative history.

EPA's position is further muddied by regulatory preamble language calling for further analysis, after this rule goes into effect, and after many small paint companies are fatally harmed, so they could adopt future regulations that are even more stringent, is another action that finds no support in the law nor in the legislative history.

> Following proposal of this rule the EPA plans to participate in a joint study with the architectural coatings industry. This study will focus on the feasibility of adopting more stringent VOC requirements in the future. Issues to be investigated include the cost and economic impact of different levels of VOC requirements, reactivity considerations associated with changing coating formulations, and evaluation of physical characteristics and performance characteristics of coasting with VOC contents lower than the proposed levels.

We are dismayed by EPA's blatant and now admitted disregard for the law. If a study considering reactivity can be conducted after the rule is promulgated, why can it not be done BEFORE the rule is issues, as commanded by law?

It is our understanding that recent scientific evidence, specifically the findings of this Nation's leading atmospheric scientists, many of whom participated in a 1991 National Academy of Science study entitled "Rethinking the Ozone Problem in Urban and Regional Air Pollution," have found that the VOC's that come from evaporative man-made sources can be examined and compared based on their reactivity and that an evaporative VOC emission elimination strategy will not result in those ozone laden regions of the country coming into attainment with EPA's ozone standard. Many leading scientists' have found that individual VOC reactivities can be very accurately predicted with sophisticated modeling techniques heretofore not utilized by EPA. Most interestingly, these researchers concluded that a regulatory scheme based on considerations of reactivity is more effective at reducing VOC emissions and is cheaper to implement than mass-based controls. It would appear that ignorance of this information would result in the squandering of valuable resources. Why, then, is EPA insisting that an expensive and scientifically dubious regulatory scheme be undertaken?

The Clean Air Act's section 183(e) has instructed EPA to compile and present to Congress a study detailing VOC emissions from consumer and commercial products and to use this study as the foundation for embarking on a course of VOC regulation. EPA is further directed by the law to employ reactivity, the characteristic property of individual VOC's relating to their propensity to contribute to ozone nonattainment, when choosing those products or product categories worthy of regulation. In its notice of regulation published March 23, 1995 in the Federal Register, however, EPA confirms our suspicion that it is shirking its legal responsibility to incorporate reactivity into its regulatory scheme for VOC's. In that notice announcing EPA's intent to regulate on the basis of mass VOC emissions, EPA admits considering reactivity to only a limited extent, expressing concern with reactivity's empirical limitations and uncertainties. EPA cannot hide behind a veil of uncertainty on the reactivity issue. Specifically:

Clean Air Act section 183(e) states that EPA must do a study of VOC's emitted from consumer and commercial products to "determine their potential to contribute to ozone levels which violate the national ambient air quality standards for ozone." The standard stated in the law for the reactivity test.

EPA's report states that, "Because of the uncertainties, inconsistencies, and lack of reactivity data on individual compounds, the EPA concluded that a rigorous determination of the potential of consumer and commercial products to contribute to ozone nonattainment is not possible at this time."

The Report to Congress does not provide the scientific information Congress asked for in order to determine which VOC's from paints and coatings contribute to the exceedance of the ozone standard as established by EPA.

EPA did not rank consumer and commercial products on a reactivity-adjusted basis. EPA has not even created a peer-reviewed reactivity adjusted scale.

EPA added three new criterion, volatility of VOC's, volume of VOC emissions, and regulatory efficiency and program considerations. This later criterion will allow EPA to "exercise discretion in adjusting the product category rankings * * * to achieve an equitable and practical regulatory program." EPA views this amendment to the Clean Air Act as at least as equal to those Congress set in Clean Air Act § 183(e).

We are also concerned with EPA's apparent indifference to the disparate impact this rule will have on industry, particularly small business. EPA's calculation of the proposed rule's economic cost does not consider the human terms—lost jobs or lost small, family-owned businesses, an issue that directly mandated to be considered under Clean Air Act Section 309. We are deeply concerned that the negative impact of compliance costs will fall hardest upon lower-income wage earners employed in the coating industry; many minority earners and low-income whites would lose their jobs in the fallout, while not reaching the goal of ozone attainment. EPA must be aware of this reality if it is to regulate an entire industry. EPA's granting of a longer compliance timetable is nothing more than a longer stay on death row for many of these companies—the result of business closure is the same.

The compliance costs of reformulating or re-outfitting operations is staggering. The South Coast Air Quality Management District in California has been regulating consumer and commercial product VOC levels for several years; it is their expert assessment that the economic impact of controls for a desired reduction of VOC emissions of the approximately 18 percent EPA's regulation of VOC's in paints, is over $1.5 billion based upon their experienced determination that paint and coating VOC control costs are $16,400 per ton.

EPA, in various letters to fellow Members of Congress, estimates the cost at $40 million. How can EPA be two orders of magnitude lower than experienced regulators? More importantly, how does EPA think it can pass a rule by ignoring basic scientific principles, by possessing insufficient legal authority, and having the rule cost so much money? Why are you insisting on reducing VOC levels in paint beyond that considered by the statute (assuming such reductions would reduce the potential to contribute to ozone levels which violate the ozone standard)?

We strongly urge EPA to take a long look at the core legal and economic issues, including the effect of this regulation on coating used as an intermediary in various manufacturing processes, as well as the peripheral details surrounding its desire to regulate consumer and commercial products. In no way can EPA exact such a great price from the American public when its science is wrong and its legal authority so tenuous.

What is also clear is that EPA has mishandled our specific charge to them regarding Clean Air Act section 183(e). We urge you to stop any and all regulatory action on this issue until a proper, peer reviewed analysis is conducted pursuant to Clean Air Act section 183(e). Vigilance and oversight is needed to ensure that the paint industry, especially small paint companies, do not pay the harsh price of demise for EPA's lack of understanding.

IMMIGRATION COURT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. McCOLLUM. Mr. Speaker, today I am introducing legislation to establish a new United States Immigration Court. This bill will remove the immigration adjudication functions from the Justice Department and invest them in a new article I court, composed of a trial division and an appellate division whose decisions will be appealable to the Court of Appeals for the Federal Circuit.

The system for adjudicating immigration matters has matured tremendously over the last 15 years. Special inquiry judges have become true immigration judges in just about every aspect but name, and the immigration reform conference report that the House passed on Wednesday rectifies that situation. The Board of Immigration Appeals has been greatly expanded, and the whole Executive Office for Immigration Review has been separated from the Immigration and Naturalization Service.

Yet much of this system, including the Board of Immigration Appeals, does not exist in statute. And while separated from the INS, aliens still take their cases before judges who are employed by the same department as the trial attorneys who are prosecuting them.

I believe it is time to take the next logical step and establish a full-blown adjudicatory system in statute, and I believe that such a system should be independent of the Justice Department. This is not a new concept. I first introduced legislation to take this step in 1982, and I continue to believe that an article I court would allow for more efficient and streamlined consideration of immigration claims with enhanced confidence by aliens and practitioners in the fairness and independence of the process.

The bill I am introducing today provides a solid framework on which to build debate on this important and far-reaching reform. I look forward to working with all interested parties in fine-tuning and further developing this proposal where necessary and enacting this much needed reform in the next Congress.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS

The short title of the bill is the "United States Immigration Court Act of 1996." Subsection (b) provides that all amendments made by this bill are to the Immigration and Nationality Act (INA), unless otherwise specified. Subsection (c) is a table of contents.

SEC. 2. ESTABLISHMENT OF UNITED STATES IMMIGRATION COURT

Subsection (a) establishes the United States Immigration Court under a new chapter 2 title I of the Immigration and Nationality Act. The following is a section-by-section analysis of that new chapter:

Section 111 establishes the United States Immigration Court as a court of record under article I of the Constitution of the United States. The Court consists of two divisions: the trial division and the appellate division.

Section 112. Appellate Division. Subsection (a) provides for the appointment by the President, by and with the advice and consent of the Senate, of a chief immigration appeals judge and five other immigration appeals judges.

Subsection (b) sets the term of office for appeals judges at 15 years, with the first group of judges to be appointed for staggered terms.

Subsection (c) sets the compensation for the chief immigration appeals judge at 94 percent of the next to the highest rate of basic pay for the Senior Executive Service, and the compensation for the other appeals judges at 93 percent.

Subsection (d) makes the chief immigration appeals judge responsible on behalf of the appellate division for the administrative operations of the Immigration Court.

Subsection (e) provides that three appeals judges constitute a quorum.

Subsection (f) provides that the appellate division shall act in panels of three or in banc, and a final decision of such panel shall be a final decision of the appellate division.

Subsection (g) outlines the process for the removal of appeals judges, which shall only be for incompetency, misconduct, neglect of duty, engaging in the practice of law, or physical or mental disability and shall be by the Court of Appeals for the Federal Circuit.

Subsection (h) provides for the payment of expenses for travel and subsistence for appeals judges while traveling on duty and away from their designated stations.

Section 113. Trial Division. Subsection (a) provides for a chief immigration trial judge, to be appointed by the chief immigration appeals judge. Every current immigration judge who is qualified under this Act to be an immigration trial judge shall be appointed by the chief immigration appeals judge.

Subsection (b) sets the term of office for trial judges at 15 years.

Subsection (c) establishes the rates of pay for immigration trial judges.

Subsection (d) makes the chief immigration trial judge responsible for administrative activities affecting the trial division and gives him/her the authority to designate any trial judge to hear any case over which the trial division has jurisdiction.

Subsection (e) provides that trial judges may be removed in the same manner as appeals judges, except removal shall be by the appellate division rather than the Court of Appeals for the Federal Circuit.

Subsection (f) outlines the authority of trial judges in conducting hearings.

Subsection (g) provides that witnesses shall be paid the same fee and mileage allowance as witnesses in any other court in the U.S.

Subsection (h) provides for the payment of expenses for travel and subsistence for trial judges while traveling on duty and away from their designated stations.

Section 114 outlines the jurisdiction of the appellate and trial divisions.

Subsection (a) outlines the jurisdiction of the appellate division as follows.

Paragraph (1) provides that the appellate division shall hear and determine appeals from final decisions of immigration trial judges, decisions involving the imposition of administrative fines and penalties under title II of the INA, and decisions on petitions filed under section 204 for immigrant status and under 205 revoking approval of such petitions.

Paragraph (2) provides that either party to a case may appeal an immigration trial judge's decision to the appellate division. Appeals from final orders of deportation and exclusion are to be filed not later than 20 days after the date of final order. Review of an immigration trial judge's decision shall be based solely upon the trial record, and the findings of fact by the trial judge are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

Paragraph (3) provides that a final decision of the appellate division is binding on all immigration trial judges, immigration officers, and consular officers unless and until otherwise modified or reversed by the Court of Appeals for the Federal Circuit or the Supreme Court.

Paragraph (4) requires the appellate division to render a decision on an appeal respecting an asylum claim no later than 60 days after the date the appeal is filed.

Subsection (b) outlines the jurisdiction of the trial division as follows:

Paragraph (1) provides that the trial division shall hear and decide exclusion and deportation cases (including asylum and discretionary relief requests raised in such cases); rescission of adjustment of status cases; applications for asylum referred to the Immigration Court by the Attorney General for adjudication; contested assessments of civil penalties under employer sanctions, contested determinations relating to bond, parole, or detention of an alien; and such other cases arising under the INA as the appellate division may provide by regulation.

Paragraph (2) outlines the duties of immigration trial judges including recording and receiving evidence and rendering findings of fact and conclusions of law, determining all applications for discretionary relief which may properly be raised in the proceedings, and exercising such discretion conferred upon the Attorney General by law as may be necessary for the just and equitable disposition of cases.

Section 115. Rules of Court. Subsection (a) directs the appellate division to promulgate rules of court governing practice and procedure in the appellate and trial divisions.

Subsection (b) provides that each nongovernmental party in a proceeding shall have the privilege of being represented (at no expense to the government), and the rules of the court shall provide for the admission of qualified attorneys and nonattorneys to practice before the court.

Subsection (c) give each division of the Immigration Court contempt power.

Subsection (d) authorizes the Immigration Court to impose such fees as it may provide for under its rules and procedures.

Section 116. Retirement of Judges; Senior Judges. Subsection (a) provides that a judge of the Immigration Court shall be retired upon reaching the age of 70; a judge who is 65 may retire after serving as a judge for 15 or more years; a judge who is not reappointed upon the expiration of his/her term may retire if the judge has served as an Immigration Court judge for 15 or more years and advised the appointing authority of his/her willingness to accept reappointment. A judge who becomes permanently disabled from performing judicial duties shall be retired. Computation and payment of retirement pay, election to receive retired pay, coordination with civil service retirement, and revocation of an election to receive retired pay for and by Immigration Court judges shall be dealt with in the same way as for judges of the United States Tax Court. Judges shall not receive retired pay for any periods during which they accept any civil office or employment with the U.S. government (other than as a senior judge) or during which they provide legal services to clients in a case arising under this chapter.

Subsection (b) allows judges of the Immigration Court to provide annuities to their surviving spouses and dependent children in the same way as provided for judges of the United States Tax Court. Amounts deducted and withheld from the salaries of judges of the Immigration Court for this purpose shall be deposited in the Treasury to the credit of a fund to be known as the "Immigration Court judges survivors annuity fund".

Subsection (c) provides for senior immigration appeals and trial judges, who are retired judges who may be recalled, with their consent, to perform duties as an immigration appeals or trial judge.

Subsection (b) is a conforming amendment to the table of contents of the INA adding the new chapter 2 and sections 111 through 116.

Subsection (c) includes effective dates and transition provisions. Except as otherwise provided, the amendments made by this section shall take effect on the date of enactment. Section 113(c) (relating to compensation of immigration trial judges) shall take effect 90 days after the date of enactment.

Paragraph (2) outlines a timetable for establishment of the Immigration Court. The President is to nominate the chief immigration appeals judge and other appeals judges not later than 14 days after enactment. The chief immigration appeals judge shall designate a date, not later than 30 days after she/he and a majority of the other appeals judges are appointed, on which the appellate division shall assume the functions of the Board of Immigration Appeals. The chief immigration appeals judge shall appoint trial judges pursuant to section 113(a)(2) promptly after being appointed. The appellate division shall provide promptly for the establishment of interim final rules of practice and procedure which will apply after the hearing transition date.

Paragraph (3) directs the chief immigration appeals judge, in consultation with the Attorney General, to designate a transition date, not later than 45 days after the date interim final rules of practice and procedure are established under paragraph (2)(C). During the period before the transition hearing date, any proceeding or hearing under the INA that may be conducted by a special inquiry officer or immigration judge may be conducted by an immigration trial judge.

Paragraph (4) provides continuing authority for individuals who are special inquiry officers or immigration judges on the date of enactment and on the transition date to continue to conduct proceedings or hearings after the transition date for two years after the date of enactment.

Paragraph (5) provides for the continuation of all existing powers, rights, and jurisdiction and deems the appellate division to be a continuation of the Board of Immigration Appeals and immigration trial judges to be a continuation of special inquiry officers or immigration judges with respect to deportation and exclusion cases and asylum applications pending as of the transition date.

SEC. 3. JUDICIAL REVIEW OF IMMIGRATION COURT DECISIONS

Subsection (a) amends section 106(a) of the INA to provide that petitions for review of Immigration Court decisions must be filed not later than 30 days after the date of issuance of the final deportation order (currently 90 days except for aggravated felons who have 30 days.) Petitions for review shall be filed with the Court of Appeals for the Federal Circuit. The Court of Appeals shall decide the petition only on the record of the Immigration Court, the Immigration Court's finding of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole, and a decision that an alien is not eligible for admission to the United States is conclusive unless manifestly contrary to law.

Subsection (b) adds the following new subsections to section 106 of the INA:

New subsection (f) provides that review of determinations relating to asylum applications shall be limited to whether the Immigration Court properly exercised jurisdiction, whether the determination as made in compliance with applicable laws and regulations, the constitutionality of those laws and regulations, and whether the decisions were arbitrary and capricious.

New subsection (g) provides that only the Court of Appeals for the Federal Circuit shall have jurisdiction to hear petitions relating to asylum; only the Immigration Court, the Court of Appeals for the Federal Circuit, and the Supreme Court may entertain habeas corpus applications or grant injunctive or declaratory relief with respect to an immigration matter; the Court of Appeals for the Federal Circuit shall have exclusion jurisdiction to review all constitutional issues relating to an immigration matter by writ of certiorari filed no later than 30 days from the date of the final order of the appellate division relating to that matter; in the case of a writ of certiorari, if a question of fact is presented, a determination of fact previously made by the Attorney General or Immigration Court shall be conclusive if supported in the record by reasonable, substantial, and probative evidence on the record considered as a whole, and if no determination was previously made, the Court may provide for a hearing before an immigration trial judge to make the appropriate findings of fact. Notwithstanding any other provision of law, no court shall have jurisdiction to review decisions by either division of the Immigration Court respecting reopening or reconsideration of deportation or exclusion proceedings or asylum determinations outside of such proceedings, the reopening of an application for asylum because of changed circumstances, or the Attorney General's denial of a stay of execution of a deportation order.

Subsection (c) amends the United States Code to expand the jurisdiction of the Court of Appeals of the Federal Circuit in conformance with the amendments made by this Act to section 106 of the INA.

Subsection (d) provides for the amendments of this section to take effect upon the hearing transition date designated under section 2(c)(3).

SEC. 4. REFORM OF ASYLUM

Subsection (a) replaces the current section 208 of the INA provision on asylum with a new section 208, which is consistent in most aspects with the language in H.R. 2202, with conforming amendments to reflect the new role of the Immigration Court.

New subsection (a) provides that an alien in or arriving in the U.S. may apply for asylum, unless the Attorney General determines that the alien can be returned to a safe third country, the alien did not apply within 180 days of arriving in the United States (absent a showing of changed circumstances or extraordinary circumstances), or the alien previously applied and was denied (absent a showing of changed circumstances). Judicial review of a determination by the AG under this provision is limited to the Immigration Court.

New subsection (b) provides that the Attorney General may grant asylum to an alien who has complied with this section whom the Immigration Court or an asylum officer determines is a refugee. However, asylum may not be granted if the Immigration Court finds that the alien participated in persecution, the alien has been convicted of a particularly serious crime, there are serious reasons for believing the alien committed a serious nonpolitical crime outside the U.S., there are reasonable grounds for regarding the alien as a threat to U.S. security, the alien is excludable or deportable because of terrorist activities, or the alien was firmly resettled in another country prior to arriving in the U.S.

New subsection (c) outlines the status of aliens granted asylum. Asylum may be terminated if the Attorney General asserts and the Immigration Court finds that the alien no longer is a refugee because of changed circumstances, the alien is not eligible for asylum for one of the reasons listed in the previous paragraph, the alien may be deported to a safe third country, the alien has voluntarily returned to his/her country, or the alien has acquired a new nationality. An alien whose asylum status has been terminated is subject to deportation.

New subsection (d) outlines the procedure for applying for asylum. Affirmative asylum applications shall be filed with the Attorney General and reviewed by an asylum officer. Aliens who unquestionably are eligible will be referred directly to the Attorney General; aliens whose eligibility is questionable will be referred to the Immigration Court for adjudication. At the time of filing an application, the alien shall be advised of the privilege of being represented and the consequences of filing a frivolous claim (permanent ineligibility for immigration benefits), and shall be provided a list of pro bono immigration lawyers, which shall be compiled and updated by the Immigration Court. Absent exceptional circumstances, a decision by an immigration trial judge of an affirmative asylum claim shall be issued not later than 45 days after it was referred to the Court. An appeal to the appellate division shall be filed within 20 days of a trial judge's decision granting or denying asylum or within 20 days of the completion of deportation or exclusion proceedings.

SEC. 5. CONFORMING AMENDMENTS.

This section makes conforming amendments to section 209(a)(2) (adjustment of status of refugees), section 234 (physical and mental examination of aliens), section 235 (inspection by immigration officers), section 236 (exclusion proceedings), section 242 (apprehension and deportation of aliens), section 242A (expedited deportation of aliens convicted of committing aggravated felonies), section 242B (deportation procedures), section 243(h) (withholding of deportation), section 244 (suspension of deportation; voluntary departure), section 246(a) (rescission of adjustment of status), section 273(d) (regarding stowaways), section 279 (jurisdiction of district courts), section 291 (burden of proof), section 292 (right to counsel), section 360(c) (exclusion of aliens issued certificate of identity) of the INA and to section 235(b) (expedited exclusion) as amended by section 422 of the Antiterrorism and Effective Death Penalty Act of 1996.

SEC. 6. EFFECTIVE DATE; SEVERABILITY.

Subsection (a) makes the amendments made by section 5 effective on the transition hearing date designated pursuant to section 2(c)(3) of this Act.

Subsection (b) is a severability clause.

INTRODUCTION OF LEGISLATION TO ENCOURAGE CHARITABLE CONTRIBUTIONS OF CLOSELY-HELD CORPORATIONS

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. DUNN of Washington. Mr. Speaker, government at every level—Federal, State, and local—are being forced to reduce spending. At the same time, government should do all it can reasonably do to encourage private philanthropic efforts. Many of these government services can be provided at the local level by charities that know the community best and can supply the most efficient and competent delivery of services to those most in need. Public charities and private foundations already have proven they can distribute funds to a very diverse, wide-ranging group of support organizations at the community level.

One source of untapped resources for charitable purposes is closely-held corporate stock. Today the tax cost of contributing closely-held stock to a charity or foundation is prohibitive, and discourages families and owners from disposing of their businesses in this manner. This legislation, which I introduce today, will correct this problem by once again permitting certain tax-free liquidations of closely-held corporations into one or more tax exempt 501(c)(3) organizations.

Under current law, the problem with giving closely-held stock to charity is that the absence of a market for such stock and the typical pattern of small and sporadic dividends paid by such companies make it difficult for a charity to benefit from ownership of such stock. Accordingly, if such stock is given to a charitable organization, and in particular if a controlling interest is given, the corporation may have to be liquidated either by statute requirement or to effectively complete the transfer of assets to the charity for its use. Under current law, such a liquidation would incur a corporate tax at a Federal tax rate of 35 percent.

This cost is imposed as a result of the tax law changes made in 1986 that repealed the general utilities doctrine and thus imposed a corporate level tax on all corporate transfers, including those to tax exempt organizations. The charitable organization could also be subject to unrelated business income taxes. These tax costs make contributions of closely-held stock a costly and ineffective means of transferring resources to charity, and these are the costs I propose to eliminate in order to free up additional private resources for charitable purposes.

This legislation eliminates the corporate tax upon liquidation of a qualifying closely-held corporation of certain conditions are met. Most importantly, qualification would require that 80 percent or more of the stock must be bequeathed at death to a 501(c)(3) tax-exempt organization. The bill also clarifies that the charity can receive mortgaged property in a qualified liquidation free from unrelated business income tax for a period of ten years. This change parallels the exemption from UBIT for 10 years provided under current law for direct transfers by gift or bequest.

By eliminating the corporate tax upon liquidation Congress would encourage additional, and much needed, transfer to charity. Individuals who are willing to make generous bequests of companies and assets they have spent years building should not be discouraged by seeing the value of their gifts so substantially reduced by taxes. It is worthwhile to note that the individual donor does not receive any tax benefit from the proposal. All tax savings go to the charity.

I urge all of my colleagues to support this important legislation designed to encourage charitable contributions.

TRIBUTE TO GEN. JAMES R. JOY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a great American, Brig. Gen. James R. Joy, USMC, retired. General Joy's retirement from the Directorship of Morale, Welfare and Recreation Support Activity, Manpower Department, Marine Corps Headquarters, completes a brilliant military career.

In June 1957, James Joy was commissioned a second lieutenant in the U.S. Marine Corps. Upon his graduation from the basic school in February 1958, Joy reported to Camp Pendleton to serve as a platoon leader with the 1st Marine Division. Just 1 year later, Joy received orders to the aircraft carrier U.S.S. *Oriskany* CVA–3, as the executive officer of the Marine detachment.

Followintg sea duty aboard the *Oriskany*, Joy was promoted to captain during a 3-year tour at Marine Corps Air Station, Santa Ana, CA. In 1963, Joy came to Washington, DC, for duty with the 13th Infantry Battalion, USMCR, but soon went to Vietnam with the 26th Marines. It was during this tour that he was promoted to major. Joy returned to Quantico in 1967 to attend the Command and Staff College, and upon graduation was assigned to the Office of the Secretary of Defense, in Washington, DC.

A second tour in Vietnam came in July 1971, followed by duty as the commanding officer of the Marine Barracks in the Canal Zone, with additional duty as Marine officer on the staff of the commander, U.S. Naval Forces, Southern Command. It was in this position that Joy was promoted to lieutenant colonel. Joy then spent 3 years at Headquarters Marine Corps, in the operations division, operations training department. During the 1978–1979 academic year, he attended the Army War College in Carlisle Barracks, PA. Upon graduation, Joy reported to Camp Lejeune for duty for the 2d Marine Division, where he ultimately served as chief of staff. He was promoted to colonel in July 1979.

General Joy was assigned duty as Fleet Marine Officer on the staff of the commander, 6th Fleet in May 1982. There, he was promoted to brigadier general. In 1983, he was assigned as the assistant division commander, 2d Marine Division, at Camp Lejeune, NC. Four months later Joy became commanding general of the 22d Marine Amphibious Units in Lebanon. The following February, he became the commander of the joint task force in Lebanon. In May 1984, Joy was selected for deputy commanding general, Marine Corps Recruit Depot/Deputy Commanding General, Eastern Recruiting Region, Parris Island, SC. Shortly thereafter, in June 1985, Joy became the Director of the Personnel Procurement Division, Manpower Department, at Marine Corps Headquarters. Joy retired from active duty on June 1, 1988, and the very next day assumed his current position as director of the Morale, Welfare and Recreation Support Activity, Manpower Department.

Throughout his career, General Joy earned numerous awards and decorations, and has continually proven himself to be among the best this country has to offer. As a member and former chairman of the House Panel on Morale, Welfare and Recreation, I know that General Joy's knowledge and expertise have been invaluable to our efforts to improve the lives of those who serve in our Nation's Armed Forces. His guidance will be sorely missed. I ask my colleagues to join me in honoring this American patriot, and wish him continued fulfillment in his retirement.

TRIBUTE TO THE LIONS CLUB OF UTICA FOR 50 YEARS OF SERVICE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to the men and women of the Lions Club of Utica who celebrate 50 years of outstanding service to the community.

Since their founding in October 1946, the Lions have been at the forefront of efforts to improve the neighborhoods of Utica and beyond. This year alone, the Lions Club raised $28,000, all of which will be donated to charity. These donations represent long hours of hard work by dedicated members who collect pledges $1 at a time.

The Lions Club has a long tradition of providing services for the blind including a meaningful partnership with Leader Dogs for the Blind. In addition, the Lions have provided uniforms for the Utica High School Band and has helped finance excursions for both the Utica and Ford High School Bands to numerous destinations.

Over the years, I have had the pleasure of becoming acquainted with many Lions and have observed first-hand the commitment and generosity of these men and women.

Mr. Speaker, on Friday, October 4, the Lions Club of Utica will celebrate 50 years of service with a commemorative dinner at Club Monte Carlo. I would like to offer my sincere appreciation for their charitable work and encourage them to continue their rich tradition of serving the community for many years to come.

THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BREWSTER. Mr. Speaker, I rise today in recognition of the Republic of China's 85th National Day, which will be celebrated on October 10, 1996.

Much has been written about Taiwan's economic achievements in recent years, but a broad range of political reforms have also taken place in the Republic of China on Taiwan during the last few years. Today, every member of Taiwan's legislative and representative institutions are chosen through free and open elections. In March 1996, Taiwan held its first ever presidential election. Taiwan's multiparty system encourages broad scale representation, and American style campaigns. In addition, an individual's right to free speech, assembly and petition are virtually unrestricted. The Republic of China is now ranked as one of the world's freest nations.

In celebration of the Republic of China's National Day, I want to congratulate President Lee Teng-hui and Vice President Lien Chan, and thank them for their outstanding leadership. I also wish to welcome Taiwan's Representative, Jason Hu, to Washington, DC. During the last 3 months, Representative Hu has been working very hard to strengthen our relations with Taiwan.

In conclusion, I also want to congratulate Dr. Lyushun Shen on his promotion and transfer to Taiwan. I had the pleasure of working with Dr. Shen while he served as the Congressional Liaison Director at the Taipei Economic and Cultural Representative Office in Washington, DC. Through his efforts in the past 3 years, we have seen our relationship with Taiwan improve and grow. Dr. Shen is a first rate diplomat, and I wish him all the best in his new post.

COMMENDATION OF JANET WELLS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. SLAUGHTER. Mr. Speaker, I am here today to commend a remarkable young lady at Thomas Middle School in my district. Her name is Janet Wells.

In an effort to increase awareness about community clean-up efforts, Janet contacted surrounding school districts to organize a picture drawing campaign for Members of Congress. She thought maybe a picture or two might get the attention of Washington. Little did she know how her efforts would pay off. Over 800 drawings, envelope after envelope of pictures by children imagining the world 50 years from now arrived in her mailbox. Janet shared these drawings with my staff and me.

Animals and clouds in vibrant colors, in crayon, ink or wax, should be a not so gentle reminder that the decisions we in the Congress make today, whether they concern air or water quality, emissions or brownfields, profoundly shape the world Janet and her classmates will inherit.

Thank you, Janet. And yes, you make a difference. It's a delight to know we live in the same community.

TRIBUTE TO THE HONORABLE HAROLD E. FORD

HON. JULIAN C. DIXON

OF CALIFONRIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. DIXON. Mr. Speaker, I rise today to salute the outstanding congressional career of my good friend and colleague, Representative HAROLD E. FORD. HAROLD's retirement from the Congress caps more than two decades representing the interests of the people of the 9th Congressional District of Memphis, Tennessee.

Scion of one of Memphis' most influential African-American families, in 1974 HAROLD became the first African-American to be elected to the United States Congress from the great state of Tennessee. His arrival in Washington was greeted with great enthusiasm, and he wasted little time in carving out a role as a pivotal player in helping to shape this nation's welfare and unemployment compensation policies.

He was named to a seat on the influential Ways and Means Committee. In 1981 he became the then-youngest member of Congress to chair a subcommittee when he was selected Chairman of the committee's Subcommittee on Public Assistance and Unemployment Compensation—later changed to the Subcommittee on Human Resources.

As chair, HAROLD presided over many of the essential, life-sustaining programs of the past four decades, including Aid to Families with Dependent Children (AFDC), Child Welfare and Foster Care, Unemployment Compensation, title XX and Supplemental Security Income, and the Low Income Energy Assistance program. His leadership to preserve and increase authorizations for these programs was at times a lonely and uphill battle. However, HAROLD never faltered and he never lost sight of what would happen to the recipients of these programs should they be subjected to the massive cuts proposed by those who sought to reorder the nation's priorities in caring for its needy citizens.

In 1988, HAROLD authored the Family Support Act, legislation designed to radically overhaul this nation's welfare system. That he helped to strengthen the social safety net for millions of the disenfranchised stands as a fitting legacy of his service to our nation. In the face of many obstacles, and yes—a few pitfalls—HAROLD stayed strong, and HAROLD persevered.

As a member of the Congressional Black Caucus (CBC), HAROLD served during a time of tremendous growth and change. In 1975, there were fewer than 20 CBC members. Today that number has nearly doubled. Yes, much remains to be done, however, HAROLD hopes to fulfill his obligation to that effort by helping to pass the torch to his son, Harold Ford, Jr., in November.

Mr. Speaker, one of the nicest things about serving in Congress is the fine friends you make along the way. HAROLD has been one of those people whose friendship I shall always cherish. It has been a privilege to serve with him in this great institution, and I will miss seeing him on the floor when the 105th Congress convenes. He has however fought the good fight and earned his rest.

I am proud to call him my friend and to personally thank him for the many distinguished contributions that he has made to the nation. As he sets course on a new trail, I wish him and his beloved family everything bright that life has to offer.

PERSONAL EXPLANATION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. DELLUMS. Mr. Speaker, I am unable to vote today due to medical reasons. I regret missing the day's important votes.

PAYING TRIBUTE TO DR. HENRY A. JORDAN

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to recognize and pay tribute to an outstanding preservationist and Pennsylvanian, Dr. Henry A. Jordan of Chester County. Dr. Jordan is a great leader on protecting our Nation's heritage. He has made an enormous contribution to this cause. On October 1, 1996, Dr. Jordan will step down as chairman of the board of the National Trust for Historic Preservation, the only national preservation organization in the country. As chairman, he has been a forceful and consistent advocate for building a holistic approach through which individuals and organizations work together to preserve our communities and make our neighborhoods better places to live.

The National Trust was chartered by Congress in 1949 to lead our Nation's efforts to conserve our rich and diverse history. During Dr. Jordan's 9 years service on the trust's board, he has brought the National Trust to new levels of effectiveness. He has worked tirelessly to make preservation relevant and has demonstrated that preservation is an efficient tool for economic development, downtown revitalization, and sustainable, community planning.

Dr. Jordan's longstanding contribution to the National Trust is but one significant highlight in his long dedication to our Nation's heritage at the national, State, and local levels. His active involvement in both historic preservation and conservation include his service as a director and president of the Yellow Springs Foundation from 1973 to 1977; as a director of the French and Pickering Creeks Conservation Trust from 1982 to 1989; and as a member of the Chester County Open Space Task Force, which was instrumental in getting voter approval for a $50 million bond issue for open space and historic preservation in 1989. He also served as a director and as president of Preservation Pennsylvania, Pennsylvania's statewide preservation organization, from Dr. Jordan's commitment to our American heritage continues with his current roles as chairman of the Countryside Institute, chairman of the Chester County Planning Commission, chairman of the Chester County Community Foundation, a director of the National Coalition of Heritage Areas, and with his service on the board of advisors for the School of Natural Resources at the University of Vermont.

As Dr. Henry Jordan's representative in the U.S. Congress, I salute his commitment and accomplishments in advancing historic preservation and natural resource conservation.

A TRIBUTE TO COACH JIM FEGAN

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LOBIONDO. Mr. Speaker, on November 9 the career of one of the best teachers I've been privileged to know will come to a close. On that day, Jim Fegan will end his 36-year tenure as head football coach at Georgetown Prep, located just outside this city. In that time, he has never missed a practice, posted 33 winning seasons, 9 of which were undefeated, won 13 league titles and a metropolitan area No. 1 ranking. His teams' records total 230 wins, 61 losses, and 12 ties entering this season. I take pride in not only having played for Coach Fegan, but also in having served as a cocaptain on one of his "very best" teams.

The story of his career and the values he has imparted to his players, his student body, and his institution are reflected in, but cannot be measured by, his won-lost records, nor in the numerous awards he has won. His lessons for me and my teammates during his first season in 1961 and for all that followed were every bit as much about personal responsibility for mistakes, dedication to team in lieu of personal goals, the importance of academics over athletics, acceptable and unacceptable personal behavior, dealing with success as well as failure, and realizing that there is no easy way to success, as they were about blocking and tackling.

All the more remarkable is that this level of successful instruction has been sustained over a period of great change in society's values and society's attitudes.

Coach Fegan, his wife Barbara (Bunny) Fegan, and his children and grandchildren are all a vital part of Georgetown Prep's family. He has played a large role in preparing so many students for the practical challenges of later life. As one who was fortunate to benefit from his great lessons, I am proud to commend him to you as an exemplary educator and mentor.

HONORING RUBEN DIAZ ON THE OCCASION OF HIS RETIREMENT FROM THE AFL–CIO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. TORRES. Mr. Speaker, I rise today to honor Ruben Diaz on the occasion of his retirement from the AFL–CIO after over 40 years of dedicated service.

At 17, Ruben became a member of Retail Clerks Local 770, while working at Bi-Rite Markets in Los Angeles. One year later, in 1952, he listed in the Army with the U.S. Army Airborne Division, serving our country until 1955. After leaving the Army, he began working for ITT Cannon, in Los Angeles. He then joined the United Auto Workers, Local 509 and immediately became involved in union-related activities. He served on the PAC Committee, COPE, was Recreation Committee Treasurer, FEPC Chairman, served as shop steward for three terms, on the Grievance Committee for one term, and was vice chairman of the bargaining unit for nearly two terms.

In 1966 he was appointed as an organizer to the Los Angeles-Orange Counties Organizing Committee [LAOCOC], AFL–CIO. Two years later, he was appointed to the AFL–CIO field representative staff. He moved on to become coordinator of the LAOCOC, AFL–CIO in June 1986.

In addition to his union activities, Ruben has served our community through his involvement with the Labor Council for Latin American Advancement, where he served as executive director. He also served as vice president of the Catholic Labor Institute, member of A. Philip Randolph Institute, and the International Brotherhood of Electrical Workers.

Ruben and his wife, Becky, have two children and two grandchildren. It is with pride that I ask my colleagues to join me in honoring Mr. Ruben Diaz as he retires from the AFL–CIO after over 45 years of involvement with the union.

THE HAZARDOUS WASTE FACILITIES FINANCIAL RESPONSIBILITY ACT

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SPRATT. Mr. Speaker, I rise today to inform my colleagues of legislation I am filing relating to financial responsibility at hazardous waste facilities.

I realize that we are close to the end of the 104th Congress, but I felt it was important to introduce this legislation now so we can get a head start on debating an issue vital to millions of Americans. That issue is: Will we protect Americans living near hazardous waste facilities from being caught holding the bag when a costly release of hazardous waste occurs?

The bill is titled the "Hazardous Waste Facilities Financial Responsibility Act," and it addresses three problems associated with existing financial standards for hazardous waste facilities. Current law provides for post-closure care for only a fraction of the period when the hazardous waste poses a threat to human health and the environment. Current law only requires hazardous waste facility operators to demonstrate the ability to pay for clean-ups after they occur, not before. And current law allows companies to provide corporate guarantees to cover clean-up costs which are easily circumvented by the maze-like corporate structures prevalent in the industry. By correcting these three problems, the Hazardous Waste Facilities Financial Responsibility Act provides the public with complete assurance that the costs of care and clean-up at hazardous waste facilities will be borne by the owners and operators of those facilities.

First, the bill sets up a procedure for post-closure care of hazardous waste facilities that will last as long as necessary to protect human health and the environment. Under current law, post-closure care lasts for 30 years, at which time the Administrator has the option to extend it for another 30 years. My bill requires the Administrator to continue the post-closure period until it can be conclusively demonstrated that such care is no longer needed. The bill requires the Administrator to hold hearings, so the public will have the chance to be heard before post-closure is terminated.

Second, the bill ensures that all costs associated with post-closure care of the facility are covered including responsibility for credible accidents and known corrective action, liability assurances, and changes in costs resulting from changes in the facility or its permit. This provision corrects a serious flaw in current law, which completely excludes these necessary adjustments from the amount which operators are required to show they can pay. In essence, operators aren't required to show their ability for the cost of clean-up until after a costly accident has occurred. At that point, it is too late. The full range of potential costs or these facilities must be provided for up front.

Third, the bill eliminates the practice of using a financial test or corporate guarantee to assure payment of closure and post-closure costs. Many operators of hazardous waste facilities are structured with a myriad of layers between parent corporation and operating subsidiary. The availability of the corporate guarantee makes it too easy, and too tempting, for skilled lawyers to devise corporate structures in which both the operating subsidiary and the nominal parent corporation are thrown into bankruptcy by unforeseen post-closure costs. Meanwhile, assets elsewhere in the corporate structure are protected.

A perfect example is a hazardous waste dump owned by Laidlaw/GSX located just outside my district in Pinewood, SC. In 1989, the accounting firm KPMG Peat Marwick did a study of this facility which revealed no less than five corporate layers between the company operating the landfill, and the deep-pocket corporate parent. Should a major accident at this facility occur, what assurance do taxpayers have that they won't be caught holding the bag? The Hazardous Waste Facilities Financial Responsibility Act will give them this assurance. Furthermore, prudent business practice dictates that a company should avoid having large potential liabilities uncovered by any insurance or financial instrument. We should demand no less protection for citizens and taxpayers.

A PROPOSAL TO ENHANCE THE FINANCIAL SECURITY OF CHILDREN BY PROVIDING FOR CONTRIBUTIONS BY THE FEDERAL GOVERNMENT TO CHILD RETIREMENT ACCOUNTS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. HOUGHTON. Mr. Speaker, I am joined today by my colleague, Mrs. KENNELLY, in introducing legislation, the Children's Financial Security Act of 1996, which would establish tax-advantaged savings accounts for children. The approach is similar to the current one for individual retirement accounts, except that the accounts would be funded by the Government with $1,000 annual refundable credits for children from the year of birth through age 5—a total of $6,000. The credits would be invested in mutual funds that are government approved, but managed by the private sector. The credit would be phased-out at the higher income levels, e.g. between $100,000 and $150,000 for a married couple filing a joint return. The proposal also provides for make-up nondeductible contributions by parents for children under 19 at the date of enactment.

Why is the bill being introduced at this time? Hopefully, this can be a first step in starting a dialogue for the 105th Congress to address the needs of our children for education and retirement—and, at some future point, making this proposal part of any privatization of our Social Security system. We are concerned, like many others, that we must come up with long-term solutions to our government health and retirement systems.

Although this proposal would constitute an entitlement program, still it is not openended, as the credit and cost of the government is a maximum of $6,000 per child, plus deferral of tax on the earnings buildup. Distributions from such an account would be taxable. Also, the availability of the credit is phased out to individuals at the higher-income levels. Most importantly, it could be one leg of a four-legged retirement stool, with the others being Social Security (adjusted for privatization), private savings and other retirement plans.

We need to do something to solve the long-term problems of our Social Security system. And of course, the crown jewel of this proposal is the effect of compounding earnings and contributions over the lifetime of an individual. The figures are impressive. For example, with an investment return of 10 percent, the $6,000 could grow to $2,350,000 by age 65. At 8 percent, the fund would total $740,000. The secret is to invest early.

The funds would be used for retirement purposes—to supplement other retirement funds, as well as Social Security benefits. However, funds could be withdrawn for education expenses and the purchase of a first-time home. The current and prior withdrawals could not exceed 50 percent of the earnings and contributions at the end of the prior year. Other nonexcepted withdrawals would be subject to significant penalties. The primary purpose is to encourage savings for retirement and to discourage withdrawals.

In summary, the proposal would (a) help to increase our national savings rate, (b) instill in individuals the advantages of saving for retirement at an early age, and (c) begin to address the very real problem of providing alternative options to company pension plans and Social Security benefits.

We welcome our colleagues support of this proposal and look forward to their involvement in debating these issues in the 105th Congress.

TRIBUTE TO RABBI REUVEN BEN-YAIR

HON. FLOYD D. SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SPENCE. Mr. Speaker, I rise today to recognize Reuven Ben-Yair, who has the distinction of being the first native-born South Carolinian to be ordained as a rabbi. Reuven

Ben-Yair is a descendent of immigrants who came to South Carolina in the late 1600's. His family has contributed much to the Palmetto State and he has followed their example by leading a life that is dedicated to serving his fellow man.

Reuven Ben-Yair was born as Robert Tracy Schwartz in Kingstree, SC, in 1966. He has chosen to go by the name Reuven Ben-Yair, which is the Hebrew name that was given to him at birth. He was raised in Conway and graduated from high school there. In 1989, he received the Bachelor of Arts degree from the University of South Carolina, with a double major in religious studies and philosophy. He then entered a joint theological studies program conducted by Yeshivat Mercaz Ha-Rav Rabbinical Seminary and Hebrew University in Jerusalem. This summer, Reuven Ben-Yair was ordained as a rabbi.

In addition to his studies, Rabbi Ben-Yair has served in the Israeli Army in an elite paratrooper reconnaissance unit, where he attained the rank of lieutenant. He has also devoted much time to working with children.

Mr. Speaker, for the first time in the over 300-year history of our great State, a South Carolinian has been ordained as a rabbi. On behalf of those of all faiths in our State, I would like to congratulate Rabbi Reuven Ben-Yair and wish him much success.

100TH ANNIVERSARY OF THE LADIES' ANCIENT ORDER OF THE HIBERNIANS, DIVISION I

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the Ladies' Ancient Order of Hibernians, Division I, in St. Clair County, IL. They will celebrate their 100th anniversary on Sunday, October 20, 1996.

The women of Division I received their charter in East Saint Louis, IL, on October 30, 1896. Originally, the primary purpose of the Ladies' AOH was to assist young immigrant Irish girls coming to the United States in security employment, offering them protection, and moral support. Today, Hibernians are primarily a Catholic action group and service organization. The preamble of the constitution of the Ladies' order states the intent and purpose of the group is to promote the interests and welfare of Americans of Irish descent, to aid the people of Ireland to achieve independence, to promote Catholic action and to assist in mission work.

Throughout the years the Ladies' AOH has supported local social work agencies such as the Catholic Urban League, Poor Clare Sisters, the Radio Service, the Bishop's Burse, St. Jude's Hospital, and the Special Olympics. Division I also supports the national organization's Irish essay contest for middle and high school students in order to foster an interest in the history of Ireland among young people.

Irish-Americans have long been an integral part of our common history. The contributions that the Ladies' Ancient Order of Hibernians have made their community and their heritage are invaluable to the people of St. Clair County. I ask my colleagues to join me in wishing them a wonderful centennial celebration and best wishes for the next 100 years.

INTRODUCTION OF H. RES. 518

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. MILLENDER-McDONALD. Mr. Speaker, I am inserting into the RECORD correspondence and a resolution having to do with the CIA involvement in introducing crack cocaine into the Los Angeles area to help support the Contras.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 20, 1996.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: It is with great alarm that I have read, in the San Jose Mercury News and other news publications, of the involvement of the U.S. Central Intelligence Agency in the introduction, financing, and distribution of crack cocaine into the Compton and South Central areas of my District. As the elected representative of these areas, I am both appalled and extremely distressed by these reports and am asking that the Department of Justice conduct a full scale investigation into these allegations.

As you are no doubt aware, crack cocaine is one of today's major problems facing not only the area that I represent but also hundreds of thousands of Americans nationwide. The mere idea that our government could have, in any way, been involved in the financing or distribution of this horrendous drug is repulsive to me. I believe that it is incumbent upon us, the elected federal representatives of the people, to look into this matter and determine what, if any role, the federal government played in ruining the lives of hundreds of thousands, if not millions, of people. I am sure you would agree that we need to determine the extent to which the government was involved in the cocaine trade in Lose Angeles—or anywhere else for that matter—if we are to continue to hold the trust of the people.

Please advise me as soon as possible what you and your agency are doing to address these allegations. I will not allow this matter to rest until I am satisfied that we have the answers to the many questions that have been raised in the last few days. I look forward to working with you in investigating this matter as well as in addressing the larger question of how we help the millions of people whose lives have been adversely affectd by this insidious drug. Thank you in advance for your attention to this matter.

Sincerely,
JUANITA MILLENDER-MCDONALD,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 20, 1996.

Hon. JOHN DEUTCH,
Director, U.S. Central Intelligence Agency, Washington, DC.

DEAR DIRECTOR DEUTCH: It is with great alarm that I have read, in the San Jose Mercury News and other news publications, of the involvement of the U.S. Central Intelligence Agency in the introduction, financing, and distribution of crack cocaine into the Compton and South Central areas of my District. As the elected representative of these areas, I am both appalled and extremely distressed by these reports and am asking that the Department of Justice conduct a full scale investigation into these allegations.

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Sincerely,
JUANITA MILLENDER-MCDONALD,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 20, 1996.

Hon. LARRY COMBEST,
Chairman, House Permanent Select Committee on Intelligence, Washington, DC. 20515

DEAR CONGRESSMAN LARRY COMBEST: It is with great alarm that I have read, in the San Jose Mercury News and other news publications, of the involvement of the U.S. Central Intelligence Agency in the introduction, financing, and distribution of crack cocaine into the Compton and South Central Los Angeles areas of my district. As the elected representative of these areas, I am both appalled and extremely distressed by these reports and am asking that your committee conduct a full scale investigation into these allegations.

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Please advise me as soon as possible what you committee intends to do to address these allegations. I will not allow this matter to rest until I am satisfied that we have all the answers to the many questions that have been raised in the last few days. I look forward to working with you in investigating this matter as well as in addressing the larger question of how we help the millions of people whose lives have been adversely affected by this insidious drug. Thank you in advance for your attention to this matter.

Sincerely,

JUANITA MILLENDER-MCDONALD,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 20, 1996.

Hon. NORMAN DICKS,
Ranking Democratic Member, Select Committee on Intelligence, Washington, DC. 20515

DEAR CONGRESSMAN NORMAN DICKS: It is with great alarm that I have read, in the San Jose Mercury News and other news publications, of the involvement of the U.S. Central Intelligence Agency in the introduction, financing, and distribution of crack cocaine into the Compton and South Central Los Angeles areas of my district. As the elected representative of these areas, I am both appalled and extremely distressed by these reports and am asking that your committee conduct a full scale investigation into these allegations.

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Sincerely,

JUANITA MILLENDER-MCDONALD,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 3, 1996.

Hon. DONALD PAYNE,
Chairman, Congressional Black Caucus, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DONALD PAYNE: Please find enclosed a copy of my letter to Congressman Larry Combest, Chairman of the House Permanent Select Committee on Intelligence, requesting his committee to look into published news accounts which implicate the U.S. Central Intelligence Agency in the establishment and proliferation of drug trafficking in South Central Los Angeles in the early and mid-1980s.

I propose that the Congressional Black Caucus hold a field hearing on this issue in the 37th Congressional District on Saturday, October 19, 1996. California's 37th Congressional District includes the South Central Los Angeles communities of Watts, Willowbrook and Compton. These areas have been hard hit by the proliferation of crack cocaine, gangs and gun violence. A field hearing sponsored by the CBC and hosted by me and other Members of Los Angeles delegation would serve to keep this issue before the local news in the largest media market in the country and is certain to gain national exposure. It would also serve to maintain pressure on the Justice Department, Central Intelligence Agency and our Intelligence Committee colleagues to thoroughly investigate these issues. Moreover, we could announce the hearing during the Congressional Black Caucus Foundation Annual Legislative Conference.

I would appreciate your favorable consideration of this proposal and response as soon as possible so that I can direct my staff appropriately. Should you have any questions, or wish to discuss this matter further, please feel free to contact me at (310) 549–0537.

Warm regards,

JUANITA MILLENDER-MCDONALD,
Member of Congress.

Enclosure.

H. RES. 518

Resolved,

(a) There is established in the House of Representatives a select committee to be known as the Select Committee to Investigate CIA Involvement in Crack Cocaine Sales in South Central Los Angeles (thereafter referred to in this resolution as the "select committee").

(b) The select committee shall be composed of 27 Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman, and one of whom he shall designate as vice chairman. Not more than 15 members of the select committee shall be of the same political party. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) The select committee is authorized and directed to conduct a full and complete investigation and study, and to make such findings and recommendations to the House as the select committee deems appropriate, regarding the alleged involvement of the Central Intelligence Agency in the financing, distribution, and sale of crack cocaine in south central Los Angeles and the surrounding area and its further involvement in the use of profits from such alleged activities to fund anti-government forces in Nicaragua.

(d) One-third of the members of the select committee shall constitute a quorum for the transaction of business other than the reporting of a matter, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony. When a quorum for any particular purpose is present, general proxies may be counted for that purpose. The select committee may sit while the House is reading a measure for amendment under the five-minute rule. The rules of the House shall govern the select committee where not inconsistent with this resolution. The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this resolution or the rules of the House. Such rules may govern the conduct of the depositions, interviews, and hearings of the select committee, including the persons present.

(e) The select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or in any other country, whether the House is in session, has recessed, or has adjourned; to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, calendars, recordings, data compilations from which information can be obtained, tangible objects, and other things and information of any kind as it deems necessary, including all intelligence materials however classified; and to obtain evidence in other appropriate countries with the cooperation of their governments. Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, shall authorize and issue subpoenas. Subpoenas shall be issued under the seal of the House and attested by the Clerk, and may be served by any persons designated by the chairman or any member. Provisions may be included in the rules and process of the select committee to prevent the disclosure of committee demands for information. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Federal Government.

(f) The chairman, or in his absence the vice chairman, or in their absence a member designated buy the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing. Pursuant to rule XI(3)(f)(2), coverage of testimony of subpoenaed witnesses will be limited at their request, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the conduct of business, vote otherwise.

(g) The chairman, upon consultation with the ranking minority member, may employ and fix the compensation of such clerks, experts, consultants, technicians, attorneys, investigators, and clerical and stenographic assistants as it considers necessary to carry out the purposes of this resolution. No more than three such staff may receive compensation corresponding to Executive Level IV. The select committee shall be deemed a committee of the House for all purposes of law, including rule XI(2)(n), and sections 6005, 1505, and 1621 of title 18, section 192 of title 2, 1754(b)(1)(B)(ii) of title 22, and section 734(a) of title 31, United States Code. The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the select committee, other than expenses in connection with meetings of the select committee held in the District of Columbia. Staff of the House of joint committees, at the direction of their Members, committee chairmen, or the Speaker, as appropriate, and upon request of the select committee, may serve as associate staff to the select committee for designated purposes. Associate staff shall be deemed staff of the select committee to the extent necessary for those designated purposes.

(h) Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena, by a Member or by designated staff, under oath administered by a Member or a person otherwise authorized by law to administer oaths. Deposition and affidavit testimony shall be deemed to have been taken in Washington, DC, before the select committee once filed there with the clerk of the committee for the committee's use. Unless otherwise directed by the committee, all depositions, affidavits, and other materials received in the investigation shall be considered nonpublic until received by the select committee, except that all such material shall, unless otherwise directed by the committee, be available for use by the Members of the select committee in open session.

(i) The select committee shall be authorized to respond to any judicial or other process, or to make any applications to court, upon consultation with the Speaker consistent with rule L.

(j) The select committee may submit to standing committees, including the Permanent Select Committee on Intelligence, specific matters within their jurisdiction, and may request that such committees pursue such matters further. Committees pursuing such requested inquiries may, in turn, receive the continuing assistance, consistent with the select committee's own jurisdiction, of the select committee's legal process, personnel, and records. Committees which pursue or have pursued inquiries, during the previous or current Congress, within the subjects of the select committee investigation shall furnish the select committee with copies of all testimony and documents.

(k) There shall be paid out of applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall be paid on vouchers signed by the chairman and approved in the manner directed by the Committee on House Oversight. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Oversight of the House.

(l) The select committee shall report to the House the final results of its investigation and study as soon as practicable during the present Congress. Following the filing of its final report, it shall have one month before the authority herein shall expire in order to close its affairs, including provision of assistance to committees pursuing remaining inquiries, transmittal of records to other committees, and storage of its remaining records by the Clerk of the House, who may, as directed by the select committee, store records in secure facilities of the intelligence community pursuant to agreement retaining control of access by the House.

TRIBUTE TO ARTHUR JAY FARO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Arthur Jay Faro, an outstanding health administrator and a respected citizen, on the occasion of the celebration of his 32 years of dedicated service to the Sequoia Hospital District and our community.

Mr. Faro, a graduate of the University of Vermont and recipient of a Masters in Business Administration from George Washington University, began his career with Sequoia Hospital in 1964 as Director of Personnel and Services and became Chief Executive in 1989. Since that time he has served with the diligence and distinction that have marked all his years at Sequoia. His unparalleled leadership and consensus-building skills were critical to seeing Sequoia Hospital and the Sequoia Hospital District through its growth in size and reputation, through some of its most difficult decisions, including the most recent one to save the hospital by affiliating with Catholic Healthcare West.

Mr. Faro currently serves as a member of the Sequoia Health Services Board of Directors. He has served as a member and director of many professional organizations, including the Hospital Consortium of San Mateo County, the American College of Health Care Executives and the West Bay Hospital Conference. He currently serves on the Board of the American Heart Association (San Mateo Chapter) and the Heart Association California Affiliate, the Redwood City Chamber of Commerce, the Sequoia Hospital Employees Credit Union and the Advisory Board of Bay Area Bank. He has served in the past as an advisor or director of the Committee for Radiology Technologist Education, the Sequoia Union High School District, the Sequoia YMCA, and the Sequoia Chapter of the American Red Cross. He also served honorably in our Nation's Armed Forces.

Art Faro is a licensed commercial pilot, a certified scuba diver, and an ardent photographer, jogger, bicyclist, backpacker and traveler.

Mr. Speaker, Art Faro has been an extraordinary leader in San Mateo County and has given important public service to his community and the Sequoia Hospital District. I've been privileged to work closely with him and I'm proud to call him my friend. I ask my colleagues to join me in saluting Art Faro as he retires from Sequoia Hospital and wish him well as he embarks on new chapters in life.

EXPRESSING SUPPORT FOR HOME- AND COMMUNITY-BASED CARE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. GINGRICH. Mr. Speaker, as a cosponsor of important legislation introduced by my friend, colleague, and member of the Task Force on Disabilities, STEVE GUNDERSON, I wish to express my support for home-and community-based care. This initiative was advocated by people with a personal interest in attendant services—the disabled—and I believe that this bill is a step in the right direction toward personal empowerment.

I appointed Mr. GUNDERSON to the Task Force on Disabilities back in July 1995 because of his commitment to personal empowerment. He has demonstrated his ability to lead, and I applaud his leadership on this issue. During the debate over Medicaid reform during the 104th Congress, I submitted a statement in the CONGRESSIONAL RECORD in support of home- and community-based case for the disabled based on recommendations from the Sixth District Disabilities Task Force which I appointed in Georgia, and urged States to develop programs that provide these services. It is only by giving States more flexibility to develop these innovative programs that the Government can efficiently and effectively meet the health care needs of Medicaid recipients. I am aware that this proposal may have significant cost implications, and I believe that careful consideration and additional input will help ensure a sound policy decision.

I am hopeful that we can move away from the current bias toward institutionalization in favor of home- and community-based services, whenever appropriate. This is an important bill for helping the disabled to lead a fully integrated life.

MATERNAL AND FAMILY HEALTH SERVICES 25TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KANJORSKI. Mr. Speaker, I am pleased today to have the opportunity to congratulate Maternal and Family Health Services Inc., on the occasion of its 25th anniversary. On October 3, 1996, the community will gather to commemorate this milestone and I am honored to have been asked to participate.

Maternal and Family Health Services was established in 1971 to address the needs of healthcare for the women of northeastern Pennsylvania. In the beginning the focus of the Maternal Health Services was to provide subsidized family planning services to women in need in northeastern Pennsylvania. In June of that year, the agency received its first funding from title X of the United States Department of Health, Education and Welfare.

Since 1971 the scope of the agency has progressed to encompass a variety of women's healthcare issues. Addressing the need of quality prenatal care for economically disadvantaged women, the agency began its Maternity Services Program. Adequate prenatal care has been proven to minimize health care complications in pregnancies and later on in the life of the infant.

Located at Mercy Hospital Wilkes-Barre and Mercy Hospital Scranton, the program works with expectant mothers by providing prenatal healthcare and ensuring healthier pregnancies and births.

Maternal and Family Health Services also administers the important WIC [Women, Infants and Children] grant for the largest geographic area in Pennsylvania. Over 54,000 people depend on this program for supplemental nutrition at forty clinic sites.

Mr. Speaker, the list of programs of this important health service is lengthy. Another important service offered is the Healthy Women 50+ Program. This project is a breast and cervical cancer screening program funded by the Commonwealth of Pennsylvania. The program provides important preventive cancer screening to economically disadvantaged women over the age of 50.

Today, the workers of MFHS are challenged to provide more services to more clients with less funding. Considering the mission statement of the agency, "To provide quality health and social services including, but not limited to, general health care, technical assistance and educational services provided primarily in the areas of reproduction, obstetrics and nutrition, delivered in sixteen northeastern Pennsylvania counties to persons in need," this has not been an easy task. In light of this mission statement it is easy to see that the agency has met and surpassed all of those challenges put forth by its original founders.

Mr. Speaker, I am pleased to join with the northeastern Pennsylvania community in recognizing the important work done by the dedicated staff of the Maternal and Family Health Services. The agency is under the capable leadership of my good friends Executive Director Mary Lou Schaefer, as well as Public Relations Director Rose Tucker. Both of these women have committed their lives and careers to improving the lives of women and bringing issues of women's health to the attention of our community. I congratulate these hardworking, dedicated professionals on a job well done.

IN HONOR OF GINGER KEMP: FOR YEARS OF DISTINGUISHED AND DEDICATED SERVICE TO THE BAYONNE COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Ginger Boele Kemp, an outstanding individual and community leader who has distinguished herself through years of outstanding service to the Bayonne community. For years, she has displayed hard work, dedication, and community spirit. Her enormous contributions and devotion to multiple civic causes and local business projects have earned her the admiration of the Bayonne community. For her years of service, a celebration will be held in her honor on September 28, 1996.

Throughout her tenure in Bayonne, Ginger Kemp has demonstrated an ability to bring about positive change in her community. Her participation in the affairs of the community has fostered a heightened awareness and appreciation, especially among local businesses and organizations, toward individuals who devote their time to issues which affect the community in a positive way. Ginger Kemp's diligence has set a standard for all within the Bayonne community to emulate, and I commend her for all she has done to help the residents of her community.

Ginger Kemp's numerous accomplishments and contributions throughout the years are truly appreciated, and I hope that she continues to serve as a positive role model for many more years to come. Ginger Kemp is truly deserving of this recognition. Her recent memberships include: the City Improvement Committee, the Bayonne Economics Development Corporation, the Bayonne Chamber of Commerce, the Bayonne 2000: Steering Committee, the Bayonne Community Mental Health Committee, the Concerned Citizens of Bayonne 25th Anniversary Committee, and the YWCA of Hudson County. In the past, she had served as president of the Bayonne Rotary Club, and is the chairperson of the Bayonne Home Town Fair.

It is an honor to have such a hardworking individual living and contributing to my congressional district. I ask my colleagues to join me in honoring this outstanding leader of the Bayonne community and recognize the important role she has played throughout the years. Her actions exemplify the rule meaning of community service.

IN RECOGNITION OF THE SAVE TODAY FOR TOMORROW PROJECT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BENTSEN. Mr. Speaker, I rise today to honor the Save Today for Tomorrow Project in Houston. On October 9, 1996, the Harris County Medical Society, the Harris County Medical Society Alliance, the Texas Medical Association Alliance, and the American Medical Association Alliance will jointly present Members of the House of Representatives with "black and blue knots" ribbons to urge Americans to stop domestic violence. I am working with these groups to distribute these ribbons in Washington, DC.

Domestic violence is a nationwide epidemic that we must address. Domestic violence affects as many as one-fourth of all Americans; 6 out of 10 couples will experience violence at some time during their marriages. A woman is battered every 12 seconds in this country. Regrettably, 3 to 4 million women are battered each year by their husbands and partners. Domestic violence is one of the leading causes of injury to women aged 15 to 44.

People who are abused often repeat this vicious cycle. Approximately one-third of women who are abuse victims will abuse their children. Nearly 2 million children are abused and neglected each year and 1,000 children die each year from violence. In fact, violence has replaced disease as the No. 1 one killer of children. We need to stop this trend and eliminate violence in our society.

As part of this awareness campaign, State and local officials are issuing proclamations designating October 9, 1996, as Save Today for Tomorrow Day. This proclamation reads as follows:

PROCLAMATION TO SAVE TODAY FOR TOMORROW STOP AMERICA'S VIOLENCE EVERYWHERE

Whereas violence is among the leading causes of death in America, and has replaced disease as the number one killer of children; and

Whereas domestic violence has devastating effects on a woman's physical and emotional well-being, and her ability to care for her children; and

Whereas violence comes in many forms; sexual violence; gang and peer-related violence committed by youth of all ages; family violence; street violence; and violence in the media; and

Whereas billions of dollars per year are attributable to preventable violence-related deaths and injuries and add a tremendous burden to America's health care system; and

Whereas the first step toward unraveling the many layers of our nation's violence problems can begin with awareness; and

Whereas awareness and prevention are the heart of the SAVE program and its cornerstone event, SAVE Today, during which physician's spouses around the country will join efforts to Stop America's Violence Everywhere; and

Whereas members of the Harris County Medical Alliance will lead the effort to urge local citizens to search for ways we can all help SAVE Today for Tomorrow.

I am pleased to join in this effort to increase awareness about domestic violence.

I applaud the hard work and dedication of the Harris County Medical Alliance to increase awareness about domestic violence. It is my hope that with more awareness, all Americans will work toward reducing this national tragedy.

TRIBUTE TO RAUL VARGAS FOR HIS YEARS OF SERVICE TO THE COMMUNITY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring a friend, Mr. Raul Vargas, executive director of the Office for Mexican American Programs at the University of Southern California. On October 24, 1996, I will join California State Senator Hilda Solis, Miller Brewing Co.'s Victor Franco, and Chicanos for Creative Medicine in paying tribute to Raul for his many years of selfless service to our community.

Raul was born in Miami, AZ, a small mining town, which is also my birthplace. He attended Arizona State University, and served in the U.S. Army. He also attended California State University, Los Angeles, as well as the University of Southern California, pursuing graduate studies. In 1973–74, Raul, along with eight other USC Alumnus, formed the USC Mexican-American Alumni Association. The USC MAAA was established to provide financial assistance to undergraduate Mexican-American students attending USC. To date, MAAA has provided over 3,700 undergraduate scholarships totaling over $5 million. In addition to the undergraduate scholarship program, the MAAA funds four medical school students in a joint venture with the USC School of Medicine. The MAAA has successfully concluded a campaign to develop $1 million to establish the USC MAAA Endowment Fund, and for the 1995–96 academic year, the USC MAAA included graduate students as scholarship recipients for the first time.

Raul has received numerous awards and honors in recognition of his selfless service to our community. Among those have been the Arizona State University Hispanic Alumni Association Recognition Award, the Bishop Amat High School Msgr. Thomas A. Kiefer Humanitarian Award, the TRW Career Opportunities for Youth Award, the Fiesta Educativa Award, the Mexican-American Opportunity Foundation Aztec Award, the National Hispanic Scholarship Fund Hispanic of the Year Award, the National Network of Hispanic Women Leadership Award, and honorary membership to the Society of Hispanic Professional Engineers. His membership in professional organizations includes the USC Skull and Dagger Society, the USC Mortar Board, Fiesta Educativa, Inc., Navidad En El Barrio, Ramona Convent High School, The East Los Angeles Community Union Scholarship Committee, McDonald's Scholarship Committee, and staff advisor to the USC Latino Business Student Association.

Raul and his wife, Marcia, currently reside in Upland, CA. Both his daughter, Tracie, and his son, Cesar, followed in their father's footsteps and attended USC.

Mr. Speaker, it is with great pride that I ask my colleagues to rise and join me in paying tribute to my friend, Raul Vargas, a man who has lived his life serving others and creating opportunities for our community's students.

EASTERN BALTIMORE AREA CHAMBER OF COMMERCE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the Eastern Baltimore Area Chamber of Commerce on its 50th anniversary of outstanding service to the community.

The Eastern Baltimore Area Chamber is one of Maryland's most effective local chambers. In the chamber's early days, it was instrumental in establishing the first public library and first YMCA in Baltimore County. Over the years, the chamber's influence has grown to include its involvement in important policy issues such as critical area legislation and Baltimore County's master plan. In bringing together leaders from business, industry, and the community, the chamber has been at the forefront of economic progress in our area.

In addition, the chamber has been an invaluable resource in helping Baltimore city and Baltimore County businesses expand and grow. From historic preservation, to infrastructure improvements to the health of the Port of Baltimore, the chamber has taken a leading role in fostering a strong economic environment. The chamber's involvement has played a key role in the overall economic health of our entire region.

I urge my colleagues to join me in congratulating the Eastern Baltimore Area Chamber of Commerce on a job well done. The time and effort put forth by the chamber and its many members have enabled Baltimore County and Baltimore city to develop into a strong competitive economic region.

THE TRAVEL AND TOURISM PARTNERSHIP ACT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LEWIS of Kentucky. Mr. Speaker, I am pleased that, yesterday, this body strongly supported H.R. 2579, the Travel and Tourism Partnership Act. This bill will establish a public—private organization to promote the tourism industry, which employs many folks in my district and over 7 million Americans nationwide. By combining public resources and private sector know how, we can find ways to promote tourism in the United States, create jobs and improve our economy.

I suspect that many of my colleagues have not traveled to the Second District, so I want to extend an open invitation to visit some of our public and private attractions such as:

My Old Kentucky Home State Park, located near Historic Bardstown, KY.

We have beautiful vacation areas such as Taylorsville Lake, Rough River Dam Park, Green River Lake, Nolin Lake, Barren River Lake.

Come see the birthplace of one of our greatest Presidents, Abraham Lincoln, which is now a beautiful Federal park, in Hodgenville, KY.

Or you may want to visit the many cave attractions such as Kentucky Down Under and Kentucky Caverns, or the American Cave Museum and Hidden River Cave, and of course, Mammoth Cave in Edmonson County.

The Second District is also home to the one and only Corvette Museum in Bowling Green, the International Bluegrass Museum in Owensboro, and the Museum of Coca-Cola Memorabilia in Elizabethtown.

And you will want to experience Fort Knox, the home of the National Gold Depository and the General Patton Museum.

Two years ago, I used this bill as a model to establish a Travel and Tourism Roundtable within the Second District. Since that time, the roundtable has tried to meet on a quarterly basis, bringing together representatives from tourism associations, commissions, and attractions in the Second District. Our meetings have provided an important forum to discuss initiatives that will collectively promote our beautiful and historic area of Kentucky.

On October 7, our roundtable will host a day long seminar with discussions from national tourism industry representatives, State officials, and local tourism experts. Our seminar will provide an opportunity to discuss positive tourism efforts underway and to share ideas for the future. I am looking forward to this event which, in the spirit of H.R. 2579, will combine private and public tourism interests, establish better working relationships within the industry, and lead to positive solutions to advance tourism throughout the Second District.

Again, I strongly support the creation of a National Travel and Tourism Board to establish on the national level, the same successful cooperation we have seen so far in the Second District.

PUBLIC SERVANT PRAISED FOR YEARS OF SERVICE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in remembrance of Joe H. Golman who passed away September 23, 1996 in Dallas, TX. Mr. Golman was a distinguished member of the Dallas City Council, Texas Legislator, businessman and a religious leader in the Jewish community. At an early age, Mr. Golman brought his vision of public service to the greater Dallas area. A year after losing a council election at the age of 23, Mr. Golman won appointment to the city plan commission. His successful and effective political career continued as he became chairman of the Dallas Zoning Board of Adjustment, city council, deputy mayor pro-tem and the Texas State Legislature where he served with distinction until 1973.

Mr. Golman was also at the forefront of economic development, entrepreneurship and commerce, serving Dallas' food service industry as president of Golman-Hayden, a produce brokerage and consulting service; and president of Circle T Foods Co. He was a member of the Greater Dallas, East Dallas, and Oak Cliff Chambers of Commerce and a member of the Salesmanship Club of Dallas for more than 50 years. Mr. Golman also fulfilled the true measure of leadership: Passing on the torch of leadership to young people in his capacity as a charter member of the Dallas Assembly, which sought to groom young city leaders. Political and business success did not remove his compassion, activity and energy from his religious beliefs. Mr. Golman was a life board member of the Jewish Community Center and as president of the National Jewish Welfare Board's southern region.

I wish to extend my condolences to his family and his many friends and supporters. Mr. Golman was the epitome of the true public servant and his years of unselfish contributions to the political, business, and religious environments of Dallas are very much appreciated by its citizens. His work will be sorely missed, but not forgotten.

RELEASE OF OBSERVER REPORT ON BOSNIAN ELECTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SMITH of New Jersey. Mr. Speaker, today the Helsinki Commission, which I Chair, is releasing its staff election observer report on one of the most important international events of the year—the September 14 elections in Bosnia-Herzegovina.

Among their conclusions, the Commission staff state the following:

The elections cannot be considered free and fair, and were held prematurely because of limited international support for existing peacekeeping burdens.

The campaign period detracted the most from the election process, due to a lack of freedom of movement, association and expression, as well as the continued political activity of persons indicted for war crimes.

The provisional results, challenged by allegations of more ballots than voters, showed clear victories for the ethnically based parties originally brought to power in 1990. Whether the elections have set the stage for Bosnia's partition along ethnic lines, or for movement toward its effective reunification remains an open question.

The election administration was extremely complex and required significant outside help from the OSCE, which performed considerably well given the political and logistical circumstances in which it had to work.

Voter registration was also controversial, including on election day. Balloting nevertheless went relatively smoothly. There was some confusion in the transport and counting of ballots.

Mr. Speaker, holding the municipal elections in November as tentatively planned by OSCE would be a mistake. Not only would the administrative problems associated with the September 14 elections unlikely be corrected, the newly elected national institutions which must now begin to function should be free from the tensions and partisanship of another campaign period. And, a delay would allow time for Bosnian local leaders who support a unified, multiethnic Bosnia to compete fairly, and then help Bosnia build its democracy from the bottom up.

The Commission has, since 1992, taken the lead in the Congress in trying to shape a response to the war in Bosnia. Actively following and reporting on developments in the region, the Commission also has a particular interest in the effectiveness of the OSCE's organization of the Bosnian elections. The Commission held several briefings and hearings leading up to these elections, including hearing testimony from Bosnian elections officials, representatives of Bosnian political parties, OSCE mission chief Robert Frowick, special United States envory William Montgomery, and other experts. The Commission staff which compiled the election report benefited from being in various parts of Bosnia on election day, contributing to the large and important task of observing the voting and counting of ballots.

Bosnia-Herzegovina and most every country emerging from the former Yugoslavia will remain high on the United States foreign policy agenda through the end of this year and into 1997. I therefore encourage my colleagues to read the conclusions of the staff report, which I am submitting for the record, and contact the Commission should you wish a copy of the full report.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE—CONCLUSIONS OF STAFF REPORT ON SEPTEMBER 1996 ELECTIONS IN BOSNIA-HERZEGOVINA

On September 14, 1996, Bosnia-Herzegovina held its second multi-party elections since the collapse of the one-party Communist political system in the former Yugoslavia in 1989. These elections, however, were the first for that country since the break-up of the old Yugoslav federation and the warfare from 1992 to 1995 which accompanied Bosnia's emergency as an independent state. This fighting, largely directed against the civilian population, left an estimated quarter of a million people dead or unaccounted for, and half the original population of about 4.4 million displaced, internally or abroad as refugees. The warfare ended in December 1995 with the General Framework Agreement for Peace in Bosnia-Herzegovina (hereinafter the "Dayton Agreement"), which divided the single Bosnian state into two entities with significant powers of their own. Even for those who survived the conflict in their own homes and villages, the economic, social and political upheaval associated with the war—let alone the almost universal personal loss of friend and/or family in it—made the holding of free and fair elections in Bosnia-Herzegovina virtually impossible, and filled any attempt to do so with risk.

Elections were held at the national and lower levels but did not include municipal elections, which were postponed. The election administration was extremely complex and required significant outside help from the OSCE, which performed well given the political and logistical circumstances. The campaign period detracted the most from the election process, due to insufficient freedom of movement, association and expression, as well as the continued political activity of persons indicted for war crimes. Voter registration was also controversial in preparing for elections, and remained a problem on election day itself. Balloting nevertheless went relatively smoothly, although the subsequent transport of counting of ballots was confusing and difficult.

Few have dared to characterize the September 14 elections in Bosnia-Herzegovina as free and fair. Voters generally had a free choice which could be secretly made when they stepped into the voting booth, but disenfranchisement and an intimidating atmosphere at certain locations detracted from this positive characterization. Moreover, on the basis of the campaign period alone, there was no doubt that the elections were not fair. Opposition parties had little chance to make their views known, let alone to counter aggressively the effects of years of war and propaganda on Bosnian voters from all ethnic groups. And, after the elections, questions regarding the total number of eligible voters make certification of the elections difficult.

The question, therefore, is not whether these elections were free and fair; they obviously were not. The question is whether the international community was wise to go forward with the elections within the timeframe mandated by Dayton. Based on the overwhelming nature of the victories for the ruling parties in the September 14 elections, there is little doubt that the results probably reflect the general will of the people of Bosnia-Herzegovina. With more time, during which more substantial efforts could have been undertaken to increase freedom of movement, of speech and of association, as well as to sideline more effectively those indicted for war crimes or otherwise responsible for the conflict in Bosnia-Herzegovina, the result might have been different.

Some who argued for holding the elections on schedule suggested that surprises may result, but they did not. They claimed that the situation might actually worsen unless elections were held soon rather than later, but little evidence of that possibility has surfaced. They argued that parties to the Dayton Agreement must adhere to the deadlines, but, in doing so, Dayton's own prerequisites for effective elections were not sufficiently met. They pointed out that all parties in Bosnia-Herzegovina wanted the elections to proceed, but this argument ignored the fact that the ruling parties wanted the elections because they knew they would win; that some other nationalist parties believed the elections could facilitate partition; and that moderate parties were hesitant but felt helpless in countering the larger forces dominating their country's politics. Those who prepared for the administration of the elections deserve credit for their hard work, but additional time would have enabled them to sort out the problems that caused so much confusion around election day.

Therefore, the main argument for holding the elections by the Dayton deadline seems driven mostly by the international community's limited desire to continue to provide Bosnia's peace and security through IFOR. The current IFOR mandate expires at the end of 1996, and the elections were considered a prerequisite to any withdrawal. Indeed, OSCE Mission Head Robert Frowick succeeded in delaying the initial withdrawal process until after the elections were held. If this influenced the decision on when to hold the elections, then U.S. Government pressure on the OSCE to hold elections prematurely deserves criticism. However, the European critics who wish to place full responsibility with the United States should recognize that, for all its faults, only the U.S.-brokered initiatives for peace in Bosnia-Herzegovina—both the Federation and the Dayton Agreement—have actually brought peace and produced some results. Also, not one government spoke within OSCE in opposition to holding the elections on September 14. Indeed, probably the greatest opposition came from non-government organizations based in the United States, which might have had greater success in achieving a postponement had some influential countries supported a delay.

Moreover, the peace process created by the Dayton Agreement may have largely run its course by September 1996, and this process needed something—the elections—to move to a new level. Pressure now rests on those elected to work together to resolve their problems, with less reliance on international involvement. If the international community at least maintains the resolve to prevent any party from resorting again to the use of force to achieve political ends, economic and other social forces may erode the political power of those now taking office and result in a more open, pluralistic society. This could even happen among Serbs, despite their present intention to become independent. Bosniacs, who have been the overwhelming victims, may actually become less willing to reconcile differences as a result. Bosnia's Croats can be expected generally to join with whichever side seems to have the upper hand. For all three, the pervasive fears and prejudices brought about by war and propaganda must be replaced by trust and tolerance if there is to be any hope of long-term success.

Unfortunately, the OSCE decided within days of the national and entity elections—and before finalizing and certifying the results of these elections—to proceed tentatively with more complex municipal elections in late November 1996. OSCE Coordinator for International Monitoring has personally expressed reservations about this decision. Some of the problems encountered with the national and entity-level elections can be corrected by that date, but the root cause of the original postponement—the registration of persons in specific localities—will be especially difficult to remedy. In the rush to organize the elections, other administrative mistakes are to be expected. Moreover, fledging Bosnian and entity institutions must now try to begin work in the context of a new campaign that will only encourage intransigence. Finally, postponing the local elections for six months or longer provides the best chance for opposition parties to score victories and build democracy in Bosnia-Herzegovina from the bottom up. Comfortable with ethnically oriented leaders offering protection from the top, or reacting to the inability of these leaders to move the country forward, voters could be prepared by that time to vote on the basis of interests other than the need for ethnic cohesion. The ruling parties will be able to ride the wave of victory into local elections held in November 1996, reenforcing splits along ethnic lines.

Bosnia's future remains uncertain. A genuinely unified state could still emerge, or the state could be partitioned by its neighbors. To some degree, at least, further action by the international community could influence the direction in which Bosnia will head.

The OSCE's performance in organizing and conducting the elections has come under considerable criticism. While some of the criticism might be warranted, the OSCE deserves credit for having undertaken an extremely difficult task. Its leadership resisted those governments which sought to pressure it to act one way or another, and was relatively candid in assessing the situation leading up to the elections. In this respect, OSCE was a considerable improvement on the United Nations in its political work in Bosnia-Herzegovina. Finally, the OSCE can no longer remain on the sidelines for the sake of its reputation. Perhaps the OSCE should have been given a larger role to play earlier. Considering the organization's direct involvement in restoring peace and stability to Bosnia-Herzegovina today, its effectiveness in bringing positive results to Bosnia-Herzegovina will depend largely on its ability to avoid repeating past mistakes and, like all international organizations, on the political will of its participating States.

HOUSE OF REPRESENTATIVES—*Saturday, September 28, 1996*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. HASTERT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 28, 1996.

I hereby designate the Honorable DENNIS J. HASTERT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that wherever we are or whatever we do, Your benediction will accompany us and Your blessing shall ever be with us. We are specially appreciative this day of those who have served in this place and who have sought to use their abilities to do the works of justice for all people and have been diligent in service to the people in their communities. With gratitude we remember those women and men who have been faithful in their commitment to the ideals of this Nation and for their concern for the traditions of this institution. Bless them and each of us so that in all things, justice will flow down as waters and righteousness like an everflowing stream. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this vote will be postponed and the vote will be taken later today.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair would request that the gentleman from Mississippi [Mr. MONTGOMERY], who led the House for the first time in the pledge of allegiance on September 13, 1988, lead the House in the pledge of allegiance at the end of the 104th Congress.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed, without amendment, bills and a concurrent resolution of the House of the following titles:

H.R. 657. An act to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas;

H.R. 680. An act to extend the time for construction of certain FERC licensed hydro projects;

H.R. 1011. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio;

H.R. 1014. An act to authorize extension of time limitation for a FERC-issued hydroelectric license;

H.R. 1290. An act to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes;

H.R. 1335. An act to provide for the extension of a hydroelectric project located in the State of West Virginia;

H.R. 1366. An act to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project;

H.R. 1791. An act to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services;

H.R. 2501. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes;

H.R. 2630. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois;

H.R. 2695. An act to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania;

H.R. 2773. An act to extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, and for other purposes;

H.R. 2816. An act to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes;

H.R. 2869. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky;

H.R. 2988. An act to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules;

H.R. 3074. An act to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone;

H.R. 3877. An act to designate the United States Post Office building located at 351 West Washington Street in Camden, Arkansas, as the "David H. Pryor Post Office Building";

H.R. 4167. An act to provide for the safety of journeymen boxers, and for other purposes; and

H. Con. Res. 216. Concurrent resolution providing for relocation of the Portrait Monument.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2700. An act to designate the building located at 8302 FM 327, Elmendorf, Texas, which houses operations of the United States Postal Service, as the "Amos F. Longoria Post Office Building."

The message also announced that the Senate agrees to the amendment of the House to the amendments of the Senate to the bill (H.R. 3166) "An act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter."

The message also announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 737. An act to extend the deadlines applicable to certain hydroelectric projects, and for other purposes; and

S. 2153. An act to designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building," and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 640) "An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 811) "An act to authorize research into the desalinization and reclamation of water and authorize a program for States, cities or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 919) "An act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes."

The message also announced that pursuant to Public Law 99-498, the Chair, on behalf of the President pro tempore, appoints Dr. Robert C. Khayat, of Mississippi, to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1996.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

NO ACCOMPLISHMENTS FOR 104TH CONGRESS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I listened to my Republican colleagues outside the Capitol yesterday saying how they are going to go home and tout their commonsense accomplishments. I would say that nothing could be further from the truth. Looking at the Congress and the Republican leadership, they shut down the Government twice for nearly an entire month, wasting $1.4 billion of taxpayers' money. They abandoned a balanced budget by essentially proposing extreme proposals for tax breaks that would primarily benefit wealthy Americans.

They voted for the largest education cuts in history, essentially abandoning our Nation's children. They undermined crime fighting efforts by voting to kill the COPS initiatives by the President that would put 100,000 new policemen on the streets, and they voted to roll back 25 years of bipartisan progress on environmental protection.

These are the accomplishments of the 104th Congress, and as far as I am concerned, the sooner the Gingrich Congress is put to rest, the better.

SORRY RECORD OF REPUBLICAN CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday House Republicans held a campaign rally on the steps of the Capitol to celebrate their 2 years of running Congress with balloons and a brass band.

But as someone once said, you can put wings on a pig but that doesn't make it an eagle.

What's really going on here, and the reason why we are meeting in a highly unusual Saturday session is that Republicans are in a desperate hurry to get out of town and start putting some distance between themselves and the sorry record of failure they have accumulated.

Don't just take my word for it. Listen to what the Los Angeles Times said earlier this week:

> The 104th Congress, which began almost 2 years ago with Republicans storming the barricades of the Washington establishment is ending with a mad dash for the exits—their forced march toward adjournment looks more like a hasty retreat.

REPUBLICAN CONGRESS IS MELTING

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, as we bring this 104th Congress to an end, I look at the pieces of legislation that the Republicans are so proud of, the fact that they brag about bringing the Members of Congress under all of the laws that the rest of the Nation are under. Well, that was the very first bill that I introduced back at the beginning of the 103d Congress.

And they are so proud, of course, of the fact that they passed the Kennedy-Kassebaum bill, even though Senator KENNEDY, who was one of the authors of the bill, is one of the liberals they love to hate.

They are so proud of the fact that they were able to raise the minimum wage and indeed that was something that Senator KENNEDY, the liberal that they love to hate, also put forward.

It kind of reminds me of the politician who is talking to the farmer, and he is bragging about all the things he did, and he noticed the smile on the farmer's face, and he says, "Why are you smiling?", and the farmer points out the fact that the politician is standing in a big, fresh cow pie and he says, "I think you are melting."

I think indeed as the bucket brigade from the Republican side walks around talking about how they saved us from all of the ice that was delivered to our offices, that they better look around, because I think they are melting.

TOO MANY PRODUCTS AND TOO FEW JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the U.S. trade deficit once again is at a record level. Japan is in to us for more than $60 billion. China is eating our clock at about $40 billion. Mexico and Canada are now approaching $40 billion.

The result is, since 1991, we have lost 13 million jobs and 60 percent of those workers today are in jobs that pay less than half of what they previously earned. So when some spin-master coined the term "downsizing," they were very conservative.

The truth is, it does not take a rocket scientist, since NAFTA, GATT, WTO, "GNAT" and "PMS," I say to my colleagues, America is sending jobs and money overseas, and in return, we get a boatload of Suzukis and two baseball players to be named later.

Beam me up. What is next, folks? NAFTA II?

Mr. Speaker, I yield back the balance of the jobs left.

104TH CONGRESS MOST SUCCESSFUL IN A GENERATION

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, the American people may wonder why over the last few weeks they have heard so much hate, venom and smear uttered on this floor. People who should know better have been on this floor, making hateful statements, venomous statements and statements of smear.

The fact is that this is their political agenda, and what they are worried about is the fact that the 104th Congress has been the most successful Congress in a generation, and the Speaker of the House, NEWT GINGRICH, has been the most successful Speaker of this century. That is what they are concerned about.

MUCH ACCOMPLISHED, MUCH YET TO BE DONE

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, it is always humorous to listen to the gentleman from Pennsylvania [Mr. KLINK] stand here and complain about this Congress. The gentleman said that the Accountability Act was one that he introduced in the 103d Congress. That was a Democrat Congress with a Democrat President, and he could not get it passed.

We have heard that the minimum wage was a Democratic initiative, but they had a Democrat Congress and a Democrat President in the 103d and they could not get it passed.

This Congress has also imposed congressional reforms and the line-item veto. Indeed, 7 of the 14 accomplishments listed by the President in his acceptance speech in Chicago were items in the Contract With America that he signed. Seventy percent of that contract is signed into law and the President is proudly taking credit for it.

This has been a successful Congress. We have achieved much telecommunications reform, welfare reform, the Farm Act. We have achieved much, but we have much left to do, and we intend to be back here in the majority in January, completing our work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later in the day.

SAVINGS IN CONSTRUCTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4233) to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.

The Clerk read as follows:

H.R. 4233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings in Construction Act of 1996".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Metric Conversion Act of 1975 was enacted in order to set forth the policy of the United States to convert to the metric system. Section 3 of that Act requires that each Federal agency use the metric system of measurements in its procurement, grants, and other business-related activities, unless that use is likely to cause significant cost or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

(2) In accordance with that Act and Executive Order 12770, of July 25, 1991, Federal agencies increasingly construct new Federal buildings in round metric dimensions. As a result, companies that wish to bid on Federal construction projects increasingly are asked to supply materials or products in round metric dimensions.

(3) While the Metric Conversion Act of 1975 currently provides an exemption to metric usage when impractical or when such usage will cause economic inefficiencies, amendments are warranted to ensure that the use of specific metric components in metric construction projects do not increase the cost of Federal buildings to the taxpayers.

SEC. 3. DEFINITIONS.

Section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking "Commerce." in paragraph (4) and inserting "Commerce;"; and

(3) by inserting after paragraph (4) the following:

"(5) 'full and open competition' has the same meaning as defined in section 403(6) of title 41, United States Code;

"(6) 'total installed price' means the price of purchasing a product or material, trimming or otherwise altering some or all of that product or material, if necessary to fit with other building components, and then installing that product or material into a Federal facility;

"(7) 'hard-metric' means measurement, design, and manufacture using the metric system of measurement, but does not include measurement, design, and manufacture using English system measurement units which are subsequently reexpressed in the metric system of measurement;

"(8) 'cost or pricing data or price analysis' has the meaning given such terms in section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b); and

"(9) 'Federal facility' means any public building (as defined under section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) and shall include any Federal building or construction project—

"(A) on lands in the public domain;

"(B) on lands used in connection with Federal programs for agriculture research, recreation, and conservation programs;

"(C) on or used in connection with river, harbor, flood control, reclamation, or power projects;

"(D) on or used in connection with housing and residential projects;

"(E) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense);

"(F) on installations of the Department of Veteran Affairs used for hospital or domiciliary purposes; or

"(G) on lands used in connection with Federal prisons,

but does not include (i) any Federal Building or construction project the exclusion of which the President deems to be justified in the public interest, or (ii) any construction project or building owned or controlled by a State government, local government, Indian tribe, or any private entity.".

SEC. 4. IMPLEMENTATION IN ACQUISITION OF FEDERAL FACILITIES.

(a) The Metric Conversion Act of 1975 (15 U.S.C. 205 et sec.) is amended by inserting after section 13 the following new section:

"SEC. 14. IMPLEMENTATION IN ACQUISITION OF CONSTRUCTION SERVICES AND MATERIALS FOR FEDERAL FACILITIES.

"(a) IN GENERAL.—Construction services and materials for Federal facilities shall be procured in accordance with the policies and procedures set forth in chapter 137 of title 10, United States Code, section 2377 of title 10, United States Code, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), and section 3(2) of this Act. Determination of a design method shall be based upon preliminary market research as required under section 2377(c) of title 10, United States Code, and section 314B(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 264b(c)). If the requirements of this Act conflict with the provisions of section 2377 of title 10, United States Code, or section 314B of the Federal Property and Administrative Services Act of 1949, then the provisions of 2377 or 314B shall take precedence.

"(b) CONCRETE MASONRY UNITS.—In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for the acquisition of structures or systems of concrete masonry be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of concrete masonry units, in a solicitation for design or construction of a Federal facility within the United States or its territories, or a portion of said Federal facility, unless the head of the agency determines in writing that—

"(1) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

"(2) the following 2 criteria are met:

"(A) the application requires hard-metric concrete masonry units to coordinate dimensionally into 100 millimeter building modules; and

"(B) the total installed price of hard-metric concrete masonry units is estimated to be equal to or less than the total installed price of using non-hard-metric concrete masonry units. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

"(c) RECESSED LIGHTING FIXTURES.—In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for the acquisition of structures or systems of recessed lighting fixtures be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of recessed lighting fixtures, in a solicitation for design or construction of a Federal facility within the United States or its territories unless the head of the agency determines in writing that—

"(1) the predominant voluntary industry consensus standards include the use of hard-metric for the items specified; or

"(2) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

"(3) the following 2 criteria are met:

"(A) the application requires hard-metric recessed lighting fixtures to coordinate dimensionally into 100 millimeter building modules; and

"(B) the total installed price of hard-metric recessed lighting fixtures is estimated to be equal to or less than the total installed price of using non-hard-metric recessed lighting fixtures. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

"(d) LIMITATION.—The provisions of subsections (b) and (c) of this section shall not apply to Federal contracts to acquire construction products for the construction of facilities outside of the United States and its territories.

"(e) EXPIRATION.—The provisions contained in subsections (b) and (c) of this section shall expire 10 years from the effective date of the Savings in Construction Act of 1996.".

SEC. 5. OMBUDSMAN.

Section 14 of the Metric Conversion Act of 1975, as added by section 4 of this Act, is further amended by adding at the end the following new subsection:

"(f) AGENCY OMBUDSMAN.—(1) The head of each executive agency that awards construction contracts within the United States and its territories shall designate a senior agency official to serve as a construction metrication ombudsman who shall be responsible for reviewing and responding to complaints from prospective bidders, subcontractors, suppliers, or their designated representatives related to—

"(A) guidance or regulations issued by the agency on the use of the metric system of measurement in contracts for the construction of Federal buildings; and

"(B) the use of the metric system of measurement for services and materials required for incorporation in individual projects to construct Federal buildings.

The construction metrication ombudsman shall be independent of the contracting officer for construction contracts.

"(2) The ombudsman shall be responsible for ensuring that the agency is not implementing the metric system of measurement in a manner that is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms in violation of the policy stated in section 3(2), or is otherwise inconsistent with guidance issued by the Secretary of Commerce in consultation with the Interagency Council on Metric Policy while ensuring that the goals of the Metric Conversion Act of 1975 are observed.

"(3) The ombudsman shall respond to each complaint in writing within 60 days and make a recommendation to the head of the executive agency for an appropriate resolution thereto. In such a recommendation, the ombudsman shall consider—

"(A) whether the agency is adequately applying the policies and procedures in this section;

"(B) whether the availability of hard-metric products and services from United States firms is sufficient to ensure full and open competition; and

"(C) the total installed price to the Federal Government.

"(4) After the head of the agency has rendered a decision regarding a recommendation of the ombudsman, the ombudsman shall be responsible for communicating the decision to all appropriate policy, design, planning, procurement, and notifying personnel in the agency. The ombudsman shall conduct appropriate monitoring as required to ensure the decision is implemented, and may submit further recommendations, as needed. The head of the agency's decision on the ombudsman's recommendations, and any supporting documentation, shall be provided to affected parties and made available to the public in a timely manner.

"(5) Nothing in this section shall be construed to supersede the bid protest process established under subchapter V of chapter 35 of title 31, United States Code.".

SEC. 6. EFFECTIVE DATE AND MISCELLANEOUS PROVISIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) SAVINGS PROVISIONS.—This Act shall not apply to contracts awarded and solicitations issued on or before the effective date of this Act, unless the head of a Federal agency makes a written determination in his or her sole discretion that it would be in the public interest to apply one or more provisions of this Act or its amendments to these existing contracts or solicitations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to bring before the House of Representatives H.R. 4233, the Savings in Construction Act of 1996. H.R. 4233 was introduced yesterday by Congressman CHRIS COX and Congresswoman CONNIE MORELLA, chairwoman of the Technology Subcommittee. I would like to thank both these Members for their tireless work on this important legislative measure.

H.R. 4233 is a modified version of H.R. 2779, a bill by the same name. H.R. 2779 was ordered reported by the Science Committee on June 26, 1996, and passed the House on July 23, 1996 as part of the Corrections Day Calendar.

H.R. 4233 represents a compromise worked out with the Senate which I hope the other body will send expeditiously to the President. The bill is now entirely noncontroversial, and I hope all my colleagues will support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be brief, although in light of the schedule that I observe today, we might as well take as much time as we can.

I would like to confirm the statement that the gentleman from Pennsylvania [Mr. WALKER] has already made. The bill before us has been the result of bipartisan, bicameral cooperation and has produced a good piece of legislation.

There are a couple of points that I would like to make.

I rise in support of H.R. 4233, the Savings in Construction Act, which is now before us. The text of this bill has been agreed upon by the Senate and is based on the House-passed H.R. 2779.

I would like to express my appreciation of the courtesy shown to House Members on both sides of the aisle by our Senate colleagues in developing this new bill.

This bipartisan and bicameral cooperation has produced H.R. 4233 which is superior to the previously House-passed H.R. 2779 on a number of points. I would like to mention a few examples.

First, H.R. 4233 clearly demonstrates that the legislative intent of the Metric Conversion Act of 1975 and the subsequent 1988 amendments remain the policy of the United States as well as the law of the land.

Nothing in this bill is contrary to our longstanding goal of catching up to the rest of the world in the use and understanding of the metric system of measurement.

As Congressman EHLERS so eloquently stated during the Science Committee debate on this measure, it is really a shame that our economy has lost billions of dollars over the years due to the inability of U.S. industry to meet the metric requirements of export markets.

The sooner the metric system becomes the standard for measurement here as it is in the rest of the world, the better off we will be.

Second, H.R. 4233 continues the House intent of easing the transition to metric by the concrete masonry industry and the recessed fluorescent lighting industry by taking into consideration their special needs.

The decision of the Senate to sunset both of these exemptions to metric conversion after 10 years is sensible. This 10-year exemption provides these industries plenty of time to convert while preserving the overall goal of U.S. metric-based construction. These two exemptions are consistent with the policy of the 1988 amendments of exempting industries from metric conversion where conversion does not make economic sense.

Third, H.R. 4233's transition rules and other qualifications on the exemptions are helpful and add certainty to the process. H.R. 4233 takes a number of positive steps to make sure delaying metric conversion does not increase Federal costs and ensures that metric projects that are now underway are not required to absorb the costs associated with reengineering to the inch-pound system.

Finally, H.R. 4233 has done a credible job of streamlining the original ombudsman provisions in H.R. 2779. These new provisions will reduce costs and better serve the need of potential Government contractors.

Therefore, I urge my colleagues to support this legislation which gives small businesspeople a needed break while still helping us move forward to when the U.S. economy will reap the benefits of being fully metric.

□ 0915

Mr. Speaker, I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, I thank the chairman for yielding me time. I appreciate the remarks of the ranking member.

As the sponsor of this legislation, I am pleased we are here at the conclusion of the 104th Congress to see this measure enacted into law. There is not much question that the metric system is a superior alternative to the other random measures that have been employed throughout the ages. In particular, it is the superior system in the world today. The question before us is not whether the metric system is a good idea or whether Congress in 1975 was wise to put us on an inextricable path toward metrification, but, rather, whether we can inject some common sense into the enterprise.

We have to ask ourselves what is good about the metric system to begin with. Probably the best thing about it is that it permits the addition, multiplication, subtraction, division, with ease, of fractions. The metric system is not new. In fact, the Mohenjo-Daro civilization on the Indus River about 5,000 years ago used the decimal system. The Scotsman, John Napier, who pioneered the use of the decimal point so that we could show fractions to the right-hand side and whole numbers to the left, lived at the turn of the 16th century.

There is nothing new about this at all. What is new is that we are finding increasingly better ways to use tiny measures. It is routine now for us to measure in angstroms. We have to ask ourselves whether or not the Congress should pass a law outlawing the use of fractions, when after all, the great attraction of the decimal system is we can use with great facility fractions. That, unfortunately, is at least what the administration had been doing up until we introduced this measure.

Specifically, they said that using the metric system in America means you cannot use fractions, you have to use whole numbers, and it was an edict, a fiat, a new case, that fractions should be outlawed in American manufacturing.

Let me give you an example. In Wilmington, MA, a company named Lightolier that manufactured light fixtures, has done so for 70 years, employing about 200 people, was told they had to use round numbers if they wanted to sell light fixtures to the Federal Government for Federal buildings. This was no small thing, because they would have had to buy all new equipment. They would have had to retool in their entire factory. The general manager of the plant told the local newspaper they could not do this without spending at least $5 million. This is a company with 200 workers.

We cannot retool, he lamented, and if somebody else does, we are at a disadvantage. During the past year, Lightolier sales have fallen due to their inability to participate in Federal projects, forcing them to lay off 35 workers.

Now, the taxpayer is not any better off for this, because the cost of the projects goes up 15 to 20 percent. Many examples: Kansas City, MO, the courthouse was estimated to cost $117 million. Fortunately for the American taxpayer, the Clinton administration was forced to drop their hard metric requirement, let people use decimal fractions, and the revised cost of the project turned out to be $97 million, or a savings of about $20 million.

That is what this bill is all about. I am very, very pleased our colleagues on the Senate side, as well as our colleagues here, the minority and majority working together, have come up with a bill that is acceptable to everyone that will put us on the path of common sense.

We ought to, as we try to serve the interests of the American people, remember that there is a limit to what Government can do. When Arabic numerals were introduced into Europe, it was not because a Government passed a law saying you cannot use Roman numerals anymore, and, by the way, there are always advantages to Arabic numerals, they add up to columns and are much superior. It was because merchants of the time found it worked a lot better.

That is what is happening in commerce in America around the world right now. The Federal Government's job should be to facilitate that. What we have seen here is an example, if I may say so, of stupidity, or at least a preference for complex error to simple truth. The advantage of the metric system is its ability to work in fractions. We should not outlaw fractions, we should welcome them.

Mr. Speaker, I thank my colleagues for the work on this bill, particularly the chairman of the committee, the gentleman from Pennsylvania [Mr. WALKER]. This is a measure that originally came up on Corrections Day for obvious reasons. I am pleased as we adjourn this Congress momentarily, that this will be part of our finished work.

Mrs. MORELLA. Mr. Speaker, today we are considering H.R. 4233, the Savings in Construction Act of 1996, introduced by Congressman COX of California.

H.R. 4233 reflects bipartisan modifications made by both the House and the Senate to H.R. 2779, the original Savings in Construction Act. H.R. 2779 passed the House on July 23 under corrections day calendar consideration and was reported out of the Science Committee and the Technology Subcommittee, which I chair.

H.R. 4233 provides for the appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects.

The Metric Conversion Act, as amended, requires all Federal agencies to use the metric system in procurements, grants, and other business-related activities, except when such use is impractical or is likely to cause significant inefficiencies or loss of markets to U.S. firms.

In the implementation of the Act, however, certain American construction industries have suffered an adverse economic impact and the government has had to incur additional costs for using metric in certain Federal construction projects.

There is a need to correct the Metric Conversion Act by providing for flexibility in its implementation.

With H.R. 42233, we can achieve the goals of the act, in Federal construction projects, without closing project bids to American companies, especially small manufacturers who do not export and who cannot afford to retool their production facilities at great cost to produce products which are identific except for a slight change in size.

In subcommittee hearings, we heard testimony from these affected companies that, under the current implementation of the act, domestic producers are at a competitive disadvantage with respect to foreign metric producers, the number of companies that compete for contracts with the Federal Government are reduced, and manufacturers are forced to maintain double inventories of similar but incompatible products.

Mr. Speaker, as the chair of the Technology Subcommittee, which has jurisdiction over our Nation's technology and competitiveness policy, I am a strong supporter of encouraging the use of the metric system in the interests of our Nation's industrial competitiveness in world markets.

Despite our current laws to promote metric, the United States still remains the only major industrialized country in the world which does not predominately use metric as a standard measurement system.

Converting to the metric system is a goal that Congress has wisely decided and should be fully supported. We must continue to promote, sensibly, and as vigorously as possible, the metric system to advance our Nation's long-term international competitiveness.

H.R. 4233 is a bill worthy of our support because it balances the need for the Federal Government to maintain our current efforts to promote metric which providing for appropriate implementation of the Metric Conversion Act in Federal construction.

I commend Congressman COX for his corrective legislation providing for this less costly and less intrusive method of meeting the goals of the Metric Conversion Act.

I also wish to recognize the chairman of the Science Committee, Congressman WALKER, the Committee's Ranking Member, Mr. BROWN, and the Ranking Member of the Technology Subcommittee, Mr. TANNER, for their bipartisan efforts in reporting this legislation to the House.

I urge all of my colleagues to support H.R. 4233.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTERT). The question is on the motion offered by the gentleman from

Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 4233.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CROWS LANDING CALIFORNIA LAND CONVEYANCE

Mr. WALKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4088) to provide for the conveyance of certain property from the United States to Stanislaus County, CA, as amended.

The Clerk read as follows:

H.R. 4088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY

Notwithstanding any other provision of law or regulation, as soon as practicable after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as "NASA") shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 2.

SEC. 2. PROPERTY DESCRIBED.

The property to be conveyed pursuant to section 1 is—

(1) the approximately 1528 acres of land in Stanislaus County, California, known as the Crows Landing Facility of NASA Ames Research Center (formerly known as the Naval Auxiliary Landing Field, Crows Landing);

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1); and

(C) designated by NASA to be transferred to Stanislaus County, California.

SEC. 3. TERMS.

(a) CONSIDERATION.—The conveyance required by section 1 shall be without consideration other than that required by this section.

(b) ENVIRONMENTAL REMEDIATION.—(1) The conveyance required by section 1 shall not relieve any Federal agency or any responsibility under law for any environmental remediation of soil, groundwater, or surface water. Nothing in this subsection shall be construed to alter the allocation of environmental responsibility contained in the Memorandum of Understanding between the Department of the Navy and NASA, dated December 22, 1992.

(2) Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 2 shall be subject to negotiation to the extent permitted by law.

(c) RETAINED RIGHT OF USE.—NASA shall retain the right to use the property described in section 2 for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—NASA shall relinquish, to the State of California, legislative jurisdiction over the property conveyed pursuant to section 1 by filing a notice of relinquishment with the State of California, which shall take effect upon acceptance thereof as prescribed by the laws of California.

(e) ADDITIONAL TERMS.—The Administrator of NASA may negotiate such additional terms and conditions in connection with the conveyance required by section 1 as are appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would transfer the Crows Landing facility at Ames Research Center to the surrounding jurisdiction. The landing facility is no longer essential to NASA's needs. But if transferred to the county, it will provide that county with a potential economic development tool by providing needed airport capability. However, if in the future NASA needs to use the facility, it would be able to do so, and has therefore given its approval for this transfer.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman has properly described the bill. I have nothing further to add. I ask that the House pass the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 4088, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. WALKER. Mr. Speaker, pursuant to House Resolution 525, I announce that the following measures have been added to the Suspension Calendar:

H.R. 1332/S. 1804, omnibus territories—may take up S. 1804 if ready; H.R. 3487, National Marine Sanctuaries, as amended by Senate; H.R. 3163, Oregon-Washington tax; H.R. 4165, Canadian boater landing—Hoke; and H.R. 4123, Larson Creek Land Exchange.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. LATOURETTE] at 12 o'clock and 18 minutes p.m.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN ENROLLMENT OF S. 1004, COAST GUARD AUTHORIZATION

Mr. SHUSTER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 229) directing the Secretary of the Senate to make corrections in the enrollment of S. 1004, and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 229

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill S. 1004, the Secretary of the Senate shall make the following corrections:

(1) In section 1106(c), in the text added to section 5 of the Act of January 2, 1951—

(A) strike "This section does not prohibit, nor many any State make" and insert in lieu thereof "With respect to a vessel operating in Alaska, this section does not prohibit, nor may the State of Alaska make";

(B) strike "except that a State may" and insert in lieu thereof "except that such State may"; and

(C) strike paragraph (2) and insert in lieu thereof the following:

"(2) A voyage referred to in paragraph (1) is a voyage that—

"(A) includes a stop in Canada or in a State other than the State of Alaska;

"(B) includes stops in at least 2 different ports situated in the State of Alaska; and

"(C) is of at least 60 hours duration.".

(2) In section 1113(d), in the text added to section 12106 of title 46, United States Code, in subsection (e)(1)(E) strike "section 12102" and insert in lieu thereof "this section".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LAZIO of New York. Mr. Speaker, pursuant to House Resolution 525, the following suspensions are expected to be considered today:

H.R. 543, H.R. 4236, H.R. 4264, H.R. 3633, and H.R. 2779.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3219) to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Housing Assistance and Self-Determination Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Congressional findings.
Sec. 3. Administration through Office of Native American Programs.
Sec. 4. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.
Sec. 102. Indian housing plans.
Sec. 103. Review of plans.
Sec. 104. Treatment of program income and labor standards.
Sec. 105. Environmental review.
Sec. 106. Regulations.
Sec. 107. Effective date.
Sec. 108. Authorization of appropriations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.
Sec. 202. Eligible affordable housing activities.
Sec. 203. Program requirements.
Sec. 204. Types of investments.
Sec. 205. Low-income requirement and income targeting.
Sec. 206. Certification of compliance with subsidy layering requirements.
Sec. 207. Lease requirements and tenant selection.
Sec. 208. Availability of records.
Sec. 209. Repayment.
Sec. 210. Continued use of amounts for affordable housing.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Annual allocation.
Sec. 302. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Sec. 401. Remedies for noncompliance.
Sec. 402. Replacement of recipient.
Sec. 403. Monitoring of compliance.
Sec. 404. Performance reports.
Sec. 405. Review and audit by Secretary.
Sec. 406. GAO audits.
Sec. 407. Reports to Congress.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

Sec. 501. Repeal of provisions relating to Indian housing assistance under United States Housing Act of 1937.
Sec. 502. Termination of Indian housing assistance under United States Housing Act of 1937.
Sec. 503. Termination of new commitments for rental assistance.
Sec. 504. Termination of youthbuild program assistance.
Sec. 505. Termination of HOME program assistance.
Sec. 506. Termination of housing assistance for the homeless.
Sec. 507. Savings provision.
Sec. 508. Effective date.

TITLE VI—FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES

Sec. 601. Authority and requirements.
Sec. 602. Security and repayment.
Sec. 603. Payment of interest.
Sec. 604. Training and information.
Sec. 605. Limitations on amount of guarantees.
Sec. 606. Effective date.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

Sec. 701. Loan guarantees for Indian housing.
Sec. 702. 50-year leasehold interest in trust or restricted lands for housing purposes.
Sec. 703. Training and technical assistance.
Sec. 704. Public and Assisted Housing Drug Elimination Act of 1990.
Sec. 705. Effective date.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes in safe and healthy environments and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State, tribal, and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) there exists a unique relationship between the Government of the United States and the governments of Indian tribes and a unique Federal responsibility to Indian people;

(3) the Constitution of the United States invests the Congress with plenary power over the field of Indian affairs, and through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indian people;

(4) the Congress, through treaties, statutes, and the general course of dealing with Indian tribes, has assumed a trust responsibility for the protection and preservation of Indian tribes and for working with tribes and their members to improve their housing conditions and socioeconomic status so that they are able to take greater responsibility for their own economic condition;

(5) providing affordable homes in safe and healthy environments is an essential element in the special role of the United States in helping tribes and their members to improve their housing conditions and socioeconomic status;

(6) the need for affordable homes in safe and healthy environments on Indian reservations, in Indian communities, and in Native Alaskan villages is acute and the Federal Government should work not only to provide housing assistance, but also, to the extent practicable, to assist in the development of private housing finance mechanisms on Indian lands to achieve the goals of economic self-sufficiency and self-determination for tribes and their members; and

(7) Federal assistance to meet these responsibilities should be provided in a manner that recognizes the right of Indian self-determination and tribal self-governance by making such assistance available directly to the Indian tribes or tribally designated entities under authorities similar to those accorded Indian tribes in Public Law 93-638 (25 U.S.C. 450 et seq.).

SEC. 3. ADMINISTRATION THROUGH OFFICE OF NATIVE AMERICAN PROGRAMS.

The Secretary of Housing and Urban Development shall carry out this Act through the Office of Native American Programs of the Department of Housing and Urban Development.

SEC. 4. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ADJUSTED INCOME.—The term "adjusted income" means the annual income that remains after excluding the following amounts:

(A) YOUTHS, STUDENTS, AND PERSONS WITH DISABILITIES.—$480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)—

(i) who is under 18 years of age; or

(ii) who is—

(I) 18 years of age or older; and

(II) a person with disabilities or a full-time student.

(B) ELDERLY AND DISABLED FAMILIES.—$400 for an elderly or disabled family.

(C) MEDICAL AND ATTENDANT EXPENSES.—The amount by which 3 percent of the annual income of the family is exceeded by the aggregate of—

(i) medical expenses, in the case of an elderly or disabled family; and

(ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed.

(D) CHILD CARE EXPENSES.—Child care expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education.

(E) EARNED INCOME OF MINORS.—The amount of any earned income of any member of the family who is less than 18 years of age.

(F) TRAVEL EXPENSES.—Excessive travel expenses, not to exceed $25 per family per week, for employment- or education-related travel.

(G) OTHER AMOUNTS.—Such other amounts as may be provided in the Indian housing plan for an Indian tribe.

(2) AFFORDABLE HOUSING.—The term "affordable housing" means housing that complies with the requirements for affordable housing under title II. The term includes permanent housing for homeless persons who are persons with disabilities, transitional housing, and single room occupancy housing.

(3) DRUG-RELATED CRIMINAL ACTIVITY.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution,

use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

(4) ELDERLY FAMILIES AND NEAR-ELDERLY FAMILIES.—The terms "elderly family" and "near-elderly family" mean a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include 2 or more elderly persons or near-elderly persons living together, and 1 or more such persons living with 1 or more persons determined under the Indian housing plan for the agency to be essential to their care or well-being.

(5) ELDERLY PERSON.—The term "elderly person" means a person who is at least 62 years of age.

(6) FAMILY.—The term "family" includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

(7) GRANT BENEFICIARY.—The term "grant beneficiary" means the Indian tribe or tribes on behalf of which a grant is made under this Act to a recipient.

(8) INCOME.—The term "income" means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary, except that the following amounts may not be considered as income under this paragraph:

(A) Any amounts not actually received by the family.

(B) Any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act.

(9) INDIAN.—The term "Indian" means any person who is a member of an Indian tribe.

(10) INDIAN AREA.—The term "Indian area" means the area within which a tribally designated housing entity is authorized by one or more Indian tribes to provide assistance under this Act for affordable housing.

(11) INDIAN HOUSING PLAN.—The term "Indian housing plan" means a plan under section 102.

(12) INDIAN TRIBE.—

(A) IN GENERAL.—The term "Indian tribe" means a tribe that is a federally recognized tribe or a State recognized tribe.

(B) FEDERALLY RECOGNIZED TRIBE.—The term "federally recognized tribe" means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975.

(C) STATE RECOGNIZED TRIBE.—

(i) IN GENERAL.—The term "State recognized tribe" means any tribe, band, nation, pueblo, village, or community—

(I) that has been recognized as an Indian tribe by any State; and

(II) for which an Indian Housing Authority has, before the effective date under section 107, entered into a contract with the Secretary pursuant to the United States Housing Act of 1937 for housing for Indian families and has received funding pursuant to such contract within the 5-year period ending upon such effective date.

(ii) CONDITIONS.—Notwithstanding clause (i)—

(I) the allocation formula under section 302 shall be determined for a State recognized tribe under tribal membership eligibility criteria in existence on the date of the enactment of this Act; and

(II) nothing in this paragraph shall be construed to confer upon a State recognized tribe any rights, privileges, responsibilities, or obligations otherwise accorded groups recognized as Indian tribes by the United States for other purposes.

(13) LOW-INCOME FAMILY.—The term "low-income family" means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the findings of the Secretary or the agency that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes.

(14) MEDIAN INCOME.—The term "median income" means, with respect to an area that is an Indian area, the greater of—

(A) the median income for the Indian area, which the Secretary shall determine; or

(B) the median income for the United States.

(15) NEAR-ELDERLY PERSON.—The term "near-elderly person" means a person who is at least 55 years of age and less than 62 years of age.

(16) NONPROFIT.—The term "nonprofit" means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

(17) PERSON WITH DISABILITIES.—The term "person with disabilities" means a person who—

(A) has a disability as defined in section 223 of the Social Security Act;

(B) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which—

(i) is expected to be of long-continued and indefinite duration;

(ii) substantially impedes his or her ability to live independently; and

(iii) is of such a nature that such ability could be improved by more suitable housing conditions; or

(C) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under this Act, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

(18) RECIPIENT.—The term "recipient" means an Indian tribe or the entity for one or more Indian tribes that is authorized to receive grant amounts under this Act on behalf of the tribe or tribes.

(19) SECRETARY.—Except as otherwise specifically provided in this Act, the term "Secretary" means the Secretary of Housing and Urban Development.

(20) STATE.—The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States and Indian tribes.

(21) TRIBALLY DESIGNATED HOUSING ENTITY.—The terms "tribally designated housing entity" and "housing entity" have the following meaning:

(A) EXISTING IHA'S.—With respect to any Indian tribe that has not taken action under subparagraph (B), and for which an Indian housing authority—

(i) was established for purposes of the United States Housing Act of 1937 before the date of the enactment of this Act that meets the requirements under the United States Housing Act of 1937,

(ii) is acting upon such date of enactment as the Indian housing authority for the tribe, and

(iii) is not an Indian tribe for purposes of this Act,

the terms mean such Indian housing authority.

(B) OTHER ENTITIES.—With respect to any Indian tribe that, pursuant to this Act, authorizes an entity other than the tribal government to receive grant amounts and provide assistance under this Act for affordable housing for Indians, which entity is established—

(i) by exercise of the power of self-government of one or more Indian tribes independent of State law, or

(ii) by operation of State law providing specifically for housing authorities or housing entities for Indians, including regional housing authorities in the State of Alaska,

the terms mean such entity.

(C) ESTABLISHMENT.—A tribally designated housing entity may be authorized or established by one or more Indian tribes to act on behalf of each such tribe authorizing or establishing the housing entity.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

(a) AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this Act) make grants under this section on behalf of Indian tribes to carry out affordable housing activities. Under such a grant on behalf of an Indian tribe, the Secretary shall provide the grant amounts for the tribe directly to the recipient for the tribe.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may make a grant under this Act on behalf of an Indian tribe for a fiscal year only if—

(A) the Indian tribe has submitted to the Secretary an Indian housing plan for such fiscal year under section 102; and

(B) the plan has been determined under section 103 to comply with the requirements of section 102.

(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in whole or in part, if the Secretary finds that an Indian tribe has not complied or cannot comply with such requirements due to circumstances beyond the control of the tribe.

(c) LOCAL COOPERATION AGREEMENT.—The Secretary may not make any grant under this Act on behalf of an Indian tribe unless the governing body of the locality within which any affordable housing to be assisted with the grant amounts will be situated has entered into an agreement with the recipient for the tribe providing for local cooperation required by the Secretary pursuant to this Act.

(d) Exemption From Taxation.—A grant recipient for an Indian tribe may receive a block grant under this Act only if—

(1) the affordable housing assisted with grant amounts received by the recipient (exclusive of any portions not assisted with amounts provided under this Act) is exempt from all real and personal property taxes levied or imposed by any State, tribe, city, county, or other political subdivision; and

(2) the recipient makes annual payments of user fees to compensate such governments for the costs of providing governmental services, including police and fire protection, roads, water and sewerage systems, utilities systems and related facilities, or payments in lieu of taxes to such taxing authority, in an amount equal to the greater of $150 per dwelling unit or 10 percent of the difference between the shelter rent and the utility cost, or such lesser amount as—

(A) is prescribed by State, tribal, or local law;

(B) is agreed to by the local governing body in the agreement under subsection (c); or

(C) the recipient and the local governing body agree that such user fees or payments in lieu of taxes shall not be made.

(e) Effect of Failure To Exempt From Taxation.—Notwithstanding subsection (d), a grant recipient that does not comply with the requirements under such subsection may receive a block grant under this Act, but only if the tribe, State, city, county, or other political subdivision in which the affordable housing development is located contributes, in the form of cash or tax remission, the amount by which the taxes paid with respect to the development exceed the amounts prescribed in subsection (d)(2).

(f) Amount.—Except as otherwise provided under this Act, the amount of a grant under this section to a recipient for a fiscal year shall be—

(1) in the case of a recipient whose grant beneficiary is a single Indian tribe, the amount of the allocation under section 301 for the Indian tribe; and

(2) in the case of a recipient whose grant beneficiary is more than 1 Indian tribe, the sum of the amounts of the allocations under section 301 for each such Indian tribe.

(g) Use for Affordable Housing Activities Under Plan.—Except as provided in subsection (h), amounts provided under a grant under this section may be used only for affordable housing activities under title II that are consistent with an Indian housing plan approved under section 103.

(h) Administrative Expenses.—The Secretary shall, by regulation, authorize each recipient to use a percentage of any grant amounts received under this Act for any reasonable administrative and planning expenses of the recipient relating to carrying out this Act and activities assisted with such amounts, which may include costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this Act and expenses of preparing an Indian housing plan under section 102.

(i) Public-Private Partnerships.—Each recipient shall make all reasonable efforts, consistent with the purposes of this Act, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing the approved Indian housing plan.

SEC. 102. INDIAN HOUSING PLANS.

(a) Plan Submission.—The Secretary shall provide—

(1) for an Indian tribe to submit to the Secretary, for each fiscal year, a housing plan under this section for the tribe;

(2) for the tribally designated housing entity for the tribe to submit the plan as provided in subsection (d) for the tribe; and

(3) for the review of such plans.

(b) 5-Year Plan.—Each housing plan under this section shall be in a form prescribed by the Secretary and shall contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

(1) Mission statement.—A general statement of the mission of the Indian tribe to serve the needs of the low-income families in the jurisdiction of the Indian tribe during the period.

(2) Goals and objectives.—A statement of the goals and objectives of the Indian tribe to enable the tribe to serve the needs identified in paragraph (1) during the period.

(3) Activities plan.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the tribe to meet its mission, goals, and objectives.

(c) 1-Year Plan.—A housing plan under this section for an Indian tribe shall be in a form prescribed by the Secretary and contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

(1) Goals and objectives.—A statement of the goals and objectives to be accomplished during that period.

(2) Statement of needs.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe and the means by which such needs will be addressed during the period, including—

(A) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

(B) a description of the estimated housing needs for all Indian families in the jurisdiction.

(3) Financial resources.—An operating budget for the recipient, in a form prescribed by the Secretary, that includes—

(A) an identification and a description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

(B) the uses to which such resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

(4) Affordable housing resources.—A statement of the affordable housing resources currently available and to be made available during the period, including—

(A) a description of the significant characteristics of the housing market in the jurisdiction, including the availability of housing from other public sources, private market housing, and the manner in which such characteristics influence the decision of the recipient to use grant amounts to be provided under this Act for rental assistance, production of new units, acquisition of existing units, or rehabilitation of units;

(B) a description of the structure, coordination, and means of cooperation between the recipient and any other governmental entities in the development, submission, or implementation of housing plans, including a description of the involvement of private, public, and nonprofit organizations and institutions, and the use of loan guarantees under section 184 of the Housing and Community Development Act of 1992, and other housing assistance provided by the Federal Government for Indian tribes, including loans, grants, and mortgage insurance;

(C) a description of the manner in which the plan will address the needs identified pursuant to paragraph (2);

(D) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937;

(E) a description of any existing and anticipated homeownership programs and rental programs to be carried out during the period, and the requirements and assistance available under such programs;

(F) a description of any existing and anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period, and the requirements and assistance available under such programs;

(G) a description of all other existing or anticipated housing assistance provided by the recipient during the period, including transitional housing, homeless housing, college housing, supportive services housing, and the requirements and assistance available under such programs;

(H) a description of any housing to be demolished or disposed of, a timetable for such demolition or disposition, and any other information required by the Secretary with respect to such demolition or disposition;

(I) a description of the manner in which the recipient will coordinate with tribal and State welfare agencies to ensure that residents of such housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

(J) a description of the requirements established by the recipient to promote the safety of residents of such housing, facilitate the undertaking of crime prevention measures, allow resident input and involvement, including the establishment of resident organizations, and allow for the coordination of crime prevention activities between the recipient and tribal and local law enforcement officials; and

(K) a description of the entity that will carry out the activities under the plan, including the organizational capacity and key personnel of the entity.

(5) Certification of compliance.—Evidence of compliance which shall include, as appropriate—

(A) a certification that the recipient will comply with title II of the Civil Rights Act of 1968 in carrying out this Act, to the extent that such title is applicable, and other applicable Federal statutes;

(B) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as may be established by the Secretary;

(C) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

(D) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act; and

(E) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act.

(d) PARTICIPATION OF TRIBALLY DESIGNATED HOUSING ENTITY.—A plan under this section for an Indian tribe may be prepared and submitted on behalf of the tribe by the tribally designated housing entity for the tribe, but only if such plan contains a certification by the recognized tribal government of the grant beneficiary that such tribe—

(1) has had an opportunity to review the plan and has authorized the submission of the plan by the housing entity; or

(2) has delegated to such tribally designated housing entity the authority to submit a plan on behalf of the tribe without prior review by the tribe.

(e) COORDINATION OF PLANS.—A plan under this section may cover more than 1 Indian tribe, but only if the certification requirements under subsection (d) are complied with by each such grant beneficiary covered.

(f) PLANS FOR SMALL TRIBES.—

(1) SEPARATE REQUIREMENTS.—The Secretary may—

(A) establish requirements for submission of plans under this section and the information to be included in such plans applicable to small Indian tribes and small tribally designated housing entities; and

(B) waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such tribes and housing entities.

(2) SMALL TRIBES.—The Secretary may define small Indian tribes and small tribally designated housing entities based on the number of dwelling units assisted under this title by the tribe or housing entity or owned or operated pursuant to a contract under the United States Housing Act of 1937 between the Secretary and the Indian housing authority for the tribe.

(g) REGULATIONS.—The requirements relating to the contents of plans under this section shall be established by regulation, pursuant to section 106.

SEC. 103. REVIEW OF PLANS.

(a) REVIEW AND NOTICE.—

(1) REVIEW.—The Secretary shall conduct a limited review of each Indian housing plan submitted to the Secretary to ensure that the plan complies with the requirements of section 102. The Secretary shall have the discretion to review a plan only to the extent that the Secretary considers review is necessary.

(2) NOTICE.—The Secretary shall notify each Indian tribe for which a plan is submitted and any tribally designated housing entity for the tribe whether the plan complies with such requirements not later than 60 days after receiving the plan. If the Secretary does not notify the Indian tribe, as required under this subsection and subsection (b), the plan shall be considered, for purposes of this Act, to have been determined to comply with the requirements under section 102 and the tribe shall be considered to have been notified of compliance upon the expiration of such 60-day period.

(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 102, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 102.

(c) REVIEW.—After submission of the Indian housing plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

(1) set forth the information required by section 102 to be contained in an Indian housing plan;

(2) are consistent with information and data available to the Secretary; and

(3) are prohibited by or inconsistent with any provision of this Act or other applicable law.

If the Secretary determines that any of the appropriate certifications required under section 102(c)(5) are not included in the plan, the plan shall be deemed to be incomplete.

(d) UPDATES TO PLAN.—After a plan under section 102 has been submitted for an Indian tribe for any fiscal year, the tribe may comply with the provisions of such section for any succeeding fiscal year (with respect to information included for the 5-year period under section 102(b) or the 1-year period under section 102(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted. Not less than once every 5 years, the tribe shall submit a complete plan.

(e) EFFECTIVE DATE.—This section and section 102 shall take effect on the date provided by the Secretary pursuant to section 106(a) to provide for timely submission and review of Indian housing plans as necessary for the provision of assistance under this Act in fiscal year 1998.

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

(a) PROGRAM INCOME.—

(1) AUTHORITY TO RETAIN.—A recipient may retain any program income that is realized from any grant amounts under this Act if—

(A) such income was realized after the initial disbursement of the grant amounts received by the recipient; and

(B) the recipient has agreed that it will utilize the program income for affordable housing activities in accordance with the provisions of this Act.

(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for any Indian tribe based solely on—

(A) whether the recipient for the tribe retains program income under paragraph (1);

(B) the amount of any such program income retained; or

(C) whether the recipient retains reserve amounts described in section 210.

(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the recipient.

(b) LABOR STANDARDS.—

(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this Act shall contain a provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State, tribal, or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development, and all maintenance laborers and mechanics employed in the operation, of the affordable housing project involved; and shall also contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-276a-5), shall be paid to all laborers and mechanics employed in the development of the affordable housing involved, and the Secretary shall require certification as to compliance with the provisions of this paragraph before making any payment under such contract or agreement.

(2) EXCEPTIONS.—Paragraph (1) and the provisions relating to wages (pursuant to paragraph (1)) in any contract or agreement for assistance, sale, or lease pursuant to this Act, shall not apply to any individual who receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and who is not otherwise employed at any time in the construction work.

SEC. 105. ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—

(1) RELEASE OF FUNDS.—In order to ensure that the policies of the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this Act, and to ensure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may by regulation provide for the release of amounts for particular projects to tribes which assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake such projects as Federal projects.

(2) REGULATIONS.—

(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

(B) CONTENTS.—The regulations issued under this paragraph shall—

(i) provide for the monitoring of the environmental reviews performed under this section;

(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by a recipient of grant amounts with respect to any particular release of funds.

(b) PROCEDURE.—The Secretary shall approve the release of funds subject to the procedures authorized by this section only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects, the tribe has submitted to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c). The approval of the Secretary of any such certification shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for projects to be carried out pursuant thereto that are covered by such certification.

(c) CERTIFICATION.—A certification under the procedures authorized by this section shall—

(1) be in a form acceptable to the Secretary;

(2) be executed by the chief executive officer or other officer of the tribe under this Act qualified under regulations of the Secretary;

(3) specify that the tribe has fully carried out its responsibilities as described under subsection (a); and

(4) specify that the certifying officer—

(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or such other provisions of law apply pursuant to subsection (a); and

(B) is authorized and consents on behalf of the tribe and such officer to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the certifying officer as such an official.

SEC. 106. REGULATIONS.

(a) TRANSITION REQUIREMENTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall, by notice issued in the Federal Register, establish any requirements necessary to provide for the transition (upon the effectiveness of this Act and the amendments made by this Act) from the provision of assistance for Indian tribes and Indian housing authorities under the United States Housing Act of 1937 and other related provisions of law to the provision of assistance in accordance with this Act and the amendments made by this Act.

(2) PUBLIC COMMENTS; GENERAL NOTICE OF PROPOSED RULEMAKING.—The notice issued under paragraph (1) shall—

(A) invite public comments regarding such transition requirements and final regulations to carry out this Act; and

(B) include a general notice of proposed rulemaking (for purposes of section 564(a) of title 5, United States Code) of the final regulations under subsection (b).

(b) FINAL REGULATIONS.—

(1) TIMING.—The Secretary shall issue final regulations necessary to carry out this Act not later than September 1, 1997, and such regulations shall take effect not later than the effective date of this Act.

(2) NEGOTIATED RULEMAKING PROCEDURE.—

(A) IN GENERAL.—Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, all regulations required under this Act shall be issued according to a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code.

(B) COMMITTEE.—

(i) IN GENERAL.—The Secretary shall establish a negotiated rulemaking committee, in accordance with the procedures under that subchapter, for the development of proposed regulations under subparagraph (A).

(ii) ADAPTATION.—In establishing the negotiated rulemaking committee, the Secretary shall—

(I) adapt the procedures under the subchapter described in clause (i) to the unique government-to-government relationship between the Indian tribes and the United States, and shall ensure that the membership of the committee include only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes; and

(II) shall not preclude the participation of tribally designated housing entities should tribes elect to be represented by such entities.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 107. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act shall take effect on October 1, 1997.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this title such sums as may be necessary for each of fiscal years 1998, 1999, 2000, and 2001. This section shall take effect on the date of the enactment of this Act.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

(a) PRIMARY OBJECTIVE.—The national objectives of this Act are—

(1) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments on Indian reservations and in other Indian areas for occupancy by low-income Indian families;

(2) to ensure better access to private mortgage markets for Indian tribes and their members and to promote self-sufficiency of Indian tribes and their members;

(3) to coordinate activities to provide housing for Indian tribes and their members with Federal, State, and local activities to further economic and community development for Indian tribes and their members;

(4) to plan for and integrate infrastructure resources for Indian tribes with housing development for tribes; and

(5) to promote the development of private capital markets in Indian country and to allow such markets to operate and grow, thereby benefiting Indian communities.

(b) ELIGIBLE FAMILIES.—

(1) IN GENERAL.—Except as provided under paragraph (2), assistance under eligible housing activities under this Act shall be limited to low-income Indian families on Indian reservations and other Indian areas.

(2) EXCEPTION TO LOW-INCOME REQUIREMENT.—A recipient may provide assistance for homeownership activities under section 202(2), model activities under section 202(6), or loan guarantee activities under title VI to Indian families who are not low-income families, to the extent that the Secretary approves the activities pursuant to such section or title because there is a need for housing for such families that cannot reasonably be met without such assistance. The Secretary shall establish limits on the amount of assistance that may be provided under this Act for activities for families who are not low-income families.

(3) NON-INDIAN FAMILIES.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a non-Indian family on an Indian reservation or other Indian area if the recipient determines that the presence of the family on the Indian reservation or other Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance.

(4) PREFERENCE FOR TRIBAL MEMBERS AND OTHER INDIAN FAMILIES.—The Indian housing plan for an Indian tribe may require preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this Act on behalf of such tribe, to be given (to the extent practicable) to Indian families who are members of such tribe, or to other Indian families. In any case in which the applicable Indian housing plan for an Indian tribe provides for preference under this paragraph, the recipient for the tribe shall ensure that housing activities that are assisted with grant amounts under this Act for such tribe are subject to such preference.

(5) EXEMPTION.—Title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 shall not apply to actions by Indian tribes under this subsection.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Affordable housing activities under this title are activities, in accordance with the requirements of this title, to develop or to support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

(1) INDIAN HOUSING ASSISTANCE.—The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

(2) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development of utilities and utility services, conversion, demolition, financing, administration and planning, and other related activities.

(3) HOUSING SERVICES.—The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance, establishment and support of resident organizations and resident management corporations, energy auditing, activities related to the provision of self-sufficiency and other services, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted pursuant to this section.

(4) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and management of affordable housing projects.

(5) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

(6) MODEL ACTIVITIES.—Housing activities under model programs that are designed to carry out the purposes of this Act and are specifically approved by the Secretary as appropriate for such purpose.

SEC. 203. PROGRAM REQUIREMENTS.

(a) RENTS.—

(1) ESTABLISHMENT.—Subject to paragraph (2), each recipient shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this Act, including the methods by which such rents and homebuyer payments are determined.

(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this Act,

the monthly rent or homebuyer payment (as applicable) for such dwelling unit may not exceed 30 percent of the monthly adjusted income of such family.

(b) MAINTENANCE AND EFFICIENT OPERATION.—Each recipient who owns or operates (or is responsible for funding any entity that owns or operates) housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall, using amounts of any grants received under this Act, reserve and use for operating assistance under section 202(1) such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing. This subsection may not be construed to prevent any recipient (or entity funded by a recipient) from demolishing or disposing of Indian housing referred to in this subsection, pursuant to regulations established by the Secretary.

(c) INSURANCE COVERAGE.—Each recipient shall maintain adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this Act.

(d) ELIGIBILITY FOR ADMISSION.—Each recipient shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act.

(e) MANAGEMENT AND MAINTENANCE.—Each recipient shall develop policies governing the management and maintenance of housing assisted with grant amounts under this Act.

SEC. 204. TYPES OF INVESTMENTS.

(a) IN GENERAL.—Subject to section 203 and the Indian housing plan for an Indian tribe, the recipient for that tribe shall have—

(1) the discretion to use grant amounts for affordable housing activities through equity investments, interest-bearing loans or advances, noninterest-bearing loans or advances, interest subsidies, leveraging of private investments, or any other form of assistance that the Secretary has determined to be consistent with the purposes of this Act; and

(2) the right to establish the terms of assistance.

(b) INVESTMENTS.—A recipient may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations as approved by the Secretary.

SEC. 205. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

(a) IN GENERAL.—Housing shall qualify as affordable housing for purposes of this Act only if—

(1) each dwelling unit in the housing—

(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of their initial occupancy of such unit; and

(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

(2) except for housing assisted under section 202 of the United States Housing Act of 1937 (as in effect before the date of the effectiveness of this Act), each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership, or for such other period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action—

(A) recognizes any contractual or legal rights of public agencies, nonprofit sponsors, or others to take actions that would avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure; and

(B) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 201(b)(2) shall be considered affordable housing for purposes of this Act.

SEC. 206. CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.

With respect to housing assisted with grant amounts provided under this Act, the requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 shall be considered to be satisfied upon certification by the Secretary that the combination of Federal assistance provided to any housing project is not any more than is necessary to provide affordable housing.

SEC. 207. LEASE REQUIREMENTS AND TENANT SELECTION.

(a) LEASES.—Except to the extent otherwise provided by or inconsistent with tribal law, in renting dwelling units in affordable housing assisted with grant amounts provided under this Act, the owner or manager of the housing shall utilize leases that—

(1) do not contain unreasonable terms and conditions;

(2) require the owner or manager to maintain the housing in compliance with applicable housing codes and quality standards;

(3) require the owner or manager to give adequate written notice of termination of the lease, which shall be the period of time required under State, tribal, or local law;

(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State, tribal, or local law, a resident shall be informed of the opportunity, prior to any hearing or trial, to examine any relevant documents, records, or regulations directly related to the eviction or termination;

(5) require that the owner or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms or conditions of the lease, violation of applicable Federal, State, tribal, or local law, or for other good cause; and

(6) provide that the owner or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the owner or manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) is criminal activity (including drug-related criminal activity) on or off the premises.

(b) TENANT SELECTION.—The owner or manager of affordable rental housing assisted with grant amounts provided under this Act shall adopt and utilize written tenant selection policies and criteria that—

(1) are consistent with the purpose of providing housing for low-income families;

(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

(3) provide for—

(A) the selection of tenants from a written waiting list in accordance with the policies and goals set forth in the Indian housing plan for the tribe that is the grant beneficiary of such grant amounts; and

(B) the prompt notification in writing of any rejected applicant of the grounds for any rejection.

SEC. 208. AVAILABILITY OF RECORDS.

(a) PROVISION OF INFORMATION.—Notwithstanding any other provision of law, except as provided in paragraph (2), the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide information to Indian tribes or tribally designated housing entities regarding the criminal conviction records of adult applicants for, or tenants of, housing assisted with grant amounts provided to such tribe or entity under this Act for purposes of applicant screening, lease enforcement, and eviction.

(b) EXCEPTION.—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(c) CONFIDENTIALITY.—An Indian tribe or tribally designated housing entity receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the tribe or entity or the owner of housing assisted under this Act, and who has a job-related need to have access to the information for the purposes under this section. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to any tribe or entity is used, and confidentiality is maintained, as required under this section.

SEC. 209. REPAYMENT.

If a recipient uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing the housing does not comply with the requirement under section 205(2), the Secretary shall reduce future grant payments on behalf of the grant beneficiary by an amount equal to the grant amounts used for such housing (under the authority under section 401(a)(2)) or require repayment to the Secretary of an amount equal to such grant amounts.

SEC. 210. CONTINUED USE OF AMOUNTS FOR AFFORDABLE HOUSING.

Any funds for programs for low-income housing under the United States Housing Act of 1937 that, on the date of the applicability of this Act to an Indian tribe, are owned by, or in the possession or under the control of, the Indian housing authority for the tribe, including all reserves not otherwise obligated, shall be considered assistance under this Act and subject to the provisions of this Act relating to use of such assistance.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ANNUAL ALLOCATION.

For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this Act for the fiscal year, in accordance with the formula established pursuant to section 302, among Indian tribes that comply with the requirements under this Act for a grant under this Act.

SEC. 302. ALLOCATION FORMULA.

(a) ESTABLISHMENT.—The Secretary shall, by regulations issued not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, in the manner provided under section 106, establish a formula to provide for allocating amounts available for a fiscal year for block grants under this Act among Indian tribes in accordance with the requirements of this section.

(b) FACTORS FOR DETERMINATION OF NEED.—The formula shall be based on factors that reflect the need of the Indian tribes and the Indian areas of the tribes for assistance for affordable housing activities, including the following factors:

(1) The number of low-income housing dwelling units owned or operated at the time pursuant to a contract between an Indian housing authority for the tribe and the Secretary.

(2) The extent of poverty and economic distress and the number of Indian families within Indian areas of the tribe.

(3) Other objectively measurable conditions as the Secretary and the Indian tribes may specify.

(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula, the Secretary shall consider—

(1) the relative administrative capacities and other challenges faced by the recipient, including, but not limited to geographic distribution within the Indian area and technical capacity; and

(2) the extent to which terminations of assistance under title V will affect funding available to State recognized tribes.

(d) FUNDING FOR PUBLIC HOUSING OPERATION AND MODERNIZATION.—

(1) FULL FUNDING.—The formula shall provide that, if, in any fiscal year, the total amount made available for assistance under this Act is equal to or greater than the total amount made available for fiscal year 1996 for assistance for the operation and modernization of public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937, the amount provided for such fiscal year for each Indian tribe for which such operating or modernization assistance was provided for fiscal year 1996 shall not be less than the total amount of such operating and modernization assistance provided for fiscal year 1996 for such tribe.

(2) PARTIAL FUNDING.—The formula shall provide that, if, in any fiscal year, the total amount made available for assistance under this Act is less than the total amount made available for fiscal year 1996 for assistance for the operation and modernization of public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937, the amount provided for such fiscal year for each Indian tribe for which such operating or modernization assistance was provided for fiscal year 1996 shall not be less than the amount that bears the same ratio to the total amount available for assistance under this Act for such fiscal year that the amount of operating and modernization assistance provided for the tribe for fiscal year 1996 bears to the total amount made available for fiscal year 1996 for assistance for the operation and modernization of such public housing.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Secretary shall—

(1) terminate payments under this Act to the recipient;

(2) reduce payments under this Act to the recipient by an amount equal to the amount of such payments that were not expended in accordance with this Act;

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply; or

(4) in the case of noncompliance described in section 402(b), provide a replacement tribally designated housing entity for the recipient, under section 402.

If the Secretary takes an action under paragraph (1), (2), or (3), the Secretary shall continue such action until the Secretary determines that the failure to comply has ceased.

(b) NONCOMPLIANCE BECAUSE OF TECHNICAL INCAPACITY.—If the Secretary makes a finding under subsection (a), but determines that the failure to comply substantially with the provisions of this Act—

(1) is not a pattern or practice of activities constituting willful noncompliance, and

(2) is a result of the limited capability or capacity of the recipient,

the Secretary may provide technical assistance for the recipient (directly or indirectly) that is designed to increase the capability and capacity of the recipient to administer assistance provided under this Act in compliance with the requirements under this Act.

(c) REFERRAL FOR CIVIL ACTION.—

(1) AUTHORITY.—In lieu of, or in addition to, any action authorized by subsection (a), if the Secretary has reason to believe that a recipient has failed to comply substantially with any provision of this Act, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

(2) CIVIL ACTION.—Upon such a referral, the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this Act that was not expended in accordance with it, or for mandatory or injunctive relief.

(d) REVIEW.—

(1) IN GENERAL.—Any recipient who receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act—

(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(2) PROCEDURE.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) DISPOSITION.—

(A) COURT PROCEEDINGS.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record.

(B) SECRETARY.—The Secretary—

(i) may modify the findings of fact of the Secretary, or make new findings, by reason of the new evidence so taken and filed with the court; and

(ii) shall file—

(I) such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole; and

(II) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

(4) FINALITY.—Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United State Code.

SEC. 402. REPLACEMENT OF RECIPIENT.

(a) AUTHORITY.—As a condition of the Secretary making a grant under this Act on behalf of an Indian tribe, the tribe shall agree that, notwithstanding any other provision of law, the Secretary may, only in the circumstances set forth in subsection (b), require that a replacement tribally designated housing entity serve as the recipient for the tribe, in accordance with subsection (c).

(b) CONDITIONS OF REMOVAL.—The Secretary may require such replacement tribally designated housing entity for a tribe only upon a determination by the Secretary on the record after opportunity for a hearing that the recipient for the tribe has engaged in a pattern or practice of activities that constitutes substantial or willful noncompliance with the requirements under this Act.

(c) CHOICE AND TERM OF REPLACEMENT.—If the Secretary requires that a replacement tribally designated housing entity serve as the recipient for a tribe (or tribes)—

(1) the replacement entity shall be an entity mutually agreed upon by the Secretary and the tribe (or tribes) for which the recipient was authorized to act, except that if no such entity is agreed upon before the expiration of the 60-day period beginning upon the date that the Secretary makes the determination under subsection (b), the Secretary shall act as the replacement entity until agreement is reached upon a replacement entity; and

(2) the replacement entity (or the Secretary, as provided in paragraph (1)) shall act as the tribally designated housing entity for the tribe (or tribes) for a period that expires upon—

(A) a date certain, which shall be specified by the Secretary upon making the determination under subsection (b); or

(B) the occurrence of specific conditions, which conditions shall be specified in written notice provided by the Secretary to the tribe upon making the determination under subsection (b).

SEC. 403. MONITORING OF COMPLIANCE.

(a) ENFORCEABLE AGREEMENTS.—Each recipient, through binding contractual agreements with owners and otherwise, shall ensure long-term compliance with the provisions of this Act. Such measures shall provide for (1) enforcement of the provisions of this Act by the grant beneficiary or by recipients and other intended beneficiaries, and (2) remedies for the breach of such provisions.

(b) PERIODIC MONITORING.—Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this Act to assess compliance with the requirements of this Act. Such review shall include onsite inspection of housing to determine compliance with applicable requirements. The results of each review shall be included in the performance report of the recipient submitted to the Secretary under section 404 and made available to the public.

(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this Act.

SEC. 404. PERFORMANCE REPORTS.

(a) REQUIREMENT.—For each fiscal year, each recipient shall—

(1) review the progress it has made during such fiscal year in carrying out the Indian housing plan (or plans) for the Indian tribes for which it administers grant amounts; and

(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

(b) CONTENT.—Each report under this section for a fiscal year shall—

(1) describe the use of grant amounts provided to the recipient for such fiscal year;

(2) assess the relationship of such use to the goals identified in the Indian housing plan of the grant beneficiary;

(3) indicate the programmatic accomplishments of the recipient; and

(4) describe the manner in which the recipient would change its programs as a result of its experiences.

(c) SUBMISSION.—The Secretary shall establish dates for submission of reports under this section, and review such reports and make such recommendations as the Secretary considers appropriate to carry out the purposes of this Act.

(d) PUBLIC AVAILABILITY.—A recipient preparing a report under this section shall make the report publicly available to the citizens in the jurisdiction of the recipient in sufficient time to permit such citizens to comment on such report prior to its submission to the Secretary, and in such manner and at such times as the recipient may determine. The report shall include a summary of any comments received by the grant beneficiary or recipient from citizens in its jurisdiction regarding its program.

SEC. 405. REVIEW AND AUDIT BY SECRETARY.

(a) ANNUAL REVIEW.—The Secretary shall, not less than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(1) whether the recipient has carried out its eligible activities in a timely manner, has carried out its eligible activities and certifications in accordance with the requirements and the primary objectives of this Act and with other applicable laws, and has a continuing capacity to carry out those activities in a timely manner;

(2) whether the recipient has complied with the Indian housing plan of the grant beneficiary; and

(3) whether the performance reports under section 404 of the recipient are accurate.

Reviews under this section shall include, insofar as practicable, onsite visits by employees of the Department of Housing and Urban Development.

(b) REPORT BY SECRETARY.—The Secretary shall give a recipient not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the recipient, the Secretary may revise the report and shall make the comments of the recipient and the report, with any revisions, readily available to the public not later than 30 days after receipt of the comments of the recipient.

(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of the annual grants under this Act in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided on behalf of an Indian tribe.

SEC. 406. GAO AUDITS.

To the extent that the financial transactions of Indian tribes and recipients of grant amounts under this Act relate to amounts provided under this Act, such transactions may be audited by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such tribes and recipients pertaining to such financial transactions and necessary to facilitate the audit.

SEC. 407. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this Act is made available, the Secretary shall submit to the Congress a report that contains—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of funds available under this Act during the preceding fiscal year; and

(3) a description of the aggregate outstanding loan guarantees under title VI.

(b) RELATED REPORTS.—The Secretary may require recipients of grant amounts under this Act to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to make the report required by subsection (a).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. REPEAL OF PROVISIONS RELATING TO INDIAN HOUSING ASSISTANCE UNDER UNITED STATES HOUSING ACT OF 1937.

(a) REPEAL OF TITLE II.—Title II of the United States Housing Act of 1937 (42 U.S.C 1437aa et seq.) is hereby repealed.

(b) AMENDMENTS TO TITLE I.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 3(b)—

(A)in paragraph (5)—

(i) in subparagraph (F) by inserting "and" after the semicolon at the end;

(ii) by striking subparagraph (G); and

(iii) by redesignating subparagraph (H) as subparagraph (G);

(B) in paragraph (6), by striking the last sentence;

(C) in paragraph (7)—

(i) by inserting "and" before "the Trust"; and

(ii) by striking ", and Indian tribes"; and

(D) by striking paragraphs (9), (10), (11), and (12);

(2) in section 5—

(A) in subsection (j)(1), by striking "(other than for Indian families)"; and

(B) by striking subsection (l);

(3) in section 6(b)(1), by striking "and public housing for Indians and Alaska Natives in accordance with the Indian Housing Act of 1988";

(4) in subsection 7, by striking subsection (l);

(5) in section 9(a)(1)(A), in the second sentence—

(A) by inserting "and" after the comma at the end of clause (i); and

(B) by striking ", and (iii)" and all that follows through "project is occupied";

(6) in section 14—

(A) in the section heading, by striking "AND INDIAN";

(B) in subsection (e)(1)(E)—

(i) in the matter preceding clause (i), by striking "(or Indian tribal official, if appropriate)";

(ii) in clause (i)—

(I) by striking "(or Indian tribal officials)"; and

(II) by striking "(or tenants of the Indian housing projects)"; and

(iii) in clause (ii), by striking "(or Indian tribe)";

(7) in section 16—

(A) in subsection (d)—

(i) by striking the paragraph designation for paragraph (1); and

(ii) by striking paragraph (2); and

(B) in subsection (e), by striking paragraph (3);

(8) in section 23(o), by striking paragraph (2);

(9) in section 24(h)(3), by striking ", except that it does not include any Indian housing authority";

(10) in section 25(m)(4), by striking ", except that it does not include Indian housing authorities"; and

(11) in section 26, in subsections (a)(1) and (b), by striking "(including an Indian housing authority)" each place it appears.

(c) AMENDMENTS TO TITLE III.—Title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq.) is amended—

(1) by striking the heading for the title and inserting the following:

"TITLE III—HOPE FOR PUBLIC HOUSING HOMEOWNERSHIP";

(2) in section 306—

(A) in paragraph (1)(A), by striking "(including an Indian housing authority)"; and

(B) in paragraph (2)(A), by striking "or Indian"; and

(3) in section 307, by striking "and title II".

(d) OTHER RELATED PROVISIONS.—

(1) INDIAN HOUSING CHILD DEVELOPMENT.—Section 519 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note) is hereby repealed.

(2) PUBLIC HOUSING YOUTH SPORTS.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(A) in subsection (b)—

(i) in paragraph (5), by inserting "and" after the semicolon at the end;

(ii) by striking paragraphs (6) and (7); and

(iii) by redesignating paragraph (8) as paragraph (6);

(B) in subsection (e)(2), by striking "Indian tribes,";

(C) in subsection (i)—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively; and

(D) in subsection (l)(5)(B), by striking "units of general local government, and Indian housing authorities" and inserting "and Indian housing authorities".

(3) ALLOCATION OF FUNDS.—Section 213(d)(1)(B)(ii) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439) is amended by striking "and Indian".

SEC. 502. TERMINATION OF INDIAN HOUSING ASSISTANCE UNDER UNITED STATES HOUSING ACT OF 1937.

(a) TERMINATION OF ASSISTANCE.—After September 30, 1997, financial assistance may not be provided under the United States Housing Act of 1937 or pursuant to any commitment entered into under such Act, for Indian housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority, unless such assistance is provided from amounts made available for fiscal year 1997 and pursuant to a commitment entered into before September 30, 1997.

(b) TERMINATION OF RESTRICTIONS ON USE OF INDIAN HOUSING.—After September 30, 1997, any housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall not be subject to any provision of such Act or any annual contributions contract or other agreement pursuant to such Act, but shall be considered and maintained as affordable housing for purposes of this Act.

SEC. 503. TERMINATION OF NEW COMMITMENTS FOR RENTAL ASSISTANCE.

After September 30, 1997, financial assistance for rental housing assistance under the United States Housing Act of 1937 may not be provided to any Indian housing authority or tribally designated housing entity, unless such assistance is provided pursuant to a contract for such assistance entered into by the Secretary and the Indian housing authority before such date. Any such assistance provided pursuant to such a contract shall be governed by the provisions of the United States Housing Act of 1937 (as in effect before the date of the effectiveness of this Act) and the provisions of such contract.

SEC. 504. TERMINATION OF YOUTHBUILD PROGRAM ASSISTANCE.

(a) IN GENERAL.—Subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.) is amended—

(1) by redesignating section 460 as section 461; and

(2) by inserting after section 459 the following new section:

"SEC. 460. INELIGIBILITY OF INDIAN TRIBES.

"Indian tribes, Indian housing authorities, and other agencies primarily serving Indians or Indian areas shall not be eligible applicants for amounts made available for assistance under this subtitle for fiscal year 1997 and fiscal years thereafter.".

(b) APPLICABILITY.—The amendments under subsection (a) shall apply with respect to amounts made available for assistance under subtitle D of title II of the Cranston-Gonzalez National Affordable Housing Act for fiscal year 1998 and fiscal years thereafter.

SEC. 505. TERMINATION OF HOME PROGRAM ASSISTANCE.

(a) IN GENERAL.—Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) is amended—

(1) in section 217(a)—

(A) in paragraph (1), by striking "reserving amounts under paragraph (2) for Indian tribes and after"; and

(B) by striking paragraph (2); and

(2) in section 288—

(A) in subsection (a), by striking ", Indian tribes,";

(B) in subsection (b), by striking ", Indian tribe,"; and

(C) in subsection (c)(4), by striking ", Indian tribe,".

(b) APPLICABILITY.—The amendments under subsection (a) shall apply with respect to amounts made available for assistance under title II of the Cranston-Gonzalez National Affordable Housing Act for fiscal year 1998 and fiscal years thereafter.

SEC. 506. TERMINATION OF HOUSING ASSISTANCE FOR THE HOMELESS.

(a) MCKINNEY ACT PROGRAMS.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) in section 411, by striking paragraph (10);

(2) in section 412, by striking ", and for Indian tribes,";

(3) in section 413—

(A) in subsection (a)—

(i) by striking ", and to Indian tribes,"; and

(ii) by striking ", or for Indian tribes" each place it appears;

(B) in subsection (c), by striking "or Indian tribe"; and

(C) in subsection (d)(3)—

(i) by striking ", or Indian tribe" each place it appears; and

(ii) by striking ", or other Indian tribes,";

(4) in section 414(a)—

(A) by striking "or Indian tribe" each place it appears; and

(B) by striking ", local government," each place it appears and inserting "or local government";

(5) in section 415(c)(4), by striking "Indian tribes,";

(6) in section 416(b), by striking "Indian tribe,";

(7) in section 422—

(A) in by striking "Indian tribe,"; and

(B) by striking paragraph (3);

(8) in section 441—

(A) by striking subsection (g);

(B) in subsection (h), by striking "or Indian housing authority"; and

(C) in subsection (j)(1), by striking ", Indian housing authority";

(9) in section 462—

(A) in paragraph (2), by striking ", Indian tribe,"; and

(B) by striking paragraph (4); and

(10) in section 491(e), by striking ", Indian tribes (as such term is defined in section 102(a) of the Housing and Community Development Act of 1974),".

(b) INNOVATIVE HOMELESS DEMONSTRATION.—Section 2(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 11301 note) is amended—

(1) in paragraph (3), by striking "'unit of general local government', and 'Indian tribe'" and inserting "and 'unit of general local government' "; and

(2) in paragraph (4), by striking "unit of general local government (including units in rural areas), or Indian tribe" and inserting "or unit of general local government".

(c) APPLICABILITY.—The amendments under subsections (a) and (b) shall apply with respect to amounts made available for assistance under title IV of the Stewart B. McKinney Homeless Assistance Act and section 2 of the HUD Demonstration Act of 1993, respectively, for fiscal year 1998 and fiscal years thereafter.

SEC. 507. SAVINGS PROVISION.

(a) EXISTING RIGHTS AND DUTIES.—Except as provided in sections 502 and 503, this Act may not be construed to affect the validity of any right, duty, or obligation of the United States or other person arising under or pursuant to any commitment or agreement lawfully entered into before October 1, 1997, under the United States Housing Act of 1937, subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, title II of the Cranston-Gonzalez National Affordable Housing Act, title IV of the Stewart B. McKinney Homeless Assistance Act, or section 2 of the HUD Demonstration Act of 1993.

(b) OBLIGATIONS UNDER REPEALED PROVISIONS.—Notwithstanding the amendments made by this title, any obligation of the Secretary made under or pursuant to subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, title II of the Cranston-Gonzalez National Affordable Housing Act, title IV of the Stewart B. McKinney Homeless Assistance Act, or section 2 of the HUD Demonstration Act of 1993 shall continue to be governed by the provisions of such Acts (as in effect before the date of the effectiveness of the amendments made by this title).

SEC. 508. EFFECTIVE DATE.

Sections 502, 503, and 507 shall take effect on the date of the enactment of this Act.

TITLE VI—FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES

SEC. 601. AUTHORITY AND REQUIREMENTS.

(a) AUTHORITY.—To such extent or in such amounts as provided in appropriation Acts, the Secretary may, subject to the limitations of this title (including limitations designed to protect and maintain the viability of rental housing units owned or operated by the recipient that were developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937), and upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, the notes or other obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing affordable housing activities described in section 202.

(b) LACK OF FINANCING ELSEWHERE.—A guarantee under this title may be used to assist an Indian tribe or housing entity in obtaining financing only if the Indian tribe or housing entity has made efforts to obtain such financing without the use of such guarantee and cannot complete such financing consistent with the timely execution of the program plans without such guarantee.

(c) TERMS OF LOANS.—Notes or other obligations guaranteed pursuant to this title shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary. The Secretary may not deny a guarantee under this title on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period causes the guarantee to constitute an unacceptable financial risk.

(d) LIMITATION ON OUTSTANDING GUARANTEES.—No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the total outstanding notes or obligations of the issuer guaranteed under this title (excluding any amount defeased under the contract entered into under section 602(a)(1)) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to title III.

SEC. 602. SECURITY AND REPAYMENT.

(a) REQUIREMENTS ON ISSUER.—To assure the repayment of notes or other obligations and charges incurred under this title and as a condition for receiving such guarantees, the Secretary shall require the Indian tribe or housing entity issuing such notes or obligations to—

(1) enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this title;

(2) pledge any grant for which the issuer may become eligible under this Act;

(3) demonstrate that the extent of such issuance and guarantee under this title is within the financial capacity of the tribe and is not likely to impair the ability to use grant amounts under title I, taking into consideration the requirements under section 203(b); and

(4) furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, including increments in local tax receipts generated by the activities assisted under this Act or disposition proceeds from the sale of land or rehabilitated property.

(b) REPAYMENT FROM GRANT AMOUNTS.—Notwithstanding any other provision of this Act—

(1) the Secretary may apply grants pledged pursuant to subsection (a)(2) to any repayments due the United States as a result of such guarantees; and

(2) grants allocated under this Act for an Indian tribe or housing entity (including program income derived therefrom) may be used to pay principal and interest due (including such servicing, underwriting, and other costs as may be specified in regulations issued by the Secretary) on notes or other obligations guaranteed pursuant to this title.

(c) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this title. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

SEC. 603. PAYMENT OF INTEREST.

The Secretary may make, and contract to make, grants, in such amounts as may be approved in appropriations Acts, to or on behalf of an Indian tribe or housing entity issuing notes or other obligations guaranteed under this title, to cover not to exceed 30 percent of the net interest cost (including such servicing, underwriting, or other costs as may be specified in regulations of the Secretary) to the borrowing entity or agency of such obligations. The Secretary may also, to the extent approved in appropriation Acts, assist the issuer of a note or other obligation guaranteed under this title in the payment of all or a portion of the principal and interest amount due under the note or other obligation, if the Secretary determines that the issuer is unable to pay the amount because of circumstances of extreme hardship beyond the control of the issuer.

SEC. 604. TRAINING AND INFORMATION.

The Secretary, in cooperation with eligible public entities, shall carry out training and information activities with respect to the guarantee program under this title.

SEC. 605. LIMITATIONS ON AMOUNT OF GUARANTEES.

(a) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law and subject only to the absence of qualified applicants or proposed activities and to the authority provided in this title, to the extent approved or provided in appropriation Acts, the Secretary may enter into commitments to guarantee notes and obligations under this title with an aggregate principal amount not to exceed $400,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guarantees under this title such sums as may be necessary for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

(c) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this title shall not at any time exceed $2,000,000,000 or such higher amount as may be authorized to be appropriated for this title for any fiscal year.

(d) FISCAL YEAR LIMITATIONS ON TRIBES.—The Secretary shall monitor the use of guarantees under this title by Indian tribes. If the Secretary finds that 50 percent of the aggregate guarantee authority under subsection (c) has been committed, the Secretary may—

(1) impose limitations on the amount of guarantees any one Indian tribe may receive in any fiscal year of $50,000,000; or

(2) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this title.

SEC. 606. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 701. LOAN GUARANTEES FOR INDIAN HOUSING.

(a) DEFINITION OF ELIGIBLE BORROWERS TO INCLUDE INDIAN TRIBES.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1515z-13a) is amended—

(1) in subsection (a)—

(A) by striking "and Indian housing authorities" and inserting ", Indian housing authorities, and Indian tribes,"; and

(B) by striking "or Indian housing authority" and inserting ", Indian housing authority, or Indian tribe"; and

(2) in subsection (b)(1), by striking "or Indian housing authorities" and inserting ", Indian housing authorities, or Indian tribes".

(b) NEED FOR LOAN GUARANTEE.—Section 184(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(a)) is amended by striking "trust land" and inserting "lands or as a result of a lack of access to private financial markets".

(c) IHP REQUIREMENT.—Section 184(b)(2) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(b)(2)) is amended by inserting before the period at the end the following: "that is under the jurisdiction of an Indian tribe for which an Indian housing plan has been submitted and approved pursuant to sections 102 and 103 of the Native American Housing Assistance and Self-Determination Act of 1996 that provides for the use of loan guarantees under this section to provide affordable homeownership housing in such areas".

(d) LENDER OPTION TO OBTAIN PAYMENT UPON DEFAULT WITHOUT FORECLOSURE.—Section 184(h) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(h)) is amended—

(1) in paragraph (1)(A)—

(A) in the first sentence of clause (i), by striking "in a court of competent jurisdiction"; and

(B) by striking clause (ii) and inserting the following:

"(ii) NO FORECLOSURE.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interests of the United States. Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (e)). The Secretary shall be subrogated to the rights of the holder of the guarantee and the holder shall assign the obligation and security to the Secretary.";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(e) LIMITATION OF MORTGAGEE AUTHORITY.—Section 184(h)(2) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(h)(2)), as so redesignated by subsection (e)(3) of this section, is amended—

(1) in the first sentence, by striking "tribal allotted or trust land," and inserting "restricted Indian land, the mortgagee or"; and

(2) in the second sentence, by striking "Secretary" each place it appears, and inserting "mortgagee or the Secretary".

(f) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Section 184(i)(5)(C) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(i)(5)(C)) is amended by striking "1993" and all that follows through "such year" and inserting "1997, 1998, 1999, 2000, and 2001 with an aggregate outstanding principal amount note exceeding $400,000,000 for each such fiscal year".

(g) AUTHORIZATION OF APPROPRIATIONS FOR GUARANTEE FUND.—Section 184(i)(7) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(i)(7)) is amended by striking "such sums" and all that follows through "1994" and inserting "such sums as may be necessary for each of fiscal years 1997, 1998, 1999, 2000, and 2001".

(h) DEFINITIONS.—Section 184(k) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(k)) is amended—

(1) in paragraph (4), by inserting after "authority" the following: "or Indian tribe";

(2) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) is authorized to engage in or assist in the development or operation of—

"(i) low-income housing for Indians; or

"(ii) housing subject to the provisions of this section; and"; and

(B) by adding at the end the following: "The term includes tribally designated housing entities under the Native American Housing Assistance and Self-Determination Act of 1996."; and

(3) by striking paragraph (8) and inserting the following new paragraph:

"(8) TRIBE; INDIAN TRIBE.—The term 'tribe' or 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975.".

(i) PRINCIPAL OBLIGATION AMOUNTS.—Section 184(b)(5)(C) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(b)(5)(C)) is amended by striking clause (i) and inserting the following new clause:

"(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); and".

(j) AVAILABILITY OF AMOUNTS.—

(1) REQUIREMENT OF APPROPRIATIONS.—Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(i)(5)) is amended by striking subparagraph (A) and inserting the following:

"(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent or in such amounts as are or have been provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.".

(2) COSTS.—Section 184(i)(5)(B) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(i)(5)(B)) is amended by adding at the end the following new sentence: "Any amounts appropriated pursuant to this subparagraph shall remain available until expended.".

(k) GNMA AUTHORITY.—The first sentence of section 306(g)(1) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1721(g)(1)) is amended by inserting before the period at the end the following: "; or guaranteed under section 184 of the Housing and Community Development Act of 1992".

SEC. 702. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

(a) AUTHORITY TO LEASE.—Notwithstanding any other provision of law, any trust or restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, subject to the approval of the affected Indian tribe and the Secretary of the Interior, for housing development and residential purposes.

(b) TERM.—Each lease pursuant to subsection (a) shall be for a term not exceeding 50 years.

(c) RULE OF CONSTRUCTION.—This section may not be construed to repeal, limit, or affect any authority to lease any trust or restricted Indian lands that—

(1) is conferred by or pursuant to any other provision of law; or

(2) provides for leases for any period exceeding 50 years.

(d) SELF-IMPLEMENTATION.—This section is intended to be self-implementing and shall not require the issuance of any rule, regulation, or order to take effect as provided in section 705.

SEC. 703. TRAINING AND TECHNICAL ASSISTANCE.

There are authorized to be appropriated for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities such sums as may be necessary for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

SEC. 704. PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.

The Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

(1) in section 5123—

(A) by striking "(including Indian Housing Authorities)"; and

(B) by inserting "tribally designated housing entities," before "and private"; and

(2) in section 5124(a)(7)—

(A) by inserting "or tribally designated housing entity" after "public housing agency"; and

(B) by striking "public housing" after nonprofit;

(3) in section 5125, by inserting "a tribally designated housing entity," after "resident management corporation,"; and

(4) in section 5126—

(A) in paragraph (4)—

(i) in subparagraph (B), by striking "or" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following new subparagraph:

"(D) the Native American Housing Assistance and Self-Determination Act."; and

(B) by adding at the end the following new paragraph:

"(5) TRIBALLY DESIGNATED HOUSING ENTITY.—The term 'tribally designated housing entity' has the meaning given such term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996.".

SEC. 705. EFFECTIVE DATE.

This title and the amendments made by this title (but not including the amendments made by section 704) shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I have the pleasure of bringing before this House the Native American Housing Assistance and Self-Determination Act of 1996, and I begin with my thanks to my colleague and friend, the gentleman from Massachusetts [Mr. KENNEDY], and certainly the gentleman from Minnesota [Mr. VENTO] who also serves on the committee, for their help, as well as the help of the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Arizona [Mr. HAYWORTH], members of the committee, and the help of many others who have, in a collaborative way, helped to bring this to the forefront of our institutional consciousness.

Mr. Speaker, on March 28 of this year I came to this floor and introduced with my colleagues from both sides of the aisle a bill that didn't receive much fanfare. It was not front-page news for major national papers. It didn't make the evening news. Most Americans probably have never heard of the bill, but for native Americans, this may be the most important bill this Congress has considered.

The Native American Housing Assistance and Self-Determination Act of 1996 is a historic step to the promise we made to native Americans and that we make to every American, no matter the community or ethnic background that persons may come from. That promise is at the very foundation of our beliefs, in the Declaration of Independence: "we hold these truths to be self-evident, that all Men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are life, liberty and the pursuit of happiness."

Being able to pursue your own dreams, owning a home, having a decent place live and a community that is empowered to heal itself when necessary, to succeed on its own and, ultimately, to be responsible for its own destiny—these are not gifts we grant to only a chosen few in this country. This promise is what America is about and it is this promise that leads us today to consider the Native American Housing Assistance and Self-Determination Act.

Today, in voting for this bill, we stand up for native Americans and say clearly that these rights we enjoy are everyone's rights. This bill is truly historic. Indian housing programs are not the results of legislation, rather they represent a series of memos exchanged 30 years ago between the Bureau of Indian Affairs and one of the predecessor agencies to the Department of Housing and Urban Development. Indian housing is different than public housing, Indian communities are different than metropolitan communities, in fact Indian communities are often vastly different from one another.

Indian communities suffer from some of the worst housing conditions in the country and without a major change in policies, even the best efforts of Federal and tribal governments will fall short. We need local responsibility and flexibility that lets tribes decide how to spend money rather than asking a bureaucrat in Washington to solve problems for them. No one wants that, not the tribe, not the families, not even the bureaucrat.

We also must recognize that the Federal Government cannot be a paternalistic overseer and cannot provide the kind of broad resources that the private sector can. Already we are beginning to see possibilities for private sector involvement in Indian country. Inroads have been made with the section 184 program, efforts we will improve with this bill. More importantly, Fannie Mae has announced just this year that they will begin to purchase Indian mortgages that don't have any Federal association. This marks a sea-change in Indian finance.

New partnerships between the Federal and tribal governments and the private sector will give local Indian communities the tools they need—and have been asking for—to build a better life for themselves and their members.

The new loan guaranty program that this bill provides to tribes—modeled after the section 108 loan guarantees available to most American communities—will mean more capital to improve housing and build much-needed units. It also means there will be more involvement with private sector financial entities who are so crucial to long-term development in Indian country.

This bill also makes a change to lease-hold provisions that are proving to be a stumbling block to families hoping to buy a home. Right now, a native American living on trust-held land can't get a lease long enough to get a regular 30-year mortgage, the same as someone in my neighborhood. By simply extending the length of the lease period to 50 years, we enable mortgage companies and banks and even the secondary mortgage market to be more involved in mortgage finance. This means new home ownership opportunities for native Americans who otherwise wouldn't be able to get a mortgage and own a home.

I would like to thank my colleagues, not only the more veteran members, but also one of the subcommittee's newest members, my good friend Mr. HAYWORTH, Mr. BEREUTER, the distinguished vice chairman of the Housing Subcommittee, and our colleague from the other side of the aisle, Mr. JOHNSON of South Dakota who was also an original cosponsor of the bill. Their efforts have been crucial in bringing us this far and I offer my heartfelt thanks for all their work.

In anticipation of what I assume will be the response from some of my colleagues from the other side of the aisle, I would like to talk a little bit about how this bill came to pass. This is not a Republican bill or a Democratic bill. This is a bill that comes from Indian country and has, for the last 6 months, been in conference and debate among Members and staffs on both sides of the aisle and in both Houses of Congress.

In support of this process, HUD conducted meetings all across the country to discuss the proposals and elicit comments and suggestions from hundreds of tribal leaders, housing authorities, tenants and other interested parties in open forums.

When the legislation was added to the larger public housing bill in May, it passed by a voice vote with the vocal support of Democrats as well as Republicans. Since that time there have been a number of significant concessions made to accommodate further concerns of the minority, including a maximum rent protection for tenants.

In response to this process, tribes and Indian organizations from all over the country have come together and made clear their support for the bill. National organizations have voiced their support, like the National Congress of American Indians and the National American Indian Housing Council. Even private financial entities like Fannie Mae and Norwest have also spoken out have said that this will make their work in Indian country easier and more effective.

But what has touched me the most has been the outpouring of support from the communities themselves. I have here letters from all over the country. From Douglas, AK; from the Oglala, Sioux in South Dakota and the Iowa Tribe in Oklahoma; from the Chippewa Housing Authority in Wisconsin; the Walker River Housing Authority in Nevada; the Red Lake Housing Authority in Minnesota.

These are not powerful lobbyists or special interest groups in Washington. These are communities out in America who care about their own families and believe that this bill will make a difference.

And I believe they are right.

Mr. Speaker, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I want to thank the gentleman from New York [Mr. LAZIO], my good friend, for all the efforts that he and his staff have made to try and incorporate some of the concerns that we have with regard to this bill. I want to thank him for his friendship and the efforts that he has made to work together over the course of the last couple of years on the committee.

Mr. Speaker, we come here today to talk about an Indian housing bill which we will claim in the rhetoric that we will hear over the course of the next few minutes is going to take enormous steps forward in terms of the plight of Indian housing.

The truth of the matter is, if any Member takes the time to look at Indian housing in America, it has one severe problem that is not addressed in any way, shape, or form in this legislation, and that is that it is terribly underfunded. We can do all sorts of things and make block grants and do all sorts of Band-Aid solutions to the problem, but until we start funding Indian housing to a point where we actually provide people with shelter that is decent, affordable, and works, then none of these Band-Aid solutions are going to make the slightest bit of real difference in terms of the day-to-day lives of tribe after tribe, Indian family after Indian family, across this country.

So let us not pretend in any way that the legislation that we have today will significantly change the lives and the housing concerns of the vast majority of Indians. And I am sure that the gentleman from New York [Mr. LAZIO] would agree that we need to put a much greater amount of money into Indian housing if we are truly going to fix the plight that Indians face in America.

Mr. Speaker, this bill separates out the Indian housing from the standard public housing programs. It gives tribal housing authorities the additional flexibility that they need to meet the unique housing problems that many native Americans face.

This is a goal that we all share, and I commend the gentleman from New York for working to address the concerns and problems that Indians in America do face. However, the bill has not gone through the normal legislative process so there are still some concerns that remain.

For example, Mr. Speaker, the bill allows Indian housing authorities to demolish public housing without any input from the Secretary of HUD. The bill also allows Indian housing authorities to have access to the criminal records of tenants and applicants to Indian housing.

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This is consistent with current law. However, the kinds of privacy protections that exist in current law with regard to the handling of criminal records are not included in this bill. There are also concerns about the grievance procedures which remain unclear and concerns about a new Government loan guarantee program which are also contained in the legislation.

In addition, a number of eastern tribes, particularly I know of one in my own State, had been opposing the bill because they were concerned that the formula likely to result from it would greatly reduce the funding for their housing authorities. In fact, some tribes are worried that they may be forced to shut down existing public housing.

I understand that the legislation has been changed to address this concern and that the bill will provide existing Indian housing with the funding necessary to maintain current operations and that existing Indian housing authorities would not lose funding as a result of this bill.

I wondered if we could enter into a short colloquy to make sure that we understand that and that anyone who reads this legislation will understand that this is the intent.

Mr. LAZIO of New York. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Speaker, pursuant to the gentleman's concern, I had drafted into this version of the bill, included in the language of the bill a provision that specifically requires the allocation formula to provide for the continued operation and modernization needs of existing housing units. The consequence of that is that no tribe or Indian housing authority will suffer unanticipated consequences of a new formula while continuing to guarantee that tribes will play a large role in determining the funding allocation to the negotiated rulemaking process. It is essentially a hold harmless agreement for the tribes in the east.

Mr. KENNEDY of Massachusetts. I very much appreciate the gentleman's willingness to work with us on that issue. It makes an enormous difference to tribes that could potentially be detrimentally affected by this legislation.

With that information, I would like to thank, again, Mr. LAZIO and his staff for their willingness to respond to this and a number of concerns raised by the administration on behalf of Members on this side of the aisle. I look forward to working with him on this bill as it continues to go not only through this session but in all likelihood the next session as well.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER], vice chairman of the Subcommittee on Housing and Community Opportunity.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R 3219, the Native American Housing Assistance and Self-Determination Act of 1996. This legislation was added by a bipartisan voice vote as an amendment to H.R. 2406, the U.S. Housing Act, which apparently and unfortunately will not be enacted this Congress.

My understanding is that Secretary Cisneros was visiting one of the Arizona tribes and he asked them, what is the most important thing that could be done to assist you with your housing needs out here? And they surprised him by saying, Pass the legislation that has been reported out of the House subcommittee.

It is true, as Mr. KENNEDY suggests, that in fact Indian housing has been and continues to be underfunded in light of the needs that are there. But this legislation additionally will stretch the taxpayers money much further as a result of the loan guarantee programs. And I say without hesitation that this is the most important Indian housing legislation ever considered by this Congress or any other Congress.

The concepts contained in this legislation are widely supported by Indian groups, including the National American Indian Housing Council. This revolutionary measure for the first time decouples predominantly rural Indian housing from the laws which were designed to govern urban public housing.

Additionally, H.R. 3219 creates flexible block grants to tribes or their tribally-designated housing entity; recognizes and supports the unique government-to-government relationship between Indian tribes and the U.S. Government and restates the value of having local control by giving the tribes greater flexibility in providing housing; creates a consolidated Native American Housing Grant—HUD's Office of Native American Programs will be dedicated to helping Indian communities meet their housing needs, with a common goal of achieving economic self-sufficiency, and involves private capital markets and private lenders in improving economic conditions by removing the legal barriers which have kept private investors from participating in Indian country.

Also, this Member is pleased that reforms to the section 184 Indian housing loan guarantee program, which he originally authorized in the 102d Congress, are included in this legislation. These reforms were drafted in cooperation with the administration, and make three very simple but important improvements to the section 184 Indian Housing Loan Guarantee Program, first authorized through the Housing and Community Development Act of 1992. This loan program, administered by the Department of Housing and Urban Development's Office of Native American Programs, has proven to be a highly popular and effective way to bring private market participation to meet the housing needs in Indian country.

The current loan guarantee program allows Indians and Indian Housing Authorities [IHAs] access to private financing that otherwise would not be available to them because of the unique legal status of Indian trust land. The Indian Housing Loan Guarantee Fund is used to guarantee loans made to Indian families and IHAs for the construction, acquisition, and rehabilitation of 1-4 unit family dwellings. This must be standard housing and must be located on trust land or land located in an Indian or Alaskan native area.

HUD works with tribes, lenders, and the Bureau of Indian Affairs to administer the loan program. HUD issues prequalification commitments based on information received from the lender. The lender completes property underwriting, and then submits the loan to HUD for firm commitment. After the commitment is issued, the loan is closed and serviced by the lender.

As mentioned a moment ago, this legislation makes three simple changes to the section 184 program. First, the maximum loan amount is raised to bring it in line with the widely used FHA single-family loan program. Specifically, for loans with appraised values of $50,000 or less, the maximum loan amount will be 98.75 percent of the appraised value. For loan on properties valued above $50,000, the loan may be 97.75 percent of the appraised value.

The second change made by this amendment is simple yet very important. Because the construction process often does not conform to the congressional budget cycle, this amendment authorizes funds appropriated to remain available until expended.

The final change made by this Member's amendment is an expansion of the authority of the Government National Mortgage Association, also known as Ginnie Mae, to purchase loans guaranteed under this program. Without this expansion, Ginnie Mae is not authorized to participate in Indian country. This Member would like to note that the Nation's largest housing secondary market, Fannie Mae, has been instrumental in the programs early success. However, now is not the time to limit the sources of capital for participating lenders. Rather, by adding Ginnie Mae as an additional source of funds, this amendment would expand the capital available in Indian country.

Mr. Speaker, this Member again strongly urges his colleagues to support Native Americans and the American Taxpayers by voting in favor of this legislation.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO], who has done yeoman work on this bill and has worked very hard in the last several days, in the addition to the months prior to it.

Mr. VENTO. Mr. Speaker, I thank the chairman, the gentleman from New York, Congressman LAZIO, for his work on this and other Members.

Mr. Speaker, I think we have a serious problem with regard to housing policy and the housing quality of native Americans across the country. In fact, I think as we look at housing we find it to be some of the poorest quality housing in the Nation. It is an area that is important for us to focus on insofar as we can these remaining days to try and see if we can put in place a policy that will help.

I especially appreciate the guidance and support that I have received from various native American groups in Minnesota, from the Red Lake group and Bobby Whitefeather and from the Mille Lacs group and Marge Anderson. We are very concerned in trying to come back with a policy that will give them greater flexibility.

This piece, this legislation selects one element in the native American housing and tries to change it. I think we need to be cognizant of the fact that there are other programs in the Department of the Interior that provide for construction, that provide for infrastructure, that are absolutely elemental to deal with the quality of life and Indian housing across this Nation.

But through this piece of work and the role of the Housing and Urban Development Department, the hope here is that the consolidation of these separate programs, the construction programs and section 8 programs and assisted housing programs into a consolidated block grant will give greater flexibility and provide better quality housing.

We remain concerned about how they will fit together with other programs in terms of the Farmers Home Administration, how they fitted together with other programs such as owner type of properties, and, of course, hopefully we can address them. The unique problem here, of course, is that very often these lands on which this housing is built is of course native American lands. So they do not always have the same warrants; they do not have the same legal status as other private properties across this country with regard to many of those programs.

Some unique problems exist. After having a single hearing this year on this subject, which was good to have had and not having acted on this in subcommittee or full committee of jurisdiction. We accepted an amendment on the floor with the hope that a lot of refinement could take place in the conference with regard to these measures.

I regret that today I come here with many questions but fundamentally in support of this bill with the hope that some of those details will not hinder the implementation and the good intentions that are apparent on the part of the sponsors of this legislation and on the part of the native American groups that are so strongly in support of gaining this new flexibility. I am concerned, I guess it is probably a good thing we will maintain a Corrections Day Calendar next year because I think we will have a lot of candidates from this bill for that calendar. It may be just the complexity of the issue. It may be that we did not have the time, but nevertheless I stand in support of it today with the hope that it will provide the promise that is being extended here to native American groups and can move them from having the poorest quality housing in this Nation to, in fact, addressing the serious problems that occur across this Nation in native American areas.

I support it and I offer a statement for the RECORD with regard to specifics:

Mr. Speaker, I therefore rise in general support of this bill because I know that the measure is strongly supported by native Americans across this country who would like to move forward with critically needed reforms to their housing programs. A great deal of time and effort has been expended by the native American groups on this legislation and its many versions and I recognize the key accommodations Chairman LAZIO has made on several issues of importance: Brooke, labor standards, and the hold-new harmless provisions. Therefore I'm pleased to leave unresolved questions unanswered and support this fundamental changes regards policy moving from specific housing construction and assistance to a block grant with great flexibility.

My reservations about the bill surround a number of issues and overarching policy questions that today have no clear answers. These are fundamental questions: For example, questions such as the maintenance of rental housing is not mentioned in eligible activities. Neither is rental assistance. Are these eligible activities? What happens to section 8 rental assistance administered by an IHA when the 1937 act is no longer in force? What is the impact on certain tenant protections such as grievance procedures? Why have we authorized yet another loan guarantee program that doesn't appear to have collateral to guarantee the repayment of borrowing? Without such funding the loan program will not exist in reality only on paper, hardly the answer that is promised.

Other questions persist that while not fatal are important.

During the one hearing held this session, allowable administrative fees were a major point of the few witnesses. What percentage is allowable for administrative fees? It appears left to secretarial discretion. Although access to McKinney funds will no longer be available, it is not apparent to me how the homeless, other than as low-income eligible, will receive assistance.

Indian country is not the same in culture nor geography nor needs as other entitlement communities and entities that receive grants and housing assistance. This bill recognizes that and moves in the direction of appropriate changes. Nonetheless, the operation programmatic elements of the programs are important and it would appear that some of these need more refinement. There are technical as well as substantive problems with this bill. Much, in fact too much, appears left to secretarial discretion or regulation without adequate congressional direction and definition.

As we come to the end of this session, in the rush to adjourn this important rewrite of a bill is going to receive too little attention, the provisions of which will not take effect until fiscal year 1998 at the earliest. The urgency to achieve a legislative accomplishment may well result in a full agenda for the 1997–98 Corrections Day Calendar. I will support the bill today to move this initiative forward because it is too late in the day for the technical fixes that are needed.

I thank the gentleman from Massachusetts, and I thank the gentleman from New York for his accommodation on some of the measures that were so important to us both in terms of the labor provisions and some of the others. We will obviously have to address these as we move forward in terms of housing policy in the future.

Mr. LAZIO of New York. Mr. Speaker, I want to thank the gentleman for his support.

Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], my distinguished colleague.

Mr. YOUNG of Alaska. Mr. Speaker, I want to compliment the gentleman and the gentleman from Massachusetts [Mr. KENNEDY], for this legislation.

I strongly support H.R. 3219. I can suggest as one who has lived, worked and loved with the American natives in Alaska, I have watched the present program in housing not work. We have had housings in Alaska that were under Government control that had such audacity as to say you could not put a storm porch in Nome, AK, on federally built housing because it did not meet their code or did not meet their design.

I do not know how many have been to Nome, AK, but the wind blows about 84 miles an hour off the Bering Sea. It is an example to take into consideration of the native people up there and their needs or their designees and what should or should not be done.

I think there is another example of what we can do with the diminishing dollars we have and get a better result of what we are trying to accomplish. That is provide housing to the American natives. I hope some of you have an opportunity to go into some of the areas with the American natives and see some of the poor housing that does exist today. Many of you have seen pictures on TV about the Third World countries. We have housing actually under Government control, probably some of the most deplorable housing that exists in the United States today on not only the reservations but off the reservations such as in Alaska and the Alaska Natives.

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The need is well and overwhelming. I think this legislation, in fact I know this legislation, is an improvement, and I hope that it will solve many of the housing problems that the American natives have faced over the years. It is wrong in our Nation when we have a trust responsibility to American natives that they have not had the flexibility that this bill provides, so I want to compliment the authors and the people that have worked on this legislation, as I do think they have addressed the issues very well in this legislation. And this will work; we will have much better housing.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I just would look forward to joining with my friend, the gentleman from Alaska [Mr. YOUNG], in trying to find additional dollars next year for this and other housing programs because I think he has articulated the fact that we need to streamline the bureaucracy, but we also need more money for the housing program.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend the gentleman from New York [Mr. LAZIO] and our friend, the gentleman from Massachusetts [Mr. KENNEDY], for bringing this piece of legislation up for consideration by this body. As the gentleman from Alaska, who is the chairman of the Committee on Resources, stated earlier it is his committee which has jurisdiction in dealing with the needs of our native Americans, Mr. Speaker, the first Americans, if I might say, 2 million of them.

I recall recently that here we have a situation where we need $5 million to provide for sanitation facilities for these first Americans and we cannot even come up with $5 million. This is how difficult the problems are that we have. And yes, we all know about the budgetary constraints. I do not have to share with my colleagues the plight of the first Americans. It is well documented; everybody knows. I know with our good-faith efforts we know we have not met the expectations or the problems affecting the needs of native Americans, but perhaps it may be the provisions of this legislation are a good start. But we need to do more, my colleagues. We need to do more to provide for the needs of our first Americans.

I thank the gentleman for giving me time to share these thoughts with them.

Mr. LAZIO of New York. Mr. Speaker I yield 3 minutes to the distinguished gentleman from Arizona [Mr. HAYWORTH] who was so instrumental in having this bill drafted and moved to the floor.

Mr. HAYWORTH. Mr. Speaker, I would thank my good friend from New York, Mr. LAZIO, for recognizing me and allowing me to take this time to discuss this legislation, and I would thank those on the minority side who have worked with us in this regard.

Mr. Speaker, I come to the well of this House today to voice my strong support for H.R. 3219. Washington has changed in a great many ways since many of us came to the Congress of the United States in January 1995. Chief in those changes has been this recognition, that one size does not fit all. Nowhere do we have greater evidence of this truth than when it comes to the challenge of housing for native Americans.

I represent the Sixth District of Arizona. More Indians live on reservation land in the Sixth District of Arizona than in any other district in the contiguous United States. We could use the bureaucratic euphemism that their housing is substandard, and yet that description in itself is sorely lacking; it indeed is substandard.

But with this legislation today, we acknowledge the fact that Indian housing, based on the solemn and, dare I say, sacred trust obligations of the treaties, which my good friend from Alaska mentioned minutes ago, will be recognized to be profoundly different than the public housing programs in metropolitan areas.

Moreover, Mr. Speaker, with this legislation we do something that almost all of Indian country has called for time and again on a variety of programs. We block-grant that money directly to the Indian tribes so they do not have to come through the Washington bureaucracy, so they do not have to wait for set-asides from respective State governments. We say to the first Americans in this instance, "You are not the forgotten Americans, and moreover, you have the right to self-determination, to self-governance, to decide how best to spend this money."

I would like to thank the chairman of the subcommittee, the gentleman from New York, not only for seeking the advice and the input of our colleagues in the minority in this body, but for traveling throughout this country, indeed for coming to the great State of Arizona and hearing directly from the people who will be most affected by this legislation, for if there is another lesson of this 104th Congress, it is this: The best solutions are not fashioned by those who reside here inside this Beltway. Ofttimes the best solutions come from the people directly affected who stand to have their own lives improved, who stand to make more of their lives, who must confront this problem every single day. So we provide the flexibility, we provide the funds directly to the tribes, and we recognize that in this country once again in solving problems one size does not fit all.

Join us in supporting this legislation.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I have no other speakers and I yield back the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say then in conclusion, thanking my colleague, the gentleman from Massachusetts [Mr. KENNEDY], for his cooperation and moving this bill through the process and bringing it to the floor right now, thanking him for working with our staff, and for his staff, particularly Jonathan Miller, working with ours to make sure that this day was possible. As the gentleman from Arizona [Mr. HAYWORTH] said, this is truly an historic day, not just because of the substance we bring before the House, but because of the process which made this day possible, the sense of consultation, of collaboration with those who are most affected by it, the native Americans.

The major principles, Mr. Speaker, are clear. Separating Indian housing from urban public housing programs, not because one is right and one is wrong, but because they are different, taking responsibility for the local level, for their tribes and designees to decide on their own how to overcome their own problems with the partnership dollars that we are going to be providing, ending decades of overly prescriptive policies and bureaucratic entanglements and providing more flexibility so the people who want to provide housing can be focused on the mission of providing housing, not on networking with rules and regulations and performance standards irrelevant to the communities that they serve; replacing dozens of programs and set-asides and bigger programs and combining them into more efficient block grants, again so that the people who service the communities and native American Indian country can spend their time providing the services of economic development and providing decent, affordable and healthy housing without having to spend more and more time interfacing with bureaucrats in Washington; making sure that long term strategies are the basis for our work; recognizing the unique government-to-government relationship between tribes and the Federal Government; providing new tools for developing housing outside the cookie cutter approach of public housing, but protecting good existing housing; changing wrong-headed short-term lease provisions on trust land that can help make banks and secondary mortgage markets wary of private investment in Indian country, replacing it with a 50-year leasehold which will allow more liquidity and more money for native Americans to pursue their own dreams; performing the successful section 108 program that my colleague, the gentleman from Nebraska [Mr. BEREUTER] helped pioneer in encouraging more lenders to be involved; and involving again hundreds of Indian leaders and Indian housing experts in an unprecedented process of inclusion in native American policy making.

Mr. Speaker, this is a historic opportunity to do for native Americans something that is long overdue, to listen, to lead and to deliver. With this one sweep, Mr. Speaker, we will be able to put native Americans in a position where they can provide better and more decent housing for those who need it most.

I urge my colleagues in a bipartisan way to support this measure, to vote aye to make this day possible for native Americans.

I include for the RECORD a section-by-section description regarding H.R. 3219, as amended.

H.R. 3219—SECTION BY SECTION

§1. Short Title.

"Native American Housing Assistance and Self-Determination Act of 1996."

§2. Congressional Findings.

States 7 Congressional findings.

§3. Administration through Office of Native American Programs.

Requires ONAP to administer program.

§4. Definitions.

Defines terms for title VII:

(1) affordable housing;

(2) families and persons (defining single persons, families, absence of children, elderly person, person with disabilities, displaced person, and near elderly person (50+));

(3) grant beneficiary (tribe or tribes);

(4) Indian;

(5) Indian area;

(6) Indian tribe;

(7) local housing plan;

(8) LI family;

(9) median income;

(10) recipient (tribe or tribally designated housing entity for the tribe);

(11) tribally designated housing entity;

(12) Secretary.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

§101. Block Grants.

(a) Authority. Requires HUD (subject to funding) to make grants on behalf of Indian tribes to carry out affordable housing activities. Requires HUD to provide grants for the tribe directly to the recipient for the tribe.

(b) Plan Requirement. Permits HUD to make grants only if tribe has submitted an Indian housing plan under §102 for the fiscal year and HUD determines it complies with §102. Permits HUD waiver if needed due to circumstances beyond control of the tribe.

(c) Local Cooperation Agreement. Secretary may not make a grant under this Act unless the governing body of the locality within which the housing will be situated in has entered into an agreement with the recipient to provide local cooperation as required by the Secretary pursuant to this Act.

(d) Exemption from Taxation. Provides that: (1) Affordable housing assisted with grant amounts is exempt from all real and personal property taxes levied and imposed by any jurisdiction;

(2) the recipient makes annual payments of user fees to compensate such governments for the cost of providing governmental services including police and fire protection, roads, water and sewer systems, utilities systems and related facilities, or payments in lieu of taxes in an amount equal to the greater of $150 per dwelling unit, 10% of the difference between the shelter rent and utility cost or such lesser amount as prescribed by law, is agreed to by the local governing body in the agreement under subsection (c) or the recipient and the local governing body agree that such payments shall not be made;

(e) Effect of Failure to Exempt from Taxation. Provides that notwithstanding subsection (d), a recipient that does not comply may receive a block grant, but only if the local government within which the affordable housing development is located contributes in cash or tax remission the amount by which the taxes paid exceed the amounts prescribed in subsection (d)(2).

(f) Amount. For a recipient whose grant beneficiary is one tribe, the grant is the amount for the tribe determined under §301. For a recipient whose grant beneficiary is more than one tribe, the grant is the amount for each tribe.

(g) Use for Affordable Housing Activities. Except for administrative expenses under (h), requires grants to be used only for affordable housing activities consistent with the housing plan approved under §103.

(h) Administrative Expenses. Requires HUD, by regulation, to authorize each recipient to use a percentage of any grant for any administrative and planning expenses of the recipient related to carrying out title VII and activities assisted with such grants, including salaries and expenses of preparing a local housing plan under §102. Requires regulations to specify percentage caps for *each* recipient and permits HUD to review the percentage and revise it.

(i) Public-Private Partnerships. Provides that each recipient shall make all reasonable efforts to maximize participation by the private sector in implementing the plan.

§102 Indian Housing Plans (IHPs).

(a) Plan Submission. Requires the Secretary to provide for an Indian tribe to submit a housing plan each fiscal year for that tribe or tribally-designated housing entity and to review such plans.

(b) 5-Year Plan. Requires each IHP to contain, for the 5-year period beginning with the fiscal year for which the plan is submitted, the mission statement for serving low-income families, goals and objectives that will enable the tribe to accomplish that mission and the activities planned.

(c) 1-Year Plan. Provides that an IHP shall contain the following information:

(1) Goals and Objectives.

(2) Statement of Needs, including a description of estimated needs for low-income housing in the jurisdiction of the recipient and the geographic distribution of those needs.

(3) Financial Resources, including a description of how the available funds will be used to leverage additional resources.

(4) Affordable Housing Resources:

(A) a description of significant characteristics of the housing market in the jurisdiction;

(B) a description of the structure, coordination, means of cooperation between the governmental entities in the development, submission and implementation of housing plans, including a description of the involvement of private, public and nonprofit organizations and the use of Section 184 and other loan guarantees;

(C) a description of how the plan will address needs identified under paragraph (2).

(D) a description of how the recipient will protect and maintain the viability of housing owned and operated by the recipient under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937;

(E) a description of any existing or anticipated homeownership programs;

(F) a description of any existing or anticipated rehabilitation programs;

(G) a description of all other existing or anticipated housing assistance provided by the recipient during the period, including transitional housing, homeless housing, college housing, and supportive services housing;

(H) a description of any housing to be demolished or disposed;

(I) a description of how the recipient will coordinate with tribal and State welfare agencies to ensure that residents of such housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

(J) a description of requirements established by the recipient to promote the safety of residents of such housing and facilitate crime-prevention measures;

(K) a description of the entity that will carry out activated under the plan, including the organizational capacity and key personnel of the entity.

(5) Certification of Compliance. Evidence of compliance which shall include:

(A) a certification that the recipient has complied with title II of the Civil Rights Act of 1968;

(B) a certification that the recipient will maintain adequate insurance coverage for housing units owned or operated or assisted with amounts provided under this Act;

(C) a certification that policies are in effect and available for review by the Secretary and the public governing eligibility, admission and occupancy of families for housing assisted with grant amounts under this act;

(D) a certification that policies are in effect and available for review by the Secretary and the public governing rents charged, including methods by which rents or homebuyer payments are determined;

(E) a certification that policies are in effect and available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts under this act.

(d) Participation of Tribally Designated Housing Entity. Permits housing entity to prepare and submit an LHP, but only if it contains a certification by the recognized tribal government of the grant beneficiary that the tribe has had an opportunity to review the plan and has authorized its submission by the housing entity.

(e) Coordination of Plans. Permits plan to cover more than one tribe if subsection (d) certification requirements are complied with by each tribe.

(f) Plans for Small Tribes. Requires HUD to establish separate requirements for small tribes and small housing entities. Requires the HUD requirements to waive any requirements HUD determines are burdensome or unnecessary for such small tribes and entities. Requires HUD to define small, based on number of units assisted under this title or 1937 Act.

(g) Regulations. Requires content requirements of IHPs be established by regulation, pursuant to §106.

§103 Review of Plans.

(a) Review and Notice. Requires HUD to conduct a limited review to ensure compliance with §102. Gives HUD discretion to review a plan only to the extent HUD considers necessary. Requires HUD to notify tribe and any housing entity whether it complies within 60 days after receipt. If notice not given, plan considered to comply.

(b) Notice of Reasons for Determination of Noncompliance. Where applicable, requires HUD to notify tribe and any housing entity of reasons for noncompliance, and any necessary modifications.

(c) Review. Permits HUD to determine a plan does not comply only if:

i. set forth information required under §102;

ii. plan is consistent with information and data available to the Secretary and are prohibited by or inconsistent any provision of the act or other applicable law;

If the Secretary determines that any of the certifications required in §102(c)(5) are not included in the plan, it shall be deemed incomplete.

(d) Updates to Plan. After submission under §102, permits tribe to comply for future years (for one-year or five-year plan) by submitting only information needed to update the plan. Not less than once every 5 years, the tribe shall submit a complete plan.

(e) Effective Date. This section and §102 shall take effect on the date provided by the Secretary pursuant to §106(a).

§104 Treatment of Program Income and Labor Standards.

(a) Program Income. Permits a recipient to retain any program income realized from any grant amounts if it was realized after initial disbursement; and recipient has agreed it will use program income for affordable housing activities. Prohibits HUD from reducing grant amounts based solely on whether the recipient retains program income; or the amount of any program income retained or whether the recipient retains reserve amounts described in §210. Permits HUD, by regulation, to exclude from consideration as program income amounts determined to be so small that compliance would create an unreasonable administrative burden.

(b) Labor Standards. Maintains existing law governing the application of prevailing wage requirements to public housing assisted under the United States Housing Act of 1937.

§105. Environmental Review.

Authorizes assumption of environmental review responsibilities by tribes.

§106. Regulations.

(a) Transition Requirements.

(1) In General. Not later than 90 days after the enactment of this act, the Secretary shall, by Federal Register notice, establish any requirements necessary to provide for the transition from assistance under the U.S. Housing Act of 1937 and related provisions of law to the provisions of law to the provision of assistance in accordance with this act.

(2) Public Comments. In General notice of proposed rulemaking. The Federal Register notice shall invite public comments regarding the transition requirements and final regulations to carry out this act and include a general notice of proposed rulemaking (for purposes of §564(a) of Title V of USC) of the final regulations under subsection (b).

(b) Final Regulations.

(1) Timing. The Secretary shall issue final regulations to carry out this act not later than September 1, 1997 and such regulations shall take effect not later than October 1, 1997.

(2) Negotiated Rulemaking Procedure. Requires final regulations to be issued according to a negotiated rulemaking procedure, and requires HUD to establish a negotiated rulemaking committee, to include only representatives of the Federal government and of geographically diverse small, medium and large Indian tribes and shall not preclude the participation of TDHE, should tribes elect to be represented by such entities.

(c) Effective Date. This section shall take effect on the date of enactment of this act.

§107. Effective Date.

Except as otherwise expressly provided in this act, this act and the amendments made by this act shall take effect on October 1, 1997.

§108. Authorization of Appropriations.

Authorizes such sums as may be necessary for FYs 1998–2001.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

§201. National Objectives and Eligible Families.

(a) Primary Objective. Specifies 5 national objectives.

(b) Eligible Families.

(1) In General. Limits assistance to low-income Indian families on Indian reservations and other Indian areas.

(2) Exception to Low-Income Requirements. Permits assistance for homeownership activities under §202(2), model activities under §202(6), or loan guarantee activities under Title VI to non-low-income families, if HUD approves because there is a need for housing for such families that cannot reasonably be met without such assistance. Requires HUD to set limits on amount of assistance that may be provided for non-low-income families.

(3) Non-Indian Families. Notwithstanding paragraphs (1) Permits recipients to provide housing or housing assistance through affordable housing activities for a non-Indian family on an Indian reservation or other Indian area if recipient determines presence of the family is essential to well-being of Indian families and the need for housing cannot reasonably be met without such assistance.

(4) Preference for Tribal Members or Other Indian Families. Permits the IHP to require preference to be given, to the extent practicable, to Indian families who are members of the tribe or to other Indian families. Requires recipients to ensure that housing activities assisted under this act are subject to any such preference.

(5) Exemption. Makes title VI of the 1964 CRA and the Fair Housing Act inapplicable to actions by Indian tribes under this subsection.

§202. Eligible Affordable Housing Activities.

Defines affordable housing activities to develop or support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

(1) Indian Housing Assistance: mod or operating assistance.

(2) Development: acquisition, new construction, reconstruction, or mod or sub rehab, which may include real property acquisition, site improvement, development of utilities or utilities services, conversion, demolition, financing, administration and planning and other related activities.

(3) Housing Services: counseling, establishment and support of resident organizations, energy auditing and other specified examples.

(4) Housing Management Services: preparation of work specs and other specified examples.

(5) Crime Prevention and Safety Activities: safety, security, and law enforcement measures and activities appropriate to protect residents.

(6) Model Activities: activities under model programs designed to carry out purposes of this act and specifically approved by HUD as appropriate.

§203. Program Requirements.

(a) Rents.

(1) Establishment. Subject to paragraph (2), each recipient shall develop written policies governing rents and homebuyer payments including the methods by which such payments are determined.

(2) Maximum Rent. For any low-income family assisted with grant amounts under this act, the monthly rent or homebuyer payment may not exceed 30% of the monthly adjusted income of such family.

(b) Maintenance and Efficient Operation. Requires any recipient that owns or operates (or is responsible for funding any entity that owns or operates) housing developed or operated under a HUD/IHA contract under the 1937 Act to use amounts under this act to reserve and use for operating assistance under §202(1) necessary amounts to provide for continued maintenance and efficient operation of such housing.

(c) Insurance Coverage. Requires each recipient to maintain adequate insurance coverage for housing assisted under this act.

(d) Eligibility for Admissions. Each recipient shall develop written policies governing the eligibility, admission and occupancy of families assisted under this act.

(e) Management and Maintenance. Each recipient shall establish policies governing the management and maintenance of housing assisted under this act.

§204 Types of Investments.

(a) In General. Subject to §203 and the IHP, the recipient shall have (i) discretion to use grants for affordable housing activities through equity investments, interest-bearing or non-interest-bearing loans or advances, interest subsidies, leveraging, or any other assistance HUD determines is consistent with the purposes of this act and the right to establish the terms of assistance.

(b) Investments. Recipient may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligation as approved by the Secretary.

§250. Low-Income Requirement and Income Targeting.

Permits housing to qualify as affordable housing only if:

(a) In General.

(1) Each unit in the housing is made available for occupancy only by a family that is a low-income family at time of initial occupancy (rental housing) or purchase (homeownership). Except for housing assisted under §202 of the United States Housing Act of 1937 (as in effect before the date of effectiveness of this act), each dwelling unit will remain affordable, according to binding commitments satisfactory to the Secretary, for the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership, or for such other period that the Secretary determines is the longest feasible period of time consistent with sound economics and purposes of this act.

(b) except for mutual help housing under the 1937 Act, each unit will remain affordable for remaining useful life of the property without regard to the term of the mortgage or transfer of ownership, or for such other period HUD determines is the longest feasible period of time consistent with sound economics and the purposes of this act. However, affordability requirement is lifted upon foreclosure (or other transfer in lieu of foreclosure) if such action:

(i) recognizes any contractual or legal rights of public agencies, non-profit, or others to take actions that would avoid termination of low-income affordability; and

(ii) is not for purpose of avoiding low-income affordability restrictions.

§206. Certification of Compliance with Subsidy Layering Requirements.

Provides that the subsidy layering requirements of §102(d) of the HUD Reform Act of 1989 shall be considered to be satisfied upon certification by the Secretary that the combination of Federal assistance provided to any project is not more than necessary to provide affordable housing.

§207. Lease Requirements and Tenant Selection.

(a) Leases. Requires an owner or manager of rental housing assisted under this act to utilize leases that:

(1) do not contain unreasonable terms and conditions.

(2) require the owner or manager to maintain the housing.

(3) require the owner or manager to give adequate written notice of termination, which shall be the period required under applicable law.

(4) specify that for any notice of eviction or termination, nonwithstanding any other law, a resident shall be informed of the opportunity, prior to any hearing or trial, to examine any relevant documents, records or regulations directly related.

(5) require that the owner or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violations of the terms or conditions in the lease, violations of applicable laws, or for other good cause.

(6) provide that the owner or manager may terminate tenancy for any activity, engaged in by the resident, any member of the resident's household, or any guest or other person under the control of the resident that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the owner or manager;

(B) threatens the health or safety of, or right to peaceful enjoyment of the premises by, persons residing in the immediate vicinity of the premises; or

(C) is criminal activity (including drug-related criminal activity) on or off the premises.

(b) Tenant Selection. Requires owners and managers to adopt and use written tenant selection policies and criteria that:

(1) are consistent with the purpose of providing housing for low-income families:

(2) are reasonably related to program eligibility and the applicant's ability to perform obligations of the lease; and

(3) provide for selection of tenants from a written waiting list in accordance with the IHP, and prompt notification in writing of the grounds for rejection.

§208. Availability of Records.

Provides access to National Crime Information Center data for applicants or tenants of housing assisted with grant amounts provided for under this act.

§209. Repayment.

If at any time during the useful life of the housing assisted under this act the housing does not comply with §205(2), requires HUD to reduce future grant payments by an amount equal to the grant used for such housing (under authority under §401(a)(2)) or require repayment to HUD of such amount.

§210. Continued Use of Amounts for Affordable Housing.

Requires funds for low-income housing programs under the 1937 Act that, on the date this act begins to apply to an Indian tribe, are owned by, or in the possession or under the control of, the IHA for the tribe, including all reserves not otherwise obligated, to be considered assistance under this act and subject to this act regarding the use of such assistance.

TITLE III—ALLOCATION OF GRANT AMOUNTS

§301. Annual Allocation.

Requires HUD, for each fiscal year, to allocate amounts made available for grants under this title by formula, established under §302, among Indian tribes that comply with grant requirements.

§302. Allocation Formula.

(a) Establishment. Requires HUD, by regulations issued in accordance with §106, to establish a formula to allocate amounts made available for grants under this title among Indian tribes.

(b) Factors for Determination of Need. Requires that formula be based on factors that reflect affordable housing needs of Indian tribes, including (1) number of LI units owned or operated pursuant to a HUD/IHA contract, (2) extent of poverty and economic distress within Indian areas of the tribe, and (3) other objectively measurable conditions specified by HUD.

(c) Other Factors for Consideration. Requires the Secretary to consider non-quantifiable factors such as the relative administrative capacities of a recipient, geographic and the funding streams available to a State recognized tribe and whether terminations under title V will negatively impact those funds equally with federally-recognized tribes.

(d) Funding for Public Housing Operation and Modernization.

(1) Full Funding. The formula shall provide that in any fiscal year in which the total appropriated amount for the block grant exceeds the total of public housing operation and modernization assistance provided to tribes and/or IHAs in FY 1996, the formula shall apportion not less than the IHA or tribe received in FY 1996 for those purposes.

(2) Partial Funding. The formula shall provide that in any fiscal year in which the total appropriated amount for the block grant does not exceed the total of public housing operation and modernization assistance provided to tribes or IHAs in FY 1996, the formula shall apportion not less than the ratio received by each individual IHA or tribe in FY 1996.

(e) Effective Date. This section shall take effect on the date of enactment of this act.

TITLE IV—COMPLIANCE, AUDITS AND REPORTS

§401. Remedies for Noncompliance.

(a) Actions by Secretary Affecting Grant Amounts. Requires HUD, after reasonable notice and opportunity for hearing, to take action against recipients for noncompliance, including:

(1) terminating payments,

(2) reducing payments commensurate with amount improperly expended,

(3) limiting payments to activities not affected by noncompliance, and

(4) replacing recipient with tribally designated housing entity pursuant to §402(b) for substantial or willful noncompliance. Requires continuation of action under (1), (2), or (3) until Secretary determines that noncompliance has ceased.

(b) Noncompliance Because of Technical Incapacity. Authorizes HUD to provide technical assistance (directly or indirectly) to recipient to increase its capability and capacity to administer grants under this title If HUD determines that noncompliance of recipient is not willful and is a result of limited capability and capacity.

(c) Referral for Civil Action. Authorizes HUD to refer substantial noncompliance to Attorney General for appropriate civil action. Authorizes Attorney General to bring civil action in appropriate Federal district court and to seek appropriate relief, including recovery of amount improperly expended, or for mandatory or injunctive relief.

(d) Review. Authorizes recipient that receives notice of an adverse action for noncompliance to petition appropriate Federal Court of Appeals for review of such action. Establishes procedural requirements for petitioner and HUD, and the jurisdiction of the court.

§402. Replacement of Recipient.

a. Authority. As a condition of a grant, Indian tribe agrees that HUD may, under limited circumstances, require that a replacement tribally designated housing entity serve as recipient for tribe.

(b) Conditions of Removal. Authorizes such replacement only if HUD determines, on record after opportunity for hearing, that recipient has engaged in pattern or practice of activities that constitutes substantial or willful noncompliance with the requirements of this title.

(c) Choice and Term of Replacement. Requires replacement entity to be mutually agreed upon by HUD and tribe(s). If no agreement is reached within 60 days of HUD's determination to replace the recipient, requires HUD to act as replacement entity until an agreement can be reached. Requires replacement entity (or HUD) to act until date certain, or the occurrence of specific conditions, as established by HUD.

§403. Monitoring of Compliance.

(a) Enforceable Agreements. Requires each recipient, through binding contractual agreements with owners and otherwise, to ensure long-term compliance with provisions of title, including enforcement by grant beneficiary or recipients and other beneficiaries, and remedies for breach.

(b) Periodic Monitoring. Requires recipient, at least annually, to review activities conducted and housing assisted under this title to assess compliance with applicable requirements, including on-site inspection of housing. Requires results of review to be included in recipient's performance report to HUD under §404 and made available to public.

§404. Performance Reports.

Requires each recipient, for each FY to review its progress in carrying out the Indian housing plan(s) for the Indian tribes for which it administers grant amounts, and submit a report to HUD describing conclusions of review. Specifies content requirements. Requires HUD to establish submission dates and appropriate review requirements. Requires that recipients make report available to citizens within jurisdiction prior to submission to HUD, and include summary of citizen comments in report.

§405. Review and Audit by Secretary.

(a) Annual Review. Requires HUD to make necessary and appropriate annual reviews and audits to assess each recipient's performance, including, if practicable, on-site visits by HUD employees.

(b) Report by HUD. Requires HUD to submit report to Congress on each review. Requires HUD to give recipient at least 30 days to review and comment on report. Authorizes HUD to revise report to address recipient's comments. Requires HUD to make recipient's comments and report, with any revisions, available to public within 30 days of recipient's comments.

(c) Effect of Reviews. Authorizes HUD to make adjustments to amount of annual grants pursuant to findings from reviews and audits. Prohibits recapture or deduction of grant amounts already expended on affordable housing activities from future assistance provided on behalf of on Indian tribe.

§406. GAO Audits.

Authorizes GAO to audit financial transactions of Indian tribes and recipients with respect to grant amounts provided under this title.

§407. Reports to Congress.

Requires HUD to submit report to Congress within 90 days of end of each FY which describes progress made in accomplishing objectives of title, summarizes use of funds, and provides a description of outstanding loan guarantees under title VI. Authorizes HUD to require recipients to submit reports and other information necessary for HUD to develop its report.

TITLE V—TERMINATIONS OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

§501. Repeal of Provisions Relating to Indian Housing Assistance under United States Housing Act of 1937.

(a) Repeal of Title II. Repeals title II of the United States Housing Act of 1937.

(b) Amendments to Title I. Strikes references to "Indian housing," "Indian tribes" and other terms within title I of the United States Housing Act of 1937.

(c) Amendments to Title III. Strikes references to "Indian housing," "Indian tribes" and other terms within title III of the United States Housing Act of 1937.

§502. Termination of Indian Housing Assistance Under United States Housing Act of 1937

(a) Termination of Assistance. Provides that after September 30, 1997, financial assistance may not be provided under the United States Housing Act of 1937 or pursuant to any commitment entered into under such Act, for Indian housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority, unless such assistance is provided from amounts made available for fiscal year 1997.

(b) Terminations of Restrictions on Use of Indian Housing. Provides that after September 30, 1997, any housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall not be subject to any provision of such Act or any annual contributions contract or other agreement pursuant to such Act, but shall be considered and maintained as affordable housing for purposes of this Act.

§503. Termination of New Commitments for Rental Assistance.

Prohibits, after 9/30/97, financial assistance for rental housing assistance under the 1937 Act to be provided to any IHA or tribally designated housing entity, unless such assistance is provided pursuant to a contract by HUD and the IHA before such date.

§504. Termination of Youthbuild Program Assistance.

(a) In General. Prohibits Indian tribes, IHAs, and other agencies primarily serving Indians or Indian areas from being eligible for the Youthbuild program in FY 1997 and FYs thereafter. Redesignates §460 as §461 and inserts a new section §460 of NAHA.

(b) Applicability. Provides that amendments under subsection (a) shall apply with respect to amounts made available for assistance under subtitle D of title II of NAHA for fiscal years 1998 and after.

§505. Termination of HOME Program Assistance.

(a) In General. Terminates HOME program assistance to Indian tribes, amending §217(a) and §288 of NAHA.

(b) Applicability. Requires that this section apply to amounts made available for the HOME program for FY 1998 and FYs thereafter.

§506. Termination of Housing Assistance for the Homeless.

(a) McKinney Act Programs. Terminates homeless assistance for Indian tribes under the McKinney Act, amending title IV of the McKinney Act.

(b) Innovative Homeless Demonstration. Eliminates Indian tribes as a jurisdiction eligible for funding under the Innovative Homeless Initiatives Demonstration program, amending §2(b) of the HUD Demonstration Act of 1993.

(c) Applicability. Requires that this section apply to amounts for McKinney Act homeless assistance and the Innovative Homeless Initiatives Demonstration program, respectively, for FY 1998 and FYs thereafter.

§507. Savings Provision.

Forbids, except as provided in §502 and §503, this act to be construed to affect the validity of any right, duty, or obligation of the U.S. or other person arising pursuant to any lawful commitment or agreement before 10/1/97 under the 1937 Act, Youthbuild, HOME, McKinney, or the Innovative Homeless Initiatives Demonstration program.

§508. Effective Date.

Requires that §§502, 503, and 507 (termination of 1937 Act assistance and savings provision) take effect on the date of enactment of this act.

TITLE VI—FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES

§601. Authority and Requirements.

(a) Authority. Authorizes HUD, subject to an appropriation and limitations of this title (including those designed to protect and maintain the viability of rental housing units owned or operated developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937), to guarantee (includes commitments) notes or other obligations issued by Indian tribes or tribally designated entities to finance affordable housing activities described in §202.

(b) Lack of Financing Elsewhere. Permits guarantees to be used to assist a tribe or housing entity in obtaining financing only if they have made efforts to obtain financing without the guarantee and cannot complete such financing consistent with the timely execution of program plans without such guarantee.

(c) Terms of Loans. Requires notes or obligations to be in such form and denominations, have such maturities, and be subject to such conditions as HUD may prescribe in regulations. Prohibits HUD from denying a guarantee on the proposed repayment period unless the period is more than 20 years or HUD determines that the period causes the guarantee to constitute an unacceptable financial risk.

(d) Limitation on Outstanding Guarantees. Prohibits a guarantee on notes or if the issuer's total outstanding notes or obligations guaranteed (excluding defeased amounts under contract under §602(a)(1)) would exceed an amount equal to 5 times the amount of the grant issuer under title III.

§602. Security and Repayment.

(a) Requirements on Issuer. Requires HUD to require the Indian tribe or entity issuing notes or obligations to:

(1) contract for repayment of guaranteed notes or obligations:

(2) pledge any grants that the issuer may become eligible for under this act;

((3) demonstrate financial capacity of tribe to guarantee and that it is not likely to impair ability to use grant amounts under this title; and

(4) furnish other appropriate security, at discretion of HUD.

(b) Repayment From Grant Amounts. Permits HUD to apply grants pledged under subsection (a)(2) to any repayments due from guarantees and permits grants provided under this act to a tribe or housing entity to be used to pay principal and interest due on guaranteed notes or obligations.

(c) Full Faith and Credit. Pledges the full faith and credit of U.S. to the payment of all guarantees under this title and makes the validity of such guarantees made by HUD incontestable.

§t603. Payment of Interest.

Authorizes HUD, subject to an appropriation, to make grants to a tribe or housing entity issuing guaranteed notes or obligations to cover up to 30% of the net interest cost to the borrowing entity or agency of such obligations. Also, permits HUD, subject to an appropriation, to assist the issuer in the payment of principal and interest due under the note or obligation if HUD determines that the issuer is unable to pay because of circumstances of extreme hardship beyond the issuer's control.

§604. Treasury Borrowing.

Authorizes HUD to issue obligations to the Secretary of the Treasury to carry out guarantees authorized under this title. Requires obligations to have such maturities, and such interest rates as determined by the Secretary of Treasury. Requires the Secretary of Treasury to purchase any HUD obligations, and for such purposes, may use as a public debt transaction the proceeds from the sales of specified securities.

§605. Training and Information.

Requires HUD, in cooperation with eligible public entities, to carry out training and information activities on the guarantee program under this title.

§606. Limitation on Amount of Guarantees.

(a) Aggregate Fiscal Year Limitation. Requires HUD, subject to an appropriation and sufficient approvable applications, to enter into commitments to guarantee notes and obligations with an aggregate principal amount of $400M for each of FYs 1997–2001.

(b) Authorization of Appropriations for Credit Subsidy. Authorizes $40M for each of FYs 1997–2001 to be appropriated to cover the cost of guarantees under this title.

(c) Aggregate Outstanding Limitation. Requires that the total amount of outstanding obligations guaranteed on an cumulative basis by HUD under this title not at any time exceed $2B or such higher amounts as may be authorized to be appropriated for any FY.

(d) Fiscal Year Limitations on Tribes. Requires HUD to monitor the use of guarantees. Authorizes HUD, if 50% of aggregate guarantee under subsection (c) has been committed, to (1) impose a $50M limit on the amount that a tribe receives in any FY, and (2) request legislation increasing the aggregate limitation.

§606. Effective Date.

Makes this title take effect on the date of enactment of this act.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

§701. Loan Guarantees for Indian Housing.

(a) Definition of Eligible Borrower to Include Indian Tribes. Expands current description of eligible borrowers (Indian families or IHAs) to include Indian tribes, amending §§184(a) & (b)(1).

(b) Need for Loan Guarantee. Expands the basis for need of loan guarantees from the unique status of Indian *trust* lands to the unique status of Indian lands *or* as a result of lack of access to private financial markets, amending §184(a)

(c) IHP Requirement. Adds a requirement that eligible housing for loan guarantees be under the jurisdiction of an Indian tribe for which an Indian housing plan has been submitted and approved under §§102 and 103 and that provides for the use of loan guarantees, amending §184(b)(2)

(d) Lender Option to Obtain Payment Upon Default Without Foreclosure. Simplifies the foreclosure/assignment option in the case of a defaulted mortgage. HUD continues to determine the eligibility of a defaulted mortgage for assignment, amending §184(h)

(e) Limitation on Mortgagee Authority. Adds mortgagee to provisions on limitations on liquidation that currently apply to the Secretary. Changes current reference to tribal allotted or trust land to restricted Indian land, amending §184(h)

(f) Limitation on Outstanding Aggregate Principal Amount. Authorizes HUD to enter into commitments to guarantee loans under §184 for each of FYs 1997–2001 with an aggregate outstanding principal note exceeding $400M for each such fiscal year, amending §184(i)(5)(C)

(g) Authorization of Appropriations for Guarantee Fund. Authorizes $30M for each of FYs 1997–2001 to be appropriated to the Guarantee Fund, amending §184(i)(7)

(h) Definitions. Changes made to the following terms:

(1) "Indian area": Expands the definition to include areas within which an Indian tribe (current law covers only an IHA) is authorized to provide housing.

(2) "Indian housing authority": Expands definition to include entities authorized to assist in the development or operation of housing subject to §184 (current law covers only low-income housing for Indians), and

tribally designated housing entities under this act.

(3) "tribe or Indian tribe": Extensive differences from current law including the addition of references to the Alaska Native Claims Settlement Act, and the Indian Self-Determination and Education Assistance Act of 1975, amending §184(k)

(i) Principal Obligation Amounts. Provides that loans shall involve a principal obligation not exceeding 97.75% of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75% if the value of the property is $50,000 or less), amending §184(b)(5)(C)

(j) Availability of Amounts. Eliminates the limitations on the use of monies appropriated in any one fiscal year to that specific year and instead provides that amounts are available until expended, amending §184(i)(5)

(k) GNMA Authority. Adds loans guaranteed under §184 to the list of loans that GNMA may include under its mortgage-backed securities program, amending §306(g) of FNMA Charter Act

§702. 50-Year Leasehold Interest in Trust or Restricted Lands for Housing Purposes.

(a) Authority to Lease. Authorizes any restricted Indian lands, whether tribally or individually owned, to be leased by the Indian owners, with the approval of the DOI, for residential purposes.

(b) Term. Requires each lease to be for a term up to 50 years.

(c) Rule of Construction. Provides that §702 may not be construed to repeal, limit, or affect any authority to lease any restricted Indian lands that is conferred by or pursuant to any other provision of law or provides for leases exceeding 50 years.

(d) Self-Implementation. Clarifies that this section is intended to be self-implementing and shall not require the issuance of any rule, regulation, or order to take effect.

§703. Training and Technical Assistance.

Authorizes such sums as may be appropriated for each of FYs 1997–2001 for assistance for a national organization representing Native American housing interests for providing training and technical assistance to IHAs and tribally designated housing entities.

§704. Public and Assisted Housing Drug Elimination Act of 1990.

Amends the Public and Assisted Housing Drug Elimination Act of 1990 to replace the term "Indian Housing Authorities" with "tribally designated housing entities" and to make other changes necessary to continue to provide funds through this program.

§704. Effective Date.

Makes this title effective upon the enactment of this act.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and pass the bill, H.R. 3219, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

OMNIBUS INSULAR AREAS OF ACT OF 1996

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1332) to establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Insular Areas Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Temporary absence of officials clarified.
Sec. 3. Amendments to priority of bonds and other obligations.
Sec. 4. Commission on the economic future of the Virgin Islands.
Sec. 5. Repeal of separate ballot requirement.
Sec. 6. Insular funding clarification.
Sec. 7. American Memorial Park.
Sec. 8. American Samoa Study Commission.
Sec. 9. Hawaiian Homes Commission.

SEC. 2. TEMPORARY ABSENCE OF OFFICIALS CLARIFIED.

Section 14 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1595) is amended by adding at the end the following new subsection:

"(g) An absence from the Virgin Islands of the Governor or the Lieutenant Governor, while on official business shall not be a 'temporary absence' for purposes of this section.".

SEC. 3. AMENDMENTS TO PRIORITY OF BONDS AND OTHER OBLIGATIONS.

(a) AUTHORITY TO ISSUE OBLIGATIONS.—Section 3 of the Act entitled "An Act to authorize the government of the Virgin Islands to issue bonds in anticipation of revenue receipts and to authorize the guarantee of such bonds by the United States under specified conditions, and for other purposes", approved August 19, 1976 (48 U.S.C. 1574c), is amended—

(1) by striking "priority for payment" and inserting in lieu thereof "a parity lien with every other issue of bonds or other obligations issued for payment"; and

(2) by striking "in the order of the date of issue".

(b) APPLICATION.—The amendments made by this section shall apply to obligations issued on or after the date of the enactment of this Act.

SEC. 4. COMMISSION ON THE ECONOMIC FUTURE OF THE VIRGIN ISLANDS.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—There is hereby established a Commission on the Economic Future of the Virgin Islands (hereafter in this section referred to as the "Commission"). The Commission shall consist of six members appointed by the President, two of whom shall be selected from nominations made by the Governor of the Virgin Islands. The President shall designate one of the members of the Commission to be Chairman.

(2) SECRETARY OF INTERIOR EX OFFICIO MEMBER.—In addition to the six members appointed under paragraph (1), the Secretary of the Interior shall be an ex-officio member of the Commission.

(3) MEMBERS APPOINTED BY PRESIDENT.—Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(4) COMPENSATION.—Members of the Commission shall serve without compensation, but may be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(5) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(b) PURPOSE AND REPORT.—

(1) PURPOSE.—The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of the Virgin Islands through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development and shifting tourism trends based on alternative forecasts of economic, political, and social conditions in the Caribbean;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts; and

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past 25 years.

(2) RECOMMENDATIONS AND REPORT.—The recommendations of the Commission shall be transmitted to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1998. The report shall set forth the basis for the recommendations and include an analysis of the capability of the Virgin Islands to meet projected needs based on reasonable alternative economic, political, and social conditions in the Caribbean, including the expansion in the near future of Cuba to trade, tourism, and development.

(c) POWERS.—

(1) IN GENERAL.—The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) TECHNICAL AND ADMINISTRATIVE SUPPORT.—Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) ASSISTANCE FROM FEDERAL AGENCIES.—The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(d) CHAIRMAN.—Subject to general policies that the Commission may adopt, the chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(e) FUNDING.—The Department of the Interior is authorized to provide up to $300,000 in each of the fiscal years 1997 and 1998 in technical assistance funding for the work of the Commission.

(f) TERMINATION.—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (b)(2).

SEC. 5. REPEAL OF SEPARATE BALLOT REQUIREMENT.

(a) IN GENERAL.—Section 2(a) of the Act entitled "An Act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives" approved April 10, 1972 (48 U.S.C. 1712(a)), is amended—

(1) by striking ", by separate ballot and"; and

(2) by inserting after the second sentence the following new sentence: "The Delegate representing the Virgin Islands shall be elected by separate ballot.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 1997.

SEC. 6. INSULAR FUNDING CLARIFICATION.

The second sentence of subsection (a) of section 703 of the Northern Mariana Islands Covenant, as contained in section 1 of Public Law 94-241 (48 U.S.C. 1801 note), shall be construed as if "of the Government of the Northern Mariana Islands" were stricken.

SEC. 7. AMERICAN MEMORIAL PARK.

Section 5 of Public Law 95-348 (92 Stat. 492) is amended by striking subsection (f).

SEC. 8. AMERICAN SAMOA STUDY COMMISSION.

(a) FINDINGS.—The Congress finds that—

(1) the islands of Tutuila and Manua, and certain other islands that compose American Samoa, were ceded by the chiefs of the islands to the United States by two treaties or deeds of cession which were submitted to the United States Congress on April 10, 1900, and July 16, 1904;

(2) American Samoa's status as an unorganized and unincorporated territory of the United States, and American Samoa's political relationship to the United States, are not clearly defined in any single document;

(3) there is a need for a comprehensive study and review of the historical and legal basis of American Samoa's political relationship with the United States, including—

(A) a comprehensive report on American Samoa's present political relationship with the United States, as compared to other relationships such as independence, commonwealth, and free association; and

(B) an examination of whether the treaties or deeds of cession created trust obligations to American Samoa on the part of the United States;

(4) the economic and social needs of American Samoa are substantially affected by the nature of American Samoa's political relationship with the United States; and

(5) there is a need for a comprehensive study also of Swains Island and its historical relationship with the Tokelau Island Group.

(b) ESTABLISHMENT.—There is established a commission to be known as the "American Samoa Study Commission" (hereafter in this section referred to as the "Commission").

(c) DUTIES.—

(1) IN GENERAL.—It shall be the duty of the Commission—

(A) to study and evaluate all the factors that led to American Samoa's political relationship with the United States, including—

(i) the events that led to the cession to the United States of the islands that compose American Samoa; and

(ii) the constitutions, statutes, treaties, and agreements that affect American Samoa's political relationship with the United States;

(B) to document and report on the nature of American Samoa's political relationship with the United States; to document and also report on such political relationships as independence, commonwealth, and free association;

(C) to study and evaluate the impact of American Samoa's political status and relationship with the United States (as determined by the Commission under subparagraph (B)) on the economic and social needs of American Samoa and its residents;

(D) to study and report on whether the 1900 and 1904 instruments of cession were indeed treaties or deeds and how such instruments are recognized under international law; and

(E) to study and report on options available to improve American Samoa's economic self-sufficiency, given its remote location, limited land size, and changing world economics.

(2) CONSULTATION.—The Commission shall, to the maximum extent practicable, consult with American Samoans in carrying out the duties of the Commission under paragraph (1).

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of five members appointed as follows:

(A) Three members appointed by the Secretary of Interior, including—

(i) one member appointed from among three individuals nominated by the legislature of the Territorial government of American Samoa; and

(ii) one member appointed from among three individuals nominated by the Governor of American Samoa.

(B) One member appointed by the Speaker of the United States House of Representatives.

(C) One member appointed by the President of the United States Senate.

(2) TERMS.—Each member shall be appointed for the life of the Commission.

(3) COMPENSATION.—Members of the Commission shall serve without compensation, but may be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(4) QUORUM.—Three members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(5) CHAIRPERSON; VICE CHAIRPERSON.—The chairperson and vice chairperson of the Commission shall be elected by the members.

(6) MEETINGS.—(A) Not later than the expiration date of the 90 day period beginning on the date of the enactment of this Act, the Secretary of the Interior shall call the initial meeting of the members of the Commission.

(B) The chairperson or a majority of the members of the Commission shall call any meeting of the Commission that occurs after the meeting called under subparagraph (A).

(e) TECHNICAL AND ADMINISTRATIVE SUPPORT.—

(1) IN GENERAL.—Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—(A) The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and locations, take testimony, and receive evidence as the Commission considers appropriate.

(B)(i) The Commission shall conduct at least 1 hearing at any location on each of—

(I) Tutuila;

(II) Ofu;

(III) Olosega; and

(IV) Tau.

(ii) The Commission may conduct at least three separate hearings in the United States at locations where significant numbers of American Samoans reside.

(C) The Commission shall provide notice to the public of the hearings referred to in subparagraphs (A) and (B), including information regarding the date, topic and location of the meeting, and shall take other actions as the Commission considers necessary to obtain, to the maximum extent practicable, public participation in the hearings.

(2) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—(A) The Commission may secure directly from any Federal agency and the Library of Congress information necessary to enable it to carry out this section. Upon the request of the Chairperson of the Commission, the head of the Federal agency or Library of Congress shall furnish the information to the Commission.

(B) Subparagraph (A) shall not apply to any information that the Commission is prohibited to secure or request by another law.

(4) MAIL.—The Commission may use the United States mail in the same manner and under the same conditions as the other Federal agencies.

(g) REPORTS.—(1)(A) Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Commission shall prepare and publish a draft report containing the findings, conclusions and recommendations of the Commission.

(B) The Commission shall distribute such report to appropriate Federal and American Samoan agencies and shall make such report available to members of the public upon request.

(C) The Commission shall solicit written comments from the Federal and American Samoan agencies and other persons to which copies of such report are distributed under subparagraph (B).

(2) Not later than the expiration of the 9-month period beginning on the date of the publication of the report required by paragraph (1)(A), the Commission shall submit to the President and the Congress a final report, which shall include—

(A) a detailed statement of the findings and conclusions made by the Commission after consideration of the comments received by the Commission under paragraph (1)(C);

(B) the recommendations of the Commission for legislative and administrative actions that the Commission determines to be appropriate; and

(C) copies of all written comments received by the Commission under paragraph (1)(C).

(h) DEFINITIONS.—For the purposes of this section:

(1) The term "American Samoan" has the meaning given the term "native American Samoan" in section 4 of Public Law 100-571 (16 U.S.C. 410qq-3).

(2) The term "Commission" means the American Samoa Study Commission established in subsection (b).

(i) FUNDING.—(1) Subject to paragraph (2), the Department of the Interior is authorized to provide up to $225,000 in each of the fiscal years 1997 and 1998 in technical assistance funding for the work of the Commission.

(2) Amounts provided pursuant to paragraph (1) may not exceed 75 percent of the total amount provided for the Commission and shall be provided on a matching basis. The non-Federal share of such amount shall be provided in cash by the Government of American Samoa.

(j) TERMINATION.—The Commission shall terminate not later than the expiration of the 60-day period beginning on the date on which the Commission submits its final report under subsection (g).

SEC. 9. HAWAIIAN HOMES COMMISSION.

That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States consents to the following amendments to the Hawaiian Homes Commission Act, 1920, adopted by the State of Hawaii in the manner required for State legislation:

(1) Act 339 of the Session Laws of Hawaii, 1993.

(2) Act 37 of the Session Laws of Hawaii, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, the Omnibus Insular Areas Act of 1996, H.R. 1332, includes a number of measures largely technical in nature affecting some of our U.S. territories as well as the native Hawaiians. These provisions have been developed based on hearings and consultations with leaders from the islands during the first and second sessions of the 104th Congress.

All are noncontroversial, and enjoy bipartisan support. The administration has testified in support of a majority of the provisions and have now indicated no opposition to certain measures which have been modified to address any major concerns.

Let me briefly explain the individual sections of the bill, which are listed in section 1. Sections 2, 3, and 4 affect the U.S. Virgin Islands. Section 2 would clarify that the physical absence of the Governor or Lieutenant Governor would not constitute a temporary absence which triggers a transfer of authority to the next administration official in the chain of command. Modern telecommunications enable the Governor and Lieutenant Governor to retain communication with the Virgin Islands from virtually anywhere in the United States or the world.

Section 3 will enable the Virgin Islands to issue parity bonds rather than priority bonds. This is consistent with the current practice with most State and local governments and will potentially save money for the Virgin Islands.

There is a bipartisan consensus of leaders in the Virgin Islands and Congress that a focused effort is needed to develop a plan which would assist the Virgin Islands in moving toward economic self-sufficiency. Section 4 would establish a commission appointed by the President, who would make recommendations to the Congress by mid-1998, when the commission would expire.

The Government of Guam and the Delegate from Guam have requested that Guam be given the power to conduct the election for delegate by separate ballot. The provision of section 5 will save Guam the costs of printing separate ballots for the election of one position.

Section 6 is a technical clarification providing for similar treatment of certain Federal insular funds received by any territory. Northern Mariana Islands special grant funding is considered to be local funds once received, and any funds received by a territory from this source would also be considered local upon receipt.

The American Memorial Park established in Saipan in the Northern Mariana Islands has become one of the premier monuments in the Western Pacific honoring the sacrifices of our Armed Forces during World War II. Over $3 million were spent to build a world-class memorial. This is befitting the honor due to our men and women who fought over the very ground upon which the memorial stands. The amendment in section 7 would insure that the continued operation of the American Memorial Park under the National Park Service rather than the local Marianas government.

Section 8 provides for a short-term commission to examine the near century-long relationship of American Samoa as a territory of the United States and the economic needs of the islands. The Delegate from American Samoa is the primary advocate for this action, and I concur with the need to review the territory's economic development potential.

The last section is largely ministerial in nature as current law provides for the Congress to give final approval to any proposed change of the Hawaii State Legislature to the Hawaiian Homes Commission. The two measures adopted by the Hawaii's legislative body do not result in any increased costs to the Federal Government, but both will be helpful to native Hawaiians. Grandchildren of a native Hawaiian leaseholder would be permitted to assume the remainder of the home lease should that individual die and the other will help in the area of disaster relief bonds.

I want to commend members on both sides of the aisle for their interest and support of the various issues affecting our territories. It is through bipartisanship that we have been able to forget a consensus on action necessary for the island and I urge my colleagues to support H.R. 1332, the Omnibus Areas Act of 1996.

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Mr. Speaker, I really cannot overemphasize the bipartisan effort that has gone into putting this together, not only with the ranking member, but all the other members of the subcommittee that I am very proud to serve with.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 1332, the Omnibus Insular Areas Act of 1996. I would especially like to commend the chairman of the Subcommittee on Native American and Insular Affairs, the gentleman from California [Mr. GALLEGLY], and the ranking member of the subcommittee, my brother, the gentleman from the Pacific islands and American Samoa [Mr. FALEOMAVAEGA], for their hard work in putting this bill together.

I also commend the chairman of the committee, the gentleman from Alaska

[Mr. YOUNG], and the ranking member, the gentleman from California [Mr. MILLER], for their continued commitment to addressing issues that are of vital importance to the insular areas.

Mr. Speaker, this omnibus bill has important provisions for the insular areas. It is, however, regrettable that the Subcommittee on Native American and Insular Affairs and the Committee on Resources were not able to complete the work on other provisions of interest to the insular areas, especially including the Guam Land Return Act, certainly of particular interest to the people of Guam.

The issue of returning excess Federal lands to the people of Guam is one that continues to command importance, and it is certainly important to the continual good relations that the Guam civilian community has with the military as we go into a new era of downsizing.

But this should not be the cause to impede the progress that we have made on many other issues that are included in this bill, including the authorization of the American Samoa Study Commission, a commission on the economic future of the Virgin Islands, and technical amendments that help to clarify certain Federal laws.

The Committee on Resources can look forward to the 105th Congress with a sense of where we left off in dealing with the other issues that were not included in this bill. I would again urge the committee to work with Guam to resolve the longstanding issue of the return of Federal excess lands to the people of Guam. This is an issue that has made significant progress in the past year, and it is indeed very unfortunate that at the latest possible moment the administration's opposition to the Guam Land Return Act, due in large measure to the uncompromising position of the U.S. Fish and Wildlife Service, has made it very difficult to reach a final agreement on including this provision in the House omnibus bill.

Mr. Speaker, I remain optimistic that the Senate will be able to pass its own omnibus bill on similar topics which include the Guam Land Return Act. It is appropriate that as we end the 104th Congress with an Omnibus Insular Areas Act that it is in fact supported in a bipartisan manner, as alluded to by the chairman of the subcommittee. This is truly the only way to approach insular issues.

Our issues are not necessarily national in scope at times, are not Democratic or Republican issues, but they are issues which tug at the nature of what it means to have an American democracy and test our commitment to what it means to implement American democracy in those areas which fly the flag.

Territories have their own unique histories, and we are able to continue to make progress under the U.S. flag in a bipartisan way. That is really the only way that it can occur.

Again, I commend the Committee on Resources and the leadership in both the majority and minority for working in a bipartisan manner on behalf of the territories.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly would like to commend the gentleman from Guam [Mr. UNDERWOOD] for his profound statements on a very unfortunate situation, as he had related earlier, about the Guam excess lands and the problems that we had with the Fish and Wildlife Service. It is my earnest hope that we will continue to work with him, and as well with our good friend, the gentleman from the other side of the aisle, so that we can resolve this problem, and hopefully that we will be able to proceed at the earliest possible time in the next Congress.

Mr. Speaker, also, I want to commend and thank my good friend, the gentleman from California [Mr. GALLEGLY], the chairman of the subcommittee, for bringing this legislation to the floor for the consideration of the Members.

Mr. Speaker, I rise today in strong support of H.R. 1332, the Omnibus Insular Areas Act of 1996.

Mr. Speaker, this bill has been 2 years in the making and it has undergone substantial change during this time. While I support all the provisions in the bill, there are many more issues affecting the U.S. insular areas which need attention. Unfortunately, the time remaining in this Congress has necessitated the exclusion of several significant provisions, which I hope we can address early next year.

To assist the government of the U.S. Virgin Islands operate more efficiently, section 23 of this bill permits the Governor and Lieutenant Governor to retain the authority of their office while on official business outside of the Virgin Islands. Section 3 changes the priority of municipal bonds issued by the government of the Virgin Islands so that later issues of bonds will not necessarily have to carry a higher interest rate. A third provision will establish a commission to make recommendations on how the Virgin Islands might best develop its economy in light of changing trade and tourism patterns.

To assist the government of Guam to operate more efficiently, section 5 of H.R. 1332 permits the local government to combine the ballot for the Delegate's position with the ballots for other local elections, such as seats in the Guam legislature for Governor.

Under current Federal law, the ballot for the Delegate position must be separate from all other ballots. The government of Guam uses optical scanners to read voters' ballots, and there is considerable waste in time and paper in scanning full sheets of paper with only one mark on them. Although the title of the act being amended in section 5(a) includes both Guam and the Virgin Islands, I wish to make it clear that as drafted and at the request of the Delegate from the Virgin Islands, the provision in the bill changes the law only for Guam.

To assist the territorial governments to manage their financial assets more efficiently and to take better advantage of funding opportunities as they become available, section 6 of H.R. 1332 will permit territorial governments receiving funding pursuant to Public Law 94–241 to use those funds as local funds for matching requirements toward Federal grants. This problem most often occurs after a hurricane or typhoon has stricken a territory. In the aftermath of such a calamity, the territory quickly draws down its limited financial reserves, if it has any, and then is unable to obtain any FEMA emergency grants which require local matching funds because they have no unobligated funds to use as the match.

The Commonwealth of the Northern Mariana Islands is the home of the American Memorial Park. The park was developed by the U.S. National Park Service and Public Law 95–348 authorized the Park Service to transfer the park to the government of the Commonwealth of the Northern Mariana Islands. Circumstances have changed since that law was enacted, and today the Park Service and the government of the CNMI wish the Park Service to retain management of this park. Section 7 of H.R. 1332 repeals the authorization for the Park Service to transfer the park.

Section 9 of the bill amends the Hawaiian Homes Commission Act of 1920 in two ways. First, it will permit the lease of trust lands to grandchildren, so long as they have a 25-percent blood quantum requirement. The second amendment will establish a native Hawaiian hurricane relief fund.

Finally, Mr. Speaker, section 8 of this bill will establish a commission to study American Samoa's historical relationship with the United States, and to provide options available to the government to develop the local economy. I am including with this statement a copy of a letter signed by Chairman DON YOUNG, Chairman ELTON GALLEGLY, and myself in support of this provision.

The territory of American Samoa is the only unorganized, unincorporated territory of the United States. There is no single document which reflects the present unity of the territory. To make matters more confusing, there has been a running debate for decades over the intent of the Samoan traditional leaders or chiefs who signed the documents joining American Samoa and the United States into a political union. Whether the intent was to cede the land and people to the United States, or to enter into a bilateral treaty, which would, at some point, be subject to further negotiations, is not clear.

The Commission would document and report on exactly what took place 96 years ago when the eastern part of the Samoan island group became part of the United States, and what this bilateral relationship has developed into since 1900. The commission would also be directed to report on the various status options available to American Samoa. The Commission would be composed of five members, there of whom would be appointed by the Secretary of the Interior, one by the Speaker of the U.S. House of Representatives, and one by the President of the U.S. Senate.

I want to emphasize that unlike the sometimes contentious negotiations on political status in Guam and the always contentious discussions on political status in Puerto Rico, this proposal does not, and I want to say this again, this legislation does not establish a political status commission. The Commission will not have the authority to change American Samoa's political status. The Commission is modeled after the Commissions which studied native Hawaiian, native American, and Native Alaskan issues. These three commissions provided resource materials which have been of significant benefit to these groups and to those who are interested in the history of these issues.

The establishment of the American Samoa Commission has been a topic of discussion in American Samoa ever since I first proposed it several years ago. Some have questioned the need for a Federal commission, indicating that there is more than sufficient talent in American Samoa to convene a commission of this nature. In response, let me say that I agree that there are many individuals in Samoa with the knowledge and experience to make excellent members of the Commission I propose, and I hope that some of these individuals will sit on the Commission. The key, however, is having access to the resources of the Federal Government, such as the Library of Congress, and access to the records of the Federal departments and agencies, including the material contained in the National Archives. It is one through a Federal commission that we can ensure that these resources are made available.

American Samoa has been the subject of two Federal study commissions; one was established in 1929 and the other in 1960. Both of the commissions made substantive recommendations which have led to major improvements in American Samoa. The last report was 36 years ago, and it is time again that we had the benefit of this expertise and different perspective.

Mr. Speaker, this bill would not be before the House today without considerable effort and leadership on the parts of Chairman DON YOUNG, Chairman ELTON GALLEGLY, senior Democratic Member GEORGE MILLER, and their staffs. I appreciate the hard work of all these individuals and their willingness to work together for the benefit of the territories. I want to comment again also on the bipartisan manner Chairman GALLEGLY has managed the business of the Subcommittee on Native American and Insular Affairs. We have not agreed on every issue, but we have continued to work together and have passed many pieces of legislation which are or we expect to become public law.

Mr. Speaker, H.R. 1332 includes a modest list of provision to help our territories. I ask my colleagues to support these insular areas in this bill.

Mr. Speaker, I include for the RECORD the following letter from the chairman of the subcommittee.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 25, 1996.

Hon. FRANK H. MURKOWSKI,
U.S. Senator, Washington, DC.

DEAR MR. CHAIRMAN: We have been working for months on an omnibus territories bill which we would like to get through the House and the Senate before the 104th Congress adjourns. A copy of that legislation is enclosed.

As you can see, we have been making a good faith effort to include provisions which both houses have been working on during this Congress. It was brought to our attention this week, however, that there is opposition to Section 8 of the legislation which would provide for a commission to study American Samoa's 96-year relationship with the U.S. and the options available to improve the territory's future governmental and economic relationship with the United States.

The Commission for Samoa is similar to the federal study commissions we have established for the Native Americans, Native Alaskans and the Native Hawaiians. Additionally, the legislation has been pending in the House for four years, and it has the support of Samoa's Delegate, the Governor, and a majority of Samoa's residents.

We support all eight of the provisions in this bill, and ask for your support so that we can provide this assistance to the territories.

Sincerely,

DON YOUNG,
Chairman, Committee on Resources.
ELTON GALLEGLY,
Chairman, Subcommittee on Native American and Insular Affairs.
ENI F.H. FALEOMAVAEGA,
Senior Democratic Member, Subcommittee on Native American and Insular Affairs.

Mr. Speaker, I urge my colleagues to support this legislation. I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1332, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CORRECTION REGARDING LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULE TODAY

Mr. SAXTON. Mr. Speaker, pursuant to House Resolution 525, the following suspension is expected to be considered today: H.R. 3632, Patient Reviews in Nursing Facilities. The bill was noticed earlier with an incorrect number. The correct number is H.R. 3632.

□ 1315

NATIONAL MARINE SANCTUARIES PRESERVATION

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 543) to approve a governing international fishery agreement between the United States and the Republic of Estonia, as amended.

The Clerk read as follows:

H.R. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Marine Sanctuaries Preservation Act".

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of National Marine Sanctuaries Act (16 U.S.C. 1431–1445a).

SEC. 3. REAUTHORIZATION OF THE NATIONAL MARINE SANCTUARIES ACT.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this title—

"(1) $12,000,000 for fiscal year 1997;

"(2) $15,000,000 for fiscal year 1998; and

"(3) $18,000,000 for fiscal year 1999.".

SEC. 4. MANAGEMENT, RECOVERY, AND PRESERVATION PLAN FOR U.S.S. MONITOR.

The Secretary of Commerce shall, within 12 months after the date of the enactment of this Act, prepare and submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a long-range, comprehensive plan for the management, stabilization, preservation, and recovery of artifacts and materials of the United States Ship Monitor. In preparing and implementing the plan, the Secretary shall to the extent feasible utilize the resources of other Federal and private entities with expertise and capabilities that are helpful.

SEC. 5. PUBLICATION OF NOTICE OF CERTAIN ADVISORY COUNCIL MEETINGS.

Section 315(e)(3) (16 U.S.C. 1445a(e)(3)) is amended by inserting before the period at the end the following: ", except that in the case of a meeting of an Advisory Council established to provide assistance regarding any individual national marine sanctuary the notice is not required to be published in the Federal Register".

SEC. 6. ENHANCING SUPPORT FOR NATIONAL MARINE SANCTUARIES.

(a) Incorporation of Existing Provision.—Section 316 (16 U.S.C. 1445 note) is redesignated as section 317, section 2204 of the National Marine Sanctuaries Program Amendments Act of 1992 (106 Stat. 5049) is moved so as to appear in the National Marine Sanctuaries Act following section 315, and that moved section is designated as section 316 of the National Marine Sanctuaries Act.

(b) Amendment of Incorporated Section.—Section 316, as moved and designated by subsection (a) of this section, is amended as follows:

(1) Subsections (a), (g), and (h) are struck, and subsections (b), (c), (d), (e), and (f) are redesignated as subsections (a), (b), (c), (d), and (e), respectively.

(2) In subsection (a), as so redesignated, the matter preceding paragraph (1) is struck and the following is inserted:

"(a) Authority.—The Secretary may establish a program consisting of—".

(3) In subsection (a)(5), as so redesignated—

(A) "establishment" is struck and "solicitation" is inserted; and

(B) "fees" is struck and "monetary or in-kind contributions" is inserted.

(4) In subsection (a)(6), as so redesignated—

(A) "fees" is struck and "monetary or in-kind contributions" is inserted;

(B) "paragraph (5)" is struck and "paragraphs (5) and (6)" is inserted;

(C) "assessed" is struck and "collected" is inserted; and

(D) "in an interest-bearing revolving fund" is struck.

(5) In subsection (a)(7), as so redesignated—

(A) "and use" is inserted after "expenditure";

(B) "fees" is struck and "monetary and in-kind contributions" is inserted; and

(C) "and any interest in the fund established under paragraph (6)" is struck.

(6) In subsection (a), as so redesignated, paragraphs (5), (6), and (7) are redesignated in order as paragraphs (6), (7), and (8), and the following new paragraph is inserted after paragraph (4):

"(5) the creation, marketing, and selling of products to promote the national marine sanctuary program, and entering into exclusive or nonexclusive agreements authorizing entities to create, market or sell on the Secretary's behalf;".

(7) The following new sentence is added at the end of subsection (a), as so redesignated: "Monetary and in-kind contributions raised through the sale, marketing, or use of symbols and products related to an individual national marine sanctuary shall be used to support that sanctuary.".

(8) In subsection (e), as so redesignated—

(A) paragraph (2) is struck;

(B) in paragraph (1), "(1)" is struck, and subparagraphs (A), (B), (C), and (D) are redesignated as paragraphs (1), (2), (3), and (4); and

(C) in paragraph (3), as so redesignated, "fee" is struck and "monetary or in-kind contribution" is inserted.

(9) In each of subsections (b), (c), and (d), as so redesignated, by striking "subsection (b)" and inserting "subsection (a)".

SEC. 7. HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY.

(a) Inclusion of Kahoolawe Island Waters.—Section 2305 of the Hawaiian Islands National Marine Sanctuary Act (16 U.S.C. 1433 note) is amended—

(1) in subsection (a)—

(A) by striking "(A)" and inserting "(a)"; and

(B) by striking "the area described in subsection (b) is" and inserting "the area described in subsection (b)(1) and any area included under subsection (b)(2) are";

(2) by amending subsection (b)(2) to read as follows:

"(2)(A) Within 6 months after the date of receipt of a request in writing from the Kahoolawe Island Reserve Commission for inclusion within the Sanctuary of the area of the marine environment within 3 nautical miles of the mean high tide line of Kahoolawe Island (in this section referred to as the 'Kahoolawe Island waters'), the Secretary shall determine whether those waters may be suitable for inclusion in the Sanctuary.

"(B) If the Secretary determines under subparagraph (A) that the Kahoolawe Island waters may be suitable for inclusion within the Sanctuary—

"(i) the Secretary shall provide notice of that determination to the Governor of Hawaii; and

"(ii) the Secretary shall prepare a supplemental environmental impact statement, management plan, and implementing regulations for that inclusion in accordance with this Act, the National Marine Sanctuaries Act, and the National Environmental Policy Act of 1969."; and

(3) by amending subsection (c) to read as follows:

"(c) Effect of Objection by Governor.—(1)(A) If, within 45 days after the date of issuance of the comprehensive management plan and implementing regulations under section 2306, the Governor of Hawaii certifies to the Secretary that the management plan, the implementing regulations, or any term of the plan or regulations is unacceptable, the management plan, regulation, or term, respectively, shall not take effect in the area of the Sanctuary lying within the seaward boundary of the State of Hawaii.

"(B) If the Secretary considers that an action under subparagraph (A) will affect the Sanctuary in such a manner that the policy or purposes of this title cannot be fulfilled, the Secretary may terminate the designation under subsection (a). At least 30 days before that termination, the Secretary shall submit written notice of the termination to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(2)(A) If, within 45 days after the Secretary issues the documents required under subsection (b)(2)(B)(ii), the Governor of Hawaii certifies to the Secretary that the inclusion of the Kahoolawe Island waters in the Sanctuary or any term of that inclusion is unacceptable—

"(i) the inclusion or the term shall not take effect; and

"(ii) subsection (b)(2) shall not apply during the 3-year period beginning on the date of that certification.

"(B) If the Secretary considers that an action under subparagraph (A) regarding a term of the inclusion of the Kahoolawe Island waters will affect the inclusion or the administration of the Kahoolawe Island waters as part of the Sanctuary in such a manner that the policy or purposes of this title cannot be fulfilled, the Secretary may terminate that inclusion.".

(b) Limitation on User Fees.—The Hawaiian Islands National Marine Sanctuary Act (16 U.S.C. 1433 note) is further amended by redesignating section 2307 as section 2308, and by inserting after section 2306 the following new section:

"SEC. 2307. LIMITATION ON USER FEES.

"(a) Limitation.—The Secretary shall not institute any user fee under this Act or the National Marine Sanctuaries Act for any activity within the Hawaiian Islands National Marine Sanctuary or any use of the Sanctuary or its resources.

"(b) User Fee Defined.—In this section, the term 'user fee' does not include—

"(1) any fee authorized by section 310 of the National Marine Sanctuaries Act;

"(2) any gift or donation received under section 311 of that Act; and

"(3) any monetary or in-kind contributions under section 316 of that Act.".

SEC. 8. FLOWER GARDEN BANKS BOUNDARY MODIFICATION.

(a) Modification.—Notwithstanding section 304 of the National Marine Sanctuaries Act (16 U.S.C. 1434), the boundaries of the Flower Garden Banks National Marine Sanctuary, as designated by Public Law 102–251, are amended to include the area described in subsection (d), popularly known as Stetson Bank. This area shall be part of the Flower Garden Banks National Marine Sanctuary and shall be managed and regulated as though it had been designated by the Secretary of Commerce under the National Marine Sanctuaries Act.

(b) Depiction of Sanctuary Boundaries.—The Secretary of Commerce shall—

(1) prepare a chart depicting the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section; and

(2) submit copies of this chart to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) Application of Regulations.—Regulations issued by the Secretary of Commerce to implement the designation of the Flower Garden Banks National Marine Sanctuary shall apply to the area described in subsection (d), unless modified by the Secretary. This subsection shall take effect 45 days after the date of enactment of this Act.

(d) Area Described.—

(1) In general.—Except as provided in paragraph (2), the area referred to in subsections (a), (b), and (c) is the area that is—

(A) generally depicted on the Department of the Interior, Minerals Management Service map titled "Western Gulf of Mexico, Lease Sale 143, September 1993, Biologically Sensitive Areas, Map 3 of 3, Final";

(B) labeled "Stetson" on the High Island Area South Addition diagram on that map; and

(C) within the 52 meter isobath.

(2) MINOR BOUNDARY ADJUSTMENTS.—The Secretary of Commerce may make minor adjustments to the boundaries of the area described in paragraph (1) as necessary to protect living coral resources or to simplify administration of the Flower Garden Banks National Marine Sanctuary and to establish precisely the geographic boundaries of Stetson Bank. The adjustments shall not significantly enlarge or otherwise alter the size of the area described in paragraph (1), and shall not result in the restriction of oil and gas activities otherwise permitted outside of the "no activity" zone designated for Stetson Bank as that zone is depicted on the Minerals Management Service map entitled "Final Notice of Sale 161, Western Gulf Mexico, Biological Stipulation Map Package".

(e) PUBLICATION OF NOTICE.—

(1) IN GENERAL.—The Secretary of Commerce shall, as soon as practicable after the date of the enactment of this Act, publish in the Federal Register a notice describing—

(A) the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section, and

(B) any modification of regulations applicable to that Sanctuary that are necessary to implement that modification of the boundaries of the Sanctuary.

(2) TREATMENT AS NOTICE REQUIRED UNDER NATIONAL MARINE SANCTUARIES ACT.—A notice published under paragraph (1) shall be considered to be the notice required to be published under section 304(b)(1) of the National Marine Sanctuaries Act (16 U.S.C. 1434(b)(1)).

(f) AUTHORIZATION OF APPROPRIATIONS.—Amounts may be appropriated to carry out this section under the authority provided in section 313 of the National Marine Sanctuaries Act, as amended by this Act.

SEC. 9. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) Section 301(b)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1431(b)(2)) is amended by striking the period at the end and inserting a semicolon.

(b) Section 302 of the National Marine Sanctuaries Act (16 U.S.C. 1432) is amended—

(1) in paragraph (6) by striking ", and" at the end of subparagraph (C) and inserting a semicolon; and

(2) in paragraph (7) by striking "and" after the semicolon at the end.

(c) Section 307(e)(1)(A) of the National Marine Sanctuaries Act (16 U.S.C. 1437(e)(1)(A)) is amended by inserting "of 1980" before the period at the end.

(d) Section 2109 of the National Marine Sanctuaries Program Amendments Act of 1992 (106 Stat. 5045) is amended by striking the open quotation marks before "Section 311".

(e) Section 2110(d) of the National Marine Sanctuaries Program Amendments Act of 1992 (106 Stat. 5046) is deemed to have amended section 312(b)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(b)(1)) by inserting "or authorize" after "undertake".

(f) The material added to the Marine Protection, Research, and Sanctuaries Act of 1972 by section 2112 of the National Marine Sanctuaries Program Amendments Act of 1992 (106 Stat. 5046)—

(1) is deemed to have been added by that section at the end of title III of the Marine Protection, Research, and Sanctuaries Act of 1972; and

(2) shall not be considered to have been added by that section to the end of the Marine Protection, Research, and Sanctuaries Act of 1972.

(g) Section 2202(e) of the National Marine Sanctuaries Program Amendments Act of 1992 (16 U.S.C. 1433 note) is amended by striking "section 304(e)" and inserting "304(d)".

(h) Section 304(b)(3) of the National Marine Sanctuaries Act (16 U.S.C. 1434(b)(3)) is amended—

(1) by striking subparagraphs (B) and (C);

(2) by moving the text of subparagraph (A) so as to begin at the end of the line on appears the heading for paragraph (3);

(3) by moving clauses (i) and (ii) of subparagraph (A) 2 ems to the left, so that the left margins of clauses (i) and (ii) are aligned with the left margin of paragraph (3);

(4) by striking "(A) In" and inserting "In";

(5) by striking "(i)" and inserting "(A)"; and

(6) by striking "(ii)" and inserting "(B)".

SEC. 10. NORTHWEST STRAITS.

No designation of an area in the Northwest Straits in the State of Washington as a national marine sanctuary under the National Marine Sanctuaries Act shall take effect unless that designation is specifically authorized by a law enacted after the date of enactment of this Act.

SEC. 11. DESIGNATION OF GERRY E. STUDDS STELLWAGEN BANK NATIONAL MARINE SANCTUARY.

The Stellwagen Bank National Marine Sanctuary shall be known and designated as the "Gerry E. Studds Stellwagen Bank National Marine Sanctuary". Any reference in a law, map, regulation, document, paper, or other record of the United States to that national marine sanctuary shall be deemed to be a reference to the "Gerry E. Studds Stellwagen Bank National Marine Sanctuary".

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes, and the gentleman from Hawaii [Mr. ABERCROMBIE] will be recognized for 20 minutes.

The Chair will recognize the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering H.R. 543. With one exception, this bill is identical to H.R. 3487 which passed the House on September 4. That one change deletes a provision which is unacceptable to the other body.

On May 16, I, along with the gentleman from California [Mr. FARR], introduced this bill to reauthorize the National Marine Sanctuaries Act through fiscal year 1999.

The National Marine Sanctuaries Act is implemented by the National Oceanic and Atmospheric Administration through the National Marine Sanctuary Program. The mission of this program is to protect significant marine environmental and cultural resource while ensuring the continuation of all compatible public and private uses. To accomplish this, the program oversees a system of specifically-managed marine areas. These areas include highly valuable environmental and historical features.

Over the past 21 years, Mr. Speaker, 14 national marine sanctuaries have been designed off our Nation's shores, from Massachusetts to Florida, in the Gulf of Mexico, and in Hawaii. Two more are active candidates for designation, one in the Great Lakes and one in the State of Washington.

The bill authorizes funding for the National Marine Sanctuaries Program through fiscal year 1999; directs the Secretary of Commerce to prepare and submit to Congress a long-range plan for the management, recovery and preservation of the U.S.S. *Monitor*; authorizes the Secretary to designate sponsors for the sanctuary program to create, market, and sell symbols and products to promote them; and designates that the money collected from those items sold at the sanctuaries can be retained for use by those sanctuaries.

The bill also adds a Stetson Bank to the Flower Garden Banks National Marine Sanctuary in Texas; simplifies the designation process for a minor addition to the Hawaiian Islands Humpback Whale National Marine Sanctuary, and prohibits user fees in that sanctuary; and requires Congressional approval for designation of a sanctuary in the Northwest Straits in the State of Washington. These are small changes that will allow the system to operate more efficiently and be more responsive to the public's concerns.

Mr. Speaker, finally, I would just like to note that inasmuch as there is a strong rumor here that the House will adjourn sine die somewhere between now and midnight, that makes today the final day in the 104th Congress. By coincidence, it is also the final day in a 24 year-long distinguished career of our good friend and colleague from Massachusetts, Mr. STUDDS.

So it is fitting that this bill rename the Stellwagon Bank National Marine Sanctuary in honor of our colleague, who, for 22 years, was an active member of the Merchant Marine and Fisheries Committee and, during those 22 years, has more accomplishments than I care to remember at this point, and of course, for the last 2 years he has worked diligently as my counterpart on the Subcommittee on Fish, Wildlife and Oceans of the Committee on Resources.

It is through his very, very diligent efforts and hard-working attitude that I have profited much for the last 12 years during my time here, have learned much, and have been able to call the gentleman from Massachusetts [Mr. STUDDS] a great friend and wonderful colleague and, in many instances, a teacher to me with regard to the issues that we have dealt with in those two committees.

So it is my pleasure, Mr. Speaker, to make the recommendation that we all vote "aye" today on this bill, inasmuch as it does redesignate this sanctuary, which GERRY STUDDS actually helped to create himself, and, of course, this reauthorization of the National Marine Sanctuaries Act this year will demonstrate our collective commitment to protecting and wisely managing our Nation's marine natural resources.

Therefore, I ask all Members on both sides of the aisle to vote affirmatively on this bill today.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, want to thank the chairman as well and associate myself with all of his remarks, and particularly with those regarding the gentleman from Massachusetts [Mr. STUDDS].

I am pleased to note, for whatever pleasant irony there might be, that literally the last provision of this bill is the naming of the sanctuary after the gentleman from Massachusetts [Mr. STUDDS]. So I trust that all Members will recognize and abide by the request of the chairman.

I have little to add, Mr. Speaker, but rather to supplement just briefly. As indicated, we are asking the House to sign compromise language reauthorizing the National Marine Sanctuaries bill back from the other body in the hope that it will send the bill to the President before adjournment.

This bill contains all that the bill we passed previously does. It embodies the House-Senate compromise, as had been indicated, that has bipartisan support. And I want to state that for the record. It most certainly is acceptable to the administration.

I want to emphasize that it provides a generous 3-year reauthorization for the program and contains many of the miscellaneous provisions, some of which the chairman pointed out, principally, to enhance the management of individual marine sanctuaries and to give NOAA the authority to raise private funds for sanctuary activities. I think the latter is particularly important.

All around, this is the kind of legislation that has been the rule rather than the exception from our Subcommittee on Fisheries, Wildlife and Oceans for much the same reasons as outlined by the chairman. I commend him for his hard work and the cooperation of him and the staff and the cooperation of many other individuals on the subcommittee and Committee of the Whole for this bill and the many others that we have had come before us.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no more requests for time at this point, and if the gentleman is prepared to yield back, I am prepared to do the same.

Mr. ABERCROMBIE. Mr. Speaker, I would just like to say to the chairman what a great pleasure it has been, once again, to be able to work with him, and I look forward to it again. That is by way of sympathetic magic.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I appreciate very much the gentleman's remarks and obviously have enjoyed working with him as well.

Mr. Speaker, I will yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 543, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to reauthorize the National Marine Sanctuaries Act, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER. pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CHANGES TO CANADIAN BOATER LANDING PERMIT PURSUANT TO IMMIGRATION AND NATIONALITY ACT

Mr. HOKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4165) to provide for certain changes with respect to requirements for a Canadian boater landing permit pursuant to section 235 of the Immigration and Nationality Act, as amended.

The Clerk read as follows:

H.R. 4165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CANADIAN BORDER BOAT LANDING PERMIT.

Notwithstanding any other provision of law, not later than 180 days after the date of the enactment of this Act, the Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall issue revised regulations for the implementation of section 235 of the Immigration and Nationality Act with respect to the requirement that individuals travelling between the United States and Canada by boat obtain a permit which is consistent with the following guidelines:

(1) An individual may request a form to apply for the permit through Immigration and Naturalization Service offices, the mail, or an internet address.

(2) The Immigration and Naturalization Service shall establish a toll-free information number to provide information and respond to inquiries regarding the permit, including how to obtain the forms, where to file the forms, and the cost of the permit.

(3) In consultation with the chief executive officers of States where individuals affected by the permit requirement reside, develop alternate procedures for acquiring the necessary permits, including in conjunction with State fishing and boat licenses.

(4) In the case of a boat of no more than 65 feet in length (including a boat used for commercial purposes) on a trip between the United States and Canada of not more than 72 hours duration, a United States citizen passenger (who is neither an owner nor operator of the boat) need not obtain a permit pursuant to section 235 of the Immigration and Nationality Act if carrying the same proof of U.S. citizenship as currently required by INS for U.S. citizens making land surface crossing between the United States and Canada for the duration of the trip.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. HOKE] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say at the outset that I want to thank my colleague from Ohio, Mr. TRAFICANT, for his help in crafting this legislation and getting it to the floor. The gentleman knows very well, probably better than anyone in this House, how the heavy hand of Government can get in the way of people's lives.

Mr. Speaker, I have a statement for the RECORD that I am going to submit, but I will very, very briefly describe this piece of legislation that might more appropriately or as appropriately be a candidate for a Corrections Day calendar, as it is designed to move forward with respect to legislation or regulations that were put into place by the INS with respect to the Canadian border boat landing permit.

What this legislation does essentially is that it makes it possible for United States citizens who are either fishermen or pleasure boaters making trips into Canadian waters or to Canadian islands or Canadian land across the water boundaries that separate Canada and the United States, it facilitates the ease of either getting the I–68 form that is required, and it also waives the requirement of that form in the case of a situation where the pilot has the form and the other passengers have proof of American citizenship as otherwise required for normal land border crossings between the United States and Canada.

Mr. Speaker, I rise in strong support of H.R. 4165, legislation making certain changes in the Canadian Border Boat Landing Permit.

At the outset, I want to thank my colleague from Ohio, Mr. TRAFICANT, for his help in getting this bill to the floor. He knows—probably better than anyone else in this House—how the heavy hand of Government can reek havoc in people's lives.

For those who are not familiar with the Canadian Border Boat Landing Permit, let me summarize its history. The boat landing permit was created in 1968. In October 1995, however, the INS issued new regulations requiring every individual traveling between the United States and Canada by boat to obtain a permit—now known as the I–68 Form. And for the first time in the program's history, INS began charging a fee and imposing stiff penalties for non—compliance.

Permits are available only at INS offices during regular business hours. Applicants must apply in person and bring with them a fist-full of documents and their checkbooks. Individual permits cost $16.00 with a family cap of $32.00.

During the 1996 boating season, the first one since the new regulations took effect, it became apparent that the program is not operating efficiently or effectively.

In addition, the INS has been less than forthcoming with information about how to obtain forms. One constituent told me he spent 20 minutes on hold at the Cleveland INS office waiting for someone to answer his question.

And the heavy-handed tactics INS has been using to ensure compliance are big government at its worst: threatening boat confiscation and prolonged court proceedings requiring boaters to defend their citizenship.

Needless to say, this requirement has put quite a damper on the spontaneity of pleasure boaters and fisherman. Since many boaters use their vessels to entertain guests, a good host would certainly not ask his guests to foot the bill for a day of boating, thus making the cost of taking friends and extended family out for the day prohibitive for many.

Since the program began last October only 23,396 permits have been issued. And that is for all the Northern border states: Maine, New York, Ohio, Michigan, Illinois, Wisconsin, Minnesota, Washington, and Alaska. In Ohio alone there are over 385,000 registered boaters. These statistics show that the I–68 has clearly had a chilling effect on boating activities.

The Hoke-Traficant legislation provides a common-sense solution.

It allows individuals to get forms through the mail or over the internet.

It directs the INS to operate a toll-free information line to answer questions about the program.

It directs the INS to work with state governments to develop other ways of streamlining the application process.

And, most importantly, it exempts from the requirement of purchasing a permit, law-abiding citizens traveling on small vessels for short trips if they have other proof of citizenship.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say as a strong supporter of tough immigration laws that we do not, however, need those type of strong laws and adverse regulations to affect our own American citizens.

This bill will not soften our immigration policy. It will lessen the burdensome regulations put on American fishermen and American recreational boaters. It will make it easier to obtain the I–68 form. It will make it available not only in INS offices but through the mail and on the Internet.

It would also require the INS to establish a toll-free information number to provide information about the program and how to obtain the forms and where to file those forms.

It will further streamline the ability to obtain permits, and the bill would direct the INS to work with State officials to develop alternate procedures as well.

Finally, the bill exempts American citizens from obtaining an I–68 form if they are traveling on a boat no more than 65 feet long, on a trip that lasts no longer 72 hours, and they carry a U.S. passport to prove their citizenship.

I want to compliment the gentleman from Ohio [Mr. HOKE] for the effort that he has made on this. The gentleman and my staff have worked closely together. We believe this is in the best interests of all, and it will take some of those adverse regulations and burdensome procedures and set them aside. It is certainly not perfect but a step in the right direction.

Mr. Speaker, I yield back the balance of my time.

MODIFICATION TO H.R. 4165 OFFERED BY MR. HOKE

Mr. HOKE. Mr. Speaker, I ask unanimous consent to modify the version of the bill at the desk, striking out the handwritten language in the last two lines.

The SPEAKER pro tempore. The Chair would inquire of the gentleman, does he mean then to reinsert the stricken language replaced by the handwritten language?

Mr. HOKE. That is correct, Mr. Speaker.

The text of the modification is as follows:

Modification to H.R. 4165 offered by Mr. HOKE: On page 3, beginning on line 12, strike out "the same proof of U.S. citizenship as currently required by INS for U.S. citizens making land surface crossing between the United States and Canada for the duration of the trip." and insert "a United States passport for the duration of the trip."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. TRAFICANT. Mr. Speaker, I will not object.

There was no objection.

The SPEAKER pro tempore. Without objection, the motion is modified.

There was no objection.

Mr. HOKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. HOKE] that the House suspend the rules and pass the bill, H.R. 4165, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide for certain changes with respect to requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act."

A motion to reconsider was laid on the table.

□ 1330

TREATMENT OF CERTAIN FEDERAL EMPLOYEES AT FEDERAL HYDROELECTRIC FACILITY ON COLUMBIA RIVER

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3163) to provide that Oregon may not tax compensation paid to a resident of Washington for services as a Federal employee at a Federal hydroelectric facility located on the Columbia River.

The Clerk read as follows:

H.R. 3163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 111 of title 4, United States Code, is amended—

(1) by inserting "(a) GENERAL RULE.—" before "The United States" the first place it appears, and

(2) by adding at the end the following new subsection:

"(b) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE COLUMBIA RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

"(1) which is owned by the United States,

"(2) which is located on the Columbia River, and

"(3) portions of which are within the States of Oregon and Washington,

shall be subject to taxation by the State of Oregon or any political subdivision thereof only if such employee is a resident of such State or political subdivision."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to pay and compensation paid after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3163 and urge its adoption.

We have a very unique situation which this bill will address and which, if passed, will cure. This is an anomaly whereby citizens of one State working near another State are being taxed by the other State, and they, the disaffected taxpayers, have been seeking relief from this problematic situation for a long, long time.

The States involved are the States of Washington and Oregon on the Pacific Coast. The Columbia River, which divides the two States, also is the site of several dam sites which employ people under the Federal aegis, thereby designating them as Federal employees. Yet the residents of Washington, bona fide residents of the State of Washington, have for a long time been paying Oregon taxes. Therein lies the problem.

We will shortly yield to the Members of Congress who know in detail and from a personal standpoint the diameter and the extent of this particular problem.

Mr. Speaker, I reserve the balance of my time, hoping to yield to them for a full explanation.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not planning to object to this legislation, but I do think it is important to note that this bill is being brought up under a most unusual process and under procedures that do not allow for the appropriate degree of consideration by Members.

First, this bill is being brought to the House floor on less than 24 hours' notice. There is no reason for taking action in this manner. The bill was in the Judiciary Committee for more than 6 months without any action being taken whatsoever.

Second, we have absolutely no legislative record or background on the legislation before us. We do not know how many taxpayers will be affected, although it appears that it may affect only some 79 taxpayers. We do not know the current practice by the State of Oregon for taxing these individuals and do not know how much money this will cost the State of Oregon.

It is ironic that a Congress that began the session solemnly declaring its opposition to unfunded Federal mandates on the States would end the session by passing an unfunded mandate on the State of Oregon. Because of this unusual expedited process, we have no CBO scoring letter, so we are completely in the dark about the degree of the mandate.

Congress should be very careful in adopting special laws that limit State taxation prerogatives. At a time when we are sending more and more responsibility to the States, we need to preserve maximum flexibility for them.

We need to be particularly careful when we adopt laws of special applicability that provide a benefit to only a small number of individuals, as this bill does. This may be the right thing to do in these circumstances, but unfortunately we do not have enough information to make that determination in a thoughtful, prudent manner.

Given the late hour, I do not expect that we will seek a record vote on this bill, but I am certainly hopeful that in the future we can utilize a more deliberative and serious process when adopting a bill such as this. We owe this much to our constituents.

This is a very bad process that would not be tolerated were it not for the complications of today's anticipated adjournment and the need to adopt an emergency spending measure to avoid another Government shutdown Monday, and also, I might add, because I fully expect that the Senate will undoubtedly kill this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. I thank the gentleman for yielding me this time.

Mr. Speaker, this legislation is really what I would characterize as commonsense legislation because no American citizen should be forced to pay taxes in two separate States at the same time. But that is exactly what is happening to several dozen Army Corps of Engineers workers in the Pacific Northwest.

The State of Oregon has mistakenly determined that it has the authority to impose its Oregon income tax on 79 corps employees who live in Washington State. These workers do not work in Oregon. They do not cross into Oregon during the workday. In fact, many of them work entirely on the Washington side of the Columbia River, and seldom, if ever, step onto the four dams which separate the two States.

This is not the first time this issue has come before Congress. Several years ago, we had a similar concern for the tax treatment of Federal employees working for Amtrak. They frequently would travel into other States, and those States had attempted to impose their State tax, in addition to the State tax of the State of residence. Congress recognized that this double taxation was unfair, and corrected the problem in the Amtrak Improvement Act of 1990.

This situation is even more clear cut. In the case of Amtrak, workers would actually cross into the work in the second State. In the case of these workers, they do not cross into Oregon. They do not use Oregon facilities. They do not drive on Oregon roads. And since they already pay all applicable Washington State taxes, they should not be forced to pay twice.

In addition, this Congress just passed the Source Tax reform bill. We established a precedent by determining that pension taxes should be taken by the State of residence. The very same principle applies in this case. Taxes should be imposed by the State of residence.

Mr. Speaker, the impact of this bill is minimal. As I mentioned, we believe that it applies to approximately 79 workers at four Federal dams. It would have no fiscal impact on the United States. It would have minimal impact on the State of Oregon. But it would have a tremendous impact on 79 working families who are struggling to make ends meet. That is why the union which represents not only these workers, but also the several hundred Oregon workers who work at these dams, strongly supports my legislation.

As a result, I would strongly urge a "yes" vote on this important bill.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume. I just wanted to make a couple of additional comments.

We have been contacted by the Federation of State Tax Administrators, who have expressed very serious reservations about this bill and the precedent it might set. We have also heard from the Oregon Department of Revenue expressing reservations, concern, and perhaps even objections to this bill.

The comments made by the previous speaker are some that would have been better explored in committee if we had had a hearing on this bill. In fact, the rule of law generally is that many States tax the income of nonresidents that is generated within those States. Oftentimes, and I would say it is the general rule, the State of residence of the taxpayer then gives a credit to the taxpayer for income that was earned and taxed in another State. The Constitution of the United States gives States the authority to tax residents' income and this does disrupt to some extent the constitutional scheme.

It may be that this is a good exception. Many good rules sometimes require an exception. I think my point, however, is that the exception and the need to create one in this case, if it needs to be made, was not pursued properly. There were no hearings, there were no markups, there was no committee action whatsoever, and I think this is a cause of some concern.

Mr. SPEAKER. I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. I thank the gentlewoman for yielding.

Mr. Speaker, we are really into the middle of the political silly season here. Nobody knows how many people exactly are impacted by this bill. No one knows exactly what the revenue impact is to the State of Oregon. The State of Oregon has been afforded no opportunity to comment. No hearings have been held. Not a single hearing, not one day, not one minute, not one second of hearings.

Before yesterday, nobody had the slightest idea that this bill might come forward. Here we are. Reelect the majority. They can delivery bills at the last minute that no one has read, no one understands, and no one is going to have an opportunity to review. I am going to object to this and call for a vote.

Mr. Speaker, this is ridiculous. Just like in a few hours we are going to vote on a continuing resolution for the entire Government of the United States of America larded down with thousands of special interest provisions that no Member of this body will have read. Not a one. The President of the United States has not even read it. He does not know what is in it. His people just made some deals for him.

Why are we not doing it tomorrow? Why are we not doing it Monday? Why do they not give us 36 hours to read it? Why do we not hold this bill over? If this is important, let us keep Congress in session until next week. We get paid. We do not get paid to campaign. We get paid to work. Let us stay in Washington and work. Let us not just jam bills through that no one understands.

There are a few constitutional implications here. Yes, there are some pretty extraordinary constitutional implications here. The Federal Government is going to tell the State of Oregon that it cannot tax people who it thinks it can rightfully tax given its jurisdiction.

What about New York? Let us do away with their commuter tax. We might get a little more excitement if we were doing away with New York's commuter tax. Or let us look at some of the other jurisdictions that levy commuter taxes.

This is an extraordinary precedent, possibly unconsititution, but the worst thing is it has not been heard, it has not been understood, it has not been properly noticed, and it is being jammed through here at the last moment.

I am going to at least put everybody on record and then when we revisit these issues in the future, a couple of Republicans from Washington State can go home and say, "Hey, we were able to jam through a bill that would do something for some unspecified number of people from our State. Reelect us."

I know you have got some tight reelections. Good luck. If you are back, I only hope that you are in the minority so we can discuss this in a different vein next year.

Mr. GEKAS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. SMITH] for a further description of the simple justice that is included in this bill.

Mrs. SMITH of Washington. Mr. Speaker, I rise in support of this bill with a very extensive background in Oregon tax law, as well as preparing nonresident and resident taxes for nearly 15 years along the border. We come to a lot of decisions when you straddle a border, and quite often the State that can get the most tax out of the citizens will.

We have found that in the past we have had to come to the Federal Government because we do have a sales tax on one side and an income tax on the other. Out of one of those trips came the Amtrak law, we call it, but it just simply said, "When a train goes back and forth across the river, then that train engineer doesn't have to pay tax on both sides of the river."

That made sense. We passed it here in Congress. But we left some people behind. On the river are a group of people that work on dams. They work right on the river, which is kind of no man's land in our State. Halfway through the river sort of, it is supposed to be Oregon and halfway it is Washington. All these people get up each morning, they pick up their lunch pail, they go out and they work, and they get on the river.

What Oregon decided to do was make them keep track of the time they walked back and forth across the river, depending on what they were doing, so they could pay part of it to Oregon income tax, although when they got in their car, went home to their families, bought their groceries, it was all in Washington State where they pay tax, drive on the roads and never do anything in Oregon.

This is more unjust than it was for the poor railroad engineer, my husband. My husband used to have to go through this, breaking down his hours, breaking down his time, declining how much Oregon tax we paid. But he never, ever went to work in Oregon. It was when he drove his train into Oregon and back out again.

Sometimes we do not need studies anymore. We have had major studies. We already looked at this issue extensively when we looked at this provision for truckers and railroaders and those that went back and forth across borders.

□ 1345

If that was just, this is more just, and it makes a whale of a lot of sense. Commonsense provisions for working families, that is what this Congress has been all about. You try to defend taxing a man and woman that goes to work, never gets any benefits out of a State, but they get their payroll check and they find 10 pervent went to a State that they do not live in.

It does not make sense, it is not fair, it is taxation without representation, and that is the wherein we had a tea party. I urge my colleagues to vote "yes" for this. This makes sense.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note that the other tax measures referred to by the prior speaker were indeed passed, but they were passed before I was here. Both the prior speaker and I are freshmen Members of the House of Representatives. Accordingly, I was not here in Congress to observe the hearings and to study those measures, nor were any of the freshmen Members.

This may in fact be a good thing to do, or it may not be. The point I am making is that this measure received no scrutiny by the Committee on the Judiciary. It was introduced on March 26 of this year. The Committee on the Judiciary held no hearings, and held no markup. So I do not think it is the right process, frankly.

I am one who always likes to achieve sensible, easy, streamlining. The problem here is that we do the not know if that is what this is in this case.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I guess my question would be if this is so simple and such a no-brainer, and there may well be some equity issues here, why was it not brought up under the famous Corrections Day procedure when some scrutiny could have been applied? Why is it being brought up with less than 24 hours notice the day of the adjournment of the House of Representatives to run home for reelections without reading or understanding what we are passing in the last 24 to 48 hours?

It is simple. This body is a full-blown majority party, and let us have a process that makes sense for the people of the United States. This bill might have good arguments, but the arguments have not been made. The State of Oregon and the State of Washington have not been heard before the committee.

The persons to be impacted have not been heard before the committee. We have not understood the constitutional implications. I always heard States rights from that side of the aisle. States rights, States rights. We are preempting a State here today. What precedent are we setting by presenting one State with this? What other States have transborder issues?

Washington State does not have an income tax. That is one of the issues before us is, these people do not pay income taxes in the State of Washington, because they do not have an income tax. There are many thousands of people that live across the border in Washington State who commute over the bridge to go daily to work, all the way over into Portland and other places across the river.

So there is a host of issues here. Certain jurisdictions, cities, counties, and others, have commuter taxes. I do not know if any other States have them. I do not know if other States are in a similar situation. I do not believe anybody on that side of the aisle can answer that question if I ask it. No one knows, because no hearings were held, not a single one. If this is such a slam-dunk, you could have had one hearing, 2 hours, brought the bill up under Corrections, last week, the week before, back in July. Why not? This is wrong.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Oregon has been very eloquent in his railing against the system that would try to ram a piece of legislation through without hearings, and yet I am sure, the veteran that he is, he recalls countless instances of unanimous consent, both when the Democrats were in charge of the House and when now that the Republicans are, where the gentleman may not have known, maybe he did, maybe not, the consent of the hundreds, hundreds of unanimous-consent agreements that have been reached between the parties that allow the House to act on something of simple justice, to move a piece of legislation along.

We were under the impression when we came here that the gentleman from Oregon himself was not going to object. Second, that the Corrections Calendar gambit that we felt, as the gentleman has felt, might have been a proper procedure, was met with some distrust on his part or maybe he agreed not to allow it to be presented to the Corrections Calendar, something like that. But we were under the impression that the parties involved here, sensing the equity and justice inherent in this bill, agreed, much like a unanimous consent, in which the gentleman from Oregon perhaps has entered into in his veteran status on this floor, many, many times, maybe not, and maybe he has read all those documents that were inherent in those unanimous consents, maybe not. But now he has the courage to come and say to us they did not read the bill, there were no hearings on it, as if this was something we were foisting on the public for the first time in the history of the House of Representatives, when he knows that by unanimous consent, we, not he, we are not sure about him, we, other Members of the House, Democrat and Republicans, have agreed to let a simple agreement reach final stages.

Mr. Speaker, I yield such time as he might consume to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, this debate really boils down to one simple question: Are we willing to allow blatant discrimination against Federal workers? I think the answer clearly to that question is simply no, we should not tolerate any State or organization which seeks to unfairly single out Federal workers for discriminatory tax treatment.

That is what is happening here, Mr. Speaker. In addition, Congress has already spoken clearly on this issue. This past year we took much of the same approach in determining that seniors' pensions should be taxed by the State of residence.

In 1990, this Congress resolved a remarkably similar situation affecting Amtrak workers who crossed State lines. At that time we determined that double taxation was not appropriate for Federal workers.

This is no different. Washington citizens with their residence in Washington who happen to work in Oregon are being taxes by Oregon. Oregon would not tolerate it, and Washington should not either, and the Congress should not as well. It is a simple issue of fairness for these Federal workers, and something that we should have no problem supporting in this body.

I want to thank not only the manager of this bill, but my colleague, the gentleman from Washington [Mr. HASTINGS], and the gentlewoman from Washington [Mrs. SMITH] as well, who have really championed this cause of fairness for workers, fairness for all Federal workers, as they are imposed upon by unfair taxing obligations of a sister State.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, let me say, I was listening in my office and I heard the opening statement made by the gentleman from Pennsylvania [Mr. GEKAS], and I was singularly impressed with the one statement that this is a commonsense idea.

I do not have to have a lot of hearings and a brick does not have to fall on my head to know a good idea when I see it. This is a good idea. Let me explain from a very personal perspective.

I have had a staff person working for me for 15 years, a staff director. In that time, 15 years, she has paid income tax in California and income tax in Virginia, because there is no reciprocal.

There are a lot of Federal employees right here in our House, and on the Senate side too, I imagine, that are in exactly the same posture.

Let me tell you something. It is unfair that people should pay double taxation. I though one of the ideas of our Constitution was to make sure people weren't double taxed.

Now, I have never met a tax collector anywhere who would not argue that they needed the tax. Yes, they need the tax, but that is not the question. The question is equity. Why should a person pay taxes on income they did not earn in that State? That staff director earns that money here in Washington, DC, but she pays taxes in Virginia, and she pays taxes in California. Tell me how that is fair? That is not fair. And where this issue might open a Pandora's box to all kinds of people asking for the same exemption, I think all Federal employees should have this exemption. I see nothing wrong with that. I only see fairness and equity in it.

I wish my colleagues on this side would see the fairness of it. This is not an issue that has to be partisan. This is an issue that has to deal with people who work for both our side and for their side and every side.

I actually think the gentleman came forth with a good piece of legislation, and this may be an expedited way of getting it through, but hallelujah to him and hallelujah to people who will not wait on a prolonged system to bring about equity for people and justice for people who have suffered as long as my staff director has, for 15 years, paying taxes in two places, earning that money in a different place altogether.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California. He said it best thus far, and he has personal experience, does the gentleman from California, with a staffer, on the simple injustice which we are attempting to cure here today, albeit we did not conform to the procedures that the gentleman from Oregon would force upon us on a question that many times would have been cured by unanimous consent in any event.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to point out that when I began my statement this afternoon, I indicated that I was not going to object only because of the need here at the end of the session to move along, noting that the process is dreadful. I am a member of the subcommittee chaired by the gentleman from Pennsylvania [Mr. GEKAS], and I know that we could have sorted through issues such as those raised by my colleague form California that are broad and potentially national in scope. I certainly would be willing to do that. But as I am hearing more and more, I am seeing that what in fact may be a sensible, small exception, has raised questions about a nationwide scheme.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, in response to my colleague on the opposite side of the aisle, there were a number of times when I objected to the procedures under my own majority party, and there were times I voted against continuing resolutions, because I said we had not been given the opportunity to read them and understand them even if they were written by Democrats in the majority.

To say that because the Democrats, which I am fully willing to admit, at times abused their power or abused the rush to adjournment, then we should do it too, would it not be nice to change things around here? I thought we were going to have a revolution and do things in regular order.

This is not something that began last week, last month, this year, last year. This bill was originally introduced by Jay Inslee from Washington when the Democrats were in the majority. It received no action then. For some reason, whatever reason, it received no action, no hearings, no markup.

The esteemed gentleman from Pennsylvania chairs the subcommittee. I am certain in his busy schedule he could have found 2 hours, sometime in the last 6 months, to hold a hearing on this issue, and invite in the opposing parties and understand fully what we are entering into and doing here.

But that was not done. That was not done. It was not done under the Democrats, it has not been done under the Republicans. The only difference is in this case a few Members from Washington, despite the fact the former Speaker was from Washington, apparently had more clout with the leadership and they can jam something through that has not had hearings, it has not been heard, and no one fully understands the implications of.

The gentleman from California [Mr. MARTINEZ] opened an extraordinary Pandora's box here with what he is proposing, although I think there is a mistake. I think his staffer needs a new accountant. When I was a staffer and lived in Maryland, I paid taxes in Oregon. They once asked me to pay taxes in Maryland and I sent them my Oregon return. They said, are you crazy? Your taxes are much higher. You should be paying taxes here, but since you paid taxes in Oregon, you do not have to pay them here. So I am a bit puzzled by what is happening to his poor staffer.

But there are a whole host of issues here and a whole host of commuter taxes out there that are being paid across the country, and what precedent are we setting, if this is legal and constitutional?

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, a member of the committee.

□ 1400

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for yielding this time to me.

Mr. Speaker, I rise really on a point of inquiry that I will probably have a colloquy with myself on. The concern I have, and as a member of local government we had the same experience——

Mr. GEKAS. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. If the gentleman would be kind enough to let me finish.

Mr. GEKAS. If the gentlewoman would yield, I simply want to tell her I am available for any inquiry that she might want to pose, and I would be glad to engage in a colloquy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, having this experience with local government, we are familiar with the concept of one entity and its citizens benefiting by salary from another entity and the question of taxation. The question that I would raise that I think is important, even as we may be trying to remedy this for certain isolated areas, process is important.

This does not fall into the category of correction or one that can be aptly categorized as appropriate for suspension, for as far as I may know this may be an appropriate procedure for the entire Nation.

Have we determined that there is in fact a problem between Oregon and Washington? Have we determined in fact that that problem does not find itself relevant to California, to Texas, to Virginia, to Ohio, to New York? If we are doing this isolated legislation, why should it not then create an opportunity for precedent to solve problems across the Nation?

I do not want double taxation, but what I am concerned about is that I am not being helped in the State of Texas. Those in Ohio are not being helped. Those in New York are not being helped. Those in the Washington-Virginia area are not being helped.

So we have a piece of legislation that has no basis in credibility for us on the Federal level to be dealing with, without hearings, to suggest that there is need to correct the entire problem.

I would hope that we would have an opportunity to address this not from the question of whether it is right or wrong, because I do not think anyone would rise to the floor of the House and support double taxation. They do raise the question, however, what is the precedent, the data, the basis for making this decision, whether there is a fair applicability of State laws in Oregon and Washington, and whether or not there is a penalty that is being assessed against those citizens by this legislation without precedence, hearing and process.

Ms. LOFGREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 3163.

The question was taken.

Mr. DEFAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RESIDENT REVIEWS FOR NURSING FACILITIES UNDER MEDICAID

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent to move to suspend the rules and pass the bill (H.R. 3632) to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid Program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. DINGELL. Mr. Speaker, reserving the right to object, is this a unanimous-consent request?

The SPEAKER pro tempore. Yes. Is there objection?

Mr. DINGELL. Mr. Speaker, would the gentleman please restate the unanimous-consent request?

Mr. BILIRAKIS. Mr. Speaker, if the gentleman will yield, the reason I asked for the unanimous-consent request was because the 1-hour notice was not given regarding the bill H.R. 3632.

It was an inadvertent mistake on the part of the majority. The 1-hour notice was given for H.R. 3633, and it was the intent it also be given for H.R. 3632, so I thought I would go through the process but raise the red flag, and do it right and ask for unanimous consent.

Mr. DINGELL. Mr. Speaker, I am trying to understand. What is the unanimous-consent request here?

Mr. BILIRAKIS. To suspend the rules and to pass this bill.

Mr. DINGELL. To suspend the rules and pass the bill.

Mr. BILIRAKIS. With the understanding that the 1-hour's notice was not given.

THe SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. DINGELL. Mr. Speaker, reserving the right to object, could the gentleman tell me why we are doing this under unanimous consent?

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, as I said earlier, I indicated that the 1-hour notice was required to be given. We gave the notice, as I understand it, at 1:15. That is less than the hour, and for that reason I asked for the unanimous consent. It is a technicality.

Mr. DINGELL. I wondered. Now, continuing my reservation of objection, could my dear friend from Florida tell me a little about this bill we are bringing up before the hour's notice?

Is this a bill we have seen before? Was this bill up in committee?

Mr. BILIRAKIS. Mr. Speaker, if the gentleman will continue to yield, this is a bill we marked up a few days ago in the Committee on Commerce.

Mr. DINGELL. We marked it up?

Mr. BILIRAKIS. We did, sir. Questions were raised. It was a bipartisan thing. It was approved by the gentleman from California [Mr. WAXMAN].

I know question was raised by either Mr. WAXMAN or someone in the minority about the quality standards, does this hurt the quality standards. Assurances were given there would not be any adverse consequences.

Mr. DINGELL. Mr. Speaker, continuing my reservation of objection, it is normally considered appropriate to consult with the minority before unanimous-consent requests are made. Was there any consultation on this?

Mr. BILIRAKIS. If the gentleman will continue to yield, consultation between the minority and majority staffs took place, I understand, regarding bringing up this piece of legislation at this time.

Mr. DINGELL. By unanimous consent.

Mr. BILIRAKIS. The only reason I added unanimous consent in there is because of the technicality. We are about 5 minutes short of that 1-hour notice.

Mr. DINGELL. But the gentleman said that there was consultation with the minority staff?

Mr. BILIRAKIS. I saw them with my own eyes consulting.

Mr. DINGELL. Mr. Speaker, it is strange that this is the first that I am hearing of it. I do have a little to do, as my good friend knows, with the business of the minority, and I am happy to hear that there was some consultation. Perhaps I should speak to the minority staff about this.

Mr. BILIRAKIS. I wish the gentleman would talk to Mr. WAXMAN's staff about this.

Mr. DINGELL. I am told Mr. WAXMAN is in California.

Mr. BILIRAKIS. His staff is what I said.

Mr. DINGELL. It would be very wonderful if the gentleman would speak to the staff of the minority side of the committee. I am sure Mr. WAXMAN is being informed of this out in California. We are seeing some rather extraordinary events.

Just to help me a little more, and I will continue my reservation of objection——

Mr. BILIRAKIS. If the gentleman would forgive me. I am not sure who has the time, but, Mr. Speaker, I would at this point to take back my unanimous-consent request.

The SPEAKER pro tempore. The gentleman withdraws his unanimous-consent request.

Mr. BILIRAKIS. Mr. Speaker, I move the House suspend the rules and pass the bill H.R. 3632, a bill to amend title XIX of the Social Security Act regarding nursing home facility inspections.

POINT OF ORDER

Mr. DINGELL. Mr. Speaker, parliamentary inquiry, and reserving a point of order.

Is the hour that we are supposed to proceed in the way of this——

The SPEAKER pro tempore. The gentleman will kindly suspend.

The Chair is unable to entertain the gentleman's motion due to the fact that the 1 hour time limitation has not expired.

Mr. DINGELL. Mr. Speaker, I do not want to lose my rights here. I reserve a point of order and make a parliamentary inquiry.

The SPEAKER pro tempore. The Chair has already indicated that he cannot entertain the gentleman's motion and so there is nothing to respond to at this moment in time.

Mr. DINGELL. Mr. Speaker, I have no objection to my good friend renewing his unanimous consent request.

Mr. BILIRAKIS. Well, the gentleman certainly sounded, with all due respect, like he did have some objection a few minutes ago.

So where are we now? All I want to do is get this bill passed that both sides wanted to get through the system today.

Mr. DINGELL. I have no objection to proceeding. I am just trying to establish if we are dealing with the regular order here, Mr. Speaker.

The SPEAKER pro tempore. The Chair would ask for regular order. Does the gentleman have a request of the Chair?

Mr. BILIRAKIS. I did not hear the question, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Florida seek recognition?

Mr. BILIRAKIS. The gentleman from Florida, Mr. Speaker, moves that the House suspend the rules and pass the bill (H.R. 3632) a bill to amend title XIX of the Social Security Act regarding nursing home facility inspections.

The SPEAKER pro tempore. Is there objection to the present consideration of the motion?

Mr. DINGELL. Is this a unanimous-consent request, Mr. Speaker, or is this a motion?

The SPEAKER pro tempore. The Chair is asking whether there is objection to the present consideration of the motion.

Mr. DINGELL. It is a motion, then; am I correct?

The SPEAKER pro tempore. It amounts to a unanimous-consent request to offer a motion.

Mr. DINGELL. Has the hour passed, Mr. Speaker?

The SPEAKER pro tempore. It amounts, sir, to a unanimous-consent request.

Mr. DINGELL. I am not quite sure which one of my questions the Chair is answering. Are we answering my parliamentary inquiry as to whether the hour has passed, or whether this is appropriate, or is this a unanimous-consent request?

Could the Chair help me, please?

The SPEAKER pro tempore. Because the hour has not passed, only without objection may the gentleman's motion be considered. Therefore, the gentleman's request is in the nature of a unanimous-consent request.

The Chair has inquired as to whether or not anyone has objection.

Mr. DINGELL. Mr. Speaker, I do not want to object, but I do want to reserve the right to object simply to ask questions of my dear friend from Florida, for whom I have the most enormous respect and affection.

Mr. BILIRAKIS. Mr. Speaker, I renew my request for unanimous consent.

Mr. DINGELL. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. DINGELL] reserves the right to object.

Mr. DINGELL. Simply to continue to have this very helpful colloquy with my good friend from Florida.

Mr. BILIRAKIS. It might be helpful to the gentleman form Michigan, but it is not to me.

Mr. DINGELL. Well, I apologize because it is my intent to be helpful in every particular to my good friend from Florida.

I am trying to understand. This is a bill that was reported out of the committee?

Mr. BILIRAKIS. The bill was marked up, I believe last week, out of committee.

Mr. DINGELL. Mr. Speaker, if I could continue on my reservation of objection, is this the bill that was the amendment, that is exactly the same as the amendment? This is a different bill? Oh.

Well, I will not object, and I gather, then, Mr. Speaker, that we are proceeding under the suspension rules and I will be immensely cooperative.

The SPEAKER pro tempore. And the Chair thanks the gentleman. The gentleman from Michigan withdraws his reservation of objection.

Without objection, the Clerk will report the title of the bill.

There was no objection.

The Clerk read the title of the bill.

The text of H.R. 3632 is as follows:

H.R. 3632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REQUIREMENT FOR ANNUAL RESIDENT REVIEW FOR MENTALLY ILL AND MENTALLY RETARDED NURSING FACILITY RESIDENTS.

(a) IN GENERAL.—Section 1919(e)(7) of the Social Security Act (42 U.S.C. 1396r(e)(7)) is amended—

(1) in subparagraph (B)—

(A) by striking "ANNUAL" in the heading, and

(B) by striking clause (iii); and

(2) in subparagraph (D)(i), by striking "ANNUAL" in the heading.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 2. REQUIREMENT FOR REVIEW IN CASE OF SIGNIFICANT CHANGE IN PHYSICAL OR MENTAL CONDITION OF MENTALLY ILL OR MENTALLY RETARDED NURSING FACILITY RESIDENTS.

(a) REQUIREMENT FOR NOTIFICATION OF STATE AUTHORITY.—Section 1919(b)(3)(E) of the Social Security Act (42 U.S.C. 1396r(b)(3)(E)) is amended by adding at the end the following: "In addition, a nursing facility shall notify the State mental health authority or State mental retardation or developmental disability authority, as applicable, promptly after a significant change in the physical or mental condition of a resident who is mentally ill or mentally retarded.".

(b) REQUIREMENT FOR REVIEW.—Section 1919(e)(7)(B) of such Act (42 U.S.C. 1396r(e)(7)(B)), as amended by section 1(a)(1), is amended by inserting after clause (ii) the following new clause:

"(iii) REVIEW REQUIRED UPON CHANGE IN RESIDENT'S CONDITION.—A review and determination under clause (i) or (ii) must be conducted promptly after a nursing facility has notified the State mental health authority or State mental retardation or developmental disability authority, as applicable, under subsection (b)(3)(E) with respect to a mentally ill or mentally retarded resident, that there has been a significant change in the resident's physical or mental condition.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to changes in physical or mental condition occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Michigan [Mr. DINGELL] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3632 has received strong bipartisan support and will correct a problem with the current implementation of the nursing home quality assurance standards. Let me say that Congressman EHRLICH, the sponsor of the bill, deserves special recognition for his efforts in moving this bill.

One of the requirements of the act was annual resident assessment for all Medicaid nursing home residents. The underlying statute also has as a requirement that for each resident of a nursing facility who is mentally ill or mentally retarded, an additional evaluation be completed. These additional reviews have proved to be costly and unnecessary. The Commerce Committee, the States, and the administration have come to the conclusion that this additional annual review is unnecessary.

This bill repeals this requirement for an additional assessment for the mentally ill and the mentally retarded. It would require, as an alternative, that additional assessments only occur when there is a significant change in the resident's physical or mental condition.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I strongly support this bill. I want to express my respect and affection for my good friend from Florida. We are not always able to keep track of the way these matters move around here, and so I always out of great affection, some respect of the very high character and desire to work with my Republican colleagues, I always ask questions to try to find out what it is we are doing here during these closing days.

I would observe parenthetically that we just checked with the staff of the gentleman from California [Mr. WAXMAN], and they have not heard a word about this bill. So I hope the gentleman from Florida will excuse my inability to respond as speedily and as sharply and crisply as I might have liked to have done.

In any event, the bill is a good bill and we support this excellent legislation.

□ 1415

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. EHRLICH], the sponsor of the bill.

Mr. EHRLICH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, just briefly, I want to thank everyone involved with this bill, particularly the gentleman from California [Mr. WAXMAN], and I would also point out that this is a Corrections Day bill. As you know, the Speaker came up with the Corrections Day process in order to facilitate the elimination of regulations that simply do not make sense and that cost a lot of money. That is the very purpose of the corrections day process.

I also congratulate the Speaker for implementing this process, and I believe this bill is probably the best example I can think of as to the way the Corrections Day process was supposed to work and actually does work. It has been a great honor for me to be a part of the process.

Mr. DINGELL. Mr. Speaker, we do not have any further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I too have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS] that the House suspend the rules and pass the bill, H.R. 3632.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3632.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 16 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BURTON of Indiana] at 5 o'clock and 1 minute p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1514. An act to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes;

H.R. 1823. An act to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Consevancy District dated December 28, 1965, and November 26, 1985, and for other purposes;

H.R. 2967. An act to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes;

H.R. 3660. An act to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes;

H.R. 3871. An act to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations;

H.R. 3973. An act to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives;

H.R. 4138. An act to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes;

H.R. 4168. An act to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes; and

H. Con. Res. 207. Concurrent resolution approving certain regulations to implement provisions of the Congressional Accountability Act of 1995 relating to labor-management relations with respect to covered employees, other than employees of the House of Representatives and employees of the Senate, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2779. An act to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes; and

H.R. 3118. An act to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2130. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Ms. PRYCE. Mr. Speaker, pursuant to House Resolution 525, the following suspensions are expected to be considered today: H.R. 3005, SEC conference report, and S. 2003, armored car.

WAIVING ENROLLMENT REQUIREMENTS WITH RESPECT TO ANY BILL OR JOINT RESOLUTION OF 104TH CONGRESS MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1997

Ms. PRYCE. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the joint resolution (H.J. Res. 197) waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 197

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF REQUIREMENT FOR PARCHMENT PRINTING.

(a) WAIVER.—The provisions of sections 106 and 107 of title 1, United States Code, are waived with respect to the printing (on parchment or otherwise) of the enrollment of any appropriation measure of the One Hundred Fourth Congress presented to the President after the enactment of this joint resolution.

(b) CERTIFICATION OF ENROLLMENT BY COMMITTEE ON HOUSE OVERSIGHT.—The enrollment of any such measure shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

SEC. 2. APPROPRIATION MEASURE DEFINED.

For purposes of this joint resolution, the term "appropriation measure" means a bill or joint resolution that includes provisions making general or continuing appropriations for the fiscal year ending September 30, 1997.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR ADJOURNMENT SINE DIE

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 546 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 546

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House a joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997. The joint resolution shall be debatable for one hour equally divided and controlled by the majority leader and the minority leader or their designees. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to commit.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House a joint resolution appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for counting in Congress of the electoral votes for President and Vice President cast in December 1996. The joint resolution shall be debatable for one hour equally divided and controlled by the majority leader and the minority leader or their designees. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to commit.

SEC. 3. A resolution providing that any organizational caucus or conference in the House of Representatives for the One Hundred Fifth Congress may begin on or after November 15, 1996, is hereby adopted.

SEC. 4. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Fifth Congress as a House document, and for the printing and binding of three thousand additional copies for the use of the House, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House, is hereby adopted.

SEC. 5. Each committee of the House that is authorized to conduct investigations may file reports to the House thereon following the adjournment of the second session sine die.

SEC. 6. Reports on the activities of committees of the House in the One Hundred Fourth Congress pursuant to clause 1(d) of rule XI may be printed as reports of the One Hundred Fourth Congress.

SEC. 7. The Speaker and the minority leader may accept resignations and make appointments to commissions, boards, and committees following the adjournment of the second session sine die as authorized by law or by the House.

SEC. 8. The chairman and ranking minority member of each standing committee and subcommittee may extend their remarks in the Congressional Record and include a summary of the work of their committee or subcommittee.

SEC. 9. All Members may extend their remarks in the Congressional Record on any matter occurring prior to the adjournment of the second session sine die.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution and that I may be permitted to insert extraneous materials into the RECORD following debate on the rule.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE. Mr. Speaker, House Resolution 546 is a straight-forward resolution providing for the consideration of certain measures in preparation for the sine die adjournment of the second session of the 104th Congress.

Specifically, the rule makes in order resolutions waiving certain requirements with respect to the following actions:

The enrollment of general or continuing appropriations bills for fiscal year 1997; the convening of the first session of the 105th Congress and the day for counting electoral votes for President and Vice President of the United States; the convening of any organizational caucus or conference in the House for the 105th Congress; the printing and distribution of a revised edition of the House Rules and Manual for the 105th Congress; authorizing committees to file investigative reports after the adjournment of the 104th Congress; authorizing the filing and printing of committee activity reports; authority to accept resignations and to make appointments to certain commissions, boards, and committees following adjournment, or as authorized by law or by the House; permitting chairmen and ranking minority members of each committee and subcommittee of the House to revise and extend their remarks in the RECORD on the work of their respective panels; and, finally, permitting all Members to revise and extend their remarks in the RECORD on any matter occurring before the second session of the 104th Congress is adjourned sine die.

Mr. Speaker, ordinarily these noncontroversial housekeeping matters are addressed by the House under unanimous consent agreements. But, regrettably, not all of these items have been cleared in advance with our friends in the minority.

So, as a precaution, the Rules Committee has taken the step of preparing a very simple, straight-forward rule in preparation for the sine die adjournment of the second session of this historic 104th Congress. I would assure my colleagues across the aisle that there is no hidden agenda in this rule, and I encourage all Members to give it their full support.

Mr. Speaker, since this may very well be the final rule brought to the floor by the Rules Committee in the 104th Congress, I want to take a moment to publicly commend Chairman SOLOMON for his leadership on the committee and for his commitment to furthering the cause of fair and open debate in this body.

Much has been said in recent weeks about what this Congress has accomplished during the past 2 years. Reform, especially internal reform of the House, has been one of our highest priorities, and the Rules Committee, under Mr. SOLOMON's able leadership, has proudly played an active role in keeping congressional and fiscal reform a front-burner issue.

Of course, I would be remiss if I did not also recognize the many years of hard work by the distinguished chairman emeritus of the Rules Committee, Mr. QUILLEN, as well as the fine contributions of two other Members who will be leaving us at the end of this session—Ms. GREENE of Utah, and Mr. BEILENSON of California. I know their efforts will no doubt be missed by our committee and by this body in the future.

In closing, Mr. Speaker, let me emphasize that the resolution before us is not complicated and it is designed only to facilitate the House's consideration of simple administrative matters related to the operations of the House after this session has concluded its business.

The rule was reported by the Rules Committee last night by a unanimous voice vote, and I urge its swift adoption by the full House today.

Mr. Speaker, I just have to say, with utmost respect, that I hope that the 22-to-10 lead that the Ohio State Buckeyes have over the Fighting Irish does not bring the gentleman from Massachusetts [Mr. MOAKLEY] to take it out on the Republicans this afternoon.

The SPEAKER pro tempore. The Chair would remind the gentlewoman that the Chair is from Indiana.

Ms. PRYCE. Mr. Speaker, I include the following extraneous material for the RECORD:

HOUSE RULES COMMITTEE SPEARHEADS MAJOR REFORMS IN THE 104TH CONGRESS

"The Rules Committee not only hit the ground running on the opening day of the 104th Congress," recalls Chairman Gerald B.H. Solomon (R-NY), "we had parachuted behind the lines weeks before that to lay the groundwork for the most monumental reform of the House in nearly a century."

Solomon continued, "And we didn't rest on our reform laurels following that historic and marathon 14-hour opening day on January 4th of 1995. Our Committee has been spreaheading further reforms ever since because we recognize that House restoration and rejuvenation must be an ongoing and dynamic process if we are to keep the People's House close to the people and enable it to confront the problems of the next century." Below is a summary released by Chairman Solomon today of the House reforms adopted to date.

Opening Day House Rules Reforms (H. Res. 6, adopting House Rules for the 104th Congress, Jan. 4, 1995).—The resolution adopting House Rules for the 104th Congress included ten items from the "Contract With America" plus 23 other changes in House Rules. These include reforms that:

Abolished 3 House standing committees (Post Office & Civil Service, Merchant Marine & Fisheries, and District of Columbia);

Limited committees to no more than 5 subcommittees (resulting in the elimination of some 25 subcommittees);

Reduced committee staffs and funding by one-third from the previous Congress;

Placed 6-year term limits on committee and subcommittee chairmen, and an 8-year term limit on the Speaker;

Abolished the use of proxies ("ghost voting") in committees and subcommittees;

Required publication of committee rollcall votes in reports;

Guaranteed broadcast media the right to cover public committee meetings and hearings;

Required three-fifths vote to pass income tax rate increases and prohibited retroactive income tax increases;

Abolished legislative service organizations (taxpayer subsidized special interest caucuses);

Required committee transcripts and Congressional Record to be verbatim accounts;

Prohibited introduction or consideration of commemorative legislation (establishing special days, week, months, etc.);

Required committees to adopt and implement oversight agendas;

Required a comprehensive outside audit of House books;

Abolished joint bill referrals to multiple committees, while requiring designation of a primary committee and time limits on sequential referrals to secondary committees;

Abolished "rolling quorums" that permitted "drop-by voting" to report bills.

Congressional Accountability Act (H.R. 1, passed House Jan. 4, 1995; companion bill, S. 2, enacted into law Jan 23, 1995, Public Law 104-1).—Brought Congress under the same employment laws that apply to the private sector.

Committee Hearing Schedules (H. Res. 43, adopted Jan. 31, 1995).—Required committee hearings to be noticed at least a week in advance unless chairman and ranking minority member agree or committee majority vote on shorter notice.

Unfunded Mandate Reform (H.R. 5, passed House Feb. 1, 1995; Senate companion bill, S. 1, enacted into law March 22, 1995, Public Law 104-4).—Required special procedures and points of order in the House and Senate to identify and vote on unfunded mandates on private sector and state and local governments contained in bills reported by committees and in amendments offered from the floor.

House Corrections Calendar (H. Res. 168, adopted June 20, 1995).—Established a new House Corrections Calendar to consider bills reported by committees to correct "dumb" regulations and clarify intent of Congress by reversing certain court decisions.

House Gift Ban (H. Res. 250, adopted by House Nov. 16, 1995).—Prohibited House Members and staff from accepting gifts from persons other than relatives and close personal friends.

Book Contracts (H. Res. 299, adopted Nov. 30, 1996).—Prohibited House Members and senior staff from accepting advances on books and required pre-approval of contracts by ethics committee.

Deficit Reduction Lock Box (H.R. 1162, passed House Sept. 13, 1995).—Established process for crediting amounts saved on amendments to appropriations bill to apply to deficit reduction.

Legislation Line-Item Veto (H.R. 2, passed House Feb. 6, 1995; Senate companion bill, S. 4, enacted into law April 9, 1996, Public Law 104-130).—Authorized President to cancel certain spending items, special interest tax breaks and entitlement provisions from laws, subject to Congressional override votes).

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no venom. BC won big yesterday, so I am very happy.

Mr. Speaker, I thank the gentlewoman from Ohio [Ms. PRYCE] for yielding me the customary half hour and I yield myself such time as I may consume.

I agree with the gentlewoman from Ohio [Ms. PRYCE] about the colleagues that are leaving the Rules Committee. They have all contributed greatly to the process, all three of them, two Republicans and one Democrat, and the Rules Committee will be a lesser place because of their departure.

Mr. Speaker, I thank my colleague from Ohio, Ms. PRYCE. The rule we are considering this afternoon sounds very complicated.

In fact the business contained in this bill is normally enacted by unanimous consent but, this session is different.

This session we have a very serious ethics investigation going on.

For that reason I urge my colleagues to oppose the previous question.

This rule in and of itself is not particularly problematic but I'm going to ask my colleagues to vote "no" on the previous question.

Late this week the House Ethics Committee voted unanimously to expand the independent counsel's investigation of Speaker GINGRICH. The contents of that new investigation could have some very, very important ramifications for the leadership of the Congress and we must make sure that we have a way to address them. Unless we reconvene we will not be able to, Mr. Speaker; if the previous question is defeated, the House shall reconvene on the first Monday after the independent counsel reports back on its new investigation of Speaker GINGRICH. At the moment we have no idea what will be in the report and we don't know how we may need to respond to its contents if we oppose the previous question we give ourselves a way to respond.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip of the Democratic Party.

Mr. BONIOR. I thank my friend for yielding me this time.

Mr. Speaker, I would like to read the editorial that was in the New York Times this morning, at least one or two paragraphs. It is entitled "Mr. Gingrich's Troubles Deepen."

> A House Ethics Committee that had appeared paralyzed by partisan bickering has taken a startling step in its long-stalled investigation of Speaker Newt Gingrich. The committee of five Republicans and five Democrats voted unanimously to broaden its inquiry, adding four new charges against Mr. Gingrich.

POINTS OF ORDER

Mr. WALKER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman will state his point of order.

Mr. WALKER. The gentleman in the well is engaging in debate which is beyond the rules of the House in that he is discussing matters that are presently active before the Ethics Committee.

The SPEAKER pro tempore. Does the gentleman from Michigan wish to be heard on the point or order?

Mr. BONIOR. I do.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BONIOR. This resolution, Mr. Speaker, is about what happens to the House after the House of Representatives adjourns. Clearly, the issue which I am addressing is important in resolving that question. The Speaker of the House has traditionally, under the resolutions of recent years, been able to call us back into session if indeed there was a national or international emergency to do so. However, the agreement was reached in terms of giving the Speaker that power. It seems to me with the cloud hanging over the head of this institution because of the alleged violations by the Speaker on tax fraud and misleading the committee and other issues, that in fact the committee has just today broadened in terms of its interest in GOPAC——

Mr. WALKER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman will state his point of order.

Mr. WALKER. The gentleman in his discussion on the point of order is engaged in debate beyond the rules of the House.

The SPEAKER pro tempore. The point of order is sustained. The gentleman in the well must properly focus on the point of order at hand.

Mr. BONIOR. Mr. Speaker, I am trying to make the point that this resolution is about the Speaker's authority to bring us back.

□ 1715

We are attempting to amend that particular resolution in order, because the Speaker is at question here on a very important point.

In order to trigger the House back into session, if indeed the special counsel issues its report to the Committee on Standards of Official Conduct, it is entirely within the scope of the discussion that we are having on this particular rule.

The SPEAKER pro tempore (Mr. BURTON of Indiana). The Chair is prepared to rule.

Matters pending before the Committee on Standards of Official Conduct regarding the official conduct of sitting Members may not be debated on the House floor if there is not pending a question of the privileges of the House. This has been the consistent ruling of the Chair in this and prior Congresses.

The fact that the committee may have issued an interim status report does not justify such references in debate. This also includes references to proposed House action on and scheduling of matters relating to the conduct of Members.

The gentleman may proceed in order.

POINT OF ORDER

Mr. VOLKMER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. VOLKMER. Mr. Speaker, according to the resolution presently pending before the House that, in the event that the Committee on Standards of Official Conduct would make a full report to the House subsequent to adjournment sine die, and in that report would either call for the resignation, reprimand, or expulsion of the Speaker, that this House, under this resolution, would not be able to come back in and take up that report.

Now, the debate is, correct me if I am wrong, I think the debate is whether or not this resolution should be amended as to whether or not the House should be able to come back in to take up such a report and take action on that report.

Now, what my point of order is, is the Chair now saying we cannot discuss the aspect of this resolution that is pending before the House?

The SPEAKER pro tempore. The Chair will respond to the gentleman's point of order.

The question is not necessarily merely one of relevance. The question is one of personalities and decorum in debate. Members must avoid personalities within the meaning of rule XIV and the precedents thereunder.

Mr. VOLKMER. You are not saying we cannot debate the issue then. What you are saying is, we should not get into personalities. Is that correct? Is that the Chair's ruling?

The SPEAKER pro tempore. That is the Chair's ruling.

POINT OF ORDER

Mr. GEJDENSON. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GEJDENSON. Mr. Speaker, in order to try to have an uncensored debate, but without bringing the Speaker into the issue, if Members were to try to have a dialog or debate regarding a potential Speaker indictment or other actions, how would Members be able to inquire as to a debate on this issue without violating the rules of the House?

For instance, if we were not to name this particular Speaker, but simply spoke——

The SPEAKER pro tempore. The gentleman will suspend.

The Chair cannot anticipate that and will rule on that when and if the occasion arises.

The gentleman from Michigan [Mr. BONIOR] may proceed in order.

Mr. BONIOR. Mr. Speaker, the point that I wish to make this evening is that we should not leave it up to the present Speaker to decide whether the House reconvenes to consider his own case. It is a very simple and obvious——

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. The gentleman is referring to matters appropriately before the Committee on Standards of Official Conduct, and he is explicitly out of order.

The SPEAKER pro tempore. The Chair sustains the point of order, and personal references to the Speaker are out of order.

The gentleman may proceed in order.

Mr. BONIOR. I will not reference the Speaker then, Mr. Speaker. What I will do is talk with respect to the procedures.

We are offering, as my distinguished colleague from Massachusetts has just done, an amendment to this resolution which allows the House to reconvene as soon as the outside counsel submits a report. It is as simple as that.

And since the resolution deals with the question of whether or not the Speaker of the House should bring the House back into session during the period in which we are adjourned sine die, it seems to me this is a proper subject for discussion, especially given the particular situation that the House finds itself in with respect to its reputation and with respect to its leader.

So I would ask my colleagues to support the amendment offered by my friend from Massachusetts [Mr. MOAKLEY] and to support the editorial that was written today in the New York Times which supports the position that we have taken this evening.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I happened to catch some of this in my office, and I was concerned about what the resolution might say. I have an inquiry to make to the maker of the resolution, which apparently is at the core of this debate.

Mr. Speaker, if I am reading it right, it says the House of Representatives shall convene on the first Monday after the submission of the special counsel's report on Speaker NEWT GINGRICH to the Investigative Subcommittee to the Committee on Standards of Official Conduct. I cannot comment, of course, on anything going on in that subcommittee, but I cannot in any way assure that there is such a thing now or ever as a special counsel's report.

The second thing that I need to point out to the maker of this resolution is that the potential time in this, even if there were to be such a thing as a report at some point, might well be into the future. I presume that the Nation's business should go forward without regard to a resolution that is as ephemeral as this one is. I would like to know whether the maker of the resolution has any time in mind?

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I will not yield to the gentleman. I will only make that inquiry to those arguing the other point and trying to use dilatory tactics on this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, it is deeply disturbing that this Congress would choose to leave town with a dark ethical cloud handing over the U.S. House of Representatives. That cloud, the ethical charges against the Speaker, grows bigger and darker almost every day.

The New York Times today says on its editorial page that we should not adjourn—that the House should not adjourn and simply pass this mess along to a new Congress and a new Ethics Committee. As the New York Times says, "Had the Republicans been less eager to protect the Speaker, the whole case might have been resolved by now."

Clearly this investigation has dragged on for far too long. Let us not contribute to the delay any longer.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, the gentlewoman is referring to matters before the Committee on Standards of Official Conduct, and she is specifically ignoring the rules of the House.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentlewoman must proceed in order.

Ms. DELAURO. Mr. Speaker, let us not contribute to the delay any longer. The House should not adjourn without a mechanism in place that resolves the charges once the outside counsel finishes his work. This Congress should reconvene as soon as the outside counsel's report is filed.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, further point of order. The gentlewoman is now referring to matters before the Committee on Standards of Official Conduct with respect to the outside council and she is explicitly ignoring the rules of the House.

The SPEAKER pro tempore. The Chair again sustains the point of order and requests the gentlewoman in the well to proceed in order.

Ms. DELAURO. This Congress should reconvene once there is the continued deliberations of the committee as it so stated in its interim report, so we can bring this inexcusably long process to a just and proper end.

POINT OF ORDER

Mr. SOLOMON. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SOLOMON. Mr. Speaker, this is not an adjournment resolution. The gentlewoman is out of order.

The SPEAKER pro tempore. For reasons previously stated, the Chair sustains the gentleman's point of order.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON] the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank my colleague from Columbia, OH, for yielding me the time.

Mr. Speaker, it is just regrettable that it is necessary to waste the time of the House with a routine business resolution of this House such as this, all the items of which in the past have been handled by unanimous consent request, which we agreed to when we were in the minority. What is going on around here? The American people are absolutely fed up and sick of this.

Just think about this: The Democrats have asked for this unnecessary extra hour of debate on a resolution that simply provides for such routine matters as setting dates for our organizing caucuses, so we can come back here and organize for convening the Congress next year, and the printing of House rules and manuals. That is what we are here talking about, the ability of committees to file reports after we adjourn. That benefits both sides of the aisle. Also the ability of Members to revise and extend their remarks in the RECORD.

Mr. Speaker, there is nothing unusual. This is the Democrat resolution that we simply are offering ourselves, that they have offered over the last 14 Congresses.

Mr. Speaker, what have we come to here? There is such a breakdown of comity over such routine matters. I am told some of the Democrat leadership is insisting on debating this rule rather than agreeing to the usual unanimous consent request, not because they object to anything in this resolution, it is a pure and simple resolution, but because they want to vent and rave about various things completely unrelated to the resolution. There is going to be a time when an adjournment resolution comes up to perhaps do those things.

I had hoped we had reached an agreement with the President and the Democrat leadership in this Congress over a final spending bill and that we would be able to gracefully and graciously wrap-up this Congress in a proud spirit of bipartisanship. That is what it was when we worked night and day for the last 72 hours with so sleep at all to put this together, agreeing to what the President asked for.

But I guess that was hoping for too much. I even read in today's rollcall that my good friend, the ranking member on the Committee on Rules, who is managing this rule on the other side, has said that he would not even go out to dinner with a Republican member without bringing a taste tester. That hurts.

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield, that is only because of the new lobbying ethics.

Mr. SOLOMON. Especially only 2 days after the attended a reception I helped organize upstairs for our departing Committee on Rules members on both sides of the aisle, and I thought the food was pretty good, and I thought the gentleman did too. He was partaking, and we did not have any taste testers up there.

I guess I am still an optimist, when you get down to it. I know we are capable of better, and I still think we can live up to those same capabilities in the future.

I was so encouraged, for instance, by the various bipartisan task forces that appeared before our Committee on Rules, reform hearings we were holding over the last 2 months, to discuss their efforts to restore comity and decorum and civility to this Chamber. DAVID SKAGGS over there, and RAY LAHOOD over here, working on a bipartisan retreat next session, that was so encouraging. BILL ARCHER and TONY BEILENSON from either side of the aisle, who urged us to delay 1 minute until after the end of the day, and, boy, do I think that is a good idea. That would give us some comity back here.

CHRIS SHAYS on our side of the aisle, DAVID MINGE on your side, TOM BARRETT on your side, SCOTT KLUG on yours, and their bipartisan House reform proposals. And I could go on and on and on.

Mr. Speaker, that is the thing we should be doing. We can do the people's business, and we can do it with a smile on our face. We can still stick up for our party, but you do not get involved in issues like this. What are we hearing upstairs in the Committee on Rules room and what we hear downstairs in this Chamber seem to be totally different. I just wish all Members could have heard those voices of reason, those good sense and sensibility reasons before our committee, and maybe today we could all be singing in some kind of harmony here.

Mr. Speaker, let us just try today to elevate the debate in this Chamber to put aside our personal partisan differences, and maybe, just maybe, we can leave this 104th Congress with a better feeling for each other. We owe that to ourselves and we owe it to the American people because, in the final analysis, we have become a Congress, at least legislatively, a true coming together to work for the good of the people. That is what we have accomplished with this omnibus appropriations bill. It was not easy to do. But even the President and OMB and all of the administration people working with that other body over there, which is not always easy sometimes, we have put the this thing together.

Mr. Speaker, I just want to say we have three members from our Committee on Rules that are retiring, the chairman emeritus, JIMMY GUILLEN, who could not be with us today, and then we have TONY BEILENSON on that side of the aisle, and what a voice of common sense and calm and reason he has been on our committee, and ENID GREENE.

□ 1730

We are going to miss these people so terribly up in the Committee on Rules. I just wonder what we are going to get in replacement, because in that partisan committee we have had so much comity and we need that kind of comity here on the floor.

So let us stop this bickering, let us get on with this very simply resolution and pass it.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that the piece that the gentleman from New York [Mr. SOLOMON] referred to when I said that the comity that used to exist in this party when the O'Neils, and the Michels, and the Fords were here is lacking now, and we need a taste tester when we go out to eat with people on the other side was, of course, done with tongue in cheek.

There is not a member of the Committee on Rules that I would not go out and eat with tomorrow, especially if Mr. SOLOMON, is picking up the tab.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR] the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time, and let me, for my friend from New York, put this into some different context as to why we are offering this amendment to the previous question.

We come down to this well, Members on both sides of the aisle, and we give impassioned speeches about human rights, about democracy. We talk about how our fathers and our forefathers fought, wore the uniform of this country, as the gentleman from New York did and as I did and as many of our colleagues did. We talk about the right to vote, the right to vote in an informed way.

And here we are, 39 days or so before the next election, and we have before us an issue in this body that looks like it will go unresolved, despite the fact that my friend from Florida, Mr. GOSS, in the report that the subcommittee put out just on Thursday, indicated that they will be concluded, according to the rules of the committee.

POINT OF ORDER

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. The gentleman is referring to matters before the Committee on Standards of Official Conduct. He is ignoring the House rules one more time. At what point, Mr. Speaker, do we go back to regular order, to obeying the House rules so we can conduct our business?

The SPEAKER pro tempore. The Chair sustains the point of order and asks the gentleman in the well to——

Mr. BONIOR. Mr. Speaker, I want to speak to that point of order.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. BONIOR. Mr. Speaker, I did not interrupt the gentleman from Florida [Mr. GOSS] when he made point of order reference to the work that he was doing in the subcommittee, because I thought it was important for this body to hear.

I merely cite point of order citation of the report that they made Thursday to make this point: And that is that the people of the sixth district of Georgia have a right to know what this body and what the outside counsel will determine on a candidate who is running for office in that district. And it is wrong for this body and this institution to adjourn and to give the authority to adjourn to the person whose case is before this body.

POINT OF ORDER

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The Chair sustains the gentleman's point of order against the gentleman from Michigan's remarks. The time of the gentleman has expired.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to call on all of my colleagues, Democrats and Republicans, to defeat the previous question and to uphold the recommendation of the bipartisan Committee on Standards of Official Conduct.

Earlier this week the investigative subcommittee charged with investigating the serious allegations against Speaker GINGRICH issued an interim report.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, the gentleman is referring to matters before the Committee on Standards of Official Conduct, which is explicitly forbidden by House rules.

The SPEAKER pro tempore. The Chair will sustain the gentleman's point of order. The gentleman in the well will proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The gentleman is recognized to speak on the point of order.

Mr. LEWIS of Georgia. Mr. Speaker, this is unbelievable. This is unreal. This is out of the ordinary. Why can a Member, all of the Members, not read from a report of a standing committee of this body?

The SPEAKER pro tempore. Does the gentleman wish to be heard further on the point of order?

Mr. LEWIS of Georgia. Mr. Speaker, I would like to continue, because I believe we have a mandate, a mission, and a moral obligation.

The SPEAKER pro tempore. The Chair has sustained the point of order, and the gentleman may proceed in order on his own time.

Mr. LEWIS of Georgia. The report was adopted unanimously and it was released——

POINT OF ORDER

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman will state his point of order again.

Mr. LINDER. The gentleman is continuing to refer to matters in spite of recent admonitions by the Chair that he is not complying with the House rules. He continues to abuse the House rules referring to matters before the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. LEWIS of Georgia. I want to be heard, Mr. Speaker, on the point of order.

I said to the gentleman from Georgia, Mr. LINDER, before, and I say again, Mr. LINDER, I know the rules of the House, but I think there comes a time when an injustice is so great that one has to challenge even the rules.

Mr. McINNIS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair sustains the point of order and the gentleman will proceed in order.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to speak on the point of order.

The SPEAKER pro tempore. The Chair has ruled. The gentleman may proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, let me quote from the interim report. The subcommittee is in the process of notifying Representative GINGRICH of these new areas of inquiry.

POINT OF ORDER

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend in the well. The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, the gentleman is referring to matters before the Committee on Standards of Official Conduct one more time. This is the third or fourth admonition by the Chair. Apparently, he does not understand the rules. Would you please explain them one more time?

Ms. JACKSON-LEE of Texas. Mr. Speaker.

The SPEAKER pro tempore. The Chair will recognize the gentlewoman from Texas [Ms. JACKSON-LEE] briefly on the point of order.

Ms. JACKSON-LEE of Texas. Mr. Speaker, what I am having difficulty in understanding from the gentleman from Georgia, the document that the gentleman from Georgia in the well is speaking about is a public document, and I am trying to understand, Mr. Speaker, why there would be any ruling that would disagree with any Member being allowed to be in the well of the House speaking to a public document and requesting a procedural amendment while we are in the midst of discussing an adjournment resolution.

I believe that the gentleman is appropriate in his remarks.

The SPEAKER pro tempore. The Chair is prepared to rule. The Char will repeat the prior ruling. Matters pending before the Committee on Standards of Official Conduct regarding the official conduct of sitting Members may not be debated on the floor where there is not pending a question of the privileges of the House.

This has been the consistent ruling of the Chair in this and prior Congresses. The fact that the committee may have issued an interim status report does not justify such references in debate. This also includes references to proposed House action on scheduling of matters relating to the conduct of Members.

The gentleman may proceed in order.

PARLIAMENTARY INQUIRY

Mr. HEFNER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HEFNER. My parliamentary inquiry is this: Would it be appropriate at this time to challenge the ruling of the Chair on this procedure?

The SPEAKER pro tempore. It is the prerogative of any Member to appeal the ruling of the Chair.

Mr. HEFNER. I challenge the ruling of the Chair and call for a recorded vote.

The SPEAKER pro tempore. The Chair has ruled. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I move to table the appeal from the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table the appeal.

Mr. VOLKMER. Mr. Speaker, is that motion at the desk? The motion is not at the desk and not timely.

Mr. WALKER. Mr. Speaker, the previous motion was not there.

Mr. VOLKMER. Mr. Speaker, the gentleman did not raise it. He is too late. That is dilatory.

Mr. McINNIS. Regular order.

Mr. HEFNER. Mr. Speaker, parliamentary inquiry.

Mr. LINDER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will suspend. The Clerk will report the motion to table.

The Clerk read as follows:

Mr. WALKER moves to table the motion.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order a quorum is not present.

Mr. VOLKMER. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. VOLKMER] withdraws his point of order.

The motion to table is agreed to.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LEWIS] will proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, it is most unfortunate that the American public will not be able to see the outside counsel report before they cast their votes this November.

I have said it repeatedly over the past few weeks that the American people have the right to see that report and to judge for themselves the evidence gathered against the Speaker, NEWT GINGRICH.

POINT OF ORDER

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, I reassert my same point of order. The gentleman is referring to matters before the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. Does the gentlewoman from Connecticut [Mrs. JOHNSON] wish to speak on the point of order?

Mrs. JOHNSON of Connecticut. Mr. Speaker, I wish to speak on the point of order.

I would like to remind the Members of this House on both sides of the aisle that rules adopted under the Democrats when they were in the majority, supported by Democrats and Republicans alike, govern the work of the Committee on Standards of Official Conduct and require that its work be made public.

And if the House will have the courage and the civility to let us complete our work, we will complete our work, the matter will be made public, and the Committee on Standards of Official Conduct will hold every Member of this House to those standards.

Mrs. SCHROEDER. Mr. Speaker.

The SPEAKER pro tempore. Does the gentlewoman from Colorado [Mrs. SCHROEDER] wish to speak on the point of order?

Mrs. SCHROEDER. Yes, Mr. Speaker, I would like to be heard on the point of order.

Mr. Speaker, the gentleman from Georgia is making a point that this Speaker has violated those bipartisan rules, or has been accused of that, and that we have been waiting for 2 years, 2 years for this committee to act.

Mr. SOLOMON. Regular order.

Mr. McINNIS. Regular order.

Mr. LINDER. Regular order.

The SPEAKER pro tempore. The gentlewoman will suspend. The Chair is prepared to rule on the point of order.

The point of order of the gentleman from Georgia is sustained. The gentleman in the well from Georgia must proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, the bipartisan ethics committee has said it anticipates completing its work by the end of this Congress. We owe it to the American people to dispense with this issue and remove the dark cloud hanging over this institution before the next Congress.

I urge all of my colleagues, Republicans and Democrats, just as the bipartisan Committee on Standards of Official Conduct did, to do the right thing. Let us return to the 105th Congress untainted by the charges of perjury, tax fraud, money laundering, lying to the Committee on Standards of Official Conduct.

POINT OF ORDER

Mr. LINDER. Point of order.

The SPEAKER pro tempore. The gentleman in the well will suspend.

Mr. LEWIS of Georgia. The American people deserve the right to know what is in this report.

The SPEAKER pro tempore. The gentleman in the well will suspend.

Mr. VOLKMER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. There is a point of order before the House. The gentleman will state his point of order.

Mr. LINDER. The gentleman in the well is making characterizations of allegations that are nowhere in any reports that anyone knows of. He is characterizing the Speaker and he is out of order.

Mr. VOLKMER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair sustains the point of order.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, do not the rules of the House require Members to have decorum and not to interrupt the speakers, as is being interrupted at this time; and is it not the prerogative of the Chair to make Members be quiet while a Member is speaking on the floor, that has the floor?

The SPEAKER pro tempore. The Chair will inform the gentleman from Missouri [Mr. VOLKMER] that points of order may be made at any time, may interrupt Members in debate.

Mr. VOLKMER. Mr. Speaker, that is not a point of order, to boo. Booing is not a point of order. That is what was going on, and the Chair did not take any action.

The SPEAKER pro tempore. The gentleman will suspend. The Chair was hearing a point of order at the same time there was a little chaotic action in the House, but there was a point of order before the House.

The gentleman in the well from Georgia must proceed in order.

☐ 1745

Mr. LEWIS of Georgia. Mr. Speaker, let me close by saying, it is not easy to stand here, but there comes a time when we must stand up for what is right, for what is fair, for what is just. I love this institution, like all of my colleagues. This institution that we are elected to, we have an obligation, a mandate and a mission to remove this dark cloud hanging over this institution, and let us do the right thing and help remove it by releasing this report.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule. This provision would require that the 104th Congress be reconvened on the first Monday after the Special Counsel submits his report on the Speaker to the Investigative Subcommittee on the Committee on Standards of Official Conduct. This would ensure that Members of the 104th Congress have an opportunity to act upon the findings of this special investigation. I believe it is imperative that the House take this action now to guarantee we can consider the Special Counsel's report. Let me make it clear to my colleagues, both Democrats and Republicans, that defeating the previous question and adopting this amendment is the only way to guarantee that the 104th Congress will be able to act on this matter.

I include the text of this amendment for the RECORD at this point in the debate.

Vote "no" on the previous question.

At the end of the resolution add the following new section:

"Sec. 10. The House of Representatives shall reconvene on the first Monday after the submission of the Special Counsel's report on Speaker NEWT GINGRICH to the Investigative Subcommittee of the Committee on Standards of Official Conduct."

Mr. Speaker, I include the following for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive	N/A.
S. 2	Senate Compliance	N/A	Closed	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive	N/A.
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive	2R/2D.
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive	1D.
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive	1D.
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive	1D.
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive	N/A.
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive	5R.
H.R. 2539	ICC Termination	H. Res. 259	Open	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed	2R.
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed	1D; 2R.
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed	N/A.
PROCEDURE IN THE 104TH CONGRESS 2D SESSION				
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; Rule tabled	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive	N/A.
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive	1D.
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open	N/A.
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open	N/A.
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open	N/A.
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed	N/A.
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open	N/A.
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open	N/A.
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open	N/A.
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open	N/A.
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open	N/A.
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive	1D; 1R.
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amends; 20D; 17R; 4 bipartisan.
H.R. 3415	Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes	H. Res. 436	Closed	N/A.
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A.
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D.
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R.
H.R. 3517	Military Construction Appropriations FY 1997	H. Res. 442	Open	N/A.
H.R. 3540	Foreign Operations Appropriations FY 1997	H. Res. 445	Open	N/A.
H.R. 3562	The Wisconsin Works Waiver Approval Act	H. Res. 446	Restrictive	N/A.
H.R. 2754	Shipbuilding Trade Agreement Act	H. Res. 448	Restrictive	1R.
H.R. 3603	Agriculture Appropriations FY 1997	H. Res. 451	Open	N/A.
H.R. 3610	Defense Appropriations FY 1997	H. Res. 453	Open	N/A.
H.R. 3662	Interior Appropriations FY 1997	H. Res. 455	Open	N/A.
H.R. 3666	VA/HUD Appropriations	H. Res. 456	Open	N/A.
H.R. 3675	Transportation Appropriations FY 1997	H. Res. 460	Open	N/A.
H.J. Res. 182/H.Res 461	Disapproving MFN Status for the Peoples Republic of China	H. Res. 463	Closed	N/A.
H. Con. Res. 192	Making in order a Concurrent Resolution Providing for the Adjournment of the House over the 4th of July district work period.	H. Res 465	Closed	N/A.
H.R. 3755	Labor/HHS Appropriations FY 1997	H. Res. 472	Open	N/A.
H.R. 3754	Legislative Branch Appropriations FY 1997	H. Res. 473	Restrictive	3D; 5R.
H.R. 3396	Defense of Marriage Act	H. Res. 474	Restrictive	2D.
H.R. 3756	Treasury, Postal Appropriations, FY 1997	H. Res. 475	Open	N/A.
H.R. 3814	Commerce, Justice, State Appropriations, FY 1997	H. Res. 479	Open	N/A.
H.R. 3820	Campaign Finance Reform Act of 1996	H. Res. 481	Restrictive	1D.
H.R. 3734	The Personal Responsibility Act of 1996	H. Res. 482	Restrictive	1D; 1R.
H.R. 3816	Energy and Water Appropriations, FY 1997	H. Res. 483	Open	N/A.
H.R. 2391	Working Families Flexibility Act of 1996	H. Res. 488	Restrictive	N/A.
H.R. 2823	The International Dolphin Conservation Program Act	H. Res. 489	Restrictive	1D.
H.R. 123	English as the Official Language	H. Res. 499	Restrictive	4D; 1R.
H.R. 3719	The Small Business Programs Improvement Act of 1996	H. Res. 516	Open	N/A.
H.R. 3308	United States Armed Forces Protection Act	H. Res. 517	Restrictive	1D; 1R; 1 Bipartisan.
H.R. 4134	Authorizing to deny public education benefits to certain aliens not lawfully present in the United States.	H. Res. 530	Closed	N/A.

*Contract Bills, 67% restrictive; 33% open. All legislation 1st Session, 53% restrictive; 47% open. ***All legislation 2d Session, 61% restrictive; 39% open. All legislation 104th Congress, 57% restrictive; 43% open. *****NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. PQ Indicates that previous question was ordered on the resolution. Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, House Resolution 546 is noncontroversial in its form, for a number of minor housekeeping items, and I urge its adoption. Let us pass this final rule and bring us one step closer to finishing our work here in this Congress.

With that, Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. (Mr. BURTON of Indiana). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4236) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes, as amended.

The Clerk read as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, thank you for the chance to bring to the floor the biggest and most important parks and public lands package since 1978. In addition to provisions for protection of some of the most important natural landmarks, historic places and landscapes in the country, it includes a landmark bipartisan effort led by Representative BILL BAKER to protect the California Bay-Delta, a priority for both sides of the aisle. This package is chock full of solutions to local problems which have been brought to the attention of the committee by individual Members of the House or the other body.

Before a brief outline of the bills' many fine points, I am compelled to give a short history of how we arrived at such a massive package at this point in the session. Frankly, it was a few Members of the other body's fault. Though the Resource Committee has sent scores of individual bills to the Senate, holds by certain Members on these measures stopped the Committee on Energy and Natural Resources from moving individual or even small groups of bills for months. This hostage taking became so bad that when a large package of bills was finally freed in that body and attached to a Presidio bill we sent them, we made a conscious decision to try to place many of the bills stuck over there in this package. They followed suit.

As a result, many items were considered through this process, and some remain while others were dropped. I believe we have achieved a package which will benefit many Members, States and people throughout the Nation.

Mr. Speaker, I will also say I have Members that have been disappointed, such as myself, because I think this administration deals with a forked tongue. Every time we reach an agreement, they would move the goalposts. I am not sure, maybe my good friend, the gentleman from California [Mr. MILLER], knows we reached an agreement, and already the White House has tried to undo it. Already there are phone calls being made from the White House to individual Members saying "Oh, this has to be changed," after they signed off. That is not the way we should be doing business in this body.

A few highlights are in order: As I mentioned before, this bill has the monumental authorization for the environmental enhancement of the San Francisco Bay-Delta introduced by Congressman BILL BAKER.

In addition, it creates new units at Tallgrass Prairie National Preserve in Kansas; Nicodemus National Historic site in Kansas; New Bedford National Historic Park in Massachusetts and

Boston Harbor Islands in Massachusetts.

It also protects important Historic Sites like Manzanar National Historic Site in California and Independence Hall in Philadelphia through boundary adjustments. It celebrates the Selma to Montgomery civil rights march trail and reauthorizes the National Council on Historic Preservation.

It provides for the protection of Sterling Forest to protect the watershed for New Jersey and New York.

It finalizes a creative approach to the management and funding for the new Presido Park in San Francisco; it protects rivers, from the Columbia in Washington to the Lamprey in New Hampshire; it helps out Olympic effort in the 2002 Olympics in Utah with its solution to the Snowbasin facility problems; it also resolves long standing necessary administrative reforms in the National Park Service; and it also solves many, many longstanding local problems, from helping the children of the Alpine School District in J.D. HAYWORTH's district with a land grant in Arizona, to solving a problem in Congresswoman SEASTRAND's district by rounding out the Channel Islands National Park.

While I am pleased we have the bill before us, let me say that just as important as the things in the bill, are the things which are not in the bill. Many of our Members, including myself, would have liked to have more in the bill, but we have deleted many provisions, based upon Administration and Member objections. This includes a grazing provision very important to family ranchers and the Representatives in the public land west and a provision to save over 1,000 jobs in my district in Alaska in the timber industry.

Mr. Speaker, this is late in the session. I hope though Members will understand, each and every one of the them, we will be back. As long as I am chairman, and I believe that will happen, we will again address those issues we were unable to obtain in this legislation, and it will happen very early in the session. We hope we will be able to urge our Senators to act with a little more responsibility.

Again, may I suggest there are over 43 Republican projects in the bill and there are over 54 Democrat projects in this bill, and if that is not a bipartisan effort, I do not know what is.

Mr. Speaker, many good provisions have been dropped from this bill to ensure its passage at this late hour, largely in response to concerns expressed by the Clinton White House, the minority and other Members. That is a shame, because many of these provisions were real but we intend to bring them back as soon as possible next year and fix them. I urge Members to support the bill.

Now, Mr. Speaker, I would suggest to all of you to understand one thing. We are going to vote on this legislation. I hope I do not see the fingerprints of the administration. Then it goes over to the other body to act on this legislation, and it is probably the only chance we have. There is a slight chance that we may have the conference up yet before this session is over, if we do not get out of here tonight, and God help us, I hope we get out of here tonight.

The Congress has been told that this will be vetoed by this administration. I do not think they will veto this. If they do, they are being very, very foolish.

Mr. Speaker, I want to compliment the staffs that were working on this very hard. I want to say this to the minority and majority side: I think we have worked out something that every Member will have some responsibilities for and can take home and say we have done our job.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I mostly would like to thank a number of my colleagues: the gentleman from California [Mr. MILLER], the gentleman from Alaska [Mr. YOUNG], the gentleman from Ohio [Mr. REGULA], the gentleman from Utah [Mr. HANSEN], and many, many others.

For those who think that the only true reflection of this House is some of the partisan fire that preceded this debate a few moments ago, I would ask them to reflect on what is transpiring now. This is the House at its best. This is substantive, nonpartisan legislating about things that matter, where people who have been colleagues and friends for many, many years come together to do things that we are all here to do.

The gentleman from Alaska [Mr. YOUNG], I know what he meant when he said there are so many Republican projects and so many Democrat projects in this bill. What he meant, I know, is that this has been approached in an utterly bipartisan fashion. I do not know a project in this bill that can be characterized frankly as a Republican or Democrat project. I know the many projects in Alaska. I know the Boston Harbor islands in my own State to which the gentleman referred. There are 31 islands there, and so far as I know none of them has a partisan registration affiliated with it.

What we do here speaks to history, speaks to culture, speaks to aesthetics and speaks the environment; speaks to everything that is best in this House. And in this, undoubtedly my final moments of speaking on the floor after more years than I would care to reflect, I extend a warm personal thank you to DON YOUNG of Alaska, GEORGE MILLER of California, JIM HANSEN of Utah, RALPH REGULA of Ohio, and SHERWOOD BOEHLERT of New York. Many, many others have worked on this bill, so many others for so many years. This is this institution at its nonpartisan best, and Members ought to be very, very proud of what we do now.

Mr. Speaker, it is with that real pride that I do something which many of us find very hard to do which is sit down.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I am very glad that we are again acting to protect an extraordinary stretch of wild lands in Colorado, the North St. Vrain Creek watershed, extending from its headwaters in the Rocky Mountain National Park into the national forests area west of Longmont in the mountains.

Mr. Speaker, I appreciate the work of the gentleman from Alaska and of the many others who have gone through one of the more extraordinary dances of parliamentary maneuvering in getting this package put together in the last minutes of this Congress. I am delighted that we are now going to be able to protect this area, not just for Coloradans on the Front Range, but all Americans.

Mr. Speaker, I submit the following for the RECORD.

Mr. Speaker, I'm very glad that we are again acting to approve legislation that includes provisions to protect North St. Vrain Creek, the largest remaining roadless canyon along Colorado's Front Range.

The effect will be to prevent construction of new dams on North St. Vrain creek as it flows through Rocky Mountain National Park and the Roosevelt National Forest, and will clarify public land ownership along the creek. Both of these provisions are based on freestanding legislation that I introduced last year, and I appreciate the inclusion of the North St. Vrain Protection Act in this bill.

North St. Vrain Creek, fed by countless rivulets and wild tributaries, is the primary stream flowing from the southeastern portion of Rocky Mountain National Park. From its beginnings at the continental divide, in snowfields near Long's peak, it courses through waterfalls and cascades in the Wild Basin area of the park. After leaving the park, the creek cuts a narrow, deep canyon until it reaches the Ralph Price Reservoir.

The watershed includes habitat for bighorn sheep, deer, elk, and mountain lions; for peregrine falcons, owls, hawks and songbirds; for native fish, insects, and other small creatures; and for a dazzling diversity of aquatic, riparian, and mountain plants. It provides popular hiking, fishing, and hunting terrain relatively near to some of Colorado's larger cities.

The stream, surrounded by a thousand shades of greenery cooled by the mist of tumbling water, provides a profound sense of refreshment, of inspiration, and of wonder. This joining of land and water is exceptional, even for Colorado—which is no small distinction.

The North St. Vrain should be kept free of additional dams and impoundments. To that end, my bill's provisions, now included in this bill, incorporate the recommendations of a citizens' advisory committee, which I appointed in conjunction with the Boulder County Commissioners. That committee spent over 5 years developing a consensus proposal on how to protect the creek and canyon while protecting local property and water rights.

Thus, these provisions represent a great deal of work by Coloradans—especially the 50 people who took part in 103 advisory committee meetings and performed over 300 hours of independent research. Another 600 people attended 12 public hearings on the proposal. I've never known such a dedicated and conscientious group of public servants as the unpaid members of this North St. Vrain Advisory Committee. They know the creek and its environs as thoroughly as any group of citizens anywhere knows a particular area in the United States.

The advisory committee reached four principal conclusions:

First, that the North St. Vrain Creek is deserving of National Wild and Scenic River status, but that it would be premature to seek legislation to so designate it, pending development of consensus on that point. This bill would not preclude such a designation later.

Second, that, for now a permanent prohibition should be placed on Federal approval or assistance for the construction of dams on the creek and on any part of its national park tributaries.

Third, that the National Park Service and the Forest Service should move promptly to reach agreement with the city of Longmont, CO, regarding Federal acquisition of lands the city owns along the creek.

And, fourth, that a series of the committee's recommendations should be followed in managing the Federal lands along the creek.

Three of these proposals are specified in the bill's language. I have submitted, as part of the hearing record, two documents related to the fourth proposal, regarding management of the relevant lands. One is a copy of the advisory committee's final report, and the other is a copy of the advisory committee's management plan outline. I will also present these documents to the Forest Service and National Park Service when they develop future management plans for the creek and adjoining lands.

The primary theme of these documents is that Federal management decisions should retain the current types and levels of recreational uses of the public lands in the corridor along North St. Vrain Creek. This can be done by restricting the expansion of trails and campgrounds, and through strategic land acquisitions to protect natural features from damage that would come from expanded or excessive uses. The documents also support continued good stewardship on private lands in the corridor under the guidance and control of Boulder County's land-use regulations, as well as continued protection against trespass.

Mr. Speaker, I introduced this legislation not only because of my belief in the importance of protecting the North St. Vrain, but also because of my firm conviction that the hundreds of Coloradans who have worked toward that goal have crafted a sound, effective consensus measure. Its provisions are good, clear, and straightforward, and they have the strong support of the people in the area. I urge the House to approve this bill, so that, with its enactment into law, the wonder of North St. Vrain Creek will be protected for all time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I am grateful to the chairman of the full committee for yielding to me. I appreciate the kind words of the gentleman from Massachusetts, who has been a gentleman to deal with on the committee.

Mr. Speaker, I would like to point out that I do not know if Members of this House realize how many hundreds and hundreds of hours have gone into this. In the committee that I chair, the Subcommittee on National Parks, Forests and Lands, we have looked at over 100 pieces of legislation. We have held countless, countless hearings and markups, and it is sad that a lot of those things cannot come to pass. We wish they could, but they do not in this bill, but this is a good bill. This has a lot of good things in it.

I hope the folks realize that 37 out of the 50 States will be affected by this piece of legislation. Over 100 Members will be affected by this piece of legislation: things that many of us have been waiting to see come to pass in California, the Presidio bill, something we wondered, how do we handle this park that has been turned over by one sentence put in there by Phil Burton many years ago? In the event that the Army ever gives this up, what are going to do with it? It goes to the park system. However, it is not a park but it costs us $25 million a year. In here, we have a piece of legislation that takes care of this problem, which I compliment my friends California and others working in a bipartisan manner in handling this particular area.

We have some things about the 2002 winter games. It was not too long ago that over in Budapest all of those folks from America, all over the 48 lower States, were standing there and the gentleman got up and he made the statement, and he said the winter games for 2002 shall go to the City of Salt Lake. The place erupted, and who got on the television to talk about it? President Clinton go on, bless his heart, and he said "I will do everything in my power to expedite the 2002 winter games."

We will surely appreciate him signing this piece of legislation so a very, very minor land exchange can come about which will facilitate that, and 3 billion people around the globe will stand there and look at the downhill. For 100 years people will say so-and-so won the day going down this great, glorious and probably the best in the world downhill that we have got in the 2002 winter games, another piece of good legislation that is in this particular package.

□ 1800

There are just countless pieces of things that many Members are interested in. I am a little concerned about some of the phone calls many of us are getting regarding what we colloquially refer to as heritage areas. In most of thee heritage areas this language is in there.

I hope the folks from the West who are concerned are listening to this. No provision of this title shall be construed to impose any environmental, occupational safety or other rule, regulation standards or permit process that is differential from those that would be applicable had a national heritage area not been established.

So these great concerns of somebody swooping in and immediately taking over their ground is not really going to happen. I hope my good friends from that area totally understand that.

We have boundary adjustments in here. We have things of historical significance and we have things about civil areas. So we are very proud of this legislation. No one is ever 100 percent happy. Politics is the art of compromise. I look around this room and look at all the people who have compromised on this bill, and I know how that occurs.

I just want to say that on this thing I am very pleased to be a part of it. I appreciate all the people from the minority and majority side, Chairman YOUNG, Ranking Member MILLER, and others who have worked diligently with us on this piece of legislation.

I urge its support.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I want to note for my colleagues as well as my fellow Montanans that a long sought after land exchange called the Lost Creek land exchange involving directly approximately 14,000 acres of bighorn sheep habitat in a critical area in Montana is included in this bill. The trade is not without significant support and some opposition in Montana. I recognize that opposition.

I note for my colleagues, however, that the trade has received the bipartisan agreement of the two Democrats and the one Republican who make up the Montana congressional delegation. I and my two colleagues in the Senate will be working with the Forest Service to try to mitigate any concern that some in the timber industry have about this land exchange, but it clearly is in the best interest of the land, the people and the bighorn sheep of Montana. I thank my colleagues for agreeing to do this in the House. It turned out to be impossible to get it done in the Senate.

Mr. MILLER of California. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

I, too, want to join my colleagues in commending the leadership of the committee for the bipartisan cooperation and effort that has been made to bring this legislation to the floor. To say that our differences have been hammered out is probably a good word to use, but they have and we are here.

I want to particularly acknowledge the leadership of the gentleman of Alaska, Chairman YOUNG, and the gentleman from Utah, Chairman HANSEN, as well as the gentleman from California, GEORGE MILLER, our champion for the Presidio. Of course we would not be here today without the full cooperation of the gentleman from Ohio, Chairman RALPH REGULA, and the gentleman from Illinois, SID YATES, the ranking member. I am grateful to them for all of their assistance in keeping the Presido going so that we this day can cross over a point where we reduce the cost to the taxpayer.

I also want to state that the support for the Presidio as it is bipartisan, it is bicameral and we have a great deal of support in the other body under the leadership of two great Senators, Senator BARBARA BOXER and Senator DIANNE FEINSTEIN. In our community the support is bipartisan as well.

One of our strongest and most staunch supporters, unfortunately, will not be able to enjoy this day with us. His name is Jim Harvey, a former chairman of the board of the Trans-America Corporation, who died in early June. Jim was largely responsible for creating the Presidio council in 1991 which organized national support and philanthropic as well as pro bono donations to the Presidio as a national park.

I will for the record, Mr. Speaker, present some of the accomplishments of Jim Harvey. I just want to say that it is as though Jim Harvey truly appreciated what Thoreau asserted many years ago: Goodness is the only investment that never fails. Jim Harvey was a good man. He will be pleased with our progress today.

This legislation is important in terms of the Presidio as it recognizes the Presidio's worth as a national park as well as the need to streamline the management into a cost-effective structure for the American taxpayer. The Presidio trust brings a new approach to the Presidio that incorporates the best of the National Park Service and the best at real estate management into an alliance that will realize the best of the Presidio.

Under this trust we will be able to give maximum access to the American people to enjoy the Presidio as a national park with minimum cost to the American taxpayer.

The most eloquent spokesperson for the Presidio is the Presidio itself. So I hope that all of our colleagues will visit to see its magnificent scenic beauty, enjoy the military history and, for the history buffs here, also the great environmental worth that the Presidio has.

Passing the Presidio trust bill as part of this omnibus bill is not the final act, but does open the curtain to a wonderful production that we can all be proud of. Phillip Burton's legacy lives on.

The gentleman, Mr. HANSEN, recognized the goal of Phillip Burton in authorizing the Presidio as a national park. I feel as the person who serves in Congress in Phillip Burton's seat that we have a responsibility to Phillip's legacy to make this a great national park. In doing so, and in closing, I want to acknowledge the work of Judy Lemons of my staff. Many staff people worked very, very hard on this. But Judy was present at the birth of Golden Gate national recreation area of which the Presidio will become a part. She has worked every day to preserve the integrity of the Presidio as a national park. This victory today is a triumph for Judy Lemons. I want to thank Judy and to all who have been faithful to the effort and part of our success today.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH], a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the committee for this time.

I rise in support of this legislation to echo what the gentlewoman from California [Ms. PELOSI] said. Here we have a wonderful opportunity for a bipartisan piece of legislation for projects that benefit the American people.

In the Sixth District of Arizona, Mr. Speaker, there are two sites in particular. We will take them alphabetically, the Alpine school district needs land, a tiny school district asking for the conveyance of fewer than 40 acres to build school sites and athletic fields. The tax base has dwindled. Resource based industries for one reason or another have not been allowed to operate. This is a wonderful chance to truly put children first and help education in the Alpine school district.

Second, Mr. Speaker, the Walnut Canyon National Monument outside Flagstaff, regardless of partisan dispensation or political stripe, the people of Flagstaff, indeed the people of the Sixth District of Arizona hope to see the boundaries expand on this great natural landmark and national monument. We have a chance to do that. So I urge passage of this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 4236.

Mr. Speaker, I rise in strong support of H.R. 4236, and draw particular attention to the provision in the bill to authorize the Federal acquisition of the Sterling Forest watershed in New York and New Jersey.

Acquisition of the important 17,500 acres Sterling Forest reserve, located in southern New York and northern New Jersey represents perhaps the most important environmental issue for our region, and represents an outstanding environmental accomplishment for the 104th Congress.

Sterling Forest is at the headwaters of a system of reservoirs which provide water for 1.8 million metropolitan area residents. It is heavily forested, accommodating a wide variety of wildlife and plant species, and also includes a portion of the Appalachian Trail. Twenty-six million Americans live within a 2-hour drive of this important environmental resource.

The acquisition of the Sterling Forest represents a unique partnership between the Federal Government, the States of New York and New Jersey, and environmental and other private sector interests. Protecting the Sterling Forest makes sense from an environmental standpoint, it makes sense from a recreational standpoint, and it represents a good deal for the taxpayer.

The modest Federal investment authorized by this legislation will protect the Sterling Forest watershed for generations to come, and do so in a very cost-effective and environmentally sound manner.

I urge my colleagues to join me in support of this important legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA], chairman of the Subcommittee on Interior of the Committee on Appropriations.

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me the time.

We all know the words to the song, I am proud to be an American, that Lee Greenwood's sings so eloquently. Today, I am proud to be a Member of this body and proud to be an American. We have put aside our differences, our partisan parties. We worked with the White House, we developed a team effort to do something good for America. I speak to in our case the heritage corridor. Young men and women, Boy Scouts, Girl Scouts, 4-H Club kids, college kids will be able to walk a canal corridor 87 miles, long that is rich in history. Ohio was built by the canals. They will learn the story of yesterday's turnpikes. They will learn the story of the ecological development of our State because they will follow a river, they will follow the towpath of the canal.

What a wonderful opportunity this will be for young people to appreciate their heritage as young citizens of Ohio. It will happen because of what is being done today in this body and being done on a bipartisan basis with everybody being on the team.

I am grateful to all who had a part in shaping this legislation, and I hope that it gets very strong support by all the Members. A great gift today for Americans in so many different ways.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just wanted to thank the committee and the ranking member for including in this legislation the text of H.R. 3911, which establishes the Great Falls Historic District in Paterson, NJ. I had introduced this bill earlier this session at the request of Assemblyman Bill Pascrell who is also the mayor of Paterson, NJ. It was a major piece of legislation that former Congressman Herb Klein had tried to get through this House. It is very important for the people of New Jersey, Passaic County and particularly, of course, for the residents of Paterson, NJ.

Mr. YOUNG of Alaska. Mr. Speaker, I would suggest that the previous speaker remember one thing, that there is a chairman, and he may not be recognized the next time in the committee.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I want to join the accolades to Mr. YOUNG and Mr. STUDDS. I have had many happy years in this Congress, but among the happiest is when I served with them both on something that used to be known as the Merchant Marine and Fisheries Committee. I never thought I would see the day when we were standing here in such comity. I am delighted that it is here.

I address much that is good in the bill and support it, of course, but I want to focus on the Coastal Barrier Islands provisions. Preserving the proper balance between protection of our natural resources and our private property rights is a critical point. I know how much this means to my home State of Florida with its miles and miles of fabulous beaches and outdoor recreational areas and opportunities on our barrier islands. I know that what we are doing here is going to continue that tradition and make possible enjoyment for more people in those wonderful areas.

I also would note that this is something that the legislative delegation, the people of Florida, the Governor, Senators from Florida, all are in accord on. It is wonderful when everybody is in agreement on something and it actually happens. I congratulate the Members who have made this happen.

Mr. MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON], ranking member of the Subcommittee on National Parks, Forests and Lands.

Mr. RICHARDSON. Mr. Speaker, I thank the distinguished gentleman for yielding me the time.

This is a good bill. We have a lot of good national parks legislation besides the Presidio Trust. We have got the Tallgrass Prairie National Preserve, the Selma to Montgomery National Historic Trail, the Colonial National Historic Park, Wupatki National Monument Boundary Adjustment, Cumberland Gap National Historic Park, the Zion National Park Boundary Adjustment, the Rocky Mountain National Park Visitor Center, the Walnut Canyon National Monument Boundary Adjustment, the Delaware Water Gap National Recreation Area, the Franklin D. Roosevelt National Historic Site, the Women's Rights National Historic Park, the Big Thicket National Preserve.

And, Mr. Speaker, it would be incomplete if I did not mention two initiatives in my own State of New Mexico, one the Rio Puerto Watershed Act, which cleans up the water and the boundaries in that area and, of course, the Taos Bottleneck legislation.

This is an historic bill that turns over 765 acres of the Wheeler Peak Wilderness to management by the Taos Pueblo as part of the Blue Lake Wilderness Act legislation signed by President Richard Nixon in 1970 returning to the Taos Pueblo all lands that had been seized by the Federal Government. There was a sect of land that was not turned over to the pueblo. This bill does it. It is a good piece of legislation.

It is critically important that this passage now move through the other body. I want to commend Chairman YOUNG for his leadership and Chairman HANSEN and, of course, the Honorable GEORGE MILLER for their work. This is an important piece of legislation with a lot of bills for a lot of Members, bipartisan. We should get it passed.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. MARTINI], who has done an excellent job.

Mr. MARTINI. Mr. Speaker, and I thank the gentleman from Alaska [Mr. YOUNG] and the gentleman from Utah [Mr. HANSEN] and the minority ranking members for this excellent bill.

Today is indeed an historic day, not just for New Jersey and New York but for all Americans concerned about clean drinking water and preserving the environment. Persistence and hard work has brought Sterling Forest here today again for another vote.

Unlike other issues we consider in this body, there is literally no tomorrow for preserving Sterling Forest. The contract for the purchase of the land would expire, and if we did not act tonight as we are doing, the safe drinking water for over millions of New Jersey citizens would be in jeopardy.

I am pleased to say that by the action tonight this body is showing its responsibility and assuring that we have safe drinking water for over 2 million New Jersey citizens.

In addition to drinking water, Sterling Forest serves as a sanctuary for millions of people in that area. This is the last pristine area that will serve millions of people for future generations to come.

Let me, if I may, thank the other Members who have worked so hard to bring this to fruition tonight: of course the gentlewoman from New Jersey, Mrs. ROUKEMA, to whom I will yield, if I may, but also Representatives BOEHLERT, ZIMMER, GILMAN, FRELINGHUYSEN, FRANKS, and KELLY, and finally, first and foremost, to our Speaker, who made a commitment back in December to preserve Sterling Forest. He has fulfilled that promise today.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield?

Mr. MARTINI. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Speaker, I associate myself with the remarks of my colleague from New Jersey, Mr. MARTINI. This is truly a monument to patience, perseverance, common sense, consensus and compromise, and I want to thank the chairman of the committee and the ranking member for this wonderful work.

Mr. Speaker, I rise to associate myself with the comments of my colleague from New Jersey, Mr. MARTINI, the chairman and ranking member.

Mr. Speaker, I rise in strong support of this omnibus parks package and urge my colleagues on both sides of the aisle to support this important legislation. It is my understanding that the controversial measures included in previous versions of this bill have been removed and that this measure has been agreed to by both sides of the aisle and the Administration. This legislation is surely a monument to the patience, common sense, consensus and compromise wisdom of our colleagues who worked for so many months on this parks package.

This agreement is good news for the people of New Jersey and New York. Included in this legislation are provisions that will open the door toward the purchase of Sterling Forest. Enactment of this legislation is essential, if the Federal Government is to play a role in this public private partnership. This legislation along with the $9 million included in the omnibus budget package represents a big step toward our commitment to the preservation and protection of Sterling Forest once and for all.

First, I want to thank Chairman HANSEN for recognizing the overriding interest of the Nation—and for his willingness to understand that Sterling Forest is more than just a pristine piece of open space for camping, skiing, hiking, and fishing. It is the source of clean, safe drinking water for some 3 million northern New Jersey residents. If we allow that drinking water to be contaminated by development, we will pay the purchase price many times over in cleanup cost and the cost of building new water treatment plants. With this legislation, we are not being penny wise and pound foolish. Instead of reacting to a crisis after the fact, we are anticipating the problem now and taking steps to avoid it. This legislation is good public policy.

As you know, Sterling Forest is one of the largest tracts of privately-owned, undeveloped forest land in the mid-Atlantic United States. This is heavily forested land—10 percent of which is located in my district in northern New Jersey and the remaining 90 percent of which is located in Orange County, New York, our colleague, BEN GILMAN's district. It currently provides countless recreational opportunities to millions of nearby residents and visitors. However, it is not recreation that brings me here today, but something far more fundamental: water.

As the primary source of drinking water to over 3 million residents of my State, preservation of Sterling Forest is essential. Numerous tributaries and feeder streams flow south from Sterling Forest right into the Wanaque Reservoir, which supplies drinking water for 25 percent of all residents of New Jersey.

Consequently, the protection of this unique natural resource in a region struggling to grapple with urban sprawl is a matter of utmost importance. This is a critical issue for the most densely-populated area of the nation's most densely-populated state, northern New Jersey.

Simply put, preserving Sterling Forest protects the drinking water supply of northern New Jersey and New York, and it is imperative for the 104th Congress to take action.

At the State level, the support for preserving Sterling Forest is equally strong. Governor Whitman has already signed into law legislation that commits our State to spending $10 million to help with the purchase of the Forest. In addition, Governor Pataki has committed his administration in Albany to match New Jersey's contribution dollar-for-dollar.

Here in Congress, legislation to protect Sterling Forest has enjoyed bipartisan support in both the New Jersey and New York delegations, as witnessed by the presence of those Members who are speaking today.

In these times of tight budget constraints, it is simply unrealistic to expect the government to carry the burden by itself. From the beginning, the coalition behind Sterling Forest firmly believe that the best method to use in preserving and protecting Sterling Forest was a public-private partnership, with its purchase price being funded using private, State, and Federal funds. That is why I introduced H.R. 194 in 1995 and have consistently supported H.R. 400 as passed by the Senate last July is the most expeditious solution to seeing that Sterling Forest was protected.

To date, at least $5 million in private contributions have been committed towards helping protect Sterling Forest. These efforts will continue, and private funds are expected to play an important role in the purchase of this land. And, as I've already mentioned, New Jersey and New York have committed to spending $10 million each.

I want to emphasize something about these Federal funds: this is a one-time funding request, because this legislation provides for the Palisades Interstate Park Commission [PIPC] and the State of New York to accept financial responsibility for the long-term management of the Sterling Forest.

I also want to thank Chairman REGULA. For years, I have worked with him in an effort to secure appropriate funding levels for this important project. I am happy to report that this year Chairman REGULA was instrumental in seeing that language was included in the Interior Appropriations bill which ranked Sterling Forest as one of the Nation's top two priorities for land acquisition and recommended that Sterling Forest receive $9 million as a down payment on the Federal Government's $17.5 million share of the purchase price.

Finally, I want to thank the Speaker for his strong endorsement of this important project to New Jersey. In March, Speaker GINGRICH visited Sterling Forest and promised that Congress would pass legislation to protect Sterling Forest this year. Clearly, his advocacy has been an important factor in reaching this point today, and I want to express my appreciation for his assistance.

On behalf the 3 million New Jersey residents who depend on this area for clean safe drinking water and the millions of recreational users who treasure this pristine open space, I urge your support.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, as we have just hard, this bill will authorize the Federal Government to participate in the purchase of Sterling Forest, the last piece of open space in the Metropolitan New York Area. It is a critically important thing to do, protects the watershed of 2 million people in New Jersey, an additional number in southeastern New York. That alone makes this bill extremely important.

Also, this bill sets aside a number of American Heritage Areas around the country, and I would particularly like to note the fact that the Hudson River Valley, probably the most historic area in the Nation, is recognized as an American Heritage Area in this legislation. The Hudson Valley of course contains West Point, it contains Washington's headquarters, the first national historic site in the Nation, and a wealth of other historic places recognized by this American Heritage Area.

I want to thank my leader, the gentleman from California [Mr. MILLER], the ranking member of the committee. I want to thank also the chairman the gentleman from Alaska [Mr. YOUNG], and the chairman of the subcommittee, the gentleman from Utah [Mr. HANSEN], for their work on this bill. This is a very worthy product, and I appreciate the hard work that has gone into this by all the Members, and I would urge the Members in the other House to pay attention to this piece of legislation. It is critically important for millions of Americans and deserves to be passed by this Congress.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I want to congratulate the chairman and ranking member, Mr. YOUNG and Mr. MILLER, and Mr. HANSEN, the subcommittee chairman, as well as Mr. RICHARDSON and all the sponsors.

I actually do not have a measure in this particular bill with 116 sections, but I feel a little bit of ownership because many of these issues, as my colleagues will understand, are issues that did not develop just in this Congress but have spanned many Congresses. In fact, some of them, unfortunately, have become old friends because we sent them to the other body before and they did not come back or we were not able to get our act together.

But I think that generally while many may find some provision in here that they do not agree with, that by and large this is a good bill, and I hope that the outcome by sending this to the Senate is going to be positive, and I think that the President, I hope that the President, can be convinced to in fact sign this into law.

Unfortunately, we normally have not done business like this with so many measures in one issue at the end. I hope in the future that we can do this in a more orderly manner. These are important issues. I especially feel keenly about the Heritage Areas and the generic language that is in each particular Heritage Area, and I know how important it is that we do this work so that we as a Congress have been very zealous about guarding the responsibilities with regards to land use questions, and in acting in this way we can, of course, continue to earn that particular responsibility.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I rise in strong support of the bill, and I commend the gentleman from Alaska [Mr. YOUNG] and the gentleman from Utah [Mr. HANSEN] for their leadership in bringing it to the floor.

Mr. Speaker, I rise today to express my support for the conference report on the Omnibus Parks and Public Land Management Act.

This legislation is important for numerous reasons; many of which impact California. For example, this conference report creates a public-private Presidio Trust to manage hundreds of historical buildings which cover more than 1,400 scenic acres at the foot of the Golden Gate Bridge. Both residents of my district and throughout the State of California have visited this site and enjoyed its beauty. With passage of this bill, that will continue to happen for years to come.

Additionally, this conference report also contains a provision which I have worked hard for in behalf of my constituents in the Santa Clarita Valley. I have included language which protects a pristine canyon contained in the Angeles National Forest. For many years, some have wanted to destroy this beautiful treasure by constructing a 190-million ton landfill.

Mr. Speaker, it gives me great pleasure to announce today that the Omnibus Parks bill will preserve and protect Elsmere Canyon and prevent its destruction; not only for the residents of the Santa Clarita Valley, but for all residents of southern California.

I urge an "aye" vote on this historic, environmental legislation. It truly reflects a commitment to preserve our natural resources both today and in the future.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, of course I want to rise in support of this important parks legislation and commend the bipartisan leadership of the chairman, and the ranking members and the committee members for moving this legislation.

I want to take a moment and note that this legislation contains a provision important to the south side of Chicago and the south suburbs of Chicago, a provision that directs the National Park Service to look at the feasibility of establishing an ecological park, a series of green ways linking the Indiana Dunes with the heritage corridor, a significant proposal because of its potential for establishing an urban park, open space and wildlife habitat and a rapidly growing older industrial area.

This proposal has locally strong bipartisan support from local conservation groups, elected officials and economic development organizations. Like the newly established tall grass prairie, the former Joliette Arsenal, the ecological park will become a major investment in the future of Illinois and the children of Illinois by setting aside open space and important wildlife habitat in an old urban area as well as a rapidly developing suburban area.

I thank the chairman and committee for their support, and I urge bipartisan support for this legislation.

Mr. MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am delighted to rise in support of this legislation, the Omnibus Park bill. This is, as many have already said, a product of bipartisan negotiations throughout many months, although it came down to the eleventh hour today, but throughout many months, over the provisions of this bill, and it makes some important additions and changes to our historic areas from San Francisco to Boston, from Alaska to Alabama.

I want to commend my colleagues and the chairman of the House Committee on Resources, the gentleman from Alaska [Mr. YOUNG] for his work and his patience, his patience in this effort. I know how he feels when we send bills to the Senate 1 year ago and 8 months ago and 6 months ago and they are never heard from until the eleventh hour. But because of his patience we are here tonight with this bill.

I want to thank the gentleman from New Mexico [Mr. RICHARDSON}, the ranking member of the Subcommittee on National Parks, Forests and Lands, the gentleman from Utah [Mr. HANSEN] for his effort as the chairman of the Subcommittee on National Parks, Forests and Lands, to the gentleman from New York [Mr. BOEHLERT], who was involved in brokering and helping to negotiate this, and to the gentleman from Ohio [Mr. REGULA] for his involvement and his perseverance on the matter of the Heritage Areas.

I also want to say that this bill also deals with the matter that is important to me, and that is that it authorizes $400 million to assure the implementation of crucial ecosystems restoration efforts to improve water quality, fishery and resources of San Francisco and Sacramento-San Juaquin Delta. This is an important step in implementing the Bay Area Accords that highlights the continuing success of the Central Valley Project Improvement Act of 1992 and moves us toward a consensus instead of conflict in California water policy, and I am particularly grateful for the bipartisan support that has been garnered for this effort.

Finally, let me say, Mr. Speaker, that this legislation started out as a single bill at one point, and that was to authorize the Presidio National Park in San Francisco, and I think every Member of this House knows how hard the gentlewoman from San Francisco [Ms. PELOSI] has worked on this effort. She has been absolutely tireless and relentless in her pursuit to see this, and I mean relentless as a compliment, in her pursuit to see this matter become law and to give a gift to this Nation of what is going to be one of the great, great national parks for visitors from across this Nation and from around the world as they visit this.

This is an effort to try to make sure that we can lessen the burden on the taxpayer and the operation of that park. And I also want to thank our Senators, Senator BOXER and Senator FEINSTEIN, for all of their effort, and I too want to recognize the effort of Judy Lemons in her support for this and her working on this and to John Lawrence and to Rick Healy for their negotiations today and to the minority staff.

Finally, let me say to the Members who are in strong support of this legislation, the gentleman from Alaska [Mr. YOUNG] knows that we were here in the last night of the last Congress and we lost many of these same projects, and we lost that effort. Those of my colleagues who are rising in strong support of this legislation, I would ask them to put in a kind word with their Senator on behalf of this legislation so these parks in some cases can be expanded or created and heritage areas can succeed, and I think this will turn out to be a major gift in terms of public lands management and to the people of this Nation.

Again, I want to thank all those who worked so terribly hard to get us here tonight and to Jeff Petrich, who worked very hard certainly on the Alaska provisions and was involved in these last hours of negotiations.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, how proud we should be of what we are about because this bill is exactly what the American people want, a parks bill that will benefit all areas of the country, a parks bill that will increase recreational and educational opportunities, a parks bill that will enhance environmental protection and most importantly for the long run, a parks bill that will ensure that future generations will have pristine areas to enjoy.

It is not easy putting this kind of package together. There are almost an infinite number of interests to balance. It is of necessity a lengthy and very difficult process.

I want to thank the gentleman from Alaska [Mr. YOUNG] and his staff for sticking to it, for continuing to work against all odds, for coming up with a final package that only the hypersensitive could quibble with on environmental grounds.

This is good legislation, this is a proud moment for this historic 104th Congress, and I urge my colleagues to give this measure the support it deserves.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in full support of this measure, and I urge my colleagues on both sides of the aisle to support the measure along with my colleagues, the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from New Jersey [Mr. MARTINI], the gentlewoman from New Jersey [Mrs. KELLY], and the gentleman from New Jersey [Mr. ZIMMER]. We have all worked long and hard for passage of this legislation that preserves Sterling Forest.

This 18,000-acre tract of land which stretches along the New York-New Jersey border is the last largely undeveloped forest in the New York Metropolitan Area, and it is our last chance to protect the watershed for the New Jersey-New York area. This legislation provides payments in lieu of taxes for those municipalities involved, which will be done by authorizing the Palisades Park Commission that managed Sterling Forest.

I want to thank the gentleman from Alaska [Mr. YOUNG], the chairman of the committee, the ranking minority leader, the gentleman from California [Mr. MILLER], as well as the gentleman from Utah [Mr. HANSEN], the gentleman from Ohio, [Mr. REGULA], who have all worked hard in bringing this together, and I know it has been a difficult task, and I commend them for their work, as well as the gentlewoman from California [Ms. PELOSI], who brought us all together on her measure that made this measure move forward at this time.

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Accordingly, Mr. Speaker, I urge my colleagues to fully support this measure.

Mr. MILLER of California. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. FROST] for a somewhat related matter.

CONGRATULATING TEXAS RANGERS ON LANDMARK SEASON

Mr. FROST. Mr. Speaker, 25 years ago the Washington Senators baseball team moved to Arlington, TX, in the heart of the 24th Congressional District.

For 25 seasons, that team—the Texas Rangers—played baseball without reaching the post-season playoffs. This Texas drought ended last night when the Texas Rangers won the Western Division of the American League.

No current team in major league baseball had played as many consecutive seasons without ever reaching post-season play.

There is joy today deep in the heart of Texas. I want to take this occasion to recognize the terrific season-long play of the Texas Rangers, the quiet steady leadership of their manager Johnny Oates and the skill of their front office headed by Club President Tom Schieffer.

The Rangers combined clutch hitting, excellent defense and improved pitching to take their first division crown. They enjoyed tremendous fan support in their new stadium, the ballpark, and now anxiously await their first post-season playoff series against the New York Yankees.

Congratulations Rangers on a landmark season.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I have asked permission to revise and extend my remarks for the last time.

Mr. Speaker, like others before me, I rise to voice my strong support for the Omnibus Parks and Public Lands Act, and I also want to thank my chairman, the gentleman from Alaska [Mr. YOUNG], who has been an outstanding leader in this effort, the subcommittee chairman, the gentleman from Utah [Mr. HANSEN], a distinguished gentleman and friend, and that great athlete, the gentleman from California [Mr. MILLER], for his help in regards to this bill.

Mr. Speaker, I am interested in this because it contains a particular park designation, the Tallgrass Prairie National Preserve Act, that will create the first and only unit of the national park system solely devoted to the preservation of the tallgrass prairie ecosystem.

Mr. Speaker, like others have already stated on the floor, if the good Lord and certain Senators are willing, we will get this package through. I would urge my colleagues to contact everyone in the other body to that goal.

Mr. Speaker, I yield back the balance of my time for the last time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I rise in strong support of this parks bill, which I believe and I think people on both sides believe is one of the finest parks bills to ever pass this Congress in the long history of our great country.

I want to commend the chairmen, the gentleman from Alaska [Mr. YOUNG], the gentleman from Utah [Mr. HANSEN], the gentleman from Ohio [Mr. REGULA], and everyone on both sides of the aisle who worked so hard to put this package together. I urge its passage here, and I urge its passage in the U.S. Senate.

In my district, the Blackstone River Valley National Heritage Corridor has been reauthorized in this bill for 10 years. It is a tremendous public-private partnership that has done tremendous things for the environment, for economic development, for job creation. Now the great city of Worcester will be included in the headwaters, as the headwaters of the Blackstone River Valley National Heritage Corridor.

Near the southern tip of my district, the New Bedford Historical Whaling Park that myself and the gentleman from Massachusetts [Mr. FRANK] and so many others have supported for so long will now come to fruition if we can get this passed through the Senate.

Mr. Speaker, I think this is a tremendous bill for the entire country and it is a great environmental bill because these parks and heritage corridors will keep land open, and open space for our citizens for years and years and decades to come. I rise in strong support.

I think we all owe a great debt of gratitude to everyone on both sides of the aisle who worked on this bill, but particularly Chairman YOUNG, Chairman HANSEN, and Chairman REGULA, who really went to the mat for this bill and worked very, very hard. I also commend the ranking member and the administration for coming along with us.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BAKER], one of the leaders in this effort.

Mr. BAKER of California. Mr. Speaker, I rise in strong support of the omnibus parks bill. This bill includes provisions which are vital to the heritage and habitat of the San Francisco Bay area.

H.R. 1296 includes my bill, H.R. 4126, the California Bay Delta Environmental Enhancement and Water Security Act. I thank the chairman, the gentleman from Alaska [Mr. YOUNG] for including these provisions of Federal matching funds for proposition 204 on the ballot this November in California.

This historic agreement will authorize $430 million for fiscal year 1998 through 2000 for ecosystem protection and restoration of the San Francisco Bay Delta region. I have worked with the environmental community and California water districts to craft H.R. 4126, which is cosponsored by 48 California Members.

Further, I have worked closely with the gentlewoman from California [Ms. PELOSI] in support of the Presidio provisions of this bill, which will protect the Presidio in a sound and cost-effective manner. These provisions will preserve the Presidio of California for generations to come. I appreciate her leadership.

I hope that the Members will join this bipartisan contingency of bay area legislators who see this bill as key to the environment and historic preservation of northern California.

Mr. Speaker, I would like to close by saying this: What Congress in the last 50 years has included more park projects for the opposing party than this bipartisan 104th Congress?

Again, Mr. Speaker, my thanks to Chairman YOUNG and the ranking member, the gentleman from California, Mr. MILLER, my neighbor to the north, for this wonderful bill. I fully support it and hope that the Senate will join us.

Mr. MILLER of California. Mr. Speaker, I yield 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I am so delighted that the Presidio bill, which has been on the floor over and over again, is finally, hopefully, going to become law. I am glad it is such a strong engine to bring some other things along.

It was said about the Presidio in its life as an Army base that a shot was never fired in anger from the Presidio, or at the Presidio. As much as I thought we would come close, that seems to be true about the Presidio legislation again, thanks to the calm nature of the chairman and the ranking member of the committee.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to thank the gentleman from California [Mr. MILLER] and all those who have worked very hard on this legislation. It is not everything I wanted. As I stressed before, we will be back. MacArthur said that, and he came back, and I will come back with a bigger and better army, and we will achieve those goals.

I think it is important to understand one thing. There is little in this bill for this chairman. Most of this is, very frankly, in areas that passed the House, and as the gentlewoman from San Francisco said, this is a strong train with the Presidio, but most all of this legislation already passed the House.

It is the unworkable situation that occurs in the other body, where the holds can be put on and on and on, that really, I think, hurts the process. Somewhere and somehow we have to expedite that process so when the House speaks, at least there should be a time limit to return the bill to the floor. It is unfair to tie everything, very frankly, to one horse. It is not the correct way to legislate. We have done that. Hopefully the Senate will see the wisdom of adopting it, and we will go on next year and hope to do bigger and greater things.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of H.R. 4236, the omnibus parks bill. This bipartisan legislation will improve the lives of thousands of Americans. I am particularly interested in this legislation because it includes a provision, the Hanford Reach Preservation Act, which impacts my district directly. I want to thank my fellow colleagues on the House Resources Committee, in particular Chairman YOUNG and Subcommittee Chairman HANSEN, for their hard work on this legislation.

Mr. Speaker, the Hanford Reach Preservation Act makes permanent the current moratorium on dam building, channeling, and navigational projects along the stretch of the Columbia River known as the Hanford Reach. Located in the heart of my Central Washington Congressional District, the Hanford Reach is regarded by many as the last free flowing stretch of the Columbia River. Running through the Hanford Nuclear Reservation, the Reach is also the location of some of the healthiest salmon runs anywhere in the Pacific Northwest.

For the past 8 years, the Federal Government has played an important role in protecting the Reach by prohibiting its agencies from constructing dams, channels, and other projects on this part of the River. The provision included in this bill permanently extends the current moratorium on these activities that is set to expire November 6, 1996.

The Hanford Reach Preservation Act will make a significant contribution to the continued protection of this pristine area. While more needs to be resolved within the local community before this area is completely protected, this language is a positive step in the right direction.

H.R. 4236 also includes a number of other positive proposals which improve the condition of our national parks, schools, and rivers. I also support this bill for what is not included in the package, namely a provision to establish a National Heritage Area program. While I have serious concerns about the individual heritage area designations in this bill, I am relieved that private property owners in my district will not have to worry about such designations infringing upon their Fifth Amendment rights.

Again, I thank my colleagues for their assistance and strongly urge the House to vote in favor of this measure. I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, there are few people in this Congress that I have more respect for than the chairman of the House Resources Committee, DON YOUNG, and some of the other hardworking members of the Committee.

But I must oppose this so-called Presidio Package, H.R. 4236. Although there are many good things in this bill—badly needed boundary adjustments and local land exchange benefiting many worthy communities, to name a few—I simply cannot vote for a bill that creates five (5) new national parks, establishes as many as eleven (11) heritage areas, and facilities any number of other Federal designations that expand Federal ownership and control over public and private property. I would consider anything but a "No" vote on H.R. 4236 a dereliction of my duty as a Member of Congress from Idaho who came to this body promising to rein in our ever-expanding Federal Government. Although my Chairman and other Members speak eloquently of this compromise package, when boiled down to its essence, this bill expands the Federal Government's control on our land base.

Mr. Speaker, I would also like to object to the method by which this more than 600 page bill was brought to the Floor. H.R. 4236 was introduced yesterday. Although it was debated passed and considered in a Conference Committee as H.R. 1296, H.R. 4236 included provisions I've never seen. For example, the last version of H.R. 1296 made available to me or my staff included only two (2) heritage areas. However, it is my understanding that today's H.R. 4236 includes as many as eleven (11). Heritage Areas are a concern for me. In fact, from my perspective, H.R. 4236 has been crafted with a great deal of secrecy. I must ask Mr. Speaker, what else is included?

Lastly, Mr. Speaker, I am compelled to point out that, although there are five (5) specified Idaho projects, H.R. 4236 represents a compilation of measures supported by Members with very little interest or understanding of our public lands. I recognize that this so-called Omnibus Parks Bill is the result of a long difficult process. However, it has been pointed out that an Omnibus Bill was necessary because concerns, Senatorial holds, environmental community opposition and other legislative hurdles plugged the bills' legislative process. In total, it was argued tonight, an Omnibus bill was necessary to gain the legislative momentum to clear all hurdles. But I would ask, Mr. Speaker, that the Members would take a few moments to reflect on the difficulty by which this bill came to the Floor, and then to translate that difficulty to what a public lands state faces every time it must deal with the Federal Government. It is no different, and arguably worse.

Again, Mr. Speaker, I must oppose this measure and would hope the Members consider where we are going as a nation when we look up our resources.

Mr. WOLF. Mr. Speaker, I rise in strong support of this omnibus parks bill. It is good for the environment, preserves our natural, historic, and cultural resources, protects and improves our National Park System, and benefits tourism and business throughout the country. I urge its swift passage in the other body, and urge the President to sign this important legislation.

We are in the final hours of the 2d session of the historic 104th Congress and still have a good deal of business to conduct. I want my colleagues to know, on both sides of the isle, that I appreciate your hard work and tireless efforts as the Nation's business comes to a close. I want to recognize the efforts of Representatives YOUNG, HANSEN, REGULA, and MILLER for working together on a compromise package that should be signed by the President. I also appreciate the efforts of Senators WARNER and ROBB and Congressman GOODLATTE. Finally, I want to recognize the effort of the staff who worked on this legislation and who share our commitment to passing a meaningful parks bill this Congress.

Mr. Speaker, I recall the waning hours of the 103d Congress when the so-called Vento parks package was stalled. There were many talks and negotiations in the final hours, much like the negotiations which occurred last night and today. Members of Congress and staff were running back and forth from House to House and office to office trying to find a workable compromise. We were so close, but, at about midnight on the last day of the session, the gravel dropped and Congress adjourned without passing a parks bill.

That was a disappointing night. It was disappointing because all the hard work residents and leaders in the valley have put into preserving these important sites had to wait for another day. After that day, the citizens of the valley and I became even more determined to see this project through to the end. This is the culmination of years of work in the valley and it is a credit to their hard work.

So here we are, in the final hours of the 104th Congress, poised to pass legislation which would create the Shenandoah valley Battlefields National Historic District. This is the culmination of 5 years of work, and it is my sincere hope that the Senate will pass this compromise in the coming days before the Congress adjourns sine die.

Mr. Speaker, I introduce legislation in the beginning of the 103d Congress and 104th Congress to protect these valley battlefield sites. Senators WARNER and ROBB introduced companion legislation in the Senate. After working with the administration, and other Members of Congress, a compromise was fashioned which passed the House in September 18, 1995, by a vote of 377 to 31 (H.R. 1091). As the body knows, Congressmen YOUNG and HANSEN were on the floor week after week after week passing park related measures, but the other body, for one reason or another, did not pass these bills. Finally, a package was put together with over 130 parks related provisions, the conference closed, and a veto threat issued.

Many thought the bill was doomed, but as I already stated, a group of members and staff stuck it out late at night to fashion a compromise. This legislation, if passed, will create the Shenandoah Valley Battlefields National Historic District—a one of a kind affiliated unit of the National Park Service. This legislation forms a partnership with Federal, State, and local governments to preserve, conserve, protect, and interpret the historically significant

Shenandoah Valley Civil War sites. Specifically, it will protect the two major valley campaigns—the Thomas J. "Stonewall" Jackson Valley campaign of 1862 and the decisive Philip Sheridan campaign of 1864—are the major Civil War battlefields not yet preserved.

Mr. Speaker, I, again, would like to thank and congratulate all parties for their hard work and urge support for this legislation and its swift passage. In particular, I would like to thank, William Moschella of my staff. Without his perseverance in negotiations, skill at legislative drafting, and willingness to find solutions to new problems, we would not be here today.

Mr. RICHARDSON. Mr. Speaker, I am pleased to support the Presidio bill which includes the Taos Bottleneck bill. The nearly 765-acre bottleneck tract is one of the most sacred sites for the Taos Pueblo people: It has had religious significance for these people for thousands of years. In fact, the area we call the bottleneck is known as the "Path of Life Lands" to the Pueblo people because it contains their most sacred religious lands. Additionally, the Taos Pueblo was recognized by the United Nations as a World Heritage Site in 1992 in recognition of its status as one of the last remaining pre-Columbian civilizations in North America.

Legislation signed by President Richard Nixon in 1970 returned to the Taos Pueblo all lands that had been seized by the Federal Government with the exception of the bottleneck tract. Inclusion of the bottleneck lands would have decreased the acreage of the adjacent Wheeler Peak Wilderness below the legal limit required for wilderness designation so the land was not returned to the Pueblo.

The Wheeler Peak Wilderness has subsequently been expanded several times and the transfer of the 764.33 acres of the bottleneck tract would not affect the wilderness designation of the Wheeler Peak Wilderness. My legislation would end this saga and bring to an end the responsibilities of the Federal Government to return land to the Taos Pueblo.

The land transfer to the Pueblo affected by this bill will enable the Pueblo to guard against the public intrusions that are presently occurring on surrounding Indian lands and sacred sites. These intrusions have occurred during sacred religious activities and are wholly inappropriate for such an area. Unfortunately, the Pueblo is powerless to prevent such intrusions without the return of the land to their management and jurisdiction.

Under the terms of the bill, the bottleneck lands would be used for traditional purposes only, such as religious ceremonies, hunting, fishing, and as a source of water, forage for domestic livestock, wood, timber, and other natural resources.

Enactment of this legislation will not result in the transfer of the land out of wilderness status. The Pueblo will manage the land as wilderness under strict requirements allowing only tribal access to the area for the specific activities, consistent with the Wilderness Act, which I have just described.

In the past, this legislation has been supported by the entire, bipartisan New Mexico congressional delegation and by a broad coalition of environmental organizations including The Wilderness Society, the Audubon Society, and the Sierra Club at the local, State, and national levels.

This legislation has been passed by the full House in previous Congresses, yet never enacted into law. Throughout this period, the Taos Pueblo has continued to suffer the indignity of public intrusions on their sacred land. It is time to put this long, sad story behind us by enacting this legislation. It is time to return the bottleneck to the Taos Pueblo people.

I am pleased to support the omnibus parks bill and I hope the Senate will support the bill so that the Taos Pueblo will receive the land that they deserve.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURTON of Indiana). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 4236, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and yeas.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4236.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4236, OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes to the engrossment of the bill, H.R. 4236.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 4233, SAVINGS IN CONSTRUCTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill (H.R. 4233) to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 4233.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONCURRING IN SENATE AMENDMENT TO H.R. 2799, SAVINGS IN CONSTRUCTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2779) to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings in Construction Act of 1996".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Metric Conversion Act of 1975 was enacted in order to set forth the policy of the United States to convert to the metric system. Section 3 of that Act requires that each Federal agency use the metric system of measurements in its procurement, grants, and other business-related activities, unless that use is likely to cause significant cost or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

(2) In accordance with that Act and Executive Order 12770, of July 25, 1991, Federal agencies increasingly construct new Federal buildings in round metric dimensions. As a result, companies that wish to bid on Federal construction projects increasingly are asked to supply materials or products in round metric dimensions.

(3) While the Metric Conversion Act of 1975 currently provides an exemption to metric usage when impractical or when such usage will cause economic inefficiencies, amendments are warranted to ensure that the use of specific metric components in metric construction projects do not increase the cost of Federal buildings to the taxpayers.

SEC. 3. DEFINITIONS.

Section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking "Commerce." in paragraph (4) and inserting "Commerce;"; and

(3) by inserting after paragraph (4) the following:

"(5) 'full and open competition' has the same meaning as defined in section 403(6) of title 41, United States Code;

"(6) 'total installed price' means the price of purchasing a product or material, trimming or otherwise altering some or all of that product or material, if necessary to fit with other building components, and then installing that product or material into a Federal facility;

"(7) 'hard-metric' means measurement, design, and manufacture using the metric system of measurement, but does not include measurement, design, and manufacture using English

system measurement units which are subsequently reexpressed in the metric system of measurement;

"(8) 'cost or pricing data or price analysis' has the meaning given such terms in section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b); and

"(9) 'Federal facility' means any public building (as defined under section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) and shall include any Federal building or construction project—

"(A) on lands in the public domain;

"(B) on lands used in connection with Federal programs for agriculture research, recreation, and conservation programs;

"(C) on or used in connection with river, harbor, flood control, reclamation, or power projects;

"(D) on or used in connection with housing and residential projects;

"(E) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense);

"(F) on installations of the Department of Veteran Affairs used for hospital or domiciliary purposes; or

"(G) on lands used in connection with Federal prisons,

but does not include (i) any Federal Building or construction project the exclusion of which the President deems to be justified in the public interest, or (ii) any construction project or building owned or controlled by a State government, local government, Indian tribe, or any private entity.".

SEC. 4. IMPLEMENTATION IN ACQUISITION OF FEDERAL FACILITIES.

(a) The Metric Conversion Act of 1975 (15 U.S.C. 205 et sec.) is amended by inserting after section 13 the following new section:

"SEC. 14. IMPLEMENTATION IN ACQUISITION OF CONSTRUCTION SERVICES AND MATERIALS FOR FEDERAL FACILITIES.

"(a) In General.—Construction services and materials for Federal facilities shall be procured in accordance with the policies and procedures set forth in chapter 137 of title 10, United States Code, section 2377 of title 10, United States Code, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), and section 3(2) of this Act. Determination of a design method shall be based upon preliminary market research as required under section 2377(c) of title 10, United States Code, and section 314B(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 264b(c)). If the requirements of this Act conflict with the provisions of section 2377 of title 10, United States Code, or section 314B of the Federal Property and Administrative Services Act of 1949, then the provisions of 2377 or 314B shall take precedence.

"(b) Concrete Masonry Units.—In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for the acquisition of structures or systems of concrete masonry be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of concrete masonry units, in a solicitation for design or construction of a Federal facility within the United States or its territories, or a portion of said Federal facility, unless the head of the agency determines in writing that—

"(1) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

"(2) the following 2 criteria are met:

"(A) the application requires hard-metric concrete masonry units to coordinate dimensionally into 100 millimeter building modules; and

"(B) the total installed price of hard-metric concrete masonry units is estimated to be equal to or less than the total installed price of using non-hard-metric concrete masonry units. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

"(c) Recessed Lighting Fixtures.—In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for the acquisition of structures or systems of recessed lighting fixtures be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of recessed lighting fixtures, in a solicitation for design or construction of a Federal facility within the United States or its territories unless the head of the agency determines in writing that—

"(1) the predominant voluntary industry consensus standards include the use of hard-metric for the items specified; or

"(2) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

"(3) the following 2 criteria are met:

"(A) the application requires hard-metric recessed lighting fixtures to coordinate dimensionally into 100 millimeter building modules; and

"(B) the total installed price of hard-metric recessed lighting fixtures is estimated to be equal to or less than the total installed price of using non-hard-metric recessed lighting fixtures. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

"(d) Limitation.—The provisions of subsections (b) and (c) of this section shall not apply to Federal contracts to acquire construction products for the construction of facilities outside of the United States and its territories.

"(e) Expiration.—The provisions contained in subsections (b) and (c) of this section shall expire 10 years from the effective date of the Savings in Construction Act of 1996.".

SEC. 5. OMBUDSMAN.

Section 14 of the Metric Conversion Act of 1975, as added by section 4 of this Act, is further amended by adding at the end the following new subsection:

"(f) Agency Ombudsman.—(1) The head of each executive agency that awards construction contracts within the United States and its territories shall designate a senior agency official to serve as a construction metrication ombudsman who shall be responsible for reviewing and responding to complaints from prospective bidders, subcontractors, suppliers, or their designated representatives related to—

"(A) guidance or regulations issued by the agency on the use of the metric system of measurement in contracts for the construction of Federal buildings; and

"(B) the use of the metric system of measurement for services and materials required for incorporation in individual projects to construct Federal buildings.

The construction metrication ombudsman shall be independent of the contracting officer for construction contracts.

"(2) The ombudsman shall be responsible for ensuring that the agency is not implementing the metric system of measurement in a manner that is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms in violation of the policy stated in section 3(2), or is otherwise inconsistent with guidance issued by the Secretary of Commerce in consultation with the Interagency Council on Metric Policy while ensuring that the goals of the Metric Conversion Act of 1975 are observed.

"(3) The ombudsman shall respond to each complaint in writing within 60 days and make a recommendation to the head of the executive agency for an appropriate resolution thereto. In such a recommendation, the ombudsman shall consider—

"(A) whether the agency is adequately applying the policies and procedures in this section;

"(B) whether the availability of hard-metric products and services from United States firms is sufficient to ensure full and open competition; and

"(C) the total installed price to the Federal Government.

"(4) After the head of the agency has rendered a decision regarding a recommendation of the ombudsman, the ombudsman shall be responsible for communicating the decision to all appropriate policy, design, planning, procurement, and notifying personnel in the agency. The ombudsman shall conduct appropriate monitoring as required to ensure the decision is implemented, and may submit further recommendations, as needed. The head of the agency's decision on the ombudsman's recommendations, and any supporting documentation, shall be provided to affected parties and made available to the public in a timely manner.

"(5) Nothing in this section shall be construed to supersede the bid protest process established under subchapter V of chapter 35 of title 31, United States Code.".

SEC. 6. EFFECTIVE DATE AND MISCELLANEOUS PROVISIONS.

(a) Effective Date.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) Savings Provisions.—This Act shall not apply to contracts awarded and solicitations issued on or before the effective date of this Act, unless the head of a Federal agency makes a written determination in his or her sole discretion that it would be in the public interest to apply one or more provisions of this Act or its amendments to these existing contracts or solicitations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] will each control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we will be very brief on this. Mr. Speaker, this particular bill is exactly the same as the one that the House just passed by voice vote that we considered earlier today, but the bill that we have before us in this form passed the Senate this afternoon with the same language. This is the final clearance of the bill to send it to the President. This has been cleared by the minority, and I know of no controversy in handling it this way.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the remarks of the gentleman from Pennsylvania [Mr. WALKER] and I urge that we pass this bill for the third or fourth time. It is identical to what we have passed before.

Mr. Speaker, I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and concur in the Senate amendment to H.R. 2779.

The question was taken; and (two-thirds of those having voted in favor therefore) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3610, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997, AND PASSAGE OF H.R. 4278, OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that it be in order to consider the conference report to accompany the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; that all points of order against the conference report and against its consideration be waived; that the conference report be considered as read, and upon adoption of the conference report, notwithstanding any rule of the House to the contrary, the bill, H.R. 4278, making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes, be considered as passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FUNDING FOR TV MARTI IN OMNIBUS APPROPRIATIONS BILL

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, given the business just concluded, we will be taking up shortly a bill that includes essentially an omnibus appropriations bill for the next fiscal year. It will come as no surprise that some things have survived in this pending omnibus spending bill which are an absolute, total, and incredible waste of money. At the top of that list is continued funding for TV Marti.

Mr. Speaker, this program is a fraud on the taxpayers. It purports to broadcast news about Cuba to Cuba from south Florida. But the travesty is that no one, absolutely no one, sees these broadcasts because of jamming by the Castro regime.

Even though the Committee on Appropriations agreed on a 2 to 1 bipartisan vote in the House to kill this boondoggle, it is back. After throwing away some $100 million over the last several years on this failed experiment, we are about to blow another $12 million or $15 million next year.

Mr. Speaker, this program continues in spite of all evidence, three or four independent investigations, that it is a total flop. It is a shame, Mr. Speaker, that this travesty continues.

☐ 1845

RECESS

The SPEAKER pro tempore (Mr. BURTON of Indiana). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 7 p.m.

Accordingly (at 6 o'clock and 45 minutes p.m.), the House stood in recess until approximately 7 p.m.

☐ 1902

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WALKER] at 7 o'clock and 2 minutes p.m.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, and then on the motion for the previous question on House Resolution 546.

Votes will be taken in the following order: H.R. 1332 by the yeas and nays; H.R. 1363 by the yeas and nays; H.R. 4236 by the yeas and nays; and the previous question on House Resolution 546, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series, except on the last question listed.

OMNIBUS INSULAR AREAS ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1332, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1332, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 5, not voting 30, as follows:

[Roll No. 451]

YEAS—398

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin

Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—5

Chenoweth
Cooley
Radanovich
Scarborough
Stockman

NOT VOTING—30

Baker (LA)
Berman
Bliley
Blumenauer
Boucher
Cardin
Collins (MI)
Conyers
Cubin
DeFazio
Dellums
Doolittle
Durbin
Filner
Fowler
Frank (MA)
Gephardt
Green (TX)
Hancock
Hayes
Heineman
Lincoln
Markey
Menendez
Myers
Quillen
Rose
Taylor (NC)
Waters
Waxman

□ 1925

Messrs. RADANOVICH, SCARBOROUGH, and STOCKMAN changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). Without objection, a motion to reconsider is laid on the table.

Mr. THOMAS. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair having voted on the prevailing side will put the question on the motion to reconsider the motion by which the rules were suspended and the bill was passed.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. THOMAS. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. Those in favor of a recorded vote will please stand.

An insufficient number having arisen, a recorded vote is refused.

The motion to reconsider is not agreed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

TREATMENT OF CERTAIN FEDERAL EMPLOYEES AT FEDERAL HYDROELECTRIC FACILITY ON COLUMBIA RIVER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3163.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 3163, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 199, nays 209, not voting 25, as follows:

[Roll No. 452]

YEAS—199

Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Buyer
Calvert
Camp
Canady
Chabot
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dicks
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanford
Saxton
Schaefer
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Stockman
Talent
Tate
Tauzin
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—209

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bevill
Bilbray
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Burr
Burton
Callahan
Campbell
Castle
Chambliss
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Cooley
Costello
Coyne
Cramer
Crane
Cummings
Danner
de la Garza
DeFazio
DeLauro
Deutsch
Dickey
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McHale
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy

Poshard
Rahall
Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—25

Baker (LA)
Berman
Blumenauer
Boucher
Cardin
Collins (MI)
Conyers
Dellums
Doolittle
Durbin
Filner
Fowler
Frank (MA)
Green (TX)
Hancock
Hayes
Heineman
Lincoln
Menendez
Myers
Quillen
Rose
Taylor (NC)
Waters
Waxman

Mrs. JOHNSON of Connecticut changed her vote from "yea" to "nay."

So (two-thirds having not voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Mr. THOMAS. I object.

The SPEAKER pro tempore (Mr. WALKER). I would say to the gentleman from California [Mr. THOMAS] there is no unanimous-consent request on the floor to object to.

Mr. THOMAS. Did the Speaker not ask that there be no objection to suspending the rules and placing it on the table?

The SPEAKER pro tempore. The Chair has not made such a statement. On a negative vote on a motion to suspend the rules, there is no motion to reconsider.

OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4236, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 4236, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 4, not voting 25, as follows:

[Roll No. 453]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Chenoweth
Coburn
Stockman
Taylor (MS)

NOT VOTING—25

Baker (LA)
Berman
Blumenauer
Boucher
Cardin
Collins (MI)
Conyers
Dellums
Doolittle
Durbin
Filner
Fowler
Frank (MA)
Green (TX)
Hancock
Hayes
Heineman
Lincoln
Menendez
Myers
Quillen
Rose
Taylor (NC)
Waters
Waxman

□ 1946

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). Without objection, a motion to reconsider is laid on the table.

Mr. THOMAS. Mr. Speaker, I object.

Mr. REGULA. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HANSEN moves to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] to lay on the table the motion to reconsider.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion to lay the motion to reconsider on the table was agreed to.

PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR ADJOURNMENT SINE DIE

The SPEAKER pro tempore. The pending business is the question de novo on ordering the previous question on House Resolution 546.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to insert material in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The material referred to is as follows:

Mr. MOAKLEY. Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule. This provision would require that the 104th Congress be reconvened on the first Monday after the Special Counsel submits his report on the Speaker to the Investigative Subcommittee of the Committee on Standards of Official Conduct. This would ensure that Members of the 104th Congress have an opportunity to act upon the findings of this special investigation.

I believe it is imperative that the House take this action now to guarantee we can consider the Special Counsel's report. Let me make it clear to my colleagues, both Democrats and Republicans, that defeating the previous question and adopting this amendment is the only way to guarantee that the 104th Congress will be able to act on this matter.

I ask unanimous consent that the text of this amendment be entered into the RECORD at this point in the debate.

Vote "no" on the previous question.

At the end of the resolution add the following new section:

"SEC. 10. The House of Representatives shall reconvene on the first Monday after the submission of the Special Counsel's report on Speaker Newt Gingrich to the Investigative Subcommittee of the Committee on Standards of Official Conduct."

Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 183, not voting 27, as follows:

[Roll No. 454]

YEAS—223

Allard
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—183

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—27

Archer
Baker (LA)
Berman
Blumenauer
Boucher
Cardin
Collins (MI)
Conyers
Dellums
Doolittle
Durbin
Filner
Fowler
Frank (MA)
Gekas
Green (TX)
Hancock
Hayes
Heineman
Lincoln
Menendez
Myers
Quillen
Rose
Taylor (NC)
Waters
Waxman

□ 2005

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 546, House Resolution 551 is adopted.

Pursuant to section 4 of House Resolution 546, House Resolution 552 is adopted.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4148

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Nebraska [Mr. BARRETT] as a cosponsor of H.R. 4148.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONFERENCE REPORT ON H.R. 3005, NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996

Mr. BLILEY submitted the following conference report and statement on the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation:

CONFERENCE REPORT

(H. REPT. 104–864)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3005), to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Securities Markets Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Severability.

TITLE I—CAPITAL MARKETS

Sec. 101. Short title.
Sec. 102. Creation of national securities markets.
Sec. 103. Broker-dealer exemptions from State law.
Sec. 104. Broker-dealer funding.
Sec. 105. Exemptive authority.
Sec. 106. Promotion of efficiency, competition, and capital formation.
Sec. 107. Privatization of EDGAR.
Sec. 108. Improving coordination of supervision.
Sec. 109. Increased access to foreign business information.

TITLE II—INVESTMENT COMPANY ACT AMENDMENTS

Sec. 201. Short title.
Sec. 202. Funds of funds.
Sec. 203. Flexible registration of securities.
Sec. 204. Facilitating use of current information in advertising.
Sec. 205. Variable insurance contracts.
Sec. 206. Reports to the Commission and shareholders.
Sec. 207. Books, records, and inspections.
Sec. 208. Prohibition on deceptive investment company names.
Sec. 209. Amendments to definitions.
Sec. 210. Performance fees exemptions.

TITLE III—INVESTMENT ADVISERS SUPERVISION COORDINATION ACT

Sec. 301. Short title.
Sec. 302. Funding for enhanced enforcement priority.
Sec. 303. Improved supervision through State and Federal cooperation.
Sec. 304. Interstate cooperation.
Sec. 305. Disqualification of convicted felons.
Sec. 306. Investor access to information.
Sec. 307. Continued State authority.
Sec. 308. Effective date.

TITLE IV—SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION

Sec. 401. Short title.
Sec. 402. Purposes.
Sec. 403. Authorization of appropriations.
Sec. 404. Registration fees.
Sec. 405. Transaction fees.
Sec. 406. Time for payment.
Sec. 407. Sense of the Congress concerning fees.

TITLE V—REDUCING THE COST OF SAVING AND INVESTMENT

Sec. 501. Exemption for economic, business, and industrial development companies.
Sec. 502. Intrastate closed-end investment company exemption.
Sec. 503. Definition of eligible portfolio company.
Sec. 504. Definition of business development company.
Sec. 505. Acquisition of assets by business development companies.
Sec. 506. Capital structure amendments.
Sec. 507. Filing of written statements.
Sec. 508. Church employee pension plans.
Sec. 509. Promoting global preeminence of American securities markets.
Sec. 510. Studies and reports.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Commission" means the Securities and Exchange Commission; and

(2) the term "State" has the same meaning as in section 3 of the Securities Exchange Act of 1934.

SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—CAPITAL MARKETS

SEC. 101. SHORT TITLE.

This title may be cited as the "Capital Markets Efficiency Act of 1996".

SEC. 102. CREATION OF NATIONAL SECURITIES MARKETS.

(a) IN GENERAL.—Section 18 of the Securities Act of 1933 (15 U.S.C. 77r) is amended to read as follows:

"SEC. 18. EXEMPTION FROM STATE REGULATION OF SECURITIES OFFERINGS.

"(a) SCOPE OF EXEMPTION.—Except as otherwise provided in this section, no law, rule, regulation, or order, or other administrative action of any State or any political subdivision thereof—

"(1) requiring, or with respect to, registration or qualification of securities, or registration or qualification of securities transactions, shall directly or indirectly apply to a security that—

"(A) is a covered security; or

"(B) will be a covered security upon completion of the transaction;

"(2) shall directly or indirectly prohibit, limit, or impose any conditions upon the use of—

"(A) with respect to a covered security described in subsection (b), any offering document that is prepared by or on behalf of the issuer; or

"(B) any proxy statement, report to shareholders, or other disclosure document relating to a covered security or the issuer thereof that is required to be and is filed with the Commission or any national securities organization registered under section 15A of the Securities Exchange Act of 1934, except that this subparagraph does not apply to the laws, rules, regulations, or orders, or other administrative actions of the State of incorporation of the issuer; or

"(3) shall directly or indirectly prohibit, limit, or impose conditions, based on the merits of such offering or issuer, upon the offer or sale of any security described in paragraph (1).

"(b) COVERED SECURITIES.—For purposes of this section, the following are covered securities:

"(1) EXCLUSIVE FEDERAL REGISTRATION OF NATIONALLY TRADED SECURITIES.—A security is a covered security if such security is—

"(A) listed, or authorized for listing, on the New York Stock Exchange or the American Stock Exchange, or listed on the National Market System of the Nasdaq Stock Market (or any successor to such entities);

"(B) listed, or authorized for listing, on a national securities exchange (or tier or segment thereof) that has listing standards that the Commission determines by rule (on its own initiative or on the basis of a petition) are substantially similar to the listing standards applicable to securities described in subparagraph (A); or

"(C) is a security of the same issuer that is equal in seniority or that is a senior security to a security described in subparagraph (A) or (B).

"(2) EXCLUSIVE FEDERAL REGISTRATION OF INVESTMENT COMPANIES.—A security is a covered security if such security is a security issued by an investment company that is registered, or that has filed a registration statement, under the Investment Company Act of 1940.

"(3) SALES TO QUALIFIED PURCHASERS.—A security is a covered security with respect to the offer or sale of the security to qualified purchasers, as defined by the Commission by rule. In prescribing such rule, the Commission may define the term 'qualified purchaser' differently with respect to different categories of securities, consistent with the public interest and the protection of investors.

"(4) EXEMPTION IN CONNECTION WITH CERTAIN EXEMPT OFFERINGS.—A security is a covered security with respect to a transaction that is exempt from registration under this title pursuant to—

"(A) paragraph (1) or (3) of section 4, and the issuer of such security files reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934;

"(B) section 4(4);

"(C) section 3(a), other than the offer or sale of a security that is exempt from such registration pursuant to paragraph (4) or (11) of such section, except that a municipal security that is exempt from such registration pursuant to paragraph (2) of such section is not a covered security with respect to the offer or sale of such security in the State in which the issuer of such security is located; or

"(D) Commission rules or regulations issued under section 4(2), except that this subparagraph does not prohibit a State from imposing notice filing requirements that are substantially similar to those required by rule or regulation under section 4(2) that are in effect on September 1, 1996.

"(c) PRESERVATION OF AUTHORITY.—

"(1) FRAUD AUTHORITY.—Consistent with this section, the securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.

"(2) PRESERVATION OF FILING REQUIREMENTS.—

"(A) NOTICE FILINGS PERMITTED.—Nothing in this section prohibits the securities commission (or any agency or office performing like functions) of any State from requiring the filing of any document filed with the Commission pursuant to this title, together with annual or periodic reports of the value of securities sold or offered to be sold to persons located in the State (if such sales data is not included in documents filed with the Commission), solely for notice purposes and the assessment of any fee, together with a consent to service of process and any required fee.

"(B) PRESERVATION OF FEES.—

"(i) IN GENERAL.—Until otherwise provided by law, rule, regulation, or order, or other administrative action of any State, or any political subdivision thereof, adopted after the date of enactment of the Capital Markets Efficiency Act of 1996, filing or registration fees with respect to securities or securities transactions shall continue to be collected in amounts determined pursuant to State law as in effect on the day before such date.

"(ii) SCHEDULE.—The fees required by this subparagraph shall be paid, and all necessary supporting data on sales or offers for sales required under subparagraph (A), shall be reported on the same schedule as would have been applicable had the issuer not relied on the exemption provided in subsection (a).

"(C) AVAILABILITY OF PREEMPTION CONTINGENT ON PAYMENT OF FEES.—

"(i) IN GENERAL.—During the period beginning on the date of enactment of the National Securities Market Improvement Act of 1996 and ending 3 years after that date of enactment, the securities commission (or any agency or office performing like functions) of any State may require the registration of securities issued by any issuer who refuses to pay the fees required by subparagraph (B).

"(ii) DELAYS.—For purposes of this subparagraph, delays in payment of fees or underpayments of fees that are promptly remedied shall not constitute a refusal to pay fees.

"(D) FEES NOT PERMITTED ON LISTED SECURITIES.—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(1), or will be such a covered security upon completion of the transaction, or is a security of the same issuer that is equal in seniority or that is a senior security to a security that is a covered security pursuant to subsection (b)(1).

"(3) ENFORCEMENT OF REQUIREMENTS.—Nothing in this section shall prohibit the securities commission (or any agency or office performing like functions) of any State from suspending the offer or sale of securities within such State as a result of the failure to submit any filing or fee required under law and permitted under this section.

"(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) OFFERING DOCUMENT.—The term 'offering document'—

"(A) has the meaning given the term 'prospectus' in section 2(10), but without regard to the provisions of subparagraphs (A) and (B) of that section; and

"(B) includes a communication that is not deemed to offer a security pursuant to a rule of the Commission.

"(2) PREPARED BY OR ON BEHALF OF THE ISSUER.—Not later than 6 months after the date of enactment of the Securities Amendments Act of 1996, the Commission shall, by rule, define the term 'prepared by or on behalf of the issuer' for purposes of this section.

"(3) STATE.—The term 'State' has the same meaning as in section 3 of the Securities Exchange Act of 1934.

"(4) SENIOR SECURITY.—For purposes of this paragraph, the term 'senior security' means any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness, and any stock of a class having priority over any other class as to distribution of assets or payment of dividends.".

(b) STUDY AND REPORT ON UNIFORMITY.—The Commission shall conduct a study, after consultation with States, issuers, brokers, and dealers, on the extent to which uniformity of State regulatory requirements for securities or securities transactions has been achieved for securities that are not covered securities (within the meaning of section 18 of the Securities Act of 1933, as amended by paragraph (1) of this subsection). Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of such study.

SEC. 103. BROKER-DEALER EXEMPTIONS FROM STATE LAW.

(a) IN GENERAL.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

"(h) LIMITATIONS ON STATE LAW.—

"(1) CAPITAL, MARGIN, BOOKS AND RECORDS, BONDING, AND REPORTS.—No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof shall establish capital, custody, margin, financial responsibility, making and keeping records, bonding, or financial or operational reporting requirements for brokers, dealers, municipal securities dealers, government securities brokers, or government securities dealers that differ from, or are in addition to, the requirements in those areas established under this title. The Commission shall consult periodically the securities commissions (or any agency or office performing like functions) of the States concerning the adequacy of such requirements as established under this title.

"(2) DE MINIMIS TRANSACTIONS BY ASSOCIATED PERSONS.—No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof may prohibit an associated person of a broker or dealer from affecting a transaction described in paragraph (3) for a customer in such State if—

"(A) such associated person is not ineligible to register with such State for any reason other than such a transaction;

"(B) such associated person is registered with a registered securities association and at least one State; and

"(C) the broker or dealer with which such person is associated is registered with such State.

"(3) DESCRIBED TRANSACTIONS.—

"(A) IN GENERAL.—A transaction is described in this paragraph if—

"(i) such transaction is effected—

"(I) on behalf of a customer that, for 30 days prior to the day of the transaction, maintained an account with the broker or dealer; and

"(II) by an associated person of the broker or dealer—

"(aa) to which the customer was assigned for 14 days prior to the day of the transaction; and

"(bb) who is registered with a State in which the customer was a resident or was present for at least 30 consecutive days during the 1-year period prior to the day of the transaction;

"(ii) the transaction is effected—

"(I) on behalf of a customer that, for 30 days prior to the day of the transaction, maintains an account with the broker or dealer; and

"(II) during the period beginning on the date on which such associated person files an application for registration with the State in which the transaction is effected and ending on the earlier of—

"(aa) 60 days after the date on which the application is filed; or

"(bb) the date on which such State notifies the associated person that it has denied the application for registration or has stayed the pendency of the application for cause.

"(B) RULES OF CONSTRUCTION.—For purposes of subparagraph (A)(i)(II)—

"(i) each of up to 3 associated persons of a broker or dealer who are designated to effect transactions during the absence or unavailability of the principal associated person for a customer may be treated as an associated person to which such customer is assigned; and

"(ii) if the customer is present in another State for 30 or more consecutive days or has permanently changed his or her residence to another State, a transaction is not described in this paragraph, unless the association person of the broker or dealer files an application for registration with such State not later than 10 business days after the later of the date of the transaction, or the date of the discovery of the presence of the customer in the other State for 30 or more consecutive days or the change in the customer's residence.".

(b) TECHNICAL AMENDMENT.—Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended by striking "Nothing" and inserting "Except as otherwise specifically provided in this title, nothing".

SEC. 104. BROKER-DEALER FUNDING.

(a) MARGIN REQUIREMENTS.—

(1) EXTENSIONS OF CREDIT BY BROKER-DEALERS.—Section 7(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)) is amended to read as follows:

"(c) UNLAWFUL CREDIT EXTENSION TO CUSTOMERS.—

"(1) PROHIBITION.—It shall be unlawful for any member of a national securities exchange or any broker or dealer, directly or indirectly, to extend or maintain credit or arrange for the extension or maintenance of credit to or for any customer—

"(A) on any security (other than an exempted security), in contravention of the rules and regulations which the Board of Governors of the Federal Reserve System (hereafter in this section referred to as the 'Board') shall prescribe under subsections (a) and (b); and

"(B) without collateral or on any collateral other than securities, except in accordance with such rules and regulations as the Board may prescribe—

"(i) to permit under specified conditions and for a limited period any such member, broker, or dealer to maintain a credit initially extended in conformity with the rules and regulations of the Board; and

"(ii) to permit the extension or maintenance of credit in cases where the extension or maintenance of credit is not for the purpose of purchasing or carrying securities or of evading or circumventing the provisions of subparagraph (A).

"(2) EXCEPTION.—This subsection and the rules and regulations issued under this subsection shall not apply to any credit extended, maintained, or arranged by a member of a national securities exchange or a broker or dealer to or for a member of a national securities exchange or a registered broker or dealer—

"(A) a substantial portion of whose business consists of transactions with persons other than brokers or dealers; or

"(B) to finance its activities as a market maker or an underwriter;

except that the Board may impose such rules and regulations, in whole or in part, on any credit otherwise exempted by this paragraph if the Board determines that such action is necessary or appropriate in the public interest or for the protection of investors.".

(2) EXTENSIONS OF CREDIT BY OTHER LENDERS.—Section 7(d) of the Securities Exchange Act of 1934 (78 U.S.C. 78g(d)) is amended to read as follows:

"(d) UNLAWFUL CREDIT EXTENSION IN VIOLATION OF RULES AND REGULATIONS; EXCEPTION TO APPLICATION OF RULES, ETC.—

"(1) PROHIBITION.—It shall be unlawful for any person not subject to subsection (c) to extend or maintain credit or to arrange for the extension or maintenance of credit for the purpose of purchasing or carrying any security, in contravention of such rules and regulations as the Board shall prescribe to prevent the excessive use of credit for the purchasing or carrying of or trading in securities in circumvention of the

other provisions of this section. Such rules and regulations may impose upon all loans made for the purpose of purchasing or carrying securities limitations similar to those imposed upon members, brokers, or dealers by subsection (c) and the rules and regulations thereunder.

"(2) EXCEPTIONS.—This subsection and the rules and regulations issued under this subsection shall not apply to any credit extended, maintained, or arranged—

"(A) by a person not in the ordinary course of business;

"(B) on an exempted security;

"(C) to or for a member of a national securities exchange or a registered broker or dealer—

"(i) a substantial portion of whose business consists of transactions with persons other than brokers or dealers; or

"(ii) to finance its activities as a market maker or an underwriter;

"(D) by a bank on a security other than an equity security; or

"(E) as the Board shall, by such rules, regulations, or orders as it may deem necessary or appropriate in the public interest or for the protection of investors, exempt, either unconditionally or upon specified terms and conditions or for stated periods, from the operation of this subsection and the rules and regulations thereunder.

"(3) BOARD AUTHORITY.—The Board may impose such rules and regulations, in whole or in part, on any credit otherwise exempted by subparagraph (C) if it determines that such action is necessary or appropriate in the public interest or for the protection of investors.".

(b) BORROWING BY MEMBERS, BROKERS, AND DEALERS.—Section 8 of the Securities Exchange Act of 1934 (15 U.S.C. 78h) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 105. EXEMPTIVE AUTHORITY.

(a) GENERAL EXEMPTIVE AUTHORITY UNDER THE SECURITIES ACT OF 1933.—Title I of the Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by adding at the end the following new section:

"SEC. 28. GENERAL EXEMPTIVE AUTHORITY.

"The Commission, by rule or regulation, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation issued under this title, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.".

(b) GENERAL EXEMPTIVE AUTHORITY UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"SEC. 36. GENERAL EXEMPTIVE AUTHORITY.

"(a) AUTHORITY.—

"(1) IN GENERAL.—Except as provided in subsection (b), but notwithstanding any other provision of this title, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.

"(2) PROCEDURES.—The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section shall be granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

"(b) LIMITATION.—The Commission may not, under this section, exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from section 15C or the rules or regulations issued thereunder or (for purposes of section 15C and the rules and regulations issued thereunder) from any definition in paragraph (42), (43), (44), or (45) of section 3(a).".

SEC. 106. PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.

(a) SECURITIES ACT OF 1933.—Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended—

(1) by inserting "(a) DEFINITIONS.—" after "SEC. 2."; and

(2) by adding at the end the following new subsection:

"(b) CONSIDERATION OF PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.—Whenever pursuant to this title the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.".

(b) SECURITIES EXCHANGE ACT of 1934.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

"(f) CONSIDERATION OF PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.—Whenever pursuant to this title the Commission is engaged in rulemaking, or in the review of a rule of a self-regulatory organization, and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.".

(c) INVESTMENT COMPANY ACT of 1940.—Section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a-2) is amended by adding at the end the following new subsection:

"(c) CONSIDERATION OF PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.—Whenever pursuant to this title the Commission is engaged in rulemaking and is required to consider or determine whether an action is consistent with the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.".

SEC. 107. PRIVATIZATION OF EDGAR.

(a) EXAMINATION.—The Commission shall examine proposals for the privatization of the EDGAR system. Such examination shall promote competition in the automation and rapid collection and dissemination of information required to be disclosed. Such examination shall include proposals that maintain free public access to data filings in the EDGAR system.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the Congress a report on the examination under subsection (a). Such report shall include such recommendations for such legislative action as may be necessary to implement the proposal that the Commission determines most effectively achieves the objectives described in subsection (a).

SEC. 108. IMPROVING COORDINATION OF SUPERVISION.

Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following new subsection:

"(i) COORDINATION OF EXAMINING AUTHORITIES.—

"(1) ELIMINATION OF DUPLICATION.—The Commission and the examining authorities, through cooperation and coordination of examination and oversight activities, shall eliminate any unnecessary and burdensome duplication in the examination process.

"(2) COORDINATION OF EXAMINATIONS.—The Commission and the examining authorities shall share such information, including reports of examinations, customer complaint information, and other nonpublic regulatory information, as appropriate to foster a coordinated approach to regulatory oversight of brokers and dealers that are subject to examination by more than one examining authority.

"(3) EXAMINATIONS FOR CAUSE.—At any time, any examining authority may conduct an examination for cause of any broker or dealer subject to its jurisdiction.

"(4) CONFIDENTIALITY.—

"(A) IN GENERAL.—Section 24 shall apply to the sharing of information in accordance with this subsection. The Commission shall take appropriate action under section 24(c) to ensure that such information is not inappropriately disclosed.

"(B) APPROPRIATE DISCLOSURE NOT PROHIBITED.—Nothing in this paragraph authorizes the Commission or any examining authority to withhold information from the Congress, or prevent the Commission or any examining authority from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission.

"(5) DEFINITION.—For purposes of this subsection, the term 'examining authority' means a self-regulatory organization registered with the Commission under this title (other than a registered clearing agency) with the authority to examine, inspect, and otherwise oversee the activities of a registered broker or dealer.".

SEC. 109. INCREASED ACCESS TO FOREIGN BUSINESS INFORMATION.

Not later than 1 year after the date of enactment of this Act, the Commission shall adopt rules under the Securities Act of 1933 concerning the status under the registration provisions of the Securities Act of 1933 of foreign press conferences and foreign press releases by persons engaged in the offer and sale of securities.

TITLE II—INVESTMENT COMPANY ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Investment Company Act Amendments of 1996".

SEC. 202. FUNDS OF FUNDS.

Section 12(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-12(d)(1)) is amended—

(1) in subparagraph (E)(iii)—

(A) by striking "in the event such investment company is not a registered investment company,"; and

(B) by inserting "in the event that such investment company is not a registered investment company," after "(bb)";

(2) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively;

(3) by striking "this paragraph (1)" each place that term appears and inserting "this paragraph";

(4) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) This paragraph does not apply to securities of a registered open-end investment company or a registered unit investment trust (hereafter in this subparagraph referred to as the 'acquired company') purchased or otherwise acquired by a registered open-end investment company or a registered unit investment trust (hereafter in this subparagraph referred to as the 'acquiring company') if—

"(I) the acquired company and the acquiring company are part of the same group of investment companies;

"(II) the securities of the acquired company, securities of other registered open-end investment companies and registered unit investment trusts that are part of the same group of investment companies, Government securities, and short-term paper are the only investments held by the acquiring company;

"(III) with respect to—

"(aa) securities of the acquired company, the acquiring company does not pay and is not assessed any charges or fees for distribution-related activities, unless the acquiring company does not charge a sales load or other fees or charges for distribution-related activities; or

"(bb) securities of the acquiring company, any sales loads and other distribution-related fees charged, when aggregated with any sales load and distribution-related fees paid by the acquiring company with respect to securities of the acquired fund, are not excessive under rules adopted pursuant to section 22(b) or section 22(c) by a securities association registered under section 15A of the Securities Exchange Act of 1934, or the Commission;

"(IV) the acquired company has a policy that prohibits it from acquiring any securities of registered open-end investment companies or registered unit investment trusts in reliance on this subparagraph or subparagraph (F); and

"(V) such acquisition is not in contravention of such rules and regulations as the Commission may from time to time prescribe with respect to acquisitions in accordance with this subparagraph, as necessary and appropriate for the protection of investors.

"(ii) For purposes of this subparagraph, the term 'group of investment companies' means any 2 or more registered investment companies that hold themselves out to investors as related companies for purposes of investment and investor services."; and

(5) by adding at the end the following new subparagraph:

"(J) The Commission, by rule or regulation, upon its own motion or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of this subsection, if and to the extent that such exemption is consistent with the public interest and the protection of investors.".

SEC. 203. FLEXIBLE REGISTRATION OF SECURITIES.

(a) AMENDMENTS TO REGISTRATION STATEMENTS.—Section 24(e) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(e)) is amended—

(1) by striking paragraphs (1) and (2);

(2) by striking "(3) For" and inserting "For"; and

(3) by striking "pursuant to this subsection or otherwise".

(b) REGISTRATION OF INDEFINITE AMOUNT OF SECURITIES.—Section 24(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(f)) is amended to read as follows:

"(f) REGISTRATION OF INDEFINITE AMOUNT OF SECURITIES.—

"(1) REGISTRATION OF SECURITIES.—Upon the effective date of its registration statement, as provided by section 8 of the Securities Act of 1933, a face-amount certificate company, open-end management company, or unit investment trust, shall be deemed to have registered an indefinite amount of securities.

"(2) PAYMENT OF REGISTRATION FEES.—Not later than 90 days after the end of the fiscal year of a company or trust referred to in paragraph (1), the company or trust, as applicable, shall pay a registration fee to the Commission, calculated in the manner specified in section 6(b) of the Securities Act of 1933, based on the aggregate sales price for which its securities (including, for purposes of this paragraph, all securities issued pursuant to a dividend reinvestment plan) were sold pursuant to a registration of an indefinite amount of securities under this subsection during the previous fiscal year of the company or trust, reduced by—

"(A) the aggregate redemption or repurchase price of the securities of the company or trust during that year; and

"(B) the aggregate redemption or repurchase price of the securities of the company or trust during any prior fiscal year ending not more than 1 year before the date of enactment of the Investment Company Act Amendments of 1996, that were not used previously by the company or trust to reduce fees payable under this section.

"(3) INTEREST DUE ON LATE PAYMENT.—A company or trust paying the fee required by this subsection or any portion thereof more than 90 days after the end of the fiscal year of the company or trust shall pay to the Commission interest on unpaid amounts, at the average investment rate for Treasury tax and loan accounts published by the Secretary of the Treasury pursuant to section 3717(a) of title 31, United States Code. The payment of interest pursuant to this paragraph shall not preclude the Commission from bringing an action to enforce the requirements of paragraph (2).

"(4) RULEMAKING AUTHORITY.—The Commission may adopt rules and regulations to implement this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) the effective date of final rules or regulations issued in accordance with section 24(f) of the Investment Company Act of 1940, as amended by this section.

SEC. 204. FACILITATING USE OF CURRENT INFORMATION IN ADVERTISING.

Section 24 of the Investment Company Act of 1940 (15 U.S.C. 80a–24) is amended by adding at the end the following new subsection:

"(g) ADDITIONAL PROSPECTUSES.—In addition to any prospectus permitted or required by section 10(a) of the Securities Act of 1933, the Commission shall permit, by rules or regulations deemed necessary or appropriate in the public interest or for the protection of investors, the use of a prospectus for purposes of section 5(b)(1) of that Act with respect to securities issued by a registered investment company. Such a prospectus, which may include information the substance of which is not included in the prospectus specified in section 10(a) of the Securities Act of 1933, shall be deemed to be permitted by section 10(b) of that Act.".

SEC. 205. VARIABLE INSURANCE CONTRACTS.

(a) UNIT INVESTMENT TRUST TREATMENT.—Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended by adding at the end the following new subsection:

"(e) EXEMPTION.—

"(1) IN GENERAL.—Subsection (a) does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account.

"(2) LIMITATION ON SALES.—It shall be unlawful for any registered separate account funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contract—

"(A) unless the fees and charges deducted under the contract, in the aggregate, are reasonable in relation to the services rendered, the expenses expected to be incurred, and the risks assumed by the insurance company, and, beginning on the earlier of August 1, 1997, or the earliest effective date of any registration statement or amendment thereto for such contract following the date of enactment of this subsection, the insurance company so represents in the registration statement for the contract; and

"(B) unless the insurance company—

"(i) complies with all other applicable provisions of this section, as if it were a trustee or custodian of the registered separate account;

"(ii) files with the insurance regulatory authority of the State which is the domiciliary State of the insurance company, an annual statement of its financial condition, which most recent statement indicates that the insurance company has a combined capital and surplus, if a stock company, or an unassigned surplus, if a mutual company, of not less than $1,000,000, or such other amount as the Commission may from time to time prescribe by rule, as necessary or appropriate in the public interest or for the protection of investors; and

"(iii) together with its registered separate accounts, is supervised and examined periodically by the insurance authority of such State.

"(3) FEES AND CHARGES.—For purposes of paragraph (2), the fees and charges deducted under the contract shall include all fees and charges imposed for any purpose and in any manner.

"(4) REGULATORY AUTHORITY.—The Commission may issue such rules and regulations to carry out paragraph (2)(A) as it determines are necessary or appropriate in the public interest or for the protection of investors.".

(b) PERIODIC PAYMENT PLAN TREATMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end the following new subsection:

"(i)(1) This section does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2).

"(2) It shall be unlawful for any registered separate account funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contract unless—

"(A) such contract is a redeemable security; and

"(B) the insurance company complies with section 26(e) and any rules or regulations issued by the Commission under section 26(e).".

SEC. 206. REPORTS TO THE COMMISSION AND SHAREHOLDERS.

Section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a–29) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) such information, documents, and reports (other than financial statements), as the Commission may require to keep reasonably current the information and documents contained in the registration statement of such company filed under this title;";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (g), and (h), respectively;

(3) by inserting after subsection (b) the following new subsection:

"(c)(1) The Commission shall take such action as it deems necessary or appropriate, consistent with the public interest and the protection of investors, to avoid unnecessary reporting by, and minimize the compliance burdens on, registered investment companies and their affiliated persons in exercising its authority—

"(A) under subsection (f); and

"(B) under subsection (b)(1), if the Commission requires the filing of information, documents, and reports under that subsection on a basis more frequently than semiannually.

"(2) Action taken by the Commission under paragraph (1) shall include considering, and requesting public comment on—

"(A) feasible alternatives that minimize the reporting burdens on registered investment companies; and

"(B) the utility of such information, documents, and reports to the Commission in relation to the costs to registered investment companies and their affiliated persons of providing such information, documents, and reports.";

(4) by inserting after subsection (e) (as redesignated by paragraph (2) of this section), the following new subsection:

"(f) The Commission may, by rule, require that semi-annual reports containing the information set forth in subsection (e) include such other information as the Commission deems necessary or appropriate in the public interest or for the protection of investors."; and

(5) in subsection (g) (as redesignated by paragraph (2) of this section), by striking "subsections (a) and (d)" and inserting "subsections (a) and (e)".

SEC. 207. BOOKS, RECORDS, AND INSPECTIONS.

Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a–30) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) MAINTENANCE OF RECORDS.—

"(1) IN GENERAL.—Each registered investment company, and each underwriter, broker, dealer, or investment adviser that is a majority-owned subsidiary of such a company, shall maintain and preserve such records (as defined in section 3(a)(37) of the Securities Exchange Act of 1934) for such period or periods as the Commission, by rules and regulations, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Each investment adviser that is not a majority-owned subsidiary of, and each depositor of any registered investment company, and each principal underwriter for any registered investment company other than a closed-end company, shall maintain and preserve for such period or periods as the Commission shall prescribe by rules and regulations, such records as are necessary or appropriate to record such person's transactions with such registered company.

"(2) MINIMIZING COMPLIANCE BURDEN.—In exercising its authority under this subsection, the Commission shall take such steps as it deems necessary or appropriate, consistent with the public interest and for the protection of investors, to avoid unnecessary recordkeeping by, and minimize the compliance burden on, persons required to maintain records under this subsection (hereafter in this section referred to as 'subject persons'). Such steps shall include considering, and requesting public comment on—

"(A) feasible alternatives that minimize the recordkeeping burdens on subject persons;

"(B) the necessity of such records in view of the public benefits derived from the independent scrutiny of such records through Commission examination;

"(C) the costs associated with maintaining the information that would be required to be reflected in such records; and

"(D) the effects that a proposed recordkeeping requirement would have on internal compliance policies and procedures.

"(b) EXAMINATIONS OF RECORDS.—

"(1) IN GENERAL.—All records required to be maintained and preserved in accordance with subsection (a) shall be subject at any time and from time to time to such reasonable periodic, special, and other examinations by the Commission, or any member or representative thereof, as the Commission may prescribe.

"(2) AVAILABILITY.—For purposes of examinations referred to in paragraph (1), any subject person shall make available to the Commission or its representatives any copies or extracts from such records as may be prepared without undue effort, expense, or delay as the Commission or its representatives may reasonably request.

"(3) COMMISSION ACTION.—The Commission shall exercise its authority under this subsection with due regard for the benefits of internal compliance policies and procedures and the effective implementation and operation thereof.";

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively;

(3) by inserting after subsection (b) the following new subsections:

"(c) LIMITATIONS ON DISCLOSURE BY COMMISSION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any internal compliance or audit records, or information contained therein, provided to the Commission under this section. Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of the jurisdiction of that department or agency, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this section shall be considered a statute described in subsection (b)(3)(B) of such section 552.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'internal compliance policies and procedures' means policies and procedures designed by subject persons to promote compliance with the Federal securities laws; and

"(2) the term 'internal compliance and audit record' means any record prepared by a subject person in accordance with internal compliance policies and procedures.";

(4) in subsection (e), as redesignated, by inserting "REGULATORY AUTHORITY.—" before "The Commission"; and

(5) in subsection (f), as redesignated, by inserting "EXEMPTION AUTHORITY.—" before "The Commission".

SEC. 208. PROHIBITION ON DECEPTIVE INVESTMENT COMPANY NAMES.

Section 35(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–34(d)) is amended to read as follows:

"(d) DECEPTIVE OR MISLEADING NAMES.—It shall be unlawful for any registered investment company to adopt as a part of the name or title of such company, or of any securities of which it is the issuer, any word or words that the Commission finds are materially deceptive or misleading. The Commission is authorized, by rule, regulation, or order, to define such names or titles as are materially deceptive or misleading.".

SEC. 209. AMENDMENTS TO DEFINITIONS.

(a) EXCEPTED INVESTMENT COMPANIES.—Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)) is amended—

(1) in paragraph (1), by inserting after the first sentence the following: "Such issuer shall be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) governing the purchase or other acquisition by such issuer of any security issued by any registered investment company and the sale of any security issued by any registered open-end investment company to any such issuer.";

(2) in subparagraph (A) of paragraph (1)—

(A) by inserting after "issuer," the first place that term appears, the following: "and is or, but for the exception provided for in this paragraph or paragraph (7), would be an investment company,"; and

(B) by striking "unless, as of" and all that follows through the end of the subparagraph and inserting a period;

(3) in paragraph (2)—

(A) by striking "and acting as broker," and inserting "acting as broker, and acting as market intermediary,";

(B) by inserting "(A)" after "(2)"; and

(C) by adding at the end the following new subparagraph:

"(B) For purposes of this paragraph—

"(i) the term 'market intermediary' means any person that regularly holds itself out as being willing contemporaneously to engage in, and that is regularly engaged in, the business of entering into transactions on both sides of the market for a financial contract or one or more such financial contracts; and

"(ii) the term 'financial contract' means any arrangement that—

"(I) takes the form of an individually negotiated contract, agreement, or option to buy, sell, lend, swap, or repurchase, or other similar individually negotiated transaction commonly entered into by participants in the financial markets;

"(II) is in respect of securities, commodities, currencies, interest or other rates, other measures of value, or any other financial or economic interest similar in purpose or function to any of the foregoing; and

"(III) is entered into in response to a request from a counter party for a quotation, or is otherwise entered into and structured to accommodate the objectives of the counter party to such arrangement."; and

(4) by striking paragraph (7) and inserting the following:

"(7)(A) Any issuer, the outstanding securities of which are owned exclusively by persons who, at the time of acquisition of such securities, are qualified purchasers, and which is not making and does not at that time propose to make a public offering of such securities. Securities that are owned by persons who received the securities from a qualified purchaser as a gift or bequest, or in a case in which the transfer was caused by legal separation, divorce, death, or other involuntary event, shall be deemed to be owned by a qualified purchaser, subject to such rules, regulations, and orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(B) Notwithstanding subparagraph (A), an issuer is within the exception provided by this paragraph if—

"(i) in addition to qualified purchasers, outstanding securities of that issuer are beneficially owned by not more than 100 persons who are not qualified purchasers, if—

"(I) such persons acquired any portion of the securities of such issuer on or before September 1, 1996; and

"(II) at the time at which such persons initially acquired the securities of such issuer, the issuer was excepted by paragraph (1); and

"(ii) prior to availing itself of the exception provided by this paragraph—

"(I) such issuer has disclosed to each beneficial owner, as determined under paragraph (1), that future investors will be limited to qualified purchasers, and that ownership in such issuer is no longer limited to not more than 100 persons; and

"(II) concurrently with or after such disclosure, such issuer has provided each beneficial owner, as determined under paragraph (1), with a reasonable opportunity to redeem any part or all of their interests in the issuer, notwithstanding any agreement to the contrary between the issuer and such persons, for that person's proportionate share of the issuer's net assets.

"(C) Each person that elects to redeem under subparagraph (B)(ii)(II) shall receive an amount in cash equal to that person's proportionate share of the issuer's net assets, unless the issuer elects to provide such person with the option of receiving, and such person agrees to receive, all or a portion of such person's share in assets of the issuer. If the issuer elects to provide such persons with such an opportunity, disclosure

concerning such opportunity shall be made in the disclosure required by subparagraph (B)(ii)(I).

"(D) An issuer that is excepted under this paragraph shall nonetheless be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) relating to the purchase or other acquisition by such issuer of any security issued by any registered investment company and the sale of any security issued by any registered open-end investment company to any such issuer.

"(E) For purposes of determining compliance with this paragraph and paragraph (1), an issuer that is otherwise excepted under this paragraph and an issuer that is otherwise excepted under paragraph (1) shall not be treated by the Commission as being a single issuer for purposes of determining whether the outstanding securities of the issuer excepted under paragraph (1) are beneficially owned by not more than 100 persons or whether the outstanding securities of the issuer excepted under this paragraph are owned by persons that are not qualified purchasers. Nothing in this subparagraph shall be construed to establish that a person is a bona fide qualified purchaser for purposes of this paragraph or a bona fide beneficial owner for purposes of paragraph (1).".

(b) QUALIFIED PURCHASER.—Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)) is amended by adding at the end the following new paragraph:

"(51)(A) 'Qualified purchaser' means—

"(i) any natural person (including any person who holds a joint, community property, or other similar shared ownership interest in an issuer that is excepted under section 3(c)(7) with that person's qualified purchaser spouse) who owns not less than $5,000,000 in investments, as defined by the Commission;

"(ii) any company that owns not less than $5,000,000 in investments and that is owned directly or indirectly by or for 2 or more natural persons who are related as siblings or spouse (including former spouses), or direct lineal descendants by birth or adoption, spouses of such persons, the estates of such persons, or foundations, charitable organizations, or trusts established by or for the benefit of such persons;

"(iii) any trust that is not covered by clause (ii) and that was not formed for the specific purpose of acquiring the securities offered, as to which the trustee or other person authorized to make decisions with respect to the trust, and each settlor or other person who has contributed assets to the trust, is a person described in clause (i), (ii), or (iv); or

"(iv) any person, acting for its own account or the accounts of other qualified purchasers, who in the aggregate owns and invests on a discretionary basis, not less than $25,000,000 in investments.

"(B) The Commission may adopt such rules and regulations applicable to the persons and trusts specified in clauses (i) through (iv) of subparagraph (A) as it determines are necessary or appropriate in the public interest or for the protection of investors.

"(C) The term 'qualified purchaser' does not include a company that, but for the exceptions provided for in paragraph (1) or (7) of section 3(c), would be an investment company (hereafter in this paragraph referred to as an 'excepted investment company'), unless all beneficial owners of its outstanding securities (other than short-term paper), determined in accordance with section 3(c)(1)(A), that acquired such securities on or before April 30, 1996 (hereafter in this paragraph referred to as 'pre-amendment beneficial owners'), and all pre-amendment beneficial owners of the outstanding securities (other than short-term paper) of any excepted investment company that, directly or indirectly, owns any outstanding securities of such excepted investment company, have consented to its treatment as a qualified purchaser. Unanimous consent of all trustees, directors, or general partners of a company or trust referred to in clause (ii) or (iii) of subparagraph (A) shall constitute consent for purposes of this subparagraph.".

(c) CONFORMING AMENDMENTS.—Section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)) is amended—

(1) by striking "(1)" and inserting "(A)";

(2) by striking "(2)" and inserting "(B)";

(3) by striking "(3)" and inserting "(C)";

(4) by inserting "(1)" after "(a)";

(5) by striking "As used" and inserting "(2) As used"; and

(6) in paragraph (2)(C), as designated by paragraph (5) of this subsection—

(A) by striking "which are" and inserting the following: "which (i) are"; and

(B) by inserting before the period at the end, the following: ", and (ii) are not relying on the exception from the definition of investment company in paragraph (1) or (7) of subsection (c)".

(d) RULEMAKING REQUIRED.—

(1) IMPLEMENTATION OF SECTION 3(C)(1)(B).—Not later than 1 year after the date of enactment of this Act, the Commission shall prescribe rules to implement the requirements of section 3(c)(1)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1)(B)), as amended by this section.

(2) IDENTIFICATION OF INVESTMENTS.—Not later than 180 days after the date of enactment of this Act, the Commission shall prescribe rules defining the term, or otherwise identifying, "investments" for purposes of section 2(a)(51) of the Investment Company Act of 1940, as added by this Act.

(3) EMPLOYEE EXCEPTION.—Not later than 1 year after the date of enactment of this Act, the Commission shall prescribe rules pursuant to its authority under section 6 of the Investment Company Act of 1940 to permit the ownership of securities by knowledgeable employees of the issuer of the securities or an affiliated person without loss of the exception of the issuer under paragraph (1) or (7) of section 3(c) of that Act from treatment as an investment company under that Act.

(4) BENEFICIAL OWNERSHIP.—Not later than 180 days after the date of enactment of this Act, the Commission shall prescribe rules defining the term "beneficial owner" for purposes of section 3(c)(7)(B) of the Investment Company Act of 1940, as amended by this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) 180 days after the date of enactment of this Act; or

(2) the date on which the rulemaking required under subsection (d)(2) is completed.

SEC. 210. PERFORMANCE FEES EXEMPTIONS.

Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "or" at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(4) apply to an investment advisory contract with a company excepted from the definition of an investment company under section 3(c)(7) of title I of this Act; or

"(5) apply to an investment advisory contract with a person who is not a resident of the United States."; and

(2) by adding at the end the following new subsection:

"(e) The Commission, by rule or regulation, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons or transactions, from subsection (a)(1), if and to the extent that the exemption relates to an investment advisory contract with any person that the Commission determines does not need the protections of subsection (a)(1), on the basis of such factors as financial sophistication, net worth, knowledge of and experience in financial matters, amount of assets under management, relationship with a registered investment adviser, and such other factors as the Commission determines are consistent with this section.".

TITLE III—INVESTMENT ADVISERS SUPERVISION COORDINATION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Investment Advisers Supervision Coordination Act".

SEC. 302. FUNDING FOR ENHANCED ENFORCEMENT PRIORITY.

There are authorized to be appropriated to the Commission, for the enforcement of the Investment Advisers Act of 1940, not more than $20,000,000 in each of fiscal years 1997 and 1998, in addition to any funds authorized to be appropriated to the Commission for this or other purposes.

SEC. 303. IMPROVED SUPERVISION THROUGH STATE AND FEDERAL COOPERATION.

(a) STATE AND FEDERAL RESPONSIBILITIES.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 203 the following new section:

"SEC. 203A. STATE AND FEDERAL RESPONSIBILITIES.

"(a) ADVISERS SUBJECT TO STATE AUTHORITIES.—

"(1) IN GENERAL.—No investment adviser that is regulated or required to be regulated as an investment adviser in the State in which it maintains its principal office and place of business shall register under section 203, unless the investment adviser—

"(A) has assets under management of not less than $25,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title; or

"(B) is an adviser to an investment company registered under title I of this Act.

"(2) DEFINITION.—For purposes of this subsection, the term 'assets under management' means the securities portfolios with respect to which an investment adviser provides continuous and regular supervisory or management services.

"(b) ADVISERS SUBJECT TO COMMISSION AUTHORITY.—

"(1) IN GENERAL.—No law of any State or political subdivision thereof requiring the registration, licensing, or qualification as an investment adviser or supervised person of an investment adviser shall apply to any person—

"(A) that is registered under section 203 as an investment adviser, or that is a supervised person of such person, except that a State may license, register, or otherwise qualify any investment adviser representative who has a place of business located within that State; or

"(B) that is not registered under section 203 because that person is excepted from the definition of an investment adviser under section 202(a)(11).

"(2) LIMITATION.—Nothing in this subsection shall prohibit the securities commission (or any agency or office performing like functions) of any State from investigating and bringing enforcement actions with respect to fraud or deceit against an investment adviser or person associated with an investment adviser.

"(c) EXEMPTIONS.—Notwithstanding subsection (a), the Commission, by rule or regulation upon its own motion, or by order upon application, may permit the registration with the Commission of any person or class of persons to which the application of subsection (a) would be unfair, a burden on interstate commerce, or otherwise inconsistent with the purposes of this section.

"(d) FILING DEPOSITORIES.—The Commission may, by rule, require an investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any entity designated by the Commission for that purpose; and

"(2) to pay the reasonable costs associated with such filing.

"(e) STATE ASSISTANCE.—Upon request of the securities commissioner (or any agency or officer performing like functions) of any State, the Commission may provide such training, technical assistance, or other reasonable assistance in connection with the regulation of investment advisers by the State.".

(b) ADVISERS NOT ELIGIBLE TO REGISTER.—Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended—

(1) in subsection (c), in the matter immediately following paragraph (2), by inserting "and that the applicant is not prohibited from registering as an investment adviser under section 203A" after "satisfied"; and

(2) in subsection (h), in the second sentence—

(A) by striking "existence or" and inserting "existence,"; and

(B) by inserting "or is prohibited from registering as an investment adviser under section 203A," after "adviser,".

(c) DEFINITION OF "SUPERVISED PERSON".—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended—

(1) by striking "requires—" and inserting "requires, the following definitions shall apply:"; and

(2) by adding at the end the following new paragraph:

"(25) 'Supervised person' means any partner, officer, director (or other person occupying a similar status or performing similar functions), or employee of an investment adviser, or other person who provides investment advice on behalf of the investment adviser and is subject to the supervision and control of the investment adviser.".

(d) CONFORMING AMENDMENT.—Section 203(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(a)) is amended by striking "subsection (b) of this section" and inserting "subsection (b) and section 203A".

SEC. 304. INTERSTATE COOPERATION.

Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–18a) is amended to read as follows:

"SEC. 222. STATE REGULATION OF INVESTMENT ADVISERS.

"(a) JURISDICTION OF STATE REGULATORS.—Nothing in this title shall affect the jurisdiction of the securities commissioner (or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this title or the rules and regulations thereunder.

"(b) DUAL COMPLIANCE PURPOSES.—No State may enforce any law or regulation that would require an investment adviser to maintain any books or records in addition to those required under the laws of the State in which it maintains its principal place of business, if the investment adviser—

"(1) is registered or licensed as such in the State in which it maintains its principal place of business; and

"(2) is in compliance with the applicable books and records requirements of the State in which it maintains its principle place of business.

"(c) LIMITATION ON CAPITAL AND BOND REQUIREMENTS.—No State may enforce any law or regulation that would require an investment adviser to maintain a higher minimum net capital or to post any bond in addition to any that is required under the laws of the State in which it maintains its principal place of business, if the investment adviser—

"(1) is registered or licensed as such in the State in which it maintains its principal place of business; and

"(2) is in compliance with the applicable net capital or bonding requirements of the State in which it maintains its principal place of business.

"(d) NATIONAL DE MINIMIS STANDARD.—No law of any State or political subdivision thereof requiring the registration, licensing, or qualification as an investment adviser shall require an investment adviser to register with the securities commissioner of the State (or any agency or officer performing like functions) or to comply with such law (other than any provision thereof prohibiting fraudulent conduct) if the investment adviser—

"(1) does not have a place of business located within the State; and

"(2) during the preceding 12-month period, has had fewer than 6 clients who are residents of that State.".

SEC. 305. DISQUALIFICATION OF CONVICTED FELONS.

(a) AMENDMENT.—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(e)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) has been convicted during the 10-year period preceding the date of filing of any application for registration, or at any time thereafter, of—

"(A) any crime that is punishable by imprisonment for 1 or more years, and that is not described in paragraph (2); or

"(B) a substantially equivalent crime by a foreign court of competent jurisdiction.".

(b) CONFORMING AMENDMENTS.—Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended—

(1) in subsection (e)(6) (as redesignated by subsection (a) of this section), by striking "this paragraph (5)" and inserting "this paragraph";

(2) in subsection (f)—

(A) by striking "paragraph (1), (4), (5), or (7) of subsection (e) of this section" and inserting "paragraph (1), (5), (6), or (8) of subsection (e)";

(B) by striking "paragraph (3)" and inserting "paragraph (4)"; and

(C) by striking "said subsection" each place that term appears and inserting "subsection"; and

(3) in subsection (i)(1)(D), by striking "section 203(e)(5) of this title" and inserting "subsection (e)(6)".

SEC. 306. INVESTOR ACCESS TO INFORMATION.

The Commission shall—

(1) provide for the establishment and maintenance of a readily accessible telephonic or other electronic process to receive inquiries regarding disciplinary actions and proceedings involving investment advisers and persons associated with investment advisers; and

(2) provide for prompt response to any inquiry described in paragraph (1).

SEC. 307. CONTINUED STATE AUTHORITY.

(a) PRESERVATION OF FILING REQUIREMENTS.—Nothing in this title or any amendment made by this title prohibits the securities commission (or any agency or office performing like functions) of any State from requiring the filing of any documents filed with the Commission pursuant to the securities laws solely for notice purposes, together with a consent to service of process and any required fee.

(b) PRESERVATION OF FEES.—Until otherwise provided by law, rule, regulation, or order, or other administrative action of any State, or any political subdivision thereof, adopted after the date of enactment of this Act, filing, registration, or licensing fees shall, notwithstanding the amendments made by this title, continue to be paid in amounts determined pursuant to the law, rule, regulation, or order, or other administrative action as in effect on the day before such date of enactment.

(c) AVAILABILITY OF PREEMPTION CONTINGENT ON PAYMENT OF FEES.—

(1) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending 3 years after that date of enactment, the securities commission (or any agency or office performing like functions) of any State may require registration of any investment adviser that fails or refuses to pay the fees required by subsection (b) in or to such State, notwithstanding the limitations on the laws, rules, regulations, or orders, or other administrative actions of any State, or any political subdivision thereof, contained in subsection (a), if the laws of such State require registration of investment advisers.

(2) DELAYS.—For purposes of this subsection, delays in payment of fees or underpayments of fees that are promptly remedied in accordance with the applicable laws, rules, regulations, or orders, or other administrative actions of the relevant State shall not constitute a failure or refusal to pay fees.

SEC. 308. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 3(38)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(38)(B)) is amended by inserting "or under the laws of any State" after "1940".

(2) SUNSET.—The amendment made by paragraph (1) shall cease to be effective 2 years after the date of enactment of this Act.

TITLE IV—SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Securities and Exchange Commission Authorization Act of 1996".

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to authorize appropriations for the Commission for fiscal year 1997; and

(2) to reduce over time the rates of fees charged under the Federal securities laws.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

Section 35 of the Securities Exchange Act of 1934 is amended to read as follows:

"SEC. 35. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission $300,000,000 for fiscal year 1997, in addition to any other funds authorized to be appropriated to the Commission.".

SEC. 404. REGISTRATION FEES.

Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended to read as follows:

"(b) REGISTRATION FEE.—

"(1) RECOVERY OF COST OF SERVICES.—The Commission shall, in accordance with this subsection, collect registration fees that are designed to recover the costs to the government of the securities registration process, and costs related to such process, including enforcement activities, policy and rulemaking activities, administration, legal services, and international regulatory activities.

"(2) FEE PAYMENT REQUIRED.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee that shall be equal to the sum of the amounts (if any) determined under the rates established by paragraphs (3) and (4). The Commission shall publish in the Federal Register notices of the fee rates applicable under this section for each fiscal year.

"(3) GENERAL REVENUE FEES.—The rate determined under this paragraph is a rate equal to $200 per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered, except that during fiscal year 2007 and any succeeding fiscal year such rate is equal to $67 per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered. Fees collected during any fiscal year pursuant to this paragraph shall be deposited and credited as general revenues of the Treasury.

"(4) OFFSETTING COLLECTION FEES.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the rate determined under this paragraph is a rate equal to the following amount per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered:

"(i) $95 during fiscal year 1998;

"(ii) $78 during fiscal year 1999;

"(iii) $64 during fiscal year 2000;

"(iv) $50 during fiscal year 2001;

"(v) $39 during fiscal year 2002;

"(vi) $28 during fiscal year 2003;

"(vii) $9 during fiscal year 2004;

"(viii) $5 during fiscal year 2005; and

"(ix) $0 during fiscal year 2006 or any succeeding fiscal year.

"(B) LIMITATION; DEPOSIT.—Except as provided in subparagraph (C), no amounts shall be collected pursuant to this paragraph (4) for any fiscal year except to the extent provided in advance in appropriations acts. Fees collected during any fiscal year pursuant to this paragraph shall be deposited and credited as offsetting collections in accordance with appropriations Acts.

"(C) LAPSE OF APPROPRIATIONS.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this paragraph at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

"(5) PRO RATA APPLICATION OF RATES.—The rates required by this subsection shall be applied pro rata to amounts and balances equal to less than $1,000,000.".

SEC. 405. TRANSACTION FEES.

(a) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended to read as follows:

"SEC. 31. TRANSACTION FEES.

"(a) RECOVERY OF COST OF SERVICES.—The Commission shall, in accordance with this subsection, collect transaction fees that are designed to recover the costs to the Government of the supervision and regulation of securities markets and securities professionals, and costs related to such supervision and regulation, including enforcement activities, policy and rulemaking activities, administration, legal services, and international regulatory activities.

"(b) EXCHANGE-TRADED SECURITIES.—Every national securities exchange shall pay to the Commission a fee at a rate equal to 1/300 of one percent of the aggregate dollar amount of sales of securities (other than bonds, debentures, and other evidences of indebtedness) transacted on such national securities exchange, except that for fiscal year 2007 or any succeeding fiscal year such rate shall be equal to 1/800 of one percent of such aggregate dollar amount of sales. Fees collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.

"(c) OFF-EXCHANGE TRADES OF EXCHANGE REGISTERED SECURITIES.—Each national securities association shall pay to the Commission a fee at a rate equal to 1/300 of one percent of the aggregate dollar amount of sales transacted by or through any member of such association otherwise than on a national securities exchange of securities registered on such an exchange (other than bonds, debentures, and other evidences of indebtedness), except that for fiscal year 2007 or any succeeding fiscal year such rate shall be equal to 1/800 of one percent of such aggregate dollar amount of sales. Fees collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.

"(d) OFF-EXCHANGE-TRADES OF LAST-SALE-REPORTED SECURITIES.—

"(1) COVERED TRANSACTIONS.—Each national securities association shall pay to the Commission a fee at a rate equal to 1/300 of one percent of the aggregate dollar amount of sales transacted by or through any member of such association otherwise than on a national securities exchange of securities (other than bonds, debentures, and other evidences of indebtedness) subject to prompt last sale reporting pursuant to the rules of the Commission or a registered national securities association, excluding any sales for which a fee is paid under subsection (c), except that for fiscal year 2007, or any succeeding fiscal year, such rate shall be equal to 1/800 of one percent of such aggregate dollar amount of sale.

"(2) LIMITATION; DEPOSIT OF FEES.—Except as provided in paragraph (3), no amounts shall be collected pursuant to subsection (d) for any fiscal year, except to the extent provided in advance in appropriations Acts. Fees collected during any such fiscal year pursuant to this subsection shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission.

"(3) LAPSE OF APPROPRIATIONS.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

"(e) DATES FOR PAYMENT OF FEES.—The fees required by subsections (b), (c), and (d) of this section shall be paid—

"(1) on or before March 15, with respect to transactions and sales occurring during the period beginning on the preceding September 1 and ending at the close of the preceding December 31; and

"(2) on or before September 30, with respect to transactions and sales occurring during the period beginning on the preceding January 1 and ending at the close of the preceding August 31.

"(f) EXEMPTIONS.—The Commission, by rule, may exempt any sale of securities or any class of sales of securities from any fee imposed by this section, if the Commission finds that such exemption is consistent with the public interest, the equal regulation of markets and brokers and dealers, and the development of a national market system.

"(g) PUBLICATION.—The Commission shall publish in the Federal Register notices of the fee rates applicable under this section for each fiscal year.".

(b) EFFECTIVE DATES; TRANSITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to transactions in securities that occur on or after October 1, 1997.

(2) OFF-EXCHANGE TRADES OF LAST SALE REPORTED TRANSACTIONS.—The amendment made by subsection (a) shall apply with respect to transactions described in section 31(d)(1) of the Securities Exchange Act of 1934 (as amended by subsection (a) of this section) that occur on or after September 1, 1997.

SEC. 406. TIME FOR PAYMENT.

Section 4(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(e)) is amended by inserting before the period at the end thereof the following: "and the Commission may also specify the time that such fee shall be determined and paid relative to the filing of any statement or document with the Commission".

SEC. 407. SENSE OF THE CONGRESS CONCERNING FEES.

It is the sense of the Congress that, in order to maintain the competitiveness of United States securities markets relative to foreign markets, no fee should be assessed on transactions involving portfolios of equity securities taking place at times of day characterized by low volume and during nontraditional trading hours.

TITLE V—REDUCING THE COST OF SAVING AND INVESTMENT

SEC. 501. EXEMPTION FOR ECONOMIC, BUSINESS, AND INDUSTRIAL DEVELOPMENT COMPANIES.

Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(a)) is amended by adding at the end the following new paragraph:

"(5)(A) Any company that is not engaged in the business of issuing redeemable securities, the operations of which are subject to regulation by the State in which the company is organized under a statute governing entities that provide financial or managerial assistance to enterprises doing business, or proposing to do business, in that State if—

"(i) the organizational documents of the company state that the activities of the company are limited to the promotion of economic, business, or industrial development in the State through the provision of financial or managerial assistance to enterprises doing business, or proposing to do business, in that State, and such other activities that are incidental or necessary to carry out that purpose;

"(ii) immediately following each sale of the securities of the company by the company or any underwriter for the company, not less than 80 percent of the securities of the company being offered in such sale, on a class-by-class basis, are held by persons who reside or who have a substantial business presence in that State;

"(iii) the securities of the company are sold, or proposed to be sold, by the company or by any underwriter for the company, solely to accredited investors, as that term is defined in section 2(a)(15) of the Securities Act of 1933, or to such other persons that the Commission, as necessary or appropriate in the public interest and consistent with the protection of investors, may permit by rule, regulation, or order; and

"(iv) the company does not purchase any security issued by an investment company or by any company that would be an investment company except for the exclusions from the definition of the term 'investment company' under paragraph (1) or (7) of section 3(c), other than—

"(I) any debt security that is rated investment grade by not less than 1 nationally recognized statistical rating organization; or

"(II) any security issued by a registered open-end investment company that is required by its investment policies to invest not less than 65 percent of its total assets in securities described in subclause (I) or securities that are determined by such registered open-end investment company to be comparable in quality to securities described in subclause (I).

"(B) Notwithstanding the exemption provided by this paragraph, section 9 (and, to the extent necessary to enforce section 9, sections 38 through 51) shall apply to a company described in this paragraph as if the company were an investment company registered under this title.

"(C) Any company proposing to rely on the exemption provided by this paragraph shall file with the Commission a notification stating that

the company intends to do so, in such form and manner as the Commission may prescribe by rule.

"(D) Any company meeting the requirements of this paragraph may rely on the exemption provided by this paragraph upon filing with the Commission the notification required by subparagraph (C), until such time as the Commission determines by order that such reliance is not in the public interest or is not consistent with the protection of investors.

"(E) The exemption provided by this paragraph may be subject to such additional terms and conditions as the Commission may by rule, regulation, or order determine are necessary or appropriate in the public interest or for the protection of investors.".

SEC. 502. INTRASTATE CLOSED-END INVESTMENT COMPANY EXEMPTION.

Section 6(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(d)(1)) is amended by striking "$100,000" and inserting "$10,000,000, or such other amount as the Commission may set by rule, regulation, or order".

SEC. 503. DEFINITION OF ELIGIBLE PORTFOLIO COMPANY.

Section 2(a)(46)(C) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(46)(C)) is amended—

(1) in clause (ii), by striking "or" at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

"(iii) it has total assets of not more than $4,000,000, and capital and surplus (shareholders' equity less retained earnings) of not less than $2,000,000, except that the Commission may adjust such amounts by rule, regulation, or order to reflect changes in 1 or more generally accepted indices or other indicators for small businesses; or".

SEC. 504. DEFINITION OF BUSINESS DEVELOPMENT COMPANY.

Section 2(a)(48)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(48)(B)) is amended by adding at the end the following: "provided further that a business development company need not make available significant managerial assistance with respect to any company described in paragraph (46)(C)(iii), or with respect to any other company that meets such criteria as the Commission may by rule, regulation, or order permit, as consistent with the public interest, the protection of investors, and the purposes of this title; and".

SEC. 505. ACQUISITION OF ASSETS BY BUSINESS DEVELOPMENT COMPANIES.

Section 55(a)(1)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–54(a)(1)(A)) is amended—

(1) by striking "or from any person" and inserting "from any person"; and

(2) by inserting before the semicolon ", or from any other person, subject to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors".

SEC. 506. CAPITAL STRUCTURE AMENDMENTS.

Section 61(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–60(a)) is amended—

(1) in paragraph (2), by striking "if such business development company" and all that follows through the end of the paragraph and inserting a period;

(2) in paragraph (3)(A)—

(A) by striking "senior securities representing indebtedness accompanied by";

(B) by inserting "accompanied by securities," after "of such company,"; and

(C) in clause (ii), by striking "senior"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end of clause (iv) and inserting "; and"; and

(C) by inserting immediately after subparagraph (B) the following new subparagraph:

"(C) a business development company may issue warrants, options, or rights to subscribe to, convert to, or purchase voting securities not accompanied by securities, if—

"(i) such warrants, options, or rights satisfy the conditions in clauses (i) and (iii) of subparagraph (A); and

"(ii) the proposal to issue such warrants, options, or rights is authorized by the shareholders or partners of such business development company, and such issuance is approved by the required majority (as defined in section 57(o)) of the directors of or general partners in such company on the basis that such issuance is in the best interests of the company and its shareholders or partners.".

SEC. 507. FILING OF WRITTEN STATEMENTS.

Section 64(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–63(b)(1)) is amended by inserting "and capital structure" after "portfolio".

SEC. 508. CHURCH EMPLOYEE PENSION PLANS.

(a) AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)) is amended by adding at the end the following new paragraph:

"(14) Any church plan described in section 414(e) of the Internal Revenue Code of 1986, if, under any such plan, no part of the assets may be used for, or diverted to, purposes other than the exclusive benefit of plan participants or beneficiaries, or any company or account that is—

"(A) established by a person that is eligible to establish and maintain such a plan under section 414(e) of the Internal Revenue Code of 1986; and

"(B) substantially all of the activities of which consist of—

"(i) managing or holding assets contributed to such church plans or other assets which are permitted to be commingled with the assets of church plans under the Internal Revenue Code of 1986; or

"(ii) administering or providing benefits pursuant to church plans.".

(b) AMENDMENT TO THE SECURITIES ACT OF 1933.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following new paragraph:

"(13) Any security issued by or any interest or participation in any church plan, company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940.".

(c) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) EXEMPTED SECURITIES.—Section 3(a)(12)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)) is amended—

(A) in clause (v), by striking "and" at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following new clause:

"(vi) solely for purposes of sections 12, 13, 14, and 16 of this title, any security issued by or any interest or participation in any church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940; and".

(2) EXEMPTION FROM BROKER-DEALER PROVISIONS.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

"(g) CHURCH PLANS.—No church plan described in section 414(e) of the Internal Revenue Code of 1986, no person or entity eligible to establish and maintain such a plan under the Internal Revenue Code of 1986, no company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, and no trustee, director, officer or employee of or volunteer for such plan, company, account person, or entity, acting within the scope of that person's employment or activities with respect to such plan, shall be deemed to be a 'broker', 'dealer', 'municipal securities broker', 'municipal securities dealer', 'government securities broker', 'government securities dealer', 'clearing agency', or 'transfer agent' for purposes of this title—

"(1) solely because such plan, company, person, or entity buys, holds, sells, trades in, or transfers securities or acts as an intermediary in making payments in connection with transactions in securities for its own account in its capacity as trustee or administrator of, or otherwise on behalf of, or for the account of, any church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940; and

"(2) if no such person or entity receives a commission or other transaction-related sales compensation in connection with any activities conducted in reliance on the exemption provided by this subsection.".

(d) AMENDMENT TO THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(5) any plan described in section 414(e) of the Internal Revenue Code of 1986, any person or entity eligible to establish and maintain such a plan under the Internal Revenue Code of 1986, or any trustee, director, officer, or employee of or volunteer for any such plan or person, if such person or entity, acting in such capacity, provides investment advice exclusively to, or with respect to, any plan, person, or entity or any company, account, or fund that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940.".

(e) AMENDMENT TO THE TRUST INDENTURE ACT OF 1939.—Section 304(a)(4)(A) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(4)(A)) is amended by striking "or (11)" and inserting "(11), or (14)".

(f) PROTECTION OF CHURCH EMPLOYEE BENEFIT PLANS UNDER STATE LAW.—

(1) REGISTRATION REQUIREMENTS.—Any security issued by or any interest or participation in any church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, as added by subsection (a) of this section, and any offer, sale, or purchase thereof, shall be exempt from any law of a State that requires registration or qualification of securities.

(2) TREATMENT OF CHURCH PLANS.—No church plan described in section 414(e) of the Internal Revenue Code of 1986, no person or entity eligible to establish and maintain such a plan under the Internal Revenue Code of 1986, no company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, as added by subsection (a) of this section, and no trustee, director, officer, or employee of or volunteer for any such plan, person, entity, company, or account shall be required to qualify, register, or be subject to regulation as an investment company or as a broker, dealer, investment adviser, or agent under the laws of

any State solely because such plan, person, entity, company, or account buys, holds, sells, or trades in securities for its own account or in its capacity as a trustee or administrator of or otherwise on behalf of, or for the account of, or provides investment advice to, for, or on behalf of, any such plan, person, or entity or any company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, as added by subsection (a) of this section.

(g) AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a–29) is amended by adding at the end the following new subsections:

"(g) DISCLOSURE TO CHURCH PLAN PARTICIPANTS.—A person that maintains a church plan that is excluded from the definition of an investment company solely by reason of section 3(c)(14) shall provide disclosure to plan participants, in writing, and not less frequently than annually, and for new participants joining such a plan after May 31, 1996, as soon as is practicable after joining such plan, that—

"(1) the plan, or any company or account maintained to manage or hold plan assets and interests in such plan, company, or account, are not subject to registration, regulation, or reporting under this title, the Securities Act of 1933, the Securities Exchange Act of 1934, or State securities laws; and

"(2) plan participants and beneficiaries therefore will not be afforded the protections of those provisions.

"(h) NOTICE TO COMMISSION.—The Commission may issue rules and regulations to require any person that maintains a church plan that is excluded from the definition of an investment company solely by reason of section 3(c)(14) to file a notice with the Commission containing such information and in such form as the Commission may prescribe as necessary or appropriate in the public interest or consistent with the protection of investors.".

SEC. 509. PROMOTING GLOBAL PREEMINENCE OF AMERICAN SECURITIES MARKETS.

It is the sense of the Congress that—

(1) the United States and foreign securities markets are increasingly becoming international securities markets, as issuers and investors seek the benefits of new capital and secondary market opportunities without regard to national borders;

(2) as issuers seek to raise capital across national borders, they confront differing accounting requirements in the various regulatory jurisdictions;

(3) the establishment of a high-quality comprehensive set of generally accepted international accounting standards in cross-border securities offerings would greatly facilitate international financing activities and, most significantly, would enhance the ability of foreign corporations to access and list in United States markets;

(4) in addition to the efforts made before the date of enactment of this Act by the Commission to respond to the growing internationalization of securities markets, the Commission should enhance its vigorous support for the development of high-quality international accounting standards as soon as practicable; and

(5) the Commission, in view of its clear authority under law to facilitate the access of foreign corporations to list their securities in United States markets, should report to the Congress, not later than 1 year after the date of enactment of this Act, on progress in the development of international accounting standards and the outlook for successful completion of a set of international standards that would be acceptable to the Commission for offerings and listings by foreign corporations in United States markets.

SEC. 510. STUDIES AND REPORTS.

(a) IMPACT OF TECHNOLOGICAL ADVANCES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study of—

(i) the impact of technological advances and the use of on-line information systems on the securities markets, including steps that the Commission has taken to facilitate the electronic delivery of prospectuses to institutional and other investors;

(ii) how such technologies have changed the way in which the securities markets operate; and

(iii) any steps taken by the Commission to address such changes.

(B) CONSIDERATIONS.—In conducting the study under subparagraph (A), the Commission shall consider how the Commission has adapted its enforcement policies and practices in response to technological developments with regard to—

(i) disclosure, prospectus delivery, and other customer protection regulations;

(ii) intermediaries and exchanges in the domestic and international financial services industry;

(iii) reporting by issuers, including communications with holders of securities;

(iv) the relationship of the Commission with other national regulatory authorities and organizations to improve coordination and cooperation; and

(v) the relationship of the Commission with State regulatory authorities and organizations to improve coordination and cooperation.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(b) SHAREHOLDER PROPOSALS.—

(1) STUDY.—The Commission shall conduct a study of—

(A) whether shareholder access to proxy statements pursuant to section 14 of the Securities Exchange Act of 1934 has been impaired by recent statutory, judicial, or regulatory changes; and

(B) the ability of shareholders to have proposals relating to corporate practices and social issues included as part of proxy statements.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1), together with any recommendations for regulatory or legislative changes that it considers necessary to improve shareholder access to proxy statements.

(c) PREFERENCING.—

(1) STUDY.—The Commission shall conduct a study of the impact on investors and the national market system of the practice known as "preferencing" on one or more registered securities exchanges, including consideration of—

(A) how preferencing impacts—

(i) the execution prices received by retail securities customers whose orders are preferenced; and

(ii) the ability of retail securities customers in all markets to obtain executions of their limit orders in preferenced securities; and

(B) the costs of preferencing to such customers.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(3) DEFINITION.—For purposes of this subsection, the term "preferencing" refers to the practice of a broker acting as a dealer on a national securities exchange, directing the orders of customers to buy or sell securities to itself for execution under rules that permit the broker to take priority in execution over same-priced orders or quotations entered prior in time.

(d) BROKER-DEALER UNIFORMITY.—

(1) STUDY.—The Commission, after consultation with registered securities associations, national securities exchanges, and States, shall conduct a study of the impact of disparate State licensing requirements on associated persons of registered brokers or dealers and methods for States to attain uniform licensing requirements for such persons.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Congress a report on the study conducted under paragraph (1). Such report shall include recommendations concerning appropriate methods described in paragraph (1)(B), including any necessary legislative changes to implement such recommendations.

And the Senate agree to the same.

TOM BLILEY,
JACK FIELDS,
MICHAEL G. OXLEY,
BILLY TAUZIN,
DAN SCHAEFER,
NATHAN DEAL,
DAN FRISA,
RICK WHITE,
JOHN D. DINGELL,
EDWARD J. MARKEY,
BART GORDON,
ELIZABETH FURSE,
RON KLINK,
Managers on the Part of the House.

ALPONSE D'AMATO,
PHIL GRAMM,
ROBERT F. BENNETT,
PAUL S. SARBANES,
CHRIS DODD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The Managers agreed to the following resolution of issues between the House and Senate bills.

The development and growth of the nation's capital markets has prompted the Congress to examine the need for legislation modernizing and rationalizing our scheme of securities regulation to promote investment, decrease the cost of capital, and encourage competition. The Managers have sought to achieve these goals while also advancing the historic commitment of the securities laws to promoting the protection of investors. In particular, the system of dual Federal and state securities regulation has resulted in a degree of duplicative and unnecessary regulation. Securities offerings and the brokers and dealers engaged in securities transactions are all currently subject to a dual system of regulation that, in many instances, is redundant, costly, and ineffective.

During the course of consideration of this legislation, the Congress received testimony indicating that this duplicative regulation tends to raise the cost of capital to American issuers of securities without providing commensurate protection to investors or to our markets. Testimony also indicated that technological change has transformed the capital raising process, necessitating changes in the regulatory scheme to facilitate the flow of information to potential investors and reduce the marginal cost of capital to firms. The Managers have sought to eliminate duplicative and unnecessary regulatory burdens while preserving important investor protections by reallocating responsibility over the regulation of the nation's securities markets in a more logical fashion between the Federal government and the states.

With respect to securities offerings, the Managers have allocated regulatory responsibility between the Federal and state governments based on the nature of the securities offering. Some securities offerings, such as those made by investment companies, and certain private placements are inherently national in nature, and are therefore subject to only Federal regulation. Smaller, regional, and intrastate securities offerings remain subject to state regulation. The Managers have preserved the authority of the states to protect investors through application of state antifraud laws. This preservation of authority is intended to permit state securities regulators to continue to exercise their police power to prevent fraud and broker-dealer sales practice abuses, such as churning accounts or misleading customers. It does not preserve the authority of state securities regulators to regulate the securities registration and offering process through commenting on and/or imposing requirements on the contents of prospectuses or other offering documents, whether prior to their use in a state or after such use. The Conference Report requires the SEC to conduct a study on the lack of uniformity in state regulation of non-covered securities. Such study shall focus on the effect of such uniformity or lack thereof on the cost of capital, innovation and technological development in securities markets, and duplicative regulation with respect to securities issuers, including small business.

The National Securities Markets Improvement Act of 1996 eliminates burdens and enhances innovation and efficiency for investment companies. Among these changes are provisions to facilitate the creation of funds, including funds of funds comprising unit investment trusts, to facilitate and streamline the registration process for investment companies, and improve the efficiency and usefulness of investment company advertising. In addition, the legislation grants the Securities and Exchange Commission additional authority regarding investment company books and records, and the preparation of shareholder reports. This authority is limited, however, and permits the Commission only to examine records that the Commission requires investment companies to maintain for inspection. The legislation does not grant the Commission authority to inspect any other documents that an investment company may maintain.

The Managers agreed to include amendments to the Securities Act of 1933, and the Securities and Exchange Act of 1934 to eliminate duplication, promote efficiency and protect investors.

The Managers agreed to include amendments to the Investment Company Act of 1940 to eliminate duplication, promote efficiency and protect investors.

The Managers agreed to include reauthorization of the SEC to reauthorize the Commission, and to reduce over time the fees collected by the agency. It is the intent of the Managers that at the end of the applicable ten year period, the SEC collect in fees a sum approximately equal to the cost of running the agency.

The Managers agreed to include certain amendments to the Investment Advisers Act of 1940 to eliminate duplication, promote efficiency, and protect investors.

TOM BLILEY,
JACK FIELDS,
MICHAEL G. OXLEY,
BILLY TAUZIN,
DAN SCHAEFER,
NATHAN DEAL,
DAN FRISA,
RICK WHITE,
JOHN D. DINGELL,
EDWARD J. MARKEY,
BART GORDON,
ELIZABETH FURSE,
RON KLINK,
Managers on the Part of the House.

ALFONSE D'AMATO,
PHIL GRAMM,
ROBERT F. BENNETT,
PAUL S. SARBANES,
CHRIS DODD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 3005, NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation.

The Clerk read the title of the bill.

(For conference report and statement see immediately preceding proceedings of the House.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pleasure that I rise in support of the National Securities Markets Improvement Act of 1996 today. This important legislation represents the most sweeping changes of the securities laws since their enactment. This legislation will eliminate unnecessary regulatory burdens and the costs that they impose on American businesses and investors. This legislation, at long last, makes sense of the regulatory responsibilities of the federal and state governments. It also is a bipartisan reduction of the fees paid by investors to the Treasury, which will reduce the size of our federal government. This landmark bill has been achieved through the cooperation of all of my colleagues of the House and Senate. Their ability to set aside their differences and reach sensible compromises is the reason we are here to mark this bipartisan legislative victory, and for that I thank each one of them.

I am proud to say that this legislation represents an agreement that reduces SEC fees through bipartisan support. The SEC currently collects more than double the costs of running the agency. This is a tax on capital that all investors pay, and a problem that this legislation will solve by substantially reducing the registration fee over time that is assessed on securities offerings. Not only will we put $850 million back into the pockets of American investors over the next 10 years, but we have eliminated the tax entirely starting in the 11th year, saving investors over $800 million each year thereafter. This is a vital step toward reigning in government spending and requiring Congress to be more fiscally responsible while striving for maintaining a balanced budget.

This legislation is the result of a long and difficult process, but it is well worth the effort. By reducing unnecessary regulation, the burdens and costs that businesses must overcome to access the capital markets will be significantly reduced. The most significant change this Act will effect is to create a national unified system of regulation. Securities offerings that are national in character, including securities offered by mutual funds and securities sold to sophisticated investors, will now be regulated only by the SEC.

By streamlining the regulation of the mutual fund industry, funds will benefit from significant administrative savings, which they can pass on to their investors. This means that we are putting money back in the pockets of nearly one third of American families This is real savings that is long overdue and is a result of a more logical and efficient approach to regulating the securities markets.

This legislation includes a creative new provision that will promote the capital formation process by increasing opportunities for private investment companies and venture capital firms. This new provision will enable these companies to include an unlimited number of qualified investors, rather than the 100 person limit they are subject to today. By increasing the domestic venues available to investors, we will help expand our investment capital. This will improve liquidity in this valuable market that many small business depend on for the capital they need to expand and create new jobs.

Furthermore, the National Securities Markets Improvement Act will require the SEC to conduct meaningful cost-benefit analysis of proposed rulemakings that directly affects all securities issuers. Under this new provision, the SEC must weigh the cost of every rule they propose against the burden those rules would impose on the engine of our economy. This provision is simply common sense: meaningful regulation should not impose unnecessary burdens and costs.

By passing this legislation today, we will be sending a bill to the President that facilitates the American dream without compromising the integrity of our markets. The cooperation and compromise that has led us to this consensus legislation speaks volumes for every participant in this process, and I urge you to support this legislation.

I would like to thank my friend FRITZ HOLLINGS for his assistance in finding a solution of SEC funding, my colleagues in the House, JACK FIELDS, JOHN DINGELL, ED MARKEY, MIKE OXLEY, BILLY TAUZIN, DAN SCHAEFER, DAN FRISA, RICK WHITE, NATHAN DEAL, RICK BOUCHER, and RON KLINK who have all worked hard to achieve this victory.

Mr. Speaker, this is the first major overhaul of securities law in 60 years. It is a good bill, it is a bipartisan bill, and I want to commend, first of all, the chairman of the subcommittee, the gentleman from Texas [Mr. FIELDS]. This will be his last bill on the floor. He did yeoman work. And I want to commend the gentleman from Massachusetts [Mr. MARKEY] without whose help we would not be here right now. He and Mr. FIELDS worked together, we produced a bill that passed out of this House with 408 votes, it went to the other body, they passed theirs. We went to conference, and we did not get everything we wanted, as all of us know in the legislative process we do not do.

But I must say this. The gentleman from Massachusetts, the gentleman from Michigan, have been true statesmen. We have worked together. This is good policy, it is good for the Nation, and while we did not get everything we wanted, we have pulled together, and I would hope that we would pass this bill overwhelmingly.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I seek recognition at this time so that I can properly recognize the work of the gentleman from Texas [Mr. FIELDS]. This is Mr. FIELDS' last bill out here on the floor of Congress, and it is indeed a historic bill. Paired with the telecommunications bill which passed the Congress in February of this year, this historic securities bill represents the other historic landmark legislation which has passed the Congress and will be signed by the President during the 2-year tenure of Mr. FIELDS as chairman of this committee.

Mr. Speaker, I would like all of the Members to pay recognition to the gentleman from Texas [Mr. FIELDS] at this time for the tremendous work which he has done.

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Mr. Speaker, JACK is more than a congressman and chairman to me; he is my good friend as well. That is why the gentleman from Michigan [Mr. DINGELL] and I and all the Members on our side have had such a wonderfully productive working relationship with him.

Mr. Speaker, there are a lot of good things in this bill, especially in the mutual funds area, where we are overhauling 50 year's worth of law, reforming it so it reflects now the new financial marketplace that has been constructed over the last 10 or 15 years in this country and around the globe.

It includes an 800 number that individual investors can call in order to find out what the record is of the investment advisers that are seeking the business of individuals with their life savings.

It includes much that is good, Mr. Speaker. That is largely a tribute to the gentleman from Texas [Mr. FIELDS]. I know that I join with all Members in standing here this evening in praise of his work, and in knowing that this final bipartisan effort is something that is in fact indicative of the way in which he conducted his subcommittee.

Mr. Speaker, I want to praise, as well, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Ohio [Mr. OXLEY]. They, along with the Members on our side, worked together patiently over the last year and a half toward the construction of this historic legislation, and I cannot tell the Members tonight how proud I am to be part of the team that brings it out here to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, very seldom do I actually come to the floor; very seldom have I, in the 16 years I have been in Congress. I have always enjoyed working in the committee and making whatever contributions that I can.

I think it is somewhat ironic that tonight, the last night of my legislative career here in the House, I am fortunate to have before the body, with my colleagues, a piece of legislation that is truly historic, that is truly landmark. I certainly appreciate the indulgence of our colleagues as we pass this particular piece of legislation.

Mr. Speaker, I have to say this has been a long process. I want to begin by thanking the staff. We usually tend to thank the staff at the very end, but I want to thank Linda Rich, David Cavicke, Brian McCullough, J.D., Charles, Steve Cope, Tim Forde, Jeff Duncan, Consuela Washington, Christy Strawman on my staff.

Without all of these people, we would not have been able to put this massive reform together, because this reforms the 1934 Securities Act and the 1940 Investment Company Act, so this is truly landmark legislation.

Mr. Speaker, I would be remiss if I did not begin by recognizing the work of the chairman, the gentleman from Virginia, Mr. BLILEY, saving $850 million over a 10-year period in fees for the financial industry; the work of the gentleman from Ohio, MIKE OXLEY; the work of the gentleman from New York, DAN FRISA; the work of someone who I admire as much as anyone in the House of Representatives, the person that many of us consider to be our mentor, even though he is on the other side of the aisle, the gentleman from Michigan, JOHN DINGELL.

I have really saved one person for last, Mr. Speaker. I am not, in my last speech, going to be outgracioused by the gentleman from Massachusetts [Mr. MARKEY]. But before I pay the accolades to the gentleman from Massachusetts, it is important that this House have perspective.

EDDIE and I really began to work on this product last year. We attempted to get some help from the other side of the Capitol. I have to point out to my colleagues that we did not have much engagement from the other side of the Capitol until this week, but it is important to recognize that the foundation for this bill, and I think that it is an example for the House, occurred several months ago, when the gentleman from Massachusetts, ED MARKEY, and I met in my office to talk about our commonality, what was in a bill that had been introduced. We did not focus on our differences. If we did, we could have stopped the process right there.

But instead, we talked about what was good for the consumer, the investing public, to make sure that the safeguards that have given us the strongest financial markets in the world with the highest integrity, that that would never be compromised. Everything that is in this piece of legislation started that night.

From that night, we had improvements made at the subcommittee, made at the full committee, even here on the floor. We did go into a conference with the Senate. I think we are fortunate to be able to report that that conference concluded. But again, I want to point out, particularly to my colleagues on this side of the aisle, that if it had not been for my friend and my colleague looking for commonality and looking to do the right thing for the investing public, the gentleman from Massachusetts, we would not be standing here.

I have to tell the Members, in all candor, the U.S. Senate was more of an obstacle than an asset in this particular process. It would have been very easy for my friends on this side of the aisle to say that an agreement that we had originally reached, a good agreement, that agreement was gone. But they did not walk away. None of us are completely happy with everything that is in this bill, or some things that are not here, but I know I have a commitment from my friend, and in talking to my friends on this side of the aisle, to continue to work next year for anything that we think needs to be added, any deficiencies that might be there.

Having said that, Mr. Speaker, let me come back to the substance of this particular piece of legislation. We bring the financial markets of this country into the 21st century. We end regulation in its duplicative sense that is needless and costs money wastefully, but we do not compromise investor protection.

What the chairman said just a moment ago, the gentleman from Virginia [Mr. BLILEY], this is a bipartisan consensus product. This is my final legislative act. This will be one of my last votes. We all hope that it is an oral vote. We plan for it to be an oral vote. But we are proud of what we have been able to do in working together. Mr. Speaker, I am very proud that this is my last legislative act that I bring to the floor.

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I thank the chairman of the subcommittee for yielding to me. Let me also heap praise on him and the gentleman from Massachusetts [Mr. MARKEY]. Other than the fact that both gentlemen have funny accents, they have very little in common, except for their efforts to craft legislation that will last for a long, long time. In both the telecommunications legislation, the first major telecommunications legislation in 62 years, and now the Securities Act, both gentlemen have shown terrific leadership on both these very important issues.

Indeed, your legacy, JACK, will be with these two major pieces of legislation. For that the gentleman from Texas [Mr. FIELDS] is to be congratulated by all of the Members.

Mr. FRISA. Mr. Speaker, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from New York.

Mr. FRISA. Mr. Speaker, I would like to also, as a conferee on this legislation, express my thanks to the gentleman from Texas [Mr. FIELDS] and to the chairman, the gentleman from Virginia [Mr. BLILEY], for giving me the opportunity to participate as a new Member of this House on such an important piece of legislation, as they both did on the telecommunications act reform.

I support this legislation as well, and also extend my thanks to the gentleman from Massachusetts, Mr. MARKEY, and the gentleman from Michigan, Mr. DINGELL, as well, I must say, to the chairman of the Committee on Banking on the other side, Mr. D'AMATO, who is my Senator, and whom I represent, for his efforts on bringing this to final closure. I support this legislation.

Mr. FIELDS of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL], the ranking Democrat on the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I thank my friend, the gentleman from Massachusetts [Mr. MARKEY], for yielding time to me.

Mr. Speaker, I want to commend the gentleman for the outstanding job he has done on this, and also our chairman, the gentleman from Virginia [Mr. BLILEY], and the gentleman from Ohio [Mr. OXLEY].

I also want to express my particular affection and respect for the distinguished gentleman from Texas [Mr. FIELDS] who is up, I think, for the last time tonight. He is a superb Member of this body. He will be missed. He has earned the respect and affection of his colleagues by dint of his integrity, his honesty, and the way in which he has handled legislation. I will miss him, although I will rejoice that he will continue to be my friend.

This is a good bill. It represents a huge amount of hard work, leadership, and effort. It is, as I mentioned, the last security bill for our good friend, the gentleman from Texas [Mr. FIELDS], and a fitting tribute to both him and to the gentleman from Massachusetts [Mr. MARKEY], and to our chairman, the gentleman from Virginia [Mr. BLILEY], because of the way they have worked together to see to it that this bill could come to fruition.

Mr. Speaker, the National Securities Improvements Act is an important piece of legislation. It enjoys, and properly so, bipartisan support, as well as the support of the industry. It is deregulatory in a proper fashion, while at the same time preserving and enhancing investor protections, something which is the real purpose of the American securities market and the American securities law.

Mr. Speaker, I am, I will observe, deeply disappointed in the investment advisers provisions. No fault attaches to my colleagues on this side, but rather, the fault exists over in the other body. This body and the other body, because of the impasse on this matter, have passed up an opportunity to better police investment advisers, financial planners, and to give the SEC the resources and regulatory tools that are needed to put in jail or to put out of business a number of scoundrels, crooks, swindlers, and others who, very frankly, are advantaging themselves and enriching themselves at the expense of the little investor. To do that is a great shame.

In that, there is one significant failure in this legislation. The bill before us on these matters essentially maintains the status quo. It does not contain the additional resources and investor protections sought by the House in this matter. Indeed, these provisions were passed by the House twice before. Nonetheless, no discredit attaches in this matter to any of my colleagues on the committee. They did their best in trying to protect and preserve these provisions, and they are important, as I reiterate, to the little investors in this country, who are being taken advantage of by a number of unprincipled, irresponsible, and incompetent people who function in this industry to their own great benefit and enrichment.

In any event, I urge the passing of this bill. I salute the gentleman from Texas [Mr. FIELDS]. I salute my colleagues who have worked on it. I do want to salute the staff, which has worked very hard to bring us to where we are today.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would ask if I could engage in a colloquy with the gentleman from Texas.

Mr. Speaker, I would ask the chairman, is it the manager's intention not to limit, alter, expand, or otherwise affect in any way any State, statutory, or common law with respect to fraud or deceit, including broker-dealer sales practices, in connection with securities or securities transactions?

Mr. FIELDS of Texas. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Speaker, the gentleman is corrected in his understanding.

Mr. MARKEY. Mr. Speaker, I thank the chairman very much for that statement.

Mr. Speaker, we have come a long way in the last year and a half on this legislation. I think many observers would have thought it was impossible that we could have had such a historic overhaul of securities laws.

At the beginning we were on different planets in terms of how we viewed these issues. But back in March, the gentleman from Texas, JACK FIELDS, and I, we went to his office for 2 hours, sat down and went through each and every issue trying to find the common ground in each and every one of them. The agreement in principle that we reached that night is the core of this legislation.

It is altogether fitting that it be the last bill before the continuing resolution that we in fact take up here, because when the history of this Congress is written, there is no question that this securities overhaul and the telecommunications overhaul will be at the top of the list in terms of constructive, productive use of this Congress. It is a tribute to JACK and his understanding of the need to develop bipartisanship in the development of legislation which will leave that legacy for him to look back at.

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We deal here with national securities offerings in a way that will preempt duplicative State review of mutual funds and stocks and bonds. We overhaul the margin provisions of this country.

The mutual fund company reforms that are included in this bill are the greatest since 1940 that have come through this Congress. We have gone through months of discussion to reach this point. But it is, as technical as it may be, as significant a piece of legislation as we will have passed during this 2 years that the 104th Congress was convened.

Let me join as well in praising Linda Dallas Rich and David Cavicke; Steve Cope, who sits over there, J.D.; and on our side Consuela Washington; and Jeff Duncan; and David Moulton; and especially, because of his incredible efforts on this project over the last year and a half, consuming enormous amounts of time, with his wife pregnant, or just having had a baby, depending upon the circumstance a year and a half ago or right now, Tim Ford.

We all know, most of the Members here, how humble we have to be at moments like this with a continuing resolution and so much important legislation coming through here, that without the work of the staff, it would not be possible.

So let me finish again. Without question, the gentleman from New York, DAN FRISA; and the gentleman from Virginia, RICK BOUCHER; so many other Members, I see the gentleman from Michigan, BART STUPAK, here; all participated in this bill.

Again, for me, it is a moment where I say good-bye legislatively to my good friend, the gentleman from Texas, JACK FIELDS. And I say good-bye because, in a sea of acrimony, there was an air of good feeling that he was able to develop that produced historic legislation in two areas that could have been intractable in the wrong hands.

For that, I salute you, JACK.

The statement of managers on this conference report notes that "The Managers agreed to include certain Amendments to the Investment Advisers Act of 1940 to eliminate publication, promote efficiency and protect investors." I would like to take just a few moments to describe what these amendments do and the congressional intent underlying them.

First, the bill provides a $20 million authorization for the enforcement of the Investment Advisers Act of 1940, which regulates investment advisers and financial planners. These funds are intended to be used to beef up the SEC's inspections, examinations, supervision, and enforcement of the Advisers Act. For too many years, the SEC has not devoted adequate resources to this area, and this authorization is intended to reverse that situation. I am committed to assuring that funds are appropriated for this area, and intend to work closely with the SEC and the administration to assure this is the case.

Second, the conference report provides for the establishment of a toll-free 800 number that investors can call to check on the disciplinary history of an investment adviser. This provision gives investors the tools they need to protect themselves against dishonest, unscrupulous, or shady individuals by letting them call a number to check and see whether the person they are considering turning over their life savings to has any history of previous disciplinary problems relating to fraud, sales practice abuse, or other misconduct. I expect the SEC to move quickly to assure that this 800 number is established, and that it provides investors with all the information they need to make informed decisions in this area. In this regard, I would expect the Hotline to include the same types of information available—or which is now slated to be made available—to investors over the existing NASD hotline for broker dealers. In addition, I expect that the new Hotline will also be supplemented by on-line services that will allow investors to access this type of information over the Internet—similar to what is now being planned for the current NASD broker-dealer Hotline.

With respect to Federal-State jurisdiction, the conference compromise assigns primary responsibility to the SEC for supervision of large investment advisers while reserving for the states primary supervisory responsibility for small advisers. At the same time, we agreed that the States should continue to have authority to license the individual representatives of investment advisers.

Finally, the bill provides for uniformity in State requirements in books and records, capitol, and bonding requirements.

This is an equitable compromise in this important area. However, it leaves unaddressed other issues that I continue to consider important to assuring investors are fully protected against wrongdoing by their investment advisers, such as enhanced disclosure of fees and conflicts-of-interest. I intend to continue to press for these reforms in the next Congress.

Mr. Speaker, I yield back the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume, but let me inform the body that I will be very brief so that we can move on. I know everyone wants to get to the continuing resolution.

Mr. Speaker, I want to amplify something that my good friend, the gentleman from Massachusetts, ED MARKEY, said just a moment ago. We are taking a few minutes to talk in very general terms about a very complex piece of legislation, that is just as massive in reform as our reform was of telecommunications, and we are certainly not doing justice in this short time period to what we have done, and I want to acknowledge that.

But, again, I want to emphasize to this House that while this is my last speech, this is my last legislative act, the real magic here, which I hope is demonstrable to the rest of the House, is the fact that people who come from very different backgrounds, from different sides of the aisle, different political persuasions, put aside differences which we could have focused on and instead looked at what was best for the American consuming public, and we focused there, and we found commonality and looked for the best policy.

Again, this is not a singular effort. For 4 years, I have had the opportunity to work with the gentleman from Massachusetts, ED MARKEY, in the last Congress as the senior Republican on the Subcommittee on Telecommunication and Finance, and this year being fortunate to be its chairman. I am going to say that I am a blessed Member that I had this particular individual to work with for 4 years.

I also do not want to take away from the Members on my side. I know there are a lot of people who feel they sit on the best subcommittee or on the best committee, and certainly I do, in that particular regard. Our Members are engaged, both sides of the aisle, they are very intelligent, they are very focused, and I always feel that they are motivated for the right reason.

So it is a great moment of pride that, as I close out my legislative career, I am standing here tonight with a product that we all can be proud of as a Congress as we go home, and it is something that we should all talk about, but we should talk about this as a joint product that occurred from both sides of the aisle.

Mr. MARKEY. Mr. Speaker, will the gentleman yeild?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Again, I thank the gentleman.

In conclusion, I also thank the gentleman from Virginia, TOM BLILEY, following the tradition of the gentleman from Michigan, JOHN DINGELL, in creating the climate at our committee historically that has made it possible. And Alan Roth and J.D. on this bill helped to create the environment where the Members worked together to produce this bill.

Mr. FIELDS of Texas. Mr. Speaker, the gentleman makes an excellent point. We would not be here if it had not been for the gentleman from Michigan, JOHN DINGELL, and Chairman BLILEY bringing all this to closure.

With that, Mr. Speaker, I think it is appropriate that we now pass the torch to the gentleman from Ohio [Mr. OXLEY] and the gentleman from Massachusetts [Mr. MARKEY] to continue the legacy of this particular subcommittee, the legacy that we have enjoyed over many sessions.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of H.R. 3005, the Securities Amendment of 1996. During three hearings held on securities amendments, the Commerce Committee of which I am a member, heard support for sensible, targeted efforts to reform Federal securities laws to promote greater efficiency and capital formation in U.S. financial markets. We also heard from a number of witnesses, including Securities and Exchange Commission Chairman Arthur Levitt, who urged us to proceed carefully and cautiously, keeping in mind the fact that investor confidence and consumer protection must not in any way be compromised in this undertaking. I agree fully. I was extremely pleased that a bipartisan agreement was reached that heeded Chairman Levitt's sage advice.

As we all know, U.S. capital markets are the strongest financial markets in the world. Today, nearly one-third of all families in the Nation have a portion of their savings invested in stocks, bonds, and mutual funds in order to ensure a better future for themselves and their loved ones. These investors have trust in their investments because our regulatory system has proven beneficial in protecting individuals from fraud and abuse perpetuated by unscrupulous brokers and dealers. We will be preserving and strengthening this trust with the legislation we consider before us today.

This legislation will maintain the authority of State securities regulators to police wrongdoing. In addition, the legislation ensures that the SEC mandate to protect American investors and the public interest as well as the long-term stability of our major markets remains intact. This is a most important point. While there is room to fine tune the regulatory functions of the SEC, reforms must never be structured in such a way that they undermine consumer confidence.

This bill, H.R. 3005, does not seek to greatly limit inspections of brokerage firms who have violated SEC rules or relieve firms of liability for recommending unsuitably risky investments to institutional clients. The bill also modifies previous language that would have eliminated the requirement in current law that investors be sent a prospectus and informed of the risks they face before they buy newly offered securities by requiring the SEC to move forward with its study of this issue.

Mr. Speaker, there is undoubtedly a need to monitor mutual fund regulation to fully account for the constantly evolving size, complexity, and investment opportunities of our Nation's financial markets. While mutual funds have grown by more than 20 percent annually throughout the 1980's and into the 1990's, Congress has not addressed the issue of fund regulation since 1970. This bill updates our securities laws and will support and improve the industry. I urge my colleagues to approve the conference report on H.R. 3005. I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, in connection with the historic passage in the House of Representatives and the Senate of the National Securities Markets Improvement Act of 1996, I offer the following remarks to clarify the congressional intent underlying certain provisions in the act.

PREEMPTION OF STATE AUTHORITY OVER SECURITIES ISSUERS

Section 102 of the National Securities Markets Improvement Act of 1996 eliminates State regulation of securities offerings by a variety of securities issuers, while preserving State authority to police against fraud and to require notice filings and fees. The legislation's express preservation of State authority to require securities issuers to file documents with the States for notice purposes only is intended to allow States access to information that is routinely filed with the Commission and is not intended to extend to documents that are not filed with the Commission. This would not, however, preclude a State that, consistent with the legislation, has legitimate cause to commence an investigation pursuant to its antifraud authority from requesting such documents as it might be entitled to pursuant to such authority.

The preemption effected by section 102 also extends to securities that are listed on the New York Stock Exchange, the American Stock Exchange, or the National Market System of the Nasdaq Stock Market. This preemption is intended to apply to securities that are nationally traded and list or have been authorized for listing on any of these three markets. In the past, disparate regulatory treatment of these markets by State laws has unnecessarily hindered the competition that improves the markets for investors. This legislation is designed to provide a level playing field for those markets by eliminating duplicative or unnecessary State regulation equally for securities that are listed or authorized for listing on any of the New York Stock Exchange, the American Stock Exchange, or the National Market System of the Nasdaq Stock Market. Furthermore, the preemption effected by the act applies to a security that is a "covered security" or will be a "covered security" upon completion of the transaction. Thus, for example, the preemption effected by section 102 applies to initial public offerings that are authorized for listing on the National Market System of the Nasdaq Stock Market and are sold in advance of the effective date of their registration statements.

Generally, States regulate securities offerings through laws administered by State securities administrators or, in certain cases, State insurance regulators. The preemption provided in section 102 of the act applies to any State authority, whether a securities administrator or an insurance regulator.

EXCEPTIONS FROM THE DEFINITION OF "INVESTMENT COMPANY"

Section 209 of the act provides a new exception from the Investment Company Act for investment pools that sell their shares only to "qualified purchasers"—qualified purchaser pools. This section provides a grandfather provision enabling private investment companies that qualify for the exception from the definition of "investment company" in section 3(c)(1) of the Investment Company Act—"Section 3(c)(1) pools"—to qualify under the qualified purchaser pool provision notwithstanding that such a section 3(c)(1) pool might have investors that are not "qualified purchasers" under the provision, so long as the pool complies with certain requirements, including providing notice to its beneficial owners of its intent to use the qualified purchaser pool exception.

Section 209 includes a requirement that the Securities and Exchange Commission prescribe rules defining the term "beneficial owner" for purposes of this notice requirement. I would expect the Commission to promulgate rules pursuant to this provision that will ensure that this notice requirement is not unnecessarily burdensome, especially for section 3(c)(1) pools that have shareholders that are themselves section 3(c)(1) pools, investment companies, or other institutional shareholders. The notice requirement was intended to ensure that direct shareholders of section 3(c)(1) pools seeking to convert to qualified purchaser pool status would be notified of the imminent change in their investment. The notice requirement was not intended to cause a section 3(c)(1) pool seeking to convert to qualified purchaser pool status to have to provide notice of the impending change to the underlying shareholders of the converting pool's institutional shareholders, such as shareholders that are section 3(c)(1) pools, investment companies, or other companies, so long as those institutional shareholders are not under common control or controlled by the converting pool. The purpose of this notice is to ensure that the investor in the converting pool is aware of the imminent change in the nature of the pool so that the investor may choose whether to divest from the pool or not. Thus, notice to the person making the investment decisions for an institutional shareholder should suffice to carry out this congressional intent. In the event the institutional shareholders of a converting section 3(c)(1) pool are under common control or controlled by the converting pool, it might be appropriate to require the converting fund to provide notice of its intent to the underlying shareholders. I would expect the Commission to act expediently to promulgate rules to implement this congressional intent with respect to the notice requirement.

In addition, the Commission should act as soon as practicable to promulgate the rules defining "investments" under section 209 of the act in order to expedite the effective date of that section.

SEC EXEMPTIVE AUTHORITY

This act grants the Securities and Exchange Commission the authority to issue exemptions from the provisions of the securities laws. We intend that the Commission use this exemptive authority responsibly and flexibly. We are certain that the Commission will not use the exemptive authority to undermine the basic goals of the federal securities laws. However, in the past, Congress tied the hands of the Commission: for example, it limited the Commission's ability to decide when a prospectus should be delivered. I expect that the Commission will use the exemptive authority granted by this legislation to provide for greater flexibility in the administration of the securities laws. The Commission has used its existing exemptive authority, such as its authority under section 10(b) of the Securities Exchange Act of 1934 to define deceptive or manipulative conduct, to further the Federal securities laws by creating exemptions and safe harbors in order to make the letter of the law consistent with the spirit of the law. Similarly, in section 21A(c) of the

Securities Exchange Act of 1934, Congress granted the Commission authority to exempt, in whole or in part, either unconditionally or upon specific terms and conditions, any person or transaction or class of persons or transactions from the provisions allowing the Commission to seek certain civil penalties for insider trading.

The exemptive provisions in this legislation are intended to expand such existing exemptive authority, so that the Commission will be able to create exemptions from any provision of the securities laws where the Commission finds it appropriate to do so, consistent with this provision. The Commission will have the ability to adapt rules to the needs of all types of issuers, investors, and broker-dealers. The provisions will afford the Commission the ability to tailor rules to new technology, evolving products, and differing investor needs. We further intend that this exemptive authority will be used for the protection of investors and the public, as well as to promote efficiency, competition, and capital formation.

Mr. FIELDS of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DREIER). The question is on the motion offered by the gentleman from Texas [Mr. FIELDS] that the House suspend the rules and agree to the conference report on the bill, H.R. 3005.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FIELDS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 3005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 3610, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report to accompany H.R. 3610 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I am pleased to bring before the House the Omnibus Consolidated Appropriations Act of 1997 that will fund the remaining appropriations bills for the full fiscal year and allow us to go home.

I want to say up front that the procedure that we were forced to follow was less than desirable. That procedure was initially caused by the other body's inability to complete consideration of five appropriation bills. We also had to address the demands of the Clinton administration to increase domestic spending.

But the House was able to get its work done. We passed all of our bills promptly this summer, all 13 appropriations bills. That would not have been the case without the dedicated, steadfast, and conscientious effort of all of the Members of the House, but most especially my friend the gentleman from Wisconsin, DAVID OBEY, the ranking minority member of the committee, as well as all of the subcommittee chairmen; all of the ranking members of subcommittees; all of the members of the Committee on Appropriations; and especially, the dedicated staff, majority and minority; the gentleman who sits next to me, the chief clerk of the Committee on Appropriations, Jim Dyer; the gentleman that sits next to him, Dennis Kedzior; Fred Mohrman, who is not here tonight but who helped get us started in the 104th Congress; Scott Lilly, the ranking minority clerk over there sitting next to the gentleman from Wisconsin [Mr. OBEY]; and all of the other dedicated staff, many of whom have not even slept a single minute over the last 3 or 4 days to prepare this bill.

They have done just an incredible job against overwhelming odds, bearing a tremendous work load, and I can tell them all that I am deeply appreciative of their efforts. Because of them we were able to get our work done.

Now the procedure we used to develop this conference report is brought about because some of the bills got stymied on the other side. But in order to come to closure on these matters as well as to address the needs for increased funding for antiterrorism programs, the drug initiative, disaster assistance for Hurricane Fran, wildfires in the West, and to consider the demands of the administration for funding certain programs, we had to combine all of these remaining bills into one legislative agenda, one legislative package, which sits before you so the trade-offs could be made and the package could be viewed as a balanced one.

As many of the Members know, the administration asked for additional domestic spending that would be offset by cuts in the defense appropriations bill. That was unacceptable to me, and it was unacceptable to the gentleman from Florida, BILL YOUNG, the chairman of the Subcommittee on National Security.

We both insisted that no further cuts be made to the level of funding in the defense bill and that other offsets must be found to pay for their wish list of domestic spending. We refused to cut defense further.

Mr. YOUNG put together a good defense appropriations bill that provides for a strong national defense and meets the needs of American servicemen, and women whether they be in Bosnia or flying over Iraq or Saudi Arabia or Kuwait or elsewhere all around the globe.

In a minute I will be happy to yield to the gentleman from Florida [Mr. YOUNG], so he can explain the portion of the bill that relates to the national defense. But in the meantime, I want to say that this appropriation measure carries full-time funding for 6 complete bills, virtually half of the budget of the United States Government. It includes the Subcommittee on Commerce, Justice, State and Judiciary; the Department of Defense, the Subcommittee on Foreign Operations, Export Financing and Related Programs; the Subcommittee on the Interior; the Subcommittee on Labor, Health and Human Services and Education; and the Subcommittee on Treasury, Postal Service, and General Government.

In addition to augmenting various programs in these annual spending bills, we are providing funding for the antiterrorism program of some $981 million, we are giving $8.8 billion for a drug initiative to combat drug abuse and to interdict the inflow of drugs into this country, and we are providing nearly $400 million for relief from disasters such as Hurricane Fran.

The sizable offsets included in the bill, for example, from the BIF/SAIF program that we will hear about the gentleman from Iowa [Mr. LEACH] and the gentlewoman from New Jersey [Mrs. ROUKEMA] and the spectrum sale both fully fund the deficit impact in any spending in this bill.

I want to reiterate, this bill does not add to the deficit. In fact, this bill completes our final step in the 104th Congress toward securing some $53 billion in cumulative savings under the previous Congress for the American taxpayer. Had the President gotten his wishes abided in his budget, frankly, we would have spent $75 billion more than we actually did.

Mr. Speaker, I believe the funding levels in this bill represent a good compromise. They have been working out in strict bipartisan fashion. My hat is off to the gentleman from Wisconsin [Mr. OBEY] and all of the Democrats and Republicans who sat with us in long, tedious hours over the last few weeks and with Mr. Panetta and all his staff over at the White House. They put in incredible hours with us.

Not many of us got any sleep at all, but we finally pounded out is, I think that a bipartisan package can be achieved if people of good will work together with one another. That is what happened here.

I believe we have a bill that is good for the departments and the agencies funded by these six subcommittees. It is good for the taxpayer because it is deficit neutral, and it is a good bill because it allows us to go home to our constituents.

In a few minutes I will be happy to yield to the subcommittee chairmen who helped to craft this package.

At this point in the RECORD I would like to insert several detailed tables showing the funding levels for the departments and agencies in this conference report.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	74,181,000	83,256,000	78,493,000	70,653,000	75,773,000	+1,592,000
Emergency appropriations	....	3,600,000	....	....	3,600,000	+3,600,000
Total, salaries and expenses	74,181,000	86,856,000	78,493,000	70,653,000	79,373,000	+5,192,000
Counterterrorism fund	16,898,000	9,688,000	9,450,000	40,000,000	9,450,000	-7,448,000
Emergency appropriations	....	35,000,000	....	....	20,000,000	+20,000,000
Total, Counterterrorism fund	16,898,000	44,688,000	9,450,000	40,000,000	29,450,000	+12,552,000
Administrative review and appeals:						
Direct appropriation	38,791,000	73,411,000	64,000,000	59,909,000	62,000,000	+23,209,000
Emergency appropriations	....	1,700,000	....	....	1,000,000	+1,000,000
Crime trust fund	47,780,000	52,847,000	48,000,000	48,000,000	48,000,000	+220,000
Total, Administrative review and appeals	86,571,000	127,958,000	112,000,000	107,909,000	111,000,000	+24,429,000
Office of Inspector General	28,960,000	51,949,000	31,960,000	31,960,000	31,960,000	+3,000,000
Total, General administration	206,610,000	311,451,000	231,903,000	250,522,000	251,783,000	+45,173,000
Appropriations	(158,830,000)	(218,304,000)	(183,903,000)	(202,522,000)	(179,183,000)	(+20,353,000)
Emergency appropriations	....	(40,300,000)	....	....	(24,600,000)	(+24,600,000)
Crime trust fund	(47,780,000)	(52,847,000)	(48,000,000)	(48,000,000)	(48,000,000)	(+220,000)
United States Parole Commission						
Salaries and expenses	5,446,000	5,201,000	4,490,000	5,201,000	4,845,000	-601,000
Legal Activities						
General legal activities:						
Direct appropriation	401,929,000	450,277,000	420,793,000	421,278,000	420,793,000	+18,864,000
(By transfer)	(12,000,000)	....	....	....	....	(-12,000,000)
Emergency appropriations	....	4,857,300	....	....	1,719,000	+1,719,000
Crime trust fund	7,591,000	7,750,000	7,750,000	7,750,000	7,750,000	+159,000
Total, General legal activities	(421,520,000)	(462,884,300)	(428,543,000)	(429,028,000)	(430,262,000)	(+8,742,000)
Vaccine injury compensation trust fund	4,028,000	4,028,000	4,028,000	4,028,000	4,028,000	....
Independent counsel (permanent, indefinite)	2,884,000	3,000,000	3,000,000	3,000,000	3,000,000	+116,000
Antitrust Division	85,074,000	94,979,000	84,336,000	94,979,000	92,447,000	+7,373,000
Offsetting fee collections - carryover	-19,360,000	-10,643,000	-7,889,000	....	-16,000,000	+3,360,000
Offsetting fee collections - current year	-48,262,000	-58,905,000	-58,905,000	-94,979,000	-58,905,000	-10,643,000
Direct appropriation	17,452,000	25,431,000	17,542,000	....	17,542,000	+90,000
United States Attorneys:						
Direct appropriation	894,346,000	949,279,000	931,029,000	934,316,000	923,340,000	+28,994,000
Emergency appropriations	....	15,606,000	....	....	10,900,000	+10,900,000
Crime trust fund	30,000,000	44,409,000	43,876,000	31,000,000	43,876,000	+13,876,000
Total, United States Attorneys	924,346,000	1,009,294,000	974,905,000	965,316,000	978,116,000	+53,770,000
United States Trustee System Fund	102,272,000	111,633,000	107,950,000	107,950,000	107,950,000	+5,678,000
Offsetting fee collections	-44,191,000	-49,869,000	-49,869,000	-49,869,000	-49,869,000	-5,678,000
Direct appropriation	58,081,000	61,764,000	58,081,000	58,081,000	58,081,000	....
Foreign Claims Settlement Commission	829,000	878,000	878,000	953,000	953,000	+124,000
United States Marshals Service:						
Direct appropriation	422,684,000	489,562,000	460,214,000	457,495,000	457,495,000	+34,811,000
Emergency appropriations	....	2,000,000	....	....	....	....
Crime trust fund	25,000,000	25,477,000	25,000,000	25,000,000	25,000,000	....
Total, United States Marshals Service	447,684,000	517,039,000	485,214,000	482,495,000	482,495,000	+34,811,000
Federal Prisoner Detention	252,820,000	405,262,000	405,262,000	405,262,000	405,262,000	+152,442,000
(Prior year carryover)	(33,511,000)	....	....	....	....	(-33,511,000)
(By transfer)	(9,000,000)	....	....	....	....	(-9,000,000)
Total, Federal prisoner detention	(295,331,000)	(405,262,000)	(405,262,000)	(405,262,000)	(405,262,000)	(+109,931,000)
Fees and expenses of witnesses	85,000,000	100,702,000	100,702,000	100,702,000	100,702,000	+15,702,000
Alternative dispute resolution	....	2,000,000	....	2,000,000	....	....
Total, Fees and expenses of witnesses	85,000,000	102,702,000	100,702,000	102,702,000	100,702,000	+15,702,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Community Relations Service	5,319,000	5,502,000	5,319,000	5,319,000	5,319,000	
Assets forfeiture fund	29,487,000	30,000,000	16,000,000	30,000,000	23,000,000	-6,487,000
Total, Legal activities	2,237,450,000	2,627,784,300	2,499,474,000	2,486,184,000	2,508,760,000	+271,310,000
Appropriations	(2,174,859,000)	(2,527,685,000)	(2,422,848,000)	(2,422,434,000)	(2,419,515,000)	(+244,656,000)
Emergency appropriations		(22,463,300)			(12,619,000)	(+12,619,000)
Crime trust fund	(62,591,000)	(77,636,000)	(76,626,000)	(63,750,000)	(76,626,000)	(+14,035,000)
Radiation Exposure Compensation						
Administrative expenses	2,655,000	2,000,000	2,000,000	2,000,000	2,000,000	-655,000
Payment to radiation exposure compensation trust fund		13,736,000	13,736,000	13,736,000	13,736,000	+13,736,000
Advance appropriation	16,264,000					-16,264,000
Total, Radiation Exposure Compensation	18,919,000	15,736,000	15,736,000	15,736,000	15,736,000	-3,183,000
Interagency Law Enforcement						
Interagency crime and drug enforcement	359,430,000	372,017,000	372,017,000	352,461,000	359,430,000	
Federal Bureau of Investigation						
Salaries and expenses	1,999,539,000	2,361,838,000	2,311,225,000	2,336,153,000	2,257,880,000	+258,341,000
(By transfer)	(22,000,000)					(-22,000,000)
Prior year carryover				-40,700,000		
Anti-terrorism activities (emergency appropriations)		153,600,000			115,610,000	+115,610,000
Counterintelligence and national security	102,345,000	102,345,000	133,081,000	195,200,000	147,081,000	+44,736,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000		84,400,000	
Health care fraud enforcement		-38,000,000			-38,000,000	-38,000,000
Subtotal	(2,208,284,000)	(2,664,183,000)	(2,528,706,000)	(2,490,653,000)	(2,566,971,000)	(+358,687,000)
Crime trust fund	218,300,000	133,123,000	153,000,000	160,000,000	169,000,000	-49,300,000
Telephone carrier compliance		100,000,000				
Emergency appropriations					60,000,000	+60,000,000
Construction	97,574,000	55,676,000	55,676,000		41,639,000	-55,935,000
Emergency appropriations		2,000,000				
Construction (crime trust fund)				28,144,000		
Total, Federal Bureau of Investigation	2,502,158,000	2,954,982,000	2,737,382,000	2,678,797,000	2,837,610,000	+335,452,000
Appropriations	(2,283,858,000)	(2,666,259,000)	(2,584,382,000)	(2,490,653,000)	(2,493,000,000)	(+209,142,000)
Emergency appropriations		(155,600,000)			(175,610,000)	(+175,610,000)
Crime trust fund	(218,300,000)	(133,123,000)	(153,000,000)	(188,144,000)	(169,000,000)	(-49,300,000)
Drug Enforcement Administration						
Salaries and expenses	796,315,000	870,862,000	785,862,000	811,824,000	798,212,000	+1,897,000
Diversion control fund	-47,241,000	-52,824,000	-52,824,000	-52,824,000	-52,824,000	-5,583,000
Direct appropriation	749,074,000	818,038,000	733,038,000	759,000,000	745,388,000	-3,686,000
Emergency appropriations		7,000,000			5,000,000	+5,000,000
Crime trust fund	60,000,000	138,000,000	172,000,000	165,000,000	220,000,000	+160,000,000
Transfer from Office of Justice Programs			71,000,000			
Construction					30,806,000	+30,806,000
Construction (crime trust fund)				36,306,000		
Total, Drug Enforcement Administration	809,074,000	963,038,000	976,038,000	960,306,000	1,001,194,000	+192,120,000
Appropriations	(749,074,000)	(818,038,000)	(733,038,000)	(759,000,000)	(776,194,000)	(+27,120,000)
Emergency appropriations		(7,000,000)			(5,000,000)	(+5,000,000)
Crime trust fund	(60,000,000)	(138,000,000)	(243,000,000)	(201,306,000)	(220,000,000)	(+160,000,000)
Immigration and Naturalization Service						
Salaries and expenses	1,393,064,000	1,683,914,000	1,667,614,000	1,470,449,000	1,590,159,000	+197,095,000
Prior year carryover				-36,300,000		
Direct appropriation	1,393,064,000	1,683,914,000	1,667,614,000	1,434,149,000	1,590,159,000	+197,095,000
Border Patrol:						
Direct appropriation (earmark)	(506,800,000)					(-506,800,000)
Crime trust fund (earmark)	(75,765,000)					(-75,765,000)
Subtotal, Border patrol	(582,565,000)					(-582,565,000)
Emergency appropriations		15,000,000			15,000,000	+15,000,000
Immigration initiative (crime trust fund)	316,198,000	458,168,000	500,168,000	539,476,000	500,000,000	+183,802,000
Subtotal, Direct and crime trust fund	(1,709,262,000)	(2,157,082,000)	(2,167,782,000)	(1,973,625,000)	(2,105,159,000)	(+395,897,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Fee accounts:						
Immigration legalization fund	(1,821,000)	(1,893,000)	(1,893,000)	(1,893,000)	(1,893,000)	(+72,000)
Immigration user fee	(356,187,000)	(388,664,000)	(388,664,000)	(423,631,000)	(388,664,000)	(+32,477,000)
Land border inspection fund	(5,960,000)	(11,054,000)	(11,054,000)	(11,054,000)	(11,054,000)	(+5,094,000)
Immigration examinations fund	(439,550,000)	(511,061,000)	(511,061,000)	(586,800,000)	(567,550,000)	(+128,000,000)
Cuban/Haitian resettlement (examinations fund)	(10,057,000)					(-10,057,000)
Breached bond fund	(6,351,000)	(6,613,000)	(6,613,000)	(6,613,000)	(6,613,000)	(+262,000)
Subtotal, Fee accounts	(819,926,000)	(919,285,000)	(919,285,000)	(1,029,991,000)	(975,774,000)	(+155,848,000)
Construction	24,960,000	5,541,000	9,841,000	5,541,000	9,841,000	-15,119,000
Total, Immigration and Naturalization Service	(2,554,148,000)	(3,081,908,000)	(3,096,908,000)	(3,009,157,000)	(3,090,774,000)	(+536,626,000)
Appropriations	(1,418,024,000)	(1,689,455,000)	(1,677,455,000)	(1,439,690,000)	(1,600,000,000)	(+181,976,000)
Emergency appropriations		(15,000,000)			(15,000,000)	(+15,000,000)
Crime trust fund	(316,198,000)	(458,168,000)	(500,168,000)	(539,476,000)	(500,000,000)	(+183,802,000)
(Fee accounts)	(819,926,000)	(919,285,000)	(919,285,000)	(1,029,991,000)	(975,774,000)	(+155,848,000)
Federal Prison System						
Salaries and expenses	2,611,143,000	2,887,816,000	2,822,816,000	2,858,316,000	2,858,316,000	+247,173,000
Prior year carryover	-47,000,000		-50,000,000	-90,000,000	-90,000,000	-43,000,000
Direct appropriation	2,564,143,000	2,887,816,000	2,772,816,000	2,768,316,000	2,768,316,000	+204,173,000
Crime trust fund	13,500,000	25,224,000	25,224,000	25,224,000	25,224,000	+11,724,000
Total, Salaries and expenses	2,577,643,000	2,913,040,000	2,798,040,000	2,793,540,000	2,793,540,000	+215,897,000
Buildings and facilities	334,728,000	295,700,000	395,700,000	385,700,000	395,700,000	+60,972,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(3,042,000)	(3,042,000)	(+181,000)
Total, Federal Prison System	2,912,371,000	3,208,740,000	3,193,740,000	3,179,240,000	3,189,240,000	+276,869,000
Office of Justice Programs						
Justice assistance:						
Direct appropriation	99,853,000	117,797,000	105,000,000	101,629,000	101,429,000	+1,576,000
Emergency appropriations		2,000,000			17,000,000	+17,000,000
Total, Justice assistance	99,853,000	119,797,000	105,000,000	101,629,000	118,429,000	+18,576,000
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	60,000,000		60,000,000	60,000,000	60,000,000	
Byrne grants (formula)	328,000,000		255,000,000	300,000,000	301,000,000	-27,000,000
Weed and seed fund (earmark)	(28,500,000)	(28,500,000)	(28,500,000)	(28,500,000)	(28,500,000)	
Subtotal, Direct appropriations	388,000,000		315,000,000	360,000,000	361,000,000	-27,000,000
Crime trust fund:						
Byrne grants (formula)	147,000,000	535,000,000	245,000,000	175,000,000	199,000,000	+52,000,000
Community policing	1,399,980,000	1,950,000,000	1,400,000,000	1,400,000,000	1,400,000,000	+20,000
Transfer to State & local task forces/DEA			-71,000,000			
Youth violence initiative (earmark)			(30,500,000)			
Law enforcement scholarship program		10,000,000				
Police recruitment grants		1,155,000				
Drug testing initiative (earmark)		(42,500,000)		(42,500,000)		
Police corps (direct)		15,000,000			20,000,000	+20,000,000
Police corps (earmark)	(10,000,000)		(10,000,000)	(20,000,000)		(-10,000,000)
Local law enforcement block grant	503,000,000		571,000,000	503,000,000	523,000,000	+20,000,000
Drug courts (direct)		100,000,000			30,000,000	+30,000,000
Drug courts (earmark)	(18,000,000)		(18,000,000)	(20,000,000)		(-18,000,000)
Boys and Girls clubs (earmark)	(11,000,000)			(20,000,000)	(20,000,000)	(+9,000,000)
D.C. Police (earmark)	(15,000,000)					(-15,000,000)
Counterterrorism technologies grants				10,000,000		
Firefighter / Emergency services training grants				5,000,000		
Upgrade criminal history records	25,000,000	50,000,000	50,000,000	50,000,000	50,000,000	+25,000,000
State prison grants	617,500,000	630,000,000	680,000,000	640,000,000	670,000,000	+52,500,000
State criminal alien assistance program	300,000,000	330,000,000	330,000,000	330,000,000	330,000,000	+30,000,000
State courts assistance		28,000,000	5,000,000			
Violence Against Women grants 1/	174,500,000	196,500,000	196,500,000	196,500,000	196,500,000	+22,000,000
State prison drug treatment 1/	27,000,000	36,000,000	35,000,000	29,700,000	30,000,000	+3,000,000
Other crime control programs	13,600,000	18,605,000	7,400,000	4,900,000	7,650,000	-5,950,000
Subtotal, Crime trust fund	3,207,580,000	3,900,260,000	3,448,900,000	3,344,100,000	3,456,150,000	+248,570,000
Total, State and local law enforcement	3,595,580,000	3,900,260,000	3,763,900,000	3,704,100,000	3,817,150,000	+221,570,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Juvenile justice programs	148,500,000	149,500,000	149,500,000	158,500,000	174,500,000	+26,000,000
Public safety officers benefits program:						
Death benefits	28,474,000	30,126,000	30,126,000	30,126,000	30,126,000	+1,652,000
Disability benefits	2,134,000	2,200,000	2,200,000	2,200,000	2,200,000	+66,000
Total, Office of Justice Programs	3,874,541,000	4,201,883,000	4,050,726,000	3,996,555,000	4,142,405,000	+267,864,000
Appropriations	(666,961,000)	(299,623,000)	(601,826,000)	(652,455,000)	(669,255,000)	(+2,294,000)
Emergency appropriations	....	(2,000,000)	....	....	(17,000,000)	(+17,000,000)
Crime trust fund	(3,207,580,000)	(3,900,260,000)	(3,448,900,000)	(3,344,100,000)	(3,456,150,000)	(+248,570,000)
Total, title I, Department of Justice	14,660,221,000	16,823,455,300	16,259,129,000	15,904,168,000	16,426,003,000	+1,765,782,000
Appropriations	(10,734,272,000)	(11,795,834,000)	(11,764,211,000)	(11,494,168,000)	(11,681,174,000)	(+946,902,000)
Emergency appropriations	....	(242,363,300)	....	....	(249,829,000)	(+249,829,000)
Crime trust fund	(3,925,949,000)	(4,785,258,000)	(4,494,918,000)	(4,410,000,000)	(4,495,000,000)	(+569,051,000)
(Limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(3,042,000)	(3,042,000)	(+181,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	20,862,000	21,449,000	21,449,000	21,449,000	21,449,000	+587,000
International Trade Commission						
Salaries and expenses	39,954,000	41,707,000	40,000,000	41,707,000	40,850,000	+896,000
Total, Related agencies	60,816,000	63,156,000	61,449,000	63,156,000	62,299,000	+1,483,000
International Trade Administration						
Operations and administration	264,885,000	268,277,000	272,000,000	267,939,000	270,000,000	+5,115,000
Emergency appropriations	....	9,400,000	....	....	....	....
Total, International Trade Administration	264,885,000	277,677,000	272,000,000	267,939,000	270,000,000	+5,115,000
Export Administration						
Operations and administration	38,604,000	43,651,000	38,604,000	34,698,000	36,000,000	-2,604,000
Emergency appropriations	....	3,900,000	....	....	3,900,000	+3,900,000
Total, Export Administration	38,604,000	47,551,000	38,604,000	34,698,000	39,900,000	+1,296,000
Economic Development Administration						
Economic development assistance programs	328,500,000	333,500,000	328,500,000	273,500,000	328,500,000	....
Emergency appropriations (P.L. 104-134)	18,000,000	....	....	....	....	-18,000,000
Salaries and expenses	20,000,000	20,036,000	20,000,000	20,036,000	20,036,000	+36,000
Total, Economic Development Administration	366,500,000	353,536,000	348,500,000	293,536,000	348,536,000	-17,964,000
Minority Business Development Agency						
Minority business development	32,000,000	34,021,000	29,000,000	26,000,000	28,000,000	-4,000,000
United States Travel and Tourism Administration						
Salaries and expenses (P.L. 104-99)	2,000,000	....	....	....	....	-2,000,000
Total, Trade and Infrastructure Development	764,805,000	775,941,000	749,553,000	685,329,000	748,735,000	-16,070,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	45,900,000	53,510,000	45,900,000	49,400,000	45,900,000	....
Bureau of the Census						
Salaries and expenses	133,617,000	150,665,000	133,617,000	139,700,000	135,000,000	+1,383,000
Periodic censuses and programs	150,100,000	248,690,000	205,100,000	210,500,000	210,500,000	+60,400,000
Total, Bureau of the Census	283,717,000	399,355,000	338,717,000	350,200,000	345,500,000	+61,783,000
National Telecommunications and Information Administration						
Salaries and expenses	17,000,000	18,478,000	15,000,000	16,003,000	15,000,000	-2,000,000
Public broadcasting facilities, planning and construction	15,500,000	8,000,000	15,250,000	15,250,000	15,250,000	-250,000
Endowment for Children's Educational Television	....	2,497,000	....	....	....	....
Information infrastructure grants	21,500,000	59,000,000	21,490,000	4,075,000	21,490,000	-10,000
Total, National Telecommunications and Information Administration	54,000,000	87,975,000	51,740,000	35,328,000	51,740,000	-2,260,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Patent and Trademark Office						
Salaries and expenses	81,252,000	115,000,000	61,252,000	61,252,000	61,252,000	-20,000,000
Fees collected	(532,100,000)	(601,700,000)	....	(601,723,000)	(601,723,000)	(+69,623,000)
(Prior year carryover)	....	....	....	(10,000,000)	(30,000,000)	(+30,000,000)
Total, Patent and Trademark Office	(613,352,000)	(716,700,000)	(61,252,000)	(672,975,000)	(692,975,000)	(+79,623,000)
Total, Economic and Information Infrastructure	464,869,000	655,840,000	497,609,000	496,180,000	504,392,000	+39,523,000
SCIENCE AND TECHNOLOGY						
Technology Administration						
Salaries and expenses	7,000,000	9,531,000	5,000,000	7,500,000	9,500,000	+2,500,000
National Institute of Standards and Technology						
Scientific and technical research and services	258,670,000	270,744,000	268,000,000	270,400,000	268,000,000	+9,330,000
Industrial technology services	300,927,000	450,000,000	200,400,000	159,900,000	320,000,000	+19,073,000
Construction of research facilities	59,977,000	105,240,000	....	15,000,000	....	-59,977,000
Total, National Institute of Standards and Technology	619,574,000	825,984,000	468,400,000	445,300,000	588,000,000	-31,574,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities 2/	1,793,784,000	1,974,215,000	1,738,200,000	1,933,703,000	1,854,067,000	+60,283,000
Offsetting collections - fees	-3,000,000	-3,000,000	-3,000,000	-3,000,000	-3,000,000	....
Direct appropriation	1,790,784,000	1,971,215,000	1,735,200,000	1,930,703,000	1,851,067,000	+60,283,000
(By transfer from Promote and Develop Fund)	(63,000,000)	(61,068,000)	(68,000,000)	(62,000,000)	(66,000,000)	(+3,000,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	3,900,000	6,000,000	6,000,000	6,000,000	6,000,000	+2,100,000
(Damage assessment and restoration revolving fund)	-3,900,000	-6,000,000	-6,000,000	-6,000,000	-6,000,000	-2,100,000
Total, Operations, research and facilities	1,790,784,000	1,971,215,000	1,735,200,000	1,930,703,000	1,851,067,000	+60,283,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	....
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	....
Construction	50,000,000	37,366,000	36,000,000	58,000,000	58,250,000	+8,250,000
Emergency appropriations (P.L. 104-134)	7,500,000	....	....	....	....	-7,500,000
Fleet modernization, shipbuilding and conversion	8,000,000	12,000,000	6,000,000	8,000,000	8,000,000	....
Fishing vessel and gear damage fund	1,032,000	200,000	200,000	200,000	200,000	-832,000
Fishermen's contingency fund	999,000	1,002,000	1,000,000	1,000,000	1,000,000	+1,000
Foreign fishing observer fund	196,000	196,000	196,000	196,000	196,000	....
Fishing vessel obligations guarantees	250,000	250,000	250,000	250,000	250,000	....
Total, National Oceanic and Atmospheric Administration	1,858,761,000	2,022,229,000	1,778,846,000	1,998,349,000	1,918,963,000	+60,202,000
Total, Science and Technology	2,485,335,000	2,857,744,000	2,252,246,000	2,451,149,000	2,516,463,000	+31,128,000
General Administration						
Salaries and expenses	29,100,000	29,100,000	27,400,000	29,100,000	28,490,000	-610,000
Office of Inspector General	19,849,000	20,849,000	19,445,000	20,849,000	20,140,000	+291,000
Working capital fund (by transfer)	....	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(+3,000,000)
Total, General administration	48,949,000	49,949,000	46,845,000	49,949,000	48,630,000	-319,000
National Institute of Standards and Technology						
Construction of research facilities (rescission)	-75,000,000	....	....	-31,800,000	-16,000,000	+59,000,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities (rescission)	....	....	-10,000,000	-10,000,000	-20,000,000	-20,000,000
Total, Department of Commerce	3,628,142,000	4,276,318,000	3,474,804,000	3,577,651,000	3,719,921,000	+91,779,000
Total, title II, Department of Commerce and related agencies	3,688,958,000	4,339,474,000	3,536,253,000	3,640,807,000	3,782,220,000	+93,262,000
Appropriations	(3,763,958,000)	(4,326,174,000)	(3,546,253,000)	(3,682,607,000)	(3,814,320,000)	(+50,362,000)
Emergency appropriations	....	(13,300,000)	....	....	(3,900,000)	(+3,900,000)
(By transfer)	(63,000,000)	(64,068,000)	(71,000,000)	(65,000,000)	(69,000,000)	(+6,000,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,662,000	1,704,000	1,704,000	1,704,000	1,704,000	+42,000
Other salaries and expenses	24,172,000	25,453,000	25,453,000	25,453,000	25,453,000	+1,281,000
Total, Salaries and expenses	25,834,000	27,157,000	27,157,000	27,157,000	27,157,000	+1,323,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Care of the building and grounds	3,313,000	3,313,000	2,490,000	3,100,000	2,800,000	-513,000
Total, Supreme Court of the United States	29,147,000	30,470,000	29,647,000	30,257,000	29,957,000	+810,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,892,000	1,898,000	1,898,000	1,898,000	1,898,000	+6,000
Other salaries and expenses	12,396,000	14,080,000	13,115,000	13,115,000	13,115,000	+719,000
Total, Salaries and expenses	14,288,000	15,978,000	15,013,000	15,013,000	15,013,000	+725,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,413,000	1,447,000	1,447,000	1,447,000	1,447,000	+34,000
Other salaries and expenses	9,446,000	9,667,000	9,667,000	9,667,000	9,667,000	+221,000
Total, Salaries and expenses	10,859,000	11,114,000	11,114,000	11,114,000	11,114,000	+255,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	226,024,000	225,956,000	225,956,000	225,956,000	225,956,000	-68,000
Other salaries and expenses	2,207,117,000	2,521,390,000	2,313,000,000	2,352,690,000	2,330,044,000	+122,927,000
Emergency appropriations		6,829,000			10,000,000	+10,000,000
Direct appropriation	2,433,141,000	2,754,175,000	2,538,956,000	2,578,646,000	2,566,000,000	+132,859,000
Crime trust fund	30,000,000	35,000,000	30,000,000	30,000,000	30,000,000	
Total, Salaries and expenses	2,463,141,000	2,789,175,000	2,568,956,000	2,608,646,000	2,596,000,000	+132,859,000
Vaccine Injury Compensation Trust Fund	2,318,000	2,390,000	2,390,000	2,390,000	2,390,000	+72,000
Defender services	267,217,000	318,905,000	297,000,000	311,900,000	308,000,000	+40,783,000
Emergency appropriations		2,813,000				
(Prior year carryover)	(28,544,000)					(-28,544,000)
Total, Defender services	(295,761,000)	(321,718,000)	(297,000,000)	(311,900,000)	(308,000,000)	(+12,239,000)
Fees of jurors and commissioners	59,028,000	68,083,000	66,000,000	68,083,000	67,000,000	+7,972,000
Emergency appropriations		358,000				
Court security	102,000,000	131,885,000	131,000,000	127,000,000	127,000,000	+25,000,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,893,704,000	3,313,609,000	3,065,346,000	3,118,019,000	3,100,390,000	+206,686,000
Administrative Office of the United States Courts						
Salaries and expenses	47,500,000	53,523,000	48,500,000	50,900,000	49,450,000	+1,950,000
Federal Judicial Center						
Salaries and expenses	17,914,000	19,625,000	17,495,000	17,914,000	17,495,000	-419,000
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	32,900,000	30,200,000	30,200,000	30,200,000	30,200,000	-2,700,000
United States Sentencing Commission						
Salaries and expenses	8,500,000	9,200,000	8,300,000	8,867,000	8,490,000	-10,000
Total, title III, the Judiciary	3,054,812,000	3,483,719,000	3,225,615,000	3,282,284,000	3,262,109,000	+207,297,000
Appropriations	(3,024,812,000)	(3,438,719,000)	(3,195,615,000)	(3,252,284,000)	(3,222,109,000)	(+197,297,000)
Emergency appropriations		(10,000,000)			(10,000,000)	(+10,000,000)
Crime trust fund	(30,000,000)	(35,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,716,196,000	1,747,209,000	1,691,450,000	1,700,900,000	1,700,900,000	-15,296,000
Registration fees	700,000	700,000	700,000	700,000	700,000	
Emergency appropriations		23,700,000			23,700,000	+23,700,000
Total, Diplomatic and consular programs	1,716,896,000	1,771,609,000	1,692,150,000	1,701,600,000	1,725,300,000	+8,404,000
Salaries and expenses	364,698,000	358,159,000	352,300,000	357,000,000	352,300,000	-12,398,000
Capital investment fund	16,384,000	32,800,000	16,400,000	32,800,000	24,600,000	+8,216,000
Office of Inspector General	27,330,000	27,369,000	27,495,000	27,495,000	27,495,000	+165,000
Representation allowances	4,500,000	4,656,000	4,490,000	4,490,000	4,490,000	-10,000
Protection of foreign missions and officials	8,579,000	8,332,000	8,332,000	8,332,000	8,332,000	-247,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Security and maintenance of United States missions	385,043,000	386,060,000	370,000,000	360,000,000	364,495,000	-20,548,000
Emergency appropriations		14,300,000			24,825,000	+24,825,000
Total, Security and maintenance of United States missions	385,043,000	400,360,000	370,000,000	360,000,000	389,320,000	+4,277,000
Emergencies in the diplomatic and consular service	6,000,000	5,800,000	5,800,000	5,800,000	5,800,000	-200,000
International center, Washington DC		594,000				
Repatriation Loans Program Account:						
Direct loans subsidy	593,000	593,000	593,000	593,000	593,000	
Administrative expenses	183,000	663,000	663,000	663,000	663,000	+480,000
Total, Repatriation loans program account	776,000	1,256,000	1,256,000	1,256,000	1,256,000	+480,000
Payment to the American Institute in Taiwan	15,145,000	15,001,000	15,001,000	14,165,000	14,490,000	-655,000
Payment to the Foreign Service Retirement and Disability Fund	125,402,000	126,491,000	126,491,000	126,491,000	126,491,000	+1,089,000
Total, Administration of Foreign Affairs	2,670,753,000	2,752,427,000	2,619,715,000	2,639,429,000	2,679,874,000	+9,121,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment	892,000,000	1,045,000,000	875,000,000	550,000,000	892,000,000	
Advance appropriation, FY 1998		43,076,000				
Advance appropriation, FY 1999		43,076,000				
Advance appropriation, FY 2000		43,076,000				
Advance appropriation, FY 2001		43,076,000				
Contributions for international peacekeeping activities, current year	359,000,000	425,000,000	332,400,000	282,600,000	352,400,000	-6,600,000
Advance appropriation, FY 1998		150,070,000				
Advance appropriation, FY 1999		150,070,000				
Advance appropriation, FY 2000		150,070,000				
Advance appropriation, FY 2001		150,070,000				
International conferences and contingencies	2,996,000	5,820,000				-2,996,000
Total, International Organizations and Conferences	1,253,996,000	2,248,404,000	1,207,400,000	832,600,000	1,244,400,000	-9,596,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	12,044,000	18,516,000	18,490,000	18,490,000	15,490,000	+3,446,000
Construction	6,625,000	7,322,000	6,463,000	7,568,000	6,463,000	-162,000
American sections, international commissions	5,791,000	5,627,000	5,490,000	5,627,000	5,490,000	-301,000
International fisheries commissions	14,666,000	14,669,000	10,450,000	9,051,000	14,549,000	-117,000
Total, International commissions	39,126,000	46,134,000	40,893,000	40,736,000	41,992,000	+2,866,000
Other						
Payment to the Asia Foundation	5,000,000	5,000,000	8,000,000		8,000,000	+3,000,000
Total, Department of State	3,968,875,000	5,051,965,000	3,876,008,000	3,512,765,000	3,974,266,000	+5,391,000
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	38,638,000	48,455,000	38,495,000	30,000,000	41,500,000	+2,862,000
United States Information Agency						
Salaries and expenses	445,371,000	468,016,000	439,300,000	440,000,000	440,000,000	-5,371,000
Emergency appropriations		2,500,000			1,375,000	+1,375,000
Total, salaries and expenses	445,371,000	470,516,000	439,300,000	440,000,000	441,375,000	-3,996,000
Technology fund	5,050,000	10,000,000	5,050,000	5,050,000	5,050,000	
Educational and cultural exchange programs	199,727,000	202,412,000	185,000,000	183,000,000	185,000,000	-14,727,000
Eisenhower Exchange Fellowship Program, trust fund	509,000	600,000	600,000	600,000	600,000	+91,000
Israeli Arab scholarship program	397,000	400,000	400,000	400,000	400,000	+3,000
International Broadcasting Operations	324,858,000	365,406,000	335,700,000	325,000,000	325,000,000	+142,000
Broadcasting to Cuba (direct)	24,775,000			25,000,000	25,000,000	+225,000
Broadcasting to Cuba (earmark)		(25,000,000)	(13,775,000)			
Radio construction	39,946,000	39,164,000	39,000,000	32,000,000	35,490,000	-4,456,000
East-West Center	11,750,000	8,800,000		11,750,000	10,000,000	-1,750,000
North/South Center	2,000,000	970,000		2,000,000	1,495,000	-505,000
National Endowment for Democracy	30,000,000	30,000,000	30,000,000		30,000,000	
Total, United States Information Agency	1,084,383,000	1,128,268,000	1,035,050,000	1,024,800,000	1,059,410,000	-24,973,000
Total, related agencies	1,123,021,000	1,176,723,000	1,073,545,000	1,054,800,000	1,100,910,000	-22,111,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Total, title IV, Department of State	5,091,896,000	6,228,688,000	4,949,553,000	4,567,565,000	5,075,176,000	-16,720,000
Appropriations	(5,091,896,000)	(6,188,188,000)	(4,949,553,000)	(4,567,565,000)	(5,025,276,000)	(-66,620,000)
Emergency appropriations		(40,500,000)			(49,900,000)	(+49,900,000)
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(162,610,000)	(148,430,000)	(148,430,000)	(148,430,000)	(148,430,000)	(-14,180,000)
Maritime Security Program	46,000,000	100,000,000	63,000,000		54,000,000	+8,000,000
Operations and training	66,600,000	78,097,000	62,300,000	66,600,000	65,000,000	-1,600,000
Maritime Guaranteed Loan Program Account:						
Guaranteed loans subsidy	40,000,000	40,000,000	37,450,000	37,450,000	37,450,000	-2,550,000
Administrative expenses	3,500,000	4,000,000	3,450,000	3,450,000	3,450,000	-50,000
Total, Maritime guaranteed loan program account	43,500,000	44,000,000	40,900,000	40,900,000	40,900,000	-2,600,000
Total, Maritime Administration	156,100,000	222,097,000	166,200,000	107,500,000	159,900,000	+3,800,000
Commission on the Advancement of Federal Law Enforcement						
Salaries and expenses			2,000,000			
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	206,000	206,000	206,000	206,000	206,000	
Commission on Civil Rights						
Salaries and expenses	8,740,000	11,400,000	8,740,000	8,740,000	8,740,000	
Commission on Immigration Reform						
Salaries and expenses	1,894,000	2,498,000	2,196,000	2,196,000	2,196,000	+302,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,090,000	1,090,000	1,090,000	1,090,000	
Competitiveness Policy Council						
Salaries and expenses	50,000	897,000				-50,000
Equal Employment Opportunity Commission						
Salaries and expenses	232,740,000	268,000,000	239,740,000	239,740,000	239,740,000	+7,000,000
Federal Communications Commission						
Salaries and expenses	185,619,000	222,538,000	185,619,000	192,538,000	189,079,000	+3,460,000
Offsetting fee collections - current year	-126,400,000	-152,523,000	-126,400,000	-152,523,000	-152,523,000	-26,123,000
Direct appropriation	59,219,000	70,015,000	59,219,000	40,015,000	36,556,000	-22,663,000
Federal Maritime Commission						
Salaries and expenses	14,836,000	15,000,000	11,000,000	14,450,000	14,000,000	-836,000
Federal Trade Commission						
Salaries and expenses	98,889,000	104,462,000	93,819,000	104,462,000	101,930,000	+3,041,000
Offsetting fee collections - carryover	-19,360,000	-10,643,000	-7,889,000		-16,000,000	+3,360,000
Offsetting fee collections - current year	-48,262,000	-58,905,000	-58,905,000	-104,462,000	-58,905,000	-10,643,000
Direct appropriation	31,267,000	34,914,000	27,025,000		27,025,000	-4,242,000
Gambling Impact Study Commission						
Salaries and expenses				2,000,000	4,000,000	+4,000,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,247,000	1,250,000		1,250,000		-1,247,000
(Foreign currency appropriation)	(1,420,000)	(1,420,000)		(1,420,000)		(-1,420,000)
Legal Services Corporation						
Payment to the Legal Services Corporation	278,000,000	340,000,000	250,000,000	288,000,000	283,000,000	+5,000,000
Marine Mammal Commission						
Salaries and expenses	1,189,000	1,334,000	975,000	1,385,000	1,189,000	
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	350,000					-350,000
National Bankruptcy Review Commission						
Salaries and expenses		500,000	490,000	498,000	494,000	+494,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Ounce of Prevention Council						
Direct appropriation	1,500,000				1,500,000	
Crime trust fund		9,000,000				
Securities and Exchange Commission						
Salaries and expenses 3/	297,021,000	308,189,000	297,021,000	306,400,000	305,400,000	+8,379,000
Offsetting fee collections	-184,293,000		-193,974,000	-193,974,000	-222,622,000	-38,329,000
Offsetting fee collections - carryover	-9,667,000		-45,000,000	-48,000,000	-45,000,000	-35,333,000
Direct appropriation	103,061,000	308,189,000	58,047,000	64,426,000	37,778,000	-65,283,000
Small Business Administration						
Salaries and expenses	222,144,000	238,701,000	220,419,000	236,490,000	239,547,000	+17,403,000
Offsetting fee collections	-3,300,000	-3,300,000	-6,000,000	-3,300,000	-4,500,000	-1,200,000
Direct appropriation	218,844,000	235,401,000	214,419,000	233,190,000	235,047,000	+16,203,000
Office of Inspector General	8,500,000	9,985,000	8,900,000	9,000,000	9,000,000	+500,000
Business Loans Program Account:						
Direct loans subsidy	4,500,000	2,792,000	2,792,000	2,792,000	1,691,000	-2,809,000
Guaranteed loans subsidy	155,010,000	316,263,000	160,860,000	210,000,000	179,700,000	+24,690,000
Micro loan guarantees	1,216,000	2,317,000	1,216,000	2,317,000	2,317,000	+1,101,000
Administrative expenses	92,622,000	94,090,000	93,485,000	94,090,000	94,000,000	+1,378,000
Total, Business loans program account	253,348,000	415,462,000	258,153,000	309,199,000	277,708,000	+24,360,000
Disaster Loans Program Account:						
Direct loans subsidy	34,432,000	65,800,000	105,432,000	65,800,000	105,432,000	+71,000,000
Emergency appropriations (P.L. 104-134)	71,000,000					-71,000,000
Administrative expenses	71,578,000	78,000,000	92,578,000	78,000,000	86,500,000	+14,922,000
Emergency appropriations (P.L. 104-134)	29,000,000					-29,000,000
Contingency fund (emergency)		100,000,000				
Total, Disaster loans program account	206,010,000	243,800,000	198,010,000	143,800,000	191,932,000	-14,078,000
Surety bond guarantees revolving fund	2,530,000	3,730,000	3,730,000	3,730,000	3,730,000	+1,200,000
Total, Small Business Administration	689,232,000	908,378,000	683,212,000	698,919,000	717,417,000	+28,185,000
State Justice Institute						
Salaries and expenses 4/	5,000,000	13,550,000		10,000,000	6,000,000	+1,000,000
Total, title V, Related agencies	1,585,721,000	2,208,318,000	1,510,140,000	1,480,415,000	1,540,831,000	-44,890,000
Appropriations	(1,585,721,000)	(2,199,318,000)	(1,510,140,000)	(1,480,415,000)	(1,540,831,000)	(-44,890,000)
Crime trust fund		(9,000,000)				
(Liquidation of contract authority)	(162,610,000)	(148,430,000)	(148,430,000)	(148,430,000)	(148,430,000)	(-14,180,000)
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	-65,000,000			-30,000,000	-30,000,000	+35,000,000
Immigration and Naturalization Service						
Immigration Emergency fund (rescission)				-34,779,000	-34,779,000	-34,779,000
Total, Department of Justice	-65,000,000			-64,779,000	-64,779,000	+221,000
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Acquisition and maintenance of buildings abroad (rescission)	-64,500,000					+64,500,000
RELATED AGENCIES						
United States Information Agency						
Radio construction (rescission)	-7,400,000					+7,400,000
Total, title VII, Rescissions	-136,900,000			-64,779,000	-64,779,000	+72,121,000
TITLE VIII - FY 1996 SUPPLEMENTAL APPROPRIATION AND RESCISSION						
DEPARTMENT OF JUSTICE						
Federal Prison System						
Salaries and expenses					40,000,000	+40,000,000
Rescission					-40,000,000	-40,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
TITLE IX - EMERGENCY DISASTER APPROPRIATIONS						
DEPARTMENT OF COMMERCE						
Economic Development Administration						
Economic development assistance programs 5/	....	....	....	....	25,000,000	+25,000,000
INDEPENDENT AGENCY						
Small Business Administration						
Disaster Loans Program Account:						
Direct loans subsidy 5/	....	....	....	....	113,000,000	+113,000,000
Administrative expenses	....	....	....	....	22,000,000	+22,000,000
Total, Small Business Administration	....	....	....	....	135,000,000	+135,000,000
Total, Title IX:						
New budget (obligational) authority	....	....	....	....	160,000,000	+160,000,000
Grand total:						
New budget (obligational) authority	27,944,708,000	33,083,654,300	29,480,690,000	28,810,460,000	30,181,560,000	+2,236,852,000
Appropriations	(24,200,659,000)	(27,948,233,000)	(24,965,772,000)	(24,477,039,000)	(25,283,710,000)	(+1,083,051,000)
Emergency appropriations	....	(306,163,300)	....	....	(473,629,000)	(+473,629,000)
Rescissions	(-211,900,000)	....	(-10,000,000)	(-106,579,000)	(-100,779,000)	(+111,121,000)
Crime trust fund	(3,955,949,000)	(4,829,258,000)	(4,524,918,000)	(4,440,000,000)	(4,525,000,000)	(+569,051,000)
(By transfer)	(106,000,000)	(64,068,000)	(71,000,000)	(65,000,000)	(69,000,000)	(-37,000,000)
(Limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(3,042,000)	(3,042,000)	(+181,000)
(Limitation on direct loans)	....	....	....	....	....	....
(Liquidation of contract authority)	(162,610,000)	(148,430,000)	(148,430,000)	(148,430,000)	(148,430,000)	(-14,180,000)
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	....	(1,420,000)	....	(-1,420,000)

1/ Included under Justice Assistance in FY 1996.

2/ Does not include legislative proposals to be transmitted later.

3/ Does not include legislative proposal regarding fees to be transmitted later.

4/ President's budget proposes $5,000,000 for State Justice Institute.

5/ Funds were requested by the Administration as FY 1996 supplemental appropriations.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	19,946,187,000	20,580,738,000	20,692,838,000	20,559,042,000	20,633,998,000	+687,811,000
Military Personnel, Navy	17,008,563,000	16,942,956,000	17,000,856,000	16,943,581,000	16,986,976,000	-21,587,000
Military Personnel, Marine Corps	5,885,740,000	6,102,108,000	6,103,808,000	6,099,182,000	6,111,728,000	+225,988,000
Military Personnel, Air Force	17,207,743,000	17,043,150,000	17,099,550,000	17,021,810,000	17,069,490,000	-138,253,000
Reserve Personnel, Army	2,122,466,000	2,043,679,000	2,083,379,000	2,052,136,000	2,073,479,000	-48,987,000
Reserve Personnel, Navy	1,355,523,000	1,386,306,000	1,392,406,000	1,396,989,000	1,405,606,000	+50,083,000
Reserve Personnel, Marine Corps	378,151,000	381,143,000	387,943,000	389,325,000	388,643,000	+10,492,000
Reserve Personnel, Air Force	784,586,000	775,967,000	780,497,000	785,842,000	783,697,000	-889,000
National Guard Personnel, Army	3,242,422,000	3,242,493,000	3,279,393,000	3,259,169,000	3,266,393,000	+23,971,000
National Guard Personnel, Air Force	1,259,627,000	1,284,290,000	1,294,490,000	1,295,511,000	1,296,490,000	+36,863,000
Total, title I, Military Personnel	69,191,008,000	69,782,830,000	70,115,160,000	69,802,587,000	70,016,500,000	+825,492,000
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	18,321,965,000	18,031,145,000	18,365,679,000	17,700,859,000	17,519,340,000	-802,625,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,334,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Operation and Maintenance, Navy	21,279,425,000	20,112,864,000	20,390,397,000	20,241,517,000	20,061,961,000	-1,217,464,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,333,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Operation and Maintenance, Marine Corps	2,392,522,000	2,203,777,000	2,465,077,000	2,275,977,000	2,254,119,000	-138,403,000
Operation and Maintenance, Air Force	18,606,167,000	17,830,122,000	17,938,755,000	17,331,309,000	17,263,193,000	-1,342,974,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,333,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Operation and Maintenance, Defense-Wide	10,388,595,000	10,156,468,000	10,212,985,000	9,953,142,000	10,044,200,000	-344,395,000
(By transfer)	(15,000,000)					(-15,000,000)
Operation and Maintenance, Army Reserve	1,119,191,000	1,084,436,000	1,116,436,000	1,129,436,000	1,119,436,000	+245,000
Operation and Maintenance, Navy Reserve	859,542,000	843,927,000	882,927,000	861,527,000	886,027,000	+26,485,000
Operation and Maintenance, Marine Corps Reserve	100,283,000	99,667,000	108,467,000	115,367,000	109,667,000	+9,384,000
Operation and Maintenance, Air Force Reserve	1,519,287,000	1,488,553,000	1,491,553,000	1,494,953,000	1,496,553,000	-22,734,000
Operation and Maintenance, Army National Guard	2,440,808,000	2,208,477,000	2,268,477,000	2,294,477,000	2,254,477,000	-186,331,000
Operation and Maintenance, Air National Guard	2,776,121,000	2,654,473,000	2,671,373,000	2,721,973,000	2,716,379,000	-59,742,000
United States Court of Appeals for the Armed Forces	6,521,000	6,797,000	6,797,000	6,185,000	6,797,000	+276,000
Environmental Restoration, Army		356,916,000		356,916,000	339,109,000	+339,109,000
Environmental Restoration, Navy		302,900,000		302,900,000	287,788,000	+287,788,000
Environmental Restoration, Air Force		414,700,000		414,700,000	394,010,000	+394,010,000
Environmental Restoration, Defense-Wide		258,500,000		38,650,000	36,722,000	+36,722,000
Formerly Used Defense sites				269,850,000	256,387,000	+256,387,000
Environmental Restoration, Defense	1,422,200,000		1,333,016,000			-1,422,200,000
Summer Olympics	15,000,000					-15,000,000
Former Soviet Union threat reduction	300,000,000	327,900,000	302,900,000	327,900,000	327,900,000	+27,900,000
Overseas Humanitarian, Disaster, and Civic Aid	50,000,000	80,544,000	60,544,000	49,000,000	49,000,000	-1,000,000
(Transfer out)	(-15,000,000)					(+15,000,000)
Overseas Contingency operations transfer account				1,069,957,000	1,140,157,000	+1,140,157,000
Quality of Life Enhancements, Defense			975,000,000		600,000,000	+600,000,000
Reduction of funds			-35,000,000			
Total, title II, Operation and maintenance	81,597,627,000	78,462,166,000	80,555,383,000	78,956,595,000	79,163,222,000	-2,434,405,000
(By transfer)	(150,000,000)	(250,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,558,805,000	970,815,000	1,308,709,000	1,283,815,000	1,348,434,000	-210,371,000
Missile Procurement, Army	865,555,000	766,329,000	988,567,000	982,829,000	1,041,867,000	+176,312,000
Procurement of Weapons and Tracked Combat Vehicles, Army	1,652,745,000	1,102,014,000	1,500,414,000	1,449,714,000	1,470,286,000	-182,459,000
Procurement of Ammunition, Army	1,110,685,000	853,428,000	1,150,128,000	1,118,329,000	1,127,149,000	+16,464,000
Other Procurement, Army	2,769,443,000	2,627,440,000	2,899,040,000	3,295,486,000	3,172,485,000	+403,042,000
Aircraft Procurement, Navy	4,589,394,000	5,881,952,000	6,896,552,000	7,239,704,000	7,027,010,000	+2,437,616,000
Weapons Procurement, Navy	1,669,827,000	1,400,363,000	1,384,408,000	1,500,154,000	1,389,913,000	-279,914,000
Procurement of Ammunition, Navy and Marine Corps	430,053,000		341,689,000		289,695,000	-140,358,000
Shipbuilding and Conversion, Navy	6,643,958,000	4,911,930,000	4,469,930,000	6,193,330,000	5,613,665,000	-1,030,293,000
Other Procurement, Navy	2,483,581,000	2,714,195,000	2,889,591,000	2,944,519,000	3,067,944,000	+584,363,000
Procurement, Marine Corps	458,947,000	555,507,000	623,973,000	660,507,000	569,073,000	+110,126,000
Aircraft Procurement, Air Force	7,367,983,000	5,779,228,000	7,274,628,000	6,630,370,000	6,404,980,000	-963,003,000
Missile Procurement, Air Force	2,943,931,000	2,733,877,000	2,279,500,000	2,713,944,000	2,297,145,000	-646,786,000
Procurement of Ammunition, Air Force	338,800,000		272,177,000		293,153,000	-45,647,000
Other Procurement, Air Force	6,284,230,000	5,998,819,000	6,078,539,000	5,577,787,000	5,944,680,000	-339,550,000
Procurement, Defense-Wide	2,124,379,000	1,841,212,000	2,247,812,000	1,773,794,000	1,978,005,000	-146,374,000
National Guard and Reserve Equipment	777,000,000		908,000,000	759,800,000	780,000,000	+3,000,000
Total, title III, Procurement	44,069,316,000	38,137,109,000	43,513,657,000	44,124,082,000	43,815,484,000	-253,832,000

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)—continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	4,870,684,000	4,320,640,000	4,874,537,000	5,107,283,000	5,062,763,000	+192,079,000
(By transfer)	(8,000,000)					(-8,000,000)
Research, Development, Test and Evaluation, Navy	8,758,132,000	7,334,734,000	8,399,357,000	8,067,543,000	8,208,946,000	-549,186,000
Research, Development, Test and Evaluation, Air Force	13,126,567,000	14,417,456,000	14,869,573,000	14,778,540,000	14,499,606,000	+1,373,039,000
Research, Development, Test and Evaluation, Defense-Wide	9,461,057,000	8,398,836,000	9,068,558,000	9,190,092,000	9,362,800,000	-98,257,000
Developmental Test and Evaluation, Defense	251,082,000	252,038,000	272,038,000	269,038,000	282,038,000	+30,956,000
Operational Test and Evaluation, Defense	22,587,000	21,968,000	26,968,000	21,968,000	24,968,000	+2,381,000
Total, title IV, Research, Development, Test and Evaluation	36,490,109,000	34,745,672,000	37,511,031,000	37,434,464,000	37,441,121,000	+951,012,000
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense business operations fund	878,700,000	947,900,000	947,900,000	947,900,000	947,900,000	+69,200,000
National Defense Sealift Fund:						
Ready Reserve Force	289,000,000	261,000,000	261,000,000	261,000,000	266,000,000	-23,000,000
Acquisition	735,220,000	702,002,000	1,643,002,000	832,002,000	1,162,002,000	+426,782,000
Total	1,024,220,000	963,002,000	1,904,002,000	1,093,002,000	1,428,002,000	+403,782,000
Total, title V, Revolving and Management Funds	1,902,920,000	1,910,902,000	2,851,902,000	2,040,902,000	2,375,902,000	+472,982,000
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense health program:						
Operation and maintenance	9,938,325,000	9,358,288,000	9,398,188,000	9,936,638,000	9,937,838,000	-487,000
(Transfer out)	(-8,000,000)					(+8,000,000)
Procurement	288,033,000	269,470,000	269,470,000	319,470,000	269,470,000	-18,563,000
Total, Defense Health Program	10,226,358,000	9,627,758,000	9,667,658,000	10,256,108,000	10,207,308,000	-19,050,000
Chemical Agents & Munitions Destruction, Defense: 1/						
Operation and maintenance	353,850,000	477,947,000	477,947,000	478,947,000	478,947,000	+125,097,000
Procurement	265,000,000	273,600,000	273,600,000	191,200,000	191,200,000	-73,800,000
Research, development, test, and evaluation	53,400,000	48,300,000	48,300,000	88,300,000	88,300,000	+34,900,000
Total, Chemical Agents	672,250,000	799,847,000	799,847,000	758,447,000	758,447,000	+86,197,000
Drug Interdiction Defense	688,432,000	642,724,000	774,724,000	789,024,000	807,800,000	+119,368,000
Office of the Inspector General	178,226,000	138,501,000	138,501,000	139,157,000	139,157,000	-39,069,000
Anti-Terrorism activities, Defense				14,000,000		
Total, title VI, Other Department of Defense Programs	11,765,266,000	11,208,830,000	11,380,730,000	11,956,736,000	11,912,712,000	+147,446,000
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	213,900,000	196,400,000	196,400,000	184,200,000	196,400,000	-17,500,000
Intelligence Community Management Account	90,683,000	91,739,000	149,555,000	94,739,000	129,164,000	+38,481,000
National Security Education Trust Fund	7,500,000	5,100,000		5,100,000	5,100,000	-2,400,000
Payment to Kaho'olawe Island conveyance remediation and Environmental Restoration Fund	25,000,000	10,000,000	10,000,000	10,000,000	10,000,000	-15,000,000
Total, title VII, Related agencies	337,083,000	303,239,000	355,955,000	294,039,000	340,664,000	+3,581,000
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (sec. 8005)	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(1,200,000,000)	(2,000,000,000)	(-1,100,000,000)
Contractor ADP	-30,000,000					+30,000,000
Inflation Reestimate	-832,000,000					+832,000,000
Management efficiencies	-442,000,000					+442,000,000
Disposal & lease of DOD real property (sec. 8045)	8,000,000	26,565,000	26,565,000	26,565,000	26,565,000	+18,565,000
Overseas Military Fac Investment Recovery (sec. 8049)		1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
National Science Center, Army (sec. 8060)	85,000	120,000	120,000	120,000	120,000	+35,000
Rescissions (sec. 8070)	-561,217,000			-126,900,000	-137,108,000	+424,109,000
Coast Guard transfer (sec 8087)				300,000,000	300,000,000	+300,000,000
Excess funded carryover (sec. 8088)			-500,000,000		-150,000,000	-150,000,000
Export loan guarantee PGM (sec. 8093)				1,000,000	1,000,000	+1,000,000
RDT&E general reduction (sec. 8136)					-680,552,000	-680,552,000
Air Force DBOF pass through (sec. 8096)			-195,000,000		-194,500,000	-194,500,000
Spare parts inventories			-400,000,000			
FFRDC's/consultants (sec. 8037)	-90,000,000			-52,286,000	-154,572,000	-64,572,000
Prostate Cancer research				(93,000,000)		

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)—continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Senate Sec. 8099:						
Military Personnel, Navy				4,900,000		
Military Personnel, Air Force				4,400,000		
Operation and Maintenance, Army				-4,200,000		
Operation and Maintenance, Air Force				-4,400,000		
Operation and Maintenance, Defense-Wide				-66,000,000		
Overseas Contingency Operations Transfer Fund				70,200,000		
Defense Health				-4,900,000		
Sec. 8128:						
Weapons of Mass Destruction				150,000,000	100,000,000	+100,000,000
RDT&E, Defense-Wide				-12,000,000		
O&M, Defense-Wide (not scored)				(-138,000,000)		
Anti-terrorism, counter-terrorism, and security enhancement activities:						
Emergency funding, FY 1997 (sec. 8137)					230,680,000	+230,680,000
General reduction (sec. 8138)					-230,680,000	-230,680,000
Total, title VIII	-1,947,132,000	27,685,000	-1,067,315,000	287,499,000	-888,047,000	+1,059,085,000
FY 1997 grand total	243,406,197,000	234,578,433,000	245,216,503,000	244,896,904,000	244,177,558,000	+771,361,000
TITLE IX						
FY 1996 SUPPLEMENTAL APPROPRIATIONS AND RESCISSION FOR ANTI-TERRORISM, COUNTER-TERRORISM, AND SECURITY ENHANCEMENT ACTIVITIES						
Emergency supplemental, FY 1996					122,600,000	+122,600,000
Rescissions (sec. 9001)					-122,600,000	-122,600,000
BUDGET SCOREKEEPING ADJUSTMENTS						
Adjustment for unapprop'd balance transfer (Stockpile)		250,000,000	150,000,000	150,000,000	150,000,000	+150,000,000
Stockpile collections (unappropriated)		-150,000,000	-150,000,000	-150,000,000	-150,000,000	-150,000,000
Operations and Maintenance, Army (not scored)				(-1,500,000)		
Burdensharing contribution, misc. receipts	-50,000,000					+50,000,000
Effect of P.L. 104-134:						
Rescissions, fiscal year 1995	-820,000,000					+820,000,000
Rescissions, fiscal year 1996	-174,900,000					+174,900,000
Emergency funding	(820,000,000)					(-820,000,000)
Administrative reductions (P.L. 104-134)	-294,000,000					+294,000,000
Emergency funding for anti-terrorism: FY 1997 (sec. 8138)					-230,680,000	-230,680,000
Total adjustments	-1,338,900,000	100,000,000			-230,680,000	+1,108,220,000
RECAPITULATION						
Title I - Military Personnel	69,191,008,000	69,782,830,000	70,115,160,000	69,802,587,000	70,016,500,000	+825,492,000
Title II - Operation and Maintenance	81,597,627,000	78,462,166,000	80,555,383,000	78,956,595,000	79,163,222,000	-2,434,405,000
Title III - Procurement	44,069,316,000	38,137,109,000	43,513,657,000	44,124,082,000	43,815,484,000	-253,832,000
Title IV - Research, Development, Test and Evaluation	36,490,109,000	34,745,672,000	37,511,031,000	37,434,464,000	37,441,121,000	+951,012,000
Title V - Revolving and Management Funds	1,902,920,000	1,910,902,000	2,851,902,000	2,040,902,000	2,375,902,000	+472,982,000
Title VI - Other Department of Defense Programs	11,765,266,000	11,208,830,000	11,380,730,000	11,956,736,000	11,912,712,000	+147,446,000
Title VII - Related agencies	337,083,000	303,239,000	355,955,000	294,039,000	340,664,000	+3,581,000
Title VIII - General provisions	-1,947,132,000	27,685,000	-1,067,315,000	287,499,000	-888,047,000	+1,059,085,000
(Additional transfer authority)	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(1,200,000,000)	(2,000,000,000)	(-1,100,000,000)
Total, Department of Defense	243,406,197,000	234,578,433,000	245,216,503,000	244,896,904,000	244,177,558,000	+771,361,000
Scorekeeping adjustments	-1,338,900,000	100,000,000			-230,680,000	+1,108,220,000
Grand total 2/	242,067,297,000	234,678,433,000	245,216,503,000	244,896,904,000	243,946,878,000	+1,879,581,000
Allocation recap (sec. 602b):						
Mandatory	213,900,000	196,400,000	196,400,000	184,200,000	196,400,000	-17,500,000
Discretionary	241,853,397,000	234,482,033,000	245,020,103,000	244,712,704,000	243,750,478,000	+1,897,081,000
Grand total 2/	242,067,297,000	234,678,433,000	245,216,503,000	244,896,904,000	243,946,878,000	+1,879,581,000

1/ Included in Budget under Procurement title.

2/ FY 1996 includes effects of P.L. 104-134: $820,000,000 in Emergency Sup Appropriations, +104,900,000 in new budget authority and -1,288,900,000 in rescissions.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1997 (H.R. 3540)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Limitation on Program Activity:						
Subsidy appropriations	744,551,000	736,551,000	726,000,000	730,000,000	726,000,000	-18,551,000
Administrative expenses	45,614,000	47,614,000	46,614,000	40,000,000	46,614,000	+1,000,000
Negative subsidy	-89,646,000	-58,000,000	-58,000,000	-58,000,000	-58,000,000	+31,646,000
Total, Export-Import Bank of the United States	700,519,000	726,165,000	714,614,000	712,000,000	714,614,000	+14,095,000
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Administrative expenses	26,000,000	32,000,000	30,000,000	32,000,000	32,000,000	+6,000,000
Insurance fees and other offsetting collections	-202,500,000	-224,000,000	-224,000,000	-224,000,000	-224,000,000	-21,500,000
Direct loans:						
Loan subsidy	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	
(Loan authorization)	(79,523,000)	(80,000,000)	(80,000,000)	(80,000,000)	(80,000,000)	(+477,000)
Guaranteed loans:						
Loan subsidy	68,000,000	68,000,000	68,000,000	68,000,000	68,000,000	
(Loan authorization)	(1,351,900,000)	(1,360,000,000)	(1,360,000,000)	(1,360,000,000)	(1,360,000,000)	(+8,100,000)
Total, Overseas Private Investment Corporation	-104,500,000	-120,000,000	-122,000,000	-120,000,000	-120,000,000	-15,500,000
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and Development Agency						
Trade and development agency	40,000,000	40,000,000	38,000,000	40,000,000	40,000,000	
(By transfer)		(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)
Total, title I, Export and investment assistance	636,019,000	646,165,000	630,614,000	632,000,000	634,614,000	-1,405,000
(Loan authorizations)	(1,431,423,000)	(1,440,000,000)	(1,440,000,000)	(1,440,000,000)	(1,440,000,000)	(+8,577,000)
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
Agency for International Development						
Sustainable development assistance		1,006,000,000				
Child survival and disease programs fund			600,000,000		600,000,000	+600,000,000
Development assistance	1,675,000,000		1,150,000,000	1,262,000,000	1,181,500,000	-493,500,000
Population, development assistance				410,000,000		
Development Fund for Africa		704,000,000				
International disaster assistance	181,000,000	190,000,000	190,000,000	190,000,000	190,000,000	+9,000,000
Debt restructuring	10,000,000	47,000,000	10,000,000	27,000,000	27,000,000	+17,000,000
(By transfer)	(5,000,000)					(-5,000,000)
Micro and Small Enterprise Development program:						
Subsidy appropriations	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	
Administrative expenses	500,000	500,000	500,000	500,000	500,000	
(Direct loan authorization)	(1,435,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(-435,000)
(Guaranteed loan authorization)	(16,700,000)	(17,000,000)	(17,000,000)	(17,000,000)	(17,000,000)	(+300,000)
Housing and other credit guaranty programs:						
Subsidy appropriations	4,000,000	5,000,000	500,000	4,000,000	3,500,000	-500,000
Operating expenses	7,000,000	6,000,000	6,000,000	6,000,000	6,000,000	-1,000,000
(Guaranteed loan authorization)	(33,700,000)	(42,000,000)	(10,000,000)	(33,600,000)	(29,400,000)	(-4,300,000)
Subtotal, development assistance	1,879,000,000	1,960,000,000	1,958,500,000	1,901,000,000	2,010,000,000	+131,000,000
Payment to the Foreign Service Retirement and Disability Fund	43,914,000	43,826,000	43,826,000	43,826,000	43,826,000	-88,000
Operating expenses of the Agency for International Development	465,750,000	495,000,000	465,750,000	495,000,000	470,750,000	+5,000,000
Emergency appropriations		600,000				
Operating expenses of the Agency for International Development Office of Inspector General	30,200,000	30,000,000	30,000,000	28,000,000	30,000,000	-200,000
Subtotal, Agency for International Development	2,418,864,000	2,529,426,000	2,498,076,000	2,467,826,000	2,554,576,000	+135,712,000
Other Bilateral Economic Assistance						
Economic support fund:						
Camp David countries	2,015,000,000	2,015,000,000	2,015,000,000	2,015,000,000	2,015,000,000	
Other	325,000,000	393,000,000	321,000,000	325,000,000	328,000,000	+3,000,000
Subtotal, Economic support fund	2,340,000,000	2,408,000,000	2,336,000,000	2,340,000,000	2,343,000,000	+3,000,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1997 (H.R. 3540) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
International fund for Ireland	19,600,000		19,600,000		19,600,000	
Assistance for Eastern Europe and the Baltic States	522,000,000	475,000,000	475,000,000	475,000,000	475,000,000	-47,000,000
Assistance for the New Independent States of the Soviet Union	641,000,000	640,000,000	590,000,000	640,000,000	625,000,000	-16,000,000
Subtotal, Other Bilateral Economic Assistance	3,522,600,000	3,523,000,000	3,420,600,000	3,455,000,000	3,462,600,000	-60,000,000
Total, Agency for International Development	5,941,464,000	6,052,426,000	5,918,676,000	5,922,826,000	6,017,176,000	+75,712,000
African Development Foundation						
Appropriations	(11,500,000)	12,500,000	11,500,000			
Inter-American Foundation						
Appropriations	(20,000,000)	20,000,000	20,000,000			
Total, Funds Appropriated to the President	5,941,464,000	6,084,926,000	5,950,176,000	5,922,826,000	6,017,176,000	+75,712,000
Peace Corps						
Appropriations	205,000,000	220,000,000	212,000,000	205,000,000	208,000,000	+3,000,000
(By transfer)		(5,000,000)	(12,000,000)	(12,000,000)	(12,000,000)	(+12,000,000)
Department of State						
International narcotics control	115,000,000	213,000,000	150,000,000	213,000,000	213,000,000	+98,000,000
(By transfer)	(20,000,000)					(-20,000,000)
Migration and refugee assistance	671,000,000	650,000,000	650,000,000	650,000,000	650,000,000	-21,000,000
Refugee resettlement assistance	5,000,000		5,000,000		5,000,000	
United States Emergency Refugee and Migration Assistance Fund	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	
Anti-terrorism assistance	16,000,000	17,000,000				-16,000,000
Emergency appropriations		2,000,000				
Nonproliferation and Disarmament Fund	20,000,000	20,000,000				-20,000,000
Nonproliferation and antiterrorism			135,000,000	140,000,000	133,000,000	+133,000,000
(By transfer)				(12,000,000)		
Counter-terrorism assistance to Israel	50,000,000	50,000,000				-50,000,000
Total, Department of State	927,000,000	1,002,000,000	990,000,000	1,053,000,000	1,051,000,000	+124,000,000
Total, title II, Bilateral economic assistance	7,073,464,000	7,306,926,000	7,152,176,000	7,180,826,000	7,276,176,000	+202,712,000
(By transfer)	(25,000,000)	(5,000,000)	(12,000,000)	(24,000,000)	(12,000,000)	(-13,000,000)
(Loan authorizations)	(51,835,000)	(60,000,000)	(28,000,000)	(51,600,000)	(47,400,000)	(-4,435,000)
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	39,000,000	45,000,000	43,475,000	40,000,000	43,475,000	+4,475,000
Foreign Military Financing Program:						
Grants:						
Camp David countries	3,100,000,000	3,100,000,000	3,100,000,000	3,100,000,000	3,100,000,000	
Other	178,390,000	128,250,000	122,250,000	124,000,000	64,000,000	-114,390,000
Subtotal, grants	3,278,390,000	3,228,250,000	3,222,250,000	3,224,000,000	3,164,000,000	-114,390,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	
Direct concessional loans:						
Subsidy appropriations	64,400,000	40,000,000	35,000,000	60,000,000	60,000,000	-4,400,000
(Loan authorization)	(544,000,000)	(370,028,000)	(323,815,000)	(540,000,000)	(540,000,000)	(-4,000,000)
FMF program level	(3,822,390,000)	(3,598,278,000)	(3,546,065,000)	(3,764,000,000)	(3,704,000,000)	(-118,390,000)
(By transfer)				(20,000,000)		
Total, Foreign military assistance	3,342,790,000	3,268,250,000	3,257,250,000	3,284,000,000	3,224,000,000	-118,790,000
Special Defense Acquisition Fund:						
Offsetting collections	-220,000,000	-166,000,000	-166,000,000	-166,000,000	-166,000,000	+54,000,000
Peacekeeping operations	70,000,000	70,000,000	65,000,000	65,000,000		-70,000,000
Total, title III, Military assistance	3,231,790,000	3,217,250,000	3,199,725,000	3,223,000,000	3,101,475,000	-130,315,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	
(Loan authorization)	(544,000,000)	(370,028,000)	(323,815,000)	(540,000,000)	(540,000,000)	(-4,000,000)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1997 (H.R. 3540) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Paid-in capital	28,189,963	....	....	....	....	-28,189,963
(Limitation on callable capital)	(911,475,013)	....	....	....	....	(-911,475,013)
Contribution to the International Finance Corporation	60,900,000	6,656,000	6,656,000	6,656,000	6,656,000	-54,244,000
Contribution to the Global Environment Facility	35,000,000	100,000,000	30,000,000	35,000,000	35,000,000	....
Total, contribution to the International Bank for Reconstruction and Development	(1,035,564,976)	(106,656,000)	(36,656,000)	(41,656,000)	(41,656,000)	(-993,908,976)
Contribution to the International Development Association	700,000,000	934,503,100	525,000,000	700,000,000	700,000,000	....
Total, World Bank Group	(1,735,564,976)	(1,041,159,100)	(561,656,000)	(741,656,000)	(741,656,000)	(-993,908,976)
Budget authority	824,089,963	1,041,159,100	561,656,000	741,656,000	741,656,000	-82,433,963
(Limitation on callable capital)	(911,475,013)	....	....	....	....	(-911,475,013)
Contribution to the Inter-American Development Bank:						
Inter-regional paid-in capital	25,952,110	25,610,667	25,610,667	25,610,667	25,610,667	-341,443
(Limitation on callable capital)	(1,523,767,142)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(-20,048,232)
Fund for special operations	10,000,000	31,411,000	10,000,000	10,000,000	10,000,000	....
Enterprise for the Americas Multilateral Investment Fund	53,750,000	27,500,000	27,500,000	27,500,000	27,500,000	-26,250,000
Total, contribution to the Inter-American Development Bank	(1,613,469,252)	(1,588,240,577)	(1,566,829,577)	(1,566,829,577)	(1,566,829,577)	(-46,639,675)
Contribution to the Asian Development Bank:						
Paid-in capital	13,221,596	13,221,596	13,221,596	13,221,596	13,221,596	....
(Limitation on callable capital)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	....
Development fund	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	....
Total, contribution to the Asian Development Bank	(761,079,800)	(761,079,800)	(761,079,800)	(761,079,800)	(761,079,800)	....
Contribution to the African Development Fund	....	50,000,000	....	....	....	....
Contribution to the African Development Bank:						
Paid-in capital	....	16,000,000	....	....	....	....
(Limitation on callable capital)	....	(112,000,000)	....	....	....	....
Total, contribution to the African Development Bank	....	(128,000,000)	....	....	....	....
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	70,000,000	11,916,447	11,916,447	11,916,447	11,916,447	-58,083,553
(Limitation on callable capital)	(163,333,333)	(27,805,043)	(27,805,043)	(27,805,043)	(27,805,043)	(-135,528,290)
Total, contribution to the European Bank for Reconstruction and Development	(233,333,333)	(39,721,490)	(39,721,490)	(39,721,490)	(39,721,490)	(-193,611,843)
North American Development Bank:						
Paid-in capital	56,250,000	56,250,000	50,625,000	56,250,000	56,000,000	-250,000
(Limitation on callable capital)	(318,750,000)	(318,750,000)	(318,750,000)	(318,750,000)	(318,750,000)	....
Contribution to the Bank for Economic Cooperation and Development in the Middle East and North Africa:						
Paid-in capital	....	52,500,000	....	....	....	....
(Limitation on callable capital)	....	(157,500,000)	....	....	....	....
International Monetary Fund						
Contribution to the enhanced structural adjustment facility	....	7,000,000	....	....	....	....
Total, International Financial Institutions	(4,718,447,361)	(4,200,200,967)	(3,298,661,867)	(3,484,286,867)	(3,484,036,867)	(-1,234,410,494)
Budget authority	1,153,263,669	1,432,568,810	800,529,710	986,154,710	985,904,710	-167,358,959
(Limitation on callable capital)	(3,565,183,692)	(2,767,632,157)	(2,498,132,157)	(2,498,132,157)	(2,498,132,157)	(-1,067,051,535)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1997 (H.R. 3540) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
International Organizations and Programs						
International organizations and programs	285,000,000	325,000,000	136,000,000	270,000,000	169,950,000	-115,050,000
(By transfer)	(30,000,000)			(53,500,000)	(17,500,000)	(-12,500,000)
Total, title IV, Multilateral economic assistanc	(5,003,447,361)	(4,525,200,967)	(3,434,661,867)	(3,754,286,867)	(3,653,986,867)	(-1,349,460,494)
Budget authority	1,438,263,669	1,757,568,810	936,529,710	1,256,154,710	1,155,854,710	-282,408,959
(By transfer)	(30,000,000)			(53,500,000)	(17,500,000)	(-12,500,000)
(Limitation on callable capital)	(3,565,183,692)	(2,767,632,157)	(2,498,132,157)	(2,498,132,157)	(2,498,132,157)	(-1,067,051,535)
Grand total, all titles:						
New budget (obligational) authority	12,379,536,669	12,927,909,810	11,919,044,710	12,291,980,710	12,168,119,710	-211,416,959
Appropriations	(12,379,536,669)	(12,925,309,810)	(11,919,044,710)	(12,291,980,710)	(12,168,119,710)	(-211,416,959)
Emergency appropriations		(2,600,000)				
(By transfer)	(55,000,000)	(10,000,000)	(17,000,000)	(102,500,000)	(34,500,000)	(-20,500,000)
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	
(Limitation on callable capital)	(3,565,183,692)	(2,767,632,157)	(2,498,132,157)	(2,498,132,157)	(2,498,132,157)	(-1,067,051,535)
(Loan authorizations)	(2,027,258,000)	(1,870,028,000)	(1,791,815,000)	(2,031,600,000)	(2,027,400,000)	(+142,000)
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
Export Assistance Appropriations	928,165,000	928,165,000	912,614,000	914,000,000	916,614,000	-11,551,000
Negative Subsidies and Offsetting Collections	-292,146,000	-282,000,000	-282,000,000	-282,000,000	-282,000,000	+10,146,000
Total, Export Assistance	636,019,000	646,165,000	630,614,000	632,000,000	634,614,000	-1,405,000
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
Bilateral Development Assistance	3,550,864,000	3,783,926,000	3,731,576,000	3,725,826,000	3,813,576,000	+262,712,000
Other Bilateral Economic Assistance	3,522,600,000	3,523,000,000	3,420,600,000	3,455,000,000	3,462,600,000	-60,000,000
Total, Bilateral Economic Assistance	7,073,464,000	7,306,926,000	7,152,176,000	7,180,826,000	7,276,176,000	+202,712,000
TITLE III - MILITARY ASSISTANCE						
Foreign Military Financing Program:						
Grants	3,278,390,000	3,228,250,000	3,222,250,000	3,224,000,000	3,164,000,000	-114,390,000
Direct loans, subsidy costs	64,400,000	40,000,000	35,000,000	60,000,000	60,000,000	-4,400,000
(Estimated level of direct loans)	(544,000,000)	(370,028,000)	(323,815,000)	(540,000,000)	(540,000,000)	(-4,000,000)
Subtotal, Foreign Military Financing Program:						
Budget authority	3,342,790,000	3,268,250,000	3,257,250,000	3,284,000,000	3,224,000,000	-118,790,000
(Program level)	(3,822,390,000)	(3,598,278,000)	(3,546,065,000)	(3,764,000,000)	(3,704,000,000)	(-118,390,000)
Other, Military	109,000,000	115,000,000	108,475,000	105,000,000	43,475,000	-65,525,000
Special Defense Acquisition Fund	-220,000,000	-166,000,000	-166,000,000	-166,000,000	-166,000,000	+54,000,000
Total, Military Assistance Programs	3,231,790,000	3,217,250,000	3,199,725,000	3,223,000,000	3,101,475,000	-130,315,000
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
Contributions to International Financial Institutions	1,153,263,669	1,425,568,810	800,529,710	986,154,710	985,904,710	-167,358,959
International Monetary Fund (IMF)		7,000,000				
International organizations and programs	285,000,000	325,000,000	136,000,000	270,000,000	169,950,000	-115,050,000
Total, contribution for Multilateral Economic Assistance	1,438,263,669	1,757,568,810	936,529,710	1,256,154,710	1,155,854,710	-282,408,959
Grand total, all titles	12,379,536,669	12,927,909,810	11,919,044,710	12,291,980,710	12,168,119,710	-211,416,959

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	567,453,000	575,892,000	566,514,000	578,692,000	572,164,000	+4,711,000
Wildland fire management	235,924,000	247,924,000	247,924,000	264,609,000	252,042,000	+16,118,000
Central hazmat account	10,000,000	20,500,000	12,000,000	12,000,000	12,000,000	+2,000,000
Construction	3,115,000	3,103,000	3,103,000	4,333,000	4,333,000	+1,218,000
Emergency appropriations (P.L. 104-134)	5,000,000	....	....	....	....	-5,000,000
Payments in lieu of taxes	113,500,000	101,500,000	113,500,000	115,000,000	113,500,000	....
Land acquisition	12,800,000	12,800,000	10,000,000	14,060,000	10,410,000	-2,390,000
Oregon and California grant lands	97,452,000	108,379,000	98,365,000	102,656,000	100,515,000	+3,063,000
Emergency appropriations (P.L. 104-134)	35,000,000	....	....	....	....	-35,000,000
Range improvements (indefinite)	9,113,000	9,113,000	9,113,000	9,113,000	9,113,000	....
Service charges, deposits, and forfeitures (indefinite)	8,993,000	8,993,000	8,993,000	8,993,000	8,993,000	....
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	....
Total, Bureau of Land Management	1,105,955,000	1,095,809,000	1,077,117,000	1,117,061,000	1,090,675,000	-15,280,000
United States Fish and Wildlife Service						
Resource management	501,010,000	540,372,000	520,519,000	529,527,000	523,947,000	+22,937,000
Emergency appropriations (P.L. 104-134)	1,600,000	....	....	....	....	-1,600,000
Construction	37,655,000	37,587,000	38,298,000	45,306,000	43,365,000	+5,710,000
Emergency appropriations (P.L. 104-134)	37,300,000	....	....	....	....	-37,300,000
Natural resource damage assessment and restoration fund	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	....
Land acquisition	36,900,000	36,900,000	30,000,000	50,802,000	44,479,000	+7,579,000
Cooperative endangered species conservation fund	8,085,000	16,085,000	14,085,000	14,085,000	14,085,000	+6,000,000
National wildlife refuge fund	10,779,000	10,779,000	10,779,000	10,779,000	10,779,000	....
Rewards and operations	600,000	600,000	1,000,000	600,000	1,000,000	+400,000
North American wetlands conservation fund	6,750,000	11,750,000	7,750,000	10,750,000	9,750,000	+3,000,000
Lahontan Valley and Pyramid Lake fish and wildlife fund	152,000	....	....	....	....	-152,000
Rhinoceros and tiger conservation fund	200,000	200,000	400,000	200,000	400,000	+200,000
Wildlife conservation and appreciation fund	800,000	800,000	800,000	800,000	800,000	....
Total, United States Fish and Wildlife Service	645,831,000	659,073,000	627,631,000	666,849,000	652,605,000	+6,774,000
National Park Service						
Operation of the national park system	1,082,481,000	1,173,304,000	1,135,139,000	1,156,784,000	1,152,311,000	+69,830,000
National recreation and preservation	37,649,000	40,218,000	36,476,000	39,476,000	37,976,000	+327,000
Historic preservation fund	36,212,000	38,290,000	36,212,000	36,612,000	36,612,000	+400,000
Construction	143,225,000	143,225,000	119,745,000	165,418,000	163,444,000	+20,219,000
C&O Canal (P.L. 104-99)	2,000,000	....	....	....	....	-2,000,000
Emergency appropriations (P.L. 104-134)	47,000,000	....	....	....	....	-47,000,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	....
Land acquisition and state assistance	49,100,000	36,300,000	30,000,000	48,415,000	53,915,000	+4,815,000
Everglades restoration fund	....	100,000,000	....	....	....	....
Fixed asset acquisitions (sec. 621)	....	111,000,000	....	....	....	....
Total, National Park Service (net)	1,367,667,000	1,612,337,000	1,327,572,000	1,416,705,000	1,414,258,000	+46,591,000
United States Geological Survey						
Surveys, investigations, and research	730,163,000	746,380,000	730,163,000	737,040,000	738,913,000	+8,750,000
Emergency appropriations (P.L. 104-134)	2,000,000	....	....	....	....	-2,000,000
Minerals Management Service						
Royalty and offshore minerals management	182,555,000	182,994,000	182,555,000	159,555,000	156,955,000	-25,600,000
Oil spill research	6,440,000	6,440,000	6,440,000	6,440,000	6,440,000	....
Total, Minerals Management Service	188,995,000	189,434,000	188,995,000	165,995,000	163,395,000	-25,600,000
Bureau of Mines						
Mines and minerals	64,000,000	....	....	2,000,000	....	-64,000,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	95,470,000	94,272,000	94,272,000	94,172,000	94,172,000	-1,298,000
Receipts from performance bond forfeitures (indefinite)	500,000	500,000	500,000	500,000	500,000	....
Subtotal	95,970,000	94,772,000	94,772,000	94,672,000	94,672,000	-1,298,000
Abandoned mine reclamation fund (definite, trust fund)	173,887,000	179,385,000	175,887,000	179,085,000	177,085,000	+3,198,000
Total, Office of Surface Mining Reclamation and Enforcement	269,857,000	274,157,000	270,659,000	273,757,000	271,757,000	+1,900,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Bureau of Indian Affairs						
Operation of Indian programs	1,384,434,000	1,579,423,000	1,381,623,000	1,413,606,000	1,436,902,000	+52,468,000
Emergency appropriations (P.L. 104-134)	500,000	....	....	....	....	-500,000
Construction	100,833,000	122,824,000	85,831,000	93,933,000	94,531,000	-6,302,000
Emergency appropriations (P.L. 104-134)	16,500,000	....	....	....	....	-16,500,000
Indian land and water claim settlements and miscellaneous payments to Indians	80,645,000	69,241,000	65,241,000	69,241,000	69,241,000	-11,404,000
Technical assistance of Indian enterprises	500,000	....	....	....	....	-500,000
Indian guaranteed loan program account	5,000,000	5,002,000	5,000,000	5,000,000	5,000,000	....
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(-1,299,000)
Total, Bureau of Indian Affairs	1,588,412,000	1,776,490,000	1,537,695,000	1,581,780,000	1,605,674,000	+17,262,000
Departmental Offices						
Insular Affairs:						
Assistance to Territories	37,468,000	37,468,000	37,368,000	37,668,000	37,468,000	....
Northern Marianas Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	....
Subtotal, Assistance to Territories	65,188,000	65,188,000	65,088,000	65,388,000	65,188,000	....
Emergency appropriations (P.L. 104-134)	13,000,000	....	....	....	....	-13,000,000
Compact of Free Association	10,038,000	10,038,000	10,138,000	9,938,000	10,038,000	....
Mandatory payments	14,900,000	13,500,000	13,500,000	13,500,000	13,500,000	-1,400,000
Subtotal, Compact of Free Association	24,938,000	23,538,000	23,638,000	23,438,000	23,538,000	-1,400,000
Total, Insular Affairs	103,126,000	88,726,000	88,726,000	88,826,000	88,726,000	-14,400,000
Departmental management	56,912,000	59,196,000	53,691,000	58,991,000	58,286,000	+1,374,000
Office of the Solicitor	34,427,000	35,208,000	35,208,000	35,443,000	35,443,000	+1,016,000
Office of Inspector General	23,939,000	24,439,000	24,439,000	24,439,000	24,439,000	+500,000
Construction Management	500,000	....	....	....	....	-500,000
Office of Special Trustee for American Indians	16,338,000	36,338,000	19,126,000	36,338,000	32,126,000	+15,788,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	....
Total, Departmental Offices	236,242,000	244,907,000	222,190,000	245,037,000	240,020,000	+3,778,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,199,122,000	6,598,587,000	5,982,022,000	6,206,224,000	6,177,297,000	-21,825,000
Appropriations	(6,071,222,000)	(6,628,587,000)	(6,012,022,000)	(6,236,224,000)	(6,207,297,000)	(+136,075,000)
Emergency appropriations	(157,900,000)	....	....	....	....	(-157,900,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	....
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(-1,299,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	178,000,000	179,786,000	179,000,000	180,200,000	179,786,000	+1,786,000
State and private forestry	136,884,000	164,000,000	148,884,000	156,811,000	155,461,000	+18,577,000
National forest system	1,257,057,000	1,291,553,000	1,258,057,000	1,285,881,000	1,274,781,000	+17,724,000
Emergency appropriations (P.L. 104-134)	26,600,000	....	....	....	....	-26,600,000
Wildland fire management	385,485,000	385,485,000	411,485,000	661,485,000	530,016,000	+144,531,000
Emergency appropriations	....	109,531,000	....	109,531,000	....	....
Reconstruction and construction	163,600,000	169,662,000	164,100,000	172,167,000	174,974,000	+11,374,000
Emergency appropriations (P.L. 104-134)	60,800,000	....	....	....	....	-60,800,000
Timber receipts transfer to general fund (indefinite)	(-44,548,000)	....	....	....	....	(+44,548,000)
Timber purchaser credits	(50,000,000)	(50,000,000)	....	....	....	(-50,000,000)
Land acquisition	39,400,000	41,200,000	30,000,000	39,660,000	40,575,000	+1,175,000
Acquisition of lands for national forests, special acts	1,069,000	1,069,000	1,069,000	1,069,000	1,069,000	....
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	....
Range betterment fund (indefinite)	3,976,000	3,995,000	3,995,000	3,995,000	3,995,000	+19,000
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000	92,000	92,000	....
Southeast Alaska economic disaster fund	110,000,000	....	....	....	....	-110,000,000
Total, Forest Service	2,363,173,000	2,346,583,000	2,196,892,000	2,611,101,000	2,360,959,000	-2,214,000
DEPARTMENT OF ENERGY						
Clean coal technology:						
Rescission	....	-325,000,000	....	-150,000,000	-123,000,000	-123,000,000
Deferral	....	-312,879,000	....	....	....	....
Subtotal	....	-637,879,000	....	-150,000,000	-123,000,000	-123,000,000
Fossil energy research and development	417,018,000	348,508,000	354,754,000	367,504,000	364,704,000	-52,314,000
Alternative fuels production (indefinite)	-2,400,000	-4,000,000	-4,000,000	-4,000,000	-4,000,000	-1,600,000
Naval petroleum and oil shale reserves	148,786,000	149,500,000	132,022,000	133,000,000	143,786,000	-5,000,000
Energy conservation	553,189,000	735,363,000	523,444,000	570,452,000	569,762,000	+16,573,000
Biomass Energy Development (transfer)	-16,000,000	....	....	....	....	+16,000,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Economic regulation	6,297,000	2,725,000	2,725,000	2,725,000	2,725,000	-3,572,000
Strategic Petroleum Reserve	....	221,300,000	220,000,000	....	....	....
(By transfer)	(187,000,000)	....	....	(220,000,000)	(220,000,000)	(+33,000,000)
Energy Information Administration	72,266,000	66,120,000	66,120,000	64,120,000	66,120,000	-6,146,000
Total, Department of Energy:						
New budget (obligational) authority (net)	1,179,156,000	881,637,000	1,295,065,000	983,801,000	1,020,097,000	-159,059,000
Appropriations	(1,179,156,000)	(1,519,516,000)	(1,295,065,000)	(1,133,801,000)	(1,143,097,000)	(-36,059,000)
Rescission	....	(-325,000,000)	....	(-150,000,000)	(-123,000,000)	(-123,000,000)
Deferral	....	(-312,879,000)	....	....	....	....
(By transfer)	(187,000,000)	....	....	(220,000,000)	(220,000,000)	(+33,000,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,747,842,000	1,898,941,000	1,779,561,000	1,800,836,000	1,806,269,000	+58,427,000
Indian health facilities	238,958,000	275,251,000	227,701,000	251,957,000	247,731,000	+8,773,000
Total, Indian Health Service	1,986,800,000	2,174,192,000	2,007,262,000	2,052,793,000	2,054,000,000	+67,200,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	52,500,000	81,500,000	52,500,000	52,500,000	61,000,000	+8,500,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	20,345,000	25,000,000	20,345,000	19,345,000	19,345,000	-1,000,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	....
Smithsonian Institution						
Salaries and expenses	311,188,000	328,716,000	317,188,000	317,582,000	317,557,000	+6,369,000
Construction and improvements, National Zoological Park	3,250,000	4,000,000	3,250,000	4,000,000	3,850,000	+600,000
Repair and restoration of buildings	33,954,000	38,000,000	39,954,000	38,000,000	39,000,000	+5,046,000
Construction	27,700,000	13,000,000	7,000,000	12,000,000	10,000,000	-17,700,000
Total, Smithsonian Institution	376,092,000	383,716,000	367,392,000	371,582,000	370,407,000	-5,685,000
National Gallery of Art						
Salaries and expenses	51,844,000	53,899,000	53,899,000	53,899,000	53,899,000	+2,055,000
Repair, restoration and renovation of buildings	6,442,000	5,942,000	5,942,000	5,942,000	5,942,000	-500,000
Total, National Gallery of Art	58,286,000	59,841,000	59,841,000	59,841,000	59,841,000	+1,555,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	10,323,000	10,875,000	10,875,000	10,875,000	10,875,000	+552,000
Construction	8,983,000	9,000,000	9,000,000	9,000,000	9,000,000	+17,000
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,875,000	19,875,000	19,875,000	19,875,000	+569,000
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,840,000	5,840,000	5,840,000	5,840,000	5,840,000	....
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	82,259,000	115,000,000	82,734,000	82,734,000	82,734,000	+475,000
Matching grants	17,235,000	21,000,000	16,760,000	16,760,000	16,760,000	-475,000
Total, National Endowment for the Arts	99,494,000	136,000,000	99,494,000	99,494,000	99,494,000	....
National Endowment for the Humanities						
Grants and administration	94,000,000	118,250,000	92,994,000	87,994,000	96,100,000	+2,100,000
Matching grants	16,000,000	17,750,000	11,500,000	11,500,000	13,900,000	-2,100,000
Total, National Endowment for the Humanities	110,000,000	136,000,000	104,494,000	99,494,000	110,000,000	....

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Institute of Museum Services						
Grants and administration	21,000,000	23,000,000	21,000,000	21,000,000	22,000,000	+1,000,000
Total, National Foundation on the Arts and the Humanities	230,494,000	295,000,000	224,988,000	219,988,000	231,494,000	+1,000,000
Commission of Fine Arts						
Salaries and expenses	834,000	867,000	867,000	867,000	867,000	+33,000
National Capital Arts and Cultural Affairs						
Grants	6,000,000	6,733,000	6,000,000	6,000,000	6,000,000	
Advisory Council on Historic Preservation						
Salaries and expenses	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	
National Capital Planning Commission						
Salaries and expenses	5,090,000	5,885,000	5,390,000	5,390,000	5,390,000	+300,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	147,000	125,000	125,000	500,000	500,000	+353,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	28,707,000	31,262,000	29,707,000	30,707,000	30,707,000	+2,000,000
Total, title II, related agencies:						
New budget (obligational) authority (net)	6,340,770,000	6,326,056,000	6,300,089,000	6,448,130,000	6,254,322,000	-86,448,000
Appropriations	(6,253,370,000)	(6,854,404,000)	(6,300,089,000)	(6,488,599,000)	(6,377,322,000)	(+123,952,000)
Emergency appropriations	(87,400,000)	(109,531,000)		(109,531,000)		(-87,400,000)
Rescission		(-325,000,000)		(-150,000,000)	(-123,000,000)	(-123,000,000)
Deferral		(-312,879,000)				
(Timber receipts transfer to general fund, indefinite)	(-44,548,000)					(+44,548,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)				(-50,000,000)
(By transfer)	(187,000,000)			(220,000,000)	(220,000,000)	(+33,000,000)
TITLE IV - EMERGENCY APPROPRIATIONS						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources					3,500,000	+3,500,000
Wildland fire management 1/					100,000,000	+100,000,000
Oregon and California grant lands					2,500,000	+2,500,000
Total, Bureau of Land Management					106,000,000	+106,000,000
United State Fish and Wildlife Service						
Resource management		1,500,000			2,100,000	+2,100,000
Construction					15,891,000	+15,891,000
Total, United States Fish and Wildlife Service		1,500,000			17,991,000	+17,991,000
National Park Service						
Operation of the national park system		2,300,000			2,300,000	+2,300,000
Construction		6,300,000			9,300,000	+9,300,000
Total, National Park Service		8,600,000			11,600,000	+11,600,000
United States Geological Survey						
Surveys, investigations, and research					1,138,000	+1,138,000
Bureau of Indian Affairs						
Operation of Indian programs					6,600,000	+6,600,000
Contruction					6,000,000	+6,000,000
Total, Bureau of Indian Affairs					12,600,000	+12,600,000
Total, Department of the Interior		10,100,000			149,329,000	+149,329,000
DEPARTMENT OF AGRICULTURE						
Forest Service						
National forest system					3,395,000	+3,395,000
Wildland fire management 1/					550,000,000	+550,000,000
Construction					5,210,000	+5,210,000
Total, Forest Service					558,605,000	+558,605,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
OTHER RELATED AGENCIES						
Smithsonian Institution						
Salaries and expenses		935,000			935,000	+935,000
National Gallery of Art						
Salaries and expenses		382,000			382,000	+382,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance		1,600,000			1,600,000	+1,600,000
Construction		3,400,000			3,400,000	+3,400,000
Total, John F. Kennedy Center for the Performing Arts		5,000,000			5,000,000	+5,000,000
United States Holocaust Memorial Council						
Holocaust Memorial Council		1,000,000			1,000,000	+1,000,000
Total, title IV:						
New budget (obligational) authority		17,417,000			715,251,000	+715,251,000
Grand total:						
New budget (obligational) authority (net)	12,539,892,000	12,942,060,000	12,282,111,000	12,654,354,000	13,146,870,000	+606,978,000
Appropriations	(12,324,592,000)	(13,482,991,000)	(12,312,111,000)	(12,724,823,000)	(12,584,619,000)	(+260,027,000)
Emergency appropriations	(245,300,000)	(126,948,000)		(109,531,000)	(715,251,000)	(+469,951,000)
Rescissions	(-30,000,000)	(-355,000,000)	(-30,000,000)	(-180,000,000)	(-153,000,000)	(-123,000,000)
Deferral		(-312,879,000)				
(Timber receipts transfer to general fund, indefinite)	(-44,548,000)					(+44,548,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)				(-50,000,000)
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(-1,299,000)
(By transfer)	(187,000,000)			(220,000,000)	(220,000,000)	(+33,000,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,105,955,000	1,095,809,000	1,077,117,000	1,117,061,000	1,090,675,000	-15,280,000
United States Fish and Wildlife Service	645,831,000	659,073,000	627,631,000	666,849,000	652,605,000	+6,774,000
National Park Service	1,367,667,000	1,612,337,000	1,327,572,000	1,416,705,000	1,414,258,000	+46,591,000
United States Geological Survey	732,163,000	746,380,000	730,163,000	737,040,000	738,913,000	+6,750,000
Minerals Management Service	188,995,000	189,434,000	188,995,000	165,995,000	163,395,000	-25,600,000
Bureau of Mines	64,000,000			2,000,000		-64,000,000
Office of Surface Mining Reclamation and Enforcement	269,857,000	274,157,000	270,659,000	273,757,000	271,757,000	+1,900,000
Bureau of Indian Affairs	1,588,412,000	1,776,490,000	1,537,695,000	1,581,780,000	1,605,674,000	+17,262,000
Departmental Offices	236,242,000	244,907,000	222,190,000	245,037,000	240,020,000	+3,778,000
Total, Title I - Department of the Interior	6,199,122,000	6,598,587,000	5,982,022,000	6,206,224,000	6,177,297,000	-21,825,000
TITLE II - RELATED AGENCIES						
Forest Service	2,363,173,000	2,346,583,000	2,196,892,000	2,611,101,000	2,360,959,000	-2,214,000
Department of Energy	1,179,156,000	881,637,000	1,295,065,000	983,801,000	1,020,097,000	-159,059,000
Indian Health Service	1,986,800,000	2,174,192,000	2,007,262,000	2,052,793,000	2,054,000,000	+67,200,000
Indian Education	52,500,000	81,500,000	52,500,000	52,500,000	61,000,000	+8,500,000
Office of Navajo and Hopi Indian Relocation	20,345,000	25,000,000	20,345,000	19,345,000	19,345,000	-1,000,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	
Smithsonian Institution	376,092,000	383,716,000	367,392,000	371,582,000	370,407,000	-5,685,000
National Gallery of Art	58,286,000	59,841,000	59,841,000	59,841,000	59,841,000	+1,555,000
John F. Kennedy Center for the Performing Arts	19,306,000	19,875,000	19,875,000	19,875,000	19,875,000	+569,000
Woodrow Wilson International Center for Scholars	5,840,000	5,840,000	5,840,000	5,840,000	5,840,000	
National Endowment for the Arts	99,494,000	136,000,000	99,494,000	99,494,000	99,494,000	
National Endowment for the Humanities	110,000,000	136,000,000	104,494,000	99,494,000	110,000,000	
Institute of Museum Services	21,000,000	23,000,000	21,000,000	21,000,000	22,000,000	+1,000,000
Commission of Fine Arts	834,000	867,000	867,000	867,000	867,000	+33,000
National Capital Arts and Cultural Affairs	6,000,000	6,733,000	6,000,000	6,000,000	6,000,000	
Advisory Council on Historic Preservation	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	
National Capital Planning Commission	5,090,000	5,885,000	5,390,000	5,390,000	5,390,000	+300,000
Franklin Delano Roosevelt Memorial Commission	147,000	125,000	125,000	500,000	500,000	+353,000
Holocaust Memorial Council	28,707,000	31,262,000	29,707,000	30,707,000	30,707,000	+2,000,000
Total, Title II - Related Agencies	6,340,770,000	6,326,056,000	6,300,089,000	6,448,130,000	6,254,322,000	-86,448,000
TITLE IV - EMERGENCY APPROPRIATIONS						
Emergency appropriations		17,417,000			715,251,000	+715,251,000
Grand total	12,539,892,000	12,942,060,000	12,282,111,000	12,654,354,000	13,146,870,000	+606,978,000

1/ Funds were requested by the Administration as FY 1996 supplemental appropriations.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1997 (H.R. 3756)

	FY 1996 Enacted	FY 1997 Estimate	House	Pending Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	105,929,000	120,577,000	108,447,000	111,348,000	111,760,000	+5,831,000
Automation Enhancement			27,100,000	27,100,000	27,100,000	+27,100,000
Office of Inspector General	29,319,000	30,153,000	29,319,000	30,153,000	29,736,000	+417,000
Office of Professional Responsibility					1,500,000	+1,500,000
(By transfer)			(3,000,000)			
Treasury Buildings and Annex Repair and Restoration	21,491,000	7,684,000	22,892,000	43,684,000	28,213,000	+6,722,000
Financial Crimes Enforcement Network	22,198,000	23,137,000	22,387,000	22,387,000	22,387,000	+189,000
Treasury Forfeiture Fund (limitation on availability of deposits)	10,000,000	10,000,000	7,500,000	10,000,000	10,000,000	
Violent Crime Reduction Programs:						
Departmental Offices			5,971,000		18,300,000	+18,300,000
Bureau of Alcohol, Tobacco and Firearms	21,010,000	21,437,000	47,624,000	31,450,000	36,595,000	+15,585,000
Gang Resistance Education and Training: Grants	7,200,000	7,200,000	7,200,000	8,000,000	8,000,000	+800,000
United States Customs Service	25,690,000	35,283,000	15,005,000	38,900,000		-25,690,000
United States Secret Service	21,600,000	28,761,000	20,200,000	24,500,000	20,000,000	-1,600,000
Federal Law Enforcement Training Center: Salaries and Expenses	1,014,000	4,519,000		3,150,000		-1,014,000
Financial Crimes Enforcement Network			1,000,000	1,000,000	1,000,000	+1,000,000
ONDCP - HIDTA				13,000,000	13,105,000	+13,105,000
Total, Violent Crime Reduction Programs	76,514,000	97,200,000	97,000,000	120,000,000	97,000,000	+20,486,000
Federal Law Enforcement Training Center:						
Salaries and Expenses	36,070,000	50,518,000	51,681,000	52,242,000	54,831,000	+18,761,000
Acquisition, Construction, Improvements, & Related Expenses	9,663,000	9,884,000	18,884,000	19,884,000	18,884,000	+9,221,000
Total, Federal Law Enforcement Training Center	45,733,000	60,402,000	70,565,000	72,126,000	73,715,000	+27,982,000
Financial Management Service	184,300,000	198,070,000	191,799,000	196,338,000	196,069,000	+11,769,000
Bureau of Alcohol, Tobacco and Firearms:						
Salaries and Expenses	377,971,000	406,005,000	389,982,000	395,597,000	393,971,000	+16,000,000
Laboratory facilities		62,000,000		6,978,000	6,978,000	+6,978,000
Total, Bureau of Alcohol, Tobacco and Firearms	377,971,000	468,005,000	389,982,000	402,575,000	400,949,000	+22,978,000
United States Customs Service:						
Salaries and Expenses	1,387,153,000	1,466,170,000	1,487,224,000	1,421,543,000	1,487,250,000	+100,097,000
Operation and Maintenance, Air and Marine Interdiction Programs	64,843,000	83,363,000	83,363,000	83,363,000	83,363,000	+18,520,000
Air Interdiction Procurement			28,000,000	45,000,000		
Customs Services at Small Airports (to be derived from fees collected)	1,406,000	2,406,000	2,406,000	2,406,000	2,406,000	+1,000,000
Harbor Maintenance Fee Collection	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	
Total, United States Customs Service	1,456,402,000	1,554,939,000	1,603,993,000	1,555,312,000	1,576,019,000	+119,617,000
Bureau of the Public Debt	170,000,000	171,910,000	165,335,000	165,335,000	165,335,000	-4,665,000
Payment of Government Losses in Shipment	500,000					-500,000
Internal Revenue Service:						
Processing, Assistance, and Management	1,723,764,000	1,779,663,000	1,722,985,000	1,728,840,000	1,779,840,000	+56,076,000
Tax Law Enforcement	4,097,294,000	4,527,821,000	4,052,586,000	4,052,586,000	4,104,211,000	+6,917,000
Information Systems	1,527,154,000	1,687,674,000	1,077,450,000	1,240,473,000	1,323,075,000	-204,079,000
Rescission			-174,447,000	-174,447,000	-174,447,000	-174,447,000
Total, Internal Revenue Service	7,348,212,000	7,995,158,000	6,678,574,000	6,847,452,000	7,032,679,000	-315,533,000
United States Secret Service:						
Salaries and Expenses	531,944,000	516,182,000	528,368,000	519,265,000	528,262,000	-3,682,000
Rescission					-7,600,000	-7,600,000
Acquisition, Construction, Improvement, & Related Expenses		29,165,000	31,298,000	29,165,000	37,365,000	+37,365,000
Total, United States Secret Service	531,944,000	545,347,000	559,666,000	548,430,000	558,027,000	+26,083,000
Total, Title I, Department of the Treasury	10,380,513,000	11,282,582,000	9,974,559,000	10,152,240,000	10,330,489,000	-50,024,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	85,080,000	102,817,000	85,080,000	90,433,000	85,080,000	
Payment to the Postal Service Fund for Nonfunded Liabilities	36,828,000			35,536,000	35,536,000	-1,292,000
Total, Title II, Postal Service	121,908,000	102,817,000	85,080,000	125,969,000	120,616,000	-1,292,000

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1997 (H.R. 3756) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Pending Senate	Conference	Conference compared with enacted
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	
Salaries and Expenses	39,459,000	40,193,000	40,193,000	40,193,000	40,193,000	+734,000
Executive Residence at the White House:						
Operating Expenses	7,827,000	7,827,000	7,827,000	7,827,000	7,827,000	
White House Repair and Restoration	2,200,000					-2,200,000
Special Assistance to the President and the Official Residence of the Vice President:						
Operating expenses	324,000	324,000	324,000	324,000	324,000	
Salaries and Expenses	3,280,000	3,280,000	3,280,000	3,280,000	3,280,000	
Council of Economic Advisers	3,180,000	3,439,000	3,439,000	3,439,000	3,439,000	+259,000
Office of Policy Development	3,867,000	3,867,000	3,867,000	3,867,000	3,867,000	
National Security Council	6,648,000	6,648,000	6,648,000	6,648,000	6,648,000	
Office of Administration	25,736,000	26,100,000	26,100,000	26,100,000	26,100,000	+364,000
Office of Management and Budget	55,573,000	55,573,000	55,573,000	55,573,000	55,573,000	
Office of National Drug Control Policy	26,900,000	34,838,000	34,838,000	34,838,000	35,838,000	+8,938,000
Unanticipated Needs	1,000,000	1,000,000		1,000,000		-1,000,000
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program	103,000,000	103,000,000	113,000,000	135,769,000	127,102,000	+24,102,000
Total, Title III, Executive Office of the President and Funds Appropriated to the President	279,244,000	286,339,000	295,339,000	319,108,000	310,441,000	+31,197,000
TITLE IV - INDEPENDENT AGENCIES						
Advisory Commission on Intergovernmental Relations	784,000					-784,000
Administrative Conference of the United States	600,000					-600,000
Committee for Purchase from People Who Are Blind or Severely Disabled	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	
Federal Election Commission	26,521,000	29,371,000	27,524,000	28,700,000	28,165,000	+1,644,000
Federal Labor Relations Authority	20,542,000	21,988,000	21,588,000	21,588,000	21,588,000	+1,046,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation	82,600,000	517,925,000	209,193,000	257,162,000	400,544,000	+317,944,000
Rescissions	(-55,000,000)					(+55,000,000)
Limitations on availability of revenue:						
Construction & acquisition of facilities	(545,002,000)	(715,179,000)	(540,000,000)	(657,724,000)	(657,711,000)	(+112,709,000)
Repairs and alterations	(637,000,000)	(775,034,000)	(635,000,000)	(616,990,000)	(639,000,000)	(+2,000,000)
Installment acquisition payments	(181,963,000)	(173,075,000)	(173,075,000)	(173,075,000)	(173,075,000)	(-8,888,000)
Rental of space	(2,326,200,000)	(2,348,850,000)		(2,343,795,000)	(2,343,795,000)	(+17,595,000)
Building Operations	(1,302,551,000)	(1,575,151,000)		(1,532,465,000)	(1,552,651,000)	(+250,100,000)
Operations and leasing			(3,903,205,000)			
Repayment of Debt	(73,433,000)	(88,312,000)	(88,312,000)	(88,312,000)	(88,312,000)	(+14,879,000)
Environmental cleanup activities			(20,000,000)		(20,000,000)	(+20,000,000)
Consolidated Federal Law Enforcement Bldg					(81,000,000)	(+81,000,000)
Automation enhancements			(4,800,000)			
Total, Federal Buildings Fund	82,600,000	517,925,000	209,193,000	257,162,000	400,544,000	+317,944,000
(Limitations)	(5,066,149,000)	(5,675,601,000)	(5,364,392,000)	(5,412,361,000)	(5,555,544,000)	(+489,395,000)
Policy and Operations	119,091,000	110,173,000	109,091,000	110,173,000	110,173,000	-8,918,000
Office of Inspector General	33,274,000	33,863,000	33,274,000	33,863,000	33,863,000	+589,000
Allowances and Office Staff for Former Presidents	2,181,000	2,180,000	2,180,000	2,180,000	2,180,000	-1,000
Expenses, presidential transition		5,600,000	5,600,000	5,600,000	5,600,000	+5,600,000
Total, General Services Administration	237,146,000	669,741,000	359,338,000	408,978,000	552,360,000	+315,214,000
John F. Kennedy Assassination Record Review Board	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000	
Merit Systems Protection Board:						
Salaries and Expenses	24,549,000	24,549,000	23,297,000	24,549,000	23,923,000	-626,000
(Limitation on administrative expenses)	(2,430,000)	(2,430,000)	(2,430,000)	(2,430,000)	(2,430,000)	
National Archives and Records Administration:						
Operating expenses	199,633,000	196,964,000	195,109,000	198,964,000	196,963,000	-2,670,000
Reduction of debt	-4,012,000	-4,012,000	-4,012,000	-4,012,000	-4,012,000	
Rescission			-4,500,000			
Repairs and Restoration	1,500,000	2,750,000	9,500,000	18,229,000	16,229,000	+14,729,000
National Historical Publications and Records Commission: Grants program	5,000,000	4,000,000	4,000,000	5,000,000	5,000,000	
Total, National Archives and Records Administration	202,121,000	199,702,000	200,097,000	218,181,000	214,180,000	+12,059,000
Office of Government Ethics	7,776,000	8,078,000	8,078,000	8,078,000	8,078,000	+302,000

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1997 (H.R. 3756) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Pending Senate	Conference	Conference compared with enacted
Office of Personnel Management:						
Salaries and Expenses	88,000,000	87,076,000	86,576,000	87,076,000	87,076,000	-924,000
(Limitation on administrative expenses)	(102,536,000)	(94,736,000)	(93,486,000)	(94,736,000)	(94,736,000)	(-7,800,000)
Office of Inspector General	4,009,000	960,000	960,000	960,000	960,000	-3,049,000
(Limitation on administrative expenses)	(6,181,000)	(8,645,000)	(8,645,000)	(8,645,000)	(8,645,000)	(+2,464,000)
Revolving fund		5,000,000	4,755,000	5,000,000		
Government Payment for Annuitants, Employees Health Benefits	3,746,337,000	4,059,000,000	4,059,000,000	4,059,000,000	4,059,000,000	+312,663,000
Government Payment for Annuitants, Employee Life Insurance	32,647,000	33,000,000	33,000,000	33,000,000	33,000,000	+353,000
Payment to Civil Service Retirement and Disability Fund	7,945,998,000	7,989,000,000	7,989,000,000	7,989,000,000	7,989,000,000	+43,002,000
Total, Office of Personnel Management	11,816,991,000	12,174,036,000	12,173,291,000	12,174,036,000	12,169,036,000	+352,045,000
Office of Special Counsel	7,840,000	8,311,000	7,840,000	8,116,000	8,116,000	+276,000
United States Tax Court	33,269,000	34,293,000	33,269,000	34,293,000	33,781,000	+512,000
Total, Title IV, Independent Agencies	12,382,089,000	13,174,019,000	12,858,272,000	12,930,469,000	13,063,177,000	+681,088,000
(Limitation on administrative expenses)	(5,122,296,000)	(5,781,412,000)	(5,468,953,000)	(5,518,172,000)	(5,661,355,000)	(+539,059,000)
SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS						
Bureau of Alcohol, Tobacco and Firearms:						
Salaries and Expenses			12,011,000	12,011,000		
(By transfer)		(12,000,000)				
Internal Revenue Service: Information Systems (rescission)			-12,011,000	-16,500,000		
Total, Supplemental Appropriations and Rescissions (net)				-4,489,000		
TITLE VII - COUNTERTERRORISM AND DRUG LAW ENFORCEMENT						
DEPARTMENT OF THE TREASURY						
Departmental Offices:						
Salaries and expenses		288,000			288,000	+288,000
Counterterrorism fund		15,000,000			15,000,000	+15,000,000
Office of Inspector General		34,000			34,000	+34,000
Federal Law Enforcement Training Center:						
Salaries and Expenses		1,354,000			1,354,000	+1,354,000
Acquisition, Construction, Improvements, & Related Expenses		2,700,000			2,700,000	+2,700,000
Financial Management Service		449,000			449,000	+449,000
Bureau of Alcohol, Tobacco and Firearms: Salaries & expenses		66,423,000			66,423,000	+66,423,000
United States Customs Service: Salaries and expenses		62,335,000			62,335,000	+62,335,000
Bureau of the Public Debt		161,000			161,000	+161,000
Internal Revenue Service: Processing, Assistance, and Management		10,448,000			10,448,000	+10,448,000
United States Secret Service: Salaries and expenses		3,026,000			3,026,000	+3,026,000
Total, Department of the Treasury		162,218,000			162,218,000	+162,218,000
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Special forfeiture fund					112,900,000	+112,900,000
INDEPENDENT AGENCY						
Office of Personnel Management: Salaries and expenses		210,000			210,000	+210,000
Total, title VII, Counterterrorism and Drug Law Enforcement		162,428,000			275,328,000	+275,328,000
Grand total	23,163,754,000	25,008,185,000	23,213,250,000	23,523,297,000	24,100,051,000	+936,297,000
Fiscal year 1997 (net)	(23,163,754,000)	(25,008,185,000)	(23,213,250,000)	(23,527,786,000)	(24,100,051,000)	(+936,297,000)
Appropriations	(23,163,754,000)	(25,008,185,000)	(23,392,197,000)	(23,702,233,000)	(24,282,098,000)	(+1,118,344,000)
Rescissions			(-178,947,000)	(-174,447,000)	(-182,047,000)	(-182,047,000)
Fiscal year 1996 (net)				(-4,489,000)		
(Limitations)	(5,122,296,000)	(5,781,412,000)	(5,468,953,000)	(5,518,172,000)	(5,661,355,000)	(+539,059,000)
CONGRESSIONAL BUDGET RECAP						
Total amount in this bill	23,163,754,000	25,008,185,000	23,213,250,000	23,523,297,000	24,100,051,000	+936,297,000
Scorekeeping adjustments	-31,840,000	-33,428,000	104,000,000	-82,511,000	-163,328,000	-131,488,000
Total mandatory and discretionary	23,131,914,000	24,974,757,000	23,317,250,000	23,440,786,000	23,936,723,000	+804,809,000
Mandatory	11,889,400,000	12,210,250,000	12,210,250,000	12,245,786,000	12,245,786,000	+356,386,000
Discretionary:						
Crime trust fund	76,514,000	97,200,000	97,000,000	120,000,000	97,000,000	+20,486,000
General purposes	11,166,000,000	12,667,307,000	11,010,000,000	11,075,000,000	11,593,937,000	+427,937,000
Total, Discretionary	11,242,514,000	12,764,507,000	11,107,000,000	11,195,000,000	11,690,937,000	+448,423,000

TITLE V - ADDITIONAL APPROPRIATIONS

	FY 1997 Estimate	Conference
TITLE V		
ADDITIONAL APPROPRIATIONS		
CHAPTER I		
DEPARTMENT OF AGRICULTURE		
Cooperative State Research, Education, and Extension Service:		
Extension activities		753,000
Natural Resources Conservation Service:		
Watershed and flood prevention operations (emergency) 1/		63,000,000
Farm Service Agency:		
Emergency conservation program (emergency) 1/		25,000,000
Total, Chapter I:		
New budget (obligational) authority		88,753,000
Appropriations		(753,000)
Emergency appropriations		(88,000,000)
CHAPTER III		
DEPARTMENT OF DEFENSE - CIVIL		
DEPARTMENT OF THE ARMY		
Corps of Engineers - Civil		
Operation and maintenance, general (emergency) 1/		19,000,000
Bureau of Reclamation		
Operation and maintenance (emergency)	5,825,000	
DEPARTMENT OF ENERGY		
Atomic Energy Defense Activities		
Weapons activities (emergency)	15,000,000	
Other Defense activities (emergency)	8,000,000	
Total, Department of Energy	23,000,000	
Total, Chapter III:		
New budget (obligational) authority	28,825,000	19,000,000
CHAPTER IV		
CONGRESSIONAL OPERATIONS		
HOUSE OF REPRESENTATIVES		
Salaries and Expenses		
Allowances and Expenses		
Government contributions (rescission, FY 1996)		-500,000
JOINT ITEMS		
Capitol Police Board		
Capitol Police		
Salaries (rescission, FY 1996)		-3,000,000
General expenses		3,250,000
Total, Joint Items		250,000
ARCHITECT OF THE CAPITOL		
Capitol Buildings and Grounds		
Capitol buildings		250,000
Senate office buildings (reappropriation)		650,000
Total, Architect of the Capitol		900,000
Total, Chapter IV:		
New budget (obligational) authority (net)		650,000
Appropriations, FY 1997		(4,150,000)
Rescissions, FY 1996		(-3,500,000)
CHAPTER V		
DEPARTMENT OF TRANSPORTATION		
Federal Aviation Administration		
Operations (Airport and Airway Trust Fund) (emergency)	32,400,000	57,900,000
Facilities and equipment (Airport and Airway Trust Fund) (emergency)	144,200,000	147,700,000
Research, engineering, and development (Airport and Airway Trust Fund) (emergency)	21,000,000	21,000,000
Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authority)		-50,000,000
Total, Federal Aviation Administraiton	197,600,000	176,600,000

TITLE V - ADDITIONAL APPROPRIATIONS — Continued

	FY 1997 Estimate	Conference
Federal Highway Administration		
Highway-related safety grants (Highway Trust Fund) (rescission of contract authority)		-9,100,000
Federal-aid highways (Highway Trust Fund):		
Emergency relief program (emergency) 1/		82,000,000
Motor carrier safety grants (Highway Trust Fund) (rescission of contract authority)		-12,300,000
Total, Federal Highway Administration		60,600,000
National Highway Traffic Safety Administration		
Highway traffic safety grants (Highway Trust Fund) (rescission of contract authority)		-11,800,000
Federal Railroad Administration		
Northeast corridor improvement program		60,000,000
Direct Loan Financing Program:		
Direct loan subsidy		58,680,000
(Limitation on direct loans)		(400,000,000)
Grants to the National Railroad Passenger Corporation:		
Operations		22,500,000
Total, Federal Railroad Administration		129,380,000
Research and Special Programs Administration		
Research and special programs (emergency)	3,000,000	3,000,000
Total, Department of Transportation	200,600,000	369,580,000
RELATED AGENCY		
National Transportation Safety Board		
Salaries and expenses (emergency)	6,000,000	6,000,000
Emergency fund (emergency)	1,000,000	1,000,000
Total, National Transportation Safety Board	7,000,000	7,000,000
Total, Chapter V:		
New budget (obligational) authority (net)	207,600,000	376,580,000
Appropriations		(141,180,000)
Rescissions of contract authority		(-83,200,000)
Emergency appropriations	(207,600,000)	(318,600,000)
CHAPTER VI		
INDEPENDENT AGENCIES		
Community Development Financial Institutions		
Community development financial institutions fund program account		5,000,000
Environmental Protection Agency		
Science and technology		10,000,000
Environmental programs and management		42,221,000
State and tribal assistance grants		35,000,000
Total, Environmental Protection Agency		87,221,000
Federal Emergency Management Agency		
Salaries and expenses		3,000,000
Emergency appropriation	5,405,000	
Emergency management planning and assistance		12,000,000
Emergency appropriation	18,343,000	
Total, Federal Emergency Management Agency	23,748,000	15,000,000
Department of Health and Human Services		
Office of Consumer Affairs		1,500,000
National Aeronautics and Space Administration		
Science, aeronautics and technology		5,000,000
Total, Chapter VI:		
New budget (obligational) authority	23,748,000	113,721,000
Appropriations		(113,721,000)
Emergency appropriations	(23,748,000)	

TITLE V - ADDITIONAL APPROPRIATIONS — Continued

	FY 1997 Estimate	Conference
CHAPTER VII		
BILATERAL ECONOMIC ASSISTANCE		
Department of State		
Nonproliferation and antiterrorism		18,000,000
MILITARY ASSISTANCE		
FUNDS APPROPRIATED TO THE PRESIDENT		
Foreign Military Financing Program:		
Grants: Other		60,000,000
Peacekeeping operations		65,000,000
Total, Military assistance		125,000,000
Total, Chapter VII:		
New budget (obligational) authority (net)		143,000,000
CHAPTER VIII		
GENERAL PROVISIONS		
DEPARTMENT OF DEFENSE		
Research, Development, Test and Evaluation		
[1]Research, development, test and evaluation, Defense-wide		100,000,000
Total, title V:		
New budget (obligational) authority (net)	260,173,000	841,704,000
Fiscal year 1997	(260,173,000)	(845,204,000)
Appropriations		(502,804,000)
Rescissions of contract authority		(-83,200,000)
Emergency appropriations	(260,173,000)	(425,600,000)
Fiscal year 1996		(-3,500,000)

1/ Funds were requested by the Administration as FY 1996 supplemental appropriations.

Mr. Speaker, when the conference report on H.R. 3666, an act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and independent agencies for fiscal year 1997 was approved by this body late last week, the spending tables accompanying this measure were inadvertently not included in the RECORD. I now would like to include them at this place in the RECORD.

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	18,331,561,000	18,671,259,000	18,497,854,000	18,671,259,000	18,671,259,000	+339,698,000
Readjustment benefits	1,345,300,000	1,377,000,000	1,227,000,000	1,377,000,000	1,377,000,000	+31,700,000
Veterans insurance and indemnities	24,890,000	38,970,000	38,970,000	38,970,000	38,970,000	+14,080,000
Guaranty and indemnity program account (indefinite)	504,122,000	158,643,000	158,643,000	158,643,000	158,643,000	-345,479,000
Negative subsidy for guaranteed loans	-185,500,000	....	....	....	....	+185,500,000
Administrative expenses	65,226,000	107,703,000	105,226,000	105,226,000	105,226,000	+40,000,000
Loan guaranty program account (indefinite)	22,950,000	14,091,000	14,091,000	14,091,000	14,091,000	-8,859,000
Administrative expenses	52,138,000	33,810,000	33,810,000	33,810,000	33,810,000	-18,328,000
(By transfer)	(6,000,000)	....	....	....	....	(-6,000,000)
Direct loan program account (indefinite)	28,000	30,000	30,000	30,000	30,000	+2,000
(Limitation on direct loans)	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	....
Administrative expenses	459,000	80,000	80,000	80,000	80,000	-379,000
(Loan level)	(99,000)	(64,000)	(64,000)	(64,000)	(64,000)	(-35,000)
Education loan fund program account	1,000	1,000	1,000	1,000	1,000	....
(Limitation on direct loans)	(4,000)	(3,000)	(3,000)	(3,000)	(3,000)	(-1,000)
Administrative expenses	195,000	204,000	195,000	195,000	195,000	....
Vocational rehabilitation loans program account	54,000	49,000	49,000	49,000	49,000	-5,000
(Limitation on direct loans)	(1,964,000)	(2,822,000)	(1,964,000)	(2,822,000)	(2,822,000)	(+858,000)
Administrative expenses	377,000	507,000	377,000	377,000	377,000	....
Native American Veteran Housing Loan Program Account	205,000	434,000	205,000	205,000	205,000	....
Total, Veterans Benefits Administration	20,162,006,000	20,402,781,000	20,076,531,000	20,399,936,000	20,399,936,000	+237,930,000
Veterans Health Administration						
Medical care	15,775,000,000	16,438,447,000	16,498,447,000	16,412,447,000	16,313,447,000	+538,447,000
(Transfer out)	(-4,500,000)	....	....	....	....	(+4,500,000)
Delayed equipment obligation	789,000,000	570,000,000	570,000,000	596,000,000	700,000,000	-89,000,000
Total	16,564,000,000	17,008,447,000	17,068,447,000	17,008,447,000	17,013,447,000	+449,447,000
Medical and prosthetic research	257,000,000	257,000,000	277,000,000	262,000,000	262,000,000	+5,000,000
Medical administration and miscellaneous operating expenses	63,602,000	62,207,000	59,207,000	62,207,000	61,207,000	-2,395,000
(By transfer)	(4,500,000)	....	....	....	....	(-4,500,000)
Transitional housing loan program:						
Loan program account (by transfer)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	....
Administrative expenses (by transfer)	(54,000)	(54,000)	(54,000)	(54,000)	(54,000)	....
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	(70,000)	(70,000)	....
General post fund (transfer out)	(-61,000)	(-61,000)	(-61,000)	(-61,000)	(-61,000)	....
Total, Veterans Health Administration	16,884,602,000	17,327,654,000	17,404,654,000	17,332,654,000	17,336,654,000	+452,052,000
Departmental Administration						
General operating expenses	848,143,000	843,730,000	840,584,000	813,730,000	827,584,000	-20,559,000
Offsetting receipts	(32,000,000)	(32,000,000)	(32,000,000)	(32,000,000)	(32,000,000)	....
(Transfer out)	(-6,000,000)	....	....	....	....	(+6,000,000)
Total, Program Level	(874,143,000)	(875,730,000)	(872,584,000)	(845,730,000)	(859,584,000)	(-14,559,000)
National Cemetery System	72,604,000	76,864,000	76,864,000	76,864,000	76,864,000	+4,260,000
Office of Inspector General	30,900,000	31,175,000	30,900,000	30,900,000	30,900,000	....
Construction, major projects	136,155,000	249,900,000	245,358,000	178,250,000	250,858,000	+114,703,000
(Transfer out)	(-7,000,000)	....	....	....	....	(+7,000,000)
Construction, minor projects	190,000,000	189,241,000	160,000,000	190,000,000	175,000,000	-15,000,000
Parking revolving fund	....	....	12,300,000	....	12,300,000	+12,300,000
(By transfer)	(7,000,000)	....	....	....	....	(-7,000,000)
Grants for construction of state extended care facilities	47,397,000	39,909,000	47,397,000	47,397,000	47,397,000	....
Grants for the construction of state veterans cemeteries	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	....
Total, Departmental Administration	1,326,199,000	1,431,819,000	1,414,403,000	1,338,141,000	1,421,903,000	+95,704,000
Total, title I, Department of Veterans Affairs	38,372,807,000	39,162,254,000	38,895,588,000	39,070,731,000	39,158,493,000	+785,686,000
(By transfer)	(17,561,000)	(61,000)	(61,000)	(61,000)	(61,000)	(-17,500,000)
(Limitation on direct loans)	(2,437,000)	(3,259,000)	(2,401,000)	(3,259,000)	(3,259,000)	(+822,000)
Consisting of:						
Mandatory	(20,043,351,000)	(20,259,993,000)	(19,936,588,000)	(20,259,993,000)	(20,259,993,000)	(+216,642,000)
Discretionary	(18,329,456,000)	(18,902,261,000)	(18,959,000,000)	(18,810,738,000)	(18,898,500,000)	(+569,044,000)

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Selected Housing Programs						
Annual contributions for assisted housing	9,818,795,000	5,597,000,000	5,132,000,000			-9,818,795,000
Prepayment authority	4,000,000					-4,000,000
Rescission		-123,000,000				
Transfer to housing certificates funds		(-100,000,000)				
Housing for special populations: Elderly and disabled		769,000,000	909,000,000			
Rental housing assistance:						
Rescission of budget authority, indefinite	-35,119,000					+35,119,000
(Limitation on annual contract authority, indefnite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
Rescission of prepayment recaptures	-163,000,000					+163,000,000
Housing certificates funds		290,000,000	166,000,000			
Transfer from annual contributions		(100,000,000)				
Public housing operating fund	2,800,000,000	2,900,000,000	2,850,000,000			-2,800,000,000
Public and Indian housing capital funds		2,700,000,000	2,700,000,000			
Public and Indian housing bonus program		500,000,000				
Revitalization of severely distressed public housing (HOPE VII)	480,000,000	650,000,000	550,000,000		550,000,000	+70,000,000
Drug elimination grants for low-income housing	290,000,000	290,000,000	290,000,000		290,000,000	
Development of additional subsidized housing				969,464,000	1,039,000,000	+1,039,000,000
Prevention of resident displacement				4,775,000,000	4,640,000,000	+4,640,000,000
Transfer from recaptures					(50,000,000)	(+50,000,000)
Total				(4,775,000,000)	(4,690,000,000)	(+4,690,000,000)
Preserving existing housing investment				6,740,000,000	5,750,000,000	+5,750,000,000
Prepayment authority				2,000,000	2,000,000	+2,000,000
Rescission of recaptures				-150,000,000	-150,000,000	-150,000,000
Violent crime reduction program		3,000,000				
Indian housing loan guarantee fund program account	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	
(Limitation on guarantee loans)	(36,900,000)	(36,900,000)	(36,900,000)	(36,900,000)	(36,900,000)	
Community Planning and Development						
Community development grants	4,600,000,000	4,600,000,000	4,300,000,000	4,600,000,000	4,600,000,000	
Delay of obligation			300,000,000			
Emergency appropriations	(50,000,000)					(-50,000,000)
Total	4,600,000,000	4,600,000,000	4,600,000,000	4,600,000,000	4,600,000,000	
CDBG/economic development bonus program		300,000,000				
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(1,500,000,000)	(2,000,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	
Credit subsidy	31,750,000	46,000,000	31,750,000	31,750,000	31,750,000	
Administrative expenses	675,000	675,000	675,000	675,000	675,000	
Total	4,632,425,000	4,946,675,000	4,632,425,000	4,632,425,000	4,632,425,000	
HOME investment partnerships program	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	
HOME fund challenge grant bonus program		150,000,000				
Total, Selected housing programs (net)	19,230,101,000	20,075,675,000	18,632,425,000	18,371,889,000	18,156,425,000	-1,073,676,000
Homeless Assistance						
Homeless assistance grants	823,000,000	1,010,000,000	823,000,000	823,000,000	823,000,000	
Homeless grant bonus program		110,000,000				
Total	823,000,000	1,120,000,000	823,000,000	823,000,000	823,000,000	
Housing opportunities for persons with AIDS		171,000,000	171,000,000	171,000,000	171,000,000	+171,000,000
Transfer from recaptures					(25,000,000)	(+25,000,000)
Total		(171,000,000)	(171,000,000)	(171,000,000)	(196,000,000)	(+196,000,000)

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	....
(Limitation on direct loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	....
Administrative expenses	341,595,000	350,595,000	341,595,000	350,595,000	350,595,000	+9,000,000
Offsetting receipts	-341,595,000	-350,595,000	-341,595,000	-350,595,000	-350,595,000	-9,000,000
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	....
(Limitation on direct loans)	(120,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	....
Administrative expenses	202,470,000	207,470,000	202,470,000	207,470,000	207,470,000	+5,000,000
Program costs	85,000,000	160,000,000	85,000,000	85,000,000	85,000,000	....
Subsidy - multifamily	-37,996,000	-18,000,000	-18,000,000	-18,000,000	-18,000,000	+19,996,000
Subsidy - single family	-27,044,000	-64,000,000	-64,000,000	-64,000,000	-64,000,000	-36,956,000
Subsidy - Title I	-23,777,000	-25,000,000	-25,000,000	-25,000,000	-25,000,000	-1,223,000
Total, Federal Housing Administration	198,653,000	260,470,000	180,470,000	185,470,000	185,470,000	-13,183,000
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	....
Administrative expenses	9,101,000	9,383,000	9,101,000	9,383,000	9,383,000	+282,000
Offsetting receipts	-508,300,000	-218,000,000	-218,000,000	-218,000,000	-218,000,000	+290,300,000
Policy Development and Research						
Research and technology	34,000,000	45,000,000	34,000,000	34,000,000	34,000,000	....
Fair Housing and Equal Opportunity						
Fair housing activities	30,000,000	33,000,000	30,000,000	30,000,000	30,000,000	....
Management and Administration						
Salaries and expenses	420,000,000	430,718,000	376,589,000	420,000,000	420,000,000	....
(By transfer, limitation on FHA corporate funds)	(532,782,000)	(546,782,000)	(532,782,000)	(546,782,000)	(546,782,000)	(+14,000,000)
(By transfer, GNMA)	(9,101,000)	(9,383,000)	(9,101,000)	(9,383,000)	(9,383,000)	(+282,000)
(By transfer, Community Planning & Development)	(675,000)	(675,000)	(675,000)	(675,000)	(675,000)	....
Total, Salaries and expenses	(962,558,000)	(987,558,000)	(919,147,000)	(976,840,000)	(976,840,000)	(+14,282,000)
Office of Inspector General	36,567,000	36,567,000	36,567,000	36,567,000	36,567,000	....
(By transfer, limitation on FHA corporate funds)	(11,283,000)	(11,283,000)	(11,283,000)	(11,283,000)	(11,283,000)	....
(By transfer from Drug Elimination Grants)	....	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)
Total, Office of Inspector General	(47,850,000)	(52,850,000)	(52,850,000)	(52,850,000)	(52,850,000)	(+5,000,000)
Office of federal housing enterprise oversight	14,895,000	15,751,000	14,895,000	15,751,000	15,500,000	+605,000
Offsetting receipts	-14,895,000	-15,751,000	-14,895,000	-15,751,000	-15,500,000	-605,000
Administrative Provisions						
1-year extension of HECM's demonstration	-7,000,000	....	....	....	....	+7,000,000
FHA Assignment Reform	-1,066,000,000	....	....	....	....	+1,066,000,000
FHA Assignment Reform, 1997	-96,000,000	....	-128,000,000	-128,000,000	-128,000,000	-32,000,000
Multifamily property disposition - FHA fund	-40,000,000	....	-80,000,000	-80,000,000	-80,000,000	-40,000,000
Sec. 210 - financing adjustment	....	....	....	....	464,442	+464,442
Sec. 212 - demonstration	30,000,000	....	....	10,000,000	10,000,000	-20,000,000
Sec. 224 - FHA fund	33,000,000	....	....	....	....	-33,000,000
Total, administrative provisions	-1,146,000,000	....	-208,000,000	-198,000,000	-197,535,558	+948,464,442
Total, title II, Department of Housing and Urban Development (net)	19,127,122,000	21,963,813,000	19,867,152,000	19,665,309,000	19,450,309,442	+323,187,442
Appropriations	(19,325,241,000)	(21,963,813,000)	(19,867,152,000)	(19,665,309,000)	(19,450,309,442)	(+125,068,442)
Rescissions	(-198,119,000)	....	....	....	....	(+198,119,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	....
(Limitation on guaranteed loans)	(238,900,000,000)	(239,400,000,000)	(238,900,000,000)	(238,900,000,000)	(238,900,000,000)	....
(Limitation on corporate funds)	(553,841,000)	(573,123,000)	(558,841,000)	(573,123,000)	(573,123,000)	(+19,282,000)

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	20,265,000	20,400,000	22,265,000	22,265,000	22,265,000	+2,000,000
Community Development Financial Institutions						
Community development financial institutions fund program account	45,000,000	125,000,000	45,000,000	45,000,000	45,000,000	....
Consumer Product Safety Commission						
Salaries and expenses	40,000,000	42,500,000	42,500,000	42,500,000	42,500,000	+2,500,000
Corporation for National and Community Service						
National and community service programs operating expenses	400,500,000	543,549,000	....	400,500,000	400,500,000	....
Office of Inspector General	2,000,000	2,125,000	....	2,000,000	2,000,000	....
Total	402,500,000	545,674,000	....	402,500,000	402,500,000	....
Court of Veterans Appeals						
Salaries and expenses	9,000,000	8,795,000	10,640,000	9,229,000	9,229,000	+229,000
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	11,946,000	11,600,000	11,600,000	11,600,000	11,600,000	-346,000
Environmental Protection Agency						
Science and Technology	525,000,000	578,748,000	538,500,000	545,000,000	542,000,000	+17,000,000
Transfer from hazardous substance superfund	....	43,000,000	35,000,000	35,000,000	35,000,000	+35,000,000
Subtotal, Science and Technology	525,000,000	621,748,000	573,500,000	580,000,000	577,000,000	+52,000,000
Environmental Programs and Management	1,677,300,000	1,894,329,000	1,704,500,000	1,713,000,000	1,710,000,000	+32,700,000
Office of Inspector General	28,500,000	30,744,000	28,500,000	28,500,000	28,500,000	....
Transfer from Hazardous Substance Superfund	11,000,000	11,000,000	11,000,000	11,000,000	11,000,000	....
Transfer from Leaking Underground Storage Tanks	500,000	1,000,000	577,000	577,000	577,000	+77,000
Subtotal, OIG	40,000,000	42,744,000	40,077,000	40,077,000	40,077,000	+77,000
Buildings and facilities	110,000,000	209,220,000	107,220,000	27,220,000	87,220,000	-22,780,000
Hazardous substance superfund	1,213,400,000	1,394,245,000	2,201,200,000	1,294,245,000	1,294,245,000	+80,845,000
Reauthorization legislation contingency	....	....	-861,000,000	....	....	....
Delay of obligation	100,000,000	....	....	100,000,000	100,000,000	....
Transfer to OIG	-11,000,000	-11,000,000	-11,000,000	-11,000,000	-11,000,000	....
Transfer to science and technology	....	-43,000,000	-35,000,000	-35,000,000	-35,000,000	-35,000,000
Subtotal, Hazardous substance superfund	1,302,400,000	1,340,245,000	1,294,200,000	1,348,245,000	1,348,245,000	+45,845,000
Leaking underground storage tank trust fund	45,827,000	67,119,000	66,500,000	60,000,000	60,000,000	+14,173,000
Transfer to OIG	-500,000	-1,000,000	-577,000	-577,000	-577,000	-77,000
(Limitation on administrative expenses)	(7,000,000)	....	(7,000,000)	(7,000,000)	(7,000,000)	....
Subtotal, LUST	45,327,000	66,119,000	65,923,000	59,423,000	59,423,000	+14,096,000
Oil spill response	15,000,000	15,305,000	15,000,000	15,000,000	15,000,000	....
(Limitation on administrative expenses)	(8,000,000)	....	(8,000,000)	(8,000,000)	(8,000,000)	....
State and Tribal Assistance Grants	2,813,000,000	2,852,207,000	2,768,207,000	2,815,207,000	2,875,207,000	+62,207,000
Working capital fund	....	(101,526,000)	(101,526,000)	(101,526,000)	(101,526,000)	(+101,526,000)
Total, EPA	6,528,027,000	7,041,917,000	6,568,627,000	6,598,172,000	6,712,172,000	+184,145,000
Executive Office of the President						
Office of Science and Technology Policy	4,981,000	4,932,000	4,932,000	4,932,000	4,932,000	-49,000
Council on Environmental Quality and Office of Environmental Quality	2,150,000	2,436,000	2,250,000	2,436,000	2,436,000	+286,000
Total	7,131,000	7,368,000	7,182,000	7,368,000	7,368,000	+237,000

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Emergency Management Agency						
Disaster relief	222,000,000	320,000,000	1,120,000,000	1,320,000,000	1,320,000,000	+1,098,000,000
Rescission of emergency appropriations	(-1,000,000,000)	....	....	....	....	(+1,000,000,000)
Disaster assistance direct loan program account:						
State share loan	2,155,000	1,385,000	1,385,000	1,385,000	1,385,000	-770,000
(Transfer from Disaster relief - emergency)	(104,000,000)	....	....	....	....	(-104,000,000)
(Limitation on direct loans)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	....
Administrative expenses	95,000	548,000	548,000	548,000	548,000	+453,000
Salaries and expenses	168,900,000	166,733,000	168,000,000	166,733,000	167,500,000	-1,400,000
Office of the Inspector General	4,673,000	4,533,000	4,533,000	4,673,000	4,673,000	....
Emergency management planning and assistance	203,044,000	199,101,000	209,101,000	199,101,000	206,701,000	+3,657,000
Emergency food and shelter program	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	....
Administrative provision REP savings	-12,257,000	-12,251,000	-12,251,000	-12,251,000	-12,251,000	+6,000
Equipment sales (sec. 519)	-10,000,000	....	....	....	....	+10,000,000
Working capital fund	....	(16,816,000)	(16,816,000)	(16,816,000)	(16,816,000)	(+16,816,000)
National Flood Insurance:						
Salaries and expenses	(20,562,000)	(20,981,000)	(20,981,000)	(20,981,000)	(20,981,000)	(+419,000)
Flood mitigation	(70,464,000)	(78,464,000)	(78,464,000)	(78,464,000)	(78,464,000)	(+8,000,000)
Total, Federal Emergency Management Agency	678,810,000	780,049,000	1,591,316,000	1,780,189,000	1,788,556,000	+1,109,946,000
General Services Administration						
Consumer Information Center Fund	2,061,000	2,060,000	2,260,000	2,260,000	2,260,000	+199,000
(Limitation on administrative expenses)	(2,602,000)	....	(2,602,000)	....	....	(-2,602,000)
Department of Health and Human Services						
Office of Consumer Affairs	1,800,000	1,811,000	....	....	....	-1,800,000
National Aeronautics and Space Administration						
Human space flight	5,456,600,000	5,362,900,000	5,362,900,000	5,362,900,000	5,362,900,000	-93,700,000
Science, aeronautics and technology	5,928,900,000	5,862,100,000	5,862,100,000	5,762,100,000	5,762,100,000	-166,800,000
Mission support	2,502,200,000	2,562,200,000	2,562,200,000	2,562,200,000	2,562,200,000	+60,000,000
Office of Inspector General	16,000,000	17,000,000	17,000,000	17,000,000	17,000,000	+1,000,000
Administrative provision: Transfer authority	(50,000,000)	....	....	....	(177,000,000)	(+127,000,000)
Fixed asset acquisitions (sec. 621):						
Tracking and Data Relay Satellite Replenishment program	....	558,000,000	....	....	....	....
New Millennium program	....	342,000,000	....	....	....	....
Total, NASA	13,903,700,000	14,704,200,000	13,604,200,000	13,704,200,000	13,704,200,000	-199,500,000
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	....
(Limitation on administrative expenses, corporate funds)	(560,000)	(560,000)	(560,000)	(560,000)	(560,000)	....
Revolving loan program	....	....	1,000,000	1,000,000	1,000,000	+1,000,000
National Science Foundation						
Research and related activities	2,314,000,000	2,472,000,000	2,431,110,000	2,432,000,000	2,432,000,000	+118,000,000
Major research equipment	70,000,000	95,000,000	80,000,000	80,000,000	80,000,000	+10,000,000
Academic research infrastructure	100,000,000	....	....	....	....	-100,000,000
Education and human resources	599,000,000	619,000,000	612,000,000	624,000,000	619,000,000	+20,000,000
Salaries and expenses	127,310,000	134,310,000	125,200,000	134,310,000	134,310,000	+7,000,000
Office of Inspector General	4,490,000	4,890,000	4,690,000	4,690,000	4,690,000	+200,000
National Science Foundation headquarters relocation	5,200,000	....	....	....	....	-5,200,000
Total, NSF	3,220,000,000	3,325,000,000	3,253,000,000	3,275,000,000	3,270,000,000	+50,000,000
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	38,667,000	55,000,000	50,000,000	49,900,000	49,900,000	+11,233,000
Selective Service System						
Salaries and expenses	22,930,000	22,930,000	22,930,000	22,930,000	22,930,000	....
Total, title III, Independent agencies	24,931,637,000	26,694,304,000	25,232,520,000	25,974,113,000	26,091,480,000	+1,159,843,000
(Limitation on administrative expenses)	(17,602,000)	....	(17,602,000)	(15,000,000)	(15,000,000)	(-2,602,000)
(Limitation on direct loans)	(716,026,000)	(724,445,000)	(724,445,000)	(724,445,000)	(724,445,000)	(+8,419,000)
(Limitation on corporate funds)	(560,000)	(560,000)	(560,000)	(560,000)	(560,000)	....
CORPORATIONS						
Resolution Trust Corporation: Office of Inspector General	11,400,000	....	....	....	....	-11,400,000

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE V						
SUPPLEMENTAL APPROPRIATION - FY 1996						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions				100,000,000	100,000,000	+100,000,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)		(20,000,000,000)		(20,000,000,000)	(20,000,000,000)	(+20,000,000,000)
Total, title V, Supplemental Appropriations				100,000,000	100,000,000	+100,000,000
Grand total (net)	82,442,966,000	87,820,371,000	83,995,260,000	84,810,153,000	84,800,282,442	+2,357,316,442
Fiscal year 1997 (net)	(82,442,966,000)	(87,820,371,000)	(83,995,260,000)	(84,710,153,000)	(84,700,282,442)	(+2,257,316,442)
Appropriations	(82,641,085,000)	(87,820,371,000)	(83,995,260,000)	(84,710,153,000)	(84,700,282,442)	(+2,059,197,442)
Rescissions	(-198,119,000)					(+198,119,000)
Fiscal year 1996				(100,000,000)	(100,000,000)	(+100,000,000)
(By transfer)	(121,561,000)	(100,061,000)	(61,000)	(61,000)	(75,061,000)	(-46,500,000)
(Limitation on administrative expenses)	(17,602,000)		(17,602,000)	(15,000,000)	(15,000,000)	(-2,602,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
(Limitation on direct loans)	(1,075,363,000)	(1,084,604,000)	(1,083,746,000)	(1,084,604,000)	(1,084,604,000)	(+9,241,000)
(Limitation on guaranteed loans, FY 1996)		(20,000,000,000)		(20,000,000,000)	(20,000,000,000)	(+20,000,000,000)
(Limitation on guaranteed loans, FY 1997)	(238,900,000,000)	(239,400,000,000)	(238,900,000,000)	(238,900,000,000)	(238,900,000,000)	
(Limitation on corporate funds)	(554,401,000)	(573,683,000)	(559,401,000)	(573,683,000)	(573,683,000)	(+19,282,000)
CONGRESSIONAL BUDGET RECAP						
Total amounts in this bill	82,442,966,000	87,820,371,000	83,995,260,000	84,810,153,000	84,800,282,442	+2,357,316,442
Scorekeeping adjustments	-51,000,000	25,000,000	15,000,000	-108,000,000	-132,100,000	-81,100,000
Total mandatory and discretionary	82,391,966,000	87,845,371,000	84,010,260,000	84,702,153,000	84,668,182,442	+2,276,216,442
Mandatory	20,043,351,000	20,259,993,000	19,936,588,000	20,259,993,000	20,259,993,000	+216,642,000
Discretionary:						
Crime trust fund		3,000,000				
General purposes:						
Defense (Function 050):						
Federal Emergency Management Agency:						
Salaries and expenses	43,874,000	24,000,000	24,000,000	24,000,000	24,000,000	-19,874,000
Emergency management planning and assistance	24,025,000	15,000,000	16,000,000	15,000,000	16,000,000	-8,025,000
Selective Service System	22,930,000	22,930,000	22,930,000	22,930,000	22,930,000	
National Science Foundation: Research and related activities	62,600,000	63,000,000	63,000,000	63,000,000	63,000,000	+400,000
Total, Defense	153,429,000	124,930,000	125,930,000	124,930,000	125,930,000	-27,499,000
Nondefense discretionary	62,195,186,000	67,457,448,000	63,947,742,000	64,317,230,000	64,282,259,442	+2,087,073,442
Total, General purposes	62,348,615,000	67,582,378,000	64,073,672,000	64,442,160,000	64,408,189,442	+2,059,574,442
Total, Discretionary	62,348,615,000	67,585,378,000	64,073,672,000	64,442,160,000	64,408,189,442	+2,059,574,442

Mr. Speaker, I reserve the balance of my time.

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Mr. OBEY. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, I think it is useful for us to take just a few moments to analyze just how different this appropriation bill is from a number of appropriation bills which this House was considering just about a year ago.

A year ago, the majority tried to force the Clinton administration to sign a budget that set us on the path to cutting real levels of support for education by 30 percent, by cutting real levels of support for training by 40 percent, by cutting real levels of support for the environment by 30 percent.

This year, that will not happen. This year, the Government is not shutting down, and this year we are not seeing in the bill before us today those kinds of deep reductions in the investments that are necessary to make this country grow.

Last year, the Government was shut down on purpose in order to force the President to sign a bill which made very deep reductions in these investments. This year, we came within 3 days of seeing the Government shut down by accident. Thank God, it did not happen. I think a lot of people are due credit for that.

First of all, I would like to point out why we are here in this position tonight. Four months ago the House passed appropriations bills which asked the President to spend $11 billion more than he wanted to spend in the area of military spending. They put us on the road to a 5-year real reduction in support for education of 20 percent. They put us on the road to similar reductions in support for training, for Cops on the Beat, and other critical areas.

This committee did its job in passing all 13 appropriation bills, but half of the appropriation bills never finished their passage through the Congress, as the chairman has indicated.

In addition, there are a huge number of other authorizations which did not make it through the Congress. This bill must pass tonight because all of those others didn't.

I support the bill because it is the only way that we can keep our obligation to keep Government open and to make some of the investments necessary to help our people. I also support it because it does restore some of the reductions in those investments that are so important to our children and our workers.

For instance, Head Start will now add children rather than dumping them off the rolls, as this Congress was asked to do just a year ago.

Title I, the most important education program we have to help young children learn how to read, to deal with math, to deal with science, title I will be helping an additional 400,000 children, rather than dumping almost 1 million of them off the rolls as we were asked to do just about a year ago.

School-to-Work under this bill is strengthened rather than being eliminated, as this Congress tried to do just a few short months ago.

Safe and Drug-Free Schools is also strengthened under this bill in comparison to the very deep reductions that this Congress was asked to make just a few months ago.

Pell grants, the major grant to enable the children of working families to go to college: there will be 150,000 more working-class students who will get help under Pell grants.

There will be over 700,000 young people who will receive Perkins loan help, rather than zeroing out the program.

Job training is 6 percent stronger than the original House bill this year alone, not to mention the deep reductions that were made in it a year ago.

The Older Americans Act: we will be providing adjustments in the minimum wage for 74,000 seniors who work part time at minimum wage salaries trying to do public service work and staying off the welfare rolls at the same time.

The attack that we saw in this House earlier this year on the enforcement of labor laws which protect workers from abuse at the bargaining table is turned back in this bill. There will be no crippling of the National Labor Relations Board. There will be no handcuffs placed on government efforts to strengthen health and safety protections for workers in the workplace. And thanks to the insistence of the Clinton administration, working people and kids are going to be put at the top of our priority list again, rather than near the bottom, as we feel they were a year ago.

These restorations are paid for and will not add to the deficit, the taxpayers will be happy to hear.

But this bill also contains a string of other authorizing legislation. In fact, there are some 31 separate major authorization provisions being attached.

I have been asked by many Members of the House, "DAVE, can you guarantee that there is not some provision in here which we will regret when we hear about it in the weeks to come?"

My answer is simply to invite you to take a look at the stack on that table, or on the table in front of the gentlewoman from Ohio. That bill is not measured in pages, it is measured in feet. It is about a foot and a half long. I do not know how much it weighs, but you could get a double hernia lifting it.

I would simply say that I think I know most of the legislative decisions that were made by the Committee on Appropriations, but I certainly cannot verify that there are not some provisions in these other portions of the bill which we will wish we had not seen because they were managed by many other committees, there were not managed by the Committee on Appropriations. This is simply the vehicle by which all of that other legislation is getting done.

You have an immense amount of legislation that has never been considered by either body, and, as a result, I think that in many ways, unfortunately, this legislation is a case study in institutional failure because of the massive amount of somebody else's unfinished business that had to be attached to the appropriations legislation.

As a result, we have had a huge number of Members, the vast majority of the people's Representatives, who have been cut out of the process, and I think that that is a terrible abuse of the legislative process. It has also meant, frankly, that the administration has played a much heavier role in the direct drafting of legislation than I am, frankly, comfortable with. But I think that was made necessary by the lack of ability of the Congress as a bicameral institution to pass all of the legislation that it was required to pass without that kind of involvement.

Having said all of that, I simply want to say a few things about the gentleman from Louisiana [Mr. LIVINGSTON]. The House Committee on Appropriations did do its job by finishing its appropriations bills on time, even if the Senate did not and even if the Congress, as an institution, did not.

You may have noticed that BOB LIVINGSTON and I disagree often. You may have noticed that we have strong views, often in the opposite direction. We have different priorities, I think it is safe to say. But I would like to think that he and I have demonstrated a relationship that shows that people of the opposite political parties can have a relationship that demonstrates respect and even deep friendship, even while differing over very important and fundamental issues.

I think our relationship demonstrates that opponents do not have to be enemies. I certainly regard the gentleman as being one of the strongest and closest friends I have on Capitol Hill.

I would simply like to congratulate him for all of the work he has done. It has taken an immense amount of work to get to this point, including coordinating an awful lot of issues about which we knew absolutely nothing because that responsibility was thrust upon us.

I would also like to thank every single member of the Committee on Appropriations staff, and especially on the Democratic side, Greg Dahlberg, Mark Murray, Nancy Madden, Bob Bonner, Cheryl Smith, Mark Mioduski, Scott Lilly, Tom Forhan, Pat Schlueter, and Del Davis. Many of them have, indeed, gone 2 and 3 days without sleep. Others perhaps have been able to catch an hour or two at the most. I think the American public would be profoundly impressed if they could see the dedication which all of them have brought to their jobs.

I would also like to thank Leon Panetta, the President's Chief of Staff. Without his involvement we would be facing a government shutdown. There is absolutely no doubt about that.

Mr. Speaker, anyone who watched those meetings this week understands that Mr. Panetta truly has a profound understanding of the way this Government does work and the way it is supposed to work, and without him we would never have been here with this legislation tonight.

I would also like to especially thank Senator MARK HATFIELD and Senator ROBERT BYRD, two truly fine gentlemen, two truly outstanding public servants. They helped us over many a rough spot, and without their help, we also would not be here tonight.

So Mr. Speaker, at this point I would simply like to stop my remarks. I know we have several other Members who would like to make short comments on our side of the aisle. I would again like to thank everyone who cooperated.

I am sorry we could not help a lot of Members on a lot of items they would have liked help on, but we felt we could not do it because we, frankly, did not have the time to examine each of those items and we did not want to embarrass this institution by accepting many items that we knew very little or nothing about. So I thank all of the Members of the House for their understanding.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I thank the gentleman for his gracious comments and say that, frankly, I believe that we had an enormously successful 2 years on the Committee on Appropriations, and that would not have been possible without the close advice and consultation with Mr. OBEY. He has indeed been a friend.

We have been adversaries, but we have been adversaries in a friendly way. It has been a pleasure to deal with him. I appreciate his assistance and, likewise, the great assistance effort we got from the two gentlemen on the other side, Senator BYRD and Senator HATFIELD.

Mr. Speaker, I yield to the outstanding and vigorous gentleman from Florida, the chairman of the Subcommittee on National Security who has been like my right arm, only he is on the left side of my office. His office is right next to mine, one-stop shopping for the Defense Department, my friend, BILL YOUNG from Florida.

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I want to also pay special tribute to the gentleman from Pennsylvania [Mr. MURTHA] who is the ranking member on our subcommittee.

In our section of this bill today, we bring in a true bipartisan fashion, as we always have. This is an excellent bill as far as the national defense and intelligence appropriation is concerned. And when we came from conference, had it not been for the tremendous cooperation of our counterparts, Senator STEVENS and Senator INOUYE, we could not have come to the conclusion that we did nearly 3 weeks ago with a bill that was very close to the House-passed bill earlier on.

This conference report is the product of the work of each and every subcommittee member who spent hours and days in hearings, on inspections in the field, and in the markup and conference sessions. On our side of the aisle, I'm particularly appreciative of the wise counsel of Joe McDade. Joe and I joined the subcommittee at the same time, 16 years ago and we have sat side by side through all of those years. Earlier, I thanked BOB LIVINGSTON for his great leadership of the full committee, and in spite of his very active schedule, he still finds time to devote a lot of energy toward our National Security efforts. JERRY LEWIS and JOE SKEEN each chair their own subcommittees, yet they still play a very active role on our subcommittee. DAVE HOBSON and HENRY BONILLA have a very strong interest in our National Security and have been there every step of the way. Two new members to our effort are GEORGE NETHERCUTT and ERNEST ISTOOK. They may not have as much experience as others on the subcommittee but they each have played a very important role in our work.

Earlier, I referred to the bipartisanship of our committee. Anyone who attends our hearings or observes the work of this subcommittee would have a hard time telling which party each of us belongs to, because we all have such a strong commitment to a strong National Defense. JACK MURTHA has been a great partner, a wise counselor, and a true patriot in the work of this subcommittee. NORM DICKS is a knowledgeable and hard working member who plays a particularly important role in our Intelligence effort. CHARLIE WILSON is leaving the Congress, and we will miss his great contribution and his sense of humor which has more than once allowed us to get through a tough hearing or markup. BILL HEFNER and MARTY SABO also play a very important role on our committee, and still find time to do so even with their other important responsibilities as ranking minority members on the Military Construction subcommittee and the Budget Committee.

I also want to compliment the great work of our staff. They work hard, long hours, with many nights and weekends away from their families. They also have an expertise in their individual areas that is astounding. Kevin Roper, our clerk and staff director, combines a computer like brain with a day that starts and ends when most of the rest of this town is in bed. He is supported by a group of analysts who, as I said before, are not only very knowledgeable but have a particularly strong devotion themselves to a strong National Defense for our Nation. They are Doug Gregory, Tina Jonas, Alicia Jones, Paul Juola, Patricia Ryan, David Killian, Steve Nixon, Julie Pacquing, John Plashal, Greg Walters, and Stacy Trimble. I also want to thank Paige Schreiner for her work for the committee before she left to have a baby earlier this year and Katy Hagen who joined us just recently.

This conference bill had to come down in numbers and we are basically a billion dollars under the House-passed bill. We were able to do that with a lot of heartburn and a lot of heartache. We had to eliminate programs that we did not want to eliminate, but it had to be done.

But I want to report to my colleagues, Mr. Speaker, that two-thirds of the bill, as it relates to the national defense and intelligence section of this bill, two thirds of those dollars go for readiness, for training, for military personnel, pay raises, health issues, educational issues, matters of this type. The other third goes for research and development, procurement and other types of investment in our national security.

We fully funded the 3 percent pay raise. We added $475 million to the health care budget shortfall in the President's budget. We added $600 million over the budget for barracks and facilities repair for our people in uniform for a decent place to live. We added $138 million to continue the DOD breast cancer research and care programs. We fully funded all the readiness and training programs, and we added significant amounts for very key programs such as $353 million for the new counterterrorism programs, $165 million over the budget for Department of Defense drug interdiction operations. We provided $300 million additional for the defense operations of the U.S. Coast Guard.

This is a good bill. For those who might be wondering if they should vote for this overall package or not, but they believe in a strong national defense, the defense section of this bill is strong enough to overcome those apprehensions and overcome those fears. They should be able to vote for this bill based on the strength of the section dealing with national defense.

Mr. Speaker, I include for the RECORD tabular material, as we normally do on a conference report.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	19,946,187,000	20,580,738,000	20,692,838,000	20,559,042,000	20,633,998,000	+687,811,000
Military Personnel, Navy	17,008,563,000	16,942,956,000	17,000,856,000	16,943,581,000	16,986,976,000	-21,587,000
Military Personnel, Marine Corps	5,885,740,000	6,102,108,000	6,103,808,000	6,099,182,000	6,111,728,000	+225,988,000
Military Personnel, Air Force	17,207,743,000	17,043,150,000	17,099,550,000	17,021,810,000	17,069,490,000	-138,253,000
Reserve Personnel, Army	2,122,466,000	2,043,679,000	2,083,379,000	2,052,136,000	2,073,479,000	-48,987,000
Reserve Personnel, Navy	1,355,523,000	1,386,306,000	1,392,406,000	1,396,969,000	1,405,606,000	+50,083,000
Reserve Personnel, Marine Corps	378,151,000	381,143,000	387,943,000	389,325,000	388,643,000	+10,492,000
Reserve Personnel, Air Force	784,586,000	775,967,000	780,497,000	785,842,000	783,697,000	-889,000
National Guard Personnel, Army	3,242,422,000	3,242,493,000	3,279,393,000	3,259,169,000	3,266,393,000	+23,971,000
National Guard Personnel, Air Force	1,259,627,000	1,284,290,000	1,294,490,000	1,295,511,000	1,296,490,000	+36,863,000
Total, title I, Military Personnel	69,191,008,000	69,782,830,000	70,115,160,000	69,802,587,000	70,016,500,000	+825,492,000
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	18,321,965,000	18,031,145,000	18,365,679,000	17,700,859,000	17,519,340,000	-802,625,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,334,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Operation and Maintenance, Navy	21,279,425,000	20,112,864,000	20,390,397,000	20,241,517,000	20,061,961,000	-1,217,464,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,333,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Operation and Maintenance, Marine Corps	2,392,522,000	2,203,777,000	2,465,077,000	2,275,977,000	2,254,119,000	-138,403,000
Operation and Maintenance, Air Force	18,606,167,000	17,830,122,000	17,938,755,000	17,331,309,000	17,263,193,000	-1,342,974,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,333,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Operation and Maintenance, Defense-Wide	10,388,595,000	10,156,468,000	10,212,985,000	9,953,142,000	10,044,200,000	-344,395,000
(By transfer)	(15,000,000)					(-15,000,000)
Operation and Maintenance, Army Reserve	1,119,191,000	1,084,436,000	1,116,436,000	1,129,436,000	1,119,436,000	+245,000
Operation and Maintenance, Navy Reserve	859,542,000	843,927,000	882,927,000	861,527,000	886,027,000	+26,485,000
Operation and Maintenance, Marine Corps Reserve	100,283,000	99,667,000	108,467,000	115,367,000	109,667,000	+9,384,000
Operation and Maintenance, Air Force Reserve	1,519,287,000	1,488,553,000	1,491,553,000	1,494,953,000	1,496,553,000	-22,734,000
Operation and Maintenance, Army National Guard	2,440,808,000	2,208,477,000	2,268,477,000	2,294,477,000	2,254,477,000	-186,331,000
Operation and Maintenance, Air National Guard	2,776,121,000	2,654,473,000	2,671,373,000	2,721,973,000	2,716,379,000	-59,742,000
United States Court of Appeals for the Armed Forces	6,521,000	6,797,000	6,797,000	6,185,000	6,797,000	+276,000
Environmental Restoration, Army		356,916,000		356,916,000	339,109,000	+339,109,000
Environmental Restoration, Navy		302,900,000		302,900,000	287,788,000	+287,788,000
Environmental Restoration, Air Force		414,700,000		414,700,000	394,010,000	+394,010,000
Environmental Restoration, Defense-Wide		258,500,000		38,650,000	36,722,000	+36,722,000
Formerly Used Defense sites				269,850,000	256,387,000	+256,387,000
Environmental Restoration, Defense	1,422,200,000		1,333,016,000			-1,422,200,000
Summer Olympics	15,000,000					-15,000,000
Former Soviet Union threat reduction	300,000,000	327,900,000	302,900,000	327,900,000	327,900,000	+27,900,000
Overseas Humanitarian, Disaster, and Civic Aid	50,000,000	80,544,000	60,544,000	49,000,000	49,000,000	-1,000,000
(Transfer out)	(-15,000,000)					(+15,000,000)
Overseas Contingency operations transfer account				1,069,957,000	1,140,157,000	+1,140,157,000
Quality of Life Enhancements, Defense			975,000,000		600,000,000	+600,000,000
Reduction of funds			-35,000,000			
Total, title II, Operation and maintenance	81,597,627,000	78,462,166,000	80,555,383,000	78,956,595,000	79,163,222,000	-2,434,405,000
(By transfer)	(150,000,000)	(250,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,558,805,000	970,815,000	1,308,709,000	1,283,815,000	1,348,434,000	-210,371,000
Missile Procurement, Army	865,555,000	766,329,000	988,567,000	982,829,000	1,041,867,000	+176,312,000
Procurement of Weapons and Tracked Combat Vehicles, Army	1,652,745,000	1,102,014,000	1,500,414,000	1,449,714,000	1,470,286,000	-182,459,000
Procurement of Ammunition, Army	1,110,685,000	853,428,000	1,150,128,000	1,118,329,000	1,127,149,000	+16,464,000
Other Procurement, Army	2,769,443,000	2,627,440,000	2,899,040,000	3,295,486,000	3,172,485,000	+403,042,000
Aircraft Procurement, Navy	4,589,394,000	5,881,952,000	6,896,552,000	7,239,704,000	7,027,010,000	+2,437,616,000
Weapons Procurement, Navy	1,669,827,000	1,400,363,000	1,384,408,000	1,500,154,000	1,389,913,000	-279,914,000
Procurement of Ammunition, Navy and Marine Corps	430,053,000		341,689,000		289,695,000	-140,358,000
Shipbuilding and Conversion, Navy	6,643,958,000	4,911,930,000	4,469,930,000	6,193,330,000	5,613,665,000	-1,030,293,000
Other Procurement, Navy	2,483,581,000	2,714,195,000	2,889,591,000	2,944,519,000	3,067,944,000	+584,363,000
Procurement, Marine Corps	458,947,000	555,507,000	623,973,000	660,507,000	569,073,000	+110,126,000
Aircraft Procurement, Air Force	7,367,983,000	5,779,228,000	7,274,628,000	6,630,370,000	6,404,980,000	-963,003,000
Missile Procurement, Air Force	2,943,931,000	2,733,877,000	2,279,500,000	2,713,944,000	2,297,145,000	-646,786,000
Procurement of Ammunition, Air Force	338,800,000		272,177,000		293,153,000	-45,647,000
Other Procurement, Air Force	6,284,230,000	5,998,819,000	6,078,539,000	5,577,787,000	5,944,680,000	-339,550,000
Procurement, Defense-Wide	2,124,379,000	1,841,212,000	2,247,812,000	1,773,794,000	1,978,005,000	-146,374,000
National Guard and Reserve Equipment	777,000,000		906,000,000	759,800,000	780,000,000	+3,000,000
Total, title III, Procurement	44,069,316,000	38,137,109,000	43,513,657,000	44,124,082,000	43,815,484,000	-253,832,000

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)—continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	4,870,684,000	4,320,640,000	4,874,537,000	5,107,283,000	5,062,763,000	+192,079,000
(By transfer)	(8,000,000)					(-8,000,000)
Research, Development, Test and Evaluation, Navy	8,758,132,000	7,334,734,000	8,399,357,000	8,067,543,000	8,208,946,000	-549,186,000
Research, Development, Test and Evaluation, Air Force	13,126,567,000	14,417,456,000	14,869,573,000	14,778,540,000	14,499,606,000	+1,373,039,000
Research, Development, Test and Evaluation, Defense-Wide	9,461,057,000	8,398,836,000	9,068,558,000	9,190,092,000	9,362,800,000	-98,257,000
Developmental Test and Evaluation, Defense	251,082,000	252,038,000	272,038,000	269,038,000	282,038,000	+30,956,000
Operational Test and Evaluation, Defense	22,587,000	21,968,000	26,968,000	21,968,000	24,968,000	+2,381,000
Total, title IV, Research, Development, Test and Evaluation	36,490,109,000	34,745,672,000	37,511,031,000	37,434,464,000	37,441,121,000	+951,012,000
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense business operations fund	878,700,000	947,900,000	947,900,000	947,900,000	947,900,000	+69,200,000
National Defense Sealift Fund:						
Ready Reserve Force	289,000,000	261,000,000	261,000,000	261,000,000	266,000,000	-23,000,000
Acquisition	735,220,000	702,002,000	1,643,002,000	832,002,000	1,162,002,000	+426,782,000
Total	1,024,220,000	963,002,000	1,904,002,000	1,093,002,000	1,428,002,000	+403,782,000
Total, title V, Revolving and Management Funds	1,902,920,000	1,910,902,000	2,851,902,000	2,040,902,000	2,375,902,000	+472,982,000
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense health program:						
Operation and maintenance	9,938,325,000	9,358,288,000	9,398,188,000	9,936,638,000	9,937,838,000	-487,000
(Transfer out)	(-8,000,000)					(+8,000,000)
Procurement	288,033,000	269,470,000	269,470,000	319,470,000	269,470,000	-18,563,000
Total, Defense Health Program	10,226,358,000	9,627,758,000	9,667,658,000	10,256,108,000	10,207,308,000	-19,050,000
Chemical Agents & Munitions Destruction, Defense: 1/						
Operation and maintenance	353,850,000	477,947,000	477,947,000	478,947,000	478,947,000	+125,097,000
Procurement	265,000,000	273,600,000	273,600,000	191,200,000	191,200,000	-73,800,000
Research, development, test, and evaluation	53,400,000	48,300,000	48,300,000	88,300,000	88,300,000	+34,900,000
Total, Chemical Agents	672,250,000	799,847,000	799,847,000	758,447,000	758,447,000	+86,197,000
Drug Interdiction Defense	688,432,000	642,724,000	774,724,000	789,024,000	807,800,000	+119,368,000
Office of the Inspector General	178,226,000	138,501,000	138,501,000	139,157,000	139,157,000	-39,069,000
Anti-Terrorism activities, Defense				14,000,000		
Total, title VI, Other Department of Defense Programs	11,765,268,000	11,208,830,000	11,380,730,000	11,956,736,000	11,912,712,000	+147,446,000
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	213,900,000	196,400,000	196,400,000	184,200,000	196,400,000	-17,500,000
Intelligence Community Management Account	90,683,000	91,739,000	149,555,000	94,739,000	129,164,000	+38,481,000
National Security Education Trust Fund	7,500,000	5,100,000		5,100,000	5,100,000	-2,400,000
Payment to Kaho'olawe Island conveyance remediation and Environmental Restoration Fund	25,000,000	10,000,000	10,000,000	10,000,000	10,000,000	-15,000,000
Total, title VII, Related agencies	337,083,000	303,239,000	355,955,000	294,039,000	340,664,000	+3,581,000
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (sec. 8005)	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(1,200,000,000)	(2,000,000,000)	(-1,100,000,000)
Contractor ADP	-30,000,000					+30,000,000
Inflation Reestimate	-832,000,000					+832,000,000
Management efficiencies	-442,000,000					+442,000,000
Disposal & lease of DOD real property (sec. 8045)	8,000,000	26,565,000	26,565,000	26,565,000	26,565,000	+18,565,000
Overseas Military Fac Investment Recovery (sec. 8049)		1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
National Science Center, Army (sec. 8060)	85,000	120,000	120,000	120,000	120,000	+35,000
Rescissions (sec. 8070)	-561,217,000			-126,900,000	-137,108,000	+424,109,000
Coast Guard transfer (sec 8087)				300,000,000	300,000,000	+300,000,000
Excess funded carryover (sec. 8088)			-500,000,000		-150,000,000	-150,000,000
Export loan guarantee PGM (sec. 8093)				1,000,000	1,000,000	+1,000,000
RDT&E general reduction (sec. 8136)					-680,552,000	-680,552,000
Air Force DBOF pass through (sec. 8096)			-195,000,000		-194,500,000	-194,500,000
Spare parts inventories			-400,000,000			
FFRDC's/consultants (sec. 8037)	-90,000,000			-52,286,000	-154,572,000	-64,572,000
Prostate Cancer research				(93,000,000)		

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)— continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Senate Sec. 8099:						
Military Personnel, Navy				4,900,000		
Military Personnel, Air Force				4,400,000		
Operation and Maintenance, Army				-4,200,000		
Operation and Maintenance, Air Force				-4,400,000		
Operation and Maintenance, Defense-Wide				-66,000,000		
Overseas Contingency Operations Transfer Fund				70,200,000		
Defense Health				-4,900,000		
Sec. 8128:						
Weapons of Mass Destruction				150,000,000	100,000,000	+100,000,000
RDT&E, Defense-Wide				-12,000,000		
O&M, Defense-Wide (not scored)				(-138,000,000)		
Anti-terrorism, counter-terrorism, and security enhancement activities:						
Emergency funding, FY 1997 (sec. 8137)					230,680,000	+230,680,000
General reduction (sec. 8138)					-230,680,000	-230,680,000
Total, title VIII	-1,947,132,000	27,685,000	-1,067,315,000	287,499,000	-888,047,000	+1,059,085,000
FY 1997 grand total	243,406,197,000	234,578,433,000	245,216,503,000	244,896,904,000	244,177,558,000	+771,361,000
TITLE IX						
FY 1996 SUPPLEMENTAL APPROPRIATIONS AND RESCISSION FOR ANTI-TERRORISM, COUNTER-TERRORISM, AND SECURITY ENHANCEMENT ACTIVITIES						
Emergency supplemental, FY 1996					122,600,000	+122,600,000
Rescissions (sec. 9001)					-122,600,000	-122,600,000
BUDGET SCOREKEEPING ADJUSTMENTS						
Adjustment for unapprop'd balance transfer (Stockpile)		250,000,000	150,000,000	150,000,000	150,000,000	+150,000,000
Stockpile collections (unappropriated)		-150,000,000	-150,000,000	-150,000,000	-150,000,000	-150,000,000
Operations and Maintenance, Army (not scored)				(-1,500,000)		
Burdensharing contribution, misc. receipts	-50,000,000					+50,000,000
Effect of P.L. 104-134:						
Rescissions, fiscal year 1995	-820,000,000					+820,000,000
Rescissions, fiscal year 1996	-174,900,000					+174,900,000
Emergency funding	(820,000,000)					(-820,000,000)
Administrative reductions (P.L. 104-134)	-294,000,000					+294,000,000
Emergency funding for anti-terrorism: FY 1997 (sec. 8138)					-230,680,000	-230,680,000
Total adjustments	-1,338,900,000	100,000,000			-230,680,000	+1,108,220,000
RECAPITULATION						
Title I - Military Personnel	69,191,008,000	69,782,830,000	70,115,160,000	69,802,587,000	70,016,500,000	+825,492,000
Title II - Operation and Maintenance	81,597,627,000	78,462,166,000	80,555,383,000	78,956,595,000	79,163,222,000	-2,434,405,000
Title III - Procurement	44,069,316,000	38,137,109,000	43,513,657,000	44,124,082,000	43,815,484,000	-253,832,000
Title IV - Research, Development, Test and Evaluation	36,490,109,000	34,745,672,000	37,511,031,000	37,434,464,000	37,441,121,000	+951,012,000
Title V - Revolving and Management Funds	1,902,920,000	1,910,902,000	2,851,902,000	2,040,902,000	2,375,902,000	+472,982,000
Title VI - Other Department of Defense Programs	11,765,266,000	11,208,830,000	11,380,730,000	11,956,736,000	11,912,712,000	+147,446,000
Title VII - Related agencies	337,083,000	303,239,000	355,955,000	294,039,000	340,664,000	+3,581,000
Title VIII - General provisions	-1,947,132,000	27,685,000	-1,067,315,000	287,499,000	-888,047,000	+1,059,085,000
(Additional transfer authority)	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(1,200,000,000)	(2,000,000,000)	(-1,100,000,000)
Total, Department of Defense	243,406,197,000	234,578,433,000	245,216,503,000	244,896,904,000	244,177,558,000	+771,361,000
Scorekeeping adjustments	-1,338,900,000	100,000,000			-230,680,000	+1,108,220,000
Grand total 2/	242,067,297,000	234,678,433,000	245,216,503,000	244,896,904,000	243,946,878,000	+1,879,581,000
Allocation recap (sec. 602b):						
Mandatory	213,900,000	196,400,000	196,400,000	184,200,000	196,400,000	-17,500,000
Discretionary	241,853,397,000	234,482,033,000	245,020,103,000	244,712,704,000	243,750,478,000	+1,897,081,000
Grand total 2/	242,067,297,000	234,678,433,000	245,216,503,000	244,896,904,000	243,946,878,000	+1,879,581,000

1/ Included in Budget under Procurement title.

2/ FY 1996 includes effects of P.L. 104-134: $820,000,000 in Emergency Sup Appropriations, +104,900,000 in new budget authority and -1,288,900,000 in rescissions.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank our ranking member for yielding me this time and I want to join with our colleagues in commending him for his leadership in helping to, once again I say in relationship to this bill, hammering out a compromise or a continuing resolution.

I also want to commend the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, for his leadership, his cooperation, and his patience.

I wanted to mention one provision in the bill that I was particularly pleased survived the process and that is the addition of $100 million for the ADP program, the AIDS drug program, that provides some of the new therapies, the proteus inhibitors to people with HIV and AIDS.

This $100 million is a very good investment because it will result in a savings to the taxpayer, but, more importantly, it will improve the quality of life and prolong life for people with HIV and AIDS. It will enable them to continue to work, to produce revenues for the Federal Government. So in speaking to it just on strictly fiscal terms, it is a good investment. It is a dynamic investment in that it will save money but, more importantly, as I say, it improves the quality of life.

What will happen with the $100 million, I hope, is that half of it will be spent for the drugs themselves and the other half for the primary care necessary to provide the drugs to patients. Now that these proteus inhibitors are there, people have hope.

Many more people are coming forward and being tested or seeking care because they know there is an answer. And those people need the primary care that goes with going on to a new protocol, a new drug program.

Mr. Speaker, this is about wise spending. More importantly it is about giving hope. It is protecting the investment that the American taxpayers have made of billions of dollars into research for AIDS research. Now that we have found some encouraging therapies, it is important to make them available to everyone regardless of the ability to pay.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. LEACH] the distinguished chairman of the Committee on Banking and Financial Services and the author of the BIF–SAIF legislation that is part of this package.

Mr. LEACH. Mr. Speaker, I thank my distinguished colleague and friend for yielding me this time.

Mr. Speaker, I would just like to report briefly on the banking title of the bill. This is a solid nonpartisan approach which balances consumer, taxpayer and industry concerns; less extensive than I would have like but, nonetheless, of historic dimensions.

The provision will have lasting effects but, most importantly, failure to act would have led to serious disintermediation in the financial community, failure of the S&L insurance fund and new tax liability for S&L losses.

This banking section, on the other hand, provides a basis for long-term banking modernization based on the existence of the strongest financial industry fund in the Nation's history. Indeed, absent a calamity with passage of this legislation, America's insured financial institutions will reach an historic first, a prefunded insurance fund capable of regenerating itself ad infinitum with interest returns likely to cover all normal losses in the system as well as normal asset growth.

America's bank customers as well as our competitive international financial position are well served.

I'd like to speak about Title II of the bill before the House today. This title includes important legislation for the taxpayers of the United States, customers of the financial services industry and the industry itself.

While I would have preferred to be here seeking support for more comprehensive financial services reform, the pending measure provides for Congressional action on several of the most pressing issues facing banking and financial services today.

The provisions of Title II are carefully balanced. They enjoy the support of the administration, the American Bankers Association, the Independent Bankers Association of America, America's Community Bankers [S&Ls], the securities industry, the Conference of State Bank Supervisors, American Financial Services Association, and the Financial Services Council. The American Council of Life Insurance and the National Association of Life Underwriters do not oppose the title. In addition, many of the concerns of the Consumers Union have been addressed to their satisfaction. It is a common sense product.

Title II combines sections of several pieces of legislation the Banking and Financial Services Committee has reported out over the past 15 months. Perhaps the most important is the resolution of the last remaining issue from the savings and loan debacle of the 1980's—refurbishing of the SAIF fund. The approach taken has received the support of the thrift and banking industries, a near miracle in itself in that S&Ls must pay a whopping multi-billion dollar, one-time assessment to the fund while the banks are required to pick up part of the S&L industry's long term FICO bond interest liabilities, with no additional contributions by the taxpayers.

By our actions today Congress will be ensuring that there will be no default on the $780 million per year interest payments on the $8 billion of Financing Corporation [FICO] bonds issued as a part of the savings and loan bailout. These bonds were issued in the late 1980's to capitalize the defunct Federal Savings and Loan Insurance Corporation. So far, all principal and interest on these bonds have been paid by the private sector. This bill retains private sector responsibility for these bonds and by broadening industrial accountability guarantees against further taxpayer losses.

Title II would capitalize the Savings Association Insurance Fund through a one-time assessment of $4.7 billion on the thrift industry to be followed by a sharing of the FICO interest payments by the Bank Insurance Fund [BIF] and the Savings Association Insurance Fund [SAIF]. It is important to stress that the taxpayers, who have already contributed some $130 billion directly to the bailout with another $200 million in interest payments to come, are not being called upon for any additional funding. They have paid more than their fair share.

Title II also provides an important budgetary offset to the entire bill, allowing for increased spending for education, crime fighting, the war on drugs, the President's anti-terrorism proposal and other items of the Federal budget. Therefore, the taxpayers are twice saved—once from taking on any additional spending for resolving the savings and loan bailout and second from helping fund the President's supplemental spending requests.

The second section of the bill provides for significant regulatory relief for the Nation's banks, reducing duplicative and unnecessary paperwork and costs to the industry, which are inevitably being passed along to customers.

While we have not added additional regulatory burdens and gone as far in one direction as the minority would have liked, we also have not gone nearly as far in the other direction as some would have hoped.

In addition, the title contains a reform of the Fair Credit Reporting Act to further protect Americans from abusive invasion of privacy. This provision picks up many of the concepts approved by the House in the 103d Congress, but never enacted into law.

I retain reservations about certain provisions, but on balance the burden relief and fair credit reporting sections are finely tuned, reducing regulatory costs while retaining credible consumer protections.

The need for the fair credit section was apparent during a hearing before the Banking Committee last spring when several individuals gave compelling testimony about how criminal gangs used modern computer technology to steal and misuse their credit identity. One Minnesota woman dramatically told about how attempts were made to withdraw funds from her mutual fund and retirement accounts and how multiple applications for credit cards in her name were issued, based upon information somehow obtained about here credit history.

Hence, an amendment was added requiring the Federal Reserve Board, in consultation with the Federal Trade Commission, to further review whether organizations which collect sensitive consumer identification information are engaged in activities which create undue potential for fraud and to recommend appropriate legislative or administrative remedies.

The Committee also heard testimony from law enforcement agencies and bank regulators about the use of fictitious financial documents to scam individuals, banks, pension funds and charities. Title II makes it a Federal crime to produce or use fictitious documents fraudulently. This new anti-crime provision will be another arrow in the FBI's and Secret Service's quivers in combating financial crimes.

I would like to note several specific provisions of the legislation to clarify the intent of the Congress.

The amendments to the Consumer Leasing Act retain current law which provides a special rule for the type of disclosure that must be included in radio advertising of consumer leases. This special rule recognizes that all of the required disclosure cannot be provided in a short spoken advertisement. Instead it requires that radio advertisements for consumer leases refer the listener to either an 800 number or a written advertisement in order to obtain additional information.

Title II also includes a House provision to require bank regulators to take appropriate actions to prevent depository institutions and depository institution holding companies from facilitating or encouraging the shifting of deposits from SAIF deposits to BIF deposits. It is the intent of Congress that this provision be interpreted and implemented by the FDIC with great care to ensure that Constitutionally-protected free speech in the commercial marketplace is not abridged.

Furthermore Section 2702 requires that the FDIC impose a special assessment on SAIF-assessable deposits. This payment is due on the first business day of the first month beginning after the date of the enactment of this act and is to be paid to the FDIC on the latter of the first business day of the first month beginning after the date of enactment or such other date as the FDIC chooses, but not later than 60 days after the enactment date. Given the liquidity and regulatory difficulties that accrue to institutions with the presentation of a sudden large liability, it is the intent of Congress that the FDIC provide institutions the maximum latitude possible within the 60-day context to pay their special assessment.

Section 2301 amends certain provisions governing the scope and mechanics of the audit functions for insured depository institutions. This provision eliminates the independent auditor attestation requirement for safety and soundness compliance, and allows the agencies the discretion to waive the requirement that all members—but not less than a majority—of the independent audit committee be outside directors in the case of hardship. Factors weighing in favor of a decision to grant a waiver include, but are not limited to, the following: that the institution is small, that qualified outside independent directors are unavailable, that the institution is closely held, and-or that the institution is well-managed.

Further, Section 2615 prohibits Government-Sponsored Enterprises [GSEs] from certain kinds of associations with banks, credit unions and thrifts. However, it is the congressional intent that Subsection 2615(a) would not preclude a GSE from sponsoring or providing financial support to an insured credit union established by a GSE with a field of membership comprised of the GSE's present and former full-time employees. The fact that a few such employees may also be customers of the GSE should not preclude such sponsorship or financial support.

I'd also like to comment on the provision of the bill which clarifies the liability of financial institutions with regard to a 1992 Environmental Protection Agency rule. Under this provision, lenders would be financially liable for environmental clean up costs only if they actually participated in the management of the firm which allegedly caused the pollution. The mere holding of a financial interest or having ownership of the property as a result of a foreclosure does not make the lender liable.

Finally, I worked for inclusion in this bill of bank modernization language and within such context—preferably full-blown Glass-Steagall reform, but at a minimum greater holding company and Section 20 latitude—a provision supported by the independent insurance agents which would require all parties, including banks, which sell general insurance products to be State licensed. Regrettably these proposals have proven to be so controversial that agreement on them could not be reached in time for them to be included in this bill.

These issues are not going away and will be addressed in the next session of the Congress.

I realize partisanship hallmarks many end-of-the-session issues, but based on the content and context of this legislative package, I would hope support would come from both sides for final passage of the Title II provisions.

In this regard, I am somewhat bewildered by the complaints from some quarters about process. Most of the provisions before the House today have been reported out of the House Banking and Financial Services Committee following extensive hearings. This Title, for instance, includes numerous sections or amendments offered by the minority side. Further changes were made within the past 24 hours in negotiations with the executive branch.

Indeed, the BIF-SAIF section, arguably the most important in the bill, is basically picked up from legislation passed by the House a year ago and then reworked by the committee this past summer. The principal change from the provisions approved by the committee in July is the deletion of a Democratic-sponsored amendment to shift part of the FICO cost sharing to the taxpayer. That provision has been struck from the bill. Members of this Congress can go back to their constituents and report that they have addressed the last remaining aspect of the savings and loan debacle without any further taxpayer accountability.

The other major portion of the Title incorporates regulatory relief measures approved by the committee last year. It is my view that the House Banking Committee went further than was judicious in early approaches to regulatory relief and that a number of provisions in earlier bills were properly pared back with my support because of administration and minority member concerns. Let me stress in this regard that in putting this legislation together, there has been far more minority input than on any piece of legislation considered in any of my years in the minority.

This is solid non-partisan legislation. Less extensive than I would have liked, but nonetheless of historic dimensions. The provisions will have lasting affects, but most importantly, failure to act would have led to serious disintermediation in the financial community, failure of the SAIF, and new taxpayer liability for S&L losses. This banking title, on the other hand, provides a basis for long-term banking modernization based on the existence of the strongest financial industry insurance fund in the Nation's history. Indeed, absent a calamity, with passage of this legislation America's insured financial institutions will reach an historical first—a prefunded insurance fund capable of regenerating itself ad infinitum, with interest returns likely to cover all normal losses in the system as well as normal asset growth. America's bank customers, as well as our competitive international financial position, are well served.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of this conference. I think it is nothing short of a great victory for us to come to a compromise after the struggle last year, and I want to commend my friend and colleague from Wisconsin [Mr. OBEY] for the great work he did in helping us with the provisions dealing with BIF–SAIF.

I follow in line with the remarks of our chairman, the gentleman from Iowa, Congressman JIM LEACH, in terms of recognizing the problem today. All of us are together in terms of trying to solve this problem in terms of BIF–SAIF and providing some streamlining and regulatory measures.

These are reasonable, they are reasoned, and I think they are a positive step in the right direction. Hopefully, next year we will be able to do this on our own without relying on the strength of the appropriation bill and working this out in the House.

This has been a tough measure to compromise on and to come to agreement on. I appreciate the patience of all who have worked on it. I want to commend the Clinton administration for standing up for consumers and making certain that the price of and the cost of this was not borne by reduction in terms of 30 years of consumer law, which happened to be undone and upset by a lot of misunderstandings and action that were proposed in earlier iterations of this bill.

So I rise in support of this conference and ask my colleagues to support it.

Mr. Speaker, I rise to express my support for title II of this bill, the Banking Committee's product in this bill.

Mr. Speaker, although I would have liked to proceed this Congress on broader approaches addressing financial services modernization, the future of the deposit insurance funds, the merging of regulators; the issues of charter reform; and other power's issues, in the end, this product before the House today is an important step forward and one which is the result of a tremendous amount of work and seemingly nonstop negotiations over its innumerable iterations.

This bill importantly recognizes that Congress must act today to resolve the differential between bank and S&L deposit insurance premiums. The so-called BIF–SAIF solution, including charter reform modernization is basically a product of bipartisan work of the Financial Institutions Subcommittee in 1995 that ended up in the failed Republican budget bill. Many other pieces of this bill's title II began in separate initiatives of the respective Banking Committees of the House and Senate. These key policy provisions that we will hopefully pass tonight envisions that the 105th Congress will act on charters, but this measure merges the funds and provides a pro rata FICO bond payment sharing and puts it in place regardless of the merger issue because all insured depositories, both bank insurance and savings association insurance fund will become a part of the one FDIC deposit base.

Mr. Speaker, this Congress needs to move BIF–SAIF this year. SAIF institutions have been moving forward with plans to work themselves out from under a 23-basis point differential. Many SAIF-insured institutions have been seeking, in fact, to form national banks. Congress needs to act now while we can before it is too late and the SAIF deposit base erodes and the taxpayers of this country are once again liable. The banking and thrift industries have worked in good faith over the course of this Congress to achieve the product and policy in this measure, and hopefully this initiative will finally bring to conclusion the repair to the deposit insurance funds.

Nevertheless, no group is entitled to a prize or reward of relaxed consumer protections or safety and soundness regulation for addressing and accepting the responsibility to assure a solvent deposit insurance fund. By recognizing some limits and a need to have bipartisan agreement on provisions, we were finally able to finally move forward. To that end the Clinton administration advocacy for streamlining and regulatory reform has averted the loss of many key consumer protection laws and policies.

In addition to BIF–SAIF, title II of this legislation provides the lender environmental liability relief provisions, that is relief provisions for financial institutions which foreclose on properties involving hazardous or toxic materials. It also provides for many tempered regulatory burden relief provisions the result of compromises. Title II includes provisions clarifying the tax or deposit insurance covered status of retirement certificates of deposit. It includes Fair Credit Reporting Act, a measure that has passed both the House and Senate in the past, that will provide improved privacy protections for consumers and remedies for the risk and experience electronic muggings, the crime of today and tomorrow that we must do much more to arrest.

This final agreement represents a victory of sorts for those of us who wanted to pass regulatory burden relief for financial institutions but did not unravel consumer protection laws of the past 25 years nor the potential safety and soundness of financial institutions. This bill provides regulatory streamlining, burden relief and sensible improvements in policy without harming key consumer laws nor jeopardizing the safety and soundness of financial institutions backed by the Federal deposit insurance fund.

With improvements being made until the very end, the banking package before us was excised of many provisions that gave me great pause and to which I was opposed. Provisions which would have weakened the Community Reinvestment Act, Consumer Leasing, Truth in Savings, Truth in Lending, Rent to Own, the Home Mortgage Disclosure Act, high-cost mortgages protections, and a number of highly controversial Real Estate Settlement Procedure Act changes have finally been set aside as we receive the final package tonight. In previous forms, this legislation would have relaxed restrictions on permissible insider lending, weakened the legal responsibilities for outside directors of financial institutions, limited the ability of regulators to recover funds from the officers of failed institutions, and even weakened the role of independent audit committees, fortunately these policies were also removed.

I want to recognize the important role of the Clinton administration in reaching many of these final compromises which eluded us for so long this session, I would have hoped that committee members could have accomplished more but I want to thank the Members and staff of the Banking Committee who I have worked with throughout this process and am pleased we have a product. We have here a adequate product, a compromise, a lesson learned. While I think this title is imperfect, on the whole, the package deserves our support. I remain hopeful that the committee will in the future regain a better comity and bipartisanship as we reconvene for the 105th Congress.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations who has done an outstanding job in that field.

Mr. PORTER. Mr. Speaker, I begin my remarks by commending my chairman and his outstanding staff led by Jim Dyer. No one has worked harder to perfect this bill. They have done an outstanding job for the Congress and for the American people.

I want to thank my wonderful staff, headed by Tony McCann. I thank the gentleman from Wisconsin, DAVID OBEY, and his fine staff for their cooperation in bringing this bill to fruition.

Mr. Speaker, our section of the omnibus bill continues Congress' initiative to terminate duplicative and ineffective programs. There are 13 new terminations in addition to the 100 that we achieved last year. We have frozen or reduced many administrative accounts.

At the same time, we have increased funding for programs that work for people and that are a high priority for our country. For example, with respect to biomedical research through the National Institutes of Health, we have increased spending by $820 million, a 6.5-percent increase, and $371 million above the President's request.

We have in that section of the bill preserved the principle that science, not politics, should decide how the money is best spent, there is no earmarking in the bill by disease and no line item for AIDS. However, we appropriate directly to the Office of AIDS Research to support that important research.

The bill preserves NIH and gives it a substantial increase, because basic research can only be organized and supported through government. Research that is conducted by our universities and academic medical centers across the United States pays for itself thousands of times over in terms of health care cost savings. Biomedical research is an area where we lead the world both in the basic research and the applied research through the biotech and pharmaceutical industries of our country.

Student aid in the bill is increased by $1.3 billion more than requested in the President's 1997 budget; and we increase Pell grants under the Republican Congress by 15 percent, whereas in the previous Congress they went down by 3 percent. The maximum Pell grant is increased from $2,470 to $2,700 in this bill, the highest maximum ever; the largest single increase ever in one year.

Work-study is increased by over $200 million to $830 million, $151 million more than the President's request. Perkins loans are increased by $65 million over the President's request. TRIO programs are increased by $37 million, to a total of $500 million.

Head Start is increased by over $400 million to almost $4 billion. Special education, championed by the chairman of the authorizing committee, the gentleman from Pennsylvania, BILL GOODLING, increased by almost $800 million to $3.8 billion.

Mr. Speaker, there is a summary of highlights of the bill available. I commend the work of my subcommittee members of both sides of the aisle and my chairman. We have fashioned a bill that meets the needs of the American people and does so in a fiscally responsible manner.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to add my appreciation to the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] for their cooperative effort and to briefly acknowledge that today we can stand here and say that we are not going to shut the Government down. A great difference and a strike for balance over divisiveness. The American people are the benefactors of this process.

Let me make several points regarding this legislation that represent a positive change. I would like to note, and that now the youth in Houston and around the Nation will have summer jobs, and we will have turned the corner from classifying the summer youth program as baby-sitting jobs and have over $800 million in that program through this appropriation bill.

Rather than continue to build jail cells, we will now have increased moneys in the Pell Grant Program, some $577 million.

And, yes, through the Ryan White funding, we will be able to take home $450 million for emergency assistance, $470 million for comprehensive care, and $70 million for early intervention.

I am concerned, however, that we do not have enough dollars for the census effort that will be very important to some of our urban centers, and would hope we will have an opportunity to remedy that.

And, lastly, I would say that we need to consider the spectrum sale so that we would do it in a reasonable manner that would appropriately utilize this valuable resource for the benefit of America.

I rise to express my views on this important omnibus appropriations bill that funds the Departments of Commerce, Defense, Education, Health and Human Services, Interior, Justice, and State as well as many independent agencies for fiscal year 1997. Additionally I would like to add my appreciation for the work of Chairman LIVINGSTON, my friend ranking member OBEY along with Leon Panetta of the President's staff for their solid effort.

I support the provisions of the bill that have increased funding for education such as the increases for the Pell grant scholarship program and expand the number of low and moderate income students who receive financial assistance by 150,000 students from $3,650,000 to $3,800,000. The direct lending program is also funded at the amount requested by the President.

Additionally, the funding for Head Start will enable the program to serve approximately 50,000 additional disadvantaged students. The Goals 2000 program is funded at the amount of funding requested by the President, which will help raise academic standards for more than 6 million students in over 11,000 schools.

I am also very pleased about the $90 million increase in funding for the Safe and Drug Free Schools Program that will help us to reduce the increasing level of drug use among our Nation's teens. The recent report from the Department of Health and Human Services about increased drug use by teens is certainly disheartening and we must strongly support the Safe and Drugs Free Schools Program. More money, however, is needed for treatment and drug prevention if we are going to be serious on this effort.

Throughout the 104th Congress, I have worked diligently to strengthen and adequately fund the Summer Jobs Program. This bill provides $871 million for the Summer Jobs Program, which is $246 million more than the amount appropriated in 1996. This will allow more than 550,000 young men and women to have the important experience of going to work everyday, earning money, and developing a strong work ethic. This bill provides $895 million for adult training, which is $45 million over fiscal year 1996, and $200 million for the School-to-Work Program, which is $25 million over fiscal year 1996.

As a member of the House Judiciary Committee, I have been concerned about the issue of crime and violence and terrorism. This bill continues to provide adequate funding to implement the President's plan to put 100,000 police on the streets of our Nation. Furthermore, the bill contains provisions to make it difficult for individuals who have committed domestic violence to purchase handguns.

With respect to antiterrorism, the bill fully funds the President's request of $1 billion to reduce terrorism and gives the Departments of Justice and Treasury the necessary resources to accomplish this goal. Hopefully, safety at our Nation's airports will be improved by funding to hire additional aviation security personnel and purchase new state-of-the-art equipment to screen luggage. With the bombing during the Olympics and the crash of the TWA flight still fresh in our minds, it is the right thing for us to support funding for these initiatives.

Moreover, additional funding for the Office of Drug Control Policy and the Drug Enforcement Administration will help us in our drug interdiction efforts and implementation of our overall national strategy to reduce drug use and drug trafficking in the country. However, this funding does not negate this Congress' responsibility to investigate charges of illegal drug sale moneys—sold in our inner city communities in the 1980's—used for funding the Contra's by this Government.

As a member of the Texas delegation, I have been active in efforts to reform our Nation's immigration laws. The compromise on the immigration provisions was reached after much debate. As a result of this compromise, our Nation's borders will be more secure. I am pleased that there is no provision that would allow States to deny free public education to the children of illegal aliens.

I was concerned about the restrictions on income levels for sponsoring legal immigrants but at the least the final version of the bill requires immigrants to have incomes of 125 percent above the poverty level to sponsor immigrants instead of 140 percent above the poverty level, which was the original proposal. Additionally, the proposal to deport and deny naturalization for immigrants who used means-tested benefits was dropped from the bill. The original provision to make sponsors responsible for emergency Medicaid costs for immigrants was also deleted from the bill.

The verification requirements for immigrants in this bill are not more stringent than the requirements that were contained in the welfare reform bill. Moreover, the bill exempts charitable organizations from the verification requirements in the new welfare reform law and exempts battered immigrants and indigent immigrants from some of the deeming restrictions in the welfare reform law. Finally, the provision of the bill that would have restricted HIV treatment for immigrants was deleted from the final version of the bill.

During the 104th Congress, I have been very concerned about the issue of health care reform and providing adequate funding for many research programs. The bill does provide an increase of $239 million for the Ryan White AIDS Program and funding to purchase new AIDS drugs. Funding for substance abuse prevention and treatment also received an increase of $221 million over fiscal year 1996. Finally, this bill has not increased the deficit, however more study should have been given to the proposed sale of the spectrum. This should not be done randomly or without study in order to suggest the best approach.

The 104th Congress has been both difficult and demanding. I am grateful that we were able to finish this term on a positive note. We have preserved Medicare and Medicaid, and protected our families, seniors, and our children. And we have not shut the Government down!

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA], the chairman of the Subcommittee on Financial Institutions and Consumer Credit of the House Committee on Banking and Financial Services.

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(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I want to say that this is a proud moment here. We have worked for well over a year on legislation that would not only provide meaningful regulatory relief but to conclude the final payment for the savings and loan debacle of the 1980's once and for all, and with this legislation, we are doing that.

As the chairwoman of the Subcommittee on Financial Institutions and Consumer Credit, which has the jurisdiction over these issues, I would like to say that the committee has worked very hard to see to it that we were fair in this closeout. Everything is very difficult to say when you say you are being fair. It is difficult to get everybody around the table. That is a big challenge, but I believe that we have done that here, and we have now achieved a solid BIF/SAIF package with regulatory relief, limited but nevertheless meaningful.

First, let me be clear about the fact that I believe that it is essential that we successfully close the book on the deposit insurance system problems. And as a battle scarred veteran of the savings and loan debacle, I believe that if we were to leave this year without resolving this problem once and for all, it would have been a terrible dereliction of our responsibility.

But here tonight with this action, we will have done the right thing, the right thing for the taxpayers, the right thing for the financial institutions that are involved.

Mr. Speaker, as I have said, we tried to be fair to all parties and I believe that we have. The BIF/SAIF package is a strong one, and I would like to point out that if I had my way we would do the total charter merger as a companion piece to this, but what we have in here, the so-called Frist language, which defines when the insurance funds would be merged and when the mergers would take place, I think it is not only a good compromise but it is one that will work and work in the best interest of all people.

Mr. Speaker, I am proud to be here tonight, and I am very pleased to have worked with all the members of the committee to reach this conclusion.

For almost 2 years, Congress has been working to develop legislation that would provide meaningful regulatory relief for insured financial institutions and to conclude the final payments for the savings and loan debacle of the 1980's once and for all.

As chairwoman of the Financial Institutions & Consumer Credit Subcommittee which has jurisdiction over these key issues, my committee has worked hard to see that the final package is one that is fair to all parties concerned. Of course, fairness is a relative term. Everyone has a different view of what is truly fair to them. Getting all parties around the table was a challenge. Until now, as is always the case with issues relating to the financial services industry, developing a consensus package has been elusive.

However, we have now achieved a solid BIF/SAIF package with a limited regulatory burden relief that will lay the groundwork for further debate in the 105th Congress.

First, let me be clear about the fact that I believe that it is essential that we successfully close the book on the deposit insurance system problems. As a battle-scarred veteran of the S&L debacle, I believe to leave this year without resolving this problem once and for all, would have been a dereliction of our responsibility. We have done the right thing for the taxpayers and for the financial industries wanted.

Members from both sides of the aisle in the House worked hard to craft a bipartisan bill that was fair to all parties concerned which is included in this package. This proposal includes several key provisions that I believe are necessary for this BIF/SAIF package. As many of you know, I am a strong supporter of not only resolving the issue, but also for dealing with the problem in its entirety, which includes merging the commercial bank and thrift charters. That is why my subcommittee reported out HR 2363, the Thrift Charter Conversion Act of 1995, which not only dealt with SAIF/FICO funding but with fund and charter merger restructuring issues as well.

At the very least, however, the so-called "Frist language", is included as part of the package. This language prevents the merger of the BIF and SAIF insurance funds until the charters are merged. The package also includes the so-called "rebate" provision that prohibits the FDIC from setting SAIF rates lower than BIF premium rates and requires the FDIC to rebate any excess amounts in the BIF.

Aside from the BIF/SAIF issue, it was my sincere hope that any package would have included strong regulatory relief measures. The bill reported out of my subcommittee included important provisions to provide meaningful relief for the financial services industry. For example, my subcommittee-passed bill included meaningful reforms on CRA and the Truth in Savings Act. Unfortunately, the most recent package is a far cry from the originally reported bill. Nevertheless, be assured that in the next Congress I will continue to work for strong regulatory relief. In addition, I will continue to seek greater reform of the overly burdensome provisions in CRA, the Truth in Savings Act, Truth in Lending Act and the Real Estate Settlement Procedures Act. I am pleased, however, that the package includes strong lender liability language that provides relief and exemptions to institutions to banks which foreclose on properties that contain hazardous materials.

Finally, as you know, in addition to regulatory relief and BIF/SAIF, the House Banking Committee has been working to craft legislation that will modernize the financial services industry. Unfortunately, this has led into a powers debate focused on bank sales of insurance. While I am a strong proponent of modernization legislation, I believe that it was right not to include any controversial insurance provisions. This is neither the time nor the place for taking up such a controversial debate. I am particularly pleased though that a provision was included that prohibits deposit insurance for the retirement CD, a tax deferred annuity contract that I believe could affect the safety and soundness of banks. This provision already has passed the House on the Suspension Calendar in a bill I introduced last session.

I am pleased with this consensus package and I commend Chairman LEACH for his leadership and commitment to pass such meaningful legislation. I would also like to thank Laurie Schaffer, Stephen Johnson, Gary Parker of my subcommittee staff, and in particular, Cindy Chetti of my personal staff, for all of their dedication and hard work during this Congress.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding, and I want to rise and first of all say to Chairman LIVINGSTON and Ranking Member OBEY, congratulations on the work that they have done. I want to tell my colleagues that I am one of those, like so many before me on the other side of the aisle in the eighties, who said, the omnibus appropriations or continuing resolutions are not the appropriate vehicles in which we ought to legislate, and I think that is true. This process is not one that ought to be emulated. This process is one that will leave many people in the dark as to what this final product is.

Having said that, I am supportive of this product. It is a product which came about through intensive negotiations and discussions between the administration, between the Republican majority with the sometimes participation, but mostly participation during the last couple of days of the Democratic minority.

As to substance, as someone who, A, supports a balanced budget, and, B, supported the coalition budget which made room for investment in programs critically important to the welfare of this country, to the security and the opportunity of our American families and of our young people, I support the priorities that have been restored to this budget. I was one of those who argued in subcommittee and in full committee that we ought to restore at least $2.3 billion to the education component. In fact, we have done more than that. I congratulate the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] for that accomplishment.

The fact of the matter is that it is critically important for us to tell the American taxpayers that in terms of their investment in discretionary spending, that has consistently gone down while payment of interest and entitlements have consistently gone up. We cannot continue as a Nation to squeeze out discretionary investment in education, environment, job training, all the programs that enhance the capability of our people, our greatest resource to compete in world markets.

I also would, Mr. Speaker, rise and say that the chairman of my subcommittee on which I am the ranking member will be leaving, the gentleman from Iowa, Congressman JIM LIGHTFOOT, my friend, Congressman JIM LIGHTFOOT is the kind of legislator that Americans should be and, in my opinion, are very proud. He is a man of common sense, integrity, honesty and commitment. And I want to say to my friend, JIM LIGHTFOOT, that we will miss him, not only in this House but in this Congress and in this country from this House. And I want to say that I thank you for the bipartisan way in which you have shared with me the proceedings of our subcommittee, and given me the opportunity to work towards what I believe to be not perfect, but a good solution as it relates to the bill.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the really great, hard bargaining gentleman from Kentucky [Mr. ROGERS], the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations.

Mr. ROGERS. Mr. Speaker, I thank the chairman for the time and, Mr. Speaker, in addition to those who have been thanked already, I want to thank the staff of my subcommittee, Jim Kulikowski, the chief of staff, Therese McCauliffe, Jennifer Miller and all of the others who have not slept in three nights, who have just done absolutely yeoman work and they are still at it even as we speak.

Mr. Speaker, I rise in support of this, I am going to say, "ominous" appropriations bill. As Mark Twain said about Wagner's music, "It's really better than it sounds."

We do not like omnibus bills. Nobody does. They are big, they are huge, you do not have time to go through them, and we have reason to fear them. But this one is really better than it sounds. Let me give a couple of good reasons.

In my chapter of the bill, Commerce, Justice, State, there is $29.6 billion in discretionary spending. Most of that money is for fighting crime, the Department of Justice, State and local law enforcement, the war on drugs, and getting control of our borders. $7.3 billion of it is for the war on drugs, $150 million more than the President wanted, to rekindle the fight against drugs, with major new initiatives in source countries and on the Southwest border where 70 percent of the illegal drugs enter our country. It included $3.1 billion to stop illegal immigrants and gain control of our borders, which is above what the President wanted, with 1,000 new Border Patrol agents, 300 more than the President requested. There are serious increases in funding for detaining and importing criminal aliens. There is $300 million more to combat terrorism. There is $523 million for the local law enforcement block grant for your police force to apply and receive a grant. There is $1.4 billion for Cops on the Beat for the police in your local department, $770 million for your States to build prisons, and $25 million as an incentive to States to treat kids who commit adult crimes with adult punishment.

This is a good bill. Strike a blow against crime and vote for this bill.

Let me close by thanking Chairman LIVINGSTON for a tremendous job.

The SPEAKER pro tempore (Mr. DREIER). The Chair wishes to inform the Members that the gentleman from Wisconsin [Mr. OBEY] has 12 minutes remaining and the gentleman from Louisiana [Mr. LIVINGSTON] has 12 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank the gentleman from Wisconsin, Mr. OBEY, for yielding time to me, and I want to say that this conference bill does add money and increases the number of Pell grants available our young people, and that is a laudable section of this bill, given the fact that Senator CLAIBORNE PELL comes from my State.

Mr. Speaker, I do want to take everyone's attention to section 320 of the Interior appropriations of this bill, which contains a prohibition on Indian gaming in Rhode Island that singles out one tribe, the Narragansett Tribe, and says that the Indian Gaming Regulatory Act does not apply to them and therefore they cannot engage in any type of gaming activities. By singling out this one tribe among 558 tribes in this Nation and removing them from the scope of IGRA, we are setting a terrible and dangerous precedent and, not only that, we are once again breaking our word to the native Americans.

I want to just say that IGRA provides that for any Native American tribe seeking the authority to game that they can game insofar as the State in which they reside allows for that gaming. And our State, we allow for quite a bit of gaming, over $558 million a year. Roughly 90 million a year goes to provide for our citizens in the State of Rhode Island, and yet we are engaging in a double standard with our Narragansett Tribe. They are the only tribe in this conference report that is singled out like this.

We had no hearings on this issue in the Committee on Resources. I think it is a really discriminatory measure for us to say it is all right for us to game, provide for our people, but at the same time say no, Native Americans, we are not going to allow you to do what we are doing ourselves.

I think it is a double standard and unfortunately it marks one more in a repeated list of issues where this Congress has come down against the sovereignty of the Native Americans, and I think it is a sorry thing that it is in this CR.

I would like to take this opportunity to express my opposition to a provision regarding the Narragansett Indian Tribe which was included in the Omnibus Continuing Resolution for fiscal year 1997.

Although I will be voting in support of the overall legislation, I want to make it clear that I feel that section 330 of the bill is a direct violation of the civil and sovereign right of the Narragansett Tribe in Rhode Island.

In 1978, the Narragansetts signed a legitimate compact with the Federal Government and the State of Rhode Island in exchange for a portion of land that they could call their home and maintain their heritage. The Rhode Island Claims Settlement Act was a fair attempt to rectify years of culture anonymity and I am happy to say is still in place today. In 1983, the Narragansetts became a Federally recognized tribe with all the rights and privileges that accompany it, provided that they are consistent with the 1978 treaty. That year, the Narragansett's became a sovereign nation and fully earned the right to be treated on a government to government basis with other entities. The Tribe pledged to care for its people in much the same way the State of Rhode Island cares for her citizens. Education, housing, health care, to name but a few, are the concerns of the tribe just as they are the concerns of the Ocean State,

Supreme Court Chief Justice John Marshall held many years ago, in the case of Worcester v. Georgia, that "Indian nations had always been considered as distinct independent political communities, retaining their original natural rights, as the undisputed possessors of their soil."

It is my belief as well that the Federal Government made a compact with Native Americans in exchange for a great deal of their land and resources. That deal was to respect the treaties that were made, and to recognize tribes on a government to government basis.

In recent years, the Supreme Court has held that gaming is consistent with a Federally recognized tribe's sovereign rights. Understanding the sensitive nature of gaming, Congress passed the Indian Gaming Regulatory Act (IGRA) in 1988 to codify U.S. law regarding the sovereign right to Tribes to engage in gaming on their lands. I believe that IGRA is fair legislation which was enacted on a bipartisan basis to balance the rights of tribes and interests of States and local communities.

The agreed purpose of IGRA was not to provide a method by which tribes could become rich. As the law clearly states, the revenue generated from gaming goes directly to essential tribal needs such as the health care, education, and security of the tribe. I am sure that if the public truly knew about the challenge that most Native Americans face, they would embrace IGRA as I have: as a mechanism for fair economic development.

While the Rhode Island Indian Claims Settlement Act allows the State to share some jurisdiction over the Tribe's settlement lands, it gives the State no authority at all respect to gaming. Under existing law, the State has no authority to dictate to the Narragansetts how they may conduct gaming, other than by making gaming illegal for everyone in the State. If the State did that, then IGRA would not allow the Narragansetts to do gaming. But if the State allows bingo in any form, then the Tribe has a right under IGRA to have a bingo hall.

Section 330, violates this concept and would fundamentally alter the balances that were struck in IGRA. Advocates of the provision have said that all they are trying to accomplish is to force the Narragansetts to be treated just like any other entity in the State of Rhode Island. It is clear, however, that by virtue of their treaties, and by the ruling of the Federal Court of Appeals, the Narragansetts are not simply any other entity, and should be afforded all the rights and privileges that are consistent with their existing agreements.

In the end, I believe that this issue has become a fight to protect the civil and sovereign rights of a single Native American tribe. Unfortunately, because the Omnibus Continuing Resolution will not be amendable, I will not have an opportunity to strike this callous language from an otherwise fairly sound piece of legislation.

Mr. LIVINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise to congratulate the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Speaker, this bill represents a victory for America—it's a milestone along the road toward balancing the budget. It hasn't been easy, but the Republican majority of this historic Congress has already delivered $53 billion in tangible savings for the taxpayers of this great country, while locking in program changes that will make those savings multiply in years to come. Sure, there had to be compromises—and certainly all of us feel regret that we couldn't accomplish more.

Of course, we are frustrated by the way the White House constantly moved the goalposts, at times to the point where some questioned whether the administration wanted a bipartisan agreement at all. We also had to contend continually with certain defenders-of-the-status-quo naysayers in the other party who attempted to block us at every turn. But I am proud that this Republican majority held firm to its basic common sense principles for America: We will not abandon our glidepath toward a balanced budget; we will not eviscerate our national defense; and we will not accept endless government intrusion into our lives just because the President and the liberal wing of the Democrat Party have again made big government and more give away spending the centerpiece of their election-year gameplan.

Mr. Speaker, we head home tonight proud in the knowledge that we have replaced the tired debate of whether we should balance the budget with a brave new dialogue about how to accomplish balance. We have ended the failed dependency trap of the welfare entitlement and implemented tough new illegal immigration policies. We have delivered common sense health insurance reforms to allay the anxiety of job lock and pre-existing condition exclusions. We have brought about true reform to this institution, clearing away 40 years of rot caused by out of touch one-party rule. And, we have finally begun to reduce the reach of the Federal Government into our everyday lives. This bill represents a sizeable downpayment on the brighter future that we promised to deliver for America's children and grandchildren. We kept our promises to America—and we have only just gotten started. Vote for this rule and this bill.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA], a terrific magician, the very distinguished chairman of the Subcommittee on the Interior, who has just done an outstanding job with competing forces.

Mr. REGULA. Mr. Speaker, it is truly a bill with magic in it because of the magic of our national treasures and what it does for the lives of people, the magic of going to a national park, the magic of taking your children to the national zoo where they will for the first time be given an opportunity to see the wildlife that is part of our ecological heritage. Truly it is magic, and we have tried to protect those treasures in this bill.

We have given the parks $70 million more for operations. We have provided more money for maintenance in the bill. We have provided for the Indians because they are part of the magic, too. They were the original people in this Nation. We have treaty obligations to our Native Americans for education and health. We enjoy much of what is part of our national heritage with the Native Americans. We have increased by $123 million the dollars that they will receive.

We have put in money for fire suppression, for the hurricane damage, for terrorism. One of the less than magic parts of the bill is that we have to recognize on reality in terms of terrorism. But overall, and I think this is a little bit of magic in this, we are appropriating $1.3 billion less than we appropriated for the same bill in 1995. This in spite of inflation, in spite of new responsibilities we have $1.3 billion in savings. And that is a little bit of magic for our children because that means they will have less to pay in terms of debts and deficits.

So I think it is a good bill with some innovative initiatives. We are putting money in a habitat conservation program in California that I think will be a model for the Nation. In this program they look at the economic as well as the ecological values and they work it out so that we can do both. And that is the magic of more jobs while at the same time preserving the quality of life. A provision for fees, also 4 million in a clean streams initiative. This is a good bill.

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Mr. LIVINGSTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. SMITH], a member of the Committee on the Judiciary, who helped craft and is the author of the immigration provisions in this bill.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding me this time.

Mr. Speaker, I rise in support of this bill which contains the strongest illegal immigration measures ever passed. Every illegal immigration measure that we passed in the stand-alone bill last week, every phrase, every word, every comma remains in this omnibus bill. It secures America's borders. It stems the pointless flow of illegal drugs, protects American jobs and saves taxpayers billions of dollars.

This bill also requires new immigrants and their sponsors to be self-reliant rather than relying on taxpayers for support.

For the first time ever, we require every new immigrant to have a sponsor. Just as we asked deadbeat dads to support the children they bring into the world, this bill requires deadbeat sponsors to support the immigrants they bring into this country.

This bill has been changed though, Mr. Speaker. The administration put American taxpayers last when they insisted that we make it easier for noncitizens to receive welfare. They threatened to shut down the Government unless we make it harder to deport noncitizens who use welfare.

I wish that all of these provisions had remained, but still this is a landmark bill. It puts our taxpayers, workers and communities first. I urge my colleagues to support it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to commend both sides of the aisle for responding to the disaster that those of us in five States were affected by Fran and to recognize that there was a bipartisan response. Not all of the time do we respond in a bipartisan way, but indeed this is appreciated by those people who were suffering, $400 million is not all we need, but it is a significant movement in the right direction. I want to express my sincere appreciation for all those who are suffering in North Carolina.

Mr. LIVINGSTON. Mr. Speaker, I yield one-half minute to the distinguished gentleman from Pennsylvania [Mr. GOODLING], chairman of the committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Speaker, for 20 years I pleaded with the Democrat majority to please fund the unfunded mandate, the biggest we ever had in the history of this country, which of course is special ed. For 20 months I have hounded the new Republican majority to please begin funding it. Tonight I am happy to say that there is a 10 percent increase in there. So I thank everyone, the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Illinois [Mr. PORTER], everybody else who was responsible. But, more importantly, every school district in the United States says thank you.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I would simply like to point out, based on the comments that the chairman made earlier, we have saved $53 billion for the taxpayers during this session of Congress. I always like to put that in terms of my constituents. A quick back-of-the-envelope calculation shows that that amounts to $200 per capita in this Nation, $200 for every man, woman and child, or approximately $325 per taxpayer or somewhere in the neighborhood of $450 to $500 per average family.

That is a very substantial amount of money. Compared to the President's budget as submitted, it is even greater, 50 percent greater than the numbers I quoted.

I think we as the 104th Congress can be very proud of this accomplishment that we have run a tight ship. We have reduced spending and we have saved the average family in America approximately $450 to $500 during this session of Congress.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman for yielding me the time.

I would like to mention that the agreement includes a provision proposed by the other body that $5 million be expended in substance abuse and mental health services for Native American populations, rural and Native American populations. No similar provision had been approved by the House, but this is a very important provision in Indian country. We passed a bill very important that dealt with Native American housing earlier. I want to commend the conferees for putting this money in for mental health services and substance abuse.

Mr. Speaker, this is a good bill. Let me conclude with the immigration provisions. I think the President deserves credit for sticking up for legal immigrants in the bill. The bill still has some flaws on the immigration side but nonetheless deserves support.

The conference agreement provides $2,134,743,000 for the Substance Abuse and Mental Health Services Administration

[SAMHSA] instead of $1,849,235,000 as proposed by the House in H.R. 3755 and $1,873,943,000 as proposed by the Senate in H.R. 3755 as reported from committee. Within this total, the conference agreement makes available $58,032,000 for the mental health knowledge development and application [KDA] program, $69,927,000 for the children's mental health program, $1,310,107,000 for the substance abuse performance partnership, $156,000,000 for the substance abuse treatment KDA program, and $168,800,000 for the substance abuse prevention KDA program.

The agreement includes a provision proposed by the Senate in H.R. 3755 as reported from committee to require that of the amount provided for SAMHSA, at least $5,000,000 be expended for projects serving rural and native American populations. No similar provision was included in H.R. 3755 as passed by the House.

The conferees agree that SAMHSA should comply with the directives in the House and Senate reports accompanying H.R. 3755. The conferees have provided $1,500,000 for child care wrap around services for a continuing grantee under the Pregnant and Postpartum Women and Children Program. The conferees expect these funds to be awarded as a competitive supplement.

The conferees have included sufficient funds for university-based evaluations of public and private collaborations which provided year-round, school-based, early prevention and transition programs, which include middle school transition programs.

Mr. LIVINGSTON. Mr. Speaker, the 105th Congress will not have the presence of the gracious gentlewoman that I would like to yield to at this point. I would like to thank her for her outstanding service as a Member of Congress for so many years, but also as the most recent chairman of the Committee on Small Business.

Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in what will probably be my last time before this institution. I have enjoyed serving in this body, and I thank my colleagues for their friendship and support over the years.

I particularly want to thank the gentleman from Louisiana, Chairman LIVINGSTON, and the gentleman from Wisconsin [Mr. OBEY], the ranking member, for including the SBA in this bill. The small business provisions included in the Omnibus Appropriation Act make a number of changes in many of our SBA programs. However, all of them have passed this House by a total of 408 to nothing fairly recently.

The overall theme of the legislation, however, is better management of the loan programs. SBA guaranteed approximately $10 billion in life-giving capital to small businesses every year. The 7(a) guaranteed loan program, the largest loan program at SBA, will provide over $7 billion in financing to small businesses this year.

This bill preserves the 504 program, which is for bricks and mortar, lending through fees it allows for an expanded SBIC program, which is venture capital for small business. And all of this with greater safety and soundness for the American taxpayer.

I want to thank all the members of the committee and the staff for their hard work.

Mr. Speaker, I rise today in what will probably be my last address before this institution. I have enjoyed serving in this body, and I thank my colleagues for their friendship and support over the years. As the Chair of the House Committee on Small Business, I am proud to take this opportunity to describe an excellent package of small business program reforms that is contained in this Omnibus Appropriations Act.

This package is based in large part on H.R. 3719, the Small Business Programs Improvement Act of 1996, which the Committee on Small Business reported out in July of this year by unanimous vote. The bill was the product of intensive, bipartisan work. Earlier this month, H.R. 3719 passed this body by a vote of 408 to 0. I appreciate the support that my colleagues gave to that bill, and I think that it speaks well of the spirit of teamwork and commitment to the welfare of the small business community that resides in the Committee on Small Business and this Congress.

The small business provisions included in the Omnibus Appropriation Act makes a number of changes in many of our SBA programs. The overall theme of the legislation, however, is better management of the loan programs. SBA-guaranteed loans provide approximately $10 billion in life-giving capital to small businesses every year. The 7(a) guaranteed loan program, the largest loan program at the SBA, will provide over $7 billion in financing to small businesses this year. As volume in the loan programs has increased, SBA staffing has decreased. I believe these events can be compatible, but only if the SBA relies on its private-sector partners to carry out the day-to-day operations of making, servicing, and liquidating loans.

The SBA does not have the manpower or resources to be a retail operation. They cannot efficiently process every loan or handle the liquidation of each loan that goes into default. This is clear from the new subsidy rates—rates that have dramatically increased in the past year due to low recovery rates on liquidated loans. The time period for liquidating loans is substantially longer than the average in the private sector. It is time for the SBA to move the liquidation function to the private sector, where our bank and non-bank lending partners conduct these types of actions everyday, and harness those efficiencies. The SBA must assume the role of monitoring our lending partners, not trying to recreate operations that are done faster and better in the private sector.

My colleagues and I realized the SBA's limitations, and this legislation will turn more functions of the SBA lending programs over to the private sector. In the 7(a), 504, and disaster loan programs, pilot projects have been created, giving lenders the freedom to liquidate defaulted loans. This should increase our returns and improve service delivery in our loan programs. The SBA simply cannot handle the load currently on its plate, as reflected in the increased subsidy rates.

Other critical provisions in this legislation are those dealing with the 504 or Certified Development Company program. When the President released his budget for fiscal year 1997, we were hit with dramatically higher estimates of the subsidy rates for the 504 and 7(a) guaranteed loan programs. Last year, the Committee on Small Business moved legislation that reduced the subsidy rate in the 504 program to zero, making it a self-financed program that requires no appropriated funds. While the committee was disappointed and frustrated by the SBA's and OMB's inability to notify us in a timely way about these new estimates, we are committed to preserving the 504 program, if necessary, at a zero subsidy.

A combination of new fees, to be shared by the lenders, the certified development companies, and the borrowers, and several program-management improvements in this legislation, including the liquidation pilot project, result in the maintenance and strengthening of the 504 program. It is vital that this lending program, which provides long-term financing for expanding small businesses to purchase new physical space or equipment, continue to help small businesses and our economy grow. As my colleagues probably know, the 504 program is the only SBA lending program with a job creation requirement. While no one likes to place additional fees on small business borrowers, that was the only way to keep this important program going within the parameters of the available funds.

This legislation also addresses some management issues in the 7(a) program and requires an extensive, private sector study of the subsidy rate calculations done by the SBA and the OMB. I hope this study will unlock the mysteries of the OMB subsidy rate assumptions and prevent future year surprises in this calculation. As with the 504 program, we are moving more of the day-to-day responsibilities for the loan programs to our most trusted private sector partners, our preferred lenders or PLP's. Accordingly, the preferred lenders will be provided with the full authority and responsibility to liquidate their own loans. The SBA has delegated many responsibilities to the PLP's, but has retained most of the liquidation functions with the agency. In addition, certified lenders [CLP's] will be able to conduct their own liquidations, with the assistance and oversight of the SBA. It is anticipated that the private sector will be able to perform this function faster and more efficiently, maximizing returns to the Government.

In addition, this legislation requires that the low documentation or low doc program, which is an abbreviated form for the borrower seeking a guaranteed loan of $100,000 or less, be conducted only by PLP's, CLP's, or lenders with significant small business lending experience. This program, which was a pilot initiated by the SBA, has proven to be very popular among borrowers and banks, alike. However, the Committee on Small Business has received a good deal of anecdotal evidence suggesting that many lenders who have little or no small business lending experience, and no experience with SBA loans, are doing large volumes of low doc loans. As the low doc program now comprises about 25 percent of the

7(a) program volume, my colleagues and I felt it important to act to preserve the integrity of the SBA's own regulations, which stipulate that low doc is for use by our most experienced lenders. We also place a limitation on any new pilot programs. The administration may experiment and try out new ideas and concepts to meet small business' needs. However, no pilot may comprise more than 10 percent of the 7(a) program volume. As we have seen, the program's subsidy rate is very sensitive to changes in the portfolio composition. Any pilot deemed successful can be statutorily created through the legislative process.

Other provisions in the legislation continue to echo the theme of more reliance on the private sector to carry out the functions of the SBA programs. The SBA is required to contract out to one or more private entities responsibility for the servicing of 30 percent of the residential loans in our disaster portfolio. This pilot should show that the private sector can perform this function at less cost than the SBA and, hopefully, lead to a complete contracting out of this function.

Finally, the Small Business Competitiveness Demonstration Program and the Small Business Technology Transfer Program are reauthorized through fiscal year 1997. The Small Business Competitiveness Demonstration Program eliminates small business set-asides in four categories of industry, as long as small business participation in these industries are at least 40 percent. This innovative demonstration program has worked well, allowing all business to compete for Government contracts on an equal footing, without locking small business out of the process, or into a certain number or type of projects. This legislation does require extensive reporting on the progress of this program, to ensure that it is not operating to small businesses detriment.

The small business technology transfer, or STTR program, is a 3 year old pilot program created to harness the tremendous creativity and flexibility of small business to promote the commercialization of innovations derived from Federal research and development. This program partners small companies with nonprofit research institutions, such as universities or federally funded research and development centers. Through STTR, small businesses are allowed the opportunity to compete for a very small portion of Federal agenciess' extramural research and development budgets. In a very competitive environment, small businesses seek approval for proposals to turn Federal research into new products and applications for the commercial marketplace. I am very pleased that the STTR program will be continuing in fiscal year 1997, and hopefully, in years thereafter.

The small business provisions included in the Omnibus Appropriation Act also contain improvements to the Small Business Investment Company [SBIC] program, which were inserted by the Senate and are based on S. 1784, which passed the Senate by unanimous consent in July of this year. The Senate provisions restructure the SBIC program to incorporate a number of vital changes to program operations.

Under the Senate's language the minimum capital requirements for new license applicants is increased. To be a debenture licensee, new applicants must have $5 million in private capital. To be a participating security licensee, new applicants must have $10 million in private capital; however, the SBA can approve a participating security applicant if it has between $5 and $10 million provided that its investment plan is sound. Furthermore, the language grandfathers all existing licensees, and there will be no restrictions on the availability of capital to any licensee—all licensees will be able to refinance or borrow additional leverage.

The Senate provisions also includes two increases in fees to be paid by SBIC's. First, SBIC's would pay an annual charge of 1 percent on the value of all outstanding leverage granted after the effective date. In addition, the non-refundable up-front fee, which is currently 2 percent, would be increased to 3 percent of new leverage amounts. These fees will greatly reduce the subsidy cost of the program enabling this Congress to provide more venture capital funding for small business than ever before.

In addition to the reforms of the financing provisions, there are a number of changes designed to enhance the safety and soundness of the SBIC program. The SBA must ensure that each applicant for a license maintain diversification between the management and ownership of the licensee, and regulate SBICs closely to first, ensure that they do not incur excessive third-party debt; second, ensure that no SBIC receives leverage when it is under capital impairment; and third, require each SBIC to adopt valuation criteria set forth by the SBA to establish the values of loans and investments of each SBIC and that an independent certified accountant review these valuations annually. Finally, the SBA is directed to submit to the Senate and House Committees on Small Business a detailed plan to expedite the orderly liquidation of all licensee assets in liquidation. This plan is to include a timetable for liquidating the liquidation portfolio of assets owned by the SBA.

The Omnibus Act also includes provisions to speed up the processing of applications from business entities who want to be licensed by the SBA as an SBIC, and requires the SBA to provide a report detailing the status of the application within 90 days. In addition, it states that no application can be denied because Congress has not appropriated sufficient funds to meet leverage demands. These provisions also permit the SBA to approve a new license applicant that has at least $3 million in private capital, so long as the applicant meet all other licensing requirements. Once approved as a licensee, however, the SBIC would not be eligible for leverage until its private capital reaches $5 million.

Under the Senate provisions, section 301(d) of the Small Business Investment Company Act of 1958 will be repealed and all former 301(d) licensees, the Specialized Small Business Investment Companies [SSBIC's], will now become regular Small Business Investment Companies. The 301(d) licensees are currently restricted to investing in socially or economically disadvantaged businesses, mostly those owned by women and minorities. However, the SSBIC's have long complained that this restriction has hindered the ability of these important companies to grow like other SBIC's.

In order to enable their growth, the legislation removes the investment restriction, but creates a special reserve of leverage available only to SBIC's who invest at least half of their funds in small enterprises. A small enterprise is a small business with a net worth of less than $6 million and a net income of less than $2 million. This merger will enable the smaller SBIC's to maintain their focus on financing for primarily minority- and women-owned businesses, which that are the smallest of our entrepreneurs, without any specific restrictions that might negatively affect the ability to seize investment opportunities.

In lieu of the prior funding mechanism for the 301(d) licensees, the Senate language provides a new reserve of debenture funding for these smaller SBIC's. The fund will be financed through the proceeds of the existing preferred stock repurchase program. The availability of this special pool of leverage, along with leverage available to all SBIC's, will substantially increase the capital available for minority- and women-owned business investments.

In addition, the Senate provisions require that each SBIC, regardless of its size, invest at least 20 percent of its aggregate dollar investments in smaller enterprises. This new focus is designed to ensure that the smaller businesses continue to obtain full benefit of the SBIC program from all its participants.

The SSBIC provisions in the Omnibus Act contain some changes from the text of S. 1784, which unanimously passed the Senate. These changes are designed to address a number of the concerns raised by the SSBIC industry. Specifically,

First, the SSBIC's will be completely grandfathered from the new capital standards, which are contained in the legislation;

Second, the smaller SBIC's, which are essentially the SSBIC industry, will be unrestricted with regard to obtaining rollover or new leverage;

Third, investment companies with less than $10 million in capital, but more than $5 million, will be eligible for the participating securities program; and

Fourth, funds from the repurchase of SSBIC preferred stock will be set aside as a special reserve for debentures for the smaller SBIC's which is essentially the SSBIC industry. In addition, the specially set-aside debenture funds will be dedicated to investments in smaller enterprises—many of which are minority owned.

I believe that the SBIC and SSBIC provisions set forth in the Senate amendment are reasonable and will in turn benefit the small business community. In the bipartisan spirit of cooperation that has historically surrounded small-business legislation, I urge my colleagues to support the small business program reforms included in the Omnibus Appropriations Act.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would simply like to add additionally my thanks to the distinguished gentleman from Illinois [Mr. PORTER] for the cooperation which he has given us in handling the labor, health, education, social services bill. He is a good chairman, and we very much appreciate the courtesies that he has shown our side of the aisle.

I would also like to extend my appreciation to Martha Foley from the White House and also to Jack Lew, to Barbara Chow, Charles Keiffer, to John Hiley and to Franklin Raines, the new OMB director. A special thanks to Jim Dyer, who in his capacity as staff director has worked very well and very closely with all of us on both sides. Also from the committee, Jack Kole, and from my personal staff Christina Hamilton, Anne Georges, Joe Crapa, Paul Carver. Without the work of all of these people, we would not have been able to finish this monstrous effort without all winding up in the hospital. I appreciate their efforts very much.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN], distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

(Mr. CALLAHAN asked and was given permission to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I rise in support of this measure.

Mr. LIVINGSTON. Mr. Speaker, to conclude the argument and debate today on this final bill, I yield the balance of my time to the very distinguished gentleman from Georgia, the Honorable NEWT GINGRICH, Speaker of the House.

The SPEAKER pro tempore (Mr. DREIER). The gentleman from Georgia [Mr. GINGRICH] is recognized for 6 minutes.

Mr. GINGRICH. Mr. Speaker, let me start by saying I think this is truly a historic evening and that I want to thank everyone on both sides who made this possible.

It took a tremendous amount of effort both here and in the other body and in the executive branch. It took a bipartisan effort.

I want to particularly single out Mr. OBEY and all of his staff and all the members of his committee on the Democratic side who worked so hard, and I want to thank Chairman LIVINGSTON and his members and his staff who worked so hard.

I want to pick up a little bit on what Mr. OBEY said. Leon Panetta was up here, our former colleague, for 2 nights, until, I think, 4:30 one night and until 7 a.m. the next, working to get this done, not to drag it out, not to get into some kind of a mess, not to hang around for an extra 10 days, but to get it done and to get it done in a very detailed, very thorough and, I think, remarkably bipartisan way.

This Congress may at times have been very partisan. In the last week I think we have truly pulled the wagon together, the American people's wagon, in a remarkably solid way.

I also have to say that John Hiley did a very able job representing the President. And at one point last night we were sitting right over here with ALAN SIMPSON and LAMAR SMITH working on the illegal immigration bill. It was a truly bipartisan effort to scrub the bill and, I think, went from many, many changes to a very narrow range of changes and did it in a way that was very intelligent and very professional. I commend not just John but all the staff he brought with him from the executive branch.

I would also say that Martha Foley very ably represented the interests of the President. That is the way it should be in our constitutional system. Remember, our Founding Fathers designed, in the Constitution, they saw themselves as engineers. They wanted a machine so inefficient that no dictator could make it work. So they put part of the power over here, and we get elected every 2 years and we all pay a lot of attention, every morning, to what the American people think. Then across the way they created the Senate to represent the States, where we represent the people and where this is the people's House in the constitutional model, that is the States House, and only one-third of the Senators are up. And so their view is different than ours. And where we are a new body every 2 years, they are a continuing body. And they never quite change their rules.

They are deliberately and legitimately slower. When the country becomes more liberal, they do so more slowly. When the country becomes more conservative, they do so more slowly. That is the way it should be. Then the Founding Fathers took part of the power and put it downtown, and they elected an Executive every 4 years. That Executive has the power of the veto. And as we on our side found occasionally, it is a very powerful weapon.

On the other hand, back when we were in the minority and we had a Republican President, we thought it was a wonderful weapon. I think all of us in this House have learned a little more about this process in the last 2 years.

And then, just to make it really complicated, the Founding Fathers put a little building right over there called the Supreme Court which watches all of us. And their deliberate design was to create a system so complex and so cumbersome that no dictator could seize power and force it to happen and to create a system so cumbersome that no temporary tidal wave of popularity could force us to do dumb things that were not changeable.

Some days it is very frustrating. Some days it is very partisan. And then occasionally it matures and it comes together and people listen to each other and you have a few weeks, as we did this summer, when in one short week we reformed the health insurance system so every American had a chance to go out and change jobs without preconditions. In 1 short week, we passed the minimum wage. I would say to my friends, the Democratic Party, you won a great victory. Some of us swallowed more than we wanted to, yet it was clearly the American people's will. And the system worked exactly as it is supposed to.

In that same short week, we reformed welfare, ending an entitlement after 61 years. And for some it was a bitter defeat and for others it was wonderful victory. Yet at the end of the week, everyone had won something and everyone had somehow felt accommodated that the process was working.

Now we are here tonight. I could not say enough about Chairman LIVINGSTON, the team he assembled, the tremendous staff that Jim Dyer leads and the way in which this committee has served, saving $53 billion in domestic spending for the American people, the most successful Committee on Appropriations from a taxpayer's standpoint since World War II. The gentleman from Louisiana [Mr. LIVINGSTON] clearly played the lead role week in and week out and carried that burden.

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And I would say candidly, without the tough negotiations, the hard work and the willingness of the gentleman from Wisconsin [Mr. OBEY] to fight for his team but to fight within the process, this would not have happened, and I say to the gentleman, "DAVE, I commend you."

And I would say across the way, if I might, we have two great giants in the Senate, MARK HATFIELD, who we will all miss, who whether one agreed or disagreed, whether it was early in his career as a young boy governor reformer, whether it was as one of earliest opponents of the Vietnam war as an act of conscience, whether it was the vote last year against the balanced budget, because he honestly voted out of conscience, or whether it was working with him as we all did the last week, a remarkable tribute to the American system.

And his counterpart, I think probably the wiliest, the most clever and certainly the most knowledgeable Member of the Senate, BOB BYRD, who is just a giant who people will study for many centuries and say: That personifies the Senate at its most cagey, its most obstinate, and at the same time cherishes the ideals of why we have a Senate, even if we in the House often wonder why we have a Senate.

And they, of course, look over here and wonder why we have a House, and that is how the Founding Fathers intended. And I would say of Keith Kennedy and that fine staff, they were absolutely invaluable.

Illegal immigration. A tremendous breakthrough for all Americans who really do believe we must remain open as a land of legal migration, a beacon of hope for the whole planet, but we cannot be open for those who would break the law and come here. And yet tempered to some extent; we would argue about the tempering by very tough negotiations with the White House and with our friends, the Democrats.

The defense bill: I would just say to my colleagues watching what is happening in the Middle East, and I say this as an Army brat, we in this Congress stood firm for our men and women in uniform, and we have provided them on a bipartisan basis with better equipment, better training and better resources, and it was the right thing for us to do for those who risked their life for America. And I am proud of the gentleman from Florida [Mr. YOUNG], and I am proud of the gentleman from Pennsylvania [Mr. MURTHA], and I am proud of everybody who has worked on that, and I am proud of the gentleman from South Carolina [Mr. SPENCE], and I am proud of the gentleman from California [Mr. DELLUMS] and everybody who works on the Committee on National Security, and the two committees have worked together for a better America and for the young men and women who serve us.

On health care I have to say fighting to balance the budget, saving money, the gentleman from Illinois [Mr. PORTER] was a giant for research, for the National Institutes of Health, for breast cancer research, and I say to the gentleman, "JOHN, we all owe you something," and those who get ill 20 years from now, who are saved by miracles of research that are undreamed of today, can look back to this Congress which said, yes, we will pinch pennies where it is wise, but we will not stint on the research that will save lives in the future. I thank the gentleman from Illinois for his leadership.

On parks I would just have to say that the gentleman from Ohio [Mr. REGULA] has done a tremendous job on the Interior bill, we worked very closely together, and I thank all my friends on both sides of the aisle, and I thank, I hope, the other body which I do not think yet acted, that we may actually get a bipartisan parks bill through before the evening is out or before next week is out because it is good for America and there are a lot of things we can agree on on strengthening parks.

And finally, all of us are going home to a country that has the scourge of drugs and violent crime, and I just want to thank the gentleman from Kentucky [Mr. ROGERS] for his tremendous leadership in doing the right things to strengthen the FBI and the Drug Enforcement Administration and all the things that are happening there.

And as we think about what is happening in the Middle East, I want to thank our good friend, the gentleman from Alabama [Mr. CALLAHAN] for his leadership on the foreign operations bill. It is a very hard task, and no one thanks them for doing it, but it is for America's future and for our role in the world, and we are grateful.

Let me just say in closing I know some of my friends never quite got over my becoming Speaker, but that is all right in the historical process. I know that others were delighted that I was Speaker. I know that the American people will choose November 5. This is the peoples' House. It has been great to work with everyone, I think we are closing on the right bipartisan note, I think we do have accomplishments all of us can be proud of, from every background, from every part of the country, in both parties.

This is one of the earliest times we have adjourned, I think the earliest since I have been here that we will adjourn, and I just want to say in what is quite unusual this early in this season:

I wish all of you a very good time at home, a very safe journey whichever party you are in, whatever your campaign. I hope all of you have a very good future, and while it's very, very early, since we are not formally going to be in session, I actually wish all of you a very Merry Christmas. Thank you very, very much.

Mr. LAFALCE. Mr. Speaker, this bill contains one vital piece of banking legislation—a resolution of the BIF–SAIF problem. This provision—which has been developed on a bipartisan basis, in cooperation with the administration—would protect depositors and taxpayers by providing for the full near-term capitalization of the Savings Association Insurance Fund and ensuring against default on the FICO bonds issued to pay for the previous crisis in the thrift industry. The banks will help in this effort—as they should. Both banks and thrifts reap the benefits of Federal deposit insurance, and current healthy members of the thrift industry are no more responsible than are the banks for the thrift problems of the past. Both industries are now acting responsibility to put a potential crisis in the deposit insurance system behind us.

I have always contended that BIF–SAIF was the only banking legislation that must pass Congress this year, and I am pleased that it will. In addition, regulatory relief legislation—most notably in the lender liability area—is also a part of this package. The lender liability provisions in the pending bill in fact build upon bipartisan legislation I first introduced in 1989, and reintroduced repeatedly over the years, eventually garnering 290 bipartisan cosponsors. In my view, the lender liability provisions are among the most significant elements of the reg relief package.

I am also pleased the package contains the provisions granting limited purpose banks relief from the artificial and anticompetitive restrictions long placed on their operations. Since 1987, I have repeatedly introduced legislation or sponsored amendments that would correct this fundamental inequity. It is appalling that the correction has taken so long, but I am pleased to see it.

In broader terms, there has long been bipartisan support for legislation truly targeted at reduction of regulatory burden, yet during this House session the issue has become highly controversial. In part that is because of issues left unresolved in the Banking Committee's deliberations on financial modernization legislation. We will not see modernization legislation in this session of Congress and I see that as a fundamental failure of the committee. This country's financial services policy is seriously outdated and modernization legislation is essential and long past due. But this is not an area where any one policymaker's vision can be imposed. Nor is it an area where the pull and tug between affected interest groups can or should be allowed to be determinative. All the affected parties have legitimate concerns and deserve a fair hearing, but it is not for them to resolve the issue. I believe a proper balance of competing interests could have been achieved, and consensus legislation on financial modernization produced, if we had worked cooperatively on a bipartisan basis to that end.

Financial modernization is a policy area of national importance—highly technical and politically controversial. It is an area where Members of Congress can and should do what only they can do best—work in a seriously deliberative and bipartisan fashion with the Administration to craft the best possible consensus legislation. If we move in that direction during the next Congress, we can succeed.

The broader regulatory relief package has also been controversial in its own right, separate and apart from modernization issues. The central reason for that controversy was the gratuitous inclusion of provisions in the House bill that undercut important consumer protection laws under the guise of "regulatory relief". This ill-advised effort to undercut consumer protection, coupled with unnecessarily partisan deliberations, has seriously and unnecessarily jeopardized our ability to accomplish anything in this area to date. Thankfully, House and Senate Democrats working with the Administration have ensured that all of the provisions adversely affecting the Community Reinvestment Act have been stricken from the bill and other provisions which had an adverse impact on consumer protection have been largely revised to our satisfaction. While the bill is not perfect in these respects, the final draft of the banking provisions represents a major turnaround on these key issues.

BIF-SAIF

This legislation includes proposals I have advocated throughout this Congress for the reform of the federal deposit insurance system. Two years ago, I joined with Senator D'AMATO in requesting the GAO to study the deteriorating condition of the Savings Association Insurance Fund [SAIF] and to make recommendations to Congress. The study—issued in March of 1995—confirmed our worst suspicions that the SAIF was dangerously underfunded and that several major thrift failures could precipitate a new thrift crisis that could require additional funding from taxpayers. It also found that a projected 20-point disparity in insurance premiums paid by banks and thrifts would encourage further weakening of the SAIF and threaten potential default on the FICO bonds issued to help pay the cost of the last thrift crisis.

Shortly after the report was issued, I introduced twelve separate bills that outlined several alternative approaches for addressing the problems of the SAIF fund. Many of these proposals were incorporated in the so-called "BIF–SAIF" legislation approved by the Banking Committee last year and are now included in this legislation. These provisions provide for the immediate recapitalization of the SAIF fund by SAIF-member institutions, the merger of the SAIF with the Banking Insurance Fund [BIF] in 1999 and the sharing of the long-term FICO bond debt by all insured institutions.

These measures will finally bring closure to the thrift crisis of the 1980s and will do so without any additional cost to American taxpayers. The thrift industry will commit over $5 billion to fully capitalize the SAIF this year and the bank and thrift industries will provide $16 billion over 20 years to finance the FICO bonds. This is a significant financial outlay and a necessary one. While today's banks and thrifts cannot be held responsible for the thrift failures of a decade ago, they have an equal stake in preserving public confidence in our deposit insurance system.

REGULATORY RELIEF

Earlier House versions of the regulatory relief section of this bill raised very troubling concerns in the area of consumer protection. I am pleased that, because of the input of Senate and House Democrats working cooperatively with the administration, the bill has been very substantially improved in this area. I will speak only to three key areas of concern.

Earlier versions of the bill would have effectively eliminated the vital Community Reinvestment Act by exempting most banks from its coverage and eliminating the only existing enforcement mechanism. The final draft of the banking section of this bill does not adversely affect CRA in any regard.

Another major area of concern for me has been the elimination of civil liability under the Truth In Savings Act. Such an elimination would have totally undercut efforts to ensure compliance. The current bill would sunset the civil liability provisions in 5 years. It would certainly be my hope that long before we ever reach that date we will readily conclude that eliminating civil liability is a very poor idea.

Finally, I do not believe the consumer leasing provisions belong in this bill. The absence of full and comprehensible disclosure in the area of auto leasing confuses, and at worst deceives, more and more consumers each day. We are very ill-advised to legislate on this issue without a full understanding of the problem and alternative ways to approach its resolution. Yet provisions were incorporated in the House bill without any prior consideration by the Committee whatsoever. The provisions which have survived are less problematic than the original House provisions, which actually eliminated civil liability in key areas, but they are very troubling nonetheless. I will continue to press for serious pro-consumer action in this area during the next session.

LENDER LIABILITY

This continuing resolution also incorporates lender liability provisions which I strongly support and have advocated for 7 years. I introduced the first lender liability bill in 1989 in response to a small business in my district whose efforts to develop property were held up, not because of lack of interest or need, but by bank concerns about environmental liability.

In 1980, the Superfund law was passed after the well-known problems at Love Canal, located in my district, came to light. As part of that law, we recognized that not everyone with a tie to polluted property should be held liable. Lenders, who hold a mortgage or security interest in property, could potentially be construed as "owners or operators," so the 1980 statute carved them out from liability if they didn't take part in the management of the vessel or facility.

However, court cases in 1985, culminating in the well-known Fleet Factors decision of 1990, eroded the certainty of the Superfund exemption. As a result, we witnessed a serious contraction in lending to certain types of borrowers and to certain parts of communities because of bank concerns about potential environmental liability.

After hearings in the House and co-sponsorship by some 290 members of a bill I introduced to clarify secured party and fiduciary liability, the Environmental Protection Agency promulgated a rule for lenders. That rule was overturned on procedural grounds and the clarity provided by the rule was lost.

Today, this bill provides the certainty sought for so long. The legislation effectively codifies elements of the 1992 EPA rule into statutory language to provide clarity and certainty regarding the liability of secured parties and fiduciaries for contaminated properties. These provisions will spur lending to borrowers and encourage the clean-up and redevelopment of hundreds of unused properties across the country. This is done without any expenditure of taxpayer dollars and without any weakening of current EPA liability standards.

The bill does not alter a lender's potential liability, in cases where liability is warranted; it does provide clarity and certainty on how to avoid liability. The bill restores elements of the EPA rule to protect Government agencies, notably the Federal Deposit Insurance Corporation, in the role of receiver or conservator of property. It provides certainty for fiduciaries, such as trustees, executors of estates, universities, pension fund managers and those involved in a trust role for securities. Finally, the bill provides reinforcement for the EPA rule on lender liability under the Solid Waste Disposal Act, a rule that is limited to petroleum underground storage tanks.

The beneficiaries of this bill will be banks, insurers, guarantors, and others in the business of extending or supporting credit and those to whom they will now be able to lend without artificial constraint. But the ultimate beneficiary should be our environment. With lenders and fiduciaries free to undertake their responsibilities, they may be better able to support environmental cleanup of damaged properties. All lenders, at large or small institutions, will have a clear blueprint on how to be involved with properties with environmental damage and to help restore these properties to use. Fiduciaries, who frequently acquire properties in trust after they assume their duties, will be able to make decisions on properties without fear that simply taking real property could trigger personal liability.

I am pleased that this measure, after so many years of effort, has finally been adopted. I must note that it was a pleasure to work with Congressman DOUG BEREUTER and Congresswoman MARGE ROUKEMA in the House Banking Committee to produce a version of this legislation not unlike the package that is before us today.

I also want to acknowledge the many industry groups and individual firms who have worked for years to see this resolution attained. I would note in particular the work of the Environmental Lender Liability Coalition with some 100 companies, trade groups, State officials and others in remaining a constant source of support, information and expertise on this important subject.

This small provision will have major ramifications for secured parties, fiduciaries, communities and the environment across the country and, I believe, all for the good.

Ms. MOLINARI. Mr. Speaker, I rise to support and explain an amendment in the Continuing Resolution which clarifies the effective date provision for Rules 413 through 415 of the Federal Rules of Evidence. The immediate enactment of this amendment is necessary to prevent the reversal of the convictions of rapists and child molesters, and the suppression of relevant evidence in pending sex offense prosecutions.

Congress enacted Rules 413 through 415 in the 1994 Crime Act. These rules broaden the admissibility of evidence that the defendant, in a sexual offense case, has committed offenses of the same type on other occasions. At that time, Congress agreed to a deferred effective date provision when the rules were enacted, to accommodate procedural objections raised by opponents of the reform. Everyone understood that this would defer the application of the rules for at most 300 days, and that they would be fully in effect after the end of that period. Under this effective date provision, the rules went into effect on July 10, 1995.

Recently, a problem has arisen in the cases where the indictment was filed before July 10, 1995, but the trial in the case has occurred, or will occur, after that date. Some judges have properly interpreted the effective date provision to make the rules apply in all cases in which the relevant proceeding—the trial—commences on or after the effective date of July 10, 1995. Other judges, however, have refused to apply the rules in cases where the indictment was filed before July 10, 1995, even though the case would be tried after that date. In *United States* v. *Hollis Earl Roberts*, 88 F.3d 872 (10th Cir. 1996), the Tenth Circuit Court of Appeals recently adopted this erroneously restrictive interpretation of the effective date language for the new rules.

This decision may result in the suppression of relevant similar crimes evidence in pending cases, like *Roberts*, in contravention of our judgment that evidence of this type should be admissible. It may also result in the reversal of convictions of rapists and child molesters that have already occurred in cases indicted before July 10, 1995, where the trial court admitted evidence under Rule 413 or 414.

The following are just a few of the cases that will be affected:

In the *Roberts* case, the defendant is charged with sexually assaultive crimes against three women. Several other women are prepared to testify that he raped or attempted to rape them as well. The trial court has already made a preliminary ruling that evidence of the defendant's other crimes will not be admitted independently of the new rules.

In United States versus David Kee Mann, a case in New Mexico, the defendant was convicted of molesting an 11-year-old girl, following a trial in which evidence was admitted under the new rules. There was testimony at the trial concerning similar crimes by another 11-year-old victim, and by a woman whom the defendant had sexually abused throughout her childhood and adolescence.

In United States versus Calvin Dean Peters, another New Mexico case, the defendant was convicted of a rape offense. He had previously been convicted of two other rapes, and evidence of these earlier crimes was admitted under the new rules.

When Congress enacted the new evidence rules, these were precisely the kinds of cases in which we wanted to be sure that the jury would have the basis for an informed decision, including information about the defendant's history of similar crimes. However, unless Congress acts immediately, it is predictable that important evidence will be suppressed, and the convictions of sexual predators will be overturned. This is an unnecessary injustice because Congress has already made the decision that evidence of this type should be admissible by enacting rules 413 and 414.

While some might argue this amendment presents a constitutional problem, this is not true. The Constitution's rule against ex post facto laws only prohibits criminalizing or increasing the penalty for conduct after it occurs. It does not limit the application of changes in evidence rules in pending cases. The Supreme Court has so held, most recently in *Collins* v. *Youngblood*, 497 U.S. 37, 43 n.3 (1990).

As a general proposition, changes in evidence rules apply to pending cases, as well as to those indicted after their enactment. The amendment I am proposing is necessary to correct the harmful effects of the Tenth Circuit's misunderstanding of our intent on this point in relation to rules 413 through 415.

It is essential that Congress enact this legislation immediately—before the end of this session—because of the effect of the Roberts decision on pending cases. The amendment will ensure that relevant, probative evidence will not be suppressed, and that convictions will not be pointlessly reversed, in the cases I have described and others like them. If we do not act, we will have to explain to the present and future victims of these sexual predators why we have handed the keys to the jailhouse door to their victimizers. I do not believe that any member of this chamber wants to be in that position. I strongly urge the enactment of this measure.

Mr. SMITH of Texas. Mr. Speaker, division C shall be considered as the enactment of the conference report (Rept. 104–828) on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with certain modifications to title V of the conference report.

The legislative history of division C shall be considered to include the joint explanatory statement of the committee of conference in Report 104–828, as well as the reports of the Committees on the Judiciary, Agriculture, and Economic and Educational Opportunities of the House of Representatives on H.R. 2202 (Rept. 104–469, parts I, II, and III), and the report of the Committee on the Judiciary of the Senate on S. 1664 (Rept. 104–249).

The following records the disposition in division C of the provisions in title V of the conference report. (The remaining titles of the conference report have not been modified.) Technical and conforming amendments are not noted.

Section 500: Strike.

Section 501: Modify to amend section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) to insert the provisions in section 501(c)(2) of the conference report relating to an exception to ineligibility for benefits for certain battered aliens. Strike all other provisions of section 501.

Section 502. Modify to authorize States to establish pilot programs, pursuant to regulations promulgated by the Attorney General. Under the pilot programs, States may deny drivers' licenses to illegal aliens and otherwise determine the viability, advisability, and cost effectiveness of denying driver's licenses to aliens unlawfully in the United States.

Section 503. Strike.

Section 504. Redesignate as section 503 and modify to include only amendments to section 202 of the Social Security Act, and new effective date. Strike all other provisions.

Section 505. Redesignate as section 504 and modify to amend section 432(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide that the Attorney General shall establish a procedure for persons applying for public benefits to provide proof of citizenship. Strike all other provisions.

Section 506. Strike.

Section 507. Redesignate as section 505.

Section 508. Redesignate as section 506 and modify. Strike subsection (a) and modify requirements in subsection (b) regarding report of the Comptroller General.

Section 509. Redesignate as section 507.

Section 510. Redesignate as section 508. Modify subsection (a) and redesignate as an amendment to section 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (b).

Section 511. Redesignate as section 509. Modify to change references to "eligible aliens" to "qualified aliens" and make other changes in terminology.

Section 531. No change.

Section 532. Strike.

Section 551. Modify to reduce sponsor income requirement to 125 percent of poverty level. Strike subsection (e) of Immigration and Nationality Act (INA) section 213A as added by this section. Make other changes to conform INA section 213A as added by this section to similar provision enacted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (c).

Section 552. Modify to amend section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to include the provisions in section 552(d)(1) and 552(f). Strike all other provisions.

Section 553. Strike.

Section 554. Redesignate as section 553.

Section 561. No change.

Section 562. Strike.

Section 563. Redesignate as section 562.

Section 564. Redesignate as section 563.

Section 565. Redesignate as section 564.

Section 566. Redesignate as section 565 and modify to strike (4).

Section 571 through 576. Strike and insert sections 221 through 227 of the Senate amendment to H.R. 2202, as modified.

Section 591. No change.

Section 592. Strike.

Section 593. Redesignate as section 592.

Section 594. Redesignate as section 593.

Section 595. Redesignate as section 594.

Ms. MILLENDER-McDONALD. Mr. Speaker, I'd like to thank the gentleman for yielding. Mr. Speaker, I want to commend the Members of both Houses for the yeoman's job of putting together this omnibus bill and meeting the numerous funding priorities in this tough fiscal environment.

Many of us take for granted and do not recognize the arduous task this body faces each time they are asked to balance fiscal responsibility with our obligation to provide and our duty to govern effectively.

I would also like to thank the Chairman and the members of the committees on Transportation and Infrastructure, Appropriations, and the Subcommittee on Transportation Appropriations for having the vision to provide the funding for the Alameda corridor, to support the $400 million in direct loans, as requested by the President through the Federal Highway Administration.

While I was disappointed that unforseen circumstances caused the Alameda corridor project to be removed from a previous funding bill, I am pleased to see that the conflict was resolved and that this most important infrastructure project will be funded this year.

The Alameda Corridor will provide this country with a fast and efficient gateway to Pacific rim trade and will bolster our ability to compete in the burgeoning economic area.

Once completed the Alameda Corridor will generate more than 70,000 local jobs and close to 200,000 new jobs nationwide. The expanded trade, created by the construction of the corridor, through the ports, will create new jobs related to manufacturing, production, and the shipping and trucking of goods.

Today's funding environment requires a strong public-private partnership to finance projects of this nature. With over 75 percent of the cost of the project funded by State and local sources, the Alameda Corridor truly exemplifies the kind of public-private partnership that this Congress has long urged States and localities to pursue for important infrastructure projects.

I would like to thank the members of the California delegation for working together in a bipartisan manner to effectively move the project through this body and to bring to fruition plans and blueprints that were conceived long before many of us where sworn into office.

Let history reflect that the success of the Alameda Corridor is rooted in the bipartisanship that has helped to bring us to this point. I look forward to continuing to work with my colleagues from both parties and with President

Clinton to see the Alameda Corridor through to its completion.

I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I rise in support of H.R. 3610, the Omnibus Appropriation bill for fiscal year 1997. There are many good provisions in this measure and I am pleased that the Congress and the administration could work together in producing this necessary spending measure while avoiding a shutdown of government services.

Contained in this measure are specific provisions affecting the structure of the United States Postal Service. Specifically, section 662 of title I provides for the creation of an independent Office of Inspector General, a long needed and important postal reform. This provision is similar in scope to provisions contained in my legislation H.R. 3717, the Postal Reform Act of 1996. H.R. 3717 has been the subject of four legislative hearings this term and a proposal for creating an independent Office of Inspector General received House support during the 103d Congress. Through this omnibus package, this important measure will be seen through to fruition.

The need for an independent Office of Inspector General was highlighted by the General Accounting Office in its recent report to my Subcommittee on the Postal Service. Specifically, the GAO found that the current structure compromised the ability of the Postal Service Inspector General with respect to investigations and audits of the Postal Inspection Service. Current law provides that the Postal Service Inspector General and the Chief Postal Inspector are one and the same. This system is the product of the 1988 amendments to the inspector general statutes when the Postal Service first fell under the purview of the Inspector General Act.

The General Accounting Office found that:

> The Inspector General Act of 1978, as amended (IG Act), requires that IGs conduct audits in accordance with generally accepted government auditing standards. These standards require IGs to be organizationally independent of the operations they audit. Because the Postal IG is the Chief Postal Inspector and therefore not organizationally independent of law enforcement operations, the Postal IG can not audit these operations in accordance with the required standards.

Section 662 of title I of H.R. 3610 corrects this systemically flawed structure by mandating an independent Office of Inspector General. The Postal Service currently enjoys revenue fast approaching the $60 billion mark. It touches each and every one of us 6 days a week and provides universal mail service in order to bind together our geographically diverse country. The Postal Service is far too important for Congress and our constituents to leave the important role of agency watchdog to be compromised by a flawed management structure.

Pursuant to these provisions, the Inspector General will be appointed by the Governors of the Postal Service and may only be removed, for cause, upon the written concurrence of seven of the Governors. Following appointment by the Governors, the bill directs the IG to submit a 5 year strategic plan outlining the goals and staffing requirements for this new office. The transfer of authorities from the Postal Inspection Service to the IG will include all specific IG authorities as contained in the Inspector General Act of 1978. Importantly, the position of Chief Postal Inspector will remain a statutory position within section 204 of title 39. The amendment directs that the Chief Postal Inspector will report to, and be under the supervision of, the Postmaster General. The PMG will be required to notify the Governors and both Houses of Congress should he remove or transfer the Chief Postal Inspector to another position within the Postal Service. Further, these provisions will not require the support of the taxpayer funds as the Postal Service is self-supporting and is not included in the omnibus federal budget.

Mr. Speaker, these amendments are common sense, practical reforms and should prove to make our Postal Service more respective and accountable. Hopefully, these amendments will represent the first step that Congress will take toward tackling the arduous issues surrounding postal reform and I am optimistic that, in the next Congress, we may be able to further address these complex issues.

Accordingly, Mr. Speaker, I urge all my colleagues to support the conference report on H.R. 3610.

Mr. STOKES. Mr. Speaker, I rise in support of the bill providing fiscal year 1997 funding for the Federal agencies under the auspices of the Appropriations Subcommittees whose regular appropriation bills have not been completed, including Defense, Commerce, Justice, Judiciary, foreign operations, Interior, Labor-HHS-Ed, and Treasury-Postal Service-general Government.

As a member of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, I want to give special attention to the Labor-HHS-Ed component of the bill. While at each stage of the regular appropriations process, the majority here in the House opposed amendments to protect and strengthen education, summer jobs, employment training, Head Start, financial aid, and substance abuse treatment and prevention, and in fact, zeroed out funding for Healthy Start—a pro-life program that saves lives of babies, I am pleased, nevertheless, to say that I am encouraged by the investments that are now in this renegotiated version of the bill. However, the American people must clearly understand that these investments are the result of the Democrats and the President forcing the majority to do what is right for children, families, veterans, and seniors.

Mr. Speaker, it is because we stood hard and fast on our commitment to protect and to improve the quality of life of Americans that this bill now provides:

First, $556 million for safe and drug-free schools, so that children can have a safe and crime-free classroom in which to learn. Over 40 million students in schools and classrooms across the country will benefit from this investment.

Second, $7.7 billion is provided for title 1, so that disadvantaged children can have the assistance they need in basic reading and math. The $464 million increase will provide an additional 450,000 disadvantaged children the resources needed to help them to achieve their highest academic potential.

Third, $871 million is provided for summer jobs, so that 574,000 youth who need and want to work will have the opportunity to earn a little money, and learn good work ethics.

Fourth, $96 million is provided for the Healthy Start Program, so that families and their health care providers will have access to the critical resources they need to reduce infant mortality in poor inner city and rural communities throughout the country.

Fifth, $43 million is provided for injury control and prevention, so that the CDC has the resources it needs to further reduce the Nation's injury and violence epidemic.

Sixth, $12.7 billion, or an increase of $819 million, is provided for biomedical research at the National Institutes of Health.

Seventh, $996 million is provided for Ryan White AIDS which includes $167 million for the purchase of new AIDS drugs.

To restore the opportunity for students to pursue a college education, the bill includes $830 million for college work study, $158 million for Perkins loans, $50 million for State student incentive grants, and the Pell grant is increased to the maximum award of $2,700. An additional 150 thousand middle- and low-income students will benefit.

In addition, the bill includes $500 million for TRIO, $1.1 billion for the Job Corps Program and $1.3 billion for the Dislocated Workers Program. The bill also includes restoration of funding for substance abuse treatment and prevention, school-to-work, older workers programs, worker protections, LIHEAP, Goals 2000, libraries, and teacher training.

While this is just a snapshot of the investments won on the American people's behalf, and while we have not been provided a copy of the measure that we are about to vote on, I am encouraged by the provisions I have highlighted here.

I say encouraged because there are no assurances that the American people will ever really see the benefits of this investment. It is my hope that this is not just a paper exercise, or a mean hoax being played on the American people. I say that because it appears that the majority is already plotting post-election reversal of the concession made during negotiations on this bill. I understand the Republican conference chairman has been telling members to hold their fire on some funding issues because "we can always have a rescissions bill in January."

Each of us recalls the GOP's fiscal year 1995 rescission bill which threatened the lives of the most vulnerable citizens by gutting funding for the same education, human services, employment training, and health programs which the GOP is now proposing investments for today.

The poor children, ailing seniors, hard working families, and veterans of this country deserve a government that protects its quality of life, not jeopardize it.

I ask my colleagues, in good faith, to vote "yes," and to let that vote of "yes" also mean that they will not vote to overturn this measure in January.

Mrs. COLLINS of Illinois. Mr. Speaker, jingle bells, jingle bells, jingle all the way? This omnibus appropriations bill for fiscal year 1997 is a huge Christmas tree, folks. The truth of the matter is that this huge Christmas tree can hide a multitude of errors and policy surprises if we pass it in our hurry to get out of town.

Here we are, being asked to cast a vote on behalf of our constituents on a hastily prepared, barely reviewed, and full of who knows what. So, Members will stand up here and debate what little they know about the provisions of this catch-all bill, and we will vote on it. We will vote to provide appropriations for Defense, Commerce-Justice-State-Judiciary, Foreign Operations, Interior, Labor-HHS-Education, and Treasury-Postal Service-General Government, but we won't know the amounts that these Departments and agencies will receive because the final details are still being flushed out. Therefore, I cannot support this legislation.

This large, end of the year, last minute spending bill is necessary because, for the second straight year, in the normal appropriations process the Gingrich-Dole Republicans insisted on including provisions that they knew the President opposed and that they knew the majority of Democratic Members, such as I, who believe in fairness and in following the rules, stood against; Democratic Members, such as I, who stand for support and protection of the working families of America; Democratic Members, such as I, who seek to provide for the vulnerable among us: the children, the elderly, the disabled.

Until now, the Gingrich-Dole Republicans have opposed the valuable supportive programs that Federal funds guarantee across our communities. They have threatened reductions in health care, education, job training, crime reduction, child care subsidies, anti-terrorism efforts, and emergency assistance for persons affected by natural disasters. For the second straight year, the Dole-Gingrich Republicans have delayed the budget process—trying to get their way like a bunch of spoiled children—until we are bumped up against the start of the new fiscal year.

But because the public has made clear its strong disapproval of the Dole-Gingrich Republican's Government shutdown tactics, this year in an apparent election year conversion, the Republicans agreed to negotiate on funding important priorities such as those Democrats are known to champion. We are told that the bill provided us at this time includes agreement on essentially all of the President's priority budget requests, to the tune of approximately $6.5 billion dollars. But don't be fooled. The Gingrich Republican leaders of this Congress have pledged publicly and over-and-over again, that they will move to reverse these politically convenient concessions after the elections if they retain the leadership of the Congress.

Throughout the 104th Congress, I have been appalled at the tactics used by the extremist Dole-Gingrich Republican majority, designed to hold the Federal Government and the American people hostage to their extremist ideological agenda. Last year, in the passage of fiscal year 1996 appropriations bills, the draconian budget cuts proposed by the Republicans attempted to deliver critical blows to children and their families in their education, their health, their jobs and their safety; but, the President and the Democrats stood up for the American people and forced the Dole-Gingrich Republicans to add back level funding for many of the programs.

Mr. Speaker, at every turn of fiscal year 1996 and fiscal year 1997 budget negotiations the Dole-Gingrich extremists, simply refused to carry out their Constitutional responsibilities to govern fairly and equitably. It has been unbelievable. Adding insult to injury, they have continued the dangerous game of chicken that they have been playing with the lives of senior citizens, workers, small business people and all citizens of our country.

On the other hand, we Democrats and the President have stood so firmly in the face of extreme budget cuts and radically conservative tactics, that the Dole-Gingrich Republicans that control the Congress have been forced to accept the politically expedient strategy of negotiation in order to create an appropriations bill that would make it possible for the Federal Government to stay open a little while longer. Unfortunately, their best efforts are still not good enough for my constituents, not good enough for me and not good enough for the American people. I oppose this last minute run to end this Congress. Mr. Speaker, I urge my colleagues to vote against this bill.

Mr. LAFALCE. Mr. Speaker, the procedure we followed on this continuing resolution should outrage every Member of Congress and the American public if they but knew.

I understand that as a Democrat I am a member of the minority party. That means that the Republicans, as the majority party, have the ability to pass legislation to implement their policies. That is the system and I fully support it.

I am not outraged just because I disagree with Republican policies against minority development. I am outraged because no one knows what is in this bill nor who put it here.

If a measure had been debated, supported by a majority of members and then offered for inclusion in this bill, that would have been one thing. But it is entirely something else to include proposals which have never been scrutinized.

The small business legislation which has been appended to this bill is a prime example.

A small business bill, H.R. 3719, was considered in the House Small Business Committee, amendments were offered and votes were taken. It was a free and open process. Then, following the usual process, the decisions of the committee were set forth in a full and explanatory committee report. Finally, the measure was brought before the House under an open rule and was further amended.

Since that time, the process which has been followed makes a mockery of our legislative process.

The other body had earlier marked-up a bill related solely to venture capital programs at the Small Business Administration. In doing so, they repealed the only viable venture capital program directed to the minority small business community, the Special Small Business Investment Company program or SSBIC program.

Yes, Mr. Speaker, the other body voted unanimously for the bill, but did they know what was in it? I submit they did not. There was no committee report then or now. Instead, the measure was simply brought up by unanimous consent and certainly was not debated.

A similar measure has been pending before the House Committee, on which I am privileged to sit as the ranking minority member. Neither bill, both of which eliminate an affirmative action program to encourage the providing of venture capital to minority firms, was ever brought before the House Small Business Committee for either amendment or approval.

Why wasn't it brought before the Committee? I believe the answer is obvious: It could not stand the light of day. Members would have overwhelmingly voted to strike the antiminority provisions.

I believe that they would have rejected other provisions which discriminate against smaller SBIC's by imposing requirements on them which are not proposed on bigger entities. How can the Small Business Committee advocate small business, except when they are involved in SBA programs?

Mr. Speaker, I offered to sit down and talk about this major problem, repeal of a minority program. My overtures were repeatedly rejected. It was deemed essential by my Republican colleagues to quietly repeal a minority venture capital program, while at the same time they were publicly saying that they would defer legislative attacks on affirmative action until the new Congress.

Instead of acceding to my request to talk, the Republicans had a better plan: Let the other body add the anti-minority provisions to the bipartisan supported small business omnibus bill and then force the House into an up-or-down vote on the whole package. That essentially gives the Members an impossible choice between hurting a number of small business programs they support or eliminating a minority program they support.

Unfortunately for this plan, it required the unanimous consent of all Members of the other body, and it did not receive it.

Did this bring my Republican colleagues to the negotiating table? It did not. Instead, they determined to take advantage of the confusion which reigns in the closing hours of a Congress and try to add the antiminority language to the voluminous provisions of the continuing resolution.

Have they been successful in this attempt? Apparently yes. The lack of a bill for us to examine leads me to believe that the latest strategy has been successful.

Earlier I had publicly stated that I would strongly oppose any small business bill which proposed the repeal of a minority program, even if the result, inter alia, would have been to close, at least temporarily, an SBA plant and equipment financing program, the 504 program, which I authored 16 years ago. And I would have done so.

But now the stakes are much higher. I cannot vote to close a large part of the Federal Government and its programs by voting to defeat this massive appropriations bill.

The Republicans have won this battle, which they would not have if the issue of affirmative action had been presented to the House for consideration on the merits, rather than being appended to volumes of other measures.

I do take this opportunity, however, to advise my colleagues, that one of the first bills that I will introduce upon the convening of the 105th Congress will be legislation to reverse the ill-advised action taken today, as I assume the appropriations bill will be adopted. I hope that a majority of my returning colleagues and my new colleagues will join in support of promoting the availability of venture capital to small firms, particularly those owned and operated by minorities.

Mr. KOLBE. Mr. Speaker, as a member of the House Interior Appropriations Subcommittee, I wanted to speak about a provision that was included in the subcommittee's version of the fiscal year 1997 Interior Appropriations bill—H.R. 3662—but is not incorporated in the fiscal year 1997 omnibus appropriations package. More specifically, I'm talking about Section 317 of H.R. 3662. Section 317 authorized and approved the U.S. Forest Service's approval of alternative site 2 as the location for the Large Binocular Telescope atop Mount Graham in southern Arizona. I asked that this provision be removed from the bill, and I'd like to explain why.

I offered an identical amendment to the Omnibus Consolidated Recissions and Appropriations Act of 1996. Section 335 of the bill amended Public Law 100–696, the Arizona-Idaho Conservation Act of 1988 [AICA] by permitting the use of a location as Alternative Site 2 on Emerald Peak on Mt. Graham for the construction of the Large Binocular Telescope. The Large Binocular Telescope [LBT], is the last of the first three telescopes authorized by the Arizona-Idaho Conservation Act. The language in Section 335 was quite simple. It stated that the use of Alternative site 2 "is hereby authorized and approved and shall be deemed to be consistent with and permissible under" the Arizona-Idaho Conservation Act of 1988.

Section 335 was made part of the act to ensure that the Mt. Graham International Observatory project could proceed to build and begin operation of the LBT at the earliest possible time, without further delays from litigation or other delaying tactics which were employed in the past and continue to this date. Those involved in the field of astronomy know that the LBT is a vital part of the observatory and its completion has been delayed far too long by those who have sought to stop this important project.

As I stated on the floor of the House of Representatives when the Omnibus Recissions and Appropriations Act was being debated, the purpose of section 335 was "to clarify, once and for all, that the alternative site for the Large Binocular Telescope falls within the parameters established by Congress for the Mt. Graham telescopes" and that passage of this provision would close "this unfortunate chapter of the Mt. Graham Observatory." It embodied the intent of Congress that, hereafter, opponents of the observatory would not be able to contend successfully that alternative site 2 was not covered by AICA's exemptions from otherwise applicable laws. As is clear on its face, the purpose of section 335 was to change substantive law by amending AICA to bring alternative site 2 fully within its protections.

Despite the clarity of section 335, opponents of the Mt. Graham Observatory challenged the provision in court, claiming that it was not the intent of Congress to amend AICA to permit the construction of the LBT on alternative site 2 and also contending that any such amendment was unconstitutional. On June 17, 1996 the United States Court of Appeals for the Ninth Circuit issued a decision rejecting those claims. The court found that the operative provision of the section consisted of "terms of present and future" effect. The court concluded that section 335 "specifies that the selection of—alternative site 2—falls within the authorization of AICA." The court also found that section 335 "is a change in AICA, which Congress is entitled to make."

Clearly, it was the intent of Congress that section 335 of the Omnibus Consolidated Recissions and Appropriations Act of 1996 (Public Law 104–134) effect a permanent change in AICA. Congress wanted to ensure the prompt construction and operation of the LBT, by its nature a permanent structure, as a part of the Mt. Graham International Observatory. Unequivocally, the Ninth Circuit Court of Appeals decision validated our congressional action.

Mr. Speaker, as the author of section 335 of Public Law 104–134, I can state with great conviction that the courts have interpreted congressional intent accurately and succinctly. Section 335 was intended to effect a permanent change in the Arizona-Idaho Conservation Act of 1988. Because this amendment to AICA has been accomplished and has been interpreted by the courts in a way which is consistent with congressional intent, I do not believe any further legislative clarification is needed. Therefore, in view of the fact that AICA has been amended and need not be amended again, it is no longer necessary to include Section 317 of H.R. 3662 in the 1997 omnibus appropriations bill. This is why I asked Senator GORTON to remove this provision from the Senate version of the 1997 Interior Appropriations bill and why I requested that House Subcommittee Chairman REGULA not include the Mt. Graham measure in any further appropriations bill. Hopefully, Congress will not have any further need to clarify its intent regarding the Mt. Graham International Observatory project.

Mr. DIAZ-BALART. Mr. Speaker, I rise in support of the economic development project planned in Florida for the Homestead Motorsports Complex. The international motorsports museum and tourist attraction will be a major, year-round economic development engine which will go a long way toward revitalizing the Homestead and South Dade communities. The museum and tourist attraction will bring in more than half a million tourists per year and generate more than 100 jobs in a wide variety of areas.

The project is also a true public-private partnership, with the private sector committed to contributing one-third of the development costs, state and local governments another third and the Federal Government the remaining third.

Mr. Speaker, in light of the economic distress which continues to plague Homestead and South Dade and the strong economic development potential of the proposed motorsports museum, I strongly believe that this project deserves grant support from EDA in fiscal year 1997.

Mr. Speaker, I look forward to working with the chairman of the Subcommittee on Commerce, Justice, and State Appropriations in the 105th Congress to advance this promising initiative.

Mrs. SMITH of Washington. Mr. Speaker, I rise in support of the Omnibus Appropriations Act. Within this massive bill is a small provision that is of utmost importance to the people of Pacific County in my district.

Along the southwest coast of Washington State, Highway 105 in Pacific County has eroded away under pressure from the wave action in Willapa Bay. The Highway is under imminent threat of being washed away—it could be breached at any time.

I am pleased to report that this bill makes Highway 105 eligible for emergency funds so that action can be taken before the road washes away. This legislation will give the Federal Highway Administration the flexibility they need to ensure that the road does not breach.

This is commonsense legislation. If the road breaches it would cost the Federal Government $30 million to repair the road. We would also have about a $82 million hit to the economy, particularly to small cranberry growers who would lose their soil forever if the ocean overruns the road. It would also impact a small Indian reservation that has a high infant mortality rate.

This legislation ends a long process for the hard-working people of places like Tokeland, Grayland, North Cove, and Willapa. These people need the certainty that the road will not be washed out and that private property and cranberry bogs will not be destroyed. The action that will take place as a result of this proposal will give them this certainty.

I want to thank Chairman FRANK WOLF and Chairman BUD SHUSTER, both of whom worked with to protect the fragile environment and economy of Pacific County.

Mr. CALLAHAN. Mr. Speaker, I would like to take a few moments to explain just a few of the important highlights found in the 1977 foreign operations and export financing appropriations bill contained in the Omnibus Appropriations bill now before the House.

First, this bill includes a tremendous Republican accomplishment—the creation of a new $600 million child survival and disease prevention account. Each year millions of innocent children die from indiscriminate diseases. In most cases these deaths can be prevented. The establishment of this new account is a major step toward that goal. It also reflects the powerful commitment of this Congress to the eradication of infectious disease—including that cruel crippler of young children, polio—as well as the immunization of children everywhere.

If there is a disappointment, it is that some in the executive branch have opposed our effort to focus on children and infectious diseases. I think it is time for administration bureaucrats to stop carping and to get on with this critical program.

We also stood up to the administration on another extremely important issue affecting children. We firmly rejected the President's proposed cut in funding for the United Nation's children fund [UNICEF]. This is exactly the kind of foreign aid that really works and, not surprisingly, that the American people strongly support.

Second, this bill continues to protect taxpayer dollars. As important as some of these activities are, foreign aid should not grow at the expense of domestic programs. We have provided a balanced mix of humanitarian aid, export promotion, full funding for the fight against narcotics, and continued support for long-term development.

Finally, I want to thank the congressional leadership and the President's Chief of Staff for negotiating the difficult problem of international family planning and abortion. None of us are perfectly happy with the result. Nonetheless, it does seem to represent a fair outcome, one which reflects this bill's strong emphasis on protecting children. The Speaker, the majority leader, their staffs and mine—all deserve credit for spending hours in the middle of last night doing their utmost to protect mothers and infants from attempts by some to use Federal family planning in conjunction with private funding of abortion.

I would also like to close with a well-deserved "thank you" to all the members of my subcommittee. Each and every one of them directly contributed to this very bipartisan effort. I appreciate it very much and look forward to working together with all of you again next year.

Mr. Speaker, I urge support of the conference agreement.

Mr. MOAKLEY. Mr. Speaker, I want to begin by congratulating Senator JOHN KERRY for securing an additional $35 million for the Boston Harbor cleanup despite overwhelming hurdles.

Senator KERRY and President Clinton managed to convince the Republican Congress that the Boston Harbor cleanup, the biggest unfunded mandate in this country, cannot be borne by the Massachusetts ratepayers alone.

Mr. Speaker, I'm glad to see the Republican Congress is getting closer to coming around to our way of thinking.

I'm glad to see the Republican Congress agreed with President Clinton this time and realized that he, and the Democrats in Congress, would settle for nothing less in this bill than increases in education funding, environmental protection, and more resources for law enforcement.

But the first versions of this bill were unacceptable. And I'm sorry to see that after 2 years in the majority, my Republican colleagues still don't understand what the American people want. I'm sorry to see that, after 2 years in charge of Congress, the thing the Republicans are proudest of, their greatest accomplishment, is an empty ice bucket.

And the reason that ice bucket is empty, Mr. Speaker, is because its contents were transfused into their veins just before they voted against school lunches and Medicare—all to pay for tax cuts for the very very rich.

But, Mr. Speaker, that is not what the American people care about. The American people don't really care about tax breaks for the very rich. The American people don't really care about who sits where on Air Force One and they certainly don't want the House Republicans to cut their parents' Medicare to pay for tax breaks for the rich.

The American people want their children to get a good education and be able to pay for college. The American people want stable jobs that earn living wages. The American people want their environment protected, not sold to the highest bidder. And the American people want their Government to stay open.

Lucky for the American people, the Democrats in Congress listen to what they want. House Democrats have fought tooth and nail over the last 2 years to stop the bad ideas—to stop the ideas that can't pass the ice bucket test. And, Mr. Speaker, I think we've been pretty successful.

Today's continuing resolution is the last example of that fight. We started out with a bill that didn't provide enough funding for the programs Americans care about like education, crime prevention, and environmental protection. And we fought until the bill got better.

Mr. LAZIO of New York. Mr. Speaker, I rise in support of title II of the fiscal year 1997 Omnibus Appropriations Act of 1997. Aside from the important resolution of the BIF/SAIF issue, this title includes important bank regulatory relief provisions. I would like to commend the stamina of our chairman, JIM LEACH for pushing these important provisions. The Banking Committee and the White House came to an agreement at 5:00 yesterday morning to include provisions related to the Real Estate Settlement Procedures Act of 1974.

Inclusion of these provisions begins the process whereby Congress, consumer advocates and the settlement services industry can serve a public policy purpose rationally: first, the provisions protect and guarantee the rights of the consumer from illegal steering and other unethical practices, and second, the provisions provide the necessary regulatory relief that allows the flexibility to expand homeownership with innovative marketing, employee incentives and product delivery.

I believe that all Members involved in this process would agree that RESPA, although well-intentioned and practical in the 1970's, is outdated in the 1990's. The act does not recognize technology nor provide flexibility to meet the challenges of the rapidly evolving settlement service industry of the 21st century.

Congress enacted sec. 8 of RESPA in 1974 because of concerns that millions of homebuyers, who spend millions of dollars on required settlement services, such as title insurance and appraisals, would be steered to particular settlement providers if a person in a position to refer settlement services received a payment on a thing of value in exchange for a referral of those settlement services. Thus, RESPA was intended to keep the cost of settlement services down by prohibiting fees for mere referrals of settlement business.

Since the 1970's, however, similar to other industries, the settlement service sector has been consolidating in order to maximize its efficiencies. These consolidations provide a new phenomena where "one-stop shopping" provides affordable, simplified and accessible settlement services to consumers. Let's look at computers for example: in 1974 when RESPA became law, no one had access to computers; now, under the innovations of the industry, consumers have access to numerous national lenders and settlement service providers through the electronic media.

In 1992, the Bush-Kemp administration recognized these changes in the settlement services industry and issued new and final regulations. These regulations, among other things, allowed for computer loan originations and the ability of an employer to pay employees incentives for generating and referring business to affiliated companies.

Under the Clinton administration, however, HUD, beginning in 1994 and culminating in final regulations on June 7, 1996, sought to reverse these regulations and ultimately reverse marketplace innovations. HUD wants to prohibit employers from compensating their own employees for marketing the products and services of affiliated companies that provide real estate settlement services. This means that multi-affiliate companies will not be able to compensate the employees of various subsidiary corporations to market settlement service products. Congress, in my view, never intended RESPA to regulate how employers paid their employees. Thus, HUD's interpretation of the RESPA statute as expressed in its June 7 regulation goes far beyond congressional intent.

Because of the input by the settlement services industry, however, HUD recognized the technical difficulties associated with the sweeping nature of their rule, and just this week, published an announcement indicating its intent to issue a technical correction to their June 7th RESPA regulation. These corrections will include one of the most basic concerns—the ability to package settlement service products and will allow lender to package loan products.

These corrections, however, do not go far enough, nor are they consistent with the full spirit and intent of Congress on this issue. Therefore, section 2103 of this bill includes an important provision, which delays the effective date to July 31, 1997 of HUD regulations relevant on employee compensation to bona fide employees. This extension will provide HUD more opportunity to refine and review its June 7th regulation, which, in its current form, would thwart marketplace innovations. Second, the provision will simplify disclosure requirements for referrals through technology.

While I believe that HUD's interpretation of RESPA is narrower than Congress' intent, I understand that HUD believes it needs legislative guidance to keep in place the 1992 Bush-Kemp regulation, upon which the settlement service industry has relied for the past 4 years. In my view, Congress has already spoken on these issues, and HUD correctly interpreted congressional intent in its 1992 regulation. However, given HUD's possible misinterpretation or stretch of congressional intent, we, Congress, will need further time to review and provide, once again, clear and explicit guidance.

Quite simply, HUD without congressional oversight, will insist that Government regulations prohibit direct employee compensation or incentives through affiliated businesses at a cost to homebuyers. HUD's actions suggest that it believes that all or most real estate agents contrive against potential buyers. I will remind HUD that under a free market, the primary goal of any proprietor, including lenders and real estate agents, is to get the buyer and seller through settlement, inexpensively and expeditiously, so commissions can be paid and that, ultimately, the buyer will return to them in the future when they sell or buy another home. Thus, through the market itself, free competition will provide the premium consumer protection.

I am confident that the delay in implementing the June 7 regulation will allow Congress to return to this issue with a more comprehensive approach, which could include a possible complete rewrite of RESPA.

However, until then, HUD's antifree-market approach and patronizing demeanor with consumers only precludes a wider, more cost-effective and innovative approach to the availability of settlement services.

Let's remember the people we are here to serve.

Mr. DIAZ-BALART. Mr. Speaker, I rise in support of the Miami Free Zone and to encourage the House Appropriations Subcommittee on Commerce, Justice, State and the Judiciary to look favorably upon the Free Zone next Congress.

The Free Zone processes an average of $1.35 billion in merchandise each year and employs directly 70 people. Its over 140 tenants generate employment for an additional 1,400 at the facility, and additional Miami employment, as a result of the Free Zone's activities, is estimated to be 2,150. In order to support this enterprise, the Miami Free Zone must maintain extensive 24-hour security for its 860,000 square feet of warehousing, showroom and office space. This security costs over $500,000 per year in addition to $800,000 in yearly property tax. The Free Zone must pay these taxes even though the U.S. Customs Service is a tenant on the property.

These costs are putting the Free Zone at a considerable competitive disadvantage over privately owned bonded warehouse operations throughout the State which offer the same advantages to foreign distributors without the security and strict, on-site customs regulations under which the Free Zone must operate. The result is a loss of control for U.S. Customs and security as well as a loss of economic benefits generated by the Miami Free Zone. Exacerbating this scenario are foreign trade zones which have been recently approved in the federally designated Enterprise Zone area of south Dade—only 10 miles from the current Miami Free Zone. The advantages of the Enterprise Zone designation include a 96 percent property tax credit, a 97 percent sales tax refund on machinery, equipment and building materials; and a 100 percent reimbursement of impact fees. Clearly these advantages will create unfair competition with the current, established Miami Free Zone.

Further, these business disadvantages have resulted in the necessity of the Free Zone taking out $23 million in loans to provide a competitive environment which will continue to attract foreign business to the more expensive property. It is the debt service on these necessary loans which is now causing the Free Zone to lose money with disastrous economic consequences for south Florida. Given the complexity of this problem, I am convinced that congressional assistance is necessary in order to maintain current Free Zone operations in a secure, compliant environment.

I believe the current burden on the Miami Free Zone could be lessened in several ways which would be fair to all parties involved and with no actual cost to the Federal Government. A Federal guarantee through the Small Business Administration Loan program for the Free Zone's $23 million in loans, or a large piece of it, would lessen the debt burden through lower interest. This could be done at no real cost to the Federal Government. It is therefore my desire that the Small Business Administration work with the subcommittee to support a loan guarantee. The Miami Free Zone, technically a small business, has been a driving force in south Florida's emergence as a global trade center since the late 1970's and is an important focal point for the generation of new small- to medium-sized businesses and the creation of new jobs in South Florida. This is a case that cries out for special assistance; and I, therefore, urge your support to examine and help resolve this issue. Thank you.

Mr. CLINGER. Mr. Speaker, I make these brief remarks to explain the provisions of section 631 of the Treasury, Postal Service and General Government Appropriations Act, 1997 which were incorporated in the Omnibus Consolidated Appropriations Act, 1997 and which were made a part of that bill at my suggestion. At hearings held this spring before the committee I chair, the House Committee on Government Reform and Oversight, it was disclosed that several Federal agencies had engaged in significant lobbying activities, using appropriated funds, designed to affect the outcome of legislation pending before the Congress. It also became apparent that existing statutory restrictions on the use of appropriated funds for lobbying activities were ineffective in controlling agency lobbying. The conferees have, therefore, agreed to language which would apply a governmentwide limit on agency lobbying.

The statutory language contains two prohibitions on the use of appropriated funds. The first applies to grassroots lobbying in which agencies make both express and indirect appeals to the public to contact Members of Congress in support of or opposition to pending legislation. The second applies more broadly to the preparation, distribution or use of specified types of publications designed to foster support or oppose pending legislation. Following enactment of this prohibition, which is similar to prohibitions found for a number of years in the Labor-HHS and Interior appropriations bills, all Federal agencies receiving appropriated funds will be subject to a uniform set of restrictions.

Mrs. COLLINS of Illinois. Mr. Speaker, on Saturday, September 28, 1996, the House of Representatives was presented with the conference report to H.R. 3610 containing the omnibus appropriations for Federal fiscal year 1997. At the time that the bill was called up on the House floor for a vote, no Member had yet read and analyzed the entire bill, with groups of staff members working on various parts of that legislation. When we were presented with the legislation, I stated that because I had not been offered the opportunity to be advised of numerous provisions about which I have particular concern, I would vote against the measure.

Between the time my statement was given for the RECORD, and the time at which I cast my vote, some of my concerns had been resolved. Therefore I cast my vote in favor of H.R. 3610.

Ms. MOLINARI. Mr. Speaker, section 120 of the omnibus funding bill, H.R. 3610, contains an amendment to the effective date provision for rules 413 through 415 of the Federal Rules of Evidence. This amendment will overcome the harmful effects of the Tenth Circuit Court of Appeals' restrictive interpretation of the effective date language in United States versus Hollis Earl Roberts.

My explanation of this amendment was printed on page 25867 of the September 28 daily edition of the CONGRESSIONAL RECORD, but with a number of typographic errors. To provide an accurate text, the following corrections are required to the text of my statement as printed on page 25867 of the September 28 daily edition:

In the first paragraph of the statement, in the second sentence, "supervision" should be "suppression".

In the second paragraph of the statement, in the second sentence, the word "the" should not appear before "other occasions". Also, in the penultimate sentence of the second paragraph, "3000" should be "300".

In the third paragraph of the statement, in the first sentence, "the date" should be "that date". Also, the second sentence in the third paragraph should actually be two sentences reading as follows: "Some judges have properly interpreted the effective date provision to make the rules apply in all cases in which the relevant proceeding—the trial—commences on or after the effective date of July 10, 1995. Other judges, however, have refused to apply the rules in cases where the indictment was filed before July 10, 1995, even though the case would be tried after that date."

In the penultimate paragraph of the statement, in the first sentence, "indicated" should be "indicted".

The SPEAKER pro tempore (Mr. DREIER). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Speaker, I offer a motion to recommit the conference report accompanying H.R. 3610.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. COLEMAN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. COLEMAN moves to recommit the conference report to accompany the bill, H.R. 3610, to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 37, answered "present" 1, not voting 26, as follows:

[Roll No. 455]

YEAS—370

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Collins (GA)
Collins (IL)
Combest
Condit
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—37

Barcia
Barton
Becerra
Beilenson
Burr
Chabot
Chenoweth
Coble
Coburn
Coleman
Cooley
Cox
DeFazio
Duncan
Hall (TX)
Hefley
Hoekstra
Hyde
Istook
Jacobs
Kanjorski
Kaptur
Klink
Klug
Largent
Nadler
Neumann
Rohrabacher
Roybal-Allard
Salmon
Sanford
Scarborough
Schroeder
Sensenbrenner
Stearns
Stockman
Tiahrt

ANSWERED "PRESENT"—1

Dornan

NOT VOTING—26

Baker (LA)
Berman
Blumenauer
Boucher
Cardin
Collins (MI)
Conyers
Dellums
Durbin
Filner
Flake
Fowler
Frank (MA)
Green (TX)
Hancock
Hayes
Heineman
LaFalce
Lincoln
Lipinski
Menendez
Myers
Quillen
Taylor (NC)
Waters
Waxman

□ 2215

The Clerk announced the following pair:

On this vote:

Mr. Berman for, with Mr. Menendez against.

Mr. SENSENBRENNER and Mr. BEILENSON changed their vote from "yea" to "nay."

Mr. SERRANO changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 546, H.R. 4278 is considered as passed and the motion to reconsider is laid on the table.

Mrs. FOWLER. Mr. Speaker, on Saturday, September 28, 1996, I was unavoidably detained at the Atlanta Airport and could not be present to vote on rollcall No. 453, the omnibus parks and public lands management bill (H.R. 4236), and rollcall No. 455, the Fiscal Year 1997 Department of Defense appropriations conference report and Fiscal Year 1997 omnibus consolidated appropriations bill (H.R. 3610).

Had I been present, I would have voted "aye" on both of these measures.

Ms. WATERS. Mr. Speaker, I was unavoidably detained in my congressional district on Saturday, September 28, 1996, conducting pressing business.

Had I been present for votes that day, I would have voted as follows: rollcall 451—"yes"; rollcall 452—"no"; rollcall 453—"yes"; rollcall 454—"no"; rollcall 455—"yes".

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 555. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

S. 1194. An act to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.

S. 1649. An act to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes.

S. 1711. An act to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes.

S. 1874. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

APPOINTING DAY FOR CONVENING FIRST SESSION OF 105TH CONGRESS AND COUNTING 1996 ELECTORAL VOTES

Mr. ARMEY. Mr. Speaker, I offer a joint resolution (H.J. Res. 198) appointing the day for the convening of the first session of the 105th Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 198

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DATE FOR CONVENING OF THE ONE HUNDRED FIFTH CONGRESS.

The first regular session of One Hundred Fifth Congress shall begin at noon of Tuesday, January 7, 1997.

SEC. 2. DATE FOR COUNTING 1996 ELECTORAL VOTES IN CONGRESS.

The meeting of the Senate and House of Representatives to be held in January 1997 pursuant to section 15 of title 3, United States Code, to count the electoral votes for President and Vice President cast by the electors in December 1996 shall be held on January 9, 1997 (rather than on the date specified in the first sentence of that section).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR ADJOURNMENT SINE DIE OF BOTH HOUSES OF CONGRESS

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 230) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 230

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Monday, September 30, 1996, or of Tuesday, October 1, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Monday, September 30, 1996, or Tuesday, October 1, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, SEPTEMBER 30, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA OR THE HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF SECOND SESSION OF 104TH CONGRESS

The SPEAKER laid before the House the following communication:

WASHINGTON, DC,
September 28, 1996.

I hereby designate the Honorable Constance A. Morella or, if not available to perform this duty, the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the second session of the One Hundred Fourth Congress.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore (Mr. HANSEN). Without objection, the designation is agreed to.

There was no objection.

VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3118) to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Health Care Eligibility Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ELIGIBILITY REFORM

Sec. 101. Eligibility for hospital care and medical services.
Sec. 102. Revision in authorities for provision of priority health care for certain veterans exposed to specified toxic substances.
Sec. 103. Prosthetics and preventive care.
Sec. 104. Management of health care.
Sec. 105. Authorization of appropriations.
Sec. 106. Assessment of implementation and operation.

TITLE II—CONSTRUCTION AUTHORIZATION

Sec. 201. Authorization of major medical facility projects.
Sec. 202. Authorization of major medical facility leases.
Sec. 203. Authorization of appropriations.
Sec. 204. Strategic planning.
Sec. 205. Revision to prospectus requirements.
Sec. 206. Construction authorization requirements.
Sec. 207. Terminology changes.

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

Sec. 301. Revision of authority to share medical facilities, equipment, and information.
Sec. 302. Improved efficiency in health care resource management.
Sec. 303. Personnel furnishing shared resources.
Sec. 304. Waiting period for administrative reorganizations.
Sec. 305. Repeal of limitations on contracts for conversion of performance of activities of Department health-care facilities and revised annual reporting requirement.

Subtitle B—Care of Women Veterans

Sec. 321. Mammography quality standards.
Sec. 322. Patient privacy for women patients.
Sec. 323. Assessment of use by women veterans of Department health services.
Sec. 324. Reporting requirements.

Subtitle C—Readjustment Counseling and Mental Health Care

Sec. 331. Expansion of eligibility for readjustment counseling and certain related counseling services.
Sec. 332. Reports relating to Vet Centers.
Sec. 333. Advisory Committee on the Readjustment of Veterans.
Sec. 334. Centers for mental illness research, education, and clinical activities.
Sec. 335. Committee on Care of Severely Chronically Mentally Ill Veterans.

Subtitle D—Other Provisions

Sec. 341. Hospice care study.
Sec. 342. Payment to States of per diem for veterans receiving adult day health care.
Sec. 343. Research corporations.
Sec. 344. Veterans Health Administration headquarters.
Sec. 345. Disbursement agreements relating to medical residents and interns.
Sec. 346. Authority to suspend special pay agreements for physicians and dentists who enter residency training programs.
Sec. 347. Remunerated outside professional activities by Veterans Health Administration personnel.
Sec. 348. Modification of restrictions on real property, Milwaukee County, Wisconsin.
Sec. 349. Modification of restrictions on real property, Cheyenne, Wyoming.
Sec. 350. Name of Department of Veterans Affairs Medical Center, Johnson City, Tennessee.
Sec. 351. Report on health care needs of veterans in east central Florida.
Sec. 352. Evaluation of health status of spouses and children of Persian Gulf War veterans.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ELIGIBILITY REFORM

SEC. 101. ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.

(a) NEW CRITERIA FOR ELIGIBILITY FOR CARE.—Section 1710(a) is amended to read as follows:

"(a)(1) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed—

"(A) to any veteran for a service-connected disability; and

"(B) to any veteran who has a service-connected disability rated at 50 percent or more.

"(2) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed to any veteran—

"(A) who has a compensable service-connected disability rated less than 50 percent;

"(B) whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty;

"(C) who is in receipt of, or who, but for a suspension pursuant to section 1151 of this title (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section;

"(D) who is a former prisoner of war;

"(E) who is a veteran of the Mexican border period or of World War I;

"(F) who was exposed to a toxic substance, radiation, or environmental hazard, as provided in subsection (e); or

"(G) who is unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

"(3) In the case of a veteran who is not described in paragraphs (1) and (2), the Secretary may, to the extent resources and facilities are available and subject to the provisions of subsections (f) and (g), furnish hospital care, medical services, and nursing home care which the Secretary determines to be needed.

"(4) The requirement in paragraphs (1) and (2) that the Secretary furnish hospital care and medical services shall be effective in any fiscal year only to the extent and in the amount provided in advance in appropriations Acts for such purposes.".

(b) TRANSFER OF PROVISION.—Chapter 17 is amended—

(1) by redesignating subsection (g) of section 1710 as subsection (h); and

(2) by transferring subsection (f) of section 1712 to section 1710 and inserting such subsection so as to appear after subsection (f), redesignating such subsection as subsection (g), and amending such subsection by striking out "section 1710(a)(2) of this title" in paragraph (1) and inserting in lieu thereof "subsection (a)(3) of this section".

(c) REPEAL OF SEPARATE OUTPATIENT CARE PRIORITIES.—(1) Section 1712 is amended—

(A) by striking out subsections (a) and (i);

(B) by redesignating subsections (b), (c), (d), (h) and (j), as subsections (a), (b), (c), (d), and (e), respectively; and

(C) in subsection (b), as so redesignated, by striking out "subsection (b) of this section" and inserting in lieu thereof "subsection (a)".

(2)(A) The heading of such section is amended to read as follows:

"§1712. Dental care; drugs and medicines for certain disabled veterans; vaccines".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"1712. Dental care; drugs and medicines for certain disabled veterans; vaccines.".

(d) CONFORMING AMENDMENTS TO CHAPTER 17.—Chapter 17 is further amended as follows:

(1) Section 1701(6)(B)(i) is amended—

(A) in subclause (I), by striking out "section 1712(a)" and inserting in lieu thereof "paragraph (1) or (2) of section 1710(a)"; and

(B) in subclause (II), by striking out "section 1712(a)(5)(B)" and inserting in lieu thereof "paragraph (1), (2) or (3) of section 1710(a)".

(2) Section 1710(c)(1) is amended by striking out "section 1712(b)" and inserting in lieu thereof "section 1712(a)".

(3) Section 1710(e)(1)(C) is amended by striking out "hospital care and nursing home care under subsection (a)(1)(G) of this section" and inserting in lieu thereof "hospital care, medical services, and nursing home care under subsection (a)(2)(F)".

(4) Section 1710(f) is amended—

(A) in paragraph (1), by striking out "subsection (a)(2)" and inserting in lieu thereof "subsection (a)(3)"; and

(B) in paragraph (3)(E)—

(i) by striking out "section 1712(a) of this title" and inserting in lieu thereof "paragraph (3) of subsection (a)"; and

(ii) by striking out "section 1712(f) of this title" and inserting in lieu thereof "subsection (g)"; and

(C) in paragraph (3)(F), by striking out "section 1712(f) of this title" and inserting in lieu thereof "subsection (g)".

(5) Section 1712A is amended—

(A) in subsection (b)(1), by striking out "under the conditions specified in section 1712(a)(5)(B) of this title"; and

(B) in subsection (e)(1), by striking out "sections 1712(a)(1)(B) and 1703(a)(2)" and inserting in lieu thereof "sections 1703(a)(2) and 1710(a)(1)(B)".

(6) Section 1717(a) is amended—

(A) in paragraph (1), by striking out "section 1712(a)" and inserting in lieu thereof "section 1710(a)"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking out "paragraph (1) of section 1712(a) of this title" and inserting in lieu thereof "section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title"; and

(ii) in subparagraph (B), by striking out "section 1712" and inserting in lieu thereof "section 1710(a)(2)".

(7) Section 1718(e) is amended by striking out "section 1712(i)" and inserting in lieu thereof "section 1705".

(8) Section 1720(f) is amended—

(A) in paragraph (1)(A)(ii), by striking out "section 1712(a)(1)(B)" and inserting in lieu thereof "paragraph (1), (2), or (3) of section 1710(a)"; and

(B) by striking out paragraph (3).

(9) Section 1722 is amended—

(A) in subsection (a), by striking out "section 1710(a)(1)(I)" and inserting in lieu thereof "section 1710(a)(2)(G)"; and

(B) in subsection (f)(3), by striking out "or 1712(f)".

(10) Section 1729(g)(3)(A) is amended by striking out "under section 1710(f) of this title for hospital care or nursing home care, under section 1712(f) of this title for medical services," and inserting in lieu thereof "under subsection (f) or (g) of section 1710 of this title for hospital care, medical services, or nursing home care".

(e) OTHER CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 1525 is amended—

(A) in subsection (a), by striking out "section 1712(h) of this title" and all that follows through the period at the end and inserting in lieu thereof "section 1712(d) of this title."; and

(B) in subsection (b), by striking out "renumeration" and inserting in lieu thereof "remuneration".

(2) Section 2104(b) is amended—

(A) in the first sentence, by striking out "section 1712(a)" and inserting in lieu thereof "section 1717(a)(2)"; and

(B) in the second sentence, by striking out "section 1712(a)" and inserting in lieu thereof "section 1717(a)(2)".

(3) Section 5317(c)(3) is amended by striking out "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting in lieu thereof "subsections (a)(2)(G), (a)(3), and (b) of section 1710".

(4) Section 8110(a)(2) is amended by striking out "section 1712" and inserting in lieu thereof "section 1710(a)".

(5) Section 8111A(b)(2)(A) is amended by striking out "subsection (f) of section 1712" and inserting in lieu thereof "subsection (a) of section 1710".

SEC. 102. REVISION IN AUTHORITIES FOR PROVISION OF PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO SPECIFIED TOXIC SUBSTANCES.

(a) AUTHORIZED INPATIENT CARE.—Section 1710(e) is amended—

(1) in paragraph (1), by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) A Vietnam-era herbicide-exposed veteran is eligible (subject to paragraph (2)) for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

"(B) A radiation-exposed veteran is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disease suffered by the veteran that is—

"(i) a disease listed in section 1112(c)(2) of this title; or

"(ii) any other disease for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between occurrence of the disease in humans and exposure to ionizing radiation."; and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2)(A) In the case of a veteran described in paragraph (1)(A), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to—

"(i) a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in paragraph (4)(A)(ii); or

"(ii) a disease for which the National Academy of Sciences, in a report issued in accordance with section 2 of the Agent Orange Act of 1991, has determined that there is limited or suggestive evidence of the lack of a positive association between occurrence of the disease in humans and exposure to a herbicide agent.

"(B) In the case of a veteran described in paragraph (1)(C), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in that paragraph.

"(3) Hospital care, medical services, and nursing home care may not be provided under or by virtue of subsection (a)(2)(F)—

"(A) in the case of care for a veteran described in paragraph (1)(A), after December 31, 2002; and

"(B) in the case of care for a veteran described in paragraph (1)(C), after December 31, 1998.

"(4) For purposes of this subsection—

"(A) The term 'Vietnam-era herbicide-exposed veteran' means a veteran (i) who served on active duty in the Republic of Vietnam during the Vietnam era, and (ii) who the Secretary finds may have been exposed during such service to dioxin or was exposed during such service to a toxic substance found in a herbicide or defoliant used for military purposes during such era.

"(B) The term 'radiation-exposed veteran' has the meaning given that term in section 1112(c)(3) of this title.".

(b) SAVINGS PROVISIONS.—The provisions of sections 1710(e) and 1712(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply on and after such date with respect to the furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care or services before such date of enactment on the basis of presumed exposure to a substance or radiation under the authority of those provisions, but only for treatment for a disability for which such care or services were furnished before such date.

SEC. 103. PROSTHETICS AND PREVENTIVE CARE.

(a) ELIGIBILITY.—Section 1701(6)(A)(i) is amended—

(1) by striking out "(in the case of a person otherwise receiving care or services under this chapter)" and "(except under the conditions described in section 1712(a)(5)(A) of this title),";

(2) by inserting "(in the case of a person otherwise receiving care or services under this chapter)" before "wheelchairs,"; and

(3) by inserting "except that the Secretary may not furnish sensori-neural aids other than in accordance with guidelines which the Secretary shall prescribe," after "reasonable and necessary,".

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe the guidelines required by the amendments made by subsection (a) and shall furnish a copy of those guidelines to the Committees on Veterans' Affairs of the Senate and House of Representatives.

SEC. 104. MANAGEMENT OF HEALTH CARE.

(a) IN GENERAL.—(1) Chapter 17 is amended by inserting after section 1704 the following new sections:

"§1705. Management of health care: patient enrollment system

"(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary, in accordance with regulations the Secretary shall prescribe, shall establish and operate a system of annual patient enrollment. The Secretary shall manage the enrollment of veterans in accordance with the following priorities, in the order listed:

"(1) Veterans with service-connected disabilities rated 50 percent or greater.

"(2) Veterans with service-connected disabilities rated 30 percent or 40 percent.

"(3) Veterans who are former prisoners of war, veterans with service-connected disabilities rated 10 percent or 20 percent, and veterans described in subparagraphs (B) and (C) of section 1710(a)(2) of this title.

"(4) Veterans who are in receipt of increased pension based on a need of regular aid and attendance or by reason of being permanently housebound and other veterans who are catastrophically disabled.

"(5) Veterans not covered by paragraphs (1) through (4) who are unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

"(6) All other veterans eligible for hospital care, medical services, and nursing home care under section 1710(a)(2) of this title.

(7) Veterans described in section 1710(a)(3) of this title.

"(b) In the design of an enrollment system under subsection (a), the Secretary—

"(1) shall ensure that the system will be managed in a manner to ensure that the provision of care to enrollees is timely and acceptable in quality;

"(2) may establish additional priorities within each priority group specified in subsection (a), as the Secretary determines necessary; and

"(3) may provide for exceptions to the specified priorities where dictated by compelling medical reasons.

"(c)(1) Effective on October 1, 1998, the Secretary may not provide hospital care or medical services to a veteran under paragraph (2) or (3) of section 1710(a) of this title unless the veteran enrolls in the system of patient enrollment established by the Secretary under subsection (a).

"(2) The Secretary shall provide hospital care and medical services under section 1710(a)(1) of this title, and under subparagraph (B) of section 1710(a)(2) of this title, for the 12-month period following such veteran's discharge or release from service, to any veteran referred to in such sections for a disability specified in the applicable subparagraph of such section, notwithstanding the failure of the veteran to enroll in the system of patient enrollment referred to in subsection (a) of this section.

"§1706. Management of health care: other requirements

"(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary shall, to the extent feasible, design, establish and manage health care programs in such a manner as to promote cost-effective delivery of health care services in the most clinically appropriate setting.

"(b)(1) In managing the provision of hospital care and medical services under such section, the Secretary shall ensure that the Department maintains its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) within distinct programs or facilities of the Department that are dedicated to the specialized needs of those veterans in a manner that (A) affords those veterans reasonable access to care and services for those specialized needs, and (B) ensures that overall capacity of the Department to provide such services is not reduced below the capacity of the Department, nationwide, to provide those services, as of the date of the enactment of this section. The Secretary shall carry out this paragraph in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.

"(2) Not later than April 1, 1997, April 1, 1998, and April 1, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's compliance, by facility and by service-network, with the requirements of this subsection.".

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1704 the following new items:

"1705. Management of health care: patient enrollment system.

"1706. Management of health care: other requirements.".

(b) CONFORMING AMENDMENTS TO SECTION 1703.—Section 1703(a) is amended—

(1) in the matter preceding paragraph (1), by striking out "or 1712";

(2) in paragraph (2)—

(A) by striking out "1712(a)(1)(B)" in subparagraph (A) and inserting in lieu thereof "1710(a)(1)(B)";

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) a veteran who (i) has been furnished hospital care, nursing home care, domiciliary care, or medical services, and (ii) requires medical services to complete treatment incident to such care or services; or"; and

(C) by striking "section 1712(a)(3) (other than a veteran who is a former prisoner of war) of this title" in subparagraph (C) and inserting in lieu thereof "section 1710(a)(2)(E) of this title, or a veteran who is in receipt of increased pension, or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance),"; and

(3) in paragraph (7), by striking out "1712(b)(1)(F)" and inserting in lieu thereof "1712(a)(1)(F)".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Department of Veterans Affairs for the Medical Care account, for the purposes specified for that account in Public Law 103–327 (108 Stat. 2300), including the cost of providing hospital care and medical services under the amendments made by section this title, not to exceed $17,250,000,000 for fiscal year 1997 and not to exceed $17,900,000,000 for fiscal year 1998.

SEC. 106. ASSESSMENT OF IMPLEMENTATION AND OPERATION.

(a) ASSESSMENT SYSTEMS.—The Secretary of Veterans Affairs shall establish information systems to assess the experience of the Department of Veterans Affairs in implementing sections 101, 103, and 104, including the amendments made by those sections, during fiscal year 1997. The Secretary shall establish those information systems in time to include assessments under such systems in the report required under subsection (b).

(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report reflecting the experience of the Department during fiscal year 1997 on—

(1) the effect of implementation of, and provision and management of care under, sections 101, 103, and 104 (including the amendments made by those sections) on demand for health care services from the Department of Veterans Affairs by veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101;

(2) any differing patterns of demand on the part of such veterans relating to such factors as relative distance from Department facilities and prior experience, or lack of experience, as recipients of care from the Department;

(3) the extent to which the Department has met such demand for care; and

(4) changes in health-care delivery patterns in Department facilities and the fiscal impact of such changes.

(c) MATTERS TO BE INCLUDED.—The report under subsection (b) shall include detailed information with respect to fiscal year 1997 regarding the following:

(1) The number of veterans enrolled for care at each Department medical facility and, of such veterans, the number enrolled at each such facility who had not received care from the Department during the preceding three fiscal years.

(2) With respect to the veterans who had not received care from the Department during the three preceding fiscal years, the total cost of providing care to such veterans, shown in total and separately (A) by level of care, and (B) by reference to whether care was furnished in Department facilities or under contract arrangements.

(3) With respect to the number of veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101, who applied for health care from the Department during fiscal year 1997—

(A) the number who applied for care (shown in total and separately by facility);

(B) the number who were denied enrollment (shown in total and separately by facility); and

(C) the number who were denied care which was considered to be medically necessary but

not of an emergency nature (shown in total and separately by facility).

(4) The numbers and characteristics of, and the type and extent of health care furnished to, veterans enrolled for care (shown in total and separately by facility).

(5) The numbers and characteristics of, and the type and extent of health care furnished to, veterans not enrolled for care (shown separately by reference to each class of eligibility, both in total and separately by facility).

(6) The specific fiscal impact (shown in total and by geographic health-care delivery areas) of changes in delivery patterns instituted under the amendments made by this title.

TITLE II—CONSTRUCTION AUTHORIZATION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) AMBULATORY CARE ADDITION PROJECTS.—The Secretary of Veterans Affairs may carry out the following ambulatory care addition major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of an ambulatory care facility and renovation of "E" wing, Tripler Army Hospital, Honolulu, Hawaii, $43,000,000.

(2) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Brockton, Massachusetts, $13,500,000.

(3) Addition of ambulatory care facilities for outpatient improvements at the Department of Veterans Affairs medical center in Shreveport, Louisiana, $25,000,000.

(4) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Lyons, New Jersey, $21,100,000.

(5) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tomah, Wisconsin, $12,700,000.

(6) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Asheville, North Carolina, $26,300,000.

(7) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Temple, Texas, $9,800,000.

(8) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tucson, Arizona, $35,500,000.

(9) Construction of an ambulatory care facility at the Department of Veterans Affairs medical center in Leavenworth, Kansas, $27,750,000.

(b) ENVIRONMENTAL IMPROVEMENT PROJECTS.—The Secretary may carry out the following environmental improvement major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Environmental improvements for the renovation of nursing home facilities at the Department of Veterans Affairs medical center in Lebanon, Pennsylvania, $9,500,000.

(2) Environmental improvements at the Department of Veterans Affairs medical center in Marion, Illinois, $11,500,000.

(3) Environmental improvements for ward renovation for patient privacy at the Department of Veterans Affairs medical center in Omaha, Nebraska, $7,700,000.

(4) Environmental improvements at the Department of Veterans Affairs medical center in Pittsburgh, Pennsylvania, $17,400,000.

(5) Environmental improvements for the renovation of various buildings at the Department of Veterans Affairs medical center in Waco, Texas, $26,000,000.

(6) Environmental improvements for the replacement of psychiatric beds at the Department of Veterans Affairs medical center in Marion, Indiana, $17,300,000.

(7) Environmental improvements for the renovation of psychiatric wards at the Department of Veterans Affairs medical center in Perry Point, Maryland, $15,100,000.

(8) Environmental enhancement at the Department of Veterans Affairs medical center in Salisbury, North Carolina, $18,200,000.

(c) SEISMIC CORRECTION PROJECT.—The Secretary may carry out seismic corrections to Building Number 324 at the Department of Veterans Affairs medical center in Palo Alto, California, in the amount of $20,800,000.

(d) PROJECT AUTHORIZATION WHEN PARTIAL FUNDING PROVIDED.—If the amount of funds appropriated for fiscal year 1997 or 1998 for design and partial construction of a major medical facility project that is authorized in this section is less than the amount required to complete the construction of that project as authorized and if the Secretary obligates funds for such construction, such project shall be deemed to be fully authorized. Any such authorization shall cease to have effect at the close of fiscal year 2001.

SEC. 202. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Allentown, Pennsylvania, in an amount not to exceed $2,159,000.

(2) Lease of a satellite outpatient clinic in Beaumont, Texas, in an amount not to exceed $1,940,000.

(3) Lease of a satellite outpatient clinic in Boston, Massachusetts, in an amount not to exceed $2,358,000.

(4) Lease of a parking facility in Cleveland, Ohio, in an amount not to exceed $1,300,000.

(5) Lease of a satellite outpatient clinic and Veterans Benefits Administration field office in San Antonio, Texas, in an amount not to exceed $2,256,000.

(6) Lease of a satellite outpatient clinic in Toledo, Ohio, in an amount not to exceed $2,223,000.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 and fiscal year 1998—

(1) for the Construction, Major Projects, account, a total of $358,150,000 for the projects authorized in section 201; and

(2) for the Medical Care account, a total of $12,236,000 for the leases authorized in section 202.

(b) LIMITATION.—The projects authorized in section 201 may only be carried out using—

(1) funds appropriated for fiscal year 1997 or fiscal year 1998 consistent with the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1997 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1997 or fiscal year 1998 for a category of activity not specific to a project.

SEC. 204. STRATEGIC PLANNING.

Section 8107 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) In order to promote effective planning for the efficient provision of care to eligible veterans, the Secretary, based on the analysis and recommendations of the Under Secretary for Health, shall submit to each committee an annual report regarding long-range health planning of the Department. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

"(b) Each report under subsection (a) shall include the following:

"(1) A five-year strategic plan for the provision of care under chapter 17 of this title to eligible veterans through coordinated networks of medical facilities operating within prescribed geographic service-delivery areas, such plan to include provision of services for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) through distinct programs or facilities of the Department dedicated to the specialized needs of those veterans.

"(2) A description of how planning for the networks will be coordinated.

"(3) A profile regarding each such network of medical facilities which identifies—

"(A) the mission of each existing or proposed medical facility in the network;

"(B) any planned change in the mission for any such facility and the rationale for such planned change;

"(C) the population of veterans to be served by the network and anticipated changes over a five-year period and a ten-year period, respectively, in that population and in the health-care needs of that population;

"(D) information relevant to assessing progress toward the goal of achieving relative equivalency in the level of resources per patient distributed to each network, such information to include the plans for and progress toward lowering the cost of care-delivery in the network (by means such as changes in the mix in the network of physicians, nurses, physician assistants, and advance practice nurses);

"(E) the capacity of non-Federal facilities in the network to provide acute, long-term, and specialized treatment and rehabilitative services (described in section 7305 of this title), and determinations regarding the extent to which services to be provided in each service-delivery area and each facility in such area should be provided directly through facilities of the Department or through contract or other arrangements, including arrangements authorized under sections 8111 and 8153 of this title; and

"(F) a five-year plan for construction, replacement, or alteration projects in support of the approved mission of each facility in the network and a description of how those projects will improve access to care, or quality of care, for patients served in the network.

"(4) A status report for each facility on progress toward—

"(A) instituting planned mission changes identified under paragraph (3)(B);

"(B) implementing principles of managed care of eligible veterans; and

"(C) developing and instituting cost-effective alternatives to provision of institutional care."; and

(3) by adding at the end the following new subsection:

"(d)(1) The Secretary shall submit to each committee, not later than January 31 of each year, a report showing the current priorities of the Department for proposed major medical construction projects. Each such report shall identify the 20 projects, from within all the projects in the Department's inventory of proposed projects, that have the highest priority and, for those 20 projects, the relative priority and rank scoring of each such project and the projected cost of such project (including the projected operating costs, including both recurring and nonrecurring costs). The 20 projects shall be compiled, and their relative rankings shall be shown, by category of project (including the categories of ambulatory care projects, nursing home care projects, and such other categories as the Secretary determines).

"(2) The Secretary shall include in each report, for each project listed, a description of the specific factors that account for the relative ranking of that project in relation to other projects within the same category.

"(3) In a case in which the relative ranking of a proposed project has changed since the last report under this subsection was submitted, the Secretary shall also include in the report a description of the reasons for the change in the ranking, including an explanation of any change in the scoring of the project under the Department's scoring system for proposed major medical construction projects.".

SEC. 205. REVISION TO PROSPECTUS REQUIREMENTS.

(a) ADDITIONAL INFORMATION.—Section 8104(b) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(b) Whenever the President or the Secretary submit to the Congress a request for the funding of a major medical facility project (as defined in subsection (a)(3)(A)) or a major medical facility lease (as defined in subsection (a)(3)(B)), the Secretary shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Any such prospectus shall include the following:";

(2) in paragraph (1)—

(A) by striking out "a detailed" and inserting in lieu thereof "A detailed"; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(B) by striking out "; and" and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(5) by adding at the end the following new paragraphs:

"(4) Demographic data applicable to such facility, including information on projected changes in the population of veterans to be served by the facility over a five-year period and a ten-year period.

"(5) Current and projected workload and utilization data regarding the facility.

"(6) Current and projected operating costs of the facility, including both recurring and nonrecurring costs.

"(7) The priority score assigned to the project or lease under the Department's prioritization methodology and, if the project or lease is being proposed for funding before a project or lease with a higher score, a specific explanation of the factors other than the priority score that were considered and the basis on which the project or lease is proposed for funding ahead of projects or leases with higher priority scores.

"(8) In the case of a prospectus proposing the construction of a new or replacement medical facility, a description of each alternative to construction of the facility that was considered.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any prospectus submitted by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 206. CONSTRUCTION AUTHORIZATION REQUIREMENTS.

(a) DEFINITION OF MAJOR MEDICAL FACILITY PROJECT.—Paragraph (3)(A) of section 8104(a) is amended by striking out "$3,000,000" and inserting in lieu thereof "$4,000,000".

(b) APPLICABILITY OF CONSTRUCTION AUTHORIZATION REQUIREMENT.—(1) Subsection (b) of section 301 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102–405; 106 Stat. 1984) is repealed.

(2) The amendments made by subsection (a) of such section shall apply with respect to any major medical facility project or any major medical facility lease of the Department of Veterans Affairs, regardless of when funds are first appropriated for that project or lease, except that in the case of a project for which funds were first appropriated before October 9, 1992, such amendments shall not apply with respect to amounts appropriated for that project for a fiscal year before fiscal year 1998.

(c) LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.—Section 8104 is amended by adding at the end the following new subsection:

"(f) The Secretary may not obligate funds in an amount in excess of $500,000 from the Advance Planning Fund of the Department toward design or development of a major medical facility project (as defined in subsection (a)(3)(A)) until—

"(1) the Secretary submits to the committees a report on the proposed obligation; and

"(2) a period of 30 days has passed after the date on which the report is received by the committees.".

SEC. 207. TERMINOLOGY CHANGES.

(a) DEFINITION OF "CONSTRUCT".—Section 8101(2) is amended—

(1) by striking out "working drawings" and inserting in lieu thereof "construction documents"; and

(2) by striking out "preliminary plans" and inserting in lieu thereof "design development".

(b) PARKING FACILITIES.—Section 8109(h)(3)(B) is amended by striking out "working drawings" and inserting in lieu thereof "construction documents".

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

SEC. 301. REVISION OF AUTHORITY TO SHARE MEDICAL FACILITIES, EQUIPMENT, AND INFORMATION.

(a) STATEMENT OF PURPOSE.—The text of section 8151 is amended to read as follows:

"It is the purpose of this subchapter to strengthen the medical programs at Department facilities and improve the quality of health care provided veterans under this title by authorizing the Secretary to enter into agreements with health-care providers in order to share health-care resources with, and receive health-care resources from, such providers while ensuring no diminution of services to veterans.".

(b) DEFINITIONS.—Section 8152 is amended—

(1) by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following new paragraphs (1) and (2):

"(1) The term 'health-care resource' includes hospital care and medical services (as those terms are defined in section 1701 of this title), any other health-care service, and any health-care support or administrative resource.

"(2) The term 'health-care providers' includes health-care plans and insurers and any organizations, institutions, or other entities or individuals who furnish health-care resources."; and

(2) by redesignating paragraph (4) as paragraph (3).

(c) AUTHORITY TO SECURE HEALTH-CARE RESOURCES.—Section 8153 is amended as follows:

(1) Subsection (a) is amended—

(A) in paragraph (1)—

(i) by striking out "certain specialized medical resources" and inserting in lieu thereof "health-care resources";

(ii) by striking out "other medical resources" and inserting in lieu thereof "other health-care resources"; and

(iii) by striking out "of—" and all that follows through "section 1742(a) of this title" and inserting in lieu thereof "of health-care resources between Department health-care facilities and any health-care provider, or other entity or individual";

(B) in paragraph (2), by striking out "only" and all that follows through "are not" and inserting in lieu thereof "if such resources are not, or would not be,"; and

(C) by adding at the end the following:

"(3)(A) If the health-care resource required is a commercial service, the use of medical equipment or space, or research, and is to be acquired from an institution affiliated with the Department in accordance with section 7302 of this title, including medical practice groups and other entities associated with affiliated institutions, blood banks, organ banks, or research centers, the Secretary may make arrangements for acquisition of the resource without regard to any law or regulation that would otherwise require the use of competitive procedures for acquiring the resource.

"(B)(i) If the health-care resource required is a commercial service or the use of medical equipment or space, and is not to be acquired from an entity described in subparagraph (A), any procurement of the resource may be conducted without regard to any law or regulation that would otherwise require the use of competitive procedures for procuring the resource, but only if the procurement is conducted in accordance with the simplified procedures prescribed pursuant to clause (ii).

"(ii) The Secretary, in consultation with the Administrator for Federal Procurement Policy, may prescribe simplified procedures for the procurement of health-care resources under this subparagraph. The Secretary shall publish such procedures for public comment in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). Such procedures shall permit all responsible sources to submit a bid, proposal, or quotation (as appropriate) for the resources to be procured and provide for the consideration by the Department of bids, proposals, or quotations so submitted.

"(iii) Pending publication of the procedures under clause (ii), the Secretary shall (except as provided under subparagraph (A)) procure health-care resources referred to in clause (i) in accordance with all procurement laws and regulations.

"(C) Any procurement of health-care resources other than those covered by subparagraph (A) or (B) shall be conducted in accordance with all procurement laws and regulations.

"(D) For any procurement to be conducted on a sole source basis other than a procurement covered by subparagraph (A), a written justification shall be prepared that includes the information and is approved at the levels prescribed in section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)).

"(E) As used in this paragraph, the term 'commercial service' means a service that is offered and sold competitively in the commercial marketplace, is performed under standard commercial terms and conditions, and is procured using firm-fixed price contracts.".

(2) Subsection (b) is amended by striking out "reciprocal reimbursement" in the first sentence and all that follows through the period at the end of that sentence and inserting in lieu thereof "payment to the Department in accordance with procedures that provide appropriate flexibility to negotiate payment which is in the best interest of the Government.".

(3) Subsection (d) is amended by striking out "preclude such payment, in accordance with—" and all that follows through "to such facility therefor" and inserting in lieu thereof "preclude such payment to such facility for such care or services".

(4) Such section is further amended—

(A) by redesignating subsection (e) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

"(e) The Secretary may make an arrangement that authorizes the furnishing of services by the Secretary under this section to individuals who

are not veterans only if the Secretary determines—

"(1) that veterans will receive priority under such an arrangement; and

"(2) that such an arrangement—

"(A) is necessary to maintain an acceptable level and quality of service to veterans at that facility; or

"(B) will result in the improvement of services to eligible veterans at that facility.

"(f) Any amount received by the Secretary from a non-Federal entity as payment for services provided by the Secretary during a prior fiscal year under an agreement entered into under this section may be obligated by the Secretary during the fiscal year in which the Secretary receives the payment.".

(d) CLERICAL AMENDMENTS.—(1) The heading of section 8153 is amended to read as follows:

"§8153. Sharing of health-care resources".

(2) The item relating to section 8153 in the table of sections at the beginning of chapter 81 is amended to read as follows:

"8153. Sharing of health-care resources.".

SEC. 302. IMPROVED EFFICIENCY IN HEALTH CARE RESOURCE MANAGEMENT.

(a) TEMPORARY EXPANSION OF AUTHORITY FOR SHARING AGREEMENTS.—Section 201 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 8111 note) is amended—

(1) by inserting "(a) AUTHORITY.—" before "The Secretary of Veterans Affairs"; and

(2) by adding at the end thereof the following new subsection:

"(b) USE OF FUNDS.—Any amount received by the Secretary from a non-Federal entity as payment for services provided by the Secretary during a prior fiscal year under an agreement entered into under this section may be obligated by the Secretary during the fiscal year in which the Secretary receives the payment.".

(b) REPEAL OF SUNSET PROVISION.—(1) Section 204 of such Act (38 U.S.C. 8111 note) is repealed.

(2) Any services provided pursuant to agreements entered into under section 201 of such Act (38 U.S.C. 8111 note) during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act are hereby ratified.

(c) COST RECOVERY.—Title II of such Act is further amended by adding at the end the following new section:

"SEC. 207. AUTHORITY TO BILL HEALTH-PLAN CONTRACTS.

"(a) RIGHT TO RECOVER.—In the case of a primary beneficiary (as described in section 201(a)(2)(B)) who has coverage under a health-plan contract, as defined in section 1729(i)(1)(A) of title 38, United States Code, and who is furnished care or services by a Department medical facility pursuant to this title, the United States shall have the right to recover or collect charges for such care or services from such health-plan contract to the extent that the beneficiary (or the provider of the care or services) would be eligible to receive payment for such care or services from such health-plan contract if the care or services had not been furnished by a department or agency of the United States. Any funds received from such health-plan contract shall be credited to funds that have been allotted to the facility that furnished the care or services.

"(b) ENFORCEMENT.—The right of the United States to recover under such a beneficiary's health-plan contract shall be enforceable in the same manner as that provided by subsections (a)(3), (b), (c)(1), (d), (f), (h), and (i) of section 1729 of title 38, United States Code.".

SEC. 303. PERSONNEL FURNISHING SHARED RESOURCES.

Section 712(b)(2) is amended—

(1) by striking out "the sum of—" and inserting in lieu thereof "the sum of the following:";

(2) by capitalizing the first letter of the first word of each of subparagraphs (A) and (B);

(3) by striking out "; and" at the end of subparagraph (A) and inserting in lieu thereof a period; and

(4) by adding at the end the following new subparagraph:

"(C) The number of such positions in the Department during that fiscal year held by persons involved in providing health-care resources under section 8111 or 8153 of this title or under section 201 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4949; 38 U.S.C. 8111 note).".

SEC. 304. WAITING PERIOD FOR ADMINISTRATIVE REORGANIZATIONS.

Section 510(b) is amended—

(1) in the second sentence, by striking out "a 90-day period of continuous session of Congress following the date of the submission of the report" and inserting in lieu thereof "a 45-day period following the date of the submission of the report, not less than 30 days of which shall be days during which Congress shall have been in continuous session"; and

(2) in the third sentence, by striking out "such 90–day period" and inserting in lieu thereof "any period of continuity of session".

SEC. 305. REPEAL OF LIMITATIONS ON CONTRACTS FOR CONVERSION OF PERFORMANCE OF ACTIVITIES OF DEPARTMENT HEALTH-CARE FACILITIES AND REVISED ANNUAL REPORTING REQUIREMENT.

Subsection (c) of section 8110 is amended to read as follows:

"(c) The Secretary shall include in the materials submitted to Congress each year in support of the budget of the Department for the next fiscal year a report on activities and proposals involving contracting for performance by contractor personnel of work previously performed by Department employees. The report shall—

"(1) identify those specific activities that are currently performed at a Department facility by more than 10 Department employees which the Secretary proposes to study for possible contracting involving conversion from performance by Department employees to performance by employees of a contractor; and

"(2) identify those specific activities that have been contracted for performance by contractor employees during the prior fiscal year (shown by location, subject, scope of contracts, and savings) and shall describe the effect of such contracts on the quality of delivery of health services during such year.".

Subtitle B—Care of Women Veterans

SEC. 321. MAMMOGRAPHY QUALITY STANDARDS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding after section 7318 the following new section:

"§7319. Mammography quality standards

"(a) A mammogram may not be performed at a Department facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary. An organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established under subsection (e) of section 354 of the Public Health Service Act (42 U.S.C. 263b).

"(b) The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities of the Department of Veterans Affairs consistent with the requirements of section 354(f)(1) of the Public Health Service Act. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

"(c)(1) The Secretary, to ensure compliance with the standards prescribed under subsection (b), shall provide for an annual inspection of the equipment and facilities used by and in Department health care facilities for the performance of mammograms. Such inspections shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Service Act.

"(2) The Secretary may not provide for an inspection under paragraph (1) to be performed by a State agency.

"(d) The Secretary shall ensure that mammograms performed for the Department under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

"(e) For the purposes of this section, the term 'mammogram' has the meaning given such term in paragraph (5) of section 354(a) of the Public Health Service Act.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7318 the following new item:

"7319. Mammography quality standards.".

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The Secretary of Veterans Affairs shall prescribe standards under subsection (b) of section 7319 of title 38, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the date of the enactment of this Act.

(c) IMPLEMENTATION REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of section 7319 of title 38, United States Code, as added by subsection (a). The report shall be submitted not later than 120 days after the date of the enactment of this Act.

SEC. 322. PATIENT PRIVACY FOR WOMEN PATIENTS.

(a) IDENTIFICATION OF DEFICIENCIES.—The Secretary of Veterans Affairs shall conduct a survey of each medical center under the jurisdiction of the Secretary to identify deficiencies relating to patient privacy afforded to women patients in the clinical areas at each such center which may interfere with appropriate treatment of such patients.

(b) CORRECTION OF DEFICIENCIES.—The Secretary shall ensure that plans and, where appropriate, interim steps to correct the deficiencies identified in the survey conducted under subsection (a) are developed and are incorporated into the Department's construction planning processes and, in cases in which it is cost-effective to do so, are given a high priority.

(c) REPORTS TO CONGRESS.—The Secretary shall compile an annual inventory, by medical center, of deficiencies identified under subsection (a) and of plans and, where appropriate, interim steps, to correct such deficiencies. The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1997, and not later than October 1 each year thereafter through 1999 a report on such deficiencies. The Secretary shall include in such report the inventory compiled by the Secretary, the proposed corrective plans, and the status of such plans.

SEC. 323. ASSESSMENT OF USE BY WOMEN VETERANS OF DEPARTMENT HEALTH SERVICES.

(a) REPORTS TO UNDER SECRETARY FOR HEALTH.—The Center for Women Veterans of the Department of Veterans Affairs (established under section 509 of Public Law 103–446), in consultation with the Advisory Committee on Women Veterans, shall assess the use by women veterans of health services through the Department of Veterans Affairs, including counseling

for sexual trauma and mental health services. The Center shall submit to the Under Secretary for Health of the Department of Veterans Affairs a report not later than April 1, 1997, and April 1 of each of the two following years, on—

(1) the extent to which women veterans described in paragraphs (1) and (2) of section 1710(a) of title 38, United States Code, fail to seek, or face barriers in seeking, health services through the Department, and the reasons therefor; and

(2) recommendations, if indicated, for encouraging greater use of such services, including (if appropriate) public service announcements and other outreach efforts.

(b) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than July 1, 1997, and July 1 of each of the two following years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the most recent report of the Center for Women Veterans under subsection (a);

(2) the views of the Under Secretary for Health on such report's findings and recommendations; and

(3) a description of the steps being taken by the Secretary to remedy any problems described in the report.

SEC. 324. REPORTING REQUIREMENTS.

(a) EXTENSION OF ANNUAL REPORT REQUIREMENT.—Section 107(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4947) is amended by striking out "Not later than January 1, 1993, January 1, 1994, and January 1, 1995" and inserting in lieu thereof "Not later than January 1 of 1993 and each year thereafter through 1998".

(b) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act is amended—

(1) in paragraph (2)(A), by inserting "(including information on the number of inpatient stays and the number of outpatient visits through which such services were provided)" after "facility"; and

(2) by adding at the end the following new paragraph:

"(5) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.".

Subtitle C—Readjustment Counseling and Mental Health Care

SEC. 331. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.

(a) EXPANSION OF ELIGIBILITY.—Subsection (a) of section 1712A is amended to read as follows:

"(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B), the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life. Such counseling may include a general mental and psychological assessment of the veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

"(B) Subparagraph (A) applies to the following veterans:

"(i) Any veteran who served on active duty—

"(I) in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during the Vietnam era; or

"(II) after May 7, 1975, in an area at a time during which hostilities occurred in that area.

"(ii) Any veteran (other than a veteran covered by clause (i)) who served on active duty during the Vietnam era who seeks or is furnished such counseling before January 1, 2000.

"(2)(A) Upon the request of any veteran (other than a veteran covered by paragraph (1)) who served in the active military, naval, or air service in a theater of combat operations (as so determined) during a period of war, or in any other area during a period in which hostilities (as defined in subparagraph (B)) occurred in such area, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

"(B) For the purposes of subparagraph (A), the term 'hostilities' means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.".

(b) REPEAL OF REFERRAL PROVISIONS.—Subsection (c) of such section is repealed.

SEC. 332. REPORTS RELATING TO VET CENTERS.

(a) REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OUTPATIENT CLINICS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of providing for the collocation of Vet Centers and outpatient clinics (including rural mobile clinics) of the Department of Veterans Affairs as current leases for such centers and clinics expire.

(2) The report shall include an assessment of the following:

(A) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.

(B) The effect of such collocation on the capacity of such centers and clinics to carry out their primary mission.

(C) The extent to which such collocation will impair the operational independence or administrative integrity of such centers and clinics.

(D) The feasibility of combining the services provided by such centers and clinics in the course of such collocation.

(E) The advisability of the collocation of centers and clinics of significantly different size.

(F) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.

(G) The amount of any costs savings to be achieved by Department as a result of such collocation.

(H) Any other matter that the Secretary considers appropriate.

(b) REPORT ON PROVISION OF LIMITED HEALTH CARE SERVICES AT READJUSTMENT COUNSELING CENTERS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of providing a limited battery of health care services (including ambulatory services and health care screening services) to veterans at Department of Veterans Affairs readjustment counseling centers.

(2) The report shall include a discussion of the following:

(A) The effect on the advisability of providing health care services at readjustment counseling centers of the geographic location of such centers, including the urban location and rural location of such centers and the proximity of such centers to Department of Veterans Affairs medical facilities.

(B) The effect on the advisability of providing such services at such centers of the type and level of services to be provided, and the demographic characteristics (including age, socioeconomic status, ethnicity, and sex) of veterans likely to be provided the services.

(C) The effect of providing such services at such centers on the readjustment counseling center program in general and on the efficiency and autonomy of the clinical and administrative operations of the readjustment counseling centers in particular.

(D) Any other matter that the Secretary considers appropriate.

(c) RULE OF CONSTRUCTION.—Nothing in this section is intended to preclude the Secretary, during the period before the submission of the reports under this section, from providing limited health care services at Vet Centers.

SEC. 333. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter III of chapter 5 is amended by inserting after section 544 the following new section:

"§545. Advisory Committee on the Readjustment of Veterans

"(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who—

"(A) have demonstrated significant civic or professional achievement; and

"(B) have experience with the provision of veterans benefits and services by the Department.

"(3) The Secretary shall seek to ensure that members appointed to the Committee include individuals from a wide variety of geographic areas and ethnic backgrounds, individuals from veterans service organizations, individuals with combat experience, and women.

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

"(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;

"(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

"(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.

"(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

"(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

"(2) Section 14 of such Act shall not apply to the Committee.".

(2) The table of sections at the beginning of chapter 5 is amended by inserting after the item relating to section 544 the following new item:

"545. Advisory Committee on the Readjustment of Veterans.".

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 545 of title 38, United States Code (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee recognized under such section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary of Veterans Affairs shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members.

SEC. 334. CENTERS FOR MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding after section 7319, as added by section 321(a)(1), the following new section:

"§7320. Centers for mental illness research, education, and clinical activities

"(a) The purpose of this section is to provide for the improvement of the provision of health-care services and related counseling services to eligible veterans suffering from mental illness (especially mental illness related to service-related conditions) through—

"(1) the conduct of research (including research on improving mental health service facilities of the Department and on improving the delivery of mental health services by the Department);

"(2) the education and training of health care personnel of the Department; and

"(3) the development of improved models and systems for the furnishing of mental health services by the Department.

"(b)(1) The Secretary shall establish and operate centers for mental illness research, education, and clinical activities. Such centers shall be established and operated by collaborating Department facilities as provided in subsection (c)(1). Each such center shall function as a center for—

"(A) research on mental health services;

"(B) the use by the Department of specific models for furnishing services to treat serious mental illness;

"(C) education and training of health-care professionals of the Department; and

"(D) the development and implementation of innovative clinical activities and systems of care with respect to the delivery of such services by the Department.

"(2) The Secretary shall, upon the recommendation of the Under Secretary for Health, designate the centers under this section. In making such designations, the Secretary shall ensure that the centers designated are located in various geographic regions of the United States. The Secretary may designate a center under this section only if—

"(A) the proposal submitted for the designation of the center meets the requirements of subsection (c);

"(B) the Secretary makes the finding described in subsection (d); and

"(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

"(3) Not more than five centers may be designated under this section.

"(4) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

"(c) A proposal submitted for the designation of a center under this section shall—

"(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities in the same geographic area which have a mission centered on care of the mentally ill and a Department facility in that area which has a mission of providing tertiary medical care;

"(2) provide that no less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facility or facilities that have a mission centered on care of the mentally ill; and

"(3) provide for a governance arrangement between the collaborating Department facilities which ensures that the center will be established and operated in a manner aimed at improving the quality of mental health care at the collaborating facility or facilities which have a mission centered on care of the mentally ill.

"(d) The finding referred to in subsection (b)(2)(B) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Under Secretary for Health, that the facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school that provides education and training in psychiatry and with which one or more of the participating Department facilities is affiliated under which medical residents receive education and training in psychiatry through regular rotation through the participating Department facilities so as to provide such residents with training in the diagnosis and treatment of mental illness.

"(2) An arrangement with an accredited graduate program of psychology under which students receive education and training in clinical, counseling, or professional psychology through regular rotation through the participating Department facilities so as to provide such students with training in the diagnosis and treatment of mental illness.

"(3) An arrangement under which nursing, social work, counseling, or allied health personnel receive training and education in mental health care through regular rotation through the participating Department facilities.

"(4) The ability to attract scientists who have demonstrated achievement in research—

"(A) into the evaluation of innovative approaches to the design of mental health services; or

"(B) into the causes, prevention, and treatment of mental illness.

"(5) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of mental health services provided by the Department at or through individual facilities.

"(e)(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

"(2) The panel shall consist of experts in the fields of mental health research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department.

"(3) The panel shall review each proposal submitted to the panel by the official referred to in paragraph (1) and shall submit to that official its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

"(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(f) Clinical and scientific investigation activities at each center established under this section—

"(1) may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account; and

"(2) shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to mental illness.

"(g) The Under Secretary for Health shall ensure that at least three centers designated under this section emphasize research into means of improving the quality of care for veterans suffering from mental illness through the development of community-based alternatives to institutional treatment for such illness.

"(h) The Under Secretary for Health shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration. Such dissemination shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(i) The official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall be responsible for supervising the operation of the centers established pursuant to this section and shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(j)(1) There are authorized to be appropriated to the Department of Veterans Affairs for the basic support of the research and education and training activities of centers established pursuant to this section amounts as follows:

"(A) $3,125,000 for fiscal year 1998.

"(B) $6,250,000 for each of fiscal years 1999 through 2001.

"(2) In addition to funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate to carry out the purposes of this section.".

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7319, as added by section 321(a)(2), the following new item:

"7320. Centers for mental illness research, education, and clinical activities.".

(b) ANNUAL REPORTS.—Not later than February 1 of each of 1999, 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the centers for mental illness research, education, and clinical activities established pursuant to section 7320 of title 38, United States Code (as added by subsection (a)). Each such report shall include the following:

(1) A description of the activities carried out at each center and the funding provided for such activities.

(2) A description of the advances made at each of the participating facilities of the center in research, education and training, and clinical activities relating to mental illness in veterans.

(3) A description of the actions taken by the Under Secretary for Health pursuant to subsection (h) of that section (as so added) to disseminate information derived from such activities throughout the Veterans Health Administration.

(4) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall designate at least one center under section 7320 of title 38, United States Code, not later than January 1, 1998.

SEC. 335. COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.

(a) ESTABLISHMENT.—Subchapter II of chapter 73 is amended by adding after section 7320, as added by section 334(a)(1), the following new section:

"§7321. Committee on Care of Severely Chronically Mentally Ill Veterans

"(a) The Secretary, acting through the Under Secretary for Health, shall establish in the Veterans Health Administration a Committee on Care of Severely Chronically Mentally Ill Veterans. The Under Secretary shall appoint employees of the Department with expertise in the care of the chronically mentally ill to serve on the committee.

"(b) The committee shall assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of mentally ill veterans whose mental illness is severe and chronic and who are eligible for health care furnished by the Department, including the needs of such veterans who are women. In carrying out that responsibility, the committee shall—

"(1) evaluate the care provided to such veterans through the Veterans Health Administration;

"(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

"(3) identify specific facilities within the Veterans Health Administration at which program enrichment is needed to improve treatment and rehabilitation of such veterans; and

"(4) identify model programs which the committee considers to have been successful in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

"(c) The committee shall—

"(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of severely chronically mentally ill veterans; and

"(2) make recommendations to the Under Secretary—

"(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

"(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

"(C) regarding research needs and priorities relevant to the care of such veterans; and

"(D) regarding the appropriate allocation of resources for all such activities.

"(d)(1) Not later than April 1, 1997, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall include the following:

"(A) A list of the members of the committee.

"(B) The assessment of the Under Secretary for Health, after review of the initial findings of the committee, regarding the capability of the Veterans Health Administration, on a systemwide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

"(C) The plans of the committee for further assessments.

"(D) The findings and recommendations made by the committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

"(E) A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

"(2) Not later than February 1, 1998, and February 1 of each of the three following years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted under this subsection before the submission of such report.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7320, as added by section 334(a)(2) the following new item:

"7321. Committee on Care of Severely Chronically Mentally Ill Veterans.".

Subtitle D—Other Provisions

SEC. 341. HOSPICE CARE STUDY.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a research study to determine the desirability of the Secretary furnishing hospice care to terminally ill veterans and to evaluate the most cost effective and efficient way to do so. The Secretary shall carry out the study using resources and personnel of the Department.

(b) CONDUCT OF STUDY.—In carrying out the study required by subsection (a), the Secretary shall—

(1) evaluate the programs, and the program models, through which the Secretary furnishes hospice care services within or through facilities of the Department of Veterans Affairs and the programs and program models through which non-Department facilities provide such services;

(2) assess the satisfaction of patients, and family members of patients, in each of the program models covered by paragraph (1);

(3) compare the costs (or range of costs) of providing care through each of the program models covered by paragraph (1); and

(4) identify any barriers to providing, procuring, or coordinating hospice services through any of the program models covered by paragraph (1).

(c) PROGRAM MODELS.—For purposes of subsection (b)(1), the Secretary shall evaluate a variety of types of models for delivery of hospice care, including the following:

(1) Direct furnishing of full hospice care by the Secretary.

(2) Direct furnishing of some hospice services by the Secretary.

(3) Contracting by the Secretary for the furnishing of hospice care, with a commitment that the Secretary will provide any further required hospital care for the patient.

(4) Contracting for all required care to be furnished outside the Department.

(5) Referral of the patient for hospice care without a contract.

(d) REPORT.—Not later than April 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the research study. The report shall set forth the Secretary's findings and recommendations. The Secretary shall include in the report information on the extent to which the Secretary advises veterans concerning their eligibility for hospice care and information on the number of veterans (as of the time of the report) who are in each model of hospice care described in subsection (c) and the average cost per patient of hospice care for each such model.

SEC. 342. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.".

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) is amended by inserting "adult day health," before "or hospital care".

(2) Section 8132 is amended by inserting "adult day health," before "or hospital care".

(3) Section 8135(b) is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting "or construction (other than new construction) of adult day health care buildings" before the semicolon.

SEC. 343. RESEARCH CORPORATIONS.

(a) RENEWAL OF AUTHORITY.—Section 7368 is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 2000".

(b) CLARIFICATION OF TAX-EXEMPT STATUS.—Sections 7361(b) and 7363(c) are amended by striking out "section 501(c)(3) of".

(c) PERIODIC AUDITS.—Subsection (b) of section 7366 is amended by striking out "The corporation" in the second sentence and all that *follows through "shall include that report" and inserting in lieu thereof the following: "A corporation with revenues in excess of $300,000 for any year shall obtain an audit of the corporation for that year. A corporation with annual revenues between $10,000 and $300,000 shall obtain an independent audit of the corporation at least once every three years. Any audit under the preceding sentences shall be performed by an independent auditor. The corporation shall include the most recent such audit".*

(d) COMPLIANCE WITH CONFLICT OF INTEREST LAWS AND REGULATIONS.—Subsection (c)(2) of section 7366 is amended by striking out "an annual statement signed by the director or employee certifying that the director or" and inserting in lieu thereof "a statement signed by the executive director of the corporation certifying that each director and".

(e) REVISED REPORTING REQUIREMENT.—Subsection (d) of section 7366 is amended to read as follows:

"(d) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the corporations established under this subchapter. The report shall set forth the following information:

"(1) The location of each corporation.

"(2) The amount received by each corporation during the previous year, including—

"(A) the total amount received;

"(B) the amount received from governmental entities;

"(C) the amount received from all other sources; and

"(D) if the amount received from a source referred to in subparagraph (C) exceeded $25,000, information that identifies the source.

"(3) The amount expended by each corporation during the year, including—

"(A) the amount expended for salary for research staff and for salary for support staff;

"(B) the amount expended for direct support of research; and

"(C) if the amount expended with respect to any payee exceeded $35,000, information that identifies the payee.".

SEC. 344. VETERANS HEALTH ADMINISTRATION HEADQUARTERS.

Section 7306 is amended by adding at the end the following new subsection:

"(f) In organizing the Office and appointing persons to positions in the Office, the Under Secretary shall ensure that—

"(1) the Office is staffed so as to provide the Under Secretary, through a designated clinician in the appropriate discipline in each instance, with expertise and direct policy guidance on—

"(A) unique programs operated by the Administration to provide for the specialized treatment and rehabilitation of disabled veterans (including blind rehabilitation, care of spinal cord dysfunction, mental illness, and long-term care); and

"(B) the programs established under section 1712A of this title; and

"(2) with respect to the programs established under section 1712A of this title, a clinician with appropriate expertise in those programs is responsible to the Under Secretary for the management of those programs.".

SEC. 345. DISBURSEMENT AGREEMENTS RELATING TO MEDICAL RESIDENTS AND INTERNS.

Section 7406(c) is amended—

(1) by striking out "Department hospital" each place it appears and inserting in lieu thereof "Department facility furnishing hospital care or medical services";

(2) by striking out "participating hospital" in paragraph (4)(C) and inserting in lieu thereof "participating facility"; and

(3) by striking out "hospital" both places it appears in paragraph (5) and inserting in lieu thereof "facility".

SEC. 346. AUTHORITY TO SUSPEND SPECIAL PAY AGREEMENTS FOR PHYSICIANS AND DENTISTS WHO ENTER RESIDENCY TRAINING PROGRAMS.

Section 7432(b)(2) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may suspend a special pay agreement entered into under this section in the case of a physician or dentist who, having entered into the special pay agreement, enters a residency training program. Any such suspension shall terminate when the physician or dentist completes, withdraws from, or is no longer a participant in the program. During the period of such a suspension, the physician or dentist is not subject to the provisions of paragraph (1).".

SEC. 347. REMUNERATED OUTSIDE PROFESSIONAL ACTIVITIES BY VETERANS HEALTH ADMINISTRATION PERSONNEL.

(a) AUTHORITY.—Subsection (b) of section 7423 is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended in the matter preceding paragraph (1) by striking out "subsection (b)(6)" and inserting in lieu thereof "subsection (b)(5)".

SEC. 348. MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, MILWAUKEE COUNTY, WISCONSIN.

(a) MODIFICATION OF REVERSIONARY INTEREST.—The Secretary of Veterans Affairs is authorized to execute such instruments as may be necessary to modify the conditions under which the land described in subsection (b) will revert to the United States in order—

(1) to permit Milwaukee County, Wisconsin, to grant all or part of such land to another party with a condition on such grant that the grantee use such land only for civic and recreational purposes; and

(2) to provide that the conditions under which title to all or any part of such land reverts to the United States are stated so that any such reversion would occur at the option of the United States.

(b) DESCRIPTION OF LAND.—The land covered by this section is the tract of 28 acres of land, more or less, conveyed to Milwaukee County, Wisconsin, pursuant to the Act entitled "An Act authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wisconsin", approved August 27, 1954 (68 Stat. 866).

(c) GENERAL AUTHORITIES.—The Secretary may carry out this section subject to such terms and conditions (including reservations of rights for the United States) as the Secretary considers necessary to protect the interests of the United States. In carrying out this section, the Secretary may eliminate any existing covenant or restriction with respect to the tract of land described in subsection (b) which the Secretary determines to be no longer necessary to protect the interests of the United States.

SEC. 349. MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, CHEYENNE, WYOMING.

(a) MODIFICATION OF REVERSIONARY INTEREST.—The Secretary of Veterans Affairs of Veterans Affairs is authorized to execute such instruments as may be necessary to modify the conditions under which the land described in subsection (b) will revert to the United States in order to permit the City of Cheyenne, Wyoming, to grant all or part of such land to the First Cheyenne Federal Credit Union (formerly known as the Cheyenne VAF Federal Credit Union) with a condition on such grant that the First Cheyenne Federal Credit Union use such land only for the purpose of constructing a building to house its operations.

(b) DESCRIPTION OF LAND.—The land covered by this section is the tract of 27 acres of land, more or less, conveyed to the City of Cheyenne, Wyoming, pursuant to the Act entitled "An Act authorizing the Administrator of Veterans' Affairs to convey certain property to the City of Cheyenne, Wyoming", approved November 8, 1965 (79 Stat. 1304).

(c) TERMS OF REVERSIONARY INTEREST.—In carrying out this section, the Secretary may cause the statement of the conditions under which title to all or any part of the land described in subsection (b) reverts to the United States to be revised so that any such reversion would occur at the option of the United States.

(d) GENERAL AUTHORITIES.—The Secretary may carry out this section subject to such terms and conditions (including reservations of rights for the United States) as the Secretary considers necessary to protect the interests of the United States. In carrying out this section, the Secretary may eliminate any existing covenant or restriction with respect to the tract of land described in subsection (b) which the Secretary determines to be no longer necessary to protect the interests of the United States.

SEC. 350. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JOHNSON CITY, TENNESSEE.

(a) NAME.—The Mountain Home Department of Veterans Affairs Medical Center in Johnson City, Tennessee, shall after the date of the enactment of this Act be known and designated as the "James H. Quillen Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the James H. Quillen Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997.

SEC. 351. REPORT ON HEALTH CARE NEEDS OF VETERANS IN EAST CENTRAL FLORIDA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the health care needs of veterans in east central Florida. In preparing the report, the Secretary shall consider the needs of such veterans for psychiatric and long-term care. The Secretary shall include in the report the Secretary's views, based on the Secretary's determination of such needs, as to the best means of meeting such needs using the amounts appropriated pursuant to the authorization of appropriations in this Act and Public Law 103–452 for projects to meet the health care needs of such veterans. The Secretary may, subject to the availability of appropriations for such purpose, use an independent contractor to assist in the determination of such health care needs.

(b) LIMITATION.—The Secretary may not obligate any funds, other than for design work, for the conversion of the former Orlando Naval Training Center Hospital in Orlando, Florida (now under the jurisdiction of the Secretary of Veterans Affairs), to a nursing home care unit until 45 days after the date on which the report required by subsection (a) is submitted.

SEC. 352. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) EXTENSION OF AUTHORITY.—Subsection (b) of section 107 of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4652; 38 U.S.C. 1117 note) is amended by striking out "September 30, 1996" and inserting in lieu thereof "December 31, 1998".

(b) RATIFICATION OF ACTIONS.—Any diagnostic testing and medical examinations undertaken by the Secretary of Veterans Affairs for

the purpose of the study required by subsection (a) of such section during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act is hereby ratified.

Mr. STUMP (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Arizona?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Arizona so he can explain this bill.

Mr. STUMP. Mr. Speaker, I thank the gentleman from Mississippi for yielding.

Mr. Speaker, the House-Senate agreement, which produced this legislation, includes provisions from several bills passed by the House during the 104th Congress.

These bills are H.R. 1384, to allow VA employees to work outside the VA; H.R. 3376, VA major medical construction authorization; H.R. 3643, expiring authorities legislation; and, of course, H.R. 3118, the Veterans' Health Care Eligibility Reform Act of 1996, the one we have all worked so hard on for several years.

Mr. Speaker, I hope that all Members will support this bill.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON], the chairman of the Rules Committee.

Mr. SOLOMON. Mr. Speaker, I think we ought to call attention to the gentleman that has reserved the right to object. His name happens to be SONNY MONTGOMERY. He is a man who personifies the advocacy for veterans and veterans families throughout this country for so many years in this body. He is retiring, he will no longer be with us, but he will be coming back to keep an eye on all of us because he is still going go stick up for the veterans of this country the way he always has.

I am proud to be the cosponsor of this legislation along with Chairman STUMP, because this guarantees the medical care delivery system for the future for veterans of this country. It is a giant step in the right direction. I commend you, SONNY, and you, BOB, and your committees and your staff for the great job you did.

I thank the gentleman for yielding.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from New York [Mr. SOLOMON] and five him a good salute on the House floor.

Mr. Speaker, I will be brief. Mr. Speaker, this is a very important bill. I want to commend our Chairman BOB STUMP who has be a fair chairman, we have worked well together, and also the chairman and ranking member of the Subcommittee on Hospitals and Health Care, the gentleman from Arkansas, Mr. HUTCHINSON and the gentleman from Texas, Mr. EDWARDS.

Mr. Speaker, this bill opens up the eligibility more for veterans to get into our veterans hospitals and be treated.

Throughout this Congress, veterans have called on our committee to adopt eligibility reform. That has been their highest priority, and we have pledged to achieve that goal. The House has, in fact, twice passed eligibility reform legislation. But today we join hands with our colleagues in the Senate, and take up a compromise bill. This bill, the Veterans' Health Care Eligibility Reform Act of 1996, is landmark legislation. It not only reforms outdated rules on when and how VA can care for a veteran, but gives VA important new tools both to streamline and strengthen its health care system.

Many, many veterans rely on VA for care—from the spinal cord injured World War II veteran to women veterans of the Persian gulf war. With this bill, we make it easier for them to get VA care, and provide them greater assurance that the VA health care system of tomorrow will be an even better system than the one that serves them today.

I urge my colleagues to support this compromise agreement.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I thank the gentleman for yielding to me. I will be brief.

I think I would be remiss if I did not say that this was landmark legislation in the waning hours of this session of Congress, and I want to congratulate the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY], because in a Congress that has sometimes been very difficult, they have shown us that even in difficult times, civility can prevail.

Mr. Speaker, I think it is appropriate that in the 104th Congress where we have freely exercised our freedom of speech on both sides of the aisle, that we finish this Congress by passing major legislation to honor those who have fought and been willing to give their life to protect that freedom of speech, both on the floor of this House and for all Americans across this country. This legislation is a first step, not a last step.

Mr. Speaker, I will finish by saying that this is landmark legislation. It is not the final step in the effort toward increasing care for our veterans, but it is a major step, a significant step that would not have happened had it not been for the leadership of the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY]. I want to express my thanks to both the gentlemen for their efforts on our veterans' behalf.

Finally, this is a win-win, not only for our veterans who will have simpler eligibility rules; they will know whether they can get VA care or not, but they will also be able to get outpatient care more easily. But it is a win also for our taxpayers because by providing outpatient care rather than more expensive inpatient care, our taxpayers will win from this major legislation.

To the gentleman from New York [Mr. SOLOMON] also, the chairman of the Committee on Rules, I want to express my thanks to him for helping this bill become the law of the land at the end of this session.

To all, this is a great piece of legislation. It is a great day for our veterans. Certainly they have earned this right to receive the care that they were willing to give their lives for our Nation for.

Mr. HASTERT. Mr. Speaker, I am very proud to stand in support of H.R. 3118, and praise the work of Veterans Committee Chairman BOB STUMP. I am especially pleased that a provision I pledged to support has been included in this important legislation. Because of the work of Representative JERRY WELLER and Representative TIM HUTCHINSON and his Veterans' Hospital subcommittee, hospitals in my district will now be given the opportunity to contract with the VA for local hospital care and medical services so that veterans in north-central Illinois will have improved access to quality health care.

This is a great victory for one group of veterans in particular, because for years they have had inadequate access to veterans' health care. Today, LaSalle County veterans cannot go to their local doctor and hospital. Instead, because of outdated Washington Regulations, they are often forced to drive hours to Chicago and stand in long lines to receive needed health care. Such rules cost us time and money and it's time we change them. The bill we adopted today will make it possible to open an outpatient VA clinic in LaSalle County so that over 13,000 eligible veterans and their families can receive care in their home communities.

I promised at a Veterans Committee field hearing in April that I would see this measure passed, and I've kept that promise. Our veterans answered the call when our Nation needed them. Today, Congress answers the call of veterans who are in need of our help.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Texas.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 3118.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

□ 2230

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1996

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3458) to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1996".

SEC. 2. INCREASE IN COMPENSATION RATES AND LIMITATIONS.

(a) IN GENERAL.—(1) the Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1996, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Cost-of-Living Adjustment Act of 1995 (Public Law No. 104-57; 109 Stat. 555). This increase shall be made in such rates and limitations as in effect on November 30, 1996, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1996, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a)(2), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2) as increased under this section.

Mr. STUMP (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Arizona?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Arizona to explain the bill.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, H.R. 3458, as amended, the COLA bill, increases the rates of compensation for veterans with service connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The increase would be effective on December 1, 1996, and would be the same percentage increase as applied to Social Security benefits.

I would like to take a minute to thank Chairman SIMPSON and Senator ROCKEFELLER and their staff for all of the hard work done on this and the two veterans bills just passed.

I also want to thank all our subcommittee chairman and ranking members on the VA Committee for their hard work and bipartisan approach on our legislation this Congress.

In addition, I want to thank the staff members of the House Veterans' Affairs Committee for their support, hard work and willingness to do things in a bipartisan manner.

The veterans' service organizations have worked well with us on these bills and we appreciate their assistance and cooperation as well. I must take just a moment to express my deep appreciation and sincere thanks to the gentleman from Mississippi and my good friend SONNY MONTGOMERY, the ranking minority member of the full committee for his work on this measure, the final veterans bill to be passed during his career in the House. Without his efforts these bills would not be on the floor today.

And Mr. Speaker, without his leadership on veterans' issues over the past 30 years this country would not have fulfilled its obligation to our veterans of military service the way we have.

SONNY MONTGOMERY'S commitment and dedication to the men and women serving in our Armed Forces has rightfully earned him the title "Mr. Veteran".

The members of the National Security Committee and the Veterans' Affairs Committee will miss his energetic support for those individuals wearing our country's uniform and those who have worn it.

I will personally miss his friendship and counsel over the many years we have served together in this body.

We wish this great legislator and champion of veterans the very best in all his future endeavors.

I hope all Members will support this bill and I ask unanimous consent to revise and extend my remarks and that all members may have 5 legislative days to revise and extend their remarks on H.R. 3458, as amended.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, Mr. Chairman, BOB STUMP, thank you for the great ride. We have been together on a nonpartisan committee for many years, and I thank the gentleman for his very, very kind words and wish him the best.

Mr. Speaker, I want to begin by thanking the chairman of the committee, BOB STUMP, for working with the Senate to bring this bill to the floor today. I also want to recognize the hard work of the chairman and ranking member of the Subcommittee on Compensation, Pension, Insurance, and Memorial Affairs, TERRY EVERETT and LANE EVANS.

I am pleased that the Senate has sent this very important bill over for final action.

H.R. 3458, as amended, is a bill that millions of veterans and the spouses of veterans who died of a service-connected cause depend on the Congress to enact. Each time we do so, we reaffirm our commitment to these disabled veterans and the survivors of veterans. Many of these beneficiaries depend on their monthly VA check to pay their rent and feed their families.

My colleagues can understand that even modest increases in food and housing costs must be addressed by providing cost-of-living increases to these veterans, who have earned our respect and assistance.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

VETERANS' BENEFITS IMPROVEMENTS ACT OF 1996

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1711) to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Arizona [Mr. STUMP] to explain the bill.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the provisions of this bill come from both House and Senate-passed initiatives during the 104th Congress to enhance, improve, and continue many veterans benefits.

The bill makes positive changes to the administrative functions within the VA education service, the National Cemetery System, the VA life insurance program, and the Veterans Benefits Administration.

This bill repeals the Davenport versus Brown decision by reestablishing the long-standing requirement that a veteran's employment handicap be the result of a service connected disability in order to qualify for vocational rehabilitation benefits.

It uses the savings from that provision to make improvements to several education and survivors benefits programs.

I hope all Members will support this bill.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, again, I just want to commend the gentleman from Arizona, Chairman STUMP, and certainly the ranking member, the gentleman from Mississippi, SONNY MONTGOMERY. This is a very vital piece of legislation. It is timely, and it also extends the date of the Vietnam era to February 28, 1961, and it extends eligibility for certain health benefits to those serving on or after January 9, 1962. As you know, some Vietnam veterans have been excluded, and they never should have been. This makes that correction after all these years. I thank both gentlemen for having included it in their legislation.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation. This is a consolidation of several bills that passed the House, including H.R. 2289, H.R. 3673, and H.R. 3674. They are all combined with several of the Senate provisions. Notably, this is a culmination of fine bipartisan work that is a hallmark of our two Veterans' Affairs Committees.

Mr. Speaker, it has been a pleasure to serve under the gentleman from Arizona, Chairman BOB STUMP, and former chairman and now ranking member of the Committee on Veterans Affairs, the gentleman from Mississippi, SONNY MONTGOMERY. SONNY, all of us in this body are going to miss you. You are a true American hero, and a role model of honor and integrity for many in this country.

I have been at so many receptions that honor you, SONNY, the only thing left is either to create a statue or make a bronze something out there. I am afraid the pigeons might do something I disagree with. We will do things to continue your legends in this body.

This is a great bill in bipartisan fashion. We are going to spend about $202 million in this bill to enhance and improve veterans benefits, and we are doing the right thing for America's heroes. I appreciate you service, SONNY, as does America.

Mr. Speaker, I rise in support of S. 1711, which is a consolidation of several bills passed by the House including H.R. 2289, H.R. 3673, and H.R. 3674, and are combined with several Senate provisions. Notably, it is the culmination of fine bipartisan work that is the hallmark of our two Veterans Affairs Committees.

I wish to extend to the chairman, Mr. STUMP, and to his dear friend the ranking member, Mr. MONTGOMERY, my thanks for their leadership on this legislation.

I would be remiss if I did not recognize the efforts of my colleagues on the Veterans Affairs Committee for their contributions—and interest—in this legislation.

The bill contains several notable provisions that will enhance a wide variety of benefits and will spend about $209 million over the next 6 years. I will address the provisions that fall within the jurisdiction of my subcommittee.

Section 101 overrides the Court of Veterans Appeals decision in Davenport versus Brown by reestablishing the long-standing requirement that a veterans's employment handicap be the result of a service-connected disability in order to qualify for vocational rehabilitation benefits.

Section 102 would make permanent the program to provide GI bill funding for veterans enrolled in programs designed to certify teachers through nontraditional educational institutions.

Section 103 removes the GI bill's 2-year restriction on all degree granting institutions, including branch campuses.

Section 104 would allow individuals the opportunity to pursue their educational programs through open circuit TV without taking part of the course in residence.

Section 105 allows veterans training under cooperative training programs to be paid full-time educational benefits instead of the current 80 percent of the full-time educational benefit rate.

Section 106 will allow active duty service members to transfer from the old Post-Vietnam Era Education Assistance Program [VEAP] to the more generous Montgomery GI bill (chapter 30). Under VEAP, a veteran could expect a maximum benefit of $8,100. Under the Montgomery GI bill, a veteran can expect a minimum of about $15,500 for a 3-year enlistment.

Section 107 will offer active duty Army and Air Force National Guard members who enlisted between June 30, 1985, and November 29, 1989, and who were not eligible for any sort of education benefit the opportunity to participate in the Montgomery GI bill.

Section 201 extends VA's authority to guarantee the real estate mortgage investment conduits [REMIC's] that are used to market vendee loans on the secondary market for an additional year.

Section 202 authorizes VA to refinance direct loans to native Americans.

Section 301 would require that Regional Administrators be veterans.

Section 302 would authorize broadening the duties of support personnel assigned to the offices of VETS State Directors for Veterans Employment and Training.

Section 303 would authorize the Secretary of Labor to conduct a pilot program in five States under which the primary responsibilities of Local Veterans Employment Representatives [LVER's] would be case management and the provision of direct employment and training services to veterans.

Subtitle B of title III of the bill provides for a series of technical amendments regarding the Uniformed Service Employment and Reemployment Rights Act of 1994 and greatly clarifies the rights and responsibilities of veterans and their employers.

Section 510 would prohibit VA from moving the Education Service headquarters functions out of the District of Columbia prior to January 1, 1998. I want to emphasize that the bill does not prevent VA from downsizing the education staff or meeting any of the goals of the Government Performance Review Act. The bill was introduced as H.R. 3036 by the ranking member, Mr. MONTGOMERY, and cosponsored by the chairman, myself, and Ms. WATERS. It received strong support from the VSO's during the hearing.

Seciton 601 extends the Homeless Veterans Reintegration Project [HVRP] through fiscal year 1998 and authorizes appropriations in the amount of $10 million per year. The Homeless Veterans Reintegration Project is a Veterans Employment and Training Service Program to assist homeless veterans with finding employment.

Title VII of the bill establishes a Commission on Servicemembers and Veterans Transition Assistance to assess the effectiveness of all veterans readjustment opportunity programs. The Commission will evaluate proposals for improving programs; and recommend to Congress actions of ensuring the continuing utility of readjustment programs.

This is virtually our only opportunity to make these kinds of program improvements. These are good provisions that will make a difference in the lives of thousands of veterans and their survivors. Its a bipartisan bill and I thank all the Members on both sides of the aisle for their support. I urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman from Indiana. We are working on that statute down in Mississippi. Do not worry about it too much.

Mr. Speaker, I rise in strong support of the House amendment to S. 1711. This measure will strengthen and improve the Montgomery GI Bill by expanding educational opportunities for veteran students. I am particularly pleased that the bill includes a provision which will enable many VEAP-eligible active duty servicemembers to switch to the more generous Montgomery GI Bill. Additionally, the amendment includes provisions which will strengthen veterans' reemployment rights and improve employment services for veterans.

Of particular importance to the continuing effective administration of veterans' education programs is the provision which forbids the transfer of Education Service personnel now located in Central Office. It should be noted that it is our intent that this restriction include the Director of the Education Service and the Director's immediate staff.

Also included in this bill are several provisions which are designed to improve the administration of veterans benefits and make them easier for veterans to use.

One provision allows the VA to pay 2 years in back benefits to the survivor of a veteran whose claim is allowed after his or her death.

Another important provision allows the surviving spouse to retain the veterans compensation or pension payments for the month in which the veteran dies.

I want to thank Congressman STEVE BUYER and TERRY EVERETT, the chairman of the two subcommittees that have jurisdiction over this bill, and Representative LANE EVANS and BOB FILNER, the ranking Democratic members of these subcommittees. They worked very hard throughout this Congress and I commend them for the bill which we are now considering.

Mr. Speaker, I want to express my sincere thanks to my good friend, BOB STUMP, for his hard work on this legislation. As important, I want to thank BOB for his effective and bipartisan leadership of the Veterans' Affairs Committee during the 104th Congress. He continued the 50-year tradition of a committee motivated by a desire to strengthen and improve the rights and benefits earned by our Nation's veterans.

Mr. Speaker, I hope my colleagues will join me in supporting this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There is no objection.

The Clerk read the Senate bill, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Improvements Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

Sec. 101. Employment handicap for which an individual may receive training and rehabilitation assistance.
Sec. 102. Permanent authority for alternative teacher certification programs.
Sec. 103. Period of operation for approval.
Sec. 104. Elimination of distinction between open circuit TV and independent study.
Sec. 105. Cooperative programs.
Sec. 106. Enrollment of certain VEAP participants in Montgomery GI Bill.
Sec. 107. Montgomery GI Bill eligibility for certain active duty members of Army and Air National Guard.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

Sec. 201. Extension of enhanced loan asset sale authority.
Sec. 202. Direct loans to refinance loans under Native American veteran housing loan pilot program.

Subtitle B—Memorial Affairs

Sec. 211. Clarification of eligibility of minors for burial in national cemeteries.
Sec. 212. Burial benefits for certain veterans who die in State nursing homes.
Sec. 213. Outer burial receptacles.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

Sec. 301. Regional Administrator.
Sec. 302. Support personnel for Directors of Veterans' Employment and Training.
Sec. 303. Pilot program to integrate and streamline functions of local veterans' employment representatives.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

Sec. 311. Amendments to chapter 43 of title 38, United States Code.
Sec. 312. Amendments to transition rules and effective dates.
Sec. 313. Effective dates.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

Sec. 401. Short title.
Sec. 402. Merger of Retired Reserve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserve.
Sec. 403. Conversion of SGLI and VGLI to commercial life insurance policy.
Sec. 404. Information to be provided members concerning automatic maximum coverage of $200,000 under Servicemen's Group Life Insurance.
Sec. 405. Renaming of Servicemen's Group Life Insurance program.
Sec. 406. Technical amendment.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

Sec. 501. Revision of authority relating to Centers for Minority Veterans and Women Veterans.
Sec. 502. Limitation on clothing allowance for incarcerated veterans.
Sec. 503. Extension of Veterans' Claims Adjudication Commission.
Sec. 504. Pilot program for use of contract physicians for disability examinations.
Sec. 505. Expansion of period of Vietnam era for certain veterans.
Sec. 506. Payment of benefit to surviving spouse for month in which veteran dies.
Sec. 507. Increase in period for which accrued benefits payable.
Sec. 508. Appointment of veterans service organizations as claimants' representatives.
Sec. 509. Provision of copies of Board of Veterans' Appeals decisions.
Sec. 510. Limitation on relocation or reduction in staffing of certain elements of the Education Service of the Veterans Benefits Administration.

TITLE VI—OTHER MATTERS

Sec. 601. Extension of certain authorities for services for homeless veterans.
Sec. 602. Repair and long-term maintenance of war memorials.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

Sec. 701. Establishment of Commission.
Sec. 702. Duties of Commission.
Sec. 703. Powers of Commission.
Sec. 704. Miscellaneous administrative provisions.
Sec. 705. Commission personnel matters.
Sec. 706. Termination of Commission.
Sec. 707. Definitions.
Sec. 708. Funding.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATION BENEFITS

SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.

(a) DEFINITIONS.—Section 3101 is amended—

(1) in paragraph (1), by inserting ", resulting in substantial part from a disability described in section 3102(1)(A) of this title," after "impairment";

(2) in paragraph (6), by inserting "authorized under section 3120 of this title" after "assistance"; and

(3) in paragraph (7), by inserting ", resulting in substantial part from a service-connected disability rated at 10 percent or more," after "impairment".

(b) BASIC ENTITLEMENT.—Section 3102 is amended—

(1) in paragraph (1)(A)(i), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 20 percent or more";

(2) in paragraph (2)(A), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 10 percent"; and

(3) by amending paragraph (2)(B) to read as follows:

"(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.".

(c) PERIODS OF ELIGIBILITY.—Section 3103 is amended—

(1) in subsection (b)(3), by striking out "described in section 3102(1)(A)(i) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking out "particular" and inserting in lieu thereof "current"; and

(B) in paragraph (2), by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment"; and

(3) in subsection (d), by striking out "under this chapter" and inserting in lieu thereof "in accordance with the provisions of section 3120 of this title".

(d) SCOPE OF SERVICES AND ASSISTANCE.—Section 3104 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "such veteran's disability or disabilities cause" and inserting in lieu thereof "the veteran has an employment handicap or"; and

(ii) by inserting "reasonably" after "goal is";

(B) in paragraph (7)(A)—

(i) by striking out "(i)"; and

(ii) by striking out ", and (ii)" and all that follows through "such Act"; and

(C) in paragraph (12), by striking out "For the most severely disabled veterans requiring" and inserting in lieu thereof "For veterans with the most severe service-connected disabilities who require"; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(e) DURATION OF REHABILITATION PROGRAMS.—Paragraph (1) of section 3105(c) is amended by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment".

(f) INITIAL AND EXTENDED EVALUATIONS; DETERMINATIONS REGARDING SERIOUS EMPLOYMENT HANDICAP.—(1) Section 3106 is amended—

(A) in subsection (a), by striking out "described in clause (i) or (ii) of section 3102(1)(A) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(B) in subsection (b), by striking out "counseling in accordance with";

(C) in subsection (c), by striking out "with extended" and inserting in lieu thereof "with an extended"; and

(D) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.".

(2) Chapter 31 is amended—

(A) in section 3107(c)(2), by striking out "3106(e)" and inserting in lieu thereof "3106(f)";

(B) in section 3109, by striking out "3106(d)" and inserting in lieu thereof "3106(e)";

(C) in section 3118(c), by striking out "3106(e)" and inserting in lieu thereof "3106(f)"; and

(D) in section 3120(b), by striking out "3106(d)" and inserting in lieu thereof "3106(d) or (e)".

(g) ALLOWANCES.—Section 3108 is amended—

(1) in subsection (a)(2), by striking out "following the conclusion of such pursuit" and inserting in lieu thereof "while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title"; and

(2) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by inserting "eligible for and" after "veteran is";

(ii) by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30"; and

(iii) by striking out "either chapter 30 or chapter 34" and inserting in lieu thereof "chapter 30"; and

(B) in subparagraph (B), by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30".

(h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of section 3117(a) is amended by inserting "rated at 10 percent or more" after "disability".

(i) PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120 is amended—

(1) in subsection (b), by striking out "service-connected disability described in section 3102(1)(A)" and inserting in lieu thereof "serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)"; and

(2) in subsection (d), by striking out "and (b)".

(j) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsection (a) (other than paragraph (2)), subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)), and subsection (i) shall only apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary of Veterans Affairs on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter.

SEC. 102. PERMANENT AUTHORITY FOR ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

Subsection (c) of section 3452 is amended by striking out "For the period ending on September 30, 1996, such" and inserting in lieu thereof "Such".

SEC. 103. PERIOD OF OPERATION FOR APPROVAL.

(a) IN GENERAL.—(1) Chapter 36 is amended—

(A) by striking out section 3689; and

(B) by striking out the item relating to section 3689 in the table of sections at the beginning of such chapter.

(2) Subparagraph (C) of section 3680A(d)(2) is amended by striking out "3689(b)(6) of this title" and inserting in lieu thereof "subsection (g)".

(b) DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—Section 3680A is amended by adding after subsection (d) the following new subsections:

"(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

"(1) the educational institution has been operating for less than two years;

"(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

"(3) following either a change in ownership or a complete move outside its original general locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

"(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

"(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

"(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

"(g) Notwithstanding subsections (e) and (f), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Transportation and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.".

(c) APPROVAL OF ACCREDITED COURSES.—Subsection (b) of section 3675 is amended to read as follows:

"(b) As a condition of approval under this section, the State approving agency must find the following:

"(1) The educational institution keeps adequate records, as prescribed by the State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

"(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

"(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title.".

SEC. 104. ELIMINATION OF DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY.

(a) VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Subsection (f) of section 3482 is amended by striking out "in part".

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3523 is amended—

(1) in subsection (a)(4), by inserting "(including open circuit television)" after "independent study program" the second place it appears; and

(2) in subsection (c), by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio.".

(c) ADMINISTRATION OF EDUCATIONAL BENEFITS.—Subsection (c) of section 3680A is amended by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio.".

SEC. 105. COOPERATIVE PROGRAMS.

(a) CHAPTER 30.—Section 3032 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CHAPTER 32.—Section 3231 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) CHAPTER 35.—Subsection (b) of section 3532 is amended by striking out "$327" and inserting in lieu thereof "$404".

(d) CHAPTER 1606.—Section 16131 of title 10, United States Code, is amended—

(1) by striking out subsection (e) and redesignating subsections (f), (g), (h), (i), and (j) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) in subsection (b)(1), by striking out "(g)" and inserting in lieu thereof "(f)".

SEC. 106. ENROLLMENT OF CERTAIN VEAP PARTICIPANTS IN MONTGOMERY GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 30 is amended by inserting after section 3018B the following new section:

"§ 3018C. Opportunity for certain VEAP participants to enroll

"(a) Notwithstanding any other provision of law, an individual who—

"(1) is a participant on the date of the enactment of the Veterans' Benefits Improvements Act of 1996 in the educational benefits program provided by chapter 32 of this title;

"(2) is serving on active duty (excluding the periods referred to in section 3202(1)(C) of this title) on such date;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty during the one-year period specified in paragraph (5), is discharged or released therefrom with an honorable discharge; and

"(5) during the one-year period beginning on the date of the enactment of the Veterans' Benefits Improvements Act of 1996, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

may elect to become entitled to basic educational assistance under this chapter.

"(b) With respect to an individual who makes an election under subsection (a) to become entitled to basic education assistance under this chapter—

"(1) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

"(2) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between $1,200 and the total amount of reductions under paragraph (1), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual, as provided in section 3223(b) of this title and subject to subsection (b)(2) of this section, the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) shall remain in such account to make payments of benefits to such individual under section 3015(f) of this title.

"(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) and of subparagraph (A) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.".

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 is amended by inserting after the item relating to section 3018B the following new item:

"3018C. Opportunity for certain VEAP participants to enroll.".

(2) Subsection (d) of section 3013 is amended by striking out "or 3018B" and inserting in lieu thereof ", 3018B, or 3018C".

(3) Subsection (f) of section 3015 is amended by inserting ", 3018B, or 3018C" after "section 3018A".

(c) TRANSFER OF EDUCATIONAL ASSISTANCE FUNDS.—(1) Subparagraph (B) of section 3232(b)(2) is amended—

(A) by striking out ", for the purposes of section 1322(a) of title 31,"; and

(B) by striking out "as provided in such section" and inserting in lieu thereof "to the Secretary for payments for entitlement earned under subchapter II of chapter 30".

(2) Paragraph (1) of section 3035(b) is amended by inserting before the period at the end the following: "and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title".

SEC. 107. MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD.

(a) IN GENERAL.—Paragraph (7) of section 3002 is amended by striking out "November 29, 1989" and inserting in lieu thereof "June 30, 1985".

(b) APPLICATION.—(1) An individual may only become eligible for benefits under chapter 30 of title 38, United States Code, as a result of the amendment made by subsection (a) by making an election to become entitled to basic educational assistance under such chapter. The election may only be made during the nine-month period beginning on the date of the enactment of this Act and in the manner required by the Secretary of Defense.

(2) In the case of any individual making an election under paragraph (1)—

(A) the basic pay of an individual who, while a member of the Armed Forces, makes an election under paragraph (1) shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty, the Secretary of Veterans Affairs shall collect from an individual who makes such an election an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which amount shall be paid into the Treasury as miscellaneous receipts.

(3) In the case of any individual making an election under paragraph (1), the 10-year period referred to in section 3031 of such title shall begin on the later of—

(A) the date determined under such section 3031; or

(B) the date on which the election under paragraph (1) becomes effective.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

SEC. 201. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Paragraph (2) of section 3720(h) is amended by striking out "December 31, 1996" and inserting in lieu thereof "December 31, 1997".

SEC. 202. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) AUTHORITY.—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

"(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

"(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

"(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection.".

(b) LOAN FEE.—Section 3729(a)(2)(E) is amended by striking out "or 3712(a)(1)(F)" and inserting in lieu thereof "3712(a)(1)(F), or 3762(h)".

Subtitle B—Memorial Affairs

SEC. 211. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after "minor child" the following: "(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)".

SEC. 212. BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES.

Subsection (a) of section 2303 is amended to read as follows:

"(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

"(A) pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

"(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(2) A facility described in this paragraph is—

"(A) a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

"(B) an institution at which the deceased veteran was, at the time of death, receiving—

"(i) hospital care in accordance with section 1703 of this title;

"(ii) nursing home care under section 1720 of this title; or

"(iii) nursing home care for which payments are made under section 1741 of this title.".

SEC. 213. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out "a grave liner" each place it appears and inserting in lieu thereof "an outer burial receptacle";

(2) in paragraph (2)—

(A) by striking out "grave liners" and inserting in lieu thereof "outer burial receptacles"; and

(B) by striking out "specifications and procedures" and inserting in lieu thereof "regulations or procedures"; and

(3) by adding at the end the following:

"(3) Regulations or procedures under paragraph (2) may specify that—

"(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

"(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

"(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

"(ii) to pay the amount of the administrative costs incurred by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army) in providing the outer burial receptacle in lieu of such grave liner.

"(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army), for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.".

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2306. Headstones, markers, and burial receptacles".

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

"2306. Headstones, markers, and burial receptacles.".

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

SEC. 301. REGIONAL ADMINISTRATOR.

Paragraph (1) of section 4102A(e) is amended by adding at the end the following: "Each Regional Administrator appointed after the date of the enactment of the Veterans' Benefits Improvements Act of 1996 shall be a veteran.".

SEC. 302. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out "full-time Federal clerical support" and inserting in lieu thereof "full-time Federal clerical or other support personnel"; and

(2) in the third sentence, by striking out "Full-time Federal clerical support personnel" and inserting in lieu thereof "Full-time Federal clerical or other support personnel".

SEC. 303. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor may conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary of Labor may suspend or limit application of those provisions of chapter 41 of title 38, United States Code (other than sections 4104(b)(1) and (c)) that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of such chapter, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section:

(1) The term "veteran" has the meaning given such term by section 101(2) of title 38, United States Code.

(2) The term "disabled veteran" has the meaning given such term by section 4211(3) of such title.

(3) The term "active military, naval, or air service" has the meaning given such term by section 101(24) of such title.

(g) ALLOCATION OF FUNDS.—Any amount otherwise available for fiscal year 1997, 1998, or 1999 to carry out section 4102A(b)(5) of title 38, United States Code, with respect to a State designated by the Secretary of Labor pursuant to subsection (d) shall be available to carry out the pilot program during that fiscal year with respect to that State.

(h) EXPIRATION DATE.—The authority to carry out the pilot program under this section shall expire on October 1, 1999.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

SEC. 311. AMENDMENTS TO CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

Chapter 43 is amended as follows:

(1) Section 4301(a)(2) is amended by striking out "under honorable conditions".

(2) Section 4303(16) is amended by inserting "national" before "emergency".

(3) Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(c) An employer shall be considered to have engaged in actions prohibited—

"(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

"(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

"(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C) of this title.".

(4) Section 4312 is amended—

(A) in subsection (a), by striking out "who is absent from a position of employment" and inserting in lieu thereof "whose absence from a position of employment is necessitated";

(B) in subsection (c)—

(i) by striking out "section 270" in paragraph (3) and inserting in lieu thereof "section 10147"; and

(ii) in paragraph (4)—

(I) by striking out "section 672(a), 672(g), 673, 673b, 673c, or 688" in subparagraph (A) and inserting in lieu thereof "section 688, 12301(a), 12301(g), 12302, 12304, or 12305";

(II) by amending subparagraph (B) to read as follows:

"(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;";

(III) by striking out "section 673b" in subparagraph (C) and inserting in lieu thereof "section 12304"; and

(IV) by striking out "section 3500 or 8500" in subparagraph (E) and inserting in lieu thereof "section 12406"; and

(C) in subsection (d)(2)(C), by striking out "is brief or for a nonrecurrent period and without a reasonable expectation" and inserting in lieu thereof "is for a brief, nonrecurrent period and there is no reasonable expectation".

(5) Section 4313(a)(4) is amended—

(A) by striking out "uniform services" in subparagraph (A)(ii) and inserting in lieu thereof "uniformed services"; and

(B) by striking out "of lesser status and pay which" and inserting in lieu thereof "which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which".

(6) Section 4316(d) is amended by adding at the end the following new sentence: "No employer may require any such person to use vacation, annual, or similar leave during such period of service.".

(7) Section 4317(a) is amended—

(A) by striking out "(a)(1)(A) Subject to paragraphs (2) and (3), in" and inserting in lieu thereof "(a)(1) In";

(B) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by subparagraph (A) of this paragraph) as subparagraphs (A) and (B), respectively;

(C) by redesignating subparagraph (B) as paragraph (2); and

(D) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(8) The last sentence of section 4318(b)(2) is amended by striking out "services," and inserting in lieu thereof "services, such payment period".

(9) Section 4322 is amended—

(A) in the second sentence of subsection (d) by inserting "attempt to" before "resolve"; and

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking out "with respect to a complaint under subsection (d) are unsuccessful," and inserting in lieu thereof "with respect to any complaint filed under subsection (a) do not resolve the complaint,"; and

(ii) in paragraph (2), by inserting "or the Office of Personnel Management" after "Federal executive agency".

(10) Section 4323(a) is amended—

(A) in paragraph (1), by striking out "of an unsuccessful effort to resolve a complaint"; and

(B) in paragraph (2)(A), by striking out "regarding the complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

(11) Section 4324 is amended—

(A) in subsection (a)(1), by striking out "of an unsuccessful effort to resolve a complaint relating to a Federal executive agency";

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(ii) in paragraph (1), by striking out "regarding a complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)"; and

(C) in subsection (c)(2)—

(i) by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(ii) by striking out "employee" and inserting in lieu thereof "Office".

(12) Section 4325(d)(1) is amended—

(A) by striking out ", alternative employment in the Federal Government under this chapter,"; and

(B) by striking out "employee" the last place it appears and inserting in lieu thereof "employees".

(13) Section 4326(a) is amended by inserting "have reasonable access to and the right to interview persons with information relevant to the investigation and shall" after "at all reasonable times,".

SEC. 312. AMENDMENTS TO TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: "Any service begun up to 60 days after the date of the enactment of this Act, which is served up to 60 days after the date of the enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of the enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act."; and

(2) in paragraph (4), by striking out "such period" and inserting in lieu thereof "such 60-day period".

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out "person on active duty" and inserting in lieu thereof "person serving a period of service in the uniformed services".

SEC. 313. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by clause (i), and subclauses (I), (III), and (IV) of clause (ii), of section 311(4)(B) shall take effect as of December 1, 1994.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the "Veterans' Insurance Reform Act of 1996".

SEC. 402. MERGER OF RETIRED RESERVE SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVE.

(a) DEFINITIONS.—Section 1965(5) is amended—

(1) by adding "and" at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the matter following paragraph (2), by striking out "or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,"; and

(2) by striking out subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968 is amended—

(1) in subsection (a)—

(A) by striking out "subparagraph (B), (C), or (D) of section 1965(5)" in the matter preceding paragraph (1) and inserting in lieu thereof "section 1965(5)(B)";

(B) by striking out the period at the end of paragraphs (1) and (2) and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and";

(D) in paragraph (4)—

(i) by striking out "one hundred and twenty days after" in the matter preceding subparagraph (A) and all that follows through "(A) unless on" and inserting in lieu thereof "120 days after separation or release from such assignment, unless on";

(ii) by striking out "prior to the expiration of one hundred and twenty days" and inserting in lieu thereof "before the end of 120 days";

(iii) by striking out the semicolon after "such assignment" and inserting in lieu thereof a period; and

(iv) by striking out subparagraphs (B) and (C); and

(E) by striking out paragraphs (5) and (6); and

(2) in subsection (b), by striking out the last two sentences.

(d) DEDUCTIONS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out "is assigned to the Reserve (other than the Retired Reserve)" and all that follows through "section 1965(5)(D) of this title,";

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) CONVERSION OF SGLI TO VGLI.—The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of the enactment of this Act.

SEC. 403. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE POLICY.

(a) OPTION TO CONVERT SGLI.—Subsection (b) of section 1968, as amended by section 402(c)(2), is amended—

(1) by inserting "(1)" after "(b)" at the beginning of the subsection;

(2) by striking out "would cease," in the first sentence and all that follows through the period at the end of the sentence and inserting in lieu thereof "would cease—

"(A) shall be automatically converted to Veterans' Group Life Insurance, subject to

(i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

"(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums."; and

(3) by designating the second sentence as paragraph (2) and in that sentence striking out "Such automatic conversion" and inserting in lieu thereof "Automatic conversion to Veterans' Group Life Insurance under paragraph (1)".

(b) VGLI CONVERSION.—Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)";

(B) by striking out the last two sentences; and

(C) by adding at the end the following:

"(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed $200,000."; and

(2) in subsection (e)—

(A) in the first sentence, by inserting "at any time" after "shall have the right"; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "The Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the day before the date on which the individual policy becomes effective.".

SEC. 404. INFORMATION TO BE PROVIDED MEMBERS CONCERNING AUTOMATIC MAXIMUM COVERAGE OF $200,000 UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967, as amended by section 402(b), is further amended by inserting after subsection (c) the following new subsection (d):

"(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of $200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

"(1) the purpose and role of life insurance in financial planning;

"(2) the difference between term life insurance and whole life insurance;

"(3) the availability of commercial life insurance; and

"(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.".

SEC. 405. RENAMING OF SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) IN GENERAL.—The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.

(b) AMENDMENTS TO CHAPTER 19.— Chapter 19 is amended as follows:

(1) The following provisions are amended by striking out "Servicemen's Group Life Insurance" each place it appears and inserting in lieu thereof "Servicemembers' Group Life Insurance":

(A) Subsections (a), (c), and (e) of section 1967.

(B) Section 1968(b).

(C) Subsections (a) through (d) of section 1969.

(D) Subsections (a), (f), and (g) of section 1970.

(E) Section 1971(b).

(F) Section 1973.

(G) The first sentence of section 1974(a).

(H) Subsections (a), (d), and (g) of section 1977.

(2)(A) The heading of subchapter III is amended to read as follows:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE".

(B) The heading of section 1974 is amended to read as follows:

"§ 1974. Advisory Council on Servicemembers' Group Life Insurance".

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking out the item relating to subchapter III and inserting in lieu thereof the following:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE";

and

(B) by striking out the item relating to section 1974 and inserting in lieu thereof the following:

"1974. Advisory Council on Servicemembers' Group Life Insurance.".

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out "servicemen's" the first place it appears and inserting in lieu thereof "servicemembers'".

(2) Sections 3017(a)(2)(A)(i) and 3224(1) are amended by striking out "Servicemen's" each place it appears and inserting in lieu thereof "Servicemembers'".

(d) REFERENCES.—Any reference to Servicemen's Group Life Insurance or to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance or the Advisory Council on Servicemembers' Group Life Insurance, respectively.

SEC. 406. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out "and (e)" in the first and second sentences.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

SEC. 501. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) are each amended by inserting "career or" before "noncareer".

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a-2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

"(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.".

(c) DEFINITION OF MINORITY VETERANS.—Section 317 is amended by adding at the end the following:

"(g) In this section—

"(1) The term 'veterans who are minorities' means veterans who are minority group members.

"(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title.".

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) is amended by striking out "(relating to" and all that follows through "and of" and inserting in lieu thereof "(42 U.S.C. 289a-2) with respect to the inclusion of women in clinical research and on".

(e) ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.—(1) Section 542(b) is amended by inserting ", including the Center for Women Veterans" before the period at the end.

(2) Section 544(b) is amended by inserting ", including the Center for Minority Veterans" before the period at the end.

(f) TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(e) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

SEC. 502. LIMITATION ON CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) PRO RATA REDUCTION.—Chapter 53 is amended by inserting after section 5313 the following new section:

"§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

"In the case of a veteran who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who is furnished clothing without charge by the institution, the amount of any annual clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to $\frac{1}{365}$ of the amount of the allowance otherwise payable under that section for each day on which the veteran was so incarcerated during the 12-month period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

"5313A. Limitation on payment of clothing allowance to incarcerated veterans.".

SEC. 503. EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION.

(a) EXTENSION OF TIME FOR SUBMISSION OF FINAL REPORT.—Section 402(e)(2) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103-446; 108 Stat. 4661) is amended by striking out "Not later than 18 months after such date" and inserting in lieu thereof "Not later than December 31, 1996".

(b) FUNDING.—From amounts appropriated to the Department of Veterans Affairs for each of fiscal years 1996 and 1997 for the payment of compensation and pension, the amount of $75,000 is hereby made available for the activities of the Veterans' Claims Adjudication Commission under title IV of the

Veterans' Benefits Improvements Act of 1994 (Public Law 103-446; 108 Stat. 4659; 38 U.S.C. 5101 note).

SEC. 504. PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Veterans Affairs, acting through the Under Secretary for Benefits, may conduct a pilot program under this section under which examinations with respect to medical disability of applicants for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits may be made by persons other than employees of the Department of Veterans Affairs. Any such examination shall be performed pursuant to contracts entered into by the Under Secretary for Benefits with those persons.

(b) LIMITATION.—The Secretary may carry out the pilot program under this section through not more than 10 regional offices of the Department of Veterans Affairs.

(c) SOURCE OF FUNDS.—Payments for contracts under the pilot program under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of compensation and pensions.

(d) REPORT TO CONGRESS.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the effect of the use of the authority provided by subsection (a) on the cost, timeliness, and thoroughness of medical disability examinations.

SEC. 505. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) IN GENERAL.—Paragraph (29) of section 101 is amended to read as follows:

"(29) The term 'Vietnam era' means the following:

"(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

"(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.".

(b) LIMITED EXPANSION FOR SPECIFIC COMPENSATION PURPOSES.—(1) Paragraphs (1)(B) and (3) of section 1116(a) are each amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,".

(2) Paragraphs (1)(A), (2)(C), (2)(E), (2)(F), and (4) of such section are amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975".

(c) LIMITED EXPANSION FOR SPECIFIC HEALTH CARE PURPOSES.—(1) The provision stipulated in paragraph (2) is amended—

(A) in clause (i), by striking out "during the Vietnam era," and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,"; and

(B) in clause (ii), by striking out "such era" and inserting in lieu thereof "such period".

(2) The provision referred to in paragraph (1)—

(A) if the Veterans' Health Care Eligibility Reform Act of 1996 is enacted as a measure of the One Hundred Fourth Congress, is paragraph (4)(A) of section 1710(e) of title 38, United States Code, as added by section 102 of such Act; and

(B) if such Act is not enacted as a measure of the One Hundred Fourth Congress, is paragraph (1)(A) of section 1710(e) of such title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 506. PAYMENT OF BENEFIT TO SURVIVING SPOUSE FOR MONTH IN WHICH VETERAN DIES.

(a) BENEFIT FOR MONTH OF DEATH.—Section 5310 is amended—

(1) by inserting "(a)" before "If, in accordance with"; and

(2) by adding at the end the following:

"(b)(1) If the surviving spouse of a veteran who was in receipt of compensation or pension at the time of death is not entitled to death benefits under chapter 11, 13, or 15 of this title for the month in which the veteran's death occurs, that surviving spouse shall be entitled to a benefit for that month in the amount of benefits the veteran would have received under chapter 11 or 15 of this title for that month but for the death of the veteran.

"(2) If (notwithstanding section 5112(b)(1) of this title) a check or other payment is issued to, and in the name of, the deceased veteran as a benefit payment under chapter 11 or 15 of this title for the month in which death occurs, that check or other payment (A) shall be treated for all purposes as being payable to the surviving spouse, and (B) if that check or other payment is negotiated or deposited, shall be considered to be the benefit to which the surviving spouse is entitled under this paragraph. However, if such check or other payment is in an amount less than the amount of the benefit under paragraph (1), the unpaid amount shall be treated in the same manner as an accrued benefit under section 5121 of this title.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death of compensation and pension recipients occurring after December 31, 1996.

SEC. 507. INCREASE IN PERIOD FOR WHICH ACCRUED BENEFITS PAYABLE.

Subsection (a) of section 5121 is amended by striking out "one year" in the matter preceding paragraph (1) and inserting in lieu thereof "two years".

SEC. 508. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

"(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.".

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 509. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Subsection (e) of section 7104 is amended to read as follows:

"(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

"(2) If the claimant has an authorized representative, the Board shall—

"(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

"(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail.".

SEC. 510. LIMITATION ON RELOCATION OR REDUCTION IN STAFFING OF CERTAIN ELEMENTS OF THE EDUCATION SERVICE OF THE VETERANS BENEFITS ADMINISTRATION.

No funds available to the Department of Veterans Affairs may be obligated or expended before January 1, 1998, to relocate any function of, or to reduce the number of personnel assigned to, any of the following elements of the Veterans Benefits Administration of the Department of Veterans Affairs:

(1) The Office of Education Procedures Systems.

(2) The Office of Education Operations.

(3) The Office of Education Policy and Program Administration.

TITLE VI—OTHER MATTERS

SEC. 601. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1998".

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

"(E) $10,000,000 for fiscal year 1997.

"(F) $10,000,000 for fiscal year 1998.".

SEC. 602. REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.

(a) REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.—Section 5(b)(2) of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (36 U.S.C. 125(b)(2)), is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) In assuming responsibility for a war memorial under paragraph (1), the Commission may enter into arrangements with the sponsors of the memorial to provide for the repair or long-term maintenance of the memorial. Any funds transferred to the Commission for the purpose of this subparagraph shall, in lieu of subparagraph (A), be deposited by the Commission in the fund established by paragraph (3).

"(3)(A) There is established in the Treasury a fund which shall be available to the Commission for expenses for the maintenance and repair of memorials with respect to which the Commission enters into arrangements under paragraph (2)(B). The fund shall consist of (i) amounts deposited, and interest and proceeds credited, under subparagraph (B), and (ii) obligations obtained under subparagraph (C).

"(B) The Commission shall deposit in the fund such amounts from private contributions as may be accepted under paragraph (2)(B). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

"(C) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

"(D) The Commission shall separately account for all moneys deposited in and expended from the fund with respect to each war memorial for which an arrangement for the repair or long-term maintenance of the memorial is entered to under paragraph (2)(B).".

(b) ACCOUNTING PROCEDURES RELATING TO RECEIPT AND EXPENDITURE OF CONTRIBUTIONS.—Such Act is further amended by adding at the end the following new section:

"SEC. 14. (a) The Commission shall have a system of financial controls to enable the Commission to comply with the requirements of subsection (b) and section 5(b)(3)(D).

"(b) The Commission shall—

"(1) by March 1 of each year (beginning with 1998)—

"(A) prepare a financial statement which covers all accounts and associated activities of the Commission for the preceding fiscal year and is consistent with the requirements of section 3515 of title 31, United States Code; and

"(B) submit the financial statement, together with a narrative summary, to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

"(2) obtain an audit by the Comptroller General of the United States of each financial statement prepared under paragraph (1)(A), which shall be conducted in accordance with applicable generally accepted government auditing standards and shall be in lieu of any audit otherwise required by law.

"(c) The Commission may not obligate, withdraw, or expend funds received as contributions before March 1, 1998.".

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

SEC. 701. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Servicemembers and Veterans Transition Assistance (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters. The members shall be appointed as follows:

(A) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

(B) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the Senate.

(C) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on National Security of the House of Representatives.

(D) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on Armed Services of the Senate.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed under paragraph (1) as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) In addition to the members appointed under paragraph (1), the following shall be nonvoting members of the Commission:

(A) The Under Secretary for Benefits of the Department of Veterans Affairs.

(B) The Assistant Secretary of Defense for Force Management and Personnel.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(4) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(5) The appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed under subsection (b)(1), the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and vice chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the chairman of the Commission.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 702. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the adequacy and effectiveness of veterans transition assistance and benefits programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition assistance and benefits programs among the various departments and agencies of the Government and determine the feasibility and desirability of consolidating such administration;

(3) evaluate proposals for improving such programs, including proposals for alternative means of providing services delivered by such programs; and

(4) make recommendations to Congress regarding the need for improvements in such programs.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 701(b)(1) and the member specified in subparagraph (B) of section 701(b)(3) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members.

(2) In carrying out the review, those members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Armed Forces for such programs.

(C) The adequacy of funding levels for such programs.

(D) The effect, if any, of the existence of such programs on military readiness.

(E) The extent to which such programs provide members of the Armed Forces with job-search skills.

(F) The extent to which such programs prepare such members for employment in the private sector and in the public sector.

(G) The effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service.

(H) The ways in which such programs could be improved.

(3) In carrying out the review, the Commission shall make use of previous studies which have been made of such programs.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 701(b)(1) and the members specified in subparagraphs (A) and (C) of section 701(b)(3) shall review the following programs:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Department of Veterans Affairs for such programs.

(C) The adequacy of funding levels for such programs.

(D) The extent to which such programs provide veterans with job-search skills.

(E) The extent to which such programs prepare veterans for employment in the private sector and in the public sector.

(F) The effectiveness of such programs in assisting veterans in finding employment in the public sector upon their separation from service.

(G) The ways in which such programs could be improved.

(d) REPORTS.—(1) Not later than 90 days after the date on which all members of the Commission have been appointed under section 701(b)(1), the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the heads of other appropriate departments and agencies of the Government.

(2)(A) Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 703. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 704. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

(b) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall, upon the request of the chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 705. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) TRAVEL AND TRAVEL EXPENSES.—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to five additional staff members as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any department or agency of the Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 706. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its report under section 702(d)(2).

SEC. 707. DEFINITIONS.

For the purposes of this title:

(1) The term "veterans transition assistance and benefits program" means any program of the Government the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term "Armed Forces" has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term "veterans service organization" means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 708. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense, except that such amounts may not be from amounts appropriated for the transition assistance program (TAP), the Army career alumni program (ACAP), or any similar program.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 3458 and on S. 1711.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title in which the concurrence of the House is requested.

H.R. 3815. An act to make technical corrections and miscellaneous amendments to trade laws.

MAKING TECHNICAL CORRECTION TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL 1993

Mr. BATEMAN. Mr. Speaker, I ask unanimous consent that the Committee on National Security be discharged from further consideration of the bill (H.R. 4282) to amend the National Defense Authorization Act for fiscal year 1993 to make a technical correction relating to the provision of Department of Defense assistance to local education agencies, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, as ranking minority member on the Democratic side, I will not object, but I would like to yield to the gentleman from Virginia to explain the bill, and a number of other Members on both sides are interested in this bill and the explanation.

Mr. BATEMAN. Mr. Speaker, I do appreciate the distinguished soldier statesman from Mississippi for allowing me the opportunity to explain why this bill is necessary.

Mr. Speaker, when the 1986 defense authorization bill was enrolled, it was enrolled with a typographical error, in that it made reference to an accompanying section as section 8803(A), when it should have made reference to 8803(A)(1). This bill simply corrects that typographical error.

So if we can get it enacted and signed by the President, the school districts which were supposed to and intended to receive those funds pursuant to the correctly enrolled and passed bill will be able to receive them.

It is purely correcting a typographical error, but a very significant one to the school districts affected.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I want to thank the gentleman for catching this technical error that really affected a number of people.

Mr. Speaker, further reserving the right to object I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I would like to thank the gentleman from Mississippi for his hard work and dedication over the years. I would also like to thank my colleague from Virginia, Mr. BATEMAN, for his hard work and diligence in this effort, not only in this effort but over the years for impact aid. It is an extremely important element of funding for education in highly impacted areas.

My colleague from Virginia has worked extremely hard in this area. Having found the mistake, he had even more work to do to get it back in. I want to congratulate the gentleman for a job well done. There are many others, including the gentleman from Texas [Mr. EDWARDS], who have been very diligent in this area, but I especially wanted to thank my colleague from Virginia for his hard work.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I want to thank the gentleman from Mississippi, Chairman MONTGOMERY, and once again express my gratitude for his leadership on the national security over the years. We are a stronger Nation because of his service.

I simply wanted to say in my 6 years in the Congress, probably one of the greater privileges I have had has been to work with the gentleman from Virginia [Mr. BATEMAN] to fight for the impact aid program. It seems to me, Mr. Speaker, that along with our Nation's veterans, there could be few groups more deserving in America than the children of military families, children who often have to go to school not knowing whether their mother or father will even be alive at their graduation, children who Christmas after Christmas or season after season have to be with only one part of their family, because the father or mother is serving their country thousands of miles away.

While I am sorry there were some in Washington from both parties last year who wanted to cut impact aid for these deserving military children, people such as Mr. BATEMAN saw the importance and the value of this program. It not only provides the support for a quality education for military children they deeply deserve; it also is a matter of maintaining quality people in our military, because with an all-volunteer force how can we expect the best and brightest to come into our Armed Forces if we cannot assure them that their children will receive a quality education?

So my thanks once again goes out to the gentleman from Virginia [Mr. BATEMAN], who at one point last year very briefly after a momentary health problem, even at some risk to his own health, came to this floor to see that the impact aid program would stay alive, and for that not only I but, far more importantly, millions of American children this year and generations ahead will be in his debt.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I would like to commend the gentleman from Virginia for making this correction for us, and congratulate him on being reelected to the Congress.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION RELATING TO DEPARTMENT OF DEFENSE ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.

Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484; 20 U.S.C. 7703 note) is amended—

(1) by striking "section 8003(a)" and inserting "section 8003(a)(1)"; and

(2) by striking "(20 U.S.C. 7703(a))" and inserting "(20 U.S.C. 7703(a)(1))".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1965) to prevent the illegal manufacturing and use of methamphetamine, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Ms. LOFGREN. Mr. Speaker, reserving the right to object, and I will not object, I would like to yield to the gentleman from Florida [Mr. McCOLLUM], the chairman of the subcommittee, for an explanation of the bill.

Mr. McCOLLUM. Mr. Speaker, just 2 days ago this body voted on H.R. 3852, the Comprehensive Methamphetamine Control Act of 1996. The bill represents a major, bipartisan effort to respond to the national methamphetamine crisis confronting our nation today. The bill passed by a vote of 386 to 34.

H.R. 3852 is nearly identical to S. 1965, which was passed by the Senate nearly two weeks ago. It was introduced by Senate Judiciary Chairman HATCH and a large, bipartisan group of Senators, including Senators BIDEN, DASCHLE and FEINSTEIN.

The principal difference between the two bills is that the Senate bill lacks the mandatory minimum sentences for methamphetamine trafficking.

Like the House bill, S. 1965 has the support of both the pharmaceutical industry and the Drug Enforcement Administration.

I must say, and I think I speak for the entire law enforcement community when I say, I am disappointed that the Senate did not pass our tougher bill. I am disappointed that those few Members in the other body who opposed the mandatory minimum sentences in our bill did not drop their opposition. And, I am disappointed that the President, who says he supports the mandatory minimums in the House bill, did not call those Members, who are in his own party, and ask them to support these much-needed penalties.

Nevertheless, this is still a good bill. It is a bipartisan bill. It is a vitally important effort that has been worked on by Members of both Houses and both parties. I thank my colleague for yielding.

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Ms. LOFGREN. Mr. Speaker, further reserving my right to object, I think this is a strong and good bill for a menace, methamphetamine, that is growing exponentially, especially in my own home State of California. The measures, having to do with control of precursor chemicals, will have a significant, positive impact in the reduction of the availability of this drug.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Methamphetamine Control Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

Sec. 101. Support for international efforts to control drugs.
Sec. 102. Penalties for manufacture of listed chemicals outside the United States with intent to import them into the United States.

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

Sec. 201. Seizure and forfeiture of regulated chemicals.
Sec. 202. Study and report on measures to prevent sales of agents used in methamphetamine production.
Sec. 203. Increased penalties for manufacture and possession of equipment used to make controlled substances.
Sec. 204. Addition of iodine and hydrochloric gas to list II.
Sec. 205. Civil penalties for firms that supply precursor chemicals.
Sec. 206. Injunctive relief.
Sec. 207. Restitution for cleanup of clandestine laboratory sites.
Sec. 208. Record retention.
Sec. 209. Technical amendments.
Sec. 210. Withdrawal of regulations.

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

Sec. 301. Penalty increases for trafficking in methamphetamine.
Sec. 302. Enhanced penalties for offenses involving certain listed chemicals.
Sec. 303. Enhanced penalty for dangerous handling of controlled substances: amendment of sentencing guidelines.

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

Sec. 401. Diversion of certain precursor chemicals.
Sec. 402. Mail order restrictions.

TITLE V—EDUCATION AND RESEARCH

Sec. 501. Interagency methamphetamine task force.
Sec. 502. Public health monitoring.
Sec. 503. Public-private education program.
Sec. 504. Suspicious orders task force.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Methamphetamine is a very dangerous and harmful drug. It is highly addictive and is associated with permanent brain damage in long-term users.

(2) The abuse of methamphetamine has increased dramatically since 1990. This increased use has led to devastating effects on individuals and the community, including—

(A) a dramatic increase in deaths associated with methamphetamine ingestion;

(B) an increase in the number of violent crimes associated with methamphetamine ingestion; and

(C) an increase in criminal activity associated with the illegal importation of methamphetamine and precursor compounds to support the growing appetite for this drug in the United States.

(3) Illegal methamphetamine manufacture and abuse presents an imminent public health threat that warrants aggressive law enforcement action, increased research on methamphetamine and other substance abuse, increased coordinated efforts to prevent methamphetamine abuse, and increased monitoring of the public health threat methamphetamine presents to the communities of the United States.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

SEC. 101. SUPPORT FOR INTERNATIONAL EFFORTS TO CONTROL DRUGS.

The Attorney General, in consultation with the Secretary of State, shall coordinate international drug enforcement efforts to decrease the movement of methamphetamine and methamphetamine precursors into the United States.

SEC. 102. PENALTIES FOR MANUFACTURE OF LISTED CHEMICALS OUTSIDE THE UNITED STATES WITH INTENT TO IMPORT THEM INTO THE UNITED STATES.

(a) UNLAWFUL IMPORTATION.—Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended—

(1) in the matter before paragraph (1), by inserting "or listed chemical" after "schedule I or II"; and

(2) in paragraphs (1) and (2), by inserting "or chemical" after "substance".

(b) UNLAWFUL MANUFACTURE OR DISTRIBUTION.—Paragraphs (1) and (2) of section 1009(b) of the Controlled Substances Import and Export Act (21 U.S.C. 959(b)) are amended by inserting "or listed chemical" after "controlled substance".

(c) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the comma at the end and inserting "; or"; and

(3) by adding at the end the following:

"(7) manufactures, possesses with intent to distribute, or distributes a listed chemical in violation of section 959 of this title.".

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

SEC. 201. SEIZURE AND FORFEITURE OF REGULATED CHEMICALS.

(a) PENALTIES FOR SIMPLE POSSESSION.—Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended—

(1) in subsection (a)—

(A) by adding after the first sentence the following: "It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 303 of this title or section 1008 of title III if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration."; and

(B) by striking "drug or narcotic" and inserting "drug, narcotic, or chemical" each place it appears; and

(2) in subsection (c), by striking "drug or narcotic" and inserting "drug, narcotic, or chemical".

(b) FORFEITURES.—Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraphs (2) and (6), by inserting "or listed chemical" after "controlled substance" each place it appears; and

(2) in paragraph (9), by—

(A) inserting "dispensed, acquired," after "distributed," both places it appears; and

(B) striking "a felony provision of".

(c) SEIZURE.—Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended—

(1) in subsection (a)(3), by inserting "or listed chemical" after "controlled substance"; and

(2) by amending subsection (b) to read as follows:

"(b) As used in this section, the terms 'controlled substance' and 'listed chemical' have the meaning given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 202. STUDY AND REPORT ON MEASURES TO PREVENT SALES OF AGENTS USED IN METHAMPHETAMINE PRODUCTION.

(a) STUDY.—The Attorney General of the United States shall conduct a study on possible measures to effectively prevent the diversion of red phosphorous, iodine, hydrochloric gas, and other agents for use in the production of methamphetamine. Nothing in this section shall preclude the Attorney General from taking any action the Attorney General already is authorized to take with regard to the regulation of listed chemicals under current law.

(b) REPORT.—Not later than January 1, 1998, the Attorney General shall submit a report to the Congress of its findings pursuant to the study conducted under subsection (a) on the need for and advisability of preventive measures.

(c) CONSIDERATIONS.—In developing recommendations under subsection (b), the Attorney General shall consider—

(1) the use of red phosphorous, iodine, hydrochloric gas, and other agents in the illegal manufacture of methamphetamine;

(2) the use of red phosphorous, iodine, hydrochloric gas, and other agents for legitimate, legal purposes, and the impact any regulations may have on these legitimate purposes; and

(3) comments and recommendations from law enforcement, manufacturers of such chemicals, and the consumers of such chemicals for legitimate, legal purposes.

SEC. 203. INCREASED PENALTIES FOR MANUFACTURE AND POSSESSION OF EQUIPMENT USED TO MAKE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(1) by striking "(d) Any person" and inserting "(d)(1) Except as provided in paragraph (2), any person"; and

(2) by adding at the end the following:

"(2) Any person who, with the intent to manufacture or to facilitate the manufacture of methamphetamine, violates paragraph (6) or (7) of subsection (a), shall be sentenced to a term of imprisonment of not more than 10 years, a fine of not more than $30,000, or both; except that if any person commits such a violation after one or more prior convictions of that person—

"(A) for a violation of paragraph (6) or (7) of subsection (a);

"(B) for a felony under any other provision of this subchapter or subchapter II of this chapter; or

"(C) under any other law of the United States or any State relating to controlled substances or listed chemicals,

has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $60,000, or both.".

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the sentencing guidelines to ensure that the manufacture of methamphetamine in violation of section 403(d)(2) of the Controlled Substances Act, as added by subsection (a), is treated as a significant violation.

SEC. 204. ADDITION OF IODINE AND HYDROCHLORIC GAS TO LIST II.

(a) IN GENERAL.—Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended by adding at the end the following:

"(I) Iodine.

"(J) Hydrochloric gas.".

(b) IMPORTATION AND EXPORTATION REQUIREMENTS.—(1) Iodine shall not be subject to the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

(2) EFFECT OF EXCEPTION.—The exception made by paragraph (1) shall not limit the authority of the Attorney General to impose the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

SEC. 205. CIVIL PENALTIES FOR FIRMS THAT SUPPLY PRECURSOR CHEMICALS.

(a) OFFENSES.—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (9), by striking "or" after the semicolon;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) to distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, in violation of this title or title III, with reckless disregard for the illegal uses to which such a laboratory supply will be put.

As used in paragraph (11), the term 'laboratory supply' means a listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General, which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals. For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.".

(b) CIVIL PENALTY.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by adding at the end the following:

"(C) In addition to the penalties set forth elsewhere in this title or title III, any business that violates paragraph (11) of subsection (a) shall, with respect to the first such violation, be subject to a civil penalty of not more than $250,000, but shall not be subject to criminal penalties under this section, and shall, for any succeeding violation, be subject to a civil fine of not more than $250,000 or double the last previously imposed penalty, whichever is greater.".

SEC. 206. INJUNCTIVE RELIEF.

(a) TEN-YEAR INJUNCTION MAJOR OFFENSES.—Section 401(f) of the Controlled Substances Act (21 U.S.C. 841(f)) is amended by—

(1) inserting "manufacture, exportation," after "distribution,"; and

(2) striking "regulated".

(b) TEN-YEAR INJUNCTION OTHER OFFENSES.—Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) in subsection (e), by—

(A) inserting "manufacture, exportation," after "distribution,"; and

(B) striking "regulated"; and

(2) by adding at the end the following:

"(f) INJUNCTIONS.—(1) In addition to any penalty provided in this section, the Attorney General is authorized to commence a civil action for appropriate declaratory or injunctive relief relating to violations of this section or section 402.

"(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business.

"(3) Any order or judgment issued by the court pursuant to this subsection shall be tailored to restrain violations of this section or section 402.

"(4) The court shall proceed as soon as practicable to the hearing and determination of such an action. An action under this subsection is governed by the Federal Rules of Civil Procedure except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.".

SEC. 207. RESTITUTION FOR CLEANUP OF CLANDESTINE LABORATORY SITES.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following:

"(q) The court, when sentencing a defendant convicted of an offense under this title or title III involving the manufacture of methamphetamine, may—

"(1) order restitution as provided in sections 3612 and 3664 of title 18, United States Code;

"(2) order the defendant to reimburse the United States for the costs incurred by the United States for the cleanup associated with the manufacture of methamphetamine by the defendant; and

"(3) order restitution to any person injured as a result of the offense as provided in section 3663 of title 18, United States Code.".

SEC. 208. RECORD RETENTION.

Section 310(a)(1) of the Controlled Substances Act (21 U.S.C. 830(a)(1)) is amended by striking the dash after "transaction" and subparagraphs (A) and (B) and inserting "for two years after the date of the transaction.".

SEC. 209. TECHNICAL AMENDMENTS.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34), by amending subparagraphs (P), (S), and (U) to read as follows:

"(P) Isosafrole.

"(S) N-Methylephedrine.

"(U) Hydriodic acid."; and

(2) in paragraph (35), by amending subparagraph (G) to read as follows:

"(G) 2-Butanone (or Methyl Ethyl Ketone).".

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register of August 7, 1996 (61 FR 40981–40993) is null and void and of no force or effect.

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

SEC. 301. PENALTY INCREASES FOR TRAFFICKING IN METHAMPHETAMINE.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide for increased penalties for unlawful manufacturing, importing, exporting, and trafficking of methamphetamine, and other similar offenses, including unlawful possession with intent to commit any of those offenses, and attempt and conspiracy to commit any of those offenses. The Commission shall submit to Congress explanations therefor and any additional policy recommendations for combating methamphetamine offenses.

(b) IN GENERAL.—In carrying out this section, the Commission shall ensure that the sentencing guidelines and policy statements for offenders convicted of offenses described in subsection (a) and any recommendations submitted under such subsection reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine, including—

(1) the rapidly growing incidence of methamphetamine abuse and the threat to public safety such abuse poses;

(2) the high risk of methamphetamine addiction;

(3) the increased risk of violence associated with methamphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of methamphetamine and precursor chemicals.

SEC. 302. ENHANCED PENALTIES FOR OFFENSES INVOLVING CERTAIN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical,".

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical,".

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—The United States Sentencing Commission shall, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority of that section had not expired, amend the sentencing guidelines to increase by at least two levels the offense level for offenses involving list I chemicals under—

(A) section 401(d) (1) and (2) of the Controlled Substances Act (21 U.S.C 841(d) (1) and (2)); and

(B) section 1010(d) (1) and (3) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d) (1) and (3)).

(2) REQUIREMENT.—In carrying out this subsection, the Commission shall ensure that the offense levels for offenses referred to in paragraph (1) are calculated proportionally on the basis of the quantity of controlled substance that reasonably could have been manufactured in a clandestine setting using the quantity of the list I chemical possessed, distributed, imported, or exported.

SEC. 303. ENHANCED PENALTY FOR DANGEROUS HANDLING OF CONTROLLED SUBSTANCES: AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall determine whether the Sentencing Guidelines adequately punish the offenses described in subsection (b) and, if not, promulgate guidelines or amend existing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of such an offense.

(b) OFFENSE.—The offense referred to in subsection (a) is a violation of section 401(d), 401(g)(1), 403(a)(6), or 403(a)(7) of The Controlled Substances Act (21 U.S.C. 841(d), 841(g)(1), 843(a)(6), and 843(a)(7)), in cases in which in the commission of the offense the defendant violated—

(1) subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (relating to handling hazardous waste in a manner inconsistent with Federal or applicable State law);

(2) section 103(b) of the Comprehensive Environmental Response, Compensation and Liability Act (relating to failure to notify as to the release of a reportable quantity of a hazardous substance into the environment);

(3) section 301(a), 307(d), 309(c)(2), 309(c)(3), 311(b)(3), or 311(b)(5) of the Federal Water Pollution Control Act (relating to the unlawful discharge of pollutants or hazardous substances, the operation of a source in violation of a pretreatment standard, and the failure to notify as to the release of a reportable quantity of a hazardous substance into the water); or

(4) section 5124 of title 49, United States Code (relating to violations of laws and regulations enforced by the Department of Transportation with respect to the transportation of hazardous material).

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

SEC. 401. DIVERSION OF CERTAIN PRECURSOR CHEMICALS.

(a) IN GENERAL.—Section 102(39) of the Controlled Substances Act (21 U.S.C. 802(39)) is amended—

(1) in subparagraph (A)(iv)(I)(aa), by striking "as" through the semicolon and inserting

", pseudoephedrine or its salts, optical isomers, or salts of optical isomers, or phenylpropanolamine or its salts, optical isomers, or salts of optical isomers unless otherwise provided by regulation of the Attorney General issued pursuant to section 204(e) of this title;"; and

(2) in subparagraph (A)(iv)(II), by inserting ", pseudoephedrine, phenylpropanolamine," after "ephedrine".

(b) LEGITIMATE RETAILERS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (39)(A)(iv)(I)(aa), by adding before the semicolon the following: ", except that any sale of ordinary over-the-counter pseudoephedrine or phenylpropanolamine products by retail distributors shall not be a regulated transaction (except as provided in section 401(d) of the Comprehensive Methamphetamine Control Act of 1996)";

(2) in paragraph (39)(A)(iv)(II), by adding before the semicolon the following: ", except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in a single transaction";

(3) by redesignating paragraph (43) relating to felony drug offense as paragraph (44); and

(4) by adding at the end the following:

"(45) The term 'ordinary over-the-counter pseudoephedrine or phenylpropanolamine product' means any product containing pseudoephedrine or phenylpropanolamine that is—

"(A) regulated pursuant to this title; and

"(B)(i) except for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base, and that is packaged in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches; and

"(ii) for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base.

"(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"(B) For purposes of this paragraph, sale for personal use means the sale of below-threshold quantities in a single transaction to an individual for legitimate medical use.

"(C) For purposes of this paragraph, entities are defined by reference to the Standard Industrial Classification (SIC) code, as follows:

"(i) A grocery store is an entity within SIC code 5411.

"(ii) A general merchandise store is an entity within SIC codes 5300 through 5399 and 5499.

"(iii) A drug store is an entity within SIC code 5912.".

(c) REINSTATEMENT OF LEGAL DRUG EXEMPTION.—Section 204 of the Controlled Substances Act (21 U.S.C. 814) is amended by adding at the end the following new subsection:

"(e) REINSTATEMENT OF EXEMPTION WITH RESPECT TO EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE DRUG PRODUCTS.—Pursuant to subsection (d)(1), the Attorney General shall by regulation reinstate the exemption with respect to a particular ephedrine, pseudoephedrine, or phenylpropanolamine drug product if the Attorney General determines that the drug product is manufactured and distributed in a manner that prevents diversion. In making this determination the Attorney General shall consider the factors listed in subsection (d)(2). Any regulation issued pursuant to this subsection may be amended or revoked based on the factors listed in subsection (d)(4).".

(d) REGULATION OF RETAIL SALES.—

(1) PSEUDOEPHEDRINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of pseudoephedrine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for pseudoephedrine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of pseudoephedrine base, the Attorney General shall establish, following notice, comment, and an informal hearing that since the date of enactment of this Act there are a significant number of instances where ordinary over-the-counter pseudoephedrine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802 (45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being widely used as a significant source of precursor chemicals for illegal manufacture of a controlled substance for distribution or sale.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(2) PHENYLPROPANOLAMINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of phenylpropanolamine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for phenylpropanolamine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of phenylpropanolamine base, the Attorney General shall establish, following notice, comment, and an informal hearing, that since the date of enactment of this Act there are a significant number of instances where ordinary over-the-counter phenylpropanolamine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being used as a significant source of precursor chemicals for illegal manufacture of a controlled substance in bulk.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(3) SIGNIFICANT NUMBER OF INSTANCES.—

(A) IN GENERAL.—For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine or phenylpropanolamine, as defined in section 102(45) of the Controlled Substances Act, as added by section 401(b) of this Act, and sold at the retail level for the illicit manufacture of methamphetamine or amphetamine may not be used by the Attorney General as the basis for establishing the conditions under paragraph (1)(A)(ii) of this subsection, with respect to pseudoephedrine, and paragraph (2)(A)(ii) of this subsection, with respect to phenylpropanolamine.

(B) CONSIDERATIONS AND REPORT.—The Attorney General shall—

(i) in establishing a finding under paragraph (1)(A)(ii) or (2)(A)(ii) of this subsection, consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits as provided in such paragraph; and

(ii) upon establishing a finding, transmit a report to the Committees on the Judiciary in both, respectively, the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits.

(4) DEFINITION OF BUSINESS.—For purposes of this subsection, the term "business" means the entity that makes the direct sale and does not include the parent company of a business not involved in a direct sale regulated by this subsection.

(5) JUDICIAL REVIEW.—Any regulation promulgated by the Attorney General under this section shall be subject to judicial review pursuant to section 507 of the Controlled Substances Act (21 U.S.C. 877).

(e) EFFECT ON THRESHOLDS.—Nothing in the amendments made by subsection (b) or the provisions of subsection (d) shall affect the authority of the Attorney General to modify thresholds (including cumulative thresholds) for retail distributors for products other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine products (as defined in section 102(45) of the Controlled Substances Act, as added by this section) or for non-retail distributors, importers, or exporters.

(f) COMBINATION EPHEDRINE PRODUCTS.—

(1) IN GENERAL.—For the purposes of this section, combination ephedrine products shall be treated the same as pseudoephedrine products, except that—

(A) a single transaction limit of 24 grams shall be effective as of the date of enactment of this Act and shall apply to sales of all combination ephedrine products, notwithstanding the form in which those products are packaged, made by retail distributors or distributors required to submit a report under section 310(b)(3) of the Controlled Substances Act (as added by section 402 of this Act);

(B) for regulated transactions for combination ephedrine products other than sales described in subparagraph (A), the transaction limit shall be—

(i) 1 kilogram of ephedrine base, effective on the date of enactment of this Act; or

(ii) a threshold other than the threshold described in clause (i), if established by the Attorney General not earlier than 1 year after the date of enactment of this Act; and

(C) the penalties provided in subsection (d)(1)(B) of this section shall take effect on the date of enactment of this Act for any individual or business that violates the single transaction limit of 24 grams for combination ephedrine products.

(2) DEFINITION.—For the purposes of this section, the term "combination ephedrine product" means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.

(g) EFFECTIVE DATE OF THIS SECTION.—Notwithstanding any other provision of this Act, this section shall not apply to the sale of any pseudoephedrine or phenylpropanolamine product prior to 12 months after the date of enactment of this Act, except that, on application of a manufacturer of a particular pseudoephedrine or phenylpropanolamine drug product, the Attorney General may, in her sole discretion, extend such effective date up to an additional six months. Notwithstanding any other provision of law, the decision of the Attorney General on such an application shall not be subject to judicial review.

SEC. 402. MAIL ORDER RESTRICTIONS.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended by adding at the end the following:

"(3) MAIL ORDER REPORTING.—(A) Each regulated person who engages in a transaction with a nonregulated person which—

"(i) involves ephedrine, pseudoephedrine, or phenylpropanolamine (including drug products containing these chemicals); and

"(ii) uses or attempts to use the Postal Service or any private or commercial carrier;

shall, on a monthly basis, submit a report of each such transaction conducted during the previous month to the Attorney General in such form, containing such data, and at such times as the Attorney General shall establish by regulation.

"(B) The data required for such reports shall include—

"(i) the name of the purchaser;

"(ii) the quantity and form of the ephedrine, pseudoephedrine, or phenylpropanolamine purchased; and

"(iii) the address to which such ephedrine, pseudoephedrine, or phenylpropanolamine was sent.".

TITLE V—EDUCATION AND RESEARCH

SEC. 501. INTERAGENCY METHAMPHETAMINE TASK FORCE.

(a) ESTABLISHMENT.—There is established a "Methamphetamine Interagency Task Force" (referred to as the "interagency task force") which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair.

(2) 2 representatives selected by the Attorney General.

(3) The Secretary of Education or a designee.

(4) The Secretary of Health and Human Services or a designee.

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General.

(6) 2 representatives selected by the Secretary of Health and Human Services.

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and strategies of the Federal Government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.

SEC. 502. PUBLIC HEALTH MONITORING.

The Secretary of Health and Human Services shall develop a public health monitoring program to monitor methamphetamine abuse in the United States. The program shall include the collection and dissemination of data related to methamphetamine abuse which can be used by public health officials in policy development.

SEC. 503. PUBLIC-PRIVATE EDUCATION PROGRAM.

(a) ADVISORY PANEL.—The Attorney General shall establish an advisory panel consisting of an appropriate number of representatives from Federal, State, and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals. The Attorney General shall convene the panel as often as necessary to develop and coordinate educational programs for wholesale and retail distributors of precursor chemicals and supplies.

(b) CONTINUATION OF CURRENT EFFORTS.—The Attorney General shall continue to—

(1) maintain an active program of seminars and training to educate wholesale and retail distributors of precursor chemicals and supplies regarding the identification of suspicious transactions and their responsibility to report such transactions; and

(2) provide assistance to State and local law enforcement and regulatory agencies to facilitate the establishment and maintenance of educational programs for distributors of precursor chemicals and supplies.

SEC. 504. SUSPICIOUS ORDERS TASK FORCE.

(a) IN GENERAL.—The Attorney General shall establish a "Suspicious Orders Task Force" (the "Task Force") which shall consist of—

(1) appropriate personnel from the Drug Enforcement Administration (the "DEA") and other Federal, State, and local law enforcement and regulatory agencies with the experience in investigating and prosecuting illegal transactions of listed chemicals and supplies; and

(2) representatives from the chemical and pharmaceutical industry.

(b) RESPONSIBILITIES.—The Task Force shall be responsible for developing proposals to define suspicious orders of listed chemicals, and particularly to develop quantifiable parameters which can be used by registrants in determining if an order is a suspicious order which must be reported to DEA. The quantifiable parameters to be addressed will include frequency of orders, deviations from prior orders, and size of orders. The Task Force shall also recommend provisions as to what types of payment practices or unusual business practices shall constitute prima facie suspicious orders. In evaluating the proposals, the Task Force shall consider effectiveness, cost and feasibility for industry and government, an other relevant factors.

(c) MEETINGS.—The Task Force shall meet at least two times per year and at such other times as may be determined necessary by the Task Force.

(d) REPORT.—The Task Force shall present a report to the Attorney General on its proposals with regard to suspicious orders and the electronic reporting of suspicious orders within one year of the date of enactment of this Act. Copies of the report shall be forwarded to the Committees of the Senate and House of Representatives having jurisdiction over the regulation of listed chemical and controlled substances.

(e) FUNDING.—The administrative expenses of the Task Force shall be paid out of existing Department of Justice funds or appropriations.

(f) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the Task Force.

(g) TERMINATION.—The Task Force shall terminate upon presentation of its report to the Attorney General, or two years after the date of enactment of this Act, whichever is sooner.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR MEMBERS TO REVISE AND EXTEND THEIR REMARKS IN TRIBUTE TO BILL ZELIFF

Mr. STEARNS. Mr. Speaker, I ask unanimous consent to insert my own remarks and to allow other Members to be permitted to insert their remarks on the service and pay tribute to our colleague, the gentleman from New Hampshire, BILL ZELIFF, who is retiring.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Mr. Speaker, as the 104th Congress draws to a close, we can look back at a solid record of common-sense accomplishments. However, the end of this Congress will bring about the end of the distinguished service rendered to this body, and to this nation, by my dear friend and colleague—BILL ZELIFF.

Elected in 1990, in only his second term Bill put his name on an amazing proposal—the "A to Z" plan. Zeliff was the "Z" in this plan—an idea to hold a week long marathon session devoted solely to debating spending cuts. Although this plan did not make it to the floor, it did set the stage for the remarkable record of holding down the growth in spending accomplished in this Congress. Although at the end of the alphabet, BILL ZELIFF was a leader in our efforts to balance the budget.

However, BILL never limited himself to just one issue. With all of the problems we face in this Nation, BILL was always willing to take on another assignment. He demonstrated his leadership through the Whip organization as well as his skills in working with BILL MCCOLLUM on the Waco hearings. He did a superb job. His efforts to combat the scourge of drugs has also been outstanding. No matter how tough the issue, BILL was willing to meet it head on.

It was only natural that BILL and I would become friends. We shared many of the same concerns and a common background. We were small-business owners before coming to Congress, both of us as innkeepers. Through this mutual background we learned how Government can become a burden on businesses—the paperwork, regulations, and taxes. We both embarked on campaigns for Congress, to change the way Washington works.

My personal esteem is so great for BILL, that he became my roommate. I will miss the time we spent together discussing the issues of the day. I would also point out that as former hotel owners, we kept the place spotless.

I know that BILL looks forward to spending more time with his family—Sydna and your three children—but you will leave a hole here in Congress that will be hard to fill. I know I speak for all of our colleagues in thanking you for your service and leadership—and we wish you God's speed in your next endeavors.

ECONOMIC ESPIONAGE ACT OF 1996

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3723) to amend title 18, United States Code, to protect proprietary economic information, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Espionage Act of 1996".

TITLE I—PROTECTION OF TRADE SECRETS

SEC. 101. PROTECTION OF TRADE SECRETS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 89 the following:

"CHAPTER 90—PROTECTION OF TRADE SECRETS

"Sec.
"1831. Economic espionage.
"1832. Theft of trade secrets.
"1833. Exceptions to prohibitions.
"1834. Criminal forfeiture.
"1835. Orders to preserve confidentiality.
"1836. Civil proceedings to enjoin violations.
"1837. Conduct outside the United States.
"1838. Construction with other laws.
"1839. Definitions.

"§ 1831. Economic espionage

"(a) IN GENERAL.—Whoever, intending or knowing that the offense will benefit any foreign government, foreign instrumentality, or foreign agent, knowingly—

"(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains a trade secret;

"(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys a trade secret;

"(3) receives, buys, or possesses a trade secret, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

"(4) attempts to commit any offense described in any of paragraphs (1) through (3); or

"(5) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (4), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than $500,000 or imprisoned not more than 15 years, or both.

"(b) ORGANIZATIONS.—Any organization that commits any offense described in subsection (a) shall be fined not more than $10,000,000.

"§ 1832. Theft of trade secrets

"(a) Whoever, with intent to convert a trade secret, that is related to or included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending or knowing that the offense will, injure any owner of that trade secret, knowingly—

"(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains such information;

"(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information;

"(3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

"(4) attempts to commit any offense described in paragraphs (1) through (3); or

"(5) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined under this title or imprisoned not more than 10 years, or both.

"(b) Any organization that commits any offense described in subsection (a) shall be fined not more than $5,000,000.

"§ 1833. Exceptions to prohibitions

"This chapter does not prohibit—

"(1) any otherwise lawful activity conducted by a governmental entity of the United States, a State, or a political subdivision of a State; or

"(2) the reporting of a suspected violation of law to any governmental entity of the United States, a State, or a political subdivision of a State, if such entity has lawful authority with respect to that violation.

"§ 1834. Criminal forfeiture

"(a) The court, in imposing sentence on a person for a violation of this chapter, shall order, in addition to any other sentence imposed, that the person forfeit to the United States—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense.

"(b) Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsections (d) and (j) of such section, which shall not apply to forfeitures under this section.

"§ 1835. Orders to preserve confidentiality

"In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets, consistent with the requirements of the Federal Rules of Criminal and Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of any trade secret.

"§ 1836. Civil proceedings to enjoin violations

"(a) The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of this section.

"(b) The district courts of the United States shall have exclusive original jurisdiction of civil actions under this subsection.

"§ 1837. Applicability to conduct outside the United States

This chapter also applies to conduct occurring outside the United States if—

"(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or a State or political subdivision thereof; or

"(2) an act in furtherance of the offense was committed in the United States.

"§ 1838. Construction with other laws

"This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by United States Federal, State, commonwealth, possession, or territory law for the misappropriation of a trade secret, or to affect the otherwise lawful disclosure of information by any Government employee under section 552 of title 5 (commonly known as the Freedom of Information Act).

"§ 1839. Definitions

"As used in this chapter—

"(1) the term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government;

"(2) the term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign government;

"(3) the term 'trade secret' means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if—

"(A) the owner thereof has taken reasonable measures to keep such information secret; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public; and

"(4) the term 'owner', with respect to a trade secret, means the person or entity in whom or in which rightful legal or equitable title to, or license in, the trade secret is reposed.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning part I of title 18, United States Code, is amended by inserting after the item relating to chapter 89 the following:

(c) REPORTS.—Not later than 2 years and 4 years after the date of the enactment of this Act, the Attorney General shall report to Congress on the amounts received and distributed from fines for offenses under this chapter deposited in the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

"90. Protection of trade secrets 1831

SEC. 102. WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "chapter 90 (relating to protection of trade secrets)," after "chapter 37 (relating to espionage),".

TITLE II—NATIONAL INFORMATION INFRASTRUCTURE PROTECTION ACT OF 1996.

SEC. 201. COMPUTER CRIME.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "knowingly accesses" and inserting "having knowingly accessed";

(ii) by striking "exceeds" and inserting "exceeding";

(iii) by striking "obtains information" and inserting "having obtained information";

(iv) by striking "the intent or";

(v) by striking "is to be used" and inserting "could be used"; and

(vi) by inserting before the semicolon at the end the following: "willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it";

(B) in paragraph (2)—

(i) by striking "obtains information" and inserting "obtains—

"(A) information"; and

(ii) by adding at the end the following new subparagraphs:

"(B) information from any department or agency of the United States; or

"(C) information from any protected computer if the conduct involved an interstate or foreign communication;";

(C) in paragraph (3)—

(i) by inserting "nonpublic" before "computer of a department or agency";

(ii) by striking "adversely"; and

(iii) by striking "the use of the Government's operation of such computer" and inserting "that use by or for the Government of the United States";

(D) in paragraph (4)—

(i) by striking "Federal interest" and inserting "protected"; and

(ii) by inserting before the semicolon the following: "and the value of such use is not more than $5,000 in any 1-year period";

(E) by striking paragraph (5) and inserting the following:

"(5)(A) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a protected computer;

"(B) intentionally accesses a protected computer without authorization, and as a result of such conduct, recklessly causes damage; or

"(C) intentionally accesses a protected computer without authorization, and as a result of such conduct, causes damage;"; and

(F) by inserting after paragraph (6) the following new paragraph:

"(7) with intent to extort from any person, firm, association, educational institution, financial institution, government entity, or other legal entity, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to cause damage to a protected computer;";

(2) in subsection (c)—

(A) in paragraph (1), by striking "such subsection" each place that term appears and inserting "this section";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting ", (a)(5)(C)," after "(a)(3)"; and

(II) by striking "such subsection" and inserting "this section";

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting immediately after subparagraph (A) the following:

"(B) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(2), if—

"(i) the offense was committed for purposes of commercial advantage or private financial gain;

"(ii) the offense was committed in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or of any State; or

"(iii) the value of the information obtained exceeds $5,000;"; and

(iv) in subparagraph (C) (as redesignated)—

(I) by striking "such subsection" and inserting "this section"; and

(II) by adding "and" at the end;

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking "(a)(4) or (a)(5)(A)" and inserting "(a)(4), (a)(5)(A), (a)(5)(B), or (a)(7)"; and

(II) by striking "such subsection" and inserting "this section"; and

(ii) in subparagraph (B)—

(I) by striking "(a)(4) or (a)(5)" and inserting "(a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C), or (a)(7)"; and

(II) by striking "such subsection" and inserting "this section"; and

(D) by striking paragraph (4);

(3) in subsection (d), by inserting "subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of" before "this section.";

(4) in subsection (e)—

(A) in paragraph (2)—

(i) by striking "Federal interest" and inserting "protected";

(ii) in subparagraph (A), by striking "the use of the financial institution's operation or the Government's operation of such computer" and inserting "that use by or for the financial institution or the Government"; and

(iii) by striking subparagraph (B) and inserting the following:

"(B) which is used in interstate or foreign commerce or communication;";

(B) in paragraph (6), by striking "and" at the end;

(C) in paragraph (7), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraphs:

"(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information, that—

"(A) causes loss aggregating at least $5,000 in value during any 1-year period to one or more individuals;

"(B) modifies or impairs, or potentially modifies or impairs, the medical examination, diagnosis, treatment, or care of one or more individuals;

"(C) causes physical injury to any person; or

"(D) threatens public health or safety; and

"(9) the term 'government entity' includes the Government of the United States, any State or political subdivision of the United States, any foreign country, and any state, province, municipality, or other political subdivision of a foreign country."; and

(5) in subsection (g)—

(A) by striking ", other than a violation of subsection (a)(5)(B),"; and

(B) by striking "of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb)" and inserting "involving damage as defined in subsection (e)(8)(A)".

TITLE III—TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY

SEC. 301. TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY.

(a) AMENDMENT OF SECTION 4243 OF TITLE 18.—Section 4243 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) CERTAIN PERSONS FOUND NOT GUILTY BY REASON OF INSANITY IN THE DISTRICT OF COLUMBIA.—

"(1) TRANSFER TO CUSTODY OF THE ATTORNEY GENERAL.—Notwithstanding section 301(h) of title 24 of the District of Columbia Code, and notwithstanding subsection 4247(j) of this title, all persons who have been committed to a hospital for the mentally ill pursuant to section 301(d)(1) of title 24 of the District of Columbia Code, and for whom the United States has continuing financial responsibility, may be transferred to the custody of the Attorney General, who shall hospitalize the person for treatment in a suitable facility.

"(2) APPLICATION.—

"(A) IN GENERAL.—The Attorney General may establish custody over such persons by filing an application in the United States District Court for the District of Columbia, demonstrating that the person to be transferred is a person described in this subsection.

"(B) NOTICE.—The Attorney General shall, by any means reasonably designed to do so, provide written notice of the proposed transfer of custody to such person or such person's guardian, legal representative, or other lawful agent. The person to be transferred shall be afforded an opportunity, not to exceed 15 days, to respond to the proposed transfer of custody, and may, at the court's discretion, be afforded a hearing on the proposed transfer of custody. Such hearing, if granted, shall be limited to a determination of whether the constitutional rights of such person would be violated by the proposed transfer of custody.

"(C) ORDER.—Upon application of the Attorney General, the court shall order the person transferred to the custody of the Attorney General, unless, pursuant to a hearing under this paragraph, the court finds that the proposed transfer would violate a right of such person under the United States Constitution.

"(D) EFFECT.—Nothing in this paragraph shall be construed to—

"(i) create in any person a liberty interest in being granted a hearing or notice on any matter;

"(ii) create in favor of any person a cause of action against the United States or any officer or employee of the United States; or

"(iii) limit in any manner or degree the ability of the Attorney General to move, transfer, or otherwise manage any person committed to the custody of the Attorney General.

"(3) CONSTRUCTION WITH OTHER SECTIONS.—Subsections (f) and (g) and section 4247 shall apply to any person transferred to the custody of the Attorney General pursuant to this subsection.".

(b) TRANSFER OF RECORDS.—Notwithstanding any provision of the District of Columbia Code or any other provision of law, the District of Columbia and St. Elizabeth's Hospital—

(1) not later than 30 days after the date of enactment of this Act, shall provide to the Attorney General copies of all records in the custody or control of the District or the Hospital on such date of enactment pertaining to persons described in section 4243(i) of title 18, United States Code (as added by subsection (a));

(2) not later than 30 days after the creation of any records by employees, agents, or contractors of the District of Columbia or of St. Elizabeth's Hospital pertaining to persons described in section 4243(i) of title 18, United States Code, provide to the Attorney General copies of all such records created after the date of enactment of this Act;

(3) shall not prevent or impede any employee, agent, or contractor of the District of Columbia or of St. Elizabeth's Hospital who has obtained knowledge of the persons described in section 4243(i) of title 18, United States Code, in the employee's professional capacity from providing that knowledge to the Attorney General, nor shall civil or criminal liability attach to such employees, agents, or contractors who provide such knowledge; and

(4) shall not prevent or impede interviews of persons described in section 4243(i) of title 18, United States Code, by representatives of the Attorney General, if such persons voluntarily consent to such interviews.

(c) CLARIFICATION OF EFFECT ON CERTAIN TESTIMONIAL PRIVILEGES.—The amendments made by this section shall not be construed to affect in any manner any doctor-patient or psychotherapist-patient testimonial privilege that may be otherwise applicable to persons found not guilty by reason of insanity and affected by this section.

(d) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section and the amendments made by this section shall not be affected thereby.

TITLE IV—ESTABLISHMENT OF BOYS AND GIRLS CLUBS.

SEC. 401. ESTABLISHING BOYS AND GIRLS CLUBS.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—The Congress finds that—

(A) the Boys and Girls Clubs of America, chartered by an Act of Congress on December 10, 1991, during its 90-year history as a national organization, has proven itself as a positive force in the communities it serves;

(B) there are 1,810 Boys and Girls Clubs facilities throughout the United States, Puerto Rico, and the United States Virgin Islands, serving 2,420,000 youths nationwide;

(C) 71 percent of the young people who benefit from Boys and Girls Clubs programs live in our inner cities and urban areas;

(D) Boys and Girls Clubs are locally run and have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement;

(E) Boys and Girls Clubs are located in 289 public housing sites across the Nation;

(F) public housing projects in which there is an active Boys and Girls Club have experienced a 25 percent reduction in the presence of crack cocaine, a 22 percent reduction in overall drug activity, and a 13 percent reduction in juvenile crime;

(G) these results have been achieved in the face of national trends in which overall drug use by youth has increased 105 percent since 1992 and 10.9 percent of the Nation's young people use drugs on a monthly basis; and

(H) many public housing projects and other distressed areas are still underserved by Boys and Girls Clubs.

(2) PURPOSE.—It is the purpose of this section to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local Boys and Girls Clubs in public housing projects and other distressed areas by 2001.

(b) DEFINITIONS.—For purposes of this section—

(1) the terms "public housing" and "project" have the same meanings as in section 3(b) of the United States Housing Act of 1937; and

(2) the term "distressed area" means an urban, suburban, or rural area with a high percentage of high risk youth as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa-8(f)).

(c) ESTABLISHMENT.—

(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall provide a grant to the Boys and Girls Clubs of America for the purpose of establishing Boys and Girls Clubs in public housing projects and other distressed areas.

(2) CONTRACTING AUTHORITY.—Where appropriate, the Secretary of Housing and Urban Development, in consultation with the Attorney General, shall enter into contracts with the Boys and Girls Clubs of America to establish clubs pursuant to the grants under paragraph (1).

(d) REPORT.—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing Boys and Girls Clubs in public housing projects and other distressed areas, and the effectiveness of the programs in reducing drug abuse and juvenile crime.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000 for fiscal year 1997;

(B) $20,000,000 for fiscal year 1998;

(C) $20,000,000 for fiscal year 1999;

(D) $20,000,000 for fiscal year 2000; and

(E) $20,000,000 for fiscal year 2001.

(2) VIOLENT CRIME REDUCTION TRUST FUND.—The sums authorized to be appropriated by

this subsection may be made from the Violent Crime Reduction Trust Fund.

TITLE V—USE OF CERTAIN TECHNOLOGY TO FACILITATE CRIMINAL CONDUCT

SEC. 501. USE OF CERTAIN TECHNOLOGY TO FACILITATE CRIMINAL CONDUCT.

(a) Information.—The Administrative Office of the United States courts shall establish policies and procedures for the inclusion in all presentence reports of information that specifically identifies and describes any use of encryption or scrambling technology that would be relevant to an enhancement under section 3C1.1 (dealing with Obstructing or Impeding the Administration of Justice) of the Sentencing Guidelines or to offense conduct under the Sentencing Guidelines.

(b) Compiling and Report.—The United States Sentencing Commission shall—

(1) compile and analyze any information contained in documentation described in subsection (a) relating to the use of encryption or scrambling technology to facilitate or conceal criminal conduct; and

(2) based on the information compiled and analyzed under paragraph (1), annually report to the Congress on the nature and extent of the use of encryption or scrambling technology to facilitate or conceal criminal conduct.

TITLE VI—TECHNICAL AND MINOR AMENDMENTS

SEC. 601. GENERAL TECHNICAL AMENDMENTS.

(a) Further Corrections to Misleading Fine Amounts and Related Typographical Errors.—

(1) Sections 152, 153, 154, and 610 of title 18, United States Code, are each amended by striking “fined not more than $5,000” and inserting “fined under this title”.

(2) Section 970(b) of title 18, United States Code, is amended by striking “fined not more than $500” and inserting “fined under this title”.

(3) Sections 661, 1028(b), 1361, and 2701(b) of title 18, United States Code, are each amended by striking “fine of under” each place it appears and inserting “fine under”.

(4) Section 3146(b)(1)(A)(iv) of title 18, United States Code, is amended by striking “a fined under this title” and inserting “a fine under this title”.

(5) The section 1118 of title 18, United States Code, that was enacted by Public Law 103–333—

(A) is redesignated as section 1122; and

(B) is amended in subsection (c) by—

(i) inserting “under this title” after “fine”; and

(ii) striking “nor more than $20,000”.

(6) The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

“1122. Protection against the human immunodeficiency virus.”.

(7) Sections 1761(a) and 1762(b) of title 18, United States Code, are each amended by striking “fined not more than $50,000” and inserting “fined under this title”.

(8) Sections 1821, 1851, 1852, 1853, 1854, 1905, 1916, 1918, 1991, 2115, 2116, 2191, 2192, 2194, 2199, 2234, 2235, and 2236 of title 18, United States Code, are each amended by striking “fined not more than $1,000” each place it appears and inserting “fined under this title”.

(9) Section 1917 of title 18, United States Code, is amended by striking “fined not less than $100 nor more than $1,000” and inserting “fined under this title not less than $100”.

(10) Section 1920 of title 18, United States Code, is amended—

(A) by striking “of not more than $250,000” and inserting “under this title”; and

(B) by striking “of not more than $100,000” and inserting “under this title”.

(11) Section 2076 of title 18, United States Code, is amended by striking “fined not more than $1,000 or imprisoned not more than one year” and inserting “fined under this title or imprisoned not more than one year, or both”.

(12) Section 597 of title 18, United States Code, is amended by striking “fined not more than $10,000” and inserting “fined under this title”.

(b) Cross Reference Corrections and Corrections of Typographical Errors.—

(1) Section 3286 of title 18, United States Code, is amended—

(A) by striking “2331” and inserting “2332”;

(B) by striking “2339” and inserting “2332a”; and

(C) by striking “36” and inserting “37”.

(2) Section 2339A(b) of title 18, United States Code, is amended—

(A) by striking “2331” and inserting “2332”;

(B) by striking “2339” and inserting “2332a”;

(C) by striking “36” and inserting “37”; and

(D) by striking “of an escape” and inserting “or an escape”.

(3) Section 1961(1)(D) of title 18, United States Code, is amended by striking “that title” and inserting “this title”.

(4) Section 2423(b) of title 18, United States Code, is amended by striking “2245” and inserting “2246”.

(5) Section 3553(f) of title 18, United States Code, is amended by striking “section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)” and inserting “section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)”.

(6) Section 3553(f)(4) of title 18, United States Code, is amended by striking “21 U.S.C. 848” and inserting “section 408 of the Controlled Substances Act”.

(7) Section 3592(c)(1) of title 18, United States Code, is amended by striking “2339” and inserting “2332a”.

(c) Simplification and Clarification of Wording.—

(1) The third undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting “or as authorized under section 3401(g) of this title” after “shall proceed by information”.

(2) Section 1120 of title 18, United States Code, is amended by striking “Federal prison” each place it appears and inserting “Federal correctional institution”.

(3) Section 247(d) of title 18, United States Code, is amended by striking “notification” and inserting “certification”.

(d) Correction of Paragraph Connectors.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (l), by striking “or” after the semicolon; and

(2) in paragraph (n), by striking “and” where it appears after the semicolon and inserting “or”.

(e) Correction Capitalization of Items in List.—Section 504 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “the” the first place it appears and inserting “The”; and

(2) in paragraph (3), by striking “the” the first place it appears and inserting “The”.

(f) Corrections of Punctuation and Other Erroneous Form.—

(1) Section 656 of title 18, United States Code, is amended in the first paragraph by striking “Act,,” and inserting “Act,”.

(2) Section 1114 of title 18, United States Code, is amended by striking “1112.” and inserting “1112,”.

(3) Section 504(3) of title 18, United States Code, is amended by striking “importation, of” and inserting “importation of”.

(4) Section 3059A(a)(1) of title 18, United States Code, is amended by striking “section 215 225,,” and inserting “section 215, 225,”.

(5) Section 3125(a) of title 18, United States Code, is amended by striking the close quotation mark at the end.

(6) Section 1956(c)(7)(B)(iii) of title 18, United States Code, is amended by striking “1978)” and inserting “1978”.

(7) The item relating to section 656 in the table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by inserting a comma after “embezzlement”.

(8) The item relating to section 1024 in the table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by striking “veterans’” and inserting “veteran's”.

(9) Section 3182 (including the heading of such section) and the item relating to such section in the table of sections at the beginning of chapter 209, of title 18, United States Code, are each amended by inserting a comma after “District” each place it appears.

(10) The item relating to section 3183 in the table of sections at the beginning of chapter 209 of title 18, United States Code, is amended by inserting a comma after “Territory”.

(11) The items relating to section 2155 and 2156 in the table of sections at the beginning of chapter 105 of title 18, United States Code, are each amended by striking “or” and inserting “, or”.

(12) The headings for sections 2155 and 2156 of title 18, United States Code, are each amended by striking “**or**” and inserting “**, or**”.

(13) Section 1508 of title 18, United States Code, is amended by realigning the matter beginning “shall be fined” and ending “one year, or both.” so that it is flush to the left margin.

(14) The item relating to section 4082 in the table of sections at the beginning of chapter 305 of title 18, United States Code, is amended by striking “centers,” and inserting “centers;”.

(15) Section 2101(a) of title 18, United States Code, is amended by striking “(1)” and by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(16) Section 5038 of title 18, United States Code, is amended by striking “section 841, 952(a), 955, or 959 of title 21” each place it appears and inserting “section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act”.

(g) Corrections of Problems Arising From Uncoordinated Amendments.—

(1) Section 5032.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(A) by inserting “section 922(x)” before “or section 924(b)”; and

(B) by striking “or (x)”.

(2) Striking Material Unsuccessfully Attempted to be Stricken From Section 1116 by Public Law 103–322.—Subsection (a) of section 1116 of title 18, United States Code, is amended by striking “, except” and all that follows through the end of such subsection and inserting a period.

(3) Elimination of Duplicate Amendment in Section 1958.—Section 1958(a) of title 18, United States Code, is amended by striking

“or who conspires to do so” where it appears following “or who conspires to do so” and inserting a comma.

(h) INSERTION OF MISSING END QUOTE.—Section 80001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting a close quotation mark followed by a period at the end.

(i) REDESIGNATION OF DUPLICATE SECTION NUMBERS AND CONFORMING CLERICAL AMENDMENTS.—

(1) REDESIGNATION.—That section 2258 added to title 18, United States Code, by section 160001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is redesignated as section 2260.

(2) CONFORMING CLERICAL AMENDMENT.—The item in the table of sections at the beginning of chapter 110 of title 18, United States Code, relating to the section redesignated by paragraph (1) is amended by striking “2258” and inserting “2260”.

(3) CONFORMING AMENDMENT TO CROSS-REFERENCE.—Section 1961(1)(B) of title 18, United States Code, is amended by striking “2258” and inserting “2260”.

(j) REDESIGNATION OF DUPLICATE CHAPTER NUMBER AND CONFORMING CLERICAL AMENDMENT.—

(1) REDESIGNATION.—The chapter 113B added to title 18, United States Code, by Public Law 103-236 is redesignated chapter 113C.

(2) CONFORMING CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code is amended in the item relating to the chapter redesignated by paragraph (1)—

(A) by striking “**113B**” and inserting “**113C**”; and

(B) by striking “**2340.**” and inserting “**2340**”.

(k) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS AND CORRECTION OF PLACEMENT OF PARAGRAPHS IN SECTION 3563.—

(1) REDESIGNATION.—Section 3563(a) of title 18, United States Code, is amended by redesignating the second paragraph (4) as paragraph (5).

(2) CONFORMING CONNECTOR CHANGE.—Section 3563(a) of title 18, United States Code, is amended—

(A) by striking “and” at the end of paragraph (3); and

(B) by striking the period at the end of paragraph (4) and inserting “; and”.

(3) PLACEMENT CORRECTION.—Section 3563(a) of title 18, United States Code, is amended so that paragraph (4) and the paragraph redesignated as paragraph (5) by this subsection are transferred to appear in numerical order immediately following paragraph (3) of such section 3563(a).

(l) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS IN SECTION 1029 AND CONFORMING AMENDMENTS RELATED THERETO.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating those paragraphs (5) and (6) which were added by Public Law 103-414 as paragraphs (7) and (8), respectively;

(B) by redesignating paragraph (7) as paragraph (9);

(C) by striking “or” at the end of paragraph (6) and at the end of paragraph (7) as so redesignated by this subsection; and

(D) by inserting “or” at the end of paragraph (8) as so redesignated by this subsection;

(2) in subsection (e), by redesignating the second paragraph (7) as paragraph (8); and

(3) in subsection (c)—

(A) in paragraph (1), by striking “or (7)” and inserting “(7), (8), or (9)”; and

(B) in paragraph (2), by striking “or (6)” and inserting “(6), (7), or (8)”.

(m) INSERTION OF MISSING SUBSECTION HEADING.—Section 1791(c) of title 18, United States Code, is amended by inserting after “(c)” the following subsection heading: “CONSECUTIVE PUNISHMENT REQUIRED IN CERTAIN CASES.—”.

(n) CORRECTION OF MISSPELLING.—Section 2327(c) of title 18, United States Code, is amended by striking “delegee” each place it appears and inserting “designee”.

(o) CORRECTION OF SPELLING AND AGENCY REFERENCE.—Section 5038(f) of title 18, United States Code, is amended—

(1) by striking “juvenille” and inserting “juvenile”, and

(2) by striking “the Federal Bureau of Investigation, Identification Division,” and inserting “the Federal Bureau of Investigation”.

(p) CORRECTING MISPLACED WORD.—Section 1028(a) of title 18, United States Code, is amended by striking “or” at the end of paragraph (4) and inserting “or” at the end of paragraph (5).

(q) STYLISTIC CORRECTION.—Section 37(c) of title 18, United States Code, is amended by inserting after “(c)” the following subsection heading: “BAR TO PROSECUTION.—”.

(r) MANDATORY VICTIM RESTITUTION ACT AMENDMENTS.—

(1) ORDER OF RESTITUTION.—Section 3663 (a)(1)(A) of title 18, United States Code, is amended by adding at the end the following: “The court may also order, if agreed to by the parties in a plea agreement, restitution to persons other than the victim of the offense.”.

(2) FORFEITURE.—Section 3663(c)(4) of title 18, United States Code, is amended by inserting “or chapter 96” after “under chapter 46”.

(3) ANIMAL ENTERPRISE TERRORISM.—Section 43(c) of title 18, United States Code, is amended by inserting after “3663” the following: “or 3663A”.

(4) SPECIAL ASSESSMENT.—Section 3013(a)(2) of title 18, United States Code, is amended by striking “not less than” each place that term appears.

(s) CLARIFICATIONS TO ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.

(1) JURISDICTION.—Section 2332b(b)(1)(A) of title 18, United States Code, is amended by—

(A) striking “any of the offenders uses”; and

(B) inserting “is used” after “foreign commerce”.

(2) PROVIDING MATERIAL SUPPORT.—Section 2339A(a) of title 18, United States Code, is amended by inserting “or an escape” after “concealment”.

(3) TECHNICAL AMENDMENTS.—Sections 2339A(a) and 2332b(g)(5)(B) of title 18, United States Code, are each amended by inserting at the appropriate place in each section's enumeration of title 18 sections the following: “930(c),”, “1992,”, and “2332c,”.

SEC. 602. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18

(a) SECTION 709 AMENDMENT.—Section 709 of title 18, United States Code, is amended by striking “Whoever uses as a firm or business name the words ‘Reconstruction Finance Corporation’ or any combination or variation of these words—”.

(b) SECTION 1014 AMENDMENT.—Section 1014 of title 18, United States Code, is amended—

(1) by striking “Reconstruction Finance Corporation,”;

(2) by striking “Farmers' Home Corporation,”; and

(3) by striking “of the National Agricultural Credit Corporation,”.

(c) SECTION 798 AMENDMENT.—Section 798(d)(5) of title 18, United States Code, is amended by striking “the Trust Territory of the Pacific Islands,”.

(d) SECTION 281 REPEAL.—Section 281 of title 18, United States Code, is repealed and the table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to such section.

(e) SECTION 510 AMENDMENT.—Section 510(b) of title 18, United States Code, is amended by striking “that in fact” and all that follows through “signature”.

SEC. 603. TECHNICAL AMENDMENTS RELATING TO CHAPTERS 40 AND 44 OF TITLE 18.

(a) ELIMINATION OF DOUBLE COMMAS IN SECTION 844.—Section 844 of title 18, United States Code, is amended in subsection (i) by striking “,,” each place it appears and inserting a comma.

(b) REPLACEMENT OF COMMA WITH SEMICOLON IN SECTION 922.—Section 922(g)(8)(C)(ii) of title 18, United States Code, is amended by striking the comma at the end and inserting a semicolon.

(c) CLARIFICATION OF AMENDMENT TO SECTION 922.—

(1) AMENDMENT.—Section 320927 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) is amended by inserting “the first place it appears” before the period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320927 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(d) STYLISTIC CORRECTION TO SECTION 922.—Section 922(t)(2) of title 18, United States Code, is amended by striking “section 922(g)” and inserting “subsection (g)”.

(e) ELIMINATION OF UNNECESSARY WORDS.—Section 922(w)(4) of title 18, United States Code, is amended by striking “title 18, United States Code,” and inserting “this title”.

(f) CLARIFICATION OF PLACEMENT OF PROVISION.—

(1) AMENDMENT.—Section 110201(a) of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) is amended by striking “adding at the end” and inserting “inserting after subsection (w)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110201 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(g) CORRECTION OF TYPOGRAPHICAL ERRORS IN LIST OF CERTAIN WEAPONS.—Appendix A to section 922 of title 18, United States Code, is amended—

(1) in the category designated

“Centerfire Rifles—Lever & Slide”,

by striking

“Uberti 1866 Sporting Rilfe”

and inserting the following:

“Uberti 1866 Sporting Rifle”;

(2) in the category designated

“Centerfire Rifles—Bolt Action”,

by striking

“Sako Fiberclass Sporter”

and inserting the following:

“Sako FiberClass Sporter”;

(3) in the category designated

“Shotguns—Slide Actions”,

by striking

“Remington 879 SPS Special Purpose Magnum”

and inserting the following:

“Remington 870 SPS Special Purpose Magnum”; and

(4) in the category designated

"Shotguns—Over/Unders",

by striking
"E.A.A/Sabatti Falcon-Mon Over/Under"
and inserting the following:
"E.A.A./Sabatti Falcon-Mon Over/Under".

(h) Insertion of Missing Commas.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note; Public Law 103–159) is amended in each of subsections (e)(1), (g), and (i)(2) by inserting a comma after "United States Code".

(i) Correction of Unexecutable Amendments Relating to the Violent Crime Reduction Trust Fund.—

(1) Correction.—Section 210603(b) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking "Fund," and inserting "Fund established by section 1115 of title 31, United States Code,".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 210603(b) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(j) Correction of Unexecutable Amendment to Section 923.—

(1) Correction.—Section 201(1) of the Act, entitled "An Act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm." (Public Law 103–159), is amended by striking "thereon," and inserting "thereon".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in the Act referred to in paragraph (1) on the date of the enactment of such Act.

(k) Correction of Punctuation and Indentation in Section 923.—Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended—

(1) by striking the period and inserting "; or"; and

(2) by moving such clause 4 ems to the left.

(l) Redesignation of Subsection and Correction of Indentation in Section 923.—Section 923 of title 18, United States Code, is amended—

(1) by redesignating the last subsection as subsection (l); and

(2) by moving such subsection 2 ems to the left.

(m) Correction of Typographical Error in Amendatory Provision.—

(1) Correction.—Section 110507 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended—

(A) by striking "924(a)" and inserting "924"; and

(B) in paragraph (2), by striking "subsections" and inserting "subsection".

(2) Effective date.—The amendments made by paragraph (1) shall take effect as if the amendments had been included in section 110507 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(n) Elimination of Duplicate Amendment.—Subsection (h) of section 330002 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed and shall be considered never to have been enacted.

(o) Redesignation of Paragraph in Section 924.—Section 924(a) of title 18, United States Code, is amended by redesignating the 2nd paragraph (5) as paragraph (6).

(p) Elimination of Comma Erroneously Included in Amendment to Section 924.—

(1) Amendment.—Section 110102(c)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "shotgun," and inserting "shotgun".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110102(c)(2) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(q) Insertion of Close Parenthesis in Section 924.—Section 924(j)(3) of title 18, United States Code, is amended by inserting a close parenthesis before the comma.

(r) Redesignation of Subsections in Section 924.—Section 924 of title 18, United States Code, is amended by redesignating the 2nd subsection (i), and subsections (j), (k), (l), (m), and (n) as subsections (j), (k), (l), (m), (n), and (o), respectively.

(s) Correction of Erroneous Cross Reference in Amendatory Provision.—Section 110504(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "110203(a)" and inserting "110503".

(t) Correction of Cross Reference in Section 930.—Section 930(e)(2) of title 18, United States Code, is amended by striking "(c)" and inserting "(d)".

(u) Correction of Cross References in Section 930.—The last subsection of section 930 of title 18, United States Code, is amended—

(1) by striking "(g)" and inserting "(h)"; and

(2) by striking "(d)" each place such term appears and inserting "(e)".

SEC. 604. ADDITIONAL AMENDMENTS ARISING FROM ERRORS IN PUBLIC LAW 103–322.

(a) Stylistic Corrections Relating to Tables of Sections.—

(1) The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

"Sec.
"2261. Interstate domestic violence.
"2262. Interstate violation of protection order.
"2263. Pretrial release of defendant.
"2264. Restitution.
"2265. Full faith and credit given to protection orders.
"2266. Definitions.".

(2) Chapter 26 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"521. Criminal street gangs.".

(3) Chapter 123 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"2721. Prohibition on release and use of certain personal information from State motor vehicle records.
"2722. Additional unlawful acts.
"2723. Penalties.
"2724. Civil action.
"2725. Definitions.".

(4) The item relating to section 3509 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking "Victims'" and inserting "victims'".

(b) Unit Reference Corrections, Removal of Duplicate Amendments, and Other Similar Corrections.—

(1) Section 40503(b)(3) of Public Law 103–322 is amended by striking "paragraph (b)(1)" and inserting "paragraph (1)".

(2) Section 60003(a)(2) of Public Law 103–322 is amended by striking "at the end of the section" and inserting "at the end of the subsection".

(3) Section 3582(c)(1)(A)(i) of title 18, United States Code, is amended by adding "or" at the end.

(4) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by redesignating the second paragraph (43) as paragraph (44).

(5) Subsections (a) and (b) of section 120005 of Public Law 103–322 are each amended by inserting "at the end" after "adding".

(6) Section 160001(f) of Public Law 103–322 is amended by striking "1961(l)" and inserting "1961(1)".

(7) Section 170201(c) of Public Law 103–322 is amended by striking paragraphs (1), (2), and (3).

(8) Subparagraph (D) of section 511(b)(2) of title 18, United States Code, is amended by adjusting its margin to be the same as the margin of subparagraph (C) and adjusting the margins of its clauses so they are indented 2-ems further than the margin of the subparagraph.

(9) Section 230207 of Public Law 103–322 is amended by striking "two" and inserting "2" the first place it appears.

(10) The first of the two undesignated paragraphs of section 240002(c) of Public Law 103–322 is designated as paragraph (1) and the second as paragraph (2).

(11) Section 280005(a) of Public Law 103–322 is amended by striking "Section 991 (a)" and inserting "Section 991(a)".

(12) Section 320101 of Public Law 103–322 is amended—

(A) in subsection (b), by striking paragraph (1);

(B) in subsection (c), by striking paragraphs (1)(A) and (2)(A);

(C) in subsection (d), by striking paragraph (3); and

(D) in subsection (e), by striking paragraphs (1) and (2).

(13) Section 320102 of Public Law 103–322 is amended by striking paragraph (2).

(14) Section 320103 of Public Law 103–322 is amended—

(A) in subsection (a), by striking paragraph (1);

(B) in subsection (b), by striking paragraph (1); and

(C) in subsection (c), by striking paragraphs (1) and (3).

(15) Section 320103(e) of Public Law 103–322 is amended—

(A) in the subsection catchline, by striking "Fair Housing" and inserting "1968 Civil Rights"; and

(B) by striking "of the Fair Housing Act" and inserting "of the Civil Rights Act of 1968".

(16) Section 320109(1) of Public Law 103–322 is amended by inserting an open quotation mark before "(a) In General".

(17) Section 320602(1) of Public Law 103–322 is amended by striking "whoever" and inserting "Whoever".

(18) Section 668(a) of title 18, United States Code, is amended—

(A) by designating the first undesignated paragraph that begins with a quotation mark as paragraph (1);

(B) by designating the second undesignated paragraph that begins with a quotation mark as paragraph (2); and

(C) by striking the close quotation mark and the period at the end of the subsection.

(19) Section 320911(a) of Public Law 103–322 is amended in each of paragraphs (1) and (2), by striking "thirteenth" and inserting "14th".

(20) Section 2311 of title 18, United States Code, is amended by striking "livestock" where it appears in quotation marks and inserting "Livestock".

(21) Section 540A(c) of title 28, United States Code, is amended—

(A) by designating the first undesignated paragraph as paragraph (1);

(B) by designating the second undesignated paragraph as paragraph (2); and

(C) by designating the third undesignated paragraph as paragraph (3).

(22) Section 330002(d) of Public Law 103–322 is amended by striking "the comma" and inserting "each comma".

(23) Section 330004(18) of Public Law 103–322 is amended by striking "the Philippine" and inserting "Philippine".

(24) Section 330010(17) of Public Law 103–322 is amended by striking "(2)(iii)" and inserting "(2)(A)(iii)".

(25) Section 330011(d) of Public Law 103–322 is amended—

(A) by striking "each place" and inserting "the first place"; and

(B) by striking "1169" and inserting "1168".

(26) The item in the table of sections at the beginning of chapter 53 of title 18, United States Code, that relates to section 1169 is transferred to appear after the item relating to section 1168.

(27) Section 901 of the Civil Rights Act of 1968 is amended by striking "under this title" each place it appears and inserting "under title 18, United States Code,".

(28) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "law)." and inserting "law)".

(29) Section 250008(a)(2) of Public Law 103–322 is amended by striking "this Act" and inserting "provisions of law amended by this title".

(30) Section 36(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "403(c)" and inserting "408(c)"; and

(B) in paragraph (2), by striking "Export Control" and inserting "Export".

(31) Section 1512(a)(2)(A) of title 18, United States Code, is amended by adding "and" at the end.

(32) Section 13(b)(2)(A) of title 18, United States Code, is amended by striking "of not more than $1,000" and inserting "under this title".

(33) Section 160001(g)(1) of Public Law 103–322 is amended by striking "(a) Whoever" and inserting "Whoever".

(34) Section 290001(a) of Public Law 103–322 is amended by striking "subtitle" and inserting "section".

(35) Section 3592(c)(12) of title 18, United States Code, is amended by striking "Controlled Substances Act" and inserting "Comprehensive Drug Abuse Prevention and Control Act of 1970".

(36) Section 1030 of title 18, United States Code, is amended—

(A) by inserting "or" at the end of subsection (a)(5)(B)(ii)(II)(bb);

(B) by striking "and" after the semicolon in subsection (c)(1)(B);

(C) in subsection (g), by striking "the section" and inserting "this section"; and

(D) in subsection (h), by striking "section 1030(a)(5) of title 18, United States Code" and inserting "subsection (a)(5)".

(37) Section 320103(c) of Public Law 103–322 is amended by striking the semicolon at the end of paragraph (2) and inserting a close quotation mark followed by a semicolon.

(38) Section 320104(b) of Public Law 103–322 is amended by striking the comma that follows "2319 (relating to copyright infringement)" the first place it appears.

(39) Section 1515(a)(1)(D) of title 18, United States Code, is amended by striking "; or" and inserting a semicolon.

(40) Section 5037(b) of title 18, United States Code, is amended in each of paragraphs (1)(B) and (2)(B), by striking "3561(b)" and inserting "3561(c)".

(41) Section 330004(3) of Public Law 103–322 is amended by striking "thirteenth" and inserting "14th".

(42) Section 2511(1)(e)(i) of title 18, United States Code, is amended—

(A) by striking "sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e)" and inserting "sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e)"; and

(B) by striking "subchapter" and inserting "chapter".

(43) Section 1516(b) of title 18, United States Code, is amended by inserting "and" at the end of paragraph (1).

(44) The item relating to section 1920 in the table of sections at the beginning of chapter 93 of title 18, United States Code, is amended by striking "employee's" and inserting "employees'".

(45) Section 330022 of Public Law 103–322 is amended by inserting a period after "communications" and before the close quotation mark.

(46) Section 2721(c) of title 18, United States Code, is amended by striking "covered by this title" and inserting "covered by this chapter".

(c) ELIMINATION OF EXTRA WORDS.—

(1) Section 3561(b) of title 18, United States Code, is amended by striking "or any relative defendant, child, or former child of the defendant,".

(2) Section 351(e) of title 18, United States Code, is amended by striking "involved in the use of a" and inserting "involved the use of a".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of Public Law 103–322.

SEC. 605. ADDITIONAL TYPOGRAPHICAL AND SIMILAR ERRORS FROM VARIOUS SOURCES.

(a) MISUSED CONNECTOR.—Section 1958(a) of title 18, United States Code, is amended by striking "this title and imprisoned" and inserting "this title or imprisoned".

(b) SPELLING ERROR.—Effective on the date of its enactment, section 961(h)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended by striking "Saving and Loan" and inserting "Savings and Loan".

(c) WRONG SECTION DESIGNATION.—The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 71 by striking "1461" and inserting "1460".

(d) INTERNAL CROSS REFERENCE.—Section 2262(a)(1)(A)(ii) of title 18, United States Code, is amended by striking "subparagraph (A)" and inserting "this subparagraph".

(e) MISSING COMMA.—Section 1361 of title 18, United States Code, is amended by inserting a comma after "attempts to commit any of the foregoing offenses".

(f) CROSS REFERENCE ERROR FROM PUBLIC LAW 103–414.—The first sentence of section 2703(d) of title 18, United States Code, by striking "3126(2)(A)" and inserting "3127(2)(A)".

(g) INTERNAL REFERENCE ERROR IN PUBLIC LAW 103–359.—Section 3077(8)(A) of title 18, United States Code, is amended by striking "title 18, United States Code" and inserting "this title".

(h) SPELLING AND INTERNAL REFERENCE ERROR IN SECTION 3509.—Section 3509 of title 18, United States Code, is amended—

(1) in subsection (e), by striking "government's" and inserting "Government's"; and

(2) in subsection (h)(3), by striking "subpart" and inserting "paragraph".

(i) ERROR IN SUBDIVISION FROM PUBLIC LAW 103–329.—Section 3056(a)(3) of title 18, United States Code, is amended by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively and moving the margins of such subparagraphs 2 ems to the right.

(j) TABLE OF CONTENTS CORRECTION.—The table of contents at the beginning of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by inserting "title i—habeas corpus reform" before the item relating to section 101.

(k) CORRECTING ERROR IN AMENDATORY INSTRUCTIONS.—Section 107(b) of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by striking "IV" and inserting "VI".

(l) CORRECTING ERROR IN DESCRIPTION OF PROVISION AMENDED.—With respect to subparagraph (F) only of paragraph (1) of section 205(a) of the Antiterrorism and Effective Death Penalty Act of 1996, the reference at the beginning of such paragraph to "subsection (a)(1)" shall be deemed a reference to "subsection (a)".

(m) ADDITION OF MISSING REFERENCE.—Section 725(2) of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by inserting "(2)" after "subsection (b)".

(n) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3059A the following new item:

"3059B. General reward authority.".

(o) INSERTION OF MISSING PUNCTUATION.—Section 6005(b)(3) of title 18, United States Code, is amended by adding a period at the end.

(p) CORRECTION OF ERRONEOUS SECTION NUMBER.—

(1) Section 2401 of title 18, United States Code, is redesignated as section 2441.

(2) The item relating to section 2401 in the table of sections at the beginning of chapter 118 of title 18, United States Code, is amended by striking "2401" and inserting "2441".

(3) The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 118, by striking "2401" and inserting "2441".

(q) DUPLICATE SECTION NUMBER.—That section 2332d of title 18, United States Code, that relates to requests for military assistance to enforce prohibition in certain emergencies is redesignated as section 2332e and moved to follow the section 2332d that relates to financial transactions, and the item relating to the section redesignated by this subsection is amended by striking "2332d' and inserting "2332e" and moved to follow the item relating to the section 2332d that relates to financial transactions.

(r) CORRECTION OF WORD USAGE.—Section 247(d) of title 18, United States Code, is amended by striking "notification" and inserting "certification".

SEC. 606. ADJUSTING AND MAKING UNIFORM THE DOLLAR AMOUNTS USED IN TITLE 18 TO DISTINGUISH BETWEEN GRADES OF OFFENSES.

(a) Sections 215, 288, 641, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 872, 1003, 1025, 1163, 1361, 1707, 1711, and 2113 of title 18, United States Code, are amended by striking "$100" each place it appears and inserting "$1,000".

(b) Section 510 of title 18, United States Code, is amended by striking "$500" and inserting "$1,000".

SEC. 607. APPLICATION OF VARIOUS OFFENSES TO POSSESSIONS AND TERRITORIES.

(a) Sections 241 and 242 of title 18, United States Code, are each amended by striking "any State, Territory, or District" and inserting "any State, Territory, Commonwealth, Possession, or District".

(b) Sections 793(h)(1) and 794(d)(1) of title 18, United States Code, are each amended by adding at the end the following: "For the purposes of this subsection, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(c) Section 925(a)(5) of title 18, United States Code, is amended by striking "For the purpose of paragraphs (3) and (4)" and inserting "For the purpose of paragraph (3)".

(d) Sections 1014 and 2113(g) of title 18, United States Code, are each amended by adding at the end the following: "The term 'State-chartered credit union' includes a credit union chartered under the laws of a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.".

(e) Section 1073 of title 18, United States Code, is amended by adding at the end of the first paragraph the following: "For the purposes of clause (3) of this paragraph, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(f) Section 1715 of title 18, United States Code, is amended by striking "State, Territory, or District" each place those words appear and inserting "State, Territory, Commonwealth, Possession, or District".

(g) Section 1716 of title 18, United States Code, is amended—

(1) in subsection (g)(2) by striking "State, Territory, or the District of Columbia" and inserting "State";

(2) in subsection (g)(3) by striking "the municipal government of the District of Columbia or of the government of any State or territory, or any county, city, or other political subdivision of a State" and inserting "any State, or any political subdivision of a State"; and

(3) by adding at the end the following:

"(j) For purposes of this section, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(h) Section 1761 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d) For the purposes of this section, the term 'State' means a State of the United States and any commonwealth, territory, or possession of the United States.".

(i) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "; and" at the end of paragraph (4); and

(3) by adding at the end the following new paragraph:

"(5) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(j) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) by amending paragraph (26) to read as follows:

"(26) The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."; and

(2) by redesignating paragraph (43), as added by section 90105(d) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (44).

(k) Section 1121 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) For the purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(l) Section 228(d)(2) of title 18, United States Code, is amended by inserting "commonwealth," before "possession or territory of the United States".

(m) Section 1546(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(n) Section 1541 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph, by striking "or possession"; and

(2) by adding at the end the following new paragraph:

"For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(o) Section 37(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: ", and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States".

(p) Section 2281(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: ", and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States".

(q) Section 521(a) of title 18, United States Code, is amended by adding at the end the following: "'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

Mr. McCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Ms. LOFGREN. Mr. Speaker, reserving the right to object, and I will not object, I would ask the gentleman from Florida [Mr. McCOLLUM], and other committee members to explain.

Mr. McCOLLUM. Mr. Speaker, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, this amendment to H.R. 3723 is based in large part on draft legislation forwarded to the Subcommittee on Crime from the Department of Justice and the Federal Bureau of Investigation, and much of it has previously passed the House by a vote of 399-3 on September 17. The bill passed by other body by unanimous consent with an amendment. The amendment I offer today reconciles the differences between these versions of this bill and is the result of negotiations with the majority and minority of both bodies.

This amendment retains much of the original provisions of H.R. 3723, but it differs from that bill in some significant ways. The amendment will create two new crimes, instead of the one created by the House-passed version of the bill, and will increase the proof of state of mind required to prove a violation of both offenses from that of the original House bill. The crime of "economic espionage" will require proof of intent or knowledge by the offender that the offense will benefit a foreign government, foreign instrumentality, or foreign agent through economic espionage.

The provision will extend the protections of this law to private computers used in interstate commerce and will also close loopholes in existing law that, in some cases, would have prevented the Government from prosecuting persons who sabotage Government computers.

Finally, the amendment includes the provisions of H.R. 2538, the "Criminal Law Technical Amendments Act of 1995," which passed by the House under suspension of the rules on December 12, 1995. Included along with these purely technical amendments from H.R. 2538 are additional technical corrections to the Anti-terrorism law passed by the Congress earlier this session and two minor substantive provisions (S. 1331 and S. 1332) that passed unanimously in the other body.

Mr. Speaker, this amendment represents the bipartisan efforts of Members of the House and the other body. I am pleased to offer it today.

Mr. Speaker this amendment to H.R. 3723 is based in large part on draft legislation forwarded to the Subcommittee on Crime from the Department of Justice and the Federal Bureau of Investigation, and much of it has previously passed the House by a vote of 399-3 on September 17. The bill passed the other body by unanimous consent with an amendment. The amendment I offer today reconciles the differences between these versions of this bill and is the result of negotiations with the majority and minority of both bodies.

This amendment retains much of the original provisions of H.R. 3723, but it differs from that bill in some significant ways. The amendment will create two new crimes, instead of the one created by the House-passed version of the bill, and will increase the proof of state of mind required to prove a violation of both offenses from that of the original House bill. The crime of "economic espionage" will require proof of intent or knowledge by the offender that the offense will benefit a foreign government, foreign instrumentality, or foreign agent through economic espionage. The crime of "theft of trade secrets" will require proof of the offender's intention to convert a trade secret for the economic benefit of a person other than the owner and also the intent or knowledge by the offender that the offense will injure the owner of the trade secret.

Also, the punishments for these crimes have been slightly altered from those set forth in H.R. 3723, so as to bring them more in line with existing theft and espionage statutes. Finally, the provisions dealing with the extra-territorial reach of the statute has been amended to make it clear that the statute does not apply to a foreign corporation in which an American may happen to hold an ownership interest, unless such corporation commits an act in furtherance of one of these two offenses inside the United States.

Mr. Speaker, this amendment also includes the provisions of S. 982, the "National Information Infrastructure Act of 1996," which passed unanimously in the other body on September 18 and which is identical to H.R. 4095, introduced by the gentleman from Virginia [Mr. GOODLATTE]. Both of these bills are based on draft legislation requested by the Justice Department. This provision amends the existing statute dealing with acts of fraud committed by computer and acts of sabotage to government computers. The provision will extend the protections of this law to private computers used in interstate commerce and will also close loopholes in existing law that, in some cases, would have prevented the government from prosecuting persons who sabotage government computers.

Finally, the amendment includes the provisions of H.R. 2538, the "Criminal Law Technical Amendments Act of 1995," which passed by the House under suspension of the rules on December 12, 1995. Included along with these purely technical amendments from H.R. 2538 are additional technical corrections to the Anti-terrorism law passed by the Congress earlier this session and two minor substantive provisions (S. 1331 and S. 1332) that passed unanimously in the other body. Those provisions would amend certain sections of title 18 to ensure that all title 18 laws will apply to U.S. commonwealths and territories, and would adjust the dollar amounts specified in certain title 18 crimes, and which distinguish between grades of offenses, so that all title 18 crimes are uniform in this respect.

Mr. Speaker, I wish to make clear my view as the Member who introduced H.R. 3723 as to two questions that have been raised by the State Department. The principal purpose of new section 1831 of title 18 is to prevent and punish acts of economic espionage involving foreign government, foreign instrumentalities, or foreign agents. The term "foreign instrumentality" is defined in the legislation to mean a foreign corporation or company only when a foreign government substantially owns, controls, sponsors, commands, manages, or dominates that corporation or company. Thus, when this is not the case, a foreign corporation or company should not be prosecuted under the section dealing with economic espionage, new section 1831, but rather under the section dealing with theft of trade secrets, new section 1832.

Mr. Speaker, I also want to make it clear that to make out a case under either of these two new sections, the government must show that the accused knew or should have known that his conduct with respect to the trade secret was done without the authorization of the owner of the trade secret. Thus, this act should not give rise to a prosecution for legitimate economic data collection or reporting by personnel of foreign governments or international financial institutions, such as the World Bank, where the person collecting or reporting the information does not know (or should not be charged with knowing) that their actions in collecting or reporting the information was without the authorization of the owner.

Mr. Speaker, this amendment represents the bipartisan efforts of Members of both the House and the other body. I am pleased to offer it today.

Mr. Speaker, this amendment represents the bipartisan efforts of Members of both the House and the other body, and I pleased to offer it today. And I would say to the gentlewoman that I believe that all of these are excellent provisions.

What we are dealing with today is the Economic Espionage Act, that is the underlying bill that passed the House, and what we need to be reminded of as we pass this tonight is that we have a fundamental problem with the espionage of our economic secrets in this country. There has been a longstanding need to address this in the criminal laws of our Nation, and I believe that we finally have reached an accord with the other body, and if we pass this tonight we will accomplish it.

Mr. Speaker, I thank the gentlewoman for yielding to me and understand that she will yield to the gentleman from Virginia [Mr. GOODLATTE], to explain perhaps the computer part of this a little more.

Ms. LOFGREN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Virginia [Mr. GOODLATTE] to discuss further the computer issue.

Mr. GOODLATTE. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime, for including the legislation which I introduced, H.R. 4095, in this unanimous-consent request.

With the benefits created by the explosion of computer networks comes a very serious concern: Network computers also provide new opportunities for criminal activity.

The computer emergency response team, known as CERT, based on the Carnegie Mellon University in Pittsburgh, reports that the number of reported intrusions into U.S.-based computer systems rose from 773 in 1992 to more than 2,300 in 1994. Once into a computer system, hackers have the ability to steal, modify, or destroy sensitive data, thus the potential cost to users, including businesses, are staggering.

That is why the Justice Department and the FBI support this important legislation. It will help stem the on-line crime epidemic and increase protection for both government and private computers. The bill would allow Federal prosecution for those who misuses computers to obtain government information and, where appropriate, information held by the private sector.

The bill would also penalize any person who uses a computer to cause the transmission of a computer virus or other harmful computer program to government and financial institution computers not used in interstate communications, such as intrastate local area networks used by government agencies.

The NIA Protection Act would provide much needed protection for our Nation's important information infrastructure and help maintain the privacy of electronic information.

Ms. LOFGREN. Mr. Speaker, further reserving the right to object, I would like to say how pleased I am that we are able to enact this measure into law this night and have it become law and for the President to sign it.

American companies have faced the fact, unfortunately, that our laws were written so long ago that they do not deal with the protection of ideas in the way that they should, and we know in this information society it is the great power of our information and ideas that will keep us on the cutting edge of the economies of the world.

So I fully support this bill as well as the other Senate amendments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

JOSHUA LAWRENCE CHAMBERLAIN POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2153) to designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building," and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BALDACCI. Mr. Speaker, reserving the right to object, I wish to state that the minority has no objection to the approval of S. 2153.

Mr. Speaker, I urge my colleagues to support S. 2153. It is a bill designating the United States Post Office Building located in Brewer, Maine as the Joshua Lawrence Chamberlain Post Office Building. This measure was introduced by Senator COHEN at the request of the city of Brewer, Maine to honor this Civil War hero, four-term Governor of Maine, scholar and professor.

Mr. Speaker, I cannot think of a more fitting tribute for this dedicated public servant. I urge my colleagues to support this and I also have extended remarks at the front table.

Mr. Speaker, I rise today in strong support of this legislation, S. 2153, which would designate the Post Office in Brewer, Maine in honor of George Joshua Lawrence Chamberlain. I introduced identical legislation on this matter, which the entire Maine Congressional Delegation has supported, and am pleased that the Congress has acted quickly on it.

I was contacted recently by Brewer's Postmaster, Stanley Abraham. He told me that the citizens of Brewer had requested that their Post Office be named in honor of a hometown hero, General Joshua Lawrence Chamberlain.

General Chamberlain was born and educated in Brewer, Maine. Leading the 20th Maine, he played a crucial role at Little Round Top in the Battle of Gettysburg. This battle was a turning point in the Civil War. His tremendous skills were duly recognized when he was given the only battlefield promotion to General of the Civil War. General Chamberlain's leadership skills were further recognized by the people of Maine when they elected him Governor by the largest majority in Maine's history, and returned him to office three times.

As a student of history, I am proud to recognize the accomplishments of General Chamberlain. His military, academic and political career has brought great honor to the City of Brewer and the State of Maine. Designating the Brewer Post Office in General Chamberlain's honor is a fitting tribute to one of Maine's greatest leaders, and I am pleased to support this legislation.

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. BALDACCI. Further reserving the right to object, I yield to the gentleman from New York.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding and for his comments and also his leadership on this issue.

Mr. Speaker, as was just noted, this legislation, which is important to note was introduced by both the Senators from the great State of Maine and is supported both by the gentleman whom we have just heard from but also the entire House delegation, does indeed honor a Civil War hero by naming a post office building located in Brewer, ME as the Joshua Lawrence Chamberlain Post Office Building.

In addition to being known as a man of remarkable valor in that war and a great man in history, Joshua Chamberlain was also the president of Bowdoin College, and a scholar.

I cannot think of a more fitting tribute to this great American than following through on the adoption of this bill as just suggested by the gentleman from Maine, and I would urge all our colleagues to accept this unanimous-consent request at this time.

Mr. BALDACCI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOSHUA LAWRENCE CHAMBERLAIN POST OFFICE BUILDING.

The United States Post Office building located at 22 Parkway South, Brewer, Maine, shall be known as and designated as the "Joshua Lawrence Chamberlain Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, record, or other paper of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Joshua Lawrence Chamberlain Post Office Building".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMOS F. LONGORIA POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2700), to designate the building located at 8302 FM 327, Elmendorf, TX, which houses operations of the United States Postal Service, as the "Amos F. Longoria Post Office Building," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, after line 9 insert:

SEC. 2. INSTITUTION OF HIGHER EDUCATION.

Paragraph (3) of section 3626(b) of title 39, United States Code, is amended by striking the period and inserting ", and includes a nonprofit organization that coordinates a network of college-level courses that is sponsored primarily by nonprofit educational institutions for an older adult constituency.".

Mr. MCHUGH (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mr. BALDACCI. Mr. Speaker, reserving the right to object, I wish to state the minority has no objection to the approval of H.R. 2700, as amended.

Mr. Speaker, I urge my colleagues to support H.R. 2700, as amended. This bill designates a post office in Elmendorf, TX as the Amos F. Longoria Post Office Building, with an amendment offered by Senator PRYOR. The amendment addresses mailing problems facing by Elderhostel, an independent nonprofit organization which operates a central course catalog and registration system for college level classes for people over the age of 60.

Mr. Speaker, H.R. 2700, as amended, will solve a problem caused by the fact that Elderhostel does not fit neatly into the Postal Service's definitions and I urge my colleagues to support this measure.

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from New York.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill was passed and amended by this body on July 30, 1996 under suspension of the rules, as the gentleman from Maine just noted. It does what I certainly believe and I hope all our colleagues agree is a very worthwhile step in creating certain mailing rights for very worthy organization involved in educational activities.

I would note for the record, Mr. Speaker, that a preliminary analysis by the Congressional Budget Office reports that the enactment of the amendment as placed in this bill by the Senate would result in a cost to the U.S. Postal Service. However, as the Postal Service is classified as off budget, pay-as-you-go procedures would not apply. Mr. Speaker, I would urge our colleagues to support this bill as amended by the Senate. I think it is a worthy initiative that would do this House proud and I certainly hope for its passage.

Mr. BALDACCI. Mr. Speaker, I withdraw my reservation of objection?

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendment to H.R. 2700.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure and the Committee on Resources be discharged from further consideration of the bill (H.R. 4283) to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

□ 2300

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, the bill before us is nearly identical to the Invasive Species Act that the House passed by voice vote earlier this week, except for limited amendments requested by the other body. I continue to have some concerns about at least one of those changes, but on balance those concerns are outweighed by the net gains to the Great Lakes region and to the rest of the Nation from this legislation.

One of the concerns I have is a major concern with the application of this legislation to the salt water ports, and with our chairman managing this bill, and with his deep concern for environmental issues, I do want to ask the gentleman from New York [Mr. BOEHLERT] for a commitment that we will examine these issues in the proper detail that they deserve in the coming Congress.

(Mr. OBERTSTAR asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, if the gentleman would yield, my colleague has those assurances.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I will not object to passage of the National Invasive Species Act of 1996. The bill before us now is nearly identical to the Invasive Species bill that the House passed by voice vote earlier this week, except for limited amendments which have been requested by the other body. I continue to have some concerns regarding one of those changes, but on balance, those concerns are outweighed by the net gains to the Great Lakes region and to the Nation from this bill being signed into law this Congress.

This bill will contribute toward preventing further invasions by, and the spread of, nonindigenous aquatic species. It builds on the very successful program in the Great Lakes, which was developed under the 1990 "Nonindigenous Aquatic Nuisance Prevention and Control Act," and expands the scope of the law to the entire Nation.

Also of critical importance, the bill should promote the development of new technologies, recognizing the limitations of ballast exchange in preventing the spread of invasive species that already have been introduced into the Great Lakes and other U.S. waters.

We all have a great deal at stake in passage of this bill this year. Passage of this bill into law will:

Help prevent further unnecessary devastation of our most valuable fisheries, as has happened repeatedly in my district in the Duluth-Superior Harbor, in the Great Lakes, and is at risk of happening in the Chesapeake Bay, the San Francisco Bay Delta Estuary, the Gulf of Mexico, and other of our most treasured ecosystems;

Avoid public and private expenditures of millions of dollars a year on clearing zebra mussels from intake pipes and water treatment systems, increasing the cost of providing water and electricity to our citizens; and help preserve native species and the natural biodiversity of our Nation's aquatic ecosystems.

Finally, this bill includes certain exemptions which concern me. I intend to further examine these provisions and their impacts when we return next year. Along those lines, I would like to clarify that nothing in the bill supersedes any requirement or prohibition under any other law pertaining to the discharge or exchange of ballast water, including any conditions for lifting the export ban on Alaska North Slope crude oil.

I will not object to passage of this bill.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. LATOURETTE] and compliment him for the leadership that he has taken on authoring this legislation, which I am proud to cosponsor and for moving it along.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Minnesota [Mr. OBERSTAR] for yielding, and I thank him because he has gone above and beyond reaching across the aisle to make sure we can get this done. I thank the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Pennsylvania [Mr. BORSKI], but most of all I thank the gentleman from New York [Mr. BOEHLERT] without whose persistence and shepherding we would not be here, and I thank his staff, in particular Ben Grumbles.

Also, Mr. Speaker, it happens to be Chairman BOEHLERT's birthday and I am not going to hold him up any longer. I would hope that we could all support this bill and I thank all my colleagues for making it happen.

Mr. Speaker, I rise in strong support of H.R. 4283, the National Invasive Species Act, as amended by the Senate. We arrive at this point today due to strong bipartisan cooperation. Many concerns were raised about the potential impact of the Senate amendments. After careful review, I am pleased to report that the Senate amendments will not compromise the fundamental purpose and goals of H.R. 4283.

H.R. 4283 will build upon the Nonaquatic Nuisance Prevention and Control Act of 1990 that addressed zebra mussels and other invasive species in the Great Lakes. However, it is important to note that H.R. 4283 is national in scope, extending a voluntary incentive-based approach to all coasts and regions at risk. H.R. 4283 coordinates agencies, research institutions and others to prevent and control the introduction and spread of invasive species primarily through voluntary ballast water exchange and management education and research.

Mr. Speaker, we are in the closing minutes, so I will make my comments brief. I would like to thank Mr. SHUSTER for his tireless efforts moving H.R. 4283. Additionally, I would like to extend my thanks to Ranking Member OBERSTAR for his support and Ranking Member of the Water Resources Subcommittee Mr. BORSKI for his time and attention on this issue. Mr. Speaker, we would not be here today without the stewardship and persistence of the chairman of the Water Resources Subcommittee, Mr. BOEHLERT, my sincere thanks to him.

I would also like to thank the cosponsor of H.R. 4283.

I would also like to thank our colleagues in the Senate, especially the senior Senator from Ohio, Senator GLENN, a Great Lakes champion who has been a catalyst on this issue.

Mr. Speaker, I would be remiss if I did not take time to thank the staffers who, unfortunately, do not get near the credit they deserve. These men and women have spent countless hours on H.R. 4283, and they have my deep appreciation and my thanks. I would hate to leave someone out, but let me thank Rochelle Sturtevant of my staff, Ben Grumbles of the Water Resources Subcommittee, the staff of the House Committee on Resources, the House Committee on Science, as well as Allegra Cangelosi of the Northeast-Midwest Institute.

Mr. Speaker, I ask my colleagues to support this truly bipartisan effort that will prevent other areas throughout our Nation from facing the costs and environmental damage that we in the Great Lakes have witnessed.

Mr. SHUSTER. Mr. Speaker, last night the Senate passed H.R. 4283, the National Invasive Species Act of 1996, clearing the measure for the President. Given the process that unfolded, Members and others may find helpful a few remarks to clarify the bill's legislative history.

H.R. 4283 is the text of H.R. 3217—as passed the House on September 24, 1996—with four additional provisions requested by Senators from the Environment and Public Works Committee and the Commerce, Science, and Transportation Committee. These amendments modify the bill's safety exclusion and restriction on ballast water discharges into harbors, authorize research funding in Narragansett Bay, require a study of shoreside ballast water facilities, and clarify authority to fund regional research. The House passed H.R. 4283 on September 28, 1996.

This broadly supported, bipartisan legislation—introduced and championed by Representative STEVE LATOURETTE—builds upon the 1990 Act that addressed zebra mussels and other invasive species in the Great Lakes.

H.R. 4283 is national in scope, extending a voluntary, incentive-based approach to all coasts and regions at risk.

Whether you call them invasive, exotic, or nonindigenous, these species of plants, animals, and invertebrates can wreak havoc on infrastructure, commerce, recreation and tourism, and the environment.

H.R. 4283 coordinates agencies, research institutions, and others to prevent and control the introduction and spread of invasive species—primarily through voluntary ballast water exchange and management, education, and research.

The Transportation and Infrastructure Committee's report on H.R. 3217 (Rept. 104–815) provides a detailed description of the bill and our committee's intent.

For a description of the changes made to the reported bill, I would refer my colleagues to the floor debate on H.R. 3217 on September 24, 1996.

Finally, I would be remiss if I did not thank some of the Members and committees instrumental in moving this important legislation.

More than anyone else, Representative STEVE LATOURETTE is responsible for this bill and its movement through the House. He has worked with all interests to build broadly supported legislation. He has also worked closely with his colleague from Ohio and in the other body, Senator GLENN, who worked on the 1990 law and S. 1660, the Senate version of the National Invasive Species Act of 1996.

Transportation and Infrastructure Committee members should also be congratulated for their efforts, particularly the ranking Democrat of the committee, JIM OBERSTAR, the chairman and ranking Democrat of the Water Resources and Environment Subcommittee, SHERRY BOEHLERT and ROBERT BORSKI, and the chairman and ranking Democrat of the Coast Guard and Maritime Transportation Subcommittee, HOWARD COBLE and BOB CLEMENT.

Other committees have been helpful as well—particularly the Committees on Resources, Science, House Oversight, International Relations, National Security and Agriculture.

Senate colleagues, including the chairmen and members of the Environment and Public Works Committee and Commerce, Science, and Transportation Committee, should also be commended. Without their cooperation and help, we could not have crafted this legislation and shepherded it through Congress and to the President.

Mr. Speaker, I congratulate my colleagues in both Chambers for their efforts to enact the National Invasive Species Act of 1996. The bill is yet another example of the 104th Congress' efforts to protect the Nation's environment and water infrastructure.

Mr. OBERSTAR. Mr. Speaker, I join in unexpectedly wishing a happy and well deserved birthday to my good friend from New York.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I strongly urge my colleagues to support the National Invasive Species Act of 1996.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill as follows:

H.R. 4283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) IN GENERAL.—This Act may be cited as the "National Invasive Species Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.).

SEC. 2. AMENDMENTS TO THE NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) FINDINGS; DEFINITIONS.—

(1) FINDINGS.—Section 1002(a) (16 U.S.C. 4701(a)) is amended—

(A) by striking paragraphs (2) and (3) and inserting the following new paragraphs:

"(2) when environmental conditions are favorable, nonindigenous species become established, may compete with or prey upon native species of plants, fish, and wildlife, may carry diseases or parasites that affect native species, and may disrupt the aquatic environment and economy of affected nearshore areas;

"(3) the zebra mussel was unintentionally introduced into the Great Lakes and has infested—

"(A) waters south of the Great Lakes, into a good portion of the Mississippi River drainage;

"(B) waters west of the Great Lakes, into the Arkansas River in Oklahoma; and

"(C) waters east of the Great Lakes, into the Hudson River and Lake Champlain;";

(B) in paragraph (4)—

(i) by inserting "by the zebra mussel and ruffe, round goby, and other nonindigenous species" after "other species"; and

(ii) by striking "and" at the end;

(C) in paragraph (5), by striking the period and inserting a semicolon; and

(D) by adding at the end the following new paragraphs:

"(6) in 1992, the zebra mussel was discovered at the northernmost reaches of the Chesapeake Bay watershed;

"(7) the zebra mussel poses an imminent risk of invasion in the main waters of the Chesapeake Bay;

"(8) since the Chesapeake Bay is the largest recipient of foreign ballast water on the East Coast, there is a risk of further invasions of other nonindigenous species;

"(9) the zebra mussel is only one example of thousands of nonindigenous species that have become established in waters of the United States and may be causing economic and ecological degradation with respect to the natural resources of waters of the United States;

"(10) since their introduction in the early 1980's in ballast water discharges, ruffe—

"(A) have caused severe declines in populations of other species of fish in Duluth Harbor (in Minnesota and Wisconsin);

"(B) have spread to Lake Huron; and

"(C) are likely to spread quickly to most other waters in North America if action is not taken promptly to control their spread;

"(11) examples of nonindigenous species that, as of the date of enactment of the National Invasive Species Act of 1996, infest coastal waters of the United States and that have the potential for causing adverse economic and ecological effects include—

"(A) the mitten crab (Eriocher sinensis) that has become established on the Pacific Coast;

"(B) the green crab (Carcinus maenas) that has become established in the coastal waters of the Atlantic Ocean;

"(C) the brown mussel (Perna perna) that has become established along the Gulf of Mexico; and

"(D) certain shellfish pathogens;

"(12) many aquatic nuisance vegetation species, such as Eurasian watermilfoil, hydrilla, water hyacinth, and water chestnut, have been introduced to waters of the United States from other parts of the world causing or having a potential to cause adverse environmental, ecological, and economic effects;

"(13) if preventive management measures are not taken nationwide to prevent and control unintentionally introduced nonindigenous aquatic species in a timely manner, further introductions and infestations of species that are as destructive as, or more destructive than, the zebra mussel or the ruffe infestations may occur;

"(14) once introduced into waters of the United States, aquatic nuisance species are unintentionally transported and introduced into inland lakes and rivers by recreational boaters, commercial barge traffic, and a variety of other pathways; and

"(15) resolving the problems associated with aquatic nuisance species will require the participation and cooperation of the Federal Government and State governments, and investment in the development of prevention technologies.".

(2) DEFINITIONS.—Section 1003 (16 U.S.C. 4702) is amended—

(A) by striking paragraph (1) and redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively;

(B) in paragraph (2), as redesignated by subparagraph (A) of this paragraph, by striking "assistant Secretary" and inserting "Assistant Secretary";

(C) by redesignating paragraphs (9) through (15) as paragraphs (11) through (17), respectively; and

(D) by inserting after paragraph (7), as redesignated by subparagraph (A) of this paragraph, the following:

"(8) 'Great Lakes region' means the 8 States that border on the Great Lakes;

"(9) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(10) 'interstate organization' means an entity—

"(A) established by—

"(i) an interstate compact that is approved by Congress;

"(ii) a Federal statute; or

"(iii) a treaty or other international agreement with respect to which the United States is a party; and

"(B)(i) that represents 2 or more—

"(I) States or political subdivisions thereof; or

"(II) Indian tribes; or

"(ii) that represents—

"(I) 1 or more States or political subdivisions thereof; and

"(II) 1 or more Indian tribes; or

"(iii) that represents the Federal Government and 1 or more foreign governments; and

"(C) has jurisdiction over, serves as forum for coordinating, or otherwise has a role or responsibility for the management of, any land or other natural resource;".

(b) AQUATIC NUISANCE SPECIES CONTROL PROGRAM.—

(1) AMENDMENT TO HEADING.—The heading to subtitle B (16 U.S.C. 4711 et seq.) is amended to read as follows:

"Subtitle B—Prevention of Unintentional Introductions of Nonindigenous Aquatic Species".

(2) Aquatic nuisance species.—Section 1101 (16 U.S.C. 4711) is amended to read as follows:

"SEC. 1101. AQUATIC NUISANCE SPECIES IN WATERS OF THE UNITED STATES.

"(a) Great Lakes Guidelines.—

"(1) In general.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the exchange of ballast water of vessels prior to entering those waters.

"(2) Content of guidelines.—The guidelines issued under this subsection shall—

"(A) ensure to the maximum extent practicable that ballast water containing aquatic nuisance species is not discharged into the Great Lakes;

"(B) protect the safety of—

"(i) each vessel; and

"(ii) the crew and passengers of each vessel;

"(C) take into consideration different vessel operating conditions; and

"(D) be based on the best scientific information available.

"(b) Regulations.—

"(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Task Force, shall issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels.

"(2) Content of regulations.—The regulations issued under this subsection shall—

"(A) apply to all vessels equipped with ballast water tanks that enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone;

"(B) require a vessel to—

"(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes;

"(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

"(iii) use environmentally sound alternative ballast water management methods if the Secretary determines that such alternative methods are as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

"(C) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(D) provide for sampling procedures to monitor compliance with the requirements of the regulations;

"(E) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary's designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

"(F) protect the safety of—

"(i) each vessel; and

"(ii) the crew and passengers of each vessel;

"(G) take into consideration different operating conditions; and

"(H) be based on the best scientific information available.

"(3) Additional regulations.—In addition to promulgating regulations under paragraph (1), the Secretary, in consultation with the Task Force, shall, not later than November 4, 1994, issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through ballast water carried on vessels that enter a United States port on the Hudson River north of the George Washington Bridge.

"(4) Education and technical assistance programs.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the regulations issued under this subsection.

"(c) Voluntary National Guidelines.—

"(1) In general.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of nonindigenous species in waters of the United States by ballast water operations and other operations of vessels equipped with ballast water tanks.

"(2) Content of guidelines.—The voluntary guidelines issued under this subsection shall—

"(A) ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels;

"(B) apply to all vessels equipped with ballast water tanks that operate in waters of the United States;

"(C) protect the safety of—

"(i) each vessel; and

"(ii) the crew and passengers of each vessel;

"(D) direct a vessel that is carrying ballast water into waters of the United States after operating beyond the exclusive economic zone to—

"(i) carry out the exchange of ballast water of the vessel in waters beyond the exclusive economic zone;

"(ii) exchange the ballast water of the vessel in other waters where the exchange does not pose a threat of infestation or spread of nonindigenous species in waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

"(iii) use environmentally sound alternative ballast water management methods, including modification of the vessel ballast water tanks and intake systems, if the Secretary determines that such alternative methods are at least as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

"(E) direct vessels to carry out management practices that the Secretary determines to be necessary to reduce the probability of unintentional nonindigenous species transfer resulting from—

"(i) ship operations other than ballast water discharge; and

"(ii) ballasting practices of vessels that enter waters of the United States with no ballast water on board;

"(F) provide for the keeping of records that shall be submitted to the Secretary, as prescribed by the guidelines, and that shall be maintained on board each vessel and made available for inspection, upon request of the Secretary and in a manner consistent with subsection (i), in order to enable the Secretary to determine compliance with the guidelines, including—

"(i) with respect to each ballast water exchange referred to in clause (ii), reporting on the precise location and thoroughness of the exchange; and

"(ii) any other information that the Secretary considers necessary to assess the rate of effective compliance with the guidelines;

"(G) provide for sampling procedures to monitor compliance with the guidelines;

"(H) take into consideration—

"(i) vessel types;

"(ii) variations in the characteristics of point of origin and receiving water bodies;

"(iii) variations in the ecological conditions of waters and coastal areas of the United States; and

"(iv) different operating conditions;

"(I) be based on the best scientific information available;

"(J) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

"(K) provide an exemption from ballast water exchange requirements to passenger vessels with operating ballast water systems that are equipped with treatment systems designed to kill aquatic organisms in ballast water, unless the Secretary determines that such treatment systems are less effective than ballast water exchange at reducing the risk of transfers of invasive species in the ballast water of passenger vessels; and

"(L) not apply to crude oil tankers engaged in the coastwise trade.

"(3) Education and technical assistance programs.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, the Secretary shall carry out education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection.

"(d) Report to Congress.—Not sooner than 24 months after the date of issuance of guidelines pursuant to subsection (c) and not later than 30 months after such date, and after consultation with interested and affected persons, the Secretary shall prepare and submit to Congress a report containing the information required pursuant to paragraphs (1) and (2) of subsection (e).

"(e) Periodic Review and Revision.—

"(1) In general.—Not later than 3 years after the date of issuance of guidelines pursuant to subsection (c), and not less frequently than every 3 years thereafter, the Secretary shall, in accordance with criteria developed by the Task Force under paragraph (3)—

"(A) assess the compliance by vessels with the voluntary guidelines issued under subsection (c) and the regulations promulgated under this Act;

"(B) establish the rate of compliance that is based on the assessment under subparagraph (A);

"(C) assess the effectiveness of the voluntary guidelines and regulations referred to in subparagraph (A) in reducing the introduction and spread of aquatic nuisance species by vessels; and

"(D) as necessary, on the basis of the best scientific information available—

"(i) revise the guidelines and regulations referred to in subparagraph (A);

"(ii) promulgate additional regulations pursuant to subsection (f)(1); or

"(iii) carry out each of clauses (i) and (ii).

"(2) Special review and revision.—Not later than 90 days after the Task Force makes a request to the Secretary for a special review and revision for coastal and inland waterways designated by the Task Force, the Secretary shall—

"(A) conduct a special review of guidelines and regulations applicable to those waterways in accordance with the review procedures under paragraph (1); and

"(B) as necessary, in the same manner as provided under paragraph (1)(D)—

"(i) revise those guidelines;

"(ii) promulgate additional regulations pursuant to subsection (f)(1); or

"(iii) carry out each of clauses (i) and (ii).

"(3) CRITERIA FOR EFFECTIVENESS.—Not later than 18 months after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall submit to the Secretary criteria for determining the adequacy and effectiveness of the voluntary guidelines issued under subsection (c).

"(f) AUTHORITY OF SECRETARY.—

"(1) GENERAL REGULATIONS.—If, on the basis of a periodic review conducted under subsection (e)(1) or a special review conducted under subsection (e)(2), the Secretary determines that—

"(A) the rate of effective compliance (as determined by the Secretary) with the guidelines issued pursuant to subsection (c) is inadequate; or

"(B) the reporting by vessels pursuant to those guidelines is not adequate for the Secretary to assess the compliance with those guidelines and provide a rate of compliance of vessels, including the assessment of the rate of compliance of vessels under subsection (e)(2),

the Secretary shall promptly promulgate regulations that meet the requirements of paragraph (2).

"(2) REQUIREMENTS FOR REGULATIONS.—The regulations promulgated by the Secretary under paragraph (1)—

"(A) shall—

"(i) not be promulgated sooner than 180 days following the issuance of the report to Congress submitted pursuant to subsection (d);

"(ii) make mandatory the requirements included in the voluntary guidelines issued under subsection (c); and

"(iii) provide for the enforcement of the regulations; and

"(B) may be regional in scope.

"(3) INTERNATIONAL REGULATIONS.—The Secretary shall revise regulations promulgated under this subsection to the extent required to make such regulations consistent with the treatment of a particular matter in any international agreement, agreed to by the United States, governing management of the transfer of nonindigenous aquatic species by vessel.

"(g) SANCTIONS.—

"(1) CIVIL PENALTIES.—Any person who violates a regulation promulgated under subsection (b) or (f) shall be liable for a civil penalty in an amount not to exceed $25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

"(2) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations promulgated under subsection (b) or (f) is guilty of a class C felony.

"(3) REVOCATION OF CLEARANCE.—Upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of the regulations issued under subsection (b) or (f).

"(4) EXCEPTION TO SANCTIONS.—This subsection does not apply to a failure to exchange ballast water if—

"(A) the master of a vessel, acting in good faith, decides that the exchange of ballast water will threaten the safety or stability of the vessel, its crew, or its passengers; and

"(B) the recordkeeping and reporting requirements of the Act are complied with.

"(h) COORDINATION WITH OTHER AGENCIES.—In carrying out the programs under this section, the Secretary is encouraged to use, to the maximum extent practicable, the expertise, facilities, members, or personnel of established agencies and organizations that have routine contact with vessels, including the Animal and Plant Health Inspection Service of the Department of Agriculture, the National Cargo Bureau, port administrations, and ship pilots' associations.

"(i) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, in consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

"(j) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the International Maritime Organization of the United Nations and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

"(k) SAFETY EXEMPTION.—

"(1) MASTER DISCRETION.—The master of a vessel is not required to conduct a ballast water exchange if the master decides that the exchange would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, vessel architectural design, equipment failure, or any other extraordinary conditions.

"(2) OTHER REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a vessel that does not exchange ballast water on the high seas under paragraph (1) shall not be restricted from discharging ballast water in any harbor.

"(B) GREAT LAKES.—Subparagraph (A) shall not apply in a case in which a vessel is subject to the regulations issued by the Secretary under subsection (b).

"(l) NON-DISCRIMINATION.—The Secretary shall ensure that vessels registered outside of the United States do not receive more favorable treatment than vessels registered in the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.".

(3) CRUDE OIL TANKER BALLAST FACILITY STUDY.—(A) Within 60 days of the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, affected shoreside ballast water facility operators, affected crude oil tanker operators, and interested parties, shall initiate a study of the effectiveness of existing shoreside ballast water facilities used by crude oil tankers in the coastwise trade off Alaska in preventing the introduction of nonindigenous aquatic species into the waters off Alaska, as well as the cost and feasibility of modifying such facilities to improve such effectiveness.

(B) The study required under subparagraph (A) shall be submitted to the Congress by no later than October 1, 1997.

(c) NATIONAL BALLAST WATER MANAGEMENT INFORMATION.—Section 1102 (16 U.S.C. 4712) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1102. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.";

(2) in subsection (a)—

(A) in paragraphs (1) and (2), by inserting ", in cooperation with the Secretary," before "shall conduct" each place it appears;

(B) in paragraph (2), by inserting "Lake Champlain and other" after "economic uses of";

(3) by striking subsection (b) and inserting the following:

"(b) ECOLOGICAL AND BALLAST WATER DISCHARGE SURVEYS.—

"(1) ECOLOGICAL SURVEYS.—

"(A) IN GENERAL.—The Task Force, in cooperation with the Secretary, shall conduct ecological surveys of the Chesapeake Bay, San Francisco Bay, and Honolulu Harbor and, as necessary, of other estuaries of national significance and other waters that the Task Force determines—

"(i) to be highly susceptible to invasion by aquatic nuisance species resulting from ballast water operations and other operations of vessels; and

"(ii) to require further study.

"(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Task Force shall, with respect to each such survey—

"(i) examine the attributes and patterns of invasions of aquatic nuisance species; and

"(ii) provide an estimate of the effectiveness of ballast water management and other vessel management guidelines issued and regulations promulgated under this subtitle in abating invasions of aquatic nuisance species in the waters that are the subject of the survey.

"(2) BALLAST WATER DISCHARGE SURVEYS.—

"(A) IN GENERAL.—The Secretary, in cooperation with the Task Force, shall conduct surveys of ballast water discharge rates and practices in the waters referred to in paragraph (1)(A) on the basis of the criteria under clauses (i) and (ii) of such paragraph.

"(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Secretary shall—

"(i) examine the rate of, and trends in, ballast water discharge in the waters that are the subject of the survey; and

"(ii) assess the effectiveness of voluntary guidelines issued, and regulations promulgated, under this subtitle in altering ballast water discharge practices to reduce the probability of accidental introductions of aquatic nuisance species.

"(3) COLUMBIA RIVER.—The Secretary, in cooperation with the Task Force and academic institutions in each of the States affected, shall conduct an ecological and ballast water discharge survey of the Columbia River system consistent with the requirements of paragraphs (1) and (2)."; and

(4) by adding at the end the following new subsections:

"(e) REGIONAL RESEARCH GRANTS.—Out of amounts appropriated to carry out this subsection for a fiscal year, the Under Secretary may—

"(1) make available not to exceed $750,000 to fund research on aquatic nuisance species prevention and control in the Chesapeake Bay through grants, to be competitively awarded and subject to peer review, to universities and research institutions;

"(2) make available not to exceed $500,000 to fund research on aquatic nuisance species prevention and control in the Gulf of Mexico through grants, to be competitively awarded and subject to peer review, to universities and research institutions;

"(3) make available not to exceed $500,000 to fund research on aquatic nuisance species prevention and control for the Pacific Coast through grants, to be competitively awarded and subject to peer review, to universities and research institutions;

"(4) make available not to exceed $500,000 to fund research on aquatic nuisance species prevention and control for the Atlantic Coast through grants, to be competitively awarded and subject to peer review, to universities and research institutions; and

"(5) make available not to exceed $750,000 to fund research on aquatic nuisance species prevention and control in the San Francisco Bay-Delta Estuary through grants, to be competitively awarded and subject to peer review, to universities and research institutions.

"(f) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—

"(1) IN GENERAL.—The Secretary shall develop and maintain, in consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a clearinghouse of national data concerning—

"(A) ballasting practices;

"(B) compliance with the guidelines issued pursuant to section 1101(c); and

"(C) any other information obtained by the Task Force under subsection (b).

"(2) REPORT.—In consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), the Secretary shall prepare and submit to the Task Force and the Congress, on a biannual basis, a report that synthesizes and analyzes the data referred to in paragraph (1) relating to—

"(A) ballast water delivery and management; and

"(B) invasions of aquatic nuisance species resulting from ballast water.".

(d) ARMED SERVICES BALLAST WATER PROGRAM; BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—Subtitle B (16 U.S.C. 4701 et seq.) is amended by adding at the end the following new sections:

"SEC. 1103. ARMED SERVICES BALLAST WATER PROGRAMS.

"(a) DEPARTMENT OF DEFENSE VESSELS.—Subject to operational conditions, the Secretary of Defense, in consultation with the Secretary, the Task Force, and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Department of Defense to minimize the risk of introduction of nonindigenous species from releases of ballast water.

"(b) COAST GUARD VESSELS.—Subject to operational conditions, the Secretary, in consultation with the Task Force and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Coast Guard to minimize the risk of introduction of nonindigenous species from releases of ballast water.

"SEC. 1104. BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.

"(a) TECHNOLOGIES AND PRACTICES DEFINED.—For purposes of this section, the term 'technologies and practices' means those technologies and practices that—

"(1) may be retrofitted—

"(A) on existing vessels or incorporated in new vessel designs; and

"(B) on existing land-based ballast water treatment facilities;

"(2) may be designed into new water treatment facilities;

"(3) are operationally practical;

"(4) are safe for a vessel and crew;

"(5) are environmentally sound;

"(6) are cost-effective;

"(7) a vessel operator is capable of monitoring; and

"(8) are effective against a broad range of aquatic nuisance species.

"(b) DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—During the 18-month period beginning on the date that funds are made available by appropriations pursuant to section 1301(e), the Secretary of the Interior and the Secretary of Commerce, with the concurrence of and in cooperation with the Secretary, shall conduct a ballast water management demonstration program to demonstrate technologies and practices to prevent aquatic nonindigenous species from being introduced into and spread through ballast water in the Great Lakes and other waters of the United States.

"(2) LOCATION.—The installation and construction of the technologies and practices used in the demonstration program conducted under this subsection shall be performed in the United States.

"(3) VESSEL SELECTION.—In demonstrating technologies and practices on vessels under this subsection, the Secretary of the Interior and the Secretary of Commerce, shall—

"(A) use only vessels that—

"(i) are approved by the Secretary;

"(ii) have ballast water systems conducive to testing aboard-vessel or land-based technologies and practices applicable to a significant number of merchant vessels; and

"(iii) are—

"(I) publicly or privately owned; and

"(II) in active use for trade or other cargo shipment purposes during the demonstration;

"(B) select vessels for participation in the program by giving priority consideration—

"(i) first, to vessels documented under chapter 121 of title 46, United States Code;

"(ii) second, to vessels that are a majority owned by citizens of the United States, as determined by the Secretary; and

"(iii) third, to any other vessels that regularly call on ports in the United States; and

"(C) seek to use a variety of vessel types, including vessels that—

"(i) call on ports in the United States and on the Great Lakes; and

"(ii) are operated along major coasts of the United States and inland waterways, including the San Francisco Bay and Chesapeake Bay.

"(4) SELECTION OF TECHNOLOGIES AND PRACTICES.—In selecting technologies and practices for demonstration under this subsection, the Secretary of the Interior and the Secretary of Commerce shall give priority consideration to technologies and practices identified as promising by the National Research Council Marine Board of the National Academy of Sciences in its report on ships' ballast water operations issued in July 1996.

"(5) REPORT.—Not later than 3 years after the date of enactment of the National Invasive Species Act of 1996, the Secretary of the Interior and the Secretary of Commerce shall prepare and submit a report to the Congress on the demonstration program conducted pursuant to this section. The report shall include findings and recommendations of the Secretary of the Interior and the Secretary of Commerce concerning technologies and practices.

"(c) AUTHORITIES; CONSULTATION AND COOPERATION WITH INTERNATIONAL MARITIME ORGANIZATION AND TASK FORCE.—

"(1) AUTHORITIES.—In conducting the demonstration program under subsection (b), the Secretary of the Interior may—

"(A) enter into cooperative agreements with appropriate officials of other agencies of the Federal Government, agencies of States and political subdivisions thereof, and private entities;

"(B) accept funds, facilities, equipment, or personnel from other Federal agencies; and

"(C) accept donations of property and services.

"(2) CONSULTATION AND COOPERATION.—The Secretary of the Interior shall consult and cooperate with the International Maritime Organization and the Task Force in carrying out this section.".

(e) AMENDMENTS TO SUBTITLE C.—

(1) SUBTITLE HEADING.—The heading to subtitle C (16 U.S.C. 4721 et seq.) is amended to read as follows:

"Subtitle C—Prevention and Control of Aquatic Nuisance Species Dispersal".

(2) TASK FORCE.—Section 1201 (16 U.S.C. 4721) is amended—

(A) in subsection (b)—

(i) by striking "and" at the end of paragraph (5);

(ii) by redesignating paragraph (6) as paragraph (7); and

(iii) by inserting after paragraph (5) the following new paragraph:

"(6) the Secretary of Agriculture; and"; and

(B) in subsection (c), by inserting "the Chesapeake Bay Program, the San Francisco Bay-Delta Estuary Program," before "and State agencies".

(3) RESEARCH PROGRAM.—Section 1202 (16 U.S.C. 4722) is amended—

(A) in subsection (f)(1)(A), by inserting "and impacts" after "economic risks"; and

(B) in subsection (i)—

(i) in paragraph (1)—

(I) by striking "(1) IN GENERAL.—The Task Force" and inserting the following:

"(1) ZEBRA MUSSEL.—

"(A) IN GENERAL.—The Task Force";

(II) by striking "(A) research" and inserting the following:

"(i) research";

(III) by striking "(B) tracking" and inserting the following:

"(ii) tracking";

(IV) by striking "(C) development" and inserting the following:

"(iii) development"; and

(V) by striking "(D) provision" and inserting the following:

"(iv) provision";

(ii) in paragraph (2), by striking "(2) PUBLIC FACILITY RESEARCH AND DEVELOPMENT.—" and inserting the following:

"(B) PUBLIC FACILITY RESEARCH AND DEVELOPMENT.—";

(iii) in subparagraph (B) of paragraph (1), as so redesignated, by striking the first sentence and inserting the following: "The Assistant Secretary, in consultation with the Task Force, shall develop a program of research, technology development, and demonstration for the environmentally sound control of zebra mussels in and around public facilities.";

(iv) in paragraph (1), by adding after subparagraph (B), as so redesignated, the following new subparagraph:

"(C) VOLUNTARY GUIDELINES.—Not later than 1 year after the date of enactment of this subparagraph, the Task Force shall develop and submit to the Secretary voluntary guidelines for controlling the spread of the zebra mussel and, if appropriate, other aquatic nuisance species through recreational activities, including boating and fishing. Not later than 4 months after the date of such submission, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines that are based on the guidelines developed by the Task Force under this subparagraph."; and

(v) by adding at the end the following new paragraphs:

"(2) DISPERSAL CONTAINMENT ANALYSIS.—

"(A) RESEARCH.—The Administrator of the Environmental Protection Agency, in cooperation with the National Science Foundation and the Task Force, shall provide research grants on a competitive basis for projects that—

"(i) identify environmentally sound methods for controlling the dispersal of aquatic nuisance species, such as the zebra mussel; and

"(ii) adhere to research protocols developed pursuant to subsection (f)(2).

"(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this paragraph, $500,000.

"(3) DISPERSAL BARRIER DEMONSTRATION.—

"(A) IN GENERAL.—The Assistant Secretary, in consultation with the Task Force, shall investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species between the Great Lakes-Saint Lawrence drainage and the Mississippi River drainage through the Chicago River Ship and Sanitary Canal, including any of those methods that could be incorporated into the operation or construction of the lock system of the Chicago River Ship and Sanitary Canal.

"(B) REPORT.—Not later than 18 months after the date of enactment of this paragraph, the Assistant Secretary shall issue a report to the Congress that includes recommendations concerning—

"(i) which of the methods that are identified under the study conducted under this paragraph are most promising with respect to preventing and reducing the dispersal of aquatic nuisance species; and

"(ii) ways to incorporate those methods into ongoing operations of the United States Army Corps of Engineers that are conducted at the Chicago River Ship and Sanitary Canal.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army, to carry out this paragraph, $750,000.

"(4) CONTRIBUTIONS.—To the extent allowable by law, in carrying out the studies under paragraphs (2) and (3), the Administrator of the Environmental Protection Agency and the Secretary of the Army may enter into an agreement with an interested party under which that party provides in kind or monetary contributions for the study.

"(5) TECHNICAL ASSISTANCE.—The Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration shall provide technical assistance to appropriate entities to assist in the research conducted pursuant to this subsection.".

(4) IMPLEMENTATION.—Section 1202(j)(1) (16 U.S.C. 4722(j)(1)) is amended by striking "Not later than 18 months after the date of the enactment of this Act, the Director" and inserting "The Director, the Secretary,".

(5) REGIONAL COORDINATION.—Section 1203 (16 U.S.C. 4723) is amended—

(A) by striking the section heading and inserting the following:

"SEC. 1203. REGIONAL COORDINATION.";

(B) in subsection (a)—

(i) by striking "(a) IN GENERAL.—Not" and inserting the following:

"(a) GREAT LAKES PANEL.—

"(1) IN GENERAL.—Not";

(ii) by striking "(1) identify" and inserting the following:

"(A) identify";

(iii) by striking "(2) make" and inserting the following:

"(B) make";

(iv) by striking "(3) assist" and inserting the following:

"(C) assist";

(v) by striking "(4) coordinate" and inserting the following:

"(D) coordinate";

(vi) by striking "(5) provide" and inserting the following:

"(E) provide";

(vii) by striking "(6) submit" and inserting the following:

"(F) submit";

(viii) in paragraph (1), as so redesignated—

(I) in the matter preceding subparagraph (A), by inserting "region" before "representatives"; and

(II) in subparagraphs (A) through (F), by striking "Great Lakes" each place it appears and inserting "Great Lakes region";

(C) by striking "(b) CONSULTATION.—The Task Force" and inserting the following:

"(2) CONSULTATION.—The Task Force";

(D) by striking "(c) CANADIAN PARTICIPATION.—The panel" and inserting the following:

"(3) CANADIAN PARTICIPATION.—The panel";

(E) in paragraphs (2) and (3) of subsection (a), as so redesignated, by striking "this section" and inserting "this subsection"; and

(F) by adding at the end the following new subsections:

"(b) WESTERN REGIONAL PANEL.—Not later than 30 days after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall request a Western regional panel, comprised of Western region representatives from Federal, State, and local agencies and from private environmental and commercial interests, to—

"(1) identify priorities for the Western region with respect to aquatic nuisance species;

"(2) make recommendations to the Task Force regarding an education, monitoring (including inspection), prevention, and control program to prevent the spread of the zebra mussel west of the 100th Meridian pursuant to section 1202(i) of this Act;

"(3) coordinate, where possible, other aquatic nuisance species program activities in the Western region that are not conducted pursuant to this Act;

"(4) develop an emergency response strategy for Federal, State, and local entities for stemming new invasions of aquatic nuisance species in the region;

"(5) provide advice to public and private individuals and entities concerning methods of preventing and controlling aquatic nuisance species infestations; and

"(6) submit annually a report to the Task Force describing activities within the Western region related to aquatic nuisance species prevention, research, and control.

"(c) ADDITIONAL REGIONAL PANELS.—The Task Force shall—

"(1) encourage the development and use of regional panels and other similar entities in regions in addition to the Great Lakes and Western regions (including providing financial assistance for the development and use of such entities) to carry out, with respect to those regions, activities that are similar to the activities described in subsections (a) and (b); and

"(2) cooperate with regional panels and similar entities that carry out the activities described in paragraph (1).".

(6) STATE OR INTERSTATE WATERSHED AQUATIC NUISANCE SPECIES MANAGEMENT PLAN.—Section 1204 (16 U.S.C. 4724) is amended—

(A) in subsection (a)—

(i) by striking the subsection designation and heading and inserting the following:

"(a) STATE OR INTERSTATE INVASIVE SPECIES MANAGEMENT PLANS.—";

(ii) in paragraph (1)—

(I) by striking the matter preceding subparagraph (A) and inserting the following:

"(1) IN GENERAL.—After providing notice and opportunity for public comment, the Governor of each State may prepare and submit, or the Governors of the States and the governments of the Indian tribes involved in an interstate organization, may jointly prepare and submit—";

(II) in subparagraph (A), by striking "technical and financial assistance" and inserting "technical, enforcement, or financial assistance (or any combination thereof)"; and

(III) in subparagraphs (A) and (B), by inserting "or within the interstate region involved" after "within the State" each place it appears;

(iii) in paragraph (2)—

(I) in subparagraph (B), by striking "and" at the end of the subparagraph;

(II) by redesignating subparagraph (C) as subparagraph (D);

(III) by inserting after subparagraph (B) the following:

"(C) identify any authority that the State (or any State or Indian tribe involved in the interstate organization) does not have at the time of the development of the plan that may be necessary for the State (or any State or Indian tribe involved in the interstate organization) to protect public health, property, and the environment from harm by aquatic nuisance species; and"; and

(IV) in subparagraph (D), as so redesignated, by inserting ", and enabling legislation" before the period;

(iv) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by inserting "or interstate organization" after "the State"; and

(bb) by inserting "Indian tribes," after "local governments and regional entities,"; and

(II) in subparagraph (B), by inserting "or the appropriate official of an interstate organization" after "a State"; and

(v) in paragraph (4), by inserting "or the interstate organization" after "the Governor";

(B) in subsection (b)(1)—

(i) by striking "or the Assistant Secretary, as appropriate under subsection (a),"; and

(ii) by striking "approved management plans" and inserting "management plans approved under subsection (a)"; and

(C) by adding at the end the following new subsection:

"(c) ENFORCEMENT ASSISTANCE.—Upon request of a State or Indian tribe, the Director or the Under Secretary, to the extent allowable by law and in a manner consistent with section 141 of title 14, United States Code, may provide assistance to a State or Indian tribe in enforcing an approved State or interstate invasive species management plan.".

(f) AUTHORIZATIONS OF APPROPRIATIONS.—Section 1301 (16 U.S.C. 4741) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (2);

(B) by striking paragraph (3) and inserting the following;

"(3) to the Secretary to carry out section 1101—

"(A) $2,000,000 for each of fiscal years 1997 and 1998; and

"(B) $3,000,000 for each of fiscal years 1999 through 2002;"; and

(C) by adding at the end the following new paragraphs:

"(4) for each of fiscal years 1997 through 2002, to carry out paragraphs (1) and (2) of section 1102(b)—

"(A) $1,000,000 to the Department of the Interior, to be used by the Director; and

"(B) $1,000,000 to the Secretary; and

"(5) for each of fiscal years 1997 through 2002—

"(A) $3,000,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to the Under Secretary to carry out section 1102(e); and

"(B) $500,000 to the Secretary to carry out section 1102(f).";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "1991, 1992, 1993, 1994, and 1995" and inserting "1997 through 2002"; and

(B) by striking paragraphs (1) through (7) and inserting the following:

"(1) $6,000,000 to the Department of the Interior, to be used by the Director to carry out sections 1202 and 1209;

"(2) $1,000,000 to the Department of Commerce, to be used by the Under Secretary to carry out section 1202;

"(3) $1,625,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to fund aquatic nuisance species prevention and control research under section 1202(i) at the Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration, of which $500,000 shall be made available for grants, to be competitively awarded and subject to peer review, for research relating to Lake Champlain;

"(4) $5,000,000 for competitive grants for university research on aquatic nuisance species under section 1202(f)(3) as follows:

"(A) $2,800,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to fund grants under section 205 of the National Sea Grant College Program Act (33 U.S.C. 1124);

"(B) $1,200,000 to fund grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322); and

"(C) $1,000,000 to fund grants through the Cooperative Fisheries and Wildlife Research Unit Program of the United States Fish and Wildlife Service;

"(5) $3,000,000 to the Department of the Army, to be used by the Assistant Secretary to carry out section 1202(i)(1)(B); and

"(6) $300,000 to the Department of the Interior, to be used by the Director to fund regional panels and similar entities under section 1203, of which $100,000 shall be used to fund activities of the Great Lakes Commission.";

(3) by striking subsection (c) and inserting the following:

"(c) GRANTS FOR STATE MANAGEMENT PROGRAMS.—There are authorized to be appropriated for each of fiscal years 1997 through 2002 $4,000,000 to the Department of the Interior, to be used by the Director for making grants under section 1204, of which $1,500,000 shall be used by the Director, in consultation with the Assistant Secretary, for management of aquatic nuisance vegetation species."; and

(4) by adding at the end the following new subsections:

"(e) BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—There are authorized to be appropriated $2,500,000 to carry out section 1104.

"(f) RESEARCH.—There are authorized to be appropriated to the Director $1,000,000 to carry out research on the prevention, monitoring, and control of aquatic nuisance species in Narragansett Bay, Rhode Island. The funds shall be made available for use by the Department of Environmental Management of the State of Rhode Island.

(g) REFERENCES TO APPROPRIATE COMMITTEES.—The Act (16 U.S.C. 4701 et seq.) is amended by striking "appropriate Committees" each place it appears and inserting "Congress".

(h) TECHNICAL CORRECTIONS.—Public Law 101-646 (16 U.S.C. 4701 et seq.) is amended—

(1) in titles I, II, and IV, by striking the quotation marks at the beginning of any title, subtitle, section, subsection, paragraph, subparagraph, clause, subclause, or undesignated provision;

(2) at the end of titles II and IV, by striking the closing quotation marks and the final period; and

(3) in section 1003—

(A) by striking each single opening quotation mark and inserting double opening quotation marks; and

(B) by striking each single closing quotation mark and inserting double closing quotations marks.

SEC. 3. STATUTORY CONSTRUCTION.

Nothing in this Act or the amendments made by this Act is intended to affect the authorities and responsibilities of the Great Lakes Fishery Commission established under article II of the Convention on Great Lakes Fisheries between the United States of America and Canada, signed at Washington on September 10, 1954 (hereafter in this section referred to as the "Convention"), including the authorities and responsibilities of the Great Lakes Fishery Commission—

(1) for developing and implementing a comprehensive program for eradicating or minimizing populations of sea lamprey in the Great Lakes watershed; and

(2) carrying out the duties of the Commission specified in the Convention (including any amendment thereto) and the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et seq.).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4283, NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes to the bill, H.R. 4283.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

Mr. CRANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3815) to make technical corrections and miscellaneous amendments to trade laws, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Payment of duties and fees.
Sec. 3. Other technical and conforming amendments.
Sec. 4. Clarification regarding the application of customs user fees.
Sec. 5. Technical amendment to the Customs and Trade Act of 1990.
Sec. 6. Clarification of fees for certain customs services.
Sec. 7. Special rule for extending time for filing drawback claims.
Sec. 8. Treatment of entries of certain televisions.
Sec. 9. Temporary duty suspension for personal effects of participants in certain world athletic events.
Sec. 10. Miscellaneous technical correction.
Sec. 11. Uruguay Round Agreements Act.
Sec. 12. Imports of civil aircraft.
Sec. 13. Technical correction to certain chemical description.
Sec. 14. Marking of certain imported articles and containers.
Sec. 15. Tariff treatment of certain silver, gold, and platinum bars.
Sec. 16. Suspension of duty on certain semimanufactured forms of gold.
Sec. 17. Elimination of East-West Trade Statistics Monitoring System.
Sec. 18. Retroactive election to reconcile entries.
Sec. 19. Tariff treatment for certain motor vehicles.
Sec. 20. Technical amendments relating to Public Law 103–465.
Sec. 21. Technical amendments relating to Public Law 103–182.
Sec. 22. Technical amendment regarding judicial review.
Sec. 23. Reliquidation of entries of warp knitting machines.
Sec. 24. Temporary suspension of duty on diclofop-methyl.
Sec. 25. Elimination of duty on 2-amino-3-chlorobenzoic acid, methyl ester.

Sec. 26. Elimination of duty on 3,3'-diaminobenzidine (tetraamino biphenyl).
Sec. 27. Certain unliquidated vessel repair entries.
Sec. 28. Duty on display fireworks.
Sec. 29. Personal allowance duty exemption for merchandise purchased in a duty-free sales enterprise.
Sec. 30. Temporary duty suspension for certain motorcycles.
Sec. 31. Deferral of duty on certain production equipment.
Sec. 32. Temporary suspension of duty on thidiazuron.
Sec. 33. 2,3,3-trimethyl-indolenine.
Sec. 34. Bis(4-amino-3-methylcyclohexyl)-methane.
Sec. 35. Limitation on designation as beneficiary developing country.
Sec. 36. Temporary duty suspension on certain chemicals used in the formulation of an HIV protease inhibitor.
Sec. 37. Treatment of certain entries of buffalo leather.
Sec. 38. Fees for certain customs services.
Sec. 39. Injury determinations for certain countervailing duty orders.
Sec. 40. Treatment of difference between collections of estimated antidumping duty and final assessed duty under antidumping duty order.
Sec. 41. Certain lead fuel test assemblies.
Sec. 42. Suspension of duty on certain injection molding machines.
Sec. 43. Reliquidation of certain entries of color televisions.
Sec. 44. Articles used to provide repair and maintenance services.
Sec. 45. Yttrium oxide and cerium aluminum terbium used as luminophores.
Sec. 46. Pharmaceutical grade phospholipids.
Sec. 47. Certain structures, parts and components used in the Gemini Telescopes Project, Mauna Kea, Hawaii.
Sec. 48. Articles provided to Steward Observatory.
Sec. 49. Reliquidation of certain frozen concentrated orange juice entries.
Sec. 50. Twine, cordage, ropes, and cables.
Sec. 51. Suspension of duty on certain fatty acid esters.
Sec. 52. Duty suspension on a mobile bison slaughter unit.
Sec. 53. Exemption from tariffs and fees for certain aircraft parts and equipment.
Sec. 54. Reliquidation of certain entries of live swine.
Sec. 55. Reliquidation of certain entries of sewing machines.
Sec. 56. Temporary duty suspension on certain textured rolled glass sheets.
Sec. 57. Temporary suspension of duty on DEMT.
Sec. 58. Investigation on cattle and beef trade.
Sec. 59. Special rule for Generalized System of Preferences.

SEC. 2. PAYMENT OF DUTIES AND FEES.

(a) INTEREST ACCRUAL.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended in the second sentence by inserting after "duties, fees, and interest" the following: "or, in a case in which a claim is made under section 520(d), from the date on which such claim is made,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims made pursuant to section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) on or after June 7, 1996.

SEC. 3. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) EXAMINATION OF BOOKS AND WITNESSES.—Section 509(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(2)) is amended by striking "(c)(1)(A)" and inserting "(d)(1)(A)".

(2) REQUIREMENT FOR CERTIFICATE FOR IMPORTATION OF ALCOHOLIC LIQUORS ABOARD SMALL VESSELS.—Section 7 of the Act of August 5, 1935 (19 U.S.C. 1707; 49 Stat. 520), is repealed.

(3) MANIFESTS.—Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended in the matter preceding subparagraph (A) by striking "such manifest" and inserting "a vessel manifest".

(4) PENALTIES FOR CERTAIN VIOLATIONS.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(A) in subsection (a)(1), by striking "lawful duty" and inserting "lawful duty, tax, or fee"; and

(B) in subsections (b)(1)(A)(vi), (c)(2)(A)(ii), (c)(3)(A)(ii), (c)(4)(A)(i), and (c)(4)(B) by striking "lawful duties" each place it appears and inserting "lawful duties, taxes, and fees".

(5) DEPRIVATION OF LAWFUL DUTIES, TAXES, OR FEES.—Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended by striking "or fees be restored" and inserting "and fees be restored".

(6) RECONCILIATION TREATED AS ENTRY FOR RECORDKEEPING.—

(A) Section 401(s) of the Tariff Act of 1930 (19 U.S.C. 1401(s)) is amended by inserting "recordkeeping," after "reliquidation,".

(B) Section 508(c)(1) of such Act (19 U.S.C. 1508(c)(1)) is amended by inserting ", filing of a reconciliation," after "entry".

(7) EXTENSION OF LIQUIDATION.—Section 504(d) of the Tariff Act of 1930 (19 U.S.C. 1504(d)) is amended—

(A) in the first sentence, by inserting ", unless liquidation is extended under subsection (b)," after "shall liquidate the entry"; and

(B) in the second sentence, by inserting "(other than an entry with respect to which liquidation has been extended under subsection (b))" after "Any entry".

(8) EXEMPTION FROM DUTY FOR PERSONAL AND HOUSEHOLD GOODS ACCOMPANYING RETURNING RESIDENTS.—Section 321(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(B)) is amended by inserting ", 9804.00.65," after "9804.00.30".

(9) DEBT COLLECTION.—Section 631(a) of the Tariff Act of 1930 (19 U.S.C. 1631(a)) is amended by adding at the end the following new subsection:

"(c) PAYMENT OF COSTS.—The debtor shall be assessed and pay any and all costs associated with collection efforts pursuant to this section. Notwithstanding section 3302(b) of title 31, United States Code, any sum so collected shall be used to pay the costs of debt collection services.".

(10) DESIGNATION OF CUSTOMS OFFICER.—Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended in paragraphs (3) and (4) by striking "appropriate regional commissioner" and inserting "officer designated pursuant to regulations".

(11) REVIEW OF PROTESTS.—Section 515(d) of the Tariff Act of 1930 (19 U.S.C. 1515(d)) is amended by striking "district director" and inserting "port director".

(12) ADMINISTRATIVE EXEMPTIONS.—Section 321(a) of the Tariff Act of 1930 (19 U.S.C. 1321(a)) is amended—

(A) in paragraph (1), by striking "duties, fees, and taxes actually accruing" and inserting "duties, fees, taxes, and interest actually accruing"; and

(B) in paragraph (3)—

(i) by striking "and taxes" and inserting "taxes, and interest"; and

(ii) by striking "or taxes" and inserting "taxes, or interest".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as of December 8, 1993.

SEC. 4. CLARIFICATION REGARDING THE APPLICATION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Subparagraph (D) of section 13031(b)(8) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)(D)) is amended—

(1) in clause (iv)—

(A) by striking "subparagraph 9802.00.80 of such Schedules" and inserting "heading 9802.00.80 of such Schedule"; and

(B) by striking "and" at the end of clause (iv);

(2) by striking the period at the end of clause (v) and inserting "; and"; and

(3) by inserting after clause (v) the following new clause:

"(vi) in the case of merchandise entered from a foreign trade zone (other than merchandise to which clause (v) applies), be applied only to the value of the privileged or nonprivileged foreign status merchandise under section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to—

(1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and

(2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if liquidation of the entry was not final before such 15th day.

(c) APPLICATION OF FEES TO CERTAIN AGRICULTURAL PRODUCTS.—The amendment made by section 111(b)(2)(D)(iv) of the Customs and Trade Act of 1990 shall apply to—

(1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and

(2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if the liquidation of the entry was not final before such 15th day.

SEC. 5. TECHNICAL AMENDMENT TO THE CUSTOMS AND TRADE ACT OF 1990.

Subsection (b) of section 484H of the Customs and Trade Act of 1990 (19 U.S.C. 1553 note) is amended by striking ", or withdrawn from warehouse for consumption," and inserting "for transportation in bond".

SEC. 6. CLARIFICATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended—

(1) by striking "centralized hub facility or" in clause (i); and

(2) in clause (ii)—

(A) by striking "facility—" and inserting "facility or centralized hub facility—",

(B) by striking "customs inspectional" in subclause (I), and

(C) by striking "at the facility" in subclause (I) and inserting "for the facility".

(b) DEFINITIONS.—Section 13031(b)(9)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(i)) is amended—

(1) by striking ", as in effect on July 30, 1990", and

(2) by adding at the end thereof the following new sentence: "Nothing in this paragraph shall be construed as prohibiting the Secretary of the Treasury from processing merchandise that is informally entered or released at any centralized hub facility or express consignment carrier facility during the normal operating hours of the Customs Service, subject to reimbursement and payment under subparagraph (A).".

(c) CITATION.—Section 13031(b)(9)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(ii)) is amended by striking "section 236 of the Tariff and Trade Act of 1984" and inserting "section 236 of the Trade and Tariff Act of 1984".

SEC. 7. SPECIAL RULE FOR EXTENDING TIME FOR FILING DRAWBACK CLAIMS.

Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended by adding at the end the following:

"(3)(A) The Customs Service may, notwithstanding the limitation set forth in paragraph (1), extend the time for filing a drawback claim for a period not to exceed 18 months, if—

"(i) the claimant establishes to the satisfaction of the Customs Service that the claimant was unable to file the drawback claim because of an event declared by the President to be a major disaster on or after January 1, 1994; and

"(ii) the claimant files a request for such extension with the Customs Service—

"(I) within 1 year from the last day of the 3-year period referred to in paragraph (1), or

"(II) within 1 year after the date of the enactment of this paragraph,

whichever is later.

"(B) If an extension is granted with respect to a request filed under this paragraph, the periods of time for retaining records set forth in subsection (t) of this section and section 508(c)(3) shall be extended for an additional 18 months or, in a case to which subparagraph (A)(ii) applies, for a period not to exceed 1 year from the date the claim is filed.

"(C) For purposes of this paragraph, the term 'major disaster' has the meaning given that term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).".

SEC. 8. TREATMENT OF ENTRIES OF CERTAIN TELEVISIONS.

(a) In General.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at New York, New York, which are listed in subsection (c), in accordance with the final results of the administrative review, covering the period from May 1, 1984, through March 31, 1985, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A–580–008).

(b) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) Entry List.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
84–4426808	August 29, 1984
84–4427823	September 4, 1984
84–4077985	July 25, 1984
84–4080859	August 3, 1984
84–4080817	August 3, 1984
84–4077723	August 1, 1984
84–4075194	July 10, 1984
84–4076481	July 17, 1984
84–4080930	August 9, 1984.

SEC. 9. TEMPORARY DUTY SUSPENSION FOR PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.98.05	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1998 Goodwill Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing event by or on behalf of the foregoing persons or the organizing committee of such event; articles to be used in exhibitions depicting the culture of a country participating in such event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow	Free	No change	Free	On or before 2/1/99".

(b) Taxes and Fees Not To Apply.—The articles described in heading 9902.98.05 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) Effective Date.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 10. MISCELLANEOUS TECHNICAL CORRECTION.

Section 313(s)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(s)(2)(B)) is amended by striking "successor" each place it appears and inserting "predecessor".

SEC. 11. URUGUAY ROUND AGREEMENTS ACT.

Section 405(b) of the Uruguay Round Agreements Act (19 U.S.C. 3602(b)) is amended—

(1) in paragraph (1) by striking "1(a)" and inserting "1(b)"; and

(2) in paragraph (2) by striking "1(b)" and inserting "1(a)".

SEC. 12. IMPORTS OF CIVIL AIRCRAFT.

General Note 6 of the Harmonized Tariff Schedule of the United States is amended to read as follows:

"6. Articles Eligible for Duty-Free Treatment Pursuant to the Agreement on Trade in Civil Aircraft.

"(a) Whenever a product is entered under a provision for which the rate of duty 'Free (C)' appears in the 'Special' subcolumn and a claim for such rate of duty is made, the importer—

"(i) shall maintain such supporting documentation as the Secretary of the Treasury may require; and

"(ii) shall be deemed to certify that the imported article is a civil aircraft, or has been imported for use in a civil aircraft and will be so used.

The importer may amend the entry or file a written statement to claim a free rate of duty under this note at any time before the liquidation of the entry becomes final, except that, notwithstanding section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)), any refund resulting from any such claim shall be without interest.

"(b)(i) For purposes of the tariff schedule, the term 'civil aircraft' means any aircraft, aircraft engine, or ground flight simulator (including parts, components, and subassemblies thereof)—

"(A) that is used as original or replacement equipment in the design, development, testing, evaluation, manufacture, repair, maintenance, rebuilding, modification, or conversion of aircraft; and

"(B)(1) that is manufactured or operated pursuant to a certificate issued by the Administrator of the Federal Aviation Administration (hereafter referred to as the 'FAA') under section 44704 of title 49, United States Code, or pursuant to the approval of the airworthiness authority in the country of exportation, if such approval is recognized by the FAA as an acceptable substitute for such an FAA certificate;

"(2) for which an application for such certificate has been submitted to, and accepted by, the Administrator of the FAA by an existing type and production certificate holder pursuant to section 44702 of title 49, United States Code, and regulations promulgated thereunder; or

"(3) for which an application for such approval or certificate will be submitted in the future by an existing type and production certificate holder, pending the completion of design or other technical requirements stipulated by the Administrator of the FAA.

"(ii) The term 'civil aircraft' does not include any aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) purchased for use by the Department of Defense or the United States Coast Guard, unless such aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) satisfies the requirements of subdivisions (i)(A) and (i)(B) (1) or (2).

"(iii) Subdivision (i)(B)(3) shall apply only to such quantities of the parts, components, and subassemblies as are required to meet the design and technical requirements stipulated by the Administrator. The Commissioner of Customs may require the importer to estimate the quantities of parts, components, and subassemblies covered for purposes of such subdivision.".

SEC. 13. TECHNICAL CORRECTION TO CERTAIN CHEMICAL DESCRIPTION.

(a) Amendment to Subheading 2933.90.02.—The article description for subheading 2933.90.02 of the Harmonized Tariff Schedule of the United States is amended by striking "(Quizalofop ethyl)".

(b) Effective Date.—

(1) General Rule.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) Retroactive Provision.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request (which includes sufficient information to identify and locate the entry) filed with the Customs Service on or before the date that is 180 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article that occurred—

(A) after December 31, 1994, and before the date that is 15 days after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a lesser duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

SEC. 14. MARKING OF CERTAIN IMPORTED ARTICLES AND CONTAINERS.

(a) In General.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (h), (i), (j), and (k), respectively, and

(2) by inserting after subsection (e) the following new subsections:

"(f) Marking of Certain Coffee and Tea Products.—The marking requirements of subsections (a) and (b) shall not apply to articles described in subheadings 0901.21, 0901.22, 0902.10, 0902.20, 0902.30, 0902.40, 2101.10, and 2101.20 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.

"(g) Marking of Spices.—The marking requirements of subsections (a) and (b) shall not apply to articles provided for under subheadings 0904.11, 0904.12, 0904.20, 0905.00, 0906.10, 0906.20, 0907.00, 0908.10, 0908.20, 0908.30, 0909.10, 0909.20, 0909.30, 0909.40, 0909.50, 0910.10, 0910.20, 0910.30, 0910.40, 0910.50, 0910.91, 0910.99, 1106.20, 1207.40, 1207.50, 1207.91, 1404.90, and 3302.10, and items classifiable in categories 0712.90.60, 0712.90.8080, 1209.91.2000, 1211.90.2000, 1211.90.8040, 1211.90.8050, 1211.90.8090, 2006.00.3000, 2918.13.2000, 3203.00.8000, 3301.90.1010, 3301.90.1020, and 3301.90.1050 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.".

(b) Conforming Amendment.—Section 304(i) of such Act, as redesignated by subsection (a)(1), is amended by striking "subsection (f)" and inserting "subsection (h)".

(c) Effective Date.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

SEC. 15. TARIFF TREATMENT OF CERTAIN SILVER, GOLD, AND PLATINUM BARS.

(a) In General.—Subchapter II of chapter 71 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking subheading 7106.92.00 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7106.91:

"7106.92	Semimanufactured:			
7106.92.10	Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of silver and not otherwise marked or decorated than with weight, purity, or other identifying information	Free		Free
7106.92.50	Other	4.8%	Free (A*, CA, E, IL, J, MX)	65%";

(2) by striking subheading 7108.13.50 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7108.13.10:

"	Other:			
7108.13.55	Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of gold and not otherwise marked or decorated than with weight, purity, or other identifying information	Free		Free
7108.13.70	Other	6.6%	Free (CA, E, IL, J, MX)	65%";

and

(3) by striking subheadings 7115.90.10 through 7115.90.50 and inserting in numerical sequence the following new subheadings and superior text, with the article description for subheading 7115.90.05 having the same degree of indentation as the article description for subheading 7116.10.10:

" 7115.90.05	Articles of precious metal, in rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of a precious metal and not otherwise marked or decorated than with weight, purity, or other identifying information	Free		Free
	Other:			
7115.90.30	Of gold, including metal clad with gold	6.2%	Free (A*, CA, E, IL, J, MX)	110%
7115.90.40	Of silver, including metal clad with silver	4.8%	Free (A*, CA, E, IL, J, MX)	65%
7115.90.60	Other	6.4%	Free (A, CA, E, IL, J, MX)	65%".

(b) Conforming Amendments.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking "7106.92.00 Chile" and inserting "7106.92.50 Chile"; and

(2) by striking "7115.90.10 Argentina" and "7115.90.20 Argentina" and inserting "7115.90.30 Argentina" and "7115.90.40 Argentina", respectively.

(c) Staged Rate Reductions.—Any staged rate reduction that was proclaimed by the President before the date of the enactment of this Act to take effect on or after the date of the enactment of this Act—

(1) of a rate of duty set forth in subheading 7106.92.00 of the Harmonized Tariff Schedule of the United States shall apply to the corresponding rate of duty in subheading 7106.92.50 of such Schedule (as added by subsection (a)(1));

(2) of a rate of duty set forth in subheading 7108.13.50 shall apply to the corresponding rate of duty in subheading 7108.13.70 of such Schedule (as added by subsection (a)(2));

(3) of a rate of duty set forth in subheading 7115.90.10 shall apply to the corresponding rate of duty in subheading 7115.90.30 of such Schedule (as added by subsection (a)(3));

(4) of a rate of duty set forth in subheading 7115.90.20 shall apply to the corresponding rate of duty in subheading 7115.90.40 of such Schedule (as added by subsection (a)(3)); and

(5) of a rate of duty set forth in subheading 7115.90.50 shall apply to the corresponding rate of duty in subheading 7115.90.60 of such Schedule (as added by subsection (a)(3)).

(d) Effective Date.—The amendments made by this section shall apply with respect to goods that are entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

SEC. 16. SUSPENSION OF DUTY ON CERTAIN SEMIMANUFACTURED FORMS OF GOLD.

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by adding in numerical sequence the following new heading:

" 9902.71.08	Wire containing 99.9 percent or more by weight of gold and with dopants added to control wirebonding characteristics, having a diameter of 0.05 millimeters or less, for use in the manufacture of diodes, transistors, and similar semiconductor devices or electronic integrated circuits	Free	No change	No change	On or before 12/31/2000".

(b) Effective Date.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 17. ELIMINATION OF EAST-WEST TRADE STATISTICS MONITORING SYSTEM.

Section 410 of the Trade Act of 1974 (19 U.S.C. 2440) is repealed.

SEC. 18. RETROACTIVE ELECTION TO RECONCILE ENTRIES.

(a) Definition of Entry Reconciliation.—The first sentence of section 401(s) of the Tariff Act of 1930 (19 U.S.C. 1401(s)) is amended to read as follows: "The term 'reconciliation' means an electronic process, initiated at the request of an importer, under which the elements of an entry (other than those elements related to the admissibility of the merchandise) that are undetermined at the time the importer files or transmits the documentation or information required by section 484(a)(1)(B), or the import activity summary statement, are provided to the Customs Service at a later time.".

(b) Reconciliation Requirements.—Section 484(b)(1) (19 U.S.C. 1484(b)(1)) of such Act is amended by striking the first and second sentences and inserting the following: "A party may elect to file a reconciliation with regard to such entry elements as are identified by the party pursuant to regulations prescribed by the

Secretary. If the party so elects, the party shall declare that a reconciliation will be filed. The declaration shall be made in such manner as the Secretary shall prescribe and at the time the documentation or information required by subsection (a)(1)(B) or the import activity summary statement is filed with, or transmitted to, the Customs Service, or at such later time as the Customs Service may, in its discretion, permit. The reconciliation shall be filed by the importer of record at such time and in such manner as the Secretary prescribes but not later than 15 months after the date the importer declares his intent to file the reconciliation. In the case of reconciling issues relating to the assessment of antidumping and countervailing duties, the reconciliation shall be filed not later than 90 days after the date the Customs Service advises the importer that the period of review for antidumping or countervailing duty purposes has been completed.".

SEC. 19. TARIFF TREATMENT FOR CERTAIN MOTOR VEHICLES.

General Note 3 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subdivision:

"(d) CERTAIN MOTOR VEHICLES MANUFACTURED IN FOREIGN TRADE ZONES.

"(i) DUTY IMPOSED. Notwithstanding any other provision of law, the duty imposed on a qualified article shall be the amount determined by multiplying the applicable foreign value content of such article by the applicable rate of duty for such article.

"(ii) QUALIFIED ARTICLE. For purposes of this subdivision, the term 'qualified article' means an article that is—

"(A) classifiable under any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States,

"(B) produced or manufactured in a foreign trade zone before January 1, 1996,

"(C) exported therefrom to a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3301(4)), and

"(D) subsequently imported from that NAFTA country into the customs territory of the United States—

"(I) on or after the effective date of this subdivision, or

"(II) on or after January 1, 1994, and before such effective date, if the entry of such article is unliquidated, under protest, or in litigation, or liquidation is otherwise not final on such effective date.

"(iii) APPLICABLE FOREIGN VALUE CONTENT.

"(A) APPLICABLE FOREIGN VALUE CONTENT. For purposes of this subdivision, the term 'applicable foreign value content' means the amount determined by multiplying the value of a qualified article by the applicable percentage.

"(B) APPLICABLE PERCENTAGE. The term 'applicable percentage' means the FTZ percentage for the article plus 5 percentage points.

"(iv) OTHER DEFINITIONS AND SPECIAL RULES. For purposes of this subdivision—

"(A) FTZ PERCENTAGE. The FTZ percentage for a qualified article shall be the percentage determined in accordance with subparagraph (I), (II), or (III) of this paragraph, whichever is applicable.

"(I) REPORT FOR YEAR PUBLISHED. If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article was manufactured has been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in that report for the subzone in which the qualified article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

"(II) REPORT FOR YEAR NOT PUBLISHED. If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article was manufactured has not been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in the most recently published FTZ Annual Report for the subzone in which the article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

"(B) APPLICABLE RATE OF DUTY. The term 'applicable duty rate' means the rate of duty set forth in any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States that is applicable to the qualified article and which would apply to the article if the article were directly entered for consumption into the United States from the foreign trade zone with non-privileged foreign status having been claimed for all foreign merchandise used in the manufacture or production of the qualified article.

"(C) FOREIGN TRADE ZONE; SUBZONE. The terms 'foreign trade zone' and 'subzone' mean a zone or subzone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

"(D) FTZ ANNUAL REPORT. The term 'FTZ Annual Report' means the Annual Report to the Congress published in accordance with section 16 of the Foreign Trade Zones Act (19 U.S.C. 81p(c)).

"(E) NON-PRIVILEGED FOREIGN STATUS. The term 'non-privileged foreign status' means that privilege has not been requested with respect to an article pursuant to section 3 of the Foreign Trade Zones Act.".

SEC. 20. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103–465.

(a) TITLE I.—

(1) Section 516A(a)(2)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)(A)(i)(I)) is amended by adding a comma after "subparagraph (B)".

(2) Section 132 of the Uruguay Round Agreements Act (19 U.S.C. 3552) is amended by striking "title" and inserting "section".

(b) TITLE II.—

(1)(A) The item relating to section 221 in the table of contents of the Uruguay Round Agreements Act is amended to read as follows:

"Sec. 221. Special rules for review of determinations.".

(B) The section heading for section 221 of that Act is amended to read as follows:

"SEC. 221. SPECIAL RULES FOR REVIEW OF DETERMINATIONS.".

(2) Section 270(a)(2)(B) of the Uruguay Round Agreements Act is amended by striking "771(A)(c)" and inserting "771A(c)".

(3) Section 702(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1671a(c)(5)) is amended by striking "(b)(1)(A)" and inserting "(b)(1)".

(4) Section 732(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1673a(c)(5)) is amended by striking "(b)(1)(A)" and inserting "(b)(1)".

(5) Section 212(b)(1)(C)(i)(I) of the Uruguay Round Agreements Act is amended by striking "the petition" and inserting "a petition".

(6) Section 214(b)(2)(A)(i)(II) of the Uruguay Round Agreements Act is amended by striking "the merchandise" and inserting "merchandise".

(7) Section 771(16)(B)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(16)(B)(i)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(8) Section 732(e)(1) of the Tariff Act of 1930 (19 U.S.C. 1673a(e)(1)) is amended by striking "the the" and inserting "the".

(9) Section 233(a)(6)(C) of the Uruguay Round Agreements Act is amended by inserting "each place it appears" after "commence".

(10) Section 261(d)(1)(A)(ii) of the Uruguay Round Agreements Act is amended by inserting after "is amended" the following: "by striking 'as follows:' and inserting a comma and".

(11) Section 261(d)(1)(B)(ii)(I) of the Uruguay Round Agreements Act is amended by inserting "of" after "section 303 or".

(12) Section 337(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1337(b)(3)) is amended in the first sentence by striking "such section and".

(13) Section 281(h)(4) of the Uruguay Round Agreements Act is amended by striking "(A),".

(14) Section 771(30) of the Tariff Act of 1930 (19 U.S.C. 1677(30)) is amended by striking "agreement" and inserting "Agreement".

(15) Section 705(c)(1)(B)(i)(II) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(1)(B)(i)(II)) is amended by inserting "section" after "if".

(16) Section 282(d) of the Uruguay Round Agreements Act (19 U.S.C. 3572(d)) is amended by aligning the text of the last sentence with the text of the first sentence.

(17) Section 783(f) of the Tariff Act of 1930 (19 U.S.C. 1677n(f)) is amended by striking "subsection (d)" and inserting "subsection (e)".

(c) TITLE III.—

(1) Section 314(e) of the Uruguay Round Agreements Act is amended in the matter proposed to be inserted as section 306(b)(1) of the Trade Act of 1974, by striking the closed quotation marks and second period at the end.

(2) Section 321(a)(1)(C)(i) of the Uruguay Round Agreements Act is amended to read as follows:

"(i) in the first sentence by striking 'such Act' and inserting 'such subtitle'; and".

(3) Section 592A(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1592A(a)(3)) is amended by striking "list under paragraph (2)" and inserting "list under paragraph (1)".

(4) Section 301(c)(4) of the Trade Act of 1974 (19 U.S.C. 2411(c)(4)) is amended by striking "paragraph (1)(C)(iii)" and inserting "paragraph (1)(D)(iii)".

(5) Section 202(d)(4)(A)(i) of the Trade Act of 1974 (19 U.S.C. 2252(d)(4)(A)(i)) is amended by striking "section 202(b)" and inserting "subsection (b)".

(6) Section 304(a)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2414(a)(3)(A)) is amended by inserting "Rights" after "Intellectual Property".

(7) Section 331 of the Uruguay Round Agreements Act (19 U.S.C. 3591) is amended by striking ", as defined in section 2(9) of the Uruguay Round Implementation Act,".

(8) Section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854) is amended in the second sentence by striking "Implementation" and inserting "Agreements".

(9) Section 334(b)(1)(B)(ii) of the Uruguay Round Agreements Act (19 U.S.C. 3592(b)(1)(B)(ii)) is amended by striking "possession," and inserting "possession;".

(10) Section 305(d)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(d)(2)) is amended—

(A) by striking "or" after the semicolon at the end of subparagraph (B); and

(B) in subparagraph (C) by striking the period at the end and inserting a semicolon.

(11) Section 304 of the Trade Agreements Act of 1979 (19 U.S.C. 2514) is amended—

(A) in subsection (a) by striking the comma after "XXIV(7)"; and

(B) in subsection (c)—

(i) by striking the comma after "XXIV(7)"; and

(ii) by striking the comma after "XIX(5)".

(12) Section 308(4)(D) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(D)) is amended by striking "the the" and inserting "the".

(13) Section 305(g) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)) is amended—

(A) in paragraph (1)—

(i) by striking "of such subsection" and inserting "of subsection (d)(2)"; and

(ii) by inserting "of subsection (d)(2)" after "(as the case may be)"; and

(B) in paragraph (3)—

(i) by striking "the the" and inserting "the"; and

(ii) by inserting "of subsection (d)(2)" after "(as the case may be)".

(14) Section 402(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2532(4)) is amended by inserting a comma after "system, if any".

(15) Section 414(b)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 2544(b)(1)) is amended by striking "procedures,," each place it appears and inserting "procedures,".

(16) Section 451(6)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2571(6)(A)) is amended by striking "Members." and inserting "Members; and".

(d) TITLE IV.—

(1) Section 492(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2578a(c)) is amended by striking "phystosanitary" and inserting "phytosanitary".

(2) Section 412(b) of the Uruguay Round Agreements Act is amended by striking "1853" and inserting "972".

(e) TITLE V.—

(1) Section 154(c)(2) of title 35, United States Code, is amended in the matter preceding subparagraph (A) by striking "Acts" and inserting "acts".

(2) Section 104A(h)(3) of title 17, United States Code, is amended by striking "section 104A(g)" and inserting "subsection (g)".

(f) TITLE VI.—

(1) Section 141(c)(1)(D) of the Trade Act of 1974 (19 U.S.C. 2171(c)(1)(D)) is amended by striking the second comma after "World Trade Organization".

(2) Section 601(b)(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 2465 note) is amended by striking "such date of enactment" and inserting "the date of the enactment of this Act".

(3) The heading for section 1106 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2905) is amended by striking "for the wto" and inserting "or the wto".

SEC. 21. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103–182.

(a) TITLE II.—

(1) Section 13031(b)(10)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)(A)) is amended—

(A) by striking "Agreement)" and inserting "Agreement Implementation Act of 1988)"; and

(B) by striking "section 403" and inserting "article 403".

(2) Section 202 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332) is amended—

(A) in subsection (m)(4)(C) by striking "(o)" and inserting "(p)"; and

(B) in subsection (p)(18) by striking "federal government" and inserting "Federal Government".

(b) TITLE III.—

(1) Section 351(b)(2) of the North American Free Trade Agreement Implementation Act is amended by striking "Agreement Act" and inserting "Agreements Act".

(2) Section 411(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2541(c)) is amended by striking "Special Representatives" and inserting "Trade Representative".

(3) Section 316 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3381) is amended by striking "subsection 202(d)(1)(C)(i)" and inserting "subsection (d)(1)(C)(i)".

(4) Section 309(c) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3358(c)) is amended in paragraphs (1) and (2) by striking "column 1—General" and inserting "column 1 general".

(c) TITLE IV.—

(1) Section 402(d)(3) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3432(d)(3)) is amended in the matter preceding subparagraph (A) by striking "(c)(4)" and inserting "subsection (c)(4)".

(2) Section 407(e)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3437(e)(2)) is amended by striking "petition," and inserting "petition;".

(3) Section 516A(g)(12)(D) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(12)(D)) is amended—

(A) by striking "(D)(i)" and inserting "(D)"; and

(B) by striking "If the Trade Representative" and inserting "(i) If the Trade Representative".

(4) Section 415(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3451(b)(2)) is amended by striking "under 516A(a)" and inserting "under section 516A(a)".

(d) TITLE V.—Section 219 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2707) is amended—

(1) in subsection (b)(1) by striking "Hemisphere," and inserting "Hemisphere;"; and

(2) in paragraphs (1) and (2) of subsection (h) by striking "Center," and inserting "Center;".

(e) TITLE VI.—

(1) Section 3126 of the Revised Statutes of the United States (19 U.S.C. 293) is amended by striking "or both" and inserting "or both,".

(2) Section 3127 of the Revised Statutes of the United States (19 U.S.C. 294) is amended by striking "conveyed a United States" and inserting "conveyed in a United States".

(3) Section 436(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1436(a)(2)) is amended—

(A) by striking "431(e)" and inserting "431"; and

(B) by striking "or" after the semicolon at the end.

(4) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—

(A) in subsection (j)(2) by realigning the text following subparagraph (C)(ii)(II) beginning with "then upon the exportation" and ending with "duty, tax, or fee." two ems to the left so that the text has the same degree of indentation as paragraph (3) of section 313(j) of such Act; and

(B) in subsection (t) by striking "chapter" and inserting "Act".

(5) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended—

(A) in each of paragraphs (1), (2), and (4) by striking the semicolon at the end and inserting a period; and

(B) in paragraph (5) by striking "; and" and inserting a period.

(6) Section 484(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(1)) is amended by striking "553, and 336(j)" and inserting "and 553".

(7) Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking "section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud)" and inserting "and section 520 (relating to refunds and errors)".

(8) Section 491(a) of the Tariff Act of 1930 (19 U.S.C. 1491(a)) is amended in the first sentence—

(A) by striking "in in" and inserting "in"; and

(B) by striking "appropriate customs officer" and inserting "Customs Service".

(9) Section 490(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1490(c)(1)) is amended by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)".

(10) Sections 1207(b)(2) and 1210(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3007(b)(2) and 3010(b)(1)) are each amended by striking "484(e)" and "1484(e)" and inserting "484(f)" and "1484(f)", respectively.

(11) Section 641(d)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(2)(B)) is amended in the second to the last sentence by striking "his" and inserting "the".

(12) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act is amended by striking "disclosure in 30 days" and inserting "disclosure within 30 days".

(13) Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended in the subsection heading by striking "TAXES" and inserting "TAXES,".

(14) Section 625(a) of the Tariff Act of 1930 (19 U.S.C. 1625(a)) is amended by striking "chapter" and inserting "Act".

(15) Section 413(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1413(a)(1)) is amended by striking "this Act" and inserting "the North American Free Trade Agreement Implementation Act".

SEC. 22. TECHNICAL AMENDMENT REGARDING JUDICIAL REVIEW.

Section 516A(g)(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(4)(A)) is amended by striking "Implementation Agreement Act of 1988" and inserting "Agreement Implementation Act of 1988".

SEC. 23. RELIQUIDATION OF ENTRIES OF WARP KNITTING MACHINES.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as duty free Entry No. 100–3022436–3, made on July 12, 1989, at the port of Charleston, South Carolina; and

(2) refund any duties and interest paid with respect to such entry.

SEC. 24. TEMPORARY SUSPENSION OF DUTY ON DICLOFOP-METHYL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

" 9902.30.16	Methyl 2-[4-(2,4- dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15)	Free	No change	No change	On or before 12/31/98".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 25. ELIMINATION OF DUTY ON 2-AMINO-3-CHLOROBENZOIC ACID, METHYL ESTER.

(a) IN GENERAL.—Subheading 2922.49.05 of the Harmonized Tariff Schedule of the United States is amended by inserting after "acid" the following: "; 2-Amino-3-chlorobenzoic acid, methyl ester".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 26. ELIMINATION OF DUTY ON 3,3′-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

(a) IN GENERAL.—Subheading 2921.59.17 of the Harmonized Tariff Schedule of the United States is amended by striking "and m-Xylenediamine" and inserting "m-Xylenediamine; and 3,3′-Diaminobenzidine (tetraamino biphenyl)".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to paragraph (3), any article described in subheading 2921.59.17 of the Harmonized Tariff Schedule of the United States (as amended by subsection (a)) that was entered—

(A) on or after January 1, 1995, and

(B) before the date that is 15 days after the date of the enactment of this Act, and

to which lower rate of duty would have applied if the entry had been made on or after the date that is 15 days after the date of the enactment of this Act, shall be liquidated or reliquidated as if such subheading 2921.59.17 as so amended applied to such entry and the Secretary of the Treasury shall refund any excess duty paid with respect to such entry.

(3) REQUESTS.—Liquidation or reliquidation may be made under subsection (b)(2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 27. CERTAIN UNLIQUIDATED VESSEL REPAIR ENTRIES.

Section 484E of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (2)(B);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph;

"(3) any entry listed in subsection (c) that was made during the period beginning on January 1, 1993, and ending on December 31, 1994, to the extent such entry involves the purchase of equipment, the use of materials, or the expense of repairs in a foreign country for 66 LASH (Lighter Aboard Ship) barges documented under the laws of the United States if—

"(A) such entry was not liquidated on January 1, 1995; and

"(B) such entry, had it been made on or after January 1, 1995, would otherwise be eligible for the exemption provided in section 466(h)(1) of the Tariff Act of 1930 (19 U.S.C. 1466(h)(1)), and"; and

(2) by adding at the end the following:

"(c) ENTRIES.—The entries referred to in subsection (b)(3) are the following:

"(1) NUMBERED ENTRIES.—

Entry Number	Date of Entry
C14–0025455–8	August 18, 1993
C14–0025456–6	August 18, 1993
C14–0025457–4	August 18, 1993
C14–0025473–1	August 27, 1993
C14–0025478–0	September 13, 1993
C14–0025479–8	September 13, 1993
C14–0025480–6	September 13, 1993
C14–0025481–4	September 13, 1993
C14–0025511–8	April 16, 1993
C14–0025533–2	April 30, 1993
C14–0025545–6	May 21, 1993
C14–0025546–4	May 21, 1993
C14–0025547–2	May 21, 1993
C14–0025558–9	June 15, 1993
C14–0025560–5	June 15, 1993
C14–0025574–6	July 21, 1993
C14–0025575–3	July 21, 1993
C14–0025603–3	July 23, 1993
C14–0025604–1	July 23, 1993
C14–0025605–8	July 23, 1993
C14–0025623–1	October 25, 1993
C14–0025624–9	October 25, 1993
C14–0025625–6	October 25, 1993
C14–0025635–5	November 8, 1993
C14–0025636–3	November 8, 1993
C14–0025637–1	November 8, 1993
C14–0025653–8	November 30, 1993
C14–0025654–6	November 30, 1993
C14–0025655–3	November 30, 1993
C14–0025657–9	November 30, 1993
C14–0025679–3	January 3, 1994
C14–0025680–1	January 3, 1994
C14–0025688–4	February 14, 1994
C14–0025689–2	February 14, 1994
C14–0025690–0	February 14, 1994
C14–0025691–8	February 14, 1994
C14–0025692–6	February 14, 1994
C14–0026803–8	January 24, 1994
C14–0026804–6	January 24, 1994
C14–0026805–3	January 24, 1994
C14–0026807–9	January 24, 1994
C14–0026808–7	January 24, 1994
C14–0026809–5	January 24, 1994
C14–0026810–3	January 24, 1994
C14–0026811–1	January 24, 1994
C14–0026826–9	March 10, 1994
C14–0026827–7	March 10, 1994
C14–0026828–5	March 10, 1994
C14–0026829–3	March 10, 1994
C14–0026830–1	March 10, 1994
C14–0026831–9	March 10, 1994
C14–0026832–7	March 10, 1994
C14–0026833–5	March 10, 1994
C14–0026841–8	March 31, 1994
C14–0026843–4	March 31, 1994
C14–0026852–5	May 5, 1994
C14–0026853–3	May 5, 1994
C14–0026854–1	May 5, 1994
C14–0026867–3	May 18, 1994
C14–0026869–9	May 18, 1994
C14–0026874–9	June 8, 1994
C14–0026875–6	June 8, 1994
C14–0026898–8	August 2, 1994
C14–0026899–6	August 2, 1994
C14–0040625–7	October 5, 1994.

"(2) ADDITIONAL ENTRY.—The entry of a 66th LASH barge (No. CG E69), for which no entry number is available, if, within 60 days after the date of the enactment of this subsection, a proper entry is filed with the Customs Service.".

SEC. 28. DUTY ON DISPLAY FIREWORKS.

(a) IN GENERAL.—Chapter 36 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 3604.10.00 and inserting in numerical sequence the following new subheadings, with the article description for subheading 3604.10 having the same degree of indentation as the article description for subheading 3604.90.00:

" 3604.10	Fireworks:			
3604.10.10	Display or special fireworks (Class 1.3G)	2.4%	Free (A*, CA, E, IL, J, MX)	12.5%
3604.10.90	Other (including Class 1.4G)	5.3%	Free (A*, CA, E, IL, J, MX)	12.5%".

(b) CONFORMING AMENDMENT.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended by striking "3604.00.00 India" and inserting "3604.10.10 India" and "3604.10.90 India".

(c) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 29. PERSONAL ALLOWANCE DUTY EXEMPTION FOR MERCHANDISE PURCHASED IN A DUTY-FREE SALES ENTERPRISE.

Section 555(b)(6) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(6)) is amended—

(1) by striking "Merchandise" and inserting "(A) Except as provided in subparagraph (B), merchandise"; and

(2) by adding at the end the following new subparagraph:

"(B) Except in the case of travel involving transit to, from, or through an insular possession of the United States, merchandise described in subparagraph (A) that is purchased by a United States resident shall be eligible for exemption from duty under subheadings 9804.00.65, 9804.00.70, and 9804.00.72 of the Harmonized Tariff Schedule of the United States upon the United States resident's return to the customs territory of the United States, if the resident meets the eligibility requirements for the exemption claimed. Notwithstanding any other provision of law, such merchandise shall be considered to be an article acquired abroad as an incident of the journey from which the resident is returning, for purposes of determining eligibility for any such exemption.".

SEC. 30. TEMPORARY DUTY SUSPENSION FOR CERTAIN MOTORCYCLES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

" 9902.98.06	Motorcycles produced in the United States, previously exported and brought temporarily into the United States by nonresidents for the purpose of participating in the Sturgis Motorcycle Rally and Races	Free	No change	Free	On or before 12/31/2006".

(b) ARTICLES TO BE SUBJECT TO INFORMAL ENTRY; TAXES AND FEES NOT TO APPLY.—Notwithstanding section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) or any other provision of law, the Secretary of the Treasury may authorize the entry of an article described in heading

9902.98.06 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) on an oral declaration of the nonresident entering such article and such article shall be free of taxes and fees which may be otherwise applicable.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 31. DEFERRAL OF DUTY ON CERTAIN PRODUCTION EQUIPMENT.

(a) IN GENERAL.—Section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c) is amended by adding at the end thereof the following new subsection:

"(e) PRODUCTION EQUIPMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, if all applicable customs laws are complied with (except as otherwise provided in this subsection), merchandise which is admitted into a foreign trade zone for use within such zone as production equipment or as parts for such equipment, shall not be subject to duty until such merchandise is completely assembled, installed, tested, and used in the production for which it was admitted.

"(2) ADMISSION PROCEDURES.—The person who admits the merchandise described in paragraph (1) into the zone shall, at the time of such admission, certify to the Customs Service that the merchandise is admitted into the zone pursuant to this subsection for use within the zone as production equipment or as parts for such equipment and that the merchandise will be entered and estimated duties deposited when use of the merchandise in production begins.

"(3) ENTRY PROCEDURES.—At the time use of the merchandise in production begins, the merchandise shall be entered, as provided for in section 484 of the Tariff Act of 1930, and estimated duties shall be deposited with the Customs Service. The merchandise shall be subject to tariff classification according to its character, condition, and quantity, and at the rate of duty applicable, at the time use of the merchandise in production begins.

"(4) FOREIGN TRADE ZONE.—For purposes of this subsection, the term 'foreign trade zone' includes a subzone.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to merchandise admitted into a foreign trade zone after the date that is 15 days after the date of the enactment of this Act.

SEC. 32. TEMPORARY SUSPENSION OF DUTY ON THIDIAZURON.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.30.17	N-phenyl-N'-(1,2,3-thiadiazol-5-yl urea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/98".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 33. 2,3,3-TRIMETHYL-INDOLENINE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.33.90	2,3,3-Trimethyl-indolenine (CAS No. 1640–39–7) (provided for in subheading 2933.90.82)	Free	No change	No change	On or before 12/31/99".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 34. BIS(4-AMINO-3-METHYLCYCLOHEXYL)-METHANE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.30.30	Bis(4-amino-3-methylcyclohexyl)-methane (CAS No. 6864–37–5) (provided for in subheading 2921.30.30)	Free	No change	No change	On or before 12/31/99".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 35. LIMITATION ON DESIGNATION AS BENEFICIARY DEVELOPING COUNTRY.

(a) IN GENERAL.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended to read as follows:

"(F) Such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism or the Secretary of State makes a determination with respect to such country under section 6(j)(1)(A) of the Export Administration Act of 1979.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1996.

SEC. 36. TEMPORARY DUTY SUSPENSION ON CERTAIN CHEMICALS USED IN THE FORMULATION OF AN HIV PROTEASE INHIBITOR.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"	9902.30.63	3-Acetoxy-2-methylbenzoyl chloride (CAS No. 167678–46–8) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 3/31/97
	9902.30.64	(S-(R*,S*))-(3-Chloro-2-hydroxy-1-((phenylthio)methyl)propyl)-carbamic acid phenylmethyl ester (CAS No. 159878–02–1) (provided for in subheading 2922.19.60)	Free	No change	No change	On or before 3/31/97
	9902.30.65	N-(1,1-dimethylethyl)deca-hydro-2-[2-hydroxy-3-[(3-hydroxy-2-methylbenzoyl)-amino]-4-(phenylthio)butyl]-3-isoquinolinecarboxamide, [3S-[2(2S*,3S*), 3.a.,4a.b.,8a.b.]] (CAS No. 159989–64–7) (provided for in subheading 2933.40.60)	Free	No change	No change	On or before 3/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

SEC. 37. TREATMENT OF CERTAIN ENTRIES OF BUFFALO LEATHER.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, buffalo leather, provided for in subheading 4104.39.20 of the Harmonized Tariff Schedule of the United States, that is a product of Thailand and entered into the United States under entry numbers M42–1113868–8 and M42–1113939–7, shall, upon proper request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, be liquidated or reliquidated, as appropriate, as if entered on June 30, 1995.

SEC. 38. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) is amended—

(1) in subparagraph (A), by inserting "a place" after "aircraft from"; and

(2) in subparagraph (B), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)".

(b) LIMITATION ON FEES.—Section 13031(b)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)) is amended to read as follows:

"(b) LIMITATIONS ON FEES.—(1)(A) No fee may be charged under subsection (a) of this section for customs services provided in connection with—

"(i) the arrival of any passenger whose journey—

"(I) originated in—

"(aa) Canada,

"(bb) Mexico,

"(cc) a territory or possession of the United States, or

"(dd) any adjacent island (within the meaning of section 101(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(5))), or

"(II) originated in the United States and was limited to—

"(aa) Canada,

"(bb) Mexico,

"(cc) territories and possessions of the United States, and "(dd) such adjacent islands;

"(ii) the arrival of any railroad car the journey of which originates and terminates in the same country, but only if no passengers board or disembark from the train and no cargo is loaded or unloaded from such car while the car is within any country other than the country in which such car originates and terminates;

"(iii) the arrival of any ferry; or

"(iv) the arrival of any passenger on board a commercial vessel traveling only between ports which are within the customs territory of the United States.

"(B) The exemption provided for in subparagraph (A) shall not apply in the case of the arrival of any passenger on board a commercial vessel whose journey originates and terminates at the same place in the United States if there are no intervening stops.

"(C) The exemption provided for in subparagraph (A)(i) shall not apply to fiscal years 1994, 1995, 1996, and 1997.".

(c) FEE ASSESSED ONLY ONCE.—Section 13031(b)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "No fee" and inserting "(A) No fee"; and

(3) by adding at the end the following new subparagraph:

"(B) In the case of a commercial vessel making a single voyage involving 2 or more United States ports with respect to which the passengers would otherwise be charged a fee pursuant to subsection (a)(5), such fee shall be charged only 1 time for each passenger.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 521 of the North American Free Trade Agreement Implementation Act.

SEC. 39. INJURY DETERMINATIONS FOR CERTAIN COUNTERVAILING DUTY ORDERS.

Section 753 of the Tariff Act of 1930 (19 U.S.C. 1675b) is amended—

(1) by inserting "or section 701(c)" after "section 303" each place it appears in the section heading and text; and

(2) in subsections (a)(2) and (c) by striking "under section 303(a)(2)".

SEC. 40. TREATMENT OF DIFFERENCE BETWEEN COLLECTIONS OF ESTIMATED ANTIDUMPING DUTY AND FINAL ASSESSED DUTY UNDER ANTIDUMPING DUTY ORDER.

Section 737(a) of the Tariff Act of 1930 (19 U.S.C. 1673f(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "deposit collected" and inserting "deposit, or the amount of any bond or other security, required";

(2) in paragraph (1) by striking "the cash deposit collected" and inserting "that the cash deposit, bond, or other security"; and

(3) in paragraph (2) by striking "refunded, to the extent the cash deposit" and inserting "refunded or released, to the extent that the cash deposit, bond, or other security".

SEC. 41. CERTAIN LEAD FUEL TEST ASSEMBLIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as free of duty the entries listed in subsection (b), and

(2) refund any duties paid with respect to such entry,

if the importer files a request therefor with the Customs Service within 90 days after the date of the enactment of this Act.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Date of Entry
110–0675952–3	March 9, 1990
110–1525996–0	September 19, 1990
110–3667810–7	November 7, 1990
110–1526938–1	December 21, 1990.

SEC. 42. SUSPENSION OF DUTY ON CERTAIN INJECTION MOLDING MACHINES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

" 9902.84.77	Automated multi-plunger transfer presses, suitable for use in the encapsulation with thermosetting materials of diodes, transistors, and similar semiconductor devices or electronic integrated circuits (provided for in subheading 8477.10.80)	Free	No change	No change	On or before 12/31/2000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 43. RELIQUIDATION OF CERTAIN ENTRIES OF COLOR TELEVISIONS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the period from April 1, 1984, through March 31, 1991, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A–580–008).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
84–915604–7	July 6, 1984
84–915604–7	July 6, 1984
84–915830–4	July 17, 1984
84–916057–0	August 9, 1984
84–916057–0	August 9, 1984
84–916302–7	July 28, 1984
84–916323–4	July 28, 1984
84–916302–7	July 30, 1984
84–525823–7	September 20, 1984
84–525823–7	September 25, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
85–279644–9	October 4, 1984
85–279654–6	October 9, 1984
85–280518–1	December 28, 1984
85–280518–1	December 28, 1984
85–102631–4	November 13, 1984
85–102631–4	November 13, 1984
85–401288–5	October 8, 1984
84–444821–3	August 3, 1984
84–444821–3	August 3, 1984
85–422162–4	October 31, 1984
85–422162–4	October 31, 1984
84–215744–1	July 6, 1984
84–216018–2	August 6, 1984
84–208013–6	July 30, 1984
84–208013–6	July 30, 1984
84–208511–5	July 30, 1984
84–208013–6	August 1, 1984
84–208968–7	August 7, 1984
84–208968–7	August 7, 1984
85–151075–2	February 5, 1985
85–210038–1	March 27, 1985
84–780372–9	August 3, 1984
84–781699–4	September 6, 1984
84–781699–4	September 6, 1984
84–781699–4	September 6, 1984
84–781846–8	September 18, 1984
85–944006–0	May 3, 1985
85–294383–6	August 27, 1985
86–215010–1	October 30, 1985
86–215185–4	December 2, 1985
86–215310–8	December 16, 1985
85–602949–7	April 15, 1985
85–602950–7	April 19, 1985
85–602966–2	April 19, 1985
85–603347–0	April 26, 1985
85–603523–2	May 8, 1985
85–604545–5	May 31, 1985
86–383795–7	April 22, 1986
110–1905894–7	February 23, 1987
86–216530–3	April 16, 1986
110–0269614–1	January 12, 1987
110–0269942–6	January 19, 1987
110–0269947–5	January 19, 1987
110–0269942–6	January 22, 1987
86–477371–9	August 14, 1986
86–477371–9	August 20, 1986
331–3808023–0	October 20, 1986
331–3808023–0	October 20, 1986
86–198869–1	September 9, 1986
86–198893–4	September 17, 1986
86–198964–5	October 14, 1986
331–3807959–6	October 15, 1986
331–3807959–6	October 15, 1986
331–3807959–6	October 15, 1986
331–3807959–6	October 15, 1986
331–3808023–0	October 20, 1986
331–3812541–5	December 26, 1986
331–3812541–5	December 26, 1986
331–3813766–7	February 19, 1987
110–1123057–7	January 2, 1987
110–1124082–4	March 26, 1987
110–1272348–9	November 14, 1986
110–1272348–9	November 14, 1986
110–1272505–4	December 10, 1986
110–1272505–4	December 10, 1986
110–1273532–7	January 10, 1987
110–1274561–5	February 20, 1987
110–1274921–1	March 6, 1987
110–1275320–5	March 23, 1987
110–1275321–3	March 31, 1987
110–1907947–1	January 22, 1988
110–1906495–2	June 5, 1987
110–1906599–1	June 22, 1987
110–1906599–1	June 22, 1987
110–1906856–5	August 2, 1987
110–1907967–9	January 27, 1988
110–1908198–0	March 4, 1988
110–1908178–2	March 10, 1988
110–0294344–8	May 6, 1987
110–0294344–8	June 5, 1987
110–1124130–1	April 1, 1987
110–1124130–1	April 2, 1987
110–1124130–1	April 2, 1987
110–1125551–7	July 17, 1987

Entry Number	Date of Entry
110–1125551–7	July 17, 1987
110–1126810–6	October 27, 1987
110–1127047–4	November 6, 1987
110–1127620–8	December 23, 1987
110–1275844–4	April 16, 1987
110–1278958–9	September 10, 1987
110–1278958–9	September 10, 1987
110–1279151–0	September 18, 1987
110–1279825–9	October 8, 1987
110–1279767–3	October 16, 1987
110–1280177–2	October 21, 1987
110–1280206–9	October 22, 1987
110–1282001–2	January 12 1988
110–1282566–4	February 11, 1988
110–1282642–3	February 11, 1988
110–1286015–8	February 22, 1988
110–1286165–1	March 16, 1988
110–1286165–1	March 16, 1988
110–1286165–1	March 16, 1988
110–1908453–9	April 22, 1988
110–1908567–6	May 11, 1988
110–1908567–6	May 11, 1988
110–1908928–0	June 29, 1988
110–1129739–4	May 13, 1988
110–1131047–8	August 4, 1988
110–1133675–4	January 6, 1989
110–1286261–8	April 7, 1988
110–1286261–8	April 7, 1988
110–1286492–9	May 12, 1988
110–1286492–9	May 12, 1988
110–1286492–9	May 12, 1988
110–1286677–5	June 16, 1988
110–1286796–3	July 7, 1988
110–1286965–4	August 4, 1988
110–1286965–4	August 4, 1988
110–1288931–4	December 8, 1988
110–0301260–3	May 12, 1989
110–0301272–8	May 19, 1989
110–0153952–4	September 3, 1989
110–1135558–0	May 12, 1989
110–1135558–0	May 12, 1989
110–1136677–7	July 11, 1989
110–1139014–0	November 24, 1989
110–1294013–3	September 14, 1989
110–1298751–4	May 15, 1990
110–1274861–9	March 4, 1987
110–1274863–5	March 4, 1987
110–1275349–4	May 12, 1987
110–1285836–8	August 31, 1988
110–1286179–2	March 25, 1988
110–1286180–0	March 25, 1988
110–1286181–8	March 25,1988
110–1286265–9	April 5, 1988
110–1286507–4	May 12, 1988
110–1286580–1	May 26, 1988
110–1286582–7	May 26, 1988
110–1286584–3	May 26, 1988
110–1286634–6	June 7, 1988
110–1286681–7	June 18, 1988
110–1286751–8	June 23, 1988
110–1286782–3	July 7, 1988
110–1286879–7	July 27, 1988
110–1286881–3	August 1, 1988
110–1286882–1	August 10, 1988
110–1286925–8	July 27, 1988
110–1286927–4	August 1, 1988
110–1286972–0	August 11, 1988
110–1286991–0	August 1, 1988
110–1286993–6	August 1, 1988
110–1287029–8	August 15, 1988
110–1287030–6	August 15, 1988
110–1287031–4	August 15, 1988
110–1287032–2	August 15, 1988
110–1287061–1	August 15, 1988
110–1287062–9	August 15, 1988
110–1287078–5	August 17, 1988
110–1287095–9	August 19, 1988
110–1287147–8	September 2, 1988
110–1288475–2	November 23, 1988
110–1288478–8	November 10, 1988
110–1289801–8	January 20, 1989
110–1293960–6	September 11, 1989
110–1296719–3	February 12, 1990.

SEC. 44. ARTICLES USED TO PROVIDE REPAIR AND MAINTENANCE SERVICES.

(a) IN GENERAL.—Subchapter I of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

" 9801.00.85	Professional books, implements, instruments, and tools of trade, occupation, or employment, when returned to the United States after having been exported for use temporarily abroad, if imported by or for the account of the person who exported such items	Free	Free".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 45. YTTRIUM OXIDE AND CERIUM ALUMINUM TERBIUM USED AS LUMINOPHORES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

" 9902.32.06	Yttrium oxide and cerium aluminum terbium of a kind used as luminophores (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 46. PHARMACEUTICAL GRADE PHOSPHOLIPIDS.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, upon proper request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of pharmaceutical grade phospholipids that—

(1) was made under subheading 2923.20.00 of the Harmonized Tariff Schedule of the United States;

(2) with respect to which a lower rate of duty would have applied if such entry or withdrawal had been made under subheading 2923.20.10 or 2923.20.20 of such Schedule; and

(3) was made after March 29, 1991, and before January 1, 1995;

shall be liquidated or reliquidated as if such lower rate of duty applied to such entry or withdrawal.

SEC. 47. CERTAIN STRUCTURES, PARTS AND COMPONENTS USED IN THE GEMINI TELESCOPES PROJECT, MAUNA KEA, HAWAII.

(a) IN GENERAL.—The Secretary of the Treasury is authorized and directed to admit free of duty after March 31, 1997, the following articles for the use of the Association of Universities for Research in Astronomy, Inc. in the construction of the Gemini North Telescope, Mauna Kea, Hawaii, as part of the international Gemini 8-Meter Telescopes Project:

(1) The telescope enclosure, produced by Coast Steel Fabricators, Ltd., Port Coquitlam, British Columbia, Canada.

(2) The telescope structure assemblies, produced by G.I.E. Telas, Cannes le Bocca, France.

(3) The telescope mirror coating plant, produced by the Royal Greenwich Observatories, Cambridge, United Kingdom.

(4) The telescope primary mirror, polished by REOSC, Saint-Pierre-du-Perray, France.

(5) The telescope secondary mirror, produced by Carl Zeiss, Oberkochen, Germany.

(6) The telescope acquisition, guiding, and wavefront sensing equipment, produced by the Royal Greenwich Observatories, Cambridge, United Kingdom.

(b) RELIQUIDATION.—If the liquidation of the entry of any article described in subsection (a) has become final before April 1, 1997, the entry shall, notwithstanding any other provision of law, be reliquidated on April 1, 1997, in accordance with the provisions of this section and the appropriate refund of duty made at the time of such reliquidation.

SEC. 48. ARTICLES PROVIDED TO STEWARD OBSERVATORY.

(a) ARTICLES PROVIDED BY MAX PLANCK INSTITUTE.—

(1) IN GENERAL.—Subsection (f) of section 240 of the Trade and Tariff Act of 1984 (98 Stat. 2994) is amended by striking "and before November 1, 1993".

(2) TECHNICAL AMENDMENTS.—

(A) Section 240(a)(1)(A) of such Act is amended by striking "headnote 6(a) of part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202)" and inserting "U.S. note 6(a) of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007)".

(B) Section 240(e) of such Act is amended by striking "headnote 1 of part 4 of schedule 8 (19 U.S.C. 1202)" and inserting "U.S. note 1 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

(B) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, upon a request filed with the Customs Service on or before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article—

(i) that was made after October 31, 1993, and before the 15th day after the date of the enactment of this Act, and

(ii) with respect to which there would have been no duty, if the amendments made by this subsection applied to such entry,

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the 15th day after the date of the enactment of this Act.

(b) Telescope Components, Parts, and Equipment Provided by Arcetri Astrophysical Observatory and Max Planck Institute.—

(1) In general.—The Secretary of the Treasury is authorized and directed to admit free of duty on and after the date that is 15 days after the date of the enactment of this Act, the large binocular telescope components, parts, and equipment provided by the Arcetri Astrophysical Observatory and the Max Planck Institute for use by the Steward Observatory of the University of Arizona.

(2) Reliquidation.—If the liquidation of the entry of the article described in paragraph (1) has become final before the date that is 15 days after the date of the enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated on such date of enactment, in accordance with the provisions of this subsection and the appropriate refund of duty made at the time of such reliquidation.

SEC. 49. RELIQUIDATION OF CERTAIN FROZEN CONCENTRATED ORANGE JUICE ENTRIES.

(a) In General.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative review, covering the period from June 7, 1987, through January 31, 1990, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A-351-605).

(b) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) Entry List.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
032–01195421	June 18, 1987
032–01195462	June 7, 1987
032–01219825	September 14, 1987
032–01225350	October 16, 1987
032–01225376	October 19, 1987
032–01225392	October 19, 1987
032–01236019	November 12, 1987
032–01249301	January 8, 1988
032–01257361	February 17, 1988
032–01261470	March 24, 1988
032–01373267	April 20, 1989
032–01377870	May 12, 1989
032–01381757	May 15, 1989
032–01381781	May 24, 1989
032–01422254	October 23, 1989
032–01422270	October 24, 1989
032–01428475	November 22, 1989
032–01441056	December 22, 1989
032–01441072	December 22, 1989
032–01488792	May 24, 1990
102–01085312	June 7, 1987
102–01089603	August 15, 1987
102–01092748	September 14, 1987
102–01103487	February 5, 1988
102–01131702	January 17, 1989
102–01139812	May 2, 1989
102–01141040	May 15, 1989
102–01559141	January 31, 1990.

SEC. 50. TWINE, CORDAGE, ROPES, AND CABLES.

(a) Tariff Reduction.—Chapter 56 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 5607.50.20 and inserting the following new superior text and subheadings, with the superior text having the same degree of indentation as the article description for subheading 5607.50.40:

"	Not braided or plaited:			
5607.50.25	3-ply or 4-ply multi-colored twine having a final "S" twist, containing at least 10 percent by weight of cotton, measuring less than 3.5 mm in diameter	7.8%	Free (IL) 1.6% (CA) 4.4% (MX)	76.5%
5607.50.35	Other	26.1¢/kg + 14.2%	Free (IL) 5.5¢/kg + 3% (CA) 9.7% (MX)".	27.6¢/kg + 76.5%

(b) Staged Rate Reductions.—The rates of duty in the general subcolumn of rate column numbered 1, and the rates of duty for goods of Canada and for goods of Mexico in the special subcolumn of rate column numbered 1, for subheadings 5607.50.25 and 5607.50.35 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be accorded the staged reductions previously proclaimed by the President for the corresponding rates of duty for subheadings 5607.49.15 and 5607.50.20 of the Harmonized Tariff Schedule of the United States, respectively.

(c) Effective Date.—

(1) In general.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) Retroactive application.—Notwithstanding section 514 of the Tariff Act of 1930, or any other provision of law, upon a request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in subheading 5607.50.25 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) after December 31, 1988; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by subsection (a) applied to entry or withdrawal from warehouse.

SEC. 51. SUSPENSION OF DUTY ON CERTAIN FATTY ACID ESTERS.

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

" 9902.38.24	Mixtures of octanoic acid, methyl ester and decanoic acid, methyl ester; mixtures of dodecanoic acid, methyl ester and tetradecanoic acid, methyl ester; and mixtures of hexadecanoic acid, methyl ester, octadecanoic acid, methyl ester, octadecenoic acid, methyl ester (all of the foregoing provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2000".

(b) Effective Date.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 52. DUTY SUSPENSION ON A MOBILE BISON SLAUGHTER UNIT.

The Secretary of the Treasury shall admit free of duty a Mobile Bison Slaughter Unit for use by the Pte Hca Ka. If the liquidation of the entry of the Mobile Bison Slaughter Unit becomes final before the date of the enactment of this Act, the Secretary of the Treasury shall, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, upon proper request filed with the Customs Service—

(1) within 90 days after such request is filed, reliquidate the entry in accordance with the provisions of this section; and

(2) at the time of such reliquidation, make the appropriate refund of any duty paid with respect to the entry.

SEC. 53. EXEMPTION FROM TARIFFS AND FEES FOR CERTAIN AIRCRAFT PARTS AND EQUIPMENT.

General Note 16 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking "and" at the end of subdivision (d),

(2) by inserting "and" at the end of subdivision (e), and

(3) by inserting immediately after subdivision (e), the following new subdivision:

"(f) any aircraft part or equipment that was removed from a United States-registered aircraft while being used abroad in international traffic because of accident, breakdown, or emergency, that was returned to the United States within 45 days after removal, and that did not leave the custody of the carrier or foreign customs service while abroad,".

SEC. 54. RELIQUIDATION OF CERTAIN ENTRIES OF LIVE SWINE.

(a) In General.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law and subject to the provisions of subsection (b), the Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate those entries listed in subsection (d), in accordance with the final results of the administrative review, covering the period April 1, 1988, through March 31, 1989, conducted by the International Trade Administration of the Department of Commerce for such entries (case number C-122-404).

(b) Requests.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request

therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(d) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	*Date of Entry*
0328636	*April 4, 1988*
0328635	*April 5, 1988*
3114146	*April 12, 1988*
3114193	*April 13, 1988*
3114469	*April 21, 1988*
3114629	*April 26, 1988*
3114624	*April 27, 1988*
3114707	*April 28, 1988*
0328611	*April 28, 1988*
3120073	*October 24, 1988*
3120143	*October 25, 1988*
3120156	*October 26, 1988*
3120208	*October 27, 1988*
3120264	*October 28, 1988*
3120288	*October 31, 1988*
3120450	*November 3, 1988*
3120581	*November 4, 1988*
3120754	*November 10, 1988*
4176900	*November 15, 1988*
3120843	*November 16, 1988*
3121067	*November 22, 1988*
3121138	*November 23, 1988*
3121149	*November 25, 1988*
3121200	*November 28, 1988*
4177953	*November 28, 1988*
3121241	*November 29, 1988*
3121350	*November 30, 1988*
3121412	*December 2, 1988*
3121503	*December 6, 1988*
3121621	*December 7, 1988*
3121669	*December 9, 1988*
3121744	*December 12, 1988*
3121803	*December 13, 1988.*

SEC. 55. RELIQUIDATION OF CERTAIN ENTRIES OF SEWING MACHINES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, upon the importer of record demonstrating to the Customs Service within 90 days after the date of the enactment of this Act that an entry described in subsection (c) is qualified for reimbursement based on the decision issued by the United States Court of International Trade in Pfaff American Sales Corp. v. United States, 17 CIT 550 (1993), the entry shall be liquidated or reliquidated pursuant to such decision.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRIES DESCRIBED.—The entries referred to in subsection (a) are the following:

Entry number	***Date of entry***	***Date of liquidation***
558–0910359–5	*October 17, 1989*	*October 5, 1990*
558–0912182–9	*December 12, 1989*	*June 21, 1991*
558–0014104–0	*February 15, 1990*	*June 21, 1991*
558–0015018–1	*March 5, 1990*	*June 15, 1990*
558–0017399–3	*May 11, 1990*	*September 7, 1990*
558–0022654–4	*October 29, 1990*	*February 22, 1991*
558–0022925–8	*October 29, 1990*	*February 22, 1991*
558–0024202–0	*December 20, 1990*	*June 21, 1991*
558–0126244–9	*March 7, 1991*	*June 28, 1991*
558–0127195–2	*April 8, 1991*	*July 26, 1991*
558–0128001–1	*May 13, 1991*	*September 13, 1991*
558–0129908–6	*July 22, 1991*	*November 22, 1991*
558–0130242–7	*July 25, 1991*	*November 22, 1991*
558–0130520–6	*August 14, 1991*	*December 20, 1991*
558–0130816–8	*August 20, 1991*	*December 20, 1991*
558–0130909–1	*August 26, 1991*	*December 27, 1991*
558–0131228–5	*September 5, 1991*	*January 24, 1992*
558–0131341–6	*September 5, 1991*	*January 3, 1992*
558–0131550–2	*September 11, 1991*	*December 27, 1991*
558–0131548–6	*September 18, 1991*	*January 3, 1992*
558–0131738–3	*September 25, 1991*	*January 17, 1992*
558–0132026–2	*September 30, 1991*	*September 26, 1993*
558–0132327–4	*October 7, 1991*	*January 31, 1992*
558–0132439–7	*October 16, 1991*	*January 10, 1992*
558–0132581–6	*October 24, 1991*	*February 14, 1992*
558–0132733–3	*October 29, 1991*	*February 14, 1992*
558–0133193–9	*November 12, 1991*	*March 6, 1992*
558–0133194–7	*November 13, 1991*	*March 6, 1992*
558–0133454–5	*November 21, 1991*	*April 10, 1992*
558–0133248–1	*November 25, 1991*	*March 20, 1992*
558–0134088–0	*December 10, 1991*	*April 3, 1992*
558–0134201–9	*December 13, 1991*	*April 3, 1992*
558–0134351–2	*December 23, 1991*	*May 21, 1992*
558–0134659–8	*January 2, 1992*	*May 1, 1992*
558–0235155–5	*January 8, 1992*	*May 1, 1992*
558–0235573–9	*January 31, 1992*	*June 19, 1992*
558–0235748–7	*February 10, 1992*	*June 5, 1992*
558–0235908–7	*February 11, 1992*	*June 12, 1992*
558–0236144–8	*February 18, 1992*	*June 5, 1992*
558–0236326–1	*March 3, 1992*	*June 26, 1992*
558–0236540–7	*March 3, 1992*	*June 26, 1992*
558–0236676–9	*March 9, 1992*	*July 10, 1992*
558–0237217–1	*March 31, 1992*	*July 24, 1992*
558–0237335–1	*April 2, 1992*	*July 21, 1992*
558–0237440–9	*April 9, 1992*	*August 17, 1992*
558–0237712–1	*April 15, 1992*	*August 14, 1992*
558–0237968–9	*April 23, 1992*	*August 14, 1992*
558–0238240–2	*April 29, 1992*	*August 21, 1992*
558–0238343–4	*May 4, 1992*	*September 4, 1992*
558–0238659–3	*May 19, 1992*	*September 18, 1992*
558–0239208–8	*June 1, 1992*	*September 25, 1992*
558–0239321–9	*June 4, 1992*	*September 25, 1992*
558–0239551–1	*June 15, 1992*	*October 9, 1992*
558–0239653–5	*June 16, 1992*	*October 9, 1992*

558–0240134–3	*July 9, 1992*	*November 6, 1992*
558–0240840–5	*July 13, 1992*	*December 4, 1992*
558–0240842–1	*July 21, 1992*	*November 6, 1992*
558–0241524–4	*August 10, 1992*	*December 11, 1992*
558–0242334–7	*September 3, 1992*	*January 4, 1993*
558–0242547–4	*September 15, 1992*	*January 8, 1993*
558–0243505–1	*October 13, 1992*	*February 12, 1993*
558–0243944–2	*October 26, 1992*	*February 26, 1993*
558–0244841–9	*November 23, 1992*	*March 19, 1993*
558–0245110–8	*November 30, 1992*	*April 9, 1993*
558–0245700–6	*December 21, 1992*	*April 16, 1993*
558–0346317–7	*January 11, 1993*	*May 14, 1993*
558–0348026–2	*March 16, 1993*	*July 16, 1993*
558–0348327–4	*March 23, 1993*	*July 16, 1993.*

SEC. 56. TEMPORARY DUTY SUSPENSION ON CERTAIN TEXTURED ROLLED GLASS SHEETS.

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

" 9902.70.03	*Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheading 8516.60.40 (provided for in subheadings 7003.12.00 or 7003.19.00)*	*Free*	*No change*	*No change*	*On or before 12/31/98".*

(b) Effective Date.—

(1) In general.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) Retroactive applicability.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service on or before the 90th day after the date of the enactment of this Act, the entry of any article described in heading 9902.70.03 of the Harmonized Tariff Schedule of the United States (as amended by subsection (a))—

(A) which was made after January 1, 1995, and before the 15th day after the date of the enactment of this Act; and

(B) with respect to which there would have been no duty if the amendment made by this section applied to such entry,

shall be liquidated or reliquidated as though such entry had been made on the 15th day after the date of the enactment of this Act.

SEC. 57. TEMPORARY SUSPENSION OF DUTY ON DEMT.

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

" 9902.32.12	*N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91–67–8) (provided for in subheading 2921.43.80)*	*Free*	*No change*	*No change*	*On or before 12/31/98".*

(b) Effective Date.—The amendment made by subsection (a) applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 58. INVESTIGATION ON CATTLE AND BEEF TRADE.

(a) In General.—The United States International Trade Commission shall conduct a study pursuant to section 332 of the Tariff Act of 1930, and not later than 270 days after the date of the enactment of this Act, shall report to the appropriate committees on—

(1) the impact of the North American Free Trade Agreement and the Uruguay Round Agreements on United States imports and exports of live cattle for slaughter and fresh, chilled, and frozen beef; and

(2) the steps that have been taken by the United States, since the enactment of the North American Free Trade Agreement, to prevent the transshipment of live cattle and fresh, chilled, and frozen beef through Mexico and Canada for importation into the United States.

(b) Appropriate Committees.—For purposes of subsection (a), the term "appropriate committees" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 59. SPECIAL RULE FOR GENERALIZED SYSTEM OF PREFERENCES.

The President is authorized to grant waivers under subsections (c)(2)(F) and (d)(1) of section 503 of the Trade Act of 1974 for those products that exceeded the limitations for 1994 under section 504(c)(1) of the Trade Act of 1974, as in effect on June 30, 1995, and lost eligibility for duty-free treatment under title V of that Act as of July 1, 1995. In granting such waivers, the President shall apply the provisions of subsections (c)(3) and (d)(2) of section 504 of the Trade Act of 1974, as in effect on July 31, 1995, and the references to "preceding calendar year" in such section 504 shall be references to 1994.

Mr. CRANE (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Illinois?

Mr. GIBBONS. Mr. Speaker, reserving the right to object, I only reserve the right in order to allow the gentleman from Illinois [Mr. Crane] to explain the bill.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding and would like to elaborate that H.R. 3815 makes miscellaneous amendments to trade laws with further amendments adopted during Senate consideration of the bill. The Senate added amendment is similar to those in the House passed bill which make technical and miscellaneous corrections to U.S. trade laws.

These provisions have bipartisan support and the support of the industries involved and I would urge my colleagues to support this legislation. Mr. Speaker, I thank the gentleman for yielding to me.

I am pleased to explain to my colleagues in the House the provisions of H.R. 3815, which makes miscellaneous amendments to trade laws, with further amendments adopted during Senate consideration of the bill. On July 30, 1996, the House passed H.R. 3815 under suspension of the rules.

The Senate added amendments similar to those in the House-passed bill which are aimed at streamlining and facilitating the administration of U.S. trade laws. The Senate also added some noncontroversial duty reductions and suspensions, reliquidations, and refunds for acknowledged errors by the Customs Service. These provisions have bipartisan support and the support of the industries involved, and are of similar character to provisions already included in the House bill.

One item in the House-passed version of H.R. 3815 was removed by the Senate. This provision would have established a general consultation and layover requirement for any changes in Administration policy with respect to rules of origin or country-of-origin marking determinations, and a specific moratorium for changes in policy with respect to marking requirements for hand-tool forgings. I still support the bill, however, because it is the expectation of the chairmen of the House Ways and Means Committee and the Senate Finance Committee that the administration will heed the substance of this provision even without specific legislation. The committees plan to address the issues of rules of origin and would be especially averse to any action by the administration in the meantime that would jeopardize the ability of the committees of jurisdiction to approach these issues in a considered and orderly manner at that time.

I believe that H.R. 3815 strikes a blow for good government by streamlining our trade laws and taking care of noncontroversial tariff matters. Accordingly, I urge my colleagues to support passage of this important legislation with the Senate-passed changes.

Mr. GIBBONS. Mr. Speaker, further reserving my right to object, I want to pay tribute to the lady who sits to my immediate right here, Mary Jane Wignot. She has been an effective, wonderful, intelligent staff member for the Subcommittee on Trade on the Committee on Ways and Means for many decades.

She has made major contributions to the substance of legislation that has passed through our committee, complicated technical legislation. She epitomizes what is best in public service for our professional staff.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. Is there objection to the original request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3815.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE H.R. 400, THE ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1995

Mr. CRANE. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H.Res. 554) returning to the Senate the bill H.R. 400 and the Senate amendment thereto, and I ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk reads follows:

H. RES. 554

Resolved, That the Senate amendment to the bill (H.R. 400) entitled the "Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1995", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill with the Senate amendment thereto be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution raises a question of the privileges of the House.

The gentleman from Illinois [Mr. CRANE] will be recognized for 30 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill H.R. 400 and the Senate amendment thereto because the amendment contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. The Senate amendment to H.R. 400 would override current tax law by providing special tax treatment to Alaska Native Corporations receiving cash or property in certain circumstances and, therefore, contravenes this constitutional requirement.

Section 204(a) of the Senate amendment achieves this result by providing that, for the purposes of section 21(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(c)), the receipt of consideration by a Native Corporation for the relinquishment to the United States of land selection rights granted to any Native Corporation shall be deemed to be an interest in land.

Section 21 of the Alaska Native Claims Settlement Act addresses the taxation of various actions pursuant to that Act. Subsection (c) of section 21 provides that in certain instances the receipt of land or any interest in land shall not be subject to Federal, State, or local taxation. Section 204 of the Senate amendment deems the receipt of any consideration (whether land, cash, or other property) to be "an interest in land" for purposes of section 21(c) of the Alaska Native Claims Settlement Act.

The Senate amendment expands section 21 to make the receipt of cash and other property to be tax-free. Absent this provision, the receipt of cash and other property would be governed by the rules of the Internal Revenue Code which would generally treat their receipt as a taxable event. This would clearly supersede the Federal income tax rules relating to the taxation of the disposition of property.

The provision would have a direct effect on tax revenues. The proposed change in our tax laws is a "revenue affecting" infringement on the House's prerogatives, which constitutes a revenue measure in the constitutional sense. Therefore, I am asked that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. In particular, on June 21, 1988, the House returned to the Senate S. 727, which dealt with the tax treatment of income derived from the exercise of Indian treaty fishing rights.

I want to emphasize that this action does not constitute a rejection of the Senate amendment on its merits. Adoption of this privileged resolution to return the bill to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

The proposed action today is procedural in nature, and is necessary to preserve the prerogatives of the House to originate revenue matters. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill, and for the Senate to accept it or amend it as it sees fit.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the Senate know better. This is a perpetual problem that we face in the House. They know that tax legislation must originate in the House and is not with any deleterious remarks that I want to make about this bill, but they know better, and I think it ought to be sent back and I concur with the gentleman's motion.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I have no further requests for time, but I would like to take advantage of this opportunity on our final day of this session of this term to pay tribute, great tribute to a gentleman that I have looked up to for many years on the Committee on Ways and Means, our ranking minority member now who is going into retirement, but will not retire from his involvement I am sure, in these key issues of concern to all of us citizens here in the United States.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1973) to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes, and I ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Navajo-Hopi Land Dispute Settlement Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest for the Tribe, Navajos residing on the Hopi Partitioned Lands, and the United States to reach a peaceful resolution of the longstanding disagreements between the parties under the Act commonly known as the "Navajo-Hopi Land Settlement Act of 1974" (Public Law 93–531; 25 U.S.C. 640d et seq.);

(2) it is in the best interest of the Tribe and the United States that there be a fair and final settlement of certain issues remaining in connection with the Navajo-Hopi Land Settlement Act of 1974, including the full and final settlement of the multiple claims that the Tribe has against the United States;

(3) this Act, together with the Settlement Agreement executed on December 14, 1995, and the Accommodation Agreement (as incorporated by the Settlement Agreement), provide the authority for the Tribe to enter agreements with eligible Navajo families in order for those families to remain residents of the Hopi Partitioned Lands for a period of 75 years, subject to the terms and conditions of the Accommodation Agreement;

(4) the United States acknowledges and respects—

(A) the sincerity of the traditional beliefs of the members of the Tribe and the Navajo families residing on the Hopi Partitioned Lands; and

(B) the importance that the respective traditional beliefs of the members of the Tribe and Navajo families have with respect to the culture and way of life of those members and families;

(5) this Act, the Settlement Agreement, and the Accommodation Agreement provide for the mutual respect and protection of the traditional religious beliefs and practices of the Tribe and the Navajo families residing on the Hopi Partitioned Lands;

(6) the Tribe is encouraged to work with the Navajo families residing on the Hopi Partitioned Lands to address their concerns regarding the establishment of family or individual burial plots for deceased family members who have resided on the Hopi Partitioned Lands; and

(7) neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned Lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe.

SEC. 3. DEFINITIONS.

Except as otherwise provided in this Act, for purposes of this Act, the following definitions shall apply:

(1) ACCOMMODATION.—The term "Accommodation" has the meaning provided that term under the Settlement Agreement.

(2) HOPI PARTITIONED LANDS.—The term "Hopi Partitioned Lands" means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) NAVAJO PARTITIONED LANDS.—The term "Navajo Partitioned Lands" has the meaning provided that term in the proposed regulations issued on November 1, 1995, at 60 Fed. Reg. 55506.

(4) NEW LANDS.—The term "New Lands" has the meaning provided that term in section 700.701(b) of title 25, Code of Federal Regulations.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the agreement between the United States and the Hopi Tribe executed on December 14, 1995.

(7) TRIBE.—The term "Tribe" means the Hopi Tribe.

(8) NEWLY ACQUIRED TRUST LANDS.—The term "newly acquired trust lands" means lands taken into trust for the Tribe within the State of Arizona pursuant to this Act or the Settlement Agreement.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. CONDITIONS FOR LANDS TAKEN INTO TRUST.

The Secretary shall take such action as may be necessary to ensure that the following conditions are met prior to taking lands into trust for the benefit of the Tribe pursuant to the Settlement Agreement:

(1) SELECTION OF LANDS TAKEN INTO TRUST.—

(A) PRIMARY AREA.—In accordance with section 7(a) of the Settlement Agreement, the primary area within which lands acquired by the Tribe may be taken into trust by the Secretary for the benefit of the Tribe under the Settlement Agreement shall be located in northern Arizona.

(B) REQUIREMENTS FOR LANDS TAKEN INTO TRUST IN THE PRIMARY AREA.—Lands taken into trust in the primary area referred to in subparagraph (A) shall be—

(i) land that is used substantially for ranching, agriculture, or another similar use; and

(ii) to the extent feasible, in contiguous parcels.

(2) ACQUISITION OF LANDS.—Before taking any land into trust for the benefit of the Tribe under this section, the Secretary shall ensure that—

(A) at least 85 percent of the eligible Navajo heads of household (as determined under the Settlement Agreement) have entered into an accommodation or have chosen to relocate and are eligible for relocation assistance (as determined under the Settlement Agreement); and

(B) the Tribe has consulted with the State of Arizona concerning the lands proposed to be placed in trust, including consulting with the State concerning the impact of placing those lands into trust on the State and political subdivisions thereof resulting from the removal of land from the tax rolls in a manner consistent with the provisions of part 151 of title 25, Code of Federal Regulations.

(3) PROHIBITION.—The Secretary may not, pursuant to the provisions of this Act and the Settlement Agreement, place lands, any portion of which are located within or contiguous to a 5-mile radius of an incorporated town or city (as those terms are defined by the Secretary) in northern Arizona, into trust for benefit of the Tribe without specific statutory authority.

(4) EXPEDITIOUS ACTION BY THE SECRETARY.—Consistent with all other provisions of this Act, the Secretary is directed to take lands into trust under this Act expeditiously and without undue delay.

SEC. 6. ACQUISITION THROUGH CONDEMNATION OF CERTAIN INTERSPERSED LANDS.

(a) IN GENERAL.—

(1) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—The Secretary shall take action as specified in subparagraph (B), to the extent that the Tribe, in accordance with section 7(b) of the Settlement Agreement—

(i) acquires private lands; and

(ii) requests the Secretary to acquire through condemnation interspersed lands that are owned by the State of Arizona and are located within the exterior boundaries of those private lands in order to have both the private lands and the State lands taken into trust by the Secretary for the benefit of the Tribe.

(B) ACQUISITION THROUGH CONDEMNATION.—With respect to a request for an acquisition of lands through condemnation made under subparagraph (A), the Secretary shall, upon the recommendation of the Tribe, take such action as may be necessary to acquire the lands through condemnation and, with funds provided by the Tribe, pay the State of Arizona fair market value for those lands in accordance with applicable Federal law, if the conditions described in paragraph (2) are met.

(2) CONDITIONS FOR ACQUISITION THROUGH CONDEMNATION.—The Secretary may acquire lands through condemnation under this subsection if—

(A) that acquisition is consistent with the purpose of obtaining not more than 500,000 acres of land to be taken into trust for the Tribe;

(B) the State of Arizona concurs with the United States that the acquisition is consistent with the interests of the State; and

(C) the Tribe pays for the land acquired through condemnation under this subsection.

(b) DISPOSITION OF LANDS.—If the Secretary acquires lands through condemnation under subsection (a), the Secretary shall take those lands into trust for the Tribe in accordance with this Act and the Settlement Agreement.

(c) PRIVATE LANDS.—The Secretary may not acquire private lands through condemnation for the purpose specified in subsection (a)(2)(A).

SEC. 7. ACTION TO QUIET POSSESSION.

If the United States fails to discharge the obligations specified in section 9(c) of the Settlement Agreement with respect to voluntary relocation of Navajos residing on Hopi Partitioned Lands, or section 9(d) of the Settlement Agreement, relating to the implementation of sections 700.137 through 700.139 of title 25, Code of Federal Regulations, on the New Lands, including failure for reason of insufficient funds made available by appropriations or otherwise, the Tribe may bring an action to quiet possession that relates to the use of the Hopi Partitioned Lands after February 1, 2000, by a Navajo family that is eligible for an accommodation, but fails to enter into an accommodation.

SEC. 8. PAYMENT TO STATE OF ARIZONA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to the Department of the Interior $250,000 for fiscal year 1998, to be used by the Secretary of the Interior for making a payment to the State of Arizona.

(b) PAYMENT.—The Secretary shall make a payment in the amount specified in subsection (a) to the State of Arizona after an initial acquisition of land from the State has been made by the Secretary pursuant to section 6.

SEC. 9. 75-YEAR LEASING AUTHORITY.

The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) is amended by adding at the end the following new subsections:

"(c) LEASES INVOLVING THE HOPI TRIBE AND THE HOPI PARTITIONED LANDS ACCOMMODATION AGREEMENT.—Notwithstanding subsection (a), a lease of land by the Hopi Tribe to Navajo Indians on the Hopi Partitioned Lands may be for a term of 75 years, and may be extended at the conclusion of the term of the lease.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'Hopi Partitioned Lands' means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this subsection); and

"(2) the term 'Navajo Indians' means members of the Navajo Tribe.".

SEC. 10. REAUTHORIZATION OF THE NAVAJO-HOPI RELOCATION HOUSING PROGRAM.

Section 25(a)(8) of Public Law 93-531 (25 U.S.C. 640d-24(a)(8)) is amended by striking "1996, and 1997" and inserting "1996, 1997, 1998, 1999, and 2000".

SEC. 11. EFFECT OF THIS ACT ON CASES INVOLVING THE NAVAJO NATION AND THE HOPI TRIBE.

Nothing in this Act or the amendments made by this Act shall be interpreted or deemed to preclude, limit, or endorse, in any manner, actions by the Navajo Nation that seek, in court, an offset from judgments for payments received by the Hopi Tribe under the Settlement Agreement.

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) WATER RIGHTS.—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) The right to the reasonable use of groundwater pumped from such lands.

(B) All rights to the use of surface water on such lands existing under State law on the date of acquisition, with the priority date of such right under State law.

(C) The right to make any further beneficial use on such lands which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

(2) RIGHTS NOT SUBJECT TO FORFEITURE OR ABANDONMENT.—The Tribe's water rights for newly acquired trust lands shall not be subject to forfeiture or abandonment arising from events occurring after the date the lands are taken into trust.

(b) RECOGNITION AS VALID USES.—

(1) GROUNDWATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exits when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater uses on the Tribe's right to surface water established pursuant to subsection (a)(3) when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection (a)(3).

(2) SURFACE WATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired and shall not object to such surface water uses on the basis of water rights associated with the newly acquired trust lands, but shall have the right to enforce the priority of its rights against all junior water rights the exercise of which interfere with the actual use of the Tribe's senior surface water rights.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall preclude the Tribe, or the United States on the Tribe's behalf, from asserting objections to water rights and uses on the basis of the Tribe's water rights on its currently existing trust lands.

(c) APPLICABILITY OF STATE LAW ON LANDS OTHER THAN NEWLY ACQUIRED LANDS.—The Tribe, and the United States on the Tribe's behalf, further recognize that State law applies to water uses on lands, including subsurface estates, that exist within the exterior boundaries of newly acquired trust lands and that are owned by any party other than the Tribe.

(d) ADJUDICATION OF WATER RIGHTS ON NEWLY ACQUIRED TRUST LANDS.—The Tribe's water rights on newly acquired trust lands shall be adjudicated with the rights of all other competing users in the court now presiding over the Little Colorado River Adjudication, or if that court no longer has jurisdiction, in the appropriate State or Federal court. Any controversies between or among users arising under Federal or State law involving the Tribe's water rights on newly acquired trust lands shall be resolved in the court now presiding over the Little Colorado River Adjudication, or, if that court no longer has jurisdiction, in the appropriate State or Federal court. Nothing in this subsection shall be construed to affect any court's jurisdiction; provided, that the Tribe shall administer all water rights established in subsection (a).

(e) PROHIBITION.—Water rights for newly acquired trust lands shall not be used, leased, sold, or transported for use off of such lands or the Tribe's other trust lands, provided that the Tribe may agree with other persons having junior water rights to subordinate the Tribe's senior water rights. Water rights for newly acquired trust lands can only be used on those lands or other trust lands of the Tribe located within the same river basin tributary to the main stream of the Colorado River.

(f) SUBSURFACE INTERESTS.—On any newly acquired trust lands where the subsurface interest is owned by any party other than the Tribe, the trust status of the surface ownership shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) STATUTORY CONSTRUCTION WITH RESPECT TO WATER RIGHTS OF OTHER FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this section shall affect the water rights of any other federally recognized Indian tribe with a priority date earlier than the date the newly acquired trust lands are taken into trust.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to determine the law applicable to water use on lands owned by the United States, other than on the newly acquired trust lands. The granting of the right to make beneficial use of unappropriated surface water on the newly acquired trust lands with a priority date such lands are taken into trust shall not be construed to imply that such right is a Federal reserved water right. Nothing in this section or any other provision of this Act shall be construed to establish any Federal reserved right to groundwater. Authority for the Secretary to take land into trust for the Tribe pursuant to the Settlement Agreement and this Act shall be construed as having been provided solely by the provisions of this Act.

Mr. MILLER of California. Mr. Speaker, I rise in support of S. 1973, the Navajo-Hopi Land Dispute Settlement Act of 1996. This bill is another step in the right direction toward bringing the problems with the land dispute between the two tribes to a close. It will enact the settlement agreement reached between the Hopi Tribe and the Department of Justice acting on behalf of the United States.

S. 1973 will provide the Hopi Tribe with the authority to enter in lease agreements with Navajo residents living on Hopi partitioned land. These leases will allow the Navajo residents to live peaceably on Hopi land for 75 years with the promise that they will be treated under Hopi law the same as members of the Hopi Tribe.

Further, this legislation will settle four law suits pending against the United States by the Hopi Tribe. Enactment of this bill will save millions in continued litigation costs and probable U.S. liability.

I urge my colleagues to support this measure—the Hopi Tribe has remained willing to negotiate and discuss each issue which has arisen over this matter. They have waited long enough for this bill to pass.

I want to thank the Navajo nation for its help in getting this settlement to this point. I further wish to thank the Hopi Tribe, the tribal council, and particularly chairman Ferrell Secakuku and Kim Secakuku for their determination and long hours of hard work.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise to express concerns regarding specific provision included in S. 1973 and to raise concerns about the process involving the consideration of this measure.

Congressional consideration of S. 1973, a measure introduced by Senator MCCAIN which implements a consensual resolution of the Navajo-Hopi land dispute, during the final hours of this Congress is unfortunate. This measure has been the subject of no hearings in either the House or Senate and is being passed with relatively little or no public discussion.

At a time when the American public is calling on legislators to reform the way in which Washington handles its business, we ought not be relying on what amounts to as a closed-door process to pass legislation. There ought to be a better way of doing business. If S. 1973 merits passage, then the House should have considered the bill in a deliberate and conscientious manner, and not in the last remaining minutes of the legislative session.

I am also concerned that S. 1973 goes far beyond the scope of the terms of the Hopi-Navajo Settlement Agreement. In a letter to Senator MCCAIN, the Department of Justice states:

> Two provisions of the bill deviate from the terms of the Settlement Agreement. The 85 percent threshold for the taking of land into

trust by the Secretary pursuant to Section 7(a) of the Settlement Agreement, as set forth in Section 5(2)(A) of S. 1973, is more than the 75 percent requirement agreed to in the Settlement Agreement. We understand that this percentage has been revised so that lands will be taken into trust of the Hopi only after the Secretary of the Interior has ensured that the percentage of eligible Navajo heads of household who remain on the Hopi Partitioned Lands without legal authority is at 15 percent or less, rather than 25 percent or less. Accordingly, to the extent that 15 percent or fewer of the eligible Navajo heads of household are on the Hopi Partitioned Lands in trespass, the conditions set out in Section 5(2)(A) will have been met.

Furthermore, while the administration supports passage of S. 1973, the Department of Justice would prefer that the language of the bill not alter the terms of the agreement achieved consensually by the parties.

In closing, I would like to share concerns raised by several members of the Sovereign Dineh Nation about the settlement agreement process itself. These Sovereign Dineh Nation members object to what they feel has been a heavy-handed ratification of an agreement which threatens their current way of life. The consideration of S. 1973 without adequate congressional hearing adds insult to injury to the concerns of the Sovereign Dineh Nation members.

The Sovereign Dineh Nation members believe the referendum process was unfair and manipulative, and they intend to pursue the matter in U.S. Federal courts.

While I cannot comment on the substance of these concerns, I do believe that S. 1973 should have received more consideration by the Congress.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION FOR COMMITTEE ON RESOURCES TO HAVE UNTIL 5 P.M. OCTOBER 11, 1996, TO FILE REPORT ON H.R. 2041, GUAM WAR RESTITUTION ACT

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the Committee on Resources have until 5 p.m. on October 11, 1996, to file a report on H.R. 2041, the Guam War Restitution Act, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HANSEN). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THANKS AND APPRECIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. FIELDS] is recognized for 5 minutes.

Mr. FIELDS of Louisiana. Mr. Speaker, tonight I rise, as a 33-year-old retiring Member of this distinguished body, filled with thanks and appreciation.

I would first, Mr. Speaker, like to thank each Member of this great and prestigious body. I have never served in a body with such great Members, Members that care about people, Members that care about each other. And I want to thank the Members of this great institution for giving me the opportunity to serve with them.

I also, Mr. Speaker, would like to thank my staff, who have worked so hard throughout the 4 years, or 3½ years, that we have had the opportunity to serve the people of Louisiana. The people on my staff have had the opportunity to solve over 7,000 cases, and we have had over 200 town hall meetings throughout the State of Louisiana. And without the staff that I have, we would not have been able to accomplish those goals.

So I tonight, Mr. Speaker, would like to thank the many members of my congressional staff, who have worked so hard to serve the people of Louisiana.

I would like to thank the staff throughout this Congress, from the security officers, Capitol Police, to the people who work at the desk to people who just work and do day-to-day things here in the House of Representatives.

And I want to give special appreciation to Mr. Charlie Johnson, who is our Parliamentarian, who has worked so hard to keep the rules and regulations, the rules of the House, adhered to.

I remember, Mr. Speaker, when I was first elected to this body, I was 29 years of age and I had the opportunity, at the request of Speaker Foley, to serve as Speaker of the House, and Charlie received several phone calls. The phones started to ring off the hook in the Parliamentarian's office, saying that a page was presiding over the House of Representatives.

But I thank Charlie. All too often, people who work in the middle of the night, people who are seated in front of me, do not get the recognition that is due.

And I want to thank the people of Louisiana. The people of Louisiana have been very good to me and my family. I was elected to office before I had the opportunity to serve in this great body. Nine years ago, the people of the 14th Senatorial District thought enough of me to elect me to the State Senate at the ripe age of 24.

I thank the people of Louisiana for giving me the opportunity to serve not only in this Congress but for giving me the opportunity to serve at such a young age in this Congress as well as the State Senate of Louisiana. And I am so grateful that they put their trust and confidence in me at such a young age. So I am very grateful to the many people who have supported me throughout the years.

And I want to give a special thanks to the Members of the Congressional Black Caucus. Before I went out into this Congress, Mr. Speaker and Members of the House, that body embraced me and took me under their wings and somewhat taught me the ropes of this great body and the way this body operates.

The Congressional Black Caucus has been, and will always be perhaps, the conscience of this Congress, and perhaps it is the conscience of this country. And I want to thank the Members of the Congressional Black Caucus for their leadership.

I want to thank my wife and my son for giving me the opportunity to fly to this great place and do the people's business of Louisiana.

I want to thank, finally, Judge Leon Higginbotham, who worked so hard to keep me and Members like me in this body and in State legislatures all across this country.

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I want to thank Leon Higginbotham for taking a case pro bono and trying to defend the civil rights of so many people across this country and also want to thank the NAACP Legal Defense Fund who have worked so hard to preserve civil rights for so many Americans. I want to thank the Lawyers Committee on Civil Rights. I want to thank attorney Frank Garvin and attorney Earnest Johnson from Louisiana who fought so hard to keep people like me in elected office and protecting their constitutional rights.

Lastly, I want to thank the Members of the Louisiana legislative black caucus who fought so hard for the creation of the district that I have had the opportunity to represent. I want to thank them for their hard work and for all that they have done.

This, Mr. Speaker, tonight, is not a permanent retirement. In life, people change professions, some two, some three, some even seven times. This is a change of profession. I have enjoyed my service here in this Congress, and I am ready to move on and do other things. But this should not be viewed as a permanent retirement. It should be viewed as a temporary retirement with a certain return. I am only 33, and in 6 years I plan to join this body again and hopefully I will have the opportunity to do that.

Shakespeare once said that life is like a play, we all have an opportunity to go on stage and play our part and perform and do our very best while we are in the spotlight. Then after our act ends, we must exit the stage and let a new act begin.

Mr. Speaker, I am pleased that I have had an opportunity to do my job on this stage. I thank the people of Louisiana and thank you, Mr. Speaker, and thank each and every last Member of this great and distinguished body. I am not bitter leaving here tonight. This body has made me better.

RETIREMENT REMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, many years ago when my husband George and I were making decisions about our future careers, I decided that I wanted to be a tax attorney and had thought seriously of attending law school. George, on the other hand, decided that he wanted to become an elected official in the city of Chicago politics.

Well, as our lives unfolded, he became the committeeman of the 24th Ward regular Democratic organization in Chicago's west side and in 1963 its alderman in the Chicago city council. Following that he was elected to become a member of this illustrious body in the 91st Congress and served here until his ill-fated airplane crash that claimed his life on December 8, 1972.

I, of course, was suddenly a widow with an awesome responsibility of rearing our 13-year-old son alone. But apparently I was not destined to become a lawyer but instead to become a maker of laws. On June 7, 1973, I was elected to fill his unexpired term and repesent the people of Chicago, IL's Seventh Congressional District in the 93d Congress.

When I arrived here, it was during one of the most exciting and challenging periods of my life and in our Nation's history. Liberalism was not the dirty word that it appears to be today. The feminist movement was in high gear. And the Vietnam War was raging. Watergate was just about to unfold. Yes, those were heady times. The Equal Rights Amendment had just passed the House of Representatives the year before. And learning the truth about the break-in at the Democratic headquarters in Watergate and urging Congress to set a date certain for the withdrawal of troops from Vietnam were the three most pressing issues that I faced in this body.

At the same time, of course, I had to confront the most stressful and emotional issue of all, and that was the bereavement of my husband and of leaving my son behind to be cared for by my now dear departed mother who did an excellent job.

Upon this last time that I will stand in this well in this body, I am saddened for many reasons. First, because I will be saying goodbye to the wonderful, trusting, supportive constituents of Illinois's Seventh Congressional District. I thank them for the confidence they have shown in my ability to represent their interests and to advocate for their concerns in this body for nearly 24 years.

Second, I will truly miss my friends, BILL CLAY of Missouri, CHARLE RANGEL of New York and LOU STOKES of Ohio, who immediately took me under their wings and have been my mentors and staunchest supporters throughout all of these years. I will also miss CARRIE MEEK and other women in the women's caucus and the black caucus. I have enjoyed their affection throughout this time and have given affection back to them.

I do not want to leave here without saying thank you to my chairman, JOHN DINGELL, who allowed me a free hand in chairing the Commerce Subcommittee that was entitled Commerce, Consumer Protection and Competitiveness during the 102d and the 103d Congresses.

I salute our friend who is no longer here, Jack Brooks, who allowed me to chair several subcommittees under the old Government Operations Committee.

I thank, too, my wonderful administrative assistant who has been with me for 16 of these long years, Bud Myers. And Gerri Houston, my executive assistant who has been here almost the same amount of time. Benny Montgomery my acting district administrator in Chicago, and all of the staff people both on my congressional offices here and in Chicago as well as David Schooler, our counselor on the Committee on Government Reform and Oversight who has been with me for a long time, and others on that committee who have served with all their dedication and loyalty for all of these years.

Each of them has made my job serving the Seventh Congressional District so much more pleasurable and so much easier than it could have been otherwise.

Finally, I want to thank each Member of this body for their friendship. I say to them, I hope that God will give you many blessings.

Before closing, let me add another thing: It has been my opinion, Mr. Speaker, that we have here an awesome responsibility to protect our democracy and to defend our Constitution. Too often in today's debate on social economic policies, in this House of Representatives, I believe we have forgotten that we have the right to uphold these two important concepts of our Nation. It seems to me that during these nearly 24 years we have been in turmoil in this country on more than one occasion, but each time democracy has stood firm.

That is why I am saddened that as I prepare to leave here, I see our country not the wonderful liberal, loving country to all of us that we were when I first came in 1973, but instead I see a resurgence of racism, of hatred, of meanness, of mean-spiritedness, and that leaves me extremely saddened.

We know this is true because we hear it on talk radio. We see it in the burning of African-American and other churches. We hear it in remarks that are unkind and unwise. But you know, Mr. Speaker, I still believe in America because after having served here all of this time, I absolutely believe with all certainty that America can correct her failings if there is a public will to do so.

So now as I leave here moments from now, I place my belief in my fellow Americans and in the Members who will come to this body in the 105th Congress. I believe that they will in fact see to it that America lives up to the words of Thomas Wolfe who said:

> To every person his or her chance, to every person regardless of birth their shining opportunity, to every person, the right to live, to work, to be themselves, to become whatever their ambitions and decisions combine to make them. That is the promise of America.

That is the promise I hope of the 105th Congress.

I thank you all. I say farewell and Godspeed.

THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to certainly add my congratulations to two of my colleagues who just spoke on the floor of the House, the Honorable CLEO FIELDS of Louisiana and certainly applaud his work and encourage his return. And then to certainly my friend and colleague, the Honorable CARDISS COLLINS, with a major place in history, I thank her for her leadership and caring for all of us.

I do believe that it is appropriate, on this last day, as I have acknowledged my colleagues and might I add also a tribute to the departing Members of the Texas delegation. So many of them have served so ably, and I thank them for their service.

This last day we had an opportunity to come together in a bipartisan manner to present to the American people an omnibus appropriations bill that would keep the Government open. As I listened to the Speaker of the House suggest that this was automatic or that this had to be the way it was and it was going to happen, I have to reflect that there was a long journey that brought us to this day. For as we started the 104th Congress, I am unhappy or sad to say that that was not the spirit in which we opened this session, for we spent an acrimonious first year of the 104th, with three times of shutting down the Government, with large attacks on Medicare and Medicaid, with proposed tax cuts of $245 billion that would have gutted the Medicare program and given tax cuts to those who did not need it, with a fight over balancing the budget and establishing priorities, when many of us recognized that you could balance the budget but you could preserve education and the environment and you could maintain the quality of life for our senior citizens.

In fact, we spent an acrimonious time arguing over which direction this country should go.

I am very proud that the Democrats maintained a steady and evenhanded approach, which is to say that Medicare can be preserved, it need not wither on the vine, that Medicaid that provide health care for the indigent but, more particularly, for our seniors in nursing homes certainly had to be preserved, but we could also balance the budget.

This bill is not a perfect bill. There are many things that a lot of us disagree with. But I believe we have come full circle from a time when we were slashing education, cutting school lunches and school breakfasts.

Might I add, I read an article this past week that said, though our children still remain at risk, many children are better off because of the existence of school lunch programs, for some of these programs are the only good and decent nutritious meal that our children get. With all of this attention now to our children, with the understanding that they are no more stronger than what we make them, I am glad to see, albeit it was a tough time, that there has been some recognition by my colleagues on the other side of the aisle that reason and moderation are the best approach.

So I am very gratified that we can say that this omnibus bill includes $3.5 billion added to our education budget. Not a frivolous investment, I might add, some $381 million of it belongs to Head Start, and documentation shows us that if you begin a child on an early sure footing of learning, you can be sure that that is a child that grows to love learning and is on the road to success; $491 million dollars for Goals 2000, already a program attested to by Members by both sides of the aisle, a program started by President George Bush, and $200 million for the school to work program documented in my own city of Houston, where young people leave high school prepared to be gainfully employed. Then I have already said in many of my town hall meetings and I have seen the faces of individuals agreeing with me, it is better to give out a Pell grant than to build a jail cell. And so we have increased Pell grants for our college students and direct student loans across the Nation.

□ 2330

Welfare reform got a lot of publicity, and many people were rising to the floor of the House and beginning to pound their fists and talk about those who were draining on America.

Well, if you tell people to pull up their bootstraps, many of them without shoes, it is going to be very hard to transition people from welfare to work without training and vocational training, and so it is important that in this legislation, unlike last year when the government was shut down, we have $1.5 billion for vocational training and adult education.

That makes sense, but we had to work hard to get to that point, for the stridency of last year was, "We know the right way, and the only way is our way," a single focused highway to nowhere.

All of the debate that has come about over the last few weeks about the drug effort in this Nation was simply saying that we now have a better approach, and that approach, Mr. Speaker, is to support prevention programs and safe and drug-free schools.

In conclusion, let me simply say that I am glad we are at a point where we are, that this bill is passed, but it was a long journey, but it is better for America, and we are better for doing it, and America is good for us doing it for them.

TRIBUTE TO HON. ROBERT S. WALKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to address my colleagues and, first, to thank all of those who worked together this week on legislation which provides for the first time for those law enforcement officials on the Federal scene who have been killed in the line of duty, to make sure that their families and their children are protected when it comes to educational benefits. It is a bipartisan effort, and Congressman STUDDS and I worked in the House, Senator SPECTER in the Senate, in making sure this legislation was reality.

It was not that long ago that there was a Federal officer, Chuck Reed, killed in my district who was an outstanding FBI agent and a real leader in the war against drugs, and William Degan, of course, who was the Federal official who was killed at Ruby Ridge. It is those kinds of individuals for whom we need to make sure that we are attending to the needs of those families, because they gave up so much to help make this country safer and stronger.

Mr. Speaker, I also wanted to salute those retiring Members who are leaving our Chamber who have done so much. One especially from Pennsylvania I wish to point out; that would be Congressman BOB WALKER who, more than any other Member, knows the rules of parliamentary procedure and helped newer Members to learn the rules, to make sure they respect each other in the Chamber and to make sure that we are civil and still worked in a bipartisan way to make sure the people's business is done here in Washington.

So to BOB WALKER who did so much for this House and one of its finest Members, we salute you for all you have done for our country, for this Chamber, and for your resonance in your Pennsylvania district. We know that BOB WALKER has done much to bring honor to himself and to his family and to his community, but to his colleagues here we know how special he was as a fighter for beliefs, as someone who is unyielding in principle, but when it came to making sure we got the job done, he knew when to compromise and how to compromise.

So we salute a very special American, BOB WALKER, who I know we will miss greatly, and we hope he returns often to visit.

WHAT IS THE HISTORICAL SIGNIFICANCE OF THE KAIPAROWITS PLATEAU?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, as a member of the Armed Services Committee it is very interesting to me to see when our four star generals and admirals come in and talk to us as to what is the reason that we are going into Iraq at this particular time. One of the reasons that always jumps out is that we are protecting the oil supply, this great energy sources that comes to America and to other areas, and in protecting that we will be able to protect the free world. Because of that we are sending a number of our young people in harm's way, young men and young women going over there to protect this oil supply that happens to flow through the Middle East.

It is very interesting to me that in my little State of Utah we have something call the Kaiparowits Plateau. President Carter referred to it as coal or ace in the hole. In this particular area we probably have more energy and coal then they have in oil, and we set there at this time in the Kaiparowits Plateau sitting on a supply of coal that is worth $1 trillion and is billions and billions of tons of coal.

It is amazing then, Mr. Speaker, that 2 weeks ago the President of the United States went into Arizona, the south rum of Arizona and stood and pointed out to the north in Utah. He was creating a national momument, and one of the reasons that the President gave for creating this national monument was because he wanted not to have that coal mined. Much of that would accrue, the royalties that is, would accrue to the benefit of the State of Utah. In fact just a small amount that Andalux coal would be mining would be $6.5 billion. Over $1 million would accrue to the schoolchildren of Utah.

It strikes me rather odd, and the irony of the thing is why we go to one place and put our children and our armed people in harm's way when we have a great supply of energy right here and we say, no, we cannot do that even though I think it has been proven that we could do it environmentally sound. What law is there that gives this power, this complete power to one man? That is called the antiquity law written in 1906, and if we go back and read that it is very interesting.

It says that the President may do this to protect Indian ruins, that he may protect it for some historical significance, whatever that may be. Indian ruins; there is one that they always bring out, and I would like to ask the question of this 1.7 million acres, and keep in mind that is the size of Delaware, and maybe throw in 2 other States, that is the size of Yellowstone; keep in mind that we do it for historical significance.

May I ask the President of the United States or anybody who would like to respond: What is there in the 1.7 million acres that has any historical significance? Can anybody name one thing? Is there one scintilla of anything that is there?

The second part of the act in 1906 says to protect this historical significance they will use the smallest amount of acreage. No. 1, there is no historical significance; No. 2, the smallest amount of acreage to protect this nothing that is there, except a very beautiful spot, is smallest amount turns out to be 1.7 million acres.

Do I concede that there is areas in this 1.7 million acres that is absolutely gorgeous and beautiful and should be protected? Absolutely. There is, and much of it should be protected. And we had that opportunity, but we did not take advantage of that opportunity because the President did not seem fit to talk to anybody in Utah. He did not talk to Governor Leavitt, he did not talk to Senator HATCH, he did not talk to Senator BENNETT, he did not talk to Members of this congressional delegation. I am the chairman of the committee that goes through. I did not hear one word. He did not even talk to the man of his own political persuasion. Nobody but nobody heard a word on this area.

But he comes in, not even knowing where it is himself. I think if you put a map down in front of the President of the United States, he would miss it by 500 miles, but yet he talks about the beautiful, historical significance and ties it up into a national monument.

I have since introduced legislation which would limit the antiquities law to 5,000 acres. I have had a number of my colleagues, Democrats and Republicans, come to me and say do not let that happen to my State. Mr. Speaker, I say, "Well, let's not do away with the antiquities bill because there may be something come up that needs to be protected, but what we must do is limit the President so he can't abstractly go out on a huge land grab like he has in the State of Utah, and I would urge my colleagues as we introduce this in January that we immediately pass this legislation to prevent this type of thing happening.

I just really feel bad that there is so little respect for the West, that there truly is another war on the West, that we are constantly being hit with things such as I have just mentioned. I feel very bad that the President of the United States took it upon himself to take 1.7 million acres out of our State, ruin the economy of many of our little cities, hurt so many people, without as much as one sentence on it and not one minimum of spending any time on an investigation of what it would do to the people in Utah.

Mr. Speaker, that is the largest arrogance of power I have seen in 36 years as an elected official.

OMNIBUS INSULAR AREAS ACT OF 1996

The SPEAKER pro tempore. Without objection, the title of the bill (H.R. 1332) to establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes, agreed to earlier today, is amended so as to read: "A bill to make certain technical changes affecting United States territories, and for other purposes.".

There was no objection.

SALUTE TO THE HONORABLE WILLIAM CLINGER

(Mr. FOX asked and was given permission to address the House for 1 minute.)

Mr. FOX of Pennsylvania. Mr. Speaker, my fellow colleagues, I would be remiss if I did not also give special mention to the Honorable WILLIAM CLINGER, who has served this House with distinction, most recently as the chairman of the Government Reform and Oversight Committee where he has in a very bipartisan manner, a very judicious manner, he has been the individual who has overseen the hearings that deal with Whitewater and Filegate and various other matters that are very sensitive to the United States.

I think the people of central Pennsylvania were privileged to have someone of his class, his distinction, and his honor serving us here in this body, and to BILL CLINGER and his family, well deserved retirement, but he was a role model for many of us in Congress and he will be sorely missed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today, on account of personal business.

Ms. WATERS (at the request of Mr. GEPHARDT) for today, on account of district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FIELDS of Louisiana) to revise and extend their remarks and include extraneous material:)

Mr. DICKS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GILCHREST) to revise and extend his remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.

Mr. COBLE, for 5 minutes, on September 28 and 30.

Mr. ZELIFF, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 737. An act to extend the deadlines applicable to certain hydroelectric projects, and for other purposes; to the Committee on Commerce.

S. 2153. An act to designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building", and for other purposes; to the Committee on Government Reform and Oversight.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 3068. An act to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge, and for other purposes.

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes.

H.R. 2508. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, September 30, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ECT.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5354. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Assessment Rate [Docket No. FV96-905-1 FIR] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5355. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Technical Amendments to the Soybean Promotion and Research Order and Rules and Regulations [Docket No. LS-96-005] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5356. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Sale of HUD-Held Single Family Mortgages; Notice of Extension of Interim Rule Effective Period (FR-3814) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5357. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Base Closure Community Redevelopment and Homeless Assistance; Extension of Interim Rule Effective Period (FR-3820) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5358. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Optional Earned Income Exclusion Interim Rule (FR-4080) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5359. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Loan Guarantee Recovery Fund Final Rule (FR-4108) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5360. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Termination of Tenancy for Criminal Activity Final Rule (FR-3472) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5361. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals Final Rule (FR-3929) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5362. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining Multifamily and Single Family Nonjudicial Foreclosure Procedures Final Rule (FR-4110) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5363. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Homeownership of Single Family Homes Program (HOPE 3); Streamlining Final Rules (FR-3857) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5364. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Investment Partnerships Program Final Rule (FR-3962) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5365. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Conversion from Coinsurance to Full Insurance Final Rule (FR-3813) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5366. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Equity Conversion Mortgage Insurance Demonstration; Additional Streamlining Final Rule (FR-2958) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5367. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—RESPA; Statement of Enforcement Standards; Title Insurance Practices in Florida Final Rule (FR-4114) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5368. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Department's final rule—Sales of Credit Life Insurance [Docket No. 96-22] (RIN: 1557-AB49) received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5369. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Removal of Duplicative Regulations Governing the H-1A Nurses Labor Attestation Program, the D-1 Foreign Maritime Crewmembers Program, the H-1B Nonimmigrant Labor Condition Application Program, and the F-1 Students Labor Attestation Program (RIN: 1205-AB13) received September 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5370. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled, "Presidential Honors Scholarship Act of 1996"; to the Committee on Economic and Educational Opportunities.

5371. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96-75), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5372. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification for authorizing assistance to strengthen the ECOMOG peacekeeping mission in Liberia, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

5373. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for drawdown under section 506 of the Foreign Assistance Act to support ECOMOG, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

5374. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a memorandum of justification for drawdown under section 552 of the Foreign Assistance Act to support ECOMOG, pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

5375. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus Question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

5376. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation (GSAR) for Change 73, Authorizing Deviations from the FAR and GSAR [APD 2800.12A, CHGE 73] (RIN: 3090-AG09) received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5377. A letter from the Director, Office of the Secretary of Defense, transmitting the Office's final rule—Privacy Program (32 CFR Part 505) received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5378. A letter from the Secretary of Education, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

5379. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to clarify the effective date provision of Rules 413 through 415 of the Federal Rules of Evidence; to the Committee on the Judiciary.

5380. A letter from the Secretary of Transportation transmitting the Department's 1995 progress report on the transition to quieter airplanes, pursuant to Public Law 101–508, section 9308(g) (104 Stat. 1388–383); to the Committee on Transportation and Infrastructure.

5381. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Testing Requirements for Ocean Dumping [FRL–5617–6] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5382. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey Transportation Control Measures [FRL–5554–9] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5383. A letter from the Secretary of Energy transmitting the Department's report entitled "Annual Report on the Metals Initiative," pursuant to Public Law 100–680, section 8; to the Committee on Commerce.

5384. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Work Opportunity Tax Credit—Pre-Screening Notice [Notice 96–52] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 3307. A bill to amend title 5, United States Code, to provide for a limitation on sanctions imposed by agencies and for other purposes; with amendments (Rept. 104–859). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2392. A bill to amend the Umatilla Basin Project Act to establish boundaries for irrigation districts within the Umatilla Basin, and for other purposes; with an amendment (Rept. 104–860). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Federal Government Management: Examining Government Performance As We Near the Next Century (Rept. 104–861). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Investigation into the White House and Department of Justice on Security of FBI Background Investigation Files (Rept. 104–862). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee of Conference. Conference report on H.R. 3610. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–863). Ordered to be printed.

Mr. BLILEY: Committee of Conference. Conference report on H.R. 3005. A bill to amend the Federal securities laws in order to promote efficiency and capital information in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation (Rept. 104–864). Ordered to be printed.

Mr. BLILEY: Committee on Conference. H.R. 2976. A bill to prohibit health plans from interfering with health care provider communications with their patients; (Rept. 104–865 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2976. Referral to the Committees on Ways and Means, Economic and Educational Opportunities, and Government Reform and Oversight for a period ending not later than October 2, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California (for himself, Mr. DEFAZIO, Mr. SANDERS, Mr. DELLUMS, Mr. MILLER of California, and Mr. EVANS):

H.R. 4274. A bill to require the Commissioner of Social Security and the Secretary of the Treasury to develop and implement measures to eliminate and prevent mismatching of earnings information maintained by the Social Security Administration and the Internal Revenue Service resulting in underpayment of social security benefits; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. ROBERTS, and Mr. MILLER of California):

H.R. 4275. A bill to provide funding for the nutrition education and training program authorized under the Child Nutrition Act of 1966, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EWING:

H.R. 4276. A bill to amend the Commodity Exchange Act to provide a conditional exemption for certain transactions involving professional markets, to clarify the effect of the designation of a board of trade as a contract market, to simplify the process for the making effective of contract market rules, to regulate audit trail requirements, to establish cost-benefit analysis requirements, and to combat fraud in transactions in or involving foreign currency, and for other purposes; to the Committee on Agriculture.

By Mr. GREENWOOD (for himself, Mr. WAXMAN, Mr. BURR, Mr. TOWNS, Mr. KLUG, Mr. FRANKS of New Jersey, and Mr. HALL of Texas):

H.R. 4277. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Commerce.

By Mr. LIVINGSTON:

H.R. 4278. A bill making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes; considered and passed pursuant to the order of the House.

By Mr. ACKERMAN:

H.R. 4279. A bill to direct the Secretary of Transportation to determine the feasibility of placing bar codes on passenger motor vehicles to facilitate the tracing of stolen vehicles, and for other purposes; to the Committee on Commerce.

By Mr. THOMAS:

H.R. 4280. A bill to amend title 44, United States Code, to establish the Joint Committee on Information, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. BURTON of Indiana, and Mr. GALLEGLY):

H.R. 4281. A bill to provide a process leading to full self-government for Puerto Rico; to the Committee on Resources, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BATEMAN:

H.R. 4282. A bill to amend the National Defense Authorization Act for fiscal year 1993 to make a technical correction relating to the provision of Department of Defense Assistance to local educational agencies; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE:

H.R. 4283. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself, Mr. EDWARDS, Mr. ABERCROMBIE, Mrs. THURMAN, Mr. SAWYER, Mr. WYNN, Mr. BENTSEN, Ms. MCCARTHY, Mr. DOOLEY, Mr. HINCHEY, Mr. DICKS, Mr. CUMMINGS, Mr. FROST, Mr. SCOTT, Mr. MORAN, and Mr. RICHARDSON):

H.R. 4284. A bill to prohibit certain abortions; to the Committee on Commerce.

By Mr. COX (for himself, Mr. LARGENT, Mr. BARTON of Texas, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. LIVINGSTON, Mr. ARCHER, Mr. KASICH, Mr. PAXON, Ms. MOLINARI, Mr. CLINGER, Mr. SOLOMON, Mr. GOSS, Mr. HORN, Mr. STENHOLM, Ms. HARMAN, Mr. CONDIT, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. MONTGOMERY, Mr. ROSE, Mr. PETE GEREN of Texas, Mr. ALLARD, Mr. BACHUS, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BATEMAN, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BONILLA, Mr. BONO, Mr. BROWNBACK, Mr. BRYANT of Tennessee, Mr. BUNNING of Kentucky, Mr. BURR, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CAMPBELL, Mr. CANADY, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBLE, Mr. COBURN, Mr. COLLINS of Georgia, Mr. COMBEST, Mr. COOLEY, Mr. CRANE, Mr. CRAPO, Mr. CREMEANS, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHLERS, Mr. EHRLICH, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EWING, Mr. FLANAGAN, Mr. FOLEY, Mr. FOX, Mr. FIELDS of Texas, Mr. FORBES, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. FRELINGHUYSEN, Mr. FRISA, Mr. FUNDERBURK, Mr. GALLEGLY, Mr. GANSKE, Mr. GEKAS, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GOODLATTE, Mr. GOODLING, Mr. GRAHAM, Mr. GREENWOOD, Ms. GREENE of Utah, Mr. GUNDERSON, Mr. GUTKNECHT, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HOKE, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HUNTER, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON, Mr. JONES, Mrs. KELLY, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LATHAM, Mr. LATOURETTE, Mr. LAUGHLIN, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LONGLEY, Mr. LUCAS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MANZULLO, Mr. MARTINI, Mr. METCALF, Mrs. MEYERS of Kansas, Mr. MICA, Mr. MILLER of Florida, Mr. MOORHEAD, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. PARKER, Mr. PETRI, Mr. POMBO, Mr. PORTMAN, Ms. PRYCE, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RIGGS, Mr. ROBERTS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROTH, Mrs. ROUKEMA, Mr. ROYCE, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAEFER, Mr. SCHIFF, Mrs. SEASTRAND, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mrs. SMITH of Washington, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAUZIN, Mr. THOMAS, Mr. THORNBERRY, Mr. TIAHRT, Mr. TORKILDSEN, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITE, Mr. WICKER, Mr. WHITFIELD, Mr. WOLF, and Mr. ZIMMER):

H.R. 4285 A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to reform the budget process, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Government Reform and Oversight, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 4286. A bill to amend the Anti Car Theft Act of 1992 to provide for the establishment of a toll-free telephone number for the reporting of stolen and abandoned passenger motor vehicles, and for other purposes; to the Committee on the Judiciary.

H.R. 4287. A bill to require the Administrator of the Federal Aviation Administration to address the aircraft noise problems of Queens and the northshore of Long Island, NY; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself, Mr. BILBRAY, Mr. BONO, Mr. COMBEST, Mr. GINGRICH, Mr. MCCRERY, Mr. REGULA, Mr. TAUZIN, Mr. THORNBERRY, and Mr. WISE):

H.R. 4288. A bill to encourage the increased use of domestic natural gas as a transportation fuel, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 4289. A bill to provide a more effective remedy for inadequate trade benefits extended to the United States by other countries and for restrictions on free emigration imposed by other countries; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California:

H.R. 4290. A bill to amend title V of the Trade Act of 1974 to add to the eligibility criteria for the generalized system of preferences full cooperation with the United States in preventing illegal drug traffic and the entry of illegal drugs into the United States; to the Committee on Ways and Means.

H.R. 4291. A bill to provide for the multilateral negotiation of Western Hemisphere environmental, labor, and agricultural standards, to implement as U.S. negotiating objectives in any free trade area negotiations pursuant to the Free Trade Agreement for the Americas certain threshold protections regarding enforceable worker rights, agricultural standards, and environmental quality, and to implement a corresponding, comprehensive multilateral dispute resolution mechanism to investigate, adjudicate, and render binding, enforceable judgments against any unfair trade practices arising within the Western Hemisphere free trade area, including those involving the systematic denial or practical nullification of certain threshold protections of worker rights, agricultural standards, and environmental quality; to the Committee on Ways and Means.

H.R. 4292. A bill to provide a comprehensive program of adjustment assistance to workers displaced as a result of any program, project, or activity carried out under Federal law; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWNBACK (for himself, Mr. ALLARD, and Mr. HOKE):

H.R. 4293. A bill to amend title 31, United States Code, to provide for public disclosure of the amounts of Federal funds used to conduct field examinations of appropriation estimates; to the Committee on Government Reform and Oversight.

By Mr. COOLEY.

H.R. 4294. A bill to prohibit further extension or establishment of any national monument in Oregon without full public participation and an express act of Congress, and for other purposes; to the Committee on Resources.

By Mr. CRAPO:

H.R. 4295. A bill to authorize the Secretary of the Interior to transfer certain facilities of the Minidoka Project to the Burley Irrigation District, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. DINGELL, Mr. SANDERS, Mr. COSTELLO, Mr. FOGLIETTA, Mr. MORAN, Mrs. LOWEY, Mr. PALLONE, Mrs. MEEK of Florida, Mr. LOBIONDO, Ms. PELOSI, Mr. NADLER, Ms. ESHOO, Mrs. MALONEY, Ms. NORTON, Mrs. CLAYTON, and Ms. SLAUGHTER):

H.R. 4296. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection of the treatment of breast cancer; to the Committee on Commerce.

By Mr. DELAY:

H.R. 4297. A bill to give all American electricity consumers the right to choose among competitive providers of electricity in order to secure lower electricity rates, higher quality services, and a more robust U.S. economy, and for other purposes; to the Committee on Commerce.

By Mr. ENSIGN:

H.R. 4298. A bill to provide for a special Medicare part B enrollment period and a special Medigap open enrollment period for certain military retirees and dependents; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mr. HERGER, Mr. BILBRAY, and Mrs. MEYERS of Kansas):

H.R. 4299. A bill to regulate the use by interactive computer services of Social Security account numbers and related personally identifiable information; to the Committee on Commerce.

By Ms. FURSE:

H.R. 4300. A bill to amend the Public Health Service Act to assure the availability of health insurance coverage for children in the individual market in a manner similar to guaranteed availability of individual health insurance coverage for certain previously covered individuals under the Health Insurance Portability and Accountability Act of 1996; to the Committee on Commerce.

By Mr. GOODLING:

H.R. 4301. A bill to amend the Internal Revenue Code of 1986 to provide that elected tax collectors shall be treated as self-employed for certain purposes; to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.R. 4302. A bill to consolidate within the Department of Agriculture all inspection activities regarding livestock and poultry carcasses, seafood, meat products, poultry products, and seafood products to provide for the improved inspection of those articles and products; to the Committee on Agriculture.

By Ms. HARMAN (for herself and Mr. CAMPBELL):

H.R. 4303. A bill to authorize appropriations to reimburse States for costs of educating certain illegal alien students; to the Committee on Economic and Educational Opportunities.

By Mr. HOKE:

H.R. 4304. A bill to restore equal educational opportunity; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of South Dakota (for himself and Mr. MINGE):

H.R. 4305. A bill to amend the research provisions of the Fund for Rural America to include the development and promotion of precision agriculture and precision agriculture technologies among the purposes for which research, extension, and education grants may be provided; to the Committee on Agriculture.

By Mr. KENNEDY of Massachusetts (for himself and Mr. MILLER of California):

H.R. 4306. A bill to enhance international security by using the resources and expertise of the international financial institutions and the United Nations to redirect world military spending to human development; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Massachusetts (for himself, Mr. SMITH of New Jersey, Mr. BROWN of California, Mr. MORAN, Mr. SANDERS, Mr. EVANS, and Mr. FRANK of Massachusetts):

H.R. 4307. A bill to prohibit the importation of soccer balls manufactured or assembled with child labor; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

By Mrs. LOWEY (for herself, Mr. SKAGGS, Mr. FROST, Mr. YATES, Mrs. MORELLA, Mr. TORRICELLI, Mr. NADLER, Mr. MANTON, Mr. SCHUMER, and Mr. PALLONE):

H.R. 4308. A bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 4309. A bill to provide interest subsidies for new school construction and renovation projects; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM:

H.R. 4310. A bill to amend the Federal Election Campaign Act of 1971 to establish the Presidential Debate Commission on an ongoing basis and to amend the Internal Revenue Code of 1986 to reduce the amount of funds provided under such act for party nominating conventions for any party whose nominee for President or Vice President does not participate in any debate scheduled by the Commission, and for other purposes; to the Committee on House Oversight.

H.R. 4311. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from IRA's for certain purposes, to increase the amount of tax deductible IRA contributions, and for other purposes; to the Committee on Ways and Means.

H.R. 4312. A bill to revitalize the tourism industry and to provide airport security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Commerce, Ways and Means, the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEYERS of Kansas:

H.R. 4313. A bill to amend the Small Business Act to strengthen existing protections for small business participation in Federal contracting opportunities, to provide for assessments of the impacts on small businesses of the steadily increasing use of contract bundling by the procurement activities of the various Federal agencies, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORHEAD (for himself and Mr. HYDE):

H.R. 4314. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS (for himself, Ms. NORTON, Ms. MCKINNEY, Mr. FRAZER, Mr. YATES, Mr. DELLUMS, Mr. PAYNE of New Jersey, Mr. HILLIARD, Mr. KILDEE, and Mrs. MINK of Hawaii):

H.R. 4315. A bill to provide patients with information and rights to promote better health care; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 4316. A bill to amend the Federal Power Act to provide a moratorium on the retail wheeling of electric energy until the Clean Air Act is amended to reduce significantly certain transboundary air pollution, and for other purposes; to the Committee on Commerce.

H.R. 4317. A bill relating to disposal of contaminated dredged materials in the Port of New York-New Jersey; to the Committee on Transportation and Infrastructure.

By Mr. PETRI:

H.R. 4318. A bill to provide for a system of guaranteeing the deposits and certain other liabilities of depository institutions through a self-regulating system of cross-guarantees, to protect taxpayers against deposit insurance losses, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANFORD:

H.R. 4319. A bill to provide for the establishment of uniform accounting systems, accounting standards, and accounting reporting systems in the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SCHUMER:

H.R. 4320. A bill to amend the Truth in Lending Act to require a credit card issuer to disclose only 1 annual percentage rate of interest in any preapproved application or solicitation to open a credit card account under an open end consumer credit plan, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 4321. A bill to enhance and protect retirement savings; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER (for himself and Mr. CUMMINGS):

H.R. 4322. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Ms. SLAUGHTER):

H.R. 4323. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing tax benefits to individuals who save for, or pay for, higher education; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 4324. A bill to improve the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Mr. CAMPBELL, and Mr. SHAYS):

H.R. 4325. A bill to amend title XVIII of the Social Security Act to provide hospitals extend fair visitor privileges to non-family members; to the Committee on Ways and Means.

By Mr. TORRICELLI:

H.R. 4326. A bill to amend title 18, United States Code, to prohibit interactive computer services from releasing to the public certain private information; to the Committee on the Judiciary.

By Mr. WHITE (for himself and Mr. HORN):

H.R. 4327. A bill to establish a temporary commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITE:

H.R. 4328. A bill to enhance the competitiveness of the United States and promote foreign commerce generally through the creation of the U.S. Trade Administration as an independent establishment in the executive branch of the Government; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, Government Reform and Oversight, International Relations, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE:

H.J. Res. 197. Joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the 104th Congress making general or continuing appropriations for fiscal year 1997; considered and passed.

By Mr. ARMEY:

H.J. Res. 198. Joint resolution appointing the day for the convening of the first session of the 105th Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996; considered and passed.

By Mr. SHUSTER:

H. Con. Res. 229. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1004; considered and agreed to.

By Mr. ARMEY:

H. Con. Res. 230. Concurrent resolution providing for the sine die adjournment of the second session of the 104th Congress; considered and agreed to.

By Mrs. LOWEY (for herself, Mr. Gilman, Mrs. Kelly, and Mr. Engel):

H. Con. Res. 231. Concurrent resolution condemning anti-semitic vandalism in Westchester County, NY; to the Committee on the Judiciary.

H. Res. 551. Resolution relating to early organization of the House of Representatives for the 105th Congress; pursuant to House Resolution 546, considered as having been adopted.

H. Res. 552. Resolution providing for the printing of the revised edition of the Rules and Manual of the House of Representatives for the 105th Congress; pursuant to House Resolution 546, considered as having been adopted.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1317: Mr. Camp and Mr. Weller.

H.R. 1560: Mr. Borski.

H.R. 2152: Mr. Bachus.

H.R. 2237: Mrs. Thurman.

H.R. 2396: Mr. Pickett, Mr. Payne of Virginia, Mr. Ensign, and Mrs. Vucanovich.

H.R. 2746: Mr. Schumer, Mr. Serrano, and Mr. Porter.

H.R. 2962: Ms. Slaughter.

H.R. 2976: Mr. Pickett, Mr. Bonior, and Mr. Gilchrest.

H.R. 3011: Mr. Ackerman, Mr. Sam Johnson, and Mr. Baker of Louisiana.

H.R. 3142: Mr. Orton.

H.R. 3163: Mr. Nethercutt.

H.R. 3252: Mrs. Mink of Hawaii, Mr. DeFazio, and Mr. Borski.

H.R. 3332: Mr. Martinez, Mr. Payne of New Jersey, Mr. Owens, Mr. Foglietta, Mr. Watt of North Carolina, Ms. Roybal-Allard, Mr. Faleomavaega, Mr. Wynn, and Mrs. Maloney.

H.R. 3631: Mr. Cummings.

H.R. 3654: Mr. Duncan.

H.R. 3713: Mr. Ackerman, Mr. Lantos, Mrs. Schroeder, and Mr. Serrano.

H.R. 3714: Mrs. Clayton and Mrs. Lowey.

H.R. 3731: Mr. Baker of Louisiana.

H.R. 3737: Mr. Duncan, Mr. Wamp, Mr. Tanner, Mr. Lipinski, Mr. Frost, Mr. Flake, Mr. LaFalce, and Mr. Pastor.

H.R. 3747: Mr. Spratt and Mr. Bishop.

H.R. 3775: Mr. Ortiz, Mr. Chambliss, and Mr. Bishop.

H.R. 3787: Mr. Lewis of Georgia.

H.R. 3817: Mr. Bartlett of Maryland.

H.R. 3839: Mr. Serrano.

H.R. 3849: Mr. Weldon of Pennsylvania.

H.R. 3857: Mr. Miller of California.

H.R. 3961: Mr. Condit.

H.R. 3991: Mrs. Clayton.

H.R. 3992: Ms. Kaptur.

H.R. 4001: Mr. Dellums.

H.R. 4019: Ms. Harman.

H.R. 4027: Mr. Lazio of New York.

H.R. 4031: Mr. Kim and Mrs. Seastrand.

H.R. 4047: Mrs. Clayton and Ms. Kaptur.

H.R. 4052: Ms. Slaughter and Mrs. Clayton.

H.R. 4058: Mr. Kildee, Mr. Towns, Mr. Filner, Mr. Dellums, Ms. Lofgren, Mr. Gejdenson, Mr. Gonzalez, Mr. Boucher, Mrs. Maloney, Mr. Manton, Mr. Frank of Massachusetts, Mrs. Lowey, and Mr. Faleomavaega.

H.R. 4065: Mr. Evans, Mr. Frank of Massachusetts, and Mr. Borski.

H.R. 4066: Mrs. Vucanovich.

H.R. 4068: Mr. Orton.

H.R. 4071: Ms. Norton, Mrs. Clayton, Mr. Conyers, and Ms. Brown of Florida.

H.R. 4072: Mr. Ewing, Mr. Cox, and Mr. Smith of Texas.

H.R. 4077: Mrs. Chenoweth.

H.R. 4093: Mrs. Roukema and Mr. Pallone.

H.R. 4102: Mr. Camp.

H.R. 4117: Mr. Stark, Mrs. Myrick, Mr. Engel, and Mr. Frost.

H.R. 4124: Mr. Stupak.

H.R. 4131: Ms. Furse, Mr. Costello, Mr. Gutierrez, and Mr. Ortiz.

H.R. 4149: Mr. Nussle and Mr. Bentsen.

H.R. 4178: Mr. Baesler.

H.R. 4262: Mr. Hoyer.

H.R. 4264: Ms. Furse.

H.J. Res. 174: Mr. Salmon.

H. Con. Res. 190: Ms. Furse.

H. Con. Res. 210: Mr. Green of Texas, Mr. Walsh, Mr. Lipinski, Mr. Sisisky, Mr. Oberstar, Mr. Neal of Massachusetts, Mr. Barrett of Wisconsin, Mr. Evans, Mr. Tejeda, Mr. Ward, Mr. Jacobs, and Mr. McHale.

H. Con. Res. 215: Mr. Schumer, and Mr. Porter.

H. Res. 510: Mr. Gilman and Mr. Goss.

H. Res. 518: Mr. Waxman, Mr. Gutierrez, Mr. Fattah, Ms. Kaptur, Mr. Flake, Mr. Rush, Mr. Watt of North Carolina, Mr. Clay, Mr. Stokes, Ms. Woolsey, Ms. Norton, Mr. Ford, Mr. Conyers, Mr. Rangel, Mr. Hinchey, Ms. Furse, Mr. Owens, Mr. Becerra, Ms. Eshoo, Mr. Ward, Mr. Watts of Oklahoma, Mr. Farr, Mr. Markey, Mrs. Maloney, Mrs. Lowey, Mr. Richardson, Mr. Traficant, Mr. Tejeda, Mrs. Thurman, Mr. Kennedy of Massachusetts, Mr. Towns, Mr. Hoyer, and Mr. Frost.

H. Res. 519: Mr. Goss.

H. Res. 542: Ms. Slaughter.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4148: Mr. Barrett of Nebraska.

CONFERENCE REPORT ON H.R. 3610, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes:

Conference Report (H. Rept. 104–863)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3610) "making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101(a) For programs, projects or activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes

TITLE I—DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $75,773,000 of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,477,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1996: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

For an additional amount, for enhancements for the Office of Intelligence Policy and Review and security measures, $3,600,000; of which $2,170,000 is for security enhancements: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $9,450,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred

P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this heading shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

For an additional amount for necessary expenses, as determined by the Attorney General, $20,000,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, or (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $62,000,000.

For an additional amount for security measures for the Executive Office of Immigration Review, $1,000,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget, and Emergency Deficit Control Act of 1985, as amended.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $48,000,000 to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,960,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $4,845,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collection evidence, to be expended under the direction of, and to be accounted for solely under the certificate if, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $420,793,000 of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States, and credit to this appropriation, gifts of money, personal property and services, for the purposes of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1997: Provided, further, That not to exceed 8 permanent positions and 10 full-time equivalent workyears and $987,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details. temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986 as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

For an additional amount for expenses of the Criminal Division relating to terrorism, $1,719,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $7,750,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $76,447,000: Provided, That notwithstanding any other provision of law, not to exceed $58,905,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1997, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than $17,542,000: Provided further, That any fees received in excess of $58,905,000 in fiscal year 1997, shall remain available until expended, but shall not be available for obligation until October 1, 1997.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $923,340,000, of which not to exceed $2,500,000 shall be available until September 30, 1998, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That $1,900,000 for supervision of the International Brotherhood of Teamsters national election, shall remain available until expended: Provided further, That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,652 positions and 8,936 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

For an additional amount for expenses relating to terrorism and security needs, $10,900,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $43,876,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $28,602,000 shall be available to help meet the increased demands for litigation and related activities, $4,641,000 for Southwest Border Control, $1,000,000 for Federal victim counselors, and $9,633,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $107,950,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That notwithstanding any other provision of law, $107,950,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1997, so as to result in a final fiscal year 1997 appropriation from the Fund estimated at $0: Provided further, That any such fees collected in excess of $107,950,000 in fiscal year 1997 shall remain available until expended but shall not be available for obligation until October 1, 1997.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $953,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $457,495,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: Provided, That, with respect to the amounts appropriated above, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102: Provided further, That not to exceed 12 permanent positions and 12 full-time equivalent workyears and $700,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended: Provided, That this appropriation hereafter shall not be available for expenses authorized under 18 U.S.C. 4013(a)(4).

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $100,702,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to this paragraph shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $13,736,000, not to be available for obligation until September 30, 1997.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $359,430,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,706 passenger motor vehicles, of which 1,945 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General: $2,451,361,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1998; of which not less than $147,081,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; and of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That not to exceed 81 permanent positions and 85 full-time equivalent workyears and $5,959,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

For an additional amount for necessary expenses of the Federal Bureau of Investigation to prevent and investigate terrorism activities and incidents; provide for additional agents and support staff; protect key physical assets; establish a capability for chemical, biological and nuclear research; improve domestic intelligence; and improve security at Federal Bureau of Investigation offices, $115,610,000, as authorized by the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104–132): Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), $169,000,000, to remain available until expended, which shall derived from the Violent Crime Reduction Trust Fund; of which $76,356,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $53,404,000 shall be for activities authorized by section 190001(b) of the 1994 Act, of which $20,240,000 shall be for activities authorized by section 103 of the Brady Handgun Violence Prevention Act (Public Law 103–159), as amended; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For necessary expenses, as determined by the Attorney General, $60,000,000, to remain available until expended, to be deposited in the Telecommunications Carrier Compliance Fund for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services pursuant to section 110 of this Act: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget *request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.*

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $41,639,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,158 passenger motor vehicles, of which 1,032 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $745,388,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1998; and of which not to exceed $50,000 shall be available for official reception and representation expenses: Provided, That not to exceed 25 permanent positions and 25 full-time equivalent workyears and $1,828,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

For an additional amount for security measures for domestic and foreign Drug Enforcement Administration offices, $5,000,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and for the purchase of passenger motor vehicles for police-type use, as otherwise authorized in this title, $220,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $30,806,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and allien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,691, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,590,159,00 of which not to exceed $400,000 for research shall remain available until expended; and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1997: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further; That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the cheek points are open and traffic is being checked one continuous 24-hour basis: Provided further, That the Land Border Fee Pilot Project scheduled to end September 30, 1996, is extended to September 30, 1999 for projects on both the northern and southern borders of the United States, except that no pilot program may implement a universal land border crossing toll: Provided further, That obligated and unobligated balances available to "Salaries and Expenses, Community Relations Service" under section 501(c) of the Refugee Education Assistance Act of 1980 are transferred to this account and shall remain available until expended: Provided further, That not to exceed 48 permanent positions and 48 full-time equivalent workyears and $4,628,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

For an additional amount to support the detention and removal of aliens with ties to terrorist organizations and expand the detention and removal of illegal aliens and enhance the intelligence of the Immigration and Naturalization Service, $15,000,000, of which $10,000,000 shall be for detention and removal of aliens: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $500,000,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund, of which $66,217,000 shall be for expeditious deportation of denied asylum applicants, $317,256,000 shall be for improving border controls, and $116,527,000 shall be for detention and deportation proceedings: Provided, That amounts not required for asylum processing provided under the expeditious deportation of denied asylum applicants shall also be available for other deportation program activities.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $9,841,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 836, of which 572 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,768,316,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1998: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners: Provided further, That the National Institute of Corrections hereafter shall be included in the FPS Salaries and Expenses budget, in the Contract Confinement program and shall continue to perform its current functions under 18 U.S.C. 4351, et seq., with the exception of its grant program and shall collect reimbursement for services whenever possible: Provided further, That any unexpended balances available to the "National Institute of Corrections" account shall be credited to and merged with this appropriation, to remain available until expended.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the

Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,224,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $395,700,000, to remain available until expended, of which not to exceed $14,074,000 shall be available able to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That of the total amount appropriated, not to exceed $36,570,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,042,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $101,429,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524).

For an additional amount, $17,000,000, to remain available until expended; of which $5,000,000 shall be for Local Firefighter and Emergency Services Training Grants as authorized by section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"); of which $10,000,000 shall be for development of counterterrorism technologies to help State and local law enforcement combat terrorism, as authorized by section 821 of the Antiterrorism Act; of which $2,000,000 shall be for specialized multi-agency response training: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $361,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act") and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act") $2,036,150,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives of February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which $50,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $199,000,000 shall be available as authorized by section 1001 of title I of the 19678 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $440,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $670,000,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $170,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $12,500,000 shall be available for the Cooperative Agreement Program: Provided further, that funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens: Provided further, That beginning in fiscal year 1999, and thereafter, no funds shall be available to make grants to a State pursuant to section 20103 or section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 unless no later than September 1, 1998, such State has implemented a program of controlled substance testing and intervention for appropriate categories of convicted offenders during periods of incarceration and criminal justice supervision, with sanctions including denial or revocation of release for positive controlled substance tests, consistent with guidelines issued by the Attorney General; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $1,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $145,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorize by section 1001(a)(18) of the 1968 Act; of which $33,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $8,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $1,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $30,000,000 shall be for grants for residential substance abuse treatment for State prisoners as authorized by section 1001(a)(17) of the 1968 Act; of which $3,000,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 24001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $200,000 shall be for a National Baseline Study on Campus Sexual Assault, as authorized by section 40506(e) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; and of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1997 under subpart 1 of part E of title I of the Omnibus

Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That any 1996 balances for these programs shall be transferred to and merged with this appropriation: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $28,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 186 permanent positions and 174 full-time equivalent workyears and $19,800,000 shall be expended for program management and administration.

In addition, for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), $20,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $170,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $5,000,000 shall be available for expenses authorized by part A of title II of the Act, $86,500,000 shall be available for expenses authorized by part B of title II of the Act, and $29,500,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $16,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B, for innovative local law enforcement and community policing programs, to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $7,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: Provided, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by sections 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340), and, in addition, $2,200,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Pub. L. 96–132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a department of Justice Appropriation Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which a publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking the year in the date therein contained and replacing the same with "1996".

SEC. 109. (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (3), by inserting "$" before "800", and in paragraph (6), by striking everything after "total less than $15,000;" and inserting in lieu thereof: "$500 for each quarter in which disbursements total $15,000 or more but less than $75,000; $750 for each quarter in which disbursements total $75,000 or more but less than $150,000; $1,250 for each quarter in which disbursements total $150,000 or more but less than $225,000; $1,500 for each quarter in which disbursements total $225,000 or more but less than $300,000; $3,750 for each quarter in which disbursements total $300,000 or more but less than $1,000,000; $5,000 for each quarter in which disbursements total $1,000,000 or more but less than $2,000,000; $7,500 for each quarter in which disbursements total $2,000,000 or more but less than $3,000,000; $8,000 for each quarter in which disbursements total $3,000,000 or more but less than $5,000,000; $10,000 for each quarter in which disbursements total $5,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.".

(b) Section 589a of title 28, United States Code, is amended to read as follows:

"§589a. United States Trustee System Fund

"(a) There is hereby established in the Treasury of the United States a special fund to be known as the 'United States Trustee System Fund' (hereinafter in this section referred to as the 'Fund'). Monies in the Fund shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes in connection with the operations of United States trustees—

"(1) salaries and related employee benefits;

"(2) travel and transportation;

"(3) rental of space;

"(4) communication, utilities, and miscellaneous computer charges;

"(5) security investigations and audits;

"(6) supplies, books, and other materials for legal research;

"(7) furniture and equipment;

"(8) miscellaneous services, including those obtained by contract; and

"(9) printing.

"(b) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation 'United States Trustee System Fund', to remain available until expended, the following—

"(1) 23.08 percent of the fees collected under section 1930)a)(1) of this title;

"(2) one-half of the fees collected under section 1930(a)(3) of this title;

"(3) one-half of the fees collected under section 1930(a)(4) of this title;

"(4) one-half of the fees collected under section 1930(a)(5) of this title;

"(5) 100 percent of the fees collected under section 1930(a)(6) of this title;

"(6) three-fourths of the fees collected under the last sentence of section 1930(a) of this title;

"(7) the compensation of trustees received under section 330(d) of title 11 by the clerks of the bankruptcy courts; and

"(8) excess fees collected under section 586(e)(2) of this title.

"(c) Amounts in the Fund which are not currently needed for the purposes specified in subsection (a) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(d) The Attorney General shall transmit to the Congress, not later than 120 days after the end of each fiscal year, a detailed report on the amounts deposited in the Fund and a description of expenditures made under this section.

"(e) There are authorized to be appropriated to the Fund for any fiscal year such sums as may be necessary to supplement amounts deposited under subsection (b) for the purposes specified in subsection (a).".

(c) Notwithstanding any other provision of law or of this Act, the amendments to 28 U.S.C. 589a made by subsection (b) of this section shall take effect upon enactment of this Act.

(d) Section 101(a) of Public Law 104–91, as amended by section 211 of Public Law 104–99 is further amended by inserting ": Provided further, That, notwithstanding any other provision of law, the fees under 28 U.S.C. 1930(a)(6) shall accrue and be payable from and after January 27, 1996, in all cases (including, without limitation, any cases pending as of that date), regardless of confirmation status of their plans" after "enacted into law".

SEC. 110. Public Law 103–414 (108 Stat. 4279) is amended by inserting at its conclusion a new title IV, as follows:

"TITLE IV—TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS

"SEC. 401. DEPARTMENT OF JUSTICE TELECOMMUNICATIONS CARRIER COMPLIANCE FUND.

"(a) ESTABLISHMENT OF FUND.—There is hereby established in the United States Treasury a fund to be known as the Department of Justice Telecommunications Carrier Compliance Fund (hereafter referred to as 'the Fund'), which shall be available without fiscal year limitation to the Attorney General for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services pursuant to section 109 of this Act.

"(b) DEPOSITS TO THE FUND.—Notwithstanding any other provision of law, any agency of the United States with law enforcement or intelligence responsibilities may deposit as offsetting collections to the Fund any unobligated balances that are available until expended, upon compliance with any Congressional notification requirements for reprogramming of funds applicable to the appropriation from which the deposit is to be made.

"(c) TERMINATION.—

"(1) The Attorney General may terminate the Fund at such time as the Attorney General determines that the Fund is no longer necessary.

"(2) Any balance in the Fund at the time of its termination shall be deposited in the General Fund of the Treasury.

"(3) A decision of the Attorney General to terminate the Fund shall not be subject to judicial review.

"(d) AVAILABILITY OF FUNDS FOR EXPENDITURE.—Funds shall not be available for obligation unless an implementation plan as set forth in subsection (e) is submitted to each member of the Committees on the Judiciary and Appropriations of both the House of Representatives and the Senate and the Congress does not by law block or prevent the obligation of such funds. Such funds shall be treated as a reprogramming of funds under section 605 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section and this section.

"(e) IMPLEMENTATION PLAN.—The implementation plan shall include:

"(1) the law enforcement assistance capability requirements and an explanation of law enforcement's recommended interface;

"(2) the proposed actual and maximum capacity requirements for the number of simultaneous law enforcement communications intercepts, pen registers, and trap and trace devices that authorized law enforcement agencies may seek to conduct, set forth on a county-by-county basis for wireline services and on a market service area basis for wireless services, and the historical baseline of electronic surveillance activity upon which such capacity requirements are based;

"(3) a prioritized list of carrier equipment, facilities, and services deployed on or before January 1, 1995, to be modified by carriers at the request of law enforcement based on its investigative needs;

"(4) a projected reimbursement plan that estimates the cost for the coming fiscal year and for each fiscal year thereafter, based on the prioritization of law enforcement needs as outlined in (3), of modification by carriers of equipment, facilities and services, installed on or before January 1, 1995.

"(f) ANNUAL REPORT TO THE CONGRESS.—The Attorney General shall submit to the Congress each year a report specifically detailing all deposits and expenditures made pursuant to this Act in each fiscal year. This report shall be submitted to each member of the Committees on the Judiciary and Appropriations of both the House of Representatives and the Senate, and to the Speaker and minority leader of the House of Representatives and to the majority and minority leaders of the Senate, no later than 60 days after the end of each fiscal year.".

SEC. 111. It is the sense of the Congress that the Drug Enforcement Administration, together with other appropriate Federal agencies, should take such actions as may be necessary to end the illegal importation into the United States of Rohypnol (Flunitrazepam), a drug frequently distributed with the intent to facilitate sexual assault and rape.

SEC. 112. Section 1402 of the Victims of Crime Act of 1984, as amended (42 U.S.C. 10601), is amended at subsection (e) by deleting "2" and inserting "3", and at subsection (d) by adding a new paragraph (5) as follows:

"(5) The Director may set aside up to $500,000 of the reserve fund described in paragraph (4) to maker supplemental grants to United States Attorneys Offices to provide necessary assistance to victims of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, to facilitate observation of and/or participation by such victims in trial proceedings arising therefrom, including, without limitation, provision of lodging and travel assistance, and to pay such other, related expenses determined to be necessary by the Director.".

SEC. 113. Section 732 of Public Law 104–132 (110 Stat. 1303; 18 U.S.C. 841 note) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) NEW PREVENTION TECHNOLOGIES.—In addition to the study of taggants as provided herein, the Secretary, in consultation with the Attorney General, shall concurrently report to the Congress on the possible use, and exploitation of technologies such as vapor detection devices, computed tomography, nuclear quadropole resonance, thermal neutron analysis, pulsed fast-neutron analysis, and other technologies upon which recommendations to the Congress may be made for further study, funding, and use of the same in preventing and solving acts of terrorism involving explosive devices."; and

(2) by adding at the end the following new subsection:

"(f) SPECIAL STUDY.—

"(1) IN GENERAL.—Notwithstanding subsection (a), the Secretary of the Treasury shall enter into a contract with the National Academy of Sciences (referred to in this section as the 'Academy') to conduct a study of the tagging of smokeless and black powder by any viable technology for purposes of detection and identification. The study shall be conducted by an independent panel of 5 experts appointed by the Academy.

"(2) STUDY ELEMENTS.—The study conducted under this subsection shall—

"(A) indicate whether the tracer elements, when added to smokeless and black powder—

"(i) will pose a risk to human life or safety;

"(ii) will substantially assist law enforcement officers in their investigative efforts;

"(iii) will impair the quality and performance of the powders (which shall include a broad and comprehensive sampling of all available powders) for their intended lawful use, including, but not limited to the sporting, defense, and handloading uses of the powders, as well as their use in display and lawful consumer pyrotechnics;

"(iv) will have a substantially adverse effect on the environment;

"(v) will incur costs which outweigh the benefits of their inclusion, including an evaluation of the probable production and regulatory cost of compliance to the industry, and the costs and effects on consumers, including the effect on the demand for ammunition; and

"(vi) can be evaded, and with what degree of difficulty, by terrorists or terrorist organizations, including evading tracer elements by the use of precursor chemicals to make black or other powders; and

"(B) provide for consultation on the study with Federal, State, and local officials, nongovernmental organizations, including all national police organizations, national sporting organizations, and national industry associations with expertise in this area and such other individuals as shall be deemed necessary.

"(3) REPORT AND COSTS.—The study conducted under this subsection shall be presented to Congress 12 months after the enactment of this subsection and be made available to the public, including any data tapes or data used to form such recommendations. There are authorized to be appropriated such sums as may be necessary to carry out the study.".

SEC. 114. (a) Section 524(c)(1) of title 28, United States Code, is amended in the first sentence following the second subparagraph (I) by deleting "(C),".

(b) Section 524 (c)(8)(A) is amended by deleting "(C),".

SEC. 115. Effective with the enactment of this Act and in any fiscal year hereafter, under policies established by the Attorney General, the Department of Justice may reimburse employees who are paid by an appropriation account within the Department of Justice and are traveling on behalf of the United States in temporary duty status to investigate, prosecute, or litigate (including the provision of support therefor) a criminal or civil matter, or for other similar special circumstances, for Federal, State, and local taxes heretofore and hereafter resulting from any reimbursement of travel expenses from an appropriation account within the Department of Justice: Provided, That such reimbursement may include an amount equal to all income taxes for which the employee would be liable due to such reimbursement.

SEC. 116. Section 524 of the title 28, United States Code, is amended by adding a new subsection (d) as follows:

"(d)(1) The Attorney General may accept, hold, administer, and use gifts, devises, and bequests of any property for the purpose of aiding or facilitating the work of the Department of Justice.

"(2) Gifts, devises, and bequests of money, the proceeds of sale or liquidation of any other property accepted hereunder, and any income accruing from any property accepted hereunder—

"(A) shall be deposited in the Treasury in a separate fund and held in trust by the Secretary of the Treasury for the benefit of the Department of Justice; and

"(B) are hereby appropriated, without fiscal year limitation, and shall be disbursed on order of the Attorney General.

"(3) Upon request of the Attorney General, the Secretary of the Treasury may invest and reinvest the fund described herein in public debt securities with maturities suitable for the needs of the fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States or comparable maturities.

"(4) Evidences of any intangible personal property (other than money) accepted hereunder shall be deposited with the Secretary of the Treasury, who may hold or liquidate them, except that they shall be liquidated upon the request of the Attorney General.

"(5) For purposes of federal income, estate, and gift taxes, property accepted hereunder shall be considered a gift, devise, or bequest to, or for the use of, the United States.".

SEC. 117. Section 524(c)(9), of title 28 United States Code, is amended to read as follows:

"(9)(A) Following the completion of procedures for the forfeiture of property pursuant to any law enforced or administered by the Department, the Attorney General is authorized, in her discretion, to warrant clear title to any subsequent purchaser or transferee of such property.

"(B) For fiscal year 1997, the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, real or personal property of limited or marginal value, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs. Such transfer shall not create or confer any private right of action in any person against the United States.".

SEC. 118. Section 594(b)(3)(A) of title 28 United States Code, is amended in the second sentence by—

(a) striking "by 6 months" and inserting "for successive 6-month periods"; and

(b) striking the phrase "employee assigned duties under subsection (l)(1)(A)(iii) certifies" and inserting "independent counsel and the division of the court certify"; and

(c) striking "such employee" and inserting "the independent counsel" and "the division of the court".

SEC. 119. This section may be cited as the "Age Discrimination in Employment Amendments of 1996".

Subsection 1. Age Discrimination Amendment

(a) REPEAL OF REPEALER.—Section 3(b) of the Age Discrimination in Employment Amendments of 1986 (29 U.S.C. 623 note) is repealed.

(b) EXEMPTION.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)), as in effect immediately before December 31, 1993—

(1) is reenacted as such section; and

(2) as so reenacted, is amended in paragraph (1) by striking "and the individual has attained the age" and all that follows through "1983, and" and inserting the following: ", the employer has complied with section 3(d)(2) of the Age Discrimination in Employment Amendments of 1996 if the individual was discharged after the date described in such section, and the individual has attained—

"(A) the age of hiring or retirement, respectively, in effect under applicable State or local law on March 3, 1983; or

"(B)(i) if the individual was not hired, the age of hiring in effect on the date of such failure or refusal to hire under applicable State or local law enacted after the date of enactment of the Age Discrimination in Employment Amendments of 1996; or

"(ii) if applicable State or local law was enacted after the date of enactment of the Age Discrimination in Employment Amendments of 1996 and the individual was discharged, the higher of—

"(I) the age of retirement in effect on the date of such discharge under such law; and

"(II) age 55; and".

(c) CONSTRUCTION.—Nothing in the repeal, reenactment, and amendment made by subsections (a) and (b) shall be construed to make lawful the failure or refusal to hire, or the discharge of, an individual pursuant to a law that—

(1) was enacted after March 3, 1983 and before the date of enactment of the Age Discrimination in Employment Amendments of 1996; and

(2) lowered the age of hiring or retirement, respectively, for firefighters or law enforcement officers that was in effect under applicable State or local law on March 3, 1983.

Subsection 2. Study and Guidelines for Performance Tests

(a) STUDY.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institute for Occupational Safety and Health (referred to in this section as the "Secretary"), shall conduct, directly or by contract, a study, and shall submit to the appropriate committees of Congress a report based on the results of the study that shall include—

(1) a list and description of all tests available for the assessment of abilities important for the completion of public safety tasks performed by law enforcement officers and firefighters.

(2) a list of the public safety tasks for which adequate tests described in paragraph (1) do not exist;

"(3) a description of the technical characteristics that the tests shall meet to be in compliance with applicable Federal civil rights law and policies;

(4) a description of the alternative methods that are available for determining minimally acceptable performance standards on the tests;

(5) a description of the administrative standards that should be met in the administration, scoring, and score interpretation of the tests; and

(6) an examination of the extent to which the tests are cost-effective, are safe, and comply with the Federal civil rights law and policies.

(b) CONSULTATION REQUIREMENT; OPPORTUNITY FOR PUBLIC COMMENT.—

(1) CONSULTATION.—The Secretary shall, during the conduct of the study required by subsection (a), consult with—

(A) the Deputy Administration of the United States Fire Administration:

(B) the Director of the Federal Emergency Management Agency;

(C) organizations that represent law enforcement officers, firefighters, and employers of the officers and firefighters; and

(D) organizations that represent older individuals.

(2) PUBLIC COMMENT.—Prior to issuing the advisory guidelines required in subsection (e), the Secretary shall provide an opportunity for public comment on the proposal advisory guidelines.

(c) ADVISORY GUIDELINES.—Not later than 4 years after the date of enactment of this Act, the Secretary shall develop and issue, based on the results of the study required by subsection (a), advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of the jobs of the officers and firefighters.

(d) JOB PERFORMANCE TESTS.—

(1) IDENTIFICATION OF TESTS.—After issuance of the advisory guidelines described in subsection (e), the Secretary shall issue regulations identifying valid, nondiscriminatory job performance tests that shall be used by employers seeking the exemption described in section 4(j) of the Age Discrimination in Employment Act of 1967 with respect to firefighters or law enforcement officers who have attained an age of retirement described in such section 4(j).

(2) USE OF TESTS.—Effective on the date of issuance of the regulations described in paragraph (1), any employer seeking such exemption with respect to a firefighter or law enforcement officer who has attained such age shall provide to each firefighter or law enforcement officer who has attained such age an annual opportunity to demonstrate physical and mental fitness by passing a test described in paragraph (1), in order to continue employment.

(e) DEVELOPMENT OF STANDARDS FOR WELLNESS PROGRAMS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall propose advisory standards for wellness programs for law enforcement officers and firefighters.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

Subsection 3. Effective Dates

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) SPECIAL EFFECTIVE DATE.—The repeal made by section 2(a) and the reenactment made by section 2(b)(1) shall take effect on December 31, 1993.

SEC. 120. Section 320935(e) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting ", including all trails commenced on or after the effective date of such amendments" after "such amendments".

SEC. 121. This section may be cited as the "Child Pornography Prevention Act of 1996".

Subsection 1. Findings

Congress finds that—

(1) the use of children in the production of sexually explicit material, including photographs, films, videos, computer images, and

other visual depictions, is a form of sexual abuse which can result in physical or psychological harm, or both, to the children involved;

(2) where children are used in its production, child pornography permanently records the victim's abuse, and its continued existence causes the child victims of sexual abuse continuing harm by haunting those children in future years;

(3) child pornography is often used as part of a method of seducing other children into sexual activity; a child who is reluctant to engage in sexual activity with an adult, or to pose for sexually explicit photographs, can sometimes be convinced by viewing depictions of other children "having fun" participating in such activity;

(4) child pornography is often used by pedophiles and child sexual abusers to stimulate and whet their own sexual appetites, and as a model for sexual acting out with children; such use of child pornography can desensitize the viewer to the pathology of sexual abuse or exploitation of children, so that it can become acceptable to and even preferred by the viewer;

(5) new photographic and computer imagining technologies make it possible to produce by electronic, mechanical, or other means, visual depictions of what appear to be children engaging in sexually explicit conduct that are virtually indistinguishable to the unsuspecting viewer from unretouched photographic images of actual children engaging in sexually explicit conduct;

(6) computers and computer imaging technology can be used to—

(A) alter sexually explicit photographs, films, and videos in such a way as to make it virtually impossible for unsuspecting viewers to identify individuals, or to determine if the offending material was produced using children;

(B) produce visual depictions of child sexual activity designed to satisfy the preferences of individual child molesters, pedophiles, and pornography collectors; and

(C) alter innocent pictures of children to create visual depictions of those children engaging in sexual conduct;

(7) the creation or distribution of child pornography which includes an image of a recognizable minor invades the child's privacy and reputational interests, since images that are created showing a child's face or other identifiable feature on a body engaging in sexually explicit conduct can haunt the minor for years to come;

(8) the effect of visual depictions of child sexual activity on a child molester or pedophile using that material to stimulate or whet his own sexual appetites, or on a child where the material is being used as a means of seducing or breaking down the child's inhibitions to sexual abuse or exploitation, is the same whether the child pornography consists of photographic depictions of actual children or visual depictions produced wholly or in part by electronic, mechanical, or other means, including by computer, which are virtually indistinguishable to the unsuspecting viewer from photographic images of actual children;

(9) the danger to children who are seduced and molested with the aid of child sex pictures is just as great when the child pornographer or child molester uses visual depictions of child sexual activity produced wholly or in part by electronic, mechanical, or other means, including by computer, as when the material consists of unretouched photographic images of actual children engaging in sexually explicit conduct;

(10)(A) the existence of and traffic in child pornographic images creates the potential for many types of harm in the community and presents a clear and present danger to all children; and

(B) it inflames the desires of child molesters, pedophiles, and child pornographers who prey on children, thereby increasing the creation and distribution of child pornography and the sexual abuse and exploitation of actual children who are victimized as a result of the existence and use of these materials;

(11)(A) the sexualization and eroticization of minors through any form of child pornographic images has a deleterious effect on all children by encouraging a societal perception of children as sexual objects and leading to further sexual abuse and exploitation of them; and

(B) this sexualization of minors creates an unwholesome environment which affects the psychological, mental and emotional development of children and undermines the efforts of parents and families to encourage the sound mental, moral and emotional development of children;

(12) prohibiting the possession and viewing of child pornography will encourage the possessors of such material to rid themselves of or destroy the material, thereby helping to protect the victims of child pornography and to eliminate the market for the sexual exploitative use of children; and

(13) the elimination of child pornography and the protection of children from sexual exploitation provide a compelling governmental interest for prohibiting the production, distribution, possession, sale, or viewing of visual depictions of children engaging in sexually explicit conduct, including both photographic images of actual children engaging in such conduct and depictions produced by computer or other means which are virtually indistinguishable to the unsuspecting viewer from photographic images of actual children engaging in such conduct.

Subsection 2. Definitions

Section 2256 of title 18, United States Code, is amended—

(1) in paragraph (5), by inserting before the semicolon the following: ", and data stored on computer disk or by electronic means which is capable of conversion into a visual image";

(2) in paragraph (6), by striking "and";

(3) in paragraph (7), by striking the period and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(8) 'child pornography' means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where—

"(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

"(B) such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct;

"(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or

"(D) such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct; and

"(9) 'identifiable minor'—

"(A) means a person—

"(i)(I) who was a minor at the time the visual depiction was created, adapted, or modified; or

"(II) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

"(ii) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

"(B) shall not be construed to require proof of the actual identity of the identifiable minor.".

Subsection 3. Prohibited Activities Relating to Material Constituting or Containing Child Pornography

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding after section 2252 the following:

"§2252A. Certain activities relating to material constituting or containing child pornography

"(a) Any person who—

"(1) knowingly mails, or transports or ships in interstate or foreign commerce by any means, including by computer, any child pornography;

"(2) knowingly receives or distributes—

"(A) any child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(B) any material that contains child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer;

"(3) knowingly reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer;

"(4) either—

"(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the United States Government, or in the Indian country (as defined in section 1151), knowingly sells or possesses with the intent to sell any child pornography; or

"(B) knowingly sells or possesses with the intent to sell any child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) either—

"(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the United States Government, or in the Indian country (as defined in section 1151), knowingly possesses any book, magazine, periodical, film, videotape, computer disk, or any other material that contains 3 or more images of child pornography; or

"(B) knowingly possesses any book, magazine, periodical, film, videotape, computer disk, or any other material that contains 3 or more images of child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer,

shall be punished as provided in subsection (b).

"(b)(1) Whoever violates, or attempts or conspires to violate, paragraphs (1), (2), (3), or (4) of subsection (a) shall be fined under this title or imprisoned not more than 15 years, or both, but, if such person has a prior conviction under this chapter or chapter 109A, or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years.

"(2) Whoever violates, or attempts or conspires to violate, subsection (a)(5) shall be fined under this title or imprisoned not more than 5 years, or both, but, if such person has a prior conviction under this chapter or chapter 109A, or under the laws of any State relating to the possession of

child pornography, such person shall be fined under this title and imprisoned for not less than 2 years nor more than 10 years.

"(c) It shall be an affirmative defense to a charge of violating paragraphs (1), (2), (3), or (4) of subsection (a) that—

"(1) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct;

"(2) each such person was an adult at the time the material was produced; and

"(3) the defendant did not advertise, promote, present, describe, or distribute the material in such a manner as to convey the impression that it is or contains a visual depiction of a minor engaging in sexually explicit conduct.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by adding after the item relating to section 2252 the following:

"2252A. Certain activities relating to material constituting or containing child pornography.".

Subsection 4. Penalties for Sexual Exploitation of Children.

Section 2251(d) of title 18, United States Code, is amended to read as follows:

"(d) Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title or imprisoned not less than 10 years nor more than 20 years, or both, but if such person has one prior conviction under this chapter or chapter 109A, or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 30 years, but if such person has 2 or more prior convictions under this chapter or chapter 109A, or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 30 years nor more than life. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

Subsection 5. Material Involving Sexual Exploitation of Minors

Section 2252 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Whoever violates, or attempts or conspires to violate, paragraphs (1), (2), or (3) of subsection (a) shall be fined under this title or imprisoned not more than 15 years, or both, but if such person has a prior conviction under this chapter or chapter 109A, or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years.

"(2) Whoever violates, or attempts or conspires to violate, paragraph (4) of subsection (a) shall be fined under this title or imprisoned not more than 5 years, or both, but if such person has a prior conviction under this chapter or chapter 109A, or under the laws of any State relating to the possession of child pornography, such person shall be fined under this title and imprisoned for not less than 2 years nor more than 10 years.".

Subsection 6. Privacy Protection Act Amendments

Section 101 of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa) is amended—

(1) in subsection (a)(1), by inserting before the parenthesis at the end the following: ", or if the offense involves the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, the sexual exploitation of children, or the sale or purchase of children under section 2251, 2251A, 2252, or 2252A of title 18, United States Code"; and

(2) in subsection (b)(1), by inserting before the parenthesis at the end the following: ", or if the offense involves the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, the sexual exploitation of children, or the sale or purchase of children under section 2251, 2251A, 2252, or 2252A of title 18, United States Code".

Subsection 7. Amber Hagerman Child Protection Act of 1996

(a) SHORT TITLE.—This section may be cited as the "Amber Hagerman Child Protection Act of 1996".

(b) AGGRAVATED SEXUAL ABUSE OF A MINOR.—Section 2241(c) of title 18, United States Code, is amended to read as follows:

"(c) WITH CHILDREN.—Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstances described in subsections (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than that person), or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.".

(c) SEXUAL ABUSE OF A MINOR.—Section 2243(a) of title 18, United States Code, is amended by inserting "crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or" after "Whoever".

Subsection 8. Severability

If any provision of this Act, including any provision or section of the definition of the term child pornography, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, including any other provision or section of the definition of the term child pornography, the amendments made by this Act, and the application of such to any other person or circumstance shall not be affected thereby.

This title may be cited as the "Department of Justice Appropriations Act, 1997".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $21,449,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $40,850,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting export of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $270,000,000 to remain available until expended: Provided, That the provisions of the first sentence of sanction 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $36,000,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided *further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.*

For an additional amount for nonproliferation efforts to prevent illegal exports of chemical weapon precursors, biological agents, nuclear weapons and missile development equipment, $3,900,000, to remain available until expended; Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $328,500,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $20,036,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,000,000: Provided, That of the total amount provided, $2,000,000 shall be available for obligation and expenditure only for projects jointly developed, implemented and administered with the Small Business Administration.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,900,000, to remain available until September 30, 1998.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C. 1525–1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $135,000,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $210,500,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $15,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,250,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,490,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATIENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $61,252,000, to remain available until expended: Provided, That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $9,500,000: Provided, That $2,500,000 of the total amount provided under this heading shall be available to support the United States-Israel Science and Technology Commission.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $268,000,000, to remain available until expended, of which not to exceed $1,625,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $95,000,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the "Working Capital Fund": Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $225,000,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the "Working Capital Fund."

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 299 commissioned officers on the active list as of September 30, 1997; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activites pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,854,067,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1997, so as to result in a final general fund appropriation, estimated at not more than $1,851,067,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1997 shall not be available for obligation until October 1, 1997: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $66,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That not later than November 15, 1996, the Department of Commerce, in conjunction with the National Oceanic and Atmospheric Administration, shall submit to the appropriate committees of the Congress, a long-term plan and a legislative proposal necessary to implement such plan regarding the continuation of a National Oceanic and Atmospheric Administration commissioned corps.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

CONSTRUCTION

For repair and modification of, and addition to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $58,250,000, to remain available until expended, of which $8,500,000 shall be available only for a grant to the University of New Hampshire for construction and related expenses for an environmental technology facility.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $8,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $200,000, to be derived from receipts collected pursuant to subsections (b) and (f) of section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $1,000,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost of guaranteed loans, $250,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, that such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $28,490,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $20,140,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the obligated and unobligated balances available under this heading, $16,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded,

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation; Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.

SEC. 208. None of the funds appropriated under this Act or any other Act henceforth may be used to develop new fishery management plans, amendments, or regulations which create new individual fishing quota programs (whether such quotas are transferable or not) or to implement any such plans, amendments or regulations approved by a Regional Fishery Management Council or the Secretary after January 4, 1995, until offsetting fees to pay for the cost of administering such plans, amendments, or regulations are expressly authorized under the Magnuson Fishery Conservation and Management

Act (16 U.S.C. 1801 et seq.). This restriction shall also apply to any program relating to the Gulf of Mexico commercial red snapper fishery that authorizes the consolidation of licenses, permits or endorsements that result in different trip limits for vessels in the same class. This restriction shall not apply in any way to the North Pacific halibut and sablefish, South Atlantic wreckfish, or the Mid-Atlantic surfclam and ocean (including mahogany) quohog individual fishing quota programs. The term "individual fishing quota" does not include a community development quota.

SEC. 209. The Secretary may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 210. There is hereby established the Bureau of the Census Working Capital Fund, which shall be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such services and projects as the Director of the Census Bureau determines may be performed more advantageously when centralized: Provided, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the Bureau: Provided further, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Working Capital Fund as of the close of the last completed fiscal year, shall be prepared each year: Provided further, That notwithstanding 31 U.S.C. 3302, the Working Capital Fund may be credited with advances and reimbursements from applicable appropriations of the Bureau and from funds of other agencies or entities for services furnished pursuant to law: Provided further, That any inventories, equipment, and other assets pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Working Capital Fund: Provided further, That the Working Capital Fund shall provide for centralized services at rates which will return in full all expenses of operation, including depreciation of fund plant and equipment, amortization of automated data processing software and hardware systems, and an amount necessary to maintain a reasonable operating reserve as determined by the Director.

SEC. 211. (a) Effective 15 days after the enactment of the Sustainable Fisheries Act, section 1 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801) shall be amended to read as follows: "That this Act may be cited as the "Magnuson-Stevens Fishery Conservation and Management Act'."

(b) Effective 15 days after the enactment of the Sustainable Fisheries Act, all references to the Magnuson Fishery Conservation and Management Act shall be redesignated as references to the Magnuson-Stevens Fishery Conservation and Management Act.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1997".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $27,157,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $2,800,000, of which $260,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,013,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,114,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retire from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,556,000,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; of which $500,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals only after legislation is enacted to establish the Commission; of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,390,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

For an additional amount for expenses relating to additional workload from the Antiterrorism and Effective Death Penalty Act of 1996, and for Court Security needs, $10,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322.

DEFENDER SERVICES

*For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States for foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys * * **

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $67,000,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $127,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $49,450,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,495,000; of which $1,800,000 shall remain available through September 30, 1998, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $21,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c),

$7,300,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,490,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 305. Section 612(l) of title 28, United States Code, shall be amended as follows: strike "1997", and insert in lieu thereof "1998".

SEC. 306. None of the funds available to the Judiciary in fiscal years 1996 and 1997 and hereafter shall be available for expenses authorized pursuant to section 802(a) of title VIII of section 101(a) of title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law 104–134, for costs related to the appointment of Special Masters prior to April 26, 1996.

SEC. 307.

The United States courthouse at 310 West Sixth Street in Medford, Oregon, shall be known and designated as the "James A. Redden Federal Courthouse".

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse at 310 West Sixth Street in Medford, Oregon, shall be deemed to be a reference to the "James A. Redden Federal Courthouse".

This title may be cited as "The Judiciary Appropriations Act, 1997".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration; $1,700,450,000: Provided, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), not to exceed $150,000,000 of fees may be collected during fiscal year 1997 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal year 1997 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: Provided further, That in fiscal year 1998, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,230,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended. Of the latter amount, $2,500,000 shall not be made available until expiration of the 15 day period beginning on the date when the Secretary of State and the Director of the Diplomatic Telecommunications Service submit the pilot program report required by section 507 of Public Law 103–317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); and in addition not to exceed $1,223,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended, and in addition, as authorized by section 5 of such Act $450,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State of Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b) (2) (D) (i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $352,300,000.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $24,600,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections: Provided, That notwithstanding any other provision of law, the merger of the Office of Inspector General of the United States Information Agency with the Office of Inspector General of the Department of State provided for in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996, contained in Public Law 104–134, is effective hereafter.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,490,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,332,000, to remain available until September 30, 1998.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Anti Terrorism Act of 1986 (22 U.S.C. 4851), $364,495,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

For an additional amount for security improvements, necessary relocation expenses, and security equipment for United States diplomatic facilities and missions overseas, $24,825,000, to remain available until expended: Provided, That of this amount $9,400,000 is for security projects on behalf of United States and Foreign Commercial Service missions and $1,125,000 is for security projects on behalf of United States Information Agency missions: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e),

$5,800,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(C)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $663,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $14,490,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $126,491,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $892,000,000: Provided, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 for fiscal year 1997: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1997 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $100,000,000 may be made available only pursuant to a certification by the Secretary of State by no later than January 30, 1997, that the United Nations has taken no action during calendar year 1996 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget for the biennium 1996–1997 adopted in December, 1995: Provided further, That if the Secretary of State is unable to make the aforementioned certification, the $100,000,000 is to be applied to paying the current year assessment for other international organizations for which the assessment has not been paid in full or to paying the assessment due in the next fiscal year for such organizations, subject to the reprogramming procedures contained in Section 605 of this Act: Provided further, That notwithstanding section 402 of this Act, not to exceed $10,000,000 may be transferred from the funds made available under this heading to the "International Conferences and Contingencies" account for assessed contributions to new or provisional international organizations or for travel expenses of official delegates to international conferences: Provided further, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $352,400,000, of which $50,000,000 is for payment of arrearages accumulated in 1995, and which shall be available only upon certification by the Secretary of State that at least two of the following have been achieved: (1) savings of at least $100,000,000 will be achieved in the biennial expenses of the following United Nations divisions and activities—the United Nations Conference on Trade and Development, the Regional Economic Commissions, the Department of Public Information, and the Department of Conference Services, travel and overtime; (2) the number of professional and general service staff employed by the United Nations Secretariat at the conclusion of the 1996–1997 biennium will be at least ten percent below the number of such positions on January 1, 1996; and (3) the United Nations has adopted a budget outline for the 1998–1999 biennium that is below $2,608,000,000; as part of a five-year program to achieve major cost-saving reforms in the United Nations and specialized agencies: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $15,490,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $145,549,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000 of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $440,000,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): Provided further, That not to exceed $7,615,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e and, notwithstanding any other law, fees from student *advising and counseling: Provided further; That not to exceed $1,100,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.*

For an additional amount for necessary expenses relating to security, $1,375,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, a amended.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

ECDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $185,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455).

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1997, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122) (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1997, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; $325,000,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $25,000,000, to remain available until expended.

RADIO CONSTRUCTION

For the purchase, rent construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $35,490,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $10,000,000: Provided, that none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,495,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds hereafter appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 405. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 406. Starting sixty days after enactment of this Act, none of the funds made available by this Act may be made available to support the activities of the Standing Consultative Commission (SCC) unless the President provides to the Congress a report containing a detailed analysis of whether the Memorandum of Understanding on Succession and the Agreed Statement regarding Demarcation agreed to by the Standing Consultative Commission on June 24, 1996, which was reaffirmed by Secretary of State Warren Christopher and Minister of Foreign Affairs Evgeny Primakov on September 23, 1996, represent substantive changes to the Anti-Ballistic Missile Treaty of 1972 and whether these agreements will require the advice and consent of the Senate of the United States.

SEC. 407. Section 1 of the Act of June 4, 1920 (41 Stat. 750; 22 U.S.C. 214) is amended by—

(1) inserting before the period at the end of the first sentence the following: "; except that the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service"; and

(2) striking the second sentence.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1997".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $148,430,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States,

$54,000,000, to remain available until expended: Provided, That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $65,000,000: Provided, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $37,450,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,450,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations, shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,740,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $2,196,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed $27,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $239,740,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $189,079,000, of which not to exceed $300,000 shall remain available until September 30, 1998, for research and policy studies: Provided, That $152,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation estimated at $36,556,000: Provided further, That any offsetting collections received in excess of $152,523,000 in fiscal year 1997 shall remain available until expended, but shall not be available for obligation until October 1, 1997.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,000,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $85,930,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $58,905,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1997, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than $27,025,000, to remain available until expended: Provided further, That any fees received in excess of $58,905,000 in fiscal year 1997 shall remain available until expended, but shall not be available for obligation until October 1, 1997: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $4,000,000 to remain available until expended: Provided, That these funds will be available only upon enactment of an authorization for this Commission.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $283,000,000, of which $274,400,000 is for basic field programs and required independent audits; $1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104–134 (110 Stat. 1321–52 et seq.).

(b) INAPPLICABILITY OF NONCOMPETITIVE PROCEDURES.—For purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 502. (A) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104–134 (110 Stat. 1321–51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1996 and 1997, respectively; and

(2) section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), and all funds appropriated in

this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104–134 (110 Stat. 1321–58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) DEFINITIONS.—For purposes of subsection (a)(2)(C):

(1) The term "battered or subjected to extreme cruelty" has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Pub. L. 103–322; 108 Stat. 1953).

(2) The Term "related legal assistance" means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS.—The requirements of section 509 of Public Law 104–134 (110 Stat. 1321–58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1997.

(b) REQUIREMENT OF ANNUAL AUDIT.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1997 in accordance with the requirements referred to in subsection (a).

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,189,000.

NATIONAL BANKRUPTCY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Bankruptcy Review Commission, as authorized by the Bankruptcy Reform Act of 1994, $494,000.

OUNCE OF PREVENTION COUNCIL

For activities authorized by sections 30101 and 30102 of Public Law 103–322 (including administrative costs), $1,500,000, to remain available until expended, for the Ounce of Prevention Grant Program: Provided, That the Council may accept and use gifts and donations, both real and personal, for the purpose of aiding or facilitating the authorized activities of the Council, of which not to exceed $5,000 may be used for official reception and representation expenses.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $260,400,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistance: Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of one percentum to one-thirty-third of one percentum, and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: Provided further, That effective January 1, 1997, every national securities association shall pay to the Commission a fee at a rate of one-three-hundredth of one percentum of the aggregate dollar amount of sales transacted by or through any member of such association otherwise than on a national securities exchange (other than bonds, debentures, and other evidences of indebtedness) subject to prompt last sale reporting pursuant to the rules of the Commission or a registered national securities association, excluding any sales for which fee is paid under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee), and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover the costs to the Government of the supervision and regulation of securities markets and securities professionals: Provided further, That the fee due from every national securities association shall be paid on or before September 30, 1997, with respect to transactions and sales occurring during the period beginning on January 1, 1997, and ending at the close of August 31, 1997: Provided further, That the total amount appropriated for fiscal year 1997 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1997 appropriation from the General Fund estimated at not more than $37,778,000: Provided further, That any such fees collected in excess of $222,622,000 shall remain available until expended but shall not be available for obligation until October 1, 1997.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $223,547,000, of which $1,000,000 shall only be available for obligation and expenditure for projects jointly developed, implemented and administered with the Minority Business Development Agency of the Department of Commerce: Provided, That the Administration is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $75,500,000 shall be available to fund grants for performance in fiscal year 1997 or fiscal year 1998 as authorized by section 21 of the Small Business Act, as amended. In addition, for expenses not otherwise provided for, of the Small Business Administration, $11,500,000, of which: $3,000,000 shall be available for a grant to continue the WVHTC Foundation outreach program to assist small business development; $7,000,000 shall be available for a grant to the Center for Rural Development in Somerset, Kentucky, for small business and rural technology development assistance; $1,000,000 shall be available for a grant to Indiana State University for the renovation and equipping of a training facility, to assist in creating small business and economic development opportunities; and $500,000 shall be available for a continuation grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for small business consulting and assistance.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $9,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,691,000, and for the cost of guaranteed loans, $182,017,000, authorized by 15 U.S.C. 631 note, of which $2,317,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1998: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided Further, That during fiscal year 1997, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(b) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriation for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $105,432,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $86,500,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums may be transferred to and merged with appropriations for Salaries and Expenses and Office of Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $3,730,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 504. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in *this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of fund under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572 (106 Stat. 4515–4516)), $6,000,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1997, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1997, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days, based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is cooperating in full faith with the United States in the following four areas:

(1) Resolving discrepancy cases, live sightings and field activities,

(2) Recovering and repatriating American remains,

(3) Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MIA's.

(4) Providing further assistance in implementing trilateral investigations with Laos.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use of possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the heading "Fleet Modernization, Shipbuilding and Conversion" may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or Agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" and "Community Oriented Policing Services Program", not more than ninety percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant and part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

SEC. 616. LIMITATION ON PATENT INFRINGEMENTS RELATING TO A MEDICAL PRACTITIONER'S PERFORMANCE OF A MEDICAL ACTIVITY.

Section 287 of title 35, United States Code, is amended by adding at the end the following new subsection:

(c)(1) With respect to a medical practitioner's performance, of a medical activity that constitutes an infringement under section 271 (a) or (b) of this title, the provisions of sections 281, 283, 284, and 285 of this title shall not apply against the medical practitioner or against a related health care entity with respect to such medical activity.

(2) For the purposes of this subsection:

(A) the term "medical activity" means the performance of a medical or surgical procedure on a body, but shall not include (i) the use of a patented machine, manufacture, or composition of matter in violation of such patent, (ii) the practice of a patented use of a composition of matter in violation of such patent, or (iii) the practice of a process in violation of a biotechnology patent.

(B) the term "medical parctioner" means any natural person who is licensed by a State to provide the medical activity described in subsection (c)(1) or who is acting under the direction of such person in the performance of the medical activity.

(C) the term "related health care entity" shall mean an entity with which a medical practitioner has a professional affiliation under which the medical practitioner performs the medical activity, including but not limited to nursing home, hospital, university, medical school, health maintenance organization, group medical practice, or a medical clinic.

(D) the term "professional affiliation" shall mean staff privileges, medical staff membership, employment or contractual relationship, partnership or ownership interest, academic appointment, or other affiliation under which a medical practitioner provides the medical activity on behalf of, or in association with, the health care entity.

(E) the term "body" shall mean a human body, organ or cadaver, or a nonhuman animal used in medical research or instruction directly relating to the treatment of humans.

(F) the term "patented use of a composition of matter" does not include a claim for a method of performing a medical or surgical procedure on a body that recites the use of a composition of matter where the use of that composition of matter does not directly contribute to achievement of the objective of the claimed method.

(G) the term "State" shall mean any state or territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) This subsection does not apply to the activities of any person, or employee or agent of such person (regardless of whether such person is a tax exempt organization under section 501(c) of the Internal Revenue Code), who is engaged in the commercial development, manufacture, sale, importation, or distribution of a machine, manufacture, or composition of matter or the provision of pharmacy or clinical laboratory services (other than clinical laboratory services provided in a physician's office), where such activities are:

(A) directly related to the commercial development, manufacture, sale, importation, or distribution of a machine, manufacture, or composition of matter or the provision of pharmacy or clinical laboratory services (other than clinical laboratory services provided in a physician's office), and

(B) regulated under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, or the Clinical Laboratories Improvement Act.

(4) This subsection shall not apply to any patent issued before the date of enactment of this subsection.

SEC. 617. Effective with the enactment of this Act and to any fiscal year hereafter, section 8 of Public Law 96–132 is hereby repealed.

SEC. 618. (a) IN GENERAL.—The Secretary may issue a guarantee or a commitment to guarantee obligations under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), upon such terms as the Secretary may prescribe, to assist in the reactivation and modernization of any shipyard in the United States that is closed on the date of the enactment of this Act, if the Secretary finds that—

(1) the closed shipyard historically built military vessels and responsible entities now seek to reopen it as an internationally competitive commercial shipyard;

(2)(A) the closed shipyard has been designated by the President as a public-private partnership project; or

(B) has a reuse plan approved by the Navy in which commercial shipbuilding and repair are primary activities and has a revolving economic conversion fund approved by the Department of Defense; and

(3) the State in which the shipyard is located, and each other involved State, or a State-chartered agency, is making a significant financial investment in the overall cost of reactivation and modernization as its contribution to the reactivation and modernization project, in addition to the funds required by subsection (d)(2) of this section.

(b) WAIVERS.—Notwithstanding any other provision of title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), the Secretary shall not apply the requirements of section 1104A(d) of that Act when issuing a guarantee or a commitment to guarantee an obligation under this section.

(c) CONDITIONS.—The Secretary shall impose such conditions on the issuance of a guarantee or a commitment to guarantee under this section as are necessary to protect the interests of the United States from the risk of a default. The Secretary shall consider the interdependency of such shipyard modernization and reactivation projects and related vessel loan guarantee requests pending under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) before issuing a guarantee of a commitment to guarantee under this section.

(d) FUNDING PROVISIONS.—

(1) The Secretary may not guarantee or commit to guarantee obligations under this section that exceed $50,000,000 in the aggregate.

(2) The amount of appropriated funds required by the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.) in advance of the Secretary's issuance of a guarantee or a commitment to guarantee under this section shall be provided by the State in which the shipyard is located, and other involved States, or by a State-chartered agency, and deposited by the Secretary in the financing account established under the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.) for loan guarantees issued by the Secretary under title XI of the Merchant Marine Act of 1936 (46 App. U.S.C. 1271 et seq.). No federally appropriated funds shall be available for this purpose. The funds deposited into that financing account shall be held and applied by the Secretary in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.), except that, unless the Secretary shall have earlier paid an obligee or been required to pay an obligee pursuant to the terms of a loan guarantee, the funds deposited in that financing account shall be returned, upon the expiration of the Secretary's loan guarantee, to the State, States, or State-chartered agency which originally provided the funds to the Secretary.

(3) Notwithstanding the provisions of any other law or regulation, the cost (as that term is defined by the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.)) of a guarantee or commitment to guarantee issued under this section—

(A) may only be determined with reference to the merits of the specific closed shipyard reactivation project which is the subject of that guarantee or commitment to guarantee, without reference to any other project, type of project, or averaged risk; and

(B) may not be used in determining the cost of any other project, type of project, or averaged risk applicable to guarantees or commitments to guarantee issued under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.).

(e) SUNSET.—No commitment to guarantee obligations under this section shall be issued by the Secretary after one year after the date of enactment of this section.

(f) DEFINITION.—As used in this section, the term "Secretary" means the Secretary of Transportation.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on October 31, 1996, $30,000,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading $34,779,000 are rescinded.

TITLE VIII—FISCAL YEAR 1996 SUPPLEMENTAL AND RESCISSION

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

In addition to funds made available under this heading, $40,000,000, which shall remain available until September 30, 1997: Provided, That these funds shall be available upon enactment of this Act: Provided further, That these funds shall only be available if enacted by September 30, 1996.

(RESCISSION)

Of the unobligated balances made available under this heading until September 30, 1996, $40,000,000 are rescinded: Provided, That these funds shall only be available for rescission if enacted by September 30, 1996.

TITLE IX—SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for emergency infrastructure expenses resulting from Hurricane Fran and Hurricane Hortense and other natural disasters, $25,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for emergency expenses resulting from Hurricanes Fran and Hortense and other disasters, $113,000,000 for the cost of direct loans, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974;

and for administrative expenses to carry out the disaster loan program, $22,000,000, to remain available until expended, which may be transferred to and merged with "Salaries and Expenses": Provided further, That both amounts are hereby designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997".

(b) For programs, projects or activities in the Department of Defense Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $20,633,998,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $16,986,976,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,111,728,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,069,490,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,073,479,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,405,606,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $388,643,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payment to the Department of Defense Military Retirement Fund; $783,697,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,266,393,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,296,490,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $17,519,340,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That during the current fiscal year and hereafter, funds appropriated under this paragraph may be made available to the Department of the Interior to support the Memorial Day and Fourth of July ceremonies and activities in the National Capital Region: Provided further, That of the funds appropriated in this paragraph, not less than $300,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $3,995,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $20,061,961,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,254,119,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,362,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $17,263,193,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $10,044,200,000, of which not to exceed $25,000,000 may be available for the

CINC initiative fund account; and of which not to exceed $28,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That of the funds appropriated under this heading, $20,000,000 shall be made available only for use in federally owned education facilities located on military installations for the purpose of transferring title of such facilities to the local education agency: Provided further, That of the funds appropriated under this heading, $1,000,000 is available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,119,436,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $886,027,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $109,667,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,496,553,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with national Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,254,477,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals, maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,716,379,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; $1,140,157,000: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,797,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $339,109,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That not more than twenty-five percent of funds provided under this heading may be obligated for environmental remediation by the Corps of Engineers under total environmental remediation contracts.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $287,788,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $394,010,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required by environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Defense $36,722,000, to remain available until transferred: Provided, that the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $256,387,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIL AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $49,000,000, to remain available until September 30, 1998.

Former Soviet Union Threat Reduction

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $327,900,000, to remain available until expended.

Quality of Life Enhancements, Defense

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks); $600,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 1998, as follows:

Army, $149,000,000;
Navy, $108,000,000;
Marine Corps, $45,000,000;
Air Force, $108,000,000;
Army Reserve, $18,000,000;
Navy Reserve, $18,000,000;
Marine Corps Reserve, $9,000,000;
Air Force Reserve, $15,000,000;
Army National Guard, $86,000,000; and
Air National Guard, $44,000,000.

TITLE III

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories thereof; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefore, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the following purposes; $1,348,434,000, to remain available for obligation until September 30, 1999.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,041,867,000, to remain available for obligation until September 30, 1999.

Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,470,286,000, to remain available for obligation until September 30, 1999: Provided, That of the funds appropriated in this paragraph and notwithstanding the provisions of title 31, United States Code, Section 1502(a), not to exceed $33,100,000 may be obligated for future year V903 diesel engine requirements to maintain the industrial base.

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,127,149,000, to remain available for obligation until September 30, 1999.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 14 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,172,485,000, to remain available for obligation until September 30, 1999: Provided, That of the funds appropriated in this paragraph and notwithstanding the provisions of title 31, United States Code, Section 1502(a), not to exceed $2,400,000 may be obligated for future year V903 diesel engine requirements to maintain the industrial base.

Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $7,027,010,000, to remain available for obligation until September 30, 1999.

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools, in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,389,913,000, to remain available for obligation until September 30, 1999: Provided, That in addition to the foregoing purposes, the funds appropriated above under this heading shall be available to liquidate reported deficiencies in appropriations provided under this heading in prior Department of Defense appropriations acts, to the extent such deficiencies cannot otherwise be liquidated pursuant to 31 U.S.C. 1553(b).

Procurement of Ammunition, Navy and Marine Corps

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $289,695,000, to remain available for obligation until September 30, 1999.

Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

For continuation of the SSN–21 attack submarine program, $649,071,000;
NSSN–1 (A), $296,186,000;
NSSN–2 (A), $501,000,000;
CVN Refuelings, $237,029,000;
DDG–51 destroyer program, $3,609,072,000;
Oceanographic ship program, $54,400,000;
Oceanographic ship SWATH, $45,000,000;
LCAC landing craft air cushion program (AP–CY), $3,000,000; and
For craft, outfitting, post delivery, conversions, and first destination transportation, $218,907,000;

in all: $5,613,665,000, to remain available for obligation until September 30, 2201: Provided, That additional obligations may be incurred after September 30, 2001, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not *otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,067,944,000, to remain available for obligation until September 30, 1999.*

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 88 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $569,073,000, to remain available for obligation until September 30, 1999.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and constractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,404,980,000, to remain available for obligation until September 30, 1999.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,297,145,000, to remain available for obligation until September 30, 1999.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and constractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $293,153,000, to remain available for obligation until September 30, 1999.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 506 passenger motor vehicles for replacement only; the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $287,000 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $5,944,680,000, to remain available for obligation until September 30, 1999.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 389 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $1,978,005,000, to remain available for obligation until September 30, 1999.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $780,000,000, to remain available for obligation until September 30, 1999: Provided, That the Chiefs of the Reserve and National Guard component shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $5,062,763,000 to remain available for obligation until September 30, 1998.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $8,208,946,000, to remain available for obligation until September 30, 1998: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $14,499,606,000, to remain available for obligation until September 30, 1998: Provided, That not less than $1,000,000 of the funds appropriated in this paragraph shall be made available only to assess the budgetary, cost, technical, operational, training, and safety issues associated with a decision to eliminate development of the F–22B two-seat training variant of the F–22 advanced tactical fighter: Provided further, That the assessment required by the preceding proviso shall be submitted, in classified and unclassified versions, by the Secretary of the Air Force to the congressional defense committees not later than February 15, 1997: Provided further, That of the funds made available in this paragraph, $10,000,000 shall be only for development of reusable launch vehicle technologies.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,362,800,000, to remain available for obligation until September 30, 1998: Provided, That not less than $304,171,000 of the funds appropriate in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $282,038,000, to remain available for obligation until September 30, 1998.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $24,968,000, to remain available for obligation until September 30, 1998.

TITLE V—REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; $947,900,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $1,428,002,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new *contract: Provided further, That the Secretary of the military department responsible for such procurement may waive these restrictions on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.*

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,207,308,000, of which $9,937,838,000 shall be for Operation and maintenance, of which not to exceed three percent shall remain available until September 30, 1998; and of which $269,470,000, to remain available for obligation until September 30, 1999, shall be for Procurement: Provided, That of the funds appropriated under this heading, $14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, the Secretary of Defense is directed to use and obligate, within thirty days of enactment of this Act, not less than $3,400,000 only to permit private sector or non-Federal physicians who have used and will use the antibacterial treatment method based upon the excretion of dead and decaying spherical bacteria to work in conjunction with the Walter Reed Army Medical Center on a treatment protocol and related studies for Desert Storm Syndrome affected veterans.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $758,447,000, of which $478,947,000 shall be for Operation and maintenance, $191,200,000 shall be for Procurement to remain available until September 30, 1999, and $88,300,000 shall be for Research, development, test and evaluation to remain available until September 30, 1998: Provided, That of the funds made available under this heading, $1,000,000 shall be available until expended only for a Johnston Atoll off-island leave program: Provided further, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $807,800,000: Provided, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $139,157,000, of which $137,157,000 shall be for Operation and maintenance, of which not to exceed $500,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $2,000,000, to remain available until September 30, 1999, shall be for Procurement.

TITLE VII—RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $196,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account; $129,146,000: Provided, That of the funds appropriated under this hearing, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counterdrug monitoring and detection responsibilities.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; $10,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $5,100,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII—GENERAL PROVISIONS

Sec. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

Sec. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

Sec. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

Sec. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations by reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other non-institutional health care providers in excess of the amounts allowed in fiscal year 1996 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate *access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary on actual charge in excess of the allowable amount.*

SEC. 8009. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That notwithstanding Section 8010 of Public Law 104–61, funds appropriated for the DDG–15 destroyer program in Public Law 104–61 may be used to initiate a multiyear contract for the Raleigh Burke class destroyer program.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Javelin missiles;
Army Tactical Missile System (ATACMS);
MK19–3 grenade machine guns:
M16A2 rifles:
M249 Squad Automatic Weapons;
M4 carbine rifles;
M240B machine guns; and
Arleigh Burke (DDG–15) class destroyers.

SEC. 8010. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8011. (a) During fiscal year 1997, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 1998 budget request for the department of Defense as well as all justification material and other documentation supporting the fiscal year 1998 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1998.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: Provided, That in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: Provided further, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8015. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that *are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.*

SEC. 8019. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8020. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, be Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 1998 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such Executive Agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8021. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8022. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8023. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act: Provided, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8024. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

SEC. 8025. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at any Army Research Laboratory until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8026. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M9 or M11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: Provided, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

SEC. 8027. No more than $500,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8028. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8029. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8030. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8031. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8032. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8033. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the afforded the maximum practicable opportunity to participate as subcontractors and supplies in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8034. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8035. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes of specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8036. Of the funds made available in this Act, not less than $23,626,000 shall be available for the Civil Air Patrol, of which $19,926,000 shall be available for Operation and maintenance.

SEC. 8037. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 1997 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 1997, not more than 5,975 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,088 staff years may be funded for the defense studies and analysis FFRDCs.

(e) Notwithstanding any other provision of law, the Secretary of Defense shall control the total number of staff years to be performed by defense FFRDCs during fiscal year 1997 so as to reduce the total amounts appropriated in titles II, III, and IV of this Act by $52,286,000: Provided, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $52,286,000 to reflect savings from the use of defense FFRDCs by the department.

(f) Within 60 days after enactment of this Act, the Secretary of Defense shall submit to the Congressional defense committees a report presenting the specific amounts of staff years of technical effort to be allocated by the department for each defense FFRDC during fiscal year 1997: Provided, That, after the submission of the report required by this subsection, the department may not reallocate more than five percent of an FFRDC's staff years among other defense FFRDCs until 30 days after a detailed justification for any such reallocation is submitted to the Congressional defense committees.

(g) The Secretary of Defense shall, with the submission of the department's fiscal year 1998 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(h) The total amounts appropriated to or for the use of the department in titles II, III, and IV of this Act are hereby further reduced by $102,286,000 to reflect savings from the decreased use of non-FFRDC consulting services by the department.

(i) No part of the reductions contained in subsections (e) and (h) of this section may be applied against any budget activity, activity group, subactivity group, line item, program element, program, project, subproject or activity which does not fund defense FFRDC activities or non-FFRDC consulting services within each appropriation account.

(j) Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report listing the specific funding reductions allocated to each category listed in subsection (i) above pursuant to this section.

SEC. 8038. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons or agents from the eight chemical storage sites within the continental United States to Johnston Atoll: Provided, That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99–145: Provided, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8039. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8040. For the purposes of this Act, the term "congressional defense committees" means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the subcommittee on Defense of the Committee on Appropriations of the Senate, and the subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8041. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8042. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1997. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8043. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8044. During the current fiscal year and hereafter, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8045. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8046. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: Provided, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: Provided further, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8047. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8048. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8049. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8050. During the current fiscal year and hereafter, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8051. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: Provided, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8052. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8053. During the current fiscal year and hereafter, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102–484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8054. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1998 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1998 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1998 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8055. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: Provided, That this prohibition shall not apply to safety modifications: Provided further, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8056. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1998.

SEC. 8057. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8058. (a) Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Program shall be made available only for the acquisition, modernization and sustainment of supercomputing capability and capacity at Department of Defense (DoD) science and technology sites under the cognizance of the Director of Defense Research and Engineering and DoD test and evaluation facilities under the Director of Test and Evaluation, OUSD (A&T): Provided, That these funds shall be awarded based on user-defined requirements.

(b) Of the funds appropriated in this Act under the heading "Procurement, Defense-Wide", $124,735,000 shall be made available for the High Performance Computing Modernization Program. Of the total funds made available for the program pursuant to this subsection, $20,000,000 shall be for the Army High Performance Computing Research Center.

SEC. 8059. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8060. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8061. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8062. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8063. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposal work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8064. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 8065. Notwithstanding section 142 of H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, as passed by the Senate on September 10, 1996, of the funds provided in title VI of this Act, under the heading "Chemical Agents and Munitions Destruction, Defense", $40,000,000 shall only be available for the conduct of a pilot program to identify and demonstrate not less than two alternatives to the baseline incineration process for the demilitarization of assembled chemical munitions: Provided, That the Under Secretary of Defense for Acquisition and Technology shall, not later than December 1, 1996, designate a program manager who is not, nor has been, in direct or immediate control of the baseline reverse assembly incineration demilitarization program to carry out the pilot program: Provided further, That the Under Secretary of Defense for Acquisition and Technology shall evaluate the effectiveness of each alternative chemical munitions demilitarization technology identified and demonstrated under the pilot program to demilitarize munitions and assembled chemical munitions while meeting all applicable Federal and State environmental and safety requirements: Provided further, That the Under Secretary of Defense for Acquisition and Technology shall transmit, by December 15 of each year, a report to the congressional defense committees on the activities carried out under the pilot program during the preceding fiscal year in which the report is to be made: Provided further, That section 142(f)(3) of H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, as passed by the Senate on September 10, 1996, is repealed: Provided further, That no funds may be obligated for the construction of a baseline incineration facility at the Lexington Blue Grass Army Depot or the Pueblo Depot activity until 180 days after the Secretary of Defense has submitted to the congressional defense committees a report detailing the effectiveness of each alternative chemical munitions demilitarization technology identified and demonstrated under the pilot program and its ability to meet the applicable safety and environmental requirements: Provided further, That none of the funds in this or any other Act may be obligated for the preparation of studies, assessments, or planning of the removal and transportation of stockpile assembled unitary chemical weapons or neutralized chemical agent to any of the eight chemical weapons storage sites within the continental United States.

SEC. 8066. (a) None of the funds made available by this Act may be obligated for design, development, acquisition, or operation of more than 47 Titan IV expendable launch vehicles, or for satellite mission-model planning for a Titan IV requirement beyond 47 vehicles.

(b) $59,600,000 made available in this Act for Research, Development, Test and Evaluation, Air Force, may only be obligated for development of a new family of medium-lift and heavy-lift expendable launch vehicles evolved from existing technologies.

SEC. 8067. None of the funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1997, except for field operating agencies funded within the National Foreign Intelligence

Program: Provided, That the Secretary of Defense may waive this section by certifying to the House and Senate Committees on Appropriations that the creation of such field operating agencies will reduce either the personnel and/or financial requirements of the Department of Defense.

SEC. 8068. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes.

SEC. 8069. Notwithstanding any other provision of law, for resident classes entering the war colleges after September 30, 1997, the Department of Defense shall require that not less than 20 percent of the total of United States military student at each war college shall be from military departments other than the hosting military department: Provided, That each military department will recognize the attendance at a sister military department war college as the equivalent of attendance at its own war college for promotion and advancement of personnel.

(RESCISSIONS)

SEC. 8070. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"Procurement of Ammunition, Army, 1995/1997", $4,500,000;

"Aircraft Procurement, Navy, 1995/1997", $8,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1995/1997", $2,000,000;

"Other Procurement, Navy, 1995/1997", $10,000,000;

"Aircraft Procurement, Air Force, 1995/1997", $3,100,000;

"Missile Procurement, Air Force, 1995/1997", $31,900,000;

"Aircraft Procurement, Navy, 1996/1998", $5,400,000;

"Procurement of Ammunition, Navy, and Marine Corps, 1996/1998", $12,708,000;

"Aircraft Procurement, Air Force, 1996/1998", $9,000,000;

"Missile Procurement, Air Force, 1996/1998", $20,000,000;

"Other Procurement, Air Force, 1996/1998", $26,000,000;

"Research, Development, Test and Evaluation, Navy 1996/1997", $4,500,000.

SEC. 8071. None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $250,000 per year.

SEC. 8072. Of the funds appropriated in the Department of Defense Appropriations Act, 1996 (Public Law 104–61), under the hearing "Other Procurement, Army", the Department of the Army shall grant $477,000 to the Kansas Unified School District 207 for the purpose of integrating schools at Fort Leavenworth into the existing fiber optic network on post.

SEC. 8073. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8074. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8075. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provide further, That such duty shall be treated as full-time National Guard duty for purposes of section 12602 (a)(2) and (b)(2) of title 10, United States Code.

SEC. 8076. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8077. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1996 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8078. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8079. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,118,000,000.

SEC. 8080. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8081. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8082. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8083. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: Provided, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8084. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8085. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8086. None of the funds appropriated by this Act shall be available to lease or charter a vessel in excess of seventeen months (inclusive of any option periods) to transport fuel or oil for the Department of Defense if the vessel was constructed after October 1, 1995 unless the Secretary of Defense requires that the vessel be constructed in the United States with a double hull under the long-term lease or charter authority provided in section 2401 note of title 10, United States Code: Provided, That this limitation shall not apply to contracts in force on the date of enactment of this Act: Provided further, That by 1997 at least 20 percent of annual leases and charters must be for ships of double hull design constructed after October 1, 1995 if available in numbers sufficient to satisfy this requirement: Provided further, That the Military Sealift Command shall plan to achieve the goal of eliminating single hull ship leases by the year 2015.

(TRANSFER OF FUNDS)

SEC. 8087. In addition to amounts appropriated or otherwise made available by this Act, $300,000,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard.

SEC. 8088. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $150,000,000 to reflect savings from reduced carryover of activities funded through the Defense Business Operations Fund, to be distributed as follows: "Operation and Maintenance, Army", $60,000,000; and "Operation and Maintenance, Navy", $90,000,000.

SEC. 8089. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of

Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8090. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: Provided, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8091. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8092 (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—(1) This section applies to—

(A) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(B) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8093. To the extent authorized by subchapter VI of Chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of U.S. defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of Chapter 148 of title 10.

SEC. 8094. None of the funds available to the Department of Defense shall be obligated or expended to make a financial contribution to the United Nations for the cost of an United Nations peacekeeping activity (whether pursuant to assessment or a voluntary contribution) or for payment of any United States arrearage to the United Nations.

SEC. 8095. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8096. The amount otherwise provided by this Act for "Operation and Maintenance, Air Force" is hereby reduced by $194,500,000, to reflect a reduction in the pass-through to the Air Force business areas of the Defense Business Operations Fund.

SEC. 8097. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8098. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

SEC. 8099. During the current fiscal year, no more than $15,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8100. Beginning in fiscal year 1997 and thereafter, and notwithstanding any other provision of law, fixed and mobile telecommunications support shall be provided by the White House Communications Agency (WHCA) to the United States Secret Service (USSS), without reimbursement, in connection with the Secret Service's duties directly related to the protection of the President or the Vice President or other officer immediately next in order of succession to the office of the President at the White House Security Complex in the Washington, D.C. Metropolitan Area and Camp David, Maryland. For these purposes, the White House Security Complex includes the White House, the White House grounds, the Old Executive Office Building, the New Executive Office Building, the Blair House, the Treasury Building, and the Vice President's Residence at the Naval Observatory.

SEC. 8101. None of the funds provided in this Act may be obligated or expended for the sale of zinc in the National Defense Stockpile if zinc commodity prices decline more than five percent below the London Metals Exchange market price reported on the date of enactment of this Act.

SEC. 8102. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the one percent limitation shall apply to the total amount of the appropriation.

SEC. 8103. During the current fiscal year, and notwithstanding 31 U.S.C. 1552(a), not more than $107,000,000 appropriated under the heading "Aircraft Procurement, Air Force" in Public Law 101–511 and not more than $15,000,000 appropriated under the heading "Aircraft Procurement, Air Force" in Public Law 102–172 which were available and obligated for the B–2 Aircraft Program shall remain available for expenditure and for adjusting obligations for such Program until September 30, 2002.

SEC. 8104. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to one percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8105. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred *between the following appropriations in the amount specified:*

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/1995":

CG–47 cruiser program, $4,300,000;

For craft, outfitting, and post delivery, $2,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/1995":

DDG–51 destroyer program, $6,300,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1996":

LHD–1 amphibious assault ship program, $2,154,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1996":

For craft, outfitting and post delivery, $2,154,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1996":

T–AO fleet oiler program, $1,095,000;

Oceanographic ship program, $735,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1996";

For craft, outfitting, and post delivery, $1,830,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/2000":

T–AO fleet oiler program, $6,571,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/2000";

SSN–21 attack submarine program, $6,571,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":

DDG–51 destroyer program, $12,687,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001";

LHD–1 amphibious assault ship program, $9,387,000;

MHC coastal mine hunter program, $3,300,000

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

For escalation, $1,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996";

MHC coastal mine hunter program, $1,600,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

DDG–51 destroyer program, $5,000,000;

LSD–41 cargo variant ship program, $2,700,000;

For craft, outfitting, post delivery, and first destination transportation, and inflation adjustment, $1,577,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997";

AOE combat support ship program, $9,277,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/1999":

Carrier replacement program, $18,023,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997";

MHC coastal mine hunter program, $6,7000,000;

AOE combat support ship program, $11,323,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD–1 amphibious assault ship program, $4,1000,000;

Mine warfare command and control ship, $1,000,000;

For craft, outfitting, post delivery, and first destination transportation, $2,000,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/1999":

Carrier replacement program, $9,477,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

NSSN–1 (AP), $3,791,000;

DDG–51 destroyer program, $4,075,000;

CVN Refuelings, $5,212,000;

LHD–1 amphibious ship program, $16,800,000;

T–AGS–64 multi-purpose oceanographic survey ship, $375,000;

For craft, outfitting, post delivery, conversions and first destination transportation, $11,770,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

DDG–51 destroyer program, $41,800,000; and

Under the heading, "Shipbuilding and Conversion, Navy, 1995/1999":

For craft, outfitting, post delivery, conversions and first destination transportation, $16,800,000.

SEC. 8106. (a) The Secretary of Defense shall require not later than June 30, 1997, each disbursement by the Department of Defense in an amount in excess of $3,000,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under section (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such section to that disbursement.

SEC. 8107. Notwithstanding any other provision of law, the Air Force shall not introduce any new supplier for the remaining production units for the AN/ALE–47 Countermeasures Dispenser System without conducting a full and open competition that will include, but not be limited to, small businesses.

SEC. 8108. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 1998 budget request was reduced because Congress appropriated funds above the President's budget request for that specific activity for fiscal year 1997.

SEC. 8109. In applying section 9005 of the Department of Defense Appropriations Act, 1993, Public Law 102–396 (10 U.S.C. 2241 note), during the current fiscal year and thereafter—

(1) the term "synthetic fabric and coated synthetic fabric" shall be deemed to include all textile fibers and yarns that are for use in such fabrics; and

(2) such section shall be treated, notwithstanding section 34 of Public Law 93–400 (41 U.S.C. 430), as being applicable to contracts and subcontracts for the procurement of commercial items that are articles or items, specialty metals, or tools covered by that section 9005.

SEC. 8110. Notwithstanding any other provision of law, including Section 2304(j) of title 10, United States Code, of the funds appropriated under the heading "Aircraft Procurement, Navy" in Public Law 104–61, $45,000,000 shall be made available only for acquisition of T–39N aircraft, associated ground-based training system (GBTS), service life extension related components and parts, associated equipment, and data that meet the Undergraduate Flight Officer (UNFO) training requirements by procurement of the T–39N aircraft currently being used by the Navy for UNFO training under a services contract.

SEC. 8111. TRADE-OFF STUDY OF CURRENT AND FUTURE DEEP-STRIKE CAPABILITIES.—

(1) The Secretary of Defense shall carry out the deep-strike tradeoff study announced by the President to study tradeoffs between bombers, land and sea-based tactical aircraft, and missiles capable of striking targets in an enemy's rear area.

(2) The Secretary of Defense shall establish an ad hoc review committee under the auspices of the Defense Science Board to establish the methodological approach to the tradeoff study, to establish a broad range of stressing scenarios of interest, and to review assumptions regarding the analysis to be conducted.

(3) The ad hoc review committee to be established under paragraph (2) shall include among its members analysts who have performed or participated in bomber tradeoff analysis, retired military personnel with broad experience in recent conventional warfare operations, and experts on the logistics of both initial deployment and sustaining support. These members shall be selected without regard for current service on the Defense Science Board.

(4) After submitting its recommendations for the conduct of the deep-strike tradeoff study to the Secretary of Defense the ad hoc review committee shall continue to meet regularly to review preliminary results of the analysis and to recommend additional variations in assumptions that may be required to illuminate particular force tradeoff issues.

SEC. 8112. Notwithstanding 31 U.S.C. 1552(a), of the funds provided in Department of Defense Appropriations Acts, not more than the specific amounts of funds from the following accounts shall remain available for the payment of satellite on-orbit incentive fees until the fees are paid:

"Missile Procurement, Air Force, 1990/1992", $17,800,000;

"Missile Procurement, Air Force, 1991/1993", $19,330,000;

"Missile Procurement, Air Force, 1992/1994", $23,570,000;

"Missile Procurement, Air Force, 1993/1995", $16,780,000;

"Missile Procurement, Air Force, 1994/1996", $16,780,000;

SEC. 8113. TACTICAL AIRCRAFT REQUIREMENT STUDY.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a joint study under the direct supervision of the Joint Requirements Oversight Council (JROC) assessing future tactical aircraft requirement across service jurisdictions. This study shall determine the best and most affordable mix of weapon systems to carry out different mission areas and shall include recommendations for changes to the planned numbers and types of tactical aircraft to be developed and procured over the next ten years if appropriate. Such report shall be submitted to the congressional defense committees no later than March 30, 1997.

SEC. 8114. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8115. (a) None of the funds available to the Department of Defense under this Act may be obligated or expended to reimburse a defense contractor for restructuring costs associated with a business combination of the defense contractor that occurs after the date of enactment of this Act unless:

(10 the audible savings for the Department of Defense resulting from the restructuring will exceed the costs allowed by a factor of at least two to one, or

(2) the savings for the Department of Defense resulting from the restructuring will exceed the costs allowed and the Secretary of Defense determines that the business combination will result in the preservation of a critical capability that might otherwise be lost to the Department, and

(3) the report required by Section 818(c) of Public Law 103–337 to be submitted to Congress in 1996 is submitted.

(b) Not later than April 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(1) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combinations since 1993;

(2) an analysis of the specific costs associated with workforce reductions;

(3) an analysis of the services provided to the workers affected by business combinations;

(4) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment;

(5) in accordance with section 818 of Public Law 103–337, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(c) The report should set forth recommendations to make this program more effective for workers affected by business combinations and more efficient in terms of the use of Federal dollars.

SEC. 8116. Notwithstanding any other provision of law, none of the funds appropriated in this Act may be used to purchase, install, replace, or otherwise repair any lock on a safe or security container which protects information critical to national security or any other classified materials and which has not been certified as passing the security lock specifications contained in regulation FF–L–2740 dated October 12, 1989, and has not passed all testing criteria and procedures established through February 28, 1992: Provided, That the Director of Central Intelligence may waive this provision, on a case-by-case basis only, upon certification that the above cited locks are not adequate for the protection of sensitive intelligence information.

SEC. 8117. Section 8110 of Public Law 104–61 (109 Stat. 674) is hereby repealed.

SEC. 8118. The Secretary of Defense, in conjunction with the Secretary of Labor, shall take such steps as required to ensure that those Department of Defense contractors and other entities subject to section 4212(d) of title 38, United States Code are aware of, and in compliance with, the requirements of that section regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans: Provided, That the Secretary of Defense shall ensure that those Department of Defense contractors and other entities subject to section 4212(d) of title 38, United States Code which have contracts with the Department of Defense are notified of the potential penalties associated with failure to comply with these annual reporting requirements (including potential suspension or debarment from federal contracting): Provided further, That within 180 days of enactment of this Act the Secretary of Labor and the Secretary of Defense shall submit a report to Congress which—

(1) using the most recent reporting data, details the number of reports received from Department of Defense contractors and the estimated number of Department of Defense contractors which are not in compliance with these annual reporting requirements;

(2) describes the steps taken by the Departments of Labor and Defense in order to ensure compliance with section 4212(d) of title 38, United States Code;

(3) describes any additional measures taken or planned to be taken by the Departments of Labor and Defense to improve compliance with section 4212(d) of title 38, United States Code pursuant to this section; and

(4) any further recommendations regarding additional action (including changes in existing law) which may be necessary to improve compliance with section 4212(d) of title 38, United States Code.

SEC. 8119. Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8120. (a) LIMITATION ON ADVANCE BILLING.—During fiscal year 1997, advance billing for services provided or work performed by the Defense Business Operations Fund activities of the Department of the Navy in excess of $1,000,000,000 is prohibited.

(b) REVISED RATES; ADDITIONAL SURCHARGES.—In conjunction with the Under Secretary of Defense (Comptroller), the Secretary of the Navy shall develop a plan to revise fiscal year 1997 customer rates or establish additional surcharges so as to increase revenues to the Defense Business Operations Fund by at least an additional $500,000,000 in executing orders accepted during fiscal year 1997.

(c) TRANSFER AUTHORITY.—To the extent necessary to comply with any rate increase or new surcharge on rates in fiscal year 1997 established under subsection (b), the Secretary of the Navy shall transfer at least $500,000,000, from funds made available under subsection (d), into customer accounts of the Navy used to reimburse the Defense Business Operations Fund so as to provide customers with sufficient resources to pay the increased customer rates and additional surcharges. The transfer authority provided by this subsection is in addition to other transfer authority provided in this Act. The funds transferred shall be merged with and available for the same purposes, and for the same time period, as the appropriation to which transferred.

(d) SOURCE OF FUNDS.—To provide funds for transfer under subsection (c), the amounts appropriated elsewhere in this Act for the following appropriation accounts are reduced by 2.0 percent: Aircraft Procurement, Navy; Weapons Procurement, Navy; Procurement of Ammunition, Navy and Marine Corps; Shipbuilding and Conversion, Navy; Other Procurement, Navy; and Research, Development, Test and Evaluation, Navy. These reductions shall be applied on a pro-rata basis to each line item, program element, program, project, subproject, and activity within each appropriation account.

SEC. 8121. The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8122. (a) Of the amounts appropriated or otherwise made available by this Act for the Department of the Air Force, $2,000,000 shall be available only for a facility at Lackland Air Force Base, Texas to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces.

(b) Subject to subsection (c), the Secretary of the Air Force shall grant the funds made available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c)(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2) The term of the lease under subsection (c)(1) may not be less than 25 years.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8123. None of the funds appropriated by this Act may be obligated or expended—

(1) to reduce the number of units of special operations forces of the Army National Guard during fiscal year 1997;

(2) to reduce the authorized strength of any such unit below the strength authorized for the unit as of September 30, 1996; or

(3) to apply any administratively imposed limitation on the assigned strength of any such unit at less than the strength authorized for that unit as of September 30, 1996.

SEC. 8124. (a) The Secretary of the Army shall ensure that solicitations for contracts for unrestricted procurement to be entered into using funds appropriated for the Army by this Act include, where appropriate, specific goals for subcontracts with small businesses, small disadvantaged businesses, and women owned small businesses.

(b) The Secretary shall ensure that any subcontract entered into pursuant to a solicitation referred to in subsection (a) that meets a specific goal referred to in that subsection is credited toward the overall goal of the Army for subcontracts with the businesses referred to in that subsection.

SEC. 8125. (a) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal Government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States.

(b) The report required by subsection (a) above shall be submitted to the congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

SEC. 8126. (a) Not later than March 1, 1997, the Deputy Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense procurements of propellant raw materials.

(b) The report shall include the following:

(1) The projected future requirements of the Department of Defense for propellant raw materials, such as nitrocellulose.

(2) The capacity, ability, and production cost rates of the national technology and industrial base, including Government-owned, contractor-

operated facilities, contractor-owned and operated facilities, and Government-owned, Government-operated facilities, for meeting such requirements.

(3) The national security benefits of preserving in the national technology and industrial base contractor-owned and operated facilities for producing propellant raw materials, including nitrocellulose.

(4) The extent to which the cost rates for production of nitrocellulous in Government-owned, contractor-operated facilities is lower because of the relationship of those facilities with the Department of Defense than such rates would be without that relationship.

(5) The advantages and disadvantages of permitting commercial facilities to compete for award of Department of Defense contracts for procurement of propellant raw materials, such as nitrocellulose.

SEC. 8127. Not later than six months after the date of the enactment of this Act the Secretary of the Air Force shall submit to Congress a cost-benefit analysis of consolidating the ground station infrastructure of the Air Force that supports polar orbiting satellites.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8128. In addition to the amounts appropriated elsewhere in this Act, $100,000,000 is appropriated for defense against weapons of mass destruction: Provided, That the funds appropriated under this section may be transferred to and merged with funds appropriated elsewhere in this Act and that this transfer authority shall be in addition to any other transfer authority provided under this Act: Provided further, That of the funds made available by this section, $10,000,000 shall be transferred to and merged with funds appropriated in this Act for "Procurement, Marine Corps" and shall be available only for the procurement of equipment that enhances the capability of the Chemical-Biological Incident Response Force to respond to incidents of terrorism.

SEC. 8129. The Secretary of Defense, in consultation with the Secretary of Health and Human Services and the Director of the Office of Personnel Management, shall submit a report to the congressional defense committees by February 1, 1997 containing recommendations regarding the establishment of a demonstration program under which covered beneficiaries under chapter 55 of title 10, United States Code, who are entitled to benefits under part A of the medicare program and who do not have access to TRICARE, would be permitted to enroll in a health benefits program offered through the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

SEC. 8130. (a) Section 203 of H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, as passed by the Senate on September 10, 1996, is hereby amended by repealing section 203(a), section 203(c), and section 203(e).

(b) The amendments made by section (a) shall take effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997 as if section 203 of such Act had been enacted as so amended.

SEC. 8131. (a) Section 722(c) of the National Defense Authorization Act for Fiscal Year 1997 is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(b) The amendments made by subsection (a) shall take effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997 as if section 722 of such Act had been enacted as so amended.

SEC. 8132. The Secretary of Defense shall complete a cost/benefit analysis on the establishment of a National Missile Defense Joint Program Office: Provided, That the Secretary of Defense shall submit a report on this analysis to the congressional defense committees not later than March 31, 1997: Provided further, That the Department of Defense shall take no action to establish any National Missile Defense Joint Program Office, to reassign service National Missile Defense roles and missions under any National Missile Defense Joint Program Office strategy or to relocate people under such a strategy prior to March 31, 1997.

SEC. 8133. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8134. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8135. (a) Section 2867 of the National Defense Authorization Act for Fiscal Year 1997 is amended—

(1) by striking out "Michael O'Callaghan Military Hospital" both places it appears in the text of such section and inserting in lieu thereof "Mike O'Callaghan Federal Hospital"; and

(2) in the section heading, by striking out "MICHAEL O'CALLAGHAN MILITARY HOSPITAL" and inserting in lieu thereof "MIKE O'CALLAGHAN FEDERAL HOSPITAL".

(b) The amendments made by subsection (a) shall take effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997 and shall apply as if such amendments had been included insection 2867 of such Act when enacted.

SEC. 8136. (a) In addition to any other reductions required by this Act, the following funds are hereby reduced from the following accounts in title IV of this Act in the specified amounts:

"Research, Development, Test and Evaluation, Army", $101,257,000;

"Research, Development, Test and Evaluation, Navy", $164,179,000;

"Research, Development, Test and Evaluation, Air Force", $289,992,000;

"Research, Development, Test and Evaluation, Defense-Wide", $119,483,000;

Developmental Test and Evaluation, Defense", $5,641,000.

(b) The reductions taken pursuant to subsection (a) shall be applied on a pro-rata basis by subproject within each R-1 program element as modified by this Act, except that no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.

(c) Unless expressly exempted by subsection (b), each program element, program, project, subproject, and activity funded by title IV of this Act shall be allocated a pro-rata share of any of the reductions made by this section.

(d) Not later than 60 days after enactment of this Act, the Secretary of Defense shall submit to the Congressional defense committees a report listing the specific funding reductions allocated to each category listed in subsection (c) above pursuant to this section.

SEC. 8137. In addition to amounts appropriated or otherwise made available in this Act, $230,680,000 is hereby appropriated to the Department of Defense for anti-terrorism, counterterrorism, and security enhancement programs and activities, as follows:

"Operation and Maintenance, Army", $15,249,000;

"Operation and Maintenance, Navy", $23,956,000;

"Operation and Maintenance, Marine Corps", $600,000;

"Operation and Maintenance, Air Force", $10,750,000;

"Operation and Maintenance, Defense-Wide", $29,534,000;

"Operation and Maintenance, Navy Reserve", $517,000;

"Other Procurement, Army", $5,252,000;

"Other Procurement, Air Force", $101,472,000;

"Procurement, Defense-Wide", $35,350,000;

"Research, Development, Test and Evaluation, Defense-Wide", $8,000,000:

Provided, That such amounts in their entirety are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated in this section, or made available by transfer of such funds, for programs and activities of the Central Intelligence Agency shall remain available until September 30, 1997: Provided further, That funds appropriated in this section, or made available by transfer of such funds, to any intelligence agency or activity of the United States Government shall be deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 8138. Of the amounts provided in Titles I though VIII of this Act, $230,680,000 are permanently canceled: Provided, That the Secretary of Defense shall allocate the amount of budgetary resources canceled by this section on a pro-rata basis among each budget activity, activity group and subactivity group and each program, project or activity within each appropriations account.

Titles I through VIII of this Act may be cited as the "Department of Defense Appropriations Act, 1997"

TITLE IX—FISCAL YEAR 1996 SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR ANTI-TERRORISM, COUNTERTERRORISM, AND SECURITY ENHANCEMENT ACTIVITIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 1996, namely:

DEPARTMENT OF DEFENSE—MILITARY

Military Personnel

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $4,800,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $4,000,000: Provided, That *such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $21,200,000, to remain available until September 30, 1997: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $67,400,000, to remain available until September 30, 1997: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds may be used to liquidate obligations incurred by the Air Force during fiscal year 1996 for costs incurred under the authority of the Feed and Forage Act (41 U.S.C. 11).

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $11,600,000, to remain available until September 30, 1998: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $13,600,000, to remain available until September 30, 1998: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

(RESCISSIONS)

SEC. 9001. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded, as of the date of enactment of this Act, from the following accounts in the specified amounts:

"Procurement of Ammunition, Army, 1994/1996", $1,000,000;

"Other Procurement, Army, 1994/1996", $6,000,000;

"Research, Development, Test and Evaluation, Army, 1995/1996", $2,055,000;

"Aircraft Procurement, Navy, 1994/1996", $10,157,000;

"Weapons Procurement, Navy 1994/1996", $10,688,000;

"Other Procurement, Navy, 1994/1996", $4,000,000;

"Research, Development, Test and Evaluation, Navy, 1995/1996", $6,909,000;

"Aircraft Procurement, Air Force, 1994/1996", $18,771,000;

"Missile Procurement, Air Force, 1994/1996", $10,156,000;

"Other Procurement, Air Force, 1994/1996", $14,395,000;

"Research, Development, Test and Evaluation, Air Force, 1995/1996", $4,918,000;

"Procurement, Defense-Wide, 1994/1996", $9,954,000;

"Research, Development, Test and Evaluation, Defense-Wide, 1995/1996", $23,597,000.

SEC. 9002. Funds appropriated by this title, or made available by transfer of such funds, for programs and activities of the Central Intelligence Agency shall remain available until September 30, 1997: Provided, That funds appropriated by this title, or made available by transfer of such funds, to any intelligence agency, or intelligence activity of the United States Government shall be deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(c) For programs, projects or activities in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

> *AN ACT making appropriations for the foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes*

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $726,000,000 to remain available until September 30, 1998: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2012 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1997 and 1998: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $46,614,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, effective July 21, 1997, notwithstanding any other provision of law, none of the funds made available by this or any other Act may be made available to compensate the incumbent Chairman and President of the Export-Import Bank: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1997.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $72,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1997 and 1998: Provided further, That such sums shall remain available through fiscal year 2005 for the disbursement of direct and guaranteed loans obligated in fiscal year 1997, and through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998: Provided further, That section 235(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)) is amended by striking out "1996" and inserting in lieu thereof "1997" and, notwithstanding section 235(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(1)), the maximum contingent liability of issuing authority for insurance and financing shall not in the aggregate exceed the amounts provided in section 235(a)(1) and (2) of that Act. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1998, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1997, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $600,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as (1) immunization programs, (2) oral rehydration programs, (3) health and nutrition programs, and related education programs, which address the needs of mothers and children, (4) water and sanitation programs, (5) assistance for displaced and orphaned children, (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases, (7) not to exceed $98,000,000 for basic education programs for children, and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of the Foreign Assistance Act of 1961.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,181,500,000, to remain available until September 30, 1998: Provided, That of the amount appropriated under this heading, up to $20,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: Provided further, That of the amount appropriated under this heading, up to $11,500,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That of the funds appropriated under title II of this Act that are administered by the Agency for International Development and made available for family planning assistance, not less than 65 percent shall be made available directly to the agency's central Office of Population and shall be programmed by that office for family planning activities: Provided further, That of the funds appropriated under this heading and under the heading "Child Survival and Disease Programs Fund" that are made available by the Agency for International Development for development assistance activities, the amount made available to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) and the amount made available for activities in the Latin America and Caribbean region should be in at least the same proportion as the amount identified in the fiscal year 1997 draft congressional presentation document for development assistance for each such region is to the total amount requested for development assistance for such fiscal year: Provided further, That funds appropriated under this heading may be made available, notwithstanding any other provision of law except section 515 of this Act, to assist Vietnam to reform its trade regime (such as through reform of its commercial and investment legal codes): Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral, to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, up to $17,500,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displace and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That not less than $500,000 of the funds made available under this heading shall be available only for support of the United States Telecommunications Training Institute.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $2,500,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma, for the purposes of fostering democracy in Burma, supporting the provision of medical supplies and other humanitarian assistant to Burmese located in Burma or displaced Burmese along the borders, and for other purposes: Provided, That of this amount, not less than $200,000 shall be made available to support newspapers, publications, and other media activities promoting democracy inside Burma: Provided further, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961, and of modifying concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, as authorized under subsection (a) under the heading "Debt Reduction for Jordan" in title VI of Public Law 103–306; $27,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in *section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1998.*

HOUSING GUARANTY PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $3,500,000, to remain available until September 30, 1998: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Central and Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $43,826,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $470,750,000: Provided, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $30,000,000, to remain available until September 30, 1998, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,343,000,000, to remain available until September 30, 1998: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1996, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sums shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: Provided further, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: Provided further, That none of the funds appropriated under this heading shall be made available for Zaire.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 1998.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $475,000,000, to remain available until September 30, 1998, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 531 of this Act shall apply.

(f) With regard to funds appropriate under this heading that are made available for economic revitalization programs in Bosnia and Herzegovina, 50 percent of such funds shall not be available for obligation unless the President determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has been terminated.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $625,000,000, to remain available until September 30, 1998: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief.

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization or nonproliferation programs.

(f) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(h)(1) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than $10,000,000 shall be available only for assistance for Mongolia, of which amount not less than $6,000,000 shall be available only for the Mongolian energy sector.

(2) Funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(i) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including small- and medium-size business, entrepreneurs, and others with indigenous private enterprises in the region, intermediary development organizations committed to private enterprise, and private voluntary organizations: Provided, That grantees and contractors should, to the maximum extent possible, place in key staff positions specialists with prior on the ground expertise in the region of activity and fluency in one of the local languages.

(j) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(k) Off the funds made available under this heading, not less than $225,000,000 shall be made available for Ukraine, of which funds not less than $25,000,000 shall be made available to carry out United States decommissioning obligations regarding the Chornobyl plant made in the Memorandum of Understanding between the Government of Ukraine and the G-7 Group: Provided, That not less than $35,000,000 shall be made available for agricultural projects, including those undertaken through the Food Systems Restructuring Program, which leverage private sector resources with United States Government assistance: Provided further, That $5,000,000 shall be available for a small business incubator project: Provided further, That $5,000,000 shall be made available for screening and treatment of childhood mental and physical illnesses related to Chornobyl radiation: Provided further, That $5,000,000 shall be available only for a land and resource management institute to identify nuclear contamination at Chornobyl: Provided further, That $15,000,000 shall be available for the legal restructuring necessary to support a decentralized market-oriented economic system, including enactment of necessary substantive commercial law, implementation of reforms necessary to establish an independent judiciary and bar, legal education for judges, attorneys, and law students, and education of the public designed to promote understanding of a law-based economy.

(l) Of the funds made available for Ukraine, under this Act and Public Law 104–107, not less than $50,000,000 shall be made available to improve safety at nuclear reactors: Provided, that of this amount $20,000,000 shall be provided for the purchase and installation of, and training for, safety parameter display or control systems at all operational nuclear reactors: Provided further, That of this amount, $20,000,000 shall be made available for the purchase, construction, installation and training for Full Scope and Analytical/Engineering simulators: Provided further, That of this amount funds shall be made available to conduct Safety Analysis Reports at all operational nuclear reactors.

(m) Of the funds made available by this Act, not less than $95,000,000 shall be made available for Armenia.

(n) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program proposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(o)(1) None of the funds appropriated under this heading may be made available for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iraq with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor or related nuclear research facilities or programs.

(2) Paragraph (1) shall not apply if the President determines that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective six months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(p) Of the funds made available under this heading, not less than $10,000,000 shall be made available for a United States contribution to the Trans-Caucasus Enterprise Fund: Provided, That to further the development of the private sector in the Trans-Caucasus, such amount and amounts appropriated for purposes of subsection (t) under the heading "Assistance for the New Independent States of the Former Soviet Union" in Public Law 104–107 may be invested in a Trans-Caucasus Enterprise Fund or, notwithstanding the provisions of such subsection, invested in other funds established by public or private organizations, or transferred to the Overseas Private Investment Corporation to be available, subject to the requirements of the Federal Credit Reform Act, to subsidize the costs of direct and guaranteed loans.

(q)(1) Funds appropriated under this heading may not be made available for the Government of Ukraine if the President determines and reports to the Committees on Appropriations that the Government of Ukraine is engaged in military cooperation with the Government of Libya.

(2) Paragraph (1) shall not apply if the President determines that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective six months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(r) Of the funds appropriated under this heading, not less than $15,000,000 should be available only for a family planning program for the New Independent States of the former Soviet Union comparable to the family planning program currently administered by the Agency for International Development in the Central Asian Republics and focusing on population assistance which provides an alternative to abortion.

(s) Funds made available under this Act or any other Act (other than assistance under title V of the FREEDOM Support Act and section 1424 of the "National Defense Authorization Act for Fiscal Year 1997") may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

(t) Of the funds appropriated under this heading, not less than $2,500,000 shall be made available for the American-Russian Center.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $208,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1998.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $213,000,000: Provided, That during fiscal year 1997, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds made available under this heading may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking steps to bring the responsible members of the security forces unit to justice.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 2955 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $133,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act for demining activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for the acquisition and provision of goods and services, or for grants to Israel necessary to support the eradication of terrorism in and around Israel: Provided, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That not to exceed $25,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: Provided further, That such funds may be obligated to KEDO only if, prior to such obligation of funds, the President certifies and so reports to Congress that (1)(A) of the United States is taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by the end of fiscal year 1997; and (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended: Provided further, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: Provided further, That no funds may be obligated for KEDO until 30 calendar days after submission to Congress of the waiver permitted under the preceding proviso: Provided further, That before obligating any funds for KEDO, the President shall report to Congress on (1) the cooperation of North Korea in the process of returning to the United States the remains of United States military personnel who are listed as missing in action as a result of the Korean conflict (including conducting joint field activities with the United States); (2) violations of the military armistice agreement of 1953; (3) the actions which the United States is taking to assure that North Korea is consistently taking steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula and engage in North-South dialogue; and (4) all instances of non-compliance with the Agreed Framework between North Korea and the United States and the Confidential Minute, including diversion of heavy fuel oil: Provided further, That the obligation of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include proposed annual costs associated with heavy fuel oil purchases and other related activities, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $43,475,000: Provided, That none of the funds appropriated under this heading shall be available for Zaire and Guatemala: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia may only be available for expanded international military education and training.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,164,000,000: Provided, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1996, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds made available under this paragraph, $30,000,000 shall be available for assistance on a grant basis for Poland, Hungary, and the Czech Republic to carry out title II of Public Law 103–477 and section 585 of Public Law 104–107: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That, for the purpose only of providing support for NATO expansion and the Warsaw Initiative Program, of the funds appropriated by this Act under the headings "Assistance for Eastern Europe and the Baltic States" and "Assistance for the New Independent States of the Former Soviet Union", up to a total of $7,000,000 may be transferred, notwithstanding any other provision of law, the funds appropriated under this paragraph: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $60,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $540,000,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That of the funds appropriated under this paragraph $20,000,000 shall be made available to Poland, Hungary, and the Czech Republic: Provided further, That funds appropriated under this heading shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $122,500,000 only for Greece and $175,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, and Guatemala: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for activities related to the clearance of landmines and unexploded ordnance, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $355,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms

Export Control Act may be obligated for expenses incurred by the Department of Defense during Fiscal year 1997 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $35,000,000, to remain available until September 30, 1998.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $700,000,000, for the United States contribution to the tenth replenishment, to remain available until expended: Provided, That none of the funds may be obligated before March 1, 1997: Provided further, That not less than twenty days before such funds are obligated, the Secretary of the Treasury shall submit a report to the Committees on Appropriations on his efforts to reach agreement with the other IDA–11 donors, including at the February 1997 IDA–11 donors review meeting, that the procurement restrictions in the Interim Trust Fund will be lifted.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $6,656,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $10,000,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $27,500,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $11,916,447, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $27,805,043.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,000,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an account not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $169,950,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $25,000,000 of the funds appropriated under this heading may be made available to the UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1997, and that no later than February 15, 1997, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1997: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1997 shall be deducted from the amount of funds provided to UNFPA after March 1, 1997, pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other fund: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Antiterrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act *shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.*

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1997, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1997.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committee on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purpose of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "Debt restructuring", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent State of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committee for obligation under any of these specific heading unless the Appropriations Committee of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk of human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations *and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1998.*

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion

AUTHORIZATION FOR POPULATION PLANNING

SEC. 518A. (a) None of the funds made available in title II of this Act for population planning activities or other population assistance pursuant to section 104(b) of the Foreign Assistance Act or any other provision of law may be obligated or expended prior to July 1, 1997.

(b) Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be made available for population planning activities or other population assistance.

(c) Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8 percent of the total available for such activities.

(d) Not later than February 1, 1997, the President shall submit a finding to the Congress regarding the impact of the limitation on obligations imposed by subsection (a) of this section on the proper functioning of the population planning program. If such Presidential finding indicates that the limitation is having a negative impact on the proper functioning of the population planning program, funds for population planning activities and other population assistance referred to in subsection (a) may be made available beginning March 1, 1997, notwithstanding the July 1, 1997, limitation set forth in subsection (a), if the Congress approves such finding by adoption of a joint resolution of approval not later than February 28, 1997, in accordance with subsection (e).

(e) CONGRESSIONAL REVIEW PROCEDURE.—

(1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as those rules relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(2) For purposes of this section, the term "resolution" means a joint resolution, the text of which is as follows: "That the House of Representatives and Senate approve the Presidential finding, submitted to the Congress on XXXXX, that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.". The blank space therein shall be filled with the date on which the President submits his finding to the House of Representatives and the Senate.

(3) On the day on which the President submits a finding under this section to the Congress, a joint resolution described in paragraph (2) shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which the President submits such finding, the resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. A resolution once introduced in the House with respect to a Presidential finding under this section shall be referred to 1 or more committees (and all resolutions with respect to the same Presidential finding shall be referred to the same committee or committees) by the Speaker of the House of Representatives. A resolution once introduced in the Senate with respect to a Presidential finding under this section shall be referred to the appropriate committee (and all resolutions with respect to the same Presidential finding shall be referred to the same committee) by the President of the Senate.

(4) No amendment to a resolution introduced under this section shall be in order in either the House of Representatives or the Senate; and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(5)(A) If any committee to which a resolution with respect to a Presidential finding under this section has been referred has not reported it at the end of 5 calendar days after its introduction, such committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar. A vote on final passage of the resolution, shall be taken in each House on or before February 28, 1997. If prior to the passage by 1 House of a resolution of that House under this section, that House receives the same resolution from the other House, then—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House, but

(ii) the vote on final passage shall be on the resolution of the other House.

(6)(A) A motion in the House of Representatives to proceed to the consideration of a resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on the resolution described in paragraph (2) of this subsection shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing such resolution. A motion to further limit debate shall not be debatable. It shall not be in order to move to recommit a resolution or to move to reconsider the vote by which such resolution was agreed to or disagreed to.

(C) Appeals from the decision of the Chair relating to the application of the rules of the House of Representatives to the procedures relating to a resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in preceding provisions of this subsection, consideration in the House of Representatives of a resolution under this subsection shall be governed by the rules of the House of Representatives applicable to other resolutions in similar circumstances.

(7)(A) A motion in the Senate to proceed to the consideration of a resolution under this section shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on the resolution described in paragraph (2) of this subsection, and all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours. The time shall be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(C) A motion in the Senate to further limit debate is not debatable. A motion to recommit a resolution is not in order.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Guatemala (except that this provision shall not apply to development assistance for Guatemala), Dominican Republic, Haiti, Liberia, Pakistan, Peru, Serbia, Sudan, or Zaire except as provided through the regular notification procedures of the Committee on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the *exception that for the following accounts: Economics Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.*

CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the Untied States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1996" and inserting in lieu thereof "1997".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committee on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 528A. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 529. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 530. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 531. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing, or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At lest fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCING INSTITUTIONS

SEC. 532. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 533. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq, Serbia or Montenegro unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign national who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, Serbia, or Montenegro, as the case may be, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq, Serbia, or Montenegro into its customs territory, and

(2) the export of its products to Iraq, Serbia, or Montenegro, as the case may be.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 533A. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

POW/MIA MILITARY DRAWDOWN

SEC. 534. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1997, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Vietnam, Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 535. For the four-year period beginning on October 1, 1996, the President shall ensure that excess defense articles will be made available under section 516 and 519 of the Foreign Assistance Act of 1961 consistent with the manner in which the President made available excess defense articles under those sections during the four-year period that began on October 1, 1992, pursuant to section 573(e) of the Foreign Operations, Export Financing, Related Programs Appropriations Act, 1990.

CASH FLOW FINANCING

SEC. 536. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corp Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA AND HERZEGOVINA

SEC. 539. (a) The President is authorized to direct the transfer, subject to prior notification of the Committees on Appropriations, to the Government of Bosnia and Herzegovina, without reimbursement of defense articles from the stocks of the Department of Defense and defense services of the Department of Defense of an aggregate value of not to exceed $100,000,000 in fiscal years 1996 and 1997: Provided, That the President certifies in a timely fashion to the Congress that the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region.

(b) Within 60 days of any transfer under the authority provided in subsection (a), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(c) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

SEC. 540. (a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement described in section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), with respect to Serbia or Montenegro, may cease to be effective, unless—

(1) the President first submits to the Congress a certification described in subsection (b); and

(2) the requirements of section 1511 of that Act are met.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova;

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

(c) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of subsection (a) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Bosnia and Herzegovina that is acceptable to the parties.

SPECIAL AUTHORITIES

SEC. 541. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(c) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: Provided further, That none of the funds appropriated by this Act may be made available for assistance for any country or organization that the Secretary of State determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations, or to the military of any country that is not acting vigorously to prevent its members from facilitating the export of timber from Cambodia by the Khmer Rouge: Provided further, That the Secretary of State shall submit a report to the Committees on Appropriations by February 1, 1997, on whether there are any countries, organizations, or militaries for which assistance is prohibited under the previous proviso, the basis for such conclusions and, if appropriate, the steps being taken to terminate assistance: Provided further, That the prohibition on assistance to the military of any country that is not acting vigorously to prevent its members from facilitating the export of timber from Cambodia by the Khmer Rouge may be waived by the President if he determines and reports to the Committees on Appropriations that is is important to the national security interest of the United States to do so.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1997, the President may use up to $40,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 542. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said county;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 543. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 544. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1997, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 544A. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 546. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

USE OF AMERICAN RESOURCES

SEC. 547. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 548. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 549. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 550. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 551. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 552. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 553. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or maker inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 554. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1997 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

WAR CRIMES TRIBUNALS

SEC. 555. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 556. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearing of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking out "During the five-year period beginning on October 23, 1992" and inserting in lieu thereof "During the eight-year period beginning on October 23, 1992".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 557. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restrictions shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 558. None of the funds appropriated or otherwise made available by this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program tips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

HUMANITARIAN CORRIDORS

SEC. 559. The Foreign Assistance Act of 1961 is amended by adding immediately after section 620H the following new section:

SEC. 6201. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT RESTRICT UNITED STATES HUMANITARIAN ASSISTANCE.—

"(a) IN GENERAL.—No assistance shall be furnished under this Act or the Arms Export Control Act to any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

"(b) EXCEPTION.—Assistance may be furnished without regard to the restriction in subsection (a) if the President determines that to do so is in the national security interest of the United States.

"(c) NOTICE.—Prior to making any determination under subsection (b), the President shall notify the Committee on International Relations, the Committee on Foreign Relations, and the Committees on Appropriations of the Senate and House of Representatives of his intention to make such a determination, the effective date of the determination, and the reasons for making the determination.".

EQUITABLE ALLOCATION OF FUNDS

SEC. 560. Not more than 20 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 561. (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENTS.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

SEC. 562. None of the Funds appropriated in this Act under the heading "North American Development Bank" and made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank.

INTERNATIONAL DEVELOPMENT ASSOCIATION

SEC. 563. In order to pay for the United States contribution to the tenth replenishment of the resources of the International Development Association authorized in section 526 of Public Law 103–87, there is authorized to be appropriated, without fiscal year limitation, $700,000,000 for payment by the Secretary of the Treasury.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 564. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owned to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provide in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(c) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 565. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as define in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(c) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

LIBERIA

SEC. 566. Funds appropriated by this Act may be made available for assistance for Liberia notwithstanding section 620(q) of the Foreign Assistance Act of 1961 and section 512 of this Act.

GUATEMALA

SEC. 567. (a) Funds provided in this Act may be made available for the Guatemalan military forces, and the restrictions on Guatemala under the headings "International Military Education and Training" and "Foreign Military Financing Program" shall not apply, only if the President determines and certifies to the Congress that the Guatemalan military is cooperating fully with efforts to resolve human rights abuses which elements of the Guatemalan military forces are alleged to have committed, ordered or attempted to thwart the investigation of, and with efforts to negotiate a peace settlement.

(b) The prohibition contained in subsection (a) shall not apply to funds made available to implement a ceasefire or peace agreement.

(c) Any funds made available pursuant to subsections (a) or (b) shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) Any funds made available pursuant to subsections (a) and (b) for international military education and training may only be for expanded international military education and training.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 568. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law, or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 569. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act, may be provided to the Government of Haiti until the President reports to Congress that—

(1) the Government is conducting thorough investigations of extrajudicial and political killings; and

(2) the Government is cooperating with United States authorities in the investigations of political and extrajudicial killings.

(b) Nothing in this section shall be construed to restrict the provision of humanitarian, development, or electoral assistance.

(c) The President may waive the requirements of this section on a semiannual basis if he determines and certifies to the appropriate committees of Congress that it is in the national interest of the United States.

POLICY TOWARD BURMA

SEC. 570. (a) Until such time as the President determines and certifies to Congress that Burma has made measurable and substantial progress in improving human rights practices and implementing democratic government, the following sanctions shall be imposed on Burma:

(1) BILATERAL ASSISTANCE.—There will be no United States assistance to the Government of Burma, other than:

(A) humanitarian assistance,

(B) subject to the regular notification procedures of the Committees on Appropriations, counter-narcotics assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, if the Secretary of State certifies to the appropriate congressional committees that—

(i) the Government of Burma is fully cooperating with United States counter narcotics efforts, and

(ii) the programs are fully consistent with United States human rights concerns in Burma and serve the United States national interest, and

(C) assistance promoting human rights and democratic values.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of funds of the respective bank to or for Burma.

(3) VISAS.—Except as required by treaty obligations or to staff the Burmese mission to the United States, the United States should not grant entry visas to any Burmese government official.

(b) CONDITIONAL SANCTIONS.—The President is hereby authorized to prohibit, and shall prohibit United States persons from new investment in Burma, if the President determines and certifies to Congress that, after the date of enactment of this Act, the Government of Burma has physically harmed, rearrested for political acts, or exiled Daw Aung San Suu Kyi or has committed large-scale repression of or violence against the Democratic opposition.

(c) MULTILATERAL STRATEGY.—The President shall seek to develop, in coordination with members of ASEAN and other countries having major trading and investment interests in Burma, a comprehensive, multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialogue between the State Law and Order Restoration Council (SLORC) and democratic opposition groups within Burma.

(d) PRESIDENTIAL REPORTS.—Every six months following the enactment of this Act, the President shall report to the Chairmen of the Committee on Foreign Relations, the Committee on International Relations and the House and Senate Appropriations Committees on the following:

(1) progress toward democratization in Burma;

(2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and

(3) progress made in developing the strategy referred to in subsection (c).

(e) WAIVER AUTHORITY.—The President shall have the authority to waive, temporarily or permanently, any sanction referred to in subsection (a) or subsection (b) if he determines and certifies to Congress that the application of such sanction would be contrary to the national security interests of the United States.

(e) DEFINITIONS.—

(1) The term "international financial institutions" shall include the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, and the International Monetary Fund.

(2) The term "new investment" shall mean any of the following activities if such an activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Burma or a nongovernmental entity in Burma, on or after the date of the certification under subsection (b):

(A) the entry into a contract that includes the economical development of resources located in Burma, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract;

(B) the purchase of a share of ownership, including an equity interest, in that development;

(C) the entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation:

Provided, That the term "new investment" does not include the entry into, performance of, or financing of a contract to sell or purchase goods, services, or technology.

REPORT REGARDING HONG KONG

SEC. 571. In light of the deficiencies in reports submitted to the Congress pursuant to section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731), the Congress directs that the additional report required to be submitted during 1997 under such section include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong King, including—

(1) the Basic Law and its consistency with the Joint Declaration;

(2) Beijing's plans to replace the elected legislature with an appointed body;

(3) the openness and fairness of the election of the chief executive and the executive's accountability to the legislature;

(4) the treatment of political parties;

(5) the independence of the Judiciary and its ability to exercise the power of final judgment over Hong Kong law; and

(6) the Bill of Rights.

USE OF FUNDS FOR PURCHASE OF PRODUCTS NOT MADE IN AMERICA

SEC. 572. The Administrator of the Agency for International Development shall provide a report to the appropriate committees of the Congress on the ability of the United States Government to implement a provision of law (and on the foreign policy implications of such a provision of law) which would require that United States funds could be made available to the government of a foreign country for the purchase of any equipment or products only if such purchases were to occur in such foreign country or the United States, and substantially similar equipment and products were made in the United States and available for purchase at a price that is not more than 10 percent higher than that in other countries.

CONFLICT IN CHECHNYA

SEC. 573. The Secretary of State shall provide to the Committees on Appropriations no later than 30 days from the date of enactment of this Act a detailed report on actions undertaken by the United States Government to resolve the conflict in Chechnya.

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

SEC. 575. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1996" and inserting "1996, and 1997"; and

(B) in subsection (e), by striking out "October 1, 1996" each place it appears and inserting "October 1, 1997"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1996" and inserting "September 30, 1997".

TRANSPARENCY OF BUDGETS

SEC. 576. (a) LIMITATION.—Beginning three years after the date of the enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose any loan or other utilization of the funds of their respective institution, other than to address basic human needs, for the government of any country which the Secretary of the Treasury determines—

(1) does not have in place a functioning system for a civilian audit of all receipts and expenditures that fund activities of the armed forces and security forces;

(2) has not provided a summary of a current audit to the institution.

(b) DEFINITION.—For purposes of this section, the term "internation financial institution" shall include the institutions identified in section 532(b) of this Act.

GUARANTEES

SEC. 577. Section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "fiscal year 1994 and 1995" and inserting in lieu thereof "fiscal years 1994, 1995, and 1997" in both places that this appears.

INFORMATION ON COOPERATION WITH UNITED STATES ANTI-TERRORISM EFFORTS IN ANNUAL COUNTRY REPORTS ON TERRORISM

SEC. 578. Section 140 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(C) by adding at the end the following:

"(3) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the investigation or prosecution of an act of international terrorism against United States citizens or interests, information on—

"(A) the extent to which the government of the foreign country is cooperating with the United States Government in apprehending, convicting, and punishing and individual or individuals responsible for the act; and

"(B) the extent to which the government of the foreign country is cooperating in preventing further acts of terrorism against United States citizens in the foreign country; and

"(4) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the prevention of an act of international terrorism against such citizens or interests, the information described in paragraph (3)(B)."; and

(2) in subsection (c)—

(A) by striking "The report" and inserting "(1) Except as provided in paragraph (2), the report";

(B) by indenting the margin of paragraph (1) as so designated, 2 ems; and

(C) by adding at the end the following:

"(2) If the Secretary of State determines that the transmittal of the information with respect to a foreign country under paragraph (3) of (4) of subsection (a) in classified form would make more likely the cooperation of the government of the foreign country as specified in such paragraph, the Secretary may transmit the information under such paragraph in classified form.".

FEMALE GENITAL MUTILATION

SEC. 579. (a) LIMITATION.—Beginning 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose any loan or other utilization of the funds of their respective institution, other than to address basic human needs, for the government of any country which the Secretary of the Treasury determines—

(1) has, as a cultural custom, a known history of the practice of female genital mutilation; and

(2) has not taken steps to implement educational programs designed to prevent the practice of female genital mutilation.

(B) DEFINITION.—For purposes of this section, the term "international financial" shall include the institutions identified in section 532(b) of this Act.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 580. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1996.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 581. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI

SEC. 582. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

REFUGEE STATUS FOR ADULT CHILDREN OF FORMER VIETNAMESE REEDUCATION CAMP INTERNEES RESETTLED UNDER THE ORDERLY DEPARTURE PROGRAM

SEC. 584. (a) ELIGIBILITY FOR ORDERLY DEPARTURE PROGRAM.—For purposes of eligibility for the Orderly Departure Program for nationals of Vietnam, during fiscal year 1997, an alien described in subsection (b) shall be considered to be a refugee of special humanitarian concern to the United States within the meaning of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and shall be admitted to the United States for resettlement if the alien would be admissible as an immigrant under the Immigration and Nationality Act (except as provided in section 207(c)(3) of that Act).

(b) ALIENS COVERED.—An alien described in this subsection is an alien who—

(1) is the son or daughter of a national of Vietnam who—

(A) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; and

(B) has been accepted for resettlement as a refugee under the Orderly Departure Program on or after April 1, 1995;

(2) is 21 years of age or older; and

(3) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

(c) SUPERSEDES EXISTING LAW.—This section supersedes any other provision of law.

NORTH KOREA

SEC. 585. Ninety days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide a report in a classified or unclassified form to the Committee on Appropriations including the following information:

(a) a best estimate on fuel used by the military forces of the Democratic People's Republic of Korea (DPRK);

(b) the deployment position and military training and activities of the DPRK forces and best estimate of the associated costs of these activities;

(c) steps taken to reduce the DPRK level of forces; and

(d) cooperation, training, or exchanges of information, technology or personnel between the DPRK and any other nation supporting the development or deployment of a ballistic missile capability.

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 587. Not less than $2,500,000 of the funds appropriated or otherwise made available by this Act for the Government of Mexico shall be withheld from obligation until the President has determined and reported to Congress that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute individuals controlling, supervising, or managing international narcotics cartels or other similar entities and the accomplices of such individuals, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering;

(B) is pursuing international anti-drug trafficking initiatives;

(C) is cooperating fully with international efforts at narcotics interdiction; and

(D) is cooperating fully with requests by the United States for assistance in investigations of money-laundering violations and is making progress toward implementation of effective laws to prohibit money-laundering.

LIMITATION OF ASSISTANCE TO TURKEY

SEC. 588. Not more than $22,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available to the Government of Turkey.

CIVIL LIABILITY FOR ACTS OF STATE SPONSORED TERRORISM

SEC. 589. (a) an official, employee, or agent of a foreign state designated as a state sponsor of terrorism designated under section 6(j) of the Export Administration Act of 1979 while acting within the scope of his or her office, employment, or agency shall be liable to a United States national or the national's legal representative for personal injury or death caused by acts of that official, employee, or agent for which the courts of the United States may maintain jurisdiction under section 1605(a)(7) of title 28, United States Code, for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in section 1605(a)(7).

(b) Provisions related to statute of limitations and limitations on discovery that would apply to an action brought under 28 U.S.C. 1605(f) and (g) shall also apply to actions brought under this section. No action shall be maintained under this action if an official, employee, or agent of the United States, while acting within the scope of his or her office, employment, or agency would not be liable for such acts if carried out within the United States.

Titles I through V of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997".

TITLE VI

NATO ENLARGEMENT FACILITATION ACT OF 1996

SEC. 601. SHORT TITLE.

This title may be cited as the "NATO Enlargement Facilitation Act of 1996".

SEC. 602. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) The NATO Alliance is, and has been since its inception, purely defensive in character, and it poses no threat to any nation. The enlargement of the NATO Alliance to include as full and equal members emerging democracies in Central And Eastern Europe will serve to reinforce stability and security in Europe by fostering their integration into the structures which have created and sustained peace in Europe since 1945. Their admission into NATO will not threaten any nation. America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(3) The sustained commitment of the member countries of NATO to a mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for those emerging democracies in Central and Eastern Europe to successfully complete political and economic transformation.

(4) The United States continues to regard the political independence and territorial integrity of all emerging democracies in Central and Eastern Europe as vital to European peace and security.

(5) The active involvement by the countries of Central and Eastern Europe has made the Partnership for Peace program an important forum to foster cooperation between NATO and those countries seeking NATO membership.

(6) NATO has enlarged its membership on 3 different occasions since 1949.

(7) Congress supports the admission of qualified new members to NATO and the European Union at an early date and has sought to facilitate the admission of qualified new members into NATO.

(8) Lasting security and stability in Europe requires not only the military integration of emerging democracies in Central and Eastern Europe into existing European structures, but also the eventual economic and political integration of these countries into existing European structures.

(9) As new members of NATO assume the responsibilities of Alliance membership, the costs

of maintaining stability in Europe should be shared more widely. Facilitation of the enlargement process will require current members of NATO, and the United States in particular, to demonstrate the political will needed to build on successful ongoing programs such as the Warsaw Initiative and the Partnership for Peace by making available the resources necessary to supplement efforts prospective new members are themselves undertaking.

(10) New members will be full members of the Alliance, enjoying all rights and assuming all the obligations under the North Atlantic Treaty, signed at Washington on April 4, 1949 (hereafter in this Act referred to as the "Washington Treaty").

(11) In order to assist emerging democracies in Central and Eastern Europe that have expressed interest in joining NATO to be prepared to assume the responsibilities of NATO membership, the United States should encourage and support efforts by such countries to develop force structure and force modernization priorities that will enable such countries to contribute to the full range of NATO missions, including, most importantly, territorial defense of the Alliance.

(12) Cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed interest in joining NATO, such as the Baltic Peacekeeping Battalion, the Polish-Lithuanian Joint Peacekeeping Force, and the Polish-Ukrainian Peacekeeping Force, can make an important contribution to European peace and security and international peacekeeping efforts, can assist those countries preparing to assume the responsibilities of possible NATO membership, and accordingly should receive appropriate support from the United States.

(13) NATO remains the only multilateral security organization capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(14) NATO is an important diplomatic forum and has played a positive role in defusing tensions between members of the Alliance and, as a result, no military action has occurred between two Alliance member states since the inception of NATO in 1949.

(15) The admission to NATO of emerging democracies in Central and Eastern Europe which are found to be in a position to further the principles of the Washington Treaty would contribute to international peace and enhance the security of the region. Countries which have become democracies and established market economies, which practice good neighborly relations, and which have established effective democratic civilian control over their defense establishments and attained a degree of interoperability with NATO, should be evaluated for their potential to further the principles of the Washington Treaty.

(16) Democratic civilian control of defense forces is an essential element in the process of preparation for those states interested in possible NATO membership.

(17) Protection and promotion of fundamental freedoms and human rights is an integral aspect of genuine security, and in evaluating requests for membership in NATO, the human rights records of the emerging democracies in Central and Eastern Europe should be evaluated according to their commitments to fulfill in good faith the human rights obligations of the Charter of the United Nations, the principles of the Universal Declaration on Human Rights, and the Helsinki Final Act.

(18(A number of Central and Eastern European countries have expressed interest in NATO membership, and have taken concrete steps to demonstrate this commitment, including their participation in Partnership for Peace activities.

(19) The Caucasus region remains important geographically and politically to the future security of Central Europe. As NATO proceeds with the process of enlargement, the United States and NATO should continue to examine means to strengthen the sovereignty and enhance the security of United Nations recognized countries in that region.

(20) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(21) The provision of additional NATO transition assistance should include those emerging democracies most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(22) The Congress of the united States finds in particular that Poland, Hungary, and the Czech Republic have made significant progress toward achieving the criteria set forth in section 203(d)(3) of the NATO Participation Act of 1994 and should be eligible for the additional assistance described in this Act.

(23) The evaluation of future membership in NATO for emerging democracies in Central and Eastern Europe should be based on the progress of those nations in meeting criteria for NATO membership, which require enhancement of NATO's security and the approval of all NATO members.

(24) The process of NATO enlargement entails the consensus agreement of the governments of all 16 NATO members and ratification in accordance with their constitutional procedures.

(25) Some NATO members, such as Spain and Norway, do not allow the deployment of nuclear weapons on their territory although they are accorded the full collective security guarantees provided by Article 5 of the Washington Treaty. There is no a priori requirement for the stationing of nuclear weapons on the territory of new NATO members, particularly in the current security climate. However, NATO retains the right to alter its security posture at any time as circumstances warrant.

SEC. 603. UNITED STATES POLICY.

It is the policy of the United States—

(1) to join with the NATO allies of the United States to adapt the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist the emerging democracies in Central and Eastern Europe in their transition so that such countries may eventually qualify for NATO membership;

(3) to support the enlargement of NATO in recognition that enlargement will benefit the interests of the United States and the Alliance and to consider these benefits in any analysis of the costs of NATO enlargement;

(4) to ensure that all countries in Central and Eastern Europe are fully aware of and capable of assuming the costs and responsibilities of NATO membership, including the obligation set forth in Article 10 of the Washington Treaty that new members be able to contribute to the security of the North Atlantic area; and

(5) to work to define a constructive and cooperative political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 604. SENSE OF THE CONGRESS REGARDING FURTHER ENLARGEMENT OF NATO.

It is the sense of the Congress that in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine—

(1) the United States should continue and expand its support for the full and active participation of these countries in activities appropriate for qualifying for NATO membership;

(2) the United States Government should use all diplomatic means available to press the European Union to admit as soon as possible any country which qualifies for membership;

(3) the United States Government and the North Atlantic Treaty Organization should continue and expand their support for military exercises and peacekeeping initiatives between and among these nations, nations of the North Atlantic Treaty Organization, and Russia; and

(4) the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance.

SEC. 605. SENSE OF THE CONGRESS REGARDING ESTONIA, LATVIA AND LITHUANIA.

In view of the forcible incorporation of Estonia, Latvia, Lithuania into the Soviet Union in 1940 under the Molotov-Ribbentrop Pact and the refusal of the United States and other countries to recognize that incorporation of over 50 years, it is the sense of the Congress that—

(1) Estonia, Latvia, and Lithuania have valid historical security concerns that must be taken into account by the United States; and

(2) Estonia, Latvia, and Lithuania should not be disadvantaged in seeking to join NATO by virtue of their forcible incorporation into the Soviet Union.

SEC. 606. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—The following countries are designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act: Poland, Hungary, and the Czech Republic.

(b) DESIGNATION OF SLOVENIA.—Effective 90 days after the date of enactment of this Act, Slovenia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d) of such Act, unless the President certifies the Congress prior to such effective date that Slovenia fails to meet the criteria under section 203(d)(3) of such Act.

(c) DESIGNATION OF OTHER COUNTRIES.—The President shall designate other emerging democracies in Central and Eastern Europe a eligible to receive assistance under the program established under section 203(a) of such Act if such countries—

(1) have expressed a clear desire to join NATO;

(2) have begun an individualized dialogue with NATO in preparation for accession;

(3) are strategically significant to an effective NATO defense; and

(4) meet the other criteria outlined in section 203(d)(3) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

(d) RULE OF CONSTRUCTION.—Nothing in this section precludes the designation by the President of Estonia, Latvia, Lithuania, Romania, Slovakia, Bulgaria, Albania, Moldova, Ukraine, or any other emerging democracy in Central and Eastern Europe pursuant to section 203(d) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 607. AUTHORIZATION OF APPROPRIATIONS FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated $60,000,000 for fiscal year 1997 for the program established under section 203(a) of the NATO Participation Act of 1994.

(b) AVAILABILITY.—Of the funds authorized to be appropriated by subsection (a)—

(1) not less than $20,000,000 shall be available for the cost, as defined in section 502(5) of the Credit Reform Act of 1990, of direct loans pursuant to the authority of section 203(c)(4) of the

NATO Participation Act of 1994 (relating to the "Foreign Military Financing Program");

(2) not less than $30,000,000 shall be available for assistance on a grant basis pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 (relating to the "Foreign Military Financing Program"); and

(3) not more than $10,000,000 shall be available for assistance pursuant to the authority of section 203(c)(3) of the NATO Participation Act of 1994 (relating to international military education and training).

(c) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under this section are authorized to be appropriated in addition to such amounts as otherwise may be available for such purposes.

SEC. 608. REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.

(a) IN GENERAL.—To the extent provided in advance in appropriations acts for such purposes, funds described in subsection (b) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(1) the procurement of items in support of these programs; and

(2) the transfer of such items to countries participating in these programs.

(b) FUNDS DESCRIBED.—Funds described in this subsection are funds that are available—

(1) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(2) during fiscal year 1997 under any Act to carry out the Warsaw Initiative.

SEC. 609. EXCESS DEFENSE ARTICLES.

(a) PRIORITY DELIVERY.—Notwithstanding any other provision of law, the delivery of excess defense articles under the authority of section 203(c) (1) and (2) of the NATO Participation Act of 1994 and section 516 of the Foreign Assistance Act of 1961 shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to all other countries except those countries referred to in section 541 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1640).

(b) COOPERATIVE REGIONAL PEACEKEEPING INITIATIVES.—The Congress encourages the President to provide excess defense articles and other appropriate assistance to cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed an interest in joining NATO in order to enhance their ability to contribute to European peace and security and international peacekeeping efforts.

SEC. 610. MODERNIZATION OF DEFENSE CAPABILITY.

The Congress endorses efforts by the United States to modernize the defense capability of Poland, Hungary, the Czech Republic, Slovenia, and any other countries designated by the President pursuant to section 203(d) of the NATO Participation Act of 1994, by exploring with such countries options for the sale or lease to such countries of weapons systems compatible with those used by NATO members, including air defense systems, advanced fighter aircraft, and telecommunications infrastructure.

SEC. 611. TERMINATION OF ELIGIBILITY.

(a) TERMINATION OF ELIGIBILITY.—The eligibility of a country designated pursuant to subsection (a) or (b) of section 606 or pursuant to section 203(d) of the NATO Participation Act of 1994 may be terminated upon a determination by the President that such country does not meet the criteria set forth in section 203(d)(3) of the NATO Participation Act of 1994.

(b) NOTIFICATION.—At least 15 days before terminating the eligibility of any country pursuant to subsection (a), the President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 612. CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT.

The NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended in sections 203(a), 203(d)(1), and 203(d)(2) by striking "countries emerging from communist domination" each place it appears and inserting "emerging democracies in Central and Eastern Europe".

TITLE VII—MIDDLE EAST DEVELOPMENT BANK

SEC. 701. SHORT TITLE.

This title may be cited as the "Bank for Economic Cooperation and Development in the Middle East and North Africa Act"

SEC. 702. ACCEPTANCE OF MEMBERSHIP.

The President is hereby authorized to accept membership for the United States in the Bank for Economic Cooperation and Development in the Middle East and North Africa (in this title referred to as the "Bank") provided for by the agreement establishing the Bank (in this title referred to as the "Agreement"), signed on May 31, 1996.

SEC. 703. GOVERNOR AND ALTERNATIVE GOVERNOR.

(a) APPOINTMENT.—At the inaugural meeting of the Board of Governors of the Bank, the Governor and the alternate for the Governor of the International Bank for Reconstruction and Development, appointed pursuant to section 3 of the Bretton Woods Agreements Act, shall serve ex-officio as a Governor and the alternate for the Governor, respectively, of the Bank. The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank and an alternate for the Governor.

(b) COMPENSATION.—Any person who serves as a Governor of the Bank or as an alternate for the Governor may not receive any salary or other compensation from the United States by reason of such service.

SEC. 704. APPLICABILITY OF CERTAIN PROVISIONS OF THE BRETTON WOODS AGREEMENTS ACT.

Section 4 of the Bretton Woods Agreements Act shall apply to the Bank in the same manner in which such section applies to the International Bank for Reconstruction and Development and the International Monetary Fund.

SEC. 705. FEDERAL RESERVE BANKS AS DEPOSITORIES.

Any Federal Reserve Bank which is requested to do so by the Bank may act as its depository, or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall exercise general supervision over the carrying out of these functions.

SEC. 706. SUBSCRIPTION OF STOCK.

(a) SUBSCRIPTION AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Treasury may subscribe on behalf of the United States to not more than 7,011,270 shares of the capital stock of the Bank.

(2) EFFECTIVENESS OF SUBSCRIPTION COMMITMENT.—Any commitment to make such subscription shall be effective only to such extent or in such amounts as are provided for in advance by appropriations Acts.

(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For payment by the Secretary of the Treasury of the subscription of the United States for shares described in subsection (a), there are authorized to be appropriated $1,050,007,800 without fiscal year limitation.

(c) LIMITATIONS ON OBLIGATION OF APPROPRIATED AMOUNTS FOR SHARES OF CAPITAL STOCK.—

(1) PAID-IN CAPITAL STOCK.—

(A) IN GENERAL.—Not more than $105,000,000 of the amounts appropriated pursuant to subsection (b) may be obligated for subscription to shares of paid-in capital stock.

(B) FISCAL YEAR 1997. Not more than $52,500,000 of the amounts appropriated pursuant to subsection (b) for fiscal year 1997 may be obligated for subscription to shares of paid-in capital stock.

(2) CALLABLE CAPITAL STOCK.—Not more than $787,505,852 of the amounts appropriated pursuant to subsection (b) may be obligated for subscription to shares of callable capital stock.

(d) DISPOSITION OF NET INCOME DISTRIBUTIONS BY THE BANK.—Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

SEC. 707. JURISDICTION AND VENUE OF CIVIL ACTIONS BY OR AGAINST THE BANK.

(a) JURISDICTION.—The United States district courts shall have original and exclusive jurisdiction of any civil action brought in the United States by or against the Bank.

(b) VENUE.—For purposes of section 1391(b) of title 28, United States Code, the Bank shall be deemed to be a resident of the judicial district in which the principal office of the Bank in the United States, or its agent appointed for the purpose of accepting service or notice of service, is located.

SEC. 708. EFFECTIVENESS OF AGREEMENT.

The Agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in the Bank and the entry into force of the Agreement.

SEC. 709. EXEMPTION FROM SECURITIES LAWS FOR CERTAIN SECURITIES ISSUED BY THE BANK; REPORTS REQUIRED.

(a) EXEMPTION FROM SECURITIES LAWS; REPORTS TO SECURITIES AND EXCHANGE COMMISSION.—Any securities issued by the Bank (including any guaranty by the Bank, whether or not limited in scope) in connection with borrowing of funds, or the guarantee of securities as to both principal and interest, shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 and section 3(a)(12) of the Securities Exchange Act of 1934. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(b) AUTHORITY OF SECURITIES AND EXCHANGE COMMISSION TO SUSPEND EXEMPTION; REPORTS TO THE CONGRESS.—The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, may suspend the provisions of subsection (a) at any time as any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to the Congress such information as it shall deem advisable with regard to the operations and effect of this section.

SEC. 710. TECHNICAL AMENDMENTS.

(a) ANNUAL REPORT REQUIRED ON PARTICIPATION OF THE UNITED STATES IN THE BANK.—Section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) is amended by inserting "Bank for Economic Cooperation and Development in the Middle East and North Africa," after "Inter-American Development Bank".

(b) EXEMPTION FROM LIMITATIONS AND RESTRICTIONS ON POWER OF NATIONAL, BANKING

ASSOCIATIONS TO DEAL IN AND UNDERWRITE INVESTMENT SECURITIES OF THE BANK.—The seventh sentence of paragraph 7 of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by inserting "Bank for Economic Cooperation and Development in the Middle East and North Africa," after "the Inter-American Development Bank".

(c) BENEFITS FOR UNITED STATES CITIZEN-REPRESENTATIVES TO THE BANK.—Section 51 of Public Law 91–599 (22 U.S.C. 276c–2) is amended by inserting "the Bank for Economic Cooperation and Development in the Middle East and North Africa," after "the Inter-American Development Bank,".

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $572,164,000, to remain available until expended, of which $2,010,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which $3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $1,000,000 shall be available in fiscal year 1997 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for challenge cost share projects supporting fish and wildlife conservation affecting Bureau lands; in addition, $27,300,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $572,164,000; and in addition, not to exceed $5,000,000, to remain available until expended, from annual mining claim fees; which shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: Provided further, That in fiscal year 1997 and thereafter, all fees, excluding mining claim fees, in excess of the fiscal year 1996 collections established by the Secretary of the Interior under the authority of 43 U.S.C. 1734 for processing, recording, or documenting authorizations to use public lands or public land natural resources (including cultural, historical, and mineral) and for providing specific services to public land users, and which are not presently being covered into any Bureau of Land Management appropriation accounts, and not otherwise dedicated by law for a specific distribution, shall be made immediately available for program operations in this account and remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, suppression operations, and emergency rehabilitation by the Department of the Interior, $252,042,000, to remain available until expended, of which not to exceed $5,025,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without costs from funds available from this appropriation: Provided further, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred to this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $12,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $4,333,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–07), $113,500,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, $10,410,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $100,515,000, to remain available until expended: Provided, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, *under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.*

The Bureau of Land Management's Visitor Center in Rand, Oregon is hereby named the "William B. Smullin Visitor Center".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended, $523,947,000, to remain available until September 30, 1998, of which $11,557,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended Provided, That hereafter, pursuant to 31 U.S.C. 9701, the Secretary shall charge reasonable fees for the full costs of providing training by the National Education and Training Center, to be credited to this account, notwithstanding 31 U.S.C. 3302, for the direct costs of providing such training.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $43,365,000 to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337; $4,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $44,479,000, of which $3,000,000 is authorized to be appropriated and shall be used to establish the Clarks River National Wildlife Refuge in Kentucky, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $14,085,000, for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $1,000,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $9,750,000, to remain available until expended.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $400,000, to remain available until expended, to carry out the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103–391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 83 passenger motor vehicles of which 73 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551: Provided further, That section 101(c) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 is amended in section 315(c)(1)(E) (110 Stat. 1321–201; 16 U.S.C. 460l–6a note) by striking "distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act" and inserting "available to the Secretary of the Interior until expended to be used in accordance with clauses (i), (ii), and (iii) of section 201(c)(A) of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911(c)(A))".

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,152,311,000 without regard to 16 U.S.C. 451, of which $800,000,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $72,000,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $37,976,000

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), $36,612,000 to be derived from the Historic Preservation Fund, to remain available until September 30, 1998.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $163,444,000 to remain available until expended, of which $270,000 shall be used for appropriate fish restoration projects not related to dam removal including reimbursement to the State of Washington for emergency actions taken to protect the 1996 run of fall chinook salmon on the Elwha River: Provided, That funds previously provided under this heading that had been made available to the City of Hot Springs, Arkansas, to be used for a flood protection feasibility study, are now made available to the City of Hot Springs for the rehabilitation of the Federally-constructed Hot Springs Creek Arch, including the portion within Hot Springs National Park.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1997 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $53,915,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $1,500,000 is to administer the State assistance program: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full *purchase amount has been appropriated by the Congress; Provided further, That of the funds provided herein, $9,000,000 is available for acquisition of the Sterling Forest, subject to authorization.*

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 404 passenger motor vehicles, of which 287 shall be for replacement only, including not to exceed 320 for police-type use, 13 buses, and 6 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

Nothwithstanding any other provision of law, remaining balances, including interest, from funds granted to the National Park Foundation pursuant to the National Park System Visitor Facilities Fund Act of 1983 (Public Law 97–433, 96 Stat. 2277) shall be available to the National Park Foundation for expenditure in units of the National Park System for the purpose of improving visitor facilities.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332 and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $738,913,000 of which $64,559,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $137,500,000 shall be available until September 30, 1998 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That beginning in fiscal year 1998 and once every five years thereafter, the National Academy of Sciences shall review and report on the biological research activity of the Survey: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $156,955,000, of which not less than $70,063,000 shall be available for royalty management activities; and an amount not to exceed $41,000,000 for the Technical Information Management System and activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: Provided, That $1,500,000 for computer acquisitions shall remain available until September 30, 1998: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $94,172,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1997: Provided, That the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1997 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $177,085,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $4,000,000 shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 1997: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of

1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau, including such expenses in field offices; maintaining of Indian reservation roads as defined in 23 U.S.C. 101; and construction, repair, and improvement of Indian housing, $1,436,902,000 of which not to exceed $86,520,000 shall be for welfare assistance payments and not to exceed $90,829,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau prior to fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau under such Act; and of which not to exceed $365,124,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1997, and shall remain available until September 30, 1998; and of which not to exceed $53,805,000 for higher education scholarships, adult vocational training, and assistance to public schools under 25 U.S.C. 452 et seq., shall remain available until September 30, 1998; and of which not to exceed $54,973,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: Provided, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements and for unmet welfare assistance costs: Provided further, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: Provided further, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: Provided further, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: Provided further, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: Provided further, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1997, may be transferred during fiscal year 1998 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 1998: Provided further, That notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1997: Provided further, That funds made available in this or any other Act for expenditure through September 30, 1998 for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1995: Provided further, That no funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995: Provided further, That in fiscal year 1997 and thereafter, notwithstanding the provisions of 25 U.S.C. 2012(h)(1) (A) and (B), upon the recommendation of either (i) a local school board and school supervisor for an education position in a Bureau of Indian Affairs operated school, or (ii) an Agency school board and education line officer for an Agency education position, the Secretary shall establish adjustments to the rates of basic compensation or annual salary rates established under 25 U.S.C. 2012(h)(1) (A) and (B) for education positions at the school or the Agency, at a level not less than that for comparable positions in the nearest public school district, and the adjustment shall be deemed to be a change to basic pay and shall not be subject to collective bargaining: Provided further, That any reduction to rates of basic compensation or annual salary rates below the rates established under 25 U.S.C. 2012(h)(1) (A) and (B) shall apply only to educators appointed after June 30, 1997, and shall not affect the right of an individual employed on June 30, 1997, in an education position, to receive the compensation attached to such position under 25 U.S.C. 2012(h)(1) (A) and (B) so long as the individual remains in the same position at the same school: Provided further, That notwithstanding 25 U.S.C. 2012(h)(1)(B), when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483 $94,531,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: Provided further, That for fiscal year 1997, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $69,241,000, to remain available until expended; of which $68,400,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 102–374, 102–575, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $841,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $34,615,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the

Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $65,188,000, of which (1) $61,339,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,849,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding: Provided further, That section 703(a) of Public Law 94–241, as amended, is hereby amended by striking "of the Government of the Northern Mariana Islands": Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $23,538,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $58,286,000, of which not to exceed $7,500 may be for official reception and representation expenses, and of which up to $2,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $35,443,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $24,439,000, together with any funds or property transferred to the Office of Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Assets Forfeiture Fund, that represent an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, with such transferred funds to remain available until expended.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $32,126,000, to remain available until expended for trust funds management: Provided, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That unobligated balances previously made available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86; 31 U.S.C. 3334(b)), (2) to restore Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which where not Federally insured, including any interest on these amounts that may have been earned, but was not because of the default, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss has been reduced to a judgement or settlement agreement approved by the Department of Justice, under the heading "Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians", Bureau of Indian Affairs in fiscal years 1995 and 1996, are hereby transferred to and merged with this appropriation and may only be used for the operation of trust programs, in accordance with this appropriation.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the

Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1997 appropriation for operation of the Presidio: Provided, That prior to the transfer of any Presidio property to the Presidio Trust, the Secretary shall transfer such funds as the Trust deems necessary to initiate leasing and other authorized activities of the Trust: Provided further, That this section shall expire on December 31, 1996.

SEC. 108. No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 113. There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103–356, to be available as provided in such section for costs of capitalizing and operating administrative services as the Secretary determines may be performed more advantageously as central services: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made prior to the current year for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automatic data processing (ADP) software and systems (either acquired or donated) and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: Provided further, That no later than thirty days after the end of each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury: Provided further, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 114. Public Law 102–495 is amended by adding the following new section:

"SEC. 10. Washington State Removal Option.

"(a) Upon appropriation of $29,500,000 for the Federal Government to acquire the projects in the State of Washington pursuant to this Act, the State of Washington may, upon the submission to Congress of a binding agreement to remove the projects within a reasonable period of time, purchase the projects from the Federal Government for $2. Such a binding agreement shall provide for the full restoration of the Elwha River ecosystem and native anadromous fisheries, for protection of the existing quality and availability of water from the Elwha River for municipal and industrial uses from possible adverse impacts of dame removal, and for fulfillment by the State of each of the other obligations of the Secretary under this Act.

"(b) Upon receipt of the payment pursuant to subsection (a), the Federal Government shall relinquish ownership and title of the projects to the State of Washington.

"(c) Upon the purchase of the projects by the State of Washington, section 3 (a), (c), and (d), and sections 4, 7, and 9 of this Act are hereby repealed, and the remaining sections renumbered accordingly.".

SEC. 115. Section 7 of Public Law 99–647 (16 U.S.C. 461 note) is amended to read as follows:

"SEC. 7. TERMINATION OF COMMISSION.

"The Commission shall terminate on November 10, 1997.".

SEC. 116. The Congress of the United States hereby designates and ratifies the assignment to the University of Utah as successor to, and beneficiary of, all the existing assets, revenues, funds and rights granted to the State of Utah under the Miners Hospital Grant (February 20, 1929, 45 Stat. 1252) and the School of Mines Grant (July 26, 1894, 28 Stat. 110). Further, the Secretary of the Interior is authorized and directed to accept such relinquishment of all remaining and unconveyed entitlement for quantity grants owed the State of Utah for the Miners Hospital Grant (February 20, 1929, 45 Stat. 1252) and any unconveyed entitlement that may remain for the University of Utah School of Mines Grant (July 26, 1894, 28 Stat. 110).

SEC. 117. Section 402(b)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb) is amended to read as follows: "(1) In addition to those Indian tribes participating in self-governance under subsection (a) of this section, the Secretary, acting through the Director of the Office of Self-Governance, may select up to 50 new tribes per year from the applicant pool described in subsection (c) of this section to participate in self-governance.".

SEC. 118. In fiscal year 1997 and thereafter, the Indian Arts and Crafts Board may charge admission fees at its museums; charge rent and/or franchise fees for shops located in its museums; publish and sell publications; sell or rent or license use of photographs or other images in hard copy or other forms; license the use of designs, in whole or in part, by others; charge for consulting services provided to others; and may accept the services of volunteers to carry out its mission: Provided, That all revenue derived from such activities is covered into the special fund established by section 4 of Public Law 74–355 (25 U.S.C. 305c).

SEC. 119. TRANSFER OF CERTAIN BUREAU OF LAND MANAGEMENT FACILITIES.—

(a) BATTLE MOUNTAIN, NEVADA.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall transfer to Lander County, Nevada, without consideration, title to the former Bureau of Land Management administrative site and associated buildings in Battle Mountain, Nevada.

(b) WINNEMUCCA, NEVADA.—

(1) TRANSFER.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall transfer to the State of Nevada, without consideration, title to the surplus Bureau of Land Management District Office building in Winnemucca, Nevada.

(2) USE.—The transfer under paragraph (1) is made with the intent that the building shall be available to meet the needs of the Department of Conservation and Natural Resources of the State of Nevada.

SEC. 120. ALASKA AVIATION HERITAGE.—

(a) FINDINGS.—The Congress finds that—

(1) the Department of the Interior's Grumman Goose G21–A aircraft number N789 is to be retired from several decades of active service in the State of Alaska in 1996; and

(2) the aircraft is of significant historic value to the people of the State of Alaska.

(b) DONATION OF AIRCRAFT.—The Secretary of the Interior shall transfer the Grumman Goose G21–A aircraft number N789 to the Alaska Aviation Heritage Museum in Anchorage, Alaska, at no cost to the museum, for permanent display.

SEC. 121. The Mesquite Lands Act of 1988 is amended by adding the following at the end of section 3:

"(d) FOURTH AREA.—(1) No later than ten years after the date of enactment of this Act, the City of Mesquite shall notify the Secretary as to which if any of the public lands identified in paragraph (2) of this subsection the city wishes to purchase.

"(2) For a period of twelve years after the date of enactment of this Act, the city shall have exclusive right to purchase the following parcels of public lands:

"Parcel A—East ½ Sec. 6, T. 13 S., R. 71 E., Mount Diablo Meridian; Sec. 5, T. 13 S., R. 71 E., Mount Diablo Meridian; West ½ Sec. 4, T. 13 S., R. 71 E., Mount Diablo Meridian; East ½, West ½ Sec. 4, T. 13 S., R. 71 E., Mount Diablo Meridian.

"Parcel B—North ½ Sec. 7, T. 13 S., R. 71 E., Mount Diablo Meridian; South East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½, North East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½, West ½ North East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian.

"Parcel C—West ½ Sec. 6, T. 13 S., R. 71 E., Mount Diablo Meridian; Sec. 1, T. 13 S., R. 70 E., Mount Diablo Meridian; West ½, West ½, North East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; North West ¼ Sec. 13, S., R. 70 E., Mount Diablo Meridian; West ½ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½, South East ¼, Sec. 11, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½ North East ¼, Sec. 14, T. 13 S., R. 70 E., Mount Diablo Meridian.

"Parcel D—South ½ Sec. 14, T. 13 S., R. 70 E., Mount Diablo Meridian; South West ¼, Sec. 13, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 23, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 24, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 26, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian."

SEC. 122. FATHER AULL SITE TRANSFER.

(a) This section may be cited as the "Father Aull Site Transfer Act of 1996".

(b) FINDINGS.—Congress finds that—

(1) the buildings and grounds developed by Father Roger Aull located on public domain land near Silver City, New Mexico, are historically significant to the citizens of the community;

(2) vandalism at the site has become increasingly destructive and frequent in recent years;

(3) because of the isolated location and the distance from other significant resources and agency facilities, the Bureau of Land Management has been unable to devote sufficient resources to restore and protect the site from further damage; and

(4) St. Vincent DePaul Parish in Silver City, New Mexico, has indicated an interest in, and developed a sound proposal for the restoration of, the site, such that the site could be permanently occupied and used by the community.

(c) CONVEYANCE OF PROPERTY.—Subject to valid existing rights, all right, title and interest of the United States in and to the land (including improvements on the land), consisting of approximately 43.06 acres, located approximately 10 miles east of Silver City, New Mexico, and described as follows: T. 17 S., R. 12 W., Section 30: Lot 13, and Section 31: Lot 27 (as generally depicted on the map dated July 1995) is hereby conveyed by operation of law to St. Vincent DePaul Parish in Silver City, New Mexico, without consideration.

(d) RELEASE.—Upon the conveyance of any land or interest in land identified in this section of St. Vincent DePaul Parish, St. Vincent DePaul Parish shall assume any liability for any claim relating to the land or interest in the land arising after the date of the conveyance.

(e) MAP.—The map referred to in this section shall be on file and available for public inspection in—

(1) the State of New Mexico Office of the Bureau of Land Management, Santa Fe, New Mexico; and

(2) the Las Cruces District Office of the Bureau of Land Management, Las Cruces, New Mexico.

SEC. 123. The second proviso under the heading "Bureau of Mines, Administrative Provisions" of Public Law 104–134 is amended by inserting after the word "authorized" the word "hereafter".

SEC. 124. Watershed Restoration and Enhancement Agreements.—

(a) IN GENERAL.—For fiscal year 1997 and each fiscal year thereafter, appropriations made for the Bureau of Land Management may be used by the Secretary of the Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both that benefit these resources on public lands within the watershed.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of the Interior may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner; or

(2) indirectly through an agreement with a state, local, or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other biotic resources on public land in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal government, the landowner, and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

SEC. 125. Visitor Center Designation at Channel Islands National Park.

(a) The visitor center at Channel Islands National Park, California, is hereby designated as the "Robert J. Lagomarsino Visitor Center".

(b) Any reference in law, regulation, paper, record, map, or any other document in the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the "Robert J. Lagomarsino Visitor Center".

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $179,786,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, $155,461,000, to remain available until expended, as authorized by law: Provided, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations Acts. $750,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin region.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest and Rangeland Research," "State and Private Forestry," "National Forest System," "Wildland Fire Management," "Reconstruction and Construction," and "Land Acquisition," $1,274,781,000, to remain available until expended, and including 50 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): Provided, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, $530,016,000 to remain available until expended: Provided, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities are transferred to and merged with this appropriation and subject to the same terms and conditions: Provided further, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

RECONSTRUCTION AND CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $174,974,000, to remain available until expended for construction, reconstruction and acquisition of buildings and other facilities, and for construction, reconstruction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: Provided further, That funds appropriated under this head for the construction of the Wayne National Forest Supervisor's Office may be granted to the Ohio State Highway Patrol as the federal share of the cost of construction of a new facility to be occupied jointly by *the Forest Service and the Ohio State Highway Patrol: Provided further, That an agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.*

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $40,575,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 159 passenger motor vehicles of which 14 will be used primarily for law enforcement purposes and of which 149 shall be for replacement; acquisition of 10 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, or to implement any reorganization, "reinvention" or other type of organizational restructuring of the Forest Service, other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California, without the consent of the House and Senate Committees on Appropriations.

Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be advanced to the Wildland Fire Management appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report 103–551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of the law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: Provided, That this limitation shall not apply to hardwood stands damaged by natural disaster: Provided further, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, funds up to $1,000,000 for matching funds shall be available for the National Forest Foundation on a one-for-one basis to match private contributions for projects on or benefitting National Forest System lands or related to Forest Service programs.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $1,000,000 of the funds available to the Forest Service shall be available for matching funds, as authorized in 16 U.S.C. 3701–3709, on a one-for-one basis to match private contributions for projects on or benefitting National Forest System lands or related to Forest Service programs.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture shall by March 31, 1997 report to the Committees on Appropriations of the House of Representatives and the Senate on the status and disposition of all salvage timber sales started under the authority of

Section 2001 of Public Law 104–19 and subsequently withdrawn or delayed and completed under different authorities as a consequence of the July 2, 1996 directive on the implementation of Section 2001 issued by the Secretary.

The Pacific Northwest Research Station Silviculture Laboratory in Bend, Oregon is hereby named the "Robert W. Chandler Building".

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided in subsection (c) shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $123,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $364,704,000, to remain available until expended: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1996, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury. Funds are hereby rescinded in the amount of $2,500,000 from unobligated balances under this head.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $143,786,000, to remain available until expended: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1997.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $569,762,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1997 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): Provided, That $149,845,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: $120,845,000 for weatherization assistance grants and $29,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearing and Appeals, $2,725,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $220,000,000, to remain available until expended, of which $220,000,000 shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve: Provided, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell in fiscal year 1997 $220,000,000 worth of oil from the Strategic Petroleum Reserve: Provided further, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Operating Fund", and shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: Provided, That outlays in fiscal year 1997 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $66,120,000 to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,806,269,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $356,325,000 for contract medical care shall remain available for obligation until September 30, 1998: Provided further, That of the funds provided, not less than $11,706,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, compacts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: Provided further, That funding *contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1998: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.*

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $247,731,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That funds received from any source, including tribal contractors and compactors for previously transferred functions which tribal contractors and compactors no longer wish to retain, for services, goods, or training and technical assistance, shall be retained by the Indian Health Service and shall remain available until expended by the Indian Health Service: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $61,000,000.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $19,345,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56, part A), $5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $317,557,000 of which not to exceed $30,665,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,850,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $39,000,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $10,000,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, *or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $53,899,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.*

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $5,942,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,875,000.

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $9,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $82,734,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,760,000, to remain available until expended, to the National Endowment for the Arts: Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $96,100,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,900,000, to remain available until expended, of which $8,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $22,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $867,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $2,500,000: Provided, That none of these funds shall be available for the compensation of Executive Level V or higher position.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,390,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $500,000 to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $30,707,000, of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibitions program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93–638, 103–413, or 100–297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103–413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93–638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the VA–HUD and Independent Agencies fiscal year 1997 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 314. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 315. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Gallia, Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 316. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(c) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 317. None of the funds available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to prepare, promulgate, implement, or enforce any interim or final rule or regulation pursuant to Title VII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over any waters (other than non-navigable waters on Federal lands), non-Federal lands, or lands selected by, but not conveyed to, the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act, or an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act.

SEC. 318. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87,, 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1997, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1997.

SEC. 319. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend section 315(b) by striking "50, areas," and inserting in lieu thereof "100, areas," and amend section 315(f) by striking "September 30, 1998" and inserting in lieu thereof "September 30, 1999" and by striking "September 30, 2001" and inserting in lieu thereof "September 30, 2002".

SEC. 320. None of the amounts made available by this Act may be used for design, planning, implementation, engineering, construction, or any other activity in connection with a scenic shoreline drive in Pictured Rocks National Lakeshore.

SEC. 321. LAND TRANSFER, BEND SILVICULTURE LAB, DESCHUTES NATIONAL FOREST, OREGON.—

(a) TRANSFER OF REAL PROPERTY AND ALL IMPROVEMENTS LOCATED THEREON.—Notwithstanding any other provisions of law, there is hereby transferred, without consideration and subject to existing valid rights, all right, title and interest of the United States in and to approximately 5.73 acres of land as described by plat dated July 7, 1977, (which is on file and available for public inspection in the Office of the Chief, USDA Forest Service, Washington, D.C.), as well as all improvements, including the Bend Silviculture Lab located thereon, to the Central Oregon Community College, Bend, Oregon; this being a portion of the same tract acquired by donation from the City of Bend on August 10, 1960, through a Bargain and Sale deed to the USDA Forest Service for use as a research lab, and recorded in volume 125, page 508 of the Deschutes County, Oregon, Deed Records.

(b) CONDITIONS OF TRANSFER.—The transfer effected by subsection (a) is made subject to no special terms or conditions.

SEC. 322. No part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Assistance, or any successor office after December 31, 1996.

SEC. 323. (a) The Secretary of the Interior is authorized to accept title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and bordered generally by the Potomac River, Interstate 295 and the Woodrow Wilson Bridge, or any interest therein, and in exchange therefor may convey to the Corrections Corporation of America approximately 50 acres of land located in Oxon Cove Park in the District of Columbia and bordered generally by Oxon Cove, Interstate 295 and the District of Columbia Impound Lot, or any interest therein.

(b) Before proceeding with an exchange, the Secretary shall determine if the federal property is suitable for exchange under the criteria normally used by the National Park Service. The exchange shall comply with applicable regulations and National Park Service policies for land exchanges.

(c)(1) The Secretary shall not acquire any lands under this section if the Secretary determines that the lands or any portion thereof have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this section after their transfer to the ownership of any party, but nothing in this section shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party: Provided, That the Corrections Corporation of America shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and the Resource Conservation Recovery Act (42 U.S.C. 6901, et seq.).

(d) The properties so exchanged either shall be approximately equal in fair market value or if

they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: Provided, That the Secretary shall order appraisals made of the fair market value for improvements thereon: Provided further, That any such cash payment received by the Secretary shall be deposited to "Miscellaneous Trust Funds, National Park Service" and shall be available without further appropriation until expended for the acquisition of land within the National Park System.

(e) Costs of conducting necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(f) Following any exchange authorized by this provision, the boundaries of Oxon Cove Park shall be expanded to include the land acquired by the United States.

SEC. 324. SECTION 1. LAND EXCHANGE.—

(a) EXCHANGE.—Subject to subsection (c), the Secretary of Agriculture (referred to in this section as the "Secretary") shall convey all right, title, and interest of the United States in and to the National Forest System lands described in subsection (b)(1) to Public Utility District No. 1 of Chelan County, Washington (referred to in this section as the "Public Utility District"), in exchange for the conveyance to the Department of Agriculture by the Public Utility District of all right, title, and interest of the Public Utility District in and to the lands described in subsection (b)(2).

(b) DESCRIPTION OF LANDS.—

(1) NATIONAL FOREST SYSTEM LANDS.—The National Forest System lands referred to in subsection (a) are 122 acres, more or less, that are partially occupied by a wastewater treatment facility referred to in subsection (c)(4)(A) with the following legal description:

(A) The NE¼ of SW¼ of section 27 of township 27 north, range 17 east, Willamette Meridian, Chelan County, Washington.

(B) The N½ of SE¼ of SW¼ of such section 27.

(C) The W½ of NW¼ of SE¼ of such section 27.

(D) The NW¼ of SW¼ of SE¼ of such section 27.

(E) The E½ of NW¼ of the SE¼ of such section 27.

(F) That portion of the S½ of SE¼ of SW¼ lying north of the northerly edge of Highway 209 right-of-way of such section 27.

(2) PUBLIC UTILITY DISTRICT LANDS.—The lands owned by the Public Utility District are 109.15 acres, more or less, with the following legal description:

(A) S½ of SW¼ of section 35 of township 26 north, range 17 east, Willamette Meridian, Chelan County, Washington.

(B) The area specified by Public Utility District No. 1 as Government Lot 5 in such section 35.

(c) REQUIREMENTS FOR EXCHANGE.—

(1) TITLE ACCEPTANCE AND CONVEYANCE.—Upon offer by the Public Utility District of all right, title and interest in and to the lands described in subsection (b)(2), if the title is found acceptable by the Secretary, the Secretary shall accept title to such lands and interests therein and shall convey to the Public Utility District all right, title, and interest of the United States in and to the lands described in subsection (b)(1).

(2) APPRAISALS REQUIRED.—Before making an exchange pursuant to subsection (a), the Secretary shall conduct appraisals of the lands that are subject to the exchange to determine the fair market value of the lands. Such appraisals shall not include the value of the wastewater treatment facility referred to in paragraph (4)(A).

(3) ADDITIONAL CONSIDERATION.—If, on the basis of the appraisals made under paragraph (1), the Secretary determines that the fair market value of the lands to be conveyed by one party under subsection (a) is less than the fair market value of the lands to be conveyed by the other party under subsection (a), then, as a condition of making the exchange under subsection (a), the party conveying the lands with the lesser value shall pay the other party the amount by which the fair market value of the lands of greater value exceeds the fair market value of the lands of lesser value.

(4) CONVEYANCE OF WASTEWATER TREATMENT FACILITY.—(A) As part of an exchange made under subsection (a), the Secretary shall convey to the Public Utility District of Chelan County, Washington, all right, title and interest of the United States in and to the wastewater treatment facility (including the wastewater treatment plant and associated lagoons) located on the lands described in subsection (b)(1) that is in existence on the date of the exchange.

(B) As a condition for the exchange under subsection (a), the Public Utility District shall provide for a credit equal to the fair market value of the wastewater treatment facility conveyed pursuant to subparagraph (A) (determined as of November 4, 1991), that shall be applied to the United States' share of any new wastewater treatment facility constructed by the Public Utility District after such date.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 325. "Snoqualmie National Forest Boundary Adjustment Act of 1996."

(a) IN GENERAL.—The Secretary of Agriculture is hereby directed to modify the boundary of the Snoqualmie National Forest to include and encompass 10,589.47 acres, more or less, as generally depicted on a map entitled "Snoqualmie National Forest Proposed 1996 Boundary Modification" dated July, 1996. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the Office of the Chief of the Forest Service in Washington, District of Columbia.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundary of the Snoqualmie National Forest, as modified pursuant to subsection (a), shall be considered to be the boundary of that National Forest as of January 1, 1965.

SEC. 326. Sugarbush Land Exchange Act of 1996.

(a) EXCHANGE OR SALE OF LAND.—

(1) If Sugarbush Resort Holdings, Inc. conveys to the United States land acceptable to the Secretary of Agriculture that is at least equal in value to the value of the land described in subsection (a)(2), makes a payment of cash at least equal to that value, or conveys land and makes a payment of cash that in combination are at least equal to that value, the Secretary, subject to valid existing rights, shall, under such terms and conditions as the Secretary may prescribe, convey all right, title, and interest of the United States in and to the land described in subsection (a)(2).

(2) FEDERAL LAND TO BE EXCHANGED.—The Federal land to be exchanged is approximately 57 acres of federally owned land in the Green Mountain National Forest depicted on the map entitled "Green Mountain National Forest, Sugarbush Exchange," dated December 1995.

(3) Lands acquired from Sugarbush Resort Holdings, Inc.—Any land conveyed to the United States in an exchange under subsection (a)(1) shall be subject to such valid existing rights of record as may be acceptable to the Secretary, and the title to the parcel shall conform with the title approval standards applicable to federal land acquisitions.

(b) ADMINISTRATION OF LAND.—

(1) ADDITION TO GREEN MOUNTAIN NATIONAL FOREST.—On approval and acceptance of title by the Secretary, the land acquired by the United States through an exchange or with proceeds from a sale under subsection (a) shall become part of the Green Mountain National Forest, and the boundaries of the National Forest shall be adjusted to include the land.

(2) ADMINISTRATION.—Land acquired under this Act shall be administered by the Secretary in accordance with the laws (including regulations) pertaining to the National Forest System.

(3) AUTHORITY OF THE SECRETARY.—This section does not limit the authority of the Secretary to adjust the boundaries of the Green Mountain National Forest pursuant to section 11 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 521) (commonly known as the "Weeks Law").

(4) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the Green Mountain National Forest, as adjusted under this Act, shall be considered to be the boundaries of the Green Mountain National Forest as of January 1, 1965.

SEC. 327. Snowbird Wilderness Study Area.

(a) IN GENERAL.—Section 6(a)(4) of the North Carolina Wilderness Act of 1984 (Public Law 98–324) is amended—

(1) by striking "eight thousand four hundred and ninety acres" and inserting "8,390 acres"; and

(b) by striking "July 1983" and inserting "July 1996".

(B) MANAGEMENT.—The Secretary of Agriculture shall manage the area removed from wilderness study status by the amendments made by subsection (a) in accordance with the provision of law applicable to adjacent areas outside the wilderness study area.

SEC. 328. Renaming of Wilderness Area.

(a) The Columbia Wilderness, created by the Oregon Wilderness Act of 1984, Public Law 98–328, located in the Mt. Hood National Forest, Oregon, shall be known and designated as the "Mark O. Hatfield Wilderness".

(b) Any references in a law, map, regulation, document, paper, or other record of the United States to the Columbia Wilderness shall be deemed to be a reference to the "Mark O. Hatfield Wilderness".

SEC. 329. Notwithstanding any other provision of law, for fiscal year 1997 the Secretaries of Agriculture and Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

SEC. 330. Section 9 of the Rhode Island Indian Claims Settlement Act (25 U.S.C. 1708) is amended—

(1) by striking "Sec. 9. Except as"; and inserting the following:

"(a) IN GENERAL.—Except as";

(2) by striking the section heading and inserting the following:

"SEC. 9. APPLICABILITY OF STATE LAW; TREATMENT OF SETTLEMENT LANDS UNDER THE INDIAN GAMING REGULATORY ACT.";

and

(3) by adding at the end the following new subsection:

"(b) TREATMENT OF SETTLEMENT LANDS UNDER THE INDIAN GAMING REGULATORY ACT.—For purposes of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), settlement lands shall not be treated as Indian lands.".

TITLE IV—EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for management of lands and resources, $3,500,000, to remain available until expended, to restore public lands damaged by fire: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

WILDLAND FIRE MANAGEMENT

For an additional amount for wildland fire management, $100,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities of the Department of the Interior: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for Oregon and California grant lands, $2,500,000, to remain available until expended, to restore public lands damaged by fire: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for resource management, $2,100,000, to remain available until expended, of which $600,000 is to restore public lands damaged by fire and $1,500,000 is to address anti-terrorism requirements: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for construction, $15,891,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for operation of the National park system, $2,300,000, to remain available until expended, to address anti-terrorism requirements: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for construction, $9,300,000, to remain available until expended, of which $3,000,000 is to repair damage caused by hurricanes and $6,300,000 is to address anti-terrorism requirements: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for surveys, investigations, and research, $1,138,000, to remain available until expended, to address damage caused by hurricanes and floods: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for operation of Indian programs, $6,600,000, to remain available until expended, to repair damage caused by floods and to restore Indian lands damaged by fire: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for construction, $6,000,000, to remain available until expended, to repair damage caused by floods: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for the National Forest System, $3,395,000 to remain available until expended, to repair damage caused by hurricanes: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(d)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control act of 1985, as amended; Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

WILDLAND FIRE MANAGEMENT

For an additional amount for wildland fire management, $550,000,000, to remain available until expended, for presuppression due to emergencies for emergency fire suppression on or adjacent to National Forest System lands or other lands under fire protection agreement and for emergency rehabilitation of burned over National Forest System lands: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for reconstruction and construction, $5,210,000, to remain available until expended, top repair damage caused by hurricanes: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the president to the Congress.

OTHER RELATED AGENCIES

Smithsonian Institution

SALARIES AND EXPENSES

For an additional amount for salaries and expenses, $935,000, to remain available until expended, to address anti-terrorism requirements: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

For an additional amount for operations and maintenance, $1,600,000, to remain available until expended, to address anti-terrorism requirements: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for construction, $3,400,000, to remain available until expended, to address anti-terrorism requirements: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

National Gallery of Art

SALARIES AND EXPENSES

For an additional amount for salaries and expenses, $382,000, to remain available until expended, to address anti-terrorism requirements: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

United States Holocaust Memorial Council

HOLOCAUST MEMORIAL COUNCIL

For an additional amount for the Holocaust Memorial Council, $1,000,000, to remain available until expended, to address anti-terrorism requirements: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1997".

(e) For programs, projects or activities in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1997, and for other purposes

TITLE I—DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $4,719,703,000 plus reimbursements, of which $3,559,408,000 is available for obligation for the period July 1, 1997 through June 30, 1998; of which $88,685,000 is available for the period July 1, 1997 through June 30, 2000 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $200,000,000 shall be available from July 1, 1997 through September 30, 1998, for carrying out activities of the School-to-Work Opportunities Act: Provided, That $52,502,000 shall be for carrying out section 401 of the Job Training Partnership Act, $69,285,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $8,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $895,000,000 shall be for carrying out title II, part A of such Act, and $126,672,000 shall be for carrying out title II, part C of such Act: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That funds provided to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds provided to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded: Provided further, That service delivery areas may transfer funding provided herein under authority of titles II-B and II-C of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor: Provided further, That service delivery areas and substate areas may transfer up to 20 percent of the funding provided herein under authority of title II-A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: Provided further, That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program: Provided further, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the statutory or regulatory requirements of titles I-III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of service delivery areas and private industry councils, and the basic purposes of the Act), and any of the statutory or regulatory requirements of sections 8-10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), only for funds available for expenditure in program year 1997, pursuant to a request submitted by a State which identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local service delivery areas intend to achieve, describes the actions that the State or local service delivery areas have undertaken to remove State or local statutory or regulatory barriers, describes the goals of the waiver and the expected programmatic outcomes if the request is granted, describes the individuals impacted by the waiver, and describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 105(a)(1) of the Job Training Partnership Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement a plan to improve the workforce development system and the State has executed a Memorandum of Understanding with the Secretary requiring such State to meet agreed upon outcomes and implement other appropriate measures to ensure accountability: Provided further, That the Secretary of Labor shall establish a workforce flexibility (work-flex) partnership demonstration program under which the Secretary shall authorize not more than six States, of which at least three States shall each have populations not in excess of 3,500,000, with a preference given to those States that have been designated Ed-Flex Partnership States under section 311(e) of Public Law 103-227, to waive any statutory or regulatory requirement applicable to service delivery areas or substate areas within the State under titles I-III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, grievance procedures and judicial review, nondiscrimination, allotment of funds, and eligibility), and any of the statutory or regulatory requirements of sections 8-10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), for a duration not to exceed the waiver period authorized under section 311(e) of Public Law 103-227, pursuant to a plan submitted by such States and approved by the Secretary for the provision of workforce employment and training activities in the States, which *includes a description of the process by which service delivery areas and substate areas may apply for and have waivers approved by the State, the requirements of the Wagner-Peyser Act to be waived, the outcomes to be achieved and other measures to be taken to ensure appropriate accountability for federal funds.*

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(TRANSFER OF FUNDS)

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $361,140,000, including $21,840,000 which shall be available for the period ending June 30, 1997.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $101,860,000, including $6,160,000 which shall be available for the period ending June 30, 1997.

The funds appropriated under this heading shall be transferred to the Department of Health and Human Services, "Aging Services Programs" following the enactment of legislation authorizing the administration of the program by that Department.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $324,500,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $173,452,000, together with not to exceed $3,146,826,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1997, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1999; and of which $23,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 1997 through June 30, 1998, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose, and of which $216,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1997 is projected by the Department of Labor to exceed 2,828,000 an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1998, $373,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1997, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $81,393,000, together with not to exceed $39,977,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $77,083,000, of which $6,000,000 shall remain available through September 30, 1998 for expenses of revising the processing of employee benefit plan returns.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1997, for such Corporation: Provided, That not to exceed $10,345,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $290,422,000, together with $983,000 which may be expended from the Special Fund in accordance with section 39(c) and 44 (j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 2119d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the addition compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $213,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 1996, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1997: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $11,390,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act *administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.*

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,007,644,000, of which $961,665,000 shall be available until September 30, 1998, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $26,071,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $287,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: Provided, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: Provided further, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $325,734,000, including not to exceed $77,354,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 1997, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $197,810,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shall dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $309,647,000, of which $16,145,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1998, together with not to exceed $52,053,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Department Management, including the hire of three sedans, and including up to $4,358,000 for the President's Committee on Employment of People With Disabilities, $144,211,000; together with not to exceed $297,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995): Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than one year shall be considered affirmed by the Benefits Review Board on that date, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $181,949,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1997.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $42,938,000, together with not to exceed $3,543,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 103. Funds shall be available for carrying out title IV–B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

SEC. 104. Effective January 1, 1997, no funds appropriated or otherwise made available to the

Department of Labor in this title shall be disbursed without the approval of the Department's Chief Financial Officer or his delegatee.

SEC. 105. Notwithstanding any other provision of law, the Secretary of Labor may waive any of the requirements contained in sections 4, 104, 105, 107, 108, 121, 164, 204, 253, 254, 264, 301, 311, 313, 314, and 315 of the Job Training Partnership Act in order to assist States in improving State workforce development systems, pursuant to a request submitted by a State that has prior to the date of enactment of this Act executed a Memorandum of Understanding with the United States requiring such State to meet agreed upon outcomes.

This title may be cited as the "Department of Labor Appropriations Act, 1997".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $3,405,019,000, of which $297,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $828,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $198,452,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $167,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act: Provided further, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public law 102–408: Provided further, That, of the funds made available under this heading, not more than $8,000,000 shall be made available and shall remain available until expended for loan guarantees for loans made by non-Federal lenders for the construction, renovation, and modernization of medical facilities that are owned and operated by health centers funded under part A of title XVI of the Public Health Service Act as amended, and, subject to authorization, for loans made to health centers for the costs of developing and operating managed care networks or plans, and that such funds be available to subsidize guarantees of total loan principal in an amount not to exceed $80,000,000: Provided further, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $103,609,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $7,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $140,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000 to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,262,698,000, of which $30,553,000 shall remain available until expended for equipment and construction and renovation of facilities, and of which $32,000,000 shall remain available until September 30, 1998 for mine safety and health activities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, up to $48,400,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That the functions described in clause (1) of the first proviso under the subheading "mines and minerals" under the heading "Bureau of Mines" in the text of title I of the Department of the Interior and Related Agencies Appropriations Act, 1996, as enacted by section 101 (c) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), are hereby transferred to, and vested in, the Secretary of Health and human Services, subject to section 1531 of title 31, United States Code: Provided further, That of the amount provided, $23,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, $41,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,382,532,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,433,001,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $195,997,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $815,982,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $726,746,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,257,234,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $998,470,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $631,703,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $332,735,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $309,819,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $486,047,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $257,111,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $188,422,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $59,743,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $212,004,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $489,375,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $701,585,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $415,145,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $20,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $189,657,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $26,586,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $151,103,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 1997, the Library may enter into personal services contract for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $287,206,000, of which $35,589,000 shall be for the Office of AIDS Research: Provided, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $200,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $200,000,000, to remain available until expended, of which $90,000,000 shall be for the clinical research center: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the clinical research center may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1896, section 30401 of Public Law 103–322 and section 301 of the Public Health Service Act with respect to program management, $2,134,743,000, of which $5,000,000 shall be for grants to rural and Native American projects and $12,800,000 shall be for activities authorized by section 30401 of Public Law 103–322.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $96,175,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $47,412,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $75,056,618,000, to remain available until expended.

For making, after May 31, 1997, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1997 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1998, $27,988,993,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $60,079,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,735,125,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to and available for carrying out the purposes of this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GRANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1997, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments of such sums as necessary to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act in fiscal year 1997 before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making payments to States for carrying out title IV-A (other than section 402(g)(6)) of the Social Security Act in calendar quarters prior to October 1, 1996, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,158,000,000 to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act *of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1998, $607,000,000, to remain available until expended.*

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,000,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,000,000,000, to be available for obligation in the period October 1, 1997 through September 30, 1998.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $412,076,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–333 for fiscal year 1995 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1996 and 1997.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(INCLUDING TRANSFER OF FUNDS)

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $958,120,000, of which $937,000,000 shall become available on October 1, 1997 and shall remain available through September 30, 1998: Provided, That $19,120,000 shall become available for obligation on October 1, 1996 for child care activities, of which $6,120,000 shall be derived from an amount that shall be transferred from the amount appropriated under section 452(j) of the Social Security Act (42 U.S.C. 652(j)) for fiscal year 1996 and remaining available for expenditure.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,500,000,000: Provided, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 1997 shall be $2,500,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, section 429A, part B of title IV of the Social Security Act, section 413 of the Social Security Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, 5,363,569,000, of which $536,432,000 shall be for making payments under the Community Services Block Grant Act: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That of the amount appropriated for fiscal year 1997 under section 672(a) of the Community Services Block Grant Act, the Secretary shall use up to one percent of the funds available to correct allocation errors that occurred in fiscal year 1995 and fiscal year 1996 to ensure that the minimum allotment to each State for each of fiscal years 1995 and 1996 would be $2,222,460: Provided further, That no more than one-half of one percent of the funds available under section 672(a) shall be used for the purposes of section 674(a) of the Community Services Block Grant Act.

In addition, $20,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211 and 40241 of Public Law 103–322.

Funds appropriated for fiscal year 1996 and fiscal year 1997 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000 in each such year.

Funds appropriated for fiscal year 1997 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $240,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,445,031,000.

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, for the first quarter of fiscal year 1998, $1,111,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Acts of 1965, as amended, $830,168,000: Provided, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: Provided further, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs and other characteristics that are appropriate to the unique cultural, regional and geographic needs of the American Indian, Alaskan and Hawaiian native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $174,523,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $11,5000,000 shall be available until expended for extramural construction: Provided further, That notwithstanding section 2010 (b) and (c) under title XX of the Public Health Service Act, as amended, of the funds made available under this heading, $10,879,000 shall be for activities specified under section 2003(b)(2) of title XX of the Public Health Service Act, as amended, and of which $9,011,000 shall be for prevention grants under section 510(b)(2) of title V of the Social Security Act, as amended: Provided further, That of the amount provided, $5,775,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $32,999,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,216,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and section 301(l) of Public Law 104–191, $18,500,000: Provided, That $9,500,000, to remain available until September 30, 1998, shall be for carrying out section 301(1) of Public Law 104–191.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340,.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act.

SEC. 205. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of

Health and Human Services, General Departmental Management, for fiscal year 1997, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health And Human Services.

SEC. 208. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 209. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Service in this Act may be transferred between appropriations, but not such appropriation shall be increased by more than 3 percent by such such transfer: Provided, That the Appropriations Committees of both House of Congress are notified at least fifteen days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 210. The Director of the National Institutes of Health jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 211. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of HIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Resarch" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 212. Not later than January 1, 1997, the Administrator of the Health Care Financing Administration, with the advice and technical assistance of the Agency for Health care Policy and Research, shall transmit to the appropriate committees of the Congress a report including—

(1) a review of all available studies and research data on the treatment of end-stage emphysema and chronic obstructive pulmonary disease by both unilateral and bilateral lung volume reduction surgery, involving both invasive and noninvasive surgery and supplemental surgical methods, including laser applications; and

(2) a recommendation, based on such review, as to the appropriateness of Medicare coverage of such procedures and the conditions, if necessary, that facilities and physicians should be required to meet, to ensure he efficacy of such procedures, as more detailed clinical studies are conducted.

SEC. 213. Section 304(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(a)(1)) amended by striking "$200,000" and inserting "$400,000".

SEC. 214. The new clinical research center at the National Institutes of Health is hereby named the Mark O. Hatfield Clinical Research Center.

SEC. 215. Section 345 of Public Law 104–193 is amended by replacing "section 457(a)" wherever it appears with "a plan approved under this part". Amounts available under such section shall be calculated as though such section were effective October 1, 1995.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1997".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act, $691,000,000, of which $476,000,000 for the Goals 2000: Educate America Act and $200,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1997, and remain available through September 30, 1998: Provided, that none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $7,698,469,000, of which $6,380,114,000 shall become available on July 1, 1997, and shall remain available through September 30, 1998, and of which $1,298,386,00 shall become available on October 1, 1997 and shall remain available through September 30, 1998, for academic year 1997–1998: Provided, that $6,194,850,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1996, to obtain updated local-educational-agency-level census poverty date from the Bureau of the Census: Provided further, That $999,249,000 shall be available for concentration grants under section 1124(A) and $7,000,000 shall be available for evaluations under section 1501.

IMPACT AID

For carrying out programs of financial assistance to federally schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $730,000,000, of which $615,500,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $52,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $17,500,000 shall be for Federal property payments under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV-A-1, V-A and B, VI, IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,425,631,000, of which $1,202,478,000 shall become available on July 1, 1997, and remain available through September 30, 1998: Provided, That of the amount appropriated, $310,000,000 shall be for Eisenhower professional development State grants under title II-B and $310,000,000 shall be for innovative education program strategies State grants under title VI-A.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $261,700,000, of which $100,000,000 shall be for immigrant education programs authorized by part C: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: Provided further, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out parts B, C, D, E, F, G, and H and section 610(j)(2)(C) of the Individuals with Disabilities Education Act, $4,036,000,000, of which $3,783,685,000 shall become available for obligation on July 1, 1997, and shall remain available through September 30, 1998: Provided, That the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall continue to be eligible to receive funds under the Individuals with Disabilities Education Act consistent with the provisions of Public Law 104–134: Provided further, That the entities that received competitive awards for direct services to children under section 611 of the Individuals with Disabilities Education Act in accordance with the competition required in Public Law 104–134 shall continue to be funded, without competition, in the same amounts as under Public Law 104–134.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,509,447,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,680,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $43,041,000: Provided, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $79,182,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, $1,486,531,000, of which $4,500,000 shall be for the National Institute for Literacy; and of which $1,483,612,000 shall become available on July 1, 1997 and shall remain available through September 30, 1998: Provided, That, of the amounts made available for title II of the Carl D. Perkins Vocational and Applied Technology Education Act, $4,500,000 shall be used by the Secretary for national programs under title IV, without regard to section 451: Provided further, That, in addition, the Secretary may reserve up to $9,000,000 under section 101(a)(1)(A) of the Carl D. Perkins Vocational and Applied Technology Education Act, without regard to section 451: Provided further, That the Secretary may reserve up to $5,000,000 under section 313(d) of the Adult Education Act for activities carried out under section 383 of that Act: Provided further, That no funds shall be awarded to a State Council under section 112(f) of the Carl D. Perkins Vocational and Applied Technology Education Act, and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4, of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended,

$7,560,407,000, which shall remain available through September 30, 1998.

The maximum Pell Grants for which a student shall be eligible during award year 1997–1998 shall be $2,700: Provided, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1996 appropriation for Pell Grants awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $46,572,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and subpart 1 of part B of title X, and title XI of the Higher Education Act of 1965, as amended, Public Law 102–423 and the Mutual Educational and Cultural Exchange Act of 1961; $879,054,000, of which $15,673,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended: Provided, That funds available for part D of title IX of the Higher Education Act shall be available to fund noncompeting continuation awards for academic year 1997–1998 for fellowships awarded originally under part B of title IX of said Act, under the terms and conditions of part B: Provided further, That $5,931,000 of the funds available for part D of title IX of the Higher Education Act shall be available to fund new and noncompeting continuation awards for academic year 1997–1998 for fellowships awarded under part C of title IX of said Act, under the terms and conditions of part C: Provided further, That notwithstanding sections 419D, 419E, and 419H of the Higher Education Act, as amended, scholarships made under title IV, part A, subpart 6 shall be prorated to maintain the same number of new scholarships in fiscal year 1997 as in fiscal year 1996: Provided further, That $3,000,000, to remain available until expended, shall be for the George H.W. Bush fellowship program, if authorized by April 1, 1997: Provided further, That $3,000,000, to remain available until expended, shall be for the Edmund S. Muskie Foundation to establish an endowment fund to provide income to support such foundation on a continuing basis, if authorized by April 1, 1997: Provided further, That $3,000,000, to remain available until expended, shall be for the Claiborne Pell Institute for International Relations and Public Policy at Salve Regina University in Newport, Rhode Island, if authorized by April 1, 1997: Provided further, That $1,000,000, to remain available until expended, shall be for the Calvin Coolidge Memorial Foundation, if authorized by April 1, 1997: Provided further, That, of the amounts made available under title X, part A of the Higher Education Act, $2,000,000 shall be awarded to the Pennsylvania Educational Telecommunications Exchange Network.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $196,000,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $698,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $104,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994; section 2102, sections 3132, 3136 and 3141, parts B, C, and D of title III and parts A, B, I, and K and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $598,350,000: Provided, That $200,000,000 shall be for section 3132, $56,965,000 shall be for section 3136 and $10,000,000 shall be for section 3141 of the Elementary and Secondary Education Act: provided further, That notwithstanding any other provision of law, one-half of one percent of the amount available for section 3132 of the elementary and Secondary Education Act of 1965, as amended, shall be set aside for the outlying areas to be distributed among the outlying areas on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program; Provided further, That, notwithstanding section 3131(b) of said Act, if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in the State that apply directly to the Secretary according to the terms and conditions announced by the Secretary in the Federal Register: Provided further, That, of the amount available for title III, part B of the Elementary and Secondary Education Act of 1965, as amended, funds shall be awarded to continue the Iowa Communication Network statewide fiber optic demonstration and $2,000,000 shall be awarded to the Southeastern Pennsylvania Consortium for Higher Education for the establishment of local and wide area computer networks to provide instructional resources to students and faculty: Provided further, That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Community Partnerships Program.

LIBRARIES

Notwithstanding title VII of this Act, for carrying out titles I, II, III, and IV of the Library Services and Construction Act, and title II–B of the Higher Education Act, $136,369,000, of which $16,369,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $2,500,000 shall be for section 222 and $5,000,000 shall be for section 223 of the Higher Education Act: Provided, That $1,000,000 shall be competitively awarded to a nonprofit regional social tolerance resource center, operating tolerance tools and prejudice reduction programs and multimedia tolerance and genocide exhibits: Provided further, That $1,500,000 shall be for the continuation of a demonstration project making information available for public use by connecting Internet to a multistate consortium and a historical society: Provided further, That $1,000,000 shall be for continuation of catalog conversion of research and doctoral institutions and networking of local libraries under the fiber optics demonstration initiated in Public Law 102–394 under section 223 of the Higher Education Act: Provided further, That each State or local recipient of funds under titles I, II, III, and IV of the Library Services and Construction Act may sue any such funds to plan for any library program or activity authorized under title VII of this Act and conduct any other activity reasonably necessary to provide for an orderly and effective transition to the operation of library programs or activities under title VII of this Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $327,000,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $55,000,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $30,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of *schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.*

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. Notwithstanding any other provision of law, funds available under section 458 of the Higher Education Act shall not exceed $491,000,000 for fiscal year 1997. The Department of Education shall use $80,000,000 of the amounts provided for payment of administrative cost allowances to guaranty agencies for fiscal; year 1996. For fiscal year 1997, the Department of Education shall pay administrative costs to guaranty agencies, calculated on the basis of 0.85 percent of the total principal amount of loans upon which insurance was issued on or after October 1, 1996: Provided, That such administrative costs shall be paid only on the first $8,200,000,000 of the principal amount of loans upon which insurance was issued on or after October 1, 1996 by such guaranty agencies, and shall not exceed a total of $70,000,000. Such payments are to be paid quarterly, and receipt of such funds and uses of such funds shall be in accordance with section 428(f) of the Higher Education Act.

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program. The Secretary may not require the return of guaranty agency reserve funds during fiscal year 1997, except after consultation with both the Chairmen and ranking members of the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. Any reserve funds recovered by the Secretary shall be returned to the Treasury of the United States for purposes of reducing the Federal deficit.

No funds available to the Secretary may be used for (1) the hiring of advertising agencies or other third parties to provide advertising services for student loan programs prior to January 1, 1997, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

SEC. 305. None of the funds appropriated in this Act may be obligated or expended to carry out section 621(b) of Public Law 101–589.

(TRANSFER OF FUNDS)

SEC. 306. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 307. (a) Section 8003(f)(3)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(3)(A)(i)) is amended—

(1) in the matter preceding subclause (I), by striking "The Secretary" and all that follows through "greater of—" and inserting the following: "The Secretary, in conjunction with the local educational agency, shall first determine each of the following:";

(2) in each of subclauses (I) through (III), by striking "the average" each place it appears the first time in each such subclause and inserting "The average";

(3) in subclause (I), by striking the semicolon and inserting a period;

(4) in subclause (II), by striking ": or" and inserting a period; and

(5) by adding at the end the following:

"The local educational agency shall select one of the amounts determined under subclause (I), (II), or (III) for purposes of the remaining computations under this subparagraph.".

(b) The amendments made by subsection (a) shall apply with respect to fiscal years beginning with fiscal year 1995.

SEC. 308. Section 485(e)(9) of the Higher Education Act of 1965 is amended by striking out "June 30" in the second sentence of such section and inserting "August 30".

This title may be cited as the "Department of Education Appropriations Act, 1997".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $56,204,000, of which $432,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $213,969,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1999, $250,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $32,579,000 including $1,500,000, to remain available through September 30, 1998, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees that arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,060,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $897,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $1,500,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $175,000,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: Provided further, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representative cases.

NATIONAL MEDICATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $8,300,000: Provided, That unobligated balances at the end of fiscal year 1997 not needed for emergency boards shall remain available for other statutory purposes through September 30, 1998.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,753,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $3,263,000, to be transferred to this appropriation from the

Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,263,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,923,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $460,070,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act 1977 for the first quarter of fiscal year 1998, $160,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security Trust Funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $19,372,010,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security Trust Funds for administrative expenses for conducting continuing disability reviews.

In addition, $175,000,000, to remain available until September 30, 1998, for payment to the Social Security Trust Funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term "continuing disability reviews" means reviews and redetermination as defined under section 201(g)(1)(A) of the Social Security Act as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1998, $9,690,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,873,382,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: Provided, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1988: Provided further, That not less than $1,268,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances at the end of fiscal year 1997 not needed for fiscal year 1997 shall remain available until expended for a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network.

From funds provided under the previous paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $310,000,000, to remain available until September 30, 1998, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term "continuing disability reviews" means reviews and redetermination as defined under section 201(g)(1)(A) of the Social Security Act as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

In addition to funding already available under this heading, and subject to the same terms and conditions, $234,895,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,335,000, together with not to exceed $31,089,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $223,000,000, which shall include amounts becoming available in fiscal year 1997 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $223,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1998, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,898,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,404,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in this Act may be transferred to the Office from the Department of Health and Human Services, or used to carry out any such transfer: Provided further, That none of the funds made available in this paragraph may be used for any audit, investigation, or review of the Medicare program.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,160,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself or any State legislature, except in presentation to the Congress or any State legislative body itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

Sec. 506. (a) Purchase of American-Made Equipment and Products.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) Notice Requirement.—In providing financial assistance to, or entering into any contact with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, code of Federal Regulations.

Sec. 507. When issuing statements, press releases, request for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Sec. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

Sec. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purpose for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department of agency.

Sec. 510. None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

Sec. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

Sec. 512. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" include any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes.

Sec. 513. (a) Limitation on Use of Funds for Promotion of Legalization of Controlled Substances.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) Exceptions.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

Sec. 514. (a) Denial of Funds for Preventing ROTC Access to Campus.—None of the funds made available in this or any other Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for any fiscal year may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the covered educational entity; or

(2) a student at the covered educational entity from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) Denial of Funds for Preventing Federal Military Recruiting on Campus.—None of the funds made available in this or any other Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for any fiscal year may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access by military recruiters for purposes of Federal military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at the covered educational entity:

(A) student names, addresses, and telephone listings; and

(B) if known, student ages, levels of education, and majors.

(c) Exceptions.—The limitation established in subsection (a) or (b) shall not apply to a covered educational entity if the Secretary of Defense determines that—

(1) the covered educational entity has ceased the policy or practice described in such subsection;

(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation; or

(3) the institution of higher education involved is prohibited by the law of any State, or by the order of any State court, from allowing Senior Reserve Officer Training Corps activities or Federal military recruiting on campus, except that this paragraph shall apply only during the one-year period beginning on the effective date of this section.

(d) Notice of Determinations.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

(1) shall transmit a notice of the determination to the Secretary of Education and to the Congress; and

(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the covered educational entity for contracts and grants.

(e) Semiannual Notice in Federal Register.—The Secretary of Defense shall publish in the Federal Register once every 6 months a list of each covered educational entity that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).

(f) Covered Educational Entity.—For purposes of this section, the term "covered educational entity" means an institution of higher education, or a subelement of an institution of higher education.

(g) Effective Date.—This section shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act, by which date the Secretary of Defense shall have published final regulations in consultation with the Secretary of Education to carry out this section.

Sec. 515. (a) Technical Amendment to Other ROTC and Military Recruiting Provisions.—Sections 508 and 509 of the Energy and Water Development Appropriations Act, 1997, are amended by striking "when it is made known to the Federal official having authority to obligate or expend such funds" each place it appears and inserting "if the Secretary of Defense determines".

(b) Effective Date.—Sections 508 and 509 of the Energy and Water Development Appropriations Act, 1997, shall not take effect until the expiration of the 180-day period beginning on the date of the enactment of this Act, by which date the Secretary of Defense shall have published final regulations to carry out such sections (as amended by subsection (a)).

Sec. 516. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year

for which such requirement was applicable to such entity.

SEC. 517. (a) Notwithstanding any provision of the Carl D. Perkins Vocational and Applied Technology Act (as such Act was in effect on September 24, 1990), a State shall be deemed to have met the requirements of section 503 of such Act with respect to decisions appealed by applications filed on April 30, 1993 and October 29, 1993 under section 452(b) of the General Education Provisions Act.

(b) Subsection (a) shall take effect on October 1, 1996.

SEC. 518. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless it is made known to the Federal official having authority to obligate or expend such funds that the applicant for the award certifies to the Secretary that it encourages family participation in the decision of the minor to seek family planning services.

SEC. 519. Of the budgetary resources available to agencies in this Act for salaries and expenses during fiscal year 1997, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: Provided, That the foregoing provision shall not apply to the Food and Drug Administration and the Indian Health Service: Provided further, That amounts available in this Act for congressional and legislative affairs, public affairs, and intergovernmental affairs activities are hereby reduced by $2,000,000.

SEC. 520. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF CERTAIN FEDERAL AGENCIES.—DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means the Railroad Retirement Board and the Office of Inspector General of the Railroad Retirement Board;

(2) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by an agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(G) any employee who, during the twenty-four-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve-month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The three-member Railroad Retirement Board, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before September 30, 1997;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, an agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

SEC. 521. CORRECTION OF EFFECTIVE DATE.—Effective on the day after the date of enactment of the Health Centers Consolidation Act of 1996, section 5 of that Act is amended by striking "October 1, 1997" and inserting "October 1, 1996".

TITLE VI—REORGANIZATION AND PRIVATIZATION OF SALLIE MAE AND CONNIE LEE

SEC. 601. SHORT TITLE.

This title may be cited as the "Student Loan Marketing Association Reorganization Act of 1996".

SEC. 602. REORGANIZATION OF THE STUDENT LOAN MARKETING ASSOCIATION THROUGH THE FORMATION OF A HOLDING COMPANY.

(a) AMENDMENT.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 439 (20 U.S.C. 1087–2) the following new section:

"SEC. 440. REORGANIZATION OF THE STUDENT LOAN MARKETING ASSOCIATION THROUGH THE FORMATION OF A HOLDING COMPANY.

"(a) ACTIONS BY THE ASSOCIATION'S BOARD OF DIRECTORS.—The Board of Directors of the Association shall take or cause to be taken all such action as the Board of Directors deems necessary or appropriate to effect, upon the shareholder approval described in subsection (b), a restructuring of the common stock ownership of the Association, as set forth in a plan of reorganization adopted by the Board of Directors (the terms of which shall be consistent with this section) so that all of the outstanding common shares of the Association shall be directly owned by a Holding Company. Such actions may include, in the Board of Director's discretion, a merger of a wholly owned subsidiary of the Holding Company with and into the Association, which would have the effect provided in the plan of reorganization and the law of the jurisdiction in which such subsidiary is incorporated. As part of the restructuring, the Board of Directors may cause—

"(1) the common shares of the Association to be converted, on the reorganization effective date, to common shares of the Holding Company on a one for one basis, consistent with applicable State or District of Columbia law; and

"(2) Holding Company common shares to be registered with the Securities and Exchange Commission.

"(b) SHAREHOLDER APPROVAL.—The plan of reorganization adopted by the Board of Directors pursuant to subsection (a) shall be submitted to common shareholders of the Association for their approval. The reorganization shall

occur on the reorganization effective date, provided that the plan of reorganization has been approved by the affirmative votes, cast in person or by proxy, of the holders of a majority of the issued and outstanding shares of the Association common stock.

"(c) TRANSITION.—In the event the shareholders of the Association approve the plan of reorganization under subsection (b), the following provisions shall apply beginning on the reorganization effective date:

"(1) IN GENERAL.—Except as specifically provided in this section, until the dissolution date the Association shall continue to have all of the rights, privileges and obligations set forth in, and shall be subject to all of the limitations and restrictions of, section 439, and the Association shall continue to carry out the purposes of such section. The Holding Company and any subsidiary of the Holding Company (other than the Association) shall not be entitled to any of the rights, privileges, and obligations, and shall not be subject to the limitations and restrictions, applicable to the Association under section 439, except as specifically provided in this section. The Holding Company and any subsidiary of the Holding Company (other than the Association or a subsidiary of the Association) shall not purchase loans insured under this Act until such time as the Association ceases acquiring such loans, except that the Holding Company may purchase such loans if the Association is merely continuing to acquire loans as a lender of last resort pursuant to section 439(q) or under an agreement with the Secretary described in paragraph (6).

"(2) TRANSFER OF CERTAIN PROPERTY.—

"(A) IN GENERAL.—Except as provided in this section, on the reorganization effective date or as soon as practicable thereafter, the Association shall use the Association's best efforts to transfer to the Holding Company or any subsidiary of the Holding Company (or both), as directed by the Holding Company, all real and personal property of the Association (both tangible and intangible) other than the remaining property. Subject to the preceding sentence, such transferred property shall include all right, title, and interest in—

"(i) direct or indirect subsidiaries of the Association (excluding special purpose funding companies in existence on the date of enactment of this section and any interest in any government-sponsored enterprise);

"(ii) contracts, leases, and other agreements of the Association;

"(iii) licenses and other intellectual property of the Association; and

"(iv) any other property of the Association.

"(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit the Association from transferring remaining property from time to time to the Holding Company or any subsidiary of the Holding Company, subject to the provisions of paragraph (4).

"(3) TRANSFER OF PERSONNEL.—On the reorganization effective date, employees of the Association shall become employees of the Holding Company (or any subsidiary of the Holding Company), and the Holding Company (or any subsidiary of the Holding Company) shall provide all necessary and appropriate management and operational support (including loan servicing) to the Association, as requested by the Association. The Association, however, may obtain such management and operational support from persons or entities not associated with the Holding Company.

"(4) DIVIDENDS.—The Association may pay dividends in the form of cash or noncash distributions so long as at the time of the declaration of such dividends, after giving effect to the payment of such dividends as of the date of such declaration by the Board of Directors of the Association, the Association's capital would be in compliance with the capital standards and requirements set forth in section 439(r). If, at any time after the reorganization effective date, the Association fails to comply with such capital standards, the Holding Company shall transfer with due diligence to the Association additional capital in such amounts as are necessary to ensure that the Association again complies with the capital standards.

"(5) CERTIFICATION PRIOR TO DIVIDEND.—Prior to the payment of any dividend under paragraph (4), the Association shall certify to the Secretary of the Treasury that the payment of the dividend will be made in compliance with paragraph (4) and shall provide copies of all calculations needed to make such certification.

"(6) RESTRICTIONS ON NEW BUSINESS ACTIVITY OR ACQUISITION OF ASSETS BY ASSOCIATION.—

"(A) IN GENERAL.—After the reorganization effective date, the Association shall not engage in any new business activities or acquire any additional program assets described in section 439(d) other than in connection with—

"(i) student loan purchases through September 30, 2007;

"(ii) contractual commitments for future warehousing advances, or pursuant to letters of credit or standby bond purchase agreements, which are outstanding as of the reorganization effective date;

"(iii) the Association serving as a lender-of-last-resort pursuant to section 439(q); and

"(iv) the Association's purchase of loans insured under this part, if the Secretary, with the approval of the Secretary of the Treasury, enters into an agreement with the Association for the continuation or resumption of the Association's secondary market purchase program because the Secretary determines there is inadequate liquidity for loans made under this part.

"(B) AGREEMENT.—The Secretary is authorized to enter into an agreement described in clause (iv) of subparagraph (A) with the Association covering such secondary market activities. Any agreement entered into under such clause shall cover a period of 12 months, but may be renewed if the Secretary determines that liquidity remains inadequate. The fee provided under section 439(h)(7) shall not apply to loans acquired under any such agreement with the Secretary.

"(7) ISSUANCE OF DEBT OBLIGATIONS DURING THE TRANSITION PERIOD; ATTRIBUTES OF DEBT OBLIGATIONS.—After the reorganization effective date, the Association shall not issue debt obligations which mature later than September 30, 2008, except in connection with serving as a lender-of-last-resort pursuant to section 439(q) or with purchasing loans under an agreement with the Secretary as described in paragraph (6). Nothing in this section shall modify the attributes accorded the debt obligations of the Association by section 439, regardless of whether such debt obligations are incurred prior to, or at any time following, the reorganization effective date or are transferred to a trust in accordance with subsection (d).

"(8) MONITORING OF SAFETY AND SOUNDNESS.—

"(A) OBLIGATION TO OBTAIN, MAINTAIN, AND REPORT INFORMATION.—The Association shall obtain such information and make and keep such records as the Secretary of the Treasury may from time to time prescribe concerning—

"(i) the financial risk to the Association resulting from the activities of any associated person, to the extent such activities are reasonably likely to have a material impact on the financial condition of the Association, including the Association's capital ratio, the Association's liquidity, or the Association's ability to conduct and finance the Association's operations; and

"(ii) the Association's policies, procedures, and systems for monitoring and controlling any such financial risk.

"(B) SUMMARY REPORTS.—The Secretary of the Treasury may require summary reports of the information described in subparagraph (A) to be filed no more frequently than quarterly. If, as a result of adverse market conditions or based on reports provided pursuant to this subparagraph or other available information, the Secretary of the Treasury has concerns regarding the financial or operational condition of the Association, the Secretary of the Treasury may, notwithstanding the preceding sentence and subparagraph (A), require the Association to make reports concerning the activities of any associated person whose business activities are reasonably likely to have a material impact on the financial or operational condition of the Association.

"(C) SEPARATE OPERATION OF CORPORATIONS.—

"(i) IN GENERAL.—The funds and assets of the Association shall at all times be maintained separately from the funds and assets of the Holding Company or any subsidiary of the Holding Company and may be used by the Association solely to carry out the Association's purposes and to fulfill the Association's obligations.

"(ii) BOOKS AND RECORDS.—The Association shall maintain books and records that clearly reflect the assets and liabilities of the Association, separate from the assets and liabilities of the Holding Company or any subsidiary of the Holding Company.

"(iii) CORPORATE OFFICE.—The Association shall maintain a corporate office that is physically separate from any office of the Holding Company or any subsidiary of the Holding Company.

"(iv) DIRECTOR.—No director of the Association who is appointed by the President pursuant to section 439(c)(1)(A) may serve as a director of the Holding Company.

"(v) ONE OFFICER REQUIREMENT.—At least one officer of the Association shall be an officer solely of the Association.

"(vi) TRANSACTIONS.—Transactions between the Association and the Holding Company or any subsidiary of the Holding Company, including any loan servicing arrangements, shall be on terms no less favorable to the Association than the Association could obtain from an unrelated third party offering comparable services.

"(vii) CREDIT PROHIBITION.—The Association shall not extend credit to the Holding Company or any subsidiary of the Holding Company nor guarantee or provide any credit enhancement to any debt obligations of the Holding Company or any subsidiary of the Holding Company.

"(viii) AMOUNTS COLLECTED.—Any amounts collected on behalf of the Association by the Holding Company or any subsidiary of the Holding Company with respect to the assets of the Association, pursuant to a servicing contract or other arrangement between the Association and the Holding Company or any subsidiary of the Holding Company, shall be collected solely for the benefit of the Association and shall be immediately deposited by the Holding Company or such subsidiary to an account under the sole control of the Association.

"(D) ENCUMBRANCE OF ASSETS.—Notwithstanding any Federal or State law, rule, or regulation, or legal or equitable principle, doctrine, or theory to the contrary, under no circumstances shall the assets of the Association be available or used to pay claims or debts of or incurred by the Holding Company. Nothing in this subparagraph shall be construed to limit the right of the Association to pay dividends not otherwise prohibited under this subparagraph or to limit any liability of the Holding Company explicitly provided for in this section.

"(E) HOLDING COMPANY ACTIVITIES.—After the reorganization effective date and prior to the dissolution date, all business activities of the

Holding Company shall be conducted through subsidiaries of the Holding Company.

"(F) CONFIDENTIALITY.—Any information provided by the Association pursuant to this section shall be subject to the same confidentiality obligations contained in section 439(r)(12).

"(G) DEFINITION.—For purposes of this paragraph, the term 'associated person' means any person, other than a natural person, who is directly or indirectly controlling, controlled by, or under common control with, the Association.

"(9) ISSUANCE OF STOCK WARRANTS.—

"(A) IN GENERAL.—On the reorganization effective date, the Holding Company shall issue to the District of Columbia Financial Responsibility and Management Assistance Authority a number of stock warrants that is equal to one percent of the outstanding shares of the Association, determined as of the last day of the fiscal quarter preceding the date of enactment of this section, with each stock warrant entitling the holder of the stock warrant to purchase from the Holding Company one share of the registered common stock of the Holding Company or the Holding Company's successors or assigns, at any time on or before September 30, 2008. The exercise price for such warrants shall be an amount equal to the average closing price of the common stock of the Association for the 20 business days prior to the date of enactment of this section on the exchange or market which is then the primary exchange or market for the common stock of the Association. The number of shares of Holding Company common stock subject to each stock warrant and the exercise price of each stock warrant shall be adjusted as necessary to reflect—

"(i) the conversion of Association common stock into Holding Company common stock as part of the plan of reorganization approved by the Association's shareholders; and

"(ii) any issuance or sale of stock (including issuance or sale of treasury stock), stock split, recapitalization, reorganization, or other corporate event, if agreed to by the Secretary of the Treasury and the Association.

"(B) AUTHORITY TO SELL OR EXERCISE STOCK WARRANTS; DEPOSIT OF PROCEEDS.—The District of Columbia Financial Responsibility and Management Assistance Authority is authorized to sell or exercise the stock warrants described in subparagraph (A). The District of Columbia Financial Responsibility and Management Assistance Authority shall deposit into the account established under section 3(e) of the Student Loan Marketing Association Reorganization Act of 1996 amounts collected from the sale and proceeds resulting from the exercise of the stock warrants pursuant to this subparagraph.

"(10) RESTRICTIONS ON TRANSFER OF ASSOCIATION SHARES AND BANKRUPTCY OF ASSOCIATION.—After the reorganization effective date, the Holding Company shall not sell, pledge, or otherwise transfer the outstanding shares of the Association, or agree to or cause the liquidation of the Association or cause the Association to file a petition for bankruptcy under title 11, United States Code, without prior approval of the Secretary of the Treasury and the Secretary of Education.

"(d) TERMINATION OF THE ASSOCIATION.—In the event the shareholders of the Association approve a plan of reorganization under subsection (b), the Association shall dissolve, and the Association's separate existence shall terminate on September 30, 2008, after discharge of all outstanding debt obligations and liquidation pursuant to this subsection. The Association may dissolve pursuant to this subsection prior to such date by notifying the Secretary of Education and the Secretary of the Treasury of the Association's intention to dissolve, unless within 60 days after receipt of such notice the Secretary of Education notifies the Association that the Association continues to be needed to serve as a lender of last resort pursuant to section 439(q) or continues to be needed to purchase loans under an agreement with the Secretary described in subsection (c)(6). On the dissolution date, the Association shall take the following actions:

"(1) ESTABLISHMENT OF A TRUST.—The Association shall, under the terms of an irrevocable trust agreement that is in form and substance satisfactory to the Secretary of the Treasury, the Association and the appointed trustee, irrevocably transfer all remaining obligations of the Association to the trust and irrevocably deposit or cause to be deposited into such trust, to be held as trust funds solely for the benefit of holders of the remaining obligations, money or direct noncallable obligations of the United States or any agency thereof for which payment the full faith and credit of the United States is pledged, maturing as to principal and interest in such amounts and at such times as are determined by the Secretary of the Treasury to be sufficient, without consideration of any significant reinvestment of such interest, to pay the principal of, and interest on, the remaining obligations in accordance with their terms. To the extent the Association cannot provide money or qualifying obligations in the amount required, the Holding Company shall be required to transfer money or qualifying obligations to the trust in the amount necessary to prevent any deficiency.

"(2) USE OF TRUST ASSETS.—All money, obligations, or financial assets deposited into the trust pursuant to this subsection shall be applied by the trustee to the payment of the remaining obligations assumed by the trust.

"(3) OBLIGATIONS NOT TRANSFERRED TO THE TRUST.—The Association shall make proper provision for all other obligations of the Association not transferred to the trust, including the repurchase or redemption, or the making of proper provision for the repurchase or redemption, of any preferred stock of the Association outstanding. Any obligations of the Association which cannot be fully satisfied shall become liabilities of the Holding Company as of the date of dissolution.

"(4) TRANSFER OF REMAINING ASSETS.—After compliance with paragraphs (1) and (3), any remaining assets of the trust shall be transferred to the Holding Company or any subsidiary of the Holding Company, as directed by the Holding Company.

"(e) OPERATION OF THE HOLDING COMPANY.—In the event the shareholders of the Association approve the plan of reorganization under subsection (b), the following provisions shall apply beginning on the reorganization effective date:

"(1) HOLDING COMPANY BOARD OF DIRECTORS.—The number of members and composition of the Board of Directors of the Holding Company shall be determined as set forth in the Holding Company's charter or like instrument (as amended from time to time) or bylaws (as amended from time to time) and as permitted under the laws of the jurisdiction of the Holding Company's incorporation.

"(2) HOLDING COMPANY NAME.—The names of the Holding Company and any subsidiary of the Holding Company (other than the Association)—

"(A) may not contain the name 'Student Loan Marketing Association'; and

"(B) may contain, to the extent permitted by applicable State or District of Columbia law, 'Sallie Mae' or variations thereof, or such other names as the Board of Directors of the Association or the Holding Company deems appropriate.

"(3) USE OF SALLIE MAE NAME.—Subject to paragraph (2), the Association may assign to the Holding Company, or any subsidiary of the Holding Company, the 'Sallie Mae' name as a trademark or service mark, except that neither the Holding Company nor any subsidiary of the Holding Company (other than the Association or any subsidiary of the Association) may use the 'Sallie Mae' name on, or to identify the issuer of, any debt obligation or other security offered or sold by the Holding Company or any subsidiary of the Holding Company (other than a debt obligation or other security issued to and held by the Holding Company or any subsidiary of the Holding Company). The Association shall remit to the account established under section 3(e) of the Student Loan Marketing Association Reorganization Act of 1996, $5,000,000, within 60 days of the reorganization effective date as compensation for the right to assign the 'Sallie Mae' name as a trademark or service mark.

"(4) DISCLOSURE REQUIRED.—Until 3 years after the dissolution date, the Holding Company, and any subsidiary of the Holding Company (other than the Association), shall prominently display—

"(A) in any document offering the Holding Company's securities, a statement that the obligations of the Holding Company and any subsidiary of the Holding Company are not guaranteed by the full faith and credit of the United States; and

"(B) in any advertisement or promotional materials which use the 'Sallie Mae' name or mark, a statement that neither the Holding Company nor any subsidiary of the Holding Company is a government-sponsored enterprise or instrumentality of the United States.

"(f) STRICT CONSTRUCTION.—Except as specifically set forth in this section, nothing in this section shall be construed to limit the authority of the Association as a federally chartered corporation, or of the Holding Company as a State or District of Columbia chartered corporation.

"(g) RIGHT TO ENFORCE.—The Secretary of Education or the Secretary of the Treasury, as appropriate, may request that the Attorney General bring an action in the United States District Court for the District of Columbia for the enforcement of any provision of this section, or may, under the direction or control of the Attorney General, bring such an action. Such court shall have jurisdiction and power to order and require compliance with this section.

"(h) DEADLINE FOR REORGANIZATION EFFECTIVE DATE.—This section shall be of no further force and effect in the event that the reorganization effective date does not occur on or before 18 months after the date of enactment of this section.

"(i) DEFINITIONS.—For purposes of this section:

"(1) ASSOCIATION.—The term 'Association' means the Student Loan Marketing Association.

"(2) DISSOLUTION DATE.—The term 'dissolution date' means September 30, 2008, or such earlier date as the Secretary of Education permits the transfer of remaining obligations in accordance with subsection (d).

"(3) HOLDING COMPANY.—The term 'Holding Company' means the new business corporation established pursuant to this section by the Association under the laws of any State of the United States or the District of Columbia for the purposes of the reorganization and restructuring described in subsection (a).

"(4) REMAINING OBLIGATIONS.—The term 'remaining obligations' means the debt obligations of the Association outstanding as of the dissolution date.

"(5) REMAINING PROPERTY.—The term 'remaining property' means the following assets and liabilities of the Association which are outstanding as of the reorganization effective date:

"(A) Debt obligations issued by the Association.

"(B) Contracts relating to interest rate, currency, or commodity positions or protections.

"(C) Investment securities owned by the Association.

"(D) Any instruments, assets, or agreements described in section 439(d) (including, without limitation, all student loans and agreements relating to the purchase and sale of student loans, forward purchase and lending commitments, warehousing advances, academic facilities obligations, letters of credit, standby bond purchase agreements, liquidity agreements, and student loan revenue bonds or other loans).

"(E) Except as specifically prohibited by this section or section 439, any other nonmaterial assets or liabilities of the Association which the Association's Board of Directors determines to be necessary or appropriate to the Association's operations.

"(6) REORGANIZATION.—The term 'reorganization' means the restructuring event or events (including any merger event) giving effect to the Holding Company structure described in subsection (a).

"(7) REORGANIZATION EFFECTIVE DATE.—The term 'reorganization effective date' means the effective date of the reorganization as determined by the Board of Directors of the Association, which shall not be earlier than the date that shareholder approval is obtained pursuant to subsection (b) and shall not be later than the date that is 18 months after the date of enactment of this section.

"(8) SUBSIDIARY.—The term 'subsidiary' means one or more direct or indirect subsidiaries.".

(b) TECHNICAL AMENDMENTS.—

(1) ELIGIBLE LENDER.—

(A) AMENDMENTS TO THE HIGHER EDUCATION ACT.—

(i) DEFINITION OF ELIGIBLE LENDER.—Section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F)) is amended by inserting after "Student Loan Marketing Association" the following: "or the Holding Company of the Student Loan Marketing Association, including any subsidiary of the Holding Company, created pursuant to section 440,".

(ii) DEFINITION OF ELIGIBLE LENDER AND FEDERAL CONSOLIDATION LOANS.—Sections 435(d)(1)(G) and 428C(a)(1)(A) of such Act (20 U.S.C. 1085(d)(1)(G) and 1078–3(a)(1)(A)) are each amended by inserting after "Student Loan Marketing Association" the following: "or the Holding Company of the Student Loan Marketing Association, including any subsidiary of the Holding Company, created pursuant to section 440".

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the reorganization effective date as defined in section 440(h) of the Higher Education Act of 1965 (as added by subsection (a)).

(2) ENFORCEMENT OF SAFETY AND SOUNDNESS REQUIREMENTS.—Section 439(r) of the Higher Education Act of 1965 (20 U.S.C. 1087–2(r)) is amended—

(A) in the first sentence of paragraph (12), by inserting "or the Association's associated persons" after "by the Association";

(B) by redesignating paragraph (13) as paragraph (15); and

(C) by inserting after paragraph (12) the following new paragraph:

"(13) ENFORCEMENT OF SAFETY AND SOUNDNESS REQUIREMENTS.—The Secretary of Education or the Secretary of the Treasury, as appropriate, may request that the Attorney General bring an action in the United States District Court for the District of Columbia for the enforcement of any provision of this section, or may, under the direction or control of the Attorney General, bring such an action. Such court shall have jurisdiction and power to order and require compliance with this section.".

(3) FINANCIAL SAFETY AND SOUNDNESS.—Section 439(r) of the Higher Education Act of 1965 (20 U.S.C. 1087–2(r)) is further amended—

(A) in paragraph (1)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C)(i) financial statements of the Association within 45 days of the end of each fiscal quarter; and

"(ii) reports setting forth the calculation of the capital ratio of the Association within 45 days of the end of each fiscal quarter.";

(B) in paragraph (2)—

(i) by striking clauses (i) and (ii) of subparagraph (A) and inserting the following:

"(i) appoint auditors or examiners to conduct audits of the Association from time to time to determine the condition of the Association for the purpose of assessing the Association's financial safety and soundness and to determine whether the requirements of this section and section 440 are being met; and

"(ii) obtain the services of such experts as the Secretary of the Treasury determines necessary and appropriate, as authorized by section 3109 of title 5, United States Code, to assist in determining the condition of the Association for the purpose of assessing the Association's financial safety and soundness, and to determine whether the requirements of this section and section 440 are being met."; and

(ii) by adding at the end the following new subparagraph:

"(D) ANNUAL ASSESSMENT.—

"(i) IN GENERAL.—For each fiscal year beginning on or after October 1, 1996, the Secretary of the Treasury may establish and collect from the Association an assessment (or assessments) in amounts sufficient to provide for reasonable costs and expenses of carrying out the duties of the Secretary of the Treasury under this section and section 440 during such fiscal year. In no event may the total amount so assessed exceed, for any fiscal year, $800,000, adjusted for each fiscal year ending after September 30, 1997, by the ratio of the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) for the final month of the fiscal year preceding the fiscal year for which the assessment is made to the Consumer Price Index for All Urban Consumers for September 1997.

"(ii) DEPOSIT.—Amounts collected from assessments under this subparagraph shall be deposited in an account within the Treasury of the United States as designated by the Secretary of the Treasury for that purpose. The Secretary of the Treasury is authorized and directed to pay out of any funds available in such account the reasonable costs and expenses of carrying out the duties of the Secretary of the Treasury under this section and section 440. None of the funds deposited into such account shall be available for any purpose other than making payments for such costs and expenses."; and

(C) by inserting after paragraph (13) (as added by paragraph (2)(C)) the following new paragraph:

"(14) ACTIONS BY SECRETARY.—

"(A) IN GENERAL.—For any fiscal quarter ending after January 1, 2000, the Association shall have a capital ratio of at least 2.25 percent. The Secretary of the Treasury may, whenever such capital ratio is not met, take any one or more of the actions described in paragraph (7), except that—

"(i) the capital ratio to be restored pursuant to paragraph (7)(D) shall be 2.25 percent; and

"(ii) if the relevant capital ratio is in excess of or equal to 2 percent for such quarter, the Secretary of the Treasury shall defer taking any of the actions set forth in paragraph (7) until the next succeeding quarter and may then proceed with any such action only if the capital ratio of the Association remains below 2.25 percent.

"(B) APPLICABILITY.—The provisions of paragraphs (4), (5), (6), (8), (9), (10), and (11) shall be of no further application to the Association for any period after January 1, 2000.".

(4) INFORMATION REQUIRED; DIVIDENDS.—Section 439(r) of the Higher Education Act of 1965 (20 U.S.C. 1087–2(r)) is further amended—

(A) by adding at the end of paragraph (2) (as amended in paragraph (3)(B)(ii)) the following new subparagraph:

"(E) OBLIGATION TO OBTAIN, MAINTAIN, AND REPORT INFORMATION.—

"(i) IN GENERAL.—The Association shall obtain such information and make and keep such records as the Secretary of the Treasury may from time to time prescribe concerning—

"(I) the financial risk to the Association resulting from the activities of any associated person, to the extent such activities are reasonably likely to have a material impact on the financial condition of the Association, including the Association's capital ratio, the Association's liquidity, or the Association's ability to conduct and finance the Association's operations; and

"(II) the Association's policies, procedures, and systems for monitoring and controlling any such financial risk.

"(ii) SUMMARY REPORTS.—The Secretary of the Treasury may require summary reports of such information to be filed no more frequently than quarterly. If, as a result of adverse market conditions or based on reports provided pursuant to this subparagraph or other available information, the Secretary of the Treasury has concerns regarding the financial or operational condition of the Association, the Secretary of the Treasury may, notwithstanding the preceding sentence and clause (i), require the Association to make reports concerning the activities of any associated person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of the Association.

"(iii) DEFINITION.—For purposes of this subparagraph, the term 'associated person' means any person, other than a natural person, directly or indirectly controlling, controlled by, or under common control with the Association."; and

(B) by adding at the end the following new paragraphs:

"(16) DIVIDENDS.—The Association may pay dividends in the form of cash or noncash distributions so long as at the time of the declaration of such dividends, after giving effect to the payment of such dividends as of the date of such declaration by the Board of Directors of the Association, the Association's capital would be in compliance with the capital standards set forth in this section.

"(17) CERTIFICATION PRIOR TO PAYMENT OF DIVIDEND.—Prior to the payment of any dividend under paragraph (16), the Association shall certify to the Secretary of the Treasury that the payment of the dividend will be made in compliance with paragraph (16) and shall provide copies of all calculations needed to make such certification.".

(c) SUNSET OF THE ASSOCIATION'S CHARTER IF NO REORGANIZATION PLAN OCCURS.—Section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087–2) is amended by adding at the end the following new subsection:

"(s) CHARTER SUNSET.—

"(1) APPLICATION OF PROVISIONS.—This subsection applies beginning 18 months and one day after the date of enactment of this subsection if no reorganization of the Association occurs in accordance with the provisions of section 440.

"(2) SUNSET PLAN.—

"(A) PLAN SUBMISSION BY THE ASSOCIATION.—Not later than July 1, 2007, the Association shall submit to the Secretary of the Treasury and to

the Chairman and Ranking Member of the Committee on Labor and Human Resources of the Senate and the Chairman and Ranking Member of the Committee on Economic and Educational Opportunities of the House of Representatives, a detailed plan for the orderly winding up, by July 1, 2013, of business activities conducted pursuant to the charter set forth in this section. Such plan shall—

"(i) ensure that the Association will have adequate assets to transfer to a trust, as provided in this subsection, to ensure full payment of remaining obligations of the Association in accordance with the terms of such obligations;

"(ii) provide that all assets not used to pay liabilities shall be distributed to shareholders as provided in this subsection; and

"(iii) provide that the operations of the Association shall remain separate and distinct from that of any entity to which the assets of the Association are transferred.

"(B) AMENDMENT OF THE PLAN BY THE ASSOCIATION.—The Association shall from time to time amend such plan to reflect changed circumstances, and submit such amendments to the Secretary of the Treasury and to the Chairman and Ranking Minority Member of the Committee on Labor and Human Resources of the Senate and Chairman and Ranking Minority Member of the Committee on Economic and Educational Opportunities of the House of Representatives. In no case may any amendment extend the date for full implementation of the plan beyond the dissolution date provided in paragraph (3).

"(C) PLAN MONITORING.—The Secretary of the Treasury shall monitor the Association's compliance with the plan and shall continue to review the plan (including any amendments thereto).

"(D) AMENDMENT OF THE PLAN BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury may require the Association to amend the plan (including any amendments to the plan), if the Secretary of the Treasury deems such amendments necessary to ensure full payment of all obligations of the Association.

"(E) IMPLEMENTATION BY THE ASSOCIATION.—The Association shall promptly implement the plan (including any amendments to the plan, whether such amendments are made by the Association or are required to be made by the Secretary of the Treasury).

"(3) DISSOLUTION OF THE ASSOCIATION.—The Association shall dissolve and the Association's separate existence shall terminate on July 1, 2013, after discharge of all outstanding debt obligations and liquidation pursuant to this subsection. The Association may dissolve pursuant to this subsection prior to such date by notifying the Secretary of Education and the Secretary of the Treasury of the Association's intention to dissolve, unless within 60 days of receipt of such notice the Secretary of Education notifies the Association that the Association continues to be needed to serve as a lender of last resort pursuant to subsection (q) or continues to be needed to purchase loans under an agreement with the Secretary described in paragraph (4)(A). On the dissolution date, the Association shall take the following actions:

"(A) ESTABLISHMENT OF A TRUST.—The Association shall, under the terms of an irrevocable trust agreement in form and substance satisfactory to the Secretary of the Treasury, the Association, and the appointed trustee, irrevocably transfer all remaining obligations of the Association to a trust and irrevocably deposit or cause to be deposited into such trust, to be held as trust funds solely for the benefit of holders of the remaining obligations, money or direct noncallable obligations of the United States or any agency thereof for which payment the full faith and credit of the United States is pledged, maturing as to principal and interest in such amounts and at such times as are determined by the Secretary of the Treasury to be sufficient, without consideration of any significant reinvestment of such interest, to pay the principal of, and interest on, the remaining obligations in accordance with their terms.

"(B) USE OF TRUST ASSETS.—All money, obligations, or financial assets deposited into the trust pursuant to this subsection shall be applied by the trustee to the payment of the remaining obligations assumed by the trust. Upon the fulfillment of the trustee's duties under the trust, any remaining assets of the trust shall be transferred to the persons who, at the time of the dissolution, were the shareholders of the Association, or to the legal successors or assigns of such persons.

"(C) OBLIGATIONS NOT TRANSFERRED TO THE TRUST.—The Association shall make proper provision for all other obligations of the Association, including the repurchase or redemption, or the making of proper provision for the repurchase or redemption, of any preferred stock of the Association outstanding.

"(D) TRANSFER OF REMAINING ASSETS.—After compliance with subparagraphs (A) and (C), the Association shall transfer to the shareholders of the Association any remaining assets of the Association.

"(4) RESTRICTIONS RELATING TO WINDING UP.—

"(A) RESTRICTIONS ON NEW BUSINESS ACTIVITY OR ACQUISITION OF ASSETS BY THE ASSOCIATION.—

"(i) IN GENERAL.—Beginning on July 1, 2009, the Association shall not engage in any new business activities or acquire any additional program assets (including acquiring assets pursuant to contractual commitments) described in subsection (d) other than in connection with the Association—

"(I) serving as a lender of last resort pursuant to subsection (q); and

"(II) purchasing loans insured under this part, if the Secretary, with the approval of the Secretary of the Treasury, enters into an agreement with the Association for the continuation or resumption of the Association's secondary market purchase program because the Secretary determines there is inadequate liquidity for loans made under this part.

"(ii) AGREEMENT.—The Secretary is authorized to enter into an agreement described in subclause (II) of clause (i) with the Association covering such secondary market activities. Any agreement entered into under such subclause shall cover a period of 12 months, but may be renewed if the Secretary determines that liquidity remains inadequate. The fee provided under subsection (h)(7) shall not apply to loans acquired under any such agreement with the Secretary.

"(B) ISSUANCE OF DEBT OBLIGATIONS DURING THE WIND UP PERIOD; ATTRIBUTES OF DEBT OBLIGATIONS.—The Association shall not issue debt obligations which mature later than July 1, 2013, except in connection with serving as a lender of last resort pursuant to subsection (q) or with purchasing loans under an agreement with the Secretary as described in subparagraph (A). Nothing in this subsection shall modify the attributes accorded the debt obligations of the Association by this section, regardless of whether such debt obligations are transferred to a trust in accordance with paragraph (3).

"(C) USE OF ASSOCIATION NAME.—The Association may not transfer or permit the use of the name 'Student Loan Marketing Association', 'Sallie Mae', or any variation thereof, to or by any entity other than a subsidiary of the Association.".

(d) REPEALS.—

(1) IN GENERAL.—Sections 439 of the Higher Education Act of 1965 (20 U.S.C. 1087–2) and 440 of such Act (as added by subsection (a) of this section) are repealed.

(2) EFFECTIVE DATE.—The repeals made by paragraph (1) shall be effective one year after—

(A) the date on which all of the obligations of the trust established under section 440(d)(1) of the Higher Education Act of 1965 (as added by subsection (a)) have been extinguished, if a reorganization occurs in accordance with section 440 of such Act; or

(B) the date on which all of the obligations of the trust established under subsection 439(s)(3)(A) of such Act (as added by subsection (c)) have been extinguished, if a reorganization does not occur in accordance with section 440 of such Act.

(e) ASSOCIATION NAMES.—Upon dissolution in accordance with section 439(s) of the Higher Education Act of 1965 (20 U.S.C. 1087–2), the names "Student Loan Marketing Association", "Sallie Mae", and any variations thereof may not be used by any entity engaged in any business similar to the business conducted pursuant to section 439 of such Act (as such section was in effect on the date of enactment of this Act) without the approval of the Secretary of the Treasury.

(f) RIGHT TO ENFORCE.—The Secretary of Education or the Secretary of the Treasury, as appropriate, may request that the Attorney General bring an action in the United States District Court for the District of Columbia for the enforcement of any provision of subsection (e), or may, under the direction or control of the Attorney General, bring such an action. Such court shall have jurisdiction and power to order and require compliance with subsection (e).

SEC. 603. CONNIE LEE PRIVATIZATION.

(a) STATUS OF THE CORPORATION AND CORPORATE POWERS; OBLIGATIONS NOT FEDERALLY GUARANTEED.—

(1) STATUS OF THE CORPORATION.—The Corporation shall not be an agency, instrumentality, or establishment of the United States Government, nor a Government corporation, nor a Government controlled corporation, as such terms are defined in section 103 of title 5, United States Code. No action under section 1491 of title 28, United States Code (commonly known as the Tucker Act) shall be allowable against the United States based on the actions of the Corporation.

(2) CORPORATE POWERS.—The Corporation shall be subject to the provisions of this section, and, to the extent not inconsistent with this section, to the District of Columbia Business Corporation Act (or the comparable law of another State, if applicable). The Corporation shall have the powers conferred upon a corporation by the District of Columbia Business Corporation Act (or such other applicable State law) as from time to time in effect in order to conduct the Corporation's affairs as a private, for-profit corporation and to carry out the Corporation's purposes and activities incidental thereto. The Corporation shall have the power to enter into contracts, to execute instruments, to incur liabilities, to provide products and services, and to do all things as are necessary or incidental to the proper management of the Corporation's affairs and the efficient operation of a private, for-profit business.

(3) LIMITATION ON OWNERSHIP OF STOCK.—

(A) STUDENT LOAN MARKETING ASSOCIATION.—The Student Loan Marketing Association shall not increase its share of the ownership of the Corporation in excess of 42 percent of the shares of stock of the Corporation outstanding on the date of enactment of this Act. The Student Loan Marketing Association shall not control the operation of the Corporation, except that the Student Loan Marketing Association may participate in the election of directors as a shareholder, and may continue to exercise the Student Loan Marketing Association's right to appoint directors under section 754 of the Higher

Education Act of 1965 (20 U.S.C. 1132f–3) as long as that section is in effect.

(B) PROHIBITION.—Until such time as the Secretary of the Treasury sells the stock of the Corporation owned by the Secretary of Education pursuant to subsection (c), the Student Loan Marketing Association shall not provide financial support or guarantees to the Corporation.

(C) FINANCIAL SUPPORT OR GUARANTEES.—After the Secretary of the Treasury sells the stock of the Corporation owned by the Secretary of Education pursuant to subsection (c), the Student Loan Marketing Association may provide financial support or guarantees to the Corporation, if such support or guarantees are subject to terms and conditions that are no more advantageous to the Corporation than the terms and conditions the Student Loan Marketing Association provides to other entities, including, where applicable, other monoline financial guaranty corporations in which the Student Loan Marketing Association has no ownership interest.

(4) NO FEDERAL GUARANTEE.—

(A) OBLIGATIONS INSURED BY THE CORPORATION.—

(i) FULL FAITH AND CREDIT OF THE UNITED STATES.—No obligation that is insured, guaranteed, or otherwise backed by the Corporation shall be deemed to be an obligation that is guaranteed by the full faith and credit of the United States.

(ii) STUDENT LOAN MARKETING ASSOCIATION.—No obligation that is insured, guaranteed, or otherwise backed by the Corporation shall be deemed to be an obligation that is guaranteed by the Student Loan Marketing Association.

(iii) SPECIAL RULE.—This paragraph shall not affect the determination of whether such obligation is guaranteed for purposes of Federal income taxes.

(B) SECURITIES OFFERED BY THE CORPORATION.—No debt or equity securities of the Corporation shall be deemed to be guaranteed by the full faith and credit of the United States.

(5) DEFINITION.—The term "Corporation" as used in this section means the College Construction Loan Insurance Association as in existence on the day before the date of enactment of this Act, and any successor corporation.

(b) RELATED PRIVATIZATION REQUIREMENTS.—

(1) NOTICE REQUIREMENTS.—

(A) IN GENERAL.—During the six-year period following the date of enactment of this Act, the Corporation shall include, in each of the Corporation's contracts for the insurance, guarantee, or reinsurance of obligations, and in each document offering debt or equity securities of the Corporation, a prominent statement providing notice that—

(i) such obligations or such securities, as the case may be, are not obligations of the United States, nor are such obligations or such securities, as the case may be, guaranteed in any way by the full faith and credit of the United States; and

(ii) the Corporation is not an instrumentality of the United States.

(B) ADDITIONAL NOTICE.—During the five-year period following the sale of stock pursuant to subsection (c)(1), in addition to the notice requirements in subparagraph (A), the Corporation shall include, in each of the contracts and documents referred to in such subparagraph, a prominent statement providing notice that the United States is not an investor in the Corporation.

(2) CORPORATE CHARTER.—The Corporation's charter shall be amended as necessary and without delay to conform to the requirements of this section.

(3) CORPORATE NAME.—The name of the Corporation, or of any direct or indirect subsidiary thereof, may not contain the term "College Construction Loan Insurance Association", or any substantially similar variation thereof.

(4) ARTICLES OF INCORPORATION.—The Corporation shall amend the Corporation's articles of incorporation without delay to reflect that one of the purposes of the Corporation shall be to guarantee, insure, and reinsure bonds, leases, and other evidences of debt of educational institutions, including Historically Black Colleges and Universities and other academic institutions which are ranked in the lower investment grade category using a nationally recognized credit rating system.

(5) REQUIREMENTS UNTIL STOCK SALE.—Notwithstanding subsection (d), the requirements of sections 754 and 760 of the Higher Education Act of 1965 (20 U.S.C. 1132f–3 and 1132f–9), as such sections were in effect on the day before the date of enactment of this Act, shall continue to be effective until the day immediately following the date of closing of the purchase of the Secretary of Education's stock (or the date of closing of the final purchase, in the case of multiple transactions) pursuant to subsection (c)(1) of this Act.

(c) SALE OF FEDERALLY OWNED STOCK.—

(1) PURCHASE BY THE CORPORATION.—The Secretary of the Treasury shall sell and the Corporation shall purchase, within 90 days after the date of enactment of this Act, the stock of the Corporation held by the Secretary of Education at a price determined by the binding, independent appraisal of a nationally recognized financial firm, except that the 90-day period may be extended by mutual agreement of the Secretary of the Treasury and the Corporation to not more than 150 days after the date of enactment of this Act. The appraiser shall be jointly selected by the Secretary of the Treasury and the Corporation. In the event that the Secretary of the Treasury and the Corporation cannot agree on the appraiser, then the Secretary of the Treasury and the Corporation shall name an independent third party to select the appraiser.

(2) REIMBURSEMENT OF COSTS AND EXPENSES OF SALE.—The Secretary of the Treasury shall be reimbursed from the proceeds of the sale of the stock under this subsection for all reasonable costs and expenses related to such sale, except that one-half of all reasonable costs and expenses relating to the independent appraisal under paragraph (1) shall be borne by the Corporation.

(3) DEPOSIT INTO ACCOUNT.—Amounts collected from the sale of stock pursuant to this subsection that are not used to reimburse the Secretary of the Treasury pursuant to paragraph (2) shall be deposited into the account established under subsection (e).

(4) ASSISTANCE BY THE CORPORATION.—The Corporation shall provide such assistance as the Secretary of the Treasury and the Secretary of Education may require to facilitate the sale of the stock under this subsection.

(5) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall report to the appropriate committees of Congress on the completion and terms of the sale of stock of the Corporation pursuant to this subsection.

(d) REPEAL OF STATUTORY RESTRICTIONS AND RELATED PROVISIONS.—Part D of title VII of the Higher Education Act of 1965 (20 U.S.C. 1132f et seq.) is repealed.

(e) ESTABLISHMENT OF ACCOUNT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the District of Columbia Financial Responsibility and Management Assistance Authority shall establish an account to receive—

(A) amounts collected from the sale and proceeds resulting from the exercise of stock warrants pursuant to section 440(c)(9) of the Higher Education Act of 1965;

(B) amounts and proceeds remitted as compensation for the right to assign the "Sallie Mae" name as a trademark or service mark pursuant to section 440(e)(3) of the Higher Education Act of 1965; and

(C) amounts and proceeds collected from the sale of the stock of the Corporation and deposited pursuant to subsection (c)(3).

(2) AMOUNTS AND PROCEEDS.—

(A) AMOUNTS AND PROCEEDS RELATING TO SALLIE MAE.—The amounts and proceeds described in subparagraphs (A) and (B) of paragraph (1) shall be used to finance public elementary and secondary school facility construction and repair within the District of Columbia or to carry out the District of Columbia School Reform Act of 1995.

(B) AMOUNTS AND PROCEEDS RELATING TO CONNIE LEE.—The amounts and proceeds described in subparagraph (C) of paragraph (1) shall be used to finance public elementary and secondary school facility construction and repair within the District of Columbia.

SEC. 604. DISCRIMINATION IN SECONDARY MARKETS PROHIBITED.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by adding after section 440 (as added by section 602) the following new section:

"SEC. 440A. DISCRIMINATION IN SECONDARY MARKETS PROHIBITED.

"The Student Loan Marketing Association (and, if the Association is privatized under section 440, any successor entity functioning as a secondary market for loans under this part, including the Holding Company described in such section) shall not engage directly or indirectly in any pattern or practice that results in a denial of a borrower's access to loans under this part because of the borrower's race, sex, color, religion, national origin, age, disability status, income, attendance at a particular eligible institution, length of the borrower's educational program, or the borrower's academic year at an eligible institution.".

TITLE VII—MUSEUM AND LIBRARY SERVICES ACT OF 1996

SECTION 701. SHORT TITLE.

This title may be cited as the "Museum and Library Services Act of 1996".

SEC. 702. MUSEUM AND LIBRARY SERVICES.

The Museum Services Act (20 U.S.C. 961 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES

"Subtitle A—General Provisions

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Museum and Library Services Act'.

"SEC. 202. GENERAL DEFINITIONS.

"As used in this title:

"(1) COMMISSION.—The term 'Commission' means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).

"(2) DIRECTOR.—The term 'Director' means the Director of the Institute appointed under section 204.

"(3) INSTITUTE.—The term 'Institute' means the Institute of Museum and Library Services established under section 203.

"(4) MUSEUM BOARD.—The term 'Museum Board' means the National Museum Services Board established under section 275.

"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

"(a) ESTABLISHMENT.—There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

"(b) OFFICES.—The Institute shall consist of an Office of Museum Services and an Office of

Library Services. There shall be a National Museum Services Board in the Office of Museum Services.

"SEC. 204. DIRECTOR OF THE INSTITUTE.

"(a) APPOINTMENT.—

"(1) IN GENERAL.—The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—The Director shall serve for a term of 4 years.

"(3) QUALIFICATIONS.—Beginning with the first individual appointed to the position of Director after the date of enactment of the Museum and Library Services Act of 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after the date of enactment of the Museum and Library Services Act of 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

"(b) COMPENSATION.—The Director may be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) DUTIES AND POWERS.—The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this title.

"(d) NONDELEGATION.—The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

"(e) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

"SEC. 205. DEPUTY DIRECTORS.

"The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

"SEC. 206. PERSONNEL.

"(a) IN GENERAL.—The Director may, in accordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

"(b) VOLUNTARY SERVICES.—The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 207. CONTRIBUTIONS.

"The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property of services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special-interest bearing account to the credit of the Institute for the purposes specified in each case.

"Subtitle B—Library Services and Technology

"SEC. 211. SHORT TITLE.

"This subtitle may be cited as the 'Library Services and Technology Act'.

"SEC. 212. PURPOSE.

"It is the purpose of this subtitle—

"(1) to consolidate Federal library service programs;

"(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;

"(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;

"(4) to provide linkages among and between libraries; and

"(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.

SEC. 213. DEFINITIONS.

"As used in this subtitle:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) LIBRARY.—The term 'library' includes—

"(A) a public library;

"(B) a public elementary school or secondary school library;

"(C) an academic library;

"(D) a research library, which for the purposes of this subtitle means a library that—

"(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

"(ii) is not an integral part of an institution of higher education; and

"(E) a private library, but only if the State in which such private library is located determines that the library should be considered a library for purposes of this subtitle.

"(3) LIBRARY CONSORTIUM.—The term 'library consortium' means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

"(4) STATE.—The term 'State', unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

"(6) STATE PLAN.—The term 'State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submits copies for approval as required by regulations promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

"SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subtitle.

"(2) TRANSFER.—The Secretary of Education shall—

"(A) transfer promptly to the Director any funds appropriated under the authority of paragraph (1), to enable the Director to carry out this subtitle; and

"(B) not exercise any authority concerning the administration of this title other than the transfer described in subparagraph (A).

"(b) FORWARD FUNDING.—

"(1) IN GENERAL.—To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing library activities and projects, appropriations for grants contracts, or other payments under any program under this subtitle are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(2) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for a program under this subtitle (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

"(c) ADMINISTRATION.—Not more than 3 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

"CHAPTER 1—BASIC PROGRAM REQUIREMENTS

"SEC. 221. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—

"(1) IN GENERAL.—From the amount appropriated under the authority of section 214 for any fiscal year, the Director—

"(A) shall reserve 1½ percent to award grants in accordance with section 261; and

"(B) shall reserve 4 percent to award national leadership grants or contracts in accordance with section 262.

"(2) SPECIAL RULE.—If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) for the fiscal year succeeding the fiscal year for which the funds were so reserved.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the sums appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph (2).

"(2) REMAINDER.—From the remainder of any sums appropriated under the authority of section 214 that are not reserved under subsection (a) and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

"(3) MINIMUM ALLOTMENT.—

"(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) RATABLE REDUCTIONS.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

"(C) SPECIAL RULE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

"(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"(iv) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.

"(4) DATA.—The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

"SEC. 222. ADMINISTRATION.

"(a) IN GENERAL.—Not more than 4 percent of the total amount of funds received under this subtitle for any fiscal year by a State may be used for administrative costs.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation costs under section 224(c) from sources other than this subtitle.

"SEC. 223. PAYMENTS; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS.

"(a) PAYMENTS.—Subject to appropriations provided pursuant to section 214, the Director shall pay to each State library administrative agency having a State plan approved under section 224 the Federal share of the cost of the activities described in the State plan.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share shall be 66 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

"(c) MAINTENANCE OF EFFORT.—

"(1) STATE EXPENDITURES.—

"(A) REQUIREMENT.—

"(i) IN GENERAL.—The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this chapter shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

"(ii) CALCULATION.—Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

"(B) DECREASE IN FEDERAL SUPPORT.—If the amount made available under this subtitle for a fiscal year is less than the amount made available under this subtitle for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(2) LEVEL OF STATE EXPENDITURES.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

"(3) WAIVER.—The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"SEC. 224. STATE PLANS.

"(a) STATE PLAN REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director not later than April 1, 1997.

"(2) DURATION.—The State plan shall cover a period of 5 fiscal years.

"(3) REVISIONS.—If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

"(b) CONTENTS.—The State plan shall—

"(1) establish goals, and specify priorities, for the State consistent with the purposes of this subtitle;

"(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subtitle, and section 231, that the State library administrative agency will carry out during such year using such grant;

"(3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);

"(4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);

"(5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subtitle; and

"(6) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out the purposes of this subtitle.

"(c) EVALUATION AND REPORT.—Each State library administrative agency receiving a grant under this subtitle shall independently evaluate, and report to the Director regarding, the activities assisted under this subtitle, prior to the end of the 5-year plan.

"(d) INFORMATION.—Each library receiving assistance under this subtitle shall submit to the State library administrative agency such information as such agency may require to meet the requirements of subsection (c).

"(e) APPROVAL.—

"(1) IN GENERAL.—The Director shall approve any State plan under this subtitle that meets the requirements of this subtitle and provides satisfactory assurances that the provisions of such plan will be carried out.

"(2) PUBLIC AVAILABILITY.—Each State library administrative agency receiving a grant under this subtitle shall make the State plan available to the public

"(3) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

"(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

"(B) offer the State library administrative agency the opportunity to revise its State plan;

"(C) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

"(D) provide the State library administrative agency the opportunity for a hearing.

"CHAPTER 2—LIBRARY PROGRAMS

"SEC. 231. GRANTS TO STATES.

"(a) IN GENERAL.—Of the funds provided to a State library administrative agency under section 214, such agency shall expend, either directly or through subgrants of cooperative agreements, at least 96 percent of such funds for—

"(1)(A) establishing or enhancing electronic linkages among or between libraries;

"(B) electronically linking libraries with educational, social, or information services;

"(C) assisting libraries in accessing information through electronic networks;

"(D) encouraging libraries in different areas, and encouraging different types of libraries, to establish consortia and share resources; or

"(E) paying costs for libraries to acquire or share computer systems and telecommunications technologies; and

"(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the purposes described in subsection (a) between the two purposes described in paragraphs (1) and (2) of such subsection, as appropriate, to meet the needs of the individual State.

"CHAPTER 3—ADMINISTRATIVE PROVISIONS

"Subchapter A—State Requirements

"SEC. 251. STATE ADVISORY COUNCILS.

"Each State desiring assistance under this subtitle may establish a State advisory council which is broadly representative of the library entities in the State, including public, school,

academic, special, and institutional libraries, and libraries serving individuals with disabilities.

"Subchapter B—Federal Requirements

"SEC. 261. SERVICES FOR INDIAN TRIBES.

"From amounts reserved under section 221(a)(1)(A) for any fiscal year the Director shall award grants to organizations primarily serving and representing Indian tribes to enable such organizations to carry out the activities described in section 231.

"SEC. 262. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

"(a) IN GENERAL.—From the amounts reserved under section 221(a)(1)(B) for any fiscal year the Director shall establish and carry out a program awarding national leadership grants or contracts to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants or contracts shall be used for activities that may include—

"(1) education and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

"(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;

"(3) preservation of digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project; and

"(4) model programs demonstrating cooperative efforts between libraries and museums.

"(b) GRANTS OR CONTRACTS.—

"(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, libraries, agencies, institutions of higher education, or museums, where appropriate.

"(2) COMPETITIVE BASIS.—Grants and contracts under this section shall be awarded on a competitive basis.

"(c) SPECIAL RULE.—The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

"SEC. 263. STATE AND LOCAL INITIATIVES.

"Nothing in this subtitle shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subtitle, the determination of the best uses of the funds provided under this subtitle, shall be reserved for the States and their local subdivisions.

"Subtitle C—Museum Services

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

"(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups;

"(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

"(3) to ease the financial burden borne by museums as a result of their increasing use by the public.

"SEC. 272. DEFINITIONS.

"As used in this subtitle:

"(1) MUSEUM.—The term 'museum' means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis.

"(2) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) GRANTS.—The Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, through such activities as—

"(1) programs that enable museums to construct or install displays, interpretations, and exhibitions in order to improve museum services provided to the public;

"(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet the needs of the museums;

"(3) assisting museums in meeting the administrative costs of preserving and maintaining the collections of the museums, exhibiting the collections to the public, and providing educational programs to the public through the use of the collections;

"(4) assisting museums in cooperating with each other in developing traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

"(5) assisting museums in the conservation of their collections;

"(6) developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions; and

"(7) model programs demonstrating cooperative efforts between libraries and museums.

"(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—

"(1) PROJECTS TO STRENGTHEN MUSEUM SERVICES.—The Director, subject to the policy direction of the Museum Board, is authorized to enter into contracts and cooperative agreements with appropriate entities, as determined by the Director, to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations Acts.

"(2) LIMITATION ON AMOUNT.—The aggregate amount of financial assistance made available under this subsection for a fiscal year shall not exceed 15 percent of the amount appropriated under this subtitle for such fiscal year.

"(3) OPERATIONAL EXPENSES.—No financial assistance may be provided under this subsection to pay for operational expenses.

"(c) FEDERAL SHARE.—

"(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsection (a) and (b) shall be not more than 50 percent.

"(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be greater than 50 percent.

"(d) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this subtitle. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this subtitle shall not be subject to any review outside of the Institute.

"SEC. 274. AWARD.

"The Director, with the advice of the Museum Board, may annually award a National Award for Museum Service to outstanding museums that have made significant contributions in service to their communities.

SEC. 275. NATIONAL MUSEUM SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established in the Institute a National Museum Services Board.

"(b) COMPOSITION AND QUALIFICATIONS.—

"(1) COMPOSITION.—The Museum Board shall consist of the Director and 14 members appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The appointive members of the Museum Board shall be selected from among citizens of the United States—

"(A) who are members of the general public;

"(B) who are or have been affiliated with—

"(i) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

"(ii) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, and botanical gardens; and

"(C) who are recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

"(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum Board may not include, at any time, more than 3 members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums.

"(c) TERMS.—

"(1) IN GENERAL.—Each appointive member of the Museum Board shall serve for a term of 5 years, except that—

"(A) of the members first appointed, 3 shall serve for terms of 5 years, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 2 shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

"(B) any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(2) REAPPOINTEMENT.—No member of the Museum Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

"(3) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, a member of the Museum Board shall serve after the expiration of the term of the member until the successor to the member takes office.

"(d) DUTIES AND POWERS.—The Museum Board shall have the responsibility to advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum services, including general policies with respect to—

"(1) financial assistance awarded under this subtitle for museum services; and

"(2) projects described in section 262(a)(4).

"(e) CHAIRPERSON.—The President shall designate 1 of the appointive members of the Museum Board as Chairperson of the Museum Board.

"(f) MEETINGS.—

"(1) IN GENERAL.—The Museum Board shall meet—

"(A) not less than 3 times each year, including—

"(i) not less than 2 times each year separately; and

"(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for projects described in section 262(a)(4); and

"(B) at the call of the Director.

"(2) VOTE.—All decisions by the Museum Board with respect to the exercise of the duties and powers of the Museum Board shall be made by a majority vote of the members of the Museum Board who are present. All decisions by the Commission and the Museum Board with respect to the policies described in paragraph (1)(A)(ii) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the Museum Board who are present.

"(g) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official meetings of the Museum Board, but a lesser number of members may hold hearings. A majority of the members of the Commission and a majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official joint meeting of the Commission and the Museum Board.

"(h) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Each member of the Museum Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum Board. All members of the Museum Board who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.

"(2) TRAVEL EXPENSES.—The members of the Museum Board may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(i) COORDINATION.—The Museum Board, with the advice of the Director, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.

"SEC. 276. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.

"(b) ADMINISTRATION.—Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subtitle.

"(c) SUMS REMAINING AVAILABLE.—Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation until expended.".

SEC. 703. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

(a) FUNCTIONS.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (a) the following:

"(b) The Commission shall have the responsibility to advise the Director of the Institute of Museum and Library Services on general policies with respect to the duties, powers, and authority of the Institute of Museum and Library Services relating to library services, including—

"(1) general policies with respect to—

"(A) financial assistance awarded under the Museum and Library Services Act for library services; and

"(B) projects described in section 262(a)(4) of such Act; and

"(2) measures to ensure that the policies and activities of the Institute of Museum and Library Services are coordinated with other activities of the Federal Government.

"(c)(1) The Commission shall meet not less than 1 time each year in a joint meeting with the National Museum Services Board, convened for purposes of providing advice on general policy with respect to financial assistance for projects described in section 262(a)(4) of such Act.

"(2) All decisions by the Commission and the National Museum Services Board with respect to the advice on general policy described in paragraph (1) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the National Museum Services Board who are present.

"(3) A majority of the members of the Commission and a majority of the members of the National Museum Services Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the National Museum Services Board.".

(b) MEMBERSHIP.—Section 6 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "Librarian of Congress" and inserting "Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member),";

(B) in the second sentence—

(i) by striking "special competence or interest in" and inserting "special competence in or knowledge of; and

(ii) by inserting before the period the following: "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(C) in the third sentence, by inserting "appointive" before "members"; and

(D) in the last sentence, by striking "term and at least" and all that follows and inserting "term."; and

(2) in subsection (b), by striking "the rate specified" and all that follows through "and while" and inserting "the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel-time) during which the members are engaged in the business of the Commission. While".

SEC. 704. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS FROM THE INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OFFICE.—There are transferred to the Director of the Institute of Museum and Library Services established under section 203 of the Museum and Library Services established under section 203 of the Museum and Library Services Act—

(1) all functions that the Director of the Institute of Museum Services exercised before the date of enactment of this section (including all related functions of any officer or employee of the Institute of Museum Services); and

(2) all functions that the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education exercised before the date of enactment of this section and any related function of any officer or employee of the Department of Education.

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Institute of Museum and Library Services may delegate any of the functions transferred to the Director of the Institute of Museum and Library Services by this section and any function transferred or granted to such Director of the Institute of Museum and Library Services after the effective date of this section to such officers and employees of the Institute of Museum and Library Services as the Director of the Institute of Museum and Library Services may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate, except that any delegation of any such functions with respect to libraries shall be made to the Deputy Director of the Office of Library Services and with respect to museums shall be made to the Deputy Director of the Office of Museum Services. No delegation of functions by the Director of the Institute of Museum and Library Services under this section or under any other provision of this section shall relieve such Director of the Institute of Museum and Library Services of responsibility for the administration of such functions.

(e) REORGANIZATION.—The Director of the Institute of Museum and Library Services may allocate or reallocate any function transferred under subsection (b) among the officers of the Institute of Museum and Library Services, and may establish, consolidate, alter, or discontinue such organizational entities in the Institute of Museum and Library Services as may be necessary or appropriate.

(f) RULES.—The Director of the Institute of Museum and Library Services may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director of the Institute of Museum and Library Services determines to be necessary or appropriate to administer and manage the functions of the Institute of Museum and Library Services.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, *used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Institute of Museum and Library Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.*

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Institute of Museum and Library Services to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(j) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Institute of Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to functions transferred by this section. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals, shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Institute of Museum Services, or by or against any individual in the official capacity of such individual as an officer of the Institute of Museum Services, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Institute of Museum Services relating to a function transferred under this section may be continued by the Institute of Museum and Library Services with the same effect as if this section had not been enacted.

(k) TRANSITION.—The Director of the Institute of Museum and Library Services may utilize—

(1) the services of such officers, employees, and other personnel of the Institute of Museum Services with respect to functions transferred to the Institute of Museum and Library Services by this section; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Director of the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Director of the Institute of Museum and Library Services; and

(2) the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Institute of Museum and Library Services.

(m) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress and the director of the Office of Management and Budget, the Director of the Institute of Museum and Library Services shall prepare and submit to the appropriate committees of Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this section, the Director of the Institute of Museum and Library Services shall submit to the appropriate committees of Congress the recommended legislation referred to under paragraph (1).

SEC. 705. SERVICE OF INDIVIDUALS SERVING ON DATE OF ENACTMENT.

Notwithstanding section 204 of the Museum of Library Services Act, the individual who was appointed to the position of Director of the Institute of Museum Services under section 205 of the Museum Services Act (as such section was in effect on the day before the date of enactment of this Act) and who is serving in such position on the day before the date of enactment of this Act shall serve as the first Director of the Institute of Museum and Library Services under section 204 of the Museum and Library Services Act (as added by section 2 of this Act), and shall serve at the pleasure of the President.

SEC. 706. CONSIDERATION.

Consistent with title 5, United States Code, in appointing employees of the Office of Library Services, the Director of the Institute of Museum and Library Services shall give strong consideration to individuals with experience in administering State-based and national library and information services programs.

SEC. 707. TRANSITION AND TRANSFER OF FUNDS.

(a) TRANSITION.—The Director of the Office of Management and Budget shall take appropriate measures to ensure an orderly transition from the activities previously administered by the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services under this Act. Such measures may include the transfer of appropriated funds.

(b) TRANSFER.—From any amounts available to the Secretary of Education for salaries and expenses at the Department of Education, the Secretary of Education shall transfer to the Director the amount of funds necessary to ensure the orderly transition from activities previously administered by the Director of the Office of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services. In no event shall the amount of funds transferred pursuant to the preceding sentence be less than $200,000.

SEC. 708. REPEALS.

(a) LIBRARY SERVICES AND CONSTRUCTION ACT.—The Library Services and Construction Act (20 U.S.C. 351 et seq.) is repealed.

(b) TITLE II OF THE HIGHER EDUCATION ACT OF 1965.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), relating to academic libraries and information services, is repealed.

(c) PART D OF TITLE XIII OF THE HIGHER EDUCATION AMENDMENTS OF 1986.—Part D of title XIII of the Higher Education Amendments of 1986 (20 U.S.C. 1029 note), relating to library resources, is repealed.

(d) SECTION 519 OF THE EDUCATION AMENDMENTS OF 1974.—Section 519 of the Education Amendments of 1974 (20 U.S.C. 1221i) is repealed.

(e) PART F OF THE TECHNOLOGY FOR EDUCATION ACT OF 1994.—Part F of the Technology for Education Act of 1994 (20 U.S.C. 7001 et seq.), contained in title III of the Elementary and Secondary Education Act of 1965, is repealed.

SEC. 709. CONFORMING AMENDMENTS.

(a) REFERENCES TO LIBRARY SERVICES AND CONSTRUCTION ACT.—

(1) TECHNOLOGY FOR EDUCATION ACT OF 1994.—Section 3113(10) of the Technology for Education Act of 1994 (20 U.S.C. 6813(10)) is amended by striking "section 3 of the Library Services and Construction Act;" and inserting "section 213 of the Library Services and Technology Act;"

(2) OMNIBUS EDUCATION RECONCILIATION ACT OF 1981.—Section 528 of the Omnibus Education Reconciliation Act of 1981 (20 U.S.C. 3489) is amended—

(A) by striking paragraph (12); and

(B) by redesignating paragraphs (13) through (15) as paragraphs (12) through (14), respectively.

(3) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 3113(10) of the Elementary

and Secondary Education Act of 1965 (20 U.S.C. 6813(10)) is amended by striking "section 3 of the Library Services and Construction Act" and inserting "section 213 of the Library Services and Technology Act".

(4) COMMUNITY IMPROVEMENT VOLUNTEER ACT OF 1994.—Section 7305 of the Community Improvement Volunteer Act of 1994 (40 U.S.C. 276d-3) is amended—

(A) by striking paragraph (1); and

(ε) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(5) APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(c)) is amended by striking "Library Services and Construction Act;"

(6) DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966.—Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking "title II of the Library Services and Construction Act;".

(7) PUBLIC LAW 87–688.—Subsection (c) of the first section of the Act entitled "An Act to extend the application of certain laws to American Samoa", approved September 25, 1962 (48 U.S.C. 1666(c)) is amended by striking "the Library Services Act (70 Stat. 293; 20 U.S.C. 351 et seq.),".

(8) COMMUNICATIONS ACT OF 1934.—Paragraph (4) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)(4) is amended by striking "library not eligible for participation in State-based plans for funds under title III of the Library Services and Construction Act (20 U.S.C. 335c et seq.)" and inserting "library or library consortium not eligible for assistance from a State library administrative agency under the Library Services and Technology Act".

(b) REFERENCES TO INSTITUTE OF MUSEUM SERVICES.—

(1) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5 United States Code, is amended by striking the following:

"Director of the Institute of Museum Services," and inserting the following:

"Director of the Institute of Museum and Library Services.".

(2) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 301 of the Department of Education Organization Act (20 U.S.C. 3441) is amended—

(A) in subsection (a)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(B) in subsection (b)—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively.

(3) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) Sections 2101(b), 2205(c)(1)(D), 2208(d)(1)(H)(v), and 2209(b)(1)(C)(iv), and subsection (d)(6) and (e)(2) of section 10401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621(b), 6645(c)(1)(D), 6648(d)(1)(H)(v), 6649(b)(1)(C)(vi), and 8091 (d)(6) and (e)(2)) are amended by striking "the Institute of Museum Services" and inserting "the Institute of Museum and Library Services".

(B) Section 10412(b) of such Act (20 U.S.C. 8102(b) is amended—

(i) in paragraph (2), by striking "the Director of the Institute Museum Services," and inserting "the Director of the Institute of Museum and Library Services,"; and

(ii) in paragraph (7), by striking "the Director of the Institute of Museum Services," and inserting "the director of the Institute of Museum and Library Services,".

(C) Section 10414(a)(2)(B) of such Act (20 U.S.C. 8104(a)(2)(B)) is amended by striking clause (iii) and inserting the following new clause:

"(iii) the Institute of Museum and Library Services.".

(c) REFERENCES TO OFFICE OF LIBRARIES AND LEARNING RESOURCES.—Section 413(b)(1) of the Department of Education Organization Act (20 U.S.C. 3473(b)(1)) is amended—

(1) by striking subparagraph (H); and

(2) by redesignating subparagraphs (I) through (M) as subparagraphs (H) through (L), respectively.

(d) REFERENCE TO STATE POSTSECONDARY REVIEW ENTITY PROGRAMS.—Section 356(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 10696(b)) is amended by striking "II,".

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997".

(f) For programs, projects or activities in the Treasury, Postal Service, and General Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; $111,760,000.

AUTOMATION ENHANCEMENT

INCLUDING TRANSFER OF FUNDS

For the development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $27,100,000, of which $15,000,000 shall be available to the United States Customs Service for the Automated Commercial Environment project, and of which $5,600,000 shall be available to the United States Customs Service for the International Trade Data System: Provided, That these funds shall remain available until September 30, 1999: Provided further, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds shall be used to support or supplement Internal Revenue Service appropriations for Information Systems and Tax Systems Modernization: Provided further, That of the funds appropriated for the Automated Commercial Environment, $3,475,000 may not be obligated until the Commissioner of Customs consults with the Committees on Appropriations regarding deficiencies identified by the General Accounting Office.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $29,736,000.

OFFICE OF PROFESSIONAL RESPONSIBILITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Professional Responsibility, including purchase and hire of passenger motor vehicles, $1,500,000.

TREASURY BUILDINGS AND ANNEX REPAIR AND RESTORATION

INCLUDING TRANSFER OF FUNDS

For the repair, alteration, and improvement of the Treasury Building and Annex, $28,213,000, to remain available until expended: Provided, That funds previously made available under this title for the Secret Service Headquarter's building shall be transferred to the Secret Service Acquisition, Construction, Improvement and Related Expenses appropriation.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $22,387,000: Provided, That notwithstanding any other provision of law, the Director of the Financial Crimes Enforcement Network may procure up to $500,000 in specialized, unique, or novel automatic data processing equipment, ancillary equipment, software, services, and related resources from commercial vendors without regard to otherwise applicable procurement laws and regulations and without full and open competition, utilizing procedures best suited under the circumstances of the procurement to efficiently fulfill the agency's requirements: Provided further, That funds appropriated in this account may be used to procure personal services contracts.

DEPARTMENT OF THE TREASURY FORFEITURE FUND

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102–393, not to exceed $10,000,000, to be derived from deposits in the fund: Provided, That notwithstanding any other provision of law, not to exceed $7,500,000 shall be made available for the development of a Federal wireless communication system: Provided further, That the Secretary of the Treasury is authorized to receive all unavailable collections transferred from the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1509) by the Director of the Office of Drug Control Policy as a deposit into the Treasury Forfeiture Fund (31 U.S.C. 9703(a)).

VIOLENT CRIME REDUCTION PROGRAMS

INCLUDING TRANSFER OF FUNDS

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(a) As authorized by section 190001(e), $89,000,000, of which $36,595,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms, of which $3,000,000 shall be available for administering the Gang Resistance Education and Training program, of which $3,662,000 shall be available for ballistics technologies, including the purchase, maintenance

and upgrading of equipment and of which $29,133,000 shall be available to enhance training and purchase equipment and services, and of which $800,000 shall be available for project LEAD; of which $18,300,000 shall be available to the Secretary as authorized by section 732 of Public Law 104–132, as amended by Section 113 of the Fiscal Year 1997 Department of Commerce, Justice and State, and the Judiciary, and Related Agencies Appropriations Act; of which $1,000,000 shall be available to the Financial Crimes Enforcement Network; of which $20,000,000 shall be available to the United States Secret Service, of which no less than $1,400,000 shall be available for a grant for activities related to the investigations of missing and exploited children; and of which $13,105,000 shall be available to the Federal Drug Control Programs, High Intensity Drug Trafficking Areas program.

(b) As authorized by section 32401, $8,000,000, for disbursement through grants, cooperative agreements or contracts, to local governments for Gang Resistance Education and Training: Provided, That notwithstanding sections 32401 and 310001, such funds shall be allocated only to the affected State and local law enforcement and prevention organizations participating in such projects.

TREASURY FRANCHISE FUND

There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103–356, to be available as provided in such section for expenses and equipment necessary for the maintenance and operation of such financial and administrative support services as the Secretary determines may be performed more advantageously as central services: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital, shall be used to capitalize such fund: Provided further, That such fund shall be reimbursed or credited with the payments, including advanced payments, from applicable appropriations and funds available to the Department and other Federal agencies for which such administrative and financial services are performed, at rates which will recover all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of Automatic Data Processing (ADP) software and systems, and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Treasury financial management, ADP, and other support systems: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103–356.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; $54,831,000, of which up to $13,034,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 1999: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training at the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $18,884,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $196,069,000, of which not to exceed $14,277,000 shall remain available until expended for systems modernization initiatives. In addition, $90,000, to be derived from the Oil Spill Liability Trust Fund, to reimburse the Service for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380: Provided, That none of the funds made available for systems modernization initiatives may not be obligated until the Commissioner of the Financial Management Service has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 650 vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $12,500 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; provision of laboratory assistance to State and local agencies, with or without reimbursement; $393,971,000, of which $12,011,000, to remain available until expended, shall be available for arson investigations, with priority assigned to any arson, explosion or violence against religious institutions; which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in the fiscal year ending on September 30, 1997: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: Provided further, That no funds available for separation incentive payments as authorized by section 663 of this Act may be obligated without the advance approval of the

House and Senate Committees on Appropriations: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

LABORATORY FACILITIES

For necessary expenses for design of a new facility or facilities, to house the Bureau of Alcohol, Tobacco and Firearms National Laboratory Center and the Fire Investigation Research and Development Center, not to exceed 185,000 occupiable square feet, $6,978,000, to remain available until expended: Provided, That these funds shall not be available until a prospectus of authorization for the Laboratory Facilities is approved by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $30,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,487,250,000; of which $65,000,000 shall be available until expended for Operation Hardline; of which $28,000,000 shall remain available until expended for acquisition of aircraft and related operations and maintenance associated with Operation Gateway; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research and not to exceed $1,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081 and up to $6,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That the United States Custom Service shall implement the General Aviation Telephonic Entry program within 30 days of enactment of this Act: Provided further, That no funds available for separation incentive payments as authorized by section 663 of this Act may be obligated without the advance approval of the House and Senate Committees on Appropriations: Provided further, That the Spirit of St. Louis Airport in St. Louis County, Missouri, shall be designated a port of entry: Provided further, That no funds under this Act may be used to provide less than 30 days public notice for any change in apparel regulations: Provided further, That $750,000 shall be available for additional part-time and temporary positions in the Honolulu Customs District: Provided further, That of the funds appropriated $2,500,000 may be made available for the Western Hemisphere Trade Center authorized by Public Law 103–182.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $83,363,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1997 without the prior approval of the House and Senate Committees on Appropriations.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary, and to remain available until expended.

HARBOR MAINTENANCE FEE COLLECTION

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $169,735,000: Provided, That the sum appropriated herein from the General Fund for fiscal year 1997 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at $165,335,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing assistance to taxpayers, management services, and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,779,840,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner $4,104,211,000, of which not to exceed $1,000,000 shall remain available until September 30, 1999, for research.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including tax systems modernization and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,323,075,000, of which no less than $130,075,000 shall be available for Tax Systems Modernization (TSM) development and deployment which shall be available until September 30, 1999, and of which no less than $206,200,000 shall be available for TSM Operational Systems: Provided, That none of the funds made available for TSM Operational Systems shall be available after July 31, 1997, unless the Department of the Treasury has prepared a Request for Proposal which could be used as a base for a solicitation of a contract with an alternative or new Prime Contractor to manage, integrate, test and implement the TSM program: Provided further, That all activities associated with the development of a request for proposal, contract solicitation, and contract award for private sector assistance on TSM (both operational systems and development and deployment systems), beyond private sector assistance which is currently under contract, shall be conducted by the Department of the Treasury's Modernization Management Board: Provided further, That the Internal Revenue Service determines that it is unable to meet deadlines established herein, the Secretary of the Treasury shall notify the Committees on Appropriations of the House and the Senate of the delay: Provided further, That the Internal Revenue Service shall submit, by February 1, 1997, a timetable for implementing, by October 1, 1997, recommendations made by the General Accounting Office in its July 1995 report, entitled: "Tax Systems Modernization: Management and Technical Weaknesses Must Be Corrected If Modernization Is To Succeed": Provided further, That the Internal Revenue Service shall submit, by December 1, 1996, a schedule to transfer, not later than July 31, 1997, a majority of Tax Systems Modernization development, deployment, management, integration, and testing, from the Internal Revenue Service to the private sector.

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading for Information Systems in Public Law 104–52, $115,000,000 are rescinded, in Public Law 103–123, $17,447,000 are rescinded, in Public Law 102–393, $15,000,000 are rescinded, and in Public Law 102–141, $27,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. No funds available in this Act to the Internal Revenue Service for separation incentive payments as authorized by section 663 of this Act may be obligated without the advance approval of the House and Senate Committees on Appropriations.

SEC. 105. The Internal Revenue Service (IRS) may proceed with its field support reorganization in fiscal year 1997 after it submits its report, no earlier than March 1, 1997, to the Committees on Appropriations of the House and Senate only if the IRS maintains, in fiscal year 1997, the current level of taxpayer service employees that work on cases generated through walk in visits and telephone calls to IRS offices.

SEC. 106. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line for taxpayers. The Commissioner shall make the improvement of the IRS 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the IRS 1–800 help line service.

SEC. 107. No funds made available by this Act, or any other Act, to the Internal Revenue Service may be used to pay for the design and printing of more than two ink colors on the covers of income tax packages, and such ink colors must be the same colors as used to print the balance of the material in each package.

SEC. 108. Notwithstanding any other provision of law, no field support reorganization of the Internal Revenue Service shall be undertaken in Aberdeen, South Dakota until the Internal Revenue Service toll-free help phone line assistance program reaches at least an 80 percent service level. The Commissioner shall submit to Congress a report and the GAO shall certify to Congress that the 80 percent service level has been met.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed 702 vehicles for police-type use, of which 665 shall be for replacement only), and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: Provided, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year: Provided further, That 3 U.S.C. 203(a) is amended by deleting "but not exceeding twelve hundred in number"; $528,262,000, of which $1,200,000 shall be available as a grant for activities related to the investigations of missing and exploited children and shall remain available until expended.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $7,600,000 are rescinded.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of construction, repair, alteration, and improvement of facilities, $37,365,000, of which $8,200,000 shall be available for the Rowley Secret Service Training Center, to remain available until expended: Provided, That funds previously provided under the title, "Treasury Buildings and Annex Repair and Restoration," for the Secret Service's Headquarters Building, shall be transferred to this account: Provided further, That funds for the Rowley Secret Service Training Center shall not be available until a prospectus authorizing such facilities is approved in accordance with the Public Buildings Act of 1959, as amended, except that funds may be expended for required expenses in connection with the development of a proposed prospectus.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 111. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1997, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 112. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 113. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 114. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 115. The funds provided to the Bureau of Alcohol Tobacco and Firearms for fiscal year 1997 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 116. Paragraph (3)(C) of section 9703(g) of title 31, United States Code, is amended—

(1) by striking in the third sentence "and at the end of each fiscal year thereafter";

(2) by inserting in lieu thereof "1994, 1995, and 1996"; and

(3) by adding at the end the following new sentence: "At the end of fiscal year 1997, and at the end of each fiscal year thereafter, the Secretary shall reserve any amounts that are required to be retained in the Fund to ensure the availability of amounts in the subsequent fiscal year for purposes authorized under subsection (a)."

SEC. 117. Of the funds available to the Internal Revenue Service, $13,000,000 shall be made available to continue the private sector debt collection program which was initiated in fiscal year 1996 and $13,000,000 shall be transferred to the Departmental Offices appropriation to initiate a new private sector debt collection program: Provided, That the transfer provided herein shall be in addition to any other transfer authority contained in this Act.

SEC. 118. Section 923(j) of title 18, United States Code, is amended by striking the period after the last sentence, and inserting the following: ", including the right of a licensee to conduct 'curios or relics' firearms transfers and business away from their business premises with another licensee without regard as to whether the location of where the business is conducted is located in the State specified on the license of either licensee.".

This title may be cited as the "Treasury Department Appropriations Act, 1997".

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $85,080,000: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1997.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 United States Code 2004, $35,536,000.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $40,193,000: Provided, That $420,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $7,827,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,280,000: Provided, That $150,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities: Provided further, That $8,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted for approval to the Committees on Appropriations of the House and Senate a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,439,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,867,000: Provided, That $45,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,648,000: Provided, That $3,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, $26,100,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles: Provided, That $340,700 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $55,573,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: Provided further, That this proviso shall not apply to printed hearings released by the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $35,838,000, of which $19,000,000 shall remain available until expended, consisting of $1,000,000 for policy research and evaluation and $18,000,000 for the Counter-Drug Technology Assessment Center for counternarcotics research and development projects of which $1,000,000 shall be obligated for state conferences on model state drug laws: Provided, That the $17,000,000 for the Counter-Drug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office: Provided further, That not before January 31, 1997, the Director of the Office of National Drug Control Policy shall transfer all balances in the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. § 1509) to the Treasury Forfeiture Fund (31 U.S.C. 9703(a)).

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $127,102,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $3,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in Lake County, Indiana; of which $6,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area for the Gulf Coast States of Louisiana, Alabama, and Mississippi; of which $8,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area dedicated to combating methamphetamine use, production and trafficking in a five State area including Iowa, Missouri, Nebraska, South Dakota, and Kansas; of which $3,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in the State of Colorado; of which $3,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in the Pacific Northwest; of the total amount appropriated, including transferred funds, no less than $71,000,000 shall be transferred to State and local entities for drug control activities, and up to $69,207,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act.

This title may be cited as the "Executive Office Appropriations Act, 1997".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28; $1,800,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $28,165,000, of which no less than $2,500,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,588,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $400,544,000, to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,555,544,000 of which (1) not to exceed $657,711,000 shall remain available until expended for construction of additional projects and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:
California:
Fresno, Federal Building and U.S. Courthouse, $6,595,000
Colorado:
Denver, Rogers Federal Building-U.S. Courthouse, $9,545,000
District of Columbia:
U.S. Courthouse Annex, $5,703,000
Florida:
Miami, U.S. Courthouse, $24,990,000
Orlando, U.S. Courthouse, $9,514,000
Kentucky:
Covington, U.S. Courthouse, $17,134,000
London, U.S. Courthouse, $13,732,000
Montana:
Babb, Piegan Border Station, $333,000
Sweetgrass, Border Station, $1,059,000
Nevada:
Las Vegas, U.S. Courthouse, $83,719,000
New York:
Brooklyn, U.S. Courthouse, $169,000,000
Ohio:
Cleveland, U.S. Courthouse, $128,559,000
Youngstown, U.S. Courthouse, $15,813,000
Oregon:
Portland, Consolidated Law Federal Office Building, $4,750,000
Pennsylvania:
Erie, U.S. Courthouse Annex, $3,300,000
Philadelphia, DVA-Federal Complex, Phase II, $13,765,000
South Carolina:
Columbia, U.S. Courthouse Annex, $43,848,000
Texas:
Corpus Christi, U.S. Courthouse, $24,161,000
Utah:
Salt Lake City, Moss U.S. Courthouse Annex and Alteration, $11,474,000
Washington:
Blaine, U.S. Border Station, $13,978,000
Oroville, U.S. Border Station, $1,452,000
Seattle, U.S. Courthouse, $16,853,000
Sumas, U.S. Border Station (Claim), $1,177,000
Nationwide:
Non-prospectus construction projects, $10,000,000
Security Enhancements, $27,256,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are affected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the House and Senate Committees on Appropriations of a greater amount: Provided further, That the cost of future U.S. Courthouse annex projects shall reflect savings through improving design efficiencies, curtailing planned interior finishes, requiring more efficient use of courtroom and library space, and by otherwise limiting space requirements: Provided further, That from funds available in the Federal Buildings Fund, $20,000,000 shall be available until expended for environmental clean up activities at the Southeast Federal Center in the District of Columbia and $81,000,000 shall be available until expended for design and construction activities at the Consolidated Law Federal Office Building in Portland, Oregon: Provided further, That from funds available for non-prospectus construction projects, $250,000 may be available until expended for the acquisition, lease, construction, and equipping of flexiplace work telecommuting centers in West Virginia: Provided further, That all funds for direct construction projects shall expire on September 30, 1999: (2) not to exceed $639,000,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and alterations:
District of Columbia:
Ariel Rios Building, $62,740,000
Justice Department, Phase 1 of 3, $50,000,000
Lafayette Building, $5,166,000
Hawaii:
Honolulu, Prince Jonah Kuhio Kalanianaole Federal Building and U.S. Courthouse, $4,140,000
Illinois:
Chicago, Everett M. Dirksen Federal Building, $18,844,000
Chicago, John C. Kluczynski, Jr. Federal Building (IRS), $13,414,000
Louisiana:
New Orleans, Customhouse, $3,500,000
Maryland:
Montgomery County, White Oak environmental clean up activities, $10,000,000
Massachusetts:
Andover, IRS Regional Service Center, $812,000
New Hampshire:
Concord, J.C. Cleveland Federal Building, $8,251,000
New Jersey:
Camden, U.S. Post Office-Courthouse $11,096,000
New York:
Albany, James T. Foley Post Office-Courthouse, $3,880,000
Brookhaven, IRS Service Center, $2,272,000
New York, Jacob K. Javits Federal Building, $13,651,000
Pennsylvania:
Scranton, Federal Building-U.S. Courthouse, $10,610,000
Rhode Island:
Providence, Federal Building-U.S. Courthouse, $8,209,000
Texas:
Fort Worth, Federal Center, $11,259,000
Nationwide:
Chlorofluorocarbons Program, $23,456,000
Elevator Program, $10,000,000
Energy Program, $20,000,000
Security Enhancements, various buildings, $2,700,000
Basic Repairs and Alterations, $345,000,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That the amounts provided in this or any prior Act for Repairs and Alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the originally authorized amount, except each project may be increased by an amount not to exceed 10 percent when advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That from funds made available for Basic Repairs and Alterations, $8,000,000 shall be made available for renovation of the Agricultural Research Service Laboratory in Ames, Iowa, which is currently occupied by the Animal and Plant Health Inspection Service: Provided further, That from funds made available for Basic Repairs and Alterations, $1,450,000 may be available for the renovation of the Pioneer Courthouse located at 520 SW Morrison, in Portland, Oregon: Provided further, That from funds made available for Basic Repairs and Alterations, $6,000,000 shall be used for necessary expenses associated with ongoing construction of the U.S. Courthouse in Montgomery, Alabama: Provided further, That from funds made available for Basic Repairs and Alterations, $100,000 shall be transferred to the National Park Service "Construction" appropriation for restoration and maintenance of the multi-purpose field at Wallenberg Place in Washington, DC: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1999, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects: Provided further, That $5,700,000 of the funds provided under this heading in Public Law 103–329, for the IRS Service Center, Holtsville, New York, shall be available until September 30, 1998; (3) not to exceed $173,075,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended: Provided further, That up to $1,500,000 shall be available for a design prospectus of the Federal Building and U.S. Courthouse located at 811 Grand Avenue in Kansas City, Missouri; (4) not to exceed $2,343,795,000 for rental of space which shall remain available until expended; and (5) not to exceed $1,552,651,000 for building operations which shall remain available until expended and of which $8,000,000 shall be transferred to the "Policy and Operations" appropriation: Provided further, That funds available to the General Services Administration shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: Provided further, That the Administrator of General Services shall, at the earliest practicable date, initiate discussions with the Smithsonian Institution on the feasibility of transferring Federal Building 10B located at 600 Independence Avenue SW., Washington, DC to the Smithsonian Institution at such price and under such terms and conditions as determined appropriate by the Administrator and subject to the prior approval of the appropriate authorizing and appropriations committees of the Congress: Provided further, That funds provided in this Act under the heading "Security Enhancements, various buildings" may be used, by project in accordance with an approved prospectus: Provided further, That the Administrator is authorized in fiscal year 1997 and thereafter, to enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia, or with any person, firm, association, or corporation, as may be necessary to implement the trade center plan at the Federal Triangle Project and is hereby granted all the rights and authorities of the former Pennsylvania Avenue Development Corporation (PADC) with regard to property transferred from the PADC to the General Services Administration in fiscal year 1996: Provided further, That notwithstanding any other provision of law, the Administrator of General Services is hereby authorized to use all funds transferred from the PADC or income earned on PADC properties for activities associated with carrying out the responsibilities of the PADC transferred to the Administrator of General Services and that any such income earned on or after April 1, 1996, shall be deposited to the Pennsylvania Avenue Activities account and shall remain available until expended: Provided further, That any funds or income as may be deemed by the Administrator as excess to the amount needed to fulfill the PADC responsibilities transferred to the Administrator of General Services, shall be applied to any outstanding debt, with the exception of debt associated with the Ronald Reagan Building and International Trade Center, incurred by the PADC in the course of acquiring real estate: Provided further, That with respect to real property transferred from the PADC to the General Services Administration pursuant to section 313 of Public Law 104–134, Title III, General Provisions, the Administrator of General Services is hereafter authorized and directed to make payments required by section 10(b) of the PADC Act of 1972, Public Law 92–578 in the same manner as previously paid by the PADC: Provided further, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1997, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,555,544,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation management activities; procurement and supply management activities; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $110,173,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,863,000: Provided, That not to exceed $5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,180,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended (3 U.S.C. 102 note), $5,600,000.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1997 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 1998 request for United States Courthouse construction that does not meet the design guide standards for construction as established by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget and does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the request must be accompanied by a standardized courtroom utilization study of each facility to be replaced or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the requested rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. The Administrator of the General Services is directed to ensure that the materials used for the facade on the United States Courthouse Annex, Savannah, Georgia project are compatible with the existing Savannah Federal Building-U.S. Courthouse facade, in order to ensure compatibility of this new facility with the Savannah historic district and to ensure *that the Annex will not endanger the National Landmark status of the Savannah historic district.*

SEC. 407. (a) Section 210 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490) is amended by adding at the end the following new subsection:

"(l)(1) The Administrator may establish, acquire space for, and equip flexiplace work telecommuting centers (in this subsection referred to as 'telecommuting centers') for use by employees of Federal agencies, State and local governments, and the private sector in accordance with this subsection.

"(2) The Administrator may make any telecommuting center available for use by individuals who are not Federal employees to the extent the center is not being fully utilized by Federal employees. The Administrator shall give Federal employees priority in using the telecommuting centers.

"(3)(A) The Administrator shall charge user fees for the use of any telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services except that in no instance shall such fee be less than that necessary to pay the cost of establishing and operating the center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.

"(B) Amounts received by the Administrator after September 30, 1993, as user fees for use of any telecommuting center may be deposited into the Fund established under subsection (f) of this section and may be used by the Administrator to pay costs incurred in the establishment and operation of the center.

"(4) The Administrator may provide guidance, assistance, and oversight to any person regarding establishment and operation of alternative workplace arrangements, such as telecommuting, hoteling, virtual offices, and other distributive work arrangements.

"(5) In considering whether to acquire any space, quarters, buildings, or other facilities for use by employees of any executive agency, the head of that agency shall consider whether the need for the facilities can be met using alternative workplace arrangements referred to in paragraph (4).".

(b) Section 13 of the Public Building Act of 1959, as amended, (107 Stat. 438; 40 U.S.C. 612) is amended—

(1) by striking "(xi)" and inserting in lieu thereof "(xii)"; and

(2) by striking "and (x)" and inserting in lieu thereof "(x) telecommuting centers and (xi)".

SEC. 408. Notwithstanding any other provision of law, the Administrator of General Services is authorized and directed to acquire the land bounded by S.W. First Avenue, S.W. Second Avenue, S.W. Main Street, and S.W. Madison Street, Portland, Oregon, for the purposes of constructing the proposed Law Enforcement Center on the site.

SEC. 409. Section 2815 of Public Law 103–160, relating to the conveyance of real property at the Iowa Army Ammunition Plant, is amended—

(1) in subsection (a), by striking "may convey to" and inserting "shall convey, without reimbursement and if requested by,"; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) USE OF WATER AND SEWER LINES.—As part of the conveyance under subsection (a), the Secretary shall permit the City to use existing water and sewer lines and sewage system at the Iowa Army Ammunition Plant for a three-year period beginning on the date of the conveyance.".

SEC. 410. (a) CONVEYANCE OF LAND.—

(1) ADMINISTRATOR OF GENERAL SERVICES.—Subject to subsections (b) and (c), the Administrator of General Services (hereinafter in this section referred to as the "Administrator") shall convey, without compensation, to a nonprofit organization known as the "Beaver County Corporation for Economic Development" all right, title, and interest of the United States in and to those pieces or parcels of land in Hopewell Township, Pennsylvania, described in subsection (b), together with all improvements thereon and appurtenances thereto. The purpose of the conveyance is to provide a site for economic development in Hopewell Township.

(2) PROPERTY DESCRIPTION.—The land referred to in paragraph (1) is the parcel of land in the township of Hopewell, county of Beaver, Pennsylvania, bounded and described as follows:

(A) Beginning at the southwest corner at a point common to Lot No. 1, same plan, lands now or formerly of Frank and Catherine Wutter, and the easterly right-of-way line of Pennsylvania Legislative Route No. 60 (Beaver Valley Expressway); thence proceeding by the easterly right-of-way of Pennsylvania Legislative Route No. 60 by the following three courses and distances:

(i) North 17 degrees, 14 minutes, 20 seconds West, 213.10 feet to a point.

(ii) North 72 degrees, 45 minutes, 40 seconds East, 30.00 feet to a point.

(iii) North 17 degrees, 14 minutes, 20 seconds West, 252.91 feet to a point; on a line dividing Lot No. 1 from the other part of Lot No. 1, said part now called Lot No. 5, same plan; thence by last mentioned dividing line, North 78 degrees, 00 minutes, 00 seconds East; 135.58 feet to a point, a cul-de-sac on Industrial Drive; thence by said cul-de-sac and the southerly side of Industrial Drive by the following courses and distances:

(I) By a curve to the right having a radius of 100.00 feet for an arc distance of 243.401 feet to a point.

(II) Thence by a curve to the right having a radius of 100.00 feet for an arc distance of 86.321 feet to a point.

(III) Thence by 78 degrees, 00 minutes, 00 seconds East, 777.78 feet to a point.

(IV) Thence, North 12 degrees, 00 minutes, 00 seconds West, 74.71 feet to a point.

(V) Thence by a curve to the right, having a radius of 50.00 feet for an arc distance of 78.54 feet to a point.

(VI) Thence North 78 degrees, 00 minutes, 00 seconds East, 81.24 feet to a point.

(VII) Thence by a curve to the right, having a radius of 415.00 feet for an arc distance of 140.64 feet to a point.

(VIII) Thence, South 82 degrees, 35 minutes, 01 second East, 125.00 feet to a point.

(IX) Thence, South 7 degrees, 24 minutes, 59 seconds West, 5.00 feet to a point.

(X) Thence by a curve to the right, having a radius of 320.00 feet for an arc distance of 256.85 feet to a point.

(XI) Thence by a curve to the right having a radius of 50.00 feet for an arc distance of 44.18 feet to a point on the northerly side of Airport Road.

(B) Thence by the northerly side thereof by the following:

(i) South 14 degrees, 01 minutes, 54 seconds, West, 56.94 feet to a point.

(ii) Thence by a curve to the right having a radius of 225.00 feet for an arc distance of 207.989 feet to a point.

(iii) Thence South 66 degrees, 59 minutes, 45 seconds West, 192.08 feet to a point on the southern boundary of Lot No. 1, which line is also the line dividing Lot No. 1 from lands now or formerly, of Frank and Catherine Wutter.

(C) Thence by the same, South 75 degrees, 01 minutes, 00 seconds West, 1,351.23 feet to a point at the place of beginning.

(3) DATE OF CONVEYANCE.—The date of the conveyance of property required under paragraph (1) shall be not later than the 90th day following the date of the enactment of this Act.

(4) CONVEYANCE TERMS.—

(A) TERMS AND CONDITIONS.—The conveyance of property required under paragraph (1) shall be subject to such terms and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States. Such terms and conditions shall be consistent with the terms and conditions set forth in this section.

(B) QUITCLAIM DEED.—The conveyance of property required under paragraph (1) shall be by quitclaim deed.

(b) LIMITATION ON CONVEYANCE.—No part of any land conveyed under subsection (a) may be used, during the 30-year period beginning on the date of conveyance for any purpose other than economic development.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—The property conveyed under subsection (a) shall revert to the United States on any date in the 30-year period beginning on the date of such conveyance on which the property is used for a purpose other than economic development.

(2) ENFORCING REVERSION.—The Administrator shall perform all acts necessary to enforce any reversion of property to the United States under this subsection.

(3) INVENTORY OF PUBLIC BUILDINGS SERVICE.—Property that reverts to the United States under this subsection shall be under the control of the General Services Administration.

SEC. 411. Notwithstanding any other provision of law, the land contained in block 111 in the Federal District, Denver, Colorado, obtained pursuant to paragraphs (6) and (7) of section 12 of Public Law 94–204 (43 U.S.C. 1611 note) shall not be subject to condemnation by any agency or instrumentality of the Federal Government, without the consent of the owner of that land.

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $23,923,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $196,963,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

ARCHIVES FACILITIES AND PRESIDENTIAL LIBRARIES

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities and presidential libraries, and to provide adequate storage for holdings, $16,229,000 to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $5,000,000 to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,078,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty; $87,076,000, of which not to exceed $1,000,000 shall be available for the establishment of health promotion and disease prevention programs for Federal employees; and in addition $94,736,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printing materials for annuitants, for the retirement and insurance programs, of which $3,500,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: Provided further, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7–1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1997, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

GENERAL PROVISIONS—OFFICE OF PERSONNEL MANAGEMENT

SEC. 421. The first sentence of section 1304(e)(1) of title 5, United States Code, is amended by inserting after "basis" the following ", including personnel management services performed at the request of individual agencies (which would otherwise be the responsibility of such agencies), or at the request of nonappropriated fund instrumentalities".

SEC. 422. Paragraph (1) of section 8906(e) of title 5, United States Code, is amended—

(1) by striking the last sentence of that paragraph and redesignating the remainder of that paragraph as (1)(A);

(2) by adding at the end of paragraph (1)(A) (as so designated) the following:

"(B) During each pay period in which an enrollment continues under subparagraph (A)—

"(i) employee and Government contributions required by this section shall be paid on a current basis; and

"(ii) if necessary, the head of the employing agency shall approve advance payment, recoverable in the same manner as under section 5524a(c), of a portion of basic pay sufficient to pay current employee contributions.

"(C) Each agency shall establish procedures for accepting direct payments of employee contributions for the purposes of this paragraph.".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $8,645,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $8,116,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $33,781,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1997".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 504. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 505. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Treasury Department.

SEC. 506. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 507. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1).

SEC. 508. The Office of Personnel Management may, during the fiscal year ending September 30, 1997, accept donations of supplies, services, land, and equipment for the Federal Executive Institute and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 509. The United States Secret Service may, during the fiscal year ending September 30, 1997, and hereafter, accept donations of money to offset costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 510. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 511. None of the funds made available in this Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 512. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 513. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 514. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 515. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1997 from appropriations made available for salaries and expenses for fiscal year 1997 in this Act, shall remain available through September 30, 1998, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

SEC. 516. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth in the budget estimates submitted for appropriations without the advance approval of the House and Senate Committees on Appropriations: Provided, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards in the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools separately set forth in the budget schedules: Provided further, That this provision does not apply to accounts that do not contain an object identification for travel.

SEC. 517. Notwithstanding any other provision of law or regulation during the fiscal year ending September 30, 1997, and thereafter:

(1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, DC Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, SW, Maine Avenue and Water Streets, SW, Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates.

(2) The authority of the special police officers of the United States Mint extends to the buildings and land under the custody and control of the Mint; to the streets, sidewalks and open areas in the vicinity to such facilities; to surrounding parking facilities used by Mint employees; and to the protection in transit of bullion, coins, dies, and other property and assets of, or in the custody of, the Mint.

(3) The exercise of police authority by Bureau or Mint officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau or the Mint, respectively, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 518. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 519. The provision of section 518 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 520. No part of any appropriation made available in this Act shall be used to implement Bureau of Alcohol, Tobacco and Firearms Ruling TD ATF–360; Re: Notice Nos. 782, 780, 91F009P.

SEC. 521. Notwithstanding title 5, United States Code, Personal Service Contractors (PSC) employed by the Department of the Treasury shall be considered as Federal Government employees for purposes of making available Federal employee health and life insurance.

SEC. 522. Section 5131 of title 31, United States Code, is amended by striking subsection (c); and by redesignating subsection (d) as subsection (c).

SEC. 523. Section 5112(i)(4) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

"(C) The Secretary may continue to mint and issue coins in accordance with the specifications contained in paragraphs (7), (8), (9), and (10) of subsection (a) and paragraph (1)(A) of this subsection at the same time the Secretary in minting and issuing other bullion and proof gold coins under this subsection in accordance with such program procedures and coin specifications, designs, varieties, quantities, denominations, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.": Provided, That profits generated from the sale of gold to the United States Mint for this program shall be considered as a receipt to be deposited into the General Fund of the Treasury.

SEC. 524. Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(k) The Secretary may mint and issue bullion and proof platinum coins in accordance with such specifications, designs, varieties, quantities, denominations, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.": Provided, That the Secretary is authorized to use Government platinum reserves stockpiled at the United States Mint as working inventory and shall ensure that reserves utilized are replaced by the Mint.

SEC. 526. (a) REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay from amounts appropriated in title I of this Act under the heading, "Departmental Offices, Salaries and Expenses", up to $500,000 to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(2) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under paragraph (1) upon submission by the individual of documentation verifying the attorney fees and costs.

(3) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this subsection.

(b) LIMITATION ON FILING OF CLAIMS.—The Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of the enactment of this Act.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) REDUCTION.—The amount paid pursuant to this section to an individual for attorney fees and costs described in subsection (a) shall be reduced by any amount received before the date of the enactment of this Act, without obligation for *repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).*

(e) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—Payment under this section, when accepted by an individual described in subsection (a), shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

SEC. 527. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 528. (a) CLOSING OF ALLEY.—The alley bisecting the property on which a facility is being constructed for use by the United States Government at 930 H Street, N.W., Washington, District of Columbia, is closed to the public, without regard to any contingencies.

(b) JURISDICTION.—The Administrator of General Services shall have administrative jurisdiction over, and shall hold title on behalf of the United States in, the alley, property, and facility referred to in subsection (a).

SEC. 529. (a) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—Section 5112 of title 31, United States Code, as amended by sections 524 and 530 of this Act, is amended by adding at the end the following new subsection:

"(m) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—

"(1) MAXIMUM NUMBER.—Beginning January 1, 1999, the Secretary may mint and issue commemorative coins under this section during any calendar year with respect to not more than 2 commemorative coin programs.

"(2) MINTAGE LEVELS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in carrying out any commemorative coin program, the Secretary shall mint—

"(i) not more than 750,000 clad half-dollar coins;

"(ii) not more than 500,000 silver one-dollar coins; and

"(iii) not more than 100,000 gold five-dollar or ten-dollar coins.

"(B) EXCEPTION.—If the Secretary determines, based on independent, market-based research conducted by a designated recipient organization of a commemorative coin program, that the mintage levels described in subparagraph (A) are not adequate to meet public demand for that commemorative coin, the Secretary may waive one or more of the requirements of subparagraph (A) with respect to that commemorative coin program.

"(C) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this paragraph, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.".

(b) RECOVERY OF MINT EXPENSES REQUIRED BEFORE PAYMENT OF SURCHARGES TO ANY RECIPIENT ORGANIZATION.—

(1) CLARIFICATION OF LAW RELATING TO DEPOSIT OF SURCHARGES IN THE NUMISMATIC PUBLIC ENTERPRISE FUND.—Section 5134(c)(2) of title 31, United States Code, is amended by inserting ", including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item" before the period.

(2) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—

"(1) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall be paid from the fund to any designated recipient organization unless—

"(A) all numismatic operation and program costs allocable to the program under which such numismatic item is produced and sold have been recovered; and

"(B) the designated recipient organization submits an audited financial statement that demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the organization has raised funds from private sources for such projects and purposes in an amount that is equal to or greater than the maximum amount the organization may receive from the proceeds of such surcharge.

"(2) ANNUAL AUDITS.—

"(A) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such amount, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the organization, of all such payments to the organization beginning in the first fiscal year of the organization in which any such amount is received and continuing until all amounts received by such organization from the fund with respect to such surcharges are fully expended or placed in trust.

"(B) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of a designated recipient organization pursuant to subparagraph (A) shall report—

"(i) the amount of payments received by the designated recipient organization from the fund during the fiscal year of the organization for which the audit is conducted that are derived from the proceeds of any surcharge imposed on the sale of any numismatic item;

"(ii) the amount expended by the designated recipient organization from the proceeds of such surcharges during the fiscal year of the organization for which the audit is conducted; and

"(iii) whether all expenditures by the designated recipient organization during the fiscal year of the organization for which the audit is conducted from the proceeds of such surcharges were for authorized purposes.

"(C) RESPONSIBILITY OF ORGANIZATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall take appropriate steps, as a condition for receiving any such payment, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the organization in each fiscal year of the organization can be accounted for separately from all other revenues and expenditures of the organization.

"(D) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of a designated recipient organization for which an audit is required under subparagraph (A), the organization shall—

"(i) submit a copy of the report to the Secretary of the Treasury; and

"(ii) make a copy of the report available to the public.

"(E) USE OF SURCHARGES FOR AUDITS.—Any designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may use the amount received to pay the cost of an audit required under subparagraph (A).

"(F) WAIVER OF PARAGRAPH.—The Secretary of the Treasury may waive the application of any subparagraph of this paragraph to any designated recipient organization for any fiscal year after taking into account the amount of surcharges that such organization received or expended during such year.

"(G) NONAPPLICABILITY TO FEDERAL ENTITIES.—This paragraph shall not apply to any Federal agency or department or any independent establishment in the executive branch that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item.

"(H) AVAILABILITY OF BOOKS AND RECORDS.—An organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such payment, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and work papers belonging to or used by the organization, or by any independent public accountant who audited the organization in accordance with subparagraph (A), which may relate to the receipt or expenditure of any such amount by the organization.

"(3) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment from the fund to any designated recipient organization of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may be used, directly or indirectly, by the organization to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to such numismatic item.

"(4) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this subsection, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.".

(3) SCOPE OF APPLICATION.—The amendments made by this section shall apply with respect to the proceeds of any surcharge imposed on the sale of any numismatic item that are deposited in the Numismatic Public Enterprise Fund after the date of the enactment of this Act.

(4) REPEAL OF EXISTING RECIPIENT REPORT REQUIREMENT.—Section 303 of Public Law 103–186 (31 U.S.C. 5112 note) is repealed.

(c) QUARTERLY FINANCIAL REPORTS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(g) QUARTERLY FINANCIAL REPORTS.—

"(1) IN GENERAL.—Not later than the 30th day of each month following each calendar quarter through and including the final period of sales with respect to any commemorative coin program authorized on or after the date of enactment of the Treasury, Postal Service, and General Government Appropriations Act, 1997, the Mint shall submit to the Congress a quarterly financial report in accordance with this subsection.

"(2) REQUIREMENTS.—Each report submitted under paragraph (1) shall include, with respect to the calendar quarter at issue—

"(A) a detailed financial statement, prepared in accordance with generally accepted accounting principles, that includes financial information specific to that quarter, as well as cumulative financial information relating to the entire program;

"(B) a detailed accounting of—

"(i) all costs relating to marketing efforts;

"(ii) all funds projected for marketing use;

"(iii) all costs for employee travel relating to the promotion of commemorative coin programs;

"(iv) all numismatic items minted, sold, not sold, and rejected during the production process; and

"(v) the costs of melting down all rejected and unsold products;

"(C) adequate market-based research for all commemorative coin programs; and

"(D) a description of the efforts of the Mint in keeping the sale price of numismatic items as low as practicable.".

(d) CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.—

(1) FIXED TERMS FOR MEMBERS.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

"(4) TERMS.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.".

(2) CHAIRPERSON.—Section 5135(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(7) CHAIRPERSON.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson of the Advisory Committee shall be elected by the members of the Advisory Committee from among such members.

"(B) EXCEPTION.—The member appointed pursuant to paragraph (3)(A)(ii) (or the alternate to that member) may not serve as the Chairperson of the Advisory Committee, beginning on June 1, 1999.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1997 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: Provided, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975, or (6) is a national of the People's Republic of China who qualifys for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. For the fiscal year ending September 30, 1997, and thereafter, any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. (a) IN GENERAL.—Section 1306 of title 31, United States Code, is amended to read as follows:

"§1306. Use of foreign credits

"(a) IN GENERAL.—Foreign credits (including currencies) owed to or owned by the United States may be used by any agency for any purpose for which appropriations are made for the agency for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), but only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency.

"(b) EXCEPTION TO REIMBURSEMENT REQUIREMENT.—Credits described in subsection (a) that are received as exchanged allowances, or as the proceeds of the sale of personal property, may

be used in whole or partial payment for the acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.".

(b) APPLICABILITY.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1997, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1996, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1997, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

(2) during the period consisting of the remainder of fiscal year 1997, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1997 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1997 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1996 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1996, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1996, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1996.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 618. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 619. Notwithstanding section 1346 of title 31, United States Code, or section 613 of this Act, funds made available for fiscal year 1997 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 620. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 621. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1997 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 622. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 623. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 624. (a) None of the funds made available in this Act or any other Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 625. No funds appropriated in this or any other Act for fiscal year 1997 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive Order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 626. (a) None of the funds appropriated by this or any other Act may be expended by any Federal Agency to procure any product or service subject to section 5124 of Public Law 104–106 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) that agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

(b) After December 31, 1998, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.

SEC. 627. Subsection (f) of section 403 of Public Law 103–356 is amended by deleting "October 1, 1999" and inserting "October 1, 2001".

SEC. 628. (a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds made available by this Act for the Department of the Treasury shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would permit the Secretary of the Treasury to make any loan or extension of credit under section 5302 of title 31, United States Code, with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government)—

(1) with respect to a loan or extension of credit for more than 60 days, unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

(A) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed loan or extension of credit; and

(B) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by an assured source of repayment to ensure that all United States funds will be repaid; and

(2) other than as provided by an Act of Congress, if that loan or extension of credit would result in expenditures and obligations, including contingent obligations, aggregating more than $1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.

(b) WAIVER OF LIMITATIONS.—The President may exceed the dollar and time limitations in subsection (a)(2) if he certifies in writing to the Congress that a financial crisis in that foreign country poses a threat to vital United States economic interests or to the stability of the international financial system.

(c) EXPEDITED PROCEDURES FOR A RESOLUTION OF DISAPPROVAL.—A presidential certification pursuant to subsection (b) shall not take effect, if the Congress, within 30 calendar days after receiving such certification, enacts a joint resolution of disapproval, as described in paragraph (5) of this subsection.

(1) REFERENCE TO COMMITTEES.—All joint resolutions introduced in the Senate to disapprove the certification shall be referred to the Committee on Banking, Housing, and Urban Affairs, and in the House of Representatives, to the appropriate committees.

(2) DISCHARGE OF COMMITTEES.—(A) If the committee of either House to which a resolution has been referred has not reported it at the end of 15 days after its introduction, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same matter.

(B) A motion to discharge may be made only by an individual favoring the resolution, and is privileged in the Senate; and debate thereon shall be limited to not more than 1 hour, the time to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees.

(3) FLOOR CONSIDERATION IN THE SENATE.—(A) A motion in the Senate to proceed to the consideration of a resolution shall be privileged.

(B) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

(4) In the case of a resolution, if prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(5) For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 628(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, notice of which was submitted to the Congress on ____________.", with the blank space being filled with the appropriate date.

(d) APPLICABILITY.—This section—

(1) shall not apply to any action taken as part of the program of assistance to Mexico announced by the President on January 31, 1995; and

(2) shall remain in effect through fiscal year 1997.

SEC. 629. (a) TECHNICAL AMENDMENT.—Section 640 of Public Law 104–52 (109 Stat. 513) is amended by striking "Service performed" and inserting "Hereafter, service performed".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in Public Law 104–52 on the date of its enactment.

SEC. 630. Notwithstanding any other provision of law, no part of any appropriation contained in this Act for any fiscal year shall be available for paying Sunday premium or differential pay to any employee unless such employee actually performed work during the time corresponding to such premium or differential pay.

SEC. 631. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 632. (a) The United States Courthouse under construction at 1030 Southwest 3d Avenue in Portland, Oregon, shall be known and designated as the "Mark O. Hatfield United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 901 shall be deemed to be a reference to the "Mark O. Hatfield United States Courthouse".

(c) This section shall take effect on January 2, 1997.

SEC. 633. SURVIVOR ANNUITY RESUMPTION UPON TERMINATION OF MARRIAGE.—(a) AMENDMENTS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8341(e) of title 5, United States Code, is amended by adding at the end the following:

"(4) If the annuity of a child under this subchapter terminates under paragraph (3)(E) because of marriage, then, if such marriage ends, such annuity shall resume on the first day of the month in which it ends, but only if—

"(A) any lump sum paid is returned to the Fund; and

"(B) that individual is not otherwise ineligible for such annuity.".

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8443(b) of such title is amended by adding at the end the following: "If the annuity of a child under this subchapter terminates under subparagraph (E) because of marriage, then, if such marriage ends, such annuity shall resume on the first day of the month in which it ends, but only if any lump sum paid is returned to the Fund, and that individual is not otherwise ineligible for such annuity.".

(3) FEDERAL EMPLOYEES HEALTH BENEFITS.—Section 8908 of title 5, United States Code, is amended by adding at the end of the following new subsection:

"(d) A surviving child whose survivor annuity under section 8341(e) or 8443(b) was terminated and is later restored under paragraph (4) of section 8341(e) or the last sentence of section 8443(b) may, under regulations prescribed by the Office, enroll in a health benefits plan described by section 8903 or 8903a if such surviving child was covered by any such plan immediately before such annuity was terminated.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any termination of marriage taking effect before, on, or after the date of enactment of this Act, except that benefits shall be payable only with respect to amounts accruing for periods beginning on the first day of the month beginning after the later of such termination of marriage or such date of enactment.

SEC. 634. AVAILABILITY OF ANNUAL LEAVE FOR EMPLOYEES AFFECTED BY REDUCTION IN FORCE.—Section 6302 of title 5, United States Code, is amended by adding at the end of the following new subsection:

"(g) An employee who is being involuntarily separated from an agency due to a reduction in force or transfer of function under subchapter I of chapter 35 may elect to use annual leave to the employee's credit to remain on the agency's rolls after the date the employee would otherwise have been separated if, and only to the extent that, such additional time in a pay status will enable the employee to qualify for an immediate annuity under section 8336, 8412, 8414, or to qualify to carry health benefits coverage into retirement under section 8905(b).".

SEC. 635. Section 207(e)(6)(B) of title 18, United States Code, is amended by striking "level V of the Executive Schedule" and inserting "level 5 of the Senior Executive Service".

SEC. 636. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.—(a) AUTHORITY.—Notwithstanding any other provision of law, amounts appropriated by this Act (or any other Act for fiscal year 1997 or any fiscal year thereafter) for salaries and expenses may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means an agency employee whose position is that of—

(1) a law enforcement officer; or

(2) a supervisor or management official.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code, and any agency of the Legislative Branch of Government including any office or committee of the Senate or the House of Representatives;

(2) the term "law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5, or under section 4823 of title 22, United States Code;

(3) the terms "supervisor" and "management official" have the respective meanings given them by section 7103(a) of such title 5, and

(4) the term "professional liability insurance" means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

(d) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

SEC. 637. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

SEC. 638. For FY 1997, the Secretary of the Treasury is authorized to use funds made available to the FSLIC Resolution Fund under P.L. 103–327, not to exceed $26.1 million, to reimburse the Department of Justice for the reasonable expenses of litigation that are incurred in the defense of claims against the U.S. arising from FIRREA and its implementation.

SEC. 639. Section 608 of Public Law 104–52 is amended in the first sentence by inserting before the period, ", including Federal records disposed of pursuant to a records schedule".

SEC. 640. In reviewing and analyzing the contracting out, outsourcing or privatization of business and administrative functions, and in implementing 40 U.S.C. sections 1413 and 1423, and other provisions, in title LI of the National Defense Authorization Act for fiscal year 1996 (the Information Technology Management Reform Act)—

(1) the Director of the Office of Management and Budget and the heads of the executive agencies may have studies, analyses, reviews and other management assistance performed by the private sector;

(2) the reviews, analyses, and studies called for by 40 U.S.C. section 1413(b)(2) (B) and (C) shall be completed and reported to the Agency Head within 180 days, or less measured from when a study analysis or review is initiated unless the Agency Head determines additional time is needed;

(3) in accordance with principles and rules governing organizational conflicts of interest, persons involved in a particular study may not compete for any work that is to be or is outsourced as a result of that study; and

(4) this section will apply with respect to studies occurring on or after the date of enactment of this subsection and completed before September 1, 1999 and the Comptroller General of the United States shall review and provide an assessment of this program by January 1, 1999.

SEC. 641. (a) SECTION 1—AUTHORIZATION OF APPROPRIATIONS.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note, Public Law 101–12, April 10, 1989, 103 Stat. 34, as amended Public Law 103–424, Section 1, October 29, 1994, 108 Stat. 4361), is amended by striking the words: "1993, 1994, 1995, 1996, and 1997," and inserting in lieu thereof "1998, 1999, 2000, 2001, and 2002".

(b) SECTION 2—EFFECTIVE DATE.—This Act shall take effect on October 1, 1998.

SEC. 642. (a) SECTION 1.—AUTHORIZATION OF APPROPRIATIONS.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 103–424; 103 Stat. 34) is amended by striking out: "1993, 1994, 1995, 1996, and 1997," and inserting in lieu thereof "1998, 1999, 2000, 2001, and 2002".

(b) SECTION 2—EFFECTIVE DATE.—This Act shall take effect on October 1, 1998.

SEC. 643. MODIFICATIONS OF NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE.—(a) QUORUM.—Paragraph (4) of section 637(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52, 109 Stat. 510) is amended by striking "Seven" and inserting "Nine".

(b) CO-CHAIRS.—

(1) IN GENERAL.—Paragraph (3) of section 637(b) of such Act is amended—

(A) by striking "a Chairman" and inserting "Co-Chairs", and

(B) by striking "Chairman" in the heading and inserting "Co-Chairs".

(2) CONFORMING AMENDMENTS.—(A) Paragraph (5)(B) of section 637(b) of such Act is amended by striking "a Chairman" and inserting "Co-Chairs".

(B) Subsections (b)(4), (d)(1)(B), (d)(3), and (e)(1) of section 637 of such Act are each amended by striking "Chairman" each place it appears and inserting "Co-Chairs".

(c) GIFTS.—Section 637(d) of such Act is amended by adding at the end the following new paragraph:

"(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this section."

(d) TRAVEL EXPENSES.—Section 637(f)(2) of such Act is amended by striking "shall" and inserting "may".

(e) TIME FOR FILING REPORT.—

(1) IN GENERAL.—Paragraph (1) of section 637(g) of such Act is amended by striking "one year" and inserting "15 months".

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 637(c)(1) of such Act is amended by striking "one year" and inserting "15 months".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Treasury, Postal Service,

and General Government Appropriations Act, 1996.

SEC. 644. (a) IN GENERAL.—Section 202(a) of title 39, United States Code, is amended by striking "$10,000 a year" and inserting "$30,000 a year".

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at the beginning of the next applicable pay period beginning after the date of the enactment of this Act.

SEC. 645. (a) IN GENERAL.—No later than September 30, 1997, the Director of the Office of Management and Budget shall submit to the Congress a report that provides—

(1) estimates of the total annual costs and benefits of Federal regulatory programs, including quantitative and nonquantitative measures of regulatory costs and benefits;

(2) estimates of the costs and benefits (including quantitative and nonquantitative measures) of each rule that is likely to have a gross annual effect on the economy of $100,000,000 or more in increased costs;

(3) an assessment of the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government; and

(4) recommendations from the Director and a description of significant public comments to reform or eliminate any Federal regulatory program or program element that is inefficient, ineffective, or is not a sound use of the Nation's resources.

(b) NOTICE.—The Director shall provide public notice and an opportunity to comment on the report under subsection (a) before the report is issued in final form.

SEC. 646. Subsection (b) of section 404 of Public Law 103–356 is amended by deleting "September 30, 1997" and inserting "December 31, 1999".

SEC. 647. (a) Notwithstanding any other provision of law, the Secretary shall, on behalf of the United States, transfer to the University of Miami, without charge, title to the real property and improvements that as of the date of the enactment of this Act constitute the Federal facility known as the Perrine Primate Center, subject to the condition that, during the 10-year period beginning on the date of the transfer—

(1) the University will provide for the continued use of the real property and improvements as an animal research facility, including primates, and such use will be the exclusive use of the property (with such incidental exceptions as the Secretary may approve); or

(2) the real property and improvements will be used for research-related purposes other than the purpose specified in paragraph (1) (or for both of such purposes), if the Secretary and the University enter into an agreement accordingly.

(b) The conveyance under subsection (a) shall not become effective unless the conveyance specifies that, if the University of Miami engages in a material breach of the conditions specified in such subsection, title to the real property and improvements involved reverts to the United States at the election of the Secretary.

(c) The real property referred to in subsections (a) and (b) is located in the county of Dade in the State of Florida, and is a parcel consisting of the northernmost 30 acre-parcel of the area. The exact acreage and legal description used for purposes of the transfer under subsection (a) shall be in accordance with a survey that is satisfactory to the Secretary.

(d) For the purposes of this section—

(1) the term "Secretary" means the Secretary of Health and Human Services; and

(2) the term "University of Miami" means the University of Miami located in the State of Florida.

SEC. 648. (a) INCREASED PENALTIES FOR COUNTERFEITING VIOLATIONS.—Sections 474 and 474A of title 18, United States Code, are amended by striking "class C felony" each place that term appears and inserting "class B felony".

(b) CRIMINAL PENALTY FOR PRODUCTION, SALE, TRANSPORTATION, POSSESSION OF FICTITIOUS FINANCIAL INSTRUMENTS PURPORTING TO BE THOSE OF THE STATES, OF POLITICAL SUBDIVISIONS, AND OF PRIVATE ORGANIZATIONS.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by inserting after section 513, the following new section:

"§514. Fictitious obligations

"(a) Whoever, with the intent to defraud—

"(1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;

"(2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the same, or with like intent possesses, within the United States; or

"(3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States,

any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

"(b) For purposes of this section, any term used in this section that is defined in section 513(c) has the same meaning given such term in section 513(c).

"(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.".

(2) TECHNICAL AMENDMENT.—The analysis for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 513 the following:

"514. Fictitious obligations.".

(c) PERIOD OF EFFECT.—This section and the amendments made by this section shall become effective on the date of enactment of this Act and shall remain in effect during each fiscal year following that date of enactment.

SEC. 649. None of the funds appropriated by this Act may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

SEC. 650. (a) No later than 45 days after the date of the enactment of this Act, the Inspector General of each Federal department or agency that uses administratively uncontrollable overtime in the pay of any employee shall—

(1) conduct an audit on the use of administratively uncontrollable overtime by employees of such department or agency, which shall include—

(A) an examination of the policies, extent, costs, and other relevant aspects of the use of administratively uncontrollable overtime at the department or agency; and

(B) a determination of whether the eligibility criteria of the department or agency and payment of administratively uncontrollable overtime comply with Federal statutory and regulatory requirements; and

(2) submit a report of the findings and conclusions of such audit to—

(A) the Office of Personnel Management;

(B) the Governmental Affairs Committee of the Senate; and

(C) the Government Reform and Oversight Committee of the House of Representatives.

(b) No later than 30 days after the submission of the report under subsection (a), the Office of Personnel Management shall issue revised guidelines to all Federal departments and agencies that—

(1) limit the use of administratively uncontrollable overtime to employees meeting the statutory intent of section 5545(c)(2) of title 5, United States Code; and

(2) expressly prohibit the use of administratively uncontrollable overtime for—

(A) customary or routine work duties; and

(B) work duties that are primarily administrative in nature, or occur in noncompelling circumstances.

SEC. 651. Notwithstanding section 8116 of title 5, United States Code, and in addition to any payment made under 5 U.S.C. 8101 et seq., beginning in fiscal year 1997 and thereafter, the head of any department or agency is authorized to pay from appropriations made available to the department or agency a death gratuity to the personal representative (as that term is defined by applicable law) of a civilian employee of that department or agency whose death resulted from an injury sustained in the line of duty on or after August 2, 1990: Provided, That payments made pursuant to this section, in combination with the payments made pursuant to sections 8133(f) and 8134(a) of such title 5 and section 312 of Public Law 103–332 (108 Stat. 2537), may not exceed a total of $10,000 per employee.

SEC. 653. (a) AUTHORIZATION.—

The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 654. NATIONAL REPOSITORY FOR INFORMATION ON EXPLOSIVES INCIDENTS AND ARSON.

(a) Section 846 of title 18, United States Code, is amended by—

(1) designating the existing section as subsection (a); and

(2) by adding the following new subsection (b) to read as follows:

"(b) The Secretary is authorized to establish a national repository of information on incidents involving arson and the suspected criminal misuse of explosives. All Federal agencies having information concerning such incidents shall report the information to the Secretary pursuant to such regulations as deemed necessary to carry out the provisions of this subsection. The repository shall also contain information on incidents voluntarily reported to the Secretary by State and local authorities.".

(b) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

SEC. 655. Section 5(c)(1) of Public Law 102–259 (20 U.S.C. 5603(c)(1)) is amended—

(1) in subparagraph (A)(iii), by striking "and" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding after subparagraph (B) the following:

"(C) a Trustee may serve after the expiration of the Trustee's term until a successor has been chosen.".

SEC. 656. Notwithstanding any other provision of law, the Secretary of the Interior, through the Bureau of Indian Affairs, may directly transfer to Indian tribes in North and South Dakota portable housing units at the Grand Forks Air Force base in North Dakota which have been declared excess by the Department of Defense and requested for transfer by the Department of the Interior.

SEC. 657. Section 922(q) of title 18, United States Code, is amended to read as follows:

"(q)(1) The Congress finds and declares that—

"(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

"(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

"(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary the House of Representatives and the Committee on the Judiciary of the Senate;

"(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

"(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

"(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

"(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

"(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

"(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

"(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"(B) Subparagraph (A) does not apply to the possession of a firearm—

"(i) on private property not part of school grounds;

"(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

"(iii) that is—

"(I) not loaded; and

"(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

"(iv) by an individual for use in a program approved by a school in the school zone;

"(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

"(vi) by a law enforcement officer acting in his or her official capacity; or

"(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

"(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

"(B) Subparagraph (A) does not apply to the discharge of a firearm—

"(i) on private property not part of school grounds;

"(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

"(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

"(iv) by a law enforcement officer acting in his or her official capacity.

"(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.".

SEC. 658. GUN BAN FOR INDIVIDUALS CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(33)(A) Except as provided in subparagraph (C), the term 'misdemeanor crime of domestic violence' means an offense that—

"(i) is a misdemeanor under Federal or State law; and

"(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

"(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

"(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise,

"(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.".

(b)PROHIBITIONS.—

(1) Section 922(d) of such title is amended—

(A) by striking "or" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; or"; and

(C) by inserting after paragraph (8) the following:

"(9) has been convicted in any court of a misdemeanor crime of domestic violence.".

(2) Section 922(g) of such title is amended—

(A) by striking "or" at the end of paragrph (7);

(B) by striking the comma at the end of paragraph (8) and inserting "; or"; and

(C) by inserting after paragraph (8) the following:

"(9) who has been convicted in any court of a misdemeanor crime of domestic violence,".

(3) Section 922(s)(3)(B)(i) of such title is amended by inserting ", and has not been convicted in any court of a misdemeanor crime of domestic violence" before this semicolon.

(c) GOVERNMENT ENTITIES NOT EXCEPTED.—Section 925(a)(1) of such title is amended by inserting "sections 922(d)(9) and 922(g)(9) and" after "except for".

SEC. 659. THRIFT SAVINGS PLAN.

TITLE I—ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

SEC. 101. SHORT TITLE

This title may be cited as the "Thrift Savings Investment Funds Act of 1996".

SEC. 102. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);";

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out "and" at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out "paragraph (7)(D)" in each place it appears and inserting in each such place "paragraph (8)(D)"; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end thereof the following new paragraph:

"(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D)."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out "and" at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

"(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

"(E) an International Stock Index Investment Fund as provided in paragraph (4)."; and

(B) by adding at the end thereof the following new paragraphs:

"(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

"(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all *shares of that stock by the aggregate market value of all shares of all stocks included in such index.*

"(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

"(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

SEC. 103. ACKNOWLEDGEMENT OF INVESTMENT RISK

Section 8439(d) of title 5, United States Code, is amended by striking out "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3)," and inserting in lieu thereof "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),".

SEC. 104. EFFECTIVE DATE

This title shall take effect on the date of enactment of this Act, and the Funds established under this title shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

TITLE II—THRIFT SAVINGS ACCOUNTS LIQUIDITY

SEC. 201. SHORT TITLE

This title may be cited as the "Thrift Savings Plan Act of 1996".

SEC. 202. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out "An election, change of election, or modification (relating to the commencement date of a deferred annuity)" and inserting in lieu thereof "An election or change of election";

(ii) by inserting "or withdrawal" after "and a loan";

(iii) by inserting "and (h)" after "8433(g)";

(iv) by striking out "the election, change of election, or modification" and inserting in lieu thereof "the election or change of election"; and

(v) by inserting "or withdrawal" after "for such loan"; and

(B) in subparagraph (D)—

(i) by inserting "or withdrawals" after "of loans"; and

(ii) by inserting "or (h)" after "8433(g)"; and

(2) in paragraph (6)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

SEC. 203. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

"(1) an annuity;

"(2) a single payment;

"(3) 2 or more substantially equal payments to be made not less frequently than annually; or

"(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

"(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

"(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

"(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

"(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.";

(2) in subsection (d)—

(A) in paragraph (1) by striking out "Subject to paragraph (3)(A)" and inserting in lieu thereof "Subject to paragraph (3)";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out "(A) by striking out "(A)"; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or" and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out "February 1" and inserting in lieu thereof "April 1";

(B) in subparagraph (A)—

(i) by striking out "65" and inserting in lieu thereof "70½"; and

(ii) by inserting "or" after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)—

(A) in paragraph (1) by striking out "after December 31, 1987, and", and by adding at the end of the paragraph the following sentence: "Before a loan is issued, the Executive Director shall provide in writing the employee or Member with appropriate information concerning the cost of the loan relative to other sources of financing, as well as the lifetime cost of the loan, including the difference in interest rates between the funds offered by the Thrift Savings Fund, and any other effect of such loan on the employee's or Member's final account balance."; and

(B) by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(6) by adding after subsection (g) the following new subsection:

"(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon—

"(A) the employee or Member having attained age 59½; or

"(B) financial hardship.

"(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

"(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

"(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

"(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.".

(b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this title), with respect to an annuity which has not commenced before the implementation date of this title as provided by regulation by the Executive Director in accordance with section 207 of this title, shall be invalid.

SEC. 204. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out "may make an election under subsection (b)(3) or (b)(4) or section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section" and inserting in lien thereof "may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election"; and

(B) by adding at the end thereof "A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out "An election, change of election, or modification of the commencement date of a deferred annuity" and inserting in lieu thereof "An election or change of election"; and

(ii) by striking out "modification, or transfer" and inserting in lien thereof "or transfer"; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out "modification,";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "or withdrawal" after "A loan;";

(II) by inserting "and (h)" after "8433(g)"; and

(III) by inserting "or withdrawal" after "such loan";

(ii) in subparagraph (B) by inserting "or withdrawal" after "loan"; and

(iii) in subparagraph (C)—

(I) by inserting "or withdrawal" after "to a loan"; and

(II) by inserting "or withdrawal" after "for such loan"; and

(B) in paragraph (2)—

(i) by inserting "or withdrawal" after "loan"; and

(ii) by inserting "and (h)" after "8344(g)"; and

(4) in subsection (g)—

(A) by inserting "or withdrawals" after "loans"; and

(B) by inserting "and (h)" after "8344(g)".

SEC. 205. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY

(a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(2) by striking out "unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

(b) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

(c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

SEC. 206. DEFINITION OF BASIC PAY

(a) IN GENERAL.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out "except as provided in subchapter III of this chapter,".

(2) Section 8431 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out "8431,".

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out "section 8431 of title 5, United States Code,".

SEC. 207. EFFECTIVE DATE

This title shall take effect on the date of the enactment of this Act and withdrawals and elections as provided under the amendments made by this title shall be made at the earliest practicable date as determined by the Executive Director in regulations.

Sec. 660. Notwithstanding Section 613, interagency financing is authorized to carry out the purposes of the National Bioethics Advisory Commission.

SEC. 661. (a) DESIGNATION.—The United States courthouse to be constructed at 111 South 18th Plaza, Omaha, Nebraska, shall be known and designated as the "Roman L. Hruska United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Roman L. Hruska United States Courthouse".

SEC. 662. (a) PROVISIONS RELATING TO TITLE 39, UNITED STATES CODE.—

"(1) APPOINTMENT AND REMOVAL OF INSPECTOR GENERAL.—Section 202 of title 39, United States Code, is amended by adding at the end the following:

"(e)(1) The Governors shall appoint and shall have the power to remove the Inspector General.

"(2) The Inspector General shall be appointed—

"(A) for a term of 7 years;

"(B) without regard to political affiliation; and

"(C) solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

"(3) The Inspector General may at any time be removed upon the written concurrence of at least 7 Governors, but only for cause. Nothing in this subsection shall be considered to exempt the Governors from the requirements of section 8G(e) of the Inspector General Act of 1978.".

(2) DEFINITION.—Section 102 of title 39, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following:

"(4) 'Inspector General' means the Inspector General appointed under section 202(e) of this title.".

(3) SEPARATE ITEM IN ANNUAL BUDGET.—For purposes of the fifth sentence of section 2009 of title 39, United States Code, the operations of the Office of Inspector General of the United States Postal Service shall be considered a major type of activity.

(b) AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—

(1) GOVERNORS AS HEAD OF THE POSTAL SERVICE.—Section 8G(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "except that" and all that follows through the semicolon and inserting "except that—

"(A) with respect to the National Science Foundation, such term means the National Science Board; and

"(B) with respect to the United States Postal Service, such term means the Governors (within the meaning of section 102(3) of title 39, United States Code);".

(2) SPECIAL RULES RELATING TO THE UNITED STATES POSTAL SERVICE.—Subsection (f) of section 8G of such Act is amended to read as follows:

"(f)(1) For purposes of carrying out subsection (c) with respect to the United States Postal Service, the appointment provisions of section 202(e) of title 39, United States Code, shall be applied.

"(2) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the United States Postal Service (hereinafter in this subsection referred to as the 'Inspector General') shall have oversight responsibility for all activities of the Postal Inspection Service, including any internal investigation performed by the Postal Inspection Service. The Chief Postal Inspector shall promptly report the significant activities being carried out by the Postal Inspection Service to such Inspector General.

"(3)(A)(i) Notwithstanding subsection (d), the Inspector General shall be under the authority, direction, and control of the Governors with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

"(I) ongoing civil or criminal investigations or proceedings;

"(II) undercover operations;

"(III) the identity of confidential sources, including protected witnesses;

"(IV) intelligence or counterintelligence matters; or

"(V) other matters the disclosure of which would constitute a serious threat to national security.

"(ii) With respect to the information described under clause (i), the Governors may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Governors determine that such prohibition is necessary to prevent the disclosure of any information described under clause (i) or to prevent the significant impairment to the national interests of the United States.

"(iii) If the Governors exercise any power under clause (i) or (ii), the Governors shall notify the Inspector General in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

"(B) In carrying out the duties and responsibilities specified in this Act, the Inspector General—

"(i) may initiate, conduct and supervise such audits and investigations in the United States Postal Service as the Inspector General considers appropriate; and

"(ii) shall give particular regard to the activities of the Postal Inspection Service with a view toward avoiding duplication and insuring effective coordination and cooperation.

"(C) Any report required to be transmitted by the Governors to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

"(3) Nothing in this Act shall restrict, eliminate, or otherwise adversely affect any of the rights, privileges, or benefits of either employees of the United States Postal Service, or labor organizations representing employees of the United States Postal Service, under chapter 12 of title 39, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor relations with the United States Postal Service, or any collective bargaining agreement.

"(4) As used in this subsection, the term 'Governors' has the meaning given such term by section 102(3) of title 39, United States Code.".

(3) TECHNICAL CORRECTION.—The Inspector General Act of 1978 is amended by redesignating the second section which is designated as section 8G as section 8H.

(c) PROVISIONS RELATING TO COMPENSATION.—

(1) INSPECTOR GENERAL.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Inspector General, United States Postal Service.".

The amendment made by the preceding sentence shall apply notwithstanding section 410 or any other provision of title 39, United States Code.

(2) OFFICERS AND EMPLOYEES OF THE OFFICE OF INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE; POSTAL INSPECTORS.—

(A) IN GENERAL.—Sectin 1003 of title 39, United States Code, is amended—

(i) by redesignating subsection (b) as subsection (d); and

(ii) by inserting after subsection (a) the following:

"(b) Compensation and benefits for all officers and employees serving in or under the Office of Inspector General of the United States Postal Service shall be maintained on a standard of comparability to the compensation and benefits paid for comparable levels of work in the respective Offices of Inspector General of the various establishments named in section 11(2) of the Inspector General Act of 1978.

"(c) Compensation and benefits for all Postal Inspectors shall be maintained on a standard of comparability to the compensation and benefits paid for comparable levels of work in the executive branch of the Government outside of the Postal Service. As used in this subsection, the term 'Postal Inspector' included any agent to whom any investigative powers are granted under section 3061 of title 18.".

(B) CONFORMING AMENDMENT.—The first sentence of section 1003(a) of title 39, United States Code, is amended by striking "chapters 2 and 12 of this title" and inserting "chapters 2 and 12 of this title, section 8G of the Inspector General Act of 1978,".

(d) STRATEGIC PLANS.—

(1) OFFICE OF INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE.—

(A) IN GENERAL.—Strategic plans shall be prepared under this paragraph addressing staffing requirements, general goals and objectives for major functions and operations of the Office of Inspector General of the United States Postal Service, and how goals and objectives of the Office are to be achieved, including a description of operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives.

(B) SPECIFIC REQUIREMENTS.—Plans under this paragraph—

(i) shall be prepared by the Inspector General of the United States Postal Service;

(ii) shall each cover a 5-year period (the beginning and ending dates of which shall be specified in each such plan); and

(iii) shall be included, as part of the annual budget required under section 2009 of title 39, United States Code, at least every 3 years.

(C) FIRST SUBMISSION.—The first plan under this paragraph shall be prepared in time to be included with the annual budget under section 2009 of title 39, United States Code, next due to be submitted after the end of the 6-month period beginning on the date of the appointment of the first Inspector General to be appointed pursuant to the amendments made by this section.

(2) POSTAL INSPECTION SERVICE.—The Chief Postal Inspector shall, with respect to the Postal Inspection Service, prepare a strategic plan similar in content to that required under paragraph (1)(A) with respect to the Office of Inspector General of the United States Postal Service. Such plan shall be prepared in time to be included with the annual budget under section 2009 of such title 39 next due to be submitted after the end of the 30-day period beginning on the date of the enactment of this Act.

(e) FIRST APPOINTMENT; TRANSFERS; TRANSITION PROVISION.—

(1) FIRST APPOINTMENT.—The first Inspector General of the United States Postal Service appointed pursuant to the amendments made by this section shall be appointed before the end of the 90-day period beginning on the date of the enactment of this Act.

(2) TRANSFERS.—

(A) IN GENERAL.—All measures described in section 8G(b) of the Inspector General Act of 1978 necessary to establish an Office of Inspector General within the United States Postal Service pursuant to this section, including all appropriate transfers, shall occur—

(i) no earlier than the date the appointment under paragraph (1) is made; and

(ii) no later than 60 days after the date the appointment under paragraph (1) is made.

(B) PROVISIONS RELATING TO PERSONNEL.—

(i) CONSULTATION.—Decisions concerning which personnel are to be transferred pursuant to subparagraph (A) shall be made by the Governors (within the meaning of section 102(3) of title 39, United States Code) in consultation with the Inspector General appointed under paragraph (1).

(ii) TRANSFERRED PERSONNEL.—Personnel transferred pursuant to subparagraph (A) shall, to the extent not inconsistent with other provisions of this subsection, be transferred in accordance with applicable laws and regulations relating to the transfer of functions within the United States Postal Service, except that, notwithstanding any provision of section 1003(b) of title 39, United States Code, as amended by this section, the classification and compensation of such personnel shall not be reduced, by reason of having been transferred, for 1 year after being so transferred.

(3) TRANSITION PROVISION.—The Chief Postal Inspector may continue to serve as Inspector General of the United States Postal Service until the date on which an Inspector General is appointed under paragraph (1) or, if earlier, the end of the period referred to in such paragraph. Compensation for any service under this paragraph shall be determined as if this section had not been enacted.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 410(b) of title 39, United States Code, is amended—

(A) by striking "and" at the end of paragraph (9); and

(B) by amending paragraph (10) to read as follows:

"(10) the Inspector General Act of 1978; and"

(2)(A) Section 204 of such title 39 is amended—

(i) by amending the section heading to read as follows:

§204. General Counsel; Judicial Officer; Chief Postal Inspector";

(ii) in the first sentence by striking "and a Judicial Officer." and inserting "a Judicial Officer, and a Chief Postal Inspector.";

(iii) in the second sentence by striking "and the Judicial Officer" and inserting "the Judicial Officer, and the Chief Postal Inspector"; and

(iv) by adding at the end the following: "The Chief Postal Inspector shall report to, and be under the general supervision of, the Postmaster General. The Postmaster General shall promptly notify the Governors and both Houses of Congress in writing if he or she removes the Chief Postal Inspector or transfers the Chief Postal Inspector to another position or location within the Postal Service, and shall include in any such notification the reasons for the removal or transfer.".

(B) The table of sections for chapter 2 of such title 39 is amended by striking the item relating to section 204 and inserting the following:

"204. General Counsel; Judicial Officer; Chief Postal Inspector.".

SEC. 663. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF CERTAIN FEDERAL AGENCIES.—(a) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means any Executive agency (as defined in section 105 of title 5, United States Code), other than an Executive agency (except an agency receiving such authority in the Department of Transportation Appropriations Act, 1997) that is authorized by any other provision of this Act or any other Act to provide voluntary separation incentive payments during all, or any part of, fiscal year 1997; and

(2) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by an agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(G) any employee who, during the twenty four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of each agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before December 31, 1997;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, an agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

SEC. 664. ELECTRONIC BENEFIT TRANSFER PILOT.

Title 31, United States Code, is amended by inserting after section 3335 the following new section:

"§3336. Electronic benefit transfer pilot

"(a) The Congress finds that:

"(1) Electronic benefit transfer (EBT) is a safe, reliable, and economical way to provide benefit payments to individuals who do not have an account at a financial institution.

"(2) The designation of financial institutions as financial agents of the Federal Government for EBT is an appropriate and reasonable use of the Secretary's authority to designate financial agents.

"(3) A joint federal-state EBT system offers convenience and economies of scale for those states (and their citizens) that wish to deliver state-administered benefits on a single card by entering into a partnership with the federal government.

"(4) The Secretary's designation of a financial agent to deliver EBT is a specialized service not available through ordinary business channels and may be offered to the states pursuant to section 6501 et seq. of this title.

"(b) The Secretary shall continue to carry out the existing EBT pilot to disburse benefit payments electronically to recipients who do not have an account at a financial institution, which shall include the designation of one or more financial institutions as a financial agent of the Government, and the offering to the participating states of the opportunity to contract with the financial agent selected by the Secretary, as described in the Invitation for Expressions of Interest to Acquire EBT Services for the Southern Alliance of States dated March 9, 1995, as amended as of June 30, 1995, July 7, 1995, and August 1, 1995.

"(c) The selection and designation of financial agents, the design of the pilot program, and any other matter associated with or related to the EBT pilot described in subsection (b) shall not be subject to judicial review."

SEC. 665. DESIGNATION OF FINANCIAL AGENTS.

1. 12 U.S.C. 90 is amended by adding at the end thereof the following:

"Notwithstanding the Federal Property and Administrative Services Act of 1949, as amended, the Secretary may select associations as financial agents in accordance with any process the Secretary deems appropriate and their reasonable duties may include the provision of electronic benefit transfer services (including State-administered benefits with the consent of the States), as defined by the Secretary.".

2. Make conforming amendments to 12 U.S.C. 265, 266, 391, 1452(d), 1767, 1789a, 2013, 2122 and to 31 U.S.C. 3122 and 3303.

TITLE VII—COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for the necessary expenses of the Office of Foreign Assets Control, $288,000: Provided, That of the amount provided, $288,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for the necessary expenses of the Office of Inspector General $34,000, to remain available until expended: Provided, That of the amount provided, $34,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $15,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: Provided, That the entire amount of this appropriation shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency appropriation pursuant to section 251(b)(2)(D)(i) of such Act.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for the necessary expenses of the Federal Law Enforcement Training Center, $1,354,000, to remain available until expended: Provided, That of the amount provided, $1,354,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For an additional amount for the necessary expenses for the acquisition, construction, improvement, and related expenses, $2,700,000, to remain available until expended: Provided, That of the amount provided, $2,700,00 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for the necessary expenses of the Financial Management Service, $449,000, to remain available until expended: Provided, That of the amount provided, $449,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for the necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, $66,423,000; of which $3,500,000 shall be available for the construction and expansion of a canine training facility, to remain available until expended, of which $3,000,000 shall be available for conducting a study of car bomb explosives, to remain available until expended; and of which $6,700,000, to remain available until expended, for relocation of the Bureau's headquarters building and laboratory facilities; Provided, That of the amount provided, $66,423,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for the necessary expense of the United States Customs Service, $62,335,000; of which not to exceed $26,400,000 shall be available until expended for funding non-competitive cooperative agreements with air carriers, airports, or other cargo authorities, which provide for the Customs Service to purchase and assist in installing advanced air cargo inspection equipment for the joint use of such entities and the United States Customs Service: Provided, That of the amount provided, $62,335,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended,

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE AND MANAGEMENT

For an additional amount for the necessary expenses for the processing, assistance and management, $10,488,000, to remain available until expended: Provided, That of the amount provided, $10,488,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES SECRET SERVICE,

SALARIES AND EXPENSES

For an additional amount for the necessary expenses of the United States Secret Service $3,026,000, to remain available until expended: Provided, That of the amount provided, $3,026,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for the necessary expenses of the Office of Personnel Management $210,000, to remain available until expended: Provided, That of the amount provided, $210,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100–690, as amended, $112,900,000, of which $42,000,000 shall be transferred to the United States Customs Service for the conversion of P–3AEW aircraft for the air interdiction program; of which $10,000,000 shall be available for transfer to other Federal agencies for methamphetamine reduction efforts; and of which $60,900,000 shall be available to the Director of the Office of National Drug Control Policy for enhancing other drug control activities, including transfer to other Federal agencies: Provided, That of the amount provided, $112,900,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended to become available only upon receipt by the Congress of a supplemental request from the President requesting such designation.

TITLE VIII—FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "Federal Financial Management Improvement Act of 1996."

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Much effort has been devoted to strengthening Federal internal accounting controls in the past. Although progress has been made in recent years, Federal accounting standards have not been uniformly implemented in financial management systems for agencies.

(2) Federal financial management continues to be seriously deficient, and Federal financial management and fiscal practices have failed to—

(A) identify costs fully;

(B) reflect the total liabilities of congressional actions; and

(C) accurately report the financial condition of the Federal Government.

(3) Current Federal accounting practices do not accurately report financial results of the Federal Government or the full costs of programs and activities. The continued use of these practices undermines the Government's ability to provide credible and reliable financial data and encourages already widespread Government waste, and will not assist in achieving a balanced budget.

(4) Waste and inefficiency in the Federal Government undermine the confidence of the American people in the government and reduce the federal Government's ability to address vital public needs adequately.

(5) To rebuild the accountability and credibility of the Federal Government, and restore public confidence in the Federal Government, agencies must incorporate accounting standards and reporting objectives established for the Federal Government into their financial management systems so that all the assets and liabilities, revenues, and expenditures or expenses, and the full costs of programs and activities of the Federal Government can be consistently and accurately recorded, monitored, and uniformly reported throughout the Federal Government.

(6) Since its establishment in October 1990, the Federal Accounting Standards Advisory Board (hereinafter referred to as the "FASAB") has made substantial progress toward developing and recommending a comprehensive set of accounting concepts and standards for the Federal Government. When the accounting concepts and standards developed by FASB are incorporated into Federal financial management systems, agencies will be able to provide cost and financial information that will assist the Congress and financial managers to evaluate the cost and performance of Federal programs and activities, and will therefore provide important information that has been lacking, but is needed for improved decision making by financial managers and the Congress.

(7) The development of financial management systems with the capacity to support these standards and concepts will, over the long term, improve Federal financial management.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide for consistency of accounting by an agency from one fiscal year to the next, and uniform accounting standards throughout the Federal Government;

(2) require Federal financial management systems to support full disclosure of Federal financial data, including the full costs of Federal programs and activities, to the citizens, the Congress, the President, and agency management, so that programs and activities can be considered based on their full costs and merits;

(3) increase the accountability and credibility of federal financial management;

(4) improve performance, productivity and efficiency of Federal Government financial management;

(5) establish financial management systems to support controlling the cost of Federal Government;

(6) build upon and complement the Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2838), the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285) and the Government Management Reform Act of 1994 (Public Law 103–356; 108 Stat. 3410); and

(7) increase the capability of agencies to monitor execution of the budget by more readily permitting reports that compare spending of resources to results of activities.

SEC. 803 IMPLEMENTATION OF FEDERAL FINANCIAL MANAGEMENT IMPROVEMENTS.

(a) IN GENERAL.—Each agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and the United States Government Standard General Ledger at the transaction level.

(b) AUDIT COMPLIANCE FINDING.—

(1) IN GENERAL.—Each audit required by section 3521(e) of title 31, United States Code, shall report whether the agency financial management systems comply with the requirements of subsection (a).

(2) CONTENT OF REPORTS.—When the person performing the audit required by section 3521(e) of title 31, United States Code, reports that the agency financial management systems do not comply with the requirements of subsection (a), the person performing the audit shall include in the report on the audit—

(A) the entity or organization responsible for the financial management systems that have been found not to comply with the requirements of subsection (a);

(B) all facts pertaining to the failure to comply with the requirements of subsection (a), including—

(i) the nature and extent of the noncompliance including areas in which there is substantial but not full compliance;

(ii) the primary reason or cause of the noncompliance;

(iii) the entity or organization responsible for the non-compliance; and

(iv) any relevant comments from any responsible officer or employee; and

(C) a statement with respect to the recommended remedial actions and the time frames to implement such actions.

(c) COMPLAINCE IMPLEMENTATION.—

(1) DETERMINATION.—No later than the date described under paragraph (2), the Head of an agency shall determine whether the financial management systems of the agency comply with the requirements of subsection (a). Such determination shall be based on—

(A) a review of the report on the applicable agency-wide audited financial statement;

(B) any other information the Head of the agency considers relevant and appropriate.

(2) DATE OF DETERMINATION.—The determination under paragraph (1) shall be made no later than 120 days after the earlier of—

(A) the date of the receipt of an agency-wide audited financial statement; or

(B) the last day of the fiscal year following the year covered by such statement.

(3) REMEDIATION PLAN.—

(A) If the Head of an agency determines that the agency's financial management systems do not comply with the requirements of subsection (a), the head of the agency, in consultation with the Director, shall establish a remediation plan that shall include resources, remedies, and intermediate target dates necessary to bring the agency's financial management systems into substantial compliance.

(B) If the determination of the head of the agency differs from the audit compliance findings required in subsection (b), the Director shall review such determinations and provide a report on the findings to the appropriate committees of the Congress.

(4) TIME PERIOD FOR COMPLIANCE.—A remediation plan shall bring the agency's financial management systems into substantial compliance no later than 3 years after the date a determination is made under paragraph (1), unless the agency, with concurrence of the Director—

(A) determines that the agency's financial management systems cannot comply with the requirements of subsection (a) within 3 years;

(B) specifies the most feasible date for bringing the agency's financial management systems into compliance with the requirements of subsection (a); and

(C) designates an official of the agency who shall be responsible for bringing the agency's financial management systems into compliance

with the requirements of subsection (a) by the date specified under subparagraph (B).

SEC. 804. REPORTING REQUIREMENTS.

(a) REPORTS BY THE DIRECTOR.—No later than March 31 of each year, the Director shall submit a report to the Congress regarding implementation of this Act. The Director may include the report in the financial management status report and the 5-year financial management plan submitted under section 3512(a)(1) of title 31, United States Code.

(b) REPORTS BY THE INSPECTOR GENERAL.—Each Inspector General who prepares a report under section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) shall report to Congress instances and reasons when an agency has not met the intermediate target dates established in the remediation plan required under section 3(c). Specifically the report shall include—

(1) the entity or organization responsible for the non-compliance;

(2) the facts pertaining to the failure to comply with the requirements of subsection (a), including the nature and extent of the non-compliance, the primary reason or cause for the failure to comply, and any extenuating circumstances; and

(3) a statement of the remedial actions needed to comply.

(c) REPORTS BY THE COMPTROLLER GENERAL.—No later than October 1, 1997, and October 1, of each year thereafter, the Comptroller General of the United States shall report to the appropriate committees of the Congress concerning—

(1) compliance with the requirements of section 3(a) of this Act, including whether the financial statements of the Federal Government have been prepared in accordance with applicable accounting standards; and

(2) the adequacy of applicable accounting standards for the Federal Government.

SEC. 805. CONFORMING AMENDMENTS.

(a) AUDITS BY AGENCIES.—Section 3521(f)(1) of title 31, United States Code, is amended in the first sentence by inserting "and the Controller of the Office of Federal Financial Management" before the period.

(b) FINANCIAL MANAGEMENT STATUS REPORT.—Section 3512(a)(2) of title 31, United States Code, is amended by—

(1) in subparagraph (D) by striking "and" after the semicolon;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

"(E) a listing of agencies whose financial management systems do not comply substantially with the requirements of Section 3(a) the Federal Financial Management Improvement Act of 1996, and a summary statement of the efforts underway to remedy the noncompliance; and"

(c) INSPECTOR GENERAL ACT OF 1978.—Section 5(a) of the Inspector General Act of 1978 is amended—

(1) in paragraph (11) by striking "and" after the semicolon;

(2) in paragraph (12) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(13) the information described under section 05(b) of the Federal Financial Management Improvement Act of 1996."

SEC. 806. DEFINITIONS.

For purposes of this title:

(1) AGENCY.—The term "agency" means a department or agency of the United States Government as defined in section 901(b) of title 31, United States Code.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(3) FEDERAL ACCOUNTING STANDARDS.—The term "Federal accounting standards" means applicable accounting principles, standards, and requirements consistent with section 902(a)(3)(A) of title 31, United States Code.

(4) FINANCIAL MANAGEMENT SYSTEMS.—The term "financial management systems" includes the financial systems and the financial portions of mixed systems necessary to support financial management, including automated and manual processes, procedures, controls, data, hardware, software, and support personnel dedicated to the operation and maintenance of system functions.

(5) FINANCIAL SYSTEM.—The term "financial system" includes an information system, comprised of one or more applications, that is used for—

(A) collecting, processing, maintaining, transmitting, or reporting data about financial events;

(B) supporting financial planning or budgeting activities;

(C) accumulating and reporting costs information; or

(D) supporting the preparation of financial statements.

(6) MIXED SYSTEM.—The term "mixed system" means an information system that supports both financial and nonfinancial functions of the Federal Government or components thereof.

SEC. 807. EFFECTIVE DATE.

This title shall take effect for the fiscal year ending September 30, 1997.

SEC. 808. REVISION OF SHORT TITLES.

(a) Section 4001 of Public Law 104–106 (110 Stat. 642; 41 U.S.C. 251 note) is amended to read as follows:

SEC. 4001. SHORT TITLE.

"This division and division E may be cited as the 'Clinger-Cohen Act of 1996'.".

(b) Section 5001 of Public Law 104–106 (110 Stat. 679; 40 U.S.C. 1401 note) is amended to read as follows:

"SEC. 5001. SHORT TITLE.

"This division and division D may be cited as the 'Clinger-Cohen Act of 1996'."

(c) Any reference in any law, regulation, document, record, or other paper of the United States to the Federal Acquisition Reform Act of 1996 or to the Information Technology Management Reform Act of 1996 shall be considered to be a reference to the Clinger-Cohen Act of 1996.

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1997".

TITLE II—ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION

SEC. 2001. SHORT TITLE; TABLE OF CONTENTS; DEFINITIONS

(a) SHORT TITLE.—This title may be cited as the "Economic Growth and Regulatory Paperwork Reduction Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE II—ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION

Sec. 2001. Short title; table of contents; definitions

Subtitle A—Streamlining the Home Mortgage Lending Process

Sec. 2101. Simplification and unification of disclosures required under RESPA and TILA for mortgage transactions.
Sec. 2102. General exemption authority for loans.
Sec. 2103. Reductions in Real Estate Settlement Procedures Act of 1974 regulatory burdens.
Sec. 2104. Waiver for certain borrowers.
Sec. 2105. Alternative disclosures for adjustable rate mortgages.
Sec. 2106. Restitution for violations of the Truth in Lending Act.
Sec. 2107. Limitation on liability under the Truth in Lending Act.

Subtitle B—Streamlining Government Regulation

CHAPTER 1—ELIMINATING UNNECESSARY REGULATORY REQUIREMENTS AND PROCEDURES

Sec. 2201. Elimination of redundant approval requirement for Oakar transactions.
Sec. 2202. Elimination of duplicative requirements imposed upon bank holding companies.
Sec. 2203. Elimination of the per branch capital requirement for national banks and State member banks.
Sec. 2204. Elimination of branch application requirements for automatic teller machines.
Sec. 2205. Elimination of requirement for approval of investments in bank premises for well capitalized and well managed banks.
Sec. 2206. Elimination of approval requirement for divestitures.
Sec. 2207. Streamlined nonbanking acquisitions by well capitalized and well managed banking organizations.
Sec. 2208. Elimination of unnecessary filing for officer and director appointments.
Sec. 2209. Amendments to the Depository Institution Management Interlocks Act.
Sec. 2210. Elimination of recordkeeping and reporting requirements for officers.
Sec. 2211. Repayment of Treasury loan.
Sec. 2212. Branch closures.
Sec. 2213. Foreign banks.
Sec. 2214. Disposition of foreclosed assets.
Sec. 2215. Exemption authority for antitying provision.
Sec. 2216. FDIC approval of new State bank powers.

CHAPTER 2—ELIMINATING UNNECESSARY REGULATORY BURDENS

Sec. 2221. Small bank examination cycle.
Sec. 2222. Required review of regulations.
Sec. 2223. Repeal of identification of nonbank financial institution customers.
Sec. 2224. Repeal of certain reporting requirements.
Sec. 2225. Increase in home mortgage disclosure exemption threshold.
Sec. 2226. Elimination of stock loan reporting requirement.
Sec. 2227. Credit availability assessment.

CHAPTER 3—REGULATORY MICROMANAGEMENT

Sec. 2241. National bank directors.
Sec. 2242. Paperwork reduction review.
Sec. 2243. State bank representation on Board of Directors of the FDIC.
Sec. 2244. Consultation among examiners.

Subtitle C—Regulatory Impact on Cost of Credit and Credit Availability

Sec. 2301. Audit costs.
Sec. 2302. Incentives for self-testing.
Sec. 2303. Qualified thrift investment amendments.
Sec. 2304. Limited purpose banks.
Sec. 2305. Amendment to Fair Debt Collection Practices Act.
Sec. 2306. Increase in certain credit union loan ceilings.
Sec. 2307. Bank investments in Edge Act and agreement corporations.

Subtitle D—Consumer Credit

CHAPTER 1—CREDIT REPORTING REFORM

Sec. 2401. Short title.
Sec. 2402. Definitions.
Sec. 2403. Furnishing consumer reports; use for employment purposes.

Sec. 2404. Use of consumer reports for prescreening and direct marketing; prohibition on unauthorized or uncertified use of information.
Sec. 2405. Consumer consent required to furnish consumer report containing medical information.
Sec. 2406. Obsolete information and information contained in consumer reports.
Sec. 2407. Compliance procedures.
Sec. 2408. Consumer disclosures.
Sec. 2409. Procedures in case of the disputed accuracy of any information in a consumer's file.
Sec. 2410. Charges for certain disclosures.
Sec. 2411. Duties of users of consumer reports.
Sec. 2412. Civil liability.
Sec. 2413. Responsibilities of persons who furnish information to consumer reporting agencies.
Sec. 2414. Investigative consumer reports.
Sec. 2415. Increased criminal penalties for obtaining information under false pretenses.
Sec. 2416. Administrative enforcement.
Sec. 2417. State enforcement of Fair Credit Reporting Act.
Sec. 2418. Federal Reserve Board authority.
Sec. 2419. Preemption of State law.
Sec. 2420. Effective date.
Sec. 2421. Relationship to other law.
Sec. 2422. Federal Reserve Board study.

CHAPTER 2—CREDIT REPAIR ORGANIZATIONS

Sec. 2451. Regulation of credit repair organizations.
Sec. 2452. Credit worthiness.

Subtitle E—Asset Conservation, Lender Liability, and Deposit Insurance Protection

Sec. 2501. Short title.
Sec. 2502. CERCLA lender and fiduciary liability limitations amendments.
Sec. 2503. Conforming amendment.
Sec. 2504. Lender liability rule.
Sec. 2505. Effective date.

Subtitle F—Miscellaneous

Sec. 2601. Federal Reserve Board study.
Sec. 2602. Treatment of claims arising from breach of contracts executed by the receiver or conservator.
Sec. 2603. Criminal sanctions for fictitious financial instruments and counterfeiting.
Sec. 2604. Amendments to the Truth in Savings Act.
Sec. 2605. Consumer Leasing Act amendments.
Sec. 2606. Study of corporate credit unions.
Sec. 2607. Report on the reconciliation of differences between regulatory accounting principles and generally accepted accounting principles.
Sec. 2608. State-by-State and metropolitan area-by-metropolitan area study of bank fees.
Sec. 2609. Prospective application of gold clauses in contracts.
Sec. 2610. Qualified family partnerships.
Sec. 2611. Cooperative efforts between depository institutions and farmers and ranchers in drought-stricken areas.
Sec. 2612. Streamlining process for determining new nonbanking activities.
Sec. 2613. Authorizing bank service companies to organize as limited liability partnerships.
Sec. 2614. Retirement certificates of deposits.
Sec. 2615. Prohibitions on certain depository institution associations with Government-sponsored enterprises.

Subtitle G—Deposit Insurance Funds

Sec. 2701. Short title.
Sec. 2702. Special assessment to capitalize SAIF.
Sec. 2703. Financing corporation funding.
Sec. 2704. Merger of BIF and SAIF.
Sec. 2705. Creation of SAIF special reserve.
Sec. 2706. Refund of amounts in deposit insurance fund in excess of designated reserve amount.
Sec. 2707. Assessment rates for SAIF members may not be less than assessment rates for BIF members.
Sec. 2708. Assessments authorized only if needed to maintain the reserve ratio of a deposit insurance fund.
Sec. 2709. Treasury study of common depository institution charter.
Sec. 2710. Definitions.
Sec. 2711. Deductions for special assessments.

(c) DEFINITIONS.—Except as otherwise specified in this title, the following definitions shall apply for purposes of this title:

(1) APPRAISAL SUBCOMMITTEE.—The term "Appraisal Subcommittee" means the Appraisal Subcommittee established under section 1011 of the Federal Financial Institutions Examination Council Act of 1978 (as in existence on the day before the date of enactment of this Act).

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(4) CORPORATION.—The term "Corporation" means the Federal Deposit Insurance Corporation.

(5) COUNCIL.—The term "Council" means the Financial Institutions Examination Council established under section 1004 of the Federal Financial Institutions Examination Council Act of 1978.

(6) INSURED CREDIT UNION.—The term "insured credit union" has the same meaning as in section 101 of the Federal Credit Union Act.

(7) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

Subtitle A—Streamlining the Home Mortgage Lending Process

SEC. 2101. SIMPLIFICATION AND UNIFICATION OF DISCLOSURES REQUIRED UNDER RESPA AND TILA FOR MORTGAGE TRANSACTIONS.

(a) IN GENERAL.—With respect to credit transactions which are subject to the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, the Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board") and the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") shall take such action as may be necessary before the end of the 6-month period beginning on the date of enactment of this Act—

(1) to simplify and improve the disclosures applicable to such transactions under such Acts, including the timing of the disclosures; and

(2) to provide a single format for such disclosures which will satisfy the requirements of each such Act with respect to such transactions.

(b) REGULATIONS.—To the extent that it is necessary to prescribe any regulation in order to effect any changes required to be made under subsection (a), the proposed regulation shall be published in the Federal Register before the end of the 6-month period referred to in subsection (a).

(c) RECOMMENDATIONS FOR LEGISLATION.—If the Board and the Secretary find that legislative action may be necessary or appropriate in order to simplify and unify the disclosure requirements under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, the Board and the Secretary shall submit a report containing recommendations to the Congress concerning such action.

SEC. 2102. GENERAL EXEMPTION AUTHORITY FOR LOANS.

(a) REGULATORY FLEXIBILITY.—Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) Transactions for which the Board, by rule, determines that coverage under this title is not necessary to carry out the purposes of this title.".

(b) EXEMPTION AUTHORITY.—Section 105 of the Truth in Lending Act (15 U.S.C. 1604) is amended by adding at the end the following new subsection:

"(f) EXEMPTION AUTHORITY.—

"(1) IN GENERAL.—The Board may exempt, by regulation, from all or part of this title any class of transactions, other than transactions involving any mortgage described in section 103(aa), for which, in the determination of the Board, coverage under all or part of this title does not provide a meaningful benefit to consumers in the form of useful information or protection.

"(2) FACTORS FOR CONSIDERATION.—In determining which classes of transactions to exempt in whole or in part under paragraph (1), the Board shall consider the following factors and publish its rationale at the time a proposed exemption is published for comment:

"(A) The amount of the loan and whether the disclosures, right of rescission, and other provisions provide a benefit to the consumers who are parties to such transactions, as determined by the Board.

"(B) The extent to which the requirements of this title complicate, hinder, or make more expensive the credit process for the class of transactions.

"(C) The status of the borrower, including—

"(i) any related financial arrangements of the borrower, as determined by the Board;

"(ii) the financial sophistication of the borrower relative to the type of transaction; and

"(iii) the importance to the borrower of the credit, related supporting property, and coverage under this title, as determined by the Board;

"(D) whether the loan is secured by the principal residence of the consumer; and

"(E) whether the goal of consumer protection would be undermined by such an exemption.".

SEC. 2103. REDUCTIONS IN REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 REGULATORY BURDENS.

(a) UNNECESSARY DISCLOSURE.—Section 6(a) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(a)) is amended to read as follows:

"(a) DISCLOSURE TO APPLICANT RELATING TO ASSIGNMENT, SALE, OR TRANSFER OF LOAN SERVICING.—Each person who makes a federally related mortgage loan shall disclose to each person who applies for the loan, at the time of application for the loan, whether the servicing of the loan may be assigned, sold, or transferred to any other person at any time while the loan is outstanding.".

(b) CONSISTENCY OF REAL ESTATE SETTLEMENT PROCEDURES ACT AND TRUTH IN LENDING ACT EXEMPTION OF BUSINESS LOANS.—Section 7 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2606) is amended—

(1) by striking "This Act" and inserting the following:

"(a) IN GENERAL.—This Act"; and

(2) by adding at the end the following new subsection:

"(b) INTERPRETATION.—In prescribing regulations under section 19(a), the Secretary shall ensure that, with respect to subsection (a) of this

section, the exemption for credit transactions involving extensions of credit primarily for business, commercial, or agricultural purposes, as provided in section 7(1) of the Real Estate Settlement Procedures Act of 1974 shall be the same as the exemption for such credit transactions under section 104(1) of the Truth in Lending Act.''.

(c) REDESIGNATION OF CONTROLLED BUSINESS ARRANGEMENTS AS AFFILIATED BUSINESS ARRANGEMENTS.—The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) is amended—

(1) in section 3(7), by striking ''controlled business arrangement'' and inserting ''affiliated business arrangement''; and

(2) in subsections (c)(4) and (d)(6) of section 8, by striking ''controlled business arrangements'' and inserting ''affiliated business arrangements''.

(d) DISCLOSURES BY TELEPHONE OR ELECTRONIC MEDIA.—Section 8(c)(4) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2607(c)(4)(A)) is amended by striking subparagraph (A) and inserting the following ''(A) a disclosure is made of the existence of such an arrangement to the person being referred and, in connection with such referral, such person is provided a written estimate of the charge or range of charges generally made by the provider to which the person is referred (i) in the case of a face-to-face referral or a referral made in writing or by electronic media, at or before the time of the referral (and compliance with this requirement in such case may be evidenced by a notation in a written, electronic, or similar system of records maintained in the regular course of business); (ii) in the case of a referral made by telephone, within 3 business days after the referral by telephone, (and in such case an abbreviated verbal disclosure of the existence of the arrangement and the fact that a written disclosure will be provided within 3 business days shall be made to the person being referred during the telephone referral); or (iii) in the case of a referral by a lender (including a referral by a lender to an affiliated lender), at the time the estimates required under section 5(c) are provided (notwithstanding clause (i) or (ii)); and any required written receipt of such disclosure (without regard to the manner of the disclosure under clause (i), (ii), or (iii)) may be obtained at the closing or settlement (except that a person making a face-to-face referral who provides the written disclosure at or before the time of the referral shall attempt to obtain any required written receipt of such disclosure at such time and if the person being referred chooses not to acknowledge the receipt of the disclosure at that time, that fact shall be noted in the written, electronic, or similar system of records maintained in the regular course of business by the person making the referral),''.

(e) LIMITATION ON CLAIMS ARISING FROM VIOLATIONS OF REQUIREMENTS FOR SERVICING MORTGAGES AND ADMINISTERING ESCROW ACCOUNTS.—Section 16 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2614) is amended—

(1) by striking ''section 8 or 9'' and inserting ''section 6, 8, or 9''; and

(2) by striking ''within one year'' and inserting ''within 3 years in the case of a violation of section 6 and 1 year in the case of a violation of section 8 or 9''.

(f) DELAY OF EFFECTIVENESS OF RECENT FINAL REGULATION RELATING TO PAYMENTS TO EMPLOYEES.—Section 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2617) is amended by adding at the end the following new subsection:

''(d) DELAY OF EFFECTIVENESS OF RECENT FINAL REGULATION RELATING TO PAYMENTS TO EMPLOYEES.—

''(1) IN GENERAL.—The amendment to part 3500 of title 24 of the Code of Federal Regulations contained in the final regulation prescribed by the Secretary and published in the Federal Register on June 7, 1996, which will, as of the effective date of such amendment—

''(A) eliminate the exemption for payments by an employer to employees of such employer for referral activities which is currently codified as section 3500.14(g)(1)(vii) of such title 24; and

''(B) replace such exemption with a more limited exemption in new clauses (vii), (viii), and (ix) of section 3500.14 of such title 24,

shall not take effect before July 31, 1997.

''(2) CONTINUATION OF PRIOR RULE.—The regulation codified as section 3500.14(g)(1)(vii) of title 24 of the Code of Federal Regulations, relating to employer-employee payments, as in effect on May 1, 1996, shall remain in effect until the date the amendment referred to in paragraph (1) takes effect in accordance with such paragraph.

''(3) PUBLIC NOTICE OF EFFECTIVE DATE.—The Secretary shall provide public notice of the date on which the amendment referred to in paragraph (1) will take effect in accordance with such paragraph not less than 90 days and not more than 180 days before such effective date.''.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 4(a) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2603(a)) is amended by striking ''Federal Home Loan Bank Board'' and inserting ''Director of the Office of Thrift Supervision''.

(2) Section 10(c)(1)(C) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609(c)(1)(C)) is amended by striking ''Not later than the expiration of the 90-day period beginning on the date of the enactment of the Cranston-Gonzalez National Affordable Housing Act, the'' and inserting ''The''.

(h) REPEAL OF OBSOLETE PROVISIONS.—The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) is amended by striking sections 13, 14 and 15.

SEC. 2104. WAIVER FOR CERTAIN BORROWERS.

Section 105 of the Truth in Lending Act (15 U.S.C. 1604) is amended by adding at the end the following new subsection:

''(g) WAIVER FOR CERTAIN BORROWERS.—

''(1) IN GENERAL.—The Board, by regulation, may exempt from the requirements of this title certain credit transactions if—

''(A) the transaction involves a consumer—

''(i) with an annual earned income of more than $200,000; or

''(ii) having net assets in excess of $1,000,000 at the time of the transaction; and

''(B) a waiver that is handwritten, signed, and dated by the consumer is first obtained from the consumer.

''(2) ADJUSTMENTS BY THE BOARD.—The Board, at its discretion, may adjust the annual earned income and net asset requirements of paragraph (1) for inflation.''.

SEC. 2105. ALTERNATIVE DISCLOSURES FOR ADJUSTABLE RATE MORTGAGES.

Section 128(a) of the Truth in Lending Act (15 U.S.C. 1638(a)) is amended by adding at the end the following new paragraph:

''(14) In the case of any variable interest rate residential mortgage transaction, in disclosures provided at application as prescribed by the Board for a variable rate transaction secured by the consumer's principal dwelling, at the option of the creditor, a statement that the periodic payments may increase or decrease substantially, and the maximum interest rate and payment for a $10,000 loan originated at a recent interest rate, as determined by the Board, assuming the maximum periodic increases in rates and payments under the program, or a historical example illustrating the effects of interest rate changes implemented according to the loan program.''.

SEC. 2106. RESTITUTION FOR VIOLATIONS OF THE TRUTH IN LENDING ACT.

Section 108(e)(3) of the Truth in Lending Act (15 U.S.C. 2602(3)) is amended—

(1) by striking ''ordered (A) if'' and inserting the following: ''ordered—

''(A) if'';

(2) by striking ''may require a partial'' and inserting ''may—

''(i) require a partial'';

(3) by striking '', except that with respect'' and all that follows through ''Act, the agency shall require'' and inserting ''; or

''(ii) require'';

(4) by striking ''reasonable, (B) the'' and inserting the following: ''reasonable, if (in the case of an agency referred to in paragraph (1), (2), or (3) of subsection (a)), the agency determines that a partial adjustment or making partial payments over an extended period is necessary to avoid causing the creditor to become undercapitalized pursuant to section 38 of the Federal Deposit Insurance Act;

''(B) the''; and

(5) by striking ''(C) except'' and inserting the following:

''(C) except''.

SEC. 2107. LIMITATION ON LIABILITY UNDER THE TRUTH IN LENDING ACT.

(a) IN GENERAL.—Section 139(a) of the Truth in Lending Act (15 U.S.C. 1649(a)) is amended by striking ''For any consumer credit transaction subject to this title'' and inserting ''For any closed end consumer credit transaction that is secured by real property or a dwelling, that is subject to this title, and''.

(b) EFFECTUVE DATE.—The amendment made by subsection (a) shall be effective as of September 30, 1995.

Subtitle B—Streamlining Government Regulation

CHAPTER 1—ELIMINATING UNNECESSARY REGULATORY REQUIREMENTS AND PROCEDURES

SEC. 2201. ELIMINATION OF REDUNDANT APPROVAL REQUIREMENT FOR OAKAR TRANSACTIONS.

(a) IN GENERAL.—Section 5(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(3)) is amended—

(1) in subparagraph (A), by striking ''with the prior written approval of'' and inserting ''if the transaction is approved by'';

(2) in subparagraph (E)—

(A) by striking clauses (i) and (iv);

(B) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(C) by adding at the end the following new clause:

''(iii) CAPITAL REQUIREMENTS.—A transaction described in this paragraph shall not be approved under section 18(c)(2) unless the acquiring, assuming, or resulting depository institution will meet all applicable capital requirements upon consummation of the transaction.'';

(3) by striking subparagraph (G); and

(4) by redesignating subparagraphs (H) through (J) as subparagraphs (G) through (I), respectively.

(b) CONFORMING AMENDMENTS.—

(1) REVISED STATUTES.—Section 5156A(b)(1) of the Revised Statutes of the United States (12 U.S.C. 215c(b)(1)) is amended by striking ''by section 5(d)(3) of the Federal Deposit Insurance Act or any other'' and inserting ''under any''.

(2) HOME OWNERS' LOAN ACT.—Section 10(s)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1467a(s)(2)(A)) is amended by striking ''under section 5(d)(3) of the Federal Deposit Insurance Act or any other'' and inserting ''under any''.

SEC. 2203. ELIMINATION OF DUPLICATIVE REQUIREMENTS IMPOSED UPON BANK HOLDING COMPANIES.

(a) EXEMPTION FOR BANK HOLDING COMPANIES.—Section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) is amended by adding at the end the following new subsection:

"(t) EXEMPTION FOR BANK HOLDING COMPANIES.—This section shall not apply to a bank holding company that is subject to the Bank Holding Company Act of 1956, or any company controlled by such bank holding company.".

(b) DEFINITION.—Section 10(a)(1)(D) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(D)) is amended to read as follows:

"(D) SAVINGS AND LOAN HOLDING COMPANY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'savings and loan holding company' means any company that directly or indirectly controls a savings association or that controls any other company that is a savings and loan holding company.

"(ii) EXCLUSION.—The term 'savings and loan holding company' does not include a bank holding company that is registered under, and subject to, the Bank Holding Company Act of 1956, or to any company directly or indirectly controlled by such company (other than a savings association).".

(c) ACQUISITIONS.—Section 10(e)(1) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(1)) is amended—

(1) in subparagraph (A)(iii)(VII), by inserting "or" at the end;

(2) in subparagraph (A)(iv), by inserting "and" at the end; and

(3) in subparagraph (B)—

(A) by striking "or (ii)" and inserting "(ii)"; and

(B) by inserting before the first period ", or (iii) acquired by a bank holding company that is registered under, and subject to, the Bank Holding Company Act of 1956, or any company controlled by such bank holding company".

(d) AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956.—Section 4(i) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(i)) is amended by adding at the end the following new paragraphs:

"(4) SOLICITATION OF VIEWS.—

"(A) NOTICE TO DIRECTOR.—Upon receiving any application or notice by a bank holding company to acquire, directly or indirectly, a savings association under subsection (c)(8), the Board shall solicit comments and recommendations from the Director with respect to such acquisition.

"(B) COMMENT PERIOD.—The comments and recommendations of the Director under subparagraph (A) with respect to any acquisition subject to such subparagraph shall be transmitted to the Board not later than 30 days after the receipt by the Director of the notice relating to such acquisition (or such shorter period as the Board may specify if the Board advises the Director that an emergency exists that requires expeditious action).

"(5) EXAMINATION.—

"(A) SCOPE.—The Board shall consult with the Director, as appropriate, in establishing the scope of an examination by the Board of a bank holding company that directly or indirectly controls a savings association.

"(B) ACCESS TO INSPECTION REPORTS.—Upon the request of the Director, the Board shall furnish the Director with a copy of any inspection report, additional examination materials, or supervisory information relating to any bank holding company that directly or indirectly controls a savings association.

"(6) COORDINATION OF ENFORCEMENT EFFORTS.—The Board and the Director shall cooperate in any enforcement action against any bank holding company that controls a savings association, if the relevant conduct involves such association.

"(7) DIRECTOR DEFINED.—For purposes of this section, the term 'Director' means the Director of the Office of Thrift Supervision.".

SEC. 2204. ELIMINATION OF THE PER BRANCH CAPITAL REQUIREMENT FOR NATIONAL BANKS AND STATE MEMBER BANKS.

Section 5155(h) of the Revised Statutes of the United States (12 U.S.C. 36(h)) is amended to read as follows:

"(h) [Repealed]".

SEC. 2205. ELIMINATION OF BRANCH APPLICATION REQUIREMENTS FOR AUTOMATIC TELLER MACHINES.

(a) "BRANCH" UNDER NATIONAL BANK ACT.—Section 5155(j) of the Revised Statutes of the United States (12 U.S.C. 36(j)) is amended by adding at the end the following: "The term 'branch', as used in this section, does not include an automated teller machine or a remote service unit.".

(b) "DOMESTIC BRANCH" UNDER THE FEDERAL DEPOSIT INSURANCE ACT.—Section 3(o) of the Federal Deposit Insurance Act (12 U.S.C. 1813(o)) is amended by striking "lent; and the" and inserting "lent. The term 'domestic branch' does not include an automated teller machine or a remote service unit. The".

SEC. 2206. ELIMINATION OF REQUIREMENT FOR APPROVAL OF INVESTMENTS IN BANK PREMISES FOR WELL CAPITALIZED AND WELL MANAGED BANKS.

Section 24A of the Federal Reserve Act (12 U.S.C. 371d) is amended to read as follows:

"SEC. 24A. INVESTMENT IN BANK PREMISES OR STOCK OF CORPORATION HOLDING PREMISES.

"(a) CONDITIONS OF INVESTMENT.—No national bank or State member bank shall invest in bank premises, or in the stock, bonds, debentures, or other such obligations of any corporation holding the premises of such bank, or make loans to or upon the security of any such corporation—

"(1) unless the bank receives the prior approval of the Comptroller of the Currency (with respect to a national bank) or the Board (with respect to a State member bank);

"(2) unless the aggregate of all such investments and loans, together with the amount of any indebtedness incurred by any such corporation that is an affiliate of the bank, is less than or equal to the amount of the capital stock of such bank; or

"(3) unless—

"(A) the aggregate of all such investments and loans, together with the amount of any indebtedness incurred by any such corporation that is an affiliate of the bank, is less than or equal to 150 percent of the capital and surplus of the bank; and

"(B) the bank—

"(i) has a CAMEL composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under a comparable rating system) as of the most recent examination of such bank;

"(ii) is well capitalized and will continue to be well capitalized after the investment or loan; and

"(iii) provides notification to the Comptroller of the Currency (with respect to a national bank) or to the Board (with respect to a State member bank) not later than 30 days after making the investment or loan.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'affiliate' has the same meaning as in section 2 of the Banking Act of 1933; and

"(2) the term 'well capitalized' has the same meaning as in section 38(b) of the Federal Deposit Insurance Act.".

SEC. 2207. ELIMINATION OF APPROVAL REQUIREMENT FOR DIVESTITURES.

Section 2(g) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)) is amended—

(1) in paragraph (1), by adding "and" at the end;

(2) in paragraph (2), by striking "; and" and inserting a period; and

(3) by striking paragraph (3).

SEC. 2208. STREAMLINED NONBANKING ACQUISITIONS BY WELL CAPITALIZED AND WELL MANAGED BANKING ORGANIZATIONS.

(a) NOTICE REQUIREMENTS.—Section 4(j) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)) is amended—

(1) in paragraph (1)(A), by striking "No" and inserting "Except as provided in paragraph (3), no"; and

(2) by adding at the end the following new paragraphs:

"(3) NO NOTICE REQUIRED FOR CERTAIN TRANSACTIONS.—No notice under paragraph (1) of this subsection or under subsection (c)(8) or (a)(2)(B) is required for a proposal by a bank holding company to engage in any activity or acquire the shares or assets of any company, other than an insured depository institution, if the proposal qualifies under paragraph (4).

"(4) CRITERIA FOR STATUTORY APPROVAL.—A proposal qualifies under this paragraph if all of the following criteria are met:

"(A) FINANCIAL CRITERIA.—Both before and immediately after the proposed transaction—

"(i) the acquiring bank holding company is well capitalized;

"(ii) the lead insured depository institution of such holding company is well capitalized;

"(iii) well capitalized insured depository institutions control at least 80 percent of the aggregate total risk-weighted assets of insured depository institutions controlled by such holding company; and

"(iv) no insured depository institution controlled by such holding company is undercapitalized.

"(B) MANAGERIAL CRITERIA.—

"(i) WELL MANAGED.—At the time of the transaction, the acquiring bank holding company, its lead insured depository institution, and insured depository institutions that control at least 90 percent of the aggregate total risk-weighted assets of insured depository institutions controlled by such holding company are well managed.

"(ii) LIMITATION ON POORLY MANAGED INSTITUTIONS.—Except as provided in paragraph (6), no insured depository institution controlled by the acquiring bank holding company has received 1 of the 2 lowest composite ratings at the later of the institution's most recent examination or subsequent review.

"(C) ACTIVITIES PERMISSIBLE.—Following consummation of the proposal, the bank holding company engages directly or through a subsidiary solely in—

"(i) activities that are permissible under subsection (c)(8), as determined by the Board by regulation or order thereunder, subject to all of the restrictions, terms, and conditions of such subsection and such regulation or order; and

"(ii) such other activities as are otherwise permissible under this section, subject to the restrictions, terms and conditions, including any prior notice or approval requirements, provided in this section.

"(D) SIZE OF ACQUISITION.—

"(i) ASSET SIZE.—The book value of the total assets to be acquired does not exceed 10 percent of the consolidated total risk-weighted assets of the acquiring bank holding company.

"(ii) CONSIDERATION.—The gross consideration to be paid for the securities or assets does not exceed 15 percent of the consolidated Tier 1 capital of the acquiring bank holding company.

"(E) NOTICE NOT OTHERWISE WARRANTED.—For proposals described in paragraph (5)(B), the Board has not, before the conclusion of the period provided in paragraph (5)(B), advised the *bank holding company that a notice under paragraph (1) is required.*

"(F) COMPLIANCE CRITERION.—During the 12-month period ending on the date on which the bank holding company proposes to commence an activity or acquisition, no administrative enforcement action has been commenced, and no cease and desist order has been issued pursuant to section 8 of the Federal Deposit Insurance Act, against the bank holding company or any depository institution subsidiary of the holding company, and no such enforcement action, order, or other administrative enforcement proceeding is pending as of such date.

"(5) NOTIFICATION.—

"(A) COMMENCEMENT OF ACTIVITIES APPROVED BY RULE.—A bank holding company that qualifies under paragraph (4) and that proposes to engage de novo, directly or through a subsidiary, in any activity that is permissible under subsection (c)(8), as determined by the Board by regulation, may commence that activity without prior notice to the Board and must provide written notification to the Board not later than 10 business days after commencing the activity.

"(B) ACTIVITIES PERMITTED BY ORDER AND ACQUISITIONS.—

"(i) IN GENERAL.—At least 12 business days before commencing any activity pursuant to paragraph (3) (other than an activity described in subparagraph (A) of this paragraph) or acquiring shares or assets of any company pursuant to paragraph (3), the bank holding company shall provide written notice of the proposal to the Board, unless the Board determines that no notice or a shorter notice period is appropriate.

"(ii) DESCRIPTION OF ACTIVITIES AND TERMS.—A notification under this subparagraph shall include a description of the proposed activities and the terms of any proposed acquisition.

"(6) RECENTLY ACQUIRED INSTITUTIONS.—Any insured depository institution which has been acquired by a bank holding company during the 12-month period preceding the date on which the company proposes to commence an activity or acquisition pursuant to paragraph (3) may be excluded for purposes of paragraph (4)(B)(ii) if—

"(A) the bank holding company has developed a plan for the institution to restore the capital and management of the institution which is acceptable to the appropriate Federal banking agency; and

"(B) all such insured depository institutions represent, in the aggregate, less than 10 percent of the aggregate total risk-weighted assets of all insured depository institutions controlled by the bank holding company.

"(7) ADJUSTMENT OF PERCENTAGES.—The Board may, by regulation, adjust the percentages and the manner in which the percentages of insured depository institutions are calculated under paragraph (4)(B)(i), (4)(D), or (6)(B) if the Board determines that any such adjustment is consistent with safety and soundness and the purposes of this Act.".

(b) DEFINITIONS.—Section 2(o) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(o)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) CAPITAL TERMS.—

"(A) INSURED DEPOSITORY INSTITUTIONS.—With respect to insured depository institutions, the terms 'well capitalized', 'adequately capitalized', and 'undercapitalized' have the same meanings as in section 38(b) of the Federal Deposit Insurance Act.

"(B) BANK HOLDING COMPANY.—

"(i) ADEQUATELY CAPITALIZED.—With respect to a bank holding company, the term 'adequately capitalized' means a level of capitalization which meets or exceeds all applicable Federal regulatory capital standards.

"(ii) WELL CAPITALIZED.—A bank holding company is 'well capitalized' if it meets the required capital levels for well capitalized bank holding companies established by the Board.

"(C) OTHER CAPITAL TERMS.—The terms 'Tier 1' and 'risk-weighted assets' have the meanings given those terms in the capital guidelines or regulations established by the Board for bank holding companies."; and

(2) by adding at the end the following new paragraphs:

"(8) LEAD INSURED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—The term 'lead insured depository institution' means the largest insured depository institution controlled by the subject bank holding company at any time, based on a comparison of the average total risk-weighted assets controlled by each insured depository institution during the previous 12-month period.

"(B) BRANCH OR AGENCY.—For purposes of this paragraph and section 4(j)(4), the term 'insured depository institution' includes any branch or agency operated in the United States by a foreign bank.

"(9) WELL MANAGED.—The term 'well managed' means—

"(A) in the case of any company or depository institution which receives examinations, the achievement of—

"(i) a CAMEL composite rating of 1 or 2 (or an equivalent rating under an equivalent rating system) in connection with the most recent examination or subsequent review of such company or institution; and

"(ii) at least a satisfactory rating for management, if such rating is given; or

"(B) in the case of a company or depository institution that has not received an examination rating, the existence and use of managerial resources which the Board determines are satisfactory.".

SEC. 2209. ELIMINATION OF UNNECESSARY FILING FOR OFFICER AND DIRECTOR APPOINTMENTS.

Section 32 of the Federal Deposit Insurance Act (12 U.S.C. 1831i) is amended—

(1) in subsection (a)—

(A) by inserting "(or such other period, as determined by the appropriate Federal banking agency)" after "30 days";

(B) by striking "if the insured depository institution or depository institution holding company" and inserting "if";

(C) by striking paragraphs (1) and (2);

(D) by redesignating paragraph (3) as paragraph (1);

(E) in paragraph (1), as redesignated—

(i) by inserting "the insured depository institution or depository institution holding company" before "is not in compliance"; and

(ii) by striking the period at the end and inserting "; or"; and

(F) by adding at the end the following new paragraph:

"(2) the agency determines, in connection with the review by the agency of the plan required under section 38 or otherwise, that such prior notice is appropriate."; and

(2) in subsection (b), by striking "30-day period" and inserting "notice period, not to exceed 90 days,".

SEC. 2210. AMENDMENTS TO THE DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.

(a) DUAL SERVICE AMONG LARGER ORGANIZATIONS.—Section 204 of the Depository Institution Management Interlocks Act (12 U.S.C. 3203) is amended—

(1) by striking "$1,000,000,000" and inserting "$2,500,000,000";

(2) by striking "$500,000,000" and inserting "$1,500,000,000"; and

(3) by adding at the end the following: "In order to allow for inflation or market changes, the appropriate Federal depository institutions regulatory agencies may, by regulation, adjust, as necessary, the amount of total assets required for depository institutions or depository holding companies under this section.".

(b) EXTENSION OF GRANDFATHER EXEMPTION.—Section 206 of the Depository Institution Management Interlocks Act (12 U.S.C. 3205) is amended—

(1) in subsection (a), by striking "for a period of, subject to the requirements of subsection (c), 20 years after the date of enactment of this title";

(2) in subsection (b), by striking the second sentence; and

(3) by striking subsection (c).

(c) REGULATIONS.—Section 209 of the Depository Institution Management Interlocks Act (12 U.S.C. 3207) is amended—

(1) in subsection (a)—

(A) by striking "(a) IN GENERAL.—Rules and regulations" and inserting "Regulations";

(B) by inserting ", including regulations that permit service by a management official that would otherwise be prohibited by section 203 or section 204, if such service would not result in a monopoly or substantial lessening of competition," after "title";

(C) in paragraph (4)—

(i) by striking "Federal Home Loan Bank Board" and inserting "Director of the Office of Thrift Supervision"; and

(ii) by striking "Savings and Loan" and inserting "Deposit"; and

(2) by striking subsections (b) and (c).

SEC. 2211. ELIMINATION OF RECORDKEEPING AND REPORTING REQUIREMENTS FOR OFFICERS.

(a) EMPLOYEE BENEFIT PLANS.—Section 22(h)(2) of the Federal Reserve Act (12 U.S.C. 375b(2)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking "(2) PREFERENTIAL TERMS PROHIBITED.—" and inserting the following:

"(2) PREFERENTIAL TERMS PROHIBITED.—

"(A) IN GENERAL.—"; and

(3) by adding at the end the following new subparagraph:

"(B) EXCEPTION.—Nothing in this paragraph shall prohibit any extension of credit made pursuant to a benefit or compensation program—

"(i) that is widely available to employees of the member bank; and

"(ii) that does not give preference to any officer, director, or principal shareholder of the member bank, or to any related interest of such person, over other employees of the member bank.".

(b) EXCEPTION FOR EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS AND DIRECTORS OF AFFILIATES.—Section 22(h)(8)(B) of the Federal Reserve Act (12 U.S.C. 375b(8)(B)) is amended to read as follows:

"(B) EXCEPTION.—The Board may, by regulation, make exceptions to subparagraph (A) for any executive officer or director of a subsidiary of a company that controls the member bank if—

"(i) the executive officer or director does not have authority to participate, and does not participate, in major policymaking functions of the member bank; and

"(ii) the assets of such subsidiary do not exceed 10 percent of the consolidated assets of a company that controls the member bank and such subsidiary (and is not controlled by any other company).".

SEC. 2212. REPAYMENT OF TREASURY LOAN.

Section 1108 of the Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3337) is amended by adding at the end the following new subsection.—

"(c) REPAYMENT OF TREASURY LOAN.—Not later than September 30, 1998, the Appraisal Subcommittee shall repay to the Secretary of the Treasury the unpaid portion of the $5,000,000 paid to the Appraisal Subcommittee pursuant to this section.".

SEC. 2213. BRANCH CLOSURES.

Section 42 of the Federal Deposit Insurance Act (12 U.S.C. 1831r–1) is amended by adding at the end the following new subsection:

"(e) SCOPE OF APPLICATION.—This section shall not apply with respect to—

"(1) an automated teller machine;

"(2) the relocation of a branch or consolidation of one or more branches into another branch, if the relocation or consolidation—

"(A) occurs within the immediate neighborhood; and

"(B) does not substantially affect the nature of the business or customers served; or

"(3) a branch that is closed in connection with—

"(A) an emergency acquisition under—

"(i) section 11(n); or

"(ii) subsection (f) or (k) of section 13; or

"(B) any assistance provided by the Corporation under section 13(c).".

SEC. 2214. FOREIGN BANKS.

(a) EXAMINATION OF BRANCHES AND AGENCIES BY BOARD.—Section 7(c) of the International Banking Act of 1978 (12 U.S.C. 3105(c)) is amended—

(1) by striking "(c)" and inserting the following:

"(c) FOREIGN BANK EXAMINATIONS AND REPORTING.—";

(2) in paragraph (1)(B), by adding at the end the following new clause:

"(iii) AVOIDANCE OF DUPLICATION.—In exercising its authority under this paragraph, the Board shall take all reasonable measures to reduce burden and avoid unnecessary duplication of examinations.";

(3) by striking subparagraph (C) of paragraph (1) and inserting the following:

"(C) ON-SITE EXAMINATION.—Each Federal branch or agency, and each State branch or agency, of a foreign bank shall be subject to onsite examination by an appropriate Federal banking agency or State bank supervisor as frequently as would a national bank or a State bank, respectively, by the appropriate Federal banking agency."; and

(4) in paragraph (1)(D), by inserting before the period at the end the following: ", only to the same extent that fees are collected by the Board for examination of any State member bank".

(b) ESTABLISHMENT OF FOREIGN BANK OFFICES IN THE UNITED STATES.—Section 7(d) of the International Banking Act of 1978 (12 U.S.C. 3105(d)) is amended—

(1) in paragraph (2), by striking "The Board" and inserting "Except as provided in paragraph (6), the Board";

(2) in paragraph (5), by striking "Consistent with the standards for approval in paragraph (2), the"; and inserting "The"; and

(3) by adding at the end the following new paragraphs:

"(6) EXCEPTION.—

"(A) IN GENERAL.—If the Board is unable to find, under paragraph (2), that a foreign bank is subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in its home country, the Board may nevertheless approve an application by such foreign bank under paragraph (1) if—

"(i) the appropriate authorities in the home country of the foreign bank are actively working to establish arrangements for the consolidated supervision of such bank; and

"(ii) all other factors are consistent with approval.

"(B) OTHER CONSIDERATIONS.—In deciding whether to use its discretion under subparagraph (A), the Board shall also consider whether the foreign bank has adopted and implemented procedures to combat money laundering. The Board may also take into account whether the home country of the foreign bank is developing a legal regime to address money laundering or is participating in multilateral efforts to combat money laundering.

"(C) ADDITIONAL CONDITIONS.—In approving an application under this paragraph, the Board, after requesting and taking into consideration the views of the appropriate State bank supervisor or the Comptroller of the Currency, as the case may be, may impose such conditions or restrictions relating to the activities or business operations of the proposed branch, agency, or commercial lending company subsidiary, including restrictions on sources of funding, as are considered appropriate. The Board shall coordinate with the appropriate State bank supervisor or the Comptroller of the Currency, as appropriate, in the implementation of such conditions or restrictions.

"(D) MODIFICATION OF CONDITIONS.—Any condition or restriction imposed by the Board in connection with the approval of an application under authority of this paragraph may be modified or withdrawn.

"(7) TIME PERIOD FOR BOARD ACTION.—

"(A) FINAL ACTION.—The Board shall take final action on any application under paragraph (1) not later than 180 days after receipt of the application, except that the Board may extend for an additional 180 days the period within which to take final action on such application after providing notice of, and the reasons for, the extension to the applicant foreign bank and any appropriate State bank supervisor or the Comptroller of the Currency, as appropriate.

"(B) FAILURE TO SUBMIT INFORMATION.—The Board may deny any application if it does not receive information requested from the applicant foreign bank or appropriate authorities in the home country of the foreign bank in sufficient time to permit the Board to evaluate such information adequately within the time periods for final action set forth in subparagraph (A).

"(C) WAIVER.—A foreign bank may waive the applicability of this paragraph with respect to any application under paragraph (1).".

(c) TERMINATION OF FOREIGN BANK OFFICES IN THE UNITED STATES.—Section 7(e)(1)(A) of the International Banking Act of 1978 (12 U.S.C. 3105(e)(1)(A)) is amended—

(1) by inserting "(i)" after "(A)";

(2) by striking "or" at the end and inserting "and"; and

(3) by adding at the end the following new clause:

"(ii) the appropriate authorities in the home country of the foreign bank are not making demonstrable progress in establishing arrangements for the comprehensive supervision or regulation of such foreign bank on a consolidated basis; or".

SEC. 2215. DISPOSITION OF FORECLOSED ASSETS.

Section 4(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(2)) is amended—

(1) by striking "for not more than one year at a time"; and

(2) by striking "but no such extensions shall extend beyond a date five years" and inserting "and, in the case of a bank holding company which has not disposed of such shares within 5 years after the date on which such shares were acquired, the Board may, upon the application of such company, grant additional exemptions if, in the judgment of the Board, such extension would not be detrimental to the public interest and, either the bank holding company has made a good faith attempt to dispose of such shares during such 5-year period, or the disposal of such shares during such 5-year period would have been detrimental to the company, except that the aggregate duration of such extensions shall not extend beyond 10 years".

SEC. 2216. EXEMPTION AUTHORITY FOR ANTITYING PROVISION.

(a) FEDERAL RESERVE BOARD AUTHORITY.—Section 106(b)(1) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(1)) is amended in the last sentence, by inserting "and the prohibitions of section 4(f)(9) and 4(h)(2) of the Bank Holding Company Act of 1956" after "prohibition".

(b) OTS AUTHORITY.—Section 5(q) of the Home Owners' Loan Act (12 U.S.C. 1464(q)) is amended by adding at the end the following new paragraph:

"(6) EXCEPTIONS.—The Director may, by regulation or order, permit such exceptions to the prohibitions of this subsection as the Director considers will not be contrary to the purposes of this subsection and which conform to exceptions granted by the Board of Governors of the Federal Reserve System pursuant to section 106(b) of the Bank Holding Company Act Amendments of 1970.".

SEC. 2217. FDIC APPROVAL OF NEW STATE BANK POWERS.

Section 24 of the Federal Deposit Insurance Act (12 U.S.C. 1831a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking "IN GENERAL.—" and inserting the following: "PERMISSIBLE ACTIVITIES.—

"(1) IN GENERAL.—"; and

(C) by adding at the end the following new paragraph:

"(2) PROCESSING PERIOD.—

"(A) IN GENERAL.—The Corporation shall make a determination under paragraph (1)(A) not later than 60 days after receipt of a completed application that may be required under this subsection.

"(B) EXTENSION OF TIME PERIOD.—The Corporation may extend the 60-day period referred to in subparagraph (A) for not more than 30 additional days, and shall notify the applicant of any such extension."; and

(2) in subsection (d), by adding at the end the following new paragraph:

"(3) PROCESSING PERIOD.—

"(A) IN GENERAL.—The Corporation shall make a determination under paragraph (1)(A) not later than 60 days after receipt of a completed application that may be required under this subsection.

"(B) EXTENSION OF TIME PERIOD.—The Corporation may extend the 60-day period referred to in subparagraph (A) for not more than 30 additional days, and shall notify the applicant of any such extension.".

CHAPTER 2—ELIMINATING UNNECESSARY REGULATORY BURDENS

SEC. 2221. SMALL BANK EXAMINATION CYCLE.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended—

(1) by redesignating the second paragraph designated as paragraph (8) as paragraph (10), and by inserting that paragraph, as redesignated, immediately after paragraph (9); and

(2) in paragraph (10), as redesignated, by striking "$175,000,000" and inserting "$250,000,000".

SEC. 2222. REQUIRED REVIEW OF REGULATIONS.

(a) IN GENERAL.—Not less frequently than once every 10 years, the Council and each appropriate Federal banking agency represented on the Council shall conduct a review of all regulations prescribed by the Council or by any such appropriate Federal banking agency, respectively, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) PROCESS.—In conducting the review under subsection (a), the Council or the appropriate Federal banking agency shall—

(1) categorize the regulations described in subsection (a) by type (such as consumer regulations, safety and soundness regulations, or such other designations as determined by the Council, or the appropriate Federal banking agency); and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) COMPLETE REVIEW.—The Council or the appropriate Federal banking agency shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a) not less frequently than once every 10 years.

(d) REGULATORY RESPONSE.—The Council or the appropriate Federal banking agency shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) REPORT TO CONGRESS.—Not later than 30 days after carrying out subsection (d)(1), the Council shall submit to the Congress a report, which shall include—

(1) a summary of any significant issues raised by public comments received by the Council and the appropriate Federal banking agencies under this section and the relative merits of such issues; and

(2) an analysis of whether the appropriate Federal banking agency involved is able to address the regulatory burdens associated with such issues by regulation, or whether such burdens must be addressed by legislative action.

SEC. 2223. REPEAL OF IDENTIFICATION OF NONBANK FINANCIAL INSTITUTION CUSTOMERS.

Subchapter II of chapter 53 of title 31, United States Code, is amended—

(1) by striking section 5327;

(2) in the chapter analysis, by striking the item relating to section 5327; and

(3) in section 5321(a), by striking paragraph (7).

SEC. 2224. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) FDIA.—Section 477 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 251) is repealed.

(b) FIRREA.—Section 918 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833 note) is repealed.

(c) ILS.—Section 913 of the International Lending Supervision Act of 1983 (12 U.S.C. 3912) is repealed.

SEC. 2225. INCREASE IN HOME MORTGAGE DISCLOSURE EXEMPTION THRESHOLD.

(a) IN GENERAL.—Section 309 of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2808) is amended—

(1) by striking "This title" and inserting "(a) IN GENERAL.—This title";

(2) in the 3d sentence, by inserting "(as determined without regard to the adjustment made by subsection (b))" before the period; and

(2) by adding at the end the following new subsection:

"(b) CPI ADJUSTMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the dollar amount applicable with respect to institutions described in section 303(2)(A) under the 2d sentence of subsection (a) shall be adjusted annually after December 31, 1996, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics.

"(2) 1-TIME ADJUSTMENT FOR PRIOR INFLATION.—The first adjustment made under paragraph (1) after the date of the enactment of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 shall be the percentage by which—

"(A) the Consumer Price Index described in such paragraph for the calendar year 1996, exceeds

"(B) such Consumer Price Index for the calendar year 1975.

"(3) ROUNDING.—The dollar amount applicable under paragraph (1) for any calendar year shall be the amount determined in accordance with subparagraphs (A) and (B) of paragraph (2) and rounded to the nearest multiple of $1,000,000.".

(b) OPPORTUNITY TO REDUCE COMPLIANCE BURDEN.—Section 304 of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803) is amended by adding at the end the following new subsection:

"(m) OPPORTUNITY TO REDUCE COMPLIANCE BURDEN.—

"(1) IN GENERAL.—

"(A) SATISFACTION OF PUBLIC AVAILABILITY REQUIREMENTS.—A depository institution shall be deemed to have satisfied the public availability requirements of subsection (a) if the institution compiles the information required under that subsection at the home office of the institution and provides notice at the branch locations specified in subsection (a) that such information is available from the home office of the institution upon written request.

"(B) PROVISION OF INFORMATION UPON REQUEST.—Not later than 15 days after the receipt of a written request for any information required to be compiled under subsection (a), the home office of the depository institution receiving the request shall provide the information pertinent to the location of the branch in question to the person requesting the information.

"(2) FORM OF INFORMATION.—In complying with paragraph (1), a depository institution shall, in the sole discretion of the institution, provide the person requesting the information with—

"(A) a paper copy of the information requested; or

"(B) if acceptable to the person, the information through a form of electronic medium, such as a computer disk.".

SEC. 2226. ELIMINATION OF STOCK LOAN REPORTING REQUIREMENT.

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended—

(1) in paragraph (9)(A)—

(A) by striking "financial institution and any affiliate of any financial institution" and inserting "foreign bank, or any affiliate thereof,"; and

(B) by striking "by the financial institution and such institution's affiliates" and inserting "by the foreign bank or any affiliate thereof";

(2) in paragraph (9)(B)—

(A) by striking "paragraph—" and inserting "paragraph, the following definitions shall apply:";

(B) by striking clause (i) and inserting the following:

"(i) FOREIGN BANK.—The terms 'foreign bank' and 'affiliate' have the same meanings as in section 1 of the International Banking Act of 1978."; and

(C) in clause (iii), by striking "financial institution" and inserting "foreign bank or any affiliate thereof";

(3) in paragraph (9)(C)—

(A) by striking "financial institution or any of its affiliates" and inserting "foreign bank or any affiliate thereof"; and

(B) by striking "financial institution or its affiliates" and inserting "foreign bank or any affiliate thereof";

(4) in paragraph (9)(D)—

(A) in clause (i)—

(i) by striking "the financial institution and all affiliates of the institution" and inserting "the foreign bank and all affiliates thereof"; and

(ii) by striking "financial institution or any such affiliate" and inserting "foreign bank or affiliate thereof";

(B) in clause (ii), by striking "financial institution and any affiliate of such institution" and inserting "foreign bank and any affiliate thereof"; and

(C) in clause (iii), by striking "financial institution" and inserting "foreign bank or any affiliate thereof"; and

(5) in paragraph (9)(E)—

(A) in clause (i)—

(i) by striking "a financial institution and the affiliates of such institution" and inserting "a foreign bank or any affiliate thereof"; and

(ii) by striking "institution or affiliate" each place such term appears and inserting "foreign bank or any affiliate thereof"; and

(B) in clause (ii), by striking "financial institution and any affiliate of such institution" and inserting "foreign bank and any affiliate thereof".

SEC. 2227. CREDIT AVAILABILITY ASSESSMENT.

(a) STUDY.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, and once every 60 months thereafter, the Board, in consultation with the Director of the Office of Thrift Supervision, the Comptroller of the Currency, the Board of Directors of the Corporation, the Administrator of the National Credit Union Administration, the Administrator of the Small Business Administration, and the Secretary of Commerce, shall conduct a study and submit a report to the Congress detailing the extent of small business lending by all creditors.

(2) CONTENTS OF STUDY.—The study required under paragraph (1) shall identify, to the extent practicable, those factors which provide policymakers with insights into the small business credit market, including—

(A) the demand for small business credit, including consideration of the impact of economic cycles on the levels of such demand;

(B) the availability of credit to small businesses;

(C) the range of credit options available to small businesses, such as those available from insured depository institutions and other providers of credit;

(D) the types of credit products used to finance small business operations, including the use of traditional loans, leases, lines of credit, home equity loans, credit cards, and other sources of financing;

(E) the credit needs of small businesses, including, if appropriate, the extent to which such needs differ, based upon product type, size of business, cash flow requirements, characteristics of ownership or investors, or other aspects of such business;

(F) the types of risks to creditors in providing credit to small businesses; and

(G) such other factors as the Board deems appropriate.

(b) USE OF EXISTING DATA.—The studies required by this section shall not increase the regulatory or paperwork burden on regulated financial institutions, other sources of small business credit, or small businesses.

CHAPTER 3—REGULATORY MICROMANAGEMENT RELIEF

SEC. 2241. NATIONAL BANK DIRECTORS.

Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the first sentence, by striking "except" and all that follows through the end of the sentence and inserting the following: "except that the Comptroller may, in the discretion of the Comptroller, waive the requirement of residency.".

SEC. 2242. PAPERWORK REDUCTION REVIEW.

Section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4803(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) review the extent to which existing regulations require insured depository institutions and insured credit unions to produce unnecessary internal written policies and eliminate such requirements, where appropriate;".

SEC. 2243. STATE BANK REPRESENTATION ON BOARD OF DIRECTORS OF THE FDIC.

Section 2(a)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1812(a)(1)(C)) is amended by inserting before the period ", 1 of whom shall have State bank supervisory experience".

SEC. 2244. CONSULTATION AMONG EXAMINERS.

(a) IN GENERAL.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by adding at the end the following new subsection:

"(j) CONSULTATION AMONG EXAMINERS.—

"(1) IN GENERAL.—Each appropriate Federal banking agency shall take such action as may be necessary to ensure that examiners employed by the agency—

"(A) consult on examination activities with respect to any depository institution; and

"(B) achieve an agreement and resolve any inconsistencies in the recommendations to be given to such institution as a consequence of any examinations.

"(2) EXAMINER-IN-CHARGE.—Each appropriate Federal banking agency shall consider appointing an examiner-in-charge with respect to a depository institution to ensure consultation on examination activities among all of the examiners of that agency involved in examinations of the institution.".

(b) COORDINATED AND UNIFIED EXAMINATION FLEXIBILITY.—Section 10(d)(6)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(6)(B)) is amended by inserting "or State bank supervisors" after "one of the Federal agencies".

Subtitle C—Regulatory Impact on Cost of Credit and Credit Availability

SEC. 2301. AUDIT COSTS.

(a) AUDITOR ATTESTATIONS.—Section 36 of the Federal Deposit Insurance Act (12 U.S.C. 1831m) is amended by striking subsection (e) and inserting the following:

"(e) [Repealed]".

(b) INDEPENDENT AUDIT COMMITTEES.—Section 36(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831m(g)(1)) is amended—

(1) in subparagraph (A), by inserting ", except as provided in subparagraph (D)" after "management of the institution"; and

(2) by adding at the end the following new subparagraph:

"(D) EXEMPTION AUTHORITY.—

"(i) IN GENERAL.—An appropriate Federal banking agency may, by order or regulation, permit the independent audit committee of an insured depository institution to be made up of less than all, but no fewer than a majority of, outside directors, if the agency determines that the institution has encountered hardships in retaining and recruiting a sufficient number of competent outside directors to serve on the internal audit committee of the institution.

"(ii) FACTORS TO BE CONSIDERED.—In determining whether an insured depository institution has encountered hardships referred to in clause (i), the appropriate Federal banking agency shall consider factors such as the size of the institution, and whether the institution has made a good faith effort to elect or name additional competent outside directors to the board of directors of the institution who may serve on the internal audit committee.".

(c) PUBLIC AVAILABILITY.—Section 36(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831m(a)(3)) is amended by adding at the end the following: "Notwithstanding the preceding sentence, the Corporation and the appropriate Federal banking agencies may designate certain information as privileged and confidential and not available to the public.".

SEC. 2302. INCENTIVES FOR SELF-TESTING.

(a) EQUAL CREDIT OPPORTUNITY.—

(1) IN GENERAL.—The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended by inserting after section 704 the following new section:

"SEC. 704A. INCENTIVES FOR SELF-TESTING AND SELF-CORRECTION.

"(a) PRIVILEGED INFORMATION.—

"(1) CONDITIONS FOR PRIVILEGE.—A report or result of a self-test (as that term is defined by regulations of the Board) shall be considered to be privileged under paragraph (2) if a creditor—

"(A) conducts, or authorizes an independent third party to conduct, a self-test of any aspect of a credit transaction by a creditor, in order to determine the level or effectiveness of compliance with this title by the creditor; and

"(B) has identified any possible violation of this title by the creditor and has taken, or is taking, appropriate corrective action to address any such possible violation.

"(2) PRIVILEGED SELF-TEST.—If a creditor meets the conditions specified in subparagraphs (A) and (B) of paragraph (1) with respect to a self-test described in that paragraph, any report or results of that self-test—

"(A) shall be privileged; and

"(B) may not be obtained or used by any applicant, department, or agency in any—

"(i) proceeding or civil action in which one or more violations of this title are alleged; or

"(ii) examination or investigation relating to compliance with this title.

"(b) RESULTS OF SELF-TESTING.—

"(1) IN GENERAL.—No provision of this section may be construed to prevent an applicant, department, or agency from obtaining or using a report or results of any self-test in any proceeding or civil action in which a violation of this title is alleged, or in any examination or investigation of compliance with this title if—

"(A) the creditor or any person with lawful access to the report or results—

"(i) voluntarily releases or discloses all, or any part of, the report or results to the applicant, department, or agency, or to the general public; or

"(ii) refers to or describes the report or results as a defense to charges of violations of this title against the creditor to whom the self-test relates; or

"(B) the report or results are sought in conjunction with an adjudication or admission of a violation of this title for the sole purpose of determining an appropriate penalty or remedy.

"(2) DISCLOSURE FOR DETERMINATION OF PENALTY OR REMEDY.—Any report or results of a self-test that are disclosed for the purpose specified in paragraph (1)(B)—

"(A) shall be used only for the particular proceeding in which the adjudication or admission referred to in paragraph (1)(B) is made; and

"(B) may not be used in any other action or proceeding.

"(c) ADJUDICATION.—An applicant, department, or agency that challenges a privilege asserted under this section may seek a determination of the existence and application of that privilege in—

"(1) a court of competent jurisdiction; or

"(2) an administrative law proceeding with appropriate jurisdiction.".

(2) REGULATIONS.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, in consultation with the Secretary of Housing and Urban Development and the agencies referred to in section 704 of the Equal Credit Opportunity Act, and after providing notice and an opportunity for public comment, the Board shall prescribe final regulations to implement section 704A of the Equal Credit Opportunity Act, as added by this section.

(B) SELF-TEST.—

(i) DEFINITION.—The regulations prescribed under subparagraph (A) shall include a definition of the term "self-test" for purposes of section 704A of the Equal Credit Opportunity Act, as added by this section.

(ii) REQUIREMENT FOR SELF-TEST.—The regulations prescribed under subparagraph (A) shall specify that a self-test shall be sufficiently extensive to constitute a determination of the level and effectiveness of compliance by a creditor with the Equal Credit Opportunity Act.

(iii) SUBSTANTIAL SIMILARITY TO CERTAIN FAIR HOUSING ACT REGULATIONS.—The regulations prescribed under subparagraph (A) shall be substantially similar to the regulations prescribed by the Secretary of Housing and Urban Development to carry out section 814A(d) of the Fair Housing Act, as added by this section.

(3) CLERICAL AMENDMENT.—The table of sections for title VII of the Consumer Credit Protection Act is amended by inserting after the item relating to section 704 the following new item:

"704A. Incentives for self-testing and self-correction.".

(b) FAIR HOUSING.—

(1) IN GENERAL.—The Fair Housing Act (42 U.S.C. 3601 et seq.) is amended by inserting after section 814 the following new section:

"SEC. 814A. INCENTIVES FOR SELF-TESTING AND SELF-CORRECTION.

"(a) PRIVILEGED INFORMATION.—

"(1) CONDITIONS FOR PRIVILEGE.—A report or result of a self-test (as that term is defined by regulation of the Secretary) shall be considered to be privileged under paragraph (2) if any person—

"(A) conducts, or authorizes an independent third party to conduct, a self-test of any aspect of a residential real estate related lending transaction of that person, or any part of that transaction, in order to determine the level or effectiveness of compliance with this title by that person; and

"(B) has identified any possible violation of this title by that person and has taken, or is taking, appropriate corrective action to address any such possible violation.

"(2) PRIVILEGED SELF-TEST.—If a person meets the conditions specified in subparagraphs (A) and (B) of paragraph (1) with respect to a self-test described in that paragraph, any report or results of that self-test—

"(A) shall be privileged; and

"(B) may not be obtained or used by any applicant, department, or agency in any—

"(i) proceeding or civil action in which one or more violations of this title are alleged; or

"(ii) examination or investigation relating to compliance with this title.

"(b) RESULTS OF SELF-TESTING.—

"(1) IN GENERAL.—No provision of this section may be construed to prevent an aggrieved person, complainant, department, or agency from obtaining or using a report or results of any self-test in any proceeding or civil action in which a violation of this title is alleged, or in any examination or investigation of compliance with this title if—

"(A) the person to whom the self-test relates or any person with lawful access to the report or the results—

"(i) voluntarily releases or discloses all, or any part of, the report or results to the aggrieved person, complainant, department, or agency, or to the general public; or *"(ii) refers to or describes the report or results as a defense to charges of violations of this title against the person to whom the self-test relates; or*

"(B) the report or results are sought in conjunction with an adjudication or admission of a violation of this title for the sole purpose of determining an appropriate penalty or remedy.

"(2) DISCLOSURE FOR DETERMINATION OF PENALTY OR REMEDY.—Any report or results of a self-test that are disclosed for the purpose specified in paragraph (1)(B)—

"(A) shall be used only for the particular proceeding in which the adjudication or admission referred to in paragraph (1)(B) is made; and

"(B) may not be used in any other action or proceeding.

"(c) ADJUDICATION.—An aggrieved person, complainant, department, or agency that challenges a privilege asserted under this section may seek a determination of the existence and application of that privilege in—

"(1) a court of competent jurisdiction; or

"(2) an administrative law proceeding with appropriate jurisdiction.".

(2) REGULATIONS.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, in consultation with the Board and after providing notice and an opportunity for public comment, the Secretary of Housing and Urban Development shall prescribe final regulations to implement section 814A of the Fair Housing Act, as added by this section.

(B) SELF-TEST.—

(i) DEFINITION.—The regulations prescribed by the Secretary under subparagraph (A) shall include a definition of the term "self-test" for purposes of section 814A of the Fair Housing Act, as added by this section.

(ii) REQUIREMENT FOR SELF-TEST.—The regulations prescribed by the Secretary under subparagraph (A) shall specify that a self-test shall be sufficiently extensive to constitute a determination of the level and effectiveness of the compliance by a person engaged in residential real estate related lending activities with the Fair Housing Act.

(iii) SUBSTANTIAL SIMILARITY TO CERTAIN EQUAL CREDIT OPPORTUNITY ACT REGULATIONS.—The regulations prescribed under subparagraph (A) shall be substantially similar to the regulations prescribed by the Board to carry out section 704A of the Equal Credit Opportunity Act, as added by this section.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the privilege provided for in section 704A of the Equal Credit Opportunity Act or section 814A of the Fair Housing Act (as those sections are added by this section) shall apply to a self-test (as that term is defined pursuant to the regulations prescribed under subsection (a)(2) or (b)(2) of this section, as appropriate) conducted before, on, or after the effective date of the regulations prescribed under subsection (a)(2) or (b)(2), as appropriate.

(2) EXCEPTION.—The privilege referred to in paragraph (1) does not apply to such a self-test conducted before the effective date of the regulations prescribed under subsection (a) or (b), as appropriate, if—

(A) before that effective date, a complaint against the creditor or person engaged in residential real estate related lending activities (as the case may be) was—

(i) formally filed in any court of competent jurisdiction; or

(ii) the subject of an ongoing administrative law proceeding;

(B) in the case of section 704A of the Equal Credit Opportunity Act, the creditor has waived the privilege pursuant to subsection (b)(1)(A)(i) of that section; or

(C) in the case of section 814A of the Fair Housing Act, the person engaged in residential real estate related lending activities has waived the privilege pursuant to subsection (b)(1)(A)(i) of that section.

SEC. 2303. QUALIFIED THRIFT INVESTMENT AMENDMENTS.

(a) CREDIT CARDS.—Section 5(b) of the Home Owners' Loan Act (12 U.S.C. 1464(b)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

(b) LOANS OR INVESTMENTS WITHOUT PERCENTAGE OF ASSETS LIMITATION.—Section 5(c)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by adding at the end the following new subparagraphs:

"(T) CREDIT CARD LOANS.—Loans made through credit cards or credit card accounts.

"(U) EDUCATIONAL LOANS.—Loans made for the payment of educational expenses.".

(c) COMMERCIAL AND OTHER LOANS.—Section 5(c)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(A)) is amended to read as follows:

"(A) COMMERCIAL AND OTHER LOANS.—Secured or unsecured loans for commercial, corporate, business, or agricultural purposes. The aggregate amount of loans made under this subparagraph may not exceed 20 percent of the total assets of the Federal savings association, and amounts in excess of 10 percent of such total assets may be used under this subparagraph only for small business loans, as that term is defined by the Director.".

(d) LOANS OR INVESTMENTS LIMITED TO 5 PERCENT OF ASSETS.—Section 5(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(e) QUALIFIED THRIFT LENDER TEST.—Section 10(m)(1) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(1)) is amended—

(1) by redesignating subparagraph (B) as clause (ii);

(2) in subparagraph (A), by striking "(A) the savings" and inserting "(B)(i) the savings"; and

(3) by inserting after "if—" the following new subparagraph:

"(A) the savings association qualifies as a domestic building and loan association, as such term is defined in section 7701(a)(19) of the Internal Revenue Code of 1986; or".

(f) BRANCHING.—Section 5(r) of the Home Owners' Loan Act (12 U.S.C. 1464(r)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by inserting before the period ", or qualifies as a qualified thrift lender, as determined under section 10(m) of this Act"; and

(ii) by striking "(c)" and inserting "(C)"; and

(B) in the second sentence, by inserting before the period "or as a qualified thrift lender, as determined under section 10(m) of this Act, as applicable"; and

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) the law of the State where the branch is located, or is to be located, would permit establishment of the branch if the association was a savings association or savings bank chartered by the State in which its home office is located; or".

(g) DEFINITION.—Section 10(m)(4) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)) is amended—

(1) by striking "subsection—" and inserting "subsection, the following definitions shall apply:";

(2) in subparagraph (C)—

(A) in clause (ii), by adding at the end the following new subclause:

"(VII) Loans for educational purposes, loans to small businesses, and loans made through credit cards or credit card accounts."; and

(B) in clause (iii), by striking subclause (VI) and inserting the following:

"(VI) Loans for personal, family, or household purposes (other than loans for personal, family, or household purposes described in clause (ii)(VII))."; and

(3) by adding at the end the following new subparagraphs:

"(D) CREDIT CARD.—The Director shall issue such regulations as may be necessary to define the term 'credit card'.

"(E) SMALL BUSINESS.—The Director shall issue such regulations as may be necessary to define the term 'small business'.".

SEC. 2304. LIMITED PURPOSE BANKS.

(a) GROWTH CAP RELIEF.—Section 4(f)(3)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(3)(B)) is amended—

(1) in clause (ii), by adding "or" at the end;

(2) in clause (iii), by striking "; or" at the end and inserting a period; and

(3) by striking clause (iv).

(b) LIMITED PURPOSE BANK EXCEPTION.—Section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F)) is amended by inserting ", including an institution that accepts collateral for extensions of credit by holding deposits under $100,000, and by other means" after "An institution".

SEC. 2305. AMENDMENT TO FAIR DEBT COLLECTION PRACTICES ACT.

(a) IN GENERAL.—Section 807(11) of the Fair Debt Collection Practices Act (15 U.S.C. 1692e(11)) is amended to read as follows:

"(11) The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act and shall apply to all communications made after that date of enactment.

SEC. 2306. INCREASE IN CERTAIN CREDIT UNION LOAN CEILINGS.

Section 107(5)(A) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)) is amended—

(1) in clause (iv), by striking "$10,000" and inserting "$20,000"; and

(2) in clause (v), by striking "$10,000" and inserting "$20,000".

SEC. 2307. BANK INVESTMENTS IN EDGE ACT AND AGREEMENT CORPORATIONS.

The 10th undesignated paragraph of section 25A of the Federal Reserve Act (12 U.S.C. 618) is amended by striking the last sentence and inserting the following: "Any national bank may invest in the stock of any corporation organized under this section. The aggregate amount of stock held by any national bank in all corporations engaged in business of the kind described in this section or section 25 shall not exceed an amount equal to 10 percent of the capital and surplus of such bank unless the Board determines that the investment of an additional amount by the bank would not be unsafe or unsound and, in any case, shall not exceed an amount equal to 20 percent of the capital and surplus of such bank.".

Subtitle D—Consumer Credit

CHAPTER 1—CREDIT REPORTING REFORM

SEC. 2401. SHORT TITLE.

This chapter may be cited as the "Consumer Credit Reporting Reform Act of 1996".

SEC. 2402. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k) ADVERSE ACTION.—

"(1) ACTIONS INCLUDED.—The term 'adverse action'—

"(A) has the same meaning as in section 701(d)(6) of the Equal Credit Opportunity Act; and

"(B) means—

"(i) a denial or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance;

"(ii) a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee;

"(iii) a denial or cancellation of, an increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(a)(3)(D); and

"(iv) an action taken or determination that is—

"(I) made in connection with an application that was made by, or a transaction that was initiated by, any consumer, or in connection with a review of an account under section 604(a)(3)(F)(ii); and

"(II) adverse to the interests of the consumer.

"(2) APPLICABLE FINDINGS, DECISIONS, COMMENTARY, AND ORDERS.—For purposes of any determination of whether an action is an adverse action under paragraph (1)(A), all appropriate final findings, decisions, commentary, and orders issued under section 701(d)(6) of the Equal Credit Opportunity Act by the Board of Governors of the Federal Reserve System or any court shall apply.".

(b) FIRM OFFER OF CREDIT OR INSURANCE.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) (as amended by subsection (a) of this section) is amended by adding at the end the following new subsection:

"(l) FIRM OFFER OF CREDIT OR INSURANCE.—The term 'firm offer of credit or insurance' means any offer of credit or insurance to a consumer that will be honored if the consumer is determined, based on information in a consumer report on the consumer, to meet the specific criteria used to select the consumer for the offer, except that the offer may be further conditioned on one or more of the following:

"(1) The consumer being determined, based on information in the consumer's application for the credit or insurance, to meet specific criteria bearing on credit worthiness or insurability, as applicable, that are established—

"(A) before selection of the consumer for the offer; and

"(B) for the purpose of determining whether to extend credit or insurance pursuant to the offer.

"(2) Verification—

"(A) that the consumer continues to meet the specific criteria used to select the consumer for the offer, by using information in a consumer report on the consumer, information in the consumer's application for the credit or insurance, or other information bearing on the credit worthiness or insurability of the consumer; or

"(B) of the information in the consumer's application for the credit or insurance, to determine that the consumer meets the specific criteria bearing on credit worthiness or insurability.

"(3) The consumer furnishing any collateral that is a requirement for the extension of the credit or insurance that was—

"(A) established before selection of the consumer for the offer of credit or insurance; and

"(B) disclosed to the consumer in the offer of credit or insurance.".

(c) CREDIT OR INSURANCE TRANSACTION THAT IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) (as amended by subsection (b) of this section) is amended by adding at the end the following new subsection:

"(m) CREDIT OR INSURANCE TRANSACTION THAT IS NOT INITIATED BY THE CONSUMER.—The term 'credit or insurance transaction that is not initiated by the consumer' does not include the use of a consumer report by a person with which the consumer has an account or insurance policy, for purposes of—

"(1) reviewing the account or insurance policy; or

"(2) collecting the account.".

(d) STATE.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) (as amended by subsection (c) of this section) is amended by adding at the end the following new subsection:

"(n) STATE.—The term 'State' means any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.".

(e) DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended—

(1) by striking "(d) The term" and inserting the following:

"(d) CONSUMER REPORT.—

"(1) IN GENERAL.—The term";

(2) by striking "for (1) credit" and inserting the following: "for—

"(A) credit";

(3) by striking "purposes, or (2)" and all that follows through "section 604." and inserting the following: "purposes;

"(B) employment purposes; or

"(C) any other purpose authorized under section 604."; and

(4) by striking the second sentence and inserting the following:

"(2) EXCLUSIONS.—The term 'consumer report' does not include—

"(A) any—

"(i) report containing information solely as to transactions or experiences between the consumer and the person making the report;

"(ii) communication of that information among persons related by common ownership or affiliated by corporate control; or

"(iii) any communication of other information among persons related by common ownership or affiliated by corporate control, if it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons and the consumer is given the opportunity, before the time that the information is initially communicated, to direct that such information not be communicated among such persons;

"(B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;

"(C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made, and such person makes the disclosures to the consumer required under section 615; or

"(D) a communication described in subsection (o).".

(f) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(o) EXCLUDED COMMUNICATIONS.—A communication is described in this subsection if it is a communication—

"(1) that, but for subsection (d)(2)(E), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer; or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person who regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in subparagraph (A) or (B) of paragraph (2); or

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, not later than 3 business days after the receipt of the consent by that person;

"(B) the person who makes the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person who makes the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, not later than 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of any information that is acquired solely for use in making the communication and is actually used for no other purpose, need not be disclosed other than under appropriate discovery procedures in any court of competent jurisdiction in which an action is brought; and

"(ii) notifies the consumer who is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

(g) CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON A NATIONWIDE BASIS.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) (as amended by subsection (f) of this section) is amended by adding at the end the following new subsection:

"(p) CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON CONSUMERS ON A NATIONWIDE BASIS.—The term 'consumer reporting agency that compiles and maintains files on consumers on a nationwide basis' means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's credit worthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide:

"(1) Public record information.

"(2) Credit account information from persons who furnish that information regularly and in the ordinary course of business.".

SEC. 2403. FURNISHING CONSUMER REPORTS; USE FOR EMPLOYMENT PURPOSES.

(a) FURNISHING CONSUMER REPORTS FOR BUSINESS TRANSACTIONS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by inserting "(a) IN GENERAL.—" before "A consumer reporting agency"; and

(2) in subsection (a)(3) (as so designated by paragraph (1) of this subsection), by striking subparagraph (E) and inserting the following:

"(E) intends to use the information, as a potential investor or servicer, or current insurer, in connection with a valuation of, or an assessment of the credit or prepayment risks associated with, an existing credit obligation; or

"(F) otherwise has a legitimate business need for the information—

"(i) in connection with a business transaction that is initiated by the consumer; or

"(ii) to review an account to determine whether the consumer continues to meet the terms of the account.".

(b) FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended by adding at the end the following new subsection:

"(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

"(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only if—

"(A) the person who obtains such report from the agency certifies to the agency that—

"(i) the person has complied with paragraph (2) with respect to the consumer report, and the person will comply with paragraph (3) with respect to the consumer report if paragraph (3) becomes applicable; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

"(2) DISCLOSURE TO CONSUMER.—A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless—

"(A) a clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and

"(B) the consumer has authorized in writing the procurement of the report by that person.

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—In using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report, the person intending to take such adverse action shall provide to the consumer to whom the report relates—

"(A) a copy of the report; and

"(B) a description in writing of the rights of the consumer under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).".

SEC. 2404. USE OF CONSUMER REPORTS FOR PRESCREENING; PROHIBITION ON UNAUTHORIZED OR UNCERTIFIED USE OF INFORMATION.

(a) IN GENERAL.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) (as amended by section 2403 of this chapter) is amended—

(1) in subsection (a), by striking "A consumer reporting agency" and inserting "Subject to subsection (c), any consumer reporting agency"; and

(2) by adding at the end the following new subsections:

"(c) FURNISHING REPORTS IN CONNECTION WITH CREDIT OR INSURANCE TRANSACTIONS THAT ARE NOT INITIATED BY THE CONSUMER.—

"(1) IN GENERAL.—A consumer reporting agency may furnish a consumer report relating to any consumer pursuant to subparagraph (A) or (C) of subsection (a)(3) in connection with any credit or insurance transaction that is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit or insurance;

"(ii) the consumer reporting agency has complied with subsection (e); and

"(iii) there is not in effect an election by the consumer, made in accordance with subsection (e), to have the consumer's name and address excluded from lists of names provided by the agency pursuant to this paragraph.

"(2) LIMITS ON INFORMATION RECEIVED UNDER PARAGRAPH (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer;

"(B) an identifier that is not unique to the consumer and that is used by the person solely for the purpose of verifying the identity of the consumer; and

"(C) other information pertaining to a consumer that does not identify the relationship or experience of the consumer with respect to a particular creditor or other entity.

"(3) INFORMATION REGARDING INQUIRIES.—Except as provided in section 609(a)(5), a consumer reporting agency shall not furnish to any person a record of inquiries in connection with a credit or insurance transaction that is not initiated by a consumer.

"(d) RESERVED.

"(e) ELECTION OF CONSUMER TO BE EXCLUDED FROM LISTS.—

"(1) IN GENERAL.—A consumer may elect to have the consumer's name and address excluded from any list provided by a consumer reporting agency under subsection (c)(1)(B) in connection with a credit or insurance transaction that is not initiated by the consumer by notifying the agency in accordance with paragraph (2) that the consumer does not consent to any use of a consumer report relating to the consumer in connection with any credit or insurance transaction that is not initiated by the consumer.

"(2) MANNER OF NOTIFICATION.—A consumer shall notify a consumer reporting agency under paragraph (1)—

"(A) through the notification system maintained by the agency under paragraph (5); or

"(B) by submitting to the agency a signed notice of election form issued by the agency for purposes of this subparagraph.

"(3) RESPONSE OF AGENCY AFTER NOTIFICATION THROUGH SYSTEM.—Upon receipt of notification of the election of a consumer under paragraph (1) through the notification system maintained by the agency under paragraph (5), a consumer reporting agency shall—

"(A) inform the consumer that the election is effective only for the 2-year period following the election if the consumer does not submit to the agency a signed notice of election form issued by the agency for purposes of paragraph (2)(B); and

"(B) provide to the consumer a notice of election form, if requested by the consumer, not later than 5 business days after receipt of the notification of the election through the system established under paragraph (5), in the case of a request made at the time the consumer provides notification through the system.

"(4) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning 5 business days after the date on which the consumer notifies the agency in accordance with paragraph (2);

"(B) shall be effective with respect to a consumer reporting agency—

"(i) subject to subparagraph (C), during the 2-year period beginning 5 business days after the date on which the consumer notifies the agency of the election, in the case of an election for which a consumer notifies the agency only in accordance with paragraph (2)(A); or

"(ii) until the consumer notifies the agency under subparagraph (C), in the case of an election for which a consumer notifies the agency in accordance with paragraph (2)(B);

"(C) shall not be effective after the date on which the consumer notifies the agency, through the notification system established by the agency under paragraph (5), that the election is no longer effective; and

"(D) shall be effective with respect to each affiliate of the agency.

"(5) NOTIFICATION SYSTEM.—

"(A) IN GENERAL.—Each consumer reporting agency that, under subsection (c)(1)(B), furnishes a consumer report in connection with a credit or insurance transaction that is not initiated by a consumer shall—

"(i) establish and maintain a notification system, including a toll-free telephone number, which permits any consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any such list of names and addresses provided by the agency for such a transaction; and

"(ii) publish by not later than 365 days after the date of enactment of the Consumer Credit Reporting Reform Act of 1996, and not less than annually thereafter, in a publication of general circulation in the area served by the agency—

"(I) a notification that information in consumer files maintained by the agency may be used in connection with such transactions; and

"(II) the address and toll-free telephone number for consumers to use to notify the agency of the consumer's election under clause (i).

"(B) ESTABLISHMENT AND MAINTENANCE AS COMPLIANCE.—Establishment and maintenance of a notification system (including a toll-free telephone number) and publication by a consumer reporting agency on the agency's own behalf and on behalf of any of its affiliates in accordance with this paragraph is deemed to be compliance with this paragraph by each of those affiliates.

"(6) NOTIFICATION SYSTEM BY AGENCIES THAT OPERATE NATIONWIDE.—Each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system for purposes of paragraph (5) jointly with other such consumer reporting agencies.".

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) (as amended by subsection (a) of this section) is amended by adding at the end the following new subsection:

"(f) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain a consumer report for any purpose unless—

"(1) the consumer report is obtained for a purpose for which the consumer report is authorized to be furnished under this section; and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report through a general or specific certification.".

(c) FTC GUIDELINES REGARDING PRESCREENING FOR INSURANCE TRANSACTIONS.—The Federal Trade Commission may issue such guidelines as it deems necessary with respect to the use of consumer reports in connection with insurance transactions that are not initiated by

the consumer pursuant to section 604(c) of the Fair Credit Reporting Act, as added by subsection (a) of this section.

SEC. 2405. CONSUMER CONSENT REQUIRED TO FURNISH CONSUMER REPORT CONTAINING MEDICAL INFORMATION.

Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended by adding at the end the following new subsection:

"(g) FURNISHING REPORTS CONTAINING MEDICAL INFORMATION.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit or insurance transaction or a direct marketing transaction, a consumer report that contains medical information about a consumer, unless the consumer consents to the furnishing of the report.".

SEC. 2406. OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) AMENDMENT TO LARGE-DOLLAR EXCEPTION.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended—

(1) by inserting "INFORMATION EXCLUDED FROM CONSUMER REPORTS.—" after "(a)";

(2) in subsection (b)—

(A) in paragraph (1), by striking "$50,000" and inserting "$150,000";

(B) in paragraph (2), by striking "$50,000" and inserting "$150,000"; and

(C) in paragraph (3), by striking "$20,000" and inserting "$75,000".

(b) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) (as amended by subsection (a) of this section) is amended by adding at the end the following new subsection:

"(c) RUNNING OF REPORTING PERIOD.—

"(1) IN GENERAL.—The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to any delinquent account that is placed for collection (internally or by referral to a third party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency which immediately preceded the collection activity, charge to profit and loss, or similar action.

"(2) EFFECTIVE DATE.—Paragraph (1) shall apply only to items of information added to the file of a consumer on or after the date that is 455 days after the date of enactment of the Consumer Credit Reporting Reform Act of 1996.".

(c) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsection:

"(d) INFORMATION REQUIRED TO BE DISCLOSED.—Any consumer reporting agency that furnishes a consumer report that contains information regarding any case involving the consumer that arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under title 11, United States Code, is withdrawn by the consumer before a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.".

(d) INDICATION OF CLOSURE OF ACCOUNT; INDICATION OF DISPUTE BY CONSUMER.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsections:

"(e) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(4) that a credit account of a consumer was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to the account.

"(f) INDICATION OF DISPUTE BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(3) that information regarding a consumer who was furnished to the agency is disputed by the consumer, the agency shall indicate that fact in each consumer report that includes the disputed information.".

(e) CONFORMING AMENDMENTS.—

(1) Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended in the section heading, by striking "**obsolete information**" and inserting "**requirements relating to information contained in consumer reports**".

(2) The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 2407. COMPLIANCE PROCEDURES.

(a) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer, if adverse action against the consumer has been taken by the user based in whole or in part on the report.".

(b) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding after subsection (c) (as added by subsection (a) of this section) the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—

"(1) NOTICE REQUIREMENT.—A consumer reporting agency shall provide to any person—

"(A) who regularly and in the ordinary course of business furnishes information to the agency with respect to any consumer; or

"(B) to whom a consumer report is provided by the agency;

a notice of such person's responsibilities under this title.

"(2) CONTENT OF NOTICE.—The Federal Trade Commission shall prescribe the content of notices under paragraph (1), and a consumer reporting agency shall be in compliance with this subsection if it provides a notice under paragraph (1) that is substantially similar to the Federal Trade Commission prescription under this paragraph.".

(c) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or any information in the report) unless the person discloses to the consumer reporting agency that originally furnishes the report—

"(A) the identity of the end-user of the report (or information); and

"(B) each permissible purpose under section 604 for which the report is furnished to the end-user of the report (or information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person who procures a consumer report for purposes of reselling the report (or any information in the report) shall—

"(A) establish and comply with reasonable procedures designed to ensure that the report (or information) is resold by the person only for a purpose for which the report may be furnished under section 604, including by requiring that each person to which the report (or information) is resold and that resells or provides the report (or information) to any other person—

"(i) identifies each end user of the resold report (or information);

"(ii) certifies each purpose for which the report (or information) will be used; and

"(iii) certifies that the report (or information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 2408. CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request, except that nothing in this paragraph shall be construed to require a consumer reporting agency to disclose to a consumer any information concerning credit scores or any other risk scores or predictors relating to the consumer.".

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended to read as follows:

"(3)(A) Identification of each person (including each end-user identified under section 607(e)(1)) that procured a consumer report—

"(i) for employment purposes, during the 2-year period preceding the date on which the request is made; or

"(ii) for any other purpose, during the 1-year period preceding the date on which the request is made.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person.".

(c) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

"(5) A record of all inquiries received by the agency during the 1-year period preceding the request that identified the consumer in connection with a credit or insurance transaction that was not initiated by the consumer.".

(d) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all of the rights that the consumer has under this title; and

"(B) in the case of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, a toll-free telephone number established by the agency, at which personnel are accessible to consumers during normal business hours.

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate phone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency;

"(D) a statement that the consumer may have additional rights under State law and that the consumer may wish to contact a State or local consumer protection agency or a State attorney general to learn of those rights; and

"(E) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—For purposes of this subsection and any disclosure by a consumer reporting agency required under this title with respect to consumers' rights, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any such disclosure of the rights of consumers required under this title. A consumer reporting agency shall be in compliance with this subsection if it provides disclosures under paragraph (1) that are substantially similar to the Federal Trade Commission prescription under this paragraph.

"(4) EFFECTIVENESS.—No disclosures shall be required under this subsection until the date on which the Federal Trade Commission prescribes the form and content of such disclosures under paragraph (3).".

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights of the consumer prepared pursuant to section 609(c)" before the semicolon.

(e) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) IN GENERAL.—

"(1) PROPER IDENTIFICATION.—A consumer reporting agency shall require, as a condition of making the disclosures required under section 609, that the consumer furnish proper identification.

"(2) DISCLOSURE IN WRITING.—Except as provided in subsection (b), the disclosures required to be made under section 609 shall be provided under that section in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—If authorized by a consumer, a consumer reporting agency may make the disclosures required under 609—

"(A) other than in writing; and

"(B) in such form as may be—

"(i) specified by the consumer in accordance with paragraph (2); and

"(ii) available from the agency.

"(2) FORM.—A consumer may specify pursuant to paragraph (1) that disclosures under section 609 shall be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone;

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means that is available from the agency.".

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the date of enactment of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures.

(3) GOALS.—The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved in accordance with paragraph (2).

(4) DEFAMATION.—Section 610(e) of the Fair Credit Reporting Act (15 U.S.C. 1681h(e)) is amended by inserting "or based on information disclosed by a user of a consumer report to or for a consumer against whom the user has taken adverse action, based in whole or in part on the report" before "except".

(5) CONFORMING AMENDMENTS.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) in section 609(a), in the matter preceding paragraph (1), by striking "and proper identification of any consumer" and inserting ", and subject to section 610(a)(1)";

*(B) in section 610, in the section heading, by inserting "**AND FORM**" after "**CONDITIONS**"; and*

(C) in the table of sections at the beginning of that Act, in the item relating to section 610, by inserting "and form" after "conditions".

SEC. 2409. PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATIONS OF DISPUTED INFORMATION.—

"(1) REINVESTIGATION REQUIRED.—

"(A) IN GENERAL.—If the completeness or accuracy of any item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information, or delete the item from the file in accordance with paragraph (5), before the end of the 30-day period beginning on the date on which the agency receives the notice of the dispute from the consumer.

"(B) EXTENSION OF PERIOD TO REINVESTIGATE.—Except as provided in subparagraph (C), the 30-day period described in subparagraph (A) may be extended for not more than 15 additional days if the consumer reporting agency receives information from the consumer during that 30-day period that is relevant to the reinvestigation.

"(C) LIMITATIONS ON EXTENSION OF PERIOD TO REINVESTIGATE.—Subparagraph (B) shall not apply to any reinvestigation in which, during the 30-day period described in subparagraph (A), the information that is the subject of the reinvestigation is found to be inaccurate or incomplete or the consumer reporting agency determines that the information cannot be verified.

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—

"(A) IN GENERAL.—Before the expiration of the 5-business-day period beginning on the date on which a consumer reporting agency receives notice of a dispute from any consumer in accordance with paragraph (1), the agency shall provide notification of the dispute to any person who provided any item of information in dispute, at the address and in the manner established with the person. The notice shall include all relevant information regarding the dispute that the agency has received from the consumer.

"(B) PROVISION OF OTHER INFORMATION FROM CONSUMER.—The consumer reporting agency shall promptly provide to the person who provided the information in dispute all relevant information regarding the dispute that is received by the agency from the consumer after the period referred to in subparagraph (A) and before the end of the period referred to in paragraph (1)(A).

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the disputed information.

"(B) NOTICE OF DETERMINATION.—Upon making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall notify the consumer of such determination not later than 5 business days after making such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(C) CONTENTS OF NOTICE.—A notice under subparagraph (B) shall include—

"(i) the reasons for the determination under subparagraph (A); and

"(ii) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in paragraph (1)(A) with respect to such disputed information.

"(5) TREATMENT OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, after any reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or incomplete or cannot be verified, the consumer reporting agency shall promptly delete that item of information from the consumer's file or modify that item of information, as appropriate, based on the results of the reinvestigation.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file by the consumer reporting agency unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information that has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file, the consumer reporting agency shall notify the consumer of the reinsertion in writing not later than 5 business days after the reinsertion or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(iii) ADDITIONAL INFORMATION.—As part of, or in addition to, the notice under clause (ii), a consumer reporting agency shall provide to a consumer in writing not later than 5 business days after the date of the reinsertion—

"(I) a statement that the disputed information has been reinserted;

"(II) the business name and address of any furnisher of information contacted and the telephone number of such furnisher, if reasonably available, or of any furnisher of information that contacted the consumer reporting agency, in connection with the reinsertion of such information; and

"(III) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the disputed information.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(D) AUTOMATED REINVESTIGATION SYSTEM.—Any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall implement an automated system through which furnishers of information to that consumer reporting agency may report the results of a reinvestigation that finds incomplete or inaccurate information in a consumer's file to other such consumer reporting agencies.

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall provide written notice to a consumer of the results of a reinvestigation under this subsection not later than 5 business days after the completion of the reinvestigation, by mail or, if authorized by the consumer for that purpose, by other means available to the agency.

"(B) CONTENTS.—As part of, or in addition to, the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing before the expiration of the 5-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a notice that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the business name and address of any furnisher of information contacted in connection with such information and the telephone number of such furnisher, if reasonably available;

"(iv) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information; and

"(v) a notice that the consumer has the right to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—A consumer reporting agency shall provide to a consumer a description referred to in paragraph (6)(B)(iv) by not later than 15 days after receiving a request from the consumer for that description.

"(8) EXPEDITED DISPUTE RESOLUTION.—If a dispute regarding an item of information in a consumer's file at a consumer reporting agency is resolved in accordance with paragraph (5)(A) by the deletion of the disputed information by not later than 3 business days after the date on which the agency receives notice of the dispute from the consumer in accordance with paragraph (1)(A), then the agency shall not be required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the agency—

"(A) provides prompt notice of the deletion to the consumer by telephone;

"(B) includes in that notice, or in a written notice that accompanies a confirmation and consumer report provided in accordance with subparagraph (C), a statement of the consumer's right to request under subsection (d) that the agency furnish notifications under that subsection; and

"(C) provides written confirmation of the deletion and a copy of a consumer report on the consumer that is based on the consumer's file after the deletion, not later than 5 business days after making the deletion.".

(b) CONFORMING AMENDMENT.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 2410. CHARGES FOR CERTAIN DISCLOSURES.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"SEC. 612. CHARGES FOR CERTAIN DISCLOSURES.

"(a) REASONABLE CHARGES ALLOWED FOR CERTAIN DISCLOSURES.—

"(1) IN GENERAL.—Except as provided in subsections (b), (c), and (d), a consumer reporting agency may impose a reasonable charge on a consumer—

"(A) for making a disclosure to the consumer pursuant to section 609, which charge—

"(i) shall not exceed $8; and

"(ii) shall be indicated to the consumer before making the disclosure; and

"(B) for furnishing, pursuant to section 611(d), following a reinvestigation under section 611(a), a statement, codification, or summary to a person designated by the consumer under that section after the 30-day period beginning on the date of notification of the consumer under paragraph (6) or (8) of section 611(a) with respect to the reinvestigation, which charge—

"(i) shall not exceed the charge that the agency would impose on each designated recipient for a consumer report; and

"(ii) shall be indicated to the consumer before furnishing such information.

"(2) MODIFICATION OF AMOUNT.—The Federal Trade Commission shall increase the amount referred to in paragraph (1)(A)(i) on January 1 of each year, based proportionally on changes in the Consumer Price Index, with fractional changes rounded to the nearest fifty cents.

"(b) FREE DISCLOSURE AFTER ADVERSE NOTICE TO CONSUMER.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer if, not later than 60 days after receipt by such consumer of a notification pursuant to section 615, or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 609.

"(c) FREE DISCLOSURE UNDER CERTAIN OTHER CIRCUMSTANCES.—Upon the request of the consumer, a consumer reporting agency shall make all disclosures pursuant to section 609 once during any 12-month period without charge to that consumer if the consumer certifies in writing that the consumer—

"(1) is unemployed and intends to apply for employment in the 60-day period beginning on the date on which the certification is made;

"(2) is a recipient of public welfare assistance; or

"(3) has reason to believe that the file on the consumer at the agency contains inaccurate information due to fraud.

"(d) OTHER CHARGES PROHIBITED.—A consumer reporting agency shall not impose any charge on a consumer for providing any notification required by this title or making any disclosure required by this title, except as authorized by subsection (a).".

SEC. 2411. DUTIES OF USERS OF CONSUMER REPORTS.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If any person takes any adverse action with respect to any consumer that is based in whole or in part on any information contained in a consumer report, the person shall—

"(1) provide oral, written, or electronic notice of the adverse action to the consumer;

"(2) provide to the consumer orally, in writing, or electronically—

"(A) the name, address, and telephone number of the consumer reporting agency (including a toll-free telephone number established by the agency if the agency compiles and maintains files on consumers on a nationwide basis) that furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide the consumer the specific reasons why the adverse action was taken; and

"(3) provide to the consumer an oral, written, or electronic notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer from the consumer reporting agency referred to in paragraph (2), which notice shall include an indication of the 60-day period under that section for obtaining such a copy; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.".

(b) DUTIES OF USERS MAKING CERTAIN CREDIT SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS MAKING WRITTEN CREDIT OR INSURANCE SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—Any person who uses a consumer report on any consumer in connection with any credit or insurance transaction that is not initiated by the consumer, that is provided to that person under section 604(c)(1)(B), shall provide with each written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit or insurance because the consumer satisfied the criteria for credit worthiness or insurability under which the consumer was selected for the offer;

"(C) if applicable, the credit or insurance may not be extended if, after the consumer responds to the offer, the consumer does not meet the criteria used to select the consumer for the offer or any applicable criteria bearing on credit worthiness or insurability or does not furnish any required collateral;

"(D) the consumer has a right to prohibit information contained in the consumer's file with any consumer reporting agency from being used in connection with any credit or insurance transaction that is not initiated by the consumer; and

"(E) the consumer may exercise the right referred to in subparagraph (D) by notifying a notification system established under section 604(e).

"(2) DISCLOSURE OF ADDRESS AND TELEPHONE NUMBER.—A statement under paragraph (1) shall include the address and toll-free telephone number of the appropriate notification system established under section 604(e).

"(3) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit or insurance to a consumer under a credit or insurance transaction described in paragraph (1) shall maintain on file the criteria used to select the consumer to receive the offer, all criteria bearing on credit worthiness or insurability, as applicable, that are the basis for determining whether or not to extend credit or insurance pursuant to the offer, and any requirement for the furnishing of collateral as a condition of the extension of credit or insurance, until the expiration of the 3-year period beginning on the date on which the offer is made to the consumer.

"(4) AUTHORITY OF FEDERAL AGENCIES REGARDING UNFAIR OR DECEPTIVE ACTS OR PRACTICES NOT AFFECTED.—This section is not intended to affect the authority of any Federal or

State agency to enforce a prohibition against unfair or deceptive acts or practices, including the making of false or misleading statements in connection with a credit or insurance transaction that is not initiated by the consumer.".

(c) DUTIES OF USERS MAKING OTHER SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(e)

(d) CONFORMING AMENDMENT.—Section 615(c) of the Fair Credit Reporting Act (15 U.S.C. 1681m(c)) is amended by striking "subsections (a) and (b)" and inserting "this section".

(e) DUTIES OF PERSON TAKING CERTAIN ACTIONS BASED ON INFORMATION PROVIDED BY AFFILIATE.—Section 615(b) of the Fair Credit Reporting Act (15 U.S.C. 1681m(b)) is amended—

(1) by striking "(b) Whenever credit" and inserting the following:

"(b) ADVERSE ACTION BASED ON INFORMATION OBTAINED FROM THIRD PARTIES OTHER THAN CONSUMER REPORTING AGENCIES.—

"(1) IN GENERAL.—Whenever credit";

(2) by adding at the end the following new paragraph:

"(2) DUTIES OF PERSON TAKING CERTAIN ACTIONS BASED ON INFORMATION PROVIDED BY AFFILIATE.—

"(A) DUTIES, GENERALLY.—If a person takes an action described in subparagraph (B) with respect to a consumer, based in whole or in part on information described in subparagraph (C), the person shall—

"(i) notify the consumer of the action, including a statement that the consumer may obtain the information in accordance with clause (ii); and

"(ii) upon a written request from the consumer received within 60 days after transmittal of the notice required by clause (i), disclose to the consumer the nature of the information upon which the action is based by not later than 30 days after receipt of the request.

"(B) ACTION DESCRIBED.—An action referred to in subparagraph (A) is an adverse action described in section 603(k)(1)(A), taken in connection with a transaction initiated by the consumer, or any adverse action described in clause (i) or (ii) of section 603(k)(1)(B).

"(C) INFORMATION DESCRIBED.—Information referred to in subparagraph (A)—

"(i) except as provided in clause (ii), is information that—

"(I) is furnished to the person taking the action by a person related by common ownership or affiliated by common corporate control to the person taking the action; and

"(II) bears on the credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living of the consumer; and

"(ii) does not include—

"(I) information solely as to transactions or experiences between the consumer and the person furnishing the information; or

"(II) information in a consumer report.".

SEC. 2412. CIVIL LIABILITY.

(a) CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) IN GENERAL.—Any person who".

(b) MINIMUM CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.—Section 616(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681n(1)), as so designated by subsection (a) of this section, is amended to read as follows:

"(1)(A) any actual damages sustained by the consumer as a result of the failure or damages of not less than $100 and not more than $1,000; or

"(B) in the case of liability of a natural person for obtaining a consumer report under false pretenses or knowingly without a permissible purpose, actual damages sustained by the consumer as a result of the failure or $1,000, whichever is greater;".

(c) CIVIL LIABILITY FOR KNOWING NONCOMPLIANCE.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by adding at the end the following new subsection:

"(b) CIVIL LIABILITY FOR KNOWING NONCOMPLIANCE.—Any person who obtains a consumer report from a consumer reporting agency under false pretenses or knowingly without a permissible purpose shall be liable to the consumer reporting agency for actual damages sustained by the consumer reporting agency or $1,000, whichever is greater.".

(d) CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) IN GENERAL.—Any person who".

(e) ATTORNEY'S FEES.—

(1) WILLFUL NONCOMPLIANCE.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by adding at the end the following new subsection:

"(c) ATTORNEY'S FEES.—Upon a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

(2) NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by adding at the end the following new subsection:

"(b) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

SEC. 2413. RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) by redesignating section 623 as section 624; and

(2) by inserting after section 622 the following:

"SEC. 623. RESPONSIBILITIES OF FURNISHERS OF INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE ACCURATE INFORMATION.—

"(1) PROHIBITION.—

"(A) REPORTING INFORMATION WITH ACTUAL KNOWLEDGE OF ERRORS.—A person shall not furnish any information relating to a consumer to any consumer reporting agency if the person knows or consciously avoids knowing that the information is inaccurate.

"(B) REPORTING INFORMATION AFTER NOTICE AND CONFIRMATION OF ERRORS.—A person shall not furnish information relating to a consumer to any consumer reporting agency if—

"(i) the person has been notified by the consumer, at the address specified by the person for such notices, that specific information is inaccurate; and

"(ii) the information is, in fact, inaccurate.

"(C) NO ADDRESS REQUIREMENT.—A person who clearly and conspicuously specifies to the consumer an address for notices referred to in subparagraph (B) shall not be subject to subparagraph (A); however, nothing in subparagraph (B) shall require a person to specify such an address.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION.—A person who—

"(A) regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about the person's transactions or experiences with any consumer; and

"(B) has furnished to a consumer reporting agency information that the person determines is not complete or accurate,

shall promptly notify the consumer reporting agency of that determination and provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate, and shall not thereafter furnish to the agency any of the information that remains not complete or accurate.

"(3) DUTY TO PROVIDE NOTICE OF DISPUTE.—If the completeness or accuracy of any information furnished by any person to any consumer reporting agency is disputed to such person by a consumer, the person may not furnish the information to any consumer reporting agency without notice that such information is disputed by the consumer.

"(4) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly and in the ordinary course of business furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the voluntary closure of the account by the consumer, in information regularly furnished for the period in which the account is closed.

"(5) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency that immediately preceded the action.

"(b) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—

"(1) IN GENERAL.—After receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(A) conduct an investigation with respect to the disputed information;

"(B) review all relevant information provided by the consumer reporting agency pursuant to section 611(a)(2);

"(C) report the results of the investigation to the consumer reporting agency; and

"(D) if the investigation finds that the information is incomplete or inaccurate, report those results to all other consumer reporting agencies to which the person furnished the information and that compile and maintain files on consumers on a nationwide basis.

"(2) DEADLINE.—A person shall complete all investigations, reviews, and reports required under paragraph (1) regarding information provided by the person to a consumer reporting agency, before the expiration of the period under section 611(a)(1) within which the consumer reporting agency is required to complete actions required by that section regarding that information.

"(c) LIMITATION ON LIABILITY.—Sections 616 and 617 do not apply to any failure to comply with subsection (a), except as provided in section 621(c)(1)(B).

"(d) LIMITATION ON ENFORCEMENT.—Subsection (a) shall be enforced exclusively under

section 621 by the Federal agencies and officials and the State officials identified in that section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 623 and inserting the following:

"623. Responsibilities of furnishers of information to consumer reporting agencies.

"624. Relation to State laws.".

SEC. 2414. INVESTIGATIVE CONSUMER REPORTS.

Section 606 of the Fair Credit Reporting Act (15 U.S.C. 1681d) is amended—

(1) in subsection (a)(1), by striking "or" at the end and inserting "and";

(2) by striking subsection (a)(2) and inserting the following:

"(2) the person certifies or has certified to the consumer reporting agency that—

"(A) the person has made the disclosures to the consumer required by paragraph (1); and

"(B) the person will comply with subsection (b).";

(3) in subsection (b), by striking "shall" the second place such term appears; and

(4) by adding at the end the following new subsection:

"(d) PROHIBITIONS.—

"(1) CERTIFICATION.—A consumer reporting agency shall not prepare or furnish an investigative consumer report unless the agency has received a certification under subsection (a)(2) from the person who requested the report.

"(2) INQUIRIES.—A consumer reporting agency shall not make an inquiry for the purpose of preparing an investigative consumer report on a consumer for employment purposes if the making of the inquiry by an employer or prospective employer of the consumer would violate any applicable Federal or State equal employment opportunity law or regulation.

"(3) CERTAIN PUBLIC RECORD INFORMATION.—Except as otherwise provided in section 613, a consumer reporting agency shall not furnish an investigative consumer report that includes information that is a matter of public record and that relates to an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment, unless the agency has verified the accuracy of the information during the 30-day period ending on the date on which the report is furnished.

"(4) CERTAIN ADVERSE INFORMATION.—A consumer reporting agency shall not prepare or furnish an investigative consumer report on a consumer that contains information that is adverse to the interest of the consumer and that is obtained through a personal interview with a neighbor, friend, or associate of the consumer or with another person with whom the consumer is acquainted or who has knowledge of such item of information, unless—

"(A) the agency has followed reasonable procedures to obtain confirmation of the information, from an additional source that has independent and direct knowledge of the information; or

"(B) the person interviewed is the best possible source of the information.".

SEC. 2415. INCREASED CRIMINAL PENALTIES FOR OBTAINING INFORMATION UNDER FALSE PRETENSES.

(a) OBTAINING INFORMATION UNDER FALSE PRETENSES.—Section 619 of the Fair Credit Reporting Act (15 U.S.C. 1681q) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

(b) UNAUTHORIZED DISCLOSURES BY OFFICERS OR EMPLOYEES.—Section 620 of the Fair Credit Reporting Act (15 U.S.C. 1681r) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

SEC. 2416. ADMINISTRATIVE ENFORCEMENT.

(a) AVAILABLE ENFORCEMENT POWERS.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) by adding at the end the following new paragraph:

"(2)(A) In the event of a knowing violation, which constitutes a pattern or practice of violations of this title, the Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person that violates this title. In such action, such person shall be liable for a civil penalty of not more than $2,500 per violation.

"(B) In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

"(3) Notwithstanding paragraph (2), a court may not impose any civil penalty on a person for a violation of section 623(a)(1) unless the person has been enjoined from committing the violation, or ordered not to commit the violation, in an action or proceeding brought by or on behalf of the Federal Trade Commission, and has violated the injunction or order, and the court may not impose any civil penalty for any violation occurring before the date of the violation of the injunction or order.

"(4) Neither the Commission nor any other agency referred to in subsection (b) may prescribe trade regulation rules or other regulations with respect to this title.".

(b) AGENCIES RESPONSIBLE FOR ENFORCEMENT.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended—

(1) in subsection (a), by inserting "ENFORCEMENT BY FEDERAL TRADE COMMISSION.—" before "Compliance with the requirements";

(2) in subsection (b), by striking the matter preceding paragraph (1) and inserting the following:

"(b) ENFORCEMENT BY OTHER AGENCIES.—Compliance with the requirements imposed under this title with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information that are subject to subsection (d) or (e) of section 615 shall be enforced under—"; and

(3) in subsection (c), by adding at the end the following: "Notwithstanding the preceding, no agency referred to in subsection (b) may conduct an examination of a bank, savings association, or credit union regarding compliance with the provisions of this title, except in response to a complaint (or if the agency otherwise has knowledge) that the bank, savings association, or credit union has violated a provision of this title, in which case, the agency may conduct an examination as necessary to investigate the complaint. If an agency determines during an investigation in response to a complaint that a violation of this title has occurred, the agency may, during its next 2 regularly scheduled examinations of the bank, savings association, or credit union, examine for compliance with this title.".

SEC. 2417. STATE ENFORCEMENT OF FAIR CREDIT REPORTING ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

"(B) subject to paragraph (5), may bring an action on behalf of the residents of the State to recover—

"(i) damages for which the person is liable to such residents under sections 616 and 617 as a result of the violation;

"(ii) in the case of a violation of section 623(a), damages for which the person would, but for section 623(c), be liable to such residents as a result of the violation; or

"(iii) damages of not more than $1,000 for each willful or negligent violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF FEDERAL REGULATORS.—The State shall serve prior written notice of any action under paragraph (1) upon the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Commission or appropriate Federal regulator with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission or appropriate Federal regulator shall have the right—

"(A) to intervene in the action;

"(B) upon so intervening, to be heard on all matters arising therein;

"(C) to remove the action to the appropriate United States district court; and

"(D) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Federal Trade Commission or the appropriate Federal regulator has instituted a civil action or an administrative action under section 8 of the Federal Deposit Insurance Act for a violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission or the appropriate Federal regulator for any violation of this title that is alleged in that complaint.

"(5) LIMITATIONS ON STATE ACTIONS FOR VIOLATION OF SECTION 623(a)(1).—

"(A) VIOLATION OF INJUNCTION REQUIRED.—A State may not bring an action against a person under paragraph (1)(B) for a violation of section 623(a)(1), unless—

"(i) the person has been enjoined from committing the violation, in an action brought by the State under paragraph (1)(A); and

"(ii) the person has violated the injunction.

"(B) LIMITATION ON DAMAGES RECOVERABLE.—In an action against a person under paragraph (1)(B) for a violation of section 623(a)(1), a State may not recover any damages incurred before the date of the violation of an injunction on which the action is based.".

SEC. 2418. FEDERAL RESERVE BOARD AUTHORITY.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System may issue interpretations of any provision of this title as such provision may apply to any persons identified under paragraph (1), (2), and (3) of subsection (b), or to the holding companies and affiliates of such persons, in consultation with Federal agencies identified in paragraphs (1), (2), and (3) of subsection (b).".

SEC. 2419. PREEMPTION OF STATE LAW.

Section 624 of the Fair Credit Reporting Act (as redesignated by section 2413(a) of this chapter) is amended—

(1) by striking "This title" and inserting "(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title"; and

(2) by adding at the end the following new subsection:

"(b) GENERAL EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State—

"(1) with respect to any subject matter regulated under—

"(A) subsection (c) or (e) of section 604, relating to the prescreening of consumer reports;

"(B) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this subparagraph shall not apply to any State law in effect on the date of enactment of the Consumer Credit Reporting Reform Act of 1996;

"(C) subsections (a) and (b) of section 615, relating to the duties of a person who takes any adverse action with respect to a consumer;

"(D) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance;

"(E) section 605, relating to information contained in consumer reports, except that this subparagraph shall not apply to any State law in effect on the date of enactment of the Consumer Credit Reporting Reform Act of 1996; or

"(F) section 623, relating to the responsibilities of persons who furnish information to consumer reporting agencies, except that this paragraph shall not apply—

"(i) with respect to section 54A(a) of chapter 93 of the Massachusetts Annotated Laws (as in effect on the date of enactment of the Consumer Credit Reporting Reform Act of 1996); or

"(ii) with respect to section 1785.25(a) of the California Civil Code (as in effect on the date of enactment of the Consumer Credit Reporting Reform Act of 1996);

"(2) with respect to the exchange of information among persons affiliated by common ownership or common corporate control, except that this paragraph shall not apply with respect to subsection (a) or (c)(1) of section 2480e of title 9, Vermont Statutes Annotated (as in effect on the date of enactment of the Consumer Credit Reporting Reform Act of 1996); or

"(3) with respect to the form and content of any disclosure required to be made under section 609(c).

"(c) DEFINITION OF FIRM OFFER OF CREDIT OR INSURANCE.—Notwithstanding any definition of the term 'firm offer of credit or insurance' (or any equivalent term) under the laws of any State, the definition of that term contained in section 603(l) shall be construed to apply in the enforcement and interpretation of the laws of any State governing consumer reports.

"(d) LIMITATIONS.—Subsections (b) and (c)—

"(1) do not affect any settlement, agreement, or consent judgment between any State Attorney General and any consumer reporting agency in effect on the date of enactment of the Consumer Credit Reporting Reform Act of 1996; and

"(2) do not apply to any provision of State law (including any provision of a State constitution) that—

"(A) is enacted after January 1, 2004;

"(B) states explicitly that the provision is intended to supplement this title; and

"(C) gives greater protection to consumers than is provided under this title.".

SEC. 2420. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided in this chapter, the amendments made by this chapter shall become effective 365 days after the date of enactment of this Act.

(b) EARLY COMPLIANCE.—Any person or other entity that is subject to the requirements of this chapter may, at its option, comply with any provision of this chapter before the date on which that provision becomes effective under this chapter, in which case, each of the corresponding provisions of this chapter shall be fully applicable to such person or entity.

SEC. 2421. RELATIONSHIP TO OTHER LAW.

Nothing in this chapter or the amendments made by this chapter shall be considered to supersede or otherwise affect section 2721 of title 18, United States Code, with respect to motor vehicle records for surveys, marketing, or solicitations.

SEC. 2422. FEDERAL RESERVE BOARD STUDY.

(a) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and the Federal Trade Commission, shall conduct a study of whether organizations which, as of the date of the enactment of this Act, are not subject to the Fair Credit Reporting Act as consumer reporting agencies (as defined in section 603 of such Act) are engaged in the business of making sensitive consumer identification information, including social security numbers, mothers' maiden names, prior addresses, and dates of birth, available to the general public.

(b) DETERMINATION OF POTENTIAL FOR FRAUD.—If the Board of Governors of the Federal Reserve System determines that organizations referred to in subsection (a) are engaged in the business of making sensitive consumer identification information available to the general public, the Board shall determine—

(1) whether such activities create undue potential for fraud and risk of loss to insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act); and

(2) if so, whether changes in Federal law are necessary to address such risks of fraud and loss.

(c) REPORT TO CONGRESS.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall submit a report to the Congress containing—

(1) the findings and conclusion of the Board in connection with the study required under subsections (a) and (b); and

(2) recommendations for such legislative or administrative action as the Board determines to be appropriate.

CHAPTER 2—CREDIT REPAIR ORGANIZATIONS

SEC. 2451. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act (Public Law 90–321, 82 Stat. 164) is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.

"401. Short title.
"402. Findings and purposes.
"403. Definitions.
"404. Prohibited practices.
"405. Disclosures.
"406. Credit repair organizations contracts.
"407. Right to cancel contract.
"408. Noncompliance with this title.
"409. Civil liability.
"410. Administrative enforcement.
"411. Statute of limitations.
"412. Relation to State law.
"413. Effective date.

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Consumers have a vital interest in establishing and maintaining their credit worthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers.

"(2) Certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are—

"(1) to ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services; and

"(2) to protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title, the following definitions apply:

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means any person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving any consumer's credit record, credit history, or credit rating; or

"(ii) providing advice or assistance to any consumer with regard to any activity or service described in clause (i); and

"(B) does not include—

"(i) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(ii) any creditor (as defined in section 103 of the Truth in Lending Act), with respect to any consumer, to the extent the creditor is assisting the consumer to restructure any debt owed by the consumer to the creditor; or

"(iii) any depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) or any Federal or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such a depository institution or credit union.

"(4) CREDIT.—The term 'credit' has the meaning given to such term in section 103(e) of this Act.

"SEC. 404. PROHIBITED PRACTICES.

"(a) IN GENERAL.—No person may—

"(1) make any statement, or counsel or advise any consumer to make any statement, which is untrue or misleading (or which, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to any consumer's credit worthiness, credit standing, or credit capacity to—

"(A) any consumer reporting agency (as defined in section 603(f) of this Act); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(2) make any statement, or counsel or advise any consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse information that is accurate and not obsolete to—

"(A) any consumer reporting agency;

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(4) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on any person in connection with the offer or sale of the services of the credit repair organization.

"(b) PAYMENT IN ADVANCE.—No credit repair organization may charge or receive any money or other valuable consideration for the performance of any service which the credit repair organization has agreed to perform for any consumer before such service is fully performed.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Any credit repair organization shall provide any consumer with the following written statement before any contract or agreement between the consumer and the credit repair organization is executed:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your credit report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your credit report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your credit report from a credit bureau. You may be charged a reasonable fee. There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The credit bureau must provide someone to help you interpret the information in your credit file. You are entitled to receive a free copy of your credit report if you are unemployed and intend to apply for employment in the next 60 days, if you are a recipient of public welfare assistance, or if you have reason to believe that there is inaccurate information in your credit report due to fraud.

"'You have a right to sue a credit repair organization that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair organizations.

"'You have the right to cancel your contract with any credit repair organization for any reason within 3 business days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that the information they report is accurate. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate or incomplete information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If the credit bureau's reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include a summary of your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

"'The Public Reference Branch

"'Federal Trade Commission

"'Washington, D.C. 20580'.

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document which is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of any consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is signed by the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—No services may be provided by any credit repair organization for any consumer—

"(1) unless a written and dated contract (for the purchase of such services) which meets the requirements of subsection (b) has been signed by the consumer; or

"(2) before the end of the 3-business-day period beginning on the date the contract is signed.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes (in writing)—

"(1) the terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person;

"(2) a full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees of performance; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services;

"(3) the credit repair organization's name and principal business address; and

"(4) a conspicuous statement in bold face type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—Any consumer may cancel any contract with any credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the 3rd business day which begins after the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in bold face type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day which begins after the date the contract is signed by you.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [name of credit repair organization] at [address of credit repair organization] before midnight on [date]

"'I hereby cancel this transaction,

[date]

[purchaser's signature].'.

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—Any consumer who enters into any contract with any credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by any consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—Any attempt by any person to obtain a waiver from any consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—Any contract for services which does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—Any person who fails to comply with any provision of this title with respect to any other person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount which the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 409 as a result of the violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF COMMISSION.—

"(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

"(B) INTERVENTION.—The Commission shall have the right—

"(i) to intervene in any action referred to in subparagraph (A);

"(ii) upon so intervening, to be heard on all matters arising in the action; and

"(iii) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this title that is alleged in that complaint.

"SEC. 411. STATUTE OF LIMITATIONS.

"Any action to enforce any liability under this title may be brought before the later of—

"(1) the end of the 5-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which any credit repair organization has materially and willfully misrepresented any information which—

"(A) the credit repair organization is required, by any provision of this title, to disclose to any consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this title,

the end of the 5-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 412. RELATION TO STATE LAW.

"This title shall not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with any law of any State except to the extent that such law is inconsistent with any provision of this title, and then only to the extent of the inconsistency.

"SEC. 413. EFFECTIVE DATE.

"This title shall apply after the end of the 6-month period beginning on the date of the enactment of the Credit Repair Organizations Act, except with respect to contracts entered into by a credit repair organization before the end of such period.".

SEC. 2452. CREDIT WORTHINESS.

It is the sense of the Senate that—

(1) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and

(2) the Federal Trade Commission, after consultation with the appropriate Federal banking agency, should report to the Committee on Banking, Housing, and Urban Affairs of the Senate as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

Subtitle E—Asset Conservation, Lender Liability, and Deposit Insurance Protection

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the "Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996".

SEC. 2502. CERCLA LENDER AND FIDUCIARY LIABILITY LIMITATIONS AMENDMENTS.

(a) IN GENERAL.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(n) LIABILITY OF FIDUCIARIES.—

"(1) IN GENERAL.—The liability of a fiduciary under any provision of this Act for the release or threatened release of a hazardous substance at, from, or in connection with a vessel or facility held in a fiduciary capacity shall not exceed the assets held in the fiduciary capacity.

"(2) EXCLUSION.—Paragraph (1) does not apply to the extent that a person is liable under this Act independently of the person's ownership of a vessel or facility as a fiduciary or actions taken in a fiduciary capacity.

"(3) LIMITATION.—Paragraphs (1) and (4) do not limit the liability pertaining to a release or threatened release of a hazardous substance if negligence of a fiduciary causes or contributes to the release or threatened release.

"(4) SAFE HARBOR.—A fiduciary shall not be liable in its personal capacity under this Act for—

"(A) undertaking or directing another person to undertake a response action under subsection (d)(1) or under the direction of an on scene coordinator designated under the National Contingency Plan;

"(B) undertaking or directing another person to undertake any other lawful means of addressing a hazardous substance in connection with the vessel or facility;

"(C) terminating the fiduciary relationship;

"(D) including in the terms of the fiduciary agreement a covenant, warranty, or other term or condition that relates to compliance with an environmental law, or monitoring, modifying or enforcing the term or condition;

"(E) monitoring or undertaking 1 or more inspections of the vessel or facility;

"(F) providing financial or other advice or counseling to other parties to the fiduciary relationship, including the settlor or beneficiary;

"(G) restructuring, renegotiating, or otherwise altering the terms and conditions of the fiduciary relationship;

"(H) administering, as a fiduciary, a vessel or facility that was contaminated before the fiduciary relationship began; or

"(I) declining to take any of the actions described in subparagraphs (B) through (H).

"(5) DEFINITIONS.—As used in this Act:

"(A) FIDUCIARY.—The term 'fiduciary'—

"(i) means a person acting for the benefit of another party as a bona fide—

"(I) trustee;

"(II) executor;

"(III) administrator;

"(IV) custodian;

"(V) guardian of estates or guardian ad litem;

"(VI) receiver;

"(VII) conservator;

"(VIII) committee of estates of incapacitated persons;

"(IX) personal representative;

"(X) trustee (including a successor to a trustee) under an indenture agreement, trust agreement, lease, or similar financing agreement, for debt securities, certificates of interest or certificates of participation in debt securities, or other forms of indebtedness as to which the trustee is not, in the capacity of trustee, the lender; or

"(XI) representative in any other capacity that the Administrator, after providing public notice, determines to be similar to the capacities described in subclauses (I) through (X); and

"(ii) does not include—

"(I) a person that is acting as a fiduciary with respect to a trust or other fiduciary estate that was organized for the primary purpose of, or is engaged in, actively carrying on a trade or business for profit, unless the trust or other fiduciary estate was created as part of, or to facilitate, 1 or more estate plans or because of the incapacity of a natural person; or

"(II) a person that acquires ownership or control of a vessel or facility with the objective purpose of avoiding liability of the person or of any other person.

"(B) FIDUCIARY CAPACITY.—The term 'fiduciary capacity' means the capacity of a person in holding title to a vessel or facility, or otherwise having control of or an interest in the vessel or facility, pursuant to the exercise of the responsibilities of the person as a fiduciary.

"(6) SAVINGS CLAUSE.—Nothing in this subsection—

"(A) affects the rights or immunities or other defenses that are available under this Act or other law that is applicable to a person subject to this subsection; or

"(B) creates any liability for a person or a private right of action against a fiduciary or any other person.

"(7) NO EFFECT ON CERTAIN PERSONS.—Nothing in this subsection applies to a person if the person—

"(A)(i) acts in a capacity other than that of a fiduciary or in a beneficiary capacity; and

"(ii) in that capacity, directly or indirectly benefits from a trust or fiduciary relationship; or

"(B)(i) is a beneficiary and a fiduciary with respect to the same fiduciary estate; and

"(ii) as a fiduciary, receives benefits that exceed customary or reasonable compensation, and incidental benefits, permitted under other applicable law.

"(8) LIMITATION.—This subsection does not preclude a claim under this Act against—

"(A) the assets of the estate or trust administered by the fiduciary; or

"(B) a nonemployee agent or independent contractor retained by a fiduciary.".

(b) DEFINITION OF OWNER OR OPERATOR.—Section 101(20) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)) is amended by adding at the end the following:

"(E) EXCLUSION OF LENDERS NOT PARTICIPANTS IN MANAGEMENT.—

"(i) INDICIA OF OWNERSHIP TO PROTECT SECURITY.—The term 'owner or operator' does not include a person that is a lender that, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect the security interest of the person in the vessel or facility.

"(ii) FORECLOSURE.—The term 'owner or operator' does not include a person that is a lender that did not participate in management of a vessel or facility prior to foreclosure, notwithstanding that the person—

"(I) forecloses on the vessel or facility; and

"(II) after foreclosure, sells, re-leases (in the case of a lease finance transaction), or liquidates the vessel or facility, maintains business activities, winds up operations, undertakes a response action under section 107(d)(1) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, with respect to the vessel or facility, or takes any other measure to preserve, protect, or prepare the vessel or facility prior to sale or disposition,

if the person seeks to sell, re-lease (in the case of a lease finance transaction), or otherwise divest the person of the vessel or facility at the earliest practicable, commercially reasonable time, on commercially reasonable terms, taking into account market conditions and legal and regulatory requirements.

"(F) PARTICIPATION IN MANAGEMENT.—For purposes of subparagraph (E)—

"(i) the term 'participate in management'—

"(I) means actually participating in the management or operational affairs of a vessel or facility; and

"(II) does not include merely having the capacity to influence, or the unexercised right to control, vessel or facility operations;

"(ii) a person that is a lender and that holds indicia of ownership primarily to protect a security interest in a vessel or facility shall be considered to participate in management only if, while the borrower is still in possession of the vessel or facility encumbered by the security interest, the person—

"(I) exercises decisionmaking control over the environmental compliance related to the vessel or facility, such that the person has undertaken responsibility for the hazardous substance handling or disposal practices related to the vessel or facility; or

"(II) exercises control at a level comparable to that of a manager of the vessel or facility, such that the person has assumed or manifested responsibility—

"(aa) for the overall management of the vessel or facility encompassing day-to-day decisionmaking with respect to environmental compliance; or

"(bb) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the vessel or facility other than the function of environmental compliance;

"(iii) the term 'participate in management' does not include performing an act or failing to act prior to the time at which a security interest is created in a vessel or facility; and

"(iv) the term 'participate in management' does not include—

"(I) holding a security interest or abandoning or releasing a security interest;

"(II) including in the terms of an extension of credit, or in a contract or security agreement relating to the extension, a covenant, warranty, or other term or condition that relates to environmental compliance;

"(III) monitoring or enforcing the terms and conditions of the extension of credit or security interest;

"(IV) monitoring or undertaking 1 or more inspections of the vessel or facility;

"(V) requiring a response action or other lawful means of addressing the release or threatened release of a hazardous substance in connection with the vessel or facility prior to, during, or on the expiration of the term of the extension of credit;

"(VI) providing financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the vessel or facility;

"(VII) restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance;

"(VIII) exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement; or

"(IX) conducting a response action under section 107(d) or under the direction of an on-scene coordinator appointed under the National Contingency Plan,

if the actions do not rise to the level of participating in management (within the meaning of clauses (i) and (ii)).

"(G) OTHER TERMS.—As used in this Act:

"(i) EXTENSION OF CREDIT.—The term 'extension of credit' includes a lease finance transaction—

"(I) in which the lessor does not initially select the leased vessel or facility and does not during the lease term control the daily operations or maintenance of the vessel or facility; or

"(II) that conforms with regulations issued by the appropriate Federal banking agency or the appropriate State bank supervisor (as those terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or with regulations issued by the National Credit Union Administration Board, as appropriate.

"(ii) FINANCIAL OR ADMINISTRATIVE FUNCTION.—The term 'financial or administrative function' includes a function such as that of a credit manager, accounts payable officer, accounts receivable officer, personnel manager, comptroller, or chief financial officer, or a similar function.

"(iii) FORECLOSURE; FORECLOSE.—The terms 'foreclosure' and 'foreclose' mean, respectively, acquiring, and to acquire, a vessel or facility through—

"(I)(aa) purchase at sale under a judgment or decree, power of sale, or nonjudicial foreclosure sale;

"(bb) a deed in lieu of foreclosure, or similar conveyance from a trustee; or

"(cc) repossession,

if the vessel or facility was security for an extension of credit previously contracted;

"(II) conveyance pursuant to an extension of credit previously contracted, including the termination of a lease agreement; or

"(III) any other formal or informal manner by which the person acquires, for subsequent disposition, title to or possession of a vessel or facility in order to protect the security interest of the person.

"(iv) LENDER.—The term 'lender' means—

"(I) an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

"(II) an insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

"(III) a bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.);

"(IV) a leasing or trust company that is an affiliate of an insured depository institution;

"(V) any person (including a successor or assignee of any such person) that makes a bona fide extension of credit to or takes or acquires a security interest from a nonaffiliated person;

"(VI) the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or any other entity that in a bona fide manner buys or sells loans or interests in loans;

"(VII) a person that insures or guarantees against a default in the repayment of an extension of credit, or acts as a surety with respect to an extension of credit, to a nonaffiliated person; and

"(VIII) a person that provides title insurance and that acquires a vessel or facility as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

"(v) OPERATIONAL FUNCTION.—The term 'operational function' includes a function such as that of a facility or plant manager, operations manager, chief operating officer, or chief executive officer.

"(vi) SECURITY INTEREST.—The term 'security interest' includes a right under a mortgage, deed of trust, assignment, judgment lien, pledge, security agreement, factoring agreement, or lease and any other right accruing to a person to secure the repayment of money, the performance of a duty, or any other obligation by a nonaffiliated person.".

SEC. 2503. CONFORMING AMENDMENT.

Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended by striking paragraph (9) and inserting the following:

"(9) DEFINITION OF OWNER OR OPERATOR.—

"(A) IN GENERAL.—As used in this subtitle, the terms 'owner' and 'operator' do not include a person that, without participating in the management of an underground storage tank and otherwise not engaged in petroleum production, refining, or marketing, holds indicia of ownership primarily to protect the person's security interest.

"(B) SECURITY INTEREST HOLDERS.—The provisions regarding holders of security interests in subparagraphs (E) through (G) of section

101(20) and the provisions regarding fiduciaries at section 107(n) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 shall apply in determining a person's liability as an owner or operator of an underground storage tank for the purposes of this subtitle.

"(C) EFFECT ON RULE.—Nothing in subparagraph (B) shall be construed as modifying or affecting the final rule issued by the Administrator on September 7, 1995 (60 Fed. Reg. 46,692), or as limiting the authority of the Administrator to amend the final rule, in accordance with applicable law. The final rule in effect on the date of enactment of this subparagraph shall prevail over any inconsistent provision regarding holders of security interests in subparagraphs (E) through (G) of section 101(20) or any inconsistent provision regarding fiduciaries in section 107(n) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Any amendment to the final rule shall be consistent with the provisions regarding holders of security interests in subparagraphs (E) through (G) of section 101(20) and the provisions regarding fiduciaries in section 107(n) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This subparagraph does not preclude judicial review of any amendment of the final rule made after the date of enactment of this subparagraph.".

SEC. 2504. LENDER LIABILITY RULE.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the portion of the final rule issued by the Administrator of the Environmental Protection Agency on April 29, 1992 (57 Fed. Reg. 18,344), prescribing section 300.1105 of title 40, Code of Federal Regulations, shall be deemed to have been validly issued under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and to have been effective according to the terms of the final rule. No additional judicial proceedings shall be necessary or may be held with respect to such portion of the final rule. Any reference in that portion of the final rule to section 300.1100 of title 40, Code of Federal Regulations, shall be deemed to be a reference to the amendments made by this subtitle.

(b) JUDICIAL REVIEW.—Notwithstanding section 113(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9613(a)), no court shall have jurisdiction to review the portion of the final rule issued by the Administrator of the Environmental Protection Agency on April 29, 1992 (57 Fed. Reg. 18,344) that prescribed section 300.1105 of title 40, Code of Federal Regulations.

(c) AMENDMENT.—No provision of this section shall be construed as limiting the authority of the President or a delegee of the President to amend the portion of the final rule issued by the Administrator of the Environmental Protection Agency on April 29, 1992 (57 Fed. Reg. 18,344), prescribing section 300.1105 of title 40, Code of Federal Regulations, consistent with the amendments made by this subtitle and other applicable law.

(d) JUDICIAL REVIEW.—No provision of this section shall be construed as precluding judicial review of any amendment of section 300.1105 of title 40, Code of Federal Regulations, made after the date of enactment of this Act.

SEC. 2505. EFFECTIVE DATE.

The amendments made by this subtitle shall be applicable with respect to any claim that has not been finally adjudicated as of the date of enactment of this Act.

Subtitle F—Miscellaneous

SEC. 2601. FEDERAL RESERVE BOARD STUDY.

(a) STUDY OF ELECTRONIC STORED VALUE PRODUCTS.—

(1) STUDY.—The Board shall conduct a study of electronic stored value products which evaluates whether provisions of the Electronic Fund Transfer Act could be applied to such products without adversely impacting the cost, development, and operation of such products.

(2) CONSIDERATIONS.—In conducting its study under paragraph (1), the Board shall consider whether alternatives to regulation under the Electronic Fund Transfer Act, such as allowing competitive market forces to shape the development and operation of electronic stored value products, could more efficiently achieve the objectives embodied in that Act.

(b) REPORT.—The Board shall submit a report of its study under subsection (a) to the Congress not later than 6 months after the date of enactment of this Act.

(c) ACTION TO FINALIZE.—The Board shall take no action to finalize any amendments to regulations under the Electronic Fund Transfer Act that would regulate electronic stored value products until the later of—

(1) 3 months after the date on which the report is submitted to the Congress under subsection (b); or

(2) 9 months after the date of enactment of this Act.

SEC. 2602. TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.

Section 11(d) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)) is amended by adding at the end the following new paragraph:

"(20) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for an insured depository institution for the breach of an agreement executed or approved by such receiver or conservator after the date of its appointment shall be paid as an administrative expense of the receiver or conservator. Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.".

SEC. 2603. CRIMINAL SANCTIONS FOR FICTITIOUS FINANCIAL INSTRUMENTS AND COUNTERFEITING.

(a) INCREASED PENALTIES FOR COUNTERFEITING VIOLATIONS.—Sections 474 and 474A of title 18, United States Code, are amended by striking "class C felony" each place that term appears and inserting "class B felony".

(b) CRIMINAL PENALTY FOR PRODUCTION, SALE, TRANSPORTATION, POSSESSION OF FICTITIOUS FINANCIAL INSTRUMENTS PURPORTING TO BE THOSE OF THE STATES, OF POLITICAL SUBDIVISIONS, AND OF PRIVATE ORGANIZATIONS.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by inserting after section 513, the following new section:

"§514. Fictitious obligations

"(a) Whoever, with the intent to defraud—

"(1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;

"(2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the same, or with like intent possesses, within the United States; or

"(3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States,

any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

"(b) For purposes of this section, any term used in this section that is defined in section 513(c) has the same meaning given such term in section 513(c).

"(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.".

(2) TECHNICAL AMENDMENT.—The analysis for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 513 the following:

"514. Fictitious obligations.".

SEC. 2604. AMENDMENTS TO THE TRUTH IN SAVINGS ACT.

(a) REPEAL.—Effective as of the end of the 5-year period beginning on the date of the enactment of this Act, section 271 of the Truth in Savings Act (12 U.S.C. 4310) is repealed.

(b) ON-PREMISES DISPLAYS.—Section 263(c) of the Truth in Savings Act (12 U.S.C. 4302(c)) is amended—

(1) by striking paragraph (2);

(2) by striking "(1) IN GENERAL.—"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately.

(c) DEPOSITORY INSTITUTION DEFINITION.—Section 274(6) of the Truth in Savings Act (12 U.S.C. 4313(6)) is amended by inserting before the period ", but does not include any nonautomated credit union that was not required to comply with the requirements of this title as of the date of enactment of the Economic Growth and Regulatory Paperwork Reduction Act of 1996, pursuant to the determination of the National Credit Union Administration Board".

(d) TIME DEPOSITS.—Section 266(a)(3) of the Truth in Savings Act (12 U.S.C. 4305(a)(3)) is amended by inserting "has a maturity of more than 30 days" after "deposit which".

SEC. 2605. CONSUMER LEASING ACT AMENDMENTS.

(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) competition among the various financial institutions and other firms engaged in the business of consumer leasing is greatest when there is informed use of leasing;

(B) the informed use of leasing results from an awareness of the cost of leasing by consumers; and

(C) there has been a continued trend toward leasing automobiles and other durable goods for consumer use as an alternative to installment credit sales and that leasing product advances have occurred such that lessors have been unable to provide consistent industry-wide disclosures to fully account for the competitive progress that has occurred.

(2) PURPOSES.—The purposes of this section are—

(A) to assure a simple, meaningful disclosure of leasing terms so that the consumer will be able to compare more readily the various leasing terms available to the consumer and avoid the uninformed use of leasing, and to protect the consumer against inaccurate and unfair leasing practices;

(B) to provide for adequate cost disclosures that reflect the marketplace without impairing competition and the development of new leasing products; and

(C) to provide the Board with the regulatory authority to assure a simplified, meaningful definition and disclosure of the terms of certain leases of personal property for personal, family, or household purposes so as to—

(i) enable the lessee to compare more readily the various lease terms available to the lessee;

(ii) enable comparison of lease terms with credit terms, as appropriate; and

(iii) assure meaningful and accurate disclosures of lease terms in advertisements.

(b) Regulations.—

(1) In general.—Chapter 5 of the Truth in Lending Act (15 U.S.C. 1667 et seq.) is amended by adding at the end the following new section:

"SEC. 187. REGULATIONS.

"(a) Regulations Authorized.—

"(1) In general.—The Board shall prescribe regulations to update and clarify the requirements and definitions applicable to lease disclosures and contracts, and any other issues specifically related to consumer leasing, to the extent that the Board determines such action to be necessary—

"(A) to carry out this chapter;

"(B) to prevent any circumvention of this chapter; or

"(C) to facilitate compliance with the requirements of the chapter.

"(2) Classifications, adjustments.—Any regulations prescribed under paragraph (1) may contain classifications and differentiations, and may provide for adjustments and exceptions for any class of transactions, as the Board considers appropriate.

"(b) Model Disclosure.—

"(1) Publication.—The Board shall establish and publish model disclosure forms to facilitate compliance with the disclosure requirements of this chapter and to aid the consumer in understanding the transaction to which the subject disclosure form relates.

"(2) Use of automated equipment.—In establishing model forms under this subsection, the Board shall consider the use by lessors of data processing or similar automated equipment.

"(3) Use optional.—A lessor may utilize a model disclosure form established by the Board under this subsection for purposes of compliance with this chapter, at the discretion of the lessor.

"(4) Effect of use.—Any lessor who properly uses the material aspects of any model disclosure form established by the Board under this subsection shall be deemed to be in compliance with the disclosure requirements to which the form relates.".

(2) Effective date.—

(A) In general.—Any regulation of the Board, or any amendment or interpretation of any regulation of the Board issued pursuant to section 187 of the Truth in Lending Act (as added by paragraph (1) of this subsection), shall become effective on the first October 1 that follows the date of promulgation of that regulation, amendment, or interpretation by not less than 6 months.

(B) Longer period.—The Board may, at the discretion of the Board, extend the time period referred to in subparagraph (A) in accordance with subparagraph (C), to permit lessors to adjust their disclosure forms to accommodate the requirements of section 127 of the Truth in Lending Act (as added by paragraph (1) of this subsection).

(C) Shorter period.—The Board may shorten the time period referred to in subparagraph (A), if the Board makes a specific finding that such action is necessary to comply with the findings of a court or to prevent an unfair or deceptive practice.

(D) Compliance before effective date.—Any lessor may comply with any means of disclosure provided for in section 127 of the Truth in Lending Act (as added by paragraph (1) of this subsection) before the effective date of such requirement.

(E) Definitions.—For purposes of this subsection, the term "lessor" has the same meaning as in section 181 of the Truth in Lending Act.

(3) Clerical amendment.—The table of sections for chapter 5 of title I of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after the item relating to section 186 the following new item:

"187. Regulations.".

(c) Consumer Lease Advertising.—Section 184 of the Truth in Lending Act (15 U.S.C. 1667c) is amended—

(1) by striking subsections (a) and (c);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting before subsection (c), as so redesignated, the following:

"(a) In General.—If an advertisement for a consumer lease includes a statement of the amount of any payment or a statement that any or no initial payment is required, the advertisement shall clearly and conspicuously state, as applicable—

"(1) the transaction advertised is a lease;

"(2) the total amount of any initial payments required on or before consummation of the lease or delivery of the property, whichever is later;

"(3) that a security deposit is required;

"(4) the number, amount, and timing of scheduled payments; and

"(5) with respect to a lease in which the liability of the consumer at the end of the lease term is based on the anticipated residual value of the property, that an extra charge may be imposed at the end of the lease term.

"(b) Advertising Medium Not Liable.—No owner or employee of any entity that serves as a medium in which an advertisement appears or through which an advertisement is disseminated, shall be liable under this section.".

SEC. 2606. STUDY OF CORPORATE CREDIT UNIONS.

(a) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Administration.—The term "Administration" means the National Credit Union Administration.

(2) Board.—The term "Board" means the National Credit Union Administration Board.

(3) Corporate credit union.—The term "corporate credit union" has the meaning given such term by rule or regulation of the Board.

(4) Fund.—The term "Fund" means the National Credit Union Share Insurance Fund established under section 203 of the Federal Credit Union Act.

(5) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(b) Study.—

(1) In general.—The Secretary, in consultation with the Board, the Corporation, the Comptroller of the Currency, and the Administration, shall conduct a study and evaluation of—

(A) the oversight and supervisory practices of the Administration concerning the Fund, including the treatment of amounts deposited in the Fund pursuant to section 202(c) of the Federal Credit Union Act, including analysis of—

(i) whether those amounts should be—

(I) refundable; or

(II) treated as expenses; and

(ii) the use of those amounts in determining equity capital ratios;

(B) the potential for, and potential effects of, administration of the Fund by an entity other than the Administration;

(C) the 10 largest corporate credit unions in the United States, conducted in cooperation with appropriate employees of other Federal agencies with expertise in the examination of federally insured financial institutions, including—

(i) the investment practices of those credit unions; and

(ii) the financial stability, financial operations, and financial controls of those credit unions;

(D) the regulations of the Administration; and

(E) the supervision of corporate credit unions by the Administration.

(c) Report.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress, a report that includes the results of the study and evaluation conducted under subsection (b), together with any recommendations that the Secretary considers to be appropriate.

SEC. 2607. REPORT ON THE RECONCILIATION OF DIFFERENCES BETWEEN REGULATORY ACCOUNTING PRINCIPLES AND GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

Not later than 180 days after the date of enactment of this Act, each appropriate Federal banking agency shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report describing both the actions that have been taken by the agency and the actions that will be taken by the agency to eliminate or conform inconsistent or duplicative accounting and reporting requirements applicable to reports or statements filed with any such agency by insured depository institutions, as required by section 121 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

SEC. 2608. STATE-BY-STATE AND METROPOLITAN AREA-BY-METROPOLITAN AREA STUDY OF BANK FEES.

Section 1002(b)(2)(A) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended to read as follows:

"(A) a description of any discernible trend, in the Nation as a whole, in each of the 50 States, and in each consolidated metropolitan statistical area or primary metropolitan statistical area (as defined by the Director of the Office of Management and Budget), in the cost and availability of retail banking services (including fees imposed for providing such services), that delineates differences between insured depository institutions on the basis of both the size of the institution and any engagement of the institution in multistate activity; and".

SEC. 2609. PROSPECTIVE APPLICATION OF GOLD CLAUSES IN CONTRACTS.

Section 5118(d)(2) of title 31, United States Code, is amended by adding at the end the following: "This paragraph shall apply to any obligation issued on or before October 27, 1977, notwithstanding any assignment or novation of such obligation after October 27, 1977, unless all parties to the assignment or novation specifically agree to include a gold clause in the new agreement. Nothing in the preceding sentence shall be construed to affect the enforceability of a Gold Clause contained in any obligation issued after October 27, 1977 if the enforceability of that Gold Clause has been finally adjudicated before the date of enactment of the Economic Growth and Regulatory Paperwork Reduction Act of 1996.".

SEC. 2610. QUALIFIED FAMILY PARTNERSHIPS.

Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended—

(1) in subsection (b), by inserting ", and shall not include a qualified family partnership" after "by any State"; and

(2) in subsection (o), by adding at the end the following:

"(10) Qualified family partnership.—The term 'qualified family partnership' means a general or limited partnership that the Board determines—

"(A) does not directly control any bank, except through a registered bank holding company;

"(B) does not control more than 1 registered bank holding company;

"(C) does not engage in any business activity, except indirectly through ownership of other business entities;

"(D) has no investments other than those permitted for a bank holding company pursuant to section 4(c);

"(E) is not obligated on any debt, either directly or as a guarantor;

"(F) has partners, all of whom are either—

"(i) individuals related to each other by blood, marriage (including former marriage), or adoption; or

"(ii) trusts for the primary benefit of individuals related as described in clause (i); and

"(G) has filed with the Board a statement that includes—

"(i) the basis for the eligibility of the partnership under subparagraph (F);

"(ii) a list of the existing activities and investments of the partnership;

"(iii) a commitment to comply with this paragraph;

"(iv) a commitment to comply with section 7 of the Federal Deposit Insurance Act with respect to any acquisition of control of an insured depository institution occurring after date of enactment of this paragraph; and

"(v) a commitment to be subject, to the same extent as if the qualified family partnership were a bank holding company—

"(I) to examination by the Board to assure compliance with this paragraph; and

"(II) to section 8 of the Federal Deposit Insurance Act.".

SEC. 2611. COOPERATIVE EFFORTS BETWEEN DEPOSITORY INSTITUTIONS AND FARMERS AND RANCHERS IN DROUGHT-STRICKEN AREAS.

(a) FINDINGS.—The Congress hereby finds the following:

(1) Severe drought is being experienced in the Plains and the Southwest portions of our country.

(2) Soil erosion is becoming a critical issue as the dry season approaches and summer winds may rob these fields of nutrient-rich topsoil.

(3) Without immediate assistance, ranchers and farmers would be forced to cull their herds bringing tremendous volatility in the beef market.

(4) The American people will feel the impact of this drought in their pocketbooks through higher prices for grain products.

(5) The communities in drought-stricken areas are suffering and borrowers may have difficulty meeting their obligations to financial institutions.

(6) Congress has already passed the Depository Institutions Disaster Relief Act of 1992 which allows financial institutions to make emergency exceptions to the appraisal requirement in times of national disasters.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that financial institutions and Federal bank regulators should work cooperatively with farmers and ranchers in communities affected by drought conditions to allow financial obligations to be met without imposing undue burdens.

SEC. 2612. STREAMLINING PROCESS FOR DETERMINING NEW NONBANKING ACTIVITIES.

Section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) is amended by striking "and opportunity for hearing" and inserting the following: "(and opportunity for hearing in the case of an acquisition of a savings association)".

SEC. 2613. AUTHORIZING BANK SERVICE COMPANIES TO ORGANIZE AS LIMITED LIABILITY COMPANIES.

(a) AMENDMENT TO SHORT TITLE.—Section 1 of the Bank Service Corporation Act (12 U.S.C. 1861(a)) is amended by striking subsection (a) and inserting the following new subsection:

"(a) SHORT TITLE.—This Act may be cited as the 'Bank Service Company Act'.";

(b) AMENDMENTS TO DEFINITIONS.—Section 1(b) of the Bank Service Corporation Act (12 U.S.C. 1861(b)) is amended—

(1) by striking paragraph (2) and inserting the following new paragraph:

"(2) the term 'bank service company' means—

"(A) any corporation—

"(i) which is organized to perform services authorized by this Act; and

"(ii) all of the capital stock of which is owned by 1 or more insured banks; and

"(B) any limited liability company—

"(i) which is organized to perform services authorized by this Act; and

"(ii) all of the members of which are 1 or more insured banks.";

(2) in paragraph (6)—

(A) by striking "corporation" and inserting "company"; and

(B) by striking "and" after the semicolon;

(3) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

"(7) the term 'limited liability company' means any company, partnership, trust, or similar business entity organized under the law of a State (as defined in section 3 of the Federal Deposit Insurance Act) which provides that a member or manager of such company is not personally liable for a debt, obligation, or liability of the company solely by reason of being, or acting as, a member or manager of such company; and"; and

(4) in paragraph (8) (as so redesignated)—

(A) by striking "corporation" each place such term appears and inserting "company"; and

(B) by striking "capital stock" and inserting "equity".

(c) AMENDMENTS TO SECTION 2.—Section 2 of the Bank Service Corporation Act (12 U.S.C. 1862) is amended—

(1) by striking "corporation" and inserting "company";

(2) by striking "corporations" and inserting "companies"; and

(3) in the heading for such section, by striking "CORPORATION" and inserting "COMPANY".

(d) AMENDMENTS TO SECTION 3.—Section 3 of the Bank Service Corporation Act (12 U.S.C. 1863) is amended—

(1) by striking "corporation" each place such term appears and inserting "company"; and

(2) in the heading for such section, by striking "CORPORATION" and inserting "COMPANY".

(e) AMENDMENTS TO SECTION 4.—Section 4 of the Bank Service Corporation Act (12 U.S.C. 1864) is amended—

(1) by striking "corporation" each place such term appears and inserting "company";

(2) in subsection (b), by inserting "or members" after "shareholders" each place such term appears;

(3) in subsections (c) and (d), by inserting "or member" after "shareholder" each place such term appears;

(4) in subsection (e)—

(A) by inserting "or members" after "national bank and State bank shareholders";

(B) by striking "its national bank shareholder or shareholders" and inserting "any shareholder or member of the company which is a national bank";

(C) by striking "its State bank shareholder or shareholders" and inserting "any shareholder or member of the company which is a State bank";

(D) by striking "such State bank or banks" and inserting "any such State bank"; and

(E) by inserting "or members" after "State bank and national bank shareholders"; and

(5) in the heading for such section, by striking "CORPORATION" and inserting "COMPANY".

(f) AMENDMENTS TO SECTION 5.—Section 5 of the Bank Service Corporation Act (12 U.S.C. 1865) is amended—

(1) by striking "corporation" each place such term appears and inserting "company"; and

(2) in the heading for such section, by striking "CORPORATIONS" and inserting "COMPANIES".

(g) AMENDMENTS TO SECTION 6.—Section 6 of the Bank Service Corporation Act (12 U.S.C. 1866) is amended—

(1) by striking "corporation" each place such term appears and inserting "company";

(2) by inserting "or is not a member of" after "does not own stock in";

(3) by striking "the nonstockholding institution" and inserting "such depository institution";

(4) by inserting "or is a member of" after "that owns stock in";

(5) in paragraphs (1) and (2), by inserting "or nonmember" after "nonstockholding"; and

(6) in the heading for such section by inserting "OR NONMEMBERS" after "NONSTOCKHOLDERS".

(h) AMENDMENTS TO SECTION 7.—Section 7 of the Bank Service Corporation Act (12 U.S.C. 1867) is amended—

(1) by striking "corporation" each place such term appears and inserting "company";

(2) in subsection (a)—

(A) by inserting "or principal member" after "principal shareholder"; and

(B) by inserting "or member" after "other shareholder"; and

(3) in the heading for such section, by striking "CORPORATIONS" and inserting "COMPANIES".

SEC. 2614. RETIREMENT CERTIFICATES OF DEPOSITS.

(a) IN GENERAL.—Section 3(l)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)(5) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) any liability of an insured depository institution that arises under an annuity contract, the income of which is tax deferred under section 72 of the Internal Revenue Code of 1986.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any liability of an insured depository that arises under an annuity contract issued on or after the date of enactment of this Act.

SEC. 2615. PROHIBITIONS ON CERTAIN DEPOSITORY INSTITUTION ASSOCIATIONS WITH GOVERNMENT-SPONSORED ENTERPRISES.

(a) CREDIT UNIONS.—Section 201 of the Federal Credit Union Act (12 U.S.C. 1781) is amended by adding at the end the following new subsection:

"(e) PROHIBITION ON CERTAIN ASSOCIATIONS.—

"(1) IN GENERAL.—No insured credit union may be sponsored by or accept financial support, directly or indirectly, from any Government-sponsored enterprise, if the credit union includes the customers of the Government-sponsored enterprise in the field of membership of the credit union.

"(2) ROUTINE BUSINESS FINANCING.—Paragraph (1) shall not apply with respect to advances or other forms of financial assistance generally provided by a Government-sponsored enterprise in the ordinary course of business of the enterprise.

"(3) GOVERNMENT-SPONSORED ENTERPRISE DEFINED.—For purposes of this subsection, the term 'Government-sponsored enterprise' has the meaning given to such term in section 1404(e)(1)(A) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

"(4) EMPLOYEE CREDIT UNION.—No provision of this subsection shall be construed as prohibiting any employee of a Government-sponsored enterprise from becoming a member of a credit union whose field of membership is the employees of such enterprise.".

(b) BANKS AND SAVINGS ASSOCIATIONS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(s) PROHIBITION ON CERTAIN AFFILIATIONS.—

"(1) IN GENERAL.—No depository institution may be an affiliate of, be sponsored by, or accept financial support, directly or indirectly, from any Government-sponsored enterprise.

"(2) EXCEPTION FOR MEMBERS OF A FEDERAL HOME LOAN BANK.—Paragraph (1) shall not apply with respect to the membership of a depository institution in a Federal home loan bank.

"(3) ROUTINE BUSINESS FINANCING.—Paragraph (1) shall not apply with respect to advances or other forms of financial assistance provided by a Government-sponsored enterprise pursuant to the statutes governing such enterprise.

"(4) GOVERNMENT-SPONSORED ENTERPRISE DEFINED.—For purposes of this subsection, the term 'Government-sponsored enterprise' has the meaning given to such term in section 1404(e)(1)(A) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply on and after January 1, 1996.

Subtitle G—Deposit Insurance Funds

SEC. 2701. SHORT TITLE.

This subtitle may be cited as the "Deposit Insurance Funds Act of 1996".

SEC. 2702. SPECIAL ASSESSMENT TO CAPITALIZE SAIF.

(a) IN GENERAL.—Except as provided in subsection (f), the Board of Directors of the Federal Deposit Insurance Corporation shall impose a special assessment on the SAIF-assessable deposits of each insured depository institution in accordance with assessment regulations of the Corporation at a rate applicable to all such institutions that the Board of Directors, in its sole discretion, determines (after taking into account the adjustments described in subsections (g), (h), and (j)) will cause the Savings Association Insurance Fund to achieve the designated reserve ratio on the first business day of the 1st month beginning after the date of the enactment of this Act.

(b) FACTORS TO BE CONSIDERED.—In carrying out subsection (a), the Board of Directors shall base its determination on—

(1) the monthly Savings Association Insurance Fund balance most recently calculated;

(2) data on insured deposits reported in the most recent reports of condition filed not later than 70 days before the date of enactment of this Act by insured depository institutions; and

(3) any other factors that the Board of Directors deems appropriate.

(c) DATE OF DETERMINATION.—For purposes of subsection (a), the amount of the SAIF-assessable deposits of an insured depository institution shall be determined as of March 31, 1995.

(d) DATE PAYMENT DUE.—Except as provided in subsection (g), the special assessment imposed under this section shall be—

(1) due on the first business day of the 1st month beginning after the date of the enactment of this Act; and

(2) paid to the Corporation on the later of—

(A) the first business day of the 1st month beginning after such date of enactment; or

(B) such other date as the Corporation shall prescribe, but not later than 60 days after the date of enactment of this Act.

(e) ASSESSMENT DEPOSITED IN SAIF.—Notwithstanding any other provision of law, the proceeds of the special assessment imposed under this section shall be deposited in the Savings Association Insurance Fund.

(f) EXEMPTIONS FOR CERTAIN INSTITUTIONS.—

(1) EXEMPTION FOR WEAK INSTITUTIONS.—The Board of Directors may, by order, in its sole discretion, exempt any insured depository institution that the Board of Directors determines to be weak, from paying the special assessment imposed under this section if the Board of Directors determines that the exemption would reduce risk to the Savings Association Insurance Fund.

(2) GUIDELINES REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Board of Directors shall prescribe guidelines setting forth the criteria that the Board of Directors will use in exempting institutions under paragraph (1). Such guidelines shall be published in the Federal Register.

(3) EXEMPTION FOR CERTAIN NEWLY CHARTERED AND OTHER DEFINED INSTITUTIONS.—

(A) IN GENERAL.—In addition to the institutions exempted from paying the special assessment under paragraph (1), the Board of Directors shall exempt any insured depository institution from payment of the special assessment if the institution—

(i) was in existence on October 1, 1995, and held no SAIF-assessable deposits before January 1, 1993;

(ii) is a Federal savings bank which—

(I) was established de novo in April 1994 in order to acquire the deposits of a savings association which was in default or in danger of default; and

(II) received minority interim capital assistance from the Resolution Trust Corporation under section 21A(w) of the Federal Home Loan Bank Act in connection with the acquisition of any such savings association; or

(iii) is a savings association, the deposits of which are insured by the Savings Association Insurance Fund, which—

(I) before January 1, 1987, was chartered as a Federal savings bank insured by the Federal Savings and Loan Insurance Corporation for the purpose of acquiring all or substantially all of the assets and assuming all or substantially all of the deposit liabilities of a national bank in a transaction consummated after July 1, 1986; and

(II) as of the date of that transaction, had assets of less than $150,000,000.

(B) DEFINITION.—For purposes of this paragraph, an institution shall be deemed to have held SAIF-assessable deposits before January 1, 1993, if—

(i) it directly held SAIF-assessable deposits before that date; or

(ii) it succeeded to, acquired, purchased, or otherwise holds any SAIF-assessable deposits as of the date of enactment of this Act that were SAIF-assessable deposits before January 1, 1993.

(4) EXEMPT INSTITUTIONS REQUIRED TO PAY ASSESSMENTS AT FORMER RATES.—

(A) PAYMENTS TO SAIF AND DIF.—Any insured depository institution that the Board of Directors exempts under this subsection from paying the special assessment imposed under this section shall pay semiannual assessments—

(i) during calendar years 1996, 1997, and 1998, into the Savings Association Insurance Fund, based on SAIF-assessable deposits of that institution, at assessment rates calculated under the schedule in effect for Savings Association Insurance Fund members on June 30, 1995; and

(ii) during calendar year 1999—

(I) into the Deposit Insurance Fund, based on SAIF-assessable deposits of that institution as of December 31, 1998, at assessment rates calculated under the schedule in effect for Savings Association Insurance Fund members on June 30, 1995; or

(II) in accordance with clause (i), if the Bank Insurance Fund and the Savings Association Insurance Fund are not merged into the Deposit Insurance Fund.

(B) OPTIONAL PRO RATA PAYMENT OF SPECIAL ASSESSMENT.—This paragraph shall not apply with respect to any insured depository institution (or successor insured depository institution) that has paid, during any calendar year from 1997 through 1999, upon such terms as the Corporation may announce, an amount equal to the product of—

(i) 16.7 percent of the special assessment that the institution would have been required to pay under subsection (a), if the Board of Directors had not exempted the institution; and

(ii) the number of full semiannual periods remaining between the date of the payment and December 31, 1999.

(g) SPECIAL ELECTION FOR CERTAIN INSTITUTIONS FACING HARDSHIP AS A RESULT OF THE SPECIAL ASSESSMENT.—

(1) ELECTION AUTHORIZED.—If—

(A) an insured depository institution, or any depository institution holding company which, directly or indirectly, controls such institution, is subject to terms or covenants in any debt obligation or preferred stock outstanding on September 13, 1995; and

(B) the payment of the special assessment under subsection (a) would pose a significant risk of causing such depository institution or holding company to default or violate any such term or covenant,

the depository institution may elect, with the approval of the Corporation, to pay such special assessment in accordance with paragraphs (2) and (3) in lieu of paying such assessment in the manner required under subsection (a).

(2) 1ST ASSESSMENT.—An insured depository institution which makes an election under paragraph (1) shall pay an assessment in an amount equal to 50 percent of the amount of the special assessment that would otherwise apply under subsection (a), by the date on which such special assessment is payable under subsection (d).

(3) 2D ASSESSMENT.—An insured depository institution which makes an election under paragraph (1) shall pay a 2d assessment, by the date established by the Board of Directors in accordance with paragraph (4), in an amount equal to the product of 51 percent of the rate determined by the Board of Directors under subsection (a) for determining the amount of the special assessment and the SAIF-assessable deposits of the institution on March 31, 1996, or such other date in calendar year 1996 as the Board of Directors determines to be appropriate.

(4) DUE DATE OF 2D ASSESSMENT.—The date established by the Board of Directors for the payment of the assessment under paragraph (3) by a depository institution shall be the earliest practicable date which the Board of Directors determines to be appropriate, which is at least 15 days after the date used by the Board of Directors under paragraph (3).

(5) SUPPLEMENTAL SPECIAL ASSESSMENT.—An insured depository institution which makes an election under paragraph (1) shall pay a supplemental special assessment, at the same time the payment under paragraph (3) is made, in an amount equal to the product of—

(A) 50 percent of the rate determined by the Board of Directors under subsection (a) for determining the amount of the special assessment; and

(B) 95 percent of the amount by which the SAIF-assessable deposits used by the Board of Directors for determining the amount of the 1st assessment under paragraph (2) exceeds, if any, the SAIF-assessable deposits used by the Board for determining the amount of the 2d assessment under paragraph (3).

(h) ADJUSTMENT OF SPECIAL ASSESSMENT FOR CERTAIN BANK INSURANCE FUND MEMBER BANKS.—

(1) IN GENERAL.—For purposes of computing the special assessment imposed under this section with respect to a Bank Insurance Fund member bank, the amount of any deposits of any insured depository institution which section 5(d)(3) of the Federal Deposit Insurance Act treats as insured by the Savings Association Insurance Fund shall be reduced by 20 percent—

(A) if the adjusted attributable deposit amount of the Bank Insurance Fund member bank is less than 50 percent of the total domestic deposits of that member bank as of June 30, 1995; or

(B) if, as of June 30, 1995, the Bank Insurance Fund member—

(i) had an adjusted attributable deposit amount equal to less than 75 percent of the total assessable deposits of that member bank;

(ii) had total assessable deposits greater than $5,000,000,000; and

(iii) was owned or controlled by a bank holding company that owned or controlled insured depository institutions having an aggregate amount of deposits insured or treated as insured by the Bank Insurance Fund greater than the aggregate amount of deposits insured or treated as insured by the Savings Association Insurance Fund.

(2) ADJUSTED ATTRIBUTABLE DEPOSIT AMOUNT.—For purposes of this subsection, the "adjusted attributable deposit amount" shall be determined in accordance with section 5(d)(3)(C) of the Federal Deposit Insurance Act.

(i) ADJUSTMENT TO THE ADJUSTED ATTRIBUTABLE DEPOSIT AMOUNT FOR CERTAIN BANK INSURANCE FUND MEMBER BANKS.—Section 5(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(3)) is amended—

(1) in subparagraph (C), by striking "The adjusted attributable deposit amount" and inserting "Except as provided in subparagraph (K), the adjusted attributable deposit amount"; and

(2) by adding at the end the following new subparagraph:

"(K) ADJUSTMENT OF ADJUSTED ATTRIBUTABLE DEPOSIT AMOUNT.—The amount determined under subparagraph (C)(i) for deposits acquired by March 31, 1995, shall be reduced by 20 percent for purposes of computing the adjusted attributable deposit amount for the payment of any assessment for any semiannual period that begins after the date of the enactment of the Deposit Insurance Funds Act of 1996 (other than the special assessment imposed under section 2702(a) of such Act), for a Bank Insurance Fund member bank that, as of June 30, 1995—

"(i) had an adjusted attributable deposit amount that was less than 50 percent of the total deposits of that member bank; or

"(ii)(I) had an adjusted attributable deposit amount equal to less than 75 percent of the total assessable deposits of that member bank;

"(II) had total assessable deposits greater than $5,000,000,000; and

"(III) was owned or controlled by a bank holding company that owned or controlled insured depository institutions having an aggregate amount of deposits insured or treated as insured by the Bank Insurance Fund greater than the aggregate amount of deposits insured or treated as insured by the Savings Association Insurance Fund.".

(j) ADJUSTMENT OF SPECIAL ASSESSMENT FOR CERTAIN SAVINGS ASSOCIATIONS.—

(1) SPECIAL ASSESSMENT REDUCTION.—For purposes of computing the special assessment imposed under this section, in the case of any converted association, the amount of any deposits of such association which were insured by the Savings Association Insurance Fund as of March 31, 1995, shall be reduced by 20 percent.

(2) CONVERTED ASSOCIATION.—For purposes of this subsection, the term "converted association" means—

(A) any Federal savings association—

(i) that is a member of the Savings Association Insurance Fund and that has deposits subject to assessment by that fund which did not exceed $4,000,000,000, as of March 31, 1995; and

(ii) that had been, or is a successor by merger, acquisition, or otherwise to an institution that had been, a State savings bank, the deposits of which were insured by the Federal Deposit Insurance Corporation before August 9, 1989, that converted to a Federal savings association pursuant to section 5(i) of the Home Owners' Loan Act before January 1, 1985;

(B) a State depository institution that is a member of the Savings Association Insurance Fund that had been a State savings bank before October 15, 1982, and was a Federal savings association on August 9, 1989;

(C) an insured bank that—

(i) was established de novo in order to acquire the deposits of a savings association in default or in danger of default;

(ii) did not open for business before acquiring the deposits of such savings association; and

(iii) was a Savings Association Insurance Fund member before the date of enactment of this Act; and

(D) an insured bank that—

(i) resulted from a savings association before December 19, 1991, in accordance with section 5(d)(2)(G) of the Federal Deposit Insurance Act; and

(ii) had an increase in its capital in conjunction with the conversion in an amount equal to more than 75 percent of the capital of the institution on the day before the date of the conversion.

SEC. 2703. FINANCING CORPORATION FUNDING.

(a) IN GENERAL.—Section 21 of the Federal Home Loan Bank Act (12 U.S.C. 1441) is amended—

(1) in subsection (f)(2)—

(A) in the matter immediately preceding subparagraph (A)—

(i) by striking "To the extent the amounts available pursuant to paragraph (1) are insufficient to cover the amount of interest payments, issuance costs, and custodial fees," and inserting "In addition to the amounts obtained pursuant to paragraph (1),";

(ii) by striking "Savings Association Insurance Fund member" and inserting "insured depository institution"; and

(iii) by striking "members" and inserting "institutions"; and

(B) by striking ", except that—" and all that follows through the end of the paragraph and inserting ", except that—

"(A) the assessments imposed on insured depository institutions with respect to any BIF-assessable deposit shall be assessed at a rate equal to 1/5 of the rate of the assessments imposed on insured depository institutions with respect to any SAIF-assessable deposit; and

"(B) no limitation under clause (i) or (iii) of section 7(b)(2)(A) of the Federal Deposit Insurance Act shall apply for purposes of this paragraph."; and

(2) in subsection (k)—

(A) by striking "section—" and inserting "section, the following definitions shall apply:";

(B) by striking paragraph (1);

(C) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(D) by adding at the end the following new paragraphs:

"(3) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act

"(4) DEPOSIT TERMS.—

"(A) BIF-ASSESSABLE DEPOSITS.—The term 'BIF-assessable deposit' means a deposit that is subject to assessment for purposes of the Bank Insurance Fund under the Federal Deposit Insurance Act (including a deposit that is treated as a deposit insured by the Bank Insurance Fund under section 5(d)(3) of the Federal Deposit Insurance Act).

"(B) SAIF-ASSESSABLE DEPOSIT.—The term 'SAIF-assessable deposit' has the meaning given to such term in section 2710 of the Deposit Insurance Funds Act of 1996.".

(b) CONFORMING AMENDMENT.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (c) and the amendments made by such subsections shall apply with respect to semiannual periods which begin after December 31, 1996.

(2) TERMINATION OF CERTAIN ASSESSMENT RATES.—Subparagraph (A) of section 21(f)(2) of the Federal Home Loan Bank Act (as amended by subsection (a)) shall not apply after the earlier of—

(A) December 31, 1999; or

(B) the date as of which the last savings association ceases to exist.

(d) PROHIBITION ON DEPOSIT SHIFTING.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act and ending on the date provided in subsection (c)(2) of this section, the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Director of the Office of Thrift Supervision shall take appropriate actions, including enforcement actions, denial of applications, or imposition of entrance and exit fees as if such transactions qualified as conversion transactions pursuant to section 5(d) of the Federal Deposit Insurance Act, to prevent insured depository institutions and depository institution holding companies from facilitating or encouraging the shifting of deposits from SAIF-assessable deposits to BIF-assessable deposits (as defined in section 21(k) of the Federal Home Loan Bank Act) for the purpose of evading the assessments imposed on insured depository institutions with respect to SAIF-assessable deposits under section 7(b) of the Federal Deposit Insurance Act and section 21(f)(2) of the Federal Home Loan Bank Act.

(2) REGULATIONS.—The Board of Directors of the Federal Deposit Insurance Corporation may issue regulations, including regulations defining terms used in paragraph (1), to prevent the shifting of deposits described in such paragraph.

(3) RULE OF CONSTRUCTION.—No provision of this subsection shall be construed as prohibiting conduct or activity of any insured depository institution which—

(A) is undertaken in the ordinary course of business of such depository institution; and

(B) is not directed towards the depositors of an insured depository institution affiliate (as defined in section 2(k) of the Bank Holding Company Act of 1956) of such depository institution.

SEC. 2704. MERGER OF BIF AND SAIF.

(a) IN GENERAL.—

(1) MERGER.—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund established by section 11(a)(4) of the Federal Deposit Insurance Act, as amended by this section.

(2) DISPOSITION OF ASSETS AND LIABILITIES.—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) NO SEPARATE EXISTENCE.—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease.

(b) SPECIAL RESERVE OF THE DEPOSIT INSURANCE FUND.—

(1) IN GENERAL.—Immediately before the merger of the Bank Insurance Fund and the Savings Association Insurance Fund, if the reserve ratio of the Savings Association Insurance Fund exceeds the designated reserve ratio, the amount by which that reserve ratio exceeds the designated reserve ratio shall be placed in the Special Reserve of the Deposit Insurance Fund, established under section 11(a)(5) of the Federal Deposit Insurance Act, as amended by this section.

(2) DEFINITION.—For purposes of this subsection, the term "reserve ratio" means the ratio of the net worth of the Savings Association Insurance Fund to the aggregate estimated amount of deposits insured by the Savings Association Insurance Fund.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on January 1, 1999, if no insured depository institution is a savings association on that date.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEPOSIT INSURANCE FUND.—Section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

"(A) ESTABLISHMENT.—There is established the Deposit Insurance Fund, which the Corporation shall—

"(i) maintain and administer;

"(ii) use to carry out its insurance purposes in the manner provided by this subsection; and

"(iii) invest in accordance with section 13(a).

"(B) USES.—The Deposit Insurance Fund shall be available to the Corporation for use with respect to Deposit Insurance Fund members."; and

(C) by striking "(4) GENERAL PROVISIONS RELATING TO FUNDS.—" and inserting the following:

"(4) ESTABLISHMENT OF THE DEPOSIT INSURANCE FUND.—".

(2) OTHER REFERENCES.—Section 11(a)(4)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)(C), as redesignated by paragraph (1) of this subsection) is amended by striking "Bank Insurance Fund and the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund".

(3) DEPOSITS INTO FUND.—Section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) is amended by adding at the end the following new subparagraph:

"(D) DEPOSITS.—All amounts assessed against insured depository institutions by the Corporation shall be deposited in the Deposit Insurance Fund.".

(4) SPECIAL RESERVE OF DEPOSITS.—Section 11(a)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(5)) is amended to read as follows:

"(5) SPECIAL RESERVE OF DEPOSIT INSURANCE FUND.—

"(A) ESTABLISHMENT.—

"(i) IN GENERAL.—There is established a Special Reserve of the Deposit Insurance Fund, which shall be administered by the Corporation and shall be invested in accordance with section 13(a).

"(ii) LIMITATION.—The Corporation shall not provide any assessment credit, refund, or other payment from any amount in the Special Reserve.

"(B) EMERGENCY USE OF SPECIAL RESERVE.—Notwithstanding subparagraph (A)(ii), the Corporation may, in its sole discretion, transfer amounts from the Special Reserve to the Deposit Insurance Fund, for the purposes set forth in paragraph (4), only if—

"(i) the reserve ratio of the Deposit Insurance Fund is less than 50 percent of the designated reserve ratio; and

"(ii) the Corporation expects the reserve ratio of the Deposit Insurance Fund to remain at less than 50 percent of the designated reserve ratio for each of the next 4 calendar quarters.

"(C) EXCLUSION OF SPECIAL RESERVE IN CALCULATING RESERVE RATIO.—Notwithstanding any other provision of law, any amounts in the Special Reserve shall be excluded in calculating the reserve ratio of the Deposit Insurance Fund under section 7.".

(5) FEDERAL HOME LOAN BANK ACT.—Section 21B(f)(2)(C)(ii) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(C)(ii)) is amended—

(A) in subclause (I), by striking "to Savings Associations Insurance Fund members" and inserting "to insured depository institutions, and their successors, which were Savings Association Insurance Fund members on September 1, 1995"; and

(B) in subclause (II), by striking "to Savings Associations Insurance Fund members" and inserting "to insured depository institutions, and their successors, which were Savings Association Insurance Fund members on September 1, 1995".

(6) REPEALS.—

(A) SECTION 3.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended to read as follows:

"(y) DEFINITIONS RELATING TO THE DEPOSIT INSURANCE FUND.—

"(1) DEPOSIT INSURANCE FUND.—The term 'Deposit Insurance Fund' means the fund established under section 11(a)(4).

"(2) RESERVE RATIO.—The term 'reserve ratio' means the ratio of the net worth of the Deposit Insurance Fund to aggregate estimated insured deposits held in all insured depository institutions.

"(3) DESIGNATED RESERVE RATIO.—The designated reserve ratio of the Deposit Insurance Fund for each year shall be—

"(A) 1.25 percent of estimated insured deposits; or

"(B) a higher percentage of estimated insured deposits that the Board of Directors determines to be justified for that year by circumstances raising a significant risk of substantial future losses to the fund.

(B) SECTION 7.—Section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817) is amended—

(i) by striking subsection (l);

(ii) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively;

(iii) in subsection (b)(2), by striking subparagraphs (B) and (F), and by redesignating subparagraphs (C), (E), (G), and (H) as subparagraphs (B) through (E), respectively.

(C) SECTION 11.—Section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(i) by striking paragraphs (6) and (7); and

(ii) by redesignating paragraph (8) as paragraph (6).

(7) SECTION 5136 OF THE REVISED STATUTES.—The paragraph designated the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended in the 5th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(8) INVESTMENTS PROMOTING PUBLIC WELFARE; LIMITATIONS ON AGGREGATE INVESTMENTS.—The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the 4th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(9) ADVANCES TO CRITICALLY UNDERCAPITALIZED DEPOSITORY INSTITUTIONS.—Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking "any deposit insurance fund in" and inserting "the Deposit Insurance Fund of".

(10) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended—

(A) by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund"; and

(B) by striking "Federal Deposit Insurance Corporation, Savings Association Insurance Fund;".

(11) FURTHER AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(A) in section 11(k) (12 U.S.C. 1431(k))—

(i) in the subsection heading, by striking "SAIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(ii) by striking "Savings Association Insurance Fund" each place such term appears and inserting "Deposit Insurance Fund";

(B) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(C) in section 21A(b)(6)(B) (12 U.S.C. 1441a(b)(6)(B))—

(i) in the subparagraph heading, by striking "SAIF-INSURED BANKS" and inserting "CHARTER CONVERSIONS"; and

(ii) by striking "Savings Association Insurance Fund member" and inserting "savings association";

(D) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(E) in section 21B(e) (12 U.S.C. 1441b(e))—

(i) in paragraph (5), by inserting "as of the date of funding" after "Savings Association Insurance Fund members" each place such term appears;

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(F) in section 21B(k) (12 U.S.C. 1441b(k))—

(i) by striking paragraph (8); and

(ii) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

(12) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(A) in section 5—

(i) in subsection (c)(5)(A), by striking "that is a member of the Bank Insurance Fund";

(ii) in subsection (c)(6), by striking "As used in this subsection—" and inserting "For purposes of this subsection, the following definitions shall apply:";

(iii) in subsection (o)(1), by striking "that is a Bank Insurance Fund member";

(iv) in subsection (o)(2)(A), by striking "a Bank Insurance Fund member until such time as it changes its status to a Savings Association Insurance Fund member" and inserting "insured by the Deposit Insurance Fund";

(v) in subsection (t)(5)(D)(iii)(II), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(vi) in subsection (t)(7)(C)(i)(I), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund"; and

(vii) in subsection (v)(2)(A)(i), by striking ", the Savings Association Insurance Fund" and inserting "or the Deposit Insurance Fund"; and

(B) in section 10—

(i) in subsection (e)(1)(A)(iii)(VII), by adding "or" at the end;

(ii) in subsection (e)(1)(A)(iv), by adding "and" at the end;

(iii) in subsection (e)(1)(B), by striking "Savings Association Insurance Fund or Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(iv) in subsection (e)(2), by striking "Savings Association Insurance Fund or the Bank Insurance Fund" and inserting "Deposit Insurance Fund"; and

(v) in subsection (m)(3), by striking subparagraph (E), and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively.

(13) AMENDMENTS TO THE NATIONAL HOUSING ACT.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(A) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking "Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund"; and

(B) in section 526(b)(1)(B)(ii) (12 U.S.C. 1735f–14(b)(1)(B)(ii)), by striking "Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund".

(14) FURTHER AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(A) in section 3(a)(1) (12 U.S.C. 1813(a)(1)), by striking subparagraph (B) and inserting the following:

"(B) includes any former savings association.";

(B) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund;" and inserting "Deposit Insurance Fund,";

(C) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3);

(D) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

(i) in subparagraph (A), by striking "reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund" and inserting "the reserve ratio of the Deposit Insurance Fund";

(ii) by striking subparagraph (B) and inserting the following:

"(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND.—The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.";

(iii) by striking "(1) UNINSURED INSTITUTIONS.—"; and

(iv) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (3), respectively, and moving the margins 2 ems to the left;

(E) in section 5(e) (12 U.S.C. 1815(e))—

(i) in paragraph (5)(A), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(ii) by striking paragraph (6); and

(iii) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(F) in section 6(5) (12 U.S.C. 1816(5)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(G) in section 7(b) (12 U.S.C. 1817(b))—

(i) in paragraph (1)(D), by striking "each deposit insurance fund" and inserting "the Deposit Insurance Fund";

(ii) in clauses (i)(I) and (iv) of paragraph (2)(A), by striking "each deposit insurance fund" each place such term appears and inserting "the Deposit Insurance Fund";

(iii) in paragraph (2)(A)(iii), by striking "a deposit insurance fund" and inserting "the Deposit Insurance Fund";

(iv) by striking clause (iv) of paragraph (2)(A);

(v) in paragraph (2)(C) (as redesignated by paragraph (6)(B) of this subsection)—

(I) by striking "any deposit insurance fund" and inserting "the Deposit Insurance Fund"; and

(II) by striking "that fund" each place such term appears and inserting "the Deposit Insurance Fund";

(vi) in paragraph (2)(D) (as redesignated by paragraph (6)(B) of this subsection)—

(I) in the subparagraph heading, by striking "FUNDS ACHIEVE" and inserting "FUND ACHIEVES"; and

(II) by striking "a deposit insurance fund" and inserting "the Deposit Insurance Fund";

(vii) in paragraph (3)—

(I) in the paragraph heading, by striking "FUNDS" and inserting "FUND";

(II) by striking "members of that fund" where such term appears in the portion of subparagraph (A) which precedes clause (i) of such subparagraph and inserting "insured depository institutions";

(III) by striking "that fund" each place such term appears (other than in connection with term amended in subclause (II) of this clause) and inserting "the Deposit Insurance Fund";

(IV) in subparagraph (A), by striking "Except as provided in paragraph (2)(F), if" and inserting "If";

(V) in subparagraph (A), by striking "any deposit insurance fund" and inserting "the Deposit Insurance Fund"; and

(VI) by striking subparagraphs (C) and (D) and inserting the following:

"(C) AMENDING SCHEDULE.—The Corporation may, by regulation, amend a schedule prescribed under subparagraph (B)."; and

(viii) in paragraph (6)—

(I) by striking "any such assessment" and inserting "any such assessment is necessary";

(II) by striking "(A) is necessary—";

(III) by striking subparagraph (B);

(IV) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(V) in subparagraph (C) (as redesignated), by striking "; and" and inserting a period;

(H) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking ", except that—" and all that follows through the end of the paragraph and inserting a period;

(I) in section 11(i)(3) (12 U.S.C. 1821(i)(3))—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as redesignated), by striking "subparagraphs (A) and (B)" and inserting "subparagraph (A)";

(J) in section 11A(a) (12 U.S.C. 1821a(a))—

(i) in paragraph (2), by striking "LIABILITIES.—" and all that follows through "Except" and inserting "LIABILITIES.—Except";

(ii) by striking paragraph (2)(B); and

(iii) in paragraph (3), by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "the Deposit Insurance Fund";

(K) in section 11A(b) (12 U.S.C. 1821a(b)), by striking paragraph (4);

(L) in section 11A(f) (12 U.S.C. 1821a(f)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(M) in section 13 (12 U.S.C. 1823)—

(i) in subsection (a)(1), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund, the Special Reserve of the Deposit Insurance Fund,";

(ii) in subsection (c)(4)(E)—

(I) in the subparagraph heading, by striking "FUNDS" and inserting "FUND"; and

(II) in clause (i), by striking "any insurance fund" and inserting "the Deposit Insurance Fund";

(iii) in subsection (c)(4)(G)(ii)—

(I) by striking "appropriate insurance fund" and inserting "Deposit Insurance Fund";

(II) by striking "the members of the insurance fund (of which such institution is a member)" and inserting "insured depository institutions";

(III) by striking "each member's" and inserting "each insured depository institution's"; and

(IV) by striking "the member's" each place such term appears and inserting "the institution's";

(iv) in subsection (c), by striking paragraph (11);

(v) in subsection (h), by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(vi) in subsection (k)(4)(B)(i), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(vii) in subsection (k)(5)(A), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(N) in section 14(a) (12 U.S.C. 1824(a)) in the 5th sentence—

(i) by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(ii) by striking "each such fund" and inserting "the Deposit Insurance Fund";

(O) in section 14(b) (12 U.S.C. 1824(b)), by striking "Bank Insurance Fund or Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(P) in section 14(c) (12 U.S.C. 1824(c)), by striking paragraph (3);

(Q) in section 14(d) (12 U.S.C. 1824(d))—

(i) by striking "BIF" each place such term appears and inserting "DIF"; and

(ii) by striking "Bank Insurance Fund" each place such term appears and inserting "Deposit Insurance Fund";

(R) in section 15(c)(5) (12 U.S.C. 1825(c)(5))—

(i) by striking "the Bank Insurance Fund or Savings Association Insurance Fund, respectively" each place such term appears and inserting "the Deposit Insurance Fund"; and

(ii) in subparagraph (B), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund, respectively" and inserting "the Deposit Insurance Fund";

(S) in section 17(a) (12 U.S.C. 1827(a))—

(i) in the subsection heading, by striking "BIF, SAIF," and inserting "THE DEPOSIT INSURANCE FUND"; and

(ii) in paragraph (1), by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," each place such term appears and inserting "the Deposit Insurance Fund";

(T) in section 17(d) (12 U.S.C. 1827(d)), by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," each place such term appears and inserting "the Deposit Insurance Fund";

(U) in section 18(m)(3) (12 U.S.C. 1828(m)(3))—

(i) by striking "Savings Association Insurance Fund" each place such term appears and inserting "Deposit Insurance Fund"; and

(ii) in subparagraph (C), by striking "or the Bank Insurance Fund";

(V) in section 18(p) (12 U.S.C. 1828(p)), by striking "deposit insurance funds" and inserting "Deposit Insurance Fund";

(W) in section 24 (12 U.S.C. 1831a) in subsections (a)(1) and (d)(1)(A), by striking "appropriate deposit insurance fund" each place such term appears and inserting "Deposit Insurance Fund";

(X) in section 28 (12 U.S.C. 1831e), by striking "affected deposit insurance fund" each place such term appears and inserting "Deposit Insurance Fund";

(Y) by striking section 31 (12 U.S.C. 1831h);

(Z) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)) by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(AA) in section 38(a) (12 U.S.C. 1831o(a)) in the subsection heading, by striking "FUNDS" and inserting "FUND";

(BB) in section 38(k) (12 U.S.C. 1831o(k))—

(i) in paragraph (1), by striking "a deposit insurance fund" and inserting "the Deposit Insurance Fund"; and

(ii) in paragraph (2)(A)—

(I) by striking "A deposit insurance fund" and inserting "The Deposit Insurance Fund"; and

(II) by striking "the deposit insurance fund's outlays" and inserting "the outlays of the Deposit Insurance Fund"; and

(CC) in section 38(o) (12 U.S.C. 1831o(o))—

(i) by striking "ASSOCIATIONS.—" and all that follows through "Subsections (e)(2)" and inserting "ASSOCIATIONS.—Subsections (e)(2)";

(ii) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(iii) in paragraph (1) (as redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

(15) AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.—The Financial Institutions Reform, Recovery, and Enforcement Act is amended—

(A) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund"; and

(B) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund".

(16) AMENDMENT TO THE BANK ENTERPRISE ACT OF 1991.—Section 232(a)(1) of the Bank Enterprise Act of 1991 (12 U.S.C. 1834(a)(1)) is amended by striking "section 7(b)(2)(H)" and inserting "section 7(b)(2)(G)".

(17) AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.—Section 2(j)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(j)(2)) is amended by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund".

SEC. 2705. CREATION OF SAIF SPECIAL RESERVE.

Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended by adding at the end the following new subparagraph:

"(L) ESTABLISHMENT OF SAIF SPECIAL RESERVE.—

"(i) ESTABLISHMENT.—If, on January 1, 1999, the reserve ratio of the Savings Association Insurance Fund exceeds the designated reserve ratio, there is established a Special Reserve of the Savings Association Insurance Fund, which shall be administered by the Corporation and shall be invested in accordance with section 13(a).

"(ii) AMOUNTS IN SPECIAL RESERVE.—If, on January 1, 1999, the reserve ratio of the Savings Association Insurance Fund exceeds the designated reserve ratio, the amount by which the reserve ratio exceeds the designated reserve ratio shall be placed in the Special Reserve of the Savings Association Insurance Fund established by clause (i).

"(iii) LIMITATION.—The Corporation shall not provide any assessment credit, refund, or other payment from any amount in the Special Reserve of the Savings Association Insurance Fund.

"(iv) EMERGENCY USE OF SPECIAL RESERVE.—Notwithstanding clause (iii), the Corporation may, in its sole discretion, transfer amounts from the Special Reserve of the Savings Association Insurance Fund to the Savings Association Insurance Fund for the purposes set forth in paragraph (4), only if—

"(I) the reserve ratio of the Savings Association Insurance Fund is less than 50 percent of the designated reserve ratio; and

"(II) the Corporation expects the reserve ratio of the Savings Association Insurance Fund to remain at less than 50 percent of the designated reserve ratio for each of the next 4 calendar quarters

"(v) EXCLUSION OF SPECIAL RESERVE IN CALCULATING RESERVE RATIO.—Notwithstanding any other provision of law, any amounts in the Special Reserve of the Savings Association Insurance Fund shall be excluded in calculating the reserve ratio of the Savings Association Insurance Fund.".

SEC. 2706. REFUND OF AMOUNTS IN DEPOSIT INSURANCE FUND IN EXCESS OF DESIGNATED RESERVE AMOUNT.

Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

"(e) REFUNDS.—

"(1) OVERPAYMENTS.—In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may—

"(A) refund the amount of the excess payment to the insured depository institution; or

"(B) credit such excess amount toward the payment of subsequent semiannual assessments until such credit is exhausted.

"(2) BALANCE IN INSURANCE FUND IN EXCESS OF DESIGNATED RESERVE.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), if, as of the end of any semiannual assessment period beginning after the date of the enactment of the Deposit Insurance Funds Act of 1996, the amount of the actual reserves in—

"(i) the Bank Insurance Fund (until the merger of such fund into the Deposit Insurance Fund pursuant to section 2704 of the Deposit Insurance Funds Act of 1996); or

"(ii) the Deposit Insurance Fund (after the establishment of such fund),

exceeds the balance required to meet the designated reserve ratio applicable with respect to such fund, such excess amount shall be refunded to insured depository institutions by the Corporation on such basis as the Board of Directors determines to be appropriate, taking into account the factors considered under the risk-based assessment system.

"(B) REFUND NOT TO EXCEED PREVIOUS SEMIANNUAL ASSESSMENT.—The amount of any refund under this paragraph to any member of a deposit insurance fund for any semiannual assessment period may not exceed the total amount of assessments paid by such member to the insurance fund with respect to such period.

"(C) REFUND LIMITATION FOR CERTAIN INSTITUTIONS.—No refund may be made under this paragraph with respect to the amount of any assessment paid for any semiannual assessment period by any insured depository institution described in clause (v) of subsection (b)(2)(A).".

SEC. 2707. ASSESSMENT RATES FOR SAIF MEMBERS MAY NOT BE LESS THAN ASSESSMENT RATES FOR BIF MEMBERS.

Section 7(b)(2)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(E), as redesignated by section 2704(d)(6) of this subtitle) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iii) notwithstanding any other provision of this subsection, during the period beginning on the date of enactment of the Deposit Insurance Funds Act of 1996, and ending on December 31, 1998, the assessment rate for a Savings Association Insurance Fund member may not be less than the assessment rate for a Bank Insurance Fund member that poses a comparable risk to the deposit insurance fund.".

SEC. 2708. ASSESSMENTS AUTHORIZED ONLY IF NEEDED TO MAINTAIN THE RESERVE RATIO OF A DEPOSIT INSURANCE FUND.

(a) IN GENERAL.—Section 7(b)(2)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)(i)) is amended in the matter preceding subclause (I) by inserting "when necessary, and only to the extent necessary" after "insured depository institutions".

(b) LIMITATION ON ASSESSMENT.—Section 7(b)(2)(A)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)(iii)) is amended to read as follows:

"(iii) LIMITATION ON ASSESSMENT.—Except as provided in clause (v), the Board of Directors shall not set semiannual assessments with respect to a deposit insurance fund in excess of the amount needed—

"(I) to maintain the reserve ratio of the fund at the designated reserve ratio; or

"(II) if the reserve ratio is less than the designated reserve ratio, to increase the reserve ratio to the designated reserve ratio.".

(c) EXCEPTION TO LIMITATION ON ASSESSMENTS.—Section 7(b)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)) is amended by adding at the end the following new clause:

"(v) EXCEPTION TO LIMITATION ON ASSESSMENTS.—The Board of Directors may set semiannual assessments in excess of the amount permitted under clauses (i) and (iii) with respect to insured depository institutions that exhibit financial, operational, or compliance weaknesses ranging from moderately severe to unsatisfactory, or are not well capitalized, as that term is defined in section 38.".

SEC. 2709. TREASURY STUDY OF COMMON DEPOSITORY INSTITUTION CHARTER.

(a) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study of all issues which the Secretary considers to be relevant with respect to the development of a common charter for all insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act) and the abolition of separate and distinct charters between banks and savings associations.

(b) REPORT TO THE CONGRESS.—

(1) IN GENERAL.—The Secretary of the Treasury shall submit a report to the Congress on or before March 31, 1997, containing the findings and conclusions of the Secretary in connection with the study conducted pursuant to subsection (a).

(2) DETAILED ANALYSIS AND RECOMMENDATIONS.—The report under paragraph (1) shall include—

(A) a detailed analysis of each issue the Secretary considered relevant to the subject of the study;

(B) recommendations of the Secretary with regard to the establishment of a common charter for insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act); and

(C) such recommendations for legislative and administrative action as the Secretary determines to be appropriate to implement the recommendations of the Secretary under subparagraph (B).

SEC. 2710. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) BANK INSURANCE FUND.—The term "Bank Insurance Fund" means the fund established pursuant to section (11)(a)(5)(A) of the Federal Deposit Insurance Act, as that section existed on the day before the date of enactment of this Act.

(2) BIF MEMBER, SAIF MEMBER.—The terms "Bank Insurance Fund member" and "Savings Association Insurance Fund member" have the same meanings as in section 7(l) of the Federal Deposit Insurance Act.

(3) VARIOUS BANKING TERMS.—The terms "bank", "Board of Directors", "Corporation", "deposit", "insured depository institution", "Federal savings association", "savings association", "State savings bank", and "State depository institution" have the same meanings as

in section 3 of the Federal Deposit Insurance Act.

(4) DEPOSIT INSURANCE FUND.—The term "Deposit Insurance Fund" means the fund established under section 11(a)(4) of the Federal Deposit Insurance Act (as amended by section 2704(d) of this subtitle).

(5) DEPOSITORY INSTITUTION HOLDING COMPANY.—The term "depository institution holding company" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(6) DESIGNATED RESERVE RATIO.—The term "designated reserve ratio" has the same meaning as in section 7(b)(2)(A)(iv) of the Federal Deposit Insurance Act.

(7) SAIF.—The term "Savings Association Insurance Fund" means the fund established pursuant to section 11(a)(6)(A) of the Federal Deposit Insurance Act, as that section existed on the day before the date of enactment of this Act.

(8) SAIF-ASSESSABLE DEPOSIT.—The term "SAIF-assessable deposit"—

(A) means a deposit that is subject to assessment for purposes of the Savings Association Insurance Fund under the Federal Deposit Insurance Act (including a deposit that is treated as insured by the Savings Association Insurance Fund under section 5(d)(3) of the Federal Deposit Insurance Act); and

(B) includes any deposit described in subparagraph (A) which is assumed after March 31, 1995, if the insured depository institution, the deposits of which are assumed, is not an insured depository institution when the special assessment is imposed under section 2702(a).

SEC. 2711. DEDUCTION FOR SPECIAL ASSESSMENTS.

For purposes of subtitle A of the Internal Revenue Code of 1986—

(1) the amount allowed as a deduction under section 162 of such Code for a taxable year shall include any amount paid during such year by reason of an assessment under section 2702 of this subtitle, and

(2) section 172(f) of such Code shall not apply to any deduction described in paragraph (1).

TITLE III—SPECTRUM ALLOCATION PROVISIONS

SEC. 3001. COMPETITIVE BIDDING FOR SPECTRUM.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE.—The Federal Communications Commission shall—

(1) reallocate the use of frequencies at 2305–2320 megahertz and 2345–2360 megahertz to wireless services that are consistent with international agreement concerning spectrum allocations: and

(2) assign the use of such frequencies by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(b) ADDITIONAL REQUIREMENTS.—In making the bands of frequencies described in subsection (a) available for competitive bidding, the Commission shall—

(1) seek to promote the most efficient use of the spectrum: and

(2) take into account the needs of public safety radio services.

(c) EXPEDITED PROCEDURES.—The Commission shall commence the competitive bidding for the assignment of the frequencies described in subsection (a)(1) no later than April 15, 1997. The rule governing such frequencies shall be effective immediately upon publication in the Federal Register notwithstanding section 553(d). 801(a)(3). and 806(a) of title 5. United States Code. Chapter 6 of such title, and sections 3507 and 3512 of title 44. United States Code, shall not apply to the rules and competitive bidding procedures governing such frequencies. Notwithstanding section 309(b) of the Communications Act of 1934 (47 U.S.C. 309(b)), no application for an instrument of authorization for such frequencies shall be granted by the Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto. Notwithstanding section 309(d)(1) of such Act (47 U.S.C. 309(d)(1)), the Commission may specify a period (no less than 5 days following issuance of such public notice) for the filing of petitions to deny any application for an instrument of authorization for such frequencies.

(d) DEADLINE FOR COLLECTION.—The Commission shall conduct the competitive bidding under subsection (a)(2) in a manner that ensures that all proceeds of the bidding are deposited in accordance with section 309(j)(8) of the Communications Act of 1934 not later September 30, 1997.

TITLE IV—ADJUSTMENT OF PAYCO BALANCES

SEC. 4001. ADJUSTMENT OF PAYGO BALANCES.

For purpose of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, on the calendar day after the Director of the Office of Management and budget issues the final sequestration report for fiscal year 1997, the Director and the Director of the Congressional Budget Office shall change the balances (as computed pursuant to section 252(b) of that Act) of direct spending and receipts legislation—

(1) for fiscal year 1997 to zero if such balance for the fiscal year is not an increase in the deficit.

TITLE V—ADDITIONAL APPROPRIATIONS

CHAPTER 1—DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

EXTENSION ACTIVITIES

For an additional amount for payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $753,000.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount to repair damages to the waterways and watersheds resulting from the effects of Hurricanes Fran and Hortense and other natural disasters, $63,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for emergency expenses resulting from the effects of Hurricanes Fran and Hortense and other natural disasters, $25,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DISTRICT OF COLUMBIA

EDUCATION FACILITIES IMPROVEMENT IN THE DISTRICT OF COLUMBIA

(BY TRANSFER)

SEC. 5201. The District of Columbia Financial Responsibility and Management Assistance Authority (referred to in this section as the "Authority") shall have the authority to contract with a private entity (or entities) to carry out a program of school facility repair of public schools and public charter schools located in public school facilities in the District of Columbia, in consultation with the General Services Administration: Provided, That an amount estimated to be $40,700,000 is hereby transferred and otherwise made available to the Authority until expended for contracting as provided under this section, to be derived from transfers and reallocations as follows: (1) funds made available under the heading "PUBLIC EDUCATION SYSTEM" in Public Law 104–194 for school repairs in a restricted line item; (2) all capital financing authority made available from public school capital improvements in Public Law 104–194; and (3) all capital financing authority made available for public school capital improvements which are or remain available from Public Law 104–134 or any previous appropriations Act for the District of Columbia: Provided further, That the General Services Administration, in consultation with the District of Columbia Public Schools and the District of Columbia Council and subject to the approval of the Authority and the Committees on Appropriations of the Senate and the House of Representatives, shall provide program management services to assist in the short-term management of the repairs and capital improvements: Provided further, That contracting authorized under this section shall be conducted in accordance with Federal procurement rules and regulations and guidelines or such guidelines as prescribed by the Authority.

SPECIAL RULES REGARDING GENERAL OBLIGATION BOND ACT

SEC. 5202. WAIVER OF CONGRESSIONAL REVIEW.—Notwithstanding section 7602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–233(c)(1), D.C. Code), the General Obligation Bond Act of 1996 (D.C. Bill 11–840), if enacted by the Council of the District of Columbia, shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

AMENDMENTS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. 5203. (a) CALUCULATION OF 7-DAY REVIEW PERIOD FOR COUNCIL ACTS.—Section 203(a)(5) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–392.3(a)(5), D.C. Code) is amended—

(1) by inserting "(excluding Saturdays, Sundays, and legal holidays)" after "7-day period" the first place it appears; and

(2) by striking "the date the Council submits the Act to the Authority" and inserting "the first day (excluding Saturdays, Sundays, and legal holidays) after the Authority receives the Act from the Council".

(b) SPECIFICATION OF PENALTY FOR PROHIBITED ACTS.—Section 103(i)(1) of such Act (sec. 47–391.3(i)(1), D.C. Code) is amended by striking the period at the end and inserting the following: ", and shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

(c) WAIVER OF PRIVACY ACT REQUIREMENTS FOR OBTAINING OFFICIAL DATA.—Section 103(c)(1) of such Act (sec. 47–391.3(c)(1), D.C. Code) is amended by striking "Act) and 552b" and inserting "Act), 552a (the Privacy Act of 1974), and 552b".

(d) PERMITTING AUTHORITY REVIEW OF RULEMAKING.—Section 203(b) of such Act (sec. 47–392.3(b), D.C. Code) is amended by adding at the end the following new paragraph:

"(5) APPLICATION TO RULES AND REGULATIONS.—The provisions of this subsection shall apply with respect to a rule or regulation issued or proposed to be issued by the Mayor (or the head of any department or agency of the District government) in the same manner as such provisions apply to a contract or lease.".

(e) DEPOSIT OF ALL DISTRICT BORROWING WITH AUTHORITY.—

(1) IN GENERAL.—Section 204 of such Act (sec. 47–392.4, D.C. Code) is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f); and

(B) by inserting after subsection (c) the following new subsection:

"(d) DEPOSIT OF BORROWED FUNDS WITH AUTHORITY.—If the District government borrows funds during a control year, the funds shall be deposited into an escrow account held by the Authority, to be allocated by the Authority to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate, consistent with the financial plan and budget for the year and with any other withholding of funds by the Authority pursuant to this Act.".

(2) CONFORMING AMENDMENTS.—(A) Section 204(e) of such Act, as redesignated by paragraph (1)(A), is amended by inserting after "(b)(1)" the following: "or the escrow account described in subsection (d)".

(B) Section 206(d)(1) of such Act is amended by striking "204(b)" and inserting "204(b), section 204(d),".

(f) GRANTING AUTHORITY POWER TO ISSUE GENERAL ORDERS.—Section 207 of such Act (sec. 47–392.7, D.C. Code) is amended by adding at the end the following new subsection:

"(d) ADDITIONAL POWER TO ISSUE ORDERS, RULES, AND REGULATIONS.—

"(1) IN GENERAL.—In addition to the authority described in subsection (c), the Authority may at any time issue such orders, rules, or regulations as it considers appropriate to carry out the purposes of this Act and the amendments made by this Act, to the extent that the issuance of such an order, rule, or regulation is within the authority of the Mayor or the head of any department or agency of the District government, and any such order, rule, or regulation shall be legally binding to the same extent as if issued by the Mayor or the head of any such department or agency.

"(2) NOTIFICATION.—Upon issuing an order, rule, or regulation pursuant to this subsection, the Authority shall notify the Mayor, the Council, the President, and Congress.

"(3) NO JUDICIAL REVIEW OR DECISION TO ISSUE ORDER.—The decision by the Authority to issue an order, rule, or regulation pursuant to this subsection shall be final and shall not be subject to judicial review.".

PROHIBITING FUNDING FOR TERMINATED EMPLOYEES OR CONTRACTORS

SEC. 5204. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available to the District of Columbia during any fiscal year (beginning with fiscal year 1996) may be used to pay the salary or wages of any individual whose employment by the District government is no longer required as determined by the District of Columbia Financial Responsibility and Management Assistance Authority, or to pay any expenses associated with a contractor or consultant of the District government whose contract or arrangement with the District government is no longer required as determined by the Authority.

(b) EXCEPTION FOR PAYMENTS FOR SERVICES ALREADY PROVIDED.—Funds made available to the District of Columbia may be used to pay an individual for employment already performed at the time of the Authority's determination, or to pay a contractor or consultant for services already provided at the time of the Authority's determination, to the extent permitted by the District of Columbia Financial Responsibility and Management Assistance Authority.

(c) DISTRICT GOVERNMENT DEFINED.—In this section, the term "District government" has the meaning given such term in section 305(5) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

AMENDMENTS TO DISTRICT OF COLUMBIA SCHOOL REFORM ACT OF 1995

SEC. 5205. (a) PROCESS FOR FILING CHARTER PETITIONS.—Section 2201 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–115) is amended by adding at the end the following:

"(d) LIMITATIONS ON FILING.—

"(1) MULTIPLE CHARTERING AUTHORITIES.—An eligible applicant may not file the same petition to establish a public charter school with more than 1 eligible chartering authority during a calendar year.

"(2) MULTIPLE PETITIONS.—An eligible applicant may not file more than 1 petition to establish a public charter school during a calendar year.".

(b) CONTENTS OF PETITION.—Section 2202(6)(B) of the District of Columbia School Reform Act of 1995 (110 Stat. 1321–116) is amended to read as follows:

"(B) either—

"(i)(I) an identification of a facility for the school, including a description of the site where the school will be located, any buildings on the site, and any buildings proposed to be constructed on the site, and (II) information demonstrating that the eligible applicant has acquired title to, or otherwise secured the use of, the facility; or

"(ii) a timetable by which an identification described in clause (i)(I) will be made, and the information described in clause (i)(II) will be submitted, to the eligible chartering authority;".

(c) PROCESS FOR APPROVING OR DENYING PUBLIC CHARTER SCHOOL PETITIONS.—Section 2203 of the District of Columbia School Reform Act of 1995 (110 Stat. 1321–118) is amended—

(1) by amending subsection (d) to read as follows:

"(d) APPROVAL.—

"(1) IN GENERAL.—Subject to subsection (i) and paragraph (2), an eligible chartering authority shall approve a petition to establish a public charter school, if—

"(A) the eligible chartering authority determines that the petition satisfies the requirements of this subtitle;

"(B) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this subtitle and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition:

"(C) the eligible chartering authority determines that the public charter school has the ability to meet the educational objectives outlined in the petition; and

"(D) the approval will not cause the eligible chartering authority to exceed a limit under subsection (i).

"(2) CONDITIONAL APPROVAL.—

"(A) IN GENERAL.—In the case of a petition that does not contain the identification and information required under section 2202(6)(B)(i), but does contain the timetable required under section 2202(6)(B)(ii), an eligible chartering authority may only approve the petition on a conditional basis, subject to the eligible applicant's submitting the identification and information described in section 2202(6)(B)(i) in accordance with such timetable, or any other timetable specified in writing by the eligible chartering authority in an amendment to the petition.

"(B) EFFECT OF CONDITIONAL APPROVAL.—For purposes of subsections (e), (h), (i), and (j), a petition conditionally approved under this paragraph shall be treated the same as a petition approved under paragraph (1), except that on the date that such a conditionally approved petition ceases to be conditionally approved because the eligible applicant has not timely submitted the identification and information described in section 2202(6)(B)(i), the approval of the petition shall cease to be counted for purposes of subsection (i).";

(2) in subsection (h), by striking "(d)(2)," each place such term appears and inserting "(d),";

(3) by amending subsection (i) to read as follows:

"(i) NUMBER OF PETITIONS.—

"(1) FIRST YEAR.—During calendar year 1996, not more than 10 petitions to establish public charter schools may be approved under this subtitle.

"(2) SUBSEQUENT YEARS.—

"(A) IN GENERAL.—Subject to subparagraph (B), during calendar year 1997, and during each subsequent calendar year, each eligible chartering authority shall not approve more than 10 petitions to establish a public charter school under this subtitle. Any such petition shall be approved during the period that beings on January 1 and ends on April 1.

"(B) EXCEPTION.—If, by April 1 of any calendar year after 1996, an eligible chartering authority has approved fewer than 10 petitions during such calendar year, any other eligible chartering authority may approve more than 10 petitions during such calendar year, but only if—

"(i) the eligible chartering authority completes the approval of any such additional petition before June 1 of the year; and

"(ii) the approval of any such additional petition will not cause the total number of petitions approved by all eligible chartering authorities during the calendar year to exceed 20."; and

(4) by amending subsection (j) to read as follows:

"(j) AUTHORITY OF ELIGIBLE CHARTERING AUTHORITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), and except for officers or employees of the eligible chartering authority with which a petition to establish a public charter school is filed, no governmental entity, elected official, or employee of the District of Columbia shall make, participate in making, or intervene in the making of, the decision to approve or deny such a petition.

"(2) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny a petition to establish a public charter school shall be subject to judicial review by an appropriate court of the District of Columbia,".

(d) DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.—Section 2209 of the District of Columbia School Reform Act of 1995 (110 Stat. 1321–125) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Superintendent"; and

(2) by adding at the end the following:

"(b) PREFERENCE IN LEASING OR PURCHASING PUBLIC SCHOOL FACILITIES.—

"(1) FORMER PUBLIC SCHOOL PROPERTY.—

"(A) IN GENERAL.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (B), the Mayor and the District of Columbia Government shall give preference to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, with respect to the purchase or lease of a facility or property described in subparagraph (B), provided that doing so will not result in a significant loss of revenue that might be obtained from other dispositions or uses of the facility or property.

"(B) PROPERTY DESCRIBED.—A facility or property referred to in subparagraph (A) is a facility, or real property—

"(i) that formerly was under the jurisdiction of the Board of Education;

"(ii) that the Board of Education has determined is no longer needed for purposes of operating a District of Columbia public school; and

"(iii) with respect to which the Board of Education has transferred jurisdiction to the Mayor.

"(2) CURRENT PUBLIC SCHOOL PROPERTY.—

"(A) IN GENERAL.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (B), the Mayor and the District of Columbia Government shall give preference to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, in leasing, or otherwise contracting for the use of, a facility or property described in subparagraph (B).

"(B) PROPERTY DESCRIBED.—A facility or property referred to in subparagraph (A) is a facility, real property, or a designated area of a facility or real property, that—

"(i) is under the jurisdiction of the Board of Education; and

"(ii) is available for use because the Board of Education is not using, for educational, administrative, or other purposes, the facility, real property, or designated area.".

(e) CHARTER RENEWAL.—Section 2212 of the District of Columbia School Reform Act of 1995 (110 Stat. 1321–129) is amended—

(1) by amending subsection (a) to read as follows:

"(a) TERMS.—

"(1) INITIAL TERM.—A charter granted to a public charter school shall remain in force for a 15-year period.

"(2) RENEWALS.—A charter may be renewed for an unlimited number of times, each time for a 15-year period.

"(3) REVIEW.—An eligible chartering authority that grants or renews a charter pursuant to paragraph (1) or (2) shall review the charter—

"(A) at least once every 5 years to determine whether the charter should be revoked for the reasons described in subsection (a)(1)(A) or (b) of section 2213 in accordance with the procedures for such revocation established under section 2213(c); and

"(B) once every 5 years, beginning on the date that is 5 years after the date on which the charter is granted or renewed, to determine whether the charter should be revoked for the reasons described in section 2213(a)(1)(B) in accordance with the procedures for such revocation established under section 2213(c)."; and

(2) by amending subsection (d)(6) to read as follows:

"(6) JUDICIAL REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review by an appropriate court of the District of Columbia.".

(f) CHARTER REVOCATION.—Section 2213(a) of the District of Columbia School Reform Act of 1995 (110 Stat. 1321–130) is amended to read as follows:

"(a) CHARTER OR LAW VIOLATIONS; FAILURE TO MEET GOALS.—

"(1) IN GENERAL.—Subject to paragraph (2), an eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority determines that the school—

"(A) committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities; or

"(B) failed to meet the goals and student academic achievement expectations set fort in the charter.

"(2) SPEICAL RULE.—An eligible chartering authority may not revoke a charter under paragraph (1)(B), except pursuant to a determination made through a review conducted under section 2212(a)(3)(B).".

(g) PUBLIC CHARTER SCHOOL BOARD.—Paragraphhs (3) and (4) of section 2214(a) of the District of Columbia School Reform Act of 1995 (110 Stat. 1321–132) are amended to read as follows:

"(3) VACANCIES.—

"(A) OTHER THAN FROM EXPIRATION OF TERM.—Where a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member of the Board, the Secretary of Education, not later than 30 days after the vacancy occurs, shall present to the Mayor a list of 3 people the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 person from the list to serve on the Board. The Secretary shall recommend, and the Mayor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2). Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(h) TECHNICAL AMENDMENT.—Section 2561(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134), as amended by section 148 of the District of Columbia Appropriations Act, 1997 (Public Law 104–194), is amended to read as follows:

"(b) LIMITATION.—A waiver under subsection (a) shall not apply to the Davis-Bacon Act (40 U.S.C. 276a et seq.) or Executive Order 11246 or other civil rights standards.".

(B) EXPIRATION OF TERM.—Not later than the date that is 60 days before the expiration of the term of a member of the Board, the Secretary of Education shall present to the Mayor, with respect to each such impending vacancy, a list of 3 people the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 person from each such list to serve on the Board. The Secretary shall recommend, and the mayor shall appoint, any member of the Board taking into consideration the criteria described in paragraph (2).

"(4) TIME LIMIT FOR APPOINTMENTS.—If, at any time, the Mayor does not appoint members to the Board sufficient to bring the Board's membership to 7 within 30 days after receiving a recommendation from the Secretary of Education under paragraph (2) or (3), the Secretary, not later than 10 days after the final date for such mayoral appointment, shall make such appointments as are necessary to bring the membership of the Board to 7.".

DISPOSITION OF CERTAIN SCHOOL PROPERTY BY AUTHORITY

SEC. 5206. (a) IN GENERAL.—Subtitle C of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by adding at the end the following new section:

"SEC. 225. DISPOSITION OF CERTAIN SCHOOL PROPERTY.

"(a) POWER TO DISPOSER.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in subsection (d), the Authority may dispose (by sale, lease, or otherwise) of any facility or property described in subsection (d).

"(b) PREFERENCE FOR PUBLIC CHARTER SCHOOL.—In disposing of a facility or property under this section, the Authority shall give preference to an eligible applicant (as defined in section 2002 of the District of Columbia School Reform Act of 1995) whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2) of such Act, or a Board of Trustees (as defined in section 2002 of such Act) of such a public charter school, if doing so will not result in a significant loss of revenue that might be obtained from other dispositions or uses of the facility or property.

"(c) USE OF PROCEEDS FROM DISPOSITION FOR SCHOOL REPAIR AND MAINTENANCE.—

"(1) IN GENERAL.—The Authority shall deposit any proceeds of the disposition of a facility or property under this section in the Board of Education Real Property Maintenance and Improvement Fund (as established by the Real Property Disposal Act of 1990), to be used for the construction, maintenance, improvement, rehabilitation, or repair of buildings and grounds which are used for educational purposes for public and public charter school students in the District of Columbia.

"(2) CONSULTATION.—In disposing of a facility or property under this section, the Authority shall consult with the Superintendent of Schools of the District of Columbia, the Mayor, the Council, the Administrator of General Services, and education and community leaders involved in planning for an agency or authority that will design and administer a comprehensive long-term program for repair and improvement of District of Columbia public school facilities (as described in section 2552(a) of the District of Columbia School Reform Act of 1995).

"(3) LEGAL EFFECT OF SALE.—The Authority may dispose of a facility or property under this section by executing a proper deed and any other legal instrument for conveyance of title to the facility or property, and such deed shall convey good and valid title to the purchaser of the facility or property.

"(d) FACILITY OR PROPERTY DESCRIBED.—A facility or property described in this subsection is a facility or property which is described in section 2209(b)(1)(B) of the District of Columbia School Reform Act of 1995 and with respect to which the Authority has made the following determinations:

"(1) The property is no longer needed for purposes of operating a District of Columbia public school as defined in section 2002 of the District of Columbia School Reform Act of 1995).

"(2) The disposition of the property is in the best interests of education in the District of Columbia.

"(3) The Mayor (or any other department or agency of the District government) has failed to make substantial progress toward disposing the property during the 90-day period which begins on the date the Board of Education transfers jurisdiction over the property to the Mayor (or, in the case of property which is described in section 2209(b)(1)(B) of such Act as of the date of the enactment of this section, during the 90-day period which begins on the date of the enactment of this section).".

(b) CONTROL OVER BOARD OF EDUCATION REAL PROPERTY MAINTENANCE AND IMPROVEMENT FUND.—

(1) IN GENERAL.—Section 2(b) of the Board of Education Real Property Disposal Act of 1990 (sec. 9–402(b), D.C. Code) is amended—

(A) by amending the second sentence to read as follows: "Subject to paragraph (6), the District of Columbia Financial Responsibility and Management Assistance Authority shall administer the Fund and receive all payments in to the Fund that are required by law."; and

(B) by adding at the end the following new paragraph:

"(6) Upon the establishment of an agency or authority within the district of Columbia government to administer a public schools facilities revitalization plan pursuant to section 2552(a)(2) of the District of Columbia School Reform Act of 1995, such agency or authority shall administer the Fund and receive all payments into the Fund that are required by law.".

(2) CONFORMING AMENDMENTS.—Section 2(b) of the Board of Education Real Property Disposal Act of 1990 (sec. 9–402(b), D.C. Code) is amended—

(A) in the third sentence of paragraph (1), by striking "; provided that the Board" and all that follows and inserting a period; and

(B) by striking paragraph (5).

(c) CLERICAL AMENDMENT.—The table of contents of subtitle C of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by adding at the end the following new item:

"Sec. 225: Disposition of certain school property.".

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses resulting from Hurricane Fran and other natural disasters of 1996, $19,000,000 to remain available until expended: Provided: That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 5301. None of the funds appropriated in the Energy and Water Department Appropriations Act, 1997 may be made available to the Tennessee Valley Authority if the Tennessee Valley Authority is imposing a performance deposit in connection with residential shoreline alteration permits.

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSION)

Immediately upon enactment of this Act, of the funds appropriated in the Legislative Branch Appropriations Act, 1996, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded $500,000, specified for the following heading and account:

(1) "ALLOWANCES AND EXPENSES", $500,000, as follows: (A) "Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation."

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

(RESCISSION)

Immediately upon enactment of this Act, of the funds appropriated under this heading in Public Law 104–53, $3,000,000 are rescinded.

GENERAL EXPENSES

For an additional amount for the Capitol Police Board for necessary expenses for the design and installation of security systems for the Capitol buildings and grounds, $3,250,000, which shall remain available until expended.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For an additional amount for "Capitol Buildings and Grounds, Capitol Buildings", $250,000, to remain available until expended, for architectural and engineering services related to the design and installation of security systems for Capitol buildings and grounds.

SENATE OFFICE BUILDINGS

Of the funds appropriated under the heading, "ARCHITECT OF THE CAPITOL, Capitol Buildings and Grounds, Senate office buildings" in Public Law 104-53, $650,000 shall remain available until September 30, 1997 for furniture, furnishings, and equipment for the Senate employees' child care center.

GENERAL PROVISIONS

CONGRESSIONAL AWARD ACT AMENDMENTS OF 1996

SEC. 5401. (a) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 5(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking "and 1994" and inserting "1994, 1995, 1996, 1997, and 1998".

(b) TERMINATION.—Section 9 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 1995" and inserting "October 1, 1999".

(c) SAVING PROVISIONS.—During the period of October 1, 1995, through the date of the enactment of this section, all actions and functions of the Congressional Award Board under the Congressional Award Act shall have the same effect as though no lapse or termination of the Congressional Award Board ever occurred.

BILL EMERSON HALL IN THE HOUSE OF REPRESENTATIVES PAGE SCHOOL

SEC. 5402. The Founders Hall instructional area in the House of Representatives Page School, located in the Thomas Jefferson Building of the Library of Congress, shall be known and designated as "Bill Emerson Hall".

CHAPTER 5

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For additional operating expenses of the Federal Aviation Administration for airport security activities $57,900,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1998: Provided, That of the funds provided, $8,900,000 shall be for establishment of additional explosive detection K–9 teams at airports; $5,500,000 shall be for airport vulnerability assessments; $18,000,000 shall be for the hire of additional aviation security personnel: and $25,500,000 shall be for the hire of additional aviation safety inspectors and contract weather observers, air traffic controller training, and implementation of recommendations of the Federal Aviation Administration's "Ninety Day Safety Review", dated September 16, 1996: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For additional necessary expenses for "Facilities and Equipment", $147,700,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1999: Provided, That of the funds provided, $144,200,000 shall only be for non-competitive contracts or cooperative agreements with air carriers and airport authorities, which provide for the Federal Aviation Administration to purchase and assist in installation of advanced security equipment for the use of such entities and $3,500,000 shall be for accelerated development and deployment of the Online Aviation Safety Information System: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Research, Engineering, and Development", $21,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1999: Provided, That the funds provided shall only be for aviation security research and operational testing of document trace scanners and explosive detection portals for airport passengers: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this heading, $50,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this heading, $9,100,000 are rescinded.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For an additional amount for "Emergency Relief Program" for emergency expenses resulting from Hurricanes Fran and Hortense and for other disasters, as authorized by 23 U.S.C. 125, $82,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this heading, $12,300,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this heading, $11,800,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For additional necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and 49 U.S.C. 24909, $60,000,000, to remain available until September 30, 1999.

DIRECT LOAN FINANCING PROGRAM

Notwithstanding any other provision of law, $58,680,000, for direct loans not to exceed $400,000,000 consistent with the purposes of section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) as in effect on September 30, 1988, to the Alameda Corridor Transportation Authority to continue the Alameda Corridor Project, including replacement of at-grade rail lines with a below-grade corridor and widening of the adjacent major highway: Provided, That loans not to exceed the following amounts shall be made on or after the first day of the fiscal year indicated:

Fiscal year 1997	$140,000,000
Fiscal year 1998	$140,000,000

Fiscal year 1999	*$120,000,000*

Provided further, That any loan authorized under this section shall be structured with a maximum 30-year repayment after completion of construction at an annual interest rate of not to exceed the 30-year United States Treasury rate and on such terms and conditions as deemed appropriate by the Secretary of Transportation: Provided further, That specific provisions of section 505 (a), (b) and (d) through (h) shall not apply: Provided further, That the Alameda Corridor Transportation Authority shall be deemed to be a financially responsible person for purposes of section 505 of the Act.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For additional expenses necessary for "Grants to the National Railroad Passenger Corporation", $22,500,000 for operating losses, to remain available until September 30, 1997: Provided, That amounts made available shall only be used to continue service on routes the National Railroad Passenger Corporation currently plans to terminate.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For additional expenses necessary for "Research and Special Programs" to conduct vulnerability and threat assessments of the nation's transportation system, $3,000,000, to remain available until September 30, 1999; Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000, to reimburse other federal agencies for previously incurred costs of recovering wreckage from TWA flight 800, and for other costs related to the TWA 800 accident investigation: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,000,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 5501. In fiscal year 1997, the Administrator of the Federal Aviation Administration may establish at individual airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety: Provided, That such consortia shall not be considered Federal advisory committees.

Sec. 5502. In cases where an emergency ocean condition causes erosion of a bank protecting a scenic highway or byway, fiscal year 1996 or fiscal year 1997 Federal Highway Administration Emergency Relief funds can be used to halt the erosion and stabilize the bank if such action is necessary to protect the highway from imminent failure and is less expensive than highway relocation.

Sec. 5503. Of the funds deducted under 23 U.S.C. subsection 104(a) for fiscal year 1997, $30,000,000 shall be available for allocation to States authorized by section 1069(y) of Public Law 102–240.

SEC. 5504. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN. (a) AUTHORITY TO CONVEY.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property identified, described, and determined by the Secretary under subsection (b), subject to all easements and other interests in the property held by any other person.

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a) or (d), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City Area Public School District.

(d) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(1) the pump room located on the property shall continue to be operated and maintained by the United States for as long as it is needed for this purpose;

(2) the United States shall have an easement of access to the property for the purpose of operating and maintaining the pump room; and

(3) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating and maintaining the pump room.

SEC. 5505. AUTHORITY TO CONVEY WHITEFISH POINT LIGHT STATION LAND. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary of the Interior (in this section referred to as the "Secretary") may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in 1 of the 3 parcels comprising the land on which the United States Coast Guard Whitefish Point Light Station is situated (in this section referred to as the "Property"), to each of the Great Lakes Shipwreck Historical Society, located in Sault Ste. Marie, Michigan, the United States Fish and Wildlife Service, and the Michigan Audubon Society (each of which is referred to in this section as a "recipient"), subject to all easements, conditions, reservations, exceptions, and restrictions contained in prior conveyances of record.

(2) LIMITATION.—Notwithstanding paragraph (1), the Secretary shall retain for the United States all right, title, and interest in—

(A) any historical artifact, including any lens or lantern, and

(B) the light, antennas, sound signal, towers, associated lighthouse equipment, and any electronic navigation equipment, which are active aids to navigation,

which is located on the Property, or which related to the Property.

(3) IDENTIFICATION OF THE PROPERTY.—The Secretary may identify, describe, and determine the parcels to be conveyed pursuant to this section.

(4) RIGHTS OF ACCESS.—If necessary to ensure access to a public roadway for a parcel conveyed under this section, the Secretary shall convey with the parcel an appropriate appurtenant easement over another parcel conveyed under this section.

(5) EASEMENT FOR PUBLIC ALONG SHORELINE.—In each conveyance under this section of property located on the shoreline of Lake Superior, the Secretary shall retain for the public, for public walkway purposes, a right-of-way along the shoreline that extends 30 feet inland from the mean high water line.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Any conveyance pursuant to subsection (a) shall be made—

(A) without payment of consideration; and

(B) subject to such terms and conditions as the Secretary considers appropriate.

(2) MAINTENANCE OF NAVIGATION FUNCTIONS.—The Secretary shall ensure that any conveyance pursuant to this section is subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, towers, and associated lighthouse equipment, and any electronic navigation equipment, which are located on the Property and which are active aids to navigation shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the recipients may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation, or make any changes on any portion of the Property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the Property without notice for the purpose of maintaining aids to navigation;

(E) the United States shall have—

(i) an easement of access to and across the Property for the purpose of maintaining the aids to navigation and associated equipment in use on the Property; and

(ii) an easement for an arc of visibility; and

(F) the United States shall not be responsible for the cost and expense of maintenance, repair, and upkeep of the Property.

(3) MAINTENANCE OBLIGATION.—The recipients shall not have any obligation to maintain any active aid to navigation equipment on any parcel conveyed pursuant to this section.

(c) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—Each recipient shall maintain the parcel conveyed to the recipient pursuant to subsection (a) in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable laws.

(d) MAINTENANCE STANDARD.—Each recipient shall maintain the parcel conveyed to the recipient pursuant to subsection (a), at its own cost and expense, in a proper, substantial, and workmanlike manner, including the easements of access, the easement for an arc of visibility, the nuisance easement, and the underground easement.

(e) SHARED USE AND OCCUPANCY AGREEMENT.—The Secretary shall require, as a condition of each conveyance of property under this section, that all of the recipients have entered into the same agreement governing the shared use and occupancy of the existing Whitefish Point Light Station facilities. The agreement shall be drafted by the recipients and shall include—

(1) terms governing building occupancy and access of recipient staff and public visitors to public restrooms, the auditorium, and the parking lot; and

(2) terms requiring that each recipient shall be responsible for paying a pro rata share of the

costs of operating and maintaining the existing Whitefish Point Light Station facilities, that is based on the level of use and occupancy of the facilities by the recipient.

(f) LIMITATIONS ON DEVELOPING AND IMPAIRING USES.—It shall be a term of each conveyance under this section that—

(1) no development of new facilities or expansion of existing facilities or infrastructure on property conveyed under this section may occur, except for purposes of implementing the Whitefish Point Comprehensive Plan of October 1992 or for a gift shop, unless—

(A) each of the recipients consents to the development or expansion in writing;

(B) there has been a reasonable opportunity for public comment on the development or expansion, and full consideration has been given to such public comment as provided; and

(C) the development or expansion is consistent with preservation of the Property in its predominantly natural, scenic, historic, and forested condition; and

(2) any use of the Property or any structure located on the property which may impair or interfere with the conservation values of the Property is expressly prohibited.

(g) REVISORY INTEREST.—

(1) IN GENERAL.—All right, title, and interests in and to property and interests conveyed under this section shall revert to the United States and thereafter be administered by the Secretary of Interior acting through the Director of the United States Fish and Wildlife Service, if—

(A) in the case of such property and interests conveyed to the Great Lakes Shipwreck Historical Society, the property or interests cease to be used for the purpose of historical interpretation;

(B) in the case of such property and interests conveyed to the Michigan Audubon Society, the property or interests cease to be used for the purpose of environmental protection, research, and interpretation; or

(C) in the case any property and interest conveyed to a recipient referred to in subparagraph (A) or (B)—

(i) there is any violation of any term or condition of the conveyance to that recipient; or

(ii) the recipient has ceased to exist.

(2) AUTHORITY TO ENFORCE REVERSIONARY INTEREST.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall have the authority—

(A) to determine for the United States whether any act or omission of a recipient results in a revision of property and interests under paragraph (1); and

(B) to initiate a civil action to enforce that revision, after notifying the recipient of the intent of the Secretary of the Interior to initiate that action.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—In the event of a revision of property under this subsection, the Secretary of the Interior shall administer the property subject to any conditions the Secretary of Transportation considers to be necessary to maintain the navigation functions.

SEC. 5506. CONVEYANCE OF LIGHTHOUSES. (A) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation or the Secretary of the Interior, as appropriate, shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Saint Helena Island Light Stanton, located in MacKinac County, Moran Township, Michigan, to the Great Lakes Lighthouse Keepers Association.

(B) Presque Isle Light Stanton, located in Presque Isle Township, Michigan, to Presque Isle Township, Presque Isle County, Michigan.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) EXCEPTION.—The Secretary may not convey any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by this section and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this subsection shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(ii) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(iii) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Secretary of Transportation provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—A conveyance of property under this section shall be made subject to the conditions that the Secretary of Transportation considers to be necessary to assure that—

(A) the lights, antennas, sound signal, electronic navigation equipment, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace or add any aid to navigation or make any changes to the property as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The owner of property conveyed under this section is not required to maintain any active aid to navigation equipment on the property.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The owner of property conveyed under this section shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and other applicable laws.

(c) MAINTENANCE STANDARD.—The owner of any property conveyed under this section, at its own cost and expense, shall maintain the property in a proper, substantial, and workmanlike manner.

(d) DEFINITIONS.—For purposes of this section:

(1) the term "owner" means the person identified in subsection a(1)(A) and (B), and includes any successor of assign of that person.

(2) The term "Presque Isle Light Station" includes the light tower, attached dwelling, detached dwelling, 3-car garage, and any other improvements on that parcel of land.

CHAPTER 6

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

For an additional amount for "Community Development Financial Institutions Fund Program Account" for grants, loans, and technical assistance to qualifying community development lenders, $5,000,000, to remain available until September 30, 1998, of which $850,000 may be used for the cost of direct loans: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for "Science and Technology", $10,000,000, to remain available until September 30, 1998, to conduct health effects research to carry out the purposes of the Safe Drinking Water Act Amendments of 1996, Public Law 104–182.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management", $42,221,000, to remain available until September 30, 1998, of which $30,000,000 is to carry out the purposes of the Safe Drinking Water Act Amendments of 1996, Public Law 104–182, and the purposes of the Food Quality Protection Act of 1996, Public Law 104–170, and of which $10,221,000 is for pesticide residue data collection for use in risk assessment activities.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", $35,000,000, to remain available until expended, for a grant to the City of Boston, Massachusetts, subject to an appropriate cost share as determined by the Administrator, for the construction of wastewater treatment facilities.

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to increase Federal, State, and local preparedness for mitigating and responding to the consequences of terrorism, $3,000,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance" to increase Federal, State, and local preparedness for mitigating and responding to the consequences of terrorism, $12,000,000.

NATIONAL FLOOD INSURANCE FUND

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), is amended by striking "$1,000,000,000" and inserting in lieu thereof "$1,500,000,000 through September 30, 1997, and $1,000,000,000 thereafter".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, $1,500,000: Provided, That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

For an additional amount for "Science, Aeronautics and Technology", $5,000,000, to remain available until September 30, 1998.

CHAPTER 7

INTERNATIONAL SECURITY ASSISTANCE

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for nonproliferation, anti-terrorism and related programs and activities, $18,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $60,000,000.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $65,000,000: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

CHAPTER 8

GENERAL PROVISIONS

SEC. 5801. Of the amounts made available in Title IV of the Department of Defense Appropriations Act, 1997, under the heading "Research, Development, Test and Evaluation, Defense-Wide", $56,232,000 shall be made available only for the Corps Surface-to-Air Missile (CORPS SAM) program.

SEC. 5802. There is hereby established on the books of the Treasury an account, "Support for International Sporting Competitions, Defense" (hereinafter referred to in this section as the "Account") to be available until expended for logistical and security support for international sporting competitions (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty in connection with providing such support): Provided, That there shall be credited to the Account: (a) unobligated balances of the funds appropriated in Public Laws 103–335 and 104–61 under the headings "Summer Olympics"; (b) any reimbursements received by the Department of Defense in connection with support to the 1993 World University Games; the 1994 World Cup Games; and the 1996 Games of the XXVI Olympiad held in Atlanta, Georgia; (c) any reimbursements received by the Department of Defense after the date of enactment of this act for logistical and security support provided to international sporting competitions; and (d) amounts specifically appropriated to the Account, all to remain available until expended: Provided further, that none of the funds made available to the Account may be obligated until 45 days after the congressional defense committees have been notified in writing by the Secretary of Defense as to the purpose for which these funds will be obligated.

SEC. 5803. In addition to the amounts made available in Title IV of the Department of Defense Appropriations Act, 1997, under the heading "Research, Development, Test and Evaluation, Defense-Wide", $100,000,000 is hereby appropriated and made available only for the Dual-Use Applications Program.

DIVISION B—OREGON RESOURCE CONSERVATION ACT OF 1996

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Resource Conservation act of 1996".

TITLE I—OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA

SEC. 101. SHORT TITLE.

This title may be cited as the "Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996".

SEC. 102. DEFINITIONS.

In this title:

(1) BULL OF THE WOODS WILDERNESS.—The term "Bull of the Woods Wilderness" means the land designated as wilderness by section 3(4) of the Oregon Wilderness Act of 1984 (Public Law 98–328; 16 U.S.C. 1132 note).

(2) OPAL CREEK WILDERNESS.—The term "Opal Creek Wilderness" means certain land in the Willamette National Forest in the State of Oregon comprising approximately 12,800 acres, as generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic Recreation Area", dated July 1996.

(3) SCENIC RECREATION AREA.—The term "Scenic Recreation Area" means the Opal Creek Scenic Recreation Area, comprising approximately 13,000 acres, as generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic Recreation Area", dated July 1996 and established under section 104(a)(3) of this title.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 103. PURPOSES.

The purposes of this title are:

(1) to establish a wilderness and scenic recreation area to protect and provide for the enhancement of the natural, scenic, recreational, historic, and cultural resources of the area in the vicinity of Opal Creek;

(2) to protect and support the economy of the communities in the Santiam Canyon; and

(3) to provide increased protection for an important drinking water source for communities served by the north Santiam River.

SEC. 104. ESTABLISHMENT OF OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

(a) ESTABLISHMENT.—On a determination by the Secretary under subsection (b)—

(1) the Opal Creek Wilderness, as depicted on the map described in section 102(2), is hereby designated as wilderness, subject to the provisions of the Wilderness Act of 1964, shall become a component of the National Wilderness System, and shall be known as the Opal Creek Wilderness;

(2) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wildnerness; and

(3) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,000 acres, as generally depicted on the map described in section 102(3).

(b) CONDITIONS.—The designations in subsection (a) shall not take effect unless the Secretary makes a determination, not later that 2 years after the date of enactment of this title, that the following conditions have been met:

(1) the following have been donated to the United States in an acceptable condition and without encumbrances—

(A) all right, title, and interest in the following patented parcels of land—

(i) Santiam number 1, mineral survey number 992, as described in patent number 39–92–0002, dated December 11, 1991;

(ii) Ruth Quartz Mine number 2, mineral survey number 994, as described in patent number 39–91–0012, dated February 12, 1991;

(iii) Morning Star Lode, mineral survey number 993, as described in patent number 36–91–0011, dated February 12, 1991;

(B) all right, title, and interest held by any entity other than the Times Mirror Land and Timber Company, its successors and assigns, in and to lands located in section 18, township 8 south, range 5 east, Marion County, Oregon, Eureka numbers 6, 7, 8, and 13 mining claims; and

(C) an easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36–91–0017, dated May 9, 1991. In the sole discretion of the Secretary, such easement may be limited to administrative use if an alternative access route, adequate and appropriate for public use, is provided.

(2) a binding agreement has been executed by the Secretary and the owners of record as of March 29, 1996, of the following interests, specifying the terms and conditions for the disposition of such interests to the United States Government—

(A) the lode mining claims know as Princess Lode, Black Prince Lode, and King number 4 Lode, embracing portions of sections 29 and 32, township 8 south, range 5 east, Willamette Meridian, Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of mineral survey number 887, Oregon; and

(B) Ruth Quartz Mine number 1, mineral survey number 994, as described in patent number 39–91–0012, dated February 12, 1991.

(c) ADDITIONS TO THE WILDERNESS AND SCENIC RECREATION AREAS.—

(1) Lands or interests in lands conveyed to the United States under this section shall be included in and become part of, as appropriate, Opal Creek Wilderness or the Opal Creek Scenic Recreation Area.

(2) On acquiring all or substantially all of the land located in section 36, township 8 south, range 4 east, of the Willamette Meridian, Marion County, Oregon, commonly known as the Rosboro section, by exchange, purchase from a willing seller, or by donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include such land.

(3) On acquiring all or substantially all of the land located in section 18, township 8 south, range 5 east, Marion, Oregon, commonly known as the Times Mirror property, by exchange, purchase from a willing seller, or by donation, such land shall be included in and become a part of the Opal Creek Wilderness.

SEC. 105. ADMINISTRATION OF THE SCENIC RECREATION AREA.

(a) IN GENERAL.—The Secretary shall administer the Scenic Recreation Area in accordance with this title and the laws (including regulations) applicable to the National Forest System.

(b) OPAL CREEK MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of establishment of the Scenic Recreation Area, the Secretary, in consultation with the advisory committee established under section 106(a), shall prepare a comprehensive Opal Creek Management Plan (Management Plan) for the Scenic Recreation Area.

(2) INCORPORATION IN LAND AND RESOURCE MANAGEMENT PLAN.—Upon its completion, the Opal Creek Management Plan shall become part of the land and resource management plan for the Willamette National Forest and supersede any conflicting provision in such land and resource management plan. Nothing in this paragraph shall be construed to supersede the requirements of the Endangered Species Act or the National Forest Management Act or regulations promulgated under those Acts, or any other law.

(3) REQUIREMENTS.—The Opal Creek Management Plan shall provide for a broad range of and uses, including—

(A) recreation;

(B) harvesting of nontraditional forest products, such as gathering mushrooms and material to make baskets; and

(C) educational and research opportunities.

(4) PLAN AMENDMENTS.—The Secretary may amend the Opal Creek Management Plan as the Secretary may determine to be necessary, consistent with the procedures and purposes of this title.

(c) RECREATION.—

(1) RECOGNITION.—Congress recognizes recreation as an appropriate use of the Scenic Recreation Area.

(2) MINIMUM LEVELS.—The management plan shall permit recreation activities at not less than the levels in existence on the date of enactment of this title.

(3) HIGHER LEVELS.—The management plan may provide for levels of recreation use higher than the levels in existence on the date of enactment of this title if such uses are consistent with the protection of the resource values of Scenic Recreation Area.

(4) The management plan may include public trail access through section 28, township 8 south, range 5 east, Willamette Meridian, to Battle Axe Creek, Opal Pool and other areas in the Opal Creek Wilderness and the Opal Creek Scenic Recreation Area.

(d) TRANSPORTATION PLANNING.—

(1) IN GENERAL.—Except as provided in this subparagraph, motorized vehicles shall not be permitted in the Scenic Recreation Area. To maintain reasonable motorized and other access to recreation sites and facilities in existence on the date of enactment of this title, the Secretary shall prepare a transportation plan for the Scenic Recreation Area that:

(A) evaluates the road network within the Scenic Recreation Area to determine which roads should be retained and which roads should be closed;

(B) provides guidelines for transportation and access consistent with this title;

(C) considers the access needs of persons with disabilities in preparing the transportation plan for the Scenic Recreation Area;

(D) allows forest road 2209 beyond the gate to the Scenic Recreation Area, as depicted on the map described in 102(2), to be used by motorized vehicles only for administrative purposes and for access by private inholders, subject to such terms and conditions as the Secretary may determine to be necessary; and

(E) restricts construction on or improvements to forest road 2209 beyond the gate to the Scenic Recreation Area to maintaining the character of the road as it existed upon the date of enactment of this title, which shall not include paving or widening. In order to comply with subsection 107(b) of this title, the Secretary may make improvements to forest road 2209 and its bridge structures consistent with the character of the road as it existed on the date of enactment of this title.

(e) HUNTING AND FISHING.—

(1) IN GENERAL.—Subject to applicable Federal and State law, the Secretary shall permit hunting and fishing in the Scenic Recreation Area.

(2) LIMITATION.—The Secretary may designate zones in which, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment of the Scenic Recreation Area.

(3) CONSULTATION.—Except during an emergency, as determined by the Secretary, the Secretary shall consult with the Oregon State Department of Fish and Wildlife before issuing any regulation under this subsection.

(f) TIMBER CUTTING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting and/or selling of trees in the Scenic Recreation Area.

(2) PERMITTED CUTTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may allow the cutting of trees in the Scenic Recreation Area only—

(i) for public safety, such as to control the continued spread of a forest fire in the Scenic Recreation Area or on land adjacent to the Scenic Recreation Area;

(ii) for activities related to administration of the Scenic Recreation Area, consistent with the Opal Creek Management Plan; or

(iii) for removal of hazard trees along trails and roadways.

(B) SALVAGE SALES.—The Secretary may not allow a salvage sale in the Scenic Recreation Area.

(g) WITHDRAWAL.—

(1) Subject to valid existing rights, all lands in the Scenic Recreation Area are withdrawn from—

(i) any form of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposition under the mineral and geothermal leasing laws.

(h) BORNITE PROJECT.—

(1) Nothing in this title shall be construed to interfere with or approve any exploration, mining, or mining-related activity in the Bornite Project Area, depicted on the map described in subsection 102(3), conducted in accordance with applicable laws.

(2) Nothing in this title shall be construed to interfere with the ability of the Secretary to approve and issue, or deny, special use permits in connection with exploration, mining, and mining-related activities in the Bornite Project Area.

(3) Motorized vehicles, roads, structures, and utilities (including but not limited to power lines and water lines) may be allowed inside the Scenic Recreation Area to serve the activities conducted on land within the Bornite Project.

(4) After the date of enactment of this title, no patent or claim shall be issued for any mining claim under the general mining laws located within the Bornite Project Area.

(i) WATER IMPOUNDMENTS.—Notwithstanding the Federal Power Act (16 U.S.C. 791a et seq.), the Federal Energy Regulatory Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work in the Scenic Recreation Area, except as may be necessary to comply with the provisions of subsection 105(h) with regard to the Bornite Project.

(j) CULTURAL AND HISTORIC RESOURCE INVENTORY.—

(1) IN GENERAL.—Not later than 1 year after the date of establishment of the Scenic Recreation Area, the Secretary shall review and revise the inventory of the cultural and historic resources on the public land in the Scenic Recreation Area developed pursuant to the Oregon Wilderness act of 1984 (Public Law 98–328; 16 U.S.C. 1132).

(2) INTERPRETATION.—Interpretive activities shall be developed under the management plan in consultation with State and local historic preservation organizations and shall include a balanced and factual interpretation of the cultural, ecological, and industrial history of forestry and mining in the Scenic Recreation Area.

(k) PARTICIPATION.—So that the knowledge, expertise, and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Scenic Recreation Area and its various subareas for the benefit of the public:

(1) ADVISORY COUNCIL.—The Secretary shall consult on a periodic and regular basis with the advisory council established under section 106 with respect to matters relating to management of the Scenic Recreation Area.

(2) PUBLIC PARTICIPATION.—The Secretary shall seek the views of private groups, individuals, and the public concerning the Scenic Recreation Area.

(3) OTHER AGENCIES.—The Secretary shall seek the views and assistance of, and cooperate with, any other Federal, State, or local agency with any responsibility for the zoning, planning, or natural resources of the Scenic Recreation Area.

(4) NONPROFIT AGENCIES AND ORGANIZATIONS.—The Secretary shall seek the views of any nonprofit agency or organization that may contribute information or expertise about the resources and the management of the Scenic Recreation Area.

SEC. 106. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 90 days after the establishment of the Scenic Recreation Area, the Secretary shall establish an advisory council for the Scenic Recreation Area.

(b) MEMBERSHIP.—The advisory council shall consist of not more than 13 members, of whom—

(1) 1 member shall represent Marion County, Oregon, and shall be designated by the governing body of the county;

(2) 1 member shall represent the State of Oregon and shall be designated by the Governor of Oregon; and

(3) 1 member shall represent the city of Salem, and shall be designated by the mayor of Salem, Oregon;

(4) 1 member from a city within a 25-mile radius of the Opal Creek Scenic Recreation Area, to be designated by the Governor of the State of Oregon from a list of candidates provided by the mayors of the cities located within a 25-mile radius of the Opal Creek Scenic Recreation Area; and

(5) not more than 9 members shall be appointed by the Secretary from among persons who, individually or through association with a national or local organization, have an interest in the administration of the Scenic Recreation Area, including, but not limited to, representatives of the timber industry, environmental organizations, the mining industry, inholders in the Opal Creek Wilderness and Scenic Recreation Area, economic development interests and Indian Tribes.

(c) STAGGERED TERMS.—Members of the advisory council shall serve for staggered terms of three years.

(d) CHAIRMAN.—The Secretary shall designate one member of the advisory council as chairman.

(e) VACANCIES.—The Secretary shall fill a vacancy on the advisory council in the same manner as the original appointment.

(f) COMPENSATION.—Members of the advisory council shall receive no compensation for service on the advisory council.

SEC. 107. GENERAL PROVISIONS.

(a) LAND ACQUISITION.—

(1) IN GENERAL.—Subject to the other provisions of this title the Secretary may acquire any lands or interests in land in the Scenic Recreation Area or the Opal Creek Wilderness that the Secretary determines are needed to carry out this title.

(2) PUBLIC LAND.—Any lands or interests in land owned by a State or a political subdivision of a State may be acquired only by donation or exchange.

(3) CONDEMNATION.—Within the boundaries of the Opal Creek Wilderness or the Scenic Recreation Area, the Secretary may not acquire any privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

(A) the nature of land use has changed significantly, or the landowner has demonstrated intent to change the land use significantly, from the use that existed on the date of the enactment of this title; and

(B) acquisition by the Secretary of the land or interest in land is essential to ensure use of the land or interest in land in accordance with the purposes of this title or the management plan prepared under section 105(b).

(4) Nothing in this title shall be construed to enhance or diminish the condemnation authority available to the Secretary outside the boundaries of the Opal Creek Wilderness of the Scenic Recreation Area.

(b) ENVIRONMENTAL RESPONSE ACTIONS AND COST RECOVERY.—

(1) RESPONSE ACTIONS.— Nothing in this title shall limit the authority of the Secretary or a responsible party to conduct an environmental response action in the Scenic Recreation Area in connection with the release, threatened release, or cleanup of a hazardous substance, pollutant, or contaminant, including a response action conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.c. 9601 et seq.).

(2) LIABILITY.— Nothing in this title shall limit the authority of the Secretary or a responsible party to recover costs related to the release, threatened release, or cleanup of any hazardous substance or pollutant or contaminant in the Scenic Recreation Area.

(c) MAPS AND DESCRIPTION.—

(1) IN GENERAL.— As soon as practicable after the date of enactment of this title, the Secretary shall file a map and a boundary description for the Opal Creek Wilderness and for the Scenic Recreation Area with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.— The boundary description and map shall have the same force and effect as if the description and map were included in this title, except that the Secretary may correct clerical and typographical errors in the boundary description and map.

(3) AVAILABILITY.— The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(d) Nothing in this title shall interfere with any activity for which a special use permit has been issued, has not been revoked, and has not expired, before the date of enactment of this title, subject to the terms of the permit.

SEC. 108. ROSBORO LAND EXCHANGE.

(a) AUTHORIZATION.—Notwithstanding any other law, if the Rosboro Lumber Company (referred to in this section as "Rosboro") offers and conveys marketable title to the United States to the land described in subsection (b), the Secretary of Agriculture shall convey all right, title and interest held by the United States to sufficient lands described in subsection (c) to Rosboro, in the order in which they appear in subsection (c), as necessary to satisfy the equal value requirements of subsection (d).

(b) LAND TO BE OFFERED BY ROSBORO.—The land referred to in subsection (a) as the land to be offered by Rosboro shall comprise Section 36, Township 8 South, range 4 east, Willamette Meridian.

(c) LAND TO BE CONVEYED BY THE UNITED STATES.—The land referred to in subsection (a) as the land to be conveyed by the United States shall comprise sufficient land from the following prioritized list to be of equal value under subparagraph (d):

(1) Section 5, Township 17 South, Range 4 East, Lot 7 (37.63 acres).

(2) Section 2, Township 17 South, Range 4 East, Lot 3 (29.28 acres).

(3) Section 13, Township 17 South, Range 4 East, S½ SE¼ (80 acres).

(4) Section 2, Township 17 South, Range 4 East, SW½ SW¼ (40 acres).

(5) Section 2, Township 17 South, Range 4 East, NW¼ SE¼ (40 acres).

(6) Section 8, Township 17 South, Range 4 East, SE¼ SW¼ (40 acres).

(7) Section 11, Township 17 South, Range 4 East, W½ NW¼ (80 acres).

(d) EQUAL VALUE.—The land and interests in land exchanged under this section shall be of equal market value as determined by nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, or shall be equalized by way of payment of cash pursuant to the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law. The appraisal shall consider access costs for the parcels involved.

(c) TIMETABLE.—

(1) The exchange directed by this section shall be consummated not later than 120 days after the date Rosboro offers and conveys the property described in subsection (b) to the United States.

(2) The authority provided by this section shall lapse if Rosboro fails to offer the land described in subsection (b) within two years after the date of enactment of this title.

(f) Rosboro shall have the right to challenge in United States District Court for the District of Oregon a determination of marketability under subsection (a) and a determination of value for the lands described in subsections (b) and (c) by the Secretary of Agriculture. The Court shall have the authority to order the Secretary to complete the transaction contemplated in this Section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 109. DESIGNATION OF ELKHORN CREEK AS A WILD AND SCENIC RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( )(A) ELKHORN CREEK.—The 6.4 mile segment traversing federally administered lands from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to that point where the segment leaves federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, in the following classes:

"(i) a 5.8-mile wild river area, extending from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to its confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered as agreed on by the Secretaries of Agriculture and the Interior, or as directed by the President; and

"(ii) a 0.6-mile scenic river area, extending from the confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to that point where the segment leaves federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered by the Secretary of Interior, or as directed by the President.

"(B) Notwithstanding section 3(b) of this Act, the lateral boundaries of both the wild river area and the scenic river area along Elkhorn Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river."

SEC. 110. ECONOMIC DEVELOPMENT.

(a) ECONOMIC DEVELOPMENT PLAN.—As a condition for receiving funding under subsection (b) of this section, the State of Oregon, in consultation with Marion County and the Secretary of Agriculture, shall develop a plan for economic development projects for which grants under this section may be used in a manner consistent with this title and to benefit local communities in the vicinity of the Opal Creek area. Such plan shall be based on an economic opportunity study and other appropriate information.

(b) FUNDS PROVIDED TO THE STATES FOR GRANTS.—Upon completion of the Opal Creek Management Plan, and receipt of the plan referred to in subsection (a) of this section, the Secretary shall provide, subject to appropriations, $15,000,000, to the State of Oregon. Such funds shall be used to make grants or loans for economic development projects that further the purposes of this title and benefit the local communities in the vicinity of Opal Creek.

(c) REPORT.—The State of Oregon shall—

(1) prepare and provide the Secretary and Congress with an annual report on the use of the funds made available under this section;

(2) make available to the Secretary and to Congress, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this section; and

(3) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.

TITLE II—UPPER KLAMATH BASIN

SEC. 201. UPPER KLAMATH BASIN ECOLOGICAL RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM RESTORATION OFFICE.—The term "Ecosystem Restoration Office" means the Klamath Basin Ecosystem Restoration Office operated cooperatively by the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and Forest Service.

(2) WORKING GROUP.—The term "Working Group" means the Upper Klamath Basin Working Group, established before the date of enactment of this title, consisting of members nominated by their represented groups, including:

(A) 3 tribal members;

(B) 1 representative of the city of Klamath Falls, Oregon;

(C) 1 representative of Klamath County, Oregon;

(D) 1 representative of institutions of higher education in the Upper Klamath Basin;

(E) 4 representatives of the environmental community, including at least one such representative from the State of California with interests in the Klamath Basin National Wildlife Refuge Complex.

(F) 4 representatives of local businesses and industries, including at least one representative of the wood products industry and one representative of the ocean commercial fishing industry and/or recreational fishing industry based in either Oregon or California;

(G) 4 representatives of the ranching and farming community, including representatives of Federal lease-land farmers and ranchers and of private and farmers and ranchers in the Upper Klamath Basin;

(H) 2 representatives from State of Oregon agencies with authority and responsibility in the Klamath River Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department;

(I) 4 representatives from the local community;

(J) 1 representative each from the following Federal resource management agencies in the Upper Klamath Basin: Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Bureau of Indian Affairs, Forest Service, Natural Resources Conservation Service, National Marine Fisheries Service and Ecosystem Restoration Office; and

(K) 1 representative of the Klamath County Soil and Water Conservation District.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TASK FORCE.—The term "Task Force" means the Klamath River Basin Fisheries Task Force as established by the Klamath River Basin Fishery Resource Restoration Act (Public Law 99–552, 16 U.S.C. 460ss–3, et seq.).

(5) COMPACT COMMISSION.—The term "Compact Commission" means the Klamath River

Basin Compact Commission created pursuant to the Klamath River Compact Act of 1954.

(6) CONSENSUS.—The term "consensus" means an unanimous agreement by the Working Group members present and consisting of at least a quorum at a regularly scheduled business meeting.

(7) QUORUM.—The term "quorum" means one more than half of those qualified Working Group members appointed and eligible to serve.

(8) TRINITY TASK FORCE.—The term "Trinity Task Force" means the Trinity River Restoration Task Force created by Public Law 98-541, as amended by Public Law 104-143.

(b) IN GENERAL.—

(1) The Working Group through the Ecosystem Restoration Office, with technical assistance from the Secretary, will propose ecological restoration projects, economic development and stability projects, and projects designed to reduce the impacts of drought conditions to be undertaken in the Upper Klamath Basin based on a consensus of the Working Group membership.

(2) The Secretary shall pay, to the greatest extent feasible, up to 50 percent of the cost of performing any project approved by the Secretary or his designee, up to a total amount of $1,000,000 during each of fiscal years 1997 through 2001.

(3) Funds made available under this title through the Department of the Interior or the Department of Agriculture shall be distributed through the Ecosystem Restoration Office.

(4) The Ecosystem Restoration Office may utilize not more than 15 percent of all Federal funds administered under this section for administrative costs relating to the implementation of this title.

(5) All funding recommendations developed by the Working Group shall be based on a consensus of Working Group members.

(c) COORDINATION.—

(1) The Secretary shall formulate a cooperative agreement among the Working Group, the Task Force, the Trinity Task Force and the Compact Commission for the purposes of ensuring that projects proposed and funded through the Working Group are consistent with other basin-wide fish and wildlife restoration and conservation plans, including but not limited to plans developed by the Task Force and the Compact Commission.

(2) To the greatest extent practicable, the Working Group shall provide notice to, and accept input from, two members each of the Task Force, the Trinity Task Force, and the Compact Commission, so appointed by those entities, for the express purpose of facilitating better communication and coordination regarding additional basin-wide fish and wildlife and ecosystem restoration and planning efforts. The roles and relationships of the entities involved shall be clarified in the cooperative agreement.

(d) PUBLIC MEETINGS.—The Working Group shall conduct all meetings subject to applicable open meeting and public participation laws. The chartering requirements of 5 U.S.C. App 2 ss 1-15 are hereby deemed to have been met by this section.

(e) TERMS AND VACANCIES.—Working Group members shall serve for 3-year terms, beginning on the date of enactment of this title. Vacancies which occur for any reason after the date of enactment of this title shall be filled by direct appointment of the governor of the State of Oregon, in consultation with the Secretary of the Interior and the Secretary of Agriculture, in accordance with nominations from the appropriate groups, interests, and government agencies outlined in subsection (a)(2).

(f) RIGHTS, DUTIES AND AUTHORITIES UNAFFECTED.—The Working Group will supplement, rather than replace, existing efforts to manage the natural resources of the Klamath Basin. Nothing in this title affects any legal right, duty or authority of any person or agency, including any member of the working group.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $1,000,000 for each of fiscal years 1997 through 2002.

TITLE III—DESCHUTES BASIN

SEC. 301. DESCHUTES BASIN ECOSYSTEM RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) WORKING GROUP.—The term "Working Group" means the Deschutes River Basin Working Group established before the date of enactment of this title, consisting of members nominated by their represented groups, including:

(A) 5 representatives of private interests including one each from hydroelectric production, livestock grazing, timber, land development, and recreation/tourism;

(B) 4 representatives of private interests including two each from irrigated agriculture and the environmental community;

(C) 2 representatives form the Confederated Tribes of the Warm Springs Reservation of Oregon;

(D) 2 representatives from Federal agencies with authority and responsibility in the Deschutes River Basin, including one from the Department of the Interior and one from the Agriculture Department;

(E) 2 representatives from the State of Oregon agencies with authority and responsibility in the Deschutes River Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department; and

(F) 4 representatives from county or city governments within the Deschutes River Basin county and/or city governments.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) FEDERAL AGENCIES.—The term "Federal agencies" means agencies and departments of the United States, including, but not limited to, the Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, Forest Service, Natural Resources Conservation Service, Farm Services Agency, the National Marine Fisheries Service, and the Bonneville Power Administration.

(4) CONSENSUS.—The term "consensus" means a unanimous agreement by the Working Group members present and constituting at least a quorum at a regularly scheduled business meeting.

(5) QUORUM.—The term "quorum" means one more than half of those qualified Working Group members appointed and eligible to serve.

(b) IN GENERAL.—

(1) The Working Group will propose ecological restoration projects on both Federal and non-Federal lands and waters to be undertaken in the Deschutes River Basin based on a consensus of the Working Group, provided that such projects, when involving Federal land or funds, shall be proposed to the Bureau of Reclamation in the Department of the Interior and any other Federal agency with affected land or funds.

(2) The Working Group will accept donations, grants or other funds and place such funds received into a trust fund, to be expended on ecological restoration projects which, when involving Federal land or funds, are approved by the affected Federal agency.

(3) The Bureau of Reclamation shall pay from funds authorized under subsection (h) of this title up to 50 percent of the cost of performing any project proposed by the Working Group and approved by the Secretary, up to a total amount of $1,000,000 during each of the fiscal years 1997 through 2001.

(4) Non-Federal contributions to project costs for purposes of computing the Federal matching share under paragraph (3) of this subsection may include in-kind contributions.

(5) Funds authorized in subsection (h) of this title shall be maintained in and distributed by the Bureau of Reclamation in the Department of the Interior. The Bureau of Reclamation shall not expend more than 5 percent of amounts appropriated pursuant to subsection (h) for Federal administration of such appropriations pursuant to this title.

(6) The Bureau of Reclamation is authorized to provide by grant to the Working Group not more than 5 percent of funds appropriated pursuant to subsection (h) of this title for not more than 50 percent of administrative costs relating to the implementation of this title.

(7) The Federal agencies with authority and responsibility in the Deschutes River Basin shall provide technical assistance to the Working Group and shall designate representatives to serve as members of the Working Group.

(8) All funding recommendations developed by the Working Group shall be based on a consensus of the Working Group members.

(c) PUBLIC NOTICE AND PARTICIPATION.—The Working Group shall conduct all meetings subject to applicable open meeting and public participation laws. The chartering requirements of 5 U.S.C. App 2 ss 1-15 are hereby deemed to have been met by this section.

(d) PRIORITIES.—The Working Group shall give priority to voluntary market-based economic incentives for ecosystem restoration including, but not limited to, water leases and purchases; land leases and purchases; tradable discharge permits; and acquisition of timber, grazing, and land development rights to implement plans, programs, measures, and projects.

(e) TERMS AND VACANCIES.—Members of the Working Group representing governmental agencies or entities shall be named by the represented government agency. Members of the Working Group representing private interests shall be named in accordance with the articles of incorporation and bylaws of the Working Group. Representatives from Federal agencies will serve for terms of 3 years. Vacancies which occur for any reason after the date of enactment of this title shall be filled in accordance with this title.

(f) ADDITIONAL PROJECTS.—Where existing authority and appropriations permit, Federal agencies may contribute to the implementation of projects recommended by the Working Group and approved by the Secretary.

(g) RIGHTS, DUTIES AND AUTHORITIES UNAFFECTED.—The Working Group will supplement, rather than replace, existing efforts to manage the natural resources of the Deschutes Basin. Nothing in this title affects any legal right, duty or authority of any person or agency, including any member of the working group.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $1,000,000 for each of fiscal years 1997 through 2001.

TITLE IV—MOUNT HOOD CORRIDOR

SEC. 401. LAND EXCHANGE.

(a) AUTHORIZATION.—Notwithstanding any other law, if Longview Fibre Company (referred to in this section as "Longview") offers and conveys title that is acceptable to the United States to some or all of the land described in subsection (b), the Secretary of the Interior (referred to in this section as the "Secretary") shall convey to Longview title to some or all of the land described in subsection (c), as necessary to satisfy the requirements of subsection (d).

(b) LAND TO BE OFFERED BY LONGVIEW.—The land referred to in subsection (a) as the land to be offered by Longview are those lands depicted on the map entitled "Mt. Hood Corridor Land Exchange Map", dated July 18, 1996.

(c) LAND TO BE CONVEYED BY THE SECRETARY.—The land referred to in subsection (a) as the land to be conveyed by the Secretary are those lands depicted on the map entitled "Mt. Hood Corridor Land Exchange Map", dated July 18, 1996.

(d) EQUAL VALUE.—The land and interests in land exchanged under this section shall be of equal market value as determined by nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, or shall be equalized by way of payment of cash pursuant to the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(e) REDESIGNATION OF LAND TO MAINTAIN REVENUE FLOW.—So as to maintain the current flow of revenue from land subject to the Act entitled "An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land situated in the State of Oregon", approved August 28, 1937 (43 U.S.C. 1181a et seq.), the Secretary may redesignate public domain land located in and west of Range 9 East, Willamette Meridian, Oregon, as land subject to that Act.

(f) TIMETABLE.—The exchange directed by this section shall be consummated not later than 1 year after the date of enactment of this title.

(g) WITHDRAWAL OF LANDS.—All lands managed by the Department of the Interior, Bureau of Land Management, located in Townships 2 and 3 South, Ranges 6 and 7 East, Willamette Meridian, which can be seen from the right-of-way of U.S. Highway 26 (in this section, such lands are referred to as the "Mt. Hood Corridor Lands"), shall be managed primarily for the protection or enhancement of scenic qualities. Management prescriptions for other resource values associated with these lands shall be planned and conducted for purposes other than timber harvest, so as not to impair the scenic qualities of the area.

(h) TIMBER CUTTING.—Timber cutting may be conducted on Mt. Hood Corridor Lands following a resource-damaging catastrophic event. Such cutting may only be conducted to achieve the following resource management objectives, in compliance with the current land use plans—

(1) to maintain safe conditions for the visiting public;

(2) to control the continued spread of forest fire;

(3) for activities related to administration of the Mt. Hood Corridor Lands; or

(4) for removal of hazard trees along trails and roadways.

(i) ROAD CLOSURE.—The forest road gate located on Forest Service Road 2503, located in T. 2 S., R. 6 E., sec. 14, shall remain closed and locked to protect resources and prevent illegal dumping and vandalism. Access to this road shall be limited to—

(1) Federal and State officers and employees acting in an official capacity;

(2) employees and contractors conducting authorized activities associated with the telecommunication sites located in T. 2 S., R. 6 E., sec. 14; and

(3) the general public for recreational purposes, except that all motorized vehicles will be prohibited.

(j) NEPA EXEMPTION.—The National Environmental Policy Act of 1969 (P.L. 91-190) shall not apply to this section for one year after the date of enactment of this title.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE V—COQUILLE TRIBAL FOREST

SEC. 501. CREATION OF THE COQUILLE FOREST.

(a) The Coquille Restoration Act (P.L. 101–42) is amended by inserting at the end of section 5 the following:

"(d) CREATION OF THE COQUILLE FOREST.—

"(1) DEFINITIONS.—In this subsection:

"(A) the term 'Coquille Forest' means certain lands in Coos County, Oregon, comprising approximately 5,400 acres, as generally depicted on the map entitled 'Coquille Forest Proposal', dated July 8, 1996.

"(B) the term 'Secretary' means the Secretary of the Interior.

"(C) the term 'the Tribe' means the Coquille Tribe of Coos County, Oregon.

"(2) MAP.—The map described in subparagraph (d)(1)(A), and such additional legal descriptions which are applicable, shall be placed on file at the local District Office of the Bureau of Land Management, the Agency Office of the Bureau of Indian Affairs, and with the Senate Committee on Energy and Natural Resources and the House Committee on Resources.

"(3) INTERIM PERIOD.—From the date of enactment of this subsection until two years after the date of enactment of this subsection, the Bureau of Land Management shall:

"(A) retain Federal jurisdiction for the management of lands designated under this subsection as the Coquille Forest and continue to distribute revenues from such lands in a manner consistent with existing law; and,

"(B) prior to advertising, offering or awarding any timber sale contract on lands designated under this subsection as the Coquille Forest, obtain the approval of the Assistant Secretary for Indian Affairs, acting on behalf of and in consultation with the Tribe.

(4) TRANSITION PLANNING AND DESIGNATION.—

"(A) During the two year interim period provided for in paragraph (3), the Assistant Secretary for Indian Affairs, acting on behalf of and in consultation with the Tribe, is authorized to initiate development of a forest management plan for the Coquille Forest to the Assistant Secretary for Indian Affairs.

"(B) Two years after the date of enactment of this subsection, the Secretary shall take the lands identified under subparagraph (d)(1)(A) into trust, and shall hold such lands in trust, in perpetuity, for the Coquille Tribe. Such lands shall be thereafter designated as the Coquille Forest.

"(C) So as to maintain the current flow of revenue from land subject to the Act entitled 'An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land situated in the State of Oregon' (the O&C Act), approved August 28, 1937 (43 U.S.C. 1181a et seq.), the Secretary shall redesignate, from public domain lands within the tribe's service area, as defined in this Act, certain lands to be subject to the O&C Act. Lands redesignated under this subparagraph shall not exceed lands sufficient to constitute equivalent timber value as compared to lands constituting the Coquille Forest.

"(5) MANAGEMENT.—The Secretary of Interior, acting through the Assistant Secretary for Indian Affairs, shall manage the Coquille Forest under applicable State and Federal forestry and environmental protection laws, and subject to critical habitat designations under the Endangered Species Act, and subject to the standards and guidelines of Federal forest plans on adjacent or nearby Federal lands, now and in the future. The Secretary shall otherwise manage the Coquille Forest in accordance with the laws pertaining to the management of Indian Trust lands and shall distribute revenues in accord with Public Law 101–630, 25 U.S.C. 3107.

"(A) Unprocessed logs harvested from the Coquille Forest shall be subject to the same Federal statutory restrictions on export to foreign Nations that apply to unprocessed logs harvested from Federal lands.

"(B) Notwithstanding any other provision of law, all sales of timber from land subject to this subsection shall be advertised, offered and awarded according to competitive bidding practices, with sales being awarded to the highest responsible bidder.

"(6) INDIAN SELF DETERMINATION ACT AGREEMENT.—No sooner than two years after the date of enactment of this subsection, the Secretary may, upon a satisfactory showing of management competence and pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.), enter into a binding Indian self-determination agreement (agreement) with the Coquille Indian Tribe. Such agreement may provide for the tribe to carry out all or a portion of the forest management for the Coquille Forest.

"(A) Prior to entering such an agreement, and as a condition of maintaining such an agreement, the Secretary must find that the Coquille Tribe has entered into a binding memorandum of agreement (MOA) with the State of Oregon, as required under paragraph 7.

"(B) The authority of the Secretary to rescind the Indian self-determination agreement shall not be encumbered.

"(i) The Secretary shall rescind the agreement upon a demonstration that the tribe and the State of Oregon are no longer engaged in a memorandum of agreement as required under paragraph 7.

"(ii) The Secretary may rescind the agreement on a showing that the Tribe has managed the Coquille Forest in a manner inconsistent with this subsection, or the Tribe is no longer managing, or capable of managing, the Coquille Forest in a manner consistent with this subsection.

"(7) MEMORANDUM OF AGREEMENT.—The Coquille Tribe shall enter into a memorandum of agreement (MOA) with the State of Oregon relating to the establishment and management of the Coquille Forest. The MOA shall include, but not be limited to, the terms and conditions for managing the Coquille Forest in a manner consistent with paragraph (5) of this subsection, preserving public access, advancing jointly-held resource management goals, achieving tribal restoration objectives and establishing a coordinated management framework. Further, provisions set forth in the MOA shall be consistent with federal trust responsibility requirements applicable to Indian trust lands and paragraph (5) of this subsection.

"(8) PUBLIC ACCESS.—The Coquille Forest shall remain open to public access for purposes of hunting, fishing, recreation and transportation, except when closure is required by state or federal law, or when the Coquille Indian Tribe and the State of Oregon agree in writing that restrictions on access are necessary or appropriate to prevent harm to natural resources, cultural resources or environmental quality; Provided, That the State of Oregon's agreement shall not be required when immediate action is necessary to protect archaeological resources.

"(9) JURISDICTION.—

"(A) The United States District Court for the District of Oregon shall have jurisdiction over actions against the Secretary arising out of claims that this subsection has been violated. Consistent with existing precedents on standing to sue, any affected citizen may bring suit against the Secretary for violations of this subsection, except that suit may not be brought against the Secretary for claims that the MOA has been violated. The Court has the authority to hold unlawful and set aside actions pursuant to this subsection that are arbitrary and capricious, an abuse of discretion, or otherwise an abuse of law.

"(B) The United States District Court for the District of Oregon shall have jurisdiction over

actions between the State of Oregon and the Tribe arising out of claims of breach of the MOA.

"(C) Unless otherwise provided for by law, remedies available under this subsection shall be limited to equitable relief and shall not include damages.

"(10) STATE REGULATORY AND CIVIL JURISDICTION.—In addition to the jurisdiction described in paragraph 7 of this subsection, the State of Oregon may exercise exclusive regulatory civil jurisdiction, including but not limited to adoption and enforcement of administrative rules and orders, over the following subjects:

"(A) management, allocation and administration of fish and wildlife resources, including but not limited to establishment and enforcement of hunting and fishing seasons, bag limits, limits on equipment and methods, issuance of permits and licenses, and approval or disapproval of hatcheries, game farms, and other breeding facilities; Provided, That nothing herein shall be construed to permit the State of Oregon to manage fish or wildlife habitat on Coquille Forest lands;

"(B) allocation and administration of water rights, appropriation of water and use of water;

"(C) regulation of boating activities, including equipment and registration requirements, and protection of the public's right to use the waterways for purposes of boating or other navigation;

"(D) fills and removals from waters of the State, as defined in Oregon law;

"(E) protection and management of the State's proprietary interests in the beds and banks of navigable waterways;

"(F) regulation of mining, mine reclamation activities, and exploration and drilling for oil and gas deposits;

"(G) regulation of water quality, air quality (including smoke management), solid and hazardous waste, and remediation of releases of hazardous substances;

"(H) regulation of the use of herbicides and pesticides; and

"(I) enforcement of public health and safety standards, including standards for the protection of workers, well construction and codes governing the construction of bridges, buildings, and other structures.

"(II) SAVINGS CLAUSE, STATE AUTHORITY.—

"(A) Nothing in this subsection shall be construed to grant tribal authority over private or State-owned lands.

"(B) To the extend that the State of Oregon is regulating the foregoing areas pursuant to a delegated Federal authority or a Federal program, nothing in this subsection shall be construed to enlarge or diminish the State's authority under such law.

"(C) Where both the State of Oregon and the United States are regulating, nothing herein shall be construed to alter their respective authorities.

"(D) To the extent that Federal law authorizes the Coquille Indian Tribe to assume regulatory authority over an area, nothing herein shall be construed to enlarge or diminish the tribe's authority to do so under such law.

"(E) Unless and except to the extent that the tribe has assumed jurisdiction over the Coquille Forest pursuant to Federal law, or otherwise with the consent of the State, the State of Oregon shall have jurisdiction and authority to enforce its laws addressing the subjects listed in subparagraph 10 of this subsection on the Coquille Forest against the Coquille Indian Tribe, its members and all other persons and entities, in the same manner and with the same remedies and protections and appeal rights as otherwise provided by general Oregon law. Where the State of Oregon and Coquille Indian Tribe agree regarding the exercise of tribal civil regulatory jurisdiction over activities on the Coquille Forest lands, the tribe may exercise such jurisdiction as it agreed upon.

"(12) In the event of a conflict between Federal and State law under this subsection, Federal law shall control."

TITLE VI—BULL RUN WATERSHED PROTECTION

SEC. 601. The first sentence of section 2(a) of Public Law 95–200 is amended after "referred to in this subsection (a)" by striking "2(b)" and inserting in lieu thereof "2(c)".

SEC. 602. The first sentence of section 2(b) of Public Law 95–200 is amended after "the policy set forth in subsection (a)" by inserting "and (b)".

SEC. 603. Section 2(b) of Public Law 95–200 is redesigned as "2(c)".

SEC. 604 (a) Public Law 95–200 is amended by adding a new subsection 2(b) immediately after subsection 2(a), as follows:

"(b) TIMBER CUTTING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall prohibit the cutting of trees in that part of the unit consisting of the hydrographic boundary of the Bull Run River Drainage, including certain lands within the unit and located below the headworks of the city of Portland, Oregon's water storage and delivery project, and as depicted in a map dated July 22, 1996 and entitled "Bull Run River Drainage".

(2) PERMITTED CUTTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Agriculture shall prohibit the cutting of trees in the area described in paragraph (1).

(B) PERMITTED CUTTING.—Subject to subparagraph (C), the Secretary may only allow the cutting of trees in the area described in paragraph (1)—

(i) for the protection or enhancement of water quality in the area described in paragraph (1); or

(ii) for the protection, enhancement, or maintenance of water quantity available from the area described in paragraph (1); or

(iii) for the construction, expansion, protection or maintenance of municipal water supply facilities; or

(iv) for the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the unit or previously authorized hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities.

(C) SALVAGE SALES.—The Secretary of Agriculture may not authorize a salvage sale in the area described in paragraph (1)."

(b) Redesignate subsequent subsections of Public Law 95–200 accordingly.

SEC. 605. REPORT TO CONGRESS.

(a) The Secretary of Agriculture shall, in consultation with the city of Portland and other affected parties, undertake a study of that part of the Little Sandy Watershed that is within the unit (hereinafter referred to as the "study area"), as depicted on the map described in section 604 of this title.

(b) The study referred to in (a) shall determine—

(1) the impact of management activities within the study area on the quality of drinking water provided to the Portland Metropolitan area;

(2) the identify and location of certain ecological features within the study area, including late successional forest characteristics, aquatic and terrestrial wildlife habitat, significant hydrological values, or other outstanding natural features; and

(3) the location and extent of any significant cultural or other values within the study area.

(c) The study referred to in subsection (a) shall include both legislative and regulatory recommendations to Congress on the future management of the study area. In formulating such recommendations, the Secretary shall consult with the city of Portland and other affected parties.

(d) To the greatest extent possible, the Secretary shall use existing data and processes to carry out this study and report.

(e) The study referred to in subsection (a) shall be submitted to the Senate Committees on Energy and Natural Resources and Agriculture and the House Committees on Resources and Agriculture not later than one year from the date of enactment of this section.

(f) The Secretary is prohibited from advertising, offering or awarding any timber sale within the study area for a period of two years after the date of enactment of this section.

(g) Nothing in this section shall in any way affect any State or Federal law governing appropriation, use of or Federal right to water on flowing through National Forest System lands. Nothing in this section is intended to influence the relative strength of competing claims to the waters of the Little Sandy River. Nothing in this section shall be construed to expand or diminish Federal, State, or local jurisdiction, responsibility, interests, or rights in water resources development or control, including rights in and current uses of water resources in the unit.

SEC. 606. Lands within the Bull Run Management Unit, as defined in Public Law 95–200, but not contained within the Bull Run River Drainage, as defined by this title and as depicted on the map dated July 1996 described in Section 604 of this title, shall continue to be managed in accordance with Public Law 95–200.

TITLE VII—OREGON ISLANDS WILDERNESS, ADDITIONS

SEC. 701. OREGON ISLANDS WILDERNESS, ADDITIONS.

(a) In furtherance of the purposes of the Wilderness Act of 1964, certain lands within the boundaries of the Oregon Islands National Wildlife Refuge, Oregon, comprising approximately ninety-five acres and as generally depicted on a map entitled "Oregon Island Wilderness Additions—Proposed" dated August 1996, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Fish and Wildlife Service, Department of the Interior.

(b) All other federally owned named, unnamed, surveyed and unsurveyed rocks, reefs, islets and islands lying within three goegraphic miles off the coast of Oregon and above mean high tide, not currently designated as wilderness and also within the Oregon Islands National Wildlife Refuge boundaries under the administration of the United States Fish and Wildlife Service, Department of the Interior, as designated by Executive Order 7035, Proclamation 2416, Public Land Orders 4395, 4475 and 6287, and Public Laws 91–504 and 95–450, are hereby designated as wilderness.

(c) All federally owned named, unnamed, surveyed and unsurveyed rocks, reefs, islets and islands lying within three geographic miles off the coast of Oregon and above mean high tide, and presently under the jurisdiction of the Bureau of Land Management, except Chiefs Island, are hereby designated as wilderness, shall become part of the Oregon Islands National Wildlife Refuge and the Oregon Island Wilderness and shall be under the jurisdiction of the United States Fish and Wildlife Service, Department of the Interior.

(d) As soon as practicable after this title takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and such map shall have the same force and effect as if included in this title: Provided, however, That correcting clerical and typographical *errors in the map and land descriptions may be made.*

(e) Public Land Order 6287 of June 16, 1982, which withdrew certain rocks, reefs, islets and islands lying within three geographical miles off the coast of Oregon and above mean high tide, including the ninety-five acres described in subsection (a), as an addition to the Oregon Islands National Wildlife Refuge is hereby made permanent.

TITLE VIII—UMPQUA RIVER LAND EXCHANGE STUDY

SEC. 801. UMPQUA RIVER LAND EXCHANGE STUDY: POLICY AND DIRECTION.

(a) IN GENERAL.—The Secretaries of the Interior and Agriculture (Secretaries) are hereby authorized and directed to consult, coordinate, and cooperate with the Umpqua Land Exchange Project (ULEP), affected units and agencies of State and local government, and, as appropriate, the World Forestry Center and National Fish and Wildlife Foundation, to assist ULEP's ongoing efforts in studying and analyzing land exchange opportunities in the Umpqua River Basin and to provide scientific, technical, research, mapping and other assistance and information to such entities. Such consultation, coordination, and cooperation shall at a minimum include, but not be limited to:

(1) working with ULEP to develop or assemble comprehensive scientific and other information (including comprehensive and integrated mapping) concerning the Umpqua River Basin's resources of forest, plants, wildlife, fisheries (anadromous and other), recreational opportunities, wetlands, riparian habitat, and other physical or natural resources;

(2) working with ULEP to identify general or specific areas within the basin where land exchanges could promote consolidation of forestland ownership for long-term, sustained timber production; protection and restoration of habitat for plants, fish, and wildlife (including any federally listed threatened or endangered species); protection of drinking water supplies; recovery of threatened and endangered species; protection and restoration of wetlands, riparian lands, and other environmentally sensitive areas; consolidation of land ownership for improved public access and a broad array of recreational uses; consolidation of land ownership to achieve management efficiency and reduced costs of administration; and

(3) developing a joint report for submission to the Congress which discusses land exchange opportunities in the basin and outlines either a specific land exchange proposal or proposals which may merit consideration by the Secretaries or the Congress, or ideas and recommendations for new authorizations, direction, or changes in existing law or policy to expedite and facilitate the consummation of beneficial land exchanges in the basin via administrative means.

(b) MATTERS FOR SPECIFIC STUDY.—In analyzing land exchange opportunities with ULEP, the Secretaries shall give priority to assisting ULEP's ongoing efforts in:

(1) studying, identifying, and mapping areas where the consolidation of land ownership via land exchanges could promote the goals of long term species and watershed protection and utilization, including but not limited to the goals of the Endangered Species Act of 1973 more effectively than current land ownership patterns and whether any changes in law or policy applicable to such lands after consummation of an exchange would be advisable or necessary to achieve such goals;

(2) studying, identifying and mapping areas where land exchanges might be utilized to better satisfy the goals of sustainable timber harvest, including studying whether changes in existing law or policy applicable to such lands after consummation of an exchange would be advisable or necessary to achieve such goals;

(3) identifying issues and studying options and alternatives, including possible changes in existing law or policy, to insure that combined post-exchange revenues to units of local government from State and local property, severance, and other taxes or levies and shared Federal land receipts will approximate pre-exchange revenues;

(4) identifying issues and studying whether possible changes in law, special appraisal instruction, or changes in certain Federal appraisal procedures might be advisable or necessary to facilitate the appraisal of potential exchange lands which may have special characteristics or restrictions affecting land values;

(5) identifying issues and studying options and alternatives, including changes in existing laws or policy, for achieving land exchanges without reducing the net supply of timber available to small businesses;

(6) identifying, mapping, and recommending potential changes in land use plans, land classifications, or other actions which might be advisable or necessary to expedite, facilitate or consummate land exchanges in certain areas;

(7) analyzing potential sources for new or enhanced Federal, State, or other funding to promote improved resource protection, species recovery, and management in the basin; and

(8) identifying and analyzing whether increased efficiency and better land and resource management could occur through either consolidation of Federal forest management under one agency or exchange lands between the Forest Service and the Bureau of Land Management.

SEC. 802. REPORT TO CONGRESS.

No later than February 1, 1998, ULEP and the Secretaries shall submit a joint report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate concerning their studies, findings, recommendations, mapping and other activities conducted pursuant to this title.

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

In furtherance of the purposes of this title, there is hereby authorized to be appropriated the sum of $2 million, to remain available until expended.

DIVISION C—ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

SEC. 1. SHORT TITLE OF DIVISION; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; APPLICATION OF DEFINITIONS OF SUCH ACT; TABLE OF CONTENTS OF DIVISION; SEVERABILITY.

(a) SHORT TITLE.—This division may be cited as the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided—

(1) whenever in this division an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act; and

(2) amendments to a section or other provision are to such section or other provision before any amendment made to such section or other provision elsewhere in this division.

(c) APPLICATION OF CERTAIN DEFINITIONS.—Except as otherwise specifically provided in this division, for purposes of titles I and VI of this division, the terms "alien", "Attorney General", "border crossing identification card", "entry", "immigrant", "immigrant visa", "lawfully admitted for permanent residence", "national", "naturalization", "refugee", "State", and "United States" shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act.

(d) TABLE OF CONTENTS OF DIVISION.—The table of contents of this division is as follows:

Sec. 1. Short title of division; amendments to Immigration and Nationality Act; application of definitions of such Act; table of contents of division; severability.

TITLE I—IMPROVEMENTS TO BORDER CONTROL, FACILITATION OF LEGAL ENTRY, AND INTERIOR ENFORCEMENT

Subtitle A—Improved Enforcement at the Border

Sec. 101. Border patrol agents and support personnel.
Sec. 102. Improvement of barriers at border.
Sec. 103. Improved border equipment and technology.
Sec. 104. Improvement in border crossing identification card.
Sec. 105. Civil penalties for illegal entry.
Sec. 106. Hiring and training standards.
Sec. 107. Report on border strategy.
Sec. 108. Criminal penalties for high speed flights from immigration checkpoints.
Sec. 109. Joint study of automated data collection.
Sec. 110. Automated entry-exit control system.
Sec. 111. Submission of final plan on realignment of border patrol positions from interior stations.
Sec. 112. Nationwide fingerprinting of apprehended aliens.

Subtitle B—Facilitation of Legal Entry

Sec. 121. Land border inspectors.
Sec. 122. Land border inspection and automated permit pilot projects.
Sec. 123. Preinspection at foreign airports.
Sec. 124. Training of airline personnel in detection of fraudulent documents.
Sec. 125. Preclearance authority.

Subtitle C—Interior Enforcement

Sec. 131. Authorization of appropriations for increase in number of certain investigators.
Sec. 132. Authorization of appropriations for increase in number of investigators of visa overstayers.
Sec. 133. Acceptance of State services to carry out immigration enforcement.
Sec. 134. Minimum State INS presence.

TITLE II—ENHANCED ENFORCEMENT AND PENALTIES AGAINST ALIEN SMUGGLING; DOCUMENT FRAUD

Subtitle A—Enhanced Enforcement and Penalties Against Alien Smuggling

Sec. 201. Wiretap authority for investigations of alien smuggling or document fraud.
Sec. 202. Racketeering offenses relating to alien smuggling.
Sec. 203. Increased criminal penalties for alien smuggling.
Sec. 204. Increased number of assistant United States Attorneys.
Sec. 205. Undercover investigation authority.

Subtitle B—Deterrence of Document Fraud

Sec. 211. Increased criminal penalties for fraudulent use of government-issued documents.
Sec. 212. New document fraud offenses; new civil penalties for document fraud.
Sec. 213. New criminal penalty for failure to disclose role as preparer of false application for immigration benefits.
Sec. 214. Criminal penalty for knowingly presenting document which fails to contain reasonable basis in law or fact.

Sec. 215. Criminal penalty for false claim to citizenship.
Sec. 216. Criminal penalty for voting by aliens in Federal election.
Sec. 217. Criminal forfeiture for passport and visa related offenses.
Sec. 218. Penalties for involuntary servitude.
Sec. 219. Admissibility of videotaped witness testimony.
Sec. 220. Subpoena authority in document fraud enforcement.

TITLE III—INSPECTION, APPREHENSION, DETENTION, ADJUDICATION, AND REMOVAL OF INADMISSIBLE AND DEPORTABLE ALIENS

Subtitle A—Revision of Procedures for Removal of Aliens

Sec. 301. Treating persons present in the United States without authorization as not admitted.
Sec. 302. Inspection of aliens; expedited removal of inadmissible arriving aliens; referral for hearing (revised section 235).
Sec. 303. Apprehension and detention of aliens not lawfully in the United States (revised section 236).
Sec. 304. Removal proceedings; cancellation of removal and adjustment of status; voluntary departure (revised and new sections 239 to 240C).
Sec. 305. Detention and removal of aliens ordered removed (new section 241).
Sec. 306. Appeals from orders of removal (new section 242).
Sec. 307. Penalties relating to removal (revised section 243).
Sec. 308. Redesignation and reorganization of other provisions; additional conforming amendments.
Sec. 309. Effective dates; transition.

Subtitle B—Criminal Alien Provisions

Sec. 321. Amended definition of aggravated felony.
Sec. 322. Definition of conviction and term of imprisonment.
Sec. 323. Authorizing registration of aliens on criminal probation or criminal parole.
Sec. 324. Penalty for reentry of deported aliens.
Sec. 325. Change in filing requirement.
Sec. 326. Criminal alien identification system.
Sec. 327. Appropriations for criminal alien tracking center.
Sec. 328. Provisions relating to State criminal alien assistance program.
Sec. 329. Demonstration project for identification of illegal aliens in incarceration facility of Anaheim, California.
Sec. 330. Prisoner transfer treaties.
Sec. 331. Prisoner transfer treaties study.
Sec. 332. Annual report on criminal aliens.
Sec. 333. Penalties for conspiring with or assisting an alien to commit an offense under the Controlled Substances Import and Export Act.
Sec. 334. Enhanced penalties for failure to depart, illegal reentry, and passport and visa fraud.

Subtitle C—Revision of Grounds for Exclusion and Deportation

Sec. 341. Proof of vaccination requirement for immigrants.
Sec. 342. Incitement of terrorist activity and provision of false documentation to terrorists as a basis for exclusion from the United States.
Sec. 343. Certification requirements for foreign health-care workers.
Sec. 344. Removal of aliens falsely claiming United States citizenship.
Sec. 345. Waiver of exclusion and deportation ground for certain section 274C violators.
Sec. 346. Inadmissibility of certain student visa abusers.
Sec. 347. Removal of aliens who have unlawfully voted.
Sec. 348. Waivers for immigrants convicted of crimes.
Sec. 349. Waiver of misrepresentation ground of inadmissibility for certain alien.
Sec. 350. Offenses of domestic violence and stalking as ground for deportation.
Sec. 351. Clarification of date as of which relationship required for waiver from exclusion or deportation for smuggling.
Sec. 352. Exclusion of former citizens who renounced citizenship to avoid United States taxation.
Sec. 353. References to changes elsewhere in division.

Subtitle D—Changes in Removal of Terrorist Provisions

Sec. 354. Treatment of classified information.
Sec. 355. Exclusion of representatives of terrorist organizations.
Sec. 356. Standard for judicial review of terrorist organization designations.
Sec. 357. Removal of ancillary relief for voluntary departure.
Sec. 358. Effective date.

Subtitle E—Transportation of Aliens

Sec. 361. Definition of stowaway.
Sec. 362. Transportation contracts.

Subtitle F—Additional Provisions

Sec. 371. Immigration judges and compensation.
Sec. 372. Delegation of immigration enforcement authority.
Sec. 373. Powers and duties of the Attorney General and the Commissioner.
Sec. 374. Judicial deportation.
Sec. 375. Limitation on adjustment of status.
Sec. 376. Treatment of certain fees.
Sec. 377. Limitation on legalization litigation.
Sec. 378. Rescission of lawful permanent resident status.
Sec. 379. Administrative review of orders.
Sec. 380. Civil penalties for failure to depart.
Sec. 381. Clarification of district court jurisdiction.
Sec. 382. Application of additional civil penalties to enforcement.
Sec. 383. Exclusion of certain aliens from family unity program.
Sec. 384. Penalties for disclosure of information.
Sec. 385. Authorization of additional funds for removal of aliens.
Sec. 386. Increase in INS detention facilities; report on detention space.
Sec. 387. Pilot program on use of closed military bases for the detention of inadmissible or deportable aliens.
Sec. 388. Report on interior repatriation program.

TITLE IV—ENFORCEMENT OF RESTRICTIONS AGAINST EMPLOYMENT

Subtitle A—Pilot Programs for Employment Eligibility Confirmation

Sec. 401. Establishment of programs.
Sec. 402. Voluntary election to participate in a pilot program.
Sec. 403. Procedures for participants in pilot programs.
Sec. 404. Employment eligibility confirmation system.
Sec. 405. Reports.

Subtitle B—Other Provisions Relating to Employer Sanctions

Sec. 411. Limiting liability for certain technical violations of paperwork requirements.
Sec. 412. Paperwork and other changes in the employer sanctions program.
Sec. 413. Report on additional authority or resources needed for enforcement of employer sanctions provisions.
Sec. 414. Reports on earnings of aliens not authorized to work.
Sec. 415. Authorizing maintenance of certain information on aliens.
Sec. 416. Subpoena authority.

Subtitle C—Unfair Immigration-Related Employment Practices

Sec. 421. Treatment of certain documentary practices as unfair immigration-related employment practices.

TITLE V—RESTRICTIONS ON BENEFITS FOR ALIENS

Subtitle A—Eligibility of Aliens for Public Assistance and Benefits

Sec. 501. Exception to ineligibility for public benefits for certain battered
Alien
aliens.
Sec. 502. Pilot programs on limiting issuance of driver's licenses to illegal aliens.
Sec. 503. Ineligibility of aliens not lawfully present for Social Security benefits.
Sec. 504. Procedures for requiring proof of citizenship for Federal public benefits.
Sec. 505. Limitation on eligibility for preferential treatment of aliens not lawfully present on basis of residence for higher education benefits.
Sec. 506. Study and report on alien student eligibility for postsecondary Federal student financial assistance.
Sec. 507. Verification of immigration status for purposes of Social Security and higher educational assistance.
Sec. 508. No verification requirement for nonprofit charitable organizations.
Sec. 509. GAO study of provision of means-tested public benefits to aliens who are not qualified aliens on behalf of eligible individuals.
Sec. 510. Transition for aliens currently receiving benefits under the Food Stamp program.

Subtitle B—Public Charge Exclusion

Sec. 531. Ground for exclusion.

Subtitle C—Affidavits of Support

Sec. 551. Requirements for sponsor's affidavit of support.
Sec. 552. Indigence and battered spouse and child exceptions to Federal attribution of income rule.
Sec. 553. Authority of States and political subdivisions of States to limit assistance to aliens and to distinguish among classes of aliens in providing general cash public assistance.

Subtitle D—Miscellaneous Provisions

Sec. 561. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
Sec. 562. Treatment of expenses subject to emergency medical services exception.
Sec. 563. Reimbursement of States and localities for emergency ambulance services.
Sec. 564. Pilot programs to require bonding.
Sec. 565. Reports.

Subtitle E—Housing Assistance

Sec. 571. Short title.
Sec. 572. Prorating of financial assistance.
Sec. 573. Actions in cases of termination of financial assistance.
Sec. 574. Verification of immigration status and eligibility for financial assistance.

Sec. 575. Prohibition of sanctions against entities making financial assistance eligibility determinations.
Sec. 576. Eligibility for public and assisted housing.
Sec. 577. Regulations.

Subtitle F—General Provisions

Sec. 591. Effective dates.
Sec. 592. Not applicable to foreign assistance.
Sec. 593. Notification.
Sec. 594. Definitions.

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Refugees, Parole, and Asylum

Sec. 601. Persecution for resistance to coercive population control methods.
Sec. 602. Limitation on use of parole.
Sec. 603. Treatment of long-term parolees in applying worldwide numerical limitations.
Sec. 604. Asylum reform.
Sec. 605. Increase in asylum officers.
Sec. 606. Conditional repeal of Cuban Adjustment Act.

Subtitle B—Miscellaneous Amendments to the Immigration and Nationality Act

Sec. 621. Alien witness cooperation.
Sec. 622. Waiver of foreign country residence requirement with respect to international medical graduates.
Sec. 623. Use of legalization and special agricultural worker information.
Sec. 624. Continued validity of labor certifications and classification petitions for professional athletes.
Sec. 625. Foreign students.
Sec. 626. Services to family members of certain officers and agents killed in the line of duty.

Subtitle C—Provisions Relating to Visa Processing and Consular Efficiency

Sec. 631. Validity of period of visas.
Sec. 632. Elimination of consulate shopping for visa overstays.
Sec. 633. Authority to determine visa processing procedures.
Sec. 634. Changes regarding visa application process.
Sec. 635. Visa waiver program.
Sec. 636. Fee for diversity immigrant lottery.
Sec. 637. Eligibility for visas for certain Polish applicants for the 1995 diversity immigrant program.

Subtitle D—Other Provisions

Sec. 641. Program to collect information relating to nonimmigrant foreign students.
Sec. 642. Communication between government agencies and the Immigration and Naturalization Service.
Sec. 643. Regulations regarding habitual residence.
Sec. 644. Information regarding female genital mutilation.
Sec. 645. Criminalization of female genital mutilation.
Sec. 646. Adjustment of status for certain Polish and Hungarian parolees.
Sec. 647. Support of demonstration projects.
Sec. 648. Sense of Congress regarding American-made products; requirements regarding notice.
Sec. 649. Vessel movement controls during immigration emergency.
Sec. 650. Review of practices of testing entities.
Sec. 651. Designation of a United States customs administrative building.
Sec. 652. Mail-order bride business.
Sec. 653. Review and report on H–2A nonimmigrant workers program.
Sec. 654. Report on allegations of harassment by Canadian customs agents.
Sec. 655. Sense of Congress on discriminatory application of New Brunswick provincial sales tax.
Sec. 656. Improvements in identification-related documents.
Sec. 657. Development of prototype of counterfeit-resistant Social Security card.
Sec. 658. Border Patrol Museum.
Sec. 659. Sense of the Congress regarding the mission of the Immigration and Naturalization Service.
Sec. 660. Authority for National Guard to assist in transportation of certain aliens.

Subtitle E—Technical Corrections

Sec. 671. Miscellaneous technical corrections.

(e) SEVERABILITY.—If any provision of this division or the application of such provision to any person or circumstances is held to be unconstitutional, the remainder of this division and the application of the provisions of this division to any person or circumstance shall not be affected thereby.

TITLE I—IMPROVEMENTS TO BORDER CONTROL, FACILITATION OF LEGAL ENTRY, AND INTERIOR ENFORCEMENT

Subtitle A—Improved Enforcement at the Border

SEC. 101. BORDER PATROL AGENTS AND SUPPORT PERSONNEL.

(a) INCREASED NUMBER OF BORDER PATROL AGENTS.—The Attorney General in each of fiscal years 1997, 1998, 1999, 2000, and 2001 shall increase by not less than 1,000 the number of positions for full-time, active-duty border patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) INCREASE IN BORDER PATROL SUPPORT PERSONNEL.—The Attorney General, in each of fiscal years 1997, 1998, 1999, 2000, and 2001, may increase by 300 the number of positions for personnel in support of border patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

(c) DEPLOYMENT OF BORDER PATROL AGENTS.—The Attorney General shall, to the maximum extent practicable, ensure that additional border patrol agents shall be deployed among Immigration and Naturalization Service sectors along the border in proportion to the level of illegal crossing of the borders of the United States measured in each sector during the preceding fiscal year and reasonably anticipated in the next fiscal year.

(d) FORWARD DEPLOYMENT.—

(1) IN GENERAL.—The Attorney General shall forward deploy existing border patrol agents in those areas of the border identified as areas of high illegal entry into the United States in order to provide a uniform and visible deterrent to illegal entry on a continuing basis. The previous sentence shall not apply to border patrol agents located at checkpoints.

(2) PRESERVATION OF LAW ENFORCEMENT FUNCTIONS AND CAPABILITIES IN INTERIOR STATES.—The Attorney General shall, when deploying border patrol personnel from interior stations to border stations, coordinate with, and act in conjunction with, State and local law enforcement agencies to ensure that such deployment does not degrade or compromise the law enforcement capabilities and functions currently performed at interior border patrol stations.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report on—

(A) the progress and effectiveness of the forward deployment under paragraph (1); and

(B) the measures taken to comply with paragraph (2).

SEC. 102. IMPROVEMENT OF BARRIERS AT BORDER.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States.

(b) CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.—

(1) IN GENERAL.—In carrying out subsection (a), the Attorney General shall provide for the construction along the 14 miles of the international land border of the United States, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.

(2) PROMPT ACQUISITION OF NECESSARY EASEMENTS.—The Attorney General, acting under the authority conferred in section 103(b) of the Immigration and Nationality Act (as inserted by subsection (d)), shall promptly acquire such easements as may be necessary to carry out this subsection and shall commence construction of fences immediately following such acquisition (or conclusion of portions thereof).

(3) SAFETY FEATURES.—The Attorney General, while constructing the additional fencing under this subsection, shall incorporate such safety features into the design of the fence system as are necessary to ensure the well-being of border patrol agents deployed within or in near proximity to the system.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection not to exceed $12,000,000. Amounts appropriated under this paragraph are authorized to remain available until expended.

(c) WAIVER.—The provisions of the Endangered Species Act of 1973 and the National Environmental Policy Act of 1969 are waived to the extent the Attorney General determines necessary to ensure expeditious construction of the barriers and roads under this section.

(d) LAND ACQUISITION AUTHORITY.—

(1) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following:

"(b)(1) The Attorney General may contract for or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Attorney General deems the land essential to control and guard the boundaries and borders of the United States against any violation of this Act.

"(2) The Attorney General may contract for or buy any interest in land identified pursuant to paragraph (1) as soon as the lawful owner of that interest fixes a price for it and the Attorney General considers that price to be reasonable.

"(3) When the Attorney General and the lawful owner of an interest identified pursuant to paragraph (1) are unable to agree upon a reasonable price, the Attorney General may commence condemnation proceedings pursuant to the Act of August 1, 1888 (Chapter 728; 25 Stat. 357).

"(4) The Attorney General may accept for the United States a gift of any interest in land identified pursuant to paragraph (1).".

(2) CONFORMING AMENDMENT.—Section 103(e) (as so redesignated by paragraph (1)(A)) is amended by striking "subsection (c)" and inserting "subsection (d)".

SEC. 103. IMPROVED BORDER EQUIPMENT AND TECHNOLOGY.

The Attorney General is authorized to acquire and use, for the purpose of detection, interdiction, and reduction of illegal immigration into *the United States, any Federal equipment (including fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer by any other agency of the Federal Government upon request of the Attorney General.*

SEC. 104. IMPROVEMENT IN BORDER CROSSING IDENTIFICATION CARD.

(a) In General.—Section 101(a)(6) (8 U.S.C. 1101(a)(6)) is amended by adding at the end the following: "Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.".

(b) Effective Dates.—

(1) Clause a.—Clause (A) of the sentence added by the amendment made by subsection (a) shall apply to documents issued on or after 18 months after the date of the enactment of this Act.

(2) Clause b.—Clause (B) of such sentence shall apply to cards presented on or after 3 years after the date of the enactment of this Act.

SEC. 105. CIVIL PENALTIES FOR ILLEGAL ENTRY.

(a) In General.—Section 275 (8 U.S.C. 1325) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Any alien who is apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty of—

"(1) at least $50 and not more than $250 for each such entry (or attempted entry); or

"(2) twice the amount specified in paragraph (1) in the case of an alien who has been previously subject to a civil penalty under this subsection.

Civil penalties under this subsection are in addition to, and not in lieu of, any criminal or other civil penalties that may be imposed.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to illegal entries or attempts to enter occurring on or after the first day of the sixth month beginning after the date of the enactment of this Act.

SEC. 106. HIRING AND TRAINING STANDARDS.

(a) Review of Hiring Standards.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall complete a review of all prescreening and hiring standards used by the Commissioner of Immigration and Naturalization, and, where necessary, revise such standards to ensure that they are consistent with relevant standards of professionalism.

(b) Certification.—At the conclusion of each of fiscal years 1997, 1998, 1999, 2000, and 2001, the Attorney General shall certify in writing to the Committees on the Judiciary of the House of Representatives and of the Senate that all personnel hired by the Commissioner of Immigration and Naturalization for such fiscal year were hired pursuant to the appropriate standards, as revised under subsection (a).

(c) Review of Training Standards.—

(1) Review.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall complete a review of the sufficiency of all training standards used by the Commissioner of Immigration and Naturalization.

(2) Report.—

(A) In general.—Not later than 90 days after the completion of the review under paragraph (1), the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the results of the review, including—

(i) a description of the status of efforts to update and improve training throughout the Immigration and Naturalization Service; and

(ii) an estimate of when such efforts are expected to be completed.

(B) Areas requiring future review.—The report shall disclose those areas of training that the Attorney General determines require further review in the future.

SEC. 107. REPORT ON BORDER STRATEGY.

(a) Evaluation of Strategy.—The Comptroller General of the United States shall track, monitor, and evaluate the Attorney General's strategy to deter illegal entry in the United States to determine the efficacy of such strategy.

(b) Cooperation.—The Attorney General, the Secretary of State, and the Secretary of Defense shall cooperate with the Comptroller General of the United States in carrying out subsection (a).

(c) Report.—Not later than one year after the date of the enactment of this Act, and every year thereafter for the succeeding 5 years, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the results of the activities undertaken under subsection (a) during the previous year. Each such report shall include an analysis of the degree to which the Attorney General's strategy has been effective in reducing illegal entry. Each such report shall include a collection and systematic analysis of data, including workload indicators, related to activities to deter illegal entry and recommendations to improve and increase border security at the border and ports of entry.

SEC. 108. CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM IMMIGRATION CHECKPOINTS.

(a) Findings.—The Congress finds as follows:

(1) Immigration checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing immigration checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing immigration checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) High Speed Flight From Immigration Checkpoints.—

(1) In general.—Chapter 35 of title 18, United States Code, is amended by adding at the end the following:

"§758. High speed flight from immigration checkpoint

"Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service, or any other Federal law enforcement agency, in a motor vehicle and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be fined under this title, imprisoned not more than five years, or both.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 757 the following:

"758. High speed flight from immigration checkpoint.".

(c) Grounds for Deportation.—Section 241(a)(2)(A) (8 U.S.C. 1251(a)(2)(A)) is amended—

(1) by redesignating clause (iv) as clause (v);

(2) by inserting after clause (iii) the following:

"(iv) High speed flight.—Any alien who is convicted of a violation of section 758 of title 18, United States Code (relating to high speed flight from an immigration checkpoint), is deportable."; and

(3) in clause (v) (as so redesignated by paragraph (1)), by striking "and (iii)" and inserting "(iii), and (iv)".

SEC. 109. JOINT STUDY OF AUTOMATED DATA COLLECTION.

(a) Study.—The Attorney General, together with the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, and appropriate representatives of the air transport industry, shall jointly undertake a study to develop a plan for making the transition to automated data collection at ports of entry.

(b) Report.—Nine months after the date of the enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the outcome of the joint initiative under subsection (a), noting specific areas of agreement and disagreement, and recommending further steps to be taken, including any suggestions for legislation.

SEC. 110. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) System.—Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

(1) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

(2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(b) Report.—

(1) Deadline.—Not later than December 31 of each year following the development of the system under subsection (a), the Attorney General shall submit an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate on such system.

(2) Information.—The report shall include the following information:

(A) The number of departure records collected, with an accounting by country of nationality of the departing alien.

(B) The number of departure records that were successfully matched to records of the alien's prior arrival in the United States, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

(C) The number of aliens who arrived as nonimmigrants, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system or through other means as of the end of the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

(c) Use of Information on Overstays.—Information regarding aliens who have remained in the United States beyond their authorized period of stay identified through the system shall be integrated into appropriate data bases of the Immigration and Naturalization Service and the Department of State, including those used at ports of entry and at consular offices.

SEC. 111. SUBMISSION OF FINAL PLAN ON REALIGNMENT OF BORDER PATROL POSITIONS FROM INTERIOR STATIONS.

Not later than November 30, 1996, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a final plan regarding the redeployment of border patrol personnel from interior locations to the front lines of the border. The final plan shall be consistent with the following:

(1) The preliminary plan regarding such redeployment submitted by the Attorney General on May 17, 1996, to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(2) The direction regarding such redeployment provided in the joint explanatory statement of the committee of conference in the conference report to accompany the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134).

SEC. 112. NATIONWIDE FINGERPRINTING OF APPREHENDED ALIENS.

There are authorized to be appropriated such additional sums as may be necessary to ensure that the "IDENT" program (operated by the Immigration and Naturalization Service) is expanded to apply to illegal or criminal aliens apprehended nationwide.

Subtitle B—Facilitation of Legal Entry

SEC. 121. LAND BORDER INSPECTORS.

In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and the Secretary of the Treasury each shall increase, by approximately equal numbers in each of fiscal years 1997 and 1998, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes currently in use, under construction, or whose construction has been authorized by the Congress, except such low-use lanes as the Attorney General may designate.

SEC. 122. LAND BORDER INSPECTION AND AUTOMATED PERMIT PILOT PROJECTS.

(a) EXTENSION OF LAND BORDER INSPECTION PROJECT AUTHORITY; ESTABLISHMENT OF AUTOMATED PERMIT PILOT PROJECTS.—Section 286(q) is amended—

(1) by striking the matter preceding paragraph (2) and inserting the following:

"(q) LAND BORDER INSPECTION FEE ACCOUNT.—(1)(A)(i) Notwithstanding any other provision of law, the Attorney General is authorized to establish, by regulation, not more than 6 projects under which a fee may be charged and collected for inspection services provided at one or more land border points of entry. Such projects may include the establishment of commuter lanes to be made available to qualified United States citizens and aliens, as determined by the Attorney General.

"(ii) The program authorized in this subparagraph shall terminate on September 30, 2000, unless further authorized by an Act of Congress.

"(iii) This subparagraph shall take effect, with respect to any project described in clause (1) that was not authorized to be commenced before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 30 days after submission of a written plan by the Attorney General detailing the proposed implementation of such project.

"(iv) The Attorney General shall prepare and submit on a quarterly basis, until September 30, 2000, a status report on each land border inspection project implemented under this subparagraph.

"(B) The Attorney General, in consultation with the Secretary of the Treasury, may conduct pilot projects to demonstrate the use of designated ports of entry after working hours through the use of card reading machines or other appropriate technology."; and

(2) by striking paragraph (5).

(b) CONFORMING AMENDMENT.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1994 (Public Law 103–121, 107 Stat. 1161) is amended by striking the fourth proviso under the heading "Immigration and Naturalization Service. Salaries and Expenses".

SEC. 123. PREINSPECTION AT FOREIGN AIRPORTS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 235 the following:

"PREINSPECTION AT FOREIGN AIRPORTS

"SEC. 235A. (a) ESTABLISHMENT OF PREINSPECTION STATIONS.—

"(1) NEW STATIONS.—Subject to paragraph (5), not later than October 31, 1998, the Attorney General, in consultation with the Secretary of State, shall establish and maintain preinspection stations in at least 5 of the foreign airports that are among the 10 foreign airports which the Attorney General identifies as serving as last points of departure for the greatest numbers of inadmissible alien passengers who arrive from abroad by air at ports of entry within the United States. Such preinspection stations shall be in addition to any preinspection stations established prior to the date of the enactment of such Act.

"(2) REPORT.—Not later than October 31, 1998, the Attorney General shall report to the Committees on the Judiciary of the House of Representatives and of the Senate on the implementation of paragraph (1).

"(3) DATA COLLECTION.—Not later than November 1, 1997, and each subsequent November 1, the Attorney General shall compile data identifying—

"(A) the foreign airports which served as last points of departure for aliens who arrived by air at United States ports of entry without valid documentation during the preceding fiscal years;

"(B) the number and nationality of such aliens arriving from each such foreign airport; and

"(C) the primary routes such aliens followed from their country of origin to the United States.

"(4) ADDITIONAL STATIONS.—Subject to paragraph (5), not later than October 31, 2000, the Attorney General, in consultation with the Secretary of State, shall establish preinspection stations in at least 5 additional foreign airports which the Attorney General, in consultation with the Secretary of State, determines, based on the data compiled under paragraph (3) and such other information as may be available, would most effectively reduce the number of aliens who arrive from abroad by air at points of entry within the United States who are inadmissible to the United States. Such preinspection stations shall be in addition to those established prior to the date of the enactment of such Act or pursuant to paragraph (1).

"(5) CONDITIONS.—Prior to the establishment of a preinspection station, the Attorney General, in consultation with the Secretary of State, shall ensure that—

"(A) employees of the United States stationed at the preinspection station and their accompanying family members will receive appropriate protection;

"(B) such employees and their families will not be subject to unreasonable risks to their welfare and safety; and

"(C) the country in which the preinspection station is to be established maintains practices and procedures with respect to asylum seekers and refugees in accordance with the Convention Relating to the Status of Refugees (done at Geneva, July 28, 1951), or the Protocol Relating to the Status of Refugees (done at New York, January 31, 1967), or that an alien in the country otherwise has recourse to avenues of protection from return to persecution.

"(b) ESTABLISHMENT OF CARRIER CONSULTANT PROGRAM.—The Attorney General shall assign additional immigration officers to assist air carriers in the detection of fraudulent documents at foreign airports which, based on the records maintained pursuant to subsection (a)(3), served as a point of departure for a significant number of arrivals at United States ports of entry without valid documentation, but where no preinspection station exists.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 235 the following:

"Sec. 235A. Preinspection at foreign airports.".

SEC. 124. TRAINING OF AIRLINE PERSONNEL IN DETECTION OF FRAUDULENT DOCUMENTS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—Section 286(h)(2)(A) (8 U.S.C. 1356(h)(2)(A)) is amended—

(A) in clause (iv), by inserting ", including training of, and technical assistance to, commercial airline personnel regarding such detection" after "United States"; and

(B) by adding at the end the following:

"The Attorney General shall provide for expenditures for training and assistance described in clause (iv) in an amount, for any fiscal year, not less than 5 percent of the total of the expenses incurred that are described in the previous sentence.".

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to expenses incurred during or after fiscal year 1997.

(b) COMPLIANCE WITH DETECTION REGULATIONS.—

(1) IN GENERAL.—Section 212(f) (8 U.S.C. 1182(f)) is amended by adding at the end the following: "Whenever the Attorney General finds that a commercial airline has failed to comply with regulations of the Attorney General relating to requirements of airlines for the detection of fraudulent documents used by passengers traveling to the United States (including the training of personnel in such detection), the Attorney General may suspend the entry of some or all aliens transported to the United States by such airline.".

(2) DEADLINE.—The Attorney General shall first issue, in proposed form, regulations referred to in the second sentence of section 212(f) of the Immigration and Nationality Act, as added by the amendment made by paragraph (1), not later than 90 days after the date of the enactment of this Act.

SEC. 125. PRECLEARANCE AUTHORITY.

Section 103(a) of the Immigration and Nationality Act (8 U.S.C. 1103(a)) is amended by adding at the end the following:

"After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws. Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers.".

Subtitle C—Interior Enforcement

SEC. 131. AUTHORIZATION OF APPROPRIATIONS FOR INCREASE IN NUMBER OF CERTAIN INVESTIGATORS.

(a) AUTHORIZATION.—There are authorized to be appropriated such funds as may be necessary to enable the Commissioner of Immigration and Naturalization to increase the number of investigators and support personnel to investigate potential violations of sections 274 and 274A of the Immigration and Nationality Act by a number equivalent to 300 full-time active-duty investigators in each of fiscal years 1997, 1998, and 1999.

(b) ALLOCATION OF INVESTIGATORS.—At least one-half of the investigators hired with funds made available under subsection (a) shall be assigned to investigate potential violations of section 274A of the Immigration and Nationality Act.

(c) LIMITATION ON OVERTIME.—None of the funds made available under subsection (a) shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

SEC. 132. AUTHORIZATION OF APPROPRIATIONS FOR INCREASE IN NUMBER OF INVESTIGATORS OF VISA OVERSTAYERS.

There are authorized to be appropriated such funds as may be necessary to enable the Commissioner of Immigration and Naturalization to increase the number of investigators and support personnel to investigate visa overstayers by a number equivalent to 300 full-time active-duty investigators in fiscal year 1997.

SEC. 133. ACCEPTANCE OF STATE SERVICES TO CARRY OUT IMMIGRATION ENFORCEMENT.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

"(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

"(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.

"(3) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

"(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

"(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agency of the Attorney General who is required to supervise and direct the individual, shall be set forth in a written agreement between the Attorney General and the State or political subdivision.

"(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

"(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code (relating to compensation for injury), and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

"(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

"(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

"(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

"(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

"(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.".

SEC. 134. MINIMUM STATE INS PRESENCE.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103), as amended by section 102(e) of this division, is further amended by adding at the end the following:

"(f) The Attorney General shall allocate to each State not fewer than 10 full-time active duty agents of the Immigration and Naturalization Service to carry out the functions of the Service, in order to ensure the effective enforcement of this Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

TITLE II—ENHANCED ENFORCEMENT AND PENALTIES AGAINST ALIEN SMUGGLING; DOCUMENT FRAUD

Subtitle A—Enhanced Enforcement and Penalties Against Alien Smuggling

SEC. 201. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING OR DOCUMENT FRAUD.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by striking "or section 1992 (relating to wrecking trains)" and inserting "section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)";

(2) by striking "or" at the end of paragraph (l);

(3) by redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(4) by inserting after paragraph (l) the following new paragraph:

"(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);".

SEC. 202. RACKETEERING OFFENSES RELATING TO ALIEN SMUGGLING.

Section 1961(1) of title 18, United States Code, as amended by section 433 of Public Law 104–132, is amended—

(1) by striking "if the act indictable under section 1028 was committed for the purpose of financial gain";

(2) by inserting "section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers)," after "section 1344 (relating to financial institution fraud),";

(3) by striking "if the act indictable under section 1542 was committed for the purpose of financial gain";

(4) by striking "if the act indictable under section 1543 was committed for the purpose of financial gain";

(5) by striking "if the act indictable under section 1544 was committed for the purpose of financial gain"; and

(6) by striking "if the act indictable under section 1546 was committed for the purpose of financial gain".

SEC. 203. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) COMMERCIAL ADVANTAGE.—Section 274(a)(1)(B)(i) (8 U.S.C. 1324(a)(1)(B)(i)) is amended by inserting "or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain" after "subparagraph (A)(i)".

(b) ADDITIONAL OFFENSES.—Section 274(a) (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "or" at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting "; or"; and

(C) by adding at the end the following new clause:

"(v)(I) engages in any conspiracy to commit any of the preceding acts, or

"(II) aids or abets the commission of any of the preceding acts,";

(2) in paragraph (1)(B)—

(A) in clause (i), by inserting "or (v)(I)" after "(A)(i)";

(B) in clause (ii), by striking "or (iv)" and inserting "(iv), or (v)(II)";

(C) in clause (iii), by striking "or (iv)" and inserting "(iv), or (v)"; and

(D) in clause (iv), by striking "or (iv)" and inserting "(iv), or (v)";

(3) in paragraph (2)(B), by striking "be fined" and all that follows and inserting the following: "be fined under title 18, United States Code, and shall be imprisoned, in the case of a first or second violation of subparagraph (B)(iii), not more than 10 years, in the case of a first or second violation of subparagraph (B)(i) or (B)(ii), not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years."; and

(4) by adding at the end the following new paragraph:

"(3)(A) Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in subparagraph (B) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(B) An alien described in this subparagraph is an alien who—

"(i) is an unauthorized alien (as defined in section 274A(h)(3)), and

"(ii) has been brought into the United States in violation of this subsection.".

(c) SMUGGLING OF ALIENS WHO WILL COMMIT CRIMES.—Clause (i) of section 274(a)(2)(B) (8 U.S.C. 1324(a)(2)(B)) is amended to read as follows:

"(i) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an

offense against the United States or any State punishable by imprisonment for more than 1 year,".

(d) APPLYING CERTAIN PENALTIES ON A PER ALIEN BASIS.—Section 274(a)(2) (8 U.S.C. 1324(a)(2)) is amended by striking "for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved" and inserting "for each alien in respect to whom a violation of this paragraph occurs".

(e) SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of offenses related to smuggling, transporting, harboring, or inducing aliens in violation of section 274(a) (1)(A) or (2) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), (2)(B)) in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses described in paragraph (1)—

(A) increase the base offense level for such offenses at least 3 offense levels above the applicable level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for the number of aliens involved (U.S.S.G. 2L1.1(b)(2)), and increase the sentencing enhancement by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) impose an appropriate sentencing enhancement on a defendant who, in the course of committing an offense described in this subsection—

(i) murders or otherwise causes death, bodily injury, or serious bodily injury to an individual;

(ii) uses or brandishes a firearm or other dangerous weapon; or

(iii) engages in conduct that consciously or recklessly places another in serious danger of death or serious bodily injury;

(F) consider whether a downward adjustment is appropriate if the offense is a first offense and involves the smuggling only of the alien's spouse or child; and

(G) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 204. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS.

(a) IN GENERAL.—The number of Assistant United States Attorneys employed by the Department of Justice for the fiscal year 1997 shall be increased by at least 25 above the number of Assistant United States Attorneys that were authorized to be employed as of September 30, 1996.

(b) ASSIGNMENT.—Individuals employed to fill the additional positions described in subsection (a) shall prosecute persons who bring into the United States or harbor illegal aliens or violate other criminal statutes involving illegal aliens.

SEC. 205. UNDERCOVER INVESTIGATION AUTHORITY.

(a) IN GENERAL.—Title II is amended by adding at the end the following new section:

"UNDERCOVER INVESTIGATION AUTHORITY

"SEC. 294. (a) IN GENERAL.—With respect to any undercover investigative operation of the Service which is necessary for the detection and prosecution of crimes against the United States—

"(1) sums appropriated for the Service may be used for leasing space within the United States and the territories and possessions of the United States without regard to the following provisions of law:

"(A) section 3679(a) of the Revised Statutes (31 U.S.C. 1341),

"(B) section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)),

"(C) section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255),

"(D) the third undesignated paragraph under the heading 'Miscellaneous' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34),

"(E) section 3648 of the Revised Statutes (31 U.S.C. 3324),

"(F) section 3741 of the Revised Statutes (41 U.S.C. 22), and

"(G) subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

"(2) sums appropriated for the Service may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

"(3) sums appropriated for the Service, and the proceeds from the undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and of section 3639 of the Revised Statutes (31 U.S.C. 3302); and

"(4) the proceeds from the undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

The authority set forth in this subsection may be exercised only upon written certification of the Commissioner, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1), (2), (3), or (4) is necessary for the conduct of the undercover operation.

"(b) DISPOSITION OF PROCEEDS NO LONGER REQUIRED.—As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraphs (3) and (4) of subsection (a), are no longer necessary for the conduct of the operation, the proceeds or the balance of the proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

"(c) DISPOSITION OF CERTAIN CORPORATIONS AND BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Service, as much in advance as the Commissioner or Commissioner's designee determines practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(d) FINANCIAL AUDITS.—The Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 293 the following:

"Sec. 294. Undercover investigation authority.".

Subtitle B—Deterrence of Document Fraud

SEC. 211. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—(1) Section 1028(b) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting "except as provided in paragraphs (3) and (4)," after "(1)" and by striking "five years" and inserting "15 years";

(B) in paragraph (2), by inserting "except as provided in paragraphs (3) and (4)," after "(2)" and by striking "and" at the end;

(C) by redesignating paragraph (3) as paragraph (5); and

(D) by inserting after paragraph (2) the following new paragraphs:

"(3) a fine under this title or imprisonment for not more than 20 years, or both, if the offense is committed to facilitate a drug trafficking crime (as defined in section 929(a)(2) of this title);

"(4) a fine under this title or imprisonment for not more than 25 years, or both, if the offense is committed to facilitate an act of international terrorism (as defined in section 2331(1) of this title); and".

(2) Sections 1425 through 1427, sections 1541 through 1544, and section 1546(a) of title 18, United States Code, are each amended by striking "imprisoned not more" and all that follows through "years" each place it appears and inserting the following: "imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facility such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense)".

(b) CHANGES TO THE SENTENCING LEVELS.—

(1) IN GENERAL.—Pursuant to the Commission's authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of violating, or conspiring to violate, sections 1028(b)(1), 1425 through 1427, 1541 through 1544, and 1546(a) of title 18, United States Code, in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses referred to in paragraph (1)—

(A) increase the base offense level for such offenses at least 2 offense levels above the level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for number of documents or passports involved

(U.S.S.G. 2L2.1(b)(2)), and increase the upward adjustment by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category; and

(E) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 212. NEW DOCUMENT FRAUD OFFENSES; NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: "or to obtain a benefit under this Act";

(2) in paragraph (2), by inserting before the comma at the end the following: "or to obtain a benefit under this Act";

(3) in paragraph (3)—

(A) by inserting "or with respect to" after "issued to";

(B) by adding before the comma at the end the following: "or obtaining a benefit under this Act"; and

(C) by striking "or" at the end;

(4) in paragraph (4)—

(A) by inserting "or with respect to" after "issued to";

(B) by adding before the period at the end the following: "or obtaining a benefit under this Act"; and

(C) by striking the period at the end and inserting ", or"; and

(5) by adding at the end the following new paragraphs:

"(5) to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted, or

"(6)(A) to present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) to fail to present such document to an immigration officer upon arrival at a United States port of entry.".

(b) DEFINITION OF FALSELY MAKE.—Section 274C (8 U.S.C. 1324c), as amended by section 213 of this division, is further amended by adding at the end the following new subsection:

"(f) FALSELY MAKE.—For purposes of this section, the term 'falsely make' means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.".

(c) CONFORMING AMENDMENT.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking "each document used, accepted, or created and each instance of use, acceptance, or creation" each place it appears and inserting "each document that is the subject of a violation under subsection (a)".

(d) WAIVER BY ATTORNEY GENERAL.—Section 274C(d) (8 U.S.C. 1324c(d)) is amended by adding at the end the following new paragraph:

"(7) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates subsection (a)(6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).".

(e) EFFECTIVE DATE.—Section 274C(f) of the Immigration and Nationality Act, as added by subsection (b), applies to the preparation of applications before, on, or after the date of the enactment of this Act.

SEC. 213. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR IMMIGRATION BENEFITS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

"(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits, shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application.

"(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service, shall be fined in accordance with title 18, United States Code, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.".

SEC. 214. CRIMINAL PENALTY FOR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth paragraph of section 1546(a) of title 18, United States Code, is amended by striking "containing any such false statement" and inserting "which contains any such false statement or which fails to contain any reasonable basis in law or fact".

SEC. 215. CRIMINAL PENALTY FOR FALSE CLAIM TO CITIZENSHIP.

Section 1015 of title 18, United States Code, is amended—

(1) by striking the dash at the end of paragraph (d) and inserting "; or", and

(2) by inserting after paragraph (d) the following:

"(e) Whoever knowingly makes any false statement or claim that he is, or at any time has been, a citizen or national of the United States, with the intent to obtain on behalf of himself, or any other person, any Federal or State benefit or service, or to engage unlawfully in employment in the United States; or

"(f) Whoever knowingly makes any false statement or claim that he is a citizen of the United States in order to register to vote or to vote in any Federal, State, or local election (including an initiative, recall, or referendum)—".

SEC. 216. CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 610 the following:

"§611. Voting by aliens

"(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

"(1) the election is held partly for some other purpose;

"(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

"(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.

"(b) Any person who violates this section shall be fined under this title, imprisoned not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 29 of title 18, United States Code, is amended by inserting after the item relating to section 610 the following new item:

"611. Voting by aliens.".

SEC. 217. CRIMINAL FORFEITURE FOR PASSPORT AND VISA RELATED OFFENSES.

Section 982(a) of title 18, United States Code, is amended by inserting after paragraph (5) the following new paragraph:

"(6)(A) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States, regardless of any provision of State law—

"(i) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of, or a conspiracy to violate, subsection (a); and

"(ii) any property real or personal—

"(I) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a)(1) or 274A(a)(2) of the Immigration and Nationality Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of this title; or

"(II) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a)(1) or 274A(a)(2) of the Immigration and Nationality Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of this title.

The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subparagraph.

"(B) The criminal forfeiture of property under subparagraph (A), including any seizure and *disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.".*

SEC. 218. CRIMINAL PENALTIES FOR INVOLUNTARY SERVITUDE.

(a) AMENDMENTS TO TITLE 18.—Sections 1581, 1583, 1584, and 1588 of title 18, United States Code, are amended by striking "five" each place it appears and inserting "10".

(b) REVIEW OF SENTENCING GUIDELINES.—The United States Sentencing Commission shall ascertain whether there exists an unwarranted disparity—

(1) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses in effect on the date of the enactment of this Act; and

(2) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for alien smuggling offenses in effect on the date of the enactment of this Act and after the amendment made by subsection (a).

(c) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review its guidelines on sentencing for peonage, involuntary servitude, and slave trade offenses under sections 1581 through 1588 of title 18, United States Code, and shall amend such guidelines as necessary to—

(A) reduce or eliminate any unwarranted disparity found under subsection (b) that exists between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses and alien smuggling offenses;

(B) ensure that the applicable guidelines for defendants convicted of peonage, involuntary servitude, and slave trade offenses are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses; and

(C) ensure that the guidelines reflect the general appropriateness of enhanced sentences for defendants whose peonage, involuntary servitude, or slave trade offenses involve—

(i) a large number of victims;

(ii) the use or threatened use of a dangerous weapon; or

(iii) a prolonged period of peonage or involuntary servitude.

(2) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 219. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 (8 U.S.C. 1324) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.".

SEC. 220. SUBPOENA AUTHORITY IN DOCUMENT FRAUD ENFORCEMENT.

Section 274C(d)(1) (8 U.S.C. 1324c(d)(1)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ", and"; and

(3) by inserting after subparagraph (B) the following:

"(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).".

TITLE III—INSPECTION, APPREHENSION, DETENTION, ADJUDICATION, AND REMOVAL OF INADMISSIBLE AND DEPORTABLE ALIENS

Subtitle A—Revision of Procedures for Removal of Aliens

SEC. 301. TREATING PERSONS PRESENT IN THE UNITED STATES WITHOUT AUTHORIZATION AS NOT ADMITTED.

(a) "ADMISSION" DEFINED.—Paragraph (13) of section 101(a) (8 U.S.C. 1101(a)) is amended to read as follows:

"(13)(A) The terms 'admission' and 'admitted' mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

"(B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

"(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien—

"(i) has abandoned or relinquished that status,

"(ii) has been absent from the United States for a continuous period in excess of 180 days,

"(iii) has engaged in illegal activity after having departed the United States,

"(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

"(v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

"(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.".

(b) INADMISSIBILITY OF ALIENS PREVIOUSLY REMOVED AND UNLAWFULLY PRESENT.—

(1) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) ALIENS PREVIOUSLY REMOVED.—

"(A) CERTAIN ALIENS PREVIOUSLY REMOVED.—

"(i) ARRIVING ALIENS.—Any alien who has been ordered removed under section 235(b)(1) or at the end of proceedings under section 240 initiated upon the alien's arrival in the United States and who again seeks admission within 5 years of the date of such removal (or within 20 years in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

"(ii) OTHER ALIENS.—Any alien not described in clause (i) who—

"(I) has been ordered removed under section 240 or any other provision of law, or

"(II) departed the United States while an order of removal was outstanding, and who seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of such date in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

"(iii) EXCEPTION.—Clauses (i) and (ii) shall not apply to an alien seeking admission within a period if, prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, the Attorney General has consented to the alien's reapplying for admission.

"(B) ALIENS UNLAWFULLY PRESENT.—

"(i) IN GENERAL.—Any alien (other than an alien lawfully admitted for permanent residence) who—

"(I) was unlawfully present in the United States for a period of more than 180 days but less than 1 year, voluntarily departed the United States (whether or not pursuant to section 244(e)) prior to the commencement of proceedings under section 235(b)(1) or section 240, and again seeks admission within 3 years of the date of such alien's departure or removal, or

"(II) has been unlawfully present in the United States for one year or more, and who again seeks admission within 10 years of the date of such alien's departure or removal from the United States,

is inadmissible.

"(ii) CONSTRUCTION OF UNLAWFUL PRESENCE.—For purposes of this paragraph, an alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay authorized by the Attorney General or is present in the United States without being admitted or paroled.

"(iii) EXCEPTIONS.—

"(I) MINORS.—No period of time in which an alien is under 18 years of age shall be taken into account in determining the period of unlawful presence in the United States under clause (i).

"(II) ASYLEES.—No period of time in which an alien has a bona fide application for asylum pending under section 208 shall be taken into account in determining the period of unlawful presence in the United States under clause (i) unless the alien during such period was employed without authorization in the United States.

"(III) FAMILY UNITY.—No period of time in which the alien is a beneficiary of family unity protection pursuant to section 301 of the Immigration Act of 1990 shall be taken into account in determining the period of unlawful presence in the United States under clause (i).

"(IV) BATTERED WOMEN AND CHILDREN.—Clause (i) shall not apply to an alien who would be described in paragraph (6)(A)(ii) if 'violation of the terms of the alien's nonimmigrant visa' were substituted for 'unlawful entry into the United States' in subclause (III) of that paragraph.

"(iv) TOLLING FOR GOOD CAUSE.—In the case of an alien who—

"(I) has been lawfully admitted or paroled into the United States,

"(II) has filed a nonfrivolous application for a change or extension of status before the date of expiration of the period of stay authorized by the Attorney General, and

"(III) has not been employed without authorization in the United States before or during the pendency of such application,

the calculation of the period of time specified in clause (i)(I) shall be tolled during the pendency of such application, but not to exceed 120 days.

"(v) WAIVER.—The Attorney General has sole discretion to waive clause (i) in the case of an immigrant who is the spouse or son or daughter of a United States citizen or of an alien lawfully

admitted for permanent residence, if it is established to the satisfaction of the Attorney General that the refusal of admission to such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse or parent of such alien. No court shall have jurisdiction to review a decision or action by the Attorney General regarding a waiver under this clause.

"(C) ALIENS UNLAWFULLY PRESENT AFTER PREVIOUS IMMIGRATION VIOLATIONS.—

"(i) IN GENERAL.—Any alien who—

"(I) has been unlawfully present in the United States for an aggregate period of more than 1 year, or

"(II) has been ordered removed under section 235(b)(1), section 240, or any other provision of law,

and who enters or attempts to reenter the United States without being admitted is inadmissible.

"(ii) EXCEPTION.—Clause (i) shall not apply to an alien seeking admission more than 10 years after the date of the alien's last departure from the United States if, prior to the alien's reembarkation at a place outside the United States or attempt to be readmitted from a foreign contiguous territory, the Attorney General has consented to the alien's reapplying for admission.".

(2) LIMITATION ON CHANGE OF STATUS.—Section 248 (8 U.S.C. 1258) is amended by inserting "and who is not inadmissible under section 212(a)(9)(B)(i) (or whose inadmissibility under such section is waived under section 212(a)(9)(B)(v))" after "maintain that status".

(3) TREATMENT OF UNLAWFUL PRESENCE BEFORE EFFECTIVE DATE.—In applying section 212(a)(9)(B) of the Immigration and Nationality Act, as inserted by paragraph (1), no period before the title III–A effective date shall be included in a period of unlawful presence in the United States.

(c) REVISION TO GROUND OF INADMISSIBILITY FOR ILLEGAL ENTRANTS AND IMMIGRATION VIOLATORS.—

(1) IN GENERAL.—Subparagraphs (A) and (B) of section 212(a)(6) (8 U.S.C. 1182(a)(6)) are amended to read as follows:

"(A) ALIENS PRESENT WITHOUT ADMISSION OR PAROLE.—

"(i) IN GENERAL.—An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.

"(ii) EXCEPTION FOR CERTAIN BATTERED WOMEN AND CHILDREN.—Clause (i) shall not apply to an alien who demonstrates that—

"(I) the alien qualifies for immigrant status under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1),

"(II)(a) the alien has been battered or subjected to extreme cruelty by a spouse or parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (b) the alien's child has been battered or subjected to extreme cruelty by a spouse or parent of the alien (without the active participation of the alien in the battery or cruelty) or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented to or acquiesced in such battery or cruelty and the alien did not actively participate in such battery or cruelty, and

"(III) there was a substantial connection between the battery or cruelty described in subclause (I) or (II) and the alien's unlawful entry into the United States.

"(B) FAILURE TO ATTEND REMOVAL PROCEEDING.—Any alien who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability and who seeks admission to the United States within 5 years of such alien's subsequent departure or removal is inadmissible.".

(2) TRANSITION FOR BATTERED SPOUSE OR CHILD PROVISION.—The requirements of subclauses (II) and (III) of section 212(a)(6)(A)(ii) of the Immigration and Nationality Act, as inserted by paragraph (1), shall not apply to an alien who demonstrates that the alien first arrived in the United States before the title III–A effective date (described in section 309(a) of this division).

(d) ADJUSTMENT IN GROUNDS FOR DEPORTATION.—Section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2) of this division, is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "in the United States" and inserting "in and admitted to the United States";

(2) in subsection (a)(1), by striking "EXCLUDABLE" each place it appears and inserting "INADMISSIBLE";

(3) in subsection (a)(1)(A), by striking "excludable" and inserting "inadmissible"; and

(4) by amending subparagraph (B) of subsection (a)(1) to read as follows:

"(B) PRESENT IN VIOLATION OF LAW.—Any alien who is present in the United States in violation of this Act or any other law of the United States is deportable.

SEC. 302. INSPECTION OF ALIENS; EXPEDITED REMOVAL OF INADMISSIBLE ARRIVING ALIENS; REFERRAL FOR HEARING (REVISED SECTION 235).

(a) IN GENERAL.—Section 235 (8 U.S.C. 1225) is amended to read as follows:

"INSPECTION BY IMMIGRATION OFFICERS; EXPEDITED REMOVAL OF INADMISSIBLE ARRIVING ALIENS; REFERRAL FOR HEARING

"SEC. 235. (a) INSPECTION.—

"(1) ALIENS TREATED AS APPLICANTS FOR ADMISSION.—An alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for purposes of this Act an applicant for admission.

"(2) STOWAWAYS.—An arriving alien who is a stowaway is not eligible to apply for admission or to be admitted and shall be ordered removed upon inspection by an immigration officer. Upon such inspection if the alien indicates an intention to apply for asylum under section 208 or a fear of persecution, the officer shall refer the alien for an interview under subsection (b)(1)(B). A stowaway may apply for asylum only if the stowaway is found to have a credible fear of persecution under subsection (b)(1)(B). In no case may a stowaway be considered an applicant for admission or eligible for a hearing under section 240.

"(3) INSPECTION.—All aliens (including alien crewmen) who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers.

"(4) WITHDRAWAL OF APPLICATION FOR ADMISSION.—An alien applying for admission may, in the discretion of the Attorney General and at any time, be permitted to withdraw the application for admission and depart immediately from the United States.

"(5) STATEMENTS.—An applicant for admission may be required to state under oath any information sought by an immigration officer regarding the purposes and intentions of the applicant in seeking admission to the United States, including the applicant's intended length of stay and whether the applicant intends to remain permanently or become a United States citizen, and whether the applicant is inadmissible.

"(b) INSPECTION OF APPLICANTS FOR ADMISSION.—

"(1) INSPECTION OF ALIENS ARRIVING IN THE UNITED STATES AND CERTAIN OTHER ALIENS WHO HAVE NOT BEEN ADMITTED OR PAROLED.—

"(A) SCREENING.—

"(i) IN GENERAL.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States or is described in clause (iii) is inadmissible under section 212(a)(6)(C) or 212(a)(7), the officer shall order the alien removed from the United States without further hearing or review unless the alien indicates either an intention to apply for asylum under section 208 or a fear of persecution.

"(ii) CLAIMS FOR ASYLUM.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States or is described in clause (iii) is inadmissible under section 212(a)(6)(C) or 212(a)(7) and the alien indicates either an intention to apply for asylum under section 208 or a fear of persecution, the officer shall refer the alien for an interview by an asylum officer under subparagraph (B).

"(iii) APPLICATION TO CERTAIN OTHER ALIENS.—

"(I) IN GENERAL.—The Attorney General may apply clauses (i) and (ii) of this subparagraph to any or all aliens described in subclause (II) as designated by the Attorney General. Such designation shall be in the sole and unreviewable discretion of the Attorney General and may be modified at any time.

"(II) ALIENS DESCRIBED.—An alien described in this clause is an alien who is not described in subparagraph (F), who has not been admitted or paroled into the United States, and who has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility under this subparagraph.

"(B) ASYLUM INTERVIEWS.—

"(i) CONDUCT BY ASYLUM OFFICERS.—An asylum officer shall conduct interviews of aliens referred under subparagraph (A)(ii), either at a port of entry or at such other place designated by the Attorney General.

"(ii) REFERRAL OF CERTAIN ALIENS.—If the officer determines at the time of the interview that an alien has a credible fear of persecution (within the meaning of clause (v)), the alien shall be detained for further consideration of the application for asylum.

"(iii) REMOVAL WITHOUT FURTHER REVIEW IF NO CREDIBLE FEAR OF PERSECUTION.—

"(I) IN GENERAL.—Subject to subclause (III), if the officer determines that an alien does not have a credible fear of persecution, the officer shall order the alien removed from the United States without further hearing or review.

"(II) RECORD OF DETERMINATION.—The officer shall prepare a written record of a determination under subclause (I). Such record shall include a summary of the material facts as stated by the applicant, such additional facts (if any) relied upon by the officer, and the officer's analysis of why, in the light of such facts, the alien has not established a credible fear of persecution. A copy of the officer's interview notes shall be attached to the written summary.

"(III) REVIEW OF DETERMINATION.—The Attorney General shall provide by regulation and upon the alien's request for prompt review by an immigration judge of a determination under subclause (I) that the alien does not have a credible fear of persecution. Such review shall include an opportunity for the alien to be heard and questioned by the immigration judge, either in

person or by telephonic or video connection. Review shall be concluded as expeditiously as possible, to the maximum extent practicable within 24 hours, but in no case later than 7 days after the date of the determination under subclause (I).

"(IV) MANDATORY DETENTION.—Any alien subject to the procedures under this clause shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed.

"(iv) INFORMATION ABOUT INTERVIEWS.—The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not unreasonably delay the process.

"(v) CREDIBLE FEAR OF PERSECUTION DEFINED.—For purposes of this subparagraph, the term 'credible fear of persecution' means that there is a significant possibility, taking into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

"(C) LIMITATION ON ADMINISTRATIVE REVIEW.—Except as provided in subparagraph (B)(iii)(III), a removal order entered in accordance with subparagraph (A)(i) or (B)(iii)(I) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order under subparagraph (A)(i) against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence, to have been admitted as a refugee under section 207, or to have been granted asylum under section 208.

"(D) LIMIT ON COLLATERAL ATTACKS.—In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of removal entered under subparagraph (A)(i) or (B)(iii).

"(E) ASYLUM OFFICER DEFINED.—As used in this paragraph, the term 'asylum officer' means an immigration officer who—

"(i) has had professional training in country conditions, asylum law, and interview techniques comparable to that provided to full-time adjudicators of applications under section 208, and

"(ii) is supervised by an officer who meets the condition described in clause (i) and has had substantial experience adjudicating asylum applications.

"(F) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations and who arrives by aircraft at a port of entry.

"(2) INSPECTION OF OTHER ALIENS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 240.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien—

"(i) who is a crewman,

"(ii) to whom paragraph (1) applies, or

"(iii) who is a stowaway.

"(C) TREATMENT OF ALIENS ARRIVING FROM CONTIGUOUS TERRITORY.—In the case of an alien described in subparagraph (A) who is arriving on land (whether or not at a designated port of arrival) from a foreign territory contiguous to the United States, the Attorney General may return the alien to that territory pending a proceeding under section 240.

"(3) CHALLENGE OF DECISION.—The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose privilege to be admitted is so challenged, before an immigration judge for a proceeding under section 240.

"(c) REMOVAL OF ALIENS INADMISSIBLE ON SECURITY AND RELATED GROUNDS.—

"(1) REMOVAL WITHOUT FURTHER HEARING.—If an immigration officer or an immigration judge suspects that an arriving alien may be inadmissible under subparagraph (A) (other than clause (ii)), (B), or (C) of section 212(a)(3), the officer or judge shall—

"(A) order the alien removed, subject to review under paragraph (2);

"(B) report the order of removal to the Attorney General; and

"(C) not conduct any further inquiry or hearing until ordered by the Attorney General.

"(2) REVIEW OF ORDER.—(A) The Attorney General shall review orders issued under paragraph (1).

"(B) If the Attorney General—

"(i) is satisfied on the basis of confidential information that the alien is inadmissible under subparagraph (A) (other than clause (ii)), (B), or (C) of section 212(a)(3), and

"(ii) after consulting with appropriate security agencies of the United States Government, concludes that disclosure of the information would be prejudicial to the public interest, safety, or security,

the Attorney General may order the alien removed without further inquiry or hearing by an immigration judge.

"(C) If the Attorney General does not order the removal of the alien under subparagraph (B), the Attorney General shall specify the further inquiry or hearing that shall be conducted in the case.

"(3) SUBMISSION OF STATEMENT AND INFORMATION.—The alien or the alien's representative may submit a written statement and additional information for consideration by the Attorney General.

"(d) AUTHORITY RELATING TO INSPECTIONS.—

"(1) AUTHORITY TO SEARCH CONVEYANCES.—Immigration officers are authorized to board and search any vessel, aircraft, railway car, or other conveyance or vehicle in which they believe aliens are being brought into the United States.

"(2) AUTHORITY TO ORDER DETENTION AND DELIVERY OF ARRIVING ALIENS.—Immigration officers are authorized to order an owner, agent, master, commanding officer, person in charge, purser, or consignee of a vessel or aircraft bringing an alien (except an alien crewmember) to the United States—

"(A) to detain the alien on the vessel or at the airport of arrival, and

"(B) to deliver the alien to an immigration officer for inspection or to a medical officer for examination.

"(3) ADMINISTRATION OF OATH AND CONSIDERATION OF EVIDENCE.—The Attorney General and any immigration officer shall have power to administer oaths and to take and consider evidence of or from any person touching the privilege of any alien or person he believes or suspects to be an alien to enter, reenter, transit through, or reside in the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service.

"(4) SUBPOENA AUTHORITY.—(A) The Attorney General and any immigration officer shall have power to require by subpoena the attendance and testimony of witnesses before immigration officers and the production of books, papers, and documents relating to the privilege of any person to enter, reenter, reside in, or pass through the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service, and to that end may invoke the aid of any court of the United States.

"(B) Any United States district court within the jurisdiction of which investigations or inquiries are being conducted by an immigration officer may, in the event of neglect or refusal to respond to a subpoena issued under this paragraph or refusal to testify before an immigration officer, issue an order requiring such persons to appear before an immigration officer, produce books, papers, and documents if demanded, and testify, and any failure to obey such order of the court may be punished by the court as a contempt thereof.".

(b) GAO STUDY ON OPERATION OF EXPEDITED REMOVAL PROCEDURES.—

(1) STUDY.—The Comptroller General shall conduct a study on the implementation of the expedited removal procedures under section 235(b)(1) of the Immigration and Nationality Act, as amended by subsection (a). The study shall examine—

(A) the effectiveness of such procedures in deterring illegal entry,

(B) the detention and adjudication resources saved as a result of the procedures,

(C) the administrative and other costs expended to comply with the provision,

(D) the effectiveness of such procedures in processing asylum claims by undocumented aliens who assert a fear of persecution, including the accuracy of credible fear determinations, and

(E) the cooperation of other countries and air carriers in accepting and returning aliens removed under such procedures.

(2) REPORT.—By not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the study conducted under paragraph (1).

SEC. 303. APPREHENSION AND DETENTION OF ALIENS (REVISED SECTION 236).

(a) IN GENERAL.—Section 236 (8 U.S.C. 1226) is amended to read as follows:

"APPREHENSION AND DETENTION OF ALIENS

"SEC. 236. (a) ARREST, DETENTION, AND RELEASE.—On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General—

"(1) may continue to detain the arrested alien; and

"(2) may release the alien on—

"(A) bond of at least $1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or

"(B) conditional parole; but

"(3) may not provide the alien with work authorization (including an 'employment authorized' endorsement or other appropriate work permit), unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

"(b) REVOCATION OF BOND OR PAROLE.—The Attorney General at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien.

"(c) DETENTION OF CRIMINAL ALIENS.—

"(1) CUSTODY.—The Attorney General shall take into custody any alien who—

"(A) is inadmissible by reason of having committed any offense covered in section 212(a)(2),

"(B) is deportable by reason of having committed any offense covered in section 237(a)(2)(A)(ii), (A)(iii), (B), (C), or (D),

"(C) is deportable under section 237(a)(2)(A)(i) on the basis of an offense for which the alien has been sentence to a term of imprisonment of at least 1 year, or

"(D) is inadmissible under section 212(a)(3)(B) or deportable under section 237(a)(4)(B),

when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

"(2) RELEASE.—The Attorney General may release an alien described in paragraph (1) only if the Attorney General decides pursuant to section 3521 of title 18, United States Code, that release of the alien from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and the alien satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding. A decision relating to such release shall take place in accordance with a procedure that considers the severity of the offense committed by the alien.

"(d) IDENTIFICATION OF CRIMINAL ALIENS.—(1) The Attorney General shall devise and implement a system—

"(A) to make available, daily (on a 24-hour basis), to Federal, State, and local authorities the investigative resources of the Service to determine whether individuals arrested by such authorities for aggravated felonies are aliens;

"(B) to designate and train officers and employees of the Service to serve as a liaison to Federal, State, and local law enforcement and correctional agencies and courts with respect to the arrest, conviction, and release of any alien charged with an aggravated felony; and

"(C) which uses computer resources to maintain a current record of aliens who have been convicted of an aggravated felony, and indicates those who have been removed.

"(2) The record under paragraph (1)(C) shall be made available—

"(A) to inspectors at ports of entry and to border patrol agents at sector headquarters for purposes of immediate identification of any alien who was previously ordered removed and is seeking to reenter the United States, and

"(B) to officials of the Department of State for use in its automated visa lookout system.

"(3) Upon the request of the governor or chief executive officer of any State, the Service shall provide assistance to State courts in the identification of aliens unlawfully present in the United States pending criminal prosecution.

"(e) JUDICIAL REVIEW.—The Attorney General's discretionary judgment regarding the application of this section shall not be subject to review. No court may set aside any action or decision by the Attorney General under this section regarding the detention or release of any alien or the grant, revocation, or denial of bond or parole.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective on the title III–A effective date.

(2) NOTIFICATION REGARDING CUSTODY.—If the Attorney General, not later than 10 days after the date of the enactment of this Act, notifies in writing the Committees on the Judiciary of the House of Representatives and the Senate that there is insufficient detention space and Immigration and Naturalization Service personnel available to carry out section 236(c) of the Immigration and Nationality Act, as amended by subsection (a), or the amendments made by section 440(c) of Public Law 104–132, the provisions in paragraph (3) shall be in effect for a 1-year period beginning on the date of such notification, instead of such section or such amendments. The Attorney General may extend such 1-year period for an additional year if the Attorney General provides the same notice not later than 10 days before the end of the first 1-year period. After the end of such 1-year or 2-year periods, the provisions of such section 236(c) shall apply to individuals released after such periods.

(3) TRANSITION PERIOD CUSTODY RULES.—

(A) IN GENERAL.—During the period in which this paragraph is in effect pursuant to paragraph (2), the Attorney General shall take into custody any alien who—

(i) has been convicted of an aggravated felony (as defined under section 101(a)(43) of the Immigration and Nationality Act, as amended by section 321 of this division),

(ii) is inadmissible by reason of having committed any offense covered in section 212(a)(2) of such Act,

(iii) is deportable by reason of having committed any offense covered in section 241(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) of such Act (before redesignation under this subtitle), or

(iv) is inadmissible under section 212(a)(3)(B) of such Act or deportable under section 241(a)(4)(B) of such Act (before redesignation under this subtitle),

when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

(B) RELEASE.—The Attorney General may release the alien only if the alien is an alien described in subparagraph (A)(ii) or (A)(iii) and—

(i) the alien was lawfully admitted to the United States and satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding, or

(ii) the alien was not lawfully admitted to the United States, cannot be removed because the designated country of removal will not accept the alien, and satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding.

SEC. 304. REMOVAL PROCEEDINGS; CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE (REVISED AND NEW SECTIONS 239 TO 240C).

(a) IN GENERAL.—Chapter 4 of title II is amended—

(1) by redesignating section 239 (8 U.S.C. 1229) as section 234 and by moving such section to immediately follow section 233;

(2) by redesignating section 240 (8 U.S.C. 1230) as section 240C; and

(3) by inserting after section 238 the following new sections:

"INITIATION OF REMOVAL PROCEEDINGS

"SEC. 239. (a) NOTICE TO APPEAR.—

"(1) IN GENERAL.—In removal proceedings under section 240, written notice (in this section referred to as a 'notice to appear') shall be given in person to the alien (or, if personal service is not practicable, through service by mail to the alien or to the alien's counsel of record, if any) specifying the following:

"(A) The nature of the proceedings against the alien.

"(B) The legal authority under which the proceedings are conducted.

"(C) The acts or conduct alleged to be in violation of law.

"(D) The charges against the alien and the statutory provisions alleged to have been violated.

"(E) The alien may be represented by counsel and the alien will be provided (i) a period of time to secure counsel under subsection (b)(1) and (ii) a current list of counsel prepared under subsection (b)(2).

"(F)(i) The requirement that the alien must immediately provide (or have provided) the Attorney General with a written record of an address and telephone number (if any) at which the alien may be contacted respecting proceedings under section 240.

"(ii) The requirement that the alien must provide the Attorney General immediately with a written record of any change of the alien's address or telephone number.

"(iii) The consequences under section 240(b)(5) of failure to provide address and telephone information pursuant to this subparagraph.

"(G)(i) The time and place at which the proceedings will be held.

"(ii) The consequences under section 240(b)(5) of the failure, except under exceptional circumstances, to appear at such proceedings.

"(2) NOTICE OF CHANGE IN TIME OR PLACE OF PROCEEDINGS.—

"(A) IN GENERAL.—In removal proceedings under section 240, in the case of any change or postponement in the time and place of such proceedings, subject to subparagraph (B) a written notice shall be given in person to the alien (or, if personal service is not practicable, through service by mail to the alien or to the alien's counsel of record, if any) specifying—

"(i) the new time or place of the proceedings, and

"(ii) the consequences under section 240(b)(5) of failing, except under exceptional circumstances, to attend such proceedings.

"(B) EXCEPTION.—In the case of an alien not in detention, a written notice shall not be required under this paragraph if the alien has failed to provide the address required under paragraph (1)(F).

"(3) CENTRAL ADDRESS FILES.—The Attorney General shall create a system to record and preserve on a timely basis notices of addresses and telephone numbers (and changes) provided under paragraph (1)(F).

"(b) SECURING OF COUNSEL.—

"(1) IN GENERAL.—In order that an alien be permitted the opportunity to secure counsel before the first hearing date in proceedings under section 240, the hearing date shall not be scheduled earlier than 10 days after the service of the notice to appear, unless the alien requests in writing an earlier hearing date.

"(2) CURRENT LISTS OF COUNSEL.—The Attorney General shall provide for lists (updated not less often than quarterly) of persons who have indicated their availability to represent pro bono aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent the Attorney General from proceeding against an alien pursuant to section 240 if the time period described in paragraph (1) has elapsed and the alien has failed to secure counsel.

"(c) SERVICE BY MAIL.—Service by mail under this section shall be sufficient if there is proof of attempted delivery to the last address provided by the alien in accordance with subsection (a)(1)(F).

"(d) PROMPT INITIATION OF REMOVAL.—(1) In the case of an alien who is convicted of an offense which makes the alien deportable, the Attorney General shall begin any removal proceeding as expeditiously as possible after the date of the conviction.

"(2) Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

"REMOVAL PROCEEDINGS

"SEC. 240. (a) PROCEEDING.—

"(1) IN GENERAL.—An immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of an alien.

"(2) CHARGES.—An alien placed in proceedings under this section may be charged with any applicable ground of inadmissibility under section 212(a) or any applicable ground of deportability under section 237(a).

"(3) EXCLUSIVE PROCEDURES.—Unless otherwise specified in this Act, a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States or, if the alien has been so admitted, removed from the United States. Nothing in this section shall affect proceedings conducted pursuant to section 238.

"(b) CONDUCT OF PROCEEDING.—

"(1) AUTHORITY OF IMMIGRATION JUDGE.—The immigration judge shall administer oaths, receive evidence, and interrogate, examine, and cross-examine the alien and any witnesses. The immigration judge may issue subpoenas for the attendance of witnesses and presentation of evidence. The immigration judge shall have authority (under regulations prescribed by the Attorney General) to sanction by civil money penalty any action (or inaction) in contempt of the judge's proper exercise of authority under this Act.

"(2) FORM OF PROCEEDING.—

"(A) IN GENERAL.—The proceeding may take place—

"(i) in person,

"(ii) where agreed to by the parties, in the absence of the alien,

"(iii) through video conference, or

"(iv) subject to subparagraph (B), through telephone conference.

"(B) CONSENT REQUIRED IN CERTAIN CASES.—An evidentiary hearing on the merits may only be conducted through a telephone conference with the consent of the alien involved after the alien has been advised of the right to proceed in person or through video conference.

"(3) PRESENCE OF ALIEN.—If it is impracticable by reason of an alien's mental incompetency for the alien to be present at the proceeding, the Attorney General shall prescribe safeguards to protect the rights and privileges of the alien.

"(4) ALIENS RIGHTS IN PROCEEDING.—In proceedings under this section, under regulations of the Attorney General—

"(A) the alien shall have the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in such proceedings,

"(B) the alien shall have a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien's own behalf, and to cross-examine witnesses presented by the Government but these rights shall not entitle the alien to examine such national security information as the Government may proffer in opposition to the alien's admission to the United States or to an application by the alien for discretionary relief under this Act, and

"(C) a complete record shall be kept of all testimony and evidence produced at the proceeding.

"(5) CONSEQUENCES OF FAILURE TO APPEAR.—

"(A) IN GENERAL.—Any alien who, after written notice required under paragraph (1) or (2) of section 239(a) has been provided to the alien or the alien's counsel of record, does not attend a proceeding under this section, shall be ordered removed in absentia if the Service establishes by clear, unequivocal, and convincing evidence that the written notice was so provided and that the alien is removable (as defined in subsection (e)(2)). The written notice by the Attorney General shall be considered sufficient for purposes of this subparagraph if provided at the most recent address provided under section 239(a)(1)(F).

"(B) NO NOTICE IF FAILURE TO PROVIDE ADDRESS INFORMATION.—No written notice shall be required under subparagraph (A) if the alien has failed to provide the address required under section 239(a)(1)(F).

"(C) RESCISSION OF ORDER.—Such an order may be rescinded only—

"(i) upon a motion to reopen filed within 180 days after the date of the order of removal if the alien demonstrates that the failure to appear was because of exceptional circumstances (as defined in subsection (e)(1)), or

"(ii) upon a motion to reopen filed at any time if the alien demonstrates that the alien did not receive notice in accordance with paragraph (1) or (2) of section 239(a) or the alien demonstrates that the alien was in Federal or State custody and the failure to appear was through no fault of the alien.

The filing of the motion to reopen described in clause (i) or (ii) shall stay the removal of the alien pending disposition of the motion by the immigration judge.

"(D) EFFECT ON JUDICIAL REVIEW.—Any petition for review under section 242 of an order entered in absentia under this paragraph shall (except in cases described in section 242(b)(5)) be confined to (i) the validity of the notice provided to the alien, (ii) the reasons for the alien's not attending the proceeding, and (iii) whether or not the alien is removable.

"(E) ADDITIONAL APPLICATION TO CERTAIN ALIENS IN CONTIGUOUS TERRITORY.—The preceding provisions of this paragraph shall apply to all aliens placed in proceedings under this section, including any alien who remains in a contiguous foreign territory pursuant to section 235(b)(2)(C).

"(6) TREATMENT OF FRIVOLOUS BEHAVIOR.—The Attorney General shall, by regulation—

"(A) define in a proceeding before an immigration judge or before an appellate administrative body under this title, frivolous behavior for which attorneys may be sanctioned,

"(B) specify the circumstances under which an administrative appeal of a decision or ruling will be considered frivolous and will be summarily dismissed, and

"(C) impose appropriate sanctions (which may include suspension and disbarment) in the case of frivolous behavior.

Nothing in this paragraph shall be construed as limiting the authority of the Attorney General to take actions with respect to inappropriate behavior.

"(7) LIMITATION ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR.—Any alien against whom a final order of removal is entered in absentia under this subsection and who, at the time of the notice described in paragraph (1) or (2) of section 239(a), was provided oral notice, either in the alien's native language or in another language the alien understands, of the time and place of the proceedings and of the consequences under this paragraph of failing, other than because of exceptional circumstances (as defined in subsection (e)(1)) to attend a proceeding under this section, shall not be eligible for relief under section 240A, 240B, 245, 248, or 249 for a period of 10 years after the date of the entry of the final order of removal.

"(c) DECISION AND BURDEN OF PROOF.—

"(1) DECISION.—

"(A) IN GENERAL.—At the conclusion of the proceeding the immigration judge shall decide whether an alien is removable from the United States. The determination of the immigration judge shall be based only on the evidence produced at the hearing.

"(B) CERTAIN MEDICAL DECISIONS.—If a medical officer or civil surgeon or board of medical officers has certified under section 232(b) that an alien has a disease, illness, or addiction which would make the alien inadmissible under paragraph (1) of section 212(a), the decision of the immigration judge shall be based solely upon such certification.

"(2) BURDEN ON ALIEN.—In the proceeding the alien has the burden of establishing—

"(A) if the alien is an applicant for admission, that the alien is clearly and beyond doubt entitled to be admitted and is not inadmissible under section 212; or

"(B) by clear and convincing evidence, that the alien is lawfully present in the United States pursuant to a prior admission.

In meeting the burden of proof under subparagraph (B), the alien shall have access to the alien's visa or other entry document, if any, and any other records and documents, not considered by the Attorney General to be confidential, pertaining to the alien's admission or presence in the United States.

"(3) BURDEN ON SERVICE IN CASES OF DEPORTABLE ALIENS.—

"(A) IN GENERAL.—In the proceeding the Service has the burden of establishing by clear and convincing evidence that, in the case of an alien who has been admitted to the United States, the alien is deportable. No decision on deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence.

"(B) PROOF OF CONVICTIONS.—In any proceeding under this Act, any of the following documents or records (or a certified copy of such an official document or record) shall constitute proof of a criminal conviction:

"(i) An official record of judgment and conviction.

"(ii) An official record of plea, verdict, and sentence.

"(iii) A docket entry from court records that indicates the existence of the conviction.

"(iv) Official minutes of a court proceeding or a transcript of a court hearing in which the court takes notice of the existence of the conviction.

"(v) An abstract of a record of conviction prepared by the court in which the conviction was entered, or by a State official associated with the State's repository of criminal justice records, that indicates the charge or section of law violated, the disposition of the case, the existence and date of conviction, and the sentence.

"(vi) Any document or record prepared by, or under the direction of, the court in which the conviction was entered that indicates the existence of a conviction.

"(vii) Any document or record attesting to the conviction that is maintained by an official of a State or Federal penal institution, which is the basis for that institution's authority to assume custody of the individual named in the record.

"(C) ELECTRONIC RECORDS.—In any proceeding under this Act, any record of conviction or abstract that has been submitted by electronic means to the Service from a State or court shall be admissible as evidence to prove a criminal conviction if it is—

"(i) certified by a State official associated with the State's repository of criminal justice records as an official record from its repository or by a court official from the court in which the conviction was entered as an official record from its repository, and

"(ii) certified in writing by a Service official as having been received electronically from the

State's record repository or the court's record repository.

A certification under clause (i) may be by means of a computer-generated signature and statement of authenticity.

"(4) NOTICE.—If the immigration judge decides that the alien is removable and orders the alien to be removed, the judge shall inform the alien of the right to appeal that decision and of the consequences for failure to depart under the order of removal, including civil and criminal penalties.

"(5) MOTIONS TO RECONSIDER.—

"(A) IN GENERAL.—The alien may file one motion to reconsider a decision that the alien is removable from the United States.

"(B) DEADLINE.—The motion must be filed within 30 days of the date of entry of a final administrative order of removal.

"(C) CONTENTS.—The motion shall specify the errors of law or fact in the previous order and shall be supported by pertinent authority.

"(6) MOTIONS TO REOPEN.—

"(A) IN GENERAL.—An alien may file one motion to reopen proceedings under this section.

"(B) CONTENTS.—The motion to reopen shall state the new facts that will be proven at a hearing to be held if the motion is granted, and shall be supported by affidavits or other evidentiary material.

"(C) DEADLINE.—

"(i) IN GENERAL.—Except as provided in this subparagraph, the motion to reopen shall be filed within 90 days of the date of entry of a final administrative order of removal.

"(ii) ASYLUM.—There is no time limit on the filing of a motion to reopen if the basis of the motion is to apply for relief under sections 208 or 241(b)(3) and is based on changed country conditions arising in the country of nationality or the country to which removal has been ordered, if such evidence is material and was not available and would not have been discovered or presented at the previous proceeding.

"(iii) FAILURE TO APPEAR.—The filing of a motion to reopen an order entered pursuant to subsection (b)(5) is subject to the deadline specified in subparagraph (C) of such subsection.

"(d) STIPULATED REMOVAL.—The Attorney General shall provide by regulation for the entry by an immigration judge of an order of removal stipulated to by the alien (or the alien's representative) and the Service. A stipulated order shall constitute a conclusive determination of the alien's removability from the United States.

"(e) DEFINITIONS.—In this section and section 240A:

"(1) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional circumstances' refers to exceptional circumstances (such as serious illness of the alien or serious illness or death of the spouse, child, or parent of the alien, but not including less compelling circumstances) beyond the control of the alien.

"(2) REMOVABLE.—The term 'removable' means—

"(A) in the case of an alien not admitted to the United States, that the alien is inadmissible under section 212, or

"(B) in the case of an alien admitted to the United States, that the alien is deportable under section 237.

"CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS

"SEC. 240A. (a) CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENTS.—The Attorney General may cancel removal in the case of an alien who is inadmissible or deportable from the United States if the alien—

"(1) has been an alien lawfully admitted for permanent residence for not less than 5 years,

"(2) has resided in the United States continuously for 7 years after having been admitted in any status, and

"(3) has not been convicted of any aggravated felony.

"(b) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—

"(1) IN GENERAL.—The Attorney General may cancel removal in the case of an alien who is inadmissible or deportable from the United States if the alien—

"(A) has been physically present in the United States for a continuous period of not less than 10 years immediately preceding the date of such application;

"(B) has been a person of good moral character during such period;

"(C) has not been convicted of an offense under section 212(a)(2), 237(a)(2), or 237(a)(3); and

"(D) establishes that removal would result in exceptional and extremely unusual hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—The Attorney General may cancel removal in the case of an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

"(A) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child of a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent);

"(B) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application;

"(C) the alien has been a person of good moral character during such period;

"(D) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraph (1)(G) or (2) through (4) of section 237(a), and has not been convicted of an aggravated felony; and

"(E) the removal would result in extreme hardship to the alien, the alien's child, or (in the case of an alien who is a child) to the alien's parent.

In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.

"(3) ADJUSTMENT OF STATUS.—The Attorney General may adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General determines meets the requirements of paragraph (1) or (2). The number of adjustments under this paragraph shall not exceed 4,000 for any fiscal year. The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General's cancellation of removal under paragraph (1) or (2) or determination under this paragraph.

"(c) ALIENS INELIGIBLE FOR RELIEF.—The provisions of subsections (a) and (b)(1) shall not apply to any of the following aliens:

"(1) An alien who entered the United States as a crewman subsequent to June 30, 1964.

"(2) An alien who was admitted to the United States as a nonimmigrant exchange alien as defined in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant exchange alien after admission, in order to receive graduate medical education or training, regardless of whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e).

"(3) An alien who—

"(A) was admitted to the United States as a nonimmigrant exchange alien as defined in section 101(a)(15)(J) or has acquired the status of such a nonimmigrant exchange alien after admission other than to receive graduate medical education or training,

"(B) is subject to the two-year foreign residence requirement of section 212(e), and

"(C) has not fulfilled that requirement or received a waiver thereof.

"(4) An alien who is inadmissible under section 212(a)(3) or deportable under section 237(a)(4).

"(5) An alien who is described in section 241(b)(3)(B)(i).

"(6) An alien whose removal has previously been cancelled under this section or whose deportation was suspended under section 244(a) or who has been granted relief under section 212(c), as such sections were in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

"(d) SPECIAL RULES RELATING TO CONTINUOUS RESIDENCE OR PHYSICAL PRESENCE.—

"(1) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served a notice to appear under section 239(a) or when the alien has committed an offense referred to in section 212(a)(2) that renders the alien inadmissible to the United States under section 212(a)(2) or removable from the United States under section 237(a)(2) or 237(a)(4), whichever is earliest.

"(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsections (b)(1) and (b)(2) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

"(3) CONTINUITY NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States under subsections (a) and (b) shall not apply to an alien who—

"(A) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

"(B) at the time of the alien's enlistment or induction was in the United States.

"(e) ANNUAL LIMITATION.—The Attorney General may not cancel the removal and adjust the status under this section, nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), of a total of more than 4,000 aliens in any fiscal year. The previous sentence shall apply regardless of when an alien applied for such cancellation and adjustment and whether such an alien had previously applied for suspension of deportation under such section 244(a).

"VOLUNTARY DEPARTURE

"SEC. 240B. (a) CERTAIN CONDITIONS.—

"(1) IN GENERAL.—The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, in lieu of being subject to proceedings under section 240 or prior to the completion of such proceedings, if the alien is not deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)(B).

"(2) PERIOD.—Permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

"(3) BOND.—The Attorney General may require an alien permitted to depart voluntarily under this subsection to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

"(4) TREATMENT OF ALIENS ARRIVING IN THE UNITED STATES.—In the case of an alien who is arriving in the United States and with respect to whom proceedings under section 240 are (or would otherwise be) initiated at the time of such alien's arrival, paragraph (1) shall not apply. Nothing in this paragraph shall be construed as preventing such an alien from withdrawing the application for admission in accordance with section 235(a)(4).

"(b) AT CONCLUSION OF PROCEEDINGS.—

"(1) IN GENERAL.—The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense if, at the conclusion of a proceeding under section 240, the immigration judge enters an order granting voluntary departure in lieu of removal and finds that—

"(A) the alien has been physically present in the United States for a period of at least one year immediately preceding the date the notice to appear was served under section 239(a);

"(B) the alien is, and has been, a person of good moral character for at least 5 years immediately preceding the alien's application for voluntary departure;

"(C) the alien is not deportable under section 237(a)(2)(A)(iii) or section 237(a)(4); and

"(D) the alien has established by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

"(2) PERIOD.—Permission to depart voluntarily under this subsection shall not be valid for a period exceeding 60 days.

"(3) BOND.—An alien permitted to depart voluntarily under this subsection shall be required to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

"(c) ALIENS NOT ELIGIBLE.—The Attorney General shall not permit an alien to depart voluntarily under this section if the alien was previously permitted to so depart after having been found inadmissible under section 212(a)(6)(A).

"(d) CIVIL PENALTY FOR FAILURE TO DEPART.—If an alien is permitted to depart voluntarily under this section and fails voluntarily to depart the United States within the time period specified, the alien shall be subject to a civil penalty of not less than $1,000 and not more than $5,000, and be ineligible for a period of 10 years for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(e) ADDITIONAL CONDITIONS.—The Attorney General may by regulation limit eligibility for voluntary departure under this section for any class or classes of aliens. No court may review any regulation issued under this subsection.

"(f) JUDICIAL REVIEW.—No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure under subsection (b), nor shall any court order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.".

(b) REPEAL OF SECTION 212(c).—Section 212(c) (8 U.S.C. 1182(c)) is repealed.

(c) STREAMLINING REMOVAL OF CRIMINAL ALIENS.—

(1) IN GENERAL.—Section 242A(b)(4) (8 U.S.C. 1252a(b)(4)), as amended by section 442(a) of Public Law 104–132 and before redesignation by section 308(b)(5) of this division, is amended—

(A) by striking subparagraph (D);

(B) by amending subparagraph (E) to read as follows:

"(D) a determination is made for the record that the individual upon whom the notice for the proceeding under this section is served (either in person or by mail) is, in fact, the alien named in such notice;"; and

(C) by redesignating subparagraphs (F) and (G) as subparagraph (E) and (F), respectively.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of section 442(a) of Public Law 104–132.

SEC. 305. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED (NEW SECTION 241).

(a) IN GENERAL.—Title II is further amended—

(1) by striking section 237 (8 U.S.C. 1227),

(2) by redesignating section 241 (8 U.S.C. 1251) as section 237 and by moving such section to immediately follow section 236, and

(3) by inserting after section 240C (as redesignated by section 304(a)(2)) of this division the following new section:

"DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED

"SEC. 241. (a) DETENTION, RELEASE, AND REMOVAL OF ALIENS ORDERED REMOVED.—

"(1) REMOVAL PERIOD.—

"(A) IN GENERAL.—Except as otherwise provided in this section, when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the 'removal period').

"(B) BEGINNING OF PERIOD.—The removal period begins on the latest of the following:

"(i) The date the order of removal becomes administratively final.

"(ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order.

"(iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal subject to an order of removal.

"(2) DETENTION.—During the removal period, the Attorney General shall detain the alien. Under no circumstance during the removal period shall the Attorney General release an alien who has been found inadmissible under section 212(a)(2) or 212(a)(3)(B) or deportable under section 237(a)(2) or 237(a)(4)(B).

"(3) SUPERVISION AFTER 90-DAY PERIOD.—If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien—

"(A) to appear before an immigration officer periodically for identification;

"(B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;

"(C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and

"(D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien.

"(4) ALIENS IMPRISONED, ARRESTED, OR ON PAROLE, SUPERVISED RELEASE, OR PROBATION.—

"(A) IN GENERAL.—Except as provided in section 343(a) of the Public Health Service Act (42 U.S.C. 259(a)) and paragraph (2), the Attorney General may not remove an alien who is sentenced to imprisonment until the alien is released from imprisonment. Parole, supervised release, probation, or possibility of arrest or further imprisonment is not a reason to defer removal.

"(B) EXCEPTION FOR REMOVAL OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.—The Attorney General is authorized to remove an alien in accordance with applicable procedures under this Act before the alien has completed a sentence of imprisonment—

"(i) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense related to smuggling or harboring of aliens or an offense described in section 101(a)(43)(B), (C), (E), (I), or (L) and (II) the removal of the alien is appropriate and in the best interest of the United States; or

"(ii) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense described in section 101(a)(43)(C) or (E)), (II) the removal is appropriate and in the best interest of the State, and (III) submits a written request to the Attorney General that such alien be so removed.

"(C) NOTICE.—Any alien removed pursuant to this paragraph shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens removed under subparagraph (B).

"(D) NO PRIVATE RIGHT.—No cause or claim may be asserted under this paragraph against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

"(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—If the Attorney General finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, the alien is not eligible and may not apply for any relief under this Act, and the alien shall be removed under the prior order at any time after the reentry.

"(6) INADMISSIBLE OR CRIMINAL ALIENS.—An alien ordered removed who is inadmissible under section 212, removable under section 237(a)(1)(C), 237(a)(2), or 237(a)(4) or who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period and, if released, shall be subject to the terms of supervision in paragraph (3).

"(7) EMPLOYMENT AUTHORIZATION.—No alien ordered removed shall be eligible to receive authorization to be employed in the United States unless the Attorney General makes a specific finding that—

"(A) the alien cannot be removed due to the refusal of all countries designated by the alien or under this section to receive the alien, or

"(B) the removal of the alien is otherwise impracticable or contrary to the public interest.

"(b) COUNTRIES TO WHICH ALIENS MAY BE REMOVED.—

"(1) ALIENS ARRIVING AT THE UNITED STATES.—Subject to paragraph (3)—

"(A) IN GENERAL.—Except as provided by subparagraphs (B) and (C), an alien who arrives at the United States and with respect to whom proceedings under section 240 were initiated at the time of such alien's arrival shall be removed to the country in which the alien boarded the vessel or aircraft on which the alien arrived in the United States.

"(B) TRAVEL FROM CONTIGUOUS TERRITORY.—If the alien boarded the vessel or aircraft on which the alien arrived in the United States in a foreign territory contiguous to the United States, an island adjacent to the United States, or an island adjacent to a foreign territory contiguous to the United States, and the alien is not a native, citizen, subject, or national of, or does not reside in, the territory or island, removal shall be to the country in which the alien boarded the vessel that transported the alien to the territory or island.

"(C) ALTERNATIVE COUNTRIES.—If the government of the country designated in subparagraph (A) or (B) is unwilling to accept the alien into that country's territory, removal shall be to any of the following countries, as directed by the Attorney General:

"(i) The country of which the alien is a citizen, subject, or national.

"(ii) The country in which the alien was born.

"(iii) The country in which the alien has a residence.

"(iv) A country with a government that will accept the alien into the country's territory if removal to each country described in a previous clause of this subparagraph is impracticable, inadvisable, or impossible.

"(2) OTHER ALIENS.—Subject to paragraph (3)—

"(A) SELECTION OF COUNTRY BY ALIEN.—Except as otherwise provided in this paragraph—

"(i) any alien not described in paragraph (1) who has been ordered removed may designate one country to which the alien wants to be removed, and

"(ii) the Attorney General shall remove the alien to the country the alien so designates.

"(B) LIMITATION ON DESIGNATION.—An alien may designate under subparagraph (A)(i) a foreign territory contiguous to the United States, an adjacent island, or an island adjacent to a foreign territory contiguous to the United States as the place to which the alien is to be removed only if the alien is a native, citizen, subject, or national of, or has resided in, that designated territory or island.

"(C) DISREGARDING DESIGNATION.—The Attorney General may disregard a designation under subparagraph (A)(i) if—

"(i) the alien fails to designate a country promptly;

"(ii) the government of the country does not inform the Attorney General finally, within 30 days after the date the Attorney General first inquires, whether the government will accept the alien into the country;

"(iii) the government of the country is not willing to accept the alien into the country; or

"(iv) the Attorney General decides that removing the alien to the country is prejudicial to the United States.

"(D) ALTERNATIVE COUNTRY.—If an alien is not removed to a country designated under subparagraph (A)(i), the Attorney General shall remove the alien to a country of which the alien is a subject, national, or citizen unless the government of the country—

"(i) does not inform the Attorney General or the alien finally, within 30 days after the date the Attorney General first inquires or within another period of time the Attorney General decides is reasonable, whether the government will accept the alien into the country; or

"(ii) is not willing to accept the alien into the country.

"(E) ADDITIONAL REMOVAL COUNTRIES.—If an alien is not removed to a country under the previous subparagraphs of this paragraph, the Attorney General shall remove the alien to any of the following countries:

"(i) The country from which the alien was admitted to the United States.

"(ii) The country in which is located the foreign port from which the alien left for the United States or for a foreign territory contiguous to the United States.

"(iii) A country in which the alien resided before the alien entered the country from which the alien entered the United States.

"(iv) The country in which the alien was born.

"(v) The country that had sovereignty over the alien's birthplace when the alien was born.

"(vi) The country in which the alien's birthplace is located when the alien is ordered removed.

"(vii) If impracticable, inadvisable, or impossible to remove the alien to each country described in a previous clause of this subparagraph, another country whose government will accept the alien into that country.

"(F) REMOVAL COUNTRY WHEN UNITED STATES IS AT WAR.—When the United States is at war and the Attorney General decides that it is impracticable, inadvisable, inconvenient, or impossible to remove an alien under this subsection because of the war, the Attorney General may remove the alien—

"(i) to the country that is host to a government in exile of the country of which the alien is a citizen or subject if the government of the host country will permit the alien's entry; or

"(ii) if the recognized government of the country of which the alien is a citizen or subject is not in exile, to a country, or a political or territorial subdivision of a country, that is very near the country of which the alien is a citizen or subject, or, with the consent of the government of the country of which the alien is a citizen or subject, to another country.

"(3) RESTRICTION ON REMOVAL TO A COUNTRY WHERE ALIEN'S LIFE OR FREEDOM WOULD BE THREATENED.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), the Attorney General may not remove an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion.

"(B) EXCEPTION.—Subparagraph (A) does not apply to an alien deportable under section 237(a)(4)(D) or if the Attorney General decides that—

"(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of an individual because of the individual's race, religion, nationality, membership in a particular social group, or political opinion;

"(ii) the alien, having been convicted by a final judgment of a particularly serious crime is a danger to the community of the United States;

"(iii) there are serious reasons to believe that the alien committed a serious nonpolitical crime outside the United States before the alien arrived in the United States; or

"(iv) there are reasonable grounds to believe that the alien is a danger to the security of the United States.

For purposes of clause (ii), an alien who has been convicted of an aggravated felony (or felonies) for which the alien has been sentenced to an aggregate term of imprisonment of at least 5 years shall be considered to have committed a particularly serious crime. The previous sentence shall not preclude the Attorney General from determining that, notwithstanding the length of sentence imposed, an alien has been convicted of a particularly serious crime. For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.

"(c) REMOVAL OF ALIENS ARRIVING AT PORT OF ENTRY.—

"(1) VESSELS AND AIRCRAFT.—An alien arriving at a port of entry of the United States who is ordered removed either without a hearing under section 235(b)(1) or 235(c) or pursuant to proceedings under section 240 initiated at the time of such alien's arrival shall be removed immediately on a vessel or aircraft owned by the owner of the vessel or aircraft on which the alien arrived in the United States, unless—

"(A) it is impracticable to remove the alien on one of those vessels or aircraft within a reasonable time, or

"(B) the alien is a stowaway—

"(i) who has been ordered removed in accordance with section 235(a)(1),

"(ii) who has requested asylum, and

"(iii) whose application has not been adjudicated or whose asylum application has been denied but who has not exhausted all appeal rights.

"(2) STAY OF REMOVAL.—

"(A) IN GENERAL.—The Attorney General may stay the removal of an alien under this subsection if the Attorney General decides that—

"(i) immediate removal is not practicable or proper; or

"(ii) the alien is needed to testify in the prosecution of a person for a violation of a law of the United States or of any State.

"(B) PAYMENT OF DETENTION COSTS.—During the period an alien is detained because of a stay of removal under subparagraph (A)(ii), the Attorney General may pay from the appropriation 'Immigration and Naturalization Service—Salaries and Expenses'—

"(i) the cost of maintenance of the alien; and

"(ii) a witness fee of $1 a day.

"(C) RELEASE DURING STAY.—The Attorney General may release an alien whose removal is stayed under subparagraph (A)(ii) on—

"(i) the alien's filing a bond of at least $500 with security approved by the Attorney General;

"(ii) condition that the alien appear when required as a witness and for removal; and

"(iii) other conditions the Attorney General may prescribe.

"(3) COSTS OF DETENTION AND MAINTENANCE PENDING REMOVAL.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (d), an owner of a vessel or aircraft bringing an alien to the United States shall pay the costs of detaining and maintaining the alien—

"(i) while the alien is detained under subsection (d)(1), and

"(ii) in the case of an alien who is a stowaway, while the alien is being detained pursuant to—

"(I) subsection (d)(2)(A) or (d)(2)(B)(i),

"(II) subsection (d)(2)(B)(ii) or (iii) for the period of time reasonably necessary for the owner to arrange for repatriation or removal of the stowaway, including obtaining necessary travel documents, but not to extend beyond the date on which it is ascertained that such travel documents cannot be obtained from the country to which the stowaway is to be returned, or

"(III) section 235(b)(1)(B)(ii), for a period not to exceed 15 days (excluding Saturdays, Sundays, and holidays) commencing on the first such day which begins on the earlier of 72 hours after the time of the initial presentation of the stowaway for inspection or at the time the stowaway is determined to have a credible fear of persecution.

"(B) NONAPPLICATION.—Subparagraph (A) shall not apply if—

"(i) the alien is a crewmember;

"(ii) the alien has an immigrant visa;

"(iii) the alien has a nonimmigrant visa or other documentation authorizing the alien to apply for temporary admission to the United States and applies for admission not later than 120 days after the date the visa or documentation was issued;

"(iv) the alien has a reentry permit and applies for admission not later than 120 days after the date of the alien's last inspection and admission;

"(v)(I) the alien has a nonimmigrant visa or other documentation authorizing the alien to apply for temporary admission to the United States or a reentry permit;

"(II) the alien applies for admission more than 120 days after the date the visa or documentation was issued or after the date of the last inspection and admission under the reentry permit; and

"(III) the owner of the vessel or aircraft satisfies the Attorney General that the existence of the condition relating to inadmissibility could not have been discovered by exercising reasonable care before the alien boarded the vessel or aircraft; or

"(vi) the individual claims to be a national of the United States and has a United States passport.

"(d) REQUIREMENTS OF PERSONS PROVIDING TRANSPORTATION.—

"(1) REMOVAL AT TIME OF ARRIVAL.—An owner, agent, master, commanding officer, person in charge, purser, or consignee of a vessel or aircraft bringing an alien (except an alien crewmember) to the United States shall—

"(A) receive an alien back on the vessel or aircraft or another vessel or aircraft owned or operated by the same interests if the alien is ordered removed under this part; and

"(B) take the alien to the foreign country to which the alien is ordered removed.

"(2) ALIEN STOWAWAYS.—An owner, agent, master, commanding officer, charterer, or consignee of a vessel or aircraft arriving in the United States with an alien stowaway—

"(A) shall detain the alien on board the vessel or aircraft, or at such place as the Attorney General shall designate, until completion of the inspection of the alien by an immigration officer;

"(B) may not permit the stowaway to land in the United States, except pursuant to regulations of the Attorney General temporarily—

"(i) for medical treatment,

"(ii) for detention of the stowaway by the Attorney General, or

"(iii) for departure or removal of the stowaway; and

"(C) if ordered by an immigration officer, shall remove the stowaway on the vessel or aircraft or on another vessel or aircraft.

The Attorney General shall grant a timely request to remove the stowaway under subparagraph (C) on a vessel or aircraft other than that on which the stowaway arrived if the requester has obtained any travel documents necessary for departure or repatriation of the stowaway and removal of the stowaway will not be unreasonably delayed.

"(3) REMOVAL UPON ORDER.—An owner, agent, master, commanding officer, person in charge, purser, or consignee of a vessel, aircraft, or other transportation line shall comply with an order of the Attorney General to take on board, guard safely, and transport to the destination specified any alien ordered to be removed under this Act.

"(e) PAYMENT OF EXPENSES OF REMOVAL.—

"(1) COSTS OF REMOVAL AT TIME OF ARRIVAL.—In the case of an alien who is a stowaway or who is ordered removed either without a hearing under section 235(a)(1) or 235(c) or pursuant to proceedings under section 240 initiated at the time of such alien's arrival, the owner of the vessel or aircraft (if any) on which the alien arrived in the United States shall pay the transportation cost of removing the alien. If removal is on a vessel or aircraft not owned by the owner of the vessel or aircraft on which the alien arrived in the United States, the Attorney General may—

"(A) pay the cost from the appropriation 'Immigration and Naturalization Service—Salaries and Expenses'; and

"(B) recover the amount of the cost in a civil action from the owner, agent, or consignee of the vessel or aircraft (if any) on which the alien arrived in the United States.

"(2) COSTS OF REMOVAL TO PORT OF REMOVAL FOR ALIENS ADMITTED OR PERMITTED TO LAND.—In the case of an alien who has been admitted or permitted to land and is ordered removed, the cost (if any) of removal of the alien to the port of removal shall be at the expense of the appropriation for the enforcement of this Act.

"(3) COSTS OF REMOVAL FROM PORT OF REMOVAL FOR ALIENS ADMITTED OR PERMITTED TO LAND.—

"(A) THROUGH APPROPRIATION.—Except as provided in subparagraph (B), in the case of an alien who has been admitted or permitted to land and is ordered removed, the cost (if any) of removal of the alien from the port of removal shall be at the expense of the appropriation for the enforcement of this Act.

"(B) THROUGH OWNER.—

"(i) IN GENERAL.—In the case of an alien described in clause (ii), the cost of removal of the alien from the port of removal may be charged to any owner of the vessel, aircraft, or other transportation line by which the alien came to the United States.

"(ii) ALIENS DESCRIBED.—An alien described in this clause is an alien who—

"(I) is admitted to the United States (other than lawfully admitted for permanent residence) and is ordered removed within 5 years of the date of admission based on a ground that existed before or at the time of admission, or

"(II) is an alien crewman permitted to land temporarily under section 252 and is ordered removed within 5 years of the date of landing.

"(C) COSTS OF REMOVAL OF CERTAIN ALIENS GRANTED VOLUNTARY DEPARTURE.—In the case of an alien who has been granted voluntary departure under section 240B and who is financially unable to depart at the alien's own expense and whose removal the Attorney General deems to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for the enforcement of this Act.

"(f) ALIENS REQUIRING PERSONAL CARE DURING REMOVAL.—

"(1) IN GENERAL.—If the Attorney General believes that an alien being removed requires personal care because of the alien's mental or physical condition, the Attorney General may employ a suitable person for that purpose who shall accompany and care for the alien until the alien arrives at the final destination.

"(2) COSTS.—The costs of providing the service described in paragraph (1) shall be defrayed in the same manner as the expense of removing the accompanied alien is defrayed under this section.

"(g) PLACES OF DETENTION.—

"(1) IN GENERAL.—The Attorney General shall arrange for appropriate places of detention for aliens detained pending removal or a decision on removal. When United States Government facilities are unavailable or facilities adapted or suitably located for detention are unavailable for rental, the Attorney General may expend from the appropriation 'Immigration and Naturalization Service—Salaries and Expenses', without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), amounts necessary to acquire land and to acquire, build, remodel, repair, and operate facilities (including living quarters for immigration officers if not otherwise available) necessary for detention.

"(2) DETENTION FACILITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.—Prior to initiating any project for the construction of any new detention facility for the Service, the Commissioner shall consider the availability for purchase or lease of any existing prison, jail, detention center, or other comparable facility suitable for such use.

"(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.".

(b) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276(b) (8 U.S.C. 1326(b)), as amended by section 321(b) of this division, is amended—

(1) by striking "or" at the end of paragraph (2),

(2) by adding "or" at the end of paragraph (3), and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) who was removed from the United States pursuant to section 241(a)(4)(B) who thereafter, without the permission of the Attorney General, enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

(c) MISCELLANEOUS CONFORMING AMENDMENT.—Section 212(a)(4) (8 U.S.C. 1182(a)(4)), as amended by section 621(a) of this division, is amended by striking "241(a)(5)(B)" each place it appears and inserting "237(a)(5)(B)".

SEC. 306. APPEALS FROM ORDERS OF REMOVAL (NEW SECTION 242).

(a) IN GENERAL.—Section 242 (8 U.S.C. 1252) is amended—

(1) by redesignating subsection (j) as subsection (i) and by moving such subsection and adding it at the end of section 241, as inserted by section 305(a)(3) of this division; and

(2) by amending the remainder of section 242 to read as follows:

"JUDICIAL REVIEW OF ORDERS OF REMOVAL

"SEC. 242. (a) APPLICABLE PROVISIONS.—

"(1) GENERAL ORDERS OF REMOVAL.—Judicial review of a final order of removal (other than an order of removal without a hearing pursuant to section 235(b)(1)) is governed only by chapter 158 of title 28 of the United States Code, except as provided in subsection (b) and except that the court may not order the taking of additional evidence under section 2347(c) of such title.

"(2) MATTERS NOT SUBJECT TO JUDICIAL REVIEW.—

"(A) REVIEW RELATING TO SECTION 235(b)(1).—Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(i) except as provided in subsection (e), any individual determination or to entertain any other cause or claim arising from or relating to the implementation or operation of an order of removal pursuant to section 235(b)(1),

"(ii) except as provided in subsection (e), a decision by the Attorney General to invoke the provisions of such section,

"(iii) the application of such section to individual aliens, including the determination made under section 235(b)(1)(B), or

"(iv) except as provided in subsection (e), procedures and policies adopted by the Attorney General to implement the provisions of section 235(b)(1).

"(B) DENIALS OF DISCRETIONARY RELIEF.—Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(i) any judgment regarding the granting of relief under section 212(h), 212(i), 240A, 240B, or 245, or

"(ii) any other decision or action of the Attorney General the authority for which is specified under this title to be in the discretion of the Attorney General, other than the granting of relief under section 208(a).

"(C) ORDERS AGAINST CRIMINAL ALIENS.—Notwithstanding any other provision of law, no court shall have jurisdiction to review any final order of removal against an alien who is removable by reason of having committed a criminal offense covered in section 212(a)(2) or 237(a)(2)(A)(iii), (B), (C), or (D), or any offense covered by section 237(a)(2)(A)(ii) for which both predicate offenses are, without regard to their date of commission, otherwise covered by section 237(a)(2)(A)(i).

"(3) TREATMENT OF CERTAIN DECISIONS.—No alien shall have a right to appeal from a decision of an immigration judge which is based solely on a certification described in section 240(c)(1)(B).

"(b) REQUIREMENTS FOR REVIEW OF ORDERS OF REMOVAL.—With respect to review of an order of removal under subsection (a)(1), the following requirements apply:

"(1) DEADLINE.—The petition for review must be filed not later than 30 days after the date of the final order of removal.

"(2) VENUE AND FORMS.—The petition for review shall be filed with the court of appeals for the judicial circuit in which the immigration judge completed the proceedings. The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

"(3) SERVICE.—

"(A) IN GENERAL.—The respondent is the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Service in charge of the Service district in which the final order of removal under section 240 was entered.

"(B) STAY OF ORDER.—Service of the petition on the officer or employee does not stay the removal of an alien pending the court's decision on the petition, unless the court orders otherwise.

"(C) ALIEN'S BRIEF.—The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, and the court may not extend these deadlines except upon motion for good cause shown. If an alien fails to file a brief within the time provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result.

"(4) SCOPE AND STANDARD FOR REVIEW.—Except as provided in paragraph (5)(B)—

"(A) the court of appeals shall decide the petition only on the administrative record on which the order of removal is based,

"(B) the administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary,

"(C) a decision that an alien is not eligible for admission to the United States is conclusive unless manifestly contrary to law, and

"(D) the Attorney General's discretionary judgment whether to grant relief under section 208(a) shall be conclusive unless manifestly contrary to the law and an abuse of discretion.

"(5) TREATMENT OF NATIONALITY CLAIMS.—

"(A) COURT DETERMINATION IF NO ISSUE OF FACT.—If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

"(B) TRANSFER IF ISSUE OF FACT.—If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

"(C) LIMITATION ON DETERMINATION.—The petitioner may have such nationality claim decided only as provided in this paragraph.

"(6) CONSOLIDATION WITH REVIEW OF MOTIONS TO REOPEN OR RECONSIDER.—When a petitioner seeks review of an order under this section, any review sought of a motion to reopen or reconsider the order shall be consolidated with the review of the order.

"(7) CHALLENGE TO VALIDITY OF ORDERS IN CERTAIN CRIMINAL PROCEEDINGS.—

"(A) IN GENERAL.—If the validity of an order of removal has not been judicially decided, a defendant in a criminal proceeding charged with violating section 243(a) may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

"(B) CLAIMS OF UNITED STATES NATIONALITY.—If the defendant claims in the motion to be a national of the United States and the district court finds that—

"(i) no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the removal order is based and the administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole; or

"(ii) a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

The defendant may have such nationality claim decided only as provided in this subparagraph.

"(C) CONSEQUENCE OF INVALIDATION.—If the district court rules that the removal order is invalid, the court shall dismiss the indictment for violation of section 243(a). The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days after the date of the dismissal.

"(D) LIMITATION ON FILING PETITIONS FOR REVIEW.—The defendant in a criminal proceeding under section 243(a) may not file a petition for review under subsection (a) during the criminal proceeding.

"(8) CONSTRUCTION.—This subsection—

"(A) does not prevent the Attorney General, after a final order of removal has been issued, from detaining the alien under section 241(a);

"(B) does not relieve the alien from complying with section 241(a)(4) and section 243(g); and

"(C) does not require the Attorney General to defer removal of the alien.

"(9) CONSOLIDATION OF QUESTIONS FOR JUDICIAL REVIEW.—Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States under this title shall be available only in judicial review of a final order under this section.

"(c) REQUIREMENTS FOR PETITION.—A petition for review or for habeas corpus of an order of removal—

"(1) shall attach a copy of such order, and

"(2) shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

"(d) REVIEW OF FINAL ORDERS.—A court may review a final order of removal only if—

"(1) the alien has exhausted all administrative remedies available to the alien as of right, and

"(2) another court has not decided the validity of the order, unless the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

"(e) JUDICIAL REVIEW OF ORDERS UNDER SECTION 235(b)(1).—

"(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to an order to exclude an alien in accordance with section 235(b)(1) except as specifically authorized in a subsequent paragraph of this subsection, or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) HABEAS CORPUS PROCEEDINGS.—Judicial review of any determination made under section 235(b)(1) is available in habeas corpus proceedings, but shall be limited to determinations of—

"(A) whether the petitioner is an alien,

"(B) whether the petitioner was ordered removed under such section, and

"(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence, has been admitted as a refugee under section 207, or has been granted asylum under section 208, such status not having been terminated, and is entitled to such further inquiry as prescribed by the Attorney General pursuant to section 235(b)(1)(C).

"(3) CHALLENGES ON VALIDITY OF THE SYSTEM.—

"(A) IN GENERAL.—Judicial review of determinations under section 235(b) and its implementation is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, is constitutional; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Attorney General to implement such section, is not consistent with applicable provisions of this title or is otherwise in violation of law.

"(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph must be filed no later than 60 days after the date the challenged section, regulation, directive, guideline, or procedure described in clause (i) or (ii) of subparagraph (A) is first implemented.

"(C) NOTICE OF APPEAL.—A notice of appeal of an order issued by the District Court under this paragraph may be filed not later than 30 days after the date of issuance of such order.

"(D) EXPEDITIOUS CONSIDERATION OF CASES.—It shall be the duty of the District Court, the Court of Appeals, and the Supreme Court of the United States to advance on the docket and to *expedite to the greatest possible extent the disposition of any case considered under this paragraph.*

"(4) DECISION.—In any case where the court determines that the petitioner—

"(A) is an alien who was not ordered removed under section 235(b)(1), or

"(B) has demonstrated by a preponderance of the evidence that the alien is an alien lawfully admitted for permanent residence, has been admitted as a refugee under section 207, or has been granted asylum under section 208,

the court may order no remedy or relief other than to require that the petitioner be provided a hearing in accordance with section 240. Any alien who is provided a hearing under section 240 pursuant to this paragraph may thereafter obtain judicial review of any resulting final order of removal pursuant to subsection (a)(1).

"(5) SCOPE OF INQUIRY.—In determining whether an alien has been ordered removed under section 235(b)(1), the court's inquiry shall be limited to whether such an order in fact was issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually inadmissible or entitled to any relief from removal.

"(f) LIMIT ON INJUNCTIVE RELIEF.—

(1) IN GENERAL.—Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions of chapter 4 of title II, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, other than with respect to the application of such provisions to an individual alien against whom proceedings under such chapter have been initiated.

(2) PARTICULAR CASES.—Notwithstanding any other provision of law, no court shall enjoin the removal of any alien pursuant to a final order under this section unless the alien shows by clear and convincing evidence that the entry or execution of such order is prohibited as a matter of law.

"(g) EXCLUSIVE JURISDICTION.—Except as provided in this section and notwithstanding any other provision of law, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this Act.".

(b) REPEAL OF SECTION 106.—Section 106 (8 U.S.C. 1105a) is repealed.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a) and (b) shall apply to all final orders of deportation or removal and motions to reopen filed on or after the date of the enactment of this Act and subsection (g) of section 242 of the Immigration and Nationality Act (as added by subsection (a)), shall apply without limitation to claims arising from all past, pending, or future exclusion, deportation, or removal proceedings under such Act.

(2) LIMITATION.—Paragraph (1) shall not be considered to invalidate or to require the reconsideration of any judgment or order entered under section 106 of the Immigration and Nationality Act, as amended by section 440 of Public Law 104–132.

(d) TECHNICAL AMENDMENT.—Effective as if included in the enactment of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), subsections (a), (c), (d), (g), and (h) of section 440 of such Act are amended by striking "any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i)" and inserting "any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are, without regard to the date of their commission, otherwise covered by section 241(a)(2)(A)(i)".

SEC. 307. PENALTIES RELATING TO REMOVAL (REVISED SECTION 243).

(a) IN GENERAL.—Section 243 (8 U.S.C. 1253) is amended to read as follows:

"PENALTIES RELATED TO REMOVAL

"SEC. 243. (a) PENALTY FOR FAILURE TO DEPART.—

"(1) IN GENERAL.—Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a), who—

"(A) willfully fails or refuses to depart from the United States within a period of 90 days from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,

"(B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,

"(C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or

"(D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.

"(2) EXCEPTION.—It is not a violation of paragraph (1) to take any proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

"(3) SUSPENSION.—The court may for good cause suspend the sentence of an alien under this subsection and order the alien's release under such conditions as the court may prescribe. In determining whether good cause has been shown to justify releasing the alien, the court shall take into account such factors as—

"(A) the age, health, and period of detention of the alien;

"(B) the effect of the alien's release upon the national security and public peace or safety;

"(C) the likelihood of the alien's resuming or following a course of conduct which made or would make the alien deportable;

"(D) the character of the efforts made by such alien himself and by representatives of the country or countries to which the alien's removal is directed to expedite the alien's departure from the United States;

"(E) the reason for the inability of the Government of the United States to secure passports, other travel documents, or removal facilities from the country or countries to which the alien has been ordered removed; and

"(F) the eligibility of the alien for discretionary relief under the immigration laws.

"(b) WILLFUL FAILURE TO COMPLY WITH TERMS OF RELEASE UNDER SUPERVISION.—An alien who shall willfully fail to comply with regulations or requirements issued pursuant to section 241(a)(3) or knowingly give false information in response to an inquiry under such section shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(c) PENALTIES RELATING TO VESSELS AND AIRCRAFT.—

"(1) CIVIL PENALTIES.—

"(A) FAILURE TO CARRY OUT CERTAIN ORDERS.—If the Attorney General is satisfied that a person has violated subsection (d) or (e) of section 241, the person shall pay to the Commissioner the sum of $2,000 for each violation.

"(B) FAILURE TO REMOVE ALIEN STOWAWAYS.—If the Attorney General is satisfied that a person has failed to remove an alien stowaway as required under section 241(d)(2), the person shall pay to the Commissioner the sum of $5,000 for each alien stowaway not removed.

"(C) NO COMPROMISE.—The Attorney General may not compromise the amount of such penalty under this paragraph.

"(2) CLEARING VESSELS AND AIRCRAFT.—

"(A) CLEARANCE BEFORE DECISION ON LIABILITY.—A vessel or aircraft may be granted clearance before a decision on liability is made under paragraph (1) only if a bond approved by the Attorney General or an amount sufficient to pay the civil penalty is deposited with the Commissioner.

"(B) PROHIBITION ON CLEARANCE WHILE PENALTY UNPAID.—A vessel or aircraft may not be granted clearance if a civil penalty imposed under paragraph (1) is not paid.

"(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—On being notified by the Attorney General that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Attorney General asks whether the government will accept the alien under this section, the Secretary of State shall order consular officers in that foreign country to discontinue granting immigrant visas or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Attorney General notifies the Secretary that the country has accepted the alien.".

SEC. 308. REDESIGNATION AND REORGANIZATION OF OTHER PROVISIONS; ADDITIONAL CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO TABLE OF CONTENTS; OVERVIEW OF REORGANIZED CHAPTERS.—The table of contents, as amended by sections 123(b) and 671(e)(1) of this division, is amended—

(1) by striking the item relating to section 106, and

(2) by striking the item relating to chapter 4 of title II and all that follows through the item relating to section 244A and inserting the following:

"CHAPTER 4—INSPECTION, APPREHENSION,
EXAMINATION, EXCLUSION, AND REMOVAL

"Sec. 231. Lists of alien and citizen passengers arriving or departing; record of resident aliens and citizens leaving permanently for foreign country.
"Sec. 232. Detention of aliens for physical and mental examination.
"Sec. 233. Entry through or from foreign territory and adjacent islands; landing stations.
"Sec. 234. Designation of ports of entry for aliens arriving by civil aircraft.
"Sec. 235. Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.
"Sec. 235A. Preinspection at foreign airports.
"Sec. 236. Apprehension and detention of aliens not lawfully in the United States.
"Sec. 237. General classes of deportable aliens.
"Sec. 238. Expedited removal of aliens convicted of committing aggravated felonies.
"Sec. 239. Initiation of removal proceedings.
"Sec. 240. Removal proceedings.
"Sec. 240A. Cancellation of removal; adjustment of status.
"Sec. 240B. Voluntary departure.
"Sec. 240C. Records of admission.
"Sec. 241. Detention and removal of aliens ordered removed.

"Sec. 242. Judicial review of orders of removal.
"Sec. 243. Penalties relating to removal.
"Sec. 244. Temporary protected status.

"CHAPTER 5—ADJUSTMENT AND CHANGE OF STATUS".

(b) REORGANIZATION OF OTHER PROVISIONS.—Chapters 4 and 5 of title II are amended as follows:

(1) AMENDING CHAPTER HEADING.—Amend the heading for chapter 4 of title II to read as follows:

"CHAPTER 4—INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL".

(2) REDESIGNATING SECTION 232 AS SECTION 232(a).—Amend section 232 (8 U.S.C. 1222)—

(A) by inserting "(a) DETENTION OF ALIENS.—" after "SEC. 232.", and

(B) by amending the section heading to read as follows:

"DETENTION OF ALIENS FOR PHYSICAL AND MENTAL EXAMINATION".

(3) REDESIGNATING SECTION 234 AS SECTION 232(b).—Amend section 234 (8 U.S.C. 1224)—

(A) by striking the heading,

(B) by striking "SEC. 234." and inserting the following: "(b) PHYSICAL AND MENTAL EXAMINATION.—", and

(C) by moving such provision to the end of section 232.

(4) REDESIGNATING SECTION 238 AS SECTION 233.—Redesignate section 238 (8 U.S.C. 1228) as section 233 and move the section to immediately follow section 232.

(5) REDESIGNATING SECTION 242A AS SECTION 238.—Redesignate section 242A as section 238, strike "DEPORTATION" in its heading and insert "REMOVAL", and move the section to immediately follow section 237 (as redesignated by section 305(a)(2)).

(6) STRIKING SECTION 242B.—Strike section 242B (8 U.S.C. 1252b).

(7) STRIKING SECTION 244 AND REDESIGNATING SECTION 244A AS SECTION 244.—Strike section 244 (8 U.S.C. 1254) and redesignate section 244A as section 244.

(8) AMENDING CHAPTER HEADING.—Amend the heading for chapter 5 of title II to read as follows:

"CHAPTER 5—ADJUSTMENT AND CHANGE OF STATUS".

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) EXPEDITED PROCEDURES FOR AGGRAVATED FELONS (FORMER SECTION 242A).—Section 238 (which, previous to redesignation under section 308(b)(5) of this division, was section 242A) is amended—

(A) in subsection (a)(1), by striking "section 242" and inserting "section 240";

(B) in subsection (a)(2), by striking "section 242(a)(2)" and inserting "section 236(c)"; and

(C) in subsection (b)(1), by striking "section 241(a)(2)(A)(iii)" and inserting "section 237(a)(2)(A)(iii)".

(2) TREATMENT OF CERTAIN HELPLESS ALIENS.—

(A) CERTIFICATION OF HELPLESS ALIENS.—Section 232 (8 U.S.C. 1222), as amended by section 308(b)(2) of this division, is further amended by adding at the end the following new subsection:

"(c) CERTIFICATION OF CERTAIN HELPLESS ALIENS.—If an examining medical officer determines that an alien arriving in the United States is inadmissible, is helpless from sickness, mental or physical disability, or infancy, and is accompanied by another alien whose protection or guardianship may be required, the officer may certify such fact for purposes of applying section 212(a)(10)(B) with respect to the other alien.".

(B) GROUND OF INADMISSIBILITY FOR PROTECTION AND GUARDIANSHIP OF ALIENS DENIED ADMISSION FOR HEALTH OR INFANCY.—Subparagraph (B) of section 212(a)(10) (8 U.S.C. 1182(a)(10)), as redesignated by section 301(a)(1) of this division, is amended to read as follows:

"(B) GUARDIAN REQUIRED TO ACCOMPANY HELPLESS ALIEN.—Any alien—

"(i) who is accompanying another alien who is inadmissible and who is certified to be helpless from sickness, mental or physical disability, or infancy pursuant to section 232(c), and

"(ii) whose protection or guardianship is determined to be required by the alien described in clause (i),

is inadmissible.".

(3) CONTINGENT CONSIDERATION IN RELATION TO REMOVAL OF ALIENS.—Section 273(a) (8 U.S.C. 1323(a)) is amended—

(A) by inserting "(1)" after "(a)", and

(B) by adding at the end the following new paragraph:

"(2) It is unlawful for an owner, agent, master, commanding officer, person in charge, purser, or consignee of a vessel or aircraft who is bringing an alien (except an alien crewmember) to the United States to take any consideration to be kept or returned contingent on whether an alien is admitted to, or ordered removed from, the United States.".

(4) CLARIFICATION.—(A) Section 238(a)(1), which, previous to redesignation under section 308(b)(5) of this division, was section 242A(a)(1), is amended by adding at the end the following: "Nothing in this section shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.".

(B) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking "and nothing in" and all that follows up to "shall".

(d) ADDITIONAL CONFORMING AMENDMENTS RELATING TO EXCLUSION AND INADMISSIBILITY.—

(1) SECTION 212.—Section 212 (8 U.S.C. 1182(a)) is amended—

(A) in the heading, by striking "EXCLUDED FROM" and inserting "INELIGIBLE FOR";

(B) in the matter in subsection (a) before paragraph (1), by striking all that follows "(a)" and inserting the following: "CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:";

(C) in subsection (a), by striking "is excludable" and inserting "is inadmissible" each place it appears;

(D) in subsections (a)(5)(C) (before redesignation by section 343(c)(1) of this division), (d)(1), and (k), by striking "exclusion" and inserting "inadmissibility";

(E) in subsections (b), (d)(3), (h)(1)(A)(i), and (k), by striking "excludable" each place it appears and inserting "inadmissible";

(F) in subsection (b)(2), by striking "or ineligible for entry";

(G) in subsection (d)(7), by striking "excluded from" and inserting "denied"; and

(H) in subsection (h)(1)(B), by striking "exclusion" and inserting "denial of admission".

(2) SECTION 241.—Section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2) of this division, is amended—

(A) in subsection (a)(1)(H), by striking "excludable" and inserting "inadmissible";

(B) in subsection (a)(4)(C)(ii), by striking "excludability" and inserting "inadmissibility";

(C) in subsection (c), by striking "exclusion" and inserting "inadmissibility"; and

(D) effective upon enactment of this Act, by striking subsection (d), as added by section 414(a) of the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104–132).

(3) OTHER GENERAL REFERENCES.—The following provisions are amended by striking "excludability" and "excludable" each place each appears and inserting "inadmissibility" and "inadmissible", respectively:

(A) Sections 101(f)(3), 213, 234 (before redesignation by section 308(b) of this division), 241(a)(1) (before redesignation by section 305(a)(2) of this division), 272(a), 277, 286(h)(2)(A)(v), and 286(h)(2)(A)(vi).

(B) Section 601(c) of the Immigration Act of 1990.

(C) Section 128 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(D) Section 1073 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

(E) Section 221 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

(4) RELATED TERMS.—

(A) Section 101(a)(17) (8 U.S.C. 1101(a)(17)) is amended by striking "or expulsion" and inserting "expulsion, or removal".

(B) Section 102 (8 U.S.C. 1102) is amended by striking "exclusion or deportation" and inserting "removal".

(C) Section 103(c)(2) (8 U.S.C. 1103(c)(2)) is amended by striking "been excluded or deported" and inserting "not been admitted or have been removed".

(D) Section 206 (8 U.S.C. 1156) is amended by striking "excluded from admission to the United States and deported" and inserting "denied admission to the United States and removed".

(E) Section 216(f) (8 U.S.C. 1186a) is amended by striking "exclusion" and inserting "inadmissibility".

(F) Section 217 (8 U.S.C. 1187) is amended by striking "excluded from admission" and inserting "denied admission at the time of arrival" each place it appears.

(G) Section 221(f) (8 U.S.C. 1201) is amended by striking "exclude" and inserting "deny admission to".

(H) Section 232(a) (8 U.S.C. 1222(a)), as redesignated by subsection (b)(2), is amended by striking "excluded by" and "the excluded classes" and inserting "inadmissible under" and "inadmissible classes", respectively.

(I)(i) Section 272 (8 U.S.C. 1322) is amended—

(I) by striking "EXCLUSION" in the heading and inserting "DENIAL OF ADMISSION",

(II) in subsection (a), by striking "excluding condition" and inserting "condition causing inadmissibility", and

(III) in subsection (c), by striking "excluding".

(ii) The item in the table of contents relating to such section is amended by striking "exclusion" and inserting "denial of admission".

(J) Section 276(a) (8 U.S.C. 1326(a)) is amended—

(i) in paragraph (1), as amended by section 324(a) of this division—

(I) by striking "arrested and deported, has been excluded and deported," and inserting "denied admission, excluded, deported, or removed", and

(II) by striking "exclusion or deportation" and inserting "exclusion, deportation, or removal"; and

(ii) in paragraph (2)(B), by striking "excluded and deported" and inserting "denied admission and removed".

(K) Section 286(h)(2)(A)(vi) (8 U.S.C. 1356(h)(2)(A)(vi)) is amended by striking "exclusion" each place it appears and inserting "removal".

(L) Section 287 (8 U.S.C. 1357) is amended—

(i) in subsection (a), by striking "or expulsion" each place it appears and inserting "expulsion, or removal", and

(ii) in subsection (c), by striking "exclusion from" and inserting "denial of admission to".

(M) Section 290(a) (8 U.S.C. 1360(a)) is amended by striking "admitted to the United States, or excluded therefrom" each place it appears and inserting "admitted or denied admission to the United States".

(N) Section 291 (8 U.S.C. 1361) is amended by striking "subject to exclusion" and inserting "inadmissible" each place it appears.

(O) Section 292 (8 U.S.C. 1362) is amended by striking "exclusion or deportation" each place it appears and inserting "removal".

(P) Section 360 (8 U.S.C. 1503) is amended—

(i) in subsection (a), by striking "exclusion" each place it appears and inserting "removal", and

(ii) in subsection (c), by striking "excluded from" and inserting "denied".

(Q) Section 507(b)(2)(D) (8 U.S.C. 1537(b)(2)(D)) is amended by striking "exclusion because such alien is excludable" and inserting "removal because such alien is inadmissible".

(R) Section 301(a)(1) of the Immigration Act of 1990 is amended by striking "exclusion" and inserting "inadmissibility".

(S) Section 401(c) of the Refugee Act of 1980 is amended by striking "deportation or exclusion" and inserting "removal".

(T) Section 501(e)(2) of the Refugee Education Assistance Act of 1980 (Public Law 96–422) is amended—

(i) by striking "exclusion or deportation" each place it appears and inserting "removal", and

(ii) by striking "deportation or exclusion" each place it appears and inserting "removal".

(U) Section 4113(c) of title 18, United States Code, is amended by striking "exclusion and deportation" and inserting "removal".

(5) REPEAL OF SUPERSEDED PROVISION.—Effective as of the date of the enactment of the Antiterrorism and Effective Death Penalty Act of 1996, section 422 of such Act is repealed and the Immigration and Nationality Act shall be applied as if such section had not been enacted.

(e) REVISION OF TERMINOLOGY RELATING TO DEPORTATION.—

(1) Each of the following is amended by striking "deportation" each place it appears and inserting "removal":

(A) Subparagraphs (A)(iii)(II), (A)(iv)(II), and (B)(iii)(II) of section 204(a)(1) (8 U.S.C. 1154(a)(1)).

(B) Section 212(d)(1) (8 U.S.C. 1182(d)(1)).

(C) Section 212(d)(11) (8 U.S.C. 1182(d)(11)).

(D) Section 214(k)(4)(C) (8 U.S.C. 1184(k)(4)(C)), as redesignated by section 671(a)(3)(A) of this division.

(E) Section 241(a)(1)(H) (8 U.S.C. 1251(a)(1)(H)), before redesignation as section 237 by section 305(a)(2) of this division.

(F) Section 242A (8 U.S.C. 1252a), before redesignation as section 238 by subsection (b)(5).

(G) Subsections (a)(3) and (b)(5)(B) of section 244A (8 U.S.C. 1254a), before redesignation as section 244 by subsection (b)(7).

(H) Section 246(a) (8 U.S.C. 1256(a)).

(I) Section 254 (8 U.S.C. 1284).

(J) Section 263(a)(4) (8 U.S.C. 1303(a)(4)).

(K) Section 276(b) (8 U.S.C. 1326(b)).

(L) Section 286(h)(2)(A)(v) (8 U.S.C. 1356(h)(2)(A)(v)).

(M) Section 287(g) (8 U.S.C. 1357(g)) (as added by section 122 of this division).

(N) Section 291 (8 U.S.C. 1361).

(O) Section 318 (8 U.S.C. 1429).

(P) Section 130005(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

(Q) Section 4113(b) of title 18, United States Code.

(2) Each of the following is amended by striking "deported" each place it appears and inserting "removed":

(A) Section 212(d)(7) (8 U.S.C. 1182(d)(7)).

(B) Section 214(d) (8 U.S.C. 1184(d)).

(C) Section 241(a) (8 U.S.C. 1251(a)), before redesignation as section 237 by section 305(a)(2) of this division.

(D) Section 242A(c)(2)(D)(iv) (8 U.S.C. 1252a(c)(2)(D)(iv)), as amended by section 671(b)(13) of this division but before redesignation as section 238 by subsection (b)(5).

(E) Section 252(b) (8 U.S.C. 1282(b)).

(F) Section 254 (8 U.S.C. 1284).

(G) Subsections (b) and (c) of section 266 (8 U.S.C. 1306).

(H) Section 301(a)(1) of the Immigration Act of 1990.

(I) Section 4113 of title 18, United States Code.

(3) Section 101(g) (8 U.S.C. 1101(g)) is amended by inserting "or removed" after "deported" each place it appears.

(4) Section 103(c)(2) (8 U.S.C. 1103(c)(2)) is amended by striking "suspension of deportation" and inserting "cancellation of removal".

(5) Section 201(b)(1)(D) (8 U.S.C. 1151(b)(1)(D)) is amended by striking "deportation is suspended" and inserting "removal is canceled".

(6) Section 212(l)(2)(B) (8 U.S.C. 1182(l)(2)(B)) is amended by striking "deportation against" and inserting "removal of".

(7) Subsections (b)(2), (c)(2)(B), (c)(3)(D), (c)(4)(A), and (d)(2)(C) of section 216 (8 U.S.C. 1186a) are each amended by striking "DEPORTATION", "deportation", "deport", and "deported" each place each appears and inserting "REMOVAL", "removal", "remove", and "removed", respectively.

(8) Subsections (b)(2), (c)(2)(B), (c)(3)(D), and (d)(2)(C) of section 216A (8 U.S.C. 1186b) are each amended by striking "DEPORTATION", "deportation", "deport", and "deported" and inserting "REMOVAL", "removal", "remove", and "removed", respectively.

(9) Section 217(b)(2) (8 U.S.C. 1187(b)(2)) is amended by striking "deportation against" and inserting "removal of".

(10) Section 242A (8 U.S.C. 1252a), before redesignation as section 238 by subsection (b)(6), is amended, in the headings to various subdivisions, by striking "DEPORTATION" and "DEPORTATION" and inserting "REMOVAL" and "REMOVAL", respectively.

(11) Section 244A(a)(1)(A) (8 U.S.C. 1254a(a)(1)(A)), before redesignation as section 244 by subsection (b)(8), is amended—

(A) in subsection (a)(1)(A), by striking "deport" and inserting "remove", and

(B) in subsection (e), by striking "SUSPENSION OF DEPORTATION" and inserting "CANCELLATION OF REMOVAL".

(12) Section 254 (8 U.S.C. 1284) is amended by striking "deport" each place it appears and inserting "remove".

(13) Section 273(d) (8 U.S.C. 1323(d)) is repealed.

(14)(A) Section 276 (8 U.S.C. 1326) is amended by striking "DEPORTED" and inserting "REMOVED".

(B) The item in the table of contents relating to such section is amended by striking "deported" and inserting "removed".

(15) Section 318 (8 U.S.C. 1429) is amended by striking "suspending" and inserting "canceling".

(16) Section 301(a) of the Immigration Act of 1990 is amended by striking "DEPORTATION" and inserting "REMOVAL".

*(17) The heading of section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "**DEPORTATION**" and inserting "**REMOVAL**".*

(18) Section 9 of the Peace Corps Act (22 U.S.C. 2508) is amended by striking "deported" and all that follows through "Deportation" and inserting "removed pursuant to chapter 4 of title II of the Immigration and Nationality Act".

(19) Section 8(c) of the Foreign Agents Registration Act (22 U.S.C. 618(c)) is amended by striking "deportation" and all that follows and inserting "removal pursuant to chapter 4 of title II of the Immigration and Nationality Act.".

(f) REVISION OF REFERENCES TO ENTRY.—

(1) The following provisions are amended by striking "entry" and inserting "admission" each place it appears:

(A) Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)).

(B) Section 101(a)(30) (8 U.S.C. 1101(a)(30)).

(C) Section 212(a)(2)(D) (8 U.S.C. 1182(a)(2)(D)).

(D) Section 212(a)(6)(C)(i) (8 U.S.C. 1182(a)(6)(C)(i)).

(E) Section 212(h)(1)(A)(i) (8 U.S.C. 1182(h)(1)(A)(i)).

(F) Section 212(j)(1)(D) (8 U.S.C. 1182(j)(1)(D)).

(G) Section 214(c)(2)(A) (8 U.S.C. 1184(c)(2)(A)).

(H) Section 214(d) (8 U.S.C. 1184(d)).

(I) Section 216(b)(1)(A)(i) (8 U.S.C. 1186a(b)(1)(A)(i)).

(J) Section 216(d)(1)(A)(i)(III) (8 U.S.C. 1186a(d)(1)(A)(i)(III)).

(K) Subsection (b) of section 240 (8 U.S.C. 1230), before redesignation as section 240C by section 304(a)(2) of this division.

(L) Subsection (a)(1)(G) of section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2) of this division.

(M) Subsection (a)(1)(H) of section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2) of this division, other than the last time it appears.

(N) Paragraphs (2) and (4) of subsection (a) of section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2) of this division.

(O) Section 245(e)(3) (8 U.S.C. 1255(e)(3)).

(P) Section 247(a) (8 U.S.C. 1257(a)).

(Q) Section 601(c)(2) of the Immigration Act of 1990.

(2) The following provisions are amended by striking "enter" and inserting "be admitted":

(A) Section 204(e) (8 U.S.C. 1154(e)).

(B) Section 221(h) (8 U.S.C. 1201(h)).

(C) Section 245(e)(2) (8 U.S.C. 1255(e)(2)).

(3) The following provisions are amended by striking "enters" and inserting "is admitted to":

(A) Section 212(j)(1)(D)(ii) (8 U.S.C. 1154(e)).

(B) Section 214(c)(5)(B) (8 U.S.C. 1184(c)(5)(B)).

(4) Subsection (a) of section 238 (8 U.S.C. 1228), before redesignation as section 233 by section 308(b)(4) of this division, is amended by striking "entry and inspection" and inserting "inspection and admission".

(5) Subsection (a)(1)(H)(ii) of section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2) of this division, is amended by striking "at entry".

(6) Section 7 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403h) is amended by striking "that the entry", "given entry into", and "entering" and inserting "that the admission", "admitted to", and "admitted to".

(7) Section 4 of the Atomic Weapons and Special Nuclear Materials Rewards Act (50 U.S.C. 47c) is amended by striking "entry" and inserting "admission".

(g) CONFORMING REFERENCES TO REORGANIZED SECTIONS.—

(1) REFERENCES TO SECTIONS 232, 234, 238, 239, 240, 241, 242A, AND 244A.—Any reference in law in effect on the day before the date of the enactment of this Act to section 232, 234, 238, 239, 240, 241, 242A, or 244A of the Immigration and Nationality Act (or a subdivision of such section) is deemed, as of the title III–A effective date, to refer to section 232(a), 232(b), 233, 234, 234A, 237, 238, or 244 of such Act (or the corresponding subdivision of such section), as redesignated by

this subtitle. Any reference in law to section 241 (or a subdivision of such section) of the Immigration and Nationality Act in an amendment made by a subsequent subtitle of this title is deemed a reference (as of the title III–A effective date) to section 237 (or the corresponding subdivision of such section), as redesignated by this subtitle.

(2) REFERENCES TO SECTION 106.—

(A) Sections 242A(b)(3) and 242A(c)(3)(A)(ii) (8 U.S.C. 1252a(b)(3), 1252a(c)(3)(A)(ii)), as amended by section 671(b)(13) of this division but before redesignation as section 238 by subsection (b)(5), are each amended by striking "106" and inserting "242".

(B) Sections 210(e)(3)(A) and 245A(f)(4)(A) (8 U.S.C. 1160(e)(3)(A), 1255a(f)(4)(A)) are amended by inserting "(as in effect before October 1, 1996)" after "106".

(C) Section 242A(c)(3)(A)(iii) (8 U.S.C. 1252a(c)(3)(A)(iii)), as amended by section 671(b)(13) of this division but before redesignation as section 238 by subsection (b)(5), is amended by striking "106(a)(1)" and inserting "242(b)(1)".

(3) REFERENCES TO SECTION 236.—

(A) Sections 205 and 209(a)(1) (8 U.S.C. 1155, 1159(a)(1)) are each amended by striking "236" and inserting "240".

(B) Section 4113(c) of title 18, United States Code, is amended by striking "1226 of title 8, United States Code" and inserting "240 of the Immigration and Nationality Act".

(4) REFERENCES TO SECTION 237.—

(A) Section 209(a)(1) (8 U.S.C. 1159(a)(1)) is amended by striking "237" and inserting "241".

(B) Section 212(d)(7) (8 U.S.C. 1182(d)(7)) is amended by striking "237(a)" and inserting "241(c)".

(C) Section 280(a) (8 U.S.C. 1330(a)) is amended by striking "237, 239, 243" and inserting "234, 243(c)(2)".

(5) REFERENCES TO SECTION 242.—

(A)(i) Sections 214(d), 252(b), and 287(f)(1) (8 U.S.C. 1184(d), 1282(b), 1357(f)(1)) are each amended by striking "242" and inserting "240".

(ii) Subsection (c)(4) of section 242A (8 U.S.C. 1252a), as amended by section 671(b)(13) of this division but before redesignation as section 238 by subsection (b)(5), are each amended by striking "242" and inserting "240".

(iii) Section 245A(a)(1)(B) (8 U.S.C. 1255a(a)(1)(B)) is amended by inserting "(as in effect before October 1, 1996)" after "242".

(iv) Section 4113 of title 18, United States Code, is amended—

(I) in subsection (a), by striking "section 1252(b) or section 1254(e) of title 8, United States Code," and inserting "section 240B of the Immigration and Nationality Act"; and

(II) in subsection (b), by striking "section 1252 of title 8, United States Code," and inserting "section 240 of the Immigration and Nationality Act".

(B) Section 130002(a) of Public Law 103–322, as amended by section 345 of this division, is amended by striking "242(a)(3)(A)" and inserting "236(d)".

(C) Section 242A(b)(1) (8 U.S.C. 1252a(b)(1)), before redesignation as section 238 by section 308(b)(5) of this division, is amended by striking "242(b)" and inserting "240".

(D) Section 242A(c)(2)(D)(ii) (8 U.S.C. 1252a(c)(2)(D)(ii)), as amended by section 671(b)(13) of this division but before redesignation as section 238 by subsection (b)(5), is amended by striking "242(b)" and inserting "240".

(E) Section 1821(e) of title 28, United States Code, is amended by striking "242(b)" and inserting "240".

(F) Section 130007(a) of Public Law 103–322 is amended by striking "242(i)" and inserting "239(d)".

(G) Section 20301(c) of Public Law 103–322 is amended by striking "242(j)(5)" and "242(j)" and inserting "241(h)(5)" and "241(h)", respectively.

(6) REFERENCES TO SECTION 242B.—

(A) Section 303(d)(2) of the Immigration Act of 1990 is amended by striking "242B" and inserting "240(b)(5)".

(B) Section 545(g)(1)(B) of the Immigration Act of 1990 is amended by striking "242B(a)(4)" and inserting "239(a)(4)".

(7) REFERENCES TO SECTION 243.—

(A) Section 214(d) (8 U.S.C. 1184(d)) is amended by striking "243" and inserting "241".

(B) Section 504(k)(2) (8 U.S.C. 1534(k)(2)) is amended by striking "withholding of deportation under section 243(h)" and inserting "by withholding of removal under section 241(b)(3)".

(C)(i) Section 315(c) of the Immigration Reform and Control Act of 1986 is amended by striking "243(g)" and "1253(g)"and inserting "243(d)" and "1253(d)" respectively.

(ii) Section 702(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 is amended by striking "243(g)" and inserting "243(d)".

(iii) Section 903(b) of Public Law 100–204 is amended by striking "243(g)" and inserting "243(d)".

(D)(i) Section 6(f)(2)(F) of the Food Stamp Act of 1977 (7 U.S.C. 2015(f)(2)(F)) is amended by striking "243(h)" and inserting "241(b)(3)".

(ii) Section 214(a)(5) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(a)(5)) is amended by striking "243(h)" and inserting "241(b)(3)".

(E)(i) Subsection (c)(2)(B)(ii) of section 244A (8 U.S.C. 1254a), before redesignated as section 244 by section 308(b)(7), is amended by striking "243(h)(2)" and inserting "208(b)(2)(A)".

(ii) Section 301(e)(2) of the Immigration Act of 1990 is amended by striking "243(h)(2)" and inserting "208(b)(2)(A)".

(F) Section 316(f) (8 U.S.C. 1427(f)) is amended by striking "subparagraphs (A) through (D) of paragraph 243(h)(2)" and inserting "clauses (i) through (v) of section 208(b)(2)(A)".

(8) REFERENCES TO SECTION 244.—

(A)(i) Section 201(b)(1)(D) (8 U.S.C. 1151(b)(1)(D)) and subsection (e) of section 244A (8 U.S.C. 1254a), before redesignation as section 244 by section 308(b)(7) of this division, are each amended by striking "244(a)" and inserting "240A(a)".

(ii) Section 304(c)(1)(B) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Public Law 102–232) is amended by striking "244(a)" and inserting "240A(a)".

(B) Section 504(k)(3) (8 U.S.C. 1534(k)(3)) is amended by striking "suspension of deportation under subsection (a) or (e) of section 244" and inserting "cancellation of removal under section 240A".

(C) Section 304(c)(1)(B) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Public Law 102–232) is amended by striking "244(b)(2)" and inserting "240A(b)(2)".

(D) Section 364(a)(2) of this division is amended by striking "244(a)(3)" and inserting "240A(a)(3)".

(E) Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as added by section 501 of this division, is amended by striking "suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act" and inserting "cancellation of removal under section 240A of such Act".

(9) REFERENCES TO CHAPTER 5.—

(A) Sections 266(b), 266(c), and 291 (8 U.S.C. 1306(b), 1306(c), 1361) are each amended by striking "chapter 5" and inserting "chapter 4".

(B) Section 6(b) of the Act of August 1, 1956 (50 U.S.C. 855(b)) is amended by striking "chapter 5, title II, of the Immigration and Nationality Act (66 Stat. 163)" and inserting "chapter 4 of title II of the Immigration and Nationality Act".

(10) MISCELLANEOUS CROSS-REFERENCE CORRECTIONS FOR NEWLY ADDED PROVISIONS.—

(A) Section 212(h), as amended by section 301(h) of this division, is amended by striking "section 212(c)" and inserting "paragraphs (1) and (2) of section 240A(a)".

(B) Section 245(c)(6), as amended by section 332(d) of this division, is amended by striking "241(a)(4)(B)" and inserting "237(a)(4)(B)".

(C) Section 249(d), as amended by section 332(e) of this division, is amended by striking "241(a)(4)(B)" and inserting "237(a)(4)(B)".

(D) Section 274C(d)(7), as added by section 212(d) of this division, is amended by striking "withholding of deportation under section 243(h)" and inserting "withholding of removal under section 241(b)(3)".

(E) Section 3563(b)(21) of title 18, United States Code, as inserted by section 374(b) of this division, is amended by striking "242A(d)(5)" and inserting "238(d)(5)".

(F) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended by section 671(a)(6) of this division, is amended by striking "242A(a)(3)" and inserting "238(a)(3)".

(G) Section 386(b) of this division is amended by striking "excludable" and "EXCLUDABLE" and inserting "inadmissible" and "INADMISSIBLE", respectively, each place each appears.

(H) Subsections (a), (c), (d), (g), and (h) of section 440 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), as amended by section 306(d) of this division, are amended by striking "241(a)(2)(A)(ii)" and "241(a)(2)(A)(i)" and inserting "237(a)(2)(A)(ii)" and "237(a)(2)(A)(i)", respectively .

SEC. 309. EFFECTIVE DATES; TRANSITION.

(a) IN GENERAL.—Except as provided in this section and sections 303(b)(2), 306(c), 308(d)(2)(D), or 308(d)(5) of this division, this subtitle and the amendments made by this subtitle shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act (in this title referred to as the "title III–A effective date").

(b) PROMULGATION OF REGULATIONS.—The Attorney General shall first promulgate regulations to carry out this subtitle by not later than 30 days before the title III–A effective date.

(c) TRANSITION FOR ALIENS IN PROCEEDINGS.—

(1) GENERAL RULE THAT NEW RULES DO NOT APPLY.—Subject to the succeeding provisions of this subsection, in the case of an alien who is in exclusion or deportation proceedings as of the title III–A effective date—

(A) the amendments made by this subtitle shall not apply, and

(B) the proceedings (including judicial review thereof) shall continue to be conducted without regard to such amendments.

(2) ATTORNEY GENERAL OPTION TO ELECT TO APPLY NEW PROCEDURES.—In a case described in paragraph (1) in which an evidentiary hearing under section 236 or 242 and 242B of the Immigration and Nationality Act has not commenced as of the title III–A effective date, the Attorney General may elect to proceed under chapter 4 of title II of such Act (as amended by this subtitle). The Attorney General shall provide notice of such election to the alien involved not later than 30 days before the date any evidentiary hearing is commenced. If the Attorney General makes such election, the notice of hearing provided to the alien under section 235 or 242(a) of such Act shall be valid as if provided under section 239 of such Act (as amended by this subtitle) to confer jurisdiction on the immigration judge.

(3) ATTORNEY GENERAL OPTION TO TERMINATE AND REINITIATE PROCEEDINGS.—In the case described in paragraph (1), the Attorney General may elect to terminate proceedings in which there has not been a final administrative decision and to reinitiate proceedings under chapter 4 of title II the Immigration and Nationality Act (as amended by this subtitle). Any determination in the terminated proceeding shall not be binding in the reinitiated proceeding.

(4) TRANSITIONAL CHANGES IN JUDICIAL REVIEW.—In the case described in paragraph (1) in which a final order of exclusion or deportation is entered more than 30 days after the date of the enactment of this Act, notwithstanding any provision of section 106 of the Immigration and Nationality Act (as in effect as of the date of the enactment of this Act) to the contrary—

(A) in the case of judicial review of a final order of exclusion, subsection (b) of such section shall not apply and the action for judicial review shall be governed by the provisions of subsections (a) and (c) of such in the same manner as they apply to judicial review of orders of deportation;

(B) a court may not order the taking of additional evidence under section 2347(c) of title 28, United States Code;

(C) the petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation;

(D) the petition for review shall be filed with the court of appeals for the judicial circuit in which the administrative proceedings before the special inquiry officer or immigration judge were completed;

(E) there shall be no appeal of any discretionary decision under section 212(c), 212(h), 212(i), 244, or 245 of the Immigration and Nationality Act (as in effect as of the date of the enactment of this Act);

(F) service of the petition for review shall not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise; and

(G) there shall be no appeal permitted in the case of an alien who is inadmissible or deportable by reason of having committed a criminal offense covered in section 212(a)(2) or section 241(a)(2)(A)(iii), (B), (C), or (D) of the Immigration and Nationality Act (as in effect as of the date of the enactment of this Act), or any offense covered by section 241(a)(2)(A)(ii) of such Act (as in effect on such date) for which both predicate offenses are, without regard to their date of commission, otherwise covered by section 241(a)(2)(A)(i) of such Act (as so in effect).

(5) TRANSITIONAL RULE WITH REGARD TO SUSPENSION OF DEPORTATION.—Paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act (relating to continuous residence or physical presence) shall apply to notices to appear issued before, on, or after the date of the enactment of this Act.

(6) TRANSITION FOR CERTAIN FAMILY UNITY ALIENS.—The Attorney General may waive the application of section 212(a)(9) of the Immigration and Nationality Act, as inserted by section 301(b)(1) of this division, in the case of an alien who is provided benefits under the provisions of section 301 of the Immigration Act of 1990 (relating to family unity).

(7) LIMITATION ON SUSPENSION OF DEPORTATION.—The Attorney General may not suspend the deportation and adjust the status under section 244 of the Immigration and Nationality Act of more than 4,000 aliens in any fiscal year (beginning after the date of the enactment of this Act). The previous sentence shall apply regardless of when an alien applied for such suspension and adjustment.

(d) TRANSITIONAL REFERENCES.—For purposes of carrying out the Immigration and Nationality Act, as amended by this subtitle—

(1) any reference in section 212(a)(1)(A) of such Act to the term "inadmissible" is deemed to include a reference to the term "excludable", and

(2) any reference in law to an order of removal shall be deemed to include a reference to an order of exclusion and deportation or an order of deportation.

(e) TRANSITION.—No period of time before the date of the enactment of this Act shall be included in the period of 1 year described in section 212(a)(6)(B)(i) of the Immigration and Nationality Act (as amended by section 301(c) of this division).

Subtitle B—Criminal Alien Provisions

SEC. 321. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)), as amended by section 441(e) of the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104–132), is amended—

(1) in subparagraph (A), by inserting ", rape, or sexual abuse of a minor" after "murder";

(2) in subparagraph (D), by striking "$100,000" and inserting "$10,000";

(3) in subparagraphs (F), (G), (N), and (P), by striking "is at least 5 years" each place it appears and inserting "at least one year";

(4) in subparagraph (J), by striking "sentence of 5 years' imprisonment" and inserting "sentence of one year imprisonment";

(5) in subparagraph (K)(ii), by inserting "if committed" before "for commercial advantage";

(6) in subparagraph (L)—

(A) by striking "or" at the end of clause (i),

(B) by inserting "or" at the end of clause (ii), and

(C) by adding at the end the following new clause:

"(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents);";

(7) in subparagraph (M), by striking "$200,000" each place it appears and inserting "$10,000";

(8) in subparagraph (N), by striking "for which the term" and all that follows and inserting the following: ", except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act";

(9) in subparagraph (P), by striking "18 months" and inserting "12 months, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act";

(10) in subparagraph (R), by striking "for which a sentence of 5 years' imprisonment or more may be imposed" and inserting "for which the term of imprisonment is at least one year"; and

(11) in subparagraph (S), by striking "for which a sentence of 5 years' imprisonment or more may be imposed" and inserting "for which the term of imprisonment is at least one year".

(b) EFFECTIVE DATE OF DEFINITION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions taken on or after the date of the enactment of this Act, regardless of when the conviction occurred, and shall apply under section 276(b) of the Immigration and Nationality Act only to violations of section 276(a) of such Act occurring on or after such date.

SEC. 322. DEFINITION OF CONVICTION AND TERM OF IMPRISONMENT.

(a) DEFINITION.—

(1) IN GENERAL.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

"(48)(A) The term 'conviction' means, with respect to an alien, a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where—

"(i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and

"(ii) the judge has ordered some form of punishment, penalty, or restraint on the alien's liberty to be imposed.

"(B) Any reference to a term of imprisonment or a sentence with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court of law regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or in part.".

(2) CONFORMING AMENDMENTS.—

(A) Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by striking "imposed (regardless of any suspension of imprisonment)" each place it appears in subparagraphs (F), (G), (N), and (P).

(B) Section 212(a)(2)(B) (8 U.S.C. 1182(a)(2)(B)) is amended by striking "actually imposed".

(b) REFERENCE TO PROOF PROVISIONS.—For provisions relating to proof of convictions, see subparagraphs (B) and (C) of section 240(c)(3) of the Immigration and Nationality Act, as inserted by section 304(a)(3) of this division.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to convictions and sentences entered before, on, or after the date of the enactment of this Act. Subparagraphs (B) and (C) of section 240(c)(3) of the Immigration and Nationality Act, as inserted by section 304(a)(3) of this division, shall apply to proving such convictions.

SEC. 323. AUTHORIZING REGISTRATION OF ALIENS ON CRIMINAL PROBATION OR CRIMINAL PAROLE.

Section 263(a) (8 U.S.C. 1303(a)) is amended by striking "and (5)" and inserting "(5) aliens who are or have been on criminal probation or criminal parole within the United States, and (6)".

SEC. 324. PENALTY FOR REENTRY OF DEPORTED ALIENS.

(a) IN GENERAL.—Section 276(a)(1) (8 U.S.C. 1326(a)(1)) is amended to read as follows:

"(1) has been arrested and deported, has been excluded and deported, or has departed the United States while an order of exclusion or deportation is outstanding, and thereafter".

(b) TREATMENT OF STIPULATIONS.—The last sentence of section 276(b) (8 U.S.C. 1326(b)) is amended by inserting "(or not during)" after "during".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to departures that occurred before, on, or after the date of the enactment of this Act, but only with respect to entries (and attempted entries) occurring on or after such date.

SEC. 325. CHANGE IN FILING REQUIREMENT.

Section 2424 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph of subsection (a)—

(A) by striking "alien" each place it appears;

(B) by inserting after "individual" the first place it appears the following: ", knowing or in reckless disregard of the fact that the individual is an alien"; and

(C) by striking "within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic";

(2) in the second undesignated paragraph of subsection (a)—

(A) by striking "thirty" and inserting "five business"; and

(B) by striking "within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,"; and

(3) in the text following the third undesignated paragraph of subsection (a), by striking "two" and inserting "10".

SEC. 326. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Subsection (a) of section 130002 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended by section 432 of Public Law 104–132, is amended to read as follows:

"(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to removal by reason of their conviction of aggravated felonies, subject to prosecution under section 275 of such Act, not lawfully present in the United States, or otherwise removable. Such system shall include providing for recording of fingerprint records of aliens who have been previously arrested and removed into appropriate automated fingerprint identification systems.".

SEC. 327. APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

Section 130002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) by inserting "and" after "1996;", and

(2) by striking paragraph (2) and all that follows through the period at the end and inserting the following:

"(2) $5,000,000 for each of fiscal years 1997 through 2001.".

SEC. 328. PROVISIONS RELATING TO STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) MODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Section 241(i), as redesignated by section 306(a)(1) of this division, is amended—

(A) in paragraph (3)(A), by striking "felony and sentenced to a term of imprisonment" and inserting "felony or two or more misdemeanors", and

(B) by adding at the end the following new paragraph:

"(6) To the extent of available appropriations, funds otherwise made available under this section with respect to a State (or political subdivision, including a municipality) for incarceration of an undocumented criminal alien may, at the discretion of the recipient of the funds, be used for the costs of imprisonment of such alien in a State, local, or municipal prison or jail.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply beginning with fiscal year 1997.

(b) SENSE OF THE CONGRESS WITH RESPECT TO PROGRAM.—

(1) FINDINGS.—The Congress finds as follows:

(A) Of the $130,000,000 appropriated in fiscal year 1995 for the State Criminal Alien Assistance Program, the Department of Justice disbursed the first $43,000,000 to States on October 6, 1994, 32 days before the 1994 general election, and then failed to disburse the remaining $87,000,000 until January 31, 1996, 123 days after the end of fiscal year 1995.

(B) While H.R. 2880, the continuing appropriation measure funding certain operations of the Federal Government from January 26, 1996 to March 15, 1996, included $66,000,000 to reimburse States for the cost of incarcerating documented illegal immigrant felons, the Department of Justice failed to disburse any of the funds to the States during the period of the continuing appropriation.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(A) the Department of Justice was disturbingly slow in disbursing fiscal year 1995 funds under the State Criminal Alien Assistance Program to States after the initial grants were released just prior to the 1994 election; and

(B) the Attorney General should make it a high priority to expedite the disbursement of Federal funds intended to reimburse States for the cost of incarcerating illegal immigrants, aiming for all State Criminal Alien Assistance Program funds to be disbursed during the fiscal year for which they are appropriated.

SEC. 329. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.

(a) AUTHORITY.—The Attorney General shall conduct a project demonstrating the feasibility of identifying, from among the individuals who are incarcerated in local governmental prison facilities prior to arraignment on criminal charges, those individuals who are aliens unlawfully present in the United States.

(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include—

(1) the detail to incarceration facilities within the city of Anaheim, California and the county of Ventura, California, of an employee of the Immigration and Naturalization Service who has expertise in the identification of aliens unlawfully in the United States, and

(2) provision of funds sufficient to provide for—

(A) access for such employee to records of the Service necessary to identify such aliens, and

(B) in the case of an individual identified as such an alien, pre-arraignment reporting to the court regarding the Service's intention to remove the alien from the United States.

(c) TERMINATION.—The authority under this section shall cease to be effective 6 months after the date of the enactment of this Act.

SEC. 330. PRISONER TRANSFER TREATIES.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—(1) Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties, providing for the incarceration, in the country of the alien's nationality, of any alien who—

(A) is a national of a country that is party to such a treaty; and

(B) has been convicted of a criminal offense under Federal or State law and who—

(i) is not in lawful immigration status in the United States, or

(ii) on the basis of conviction for a criminal offense under Federal or State law, or on any other basis, is subject to deportation or removal under the Immigration and Nationality Act,

for the duration of the prison term to which the alien was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such alien pursuant to parole procedures of that country.

(2) In entering into negotiations under paragraph (1), the President may consider providing for appropriate compensation, subject to the availability of appropriations, in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the focus of negotiations for such agreements should be—

(A) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(B) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(C) to eliminate any requirement of prisoner consent to such a transfer, and

(D) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prisons sentences;

(2) the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of aliens described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such aliens in the United States; and

(3) no new treaty providing for the transfer of aliens from Federal, State, or local incarceration facilities to a foreign incarceration facility should permit the alien to refuse the transfer.

(c) PRISONER CONSENT.—Notwithstanding any other provision of law, except as required by treaty, the transfer of an alien from a Federal, State, or local incarceration facility under an agreement of the type referred to in subsection (a) shall not require consent of the alien.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate stating whether each prisoner transfer treaty to which the United States is a party has been effective in the preceding 12 months in bringing about the return of deportable incarcerated aliens to the country of which they are nationals and in ensuring that they serve the balance of their sentences.

(e) TRAINING FOREIGN LAW ENFORCEMENT PERSONNEL.—(1) Subject to paragraph (2), the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training an appropriate number of foreign law enforcement personnel, and shall make appointments of foreign law enforcement personnel to such academies, as necessary to further the following United States law enforcement goals:

(A) Preventing of drug smuggling and other cross-border criminal activity.

(B) Preventing illegal immigration.

(C) Preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or the appropriate duty or tariff for which has not been paid).

(2) The appointments described in paragraph (1) shall be made only to the extent there is capacity in such academies beyond what is required to train United States citizens needed in the Border Patrol and Customs Service, and only of personnel from a country with which the prisoner transfer treaty has been stated to be effective in the most recent report referred to in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 331. PRISONER TRANSFER TREATIES STUDY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Committees on the Judiciary *of the House of Representatives and of the Senate a report that describes the use and effectiveness of the prisoner transfer treaties with the three countries with the greatest number of their nationals incarcerated in the United States in removing from the United States such incarcerated nationals.*

(b) USE OF TREATY.—The report under subsection (a) shall include—

(1) the number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the treaties;

(2) the number of aliens described in paragraph (1) who have been transferred pursuant to the treaties;

(3) the number of aliens described in paragraph (2) who have been incarcerated in full compliance with the treaties;

(4) the number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the treaties; and

(5) the number of aliens described in paragraph (4) who are incarcerated in Federal, State, and local penal institutions in the United States.

(c) RECOMMENDATIONS.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the treaties. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address—

(1) changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed criminal offenses in the United States;

(2) changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States;

(3) changes in the treaties that may be necessary to increase the number of aliens convicted of criminal offenses who may be transferred pursuant to the treaties;

(4) methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the treaties;

(5) any recommendations by appropriate officials of the appropriate government agencies of such countries regarding programs to achieve the goals of, and ensure full compliance with, the treaties;

(6) whether the recommendations under this subsection require the renegotiation of the treaties; and

(7) the additional funds required to implement each recommendation under this subsection.

SEC. 332. ANNUAL REPORT ON CRIMINAL ALIENS.

Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(2) the number of illegal aliens convicted of felonies in any Federal or State court, but not sentenced to incarceration, in the year before the report was submitted, stating the number convicted for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal; and

(4) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 333. PENALTIES FOR CONSPIRING WITH OR ASSISTING AN ALIEN TO COMMIT AN OFFENSE UNDER THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) REVIEW OF GUIDELINES.—Not later than 6 months after the date of the enactment of this Act, the United States Sentencing Commission shall conduct a review of the guidelines applicable to an offender who conspires with, or aids or abets, a person who is not a citizen or national of the United States in committing any offense under section 1010 of the Controlled Substance Import and Export Act (21 U.S.C. 960).

(b) REVISION OF GUIDELINES.—Following such review, pursuant to section 994(p) of title 28, United States Code, the Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines to ensure an appropriately stringent sentence for such offenders.

SEC. 334. ENHANCED PENALTIES FOR FAILURE TO DEPART, ILLEGAL REENTRY, AND PASSPORT AND VISA FRAUD.

(a) FAILING TO DEPART.—The United States Sentencing Commission shall promptly promulgate, pursuant to section 994 of title 28, United States Code, amendments to the sentencing guidelines to make appropriate increases in the base offense level for offenses under section 242(e) and 276(b) of the Immigration and Nationality Act (8 U.S.C. 1252(e) and 1326(b)) to reflect the amendments made by section 130001 of the Violent Crime Control and Law Enforcement Act of 1994.

(b) PASSPORT AND VISA OFFENSES.—The United States Sentencing Commission shall promptly promulgate, pursuant to section 994 of title 28, United States Code, amendments to the sentencing guidelines to make appropriate increases in the base offense level for offenses under chapter 75 of title 18, United States Code to reflect the amendments made by section 130009 of the Violent Crime Control and Law Enforcement Act of 1994.

Subtitle C—Revision of Grounds for Exclusion and Deportation

SEC. 341. PROOF OF VACCINATION REQUIREMENT FOR IMMIGRANTS.

(a) IN GENERAL.—Section 212(a)(1)(A) (8 U.S.C. 1182(a)(1)(A)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and

(2) by inserting after clause (i) the following new clause:

"(ii) who seeks admission as an immigrant, or who seeks adjustment of status to the status of an alien lawfully admitted for permanent residence, and who has failed to present documentation of having received vaccination against vaccine-preventable diseases, which shall include at least the following diseases: mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, influenza type B and hepatitis B, and any other vaccinations against vaccine-preventable diseases recommended by the Advisory Committee for Immunization Practices,".

(b) WAIVER.—Section 212(g) (8 U.S.C. 1182(g)) is amended by striking ", or" at the end of paragraph (1) and all that follows and inserting a semicolon and the following:

"in accordance with such terms, conditions, and controls, if any, including the giving of bond, as the Attorney General, in the discretion of the Attorney General after consultation with the Secretary of Health and Human Services, may by regulation prescribe;

"(2) subsection (a)(1)(A)(ii) in the case of any alien—

"(A) who receives vaccination against the vaccine-preventable disease or diseases for which the alien has failed to present documentation of previous vaccination,

"(B) for whom a civil surgeon, medical officer, or panel physician (as those terms are defined by section 34.2 of title 42 of the Code of Federal Regulations) certifies, according to such regulations as the Secretary of Health and Human Services may prescribe, that such vaccination would not be medically appropriate, or

"(C) under such circumstances as the Attorney General provides by regulation, with respect to whom the requirement of such a vaccination would be contrary to the alien's religious beliefs or moral convictions; or

"(3) subsection (a)(1)(A)(iii) in the case of any alien, in accordance with such terms, conditions, and controls, if any, including the giving of bond, as the Attorney General, in the discretion of the Attorney General after consultation with the Secretary of Health and Human Services, may by regulation prescribe.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to applications for immigrant visas or for adjustment of status filed after September 30, 1996.

SEC. 342. INCITEMENT OF TERRORIST ACTIVITY AND PROVISION OF FALSE DOCUMENTATION TO TERRORISTS AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

(a) IN GENERAL.—Section 212(a)(3)(B) (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) by redesignating subclauses (III) and (IV) of clause (i) as subclauses (IV) and (V), respectively;

(2) by inserting after subclause (II) of clause (i) the following new subclause:

"(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity,"; and

(3) in clause (iii)(III), by inserting "documentation or" before "identification";

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to incitement regardless of when it occurs.

SEC. 343. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

Section 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D), and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—Any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that—

"(i) the alien's education, training, license, and experience—

"(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

"(II) are comparable with that required for an American health-care worker of the same type; and

"(III) are authentic and, in the case of a license, unencumbered;

"(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in

which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

"(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing or certification examination, the alien has passed such a test or has passed such an examination.

For purposes of clause (ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.".

SEC. 344. REMOVAL OF ALIENS FALSELY CLAIMING UNITED STATES CITIZENSHIP.

(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED UNITED STATES CITIZENSHIP.—Section 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii), and

(2) by inserting after clause (i) the following new clause:

"(ii) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is excludable.".

(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED UNITED STATES CITIZENSHIP.—Section 241(a)(3) (8 U.S.C. 1251(a)(3)) is amended by adding at the end the following new subparagraph:

"(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any Federal or State law is deportable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to representations made on or after the date of the enactment of this Act.

SEC. 345. WAIVER OF EXCLUSION AND DEPORTATION GROUND FOR CERTAIN SECTION 274C VIOLATORS.

(a) EXCLUSION GROUNDS.—Section 212 (8 U.S.C. 1182) is amended—

(1) by amending subparagraph (F) of subsection (a)(6) to read as follows:

"(F) SUBJECT OF CIVIL PENALTY.—

"(i) IN GENERAL.—An alien who is the subject of a final order for violation of section 274C is inadmissible.

"(ii) WAIVER AUTHORIZED.—For provision authorizing waiver of clause (i), see subsection (d)(12)."; and

(2) by adding at the end of subsection (d) the following new paragraph:

"(12) The Attorney General may, in the discretion of the Attorney General for humanitarian purposes or to assure family unity, waive application of clause (i) of subsection (a)(6)(F)—

"(A) in the case of an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation or removal and who is otherwise admissible to the United States as a returning resident under section 211(b), and

"(B) in the case of an alien seeking admission or adjustment of status under section 201(b)(2)(A) or under section 203(a),

if no previous civil money penalty was imposed against the alien under section 274C and the offense was committed solely to assist, aid, or support the alien's spouse or child (and not another individual). No court shall have jurisdiction to review a decision of the Attorney General to grant or deny a waiver under this paragraph.".

(b) GROUND OF DEPORTATION.—Subparagraph (C) of section 241(a)(3) (8 U.S.C. 1251(a)(3)), before redesignation by section 305(a)(2) of this division, is amended to read as follows:

"(C) DOCUMENT FRAUD.—

"(i) IN GENERAL.—An alien who is the subject of a final order for violation of section 274C is deportable.

"(ii) WAIVER AUTHORIZED.—The Attorney General may waive clause (i) in the case of an alien lawfully admitted for permanent residence if no previous civil money penalty was imposed against the alien under section 274C and the offense was incurred solely to assist, aid, or support the alien's spouse or child (and no other individual). No court shall have jurisdiction to review a decision of the Attorney General to grant or deny a waiver under this clause.".

SEC. 346. INADMISSIBILITY OF CERTAIN STUDENT VISA ABUSERS.

(a) IN GENERAL.—Section 212(a)(6) (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subparagraph:

"(G) STUDENT VISA ABUSERS.—An alien who obtains the status of a nonimmigrant under section 101(a)(15)(F)(i) and who violates a term or condition of such status under section 214(l) is excludable until the alien has been outside the United States for a continuous period of 5 years after the date of the violation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens who obtain the status of a nonimmigrant under section 101(a)(15)(F) of the Immigration and Nationality Act after the end of the 60-day period beginning on the date of the enactment of this Act, including aliens whose status as such a nonimmigrant is extended after the end of such period.

SEC. 347. REMOVAL OF ALIENS WHO HAVE UNLAWFULLY VOTED.

(a) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a)(10) (8 U.S.C. 1182(a)(10)), as redesignated by section 301(b) of this division, is amended by adding at the end the following new subparagraph:

"(D) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.".

(b) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)), before redesignation by section 305(a)(2) of this division, is amended by adding at the end the following new paragraph:

"(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to voting occurring before, on, or after the date of the enactment of this Act.

SEC. 348. WAIVERS FOR IMMIGRANTS CONVICTED OF CRIMES.

(a) IN GENERAL.—Section 212(h) (8 U.S.C. 1182(h)) is amended by adding at the end the following: "No waiver shall be granted under this subsection in the case of an alien who has previously been admitted to the United States as an alien lawfully admitted for permanent residence if either since the date of such admission the alien has been convicted of an aggravated felony or the alien has not lawfully resided continuously in the United States for a period of not less than 7 years immediately preceding the date of initiation of proceedings to remove the alien from the United States. No court shall have jurisdiction to review a decision of the Attorney General to grant or deny a waiver under this subsection.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective on the date of the enactment of this Act and shall apply in the case of any alien who is in exclusion or deportation proceedings as of such date unless a final administrative order in such proceedings has been entered as of such date.

SEC. 349. WAIVER OF MISREPRESENTATION GROUND OF INADMISSIBILITY FOR CERTAIN ALIEN.

Subsection (i) of section 212 (8 U.S.C. 1182) is amended to read as follows:

"(i)(1) The Attorney General may, in the discretion of the Attorney General, waive the application of clause (i) of subsection (a)(6)(C) in the case of an immigrant who is the spouse, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence if it is established to the satisfaction of the Attorney General that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse or parent of such an alien.

"(2) No court shall have jurisdiction to review a decision or action of the Attorney General regarding a waiver under paragraph (1).".

SEC. 350. OFFENSES OF DOMESTIC VIOLENCE AND STALKING AS GROUND FOR DEPORTATION.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

"(E) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND .—

"(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time after entry is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is deportable. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

"(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time after entry is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to convictions, or violations of court orders, occurring after the date of the enactment of this Act.

SEC. 351. CLARIFICATION OF DATE AS OF WHICH RELATIONSHIP REQUIRED FOR WAIVER FROM EXCLUSION OR DEPORTATION FOR SMUGGLING.

(a) EXCLUSION.—Section 212(d)(11) (8 U.S.C. 1182(d)(11)) is amended by inserting "an individual who at the time of such action was" after "aided only".

(b) DEPORTATION.—Section 241(a)(1)(E)(iii) (8 U.S.C. 1251(a)(1)(E)(iii)) is amended by inserting

"an individual who at the time of the offense was" after "aided only".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for waivers filed before, on, or after the date of the enactment of this Act, but shall not apply to such an application for which a final determination has been made as of the date of the enactment of this Act.

SEC. 352. EXCLUSION OF FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID UNITED STATES TAXATION.

(a) IN GENERAL.—Section 212(a)(10) (8 U.S.C. 1182(a)(10)), as redesignated by section 301(b) of this division and as amended by section 347(a) of this division, is amended by adding at the end the following:

"(E) FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION.—Any alien who is a former citizen of the United States who officially renounces United States citizenship and who is determined by the Attorney General to have renounced United States citizenship for the purpose of avoiding taxation by the United States is excludable.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who renounce United States citizenship on and after the date of the enactment of this Act.

SEC. 353. REFERENCES TO CHANGES ELSEWHERE IN DIVISION.

(a) DEPORTATION FOR HIGH SPEED FLIGHT.—For provision making high speed flight from an immigration checkpoint subject to deportation, see section 108(c) of this division.

(b) INADMISSIBILITY OF ALIENS PREVIOUSLY REMOVED AND UNLAWFULLY PRESENT.—For provision making aliens previously removed and unlawfully present in the United States inadmissible, see section 301(b) of this division.

(c) INADMISSIBILITY OF ILLEGAL ENTRANTS.—For provision revising the ground of inadmissibility for illegal entrants and immigration violators, see section 301(c) of this division.

(d) DEPORTATION FOR VISA VIOLATORS.—For provision revising the ground of deportation for illegal entrants, see section 301(d) of this division.

(e) LABOR CERTIFICATIONS FOR PROFESSIONAL ATHLETES.—For provision providing for continued validity of labor certifications and classification petitions for professional athletes, see section 624 of this division.

Subtitle D—Changes in Removal of Alien Terrorist Provisions

SEC. 354. TREATMENT OF CLASSIFIED INFORMATION.

(a) LIMITATION ON PROVISION OF SUMMARIES; USE OF SPECIAL ATTORNEYS IN CHALLENGES TO CLASSIFIED INFORMATION.—

(1) NO PROVISION OF SUMMARY IN CERTAIN CASES.—Section 504(e)(3)(D) (8 U.S.C. 1534(e)(3)(D)) is amended—

(A) in clause (ii), by inserting before the period at the end the following: "unless the judge makes the findings under clause (iii)", and

(B) by adding at the end the following new clause:

"(iii) FINDINGS.—The findings described in this clause are, with respect to an alien, that—

"(I) the continued presence of the alien in the United States would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person, and

"(II) the provision of the summary would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person.".

(2) SPECIAL CHALLENGE PROCEDURES.—Section 504(e)(3) (8 U.S.C. 1534(e)(3)) is amended by adding at the end the following new subparagraphs:

"(E) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in subparagraph (D)(iii)—

"(i) if the alien involved is an alien lawfully admitted for permanent residence, the procedures described in subparagraph (F) shall apply; and

"(ii) in all cases the special removal hearing shall continue, the Department of Justice shall cause to be delivered to the alien a statement that no summary is possible, and the classified information submitted in camera and ex parte may be used pursuant to this paragraph.

"(F) SPECIAL PROCEDURES FOR ACCESS AND CHALLENGES TO CLASSIFIED INFORMATION BY SPECIAL ATTORNEYS IN CASE OF LAWFUL PERMANENT ALIENS.—

"(i) IN GENERAL.—The procedures described in this subparagraph are that the judge (under rules of the removal court) shall designate a special attorney to assist the alien—

"(I) by reviewing in camera the classified information on behalf of the alien, and

"(II) by challenging through an in camera proceeding the veracity of the evidence contained in the classified information.

"(ii) RESTRICTIONS ON DISCLOSURE.—A special attorney receiving classified information under clause (i)—

"(I) shall not disclose the information to the alien or to any other attorney representing the alien, and

"(II) who discloses such information in violation of subclause (I) shall be subject to a fine under title 18, United States Code, imprisoned for not less than 10 years nor more than 25 years, or both.".

(3) APPEALS.—Section 505(c) (8 U.S.C. 1535(c)) is amended—

(A) in paragraph (1), by striking "The decision" and inserting "Subject to paragraph (2), the decision";

(B) in paragraph (3)(D), by inserting before the period at the end the following: ", except that in the case of a review under paragraph (2) in which an alien lawfully admitted for permanent residence was denied a written summary of classified information under section 504(c)(3), the Court of Appeals shall review questions of fact de novo";

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following new paragraph:

"(2) AUTOMATIC APPEALS IN CASES OF PERMANENT RESIDENT ALIENS IN WHICH NO SUMMARY PROVIDED.—

"(A) IN GENERAL.—Unless the alien waives the right to a review under this paragraph, in any case involving an alien lawfully admitted for permanent residence who is denied a written summary of classified information under section 504(e)(3) and with respect to which the procedures described in section 504(e)(3)(F) apply, any order issued by the judge shall be reviewed by the Court of Appeals for the District of Columbia Circuit.

"(B) USE OF SPECIAL ATTORNEY.—With respect to any issue relating to classified information that arises in such review, the alien shall be represented only by the special attorney designated under section 504(e)(3)(F)(i) on behalf of the alien.".

(4) ESTABLISHMENT OF PANEL OF SPECIAL ATTORNEYS.—Section 502 (8 U.S.C. 1532) is amended by adding at the end the following new subsection:

"(e) ESTABLISHMENT OF PANEL OF SPECIAL ATTORNEYS.—The removal court shall provide for the designation of a panel of attorneys each of whom—

"(1) has a security clearance which affords the attorney access to classified information, and

"(2) has agreed to represent permanent resident aliens with respect to classified information under section 504(e)(3) in accordance with (and subject to the penalties under) this title.".

(5) DEFINITION OF SPECIAL ATTORNEY.—Section 501 (8 U.S.C. 1531) is amended—

(A) by striking "and" at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting "; and", and

(C) by adding at the end the following new paragraph:

"(7) the term 'special attorney' means an attorney who is on the panel established under section 502(e).".

(b) OTHER PROVISIONS RELATING TO CLASSIFIED INFORMATION.—

(1) INTRODUCTION OF CLASSIFIED INFORMATION.—Section 504(e) (8 U.S.C. 1534(e)) is amended—

(A) in paragraph (1)—

(i) by inserting after "(A)" the following: "the Government is authorized to use in a removal proceedings the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) without regard to subsections (c), (e), (f), (g), and (h) of section 106 of that Act and", and

(ii) by striking "the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)" and inserting "such Act"; and

(B) by striking the period at the end of paragraph (3)(A) and inserting the following: "and neither the alien nor the public shall be informed of such evidence or its sources other than through reference to the summary provided pursuant to this paragraph. Notwithstanding the previous sentence, the Department of Justice may, in its discretion and, in the case of classified information, after coordination with the originating agency, elect to introduce such evidence in open session.".

(2) MAINTENANCE OF CONFIDENTIALITY OF CLASSIFIED INFORMATION IN ARGUMENTS.—Section 504(f) (8 U.S.C. 1534(f)) is amended by adding at the end the following: "The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.".

(3) MAINTENANCE OF CONFIDENTIALITY OF CLASSIFIED INFORMATION IN ORDERS.—Section 504(j) (8 U.S.C. 1534(j)) is amended by adding at the end the following: "Any portion of the order that would reveal the substance or source of information received in camera and ex parte pursuant to subsection (e) shall not be made available to the alien or the public.".

SEC. 355. EXCLUSION OF REPRESENTATIVES OF TERRORISTS ORGANIZATIONS.

Section 212(a)(3)(B)(i)(IV) (8 U.S.C. 1182(a)(3)(B)(i)(VI)), as inserted by section 411(1)(C) of Public Law 104–132, is amended by inserting "which the alien knows or should have known is a terrorist organization" after "219,".

SEC. 356. STANDARD FOR JUDICIAL REVIEW OF TERRORIST ORGANIZATION DESIGNATIONS.

Section 219(b)(3) (8 U.S.C. 1189(b)(3)), as added by section 302(a) of Public Law 104–132, is amended—

(1) by striking "or" at the end of subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon, and

(3) by adding at the end the following:

"(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (2), or

"(E) not in accord with the procedures required by law.".

SEC. 357. REMOVAL OF ANCILLARY RELIEF FOR VOLUNTARY DEPARTURE.

Section 504(k) (8 U.S.C. 1534(k)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) voluntary departure under section 244(e);".

SEC. 358. EFFECTIVE DATE.

The amendments made by this subtitle shall be effective as if included in the enactment of subtitle A of title IV of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132).

Subtitle E—Transportation of Aliens

SEC. 361. DEFINITION OF STOWAWAY.

(a) STOWAWAY DEFINED.—Section 101(a) (8 U.S.C. 1101(a)), as amended by section 322(a)(1) of this division, is amended by adding at the end the following new paragraph:

"(49) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 362. TRANSPORTATION CONTRACTS.

(a) COVERAGE OF NONCONTIGUOUS TERRITORY.—Section 238 (8 U.S.C. 1228), before redesignation as section 233 under section 308(b)(4) of this division, is amended—

(1) in the heading, by striking "CONTIGUOUS", and

(2) by striking "contiguous" each place it appears in subsections (a), (b), and (d).

(b) COVERAGE OF RAILROAD TRAIN.—Subsection (d) of such section is further amended by inserting "or railroad train" after "aircraft".

Subtitle F—Additional Provisions

SEC. 371. IMMIGRATION JUDGES AND COMPENSATION.

(a) DEFINITION OF TERM.—Paragraph (4) of section 101(b) (8 U.S.C. 1101(b)) is amended to read as follows:

"(4) The term 'immigration judge' means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including a hearing under section 240. An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe, but shall not be employed by the Immigration and Naturalization Service.".

(b) SUBSTITUTION FOR TERM "SPECIAL INQUIRY OFFICER".—The Immigration and Nationality Act is amended by striking "a special inquiry officer", "A special inquiry officer", "special inquiry officer", and "special inquiry officers" and inserting "an immigration judge", "An immigration judge", "immigration judge", and "immigration judges", respectively, each place it appears in the following sections:

(1) Section 106(a)(2) (8 U.S.C. 1105a(a)(2)), before its repeal by section 306(c) of this division.

(2) Section 209(a)(2) (8 U.S.C. 1159(a)(2)).

(3) Section 234 (8 U.S.C. 1224), before redesignation by section 308(b) of this division.

(4) Section 235 (8 U.S.C. 1225), before amendment by section 302(a) of this division.

(5) Section 236 (8 U.S.C. 1226), before amendment by section 303 of this division.

(6) Section 242(b) (8 U.S.C. 1252(b)), before amendment by section 306(a)(2) of this division.

(7) Section 242B(d)(1) (8 U.S.C. 1252b(d)(1)), before repeal by section 306(b)(6) of this division.

(8) Section 273(d) (8 U.S.C. 1323(d)), before its repeal by section 308(e)(13) of this division.

(9) Section 292 (8 U.S.C. 1362).

(c) COMPENSATION FOR IMMIGRATION JUDGES.—

(1) IN GENERAL.—There shall be four levels of pay for immigration judges, under the Immigration Judge Schedule (designated as IJ–1, 2, 3, and 4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—

(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ–1	*70% of the next to highest rate of basic pay for the Senior Executive Service*
IJ–2	*80% of the next to highest rate of basic pay for the Senior Executive Service*
IJ–3	*90% of the next to highest rate of basic pay for the Senior Executive Service*
IJ–4	*92% of the next to highest rate of basic pay for the Senior Executive Service.*

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—

(A) Upon appointment, an immigration judge shall be paid at IJ–1, and shall be advanced to IJ–2 upon completion of 104 weeks of service, to IJ–3 upon completion of 104 weeks of service in the next lower rate, and to IJ–4 upon completion of 52 weeks of service in the next lower rate.

(B) Notwithstanding subparagraph (A), the Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Immigration judges serving as of the effective date shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge, and in no case shall be paid less after the effective date than the rate of pay prior to the effective date.

(d) EFFECTIVE DATES.—

(1) Subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(2) Subsection (c) shall take effect 90 days after the date of the enactment of this Act.

SEC. 372. DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.

Section 103(a) (8 U.S.C. 1103(a)) is amended—

(1) inserting "(1)" after "(a)",

(2) by designating each sentence (after the first sentence) as a separate paragraph with appropriate consecutive numbering and initial indentation,

(3) by adding at the end the following new paragraph:

"(8) In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.".

SEC. 373. POWERS AND DUTIES OF THE ATTORNEY GENERAL AND THE COMMISSIONER.

Section 103 (8 U.S.C. 1103) is amended—

(1) by adding at the end of subsection (a) the following new paragraph:

"(9) The Attorney General, in support of persons in administrative detention in non-Federal institutions, is authorized—

"(A) to make payments from funds appropriated for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law under an agreement with a State or political subdivision of a State; and

"(B) to enter into a cooperative agreement with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention services in any State or unit of local government which agrees to provide guaranteed bed space for persons detained by the Service."; and

(2) by adding at the end of subsection (c), as redesignated by section 102(d)(1) of this division, the following: "The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws.".

SEC. 374. JUDICIAL DEPORTATION.

(a) IN GENERAL.—Section 242A(d) (8 U.S.C. 1252a(d)), as added by section 224(a) of Immigration and Nationality Technical Corrections Act of 1994 and before redesignation by section 308(b)(5) of this division, is amended—

(1) in paragraph (1), by striking "whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)" and inserting "who is deportable";

(2) in paragraph (4), by striking "without a decision on the merits"; and

(3) by adding at the end the following new paragraph:

"(5) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States district court, in both felony and misdemeanor cases, and a United States magistrate judge in misdemeanor cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.".

(b) DEPORTATION AS A CONDITION OF PROBATION.—Section 3563(b) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (20);

(2) by redesignating paragraph (21) as paragraph (22); and

(3) by inserting after paragraph (20) the following new paragraph:

"(21) be ordered deported by a United States district court, or United States magistrate judge, pursuant to a stipulation entered into by the defendant and the United States under section 242A(d)(5) of the Immigration and Nationality Act, except that, in the absence of a stipulation, the United States district court or a United States magistrate judge, may order deportation as a condition of probation, if, after notice and hearing pursuant to such section, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable; or".

(c) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall be effective as if included in the enactment of section 224(a) of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 375. LIMITATION ON ADJUSTMENT OF STATUS.

Section 245(c) (8 U.S.C. 1255(c)) is amended—

(1) by striking "or (6)" and inserting "(6)"; and

(2) by inserting before the period at the end the following: "; (7) any alien who seeks adjustment of status to that of an immigrant under

section 203(b) and is not in a lawful nonimmigrant status; or (8) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa".

SEC. 376. TREATMENT OF CERTAIN FEES.

(a) INCREASE IN FEE.—Section 245(i) (8 U.S.C. 1255(i)), as added by section 506(b) of Public Law 103–317, is amended—

(1) in paragraph (1), by striking "five times the fee required for the processing of applications under this section" and inserting "$1,000"; and

(2) by amending paragraph (3) to read as follows:

"(3)(A) The portion of each application fee (not to exceed $200) that the Attorney General determines is required to process an application under this section and is remitted to the Attorney General pursuant to paragraphs (1) and (2) of this subsection shall be disposed of by the Attorney General as provided in subsections (m), (n), and (o) of section 286.

"(B) Any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Detention Account established under section 286(s).".

(b) IMMIGRATION DETENTION ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(s) IMMIGRATION DETENTION ACCOUNT.—(1) There is established in the general fund of the Treasury a separate account which shall be known as the 'Immigration Detention Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the Immigration Detention Account amounts described in section 245(i)(3)(B) to remain available until expended.

"(2)(A) The Secretary of the Treasury shall refund out of the Immigration Detention Account to any appropriation the amount paid out of such appropriation for expenses incurred by the Attorney General for the detention of aliens under sections 236(c) and 241(a).

"(B) The amounts which are required to be refunded under subparagraph (A) shall be refunded at least quarterly on the basis of estimates made by the Attorney General of the expenses referred to in subparagraph (A). Proper adjustments shall be made in the amounts subsequently refunded under subparagraph (A) to the extent prior estimates were in excess of, or less than, the amount required to be refunded under subparagraph (A).

"(C) The amounts required to be refunded from the Immigration Detention Account for fiscal year 1997 and thereafter shall be refunded in accordance with estimates made in the budget request of the Attorney General for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of Public Law 104–134.

"(D) The Attorney General shall prepare and submit annually to the Congress statements of financial condition of the Immigration Detention Account, including beginning account balance, revenues, withdrawals, and ending account balance and projection for the ensuing fiscal year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to applications made on or after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 377. LIMITATION ON LEGALIZATION LITIGATION.

(a) LIMITATION ON COURT JURISDICTION.—Section 245A(f)(4) (8 U.S.C. 1255a(f)(4)) is amended by adding at the end the following new subparagraph:

"(C) JURISDICTION OF COURTS.—Notwithstanding any other provision of law, no court shall have jurisdiction of any cause of action or claim by or on behalf of any person asserting an interest under this section unless such person in fact filed an application under this section within the period specified by subsection (a)(1), or attempted to file a complete application and application fee with an authorized legalization officer of the Service but had the application and fee refused by that officer.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Immigration Reform and Control Act of 1986.

SEC. 378. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—Section 246(a) (8 U.S.C. 1256(a)) is amended by adding at the end the following sentence: "Nothing in this subsection shall require the Attorney General to rescind the alien's status prior to commencement of procedures to remove the alien under section 240, and an order of removal issued by an immigration judge shall be sufficient to rescind the alien's status.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the title III–A effective date (as defined in section 309(a) of this division).

SEC. 379. ADMINISTRATIVE REVIEW OF ORDERS.

(a) IN GENERAL.—Sections 274A(e)(7) and 274C(d)(4) (8 U.S.C. 1324a(e)(7), 1324c(d)(4)) are each amended—

(1) by striking "unless, within 30 days, the Attorney General modifies or vacates the decision and order" and inserting "unless either (A) within 30 days, an official delegated by regulation to exercise review authority over the decision and order modifies or vacates the decision and order, or (B) within 30 days of the date of such a modification or vacation (or within 60 days of the date of decision and order of an administrative law judge if not so modified or vacated) the decision and order is referred to the Attorney General pursuant to regulations"; and

(2) by striking "a final order" and inserting "the final agency decision and order".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to orders issued on or after the date of the enactment of this Act.

SEC. 380. CIVIL PENALTIES FOR FAILURE TO DEPART.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 274C the following new section:

"CIVIL PENALTIES FOR FAILURE TO DEPART

"SEC. 274D. (a) IN GENERAL.—Any alien subject to a final order of removal who—

"(1) willfully fails or refuses to—

"(A) depart from the United States pursuant to the order,

"(B) make timely application in good faith for travel or other documents necessary for departure, or

"(C) present for removal at the time and place required by the Attorney General; or

"(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 243(a) or any other section of this Act.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 274C the following new item:

"Sec. 274D. Civil penalties for failure to depart.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions occurring on or after the title III–A effective date (as defined in section 309(a) of this division).

SEC. 381. CLARIFICATION OF DISTRICT COURT JURISDICTION.

(a) IN GENERAL.—Section 279 (8 U.S.C. 1329) is amended—

(1) by amending the first sentence to read as follows: "The district courts of the United States shall have jurisdiction of all causes, civil and criminal, brought by the United States that arise under the provisions of this title.", and

(2) by adding at the end the following new sentence: "Nothing in this section shall be construed as providing jurisdiction for suits against the United States or its agencies or officers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to actions filed after the date of the enactment of this Act.

SEC. 382. APPLICATION OF ADDITIONAL CIVIL PENALTIES TO ENFORCEMENT.

(a) IN GENERAL.—Subsection (b) of section 280 (8 U.S.C. 1330) is amended to read as follows:

"(b)(1) There is established in the general fund of the Treasury a separate account which shall be known as the 'Immigration Enforcement Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the Immigration Enforcement Account amounts described in paragraph (2) to remain available until expended.

"(2) The amounts described in this paragraph are the following:

"(A) The increase in penalties collected resulting from the amendments made by sections 203(b) and 543(a) of the Immigration Act of 1990.

"(B) Civil penalties collected under sections 240B(d), 274C, 274D, and 275(b).

"(3)(A) The Secretary of the Treasury shall refund out of the Immigration Enforcement Account to any appropriation the amount paid out of such appropriation for expenses incurred by the Attorney General for activities that enhance enforcement of provisions of this title. Such activities include—

"(i) the identification, investigation, apprehension, detention, and removal of criminal aliens;

"(ii) the maintenance and updating of a system to identify and track criminal aliens, deportable aliens, inadmissible aliens, and aliens illegally entering the United States; and

"(iii) for the repair, maintenance, or construction on the United States border, in areas experiencing high levels of apprehensions of illegal aliens, of structures to deter illegal entry into the United States.

"(B) The amounts which are required to be refunded under subparagraph (A) shall be refunded at least quarterly on the basis of estimates made by the Attorney General of the expenses referred to in subparagraph (A). Proper adjustments shall be made in the amounts subsequently refunded under subparagraph (A) to the extent prior estimates were in excess of, or less than, the amount required to be refunded under subparagraph (A).

"(C) The amounts required to be refunded from the Immigration Enforcement Account for fiscal year 1996 and thereafter shall be refunded in accordance with estimates made in the budget request of the Attorney General for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of Public Law 104–134.

"(D) The Attorney General shall prepare and submit annually to the Congress statements of financial condition of the Immigration Enforcement Account, including beginning account balance, revenues, withdrawals, and ending account balance and projection for the ensuing fiscal year.".

(b) IMMIGRATION USER FEE ACCOUNT.—Section 286(h)(1)(B) (8 U.S.C. 1356(h)(1)(B)) is amended by striking "271" and inserting "243(c), 271,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fines and penalties collected on or after the date of the enactment of this Act.

SEC. 383. EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

(a) IN GENERAL.—Section 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended—

(1) by striking "or" at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting ", or", and

(3) by adding at the end the following new paragraph:

"(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

"(A) a felony crime of violence that has an element the use or attempted use of physical force against another individual, or

"(B) a felony offense that by its nature involves a substantial risk that physical force against another individual may be used in the course of committing the offense.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to benefits granted or extended after the date of the enactment of this Act.

SEC. 384. PENALTIES FOR DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such Department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using information furnished solely by—

(A) a spouse or parent who has battered the alien or subjected the alien to extreme cruelty,

(B) a member of the spouse's or parent's family residing in the same household as the alien who has battered the alien or subjected the alien to extreme cruelty when the spouse or parent consented to or acquiesced in such battery or cruelty,

(C) a spouse or parent who has battered the alien's child or subjected the alien's child to extreme cruelty (without the active participation of the alien in the battery or extreme cruelty), or

(D) a member of the spouse's or parent's family residing in the same household as the alien who has battered the alien's child or subjected the alien's child to extreme cruelty when the spouse or parent consented to or acquiesced in such battery or cruelty and the alien did not actively participate in such battery or cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act; or

(2) permit use by or disclosure to anyone (other than a sworn officer or employee of the Department, or bureau or agency thereof, for legitimate Department, bureau, or agency purposes) of any information which relates to an alien who is the beneficiary of an application for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), section 216(c)(4)(C), or section 244(a)(3) of such Act as an alien (or the parent of a child) who has been battered or subjected to extreme cruelty.

The limitation under paragraph (2) ends when the application for relief is denied and all opportunities for appeal of the denial have been exhausted.

(b) EXCEPTIONS.—

(1) The Attorney General may provide, in the Attorney General's discretion, for the disclosure of information in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The Attorney General may provide in the discretion of the Attorney General for the disclosure of information to law enforcement officials to be used solely for a legitimate law enforcement purpose.

(3) Subsection (a) shall not be construed as preventing disclosure of information in connection with judicial review of a determination in a manner that protects the confidentiality of such information.

(4) Subsection (a)(2) shall not apply if all the battered individuals in the case are adults and they have all waived the restrictions of such subsection.

(c) PENALTIES FOR VIOLATIONS.—Anyone who willfully uses, publishes, or permits information to be disclosed in violation of this section shall be subject to appropriate disciplinary action and subject to a civil money penalty of not more than $5,000 for each such violation.

(d) CONFORMING AMENDMENTS TO OTHER DISCLOSURE RESTRICTIONS.—

(1) IN GENERAL.—The last sentence of section 210(b)(6) and the second sentence of section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) are each amended to read as follows: "Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to appropriate disciplinary action and subject to a civil money penalty of not more than $5,000 for each violation.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to offenses occurring on or after the date of the enactment of this Act.

SEC. 385. AUTHORIZATION OF ADDITIONAL FUNDS FOR REMOVAL OF ALIENS.

In addition to the amounts otherwise authorized to be appropriated for each fiscal year beginning with fiscal year 1996, there are authorized to be appropriated to the Attorney General $150,000,000 for costs associated with the removal of inadmissible or deportable aliens, including costs of detention of such aliens pending their removal, the hiring of more investigators, and the hiring of more detention and deportation officers.

SEC. 386. INCREASE IN INS DETENTION FACILITIES; REPORT ON DETENTION SPACE.

(a) INCREASE IN DETENTION FACILITIES.—Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds before the end of fiscal year 1997.

(b) REPORT ON DETENTION SPACE.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate estimating the amount of detention space that will be required, during the fiscal year in which the report is submitted and the succeeding fiscal year, to detain—

(A) all aliens subject to detention under section 236(c) of the Immigration and Nationality Act (as amended by section 303 of this title) and section 241(a) of the Immigration and Nationality Act (as inserted by section 305(a)(3) of this title);

(B) all excludable or deportable aliens subject to proceedings under section 238 of the Immigration and Nationality Act (as redesignated by section 308(b)(5) of this title) or section 235(b)(2)(A) or 240 of the Immigration and Nationality Act; and

(C) other excludable or deportable aliens in accordance with the priorities established by the Attorney General.

(2) ESTIMATE OF NUMBER OF ALIENS RELEASED INTO THE COMMUNITY.—

(A) CRIMINAL ALIENS.—

(i) IN GENERAL.—The first report submitted under paragraph (1) shall include an estimate of the number of criminal aliens who, in each of the 3 fiscal years concluded prior to the date of the report—

(I) were released from detention facilities of the Immigration and Naturalization Service (whether operated directly by the Service or through contract with other persons or agencies); or

(II) were not taken into custody or detention by the Service upon completion of their incarceration.

(ii) ALIENS CONVICTED OF AGGRAVATED FELONIES.—The estimate under clause (i) shall estimate separately, with respect to each year described in such clause, the number of criminal aliens described in such clause who were convicted of an aggravated felony.

(B) ALL EXCLUDABLE OR DEPORTABLE ALIENS.—The first report submitted under paragraph (1) shall also estimate the number of excludable or deportable aliens who were released into the community due to a lack of detention facilities in each of the 3 fiscal years concluded prior to the date of the report notwithstanding circumstances that the Attorney General believed justified detention (for example, a significant probability that the released alien would not appear, as agreed, at subsequent exclusion or deportation proceedings).

(C) SUBSEQUENT REPORTS.—Each report under paragraph (1) following the first such report shall include the estimates under subparagraphs (A) and (B), made with respect to the 6-month period immediately preceding the date of the submission of the report.

SEC. 387. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF INADMISSIBLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall establish one or more pilot programs for up to 2 years each to determine the feasibility of the use of military bases, available because of actions under a base closure law, as detention centers by the Immigration and Naturalization Service. In selecting real property at a military base for use as a detention center under the pilot program, the Attorney General and the Secretary shall consult with the redevelopment authority established for the military base and give substantial deference to the redevelopment plan prepared for the military base.

(b) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of Defense, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate, and the Committees on Armed Services of the House of Representatives and of the Senate, on the feasibility of using military bases closed under a base closure law as detention centers by the Immigration and Naturalization Service.

(c) DEFINITION.—For purposes of this section, the term "base closure law" means each of the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

SEC. 388. REPORT ON INTERIOR REPATRIATION PROGRAM.

Not later than 30 months after the date of the enactment of this Act, the Attorney General, in *consultation with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the program of interior repatriation developed under section 437 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132).*

TITLE IV—ENFORCEMENT OF RESTRICTIONS AGAINST EMPLOYMENT

Subtitle A—Pilot Programs for Employment Eligibility Confirmation

SEC. 401. ESTABLISHMENT OF PROGRAMS.

(a) IN GENERAL.—The Attorney General shall conduct 3 pilot programs of employment eligibility confirmation under this subtitle.

(b) IMPLEMENTATION DEADLINE; TERMINATION.—The Attorney General shall implement the pilot programs in a manner that permits persons and other entities to have elections under section 402 of this division made and in effect no later than 1 year after the date of the enactment of this Act. Unless the Congress otherwise provides, the Attorney General shall terminate a pilot program at the end of the 4-year period beginning on the first day the pilot program is in effect.

(c) SCOPE OF OPERATION OF PILOT PROGRAMS.—The Attorney General shall provide for the operation—

(1) of the basic pilot program (described in section 403(a) of this division) in, at a minimum, 5 of the 7 States with the highest estimated population of aliens who are not lawfully present in the United States;

(2) of the citizen attestation pilot program (described in section 403(b) of this division) in at least 5 States (or, if fewer, all of the States) that meet the condition described in section 403(b)(2)(A) of this division; and

(3) of the machine-readable-document pilot program (described in section 403(c) of this division) in at least 5 States (or, if fewer, all of the States) that meet the condition described in section 403(c)(2) of this division.

(d) REFERENCES IN SUBTITLE.—In this subtitle—

(1) PILOT PROGRAM REFERENCES.—The terms "program" or "pilot program" refer to any of the 3 pilot programs provided for under this subtitle.

(2) CONFIRMATION SYSTEM.—The term "confirmation system" means the confirmation system established under section 404 of this division.

(3) REFERENCES TO SECTION 274A.—Any reference in this subtitle to section 274A (or a subdivision of such section) is deemed a reference to such section (or subdivision thereof) of the Immigration and Nationality Act.

(4) I–9 OR SIMILAR FORM.—The term "I–9 or similar form" means the form used for purposes of section 274A(b)(1)(A) or such other form as the Attorney General determines to be appropriate.

(5) LIMITED APPLICATION TO RECRUITERS AND REFERRERS.—Any reference to recruitment or referral (or a recruiter or referrer) in relation to employment is deemed a reference only to such recruitment or referral (or recruiter or referrer) that is subject to section 274A(a)(1)(B)(ii).

(6) UNITED STATES CITIZENSHIP.—The term "United States citizenship" includes United States nationality.

(7) STATE.—The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

SEC. 402. VOLUNTARY ELECTION TO PARTICIPATE IN A PILOT PROGRAM.

(a) VOLUNTARY ELECTION.—Subject to subsection (c)(3)(B), any person or other entity that conducts any hiring (or recruitment or referral) in a State in which a pilot program is operating may elect to participate in that pilot program. Except as specifically provided in subsection (e), the Attorney General may not require any person or other entity to participate in a pilot program.

(b) BENEFIT OF REBUTTABLE PRESUMPTION.—

(1) IN GENERAL.—If a person or other entity is participating in a pilot program and obtains confirmation of identity and employment eligibility in compliance with the terms and conditions of the program with respect to the hiring (or recruitment or referral) of an individual for employment in the United States, the person or entity has established a rebuttable presumption that the person or entity has not violated section 274A(a)(1)(A) with respect to such hiring (or such recruitment or referral).

(2) CONSTRUCTION.—Paragraph (1) shall not be construed as preventing a person or other entity that has an election in effect under subsection (a) from establishing an affirmative defense under section 274A(a)(3) if the person or entity complies with the requirements of section 274A(a)(1)(B) but fails to obtain confirmation under paragraph (1).

(c) GENERAL TERMS OF ELECTIONS.—

(1) IN GENERAL.—An election under subsection (a) shall be in such form and manner, under such terms and conditions, and shall take effect, as the Attorney General shall specify. The Attorney General may not impose any fee as a condition of making an election or participating in a pilot program.

(2) SCOPE OF ELECTION.—

(A) IN GENERAL.—Subject to paragraph (3), any electing person or other entity may provide that the election under subsection (a) shall apply (during the period in which the election is in effect)—

(i) to all its hiring (and all recruitment or referral) in the State (or States) in which the pilot program is operating, or

(ii) to its hiring (or recruitment or referral) in one or more pilot program States or one or more places of hiring (or recruitment or referral, as the case may be) in the pilot program States.

(B) APPLICATION OF PROGRAMS IN NON-PILOT PROGRAM STATES.—In addition, the Attorney General may permit a person or entity electing—

(i) the basic pilot program (described in section 403(a) of this division) to provide that the election applies to its hiring (or recruitment or referral) in one or more States or places of hiring (or recruitment or referral) in which the pilot program is not otherwise operating, or

(ii) the citizen attestation pilot program (described in 403(b) of this division) or the machine-readable-document pilot program (described in section 403(c) of this division) to provide that the election applies to its hiring (or recruitment or referral) in one or more States or places of hiring (or recruitment or referral) in which the pilot program is not otherwise operating but only if such States meet the requirements of 403(b)(2)(A) and 403(c)(2) of this division, respectively.

(3) ACCEPTANCE AND REJECTION OF ELECTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General shall accept all elections made under subsection (a).

(B) REJECTION OF ELECTIONS.—The Attorney General may reject an election by a person or other entity under this section or limit its applicability to certain States or places of hiring (or recruitment or referral) if the Attorney General has determined that there are insufficient resources to provide appropriate services under a pilot program for the person's or entity's hiring (or recruitment or referral) in any or all States or places of hiring.

(4) TERMINATION OF ELECTIONS.—The Attorney General may terminate an election by a person or other entity under this section because the person or entity has substantially failed to comply with its obligations under the pilot program. A person or other entity may terminate an election in such form and manner as the Attorney General shall specify.

(d) CONSULTATION, EDUCATION, AND PUBLICITY.—

(1) CONSULTATION.—The Attorney General shall closely consult with representatives of employers (and recruiters and referrers) in the development and implementation of the pilot programs, including the education of employers (and recruiters and referrers) about such programs.

(2) PUBLICITY.—The Attorney General shall widely publicize the election process and pilot programs, including the voluntary nature of the pilot programs and the advantages to employers (and recruiters and referrers) of making an election under this section.

(3) ASSISTANCE THROUGH DISTRICT OFFICES.—The Attorney General shall designate one or more individuals in each District office of the Immigration and Naturalization Service for a Service District in which a pilot program is being implemented—

(A) to inform persons and other entities that seek information about pilot programs of the voluntary nature of such programs, and

(B) to assist persons and other entities in electing and participating in any pilot programs in effect in the District, in complying with the requirements of section 274A, and in facilitating confirmation of the identity and employment eligibility of individuals consistent with such section.

(e) SELECT ENTITIES REQUIRED TO PARTICIPATE IN A PILOT PROGRAM.—

(1) FEDERAL GOVERNMENT.—

(A) EXECUTIVE DEPARTMENTS.—

(i) IN GENERAL.—Each Department of the Federal Government shall elect to participate in a pilot program and shall comply with the terms and conditions of such an election.

(ii) ELECTION.—Subject to clause (iii), the Secretary of each such Department—

(I) shall elect the pilot program (or programs) in which the Department shall participate, and

(II) may limit the election to hiring occurring in certain States (or geographic areas) covered by the program (or programs) and in specified divisions within the Department, so long as all hiring by such divisions and in such locations is covered.

(iii) ROLE OF ATTORNEY GENERAL.—The Attorney General shall assist and coordinate elections under this subparagraph in such manner as assures that—

(I) a significant portion of the total hiring within each Department within States covered by a pilot program is covered under such a program, and

(II) there is significant participation by the Federal Executive branch in each of the pilot programs.

(B) LEGISLATIVE BRANCH.—Each Member of Congress, each officer of Congress, and the head of each agency of the legislative branch, that conducts hiring in a State in which a pilot program is operating shall elect to participate in a pilot program, may specify which pilot program or programs (if there is more than one) in which the Member, officer, or agency will participate, and shall comply with the terms and conditions of such an election.

(2) APPLICATION TO CERTAIN VIOLATORS.—An order under section 274A(e)(4) or section 274B(g) of the Immigration and Nationality Act may require the subject of the order to participate in, and comply with the terms of, a pilot program with respect to the subject's hiring (or recruitment or referral) of individuals in a State covered by such a program.

(3) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If a person or other entity is required

under this subsection to participate in a pilot program and fails to comply with the requirements of such program with respect to an individual—

(A) such failure shall be treated as a violation of section 274A(a)(1)(B) with respect to that individual, and

(B) a rebuttable presumption is created that the person or entity has violated section 274A(a)(1)(A).

Subparagraph (B) shall not apply in any prosecution under section 274A(f)(1).

(f) CONSTRUCTION.—This subtitle shall not affect the authority of the Attorney General under any other law (including section 274A(d)(4)) to conduct demonstration projects in relation to section 274A.

SEC. 403. PROCEDURES FOR PARTICIPANTS IN PILOT PROGRAMS.

(a) BASIC PILOT PROGRAM.—A person or other entity that elects to participate in the basic pilot program described in this subsection agrees to conform to the following procedures in the case of the hiring (or recruitment or referral) for employment in the United States of each individual covered by the election:

(1) PROVISION OF ADDITIONAL INFORMATION.—The person or entity shall obtain from the individual (and the individual shall provide) and shall record on the I-9 or similar form—

(A) the individual's social security account number, if the individual has been issued such a number, and

(B) if the individual does not attest to United States citizenship under section 274A(b)(2), such identification or authorization number established by the Immigration and Naturalization Service for the alien as the Attorney General shall specify,

and shall retain the original form and make it available for inspection for the period and in the manner required of I-9 forms under section 274A(b)(3).

(2) PRESENTATION OF DOCUMENTATION.—

(A) IN GENERAL.—The person or other entity, and the individual whose identity and employment eligibility are being confirmed, shall, subject to subparagraph (B), fulfill the requirements of section 274A(b) with the following modifications:

(i) A document referred to in section 274A(b)(1)(B)(ii) (as redesignated by section 412(a) of this division) must be designated by the Attorney General as suitable for the purpose of identification in a pilot program.

(ii) A document referred to in section 274A(b)(1)(D) must contain a photograph of the individual.

(iii) The person or other entity has complied with the requirements of section 274A(b)(1) with respect to examination of a document if the document reasonably appears on its face to be genuine and it reasonably appears to pertain to the individual whose identity and work eligibility is being confirmed.

(B) LIMITATION OF REQUIREMENT TO EXAMINE DOCUMENTATION.—If the Attorney General finds that a pilot program would reliably determine with respect to an individual whether—

(i) the person with the identity claimed by the individual is authorized to work in the United States, and

(ii) the individual is claiming the identity of another person,

if a person or entity could fulfill the requirement to examine documentation contained in subparagraph (A) of section 274A(b)(1) by examining a document specified in either subparagraph (B) or (D) of such section, the Attorney General may provide that, for purposes of such requirement, only such a document need be examined. In such case, any reference in section 274A(b)(1)(A) to a verification that an individual is not an unauthorized alien shall be deemed to be a verification of the individual's identity.

(3) SEEKING CONFIRMATION.—

(A) IN GENERAL.—The person or other entity shall make an inquiry, as provided in section 404(a)(1) of this division, using the confirmation system to seek confirmation of the identity and employment eligibility of an individual, by not later than the end of 3 working days (as specified by the Attorney General) after the date of the hiring (or recruitment or referral, as the case may be).

(B) EXTENSION OF TIME PERIOD.—If the person or other entity in good faith attempts to make an inquiry during such 3 working days and the confirmation system has registered that not all inquiries were received during such time, the person or entity can make an inquiry in the first subsequent working day in which the confirmation system registers that it has received all inquiries. If the confirmation system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

(4) CONFIRMATION OR NONCONFIRMATION.—

(A) CONFIRMATION UPON INITIAL INQUIRY.—If the person or other entity receives an appropriate confirmation of an individual's identity and work eligibility under the confirmation system within the time period specified under section 404(b) of this division, the person or entity shall record on the I-9 or similar form an appropriate code that is provided under the system and that indicates a final confirmation of such identity and work eligibility of the individual.

(B) NONCONFIRMATION UPON INITIAL INQUIRY AND SECONDARY VERIFICATION.—

(i) NONCONFIRMATION.—If the person or other entity receives a tentative nonconfirmation of an individual's identity or work eligibility under the confirmation system within the time period specified under 404(b) of this division, the person or entity shall so inform the individual for whom the confirmation is sought.

(ii) NO CONTEST.—If the individual does not contest the nonconfirmation within the time period specified in section 404(c) of this division, the nonconfirmation shall be considered final. The person or entity shall then record on the I-9 or similar form an appropriate code which has been provided under the system to indicate a tentative nonconfirmation.

(iii) CONTEST.—If the individual does contest the nonconfirmation, the individual shall utilize the process for secondary verification provided under section 404(c) of this division. The nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the confirmation system within the time period specified in such section. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

(iv) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the confirmation system under section 404(c) of this division regarding an individual, the person or entity shall record on the I-9 or similar form an appropriate code that is provided under the system and that indicates a confirmation or nonconfirmation of identity and work eligibility of the individual.

(C) CONSEQUENCES OF NONCONFIRMATION.—

(i) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonconfirmation regarding an individual under subparagraph (B), the person or entity may terminate employment (or recruitment or referral) of the individual. If the person or entity does not terminate employment (or recruitment or referral) of the individual, the person or entity shall notify the Attorney General of such fact through the confirmation system or in such other manner as the Attorney General may specify.

(ii) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under clause (i), the failure is deemed to constitute a violation of section 274A(a)(1)(B) with respect to that individual and the applicable civil monetary penalty under section 274A(e)(5) shall be (notwithstanding the amounts specified in such section) no less than $500 and no more than $1,000 for each individual with respect to whom such violation occurred.

(iii) CONTINUED EMPLOYMENT AFTER FINAL NONCONFIRMATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated section 274A(a)(1)(A). The previous sentence shall not apply in any prosecution under section 274A(f)(1).

(b) CITIZEN ATTESTATION PILOT PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraphs (3) through (5), the procedures applicable under the citizen attestation pilot program under this subsection shall be the same procedures as those under the basic pilot program under subsection (a).

(2) RESTRICTIONS.—

(A) STATE DOCUMENT REQUIREMENT TO PARTICIPATE IN PILOT PROGRAM.—The Attorney General may not provide for the operation of the citizen attestation pilot program in a State unless each driver's license or similar identification document described in section 274A(b)(1)(D)(i) issued by the State—

(i) contains a photograph of the individual involved, and

(ii) has been determined by the Attorney General to have security features, and to have been issued through application and issuance procedures, which make such document sufficiently resistant to counterfeiting, tampering, and fraudulent use that it is a reliable means of identification for purposes of this section.

(B) AUTHORIZATION TO LIMIT EMPLOYER PARTICIPATION.—The Attorney General may restrict the number of persons or other entities that may elect to participate in the citizen attestation pilot program under this subsection as the Attorney General determines to be necessary to produce a representative sample of employers and to reduce the potential impact of fraud.

(3) NO CONFIRMATION REQUIRED FOR CERTAIN INDIVIDUALS ATTESTING TO U.S. CITIZENSHIP.—In the case of a person or other entity hiring (or recruiting or referring) an individual under the citizen attestation pilot program, if the individual attests to United States citizenship (under penalty of perjury on an I-9 or similar form which form states on its face the criminal and other penalties provided under law for a false representation of United States citizenship)—

(A) the person or entity may fulfill the requirement to examine documentation contained in subparagraph (A) of section 274A(b)(1) by examining a document specified in either subparagraph (B)(i) or (D) of such section; and

(B) the person or other entity is not required to comply with respect to such individual with the procedures described in paragraphs (3) and (4) of subsection (a), but only if the person or entity retains the form and makes it available for inspection in the same manner as in the case of an I-9 form under section 274A(b)(3).

(4) WAIVER OF DOCUMENT PRESENTATION REQUIREMENT IN CERTAIN CASES.—

(A) IN GENERAL.—In the case of a person or entity that elects, in a manner specified by the Attorney General consistent with subparagraph (B), to participate in the pilot program under this paragraph, if an individual being hired (or recruited or referred) attests (in the manner described in paragraph (3)) to United States citizenship and the person or entity retains the form on which the attestation is made and makes it available for inspection in the same manner as in the case of an I-9 form under section 274A(b)(3), the person or entity is not required to comply with the procedures described in section 274A(b).

(B) RESTRICTION.—The Attorney General shall restrict the election under this paragraph to no more than 1,000 employers and, to the extent practicable, shall select among employers seeking to make such election in a manner that provides for such an election by a representative sample of employers.

(5) NONREVIEWABLE DETERMINATIONS.—The determinations of the Attorney General under paragraphs (2) and (4) are within the discretion of the Attorney General and are not subject to judicial or administrative review.

(c) MACHINE-READABLE-DOCUMENT PILOT PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (3), the procedures applicable under the machine-readable-document pilot program under this subsection shall be the same procedures as those under the basic pilot program under subsection (a).

(2) STATE DOCUMENT REQUIREMENT TO PARTICIPATE IN PILOT PROGRAM.—The Attorney General may not provide for the operation of the machine-readable-document pilot program in a State unless driver's licenses and similar identification documents described in section 274A(b)(1)(D)(i) issued by the State include a machine-readable social security account number.

(3) USE OF MACHINE-READABLE DOCUMENTS.—If the individual whose identity and employment eligibility must be confirmed presents to the person or entity hiring (or recruiting or referring) the individual a license or other document described in paragraph (2) that includes a machine-readable social security account number, the person or entity must make an inquiry through the confirmation system by using a machine-readable feature of such document. If the individual does not attest to United States citizenship under section 274A(b)(2), the individual's identification or authorization number described in subsection (a)(1)(B) shall be provided as part of the inquiry.

(d) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE CONFIRMATION SYSTEM.—No person or entity participating in a pilot program shall be civilly or criminally liable under any law for any action taken in good faith reliance on information provided through the confirmation system.

SEC. 404. EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.

(a) IN GENERAL.—The Attorney General shall establish a pilot program confirmation system through which the Attorney General (or a designee of the Attorney General, which may be a nongovernmental entity)—

(1) responds to inquiries made by electing persons and other entities (including those made by the transmittal of data from machine-readable documents under the machine-readable pilot program) at any time through a toll-free telephone line or other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed, and

(2) maintains records of the inquiries that were made, of confirmations provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under the pilot programs.

To the extent practicable, the Attorney General shall seek to establish such a system using one or more nongovernmental entities.

(b) INITIAL RESPONSE.—The confirmation system shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the confirmation system shall provide an appropriate code indicating such confirmation or such nonconfirmation.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation within 10 working days after the date of the tentative nonconfirmation. When final confirmation or nonconfirmation is provided, the confirmation system shall provide an appropriate code indicating such confirmation or nonconfirmation.

(d) DESIGN AND OPERATION OF SYSTEM.—The confirmation system shall be designed and operated—

(1) to maximize its reliability and ease of use by persons and other entities making elections under section 402(a) of this division consistent with insulating and protecting the privacy and security of the underlying information;

(2) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

(3) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

(4) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

(A) the selective or unauthorized use of the system to verify eligibility;

(B) the use of the system prior to an offer of employment; or

(C) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the confirmation system, the Commissioner of Social Security, in consultation with the entity responsible for administration of the system, shall establish a reliable, secure method, which, within the time periods specified under subsections (b) and (c), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the confirmation system, the Commissioner of the Immigration and Naturalization Service, in consultation with the entity responsible for administration of the system, shall establish a reliable, secure method, which, within the time periods specified under subsections (b) and (c), compares the name and alien identification or authorization number described in section 403(a)(1)(B) of this division which are provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and number, and whether the alien is authorized to be employed in the United States.

(g) UPDATING INFORMATION.—The Commissioners of Social Security and the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c).

(h) LIMITATION ON USE OF THE CONFIRMATION SYSTEM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this subtitle shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this subtitle for any other purpose other than as provided for under a pilot program.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this subtitle shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

SEC. 405. REPORTS.

The Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate reports on the pilot programs within 3 months after the end of the third and fourth years in which the programs are in effect. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship,

(2) include recommendations on whether or not the pilot programs should be continued or modified, and

(3) assess the benefits of the pilot programs to employers and the degree to which they assist in the enforcement of section 274A.

Subtitle B—Other Provisions Relating to Employer Sanctions

SEC. 411. LIMITING LIABILITY FOR CERTAIN TECHNICAL VIOLATIONS OF PAPERWORK REQUIREMENTS.

(a) IN GENERAL.—Section 274A(b) (8 U.S.C. 1324a(b)) is amended by adding at the end the following new paragraph:

"(6) GOOD FAITH COMPLIANCE.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), a person or entity is considered to have complied with a requirement of this subsection notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

"(B) EXCEPTION IF FAILURE TO CORRECT AFTER NOTICE.—Subparagraph (A) shall not apply if—

"(i) the Service (or another enforcement agency) has explained to the person or entity the basis for the failure,

"(ii) the person or entity has been provided a period of not less than 10 business days (beginning after the date of the explanation) within which to correct the failure, and

"(iii) the person or entity has not corrected the failure voluntarily within such period.

"(C) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Subparagraph (A) shall not apply to a person or entity that has or is engaging in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 412. PAPERWORK AND OTHER CHANGES IN THE EMPLOYER SANCTIONS PROGRAM.

(a) REDUCING THE NUMBER OF DOCUMENTS ACCEPTED FOR EMPLOYMENT VERIFICATION.—Section 274A(b)(1) (8 U.S.C. 1324a(b)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking clauses (ii) through (iv),

(B) in clause (v), by striking "or other alien registration card, if the card" and inserting ", alien registration card, or other document designated by the Attorney General, if the document" and redesignating such clause as clause (ii), and

(C) in clause (ii), as so redesignated—

(i) in subclause (I), by striking "or" before "such other personal identifying information" and inserting "and",

(ii) by striking "and" at the end of subclause (I),

(iii) by striking the period at the end of subclause (II) and inserting ", and", and

(iv) by adding at the end the following new subclause:

"(III) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.";

(2) in subparagraph (C)—

(A) by adding "or" at the end of clause (i),

(B) by striking clause (ii), and

(C) by redesignating clause (iii) as clause (ii); and

(3) by adding at the end the following new subparagraph:

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Attorney General finds, by regulation, that any document described in subparagraph (B), (C), or (D) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Attorney General may prohibit or place conditions on its use for purposes of this subsection.".

(b) REDUCTION OF PAPERWORK FOR CERTAIN EMPLOYEES.—Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF DOCUMENTATION FOR CERTAIN EMPLOYEES.—

"(A) IN GENERAL.—For purposes of this section, if—

"(i) an individual is a member of a collective-bargaining unit and is employed, under a collective bargaining agreement entered into between one or more employee organizations and an association of two or more employers, by an employer that is a member of such association, and

"(ii) within the period specified in subparagraph (B), another employer that is a member of the association (or an agent of such association on behalf of the employer) has complied with the requirements of subsection (b) with respect to the employment of the individual,

the subsequent employer shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of the employee and shall not be liable for civil penalties described in subsection (e)(5).

"(B) PERIOD.—The period described in this subparagraph is 3 years, or, if less, the period of time that the individual is authorized to be employed in the United States.

"(C) LIABILITY.—

"(i) IN GENERAL.—If any employer that is a member of an association hires for employment in the United States an individual and relies upon the provisions of subparagraph (A) to comply with the requirements of subsection (b) and the individual is an alien not authorized to work in the United States, then for the purposes of paragraph (1)(A), subject to clause (ii), the employer shall be presumed to have known at the time of hiring or afterward that the individual was an alien not authorized to work in the United States.

"(ii) REBUTTAL OF PRESUMPTION.—The presumption established by clause (i) may be rebutted by the employer only through the presentation of clear and convincing evidence that the employer did not know (and could not reasonably have known) that the individual at the time of hiring or afterward was an alien not authorized to work in the United States.

"(iii) EXCEPTION.—Clause (i) shall not apply in any prosecution under subsection (f)(1).".

(c) ELIMINATION OF DATED PROVISIONS.—Section 274A (8 U.S.C. 1324a) is amended by striking subsections (i) through (n).

(d) CLARIFICATION OF APPLICATION TO FEDERAL GOVERNMENT.—Section 274A(a) (8 U.S.C. 1324a(a)), as amended by subsection (b), is amended by adding at the end the following new paragraph:

"(7) APPLICATION TO FEDERAL GOVERNMENT.—For purposes of this section, the term 'entity' includes an entity in any branch of the Federal Government.".

(e) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply with respect to hiring (or recruitment or referral) occurring on or after such date (not later than 12 months after the date of the enactment of this Act) as the Attorney General shall designate.

(2) The amendment made by subsection (b) shall apply to individuals hired on or after 60 days after the date of the enactment of this Act.

(3) The amendment made by subsection (c) shall take effect on the date of the enactment of this Act.

(4) The amendment made by subsection (d) applies to hiring occurring before, on, or after the date of the enactment of this Act, but no penalty shall be imposed under subsection (e) or (f) of section 274A of the Immigration and Nationality Act for such hiring occurring before such date.

SEC. 413. REPORT ON ADDITIONAL AUTHORITY OR RESOURCES NEEDED FOR ENFORCEMENT OF EMPLOYER SANCTIONS PROVISIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report on any additional authority or resources needed—

(1) by the Immigration and Naturalization Service in order to enforce section 274A of the Immigration and Nationality Act, or

(2) by Federal agencies in order to carry out the Executive Order of February 13, 1996 (entitled "Economy and Efficiency in Government Procurement Through Compliance with Certain Immigration and Naturalization Act Provisions") and to expand the restrictions in such order to cover agricultural subsidies, grants, job training programs, and other Federally subsidized assistance programs.

(b) REFERENCE TO INCREASED AUTHORIZATION OF APPROPRIATIONS.—For provision increasing the authorization of appropriations for investigators for violations of sections 274 and 274A of the Immigration and Nationality Act, see section 131 of this division.

SEC. 414. REPORTS ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.

(a) IN GENERAL.—Subsection (c) of section 290 (8 U.S.C. 1360) is amended to read as follows:

"(c)(1) Not later than 3 months after the end of each fiscal year (beginning with fiscal year 1996), the Commissioner of Social Security shall report to the Committees on the Judiciary of the House of Representatives and the Senate on the aggregate quantity of social security account numbers issued to aliens not authorized to be employed, with respect to which, in such fiscal year, earnings were reported to the Social Security Administration.

"(2) If earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Attorney General with information regarding the name and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings. The information shall be provided in an electronic form agreed upon by the Commissioner and the Attorney General.".

(b) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—The Commissioner of Social Security shall transmit to the Attorney General, by not later than 1 year after the date of the enactment of this Act, a report on the extent to which social security account numbers and cards are used by aliens for fraudulent purposes.

SEC. 415. AUTHORIZING MAINTENANCE OF CERTAIN INFORMATION ON ALIENS.

Section 264 (8 U.S.C. 1304) is amended by adding at the end the following new subsection:

"(f) Notwithstanding any other provision of law, the Attorney General is authorized to require any alien to provide the alien's social security account number for purposes of inclusion in any record of the alien maintained by the Attorney General or the Service.".

SEC. 416. SUBPOENA AUTHORITY.

Section 274A(e)(2) (8 U.S.C. 1324a(e)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ", and"; and

(3) by inserting after subparagraph (B) the following:

"(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).".

Subtitle C—Unfair Immigration-Related Employment Practices

SEC. 421. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) IN GENERAL.—Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking "For purposes of paragraph (1), a" and inserting "A"; and

(2) by striking "relating to the hiring of individuals" and inserting the following: "if made for the purpose or with the intent of discriminating against an individual in violation of paragraph (1)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to requests made on or after the date of the enactment of this Act.

TITLE V—RESTRICTIONS ON BENEFITS FOR ALIENS

Subtitle A—Eligibility of Aliens for Public Assistance and Benefits

SEC. 501. EXCEPTION TO INELIGIBILITY FOR PUBLIC BENEFITS FOR CERTAIN BATTERED ALIENS.

Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641) is amended by adding at the end the following new subsection:

"(c) TREATMENT OF CERTAIN BATTERED ALIENS AS QUALIFIED ALIENS.—For purposes of this title, the term 'qualified alien' includes—

"(1) an alien who—

"(A) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the *alien and the spouse or parent consented to, or acquiesced in, such battery or cruelty, but only if (in the opinion of the Attorney General, which opinion is not subject to review by any court) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and*

"(B) has been approved or has a petition pending which sets forth a prima facie case for—

"(i) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

"(ii) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act,

"(iii) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

"(iv) status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of such Act, or classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; or

"(2) an alien—

"(A) whose child has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty, but only if (in the opinion of the Attorney General, which opinion is not subject to review by any court) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

"(B) who meets the requirement of clause (ii) of subparagraph (A).

This subsection shall not apply to an alien during any period in which the individual responsible for such battery or cruelty resides in the same household or family eligibility unit as the individual subjected to such battery or cruelty.".

SEC. 502. PILOT PROGRAMS ON LIMITING ISSUANCE OF DRIVER'S LICENSES TO ILLEGAL ALIENS.

(a) IN GENERAL.—Pursuant to guidelines prescribed by the Attorney General not later than 6 months after the date of the enactment of this Act, all States may conduct pilot programs within their State to determine the viability, advisability, and cost-effectiveness of the State's denying driver's licenses to aliens who are not lawfully present in the United States. Under a pilot program a State may deny a driver's license to aliens who are not lawfully present in the United States. Such program shall be conducted in cooperation with relevant State and local authorities.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Attorney General shall submit a report to the Judiciary Committees of the House of Representatives and of the Senate on the results of the pilot programs conducted under subsection (a).

SEC. 503. INELIGIBILITY OF ALIENS NOT LAWFULLY PRESENT FOR SOCIAL SECURITY BENEFITS.

(a) IN GENERAL.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"Limitation on Payments to Aliens

"(y) Notwithstanding any other provision of law, no monthly benefit under this title shall be payable to any alien in the United States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to benefits for which applications are filed on or after the first day of the first month that begins at least 60 days after the date of the enactment of this Act.

SEC. 504. PROCEDURES FOR REQUIRING PROOF OF CITIZENSHIP FOR FEDERAL PUBLIC BENEFITS.

Section 432(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1642) is amended—

(1) by inserting "(1)" after the dash, and

(2) by adding at the end the following:

"(2) Not later than 18 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall also establish procedures for a person applying for a Federal public benefit (as defined in section 401(c)) to provide proof of citizenship in a fair and nondiscriminatory manner.".

SEC. 505. LIMITATION ON ELIGIBILITY FOR PREFERENTIAL TREATMENT OF ALIENS NOT LAWFULLY PRESENT ON BASIS OF RESIDENCE FOR HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

(b) EFFECTIVE DATE.—This section shall apply to benefits provided on or after July 1, 1998.

SEC. 506. STUDY AND REPORT ON ALIEN STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study to determine the extent to which aliens who are not lawfully admitted for permanent residence are receiving postsecondary Federal student financial assistance.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of the Congress on the study conducted under paragraph (1).

(b) REPORT ON COMPUTER MATCHING PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the appropriate committees of the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(2) REPORT ELEMENTS.—The report under paragraph (1) shall include the following:

(A) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(B) The ratio of successful matches under the program to inaccurate matches.

(C) Such other information as the Secretary and the Commissioner jointly consider appropriate.

(c) APPROPRIATE COMMITTEES OF THE CONGRESS.—For purposes of this section the term "appropriate committees of the Congress" means the Committee on Economic and Educational Opportunities and the Committee on the Judiciary of the House of Representatives and the Committee on Labor and Human Resources and the Committee on the Judiciary of the Senate.

SEC. 507. VERIFICATION OF IMMIGRATION STATUS FOR PURPOSES OF SOCIAL SECURITY AND HIGHER EDUCATIONAL ASSISTANCE.

(a) SOCIAL SECURITY ACT STATE INCOME AND ELIGIBILITY VERIFICATION SYSTEMS.—Section 1137(d)(4)(B)(i)) of the Social Security Act (42 U.S.C. 1320b–7(d)(4)(B)(i)) is amended to read as follows:

"(i) the State shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

(b) ELIGIBILITY FOR ASSISTANCE UNDER HIGHER EDUCATION ACT OF 1965.—Section 484(g)(4)(B)(i) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)(4)(B)(i)) is amended to read as follows:

"(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. 508. NO VERIFICATION REQUIREMENT FOR NONPROFIT CHARITABLE ORGANIZATIONS.

Section 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1642) is amended by adding at the end the following new subsection:

"(d) NO VERIFICATION REQUIREMENT FOR NONPROFIT CHARITABLE ORGANIZATIONS.—Subject to subsection (a), a nonprofit charitable organization, in providing any Federal public benefit (as defined in section 401(c)) or any State or local public benefit (as defined in section 411(c)), is not required under this title to determine, verify, or otherwise require proof of eligibility of any applicant for such benefits.".

SEC. 509. GAO STUDY OF PROVISION OF MEANS-TESTED PUBLIC BENEFITS TO ALIENS WHO ARE NOT QUALIFIED ALIENS ON BEHALF OF ELIGIBLE INDIVIDUALS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate and to the Inspector General of the Department of Justice a report on the extent to which means-tested public benefits are being paid or provided to aliens who are not qualified aliens (as defined in section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) in order to provide such benefits to individuals who are United States citizens or qualified aliens (as so defined). Such report shall address the locations in which such benefits are provided and the incidence of fraud or misrepresentation in connection with the provision of such benefits.

SEC. 510. TRANSITION FOR ALIENS CURRENTLY RECEIVING BENEFITS UNDER THE FOOD STAMP PROGRAM.

Effective as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, subclause (I) of section 402(a)(2)(D)(ii) (8 U.S.C. 1612(a)(2)(D)(ii)) is amended to read as follows:

"(I) IN GENERAL.—With respect to the specified Federal program described in paragraph (3)(B), ineligibility under paragraph (1) shall not apply until April 1, 1997, to an alien who received benefits under such program on the date of enactment of this Act, unless such alien is determined to be ineligible to receive such benefits under the Food Stamp Act of 1977. The State agency shall recertify the eligibility of all such aliens during the period beginning April 1, 1997, and ending August 22, 1997.".

Subtitle B—Public Charge Exclusion

SEC. 531. GROUND FOR EXCLUSION.

(a) IN GENERAL.—Paragraph (4) of section 212(a) (8 U.S.C. 1182(a)) is amended to read as follows:

"(4) PUBLIC CHARGE.—

"(A) IN GENERAL.—Any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is excludable.

"(B) FACTORS TO BE TAKEN INTO ACCOUNT.—(i) In determining whether an alien is excludable under this paragraph, the consular officer or the Attorney General shall at a minimum consider the alien's—

"(I) age;

"(II) health;

"(III) family status;

"(IV) assets, resources, and financial status; and

"(V) education and skills.

"(ii) In addition to the factors under clause (i), the consular officer or the Attorney General may also consider any affidavit of support under section 213A for purposes of exclusion under this paragraph.

"(C) FAMILY-SPONSORED IMMIGRANTS.—Any alien who seeks admission or adjustment of status under a visa number issued under section 201(b)(2) or 203(a) is excludable under this paragraph unless—

"(i) the alien has obtained—

"(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A), or

"(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B); or

"(ii) the person petitioning for the alien's admission (including any additional sponsor required under section 213A(f)) has executed an affidavit of support described in section 213A with respect to such alien.

"(D) CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—Any alien who seeks admission or adjustment of status under a visa number issued under section 203(b) by virtue of a classification petition filed by a relative of the alien (or by an entity in which such relative has a significant ownership interest) is excludable under this paragraph unless such relative has executed an affidavit of support described in section 213A with respect to such alien.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to applications submitted on or after such date, not earlier than 30 days and not later than 60 days after the date the Attorney General promulgates under section 551(c)(2) of this division a standard form for an affidavit of support, as the Attorney General shall specify, but subparagraphs (C) and (D) of section 212(a)(4) of the Immigration and Nationality Act, as so amended, shall not apply to applications with respect to which an official interview with an immigration officer was conducted before such effective date.

Subtitle C—Affidavits of Support

SEC. 551. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) IN GENERAL.—Section 213A (8 U.S.C. 1183a), as inserted by section 423(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended to read as follows:

"REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT

"SEC. 213A. (a) ENFORCEABILITY.—

"(1) TERMS OF AFFIDAVIT.—No affidavit of support may be accepted by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) unless such affidavit is executed by a sponsor of the alien as a contract—

"(A) in which the sponsor agrees to provide support to maintain the sponsored alien at an annual income that is not less than 125 percent of the Federal poverty line during the period in which the affidavit is enforceable;

"(B) that is legally enforceable against the sponsor by the sponsored alien, the Federal Government, any State (or any political subdivision of such State), or by any other entity that provides any means-tested public benefit (as defined in subsection (e)), consistent with the provisions of this section; and

"(C) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (b)(2).

"(2) PERIOD OF ENFORCEABILITY.—An affidavit of support shall be enforceable with respect to benefits provided for an alien before the date the alien is naturalized as a citizen of the United States, or, if earlier, the termination date provided under paragraph (3).

"(3) TERMINATION OF PERIOD OF ENFORCEABILITY UPON COMPLETION OF REQUIRED PERIOD OF EMPLOYMENT, ETC.—

"(A) IN GENERAL.—An affidavit of support is not enforceable after such time as the alien (i) has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as provided under subparagraph (B), and (ii) in the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, did not receive any Federal means-tested public benefit (as provided under section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) during any such period.

"(B) QUALIFYING QUARTERS.—For purposes of this section, in determining the number of qualifying quarters of coverage under title II of the Social Security Act an alien shall be credited with—

"(i) all of the qualifying quarters of coverage as defined under title II of the Social Security Act worked by a parent of such alien while the alien was under age 18, and

"(ii) all of the qualifying quarters worked by a spouse of such alien during their marriage and the alien remains married to such spouse or such spouse is deceased.

No such qualifying quarter of coverage that is creditable under title II of the Social Security Act for any period beginning after December 31, 1996, may be credited to an alien under clause (i) or (ii) if the parent or spouse (as the case may be) of such alien received any Federal means-tested public benefit (as provided under section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) during the period for which such qualifying quarter of coverage is so credited.

"(C) PROVISION OF INFORMATION TO SAVE SYSTEM.—The Attorney General shall ensure that appropriate information regarding the application of this paragraph is provided to the system for alien verification of eligibility (SAVE) described in section 1137(d)(3) of the Social Security Act.

"(b) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

"(1) REQUEST FOR REIMBURSEMENT.—

"(A) REQUIREMENT.—Upon notification that a sponsored alien has received any means-tested public benefit, the appropriate nongovernmental entity which provided such benefit or the appropriate entity of the Federal Government, a State, or any political subdivision of a State shall request reimbursement by the sponsor in an amount which is equal to the unreimbursed costs of such benefit.

"(B) REGULATIONS.—The Attorney General, in consultation with the heads of other appropriate Federal agencies, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

"(2) ACTIONS TO COMPEL REIMBURSEMENT.—

"(A) IN CASE OF NONRESPONSE.—If within 45 days after a request for reimbursement under paragraph (1)(A), the appropriate entity has not received a response from the sponsor indicating a willingness to commence payment an action may be brought against the sponsor pursuant to the affidavit of support.

"(B) IN CASE OF FAILURE TO PAY.—If the sponsor fails to abide by the repayment terms established by the appropriate entity, the entity may bring an action against the sponsor pursuant to the affidavit of support.

"(C) LIMITATION ON ACTIONS.—No cause of action may be brought under this paragraph later than 10 years after the date on which the sponsored alien last received any means-tested public benefit to which the affidavit of support applies.

"(3) USE OF COLLECTION AGENCIES.—If the appropriate entity under paragraph (1)(A) requests reimbursement from the sponsor or brings an action against the sponsor pursuant to the affidavit of support, the appropriate entity may appoint or hire an individual or other person to act on behalf of such entity acting under the authority of law for purposes of collecting any amounts owed.

"(c) REMEDIES.—Remedies available to enforce an affidavit of support under this section include any or all of the remedies described in section 3201, 3203, 3204, or 3205 of title 28, United States Code, as well as an order for specific performance and payment of legal fees and other costs of collection, and include corresponding remedies available under State law. A Federal agency may seek to collect amounts owed under this section in accordance with the provisions of subchapter II of chapter 37 of title 31, United States Code.

"(d) NOTIFICATION OF CHANGE OF ADDRESS.—

"(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State in which the sponsored alien is currently a resident within 30 days of any change of address of the sponsor during the period in which an affidavit of support is enforceable.

"(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

"(A) not less than $250 or more than $2,000, or

"(B) if such failure occurs with knowledge that the sponsored alien has received any means-tested public benefits (other than benefits described in section 401(b), 403(c)(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) not less than $2,000 or more than $5,000.

The Attorney General shall enforce this paragraph under appropriate regulations.

"(e) JURISDICTION.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

"(1) by a sponsored alien, with respect to financial support; or

"(2) by the appropriate entity of the Federal Government, a State or any political subdivision of a State, or by any other nongovernmental entity under subsection (b)(2), with respect to reimbursement.

"(f) SPONSOR DEFINED.—

"(1) IN GENERAL.—For purposes of this section the term 'sponsor' in relation to a sponsored alien means an individual who executes an affidavit of support with respect to the sponsored alien and who—

"(A) is a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence;

"(B) is at least 18 years of age;

"(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States;

"(D) is petitioning for the admission of the alien under section 204; and

"(E) demonstrates (as provided in paragraph (6)) the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

"(2) INCOME REQUIREMENT CASE.—Such term also includes an individual who does not meet the requirement of paragraph (1)(E) but accepts joint and several liability together with an individual under paragraph (5).

"(3) ACTIVE DUTY ARMED SERVICES CASE.—Such term also includes an individual who does not meet the requirement of paragraph (1)(E) but is on active duty (other than active duty for training) in the Armed Forces of the United States, is petitioning for the admission of the alien under section 204 as the spouse or child of the individual, and demonstrates (as provided in paragraph (6)) the means to maintain an annual income equal to at least 100 percent of the Federal poverty line.

"(4) CERTAIN EMPLOYMENT-BASED IMMIGRANTS CASE.—Such term also includes an individual—

"(A) who does not meet the requirement of paragraph (1)(D), but is the relative of the sponsored alien who filed a classification petition for the sponsored alien as an employment-based immigrant under section 203(b) or who has a significant ownership interest in the entity that filed such a petition; and

"(B)(i) who demonstrates (as provided under paragraph (6)) the means to maintain an annual income equal to at least 125 percent of the Federal poverty line, or

"(ii) does not meet the requirement of paragraph (1)(E) but accepts joint and several liability together with an individual under paragraph (5).

"(5) NON-PETITIONING CASE.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who accepts joint and several liability with a petitioning sponsor under paragraph (2) or relative of an employment-based immigrant under paragraph (4) and who demonstrates (as provided under paragraph (6)) the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

"(6) DEMONSTRATION OF MEANS TO MAINTAIN INCOME.—

"(A) IN GENERAL.—

"(i) METHOD OF DEMONSTRATION.—For purposes of this section, a demonstration of the means to maintain income shall include provision of a certified copy of the individual's Federal income tax return for the individual's 3 most recent taxable years and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are certified copies of such returns.

"(ii) FLEXIBILITY.—For purposes of this section, aliens may demonstrate the means to maintain income through demonstration of significant assets of the sponsored alien or of the sponsor, if such assets are available for the support of the sponsored alien.

"(iii) PERCENT OF POVERTY.—For purposes of this section, a reference to an annual income equal to at least a particular percentage of the Federal poverty line means an annual income equal to at least such percentage of the Federal poverty line for a family unit of a size equal to the number of members of the sponsor's household (including family and non-family dependents) plus the total number of other dependents and aliens sponsored by that sponsor.

"(B) LIMITATION.—The Secretary of State, or the Attorney General in the case of adjustment of status, may provide that the demonstration under subparagraph (A) applies only to the most recent taxable year.

"(h) FEDERAL POVERTY LINE DEFINED.—For purposes of this section, the term 'Federal poverty line' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

"(i) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) An affidavit of support shall include the social security account number of each sponsor.

"(2) The Attorney General shall develop an automated system to maintain the social security account number data provided under paragraph (1).

"(3) The Attorney General shall submit an annual report to the Committees on the Judiciary of the House of Representatives and the Senate setting forth—

"(A) for the most recent fiscal year for which data are available the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

"(B) a comparison of such numbers with the numbers of such sponsors for the preceding fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 421(a)(1) and section 422(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(a)(1), 1632(a)(1)) are each amended by inserting "and as amended by section 551(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996" after "section 423".

(2) Section 423 of such Act (8 U.S.C. 1138a note) is amended by striking subsection (c).

(c) EFFECTIVE DATE; PROMULGATION OF FORM.—

(1) IN GENERAL.—The amendments made by this section shall apply to affidavits of support executed on or after a date specified by the Attorney General, which date shall be not earlier than 60 days (and not later than 90 days) after the date the Attorney General formulates the form for such affidavits under paragraph (2).

(2) PROMULGATION OF FORM.—Not later than 90 days after the date of the enactment of this Act, the Attorney General, in consultation with the heads of other appropriate agencies, shall promulgate a standard form for an affidavit of support consistent with the provisions of section 213A of the Immigration and Nationality Act, as amended by subsection (a).

SEC. 552. INDIGENCE AND BATTERED SPOUSE AND CHILD EXCEPTIONS TO FEDERAL ATTRIBUTION OF INCOME RULE.

Section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631) is amended by adding at the end the following new subsection:

"(e) INDIGENCE EXCEPTION.—

"(1) IN GENERAL.—For an alien for whom an affidavit of support under section 213A of the Immigration and Nationality Act has been executed, if a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period beginning on the date of such determination and ending 12 months after such date.

"(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor. The agency shall notify the Attorney General of each such determination, including the names of the sponsor and the sponsored alien involved.

"(f) SPECIAL RULE FOR BATTERED SPOUSE AND CHILD.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of this section, subsection (a) shall not apply to benefits—

"(A) during a 12 month period if the alien demonstrates that (i) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced to such battery or cruelty, or (ii) the alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the battery or cruelty described in clause (i) or (ii) (in the opinion of the agency providing such public benefits, which opinion is not subject to review by any court) has a substantial connection to the need for the public benefits applied for; and

"(B) after a 12 month period (regarding the batterer's income and resources only) if the alien demonstrates that such battery or cruelty under subparagraph (A) has been recognized in an order of a judge or administrative law judge or a prior determination of the Immigration and Naturalization Service, and that such battery or cruelty (in the opinion of the agency providing such public benefits, which opinion is not subject to review by any court) has a substantial connection to the need for the benefits.

"(2) LIMITATION.—The exception under paragraph (1) shall not apply to benefits for an alien during any period in which the individual responsible for such battery or cruelty resides in the same household or family eligibility unit as the individual who was subjected to such battery or cruelty.".

SEC. 553. AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL CASH PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or political subdivision of a State is authorized to prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or political subdivision of a State are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

Subtitle D—Miscellaneous Provisions

SEC. 561. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

"§506. Seals of departments or agencies

"(a) Whoever—

"(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

"(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

"(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

"(1) so forged, counterfeited, mutilated, or altered;

"(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an alien's application for, or receipt of, a Federal benefit to which the alien is not entitled, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

"(c) For purposes of this section—

"(1) the term 'Federal benefit' means—

"(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

"(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States; and

"(2) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.".

SEC. 562. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or political subdivision of a State that provides medical assistance for care and treatment of an emergency medical condition (as defined in subsection (d)) through a public hospital or other public facility (including a nonprofit hospital that is eligible for an additional payment adjustment under section 1886 of the Social Security Act) or through contract with another hospital or facility to an individual who is an alien not lawfully present in the United States is eligible for payment from the Federal Government of its costs of providing such services, but only to the extent that such costs are not otherwise reimbursed through any other Federal program and cannot be recovered from the alien or another person.

(b) CONFIRMATION OF IMMIGRATION STATUS REQUIRED.—No payment shall be made under this section with respect to services furnished to an individual unless the immigration status of the individual has been verified through appropriate procedures established by the Secretary of Health and Human Services and the Attorney General.

(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) EMERGENCY MEDICAL CONDITION DEFINED.—For purposes of this section, the term "emergency medical condition" means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—

(1) placing the patient's health in serious jeopardy,

(2) serious impairment to bodily functions, or

(3) serious dysfunction of any bodily organ or part.

(e) EFFECTIVE DATE.—Subsection (a) shall apply to medical assistance for care and treatment of an emergency medical condition furnished on or after January 1, 1997.

SEC. 563. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY AMBULANCE SERVICES.

Subject to the availability of appropriations, the Attorney General shall fully reimburse States and political subdivisions of States for costs incurred by such a State or subdivision for emergency ambulance services provided to any alien who—

(1) is injured while crossing a land or sea border of the United States without inspection or at any time or place other than as designated by the Attorney General; and

(2) is under the custody of the State or subdivision pursuant to a transfer, request, or other action by a Federal authority.

SEC. 564. PILOT PROGRAMS TO REQUIRE BONDING.

(a) IN GENERAL.—

(1) The Attorney General of the United States shall establish a pilot program in 5 district offices of the Immigration and Naturalization Service to require aliens to post a bond in addition to the affidavit requirements under section 213A of the Immigration and Nationality Act and the deeming requirements under section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631). Any pilot program established pursuant to this subsection shall require an alien to post a bond in an amount sufficient to cover the cost of benefits described in section 213A(d)(2)(B) of the Immigration and Nationality Act (as amended by section 551(a) of this division) for the alien and the alien's dependents and shall remain in effect until the departure, naturalization, or death of the alien.

(2) Suit on any such bonds may be brought under the terms and conditions set forth in section 213A of the Immigration and Nationality Act.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations for establishing the pilot programs, including—

(1) criteria and procedures for—

(A) certifying bonding companies for participation in the program, and

(B) debarment of any such company that fails to pay a bond, and

(2) criteria for setting the amount of the bond to assure that the bond is in an amount that is not less than the cost of providing benefits under the programs described in subsection (a)(1) for the alien and the alien's dependents for 6 months.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(d) ANNUAL REPORTING REQUIREMENT.—Beginning 9 months after the date of implementation of the pilot program, the Attorney General shall submit annually to the Committees on the Judiciary of the House of Representatives and the Senate a report on the effectiveness of the program. The Attorney General shall submit a final evaluation of the program not later than 1 year after termination.

(e) SUNSET.—The pilot program under this section shall terminate after 3 years of operation.

(f) BONDS IN ADDITION TO SPONSORSHIP AND DEEMING REQUIREMENTS.—Section 213 (8 U.S.C. 1183) is amended by inserting "(subject to the affidavit of support requirement and attribution of sponsor's income and resources under section 213A)" after "in the discretion of the Attorney General".

SEC. 565. REPORTS.

Not later than 180 days after the end of each fiscal year, the Attorney General shall submit a report to the Inspector General of the Department of Justice and the Committees on the Judiciary of the House of Representatives and of the Senate describing the following:

(1) PUBLIC CHARGE DEPORTATIONS.—The number of aliens deported on public charge grounds under section 241(a)(5) of the Immigration and Nationality Act during the previous fiscal year.

(2) INDIGENT SPONSORS.—The number of determinations made under section 421(e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (as added by section 552 of this division) during the previous fiscal year.

(3) REIMBURSEMENT ACTIONS.—The number of actions brought, and the amount of each action, for reimbursement under section 213A of the Immigration and Nationality Act (including private collections) for the costs of providing public benefits.

Subtitle E—Housing Assistance

SEC. 571. SHORT TITLE.

This subtitle may be cited as the "Use of Assisted Housing by Aliens Act of 1996".

SEC. 572. PRORATING OF FINANCIAL ASSISTANCE.

Section 214(b) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) If the eligibility for financial assistance of at least one member of a family has been affirmatively established under the program of financial assistance and under this section, and the ineligibility of one or more family members has not been affirmatively established under this section, any financial assistance made available to that family by the Secretary of Housing and Urban Development shall be prorated, based on the number of individuals in the family for whom eligibility has been affirmatively established under the program of financial assistance and under this section, as compared with the total number of individuals who are members of the family.".

SEC. 573. ACTIONS IN CASES OF TERMINATION OF FINANCIAL ASSISTANCE.

Section 214(c)(1) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "may, in its discretion," and inserting "shall";

(2) in subparagraph (A), by adding at the end the following: "Financial assistance continued under this subparagraph for a family may be provided only on a prorated basis, under which the amount of financial assistance is based on the percentage of the total number of members

of the family that are eligible for that assistance under the program of financial assistance and under this section."; and

(3) in subparagraph (B)—

(A) by striking "3 years" and inserting "18-months";

(B) by inserting "(i)" after "(B)";

(C) by striking "Any deferral" and inserting the following:

"(ii) Except as provided in clause (iii), any deferral"; and

(D) by adding at the end the following new clauses:

"(iii) The time period described in clause (ii) shall not apply in the case of a refugee under section 207 of the Immigration and Nationality Act or an individual seeking asylum under section 208 of that Act.".

SEC. 574. VERIFICATION OF IMMIGRATION STATUS AND ELIGIBILITY FOR FINANCIAL ASSISTANCE.

Section 214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting "or to be" after "being";

(2) in paragraph (1)(A), by adding at the end the following: "If the declaration states that the individual is not a citizen or national of the United States and that the individual is younger than 62 years of age, the declaration shall be verified by the Immigration and Naturalization Service. If the declaration states that the individual is a citizen or national of the United States, the Secretary of Housing and Urban Development, or the agency administering assistance covered by this section, may request verification of the declaration by requiring presentation of documentation that the Secretary considers appropriate, including a United States passport, resident alien card, alien registration card, social security card, or other documentation.";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "on the date of the enactment of the Housing and Community Development Act of 1987" and inserting "on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date"; and

(B) by adding at the end the following:

"In the case of an individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, the Secretary may not provide any such assistance for the benefit of that individual before documentation is presented and verified under paragraph (3) or (4).";

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking "on the date of the enactment of the Housing and Community Development Act of 1987" and inserting "on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date";

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting ", not to exceed 30 days," after "reasonable opportunity"; and

(II) by striking "and" at the end; and

(ii) by striking clause (ii) and inserting the following:

"(ii) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and

"(iii) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not deny the application for such assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and"; and

(C) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) pending such verification or appeal, the Secretary may not—

"(I) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual; and

"(II) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, deny the application for such assistance on the basis of the immigration status of that individual; and";

(5) in paragraph (5), by striking "status—" and all that follows through the end of the paragraph and inserting the following: "status, the Secretary shall—

"(A) deny the application of that individual for financial assistance or terminate the eligibility of that individual for financial assistance, as applicable;

"(B) provide that the individual may request a fair hearing during the 30-day period beginning upon receipt of the notice under subparagraph (C); and

"(C) provide to the individual written notice of the determination under this paragraph, the right to a fair hearing process, and the time limitation for requesting a hearing under subparagraph (C)."; and

(6) by striking paragraph (6) and inserting the following:

"(6) The Secretary shall terminate the eligibility for financial assistance of an individual and the members of the household of the individual, for a period of not less than 24 months, upon determining that such individual has knowingly permitted another individual who is not eligible for such assistance to reside in the public or assisted housing unit of the individual. This provision shall not apply to a family if the ineligibility of the ineligible individual at issue was considered in calculating any proration of assistance provided for the family.".

SEC. 575. PROHIBITION OF SANCTIONS AGAINST ENTITIES MAKING FINANCIAL ASSISTANCE ELIGIBILITY DETERMINATIONS.

Section 214(e) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(e)) is amended—

(1) in paragraph (2), by adding "or" at the end;

(2) in paragraph (3), by adding at the end the following: "the response from the Immigration and Naturalization Service to the appeal of that individual."; and

(3) by striking paragraph (4).

SEC. 576. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsection:

"(h) VERIFICATION OF ELIGIBILITY.—

"(1) IN GENERAL.—Except in the case of an election under paragraph (2)(A), no individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least the individual or one family member under this section by the Secretary or other appropriate entity.

"(2) RULES APPLICABLE TO PUBLIC HOUSING AGENCIES.—A public housing agency (as that term is defined in section 3 of the United States Housing Act of 1937)—

"(A) may elect not to comply with this section; and

"(B) in complying with this section—

"(i) may initiate procedures to affirmatively establish or verify the eligibility of an individual or family under this section at any time at which the public housing agency determines that such eligibility is in question, regardless of whether or not that individual or family is at or near the top of the waiting list of the public housing agency;

"(ii) may affirmatively establish or verify the eligibility of an individual or family under this section in accordance with the procedures set forth in section 274A(b)(1) of the Immigration and Nationality Act; and

"(iii) shall have access to any relevant information contained in the SAVE system (or any successor thereto) that relates to any individual or family applying for financial assistance.

"(3) ELIGIBILITY OF FAMILIES.—For purposes of this subsection, with respect to a family, the term 'eligibility' means the eligibility of each family member.".

SEC. 577. REGULATIONS.

(a) ISSUANCE.—Not later than the 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue any regulations necessary to implement the amendments made by this part. Such regulations shall be issued in the form of an interim final rule, which shall take effect upon issuance and shall not be subject to the provisions of section 533 of title 5, United States Code, regarding notice or opportunity for comment.

(b) FAILURE TO ISSUE.—If the Secretary fails to issue the regulations required under subsection (a) before the date specified in that subsection, the regulations relating to restrictions on assistance to noncitizens, contained in the final rule issued by the Secretary of Housing and Urban Development in RIN-2501-AA63 (Docket No. R-95-1409; FR-2383-F-050), published in the Federal Register on March 20, 1995 (Vol. 60, No. 53; pp. 14824-14861), shall not apply after that date.

Subtitle F—General Provisions

SEC. 591. EFFECTIVE DATES.

Except as provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

SEC. 592. NOT APPLICABLE TO FOREIGN ASSISTANCE.

This title does not apply to any Federal, State, or local governmental program, assistance, or benefits provided to an alien under any program of foreign assistance as determined by the Secretary of State in consultation with the Attorney General.

SEC. 593. NOTIFICATION.

(a) IN GENERAL.—Each agency of the Federal Government or a State or political subdivision that administers a program affected by the provisions of this title, shall, directly or through the States, provide general notification to the public and to program recipients of the changes regarding eligibility for any such program pursuant to this title.

(b) FAILURE TO GIVE NOTICE.—Nothing in this section shall be construed to require or authorize continuation of eligibility if the notice under this section is not provided.

SEC. 594. DEFINITIONS.

Except as otherwise provided in this title, for purposes of this title—

(1) the terms "alien", "Attorney General", "national", "naturalization", "State", and "United States" shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act; and

(2) the term "child" shall have the meaning given such term in section 101(c) of the Immigration and Nationality Act.

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Refugees, Parole, and Asylum

SEC. 601. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

(a) DEFINITION OF REFUGEE.—

(1) Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: "For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.".

(2) Not later than 90 days after the end of each fiscal year, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate describing the number and countries of origin of aliens granted refugee status or asylum under determinations pursuant to the amendment made by paragraph (1). Each such report shall also contain projections regarding the number and countries of origin of aliens that are likely to be granted refugee status or asylum for the subsequent 2 fiscal years.

(b) NUMERICAL LIMITATION.—Section 207(a) (8 U.S.C. 1157(a)) is amended by adding at the end the following new paragraph:

"(5) For any fiscal year, not more than a total of 1,000 refugees may be admitted under this subsection or granted asylum under section 208 pursuant to a determination under the third sentence of section 101(a)(42) (relating to persecution for resistance to coercive population control methods).".

SEC. 602. LIMITATION ON USE OF PAROLE

(a) PAROLE AUTHORITY.—Section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)) is amended by striking "for emergent reasons or for reasons deemed strictly in the public interest" and inserting "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit".

(b) REPORT TO CONGRESS.—Not later than 90 days after the end of each fiscal year, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate describing the number and categories of aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act. Each such report shall provide the total number of aliens paroled into and residing in the United States and shall contain information and data for each country of origin concerning the number and categories of aliens paroled, the duration of parole, the current status of aliens paroled, and the number and categories of aliens returned to the custody from which they were paroled during the preceding fiscal year.

SEC. 603. TREATMENT OF LONG-TERM PAROLEES IN APPLYING WORLDWIDE NUMERICAL LIMITATIONS.

Section 201(c) (8 U.S.C. 1151(c)) is amended—

(1) by amending paragraph (1)(A)(ii) to read as follows:

"(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus"; and

(2) by adding at the end the following new paragraphs:

"(4) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1999) is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year—

"(A) who did not depart from the United States (without advance parole) within 365 days; and

"(B) who (i) did not acquire the status of aliens lawfully admitted to the United States for permanent residence in the two preceding fiscal years, or (ii) acquired such status in such years under a provision of law (other than section 201(b)) which exempts such adjustment from the numerical limitation on the worldwide level of immigration under this section.

"(5) If any alien described in paragraph (4) (other than an alien described in paragraph (4)(B)(ii)) is subsequently admitted as an alien lawfully admitted for permanent residence, such alien shall not again be considered for purposes of paragraph (1).".

SEC. 604. ASYLUM REFORM.

(a) ASYLUM REFORM.—Section 208 (8 U.S.C. 1158) is amended to read as follows:

"ASYLUM

"SEC. 208. (a) AUTHORITY TO APPLY FOR ASYLUM.—

"(1) IN GENERAL.—Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 235(b).

"(2) EXCEPTIONS.—

"(A) SAFE THIRD COUNTRY.—Paragraph (1) shall not apply to an alien if the Attorney General determines that the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General finds that it is in the public interest for the alien to receive asylum in the United States.

"(B) TIME LIMIT.—Subject to subparagraph (D), paragraph (1) shall not apply to an alien unless the alien demonstrates by clear and convincing evidence that the application has been filed within 1 year after the date of the alien's arrival in the United States.

"(C) PREVIOUS ASYLUM APPLICATIONS.—Subject to subparagraph (D), paragraph (1) shall not apply to an alien if the alien has previously applied for asylum and had such application denied.

"(D) CHANGED CIRCUMSTANCES.—An application for asylum of an alien may be considered, notwithstanding subparagraphs (B) and (C), if the alien demonstrates to the satisfaction of the Attorney General either the existence of changed circumstances which materially affect the applicant's eligibility for asylum or extraordinary circumstances relating to the delay in filing an application within the period specified in subparagraph (B).

"(3) LIMITATION ON JUDICIAL REVIEW.—No court shall have jurisdiction to review any determination of the Attorney General under paragraph (2).

"(b) CONDITIONS FOR GRANTING ASYLUM.—

"(1) IN GENERAL.—The Attorney General may grant asylum to an alien who has applied for asylum in accordance with the requirements and procedures established by the Attorney General under this section if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an alien if the Attorney General determines that—

"(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(ii) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(iii) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

"(iv) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

"(v) the alien is inadmissible under subclause (I), (II), (III), or (IV) of section 212(a)(3)(B)(i) or removable under section 237(a)(4)(B) (relating to terrorist activity), unless, in the case only of an alien inadmissible under subclause (IV) of section 212(a)(3)(B)(i), the Attorney General determines, in the Attorney General's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or

"(vi) the alien was firmly resettled in another country prior to arriving in the United States.

"(B) SPECIAL RULES.—

"(i) CONVICTION OF AGGRAVATED FELONY.—For purposes of clause (ii) of subparagraph (A), an alien who has been convicted of an aggravated felony shall be considered to have been convicted of a particularly serious crime.

"(ii) OFFENSES.—The Attorney General may designate by regulation offenses that will be considered to be a crime described in clause (ii) or (iii) of subparagraph (A).

"(C) ADDITIONAL LIMITATIONS.—The Attorney General may by regulation establish additional limitations and conditions, consistent with this section, under which an alien shall be ineligible for asylum under paragraph (1).

"(D) NO JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Attorney General under subparagraph (A)(v).

"(3) TREATMENT OF SPOUSE AND CHILDREN.—A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of an alien who is granted asylum under this subsection may, if not otherwise eligible for asylum under this section, be granted the same status as the alien if accompanying, or following to join, such alien.

"(c) ASYLUM STATUS.—

"(1) IN GENERAL.—In the case of an alien granted asylum under subsection (b), the Attorney General—

"(A) shall not remove or return the alien to the alien's country of nationality or, in the case of a person having no nationality, the country of the alien's last habitual residence;

"(B) shall authorize the alien to engage in employment in the United States and provide the alien with appropriate endorsement of that authorization; and

"(C) may allow the alien to travel abroad with the prior consent of the Attorney General.

"(2) TERMINATION OF ASYLUM.—Asylum granted under subsection (b) does not convey a right to remain permanently in the United States, and may be terminated if the Attorney General determines that—

"(A) the alien no longer meets the conditions described in subsection (b)(1) owing to a fundamental change in circumstances;

"(B) the alien meets a condition described in subsection (b)(2);

"(C) the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien is eligible to receive asylum or equivalent temporary protection;

"(D) the alien has voluntarily availed himself or herself of the protection of the alien's country of nationality or, in the case of an alien having no nationality, the alien's country of last habitual residence, by returning to such country with permanent resident status or the reasonable possibility of obtaining such status with the same rights and obligations pertaining to other permanent residents of that country; or

"(E) the alien has acquired a new nationality and enjoys the protection of the country of his or her new nationality.

"(3) REMOVAL WHEN ASYLUM IS TERMINATED.—An alien described in paragraph (2) is subject to any applicable grounds of inadmissibility or deportability under section 212(a) and 237(a), and the alien's removal or return shall be directed by the Attorney General in accordance with sections 240 and 241.

"(d) ASYLUM PROCEDURE.—

"(1) APPLICATIONS.—The Attorney General shall establish a procedure for the consideration of asylum applications filed under subsection (a). The Attorney General may require applicants to submit fingerprints and a photograph at such time and in such manner to be determined by regulation by the Attorney General.

"(2) EMPLOYMENT.—An applicant for asylum is not entitled to employment authorization, but such authorization may be provided under regulation by the Attorney General. An applicant who is not otherwise eligible for employment authorization shall not be granted such authorization prior to 180 days after the date of filing of the application for asylum.

"(3) FEES.—The Attorney General may impose fees for the consideration of an application for asylum, for employment authorization under this section, and for adjustment of status under section 209(b). Such fees shall not exceed the Attorney General's costs in adjudicating the applications. The Attorney General may provide for the assessment and payment of such fees over a period of time or by installments. Nothing in this paragraph shall be construed to require the Attorney General to charge fees for adjudication services provided to asylum applicants, or to limit the authority of the Attorney General to set adjudication and naturalization fees in accordance with section 286(m).

"(4) NOTICE OF PRIVILEGE OF COUNSEL AND CONSEQUENCES OF FRIVOLOUS APPLICATION.—At the time of filing an application for asylum, the Attorney General shall—

"(A) advise the alien of the privilege of being represented by counsel and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and

"(B) provide the alien a list of persons (updated not less often than quarterly) who have indicated their availability to represent aliens in asylum proceedings on a pro bono basis.

"(5) CONSIDERATION OF ASYLUM APPLICATIONS.—

"(A) PROCEDURES.—The procedure established under paragraph (1) shall provide that—

"(i) asylum cannot be granted until the identity of the applicant has been checked against all appropriate records or databases maintained by the Attorney General and by the Secretary of State, including the Automated Visa Lookout System, to determine any grounds on which the alien may be inadmissible to or deportable from the United States, or ineligible to apply for or be granted asylum;

"(ii) in the absence of exceptional circumstances, the initial interview or hearing on the asylum application shall commence not later than 45 days after the date an application is filed;

"(iii) in the absence of exceptional circumstances, final administrative adjudication of the asylum application, not including administrative appeal, shall be completed within 180 days after the date an application is filed;

"(iv) any administrative appeal shall be filed within 30 days of a decision granting or denying asylum, or within 30 days of the completion of removal proceedings before an immigration judge under section 240, whichever is later; and

"(v) in the case of an applicant for asylum who fails without prior authorization or in the absence of exceptional circumstances to appear for an interview or hearing, including a hearing under section 240, the application may be dismissed or the applicant may be otherwise sanctioned for such failure.

"(B) ADDITIONAL REGULATORY CONDITIONS.—The Attorney General may provide by regulation for any other conditions or limitations on the consideration of an application for asylum not inconsistent with this Act.

"(6) FRIVOLOUS APPLICATIONS.—If the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(A), the alien shall be permanently ineligible for any benefits under this Act, effective as of the date of a final determination on such application.

"(7) NO PRIVATE RIGHT OF ACTION.—Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The item in the table of contents relating to section 208 is amended to read as follows:

"Sec. 208. Asylum.".

(2) Section 104(d)(1)(A) of the Immigration Act of 1990 (Public Law 101–649) is amended by striking "208(b)" and inserting "208".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to applications for asylum filed on or after the first day of the first month beginning more than 180 days after the date of the enactment of this Act.

SEC. 605. INCREASE IN ASYLUM OFFICERS.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the number of asylum officers to at least 600 asylum officers by fiscal year 1997.

SEC. 606. CONDITIONAL REPEAL OF CUBAN ADJUSTMENT ACT.

(a) IN GENERAL.—Public Law 89–732 is repealed effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114) that a democratically elected government in Cuba is in power.

(b) LIMITATION.—Subsection (a) shall not apply to aliens for whom an application for adjustment of status is pending on such effective date.

Subtitle B—Miscellaneous Amendments to the Immigration and Nationality Act

SEC. 621. ALIEN WITNESS COOPERATION.

Section 214(j)(1) (8 U.S.C. 1184(j)(1)) (as added by section 130003(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2025)) (relating to numerical limitations on the number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) of the Immigration and Nationality Act) is amended—

(1) by striking "100." and inserting "200."; and

(2) by striking "25." and inserting "50.".

SEC. 622. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "1996." and inserting "2002.".

(b) CONDITIONS ON FEDERALLY REQUESTED WAIVERS.—Section 212(e) (8 U.S.C. 1182(e)) is amended by inserting after "except that in the case of a waiver requested by a State Department of Public Health, or its equivalent" the following: ", or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii),".

(c) RESTRICTIONS ON FEDERALLY REQUESTED WAIVERS.—Section 214(k) (8 U.S.C. 1184(k)) (as added by section 220(b) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416; 108 Stat. 4319)) is amended to read as follows:

"(k)(1) In the case of a request by an interested State agency, or by an interested Federal agency, for a waiver of the 2-year foreign residence requirement under section 212(e) on behalf of an alien described in clause (iii) of such section, the Attorney General shall not grant such waiver unless—

"(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver;

"(B) in the case of a request by an interested State agency, the grant of such waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed 20;

"(C) in the case of a request by an interested Federal agency or by an interested State agency—

"(i) the alien demonstrates a bona fide offer of full-time employment at a health facility or health care organization, which employment has been determined by the Attorney General to be in the public interest; and

"(ii) the alien agrees to begin employment with the health facility or health care organization within 90 days of receiving such waiver, and agrees to continue to work for a total of not less than 3 years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien, which would justify a lesser period of employment at such health facility or health care organization, in which case the alien must demonstrate another bona fide offer of employment at a health facility or health care organization for the remainder of such 3-year period); and

"(D) in the case of a request by an interested Federal agency (other than a request by an interested Federal agency to employ the alien full-time in medical research or training) or by an interested State agency, the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than 3 years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals.

"(2)(A) Notwithstanding section 248(2), the Attorney General may change the status of an alien who qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

"(B) No person who has obtained a change of status under subparagraph (A) and who has

failed to fulfill the terms of the contract with the health facility or health care organization named in the waiver application shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status, until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least 2 years following departure from the United States.

"(3) Notwithstanding any other provision of this subsection, the 2-year foreign residence requirement under section 212(e) shall apply with respect to an alien described in clause (iii) of such section, who has not otherwise been accorded status under section 101(a)(27)(H), if—

"(A) at any time the alien ceases to comply with any agreement entered into under subparagraph (C) or (D) of paragraph (1); or

"(B) the alien's employment ceases to benefit the public interest at any time during the 3-year period described in paragraph (1)(C).".

SEC. 623. USE OF LEGALIZATION AND SPECIAL AGRICULTURAL WORKER INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended to read as follows:

"(5) CONFIDENTIALITY OF INFORMATION.—

"(A) IN GENERAL.—Except as provided in this paragraph, neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(i) use the information furnished by the applicant pursuant to an application filed under this section for any purpose other than to make a determination on the application, for enforcement of paragraph (6), or for the preparation of reports to Congress under section 404 of the Immigration Reform and Control Act of 1986;

"(ii) make any publication whereby the information furnished by any particular applicant can be identified; or

"(iii) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

"(B) REQUIRED DISCLOSURES.—The Attorney General shall provide the information furnished under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

"(C) AUTHORIZED DISCLOSURES.—The Attorney General may provide, in the Attorney General's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

"(D) CONSTRUCTION.—

"(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Service pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

"(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

"(E) CRIME.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $10,000.".

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6) (8 U.S.C. 1160(b)(6)) is amended to read as follows:

"(6) CONFIDENTIALITY OF INFORMATION.—

"(A) IN GENERAL.—Except as provided in this paragraph, neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(i) use the information furnished by the applicant pursuant to an application filed under this section for any purpose other than to make a determination on the application, including a determination under subsection (a)(3)(B), or for enforcement of paragraph (7);

"(ii) make any publication whereby the information furnished by any particular individual can be identified; or

"(iii) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

"(B) REQUIRED DISCLOSURES.—The Attorney General shall provide information furnished under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

"(C) CONSTRUCTION.—

"(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Service pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

"(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

"(D) CRIME.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $10,000.".

SEC. 624. CONTINUED VALIDITY OF LABOR CERTIFICATIONS AND CLASSIFICATION PETITIONS FOR PROFESSIONAL ATHLETES.

(a) LABOR CERTIFICATION.—Section 212(a)(5)(A) (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following:

"(iii) PROFESSIONAL ATHLETES.—

"(I) IN GENERAL.—A certification made under clause (i) with respect to a professional athlete shall remain valid with respect to the athlete after the athlete changes employer, if the new employer is a team in the same sport as the team which employed the athlete when the athlete first applied for the certification.

"(II) DEFINITION.—For purposes of subclause (I), the term 'professional athlete' means an individual who is employed as an athlete by—

"(aa) a team that is a member of an association of 6 or more professional sports teams whose total combined revenues exceed $10,000,000 per year, if the association governs the conduct of its members and regulates the contests and exhibitions in which its member teams regularly engage; or

"(bb) any minor league team that is affiliated with such an association.".

(b) CLASSIFICATION PETITIONS.—Section 204 (8 U.S.C. 1154) is amended by adding at the end the following:

"(i) PROFESSIONAL ATHLETES.—

"(1) IN GENERAL.—A petition under subsection (a)(4)(D) for classification of a professional athlete shall remain valid for the athlete after the athlete changes employers, if the new employer is a team in the same sport as the team which was the employer who filed the petition.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'professional athlete' means an individual who is employed as an athlete by—

"(A) a team that is a member of an association of 6 or more professional sports teams whose total combined revenues exceed $10,000,000 per year, if the association governs the conduct of its members and regulates the contests and exhibitions in which its member teams regularly engage; or

"(B) any minor league team that is affiliated with such an association.".

SEC. 625. FOREIGN STUDENTS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Section 214 (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(l)(1) An alien may not be accorded status as a nonimmigrant under section 101(a)(15)(F)(i) in order to pursue a course of study—

"(A) at a public elementary school or in a publicly funded adult education program; or

"(B) at a public secondary school unless—

"(i) the aggregate period of such status at such a school does not exceed 12 months with respect to any alien, and (ii) the alien demonstrates that the alien has reimbursed the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at such school for the period of the alien's attendance.

"(2) An alien who obtains the status of a nonimmigrant under section 101(a)(15)(F)(i) in order to pursue a course of study at a private elementary or secondary school or in a language training program that is not publicly funded shall be considered to have violated such status, and the alien's visa under section 101(a)(15)(F) shall be void, if the alien terminates or abandons such course of study at such a school and undertakes a course of study at a public elementary school, in a publicly funded adult education program, in a publicly funded adult education language training program, or at a public secondary school (unless the requirements of paragraph (1)(B) are met).".

(2) CONFORMING AMENDMENT.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended by inserting "consistent with section 214(l)" after "such a course of study".

(b) REFERENCE TO NEW GROUND OF EXCLUSION FOR STUDENT VISA ABUSERS.—For addition of ground of inadmissibility for certain nonimmigrant student abusers, see section 347 of this division.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to individuals who obtain the status of a nonimmigrant under section 101(a)(15)(F) of the Immigration and Nationality Act after the end of the 60-day period beginning on the date of the enactment of this Act, including aliens whose status as such a nonimmigrant is extended after the end of such period.

SEC. 626. SERVICES TO FAMILY MEMBERS OF CERTAIN OFFICERS AND AGENTS KILLED IN THE LINE OF DUTY.

(a) IN GENERAL.—Title II, as amended by section 205(a) of this division, is amended by adding at the end the following new section:

"TRANSPORTATION OF REMAINS OF IMMIGRATION OFFICERS AND BORDER PATROL AGENTS KILLED IN THE LINE OF DUTY

"SEC. 295. (a) IN GENERAL.—To the extent provided in appropriation Acts, when an immigration officer or border patrol agent is killed in

the line of duty, the Attorney General may pay from appropriations available for the activity in which the officer or agent was engaged—

"(1) the actual and necessary expenses of transportation of the remains of the officer or agent to a place of burial located in any State, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau;

"(2) travel expenses, including per diem in lieu of subsistence, of the decedent's spouse and minor children to and from such site at rates not greater than those established for official government travel under subchapter I of chapter 57 of title 5, United States Code; and

"(3) any other memorial service authorized by the Attorney General.

"(b) PREPAYMENT.—The Attorney General may prepay any expense authorized to be paid under this section.".

(b) CLERICAL AMENDMENT.—The table of contents, as amended by section 205(b) of this division, is amended by inserting after the item relating to section 294 the following new item:

"Sec. 295. Transportation of remains of immigration officers and border patrol agents killed in the line of duty.".

Subtitle C—Provisions Relating to Visa Processing and Consular Efficiency

SEC. 631. VALIDITY OF PERIOD OF VISAS.

(a) EXTENSION OF VALIDITY OF IMMIGRANT VISAS TO 6 MONTHS.—Section 221(c) (8 U.S.C. 1201(c)) is amended by striking "four months" and inserting "six months".

(b) AUTHORIZING APPLICATION OF RECIPROCITY RULE FOR NONIMMIGRANT VISA IN CASE OF REFUGEES AND PERMANENT RESIDENTS.—Such section is further amended by inserting before the period at the end of the third sentence the following: "; except that in the case of aliens who are nationals of a foreign country and who either are granted refugee status and firmly resettled in another foreign country or are granted permanent residence and residing in another foreign country, the Secretary of State may prescribe the period of validity of such a visa based upon the treatment granted by that other foreign country to alien refugees and permanent residents, respectively, in the United States".

SEC. 632. ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following:

"(g)(1) In the case of an alien who has been admitted on the basis of a nonimmigrant visa and remained in the United States beyond the period of stay authorized by the Attorney General, such visa shall be void beginning after the conclusion of such period of stay.

"(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant, except—

"(A) on the basis of a visa (other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

"(B) where extraordinary circumstances are found by the Secretary of State to exist.".

(b) APPLICABILITY.—

(1) VISAS.—Section 222(g)(1) of the Immigration and Nationality Act, as added by subsection (a), shall apply to a visa issued before, on, or after the date of the enactment of this Act.

(2) ALIENS SEEKING READMISSION.—Section 222(g)(2) of the Immigration and Nationality Act, as added by subsection (a), shall apply to any alien applying for readmission to the United States after the date of the enactment of this Act, except an alien applying for readmission on the basis of a visa that—

(A) was issued before such date; and

(B) is not void through the application of section 222(g)(1) of the Immigration and Nationality Act, as added by subsection (a).

SEC. 633. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) (8 U.S.C. 1152(a)(1)) is amended—

(1) by inserting "(A)" after "NONDISCRIMINATION.—"; and

(2) by adding at the end the following:

"(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.".

SEC. 634. CHANGES REGARDING VISA APPLICATION PROCESS.

(a) NONIMMIGRANT APPLICATIONS.—Section 222(c) (8 U.S.C. 1202(c)) is amended—

(1) by striking "personal description" through "marks of identification);";

(2) by striking "applicant" and inserting "applicant, the determination of his eligibility for a nonimmigrant visa,"; and

(3) by adding at the end the following: "At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 101(a)(15) may vary according to the class of visa being requested.".

(b) DISPOSITION OF APPLICATIONS.—Section 222(e) (8 U.S.C. 1202(e)) is amended—

(1) in the first sentence, by striking "required by this section" and inserting "for an immigrant visa"; and

(2) in the fourth sentence—

(A) by striking "stamp" and inserting "stamp, or other

(B) by striking "by the consular officer".

SEC. 635. VISA WAIVER PROGRAM.

(a) ELIMINATION OF JOINT ACTION REQUIREMENT.—Section 217 (8 U.S.C. 1187) is amended—

(1) in subsection (a), by striking "Attorney General and the Secretary of State, acting jointly" and inserting "Attorney General, in consultation with the Secretary of State";

(2) in subsection (c)(1), by striking "Attorney General and the Secretary of State acting jointly" and inserting "Attorney General, in consultation with the Secretary of State,"; and

(3) in subsection (d), by striking "Attorney General and the Secretary of State, acting jointly," and inserting "Attorney General, in consultation with the Secretary of State,".

(b) EXTENSION OF PROGRAM.—Section 217(f) (8 U.S.C. 1187(f)) is amended by striking "1996" and inserting "1997.".

(c) DURATION AND TERMINATION OF DESIGNATION OF PILOT PROGRAM COUNTRIES.—

(1) IN GENERAL.—Section 217(g) (8 U.S.C. 1187(g)) is amended to read as follows:

"(g) DURATION AND TERMINATION OF DESIGNATION.—

"(1) IN GENERAL.—

"(A) DETERMINATION AND NOTIFICATION OF DISQUALIFICATION RATE.—Upon determination by the Attorney General that a pilot program country's disqualification rate is 2 percent or more, the Attorney General shall notify the Secretary of State.

"(B) PROBATIONARY STATUS.—If the program country's disqualification rate is greater than 2 percent but less than 3.5 percent, the Attorney General shall place the program country in probationary status for a period not to exceed 2 full fiscal years following the year in which the determination under subparagraph (A) is made.

"(C) TERMINATION OF DESIGNATION.—Subject to paragraph (3), if the program country's disqualification rate is 3.5 percent or more, the Attorney General shall terminate the country's designation as a pilot program country effective at the beginning of the second fiscal year following the fiscal year in which the determination under subparagraph (A) is made.

"(2) TERMINATION OF PROBATIONARY STATUS.—

"(A) IN GENERAL.—If the Attorney General determines at the end of the probationary period described in paragraph (1)(B) that the program country placed in probationary status under such paragraph has failed to develop a machine-readable passport program as required by section (c)(2)(C), or has a disqualification rate of 2 percent or more, the Attorney General shall terminate the designation of the country as a pilot program country. If the Attorney General determines that the program country has developed a machine-readable passport program and has a disqualification rate of less than 2 percent, the Attorney General shall redesignate the country as a pilot program country.

"(B) EFFECTIVE DATE.—A termination of the designation of a country under subparagraph (A) shall take effect on the first day of the first fiscal year following the fiscal year in which the determination under such subparagraph is made. Until such date, nationals of the country shall remain eligible for a waiver under subsection (a).

"(3) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraph (1)(C) shall not apply unless the total number of nationals of a pilot program country described in paragraph (4)(A) exceeds 100.

"(4) DEFINITION.—For purposes of this subsection, the term 'disqualification rate' means the percentage which—

"(A) the total number of nationals of the pilot program country who were—

"(i) excluded from admission or withdrew their application for admission during the most recent fiscal year for which data are available; and

"(ii) admitted as nonimmigrant visitors during such fiscal year and who violated the terms of such admission; bears to

"(B) the total number of nationals of such country who applied for admission as nonimmigrant visitors during such fiscal year.".

(2) TRANSITION.—A country designated as a pilot program country with probationary status under section 217(g) of the Immigration and Nationality Act (as in effect on the day before the date of the enactment of this Act) shall be considered to be designated as a pilot program country on and after such date, subject to placement in probationary status or termination of such designation under such section (as amended by paragraph (1)).

(3) CONFORMING AMENDMENT.—Section 217(a)(2)(B) (8 U.S.C. 1187(a)(2)(B)) is amended by striking "or is" through "subsection (g)." and inserting a period.

SEC. 636. FEE FOR DIVERSITY IMMIGRANT LOTTERY.

The Secretary of State may establish a fee to be paid by each applicant for an immigrant visa described in section 203(c) of the Immigration and Nationality Act. Such fee may be set at a level that will ensure recovery of the cost to the Department of State of allocating visas under such section, including the cost of processing all applications thereunder. All fees collected under this section shall be used for providing consular services. All fees collected under this section shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available for obligations until expended. The provisions of the Act of August 18, 1856 (11 Stat. 58; 22 U.S.C. 4212–4214), concerning accounting for consular fees, shall not apply to fees collected under this section.

SEC. 637. ELIGIBILITY FOR VISAS FOR CERTAIN POLISH APPLICANTS FOR THE 1995 DIVERSITY IMMIGRANT PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of State, shall include among the aliens selected for diversity immigrant visas for fiscal year 1997 pursuant to section 203(c) of the Immigration and Nationality Act any alien who, on or before September 30, 1995—

(1) was selected as a diversity immigrant under such section for fiscal year 1995;

(2) applied for adjustment of status to that of an alien lawfully admitted for permanent residence pursuant to section 245 of such Act during fiscal year 1995, and whose application, and any associated fees, were accepted by the Attorney General, in accordance with applicable regulations;

(3) was not determined by the Attorney General to be excludable under section 212 of such Act or ineligible under section 203(c)(2) of such Act; and

(4) did not become an alien lawfully admitted for permanent residence during fiscal year 1995.

(b) PRIORITY.—The aliens selected under subsection (a) shall be considered to have been selected for diversity immigrant visas for fiscal year 1997 prior to any alien selected under any other provision of law.

(c) REDUCTION OF IMMIGRANT VISA NUMBER.—For purposes of applying the numerical limitations in sections 201 and 203(c) of the Immigration and Nationality Act, aliens selected under subsection (a) who are granted an immigrant visa shall be treated as aliens granted a visa under section 203(c) of such Act.

Subtitle D—Other Provisions

SEC. 641. PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS AND OTHER EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—

(1) PROGRAM.—The Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall develop and conduct a program to collect from approved institutions of higher education and designated exchange visitor programs in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act; and

(B) are nationals of the countries designated under subsection (b).

(2) DEADLINE.—The program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General, in consultation with the Secretary of State, shall designate countries for purposes of subsection (a)(1)(B). The Attorney General shall initially designate not less than 5 countries and may designate additional countries at any time while the program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) with respect to an alien consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General;

(C) in the case of a student at an approved institution of higher education, the current academic status of the alien, including whether the alien is maintaining status as a full-time student or, in the case of a participant in a designated exchange visitor program, whether the alien is satisfying the terms and conditions of such program; and

(D) in the case of a student at an approved institution of higher education, any disciplinary action taken by the institution against the alien as a result of the alien's being convicted of a crime or, in the case of a participant in a designated exchange visitor program, any change in the alien's participation as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 shall not apply to aliens described in subsection (a) to the extent that the Attorney General determines necessary to carry out the program under subsection (a).

(3) ELECTRONIC COLLECTION.—The information described in paragraph (1) shall be collected electronically, where practicable.

(4) COMPUTER SOFTWARE.—

(A) COLLECTING INSTITUTIONS.—To the extent practicable, the Attorney General shall design the program in a manner that permits approved institutions of higher education and designated exchange visitor programs to use existing software for the collection, storage, and data processing of information described in paragraph (1).

(B) ATTORNEY GENERAL.—To the extent practicable, the Attorney General shall use or enhance existing software for the collection, storage, and data processing of information described in paragraph (1).

(d) PARTICIPATION BY INSTITUTIONS OF HIGHER EDUCATION AND EXCHANGE VISITOR PROGRAMS.—

(1) CONDITION.—The information described in subsection (c) shall be provided by as a condition of—

(A) in the case of an approved institution of higher education, the continued approval of the institution under subparagraph (F) or (M) of section 101(a)(15) of the Immigration and Nationality Act; and

(B) in the case of an approved institution of higher education or a designated exchange visitor program, the granting of authority to issue documents to an alien demonstrating the alien's eligibility for a visa under subparagraph (F), (J), or (M) of section 101(a)(15) of such Act.

(2) EFFECT OF FAILURE TO PROVIDE INFORMATION.—If an approved institution of higher education or a designated exchange visitor program fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—

(1) IN GENERAL.—Beginning on April 1, 1997, an approved institution of higher education and a designated exchange visitor program shall impose on, and collect from, each alien described in paragraph (3), with respect to whom the institution or program is required by subsection (a) to collect information, a fee established by the Attorney General under paragraph (4) at the time—

(A) when the alien first registers with the institution or program after entering the United States; or

(B) in a case where a registration under subparagraph (A) does not exist, when the alien first commences activities in the United States with the institution or program.

(2) REMITTANCE.—An approved institution of higher education and a designated exchange visitor program shall remit the fees collected under paragraph (1) to the Attorney General pursuant to a schedule established by the Attorney General.

(3) ALIENS DESCRIBED.—An alien referred to in paragraph (1) is an alien who has nonimmigrant status under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (other than a nonimmigrant under section 101(a)(15)(J) of such Act who has come to the United States as a participant in a program sponsored by the Federal Government).

(4) AMOUNT AND USE OF FEES.—

(A) ESTABLISHMENT OF AMOUNT.—The Attorney General shall establish the amount of the fee to be imposed on, and collected from, an alien under paragraph (1). Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100. The amount of the fee shall be based on the Attorney General's estimate of the cost per alien of conducting the information collection program described in this section.

(B) USE.—Fees collected under paragraph (1) shall be deposited as offsetting receipts into the Immigration Examinations Fee Account (established under section 286(m) of the Immigration and Nationality Act) and shall remain available until expended for the Attorney General to reimburse any appropriation the amount paid out of which is for expenses in carrying out this section.

(f) JOINT REPORT.—Not later than 4 years after the commencement of the program established under subsection (a), the Attorney General, the Secretary of State, and the Secretary of Education shall jointly submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the operations of the program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—

(1) EXPANSION OF PROGRAM.—

(A) IN GENERAL.—Not later than 6 months after the submission of the report required by subsection (f), the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall commence expansion of the program to cover the nationals of all countries.

(B) DEADLINE.—Such expansion shall be completed not later than 1 year after the date of the submission of the report referred to in subsection (f).

(2) REVISION OF FEE.—After the program has been expanded, as provided in paragraph (1), the Attorney General may, on a periodic basis, revise the amount of the fee imposed and collected under subsection (e) in order to take into account changes in the cost of carrying out the program.

(h) DEFINITIONS.—As used in this section:

(1) APPROVED INSTITUTION OF HIGHER EDUCATION.—The term "approved institution of higher education" means a college or university approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.

(2) DESIGNATED EXCHANGE VISITOR PROGRAM.—The term "designated exchange visitor program" means a program that has been—

(A) designated by the Director of the United States Information Agency for purposes of section 101(a)(15)(J) of the Immigration and Nationality Act; and

(B) selected by the Attorney General for purposes of the program under this section.

SEC. 642. COMMUNICATION BETWEEN GOVERNMENT AGENCIES AND THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) IN GENERAL.—Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) ADDITIONAL AUTHORITY OF GOVERNMENT ENTITIES.—Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

(1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.

(2) Maintaining such information.

(3) Exchanging such information with any other Federal, State, or local government entity.

(c) OBLIGATION TO RESPOND TO INQUIRIES.—The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

SEC. 643. REGULATIONS REGARDING HABITUAL RESIDENCE.

Not later than 6 months after the date of the enactment of this Act, the Commissioner of Immigration and Naturalization shall issue regulations governing rights of "habitual residence" in the United States under the terms of the following:

(1) The Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note).

(2) The Compact of Free Association between the Government of the United States and the Government of Palau (48 U.S.C. 1931 note).

SEC. 644. INFORMATION REGARDING FEMALE GENITAL MUTILATION.

(a) PROVISION OF INFORMATION REGARDING FEMALE GENITAL MUTILATION.—The Immigration and Naturalization Service (in cooperation with the Department of State) shall make available for all aliens who are issued immigrant or nonimmigrant visas, prior to or at the time of entry into the United States, the following information:

(1) Information on the severe harm to physical and psychological health caused by female genital mutilation which is compiled and presented in a manner which is limited to the practice itself and respectful to the cultural values of the societies in which such practice takes place.

(2) Information concerning potential legal consequences in the United States for (A) performing female genital mutilation, or (B) allowing a child under his or her care to be subjected to female genital mutilation, under criminal or child protection statutes or as a form of child abuse.

(b) LIMITATION.—In consultation with the Secretary of State, the Commissioner of Immigration and Naturalization shall identify those countries in which female genital mutilation is commonly practiced and, to the extent practicable, limit the provision of information under subsection (a) to aliens from such countries.

(c) DEFINITION.—For purposes of this section, the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minora, or labia majora.

SEC. 645. CRIMINALIZATION OF FEMALE GENITAL MUTILATION.

(a) FINDINGS.—The Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the first amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the fourteenth amendment, as well as under the treaty clause, to the Constitution to enact such legislation.

(b) CRIME.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§116. Female genital mutilation

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is—

"(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

"(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that person, or any other person, that the operation is required as a matter of custom or ritual.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"116. Female genital mutilation.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 646. ADJUSTMENT OF STATUS FOR CERTAIN POLISH AND HUNGARIAN PAROLEES.

(a) IN GENERAL.—The Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment;

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided in subsection (a) shall only apply to an alien who—

(1) was a national of Poland or Hungary; and

(2) was inspected and granted parole into the United States during the period beginning on November 1, 1989, and ending on December 31, 1991, after being denied refugee status.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this section and the Attorney General may waive any other provision of such section (other than paragraph (2)(C) and subparagraphs (A), (B), (C), or (E) of paragraph (3)) with respect to such an adjustment for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(d) DATE OF APPROVAL.—Upon the approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission as an alien lawfully admitted for permanent residence as of the date of the alien's inspection and parole described in subsection (b)(2).

(e) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act.

SEC. 647. SUPPORT OF DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Attorney General shall make available funds under this section, in each of fiscal years 1997 through 2001, to the Commissioner of Immigration and Naturalization or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance under section 337(a) of the Immigration and Nationality Act on a business day around Independence Day to approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(b) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General shall consider changing the sites selected from year to year.

(c) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds made available under this section may be used only to cover expenses incurred in carrying out oath administration ceremonies at the demonstration sites under subsection (a), including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses);

(B) rental of space; and

(C) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities shall be available, to the extent provided in appropriation Acts, to carry out this section.

(d) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

SEC. 648. SENSE OF CONGRESS REGARDING AMERICAN-MADE PRODUCTS; REQUIREMENTS REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this division should be American-made.

(b) NOTICE TO RECIPIENTS OF GRANTS.—In providing grants under this division, the Attorney General, to the greatest extent practicable, shall provide to each recipient of a grant a notice describing the statement made in subsection (a) by the Congress.

SEC. 649. VESSEL MOVEMENT CONTROLS DURING IMMIGRATION EMERGENCY.

Section 1 of the Act of June 15, 1917 (50 U.S.C. 191) is amended in the first sentence by inserting "or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to, or arriving off the coast of, the United States presents urgent circumstances requiring an immediate Federal response," after "United States," the first place such term appears.

SEC. 650. REVIEW OF PRACTICES OF TESTING ENTITIES.

(a) IN GENERAL.—The Attorney General shall investigate, and submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding, the practices of entities authorized to administer standardized citizenship tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by such entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a preliminary report on the investigation conducted under subsection (a). The Attorney General shall submit to such Committees a final report on such investigation not later than 275 days after the submission of the preliminary report.

SEC. 651. DESIGNATION OF A UNITED STATES CUSTOMS ADMINISTRATIVE BUILDING.

(a) DESIGNATION.—The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, is designated as the "Timothy C. McCaghren Customs Administrative Building".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in subsection (a) is deemed to be a reference to the "Timothy C. McCaghren Customs Administrative Building".

SEC. 652. MAIL-ORDER BRIDE BUSINESS.

(a) FINDINGS.—The Congress finds as follows:

(1) There is a substantial "mail-order bride" business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 men in the United States find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages are fraudulent under United States law.

(4) Many mail-order brides come to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates that the rate of marriage fraud between foreign nationals and United States citizens or aliens lawfully admitted for permanent residence is 8 percent. It is unclear what percentage of these marriage fraud cases originate as mail-order marriages.

(b) INFORMATION DISSEMINATION.—

(1) REQUIREMENT.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status and the battered spouse waiver under such status, permanent resident status, marriage fraud penalties, the unregulated nature of the business engaged in by such organizations, and the study required under subsection (c).

(2) CIVIL PENALTY.—

(A) VIOLATION.—Any international matchmaking organization that the Attorney General determines has violated subsection (b) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of not more than $20,000 for each such violation.

(B) PROCEDURES FOR IMPOSITION OF PENALTY.—Any penalty under subparagraph (A) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(c) STUDY.—The Attorney General, in consultation with the Commissioner of Immigration and Naturalization and the Director of the Violence Against Women Initiative of the Department of Justice, shall conduct a study of mail-order marriages to determine, among other things—

(1) the number of such marriages;

(2) the extent of marriage fraud in such marriages, including an estimate of the extent of marriage fraud arising from the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act (providing for suspension of deportation in certain cases involving abuse), or section 204(a)(1)(A)(iii) of such Act (providing for certain aliens who have been abused to file a classification petition on their own behalf);

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 and the Immigration Marriage Fraud Amendments of 1986 with respect to mail-order marriages.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate setting forth the results of the study conducted under subsection (c).

(e) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—

(A) IN GENERAL.—The term "international matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or aliens lawfully admitted for permanent residence, dating, matrimonial, or social referral services to nonresident noncitizens, by—

(i) an exchange of names, telephone numbers, addresses, or statistics;

(ii) selection of photographs; or

(iii) a social environment provided by the organization in a country other than the United States.

(B) EXCEPTION.—Such term does not include a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits of such organization and the laws of the United States.

(2) RECRUIT.—The term "recruit" means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or aliens lawfully admitted for permanent residence.

SEC. 653. REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the H2–A nonimmigrant worker program should be reviewed and may need improvement in order to meet the need of producers of labor-intensive agricultural commodities and livestock in the United States for an adequate workforce.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a sufficient supply of agricultural labor in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the H–2A nonimmigrant worker program to determine—

(1) whether the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) whether the program ensures that there is timely approval of applications for temporary foreign workers under the program in the event of shortages of United States workers after the date of the enactment of this Act;

(3) whether the program ensures that implementation of the program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers;

(4) if, and to what extent, the program is contributing to the problem of illegal immigration; and

(5) that the program adequately meets the needs of agricultural employers for all types of temporary foreign agricultural workers, including higher-skilled workers in occupations which require a level of specific vocational preparation of 4 or higher (as described in the 4th edition of the Dictionary of Occupational Title, published by the Department of Labor).

(c) REPORT.—Not later than December 31, 1996, or 3 months after the date of the enactment of this Act, whichever occurs earlier, the Comptroller General shall submit a report to the appropriate committees of the Congress setting forth the conclusions of the Comptroller General from the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) The term "Comptroller General" means the Comptroller General of the United States.

(2) The term "H–2A nonimmigrant worker program" means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

SEC. 654. REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the United States Customs Service shall initiate a study of harassment by Canadian customs agents allegedly undertaken for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment and the discriminatory imposition of the New Brunswick provincial sales tax on goods purchased in the United States by New Brunswick residents, and with any other actions taken by the Canadian provincial governments to deter cross-border commercial activities.

(2) CONSULTATION.—In conducting the study under paragraph (1), the Commissioner of the United States Customs Service shall consult with representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons who the Commissioner considers to be important to the completion of the study.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of the United States Customs Service shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report on the study and review conducted under subsection (a). The report shall include recommendations for steps that the United States Government can take to help end any harassment by Canadian customs agents that is found to have occurred.

SEC. 655. SENSE OF CONGRESS ON DISCRIMINATORY APPLICATION OF NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds as follows:

(1) In July 1993, Canadian customs officers began collecting an 11 percent New Brunswick provincial sales tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to United States businesses located in proximity to the border with New Brunswick.

(2) This impediment to cross-border trade compounds the damage already done from the Canadian Government's imposition of a 7 percent tax on all goods bought by Canadians in the United States.

(3) Collection of the New Brunswick provincial sales tax on goods purchased outside of New Brunswick is effected only along the United States-Canadian border, not along New Brunswick's borders with other Canadian provinces; the tax is thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States.

(4) In February 1994, the United States Trade Representative publicly stated an intention to seek redress from the discriminatory application of the New Brunswick provincial sales tax under the dispute resolution process in chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures.

(5) Initially, the United States Trade Representative argued that filing a New Brunswick provincial sales tax claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the claim has still not been put forward by the United States Trade Representative.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the provincial sales tax levied by the Canadian province of New Brunswick on Canadian citizens of that province who purchase goods in the United States—

(A) raises questions about a possible violation of the North American Free Trade Agreement in the discriminatory application of the tax to cross-border trade with the United States; and

(B) damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in chapter 20 of the North American Free Trade Agreement for the violation.

SEC. 656. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(A) IN GENERAL.—

(i) GENERAL RULE.—Subject to clause (ii), a Federal agency may not accept for any official purpose a certificate of birth, unless the certificate—

(I) is a birth certificate (as defined in paragraph (3)); and

(II) conforms to the standards set forth in the regulation promulgated under subparagraph (B).

(ii) APPLICABILITY.—Clause (i) shall apply only to a certificate of birth issued after the day that is 3 years after the date of the promulgation of a final regulation under subparagraph (B). Clause (i) shall not be construed to prevent a Federal agency from accepting for official purposes any certificate of birth issued on or before such day.

(B) REGULATION.—

(i) CONSULTATION WITH GOVERNMENT AGENCIES.—The President shall select 1 or more Federal agencies to consult with State vital statistics offices, and with other appropriate Federal agencies designated by the President, for the purpose of developing appropriate standards for birth certificates that may be accepted for official purposes by Federal agencies, as provided in subparagraph (A).

(ii) SELECTION OF LEAD AGENCY.—Of the Federal agencies selected under clause (i), the President shall select 1 agency to promulgate, upon the conclusion of the consultation conducted under such clause, a regulation establishing standards of the type described in such clause.

(iii) DEADLINE.—The agency selected under clause (ii) shall promulgate a final regulation under such clause not later than the date that is 1 year after the date of the enactment of this Act.

(iv) MINIMUM REQUIREMENTS.—The standards established under this subparagraph—

(I) at a minimum, shall require certification of the birth certificate by the State or local custodian of record that issued the certificate, and shall require the use of safety paper, the seal of the issuing custodian of record, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, the birth certificate for fraudulent purposes;

(II) may not require a single design to which birth certificates issued by all States must conform; and

(III) shall accommodate the differences between the States in the manner and form in which birth records are stored and birth certificates are produced from such records.

(2) GRANTS TO STATES.—

(A) ASSISTANCE IN MEETING FEDERAL STANDARDS.—

(i) IN GENERAL.—Beginning on the date a final regulation is promulgated under paragraph (1)(B), the Secretary of Health and Human Services, acting through the Director of the National Center for Health Statistics and after consulting with the head of any other agency designated by the President, shall make grants to States to assist them in issuing birth certificates that conform to the standards set forth in the regulation.

(ii) ALLOCATION OF GRANTS.—The Secretary shall provide grants to States under this subparagraph in proportion to the populations of the States applying to receive a grant and in an amount needed to provide a substantial incentive for States to issue birth certificates that conform to the standards described in clause (i).

(B) ASSISTANCE IN MATCHING BIRTH AND DEATH RECORDS.—

(i) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Center for Health Statistics and after consulting with the head of any other agency designated by the President, shall make grants to States to assist them in developing the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, a State that receives a grant under this subparagraph shall focus first on individuals born after 1950.

(ii) ALLOCATION AND AMOUNT OF GRANTS.—The Secretary shall provide grants to States under this subparagraph in proportion to the populations of the States applying to receive a grant and in an amount needed to provide a substantial incentive for States to develop the capability described in clause (i).

(C) DEMONSTRATION PROJECTS.—The Secretary of Health and Human Services, acting through the Director of the National Center for Health Statistics, shall make grants to States for a project in each of 5 States to demonstrate the feasibility of a system under which persons otherwise required to report the death of individuals to a State would be required to provide to the State's office of vital statistics sufficient information to establish the fact of death of every individual dying in the State within 24 hours of acquiring the information.

(3) BIRTH CERTIFICATE.—As used in this subsection, the term "birth certificate" means a certificate of birth—

(A) of—

(i) an individual born in the United States; or

(ii) an individual born abroad—

(I) who is a citizen or national of the United States at birth; and

(II) whose birth is registered in the United States; and

(B) that—

(i) is a copy, issued by a State or local authorized custodian of record, of an original certificate of birth issued by such custodian of record; or

(ii) was issued by a State or local authorized custodian of record and was produced from birth records maintained by such custodian of record.

(b) STATE-ISSUED DRIVERS LICENSES AND COMPARABLE IDENTIFICATION DOCUMENTS.—

(1) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(A) IN GENERAL.—A Federal agency may not accept for any identification-related purpose a driver's license, or other comparable identification document, issued by a State, unless the license or document satisfies the following requirements:

(i) APPLICATION PROCESS.—The application process for the license or document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation after consultation with the American Association of Motor Vehicle Administrators.

(ii) SOCIAL SECURITY NUMBER.—Except as provided in subparagraph (B), the license or document shall contain a social security account number that can be read visually or by electronic means.

(iii) FORM.—The license or document otherwise shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation after consultation with the American Association of Motor Vehicle Administrators. The form shall contain security features designed to limit tampering, counterfeiting, photocopying, or otherwise duplicating, the license or document for fraudulent purposes and to limit use of the license or document by impostors.

(B) EXCEPTION.—The requirement in subparagraph (A)(ii) shall not apply with respect to a driver's license or other comparable identification document issued by a State, if the State—

(i) does not require the license or document to contain a social security account number; and

(ii) requires—

(I) every applicant for a driver's license, or other comparable identification document, to

submit the applicant's social security account number; and

(II) an agency of the State to verify with the Social Security Administration that such account number is valid.

(C) DEADLINE.—The Secretary of Transportation shall promulgate the regulations referred to in clauses (i) and (iii) of subparagraph (A) not later than 1 year after the date of the enactment of this Act.

(2) GRANTS TO STATES.—Beginning on the date final regulations are promulgated under paragraph (1), the Secretary of Transportation shall make grants to States to assist them in issuing driver's licenses and other comparable identification documents that satisfy the requirements under such paragraph.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, this subsection shall take effect on the date of the enactment of this Act.

(B) PROHIBITION ON FEDERAL AGENCIES.—Subparagraphs (A) and (B) of paragraph (1) shall take effect beginning on October 1, 2000, but shall apply only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses or documents issued according to State law.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(d) FEDERAL AGENCY DEFINED.—For purposes of this section, the term "Federal agency" means any of the following:

(1) An Executive agency (as defined in section 105 of title 5, United States Code).

(2) A military department (as defined in section 102 of such title).

(3) An agency in the legislative branch of the Government of the United States.

(4) An agency in the judicial branch of the Government of the United States.

SEC. 657. DEVELOPMENT OF PROTOTYPE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the "Commissioner") shall, in accordance with the provisions of this section, develop a prototype of a counterfeit-resistant social security card. Such prototype card—

(A) shall be made of a durable, tamper-resistant material such as plastic or polyester;

(B) shall employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits; and

(C) shall be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(2) ASSISTANCE BY ATTORNEY GENERAL.—The Attorney General shall provide such information and assistance as the Commissioner deems necessary to achieve the purposes of this section.

(b) STUDIES AND REPORTS.—

(1) IN GENERAL.—The Comptroller General and the Commissioner of Social Security shall each conduct a study, and issue a report to the Congress, that examines different methods of improving the social security card application process.

(2) ELEMENTS OF STUDIES.—The studies shall include evaluations of the cost and work load implications of issuing a counterfeit-resistant social security card for all individuals over a 3, 5, and 10 year period. The studies shall also evaluate the feasibility and cost implications of imposing a user fee for replacement cards and cards issued to individuals who apply for such a card prior to the scheduled 3, 5, and 10 year phase-in options.

(3) DISTRIBUTION OF REPORTS.—Copies of the reports described in this subsection, along with facsimiles of the prototype cards as described in subsection (a), shall be submitted to the Committees on Ways and Means and Judiciary of the House of Representatives and the Committees on Finance and Judiciary of the Senate not later than 1 year after the date of the enactment of this Act.

SEC. 658. BORDER PATROL MUSEUM.

(a) AUTHORITY.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer and convey to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas, such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

(b) TECHNICAL ASSISTANCE.—The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under subsection (a).

SEC. 659. SENSE OF THE CONGRESS REGARDING THE MISSION OF THE IMMIGRATION AND NATURALIZATION SERVICE.

It is the sense of the Congress that the mission statement of the Immigration and Naturalization Service should include a statement that it is the responsibility of the Service to detect, apprehend, and remove those aliens unlawfully present in the United States, particularly those aliens involved in drug trafficking or other criminal activity.

SEC. 660. AUTHORITY FOR NATIONAL GUARD TO ASSIST IN TRANSPORTATION OF CERTAIN ALIENS.

Section 112(d)(1) of title 32, United States Code, is amended by adding at the end the following new sentence: "The plan as approved by the Secretary may provide for the use of personnel and equipment of the National Guard of that State to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance.".

Subtitle E—Technical Corrections

SEC. 671. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) AMENDMENTS RELATING TO PUBLIC LAW 103–322 (VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994).—

(1) Section 60024(1)(F) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (in this subsection referred to as "VCCLEA") is amended by inserting "United States Code," after "title 18,".

(2) Section 130003(b)(3) of VCCLEA is amended by striking "Naturalization" and inserting "Nationality".

(3)(A) Section 214 (8 U.S.C. 1184) is amended by redesignating the subsection (j), added by section 130003(b)(2) of VCCLEA (108 Stat. 2025), and the subsection (k), as amended by section 622(c) of this division, as subsections (k) and (l), respectively.

(B) Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended by striking "214(j)" and inserting "214(k)".

(4)(A) Section 245 (8 U.S.C. 1255) is amended by redesignating the subsection (i) added by section 130003(c)(1) of VCCLEA as subsection (j).

(B) Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)), as amended by section 130003(d) of VCCLEA and before redesignation by section 305(a)(2) of this division, is amended by striking "245(i)" and inserting "245(j)".

(5) Section 245(j)(3), as added by section 130003(c)(1) of VCCLEA and as redesignated by paragraph (4)(A), is amended by striking "paragraphs (1) or (2)" and inserting "paragraph (1) or (2)".

(6) Section 130007(a) of VCCLEA is amended by striking "242A(d)" and inserting "242A(a)(3)".

(7) The amendments made by this subsection shall be effective as if included in the enactment of the VCCLEA.

(b) AMENDMENTS RELATING TO IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1994.—

(1) Section 101(d) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) (in this subsection referred to as "INTCA") is amended—

(A) by striking "APPLICATION" and all that follows through "This" and inserting "APPLICABILITY OF TRANSMISSION REQUIREMENTS.—This";

(B) by striking "any residency or other retention requirements for" and inserting "the application of any provision of law relating to residence or physical presence in the United States for purposes of transmitting United States"; and

(C) by striking "as in effect" and all that follows through the end and inserting "to any person whose claim is based on the amendment made by subsection (a) or through whom such a claim is derived.".

(2) Section 102 of INTCA is amended by adding at the end the following:

"(e) TRANSITION.—In applying the amendment made by subsection (a) to children born before November 14, 1986, any reference in the matter inserted by such amendment to 'five years, at least two of which' is deemed a reference to '10 years, at least 5 of which'.".

(3) Section 351(a) (8 U.S.C. 1483(a)), as amended by section 105(a)(2)(A) of INTCA, is amended by striking the comma after "nationality".

(4) Section 207(2) of INTCA is amended by inserting a comma after "specified".

(5) Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended in subparagraph (K)(ii), by striking the comma after "1588".

(6) Section 273(b) (8 U.S.C. 1323(b)), as amended by section 209(a) of INTCA, is amended by striking "remain" and inserting "remains".

(7) Section 209(a)(1) of INTCA is amended by striking "$3000" and inserting "$3,000".

(8) Section 209(b) of INTCA is amended by striking "subsection" and inserting "section".

(9) Section 219(cc) of INTCA is amended by striking " 'year 1993 the first place it appears' " and inserting " 'year 1993' the first place it appears".

(10) Section 219(ee) of INTCA is amended by adding at the end the following:

"(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.".

(11) Paragraphs (4) and (6) of section 286(r) (8 U.S.C. 1356(r)) are amended by inserting "the" before "Fund" each place it appears.

(12) Section 221 of INTCA is amended—

(A) by striking each semicolon and inserting a comma,

(B) by striking "disasters." and inserting "disasters,"; and

(C) by striking "The official" and inserting "the official".

(13) Section 242A (8 U.S.C. 1252a), as added by section 224(a) of INTCA and before redesignation as section 238 by section 308(b)(5) of this division, is amended by redesignating subsection (d) as subsection (c).

(14) Except as otherwise provided in this subsection, the amendments made by this subsection shall take effect as if included in the enactment of INTCA.

(c) AMENDMENTS RELATING TO PUBLIC LAW 104–132 (ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996).—

(1) Section 219 (8 U.S.C. 1189), as added by section 302(a) of Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) (in this subsection referred to as "AEDPA"), is amended by striking the heading and all that follows through "(a)" and inserting the following:

"DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

"SEC. 219. (a)".

(2) Section 302(b) of AEDPA is amended by striking ", relating to terrorism,".

(3) Section 106(a) (8 U.S.C. 1105a(a)), as amended by sections 401(e) and 440(a) of AEDPA, is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; and"; and

(C) in paragraph (10), by striking "Any" and inserting "any".

(4) Section 440(a) of the AEDPA is amended by striking "Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a(a)(10)) is amended to read as follows:" and inserting "Section 106(a) of the Immigration and Nationality Act (8 U.S.C. 1105a(a)) is amended by adding at the end the following:".

(5) Section 440(g)(1)(A) of AEDPA is amended—

(A) by striking "of this title"; and

(B) by striking the period after "241(a)(2)(A)(i)".

(6) Section 440(g) of AEDPA is amended by striking paragraph (2).

(7) The amendments made by this subsection shall take effect as if included in the enactment of subtitle A of title IV of AEPDA.

(d) STRIKING REFERENCES TO SECTION 210A.—

(1)(A) Section 201(b)(1)(C) (8 U.S.C. 1151(b)(1)(C)) is amended by striking ", 210A,".

(B) Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended by striking ", 210A(a),".

(C) Section 241(a)(1) (8 U.S.C. 1251(a)(1)), before redesignation by section 305(a)(2) of this division, is amended by striking subparagraph (F).

(2) Sections 204(c)(1)(D)(i) and 204(j)(4) of Immigration Reform and Control Act of 1986 are each amended by striking ", 210A,".

(e) MISCELLANEOUS CHANGES IN THE IMMIGRATION AND NATIONALITY ACT.—

(1) Before being amended by section 308(a)(2) of this division, the item in the table of contents relating to section 242A is amended to read as follows:

"Sec. 242A. Expedited deportation of aliens convicted of committing aggravated felonies.".

(2) Section 101(c)(1) (8 U.S.C. 1101(c)(1)) is amended by striking ", 321, and 322" and inserting "and 321".

(3) Section 212(d)(11) (8 U.S.C. 1182(d)(11)) is amended by inserting a comma after "(4) thereof)".

(4) Pursuant to section 6(b) of Public Law 103–272 (108 Stat. 1378)—

(A) section 214(f)(1) (8 U.S.C. 1184(f)(1)) is amended by striking "section 101(3) of the Federal Aviation Act of 1958" and inserting "section 40102(a)(2) of title 49, United States Code"; and

(B) section 258(b)(2) (8 U.S.C. 1288(b)(2)) is amended by striking "section 105 or 106 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1804, 1805)" and inserting "section 5103(b), 5104, 5106, 5107, or 5110 of title 49, United States Code".

(5) Section 286(h)(1)(A) (8 U.S.C. 1356(h)(1)(A)) is amended by inserting a period after "expended".

(6) Section 286(h)(2)(A) (8 U.S.C. 1356(h)(2)(A)) is amended—

(A) by striking "and" at the end of clause (iv);

(B) by moving clauses (v) and (vi) 2 ems to the left;

(C) by striking "; and" in clauses (v) and (vi) and inserting "and for";

(D) by striking the colons in clauses (v) and (vi); and

(E) by striking the period at the end of clause (v) and inserting "; and".

(7) Section 412(b) (8 U.S.C. 1522(b)) is amended by striking the comma after "is authorized" in paragraph (3) and after "The Secretary" in paragraph (4).

(f) MISCELLANEOUS CHANGE IN THE IMMIGRATION ACT OF 1990.—Section 161(c)(3) of the Immigration Act of 1990 is amended by striking "an an" and inserting "of an".

(g) MISCELLANEOUS CHANGES IN OTHER ACTS.—

(1) Section 506(a) of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101–193) is amended by striking "this section" and inserting "such section".

(2) Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended by section 505(2) of Public Law 103–317, is amended—

(A) by moving the indentation of subsections (f) and (g) 2 ems to the left; and

(B) in subsection (g), by striking "(g)" and all that follows through "shall" and inserting "(g) Subsections (d) and (e) shall".

DIVISION D—SMALL BUSINESS PROGRAMS IMPROVEMENT ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Small Business Programs Improvement Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Administrator defined.
Sec. 3. Effective date.

TITLE I—AMENDMENTS TO SMALL BUSINESS ACT

Sec. 101. References.
Sec. 102. Risk management database.
Sec. 103. Section 7(a) loan program.
Sec. 104. Disaster loans.
Sec. 105. Microloan demonstration program.
Sec. 106. Small business development center program.
Sec. 107. Miscellaneous authorities to provide loans and other financial assistance.
Sec. 110. STTR program extension.
Sec. 111. Level of participation for export working capital loans.

TITLE II—AMENDMENTS TO SMALL BUSINESS INVESTMENT ACT

Sec. 201. References.
Sec. 202. Modifications to development company debenture program.
Sec. 203. Required actions upon default.
Sec. 204. Loan liquidation pilot program.
Sec. 205. Registration of certificates.
Sec. 206. Preferred surety bond guarantee program.
Sec. 207. Sense of the Congress.
Sec. 208. Small business investment company improvements.

SEC. 2. ADMINISTRATOR DEFINED.

For purposes of this Act, the term "Administrator" means the Administrator of the Small Business Administration.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on October 1, 1996.

TITLE I—AMENDMENTS TO SMALL BUSINESS ACT

SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 102. RISK MANAGEMENT DATABASE.

Section 4(b) (15 U.S.C. 633) is amended by inserting after paragraph (2) the following:

"(3) RISK MANAGEMENT DATABASE.—

"(A) ESTABLISHMENT.—The Administration shall establish, within the management system for the loan programs authorized by subsections (a) and (b) of section 7 of this Act and title V of the Small Business Investment Act of 1958, a management information system that will generate a database capable of providing timely and accurate information in order to identify loan underwriting, collections, recovery, and liquidation problems.

"(B) INFORMATION TO BE MAINTAINED.—In addition to such other information as the Administration considers appropriate, the database established under subparagraph (A) shall, with respect to each loan program described in subparagraph (A), include information relating to—

"(i) the identity of the institution making the guaranteed loan or issuing the debenture;

"(ii) the identity of the borrower;

"(iii) the total dollar amount of the loan or debenture;

"(iv) the total dollar amount of government exposure in each loan;

"(v) the district of the Administration in which the borrower has its principal office;

"(vi) the principal line of business of the borrower, as identified by Standard Industrial Classification Code (or any successor to that system);

"(vii) the delinquency rate for each program (including number of instances and days overdue);

"(viii) the number and amount of repurchases, losses, and recoveries in each program;

"(ix) the number of deferrals or forbearance sin each program (including days and number of instances);

"(x) comparisons on the basis of loan program, lender, Administration district and region, for all the data elements maintained; and

"(xi) underwriting characteristics of each loan that has entered into default, including term, amount and type of collateral, loan-to-value and other actual and projected ratios, line of business, credit history, and type of loan.

"(C) DEADLINE FOR OPERATIONAL CAPABILITY.—The database established under subparagraph (A) shall—

"(i) be operational not later than June 30, 1997; and

"(ii) capture data beginning on the first day of the second quarter of fiscal year 1997 beginning after such date and thereafter.".

SEC. 103. SECTION 7(A) LOAN PROGRAM.

(a) SERVICING AND LIQUIDATION OF LOANS BY PREFERRED LENDERS.—Section 7(a)(2)(C)(ii)(II) (15 U.S.C. 636(a)(2)(C)(ii)(II)) is amended to read as follows:

"(II) complete authority to service and liquidate such loans without obtaining the prior specific approval of the Administration for routine servicing and liquidation activities, but shall not take any actions creating an actual or apparent conflict of interest.".

(b) CERTIFIED LENDERS PROGRAM.—Section 7(a)(19) (15 U.S.C. 636(a)(19)) is amended by *adding at the end the following new subparagraph:*

"(C) Authority to liquidate loans.—

"(i) IN GENERAL.—The Administrator may permit lenders participating in the Certified Lenders Program to liquidate loans made with a guarantee from the Administration pursuant to a liquidation plan approved by the Administrator.

"(ii) Automatic approval.—If the Administrator does not approve or deny a request for approval of a liquidation plan within 10 business days of the date on which the request is made (or with respect to any routine liquidation activity under such a plan, within 5 business days) such request shall be deemed to be approved.".

(c) LIMITATION ON CONDUCTING PILOT PROJECTS.—Section 7(a) (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

"(25) LIMITATION ON CONDUCTING PILOT PROJECTS.—

"(A) IN GENERAL.—Not more than 10 percent of the total number of loans guaranteed in any fiscal year under this subsection may be awarded as part of a pilot program which is commenced by the Administrator on or after October 1, 1996.

"(B) PILOT PROGRAM DEFINED.—In this paragraph, the term 'pilot program' means any lending program initiative, project, innovation, or other activity not specifically authorized by law.

"(C) LOW DOCUMENTATION LOAN PROGRAM.—The Administrator may carry out the low documentation loan program for loans of $100,000 or less only through lenders with significant experience in making small business loans. Not later than 90 days after the date of enactment of this subsection, the Administrator shall promulgate regulations defining the experience necessary for participation as a lender in the low documentation loan program.".

(d) CALCULATION OF SUBSIDY RATE.—Section 7(a) (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

"(26) CALCULATION OF SUBSIDY RATE.—All fees, interest, and profits received and retained by the Administration under this subsection shall be included in the calculations made by the Director of the Office of Management and Budget to offset the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing loans under this Act.".

(e) SALE OF UNGUARANTEED PORTIONS OF SBA LOANS.—Section 5(f)(3) (15 U.S.C. 634(f)(3)) is amended by adding at the end the following: "Beginning on March 31, 1997, the sale of the unguaranteed portion of any loan made under section 7(a) shall not be permitted until a final regulation that applies uniformly to both depository institutions and other lenders is promulgated by the Administration setting forth the terms and conditions under which such sales can be permitted, including maintenance of appropriate reserve requirements and other safeguards to protect the safety and soundness of the program.".

(f) CONDITIONS ON PURCHASE OF LOANS.—Section 7(a)(4) (15 U.S.C. 636(a)(4)) is amended—

(1) by striking "(4) Notwithstanding" and inserting the following:

"(4) INTEREST RATES AND FEES.—

"(A) INTEREST RATES.—Notwithstanding"; and

(2) by adding at the end the following new subparagraph:

"(B) PAYMENT OF ACCRUED INTEREST.—

"(i) IN GENERAL.—Any bank or other lending institution making a claim for payment on the guaranteed portion of a loan made under this subsection shall be paid the accrued interest due on the loan from the earliest date of default to the date of payment of the claim at a rate not to exceed the rate of interest on the loan on the date of default, minus one percent.

"(ii) LOANS SOLD ON SECONDARY MARKET.—If a loan described in clause (i) is sold on the secondary market, the amount of interest paid to a bank or other lending institution described in that clause from the earliest date of default to the date of payment of the claim shall be no more than the agreed upon rate, minus one percent.".

(g) PLAN FOR TRANSFER OF LOAN SERVICING FUNCTIONS TO CENTRALIZED CENTERS.—

(1) IMPLEMENTATION PLAN REQUIRED.—The Administrator shall submit a detailed plan for completing the consolidation, in one or more centralized centers, of the performance of the various functions relating to the servicing of loans directly made or guaranteed by the Administration pursuant to the Small Business Act, addressing the matters described in paragraph (2) by the deadline specified in paragraph (3).

(2) CONTENTS OF PLAN.—In addition to such other matters as the Administrator may deem appropriate, the plan required by paragraph (1) shall include—

(A) the proposed number and location of such centralized loan servicing centers;

(B) the proposed workload (identified by type and numbers of loans and their geographic origin by the Small Business Administration district office) and staffing of each such center;

(C) a detailed, time-phased plan for the transfer of the identified loan servicing functions to each proposed center; and

(D) any identified impediments to the timely execution of the proposed plan (including adequacy of available financial resources, availability of needed personnel, facilities, and related equipment) and the recommendations of the Administrator for addressing such impediments.

(3) DEADLINE FOR SUBMISSION.—Not later than February 28, 1997, the plan required by paragraph (1) shall be submitted to the Committees on Small Business of the House of Representatives and Senate.

(h) PREFERRED LENDER STANDARD REVIEW PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Administrator shall commence a standard review program for the Preferred Lender Program established by section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)), which shall include annual or more frequent assessments of the participation of the lender in the program, including defaults, loans, and recoveries of loans made by that lender under the authority of this section. The Administrator shall require such standard review for each new entrant to the Preferred Lender Program.

(i) INDEPENDENT STUDY OF LOAN PROGRAMS.—

(1) STUDY REQUIRED.—The Administrator shall contract with one or more private sector parties to conduct a comprehensive assessment of the performance of the loan programs authorized by section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 661) addressing the matters described in paragraph (2) and resulting in a report to the Congress pursuant to paragraph (5).

(2) MATTERS TO BE ASSESSED.—In addition to such other matters as the Administrator considers appropriate, the assessment required by paragraph (1) shall address, with respect to each loan program described in paragraph (1) for each of the fiscal years described in paragraph (3)—

(A) the number and frequency of deferrals and defaults;

(B) default rates;

(C) comparative loss rate, by—

(i) type of lender (separately addressing preferred lenders, certified lenders, and general participation lenders);

(ii) term of the loan;

(iii) dollar value of the loan at disbursement; and

(iv) underwriting characteristics of each loan that has entered into default, including term, amount and type of collateral, loan-to-value and other actual and projected ratios, line of business, credit history, and type of loan; and

(D) the economic models used by the Office of Management and Budget to calculate the credit subsidy rate applicable to the loan programs.

(3) PERIOD OF ASSESSMENT.—The assessments undertaken pursuant to paragraph (2) shall address data for the period beginning with fiscal year 1986 of each loan program described in paragraph (1).

(4) ACCESS TO INFORMATION.—The Administrator shall provide to the contractor access to any information collected by or available to the Administration with regard to the loan programs being assessed. The contactor shall preserve the confidentiality of any information for which confidentiality is protected by law or properly asserted by the person submitting such information.

(5) CONTRACT FUNDING.—The Administrator shall fund the cost of the contract from the amounts appropriated for the salaries and expenses of the Administration for fiscal year 1997.

(6) REPORT TO THE CONGRESS.—

(A) CONTENTS.—The contractor shall prepare a report of—

(i) its analyses of the makers to be assessed pursuant to paragraph (2); and

(ii) its independent recommendations for improving program performance with respect to each loan program, regarding—

(I) improving the timely collection and subsequent management by the Administration of data to measure the performance of each loan program described in paragraph (1); and

(II) reducing loss rates for and improving the performance of each such loan program.

(B) SUBMISSION TO THE CONGRESS.—Not later than June 30, 1997, the Administrator shall submit the report prepared under subparagraph (A) to the Committees on Small Business of the House of Representatives and the Senate. The Administrator shall append his comments, and those of the Office of Management and Budget, if any, to the report.

SEC. 104. DISASTER LOANS.

(a) PRIVATE SECTOR LOAN SERVICING DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—

(A) DEMONSTRATION PROGRAM REQUIRED.—Notwithstanding any other provision of law, the Administration shall conduct a demonstration program, within the parameters described in paragraph (2), to evaluate the comparative costs and benefits of having the Administration's portfolio of disaster loans serviced under contract rather than directly by employees of the Administration. All costs of the demonstration program shall be paid from amounts made available for the Salaries and Expenses Account of the Administration.

(B) INITIATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administration shall issue a request for proposals for the program parameters described in paragraph (2).

(2) DEMONSTRATION PROGRAM PARAMETERS.—

(A) LOAN SAMPLE.—The sample of loans for the demonstration program shall be randomly drawn from the Administration's portfolio of loans made pursuant to section 7(b) of the Small Business Act and shall include a representative group of not less than 30 percent of all loans for residential properties, including 30 percent of all loans made during the demonstration program

after the date of enactment of this Act, which loans shall be selected by the Administration on the basis of geographic distribution and such other factors as the Administration determines to be appropriate.

(B) CONTRACT AND OPTIONS.—The Administration shall solicit and competitively award one or more contracts to service the loans included in the sample of loans described in subparagraph (A) for a term of not less than one year, with 3 one-year contract renewal options, each of which shall be exercised by the Administration unless the Administration terminates the contractor or contractors for good cause.

(3) TERM OF DEMONSTRATION PROGRAM.—The demonstration program shall commence not later than October 1, 1997.

(4) REPORTS.—

(A) INTERIM REPORTS.—Not later than 120 days before the expiration of the initial 4-year contract performance period, the Administrator shall submit to9 the Committees on Small Business of the House of Representatives and the Senate an interim report on the conduct of the demonstration program. The contractor shall be afforded a reasonable opportunity to attach comments to each such report.

(B) FINAL REPORT.—Not later than 120 days after the termination of the demonstration program, the Administrator shall submit to the Committees on Small Business of the House of Representatives and the Senate a final report on the performance of the demonstration program, together with the recommendations of the Administrator for continuation, termination, or modification of the demonstration program.

(b) DEFINITION OF DISASTER.—

(1) IN GENERAL.—Section 3(k) (15 U.S.C. 632(k)) is amended by inserting "commercial fishery failures or fishery resource disasters (as determined by the Secretary of Commerce under section 308(b) of the Interjurisdictional Fisheries Act of 1986)," after "tidal waves,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to any disaster occurring on or after march 1, 1994.

SEC. 105. MICROLOAN DEMONSTRATION PROGRAM.

Section 7(m)(7)(B) (15 U.S.C. 636(m)(4)) is amended by adding at the end the following: "If, however, at the beginning of the fourth quarter of a fiscal year the Administration determines that a portion of appropriated microloan funds are unlikely to be awarded during that year, the Administration may make additional funds available to a State in excess of 125 percent of the pro rata share of that State.".

SEC. 106. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

(a) ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) DUTIES.—Section 21(h) (15 U.S.C. 648(h)) is amended to read as follows:

"(h) ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS DEVELOPMENT CENTERS.—

"(1) APPOINTMENT AND COMPENSATION.—The Administrator shall appoint an Associate Administrator for Small Business Development Centers who shall report to an official who is not more than one level below the Office of the Administrator and who shall serve without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS–17 of the General Schedule.

"(2) DUTIES.—

"(A) IN GENERAL.—The sole responsibility of the Associate Administrator for Small Business Development Centers shall be to administer the small business development center program. Duties of the position shall include recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefore, selecting applicants to participate in this program, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information between small business development centers and conducting audits of recipients of grants under this section.

"(B) CONSULTATION REQUIREMENTS.—In carrying out the duties described in this subsection, the Associate Administrator shall confer with and seek the advice of the Board established by subsection (i) and Administration officials in areas served by the small business development centers; however, the Associate Administrator shall be responsible for the management and administration of the program and shall not be subject to the approval or concurrence of such Administration officials.".

(2) REFERENCES TO ASSOCIATE ADMINISTRATOR.—Section 21 (15 U.S.C. 648) is amended—

(A) in subsection (c)(7), by striking "Deputy Associate Administrator of the Small Business Development Center program" and inserting "Associate Administrator for Small Business Development Centers"; and

(B) in subsection (i)(2), by striking "Deputy Associate Administrator for Management Assistance" and inserting "Associate Administrator for Small Business Development Centers".

(b) EXTENSION OR RENEWAL OF COOPERATIVE AGREEMENTS.—Section 21(k)(3) (15 U.S.C. 648(k)(3)) is amended to read as follows:

"(3) EXTENSION OR RENEWAL OF COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—In extending or renewing a cooperative agreement of a small business development center, the Administration shall consider the results of the examination and certification program conducted pursuant to paragraphs (1) and (2).

"(B) CERTIFICATION REQUIREMENT.—After September 30, 2000, the Administration may not renew or extend any cooperative agreement with a small business development center unless the center has been approved under the certification program conducted pursuant to this subsection, except that the Associate Administrator for Small Business Development Centers may waive such certification requirement, in the discretion of the Associate Administrator, upon a showing that the center is making a good faith effort to obtain certification.".

(c) TECHNICAL CORRECTION.—Section 21(l) (15 U.S.C. 648(l)) is amended to read as follows:

"(1) CONTRACT AUTHORITY.—The authority to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administration provides the applicant with written notification setting forth the reasons therefore and affording the applicant an opportunity for a hearing, appeal, or other administrative proceeding under the provisions of chapter 5 of title 5, United States Code.".

SEC. 107. MISCELLANEOUS AUTHORITIES TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE.

(a) FUNDING LIMITATION; SEMINARS.—Section 7(d) (15 U.S.C. 636(d)) is amended—

(1) by striking "(d)(1)" and inserting "(d)"; and

(2) by striking paragraph (2).

(b) TRADE ADJUSTMENT LOANS.—Section 7(e) (15 U.S.C. 636(e)) is amended to read as follows:

"(e) [RESERVED].".

(e) WAIVER OF CREDIT ELSEWHERE TEST FOR COLLEGES AND UNIVERSITIES.—Section 7(f) (15 U.S.C. 636(f)) is amended to read as follows:

"(f) [RESERVED].".

(d) LOANS TO SMALL BUSINESS CONCERNS FOR SOLAR ENERGY AND ENERGY CONSERVATION MEASURES.—Section 7(l) (15 U.S.C. 636(l)) is amended to read as follows:

"(l) [RESERVED].".

SEC. 108. SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) EXTENSION OF DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3890) is amended by striking "September 30, 1996" and inserting "September 30, 1997".

(2) REPEAL.—Section 717(f) of the Small Business competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is repealed.

(b) REPORTING OF SUBCONTRACT PARTICIPATION IN CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES.—Section 714(b)(5) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3892) is amended to read as follows:

"(5) DURATION.—The system described in subsection (a) shall be established not later than October 1, 1996 (or as soon as practicable thereafter on the first day of a subsequent quarter of fiscal year 1997), and shall terminate on September 30, 1997.".

(c) REPORTS TO THE CONGRESS.—

(1) IN GENERAL.—Section 716 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3893) is amended—

(A) in subsection (a), by striking "fiscal year 1991 and 1995" and inserting "each of fiscal years 1991 through 1996";

(B) in subsection (b), by striking "results" and inserting "cumulative results"; and

(C) in subsection (c), by striking "1996" and inserting "1997".

(2) CUMULATIVE REPORT THROUGH FISCAL YEAR 1995.—A cumulative report of the results of the Small Business Competitiveness Demonstration Program for fiscal years 1991 through 1995 shall be submitted not later than February 28, 1997 pursuant to section 716(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3893), as amended by paragraph (1) of this subsection.

SEC. 109. AMENDMENT TO SMALL BUSINESS GUARANTEED CREDIT ENHANCEMENT ACT OF 1993.

(a) IN GENERAL.—Section 7 of the Small Business Guaranteed Credit Enhancement Act of 1993 (Public Law 103–81; 15 U.S.C. 634 note) is repealed effective September 29, 1996.

(b) CLERICAL AMENDMENT.—The table of contents for the Small Business Guaranteed Credit Enhancement Act of 1993 (Public Law 103–81; 15 U.S.C. 631 note) is amended by striking the item relating to section 7.

SEC. 110. STTR PROGRAM EXTENSION.

Section 9(n)(1)(C) (15 U.S.C. 638(n)(1)(C)) is amended by striking "fiscal year 1996" and inserting "fiscal years 1996 and 1997".

SEC. 111. LEVEL OF PARTICIPATION FOR EXPORT WORKING CAPITAL LOANS.

Section 7(A)(2) (15 U.S.C. 636(A)(2)) is amended by adding at the end the following:

"(D) PARTICIPATION UNDER EXPORT WORKING CAPITAL PROGRAM.—Notwithstanding subparagraph (A), in an agreement to participate in a loan on a deferred basis under the Export Working Capital Program established pursuant to paragraph (14)(A), such participation by the Administration shall not exceed 90 percent.".

TITLE II—AMENDMENTS TO SMALL BUSINESS INVESTMENT ACT

SEC. 201. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.).

SEC. 202. MODIFICATIONS TO DEVELOPMENT COMPANY DEBENTURE PROGRAM.

(a) DECREASED LOAN TO VALUE RATIOS.—Section 502(3) (15 U.S.C. 696(3)) is amended to read as follows:

"(3) CRITERIA FOR ASSISTANCE.—

"(A) IN GENERAL.—Any development company assisted under this section or section 503 of this title must meet the criteria established by the Administration, including the extent of participation to be required or amount of paid-in capital to be used in each instance as is determined to be reasonable by the Administration.

"(B) COMMUNITY INJECTION FUNDS.—

"(i) SOURCES OF FUNDS.—Community injection funds may be derived, in whole or in part, from—

"(I) State or local governments;

"(II) banks or other financial institutions;

"(III) foundations or other not-for-profit institutions; or

"(IV) the small business concern (or its owners, stockholders, or affiliates) receiving assistance through a body authorized by this title.

"(ii) FUNDING FROM INSTITUTIONS.—Not less than 50 percent of the total cost of any project financed pursuant to clauses (i), (ii), or (iii) of subparagraph (C) shall come from the institutions described in subclauses (I), (II), and (III) of clause (i).

"(C) FUNDING FROM A SMALL BUSINESS CONCERN.—The small business concern (or its owners, stockholders, or affiliates) receiving assistance through a body authorized by this title shall provide—

"(i) at least 15 percent of the total cost of the project financed, if the small business concern has been in operation for a period of 2 years or less;

"(ii) at least 15 percent of the total cost of the project financed if the project involves the construction of a limited or single purpose building or structure;

"(iii) at least 20 percent of the total cost of the project financed if the project involves both of the conditions set forth in clauses (i) and (ii); or

"(iv) at least 10 percent of the total cost of the project financed, in all other circumstances, at the discretion of the development company.".

(b) GUARANTEE FEE FOR DEVELOPMENT COMPANY DEBENTURES.—Section 503(b)(7)(A) (15 U.S.C. 697(b)(7)(A)) is amended by striking "equal to 0.125 percent" and all that follows before the semicolon and inserting the following: "equal to the lesser of—

"(i) 0.9375 percent per year of the outstanding balance of the loan; or

"(ii) such percentage per year of the outstanding balance of the loan as the Administrator may determine to be necessary to reduce the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act to an amount that, taking into consideration any available appropriated funds, would permit the Administration to purchase or guarantee $2,000,000,000 of debentures in fiscal year 1997".

(c) FEES TO OFFSET SUBSIDY COST.—Section 503(d) (15 U.S.C. 697(d)) is amended to read as follows:

"(d) CHARGES FOR ADMINISTRATION EXPENSES.—

"(1) LEVEL OF CHARGES.—The Administration may impose an additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under subsection (a).

"(2) PARTICIPATION FEE.—The Administration shall collect a one-time fee in an amount equal to 50 basis points on the total participation in any project of any institution described in subclause (I), (II), or (III) of section 502(3)(B)(i). Such fee shall be imposed only when the participation of the institution will occupy a senior credit position to that of the development company. All proceeds of the fee shall be used to offset the cost (as that term is defined in section 502 of the Credit Reform Act of 1990) to the Administration of making guarantees under subsection (a).

"(3) DEVELOPMENT COMPANY FEE.—The Administration shall collect annually from each development company a fee of 0.125 percent of the outstanding principal balance of any guaranteed debenture authorized by the Administration after September 30, 1996. Such fee shall be derived from the servicing fees collected by the development company pursuant to regulation, and shall not be derived from any additional fees imposed on small business concerns. All proceeds of the fee shall be used to offset the cost (as that term is defined in section 502 of the Credit Reform Act of 1990) to the Administration of making guarantees under subsection (a).".

(d) EFFECTIVE DATE.—Section 503 (15 U.S.C. 697) is amended by adding at the end the following new subsection:

"(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (c) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 1997.".

(e) CALCULATION OF SUBSIDY RATE.—Section 503 (15 U.S.C. 697a) is amended by adding at the end the following new subsection:

"(g) CALCULATION OF SUBSIDY RATE.—All fees, interest, and profits received and retained by the Administration under this section shall be included in the calculations made by the Director of the Office of Management and Budget to offset the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act.".

SEC. 203. REQUIRED ACTIONS UPON DEFAULT.

Section 503 (15 U.S.C. 697) is amended by adding at the end the following new subsection:

"(h) REQUIRED ACTIONS UPON DEFAULT.—

"(1) INITIAL ACTIONS.—Not later than the 45th day after the date on which a payment on a loan funded through a debenture guaranteed under this section is due and not received, the Administration shall—

"(A) take all necessary steps to bring such a loan current; or

"(B) implement a formal written deferral agreement.

"(2) PURCHASE OR ACCELERATION OF DEBENTURE.—Not later than the 65th day after the date on which a payment on a loan described in paragraph (1) is due and not received, and absent a formal written deferral agreement, the administration shall take all necessary steps to purchase or accelerate the debenture.

"(3) PREPAYMENT PENALTIES.—With respect to the portion of any project derived from funds set forth in section 502(3), the Administration—

"(A) shall negotiate the elimination of any prepayment penalties or late fees on defaulted loans made prior to September 30, 1996;

"(B) shall not pay any prepayment penalty or late fee on the default based purchase of loans issued after September 30, 1996; and

"(C) for any project financed after September 30, 1996, shall not pay any default interest rate higher than the interest rate on the note prior to the date of default.".

SEC. 204. LOAN LIQUIDATION PILOT PROGRAM.

(a) IN GENERAL.—The Administration shall carry out a loan liquidation pilot program (in this section referred to as the "pilot program") in accordance with the requirements of this section.

(b) SELECTION OF DEVELOPMENT COMPANIES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish a pilot program under which certain development companies authorized to make loans and issue debentures under title V of the Small Business Investment Act of 1958 are selected by the Administrator in accordance with this subsection to carry out loan liquidations.

(2) CONFLICTS OF INTEREST.—The development companies selected under paragraph (1) shall agree not to take any action that would create a potential conflict of interest involving the development company, the third party lender, or an associate of the third party lender.

(3) QUALIFICATIONS.—In order to qualify to participate in the pilot program under this section, each development company shall—

(A) have not less than 6 years of experience in the program established by title V of the Small Business Investment Act of 1958;

(B) have made, during the 6 most recent fiscal years, an average of not less than 10 loans per year through the program established by such title V of the Small Business Investment Act of 1958;

(C) have not less than 2 years of experience in liquidating loans under the authority of a Federal, State, or other lending program; and

(D) meet such other requirements as the Administration may establish.

(c) AUTHORITY OF DEVELOPMENT COMPANIES.—The development companies selected under subsection (b) shall, for loans in their portfolio of loans made through debentures guaranteed under title V of the Small Business Investment Act of 1958 that are in default after the date of enactment of this Act, be authorized to—

(1) perform all liquidation and foreclosure functions, including the acceleration or purchase of community injection funds, subject to such company obtaining prior written approval from the Administrator before committing the agency to purchase any other indebtedness secured by the property: Provided, That the Administrator shall approve or deny a request for such purchase within a period of 10 business days; and

(2) liquidate such loans in a reasonable and sound manner and according to commercially accepted practices pursuant to a liquidation plan approved by the Administrator in advance of its implementation. If the Administrator does not approve or deny a request for approval of a liquidation plan within 10 business days of the date on which the request is made (or with respect to any routine liquidation activity under such a plan, within 5 business days) such request shall be deemed to be approved.

(d) AUTHORITY OF THE ADMINISTRATOR.—In carrying out the pilot program, the Administrator shall—

(1) have full authority to rescind the authority granted any development company under this section upon a 10-day written notice stating the reasons for the rescission; and

(2) not later than 90 days after the admission of the development companies specified in subsection (b), implement the pilot program.

(e) REPORT.—

(1) IN GENERAL.—The Administrator shall issue a report on the results of the pilot program to the Committees on Small Business of the House of Representatives and the Senate. The report shall include information relating to—

(A) the total dollar amount of each loan and project liquidated;

(B) the total dollar amount guaranteed by the Administration;

(C) total dollar losses;

(D) total recoveries both as percentage of the amount guaranteed and the total cost of the project; and

(E) a comparison of the pilot program information with the same information for liquidation conducted outside the pilot program over the period of time.

(2) REPORTING PERIOD.—The report shall be based on data from, and issued not later than 90 days after the close of, the first eight fiscal quarters of the pilot program's operation after the date of implementation.

SEC. 205. REGISTRATION OF CERTIFICATES.

(a) CERTIFICATES SOLD PURSUANT TO SMALL BUSINESS ACT.—Section 5(h) of the Small Business Act (15 U.S.C. 634(h)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) by striking "(h)" and inserting "(h)(1)";

(3) by striking subparagraph (A), as redesignated by paragraph (1) of this subsection, and inserting the following:

"(A) provide for a central registration of all loans and trust certificates sold pursuant to subsections (f) and (g) of this section;"; and

(4) by adding at the end the following:

"(2) Nothing in this subsection shall prohibit the utilization of a book-entry or other electronic form of registration for trust certificates. The Administration may, with the consent of the Secretary of the Treasury, use the book-entry system of the Federal Reserve System.".

(b) CERTIFICATES SOLD PURSUANT TO SMALL BUSINESS INVESTMENT COMPANY PROGRAM.—Section 321(f) (15 U.S.C. 687l(f)) is amended—

(1) in paragraph (1), by striking "Such central registration shall include" and all that follows through the period at the end of the paragraph; and

(2) by adding at the end the following:

(5) Nothing in this subsection shall prohibit the use of a book-entry or other electronic form of registration for trust certificates.".

(c) CERTIFICATES SOLD PURSUANT TO DEVELOPMENT COMPANY PROGRAM.—Section 505(f) (15 U.S.C. 697b(f) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) by striking "(f)" and inserting "(f)(1)";

(3) by striking paragraph (A), as redesignated by paragraph (1) of this subsection, and inserting the following:

"(A) provide for a central registration of all trust certificates sold pursuant to this section;" and

"(4) by adding at the end the following:

"'(2) Nothing in this subsection shall prohibit the utilization of a book-entry or other electronic form of registration for trust certificates.".

SEC. 206. PREFERRED SURETY BOND GUARANTEE PROGRAM.

(a) ADMISSION OF ADDITIONAL PROGRAM PARTICIPANTS.—Section 411(a) (15 U.S.C. 694(a)) is amended by adding a new paragraph (5), as follows:

"(5)(A) The Administration shall promptly act upon an application from a surety to participate in the Preferred Surety Bond Guarantee Program, authorized by paragraph (3), in accordance with criteria and procedures established in regulations pursuant to subsection (d).

"(B) The Administration is authorized to reduce the allotment of bond guarantee authority or terminate the participation of a surety in the Preferred Surety Program Guarantee Program based on the rate of participation of such surety during the 4 most recent fiscal year quarters compared to the median rate of participation by the other sureties in the program.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to applications received (or pending substantive evaluation) on or after October 1, 1995.

SEC. 207. SENSE OF THE CONGRESS.

(a) IN GENERAL.—It is the sense of the Congress that the subsidy models prepared by the Office of Management and Budget relative to loan programs sponsored by the United States Small Business Administration have a tendency to—

(1) overestimate potential risk of loss; and

(2) overemphasize historical losses that may be anomalous and do not truly reflect the success of the programs as a whole.

(b) INDEPENDENT STUDY.—Consequently, the Congress mandates the independent study in section 103(h) in an attempt to improve the ability of the Office of Management and Budget to reflect more accurately the budgetary implications of such programs.

SEC. 208. SMALL BUSINESS INVESTMENT COMPANY IMPROVEMENTS.

(a) DEFINITIONS.—

(1) SMALL BUSINESS CONCERN.—Section 103(5) (15 U.S.C. 662(5)) is amended by inserting before the semicolon the following: ", except that, for purposes of this Act, an investment by a venture capital firm, investment company (including a small business investment company) employee welfare benefit plan or pension plan, or trust, foundation, or endowment that is exempt from Federal income taxation—

"(A) shall not cause a business concern to be deemed not independently owned and operated;

"(B) shall be disregarded in determining whether a business concern satisfies size standards established pursuant to section 3(a)(2) of the Small Business Act; and

"(C) shall be disregarded in determining whether a small business concern is a smaller enterprise".

(2) PRIVATE CAPITAL.—Section 103(9) (15 U.S.C. 662(9)) is amended to read as follows:

"(9) the term 'private capital'—

"(A) means the sum of—

"(i) the paid-in capital and paid-in surplus of a corporate licensee, the contributed capital of the partners of a partnership licensee, or the equity investment of the members of a limited liability company licensee; and

"(ii) unfunded binding commitments, from investors that meet criteria established by the Administrator, to contribute capital to the licensee: Provided, That such unfunded commitments may be counted as private capital for purposes of approval by the Administrator of any request for leverage, but leverage shall not be funded based on such commitments; and

"(B) does not include any—

"(i) funds borrowed by a licensee from any source;

"(ii) funds obtained through the issuance of leverage; or

"(iii) funds obtained directly or indirectly from any Federal, State, or local government, or any government agency or instrumentality, except for—

"(I) funds invested by an employee welfare benefit plan or pension plan; and

"(II) any qualified nonprivate funds (if the investors of the qualified nonprivate funds do not control, directly or indirectly, the management, board of directors, general partners, or members of the licensee);".

(3) NEW DEFINITIONS.—Section 103 (15 U.S.C. 662) is amended by striking paragraph (10) and inserting the following:

"(10) the term 'leverage' includes—

"(A) debentures purchased or guaranteed by the Administration;

"(B) participating securities purchased or guaranteed by the Administration; and

"(C) preferred securities outstanding as of October 1, 1995;

"(11) the term 'third party debt' means any indebtedness for borrowed money, other than indebtedness owed to the Administration;

"(12) the term 'smaller enterprise' means any small business concern that, together with its affiliates—

"(A) has—

"(i) a net financial worth of not more than $6,000,000, as of the date on which assistance is provided under this Act to that business concern; and

"(ii) an average net income for the 2-year period preceding the date on which assistance is provided under this Act to that business concern, of not more than $2,000,000, after Federal income taxes (excluding any carryover losses); or

"(B) satisfies the standard industrial classification size standards established by the Administration for the industry in which the small business concern is primarily engaged;

"(13) the term 'qualified nonprivate funds' means any—

"(A) funds directly or indirectly invested in any applicant or licensee on or before August 16, 1982, by any Federal agency, other than the Administration, under a provision of law explicitly mandating the inclusion of those funds in the definition of the term 'private capital';

"(B) funds directly or indirectly invested in any applicant or licensee by any Federal agency under a provision of law enacted after September 4, 1992, explicitly mandating the inclusion of those funds in the definition of the term 'private capital'; and

"(C) funds invested in any applicant or licensee by one or more State or local government entities (including any guarantee extended by those entities) in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or licensee;

"(14) the terms 'employee welfare benefit plan' and 'pension plan' have the same meanings as in section 3 of the Employee Retirement Income Security Act of 1974, and are intended to include—

"(A) public and private pension or retirement plans subject to such Act; and

"(B) similar plans not covered by such Act that have been established and that are maintained by the Federal Government or any State or political subdivision, or any agency or instrumentality thereof, for the benefit of employees;

"(15) the term 'member' means, with respect to a licensee that is a limited ability company, a holder of an ownership interest or a person otherwise admitted to membership in the limited liability company; and

"(16) the term 'limited liability company' means a business entity that is organized and operating in accordance with a State limited liability company statute approved by the Administration.".

(b) ORGANIZATION OF SMALL BUSINESS INVESTMENT COMNPANIES.—

(1) LIMITED LIABILITY COMPANIES.—Section 301(a) (15 U.S.C. 681(a)) is amended in the first sentence, by striking "body or" and inserting "body, a limited liability company, or"

(2) ISSUANCE OF LICENSE.—Section 301(c) (15 U.S.C. 681(c)) is amended to read as follows:

"(c) ISSUANCE OF LICENSE.—

"(1) SUBMISSION OF APPLICATION.—Each applicant for a license to operate as a small business investment company under this Act shall submit to the Administrator an application, in a form and including such documentation as may be prescribed by the Administrator.

"(2) PROCEDURES.—

"(A) STATUS.—Not later than 90 days after the initial receipt by the Administrator of an application under this subsection, the Administrator shall provide the applicant with a written report detailing the status of the application and any requirements remaining for completion of the application.

"(B) APPROVAL OR DISAPPROVAL.—Within a reasonable time after receiving a completed application submitted in accordance with this subsection and in accordance with such requirements as the Administrator may prescribe by regulation, the Administrator shall—

"(i) approve the application and issue a license for such operation to the applicant if the requirements of this section are satisfied; or

"(ii) disapprove the application and notify the applicant in writing of the disapproval.

"(3) MATTERS CONSIDERED.—In reviewing and processing any application under this subsection, the Administrator—

"(A) shall determine whether—

"(i) the applicant meets the requirements of subsections (a) and (c) of section 302; and

"(ii) the management of the applicant is qualified and has the knowledge, experience, and capability necessary to comply with this Act;

"(B) shall take into consideration—

"(i) the need for and availability of financing for small business concerns in the geographic area in which the applicant is to commence business;

"(ii) the general business reputation of the owners and management of the applicant; and

"(iii) the probability of successful operations of the applicant, including adequate probability and financial soundness; and

"(C) shall not take into consideration any projected shortage or unavailability of leverage.

"(4) EXCEPTION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this Act, the Administrator may, in the discretion of the Administrator and based on a showing of special circumstances and good cause, approve in application and issue a license under this subsection with respect to any applicant that—

"(i) has private capital of not less than $3,000,000;

"(ii) would otherwise be issued a license under this subsection, except that the applicant does not satisfy the requirements of section 302(a); and

"(iii) has a viable business plan reasonably projecting profitable operations and a reasonable timetable for achieving a level of private capital that satisfies the requirements of section 302(a).

"(B) LEVERAGE.—An applicant licensed pursuant to the exception provided in this paragraph shall not be eligible to receive leverage as a licensee until the applicant satisfies the requirements of section 302(a).".

(3) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.—

(A) REPEAL.—Section 301(d) (15 U.S.C. 681(d)) is repealed.

(B) EFFECT ON EXISTING LICENSES.—The repeal under subparagraph (A) shall not be construed to require the Administrator to cancel, revoke, withdraw, or modify any license issued under section 301(d) of the Small Business Investment Act of 1958 before the date of enactment of this Act.

(c) CAPITAL REQUIREMENTS.—

(1) INCREASED MINIMUM CAPITAL REQUIREMENTS.—Section 302(a) (15 U.S.C. 682(a)) is amended by striking "(a)" and all that follows through "The Administration shall also determine the ability of the company," and inserting the following:

"(a) AMOUNT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the private capital of each licensee shall be not less than—

"(A) $5,000,000; or

"(B) $10,000,000, with respect to each licensee authorized or seeking authority to issue participating securities to be purchased or guaranteed by the Administration under this Act.

"(2) EXCEPTION.—The Administrator may, in the discretion of the Administrator and based on a showing of special circumstances and good cause, permit the private capital of a licensee authorized or seeking authorization to issue participating securities to be purchased or guaranteed by the Administration to be less than $10,000,000, but not less than $5,000,000, if the Administrator determines that such action would not create or otherwise contribute to an unreasonable risk of default or loss to the Federal Government.

"(3) ADEQUACY.—In addition to the requirements of paragraph (1), the Administrator shall—

"(A) determine whether the private capital of each licensee is adequate to assure a reasonable prospect that the licensee will be operated soundly and profitably, and managed actively and prudently in accordance with its articles; and

"(B) determine that the licensee will be able".

(2) EXEMPTION FOR CERTAIN LICENSEES.—Section 302(a) (15 U.S.C. 682(a)) is amended by adding at the end the following new paragraph:

"(4) EXEMPTION FROM CAPITAL REQUIREMENTS.—The Administrator may, in the discretion of the Administrator, approve leverage for any licensee licensed under subsection (c) or (d) of section 301 before the date of enactment of the Small Business Program Improvement Act of 1996 that does not meet the capital requirements of paragraph (1), if—

"(A) the licensee certifies in writing that not less 50 percent of the aggregate dollar amount of its financings after the date of enactment of the Small Business Program Improvement Act of 1996 will be provided to smaller enterprises; and

"(B) the Administrator determines that such action would not create or otherwise contribute to an unreasonable risk of default or loss to the United States Government.".

"(3) DIVERSIFICATION OF OWNERSHIP.—Section 302(c) (15 U.S.C. 682(c)) is amended to read as follows:

"(c) DIVERSIFICATION OF OWNERSHIP.—The Administrator shall ensure that the management of each licensee licensed after the date of enactment of the Small Business Program Improvement Act of 1996 is sufficiently diversified from and unaffiliated with the ownership of the licensee in a manner that ensures independence and objectivity in the financial management and oversight of the investments and operations of the licensee.".

(d) BORROWING.—

"(2) DEBENTURES.—Section 303(b) (15 U.S.C. 683(b)) is amended in the first sentence, by striking "(but only" and all that follows through "terms)".

"(2) THIRD PARTY DEBT.—Section 303(c) (15 U.S.C. 683(c)) is amended to read as follows:

"(c) THIRD PARTY DEBT.—The Administrator—

"(1) shall not permit a licensee having outstanding leverage to incur third party debt that would create or contribute to an unreasonable risk of default or loss to the Federal Government; and

"(2) shall permit such licensees to incur third party debt only on such terms and subject to such conditions as may be established by the Administrator, by regulation or otherwise.".

(3) REQUIREMENT TO FINANCE SMALLER ENTERPRISES.—Section 303(d) (15 U.S.C. 683(d)) is amended to read as follows:

"(d) REQUIREMENT TO FINANCE SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing that not less than 20 percent of the aggregate dollar amount of the financings of the licensee will be provided to smaller enterprises.".

(4) CAPITAL IMPAIRMENT REQUIREMENTS.—

(A) IN GENERAL.—Section 303(e) (15 U.S.C. 683(e)) is amended to read as follows:

"(e) CAPITAL IMPAIRMENT.—Before approving any application for leverage submitted by a licensee under this Act, the Administrator—

"(1) shall determine that the private capital of the licensee meets the requirements of section 302(a); and

"(2) shall determine, taking into account the nature of the assets of the licensee, the amount and terms of any third party debt owed by such licensee, and any other factors determined to be relevant by the Administrator, that the private capital of the licensee has not been impaired to such an extent that the issuance of additional leverage would create or otherwise contribute to an unreasonable risk of default or loss to the Federal Government.".

(B) REGULATIONS.—

(i) UNIFORM APPLICABILITY.—Any regulation issued by the Administration to implement section 303(e) of the Small Business Investment Act of 1958 that applies to any licensee with outstanding leverage obtained before the effective date of that regulation, shall apply uniformly to all licensees with outstanding leverage obtained before that effective date.

(ii) DEFINITIONS.—For purposes of this subparagraph, the terms "Administration", "leverage" and "licensee" have the same meanings as in section 103 of the Small Business Investment Act of 1958.

(5) EQUITY INVESTMENT REQUIREMENT.—Section 303(g)(4) (15 U.S.C. 683(g)(4)) is amended by striking "and maintain".

(6) FEES.—Section 303 (15 U.S.C. 683) is amended—

(A) in subsection (b), in the fifth sentence, by striking "1 per centum", and all that follows before the period at the end of the sentence and inserting the following: "1 percent, plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration";

(B) in subsection (g)(2), by striking "1 per centum," and all that follows before the period at the end of the paragraph and inserting the following: "1 percent, plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration"; and

(C) by adding at the end the following new subsections:

"(i) LEVERAGE FEE.—With respect to leverage granted by the Administration to a licensee, the Administration shall collect from the licensee a nonrefundable fee in an amount equal to 3 percent of the face amount of leverage granted to the licensee, payable upon the earlier of the date of entry into any commitment for such leverage or the date on which the leverage is drawn by the licensee.

"(j) CALCULATION OF SUBSIDY RATE.—All fees, interest, and profits received and retained by the Administration under this section shall be included in the calculations made by the Director of the Office of Management and Budget to offset the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures and participating securities under this Act.".

(e) LIABILITY OF THE UNITED STATES.—Section 308(e) (15 U.S.C. 687(e)) is amended by striking "Nothing" and inserting "Except as expressly provided otherwise in this Act, nothing".

(f) EXAMINATIONS; VALUATIONS.—

(1) EXAMINATIONS.—Section 310(b) (15 U.S.C. 687b(b)) is amended in the first sentence by inserting "which may be conducted with the assistance of a private sector entity that has both the qualifications to conduct and expertise in conducting such examinations," after "Investment Division of the Administration,".

(2) VALUATIONS.—Section 310(d) (15 U.S.C. 687b(d)) is amended to read as follows:

"(d) VALUATIONS.—

"(1) FREQUENCY OF VALUATIONS.—

"(A) IN GENERAL.—Each licensee shall submit to the Administrator a written valuation of the loans and investments of the licensee not less often than semiannually or otherwise upon the request of the Administrator, except that any licensee with no leverage outstanding shall submit such valuations annually, unless the Administrator determines otherwise.

"(B) MATERIAL ADVERSE CHANGES.—Not later than 30 days after the end of a fiscal quarter of a licensee during which a material adverse change in the aggregate valuation of the loans and investments or operations of the licensee occurs, the licensee shall notify the Administrator in writing of the nature and extent of that change.

"(C) INDEPENDENT CERTIFICATION.—

"(i) IN GENERAL.—Not less than once during each fiscal year, each licensee shall submit to the Administrator the financial statements of the licensee, audited by an independent certified public accountant approved by the Administrator.

"(ii) AUDIT REQUIREMENTS.—Each audit conducted under clause (i) shall include—

"(I) a review of the procedures and documentation used by the licensee in preparing the valuations required by this section; and

"(II) a statement by the independent certified public accountant that such valuations were prepared in conformity with the valuation criteria applicable to the licensee established in accordance with paragraph (2).

"(2) VALUATION CRITERIA.—Each valuation submitted under this subsection shall be prepared by the licensee in accordance with valuation criteria, which shall—

"(A) be established or approved by the Administrator; and

"(B) include appropriate safeguards to ensure that the noncash assets of a licensee are not overvalued.".

(g) TRUSTEE OR RECEIVERSHIP OVER LICENSEES.—

(1) FINDING.—It is the finding of the Congress that increased recoveries on assets in liquidation under the Small Business Investment Act of 1958 are in the best interests of the Federal Government.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term "Administrator" means the Administrator of the Small Business Adminstration;

(B) the term "Administration" means the Small Business Administration; and

(C) the term "licensee" has the same meaning as in section 103.

(3) LIQUIDATION PLAN.—

(A) IN GENERAL.—Not later than October 15, 1996, the Administrator shall submit to the Committees on Small Business of the Senate and the House of Representatives a detailed plan to expedite the orderly liquidation of all licensee assets in liquidation, including assets of licensees in receivership or in trust held by or under the control of the Administration or its agents.

(B) CONTENTS.—The plan submitted under paragraph (1) shall include a timetable for liquidating the liquidation portfolio of small business investment company assets owned by the Administration, and shall contain the findings and recommendations of the Administrator on various options providing for the fair and expeditious liquidation of such assets within a reasonable period of time, giving due consideration to the option of entering into one or more contracts with private sector entities having the capability to carry out the orderly liquidation of similar assets.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS INVESTMENT ACT OF 1958.—The Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) is amended—

(A) in section 303—

(i) in subsection (a), by striking "debenture bonds," and inserting "securities,";

(ii) by striking subsection (f) and inserting the following:

"(f) REDEMPTION OR REPURCHASE OF PREFERRED STOCK.—Notwithstanding any other provision of law—

"(1) the Administrator may allow the issuer of any preferred stock sold to the Administration before November 1, 1989 to redeem or repurchase such stock, upon the payment to the Administration of an amount less than the par value of such stock, for a repurchase price determined by the Administrator after consideration of all relevant factors, including—

"(A) the market value of the stock;

"(B) the value of benefits provided and anticipated to accrue to the issuer;

"(C) the amount of dividends paid, accrued, and anticipated; and

"(D) the estimate of the Administrator of any anticipated redemption; and

"(2) any moneys received by the Administration from the repurchase of preferred stock shall be available solely to provide debenture leverage to licensees having 50 percent or more in aggregate dollar amount of their financings invested in smaller enterprises."; and

(iii) in subsection (g)(8)—

(I) by striking "partners or shareholders" and inserting "partners, shareholders, or members";

(II) by striking "partner's or shareholder's" and inserting "partner's, shareholder's, or member's"; and

(III) by striking "partner or shareholder" and inserting "partner, shareholder, or member";

(B) in section 308(h), by striking "subsection (c) or (d) of section 301" each place that term appears and inserting "section 301";

(C) in section 310(c)(4), by striking "not less than four years in the case of section 301(d) licensees and in all other cases,";

(D) in section 312—

(i) by striking "shareholders or partners" and inserting "shareholders, partners, or members"; and

(ii) by striking "shareholder, or partner" each place that term appears and inserting "shareholder, partner, or member";

(E) by striking sections 317 and 218, and redesignating sections 319 through 322 as sections 317 through 320, respectively;

(F) in section 319, as redesignated—

(i) in subsection (a), by striking ", including companies operating under the authority of section 301(d),"; and

(ii) in subsection (f)(2), by inserting "or investments in obligations of the United States" after "accounts";

(G) in section 320, as redesignated, by striking "section 321" and inserting "section 319"; and

(H) in section 509—

(i) in subsection (a)(1), by striking the second sentence; and

(ii) in subsection (e)(1)(B), by striking "subsection (c) or (d) of section 301" and inserting "section 301".

(2) AMENDMENT IN OTHER LAW.—Section 11(h) of the Federal Home Loan Bank Act (12 U.S.C. 1431(h)) is amended by striking "301(d)" and inserting "301".

(i) AMENDMENTS TO THE SMALL BUSINESS ACT.—

(1) POWERS OF THE ADMINISTRATOR.—Section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)) is amended by striking the colon and all that follows before the semicolon at the end of the paragraph and inserting the following: ": Provided, That with respect to deferred participation loans, the Administrator may, in the discretion of and pursuant to regulations promulgated by the Administrator, authorize participating lending institutions to take actions relating to loan servicing on behalf of the Administrator, including determining eligibility and creditworthiness and loan monitoring, collection, and liquidation".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 20(p)(3) of the Small Business Act (15 U.S.C. 631 note) is amended by striking subparagraph (B) and inserting the following:

"(B) $300,000,000 in guarantees of debentures; and".

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on the date of enactment of this Act.

DIVISION E

TITLE I—CALIFORNIA BAY-DELTA ENVIRONMENTAL ENHANCEMENT AND WATER SECURITY ACT

SEC. 101. Short Title.

This title may be cited as the "California Bay-Delta Environmental Enhancement and Water Security Act."

SEC. 102. Program Funding.

(a) Authorization of Appropriations.—For each of the fiscal years 1998, 1999 and 2000, there are authorized to be appropriated an additional $143,300,000 for both (1) the initial Federal share of the cost of developing and implementing that portion of an ecosystem protection plan for the Bay-Delta, referred to as "the Category III program" emanating out of the document entitled "Principles for Agreement on Bay-Delta Standards Between the State of California and the Federal Government," dated December 15, 1994, and, (2) the initial Federal share of the cost of developing and implementing the ecosystem restoration elements of the long-term CALFED Bay-Delta Program, pursuant to the cost-sharing agreement required by Section 78684.10 of California Senate Bill 900, Chapter 135, Statutes of 1996, signed by the Governor of California on July 11, 1996. Funds appropriated pursuant to this section shall remain available until expended and shall be administered in accordance with procedures established by CALFED Bay-Delta Program until Congress authorizes another entity that is recommended by CALFED Bay-Delta Program to carry out this section.

(b) Funds authorized to be appropriated pursuant to this section to those agencies that are currently or subsequently become participants in the CALFED Bay-Delta Program shall be in addition to the baseline funding levels established pursuant to section 103 of this title, for currently authorized projects and programs under the Central Valley Project Improvement Act, Title 34 of Public Law 102–575 and other currently authorized Federal programs for the purpose of Bay-Delta ecosystem protection and restoration.

(c) Nothing in this title shall be deemed to diminish the Federal interest in and responsibility for working with the State of California through the CALFED Bay-Delta Program in developing, funding and implementing a balanced, long-term solution to the problems of ecosystem quality, water quality, water supply and reliability, and system vulnerability affecting the San Francisco Bay/Sacramento-San Joaquin Delta Watershed in California. Participation in such long-term solution shall only be undertaken pursuant to authorization provided by law other than this title, and shall be based on the equitable allocation of program costs among beneficiary groups that the CALFED Bay-Delta programs shall develop.

(d) To the extent not otherwise authorized, those agencies and departments that are currently or subsequently become participants in

the CALFED Bay-Delta Program are hereby authorized to undertake the activities and programs for which Federal cost sharing is provided by this section. The United States shall immediately initiate coordinated consultations and negotiations with the State of California to expeditiously execute the cost-sharing agreement required by Section 78684.10 of California Senate Bill 900, Chapter 135, Statutes of 1996, signed by the Governor of California on July 11, 1996. Such activities shall include, but not be limited to, planning, design, technical assistance and construction for ecosystem restoration programs and projects.

SEC. 103. Budget Crosscut.

The Office of Management and Budget is directed to submit the House and Senate Committees on Appropriations, as part of the President's Fiscal Year 1998 Budget, an interagency budget crosscut that displays Federal spending for fiscal years 1993 through 1998 on ecosystem restoration and other purposes in the Bay-Delta region, separately showing funding provided previously or requested under both pre-existing authorities and new authorities granted by this title.

SEC. 104. Effective Date.

Section 102 of this title shall take effect on the date of passage of California State Proposition 204.

This Act may be cited as the "Omnibus Consolidated Appropriations Act, 1997"

And amend the title to read as follows:

An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

And the Senate agree to the same.

BILL YOUNG,
JOSEPH M. MCDADE,
BOB LIVINGSTON,
JERRY LEWIS (except for chapter 6 of title V of division A),
JOE SKEEN,
DAVE HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
ERNEST ISTOOK,
JOHN P. MURTHA,
NORM DICKS,
CHARLES WILSON,
W.G. BILL HEFNER,
MARTIN OLAV SABO,
DAVID OBEY,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
CHRISTOPHER S. BOND (except for chapter 6 of title V of division A),
MITCH MCCONNELL,
CONNIE MACK,
RICHARD C. SHELBY,
MARK O. HATFIELD,
DANIEL K. INOUYE (with reservation),
FRITZ HOLLINGS,
J. BENNETT JOHNSON,
ROBERT BYRD,
PATRICK J. LEAHY,
FRANK R. LAUTENBERG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

The composition of this conference agreement includes more than the Department of Defense Appropriations Act for fiscal year 1997. While the House version of H.R. 3610 and the Senate amendment in the nature of a substitute dealt only with defense appropriations, the conference report was expanded to include other matters, most significantly, other fiscal year 1997 appropriations for other departments and agencies. These appropriations are included in title I of this conference agreement and are organized in groupings as they would have been had they been enacted in their regular appropriations act. Explanation of the matters included in this conference agreement follows.

ANTITERRORISM, COUNTERTERRORISM, AND SECURITY FUNDING

The conference agreement includes funding for antiterrorism, counterterrorism, and security initiatives. The following table shows the programs, the location of the funding provision in the conference agreement, and the amount of funding for these initiatives.

Antiterrorism, counterterrorism, and security funding

[Budget authority, in millions of dollars]

	FY 1997 Conference Agreement
TITLE I, SEC. 101(a)—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES	
The Judiciary: Antiterrorism and Effective Death Penalty Act workload/security	10.0
Department of Commerce: Export Administration: Hire criminal investigators/engineers to review export licenses	3.9
Department of Justice:	
Security upgrades from General Administration account	3.6
Counterterrorism fund[1]	20.0
Executive Office of Immigration Review: Removal of criminal aliens/immigration court security	1.0
Criminal Division: Investigations and prosecutions of terrorist cases	1.7
US Attorneys: Wiretap activity/computer fraud/building security	10.9
Federal Bureau of Investigation:	
Additional positions/antiterrorism support:	
Gore Commission Recommendation	168.6
Other	7.0
Drug Enforcement Administration: Additional security for buildings and vehicles	5.0
Immigration and Naturalization Service: Detention of criminal aliens and enhanced intelligence	15.0
Office of Justice programs: Antiterrorism preparedness training for rural law enforcement	17.0
Department of State: Upgrade security at US government facilities overseas	[2]48.5
United States Information Agency: Upgrade security at overseas and domestic facilities	[2]1.4
Subtotal, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies	313.6
TITLE I, SEC. 101(b)—DEPARTMENT OF DEFENSE	
Military personnel, Army	4.8
Military personnel, Air Force	4.0
Operation and maintenance, Army	36.4
Operation and maintenance, Navy	24.0
Operation and maintenance, Marine Corps	0.6
Operation and maintenance, Air Force	78.2
Operation and maintenance, Defense-wide	29.5
Operation and maintenance, Navy Reserve	0.5
Other procurement, Army	16.9
Other procurement, Air Force	115.1
Procurement, Defense-wide	35.4
Research, Development, Test and Evaluation, Defense-wide	8.0

Antiterrorism, counterterrorism, and security funding—Continued

[Budget authority, in millions of dollars]

	FY 1997 Conference Agreement
Subtotal, Department of Defense	353.3
TITLE I, SEC. 101(c)—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS	
US Agency for International Development: Improve security for overseas facilities/personnel	0.6
TITLE V, CHAPTER 7—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS	
Department of State: Provide training for foreign security personnel	18.0
Subtotal, Foreign Operations (Title I and Title V)	18.6
TITLE I, SEC. 101(d)—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES	
Department of the Interior:	
Fish and Wildlife Service: Security/antiterrorism upgrades	1.5
National Park Service: Upgrade security at high-profile National Park Service sites	8.6
Smithsonian:	
General upgrade of security systems	0.9
Upgrade security at the Kennedy Center	5.0
Upgrade security at the National Gallery	0.4
Holocaust Memorial Council: Upgrade security at Holocaust Museum	1.0
Subtotal, Department of the Interior and Related Agencies	17.4
TITLE I, SEC. 101(e)—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES	
Department of Health and Human Services:	
Centers for Disease Control: Building security improvements at Atlanta headquarters	23.0
General Departmental Management: Terrorism consequence management/Rapid Response Teams	5.8
Subtotal, Departments of Labor, Health and Human Services, and Education, and Related Agencies	28.8
TITLE V, CHAPTER 5—DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES	
Department of Transportation:	
Federal Aviation Administration:	
Purchase explosives detection devices/passenger profiling/screening	197.6
Additional aviation safety inspectors, airline certification, safety data systems, contract weather observers, and air traffic controller training	29.0
Research and Special Programs Administration: Vulnerability threat assessment	3.0
National Transportation Safety Board:	
TWA Flight 800 recovery (reimburse Navy)	6.0
Replenish emergency fund	1.0
Subtotal, Department of Transportation and Related Agencies	236.6
TITLE I, SEC. 101(f)—TREASURY, POSTAL SERVICE, AND GENERAL APPROPRIATIONS:	
Department of the Treasury:	
Bureau of Alcohol, Tobacco, and Firearms:	
Taggant study (crime trust fund)	18.3
Federal training and certification for explosives detection	7.5
Develop comprehensive training program for explosives detection	1.8
Increase inspections for businesses which manufacture/use explosives	1.8
Expand study of car bombs	3.0
Expand ability to collect and maintain data on explosives	2.1
Create equipped mobile forensics labs/rapid deployment teams	7.2
Provide additional personnel for intelligence and investigation	14.2
Counterterrorism fund[1]	15.0
Building security	6.7
Other Bureau of Alcohol, Tobacco, and Firearms	3.0
Office of Foreign Assets Control: Implement additional programs to seize assets of terrorism sponsors	0.3
Federal Law Enforcement Training Center:	
Provide training for additional Federal law enforcement personnel	1.4
Increase security at Glynco and Artesia site	2.7
Customs Service:	
Passenger screening	58.0
Building security	2.2
Secret Service: Provide more effective security for president/White House complex	2.5
Other Treasury: Increase security at Treasury facilities	14.7
Office of Personnel Management: Upgrade security at headquarters	0.2
Subtotal, Treasury, Postal Service, and General Appropriations	162.4
TITLE V, CHAPTER 6—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES	
Federal Emergency Management Agency:	
Salaries and expenses	3.0

Antiterrorism, counterterrorism, and security funding—Continued

[Budget authority, in millions of dollars]

	FY 1997 Conference Agreement
Emergency Management Planning and Assistance	12.0
Subtotal, Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies	15.0
Total antiterrorism funding	1,145.7
(Contingent emergency funds)	(15.0)
(Other)	(1,130.7)

[1] Requested as contingent emergency appropriations.

[2] Security upgrades at overseas facilities of the International Trade Administration and USIA are included under Department of State.

NATURAL DISASTER FUNDING

The conference agreement includes additional emergency funding for assistance to recover from the impacts of natural disasters such as Hurricane Fran. The following table shows the programs, the location of the funding provision in the conference agreement, and the amount of funding for this assistance.

HURRICANE AND FLOOD RECOVERY ASSISTANCE, AND FIREFIGHTING FUNDING

[Budget authority, in millions of dollars]

	Administration request[1]	Conference agreement	Conference vs. request
HURRICANE AND FLOOD RECOVERY			
Title V, Chapter 1—Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies			
Natural Resources Conservation Service: Watershed and flood prevention operations	20.0	63.0	+43.0
Farm Service Agency: Emergency conservation program	20.0	25.0	+5.0
Subtotal, Departments of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	40.0	88.0	+48.0
Title I, Sec. 101(a)—Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies			
Department of Commerce: Economic Development Administration: Economic Development Assistance Programs[2]	18.0	25.0	+7.0
Small Business Administration:			
Disaster loans program account	22.0	113.0	+91.0
Salaries and expenses		22.0	+22.0
Subtotal, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies	40.0	160.0	+120.0
Title V, Chapter 3—Energy and Water Development.			
Army Corps of Engineers: Operations and maintenance, general	18.8	19.0	+0.2
Subtotal, Energy and Water Development	18.8	19.0	+0.2
Title I, Sec. 101(d)—Department of the Interior and Related Agencies			
Department of the Interior:			
Bureau of Land Management:			
Management of lands and resources		3.5	+3.5
Oregon and California grant lands		2.5	+2.5
US Geological Survey: Surveys, investigations, and research		1.1	+1.1
Fish and Wildlife Service:			
Resource management		0.6	+0.6
Construction		15.9	+15.9
National Park Service: Construction		3.0	+3.0
Bureau of Indian Affairs:			
Operation of Indian Programs		6.6	+6.6
Construction		6.0	+6.0
Department of Agriculture:			
Forest Service:			
National Forest System		3.4	+3.4
Construction		5.2	+5.2
Subtotal, Department of the Interior and Related Agencies		47.8	+47.8
Title V. Chapter 5—Department of Transportation and Related Agencies			
Department of Transportation: Federal Highways Administration: Federal-aid Highways	82.0	82.0	
Subtotal, Department of Transportation and Related Agencies	82.0	82.0	
Title V, Chapter 6—Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies			
Department of Housing and Urban Development:			
Housing Programs: Flexible subsidy fund[2]	10.0		−10.0
Community Planning and Development: Community Development Grants[2]	100.0		−100.0
Subtotal, Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies	110.0		−110.0
Total hurricane and flood relief	290.8	396.8	+106.0
FIREFIGHTING			
Title I, Sec. 101(d)—Department of the Interior and Related Agencies			
Department of the Interior: Bureau of Land Management: Wildland fire management[3]	300.0	550.0	+250.0
Department of Agriculture: Forest Service: Wildland fire management	100.0	100.0	
Subtotal, Department of the Interior and Related Agencies	400.0	650.0	+250.0
Total firefighting	400.0	650.0	+250.0
Total hurricane and flood relief, and firefighting	690.8	1,046.8	+356.0
(Contingent emergency funds)	(178.0)	(100.0)	(−78.0)
(Other)	(512.8)	(946.8)	(+434.0)

[1] Funds were requested by the Administration as FY 1996 supplemental appropriations. The conference agreement provides FY 1997 appropriations.

[2] Requested as contingent emergency appropriations.

[3] $50 million requested as contingent emergency appropriations; conference agreement funds $100 million as contingent.

SECTION 101(a)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The conferees on H.R. 3610 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 3814, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, by members of the appropriations subcommittee of both the House an Senate with jurisdiction over H.R. 3814. The legislative intent in the House and Senate versions of H.R. 3814 is set forth in the accompanying House report (H. Rept. 104–676) and the accompanying Senate report (S. Rept. 104–353).

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $79,373,000 for General Administration, instead of $78,493,000 as proposed in the House bill and $70,653,000 as proposed in the Senate-reported bill. Of the amount provided $3,600,000 is designated by the Congress and the President as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The conference agreement assumes that funding is provided in accordance with the House and Senate reports with the following exceptions:

Counterterrorism initiative.—The conference agreement provides $3,600,000, the full amount requested by the Administration in its recent budget amendment, to address the increasing threat of domestic and international terrorism. Included in the amount provided is $1,430,000 for the Office of Intelligence Policy and Review and $2,170,000 for security enhancements of the Main Justice building and field offices.

The conference agreement also provides $4,700,000 for Federal drug testing initiatives to be administered by the Attorney General in conjunction with the Federal Judiciary, and $2,000,000 for additional staffing for the Office of Professional Responsibility for investigations of allegations of attorney misconduct.

The conference agreement includes a provision, as proposed in the Senate-reported bill, that limits the number of positions and amounts for the Department Leadership program, but does not include a provision, as proposed in the House bill, that eliminates funding for the Office of the Associate Attorney General. The conference agreement also includes a provision as proposed in the Senate-reported bill, that freezes legislative and public affairs activities at fiscal year 1995 levels and prohibits these activities from being supplemented by reimbursable and non-reimbursable details. Similar provisions are included under other Department of Justice programs as well, in order to ensure that scarce resources are targeted to crime-fighting activities. These limitations are not intended to reduce the level of resources currently dedicated to casework activities.

COUNTERTERRORISM FUND

The conference agreement includes $29,450,000 for the Counterterrorism Fund, instead of $9,450,000 as proposed in the House bill and $40,000,000 as proposed in the Senate-reported bill. Of the amount provided, $20,000,000 is designated by the Congress and the President as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conference agreement does not include provisions, included in the Senate-reported bill, which would have transferred funding from this Fund to the Department of State and the U.S. Information Agency, the Commerce Department, and the Judiciary, for counterterrorism activities. Instead the conference agreement provides funding for counterterrorism activities of these agencies directly under these accounts. In addition, funding included in the Senate-reported bill for Joint Terrorism Task Forces and increased State and local support at the FBI Counterterrorism Center is included under the amounts provided for the Federal Bureau of Investigation. However, of the amount provided under this Fund, $3,000,000 is included for necessary counterterrorism security and communications infrastructure enhancements and upgrades in preparation for the 2002 Olympic games.

The conferees understand that in addition to amounts provided in this bill, unobligated balances of $8,982,000 remain available from previous appropriations for authorized purposes of this Fund.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $111,000,000 for Administrative Review and Appeals instead of $112,000,000 as proposed in the House bill and $107,909,000 as proposed in the Senate-reported bill, of which $48,000,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate-reported bills. Of the total amount provided, $1,000,000 for enhanced security measures is designated by the Congress and the President as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for counterterrorism-related activities.

The amount provided in the conference agreement is provided in accordance with the House and Senate reports with the following exceptions. The total amount provided includes $1,481,000 for the Office of the Pardon Attorney and $109,519,000 for the Executive Office for Immigration Review (EOIR). Within amounts provided for EOIR, $6,496,000 is included to support 24 additional immigration judges for border control and removal of criminal and non-criminal aliens, $1,935,000 is for 20 additional attorneys for the Board of Immigration Appeals, $3,500,000 is for ADP systems modernization, and $1,000,000 is for enhanced building and court security.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $31,960,000 for the Office of Inspector General, as proposed in both the House and Senate-reported bills and assumes funding is provided in accordance with the House and Senate reports.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $4,845,000 for the U.S. Parole Commission, instead of $4,490,000 as proposed in the House bill and $5,201,000 as proposed in the Senate-reported bill.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $430,262,000 for General Legal Activities, instead of $428,543,000 as proposed in the House bill and $429,028,000 as proposed in the Senate-reported bill, of which $7,750,0000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate-reported bills. Of the total amount provided, $1,719,000 is designated by the Congress and the President as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for counterterrorism-related activities.

The amount provided in the conference agreement is provided in accordance with the House and Senate reports. In addition, $1,719,000 is provided for the Criminal Division for increased counterterrorism activities, including $629,000 and 6 attorneys for review of Title III wiretap requests, and $1,090,000 and 13 attorneys for increased investigations and prosecutions of domestic and international terrorism, as proposed in the Administration's budget amendment.

The conference agreement also includes a provision, included in the Senate-reported bill, that freezes legislative and public affairs staffing in this account at fiscal year 1995 levels.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 1997 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in both the House and Senate-reported bills.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $92,447,000 for the Antitrust Division, instead of $84,336,000 as proposed in the House bill and $94,979,000 as proposed in the Senate-reported bill. The conference agreement assumes that of the amount provided, $58,905,000 will be derived from fees collected in fiscal year 1997 and $16,000,000 will be derived from estimated unobligated fee collections available from 1996. Use of any unobligated fee collections from 1996 above $16,000,000 is subject to the reprogramming requirements outlined in section 605 of this Act.

The conference agreement does not include a change in the fee structure for Hart-Scott-Rodino fees as proposed in the Senate-reported bill under the Federal Trade Commission, which would have eliminated the direct appropriation for this account.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $978,116,000 for the U.S. Attorneys, instead of $974,905,000 as proposed in the House bill and $965,316,000 as proposed in the Senate-reported bill, of which $43,876,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill instead of $31,000,000 as proposed in the Senate-reported bill. Of the total amount provided, $10,900,000 is designated by the Congress and the President as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for counterterrorism-related activities.

The conference agreement provides for the following: (1) $4,641,000 and 35 attorneys to support immigration initiatives and increased drug prosecutions on the Southwest boarder; (2) $1,000,000 for Federal victims counselors to address violence against women; and (3) $10,900,000 for security upgrades at U.S. Attorneys offices to address the increasing threat of terrorism. In addition, as stated in the Senate report, to the extent possible within the resources provided, the Department of Justice should expand the pilot debt collection program.

The conference agreement also provides $1,900,000 to pay the costs of supervision and oversight of the Teamsters election. In addition, the Attorney General may provide an additional $1,900,000 for these costs from funds provided to the Department of Justice, subject to either the reprogramming requirements in section 605 of this Act or the transfer authorities in section 107 of this Act. The conferees agree that this is the final payment for this purpose.

The conference agreement also includes bill language, similar to language included in the House bill, to reflect the total number of positions and full-time equivalent (FTE) employment expected to be supported by the level of resources provided for the U.S. Attorneys in fiscal year 1997.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $107,950,000 in budget (obligational) authority for the U.S. Trustees, to be entirely funded from offsetting fee collections, as proposed in both the House and Senate-reported bills. The amount provided in the conference agreement is provided in accordance with the House and Senate reports.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $953,000 for the Foreign Claims Settlement Commission as proposed in the Senate-reported bill, instead of $878,000 as proposed by the House and assumes funding is provided in accordance with the House and Senate reports.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $482,495,000 for the U.S. Marshals Service as provided in the Senate-reported bill, instead of $485,214,000 as proposed in the House bill. Of this amount, the conference agreement provides that $25,000,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate-reported bills.

The amount included in the conference agreement is provided in accordance with the House and Senate reports and includes program increases as outlined in the Senate report. Increased resources of $2,000,000 requested in the Administration's recent budget amendment to support possible high-visibility terrorist trials can be provided from the Counterterrorism Fund, if needed.

The conference agreement also includes a provision, included in the Senate-reported bill, that freezes legislative and public affairs staffing in this account at fiscal year 1995 levels.

FEDERAL PRISONER DETENTION

The conference agreement provides $405,262,000 for Federal Prisoner Detention, as proposed in both the House and Senate-reported bills. The amount included in the conference agreement is provided in accordance with the House and Senate reports with the following exception.

Detention of Criminal Aliens at the Naval Air Station Miramar.—The conference agreement assumes that the Attorney General will continue to pursue alternative detention capacity in Southern California and consider potential Navy counter proposals to alleviate the need to detain criminal aliens at the Naval Air Station Miramar. While it is understood that the Attorney General is exploring a long-term solution involving a 1,000 bed private facility in San Diego to detain criminal aliens awaiting trial, it is further understood that this facility will not be available for at least another 18 to 20 months. In order to ensure that there is no negative impact on Federal prosecution policy by limiting detention capacity, the conference agreement assumes that the Miramar facility may be used in the short-term. The Attorney general is expected to submit a report on her efforts to find alternative detention space to Miramar to the Committee on Appropriations of both the House and Senate, by January 3, 1997. It is also expected that the Southern District of California's long-term detention problem will be addressed in the Department of Justice's updated Federal Detention Plan requested in the Senate report.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $100,702,000 for Fees and Expenses of Witnesses as proposed by the House, instead of $102,702,000 as proposed in the Senate-report bill and assumes funding is provided in accordance with the House report. Funds for alternative dispute resolution efforts may be identified within other accounts subject to the reprogramming requirements in section 605.

COMMUNITY RELATIONS SERVICE

The conference agreement provides $5,319,000 for the Community Relations Service, as proposed in both the House and Senate-reported bills and in accordance with both the House and Senate reports.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund instead of $16,000,000 as proposed in the House bill and $30,000,000 as proposed in the Senate-reported bill, and assumes funding is provided in accordance with both the House and Senate reports.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement includes $2,000,000 for administrative expenses in accordance with the Radiation Exposure Compensation Act, as proposed by both the House and Senate-reported bills.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement provides a program level of $30,000,000 for fiscal year 1997 for payments to the Radiation Exposure Compensation Trust Fund, as proposed by both the House and Senate-reported bills, of which $16,264,000 is available from an advance appropriation and $13,736,000 is available on September 30, 1997. The conference agreement assumes that funding is provided in accordance with the House and Senate reports.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes $359,430,000 for Interagency Crime and Drug Enforcement instead of $372,017,000 as proposed by the House and $352,461,000 as proposed by the Senate-reported bill. The level of funding provided by the conference agreement assumes that all participating agencies will continue at levels provided in 1996.

The conference agreement does not include language included in the Senate-reported bill that would make this the final Federal payment for this program. However, the conferees recognize that this program continues to support funding for non-Justice agencies and therefore restates the direction provided in fiscal year 1996 that the Administration should submit the budget requirements of non-Justice agencies for fiscal year 1998 within the budgets proposed for those agencies.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $2,735,971,000 for the Federal Bureau of Investigation (FBI), instead of $2,681,706,000 as proposed in the House bill and $2,650,653,000 as proposed in the Senate-reported bill, of which $169,000,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $153,000,000 as proposed in the House bill and $160,000,000 as proposed in the Senate-reported bill. Of the total amount provided, $115,610,000 is designated by the Congress and the President as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for counterterrorism-related activities. In addition, the conference agreement provides that not less than $147,081,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of $133,081,000 as proposed by the House and $195,200,000 as proposed by the Senate-report bill. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent. The total amount provided in the conference agreement reflects the effects of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) which shifts $38,000,000 of base funding for FBI health care fraud investigations to the Health Care Fraud and Abuse Control Account. This legislation was enacted into law following House passage and Senate Committee action on this bill.

Comprehensive Counterterrorism Initiative.—The conference agreement provides a significant increase for the FBI to address the increasing threat of domestic and international terrorism. It is noted that prior to the Administration's submission of a budget amendment for counterterrorism, both the House and Senate-reported bills exceeded the amount of funding requested by the Administration for the FBI to address terrorism. The Senate-reported bill, in particular, provided more than three times the funding requested for FBI counterterrorism activities. The conference agreement provides $157,743,000 in program increases to enhance the FBI's capability to address terrorism including: (1) $81,755,000 to support over 500 agents and support staff to combat terrorism, protect key physical assets, and establish a capability for chemical, biological, and nuclear investigations; (2) $2,700,000 to cover confidential case funding for the FBI-sponsored Joint Terrorism Task Forces and to increase State and local participation; (3) $3,750,000 for field counterterrorism operational support, including case-related travel and undercover operations funding; (4) $11,511,000 to support field electronic technicians for technical support to investigative and counterterrorism operations; (5) $1,172,000 to add FBI agents in Riyadh, Kiev, Tallinn, Warsaw, and Pretoria; (6) $5,013,000 and 17 agents to establish a Computer Investigations Threat Assessment Center (CITAC) at

FBI headquarters to provide the capability to identify, investigate, and counter illegal intrusion into government computer networks; (7) $2,000,000 to establish a database to maintain and organize information relating to physical key assets; (8) $2,420,000 for expansion of FBI's Counterterrorism Special Projects aimed at gathering visual intelligence data; (9) $4,780,000 to establish Field Translation Centers staffed with contract translators to transcribe Arabic and Farsi languages; (10) $1,988,000 for State and local participation and administrative support at the Counterterroism Center; (11) $7,516,000 to establish a hazardous materials/chemical/biological/nuclear capability within the FBI laboratory; (12) $1,580,000 for equipment and training for Computer Analysis and Emergency Response Teams; (13) $3,200,000 for two mobile/deployable evidence response team laboratories and 12 evidence response team trailers; (14) $3,000,000 for advance render-safe response team equipment; (15) $1,618,000 to improve training provided to State and local public safety personnel at the hazardous devices school and to acquire advanced tools, crime scene gear, and related materials; (16) $370,000 to enhance criminal profiling for crimes involving terrorists and organizations that use chemical/biological/nuclear materials, bombs, and arson; (17) $1,400,000 for development and deployment of a hazardous response forensic database; (18) $6,970,000 for upgraded security at FBI field offices; (19) $3,826,000 to expand the lookout/surveillance program to monitor State sponsors of terrorism; (20) $9,500,000 for grants to States authorized under the Antiterrorism and Effective Death Penalty Act of 1996 to establish, develop, update, or upgrade computerized identification systems that are compatible with NCIC, DNA forensic laboratories, and IAFIS; and (21) $5,500,000 for the FBI's Combined DNA Index System. The FBI should consider State and local automation and forensic projects as outlined in the House and Senate reports when providing grants to States for Identification Systems and DNA laboratories and should not provide ballistics imaging equipment to State or local authorities who have obtained similar equipment through another Federal grant or subsidy unless those State and local authorities have returned the equipment or repaid the grant or subsidy to the Federal government. In addition, the conference agreement assumes that the FBI and Secretary of State will provide a plan, as stated in the House report, to ensure that Consular Offices will have access to information currently available to the FBI to prevent the illegal entry of criminals and terrorists into the United States.

Violent Crime and Anti-Drug Initiative.—The conference agreement also provides $66,572,000 to enhance the FBI's capability to combat violent crime and drugs and to provide vital assistance to State and local law enforcement officers, including: (1) $14,289,000 and 75 agents to support a joint FBI/DEA investigative initiative targeting Mexican Drug Trafficking Organizations; (2) $5,734,000 to expand and support the FBI's Safe Streets Task Forces which focus on street gangs and drug-related violence; (3) $8,250,000 for continuation of the NCIC 2000 project, including enhancements to add a Deported Felon file and a Protective Order file to this system; (4) $20,240,000 for the establishment of the National Instant Criminal Background Check system for handgun purchases; (5) $4,000,000 for State and local training and investigative assistance; (6) $8,334,000 to replace agent vehicles; and (7) $5,725,000 for wireless radio communications.

The conference agreement also includes $3,327,000 to address Freedom of Information and Privacy Act backlogs.

NCIC 2000.—The conference agreement adopts the recommendation included in the Senate report regarding baseline requirements of the NCIC 2000 system. This project, which is of vital importance to law enforcement personnel, has been delayed by over three and one half years and has required over $100,000,000 in additional resources above the original projected cost. The FBI has informed the Committees on Appropriations of both the House and Senate that an additional $30,000,000, above amounts provided to date, will be required to complete this project by August 1999. The conference agreement assumes that this funding will be provided from unobligated balances that will be transferred from the FBI to the Department of Justice Working Capital Fund in fiscal year 1997. In addition, the conference agreement provides $8,250,000 to add two new files to the system. In order to ensure that further delays and cost increases do not occur, the conference agreement supports the recommendation included in the Senate report, that these files are to be the last changes to the system until NCIC 2000 is fully operational and that any further cost over-runs are to be absorbed within the operating budget of the FBI, subject to the reprogramming procedures outlined in section 605 of this Act. In addition, the FBI is directed to continue to provide quarterly status reports on this project and the performance of the contractor.

Integrated Automated Fingerprint Identification System (IAFIS).—Similarly, it is noted that the IAFIS project is currently $119,500,000 over budget and more than one year behind schedule. The conference agreement adopts the recommendation included in the Senate report requiring that further cost over-runs for the IAFIS project are to be funded from FBI base resources, subject to the reprogramming requirements outlined in section 605 of this Act. The conference agreement includes bill language which allows $98,400,000 of resources provided to the FBI to remain available until expended. Of this amount, the conference agreement assumes that $84,400,000 will be used for expenses related to automation of fingerprint identification services. In addition, the FBI is directed to continue to provide quarterly status reports on this project to the Committees on Appropriations of both the House and Senate.

Use of Unexpended Fiscal Year 1996 Funds.—As highlighted in the Senate report, the FBI had unexpended balances of $40,700,000 from 1996 resources and funds provided in the 1995 Counterterrorism Supplemental Appropriation, largely as a result of hiring delays. The Senate report directed that these funds be used for counterterrorism activities and to cover cost over-runs for the NCIC 2000 and IAFIS projects. The conference agreement assumes that $17,100,000 of these funds will be used for certain counterterrorism activities related to ongoing investigations in Saudi Arabia and in connection with the TWA Flight 800 investigation and the Olympic park bombing, $12,300,000 of these funds are to be deposited into the Telecommunications Carrier Compliance Fund for digital telephony requirements, and $11,400,000 will be used to meet other operational requirements of the FBI in 1996.

The conference agreement also includes a provision, included in the Senate-reported bill, that freezes legislative and public affairs staffing in this account at fiscal year 1995 levels. It is noted that the level of staffing in this provision does not include employees assigned to the FBI Tour and Indoor Firearms Range Unit or the Executive, Congressional and Public Constituent Services Unit. The services provided by these units are considered to be legislative and public affairs activities under the provision contained in the conference agreement.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement provides $60,000,000 to be deposited into the Telecommunications Carrier Compliance Fund, established under section 110 of this Act, for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services to implement technology changes under the Communications Assistance for Law Enforcement Act (CALEA).

The funds provided in the conference agreement are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, and are available as emergency spending only to the extent that the President also designates these funds as emergency requirements.

Both the House and Senate-reported bills included a provision under section 110, which provided for the establishment of a Telecommunications Carrier Compliance Fund, that would authorize agencies will law enforcement and intelligence responsibilities to transfer unobligated balances into this Fund, subject to applicable reprogramming requirements, for the purpose of providing reimbursement to telecommunications carriers, in lieu of direct appropriations for this purpose.

However, the conference agreement recognizes the need to provide "start-up" funds to address concerns that implementation of CALEA was being delayed for two reasons: (1) the lack of an agreed upon plan between the telecommunications industry, equipment manufacturers and the law enforcement community and (2) funding for the industry to start developing the "solutions" necessary to upgrade their systems. The conference agreement provides these funds but requires the Attorney General to develop and submit an implementation plan for approval by the Committees on Appropriations and the Judiciary of both the House and Senate before any of the funds in the Fund are expended. The Senate-reported bill did not include the requirement for an implementation plan because of concerns relating to provisions in the plan included in the House bill. The conference agreement includes revised language to address these concerns and maintains the requirement that an implementation plan be developed before any expenditure of funds. The modified plan requires that the Attorney General set forth: (1) the law enforcement assistance capability requirements and an explanation of law enforcement's recommended interface; (2) the proposed actual and maximum capacity requirements regarding the number of simultaneous law enforcement communications intercepts, pen registers, and trap and trace devices that authorized agencies may seek, including a detailed county by county listing of proposed actual and maximum capacity requirements; (3) a prioritized list of embedded base technologies to be modified by carriers; and (4) a projected reimbursement plan that estimates for each fiscal year based upon the prioritization, the costs of modifications by carriers. The conferees agree that in addition to the above implementation plan, the Attorney General shall develop, in consultation with the industry, and provide to the Committees on Appropriations and the Judiciary by June 30, 1997, an estimate of reasonable costs of modifications to carrier equipment, facilities, and services, based on law enforcement assistance capability and capacity requirements.

In addition, the conference agreement includes the requirement for an annual report to be submitted to Congress by the Attorney General, which details all deposits and expenditures from the Telecommunications Carrier Compliance Fund made pursuant to CALEA.

CONSTRUCTION

The conference agreement includes $41,639,000 in direct appropriations for Construction for the Federal Bureau of Investigation (FBI), instead of $55,676,000 in direct funding as proposed in the House bill and $28,144,000 from the Violent Crime Reduction Trust Fund as proposed in the Senate-reported bill.

The conference agreement provides for the following: (1) $1,287,000 for completion of FBI Academy Upgrades included in 1996 and (2) $40,352,000 as the second installment toward completion of the FBI Forensic Laboratory at Quantico. The conference agreement also adopts the recommendation included in the Senate report, to withhold funding necessary to complete the laboratory, based on initial cost estimates, and require the Department of Justice to review current design options and submit a construction plan with cost estimates and a time line for completion of this project to the Committees on Appropriations of both the House and Senate by November 1, 1996.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $970,388,000 for the salaries and expenses of the Drug Enforcement Administration (DEA), instead of $976,038,000 as proposed in the House bill and $924,000,000 as proposed in the Senate-reported bill, of which $220,000,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $243,000,000 as proposed in the House bill and $165,000,000 as proposed in the Senate-reported bill. Of the total amount provided, $5,000,000 is designated by the Congress and the President as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. In addition to amounts appropriated, the conference agreement assumes that $52,824,000 will be available from the Diversion Control Fund for diversion control activities. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Source Country/International Strategy.—The conference agreement adopts the recommendation in the House report, to significantly expand DEA's current supply reduction effort by restoring successful international drug control programs to 1992 levels. Program increases for this initiative include the following: (1) $20,000,000 to support Vetted Units in Peru, Colombia, Boliva and Mexico; (2) $5,000,000 for DEA enforcement personnel to support Operation Gateway; (3) $22,858,000 and 75 agents to increase on-site DEA agents in source countries, as outlined in the House report, to provide equipment and support to augment the intelligence effort, and to train and work with newly emerging vetted units; (4) $2,000,000 for DEA human intelligence, communications equipment and maintenance costs for the Peru riverine strategy; (5) $10,000,000 to restart the Andean initiative in Bolivia and Peru; and (6) $632,000 and 2 agents to establish a country office in Pretoria, South Africa. As stated in the House report, DEA is directed to submit a quarterly report, beginning with the first quarter of fiscal year 1997, that provides investigative workhours and funding, by type, within major drug source and transit countries, delineated by country and function.

Southwest Border Initiative.—To support counter-drug efforts on the Southwest border, where over 70 percent of all drugs enter the United States, the conference agreement provides the following program increases: (1) $9,000,000 for a cooperative effort with the FBI to penetrate command and control communications of Mexican drug trafficking organizations; (2) $8,131,000 and 50 agents for investigations from Title III wire intercepts; (3) $4,133,000 to support a classified intelligence research project; and (4) $2,394,000 and 4 agents and 15 diversion investigators to focus on methamphetamine activity on the Southwest border.

Domestic Enforcement and Infrastructure Enhancements.—The conference agreement includes additional resources to support domestic counter-drug activities, including critically-needed support to State and local law enforcement, who are on the front lines of the fight against drug and gang-related violence. Included are the following program increases: (1) $10,900,000 to add 130 more special agents to DEA domestic field offices to support Mobil Enforcement Teams (MET), including $4,000,000 for a new METs initiative focused on drug problems in rural areas and $1,000,000 for METs focused on methamphetamine-related problems; (2) $3,500,000 for marijuana eradication activities; (3) $1,500,000 for investigative equipment; (4) $8,000,000 for wireless radio communications equipment; (5) $1,000,000 for aircraft replacement; and (6) $5,000,000 for replacement vehicles.

The conference agreement also includes a provision, included in the Senate-reported bill, that freezes legislative and public affairs staffing in this account at fiscal year 1995 levels.

CONSTRUCTION

The conference agreement includes $30,806,000 in direct appropriations for Construction for the Drug Enforcement Administration (DEA), instead of $36,306,000 from the Violent Crime Reduction Trust Fund as proposed in the Senate-reported bill and no funding as proposed by the House.

The conference agreement provides for the following: (1) $1,500,000 for the highest priority renovation and upgrade needs at DEA's current forensic laboratory facilities, and (2) $29,306,000 to complete the Justice Training Center to be located at the FBI Academy at Quantico, VA. As stated in the Senate report, the conference agreement adopts the recommendation that any increase in construction costs above the amounts provided for the Justice Training Center are to be absorbed within base DEA operations.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $2,105,159,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $2,167,782,000 as proposed in the House bill and $1,973,625,000 as proposed in the Senate-reported bill, of which $500,000,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $500,168,000 as proposed in the House bill and $539,476,000 as proposed in the Senate-reported bill. Of the total amount provided, $15,000,000 is designated by the Congress and the President as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. In addition to amounts appropriated, the conference agreement assumes that $975,774,000 will be available from offsetting fee collections, instead of $919,285,000 as proposed by the House and $1,029,991,000 as proposed by the Senate-reported bill. Thus, including resources provided under construction, the conference agreement provides a total operating level of $3,090,774,000 for INS, instead of $3,096,908,000 as proposed by the House, $3,009,157,000 as proposed by the Senate-reported bill, and $3,081,908,000 as requested by the Administration. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Border control.—The conference agreement includes: (1) $121,426,000 for 1,000 new border patrol agents and 136 support personnel, instead of 700 new agents as requested by the Administration; (2) $27,093,000 for infrared scopes, low light television systems, sensors and the replacement of three helicopters, including upgraded forward-looking infrared systems; (3) $12,300,000 for 150 new land border inspectors for the Southern border; (4) $1,000,000 to pilot an automated arrival/departure system for pedestrian crossers; (5) $5,000,000 for anti-smuggling and field intelligence activities both domestic and overseas; (6) $5,000,000 for expansion of the interior repatriation program started in San Diego this fiscal year; and (7) $1,243,000 for management support of border enforcement activities. The conference agreement provides $7,000,000 more than requested for additional investments in force-multiplying technology to be deployed along the Southwest border. As stated in the Senate report, allocation of these additional resources is subject to the reprogramming procedures outlined in section 605 of this Act and within the overall amount recommended for border automation and technology, INS should examine the use of Smart Multisensor Acquisition and Remote Transmitting System (SMARTS) technology, a network of sensor packages and communication repeaters that can monitor large, sparsely populated regions of the U.S./Mexico border, thermal imaging sensor upgrades for Border Patrol helicopters, and a prototype interagency enforcement program at the Otay Mesa Port of Entry. In addition, the conference agreement assumes that the San Clemente checkpoint will be operated in accordance with the provision in the bill and the House report.

Detention and Removal of Deportable Aliens.—The conference agreement provides over $70,000,000 more than requested by the Administration because the current shortage of detention space has forced INS to release illegal criminal and non-criminal aliens, who would otherwise be deported. Program increases of $114,322,000 are provided in accordance with the House report and include over 2,700 detention beds, and $10,000,000 to address the deportation of terrorists requested in the Administration's September 12, 1996 budget amendment. As outlined in the House and Senate reports, the INS is directed to submit a quarterly report on removals beginning no later than January 1, 1997.

Infrastructure.—The conference agreement also includes $50,583,000 for infrastructure improvements, including: (1) $16,250,000 for replacement of obsolete radios, weapons and body armor; (2) $14,000,000 for replacement of vehicles and buses; (3) $15,253,000 for 104 additional field administrative and contract support personnel, 7 internal audit positions, and training for new automated systems; and (4) $5,380,000 for training to support long-range career development of journeymen employees.

The conference agreement adopts recommendations included in the House and Senate reports with regard to deployment of resources, INS management reforms, exit control strategy, and increased cooperation of illegal immigration enforcement on Federal lands. Furthermore, the INS is reminded that the opening and closing of offices not identified and provided for in this Act, is subject to the reprogramming requirements in section 605 of this Act.

The conference agreement also includes a provision that provides the level of staffing included for the offices of legislative and public affairs. Also included is technical language included in the Senate-reported bill, that allows prior year balances from the Community Relations Service, Cuban and Haitian Resettlement Program, to be transferred to INS.

Offsetting Fee Collections

The conference agreement assumes that $975,774,000 will be available from offsetting fee collections for INS, instead of $919,285,000 as proposed by the House and $1,029,991,000 as proposed by the Senate-reported bill, to support activities related to the legal admission of persons into the United States. These activities are supported entirely by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following increases are recommended:

Immigration Examinations Fees.—The conference agreement assumes $567,550,000 of spending from the Immigration Examinations Fee account, instead of $511,061,000 as proposed by the House bill and $586,800,000 as proposed by the Senate-reported bill. The level provided in the conference agreement assumes that $56,489,000 of carryover available in this account will be used to support $29,567,000 currently provided under the Violent Crime Reduction Trust Fund (VCRTF) for expenses in the citizenship and benefits budget activity related to asylum processing, and $26,922,000 currently provided under the VCRTF for automation programs and infrastructure for exams-related projects. It is noted that INS has over $225,000,000 in unobligated resources that will carryover into fiscal year 1997 in the Examinations Fee Account. The conference agreement adopts the recommendation similar to that included in the Senate report, to transfer base funding to the Immigration Examinations Fee account by transfering the above-mentioned adjudication-related activities from the VCRTF base funding to the Immigration Examinations Fee account, in order to free up additional resources for higher priority border control, deportation and detention initiatives.

In addition, the conference agreement assumes the following program increases for this account: (1) $3,597,000 to continue temporary staffing in Miami, New York, Chicago, Los Angeles and San Francisco to handle naturalization caseload; (2) $2,246,000 to continue temporary staffing in Miami, Newark, New York, Los Angeles and San Francisco to handle adjustment of status case processing; (3) $3,600,000 for FBI fingerprint checks; (4) $2,217,000 to fund court costs for naturalization ceremonies; (5) $6,591,000 to support the Service Center Direct Mail Records contract; and (6) $4,819,000 to continue the pilot records contract currently ongoing in the Miami, Los Angeles, and Chicago District offices.

Inspections User Fees.—The conference agreement assumes $388,664,000 of spending from the Inspections User Fee account as proposed in the House bill, instead of $423,631,000 as proposed in the Senate-reported bill. All requested airport inspections staffing increases were fully funded in both the House and Senate reports. Funding is provided in accordance with the House report.

Land Border Inspections Fees.—The conference agreement includes $11,054,000 in spending from the Land Border Inspection Fund, as proposed in both the House and Senate-reported bills, and assumes funding in accordance with the House and Senate reports.

CONSTRUCTION

The conference agreement includes $9,841,000 for construction for INS as proposed in the House bill, instead of $5,541,000 as proposed in the Senate-reported bill. The conference agreement assumes funding is provided in accordance with the House report.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $2,793,540,000 for the salaries and expenses of the Federal Prison System as proposed in the Senate-reported bill, instead of $2,798,040,000 as proposed by the House bill. Of this amount, the conference agreement provides that $25,224,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF), as proposed by both the House and Senate-reported bills. The conference agreement also assumes that in addition to amounts appropriated, $90,000,000 will be available from unobligated balances from the prior year as proposed in the Senate-reported bill, instead of $50,000,000 as assumed in the House bill. The amount provided is the full amount required to activate all facilities that are scheduled to open in 1997 and is to be used for the purposes set forth in the House and Senate reports, including activations and expansions of prisons at the following locations: Beaumont, Texas; Edgefield, South Carolina; Seattle, Washington; and Elkton, Ohio. In addition, the conference agreement adopts the recommendation included in the House report regarding the Prime Vendor Assistance Program and the recommendation included in the Senate report on privatization of the Federal prison in Taft, California.

BUILDINGS AND FACILITIES

The conference agreement includes $395,700,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners as proposed by the House, instead of $385,700,000 as proposed in the Senate-reported bill. The conference agreement assumes funding is provided in accordance with the House report and supports the Senate report language regarding the detention facility in Hawaii.

FEDERAL PRISON INDUSTRIES INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,042,000 for the Federal Prison Industries, as proposed in both the House and Senate-reported bills, and assumes funding is provided in accordance with the House and Senate reports.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $118,429,000 for Justice Assistance, instead of $105,000,000 as proposed in the House bill and $101,629,000 as proposed in the Senate-reported bill. Of the amount provided, $17,000,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and amounts above the request are available as emergency spending only to the extent that the President also designates these funds as emergency requirements. The conference agreement provides the following:

National Institute of Justice	$31,429,000
Defense/Law Enforcement Technology Network	(9,229,000)
Counterterrorism Technologies	10,000,000
Grants to Firefighters/ Emergency Service Personnel	5,000,000
State and Local Training—Counterterrorism	2,000,000
Bureau of Justice Statistics	21,379,000
Missing Children	5,971,000
Regional Information Sharing System	14,500,000
White Collar Crime Information Center	3,850,000
Management and Administration	24,300,000
Total	118,429,000

National Institute of Justice. (NIJ).—In addition to the above amount, $20,000,000 will be provided to NIJ in fiscal year 1997 from the Local Law Enforcement Block Grant for assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. The conference agreement adopts the recommendation in the House report, that provides that within the overall amount provided to NIJ, the Office of Justice programs is expected to provide $11,500,000 for the Southwest Border States Anti-Drug Information System, $3,500,000 for Facial Recognition Technology, $1,000,000 for a national study on the health care status of soon-to-be-released inmates, and an appropriate level of resources to be transferred to the FBI for continued operations of the Center of Advanced Support in Technology for Law Enforcement. In addition, as stated in the Senate report, the allowed use of the remaining funds in this program should be modified to include counterterrorism technologies, computerized identification systems, and forensic DNA analysis technologies as outlined in sections 811 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996. OJP is also expected to submit quarterly reports on funding for activities within NIJ and to utilize NIJ employees for oversight of the Office of Law Enforcement Technology Commercialization, as stated in the House report.

Defense/law enforcement technology transfer.—The conference agreement provides $7,800,000 to assist the NIJ in its efforts to adopt technologies for law enforcement purposes. Within this amount, $5,000,000 is provided for continuation of the law enforcement technology center network and $2,800,000 is provided to continue the technology commercialization initiative at the

National Technology Transfer Center. In addition, to ensure adequate oversight of the joint departmental initiative, $1,429,000 is provided for management by NIJ personnel.

Counterterrorism Technologies.—The conference agreement provides $10,000,000 for counterterrorism technology programs authorized under section 821 of the Antiterrorism and Effective Death Penalty Act of 1996. These funds are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and are available as emergency spending only to the extent that the President also designates these funds as emergency requirements. The House bill included funding for these programs within amounts provided to NIJ from the Local law Enforcement Block Grant. The Senate bill included funding for these programs under State and Local Law Enforcement Assistance, Violent Crime Reduction Programs.

Grants to Firefighters and Emergency Services Personnel.—The conference agreement provides $5,000,000 for local firefighter and emergency service training grants as authorized under section 819 of the Antiterrorism and Effective Death Penalty Act of 1996. These funds are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and are available as emergency spending only to the extent that the President also designates these funds as emergency requirements. The House bill included funding for these programs within amounts provided in this account. The Senate bill included funding for these programs under State and Local Law Enforcement Assistance, Violent Crime Reduction Programs.

State and local Antiterrorism Training.—The conference agreement provides $2,000,000 as requested in the Administration's recent budget amendment, for State and local law enforcement training to address antiterrorism preparedness. These funds are designated by the Congress and the President as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Missing children.—The conference agreement provides $5,971,000 for the Missing Children Program as proposed by both the House and Senate-reported bills.

National White Collar Crime Center.—The conference agreement includes $3,850,000 for the National White Collar Crime Center as proposed by both the House and Senate-reported bills.

Management and administration.—The conference agreement provides $24,300,000 and 300 FTE for Management and Administration expenses of the Office of Justice Programs as proposed in both the House and Senate-reported bills. In addition, reimbursable funding from VCRTF programs and Community Oriented Policing Services and a transfer from the Juvenile Justice account, will be provided for the administration of grants under these activities. Total funding for the administration of grants assumed in the conference agreement is as follows:

	Amount	FTE
Direct Appropriation	$24,300,000	300
Transfer from Juvenile Justice programs	4,800,000	71
Reimbursement from VCRTF	32,325,000	286
Reimbursement from COPs	2,500,000	23
Total	64,025,000	680

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $2,397,150,000 for State and Local Law Enforcement Assistance instead of $2,434,900,000 as proposed in the House bill and $2,304,100,000 as proposed in the Senate-reported bill. Of this amount, the conference agreement provides that $2,036,150,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $2,119,900,000 as proposed in the House bill and $1,944,100,000 as proposed in the Senate-reported bill.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

Direct Appropriation:	
Byrne Discretionary Grants	$60,000,000
Byrne Formula Grants	301,000,000
Total Direct Appropriations	361,000,000
Violent Crime Reduction Trust Fund:	
Byrne Formula Grants	199,000,000
Local Law Enforcement Block Grant	523,000,000
Boys and Girls Clubs	(20,000,000)
Drug Courts	30,000,000
Upgrade Criminal History Records (Brady Bill)	50,000,000
State Prison Grants	670,000,000
Cooperative Agreement Program	(12,500,000)
Alien Incarceration	(170,000,000)
State Criminal Alien Incarceration Program	330,000,000
Violence Against Women Act Grants	196,500,000
State Prison Drug Treatment	30,000,000
DNA Identification Grants	3,000,000
Law Enforcement Family Support Programs	1,000,000
Senior Citizens Against Marketing Scams	2,000,000
Motor Vehicle Theft Prevention	750,000
Missing Alzheimer's Patient Program	900,000
Total, Violent Crime Reduction Trust Fund	2,036,150,000

Edward Byrne grants to States.—The conference agreement provides $560,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $60,000,000 is for discretionary grants and $500,000,000 is provided for formula grants under this program. The amount provided in the conference agreement includes an additional $25,000,000 as proposed by the House, to allow States to implement drug testing initiatives.

Byrne discretionary grants.—The conference agreement provides $60,000,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Assistance Program, as proposed in both the House and Senate-reported bills. Within the amount provided, the conferees expect the Bureau of Justice Assistance (BJA) to provide:

$28,500,000 for the Weed and Seed program;

$4,000,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign (McGruff);

$1,750,000 to continue and expand the Drug Abuse Resistance Education (DARE AMERICA) program;

$2,000,000 for continued funding for the Washington Metropolitan Area Drug Enforcement Task Force;

$775,000 for Project Return, a correctional options program;

$1,000,000 for continued funding for the National Judicial College;

$1,000,000 to SEARCH Group, Inc. to continue and expand the National Technical Assistance Program, which provides support to State and local criminal justice agencies to improve their use of computers and information technology; and

1,000,000 for the National Motor Vehicle Title Information System, authorized by the Anti-Car Theft Improvement Act, to begin pilot implementation and complete network infrastructure.

Within the available resources the conferees also urged BJA to favorably consider funding for the trauma reduction initiative, the victim information and notification everyday (VINE) system, the National Night Out Program, establishment of a Violence Institute and the community security program of the Local Initiative Support Corporation, as stated in the House and Senate reports.

In addition, the conferees recommend that the Department of Justice consider submission of a reprogramming to continue support for State and local task forces to address church burnings.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Local Law enforcement block grant.—The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, instead of $571,000,000 as proposed by the House and $503,000,000 as proposed by the Senate-reported bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided, the conference agreement includes language providing $20,000,000 to the Boys and Girls Clubs of America. Funding provided for drug courts is included under a separate account, instead of under this account as proposed by the House.

Drug Courts.—The conference agreement includes $30,000,000 for drug courts under a separate account, instead of requiring a reprogramming of $18,000,000 from the Local Law Enforcement Block Grant as proposed in the House bill, or a reprogramming of $20,000,000 from the Community Oriented Policing Services Program, as proposed in the Senate-reported bill.

Violence Against Women Act programs.—The conference agreement includes $197,500,000 for grants to support the Violence Against Women Act of which $196,500,000 is provided under this account and $1,000,000 is provided under the U.S. Attorneys, as proposed in both the House and Senate-reported bills. Grants provided under this account are for the following programs:

General Grants	$145,000,000
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	6,000,000
Training for Judicial Personnel	1,000,000
Grants for Televised Testimony	550,000
Grants to Encourage Arrest Policies	33,000,000
Rural Domestic Violence	8,000,000

National Stalker and Domestic Violence	1,750,000
Training Programs	1,000,000
Study on Campus Sexual Assault	200,000
Total	196,500,000

National Instant Criminal Background Check System.—The conference agreement provides $50,000,000, as proposed in both the House and Senate-reported bills, for States to upgrade criminal history records as required under the Brady Bill. In addition, $20,240,000 is included in the conference agreement under the FBI to complete development of the National Instant Criminal Background Check System, as proposed by both the House and Senate-reported bills.

State prison grants.—The conference agreement provides $670,000,000 for State Prison Grants, instead of $680,000,000 as proposed in the House bill and $630,000,000 as proposed in the Senate-reported bill. Of the amount provided, $170,000,000 is available to States for the incarceration of criminal aliens and $12,500,000 is for the Cooperative Agreement Program, as proposed in both the House and Senate-reported bills. The conference agreement also includes language proposed in the House bill that allows California to use funds provided under the State Prison Grant program to support the cost of incarcerating criminal aliens. In addition, the conference agreement includes new language, not proposed in the House or Senate-reported bills, that requires that beginning in fiscal year a State cannot receive a grant under this program unless it has implemented a program of drug testing for certain convicted offenders.

State Criminal Alien Assistance Program.—The conference agreement provides $330,000,000 for the State Criminal Alien Assistance Program for reimbursement to States for the costs of incarceration of criminal aliens, as proposed by both the House and Senate. In addition to this amount the conference agreement also provides $170,000,000 for this purpose under the State Prison Grants program. Thus, the conference agreement includes a total of $500,000,000 for reimbursement to States for alien incarceration, as proposed in both the House and Senate-reported bills.

Substance Abuse Treatment for State Prisoners.—The conference agreement includes $30,000,000 for substance abuse treatment programs within State and local correctional facilities, instead of $35,000,000 as proposed by the House and $29,700,000 as proposed in the Senate-reported bill.

State Courts Assistance Program.—The conference agreement does not include $5,000,000 in funding under the State Courts Assistance program, as proposed in the House, but instead provides funding for State court programs under the State Justice Institute as proposed in the Senate-reported bill.

DNA Identification State grants.—The conference agreement includes $3,000,000 for DNA Identification State Grants, as proposed by both the House and Senate-reported bills. Within the amount made available under this program and in conjunction with State grants for this purpose under the FBI, the conferees expect the Office of Justice Programs and the FBI to examine proposals to establish a South Carolina State DNA identification record data base and a Center for Forensic Science Standards, including an arson and explosion reference laboratory in Central Florida, and provide grants, if warranted.

Law Enforcement Family Support Programs.—The conference agreement includes $1,000,000 for law enforcement family support programs, as proposed by the House, instead of no funding as proposed in the Senate-reported bill.

Senior Citizens Against Marketing Scams.—The conference agreement includes $2,000,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, as proposed in the House bill, instead of no funding as proposed in the Senate-reported bill.

Motor vehicle theft prevention.—The conference agreement includes $750,000 for grants to combat motor vehicle theft, instead of $500,000 as proposed in the House bill and $1,000,000 as proposed in the Senate-reported bill.

Safe Return Program.—The conference agreement includes $900,000 for the Missing Alzheimer's Patient Program, as proposed in both the House and Senate-reported bills.

The conference agreement adopts the recommendation included in the Senate report which directs the Attorney General, to the extent possible to ensure that State, local, and Indian tribal criminal justice agency technology grant proposals include technology that is compatible with or can interface with other national law enforcement and criminal justice information systems being developed, in particular, NCIC 2000, the National Instant Background Check System, the national incident-based reporting system, and DRUGFIRE.

WEED AND SEED PROGRAM FUND

The conference agreement includes $28,500,000 for the Weed and Seed program from discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, as proposed by both the House and Senate-reported bills.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

The conference agreement includes $1,400,000,000 for the Community Oriented Policing Services (COPs) program, as proposed by both the House and Senate-reported bills. In addition to this amount, the conference agreement provides $20,000,000 for the Police Corps program as proposed by the Senate-reported bill, instead of $10,000,000 as proposed by the House bill.

The conference agreement does not include provisions included in the House bill, which would have directed $71,000,000 of the funds provided to be used to support local police officers participating on DEA task forces and $30,500,000 of the funds to be used to enhance grants available to States to develop innovative and community policing initiatives designed to address youth violence and juvenile crime.

The conference agreement also does not include provisions included in the Senate-reported bill, which would have allowed $20,000,000 of the funds provided to be used for drug courts and $42,500,000 of the funds to be used for drug testing initiatives, subject to reprogramming procedures in section 605 of the Act.

The conference agreement has not included these non-hiring initiatives in order to address the Administration's concern that sufficient funding be provided to maintain the commitment to hiring 100,000 new police officers. Thus, funding provided in this Act is to be used only for police hiring grants, which include grants under the Universal Hiring Program and the COPs MORE program. Funds available from prior year carryover may be used for innovative community policing programs, subject to the reprogramming requirements in sections 605 of this Act. The conference agreement has provided sufficient funding under other programs to support initiatives such as training, overtime, innovative prevention programs and technology enhancements, which should not be duplicated under this program.

The conference agreement also includes a provision that provides that not to exceed 186 positions, 174 workyears, and $19,800,000 shall be expended for management and administration of the COPs program, as proposed by the Senate-reported bill, instead of 130 positions, 130 workyears, and $14,602,000, as proposed in the House bill.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $174,500,000 for Juvenile Justice programs, instead of $149,500,000 as proposed by the House and $158,500,000 as proposed by the Senate-reported bill.

Juvenile justice and delinquency prevention.—Of the total amount provided, $170,000,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention (JJDP) programs including:

1. $5,000,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $86,500,000 for Formula Grants for assistance to State and local programs (Part B). A provision is included that makes $16,500,000 of the amount available for formula grants available to States that have adopted policies (or will have in effect not later than one year after date of application) and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent.

3. $29,500,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, the conference agreement adopts recommendations included in the House and Senate reports that direct OJJDP to provide the following:

$2,300,000 to continue and expand the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law;

$1,000,000 for the Teens, Crime and the Community program;

$2,300,000 for the Angel Gate Academy;

$1,900,000 for the National Institute for School/Community Violence;

$1,500,000 for the Jimmy Ryce Law Enforcement Training Center at the Center for Missing and Exploited Children; and

$800,000 for the Suffolk County Police Athletic League, a program that serves over 26,000 high-risk, low-income youths.

In addition, the conference agreement also adopts recommendations included in the House and Senate reports that direct OJJDP to examine each of the following proposals, to provide grants if warranted, and to report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: a grant to the Institute on Violence and Destructive Behavior; a grant to the Parents Resource Institute for Drug Education (PRIDE); a grant to the coalition for juvenile justice; restorative justice challenge grants; a grant to the Teen Night Out Program; a grant to a Kansas Juvenile Intake and Assessment Center; a grant to Parents Anonymous, Inc.; a grant to Project O.A.S.I.S.; a grant to Kids Peace National Center for Kids; a grant to the Savannah Youth Futures Authority; a grant to the Consortium on Children, Families, and Law; and continued support for law-related education.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to

public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $7,000,000 for Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors.

7. $20,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), to units of general local government for delinquency prevention programs and other activities for at-risk youth.

In addition, the conferees urge OJJDP to pay particular attention to intervention and crime prevention programs which focus on addressing unique circumstances at Indian reservations.

Victims of Child Abuse Act.—The conference agreement includes $4,500,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA), as proposed in both the House and Senate-reported bills. In addition, funding of $7,000,000 is provided for Victims of Child Abuse programs under the Violence Against Women Programs funded by the Violent Crime Reduction Trust Fund. The following programs are included in the recommendation:

$4,500,000 to Improve Investigations and Prosecutions (Subtitle A) as follows:

$500,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

$2,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $2,200,000 for the Public Safety Officers benefits as proposed by both the House and the Senate-reported bills.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Sec. 101.—The conference agreement includes section 101 as proposed by both the House and Senate-reported bills, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102 as proposed by both the House and Senate-reported bills, which continues certain authorities for the Justice Department in fiscal year 1997 that were contained in the Department of Justice Authorization Act, fiscal year 1980.

Sec. 103.—The conference agreement includes section 103 as proposed by both the House and Senate-reported bills, which prohibits the use of funds to perform abortions in the Federal Prison System.

Sec. 104.—The conference agreement includes section 104 as proposed by both the House and Senate-reported bills, which prohibits use of the funds to require any person to perform, or facilitate the performance of, an abortion.

Sec. 105.—The conference agreement includes section 105 as proposed by both the House and Senate-reported bills, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Sec. 106.—The conference agreement includes section 106 as proposed by both the House and Senate-reported bills, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107 as proposed by both the House and Senate-reported bills, which allows the Department of Justice, subject to reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

Sec. 108.—The conference agreement includes section 108 as proposed in the House and Senate-reported bills, that allows balances remaining in the Assets Forfeiture Fund after September 30, 1996 to be available to the Attorney General for any authorized purpose of the Department of Justice.

Sec. 109.—The conference agreement includes section 109 as proposed in the Senate bill, and similar to language included in the House bill, which restructures quarterly fee payments for debtors under chapter 11 of the Bankruptcy Code, and which allows all fees to be used as offsetting collections to the U.S. Trustees Program and which amends a provision included in the 1996 Appropriations Act, to clarify that fees collected under post-confirmation status are to be assessed in all pending chapter 11 cases.

Sec. 110.—The conference agreement includes section 110 which establishes the telecommunications carrier compliance fund for payments to telecommunications carriers and equipment manufacturers to implement technology changes required under the Communications Assistance for Law Enforcement Act (CALEA), as proposed by both the House and Senate. However, revisions have been made to this language to address concerns over the requirements set forth in the implementation plan and are explained under the heading Federal Bureau of Investigation, Telecommunications Carrier Compliance Fund.

Sec. 111.—The conference agreement includes section 111 as proposed by the House which states the sense of the Congress with regard to the illegal importation of the drug Rohypnol.

Sec. 112.—The conference agreement includes section 111 as proposed by the Senate and changes the number to section 112, which allows funds available to States from the Victims of Crime Fund to be available for expenditure over a two-year period instead of one year, as provided in current law, and allows $500,000 of funds available in the reserve fund held by the Department of Justice, to be available to assist the victims of the Oklahoma City bombing throughout the trial.

Sec. 113.—The conference agreement includes new language, to replace language included in the Senate-reported bill under section 112, which amends Section 732 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132). First, the provision expands the evaluation under subsection (a) to include an evaluation and concurrent report by the Secretary of the Treasury, in consultation with the Attorney General, on the possible use and exploitation of special technologies, such as "vapor detection devices, computer tomography, nuclear quadrupole resonance, thermal neutron analysis, pulsed fast neutron-analysis, and other technologies". Because special technologies have developed and advanced, this study directs the Secretary of the Treasury to investigate and recommend to Congress a course of action on the further study and possible use of these special technologies to detect explosive devices before they can do any harm. Second, the provision requires the Secretary of the Treasury to enter into a contract with the National Academy of Sciences to conduct a study of the feasibility of adding taggants to black and smokeless powder. The study will be supervised by an independent panel of five experts appointed by the Academy and will consider six elements, each of which is important to determining whether the possible use of taggants is both desirable and feasible. Additionally, the study requires that the Academy consult with Federal, state, and local officials, non-governmental organizations, including national police organizations, national sporting organizations and national industry associations with expertise in this area, as well as other individuals as the Academy deems necessary. The conferees expect to have as broad and comprehensive a consultation process as is practical. The Academy is required to present this study to Congress, twelve months after the enactment of these subsections, and both the study and any data used to formulate the study are to be made publicly available. The Congress may then take action on the matter in accord with its usual procedure.

Sec. 114.—The conference agreement includes new language, not included in the House or Senate-reported bills, that allows the portion of an award payment associated with a forfeiture to be paid for out of the permanent indefinite appropriation of the Asset Forfeiture Fund and conforms these expenses to the method of payment for other costs of forfeiture.

Sec. 115.—The conference agreement includes new language, not included in the House or Senate-reported bills, which authorizes the Attorney General to reimburse employees paid for under any appropriation account of the Department of Justice for additional Federal, State and local income taxes incurred as the result of extended temporary duty status when traveling on behalf of the United States to investigate, prosecute, or litigate a criminal or civil matter, or for other similar special circumstances.

Sec. 116.—The conference agreement includes new language, not included in the House or Senate-reported bills, which provides the Attorney General with authorization to accept gifts of personal property for the purpose of aiding or facilitating the work of the Department of Justice and its agencies.

Sec. 117.—The conference agreement includes new language, not included in the House or Senate-reported bills, which authorizes the Attorney General for fiscal year

1997, to transfer certain forfeited properties to State and local governments, or their designated contractor or transferee, for public health, safety and welfare purposes. The conferees expect the Attorney General to notify the Committees on Appropriations of the House and Senate prior to the transfer of properties under this provision.

Sec. 118.—The conference agreement includes new language, not included in the House or Senate-reported bills, which allows the Independent Counsel to extend by successive six-month periods, the travel status of an employee and the appropriate reimbursement of travel expenses.

Sec. 119.—The conference agreement includes new language, not included in the House or Senate-reported bills, which restores the public safety exemption under the Age Discrimination in Employment Act, thereby allowing police and fire departments to use maximum hiring ages and mandatory retirement ages as elements of their overall personnel policies.

Sec. 120.—The conference agreement includes new language, not included in the House or Senate-reported bills, which clarifies the original intent of a provision included in the Violent Crime Control and Law Enforcement Act of 1994 concerning Federal rules of evidence in Federal sex offense trials. The amendment ensures that evidence of a defendant's prior sexual assaults is admissible in all Federal sex offense trials conducted after the effective date (including cases which were indicted before the effective date) established in the 1994 Act.

Sec. 121.—The conference agreement includes new language, not included in the House or Senate-reported bills, to address the growing problem of child pornograhic materials produced using new computer imaging and "morphing" technologies. Current law covers only materials produced using actual children engaging in sexually explicit conduct. This section amends U.S. Code Title 18, Section 2256, to establish a specific statutory definition of child pornography. Under this section, any visual depiction, such as a photograph, film, videotape or computer image, which is produced by any means, including electronically by computer, of sexually explicit conduct will be classified as child pornography if: (a) its production involved the use of a minor engaging in sexually explicit conduct; (b) it depicts, or appears to depict, a minor engaging in sexually explicit conduct; (c) it has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or (d) it is promoted or advertised as depicting a minor engaging in sexually explicit conduct. It would increase the penalties for child sexual exploitation, child sexual abuse and child pornography offenses, particularly for repeat offenders.

This section would also protect federal, state and local governments, and state and local law enforcement officials, from the threat of civil lawsuits and the awarding of damages as the result of searches and seizures made in connection with child pornography investigations or prosecutions. It does so by extending current Privacy Protection Act (U.S. Code Title 42, Section 2000aa) exceptions allowing certain searches and seizures where the offense consists of the receipt, possession of communication of information pertaining to the national defense, classified information or restricted data to offenses involving the production, possession, sale or distribution of child pornography, the sexual exploitation of children, or the sale or purchase of children.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $21,449,000 for the salaries and expenses of the Office of the United States Trade Representative, the same amount as proposed in both the House and Senate-reported bills.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $40,850,000 for the salaries and expenses of the International Trade Commission (ITC) for fiscal year 1997, instead of $40,000,000 as proposed in the House bill and $41,707,000 as proposed in the Senate-reported bill.

Within the amounts provided, the conference agreement assumes that not less than 3 permanent full time equivalents (FTE) and 1 temporary FTE will be allocated to the Office of the Inspector General, and contract funds will be provided to the IG at not less than the fiscal year 1996 level.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $270,000,000 for the operations and administration of the International Trade Administration for fiscal year 1997, instead of $272,000,000 as proposed by the House bill, and $267,939,000 recommended in the Senate-reported bill. The following table reflects the distribution of these funds by activity included in the conference agreement:

Trade Development	$59,400,000
Int'l Economic Policy	17,100,000
(Trade Compliance Center)	(2,500,000)
Import Administration	29,500,000
U.S. & F.C.S.	168,200,000
Carryover	4,200,000
Total, ITA	270,000,000

The conferees remind ITA that any changes to this distribution are subject to the reprogramming procedures set forth in section 605 of this Act.

The conferences approved the recent reorganization of the International Economic Policy (IEP) unit which established a Trade Compliance Center (TCC) to compile and utilize a comprehensive database of trade and other relevant agreements. The conference agreement includes $17,100,000 for IEP, of which $2,500,000 and 25 full time equivalents (FTE) are provided for the TCC.

Within the amounts provided under this account, $168,200,000 is for the U.S. and Foreign Commercial Service (U.S.&FCS). The conference agreement assumes this level is sufficient to support the full request for U.S.&FCS domestic and international operations, and assumes they any reductions will be taken from headquarters functions.

The conference agreement provides $59,400,000 for Trade Development, including funding at levels provided in the House report for the current participants in the National Textile Center (NTC) Consortium and the Textile/Clothing Technology Corporation. In addition, within the increase provided for Trade Development, the conferees expect ITA to provide support for items included in the Senate report related to the expansion of the NTC and to international environmental regulations, as well as initiatives previously supported by ITA to help small businesses improve their international competitiveness, and to increase small business global competitiveness in biotechnology. Further, the Market Development Cooperator Program is funded at $1,500,000, the same level provided in the fiscal year 1996. In addition, any reductions in Trade Development are to be taken proportionately across all programs and functions.

Further, the conference agreement adopts language included in the House report concerning the Technology Village Partnership, unfair trade practices with respect to Canadian lumber, and privatization of certain trade shows. The conferees expect ITA to follow the language included in the Senate report regarding reorganization of the domestic field office structure.

In addition, the conference agreement provides $9,400,000 in fiscal year 1997 emergency funding in title IV of the bill as part of the counterterrorism initiative for the U.S.&FCS to address its overseas security requirements. It is the conferees intent that the U.S.&FCS determine requirements and that program management and administration be carried out by the Department of State.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $39,900,000 for the Bureau of Export Administration (BXA), instead of $38,604,000 as proposed in the House bill, and $34,698,000 as proposed in the Senate-reported bill. When combined with carryover balances of approximately $1,800,000, a total of $41,700,000 will be available to the BXA in fiscal year 1997. The conference agreement provides increases above the fiscal year 1996 appropriated level for counterterrorism initiatives and implementation of the Fastener Quality Act.

Counterterrorism Initiative.—Of the amounts provided under this account for BXA, the conference agreement includes $3,900,000 and 22 FTE for the Office of Export Enforcement to expand BXA's nonproliferation enforcement efforts. Such amounts are designated as emergency requirements pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, as requested in the budget amendment submitted September 12, 1996. Neither the House nor Senate-reported bills included emergency funding for this purpose. Instead, the Senate-reported bill proposed to transfer of $2,500,000 from the Department of Justice to BXA for counterterrorism activities. The conference agreement does not include this transfer.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $328,500,000 for the Economic Development Administration grant programs as proposed in the House bill, instead of $273,500,000 as proposed in the Senate-reported bill.

The following table shows the distribution of these funds by activity as agreed to by the conferees:

Public Works (Title I)	$165,200,000
Planning	24,000,000
Technical Assistance	17,600,000
Defense Conversion	90,000,000
Economic Adjustment (Title IX)	31,200,000
Research and Evaluation	500,000

The conference agreement provides funding for the Title I Public Works and Defense Conversion programs at the fiscal year 1996 level. In addition, $17,600,000 is included for

EDA's technical assistance programs, including the University Centers and Trade Adjustment Assistance Centers programs.

The conference agreement increases amounts for Economic Adjustment (Title IX) above the request in order to allow EDA to complete is activities pursuant to section 11(b) of Public Law 99–663 as in the Senate report. In addition, the Committees expect EDA to continue its effort to assist communities impacted by economic dislocations related to coal industry downswings. Further, the conference agreement endorses the recommendations in the House report regarding targeting of resources to the most severely distressed communities.

SALARIES AND EXPENSES

The conference agreement includes $20,036,000 for salaries and expenses for the EDA as proposed in the Senate-reported bill, instead of $20,000,000 as proposed in the House bill. The conference agreement assumes EDA will use either the Salaries and Expenses appropriation or the revolving fund (under 42 U.S.C. 3143) to pay the salaries and expenses of the EDA Liquidation Division. The conference agreement adopts the recommendations included in both the House and Senate reports.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $28,000,000 for the programs of the Minority Business Development Agency (MBDA), instead of $29,000,000 proposed in the House bill and $26,000,000 as proposed in the Senate-reported bill. The conferees direct that to the maximum extent possible these reductions should come from downsizing MBDA headquarters and regional staff in order to maintain program delivery to minority entrepreneurs.

The conference recommendation reflects concerns expressed in both the House and Senate reports regarding continued duplication and lack of coordination between the MBDA and the Small Business Administration (SBA). The conference agreement adopts the House concept setting aside $2,000,000 of MBDA's funding to be used only for projects jointly developed, implemented, and administered in conjunction with the SBA. Further, an additional $1,000,000 is provided under the Small Business Administration in title V of the bill as part of this initiative. The conferees direct the interagency working group to submit a plan for the use of these funds no later than November 15, 1996, and to submit a reprogramming notification in accordance with section 605 of this Act.

The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program. The conferees believe this program provides unique experiences and opportunities in the field of technology to minority students, and expects the agency to continue its commitment to this important initiative and report back to the Appropriations Committees on its intentions regarding this matter by December 1, 1996.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conferees have provided $45,900,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account as proposed in the House bill, instead of $49,400,000 as proposed in the Senate-reported bill. The conference agreement adopts the directive included in the House report regarding the Integrated Environmental-Economic Accounting or "Green GDP" initiative. In addition, the conference agreement assumes that BEA, within the resources provided, will place a high priority on its initiative to improve gross domestic product (GDP) data. The Committees would be willing to entertain a transfer of funds from within the Department to augment this activity if additional funds are required.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The conference agreement includes language allowing the dissemination of economic and statistical data products at full cost as proposed in both the House and Senate bills.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

The conference agreement includes $135,000,000 for the Bureau of the Census Salaries and Expenses account, instead of $133,617,000 as proposed in the House bill and $139,700,000 as proposed in the Senate bill. The conference agreement provides an increase above the fiscal year 1996 level for the Bureau's initiative to restructure the national standard industrial codes system. Further, the conference agreement adopts the recommendations included in both the House and Senate reports regarding reprioritization of programs funded under this account as well as reimbursements from other Federal agencies and private organizations.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides $210,500,000 for the Census Bureau's Periodic Censuses and Programs account as proposed in the Senate-reported bill, instead of $205,100,000 as proposed in the House bill.

The conferees have included the following amounts for Census programs:

Economic Censuses	$25,000,000
Census of governments	2,000,000
Intercensal Demographic estimates	5,200,000
Decennial Census	84,110,000
Continuous measurement	16,600,000
Sample redesign	3,800,000
CASIC	6,000,000
Geographic support	43,000,000
Data processing systems	24,790,000
Total	210,500,000

The conference agreement assumes that this distribution will be used as the basis for any proposed reprogramming of funds in accordance with section 605 of this Act.

The conference agreement adopts recommendations included in the House report regarding prioritization of national statistical programs.

Census 2000.—The conference agreement provides an increase of $60,400,000 in the overall account for decennial-related activities, including a $35,285,000 increase for the Year 2000 Decennial Census direct activities. The conferees reiterate the concern expressed in the House report regarding the inability of the Bureau to produce an adequate plan that accurately predicts and budgets for the costs of the Year 2000 Census. In addition, the conferees reiterate concerns in the House report regarding the Bureau's lack of adequate plans to develop options and alternatives adequately addressing issues of accuracy and cost. Therefore, within the amounts provided, the conference agreement intends that the funds provided be devoted to those activities most critical to preparation for the 2000 Census in fiscal year 1997, namely geographic and address list preparation, and data capture and processing systems activities. Further, the conference agreement adopts the directive included in the House report requiring the Bureau to develop and submit a plan for the expenditure of the increases provided in accordance with section 605 of this Act, prior to the expenditure of such funds.

Finally, the conferees are disappointed that the Bureau has failed to act on the stipulation included in both the fiscal years 1995 and 1996 reports directing the Bureau to work to obtain reimbursement from other Federal agencies for the costs associated with obtaining information on the decennial census. Therefore, the conference agreement adopts recommendation included in the House report regarding this matter.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $15,000,000 for the National Telecommunications and Information Administration salaries and expenses as proposed in the House bill, instead of $16,003,000 as proposed in the Senate-reported bill.

In addition, the conference agreement includes new language at the request of the Administration clarifying the authority of NTIA to obtain reimbursement from other government agencies for activities related to spectrum management, analysis and operations. The conference agreement assumes that NTIA will receive an additional $5,000,000 from such reimbursements, resulting in a total availability to NTIA of $20,000,000.

The conference agreement does not include funds proposed in the Senate-reported bill to pay for costs associated with the International Telecommunications Union. This matter is further addressed under title IV.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $15,250,000 for Public Broadcasting Facilities, Planning and Construction grants as proposed in both the House bill and the Senate-reported bill. The conference agreement allows up to $1,500,000 of this amount to be used for program administration, as provided in both the House bill and the Senate-reported bill. The conference agreement adopts recommendations included in both the House and Senate reports regarding this program.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $21,490,000 for NTIA's Information Infrastructure Grant program as recommended by the House, instead of $4,075,000 as proposed in the Senate-reported bill.

As proposed in the House bill, within the amount provided, the conference agreement designates $3,000,000 for program, administration and allows not to exceed five percent of the total amount provided to be used for certain telecommunications research activities. The Senate-reported bill contained no provision on these matters.

The conference agreement adopts recommendations included in the House report regarding this program.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides $61,252,000 in direct appropriations for the Patent and Trademark Office (PTO) as proposed in both the House bill and Senate-reported bill. The conference agreement, when combined with additional fee collections and $30,000,000 in estimated carryover, will provide the PTO will total resources of

$692,975,000 for the PTO in fiscal year 1997, an increase of $79,623,000 over the current operating level. The conferees concur with the concerns included in the House report. In addition, the conferees expect the PTO to promulgate rules and regulations with regard to the issuance of patents only in accordance with its existing statutory authorities.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes 9,500,000 for the Technology Administration, instead of $500,000,000 proposed in the House bill and $7,500,000 as proposed in the Senate-reported bill. The conference agreement adopts the recommendations included in the House and Senate reports with the following exception. The conference agreement designates $2,500,000 of the amounts provided to be used to fund the U.S.-Israel Science and Technology Commission as proposed in the Senate-reported bill. The conference agreement retains the heading proposed for this account in the House bill, instead of the heading included in the Senate-reported bill.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $268,000,000 for the internal (core) research account of the National Institute of Standards and Technology as proposed in the House bill, instead of $270,400,000 as proposed in the Senate-reported bill.

The conference agreement adopts the allocation of funds provided in this account as delineated in the House report, with the following exception. The conference agreement assumes that, of the amounts provided, $1,200,00 is provided for NIST to expand its activities related to a national resource construction program utilizing natural resources.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes 320,000,000 for the NIST external research account instead of $200,400,000 as proposed in the House bill and $159,900,000 as proposed in the Senate-reported bill.

Of the amounts provided, $95,000,000 is for the Manufacturing Extension Partnership Program instead of $89,900,000 as proposed in the House bill and $99,000,000 as proposed in the Senate-reported bill. Language is included in the bill to allow one additional year of support for manufacturing technology centers which have already existed for six years. The Senate-reported bill proposed a three year extension of support for these centers. The House bill contained no extension. The conference agreement reflects the belief that this matter is most appropriately addressed through the authorization process. The conference agreement has included the funding increase above the House in order to allow continued funding of these centers for one year.

The conference agreement provides $225,000,000 for the Advanced Technology Program (ATP), instead of $110,500,000 as proposed in the House bill and $60,000,000 as proposed in the Senate-reported bill. The conference agreement included in the House and Senate-reported bills deletes limitations restricting the use of funds provided for this program.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides no appropriation for the NIST Construction account instead of $15,000,000 as proposed in the Senate-reported bill. The House bill recommended no appropriation for this account.

The conference agreement also includes, at the end of this title, the rescission of $16,000,000 of prior year carryover amounts from this account. The result of the conference action will allow NIST to obligate $27,600,000 under this account for fiscal year 1997. The conference agreement adopts the recommendations included in the Senate report allowing these funds to be used only for maintenance and necessary fire and safety upgrades for existing NIST facilities, and for the completion of the Advanced Chemical Sciences Laboratory at the NIST Gaithersburg campus. The conferees expect NIST to follow the direction included in both the House and Senate reports regarding an evaluation of NIST's long-term facilities requirements.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $1,854,067,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration (NOAA) instead of $1,738,200,000 as proposed by the House and $1,933,703,000 as proposed in the Senate-reported bill. In addition, the conference agreement allows $3,000,000 in offsetting fees related to the aeronautical charting program to be collected to offset this amount, resulting in a final direct appropriation of $1,851,067,000 instead of $1,735,200,000 as proposed by the House and $1,930,703,000 as proposed in the Senate-reported bill.

In addition to the new budget authority provided, the conference agreement allows a transfer of $66,000,000 from balances in the account titled "Promote and Develop Fishery Products and Research Related to American Fisheries", instead of $68,000,000 as proposed by the Hose and $62,000,000 as proposed in the Senate-reported bill. In addition, the conference agreement assumes NOAA will use the Federal Ship Financing Fund to cover administrative expenses related to that account.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate-reported bill contained no similar provision. The conference agreement adopts the direction included in the House report regarding the development of a revised budget structure for NOAA in consultation with the House and Senate Appropriations Committees, as well as recommendations concerning financial and budgetary management deficiencies at NOAA.

NOAA Commissioned Corps.—The conference agreement includes new language setting the ceiling on the number of commissioned corps officers in fiscal year 1997 at not more than 299 by September 30, 1997 and requires the Department of Commerce, in conjunction with NOAA, to submit to the Congress by November 15, 1996 a long-term plan and legislative proposal to implement its recommendations regarding the NOAA commissioned corps. The House bill contained a provision to eliminate all commissioned corps officers by September 30, 1997 in accordance with the Administrator of NOAA's announcement on January 25, 1996 to eliminate the commissioned corps in fiscal year 1997. The Senate-reported bill set a ceiling of not to exceed 358 officers in fiscal year 1997.

Marine Services.—The conference agreement adopts the House recommendation to eliminate the Marine Services subactivity and provide funding directly to the line offices under the heading "Acquisition of Data." The conferees believe this reform will provide NOAA line organizations with an incentive to make cost-benefit tradeoffs between using NOAA and charter vessels. As the NOAA fleet has downsized, NOAA line organizations are seeking alternatives to fleet resources to meet their data collection needs. This reform will provide NOAA line offices additional flexibility necessary to meet their needs. The conferees expect NOAA to follow the guidance in the House report regarding the use of these funds.

Unless specifically stated otherwise in this Statement of the Committee of the Conference, amounts expended from the NOAA Operations, Research and Facilities account are to be allocated in accordance with the recommendations previously described in the Committee reports of the House and Senate.

The following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 1997 BUDGET

[Dollars in thousands]

	Fiscal year 1996 appropriation	Fiscal year 1997—			
		Request	House	Senate	Conference
NATIONAL OCEAN SERVICE:					
Navigation Services:					
Mapping and Charting	$36,500	$38,586	$38,000	$35,500	$38,000
Geodesy	20,167	20,330	20,330	19,367	20,167
Tide and Current Data	11,000	11,679	11,000	13,679	12,500
Chesapeake Bay observation buoys	400	....	....	400	....
Total, Navigation Services	68,067	70,595	69,330	68,946	70,667
Ocean Resources Conservation and Assessment:					
Estuarine and Coastal Assessment	2,674	2,674	2,674	2,674	2,674
Ocean assessment program	21,925	24,204	12,600	28,619	27,300
Damage assessment	1,200	3,200	2,200	3,200	2,200
Transfer from Damage Assessment Fund	6,550	5,276	5,276	5,276	5,276
Oil Pollution Act of 1990	1,000	1,000	1,000	1,000	1,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 1997 BUDGET—Continued

[Dollars in thousands]

	Fiscal year 1996 appropriation	Fiscal year 1997—			
		Request	House	Senate	Conference
Ocean Services	3,000	3,000	2,500	3,000	2,500
Subtotal	36,349	39,354	26,250	43,769	40,950
Coastal Ocean Science: Coastal ocean program	11,500	14,841	11,700	15,200	15,200
Subtotal	11,500	14,841	11,700	15,200	15,200
Total, Ocean Resources Conserv. & Assess	47,849	54,195	37,950	58,969	56,150
Ocean and Coastal Management:					
Coastal Management:					
CZM grants	46,200	46,200	46,200	49,800	46,200
Estuarine research reserve system	1,000	4,088	1,000	4,588	1,300
Nonpoint pollution control	....	2,552	....	2,552	....
Subtotal	47,700	52,840	47,200	57,440	47,500
Ocean Management: Marine sanctuary program	11,685	11,876	11,685	11,876	11,685
Subtotal	11,685	11,876	11,685	11,876	11,685
Total, Ocean and Coastal Management	59,385	64,716	58,885	69,316	59,185
Acquisition of Data[1]	....	....	16,495	....	18,200
TOTAL, NOS	175,301	189,506	182,660	197,231	204,202
NATIONAL MARINE FISHERIES SERVICE:					
Information Collection & Analyses:					
Resource Information	83,171	95,285	87,000	98,513	91,330
Antarctic research	1,200	1,200	1,200	1,200	1,200
Chesapeake Bay Studies	1,500	1,500	1,890	1,500	1,890
Right whale research	200	200	200	300	250
MARFIN	3,000	3,000	3,000	3,000	3,000
SEAMAP	1,200	1,200	900	1,200	1,200
Alaskan groundfish surveys	661	661	661	661	661
Bering Sea pollock research	945	945	945	945	945
West Coast groundfish	780	780	780	780	780
New England stock depletion	1,000	1,000	1,000	1,000	1,000
Hawaii stock management plan	500	....	....	500	500
Yukon River chinook salmon	700	700	700	700	700
Atlantic salmon research	710	710	500	710	710
Gulf of Maine groundfish survey	567	567	567	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Habitat research/evaluation	450	450	450	450	450
Pacific salmon treaty program	5,587	5,587	5,000	5,587	5,587
Fisheries Cooperative Institute	410	410	410	410	410
Hawaiian monk seals	500	500	....	520	500
Stellar sea lion recovery plan	1,440	1,440	1,440	1,770	1,770
Hawaiian sea turtles	240	240	....	248	248
Bluefish/Striped Bass	....	....	785	....	785
Halibut/Sablefish	1,200	1,200	1,200	1,200	1,200
Gulf of Mexico Mariculture	....	....	300	....	300
Subtotal	107,461	117,825	109,178	122,011	116,233
Fishery Industry Information:					
Fish statistics	13,000	13,481	13,000	14,000	13,000
Alaska groundfish monitoring	5,200	5,200	5,200	5,400	5,200
PACFIN/catch effort data	3,000	3,000	3,000	3,000	3,000
Rec. fishery harvest monitoring	2,900	2,900	2,900	3,900	3,400
Subtotal	24,100	24,581	24,100	26,300	24,600
Information Analyses & Dissemination	20,913	21,471	18,400	21,500	20,900
Computer hardware and software	4,000	4,000	4,000	4,000	4,000
Subtotal	24,913	25,471	22,440	25,500	24,900
Total, Info., Collection & Analyses	156,474	167,877	155,678	173,811	165,733
Conservation and Management Operations:					
Fisheries Management Programs	19,500	25,597	18,000	26,100	22,000
Columbia River hatcheries	10,300	10,300	9,000	10,955	10,955
Columbia River end species studies	288	288	144	288	288
Regional councils	10,200	10,200	9,500	10,500	10,200
International fisheries commissions	400	400	400	400	950
Management of George's Bank	478	478	478	478	478
Beluga whale committee	200	....	200	200	200
Pacific tuna management	1,500	1,500	1,500	1,900	1,900
Subtotal	42,866	48,763	39,222	50,821	46,971
Protected Species Management	6,225	6,750	5,000	6,500	5,700
Driftnet Act implementation	3,278	3,278	2,500	3,278	3,278
Marine Mammal Protection Act	9,000	10,250	8,000	10,250	9,125
Endangered Species Act recovery plan	13,000	14,800	13,000	14,800	13,500
Fishery observer training	417	....	417	417	417
East Coast observers	350	350	350	350	350
Subtotal	32,270	35,428	29,267	35,595	32,370
Habitat Conservation	8,000	10,300	8,000	10,300	8,000
Enforcement & Surveillance	15,800	17,790	15,800	17,700	16,500
Total, Conservation and Mgmt. Opns	98,936	112,281	92,289	114,416	103,841
State and Industry Assistant Programs:					
Interjurisdictional fisheries grants	2,600	2,600	2,000	2,600	2,600
Anadromous grants	2,108	2,108	1,000	2,108	2,108
Anadromous fishery project	250	250	....	250	....
Interstate fish commissions	4,000	4,000	4,000	5,700	5,000
Subtotal	8,958	8,958	7,000	10,658	9,708

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 1997 BUDGET—Continued

[Dollars in thousands]

	Fiscal year 1996 appropriation	Fiscal year 1997—			
		Request	House	Senate	Conference
Fisheries Development Program:					
Product quality and safety/Seafood Inspection	14,624	14,624	14,000	14,624	14,624
Hawaiian Fisheries Development	750			750	750
Marine Biotechnology	1,900	1,900		1,900	1,900
Subtotal	17,274	16,524	14,000	17,274	17,274
Total, State & Industry Assist. Progs.	26,232	25,482	21,000	27,932	26,982
Acquisition of Data[1]			29,940		26,840
TOTAL, NMFS	281,642	305,640	298,907	316,159	323,396
OCEANIC AND ATMOSPHERIC RESEARCH:					
Climate and Air Quality Research:					
Interannual & Seasonal/Climate & Global	65,500	76,712	67,000	73,500	68,000
GLOBE		7,000		7,000	6,000
Subtotal		83,712	67,000	80,500	74,000
Long-Term Climate & Air Quality Research	27,272	29,402	27,272	29,402	28,372
VENTS	2,500				
High Performance Computing	6,500	9,567	6,500	9,000	7,500
Subtotal	36,272	38,969	33,772	38,402	35,872
Total, Climate and Air Quality	101,772	122,681	100,772	118,902	109,872
Atmospheric Programs:					
Weather Research	33,613	33,905	33,613	33,613	33,613
Wind profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	37,963	38,255	37,963	37,963	37,963
Solar/Geomagnetic Research	5,483	5,511	5,219	5,493	5,493
Total, Atmospheric Program	43,446	43,766	43,182	43,456	43,456
Ocean and Great Lakes Programs:					
Marine Prediction Research	10,226	9,608	10,608	12,151	15,651
GLERL	5,200	5,200	5,200	5,200	5,200
Great Lakes Sea Lampricide			4,099	4,099	
VENTS		2,500		2,500	
Subtotal	15,426	17,308	19,907	23,950	20,851
Sea Grant:					
Sea grant college program	53,300	48,793	53,300	55,300	54,300
Subtotal	53,300	48,793	53,300	55,300	54,300
National Undersea Research Program	12,000			14,900	12,000
Subtotal	12,000			14,900	12,000
Total, Ocean & Great Lakes Programs	80,726	66,101	73,207	94,150	87,151
Acquisition of Data[1]			14,665		12,690
TOTAL, OAR	225,944	232,548	231,826	256,508	253,169
NATIONAL WEATHER SERVICE:					
Operations and Research:					
Local Warnings and Forecasts	405,300	399,020	387,020	392,337	390,000
Radiosonde replacement		4,255		4,255	1,500
Susquehanna River Basin Flood Sys	669	669	1,000	1,000	1,000
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Regional climate centers	2,000		2,000	2,000	2,000
Subtotal	443,565	439,540	425,616	435,188	430,096
Central Forecast Guidance	28,193	29,543	28,193	29,543	28,700
Atmospheric and Hydrological Research	2,000	2,589	2,000	2,589	2,000
Total, Operations and Research	473,758	471,672	455,809	467,320	460,796
Systems Acquisition; Public Warning and Forecast Systems:					
NEXRAD	53,335	53,145	53,145	53,145	53,145
ASOS	16,952	10,056	10,056	10,056	10,056
AWIPS/NOAAPort	50,000	119,800	100,000	100,000	100,000
Computer Facility Upgrades	12,000	15,993	14,000	15,993	14,000
Total, Systems Acquisition	132,287	198,994	177,201	179,194	177,201
TOTAL, NWS	606,045	670,666	633,010	646,514	637,997
NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE:					
Satellite Observing Systems:					
Polar spacecraft and launching	174,765	147,644	147,300	147,644	147,300
Polar convergence/IPO	39,500	78,200	19,000	29,000	29,000
Geostationary spacecraft and launching	153,106	205,922	171,480	191,922	171,480
Ocean remote sensing	4,000	1,552		6,000	4,000
Environmental observing services	49,000	53,615	49,000	52,600	51,000
Total, Satellite Observing Systems	430,371	486,933	386,780	427,166	402,780
Environmental Data Management Systems	29,865	30,098	30,002	27,515	30,002
Data and Information Services	11,300	14,800	14,800	11,300	14,800
Total, EDMS	41,165	44,898	44,802	38,815	44,802
Undistributed Reduction			(5,685)		
TOTAL, NESDIS	471,536	531,831	425,897	465,981	447,582
PROGRAM SUPPORT:					
Administration and Services:					
Executive direction and administration	20,000	19,512	17,520	19,500	19,200
Systems Program Office (SPO)	1,500	1,497	1,497	1,497	1,497
Subtotal	21,500	21,009	19,017	20,997	20,697
Central Administrative Support	33,000	35,573	31,000	35,500	33,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 1997 BUDGET—Continued

[Dollars in thousands]

	Fiscal year 1996 appropriation	Fiscal year 1997— Request	House	Senate	Conference
Retired Pay Commissioned Officers	7,706	8,112	7,706	8,112	8,000
Total, Administration and Services	62,206	64,694	57,723	64,609	61,697
Marine Services [2]	61,100	56,292	....	56,292	....
Aircraft Services	9,153	10,182	9,153	10,182	10,000
Total, Aircraft Services	9,153	10,182	9,153	10,182	10,000
TOTAL, PS	132,459	131,168	66,876	131,083	71,697
Direct Obligations	1,892,927	2,061,539	1,839,176	2,013,476	1,938,043
Reimbursable Obligations	309,715	310,515	313,515	313,515	313,515
New offsetting collections (data sales)	....	1,200	1,200	1,200	1,200
Anticipated Collections	3,000	3,000	3,000	3,000	3,000
Subtotal—Reimbursables	312,715	314,715	317,715	317,715	317,715
TOTAL OBLIGATIONS	2,205,642	2,376,074	2,156,891	2,331,191	2,255,758
FINANCING:					
Deobligations	(29,000)	(13,800)	(29,000)	(13,800)	(14,000)
Fish Fees	....	(10,000)	....	....	....
Unobligated balance transferred, net	(2,650)	....	....	....	....
Federal Ship Financing Fund expenses	(1,700)	....	(1,700)	(1,700)	(1,700)
New offsetting collections (data sales)	....	(1,200)	(1,200)	(1,200)	(1,200)
Anticipated offsetting collections	(3,000)	(3,000)	(3,000)	(3,000)	(3,000)
Federal funds	(272,207)	(282,500)	(282,500)	(282,500)	(282,500)
Non-federal funds	(37,508)	(31,015)	(31,015)	(31,015)	(31,015)
SUBTOTAL—FINANCING	(346,065)	(341,515)	(348,415)	(333,215)	(333,415)
BUDGET AUTHORITY	1,859,577	2,037,559	1,808,476	1,997,976	1,922,343
FINANCING FROM:					
Promote and devleop American fisheries	(63,000)	(61,068)	(68,000)	(62,000)	(66,000)
Damage assessment & restoration revolving fund	(3,900)	(5,276)	(5,276)	(5,276)	(5,276)
	=	=	=	=	
APPROPRIATION, ORF	1,792,677	1,971,215	1,735,200	1,930,700	1,851,067

[1] Funding for this item previously appeared under Marine Services in Program Support.

[2] Funding for this item appears under Acquisition of Data in NOS, NMFS, and OAR.

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $204,202,000 under this account for the activities of the National Ocean Service. In addition, the conference agreement adopts changes proposed by the House to reorder and rename certain activities under NOS to more clearly identify their functions.

Mapping and Charting.—The conference agreement provides $38,000,000 for NOAA's mapping and charting programs for the purposes as described in the House report. The conferees continue their direction included in the fiscal year 1996 conference report that no funds available to NOAA should be used to procure equipment that replaces or modernizes NOAA's in-house measurement capabilities when similar services may be obtained by contract through the private sector.

Coastal Ocean Program.—The conference agreement provides $15,200,000 for the Coastal Ocean Program. The conference agreement adopts the recommendation included in the House report regarding efforts to respond to the algae bloom in the Peconic Estuary system and adjacent Long Island waters, as well as the Gulf of Mexico waters. In addition, within the increase provided, the conference agreement recommends that the Coastal Ocean Program managers initiate a national harmful algal bloom program focused on the causes and different types of blooms, and long-term strategies for examining and alleviating them. Further, the conference agreement includes support for the high-salinity estuary activities as directed in the Senate report. Further, the conferees recommend a moderate portion of the increase provided for COP to be used for restoration of the South Florida ecosystem, but encourage NOAA to consolidate these activities within existing programs whenever possible. In addition, the conferees would support funding for this activity from within NMFS.

Coastal Zone Management Program.—The conference agreement includes $46,200,000 for CZM program grants. An additional $1,300,000 is provided for the National Estuarine Research Reserve program, in addition to $3,000,000 provided under the Coastal Zone Management Fund described later in this report.

Marine Sanctuary Program.—The conference agreement includes $11,685,000 for the National Marine Sanctuary Program. The conferees direct that no user fees be imposed with respect to the Hawaiian Islands National Humpback Whale Sanctuary.

Other.—Within the amounts provided for geodesy, the conference agreement includes $500,000 for continuation of geodetic survey work as described in the Senate report, and adopts the recommendations in the House report concerning the completion of the multipurpose land information system project. The conferees expect NOAA to provide a report within 30 days of enactment of the accompanying Act on its plans to implement this guidance.

Within the amounts provided for tide and current data, $1,500,000 is provided for a one-time effort to establish a national coastal data center as identified in the Senate report.

Within the amounts provided for ocean assessment, the conference agreement includes a total of $12,000,000 for NOAA's Coastal Services Center, including activities related to coastal hazards research and defense technology as provided in the Senate report. In addition, the conference agreement provides $2,700,000 as described in the Senate report for research efforts to apply innovative technologies to the monitoring, management, and prevention of contamination of estuaries and coastal waters.

Within the amounts provided for acquisition of data under the National Ocean Service, the conference agreement includes $1,705,000 for operation of the RONALD H. BROWN in fiscal year 1997 in accordance with the direction included in the Senate report.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $323,396,000 for the National Marine Fisheries Service.

The conference agreement provides $91,330,000 for fisheries resource information. Within the funds provided, the conference agreement adopts the recommendations included in the Senate report with respect to experimental by-catch research, MARMAP, research related to rehabilitation of Gulf Coast fisheries, red drum research and research related to pollution and depletion of stocks in the Narragansett Bay. In addition, the conference agreement provides $5,200,000 for Alaska groundfish to be allocated per the distribution in the Senate report, and $1,770,000 for Stellar Sea Lion recovery plans in accordance with the direction included in the Senate report.

Within the funds provided for Fishery Industry Information, the conference agreement provides $3,400,000 for recreational fishery harvest monitoring to be expended in accordance with the direction included in the Senate report.

The conference agreement includes $22,000,000 for fisheries management programs. Within the amounts provided, the conference agreement includes funding at levels recommended in the Senate report for the Alaska Native Harbor Seal Commission, the Advisory Committee to the International Convention for the Conservation of the Atlantic Tuna, and pelagic fisheries research and management. The conference agreement also provides $10,955,000 for Mitchell Act hatchery programs, including $655,000 for mass marking of Mitchell Act hatchery salmon, and concurs with the Senate Report regarding these programs and regarding NMFS staffing needs in the Northwest. Within the amounts provided for international fisheries commissions, the conference agreement provides $450,000 for the Arctic Council Sustainable Development Secretariat.

Within the funds provided for protected species management, the conferees expect that no reductions will be taken against field activities.

In addition, the conference agreement adopts the recommendations included in the House report regarding the funding and direction for sea turtle protection except that the sea protection activities at Rancho Nuevo shall also include the implementation of tagging all of the released hatchlings to improve data on survivability, and the implementation of a Kemp's Ridley headstart program in Mexico. The conferees also concur in the direction included in the House report regarding See Turtle/Shrimp Fishery Response Plan activities. In addition, the conferees reiterate the previous direction provided to NOAA that NOAA and NMFS provide an independent peer review of the NMFS November 14, 1994 and subsequent Biological Opinions on sea turtle conservation. The conferees direct NMFS and the Department not to decertify any turtle excluder devices until every effort has been made, working with industry and others, to improve or modify existing devices to increase turtle escapement. The conference agreement assumes that funds will be made available under Resource Information and other NMFS programs to enable an independent entity to collect and assess data on catch effort and by-catch in the shrimp fishery. This independent effort shall provide site-to-site and long term information regarding the relative abundance of sea turtles, and NMFS may use its authority to provide scientific exemption permits to collect shrimp trawl by-catch data in non-turtle excluder device equipped trawls. The conferees reiterate the funding direction provided in fiscal year 1996 for the establishment of a systematic stranding monitoring program and direct that these funds be used to establish a scientifically sound program based on transect survey techniques that will provide data suitable for analytical stock assessments.

Within the funds provided for the Marine Mammal Protection Act, the conference agreement adopts recommendations specified in the Senate report, and includes $100,000 for data collection regarding bowhead whales in the North Slope Borough.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $253,169,000 for Oceanic and Atmospheric Research activities.

Interannual and seasonal climate research.—The conferees have provided $68,000,000 for interannual and seasonal climate research under the structure proposed by the House, of which $60,000,000 is to continue the basic Climate and Global Change program. The remaining $8,000,000 is to carry out the base interannual and seasonal research programs. The increases are provided in accordance with the direction included in the House report.

The conference agreement provides $6,000,000 for the Global Learning to Benefit the Environment (GLOBE) program; instead of no funding as proposed by the House, and $7,000,000 as proposed in the Senate-reported bill.

Marine prediction research.—The conference agreement provides $15,651,000 for marine prediction research. Within this amount, the Arctic Research Initiative is to be funded according to the House report, and the tsunami mitigation, Lake Champlain and VENTS programs are to be funded according to direction in the Senate report.

GLERL.—Within the $5,200,000 provided for the Great Lakes Environmental Research Laboratory, the conferees expect NOAA to continue to support the Great Lakes nearshore research and GLERL zebra mussel research programs.

Sea grant.—The conferees have included $54,300,000 for the National Sea Grant program, and expect NOAA to continue to fund oyster disease research, zebra mussel research and the National Coastal Research and Development Institute within these amounts. The conferees continue to urge NOAA to fund proposals related to the Vibrio vulnificus issue and the education of at-risk consumers regarding raw molluscan shellfish.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $637,997,000 for the National Weather Service.

The amount provided includes $390,000,000 for local warnings and forecasts, including the staffing related to the modernization of the weather service, data buoy maintenance, and Pacific and Alaska regional headquarters.

The conferees direct that any reductions required be applied to the operations and staffing levels at NWS central headquarters in the national capital area, and adopt the directive included in the House report that NWS submit a streamlining plan for such reductions not later than November 1, 1996. The conference agreement adopts the direction in the House report regarding notification prior to NWS office closures. In addition, the conference agreement includes the House recommendation regarding radiosonde replacement.

The conference agreement provides the full request for acquisition of the next-generation radar (NEXRAD) and the automated surface observing system (ASOS), including funding for the three additional NEXRADs identified as necessary in the Secretary's report concerning the adequacy of coverage, and the conferees encourage NOAA to have such equipment in place and operational prior to the 1997 tornado season.

The conferees remain concerned about gaps in coverage provided by NOAA Weather Radio in eastern Kentucky and Kansas. NOAA is directed to promptly update its 1994 study of radio coverage and provide recommendations for the placement of additional or upgraded transmitters by March 30, 1997. NOAA is further directed to immediately implement recommendations of the 1994 study by placing 1000 watt transmitters at Ezel, Pineville, and Pikeville, Kentucky.

Advanced Weather Interactive Processing Systems (AWIPS).—The conferees are extremely concerned about the AWIPS program. The AWIPS program has been plagued by cost growth, scheduling delays, management changes, and slow technical progress. The conferees remind NOAA that the original plans estimated a total cost at completion of $350,000,000. Earlier this year, the Administrator of NOAA testified to the House Science Committee that the estimated cost at completion (EAC) for the program was $525,000,000 and that the AWIPS program could be operated under such a cost cap. The conferees note that Congress, through the end of fiscal year 1996, will have already invested $261,335,000 in the AWIPS program. Therefore, the conferees direct the AWIPS program to be delivered within the $525,000,000 EAC, and put NOAA on notice that additional resources will not be available should NOAA fail to deliver the system within the current $525,000,000 cost estimate.

Further, the conferees continue to have reservations about NOAA's current plan to make the final production decision on full-scale deployment of AWIPS in September 1996. The conferees agree with the Department of Commerce Inspector General and believe that sufficient operational testing of the system must occur prior to the final decision being made for full scale deployment. The conferees note that a small delay in the final production decision would not impede the ability of NWS to complete deployments scheduled in fiscal year 1997. Therefore, the conferees believe the most prudent course would be for the NWS and the Department to delay such decisions until additional operational testing has been completed.

Therefore, the conference agreement provides $100,000,000 for the AWIPS program, a 100 percent increase over the current fiscal year, an amount sufficient to enable a two year deployment of the system within a $525,000,000 total EAC for the program. The conference agreement adopts the directives included in the House report directing NOAA to submit a reprogramming in accordance with section 605 of the accompanying Act prior to the expenditure of funds for full-scale acquisition and deployment of the system. Such reprogramming should include a certification by the Secretary of Commerce to address the criteria specified in the House report, with the following modification: the cost to complete development, acquisition and deployment of the AWIPS through build six and associated activities, including program management and operations and maintenance through completion of deployment will not exceed $263,665,000.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $447,582,000 for NOAA's satellite and data management programs.

The conference agreement includes $44,802,000 for environmental data management systems within the amount provided for NESDIS in accordance with the recommendations included in the House report.

The conference agreement includes $29,000,000 for the interagency program office to converge the NOAA and Department of Defense (DOD) polar satellite convergence programs. The funding level provided meets the revised estimate of need for this fiscal year and was agreed upon jointly by NOAA and DOD. The conferees continue to assume that NOAA and DOD will share equally the costs for all common activities for this program. Further, the conferees expect NOAA to report to them should any additional revisions to the program be contemplated.

In addition, the conferees encourage NESDIS to work closely with the national coastal data center discussed under the National Ocean Service.

PROGRAM SUPPORT

The conference agreement provides $71,697,000 for NOAA program support.

Marine services.—The conference agreement adopts the House recommendation to eliminate the Marine Services account and to provide funding for these activities directly to the line offices. This matter is further discussed elsewhere in this title. In addition, the conference agreement adopts the Senate position regarding the new oceanographic research vessel, the RONALD H. BROWN, coming online in fiscal year 1997. The vessel will be homeported at the NOAA Coastal Services Center as proposed by NOAA, and operational funds have been included under NOS data acquisition.

Coastal Zone Management Fund

The conference agreement includes an appropriation of $7,800,000, as provided in both the House bill and the Senate-reported bill, from the Coastal Zone Management Fund for the purposes designated in both bills. The conference agreement allocates these funds as follows: $4,300,000 for program administration, $500,000 for State development grants, and $3,000,000 for the National Estuarine Research Reserve Program. The conference agreement provides an additional $1,300,000 in direct appropriations under the NOAA Operations, Research, and Facilities account for the National Estuarine Research Reserve Program.

CONSTRUCTION

The conference agreement includes a total of $58,250,000 for the NOAA Construction account, instead of $36,000,000 as proposed in the House bill and $58,000,000 as proposed in the Senate-reported bill. The conference agreement provides these funds for the purposes described in the following paragraphs.

The Conference agreement provides $2,000,000 for general facilities maintenance, $1,750,000 for the Sandy Hook lease, $2,000,000 for environmental compliance, and $2,000,000 for above-standard costs at the Boulder laboratory.

The conference agreement includes a total of $12,000,000 for weather forecast office (WFO) construction, including $2,000,000 for the construction costs of WFO/Center for Environmental Studies and Management in Albany, New York. In addition, the conference agreement includes $1,000,000 for WFO maintenance.

The conference agreement provides $4,700,000 for Columbia River facilities.

The conference agreement includes $2,000,000 for NMFS Honolulu laboratory renovations, $3,500,000 for the Newport Science Center renovation and expansion, $5,000,000 to complete the NMFS Southeast laboratory project, and $6,000,000 for the NMFS Juneau laboratory.

In addition, the conference agreement designates $8,500,000 for construction and related expenses for an environmental technology facility in New Hampshire.

As provided by both the House and Senate, the conference agreement includes $5,000,000 for Pribilof Island cleanup. In addition, $1,000,000 is provided for National Estuarine Research Reserves construction.

Fleet Modernization, Shipbuilding and Conversion

The conference agreement includes $8,000,000 for the NOAA Fleet Modernization account, as provided in the Senate-reported bill, instead of $6,000,000 as provided in the House bill. The conference agreement provides funding for necessary maintenance costs as well as funds to complete the outfitting of the oceanographic vessel scheduled to come on line in fiscal year 1997. This matter is further addressed elsewhere in this title under the NOAA Operations, Research and Facilities account. In addition, the conference agreement contains language included in section 612 further clarifying the uses of these funds.

Fishing Vessels and Gear Damage Compensation Fund

The conference agreement includes $200,000 for an appropriation to the Fishing Vessel and Gear Damage Fund as provided in both the House bill and the Senate-reported bill.

Fishermen's Contingency Fund

The conference agreement includes $1,000,000 for the Fishermen's Contingency Fund, as provided in both the House bill and the Senate-reported bill.

Foreign Fishing Observer Fund

The conference agreement includes $196,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House bill and Senate-reported bill.

Fishing Vessel Obligations Guarantees

The conference agreement provides $250,000 in subsidy amounts for Fishing Vessel Obligations Guarantees as proposed by the House bill and the Senate-reported bill.

General Administration

SALARIES AND EXPENSES

The conference agreement includes $28,490,000 for the general administration of the Commerce Department, instead of $27,400,000 as provided in the House bill and $29,100,000 as provided in the Senate-reported bill. The conferees are concerned that disproportionate reductions have been taken against the Departmental support functions. Therefore, the conferees expect that any further reductions necessary will be taken from Executive Direction, and expect the Department to submit a plan for meeting the reductions assumed in the bill in accordance with section 605 of this Act.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $20,140,000 for the Commerce Department Inspector General, instead of $19,445,000 as proposed in the House bill and $20,849,000 as proposed in the Senate-reported bill.

National Institute of Standards and Technology

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

The conference agreement includes a rescission of $16,000,000 from the NIST Construction account, instead of $31,800,000 as proposed in the Senate-reported bill. This rescission of $16,000,000 reduces the carryover appropriation under this account to $27,600,000. Uses of these remaining funds are addressed in the description of the fiscal year 1997 appropriation under this account.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

The conference agreement includes a rescission of $20,000,000 from the NOAA Operations, Research and Facilities account, instead of $10,000,000 as proposed in both the House and Senate-reported bills. This rescission is derived from balances no longer required in the NOAA satellites programs due to re-estimates of program needs.

General Provisions—Department of Commerce

The conference agreement includes the following general provisions for the Department of Commerce:

SEC. 201.—The conference agreement includes section 201, identical in both the House and Senate versions of the bill, regarding certifications of advanced payments.

SEC. 202.—The conference agreement includes section 202, identical in both the House and Senate versions of the bill, allowing funds to be used for hire of passenger motor vehicles.

SEC. 203.—The conference agreement includes section 203, identical in both the House and Senate versions of the bill, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

SEC. 204.—The conference agreement includes section 204, identical in both the House and Senate versions of the bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers.

SEC. 205.—The conference agreement includes section 205, identical in both the House and Senate versions of the bill, regarding transfer authority between Commerce Department appropriation accounts.

SEC. 206.—The conference agreement includes section 206, identical in both the House and Senate-reported versions of the bill, providing for the notification of the House and Senate committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce.

Sec. 207.—The conference agreement includes section 207, identical in both the House and Senate-reported versions of the bill, requiring that any costs related to personnel actions incurred by a Department or agency funded in title II of the accompanying Act, be absorbed within the total budgetary resources available to such Department or agency.

Sec. 208.—The conference agreement includes a modified general provision, similar to language included in the House and Senate bills, permanently prohibiting funds to develop or implement new individual fishing quota programs, whether such quota are transferable or not, until offsetting fees to pay for the cost of administrating such quotas are authorized. The modified provision also clarifies the application of this provision to certain fisheries.

Sec. 209.—The conference agreement includes section 209, included in the House bill and in the fiscal year 1996 appropriations Act, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act. The Senate bill contained no similar provision.

Sec. 210.—The conference agreement includes section 210, identical in both the House and Senate-reported versions of the bill, establishing a working capital fund in the Bureau of the Census to be available without fiscal year limitation.

The conference agreement does not include a new section, included in the Senate-reported bill, prohibiting the Department of Commerce from developing, implementing or collecting any user fees for any activity within the Hawaiian Islands National Humpback Whale Sanctuary. However, this matter is addressed elsewhere in the Statement of Managers of the Committee of Conference under the National Oceanic and Atmospheric Administration Operations, Research and Facilities account. The House bill contained no provision on this matter.

Sec. 211.—The conference agreement includes a new provision, not in either the House or Senate-reported bills, renaming the "Magnuson Fishery Conservation and Management Act" as the "Magnuson-Stevens Fishery Conservation and Management Act".

TITLE III—THE JUDICIARY

Supreme Court of the United States

SALARIES AND EXPENSES

The conference agreement includes $27,157,000 for the salaries and expenses of the Supreme Court as provided in both the House and Senate-reported bills.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $2,800,000 for the Supreme Court Care of the Buildings and Grounds account, compared with $2,490,000 as proposed in the House bill and $3,100,000 as proposed in the Senate-reported bill. No funding is provided for the Schematic Systems Study in this fiscal year requested in the budget, and the balance of the reduction from the request is to be taken from funding requested for staff, to bring funding in line with actual on-board staffing levels.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $15,013,000 for the U.S. Court of Appeals for the Federal Circuit as proposed by the House and the Senate-reported bills.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $11,114,000 for the U.S. Court of International Trade as provided in both the House and Senate-reported bills.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $2,566,000,000 for the salaries and expenses of the Federal Judiciary, instead of $2,538,956,000 as proposed in the House bill and $2,578,646,000 as proposed in the Senate-reported bill. This includes $10,000,000 provided for increased workload associated with the Antiterrorism and Effective Death Penalty Act of 1996 and Court Security needs. Funding for these purposes was not considered by either House, and is provided in response to the Administration's budget amendment submitted on September 12, 1996.

Including amounts provided under the Violent Crime Reduction Trust Fund, addressed below, the total amount available in this conference agreement for the salaries and expenses of the courts is $2,596,000,000 rather than $2,568,956,000 as proposed in the House bill and $2,608,646,000 as proposed in the Senate-reported bill.

In addition to these appropriated resources, there is likely to be available at least $121,000,000 in carryover, $115,000,000 in current year fees and $15,000,000 from prior year funding no longer needed for the original purpose. As a result, a total of at least $2,847,000,000 will be available for the salaries and expenses of the Judiciary in fiscal year 1997.

Within the overall funding available for fiscal year 1997, the conferees expect the Judiciary to fund its highest program priorities, including additional magistrate judges to eliminate existing backlogs in caseloads, and bankruptcy personnel to address the record number of bankruptcy filings currently taking place.

The conference agreement provides that within the total provided, $500,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals, subject to authorization of the Commission. The Senate-reported bill proposed this transfer of $500,000, but did not make it subject to authorization of the Commission. Instead, the Senate-reported bill included the authorization for the Commission under section 307. The conference agreement does not include section 307, due to the expectation that legislation authorizing the Commission will be moved separately. The conference agreement includes a change in the heading of this account, as proposed in the Senate-reported bill, to indicate that this account contains a transfer of funds. The House bill contained no provision on this matter.

The conference agreement also appropriates $2,390,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in both the House and Senate-reported bills.

Optimal utilization of judicial resources.—The conferees believe that the review underway within the Judiciary to review the optimal utilization of judicial resources, in response to the fiscal year 1996 House and Conference reports accompanying the fiscal year 1996 appropriations Act, has the capability to make important contributions to ensure that the Judiciary operates in the most efficient and cost-effective manner and expect the language in the House report accompanying H.R. 3814 to be followed.

Violent crime reduction trust-fund.—The conference agreement includes an appropriation of $30,000,000 from the Violent Crime Reduction Trust Fund, the same amount provided in the House and Senate-reported bills. The conferees intend that these funds be used to offset workload requirements of the Federal Judiciary related to the Violent Crime Control and Law Enforcement Act of 1994.

DEFENDER SERVICES

The conferees have included $308,000,000 for the Federal Judiciary's Defender Services account, instead of $297,000,000 as proposed in the House bill and $311,900,000 as proposed in the Senate-reported bill. The amount provided is for the operation of Federal public defender and community defender organizations and the compensation, reimbursement, and expenses of attorneys appointed to represent persons under the Criminal Justice Act, as amended. If additional funds are required, funding provided to the Judiciary under the Violent Crime Reduction Trust Fund and fee carryover is available by transfer, and funding for increases in workload and costs related to the Antiterrorism and Effective Death Penalty Act of 1996 is available as a result of the $10,000,000 provided under the Salaries and Expenses account.

The conferees are concerned about the rapidly rising costs in this account, and believe that the Administrative Office of the Courts needs to move as quickly as possible to understand the reason for these increases and to take such steps as may be advisable to moderate the rate of increase. Because the costs of the existing program have been rising so rapidly, sufficient funds are not available to provide an increase in the rate for panel attorneys, excluding the increase provided in fiscal year 1996, and so funding for this purpose has not been provided. Funding of new defender organizations, in addition to any that have already been proposed, should be considered only after it is clear that sufficient funding is available for the costs of existing organizations.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $67,000,000 for Fees of Jurors and Commissioners, instead of $66,000,000 as proposed in the House bill and $68,083,000 as proposed in the Senate-reported bill.

COURT SECURITY

The conference agreement includes $127,000,000 for the Federal Judiciary's Court Security account as proposed by the Senate instead of $131,000,000 as proposed by the House. The Senate-reported bill included an additional $4,000,000 by transfer from the Counterterrorism Fund under the Department of Justice. The conferees expect that an additional $4,000,000 will be available for court security from within the $10,000,000 provided within the Salaries and Expenses account for increases in workload and costs related to the Antiterrorism and Effective Death Penalty Act of 1996.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $49,450,000 for the Administrative Office of the United States Courts, instead of $48,500,000 as provided in the House bill and $50,900,000 as provided in the Senate-reported bill. Funding is provided for staffing at the current services level. The conferees assume that additional financial resources of $1,080,000 in fee carryover, $6,065,000 in new fee collections, and $212,000 in Independent Counsel funding will be available for the operations of the Administrative Office.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $17,495,000 for the fiscal year 1997 salaries and expenses of the Federal Judicial Center, as proposed in the House bill, instead of $17,914,000 as proposed in the Senate-reported bill. The conferees applaud the Federal Judicial Center for the efforts underway to increase the use of video-conferencing and other innovative methods of education and training, and intend that reductions be reflected in travel costs.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes $30,200,000 for payment to the various Judicial retirement funds as provided in both the House and Senate-reported bills.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conferees have included $8,490,000 for the U.S. Sentencing Commission, instead of $8,300,000 as provided in the House bill, and $8,867,000 as provided in the Senate-reported bill. The conferees understand that the Commission has available to it at least $800,000 in carryover, which will provide an operating level in fiscal year 1997 of $9,290,000.

THE JUDICIARY

GENERAL PROVISIONS

Sec. 301.—The conference agreement includes section 301 as provided in both the House and Senate-reported bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes section 302 as provided in both the House and Senate-reported bills which allows appropriations to be available to the Special Court established under the Regional Rail Reorganization Act of 1973.

Sec. 303.—The conference agreement includes section 303, included in both the House and Senate-reported bills, providing the Judiciary with the authority to transfer funds between appropriations accounts. The conference agreement includes language exempting the Judiciary's Defender Services and Fees of Jurors and Commissioners account from the 10 percent increase ceiling set by this provision.

Sec. 304.—The conference agreement includes section 304, identical in both the House and Senate-reported versions of the bill, allowing up to $10,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

Sec. 305.—The conference agreement includes section 305, as proposed in both the House and Senate-reported bills, which provides a one-year extension to September 30 1998 of the authorization for Judiciary Automation Fund.

Sec. 306.—The conference agreement includes section 306, as proposed in the Senate-reported bill, which clarifies that the Judiciary bear the cost only of special master appointed subsequent to the enactment of the Prison Litigation Reform Act passed as part of the fiscal year 1996 Omnibus Appropriations Act. The House bill contained no similar provision.

Sec. 307.—The conference agreement includes section 307, which was not provided in either the House or Senate-reported bill, to name the United States courthouse in Medford, Oregon, as the James A. Redden Federal Courthouse.

The conference agreement does not contain section 307, as proposed in the Senate-reported bill, which authorizes the establishment of a commission to study the structure and alignment of the Federal Courts of Appeals. The House bill contained no similar provision. Under the "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" account, $500,000 has been provided to fund this commission, subject to enactment of legislation authorizing the commission.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRARION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $1,725,300,000 for Diplomatic and Consular Programs. This amount includes: a direct appropriation of $1,700,450,000, the same as the amount in the Senate-reported bill, instead of $1,691,000,000 as proposed in the House bill; $450,000 from the reserve fund for the International Center, as provided in both the House and Senate-reported bill; $700,000 to be derived from registration fees, as provided in both the House and the Senate-reported bill; and $23,700,000 for increased security overseas, designated as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, which is described in more detail below, and which is provided in response to the antiterrorism budget amendment submitted by the Administration on September 12, 1996. The Senate-reported bill included $8,400,000 for security enhancements at overseas posts in the Counterterrorism Fund under the Department of Justice.

The conferees agree that the language in both the House and Senate reports under this heading is to be followed in expending fiscal year 1997 funds, with the following exceptions: the Arctic Council Sustainable Development Secretariat is addressed in this conference report under the National Oceanic and Atmospheric Administration; funding is included for the continuation of the National law Center for Inter-American Free Trade; and the International Telecommunications Union Conference funding is intended to be addressed as provided in the House report. Funding for this Conference will be addressed only after the State and Commerce Departments have exhausted every potential source of private financing to assure that the costs of this international conference are not borne by the taxpayer.

The conference agreement includes language that was included in both the House and Senate-reported bills requiring that in fiscal year 1998, a system be in place that allocates to each department and agency the full costs of its presence outside the United States. The conferees direct that the new International Cooperative Administrative Support Services (ICASS) system is to be implemented in fiscal year 1998, and intend that the Department of State, the Office of Management and Budget and all agencies with a presence overseas cooperate to make this happen. The Office of Management and Budget is directed to ensure that the fiscal year 1998 budget submission for each Federal agency include the cost of its overseas presence in accordance with ICASS.

Security Enhancements. The conference agreement provides $23,700,000, to be available until expended, to improve the security of U.S. diplomatic facilities and increases the protection of personnel overseas. This is the amount requested in the budget amendment submitted on September 12, 1996. The funding is provided for the following:

$12,352,000 is provided for overseas physical security support, including local guards, residential security upgrades, fully and lightly armored vehicles, public access control equipment, and special protective equipment;

$6,800,000 is provided for overseas technical security support, including electronic security equipment, increased maintenance of security equipment overseas, strengthened Seabees and security engineering support, and explosive detection equipment;

$500,000 for training; and

$4,048,000 for security positions, including 53 positions in the Gulf Region.

The conferees believe that all necessary steps should be taken to protect Americans working overseas. The conferees recommend that the Department take into consideration off-the-shelf security technology that has been approved and tested by the Department of Justice, Department of State, and the Department of Defense. Such technological enhancements as security barriers, security film, improved intelligence communications, and security scanning devices have been shown to greatly decreased the vulnerability, improve initial safety, and decrease the level and number of injuries from terrorist attacks.

The House and Senate Committees expect to receive a full assessment of the adequacy of the security measures being undertaken as soon as possible.

SALARIES AND EXPENSES

The conference agreement includes a total of $352,300,000 for Salaries and Expenses, as proposed in the House bill, instead of $357,000,000 as proposed in the Senate-reported bill. The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

CAPITAL INVESTMENT FUND

The conference agreement includes $24,600,000 for the Capital Investment Fund, instead of $16,400,000 as proposed in the House bill, and $32,800,000 as proposed in the Senate-reported bill. The conferees adopt by reference the provisions of both the House and the Senate reports under this heading. The conferees look forward to the submission of a fully developed plan for the Department's information management effort at the earliest possible time.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $27,495,000 for the Office of Inspector General, which has jurisdiction over the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, the same amount as provided in both the House and the Senate-reported bills. The conference agreement includes language proposed in the Senate-reported bill that makes permanent the consolidation of the Inspector General Office of the United States Information Agency into this Office that was enacted in the fiscal year 1996 appropriations Act. The House bill included the same language as in fiscal year 1996, the legal interpretation of which is not clear as to whether the consolidation is permanent.

The conferees recommend that the fiscal year 1998 budget include all funds for the oversight of ACDA directly as part of the Inspector General's budget.

REPRESENTATION ALLOWANCES

The conference agreement includes $4,490,000 for Representation Allowances, as provided in both the House and the Senate-reported bill.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $8,332,000 for Protection of Foreign Missions and Officials, as provided in both the House and the Senate-reported bills.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $389,320,000 for this account, which is comprised of the following: $364,495,000 for the regular operations of the Security and Maintenance account, instead of $370,000,000 as proposed in the House bill, and $360,000,000 as proposed in the Senate-reported bill; and $24,825,000, to remain available until expended, provided in response to the Administration's antiterrorism budget amendment submitted on September 12, 1996 and designated as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, which is described in more detail below.

The conference agreement assumes the sale of the residence in Hamilton, Bermuda.

The conference agreement does not provide funds for any new facilities, nor is it likely that such funds will be available in the near future, due to budget constraints. As a result, it is incumbent upon the Department to step up its management of its existing real estate portfolio.

The April, 1996 General Accounting Office report recommended that the Secretary of State establish an independent panel to make recommendations regarding the sale of excess real estate to reduce the current inventory of property. While the conferees support the trust of GAO's findings, they are concerned that directing the Department to sell what GAO has identified as surplus overseas properties without adequate knowledge of market conditions in those countries could cost taxpayers millions of dollars.

Consequently, the conferees direct that by no later than December 30, 1996, the Secretary establish an advisory board on real property management to (1) review information on Department of States properties proposed for sale by the Department, the Office of the Inspector General, the GAO or any other agency of the federal government; and (2) compile a list of properties recommended for sale to the Under Secretary of State for Management for approval. This list should be transmitted to the appropriate committees of the Congress. At any time when appropriate market conditions exist, the State Department is to proceed with the immediate sale of items on the approved list.

In order to assure oversight of the disposition and acquisition of facilities, the Department is expected to submit a quarterly report on its transactions, and to seek a reprogramming with respect to plans for any major new facility, such as an embassy, or consulate.

Security Enhancement. The conference agreement includes $24,825,000 for security improvements, necessary relocation expenses and security equipment for United States diplomatic facilities and missions overseas. The amount is provided in response to the funding requested by the Administration's September 12, 1996 antiterrorism budget amendment under three separate accounts: $14,300,000 under this account; $9,400,000 under the International Trade Administration in the Department of Commerce for United States and Foreign Commercial Service posts overseas, and the overseas portion, totaling $1,125,000, of the $2,500,000 requested under the Salaries and Expenses account of the United States Information Agency. All of these requests are intended to provide funds to upgrade the security of overseas facilities. Generally, the State Department has management responsibility for overseas facilities, and the conferees believe it would be more prudent to provide these requests under this account in order to assure the management of these funds by the entity that has the most experience in providing for facility needs overseas. The conference agreement earmarks the amounts intended for US&FCS and USIA to assure that the requested funds are available for these agencies.

Funding is provided for the following:

$14,300,000 for the Department of State, for security upgrades at Gulf region posts, the Cairo embassy, and relocation of US&FCS facilities in Cairo and Jeddah, and security upgrades, to U.S. owned residences.

$9,400,000 to provide security upgrades and relocations for 42 non-chancery US&FCS locations worldwide. The conferees direct that a plan be provided to the Committees on Appropriation within 30 days describing how these funds will be expended and for what locations; and

$1,125,000 for USIA for overseas security, including radios, security enhancement projects, and light armored vehicles.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,800,000 for Emergencies in the Diplomatic and Consular Service account, as provided in both the House and Senate-reported bills.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1,256,000 for the Repatriation Loans Program account, as provided in both the House and Senate-reported bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $14,490,000 for the Payment to the American Institute in Taiwan account, instead of $15,001,000 as proposed in the House bill, and $14,165,000 as proposed in the Senate-reported bill.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $126,491,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate-reported bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $892,000,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $875,000,000, as proposed in the House bill, and $550,000,000 as proposed in the Senate-reported bill.

The conference agreement provides that $100,000,000 of the assessment for the United Nations can be made available only after the Secretary of State certifies by January 30, 1997 that the United Nations has taken no action during calendar year 1996 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget for the biennium 1996–1997 adopted in December, 1995. The House and Senate-reported bills contained language that would have made the funds available on a quarterly basis in fiscal year 1997 only after such a certification.

The conference agreement provides that if the Secretary cannot make such a certification by January 30, 1997, the $100,000,000 is to be applied to the assessments for other international organizations in the current or next fiscal year, subject to reprogramming.

The Senate-reported bill stated that the amount was to be applied to reducing the fiscal year 1998 obligations for specific organizations. The House bill contained no provision on this issue.

The conference agreement provides that $10,000,000 may be transferred to the International Conferences and Contingencies account for contributions to new or provisional international organizations or to provide funding for the travel expenses of official delegates to international conferences, subject to reprogramming. Both the House and Senate-reported bills provided that the transfer could be made only for new or provisional international organizations.

The conference agreement includes all language that was identical in the House and Senate-reported bills.

The conferees agree that from the amounts provided, five organizations be provided the full assessment: the International Atomic Energy Agency, the North Atlantic Treaty Organization and the related North Atlantic Assembly, the United Nations, and the International Civil Aviation Organization (ICAO). Funding for ICAO is provided as part of the comprehensive counterterrorism initiative included in this conference report, and the conferees urge the U.S. delegation to place increased emphasis on international flight safety and airport security.

The conferees agree that no funding is to be provided to the five organizations for which funding was not provided in fiscal year 1996.

Allocation of the remaining funds included in the conference agreement is to be made in conjunction with an assessment of the importance of the international organizations to the national interest of the United States. The Department is expected to report the results of its review of these organizations to the Appropriations Committees no later than January 30, 1997.

The conferees adopt by reference the language in the Senate report concerning the Framework Convention on Climate Change.

The conferees agree that no funding is provided for world-wide conferences.

The conferees are aware that despite the position of the United States that reductions are required, the budget for the United Nations Conference on Trade and Development (UNCTAD) is exactly the same during the current biennium as it was in the last. The Department is asked to report within 30 days of enactment of this legislation on the efforts it is making, in conjunction with the Under-Secretary-General for Management of the United Nations, to find additional budget savings in UNCTAD.

The conferees are aware that the World Intellectual Property Organization is running a surplus of approximately $100,000,000, and is proposing to spend those funds on a new building. The conferees applaud the position of the United States in opposition to the new building and encourage efforts to use the budget surplus to reduce assessments or to provide rebates to participants.

The Pan American Health Organization (PAHO) is to be commended for its improved efforts to keep the Congress informed of its activities. PAHO is urged to maintain these efforts.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $352,400,000 for Contributions for International Peacekeeping Activities, instead of $332,400,000, as proposed by the House, and $282,600,000 as proposed in the Senate-reported bill.

The conference agreement includes language included in the House bill, provided that of the total amount $50,000,000 is for payment of arrearages, which shall be available only upon certification by the Secretary of State that at least two of the following have been achieved: (1) savings of at least $100,000,000 in the biennial expenses of certain United Nations divisions and activities; (2) the number of professional and general service staff employed by the United Nations at the end of the current biennium will be at least ten percent below the number of such positions at the beginning of the biennium; and (3) the United Nations has adopted a budget outline for the 1998–1999 biennium that is below the current biennial budget, as part of a five-year program to achieve major cost-saving reforms in the United Nations and specialized agencies. The Senate-reported bill contained no provision on payment of arrearages.

The conferees cannot support payment of arrearages if the funding will be used to support wasteful, business-as-usual practices. Any effort to address arrearages will be taken a step at a time, and a year at a time, and should be proportional to the reform that the United Nations achieves.

Of the funds provided by the conference agreement, up to $20,000,000 is for contingencies related to African crises, particularly Burundi. If contingencies related to potential African crises arise that require use of these funds, the funds will be subject to the regular Committee review procedures under this heading prior to obligation.

The conference report contains all other language that was identical in the House and Senate-reported bills.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $15,490,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), instead of $18,490,000 as proposed in both the House and the Senate-reported bills. The reason for the reduction is that the International Boundary and Water Commission has indicated that the results of contract negotiations on pending contracts have resulted in lower requirements than anticipated.

CONSTRUCTION

The conference agreement includes $6,463,000 for the Construction account of the IBWC, as proposed by the House, instead of $7,568,000, as proposed by the Senate. The amount provided in the conference agreement, together with remaining funds previously appropriated for Mexican participation in the International Wastewater Treatment Plant, for which no use has been identified, is sufficient to fund all construction projects requested in the budget.

The conferees recognize that the issue of responsibility for the repair and maintenance of the International Outfall Line that conveys sewage from Mexico to the Nogales International Water Treatment Plant has not been resolved. The Committee requests that IBWC work diligently to resolve the issues with the City of Nogales, Arizona, and finalize an agreement by October 1, 1997.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $5,490,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, as provided in the House bill, instead of $5,627,000 as provided in the Senate-reported bill. The reduction from the budget request is to be taken proportionately from the three Commissions.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $14,549,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities. The House bill provided $10,450,000. The Senate-reported bill provided $9,051,000. Both bills provided that $4,099,000 for the Great Lakes Fishery Commission sea lampricide program be funded under the National Oceanic and Atmospheric Administration. The conference agreement includes funding for that program under this account. The reduction from the budget request is to be taken from increases requested for any Commission over its fiscal year 1996 funding level.

For the Great Lakes Fishery Commission, the conferees intend that the U.S. participation in the Commission be provided in a comparable manner to Canadian participation.

The conferees request that in the fiscal year 1998 budget, the Department display funding for this account in a manner that makes it clear how much of the funding for each Commission is related to supporting the cost of the international secretariat of each Commission, and how much of the cost is related to supporting other programmatic activities, and what those activities are.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $8,000,000 for the Payment to the Asia Foundation account, the amount provided in the House bill, instead of no funding, as provided in the Senate-reported bill.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes $41,500,000 for the Arms Control and Disarmament Agency (ACDA), instead of $38,495,000, as proposed in the House bill, and instead of $30,000,000 as proposed in the Senate-reported bill. To the maximum extent possible, reductions from the current year operating level should be taken from administrative functions, rather than from programmatic staff involved in technical aspects of ACDA's activities, including monitoring functions.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

The conference agreement includes $441,375,000 for Salaries and Expenses of the United States Information Agency (USIA), of which $440,000,000 is for the regular operations of the Agency, as proposed in the Senate-reported bill, instead of $439,300,000, as proposed in the House bill; and $1,375,000 is for antiterrorism and security purposes, provided in response to the Administration's antiterrorism budget amendment submitted on September 12, 1996 and designated as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, which is described in more detail below. All other bill language, which is identical in the House and Senate bills, is included in the conference agreement, except for one technical modification to assure that fees from student advising and counseling may be credited to this appropriation in the absence of an authorization.

Security Enhancements. The conference agreement includes $1,375,000 for enhanced security for U.S. personnel and facilities for USIA's five main facilities in Washington, and 19 facilities throughout the U.S. The funding will provide for additional guard staff, glass protection, construction of package/mail/visitor screening areas, alarms, locks and video surveillance.

TECHNOLOGY FUND

The conference agreement includes $5,050,000 for the Technology Fund, as provided in both the House and Senate-reported bills.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $185,000,000 for Educational and Cultural Exchange Programs, as proposed in the House bill, instead of $183,000,000, as proposed in the Senate-reported bill.

To the maximum extent possible, the conferees urge that the following exchange programs be supported: the International Visitors Program, the Pepper Scholarships, including the Executive Education Program for Central European Business and Professional Leaders, the Muskie Fellowships, the Humphrey Fellowships, the Disability Exchange Clearinghouse, the Congress Bundestag Exchanges, the South Pacific Exchanges, other Asian exchanges, the Institute for Representative Government, and the United States/Mexico Conflict Resolution Center.

USIA shall disburse funds to the Mansfield Center for Pacific Affairs as provided in the Senate report.

The conferees intend that $1,000,000 is to be available for the Center for Irish Management.

The conferees intend that the remaining program direction included in both the House and the Senate reports be followed.

The conferees expect that a proposal for the distribution of the available resources among exchange programs, as well as propose enhancements for exchanges with the Newly Independent States, will be submitted through the normal reprogramming process prior to final decisions being made.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 1997 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 1997 to be used for necessary expenses of the Israeli Arab Scholarship Program.

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $325,000,000 for International Broadcasting Operations, as proposed in the Senate-reported bill, instead of $335,700,000 as proposed in the House bill. The conference agreement does not include funds for radio broadcasting to Cuba under this account, as proposed by the House, but rather includes all funding for Broadcasting to Cuba under a separate account, as proposed by the Senate, consistent with the fiscal year 1996 appropriations Act.

The conference agreement does not contain a provision included in the House bill stating that $9,300,000 may be made available for the operating costs of Radio Free Asia. However, the conferees are agree that up to $9,300,000 may be made available for this purpose from the funding available under this account.

The conferees note that the Broadcasting Board of Governors has submitted an operating plan for Radio Free Asia. However, before such a plan can be approved, and additional FY 1997 funds expended, more specific information must be provided to the committees concerning transmission facilities, costs, and potential offsets for broadcast hours and costs from the Voice of America and from the rest of the Bureau of Broadcasting. The conferees are aware that RFA has carryover balances of at least $5,000,000 that may be expended in FY 1997 pending approval of a final FY 1997 operating plan. Because RFA is a new organization, the conferees request monthly progress reports and expect that a complete plan for the total broadcasts to be funded in FY 1997 be submitted no later than December 1, 1996 in accordance with Section 605 reprogramming requirements. Thereafter, the conferees direct that quarterly progress reports be submitted to the appropriate committees of jurisdiction concerning implementation of the plan

The conference agreement does not contain a provision included in the Senate-reported bill, making $5,000,000 available until expended.

The conference agreement includes citations of underlying authorization statutes in the form proposed in the House bill, instead of in the form proposed in the Senate-reported bill.

The conferees expect that the Committees will be notified of the final distribution of funding among the activities under this account pursuant to the normal reprogramming procedures.

BROADCASTING TO CUBA

The conference agreement includes $25,000,000 for Broadcasting to Cuba under a separate account, as proposed in the Senate-reported bill, instead of $13,375,000 for radio broadcasting to Cuba within the total for International Broadcasting Operations, as proposed in the House bill.

RADIO CONSTRUCTION

The conference agreement includes $35,490,000 for Radio Construction, instead of

$39,000,000, as proposed in the House bill, and $32,000,000, as proposed in the Senate-reported bill. The account provides funding for the following activities: maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conferees expect USIA to report on the expected distribution of funds in fiscal year 1997 including carryover through the normal reprogramming procedure.

EAST-WEST CENTER

The conference agreement includes $10,000,000 for operations of the East-West Center, instead of no funds, as proposed in the House bill, and $11,750,000, as proposed in the Senate-reported bill.

NORTH/SOUTH CENTER

The conference agreement includes $1,495,000 for operations of the North/South Center, instead of no funds, as proposed in the House bill, and $2,000,000, as proposed in the Senate-reported bill.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $30,000,000 for the National Endowment for Democracy, as provided in the House bill, instead of no funds, as provided in the Senate-reported bill.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

Sec. 401.—The conference agreement includes section 401, as provided in both the House and Senate-reported bills, permitting use of funds for allowances, differentials, and transportation.

Sec. 402.—The conference agreement includes section 402, as provided in both the House and Senate-reported bills, dealing with transfer authority.

Sec. 403.—The conference agreement includes section 403, as provided in both the House and Senate bills, dealing with the compensation of the United States Commissioner of the International Boundary Commission, United States and Canada.

Sec. 404.—The conference agreement includes a provision waiving provisions of existing legislation that require authorizations to be in place for State Department, United States Information Agency, including International Broadcasting Operations, and Arms Control and Disarmament Agency activities prior to the expenditure of any appropriated funds, as provided in both the House- and Senate-reported bills.

Sec. 405.—The conference agreement includes a provision requiring any personnel costs incurred by any Department or agency funded under this title as a result of funding reductions be absorbed within the total budgetary resources available to the Department or agency, and providing authority to transfer funds between appropriations accounts for that purpose, as proposed in both the House and Senate-reported bills.

Sec. 406.—The conference agreement includes a provision stating that starting sixty days after the enactment of this Act, none of the funds made available by this Act may be used to fund the Standing Consultative Commission unless the President provides a report to the Congress containing a detailed analysis of whether the Memorandum of Understanding on Succession and the Agreed Statement regarding Demarcation agreed to by the Standing Consultative Commission represent substantive changes to the Anti-Ballistic Missile Treaty of 1972 and whether these agreements will require the advice and consent of the Senate of the United States. The House bill contained a provision prohibiting funding for the Standing Consultative Commission or to implement changes to the Anti-Ballistic Missile Treaty unless the President certifies to the Congress that any such changes will be submitted to the Senate for its advice and consent. The Senate-reported bill contained no provision on this matter.

Sec. 407.—The conference agreement includes a provision, not in either the House or the Senate-reported bill, which permits the Secretary of State to authorize State officials or the United States Postal Service to collect and retain the execution fee for passport applications.

TITLE V—RELATED AGENCIES

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

The conference agreement includes $148,430,000 for payment of obligations incurred for the Maritime Administration (MARAD) operating differential subsidy program, as provided in both the House and Senate-reported bills.

MARITIME SECURITY PROGRAM

The conference agreement includes $54,000,000 for the Maritime Security Program (MSP) which provides payments to maintain and preserve a U.S.-flag merchant fleet for the national security needs of the United States, subject to the authorization of the program. The Senate-reported bill contained no funding for MSP. The House bill includes $63,000,000. This program is funded under the allocation for national security programs. The conferees expect MARAD to submit a notification of the proposed distribution of these funds to the House and Senate Committees on Appropriations prior to the initiation of the program.

OPERATIONS AND TRAINING

The conference agreement includes $65,000,000 for the Maritime Administration Operations and Training account instead of $66,600,000 as proposed by the Senate and instead of $62,300,000 as proposed by the House. The conferees intend that funding for the operation and maintenance of the U.S. Merchant Marine Academy and the State maritime schools be at no less than their respective fiscal year 1996 appropriated levels. The conference agreement does not specifically allocate the balance of the funds in this account.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $37,450,000 is subsidy appropriations for the Maritime Guaranteed Loan Program as proposed by the House and Senate-reported bills. This amount will subsidize a program level of not more than $1,000,000,000 as proposed by both the House and Senate-reported bills.

The conferees have also included $3,450,000 for administrative expenses associated with the Maritime Guaranteed Loan Program, as proposed in the House and Senate-reported bills. These amounts may be transferred to and merged with amounts under the MARAD Operations and Training account.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions contained in both the House and Senate-reported bills involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $206,000 for the Commission on the Preservation of America's Heritage Abroad, as provided in both the House and Senate-reported bills.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,740,000 for the salaries and expenses of the Commission on Civil Rights, as proposed in both the House and Senate-reported bills.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

The conference agreement $2,196,000, as proposed in both the House and Senate-reported bills.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,090,000 for the Commission on Security and Cooperation in Europe, as provided in both the House and Senate-reported bills.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $239,740,000 for the salaries and expenses of the Equal Employment Opportunity Commission, as provided in both the House and Senate-reported bills. The House bill provided $232,740,000 under this account, but under section 618, an additional $7,000,000 was provided.

Within the total amount, the conference agreement includes $27,500,000 for payments to State and local enforcement agencies for services to the Commission, instead of $26,500,000, as provided in both the House and Senate-reported bills.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement provides a total of $189,079,000 for the salaries and expenses of the Federal Communications Commission instead of $185,619,000 as proposed by the House, and $192,538,00 as proposed in the Senate-reported bill. The conference agreement provides for the collection and retention of $152,523,000 in offsetting fee collections as provided in the Senate-reported bill instead of $126,400,000 as provided in the House bill.

The conference agreement includes language proposed by the House and included in previous appropriations Acts, allowing fees in excess of the amounts specified to remain available for expenditure in future years.

The conference agreement does not include language, proposed in the Senate-reported bill, to prohibit funds from being used to relocate the FCC headquarters to the Portals. However, the conference agreement does not include the requested $30,000,000 increase for costs related to this relocation. The conferees understand that there have been delays, thereby reducing the fiscal year 1997 requirements to $19,000,000. However, even with the reduced requirement, the funding allocation provided in this conference agreement will not support such significant increases for this agency in the current fiscal climate. The conferees direct the FCC to work with the General Services Administration to decrease the overall cost of the relocation and to identify alternative mechanisms to finance the relocation. The conferees expect the FCC to take actions to further streamline its operations as recommended in the House report, and intend that no funds be diverted from FCC activities directly related to implementation of the Telecommunications Act. Should actions relating to this proposed relocation be necessary in fiscal year 1997, the FCC would be required to submit a reprogramming in accordance with section 605 of this Act to cover the costs from within available resources.

The conference agreement does not include a provision proposed in the House bill prohibiting funds provided in the Act to be used to deny or delay action on licenses for any religious or religiously affiliated entity on the basis of certain employment practices. The Senate-reported bill contained no provision on this matter. However, while this provision has been deleted from the bill, concerns remain that actions taken by the FCC to challenge radio license applications or renewals for religious broadcasters on the grounds that requiring religious knowledge, training or expertise for employees is discriminatory. These concerns have arisen because of the potential impact of such actions on legitimate religious free speech. Therefore, the conferees direct the FCC not to deny any license application or renewal on these grounds inconsistent with the right to exercise this free speech in recruitment and hiring practices. If the FCC does move to deny a license application or renewal for a religious broadcaster according to its policy, it shall report to the Committees on its actions and include a demonstration that is not abridging the free speech of religious broadcasters.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $14,000,000 for the salaries and expenses of the Federal Maritime Commission, instead of $14,450,000 as proposed in the Senate-reported bill and $11,000,000 as proposed in the House bill.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement allows a total operating level of $101,930,000 for the Federal Trade Commission, instead of $93,819,000 as proposed in the House bill and $104,462,000 as proposed in the Senate-reported bill. The conference agreement assumes that of the amount provided, $58,905,000 will be derived from fees collected in fiscal year 1997 and $16,000,000 will be derived from estimated unobligated fee collections available from 1996. These actions result in a final appropriated level of $27,025,000, the same as provided by the House.

Use of any unobligated fee collections from 1996 above $16,000,000 are subject to the reprogramming requirements outlined in section 605 of this Act.

The conference agreement does not include a change in the fee structure for Hart-Scott-Rodino fees as proposed in the Senate-reported bill, which would have eliminated the requirement for any direct appropriation for this account.

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $4,000,000 for the salaries and expenses of the Gambling Impact Study Commission, instead of $2,000,000 as proposed by the Senate. The House bill did not include a provision. This commission was authorized by Public Law 104–169, signed into law on August 3, 1996.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

The conference agreement does not provide an appropriation for the Japan-United States Friendship Commission, as proposed in the House bill, instead of $1,250,000 from interest earned on the Japan-United States Friendship Trust Fund and an amount of Japanese currency not to exceed the equivalent of $1,420,000 for the expenses of the Japan-United States Friendship Commission, as provided in the Senate-reported bill.

Under terms of Public Law 94–118, which established the Commission, it was authorized to spend up to five percent of the principal of the Japan-United States Friendship Trust Fund. Since 1990, however, the Commission has operated under a policy of not spending funds out of the principal and relying on appropriations of interest earned on the Fund to finance its operations, supplemented by gifts from outside sources.

The conferees believe that, in this time of fiscal restraint, it makes better sense for the Commission to operate on a self-financing basis, as was apparently envisioned in the original legislation, by spending five percent of its Fund capital per year. The Fund currently contains approximately $15,000,000. These funds, together with funds obtained from outside sources, would allow the Commission to maintain its highest priority activities without the need for annual appropriations. Any interest earnings of the fund that accrue in the Commission's account will be considered to be original principal.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $283,000,000 for payment to the Legal Services Corporation instead of $250,000,000 as proposed in the House bill and $288,000,000 as proposed in the Senate-reported bill.

The conference agreement provides $274,400,000 for grants to basic field programs and independent audits, $7,100,000 for management and administration, and $1,500,000 for the Office of the Inspector General.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement contains language, identical in both the House bill and Senate-reported bill, continuing all statutory requirements and restrictions included in the fiscal year 1996 appropriations Act, with one modification. Section 502 of both bills contains an exception to the restrictions to allow non-Federal funds to be used to provide legal assistance in domestic violence and related matters.

The conference agreement makes several technical changes to correct statutory citations that were incorrectly cited in the House and Senate-reported bills.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,189,000 for the salaries and expenses of the Marine Mammal Commission instead of $1,385,000 as proposed in the Senate-reported bill and $975,000 as proposed in the House bill.

NATIONAL BANKRUPTCY REVIEW COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $494,000 for the salaries and expenses of the National Bankruptcy Review Commission instead of $498,000, as proposed in the Senate-reported bill, and $490,000, as proposed in the House bill.

OUNCE OF PREVENTION COUNCIL

The conference agreement includes $1,500,000 for the Ounce of Prevention Council. Neither the House nor Senate-reported bills proposed funding for this program.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement provides a total operating level of $305,400,000 for the Securities and Exchange Commission, instead of $297,021,000, as proposed in the House bill, and $306,400,000, as proposed in the Senate-reported bill. The conference agreement includes a reduction in registration fees under section 6(b) of the Securities Act of 1933 from fiscal year 1996, to one thirty-third of one percent, as provided in both the House and Senate-reported bills, and a transaction fee on over-the-counter transactions in the amount of one three-hundredth of one percent of the aggregate dollar amount of sales of last sale reported securities, to be collected on a semi-annual basis, starting on January 1, 1997, instead of one eight-hundredth of one percent for each $1,000,000 of the aggregate dollar amount of sales, starting on September 1, 1996 or the date of enactment of this Act, whichever is later, as provided in both the House and Senate-reported bills. These offsetting fees are expected to provide $222,622,000 in fiscal year 1997. In addition, the conference agreement assumes the use of $45,000,000 in carryover funds from fiscal year 1996. These actions result in a net direct appropriation of $37,778,000, instead of $58,047,000, as provided in the House bill, and $64,426,000, as provided in the Senate-reported bill.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $235,047,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of $214,419,000 as proposed in the House bill and $33,190,000 as proposed in the Senate-reported bill. In addition, the conference agreement allows for the collection of $4,500,000 in offsetting fees to offset this appropriation, instead of $6,000,000 in offsetting fee collections proposed in the House bill and $3,300,000 in fee collections proposed in the Senate-reported bill, thus making $239,547,000 available under this account.

In addition to amounts made available under this heading, the conference agreement includes $94,000,000 for administrative expenses under the Business Loans Program Account and $86,500,000 for administrative expenses under the Disaster Loans Program account, and $22,000,000 in emergency fiscal year 1997 funding related to Hurricane Fran and Hurricane Hortense provided in title IX of this bill. These amounts are transferred to and merged with amounts available under Salaries and Expenses, resulting in a total level of $442,047,000 for SBA operating programs, noncredit and other initiatives, instead of $414,482,000 as proposed in the House bill and $408,580,000 as proposed in the Senate-reported bill.

The conference agreement provides that of the amounts available under this account, $1,000,000 is designated only for projects jointly developed, implemented and administered with the Department of Commerce's Minority Business Development Agency, instead of $3,000,000 designated for this purpose in the House bill. The conference agreement provides this funding under the 7(j) technical assistance program under noncredit initiatives. In addition, the conference agreement adopts the recommendations included in the House report regarding this matter. The Senate-reported bill contained no provision on this matter.

The conference agreement includes a provision, not included in either the House bill or Senate-reported bill, providing two year availability for funds provided for the Small Business Development Center program. Of this amount, $2,000,000 is to continue efforts by the SBDC defense transition programs started in fiscal year 1995.

The conference agreement includes the following amounts for noncredit programs:

Small Business Development Centers	$73,500,000
SBDC Defense Transition	2,000,000
7(j) Technical Assistance	2,600,000
(Joint MBDA/SBA Technical Assistance)	(1,000,000)
SCORE	3,300,000
Business Information Centers	485,000
Women's Demonstration	4,000,000
Women's Council	194,000
EZ/EC One Stop Capital Shops	2,767,000
Microloan Technical Assistance	12,000,000
US Export Assistance Centers	2,500,000
Total	103,346,000

The conference agreement provides no funds for Advocacy Research. However, the conferees would be willing to entertain a reprogramming subject to section 605 of this Act to maintain activities approved in fiscal year 1996.

The conference agreement adopts language included in the House report directing the SBA to continue to support activities assisting small businesses to adapt to a paperless procurement environment, and activities assisting small businesses in complying with the requirements of the Clean Air Act. In addition, the conference agreement expects that SBA will support activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements. The conferees also expect SBA to support business outreach programs at urban universities referenced in the Senate report.

The conferees have provided $4,000,000 for the Women's Outreach Program. Within these amounts, the conferees expect SBA to follow the direction given in the Senate report with respect to this program.

In June 1996, the Committees approved a reorganization proposal submitted by the SBA as part of its Reinventing Government (REGO) II proposal to downsize its regional offices in order to devote additional resources to the district offices. The conferees are concerned that SBA may be taking actions to reorganize and augment its regional office structure, contrary to the intent of REGO II, and are disturbed that such action is being taken without proper notification to the Committees in accordance with section 605 of this, and prior, appropriations Acts. Therefore, the conferees direct SBA to immediately cease all activities to increase staffing in the regional offices.

In addition, the conferees expect the SBA to follow the direction included in the Senate report concerning filling vital technical and support positions. In addition, the conference agreement includes the following small business initiatives: $3,000,000 for continuation of an outreach program to assist small business development; $7,000,000 for small business and rural technology development assistance, $1,000,000 for construction activities increasing small business opportunities and economic development; and $500,000 for continuation of a program for small business consulting and technical assistance.

Further, the conferees continue to believe the SBA should move forward with a program to consolidate and streamline activities. The conferees believe that SBA can satisfy the increased demands on its programs by greater reliance on centralization of loan processing, servicing, and liquidation activities, and encourage SBA to continue to work with the Committees regarding this matter. In addition,the conferees encourage SBA to explore opportunities for privatization of some functions, such as the disaster loan servicing and liquidation, to help improve management of the portfolio.

In addition, the conferees are supportive of efforts to upgrade SBA's computer systems to improve the financial management of its operations and loan portfolios. Therefore, the conferees urge the SBA to work with the Committees in this endeavor.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $9,000,000 for the SBA Office of Inspector General as proposed in the Senate-reported bill instead of $8,900,000 as proposed in the House bill.

Further, as proposed in both the House bill and the Senate-reported bill, an additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the disaster loans program.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $277,708,000 in appropriations under the SBA Business Loans Program Account, instead of $258,153,000 as proposed in the House bill and $309,199,000 as proposed in the Senate-reported bill.

Of the amounts provided under this account, $1,691,000 is for the microloan direct loan program. Both the House bill and the Senate-reported bill provided $2,792,000 for this program. The conference agreement reduces this amount due to the availability of $5,000,000 in unobligated balances carrying forward into fiscal year 1997 for this program.

The conference agreement also designates $40,510,000 of the total amount provided shall be available until September 30, 1998, as provided in both the House bill and the Senate-reported bill.

The conference agreement provides $158,000,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of $144,200,000 as proposed in the House bill and $174,500,000 as proposed in the Senate-reported bill. When combined with prior year carryover balances of $40,500,000 in subsidy appropriations, this amount will subsidize a $7,900,000,000 program level upon enactment of legislative changes under consideration by the Congress, as compared to a $7,200,000,000 program level in fiscal year 1996.

In addition, $21,700,000 is provided for the Small Business Investment Corporation debenture and participating securities programs, instead of $16,459,000 as proposed in the House bill and $35,500,000 as proposed in the Senate-reported bill. Upon enactment of legislative changes under consideration by the Congress, these subsidy amounts will result in a program level of $225,000,000 for the SBIC debenture program and $400,000,000 for the SBIC participating securities program.

Within the total amount provided under this account, the conference agreement provides $2,317,000 for the microloan guaranty program as proposed in the Senate-reported bill, instead of $1,216,000 included in the House bill. The conferees continue to support the transition of microloans from a direct loan program to a guaranteed loan program.

In addition, the conference agreement includes $94,000,000 for administrative expenses to carry out the direct and guaranteed loan programs, instead of $93,485,000 proposed in the House bill and $94,090,000 as proposed in the Senate-reported bill. The amount provided for administrative expenses is available to be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes $105,432,000 for subsidy costs associated with the SBA Disaster Loan Program as proposed in the House bill, the same amount that was made available in fiscal year 1996 through a combination of regular and emergency appropriations. The conference agreement provides a $39,632,000 increase above the amounts requested by the Administration and provided in the Senate-reported bill for disaster loan subsidy costs. In addition to amounts made available under this title for disaster assistance, an additional $113,000,000 in emergency fiscal year 1997 funding is included in title IX of the bill to provide disaster loans for individuals and businesses impacted by Hurricanes Fran and Hortense, and other natural disasters.

The conference agreement provides $86,500,000 for administrative expenses under this account, instead of $92,578,000 as proposed by the House and $78,000,000 as proposed in the Senate-reported bill. In addition to amounts made available under this title, an additional $22,000,000 in emergency appropriations is provided in title IX of the bill to provide necessary administrative expenses for SBA disaster loan administrative activities related to Hurricane Fran and Hurricane Hortense.

SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides $3,730,000 for additional capital for the SBA Surety Bond Guarantees Revolving Fund as proposed in both the House bill and the Senate-reported bill.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes section 504, providing SBA with the authority to transfer funds between appropriations accounts, as provided in the House bill and the Senate-reported bill.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,000,000 for the salaries and expenses of the State Justice Institute (SJI) instead of $10,000,000 as proposed by the Senate and instead of no funds as proposed by the House.

The House report directed the Office of Justice Programs (OJP) to provide a portion of State court assistance funds to SJI under State and Local Law Enforcement Assistance under title I. The Senate-reported bill did not provide funds for State court assistance. The conference agreement does not provide funds to OJP for State court assistance.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Sec. 601.—The conference agreement includes section 601, identical in both the House and Senate-reported versions of the bill, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the

House and Senate-reported versions of the bill, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House and Senate-reported versions of the bill, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, identical in both the House and Senate-reported versions of the bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Sec. 605.—The conference agreement includes section 605, identical in both the House and Senate-reported versions of the bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Sec. 606.—The conference agreement includes section 606, identical in both the House and Senate-reported versions of the bill, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607 regarding the purchase of American-made products, as provided in both the House and Senate-reported bills.

Sec. 608.—The conference agreement includes section 608 which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993, as provided in both the House and Senate-reported bills.

Sec. 609.—The conference agreement repeats language contained in P.L. 104–134 which prohibits use of funds in this Act to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President certifies that Vietnam is cooperating in full faith with the United States on POW/MIA issues, as proposed in the House bill. The Senate-reported bill deleted this provision.

Sec. 610.—The conference agreement includes section 610, which repeats language contained in P.L. 104–134, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in both the House and the Senate-reported bills.

Sec. 611.—The conference agreement includes section 611 which prohibits the use of funds to provide certain amenities for Federal prisoners as provided for in both the House and Senate-reported bills.

Sec. 612.—The conference agreement includes a modified version of section 612 restricting the use of funds provided under the National Oceanic and Atmospheric Administration Fleet Modernization account, as proposed in the House bill. The Senate-reported bill deleted this provision. The modification permits NOAA to develop long term plans to support its fisheries research requirements.

The conference agreement does not include section 613, as proposed by the House, but deleted by the Senate-reported bill, imposing a limitation on funding for TV Marti when it is made known that such funds would be inconsistent with the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

Sec. 613.—The conference agreement includes section 613, which requires agencies and Departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or Department. Both the House and the Senate-reported bills included this section as section 614.

Sec. 614.—The conference agreement includes section 614, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material to a prisoner when it is made known that such information or material is sexually explicit or features nudity. Both the House and the Senate-reported bills included this section as section 615.

Sec. 615.—The conference agreement includes section 615, which requires a combined ten percent reduction in Community Oriented Policing grants and the Local Law Enforcement Block Grant, to a locality if it is made known that public safety officers in that locality, who retire as a result of injuries sustained in the line of duty do not continue to receive health insurance benefits at the same or better level of benefits as would be paid by the locality under a regular retirement plan. The House bill proposed this provision as section 616. The Senate-reported bill deleted this provision.

The conference agreement does not include a provision included in the House bill as section 617, and deleted in the Senate-reported bill, which would have required a ten percent reduction in funds provided to a State, local or Federal prison, if the facility had not reported to the Attorney General each death of any individual who dies in custody of that prison and the circumstances surrounding the death. The conferees agree that in developing the fiscal year 1997 solicitation for grant applications for the State Corrections Grant program, the conferees direct the Office of Justice Programs to review the feasibility of requiring States to report the name and circumstance of deaths that occur at a municipal or county jail, State or Federal prison, or other similar facility for the confinement of accused or convicted criminals. The conferees further direct the Office of Justice Programs to provide the House and Senate Committees on Appropriations with a report outlining recommendations for the implementation of such a requirement by December 15, 1996.

The conference agreement does not include a provision that was included in the House bill as section 618, which was deleted by the Senate-reported bill, that increased funding for the Equal Employment Opportunity Commission and decreased funding for Small Business Administration Disaster loan program administrative expenses. Funding for these accounts has been addressed in this conference agreement under title V.

Sec. 616.—The conference agreement includes section 616, which includes language not in either the House or Senate-reported bill, that addresses the subject included in the House bill as section 619 and deleted by the Senate-reported bill. The provision included in this conference agreement precludes the filing of civil action for damages or injunctive relief against a medical practitioner licensed by the State to provide the medical activity or related health care entity who performs a medical activity that would otherwise constitute an infringement or inducement to infringe under 35 U.S.C. 271(a) or (b) for patents issued after its enactment.

The term "medical activity" as defined in subsection 287(c)(2)(A) does not include "the practice of a patented use of a composition of matter." The term "patented use of a composition of matter" as used in subsection (c)(2)(A)(ii) is limited by subsection (c)(2)(F). Subsection (c)(2)(F) provides that the term "patented use of a composition of matter" does not include any claim for performing a medical or surgical procedure on a body that recites the use of the composition of matter where the use of the composition of matter does not directly contribute to the achievement of the objective of the claimed method. A use of a composition of matter as a step in a claim will direct contribute to the achievement of the objective of the claimed method if it is itself novel or if it contributes to or is necessary to establish the non-obviousness of the claim as a whole.

For a method claim in which each of the method steps recites a "use of a composition of matter" the claim cannot represent a "medical activity" because the use of a composition of matter must necessarily contribute to the novelty—and, therefore, to the objective—of the claimed method. "Uses of compositions of matter" include, without limitation, novel uses of drugs, novel uses of chemical or biological reagents for diagnostic purposes, novel methods for scheduling or timing administration of drugs, novel methods for combining drug therapies, and novel methods for providing genetic or other biological materials to a patient (including gene therapies.) A particular example would be a claim that recites only the novel use of a drug for the treatment of diabetes that involves the administration of a drug at a particular time of day and/or at a specified dose and/or with a specified concomitant medicinal therapy could not be construed as a "medical activity."

For a "hybrid" claim, ie., a claim with at least one step that recites the use of a composition of matter and at least one step that is not directed to the use of a composition of matter (*e.g.*, a surgical step), the test established by subsection (c)(2)(F) must be applied to determine whether the claim as a whole is exempted from the definition of a "medical activity" because it is a patented use of a composition of matter. The first step in this test is to determine the objective of the claimed method taking into account all of the process steps set forth in the claim. The second part of this test is to determine whether the steps involving the use of one or more compositions of matter either alone or in combination contribute directly to the achievement of the objective of the claimed method. It is interested that this part of the test will have been met if the uses of the compositions of matter, either individually or collectively, represents novel subject matter, or if one or more of these steps contributes to or are necessary to establish the non-obviousness of the claim as a whole. Thus, even where the steps involving uses of one or more compositions of matter are not novel individually or in combination with each other, these uses may still directly contribute to the achievement of the objective of the claimed method if, in combination with the steps that involve collectively obvious medical or surgical techniques, they produce a novel and non-obvious method.

As an example, in the case of a surgical method for transplanting a healthy heart into a patient with a diseased heart, the inclusion of the step administering a conventional anaesthetic in a claim reciting a novel and non-obvious surgical transplantation procedure would not cause the surgical procedure to be treated as a patented use of a composition of matter within the meaning of subsection (c)(2)(A)(ii). Therefore, assuming none of the other exceptions in subsection (c)(2)(A) apply, the claimed surgical method would necessarily qualify as a medical activity. In contrast, where the administration of the anaesthesia was accomplished, for example, using a novel anaesthetic or a novel dosing schedule, the objective of the claimed method would include the provision of a novel use of an anaesthetic in transplantation surgery and the use of the composition of matter (ie., the anaesthetic) would directly contribute to the achievement of the objective.

It is intended that the applicability of the exception in (c)(2)(A)(ii) for a patented use of a composition of matter can usually be decided by a motion to dismiss or summary judgment under Rule 12(b) or Rule 56, respectively, of the Federal Rules of Civil Procedure. For example, an accused infringer seeking to invoke the relief from remedies afforded under 287(c)(1) would ordinarily prevail under such a motion if the following conditions are met: (1) the movant shows by clear and convincing evidence that the recited uses of the compositions of matter, both individually and collectively, lack novelty, and (2) the movant also shows by a preponderance of the evidence that the steps of the claimed method that do not involve uses of compositions of matter (ie., the medical or surgical procedure steps) are, by themselves, novel and non-obvious, provided, however, that the movant may concede the non-obviousness in lieu of making the required evidentiary showing.

Paragraph (c)(2)(A)(iii) excludes from the definition of "medical activity" the practice of a patented process in violation of a biotechnology patent. For the purposes of this provision, the definition of the term "biotechnology patent" includes a patent on a "biotechnological process" as defined in 35 U.S.C. §103(b), as well as a patent on a process of making or using biological materials, including treatment using those materials, where those materials have been manipulated *ex vivo* at the cellular or molecular level.

Biological materials which may be manipulated *ex vivo* at the cellular or molecular level include a variety of cellular, intracellular, extracellular, and acellular substances. Cellular substances include (but are not limited to) cultured microbial and mammalian cells. Intracellular substances include (but are not limited to) genetic materials, such as DNA and RNA that is obtained from within the cell. Extracellular substances include (but are not limited to) proteins and other molecules that are secreted or excreted by cells. Acellular substances include (but are not limited to) viruses and other vectors for transmitting genetic material.

Ex vivo manipulation includes propagation, expansion, selection, purification, pharmaceutical treatment, or alteration of the biological characteristics of these substances outside of a human body.

This definition excluded medical procedures which do not involve *ex vivo* cellular or molecular manipulation of a biological material. For example, a patent on a method of performing heart transplantation surgery, including the use of a heart-lung machine, is excluded from this definition on two grounds: first, the method involves manipulation *in vivo*, not *ex vivo*, and second, the method does not manipulate the cellular or molecular characteristics of the heart.

The House bill included a provision which prohibited funds from being used by the Patent and Trademark Office to issue patents for surgical and medical procedures and diagnoses, with certain exceptions for medical and biomedical devices and processes.

Sec. 617.—The conference agreement includes section 617, which eliminates current reprogramming requirements which are redundant with section 605 of this Act. The Senate-reported bill included this provision as section 620. The House bill contained no similar provision.

Sec. 618.—The conference agreement includes section 618, which permits the Secretary of Transportation to issue a guarantee under title XI of the Merchant Marine Act, 1936, upon such terms as the Secretary may prescribe, to assist in the reactivation and modernization of currently closed shipyards that historically built military vessels if the State in which it is located is making a significant financial investment and is paying the credit subsidy cost of the guarantee. The provision requires the Secretary to impose such conditions as are necessary to protect the interests of the United States from the risk of a default. Total guarantees under this section are not to exceed $50,000,000, and no commitment to guarantee obligations under this provision may be issued more than one year from the date of enactment of this section. The Senate-reported bill contained a provision under section 622 that provided authority to make these guarantees, but did not require State contributions or require the imposition of any conditions relating to the risk of default. The House bill did not contain any provision on this matter.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

The conference agreement includes a rescission of $30,000,000 from unobligated balances under this heading, as proposed in the Senate-reported bill. The House bill did not include a rescission from this account.

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

The conference agreement includes a rescission of $34,779,000 from unobligated balances under this heading, as proposed in the Senate-reported bill. The House bill did not include a rescission from this account.

TITLE VIII—FISCAL YEAR 1996 SUPPLEMENTAL AND RESCISSION

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes a $40,000,000 supplemental appropriation for fiscal year 1996, for the Federal Prison System and makes these funds available until September 30, 1997, in order to allow total carryover funding for this account to be $90,000,000. This provision was not included in the House and Senate-reported bills, but is necessary for technical reasons to ensure that adequate funds are available for prison activations which were scheduled for 1996, but have been delayed until 1997.

(RESCISSION)

The conference agreement includes a rescission of $40,000,000 from funds appropriated in fiscal year 1996 for the Federal Prison System. Neither the House nor the Senate-reported bills included this rescission. Funding is available for rescission as a result of delayed activations of prisons scheduled to open in fiscal year 1996. This provision, in conjunction with the previous provision, is necessary to ensure that additional resources may carry forward from fiscal year 1996 to fiscal year 1997 to support ongoing prison system operations.

TITLE IX—FISCAL YEAR 1997 DISASTER ASSISTANCE

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $25,000,000 in emergency fiscal year 1997 funding for infrastructure expenses related to recovery efforts associated with Hurricanes Fran and Hortense and other natural disasters, instead of $18,000,000 requested as a fiscal year 1996 emergency supplemental appropriation. Amounts provided under this account are designated as emergency requirements pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

In addition to amounts provided under title V of the bill, the conference agreement provides an additional $113,000,000 in emergency fiscal year 1997 subsidy appropriations for disaster loans for recovery efforts related to Hurricanes Fran and Hortense, and other natural disasters.

In addition to amounts provided under title V of the bill, the conference agreement includes an additional $22,000,000 in emergency fiscal year 1997 funding for administrative expenses necessary to carry out the disaster loan program for Hurricanes Fran and Hortense and other natural disasters, instead of $22,000,000 requested as a fiscal year 1996 emergency supplemental appropriation. Amounts provided under this account are designated as emergency requirements pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SECTION 101(b)

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

The conference agreement on the Department of Defense Appropriations Act, 1997, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 104–617 and Senate Report 104–286 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1997, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action. The following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term, "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act. At the time the President submits his budget for fiscal year 1998, the conferees direct the Department of Defense to transmit to the congressional defense committees a budget justification document to be known as the "O–1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1998.

TITLE I—MILITARY PERSONNEL

The conferees agree to the following amounts and end strength totals for the Military Personnel accounts as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Active personnel:				
Army	20,580,738	20,692,838	20,559,042	20,633,998
Navy	16,942,956	17,000,856	16,943,581	16,986,976
Marine Corps	6,102,108	6,103,808	6,099,182	6,111,728
Air Force	17,043,150	17,099,550	17,021,810	17,069,490
Reserve personnel:				
Army	2,043,679	2,083,379	2,052,136	2,073,479
Navy	1,386,306	1,392,406	1,396,989	1,405,606
Marine Corps	381,143	387,943	389,325	388,643
Air Force	775,967	780,497	785,842	783,697
National Guard personnel:				
Army	3,242,493	3,279,393	3,259,169	3,266,393
Air Force	1,284,290	1,294,490	1,295,511	1,296,490
Total, Military Personnel	69,782,830	70,115,160	69,802,587	70,016,500

FORCE STRUCTURE CHANGES

The fiscal year 1997 budget request included reductions in the size of Primary Aircraft Authorized (PAA) levels for Air Force B–52's, and Air National Guard C–130's and General Purpose fighter units. In addition, the budget reduced the number of both active and reserve P–3 squadrons. The conferees have recommended a total of $163,600,000 to maintain these units at the fiscal year 1996 levels as follows:

[In thousands of dollars]

	Milpers	O&M	Proc	Total
Navy, P–3's	22,100	16,100	....	38,200
Air Force, B–52's	4,400	47,900	11,500	63,800
ANG, C–130's	2,000	6,700	....	8,700
ANG, General Purpose Fighters	8,500	44,400	....	52,900
Total	37,000	115,100	11,500	163,600

HOUSING ALLOWANCES

The conferees agree to provide $58,230,000, for a 4.6 percent increase in the Basic Allowance for Quarters (BAQ), to be effective January 1, 1997, and $35,000,000 for an increase to the Variable Housing Allowance (VHA) to help offset the cost to service members who live in high cost geographical areas.

DENTAL INCENTIVE PAY

The conferees recommend an increase of $11,100,000 for special pays and allowances to retain dental officers serving in the military services.

BOARD CERTIFICATION PAY

The conferees encourage the Department to expand board certification pay to all board certified medical department personnel, including nurses and veterinarians, who are involved in the health and well being of our service members and their families.

PERMANENT CHANGE OF STATION COSTS

The conferees are concerned that the Department of Defense is expending excessive amounts each year for permanent change of station (PCS) travel. Accordingly, the conferees direct the Department to reduce the level of funds budgeted for PCS moves in the fiscal year 1998 budget submission by three percent. Further, the conferees recommend a reduction of two percent to the fiscal year 1997 military personnel appropriations accounts.

ACTIVE END STRENGTH

[Fiscal year 1997]

	Budget	Conference	Conference vs. Budget
Army	495,000	495,000	....
Navy	406,900	407,266	+366
Marine Corps	174,000	174,000	....
Air Force	381,100	381,100	....
Total, Active Personnel	1,457,000	1,457,366	+366

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	17,300	10,784	17,300
Variable Housing Allowance	5,900	....	7,200
Dislocation Allowance	15,500	....	14,300
Temporary Lodging Expense	12,000	....	....
Permanent Change of Station	....	−41,280	−20,640
Dental Incentive Pay	5,000	2,400	3,700
Special Duty Assignment Pay	6,400	6,400	6,400
Manpower Shortfalls	50,000	....	25,000
Total, Military Personnel, Army	112,100	−21,696	53,260

MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	15,400	9,885	15,400
Variable Housing Allowance	15,200	....	14,100
Dislocation Allowance	10,900	....	7,200
Temporary Lodging Expense	4,400	....	....
Permanent Change of Station	....	−23,760	−11,880
Dental Incentive Pay	5,000	3,900	3,700
P–3 Squadron	7,000	10,600	15,500
Total, Military Personnel, Navy	57,900	625	44,020

MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	4,500	2,834	4,500
Variable Housing Allowance	10,600	....	3,300
Dislocation Allowance	3,900	....	3,000
Temporary Lodging Expense	3,100	....	....
Permanent Change of Station	....	−9,160	−4,580
Embassy Support	−20,400	....	....
Selective Reenlistment Bonus	....	3,400	3,400
Total, Military Personnel, Marine Corps	1,700	−2,926	9,620

MARINE SECURITY GUARDS

The conference agreement fully funds the amounts requested in the budget for the Marine Security Guard program. The Marine Corps has traditionally provided security support at United States Embassies and other overseas diplomatic posts, and the personnel and support costs of these operations have been shared jointly between the Departments of Defense and State. This year's budget submission proposed changing this relationship, with the Department of Defense bearing nearly all the costs of this program.

The conferees are concerned that this decision, along with proposals to increase the scope of overseas Marine Corps diplomatic security support, has been made without sufficient regard to recurring funding shortfalls in the Marine Corps budget as well as manpower constraints stemming from the high tempo of personnel moves and operations. The conferees believe the Departments of Defense and State, along with the Marine Corps, should work together to rationalize the overall requirements stemming from the Marine Security Program in order to strike an appropriate balance between providing essential security support for overseas diplomatic operations and the Marine Corps' military missions. The conferees believe Marine Corps support for our overseas diplomatic efforts should not come at the expense of combat readiness and fully expect future budget submissions to adequately resource both activities.

MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	14,700	9,280	14,700
Variable Housing Allowance	11,500	....	7,600
Dislocation Allowance	18,600	....	12,400
Temporary Lodging Expense	4,000	....	....
Permanent Change of Station	....	−32,920	−16,460
Dental Incentive Pay	5,000	2,300	3,700
Reliability Testing	2,600	....	....
B–52 Force Structure	....	....	4,400
Total, Military Personnel, Air Force	56,400	−21,340	26,340

NATIONAL GUARD AND RESERVE FORCES

The conferees agree to provide $9,214,308,000 in Reserve personnel appropriations, $8,582,539,000 in Operation and maintenance appropriations, and $780,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve strength as shown below.

RESERVE STRENGTHS

[Fiscal year 1997]

	Budget	Conference	Conference vs. Budget
Selected Reserve:			
Army Reserve	214,925	215,179	+254
Navy Reserve	95,941	96,304	+363
Marine Corps Reserve	42,000	42,000	....
Air Force Reserve	73,281	73,377	+96
Army National Guard	366,758	366,758	....
Air National Guard	108,018	109,178	+1,160
Total	900,923	902,796	+1,873
AGR/TARS:			
Army Reserve	11,550	11,804	+254
Navy Reserve	16,506	16,626	+120
Marine Corps Reserve	2,559	2,559	....
Air Force Reserve	625	625	....
Army National Guard	23,040	23,040	....
Air National Guard	10,129	10,403	+274
Total	64,409	65,057	+648
Technicians:			
Army Reserve	6,799	6,799	....
Air Force Reserve	9,704	9,704	....
Army National Guard	25,500	25,500	....
Air National Guard	22,881	23,274	+393
Total	64,884	65,277	+393

RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Unit Readiness/Training	30,000		20,000
Basic Allowance for Quarters	700	457	700
Variable Housing Allowance	400		500
Dislocation Allowance	600		600
Full Time Support/AGR's	8,000	8,000	8,000
Total, Reserve Personnel, Army	39,700	8,457	29,800

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	1,100	683	1,100
Variable Housing Allowance	1,300		700
Dislocation Allowance	600		900
Temporary Lodging Expense	100		
P–3 Squadron	3,000		6,600
Contributory Support		10,000	10,000
Total, Reserve Personnel, Navy	6,100	10,683	19,300

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Annual Training/School Tours	6,000		3,000
Basic Allowance for Quarters	300	182	300
Variable Housing Allowance	400		100
Dislocation Allowance	100		100
Active Duty Special Work		8,000	4,000
Total, Reserve Personnel, Marine Corps	6,800	8,182	7,500

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
BRAC Closure	4,000	9,000	6,500
Basic Allowance for Quarters	430	275	430
Variable Housing Allowance	100		100
Dislocation Allowance			100
Family Support Centers		600	600
Total, Reserve Personnel, Air Force	4,530	9,875	7,730

NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
School/Special Training	31,000	15,000	20,000
Basic Allowance for Quarters	2,700	1,676	2,700
Variable Housing Allowance	800		900
Dislocation Allowance	2,400		300
Total, National Guard Personnel, Army	36,900	16,676	23,900

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	1,100	721	1,100
Variable Housing Allowance	600		500
C–130 Force Structure		2,000	2,000
Dislocation Allowance			100
Fighter Force Structure	8,500	8,500	8,500
Total, National Guard Personnel, Air Force	10,200	11,221	12,200

TITLE II—OPERATION AND MAINTENANCE

A summary of the conference agreement on the items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
28500	RECAPITULATION				
28550	O&M, ARMY	18,031,145	18,365,679	17,700,859	17,519,340
28600	TRANSFER—STOCKPILE	(83,334)	(50,000)	(50,000)	(50,000)
28650	O&M, NAVY	20,112,864	20,390,397	20,241,517	20,061,961
28700	TRANSFER—STOCKPILE	(83,333)	(50,000)	(50,000)	(50,000)
28750	O&M, MARINE CORPS	2,203,777	2,465,077	2,275,977	2,254,119
28800	O&M, AIR FORCE	17,830,122	17,938,755	17,331,309	17,263,193
28850	TRANSFER—STOCKPILE	(83,333)	(50,000)	(50,000)	(50,000)
28900	O&M, DEFENSEWIDE	10,156,468	10,212,985	9,953,142	10,044,200
29000	O&M, ARMY RESERVE	1,084,436	1,116,436	1,129,436	1,119,436
29050	O&M, NAVY RESERVE	843,927	882,927	861,527	886,027
29100	O&M, MARINE CORPS RESERVE	99,667	108,467	115,367	109,667
29150	O&M, AIR FORCE RESERVE	1,488,553	1,491,553	1,494,953	1,496,553
29200	O&M, ARMY NATIONAL GUARD	2,208,477	2,268,477	2,294,477	2,254,477
29250	O&M, AIR NATIONAL GUARD	2,654,473	2,671,373	2,721,973	2,716,379
29260	UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	6,797	6,797	6,185	6,797
29300	ENVIRONMENTAL RESTORATION, ARMY	356,916		356,916	339,109
29350	ENVIRONMENTAL RESTORATION, NAVY	302,900		302,900	287,780
29400	ENVIRONMENTAL RESTORATION, AIR FORCE	414,700		414,700	394,010
29450	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	258,500		38,650	36,722
29455	ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES			269,850	256,387
29500	ENVIRONMENTAL RESTORATION, DEFENSE		1,333,016		
29550	FORMER SOVIET UNION THREAT REDUCTION	327,900	302,900	327,900	327,900
29600	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	80,544	60,544	49,000	49,000
29750	QUALITY OF LIFE ENHANCEMENTS, DEFENSE		975,000		600,000
29755	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND			1,069,957	1,140,157
29800	REDUCTION OF FUNDS		−35,000		
29850	GRAND TOTAL, O&M.	78,462,166	80,555,383	78,956,595	79,163,222

ANTITERRORISM ISSUES

The conferees support DoD efforts to prevent terrorist attacks on US Government personnel overseas and believe that adoption of recommendations contained in the Antiterrorism Task Force Report is a good first step toward improving the security of US Government personnel worldwide. In order to establish a more effective program, the conferees direct the Secretary of Defense, in conjunction with the Secretary of State, to conduct security audits of facilities overseas to ensure that all possible action is being taken, and enforced, to protect US Government personnel against terrorist attacks. These audits should include, but not be limited to, physical and operational security measures; crisis planning; special security measures at nonpermanent facilities; cooperative security measures with host nations; education and training of personnel, and communications security. The results of these audits, and accompanying recommendations, should be provided to the congressional defense committees not later than March 15, 1997.

DOD TRAVEL REENGINEERING

The conferees are aware of the DoD efforts to reengineer the travel process and fully support those objectives. The Department is commended for taking on this effort given the significance of the potential savings. The conferees are aware that many issues have not been resolved regarding the acquisition strategy and how it will be implemented. Given these circumstances, the conferees believe that DoD should provide industry sources with another opportunity to comment on any revised strategy in order to ensure that industry "best practices" will be employed. The conferees are also concerned about the Department's continued award of contracts under the old travel system. A tremendous amount of time and expense is incurred by the government and all vendors on these new contracts. Inasmuch as DoD intends to recast the entire travel system, the justification for the Department to award new five year contracts under the old travel system is considered inappropriate. Consequently, the conferees urge the Department to consider placing a moratorium on awarding any new contracts until the new travel system is defined and can be implemented.

CHEMICAL-BIOLOGICAL EQUIPMENT

The conferees direct the Secretary of Defense to provide the congressional defense committees with a report on the actual and projected status of execution of funds appropriated to each of the services in support of chemical-biological protective training and equipment for fiscal years 1996 and 1997, not later than March 1, 1997.

USTRANSCOM EFFICIENCIES

The conferees are aware that the effort to consolidate responsibilities and assets under the charter of USTRANSCOM is a continuing evolution and are encouraged by the potential for a more streamlined and efficient logistics support system for the Department of Defense. The Department is strongly discouraged from redistributing these reductions to the individual service accounts without simultaneously directing a rebate or reduction to the customer rates charged by USTRANSCOM, thereby defeating any effort to capture savings resulting from these consolidation efforts, and the conferees will continue to monitor the progress of this endeavor.

VIETNAMESE COMMANDOS

The Conferees urge the Department of Defense to make available up to $20,000,000 for payments to Vietnamese commandos captured and incarcerated by North Vietnam pursuant to operations under a Vietnam ear operation plan known as OPLAN 34A or its predecessor, and to Vietnamese operatives captured and incarcerated by North Vietnamese forces pursuant to OPLAN 35 who remained in captivity after 1973, and who have not received payment from the United States for the period spent in captivity.

ENVIRONMENTAL COMPLIANCE

The conferees are aware of the Department's requirement for funding within the environmental compliance accounts, and are concerned with the amount of training and administrative travel within these accounts. Therefore, the conferees direct that each of the services reduce by $5,000,000 the training and administrative travel within the environmental compliance program.

REENGINEERING OF PERSONAL PROPERTY PROGRAM

The conferees recognize the urgency of improving the Department of Defense personal property relocation program, and do not object to the conduct of a pilot program in order to validate this concept. The conferees commend the Department for including industry representatives in the development of the pilot program.

The conferees believe there are still several significant concerns that should be addressed in the final pilot proposal, and encourage the Department to continue their work with the industry representatives to resolve these outstanding issues concerning the structure of the pilot program.

The conferees understand the proposed pilot program involves outbound household goods from a three state region, and direct that this outbound portion of the pilot program not be expanded beyond this area during fiscal years 1997 and 1998. The conferees direct that before the Department proposes further expansion of this program, or any other household goods relocation pilot program, the General Accounting Office (GAO) should review data collected during fiscal year 1997, and validate the results and savings achieved by such pilot programs.

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
100	OPERATION AND MAINTENANCE, ARMY				
150	BUDGET ACTIVITY 1: OPERATING FORCES				
200	LAND FORCES				
250	COMBAT UNITS	1,785,131	1,785,131	1,785,131	1,785,131
255	CONTINGENCY OPERATIONS TRANSFER	---	---	−378,657	−382,857
300	TACTICAL SUPPORT	1,144,383	1,144,383	1,144,383	1,144,383
305	HUNTER UAV	---	---	12,000	12,000
350	THEATER DEFENSE FORCES	150,569	150,569	150,569	150,569
400	FORCE RELATED TRAINING/SPECIAL ACTIVITIES	1,410,908	1,468,008	1,410,908	1,453,908
450	FORCE COMMUNICATION	65,150	65,150	65,150	65,150
500	DEPOT MAINTENANCE	845,251	894,951	845,251	879,951
505	SPARES AND REPAIR PARTS	---	---	−30,000	−60,000
510	DEPOT MAINTENANCE RMS PROGRAM	---	---	20,000	---
515	CH–47 HELICOPTER ENGINE UPGRADE SUPPORT	---	---	4,600	4,600
550	JCS EXERCISES	55,087	55,087	55,087	55,087
600	BASE SUPPORT	2,686,320	2,689,320	2,731,720	2,719,912
650	MAINTENANCE OF REAL PROPERTY	835,451	835,451	904,051	835,451
700	LAND OPERATIONS SUPPORT				
750	COMBAT DEVELOPMENTS	206,538	206,538	206,538	206,538
800	UNIFIED COMMANDS	63,769	63,769	63,769	63,769
850	TOTAL, BUDGET ACTIVITY 1	9,248,557	9,358,357	8,990,500	8,933,592
900	BUDGET ACTIVITY 2: MOBILIZATION				
950	MOBILITY OPERATIONS				
1000	POMCUS	82,303	82,303	82,303	82,303
1050	STRATEGIC MOBILIZATION	287,934	314,934	314,934	314,934
1100	WAR RESERVE ACTIVITIES	150,971	150,971	150,971	150,971
1150	INDUSTRIAL PREPAREDNESS	65,235	65,235	65,235	65,235
1200	TOTAL, BUDGET ACTIVITY 2	586,443	613,443	613,443	613,443
1250	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
1300	ACCESSION TRAINING.				
1350	OFFICER ACQUISITION	61,442	61,442	61,442	61,442
1400	RECRUIT TRAINING	13,131	13,131	13,131	13,131
1450	ONE STATION UNIT TRAINING	16,679	16,679	16,679	16,679
1500	RESERVE OFFICER TRAINING CORPS (ROTC)	120,634	120,634	120,634	120,634
1550	BASE SUPPORT (ACADEMY ONLY)	81,493	81,493	82,893	82,234
1600	MAINTENANCE OF REAL PROPERTY (ACADEMY ONLY)	40,821	40,821	40,821	40,821
1650	BASIC SKILL/ADVANCE TRAINING				
1700	SPECIALIZED SKILL TRAINING	242,298	240,498	242,298	240,498
1750	FLIGHT TRAINING	225,460	214,160	225,460	214,160
1800	PROFESSIONAL DEVELOPMENT EDUCATION	68,478	68,478	68,478	68,478
1850	TRAINING SUPPORT	405,222	403,322	405,222	401,822
1900	BASE SUPPORT (OTHER TRAINING)	898,954	898,954	913,654	906,742
1950	MAINTENANCE OF REAL PROPERTY (OTHER TRAINING)	274,999	274,999	297,599	274,999
2000	RECRUITING/OTHER TRAINING				
2050	RECRUITING AND ADVERTISING	228,234	228,234	232,234	232,234
2100	EXAMINING	72,125	72,125	72,125	72,125
2150	OFF-DUTY AND VOLUNTARY EDUCATION	101,970	101,970	101,970	101,970
2200	CIVILIAN EDUCATION AND TRAINING	83,296	80,296	83,296	80,296
2250	JUNIOR ROTC	76,640	76,640	76,640	76,640
2300	BASE SUPPORT (RECRUITING LEASES)	158,064	158,064	158,064	158,064
2350	TOTAL, BUDGET ACTIVITY 3	3,169,940	3,151,940	3,212,640	3,158,969
2400	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
2450	SECURITY PROGRAMS				
2500	SECURITY PROGRAMS	364,270	352,770	364,270	352,770
2550	LOGISTICS OPERATIONS				
2600	SERVICEWIDE TRANSPORTATION	515,541	515,541	515,541	515,541
2650	CENTRAL SUPPLY ACTIVITIES	398,003	414,203	398,003	429,203
2700	LOGISTIC SUPPORT ACTIVITIES	308,497	303,697	358,497	302,697
2750	AMMUNITION MANAGEMENT	257,812	307,812	297,812	277,812
2800	SERVICEWIDE SUPPORT				
2850	ADMINISTRATION	309,075	309,075	309,075	309,075
2900	SERVICEWIDE COMMUNICATIONS	689,100	689,100	689,100	689,100
2905	POWER PROJECTION C4I	....	....	20,000	15,000
2950	MANPOWER MANAGEMENT	158,424	158,424	158,424	158,424
3000	OTHER PERSONNEL SUPPORT	171,661	171,661	171,661	171,661
3050	OTHER SERVICE SUPPORT	596,539	596,539	600,439	600,439

[In thousands of dollars]

		Budget	House	Senate	Conference
3100	ARMY CLAIMS ACTIVITIES	175,881	175,881	175,881	175,881
3150	REAL ESTATE MANAGEMENT	79,628	79,628	79,628	79,628
3200	BASE SUPPORT	666,216	666,216	676,716	671,776
3205	PENTAGON RESERVATION FUND TRANSFER			−59,100	−59,100
3250	MAINTENANCD OF REAL PROPERTY	106,065	106,065	114,865	106,065
3300	SUPPORT OF OTHER NATIONS				
3350	INTERNATIONAL MILITARY HEADQUARTERS	273,924	273,924	267,861	267,861
3400	MISC SUPPORT OF OTHER NATIONS	38,903	38,903	38,903	38,903
3450	TOTAL, BUDGET ACTIVITY 4	5,109,539	5,159,439	5,177,576	5,102,736
3550	CLASSIFIED PROGRAMS UNDISTRIBUTED		6,600		7,800
3600	CIVILIAN PERSONNEL UNDERSTRENGTH		−19,000	−133,000	−19,000
3700	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−83,334	−50,000	−50,000	−50,000
3710	GENERAL REDUCTION, NATL DEFENSE STOCKPILE FUND/OTHER				−10,000
3750	FOREIGN CURRENCY FLUCTUATION				−69,000
3850	PRINTING EFFICIENCIES		−3,000		−3,000
4180	ACQUISITION WORKFORCE REDUCTION		−14,000		−14,000
4190	FUEL TAX CREDIT		−13,800	−13,800	−13,800
4200	USTRANSCOM EFFICIENCIES		−37,000	−33,000	−37,000
4210	OSA FLYING HOUR REDUCTION		−20,000		−5,000
4260	CHEMICAL-BIOLOGICAL EQUIP MAINT SUPPORT		13,200		10,200
4280	REAL PROPERTY MAINTENANCE		155,000		
4290	NON-LETHAL WEAPONS			2,000	
4320	FORSCOM UNDEREXECUTION		2,000	−5,100	−5,100
4322	MWR OVERHEAD			−1,500	−1,500
4325	INFORMATION RESOURCE MANAGEMENT		32,500		−50,000
4330	BASE OPERATIONS SHORTFALL		30,000		
4337	DBOF PASSTHROUGH			−58,900	−29,000
4340	ENVIRONMENTAL COMPLIANCE				−5,000
4350	TOTAL, OPERATION AND MAINTENANCE, ARMY	18,031,145	18,365,679	17,700,859	17,519,340
4400	TRANSFER	(83,334)	(50,000)	(50,000)	(50,000)
4450	TOTAL FUNDING AVAILABLE	(18,114,479)	(18,415,679)	(17,750,859)	(17,569,340)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
255 Contingency Operations Transfer	−382,857
305 Hunter UAV	12,000
400 Soldier Enhancement/Initial Issue	43,000
500 Depot Maintenance RMS Program	20,000
500 Depot Maintenance-Vehicle Backlog	14,700
505 Spares-Spare and Repair Parts	−60,000
515 CH-47 Helicopter Engine Upgrade Support	4,600
600 Base Operations Support	22,992
600 BOS-McGregor Range EIS	7,100
600 BOS–UXO Cleanup Ft. Bliss	1,000
600 JRTC/Ft. Polk	500
600 Rotational Airhead	2,000
Budget Activity 2: Mobilization:	
1050 Strategic Mobility-Movement of Prepositioned Stocks	27,000
Budget Activity 3: Training and Recruiting:	
1550 Base Operations Support	741
1700 Specialized Skill Training	−1,800
1750 Flight Training	−11,300
1850 TNET	3,500
1850 Training Support	−6,900
1900 Base Operations Support	7,788
2050 Recruiting and Advertising	4,000
2200 Civilian Education & Training	−3,000
Budget Activity 4: Administration and Servicewide Activities:	
2500 Security Programs	−11,500
2650 Acquisition Workforce Reduction	−8,800
2650 End Item Management	40,000
2700 Acquisition Workforce Reduction	−8,800
2700 Depot Maintenance Logistics Tail	3,000
2750 Ammunition Management	20,000
2905 Power Projection C4I	15,000
3050 Conservation and Ecosystem Management Program	3,000
3050 Life Science Equipment Lab	550
3050 Waste Water Treatment Planning	350
3200 Base Operations Support	5,560
3205 Pentagon Reservation Fund Transfer	−59,100
3350 NATO Headquarters Reduction	−6,063
Undistributed:	
3550 Classified (Undistributed)	7,800
3600 Civilian Personnel Underexecution	−19,000
3700 DNSC Transfer	33,334
3710 National Defense Stockpile Fund/Other	−10,000
3750 Foreign Currency Fluctuation	−69,000
3850 Printing Efficiencies	−3,000
4180 Acquisition Workforce Reduction	−14,000
4190 Fuel Tax Credit	−13,800
4200 USTRANSCOM Efficiencies	−37,000
4210 OSA Flying Hour Reduction	−5,000
4260 Chem-Bio Equipment Support	10,200
4320 FORSCOM Underexecution	−5,100
4322 MWR Overhead	−1,500
4325 Information Resource Management	−50,000
4337 DBOF Passthrough	−29,000
4340 Environmental Compliance Reduction	−5,000

HUNTER UAV

Until the Tactical Unmanned Aerial Vehicle (TUAV) is fielded in the fiscal year 1998 or 1999 time frame, the Hunter UAV is the only system available for tactical warfighters. The Army has several additional Hunter systems but these are currently in storage. These systems have already been procured and are currently consuming resources without providing any return. These assets could contribute by providing warfighters the opportunity to refine doctrine, gain tactical experience, fulfill contingency requirements, and work on critical issues such as airspace management and command and control. Therefore, the conferees agree to provide $12,000,000 to remove three Hunter systems from storage to provide a capability to further develop UAV concepts of operation. The conferees' action is not to be interpreted as authority to upgrade or further develop the Hunter UAV system.

MEMORIAL EVENTS

The conference agreement includes language suggested by the Department of Defense clarifying the Army's authority to continue its practice of supporting several national patriotic events. The conferees expect that funds will be made available pursuant to this provision, in addition to the budgeted amount, for operational expenses necessary for the successful conduct of national memorial and patriotic events.

PARACHUTE MAINTENANCE AND REPAIR

Of the funds provided under this heading, the conferees direct that $2,000,000 be made available for the purpose of contracting out the workload as necessary to reduce the backlog of maintenance and repair work on cargo and personnel parachutes at Fort Bragg.

CEMENT PRODUCTION

In response to a recommendation by the US Army Crops of Engineers following a preliminary review of burning hazardous waste in cement kilns, the conferees believe that the Waterways Experiment Station of the US Army Corps of Engineers should use $200,000 of existing funds for a study to research the long term durability and quality of cement produced by using hazardous waste materials as fuels.

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
4500	OPERATION AND MAINTENANCE, NAVY				
4550	BUDGET ACTIVITY 1: OPERATING FORCES				
4600	AIR OPERATIONS				
4650	MISSION AND OTHER FLIGHT OPERATIONS	1,867,999	1,867,999	1,867,999	1,867,999
4655	P–3 SQUADRON	....	....	10,600	10,600
4700	FLEET AIR TRAINING	606,264	606,264	606,264	606,264
4750	INTERMEDIATE MAINTENACE	64,855	64,855	64,855	64,855
4800	AIR OPERATIONS AND SAFETY SUPPORT	65,742	65,742	65,742	65,742
4850	AIRCRAFT DEPOT MAINTENANCE	602,679	643,979	616,679	604,679
4900	AIRCRAFT DEPOT OPERATIONS SUPPORT	24,613	24,613	24,613	24,613
4950	BASE SUPPORT	807,680	827,680	830,855	814,567
5000	MAINTENANCE OF REAL PROPERTY	346,107	346,107	373,707	346,107
5050	SHIP OPERATIONS				
5100	MISSION AND OTHER SHIP OPERATIONS	1,919,975	1,919,975	1,935,975	1,928,975
5150	SHIP OPERATIONAL SUPPORT AND TRINING	457,005	457,005	457,005	457,005
5200	INTREMEDIATE MAINTENANCE	396,844	396,844	422,844	417,844
5250	SHIP DEPOT MAINTENANCE	1,803,854	1,818,854	1,953,854	1,963,854
5300	SHIP DEPOT OPERATIONS SUPPORT	787,330	787,330	787,330	787,330
5350	BASE SUPPORT	828,295	848,295	841,795	835,447
5400	MAINTENANCE OF REAL PROPERTY	289,182	289,182	312,282	289,182
5450	COMBAT OPERATION/SUPPORT				
5500	COMBAT COMMUNICATIONS	206,422	206,422	206,422	206,422
5550	ELECTRONIC WARFARE	7,589	7,589	7,589	7,589
5600	SPACE SYSTEM AND SURVEILLANCE	144,806	144,806	144,806	144,806
5650	WARFARE TACTICS	138,113	138,113	138,113	138,113
5700	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	212,854	212,854	212,854	212,854
5750	COMBAT SUPPORT FORCES	386,011	386,011	386,011	386,011
5800	EQUIPMENT MAINTENANCE	163,038	164,038	163,038	164,038
5850	DEPOT OPERATIONS SUPPORT	1,146	1,146	1,146	1,146
5900	BASE SUPPORT	327,468	337,468	317,809	325,445
5950	MAINTENANCE OF REAL PROPERTY	49,511	49,511	43,411	49,511
6000	WEAPONS SUPPORT				
6050	CRUISE MISSILE	79,828	120,428	120,428	107,528
6100	FLEET BALLISTIC MISSILE	756,722	756,722	756,722	756,722
6150	IN-SERVICE WEAPONS SYSTEMS SUPPORT	50,875	50,875	50,875	50,875
6200	WEAPONS MAINTENANCE	389,406	389,406	389,406	389,406
6250	BASE SUPPORT	63,750	73,750	65,150	64,492
6300	MAINTENANCE OF REAL PROPERTY	31,247	31,247	33,747	31,247
6305	DEPOT MAINTENANCE RMS PROGRAM	....	....	20,000	....
6310	CONTINGENCY OPERATIONS TRANSFER	....	....	−126,300	−126,300
6350	DBOF SUPPORT				
6450	TOTAL, BUDGET ACTIVITY 1	13,877,210	14,035,110	14,113,626	13,994,968
6500	BUDGET ACTIVITY 2: MOBILIZATION				
6550	READY RESERVE AND PREPOSITIONING FORCES				
6600	SHIP PREPOSITIONING AND SURGE	497,905	497,905	497,905	497,905
6650	ACTIVATIONS/INACTIVATIONS				
6700	AIRCRAFT ACTIVATIONS/INACTIVATIONS	2,699	2,699	2,699	2,699
6750	SHIP ACTIVATIONS/INACTIVATIONS	568,307	568,307	568,307	568,307
6800	MOBILIZATION PREPAREDNESS				
6850	FLEET HOSPITAL PROGRAM	19,374	19,374	19,374	19,374
6900	INDUSTRIAL READINESS	722	722	722	722
6950	COAST GUARD SUPPORT	21,929	21,929	21,929	21,929
7000	TOTAL, BUDGET ACTIVITY 2	1,110,936	1,110,936	1,110,936	1,110,936
7050	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
7100	ACCESSION TRAINING				
7150	OFFICER ACQUISITION	66,825	66,825	66,825	66,825
7200	RECRUIT TRAINING	4,887	4,887	4,887	4,887
7250	RESERVE OFFICERS TRAINING CORPS (ROTC)	67,777	67,777	67,777	67,777
7300	BASE SUPPORT	54,338	54,338	54,338	54,868
7350	MAINTENANCE OF REAL PROPERTY	64,553	64,553	69,653	64,553
7400	BASIC SKILLS AND ADVANCED TRAINING				
7450	SPECIALIZED SKILL TRAINING	218,689	207,989	218,689	207,989
7500	FLIGHT TRAINING	295,280	295,280	295,280	295,280
7550	PROFESSIONAL DEVELOPMENT EDUCATION	65,981	59,681	65,981	63,181
7600	TRAINING SUPPORT	119,098	119,098	119,098	120,098
7650	BASE SUPPORT	316,260	316,260	321,560	319,068
7700	MAINTENANCE OF REAL PROPERTY	111,355	111,355	120,255	11,355
7750	RECRUITING, AND OTHER TRAINING AND EDUCATION				
7800	RECRUITING AND ADVERTISING	136,474	136,474	136,474	136,474
7850	OFF-DUTY AND VOLUNTARY EDUCATION	61,643	61,643	61,643	61,643
7900	CIVILIAN EDUCATION AND TRAINING	22,218	22,218	22,218	22,218
7950	JUNIOR ROTC	24,902	24,902	24,902	24,902
8000	BASE SUPPORT	439	439	439	439
8050	MAINTENANCE OF REAL PROPERTY	59	59	59	59
8100	TOTAL, BUDGET ACTIVITY 3	1,630,778	1,613,778	1,651,078	1,621,616
8150	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
8200	SERVICEWIDE SUPPORT				
8250	ADMINISTRATION	570,921	570,921	570,921	570,921
8300	EXTERNAL RELATIONS	21,406	21,406	21,406	21,406
8350	CIVILIAN MANPOWER AND PERSON MANAGEMENT	69,426	69,426	69,426	69,426
8400	MILITARY MANPOWER AND PERSON MANAGEMENT	129,426	129,426	129,426	129,426
8450	OTHER PERSONNEL SUPPORT	237,647	237,647	237,647	237,647
8500	SERVICEWIDE COMMUNICATIONS	230,240	244,240	230,240	237,240
8550	BASE SUPPORT	200,375	200,375	203,475	202,017
8650	MAINTENANCE OF REAL PROPERTY	45,196	45,196	48,796	45,196
8700	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
8750	SERVICEWIDE TRANSPORTATION	151,371	151,371	151,371	151,371
8800	PLANNING, ENGINEERING AND DESIGN	284,268	284,268	284,268	284,268
8850	ACQUISITION AND PROGRAM MANAGEMENT	467,318	441,718	470,122	444,522
8900	AIR SYSTEMS SUPPORT	276,446	276,446	276,446	276,446
8950	HULL, MECHANICAL AND ELECTRICAL SUPPORT	48,613	48,613	48,613	48,613
9000	COMBAT/WEAPONS SYSTEMS	39,083	39,083	39,083	39,083
9050	SPACE AND ELECTRONIC WARFARE SYSTEMS	72,540	72,540	72,540	72,540
9100	BASE SUPPORT	145,338	145,338	147,638	146,556
9105	PENTAGON RESERVATION FUND TRANSFER	....	....	−38,300	−38,300
9150	MAINTENANCE OF REAL PROPERTY	11,967	11,967	11,967	11,967
9200	SECURITY PROGRAMS				
9250	SECURITY PROGRAMS	555,721	552,721	555,721	552,721
9300	BASE SUPPORT	7,344	7,344	7,344	7,344
9350	MAINTENANCE OF REAL PROPERTY	5,083	5,083	5,083	5,083
9400	SUPPORT OF OTHER NATIONS				

[In thousands of dollars]

		Budget	House	Senate	Conference
9450	INTERNATIONAL HEADQUARTERS AND AGENCIES	7,544	7,544	7,544	7,544
9500	TOTAL, BUDGET ACTIVITY 4	3,577,273	3,562,673	3,550,777	3,523,037
9550	CLASSIFIED PROGRAMS UNDISTRIBUTED		4,600	−900	5,204
9600	INFORMATION RESOURCE MANAGEMENT		50,000		−50,000
9650	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−83,333	−50,000	−50,000	−50,000
9660	GENERAL REDUCTION, NATL DEFENSE STOCKPILE FUND / OTHER				−10,000
9700	FOREIGN CURRENCY FLUCTUATION				−2,100
9800	PRINTING EFFICIENCIES		−4,000		−4,000
10100	CIVILIAN PERSONNEL UNDERSTRENGTH		−44,600	−125,000	−44,600
10110	ACQUISITION WORKFORCE REDUCTION		−14,000		−14,000
10120	USTRANSCOM EFFICIENCIES		−10,000	−9,000	−10,000
10130	OSA FLYING HOUR REDUCTION		−20,000		−5,000
10140	WAKE ISLAND HYDROACOUSTIC SYSTEM		900		900
10260	MAINTENANCE OF REAL PROPERTY		125,000		
10300	BASE OPERATION SHORTFALL		30,000		
10305	ENVIRONMENTAL COMPLIANCE				−5,000
10350	TOTAL, OPERATION AND MAINTENANCE, NAVY	20,112,864	20,390,397	20,241,517	20,061,961
10400	TRANSFER	(83,333)	(50,000)	(50,000)	(50,000)
10450	TOTAL FUNDING AVAILABLE	(20,196,197)	(20,440,397)	(20,291,517)	(20,111,961)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
4655 P-3 Squadron	10,600
4850 Depot Maintenance RMS Program	10,000
4850 Depot Maintenance-Aviation Backlog	24,000
4850 Spares-Aviation Spares Reduction	−32,000
4950 Base Operations Support	6,887
5100 Mission Operations	9,000
5200 Intermediate Maintenance	21,000
5250 Depot Maintenance RMS Program	10,000
5250 Depot Maintenance-Ship Overhaul Backlog	150,000
5350 Base Operations Support	7,152
5800 Reverse Osmosis Desalinators	1,000
5900 Base Operations Support	2,861
5900 NAF Adak	10,000
5900 NAS Fallon Aquifer Study	175
5900 NATO Infrastructure Reduction	−15,059
6050 Cruise Missile Recertification	27,700
6250 Basse Operations Support	742
6310 Contingency Operations Transfer	−126,300
Budget Activity 3: Training and Recruiting:	
7300 Base Operations Support	530
7450 Specialized Skill Training	−10,700
7550 Professional Development Education	−2,800
7600 Chief of Naval Education and Training (CNET)	1,000
7650 Base Operations Support	2,808
Budget Activity 4: Administration and Servicewide Activities:	
8500 Servicewide Communications-Challenge Athena	7,000
8550 Base Operations Support	1,642
8850 Acquisition and Program Management	2,804
8850 Acquisition Workforce Reduction	−25,600
9100 Base Operations Support	1,218
9105 Pentagon Reservation Fund Transfer	−38,300
9250 Security Program	−3,000
Undistributed:	
9550 Classifed (Undistributed)	5,204
9600 Information Resource Management	−50,000
9650 DNSC Transfer	33,333
9660 National Defense Stockpile Fund/Other	−10,000
9700 Foreign Currency Fluctuation	−2,100
9800 Printing Efficiencies	−4,000
10100 Civilian Personnel Underexecution	−44,600
10110 Acquisition Workforce Reduction	−14,000
10120 USTRANSCOM Efficiencies	−10,000
10130 OSA Flying Hour Reduction	−5,000
10140 Wake Island Hydroacoustic System	900
10305 Environmental Compliance Reduction	−5,000

CHALLENGE ATHENA

Last year, the Navy requested and the conferees provided $27,000,000 for Challenge Athena and directed the Department to include this requirement in future budget submissions (S. Report 104-124). Despite this direction and the Department's claims that this program is the Navy's number one C4I priority, the Navy once again failed to include Challenge Athena in its budget request. Because of the critical importance of this project to the morale and well-being of deployed fleet sailors, the conferees hereby provide an additional $7,000,000 in servicewide communications.

CHIEF OF NAVAL EDUCATION AND TRAINING

The conferees direct that the Chief of Naval Education and Training (CNET), as the Navy's organization responsible for training technology matters, undertake efforts that will lead to maximizing returns on technology investment in distance learning and computer mediated learning. This would include developing more efficient use of the Internet for training requirements, developing models for appropriate applications of training technologies, and developing models to assess leadership training effectiveness. The conferees agree to add $1,000,000 to initiate this effort.

OCEANOGRAPHIC SHIP OPERATIONS

The conferees direct that up to $7,500,000 be made available for university research fleet oceanographic ship operations out of funds made available in the mission operations line.

INTREPID REFURBISHMENT

The conferees agree that the Department of Defense should review the cost and feasibility of refurbishing the deck of the *USS Intrepid* in time for possible inclusion in the fiscal year 1998 budget submission if deemed appropriate.

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
10500	OPERATION AND MAINTENANCE, MARINE CORPS				
10550	BUDGET ACTIVITY 1: OPERATING FORCES				
10600	EXPEDITIONARY FORCES				
10650	OPERATIONAL FORCES	331,478	377,478	331,478	365,478
10655	INITIAL ISSUE EQUIPMENT			25,000	
10660	WARFIGHTING LAB			8,000	
10665	CONTINGENCY OPERATION TRANFER			−200	−200
10700	FIELD LOGISTICS	171,056	171,056	171,056	171,056
10750	DEPOT MAINTENANCE	155,168	165,168	155,168	155,168
10800	BASE SUPPORT	593,307	659,307	593,307	608,307
10850	MAINTENANCE OF REAL PROPERTY	252,570	252,570	252,570	252,570
10855	NON-LETHAL WEAPONS			3,000	
10900	USMC PREPOSITIONING				
10950	MARITIME PREPOSITIONING	74,003	74,003	74,003	74,003
11000	NORWAY PREPOSITIONING	3,748	3,748	3,748	3,748
11010	PERSONNEL SUPPORT EQUIPMENT			15,000	

[In thousands of dollars]

		Budget	House	Senate	Conference
11015	CORROSION CONTROL			10,000	
11050	TOTAL, BUDGET ACTIVITY 1	1,581,330	1,703,330	1,642,130	1,630,130
11100	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
11150	ACCESSION TRAINING				
11200	RECRUIT TRAINING	8,139	8,139	8,139	8,139
11250	OFFICER ACQUISITION	270	270	270	270
11300	BASE SUPPORT	47,092	47,092	47,792	47,463
11350	MAINTENANCE OF REAL PROPERTY	17,590	17,590	18,990	17,590
11400	BASIC SKILLS AND ADVANCED TRAINING				
11450	SPECIALIZED SKILLS TRAINING	26,578	26,578	26,578	26,578
11500	FLIGHT TRAINING	155	155	155	155
11550	PROFESSIONAL DEVELOPMENT EDUCATION	5,929	5,929	5,929	5,929
11600	TRAINING SUPPORT	74,859	74,859	74,859	74,859
11650	BASE SUPPORT	51,086	51,086	51,786	51,457
11700	MAINTENANCE OF REAL PROPERTY	24,402	24,402	26,402	24,402
11750	RECRUITING AND OTHER TRAINING EDUCATION				
11800	RECRUITING AND ADVERTISING	65,382	70,082	70,082	70,082
11850	OFF-DUTY AND VOLUNTARY EDUCATION	10,593	15,093	10,593	15,093
11900	JUNIOR ROTC	8,562	8,562	8,562	8,562
11950	BASE SUPPORT	8,427	8,427	8,427	8,427
12000	MAINTENANCE OF REAL PROPERTY	2,336	2,336	3,436	2,336
12050	TOTAL, BUDGET ACTIVITY 3	351,400	360,600	362,000	361,342
12100	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
12150	SERVICEWIDE SUPPORT				
12250	SPECIAL SUPPORT	196,367	196,367	196,367	196,367
12300	SERVICEWIDE TRANSPORTATION	38,479	38,479	38,479	38,479
12350	ADMINISTRATION	25,459	25,459	25,459	25,459
12400	BASE SUPPORT	9,283	9,283	9,283	9,283
12450	MAINTENANCE OF REAL PROPERTY	1,459	1,459	1,459	1,459
12500	TOTAL, BUDGET ACTIVITY 4	271,047	271,047	271,047	271,047
12550	CLASSIFIED PROGRAMS			5,300	2,900
12600	FOREIGN CURRENCY FLUCTUATION				−2,100
12710	MAINTENANCE OF REAL PROPERTY		140,000		
12750	ACQUISITION WORKFORCE REDUCTION		−2,200		−2,200
12755	USTRANSCOM EFFICIENCIES		−5,000	−4,500	−5,000
12760	OSA FLYING HOUR REDUCTION		−4,000		−2,000
12765	EMBASSY SUPPORT		−8,700		
12770	BASE OPERATIONS SHORTFALL		10,000		
12800	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	2,203,777	2,465,077	2,275,977	2,254,119

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
10650 Commandant's Warfighting Lab	8,000
10650 Corrosion Control	7,000
10650 Soldier Enhancement/Initial Issue	19,000
10665 Contingency Operations Transfer	−200
10800 Personnel Support Equipment	15,000
Budget Activity 3: Training and Recruiting:	
11300 Base Operations Support	371
11650 Base Operations Support	371
11800 Recruiting and Advertising	4,700
11850 Off-Duty & Voluntary Education	4,500
Undistributed:	
12550 Classified Programs	2,900
12600 Foreign Currency Fluctuation	−2,100
12750 Acquisition Workforce Reduction	−2,200
12755 USTRANSCOM Efficiencies	−5,000
12760 OSA Flying Hour Reduction	−2,000

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
12950	OPERATION AND MAINTENANCE, AIR FORCE				
13000	BUDGET ACTIVITY 1: OPERATING FORCE				
13050	AIR OPERATIONS				
13100	PRIMARY COMBAT FORCES	2,314,739	2,308,039	2,403,739	2,391.339
13105	CONTINGENCY OPERATIONS TRANSFER			−414,000	−414,000
13110	SPARES INVENTORY REDUCTION			−40,000	−80,000
13115	AIRCRAFT COMPONENT RECLAMATION			−80,000	
13120	DEPOT MAINTENANCE RMS PROGRAM			20,000	
13125	DEPOT MAINTENANCE			41,200	33,200
13150	PRIMARY COMBAT WEAPONS	394,408	394,408	394,408	394,408
13200	COMBAT ENHANCEMENT FORCES	250,614	250,614	250,614	250,614
13250	AIR OPERATIONS TRAINING	570,948	570,948	570,948	570,948
13300	COMBAT COMMUNICATIONS	893,912	893,912	867,912	880,912
13350	BASE SUPPORT	1,680,275	1,680,275	1,716,275	1.699.347
13400	MAINTENANCE OF REAL PROPERTY	694,867	694,867	749,067	694.867
13445	CAPITAL ASSETS REDUCTION			−3,745	−3,745
13450	COMBAT RELATED OPERATIONS				
13500	GLOBAL C3I AND EARLY WARNING	736,038	736,038	746,038	746,338
13550	NAVIGATION/WEATHER SUPPORT	114,842	114,842	114,842	114,842
13600	OTHER COMBAT OPS SUPPORT PROGRAMS	197,861	200,361	197,861	199,361
13650	JCS EXERCISES	37,973	37,973	37,973	37,973
13700	MANAGEMENT/OPERATIONAL HEADQUARTERS	106,309	106,309	106,309	106,309
13750	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	216,743	210,043	216,743	216,743
13800	SPACE OPERATIONS				
13850	LAUNCH FACILITIES	237,508	237,508	237,508	237,508
13900	LAUNCH VEHICLES	106,266	106,266	106,266	106,266
13950	SPACE CONTROL SYSTEMS	311,304	311,304	311,304	311,304
14000	SATELLITE SYSTEMS	44,301	44,301	44,301	44,301
14050	OTHER SPACE OPERATIONS	101,723	101,723	101,723	101,723
14055	DOD SPACE ARCHITECT			2,399	2,400
14100	BASE SUPPORT	291,242	291,242	291,242	291,421
14150	MAINTENANCE OF REAL PROPERTY	109,736	109,736	118,336	109,736

[In thousands of dollars]

		Budget	House	Senate	Conference
14200	TOTAL, BUDGET ACTIVITY 1	9,385.609	9,400,709	9,115,563	9,047,115
14250	BUDGET ACTIVITY 2: MOBILIZATION				
14300	MOBILITY OPERATIONS				
14350	AIRLIFT OPERATIONS	1,584,175	1,584,175	1,584,175	1,584,175
14400	AIRLIFT OPERATIONS C3I	13,784	13,784	13,784	13,784
14450	MOBILIZATION PREPAREDNESS	138,167	138,167	138,167	138,167
14500	PAYMENTS TO TRANSPORTATION BUSINESS AREA	422,700	422,700	422,700	422,700
14550	BASE SUPPORT	408,945	408,945	417,945	413,713
14600	MAINTENANCE OF REAL PROPERTY	121,486	121,486	130,986	121,486
14650	TOTAL, BUDGET ACTIVITY 2	2,689,257	2,689,257	2,707,757	2,694,025
14700	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
14750	ACCESSION TRAINING				
14800	OFFICER ACQUISITION	48,213	48,213	48,213	48,213
14850	RECRUIT TRAINING	4,586	4,586	4,586	4,586
14900	RESERVE OFFICER TRAINING CORPS (ROTC)	42,738	42,738	42,738	42,738
14950	BASE SUPPORT (ACADEMIES ONLY)	56,843	56,843	56,843	56,843
15000	MAINTENANCE OF REAL PROPERTY (ACADEMIES ONLY)	40,050	40,050	40,050	40,050
15050	BASIC SKILLS AND ADVANCED TRAINING				
15100	SPECIALIZED SKILL TRAINING	195,098	185,698	195,098	185,698
15150	FLIGHT TRAINING	331,663	331,663	331,663	331,663
15200	PROFESSIONAL DEVELOPMENT EDUCATION	74,060	66,660	74,060	66,660
15250	TRAINING SUPPORT	59,607	53,707	59,607	53,707
15300	BASE SUPPORT (OTHER TRAINING)	388,965	388,965	397,215	393,336
15350	MAINTENANCE OF REAL PROPERTY (OTHER TRAINING)	117,335	117,335	126,435	117,335
15400	RECRUITING, AND OTHER TRAINING AND EDUCATION				
15450	RECRUITING AND ADVERTISING	52,218	52,218	54,718	54,718
15500	EXAMINING	1,954	1,954	1,954	1,954
15550	OFF DUTY AND VOLUNTARY EDUCATION	71,210	80,710	80,710	80,710
15600	CIVILIAN EDUCATION AND TRAINING	66,791	66,791	66,791	66,791
15650	JUNIOR ROTC	25,233	25,233	25,233	25,233
15700	TOTAL, BUDGET ACTIVITY 3	1,576,564	1,563,364	1,605,914	1,570,235
15750	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
15800	LOGISTICS OPERATIONS				
15850	LOGISTICS OPERATIONS	1,042,759	1,031,159	1,042,759	1,021,159
15900	TECHNICAL SUPPORT ACTIVITIES	371,521	371,521	371,521	371,521
15950	SERVICEWIDE TRANSPORTATION	240,740	240,740	240,740	240,740
16000	BASE SUPPORT	581,182	581,182	593,932	587,937
16050	MAINTENANCE OF REAL PROPERTY	217,991	217,991	234,991	217,991
16100	SERVICEWIDE ACTIVITIES				
16150	ADMINISTRATION	121,337	113,337	121,337	111,337
16200	SERVICEWIDE COMMUNICATIONS	268,687	268,687	268,687	268,687
16250	PERSONNEL PROGRAMS	89,196	89,196	89,196	89,196
16300	RESCUE AND RECOVERY SERVICES	44,413	44,413	44,413	44,413
16400	ARMS CONTROL	28,418	28,418	28,418	28,418
16450	OTHER SERVICEWIDE ACTIVITIES	482,192	482,192	482,192	482,192
16500	OTHER PERSONNEL SUPPORT	30,873	30,873	30,873	30,873
16550	CIVIL AIR PATROL CORPORATION	14,526	15,426	17,926	17,926
16600	BASE SUPPORT	145,053	145,053	148,053	146,642
16605	PENTAGON RESERVATION FUND TRANSFER			−40,300	−27,200
16650	MAINTENANCE OF REAL PROPERTY	20,127	20,127	21,727	20,127
16700	SECURITY PROGRAMS				
16750	SECURITY PROGRAMS	550,240	548,340	550,240	548,340
16800	SUPPORT TO OTHER NATIONS				
16850	INTERNATIONAL SUPPORT	12,374	12,374	12,374	12,374
16900	TOTAL, BUDGET ACTIVITY 4	4,262,025	4,241,425	4,259,475	4,213,069
16950	CLASSIFIED PROGRAMS UNDISTRIBUTED		−24,700	−5,000	−23,476
17050	CIVILIAN PERSONNEL UNDERSTRENGTH		−12,200	−94,600	−12,200
17100	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−83,333	−50,000	−50,000	−50,000
17110	GENERAL REDUCTION, NATL DEFENSE STOCKPILE FUND / OTHER				−10,000
17150	FOREIGN CURRENCY FLUCTUATION				−26,700
17350	PRINTING EFFICIENCIES		−3,000		−3,000
17560	MAINTENANCE OF REAL PROPERTY		70,500		
17570	REAL PROPERTY MAINTENANCE—FAIRCHILD AFB		9,500		
17580	CHEMICAL/BIOLOGICAL PROTECTIVE EQUIPMENT		3,000		2,000
17595	FUEL TAX CREDIT		−8,500	−8,500	−8,500
17615	ACQUISITION WORKFORCE REDUCTION		−8,600		−8,600
17617	DBOF PASSTHROUGH			−194,500	
17619	AIRCRAFT MAINTENANCE DATA SYSTEM			15,000	15,000
17620	USTRANSCOM EFFICIENCIES		−22,000	−19,800	−22,000
17625	OSA FLYING HOUR REDUCTION		−24,000		−8,000
17630	RELIABILITY TESTING		23,000		300
17635	BASE OPERATIONS SHORTFALLS		30,000		
17640	INFORMATION RESOURCE MANAGEMENT		61,000		−50,000
17646	INVESTMENT ITEM TRANSFER				−51,075
17648	ENVIRONMENTAL COMPLIANCE				−5,000
	650 TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	17,830,122	17,938,755	17,331,309	17,263,193
17770	TRANSFER	(83,333)	(50,000)	(50,000)	(50,000)
17750	TOTAL FUNDING AVAILABLE	(17,913,455)	(17,988,755)	(17,381,309)	(17,313,193)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
13100 B-52 Attrition Reserve	47,900
13100 C-130 Transfer to ANG	−6,700
13100 Ellsworth AFB B-1 Squadron	5,400
13100 SR-71	30,000
13105 Contingency Operations Transfer	−414,000
13110 Spares-Aviation Spares Reduction	−80,000
13125 Depot Maintenance	33,200
13300 RIVET JOINT Communication Installations	13,000
13350 Base Operations Support	19,072
13445 Capital Asset Reduction	−3,745
13500 AWACS EXTEND SENTRY	7,100
13500 JSAS	3,200
13600 Reverse Osmosis Desalinators	1,500
14055 DoD Space Architect	2,400
14100 Base Operations Support	3,179
Budget Activity 2: Mobilization:	
14550 Base Operations Support	4,768
Budget Activity 3: Training and Recruiting:	
15100 Specialized Skill Training	−9,400
15200 Professional Development Education	−7,400
15250 Training Support	−5,900

15300 Base Operations Support	4,371
15450 Recruiting and Advertising	2,500
15550 Off-Duty & Voluntary Education	9,500
Budget Activity 4: Administration and Servicewide Activities	
15850 Acquisition Workforce Reduction	−41,600
15850 Depot Maintenance RMS Program	20,000
16000 Base Operations Support	6,755
16150 Air Staff Liaison	−12,000
16150 STRATCOM	2,000
16550 Civil Air Patrol, Counternarcotics	2,500
16550 Civil Air Patrol, Other	900
16600 Base Operations Support	1,589
16605 Pentagon Reservation Fund Transfer	−27,200
16750 Security Programs	−1,900
Undistributed:	
16950 Classified (Undistributed)	−23,476
17050 Civilian Personnel Underexecution	−12,200
17100 DNSC Transfer	33,333
17110 National Defense Stockpile Fund/Other	−10,000
17150 Foreign Currency Fluctuation	−26,700
171350 Printing Efficiencies	−3,000
17580 Chem-Bio Protective Equipment	2,000
17595 Fuel Tax Credit	−8,500
17615 Acquisition Workforce Reduction	−8,600
17619 Aircraft Maintenance Data System	15,000
17615 Acquisition Workforce Reduction	−8,600
17619 Aircraft Maintenance Data System	15,000
17620 USTRANSCOM Efficiencies	−22,000
17625 OSA Flying Hour Reduction	−8,000
17630 Reliability Testing	300
17640 Information Resources Management	−50,000
17646 Investment Item Transfer	−51,075
17648 Environmental Compliance Reduction	−5,000

CORROSION CONTROL FACILITY

The conferees urge the Air Force to consider submitting a reprogramming for construction of an aircraft towway between Tinker Air Force Base and a privately built and operated corrosion control and paint facility to be constructed on a site adjacent to the Base. This would be implemented in cooperation with the initiative of the city of Oklahoma City to secure a private company to build and operate the new corrosion control and paint facility.

MISSILE CREW MEMBER EDUCATION PROGRAM

The conferees are aware of a recent decision by the Air Force Space Command to discontinue the Missile Crew Member Education Program that, for over thirty years, has covered 100 percent of the cost of tuition and books for missile crew officers pursuing masters degrees. The conferees recognize that the program has been an effective means of retaining officers and also maintaining the high educational standards of the Air Force, and requests the Space Command consider continuing the program at the level of assistance provided prior to the decision to terminate the program.

INSTRUMENT ROUTES 102 AND 141

The conferees recognize the need for Air Force low altitude training and strongly support this requirement. The conferees urge the Air Force to give every consideration to public comments and community concerns in the impacted areas when modifying Instrument Routes 102 and 141 for such training. The Air Force should report to the congressional defense committees by March 31, 1997, on possible alternative routes to the currently proposed training routes.

FORMER OLMSTED AIR FORCE BASE

The conferees are pleased that the final restoration by the Air Force of the former Olmsted Air Force Base in Pennsylvania is proceeding smoothly and the the Environmental Protection Agency projects a delisting of the base (Middletown Airfield EPA National Priorities List Site) from the NPL by the end of 1996. The conferees feel that following delisting of the site it will be necessary to maintain near the site a comprehensive database which incorporates data from all current and future environmental investigations to provide a comprehensive look at the environmental status of the site for future development or emergency response situations and to maintain institutional controls. Therefore, the conferees recommend that, commencing in fiscal year 1997, the Air Force expend funds necessary (estimated at $123,000 over five years) for such a comprehensive site database to be located at the Pennsylvania State University at Harrisburg, Pennsylvania.

FAIRCHILD AIR FORCE BASE

The conferees direct that, of the funds provided in this account, and additional $9,500,000 be provided above the budgeted amount for facilities maintenance and repair at Fairchild Air Force Base.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
17800	OPERATION AND MAINTENACE, DEFENSE-WIDE				
17850	BUDGET ACTIVITY 1: OPERATING FORCES				
17900	JOINT CHIEFS OF STAFF	464,199	564,899	469,199	509,199
17950	SPECIAL OPERATIONS COMMAND	962,319	985,119	977,619	978,119
17955	SOCOM RPM			2,000	2,000
18000	TOTAL, BUDGET ACTIVITY 1	1,426,518	1,550,018	1,448,818	1,489,318
18050	BUDGET ACTIVITY 2: MOBILIZATION				
18100	DEFENSE LOGISTICS AGENCY	21,942	21,942	21,942	21,942
18200	BUDGET ACTITIVITY 3: TRAINING AND RECRUITING				
18250	DEFENSE ACQUISITION UNIVERSITY	100,417	100,417	90,417	85,417
18350	SPECIAL OPERATION COMMAND	35,500	35,500	35,500	35,500
18400	TOTAL, BUDGET ACTIVITY 3	135,917	135,917	125,917	120,917
18450	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
18500	AMERICAN FORCES INFORMATION SERVICE	100,558	100,558	100,558	100,558
18550	CORPORATE INFORMATION MANAGEMENT	46,367	46,367	46,367	46,367
18600	CLASSIFIED AND INTELLIGENCE	3,384,576	3,384,093	3,333,876	3,382,376
18650	DEFENSE CIVILIAN PERSONNEL, MANAGEMENT SERVICE	49,302	49,302	49,302	49,302
18700	DEFENSE CONTRACT AUDIT AGENCY	335,486	327,486	335,486	327,486
18750	DEFENSE INVESTIGATIVE SERVICE	193,323	193,232	193,232	193,232
18800	DEFENSE LOGISTICS AGENCY	1,181,738	1,108,338	1,083,938	1,090,738
18850	DEFENSE LEGAL SERVICE AGENCY	7,297	7,297	7,297	7,297
18900	DEFENSE MAPPING AGENCY	741,157	768,257	721,157	758,257
18950	DEFENSE NUCLEAR AGENCY	85,083	85,083	88,083	85,083
19000	DEFENSE POW/MIA OFFICE	12,694	12,694	12,694	12,694
19050	FEDERAL ENERGY MANAGEMENT PROGRAM	116,853	116,853	20,000	15,000
19100	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,322,254	1,342,254	1,322,854	1,342,254
19150	DEFENSE SUPPORT ACTIVITIES	125,269	125,269	125,269	125,269
19200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,504	10,504	10,504	10,504
19250	JOINT CHIEFS OF STAFF	121,295	121,295	121,295	121,295
19300	OFFICE OF ECONOMIC ADJUSTMENT	39,330	39,330	39,330	53,330
19350	OFFICE OF THE SECRETARY OF DEFENSE	339,558	259,858	239,185	319,858
19450	ON SITE INSPECTION AGENCY	109,030	87,030	95,030	87,030
19500	SPECIAL OPERATIONS COMMAND	55,200	55,200	55,200	55,200
19550	WASHINGTON HEADQUARTERS SERVICES	195,308	195,308	181,308	176,293
19600	TOTAL, BUDGET ACTIVITY 4	8,572,091	8,435,608	8,271,965	8,359,423
19675	LEGACY			15,000	12,500
19700	PENTAGON RENOVATION TRANSFER			83,100	70,000
19750	CIVILIAN PERSONNEL UNDERSTRENGTH		−14,200	−51,600	−14,200
19900	FOREIGN CURRENCY FLUCTUATION				−7,400
19950	IMPACT AID		58,000		35,000

[In thousands of dollars]

		Budget	House	Senate	Conference
19955	REPAIRS TO FEDERALLY-FUNDED SCHOOLS			20,000	20,000
20025	INDIAN LAND REMEDIATION			8,000	8,000
20075	EMERGENCY PREPAREDNESS AND RESPONSE			5,000	4,000
20130	ACQUISITION WORKFORCE REDUCTIONS		−4,300		−4,300
20160	USTRANSCOM EFFICIENCIES		−26,000		−26,000
20170	INFORMATION RESOURCE MANAGEMENT		56,000		16,000
20175	INNOVATION READINESS TRAINING			5,000	5,000
20185	UNDISTRIBUTED REDUCTION (NUNN-LUGAR)			−138,000	
20190	CONTINGENCY OPERATIONS TRANSFER DEFENSE-WIDE				−66,000
20195	DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION			138,000	
20200	TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	10,156,468	10,212,985	9,953,142	10,044,200

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
17900 Exercise Northern Edge	5,000
17900 Strategic Mobility—Mobility Enhancements	40,000
17950 Emergent Operations	5,000
17950 Intell Support to Naval Special Ops Training	500
17950 SOCOM OPTEMPO/DLRs	10,300
17955 Real Property Maintenance (SOCOM)	2,000
Budget Activity 3: Training and Recruiting:	
18250 Defense Acquisition University	−15,000
Budget Activity 4: Administration and Servicewide Activities:	
18600 Classified and Intell	−2,200
18700 Acquisition Workforce Reduction	−8,000
18800 Acquisition Workforce Reduction	−24,000
18800 Civilian Personnel Under- execution	−13,000
18800 Depot Maintenance RMS Program	−90,000
18800 Procurement Technical Assistance Program	18,000
18800 Security Locks	15,000
18800 Tent Repair and Maintenance	3,000
18900 Defense Mapping Agency	17,100
19050 Federal Energy Management Program	−101,853
19100 Department of Defense Dependents Education	20,000
19300 OEA-San Diego Conversion Center	7,000
19300 OEA-California State University Monterey Bay/Fort Ord	7,000
19350 Civil/Military Programs	−5,000
19350 OSD Administrative Savings	−20,400
19350 Recruiting and Advertising/JRAP/Defense Manpower Data Center	10,300
19350 Seismic System Communication Links	400
19450 Security Programs-On Site Inspection Agency	−22,000
19550 Recruiting and Advertising/Washington Headquarters Service/JRAP Offset	−10,000
19550 Washington Headquarters Service/Other	−9,015
Undistributed:	
19675 Legacy	12,500
19700 Pentagon Reservation Fund Transfer	70,000
19750 Civilian Personnel Under-execution	−14,200
19900 Foreign Currency Fluctuation	−7,400
19950 Impact Aid	35,000
19955 Repairs to Federally-Funded Schools	20,000
20025 Indian Land Remediation	8,000
20075 Emergency Preparedness and Response	4,000
20130 Acquisition Workforce Reduction	−4,300
20160 USTRANSCOM Efficiencies	−26,000
20170 Information Resource Management	16,000
20175 Innovative Readiness Training	5,000
20190 Contingency Operations Transfer	−66,000

DEFENSE MAPPING AGENCY

The conferees concur in the House direction that the Defense Mapping Agency's private contracting be conducted in compliance with the normal qualifications based selection process found in 40 U.S.C. 541 and 10 U.S.C. 2855. These provisions in Federal law provide the authority for agencies to use the qualifications based selection process, including selection of surveying and mapping firms, for all services described therein, not just those related to construction. The conferees agree that these provisions regarding private contracting apply only to mapping, charting and geodetic activities.

NATURAL FIBERS

The conferees note the preponderance of synthetic fibers in most uniforms and strongly support efforts to improve the quality of life for our forces. Given the greater comfort of natural fibers, the conferees direct the Department of Defense to report to the congressional defense committees on the potential for increasing the natural fiber content of uniforms by January 31, 1997.

LAW ENFORCEMENT EQUIPMENT

The conferees direct the Department of Defense to forgive the remaining 5,000 ballistic helmets and their monetary value loaned to the Los Angeles County Sheriff's Department (since April 1993).

CIVIL/MILITARY PROGRAMS

The conferees recommend a total of $59,500,000 for civil/military programs for fiscal year 1997 and direct the Department to provide the level of funding as shown below to those programs. The conferees further direct the Department to report to the congressional defense committees, not later than February 15, 1997, on the status of the obligation of these funds.

[In thousands of dollars]

Challenge youth program	$39,000
Starbase youth program	4,500
Innovative Readiness Training	16,000
Total	59,500

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS (DODDS)

The conferees urge the Department to continue to fund the DoDDS mathematics teachers leadership development project out of the funds provided in this appropriation. In addition, the conferees direct the Department to provide the congressional defense committees with a report, not later than March 1, 1997, on the actual and projected status of execution of funds appropriated for the Department of Defense Dependents Schools for fiscal years 1996 and 1997.

OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[in thousands of dollars]

		Budget	House	Senate	Conference
20350	OPERATION AND MAINTENANCE, ARMY RESERVE.				
20400	BUDGET ACTIVITY 1: OPERATING FORCES.				
20450	MISSION OPERATIONS.				
20500	BASE SUPPORT	258,273	258,273	258,273	258,273
20550	MAINTENANCE OF REAL PROPERTY	50,913	50,913	80,913	50,913
20600	DEPOT MAINTENANCE	45,853	45,853	45,853	45,853
20650	RECRUITING AND RETENTION	36,998	41,998	36,998	41,998
20700	TRAINING OPERATIONS	578,482	605,482	578,482	598,482
20750	TOTAL, BUDGET ACTIVITY 1	970,519	1,002,519	1,000,519	995,519
20800	BUDGET ACTIVITY 4: ADMIN. & SERVICEWIDE ACTIVITIES				
20850	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
20900	INFORMATION MANAGEMENT	20,772	20,772	20,772	20,772
20950	PUBLIC AFFAIRS	467	467	467	467
21000	PERSONNEL ADMINISTRATION	63,521	63,521	63,521	63,521

[in thousands of dollars]

		Budget	House	Senate	Conference
21050	STAFF MANAGEMENT	29,157	29,157	29,157	29,157
21100	TOTAL, BUDGET ACTIVITY 4	113,917	113,917	113,917	113,917
21205	PERSONNEL ADMINISTRATION			15,000	10,000
21300	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	1,084,436	1,116,436	1,129,436	1,119,436

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
20650 Recruiting and Retention	5,000
20700 Training Operations/Ground OPTEMPO	20,000
Other Adjustments:	
21205 Personnel Administration/civilian manpower shortfall	10,000
Total adjustments	+35,000

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either th4e House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
21450	OPERATION AND MAINTENANCE, NAVY RESERVE				
21500	BUDGET ACTIVITY 1: OPERATING FORCES				
21550	RESERVE AIR OPERATIONS				
21600	MISSION AND OTHER FLIGHT OPERATIONS	275,838	275,838	275,838	275,838
21650	P-3 SQUADRON OPERATIONS				5,500
21700	FLEET AIR TRAINING	1,299	1,299	1,299	1,299
21750	INTERMEDIATE MAINTENANCE	17,499	17,499	17,499	17,499
21800	AIR OPERATION AND SAFETY SUPPORT	2,048	2,048	2,048	2,048
21850	AIRCRAFT DEPOT MAINTENANCE	70,560	75,560	75,560	75,560
21900	AIRCRAFT DEPOT OPS SUPPORT	341	341	341	341
21950	BASE SUPPORT	117,353	117,353	117,353	117,353
22000	MAINTENANCE OF REAL PROPERTY	24,920	24,920	36,920	24,920
22050	RESERVE SHIP OPERATORS				
22100	MISSION AND OTHER SHIP OPERATIONS	61,784	61,784	61,784	61,784
22150	SHIP OPERATIONAL SUPPORT AND TRAINING	642	642	642	642
22200	INTERMEDIATE MAINTENANCE	9,961	9,961	9,961	9,961
22250	SHIP DEPOT MAINTENANCE	83,969	83,969	83,969	83,969
22300	SHIP DEPOT OPERATIONS SUPPORT	1,811	1,811	1,811	1,811
22350	RESERVE COMBAT OPERATIONS SUPPORT				
22450	COMBAT SUPPORT FORCES	27,905	27,905	27,905	27,905
22500	BASE SUPPORT	41,769	41,769	41,769	41,769
22550	MAINTENANCE OF REAL PROPERTY	8,960	8,960	11,960	8,960
22600	RESERVE WEAPONS SUPPORT				
22650	WEAPONS MAINTENANCE	6,121	6,121	6,121	6,121
22655	CONTINGENCY OPERATIONS TRANSFER			−2,400	−2,400
22700	TOTAL, BUDGET ACTIVITY 1	752,780	757,780	770,380	760,880
22750	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
22800	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
22850	ADMINISTRATION	6,153	6,153	6,153	6,153
22900	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	2,764	2,764	2,764	2,764
22950	MILITARY MANPOWER AND PERSONNEL	28,349	28,349	28,349	28,349
23050	SERVICEWIDE COMMUNICATIONS	19,427	19,427	19,427	19,427
23100	BASE SUPPORT	26,488	26,488	26,488	26,488
23150	MAINTENANCE OF REAL PROPERTY	4,906	4,906	4,906	4,906
23200	COMBAT/WEAPONS SYSTEMS	2,555	2,555	2,555	2,555
23250	GENERAL DEFENSE INTELLIGENCE PROGRAM	505	505	505	505
23260	BASE OPERATING SUPPORT		7,000		7,000
23300	TOTAL, BUDGET ACTIVITY 4	91,147	98,147	91,147	98,147
23350	NSIPS		27,000		27,000
23450	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	843,927	882,927	861,527	886,027

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
21650 P-3 Squadron operations	5,500
21850 Aircraft Depot Maintenance/airframes and engines	5,000
22655 Contingency Operations Transfer	−2,400
Budget Activity 4: Administration and Servicewide Activities:	
23260 Base Operating Support	7,000
23300 NSIPS	27,000
Total adjustments	+42,100

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
23600	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE				
23650	BUDGET ACTIVITY 1: OPERATING FORCES				
23700	MISSION FORCES				
23750	TRAINING	13,611	17,611	13,611	15,611
23800	OPERATING FORCES	27,569	32,369	38,269	35,569
23850	BASE SUPPORT	14,628	14,628	14,628	14,628
23900	MAINTENANCE OF REAL PROPERTY	4,967	4,967	9.967	4,967
23950	DEPOT MAINTENANCE	2,953	2,953	2,953	2,953
24000	TOTAL, BUDGET ACTIVITY 1	63,728	72,528	79,428	73,728
24050	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
24150	ADMINISTRATION AND SERVICEWIDE ACTIVITIES.				
24150	RECRUITING AND ADVERTISING	7,538	7,538	7,538	???
24200	SPECIAL SUPPORT	10477	10477	10,477	10,477

[In thousands of dollars]

		Budget	House	Senate	Conference
24250	SERVICEWIDE TRANSPORTATION	4,507	4,507	4,507	4,507
24300	ADMINISTRATION	6,151	6,151	6,151	6,151
24350	BASE SUPPORT	7,266	7,266	7,266	27,266
24450	TOTAL, BUDGET ACTIVITY 4	35,939	35,939	35,939	35,939
24550	TOTAL, O&M, MARINE CORPS RESERVE	99,667	108,467	115,367	109,667

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
23750 Training/M1A1 Tank Training	2,000
23800 Operating Forces/Initial Issue	8,000
Total adjustments	+10,000

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
24700	OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
24750	BUDGET ACTIVITY 1: OPERATING FORCES				
24800	AIR OPERATIONS				
24850	AIRCRAFT OPERATIONS	1,102,739	1,105,739	1,109,139	1,110,739
24900	MISSION SUPPORT OPERATIONS	38,645	38,645	38,645	38,645
24950	BASE SUPPORT	222,851	222,851	222,851	222,851
25000	MAINTENANCE OF REAL PROPERTY	48,037	48,037	48,037	48,037
25050	TOTAL, BUDGET ACTIVITY 1	1,412,272	1,415,272	1,418,672	1,420,272
25100	BUDGET ACTIVITY 4: ADMIN & SERVICE WIDE ACTIVITIES				
25150	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
25200	ADMINISTRATION	42,799	42,799	42,799	42,799
25250	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	19,386	19,386	19,386	19,386
25300	RECRUITING AND ADVERTISING	7,714	7,714	7,714	7,714
25350	OTHER PERSONNEL SUPPORT	6,047	6,047	6,047	6,047
25400	AUDIOVISUAL	335	335	335	335
25450	TOTAL, BUDGET ACTIVITY 4	76,281	76,281	76,281	76,281
25600	TOTAL, O&M, AIR FORCE RESERVE	1,488,553	1,491,553	1,494,953	1,496,553

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
24850 Aircraft Operations/WC-130 Training Hours	1,000
24850 Aircraft Operations/AWACS Flying Hours	2,000
24850 Aircraft Operations/AWACS Reserve Program	5,000
Total adjustments	+8,000

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
25750	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD				
25800	BUDGET ACTIVITY 1: OPERATING FORCES				
25850	MISSION OPERATIONS				
25900	TRAINING OPERATIONS	1,736,633	1,786,633	1,736,633	1,766,633
25950	RECRUITING AND RETENTION	20,214	20,214	20,214	20,214
26000	MEDICAL SUPPORT	18,514	18,514	18,514	18,514
26050	DEPOT MAINTENANCE	36,099	46,099	36,099	41,099
26100	BASE SUPPORT	196,070	196,070	196,070	196,070
26150	MAINTENANCE OF REAL PROPERTY	48,041	48,041	123,041	48,041
26200	TOTAL, BUDGET ACTIVITY 1	2,055,571	2,115,571	2,130,571	2,090,571
26250	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
26300	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
26350	INFORMATION MANAGEMENT	42,461	42,461	53,461	53,461
26400	PUBLIC AFFAIRS	1,463	1,463	1,463	1,463
26450	PERSONNEL ADMINISTRATION	60,730	60,730	60,730	60,730
26500	STAFF MANAGEMENT	48,252	48,252	48,252	48,252
26550	TOTAL, BUDGET ACTIVITY 4	152,906	152,906	163,906	163,906
26700	TOTAL, O&M, ARMY NATIONAL GUARD	2,208,477	2,268,477	2,294,477	2,254,477

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
25900 Training Operations/Ground Optempo	30,000
26050 Depot Maintenance	5,000
Budget Activity 4: Administration and Servicewide Activities:	
26350 Information Management/Distance Learning	11,000
Total adjustments	+46,000

NATIONAL GUARD TRAINING SUPPORT

The conferees are aware of the work of the National Guard Training Support Branch in development training procedures, devices and simulations, such as FIST I and II and SIMITAR, which have led to improvement in training and readiness for our National Guard. The conferees are also aware that the results of these efforts were successfully employed in Operation Joint Endeavor. The conferees support these training efforts and recommend that they be continued and expanded. The conferees further recommend that the Training Readiness Operations Directorate develop a comprehensive funding plan to ensure continuation of these valuable programs.

JOINT AVIATION FACILITY

The conferees believe that funds appropriated in Public Law 103–110 for the purpose of a joint armed forces aviation support facility at Johnstown, Pennsylvania should be available for a joint air traffic control tower at Johnstown, Pennsylvania which is necessary for aviation safety.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
26850	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD				
26900	BUDGET ACTIVITY 1: OPERATING FORCES				
26950	AIR OPERATIONS				
27000	AIRCRAFT OPERATIONS	1,935,403	1,952,303	2,002,903	1,998,003
27050	MISSION SUPPORT OPERATIONS	325,996	325,996	325,996	325,996
27100	BASE SUPPORT	285,396	285,396	285,396	285,396
27150	MAINTENANCE OF REAL PROPERTY	80,255	80,255	80,255	80,255
27200	DEPOT MAINTENANCE	19,483	19,483	19,483	19,483
27250	TOTAL, BUDGET ACTIVITY 1	2,646,533	2,633,433	2,714,033	2,709,133
27300	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
27350	SERVICEWIDE ACTIVITIES				
27400	ADMINISTRATION	3,076	3,076	3,076	3,076
27450	RECRUITING AND ADVERTISING	4,864	4,864	4,864	4,864
27500	TOTAL, BUDGET ACTIVITY 4	7,940	7,940	7,940	7,940
27570	INVESTMENT ITEM TRANSFER	....	....	....	−694
27650	TOTAL, O&M, AIR NATIONAL GUARD	2,654,473	2,671,373	2,721,973	2,716,379

ADJUSTMENT TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
27000 Aircraft Operations/159th Fighter Group	1,500
27000 Aircraft Operations/General Purpose Fighters	44,400
27000 Aircraft Operations/Flying Hour Program	10,000
27000 Aircraft Operations/C–130 PAA	6,700
Other Adjustments:	
27570 Investment Item Transfer	−694
Total adjustments	+61,906

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

The conference agreement provides $6,797,000 for the United States Court of Appeals for the Armed Forces as requested in the budget.

COURT OF MILITARY APPEALS REPROGRAMMING

The conferees direct the Office of the Under Secretary of Defense (Comptroller) to develop a plan that provides the Court of Military Appeals with a mechanism by which the court has the option to reprogram funds into the Operation and Maintenance. Defensewide account when it experiences an underexecution of appropriated funds and to provide the congressional defense committees with a summary of this plan by February 1, 1997.

ENVIRONMENTAL RESTORATION, ARMY

The conferees agree to provide $339,109,000 for Environmental Restoration, Army.

ENVIRONMENTAL RESTORATION, NAVY

The conferees agree to provide $287,788,000 for Environmental Restoration, Navy.

ENVIRONMENTAL RESTORATION, AIR FORCE

The conferees agree to provide $394,010,000 for Environmental Restoration, Air Force.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The conferees agree to provide $36,722,000, for Environmental Restoration, Defense-Wide.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

The conferees agree to provide $256,387,000 for Environmental Restoration, Formerly Used Defense Silos.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conferees agree to provide $49,000,000 for Overseas Humanitarian, Disaster and Civic Aid.

FORMER SOVIET UNION THREAT REDUCTION

The conferees agree to provide $327,900,000, for the Former Soviet Union Threat Reduction program.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

The conferees agree to provide $600,000,000 for Quality of Life Enhancements, Defense. The conferees are concerned about the condition of barracks, dining halls and related facilities throughout the Department of Defense. Accordingly, the conferees agree that reducing the backlog of maintenance and repair for such facilities should be the Department's highest priority.

TITLE III—PROCUREMENT

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
SUMMARY				
ARMY:				
AIRCRAFT	970,815	1,308,709	1,283,815	1,348,434
MISSILES	766,329	988,567	982,829	1,041,867
WEAPONS, TRACKED COMBAT VEHICLES	1,102,014	1,500,414	1,449,714	1,470,286
AMMUNITION	853,428	1,150,128	1,118,329	1,127,149
OTHER	2,627,440	2,899,040	3,295,486	3,172,485
TOTAL, ARMY	6,320,026	7,846,858	8,130,173	8,160,221
NAVY:				
AIRCRAFT	5,881,952	6,896,552	7,239,704	7,027,010
WEAPONS	1,400,363	1,384,408	1,500,154	1,389,913
AMMUNITION	....	341,689	....	289,695
SHIPS	4,911,930	4,469,930	6,193,330	5,613,665
OTHER	2,714,195	2,889,591	2,944,519	3,067,944
MARINE CORPS	555,507	623,973	660,507	569,073
TOTAL, NAVY	15,463,947	16,606,143	18,538,214	17,957,300
AIR FORCE:				
AIRCRAFT	5,779,228	7,274,628	6,630,370	6,404,980
MISSILES	2,733,877	2,279,500	2,713,944	2,297,145
AMMUNITION	....	272,177	....	293,153
OTHER	5,998,819	6,078,539	5,577,787	5,944,680
TOTAL, AIR FORCE	14,511,924	15,904,844	14,922,101	14,939,958
DEFENSE-WIDE	1,841,212	2,247,812	1,773,794	1,978,005

[In thousands of dollars]

	Budget	House	Senate	Conference
NATIONAL GUARD AND RESERVE EQUIPMENT		908,000	759,800	780,000
TOTAL PROCUREMENT	38,137,109	43,513,657	44,124,082	43,815,484

SPECIAL INTEREST ITEMS

The conferees direct that the direction contained under the heading "Special Interest Items" in the House report also shall apply to items identified in the same manner in the Senate report. The conferees direct that items appearing in the project and subproject level tables in the House and Senate reports, and in the conference managers' statement, shall be reflected in the Form DD–1414 "Base for Reprogramming" and treated accordingly.

LRIP TEST ARTICLES AND REPROGRAMMING THRESHOLDS

The conferees strongly agree with the concerns expressed by both the House and the Senate with respect to changes contemplated by the Department of Defense (DoD) in the budgeting for low-rate initial production (LRIP) test articles and in reprogramming thresholds. The conferees note that the Department's budgeting policies for LRIP test articles have been applied inconsistently in the past. The conferees reserve judgment as to the desirability of changing the budgeting practice for LRIP test articles, and they intend to evaluate the ramifications of this change during the fiscal year 1998 budget review. Unlike the circumstances associated with creation of the fiscal year 1997 budget request, the conferees expect the Department to consult with the Committees on Appropriations well in advance about the justification and implications of this change.

To ensure such consultation occurs, the conferees direct that DoD may not modify its policies or practices with respect to budgeting for LRIP test articles until 90 days after any proposed modification is reported to the congressional defense committees, along with a detailed justification for that proposed modification. Further, this issue underscores the lack of visibility of test article quantities in current budget exhibits. Given that test articles are significant cost drivers in research and development programs, the conferees direct that RDT&E budget exhibits for fiscal year 1998 and subsequent years must clearly denote the number and type of test articles budgeted, in total, over the life of the R&D program.

The conferees also direct that none of the funds available to DoD during fiscal year 1997 may be obligated or expended to modify established reprogramming procedures, including modifying below threshold reprogramming dollar thresholds, until 90 days after any proposed modification is reported to the congressional defense committees, along with a detailed justification for that proposed modification.

AMMUNITION AND MISSILE QUANTITIES

The conferees agree that if missiles and ammunition quantities are noted in the following tables, they are to be considered estimates of the minimum number of rounds than can be procured in fiscal year 1997 with the funds provided. Continuing a longstanding policy, the conferees do not intend that quantity notations in the tables are to be a limitation on the number of rounds that can be procured and further direct the Department to buy as many rounds as appropriated funds will allow. In no case, however, shall the Department buy less than the quantities requested or noted in the tables unless the congressional defense committees are informed as to why these levels are not achievable.

GPS AND FLIGHT DATA RECORDERS AND PASSENGER SAFETY MODIFICATIONS

The conferees agree with the language included under these headings in their respective House and Senate committee reports. The conferees agree with the Secretary of Defense that military passenger aircraft should be modified with modern safety-related equipment such as global positioning system receivers, flight data recorders, cockpit voice recorders, ground proximity warning systems, and traffic collision and avoidance systems. The conferees direct the Department of Defense to evaluate using commercial equipment to meet these requirements. The conferees direct that House and Senate reporting requirements be combined, and that no fiscal year 1997 funds be obligated until these reports are provided to the congressional defense committees.

INFORMATION SYSTEMS SECURITY

The conferees are concerned about the potential for unauthorized entry into Department of Defense information systems. The intelligence community believes that numerous foreign countries are developing "information warfare" capabilities designed to exploit the accessibility of computer and communications systems. Department of Defense personnel must understand how they are impacted by this threat as well as what their roles and responsibilities are as key implementors of the Department's information protection strategy. Consequently, effective information security training is an essential component of countering this threat. The conferees recommend that services and defense agencies which have not yet developed computer security procedures should consider the procurement of commercial-off-the-shelf computer security training and training management software such as the Air Force's Safeware.

SECURE TERMINAL EQUIPMENT

The Secure Terminal Equipment (STE) program has developed the next generation secure terminal for use by U.S. military forces, the intelligence community, and other government agencies requiring secure voice and data communications. The conferees have provided $11,319,000 within the Other Procurement, Navy appropriation under "Secure Voice Systems" and $7,300,000 in Other Procurement, Army under "Information Systems Security" for the procurement of tactical STE, consistent with the President's budget request. The conferees support STE as a vital step in ensuring necessary voice and data security enhancements and therefore designate the Army and Navy procurement lines as programs of special congressional interest and expect the Department of Defense Form 1414 to reflect this designation.

Furthermore, the conferees direct that $17,000,000 of the funds appropriated for Procurement, Defense-Wide be made available only for the procurement of the tactical STE. None of these funds are to be used for the development of cellular equipment without prior notification to the congressional defense committees.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AIRCRAFT PROCUREMENT, ARMY					
ARL (TIARA)	24,742	35,242	24,742		29,942
C–XX (MEDIUM RANGE) AIRCRAFT			35,000	8	22,000
GUARDRAIL COMMON SENSOR (TIARA)	1,081	11,081	1,081		5,000
AH–64 ATTACK HELICOPTER (APACHE)			53,000		
UH–60 BLACKHAWK (MYP)	161,279	161,279	290,379	34	225,379
UH–60 BLACKHAWK (MYP) (AP–CY)	75,000	61,000	75,000		68,000
CH–47 CARGO HELICOPTER MODS (MYP)	7,802	59,802	51,502		51,502
LONGBOW	356,957	356,957	356,957		383,457
KIOWA WARRIOR	9,115	242,115	9,115		199,115
EH–60 QUICKFIX MODS	13,912	36,612	13,912		13,912
AIRBORNE AVIONICS	40,819	60,919	40,819		48,319
PASSENGER SAFETY MODIFICATIONS			3,200		3,200
ASE MODS	4,801	4,801	4,801		25,801
SPARES AND REPAIR PARTS	51,106	34,700	51,106		41,106
AIRCRAFT SURVIVABILITY EQUIPMENT	436	20,436	34,436		436
AVIONICS SUPPORT EQUIPMENT	7,449	7,449	12,449		9,949
AVIATION LIFE SUPPORT EQUIPMENT (ALSE)	6,292	6,292	16,292		13,292
AIR TRAFFIC CONTROL	8,401	8,401	8,401		6,401

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
AH–64 Attack Helicopter	0	0	53,000	0
Training Devices	....	0	53,000	0
(Note: $26,500,000 transferred to Longbow)				
UH Blackhawk (MYP)	161,279	161,279	290,379	225,379
(Note: Additional funds are to procure 6 additional aircraft for the Army National Guard. The conferees also direct that 4 of the 34 aircraft must be configured as UH–60Q platforms for enhanced medical evacuation)				
Longbow	356,957	356,957	356,957	383,457
Training devices	....	0	0	26,500
(Note: $26,500,000 transferred from AH–64 Attack Helicopter. The conferees agree that of the total amount available $1,000,000 is only for the evaluation of a kit upgrade program to convert T–700–701 engines to T–700–701C engines)				
Airborne Avionics	40,819	60,919	40,819	48,319
GPS-Blackhawk and Chinook	....	15,000	0	7,500
GPS-passenger carrying aircraft	....	5,100	0	0
(Note: $3,200,000 in additional funds are provided in Passenger Safety Mods)				
ASE Mods	4,801	4,801	4,801	25,801
Laser detection sets	....	....	0	11,000
Advanced threat infrared countermeasures for Longbow Apache	....	....	0	5,000
Integration of radar deception jamming devices	....	....	0	5,000
(Note: Transferred from Aircraft Survivability Equipment)				
Aircraft Survivability Equipment	436	20,436	34,436	436
Laser detection sets	....	20,000	11,000	0
Advanced threat infrared countermeasures for Longbow Apache	....	0	13,000	0
integration of radar deception jamming devices	....	0	10,000	0
(Note: Transferred to ASE Mods.)				
Air Traffic Control	8,401	8,401	8,401	6,401
(Note: $2,000,000 transferred to Research, Development, Test and Evaluation, Army-Air Traffic Control for ATNAVICS)				

MISSILE PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
MISSILE PROCUREMENT, ARMY					
PATRIOT SYSTEM SUMMARY (MYP)	2,862	....	2,862	....	....
AVENGER SYSTEM SUMMARY	12,581	71,981	12,581	93	71,981
JAVELIN (AAWS-M) SYSTEM SUMMARY	162,104	201,804	196,104	1,020	162,104
JAVELIN (MYP) (AP-CY)	....	....	....	....	34,000
MLRS LAUNCHER SYSTEMS	38,039	48,039	105,039	....	105,039
ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM	92,816	161,816	92,816	97	92,816
ARMY TACTICAL MSL SYS (MYP) (AP-CY)	....	....	....	....	69,000
PATRIOT MODS	11,464	21,464	23,464	....	23,464
STINGER MODS	16,903	36,903	39,703	....	36,903
AVENGER MODS	....	....	29,000	....	....
ITAS/TOW MODS	16	16	33,016	....	16
DRAGON MODS	3,181	3,181	4,881	....	3,181

JAVELIN ADVANCE PROCUREMENT

The conferees agree to provide an additional $34,000,000 and establish an advance procurement line for economic order quantity purchases associated with multiyear procurement of the Javelin missile. The conferees agree with House direction requiring the Army to negotiate variable quantity options in the third year of the Javelin multiyear contract. Further, the conferees agree with the reporting requirements contained in both the House and Senate reports and further stipulate that the reports be combined and submitted to the congressional defense committees not less than 30 days prior to the contract award.

PATRIOT MODIFICATIONS

The conferees agree to provide $23,464,000 for Patriot modifications. The additional funds are provided for the GEM +/− upgrade and the Integrated Diagnostic Support System and may be distributed between the two programs at the discretion of the Army.

STINGER MODIFICATIONS

The conferees agree to provide $36,903,000 for Stinger Modifications; an increase of $20,000,000. The additional funds are provided to upgrade Stinger missiles to the Block 1 configuration, to modify Stinger platforms to use the Block 1 missile, and to retrofit the missile with a new warhead. The Army may allocate the additional funds as priorities dictate among these efforts.

ARMY TACTICAL MISSILE SYTEM (ATACMS) ADVANCE PROCUREMENT

The conferees agree to provide $69,000,000 to establish an advance procurement line for economic order quantity purchases associated with multiyear procurement of ATACMS.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF W&TCV, ARMY					
BRADLEY BASE SUSTAINMENT	134,428	254,428	191,628	....	235,000
FIELD ARTILLERY AMMUNITION SUPPORT VEH	34,400	64,200	84,400	24	64,200
COMMAND & CONTROL VEHICLE	48,985	38,985	48,985	5	48,985
CARRIER, MOD	23,028	52,028	43,028	....	43,028
HOWITZER, MED SP FT 155MM M109A6 (MOD)	75,000	106,200	136,000	....	106,200
FAASV PIP TO FLEET	4,727	13,827	4,727	....	13,827
IMPROVED RECOVERY VEHICLE (M88 MOD)	28,641	55,741	78,641	....	55,741
M1 ABRAMS TANK (MOD)	50,217	40,217	78,217	....	63,217
ARMORED COMBAT EARTHMOVER	....	100,700	....	....	51,000
GRENADE LAUNCHER, AUTO, 40MM, MK19–3	5,199	18,199	33,199	320	33,199
MACHINE GUN	....	20,000	....	....	20,000
M16 RIFLE MODS	5,531	5,531	20,531	....	5,531

BRADLEY BASE SUSTAINMENT

The conferees agree to provide $235,000,000 for Bradley base sustainment, an increase of $100,572,000 to the budget request only for A0 remanufacturings. The conferees direct that no less than $55,000,000 be made available only for the remanufacturing of 50 A0 to A2 vehicles. The remaining remanufacturing funds shall be available only for A0 to A3 remanufacturing. The conferees expect the remaining funds to support approximately 45 A0 to A3 remanufacturings. The conferees direct that the Bradley A0 conversion program continue until such time as the Army declares the remaining A0 vehicles excess and processes them for surplus.

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF AMMUNITION, ARMY					
CTG, 5.56MM, ALL TYPES	29,752	29,752	30,752	--	30,752
CTG, 7.62MM, ALL TYPES	3,871	5,971	5,871	--	5,971
CTG, 9MM, ALL TYPES	--	1,400	--	--	1,000
CTG, .50 CAL, ALL TYPES	3,971	10,971	3,971	--	7,000
CTG, 25MM, ALL TYPES	47,176	87,176	87,176	--	80,000
CTG, 30MM, ALL TYPES	--	15,000	15,000	--	10,000
CTG, 40MM, ALL TYPES	34,428	31,828	34,428	--	33,000
SPECIAL PURPOSE AMMUNITION	--	6,000	--	--	4,000
CTG MORTAR 60MM 1/10 PRAC M766	5,019	5,219	5,019	7	5,219
60MM HE M720	--	12,500	10,000	--	10,000
CTG MORTAR 120MM FULL RANGE PRACTICE XM931	49,539	51,439	49,539	--	51,000
CTG MORTAR 120MM ILLUM XM930 W/MTSQ FZ	19,360	34,360	19,360	--	26,000
CTG MORTAR 120MM SMOKE XM929 W/MO FUZE	30,106	39,006	30,106	--	35,000
CTG 120MM APFSDS–T M829A2	79,703	103,703	89,703	23	103,703
CTG 120MM HEAT–MP–T M830A1	--	45,000	45,000	--	31,000
PROJ ARTY 155MM HE M795	--	55,000	45,000	--	40,000
PROJ ARTY 155MM SADARM M898	60,259	78,759	93,759	322	93,759
MINE AT/AP M87 (VOLCANO)	---	35,000	--	--	15,000
WIDE AREA MUNITIONS	19,299	19,299	--	261	10,000
BUNKER DEFEATING MUNITION (BDM)	--	10,000	--	--	10,000
GRENADES, ALL TYPES	7,654	4,154	7,654	--	4,154
SIGNALS, ALL TYPES	10,196	1,296	10,196	--	1,296
PROVISION OF INDUSTRIAL FACILITIES	38,508	40,008	38,508	--	40,008
ARMAMENT RETOOLING & MANUFACTURING SUPPORT (ARMS)	--	--	58,000	--	45,000
CONVENTIONAL AMMO DEMILITARIZATION	88,603	88,603	100,603	--	95,603

CTG 120MM M829A2

The conferees do not agree to the House language directing the Army to procure CTG 120MM M829A2 tank ammunition for the Marine Corps.

CTG 105MM ARTY M913/M927 HERA

The conferees agree that of the funds appropriated in any fiscal year for Procurement of Ammunition, Army, $27,000,000 shall be made available only for the procurement of M913/M927 HERA ammunition.

OTHER PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
OTHER PROCUREMENT, ARMY					
FAMILY OF MEDIUM TACTICAL VEH (MYP)	233,094	233,094	238,094	1,603	233,094
FAMILY OF HEAVY TACTICAL VEHICLES (MYP)	163,343	196,343	286,343	....	244,000
ARMORED SECURITY VEHICLES (COMBAT SPT) TACTIC	9,240	18,240	18,540	24	18,240
MEDIUM TRUCK EXTENDED SVC PGM(ESP) (PREV SLEP)	....	20,000	47,000	....	40,000
FMTV PRODUCIBILITY EVAL TASK (PET)	....	....	....	....	6,000
SMART-T (SPACE)	45,427	34,727	45,427	....	34,727
SCAMP (SPACE)	23,555	14,455	23,555	....	14,455
ARMY DATA DISTRIBUTION SYSTEM (ADDS)	47,987	72,987	67,987	....	67,987
SINCGARS FAMILY	297,496	297,496	340,796	....	320,000
EAC COMMUNICATIONS	4,089	4,089	44,089	....	44,089
TSEC—INFORMATION SYSTEM SECURITY	10,678	30,078	10,678	....	20,000
INFORMATION SYSTEMS	24,668	24,668	53,668	....	48,668
FT CARSON COMMUNICATIONS	....	200	....	....	200
GENERAL DEFENSE INTELL PROG (GDIP)	12,649	16,649	26,349	....	22,849
ITEMS LESS THAN $2.0M (INTEL SPT)—TIARA	2,151	9,051	2,151	....	9,051
ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	12,297	12,297	23,997	....	12,297
JTT/CIBS-M (TIARA)	14,010	19,010	14,010	58	19,010
TROJAN (TIARA)	2,603	4,203	2,603	....	4,203
COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,642	1,642	8,142	....	1,642
FAAD GBS	51,226	68,826	80,426	16	69,000
NIGHT VISION DEVICES	111,872	126,872	200,000	....	165,000
SHORTSTOP ELECTRONIC PROTECTION SYSTEM	....	....	....	....	5,000
INTEGRATED MET SYS SENSORS (IMETS)—TIARA	3,144	5,144	3,144	6	3,144
FORWARD ENTRY DEVICE (FED)	2,134	12,034	2,134	....	12,034
LOGTECH	4,395	4,395	10,395	....	8,000
STAMIS TACTICAL COMPUTERS (STACOMP)	27,211	27,211	52,211	....	40,000
STANDARD INTEGRATED CMD POST SYSTEM	26,304	26,304	36,604	....	30,000
AUTOMATED DATA PROCESSING EQUIP	136,386	114,886	136,386	....	136,386
INTEGRATED FAMILY OF TEST EQUIP (IFTE)	1,506	30,506	1,506	....	21,506
FORCE PROVIDER	11,661	39,661	11,661	2	25,000
ITEMS LESS THAN $2.0M (CSS-EQ)	2,688	4,688	2,688	....	4,688
INLAND PETROLEUM DISTRIBUTION SYSTEM	1,064	3,064	1,064	....	3,064
ITEMS LESS THAN $2.0M (POL)	5,331	5,331	5,331	....	7,331
COMBAT SUPPORT MEDICAL	15,851	6,651	15,851	....	15,851
ITEMS LESS THAN $2.0M (CONST EQUIP)	382	382	52,200	....	47,200
PUSHER TUG, SMALL	6,877	6,877	6,877	2	7,377
GENERATORS AND ASSOCIATED EQUIP	13,187	38,187	38,187	....	30,000
TRAINING DEVICES, NONSYSTEM	82,724	84,224	100,824	....	96,824

FAMILY OF MEDIUM TACTICAL VEHICLES-PRODUCABILITY EVALUATION TASK

The conferees are pleased with the Army's recent decision to begin a Producability Evaluation Task (PET) for the Family of Medium Tactical Vehicles (FMTV) follow-on buy. The PET approach to the FMTV follow-on program will assure that competing contractors demonstrate the ability to manufacture the FMTV while not having to wait for a production validated Level III Technical Data Package from the current contractor. A successful PET will ensure an early contract award and if won by the incumbent will mitigate the effect of a potential production break.

To demonstrate its strong support and to expedite the PET effort, the conferees agree to provide $6,000,000 for fiscal year 1997.

ITEMS LESS THAN $2,000,000 (PETROLEUM)

The conferees agree to provide an additional $2,000,000 for the Supplemntal Fuel Carrying Capability program which provides an external fuel bladder to increase the operational range of the Abrams tank.

NIGHT VISION DEVICES

The conferees agree to provide $165,000,000 for Night Vision Devices, an increase of $53,128,000 to budget request. The conferees agree that $10,000,000 of the additional funds shall be used only for the procurement of Mini Eyesaft Laser Infrared Observation Sets, to meet active duty and reserve component requirements.

TRAINING DEVICES, NONSYSTEM

The conferees agree to provide $96,824,000 for the Army's nonsystem training devices program, an increase of $14,100,000 to the budget request. Of the additional funds provided, $1,500,000 is only for the procurement of the electronic rifle targeting system, used at the Olympics, to upgrade the markmanship training range at Fort Benning, Georgia, and the remaining increase of $12,600,000 is only for the continued procurement and installation of the Joint Readiness Training Center's (JRTC) military operations urban terrain (MOUT) training devices.

SHORTSTOP ELECTRONIC PROTECTION SYSTEM (SEPS)

The conferees strongly support the immediate deployment of the Shortstop countermeasure system to U.S. forces in Korea and therefore have provided $5,000,000 for the procurement of approximately 20 systems in fiscal year 1997.

ITEMS LESS THAN $2.0M (CONSTRUCTION EQUIPMENT)

The conferees recommend providing $47,200,000 for the procurement of construction equipment in fiscal year 1997, an increase of $46,818,000 to the budget request. The conferees provide these additional funds only for the procurement of bituminous material distribution trucks and 20-ton dump trucks.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AIRCRAFT PROCUREMENT, NAVY:					
AV–8B (V/STOL) HARRIER	282,014	350,014	344,757	12	344,757
F/A–18C/D (FIGHTER) HORNET			489,000	6	279,000
F/A–18E/F (FIGHTER) HORNET	1,859,856	1,859,856	1,844,756	12	1,844,756
V–22 (MEDIUM LIFT)	500,904	732,904	730,904	5	620,904
KC–130J		209,200		4	210,800
EA–6 SERIES	100,620	221,620	263,620		228,620
F–14 SERIES	231,974	241,974	231,974		236,974
F–18 SERIES	156,486	154,486	154,327		154,327
AH–1W SERIES	23,950	43,350	23,950		23,950
H–53 SERIES	44,567	44,567	58,567		54,567
H–1 SERIES	9,339	9,339	22,839		22,839
EP–3 SERIES	35,429	45,429	36,429		36,429
P–3 SERIES	128,560	201,960	200,760		180,760
S–3 SERIES	36,413	36,413	18,207		31,413
E–2 SERIES	23,143	27,943	23,143		27,943
COMMON ECM EQUIPMENT	20,069	58,069	68,043		68,043
REEF POINT			55,000		
COMMON AVIONICS CHANGES	87,841	111,141	87,841		87,841
PASSENGER SAFETY MODIFICAITONS			14,800		14,800
SPARES AND REPAIR PARTS	839,987	832,487	844,987		837,487
COMMON GROUND EQUIPMENT	313,070	303,070	313,070		308,070

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
F/A–18C/D.				
[Note: The conferees agree to provide $279.0 million for procurement of 6 F/A–18D aircraft.]				
EA–6B Series	100,620	221,620	263,620	228,620
Center Wing Sections		+50,000	+50,000	+50,000
Band 9/10 Transmitters		+40,000	+40,000	+40,000
USQ–113 Communications Jammer		+11,000	+11,000	+11,000
Turbine Blade Containment		+20,000	+40,000	+5,000
Connectivity			+22,000	+22,000
[Note: The House funded the connectivity upgrades in R&D.]				
EP–3 Series	35,429	45,429	36,429	36,429
Sensor upgrade		+10,000		
LESPA			+1000	+1,000
P–3 Series	128,560	201,960	200,760	180,760
Additional AIP kits		+87,000	+87,000	+61,000
Additional SRP kits		+4,000		+4,000
LESPA			+2,800	+2,800
Digital USH–42				+2,000
roll on/off intell		−17,600	−17,600	−17,600
Common ECM	20,069	58,069	68,043	68,043
ASPJ		+50,000	+50,000	+50,000
ALR–67(V)3 Delay		−12,000	−12,026	−12,026
APR–39A(V)2			+10,000	+10,000
Spares and Repair Parts	839,987	832,487	844,987	837,487
Contract savings		−7,500		−7,500
Magic Lantern			+5,000	+5,000

F/A–18E/F REPORT AND ANALYSIS

The conferees direct the Secretary of Defense to submit to the congressional defense committees, not later than April 15, 1997, a report on the F/A–18E/F aircraft program which contains the following:

(1) a review of the F/A–18E/F aircraft program;

(2) an analysis and estimate of the production costs of the program for the total number of aircraft expected to be procured at each of four annual production rates (18, 24, 36, 48 aircraft);

(3) a comparison of the costs and benefits of the F/A–18E/F aircraft with the costs and benefits of the F/A–18C/D aircraft, and the operational combat effectiveness of the aircraft.

KC–130J

The conferees agree to provide $210,000,000 for the acquisition of four KC–130J aircraft. The conferees also agree that one of those aircraft shall be transferred to the Air National Guard for crew training during the period that a new product EC–130J, found elsewhere in this agreement is being modified for Special/Psychological Operations. The conferees further agree that the KC–130J shall be returned to the Marine Corps upon the completion of the EC–130J modification.

COMMON HELICOPTER CRASHWORTHY SEATS

The conferees believe that there may be significant benefits in terms of time, safety, and cost through development of a crashworthy seat common to the UH–1, H–3, and H–46 helicopters. The conferees direct the Navy to evaluate whether there is a requirement for such a seat and whether these benefits can be achieved. A report on the results of this evaluation must be submitted to the congressional defense committees no later than April 15, 1997.

WEAPONS PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
WEAPONS PROCUREMENT, NAVY					
TOMAHAWK	88.513	120.513	88.513	134	100,000
AMRAAM	36,091	71,091	36,091	100	58,000
HARPOON			40,000		
JSOW	64,426	101,426	64,426	150	80,000
STANDARD MISSILE	197,463	197,463	237,463	127	220,000
DRONES AND DECOYS			20,000		17,500
PENGUIN		15,000			7,000
HARPOON MODS	22,893	22,893	22,893		43,000
ORDNANCE SUPPORT EQUIPMENT	19,126	19,126	4,517		14,517
VERTICAL LAUNCHED ASROC (VLA)					13,000
GENERAL PURPOSE BOMBS	27,150		27,150		
2.75 INCH ROCKETS	9,433		9,433		
MACHINE GUN AMMUNITION	5,341		5,341		
PRACTICE BOMBS	11,131		11,131		
CARTRIDGES & CART ACTUATED DEVICES	21,939		21,939		
AIRCRAFT ESCAPE ROCKETS	8,172		8,172		
AIR EXPENDABLE COUNTERMEASURES	21,980		21,980		
MARINE LOCATION MARKERS	580		580		
JATOS	4,166		4,166		
5 INCH/54 GUN AMMUNITION	13,495		13,495		
76MM GUN AMMUNITION	2,738		2,738		
OTHER SHIP GUN AMMUNITION	4,133		4,133		
SMALL ARMS & LANDING PARTY AMMO	3,126		3,126		
PYROTECHNIC AND DEMOLITION	10,131		10,131		
MINE NEUTRALIZATION DEVICES	5,840		5,840		

HARPOON MODIFICATIONS

The conferees agree to provide $48,000,000 for Harpoon and SLAM modifications, of which $25,107,000 is only to retrofit additional SLAM-ER missiles.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF AMMUNITION, NAVY & MARINE CORP					
GENERAL PURPOSE BOMBS		27,150			27,150
2.75 INCH ROCKETS		9,433			9,433
MACHINE GUN AMMUNITION		5,341			5,341
PRACTICE BOMBS		17,131			14,000
CARTRIDGES & CART ACTUATED DEVICES		21,939			21,939
AIRCRAFT ESCAPE ROCKETS		8,172			8,172
AIR EXPENDABLE COUNTERMEASURES		21,980			21,980
MARINE LOCATION MARKERS		580			580
JATOS		4,166			4,166
5 INCH/54 GUN AMMUNITION		22,945			16,000
76MM GUN AMMUNITION		2,738			2,738
OTHER SHIP GUN AMMUNITION		4,133			4,133
SMALL ARMS & LANDING PARTY AMMO		3,126			3,126
PYROTECHNIC AND DEMOLITION		10,131			10,131
MINE NEUTRALIZATION DEVICES		5,840			5,840
5.56 MM, ALL TYPES		20,425			25,000
7.62 MM, ALL TYPES		6,493			11,000
.50 CALIBER		6,052			6,052
40 MM, ALL TYPES		3,210			3,210
60 MM HE M888		5,127			5,127
81 MM HE		1,731			1,731
81 MM SMOKE SCREEN		2,573			2,573
120MM TPCSDS-T M865		2,545			2,545
120 MM TP-T M831		1,723			1,723
120MM HEAT-MP (M830A1)		10,000			7,000
CTG 25 MM, ALL TYPES		4,807			4,807
9 MM ALL TYPES		2,793			2,793
GRENADES, ALL TYPES		686			686
LINEAR CHG, ALL TYPES		45,000			30,000
AMMO MODERNIZATION		9,118			9,118
ITEMS LESS THAN $2 MIL		1,601			1,601
M757 CHARGE ASSEMBLY		53,000			20,000

SMALL ARMS AMMUNITION

The Marine Corps has identified $28,000,000 of fiscal year 1996 ammunition funds as excess to their current program requirements. The conferees direct the Marine Corps to procure small caliber ammunition with these excess funds. The sources and increases are as follows:

Sources:	
155MM CHG PROP Red bag	−$15,600,000
FUZE, ET, XM762	−9,210,000
ITEMS LESS THAN $2,000,000 (DET, PERC, 175MS)	−990,000
40MM PRACTICE	−2,200,000
Increases:	
5.56 MM, ALL TYPES	+$20,000,000
7.62 MM, ALL TYPES	+8,000,000

SHIPBUILDING AND CONVERSION, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
SHIPBUILDING & CONVERSION, NAVY					
SSN-21	699,071	599,071	699,071		649,071
NEW SSN (AP-CY)	296,186	700,186	997,186		797,186
DDG-51	3,374,693	2,624,593	3,374,693		3,374,693
DDG-51	9,379	9,379	534,379		234,379
SHIP SELF DEFENSE		54,000			
AE(C)	59,665	59,665	59,665	1	40,000
OCEANOGRAPHIC SHIPS		4,000	54,400	1	54,400
OCEANOGRAPHIC SHIPS—SWATH			45,000	1	45,000
LCAC SLEP(AP-CY)			3,000		3,000
OUTFITTING	91,990	47,990	44,990		44,990
POST DELIVERY	141,855	131,855	141,855		131,855

DDG–51

The conferees agree to provide $3,374,693,000 for procurement of 4 ships, $234,379,000 in advance procurement, and authority in Section 8009 to enter into a multiyear contract using fiscal year 1996 and 1997 funds.

AMMUNITION SHIP CONVERSIONS

The conferees have received pricing revisions for the conversion of ammunition ships. The fiscal year 1997 budget will no longer fund two ammunition ship conversions. The conferees agree to provide $40,000,000 for one conversion.

OCEANOGRAPHIC SHIP—SWATH

The conferees agree to the Senate language regarding the SWATH oceanographic ship.

SHIP COST ADJUSTMENT

The conferees agree to the ship cost adjustment recommendations in the Senate bill, and have included additional adjustments recently requested by the Navy.

OTHER PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
OTHER PROCUREMENT, NAVY					
SUBMARINE PROPELLERS	39,182	37,182	39,182		37,182
POLLUTION CONTROL EQUIPMENT	135,216	130,216	135,216		130,216
HM&E ITEMS UNDER $2 MILLION	35,545	28,845	35,545		28,845
REACTOR COMPONENTS	185,551	183,051	185,551		183,051
RADAR SUPPORT		16,000	16,900		16,000
AN/SQQ–89 SURF ASW COMBAT SYSTEM	24,674	21,618	24,674		24,674
SSN ACOUSTICS	44,134	37,986	44,134		44,134
SUBMARINE ACOUSTIC WARFARE SYSTEM	7,840	7,840	15,840		7,840
SSTD	5,701	5,701	18,201		11,000
CARRIER ASW MODULE	144	144	9,144		144
C–3 COUNTERMEASURES	556	16,556	556		556
NAVY TACTICAL DATA SYSTEM	18,220	30,220	28,220		30,220
TACTICAL FLAG COMMAND CENTER	23,941	22,741	27,441		26,220
MINESWEEPING SYSTEM REPLACEMENT	22,853	22,853	48,698		40,698
STRATEGIC PLATFORM SUPPORT EQUIP	4,054	36,054	4,054		28,000
ID SYSTEMS	4,702	4,702	4,702		18,702
TADIX–B	4,243	15,243	4,243		15,243
NCCS ASHORE	6,264	56,364	6,264		51,364
SHIPBOARD TACTICAL COMMUNICATIONS	8,779	13,279	8,779		11,004
SUBMARINE COMMUNICATIONS EQUIPMENT	29,430	26,030	29,430		26,030
SATCOM SHIP TERMINALS (SPACE)	115,837	115,837	145,837		140,837
SATCOM SHORE TERMINALS (SPACE)	24,653	24,653	29,653		29,653
AN/SSQ–62 (DICASS)	22,704	34,904	29,704		31,904
SSQ–53E		31,800	18,000		16,000
RAM GMLS	50,765	45,465	50,765		45,465
SHIP SELF DEFENSE SYSTEM	21,049	19,649	21,049		19,649
AEGIS SUPPORT EQUIPMENT	30,398	33,398	30,398		33,398
ANTI-SHIP MISSILE DECOY SYSTEM	15,109	15,109	24,109		24,109
PREDATOR UAV (DARP)			65,791		115,791
PIONEER UAV (DARP)					25,567
TACTICAL UAV			12,588		
FLEET MINE SUPPORT EQUIPMENT	5,430	5,430	7,630		5,430
AMPHIBIOUS EQUIPMENT	3,183	11,683	8,183		10,000
COMMAND SUPPORT EQUIPMENT		25,000			25,000

ID SYSTEMS

The conferees agree to provide $14,000,000 for the Shipboard Advanced Radar Target Identification System (SARTIS) program which assists ships in the identification of unknown aircraft.

NAVY TACTICAL DATA SYSTEM

The conferees agree to provide an increase of $12,000,000 to the budget request. These funds shall be used only to procure low-cost emulator systems for land-based sites such as the fleet test and training ranges and the AEGIS training center.

STRATEGIC PLATFORM SUPPORT EQUIPMENT

The conferees have provided $28,000,000 for procurement and installation of off-the-shelf integrated ship control systems for surface combatants. The conferees direct the Department of the Navy to fully compete any procurement.

SHIPBOARD TACTICAL COMMUNICATIONS

The conferees agree to provide $11,004,000 for shipboard tactical communications. The additional funds are for the procurement and installation of communication systems on aircraft carriers. The conferees agree that the procurement of the communication system is to be a full and open competition. Furthermore, the conferees direct the Navy to execute fiscal year 1996 funds appropriated for shipboard tactical communications as specified in the Statement of the Managers for that year.

PREDATOR UNMANNED AERIAL VEHICLE SYSTEM

The conferees agree with the House recommendation to provide an additional $50,000,000 only for the procurement of additional Predator UAV systems. The conferees fully support the Joint Chiefs of Staff requirement for sixteen systems. The UAV Joint Program Office has a contract in place that was developed for interim production which will be used as the basis for full production.

The Predator system concept of operations was developed by the Combatant Commander, CINCUSACOM, using a Forward Control Element (FCE) concept. The conferees have no objection to the Services operating and maintaining the Predator System for joint use as long as the FCE concept is maintained.

PROCUREMENT, MARINE CORPS

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conferences
PROCUREMENT, MARINE CORPS					
5.56 MM, ALL TYPES	20,425		25,425		
7.62 MM, ALL TYPES	6,493		11,493		
.50 CALIBER	6,052		6,052		
40 MM, ALL TYPES	3,210		3,210		
60 MM HE M888	5,127		5,127		
81 MM HE	1,731		1,731		
81 MM SMOKE SCREEN	2,573		2,573		
120MM TPCSDS–T M865	2,545		2,545		
120 MM TP–T M831	1,723		1,723		
155MM CHG. PROP. RED BAG			20,000		
FUZE, ET, XM 762			25,000		
CTG 25MM, ALL TYPES	4,807		4,807		
9 MM ALL TYPES	2,793		2,793		
GRENADES, ALL TYPES	686		686		
AMMO MODERNIZATION	9,118		9,118		
ITEMS LESS THAN $2 MIL	1,601		1,601		
AAWS-MEDIUM	28,214	48,214	38,214		38,214
AN/TPQ–36 FIRE FINDER RADAR UPGRADE	30,380	34,180	30,380		34,180
INTELLIGENCE SUPPORT EQUIPMENT	26,372	40,572	26,372		32,172
MOD KITS (INTEL)	11,955	13,080	11,955		13,080
ITEMS LESS THAN $2M (INTELL)		425			425
MANEUVER C2 SYSTEMS	7,592	9,292	7,592		7,592

[In thousands of dollars]

	Budget	House	Senate	Qty	Conferences
TELE/COMM INFRASTRUCTURE TECH SUPP	53,616	72,416	53,616		63,616
TRAILERS	2,426	30,726	2,426		16,726
TRAINING DEVICES	10,846	59,846	10,846		47,846

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AIRCRAFT PROCUREMENT, AIR FORCE					
B–1B (MYP)	16,597	16,597	13,497		13,497
B–2A (MYP)	105,089	105,089	91,389		91,389
F–15A	185,442	504,842	149,042	6	275,442
F–16 C/D (MYP)	105,500	105,500	212,900	6	154,900
F–22 PREPRODUCTION AIRCRAFT			81,338		81,338
C–17 (MYP)	1,919,305	2,194,305	1,902,605	8	1,902,605
C–17 (MYP) (AP–CY)	223,500	263,500	212,000		212,000
C/WC–130J	62,890	62,890	267,390	1	62,890
WC–130		209,200		3	165,900
EC–130J		104,900		1	70,500
JPATS	67,135	82,235	67,135	12	67,135
C–20A	113,805	99,305	100,105	2	99,305
E–8B	417,784	417,784	627,784	2	417,784
E–8B (AP–CY)	111,116	111,116	111,116		141,116
B–2A	6,106	59,106	6,106		6,106
B–1B	84,408	166,408	156,408		136,408
B–52	8,782	8,782	8,782		20,282
F–15	179,318	156,318	179,318		159,018
F–16	135,906	129,906	140,906		133,906
C–5	54,921	54,921	53,163		54,921
C–130	96,353	97,853	96,353		105,453
C–135	137,082	137,082	137,082		185,082
E–3	287,920	26,.4§	287,920		266,4§
OTHER AIRCRAFT	14,871	36,071	35,192		35,192
GPS/FDR		139,200			
PASSENGER SAFETY MODIFICATIONS			82,000		82,000
AIRBORNE RECONNAISSANCE (MANNED)			268,066		279,786
DARP	66,186	409,186			
SPARES AND REPAIR PARTS	314,745	308,745	329,845		170,807
COMMON AGE	176,422	176,422	160,243		160,243
F–15 POST PRODUCTION SUPPORT	11,080	3,980	11,080		7,500
F–16 POST PRODUCTION SUPPORT	81,562	51,562	70,908		66,652
MISC PRODUCTION CHARGES	210,654	210,654	185,948		194,654
DARP	150,742	150,742			
AIRBORNE RECONNAISSANCE SUPPORT (DARP)			150,742		150,742

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
F–15A	185,442	504,842	149,042	275,442
Additional aircraft		+319,400		+120,000
Excess Lantim funds			−36,400	−30,000
EC–130J		104,900		70,500
Aircraft				+47,400
Support				+5,000
EC modifications				+18,100
E–8B (AP–CY)	111,116	111,116	111,116	141,116
[Note: Conferees have added $30,000,000 for advance procurement for the JSTARS aircraft to permit the Air Force to buy three such platforms in fiscal year 1998.]				
B–1B	84,408	166,408	156,408	136,408
Bomb modules		+57,000	+57,000	+32,000
BVUD–GAM/JDAM		+25,000		+20,000
BVUD			+15,000	
[Note: Conferees agree with House direction and reporting requirements with regard to BVUD–GAM/JDAM.]				
B–52	8,782	8,782	8,782	20,282
Attrition aircraft mods				+11,500
F–15	179,318	156,318	179,318	159,018
APG–63/MIDS		−70,000		
Engine upgrade		+47,000		+23,500
APG–63				−18,000
MIDS				−25,800
F–16	135,906	129,906	140,906	133,906
Excess prior year funds		−6,000		−6,000
600 gallon fuel tank			+5,000	+4,000
C–130	96,353	97,853	96,353	105,453
TIBS		+4,100		+4,100
PACER COIN spares		−2,600		
National Guard ski-equipped C–130				+5,000
[Note: Funds provided for APN 241 Low Power Color Radar, Electronic Flight Instrumentation, and satellite communications as addressed on page 141 of House report.]				

EC–130J

The conferees agree to provide $70,500,000 for one EC–130J for the Air National Guard to be used for Special/Psychological operations.

B–52 MODIFICATIONS

The conferees agree to provide $11,500,000 for modifications to the B–52 bomber attrition reserve aircraft. These funds are made available to enable the Air Force to procure standard modifications and upgrades to permit these aircraft to operate in combat.

B–52 REENGINING

The conferees understand that the potential exists to save funds and increase the operational effectiveness of the B–52 fleet by installing new engines on the aircraft.

The conferees direct the Office of the Secretary of Defense (OSD) and the Air Force to examine the costs (annual, total, and life-cycle), technical risks, schedule, cost savings, and procurement policy implications of leasing new engines for the B–52 fleet compared with: 1) the current plan to maintain the current engines, and 2) an alternative that would purchase new engines. The detailed results of this examination shall be submitted to the congressional defense committees no later than March 15, 1997.

The conferees direct the Air Force to consult with the Committees on Appropriations well in advance of selecting an acquisition strategy involving the leasing of engines. Should OSD and the Air Force conclude that the benefits of the leasing strategy are significant, the conferees encourage them to initiate action as soon as possible to accomplish that strategy.

F–16 ADVANCED IDENTIFICATION FRIEND/FOE

The conferees direct the Secretary of the Air Force to submit a report not later than April 15, 1997, which compares the costs, advantages, and disadvantages of acquiring Advanced Identification Friend/Foe (AIFF) capability for aircraft. The report should also contain a procurement strategy for such an acquisition.

EF–111A AIRCRAFT

The conferees agree with the Senate's position with respect to maintaining EF–111A electronic warfare aircraft force structure.

RC–135 RIVET JOINT

The conferees recognize the importance of a robust Rivet Joint program and have increased funds to obtain two aircraft, re-engine four aircraft and perform sensor upgrades on the fleet.

MISSILE PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
MISSILE PROCUREMENT, AIR FORCE					
MISSILE REPLACEMENT EQ–BALLISTIC	8,300	8,800	8,300	....	8,800
HAVE NAP	....	20,000	39,900	....	34,900
AMRAAM	116,299	116,899	116,299	133	116,299
AGM–130 POWERED GBU–15	....	40,000	40,000	....	35,000
CONVENTIONAL ALCM	....	15,000	....	....	15,000
MM III MODIFICATIONS	72,752	78,052	72,752	....	78,052
GLOBAL POSITIONING (MYP) SPACE	171,135	181,235	171,135	3	171,135
SPACE BOOSTERS SPACE	489,606	405,806	388,306	....	432,606
MEDIUM LAUNCH VEHICLE SPACE	135,361	131,361	135,361	3	135,361
MEDIUM LAUNCH VEHICLE SPACE (AP–CY)	40,238	30,538	40,238	....	40,238
DEFENSE SUPPORT PROGRAM (MYP) SPACE	70,967	45,967	70,967	....	70,967
DEFENSE SATELLITE COMM SYSTEM SPACE	22,729	25,529	22,729	....	25,529
SPECIAL UPDATE PROGRAMS	301,368	301,368	251,535	....	259,535
SPECIAL PROGRAMS	774,800	604,000	803,900	....	618,500
2.75 INCH ROCKET MOTOR	10,126	....	10,126	....	....
2.75" ROCKET HEAD SIGNATURE	1,795	....	1,795	....	....
ITEMS LESS THAN $2,000,000	50	....	50	....	....
5.56 MM	7,653	....	7,653	....	....
20MM TRAINING	2,404	....	2,404	....	....
30 MM TRAINING	3,160	....	3,160	....	....
CARTRIDGE CHAFF RR–188	1,191	....	1,191	....	....
ITEMS LESS THAN $2,000,000	4,524	....	4,524	....	....
MK–82 INERT/BDU–50	6,430	....	6,430	....	....
GBU–28 HARD TARGET PENETRATOR	18,417	....	18,417	....	....
BOMB PRACTICE 25 POUND	2,978	....	2,978	....	....
MK–84 BOMB-EMPTY	3,594	....	3,594	....	....
SENSOR FUZED WEAPON	131,146	....	156,146	....	....
TTU–373A DIGITAL TEST SET	5,050	....	5,050	....	....
ITEMS LESS THAN $2,000,000	50	....	50	....	....
ITEMS LESS THAN $2,000,000	50	....	50	....	....
FLARE, IR MJU–7B	20,018	....	20,018	....	....
MJU–10B	12,730	....	12,730	....	....
M–206 CARTRIDGE FLARE	12,791	....	12,791	....	....
INITIAL SPARES	25	....	25	....	....
REPLENISHMENT SPARES	2,201	....	2,201	....	....
MODIFICATIONS	650	....	650	....	....
ITEMS LESS THAN $2,000,000	3,544	....	3,544	....	....
JOINT PROGRAMMABLE FUSE (JPF)	4,125	4,125	4,125	....	....
HARD TARGET SMART FUZES	....	....	2,000	....	....
M–16 A2 RIFLE	15,524	15,524	15,524	....	....
9MM COMPACT PISTOL	73	73	73	....	....

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF AMMUNITION, AIR FORCE					
2.75 INCH ROCKET MOTOR	....	10,126	....	25,392	10,126
2.75" ROCKET HEAD SIGNATURE	....	1,795	....	25,360	1,795
ITEMS LESS THAN $2,000,000	....	50	....	....	50
5.56 MM	....	7,653	....	18,951	7,653
20MM TRAINING	....	2,404	....	435	2,404
30 MM TRAINING	....	3,160	....	399	3,160
CARTRIDGE CHAFF RR–188	....	1,191	....	507	1,191
ITEMS LESS THAN $2,000,000	....	4,524	....	....	4,524
MK–82 INERT/BDU–50	....	6,430	....	12,750	6,430
GBU–28 HARD TARGET PENETRATOR	....	18,417	....	161	18,417
BOMB PRACTICE 25 POUND	....	2,978	....	200,000	2,978
MK–84 BOMB–EMPTY	....	3,594	....	1,500	3,594
SENSOR FUZED WEAPON	....	152,746	....	....	152,000
TTU–373A DIGITAL TEST SET	....	5,050	....	13	5,050
ITEMS LESS THAN $2,000,000	....	50	....	....	50
ITEMS LESS THAN $2,000,000	....	50	....	....	50
FLARE, IR MJU–7B	....	20,018	....	878,340	20,018
MJU–10B	....	12,730	....	209,472	12,730
M–206 CARTRIDGE FLARE	....	12,791	....	....	12,791
INITIAL SPARES	....	25	....	....	25
REPLENISHMENT SPARES	....	2,201	....	....	2,201
MODIFICATIONS	....	650	....	....	650
ITEMS LESS THAN $2,000,000	....	3,544	....	....	3,544
JOINT PROGRAMMABLE FUSE (JFF)	....	....	....	324	4,125
HARD TARGET SMART FUSES	....	....	....	....	2,000
M–16 A2 RIFLE	....	....	....	....	15,524
9MM COMPACT PISTOL	....	....	....	131	73

OTHER PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
OTHER PROCUREMENT, AIR FORCE					
VEHICLE REPLACEMENT	....	....	25,000	....	10,000
60K A/C LOADER	40,296	63,396	63,396	....	....
INTELLIGENCE DATA HANDLING SYS	14,009	14,009	20,309	....	14,009

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
WEATHER OBSERV/FORCAST	13,944	17,944	13,944		17,944
AUTOMATIC DATA PROCESSING EQUIP	17,791	17,791	17,791		28,732
MOBILITY COMMAND AND CONTROL	4,605	4,605	4,605		5,964
BASE LEVEL DATA AUTO PROGRAM	22,385	38,185	22,385		22,385
INFORMATION TRANSMISSION SYSTEMS					13,195
BASE INFORMATION INFRASTRUCTURE	125,741	115,741	125,741		115,741
USCENTCOM	2,298	2,298	2,298		3,482
SPACE BASED IR SENSOR PROG SPACE	25,939	25,939			
TACTICAL C–E EQUIPMENT	24,075	24,075	74,075		64,075
RADIO EQUIPMENT	9,174	9,174	9,174		10,779
BASE PROCURED EQUIPMENT					5,994
PALLET AIR CARGO	3,562	3,562	8,562	4,000	8,562
PRODUCTIVITY INVESTMENTS					17,490
INTELLIGENCE PRODUCTION ACTIVITY	64,977	76,997	64,377		64,377
DARP	77,074	77,074			
AIRBORNE RECONNAISSANCE PROJECTS (DARP)			77,074		77,074
COMMON IMAGERY GROUND SURFACE SYSTEM (CIGSS)			90,988		
SELECTED ACTIVITIES	4,661,580	4,758,580	4,066,752		4,573,561
SPECIAL UPDATE PROGRAM	176,455	113,255	175,402		175,402

INVESTMENT THRESHOLD TRANSFER

At the request of the Air Force, the conferees have transferred $51,768,000 of Operation and Maintenance funds to the Other Procurement lines identified in the following table. The Air Force erroneously requested these funds in Operation and Maintenance because of an incorrect assumption that the $100,000 procurement threshold limitation would not be included in the President's fiscal year 1997 budget request. Since the budget request did include the threshold limitation and Congress still supports the $100,000 threshold, the Air Force needs a zero sum transfer between these two accounts.

[Dollars in thousands]

P–1 line	Title	
49	Automatic Data Processing Equipment	$10,941
51	Mobility Command and Control	1,359
57	Information Transmission Systems	13,195
59	USCENTCOM	1,184
74	Radio Equipment (Air Force)	620
74	Radio Equipment (Air National Guard)	694
74	Radio Equipment (Civil Air Patrol)	291
96	Base Procured Equipment	5,994
107	Productivity Investment	17,490
	Total Transfer	51,768

69K A/C LOADERS

The conferees have recently learned of the failure of the 60K A/C Loader program to pass Initial Operational Test and Evaluation testing. While remaining very supportive of the program, the conferees have denied the funding request for fiscal year 1997 in light of this test failure. The conferees note that unobligated funds from previous years remain available to execute this program upon successful completion of operational testing.

TACTICAL C–E EQUIPMENT

The conferees agree to provide $64,075,000 for the procurement of tactical communication and electronic equipment, an increase of $40,000,000 above the budget request. The conferees direct that of the additional funds provided, $25,000,000 shall be expended only for the procurement of theater deployable communication packages for Air National Guard units.

PROCUREMENT, DEFENSE-WIDE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT, DEFENSE-WIDE					
MAJOR EQUIPMENT, OSD	136,218	219,718	136,218		186,218
HIGH SECURITY LOCKS			20,000		
COMMON DISSEM & GROUND STATION SYSTEMS (DARP)	168,867	248,867			93,011
CORPORATE INFORMATION MANAGEMENT			5,000		
INFORMATION RESOURCES MANAGEMENT		35,000			20,000
CLASSIFIED EQUIPMENT			23,746		
DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	13,746	13,746			13,746
INFORMATION SYSTEMS SECURITY	17,136	43,136	17,136		30,136
AUTOMATIC DOCUMENT CONVERSION SYSTEM		38,800			10,000
C–130 MODIFICATIONS	86,677	104,777	110,477		104,577
PC, CYCLONE CLASS					6,000
AMMUNITION PROGRAMS					
SELECTABLE LIGHTWEIGHT ATTACK MUNITION (SLAM)		1,500	5,000		3,000
TIMES RELAY FIRING DEVICES			8,000		4,000
OTHER PROCUREMENT PROGRAMS					
MARITIME EQUIPMENT MODIFICATIONS	4,,833	4,833	4,833		10,833
COMM EQUIPMENT & ELECTRONICS	26,617	26,617	39,617		36,017
SOF INTELLIGENCE SYSTEMS	19,833	19,833	24,333		20,833
SPECIAL WARFARE EQUIPMENT	5,030	5,030	579		579
MISCELLANEOUS EQUIPMENT	3,030	3,030	15,230		15,230
ADVANCED SEAL DELIVERY SYSTEM (ASDS)		2,800	4,400		4,400
CHEMICAL/BIOLOGICAL DEFENSE					
CBDP—INDIVIDUAL PROTECTION	53,785	140,085	53,785		93,785
JOINT BIO DEFENSE PROGRAM	60,619	60,619	60,619		53,219
CLASSIFIED PROGRAMS	399,638	434,239	399,638		427,238

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands]

	Budget	House	Senate	Conference
Major Equipment, OSD	136,218	219,718	136,218	186,218
Enhanced strategic mobility		25,000		10,000
Natural gas vehicles		10,000		10,000
Mentor protége program		10,000		10,000
Army high performance computing research ctr. (AHPCRC)		38,500		20,000
Special Operations Command Aviation programs				
C–130 Modifications	86,777	104,777	110,477	104,577
Modification of 2 EC–130J for Air National Guard		18,100		
Special operations mode			23,800	17,900
Shipbuilding				
PC Cyclone Class GFE				6,000
Ammunition programs				
Selectable Lightweight Attack Munition (SLAM)		1,500	5,000	3,000
Times Relay Firing Devices			8,000	4,000
Other Procurement				
Maritime Equipment Mode	4,833	4,833	4,833	10,833
PC-Cyclone self defense weapons upgrades [Note: The Conferees direct that $6,000,000 is available only for PC-Cyclone self defense weapons upgrades.]				6,000
Miscellaneous Equipment	3,030	3,030	15,230	15,230

[In thousands]

	Budget	House	Senate	Conference
Wireless intercom systems			4,100	4,100
Active noise reduction for fixed wing assets			6,600	6,600
Body armor			1,500	1,500

CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS

INDIVIDUAL PROTECTION

The conferees reiterate the concerns raised in the House report about long-standing and continuing shortages of chemical and biological defense equipment, including such basic items as protective suits. The conferees note that the GAO has criticized the Assistant Secretary of Defense (Atomic Energy) (Chemical and Biological Matters) for failure to deliver timely work products that prioritize chemical and biological defense research efforts and modernization plans. The conferees urge the Secretary to take appropriate steps to expedite necessary actions. The conference agreement provides an increase of $40,000,000 only for the purchase of improved protective suits to meet identified shortfalls. These funds shall be used to purchase additional Joint Service Lightweight Integrated Suits (JSLIST) beyond the number of units budgeted in fiscal year 1997. The conferees stress that the JSLIST program should not be structured as a static program in which further improvements in fabric or garment technologies cannot be incorporated into near term follow-on procurements. The conferees fully support actions to expedite the evaluation of recently developed fabric and garment technologies and expected that the JSLIST program will be able to swiftly accommodate such improvements.

DEFENSE AIRBORNE RECONNAISSANCE PROGRAM

The conferees agree that airborne reconnaissance programs should be coordinated with the Defense Airborne Reconnaissance Office, but remain concerned that inconsistencies exist in the way procurement funds are aligned between service and defense-wide accounts. Therefore, the conferees concur with the Senate position to transfer the funding for procurement programs to the Service accounts, while maintaining their identities under the DARP. Program management shall remain within the Services; however, consultation with the Defense Airborne Reconnaissance Office is required prior to making significant changes to existing programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

The conferees agree to provide $780,000,000 for National Guard and Reserve Equipment and Aircraft.

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
NATIONAL GUARD & RESERVE EQUIPMENT					
RESERVE EQUIPMENT					
ARMY RESERVE					
MISCELLANEOUS EQUIPMENT	---	10,000	110,000	--	115,000
NEW PROCUREMENT 2.5/5 TON TRUCKS	---	15,000	---	--	---
TACTICAL TRUCK SLEP 2.5 TON	---	15,000	---	--	---
HEMTT BRIDGE TRANS	---	9,000	---	--	---
DUMP TRUCKS 20 TON	---	10,000	---	--	---
WATER PURIFICATION UNITS	---	4,000	---	--	---
PORTABLE LIGHTING SYS W/TRAILERS	---	4,000	---	--	---
AUTOMATIC BUILDING MACHINES	---	3,000	---	--	---
HMMVW CONTACT MAINT TRUCK	---	6,000	---	--	---
ALL-TERRAIN FORKLIFT 10 TON	---	4,000	---	--	---
ALL-TERRAIN CRANE 20 TON	---	4,000	---	--	---
HYDRAULIC EXCAVATOR	---	3,000	---	--	---
HEMTT WRECKER	---	7,000	---	--	---
MK–19 40MM GRENADE LAUNCHERS	---	3,000	---	--	---
STEAM CLEANER	---	2,000	---	--	---
SMALL ARMS SIMULATORS	---	1,000	---	--	---
UNIT LEVEL LOGISTICS SYSTEM	---	2,000	---	--	---
PALLETIZED TRAILERS	---	2,000	---	--	---
HEMTT CARGO CHASSIS	---	4,000	---	--	---
ANGRS–231	---	2,000	---	--	---
LASER LEVELING SYSTEMS	---	3,000	---	--	---
NAVY RESERVE					
MISCELLANEOUS EQUIPMENT	---	5,000	30,000	--	10,000
C–9 REPLACEMENT AIRCRAFT	---	160,000	---	3	120,000
MAGIC LANTERN SPARES	---	5,000	---	--	---
P–3 MODERNIZATION	---	72,000	---	--	72,000
MARINE CORPS RESERVE					
MISCELLANEOUS EQUIPMENT	---	10,000	40,000	--	40,000
LAV IMPROVEMENTS	---	2,000	---	--	---
CH–53 HELICOPTERS	---	4,000	---	2	4,000
AAV7A1 MODIFICATIONS	---	2,000	---	--	---
NIGHT VISION EQUIPMENT	---	1,000	---	--	---
COMMON END USER COMPUTERS	---	4,000	---	--	---
FORK LIFTS	---	1,000	---	--	---
M1A1 TANK MOD KITS	---	5,000	---	--	---
AN/TPS–59	---	11,000	---	--	---
AIR FORCE RESERVE					
MISCELLANEOUS EQUIPMENT	---	10,000	50,000	--	40,000
F–16 AVIONICS UPGRADES	---	5,000	---	--	---
NIGHT VISION DEVICES	---	3,000	---	--	---
A–10 AVIONICS UPGRADES	---	7,000	---	--	---
C–130 AVIONICS UPGRADES	---	7,000	---	--	---
HC–130P TANKER CONVERSION	---	3,000	---	--	---
C–130 MODULAR AIRBORNE FIREFIGHTING SYS	---	1,000	---	--	---
F–16 WEAPONS PYLON UPGRADES	---	1,000	---	--	---
KC–135R ENGINE KITS	---	96,000	---	--	---
KC–135 RADAR REPLACEMENT	---	5,000	---	--	---
B–52 AVIONICS UPGRADE	---	1,000	---	--	---
NON-AIRCREW TRAINING SYSTEMS	---	1,000	---	--	---
EPLRS/SADL	---	8,000	---	--	---
NATIONAL GUARD EQUIPMENT					
ARMY NATIONAL GUARD					
MISCELLANEOUS EQUIPMENT	---	10,000	125,400	--	100,000
NEW PROCUREMENT TACTICAL TRUCK 5 TON	---	4,000	---	--	---
SLEP 2.5 TON	---	15,000	---	--	---
SLEP 5 TON	---	4,000	---	--	---
CRASHWORTHY INTERNAL FUEL CELLS	---	5,000	---	--	---
AH–1 BORE SIGHTING DEVICE	---	3,000	---	--	---
COOLANT PURIFICATION SYSTEM	---	3,000	---	--	---
AVENGER I–COFT SIMULATOR	---	4,000	---	--	---
WATER PURIFICATION UNITS	---	1,000	---	--	---
NIGHT VISION EQUIPMENT	---	10,000	---	--	---
FADEC	---	10,000	---	--	---

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
DIGITAL SYSTEM TEST AND TRAINING SIMULATOR	---	3,000	---	--	---
AUTOMATIC BUILDING MACHINES	---	1,000	---	--	---
AH–1 C–NITE	---	2,000	---	--	---
DUMP TRUCK 20 TONS	---	3,000	---	--	---
HELICOPTER SIMULATORS (ARMS)	---	15,000	---	--	---
DRAGON MODIFICATIONS	---	2,000	---	--	---
VIBRATION MANAGEMENT ENHANCEMENT PROGRAM	---	3,000	---	--	---
DISTANCE LEARNING EQUIPMENT	---	29,000	---	--	---
LASER LEVELING EQUIPMENT	---	5,000	---	--	---
AUTOMATIC IDENTIFICATION TECHNOLOGY	---	7,000	---	--	---
AIR NATIONAL GUARD					
MISCELLANEOUS EQUIPMENT	---	5,000	40,000	--	10,000
C–130J	---	105,000	---	4	209,000
AUTOMATIC BUILDING MACHINES	---	2,000	---	--	---
F–16 IMPROVED AVIONICS INTERMEDIATE SHOP	---	15,000	---	--	---
F–16 HTS	---	10,000	---	--	---
AN/TLQ–32 RADAR DECOYS	---	3,000	---	--	---
C–130 UPGRADES	---	5,000	---	--	---
EPLRS/SADL	---	17,000	---	--	---
MODULAR MEDICAL TRAUMA UNIT	---	4,000	---	--	---
DOD					
MISC EQUIPMENT (GUARD & RESERVE AIRCRAFT)					
C–130J	---	---	284,000	--	---
C–9B REPLACEMENT	---	---	80,000	--	---

MISCELLANEOUS EQUIPMENT

The conferees agree that each of the Chiefs of the Reserve and National Guard components should exercise control of funds provided in this account. The conferees further agree that separate submissions of a detailed assessment of its modernization priorities by each of the Guard and Reserve component commanders is required to be submitted to the defense committees. The conferees expect the component commanders to give special consideration to the following items: Pacer Coin modifications, automatic identification technologies (AIT), FFG–7 command and control upgrade, UH–1/UH–60 medical evac helicopters rescue hoist, automatic building machines, M–915/916 heavy dump trucks, 5-ton flatbed trailers, M–913/927 extended range 105 mm projectiles. SQQ–T1 trainer aircraft, F–16 improved avionics intermediate shop (IAIS); small arms simulators, UH–60Q helicopter upgrades, night vision devices and driver's night viewers, CH–47 FADEC, UH–1 FADEC, AH–1 FADEC, Army National Guard external auxiliary fuel tanks, modular airborne firefighting systems, high mobility multipurpose wheeled vehicles, heavy equipment transport system, M–9 armored combat earthmovers, filed artillery ammunition support vehicles, AH–1F multiplatform boresight equipment for the Army National Guard, AH–64 mission simulator for the Army National Guard, SINCGARS, Medium Truck Extended Service Program, M–109A6 Paladin, C–23 Sherpa enhancement program for the Army National Guard, F–16 air combat maneuver instrumentation global positioning system, untethered training pods for the Air National Guard, C–26 aircraft for the Air National Guard, Air Force Reserve C–20 aircraft, F–16 HARM targeting pods, launchers, test and support equipment, HARM upgrades for the Air National Guard, E–kit engine upgrades for Air National Guard F–15 aircraft, high capacity air ambulance modular systems for Air National Guard C–130 aircraft, F–16 litening night strike targeting pod system, M–109A5 howitzer upgrade, heavy equipment transport system (HETS), M–1A2 tanks, total assets visibility hardware and software, fuzz suppression chip detector system mods, laser leveling systems, crashworthy internal fuel cells, coolant purification systems, digital system test and training simulators, AH–1 C–NITE, Reconfigurable Aviation Simulators, Vibration Management Enhancement Program, Distance Learning equipment, SEAD Mission Upgrades, AN/TLQ–32 radar decoys, EPLRS/SADL, Mini Eyesafe Laser Infrared Observation Sets, and Modular Medical Trauma Units.

NATIONAL GUARD AND RESERVE AIRCRAFT

The conferees agree to provide $465,000,000 for the acquisition and modernization of aircraft to support Reserve and National Guard missions and agree that the following aircraft shall be purchased and modified:

C–130J for the Air National Guard (4)	$209,000,000
CH–53E for the Marine Corps Reserve (2)	64,000,000
C–9B replacement for the Navy Reserve (3)	120,000,000
P–3 modernization for the Navy Reserve	72,000,000

C–26

The conferees direct the Department of Defense to reprogram the $11,000,000 appropriated in fiscal year 1996 for procurement of C–26 aircraft to the procurement of pods for additional C–26 aircraft participating in National Guard counter-drug activities.

RESERVE COMPONENT FUTURE YEARS DEFENSE PROGRAM

The conferees direct the Secretary of Defense to submit directly to the congressional defense committees the future years defense plan for the National Guard and Reserve Components. This submission should be provided at the same time the President submits the annual budget to the Congress. This requirement becomes effective with the fiscal year 1999 budget.

INFORMATION RESOURCES MANAGEMENT

The conference agreement on items in conference follows:

[In thousands of dollars]

	House	Senate	Conference
OPERATION AND MAINTENANCE			
Operation and Maintenance, Army			
Corporate information management	50,000	0	0
SBIS	−17,500	0	0
acquisition efficiencies/management reform	0	0	−50,000
TNET	5,000	0	3,500
Operation and Maintenance, Navy			
Corporate information management	50,000	0	0
acquisition efficiencies/management reform	0	0	−50,000
CNET	0	0	1,000
Operation and Maintenance, Air Force			
Corporate information management	50,000	0	....
REMIS	5,500	8,500	8,500
TICARRS	5,500	5,500	5,500
CAMS	0	1,000	1,000
acquisition efficiencies/management reform	0	0	−50,000
Operation and Maintenance, Defensewide			
Corporate information management	50,000	0	0
Software managers network	6,000	0	6,000
Year 2000 (transfer from procurement)	0	0	5,000
Automated document conversion	0	0	10,000
Operation and Maintenance, Army National Guard			
Distance learning	0	11,000	11,000
Operation and Maintenance, Navy Reserve			
NSIPS	27,000	0	27,000
Subtotal, O&M	231,500	26,000	−71,500
PROCUREMENT			
Other Procurement, Army			
SBIS	−21,500	0	0
Distance learning	0	29,000	24,000
Other Procurement, Navy			
NSIPS	25,000	0	25,000
Other Procurement, Air Force			
Fuel automated management system	15,800	0	0
Procurement, Defensewide			
Automated document conversion	38,800	0	10,000
JSLC	35,000	0	20,000
Year 2000	....	5,000	0
Subtotal procurement	93,100	34,000	79,000
Grand total	324,600	60,000	7,500

OVERVIEW

The Department of Defense requested $9,679,113,000 for information resources management. The conferees agree to provide $9,686,613,000, an increase of $7,500,000. The conferees further agree to include a reduction of $150,000,000 in the service appropriations, to offset increases for high paypack information system investments which in large part can meet joint service requirements.

YEAR 2000

The conferees note the potential difficulty facing the Department of Defense in modifying computer hardware and software to accommodate the year 2000 date problem. The conferees believe that the Department needs to develop and/or validate off-the-shelf software tools to facilitate the conversion of affected computer code. The conferees agree to provide, $5,000,000 in budget activity 4 of the Operation and Maintenance, appropriation in the Office of the Secretary of Defense line, only for purposes of validating existing tools and methodologies and making them available to system operators to address the year 2000 problem. The conferees direct that the

Assistant Secretary of Defense for Command, Control, Communications and Intelligence provide a report to the congressional defense committees not later than May 1, 1997 on the Department's progress in addressing the year 2000 problem. The conferees encourage the Department to use this opportunity to discontinue old application systems if they are determined to be too costly to repair, and to replace them with validated compliant code utilizing modular software development techniques.

SUSTAINING BASE INFORMATION SYSTEM

The conferees agree to provide the budget request for the Army's Sustaining Base Information System (SBIS), instead of the reductions proposed by the House. This agreement is based on assurances from the Army that in spite of the recent decision to cancel further development of the system a number of applications are ready for use by Army field activities and the government would receive at least some benefit from its $209,800,000 SBIS investment to date. The conferees agree to provide these funds with the understanding that the completion of the five applications currently under development, and the fielding of applications, equipment, and all necessary training will be the highest priority for fiscal years 1996 and 1997 appropriated funds. SBIS funds are not available for any other purpose. Not later than May 1, 1997, the Department of the Army shall provide the congressional defense committees a report identifying all funding necessary for the sustainment of these applications and equipment, and the identification (by appropriation and line item) of funding in the fiscal year 1998 President's budget request for these requirements.

A decade ago, the Army had no master plan for automating the administrative functions of its bases even though many of these functions are similar, if not identical. At the time, many audits showed Army commands each used their O&M funds to build unique information systems which were redundant with each other and/or Army-wide systems. No organization in the Army knew the totality of what was being developed, how it interfaced with other systems, not how much was being spent. The Army attempted to rectify this situation through development of a standard system—SBIS—whose cost is estimated to be $1,770,000,000. The Army deserves credit for facing head-on the many challenges inherent in developing a comprehensive national automated information system. Unfortunately, these challenges apparently have overwhelmed the Army and led to the recent decision to cancel the program. The conferees are concerned that in abandoning SBIS, the Army once again has no master plan for base level automation. The conferees note that the Office of the Secretary of Defense shares some blame for this, due to the decision years ago to exempt the services' base level automation programs from the Corporate Information Management initiative. The conferees direct the Secretary of the Army to submit a base level automation master plan to the congressional defense committees by May 1, 1997 and that no operation and maintenance funds may be used by Army commands for base level automation of functions that were included in the SBIS program unless approved in advance in writing by the Vice Chief of Staff of the Army.

AIR FORCE AUTOMATED MAINTENANCE SYSTEMS

The Air Force recently awarded a contract to initiate the Integrated Maintenance Data System (IMDS) which will become its objective maintenance data collection system. The conferees support the language contained in the National Defense Authorization Act for Fiscal Year 1997 to fund CAMS/REMIS and TICARRS legacy systems through fiscal year 1997 should schedule or technical uncertainties delay IMDS implementation.

AUTOMATED DOCUMENT CONVERSION

The conferees agree to provide a total of $20,000,000, of which $10,000,000 is in operation and maintenance for outsourcing bulk conversion services and $10,000,000 is in procurement for procurement of document conversion systems.

NAVY STANDARD INTEGRATED PERSONNEL SYSTEM

The conferees generally support the recent Defense Science Board (DSB) task force on military personnel information management and its recommendations to develop and implement a single all service, fully integrated objective personnel and pay system. The conferees support the DSB recommendation that DoD immediately address any funding shortfalls in fiscal year 1997 and beyond for developing and implementing the objective system. The objective system development effort will be led by the office of the Under Secretary of Defense for Personnel and Readiness USD(P&R). The DSB recommendations validate the Navy Standard Integrated Personnel System (NSIPS) and its accelerated development and deployment using DoD and service standards and functional requirements. However, the conferees direct that the NSIPS development schedule not be delayed if DoD standards and requirements are not provided in a timely fashion. As DoD and service standards and requirements are provided, NSIPS can be expanded through a phased modular approach to meet service requirements. Since the Navy is currently the executive agent and project manager for the prototype of what is now the objective military personnel and pay system, the conferees direct the Department of Defense to designate the Navy as the executive agent and project manager for the field level and database components of the objective system working in cooperation with the services, USD(P&R), and the Air Force, which will continue to develop the database component. The conferees direct the Department of the Navy to maintain project management and executive agent responsibilities for the field level and database components of the objective system under the operational control and command of the Commander, Naval Reserve Forces. The conferees have provided $52,000,000 only for NSIPS and for the establishment of a prototype commercial off-the-shelf (COTS) software integration office within the Naval Reserve, except that this office shall be a COTS application software integration and requirements repository for activities within DoD. The conferees strongly concur with all of the House direction regarding NSIPS, the source data system, the diary message reporting system, the Naval Computer and Telecommunications Station (NCTS), and specific central design activity (CDA) functions, except that the transfer of program management functions and operational control of all of these functions shall also include the Navy Manpower and Personnel Data Base and that all of these program management and operational control transfers are directed to be accomplished within forty-five days after the enactment of this Act.

The uniform microcomputer disbursing system (UMIDS) shall remain an interim system within the Defense Finance and Accounting Service (DFAS). The conferees expect that further development and deployment by DoD shall not be conducted beyond deploying UMIDS as an interim system for Navy personnel support detachments. The conferees direct DoD to ensure that personnel and pay functions performed by UMIDS are included in and replaced by NSIPS. The conferees concur with the House direction that the NCTS communications operations and message functions shall not be transferred, but the conferees do not agree to the House proposal to consolidate other regional communications centers and message traffic. The conferees support further expanding the mission of the Naval Reserve to implement and manage the remaining Department of the Navy manpower and central design activities. The conferees direct the Department of the Navy to submit a plan to the Committees on Appropriations by March 1, 1997 for consolidating and transferring the operational control of the program management, operations, functions, and automated data processing support, including design, development, procurement, maintenance, and all related support functions of the Navy's remaining manpower and personnel CDAs.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RECAPITULATION				
RDTE, ARMY	4,320,640	4,874,537	5,107,283	5,062,763
RDTE, NAVY	7,334,734	8,399,357	8,067,543	8,208,946
RDTE, AIR FORCE	14,417,456	14,869,573	14,778,540	14,499,606
RDTE, DEFENSE-WIDE	8,398,836	9,068,558	9,190,092	9,362,800
DEVELOPMENTAL TEST AND EVALUATION	252,038	272,038	269,038	282,038
OPERATIONAL TEST AND EVALUATION	21,968	26,968	21,968	24,968
GRAND TOTAL, RDTE	34,745,672	37,511,031	37,434,464	37,441,121

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL ARMY				
DEFENSE RESEARCH SCIENCES	141,682	141,682	127,332	122,332
UNIVERSITY AND INDUSTRY RESEARCH CENTERS	47,288	48,888	44,288	45,888
TRACTOR ROSE	2,131	3,131	2,131	3,131
MATERIALS TECHNOLOGY	10,841	14,841	22,841	14,841
SENSORS AND ELECTRONIC SURVIVABILITY	23,608	24,608	19,792	19,792
TRACTOR HIP	8,152	9,152	8,152	8,152
AVIATION TECHNOLOGY	24,683	19,683	24,683	22,383
MISSILE TECHNOLOGY	20,295	20,295	32,795	29,795
COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	34,834	36,934	35,100	35,100
BALLISTICS TECHNOLOGY	31,166	42,266	24,114	40,766
WEAPONS AND MUNITIONS TECHNOLOGY	25,611	25,611	25,611	22,737
ELECTRONICS AND ELECTRONIC DEVICES	20,922	21,922	25,122	24,872
COUNTERMINE SYSTEMS	6,029	9,029	6,029	7,529
HUMAN FACTORS ENGINEERING TECHNOLOGY	14,072	18,222	18,372	16,322
ENVIRONMENTAL QUALITY TECHNOLOGY	19,457	29,457	47,857	56,357
MILITARY ENGINEERING TECHNOLOGY	37,898	37,898	38,898	38,898
LOGISTICS TECHNOLOGY	17,808	17,808	20,808	20,808
MEDICAL TECHNOLOGY	55,490	130,490	55,490	126,990
MEDICAL ADVANCED TECHNOLOGY	11,601	111,601	187,083	205,501
AVIATION ADVANCED TECHNOLOGY	41,478	56,978	41,478	56,478
WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	19,759	35,359	22,759	29,759
COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	31,552	35,052	27,552	29,552
COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	23,120	23,120	35,620	30,120
NAUTILUS/THEL			55,000	45,000
TRACTOR HIKE	17,176	22,176	17,176	17,176
TRACTOR RED	5,125	8,625	5,125	8,625
TRACTOR ROSE	5,078	6,778	5,078	5,078
MILITARY HIV RESEARCH	2,919	17,919	14,919	17,919
GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHN	40,258	40,258	25,258	22,658
MISSILE AND ROCKET ADVANCED TECHNOLOGY	90,037	90,037	110,037	102,037
LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	15,196	31,296	19,196	28,296
JOINT SERVICE SMALL ARMS PROGRAM	5,243	8,243	12,243	9,243
LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION	18,173		18,173	10,000
NIGHT VISION ADVANCED TECHNOLOGY	32,597	32,597	27,890	30,397
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)	2,884	2,884	29,884	22,884
LANDMINE WARFARE AND BARRIER—ADV DEV	16,464	16,464	28,564	28,464
ARMAMENT ENHANCEMENT INITIATIVE	48,221	64,721	48,221	64,721
ARTILLERY PROPELLANT DEVELOPMENT	18,450		18,450	8,500
ARMORED SYSTEM MODERNIZATION—ADV DEV			12,000	8,000
ADVANCED TANK ARMAMENT SYSTEM (ATAS)	9,639	9,639	12,639	11,639
TACTICAL ELECTRONIC SUPPORT SYSTEMS—ADV DEV	2,025	9,825	2,025	4,025
NATO RESEARCH AND DEVELOPMENT	9,963		9,963	9,963
AVIATION—ADV DEV	8,385	15,385	8,385	13,385
WEAPONS AND MUNITIONS—ADV DEV			1,750	
ARTILLERY SYSTEMS—DEM/VAL	258,771	258,771	218,771	243,771
COMANCHE	288,644	288,644	388,644	338,644
EW DEVELOPMENT	69,474	69,474	84,974	75,474
ALL SOURCE ANALYSIS SYSTEM	36,200	36,200	38,200	40,200
MEDIUM TACTICAL VEHICLES		6,000		6,000
JAVELIN	1,643	9,143	6,143	6,143
LANDMINE WARFARE	17,609	17,609	35,609	26,909
FAMILY OF HEAVY TACTICAL VEHICLES		3,000		2,000
AIR TRAFFIC CONTROL	5,549	5,549	5,549	7,549
ADVANCED COMMAND AND CONTROL VEHICLE (AC2V)	6,649	6,649	7,899	7,899
ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	35,410	47,710	50,710	47,710
NIGHT VISION SYSTEMS—ENG DEV	33,637	33,637	35,637	35,637
NON-SYSTEM TRAINING DEVICES—ENG DEV	42,865	42,865	52,865	49,865
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	2,793	12,793	7,793	9,793
BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	180,407	189,707	172,907	165,407
WEAPONS AND MUNITIONS—ENG DEV	20,468	24,168	22,068	24,168
LANDMINE WARFARE/BARRIER—ENG DEV	19,731	19,731	7,731	7,731
LONGBOW—ENG DEV	5,872	5,872	10,872	10,872
FIREFINDER	551	2,551	551	2,551
ARMY KWAJALEIN ATOLL	136,864	136,864	146,864	146,864
DOD HIGH ENERGY LASER TEST FACILITY	2,967	91,700	24,667	30,667
MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	2,282	3,282	2,282	3,282
ENVIRONMENTAL COMPLIANCE	53,911	53,911	55,911	55,411
MINOR CONSTRUCTION (RPM)—RDT&E	4,319	4,319	7,319	4,319
MAINTENANCE AND REPAIR (RPM)—RDT&E	66,047	66,047	74,047	70,047
BASE OPERATIONS—RDT&E	216,649	216,649	232,649	224,649
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	4,801	4,801	18,801	18,801
MLRS PRODUCT IMPROVEMENT PROGRAM	64,271	74,271	64,271	64,271
AEROSTAT JOINT PROJECT OFFICE	38,940	38,940	31,940	26,940
COMBAT VEHICLE IMPROVEMENT PROGRAMS	197,796	215,696	211,146	211,296
AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	194	22,894	27,864	22,864
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	2,947	3,947	2,947	3,947
DIGITIZATION	110,180	100,180	131,980	90,180
MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	30,959	50,959	85,959	65,959
SPECIAL ARMY PROGRAM	10,185	13,485	10,185	11,185
END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	16,842	27,842	31,842	48,842
FORCE XXI INITIATIVE		50,000	100,000	50,000
LT WT 155		4,000		3,000
CLASSIFIED PROGRAM				2,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Research Sciences	141,682	141,682	127,332	122,332
Program reduction		0	−15,000	−20,000
Marine derived biocatalysts for defense and industrial applications		0	650	650
(Note: The marine derived biocatalyst research should be completed by an organization with a tropical marine microorganism collection from two major distinct geographical regions, one of which is the Pacific Ocean.)				
University and Industry Research Centers	47,288	48,888	44,288	45,888
Electric Gun		1,600	0	1,600
Federated Labs		0	−5,000	−5,000
National Automotive Center		0	2,000	2,000
Materials Technology	10,841	14,841	22,841	14,841
Hardened materials		4,000	4,000	4,000
High modulus Pan-based graphite fibers		0	8,000	0
(Note: Project is funded in End Item Industrial Preparedness.)				
Sensors and Electronic Survivability	23,608	24,608	19,792	19,792
PDCUE		1,000	1,000	1,000
Nuclear effects survivability technology		0	−4,816	−4,816

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
Aviation Technology	24,683	19,683	24,683	22,383
NRTC		−5,000	0	−2,300
Missile Technology	20,295	20,295	32,795	29,795
Advance solid state dye lasers		0	7,000	4,000
Kinetic energy missile technology		0	5,500	5,500
Combat vehicle and automotive technology	34,834	36,934	35,100	35,100
Voice Instructional Device		2,100	2,100	2,100
Carry forward		0	−1,834	−1,834
Ballistics technology	31,166	42,266	24,114	40,766
Vulnerability/lethality for TMD		0	−4,178	−500
Liquid propellant		7,500	0	7,500
Electric Gun		3,600	0	2,600
Future main battle tank ammo cartridge		0	−350	0
Nonlethal technology		0	−2,524	0
(Note: Future main battle tank ammo cartridge and non-lethal technology funded in Weapons and Munitions Technology).				
Weapons and Munitions Technology	25,611	25,611	25,611	22,737
Future main battle tank ammo cartridge		0	0	−350
Nonlethal technology		0	0	−2,524
Electronics and Electronic Devices	20,922	21,922	25,122	24,872
Fuel cell technology development		1,000	0	750
"AA" zinc air battery		0	1,400	1,100
Low cost reusable alkaline battery for Sincgars		0	1,000	750
No lead added alkaline cell		0	800	600
Advanced nonmetallic rechargeable battery system		0	1,000	750
Human Factors Engineering Technology	14,072	18,222	18,372	16,322
Medical teams		3,900	4,300	2,000
Trauma care		250	0	250
Environmental Quality Technology	19,457	29,457	47,857	56,357
Unexploded ordnance remediation—Jefferson Proving Ground		5,000	0	4,000
Test bed—Bremerton shipyard		5,000	0	4,000
Environmental compliance projects using personnel and technologies at the WETO facility		0	5,000	5,000
Plasma energy pyrolysis system		0	10,000	7,500
Hawaii Small Business Development Center		0	5,400	5,400
Facility environmental management and monitoring system		0	4,000	2,000
Base facility environmental quality (Project A896)—Agriculture based bioremediation		0	4,000	4,000
National Defense Center for Environmental Excellence (Gallo Center)		0		5,000
Military Engineering Technology	37,898	37,898	38,898	38,898
Cold Regions Research and Engineering Lab		0	1,000	1,000
Logistics Technology	17,808	17,808	20,808	20,808
Cold preservation of food and ration quality enhancement		0	3,000	3,000
Real time, automatic cargo tracking and control system		0	(4,000)	(3,000)
Medical Technology	55,490	130,490	55,490	126,990
Ear, Nose, and Throat Minimally Invasive Simulation		2,000	0	1,000
Hepatitis A vaccine		25,000	0	20,000
Walter Reed Institute of Research		5,200	0	5,200
Technology Road maps		3,500	0	3,500
Tissue replacement		2,000	0	2,000
Computer assisted minimally invasive surgery		5,000	0	2,500
Calcium signaling cancer cell proliferation		2,300	0	2,300
Neurotoxin exposure therapies		25,000	0	25,000
Bone disease research program		5,000	0	10,000
Medical Advanced Technology	11,601	111,601	187,083	205,501
Army-managed peer-reviewed breast cancer research program		100,000	150,000	100,000
Adv Cancer Detection Center for Military		0	0	3,500
Computer aided diagnostic research		0	0	3,000
Computer-based decision support system		0	0	6,000
Tissue replacement		0	15,000	12,000
Nutrition research		0	3,482	2,400
Prostate cancer research (Walter Reed)		0	7,000	7,000
Prostate cancer peer reviewed research program		0	0	38,000
National Medical Testbed		0	0	6,000
Ovarian cancer		0	0	7,500
Neurofibromatosis		0	0	8,000
Trichloromelaine testing (Note: Transferred from Aviation Adv Tech)		0	0	500
Aviation Advanced Technology	41,478	56,978	41,478	56,478
Starstreak evaluation		15,000	0	15,000
Trichloromelaine testing		500	0	0
(Note: Trichloromelaine testing funded in Medical Advanced Technology.)				
Weapons and Munitions Advanced Tech	19,759	35,359	22,759	29,759
DAMOCLES development		5,000	0	2,000
Electro-rheological fluid recoil system		3,000	3,000	3,000
DPICM development		7,600	0	5,000
Combat Vehicle and Automotive Adv Tech	31,552	35,052	27,552	29,552
GEISEL engine		3,500	0	2,000
intra-vehicle electronic suite		0	−4,000	−4,000
Command, Control, Communications Advanced Technology	23,120	23,120	35,620	30,120
Wavenet technology			4,000	2,000
Space Applications Technology Program			3,500	0
Field Laser Radar Demo Data Analysis Center			5,000	5,000
Military HIV Research	2,919	17,919	14,919	17,919
HIV research, vaccine development and clinical studies		15,000	12,000	15,000
Global Surveillance/Air Defense/Precision Strike Demonstration	40,258	40,258	25,258	22,658
Survivable armed reconnaissance on the digital battlefield		0	−15,000	−17,600
Missile and Rocket Advanced Technology	90,037	90,037	110,037	102,037
MLRS guided rocket		0	12,000	8,000
Future missile technology integration		0	8,000	4,000
Competitive Hydra-70 PIP		0	(9,000)	(9,000)
Landmine Warfare and Barrier Adv. Tech.	15,196	31,296	19,196	28,296
Microwave stand-off ground penetrating radar		4,000	4,000	5,000
Vehicular mounted mine detection system		12,100	0	8,100
Joint Service Small Arms Program	5,243	8,243	12,243	9,243
OICW		3,000	5,000	3,000
Adv. light antiarmor weapons system		0	2,000	1,000
Night Vision Advanced Technology	32,597	32,597	27,890	30,397
Advanced targeting for SARDB		0	−1,297	0
Aerial scout sensors integration		0	−3,410	−2,200
Army Missile Defense Systems Integration	2,884	2,884	29,884	22,884
Battlefield Integration Center		0	27,000	20,000
Landmine Warfare and Barrier—Adv Dev	16,464	16,464	28,564	28,464
Ground standoff mine detection system		0	12,000	0
ASTAMIDS		0	0	12,000
(Note: Transferred from Landmine Warfare/Barrier-Eng Dev.)				
Artillery Propellant Development	18,450	0	18,450	8,500
(Note: Funds are provided only for type classification of MACS.)				
Armored Systems Modernization—Adv Dev	0	0	12,000	8,000
M1A2 next generation tank upgrade		0	12,000	8,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
(Note: The conferees have provided $8,000,000 to pursue planning and advance development efforts for the Army's next generation tank. The conferees understand that the Army's tank modernization strategy is still being defined based on recent recommendations of the Army Science Board. The conferees direct that the appropriated funds shall be competitively awarded.)				
Tactical Electronic Support Sys-Adv Dev	2,025	9,825	2,025	4,025
ASIS-IFAD		7,800	0	0
(Note: Transferred to All Source Analysis Systems.)				
Integrated battlespace intell server		0	0	2,000
(Note: Transferred from All Source Analysis Systems)				
EW Development	69,474	9,474	84,974	75,474
ATIRCM/ATRJ integration		0	15,500	6,000
All Source Analysis System	36,200	36,200	38,200	40,200
Integrated battlespace intell server		0	2,000	0
(Note: Transferred to Tactical Electronic Support Systems-Adv Dev)				
ASAS-IFAD		0	0	4,000
(Note: Transferred from Tactical Electronic Support System)				
Javelin	1,643	9,143	6,143	6,143
Warhead improvements		4,500	4,500	4,500
Insensitive munitions enhancements		3,000	0	0
Landmine Warfare	17,609	17,609	35,609	26,909
Wide Area Munition		0	18,000	9,300
(Note: The conferees approve a transfer of $9,300,000 from the WAM low rate initial procurement program into the WAM product improvement Program (PIP). The conferees endorse the revised Army strategy to accelerate the WAM PIP effort and to procure the basic WAM design at the minimum production rate.				
Air Traffic Control	5,549	5,549	5,549	7,549
(Note: Transferred $2,000,000 from Aircraft Procurement, Army-Air Traffic Control for EMD of the ATNAVICS prototype)				
Engineer Mobility Equipment Development	35,410	47,710	50,710	47,710
Heavy Assault Bridge (HAB)		12,300	12,300	9,300
HAB test program sets		0	1,500	1,500
Breacher test program sets		0	1,500	1,500
Night Vision Systems-Eng Dev	33,637	33,637	35,637	35,637
Target acquisition system TLOS		0	−3,000	−3,000
Apache second generation FLIR		0	5,000	5,000
Brilliant Anti-armor submunition	180,407	189,707	172,907	165,407
BAT producibility enhancements		9,300	0	0
Program cost increases		0	12,500	0
BAT P31		0	−20,000	−15,000
Weapons and Munitions-Eng Dev	20,468	24,168	22,068	24,168
MK–19 modifications		1,600	0	1,600
XM 915/916 development		2,100	0	2,100
Program Increase		0	1,600	0
Landmine Warfare/Barrier-Eng Dev	19,731	19,731	7,731	7,731
ASTAMIDS		0	−12,000	−12,000
(Note: Funded in Landmine Warfare/Barrier-Adv Dev)				
DoD High Energy Laser Test Facility	2,967	91,700	24,667	30,667
HELSTF		21,733	21,700	21,700
THEL/NAUTILUS		55,000	0	0
high energy solid state laser development		12,000	0	6,000
Management Headquarters	4,801	4,801	18,801	18,801
Akamai		0	14,000	14,000
(Note: The conferees support Akamai efforts at Tripler Army Medical Center which include the use of local high performance computing capabilities to more efficiently create high resolution, three-dimensional images for medical diagnostics. Furthermore, the conferees direct that $2,700,000 of the increase is available only to continue development of dual mode hyperspectral/fluorescence imaging technologies)				
Aerostat Joint Project Office	38,940	38,940	31,940	26,940
Risk reduction program		0	−3,000	−3,000
Management office and support		0	−4,000	−4,000
Program reduction		0	0	−5,000
Combat Vehicle Improvement Programs	197,796	215,696	211,146	211,296
M1 flat panel displays		10,000	10,000	7,000
combat vehicle laser warning system		4,900	0	4,900
M1A2 SEP test program sets		0	1,200	1,200
Bradley BFIST ODS test sets		0	900	900
Bradley A3 BFIST test sets		0	450	0
Bradley A3 test sets		0	3,300	2,000
Bradley Stinger test program sets		0	500	500
BFIST A3 phase II design engineering		0	−3,000	−3,000
M1A2 compact autoloader		3,000	0	0
(Note: $2,000,000 appropriated in Advanced Tank Armament System.)				
Aircraft modifications/Product improvement	194	22,894	27,864	22,864
Improved cargo helicopter		22,700	22,720	17,720
CH–47 engine upgrades		0	4,700	4,700
UH–60 door gun evaluation		0	250	250
Digitization	110,180	100,180	131,980	90,180
Program reduction		−10,000	0	−20,000
Task Force XXI efforts and common operating environment migration		0	21,800	0
Missile/Air Defense Product Improvement	30,959	50,959	85,959	65,959
Patriot anti-cruise missile upgrade		20,000	40,000	35,000
Starstreak evaluation		0	15,000	0
End Item Industrial Preparedness	16,842	27,842	31,842	48,842
Program increase		11,000	0	0
INFAC		0	4,000	4,000
Advanced nonmetallic rechargeable battery system		0	1,000	0
Total integration munitions engineering		0	10,000	20,000
ductile iron		(2,000)	0	(2,000)
High modulus Pan-based graphite Fibers		0	0	8,000
(Note: Transferred from Materials Technology.)				

AVIATION ADVANCED TECHNOLOGY

The conferees agree to provide $56,478,000 for Aviation Advanced Technology, an increase of $15,000,000 only for continuation of the air-to-air Starstreak evaluation. The conferees agree that side-by-side testing with other missile candidates should not occur until after completion of Phase II testing of Starstreak. None of the funds provided shall be diverted for any other purpose without prior consultation with the Committees on Appropriations.

ENVIRONMENTAL QUALITY TECHNOLOGY

The conferees have provided an additional $5,000,000 for the National Defense Center for Environmental Excellence for support of life-cycle environmental and manufacturing technologies research related to weapon systems and munitions technology assessment and analysis. Research to be conducted includes technology insertion, life-cycle assessments, technology transfer and demonstrations, environmental and manufacturing research and engineering and environmental awareness training.

Of the additional funds appropriated, the conferees direct that $5,400,000 shall be available only to continue ongoing efforts with an established small business development center to be administered as in previous years. The conferees are supportive of pursuing products which have industrial and medicinal uses under this program.

The conferees further direct that $4,000,000 shall be available only for the U.S. Army Environmental Center, as program director for overall technical and fiscal management, and the U.S. Army Construction Engineering Research Laboratory (USCERL), as technical advisor for research and development, to demonstrate agriculturally based remediation technologies to restore contaminated military and civilian sites, especially those located in fragile Pacific island ecosystems.

MEDICAL ADVANCED TECHNOLOGY

NEUROFIBROMATOSIS

The conference agreement includes $8,000,000 only to continue the Army's ongoing successful neurofibromatosis research program. The conferees commend the Army for structuring this program in a highly professional manner. The conferees direct that these funds be made available under the same timeline for solicitation, peer review, and grant award as has been announced for the obligation of fiscal year 1996 funds.

NATIONAL MEDICAL TESTBED

The conferees are impressed with the efforts of the Testbed to provide deliverable technologies which display measurable improvements in cost and effectiveness in many areas of healthcare delivery. Therefore, the conferees provide an additional $6,000,000 in the Medical Advanced Technology, Army line only for the National Medical Testbed to develop new health care delivery systems along with the enhancing existing programs.

OVARIAN CANCER RESEARCH

The conference agreement provides an additional $7,500,000 only for a comprehensive preventive program in ovarian cancer that expands into endometrial, cervical and other cancer research and that would include prevention planning, implementation and development planning. The conferees direct that this program shall be implemented under the same guidance for this activity as contained in House Report 103–562.

MILITARY HIV RESEARCH

HIV/AIDS

The conferees request that the DoD facilitate and support continued participation of HIV-infected military personnel, retirees, and their dependents in clinical trials, including the AIDS Clinical Trials Group (ACTG) or the Community Programs for Clinical Research on AIDS (CPCRA).

The conference agreement includes $17,919,000 the military's HIV/AIDS research programs. The conferees intend that the HIV clinical research program be continued at the current level with remaining funds available to design, evaluate, and produce candidate vaccines through collaborations with industry and international partners.

JOINT SERVICES SMALL ARMS PROGRAM

The conferees understand that the Department of the Army is monitoring the development of Plastic Cased Ammunition as an economical and weight saving alternative to brass cased ammunition. The conferees recommend that the Department of the Army, within existing resources, conduct a feasibility study on the adoption of Plastic Cased Ammunition and report back to the congressional defense committees by March 15, 1997.

LANDMINE WARFARE AND BARRIER—ADV DEV

The conferees agree to provide an additional $12,000,000 only for the continuation of the Airborne Stand-off Minefield Detection System (ASTAMIDS). The conferees direct that the Secretary of the Army complete a technology evaluation of other systems capable of performing the battlefield mine detection mission. The conferees further direct that this competition be completed as expeditiously as possible. The conferees direct that the ASTAMIDS program not proceed into engineering and manufacturing development prior to the Army completing this competition and informing the congressional defense committees on the results of this evaluation.

SUPER DRAGON

The conferees direct the Army to study the merits and costs of further upgrades to the Dragon missile. The conferees direct the Secretary of the Army to submit a report to the congressional defense committees detailing the requirement, cost, and schedule for the various Dragon upgrade options no later than April 1, 1997.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL NAVY				
DEFENSE RESEARCH SCIENCES	371,904	371,904	361,904	351,904
SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	26,312	41,112	35,312	33,312
SURFACE SHIP TECHNOLOGY	35,591	43,591	56,591	53,591
AIRCRAFT TECHNOLOGY	20,578	24,778	20,578	24,778
COMMAND, CONTROL, AND COMMUNICATION TECHNOLOGY	56,159	58,159	56,159	57,159
READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY	40,828	49,728	40,828	49,728
UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	49,580	49,580	50,080	50,080
MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE	40,534	40,534	48,534	46,534
OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	44,559	54,559	66,559	76,559
UNDERSEA WARFARE WEAPONRY TECHNOLOGY	33,891	33,891	42,391	38,391
AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	29,315	41,315	29,315	38,315
PRECISION STRIKE AND AIR DEFENSE	55,560	60,560	46,311	60,560
SHIP PROPULSION SYSTEM	28,557	36,557	36,557	33,557
MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	24,212	66,012	65,712	62,012
MEDICAL DEVELOPMENT	37,342	57,442	43,842	61,442
ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY	19,970	21,470	44,970	40,970
UNDERSEA WARFARE ADVANCED TECHNOLOGY	43,583	43,583	34,583	46,083
SHALLOW WATER MCM DEMOS	42,753	50,753	42,753	42,753
ADVANCED TECHNOLOGY TRANSITION	104,424	70,000	91,424	72,000
AIR/OCEAN TACTICAL APPLICATIONS	16,519	16,519	19,719	18,519
AVIATION SURVIVABILITY	6,313	15,513	6,313	15,513
ASW SYSTEMS DEVELOPMENT	19,473	19,473	21,973	21,973
SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	86,995	98,995	94,751	88,751
ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	19,149	58,149	19,149	39,149
CARRIER SYSTEMS DEVELOPMENT	12,745	12,745	35,745	12,745
SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	9,948	9,948	9,948	18,748
ADVANCED SUBMARINE SYSTEM DEVELOPMENT	26,400	85,400	46,400	66,400
ARSENAL SHIP–DEM/VAL				25,000
SHIP CONCEPT ADVANCED DESIGN	13,807	38,807	13,807	13,807
ADVANCED SURFACE MACHINERY SYSTEMS	59,773	87,673	59,773	68,873
MARINE CORPS MINE/COUNTERMEASURES SYSTEMS—ADV DEV	592	2,592	592	1,592
RETRACT MAPLE	83,809	114,009	83,809	83,809
LINK PLUMERIA	26,433	28,933	41,433	35,933
RETRACT ELM	24,993	30,793	30,143	24,993
SHIP SELF DEFENSE	216,486	290,486	216,486	290,486
NATO RESEARCH AND DEVELOPMENT	9,933		9,933	9,933
GUN WEAPON SYSTEM TECHNOLOGY	42,204	55,204	60,204	52,204
JOINT ADVANCED STRIKE TECHNOLOGY—DEM/VAL	246,833	259,833	246,833	256,833
OTHER HELO DEVELOPMENT	40,132	52,132	66,932	65,432
STANDARDS DEVELOPMENT	24,698	27,098	24,698	26,698
S–3 WEAPON SYSTEM IMPROVEMENT	4,979	19,979	4,979	9,979
P–3 MODERNIZATION PROGRAM	2,074	14,074	2,074	8,074
TACTICAL COMMAND SYSTEM	26,989	29,989	26,989	29,989
ACOUSTIC SEARCH SENSORS	12,141	12,141	14,641	14,641
V–22A	576,792	613,792	596,792	576,792
AIR CREW SYSTEMS DEVELOPMENT	11,089	24,489	16,089	27,489
EW DEVELOPMENT	78,748	141,248	136,158	127,248
AEGIS COMBAT SYSTEM ENGINEERING	89,279	93,279	103,279	92,279
ARSENAL SHIP	25,000		100,000	
STANDARD MISSILE IMPROVEMENTS	1,637	9,637	1,637	9,637
AIRBORNE MCM	14,522	20,522	33,522	32,522
SSN–688 AND TRIDENT MODERNIZATION	61,395	72,395	61,395	61,395
ENHANCED MODULAR SIGNAL PROCESSOR	3,718	15,718	3,718	22,718
NEW DESIGN SSN	394,000	382,300	409,200	389,300
NAVY TACTICAL COMPUTER RESOURCES	5,237	30,237	5,237	30,237
UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	22,322	32,322	22,322	32,322
BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	3,704	4,704	3,704	4,704
SHIP SELF DEFENSE	134,677	171,677	134,677	152,677

[In thousands of dollars]

	Budget	House	Senate	Conference
JSTARS NAVY		10,000		
DISTRIBUTED SURVEILLANCE SYSTEM	35,194	70,194	35,194	38,194
TECHNICAL INFORMATION SERVICES	1,725	1,725	1,725	4,725
TEST AND EVALUATION SUPPORT	242,891	244,891	242,891	243,891
SSBN SECURITY TECHNOLOGY PROGRAM	21,340	26,840	21,340	24,340
F/A–18 SQUADRONS	425,333	447,033	425,333	441,133
TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	136,364	124,364	156,364	146,364
CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	34,906	37,906	53,406	49,406
HARM IMPROVEMENT	3,348	55,848	13,348	38,348
SURFACE ASW COMBAT SYSTEM INTEGRATION	4,901	8,901	4,901	6,901
AVIATION IMPROVEMENTS	53,512	55,112	53,512	55,112
NAVY SCIENCE ASSISTANCE PROGRAM	5,067	5,067	23,067	13,067
MARINE CORPS COMMUNICATIONS SYSTEMS	56,687	61,242	56,687	61,242
TACTICAL AIM MISSILES	58,415	58,415	53,925	54,915
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	1,195	1,195	16,195	13,695
TACTICAL UNMANNED AERIAL VEHICLE			66,808	
PREDATOR			6,099	
ACQUISITION CENTER OF EXCELLENCE			8,000	500
JOINT SERVICE NON-LETHAL WEAPONS TECHNOLOGIES PROGRAM			15,000	10,000
CLASSIFIED PROGRAMS	501,598	669,598	501,598	575,298

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Research Sciences	371,094	371,094	361,904	351,904
General reduction		0	−10,000	−20,000
National Center for Physical Acoustics		0	(900)	(900)
Surface/Aerospace Surveillance/Weapons Technology	26,312	41,112	35,312	33,312
CW superconducting RF free electron laser		9,000	9,000	6,000
IRPTET		3,000	0	1,000
NSFS: GPS/INS guidance		2,800	0	0
Surface Ship Technology	35,591	43,591	56,591	53,591
Power electronic building blocks		6,000	0	6,000
Vision technology		1,000	0	1,000
Natural language processing		1,000	0	1,000
Surface ship composite materials technology		0	10,000	5,000
Power node control centers		0	1,000	1,000
Ship technology automated systems monitoring		0	2,000	0
Landing ship/quay causeway		0	8,000	4,000
Materials, Electronics, and Computer Technology	75,886	88,386	88,386	88,386
Wide bandwidth semiconductors		10,000	0	0
Carbon reinforced, recycled thermoplastic engineered lumber		2,500	2,500	2,500
New processes for Navy aircraft skins			5,000	3,000
Virtual company framework for advanced software development			0	4,000
Advanced Materials Intelligent Processing Center			5,000	3,000
Titanium processing technology			(2,000)	(2,000)
(Note: From within available funds, $2.0 million is available only to support development of the plasma quench process at the Idaho National Engineering Laboratory for use in the production of ultra-fine titanium powder and in the injection molding process. The conferees believe the plasma quench process could offer the defense and aerospace industries a cost-effective and environmentally sound means of meeting our growing titanium requirements while ensuring that domestic sources of titanium metal remain viable into the future.)				
Oceanographic and Atmospheric Technology	44,559	54,559	66,559	76,559
Sensing systems/UUVs		10,000	0	10,000
National oceanographic partnerships		0	13,000	13,000
Polar ozone atmospheric monitor		0	4,000	4,000
Ocean climate research		0	5,000	5,000
PM–10		0	(750)	(750)
University fleet survey		0	(4,000)	0
Undersea Warfare Weaponry Technology	33,891	33,891	42,391	38,391
Anti-submarine/torpedo weapon		0	6,000	2,000
SUV for intervention missions		0	2,500	2,500
(Note: Concerning the semiautonomous underwater vehicle for intervention missions, the performing institution should have an existing omni-directional SUV and focus this effort on developing a vehicle with accurate omni-directional, optical sensor-based motion control for station-keeping combined with an integrated manipulator, allowing coordinated motion control for performing intervention missions.)				
Air Systems and Weapons Advanced Technology	29,315	41,315	29,315	38,315
MAST electronics		10,000	0	8,000
IRPTET		2,000	0	1,000
Ship Propulsion System	28,557	36,557	36,557	33,557
Advanced submarine technology		8,000	0	0
Active control of machinery rafts		0	8,000	5,000
(Note: Half of the funds for active control of machinery rafts (Project M) are for submarine applications and half are for surface ship applications.)				
Marine Corps ATD	24,212	66,012	65,712	62,012
Warfighting lab/SEA DRAGON		40,000	40,000	35,000
SMAW product improvement		1,800	0	1,800
Air defense alerting device		0	1,500	1,000
Medical Development	37,342	57,442	43,842	61,442
Rural health		3,500	0	3,500
Bone marrow research		14,000	0	14,000
Casualty stabilization		2,600	0	2,600
Freeze dried blood		(2,500)	2,500	(2,500)
Mobile medical monitor		0	4,000	4,000
Environmental Quality/Logistics Advanced Technology	19,970	21,470	44,970	40,970
Nickel-zinc battery development		1,500	0	1,000
Smart base		0	25,000	20,000
Undersea Warfare Advanced Technology	43,583	43,583	34,583	46,083
Shipboard/airborne periscope detection		0	−14,000	0
Environmentally compliant torpedo fuel		0	5,000	2,500
Shallow Water MCM Demos	42,753	50,753	42,753	42,753
RAMICS		8,000	0	0
(Note: The conferees direct that $900,000 shall be available only to test the Power Blade mine clearance system, hardened against mine detonations, at a planned March, 1997 U.S. Atlantic Command joint countermine warfare exercise.)				
Advanced Technology Transition	104,424	70,000	91,424	72,000
General reduction/program growth		−34,424	−15,000	−34,424
SLICE			2,000	2,000
Air/Ocean Tactical Applications	16,519	16,519	19,719	18,519
Mapping, charting, and geodesy		0	3,200	2,000
Surface and Shallow Water Mine Countermeasures	86,995	98,995	94,751	88,751
Obstacle breaching system		0	−4,244	−4,244
Integrated combat weapon system		12,000	12,000	6,000
Advanced Submarine Combat Systems Development	19,149	58,149	19,149	39,149
Advanced submarine technology		39,000	0	20,000
(Note: Includes $10.8 million for the fiber optic acoustic sensor.)				
Shipboard System Component Development	9,948	9,948	9,948	18,748
Carbonate fuel cells		0	0	1,900
Standard monitoring and control system		0	0	6,900
(Note: Funds for the standard monitoring and control system and for carbonate fuel cells, as recommended by the House, that were agreed to in conference were transferred from the Advanced Surface Machinery Systems line.)				
Advanced Submarine System Development	26,400	85,400	46,400	66,400
Advanced submarine technology		59,000	20,000	40,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
Doppler sonar velocity log		0	(1,000)	(1,000)
Advanced Surface Machinery Systems	59,773	87,673	59,773	68,873
Standard monitoring and control system		13,500	0	−900
ICR land based test site		12,500	(12,500)	10,000
Carbonate fuel cells		1,900	0	0
(Note: Funds for the standard monitoring and control system and for carbonate fuel cells, as recommended by the House, that were agreed to in conference were transferred to the Shipboard System Component Development program.)				
Gun Weapon System Technology	42,204	55,204	60,204	52,204
Micro-mechanical systems ERGM		5,000	0	3,000
Risk reduction		10,000	18,000	7,000
Contract savings		−2,000	0	0
Joint Advanced Strike Technology	246,833	259,833	246,833	256,833
Engine competition		13,000	0	10,000
Other Helo Development	40,132	52,132	66,932	65,432
Advanced low frequency sonar		12,000	0	6,000
SH-60R		0	6,800	6,800
Parametric airborne dipping sonar (PADS)		0	10,000	5,000
CH–60 vertical replenishment demo		0	10,000	7,500
Air Crew Systems Development	11,089	24,489	16,089	27,489
Modular helmet mounted display		5,000	0	5,000
Five-line visor lens		1,900	0	1,900
Small occupant escape systems		1,500	0	1,500
NACES II ejection seats		5,000	0	5,000
Ejection seats, troop seats, helmet develop		0	5,000	3,000
EW Development	78,748	141,248	136,158	127,248
Anti-jam GPS		3,500	0	3,500
EA–6B reactive jamming		32,000	32,000	32,000
Jamming techniques optimization		5,000	10,000	5,000
EA–6B connectivity upgrade		22,000		0
ALR–67(V)3		0	15,410	8,000
(Note: EA–6B connectivity upgrade funded in the Aircraft Procurement account.)				
Aegis Combat System Engineering	89,279	93,279	103,279	92,279
Aegis test integration facility		4,000	4,000	3,000
Smart ship initiative		0	10,000	0
Airborne Mine Countermeasures	14,522	20,522	33,522	32,522
AN/AQS–20		6,000	6,000	6,000
Underwater mine detection technology evaluation		0	13,000	12,000
Enhanced Modular Signal Processor	3,718	15,718	3,718	22,718
COTS Variant		12,000	0	19,000
(Note: Includes an additional $10.0 million not in the House bill, which is offset by a rescission of fiscal year 1995 Other Procurement, Navy funds appropriated for the EMSP program.)				
New Design SSN	394,000	382,300	409,200	389,300
COTS MPP		0	15,200	7,000
C3I contract savings		−7,000	0	−7,000
Prior year contract savings		−4,700	0	−4,700
Laser articulating robotic system		0	0	(2,000)
Glass reinforced plastic sonar dome		(2,000)	0	(2,000)
(Note: $2.0 million is only to evaluate application to the New Attack Submarine of glass reinforced plastic technology currently being developed for surface ship sonar domes.)				
Ship Self Defense	134,677	171,677	134,677	152,677
Enhanced Sea-sparrow		8,000	0	0
Infrared search and track		8,000	0	4,000
Quick combat reaction capability		9,000	0	0
SPQ–9B radar development		8,000	0	4,000
NULKA decoy		4,000	0	2,000
AN/SPS–48E		0	(12,000)	8,000
Technical Information Systems	1,725	1,725	1,725	4,725
Advanced technical information system		0	0	3,000
F/A–18 Squadrons	425,333	447,033	425,333	441,133
Advanced FLIR		19,400	0	0
BOL chaff for F/A–18C/D		4,500	0	18,000
General reduction		−2,200	0	−2,200
Tomahawk and Tomahawk Mission Planning Center	136,364	124,364	156,364	146,364
Joint targeting support center		8,000	0	0
Block IV upgrades		−20,000	0	10,000
General increase		0	20,000	0
Consolidated Training Systems Development	34,906	37,906	53,406	49,406
Surface tactical team trainer		3,000	0	2,000
JTCTS		0	9,000	3,000
Optical sensors at PMRF		0	5,000	5,000
PMRF LATR system upgrade		0	4,500	4,500
HARM Improvement	3,348	55,848	13,348	38,348
Advanced anti-radiation guided missile		50,000	10,000	35,000
HARM block IV upgrade		2,500	0	0
Navy Science Assistance Program	5,067	5,067	23,067	13,067
CINCs technology initiative		0	10,000	0
Littoral Airborne Sensor/Hyperspectral (LASH) System using the Advanced Airborne Hyperspectral Imaging System (AAHIS)		0	8,000	8,000
Industrial Preparedness	35,526	88,000	88,000	88,000
General increase		52,474	31,474	46,474
LAST center		0	15,000	0
Manufacturing Technology Transfer Center		0	6,000	6,000

V–22

After the Presidents budget was submitted, the Special Operations Command and the Department of the Navy entered into an agreement concerning the SOF variant of the V-22 aircraft. The agreement may require additional funds to maintain the variant aircraft's schedule in fiscal years 1997 and beyond. In formulating the fiscal year 1998 budget, the conferees direct the Undersecretary of Defense (Comptroller) to submit a reprogramming request to the congressional defense committees should additional fiscal year 1997 funds become necessary to implement the agreement, in order to keep the SOF variant's projected initial operating capability date on schedule.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL AF				
DEFENSE RESEARCH SCIENCES	234,475	234,475	226,475	219,475
MATERIALS	72,360	79,360	72,360	80,860
AEROSPACE FLIGHT DYNAMICS	65,080	72,280	65,080	65,080
ARMSTRONG LAB EXPLORATORY DEVELOPMENT	87,103	91,103	87,103	89,103

[In thousands of dollars]

	Budget	House	Senate	Conference
AEROSPACE PROPULSION	74,906	83,406	74,906	74,906
AEROSPACE AVIONICS	71,261	68,061	71,261	68,061
PHILLIPS LAB EXPLORATORY DEVELOPMENT	121,107	148,007	135,607	153,507
ADVANCED MATERIALS FOR WEAPON SYSTEMS	23,803	26,303	23,803	26,303
FLIGHT VEHICLE TECHNOLOGY	8,433	9,183	8,433	8,433
AEROSPACE PROPULSION AND POWER TECHNOLOGY	38,264	39,264	38,264	38,264
CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	17,969	24,969	17,969	22,969
ELECTRONIC COMBAT TECHNOLOGY	25,202	30,102	25,202	27,602
SPACE AND MISSILE ROCKET PROPULSION	15,740	25,740	15,740	23,240
ADVANCED SPACECRAFT TECHNOLOGY	39,367	70,637	89,637	76,637
ADVANCED WEAPONS TECHNOLOGY	41,895	66,895	61,895	56,895
ADVANCED MILSATCOM (SPACE)	31,643	31,643	16,543	31,643
POLAR ADJUNCT (SPACE)	62,387	22,387	62,387	62,387
NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATE	34,024	19,024	29,000	29,000
SPACE BASED INFRARED ARCHITECTURE (SPACE)—DEM/VAL	120,151	249,151	254,151	249,151
NATO RESEARCH AND DEVELOPMENT (H)	10,233		10,233	10,233
INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	30,644	48,344	30,644	48,344
EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—DEM	44,457	44,457	74,457	44,457
SPACE ARCHITECT OFFICE	15,000	15,000	10,601	11,601
NUCLEAR WEAPONS SUPPORT	4,788	4,788	5,788	5,788
B–1B	220,932	220,932	229,232	217,732
SPECIALIZED UNDERGRADUATE PILOT TRAINING	84,291	87,691	79,260	79,260
F–22—EMD	2,002,959	1,982,459	1,921,621	1,906,021
B–2 ADVANCED TECHNOLOGY BOMBER	528,454	740,454	528,454	624,454
EW DEVELOPMENT	104,423	99,423	104,423	101,923
COMBAT INTELLIGENCE SYSTEM—EMD	1,943	2,943	1,943	2,943
SPACE BASE INFRARED ARCHITECTURE (SPACE)—EMD	173,290	173,290	199,190	199,190
LIFE SUPPORT SYSTEMS	4,363	5,863	9,363	10,863
COMBAT TRAINING RANGES	23,018	23,018	23,018	23,018
JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	11,075	30,875	11,075	30,875
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	207,284	203,784	207,284	203,784
JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	198,632	148,632	198,632	168,632
CONVENTIONAL AIR LAUNCHED CRUISE MISSILE				3,000
THREAT SIMULATOR DEVELOPMENT	43,635	43,635	47,435	55,435
INITIAL OPERATIONAL TEST & EVALUATION	26,921	26,921	21,921	21,921
ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	8,152	8,152	33,252	33,252
F–15E SQUADRONS	143,095	158,095	143,095	158,095
TACTICAL AIM MISSILES	36,382	36,382	31,892	32,882
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	25,883	30,883	25,883	25,883
SPECIAL EVALUATION PROGRAM	53,495	53,495	37,195	37,195
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	99,050	96,850	99,050	96,850
AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	57,559	57,559	92,459	82,559
ADVANCED PROGRAM TECHNOLOGY	72,501	72,501	69,501	69,501
THEATER BATTLE MANAGEMENT (TBM) C4I	30,915	30,915	35,915	34,415
ADVANCED PROGRAM EVALUATION	198,327	198,327	190,327	190,327
USAF WARGAMING AND SIMULATION	19,361	26,861	26,361	26,361
THEATER MISSILE DEFENSES	22,285	22,285	34,285	31,285
TECHNICAL EVALUATION SYSTEM	114,603	114,603	102,603	114,603
SPECIAL EVALUATION SYSTEM	41,776	53,476	41,776	41,776
DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPACE)	24,528	28,127	24,527	28,127
MILSTAR SATELLITE COMMUNICATIONS SYSTEM (SPACE)	26,962	26,962	20,348	20,348
SELECTED ACTIVITIES	3,000		3,000	
SATELLITE CONTROL NETWORK (SPACE)	89,960	86,960	89,960	86,960
AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATC)	3,870	3,870	8,870	3,870
TITAN SPACE LAUNCH VEHICLES (SPACE)	105,472	102,472	105,472	102,472
ARMS CONTROL IMPLEMENTATION	26,786	31,386	26,786	29,086
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	17,964	17,964	15.664	15,664
NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SP)	32,450	24,950	37,450	31,250
SPACETRACK (SPACE)	18,867	18,867	33,867	33,867
DEFENSE SUPPORT PROGRAM (SPACE)	29,397	26,397	29,397	26,397
C–17 AIRCRAFT	87,486	87,486	87,486	77,486
INDUSTRIAL PREPAREDNESS	49,969	51,969	69,969	52,969
PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN, PRO	13,564	16,564	18,064	16,564
SUPPORT SYSTEMS DEVELOPMENT	5,405	5,405	5,405	8,405
AIRBORNE RECONNAISSANCE GROUND STATION			2,419	
DISTRIBUTED COMMON GROUND STATION			5,116	
ADVANCED SENSOR DEVELOPMENT			66,367	
ADVANCED TECHNOLOGY AND SENSORS			17,523	
COMMON DATA LINK			22,931	
U–2			28,918	
COMMON IMAGERY GROUND SURFACE SYSTEM			55,280	
CLASSIFIED PROGRAMS	4,844,501	4,862,501	4,702,927	4,576,857
COBRA BALL (FLD)			5,000	5,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Research Sciences	234,475	234,475	226,475	219,475
Program Reduction			−8,000	−15,000
National Solar Observatory		(650)	(650)	(650)
Materials	72,360	79,360	72,360	80,860
Composite Material Research		5,000		7,500
Advanced Paint Systems		2,000		1,000
Reentry Materials Development		(3,500)	(3,500)	(3,500)
[Note: The conferees direct that $1,500,000 of these funds shall be used for the manufacture of carbon/carbon nosetips]				
Aerospace Flight Dynamics	65,080	72,280	65,080	65,080
Precision Airdrop Technology		1,800		
Firefighting Equipment		3,500		
Landing Gear Technology		900		
Injection Molding Tehnology		1,000		
Armstrong Lab Development	87,103	91,103	87,103	89,103
Helmet Mounted Display		4,000		2,000
Aerospace Propulsion	74,906	83,406	74,906	74,906
Fuel Filter Research		4,000		
High Temperature Lubricants		1,500		
Vacuum Tub Transmit Amplifiers		3,000		
Thermally Stable Coal Derived Jet Fuels			(3,000)	(3,000)
Phillips Lab Exploratory Development	121,107	148,007	135,607	153,507
IHRPT		7,000	7,000	5,000
RSLP		9,800		9,800
Mighsat		10,100		10,100
High Frequency Active Auroral Research Program			7,500	7,500
Advanced Materials for Weapons Systems	23,803	26,303	23,803	26,303
Metal Fatigue Monitoring Technology		2,500		2,500

[In thousands of dollars]

	Budget	House	Senate	Conference
Infared Suppression Materials			(3,000)	(3,000)
Crew Systems and Personnel Protection Technology	17,969	24,969	17,969	22,969
Ejection Seat Technology		5,000		5,000
Life Support Technology		2,000		
Electronic Combat Technology	25,202	30,102	25,202	27,602
Laser IR Countermeasures		5,000		2,400
Space and Missile Rocket Propulsion	15,740	25,740	15,740	23,240
IHRPT		5,000		2,500
Pentaborane is Disposal		2,000		2,000
Low Cost EELV		3,000		3,000
Advanced Spacecraft Technology	39,637	70,637	89,637	76,637
Reusable Launch Vehicles		25,000		10,000
MSTI		3,000		2,000
Power Storage Technology		2,000		
Clementine II			50,000	25,000
Advanced Weapons Technology	41,895	66,895	61,895	56,895
Space Laser Imaging Technology		15,000	10,000	10,000
Laser Induced Microwave Emissions		10,000	10,000	5,000
Space Based Infrared Architecture	120,151	249,151	254,151	249,151
SMTS		134,000	134,000	134,000
Program Support		−5,000		−5,000
Space Architect Office	15,000	15,000	10,601	11,601
O&M Transfer/Studies			−3,399	−2,399
Studies			−1,000	−1,000
B1–B	220,932	207,932	229,232	217,732
DSUP			10,000	6,000
Data Links			13,000	5,550
ECM Source Selection		−6,500		
Mission Support Costs		−6,500		
Excess Funds			−14,700	−14,700
Specialized Undergraduate Pilot Training	84.291	87,691	79,260	79,260
JPATs Ground Based Training		3,400		
Excess Funds			−9,231	−9,231
T–38 Avionics Upgrade	2,002,959	1,982,459	',921,621	1.906,021
F–22 EMD	2,002,959	1,982,459	1,921,621	1,906,021
Award Fee		−20,500		−15,600
Procurement Transfer			−81,338	−81,338
F–22 Two-seat Trainer Study			(1,000)	(1,000)
B–2 Advanced Technology Bomber	528,454	740,454	528.454	624,454
Post Block-30 Improvements		232,000		116,000
Curtailment Tooling		−20,000		−20,000
Life Support Systems	4,363	5,863	9,363	10,863
Ejection Seat Demo		1,500		1,500
Laser Eye Protection			5,000	5,000
Dielectric Technology		(2,500)	(2,500)	
Threat Simulator Development	46,635	43,635	47,435	55,435
Emitter Modifications			9,000	5,000
Redcap Operations			1,600	1,600
Redcap Option C			2,200	2,200
Redcap Option E			6,00	6,00
ECIT			−15,000	
Theater Battle Management (TBM) C41	30,915	30,915	35,915	34,415
TBM Core Systems			5,000	3,500
USAF Wargaming and Simulation	19,361	26,361	26,861	26,361
WPAFB Simulation Facility		7,000	7,500	7,000
Theater Missile Defense	22,285	22,285	34,285	31,285
UH–1N Simulator for TACCSF			9,000	7,000
TACCSF Adv distributed simulation connection			3,000	2,000
Arms Control Implementation	26,786	31,386	26,786	29,086
Seismic Research		4,600		2,300
Navstar GPS (User Equipment)	32,450	24,950	37,450	31,250
Program Reduction		−7,500		−3,700
GPS Protection			5,000	2,500
Spce Track	18,867	18,867	33,867	33,867
AEOS			8,500	8,500
AMOS			6,500	6,500
[Note: The conferees direct that $1,700,000 of the AEOS increase shall be available to continue development of the AEOS spectrograph]				
Industrial Preparedness	49.969	51,969	69,969	52,969
General Increase		2,000	11,400	3,000
SPARES			5,400	
Hazmat Pats			3,200	
Productivity, Reliability, Availability, Maintain, Program	13,564	16,564	18,064	16,564
Blade Repair Program Modeling		3,000	4,500	3,000
Support Systems Development	5,405	5,405	5,405	8.405
SPARES				3,000
[Note: SPARES program transferred from Industrial Preparedness program element]				
Cobra Ball			+5,000	+5,000
FLD advanced airborne sensor			+5,000	+5,000

INTERCONTINENTAL BALLISTIC MISSILE—DEMONSTRATION/VALIDATION

The conferees agree to add $17,700,000 to this program element and direct that these funds may be used to develop both Global Positioning System (GPS) range safety modifications and improved accuracy capabilities for conventional ICBM precision strike.

EVOLVED EXPENDABLE LAUNCH VEHICLE (EELV) PROGRAM

The conferees do not agree to the Senate provision which directed that the use of the Centaur Processing Facility at Cape Canaveral Air Force Station be included in the baseline specifications and requirements of the EELV family of space boosters.

F–22B TWO-SEAT TRAINER AIRCRAFT

The conferees recognize the serious safety, operational, training, cost, budgetary, and technical issues associated with the Air Force's decision to terminate development of the two-seat trainer variant of the F–22 advanced tactical fighter. The conferees agree to include the Senate's statutory provision requiring the Secretary of the Air Force to submit a detailed assessment of these issues not later than February 15, 1997.

B–2 BOMBER UPGRADES

The conferees express serious concern with the pace of the Air Force's plans to incorporate precision conventional bombing capability on the B–2 bomber. The B–2 will represent the most modern deep-strike platform the United States will possess for the foreseeable future. The Air Force has identified enhancements which it believes could be accommodated on the B–2. The conferees believe the schedule for the upgrades must be accelerated. Accordingly, the conferees have approved $116,000,000 for this package and direct the Air Force to prioritize enhancements within that amount. The conferees also encourage the Air Force to include funds for B–2 enhancements in its fiscal year 1998 budget submission.

THREAT SIMULATOR DEVELOPMENT

The conferees agree to provide an increase of $5,000,000 only to provide additional electronic combat threat simulator capabilities at the Eglin Air Force Base electronic combat test and training range. The Commander, Air Force Special Operations Command, and the Director, Air Force Test and Evaluation, shall mutually define the requirements for additional electronic combat test and training resources at Eglin and shall use the available funds to acquire the necessary capability. The conferees understand that the requirements may include a need for full Emitter Receiver Processor (ERP) instrumented threat simulators to ensure realistic training.

AWACS

The conferees agree to provide $82,559,000 for AWACS, an increase of $25,000,000 only for an AWACS reengining program. The conferees direct the Air Force to provide a detailed report to the Committee on Appropriations on the schedule, technical risks, annual and total program costs, and acquisition strategy not later than April 1, 1997. The Air Force is further directed to consult with the Committees on Appropriations well in advance of selecting an acquisition strategy involving the leasing of engines.

ARMS CONTROL IMPLEMENTATION

The Air Force requested $26,786,000 for arms control implementation. The conferees recommend $29,086,000, an increase of $2,300,000. This increase provides a total of $8,800,000 for CTBT monitoring research. Of this amount $7,100,000 shall be available only for peer-reviewed basic research in the field of explosion seismology, and $1,700,000 shall be available for research efforts in complementary disciplines, such as hydroacoustics, infrasound and radionuclide analyses. The conferees direct the Department to maintain its successful collaboration with the external research community and to continue to award these funds through a competitive peer panel review process, which includes non-governmental reviewers from the external research community as panel members.

The conferees direct that the $8,800,000 for nuclear test monitoring research can be used only to support documented Air Force operational monitoring requirements. Further, the conferees direct the Department to provide sufficient funding in future year budget requests to provide for a stable and robust seismic research program.

The conferees also commend the nuclear test monitoring work of the Air Force Phillips Laboratory and are concerned that a reorganization of these activities may adversely impact vital nuclear test monitoring efforts. The conferees direct that the Department report to Congress 60 days before implementing any reorganization impacting Phillips Laboratory seismic research activities and personnel.

PODDED RECONNAISSANCE SYSTEM

The conferees direct the Office of the Secretary of Defense to strongly consider conducting a competitive fly-off of industry provided equipment for the second sensor to be provided under the Tactical Airborne reconnaissance System pre-planned product improvement effort. A report on the results of these considerations as to the advantages and disadvantages of such an acquisition strategy, including the impact of such a strategy on inter-service interoperability and commonality of systems and imagery products and cost effectiveness of current and leading-edge technologies, shall be submitted to the Committees on Appropriations not later than April 15, 1997.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL DEFWIDE				
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	2,154	3,454	2,154	3,154
DEFENSE RESEARCH SCIENCES	74,923	74,923	95,223	89.223
UNIVERSITY RESEARCH INITIATIVES	209,235	229,235	223,235	220.235
FOCUSED RESEARCH INITIATIVES	15,580	15,580	2,988	---
CEMICAL AND BIOLOGICAL DEFENSE PROGRAM	28,739	30,939	28,739	29,939
ASAT PROGRAM	---	---	75,000	50,000
SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES EXPLORATOR	94,023	94,023	104,23	104,23
MEDICAL FREE ELECTRON LASER	23,457	20,457	23,457	20,457
LINCOLN LABORATORY RESEARCH PROGRAM	20,068	10,568	20,068	20,068
COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	346,957	346,957	338,057	325,057
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	65,273	65,273	73,173	69,273
TACTICAL TECHNOLOGY	117,944	128,944	112,744	123,244
INTEGRATED COMMAND AND CONTROL TECHNOLOGY	45,000	47,000	65,000	61,000
MATERIALS AND ELECTRONICS TECHNOLOGY	218,539	225,539	222,339	222,839
DEFENSE NUCLEAR AGENCY	195,131	218,131	195,593	195,593
EXPLOSIVES DEMILITARIZATION TECHNOLOGY	---	15,000	22,000	12,000
DEMINING	7,746	7,746	18,046	14,746
COUNTERTERROR TECHNICAL SUPPORT	16,521	16,521	22,521	21,521
COUNTERPROLIFERATION SUPPORT—ADV DEV	54,142	54,142	61,610	58,610
SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES—ADVANCE	132,319	172,319	272,319	262,319
JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16.158	16,158	21,158	18,158
EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGIES	635,553	678,953	---	---
ROCKET LAUNCH FACILITY UPGRADES	---	---	10,000	10,000
COMMAND, CONTROL AND COMMUNICATION SYSTEMS	---	---	105,679	105.679
COMMUNICATIONS AND SIMULATION TECHNOLOGY	---	---	133,118	130,118
SENSORS AND GUIDANCE TECHNOLOGY	---	---	94,477	110,977
MARINE TECHNOLOGY	---	---	44,726	41,226
LAND WARFARE TECHNOLOGY	---	---	61,966	62,066
CHEMICAL AND BIOLOGICAL DEFENSE POGRAM—ADVANCED DEV	41,685	43,485	41,685	43,485
GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	18,162	18,162	20,162	21,162
STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	54,880	57,880	59,880	54,880
JOINT TECHNOLOGY INSERTION PROGRAM	14,523	---	2,523	---
COOPERATIVE DOD/VA MEDICAL RESEARCH	---	25,000	25,000	21,500
ADVANCED ELECTRONICS TECHNOLOGIES	332,100	352,100	333,100	368,100
MARITIME TECHNOLOGY	37,408	37,408	50,000	50,000
ELECTRIC VEHICLES	---	15,000	20,000	15,000
ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	98,471	38,609	78,471	58,471
COMMERCIAL TECHNOLOGY INSERTION PROGRAM	48,411	---	20,000	10,000
HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	99,880	61,380	124,880	124,880
DUAL USE APPLICATIONS PROGRAM	250,000	---	100,000	85,000
DARPA CLASSIFIED PROGRAMS	---	---	220,638	180,638
JOINT ROBOTICS PROGRAM	23,744	28,744	31,744	28,744
ADVANCED SENSOR APPLICATIONS PROGRAM	24,001	26,501	28,001	25,501
CALS INITIATIVE	1,936	1,936	15,936	15,936
NATO RESEARCH AND DEVELOPMENT	22,776	---	22,776	10,000
ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	14,155	14,155	22,155	22,155
THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM—TMD—DEM/	269,000	409,000	304,000	344,000
CORPS SURFACE-TO-AIR MISSILE—TMD—DEM/VAL	56,232	---	56,200	30,000
BOOST PHASE INTERCEPT THEATER MISSILE DEFENSE ACQUISITION	---	---	24,300	24,300
NATIONAL MISSLE DEFENSE—DEM/VAL	508,437	858,437	808,437	833,437
OTHER THEATER MISSILE DEFENSE/FOLLOW-ON TMD ACTIVITIES	520,111	520,111	515,743	525,511
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	54,511	54,511	47,511	49,511
ENDURANCE UNMANNED AERIAL VEHICLES	---	---	175,247	---
GENERAL REDUCTION—BMD	---	−15,000	---	---
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	89,915	97,115	89,915	99,515
THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM—TMD—EMD	212,798	212,798	317,798	277,798
TECHNICAL STUDIES, SUPPORT ANALYSIS	35,101	---	31,248	31,248
TECHNICAL ASSISTANCE	4,785	---	4,785	---
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	16,708	22,708	16,708	16,708
DEFENSE SUPPORT ACTIVITIES	13,796	13,796	16,796	16,796
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	36,369	32,643	36,369	34,469
DMA MAPPING, CHARTING, AND GEODESY (MC&G) PRODUCTION	100,997	90,997	100,997	90,997
DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	438,559	562,059	---	487,059
DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	55,911	55,911	92,511	87,511
SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	4,083	6,083	4,083	6,083
SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	83,923	89,323	98,074	97,874
SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	1,315	2,315	1,315	2,315
SOF OPERATIONAL ENHANCEMENTS	23,216	28,716	23,216	30,216

[In thousands of dollars]

	Budget	House	Senate	Conference
CLASSIFIED PROGRAMS	1,202,794	1,323,132	1,231,794	1,238,794
DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION	---	---	12,000	---
AGILE FORT DEMO	---	---	---	5,000
AIRFIELD SURFACE TRAFFIC MONITOR	....	....	....	2,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands]

	Budget	House	Senate	Conference
Defense Research Sciences	74,923	74,923	95,223	89,223
Optoelectronic consortia		....	+25,000	+15,000
Gallium nitride		....	−2,700	−2,700
Ultraphotonics		....	−2,300	−2,300
Wavelength converting devices applied to WDM lightpath channels [Note: The performing institution should build on existing research, model, design and evaluate wavelength division multiplex (WDM) networks which integrate limited wavelength converting devices to efficiently support lightpaths.]		....	+300	+300
Discovery center of science & technology		....	....	4,000
Defense technology transfer pilot program		....	(3,000)	(2,000)
University Research Initiatives	209,235	229,235	223,235	220,235
DEPSCOR		+20,000	+20,000	+17,000
Cold climate energy generating/conserving tech dev		....	+1,000	+1,000
Southern observatory for astronomical research		....	+3,000	+3,000
Senate authorization reduction		....	−10,000	−10,000
Computing Systems and Communications Technology	346,957	346,957	338,057	325,057
Text, video, speech		....	−4,900	−1,900
Evolutionary design of complex software		....	−4,000	....
Multithread architecture experimental computer		....	(7,000)	(4,000)
General reduction		....	....	−20,000
Chemical and Biological Defense Program	65,273	65,273	73,173	69,273
Safeguard		....	+7,900	+4,000
Tactical Technology	117,944	125,944	112,744	123,244
Ship system automation		+5,000	....	+2,500
Virtual reality and simulation based design		+3,000	+5,000	+3,000
Collaborative crisis understanding and mitigation		....	−7,700	−4,700
Fast computational algorithms		....	−5,000	−5,000
Small low-cost interceptor device (SLID)		....	+3,000	+1,500
Holographic storage technology		....	+2,000	+1,000
Center of excellence for research in ocean sciences		....	+7,000	+7,000
Ship system automation (transfer)		....	−9,500	....
Integrated Command and Control Technology	45,000	47,000	65,000	61,000
Optoelectronic digital camera		+2,000	....	+1,000
Flat panel display program increase		....	+20,000	+15,000
Materials and electronics technology	218,539	225,539	222,339	222,839
Seamless high off-chip connectivity		+7,000	+5,000	(5,000)
High temperature superconducting/cryogenic electronics		+10,000	+8,000	+7,000
Thermal management diamond		....	+4,000	+3,000
Hard carbon-based coatings		....	+3,000	+2,000
Advanced materials partnerships		....	−5,000	−2,500
Healthcare information infrastructure		....	−7,500	−7,500
Nonvolatile memory		....	−3,700	−3,700
New materials research [Note: The conferees direct that $6,000,000 is available only for new materials research.]		....	....	+6,000
Defense Nuclear Agency	195,131	218,131	195,593	195,593
Bioenvironmental hazards research		+5,000	+5,000	+5,000
Counter-terrorist explosive research		+8,000	....	+4,000
Thermionics		+10,000	....	+3,000
Deep digger		....	+3,000	+2,000
TOPAZ international program		....	−15,538	−15,538
Johnston Island remediation		....	+8,000	+2,000
[Note: The conferees direct that up to $4,800,000 shall be made available only to terminate the Topaz space nuclear reactor program.]				
Explosives Demilitarization Technology		15,000	22,000	12,000
Explosives demilitarization technology [Note: The conferees direct that $6,000,000 is available only for Navy Control Burn and $2,000,000 is available only for Air Force Cryogenic Washout.]		+15,000	....	+12,000
Tri-service demilitarization program		....	+19,000	....
Energetic material resource recovery and reuse		....	+3,000	(2,000)
Counterproliferation Support	54,142	54,142	61,610	58,610
High frequency active auroral research program		....	+7,500	+7,500
Alternative agent defeat concept		....	−3,032	−3,032
Surgical strike vehicle		....	+3,000	....
Support Technologies/Follow-on Technologies	132,319	172,319	272,319	262,319
RAMOS		....	20,000	+10,000
Advanced Interceptor Technology		40,000	40,000	+40,000
Advanced technology development (seekers, interceptors, photon laser spacecraft, scorpius, directed energy etc.)		....	80,000	+10,000
Space-based laser		....	....	+70,000
Command, control, and communications systems	115,679	....	105,679	105,679
Command and control information systems		....	47,765	47,765
Information integration systems		....	67,914	67,914
Dynamic multi-user information fusion		....	−5,000	−5,000
Joint forward air combat controller		....	−5,000	−5,000
Communications and simulation technology	130,118	....	133,118	130,118
Advanced simulation		....	48,419	48,419
Global grid communications		....	42,024	42,024
Defense simulation internet		....	39,675	39,675
Disaster relief and emergency medical services		+8,000	+8,000	+8,000
Operational simulation technology		....	−5,000	−8,000
Sensors and guidance technology	101,477	....	94,477	110,977
Guidance technology program		....	10,499	10,499
Air defense initiative		....	21,777	21,777
Sensor and exploitation systems		....	69,201	69,201
Large millimeter wave telescope		....	+3,000	+1,500
Semiautomated IMINT processing		....	−10,000	−5,000
Geosar		+10,000	....	+13,000
Marine technology	35,226	....	44,726	41,226
Advanced ship-sensor systems		....	18,844	18,844
Fast ship/future ship		....	16,382	16,382
Ship systems automation (transfer)		....	+9,500	....
Shallow water anti-submarine warfare		+10,000	....	+6,000
Land warfare technology	67,666	....	61,966	62,066
Combat hybrid power systems		....	15,000	15,000
Small unit operations		....	52,666	52,666
Joint DARPA/NASA thermophotovoltaics		....	+10,000	+5,000
2 megawatt carbonate-based fuel cell		....	+4,300	+2,400
Combat hybrid power systems		....	−5,000	−5,000
Small unit operations		....	−15,000	−10,000
Helicopter active structural control		+3,000	....	+2,000
Generic Logistics R&D Technology	18,162	18,162	20,162	21,162
Lead time and cost reduction program increase		....	+2,000	+2,000

[In thousands]

	Budget	House	Senate	Conference
Military cargo methods				+1,000
Strategic Environmental Research Program	54,880	57,880	59,880	54,880
Health & safety demonstration		+3,000		(3,000)
Insensitive munitions			+5,000	(4,000)
Cooperative DoD/VA Medical Research		+25,000	+25,000	+21,500
Collaborative brain research		+6,500		+6,500
DoD/VA cooperative research		+18,500	+25,000	+15,000
Advanced Electronics Technologies	332,100	352,100	333,100	368,100
Plasma process equipment for microelectromechanical		+5,000		+5,000
Electronic commerce resource centers		+15,000		+15,000
Integrated point source system			+11,000	+11,000
X-ray lithography and mask tech transfer			−12,000	
Piezoelectric microelectromechanical systems			+2,000	+2,000
U.S.-Japan Training			(10,000)	(7,000)
Laser plasma x-ray source technology				3,000
LAST Center				(15,000)
Electric Vehicles		15,000	20,000	15,000
Electric vehicle technology		+15,000		
Electric and hybrid electric vehicle consortia program			+20,000	+15,000
Advanced Concept Technology Demonstrations	98,471	38,609	78,471	58,471
Program growth		−59,862	−20,000	−40,000
Near shore tactical reconnaissance ACTD [Note: The conferees direct that from within available funds, $3,000,000 is available only for Near Shore Tactical Reconnaissance.]				(3,000)
Commercial Technology Insertion Program	48,411		20,000	10,000
HNSC reduction		−48,411	−28,411	−38,411
Weapons team engagement trainer			(1,000)	(1,000)
High Performance Computing Modernization Program	99,880	61,380	124,880	124,880
(Transfer to procurement account)		−38,500		
Sustainment and operations (non-military sites)			+25,000	+25,000
DARPA classified programs	170,638	170,638	220,638	180,638
Classified programs			170,638	+170,638
Classified DARPA initiative			50,000	+10,000
Joint Robotics Program	23,744	28,744	31,744	28,744
Joint robotics		+5,000		+1,000
Mobile detection and assessment response system			+8,000	+4,000
Advanced Sensor Applications Program	24,001	26,501	28,001	25,501
Ocean remote sensing		+2,500		2,500
Submarine detection system competition			+10,000	5,000
LGA physics			−6,000	−6,000
Ocean remote sensing		(5,000)		(4,000)
CALS Initiative	1,936	1,936	15,936	15,936
Rapid acquisition of manufactured parts (RAMP)			+10,000	+10,000
Integrated weapon systems data base (IWSDB)			+4,000	+4,000
Other Theater Missile Defense/Follow-on TMD	520,111	520,111	515,743	525,511
ARROW deployability project	31,300		+3,700	+3,700
TMD existing systems modifications—EAGLE			−19,766	−19,766
U.S./Israel boost phase intercept			−9,300	−9,300
Advanced Research Center			+7,000	+7,000
Cooperative engagement capability integration			+5,000	+4,000
Airborne sensors for ballistic missile tracking			+19,766	+19,766
Kauai test facility at PMRF			(5,000)	(5,000)
General program reduction			−10,768	
Endurance Unmanned Aerial Vehicles			175,247	
Endurance UAV—common			71,642	
Low observable-high altitude UAV			17,428	
HAE-conventional UAV			71,428	
Tier III Minus UAV			14,749	
General Reduction		−15,000		
HNSC general reduction		−15,000		
Chemical and Biological Defense Program—EMD	89,915	97,115	89,915	99,515
Biological warfare countermeasures		+7,200		+4,200
Bio medical (transferred from procurement, defense-wide)				+5,400
Defense Airborne Reconnaissance Program	438,559	562,059		487,059
		+123,500	−438,559	
Darkstar				+28,500
Global Hawk				−10,000
CIGSS				+7,500
EO Framing				+10,000
VTOL				+15,000
MSAG				+4,000
CDL				−6,500
Defense Reconnaissance Support Activities (Space)	55,911	55,911	92,511	87,511
Application of DoD satellites to national needs Pacific Disaster Center [Note: The conferees direct that the disaster-related modeling and simulation efforts utilize the existing high performance computing capabilities available in the Pacific, including parallel processing and advanced storage technology, to decrease the time needed to render and display these models.]			+28,600 +8,000	+23,600 +8,000
Special Operations Tactical Systems Development	83,923	89,323	98,074	97,874
Advanced seal delivery system		+4,400		+2,800
Full authority digital control		+1,000		+1,000
Rigid hull inflatable boat			+4,451	+4,451
Special operations command integration center			+4,000	
Penetration augmented munitions			+3,800	+3,800
Integrated night/day observation/fire control device (INOD)			+1,900	+1,900
SOF Operational Enhancements	23,216	28,716	23,216	30,216
Counterproliferation/wmd		+5,500		+4,000
Advanced special warfare craft [Note: The conferees direct that $3,000,000 is only for the advanced special warfare craft.]				+3,000
Classified Programs	1,202,794	1,323,132	1,231,794	1,238,794
Increases to classified programs		+120,338	+29,000	+36,000

OTHER THEATER MISSILE DEFENSE/FOLLOW-ON TMD

The conferees agree with the Senate direction that the Under Secretary of Defense (Acquisition and Technology) (USD(A&T)) provide a plan for developing an airborne sensor capability for tracking ballistic missiles. The conferees further believe that analyses to develop this plan should consider the opportunity to use the Airborne Laser sensors to perform this mission. The conferees direct that operational user requirements and perspectives and total program cost be given priority consideration in selecting a system to provide this capability. Because of the urgent need to deliver such a system, the conferees direct that the USD(A&T) provide a plan not later than January 19, 1997, for developing this capability and allocating the appropriated funds. The conferees further direct that DoD may obligate up to one-third of the appropriated funds prior to the delivery of the plan to the congressional defense committees. The conferees further direct that any funds obligated prior to delivery of the required plan shall be divided fairly between the AWACS EAGLE program and the Rivet Joint Technology Transfer program.

U.S.-ISRAEL BOOST PHASE INTERCEPT PROGRAM

The conferees endorse the joint effort between the United States and Israel to develop a kinetic energy boost phase interception system based on an unmanned aerial vehicle. This technological approach contains great promise for intercepting ballistic missiles over enemy territory and complements other ongoing U.S. and Israeli TMD efforts. It is the expectation of the conferees that, to make greatest use of the investment and technological progress already made by our allies, the U.S.-Israel joint effort will be based upon Israel's boost phase intercept (IBIS) concept.

NATIONAL MISSILE DEFENSE

The conferees direct the Ballistic Missile Defense Organization to provide $23,000,000 for the Air Force National Missile Defense (NMD) initiative. The conferees express their support for development and test activities which allow the Defense Department to fully explore the Air Force concept, to include utilizing the test facilities which provide a realistic and representative test scenario. The conferees direct that the Secretary of Defense shall concurrently inform the congressional defense committees on the report required under section 245 of the National Defense Authorization Act for Fiscal Year 1997.

ADVANCED ELECTRONICS TECHNOLOGY

The conferees have fully funded the budget request for the advanced lithography program which includes $25,000,000 for proximity x-ray, of which $15,000,000 shall be available only for the Lithographic and Alternative Semiconductor Processing Techniques (LAST) Center. Since the LAST Center complements a wide array of research that is important to military electronics, the conferees direct the Department of Defense to budget for the LAST Center in the Navy Industrial Preparedness program element in the fiscal year 1998 budget submission. The conferees have also provided an increase of $14,000,000 in this program element for additional lithography projects as outlined in the table.

ELECTRONIC COMMERCE RESOURCE CENTERS

The conferees agree to provide an increase of $15,000,000 for the Electronic Commerce Resource Centers (ECRC) program only for the establishment and operation of five additional Regional ECRC's. the conferees expect the Department to act expeditiously and urge that final decisions on the establishment of the five additional ECRCs be made within 90 days of the enactment of this act. The conferees are pleased with the progress of the ECRC program, which is an integral and fundamental component of the Department's efforts to streamline and reduce DoD acquisition costs. The conferees continue to support managerial oversight of this program by the Deputy Under Secretary of Defense (Logistics) in order to fully capitalize on and expand the use of electronic commerce technologies. In recognition of the program's ability to benefit commercial business activities, the Department is directed to submit a plan to the congressional defense committees no later than March 15, 1997, showing how Regional ECRC's can be increasingly supported by non-governmental activities and be entirely self-sustaining in five years. This plan shall also identify additional areas in the Department of Defense that could benefit from the use of electronic commerce technology and explain how ECRC's can be used to meet these emerging requirements. The conferees expect the Department to submit a fully funded ECRC program in its fiscal year 1998 budget submission.

OPTICAL CORRELATOR

The conferees are aware that recent advances in optical correlators make them practical for several key military and civilian applications. One is the rapid processing of images and information for real-time automatic target recognition to support precision-guided weapons and target cueing for surveillance systems; another is the rapid and detailed processing of data collected by medical instruments to detect and locate a variety of previously difficult-to-detect objects in the body; and, within the criminal justice system, its ability to rapidly scan and match massive amounts of data, such as fingerprints.

The conferees are encouraged by the recently increased interest expressed by DoD in optical correlators, particularly for the F/A-18 and several guided missile programs. Therefore the conferees direct the military services and DoD program offices seeking to develop or procure automatic target recognition (ATR) or cueing capabilities to immediately leverage this unique dual use technology and provide additional funds, within current program appropriations, to accelerate the introduction of optical correlators into their weapon inventories. The Secretary of Defense shall provide a report on this effort to the congressional defense committees by January 31, 1997.

ADVANCED SENSOR APPLICATIONS PROGRAM

The conferees have provided $10,000,000 for a technology evaluation of systems performing selected non-acoustic antisubmarine warfare missions. The conferees direct that other concepts be given an opportunity to be evaluated. In particular, the conferees are aware of a system which should be included in this competition which takes advantage of the collection and processing of hyperspectral data. The conferees further direct that a variety of specific test scenarios be utilized under this competition.

ENVIRONMENTAL SECURITY TECHNOLOGY CENTER

The Environmental Security Technology Certification Program (ESTCP) is authorized to transfer $10,000,000 to the Department of Energy's Pittsburgh Energy Technology Center (PETC) for its electron scrubbing to remove unwanted by-products project. The principal objective of this project will be to demonstrate and validate that this technology meets urgent DoD environmental needs and security requirements. Another objective will be to work jointly with the DOE as a clean-up technology demonstration.

HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM

The conferees agree that the High Performance Computing Modernization Program performs a vital defense mission in ensuring that state-of-the-art, production-ready supercomputing capability and capacity are available for Department of Defense science and engineering research in solving complex research problems related to weapons development and other important military applications. Given increasing budgetary pressures, it is important that the Modernization Program focus its resources to maximize the use of commercially available supercomputer technology and to draw on the in-house expertise of the services at the existing major shared resource centers and distributed centers.

The conferees agree to provide $124,735,000 in procurement Defense-wide for high performance computer procurement, an increase of $20,000,000 only for the Army High Performance Computing Research Center (AHPCRC).

The conferees believe that the Modernization Program must improve its performance in the timely execution of computer procurements. Significant delays, as evidence in the recently concluded major share resource center procurements, make it difficult to ensure that the most modern equipment is acquired. The conferees direct the Department to take actions necessary to preclude the recurrence of such procurement delays.

Finally, the conferees note that the Department has not published an updated High Performance Computing Modernization Program Plan or Program Implementation Plan for over two years. The conferees believe that current information about the program is vital to the DoD services, Congress and industry. Therefore, the conferees direct that such plans be published annually no later than March 15.

SUSTAINMENT AND OPERATIONS FOR HIGH PERFORMANCE COMPUTING MODERNIZATION

The conferees agree to the Senate language on the High Performance Computing Modernization Program and direct that the increase of $25,000,000 to this program element shall only be available to establish a new project which will allow DoD to pay the operation and sustainment costs for supercomputers which were purchased with DoD research, development, test and evaluation RDT&E funds and are located at sites other than existing military bases. These supercomputers can play an integral role in helping DoD to meet its supercomputing capability and capacity requirements.

DEFENSE AIRBORNE RECONNAISSANCE PROGRAM

The conferees agree with the House concern that the Defense Airborne Reconnaissance Program (DARP) currently has extraordinary latitude to realign funds with little congressional oversight. Therefore the conferees direct that five DARP program elements for RDT&E projects be created as defined in House Report 104-286 and these program elements be reflected in future budget submissions, beginning with the fiscal year 1998 request. Further, in line with policy direction regarding DARP acquisition program contained in Title III of this report, the conferees direct that when an RDT&E program achieves Milestone III, funding and program responsibility is to be transferred to the appropriate service. The conferees also agree with the House recommendation to cap the fiscal year 1997 budget for DARP Integration and Support and DARO operations at $19,841,000.

The conferees agree to provide an additional $10,000,000 only for the development of the existing CA-260/261 EO framing sensors.

IMPROVED MILITARY CARGO METHODS AND TECHNOLOGIES

The conferees believe opportunities exist to use modern cargo handling methods and technologies developed in the private sector to improve the efficiency, safety, and security of moving military cargo across the nation and around the world. Of the funds provided for General Logistics R&D Technology Demonstrations, the conferees have designated $1,000,000 only for a not-for-profit trucking research institute engaged exclusively in motor carrier R&D to (1) establish the manner and extent to which private sector land transport experience, equipment, and procedures can be adopted to improve the efficiency, safety, and security of loading and transporting military containerized ammunition to DoD load-out ports and air cargo facilities; and (2) examine, measure, and inventory the expertise and capability of private sector third party logistics providers to provide the Defense Logistics Agency with cheaper and more efficient logistics services in keeping with the requirements of the Government Performance and Results Act of 1993.

AGILE PORT DEMONSTRATION

The conferees direct that $5,000,000 be made available only for the prototyping of agile port facilities operating in combination with high speed sealift and related rapid deployment technologies, and the enhancement of capabilities for cargo and personnel movement tracking and total asset visibility. These funds shall be made available only for the continuation of the current memorandum of agreement between USTRANSCOM and the Center for Commercial Deployment of Transportation Technologies.

AIRFIELD SURFACE TRAFFIC MONITORING

The conferees recommend that $2,000,000 be made available only for an Airfield Surface Traffic Monitoring Initiative. This initiative will increase safety on airfield critical movement areas by instrumenting runways and taxiways with inductive loop sensors that will provide improved situational awareness sin high density or restricted visibility conditions for tower control personnel. The sensors provide classifications and speed information for aircraft and ground vehicles. The system will perform multisensor data fusion, including origin/destination training, to provide tracks of ground contacts for display on monitors.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
DIRECTOR OF TEST & EVAL DEFENSE				
CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CT)	116,007	136,007	133,007	146,007

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands]

	Budget	House	Senate	Conference
Central Test and Evaluation	116,007	136,007	133,007	146,007
Airborne separation video system		+20,000		+20,000
Magnetic levitation sled test track			+17,000	+10,000

OPERTIONAL TEST AND EVALUATION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
DIRECTOR OF OPERATIONAL TEST & EVALUATION				
LIVE FIRE TESTING	9,988	14,988	9,988	12,988

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands]

	Budget	House	Senate	Conference
Live fire testing	9,988	14,988	9,988	12,988
Alternative uses of simulation and training technologies [Note: The conferees agree that up to $3,000,000 in this account may be available for the operational field assessment program.]		+5,000		+3,000

TITLE V—REVOLVING AND MANGEMENT FUNDS

The conferees agree to the following amounts for Revolving and Management Funds programs:

	Budget	House	Senate	Conference
Defense Business Operations Fund	947,900,000	947,900,000	947,900,000	947,900,000
National Defense Sealift Fund	963,002,000	1,904,002,000	1,093,002,000	1,428,002,000
Total, Revolving and Management Funds	1,910,902,000	2,851,902,000	2,040,902,000	2,375,902,000

DEFENSE BUSINESS OPERATIONS FUND

The conferees agree to provide $947,900,000 for the Defense Business Operations Fund.

NATIONAL DEFENSE SEALIFT FUND

The conferees agree to provide $1,428,002,000 for the National Defense Sealift Fund, an increase of $465,000,000 to the budget request. This includes a decrease of $90,000,000 for Army Roll-on/Roll-off ships as recommended by the authorization conference committee and increases of $300,000,000 for a Large Medium Speed Roll-on/Roll-off sealift ship; $250,000,000 for two Maritime Prepositioning Force-Enhancement (MPF-E) ships, which may be acquired either through conversation of existing vessels or new construction at the discretion of the Commandant of the Marine Corps; and $5,000,000 for repair and refurbishment of the U.S.N.S. *Tanner*.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement is as follows:

	Budget	House	Senate	Conference
Defense Health	9,627,758,000	9,667,658,000	10,256,108,000	10,207,308,000
Chemical Agents and Munitions Destruction, Defense	799,847,000	799,847,000	758,447,000	758,447,000
Drug Interdiction and Counter-Drug Activities, Defense	642,724,000	774,724,000	139,157,000	807,800,000
Office of the Inspector General	138,501,000	138,501,000	139,157,000	139,157,000
Anti-Terrorism Activities, Defense			14,000,000	
Total, Other Department of Defense Program	11,208,830,000	11,380,730,000	11,956,736,000	11,912,712,000

DEFENSE HEALTH PROGRAM: EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands]

Budget	House	Senate	Conference
Medical Programs, O&M	+39,900	+578,350	+579,550
Shortfall		+475,000	+475,000
Breast Cancer	+25,000		+25,000
Head Injury	+1,500		+1,500
Gulf War Syndrom (anti-bacterial treatment)	+3,400		+3,400
Uncompensated Care	(2,000)		(2,000)
DoD Emergency Communications		+14,000	+14,000
Telemedicine initiatives		+20,000	+15,000

DEFENSE HEALTH PROGRAM: EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands]

Budget	House	Senate	Conference
Reserve Dental Program	....	+15,000	+7,500
Center for Prisoner of War Studies	....	+2,700	+1,000
Uniformed Services University of Health Sciences	....	+6,900	+6,900
Graduate School of Nursing	....	+2,000	+2,000
Military Nursing Research	....	+5,000	+5,000
Pacific Island Health Care Program	....	+5,000	+5,000
Disaster management training	....	+2,000	+2,000
PACMEDNET	+10,000	+10,000	+10,000
Brown Tree Snakes	....	+1,000	+1,000
Cancer control program	....	+4,750	+4,750
New parents support program	....	+20,000	....
Undistributed ongoing	....	+5,000	....
transfer for ADP	....	−10,000	....
Procurement	....	+50,000	....
Gulf War Syndrome (chemical agent exposure)	....	(10,000)	(10,000)
Hepatitis vaccine	....	40,000	....
Transfer for procurement of adp	....	10,000	

MILITARY NURSING RESEARCH PROGRAM

The conferees agree with the Senate language that $5,000,000 be provided for the military nursing research program and urge the Department to appoint a full-time director for the program.

TELEMEDICINE INITIATIVES

The conferees encourage the Department to explore telemedicine initiatives that would provide cost-effective, accessible, and high quality services for DoD beneficiaries, to include pediatric patients.

DIABETES

The conferees recognize the negative effect that diabetes has upon the deployment readiness and assignability of service personnel as well as the health of over 16 million Americans. The conferees request information on any medical research efforts the Department of Defense is currently making to enable these personnel to perform combat roles, as well as any recommended research that would promote military readiness of diabetic service personnel. This information should be provided to the congressional defense committees.

RETIREE HEALTH CARE: BARKSDALE AIR FORCE BASE

The conferees are aware of reductions in the availability of prescription drug service for retired military families at Barksdale Air Force Base, Louisiana. The inventory of drugs in the Barksdale pharmacy has been reduced some 60 percent. The burden for these reductions is being borne by retirees and their families, and by Medicare-eligible retired families who are no longer eligible for CHAMPUS or TRICARE. The conferees expect the Department to use available funds to resources the Barksdale pharmacy at a level sufficient to support the prescription drug inventory maintained prior to the reduction. The conferees direct the Surgeon General of the Air Force to report back to the Committees on Appropriations 15 days after enactment of this Act on a plan to meet this requirement.

ATTENTION DEFICIENT DISORDER

Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD) are disorders that interfere with individuals' ability to focus attention. In its severest form, these disorders create a dramatic level of impulsiveness, restlessness and difficulty modulating responses to given situations. These disorders affect children and some adults.

Unfortunately, it can make successful service in the military an impossibility, especially for those who require the moderating influence of certain prescription pharmaceuticals, the use of which is prohibited by military regulations. Currently, diagnosis of ADD/ADHD is not precise and subsequently, some recruits enter the military with symptomatic ADD/ADHD. The Department of Defense must rely on training instructors and health care professionals at basic training bases to recognize and evaluate these disorders.

The conferees encourage the Department of Defense to continue this familiarization program, so that military recruiters, training officers, medical personnel, chaplains and family counselors are able to recognize the characteristics and markers of these disorders.

INDEPENDENT RESEARCH ON GULF WAR SYNDROME

The conferees agree to provide $10,000,000 of funds available under this heading for the Department to provide scientific research on possible causal relationships on the complex of illnesses and symptoms commonly known as Gulf War syndrome. This research is to be carried out by entities independent of the Federal Government. This research should assess the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous material during service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

DEPARTMENT OF DEFENSE MEDICAL RESEARCH

The conferees are pleased that a strong cooperative working relationship has developed between the Department and the National Cancer Institute. Such coordination will ensure the development of a scientifically sound and innovative cancer research agenda that addresses priority areas and avoids unnecessary duplication of effort.

BREAST CANCER RESEARCH PROGRAM

The conferees have provided $112,500,000 to continue the Army's breast cancer research program.

The conferees urge the Army to consider research proposals which extend scientific advances into new strategies for detection, diagnosis, prevention, and treatment.

Of the amounts provided, the conferees direct that $3,000,000 is available only for continuing, ongoing, Navy-sponsored Computer Aided Diagnostic (CAD) research which utilizes image enhancement and segmentation by adaptive multiresolution/multiorientation wavelet transform methods, which are suitable for more generalized application useful to DoD in digital mammography, digital X-ray imaging and teleradiology applications; and that $3,500,000 is available only for the establishment of an advanced cancer detection center for military personnel, dependents, and retired service members, using a network that is in close geographic proximity and includes the following: a military hospital, a regional TRICARE provider, a Department of Veterans Affairs hospital or hospitals, and a medical facility with a focused cancer center that meets the National Cancer Institute eligibility requirements with respect to research funding. The conferees would expect this center to conduct coordinated screening for cancer detection and treatment, to train military cancer specialists, and to develop improved cancer detection equipment and technology.

PROSTATE CANCER RESEARCH SUPPORT

The conferees support the need for both basic and clinical research in prostate cancer in order to reduce the incidence of this life-threatening disease and to develop more effective, more specific and less toxic forms of therapy for patients in all stages of the disease. The conferees urge the Department to give the highest priority to funding research that is multi-institutional, multi-disciplinary and regionally focused.

NATIONAL BIOETHICS ADVISORY COMMISSION

The conferees recognized that human subject research is performed in several federal agencies, including the Department of Defense. Congress has a long-standing interest in this matter, and the conferees believe it is important to sustain and strengthen public confidence in human subject research. The National Bioethics Advisory Commission is chartered to direct its attention to consideration of the protection of the rights and welfare of human research subjects, and the conferees expect the Department to contribute the resources necessary for successful implementation of the National Bioethics Advisory Commission standards commensurate with the interest and investment of the Department in human subject research.

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM DEMONSTRATION

The conference report includes a general provision (Section 8129) which directs the Secretary of Defense, in consultation with the Secretary of Health and Human Services and the Director of the Office of Personnel Management, to provide a report to the congressional defense committees by February 1, 1997 containing recommendations regarding a demonstration project offering Medicare-eligible retirees who do not have access to TRICARE the option of enrolling in the Federal Employees Health Benefits Program. The conferees believe this report should include an assessment of the benefits which could be derived from such a demonstration program, the anticipated costs to both the government and potential enrollees, the potential impacts on military medical readiness, and recommendations regarding the size and scope of a demonstration program.

Chemical Agents and Munitions Destruction, Defense

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
CHEM AGENTS & MUNITIONS DESTRUCTION, DEF					
CHEM DEMILITARIZATION—O&M	477,947	477,947	478,947		478,947
CHEM DEMILITARIZATION—PROC	273,600	273,600	191,200		191,200
CHEM DEMILITARIZATION—RDTE	48,300	48,300	88,300		88,300

ALTERNATIVE METHODS

The conferees recommend that the Department of Defense in its alternative technology studies evaluate a non-thermal chemical mixing neutralization process that does not depend on the use or application of an external heat source. The conferees suggest that this process be a batch process which will render chemical weapons harmless in a period of two hours or less and have a resident temperature below that of boiling water at sea level.

Furthermore, the conferees recommend that the Department of Defense include the use of plasma electric waste convertor technology in its analysis of alternative methods.

MOBILE MUNITIONS ASSESSMENT SYSTEMS

The conferees agree that of the funds available for Research, Development, Test and Evaluation, $3,000,000 is only for the development of advanced sensors for the Army's Mobile Munitions Assessment System.

Drug Interdiction and Counter-Drug Activities, Defense

The conferees agree to provide $807,800,000, an increase of $165,076,000 to the budget request. The conference agreement is summarized as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Dismantling Cartels	57,055			62,131
Classified Programs		10,000	0	3,076
Signal Intelligence Equipment		3,000	2,000	2,000
Source Nation Support	139,619			162,619
Laser Strike		11,000	8,000	11,000
Refurbish and Install TPS Radar		15,000	15,000	10,000
Riverine Operations		4,900	2,000	2,000
SOUTHCOM Support		1,500	0	0
Detection and Monitoring	134,198			198,398
Spare TARS		3,800	0	0
Support for Mexico Mil CD units		0	8,000	8,000
P–3 Retrofit for US Customs Service		0	98,000	56,200
Domestic Law Enforcement Support	227,957			300,757
Marijuana Eradication		3,000	0	3,000
Non-intrusive Inspection systems		6,000	6,000	6,000
Southwest Border Support		2,500	0	0
Enhanced JTF–DLEA support		5,000	0	0
Gulf States Counter-drug Initiative		8,500	4,800	8,500
Multi-Jurisdictional Task Force		1,800	0	1,800
C–26 reconnaissance upgrade		3,500	0	3,500
National Guard State Plans		40,000	0	40,000
National Interagency CI		3,000	0	3,000
Southwest Border Information		7,000	0	7,000
Civil Air Patrol		2,500	0	0
Reconnaissance and interdiction det.		0	500	0
Demand Reduction	83,895			83,895
Miscellaneous		0	2,000	0
Total, Drug Interdiction	642,724	774,724	789,024	807,800

The conferees concur with the direction in the House report that none of the funds provided for the National Guard through the Drug Interdiction and Counter-Drug Activities account shall be reduced unless the proper reprogramming procedures are followed.

The conferees agree to provide $8,500,000 above the budget request for the Gulf States Counter-drug Initiative (GSCI). Of this amount $80,000 is for the Regional Counter-drug Training Academy and not less than $4,700,000 of this additional amount is provided in O&M for sustainment costs for the C4 network of GSCI and improvements to existing processing and analysis centers for the states. Of the remaining funds, $3,000,000 is provided for start-up costs for including the state of Georgia in the network.

The conferees agree to provide $3,600,000 above the budget request for the Civil Air Patrol, but have provided those funds in the Operation and Maintenance Title. The conferees also concur with the House language which adds "administrative costs, including, the hiring of CAP employees" to the activities which may be funded with the understanding that none of the funds provided in this agreement shall be used to exceed the existing civilian personnel levels.

The conferees agree to provide $1,800,000 above the budget request for use by the Military Police (MP) School to provide for training by the Criminal Justice Institute in support of Multi-Jurisdictional Task Force activities. The Criminal Justice Institute is ideally suited to expand the course offerings provided by the MP school based on its successful training efforts with domestic and international law enforcement personnel.

Office of the Inspector General

The conferees agree to provide $139,157,000 for the Office of the Inspector General. Of this amount, $137,157,000 shall be for operation and maintenance activities and $2,000,000 for procurement.

SIERRA ARMY DEPOT GROUNDWATER CONTAMINATION

The conferees are concerned about allegations that actions of the Army to precipitously and abruptly change its position on permits and applications to develop water rights in the Honey Valley Groundwater Basin have unfairly and unnecessarily damaged the ability of private investors to realize any benefit from their good faith investments. The Inspector General is directed to investigate this matter and report to the House and Senate Appropriations Committees on the validity of investor allegations and, if deemed appropriate, recommend a process for determining fair compensation for those investors. Such report shall be submitted no later than May 1, 1997.

TITLE VII—RELATED AGENCIES

The conferees agree to the following amounts for Related Agencies:

	Budget	House	Senate	Conference
Central Intelligence Agency Retirement and Disability System Fund	196,400,000	196,400,000	184,200,000	196,400,000
Intelligence Community Management Account	91,739,000	149,555,000	94,739,000	129,164,000
National Security Education Trust Fund	5,100,000		5,100,000	5,100,000
Payment to Kaho'olawe Island Conveyance Remediation and Environmental Restoration Fund	10,000,000	10,000,000	10,000,000	10,000,000
Total, Related Agencies	303,239,000	355,955,000	294,039,000	340,664,000

TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporates general provisions of the House and Senate versions of the bill which were not amended. Those general provisions that were amended in conference follow:

The conferees included a general provision (Section 8009) which amends House language concerning multiyear contracts for selected weapons systems.

The conferees included a general provision (Section 8021) which amends House language prohibiting the demilitarization of certain types of surplus firearms.

The conferees included a general provision (Section 8027) which amends House language limiting the relocation of DoD organization into the National Capital Region.

The conferees included a general provision (Section 8028) which amends House language which allows members of the Reserves to use their leave to perform duty when providing assistance to civil authorities.

The conferees included a general provision (Section 8036) which amends House language earmarking funds for the Civil Air Patrol.

The conferees agree to a general provision (Section 8037) governing the activities of defense federally funded research and development centers (FFRDC's).

The conferees recognize the preference by the Department of Defense to limit the activities of defense FFRDC's through the use of ceilings on the number of staff years of technical effort (staff years). Therefore, for fiscal year 1997, the conferees agree to statutory ceilings on defense FFRDC staff years (5,975 overall and 1,088 for studies and analysis FFRDC's).

The conferees, however, are concerned that the allocation of staff years not obscure the budgetary impacts of funding the FFRDC's. The conferees direct that the reports identifying the staff years of technical effort allocated to each defense FFRDC for fiscal years 1997 and 1998 also include the dollar amounts required to fund each FFRDC's staff year allocations for each fiscal year.

The conferees direct that, during fiscal year 1997, should the institutional arrangements and agreements between any defense FFRDC and the department, or the organization and structure of any defense FFRDC, undergo a significant change, the Secretary of Defense shall provide the Congressional defense committees with a detailed report addressing the effects of such a change on the staff years to be allocated for that defense FFRDC under the statutory ceilings.

The conferees further direct that this report shall be submitted not later than 60 days before the change is to occur and shall contain information regarding: (1) the department's ability to obtain services which had been provided by that defense FFRDC, including whether the department intends to obtain these services in the future under competitive or non-competitive contracts, agreements, or procedures; (2) the cost, budget, contractual, legal, and policy implications of the change, including the impact of the change on the competitive environment for the acquisition of such services; (3) the disposition of any property—including real and personal property, hardware, software, and intellectual property—developed or obtained by the FFRDC through the payment of any fee or other financing mechanism paid by the Federal government, and whether the Federal government shall receive the fair market value for any such property the ownership of which may be transferred as a result of any significant change; (4) whether any officers or employees of a defense FFRDC which is involved in any such significant change shall receive any salary or other compensation increase, or any bonus, as a result of such a change, and the amount of any such increase or bonus for each officer or employee; and (5) whether any such significant change shall result in any liability for the federal government with respect to personnel costs for the defense FFRDC.

The conferees further agree to statutory language reducing funds for defense FFRDC's and for non-FFRDC consulting services used by the department.

The conferees included a general provision (Section 8038) which prohibits funds from being used for studies on the removal and transportation of chemical weapons or agents to Johnston Atoll.

The conferees included a general provision (Section 8041) which amends House language regarding DoD depot maintenance programs.

The conferees included a general provision (Section 8053) which amends House language earmarking funds for the Army High Performance Computing Research Center.

The conferees included a general provision (Section 8064) which amends House language authorizing intelligence activities.

The conferees included a general provision (Section 8065) which amends the Senate language providing $40,000,000 and specific directions for the conduct of an alternative destruction program for the stockpile chemical weapons. The conferees also included language prohibiting the expenditure of any appropriated funds in this or any other Act for the study, assessment, or planning of the removal and transportation of stockpile assembled unitary chemical weapons or neutralized chemical agent to any of the eight chemical weapons storage sites within the continental United States. The conferees agree that this prohibition of funding for studies, assessments or planning does not apply to studies of the transportation of the end-product of an alternative technology treatment process to locations other than the stockpile chemical weapons storage sites.

The conferees included a general provision (Section 8068) which amends Senate language allowing the Secretary of the Navy to lease real or personal property at Naval Air Facility, Adak, Alaska.

The conferees included a general provision (Section 8070) which amends Senate language recommending rescissions from Air Force Procurement and Research and Development programs.

RESCISSION OF FUNDS

The conferees agree to rescind excess prior year funds, as presented in the following table:

	House	Senate	Conference
FISCAL YEAR 1995			
PROCUREMENT OF AMMUNITION, ARMY:			
Louisiana Army Ammunition Plant/Flexible line manufacturing	0	0	−4,500,000
Subtotal	0	0	−4,500,000
AIRCRAFT PROCUREMENT, NAVY:			
Common ECM equipment/Bol chaff	0	0	−8,000,000
Subtotal	0	0	−8,000,000
PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS:			
Air expendable countermeasures	0	0	−2,000,000
Subtotal	0	0	−2,000,000
OTHER PROCUREMENT, NAVY:			
Enhanced modular signal processor	0	0	−10,000,000
Subtotal	0	0	−10,000,000
AIRCRAFT PROCUREMENT, AIR FORCE:			
Joint primary aircraft training systems (JPATS)	0	0	−3,100,000
Subtotal	0	0	−3,100,000
MISSILE PROCUREMENT, AIR FORCE			
Defense support program excess funds	0	−31,900,000	−31,900,000
Subtotal	0	−31,900,000	−31,900,000
Total fiscal year 1995	0	−31,900,000	−59,500,000
FISCAL YEAR 1996			
AIRCRAFT PROCUREMENT, NAVY:			
F/A–18C/D fighter (Hornet)/ALR–67(V) (3)	0	0	−5,400,000

	House	Senate	Conference
Subtotal	0	0	−5,400,000
PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS:			
81mm high explosive PD fuse	0	0	−10,000,000
MM56 detonating cord	0	0	−708,000
Air expendable countermeasures/Bol chaff	0	0	−2,000,000
Subtotal	0	0	−12,708,000
AIRCRAFT PROCUREMENT, AIR FORCE:			
F–15 modifications/Fighter data link	0	0	−9,000,000
Subtotal	0	0	−9,000,000
MISSILE PROCUREMENT, AIR FORCE:			
Space boosters/Titan IV excess funds	0	−20,000,000	−20,000,000
Subtotal	0	−20,000,000	−20,000,000
OTHER PROCUREMENT, AIR FORCE:			
Classified program	0	0	−26,000,000
Subtotal	0	0	−26,000,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY:			
F/A–18 squadrons/Bol chaff	0	0	−4,500,000
Subtotal	0	0	−4,500,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE:			
Classified programs	0	−74,000,000	0
Subtotal	0	−75,000,000	0
Total fiscal year 1996	0	−95,000,000	−77,608,000
Grand total	0	−126,900,000	−137,108,000

The conferees included a general provision (Section 8077) which amends House language prohibiting the use of funds appropriated in this Act to reduce the civilian and medical support personnel assigned to military treatment facilities and provides authority to the Surgeons General to waive the section.

The conferees included a general provision (Section 8088) which amends House language reducing the amount of funded carryover at Defense Business Operations Fund activities by a total of $150,000,000. $60,000,000 of this reduction is applicable to the Army, and $90,000,000 is applicable to the Navy. The Navy reduction shall not be applied to the naval shipyards.

The conferees included a general provision (Section 8096) reducing funds provided for a passthrough to the Air Force business areas of the Defense Business Operations Fund.

The conferees included a general provision (Section 8099) which allows Reserve forces to provide services and support to organizations and activities outside of the DoD if they are incidental to training.

The conferees included a general provision (Section 8100) which amends House language allowing the White House Communications Agency to provide services on a non-reimbursable basis.

The conferees included a general provision (Section 8105) which amends Senate language that reallocates funds to cover unanticipated shipbuilding costs increases.

The conferees included a general provision (Section 8107) which amends House language prohibiting the Air Force from introducing new suppliers for the AN/ALE–47 Countermeasure Dispenser System.

The conferees included a general provision (Section 8109) which amends House language providing clarification of the Berry Amendment.

The conferees included a general provision (Section 8110) which amends Senate language concerning procurement of T–3–N aircraft.

The conferees have included two general provisions limiting the extent to which the Department may provide reimbursement for defense industry restructuring costs. Section 8095 prohibits any reimbursement of costs for contractor employee bonus payments associated with business combinations. Section 8115 amends House language to prohibit any future restructuring reimbursements unless the Department determines that the auditable net savings to the Department resulting from any such business combination exceed the Department's direct restructuring costs by a factor of at least two-to-one (except in cases where a critical capability might be lost). Section 8115 also includes Senate language requiring the General Accounting Office to submit to the Congress a detailed analysis of the effectiveness of this program by April 1, 1997. The conferees strongly support the policy of prohibiting the payment of any costs for merger-related executive bonuses, legal fees, finders fees, goodwill, and asset write-ups.

The conferees do not agree to a general provision included by the House concerning aircraft landing gear.

The conferees are concerned that U.S. manufacturers and assemblers of aircraft landing gear and landing gear components may be disadvantaged by unfair foreign competition in bidding on Department of Defense contracts relative to their foreign competitors, as a result of direct or indirect financial or other support to those competitors from their governments. Therefore the conferees direct the Secretary of Defense to submit a report to the Congressional defense committees by February 1, 1997 which contains the following information:

(1) A summary of landing gear and landing gear component production and assembly acquisitions for fiscal years 1992–1996, acquired directly by the Department of Defense and individual armed services as well as indirectly by prime contractors. The study shall include information on the aircraft for which the gear was acquired, the countries of origin of such equipment, and whether any foreign companies that have received landing gear and landing gear component production or assembly contracts are privately held or partially or wholly-government owned.

(2) In the case of landing gear and landing gear components produced or assembled by foreign sources, a description of any foreign government programs which provide assistance of any kind that can be used by companies in that country for the design, development, production and assembly of defense products as well as specifically for landing gear and landing gear components. Information shall be provided as to the terms under which such assistance is provided, and whether such assistance must be reimbursed to the government by the foreign company.

The conferees included a general provision (Section 8118) which amends House language denying funds to contractors who have failed to submit an annual report to the Secretary of Labor regarding employment of certain veterans, pursuant to section 4212(d) of title 38, United States Code.

The conferees are dismayed over the reported failure of a large number of Federal contractors to file, as required by law, annual reports with the Department of Labor regarding employment and hiring of Vietnam-era and special disabled veterans. The conferees believe continued non-compliance with statutory reporting requirements regarding veterans's employment is unacceptable and that both the Departments of Labor and Defense must do everything possible to ensure defense contract recipients are both fully aware of and responsive to legal requirements in this regard. Section 8118 requires the Secretaries of Labor and Defense to take such steps as are needed to fulfill these objectives and also requires submission of a report within 180 days of enactment of this Act which details the measures taken to achieve this goal, as well as any additional actions (including potential legislative changes) that may be needed to address this problem. The conferees are determined to support veterans' preference and hiring programs and express their intent to revisit this issue in the absence of determined action by the Executive Branch.

The conferees included a general provision (Section 8119) which amends a Senate provision providing for various funding adjustments and earmarks, and retains language allowing for obligation of supervision and administration costs.

The conferees included a general provision (Section 8120) capping the level of advance billing that the Navy may execute in the Defense Business Operations Fund. This provision directs the Navy to increase customer rates charged by the Defense Business Operations Fund, and funds the DBOF customer accounts commensurate with the rate increases through a general reduction to the Navy budget in the procurement and research and development accounts.

The conferees included a general provision (Section 8121) allowing the waiver of reimbursements to the Asia-Pacific Center for Security Studies.

The conferees included a general provision (Section 8122) making Air Force funds available to the Children's Association for Maximum Potential.

The conferees included a general provision (Section 8125) requiring DoD and the Office of Personnel Management (OPM) to report on assistance available to persons who are injured or killed while traveling on US Government aircraft.

The conferees included a general provision (Section 8128) which amends Senate language providing funds for defense against weapons of mass destruction. The conferees agree to provide $100,000,000 for defense against weapons of mass destruction, including domestic preparedness, interdiction of weapons of mass destruction and related materials, control and disposition of weapons of mass destruction and related materials threatening the United States, coordination of policy and countermeasures against proliferation of weapons of mass destruction, and miscellaneous related programs, projects, and activities. The funds are available for transfer to, and merger with, funds appropriated elsewhere in this Act.

Domestic preparedness against terrorist threats, especially chemical or biological attacks against U.S. civilian targets, is of paramount importance to the nation. Terrorist organizations have shown the willingness and capability to operate within the continental United States, and a terrorist chemical attack in the Tokyo subway system has already occurred.

While the armed services have developed capabilities to evaluate chemical/biological threats, respond to such threats, and protect and treat affected personnel, these capabilities have been developed primarily to protect military personnel in operational situations. The conferees believe much can and should be done to transfer existing military chemical/biological warfare expertise and technology to our civilian "first responders" in charge of protecting the civilian population.

The conferees applaud the first small step in this direction with the establishment of the "Chemical-Biological Incident Response Force" in the Marine Corps which has rapid deployment capability. Coupled with its unique civilian advisory group, the CBIRF will become the nation's first completely self-contained chemical and biological response force. The bill includes $10,000,000 to upgrade the equipment of this unit, including funds for prepositioned equipment at key domestic locations. However, there is no doubt that much more needs to be done to properly train and equip "first responders" around the country.

The conferees direct the Secretary, in conjunction with the Director of the Central Intelligence Agency, the Attorney General, the Secretary of Energy, the Administrator of the Federal Emergency Management Agency, and other pertinent federal, state and local officials, to submit a report to Congress (in both classified and unclassified forms) that:

(1) assesses the types and characteristics of chemical and biological threats against U.S. citizens and Government assets in the U.S. and the capability of civilian agencies to respond to these threats;

(2) identifies the unmet training, equipment, and other requirements of civilian first responders necessary to provide a basic capability to respond to a domestic chemical or biological attack;

(3) identifies DoD chemical/biological warfare information, expertise, and equipment that could be adapted to civilian application to help meet identified requirements; and

(4) presents a detailed plan for DoD assistance in equipping, training and providing other necessary assistance for first responders to such incidents. The conferees believe that the best approach for implementing this effort may be a regional pilot program to demonstrate and test the best methods to upgrade the training and equipment of first responders.

The conferees also believe the National Guard is well suited for having a leading role in implementing a plan to provide training, technology and other DoD capabilities to local first responders. The conferees endorse the directive in the House Report (H. Rpt. 104–617, pp. 138–9) to review the Department's ability to provide assistance in this regard and direct that the report outlined by the House be incorporated into this comprehensive review effort. The Secretary shall submit this report to the congressional defense committees by not later than May 1, 1997.

The conferees included a new general provision (Section 8129) which requires the Secretary of Defense to submit a report on the establishment of a Federal Employee Health Benefit Program demonstration project.

The conferees included a new general provision (Section 8130) that repeals section 203(a), section 203(c), and section 203(e) of the National Defense Authorization Act for Fiscal Year 1997.

The conferees included a new general provision (Section 8131) that amends section 722(c) of the National Defense Authorization Act for Fiscal Year 1997.

The conferees included a new general provision (Section 8132) that requires the Secretary of Defense to submit a report on the establishment of the National Missile Defense Joint Program Office.

The conferees included a new general provision (Section 8133) allowing the National Guard Bureau to make distance learning equipment and facilities available to any person or entity on a reimbursable basis.

The conferees included a general provision (Section 8134) that allows the Secretary of the Air Force to enter into agreements for heating facility modernization.

The conferees included a general provision (Section 8135) which makes a technical correction to the National Defense Authorization Act for Fiscal Year 1997 regarding the "Mike O'Callaghan Military Hospital".

The conferees included a general provision (Section 8136) which makes a general reduction to Research, Development, Test and Evaluation appropriations accounts with the exception of funds appropriated for Ballistic Missile Defense.

The conferees have included two general provisions (Sections 8137 and 3138), as well as a new title (Title IX), in order to provide full funding of the President's request of September 12, 1996, for additional Department of Defense programs and initiatives relating to anti-terrorism, counter-terrorism, and security enhancements.

This request totalled $353,280,000. In Section 8137, the conferees agree to provide $230,680,000 in fiscal year 1997 funds for programs requested by the President. This additional funding is offset in Section 8138. In Title IX, the conference agreement includes an additional $122,600,000 in fiscal year 1996 supplemental appropriations, as requested by the President to reimburse the Department for costs incurred by ongoing force protection actions in Saudi Arabia, ordered in the wake of the Khobar Towers bombing. The funding in Title IX is also totally offset, through rescissions from prior year Department of Defense Appropriations Acts.

Section 101(c)

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997

The conferees on H.R. 3610 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 3540, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, by members of the appropriations subcommittee on both the House and Senate with jurisdiction over H.R. 3540.

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

Export-Import Bank of the United States Subsidy Appropriation

The conference agreement appropriates $726,000,000 for the subsidy appropriation of the Export-Import Bank as proposed by the House instead of $730,000,000 as proposed by the Senate.

Export-Import Bank of the United States Administrative Expenses

The conference agreement appropriates $46,614,000 for administrative expenses of the Export-Import Bank as proposed by the House instead of $40,000,000 as proposed by the Senate.

The agreement also modifies the Senate provision that no funds made available by this or any other Act may be used to pay the salary and other expenses of the incumbent Chairman and President of the Export-Import Bank unless and until he has been confirmed by the Senate.

The conferees have agreed to modify Senate bill language which restricts funding for the salary and expenses of the incumbent Chairman of the Export-Import Bank. The Senate provisions prohibited funding for the incumbent Chairman and President of the Export-Import Bank unless and until he has been confirmed by the United States Senate. The conference agreement prohibits any funding for the incumbent after July 21, 1997.

The conferees note a GAO finding that in more than 200 cases, representing half of the employees of the Export-Import Bank, the Chairman and President illegally authorized that retention allowances be used as bonuses to these employees.

While the Chairman and President of the Bank originally indicated that he used this authority on the advice of others, Bank documents indicate otherwise, including a November, 1994 document in his own handwriting which refers to the "shamelss" use of retention allowances.

The conferees find that this individual has lost the confidence of the committees with oversight responsibility for the Export-Import Bank. The conferees agree that this individual should not continue in this position and urge, in the strongest terms, the President to replace him as soon as is possible, and preferably by January 20, 1997, when his term expires. Under no circumstances, once this individual's recess appointment expires, do the conferees believe that the Administration should resubmit his name for renomination.

Overseas Private Investment Corporation Noncredit Account

The conference agreement appropriates $32,000,000 for administrative expenses of OPIC as proposed by the Senate instead of $30,000,000 as proposed by the House.

Overseas Private Investment Corporation Program Account

The conference agreement deletes Senate language "to be derived by transfer from the Overseas Private Investment Corporation Noncredit account". It also extends the authorization for OPIC for one year and allows the agency to combine its existing statutory ceilings on financing and insurance. Both measures allow the agency to continue operations until the 105th Congress considers free-standing authorization legislation reported from the committees of jurisdiction. The managers direct OPIC to utilize no more of the authority made available by this Act than is needed to continue operations at the current pace.

Trade and Development Agency

The conference agreement appropriates $40,000,000 for the Trade and Development Agency as proposed by the Senate instead of $38,000,000 as proposed by the House.

In addition to the amounts provided under this heading, TDA expects to receive no less than $2,000,000 from the Assistance for Eastern Europe and the Baltic States (SEED) account and additional resources from the New Independent States account.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

Agency for International Development Child Survival and Disease Programs Fund

The conference agreement appropriates $600,000,000 as proposed by the House. The Senate bill contained no provision on this matter. The managers agree with the House report language regarding the use of the funds appropriated under this heading, including $100,000,00 for a grant to UNICEF and $25,000,000 for polio eradication. The grant for UNICEF does not preclude AID from providing additional funding for specific UNICEF projects as may be applicable.

The managers also concur with House report language on AIDS prevention and control, with the intent that not less than $117,500,000 be obligated for both bilateral and multilateral HIV/AIDS prevention programs. They recommend that funding through nongovernmental organizations and private voluntary organizations operating at the community level be maximized. The conferees expect that the United States will continue to build upon its leadership role in combating this pandemic.

Development Assistance

The conference agreement appropriates $1,181,500,000 for "Development Assistance" instead of $1,150,000,000 as proposed by the House and $1,262,000,000 as proposed by the Senate.

The conference agreement includes language providing that funds made available for Latin America and the Caribbean and for sub-Saharan Africa should be made available on a proportional basis, commensurate with the budget request for said regions. The Senate amendment removed the reference to Latin America and the Caribbean and contained an earmark for the Development Fund for Africa.

The conference agreement also includes Senate language to allow not to exceed $25,000 for oversight of assistance programs for displaced and orphaned children and victims of war.

The managers agree to include the Senate amendment which inserted authority to obligate funds pursuant to title V of the International Security and Development Cooperation Act of 1980 (African Development Foundation); and section 401 of the Foreign Assistance Act of 1969 (Inter-American Foundation) under this heading. The conference agreement provides authority at the levels proposed by the House, apportioning directly up to $20,000,000 for the Inter-American Foundation and up to $11,500,000 for the African Development Foundation (the Senate provided allocations for these two foundations at levels of $18,000,000 and $10,500,000, respectively).

The conference agreement also includes Senate language requiring that not less than 65 percent of the funds made available for family planning assistance shall be made available directly to the agency's central Office of Population.

The conference agreement also includes language authorizing funding to assist Vietnam to reform its commercial and investment legal code. Prior to obligating funds for this program, the managers direct the Administrator of USAID, in consultation with the Secretary of State, to consider whether the Government of the Socialist Republic of Vietnam has (1) cooperated with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunity for Vietnamese Refugees (ROVR) programs; (2) provided exit visas to persons of humanitarian interest to the United States; and (3) released all religious prisoners, including Catholic, Buddhist, and Protestant clergy. The managers direct the Secretary to provide a report to the Committees on Appropriations outlining the government of Vietnam's actions on these three issues prior to obligating funds for this program.

The conference agreement also includes language allowing up to $17,500,000 to be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD). The Senate amendment contained language mandating such a transfer.

The conference agreement also includes language stating that not less than $500,000 shall be made available only for support of the United States Telecommunications Training Institute.

The conference agreement does not contain Senate language requiring that not less than $15,000,000 shall be available only for the American Schools and Hospitals Abroad program. However, the managers direct that the Agency for International Development not take steps to terminate this program, and that at least the same level of funds be made available in fiscal year 1997 that were made available in fiscal year 1996 for the American Schools and Hospitals Abroad program.

The managers direct USAID to make available $2,000,000 in development and disaster assistance funds through nongovernmental organizations for reconstruction and capacity building in Afghanistan, in areas of the country that are stable and where economic development has begun. The managers are aware of the enormous need for this assistance in Afghanistan and believe that the United States should begin to move beyond funding only short term activities related to refugee repatriation and into longer term activities related to rehabilitation and reconstruction. The managers are encouraged that a number of nongovernmental organizations are already working in that country.

The managers agree with the House report language encouraging AID to utilize funds made available for nongovernmental organizations in southern Sudan outside government control to include capacity building activities in addition to traditional disaster relief programs.

The managers agree with the House report language on microenterprise regarding poverty lending programs, and agree that a significant portion should be channeled through central mechanisms such as nongovernmental organizations.

The managers are aware that a significant cost associated with United States food and relief efforts overseas is grain spoilage and loss at ports of entry. To make better use of scarce foreign aid funds, the managers support efforts to improve grain storage. The managers urge the Office of Foreign Disaster Assistance to continue with demonstration projects at overseas locations to reduce grain loss by improving weatherproof/hermetically sealed storage.

The managers strongly support the fertilizer-related research and development being conducted by the International Fertilizer Development Center (IFDC) and direct the Administrator of AID to make at least $2,000,000 available for the core grant to IFDC.

The conference agreement recommends $12,000,000 for AID's Office of Women in Development, and the managers encourage AID to undertake the institutional changes needed to support women in development. Investing in women is crucial to reducing hunger and poverty worldwide, strengthening families, and achieving equitable economic growth.

The level of funding for the International Disaster Assistance account assumes funds for the continuation of Operation Provide Comfort.

Notwithstanding recent developments, the Administration is directed to take all appropriate steps to reestablish security for the humanitarian assistance to the Kurdish people of Northern Iraq.

Using funds available under the Peacekeeping Operations account, the administration is directed to use all available means to support efforts at reconciliation between the Kurdish factions in Northern Iraq, thereby reestablishing our influence and credibility in this highly unstable area.

Population, Development Assistance

The conference agreement deletes Senate language proposing a separate appropriation account of $410,000,000 for population activities. The funding for such activities is provided in "Development Assistance" in the conference agreement. This matter is also addressed in section 518A of the conference agreement.

Cyprus

The conference agreement includes Senate language earmarking not less than $15,000,000 of the funds appropriated under "Development Assistance" and "Economic Support Fund" for Cyprus, to be used only for scholarships, administrative support, bicommunal projects, and measures aimed at reunification of the island. The House bill contained no provision on this matter.

Burma

The conferees have earmarked $2,500,000 to support democracy and humanitarian programs in Burma. These resources may be made available both inside and outside Burma and should be targeted to support organizations, individuals and activities which promote the implementation of the 1990 elections.

The conferees are disappointed that the Administration continues to oppose expending any funds to support the restoration of democracy. In submissions to the conference, the Administration indicated opposition to an earmark because "an interagency committee has had a difficult time finding suitable recipients" for fiscal year 1996 funds. In fact, the requests for funding submitted to the State Department substantially exceeded available resources. Proposals submitted by experienced and effective organizations such as the National Endowment for Democracy received only partial support due to funding shortfalls.

Once again, the conferees expect to be consulted on a plan for expending and expanding U.S. support for democracy in Burma.

Debt Restructuring

The conference agreement appropriates $27,000,000 as proposed by the Senate instead of $10,000,000 as proposed by the House. The agreement includes Senate language to allow modification of concessional loans made to Jordan under title I of the Agricultural Trade Development and Assistance Act of 1954. The managers agree with the Senate report language indicating that debt relief for Jordan should be provided over two years.

Housing Guaranty Program Account

The conference agreement appropriates $3,500,000 for the subsidy appropriation for the housing guaranty program instead of $500,000 as proposed by the House and $4,000,000 as proposed by the Senate. The conference agreement also contains language proposed by the Senate that waives section 223(j) of the Foreign Assistance Act with regard to programs for Eastern Europe, and deletes House language that would have limited funds only for activities in South Africa.

Operating Expenses of the Agency for International Development

The conference agreement appropriates $470,750,000 instead of $465,750,000 as proposed by the House and $495,000,000 as proposed by the Senate.

In addition, the conference agreement deletes language that was contained in the Senate amendment prohibiting the relocation of the Agency for International Development to the new building at the Federal Triangle. The House bill did not address this matter.

Operating Expenses of the Agency for International Development Office of the Inspector General

The conference agreement appropriates $30,000,000 as proposed by the House instead of $28,000,000 as proposed by the Senate. The conference agreement includes $600,000 for new anti-terrorism activities as requested by the President. The managers endorse the House report language regarding the New Management System of AID, and request regular reports from the Inspector General on this matter.

Economic Support Fund

The conference agreement appropriates $2,343,000,000 instead of $2,340,000,000 as proposed by the Senate and $2,336,000,000 as proposed by the House.

The conference agreement inserts language proposed by the Senate which earmarks $1,200,000,000 for Israel and $815,000,000 for Egypt, of which not less than $200,000,000 shall be provided as Commodity Import Program assistance, and links aid to Egypt and Israel in great measure upon their continued participation in the Camp David Accords. The conference agreement also provides that aid to Egypt is provided with the understanding that Egypt will undertake significant economic reforms and that in providing aid to Egypt and Israel the President shall ensure the level of aid does not cause an adverse impact on the total level of non-military exports from the United States to each country.

The conference agreement strikes language inserted by the Senate earmarking $3,000,000 to establish an independent radio broadcasting service to Iran.

The conference agreement strikes language inserted by the Senate providing for the transfer of $36,000,000 of unobligated and unearmarked prior year funds to "International Organizations and Programs".

The managers acknowledge steps taken in the past several months by the Government of Egypt to continue reform in its telecommunication sector. The incorporation of the National Telecommunications Policy into legislation passed by the People's Assembly in July and the appointment of commissioners and staff for a regulatory council are key parts of AID's telecommunications policy reform agenda. The conferees strongly support and encourage such reforms.

The conferees remain concerned about the serious human health and environmental problems associated with the misuse and overuse of chemical fertilizers, pesticides, and herbicides. The conferees recommend that AID give greater attention to nonchemical, organic, scientifically-based soil enhancers, pest control technologies, and poultry feeding additives. The conferees strongly recommend that AID funds allocated for economic development in Egypt be available for a program to test organic, nonchemical agricultural products and that AID undertake this activity as soon as possible.

The managers express their strong support for the initiation of a Middle East and Mediterranean desert development program to significantly increase efforts to expand regional cooperation in combating growing desertification in the Middle East and southern Mediterranean region. The managers believe that such a program would be environmentally viable and mutually beneficial to nations in this region and therefore the managers recommend that up to $5,000,000 should be made available to support this worthwhile undertaking.

The managers express strong support for the Middle East Multilateral Working Groups which support the Middle East peace process. In particular, the conferees strongly support full funding for the activities of the Arms Control and Regional Security Working Group which is working to develop a stable and durable security structure for the Middle East. The managers do not consider the arms control activities of the working group as "military or paramilitary" activities prohibited by section 531(e) of the Foreign Assistance Act of 1961 but rather they constitute activities essential in supporting "political stability" in the Middle East as specifically provided for in section 531(a) of that same Act.

The managers request that the Department of State report to the Congress on or before January 15, 1997 with a detailed summary of United States policies designed to reduce and eliminate today's mounting persecution of Christians throughout the world. The managers also request USAID to consider the meritorious proposals of the R'faaye-nu Society regarding its efforts to preserve and copy the rich treasure of Judaic/Christian materials which have been stored in archives in Central and Eastern Europe.

International Fund for Ireland

The conference agreement appropriates $19,600,000 as proposed by the House. The Senate amendment did not contain a provision on this matter.

Assistance for Eastern Europe and the Baltic States

The conference agreement inserts House language struck by the Senate that prohibits funds from being used for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to efforts of United States troops to promote peace in said country. The agreement also inserts Senate language that withholds 50 percent of the funds made available for economic revitalization for Bosnia and Herzegovina unless the President determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has complied with the Dayton agreement regarding the removal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian and Bosnian officials has been terminated.

The managers are concerned that the U.S. Agency for International Development has not effectively utilized the unique resources of ethnic American organizations. The 22,000,000 Americans who trace their heritage to Central and Eastern Europe have a long-term commitment to that part of the world and include professionals who have an intimate understanding of the culture, politics, and language of the region. Many of their organizations use their own resources to engage in projects to strengthen democracy and market reforms in the region, and are exceptionally qualified to participate in USAID activities. The conferees, therefore, direct USAID to involve Central and East European ethnic organizations in the design and implementation of programs under this heading and the following heading, consistent with subparagraphs (i) and (j) of the second heading.

Bosnia

The conferees have once again included language withholding half the reconstruction funds for Bosnia and Herzegovina until the President certifies that the Federation is in compliance with the Dayton Accord requirements to remove all foreign forces and terminate intelligence cooperation, training and related activities with Iranian officials. Although the Administration certified in June 1996 that the Federation was in compliance with these terms, the conferees take note of subsequent reports from credible sources that foreign forces continue to operate in Bosnia posing a direct threat to American and NATO troops. The conferees expect the Administration to take all steps necessary to assure the removal of these forces before disbursing additional economic funds as provided in the conference agreement.

The funding levels for Bosnia and Herzegovina in the conference agreement are tied to the presence of a free, independent, private broadcasting network with nationwide access as an alternative to state-operated television stations. This is essential to the development of democratic institutions and the rule of law throughout Bosnia and Herzegovina that is envisioned in the Dayton

Agreement and called for by the recently conducted nation-wide elections. The managers strongly encourage robust support by the United States for the independent Open Broadcast Network or a similar private national station capable of delivering unbiased and unrestricted news and information to all of the people of Bosnia and Herzegovina. They further direct that no funds provided in this Act may be used to support the state-controlled stations if the Open Broadcast Network or a similar private station is not granted the appropriate license or national broadcasting access, or is otherwise restricted by the Government of Bosnia and Herzegovina.

Assistance for the New Independent States of the Former Soviet Union

The conference agreement appropriates $625,000,000 instead of $590,000,000 as proposed by the House and $640,000,000 as proposed by the Senate. The agreement also inserts House language applying the waiver authority of Sec. 498B(j) of the Foreign Assistance Act to funds appropriated under this heading, but the managers share the Senate concern that such waivers of existing law should be utilized infrequently.

Mongolia

The conference agreement reduces the Senate earmark for Mongolia from $11,000,000 to $10,000,000, of which not less than $6,000,000 shall be available only for the Mongolian energy sector.

The managers note that AID funding for Mongolia has not utilized the long-standing authority to use NIS funds, but allow the earmark to be administered by the Asia-Near East or Global bureau from other funds in title II. The Administrator is requested to designate the bureau which will implement this provision and to report to the Committees within 30 days of enactment the offices/missions and individuals responsible for the Mongolia program. The Coordinator and the Administrator are urged to cooperate to restore a robust program of assistance to Mongolia, consistent with its progress toward democracy and a market economy. The Secretary of the Treasury is urged to encourage the multilateral development banks funded in Title IV to increase assistance for Mongolia, especially in its energy sector.

Russia-Iran

Obligation of funds for Russia is made contingent on a determination by the President that the Government of Russia has terminated implementation of arrangements to provide Iran with certain goods and services related to nuclear programs in Iran. The managers also include a provision allowing the President to waive the provisions of the paragraph on national security grounds. The Senate had no similar waiver provision.

Ukraine

The conference agreement earmarks $225,000,000 for Ukraine. Within this earmark, the managers have included a number of sub-earmarks designed to support critical socio-economic and political needs. Programs to improve nuclear safety, small business development, agricultural productivity and legal reforms continue to be high priorities. Support for initiatives in these areas strengthen prospects for Ukraine's economic prosperity and political independence, which in turn, contribute to regional stability, a key concern to the United States.

The conference has included Senate language terminating assistance to the Government of Ukraine if the President determines and reports to the Committees that the Government of Ukraine is engaged in military cooperation with the Government of Libya. There was no similar House provision. The managers have also included a Presidential waiver based on national security findings.

Belarus

Little space remains for political dissent in Belarus, and the failing economy is rapidly moving toward complete state control. Under these circumstances, which have led to Belarusian leaders of the opposition seeking asylum in the United States, the managers do not expect that any funds made available under this heading will be used to support the current Government of Belarus.

Chornobyl

The conferees urge AID to supplement the generosity of tens of thousands of Americans, many of Ukrainian descent, directed to the victims of the Chornobyl nuclear tragedy by generously supporting programs to screen and treat childhood mental and physical illness related to Chornobyl radiation. This priority should supersede any non-conforming "strategic objectives" of USAID.

The fear of birth defects in the regions affected by the Chornobyl accident has resulted in a sharply lower birth rate. The managers encourage USAID to support programs to reduce birth defects and register birth defects among children in affected regions of Ukraine, Belarus, and Russia.

Health, Crime and Morbidity

The alarming increase in morbidity in the former Soviet Union is accompanied by other health problems that could benefit from American experience and expertise, but health and environmental health have not been top priorities for USAID and the Coordinator. They should be. In addition to environmental health programs related to Chornobyl, the managers urge AID to expand cooperation in the health sector. The activities citied in the fiscal year 1996 Act and repeated in the 1997 Senate bill are still worthy of expanded support: hospital partnership programs, medical assistance to directly reduce the incidence of infectious diseases, and a program to treat contaminated drinking water in the former Soviet Union.

Other health and environmental health programs should be actively explored and undertaken by USAID where feasible. Unfortunately, in Russia and neighboring states, abortion became a major method of family planning during the Soviet period. USAID is directed to expand its support for family planning programs which provide an alternative to abortion, consistent with the Senate report language.

The conference managers are alarmed by the incidence of violence against women in the region, especially in Russia, where in a single year an estimated 15,000 women die and 50,000 are hospitalized as a result of domestic violence. Cooperative programs in both the health and law enforcement sectors should include efforts to reduce violence against women. The conferees direct that of the funds made available for both programs in Russia, $1,000,000 be made available to support training and exchanges to help address this urgent matter.

The conference concurs with the Senate report language that crime and corruption are some of the biggest impediments to private investment and economic growth in the former Soviet Union. Not less than the current level of funding should be made available for law enforcement training and exchanges in Central Europe and the NIS.

Caucasus Region

In establishing the Trans-Caucasus Enterprise Fund, as directed in P.L. 104-107, the President is encouraged to use funds made available in this Act, as well as the amount provided previously. After consultation with the relevant Congressional committees, the President may use any combination of traditional enterprise fund, Overseas Private Investment Corporation funds, European Bank for Reconstruction and Development funds, small or micro loans through non-governmental organizations, or other suitable mechanism to achieve the purposes described in P.L. 104-107.

The conferees direct that assistance to Azerbaijan, including the region of Nagorno-Karabakh, by nongovernmental and international organizations shall not be precluded by this language from using and repairing Government facilities or services such as housing, warehouses, clinics, hospitals, and vehicles to effectively deliver humanitarian services and supplies to needy civilians. The conferees expect these organizations to maintain effective monitoring procedures to assure appropriate supervision over supplies and recipients.

The conferees intend that Government personnel be allowed to distribute humanitarian commodities such as doctors giving out medicine to needy civilians and that these supplies may be transferred to Government personnel for the purpose of distribution. The conferees also intend that needy civilians, especially refugees and displaced persons, be permitted to receive assistance in growing food for their own sustenance, and are not precluded from selling excess in the private sector to begin the transition to personal economic self-sufficiency.

CASPIAN REGION ENERGY DEVELOPMENT

The managers request the Secretary of State, in consultation with the Secretaries of Energy and the Treasury, and the Agency for International Development, the Export-Import Bank, Overseas Private Investment Corporation, and the Trade and Development Agency, to submit a report by March 1, 1997, to the Committees on Appropriations, Foreign Relations, and International Relations, containing a plan of action for the United States Government to assist and accelerate the earliest possible development and shipment of oil from the Caspian Sea region to the United States and other Western markets. The report should include (1) an explanation of the financial, diplomatic, geographic, political, environmental and other considerations that must be addressed to accomplish the exploration, development, and shipment of the region's oil, consistent with international commercial practices; (2) steps the Administration intends to take to pursue these initiatives; and (3) recommendations for legislative action.

ARMENIA

Because of concern about the impact of the continuing blockade and conflict in the region surrounding Armenia, the conferees direct that the Agency for International Development and other United States Government agencies provide no less than $95,000,000 for technical and humanitarian assistance requested by the Government of Armenia and qualified non-governmental organizations in Armenia. Consistent with paragraphs (i) and (j) under this heading, such agencies are encouraged to take advantage of the expertise and experience of Armenian-American private voluntary organizations and individuals.

GEORGIA

Although the managers did not earmark resources for Georgia, the Administration is expected to sustain a level of support at least comparable to that provided in fiscal year 1996. Georgia continues to lag behind its neighbors in economic and political reforms. Nonetheless, the managers recognize the Georgian leadership's commitment to accelerating the pace and scope of needed change and believe U.S. support is essential to assuring these efforts are successful.

CHECHNYA

The managers are deeply concerned about the conflict in Chechnya, particularly, the Russian assaults on Chechen villages that commenced days after the re-election of President Yeltsin. They request that President Clinton instruct the Department of State to take a more forceful and active role in seeking a permanent end to the conflict. The committee of conference calls on the Government of the Russian Federation to permanently halt offensive military actions in Chechnya and neighboring regions. It further requests that President Boris Yeltsin take immediate steps to fully implement peace agreements reached by his national security advisor, Alexander Lebed. A report on Chechnya is also required under Section 573 of this Act.

EASTERN RUSSIA/SIBERIA

The conferees commend AID for its efforts to move beyond Moscow and to promote the development of the eastern areas of the Russian Federation that are closest to the western United States. The conference concurs with Senate report language regarding the American-Russian Center and its training facilities in major cities of the region, and directs AID to make available all necessary funding during the Center's transition to full financial self-sufficiency by 1998.

The managers support the expansion of funding of programs to promote sustainable agricultural practices through replicating the U.S. extension model at Russian agricultural colleges.

INDEPENDENT AGENCY

PEACE CORPS

Appropriates $208,000,000 for the Peace Corps instead of $212,000,000 as proposed by the House and $205,000,000 as proposed by the Senate.

The managers anticipate that not less than $12,000,000 will be made available to the Peace Corps from NIS funds, in addition to the funds provided in this account.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

The conference agreement appropriates $213,000,000 for International Narcotics Control. The House bill proposed $150,000,000 for this account, while the Senate amendment contained an appropriation of $213,000,000. In addition, the conference agreement includes language prohibiting the obligation of funds to the units of foreign security forces that the Secretary of State has credible evidence have been involved in gross violations of human rights, unless steps have been taken to bring such individuals to justice.

The managers expect that a significant portion of these funds will be used to expand programs in alternative development, to enable farmers in Latin America to shift from growing coca to legitimate agricultural crops.

The conference agreement deletes Senate language earmarking $2,000,000 for demining operations in Afghanistan. This issue is addressed in the Nonproliferation, Anti-terrorism and Demining account.

The managers direct that the Department of State consult closely with the Committees on Appropriations regarding the spending plans for this account. The managers further expect quarterly reports from the Department of State to the Committees on Appropriations on the implementation of programs, projects, and activities regarding international narcotics control.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement deletes House language which would require a notification for the obligation of funds to the United Nations High Commissioner for Refugees for support of refugees from Rwanda. The conference agreement also inserts Senate language that earmarks not less than $80,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

RWANDA

Although the conference agreement does not contain House language requiring a notification for support of refugees from Rwanda, the managers direct the Department of State to consult fully with the Committees on Appropriations prior to any obligation of funds to the United Nations High Commissioner for Refugees for this purpose. Due to the high priority that should be assigned to efforts to resolve the conflicts in the region, the managers believe the Special Representative for Rwanda and Burundi should report directly to the Secretary, rather than through intermediaries, on all matters regarding this area of Africa. The managers further request regular reports from the Administration to the Committees on Appropriations on progress in resolving the situation in Rwanda and Burundi.

REFUGEE RESETTLEMENT ASSISTANCE

The conference agreement appropriates $5,000,000 for "Refugee Resettlement Assistance" as proposed by the House. The Senate amendment contained no provision on this matter.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $151,000,000 for "Nonproliferation, Anti-terrorism, Demining and Related Programs" instead of $140,000,000 as proposed by the Senate and $135,000,000 as proposed by the House.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

The conference agreement also inserts language which provides that not to exceed $25,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for administrative expenses and heavy fuel oil costs associated with the Agreed Framework. The conference agreement further provides that before obligating funds to KEDO the President must certify to the Congress that: the U.S. is taking steps to assure progress is being made on the implementation of the denuclearization agreement and the North-South Dialogue; North Korea is complying with the other provisions of the Agreed Framework; North Korea is cooperating fully in the canning and storage of spent fuel; and North Korea has not significantly diverted assistance. These certification requirements may be waived by the President if he deems it vital to the national security interests of the United States and no funds may be obligated until 30 days after submission of the waiver. The agreement further provides that before obligating any funds for KEDO the President shall submit a report to Congress on: North Korean cooperation with United States on the return of the remains of Korean War MIAs; violations of the Armistice agreement; actions which the US is taking to assure that North Korea is implementing the denuclearization agreement and engaging in the North-South dialogue; and, all instances of non-compliance with the Agreed Framework, including diversion of heavy fuel oil. The conference agreement provides that the obligation of such funds shall be subject to the regular notification procedures of the Committees on Appropriations. The conference agreement inserts language which requires the Secretary of State to submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) detailing the expected operating budget of the Korean Peninsula Energy Development Organization, to include proposed annual costs associated with heavy fuel oil purchases and other related activities, and the amount of funds raised from other donor nations to support KEDO activities on a per country basis. The managers agree that none of the funds in this bill that are made available for KEDO in fiscal year 1997 may be used to contribute to the light-water nuclear reactors being provided to North Korea under the terms of the Agreed Framework.

DEMINING ACTIVITIES

The managers recognize the need to enhance the effectiveness of landmine clearance efforts in Afghanistan which is littered with an estimated 10,000,000 to 14,000,000 landmines, and recommended that $2,000,000 be made available for this purpose. The conferees stress the priority of clearing mines from agricultural lands to increase food production and support anti-narcotics efforts. In addition, the managers urge the administration to make at least $1,500,000 available for demining activities in Cambodia.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $43,475,000 as proposed by the House instead of $40,000,000 as proposed by the Senate.

The conference agreement deletes two Senate provisions which limit grant IMET for "High Income" countries and provide authority for IMET training for members of national legislatures and individuals who are not members of the government. Similar provisions are included in Public Law 104-164, signed on July 20, 1996.

The managers express their strong support for the newly elected government in Mongolia and urge the administration to utilize IMET training, particularly expanded IMET, for the new members of the State Great Hural, particularly those sitting on the security committee, as well as civilian and military personnel at the Ministry of Defense. The managers recommend $350,000 to carry out these activities and urge the administration to accelerate the provision of this training to the maximum extent practical.

Foreign Military Financing Program (grant program)

The conference agreement appropriates $3,164,000,000 instead of $3,224,000,000 as proposed by the Senate and $3,222,250,000 as proposed by the House.

The conference agreement also inserts earmarks for Israel and Egypt which provide that not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt.

The conference agreement deletes Senate language which provides that Poland, Hungary, and the Czech Republic shall be designated as eligible to participate under the NATO Participation Act of 1994. Similar language is included in Title VI.

The conference agreement provides that not less than $30,000,000 shall be made available for Poland, Hungary, and the Czech Republic to carry out title II of Public Law 103–477 (The NATO Participation Act) and section 585 (The NATO Participation Act Amendments of 1995) of Public Law 104–107.

The conference agreement amends Senate language which provides that up to $20,000,000 may be transferred from "Assistance for Eastern Europe and the Baltic States" and "Assistance for the New Independent States of the Former Soviet Union" to this account to provide support for NATO expansion and the Warsaw Initiative, notwithstanding any other provision of law. The conference agreement retains the Senate language and provides that up to $7,000,000 may be transferred under this authority.

The managers note the success of the Partnership for Peace (PFP) and the Warsaw Initiative which receive funds from this account. PFP is doing an excellent job preparing nations for possible membership in NATO as well as providing a framework for other nations to develop a closer security relationship with NATO. The managers instruct the Secretary of State, in consultation with the Secretary of Defense, to provide to the Committees on Appropriations, no later than March 15, 1997, a report detailing the activities of PFP, the types and extent of PFP programs, the nations participating in PFP, the resources being contributed by current NATO members participating in PFP, and a detailed description of the PFP budget. In addition, the report should contain an estimate of the possible costs to the United States associated with membership in NATO of Poland, Hungary, the Czech Republic or Slovenia. The report should also include a separate section on the feasibility of an enhanced PFP which would place greater emphasis on Combined Joint Task Forces as well as recommendations on how to enhance the consultation process, especially the crisis management mechanism, between NATO and PFP members. The report may include a classified annex if deemed necessary by the Secretary of State.

The conference agreement also appropriates $60,000,000 as proposed by the Senate for the subsidy cost of direct loans instead of $35,000,000 as proposed by the House. The conference agreement provides that these funds are available to support $540,000,000 in direct loans as proposed by the Senate instead of $323,815,000 as provided by the House.

The conference agreement earmarks $20,000,000 for Poland, Hungary, and the Czech Republic.

The conference agreement retains the Senate proposed levels of $122,500,000 and $175,000,000 as ceilings on FMF loans to Greece and Turkey respectively instead of $103,471,000 and $147,816,000 as proposed by the House.

The conference agreement adopts House language which deletes "Peru" from the list of countries prohibited from receiving funds. The Senate had proposed prohibiting funds to Peru. The managers note that the administration did not request Foreign Military Financing assistance for Peru in fiscal year 1997 and therefore the managers believe that this prohibition is not necessary at the present time. However, while the managers believe that Peru has made progress in recent years, there are still significant human rights issues which remain of concern, particularly those relating to the Peruvian military. As a result, the conferees would not support the provision of Foreign Military Financing assistance to Peru.

The conference agreement deletes language proposed by the Senate that no funds may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will be used "primarily" for counternarcotics activities. The managers note that no FMF funds were requested by the administration for fiscal year 1997 for Colombia or Bolivia, therefore this provision is not necessary at the present time.

The conference agreement deletes similar House (Section 575 of the House passed bill) and Senate language which requires that the Department of Defense at the request of Defense Security Assistance Agency conduct nonreimbursable audits of private firms with FMF financed contracts. A similar provision is included in Public Law 104–164, signed on July 20, 1996.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

International Financial Institutions

Contribution to the International Bank for Reconstruction and Development Global Environment Facility

The conference agreement appropriates $35,000,000 as proposed by the Senate instead of $30,000,000 as proposed by the House.

Contribution to the International Development Association

The conference agreement appropriates $700,000,000 as proposed by the Senate instead of $525,000,000 as proposed by the House.

The conference agreement also changes the heading to "International Development Association", as provided in the House bill, instead of "Contribution to the Interim Trust Fund at the International Development Association", as proposed by the Senate. The conferees delete House language requiring a report from the Secretary of the Treasury detailing United States efforts to oppose the formation of the Interim Trust Fund and the adverse consequences of using the Interim Trust Fund to deny procurement opportunities to American companies.

The conference agreement provides $700,000,000 for payment to the International Development Association (IDA), the same amount as in fiscal year 1996. Although this leaves a U.S. unfunded commitment balance of $234,000,000, it demonstrates the conferees' intention to support IDA during a period of declining budgets.

The managers note that the United States, which was instrumental in creating IDA and has provided contributions ranging from 42 to 20 percent of IDA's budget over nearly three decades, provides the dominant share of economic and military resources to support global development and security. These resources significantly benefit IDA–11 donors in such unstable regions as Bosnia, the Korean Peninsula, and the Middle East.

While the managers understand that the Interim Trust Fund (ITF) was created to maintain IDA funding levels while the U.S. fulfills its commitments to both IDA and a balanced domestic budget, they strongly oppose the restrictions on procurement financed by the ITF. The conferees suggest that it is unwise for an international financial institution to preclude its traditional donors from completing for contracts funded by the institution. These restrictions threaten future U.S. participation in IDA, and IDA's future as the primary source of lending to the world's poor.

Therefore, the conference agreement withholds obligations of the $700,000,000 until after the February 1997 IDA–11 donors review meeting, and anticipates that the Secretary of the Treasury will secure agreement of IDA–11 donors to suspend or cancel the procurement restrictions. The Secretary is to report to the Committees on Appropriations on the level of discussions, the reactions of other donors, and the result of his efforts. Failure to lift the procurement restrictions could jeopardize U.S. support for IDA–11.

North American Development Bank

The conference agreement appropriates $56,000,000 for paid-in capital of the North American Development Bank instead of $50,625,000 as proposed by the House and $56,250,000 as proposed by the Senate.

International Organizations and Programs

The conference agreement appropriates $169,950,000 instead of $136,000,000 as proposed by the House and $270,000,000 as proposed by the Senate. The conference agreement does not include funding of UNICEF in this account, as proposed by the Senate. Funding of $100,000,000 for UNICEF is contained in "Child Survival and Disease Programs Fund" under title II.

The conference agreement contains a funding ceiling of $25,000,000 for the United Nations Population Fund (UNFPA) as proposed by the House instead of $35,000,000 as proposed by the Senate.

The conference agreement also inserts Senate language on UNFPA that limits funding to UNFPA to one-half of the funding ceiling prior to March 1, 1997, and requires that no later than February 15, 1997, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1997. In addition, the language requires that any amount UNFPA plans to spend in the People's Republic of China in 1997 will be deducted from the amount of funds provided to UNFPA after March 1, 1997. Finally, with respect to any funds made available to UNFPA, the language requires UNFPA to maintain such funds in a separate account and not to commingle them with any other funds. The House language would have prohibited funds appropriated under this heading from being made available to the UNFPA unless the Secretary of State determined and reported to the Congress that UNFPA programs in the People's Republic of China have ended and the United States received assurances that the UNFPA would not resume such programs during fiscal year 1997.

The conference agreement inserts House language which prohibits funds under this heading from being made available to the Korean Peninsula Energy Development Organization (KEDO), and Senate proposed language which prohibits funds under this heading from being made available for the International Atomic Energy Agency (IAEA). The United States voluntary contributions to both organizations are now funded in "Nonproliferation, Antiterrorism, Demining, and Related Programs".

The conference agreement does not contain Senate language earmarking $3,000,000 for the World Food Program. The managers support funding for the World Food Program and expect the Administration to provide funding at this level.

Within the funds provided in the conference agreement, the conferees expect that $78,700,000 will be made available for a grant to the United Nations Development Program (UNDP).

The Framework Convention on Climate Change (FCCC) negotiations and funding in support of global climate change activities are matters of interest to the Committees on Appropriations. The managers expect the Department of State to keep the Committees fully informed of actions taken and funds made available in the Act that are obligated in support of the FCCC. Any decision to adhere to binding targets and timetables for greenhouse gas emission reductions is a substantial change in 1992 FCCC commitments which requires congressional advice and consent. Any such decision will have a significant impact on trade, competitiveness and American jobs. Therefore, the managers direct that a comprehensive economic impact analysis be prepared to evaluate any proposed FCCC agreement at least six months prior to a vote on final negotiating text of an agreement. The managers suggest formal consultations with nongovernmental organizations, U.S. labor and business organizations, and Congress to help ensure that the U.S. negotiating position accurately reflects United States national interests.

The managers recognize the importance of international organizations and programs in protecting the environment. Support for these activities, such as the RAMSAR international wetlands treaty and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, represent a good investment in preserving wildlife and its habitat. The managers expect that the full amount of funds pledged by the Administration will be provided for these activities.

TITLE V—GENERAL PROVISIONS

Sec. 507—Prohibition Against Direct Funding for Certain Countries

The conference agreement deletes "Serbia" from the list of countries prohibited from receiving assistance under the terms of this provision as proposed by the House. The managers address special concerns about Serbia in sec. 520.

Sec. 509—Transfers Between Accounts

The conference agreement deletes Senate language providing that the exercise of the authority under this section shall be subject to the regular notification procedures of the Committees on Appropriations, except for transfer specifically referred to in this Act. The conference agreement requires consultations with the Committees on Appropriations, as provided in the House bill.

Sec. 511—Availability of Funds

The conference agreement inserts Senate language with regard to the availability of funds for cash disbursements; this is a technical provision.

Sec. 513—Commerce and Trade

The conference agreement restores House language at the end of subsection (a) that provides authority to the Board of the Export-Import Bank to waive the prohibition on the use of funds to establish or expand production of commodities that could adversely affect United States producers.

Sec. 515—Notification Requirements

The conference agreement makes "Child Survival and Disease Programs Fund" and "Debt restructuring", as proposed by the House, subject to the notification requirements of this section.

Sec. 516—Limitation on Availability of Funds for International Organizations and Programs

The conference agreement inserts House language to provide that September 30, 1998 shall be the expiration date for the obligation of funds that are withheld pursuant to the provisions of this section.

Sec. 518A—Population Assistance Funding Limitations

The conference agreement includes language limiting funds for bilateral international population assistance to $385,000,000, and apportioning such funds at a monthly rate of not to exceed 8 percent. Such funds would become available for obligation on July 1, 1997. However, the President would be required to submit a finding by February 1, 1997, regarding the affect of the obligation delay on the program. Under expedited procedures, both Houses of Congress would be required to consider a joint resolution to approve a negative finding before the end of February. If such resolution were adopted and signed into law, funds would become available for obligation on March 1, 1997. However, the monthly apportionment of not to exceed 8 percent would remain in effect.

Sec. 520—Special Notification

The conference agreement deletes "Russia" and "South Africa" from the list of countries subject to the special notification requirements of this section, as proposed by the Senate, but does not delete "Serbia", "Dominican Republic", or "Peru". The conference agreement also includes "Guatemala" as proposed by the Senate; however, special notification requirements would not be required for development assistance.

Sec. 5527—Prohibition on Bilateral Assistance to Terrorist Countries

The conference agreement inserts "Notwithstanding any other provision of law" at the beginning of this section as proposed by the Senate; otherwise the language is identical to the House bill.

Sec. 531—Separate Accounts

The conference agreement inserts House language to require AID to take all necessary steps to ensure that local currency funds are used pursuant to purposes identified in this section, while the Senate amendment would require only that appropriate steps be taken.

The conference agreement also retains subsection (a)(6) of the House bill, which was deleted by the Senate, which requires reporting by the Administrator of AID on the use of local currencies for administrative purposes.

Sec. 533A—Competitive Pricing for Sales of Defense Articles

The conference agreement inserts language proposed by the Senate which provides that the direct costs associated with a foreign buyer's unique or additional requirements are allowable for contracts under section 22(d) of the Arms Export Control Act, and loadings shall be permitted at the same rates paid by DOD for like items purchased for its own use. The House bill did not address this matter.

Sec. 539—Authority to Assist Bosnia and Herzegovina

The conference agreement inserts language proposed by the Senate which limits Department of Defense drawdowns for Bosnia and Herzegovina to not more than an aggregate of $100,000,000 in fiscal year 1996 and fiscal year 1997. The House bill contained a similar limitation.

Sec. 541—Special Authorities

The conference agreement inserts language similar to that proposed by the Senate regarding this section. The conference agreement provides that none of the funds appropriated by this Act may be available to a country or organization that the Secretary of State determines is cooperating tactically or strategically with the Khmer Rouge in their military operations, or to the military of any country that the Secretary of State determines is not acting vigorously to prevent its members from facilitating the export of timber from Cambodia by the Khmer Rouge; the amendment replaces House language which terminated assistance if the President determined that the military was not taking steps to prevent a pattern or practice of commercial relations between its members and the Khmer Rouge.

The conference agreement also requires the Secretary of State to submit a report on February 1, 1997, to the Committees on Appropriations whether such assistance is being prohibited, the basis for such conclusions, and, if appropriate, the steps behind taken to terminate assistance.

The conference agreement includes language which allows the President to waive the prohibition on funds to militaries facilitating the export of timber if the President determines that it is important to the national security interest of the United States; the waiver does not apply to the prohibition on funds to a country or organization cooperating tactically or strategically with the Khmer Rouge in their military operations.

The conference agreement also deletes House language allowing for the use of up to $50,000,000 under the authority (relating to unanticipated contingencies) of section 451 of the Foreign Assistance Act, and inserts the sum $40,000,000 as proposed by the Senate.

Sec. 543—Anti-narcotics Activities

The conference agreement retains House language authorizing the use of the "Economic Support Fund" for administration of justice programs pursuant to section 534(b) of the Foreign Assistance Act in Latin America and the Caribbean "and in other regions". The Senate amendment would have allowed for the use of funds in accordance with the provisions of section 534 for Latin America and the Caribbean but did not include the term "and in other regions". The conference agreement also includes House language that is technical in nature.

Excess Defense Articles

The conference agreement deletes Senate proposed language providing authority in fiscal year 1997 for the provision of lethal and nonlethal defense articles. Similar language was included in Public Law 104-164, signed by the President on July 20, 1996.

The Senate language included a report on certain human rights concerns in Tunisia which was not included in P.L. 104-164. Therefore the managers request that the Secretary of State submit a report to the Committees on Appropriations, not later than April 1, 1997 describing recent actions by the Government of Tunisia to improve respect for civil liberties and promote the independence of the judiciary.

Sec. 555—War Crime Tribunals

The conference agreement sets a limitation of $25,000,000 on the drawdown of commodities and services under the authority of section 552(c) of the Foreign Assistance Act for the purpose of supporting war crimes tribunals as proposed by the Senate instead of $50,000,000 as proposed by the House.

Sec. 556—Landmines

The conference agreement inserts language which provides that demining equipment available to the Agency for International Development and the Department of State may be provided to foreign countries for the clearing of landmines and unexploded ordnance on a grant basis. The conference agreement also inserts Senate proposed language which extends the United States ban on the export of landmines by amending the

National Defense Authorization Act for Fiscal Year 1993 and inserting "During the eight-year period beginning on October 23, 1992.".

Sec. 559—Humanitarian Corridors

The conference agreement inserts Senate language (amending Sec. 620H of the Foreign Assistance Act) which is similar to House proposed language regarding countries which block the provision of humanitarian assistance. The House provision did not amend the Foreign Assistance Act of 1961 and excluded "Economic Support Funds" from the Presidential waiver authority. The managers note that when the waiver included in Section 562 of P.L. 104-306 was exercised by the President, it was done without prior notification to the Congress. The conference agreement adds a provision which requires the President to notify the Congress prior to exercising the waiver authority.

Withholding of Assistance to Countries Supporting Nuclear Power Plant in Cuba

The conference agreement deletes House language withholding assistance from countries that are supporting the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba, as proposed by the Senate. This matter was addressed by Public Law 104-114, the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996".

Sec. 560—Equitable Allocation of Funds

The conference agreement inserts House language providing that not more than 20 percent of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act that are made available for Latin America and the Caribbean region may be made available, through bilateral and regional programs, to provide assistance to any one country in such region. The Senate deleted this provision.

Sec. 563—International Development Association

The conference agreement includes language authorizing appropriations of $700,000,000 for the International Development Association. The House bill would have authorized $525,000,000. The Senate amendment did not contain a provision on this matter.

Sec. 565—Authority to Engage in Debt Buybacks or Sales

The conference agreement inserts the word "should" instead of "shall" as proposed by the House in subsection (d); the effect of the language is not to require consultations with eligible countries prior to the sale or reduction of loans pursuant to this section.

Sec. 566—Liberia

The conference agreement inserts House language allowing for the obligation of funds for assistance to Liberia notwithstanding section 620(q) of the Foreign Assistance Act and section 512 of this Act (Limitation on Assistance to Countries in Default). The Senate amendment deleted this provision.

Sec. 567—Guatemala

The conference agreement retains language similar to that proposed by the House. The conference agreement provides authority to the President to waive restrictions on funding for Guatemalan military forces under "Foreign Military Financing Program" and "International Military Education and Training" only if the President determines and certifies to the Congress that the Guatemalan military is cooperating fully with efforts to resolve human rights abuses which elements of the Guatemalan military forces are alleged to have committed, ordered or attempted to thwart the investigation of and with efforts to negotiate a peace process. The funding prohibition would not apply to funds made available to implement a cease-fire or peace agreement.

Sec. 568—Sanctions Against Countries Harboring War Criminals

The conference agreement inserts House language on this matter. Under subsection (a), the language authorizes the President to withhold funds for countries described in this section. Under subsection (b), the language states the President "should" instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, assistance to countries described in this section.

Sec. 569—Limitation on Assistance to Haiti

The conference agreement inserts a provision limiting assistance to the Government of Haiti unless certain conditions are met, or unless the President waives the requirements of the section. The conference substitute is similar to the House provision, but requires that any Presidential waiver be exercised semi-annually, rather than quarterly, as proposed by House, and it does not include the names of three victims of non-judicial killings of particular concern: Mireille Bertin, Jacques Florival, and Jean Hubert Feuille.

Sec. 570—Policy Toward Burma

The conference agreement inserts Senate language establishing conditional prohibitions on certain assistance to Burma, sanctions on new investments in Burma, and restrictions on visas issued to officials of Burma. However, the restriction on visas for government officials is not mandatory in the conference agreement.

U.S. foreign assistance is restricted with the exception of support for humanitarian, counter-narcotics, and democracy programs. The U.S. Directors at international financial institutions are expected to oppose lending to Burma. The Senate had also imposed a ban on issuing visas to officials of the State law and Order Restoration Council (SLORC). the managers have modified this restriction in view of the Administration's declared intention to issue a Presidential Proclamation delegating authority to the Secretary of State to ban visas to both SLORC officials and individuals who impede the restoration of democracy.

In addition to mandatory sanctions the conferees support the imposition of a ban on new investment in the event that specified acts are taken against Aung San Suu Kyi, the legitimately elected leader of Burma, or there is large scale violence or repression of the democratic opposition. The conferees note that since June more than sixty members and supporters of the National League for Democracy have been arrested and more than half have been sentenced to long prison terms. Aung San Suu Kyi has expressed the view that these arrests are a "war of the attrition" designed to undermine the democracy movement. While it is of "large scale repression" the conferees are deeply concerned by the pattern of abuses and arrests over the past several months. The conferees have required a semiannual report on conditions in Burma. The conferees expect the report to address whether the recent pattern of arrests constitutes large scale repression.

Sec. 571—Report Regarding Hong Kong

The conference agreement deletes House language requiring an additional report on March 31, 1997, under section 301 of the United States-Hong Kong Policy Act of 1992. However, it does require that the report already mandated in current law shall address certain issues as specified in the House bill. The Senate bill did not include a similar position.

Section 572—Use of Funds for Purchase of Products Not Made in America

The conference agreement requires a report on the implications of a limitation on use of funds for the government of a foreign country if the funds are to be used to purchase certain equipment or products made in a country other than such foreign country or the United States. The House bill included a provision which would have mandated such a limitation. The Senate bill did not address this matter.

Sec. 573—Conflict in Chechnya

The conference agreement deletes Senate language expressing the sense of the Senate regarding Russia's actions in Chechnya. The conference agreement inserts language requiring the Secretary of State to submit a report to the Committees on Appropriations within 30 days from the date of enactment of this Act on actions undertaken by the United States Government to resolve the conflict in Chechnya. The House bill did not address this matter.

Limitation on Funds to the Territory of the Bosniac-Croat Federation

The conference agreement deletes language limiting United States assistance to Bosnia and Herzegovina (other than refugee and disaster assistance, and assistance for restoration of certain infrastructure) to the territory of the Bosniac-Croat Federation, as proposed by the Senate. The House bill did not address this matter.

United States Government Publications

The conference agreement deletes Senate proposed language requiring that, beginning in fiscal year 1997, all United States Government publications shall refer to the capital of Israel as Jerusalem. The House bill did not address this matter. The conferees however agree that all relevant United States Government publications should refer to the capital of Israel as Jerusalem.

Limitation on Foreign Military Financing

The conference agreement deletes House language which prohibits the use of FMF funds by any country which has not agreed to the Department of Defense conducting, at the request of the Defense Security Assistance Agency, nonreimbursable audits of private firms having FMF financed contracts with these governments. The Senate amendment included similar language in Title III. Public Law 104-164, signed by the President on July 20, 1996, includes in permanent law a similar provision.

Sec. 575—Extension of Certain Adjudication Provisions

The conference agreement includes Senate language that extends for an additional year (until October 1, 1997) the provisions of section 599D and 599E of Public Law 101-167; these provisions establish categories of aliens for purposes of refugee determinations, and provide for the adjustment of immigrant status for certain Soviet and Indochinese aliens.

Sec. 576—Transparency of Budgets

The conference agreement includes language similar to the Senate amendment requiring United States executive directors at each international financial institution to actively oppose loans or other assistance to any nation that has not allowed civilian officials to audit the financial records of its military and security forces. The House bill did not address this matter.

Limitation Under Arms Export Control Act

The conference agreement deletes House language limiting to $100,000,000 the amount of FMF funds which can be made available to finance the procurement of defense articles and services that are sold to countries other than Israel and Egypt by the United States Government under the Arms Export Control Act. Public Law 104–164, signed by the President on July 20, 1996, includes in permanent law a similar provision.

Sec. 577—Guarantees

The conference agreement inserts Senate language with regard to the fiscal year 1997 impact of the agreement by the United States to guarantee certain loans incurred by Israel, as proposed by the Senate. The House bill did not address this matter.

Sec. 578—Information on Cooperation with United States Anti-terrorism Efforts in Annual Country Reports on Terrorism

The conference agreement inserts language proposed by the Senate which amends the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, to expand the existing annual report on other nations' efforts to curtail drug trafficking to include similar language with regard to cooperation with the United States in investigating and prosecuting acts of international terrorism, as proposed by the Senate. The House bill did not address this matter.

Promotion of Human Rights

The conference agreement deletes Senate language that requires the Secretary of State to deny visas to any current or former senior official of a government that receives funds appropriated by this Act, if the Secretary has "credible evidence" that such official has committed, ordered or attempted to thwart the investigation of a gross violation of an internationally recognized human right, as proposed by the Senate. The House bill did not address this matter.

Sec. 579—Female Genital Mutilation

The conference agreement includes language requiring United States executive directors at international financial institutions, beginning one year after enactment of this Act, to actively oppose loans, other than to address basic human needs, to certain countries. Each country affected would be named by the Secretary of the Treasury once he determines it has a known history of the practice of female genital mutilation. The conference agreement does not contain the Senate language which would also have required such countries to institute a legal ban on such practices to avoid the restrictions of this section. The House bill did not address this matter.

Sec. 580—Requirement for Disclosure of Foreign Aid in Report of Secretary of State

The conference agreement inserts Senate language requiring that the annual report on the voting record of foreign countries at the United Nations include a side-by-side comparison showing the amount of U.S. assistance provided to each country in fiscal year 1996, as proposed by the Senate. The House bill did not address this matter.

Sec. 581—Restrictions on Voluntary Contributions to United Nations Agencies

The conference agreement inserts language prohibiting payment of any voluntary contribution to the United Nations (including the United Nations Development Program) if the UN implements any taxation on any United States national or corporation. The Senate amendment included this language as well as a prohibition for contributions to United Nations specialized agencies, and would have prohibited the payment of contributions if the United Nations attempted to obtain loans from international financial institutions. The House bill did not address this matter.

Sec. 582—Haiti

The conference agreement allows the Government of Haiti to purchase defense articles and services for the civilian-led Haitian National Police and Coast Guard as proposed by the Senate. The House bill did not address this matter.

Sense of Congress Regarding the U.S.-Japan Insurance Agreement

The conference agreement deletes Senate language expressing the sense of the Congress that Japan's Ministry of Finance should without further delay fully comply with all provisions of the United States-Japan Insurance Agreement of October 1994. The House bill did not address this matter.

Limitation of Foreign Sovereign Immunity

The conference agreement deletes Senate language amending section 1605(a)(7) of the United States Code which limits the immunity, under certain circumstances, of foreign states officially designated as a state sponsor of terrorism against claimants who were United States nationals when victimized, as proposed by the Senate. The House bill did not address this matter.

Sec. 584—Refugee Status for Adult Children of Former Vietnamese Reeducation Camp Internees Resettled under the Orderly Departure Program

The conference agreement inserts Senate language that supersedes the Immigration and Nationality Act to expand the category 'refugee of special humanitarian concern' to include certain adult children of former Vietnamese reeducation camp internees resettled in the United States. However, language has been included to require that the provisions of this section expire at the end of fiscal year 1997. The House bill did not address this matter.

Sec. 585—North Korea

The conference agreement inserts language proposed by the Senate which requires the Secretary of State, in consultation with the Secretary of Defense, to submit semiannual reports to the Committees on Appropriations on the following information: estimate of fuel used by the North Korean military; scope and cost of training and deployment of those forces; steps taken to reduce their size; and cooperation between North Korea and other nations in support of development or deployment of a ballistic missile capability. The House bill did not contain a similar provision.

Report on Domestic Federal Agencies Furnishing United States Assistance

The conference agreement deletes Senate language requiring the General Accounting Office to study and report to Congress, no later than June 1, 1997, on all assistance to foreign nations and international organizations undertaken by domestic Federal agencies. The House bill did not address this matter.

Sec. 587—Limitation on Assistance to Mexico

The conference agreement combines parts of Senate section 597 with a House limitation on the obligation of funds in this Act for the Government of Mexico unless 1) Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico; 2) Mexico is taking vigorous law enforcement actions to deal with illegal drug kingpins, and other individuals involved in illegal drug activities; 3) Mexico is pursuing international anti-drug trafficking and narcotics interdiction initiatives and is reducing the incidence of money-laundering.

Sec. 588—Limitation on Assistance to Turkey

The conference agreement inserts language which limits "Economic Support Funds" to Turkey to $22,000,000.

Trade Relations with Central and Eastern Europe

The conference agreement deletes language expressing the sense of Congress that the President should take steps to promote more open, fair, and free trade between the United States and the countries of Central Europe, and enumerates seven steps to promote that objective, as proposed by the Senate. The House bill did not address this matter.

Sec. 589—Civil Liability for Acts of State Sponsored Terrorism

The conference agreement inserts language expanding the scope of monetary damage awards available to American victims of international terrorism.

The conferees intend that this section shall apply to cases pending upon enactment of this Act.

Sense of Congress Regarding Croatia

The conference agreement deletes sense of the Congress language proposed by the Senate regarding Croatia and possible NATO membership. The issue of future NATO membership is addressed in Title VI, the NATO Enlargement and Facilitation Act of 1996. The managers note that Croatia is in the process of joining the Partnership for Peace program. Accordingly, the managers recommend that the United States support the active participation of Croatia in activities appropriate for qualifying for NATO membership, provided that Croatia adheres fully to the Dayton Peace Accords and makes progress toward establishing democratic institutions, a free market and the rule of law.

Romania's Progress Toward NATO Membership

The conference agreement deletes sense of the Congress language proposed by the Senate regarding Romania and possible NATO membership. The issue of future NATO membership is addressed in Title VI, the NATO Enlargement and Facilitation Act of 1996. The managers note that Romania emerged from decades of brutal communist dictatorship in 1989 and that multi-party democratic elections have been held at the local, parliamentary, and presidential levels. Romania was the first former Eastern Bloc country to join NATO's Partnership for Peace program, is the second largest country in Eastern Europe in terms of territory and population and is therefore strategically significant. The managers recognize that Romania has contributed forces to the NATO Implementation Force in Bosnia. Accordingly, the managers believe Romania should be evaluated for membership in the NATO Participation Act's transition assistance program and that the United States should work closely with Romania and other countries working toward NATO membership to ensure that every opportunity is provided to advance their entry into NATO.

Sense of Congress Regarding Expansion of Eligibility for Holocaust Survivor Compensation by the Government of Germany

The conference agreement deletes language appealing to the Government of Germany to negotiate in good faith with the Conference on Jewish Material Claims Against Germany to broaden the categories of those eligible for compensation, as proposed by the Senate. The House bill did not address this matter.

The managers agree that it shall be the policy of the United States to (1) assist survivors of the German Nazi horror to achieve full restitution for property and assets seized by the former Nazi regime; (2) convey to the Government of Germany the deep concern of the Government of the United States regarding the onerous eligibility requirements imposed by Germany on the payment of compensation for Holocaust survivors living in the United States; (3) strongly encourage the Government of Germany to take all actions necessary to ensure that fair and full compensation will be expeditiously paid to all Holocaust survivors living in the United States; and (4) strongly encourage the Government of Germany to broaden the definition of a concentration camp, and the duration of imprisonment currently required for compensation under Article 2 of the German Unification Agreement and continue negotiations with the Conference on Jewish Material Claims Against Germany to make categories of those eligible for compensation more inclusive.

Delivery by China of Cruise Missiles and Missile Technology

The conference agreement deletes sections 593 and 594 which express the sense of the Senate regarding missile transfers by China to Iran and Syria. The managers are deeply concerned about continued reports that the People's Republic of China has delivered cruise missiles to Iran and ballistic missile technology to Syria. Both recipient nations are known sponsors of international terrorism which directly threatens U.S. citizens and interests in regional peace and stability.

The managers urge the Administration to take steps to assure the People's Republic of China honors its obligations under the Missile Technology Control Regime and join international efforts to restrict access by terrorist states to weapons and technology of mass destruction. The managers note that under the Iran-Iraq Non-Proliferation Act of 1992, the President is required to impose sanctions against any foreign government delivering missiles to Iran. The managers expect the Administration to use all available legal and diplomatic means to assure no transactions occur which enhance the military capabilities of terrorist states.

Prosecution of Major Drug Traffickers Residing in Mexico

The conference agreement deletes the language of the Senate amendment prohibiting "International Military Education and Training" for Mexico unless the President of the United States certifies to Congress that the Government of Mexico has extradited to the United States or apprehended and begun prosecution of 10 listed individuals. Language similar to that in the Senate amendment withholding funds from the Government of Mexico is included in section 587.

Deobligation of Certain Unexpended Economic Assistance Funds

The conference agreement deletes Senate language requiring that the President deobligate and return to the Treasury certain funds that have been obligated for more than 4 years but not expended. The House bill did not address this matter.

Burundi

The conference agreement deletes language in the Senate amendment expressing the Senate's condemnation of any violent action intended to overthrow the government of Burundi; calling upon all parties to the conflict in Burundi to exercise restraint; and urging the Administration to continue diplomatic efforts at the highest level to find a peaceful resolution to the crisis in Burundi.

Environmental Impact Assessments

The conference agreement deletes language expressing the sense of the Senate that the United States Government should encourage governments of other nations to engage in additional regional treaties, including requirements for Environmental Impact Assessments where appropriate, covering specific transboundary activities that have adverse impacts on the global environment.

International Criminal Tribunal

The conference agreement deletes Senate language expressing the sense of the Senate that the President of the United States should reimpose full economic sanctions on Serbia, Montenegro and the Republic Srpska until these entities fully cooperate with the International Criminal Tribunal. It also urged IFOR to make an urgent priority the detention of persons indicted by the Tribunal, and called for the continued banning of the named entities from international organizations until each fully cooperates with the Tribunal.

Title VI—NATO Enlargement Facilitation Act of 1996

The conference agreement includes language proposed by the Senate which is similar to HR 3564, the "NATO Enlargement Facilitation Act of 1996," which was passed by the House of Representatives on July 23 by a vote of 353–65. The conference agreement expresses Congress' support for the admission of qualified new members to NATO and the European Union at an early date. The conference agreement designates Poland, Hungary, the Czech Republic and Slovenia as countries eligible to receive assistance under the NATO Participation Act of 1994. Slovenia's designation is effective 90 days after the date of enactment of this Act. The conference agreement also authorizes $60,000,000 for fiscal year 1997 for the transition program established by the NATO Facilitation Act of 1994, of which $20,000,000 is earmarked for FMF loans and $30,000,000 for FMF grants, and of which "not more than" $10,000,000 is made available for IMET.

Funds described in section 608(b) are authorized to be made available to the extent provided in advance in appropriations acts to support implementation of the Regional Airspace Initiative (RAI) and the Partnership for Peace Information Management System. The conferees believe Foreign Military Financing funds may be made available to support RAI and PIMS since Title III of this legislation makes funds available for these purposes and serves as the necessary advance provision in an appropriation act.

Title VII—Middle East Development Bank

The conference agreement includes Senate language that authorizes $1,050,007,800 for the proposed Bank for Economic Cooperation and Development in the Middle East. The House bill did not address this matter.

Due to the limited budget allocation available for foreign assistance, the managers were reluctant to authorize United States membership in yet another multilateral development bank. At a time when the Congress and the President are unable to meet prior commitments to existing multilateral institutions, only the critical situation in the Middle East, where the very peace process may be at stake, resulted in the inclusion of authority for the United States to join the bank, contingent on the explicit condition that all commitments are subject to the availability of appropriations. No funds are provided in this Act for the proposed Bank for Economic Cooperation and Development in the Middle East.

Authority to join a new multilateral development bank is under the jurisdiction of the Committee on Banking and Financial Services in the House and the Committee on Foreign Relations in the Senate. The managers direct the Secretary of the Treasury to consult fully with them as well as the Committees on Appropriations prior to joining the proposed bank. The managers expect that Egypt, Jordan, Germany, and France will have agreed to participate in the bank before the United States accepts membership.

SECTION 101(d)

Department of the Interior and Related Agencies Appropriations Act, 1997

The conferees on H.R. 3610 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 3662, the Department of the Interior and Related Agencies Appropriations Act, 1997, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 3662.

The conference agreement with respect to fiscal year 1997 appropriations for the Department of the Interior and Related Agencies incorporates some of the provisions of both the House and the Senate reports accompanying H.R. 3662. Report language and allocations set forth in either House Report 104–625 or Senate Report 104–319 which are not changed by the conference agreement are approved. The agreement described herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided. Administrative provisions and general provisions which are identical in the House passed and Senate Appropriations Committee reported versions of H.R. 3662 are unchanged by the conference agreement and are approved unless provided to the contrary herein.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $572,164,000 for management of lands and resources instead of $566,514,000 as proposed by the House and $578,692,000 as proposed by the Senate.

Changes to the House recommended level include increases of $1,000,000 for abandoned mineland and stormwater management, $100,000 for the Longview Fibre/Mt. Hood exchange, $6,000,000 for resource management planning, and decreases of $500,000 for wildlife, $500,000 for fisheries, and a general reduction of $450,000 for land resources.

The restoration of $6,000,000 is provided for resource management planning to ensure that BLM has the necessary resources to meet its planning activities as required under the Federal Land Policy and Management Act, the National Environmental Policy Act, and other resource specified laws.

BLM is currently looking at ways to streamline its planning procedures to make the planning process more efficient and more responsive. BLM is urged to move forward as quickly as possible in developing these new procedures.

Based on current reports provided by the Department of the Interior on the implementation of the fee demonstration program, BLM is not required to submit a separate report.

The Bureau's proposed reorganization of its Washington headquarters office is approved. While the current team approach seems to be paying dividends at the field level, it has proven to be ineffective at the Washington office. This new reorganization should result in increased accountability, a more efficient allocation of resources, and provide for a better interface with the public and with the Bureau's partners.

The Administration recently created the Grand Staircase/Canyons of the Escalante National Monument in Utah as one of the largest national monuments in the continental United States without consultation with the Congress and without public comment. The Secretary should comply fully with the provisions outlined in the proclamation dated September 18, 1996. Pursuant to the proclamation, the Secretary of the Interior will manage the monument through the Bureau of Land Management.

Of particular concern is the lack of details on the monument beyond the information contained in the proclamation, including estimated costs to manage the monument and provide for a potential increase in visitors to the area. The Secretary should submit a report by February 1, 1997 that details the costs associated with the monument, the process for developing a management plan, and a description of how affected parties will be involved in the process for developing the management plan. The Secretary should also submit by April 1, 1997 a plan for implementing an exchange of school trust lands located within the monument.

The conference agreement earmarks $2,010,000 for mineral assessment in Alaska as proposed by the Senate instead of $2,000,000 as proposed by the House.

Within the funds provided for oil and gas activities $250,000 is for an Environmental Impact Statement for the leasing program in the National Petroleum Reserve in Alaska.

The Bureau currently spends about $95,000 annually from various Bureau programs in support of Iditarod National Historic Trail activities in Alaska. Within this amount, the Bureau is encouraged to begin commemoration of the trail. Markers and other forms of identification would enable visitors to identify and enjoy the trail.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $252,042,000 for wildland fire management instead of $247,924,000 as proposed by the House and $264,609,000 as proposed by the Senate.

This funding level provides for a maximum efficient level (MEL) of approximately 85 percent for presuppression activities and approximately 88 percent of the 10-year average actual cost for suppression activities.

Within the funds provided, the Bureau is strongly urged to continue a partnership project involving the Northern Arizona University School of Forestry and the Department of the Interior. This partnership involves forest ecosystem health restoration efforts.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $12,000,000 for the central hazardous materials fund.

CONSTRUCTION

The conference agreement provides $4,333,000 for construction as proposed by the Senate instead of $3,103,000 as proposed by the House. Increases above the House recommended level include $900,000 for completion of the Baker City Flagstaff Hill interpretive center and $330,000 for the Maiden Rock bridge.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $113,500,000 for payments in lieu of taxes as proposed by the House instead of $115,000,000 as proposed by the Senate.

LAND ACQUISITION

The conference agreement provides $10,410,000 for land acquisition instead of $10,000,000 as proposed by the House and $14,060,000 as proposed by the Senate.

Funds should be distributed as follows:

Projects	*Amount*
Lake Fork of the Gunnison SMA, CO	$800,000
San Pedro NCA, CA	500,000
Santa Rosa Mountains NRA, CA	1,000,000
Upper Huerfano River, CO	610,000
Washington County Desert Tortoise HCP, UT	2,000,000
West Eugene Wetlands, OR	1,000,000
West Riverside County HCP, CA	1,000,000
Acquisition Management	2,500,000
Emergencies and Inholdings	1,000,000
Total	10,410,000

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $100,515,000 for Oregon and California grant lands instead of $98,365,000 as proposed by the House and $102,656,000 as proposed by the Senate.

Increases above the House include $400,000 for western Oregon resource management, $1,250,000 for western Oregon facilities maintenance, and $500,000 for jobs in the woods.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $9,113,000 to be derived from public lands receipts and Bankhead-Jones Farm Tenant Act lands grazing receipts.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation of $8,993,000 for service charges, deposits, and forfeitures.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $7,605,000 for miscellaneous trust funds.

ADMINISTRATIVE PROVISIONS

The conference agreement provides for the naming of the visitor center in Rand, Oregon as the William B. Smullin Visitor Center. The dedication provides commemorative recognition to William B. Smullin, founder of California Oregon Broadcasting incorporated, which brought broadcasting to northern California and southern Oregon.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $523,947,000 for resource management instead of $520,519,000 as proposed by the House and $529,527,000 as proposed by the Senate.

The net increase above the House consists of increases of $1,250,000 for endangered species recovery activities, $500,000 for Upper Klamath Basin habitat restoration, $100,000 for the Vermont partners program, $64,000 for Missouri chutes/sandhills, $100,000 for Platte River studies, $400,000 to restore base funding, $200,000 for the Hood Canal Salmon Enhancement Group and "Long Live the Kings", $3,000 for migratory bird management, $500,000 for whirling disease research, $250,000 for the marine mammals program, $1,000,000 for the National Education and Training Center, and $43,000 for Service-wide administrative support, and decreases of $100,000 for the Chicago wetlands office, $500,000 for the Reno Biodiversity initiative, $321,000 for refuge operations and maintenance, and a general reduction of $61,000 in fish and wildlife management.

No specific earmarks are included in the increase in the candidate conservation program.

Within the increase for recovery activities, $750,000 is for the Virgin River Integrated Management Recovery Program and $500,000 over the budget request of $1,500,000 is for the Natural Communities Conservation Planning program.

The Chicago Wetlands Office is funded at $1,631,000.

An increase of $533,000 above the fiscal year 1996 level is assumed for Everglades restoration.

While there is no specific prohibition on the use of steel jaw leghold traps, the Service should establish a task force to study the use of animal traps in the National Wildlife Refuge system. The task force should consider the humaneness of various trapping methods, as well as the cost, the impact on the protection of endangered species, the impact on Fish and Wildlife Service facilities, and other relevant issues. The task force should include interested outside parties and report its findings to the House and Senate Committees on Appropriations by March 1, 1997.

Within the amount provided for fish and wildlife management assistance, an increase of $500,000 above the House level has been provided for fish disease research, for a total increase of $1,500,000 above prior levels. Of this amount, a portion of the $1,000,000 included in the budget request is to be used to augment the capabilities of the Service's fish health centers and fish technology centers. The $500,000 increase above the House is for whirling disease research by the National Partnership on Management of Wild and Native Cold Water Fisheries.

The increase of $250,000 for the marine mammals program is to initiate cooperative activities with the Alaska Polar Bear Commission, the Eskimo Walrus Commission, the Alaska Sea Otter Commission, and the Rural Alaska Community Action program.

With respect to the national boat access needs assessment discussed in Senate Report 104–319, the Fish and Wildlife Service should give consideration to such an assessment within the regular competitive review process for proposals within the funds available for the administration of the Sport Fish Restoration program.

Bill language is included which modifies the earmark and the manner in which funds are distributed for the Natural Communities Conservation Planning (NCCP) program. The conference agreement provides $2,000,000 to local governments in southern California for this program.

The conference agreement includes language regarding the charging of reasonable fees for training costs at the National Education and Training Center and makes this authority permanent. The House had a similar provision.

CONSTRUCTION

The conference agreement provides $43,365,000 for construction instead of $38,298,000 as proposed by the House and $45,306,000 as proposed by the Senate.

Funds should be distributed as follows:

Project	*Amount*
A.C.E. Basin NWR, SC, Grove Plantation (rehabilitation)	$360,000
Alamosa/Monte Vista NWR, CO, Chicago Ditch Dam	1,450,000
Audubon Center, LA, research facilities	2,000,000
Bear River NWR, UT, dike (repair)	611,000
Blackwater NWR, MD, administrative building	500,000
Bridge safety, inspection/structural analysis	495,000
Crab Orchard NWR, IL, Little Wolf Creek Bridge	550,000
Craig Brook NFH, ME, (station rehabilitation)	4,810,000
Creston NFH, MT, Jessup Mill Pond Dam	850,000
Dam safety, inspection of dams	495,000
Elkins field office, WV, planning and design	−503,000
Ennis NFH, MT, spring watercover	300,000
Mason Neck NWR, VA, Woodbridge research facility	100,000
McDowell NFH, WV, hatchery feasibility study	−730,000
Missisquoi NWR, VT, storage building, signage, access	50,000
Mississippi refuges, road construction, storage, fencing, office	370,000
Mossehorn NWR, ME, (Loring AFB) office/maintenance facility	400,000
National Education and Training Center, WV	10,028,000
Ouray endangered fish facility, UT, ponds/water reuse	1,725,000
Parker River NWR, MA:	
administrative/education center (non-add; use of surplus cleanup savings)	(1,150,000)
cleanup savings	−1,150,000
Patuxent NWR, MD, Cash Lake Dam	485,000
Quivera NWR, KS, engineering study, water supply	600,000
Region 4, FL/LA/NC, bridge replacement	800,000
Sacramento NWR, CA, water delivery system	500,000
Southeast Louisiana refuges, health and safety	500,000
Southwest Fisheries Technology Center, NM:	
Dexter hatchery rehabilitation	961,000
Mora hatchery construction	2,705,000
Squaw Creek NWR, MO Davis Creek bridge	550,000
Stillwater NWR, NV:	
water gauging station	300,000
water rights purchase	1,500,000
Tulana Farms Ranch, OR, habitat restoration	3,000,000
White River NWR, AR, Big Island chute bridge	300,000
Wichita Mountains NWR, OK:	
Grama Lake and Camanche dams	700,000
road rehabilitation	2,048,000
Project Total	37,660,000
Construction Management	4,633,000
Contract claims	800,000
Emergency projects	272,000
Total FWS Construction	$43,365,000

The Service should use $1,150,000 of the surplus funding remaining from the Parker River NWR, MA cleanup for construction of an administration building at the refuge with the understanding that these funds will be matched from non-Federal sources.

Funds for the Tulana Farms project should be transferred to a nonprofit entity with expertise in fish and wildlife management as soon as practicable.

The conference agreement provides $2,000,000 for the Audubon Institute for the Audubon Center for Research of Endangered Species. These funds should be used to continue the research partnership between the Fish and Wildlife Service and the Institute, under terms similar to the agreements used in 1992 and 1995. The Fish and Wildlife Service should work with the Audubon Institute to ensure that appropriate public recognition of the Federal funds used in constructing the complex is achieved.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $4,000,000 for the natural resource damage assessment fund.

LAND ACQUISITION

The conference agreement provides $44,479,000 for land acquisition instead of $30,000,000 as proposed by the House and $50,802,000 as proposed by the Senate.

Funds should be distributed as follows:

Project	*Amount*
Back Bay NWR, VA	$1,000,000
Block Island NWR, RI	2,000,000
Bon Secour NWR, AL	750,000
Boyer Chute NWR (Back to the River), NE	2,000,000
Canaan Valley NWR, WV	2,000,000
Clarks River NWR, KY	3,000,000
Cypress Creek NWR, IL	1,000,000
Emiquon NWR, IL	1,000,000
Hakalau NWR (Kona Forest), HI	2,700,000
Lake Wales NWR, FL	500,000
Lake Woodruff (Wekiva-Ocala NF connector), FL	500,000
Lower Rio Grande NWR, TX	2,000,000
Mashpee NWR, MA	832,000
Minnesota Valley NWR,MN	1,000,000
Ohio River Islands NWR, WV	1,000,000
Oregon Coastal Refuges	
Nestucca Bay, OR	500,000
Siletz Bay, OR	500,000
Patoka River NWR, IN	500,000
Petit Manan NWR, ME	850,000
Rappahanock NWR, VA	1,000,000
San Diego NWR, CA	2,700,000
San Joaquin NWR, CA	500,000
Southeast Louisiana Refuges	1,500,000
Stewart McKinney NWR (Great Meadows), CT	1,700,000
Tualatin Refuge NWR,OR	1,000,000
Western Montana Projects	947,000
Acquisition management	8,500,000
Emergency and hardships	1,000,000
Exchanges	1,000,000
Inholdings	1,000,000
Total	44,479,000

The conference agreement includes funding to establish the Clarks River National Wildlife Refuge, the only wildlife refuge solely in Kentucky. The funds provided may be used only to acquire land through purchases from willing sellers, donations, or exchanges. The Secretary is authorized to include hunting and fishing in the development of outdoor activities. The Committees expect the Secretary to ensure that no activity carried out in the refuge will result in the obstruction of the flow of water in a manner that would affect any private land adjacent to the refuge, and that the operations of the refuge will not restrict agriculture and silviculture on private lands.

Included in the conference agreement is $832,000 to enable the Fish and Wildlife Service to acquire a 250 acre tract in the Bufflehead Bay Area within the Mashpee National Wildlife Refuge. The Committees are aware that funds are available from prior year appropriations for the Mashpee National Wildlife Refuge and a reprogramming from the Sippewisset Marsh project to complete the acquisition.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $14,085,000 for the cooperative endangered species conservation fund. There is no restriction on funding land acquisition in this account for projects also funded through the land and water conservation fund. However, the Service should be sensitive to maintaining a balance in funding the many competing land acquisition needs.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $10,779,000 for the National wildlife refuge fund.

REWARDS AND OPERATIONS

The conference agreement provides $1,000,000 for rewards and operations for African elephant conservation as proposed by the House instead of $600,000 as proposed by the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $9,750,000 for the North American wetlands conservation fund instead of $7,750,000 as proposed by the House and $10,750,000 as proposed by the Senate.

RHINOCEROS AND TIGER CONSERVATION FUND

The conference agreement provides $400,000 for the rhinoceros and tiger conservation fund as proposed by the House instead of $200,000 as proposed by the Senate.

WILDLIFE CONSERVATION AND APPRECIATION FUND

The conference agreement provides $800,000 for the wildlife conservation and appreciation fund.

ADMINISTRATIVE PROVISIONS

The conference agreement modifies language proposed by the Senate to provide that, for recreational fee demonstration sites, the Service shall retain permit and entrance fees collected at fee demonstration units to offset the cost of collection and to support refuge operations and maintenance. The House had no similar provision.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,152,311,000 for operation of the National Park System instead of $1,135,139,000 as proposed by the House and $1,156,784,000 as proposed by the Senate.

The conference agreement provides $69,772,000 in increased funding for many of the initiatives contained in the fiscal year 1997 National Park Service budget. In allocating these funds, the Committees have placed a high priority on National Park Service operations and base programs which reflects the Park Service's highest priority initiatives.

The conference agreement provides increases for the National Park Service, particularly in operations, greater than any agency funded in the bill.

The following paragraphs describe the increases above the base funds for each budget category.

A total increase of $21,251,000 is provided for resource stewardship. Included in this amount is $6,674,000 for across-the-board increases, $2,077,000 for park operations, $2,000,000 for inventory and monitoring, $8,000,000 for South Florida Ecosystem Research, and $2,500,000 for cultural resources preservation.

The visitor services increase is $18,622,000. Included in this amount is $13,093,000 for across-the-board increases, $4,693,000 for park operations, $600,000 for the Presidential Inaugural and $236,000 for the William O. Douglas Center.

An increase of $19,618,000 is provided for maintenance. This amount includes $10,878,000 for across-the-board increases, $5,340,000 for park operations, $400,000 for the Presidential Inaugural, $1,000,000 for cultural cyclic maintenance, and $2,000,000 for regular cyclic maintenance. The conference agreement restores the $1,000,000 reduction proposed in the President's budget to transfer the two Washington area parkways to Maryland, Virginia and the District of Columbia.

The park support increase is $7,292,000. Within that amount is $5,219,000 for across-the-board increases, $890,000 for park operations, and the following specific park increases: $133,000 for James Garfield, $100,000 for the German-American Cultural Center, $200,000 for the Belle Haven Marina, $400,000 for the National Park of American Samoa, and $350,000 for Kalaupapa.

The conference agreement specifically did not provide the $3,500,000 increase for professional training programs. The National Park Service should follow the language in the House report which encourages the agency to submit a reprogramming request up to $2,000,000 as long as it is redirected from travel, savings from buyout and downsizing initiatives or new reductions from headquarters management and administrative overhead. The National Park Service should submit a priority list of professional training programs prior to forwarding any reprogramming request.

The increase for external administrative costs is $3,047,000. This includes $212,000 for workers compensation, $825,000 for unemployment compensation, $475,000 for park police pensions, $738,000 for external ADP charges and $797,000 for GSA space rental.

The conference agreement provides direction to the National Park Service to ensure that at least 22 productions be held at Carter Baron Amphitheater and directs the Service to work with the Friends of Carter Baron Foundation in order to obtain private support for the performances.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $37,976,000 for National recreation and preservation instead of $36,476,000 as proposed by the House and $39,476,000 as proposed by the Senate.

The increase above the House level includes $750,000 for the Alaska Native Cultural Center and $750,000 for the Native Hawaiian Culture and Arts program. With respect to the mulitpurpose pathway system in Aiken, South Carolina, the Park Service involvement is to be limited to technical assistance only.

HISTORIC PRESERVATION FUND

The conference agreement provides $36,612,000 for the historic preservation funds as proposed by the Senate instead of $36,212,000 as proposed by the House.

The conference agreement provides $400,000 for historic preservation activities in Fort Smith, AR to address damages in the commercial historic district. These funds should be transferred from the National Trust for Historic Preservation to the Arkansas Historic Preservation program and this office will then have oversight as to how the city uses these funds for historic preservation purposes.

CONSTRUCTION

The conference agreement provides $163,444,000 for construction instead of $119,745,000 as proposed by the House and $165,418,000 as proposed by the Senate.

Line item construction funds should be distributed as follows:

Project	Amount
Acadia NP, ME (rehabilitate carriage roads)	$600,000
Amistad NRA, TX (sewage treatment)	650,000
Blackstone River Valley National Historic Comm., MA/RI	460,000
Blue Ridge Parkway, NC (headquarters)	4,400,000
Cane River NHP, LA (preservation and stabilization)	3,320,000
Carlsbad Caverns NP, NM (replace elevators)	1,400,000
Chamizal NM, TX (rehabilitation	200,000
Chickasaw NRA, OK (campground rehabilitation)	1,300,000
Cuyahoga NRA, OH (site & structure rehabilitation)	2,900,000
Delaware Water Gap NRA, PA (trails rehabilitation)	1,200,000
Denali NP&P, AK (electric/rehabilitate powerhouse)	2,000,000
Edison NHS, NJ (concrete repairs)	375,000
Everglades NP, FL:	
Fort Jefferson rehabilitation	250,000
water delivery	2,800,000
Florissant Fossil Beds NM, CO (shelters)	37,000
Fort McHenry NM, MD (rehabilitation)	800,000
Fort Necessity NB, PA (design)	400,000
Fort Raleigh NHS, NC (rehabilitation)	1,000,000
Fort Scott NHS, KS (water delivery	1,115,000
Fort Smith NHS, AR (rehabilitation)	2,000,000
Fort Sumter NM, SC (site development)	3,600,000
General Grant NM, NY (restore memorial and grounds)	975,000
George Washington Memorial Parkway, MD (utilities)	2,100,000
Grand Canyon National Park, AZ (transportation vehicles)	2,000,000
Great Basin NP, NV (Lehman Caves trail rehabilitation)	350,000
Gulf Island NS, MS (erosion control)	1,000,000
Hot Springs National Park, AR (stabilization, lead paint)	500,000
Independence National Historical Park, PA (rehabilitate utilities)	13,300,000
Indiana Dunes NL, IN (demolition)	500,000
Kings Canyon National Park, CA (Cedar Park waste water)	2,900,000
Lackawanna Valley, PA (technical assistance)	600,000
Lake Chelan NRA, WA (road repair)	308,000
Lake Mead NRA, NV (rehabilitate waste water and water systems)	500,000
Little River Canyon NP, AL (health & safety)	500,000
Mount Rainier NP, WA (repair roof)	1,286,000
Natchez Trace Parkway, MS	4,600,000
National Capital Parks:	
Jefferson Memorial, DC (rehabilitation)	1,300,000
Washington Monument, DC (rehabilitation)	1,900,000
New Orleans Jazz NHP, LA (development)	3,000,000
New River Gorge NR, WV (access, trails stabilization)	1,725,000
Olympic NP, WA (Elwha fish restoration)	270,000
Oregon Caves NM, OR (trail construction & Rewiring)	750,000
President's Park, DC:	
electrical system	5,300,000
replace HVAC	5,000,000
Rock Creek Park, DC (Meridian Hill, rehabilitation)	100,000
Roosevelt/Vanderbilt, NY (rehabilitate FDR Hyde Park)	1,700,000
Saint Gaudens NHS, NH (maintenance facility)	900,000
Saratoga NHP, NY (rehabilitation)	1,000,000
Saugus Iron Works NHS, MA (rehabilitation)	200,000
Sequoia National Park, CA:	
install underground utilities	3,000,000
replace giant sequoia facilities	3,000,000
Southwestern PA Commission, PA (various projects)	2,000,000
Stones River NB, TN:	
Redoubt Brannan	190,000
trail reconstruction	300,000
Thomas Stone NHS, MD (rehabilitation)	250,000
Ulysses Grant NHS, MO (rehabilitation)	670,000
Vicksburg NMP, MS (rehabilitation)	2,000,000
William Howard Taft NHS, OH	2,300,000
Zion NP, UT (buses)	5,100,000
Subtotal Projects	108,681,000
Emergency, unscheduled, housing	14,673,000
Planning	18,000,000
Equipment replacement	14,365,000
G.M.P.	6,600,000
Special Resource Studies	825,000
Strategic Planning Office	300,000
Subtotal Non-projects	54,763,000
Total Construction	163,444,000

The conference agreement provides authority to allow the National Park service to reimburse the State of Washington for fish restoration activities.

The conference agreement provides $3,320,000 for the Cane River Creole National Historical Park, to fund fully the completion of ongoing work at the Magnolia Plantation complex. It is expected that this funding will be obligated as quickly as possible. Of this funding, up to $300,000 shall be used for cooperative agreements between the Park Service and local owners of historically relevant properties.

The conference agreement does not include funding for road relocation at the Chickamauga and Chattanooga National Military Park. The State of Georgia has applied for public lands highway discretionary funds, and if that effort is not successful, the National Park Service will provide the Federal share of the paving project from Federal Lands Highway funds through the park road program. The current estimate for that work is $3,500,000, and the Federal share (75 percent) is estimated to be $2,625,000.

The conference agreement provides $2,800,000 for Everglades NP which meets the Administration's request to continue the engineering and design of the water delivery system and levee acquisitions.

The $170,000 shortfall for Mt. Rainier should be funded from emergency flood monies provided in 1996.

The conference agreement provides $4,600,000 for the Natchez Trace Parkway, MS which will complete the highest priority phase which is project number 3–P11.

The conference agreement provides $1,000,000 for structural and utility repairs to the open-air waterside theater at Ft. Raleigh. The remainder of the costs will be financed by the State.

The conference agreement provides $3,000,000 for the New Orleans Jazz Park, as authorized in Public Law 103–433. The funding for the park is provided to the National Park Service to be expended in a manner consistent with a budget plan to be developed by the partners, including the National Park Service, the New Orleans Jazz Commission, and the City of New Orleans. the funds provided should be used in relation to the authorized purposes of the park, with an emphasis on sites that are associated with the history of jazz. The National Park Service will oversee this process to ensure compliance with all applicable law. However, to the extent the partners are capable of accomplishing some of the elements of the budget plan once it is developed, the National Park Service should participate with the partners, and use cooperative agreements, where appropriate, in particular at Perseverance Hall.

The National Park Service is in the process of developing a general management plan at the New Orleans Jazz NHP, but there may be activities that could be undertaken prior to completion of this effort, including cooperative agreements, that will accommodate the visiting public. Thus, there is a need to develop a plan for the expenditure of the funds recommended in this bill on a concurrent path with the general management plan. The funds may be used, in whole or in part, prior to the completion of the G.M.P.

The conference agreement provides $250,000 for Thomas Stone NHS to complete the facilities outlined in the original General Management Plan which are necessary for circulation, visitation, and protection of the natural and cultural resources.

The conference agreement provides $2,300,000 for the William Howard Taft National Historic Site for the construction of an administrative/educational facility. The total cost of this project is estimated to be $3,000,000. Planning and design of the facility has been completed with private funds and the State of Ohio has committed to providing $200,000 to the construction. The remaining $500,000 should be raised from private sources.

The conference agreement recognizes the increased public demand and lack of adequate public facilities and encourages the National Park Service to consider retaining access to existing community docks, deemed appropriate for public use, within current environmental guidelines, as it develops the Lake Roosevelt National Recreation Area general management plan. In addition, the National Park Service is encouraged to consider other alternatives for providing greater public access to Lake Roosevelt in development of the management plan. Local participation is critical to the development of successful management plans, and the National Park Service is directed to consult thoroughly with affected local government representatives and other interested parties in the development of the management plan.

The conference agreement provides $18,000,000 for construction planning. Within this amount, the National Park Service is directed to provide $500,000 to continue the planning of the dock facilities at Fort Sumter National Monument.

The conference agreement redirects funds from a feasibility study at Hot Springs, AR to the rehabilitation of the Hot Springs Creek Arch, as proposed by the Senate. The House had no similar provision.

The conference agreement deletes House bill language which prohibits funds from being expended for the redesign of Pennsylvania Avenue in front of the White House as proposed by the Senate. Last year the National Park Service spent $500,000 and the Secret Service $600,000 to complete Phase I which provides for the immediate security needs of the White House.

The Committees have no objection to completing the interim improvements to address security concerns on Pennsylvania Avenue and to commence design associated with long-term security improvements along Pennsylvania Avenue in front of the White House. However, the Committees are concerned about the costs associated with the options which might be considered as part of the long term improvement plan. Thus, the Committees support the decision of the National Capital Planning Commission to table consideration of a final design for Pennsylvania Avenue until such time as an Environmental Impact Statement that addresses traffic, economic and historic preservation issues is prepared by the U.S. Department of the Treasury and forwarded by the National Park Service to the Commission for its consideration.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 1997 by 16 U.S.C. 4601-10a.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement provides $53,915,000 for land acquisition and State assistance instead of $30,000,000 as proposed by the House and $48,415,000 as proposed by the Senate.

Funds should be distributed as follows:

Project	Amount
Appalachian Trail	$4,000,000
Aztec Ruins National Monument, NM	500,000
Blue Ridge Parkway, NC	750,000
Chattahoochee River NRA, GA	2,000,000
Colonial NHP (Colonial Parkway), VA	915,000
Cuyahoga NRA, OH	1,500,000
Denali National Park & Preserve, AK	800,000
Everglades Ecosystem (Big Cypress NP/Everglades NP), FL	12,000,000
Olympic NP (Elwha Dam), WA	4,000,000
Pecos NHP, NM	500,000
Petroglyphs National Monument, NM	750,000
Piscataway Park/Mt. Vernon, MD	500,000
Saguaro NP, AZ	2,000,000
Sterling Forest, NJ/NY	9,000,000
Stones River NB, TN	500,000
Acquisition Management	7,200,000
Emergency and Hardships	3,000,000
Inholdings	2,500,000
State Grant Administration	1,500,000
Total	53,915,000

The conference agreement includes $750,000 to acquire easements along the Blue Ridge Parkway in North Carolina. The Park Service should work with the State of North Carolina and the North Carolina Year of the Mountains Commission in acquiring the easements to protect the Parkway's scenic beauty.

ADMINISTRATIVE PROVISIONS

The conference agreement deletes language proposed by the House and stricken out by the Senate, limiting the use of funds for the Office of the Director, Public Affairs and Congressional Affairs.

Bill language is included allowing the National Park Foundation to expend remaining balances and accrued interest from funds granted to it by the National Park Service in fiscal years 1984 and 1985 pursuant to the National Park System Visitor Facilities Fund Act of 1983 (P.L. 97-433, 96 Stat. 2277). These funds are to be used to improve the quality of visitor facilities in the park system nationwide.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $738,913,000 for surveys, investigations and research instead of $730,163,000 as proposed by the House and $737,040,000 as proposed by the Senate.

Increases above the House include $2,000,000 for national map and digital data production, $1,000,000 for a new national atlas, $5,000,000 for the MEDEA project, $250,000 for volcano investigations, and $500,000 for the cooperative research units within the biological research division.

The conference agreement earmarks $16,000,000 as proposed by the Senate for inquiries into the economic conditions affecting mining and minerals processing industries.

The Survey should work with the other agencies who will benefit from the MEDEA project to obtain reimbursable agreements for the necessary funding.

The biological research division is provided with a funding level that is sufficient to maintain all field stations at their current level. If reallocations are contemplated, the Survey should submit a reprogramming request.

The additional funds provided to the cooperative research units are to fill vacancies at existing units and not to create new units.

The Congress provided specific direction on the operation of the water resources research institutes in fiscal year 1996 and expects that direction to continue to be followed in fiscal year 1997.

The conference agreement provides $64,559,000 for cooperation with States or municipalities for water resources investigations rather than $62,130,000 as proposed by the House and $65,809,000 as proposed by the Senate.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $156,955,000 for royalty and offshore minerals management instead of $182,555,000 as proposed by the House and $159,555,000 as proposed by the Senate. Changes to the amount proposed by the House include an increase of $4,000,000 in the Outer Continental Shelf (OCS) lands account and decreases of $4,000,000 in the royalty management/compliance account and $25,600,000 in the OCS lands account. The decrease to OCS lands is offset by the authority to use additional receipts as discussed below.

The Service should consider conducting additional pilot projects for taking oil and/or gas in-kind. The Service should coordinate with the legislative committees of jurisdiction in doing so.

The conference agreement earmarks $70,063,000 for royalty management as proposed by the Senate instead of $74,063,000 as proposed by the House.

The conference agreement permits the use of $41,000,000 in increased receipts to offset appropriations requirements as proposed by the Senate instead of $15,400,000 as proposed by the House. The conference agreement permits the use of such receipts for activities of the OCS lands activity as proposed by the Senate instead of limiting the use of those receipts to activities related to the technical information management system as proposed by the House.

OIL SPILL RESEARCH

The conference agreement provides $6,440,000 for oil spill research.

BUREAU OF MINES

MINES AND MINERALS

The conference agreement provides no funds for mines and minerals as proposed by the House instead of $2,000,000 as proposed by the Senate. Funds to cover the costs of workers compensation and unemployment benefits for former employees of the Bureau are provided in the Departmental Management account.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $94,672,000 for regulation and technology as proposed by the Senate instead of $94,772,000 as proposed by the House. Administrative support is reduced $100,000 below the House proposed level.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $177,085,000 for the abandoned mine reclamation fund instead of $175,887,000 as proposed by the House and $179,085,000 as proposed by the Senate. Changes from the amount proposed by the House include increases of $145,000 for reclamation program operations, $1,500,000 for the small operator assistance program, and $1,000 for general services. Decreases from the House level include $438,000 for fee compliance and $10,000 for executive direction. Bill language is included so that the Office of Surface Mining may use up to $4,000,000 for the Appalachian Clean Streams Initiative from the funds provided for State reclamation program grants.

The conference agreement includes language allowing the State of Maryland to set aside the greater of $1,000,000 or 10 percent of its AML grants for use in undertaking acid mine drainage abatement and treatment projects, provided the use of funds in this manner does not interfere with the completion of priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,436,902,000 for the operation of Indian programs instead of $1,381,623,000 as proposed by the House and $1,413,606,000 as proposed by the Senate.

The net increase above the House includes increases of $4,000,000 for small and needy tribes, a $9,491,000 general increase to tribal priority allocations, $14,000,000 for ISEP formula funds, $5,815,000 for student transportation, $300,000 for institutionalized disabled, $5,356,000 for facilities O&M, $5,600,000 for administrative cost grants, $700,000 for school statistics, $500,000 for irrigation O&M, $1,000,000 for water rights negotiations, $401,000 for Haskell, $250,000 for SIPI, $950,000 for the arts and crafts board, $250,000 for land records improvement; and decreases of $2,357,000 for new tribes and $427,000 for Gila River Farms. Within central office operations there is a general reduction of $1,552,000, and within area office operations, there is a general reduction of $671,000. All internal transfers as proposed by the Senate for the operation of Indian programs are agreed to.

The conference agreement earmarks $90,829,000 for contract support as proposed by the House instead of $91,379,000 as proposed by the Senate.

The conference agreement earmarks $365,124,000 for school operations instead of $339,709,000 as proposed by the House and $344,711,000 as proposed by the Senate.

The conference agreement earmarks $53,805,000 for higher education scholarships, adult vocational training, and assistance to public schools as proposed by the Senate instead of $55,838,000 as proposed by the House. Within the funds provided for special higher education scholarships, $100,000 is earmarked for the summer law program.

The conference agreement earmarks $54,973,000 for the housing improvement program, road maintenance, attorney fees, litigation support, self-governance grants, the Indian self-determination fund, and the Navajo-Hopi settlement program as proposed by the Senate instead of $55,603,000 as proposed by the House.

The conference agreement includes Senate language extending the prohibition on grade expansion to dormitories, and modifies the moratorium to include not only schools in the Bureau system as of October 1, 1995 but also schools and dormitories approved by the Secretary as of the same date.

The estimates for tribal enrollment used to determine funding levels for newly recognized tribes have been revised. The Bureau should use the most recent and accurate enrollment estimates for purposes of distributing funds. Should the funds required for newly recognized tribes exceed $5,033,000, the additional funding should be derived from the general increase provided for Tribal Priority Allocations. If less funding is required, the excess funds should be realigned following the established reprogramming guidelines.

The conference agreement provides no funding for those tribes whose Federal recognition is pending, consistent with practices for other programs. The Committees expect that in the future the Bureau will request funding only for those tribes where formal recognition has occurred.

The conference agreement includes $700,000 for a school statistics ADP package. This package is a necessary tool for the BIA to implement reforms in the process for allocating resources based on enrollment levels. The Committees are aware of collaborative efforts between the BIA schools and private corporations to provide computer resources for use in BIA-funded schools. Such efforts should be coordinated with the schools statistics ADP activities to avoid duplication and ensure that limited resources are used effectively.

Funding is included as requested in the budget for the Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute (SIPI). Funding constraints over the past few years have not allowed the Committees to provide the resources beyond those necessary to maintain current activities. To determine whether additional funds can be raised for these institutions through tuition fees, the Bureau should provide a report to the Committees by May 1, 1997 on the feasibility of charging tuition for both Haskell and SIPI. The report should explore options for reducing the impact of these fees, such as phasing the introduction of tuition fees and phasing the level of fees based on financial ability to pay. The report also should identify the number of students who would be able to pay tuition at each of these institutions. No action should be taken to implement any tuition fees until Congress has reviewed the feasibility of such fees.

The conference agreement earmarks $86,520,000 for welfare assistance payments as proposed by the Senate. The purpose of the cap is to preclude the Bureau from reprogramming from other programs or projects to pay welfare requirements. However, the cap is not intended to limit the flexibility of the tribes to reprogram funds within tribal priority allocations in order to provide welfare assistance payments as needed.

The Bureau of Indian Affairs has undergone significant downsizing during the past two years due to the Vice President's National Performance Review efforts and to reductions in personnel and funding. The Bureau is directed to proceed with reorganization and/or consolidation of central, area, and agency offices in consultation with the affected tribes and where opportunities for consolidation and/or closure exist due to significant progress made by Indian tribes to compact or contract Bureau operations. Any savings in resources made by these efforts should be made available for transfer to tribes and/or tribal priority allocations subject to reprogramming. The Bureau is further directed to report on its reorganization efforts within 120 days of enactment of this Act and submit a reprogramming prior to implementing reorganization and/or consolidation of these offices.

CONSTRUCTION

The conference agreement provides $94,531,000 for construction instead of $85,831,000 as proposed by the House and $93,933,000 as proposed by the Senate.

Increases above the House include $3,100,000 for education construction, facilities improvement and repair, of which $2,100,000 is to replace the unsafe Lac Courte Oreilles elementary school portable buildings with a permanent structure; $5,000,000 is for the Wapato irrigation project; and $600,000 is for construction program management.

The BIA should schedule planning and design of new or replacement school construction projects to keep pace with the BIA's ability to fund and construct these projects.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $69,241,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the Senate instead of $65,241,000 as proposed by the House.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $5,000,000 for the Indian guaranteed loan program account.

ADMINISTRATIVE PROVISIONS

The conference agreement provides language limiting the distribution of tribal shares for central office and pooled overhead administrative functions. The Bureau has been operating with reduced funding levels for central office, area office, and pooled overhead activities, and the entire administrative budget of the Bureau constitutes less than ten percent of its operating budget. Therefore, the Bureau is directed not to proceed with further distribution of shares of central office and pooled overhead funding to tribes as required under the Indian Self-Determination Act and Tribal Self-Governance Act. The Committees are concerned that implementation of the formula in an era of declining budgets will have a negative impact on non-compacting/contracting tribes. The Bureau is directed to continue to refine its analysis of the legal authority and the costs associated with performing inherently Federal functions as well as the costs associated with the various additional programmatic functions to be contracted by the tribes.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $65,188,000 for assistance to territories instead of $65,088,000 as proposed by the House and $65,388,000 as proposed by the Senate. A $100,000 increase over the House level is provided for technical assistance.

The conference agreement includes $3,000,000 to fund the land grant status of the CNMI College, as authorized in section 305 of Public Law 102–247. The Committees concur that the use of these funds for an endowment is authorized under the terms of section 118 of the fiscal year 1996 Interior and Related Agencies Appropriations Act (P.L. 104–134), and that creation of the endowment is consistent with the legislation from which section 118 was derived (as expressed in Senate Report 104–101). The conference agreement also includes Senate bill language allowing covenant grant recipients to use covenant grant funds to meet local matching requirements for other Federal grants.

The Senate report included language making the release of a portion of infrastructure funds conditional upon the implementation of certain improvements in fiscal management practices by the government of American Samoa. The Committees agree that implementation of such improvements is solely the responsibility of the Samoan government, and applaud the government's commitment to making such improvements. However, there is an obligation to ensure that the scarce Federal funds appropriated in this bill are spent wisely. The conference agreement therefore reflects the Senate position with regard to the release of a portion of infrastructure funds. It is noted that substantial prior year and current year infrastructure funds for American Samoa remain unencumbered. The Department is encouraged to recognize the flexibility granted in the Senate language, both in assessing substantial implementation of the immediate term recovery plan and in evaluating reasons why portions of the plan may not be implemented.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $23,538,000 for the Compact of Free Association instead of $23,638,000 as proposed by the House and $23,438,000 as proposed by the Senate. The agreement includes a reduction of $100,000 from the House funding level for Enewetak support.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $58,286,000 for salaries and expenses for departmental management instead of $53,691,000 as proposed by the House and $58,991,000 as proposed by the Senate. Funds are distributed as follows: $10,306,000 for departmental direction; $20,432,000 for management and coordination; $7,039,000 for hearings and appeals; $18,509,000 for central services; and up to $2,000,000 for compensation for former Bureau of Mines employees. Within the amount provided for central services is a one-time increase of $95,000 for aircraft services in Alaska for the costs associated with the transfer of an historic aircraft to the Alaska Aviation Heritage Museum. The conference agreement also provides that any funds not needed for BOM payments may be used for central services. If a redistribution of funds among the budget activities is desired beyond the reprogramming.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $35,443,000 for salaries and expenses for the Office of the Solicitor as proposed by the Senate instead of $35,208,000 as proposed by the House. The $235,000 increase above the House level is for the Solicitor's Honors Program.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $24,439,000 for salaries and expenses of the Office of Inspector General.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $1,000,000 for salaries and expenses of the National Indian Gaming Commission.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $32,126,000 for Federal trust programs in the Office of Special Trustee for American Indians instead of $19,126,000 as proposed by the House and $36,338,000 as proposed by the Senate.

Within the funds provided for the Office of Special Trustee, $1,626,000 is for executive direction, including $1,176,000 for staffing, $200,000 for the advisory board, and $250,000 for the Intertribal Monitoring Association. The fiscal year 1998 budget request should clearly identify the requested level for each of these activities.

Within the $16,612,000 for operations, $8,828,000 is provided for the Office of Trust Funds Management, $2,312,000 is for administrative support, and $5,471,000 is for area and field operations. For improvement initiatives, $13,461,000 is provided. For past reconciliation efforts, $427,000 is provided.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Section 107 includes language proposed by the Senate which changes the termination date for the limitation on obligations for the Presidio from September 30, 1997 to December 31, 1996.

Section 108 provides for limiting final rules or regulations on RS 2477 rights-of-way as proposed by the Senate. The House bill included a similar provision.

Section 114 modifies language proposed by the Senate relating to the acquisition and removal of Elwha and Glines dams. The House had no similar provision. This provision amends the Elwha River Ecosystem and Fisheries Restoration Act to allow the State of Washington to purchase the projects from the Federal Government and provide for their removal. Should the State elect to exercise this option, the State shall provide for the protection of water quality and availability, for the full restoration of the Elwha River ecosystem and native anadromous fisheries, and for the fulfillment of the other obligations that would otherwise be the responsibility of the Secretary of the Interior pursuant to the Elwha Act.

Section 115 provides for extending the Blackstone River Valley Heritage Commission for one year as proposed by the Senate. The House had no similar provision.

Section 116 provides for the transfer of a former Bureau of Mines facility in Salt Lake City to the University of Utah as proposed by the Senate. The House had no similar provision.

Section 117 deletes language proposed by the Senate on funding distribution formula and retains authority for the Secretary of the Interior to approve up to 50 new self-governance compacts with Indian tribes. The House had no similar provision.

Section 118 provides for the collection of fees by the Indian Arts and Crafts Board as proposed by the Senate. The House had no similar provision.

Section 119 provides for the transfer of BLM buildings in Battle Mountain to Lander County, Nevada, and for the transfer of another BLM building in Winnemucca to the State of Nevada as proposed by the Senate. The House had no similar provision.

Section 120 provides for the transfer of an aircraft to the Alaska Aviation Heritage Museum in Anchorage as proposed by the Senate. The House had no similar provision.

Section 121 provides authority for the city of Mesquite, Nevada to purchase BLM tracts surrounding the city as proposed by the Senate. The House had no similar provision.

Section 122 provides for the transfer of BLM buildings and land to the St. Vincent DePaul Parish in Silver City, New Mexico as proposed by the Senate. The House had no similar provision.

Section 123 amends a provision in the fiscal year 1996 Interior and Related Agencies Appropriations Act to make permanent the authority of the Secretary of the Interior to transfer facilities of the former Bureau of Mines.

Section 124 provides for cooperative agreements between BLM and private land owners for the restoration and enhancement of biotic resources.

Section 125 provides for naming the visitor center at Channel Islands National Park, CA as the "Robert J. Lagomarsino Visitor Center".

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $179,786,000 for forest and rangeland research instead of $179,000,000 as proposed by the House and $180,200,000 as proposed by the Senate. The funding increase above the 1996 allocation is not limited to insect, disease and noxious plant programs. Within the allocation, $900,000 above the request is provided for hardwoods research at Princeton, WV. The agreement also provides $300,000 for the forest health partnership project involving the Northern Arizona University School of Forestry and the Department of the Interior, $200,000 for the Olympic Natural Resources Center, $300,000 for the University of Washington landscape management project, and $500,000 for the Evanston Research Office, Lincoln Park restoration project. The agreement accepts the House instructions and funding level for the "CROP" project on the Colville National Forest.

The conference agreement provides that funds in the forest and rangeland research account remain available until expended as proposed by the Senate. The House proposed two-year funding availability.

The Forest Service may make changes to the work unit allocations that were proposed with the budget justification, however it is important that the Forest Service work closely with Congress to provide an understanding of what changes are proposed. The Forest Service should follow normal reprogramming procedures if it determines that changes are warranted in the research station organization. The Forest Service should name a Director to the North Central Forest Experiment Station as expeditiously as possible. The Forest Service has failed to fill this position in recent years while contemplating a possible reorganization. The affected laboratories should not be without leadership in the interim. If a reorganization is to be pursued affecting this station, the Forest Service should submit a reprogramming request in a timely manner.

STATE AND PRIVATE FORESTRY

The conference agreement provides $155,461,000 for state and private forestry instead of $148,884,000 as proposed by the House and $156,811,000 as proposed by the Senate.

Forest health management is provided $66,166,000, a decrease of $2,335,000 from the level proposed by the House. Cooperative lands forest health management is provided $15,000,000, a $1,335,000 decrease from the House level. Cooperative lands fire management is allocated $18,001,000, which is $1,000,000 below the House level.

Cooperative forestry is provided $89,295,000 instead of $80,383,000 as proposed by the House and $90,645,000 as proposed by the Senate. The forest legacy program is allocated $2,000,000; it was not funded by the House. The Pacific Northwest assistance programs are provided $16,762,000, a $2,762,000 increase from the House level.

Bill language is included to provide $750,000 for a grant to the World Forestry Center for research on land exchange efforts in the Umpqua River Basin in Oregon. These funds are included in the Pacific Northwest assistance activity.

Economic action programs are provided $17,150,000, an increase of $4,150,000 above the House level. Economic action program funds should be distributed as follows:

Rural development	$5,500,000
Wood in transportation	1,200,000
Economic recovery	5,000,000
Forest products conservation and recycling	1,200,000
Columbia River Gorge, economic development grants	3,000,000
Columbia River Gorge, payments to counties	250,000

Columbia River Gorge, Doetsch Ranch	1,000,000

The forest products conservation and recycling allocation includes $200,000 to assist the hardwoods training center in Princeton, WV. The rural development program includes $500,000 for the Hawaii tropical forest task force and $3,000,000 for the Northeast and Midwest. The Lake Tahoe Basin erosion control program is allocated a total of $500,000, all of which is included in the forest stewardship allocation. The Northeastern Pennsylvania community forestry program is allocated $1,650,000, of which $500,000 is included in the forest stewardship activity and $1,150,000 is included in the urban and community forestry activity.

INTERNATIONAL FORESTRY

The conference agreement allows the Forest Service to use up to $3,000,000 from benefiting functions to support international forestry activities. If additional funds are needed, the Forest Service should submit a reprogramming request following normal procedures.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,274,781,000 for the National Forest System instead of $1,258,057,000 as proposed by the House and $1,285,881,000 as proposed by the Senate. The conference agreement provides that funds in the national forest system account remain available until expended as proposed by the Senate. The House proposed two-year funding availability.

The conference agreement provides $130,088,000 for land management planning, inventory and monitoring as proposed by the Senate, which is $53,000,000 above the level proposed by the House for the land management planning activity. Forest planning is provided $35,662,000, Pacific Northwest forest plan watershed analysis and related activities are provided $19,338,000, inventory and monitoring activities are provided $69,000,000, and headquarters functions are provided the remainder.

The Committees are very concerned about the cost of forest planning activities; funds provided are only $1,000,000 below the level in the budget request so there should be no reason for delays in the forest planning revision process. There is concern that funds which were moved from program areas in fiscal year 1995 to support vital inventory and monitoring needs are not being used for those purposes. It is important that these funds support professional activities of appropriate specialists in the field so the Forest Service can provide quality, scientifically sound information and regular environmental monitoring, thereby reducing the litigation and appeals gridlock that has characterized recent times. Inventory and monitoring funds should support integrated land management and those programmatic inventory and monitoring activities above the project level which were supported by programmatic funds before the 1995 budget reform. A general Accounting Office review will be requested to report on the manner in which funds for the former ecosystem management activity were allocated and used in the field as well as the impacts of implementing the 1995 budget reform on the agency mission and various program goals.

The conference agreement provides $164,314,000 for recreation management, $33,267,000 for wilderness management, $13,570,000 for heritage resources, $28,263,000 for wildlife habitat management, $14,756,000 for inland fish habitat management, $21,029,000 for anadromous fish habitat management, $21,763,000 for threatened, endangered and sensitive species habit management, $22,506,000 for grazing management, $15,506,000 for rangeland vegetation management, $196,000,000 for timber sales management, $55,768,000 for forestland vegetation management, $22,111,000 for soil, water and air operations, $20,003,000 for watershed improvements, $35,767,000 for minerals and geology management, $43,047,000 for real estate management, $14,006,000 for landline location, $81,019,000 for road maintenance, $23,008,000 for facility maintenance, $59,637,000 for law enforcement operations, and $259,353,000 for general administration.

Instructions regarding national forest system activities in the House and Senate reports should be followed except that $250,000 should be used for the Seeking Common Ground partnership program within the rangeland vegetation management activity and $250,000 is included in the inland fish habitat management activity for dredging at Lake McClellan, TX. The conference agreement includes $100,000 in the soil, water and air operations activity for jammer, or long abandoned logging roads, inventory in Idaho. These funds are to be used to begin a watershed improvement needs inventory within the Clearwater National Forest, ID. The purpose of this inventory is to develop plans for correcting watershed and stream drainage and sedimentation problems which may stem from such roads. The agreement accepts the House instructions and funding level for the "CROP" project on the Colville National Forest.

The instructions in the Senate report regarding timber sales management should be followed. The Forest Service should make every effort to accomplish the timber sales program as outlined in the budget request and achieve the pipeline volume goals discussed in the Senate report. The Forest Service should strive to offer sawtimber sales but the Committees recognize that the ratio of sawtimber to non-sawtimber may differ from existing forest plan goals. The forestland vegetation management activity includes a $2,000,000 increase to the base regional allocation to region 5 for this activity; these funds were moved from the wildland fire management account. This additional funding should be used to support an integrated, natural fuels management approach to wildfire fuel reduction and forest health enhancement.

In the minerals and geology activity, $750,000 has been provided for the costs associated with the handling, transportation and off-site management of materials at the Amalgamated Mill site in the Williamett National Forest, money to remain available until expended. This amount is to supplement, not replace, amounts contributed by non-federal parties. The funds provided herein are not a remedial action cost under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 et seq.

The conference agreement modifies Senate report language restricting the use of Interior and Related Agencies Appropriation funds to supplement the USDA Central Hazardous Waste account. The Committees understand that the USDA central account is funded inadequately for all priority hazardous waste work on National Forest System lands. The Department is expected to continue to fund activities out of the appropriations accounts for which they have been established. The Appropriations Committees will entertain project requests in accordance with reprogramming procedures to provide funds for hazardous materials cleanup.

The Committees concur with the Senate's concern that the Department of Agriculture may be assessing the Forest Service to fund Departmental initiatives without the approvals required in section 306 of this Act. The Forest Service and the Department of Agriculture are expected to display assessments in the Agency budget justifications and to request reprogramming authority for those assessments that are not included in the justifications. For purposes of section 306, assessments include any charge imposed by the Department on Forest Service funds that cannot be directly linked to the actual benefits or services provided.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $530,016,000 for wildland fire management instead of $411,485,000 proposed by the House and $661,485,000 proposed by the Senate. Changes from the House proposals include a reduction of $2,000,000 from preparedness and fire use and an increase of $118,531,000 for wildfire suppression operations. The $2,000,000 reduction is the result of moving funds into the National Forest System account for forestland vegetation management in region 5. The Committees understand that the wildfire suppression level is still well below the ten-year fire suppression average. In order to compensate for this potential problem, and to pay back the Knutsen-Vandenberg fund for the record wildfire operations of 1996 as well as previous wildfire emergency operations as suggested by the Senate, $550,000,000 has been included in Title IV as an emergency appropriation. The Committees expect that the Administration's future budget requests will more closely reflect the actual funding needs of the wildfire suppression activity.

The Forest Service needs to embark on an increased program for natural fuels treatments, including a balanced mixture of biomass removal, prescribed burning, and forest stand treatments which reduce wildfire risk but are environmentally sound. The conference agreement provides $6,300,000 of the presuppression activity funds for natural fuels treatments and forest health related activities in region 5 and Nevada. In addition, a $2,000,000 increase is provided in the National Forest System account for related forest vegetation management activities in region 5 as described above. The Committees understand that the region 5 fire program may still not be fully funded but it is funded well above the budget request. The Forest Service should provide expert advice and assistance as appropriate for the Mescalero Apache tribe with their forest debris and reforestation problems near the Lincoln National Forest in New Mexico.

RECONSTRUCTION AND CONSTRUCTION

The conference agreement provides $174,974,000 for reconstruction and construction instead of $164,100,000 as proposed by the House and $172,167,000 as proposed by the Senate.

The Fire, Administrative, and Other (FAO) facilities reconstruction and construction activity is provided $9,974,000. These funds are distributed as follows:

Ashland RD office, MT	$475,000
Boulder WC, CO	485,000
Chalender RS, AZ	476,000
McCall RD office, ID	200,000
LTBMU SO phase II, CA	470,000
Interagency Office, Burns, OR	225,000
Oconee RD Office, GA	393,000
Pisgah office expansion, NC	19,000
Wayne SO, OH	2,200,000
Midewin Prairie Administration, IL	800,000

Grey Towers reconstruction, PA	1,000,000
Planning and Design	1,500,000
Program Supervision	240,000
Misc. Construction	1,491,000
Subtotal FAO	9,974,000

The recreation facilities reconstruction and construction activity is provided $48,000,000 instead of $36,000,000 as proposed by the House and $49,442,000 proposed by the Senate. The agreement includes the following earmarks within recreation reconstruction and construction:

Sitting Bull Falls, NM	$851,000
Sabino Canyon VIC, AZ	232,000
Kyl & Lee Canyon Water Projects, AZ	225,000
2002 Olympics, UT	1,183,000
Applewhite Picnic II, CA	452,000
Deschutes NF, OR	367,000
Badin Lake Project, NC	400,000
Davidson River, NC	260,000
Cradle of Forestry, NC	300,000
Gum Springs, modernize swimming area, Ph. IV, LA	900,000
Winding Stair Mountain, OK	650,000
Willow Bay—phase III, PA	251,000
Hearts Content campground rehabilitation, PA	100,000
Rimrock Recreation, PA	150,000
Midewin Tallgrass Prairie, IL	800,000
Seneca Rocks NRA visitor center, WV	800,000

The agreement includes bill language permitting the Forest Service to make a grant to the Ohio State Highway Patrol for the construction of a facility for the Wayne National Forest supervisor's office if the Forest Service is provided space without charge for the life of the building.

Research construction is provided $2,000,000, a decrease of $29,000 from the level proposed by the House.

The agreement includes $93,000,000 for direct road construction to be allocated as follows: $59,000,000 for timber roads, $24,500,000 for recreation roads, and $9,500,000 for general purpose roads. The agreement includes $22,000,000 for trails construction and reconstruction, an increase of $1,991,000 above the House level. The agreement includes the following earmarks within the roads and trails construction and reconstruction allocations:

Taft Tunnel Bicycle Trail, ID	$450,000
Palmetto Trail, SC	125,000
Winding Stair Mountain, OK	338,000
2002 Olympics—roads & trails, UT	248,000
Maroon Lake and Maroon Valley, CO	875,000

LAND ACQUISITION

The conference agreement provides $40,575,000 for land acquisition instead of $30,000,000 proposed by the House and $39,660,000 proposed by the Senate.

Funds should be distributed as follows:

Project	Amount
Allegheny NF, PA	$250,000
Appalachian Trail, various States	2,000,000
Chattooga Wild and Scenic River, NC	1,000,000
Cibola National Forest (Tres Pistoles), NM	200,000
Columbia River Gorge NSA OR/WA	6,000,000
Francis Marion NF (Tibwin Plantation), SC	750,000
Green Mountain NF, VT	2,000,000
Hoosier NF, IN	500,000
Lake Tahoe Basin, NV	1,000,000
Los Padres NF (Big Sur), CA	1,500,000
Mark Twain NF, (Ozark Mt Streams), MO	500,000
Ouachita NF (inholdings), AR	500,000
Ozark NF (Mulberry WS River), AR	700,000
Pacific Northwest Streams, OR/WA	2,500,000
Running Creek Ranch, ID	750,000
San Bernardino NF (Garner Ranch & Deep Creek), CA	1,500,000
Sawtooth NRA, ID	800,000
Sumter NF (Jocassee Gorge tracts), SC	1,000,000
Talladega NF (Pinhoti Trail), AL	1,500,000
Trinity Alps, CA	600,000
White Mt. NF (Bretton Woods and Lake Tarleton), VT	2,000,000
White River NF (Warren Lakes), CO	1,000,000
Wisconsin Wild Waterways, WI	300,000
Acquisition Management	7,500,000
Cash Equalization	1,725,000
Emergency Acquisition	2,000,000
Wilderness Protection	500,000

To protect the significant Federal investment made to restore the Hood River-to-Mosier segment of the Historic Columbia River Highway, as authorized in Sections 12 and 16(b)(3) of Public Law 99–663, the conference agreement anticipates the Forest Service will acquire, by exchange or with available funds, the properties within the Hood River-to-Mosier corridor on which preexisting mining or associated uses would adversely affect scenic, cultural or recreational values.

The Committees understand that a cooperative agreement will be developed between the Forest Service, the Oregon Department of Transportation and the Oregon Parks and Recreation Department (OPRD). This cooperative agreement will acknowledge the Forest Service's temporary ownership/management of the properties and the immediate need for OPRD to construct permanent improvements on these properties pending ultimate agreement. The ultimate agreement by the three partners would provide for the long-term disposition and management of said properties. The Committees understand that the long-term disposition will involve a land exchange between the Forest Service and the State of Oregon at fair market values. The Committees further recognize that this temporary acquisition by the Forest Service is unique as it relates to the completion of the authorized Hood River-to-Mosier corridor restoration project.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for acquisition of lands for National forests special acts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides for the use of receipts estimate at $210,000 for acquisition of lands to complete land exchanges.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation of $3,995,000 to be derived from grazing receipts from the National forests for the range betterment fund.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The conference agreement modifies House provisions as proposed by the Senate limiting funds without the consent of the Appropriations Committee for changing boundaries of regions, moving regional offices or implementing various reinvention reorganizations except for the relocation of the region 5 regional office to Mare Island.

The conference agreement includes a provision as proposed by the Senate that funds may be used, with the approval of the Appropriations committees, for retrofitting the Mare Island facilities for the relocation, if the funds would have otherwise been available to region 5. The House had no such provision.

The conference agreement modifies House and Senate provisions that up to $1,000,000 for matching funds shall be available to the National Forest Foundation to match private contributions on a one-for-one basis for projects benefitting national forest system lands or related to Forest Service programs.

The conference agreement modifies a Senate provision that, pursuant to section 2(b)(2) of Public Law 98–244, up to $1,000,000 of the funds available to the Forest Service shall be available for matching funds as authorized by 16 USC 3701–3709, on a one-for-one basis to match private contributions for projects benefitting national forest system lands or related to Forest Service programs. The House had no similar provision.

The conference deletes Senate language limiting implementation of the Tongass Land Management Plan revision.

The conference agreement requires a report by March 31, 1997 to the Committee on Appropriations on the status and disposition of all salvage timber sales started under the authority of Section 2001 of P.L. 104–19 and subsequently altered as a consequence of a July 2, 1996 directive by the Secretary of Agriculture.

The conference agreement renames the Bend Silviculture laboratory in honor of Robert W. Chandler. The dedication provides commemorative recognition to the editor of the *Bend Bulletin* newspaper, a longtime community servant and advocate for sound silvicultural practices in Central and Eastern Oregon.

The conference agreement makes a technical correction in P.L. 104–134 which provides for direct payments from the Southeast Alaska Economic Disaster Fund except that these direct grants may not be used for lobbying activities.

The conference agreement provides that Forest Service employees who serve details of more than 30 days with other Department of Agriculture agencies or offices must have their salaries and expenses reimbursed by the receiving agency or office. This provision is identical to one included in the fiscal year 1997 appropriations act for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies covering other USDA employees. This ensures that there will be uniformity throughout the Department regarding this matter.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLGY

(RESCISSION)

The conference agreement rescinds $123,000,000 in clean coal technology instead of $150,000,000 as proposed by the Senate. The House proposed no rescission.

This rescission is not specific to any particular round of clean coal projects. The rescission should not affect ongoing projects due to savings achieved from the recent termination of projects prior to completion.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement provides $364,704,000 for fossil energy research and development instead of $354,754,000 as proposed by the House and $367,504,000 as proposed by the Senate. Changes to the House level include decreases of $1,850,000 for coal research and $1,900,000 for natural gas research, and increases of $3,500,000 for oil technology research, $1,100,000 for cooperative research and development and $9,100,000 for energy technology center program direction.

Changes to the amount proposed by the House for coal research include an increase of $1,000,000 for the Consortium for Fossil Fuel Liquefaction Science, and decreases of $1,000,000 for low emission boiler systems, $1,000,000 for indirect fired cycle, $150,000 for high-efficiency pressurized fluidized bed,

$200,000 for coal technology export, $200,000 for materials and components, $100,000 for technical and economic analysis, and $200,000 for international program support. No funding is included for the atmospheric fluidized bed hospital waste project at the Veterans Administration hospital in Lebanon, PA. Any additional costs for this project should be borne by the VA.

Changes to the amount proposed by the House for oil technology research include increases of $1,000,000 for reservoir characterization, $2,000,000 for industry/national laboratory partnerships, and $500,000 to complete the domestic kerogen enhancement project. Funding for the gypsy field project and the northern mid-continental digital atlas is to be maintained at the fiscal year 1996 level.

Changes to the amount proposed by the House for natural gas research include decreases of $900,000 for methyl chloride production and $1,000,000 for tubular solid oxide fuel cells.

Other changes to the House position include increases of $1,100,000 for cooperative research and development and $9,100,000 for energy technology center program direction. Funds provided for cooperative research and development include $40,000 for program management support and $2,530,000 each for the Western Research Institute and the University of North Dakota Energy and Environmental Research Center.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

The conference agreement provides for the deposit of investment income earned as of October 1, 1996 on principal amounts in a trust fund established as part of the sale of the Great Plains Gasification Plant in Beulah, ND, and immediate transfer of the funds to the General Fund of the Treasury. The agreement also rescinds, $2,500,000 in unobligated balances.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $143,786,000 for the naval petroleum and oil shale reserves instead of $132,022,000 as proposed by the House and $133,000,000 as proposed by the Senate. The increase above the amount proposed by the House reflects the elimination of a general reduction of $11,764,000. The Department should take necessary actions to ensure that the value of the reserves is maintained.

ENERGY CONSERVATION

The conference agreement provides $569,762,000 for energy conservation research instead of $523,444,000 as proposed by the House and $570,452,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $19,741,000 for building technology, $2,000,000 for the Federal energy management program, $8,027,000 for industry programs, $15,750,000 for transportation research, and $800,000 for policy and management.

Changes to the amount proposed by the House for building research include increases of $1,000,000 for residential buildings/Building America, $500,000 for industrialized housing, $2,000,000 for commercial buildings/Rebuild America, $1,000,000 each for commercial/affordable homes and commercial multifamily research, $500,000 for hi-cool heat pumps, $300,000 for large commercial chillers, $500,000 for advanced desiccants, $500,000 for oil heat research and development, $5,000,000 for high priority lighting and applicable research and development, $700,000 for urban heat islands, $250,000 for superwindow collaboratives, $9,081,000 for weatherization assistance, and $4,000,000 for the State energy conservation program. Decreases from the House level include $1,000,000 for design for best practices/energy tools, $5,000,000 in building equipment and materials programs (which reflects the deletion of the generic increase in House floor action as funds were distributed to the program increases discussed above), $1,000,000 for updating State codes, $1,000,000 as a general reduction to the codes and standards programs, $25,000 for modeling and tools, and $100,000 for analytical studies and planning studies.

For the Federal energy management program, an increase of $2,000,000 over the House amount is provided for the highest priority FEMP activities.

Changes to the amount provided by the House for industry programs, include increases of $140,000 for forest and paper products, $2,587,000 for aluminum, $500,000 for metal casting, $1,000,000 for petroleum refining, $2,000,000 for cogeneration/advanced turbine systems, $500,000 for technology transfer/outreach programs and $1,300,000 for the inventions and innovations program.

Changes to the amount provided by the House for transportation programs include increases of $500,000 for systems optimization for natural gas vehicles, $850,000 for student vehicle competitions, $1,000,000 for NO_x emissions control for natural gas vehicles, $1,000,000 for electric vehicle research/exploratory technology, $4,200,000 for hybrid vehicle research and development, $2,000,000 for fuel cell research, $300,000 for propulsion system materials/heavy vehicles, $3,000,000 for lightweight vehicle materials, $400,000 for heavy vehicle materials technology, and $1,500,000 for light duty engine research and development.

Changes to the amount provided by the House for policy and management include $400,000 for salaries and expenses at the Golden field office and $400,000 for contract services at the Golden field office.

The conference agreement does not extend the moratorium on the issuance of lighting and appliance standards. With regard to the development of new or revised standards, the conference agreement assumes that the Department will seek to achieve consensus with stakeholders consistent with the understanding expressed in the colloquy on this subject during House floor action on H.R. 3662.

The conference agreement supports funding to provide grants to those states that adopt model energy codes for residential construction in order to assist in their efforts to implement these codes through training and technical assistance for builders and building officials. However, concerns have been raised about the manner in which DOE, as well as organizations supported by DOE funding, have used these monies. Specifically, funding should neither be used to coerce the states into adopting model energy codes nor to penalize States that attempt to repeal such costs—activities not authorized by the Energy Policy Act.

Within the amount provided for the chemicals program, the Committees urge the Department to complete alternative feedstocks projects currently underway within the funds provided, particularly those AFP projects that are nearing completion and are consistent with the chemical industry vision statement.

The natural gas vehicle plan requested in Senate Report 104–319 should be developed in consultation with interested outside parties, including industry, government, and universities. To the extent a resource such as the National Research Center for Coal and Energy offers skills and expertise that would help facilitate the interaction of interested parties, the Department of Energy is encouraged to consider involving the Center in the development of the requested plan. In the event the interested parties pursue a consortium approach for this program, funding for the consortium's operation should be provided by non-Federal participants.

The Department should continue to honor its funding commitment to the ceramics research program. The ceramics program is essential to the success of many major energy efficiency programs including the turbine engine program.

The Committees encourage the Department to use a portion of the funds provided for transportation programs to initiate new and innovative projects that support program objectives.

The conference agreement earmarks $149,845,000 for energy conservation grant programs instead of $136,764,000 as proposed by the House and $158,900,000 as proposed by the Senate. The earmark for the weatherization assistance program is $120,845,000 and the earmark for State energy conservation grants is $29,000,000.

ECONOMIC REGULATION

The conference agreement provides $2,725,000 for economic regulation.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides for the sale of $220,000,000 of Strategic Petroleum Reserve oil and for the use of those funds for operation of the SPR in fiscal year 1997 as proposed by the Senate.

SPR PETROLEUM ACCOUNT

The conference agreement provides an outlay limitation of $5,000,000 for the SPR petroleum account.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $66,120,000 for the Energy Information Administration as proposed by the House instead of $64,120,000 as proposed by the Senate.

Funding reductions below the fiscal year 1996 level should be achieved through a combination of reducing contract support and by normal Federal staff attrition without incurring separation costs required for a reduction-in-force or new employee buyout authority. This approach appropriately will place greater reliance on Federal staffing rather than on support service contractors for gathering, compiling and analyzing the Nation's energy statistics.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $1,806,269,000 for Indian health services instead of $1,779,561,000 as proposed by the House and $1,800,836,000 as proposed by the Senate.

Increases above the House include $2,000,000 for hospitals and clinics, $3,200,000 for contract care for new and expanded tribes, $1,000,000 for public health nursing, $500,000 for community health aides in Alaska, $1,000,000 for urban health, $2,000,000 for Indian health professions, $7,500,000 for the Indian self-determination fund, and $9,508,000 fixed cost restoration for both services and facilities. Within the funds provided, the Indians into psychology program should be funded at $200,000.

The conference agreement earmarks a total of $368,325,000 for contract health services instead of $365,125,000 as proposed by the House and $365,128,000 as proposed by the Senate.

The conference agreement earmarks $11,706,000 for the loan repayment program as proposed by the Senate instead of $11,306,000 as proposed by the House.

The conference agreement earmarks $7,500,000 for the Indian self-determination fund. The agreement also deletes Senate language limiting the use of the Indian self-determination fund to nonrecurring transitional costs of initial or expanded tribal contracts, compacts, grants, or cooperative agreements.

INDIAN HEALTH FACILITIES

The conference agreement provides $247,731,000 for Indian health facilities instead of $227,701,000 as proposed by the House and $251,957,000 as proposed by the Senate.

Increases above the House include $1,000,000 for modular dental units, $3,000,000 for sanitation facilities, $1,000,000 for maintenance and improvement, $13,500,000 for the replacement facility at Lame Deer, Montana, and $1,530,000 for equipment at the Anchorage native primary care center. The conference agreement also assumes that the facilities account will receive an appropriate portion of the increase for fixed cost restoration provided in the services account.

IHS may use up to $3,000,000 of the funds provided for sanitation facilities for projects to assess open dumps on Indian lands. However, before proceeding, IHS should report to the Committee on the level of resources it intends to allocate to this activity.

Senate floor-action adopted language authorizing the Choctaw Nation of Oklahoma to use certain non-facilities funds to construct a facility to replace the Talahina Indian Hospital. While the IHS and tribes are encouraged to explore alternative means of facility financing, the Senate language would set a significant precedent. As such, the language has been removed to provide IHS and the relevant committees an opportunity to study its potential impact on the priority list system, future facility financing and the quality of health care service in Indian country.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

As proposed by the Senate, the conference agreement deletes language preventing ISH from billing Indians who have the economic means to pay for services.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

The conference agreement provides $61,000,000 for Indian education instead of $52,500,000 as proposed by the House and Senate. The increase is for grants to local educational agencies.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $19,345,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $20,345,000 as proposed by the House.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $5,500,000 for the Institute of American Indian and Alaska Native Culture and Arts Development.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides $317,557,000 for salaries and expenses instead of $317,188,000 as proposed by the House and $317,582,000 as proposed by the Senate. Within this allowance, funds are included for two of the Institution's priority program enhancements: $720,000 for the Smithsonian Astrophysical Observatory to fund initial operations of the Hilo, HI field station submillimeter array, and $649,000 for procurement of the voice system and a portion of the data system of the National Museum of Natural History's East Court Building. Level funding of $1,447,000 is recommended for the Center for Folklife Programs and Cultural Studies and includes an amount of $200,000 above the budget request for the Mississippi Delta program at the 1997 Festival of American Folklife. The State of Mississippi intends to contribute $250,000 to this effort. In order to address uncontrollable costs, the Institution is provided with an increase of $5,025,000 for mandated pay raises. Further, of the $3,000,000 appropriated for one-time buyout expenses in fiscal year 1996, $2,975,000 has been retained in the base to be applied toward additional expenses associated with postage, communications and utilities ($2,000,000) and rental space ($975,000). Savings derived from recent buyout activities are expected to be used by the Smithsonian Institution to assist in meeting any other increases in uncontrollable expenses that were identified in the fiscal year 1997 budget estimate.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

The conference agreement provides $3,850,000 for zoo construction instead of $3,250,000 as proposed by the House and $4,000,000 as proposed by the Senate. Of this total, $3,250,000 is designated for repair, renovation and improvement projects at both the Rock Creek and Front Royal facilities. In addition, $600,000 is included for the Grasslands exhibit, thereby enabling the Zoo to complete Phase I, the American Prairie. Once completed, no additional operating costs are expected to be incurred in staffing this exhibit. Given the restrictions of the current budget climate, it is unlikely that additional funds will be available in the near future to address Phases II and III.

REPAIR AND RESTORATION OF BUILDINGS

The conference agreement provides $39,000,000 for repair and restoration of buildings instead of $39,954,000 as proposed by the House and $38,000,000 as proposed by the Senate.

CONSTRUCTION

The conference agreement provides $10,000,000 for construction instead of $7,000,000 as proposed by the House and $12,000,000 as proposed by the Senate. Within this total, $4,000,000 is provided to the National Museum of the American Indian to complete planning and design of the Mall Museum, $3,000,000 for continued planning and design of the National Air and Space Museum extension, and $3,000,000 for minor construction, alterations and modifications.

The conference agreement includes $4,000,000 to complete the design of the National Museum of the American Indian as recommended by the Senate. This represents a logical stopping point on this project. This funding is provided so that the $5,300,000 in the Federal funds and the $3,400,000 in donated funds already spent on design will not be wasted. By funding this final phase of the design, the managers are not committing to appropriations for construction funds in fiscal year 1998. Last year Congress directed the Smithsonian to consider possible downsizing of the building or additional private fundraising efforts to reduce the $110,000,000 Federal share of the construction. The Smithsonian has not responded to these directives and given the current budget constraints and the Smithsonian's other priority needs, further Federal funding for the Indian Museum is likely to be delayed.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides $53,899,000 for salaries and expenses of the National Gallery of Art.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $5,942,000 for repair, restoration and renovation of buildings.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides $10,875,000 for operations and maintenance of the John F. Kennedy Center for the Performing Arts.

CONSTRUCTION

The conference agreement provides $9,000,000 for construction.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement provides $5,840,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The conference agreement provides $82,734,000 for grants and administration of the National Endowment for the Arts.

MATCHING GRANTS

The conference agreement provides $16,760,000 for matching grants.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The conference agreement provides $96,100,000 for grants and administration of the National Endowment for the Humanities instead of $92,994,000 as proposed by the House and $87,994,000 as proposed by the Senate.

MATCHING GRANTS

The conference agreement provides $13,900,000 for matching grants instead of $11,500,000 as proposed by the House and Senate.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

The conference agreement provides $22,000,000 for grants and administration of the Institute of Museum Services instead of $21,000,000 as proposed by the House and Senate.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The conference agreement provides $867,000 for salaries and expenses of the Commission of Fine Arts.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides $6,000,000 for National capital arts and cultural affairs grants.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides $2,500,000 for salaries and expenses of the Advisory Council on Historic Preservation. Federal agencies and other entities that benefit from the Council's expert assistance and advice on meeting their particular preservation obligations should reimburse the Council for the cost of providing these services, rather than relying on the Council's appropriation. The Council, with full cooperation from other Federal agencies, should cultivate such reimbursable arrangements as an important component of supporting its mission. Such agreements will further the Council's mission but not increase the Council's dependency on the Interior bill.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $5,390,000 for salaries and expenses of the National Capital Planning Commission.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $500,000 for salaries and expenses of the Franklin Delano Roosevelt Memorial Commission as proposed by the Senate instead of the $125,000 as proposed by the House. Funds are made available until expended as proposed by the Senate. The House had proposed one-year funding availability.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

The conference agreement provides $30,707,000 for the Holocaust Memorial Council as proposed by the Senate instead of $29,707,000 as proposed by the House.

TITLE III—GENERAL PROVISIONS

Section 312 continues language carried in the fiscal year 1996 appropriations act regarding AmeriCorps activities of the Department of the Interior and the Forest Service in the Department of Agriculture subject to established reprogramming guidelines. Timely consideration will be given to any request that is submitted. If AmeriCorps members can be used in a manner that on-the-ground land managers determine will be cost-effective and beneficial to the agency, those types of efforts should be considered via a reprogramming request.

Section 315 expands the Wayne NF land acquisition moratorium to include Gallia County, Ohio as adopted by Senate floor action. The House did not include Gallia County in the moratorium.

Section 316 clarifies House language regarding grants by the National Endowment for the Arts to local arts agencies and regional groups, as proposed by the Senate.

The conference agreement deletes House and Senate language regarding construction of a telescope on Mount Grahm. Section 317 modifies House and Senate language limiting funding for issuing a final rulemaking on jurisdiction over subsistence fishing in Alaska.

The committees intend that the prohibition in this section shall not prevent the Secretaries of Agriculture and the Interior from continuing to receive public comment on the advanced notice of proposed rulemaking on subsistence, or from preparing or issuing any further notice of proposed rulemaking with respect to subsistence in Alaska. The committees intend that neither Secretary will issue such notice of proposed rulemaking, and the section prohibits the implementation or enforcement of any interim or final rule or regulation.

Section 319 extends the recreation fee demonstration program and expands it to include 100 units per participating agency as proposed by the Senate. The House had a similar provision which did not increase the number of participating units.

Conference agreement deletes House language placing a limitation on the transfer of land into trust for Indian tribes, as proposed by the Senate.

Section 321 transfers the Bend Silviculture Laboratory to the Central Oregon Community College as proposed by the Senate. The House had no similar provision.

Section 322 modifies a Senate provision such that the activities of the Office of Forestry and Economic Assistance or any successor office are terminated after December 31, 1996. The House had no similar provision.

Section 323 authorizes a land exchange between the Corrections Corporation of America and National Park Service of land in Oxon Cove Park in Prince Georges County, Maryland as proposed by the Senate. The House had no similar provision.

Section 324 authorizes a land exchange between the Forest Service and the Chelan County Public Utility District in Washington as proposed by the Senate. The House had no similar provision.

Section 325 mandates the modification of the boundaries of the Snoqualmie National Forest to facilitate a land exchange between the Forest Service and the Weyerhaeuser Co. as proposed by the Senate. The House had no similar provision.

Section 326 provides for a land exchange between the Forest Service (Green Mountain National Forest) and Sugarbush Resort Holdings, Inc. as proposed by the Senate. The House had no similar provision.

Section 327 removes 100 acres from the Snowbird Wilderness Study Area as proposed by the Senate. The House had no similar provision.

Section 328 renames the Columbia Wilderness in the Mt. Hood NF, OR as the "Mark O. Hatfield Wilderness" as proposed by the Senate. The House had no similar provision.

Section 329 authorizes limited competition for "Jobs in the Woods" contracts in Washington, Oregon and California as proposed by the Senate. The House had no similar provision.

Section 330 amends the Rhode Island Indian Claims Settlement Act pertaining to Indian gaming in the State of Rhode Island. The inclusion of this provision is not intended to set a precedent, but is intended exclusively to be a fulfillment of the agreement concerning Indian gaming in the State of Rhode Island reached when the underlying legislation, the Indian Gaming Regulatory Act (IGRA), was passed. The agreement is set forth in the colloquy that accompanied the passage of IGRA. A restatement of this colloquy follows:

Mr. PELL. Mr. President, I would like to thank the managers of S. 555, the Indian Gaming Regulatory Act, and particularly the chairman of the Select Committee on Indian Affairs [Mr. Inouye], for their hard work and patience in acheving a consensus on this important measure.

In the interests of clarity, I have asked that language specifically citing the protections of the Rhode Island Indian Claims Settlement Act (Public Law 95-395) be stricken from S. 555. I understand that these protections clearly will remain in effect.

Mr. INOUYE. I thank my colleague, the senior Senator from Rhode Island [Mr. Pell], and assure him that the protections of the Rhode Island Indian Claims Settlement Act (P.L. 95-395), will remain in effect and that the Narragansett Indian Tribe clearly will remain subject to the civil, criminal, and regulatory laws of the State of Rhode Island.

Mr. CHAFEE. Mr. President, I too would like to thank the chairman [Mr. Inouye] and members of the Select Committee on Indian Affairs for their cooperation and assistance. The chairman's statement makes it clear that any high stakes gaming, including bingo, in Rhode Island will remain subject to the civil, criminal, and regulatory laws of our State. (Congressional Record, September 15, 1988, p. S. 12650)

The Fish and Wildlife Service, the National Park Service and the Forest Service should promulgate rules which ensure that the public has the opportunity to participate fully and comment on the issuing of permits, rights-of-way or easements for any telecommunications facility placed in any unit of the National Refuge System, the National Park System or the National Forest System.

Conference agreement does not include language proposed by the Senate restricting employee relocation costs. However, an area of concern with respect to agencies funded by the Interior bill is the large number of employees affected by, and millions of dollars spent each year on, relocations and transfers of station. Reductions in this area can result in significant savings that can be applied to agency operating programs. All land management agencies are encouraged to reduce both the number of employees relocated and the total cost of relocating employees by 10 percent in fiscal year 1997 and to plan to reduce the number by an additional 10 percent in fiscal year 1998, using the average of fiscal years 1994 and 1995 as a base. All agencies should include in the fiscal year 1998 budget request to Congress a report on the progress and plans for achieving reductions in relocation costs and employee relocations.

TITLE IV—EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

An additional $3,500,000 in emergency appropriations is provided for management of lands and resources to restore public lands damaged by fire. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDLAND FIRE MANAGEMENT

An additional $100,000,000 in emergency appropriations is provided for wildland fire management. This amount is contingent upon receipt of a budget request that includes a President designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

An additional $2,500,000 in emergency appropriations is provided for Oregon and California grant lands to restore public lands damaged by fire. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

An additional $2,100,000 in emergency appropriations is provided for resource management of which $600,000 is to restore public lands damaged by fire and $1,500,000 is to address anti-terrorism requirements. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $15,891,000 in emergency appropriations is provided for construction to address damages from hurricanes Bertha, Fran and Hortense and from floods in the Midwest and droughts and floods in the Southwest. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

An additional $2,300,000 in emergency appropriations is provided for the operation of the National park system to address anti-terrorism requirements. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $9,300,000 in emergency appropriations is provided for construction, of which $3,000,000 is to address damages caused by hurricanes Bertha, Fran and Hortense and $6,300,000 is to address anti-terrorism requirements. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

An additional $1,138,000 in emergency appropriations is provided for surveys, investigations, and research to address data collection and documentation costs associated with hurricane and flood damage. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

An additional $6,600,000 in emergency appropriations is provided for operation of Indian programs to address damages on the Mescalaro Apache reservation caused by floods in the Southwest and to restore Indian lands damaged by fire. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $6,000,000 in emergency appropriations is provided for construction to address damages on the Mescalaro Apache reservation caused by floods in the Southwest. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

An additional $3,395,000 in emergency appropriations is provided for the National Forest System to address damages caused by hurricanes Fran and Hortense. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDLAND FIRE MANAGEMENT

An additional $550,000,000 in emergency appropriations is provided for wildland fire management including repayment of advances from other appropriations accounts. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RECONSTRUCTION AND CONSTRUCTION

An additional $5,210,000 in emergency appropriations is provided for reconstruction and construction to address damages caused by hurricanes Fran and Hortense. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

An additional $935,000 in emergency appropriations is provided for salaries and expenses of the Smithsonian Institution to address anti-terrorism requirements. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

An additional $1,600,000 in emergency appropriations is provided for operation and maintenance of the John F. Kennedy Center for the Performing Arts to address anti-terrorism requirements. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $3,400,000 in emergency appropriations is provided for construction to address anti-terrorism requirements. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

An additional $382,000 in emergency appropriations is provided for salaries and expenses of the National Gallery of Art to address anti-terrorism requirements. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

An additional $1,000,000 in emergency appropriations is provided for the Holocaust Memorial Council to address anti-terrorism requirements. This amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SECTION 101(e)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The conferees on H.R. 3610 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 3755, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 3755.

Section 101(e) of H.R. 3610 provides appropriations for programs, projects and activities provided for in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 1997. In implementing this agreement, the Departments and agencies should comply with the language and instructions set forth in House Report 104-659 and Senate Report 104-368. In those cases where the language and instructions specifically address the allocation of funds, the Departments and agencies are to follow the funding levels specified in the Congressional budget justifications accompanying the fiscal year 1997 budget or the underlying authorizing statute and should give careful consideration to the recommendations in the reports accompanying the House and Senate bills. With respect to the provisions in the above House and Senate Reports that specifically allocate funds that are not allocated by formula in the underlying statute or identified in the budget justifications, the conferees have reviewed each and have included those in which they concur in this joint statement.

The Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, FY 1997, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $4,719,703,000, instead of $4,166,482,000 as proposed by the House in H.R. 3755 and $4,202,739,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The agreement includes $895,000,000 for adult job training, $871,000,000 for summer youth employment, $1,293,000,000 for the dislocated workers program and $200,000,000 for the school-to-work program.

The agreement includes the FY 1996 amount for the American Samoan program under pilots and demonstrations.

The conferees are agreed that a portion of the job training funds available to States should be used to support community based programs with demonstrated effectiveness, working in cooperation with businesses and the private sector, such as Opportunities Industrialization Centers of America, which provides community based training and development of job skills in economically disadvantaged areas.

In addition, the agreement permits the transfer of up to 20 percent of funds between title II–A and title III of the Act, with the approval of the Governor, instead of 50 percent as proposed by the Senate and 100 percent as proposed by the House.

The agreement includes a legislative provision proposed by the Senate modified to allow the Secretary of Labor to waive certain statutory and regulatory requirements of the Job Training Partnership Act and the Wagner-Peyser Act to encourage and facilitate cooperation among Federal, State, and local entities to redesign and test an outcomes oriented approach to intergovernmental service delivery. The House bill had no similar provision.

The agreement also includes a legislative provision as proposed by the Senate to require the Secretary of Labor to establish a workforce flexibility (work-flex) partnership demonstration program under which the Secretary would authorize not more than six States to waive certain statutory and regulatory requirements of the Job Training Partnership Act and the Wagner-Peyser Act. The waivers could be granted for a period of up to 5 years. Preference would be given to those States which have been designated "Ed-Flex Partnership States" under the Goals 2000 Act. The House bill had no similar provision.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement includes $463,000,000, instead of $373,000,000 as proposed by both the House and the Senate in H.R. 3755. The agreement earmarks 22 percent of the funds for the States and 78 percent for national sponsors, instead of 35 percent for the States and 65 percent for the national sponsors as proposed by the House in H.R. 3755 and 25 percent for the States and 75 percent for the national sponsors as proposed by the Senate in H.R. 3755 as reported from Committee.

The additional $90,000,000 over the House and Senate bills is for the cost of the recent increase in the minimum wage, of which $28,000,000 if for program year 1996 and $62,000,000 is for program year 1997.

State Unemployment Insurance and Employment Service Operations

The conference agreement includes $3,320,278,000, instead of $3,222,191,000 as proposed by the House in H.R. 3755 and $3,232,015,000 as proposed by the Senate in H.R. 3755 as reported from Committee. This includes $173,452,000 in Federal funds, instead of $132,279,000 as proposed by both the House and Senate, and $3,146,826,000 from the Unemployment Trust Fund, instead of $3,089,912,000 as proposed by the House and $3,099,736,000 as proposed by the Senate. The agreement includes $150,000,000 for one-stop career centers.

Within the amount for Employment Service national activities, $20,000,000 is set aside specifically for State administration of the new Work Opportunity Tax Credit.

The agreement includes several legal citations that were included in the Senate bill but not in the House bill.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $77,083,000, instead of $71,783,000 as proposed by the Senate in H.R. 3755 as reported from Committee and $66,083,000 as proposed by the House in H.R. 3755, deletes a House earmark of $300,000 for genetic non-discrimination enforcement activities and provides that $6,000,000 shall remain available through September 30, 1998 for revising the processing of employee benefit plan returns.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes a limitation on administrative expenses of the Corporation of $10,345,000 and inserts language classifying certain other expenses of the Corporation as non-administrative as proposed by the Senate in H.R. 3755 as reported from Committee. The House in H.R. 3755 included a limitation on administrative expenses of $135,720,000 and did not classify any other expenses as non-administrative.

To ensure an appropriate degree of congressional oversight, the Labor Department and the PBGC shall notify the Appropriations Committees prior to application to the Office of Management and Budget for any additional funding beyond what is contemplated by this conference agreement. Such notification will provide, in writing, the amount, reason for any necessity for the PBGC request.

The conferees are concerned that a large portion of the PBGC's administrative costs are non-limitation funds not subject to the regular appropriations process. The conferees expect the Corporation to review its budget structure and be prepared to discuss at next year's appropriations hearings possible alternative structures that maintain the flexibility needed to protect the interests of pension plan participants while assuring appropriate congressional oversight.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $291,405,000, instead of $264,405,000 as proposed by the House in H.R. 3755 and $263,155,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The conferees understand that the Department of Labor is nearing completion of its evaluation to develop viable options to realize needed improvements in the Davis-Bacon wage determination system. The amount of $3,750,000 will be used to test and implement process improvements either through the use of alternative wage data sources or, if not feasible or cost-effective, by improving the capacity of the existing wage survey system to promote participation and data reliability, primarily through investment in technology. The conferees expect the General Accounting Office to review the Department's implementation activities to determine whether these efforts will achieve the goal of improving the timeliness, accuracy and reliability of Davis-Bacon wage determinations. The General Accounting Office shall report its findings to the Appropriations Committees after it has made its review.

The conferees agree with the directive in the Senate Report with respect to black lung field offices.

OCCUPATONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $325,734,000, instead of $297,734,000 as proposed by the House in H.R. 3755 and $299,134,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The agreement includes language as proposed by the Senate that authorizes OSHA to collect and retain fees for services provided to nationally recognized testing laboratories and to use such sums to administer laboratory recognition programs that ensure the safety of equipment and products used in the workplace. The House bill had no similar provision.

The conferees are concerned about the enforcement of State occupational safety and health standards by States operating OSHA-approved State plans, particularly where such standards differ significantly from Federal standards and may impose an undue burden on interstate commerce. The conferees believe that California's enforcement of its hazard communication standard, which incorporates portions of proposition 65, may impose such a burden. OSHA is directed to expedite its review and approval, or rejection, of California's hazard communication/proposition 65 standard, and to provide a report to the Appropriations Committees on this matter, by no later than January 1, 1997.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $197,810,000, instead of $191,810,000 as proposed by the House in H.R. 3755 and $195,724,000 as proposed by the Senate in H.R. 3755 as reported from Committee.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The conference agreement includes $361,700,000, instead of $354,700,000 as proposed by the House in H.R. 3755 and $351,330,000 as proposed by the Senate in H.R. 3755 as reported from Committee. This includes $309,647,000 in Federal funds, instead of $302,647,000 as proposed by the House and $299,665,000 as proposed by the Senate, and $52,053,000 from the Unemployment Trust Fund as proposed by the House instead of $51,665,000 as proposed by the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $144,508,000, instead of $142,508,000 as proposed by the Senate in H.R. 3755 as reported from Committee and $137,801,000 as proposed by the House in H.R. 3755. The conferees agree with the allocation of funds in the Senate Report with respect to international child labor issues.

The agreement includes language as proposed by the Senate to require that any decision under the Longshore and Harbor Workers' Compensation Act that has been pending before the Benefits Review Board for more than 12 months shall be considered affirmed by the Board and shall be considered the final order of the Board. The House bill had no similar provision. With respect to the Inspector General of the Department, the conferees endorse the language in the House Report concerning quarterly reporting on actual savings resulting from his efforts and on "funds put to better use".

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

The conference agreement includes $181,949,000 as proposed by the House in H.R. 3755 instead of $174,225,000 as proposed by the Senate in H.R. 3755 as reported from Committee.

GENERAL PROVISIONS

The conference agreement includes a general provision proposed by the House in H.R.

3755 modified to provide that effective January 1, 1997 no Department of Labor funds shall be disbursed without the approval of the Department's Chief Financial Officer or his delegatee. The Senate bill had no similar provision.

The conference agreement does not include House language in H.R. 3755 that would have permitted employees who are 16 and 17 years of age to load materials into a cardboard baler or a compactor that is in compliance with the current safety standard promulgated by the American National Standards Institute. This matter has now been resolved in Public Law 104–174 which was signed by the President on August 6, 1996. The Senate bill had no similar provision.

The conference agreement does not include House language in H.R. 3755 that would have prohibited the enforcement of Hazardous Occupation Order No. 2 with respect to incidental and occasional driving by minors on the job, unless the Secretary finds that the operation of a motor vehicle is the primary duty of the minor's employment. The Senate bill had no similar provision.

The conference agreement does not include a general provision proposed by the Senate in H.R. 3755 as reported from Committee to exempt certain work performed by prison inmates from minimum wage and overtime requirements of the Fair Labor Standards Act under certain circumstances. This would have been a permanent change in the law. The House bill had no similar provision. The conferees believe that the provision is not necessary. The courts have uniformly held that a prisoner who is required to perform labor which serves the prison institution is not an employee of the prison or of the State and is not entitled to the minimum wage.

The conference agreement includes a general provision to allow the Secretary of Labor to waive various sections of the Job Training Partnership Act to improve intergovernmental service delivery systems. This would involve a State that has executed a memorandum of understanding with several Federal agencies, including the Department of Labor. The waivers of JTPA provisions would involve such things as definitions, planning and procurement requirements, cost categories and cost limitations, and program design requirements. This provision was not included in either the House or the Senate version of H.R. 3755 but is the same as a proviso in the fiscal year 1996 appropriations act.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes $3,405,019,000 instead of $3,082,190,000 as proposed by the House in H.R. 3755 and $3,213,096,000 as proposed by the Senate in H.R. 3755 as reported from Committee.

The conference agreement does not include the legal citation for the Pacific Basin program as proposed by the Senate. The House bill did not include the citation. The conferees have agreed to terminate the Pacific Basin program but encourage consideration of the region's needs in other Health Resources and Services Administration (HRSA) programs, as appropriate.

The conference agreement includes the legal citation for the Native Hawaiian Health Care program as proposed by the Senate. The House bill did not include the citation. The conferees have increased funding for the consolidated health centers line in part so that health care activities funding under the Native Hawaiian Health Care program can be supported under the broader health centers line if the agency feels it is appropriate.

The conference agreement includes $828,000 for facilities renovations at the Gillis W. Long Hansen's Disease Center as proposed by the Senate rather than $2,828,000 as proposed by the House.

The conference agreement includes $198,452,000 for the family planning program as proposed by the Senate rather than $192,592,000 as proposed by the House.

The conference agreement earmarks $167,000,000 for the Ryan White Title II State AIDS drug assistance programs rather than $117,000,000 as proposed by the Senate and $75,000,000 as proposed by the House. Total funding for the Ryan White programs has been increased by $238,850,000 from the fiscal year 1996 level to a total of $996,252,000. Funding increases are included for all Ryan White titles in recognition of the costs of drug purchases, particularly the new protease inhibitors, viral load testing, caseload increases and AZT therapy for pregnant women.

The conferees are aware that the new HIV drug combination therapies have not yet been approved for pregnant women and children, and that adolescents are experiencing problems in accessing these therapies. The conferees encourage the Secretary and the pharmaceutical industry to expedite clinical trials for pregnant women and children with HIV/AIDS, and to report to the Committees on these efforts by December 31, 1996, including providing access to the new drugs for adolescents.

The conferees expect that all States receiving AIDS drug assistance funding will employ cost-saving strategies to maximize assistance to HIV patients. HRSA should assure that each State seeks the best possible price for AIDS drug purchases. Such strategies might include one or more of the following: the Veterans' Health Care Act Office of Drug Pricing Program, manufacturers' voluntary rebates and discounts to States, and pharmacy discounts.

The conference agreement includes language proposed by the Senate permitting the use of funds provided to continue operating the Council on Graduate Medical Education. The House bill had no similar provision.

The conference agreement includes language proposed by the Senate allocating up to $8,000,000 of the funds provided for consolidated health centers for loan guarantees for the construction and renovation of community and migrant health centers and, if authorized, for loans made for the costs of developing managed care networks. The House bill had no similar provision.

The conference agreement includes language designating $103,609,000 of the funds provided for the Maternal and Child Health block grant for special projects of regional and national significance (SPRANS). This designation will provide $2,857,000 more for SPRANS activities than would otherwise be the case under the statutory formula. The conferees intend that this amount be used for the traumatic brain injury State demonstration projects recently authorized under title XII of the Public Health Service Act. This provision was not included in either House or Senate bill. The Senate bill had provided separate funding of $3,000,000 for the demonstrations.

The conferees intend that the agency may use up to $3,000,000 of the funding provided for the National Health Service Corps for State offices of rural health.

The conferees encourage HRSA to sustain its commitment to historically minority health professions institutions in the centers of excellence and health careers opportunity programs.

The conferees are aware of a pending proposal to alter current methods of allocating human livers for transplantation by the United Network for Organ Sharing (UNOS), a private non-profit organization under contract with HRSA to manage the organ procurement and transplantation network. The conferees understand that establishing equitable policies in the area of organ allocation is very complex. The conferees expect UNOS to give consideration to a number of factors. These include but are not necessarily limited to the following: regional success in increasing organ donation; the severity of illness of the patients; the impact on access to transplants for low-income patients because of transportation costs; and increasing the total number of life-years of recipients. The conferees expect UNOS to provide extensive opportunities for public comment before its board considers this issue and not to take action until Congress can be assured that any change in policy addresses the priorities described above.

The conferees are aware of a rural telemedicine network being developed within the New England and Mid-Atlantic regions by a health informatics initiative and believe that it warrants full consideration for rural health outreach support.

The conferees with the language in the Senate report stating that the Alzheimer's demonstrations should remain in HRSA rather than be transferred to the Administration on Aging.

The conference agreement includes $13,000,000 for health care facilities grants described in the Senate report, of which $4,000,000 is designated for the second phase of the women's outreach project, $4,000,000 is designated for the elder care center, $4,000,000 is designated for the regional pediatric care, research and teaching center in Portland, Oregon, and $1,000,000 is designated for new construction and rehabilitation of rural community health centers in the Midwest.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $2,262,698,000 instead of $2,153,376,000 as proposed by the House in H.R. 3755 and $2,168,948,000 as proposed by the Senate in H.R. 3755 as reported from Committee.

The conference agreement includes $30,553,000 for Centers for Disease Control and Prevention (CDC) buildings and facilities instead of $7,553,000 as proposed by the Senate and $8,353,000 as proposed by the House. This total includes $23,000,000 requested by the Administration as part of its anti-terrorism budget amendment to enhance security at CDC's headquarters and to better protect laboratories containing dangerous infectious agents against possible attacks. Consistent with the Administration request, the $23,000,000 for anti-terrorism activities has been designated in the bill as an emergency expenditure.

The conference agreement includes legal citations for mine safety and health activities and the refugee medical screening program as proposed by the Senate. The House bill did not contain these citations.

The conference agreement modifies language proposed by the Senate to earmark $32,000,000 for mine safety and health activities and make those funds available until

September 30, 1998. Senate language had made the funds available until expended; the House bill had no similar provision.

The conference agreement designates $48,400,000 to be available to the National Center for Health Statistics under the Public Health Service one percent evaluation set-aside as proposed by the House instead of $53,063,000 as proposed by the Senate.

The conference agreement includes language proposed by the Senate which provides authority to transfer funds available from the sale of surplus vaccine from the vaccine stockpile to other activities within the jurisdiction of CDC. The House bill had no similar provision.

The conference agreement includes language proposed by the Senate which transfers authority for the mine safety and health functions previously funded in the Department of the Interior appropriations bill to the Secretary of Health and Human Services. The House bill had no similar provision.

The conference agreement includes an additional $41,000,000 for violence against women programs financed from the Violent Crime Reduction Trust Fund as proposed by the Senate instead of $33,642,000 as proposed by the House.

The conference agreement includes sufficient funds to support the chronic and environmental disease prevention program priorities identified for increased funding in both the House and Senate reports. The conferees intend that combined urban and rural projects in the mild mental retardation program be supported.

The conferees are pleased with the recent initiative by CDC to convene a panel of experts on chronic fatigue and immune dysfunction syndrome (CFIDS) for the purpose of examining CDC's current CFIDS program and directions for future research. The conferees urge CDC to consider implementing the review panel's recommendations, particularly in the areas of brain tissue repositories and etiology studies.

The conferees concur in the recommendation of the Senate report that CDC initiate a trans-department public education campaign to foster more effective communication between consumers and physicians on *H. pylori* and its link to ulcer disease. The conferees expect this effort to include a collaboration between the public and private sectors, including the pharmaceutical industry. The conferees request a report within 120 days regarding CDC's plans to conduct such an effort and the appropriate design of the campaign.

The conference agreement includes $43,198,000 for injury control activities, which is $2,600,000 above the amount provided by both the House and Senate. The conferees intend that the $2,600,000 be used to initiate traumatic brain injury education and prevention research activities recently authorized under title III of the Public Health Service Act. The Senate bill had provided separate funding of $3,000,000 for these activities.

The conferees have included $5,000,000 for the National Institute for Occupational Safety and Health to implement a national plan for childhood agricultural injury prevention initiatives, including research, public education, professional training, community and family services, and policy enforcement.

The conference agreement includes $2,400,000 within the epidemic services program to directly support the costs of the refugee medical screening program rather than as a reimbursement from the Office of Refugee Resettlement.

The conferees concur with the House report language regarding risk assessment within the epidemic services program.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

The conference agreement includes $2,382,532,000 instead of $2,385,741,000 as proposed by the House in H.R. 3755 and $2,102,949,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

The conferees concur in the Senate report language identifying funding for the National Action Plan on Breast Cancer at the fiscal year 1996 level, which the conferees understand is $14,750,000. The conferees understand that these funds will be coordinated by the Office of Women's Health within the Office of the Secretary.

NATIONAL HEART, LUNG AND BLOOD INSTITUTE

The conference agreement includes $1,433,001,000 instead of $1,438,265,000 as proposed by the House in H.R. 3755 and $1,344,742,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE OF DENTAL RESEARCH

The conference agreement includes $195,997,000 instead of $195,596,000 as proposed by the House in H.R. 3755 and $177,701,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

The conference agreement includes $815,982,000 instead of $819,224,000 as proposed by the House in H.R. 3755 and $787,473,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

The conference agreement includes $726,746,000 instead of $725,478,000 as proposed by the House in H.R. 3755 and $683,721,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a potion of which would be transferred to this account.

It has been brought to the conferees' attention that the promise of gamma knife stereotactic radiosurgery warrants further research. The conferees urge the Institute to enhance its support of investigations to evaluate the radiobiological response and clinical outcomes associated with gamma knife therapy, and to identify techniques or agents that enhance outcomes or reduce risks. Associated research efforts may investigate drugs or agents that provide target sensitization of the surrounding tissue, tumor radiobiology, and animal model development.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

The conference agreement includes $1,257,234,000 instead of $1,256,149,000 as proposed by the House in H.R. 3755 and $595,016,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The conference agreement includes $998,470,000 instead of $1,003,722,000 as proposed by the House in H.R. 3755 and $953,214,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The conference agreement includes $631,703,000 instead of $631,989,000 as proposed by the House in H.R. 3755 and $554,251,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

The conferees encourage the Institute to conduct research in the area of nutrition and children's developmental health, including such areas as nutrition's impact on children's organ systems, brain function, and immunology.

NATIONAL EYE INSTITUTE

The conference agreement includes $332,735,000 instead of $333,131,000 as proposed by the House in H.R. 3755 and $315,948,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The conference agreement includes $308,819,000 instead of $308,258,000 as proposed by the House in H.R. 3755 and $294,745,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE ON AGING

The conference agreement includes $486,047,000 instead of $484,375,000 as proposed by the House in H.R. 3755 and $470,256,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

The conferees concur with the Senate report language regarding additional Alzheimer's disease research centers.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The conference agreement includes $257,111,000 instead of $257,637,000 as proposed by the House in H.R. 3755 and $247,731,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

The conference agreement includes $188,422,000 instead of $189,243,000 as proposed by the House in H.R. 3755 and $182,693,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE OF NURSING RESEARCH

The conference agreement includes $59,743,000 instead of $59,715,000 as proposed by the House in H.R. 3755 and $52,936,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLISM

The conference agreement includes $212,004,000 instead of $212,079,000 as proposed by the House in H.R. 3755 and $195,891,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL INSTITUTE ON DRUG ABUSE

The conference agreement includes $489,373,000 instead of $487,341,000 as proposed by the House in H.R. 3755 and $317,936,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

The conferees concur with Senate report language regarding the promise magnetic imaging may hold for understanding and treating drug abuse and mental illness and are supportive of extramural clinical research in this area.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conference agreement includes $701,585,000 instead of $701,247,000 as proposed by the House in H.R. 3755 and $589,187,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes $415,145,000 instead of $416,523,000 as proposed by the House in H.R. 3755 and $324,844,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provides a separate appropriation for AIDS research, a portion of which would be transferred to this account.

The agreement also designates $20,000,000 for the construction and renovation of extramural facilities instead of $37,000,000 as proposed by the House and $10,000,000 as proposed by the Senate. These funds are to be competitively awarded. Of the $20,000,000 provided for extramural facility construction, the conferees intend that $2,500,000 be reserved for construction and renovation projects as qualified regional primate centers. The conferees also concur with Senate report language highlighting the importance of facilities needs in the area of genetic research.

The conferees concur with the Senate report language regarding funding for the IDeA program and general clinical research centers, as well as with the language in both House and Senate reports regarding support of the National High Magnetic Field Laboratory.

The conferees encourage the National Center for Research Resources and the other NIH Institutes and centers to assist in enhancing and strengthening the Research Infrastructure in Minority Institutions (RIMI), to help make the program available to qualified institutions.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

The conference agreement includes $189,657,000 instead of $189,267,000 as proposed by the House in H.R. 3755 and $180,807,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

JOHN E. FOGARTY INTERNATIONAL CENTER

The conference agreement includes $26,586,000 instead of $26,707,000 as proposed by the House in H.R. 3755 and $16,838,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

NATIONAL LIBRARY OF MEDICINE

The conference agreement includes $151,103,000 instead of $150,093,000 as proposed by the House in H.R. 3755 and $142,070,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

The conferees are aware of efforts to improve the quality of health care training and delivery in Haiti. Through a successful collaboration with a regionally based medical school, Haiti's efforts to improve its health care delivery system are being realized. The conferees encourage the National Library of Medicine to give consideration to supporting this collaborative effort.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $287,206,000 instead of $275,423,000 as proposed by the House in H.R. 3755 and $243,319,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The Senate bill provided a separate appropriation for AIDS research, a portion of which would be transferred to this account.

The conference agreement includes an earmark of $35,589,000 of the total provided for the operations of the Office of AIDS Research. This designation was not included in either House or Senate bill.

The conference agreement includes language proposed by the Senate identifying up to $200,000 for the National Foundation for Biomedical Research as authorized by section 499 of the Public Health Service Act. The House bill had no similar provision.

The conferees concur with Senate report language regarding funding levels for a pediatric and a neurodegenerative diseases research initiative, the Office of Rare Disease Research, and an Institute of Medicine review of the status of research into cancer among minorities and the medically underserved. The conferees intend that the Office of Alternative Medicine be funded at a level fifty percent higher than that described in the Senate report.

The conferees concur with House report language regarding the definition of administrative costs and the restriction of fiscal year 1997 administrative costs to the fiscal year 1996 level.

The conferees encourage the Office of Research on Women's Health to support research in the fields of cardiovascular and metabolic disease affecting minority women and the relationship of immune function and sex hormones in women throughout the life cycle.

The conferees urge the Office of Research on Minority Health to establish a standing advisory committee to guide and advise the Office in its continuing efforts to improve the health of minorities and to address disparities through supporting research and increasing the diversity of the research workforce. The conferees expect a report to the Committees on progress in this area by March 31, 1997.

The conferees note the importance of publicizing new and developing health advances researched by NIH, and encourage NIH to contribute to the production of a national television program focusing on biomedical research and public health issues.

BUILDINGS AND FACILITIES

The conference agreement includes $200,000,000 as proposed by the House in H.R. 3755 instead of $180,000,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The agreement also designates $90,000,000 for construction of the NIH clinical center as proposed by the House instead of $70,000,000 as proposed by the Senate.

OFFICE OF AIDS RESEARCH

(INCLUDING TRANSFER OF FUNDS)

The conference agreement does not include a separate appropriation of $1,460,312,000 for the Office of AIDS Research (OAR) as proposed by the Senate. Instead, funding for AIDS research is included within the appropriation for each Institute, center and division as proposed by the House. The conference agreement also includes a general provision not included in either the House or Senate bill which directs that the funding for AIDS research as determined by the Directors of the National Institutes of Health (NIH) and OAR be allocated directly to the OAR for distribution to the Institutes consistent with the AIDS research plan.

The Directors of NIH and the OAR have indicated that within the total provided in the conference agreement for NIH, they expect to allocate $1,501,720,000 for AIDS research. The conferees understand that this total may be modified depending on changing scientific opportunities and the recommendations of various advisory bodies. The conference agreement includes a general provision permitting the Directors of NIH and the OAR to shift up to three percent of AIDS research funding between Institutes and centers throughout the year if needs change or unanticipated opportunities arise.

The conference agreement provides an earmark of $35,589,000 for the operations of the OAR within the Office of the Director appropriation.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conference agreement provides $2,134,743,000 for the Substance Abuse and Mental Health Services Administration (SAMHSA) instead of $1,849,235,000 as proposed by the House in H.R. 3755 and $1,873,943,000 as proposed by the Senate in H.R. 3755 as reported from Committee. Within this total, the conference agreement makes available $58,032,000 for the mental health knowledge development and application (KDA) program, $69,927,000 for the children's mental health program, $1,310,107,000 for the substance abuse performance partnership, $156,000,000 for the substance abuse treatment KDA program, and $168,800,000 for the substance abuse prevention KDA program.

The agreement includes a provision proposed by the Senate in H.R. 3755 as reported from Committee to require that of the amount provided for SAMHSA, at least $5,000,000 be expended for projects serving rural and Native American populations. No similar provision was included in H.R. 3755 as passed by the House.

The conferees agree that SAMHSA should comply with the directives in the House and

Senate reports accompanying H.R. 3755. The conferees have provided $1,500,000 for child care wrap around services for a continuing grantee under the Pregnant and Postpartum Women and Children program. The conferees expect these funds to be awarded as a competitive supplement.

The conferees have included sufficient funds for university-based evaluations of public and private collaborations which provide year-round, school-based, early prevention and transition programs, which include middle school transition programs.

The conferees have provided sufficient funds to continue existing programs serving rural communities in Hawaii.

The conference agreement includes a provision not included in H.R. 3755 as passed by the House or H.R. 3755 as reported from the Senate Committee to provide $12,800,000 within the substance abuse KDA to continue community schools grants initiated in fiscal year 1995 and to initiate projects referenced in the Senate report accompanying H.R. 3755.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

The conference agreement includes $96,175,000 instead of $90,469,000 as proposed by the House in H.R. 3755 and $83,463,000 as proposed by the Senate in H.R. 3755 as reported from Committee.

The conference agreement designates $47,412,000 to be available to the Agency for Health Care Policy Research (AHCPR) under the Public Health Service one percent evaluation set-aside instead of $34,700,000 as proposed by the House and $60,124,000 as proposed by the Senate.

The conferees are aware of a proposal being developed to introduce and expand state-of-the-art medical information services among community health centers in the mid-Atlantic region, and urge its full consideration.

The conferees encourage AHCPR to examine the impact of changing referral patterns among primary care and specialist physicians on clinical outcomes and costs. In particular, the agency is urged to conduct research on potential cost-savings derived from direct access by patients to specialists such as cardiologists.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The conference agreement makes available $1,735,125,000 instead of $1,733,125,000 as proposed by the House in H.R. 3755 and $1,729,584,000 as proposed by the Senate in H.R. 3755 as reported from Committee. An additional appropriation of $440,000,000 was provided for this activity in the Health Insurance Portability and Accountability Act of 1996.

The conferees strongly encourage the Health Care Financing Administration (HCFA) to follow the guidance in the Senate report pertaining to a demonstration to train retirees as educators in the detection of Medicare fraud; a comprehensive health care information managed care system; a project to explore new approaches to meeting the needs of vulnerable populations in an urban low-income setting; health advisory services programs; and the use of commercially available software to detect Medicare billing abuse.

While supportive of allocating resources to the development of the Medicare Transaction System, the conferees expect HCFA to provide adequate funding for the current claims processing functions of the Medicare contracts.

The conferees understand that because of delays in completing Part B enrollment and Medicare payment status changes from secondary to primary payer that filing limits cannot be met for some Medicare claims. The conferees encourage HCFA to authorize Medicare contractors to grant extensions of current timely filing limits in those situations where enrollment and payment status changes have not been completed.

The conferees understand that there are currently two forms of calcitriol available for the management of hypocalcemia and the resultant metabolic bone disease in patients undergoing chronic renal dialysis. The conferees encourage HCFA to conduct a demonstration project to evaluate the cost-effectiveness of reimbursing the oral form of calcitriol versus the intravenous formulation for which HCFA currently reimburses.

The conferees encourage HCFA to conduct a demonstration program that will evaluate the best approaches for a community health center to provide services through a health care network. The conferees understand that such networks have been established in Missouri.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

The conference agreement provides such sums as may be necessary for welfare payments, instead of $13,301,000,000 for family support payments to States as proposed by the House in H.R. 3755 and the Senate in H.R. 3755 as reported from Committee. In addition, the conference agreement provides $2,158,000,000 to remain available until expended and $607,000,000 for the first quarter of fiscal year 1998 for child support enforcement and related activities, instead of $4,700,000,000 for the first quarter of fiscal year 1998 as proposed by the House in H.R. 3755.

The conference agreement includes a provision making available such sums as may be necessary for welfare payments only for activities authorized prior to the effective date of P.L. 104–193 in each State.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement provides $1,000,000,000 for fiscal year 1997 as proposed by the Senate in H.R. 3755 as reported from Committee, instead of $900,000,000 as proposed by the House in H.R. 3755. In addition, the conference agreement provides $1,000,000,000 for fiscal year 1998 as proposed by the Senate in H.R. 3755 as reported from Committee. H.R. 3755 as passed by the House did not provide funding for fiscal year 1998.

The conferees intend that up to $25,000,000 of the amounts appropriated for LIHEAP for fiscal year 1997 be used for the leveraging incentive fund, which will provide a percentage match to States for private or non-Federal public resources allocated to low-income energy benefits. Of the fiscal year 1998 advance appropriation, up to $25,000,000 is also for the leveraging fund.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement provides $412,076,000 as proposed by the House in H.R. 3755, instead of $385,609,000 as proposed by the Senate in H.R. 3755 as reported from Committee.

The conferees agree that within the amount provided for social services, $19,000,000 is available for assistance to serve communities affected by the Cuban and Haitian entrants and refugees whose arrivals in recent years have increased. The conferees have set aside $11,079,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement includes $956,120,000 as proposed by the Senate in H.R. 3755 as reported from Committee instead of $950,000,000 as proposed by the House in H.R. 3755. The agreement provides that $937,000,000 of the total is an advance appropriation for FY 1998 as proposed by the Senate instead of a current year appropriation that would be obligated late in the fiscal year as proposed by the House. In addition, $19,120,000 of the total will become available on October 1, 1996 for child care resource and referral and school-age child care activities, of which $6,120,000 will be derived by transfer from funds appropriated in the Welfare Reform Bill, as proposed by the Senate, instead of $13,000,000 to become available on October 1, 1996 as proposed by the House.

SOCIAL SERVICES BLOCK GRANT

The conference agreement provides $2,500,000,000, instead of $2,480,000,000 as proposed by the House in H.R. 3755 and $2,240,000,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The agreement supersedes P.L. 104–193, the Welfare and Medicaid Reform Act, which provides $2,380,000,000 for the social services block grant in fiscal year 1997.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

The conference agreement includes $5,383,569,000, instead of $4,883,793,000 as proposed by the House in H.R. 3755 and $4,888,434,000 as proposed by the Senate in H.R. 3755 as reported from Committee. In addition, the agreement includes rescissions of prior appropriations of $27,000,000 as proposed by the Senate. The House bill included no rescissions. The agreement includes $3,981,000,000 for the Head Start program and $489,600,000 for the Community Services Block Grant.

Within the social services and income maintenance research activity, the conferees are in agreement with the Senate Report concerning the use of funds for the completion of current family support center grants. The conference agreement also includes sufficient funding within this activity to carry out activities authorized by section 413(h)(3) of the Social Security Act involving demonstrations of innovative strategies which would include funding for successful programs that move people from welfare to work. The Secretary is urged to provide funding that is fully adequate to carry out this section.

The conferees expect the Department to contribute, from resources provided for social services research, to the Residential Energy Consumption Survey and the Census Bureau March current population survey to assure that the low-income household component is included in the survey.

The conferees concur in the Senate Report language concerning the job creation demonstration authorized under section 505 of the Family Support Act of 1988 and the language concerning the Alaska Federation of Natives.

The agreement includes language as proposed by the Senate requiring the Secretary to use up to one percent of CSBG funds in FY 1997 to correct allocation errors that occurred in FY 1995 and FY 1996 to ensure that the minimum allotment to each State for each of those years would be $2,222,460. The House bill had no similar provision.

The agreement includes language as proposed by the Senate requiring that no more than one-half of one percent of CSBG funds shall be used to carry out section 674(a) of the Community Services Block Grant Act. This section deals with training and technical assistance, evaluation and data collection. The House bill had no similar provision.

The agreement inserts several legal citations proposed by the Senate modified to cite the Social Security Act instead of the Welfare Reform Act, deletes a citation for the community schools program under the Crime Trust Fund proposed by the Senate and deletes the earmarking for individual programs within the Crime Trust Fund proposed by the Senate.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes $830,168,000 as proposed by the Senate in H.R. 3755 as reported from Committee instead of $810,545,000 as proposed by the House in H.R. 3755.

The agreement includes a legislative provision as proposed by the Senate that would prevent any State from having its administrative costs under title III of the Older Americans Act reduced by more than five percent below the FY 1995 level. The House had no similar provision.

The agreement includes a legislative provision as proposed by the Senate that requires the Assistant Secretary for Aging when considering grant applications for nutrition services for elder Indian recipients to provide maximum flexibility to applicants who seek to take into account certain factors that are appropriate to the unique cultural, regional and geographic needs of the American Indian, Alaskan and Hawaiian native communities to be served. The House had no similar provision.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $174,523,000, instead of $148,999,000 as proposed by the House in H.R. 3755 and $153,837,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The agreement includes language proposed by the House and stricken by the Senate that earmarks $11,500,000 under title XVII of the Public Health Service Act for extramural construction. In addition, the agreement includes language proposed by the Senate to earmark funds for prevention services demonstrations and abstinence education grants under the adolescent family life program modified to change the dollar amounts. The House bill had no similar provision. The agreement designates $5,775,000 of the total amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act. These funds are provided for anti-terrorism purposes.

The conference agreement includes $11,500,000 for extramural construction grants in the Office of Minority Health as proposed by the House, including $7,500,000 for the Morehouse School of Medicine, $2,500,000 for Spelman College and $1,500,000 for the University of Arkansas at Pine Bluff, an historically black institution, for the purpose of upgrading health-related facilities and equipment.

The conferees concur with the Senate Report language identifying $500,000 for an asthma attack avoidance program.

Sufficient funds have been included by the conferees for the continuation of the existing human services transportation technical assistance program at the fiscal year 1996 funding level.

Within the amount recommended for the Office of Minority Health, the conferees have included funds for a community-based program to increase the number of disadvantaged, inner-city individuals in the health and allied health sciences.

The conferees agree that $14,750,000 shall be used to fund the National Action plan on Breast Cancer. Sufficient funds have been provided within the NCI for this expenditure. The conferees further agree that this plan shall be coordinated by the PHS Office on Women's Health and shall be used for implementation of the plan's activities and other cross-cutting Federal and private sector initiatives on breast cancer.

The conferees concur with the Senate report directing that the Adolescent Family Life program be transferred from the Office of Population Affairs to the Office of the Administrator of the Health Resources and Services Administration.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $32,999,000, instead of $29,399,000 as proposed by the House in H.R. 3755 and $29,399,000 as proposed by the Senate in H.R. 3755 as reported from Committee.

The conferees endorse the language in the House Report concerning quarterly reporting on actual savings resulting from the Inspector General's efforts and on "funds put to better use".

The conferees direct the HHS Inspector General to perform all of the necessary audit and investigative work with respect to the Medicare contract of the Railroad Retirement Board. In the past, this work has been done by the Board's Inspector General. This conference agreement prohibits the Board's IG from doing the work in fiscal year 1997. The conferees believe that it makes sense for the HHS IG to perform this Medicare work, particularly in light of the significant funding increase that it received for Medicare work in the Health Insurance Portability and Accountability Act of 1996.

OFFICE FOR CIVIL RIGHTS

The conference agreement includes $19,530,000, instead of $19,380,000 as proposed by the House in H.R. 3755 and $19,680,000 as proposed by the Senate in H.R. 3755 as reported from Committee.

POLICY RESEARCH

The conference agreement includes $18,500,000 instead of $9,000,000 as proposed by both the House in H.R. 3755 and by the Senate in H.R. 3755 as reported from Committee. The conference agreement includes $9,500,000 to be available for a period of two years for the General Accounting Office to contract for a study of the effects of medical savings accounts in the small group market on selection, health costs, use of preventive care and other variables. This study was mandated in the Health Insurance Portability and Accountability Act of 1996. Depending upon the progress of the study, the conferees will consider additional funding requirements in fiscal year 1998.

GENERAL PROVISIONS

The conference agreement includes a provision in the House bill that was deleted in the Senate bill providing authority to the Directors of the National Institutes of Health and the Office of AIDS Research to transfer up to three percent of funds they designate for AIDS research between Institutes and centers. This transfer authority can be used throughout the fiscal year.

The conference agreement deletes a provision included in the House bill but deleted in the Senate bill that would permit NIH funding of Small Business Innovation Research (SBIR) grants only to the extent that the median priority score for the pool of SBIR grants was equal to or better than the median score for regular research (RO–1) grants.

The conferees understand that the Director of NIH has taken a series of specific program management steps to improve the quality of research applications supported by the SBIR program. These efforts will ensure that Institutes and centers across the NIH will have a broader range of high quality SBIR applications available to fund, generally those in the upper half of the priority score range, and will result in a leveling out of inconsistencies in the quality of SBIR grants which have occurred in the past. In addition, the conferees understand that NIH is expanding a streamlined application process for the SBIR program which NIH hopes will attract a wider talent pool of applications. Because the conferees support the SBIR program and its contributions, they encourage NIH to convene a conference to discuss further improvements that could be made to address the quality concerns raised by some in the biomedical community. This conference should include a broad range of representatives, including the biotechnology and small business communities and the research societies as well as other Federal agencies which support SBIR grants.

The conference agreement includes a general provision not included in either the House or Senate bill which directs that the funding for AIDS research as determined by the Directors of the National Institutes of Health and the Office of AIDS Research (OAR) be allocated directly to the OAR for distribution to the Institutes consistent with the AIDS research plan.

The conference agreement deletes a provision in the House bill that was deleted in the Senate bill extending until December 31, 2000 an expired moratorium on the designation of a particular provider in the State of Michigan as an institution for mental disease for the purpose of Medicaid payments.

The conference agreement deletes a provision included in the House bill but deleted in the Senate bill transferring the Gillis W. Long Hansen's disease facility in Carville, Louisiana to the State of Louisiana. The conferees remain interested in pursuing a transfer of the facility, but were unable to resolve several issues in time to include an agreement in the fiscal year 1997 bill.

The conference agreement deletes a provision that was included in the House bill but deleted in the Senate bill codifying current regulatory requirements pertaining to income guidelines for clients receiving family planning services.

The conference agreement deletes a general provision proposed by the House in H.R. 3755 that would reduce funds available in the Department of Health and Human Services for congressional and legislative affairs, public affairs and intergovernmental affairs activities by $2,000,000. The Senate bill had no similar provision. The agreement includes a reduction of $2,000,000 for all agencies in the bill for these activities in title V of the bill.

The conference agreement includes a provision in the Senate bill directing the Secretary of the Department of Health and Human Services to submit a report describing a method and schedule for restoring Medicare coverage of lung volume reduction surgery. The House bill had no similar provision.

The conference agreement includes a general provision as proposed by the Senate in

H.R. 3755 as reported from Committee that would amend the Family Violence Prevention and Services Act by raising the small State minimum allotment from $200,000 to $400,000. The House bill had no similar provision.

The conference agreement modifies a provision in the Senate bill which would name the new National Institutes of Health clinical research and patient care center for Senator Mark O. Hatfield. The agreement deletes the reference in the name to patient care. The House bill had no similar provision.

The conference agreement includes a general provision that amends the welfare reform act to make a technical correction in section 345 of that act with respect to the Federal Parent Locator System. This provision was not included in either the House or the Senate bills.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $691,000,000 for Education Reform, instead of the $175,000,000 included in the House in H.R. 3755 and $535,000,000 as proposed by the Senate in H.R. 3755 as reported from the Committee. Included in this amount is $491,000,000 for the Goals 2000: Educate America Act and $200,000,000 for School-to-Work programs. Total funding for School-to-Work including portions funded in the Departments of Labor and Education is $400,000,000.

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $7,698,469,000 for Education for the Disadvantaged, instead of the $7,225,130,000 included in the House in H.R. 3755 and $7,225,249,000 as proposed by the Senate in H.R. 3755 as reported from the Committee. Of the funds made available, $1,298,386,000 becomes available on October 1, 1997 for the academic year 1997–98. It is the intent of the conferees to work toward providing all funding for title I for the 1998–99 school year through the appropriation for fiscal year 1998. The conferees intend that the Committee work to adjust the fiscal year 1998 602(b) allocation such that title I can be returned to a normal appropriation and obligation pattern.

The agreement includes $7,194,099,000 for Grants to State and Local Education Agencies. Included in this account is $6,191,350,000 for basic State grants and $999,249,000 for concentration grants.

The conference agreement also includes $41,119,000 for Capital Expenses for Private School Children, the same level as reported by the Senate and $21,119,000 above the level provided in the House version of H.R. 3755.

IMPACT AID

The conference agreement provides $730,000,000, instead of $728,000,000 as proposed by the House in H.R. 3755 and $703,000,000 as proposed by the Senate in H.R. 3755 as reported from Committee. Within the total amount, the conference agreement provides $615,500,000 for basic support payments, $52,000,000 for payments to heavily impacted districts, $40,000,000 for payments on behalf of children with disabilities, $5,000,000 for construction, and $17,500,000 for payments for Federal property (formerly section 2).

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $1,425,631,000 for School Improvement Programs, instead of the $1,237,383,000 included in the House in H.R. 3755 and $1,318,631,000 as proposed by the Senate in H.R. 3755 as reported from the Committee. Included within this level are:

$310,000,000 for the Eisenhower Professional Development program, $35,000,000 above the amount provided in the Senate reported bill. The House provided no funding for this program;

$310,000,000 for Innovative Education Program Strategies, $296,517,000 below the amounts provided in the House bill and $35,000,000 above the amounts provided in the Senate reported bill.

$555,978,000 for Safe and Drug Free Schools and Communities, $115,000,000 above the amounts provided in the House bill. The amount provided by the conferees is the same amount provided in the Senate reported bill. The conferees have provided an additional $25,000,000 for the state grant portion of this account and have provided no funds for national programs. This decision was based on the view that the best use of federal substance abuse prevention funds is in the classroom. There are a broad range of other sources of funding for national programs, research, demonstration, dissemination and technical assistance programs that the Secretary can use to fund these activities. If, however, the Secretary feels that these activities are of sufficient importance, the Committees will consider a reprogramming request. The conferees urge the Department to limit any such reprogramming request to the minimum amount needed, consistent with the conferees' desire to assure maximum resources go directly to the classroom.

In the House bill, funding increases for Innovative Educational Program Strategies were achieved by consolidating the Eisenhower Professional Development, Foreign Language Assistance and Star Schools. The House bill contained a provision guaranteeing that states would receive the same proportion of funding under the consolidated program as they received under the individual programs. The conference agreement deletes this provision.

BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement includes $261,700,000 for Bilingual and Immigrant Education, instead of the $167,190,000 included in the House in H.R. 3755 and $185,000,000 as proposed by the Senate in H.R. 3755 as reported from the Committee. The conferees provided no funding for support services and professional development activities. If the Secretary feels that these activities are of sufficient importance the Committees will consider a reprogramming request. The conferees urge the Department to limit any such reprogramming request to the minimum amount needed, consistent with the conferees desire to assure maximum resources go directly to the students.

SPECIAL EDUCATION

The conference agreement includes $4,036,000,000 for Special Education, instead of the $3,246,315,000 included in the House in H.R. 3755 and $3,262,315,000 as proposed by the Senate in H.R. 3755 as reported from the Committee. Included in these funds is $3,107,522,000 for Grants to the States, $783,685,000 above the amounts provided in the House bill and $773,685,000 above the amounts in the Senate reported bill. At this level federal funds will equal 8.4% of the excess cost of educating disabled children—a substantial increase over the 6% appropriated in fiscal year 1996.

The conference agreement includes the Senate provisions which provides for (a.) continuing eligibility of the Republic of the Marshall Islands, and the Federated States of Micronesia for funding under part B of the IDEA, (b.) distributing of funds for these grantees in accordance with P.L. 104–134 and (c.) waiving new competitions for continuation grants.

The conferees concur in the provisions of the Senate reprot indicating that the funding levels for Media and Captioning Services includes an increase of $900,000 for Recordings for the Blind, Inc.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $2,509,447,000 for Rehabilitation Services and Disability Research, the same amount included in the House in H.R. 3755 and $7,000,000 below the amounts proposed by the Senate in H.R. 3755 as reported from the Committee.

VOCATIONAL AND ADULT EDUCATION

The conference agreement includes $1,486,531,000 for Vocational and Adult Education instead of the $1,329,669,000 included in the House in H.R. 3755 and $1,341,752,000 as proposed by the Senate in H.R. 3755 as reported from the Committee. For Vocational Education basic state grants, the conferees provide $1,029,050,000, $56,300,000 above the amounts provided in the House bill and the level in H.R. 3755 as reported in the Senate. For Adult Education the conferees provide $354,562,000, $100,562,000 above the amounts provided in the House bill and $92,979,000 above the level in H.R. 3755 as reported in the Senate.

The conferees have provided no funding for national programs. The conference agreement, however, directs that the Secretary allocate $4,500,000 from the State grant program for the National Center on Research in Vocational Education. If the Secretary feels that it is necessary to transfer additional funds for national activities, the conference agreement permits him to transfer up to $9,000,000 from state grants for these activities. In making such transfers, the Secretary shall provide the Committees with notification 30 days in advance of the transfer.

The conferees have also included language which provides that a State shall be deemed as having met maintenance of effort provisions of the Carl D. Perkins Vocational and Applied Technology Act.

STUDENT FINANCIAL ASSISTANCE

The conference agreement provides $7,560,407,000, instead of $6,630,407,000 as proposed by the House in H.R. 3755 and $6,642,830,000 as proposed by the Senate in H.R. 3755 as reported from Committee. Within the total, the conference agreement provides a maximum Pell Grant of $2,700. In addition, the conference agreement provides $830,000,000 for the work study program, $158,000,000 for Perkins Loans capital contributions, and $50,000,000 for the state student incentive grant program. The conference agreement includes $1,500,000 to carry out the provisions of section 448(f) of the Higher Education act which includes a separate authorization of appropriations for "work colleges."

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

The conference agreement provides $46,572,000, instead of $29,977,000 as proposed by the House in H.R. 3755 and the Senate in H.R. 3755 as reported from Committee.

HIGHER EDUCATION

The conference agreement includes $879,054,000,000, instead of $829,497,000 as proposed by the House in H.R. 3755 and $852,269,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The agreement includes a provision as proposed by the

Senate in H.R. 3755 as reported from Committee and not included in H.R. 3755 as passed by the House permitting the award of new Javits fellowships for school year 1997–1998. The conferees agree that no new Javits fellowships will be awarded in future years pending consolidation of the Javits fellowships with the Graduate Assistance in Areas of National Need program in legislation to reauthorize higher education programs. The agreement includes a further provision as proposed by the Senate in H.R. 3755 as reported from Committee and not included in H.R. 3755 as passed by the House requiring the Department of Education to prorate downward the amounts of new and continuing Byrd scholarships in order to award the same number of new scholarships in school year 1997–1998 as were awarded in school year 1996–1997. The agreement also includes provisions as proposed by the Senate in H.R. 3755 as reported from Committee and not included in H.R. 3755 as passed by the House providing $3,000,000 each for the George Bush Fellowship program and the Edmund Muskie Foundation endowment, provided these programs are authorized by April 1, 1997. The agreement also provides $3,000,000 for the Pell Institute for International Relations and $1,000,000 for the Calvin Coolidge Memorial Foundation to conduct education, archival and preservation activities of the Foundation if authorized by April 1, 1997. Neither H.R. 3755 as passed by the House or H.R. 3755 as reported by the Senate Committee contained these provisions. The conference agreement includes a provision not included in either H.R. 3755 as passed by the House or H.R. 3755 as reported from the Senate Committee providing $2,000,000 for the Pennsylvania Educational Telecommunications Exchange Network to implement a resource-sharing video conferencing network.

The conferees direct the Department to comply with the directives in the House report accompanying H.R. 3755 regarding measuring and reporting the success of programs in meeting program and performance goals.

The conferees have provided sufficient funds within the Fund for the Improvement of Postsecondary Education to initiate a demonstration of Hispanic serving Institutions to improve research and training capacity in science and technology. The conferees encourage collaboration with the Department of Energy in funding this effort.

If funds are not authorized for the Muskie Foundation, the George Bush Fellowship Program, the Pell Institute for International Relations, or the Calvin Coolidge Memorial Foundation by April 1, 1997, the Committee directs the Department to use these moneys to fund activities within the fund for the improvement of postsecondary education.

HOWARD UNIVERSITY

The conference agreement provides $196,000,000, instead of $187,348,000 as proposed by the House in H.R. 3755 and $189,000,000 as proposed by the Senate in H.R. 3755 as reported from Committee. Within the total amount, the agreement provides $166,511,000 for the academic program.

Consistent with the policy established in P.L. 104–134 the conference agreement provides Howard with a single appropriation. The conferees believe that Howard should have the discretion to use these funds as the university administration and Board of Trustees see fit. The conferees not that the authority under which funds are appropriated for Howard permits expenditures for academic services, financial support of students, contributions to the university endowment or construction.

The conferees are concerned that the University failed to submit necessary information to the Congress in a timely and complete fashion during the fiscal year 1997 hearing process. The conferees direct the University to correct this deficiency during subsequent budget cycles.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

The conference agreement includes $598,350,000 for Education Research, Statistics and Improvements, instead of the $317,264,000 included in the House in H.R. 3755 and $350,788,000 as proposed by the Senate in H.R. 3755 as reported from the Committee. The conference agreement includes $305,000,000 for Education Technology, an increase of $257,000,000 over the amounts provided in the House bill and $226,525,000 over the amounts recommended in the Senate reported version of H.R. 3755.

The conferees are concerned over the ability of the Department of Education to manage the over 500% increase in the Educational Technology program. This concern is heightened by the fact that the Department, in hearings before the House Subcommittee, was unable to determine total education funding already committed to technology or to identify specific, measurable improvements in student performance as a result of increased expenditures. In concurring with the President's request, the conferees want to assure that funding for Education Technology leads to the achievement of measurable goals. These goals should be aimed at enabling all students to become technologically literate and to develop critical communication, math, science and critical thinking skills needed in the 21st century. The conferees therefore direct the Secretary to:

Within 60 days of the enactment of this bill, provide the House and Senate Committees on Appropriations with a description of all programs within his jurisdiction supporting the purchase of education technology, the amounts spent in fiscal year 1995 and projections for spending in fiscal years 1996 and 1997;

Within 60 days of the enactment of this bill, provide the House and Senate Committees with specific, measurable goals for improvements in student knowledge and achievement that are to be achieved as a result of this increased spending and a statement of how the Department will collect this information;

Within 60 days of the enactment of this bill, provide the House and Senate Committees with an operating plan for the technology funds provided in this account including the expected quarterly obligations for these funds and projections of outlays, on a quarterly basis; and

Provide the House and Senate Committees with quarterly reports on the obligation and outlays of funds provided for technology equipment, software, training, etc. in this account, comparing the actual obligations and outlays with those projected in the operating plan.

The conferees urge the Secretary to include the student performance measures identified as a result of activities required above in his reports required under the Government Performance and Results Act.

The conferees have provided funds for an existing public-private partnership to develop maritime history learner-based software and provide teacher training.

The conferees have included $2,000,000 for the Southeastern Pennsylvania Consortium for Higher Education. These funds will establish local and wide area computer networks which allow student access to faculty, other student and instructional resources. Interactive video classrooms will permit faculty from the consortium of colleges to teach students at all eight sites simultaneously, resulting in increased course options at the advanced level. Funds will also be used for pilot projects linking elementary and secondary school teachers in five countries for the purpose of training teachers in new technologies.

The conferees have also included language to continue the Iowa Communications Network state-wide fiber optics demonstration project at the fiscal year 1996 level.

The conferees agree that included in the Fund for the Improvement of Education is $125,000 for the National Student and Parent Mock Election.

Within the Fund for the Improvement of Education, the conferees have included funds for the continuation of support for the expansion and dissemination of and innovative program through which local community-based organizations are collaborating formally with local schools to provide music education and infuse music into core curricula.

LIBRARIES

The conference agreement includes $136,369,000 for Library Programs, instead of the $108,000,000 included in the House in H.R. 3755 and $128,369,000 included by the Senate in H.R. 3755 as reported from the Committee.

The conference agreement includes $1,000,000 within the Research and Demonstration account, to be competitively awarded to a non-profit social tolerance resource center. These funds would be used to operate a national training program, and develop educational materials, on prejudice reduction. Included in the program would be educators, students, health care providers, and others involved in community relations.

The conferees also included within the research and demonstration account $1,000,000 for completion of a catalog conversion effort by research and doctoral institutions initiated under fiber optics demonstrations begun in 1993 and for a continuation of the local library networking component.

The conference agreement also includes $1,500,000 within the research and demonstration account for the expansion of the Portland Area Library Network System (PORTALS).

The agreement also provides $500,000 for the establishment of a history project for the development of teaching and library materials focused on the history of the Columbia River Basin.

DEPARTMENTAL MANAGEMENT

The conference agreement provides $412,000,000, instead of $378,543,000 as proposed by the House in H.R. 3755 and $402,314,000 as proposed by the Senate in H.R. 3755 as reported from Committee. The conferees direct the Department to comply with the directives in the House report accompanying H.R. 3755.

The conference agreement deletes a provision included in both the House and Senate bills that would have permitted the Department of Education Office of Inspector General to retain a share of funds from the forfeiture of property in investigations in which the Office participated.

The conferees are extremely disturbed to learn that the Office of Legislation and Congressional Affairs has inconsistently notified congressional offices of grant awards. The conferees direct the Office to notify all affected congressional offices of grant awards on the same day by the same means of communication.

It has been brought to the conferees' attention that several public urban schools around this Nation are experiencing very serious overcrowding conditions. These schools are forced to jam classrooms to overcapacity due to their districts' limited budgets and engage in expensive capital campaigns for the construction of new schools. Private and parochial schools in these urban areas may have more than adequate space available to help public schools alleviate the overcrowding situation and could provide educational services, in some instances, for $1,000 per student. The conferees direct the Department of Education to provide to the Appropriations Committees by September 1, 1997, a feasibility study outlining the benefits of using private and parochial schools as alternatives to alleviate the overcrowding in public schools and barriers to using public school dollars for tuition reimbursement. The study should address the constitutional issues surrounding the use of these dollars among public, private and parochial entities as well as other statutory or regulatory impediments.

The conferees are concerned that the establishment of the Grand Staircase-Escalante National Monument could result in significant revenue losses because of the inclusion of the 200,000 acres of lands owned by the Utah State School Trust. The conferees are also concerned about the future Federal funding obligations that such an action could have. These lands were granted to the State of Utah, by the Federal Government with the express purpose of generating education revenue. Therefore, the conferees direct the Secretary of Education to report to the Committees by May 15, 1997, in making recommendations for Federal remedies to mitigate the impact to education funding caused by the inclusion of this land. The conferees further direct the Department to work with the State of Utah in drafting these recommendations.

GENERAL PROVISIONS

The conference agreement includes provisions limiting total expenditures for administration of the Federal Direct Student Loan (FDSL) program as authorized by section 458 of the Higher Education Act to $491,000,000 in fiscal year 1997, instead of $595,000,000 as provided in such section, $420,000,000 as proposed by the House in H.R. 3755, and $440,000,000 as proposed by the Senate in H.R. 3755 as reported from Committee. In addition, the agreement includes provisions proposed by the Senate in H.R. 3755 as reported from Committee requiring the Department to pay $80,000,000 in administrative cost allowances for fiscal year 1996 and not to exceed $70,000,000 for administrative cost allowances in fiscal year 1997 to be paid on the basis of 0.85 percent of the total principal amount of loans upon which insurance is issued up to the first $8,200,000,000 in new loans. H.R. 3755 as passed by the House required the payment of $134,000,000 for administrative cost allowances for fiscal years 1996 and 1997. The conference agreement modifies a provision in H.R. 3755 as passed by the House and H.R. 3755 as reported from the Senate Committee to prohibit the use of funds for advertising activities related to direct loans until January 1, 1997.

The conference agreement includes a provision prohibiting the use of funds for the Advisory Board for the Academy of Science, Space, and Technology. In H.R. 3755 as reported from Committee, the Senate proposed prohibiting the use of funding for the Advisory Board, the Historically Black Colleges and Universities Capital Financing Advisory Board, and Jacob J. Javits Fellows Program Fellowship Board. In H.R. 3755, the House proposed prohibiting the use of funds for the Advisory Board, the HBCU Board, the Javits Board and the National Board of the Fund for the Improvement of Postsecondary Education.

The conference agreement includes a provision as proposed by the House in H.R. 3755 amending the section 8003(f) of the Elementary and Secondary Education Act to clarify the procedure for calculating payments for heavily impacted districts. H.R. 3755 as reported from the Senate Committee did not include this provision.

The conference agreement does not include a provision proposed by the Senate in H.R. 3755 as reported from Committee and not included in H.R. 3755 as passed by the House to amend the student loan Quality Assurance Demonstration program authorized by section 487A of the Higher Education Act regarding the purposes for which grants may be made and regarding regulatory exemptions available to grantees. The conferees believe that the intend of Congress in establishing the Experimental Sites Authority under Section 487A of the Higher Education Act was to limit that authority only to the verification of student aid application data. Nevertheless, the conference agreement allows all experimental sites approved by the Department as of September 15, 1996 to continue. However, the conferees direct that the Department notify the Chairmen and Ranking Members of the relevant authorizing Committees and Appropriations Subcommittees of the House and Senate at least 30 days prior to approval of any demonstrations subsequent to September 15, 1996, pursuant to section 487A of the Higher Education Act.

The conference agreement includes a provision amending section 485(e) of the Higher Education Act to change the annual reporting period for information on athletically-related student aid from the one year period ending June 30, of the preceding year to the one year period ending August 30 of the preceding year. Neither H.R. 3755 as passed by the House nor H.R. 3755 as reported by the Senate Committee contained a similar provision.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

The conference includes $56,204,000 as proposed by the Senate in H.R. 3755 as reported from Committee, instead of $53,184,000 as proposed by the House in H.R. 3755.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement provides $213,969,000 instead of $203,969,000 as proposed by the House in H.R. 3755 and the Senate in H.R. 3755 as reported from Committee. The conference agreement provides $77,812,000 for the Foster Grandparents program.

CORPORATION FOR PUBLIC BROADCASTING

The conferees are extremely concerned about the continuing broadcast by CPB grantees of anti-Semitic and racist programming. The conferees direct CPB to report to Congress not later than February 1, 1997, on its investigation of such broadcasts and actions taken by the Board to reduce or eliminate such programming and to reduce or eliminate Federal funding for such programming and for grantees broadcasting such programming.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

The conference agreement provides $897,000 as proposed by the Senate in H.R. 3755 as reported from Committee, instead of $812,000 as proposed by the House in H.R. 3755.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

The conference agreement provides $1,793,000 as proposed by the Senate in H.R. 3755 as reported from Committee, instead of $1,757,000 as proposed by the House in H.R. 3755.

The conferees are concerned that the Council failed to submit complete and responsive information to the Congress during the fiscal year 1997 hearing process. The conferees direct the Council to correct this problem during subsequent budget cycles.

NATIONAL EDUCATION GOALS PANEL

The conference agreement provides $1,500,000, as proposed by the Senate in H.R. 3755, instead of $974,000 as proposed by the House in H.R. 3755.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

The conference agreement provides $175,000,000 instead of $144,692,000 as proposed by the House in H.R. 3755 and $170,266,000 as proposed by the Senate in H.R. 3755 as reported from Committee.

The conferees are concerned that the Board failed to submit necessary information to the Congress in a timely fashion during the fiscal year 1997 hearing process. The conferees direct the Board to correct this deficiency during subsequent budget cycles.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

The conference agreement provides $8,300,000 as proposed by the Senate in H.R. 3755 as reported from Committee, instead of $7,656,000 as proposed by the House in H.R. 3755. The agreement includes a provision making available unobligated balances for Presidential Emergency Boards for one additional year for other statutory purposes. H.R. 3755 as reported by the Senate Committee included a provision making all unobligated funds available indefinitely. H.R. 3755 as passed by the House included no similar provision.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $3,263,000 as proposed by the Senate in H.R. 3755 as reported from Committee, instead of $2,920,000 as proposed by the House in H.R. 3755.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

The conference agreement provides $19,372,010,000 instead of $19,422,115,000 as proposed by the House in H.R. 3755 and $19,357,010,000 as proposed by the Senate in H.R. 3755 as reported from Committee. Within the total, the conference agreement provides $1,946,015,000 for SSI administration. The conference agreement provides an additional $19,895,000 for the automation initiative. The conferees direct that the Social Security Administration comply with the directive in the House report accompanying H.R. 3755 regarding the use of funding for research and demonstrations.

In addition to the amount provided for the regular supplemental security income program appropriation, the conference agreement provides $175,000,000 as proposed by the

Senate in H.R. 3755 as reported from Committee for the processing of continuing disability reviews as authorized by P.L. 104–121, the Senior Citizens' Right to Work Act and P.L. 104–193, the welfare reform Act. As passed by the House prior to enactment of P.L. 104–193, H.R. 3755 provided $25,000,000 for the processing of continuing disability reviews as authorized by P.L. 104–121.

The conference agreement includes a technical provision adding the words "as amended" to the citation of the law as proposed by the Senate in H.R. 3755 as reported from Committee.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement provides $5,873,382,000, instead of $5,899,797,000 as proposed by the House in H.R. 3755 and $5,820,907,000 as proposed by the Senate in H.R. 3755 as reported from Committee. Within the total amount, the conference agreement provides $3,080,000,000 from the OASDI trust funds and $1,268,000 for the Social Security Advisory Board. The conference agreement provides an additional $234,895,000 for the automation initiative.

The conferees agree that the amount provided for operation of the Social Security Advisory Board is sufficient to enable this independent, bipartisan board to fulfill its mandate to provide the Congress, the President, and the Commissioner of Social Security with recommendations on policy issues related to the Social Security and Supplemental Security Income programs.

In addition to the regular limitation on administration, the conference agreement provides an additional $310,000,000 for the processing of continuing disability reviews as proposed by the Senate in H.R. 3755 as reported from Committee and as authorized by P.L. 104–121, the Senior Citizens' Right to Work Act and P.L. 104–193, the welfare reform Act. As passed by the House prior to enactment of P.L. 104–193, H.R. 3755 provided $160,000,000 for the processing of continuing disability reviews as authorized by P.L. 104–121.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $37,424,000, instead of $27,424,000 as proposed by the House in H.R. 3755 and the Senate in H.R. 3755 as reported from Committee. The conferees believe this additional funding is necessary to provide for the hiring of up to 115 additional FTEs, particularly investigative agents, to adequately protect the Social Security Trust Funds from fraud and criminal abuse.

The conferees believe that all of the Inspectors General need to do a better job of accounting for and tracking the savings that they claim to generate by their efforts. More attention must be paid to how much money is actually collected each year and paid back to the Federal government. The conferees direct the Inspector General to report to the Committees each quarter on:

(1) the actual payments, as a result of fines, restitutions, or forfeitures, made to the United States Government as a result of his activities; and

(2) how "funds put to better use" were used; this report must identify funds made available for use by management and the programs, projects, and activities that were increased as a result of these funds.

RAILROAD RETIREMENT BOARD

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

The conference agreement provides $5,404,000, instead of $5,268,000 as proposed by the House in H.R. 3755 and $5,540,000 as proposed in H.R. 3755 as reported from Committee. The conference agreement includes provisions proposed by the House in H.R. 3755 prohibiting the transfer of funds provided in the Act to the Office of Inspector General from the Department of Health and Human Services and prohibiting the use of funds for any audit, investigation, or review of the Medicare program.

The conferees believe that all of the Inspectors General need to do a better job of accounting for and tracking the savings that they claim to generate by their efforts. More attention must be paid to how much money is actually collected each year and paid back to the Federal government. The conferees direct the Inspector General to report to the Committees each quarter on:

(1) the actual payments, as a result of fines, restitutions, or forfeitures, made to the United States Government as a result of his activities; and

(2) how "funds put to better use" were used; this report must identify funds made available for use by management and the programs, projects, and activities that were increased as a result of these funds.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

The conferees are concerned that the Institute failed to submit necessary information to the Congress in a timely fashion during the fiscal year 1997 hearing process. The conferees direct the Institute to correct this deficiency during subsequent budget cycles.

TITLE V—GENERAL PROVISIONS

The conference agreement includes a revision to section 503 as proposed by the Senate in H.R. 3755 as reported from Committee. The language would include State legislatures in the section's provision prohibiting use of funds in the bill for activities designed to influence legislation pending before the Congress. Funds in the bill could not be used to attempt to influence a State legislature with respect to pending legislation. The House bill had no similar provision.

The conference agreement includes a revision to section 507 as proposed by the Senate in H.R. 3755 as reported from Committee. The House bill would require all Federal grantees to disclose the dollar amount of Federal funds and the percentage of Federal funds involved in a program or project when the grantee is issuing press releases, statements, requests for proposals, bid solicitations and other documents related to the program or project. The agreement changes the House language by limiting the disclosure provisions to only grantees receiving Federal funds from the Labor-HHS-Education appropriations bill, rather than all Federal grantees.

The conference agreement deletes a provision proposed by the House in H.R. 3755 prohibiting the use of funds by the National Labor Relations Board to exert jurisdiction over any labor dispute involving an employer that does not meet the statutory jurisdictional thresholds for the agency as updated for inflation. H.R. 3755 as reported by the Senate Committee did not include a similar provision.

The conference agreement does not include section 514 as proposed by the House in H.R. 3755 which would prohibit the use of funds in the bill to assist any illegal alien, except for emergency medical assistance, benefits mandated by the Federal courts or public health assistance for immunizations, testing and treatment for communicable diseases. The Senate bill had no similar provision.

The conference agreement does not include section 515 as proposed by the House in H.R. 3755 which would have prohibited the Department of Labor from closing or relocating any mine safety and health technology center until after submission of a report to the House Committee on Appropriations detailing any cost savings anticipated and the effect on services. The Senate bill had no similar provision.

The conference agreement includes a limitation on the use of funds for any educational institution which prohibits the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps. The conference agreement includes a provision prohibiting the use of funds for any educational institution which prevents the entry to campuses for military recruiting or which prevents access to certain student information to military recruiters. The conference agreement also includes a provision denying funds to entities which have failed to comply with certain reporting requirements administered by the Department of Labor.

The conferees intend that the limitations on the use of funds relating to ROTC and military recruiting not apply to any individual institution of higher education that is part of a single university system and that does not bar military recruiters or ROTC on campus even though another campus of the same system does prohibit recruiters or ROTC on campus.

The conferees do not wish to impose an unreasonable administrative burden on institutions of higher education to comply with these provisions. The conferees direct the Secretary of Defense to include in regulations implementing these provisions mechanisms to ensure that institutions of higher education are not subjected to unreasonable requests for student information.

The conference agreement does not include section 520 as proposed by the House in H.R. 3755 which would have prohibited the enforcement of an OSHA regulation that requires that workers wear long pants if such requirement would cause workers to experience extreme discomfort because of heat. The Senate bill had no similar provision.

The conference agreement deletes without prejudice a provision proposed by the House in H.R. 3755 but deleted by the Senate prohibiting the use of funds to order, direct, enforce, or compel an employer to pay backpay to any employee for any period during which the employee was not lawfully entitled to be present and employed in the United States. The conferees agree that this is a serious matter which needs to be addressed, but believe it should be dealt with by the appropriate authorizing committees.

The conference agreement does not include a provision proposed by the House in H.R. 3755 and not included in H.R. 3755 as reported from the Senate Committee which prohibits the use of trust funds to compensate employees of the Social Security Administration for union activity conducted on official time.

The conference agreement includes a provision in the House bill that was deleted in the Senate bill prohibiting the funding of family planning grantees unless the grantee certifies that it encourages family participation in the decision of a minor to seek family planning services.

The conference agreement modifies a provision as proposed by the Senate in H.R. 3755 as reported from Committee to require a reduction of $30,500,000 in amounts otherwise available for salaries and expenses, and in addition, the conference agreement requires a reduction of $2,000,000 in resources otherwise available for congressional, legislative, and public affairs activities. The conference agreement does not include a provision proposed by the Senate in H.R. 3755 as reported from Committee to require a cap on cash performance awards of 1% of salaries for each agency.

The conference agreement includes a provision proposed by the Senate in H.R. 3755 as reported from Committee and not included in H.R. 3755 as passed by the House permitting the Railroad Retirement Board to offer voluntary separation incentives to its employees.

The conference agreement includes a provision that was not contained in H.R. 3755 as passed by the House or reported by the Senate Committee that corrects the effective date of the Health Centers Consolidation Act of 1996 so that the legislation will be effective for fiscal year 1997.

TITLE VI

COMMISSION ON RETIREMENT INCOME POLICY

The conference agreement does not include title VI of the bill as proposed by the Senate in H.R. 3755 as reported from Committee. The proposed title VI was the text of a separate Senate authorizing bill which would have authorized and established a Commission on Retirement Income Policy. The House bill had no similar provision.

TITLE VII—MUSEUM AND LIBRARY SERVICES ACT OF 1996

The conference agreement includes a new title VII of the bill which was not included either in H.R. 3755 as passed by the House or reported by the Senate Committee. This title amends the Museum Services Act to transfer all library programs from the Department of Education to the Institute of Museum and Library Services.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
SUMMARY									
Title I - Department of Labor:									
Federal Funds	7,976,741	9,059,601	7,973,792	8,021,538	8,743,893	+767,152	+770,101	+722,355	
Trust Funds	(3,380,133)	(3,674,428)	(3,504,434)	(3,380,771)	(3,435,973)	(+55,840)	(-68,461)	(+55,202)	
Title II - Department of Health and Human Services:									
Federal Funds	197,401,625	220,807,182	218,873,913	214,854,883	218,101,929	+20,700,304	-771,984	+3,247,046	
Current year	(166,446,275)	(186,007,189)	(185,073,920)	(184,754,890)	(187,394,936)	(+20,948,661)	(+2,321,016)	(+2,640,046)	
1998 advance	(30,955,350)	(34,799,993)	(33,799,993)	(30,099,993)	(30,706,993)	(-248,357)	(-3,093,000)	(+607,000)	
Trust Funds	(2,154,893)	(2,230,547)	(1,742,290)	(1,738,749)	(1,744,290)	(-410,603)	(+2,000)	(+5,541)	
Title III - Department of Education:									
Federal Funds	25,230,349	28,034,009	25,228,875	25,812,646	28,797,235	+3,566,886	+3,568,360	+2,984,589	
Title IV - Related Agencies:									
Federal Funds	29,479,805	31,490,674	30,729,339	30,844,119	30,873,853	+1,394,048	+144,514	+29,734	
Current year	(19,799,805)	(21,365,674)	(20,629,339)	(20,744,119)	(20,773,853)	(+974,048)	(+144,514)	(+29,734)	
1998 advance	(9,430,000)	(9,850,000)	(9,850,000)	(9,850,000)	(9,850,000)	(+420,000)	---	---	
1999 advance	(250,000)	(275,000)	(250,000)	(250,000)	(250,000)	---	---	---	
Trust Funds	(5,988,137)	(6,707,767)	(6,430,308)	(6,478,251)	(6,549,194)	(+561,057)	(+118,886)	(+70,943)	
Title V - 1% Cap on performance awards	---	---	---	-30,500	-30,500	-30,500	-30,500	---	
Total, all titles:									
Federal Funds	260,088,520	289,391,466	282,805,919	279,502,686	286,486,410	+26,397,890	+3,680,491	+6,983,724	
Current year	(219,453,170)	(244,466,473)	(238,905,926)	(239,302,693)	(245,679,417)	(+26,226,247)	(+6,773,491)	(+6,376,724)	
1998 advance	(40,385,350)	(44,649,993)	(43,649,993)	(39,949,993)	(40,556,993)	(+171,643)	(-3,093,000)	(+607,000)	
1999 advance	(250,000)	(275,000)	(250,000)	(250,000)	(250,000)	---	---	---	
Trust Funds	(11,523,163)	(12,612,742)	(11,677,032)	(11,597,771)	(11,729,457)	(+206,294)	(+52,425)	(+131,686)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
BUDGET ENFORCEMENT ACT RECAP									
Federal Funds (all years)	260,088,520	289,391,466	282,805,919	279,502,686	286,486,410	+26,397,890	+3,680,491	+6,983,724	
Mandatory, total in bill	202,222,040	223,293,463	222,894,463	217,961,463	219,754,463	+17,532,423	-3,140,000	+1,793,000	
Less advances for subsequent years	-40,385,350	-43,649,993	-43,649,993	-38,949,993	-39,556,993	+828,357	+4,093,000	-607,000	
Plus advances provided in prior years	38,687,717	40,385,350	40,385,350	40,385,350	40,385,350	+1,697,633	---	---	
Adjustment for savings related to CDRs	---	---	-100,000	-100,000	-100,000	-100,000	---	---	
Education: Rehab services, tech assistance	---	39,249	---	---	---	---	---	---	
Total, mandatory, current year	200,524,407	220,068,069	219,529,820	219,296,820	220,482,820	+19,958,413	+953,000	+1,186,000	
Discretionary, total in bill	57,866,480	66,098,003	59,911,456	61,541,223	66,731,947	+8,865,467	+6,820,491	+5,190,724	
Less advances for subsequent years	-250,000	-1,275,000	-250,000	-1,250,000	-1,250,000	-1,000,000	-1,000,000	---	
Plus advances provided in prior years	1,274,997	260,000	260,000	260,000	260,000	-1,014,997	---	---	
Scorekeeping adjustments:									
Trust funds considered budget authority	6,500,730	6,914,503	6,055,469	6,054,255	6,114,862	-385,868	+59,393	+60,607	
Child care advance funding, FY 1998	---	---	---	-937,000	-937,000	-937,000	-937,000	---	
Child care welfare reform rescission	---	---	---	-6,120	-6,120	-6,120	-6,120	---	
Education advance funding, FY 1997	-1,298,239	1,298,239	1,298,239	1,298,239	1,298,239	+2,596,478	---	---	
Education advance funding, FY 1998	---	---	-1,298,239	-670,597	-1,298,239	-1,298,239	---	-627,642	
LIHEAP 1997 contingency	---	300,000	300,000	---	300,000	+300,000	---	+300,000	
Howard University	---	2	---	---	---	---	---	---	
Education: Rehab services, tech assistance	---	-39,249	---	---	---	---	---	---	
Adjustment to balance with FY96 bill	-27,687	---	---	---	---	+27,687	---	---	
HEAL loan limitation	-6,983	---	---	---	---	+6,983	---	---	
Emergency designations	---	-28,575	---	---	-28,575	-28,575	-28,575	-28,575	
Direct loan administration limitation	-114,000	---	-269,000	-252,000	-218,000	-104,000	+51,000	+34,000	
JOBS rescission	-10,000	---	---	---	---	+10,000	---	---	
Dept of Labor working capital fund	3,900	---	---	---	---	-3,900	---	---	
Advances to the ESA account of the Unempl TF	-56,300	---	---	---	---	+56,300	---	---	

		FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
	Payments to UI trust fund & other funds.......	-266,000	---	---	---	---	+266,000	---	---	
	Adjustment for leg cap on Title XX SSBGs......	-419,000	---	100,000	-140,000	120,000	+539,000	+20,000	+260,000	
	Medicaid psychiatric hospitals................	50,000	---	---	---	---	-50,000	---	---	
*	Total, discretionary, current year........	63,247,898	73,527,923	66,107,925	65,898,000	71,087,114	+7,839,216	+4,979,189	+5,189,114	
*	Crime trust fund.........................	53,000	90,381	61,000	123,000	61,000	+8,000	---	-62,000	
*	General purposes.........................	63,194,898	73,437,542	66,046,925	65,775,000	71,026,114	+7,831,216	+4,979,189	+5,251,114	
	Total amount provided in this bill........	260,088,520	289,391,466	282,805,919	279,502,686	286,486,410	+26,397,890	+3,680,491	+6,983,724	
	Total 602(b) adjustments..............	3,683,785	4,204,526	2,831,826	5,692,134	5,083,524	+1,399,739	+2,251,698	-608,610	
	Grand total, current year.................	263,772,305	293,595,992	285,637,745	285,194,820	291,569,934	+27,797,629	+5,932,189	+6,375,114	

	FY 1996	FY 1997		Reported		Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1996	House	Senate	Disc
DISTRIBUTION OF BILL TOTALS BY AGENCY									
(BUDGET ENFORCEMENT ACT SCOREKEEPING)									
Title I - Department of Labor	7,976,741	9,059,601	7,973,792	8,021,538	8,743,893	+767,152	+770,101	+722,355	
Trust funds considered budget authority	3,368,573	3,661,328	3,367,731	3,369,443	3,424,645	+56,072	+56,914	+55,202	
Total	11,345,314	12,720,929	11,341,523	11,390,981	12,168,538	+823,224	+827,015	+777,557	
Mandatory	1,930,462	1,918,500	1,918,500	1,918,500	1,918,500	-11,962	---	---	
Discretionary	6,046,279	7,141,101	6,055,292	6,103,038	6,825,393	+779,114	+770,101	+722,355	
Trust funds considered budget authority	3,368,573	3,661,328	3,367,731	3,369,443	3,424,645	+56,072	+56,914	+55,202	
Dept of Labor working capital fund	3,900	---	---	---	---	-3,900	---	---	
Subtotal, discretionary	9,418,752	10,802,429	9,423,023	9,472,481	10,250,038	+831,286	+827,015	+777,557	
Total, 602(b) scorekeeping	11,349,214	12,720,929	11,341,523	11,390,981	12,168,538	+819,324	+827,015	+777,557	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
Title II - Dept of Health & Human Services	166,446,275	186,007,189	185,073,920	184,754,890	187,394,936	+20,948,661	+2,321,016	+2,640,046	
Prior year advances	32,447,717	30,955,350	30,955,350	30,955,350	30,955,350	-1,492,367	---	---	
Trust funds considered budget authority	2,154,893	2,230,547	1,742,290	1,738,749	1,744,290	-410,603	+2,000	+5,541	
Total	201,048,885	219,193,086	217,771,560	217,448,989	220,094,576	+19,045,691	+2,323,016	+2,645,587	
Mandatory	140,294,672	157,275,239	156,955,239	156,715,239	157,908,239	+17,613,567	+953,000	+1,193,000	
Prior year advances	31,447,717	30,955,350	30,955,350	30,955,350	30,955,350	-492,367	---	---	
Adjustment for savings related to CDRs	---	---	-100,000	-100,000	-100,000	-100,000	---	---	
Subtotal, mandatory	171,742,389	188,230,589	187,810,589	187,570,589	188,763,589	+17,021,200	+953,000	+1,193,000	
Discretionary	26,151,603	28,731,950	28,118,681	28,039,651	29,486,697	+3,335,094	+1,368,016	+1,447,046	
Prior year advances	999,997	---	---	---	---	-999,997	---	---	
Trust funds considered budget authority	2,154,893	2,230,547	1,742,290	1,738,749	1,744,290	-410,603	+2,000	+5,541	
Child Care advance funding, FY 1998	---	---	---	-937,000	-937,000	-937,000	-937,000	---	
Emergency designations	---	-28,575	---	---	-28,575	-28,575	-28,575	-28,575	
Child care welfare reform rescission	---	---	---	-6,120	-6,120	-6,120	-6,120	---	
HEAL loan limitation	-6,983	---	---	---	---	+6,983	---	---	
Adjustment for leg cap on Title XX SSBGs	-419,000	---	100,000	-140,000	120,000	+539,000	+20,000	+260,000	
LIHEAP 1997 contingency	---	300,000	300,000	---	300,000	+300,000	---	+300,000	
Subtotal, discretionary	28,880,510	31,233,922	30,260,971	28,695,280	30,679,292	+1,798,782	+418,321	+1,984,012	
Total, 602(b) scorekeeping	200,622,899	219,464,511	218,071,560	216,265,869	219,442,881	+18,819,982	+1,371,321	+3,177,012	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
Title III - Department of Education	25,230,349	28,034,009	25,228,875	25,812,646	28,797,235	+3,566,886	+3,568,360	+2,984,589	
Mandatory	2,419,983	2,473,338	2,473,338	2,480,338	2,473,338	+53,355	---	-7,000	
Education: Rehab services, tech assistance	---	39,249	---	---	---	---	---	---	
Subtotal, mandatory	2,419,983	2,512,587	2,473,338	2,480,338	2,473,338	+53,355	---	-7,000	
Discretionary	22,810,366	25,560,671	22,755,537	23,332,308	26,323,897	+3,513,531	+3,568,360	+2,991,589	
Education advance funding, FY 1997	-1,298,239	1,298,239	1,298,239	1,298,239	1,298,239	+2,596,478	---	---	
Education advance funding, FY 1998	---	---	-1,298,239	-670,597	-1,298,239	-1,298,239	---	-627,642	
Education: Rehab services, tech assistance	---	-39,249	---	---	---	---	---	---	
Subtotal, discretionary	21,512,127	26,819,661	22,755,537	23,959,950	26,323,897	+4,811,770	+3,568,360	+2,363,947	
Total, 602(b) scorekeeping	23,932,110	29,332,248	25,228,875	26,440,288	28,797,235	+4,865,125	+3,568,360	+2,356,947	
Title IV - Related Agencies	19,799,805	21,365,674	20,629,339	20,744,119	20,773,853	+974,048	+144,514	+29,734	
Prior year advances	7,515,000	9,690,000	9,690,000	9,690,000	9,690,000	+2,175,000	---	---	
Trust funds considered budget authority	977,264	1,022,628	945,448	946,063	945,927	-31,337	+479	-136	
Total	28,292,069	32,078,302	31,264,787	31,380,182	31,409,780	+3,117,711	+144,993	+29,598	
Mandatory	17,191,573	17,976,393	17,897,393	17,897,393	17,897,393	+705,820	---	---	
Prior year advances	7,240,000	9,430,000	9,430,000	9,430,000	9,430,000	+2,190,000	---	---	
Subtotal, mandatory	24,431,573	27,406,393	27,327,393	27,327,393	27,327,393	+2,895,820	---	---	
Discretionary	2,608,232	3,389,281	2,731,946	2,846,726	2,876,460	+268,228	+144,514	+29,734	
Prior year advances	275,000	260,000	260,000	260,000	260,000	-15,000	---	---	
Trust funds considered budget authority	977,264	1,022,628	945,448	946,063	945,927	-31,337	+479	-136	
Subtotal, discretionary	3,860,496	4,671,909	3,937,394	4,052,789	4,082,387	+221,891	+144,993	+29,598	
Total, 602(b) scorekeeping	28,292,069	32,078,302	31,264,787	31,380,182	31,409,780	+3,117,711	+144,993	+29,598	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Title V - 1% Cap on performance awards................	---	---	---	-30,500	-30,500	-30,500	-30,500	---	
Scorekeeping adjustments: Howard University............................	---	2	---	---	---	---	---	---	
Adjustment to balance with FY96 bill..........	-27,687	---	---	---	---	+27,687	---	---	
Direct loan administration limitation.........	-114,000	---	-269,000	-252,000	-218,000	-104,000	+51,000	+34,000	
Medicaid psychiatric hospitals................	50,000	---	---	---	---	-50,000	---	---	
JOBS rescission...............................	-10,000	---	---	---	---	+10,000	---	---	
Advances to the ESA account of the Unempl TF..	-56,300	---	---	---	---	+56,300	---	---	
Payments to UI trust fund & other funds.......	-266,000	---	---	---	---	+266,000	---	---	
Total, current year, all titles....................	263,772,305	293,595,992	285,637,745	285,194,820	291,569,934	+27,797,629	+5,932,189	+6,375,114	
Mandatory....................................	161,836,690	179,682,719	179,144,470	178,911,470	180,097,470	+18,260,780	+953,000	+1,186,000	
Prior year advances.........................	38,687,717	40,385,350	40,385,350	40,385,350	40,385,350	+1,697,633	---	---	
Subtotal, mandatory, current year.........	200,524,407	220,068,069	219,529,820	219,296,820	220,482,820	+19,958,413	+953,000	+1,186,000	
Discretionary................................	55,472,171	66,353,420	59,792,456	59,583,745	64,712,252	+9,240,081	+4,919,796	+5,128,507	
Prior year advances.........................	1,274,997	260,000	260,000	260,000	260,000	-1,014,997	---	---	
Trust funds considered budget authority.....	6,500,730	6,914,503	6,055,469	6,054,255	6,114,862	-385,868	+59,393	+60,607	
Subtotal, discretionary current year......	63,247,898	73,527,923	66,107,925	65,898,000	71,087,114	+7,839,216	+4,979,189	+5,189,114	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
TITLE I - DEPARTMENT OF LABOR									
EMPLOYMENT AND TRAINING ADMINISTRATION									
TRAINING AND EMPLOYMENT SERVICES 1/									
Grants to States:									
Adult training	850,000	947,000	845,000	845,000	895,000	+45,000	+50,000	+50,000	D
Youth training	126,672	126,672	126,672	126,672	126,672	---	---	---	D
Summer youth employment and training program 3/	625,000	871,000	625,000	625,000	871,000	+246,000	+246,000	+246,000	D
Dislocated worker assistance:									
Forward funding	1,097,500	1,293,000	1,100,000	1,100,000	1,293,000	+195,500	+193,000	+193,000	D
Current funding 3/	2,500	---	---	---	---	-2,500	---	---	D
Subtotal	1,100,000	1,293,000	1,100,000	1,100,000	1,293,000	+193,000	+193,000	+193,000	
Federally administered programs:									
Native Americans	52,502	50,000	50,000	52,502	52,502	---	+2,502	---	D
Migrants and seasonal farmworkers	69,285	65,000	65,000	70,285	69,285	---	+4,285	-1,000	D
Job Corps:									
Operations	972,475	1,064,824	1,064,824	1,064,824	1,064,824	+92,349	---	---	D
Construction and renovation 2/	121,467	88,685	73,861	73,861	88,685	-32,782	+14,824	+14,824	D
Subtotal, Job Corps	1,093,942	1,153,509	1,138,685	1,138,685	1,153,509	+59,567	+14,824	+14,824	
Veterans' employment	7,300	7,300	7,300	7,300	7,300	---	---	---	D

1/ Forward funded except where noted.

2/ 3 year availability.

3/ Current funded.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
National activities:									
Pilots and demonstrations	27,140	23,717	15,000	33,000	27,140	---	+12,140	-5,860	D
Research, demonstration and evaluation	6,196	10,196	6,196	6,196	6,196	---	---	---	D
Opportunity areas for youth	---	250,000	---	---	---	---	---	---	D
Jobs for residents	---	50,000	---	---	---	---	---	---	D
Incumbent worker demonstrations	---	15,000	---	---	---	---	---	---	D
Other	13,489	8,019	8,019	13,489	13,489	---	+5,470	---	D
Subtotal, National activities	46,825	356,932	29,215	52,685	46,825	---	+17,610	-5,860	
Subtotal, Federal activities	1,269,854	1,632,741	1,290,200	1,321,457	1,329,421	+59,567	+39,221	+7,964	
Total, Job Training Partnership Act	3,971,526	4,870,413	3,986,872	4,018,129	4,515,093	+543,567	+528,221	+496,964	
Glass Ceiling Commission 1/	142	---	---	---	---	-142	---	---	D
Women in apprenticeship 1/	610	647	610	610	610	---	---	---	D
Skills Standards	4,000	9,000	4,000	4,000	4,000	---	---	---	D
Total, National activities, TES (non-add)	(51,577)	(366,579)	(33,825)	(57,295)	(51,435)	(-142)	(+17,610)	(-5,860)	
School-to-work 2/	170,000	200,000	175,000	180,000	200,000	+30,000	+25,000	+20,000	D
Total, Training and Employment Services	4,146,278	5,080,060	4,166,482	4,202,739	4,719,703	+573,425	+553,221	+516,964	
Subtotal, forward funded	(3,518,026)	(4,208,413)	(3,540,872)	(3,577,129)	(3,848,093)	(+330,067)	(+307,221)	(+270,964)	

1/ Current funded.

2/ 15-month availability.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS 1/..	373,000	350,000	373,000	373,000	463,000	+90,000	+90,000	+90,000	D
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES									
Trade adjustment......................................	279,600	276,100	276,100	276,100	276,100	-3,500	---	---	M
NAFTA activities......................................	66,500	48,400	48,400	48,400	48,400	-18,100	---	---	M
Total..	346,100	324,500	324,500	324,500	324,500	-21,600	---	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS									
Unemployment Compensation (Trust Funds):									
State Operations.................................	(2,080,520)	(2,224,974)	(2,076,735)	(2,119,475)	(2,119,475)	(+38,955)	(+42,740)	---	TF*
National Activities..............................	(10,000)	(10,000)	(8,500)	(10,000)	(10,000)	---	(+1,500)	---	TF*
Contingency......................................	(216,333)	(260,573)	(260,573)	(216,333)	(216,333)	---	(-44,240)	---	TF*
Contingency bill language (OMB estimate)..........	---	(67,800)	---	---	---	---	---	---	NA
Portion treated as budget authority...........	---	(67,800)	---	---	---	---	---	---	TF*
Subtotal, Unemployment Comp (trust funds)...	(2,306,853)	(2,563,347)	(2,345,808)	(2,345,808)	(2,345,808)	(+38,955)	---	---	

1/ Request proposes transfer of these funds to the Administration on Aging in the Dept of HHS.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Employment Service:									
Allotments to States:									
Federal funds	23,452	24,085	22,279	22,279	23,452	---	+1,173	+1,173	D
Trust funds	(738,283)	(758,217)	(701,369)	(701,369)	(738,283)	---	(+36,914)	(+36,914)	TF*
Subtotal	761,735	782,302	723,648	723,648	761,735	---	+38,087	+38,087	
National Activities:									
Federal funds	1,876	1,927	---	---	---	-1,876	---	---	D
Trust funds 2/	(57,058)	(63,949)	(42,735)	(52,559)	(62,735)	(+5,677)	(+20,000)	(+10,176)	TF*
Subtotal, Emp. Serv., National Activities	58,934	65,876	42,735	52,559	62,735	+3,801	+20,000	+10,176	
Subtotal, Employment Service	820,669	848,178	766,383	776,207	824,470	+3,801	+58,087	+48,263	
Federal funds	25,328	26,012	22,279	22,279	23,452	-1,876	+1,173	+1,173	
Trust funds	(795,341)	(822,166)	(744,104)	(753,928)	(801,018)	(+5,677)	(+56,914)	(+47,090)	
One-stop Career Centers	110,000	150,000	110,000	110,000	150,000	+40,000	+40,000	+40,000	D
Total, State Unemployment	3,237,522	3,561,525	3,222,191	3,232,015	3,320,278	+82,756	+98,087	+88,263	
Federal Funds	135,328	176,012	132,279	132,279	173,452	+38,124	+41,173	+41,173	
Trust Funds	(3,102,194)	(3,385,513)	(3,089,912)	(3,099,736)	(3,146,826)	(+44,632)	(+56,914)	(+47,090)	
ADVANCES TO UNEMPLOYMENT TRUST FUND & OTHER FUNDS 1/.	369,000	373,000	373,000	373,000	373,000	+4,000	---	---	M
ADVANCES TO THE ESA ACCOUNT OF THE UNEMPLOYMENT TRUST FUND	(-56,300)	---	---	---	---	(+56,300)	---	---	NA
PAYMENTS TO UI TRUST FUND AND OTHER FUNDS	(-266,000)	---	---	---	---	(+266,000)	---	---	NA

1/ 2 year availability.

2/ Senate includes $10,000,000 and conference includes $20,000,000 for administration of the work opportunity tax credit program.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM ADMINISTRATION									
Adult employment and training	25,619	26,091	25,107	25,107	25,107	-512	---	---	D
Trust funds	(2,283)	(2,354)	(2,237)	(2,237)	(2,237)	(-46)	---	---	TF*
Youth employment and training	29,441	29,990	28,852	28,852	28,852	-589	---	---	D
Employment security	6,057	6,323	5,936	5,936	5,936	-121	---	---	D
Trust funds	(37,167)	(37,274)	(36,424)	(36,424)	(36,424)	(-743)	---	---	TF*
Apprenticeship services	16,129	16,689	15,806	15,806	15,806	-323	---	---	D
Executive direction	5,808	5,614	5,692	5,692	5,692	-116	---	---	D
Trust funds	(1,343)	(1,346)	(1,316)	(1,316)	(1,316)	(-27)	---	---	TF*
Total, Program Administration	123,847	125,681	121,370	121,370	121,370	-2,477	---	---	
Federal funds	83,054	84,707	81,393	81,393	81,393	-1,661	---	---	
Trust funds	(40,793)	(40,974)	(39,977)	(39,977)	(39,977)	(-816)	---	---	
Total, Employment & Training Administration	8,595,747	9,814,766	8,580,543	8,626,624	9,321,851	+726,104	+741,308	+695,227	
Federal funds	5,452,760	6,388,279	5,450,654	5,486,911	6,135,048	+682,288	+684,394	+648,137	
Trust funds	(3,142,987)	(3,426,487)	(3,129,889)	(3,139,713)	(3,186,803)	(+43,816)	(+56,914)	(+47,090)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
PENSION AND WELFARE BENEFITS ADMINISTRATION									
SALARIES AND EXPENSES 1/									
Enforcement and compliance	51,712	67,430	50,978	56,678	61,669	+9,957	+10,691	+4,991	D
Policy, regulation and public service	11,831	14,261	11,594	11,594	11,831	---	+237	+237	D
Program oversight	3,583	3,758	3,511	3,511	3,583	---	+72	+72	D
Total, PWBA	67,126	85,449	66,083	71,783	77,083	+9,957	+11,000	+5,300	
PENSION BENEFIT GUARANTY CORPORATION									
Program Administration subject to limitation (Trust Funds)	(10,557)	(12,043)	(135,720)	(10,345)	(10,345)	(-212)	(-125,375)	---	TF
Services related to terminations not subject to limitations (non-add)	(127,933)	(128,496)	---	(125,375)	(125,375)	(-2,558)	(+125,375)	---	NA
Total, PBGC	(138,490)	(140,539)	(135,720)	(135,720)	(135,720)	(-2,770)	---	---	

1/ Budget requests $9 million to remain available through Sept. 30, 1998.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of wage and hour standards................	99,751	118,704	102,756	101,506	118,704	+18,953	+15,948	+17,198	D
Office of Labor-Management Standards..................	23,992	29,084	23,512	23,512	25,564	+1,572	+2,052	+2,052	D
Federal contractor EEO standards enforcement..........	56,171	65,460	55,048	55,048	59,058	+2,887	+4,010	+4,010	D
Federal programs for workers' compensation............	73,159	80,222	71,696	71,696	75,710	+2,551	+4,014	+4,014	D
Trust funds..	(1,003)	(1,057)	(983)	(983)	(983)	(-20)	---	---	TF
Program direction and support.........................	10,622	11,386	10,410	10,410	11,386	+764	+976	+976	D
Total, salaries and expenses....................	264,698	305,913	264,405	263,155	291,405	+26,707	+27,000	+28,250	
Federal funds.................................	263,695	304,856	263,422	262,172	290,422	+26,727	+27,000	+28,250	
Trust funds...................................	(1,003)	(1,057)	(983)	(983)	(983)	(-20)	---	---	
SPECIAL BENEFITS									
Federal employees compensation benefits...............	214,000	209,000	209,000	209,000	209,000	-5,000	---	---	M
Longshore and harbor workers' benefits................	4,000	4,000	4,000	4,000	4,000	---	---	---	M
Total, Special Benefits.........................	218,000	213,000	213,000	213,000	213,000	-5,000	---	---	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
BLACK LUNG DISABILITY TRUST FUND									
Benefit payments and interest on advances............	949,494	961,665	961,665	961,665	961,665	+12,171	---	---	M
Employment Standards Admin., salaries & expenses......	27,193	26,071	26,071	26,071	26,071	-1,122	---	---	M
Departmental Management, salaries and expenses........	19,621	19,621	19,621	19,621	19,621	---	---	---	M
Departmental Management, inspector general............	298	287	287	287	287	-11	---	---	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	996,606	1,007,644	1,007,644	1,007,644	1,007,644	+11,038	---	---	
Treasury administrative costs (indefinite)............	756	356	356	356	356	-400	---	---	M
Total, Black Lung Disability Trust Fund.........	997,362	1,008,000	1,008,000	1,008,000	1,008,000	+10,638	---	---	
Total, Employment Standards Administration......	1,480,060	1,526,913	1,485,405	1,484,155	1,512,405	+32,345	+27,000	+28,250	
Federal funds..................................	1,479,057	1,525,856	1,484,422	1,483,172	1,511,422	+32,365	+27,000	+28,250	
Trust funds....................................	(1,003)	(1,057)	(983)	(983)	(983)	(-20)	---	---	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and health standards..........................	8,374	18,066	8,207	8,207	12,000	+3,626	+3,793	+3,793	D
Enforcement:									
Federal Enforcement..............................	120,890	122,386	117,125	118,525	126,208	+5,318	+9,083	+7,683	D
State programs...................................	68,295	73,315	66,929	66,929	77,354	+9,059	+10,425	+10,425	D
Technical Support....................................	17,815	20,445	17,459	17,459	17,459	-356	---	---	D
Compliance Assistance:									
Federal Assistance...............................	34,822	51,970	34,822	34,822	37,440	+2,618	+2,618	+2,618	D
State Consultation Grants........................	32,479	33,064	32,479	32,479	34,560	+2,081	+2,081	+2,081	D
Safety and health statistics.........................	14,465	14,647	14,176	14,176	14,176	-289	---	---	D
Executive direction and administration...............	6,670	6,958	6,537	6,537	6,537	-133	---	---	D
Total, OSHA....................................	303,810	340,851	297,734	299,134	325,734	+21,924	+28,000	+26,600	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement:									
Coal	106,090	108,723	103,968	106,090	107,594	+1,504	+3,626	+1,504	D
Metal/nonmetal	41,412	44,997	40,584	41,412	41,994	+582	+1,410	+582	D
Standards development	1,008	1,303	988	1,008	1,008	---	+20	---	D
Assessments	3,497	3,840	3,427	3,497	3,497	---	+70	---	D
Educational policy and development	14,782	14,800	14,486	14,782	14,782	---	+296	---	D
Technical support	21,268	21,950	20,843	21,268	21,268	---	+425	---	D
Program administration	7,667	8,569	7,514	7,667	7,667	---	+153	---	D
Total, Mine Safety and Health Administration	195,724	204,182	191,810	195,724	197,810	+2,086	+6,000	+2,086	
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	97,155	111,426	97,624	97,389	102,169	+5,014	+4,545	+4,780	D
Labor Market Information (Trust Funds)	(51,278)	(52,053)	(52,053)	(51,665)	(52,053)	(+775)	---	(+388)	TF*
Prices and cost of living	96,322	101,825	98,107	97,214	100,134	+3,812	+2,027	+2,920	D
Compensation and working conditions	53,444	55,617	56,834	55,139	56,834	+3,390	---	+1,695	D
Productivity and technology	6,974	7,263	7,180	7,077	7,263	+289	+83	+186	D
Economic growth and employment projections	4,451	4,640	4,582	4,516	4,640	+189	+58	+124	D
Executive direction and staff services	21,896	23,462	22,175	22,185	22,462	+566	+287	+277	D
Consumer Price Index Revision 1/	11,549	16,145	16,145	16,145	16,145	+4,596	---	---	D
Total, Bureau of Labor Statistics	343,069	372,431	354,700	351,330	361,700	+18,631	+7,000	+10,370	
Federal Funds	291,791	320,378	302,647	299,665	309,647	+17,856	+7,000	+9,982	
Trust Funds	(51,278)	(52,053)	(52,053)	(51,665)	(52,053)	(+775)	---	(+388)	

1/ 2 year availability.

	FY 1996	FY 1997		Reported		Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1996	House	Senate	Disc
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive direction	18,641	19,368	20,268	20,268	20,268	+1,627	---	---	D
Legal services	58,072	61,510	56,911	56,911	59,911	+1,839	+3,000	+3,000	D
Trust funds	(303)	(303)	(297)	(297)	(297)	(-6)	---	---	TF*
International labor affairs	9,900	9,465	6,000	9,465	9,465	-435	+3,465	---	D
Administration and management	13,904	13,916	13,626	13,626	13,626	-278	---	---	D
Adjudication	20,500	20,895	20,090	20,090	20,090	-410	---	---	D
Promoting employment of people with disabilities	4,358	4,389	4,271	4,358	4,358	---	+87	---	D
Women's Bureau	7,743	7,751	7,588	7,743	7,743	---	+155	---	D
Civil Rights Activities	4,535	4,541	4,444	4,444	4,444	-91	---	---	D
Chief Financial Officer	4,394	4,399	4,306	4,306	4,306	-88	---	---	D
Commission on Retirement Income Policy	---	---	---	1,000	---	---	---	-1,000	D
Total, Salaries and expenses	142,350	146,537	137,801	142,508	144,508	+2,158	+6,707	+2,000	
Federal funds	142,047	146,234	137,504	142,211	144,211	+2,164	+6,707	+2,000	
Trust funds	(303)	(303)	(297)	(297)	(297)	(-6)	---	---	
VETERANS EMPLOYMENT AND TRAINING									
State Administration:									
Disabled Veterans Outreach Program	(76,913)	(81,993)	(81,993)	(79,453)	(81,993)	(+5,080)	---	(+2,540)	TF*
Local Veterans Employment Program	(71,386)	(75,125)	(75,125)	(73,255)	(75,125)	(+3,739)	---	(+1,870)	TF*
Subtotal, State Administration	(148,299)	(157,118)	(157,118)	(152,708)	(157,118)	(+8,819)	---	(+4,410)	
Federal Administration	(19,419)	(21,752)	(22,831)	(19,517)	(22,831)	(+3,412)	---	(+3,314)	TF*
National Veterans Training Institute	(2,672)	---	(2,000)	(2,000)	(2,000)	(-672)	---	---	TF*
Total, Trust Funds	(170,390)	(178,870)	(181,949)	(174,225)	(181,949)	(+11,559)	---	(+7,724)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
REINVENTION INVESTMENT FUND	---	3,900	---	---	---	---	---	---	D
OFFICE OF THE INSPECTOR GENERAL									
Program activities	37,622	38,117	36,270	36,270	36,270	-1,352	---	---	D
Trust funds	(3,615)	(3,615)	(3,543)	(3,543)	(3,543)	(-72)	---	---	TF*
Executive Direction and Management	6,804	6,355	6,668	6,668	6,668	-136	---	---	D
Total, Office of the Inspector General	48,041	48,087	46,481	46,481	46,481	-1,560	---	---	
Federal funds	44,426	44,472	42,938	42,938	42,938	-1,488	---	---	
Trust funds	(3,615)	(3,615)	(3,543)	(3,543)	(3,543)	(-72)	---	---	
Total, Departmental Management	360,781	377,394	366,231	363,214	372,938	+12,157	+6,707	+9,724	
Federal funds	186,473	194,606	180,442	185,149	187,149	+676	+6,707	+2,000	
Trust funds	(174,308)	(182,788)	(185,789)	(178,065)	(185,789)	(+11,481)	---	(+7,724)	
Total, Labor Department	11,356,874	12,734,029	11,478,226	11,402,309	12,179,866	+822,992	+701,640	+777,557	
Federal funds	7,976,741	9,059,601	7,973,792	8,021,538	8,743,893	+767,152	+770,101	+722,355	
Trust funds	(3,380,133)	(3,674,428)	(3,504,434)	(3,380,771)	(3,435,973)	(+55,840)	(-68,461)	(+55,202)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES									
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
Consolidated health centers...........................	758,132	---	802,124	778,000	802,124	+43,992	---	+24,124	D
Health Centers Cluster (proposed legislation).........	---	757,124	---	---	---	---	---	---	D
Subtotal, Health Centers Activities.............	758,132	757,124	802,124	778,000	802,124	+43,992	---	+24,124	
National Health Service Corps:									
Field placements................................	37,244	---	37,244	37,244	37,244	---	---	---	D
Recruitment.....................................	75,189	---	78,189	78,189	78,189	+3,000	---	---	D
Subtotal, National Health Service Corps.........	112,433	---	115,433	115,433	115,433	+3,000	---	---	

Note: All HHS accounts are current funded unless otherwise noted.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Health Professions									
Grants to communities for scholarships................	474	---	532	474	532	+58	---	+58	D
Health professions data system........................	212	---	238	212	238	+26	---	+26	D
Research on certain Health Profession issues..........	---	---	---	450	450	+450	+450	---	D
Nurse loan repayment for shortage area service........	1,962	---	2,197	2,197	2,197	+235	---	---	D
Workforce Development Cluster (proposed leg)..........	---	117,205	---	---	---	---	---	---	D
Centers of excellence.................................	22,072	---	24,718	22,072	24,718	+2,646	---	+2,646	D
Health careers opportunity program....................	23,918	---	26,785	23,918	26,785	+2,867	---	+2,867	D
Exceptional financial need scholarships...............	10,120	---	11,333	10,120	11,333	+1,213	---	+1,213	D
Faculty loan repayment................................	947	---	1,061	947	1,061	+114	---	+114	D
Fin assistance for disadvantaged HP students..........	5,999	---	6,718	5,999	6,718	+719	---	+719	D
Scholarships for disadvantaged students...............	16,677	---	18,676	16,677	18,676	+1,999	---	+1,999	D
Minority / Disadvantaged Cluster (proposed leg).......	---	64,085	---	---	---	---	---	---	D
Family medicine training / departments................	44,002	---	49,277	44,002	49,277	+5,275	---	+5,275	D
General internal medicine and pediatrics..............	15,741	---	17,628	15,741	17,628	+1,887	---	+1,887	D
Physician assistants..................................	5,697	---	6,380	5,697	6,380	+683	---	+683	D
Public health and preventive medicine.................	7,148	---	8,005	7,148	8,005	+857	---	+857	D
Health administration traineeships / projects.........	978	---	1,095	978	1,095	+117	---	+117	D
Primary Care Medicine and Public Health Cluster (proposed legislation)..............................	---	80,000	---	---	---	---	---	---	D

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
Area health education centers	23,123	---	28,495	26,000	28,495	+5,372	---	+2,495	D
Border health training centers	3,350	---	3,752	3,350	3,752	+402	---	+402	D
General dentistry residencies	3,381	---	3,786	3,381	3,786	+405	---	+405	D
Allied health special projects	3,424	---	3,834	3,424	3,834	+410	---	+410	D
Geriatric education centers and training	7,933	---	8,884	7,933	8,884	+951	---	+951	D
Rural interdisciplinary traineeships	3,709	---	4,154	4,154	4,154	+445	---	---	D
Podiatric medicine	605	---	678	605	678	+73	---	+73	D
Chiropractic demonstration grants	916	---	1,026	916	1,026	+110	---	+110	D
Enhanced Area Health Education Cluster (proposed legislation)	---	35,000	---	---	---	---	---	---	D
Advanced nurse education	11,134	---	12,469	11,134	12,469	+1,335	---	+1,335	D
Nurse practitioners / nurse midwives	15,460	---	17,588	17,588	17,588	+2,128	---	---	D
Special projects	9,436	---	10,567	9,436	10,567	+1,131	---	+1,131	D
Nurse disadvantaged assistance	3,453	---	3,867	3,867	3,867	+414	---	---	D
Professional nurse traineeships	14,235	---	15,942	14,235	15,942	+1,707	---	+1,707	D
Nurse anesthetists	2,469	---	2,765	2,469	2,765	+296	---	+296	D
Nurse Education / Practice Initiatives Cluster (proposed legislation)	---	70,000	---	---	---	---	---	---	D
Undistributed reduction	---	-8,335	---	---	---	---	---	---	D
Subtotal, Health professions	258,575	357,955	292,450	265,124	292,900	+34,325	+450	+27,776	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Other HRSA Programs:									
Hansen's disease services........................	17,094	15,998	17,094	17,094	17,094	---	---	---	D
Maternal & child health block grant..............	678,204	676,061	681,061	678,204	681,061	+2,857	---	+2,857	D
Healthy start....................................	92,816	74,838	---	96,000	96,000	+3,184	+96,000	---	D
Organ transplantation............................	2,069	2,244	2,400	2,296	2,296	+227	-104	---	D
Health teaching facilities interest subsidies.....	411	290	297	297	297	-114	---	---	D
Bone marrow program..............................	15,272	14,983	15,272	15,272	15,272	---	---	---	D
Rural outreach grants............................	27,797	29,566	4,000	27,797	27,797	---	+23,797	---	D
Emergency medical services for children..........	10,755	---	12,500	12,500	12,500	+1,745	---	---	D
Emergency Medical Services (EMS) Cluster (proposed legislation)..................................	---	9,121	---	---	---	---	---	---	D
Black lung clinics...............................	3,811	---	3,900	4,000	4,000	+189	+100	---	D
Alzheimers demonstration grants..................	3,980	---	6,000	6,000	6,000	+2,020	---	---	D
Payment to Hawaii, treatment of Hansen's Disease..	2,045	---	2,045	2,045	2,045	---	---	---	D
Pacific Basin initiative.........................	1,200	---	---	1,000	---	-1,200	---	-1,000	D
Special Populations Cluster (proposed legislation)	---	7,315	---	---	---	---	---	---	D
Brain injury demonstration grants................	---	---	---	3,000	---	---	---	-3,000	D

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Ryan White AIDS Programs:									
Emergency assistance	391,700	423,943	401,700	401,700	449,943	+58,243	+48,243	+48,243	D
Comprehensive care programs	260,847	349,954	290,847	332,847	416,954	+156,107	+126,107	+84,107	D
Early intervention program	56,918	64,568	61,918	61,918	69,568	+12,650	+7,650	+7,650	D
Pediatric demonstrations	29,000	34,000	34,000	34,000	36,000	+7,000	+2,000	+2,000	D
AIDS dental services	6,937	6,937	7,500	7,500	7,500	+563	---	---	D
Education and training centers	12,000	16,287	16,287	16,287	16,287	+4,287	---	---	D
Subtotal, Ryan White AIDS programs	757,402	895,689	812,252	854,252	996,252	+238,850	+184,000	+142,000	
Family planning	192,592	198,452	192,592	198,452	198,452	+5,860	+5,860	---	D
Rural health research	9,353	7,705	7,884	9,553	8,719	-634	+835	-834	D
Health care facilities	20,000	1,954	---	13,000	13,000	-7,000	+13,000	---	D
Buildings and facilities	741	809	2,828	828	828	+87	-2,000	---	D
National practitioner data bank	6,000	6,000	6,000	6,000	6,000	---	---	---	D
User fees	-6,000	-6,000	-6,000	-6,000	-6,000	---	---	---	D
Program management	112,058	110,379	112,058	112,949	112,949	+891	+891	---	D
Total, Health resources and services	3,076,740	3,160,483	3,082,190	3,213,096	3,405,019	+328,279	+322,829	+191,923	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:									
Interest subsidy program..........................	8,000	7,000	7,000	7,000	7,000	-1,000	---	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):									
New loan subsidies...............................	126	477	477	477	477	+351	---	---	M
Liquidating account (non-add)....................	---	(14,481)	(14,481)	(14,481)	(14,481)	(+14,481)	---	---	NA
HEAL loan limitation (non-add)...................	(210,000)	(140,000)	(140,000)	(140,000)	(140,000)	(-70,000)	---	---	NA
Program management...............................	2,688	2,695	2,688	2,688	2,688	---	---	---	D
Total, HEAL....................................	2,814	3,172	3,165	3,165	3,165	+351	---	---	
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:									
Post - FY88 claims (trust fund)..................	56,721	56,721	56,721	56,721	56,721	---	---	---	M
HRSA administration (trust fund).................	3,000	3,000	3,000	3,000	3,000	---	---	---	M
Subtotal, Vaccine injury compensation trust fund	59,721	59,721	59,721	59,721	59,721	---	---	---	
VACCINE INJURY COMPENSATION:									
Pre - FY89 claims (appropriation)................	110,000	110,000	110,000	110,000	110,000	---	---	---	M
Total, Vaccine injury..........................	169,721	169,721	169,721	169,721	169,721	---	---	---	
Total, Health Resources & Services Admin........	3,257,275	3,340,376	3,262,076	3,392,982	3,584,905	+327,630	+322,829	+191,923	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
CENTERS FOR DISEASE CONTROL									
DISEASE CONTROL, RESEARCH AND TRAINING									
Preventive Health Services Block Grant	145,229	145,229	157,000	136,081	154,000	+8,771	-3,000	+17,919	D
Prevention centers	8,099	7,106	7,106	8,099	8,099	---	+993	---	D
CDC/HCFA vaccine program:									
Immunization partnership grant (proposed leg)	---	176,656	---	---	---	---	---	---	D
Childhood immunization	467,890	311,237	467,890	467,890	467,890	---	---	---	D
HCFA vaccine purchase (non-add)	(409,759)	(523,952)	(523,952)	(523,952)	(523,952)	(+114,193)	---	---	NA
Subtotal, CDC/HCFA vaccine program level	(877,649)	(1,011,845)	(991,842)	(991,842)	(991,842)	(+114,193)	---	---	
1995 Vaccine rescission (non-add)	(-53,000)	---	---	---	---	(+53,000)	---	---	NA
HIV partnership grant (proposed legislation)	---	297,875	---	---	---	---	---	---	D
Acquired Immune Deficiency Syndrome (AIDS)	584,080	319,106	599,080	589,080	616,981	+32,901	+17,901	+27,901	D
Subtotal	584,080	616,981	599,080	589,080	616,981	+32,901	+17,901	+27,901	
STD/TB partnership grant (proposed legislation)	---	182,290	---	---	---	---	---	---	D
Tuberculosis	119,303	16,404	119,303	119,303	119,303	---	---	---	D
Sexually transmitted diseases	105,299	24,578	105,299	106,299	106,299	+1,000	+1,000	---	D
Subtotal	224,602	223,272	224,602	225,602	225,602	+1,000	+1,000	---	
Chronic diseases:									
Chronic diseases partnership grant (proposed leg).	---	117,351	---	---	---	---	---	---	D
Chronic and environmental disease prevention	143,744	106,156	155,000	155,000	167,000	+23,256	+12,000	+12,000	D
Breast and cervical cancer screening	124,670	44,677	134,670	139,670	139,670	+15,000	+5,000	---	D
Subtotal, Chronic diseases	268,414	268,184	289,670	294,670	306,670	+38,256	+17,000	+12,000	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Infectious disease	62,153	87,820	82,153	86,153	87,820	+25,667	+5,667	+1,667	D
Lead poisoning prevention	36,188	36,188	38,188	36,188	38,188	+2,000	---	+2,000	D
Injury control	43,198	43,198	40,598	40,598	43,198	---	+2,600	+2,600	D
Occupational Safety and Health (NIOSH)	128,623	136,584	128,623	136,584	141,584	+12,961	+12,961	+5,000	D
Mine safety and health	---	32,000	---	32,000	32,000	+32,000	+32,000	---	D
Traumatic Brain Injury	---	---	---	3,000	---	---	---	-3,000	D
Epidemic services	67,410	67,413	67,413	69,813	69,813	+2,403	+2,400	---	D
National Center for Health Statistics:									
Program operations	37,398	18,400	40,063	33,000	37,663	+265	-2,400	+4,663	D
1% evaluation funds (non-add)	(40,063)	(70,063)	(48,400)	(53,063)	(48,400)	(+8,337)	---	(-4,663)	NA
Subtotal, health statistics	(77,461)	(88,463)	(88,463)	(86,063)	(86,063)	(+8,602)	(-2,400)	---	
Buildings and facilities 1/	4,353	31,853	8,353	7,553	30,553	+26,200	+22,200	+23,000	D
Program management	2,637	2,637	2,637	2,637	2,637	---	---	---	D
Subtotal, Centers for Disease Control	2,080,274	2,204,758	2,153,376	2,168,948	2,262,698	+182,424	+109,322	+93,750	
Crime Bill Activities:									
Rape prevention and education	28,542	35,000	28,642	35,000	35,000	+6,458	+6,358	---	D
Domestic violence community demonstrations	3,000	6,000	5,000	6,000	6,000	+3,000	+1,000	---	D
Crime victim study	100	---	---	---	---	-100	---	---	D
Subtotal, Crime bill activities	31,642	41,000	33,642	41,000	41,000	+9,358	+7,358	---	
Total, Disease Control	2,111,916	2,245,758	2,187,018	2,209,948	2,303,698	+191,782	+116,680	+93,750	

1/ FY 1997 request and conference amounts include $23,000,000 that is declared emergency spending for the purposes of the Budget Act.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	2,248,000	2,060,392	2,385,741	2,102,949	2,382,532	+134,532	-3,209	+279,583	D
Transfer, Office of AIDS Research	---	(220,539)	---	(223,147)	---	---	---	(-223,147)	NA
Subtotal	(2,248,000)	(2,280,931)	(2,385,741)	(2,326,096)	(2,382,532)	(+134,532)	(-3,209)	(+56,436)	
National Heart, Lung, and Blood Institute	1,354,946	1,320,555	1,438,265	1,344,742	1,433,001	+78,055	-5,264	+88,259	D
Transfer, Office of AIDS Research	---	(58,115)	---	(58,815)	---	---	---	(-58,815)	NA
Subtotal	(1,354,946)	(1,378,670)	(1,438,265)	(1,403,557)	(1,433,001)	(+78,055)	(-5,264)	(+29,444)	
National Institute of Dental Research	182,923	174,463	195,596	177,701	195,997	+13,074	+401	+18,296	D
Transfer, Office of AIDS Research	---	(12,318)	---	(12,483)	---	---	---	(-12,483)	NA
Subtotal	(182,923)	(186,781)	(195,596)	(190,184)	(195,997)	(+13,074)	(+401)	(+5,813)	
National Institute of Diabetes and Digestive and Kidney Diseases	770,582	772,975	819,224	787,473	815,982	+45,400	-3,242	+28,509	D
Transfer, Office of AIDS Research	---	(11,948)	---	(12,109)	---	---	---	(-12,109)	NA
Subtotal	(770,582)	(784,923)	(819,224)	(799,582)	(815,982)	(+45,400)	(-3,242)	(+16,400)	
National Institute of Neurological Disorders and Stroke	680,902	671,148	725,478	683,721	726,746	+45,844	+1,268	+43,025	D
Transfer, Office of AIDS Research	---	(23,950)	---	(24,238)	---	---	---	(-24,238)	NA
Subtotal	(680,902)	(695,098)	(725,478)	(707,959)	(726,746)	(+45,844)	(+1,268)	(+18,787)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
National Institute of Allergy and Infectious Diseases.	1,168,483	584,362	1,256,149	595,016	1,257,234	+88,751	+1,085	+662,218	D
Transfer, Office of AIDS Research................	---	(624,368)	---	(633,993)	---	---	---	(-633,993)	NA
Subtotal......................................	(1,168,483)	(1,208,730)	(1,256,149)	(1,229,009)	(1,257,234)	(+88,751)	(+1,085)	(+28,225)	
National Institute of General Medical Sciences........	946,896	936,573	1,003,722	953,214	998,470	+51,574	-5,252	+45,256	D
Transfer, Office of AIDS Research................	---	(27,050)	---	(27,408)	---	---	---	(-27,408)	NA
Subtotal......................................	(946,896)	(963,623)	(1,003,722)	(980,622)	(998,470)	(+51,574)	(-5,252)	(+17,848)	
National Institute of Child Health and Human Development......................................	594,547	543,441	631,989	554,251	631,703	+37,156	-286	+77,452	D
Transfer, Office of AIDS Research................	---	(60,209)	---	(60,993)	---	---	---	(-60,993)	NA
Subtotal......................................	(594,547)	(603,650)	(631,989)	(615,244)	(631,703)	(+37,156)	(-286)	(+16,459)	
National Eye Institute..............................	313,933	310,072	333,131	315,948	332,735	+18,802	-396	+16,787	D
Transfer, Office of AIDS Research................	---	(9,135)	---	(9,204)	---	---	---	(-9,204)	NA
Subtotal......................................	(313,933)	(319,207)	(333,131)	(325,152)	(332,735)	(+18,802)	(-396)	(+7,583)	
National Institute of Environmental Health Sciences...	288,378	289,114	308,258	294,745	308,819	+20,441	+561	+14,074	D
Transfer, Office of AIDS Research................	---	(6,028)	---	(6,108)	---	---	---	(-6,108)	NA
Subtotal......................................	(288,378)	(295,142)	(308,258)	(300,853)	(308,819)	(+20,441)	(+561)	(+7,966)	
National Institute on Aging..........................	453,541	461,541	484,375	470,256	486,047	+32,506	+1,672	+15,791	D
Transfer, Office of AIDS Research................	---	(1,824)	---	(1,818)	---	---	---	(-1,818)	NA
Subtotal......................................	(453,541)	(463,365)	(484,375)	(472,074)	(486,047)	(+32,506)	(+1,672)	(+13,973)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
National Institute of Arthritis and Musculoskeletal and Skin Diseases....................................	242,655	243,169	257,637	247,731	257,111	+14,456	-526	+9,380	D
Transfer, Office of AIDS Research.................	---	(3,972)	---	(4,029)	---	---	---	(-4,029)	NA
Subtotal..	(242,655)	(247,141)	(257,637)	(251,760)	(257,111)	(+14,456)	(-526)	(+5,351)	
National Institute on Deafness and Other Communication Disorders..	176,383	179,090	189,243	182,693	188,422	+12,039	-821	+5,729	D
Transfer, Office of AIDS Research.................	---	(1,726)	---	(1,744)	---	---	---	(-1,744)	NA
Subtotal..	(176,383)	(180,816)	(189,243)	(184,437)	(188,422)	(+12,039)	(-821)	(+3,985)	
National Institute of Nursing Research................	55,814	51,951	59,715	52,936	59,743	+3,929	+28	+6,807	D
Transfer, Office of AIDS Research.................	---	(5,015)	---	(5,078)	---	---	---	(-5,078)	NA
Subtotal..	(55,814)	(56,966)	(59,715)	(58,014)	(59,743)	(+3,929)	(+28)	(+1,729)	
National Institute on Alcohol Abuse and Alcoholism....	198,401	192,280	212,079	195,891	212,004	+13,603	-75	+16,113	D
Transfer, Office of AIDS Research.................	---	(10,334)	---	(10,450)	---	---	---	(-10,450)	NA
Subtotal..	(198,401)	(202,614)	(212,079)	(206,341)	(212,004)	(+13,603)	(-75)	(+5,663)	
National Institute on Drug Abuse......................	458,112	312,014	487,341	317,936	489,375	+31,263	+2,034	+171,439	D
Transfer, Office of AIDS Research.................	---	(154,311)	---	(156,200)	---	---	---	(-156,200)	NA
Subtotal..	(458,112)	(466,325)	(487,341)	(474,136)	(489,375)	(+31,263)	(+2,034)	(+15,239)	
National Institute of Mental Health...................	660,514	578,149	701,247	589,187	701,585	+41,071	+338	+112,398	D
Transfer, Office of AIDS Research.................	---	(93,056)	---	(94,188)	---	---	---	(-94,188)	NA
Subtotal..	(660,514)	(671,205)	(701,247)	(683,375)	(701,585)	(+41,071)	(+338)	(+18,210)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
National Center for Research Resources	390,298	309,344	416,523	324,844	415,145	+24,847	-1,378	+90,301	D
Transfer, Office of AIDS Research	---	(68,255)	---	(71,008)	---	---	---	(-71,008)	NA
Subtotal	(390,298)	(377,599)	(416,523)	(395,852)	(415,145)	(+24,847)	(-1,378)	(+19,293)	
National Center for Human Genome Research	169,768	177,788	189,267	180,807	189,657	+19,889	+390	+8,850	D
Transfer, Office of AIDS Research	---	(2,087)	---	(1,030)	---	---	---	(-1,030)	NA
Subtotal	(169,768)	(179,875)	(189,267)	(181,837)	(189,657)	(+19,889)	(+390)	(+7,820)	
John E. Fogarty International Center	25,327	15,790	26,707	16,838	26,586	+1,259	-121	+9,748	D
Transfer, Office of AIDS Research	---	(9,757)	---	(9,869)	---	---	---	(-9,869)	NA
Subtotal	(25,327)	(25,547)	(26,707)	(26,707)	(26,586)	(+1,259)	(-121)	(-121)	
National Library of Medicine	140,936	143,268	150,093	142,070	151,103	+10,167	+1,010	+9,033	D
Transfer, Office of AIDS Research	---	(3,311)	---	(3,094)	---	---	---	(-3,094)	NA
Subtotal	(140,936)	(146,579)	(150,093)	(145,164)	(151,103)	(+10,167)	(+1,010)	(+5,939)	
Office of the Director	260,072	226,913	275,423	243,319	287,206	+27,134	+11,783	+43,887	D
Office of AIDS research (non-add)	(26,598)	(24,600)	(34,491)	(33,306)	(35,589)	(+8,991)	(+1,098)	(+2,283)	NA
Transfer, Office of AIDS Research	---	(24,600)	---	(33,306)	---	---	---	(-33,306)	NA
Subtotal	(260,072)	(251,513)	(275,423)	(276,625)	(287,206)	(+27,134)	(+11,783)	(+10,581)	
Buildings and facilities	146,151	390,261	200,000	180,000	200,000	+53,849	---	+20,000	D
Office of AIDS Research	---	1,431,908	---	1,460,312	---	---	---	-1,460,312	D
Total N.I.H.	11,927,562	12,376,561	12,747,203	12,414,580	12,747,203	+819,641	---	+332,623	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION									
Mental Health:									
Knowledge development and application.............	38,032	62,133	38,032	38,032	58,032	+20,000	+20,000	+20,000	D
Mental health performance partnership.............	275,420	275,420	275,420	275,420	275,420	---	---	---	D
Children's mental health..........................	59,927	59,958	59,927	59,927	69,927	+10,000	+10,000	+10,000	D
Grants to States for the homeless (PATH)..........	20,000	---	20,000	20,000	20,000	---	---	---	D
Protection and advocacy...........................	19,850	21,957	21,957	21,957	21,957	+2,107	---	---	D
Subtotal, mental health.......................	413,229	419,468	415,336	415,336	445,336	+32,107	+30,000	+30,000	
Substance Abuse Treatment:									
Knowledge development and application.............	89,777	176,043	101,333	110,000	156,000	+66,223	+54,667	+46,000	D
Substance abuse performance partnership (BA)......	1,234,107	1,271,957	1,184,107	1,184,107	1,310,107	+76,000	+126,000	+126,000	D
P.L. 104-121 funding (non-add)....................	---	(50,000)	(50,000)	(50,000)	(50,000)	(+50,000)	---	---	NA
Subtotal, Substance Abuse Treatment (BA)......	1,323,884	1,448,000	1,285,440	1,294,107	1,466,107	+142,223	+180,667	+172,000	
Program level............................	(1,323,884)	(1,498,000)	(1,335,440)	(1,344,107)	(1,516,107)	(+192,223)	(+180,667)	(+172,000)	
Substance Abuse Prevention:									
Knowledge development and application 1/.........	89,799	176,043	93,959	110,000	168,800	+79,001	+74,841	+58,800	D
Program management................................	56,188	54,500	54,500	54,500	54,500	-1,688	---	---	D
Total, Substance Abuse and Mental Health (BA)...	1,883,100	2,098,011	1,849,235	1,873,943	2,134,743	+251,643	+285,508	+260,800	
Program level...............................	(1,883,100)	(2,148,011)	(1,899,235)	(1,923,943)	(2,184,743)	(+301,643)	(+285,508)	(+260,800)	

1/ Conference agreement includes $12,800,000 to continue community school grants initiated in 1995.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS									
Retirement payments..................................	129,808	136,421	136,421	136,421	136,421	+6,613	---	---	M
Survivors benefits...................................	9,208	11,001	11,001	11,001	11,001	+1,793	---	---	M
Dependent's medical care.............................	25,108	26,414	26,414	26,414	26,414	+1,306	---	---	M
Military Services Credits............................	2,801	2,556	2,556	2,556	2,556	-245	---	---	M
Total, Retirement pay and medical benefits......	166,925	176,392	176,392	176,392	176,392	+9,467	---	---	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
AGENCY FOR HEALTH CARE POLICY AND RESEARCH									
Research on Health Care Systems Cost & Access:									
Research	7,019	29,132	39,239	22,992	35,704	+28,685	-3,535	+12,712	D
1% evaluation funding (non-add)	(45,124)	(19,284)	---	(25,424)	(12,712)	(-32,412)	(+12,712)	(-12,712)	NA
Subtotal	(52,143)	(48,416)	(39,239)	(48,416)	(48,416)	(-3,727)	(+9,177)	---	
Health Insurance & Expenditure Surveys:									
Research	---	10,000	10,000	10,000	10,000	+10,000	---	---	D
1% evaluation funding (non-add)	(15,000)	(34,700)	(34,700)	(34,700)	(34,700)	(+19,700)	---	---	NA
Subtotal	(15,000)	(44,700)	(44,700)	(44,700)	(44,700)	(+29,700)	---	---	
Research on Health Care Outcomes & Quality:									
Federal funds	55,796	42,445	39,000	48,241	48,241	-7,555	+9,241	---	D
Trust funds	---	(5,796)	---	---	---	---	---	---	TF*
Subtotal	(55,796)	(48,241)	(39,000)	(48,241)	(48,241)	(-7,555)	(+9,241)	---	
Program support	2,230	2,423	2,230	2,230	2,230	---	---	---	D
Total, Health Care Policy and Research:									
Federal Funds	65,045	84,000	90,469	83,463	96,175	+31,130	+5,706	+12,712	
Trust funds	---	(5,796)	---	---	---	---	---	---	
Total, 1% evaluation funding (non-add)	(60,124)	(53,984)	(34,700)	(60,124)	(47,412)	(-12,712)	(+12,712)	(-12,712)	
Total, Health Care Policy & Research (non-add)	(125,169)	(143,780)	(125,169)	(143,587)	(143,587)	(+18,418)	(+18,418)	---	
Total, Public Health Service:									
Federal Funds	19,411,823	20,321,098	20,312,393	20,151,308	21,043,116	+1,631,293	+730,723	+891,808	
Trust funds	---	(5,796)	---	---	---	---	---	---	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
HEALTH CARE FINANCING ADMINISTRATION									
GRANTS TO STATES FOR MEDICAID									
Medicaid current law benefits	91,140,563	98,141,139	98,141,139	98,141,139	98,141,139	+7,000,576	---	---	M
State and local administration	3,742,000	4,171,923	4,171,923	4,171,923	4,171,923	+429,923	---	---	M
Subtotal, Medicaid program level, FY 1996 / 1997	94,882,563	102,313,062	102,313,062	102,313,062	102,313,062	+7,430,499	---	---	
Carryover balance	-12,740,491	-1,101,094	-1,101,094	-1,101,094	-1,101,094	+11,639,397	---	---	M
Less funds advanced in prior year	-27,047,717	-26,155,350	-26,155,350	-26,155,350	-26,155,350	+892,367	---	---	M
Total, request, FY 1996 / 1997	55,094,355	75,056,618	75,056,618	75,056,618	75,056,618	+19,962,263	---	---	
New advance, 1st quarter, FY 1997 / 1998	26,155,350	27,988,993	27,988,993	27,988,993	27,988,993	+1,833,643	---	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS									
Supplemental medical insurance	55,385,000	59,456,000	59,456,000	59,456,000	59,456,000	+4,071,000	---	---	M
Hospital insurance for the uninsured	358,000	405,000	405,000	405,000	405,000	+47,000	---	---	M
Federal uninsured payment	63,000	76,000	76,000	76,000	76,000	+13,000	---	---	M
DOD adjustment	625,000	---	---	---	---	-625,000	---	---	M
SMI matching, prior year shortfall	6,737,000	---	---	---	---	-6,737,000	---	---	M
Program management	145,000	142,000	142,000	142,000	142,000	-3,000	---	---	M
Total, Payment to Trust Funds, current law	63,313,000	60,079,000	60,079,000	60,079,000	60,079,000	-3,234,000	---	---	
Net Medicare trust fund/general fund cash flow (NA)	(9,200,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(+5,800,000)	---	---	NA

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
PROGRAM MANAGEMENT									
Research, demonstration, and evaluation:									
Regular program, trust funds	(40,000)	(50,810)	(42,000)	(45,000)	(44,000)	(+4,000)	(+2,000)	(-1,000)	TF*
Rural hospital transition demonstrations, trust funds	(13,089)	---	---	---	---	(-13,089)	---	---	TF*
Insurance Counseling	---	(4,500)	---	---	---	---	---	---	TF*
Subtotal, research, demonstration, & evaluation.	(53,089)	(55,310)	(42,000)	(45,000)	(44,000)	(-9,089)	(+2,000)	(-1,000)	
Medicare contractors (Trust Funds)	(1,597,642)	(1,614,200)	(1,207,200)	(1,207,200)	(1,207,200)	(-390,442)	---	---	TF*
H.R. 3103 funding (non-add)	---	---	(440,000)	(440,000)	(440,000)	(+440,000)	---	---	NA
Subtotal, Contractors program level	(1,597,642)	(1,614,200)	(1,647,200)	(1,647,200)	(1,647,200)	(+49,558)	---	---	
State Survey and Certification:									
Medicare certification, trust funds	(147,625)	(163,800)	(158,000)	(158,000)	(158,000)	(+10,375)	---	---	TF*
Federal Administration:									
Trust funds	(326,053)	(359,974)	(326,053)	(319,512)	(326,053)	---	---	(+6,541)	TF*
Less current law user fees	(-128)	(-132)	(-128)	(-128)	(-128)	---	---	---	TF*
Subtotal, Federal Administration	(325,925)	(359,842)	(325,925)	(319,384)	(325,925)	---	---	(+6,541)	
Total, Program management	(2,124,281)	(2,193,152)	(1,733,125)	(1,729,584)	(1,735,125)	(-389,156)	(+2,000)	(+5,541)	
Total, Health Care Financing Administration:									
Federal funds	144,562,705	163,124,611	163,124,611	163,124,611	163,124,611	+18,561,906	---	---	
Current year, FY 1995 / 1996	(118,407,355)	(135,135,618)	(135,135,618)	(135,135,618)	(135,135,618)	(+16,728,263)	---	---	
New advance, 1st quarter, FY 1996 / 1997	(26,155,350)	(27,988,993)	(27,988,993)	(27,988,993)	(27,988,993)	(+1,833,643)	---	---	
Trust funds	(2,124,281)	(2,193,152)	(1,733,125)	(1,729,584)	(1,735,125)	(-389,156)	(+2,000)	(+5,541)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
ADMINISTRATION FOR CHILDREN AND FAMILIES									
FAMILY SUPPORT PAYMENTS TO STATES 1/									
Aid to Families with Dependent Children (AFDC)........	12,999,000	11,713,000	11,713,000	11,713,000	11,713,000	-1,286,000	---	---	M
Quality control liabilities..........................	-71,121	-52,000	-52,000	-52,000	-52,000	+19,121	---	---	M
Payments to territories..............................	19,428	25,000	25,000	25,000	25,000	+5,572	---	---	M
Emergency assistance.................................	974,000	1,867,000	1,867,000	1,867,000	1,867,000	+893,000	---	---	M
Repatriation...	1,000	1,000	1,000	1,000	1,000	---	---	---	M
State and local welfare administration...............	1,770,000	1,875,000	1,875,000	1,875,000	1,875,000	+105,000	---	---	M
Work activities child care...........................	734,000	879,405	879,405	879,405	879,405	+145,405	---	---	M
Transitional child care..............................	220,000	267,595	267,595	267,595	267,595	+47,595	---	---	M
At risk child care...................................	300,000	300,000	300,000	300,000	300,000	---	---	---	M
Subtotal, Welfare payments......................	16,946,307	16,876,000	16,876,000	16,876,000	16,876,000	-70,307	---	---	
Child Support Enforcement:									
State and local administration....................	1,943,000	2,132,000	2,132,000	2,132,000	---	-1,943,000	-2,132,000	-2,132,000	M
Federal incentive payments........................	439,000	459,000	459,000	459,000	---	-439,000	-459,000	-459,000	M
Less federal share collections....................	-1,314,000	-1,366,000	-1,366,000	-1,366,000	---	+1,314,000	+1,366,000	+1,366,000	M
Net welfare reform child support appropriation....	---	---	---	---	2,158,000	+2,158,000	+2,158,000	+2,158,000	M
Subtotal, Child support......................	1,068,000	1,225,000	1,225,000	1,225,000	2,158,000	+1,090,000	+933,000	+933,000	
Total, Payments, FY 1996 / 1997 program level...	18,014,307	18,101,000	18,101,000	18,101,000	19,034,000	+1,019,693	+933,000	+933,000	
Less funds advanced in previous years.........	-4,400,000	-4,800,000	-4,800,000	-4,800,000	-4,800,000	-400,000	---	---	M
Total, Payments, current request, FY 1996 /1997.	13,614,307	13,301,000	13,301,000	13,301,000	14,234,000	+619,693	+933,000	+933,000	
New advance, 1st quarter, FY 1997 /1998.....	4,800,000	4,700,000	4,700,000	---	607,000	-4,193,000	-4,093,000	+607,000	M

1/ Conference welfare payment figures are estimates shown to suggest comparability.
Actual appropriation is indefinite.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
JOB OPPORTUNITIES AND BASIC SKILLS (JOBS)............	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	---	---	---	M
LOW INCOME HOME ENERGY ASSISTANCE									
Advance from prior year (non-add)....................	(999,997)	---	---	---	---	(-999,997)	---	---	NA
Adjustment..	-100,000	1,000,000	900,000	1,000,000	1,000,000	+1,100,000	+100,000	---	D
FY 1996 / 1997 program level......................	(899,997)	(1,000,000)	(900,000)	(1,000,000)	(1,000,000)	(+100,003)	(+100,000)	---	
Prior year emergency allocation.......................	---	(300,000)	(300,000)	---	(300,000)	(+300,000)	---	(+300,000)	NA
New emergency allocation (non-add)....................	---	---	---	(300,000)	---	---	---	(-300,000)	NA
Advance funding (FY 1997 / 1998)......................	---	1,000,000	---	1,000,000	1,000,000	+1,000,000	+1,000,000	---	D
REFUGEE AND ENTRANT ASSISTANCE									
Transitional and medical services.....................	263,267	246,502	246,502	237,202	246,502	-16,765	---	+9,300	D
Social services.......................................	80,802	80,802	110,882	99,802	110,882	+30,080	---	+11,080	D
Preventive health.....................................	2,700	4,835	4,835	2,448	4,835	+2,135	---	+2,387	D
Targeted assistance...................................	55,397	49,397	49,857	46,157	49,857	-5,540	---	+3,700	D
Carryover (non-add)...................................	(10,590)	---	(9,300)	(9,300)	(9,300)	(-1,290)	---	---	NA
Total, Refugee and entrant assistance (BA)......	402,166	381,536	412,076	385,609	412,076	+9,910	---	+26,467	
Total program level.............................	(412,756)	(381,536)	(421,376)	(394,909)	(421,376)	(+8,620)	---	(+26,467)	
CHILD CARE AND DEVELOPMENT BLOCK GRANT:									
Forward funded 1/................................	934,642	1,048,825	937,000	937,000	937,000	+2,358	---	---	D
Current funded 2/................................	---	---	13,000	19,120	19,120	+19,120	+6,120	---	D
Total...	934,642	1,048,825	950,000	956,120	956,120	+21,478	+6,120	---	
SOCIAL SERVICES BLOCK GRANT (TITLE XX)................	2,381,000	2,800,000	2,480,000	2,240,000	2,500,000	+119,000	+20,000	+260,000	M

1/ $937,000,000 is delayed until October 1, 1997 in Senate bill and conference agreement.

2/ Senate bill and conference agreement include $6,120,000 that is declared an emergency for purposes of the Budget Act.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
CHILDREN AND FAMILIES SERVICES PROGRAMS									
Programs for Children, Youth, and Families:									
Head start	3,569,329	3,981,000	3,600,000	3,600,000	3,981,000	+411,671	+381,000	+381,000	D
Consolidated runaway, homeless youth program	---	68,572	---	---	---	---	---	---	D
Runaway and homeless youth	43,653	---	43,653	43,653	43,653	---	---	---	D
Runaway youth - transitional living	14,949	---	14,949	14,949	14,949	---	---	---	D
Subtotal, runaway	58,602	68,572	58,602	58,602	58,602	---	---	---	
Teen pregnancy prevention initiative	---	30,000	---	---	---	---	---	---	D
Child abuse state grants	21,026	22,854	21,026	21,026	21,026	---	---	---	D
Child abuse discretionary activities	14,154	---	14,154	14,154	14,154	---	---	---	D
Temporary childcare/crisis nurseries	9,835	---	---	---	---	-9,835	---	---	D
Abandoned infants assistance	12,251	14,406	12,251	12,251	12,251	---	---	---	D
Child welfare services	277,389	291,989	277,389	277,389	291,989	+14,600	+14,600	+14,600	D
Child welfare training	2,000	---	4,000	4,000	4,000	+2,000	---	---	D
Child welfare innovative programs	---	39,178	---	---	---	---	---	---	D
Child welfare longitudinal study (non-add)	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	---	---	---	NA
Welfare reform research (non-add)	---	(15,000)	(15,000)	(15,000)	(15,000)	(+15,000)	---	---	NA
Adoption opportunities	11,000	---	11,000	15,000	13,000	+2,000	+2,000	-2,000	D
Social services & income maintenance research	---	10,000	---	17,000	44,000	+44,000	+44,000	+27,000	D
Family violence 1/	32,643	32,519	35,042	---	62,000	+29,357	+26,958	+62,000	D
Community Based Resource Centers	23,000	50,569	---	32,835	32,835	+9,835	+32,835	---	D

1/ $32,643,000 funded in Senate bill under battered women's shelters with the violent crime reduction trust fund.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Developmental disabilities program:									
State councils	64,803	70,438	64,803	64,803	64,803	---	---	---	D
Protection and advocacy	26,718	26,718	26,718	26,718	26,718	---	---	---	D
Developmental disabilities special projects	5,250	5,715	---	5,715	5,250	---	+5,250	-465	D
Developmental disabilities university affiliated programs	17,461	18,979	17,461	17,461	17,461	---	---	---	D
Subtotal, Developmental disabilities	114,232	121,850	108,982	114,697	114,232	---	+5,250	-465	
Native American Programs	34,933	38,382	34,933	34,933	34,933	---	---	---	D
Community services:									
Community Services Block Grants	389,598	389,600	489,600	414,600	489,600	+100,002	---	+75,000	D
Discretionary funds:									
Community initiative program:									
Economic development	27,332	---	27,332	27,332	27,332	---	---	---	D
Rural community facilities	3,009	---	3,009	3,500	3,500	+491	+491	---	D
Subtotal, discretionary funds	30,341	---	30,341	30,832	30,832	+491	+491	---	
National youth sports	11,520	---	12,000	12,000	12,000	+480	---	---	D
Community Food and Nutrition	4,000	---	---	4,000	4,000	---	+4,000	---	D
Subtotal, Community services	435,459	389,600	531,941	461,432	536,432	+100,973	+4,491	+75,000	
Program direction	150,117	160,279	147,115	143,115	143,115	-7,002	-4,000	---	D
Rescission	---	---	---	-27,000	-27,000	-27,000	-27,000	---	D
Total, Children & Families Services Prog (BA)	4,765,970	5,251,298	4,856,435	4,779,434	5,336,569	+570,599	+480,134	+557,135	
Program level	(4,771,970)	(5,272,298)	(4,877,435)	(4,800,434)	(5,357,569)	(+585,599)	(+480,134)	(+557,135)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
VIOLENT CRIME REDUCTION PROGRAMS:									
Community schools	---	13,600	---	12,800	---	---	---	-12,800	D
Runaway Youth Prevention	5,558	8,000	2,000	8,000	8,000	+2,442	+6,000	---	D
Domestic violence hotline	400	400	400	1,200	1,200	+800	+800	---	D
Battered women's shelters	15,000	27,381	24,958	60,000	10,800	-4,200	-14,158	-49,200	D
Youth education demonstration	400	---	---	---	---	-400	---	---	D
Total, Violent crime reduction programs	21,358	49,381	27,358	82,000	20,000	-1,358	-7,358	-62,000	
FAMILY SUPPORT AND PRESERVATION	225,000	240,000	240,000	240,000	240,000	+15,000	---	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE									
Foster care	3,742,338	3,807,143	3,807,143	3,807,143	3,807,143	+64,805	---	---	M
Adoption assistance	509,900	567,888	567,888	567,888	567,888	+57,988	---	---	M
Independent living	70,000	70,000	70,000	70,000	70,000	---	---	---	M
Total, Payment to States	4,322,238	4,445,031	4,445,031	4,445,031	4,445,031	+122,793	---	---	
New advance, 1st quarter, FY 1997 /1998	---	1,111,000	1,111,000	1,111,000	1,111,000	+1,111,000	---	---	M
Total, Administration for Children and Families	32,366,681	36,328,071	34,422,900	30,540,194	32,861,796	+495,115	-1,561,104	+2,321,602	
Current year, FY 1996 / 1997	(27,566,681)	(29,517,071)	(28,611,900)	(28,429,194)	(30,143,796)	(+2,577,115)	(+1,531,896)	(+1,714,602)	
FY 1997 / 1998	(4,800,000)	(6,811,000)	(5,811,000)	(2,111,000)	(2,718,000)	(-2,082,000)	(-3,093,000)	(+607,000)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION ON AGING									
AGING SERVICES PROGRAMS									
Grants to States:									
Supportive services and centers	300,556	294,787	300,556	300,556	300,556	---	---	---	D
Ombudsman services	---	4,449	---	---	---	---	---	---	D
Prevention of elder abuse	---	4,732	---	---	---	---	---	---	D
Pension counseling	---	1,976	---	---	---	---	---	---	D
Preventive health	15,623	16,982	---	15,623	15,623	---	+15,623	---	D
Nutrition:									
Congregate meals	364,535	357,019	364,535	364,535	364,535	---	---	---	D
Home-delivered meals	105,339	94,191	105,339	105,339	105,339	---	---	---	D
Frail elderly in-home services	9,263	9,263	9,263	9,263	9,263	---	---	---	D
Grants to Indians	16,057	16,057	16,057	16,057	16,057	---	---	---	D
Aging research, training and special projects	2,850	11,666	---	4,000	4,000	+1,150	+4,000	---	D
Federal Council on Aging	---	226	---	---	---	---	---	---	D
Program administration	15,097	16,789	14,795	14,795	14,795	-302	---	---	D
Total, Administration on Aging	829,320	828,137	810,545	830,168	830,168	+848	+19,623	---	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal funds	97,866	91,436	98,439	99,139	98,439	+573	---	-700	D
Trust funds	(6,628)	(9,187)	(5,851)	(5,851)	(5,851)	(-777)	---	---	TF*
1% Evaluation Funds (ASPE) (non-add)	(19,820)	(19,820)	(19,820)	(19,820)	(19,820)	---	---	---	NA
Subtotal	(124,314)	(120,443)	(124,110)	(124,810)	(124,110)	(-204)	---	(-700)	
Emergency preparedness	---	2,020	---	---	---	---	---	---	D
Population affairs: Adolescent family life	7,698	6,187	7,698	12,698	14,209	+6,511	+6,511	+1,511	D
Physical fitness and sports	1,000	1,007	1,000	1,000	1,000	---	---	---	D
Minority health	27,000	19,945	33,000	20,500	34,600	+7,600	+1,600	+14,100	D
Office of research integrity	---	3,732	---	---	---	---	---	---	D
Office of women's health	5,362	2,570	8,862	12,500	12,500	+7,138	+3,638	---	D
Office of Disease Prevention	---	4,266	---	---	---	---	---	---	D
Anti-Terrorism 1/	---	10,775	---	8,000	13,775	+13,775	+13,775	+5,775	D
Total, General Departmental Management: Federal funds	138,926	141,938	148,999	153,837	174,523	+35,597	+25,524	+20,686	
Trust funds	(6,628)	(9,187)	(5,851)	(5,851)	(5,851)	(-777)	---	---	
Total	(145,554)	(151,125)	(154,850)	(159,688)	(180,374)	(+34,820)	(+25,524)	(+20,686)	

1/ FY 1997 request and conference amounts include $5,775,000 that is declared emergency spending for the purposes of the Budget Act.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL:									
Federal funds	58,149	56,139	29,399	29,399	32,999	-25,150	+3,600	+3,600	D
Trust funds	(20,670)	(18,810)	---	---	---	(-20,670)	---	---	TF*
H.R. 3103 funding (non-add)	---	---	(60,000)	(60,000)	(60,000)	(+60,000)	---	---	NA
Total, Office of the Inspector General:									
Federal funds	58,149	56,139	29,399	29,399	32,999	-25,150	+3,600	+3,600	
Trust funds	(20,670)	(18,810)	---	---	---	(-20,670)	---	---	
Total (BA)	(78,819)	(74,949)	(29,399)	(29,399)	(32,999)	(-45,820)	(+3,600)	(+3,600)	
Total program level	(78,819)	(74,949)	(89,399)	(89,399)	(92,999)	(+14,180)	(+3,600)	(+3,600)	
OFFICE FOR CIVIL RIGHTS:									
Federal funds	16,066	18,188	16,066	16,366	16,216	+150	+150	-150	D
Portion treated as budget authority	(3,314)	(3,602)	(3,314)	(3,314)	(3,314)	---	---	---	TF*
Total, Office for Civil Rights:									
Federal funds	16,066	18,188	16,066	16,366	16,216	+150	+150	-150	
Trust funds	(3,314)	(3,602)	(3,314)	(3,314)	(3,314)	---	---	---	
Total	(19,380)	(21,790)	(19,380)	(19,680)	(19,530)	(+150)	(+150)	(-150)	
POLICY RESEARCH	8,968	9,000	9,000	9,000	18,500	+9,532	+9,500	+9,500	D
Total, Office of the Secretary:									
Federal funds	222,109	225,265	203,464	208,602	242,238	+20,129	+38,774	+33,636	
Trust funds	(30,612)	(31,599)	(9,165)	(9,165)	(9,165)	(-21,447)	---	---	
Total	(252,721)	(256,864)	(212,629)	(217,767)	(251,403)	(-1,318)	(+38,774)	(+33,636)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
UNDISTRIBUTED REDUCTION................................	---	-20,000	---	---	---	---	---	---	D
PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND........	8,987	---	---	---	---	-8,987	---	---	D
Total, Department of Health and Human Services: Federal Funds..................................	197,401,625	220,807,182	218,873,913	214,854,883	218,101,929	+20,700,304	-771,984	+3,247,046	
Current year, FY 1996 / 1997............	(166,446,275)	(186,007,189)	(185,073,920)	(184,754,890)	(187,394,936)	(+20,948,661)	(+2,321,016)	(+2,640,046)	
FY 1997 / 1998..........................	(30,955,350)	(34,799,993)	(33,799,993)	(30,099,993)	(30,706,993)	(-248,357)	(-3,093,000)	(+607,000)	
Trust funds..................................	(2,154,893)	(2,230,547)	(1,742,290)	(1,738,749)	(1,744,290)	(-410,603)	(+2,000)	(+5,541)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
TITLE III - DEPARTMENT OF EDUCATION									
EDUCATION REFORM 1/									
Goals 2000: Educate America Act:									
State & local educ systemic improvement grants....	340,000	476,000	---	340,000	476,000	+136,000	+476,000	+136,000	D
Parental assistance..............................	10,000	15,000	---	15,000	15,000	+5,000	+15,000	---	D
Subtotal, Goals 2000............................	350,000	491,000	---	355,000	491,000	+141,000	+491,000	+136,000	
School-to-work opportunities:									
State grants and local partnerships...............	180,000	200,000	175,000	180,000	200,000	+20,000	+25,000	+20,000	D
Total..	530,000	691,000	175,000	535,000	691,000	+161,000	+516,000	+156,000	

1/ Forward funded with the exception of parental assistance.

NOTE: All Education accounts are current funded unless otherwise noted.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
EDUCATION FOR THE DISADVANTAGED 1/									
Grants to local education agencies:									
Basic grants, forward funded 2/	6,042,766	5,490,065	6,043,766	6,042,766	6,191,350	+148,584	+147,584	+148,584	D
Basic grants, current funded	3,500	4,000	3,500	3,500	3,500	---	---	---	D
Subtotal, Basic grants	6,046,266	5,494,065	6,047,266	6,046,266	6,194,850	+148,584	+147,584	+148,584	
Concentration grants	684,082	670,935	704,082	684,082	999,249	+315,167	+295,167	+315,167	D
Targeted grants	---	1,000,000	---	---	---	---	---	---	D
Subtotal	6,730,348	7,165,000	6,751,348	6,730,348	7,194,099	+463,751	+442,751	+463,751	
Capital expenses for private school children	38,119	20,000	20,000	41,119	41,119	+3,000	+21,119	---	D
Even start	101,997	102,000	101,997	101,997	101,997	---	---	---	D
State agency programs:									
Migrant	305,474	320,000	305,474	305,474	305,474	---	---	---	D
Neglected and delinquent / high risk youth	39,311	40,000	39,311	39,311	39,311	---	---	---	D
State school improvement	---	15,000	---	---	---	---	---	---	D
Demonstration of innovative practices	---	10,000	---	---	---	---	---	---	D
Evaluation	3,359	7,000	7,000	7,000	7,000	+3,641	---	---	D
Total, ESEA	7,218,608	7,679,000	7,225,130	7,225,249	7,689,000	+470,392	+463,870	+463,751	

1/ All programs in this account are forward funded with the exception of current funded basic grants, Title I evaluation, Demonstration of Innovative Practices, High School Equivalency Program and the the College Assistance Migrant Program.

2/ Availability of $1,298,386,000 of the FY96 funds is delayed until October 1, 1996.
In FY97, $1,298,386,000 is delayed in House bill & conference agreement & $670,597,000 in Senate bill.

	FY 1996	FY 1997		Reported		Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1996	House	Senate	Disc
Migrant education:									
High school equivalency program	7,441	---	---	---	7,441	---	+7,441	+7,441	D
College assistance migrant program	2,028	---	---	---	2,028	---	+2,028	+2,028	D
Subtotal, migrant education	9,469	---	---	---	9,469	---	+9,469	+9,469	
Total, Compensatory education programs	7,228,077	7,679,000	7,225,130	7,225,249	7,698,469	+470,392	+473,339	+473,220	
Subtotal, forward funded	(7,211,749)	(7,658,000)	(7,214,630)	(7,214,749)	(7,678,500)	(+466,751)	(+463,870)	(+463,751)	
IMPACT AID 1/									
Basic support payments	581,707	550,000	615,500	591,707	615,500	+33,793	---	+23,793	D
Payments for children with disabilities	40,000	40,000	40,000	40,000	40,000	---	---	---	D
Payments for heavily impacted districts (sec. f)	50,000	20,000	50,000	50,000	52,000	+2,000	+2,000	+2,000	D
Subtotal	671,707	610,000	705,500	681,707	707,500	+35,793	+2,000	+25,793	
Facilities maintenance (sec. 8008)	---	3,000	---	---	---	---	---	---	D
Construction (sec. 8007)	5,000	4,000	5,000	5,000	5,000	---	---	---	D
Payments for Federal property (Sec. 8002)	16,293	---	17,500	16,293	17,500	+1,207	---	+1,207	D
Total, Impact aid	693,000	617,000	728,000	703,000	730,000	+37,000	+2,000	+27,000	

1/ 1996 figures do not include $35,000,000 provided for Impact Aid basic support payments in the 1996 House National Security Appropriations Bill.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
SCHOOL IMPROVEMENT PROGRAMS									
Professional development 1/	275,000	610,000	---	275,000	310,000	+35,000	+310,000	+35,000	D
Program innovation 1/	275,000	---	606,517	275,000	310,000	+35,000	-296,517	+35,000	D
Safe and drug-free schools and communities: State grants 1/	440,978	515,000	440,978	530,978	555,978	+115,000	+115,000	+25,000	D
National programs	24,993	25,000	---	25,000	---	-24,993	---	-25,000	D
Subtotal, Safe & drug-free schools & communities	465,971	540,000	440,978	555,978	555,978	+90,007	+115,000	---	
Inexpensive book distribution (RIF)	10,265	9,000	9,000	10,265	10,265	---	+1,265	---	D
Arts in education	9,000	10,000	9,000	9,000	9,000	---	---	---	D
Christa McAuliffe fellowships	---	2,000	---	---	---	---	---	---	D
Other school improvement programs: Magnet schools assistance	95,000	95,000	95,000	95,000	95,000	---	---	---	D
Educational support services for homeless children and youth 1/	23,000	29,000	23,000	23,000	25,000	+2,000	+2,000	+2,000	D
Women's educational equity 2/	---	4,000	2,000	1,000	2,000	+2,000	---	+1,000	D
Training and advisory services (Civil Rights IV-A)	7,334	14,000	7,334	7,334	7,334	---	---	---	D
Ellender fellowships/Close up 1/	1,500	---	1,000	1,500	1,500	---	+500	---	D
Education for Native Hawaiians	12,000	6,000	4,000	15,000	15,000	+3,000	+11,000	---	D
Alaska Native Education equity	---	---	---	8,000	8,000	+8,000	+8,000	---	D
Charter schools	18,000	40,000	18,000	21,000	51,000	+33,000	+33,000	+30,000	D
Subtotal, other school improvement programs	156,834	188,000	150,334	171,834	204,834	+48,000	+54,500	+33,000	

1/ Forward funded.

2/ The President's 1997 request earmarks $120,000 for an evaluation of this program.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Technical assistance for improving ESEA programs:									
Comprehensive regional assistance centers	21,507	45,000	21,554	21,554	25,554	+4,047	+4,000	+4,000	D
Total, School improvement programs	1,213,577	1,404,000	1,237,383	1,318,631	1,425,631	+212,054	+188,248	+107,000	
Subtotal, forward funded	(1,015,478)	(1,154,000)	(1,071,495)	(1,105,478)	(1,202,478)	(+187,000)	(+130,983)	(+97,000)	
BILINGUAL AND IMMIGRANT EDUCATION 1/									
Bilingual education:									
Instructional services	117,200	117,190	117,190	130,000	156,700	+39,500	+39,510	+26,700	D
Support services	9,700	14,330	---	---	---	-9,700	---	---	D
Professional development	1,100	25,180	---	---	---	-1,100	---	---	D
Immigrant education	50,000	100,000	50,000	50,000	100,000	+50,000	+50,000	+50,000	D
Foreign language assistance 2/	10,039	5,000	---	5,000	5,000	-5,039	+5,000	---	D
Total	188,039	261,700	167,190	185,000	261,700	+73,661	+94,510	+76,700	
SPECIAL EDUCATION									
State grants: 3/									
Grants to States part ''b''	2,323,837	2,603,247	2,323,837	2,333,837	3,107,522	+783,685	+783,685	+773,685	D
Preschool grants	360,409	380,000	360,409	360,409	360,409	---	---	---	D
Grants for infants and families	315,754	315,632	315,754	315,754	315,754	---	---	---	D
Subtotal, State grants	3,000,000	3,298,879	3,000,000	3,010,000	3,783,685	+783,685	+783,685	+773,685	

1/ The Department reprogrammed $9.7 M and $1.1 M from Instructional Services to Support Services and Professional Development respectively for 1996.

2/ FY96 funding for foreign language assistance was provided in the School Improvement account.

3/ Forward funded.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Proposed legis: Program Support and Improvement:									
Research to practice	---	95,720	---	---	---	---	---	---	D
State improvement	---	37,076	---	---	---	---	---	---	D
Professional development	---	76,700	---	---	---	---	---	---	D
Parent training and information	---	14,534	---	---	---	---	---	---	D
Technology development and ed. media sevices	---	30,004	---	---	---	---	---	---	D
Subtotal, Proposed legislation	---	254,034	---	---	---	---	---	---	
Special purpose funds:									
Deaf-blindness	12,832	---	12,832	12,832	12,832	---	---	---	D
Serious emotional disturbance	4,147	---	4,147	4,147	4,147	---	---	---	D
Severe disabilities	10,030	---	10,030	10,030	10,030	---	---	---	D
Early childhood education	25,147	---	25,147	25,147	25,147	---	---	---	D
Secondary and transitional services	23,966	---	23,966	23,966	23,966	---	---	---	D
Postsecondary education	8,839	---	8,839	8,839	8,839	---	---	---	D
Innovation and development	14,000	---	14,000	16,000	16,000	+2,000	+2,000	---	D
Media and captioning services	19,130	---	20,030	20,030	20,030	+900	---	---	D
Technology applications	9,993	---	9,993	9,993	9,993	---	---	---	D
Special studies	3,827	---	3,827	3,827	3,827	---	---	---	D
Personnel development	91,339	---	91,339	93,339	93,339	+2,000	+2,000	---	D
Parent training	13,535	---	13,535	15,535	15,535	+2,000	+2,000	---	D
Clearinghouses	1,989	---	1,989	1,989	1,989	---	---	---	D
Regional resource centers	6,641	---	6,641	6,641	6,641	---	---	---	D
Subtotal, Special purpose funds	245,415	---	246,315	252,315	252,315	+6,900	+6,000	---	
Total, Special education	3,245,415	3,552,913	3,246,315	3,262,315	4,036,000	+790,585	+789,685	+773,685	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand
						FY 1996	House	Senate	Disc
REHABILITATION SERVICES AND DISABILITY RESEARCH									
Vocational rehabilitation State grants................	2,118,834	2,176,038	2,176,038	2,183,038	2,176,038	+57,204	---	-7,000	M
Client assistance State grants........................	10,119	10,392	10,392	10,392	10,392	+273	---	---	M
Training..	39,629	39,629	39,629	39,629	39,629	---	---	---	M
Special demonstration programs........................	27,441	18,942	18,942	18,942	18,942	-8,499	---	---	M
Migratory workers.....................................	1,421	1,850	1,850	1,850	1,850	+429	---	---	M
Recreational programs.................................	2,596	2,596	2,596	2,596	2,596	---	---	---	M
Protection and advocacy of individual rights..........	7,456	7,657	7,657	7,657	7,657	+201	---	---	M
Projects with industry................................	22,065	22,071	22,071	22,071	22,071	+6	---	---	M
Supported employment State grants.....................	38,152	38,152	38,152	38,152	38,152	---	---	---	M
Independent living:									
State grants......................................	21,859	21,859	21,859	21,859	21,859	---	---	---	M
Centers...	41,749	42,876	42,876	42,876	42,876	+1,127	---	---	M
Services for older blind individuals..............	8,952	9,952	9,952	9,952	9,952	+1,000	---	---	M
Subtotal, Independent living....................	72,560	74,687	74,687	74,687	74,687	+2,127	---	---	
Program improvement 1/................................	1,000	2,400	2,400	2,400	2,400	+1,400	---	---	M
Evaluation..	1,582	1,587	1,587	1,587	1,587	+5	---	---	M
Helen Keller National Center for Deaf-Blind Youths & Adults...	7,144	7,337	7,337	7,337	7,337	+193	---	---	M
National Institute on Disability & Rehabilitation Research..	69,984	70,000	70,000	70,000	70,000	+16	---	---	M
Subtotal, mandatory programs....................	2,419,983	2,473,338	2,473,338	2,480,338	2,473,338	+53,355	---	-7,000	
Assistive technology..................................	36,109	39,249	36,109	36,109	36,109	---	---	---	D
Total, Rehabilitation services..................	2,456,092	2,512,587	2,509,447	2,516,447	2,509,447	+53,355	---	-7,000	

1/ 1996 funding for this activity was provided in the Technical Assistance to States line item.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES									
AMERICAN PRINTING HOUSE FOR THE BLIND................	6,680	6,495	6,680	6,680	6,680	---	---	---	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:									
Consolidated account..............................	42,180	---	43,041	43,041	43,041	+861	---	---	D
Operations..	---	42,705	---	---	---	---	---	---	D
Endowment grant...................................	---	336	---	---	---	---	---	---	D
Subtotal..	42,180	43,041	43,041	43,041	43,041	+861	---	---	
GALLAUDET UNIVERSITY:									
Consolidated account..............................	77,629	---	79,182	79,182	79,182	+1,553	---	---	D
Operations..	---	79,030	---	---	---	---	---	---	D
Endowment grant...................................	---	1,000	---	---	---	---	---	---	D
Subtotal..	77,629	80,030	79,182	79,182	79,182	+1,553	---	---	
Total, Special institutions for persons with disabilities................................	126,489	129,566	128,903	128,903	128,903	+2,414	---	---	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
VOCATIONAL AND ADULT EDUCATION 1/									
Vocational education:									
Basic State grants	972,750	1,100,000	972,750	972,750	1,029,050	+56,300	+56,300	+56,300	D
Tech-Prep education	100,000	---	100,000	100,000	100,000	---	---	---	D
Tribally controlled postsecondary vocational institutions	2,919	2,919	2,919	2,919	2,919	---	---	---	D
State councils	---	---	---	---	---	---	---	---	D
National programs: Research	4,998	17,081	---	4,500	---	-4,998	---	-4,500	D
Subtotal, Vocational education	1,080,667	1,120,000	1,075,669	1,080,169	1,131,969	+51,302	+56,300	+51,800	
Adult education:									
State programs	250,000	290,000	250,000	252,000	345,339	+95,339	+95,339	+93,339	D
National programs:									
Evaluation and technical assistance	---	5,000	---	---	---	---	---	---	D
National Institute for Literacy	4,860	5,000	4,000	4,860	4,500	-360	+500	-360	D
Subtotal, National programs	4,860	10,000	4,000	4,860	4,500	-360	+500	-360	
Literacy programs for prisoners	4,723	---	---	4,723	4,723	---	+4,723	---	D
Subtotal, adult education	259,583	300,000	254,000	261,583	354,562	+94,979	+100,562	+92,979	
Total, Vocational and adult education	1,340,250	1,420,000	1,329,669	1,341,752	1,486,531	+146,281	+156,862	+144,779	

1/ All programs are forward funded with the exception of Tribally Controlled Postsecondary Vocational Institutions.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
STUDENT FINANCIAL ASSISTANCE									
Federal Pell Grants: Regular program.................	4,914,000	5,919,000	5,342,000	5,342,000	5,919,000	+1,005,000	+577,000	+577,000	D
Memo (non-add): Maximum grant....................	(2,470)	(2,700)	(2,500)	(2,500)	(2,700)	(+230)	(+200)	(+200)	NA
Memo (non-add): Outlay effect for FY97 1/.......	(1,301,000)	(1,320,000)	(1,180,000)	(1,180,000)	(1,320,000)	(+19,000)	(+140,000)	(+140,000)	NA
Federal supplemental educational opportunity grants...	583,407	583,407	583,407	583,407	583,407	---	---	---	D
Federal work-study..................................	616,508	679,000	685,000	616,508	830,000	+213,492	+145,000	+213,492	D
Federal Perkins loans: Capital contributions............................	93,297	158,000	---	67,915	158,000	+64,703	+158,000	+90,085	D
Loan cancellations................................	20,000	20,000	20,000	20,000	20,000	---	---	---	D
Subtotal, Federal Perkins loans.................	113,297	178,000	20,000	87,915	178,000	+64,703	+158,000	+90,085	
State student incentive grants........................	31,375	---	---	13,000	50,000	+18,625	+50,000	+37,000	D
Total, Student financial assistance.............	6,258,587	7,359,407	6,630,407	6,642,830	7,560,407	+1,301,820	+930,000	+917,577	
FEDERAL FAMILY EDUCATION LOANS PROGRAM									
(EXISTING GUARANTEED STUDENT LOANS PROGRAM)									
Federal education loans: Federal administration......	29,977	46,572	29,977	29,977	46,572	+16,595	+16,595	+16,595	D
Total Outstanding Loan Volume as of 10/96 (non-add)...	(71,400,000)	(71,400,000)	(71,400,000)	(71,400,000)	(71,400,000)	---	---	---	NA
FEDERAL DIRECT STUDENT LOAN PROGRAM									
Mandatory administrative costs (indefinite)...........	(435,652)	(595,000)	(420,000)	(440,000)	(491,000)	(+55,348)	(+71,000)	(+51,000)	NA
Total Outstanding Loan Volume as of 10/96 (non-add)...	(12,200,000)	(12,200,000)	(12,200,000)	(12,200,000)	(12,200,000)	---	---	---..	NA

1/ The 1996 appropriation capped participation in the 1995-1996 school year at 3,650,000 students.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
HIGHER EDUCATION									
Aid for institutional development:									
Strengthening institutions........................	55,450	40,000	55,450	55,450	55,450	---	---	---	D
Hispanic serving institutions.....................	10,800	12,000	10,800	10,800	10,800	---	---	---	D
Hispanic serving institutions (Agriculture bill)..	---	---	(2,000)	(2,000)	(2,000)	(+2,000)	---	---	NA
Subtotal, Hispanic serving institutions.........	(10,800)	(12,000)	(12,800)	(12,800)	(12,800)	(+2,000)	---	---	
Strengthening historically black colleges & univ..	108,990	108,990	108,990	108,990	108,990	---	---	---	D
Strengthening historically black grad institutions	19,606	19,606	19,606	19,606	19,606	---	---	---	D
Endowment challenge grants, HBCU set-aside........	---	2,015	---	---	---	---	---	---	D
Subtotal, Institutional development.........	194,846	182,611	194,846	194,846	194,846	---	---	---	
Program development:									
Fund for the Improvement of Postsecondary Educ....	15,000	18,000	15,000	18,000	18,000	+3,000	+3,000	---	D
Minority teacher recruitment......................	2,212	2,458	2,212	2,212	2,212	---	---	---	D
Minority science improvement......................	5,255	5,839	5,255	5,255	5,255	---	---	---	D
International educ & foreign language studies:									
Domestic programs.............................	50,481	52,283	53,481	52,283	53,481	+3,000	---	+1,198	D
Overseas programs.............................	4,750	5,790	4,750	5,790	5,270	+520	+520	-520	D
Institute for International Public Policy.....	920	1,000	---	1,500	1,000	+80	+1,000	-500	D
Subtotal, International education...........	56,151	59,073	58,231	59,573	59,751	+3,600	+1,520	+178	
Law school clinical experience....................	5,500	---	---	---	---	-5,500	---	---..	D
Urban community service...........................	9,200	---	8,280	9,200	9,200	---	+920	---	D
Subtotal, Program development..................	93,318	85,370	88,978	94,240	94,418	+1,100	+5,440	+178	
Construction:									
Interest subsidy grants, prior year construction..	16,712	15,673	15,673	15,673	15,673	-1,039	---	---	D

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Special grants and grants to institutions:									
Bethune Cookman College Fine Arts Center..........	3,680	---	---	1,400	1,400	-2,280	+1,400	---	D
Federal TRIO programs............................	462,993	500,000	500,000	476,993	500,000	+37,007	---	+23,007	D
Early intervention scholarships and partnerships..	3,108	---	---	4,000	3,600	+492	+3,600	-400	D
Scholarships:									
Byrd honors scholarships.........................	29,117	29,117	---	29,117	29,117	---	+29,117	---	D
Presidential honors scholarships.................	---	130,000	---	---	---	---	---	---	D
George H. W. Bush fellowships....................	---	---	---	3,000	3,000	+3,000	+3,000	---	D
Edmund S. Muskie foundation......................	---	---	---	3,000	3,000	+3,000	+3,000	---	D
Pell Institute International Relations...........	---	---	---	---	3,000	+3,000	+3,000	+3,000	D
Calvin Coolidge Memorial Foundation..............	---	---	---	---	1,000	+1,000	+1,000	+1,000	D
Subtotal, Scholarships........................	29,117	159,117	---	35,117	39,117	+10,000	+39,117	+4,000	
Graduate fellowships:									
Javits fellowships...............................	5,931	---	---	---	---	-5,931	---	---	D
Graduate assistance in areas of national need.....	27,252	30,000	30,000	30,000	30,000	+2,748	---	---	D
Subtotal, Graduate fellowships................	33,183	30,000	30,000	30,000	30,000	-3,183	---	---	
Total, Higher education.......................	836,957	972,771	829,497	852,269	879,054	+42,097	+49,557	+26,785	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
HOWARD UNIVERSITY									
Academic program	152,859	162,944	157,859	159,511	166,511	+13,652	+8,652	+7,000	D
Endowment	---	3,530	---	---	---	---	---	---	D
Howard University Hospital	29,489	29,489	29,489	29,489	29,489	---	---	---	D
Total, Howard University	182,348	195,963	187,348	189,000	196,000	+13,652	+8,652	+7,000	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal administration	698	700	698	698	698	---	---	---	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM									
Federal administration	166	104	104	104	104	-62	---	---	D

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT									
Research and statistics:									
Research	56,021	108,000	70,641	56,021	72,785	+16,764	+2,144	+16,764	D
Regional education laboratories	51,000	---	51,000	51,000	51,000	---	---	---	D
Statistics	46,227	50,000	50,000	46,227	50,000	+3,773	---	+3,773	D
Assessment:									
National assessment	29,752	29,750	29,752	29,752	29,752	---	---	---	D
National assessment governing board	2,871	3,000	2,871	2,871	2,871	---	---	---	D
Subtotal, Assessment	32,623	32,750	32,623	32,623	32,623	---	---	---	
Subtotal, Research and statistics	185,871	190,750	204,264	185,871	206,408	+20,537	+2,144	+20,537	
Fund for the Improvement of Education	37,611	40,000	40,000	40,000	40,000	+2,389	---	---	D
International education exchange (title VI)	5,000	3,000	3,000	6,000	5,000	---	+2,000	-1,000	D
21st century community learning centers	750	---	---	1,000	1,000	+250	+1,000	---	D
Civic Education	4,000	4,000	4,000	5,000	4,500	+500	+500	-500	D
Eisenhower professional development national activities	17,984	15,000	---	13,342	13,342	-4,642	+13,342	---	D
Eisenhower regional mathematics & science education consortia	15,000	15,000	15,000	15,000	15,000	---	---	---	D
Javits gifted and talented education	3,000	10,000	3,000	3,000	5,000	+2,000	+2,000	+2,000	D
National writing project	2,955	---	---	3,100	3,100	+145	+3,100	---	D

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Education technology:									
Technology for education........................	48,000	325,000	48,000	48,000	266,965	+218,965	+218,965	+218,965	D
Star schools....................................	23,000	25,000	---	23,000	30,000	+7,000	+30,000	+7,000	D
Ready to learn television.......................	6,440	7,000	---	6,440	7,000	+560	+7,000	+560	D
Telecommunications demo project for mathematics...	1,035	---	---	1,035	1,035	---	+1,035	---	D
Subtotal, Education technology..................	78,475	357,000	48,000	78,475	305,000	+226,525	+257,000	+226,525	
Total, ERSI.....................................	350,646	634,750	317,264	350,788	598,350	+247,704	+281,086	+247,562	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
LIBRARIES									
Public libraries:									
Services	92,636	---	92,636	92,636	100,636	+8,000	+8,000	+8,000	D
Construction	16,369	---	---	16,369	16,369	---	+16,369	---	D
Interlibrary cooperation	18,000	---	11,864	11,864	11,864	-6,136	---	---	D
Library education and training	2,500	---	2,500	2,500	2,500	---	---	---	D
Research and demonstrations	3,000	---	1,000	5,000	5,000	+2,000	+4,000	---	D
Undistributed 1/	---	110,000	---	---	---	---	---	---	D
Total, Libraries	132,505	110,000	108,000	128,369	136,369	+3,864	+28,369	+8,000	
DEPARTMENTAL MANAGEMENT									
PROGRAM ADMINISTRATION	326,686	355,476	297,229	320,152	327,000	+314	+29,771	+6,848	D
HEADQUARTERS RENOVATION 2/	7,000	---	---	---	---	-7,000	---	---	D
OFFICE FOR CIVIL RIGHTS	55,277	60,000	54,171	54,171	55,000	-277	+829	+829	D
OFFICE OF THE INSPECTOR GENERAL	28,563	30,500	27,143	27,991	30,000	+1,437	+2,857	+2,009	D
Total, Departmental management	417,526	445,976	378,543	402,314	412,000	-5,526	+33,457	+9,686	
Total, Department of Education	25,230,349	28,034,009	25,228,875	25,812,646	28,797,235	+3,566,886	+3,568,360	+2,984,589	

1/ The President has not requested funding for library programs, but has indicated his intention to do so at a future time.

2/ Funds available for 3 years.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
TITLE IV - RELATED AGENCIES									
ARMED FORCES RETIREMENT HOME									
Operation and maintenance (trust fund limitation).....	53,829	55,772	52,752	55,772	55,772	+1,943	+3,020	---	D
Capital program (trust fund limitation)..............	1,954	432	432	432	432	-1,522	---	---	D
Total, AFRH....................................	55,783	56,204	53,184	56,204	56,204	+421	+3,020	---	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE									
Domestic Volunteer Service Programs (formerly Action):									
Volunteers in Service to America:									
VISTA operations..............................	41,235	51,600	41,235	41,235	41,235	---	---	---	D
National Senior Volunteer Corps:									
Foster Grandparents Program..................	62,237	72,812	67,812	67,812	77,812	+15,575	+10,000	+10,000	D
Senior Companion Program......................	31,155	34,244	31,244	31,244	31,244	+89	---	---	D
Retired Senior Volunteer Program..............	34,949	37,708	35,708	35,708	35,708	+759	---	---	D
Subtotal, Senior Volunteers.................	128,341	144,764	134,764	134,764	144,764	+16,423	+10,000	+10,000	
Program Administration...........................	28,541	29,745	27,970	27,970	27,970	-571	---	---	D
Total, Domestic Volunteer Service Programs......	198,117	226,109	203,969	203,969	213,969	+15,852	+10,000	+10,000	
Corporation for Public Broadcasting:									
FY99 (current request) with FY98 comparable.......	250,000	275,000	250,000	250,000	250,000	---	---	---	D
1998 advance (non-add) with FY97 comparable.......	(260,000)	(250,000)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---	NA
1997 advance (non-add) with FY96 comparable.......	(275,000)	(260,000)	(260,000)	(260,000)	(260,000)	(-15,000)	---	---	NA

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
Federal Mediation and Conciliation Service	32,815	32,579	32,579	32,579	32,579	-236	---	---	D
Federal Mine Safety and Health Review Commission	6,184	6,332	6,060	6,060	6,060	-124	---	---	D
National Commission on Libraries and Information Science	829	897	812	897	897	+68	+85	---	D
National Council on Disability	1,793	1,793	1,757	1,793	1,793	---	+36	---	D
National Education Goals Panel	994	2,785	974	1,500	1,500	+506	+526	---	D
National Labor Relations Board	170,266	181,134	144,692	170,266	175,000	+4,734	+30,308	+4,734	D
National Mediation Board	7,812	8,300	7,656	8,300	8,300	+488	+644	---	D
Occupational Safety and Health Review Commission	8,081	7,753	7,753	7,753	7,753	-328	---	---	D
Physician Payment Review Commission (trust funds)	(2,920)	(4,000)	(2,920)	(3,263)	(3,263)	(+343)	(+343)	---	TF*
Prospective Payment Assessment Commission (trust funds)	(3,263)	(3,902)	(3,263)	(3,263)	(3,263)	---	---	---	TF*
RAILROAD RETIREMENT BOARD									
Dual benefits payments account	239,000	223,000	223,000	223,000	223,000	-16,000	---	---	D
Less income tax receipts on dual benefits	-17,000	-9,000	-9,000	-9,000	-9,000	+8,000	---	---	D
Subtotal, Dual Benefits	222,000	214,000	214,000	214,000	214,000	-8,000	---	---	
Federal payment to the Railroad Retirement Account	300	300	300	300	300	---	---	---	M
Limitation on administration: Consolidated account	---	(90,558)	(87,898)	(87,898)	(87,898)	(+87,898)	---	---	TF*
Retirement	(72,955)	---	---	---	---	(-72,955)	---	---	TF*
Unemployment	(16,737)	---	---	---	---	(-16,737)	---	---	TF*
Subtotal, administration	(89,692)	(90,558)	(87,898)	(87,898)	(87,898)	(-1,794)	---	---	
Special management improvement fund	(657)	---	---	---	---	(-657)	---	---	TF*
Total, limitation on administration	(90,349)	(90,558)	(87,898)	(87,898)	(87,898)	(-2,451)	---	---	
Inspector General	(5,656)	(5,750)	(5,268)	(5,540)	(5,404)	(-252)	(+136)	(-136)	TF*

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
SOCIAL SECURITY ADMINISTRATION									
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS...............	22,641	20,923	20,923	20,923	20,923	-1,718	---	---	M
ADDITIONAL ADMINISTRATIVE EXPENSES 1/................	10,000	10,000	10,000	10,000	10,000	---	---	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments.....................................	660,215	625,450	625,450	625,450	625,450	-34,765	---	---	M
Administration.......................................	5,181	4,620	4,620	4,620	4,620	-561	---	---	M
Subtotal, Black Lung, FY 1997 program level.....	665,396	630,070	630,070	630,070	630,070	-35,326	---	---	
Less funds advanced in prior year...............	-180,000	-170,000	-170,000	-170,000	-170,000	+10,000	---	---	M
Total, Black Lung, current request, FY 1997.....	485,396	460,070	460,070	460,070	460,070	-25,326	---	---	
New advances, 1st quarter FY 1997 / 1998......	170,000	160,000	160,000	160,000	160,000	-10,000	---	---	M

1/ No-year availability for these funds related to sections 9704 & 9706 of the Internal Revenue Code of 1986.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	23,548,636	26,559,100	26,559,100	26,559,100	26,559,100	+3,010,464	---	---	M
Beneficiary services	176,400	179,000	100,000	100,000	100,000	-76,400	---	---	M
Research and demonstration	8,200	7,000	7,000	7,000	7,000	-1,200	---	---	M
Administration 1/	1,817,276	2,018,973	1,961,015	1,931,015	1,946,015	+128,739	-15,000	+15,000	D
Automation investment initiative	55,000	104,927	55,000	19,895	19,895	-35,105	-35,105	---	D
Subtotal, SSI FY 1997 program level	25,605,512	28,869,000	28,682,115	28,617,010	28,632,010	+3,026,498	-50,105	+15,000	
Less funds advanced in prior year	-7,060,000	-9,260,000	-9,260,000	-9,260,000	-9,260,000	-2,200,000	---	---	M
Subtotal, regular SSI current year, FY 1996 / 1997	18,545,512	19,609,000	19,422,115	19,357,010	19,372,010	+826,498	-50,105	+15,000	
Additional CDR funding	15,000	260,000	25,000	25,000	25,000	+10,000	---	---	D
SSI reforms (welfare)	---	250,000	---	150,000	150,000	+150,000	+150,000	---	D
Total, SSI, current request, FY 1996 / 1997	18,560,512	20,119,000	19,447,115	19,532,010	19,547,010	+986,498	+99,895	+15,000	
New advance, 1st quarter, FY 1997 / 1998	9,260,000	9,690,000	9,690,000	9,690,000	9,690,000	+430,000	---	---	M

1/ Figures include amounts for the SSI disability initiative previously displayed as a separate line item.

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs FY 1996	Conference vs House	Conference vs Senate	Mand Disc
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI trust funds	(2,667,238)	(2,835,077)	(3,091,183)	(3,042,525)	(3,080,000)	(+412,762)	(-11,183)	(+37,475)	TF
HI/SMI trust funds	(864,099)	(918,418)	(846,099)	(846,099)	(846,099)	(-18,000)	---	---	TF*
SSI	(1,817,276)	(2,018,973)	(1,961,015)	(1,931,015)	(1,946,015)	(+128,739)	(-15,000)	(+15,000)	TF
Social Security Advisory Board	---	---	(1,500)	(1,268)	(1,268)	(+1,268)	(-232)	---	TF
Subtotal, regular LAE	(5,348,613)	(5,772,468)	(5,899,797)	(5,820,907)	(5,873,382)	(+524,769)	(-26,415)	(+52,475)	
DI disability initiative	(289,322)	---	---	---	---	(-289,322)	---	---	TF
OASDI automation	(112,000)	(195,073)	(195,073)	(206,396)	(215,000)	(+103,000)	(+19,927)	(+8,604)	TF
SSI automation	(55,000)	(104,927)	(55,000)	(19,895)	(19,895)	(-35,105)	(-35,105)	---	TF
Subtotal, automation initative	(167,000)	(300,000)	(250,073)	(226,291)	(234,895)	(+67,895)	(-15,178)	(+8,604)	
TOTAL, REGULAR LAE	(5,804,935)	(6,072,468)	(6,149,870)	(6,047,198)	(6,108,277)	(+303,342)	(-41,593)	(+61,079)	
Additional CDR funding	(60,000)	(260,000)	(160,000)	(160,000)	(160,000)	(+100,000)	---	---	TF
SSI reforms (welfare)	---	(250,000)	---	(150,000)	(150,000)	(+150,000)	(+150,000)	---	TF
TOTAL, LAE	(5,864,935)	(6,582,468)	(6,309,870)	(6,357,198)	(6,418,277)	(+553,342)	(+108,407)	(+61,079)	

	FY 1996 Comparable	FY 1997 Request	House	Reported Senate	Conference	Conference vs			Mand Disc
						FY 1996	House	Senate	
OFFICE OF INSPECTOR GENERAL									
Federal funds	4,801	6,335	6,335	6,335	6,335	+1,534	---	---	D
Trust funds	(10,037)	(21,089)	(21,089)	(21,089)	(31,089)	(+21,052)	(+10,000)	(+10,000)	TF
Portion treated as budget authority	(10,977)	---	---	---	---	(-10,977)	---	---	TF*
Total, Office of the Inspector General:									
Federal funds	4,801	6,335	6,335	6,335	6,335	+1,534	---	---	
Trust funds	(21,014)	(21,089)	(21,089)	(21,089)	(31,089)	(+10,075)	(+10,000)	(+10,000)	
Total	(25,815)	(27,424)	(27,424)	(27,424)	(37,424)	(+11,609)	(+10,000)	(+10,000)	
Total, Social Security Administration:									
Federal funds	28,513,350	30,466,328	29,794,443	29,879,338	29,894,338	+1,380,988	+99,895	+15,000	
Current year FY 1996 / 1997	(19,083,350)	(20,616,328)	(19,944,443)	(20,029,338)	(20,044,338)	(+960,988)	(+99,895)	(+15,000)	
New advances, 1st quarter FY 1997 / 1998	(9,430,000)	(9,850,000)	(9,850,000)	(9,850,000)	(9,850,000)	(+420,000)	---	---	
Trust funds	(5,885,949)	(6,603,557)	(6,330,959)	(6,378,287)	(6,449,366)	(+563,417)	(+118,407)	(+71,079)	
Trust funds considered BA	(875,076)	(918,418)	(846,099)	(846,099)	(846,099)	(-28,977)	---	---	
United States Institute of Peace	11,481	11,160	11,160	11,160	11,160	-321	---	---	D
Total, Title IV, Related Agencies:									
Federal Funds (all years)	29,479,805	31,490,674	30,729,339	30,844,119	30,873,853	+1,394,048	+144,514	+29,734	
Current year, FY 1996 / 1997	(19,799,805)	(21,365,674)	(20,629,339)	(20,744,119)	(20,773,853)	(+974,048)	(+144,514)	(+29,734)	
FY 1997 / 1998	(9,430,000)	(9,850,000)	(9,850,000)	(9,850,000)	(9,850,000)	(+420,000)	---	---	
FY 1998 / 1999	(250,000)	(275,000)	(250,000)	(250,000)	(250,000)	---	---	---	
Trust funds	(5,988,137)	(6,707,767)	(6,430,308)	(6,478,251)	(6,549,194)	(+561,057)	(+118,886)	(+70,943)	
Trust funds considered BA	(977,264)	(1,022,628)	(945,448)	(946,063)	(945,927)	(-31,337)	(+479)	(-136)	
TITLE V									
1% Cap on performance awards	---	---	---	-30,500	-30,500	-30,500	-30,500	---	D

Section 101(f)

TREASURY, POSTAL SERVICE, AND GENERAL APPROPRIATIONS ACT, 1997

The conferees on H.R. 3610 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 3756, the Treasury, Postal Service, and General Appropriations Act, 1997, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 3756.

The conference agreement on the Treasury, Postal Service, and General Government Appropriations Act, 1997, incorporates some of the language and allocations set forth in House Report 104-660 and Senate Report 104-330. The language in these reports should be complied with unless specifically addressed in the following description of the conference agreement.

REPROGRAMMINGS

The conferees are concerned about the timing of various reprogramming requests submitted by agencies for Congressional review. As stated in both the House and Senate reports accompanying H.R. 3756, agencies are reminded that, except in extraordinary circumstances, reprogramming proposals will not be approved by the Committees 45 days prior to the end of the fiscal year. Agencies are urged to take into consideration periods of non-legislative business in the calculation of the 45 day time period; as a practical matter, reprogramming requests may only be considered by the Committees during legislative business days.

TITLE I: DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

RECOMMENDATION

The conference agreement provides $111,760,000. Within this amount, the Department shall ensure that the travel budget is reduced by $654,000; and that the privatization study is funded at $300,000.

FIRE AT THE MAIN TREASURY BUILDING

The Conferees understand that the total requirement for expenses related to the June 26, 1996 fire at the Main Treasury building is $32,207,000. Of this amount, $9,463,000 is for Salaries and Expenses and $2,215,000 is for Automatic Data Processing (ADP). These requirements, totaling $11,678,000, were accommodated by reprogramming Internal Revenue Service (IRS) fiscal year 1995 unobligated balances. Additional funds of $20,529,000 for repairs and restoration due to the fire damage are provided in the Treasury Buildings Annex Repair and Restoration Account.

DEBT COLLECTION ACTIVITIES

The conferees support the Administration's intention to issue regulations limiting the offset to not more than 15 percent.

TREASURY LAW ENFORCEMENT EMPLOYMENT

The fiscal year 1996 conference report for the Treasury, Postal Service Appropriations Act directed the Office of the Secretary of the Treasury to report on the regulatory and statutory options that could make recruiting, hiring, firing, promotions, demotions and lateral moves of Treasury law enforcement personnel more efficient. The Administration responded with a report that describes the current status of Treasury law enforcement personnel systems, along with some options for reforming them. However, the report failed to provide detail on the costs and benefits of each option or recommended a particular course of action.

In response to the Treasury report, the House Committee on Appropriations expressed continuing concern regarding the disparate hiring practices at different Federal law enforcement agencies. In House Report 104-660, the Committee directed the Secretary of the Treasury and the Director of the Office of Personnel Management to implement measures to assure that all criminal investigator positions are subject to hiring, conversion and retention procedures similar to those currently in place for the United States Secret Service. Certain parts of the Administration have expressed opposition to this directive, noting that Secret Service hiring practices are unique and may not be appropriate for other Treasury bureaus.

Nevertheless, the conferees remain concerned by continued reports that Treasury law enforcement bureaus are not able to promote and hire as easily as other Federal law enforcement agencies, or that some Treasury agencies have better practices than others. The conferees therefore direct the Secretary of the Treasury to commission an outside study with an organization having expertise in both Federal personnel law and law enforcement management as a follow-on to the Treasury report. Specifically, the second report should focus on (1) the steps that Treasury enforcement bureaus may take under current laws and regulations to facilitate hiring, firing, promotions and demotions, and (2) the feasibility, costs and benefits of converting Treasury law enforcement positions to the excepted service or of creating a new personnel system for criminal investigators. This report should be submitted by May 1, 1997.

INTERGOVERNMENTAL INFORMATION TECHNOLOGY ENTERPRISE PANEL

The conferees agree to drop the requirement contained in House Report 104-660 which directs that $750,000 of available funds be used to support the Intergovernmental Information Technology Enterprise Panel. The Department of Treasury is no longer the lead agency for this panel and therefore should not be required to provide such funds.

AUTOMATION ENHANCEMENT

INTERNATIONAL TRADE DATA SYSTEM

The conferees are concerned by the lack of cooperation between Treasury's Office of the Secretary and the Customs Service in developing the International Trade Data System (ITDS). The conferees have heard reports that the Customs Service has been uncooperative with the many Federal agencies who will use the data gathered by ITDS and have held discussions with private industry representatives without taking the data needs of any other Federal agency into account. In addition, the conferees understand that the Office of the Secretary has shown little to no interest in minimizing the reporting burden to be placed on private industry by implementation ITDS.

The conferees are concerned that bureaucratic rivalries have jeopardized this important project. For ITDS to succeed, it will require the cooperation of not only Customs and Treasury, but also importers and a number of other Federal agencies. The conferees have agreed to place the ITDS office within the Customs Service, which will have the responsibility for developing the system, for interacting with outside groups, and for collecting data to be entered into the system. The Office of the Under Secretary for Enforcement shall chair the interagency committee that oversees ITDS development and shall coordinate ITDS development within the Federal government. The conferees direct that the Customs Service obtain the concurrence of the Office of the Under Secretary and the interagency committee for all major decisions related to ITDS development. The Office of the Assistant Secretary for Management shall advise both the Customs Service and the Under Secretary's office on technical aspects of systems development.

The conferees direct the Secretary of the Treasury to develop a progress report on ITDS implementation and submit it to the House and Senate Committees on Appropriations no later than June 1, 1997.

AUTOMATED COMMERCIAL ENVIRONMENT (ACE)

The conferees are concerned with a May, 1996 GAO report concerning Customs' modernization efforts. GAO found that the Customs Service did not: (1) conduct the requisite cost-benefit analyses, (2) redesign its import and other business processes before the agency selected the hardware for ACE and other systems, (3) manage ACE as an investment, and (4) designate strict accountability for ensuring that Customs incorporates all functions mandated by the National Customs Automation Program.

In response, the Customs Service accepted GAO's recommendations and began corrective action. Customs has assigned responsibility for implementing the National Customs Automation Program (NCAP), has established an information technology investment review committee, has developed a security plan, and has initiated a variety of evaluations of specific sub-projects.

Because of the good faith efforts by the Customs Service to comply with GAO's recommendations, the conferees agree to make $11,525,000 available for the Automated Commercial Environment immediately upon enactment of this Act, which should be sufficient to fund ACE development through the first two quarters of fiscal year 1997. The final $3,475,000 shall be withheld pending consultation with the House and Senate Committees on Appropriations.

REPORT BY THE GENERAL ACCOUNTING OFFICE ON ACE

The conferees direct the General Accounting Office to review Customs progress in implementing GAO recommendations on ACE and report its findings to the House and Senate Committees on Appropriations no later than February 1, 1997.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $29,736,000 for the Office of Inspector General.

INDEPENDENT LEGAL COUNSEL

The conferees agree with the House position with regard to providing the Inspector General with independent legal counsel and request that the Secretary of the Treasury resolve this long standing issue.

OFFICE OF PROFESSIONAL RESPONSIBILITY

SALARIES AND EXPENSES

The conference agreement provides a direct appropriation of $1,500,000 for the creation of an Office of Professional Responsibility.

OFFICE OF INSPECTOR GENERAL AND OFFICE OF PROFESSIONAL RESPONSIBILITY

The conferees are concerned that no duplication of effort take place between the Office of Professional Responsibility (OPR) and the Office of Inspector General (OIG).The conferees direct the Under Secretary for Enforcement to work closely with the Inspector General to ensure no such overlap occurs.

TREASURY BUILDINGS AND ANNEX REPAIR AND RESTORATION

The conference agreement provides $28,213,000 for additional costs related to the fire at the Main Treasury building and to accommodate the President's original request of $7,684,000. Funding for the Bureau of Alcohol, Tobacco and Firearms (ATF) and the Secret Service are addressed within the ATF Laboratory Facilities and the Secret Service's Acquisition, Construction, Improvement, and Related Expenses appropriations.

FINANCIAL CRIMES ENFORCEMENT NETWORK

The conferees provide $22,387,000 for the Financial Crimes Enforcement Network, the same as the House-passed and the Senate committee levels.

DEPARTMENT OF THE TREASURY FORFEITURE FUND

The conference agreement provides $10,000,000, of which $7,500,000 shall be used for the development of a Federal law enforcement wireless communications system and $2,500,000 shall be used at the discretion of the Secretary.

VIOLENT CRIME REDUCTION PROGRAMS

INCLUDING TRANSFER OF FUNDS

The conference agreement provides $97,000,000. This amount is to be used as follows:

Bureau of Alcohol, Tobacco and Firearms:	
Training & Equipment Initiative	$29,133,000
GREAT Administration	3,000,000
CEASEFIRE Program	3,662,000
Project LEAD	800,000
Subtotal ATF	36,595,000
GREAT Program	8,000,000
Secret Service:	
White House Security	8,000,000
Child Exploitation	3,000,000
TRIP	1,000,000
Counterfeiting	5,000,000
Financial Institutions Fraud	3,000,000
Subtotal Secret Service	20,000,000
Financial Crimes Enforcement Network: Cybercash Initiative	1,000,000
Office of National Drug Control Policy: High Intensity Drug Trafficking Areas Program	13,105,000
Departmental Offices: Taggant Study	18,300,000
Total	97,000,000

BALLISTICS IMAGING EQUIPMENT

The conferees include language allowing for the purchase, maintenance and upgrading of ballistics equipment.

HIGH INTENSITY DRUG TRAFFICKING AREAS

The conference agreement provides a total of $140,207,000 for the High Intensity Drug Trafficking Areas program: $13,105,000 from the Violent Crime Reduction Trust Fund and $127,102,000 from the base appropriation. This amount is $37,207,000 greater than the Administration's fiscal year 1997 request of $103,000,000 for this program. In addition to fully funding the Administration's request, the conferees include resources for several newly-designated HIDTAs: $3,000,000 for Lake County, Indiana; $6,000,000 for the Gulf Coast states of Louisiana, Alabama and Mississippi; $8,000,000 for the Midwest states of Iowa, Missouri, Nebraska, South Dakota and Kansas to focus on methamphetamine use, production and distribution; $3,000,000 for the State of Colorado; and $3,000,000 for the Pacific Northwest. The remaining $14,207,000 shall be distributed at the discretion of the Director of the Office of National Drug Control Policy.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

The conference agreement includes $1,400,000 in the Crime Trust Fund for enhanced efforts of the Secret Service to target crimes against children; of this amount, $400,000 is for two additional full time employees within the Secret Service to target child exploitation and pornography; $756,000 is dedicated for a grant to the National Center for Missing and Exploited Children (NCMEC) to establish an Exploited Child Unit, and $235,000 is provided to support the training of additional volunteers through NCMEC's Project ALERT. The conference agreement assumes funds of $1.2 million through the Secret Service Salaries and Expenses appropriation for the 2nd and 3rd years of operating the Exploited Child Unit at the NCMEC and continued funding of $1.6 million through the Crime Trust Fund for the Secret Service to enhance the use of forensic technology into the investigation of missing and exploited children.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conference agreement provides $54,831,000. Of that amount, $3,150,000 shall be used for unforeseen basic training needs. If such amounts are not needed, they may be used for the proposed teletraining initiative. The agreement also makes $13,034,000 available for the support of basic training, which may also be reprogrammed for other uses through established reprogramming guidelines.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conference agreement provides $18,884,000. Resources over and above the Administration's request shall be used to fund a new dormitory at Glynco as well as a classroom building and a practical exercise lab building at Artesia. The conferees understand that the facilities Master Plan for these two sites is a document that FLETC has revised in the past and will continue to revise periodically to reflect the addition of new construction projects, as well as changes in priorities, cost estimates, and project realignments. The conferees direct FLETC to keep the House and Senate Committees on Appropriations apprised of any changes in Master Plan projects or priorities for master plan construction projects at Glynco, Georgia and Artesia, New Mexico.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

The conference agreement provides $196,069,000 for the Financial Management Service.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conference agreement provides $393,971,000. The Committees agree to the following changes from the 1996 enacted level of $377,971,000:

Termination of Aircraft Program	−$2,000,000
General Program Reduction	−3,750,000
EO 12837 Reductions	−302,000
Savings from 400 FTE Reduction	−25,534,000
Separation Incentive Payments (Buyouts)	13,408,000
Church Fire Investigations	12,011,000
Training & Equipment Initiative	12,000,000
Adjustment for Inflation	10,167,000
Total Appropriation	393,971,000

The Committees agree to allow ATF to use the $12,011,000 dedicated to church fire investigations on investigations involving explosives or any other violence directed against religious institutions.

GREAT PROGRAM

The conferees have provided $8,000,000 for the Gang Resistance Education and Training (GREAT) Program, an increase of $800,000 above the Administration's request. The conferees commend the ATF for its efforts in developing this program and directs ATF to use the additional funds provided by the conferees to establish new GREAT programs in, at least, Bellevue, Washington, and Sioux City, Iowa. ATF should also give strong consideration to establish a GREAT program within the state of Colorado.

DOWNSIZING ATF

The conferees do not believe it is possible for ATF to maintain an adequately equipped or trained force at the current levels of employment and funding. To fully equip and train an average, full-time ATF officer requires approximately $122,441, yet the fiscal year 1997 budget request was $73 million below (15 percent) the amount necessary to sustain such a level. This neglect has resulted in an agency in which pay alone represents 74 percent of the overall budget. The conferees believe this situation can no longer be ignored.

In order to operate more effectively in the contemporary law enforcement environment, the ATF must become a smaller, better trained and better equipped organization. The conferees are pleased to note that the Director of ATF feels the same. Therefore, the conferees direct ATF to develop and implement a plan to downsize toward its own "ideal" distribution of expenditures of 62 percent pay, 23 percent operations and 15 percent fixed costs. The conferees further recommend that ATF downsize in fiscal year 1997 by approximately 400 FTE to realize the immediate benefits of increased training and better equipment. The conferees have provided buyout authority to ease this transition and have deleted a House provision prohibiting ATF from implementing a reduction in force. Although the conferees will not micromanage this downsizing by requiring a specific reduction in FTE's in fiscal year 1997, the conferees direct that no reductions come from the explosives and arson investigative or regulatory functions and strongly recommend that downsizing be targeted toward agents at or near retirement.

REVENUE COLLECTION

At a time when the revenue collection components of the Department of the Treasury have experienced difficulty in achieving efficiencies while maintaining a high level of compliance on the part of their taxpayer universe, ATF's revenue protection program stands out as an example of sound management and successful planning. ATF's collections are at historic levels, while regulatory staffing has remained below the authorized level.

Currently, ATF's regulatory enforcement component is authorized at a level of 1,030

FTE's; actual staffing has been held to approximately 950 FTE's by effective position management. Within that framework, Regulatory Enforcement will achieve a further savings of 50 FTEs by consolidation of technical services functions.

The conferees believe that ATF should use the FTE savings in technical services functions to offset, at least in part, previous reductions taken by Regulatory Enforcement in the field positions dedicated to alcohol and tobacco revenue and consumer protection programs.

Therefore, the conferees direct that the ATF pay careful attention to position management by major program area so as to ensure that uneven attrition does not result in untenable staffing reductions in the revenue and consumer protection activities of the ATF, and to ensure that Regulatory Enforcement is not penalized for past efficiency.

Federal Firearms Disabilities

The conference agreement continues language included in the fiscal year 1996 appropriations act prohibiting ATF from acting on applications for relief from federal firearms disabilities.

Ballistics Imaging Systems

The conferees are aware that the Departments of Treasury and Justice have developed separate ballistics imaging systems and are now working with state and local law enforcement agencies to deploy these systems,often with Federal subsidy assistance. Given the pressing national needs for this type of technology, the conferees remain adamant the Federal government not provide subsidy assistance for state and local law enforcement to acquire both systems. The conferees have included language prohibiting Federal assistance for the acquisition of a second system unless the state or local authorities return or fully reimburse the Federal government for the first system. The Committees also note the Department of Justice Appropriations Act will contain a similar prohibition.

The conferees have included funds in the Violent Crime Trust Fund for expansion and maintenance of this program. Should demand require, the Committee's note that the Director has in his discretion the ability to utilize funds appropriated in the Salaries and Expenses account.

Taggants Study

Public Law 104–132, the Antiterrorism and Effective Death Penalty Act of 1996, directs the Secretary of the Treasury to conduct studies on adding taggants to explosives materials, review the feasibility and practicability of rendering certain explosive chemicals inert, and evaluate the potential of imposing controls on certain materials used to manufacture explosives. The conferees are aware that the Naval Surface Warfare Center's Indian Head Division is widely recognized as a center of excellence in energetics. The conferees urge the Secretary to explore ways to use this Division's expertise in the development and manufacture of energetic chemicals and systems in the studies funded on taggants. Participating agencies are urged to work closely with the Indian Head Division on this important effort.

Cigarette Tax Evasion on Indian Lands in Oklahoma

The conferees are concerned about reports of businesses in Oklahoma operating on Indian lands which are evading the payment of state cigarette sales taxes. The conferees are also aware that the ATF, under 18 USC Sec. 2341–2342, has the authority to investigate and enforce state cigarette sales tax laws. The conferees direct the ATF to work closely with the Oklahoma Tax Commission on the investigation of cases of tax evasion by businesses located on Indian land in Oklahoma.

ATF Air Program

The House transferred the ATF aviation program to the Customs Service. Nevertheless, the conferees have since learned that the Customs Service has no use for the OV-10 aircraft used by ATF, and that ATF has a letter of agreement with the Department of State to provide a portion of the OV-10 aircraft and parts for eradication of illegal coca plants in source countries. The conferees, therefore direct ATF to transfer the OV-10 aircraft to the Department of State and any excess aircraft or parts to the Department of Defense inventory.

Bureau of Alcohol, Tobacco and Firearms

laboratory facilities

The conference agreement provides $6,978,000 for the design and acquisition of the ATF National Laboratory Center and Fire Research Investigation and Development Center.

United States Customs Service

salaries and expenses

The conference agreement provides $1,487,250,000 and up to $30,000 for official representation expenses.

The conferees agree to the following changes from the fiscal year 1996 appropriation of $1,387,153,000:

Operation Hardline	$74,000,000
Operation Gateway	28,000,000
Maintain Current Levels	39,625,000
Executive Order 12837 Reduction	−13,695,000
Transfer International Trade Data System	−5,600,000
Transfer Automated Commercial Environment	−15,000,000
Headquarters FTE Reduction	−20,596,000
Cost of Buyout	11,058,000
General Reduction	−5,000,000
Operations & Maintenance for ATF	500,000
Nogales, Arizona Fence	500,000
Honolulu Customs District	750,000
China Initiative	3,005,000
Western Hemispheric Trade Center	2,500,000
Child Pornography	50,000
Total	1,487,250,000

Operation Gateway and Operation Hardline

The conferees agree to include statutory language designating $65,000,000 for Operation Hardline and $28,000,000 for Operation Gateway. An additional $9,000,000 shall be available to Operation Hardline for the maintenance of equipment purchased in fiscal year 1996.

Miscellaneous Provisions

The conferees mandate that the Customs Service begin full implementation of the General Aviation Telephonic Entry (GATE) program within 30 days of enactment of this Act, delete language proposed by the House prohibiting any reduction in force in the Customs Service, restore House language to require approval of a staffing plan by the House and Senate Committees on Appropriations prior to implementation of any separation incentive payment program, and restore language proposed by the House prohibiting Customs from providing less than 30 days notice for changes in apparel regulations.

Reorganization

The conferees are concerned by a GAO report to the Ways and Means Committee (GAO/GGD–96–81R Customs Reorganization) stating that Customs had achieved only 40% of its goal of reducing headquarters full time equivalent employment from 1,800 to 1,200. The conferees direct the Customs Service to report to the House and Senate Committees on Appropriations, no later than February 1, 1997, with a streamlining plan on how it intends to achieve those reductions or with an explanation as to why such reductions are no longer advisable.

Honolulu Customs District

The conference agreement provides $750,000 for additional part-time and temporary positions in the Honolulu Customs District.

Nogales, Arizona Fence

The conferees provide funding to Customs for construction of a fence in Nogales, Arizona, to prevent smuggling. Work has progressed on construction of this fence, which separates the United States and Mexico. Because of the importance of this fence to anti-smuggling efforts, the conferees have included an additional $500,000 to complete this project.

Non-Intrusive Inspection (NII)

The conferees have been made aware of a recent evaluation of NII by the Office of National Drug Control Policy (ONDCP) which concludes that deployment of advanced NII technology at land and sea border points can make a significant improvement in the effectiveness of U.S. drug interdiction efforts. The conferees commend the Customs Service (USCS) for recognizing the potential of technologies such as truck X-rays and beginning the deployment of such systems. However, the ONDCP study also suggests that high energy, rather than low energy X-ray technology, and a level one automated targeting system (ATS) represent the best investment in NII technology. The conferees direct the USCS to accelerate development and deployment of an ATS and place a moratorium on the further procurement of low energy X-ray equipment as defined in the ONDCP report. The conferees direct the USCS to reevaluate its plans with regard to ATS, low energy and high energy X-ray equipment and, no later than February 1, 1997, present the Committees on Appropriations with an integrated detection plan which responds to the recommendations made in the ONDCP evaluation.

Western Hemispheric Trade Center

The conference agreement provides $2,500,000 for the Western Hemispheric Trade Center.

ATF Air Program

The conference agreement provides the Customs Service an additional $500,000 for the costs associated with providing aviation support to the ATF. The conferees direct that such service be provided to ATF without reimbursement.

Operation Respond

The conferees urge the Customs Service to work with Operation Respond Institute, Incorporated, a non-profit organization, the Federal Highway Administration, and the Federal Railroad Administration in enhancing and implementing computer software to identify hazardous materials crossing the northern and southern borders of the United States.

CHILD LABOR INVESTIGATIONS

The House passed version of H.R. 3756 contained a provision that funded two additional overseas positions for Customs Service investigators in New Delhi, India and in the Sialkot region of Pakistan. These are two areas in the world where child labor is a particularly significant problem.

The conferees understand that this provision could not be included in this legislation because pending legislation which would make the import of goods produced by child labor illegal has not yet passed. Nevertheless, the conferees believe that it is important for the Administration, Congress and the people of the United States to be informed as to whether goods being imported into the United States are being produced by child labor.

The conferees expect that the Customs Service will make this information available to the full extent of its authority under current law. In addition, the conferees direct Customs to report to the Committees on Appropriations what additional legislation is needed to address the problem. This report shall be transmitted with the fiscal year 1998 budget request.

DESIGNATIONS OF PORTS OF ENTRY

The conferees are concerned that the Custom Service has not published firm criteria for determining user fee or port of entry status for airports, leading to confusion and possible loss of revenue in at least one airport. The conferees therefore direct the Customs Service to establish firm, clear guidelines to be used in determining port of entry status and provide those criteria to the Committees on Appropriations with the fiscal year 1998 budget submission. The conferees direct that the status of no airport be changed until transmission of that report, except for changes mandated by law.

P–3AEW PROCUREMENT

The conference agreement provides $42,000,000 to convert one P–3AEW aircraft, to be financed through transfer from the Special Forfeiture Fund within the Office of National Drug Control Policy. This will be in addition to the P–3AEW funded through the Department of Defense.

BUREAU OF ENGRAVING AND PRINTING

WEB PRESS

The conferees understand that, despite fiscal year 1996 Congressional direction to suspend development of the Web Press, the Department of the Treasury and the Bureau of Engraving and Printing (BEP) have resisted compliance with the direction. BEP has instead indicated that it needs additional time to resolve performance shortfalls it has encountered with the operation of the Press.

The conferees believe that the opportunity to resolve the performance shortfalls was addressed in a December 1, 1995, letter in which the Director of BEP presented a plan to turn the Press into a "viable piece of operating equipment" by April of 1996. The conferees did not receive official notification as to whether or not the Director's plan was successful. However, informal communication with the BEP led the conferees to believe that the milestones presented in the December letter were not met in a cost-effective manner.

While it is unclear why the Department of the Treasury and the BEP want to continue the Web Press effort, the conferees believe the Director should be provided with sufficient authority to conduct all necessary testing to determine if the Press can produce currency in compliance with the original contractual requirements. Therefore, the conferees agree that, if the Director determines it is in the best interest of the government to conduct further testing of the Web Press, a plan to achieve resolution of the issues associated with the performance of the Press shall be submitted to the House and Senate Committees on Appropriations. The objective of the plan, which must include specific performance milestones, should be to determine if the Press can be brought into compliance with the original contract performance requirements. The plan must also include criteria to determine success or failure in meeting the established milestones. This plan shall be submitted to the Committees within 30 days of enactment of this Act. The conferees are adamant that the plan shall be implemented and conducted at no additional cost and shall have a reasonable termination date at which time either the Web Press is in compliance with the original contract requirements or is terminated.

EXEMPTION FROM PROCUREMENT REGULATIONS

The conference agreement does not include an exemption from procurement regulations for the BEP. The conferees believe it is premature to provide such exemption without first determining the effect such an exemption would have on other Treasury bureaus. While it would be beneficial for BEP to have such an exemption, it does not seem appropriate to place the organization in a position not shared by other Treasury bureaus.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

The conferees note that the U.S. Mint has submitted comprehensive reports concerning the implementation of the Mint Public Enterprise Fund. Since certain circulating coinage provisions will expire at the end of fiscal year 1996, the conferees request the Director of the U.S. Mint submit an overview of a plan for controlling costs and maximizing 1997 operations. This overview should be included in the next quarterly report submitted to Congress.

The conferees request the Director also submit a report, by December 1, 1996, which resolves the issue of how best to maintain separate revenue records for circulating and numismatic coins within the Mint Public Enterprise Fund. The conferees want to ensure that revenue generated by circulating coins is not merged with revenue generated by numismatic coins. The 1996 Mint Public Enterprise Fund legislation created one fund for both circulating and numismatic coin revenue, with separate recording of the revenues from these different coin programs. It was not the intent of the legislation to create separate public enterprise funds as a way of keeping revenue separate.

PERFORMANCE BASED ORGANIZATION

As part of the Vice President's National Performance Review, a proposal was made to allow federal agencies to act more "business like" by allowing the performance of the organization to be measured. The agency, now called a Performance Based Organization (PBO), would have established productivity and performance plans, a Chief Executive Officer (CEO), and other "business like" components. The pay of both the employees and the CEO would be based on performance against an established annual performance plan.

The conference agreement does not include a provision which would have established a PBO at the U.S. Mint as proposed by the House. Despite the Department of Treasury's stated position that performance measures should be used to determine funding levels, the U.S. Mint-PBO provision was opposed by the Secretary of the Treasury.

The Department has not yet responded to the Office of Management and Budget's (OMB) early-1996 request for agency participation in the Vice President's PBO concept. The Department continues to study its organization to determine which of its bureaus would be most appropriate as a PBO. The U.S. Mint, with its reliance on production-based performance measures, is obviously a viable candidate for the PBO format. The conferees strongly recommend that the Department choose the U.S. Mint as its candidate for a PBO.

The Treasury Department and the OMB should provide legislation which would establish such a PBO to the appropriate Congressional committees with the fiscal year 1998 budget request.

BUREAU OF THE PUBLIC DEBT

BUDGET ESTIMATES

The conferees agree with language contained in Senate Report 104–330 which encourages the Commissioner of the Public Debt to continue to work toward workload estimates to minimize lapsed appropriations. The conferees do not wish to infer that the large unobligated and lapsed balances which have been experienced by the Bureau of the Public Debt are the result of poor budget practices or a lack of attention by management of the Bureau. These balances are the result of unplanned cost savings. Future workload estimates should be more accurate now that the transfer of people and functions from Washington, DC, has been accomplished.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT RECOMMENDATION

The conference agreement provides $1,779,840,000. The Internal Revenue Service (IRS) requested $8,144,000 for an additional payment of 1.5% for CSRS employees in anticipation of costs associated with the implementation of pending legislation. That legislation was not finalized and therefore the Committees agree that the $8,144,000 request is no longer needed for that purpose. The conference agreement provides $8,321,000 to meet additional requirements as a result of increasing 1-800 telephone access.

TAXPAYER SERVICES AND RETURNS PROCESSING

The conference agreement provides $482,049,000 for Taxpayer Services. This amount is $34,447,000 above the fiscal year 1995 funding level for Taxpayer Services (7.7% increase) the same as the funding level provided in 1996 and $8,347,000 above (2%) the fiscal year 1997 request. The conferees have provided $829,666,000 for Returns Processing. This amount is $15,540,000 above the fiscal year 1995 funding level for Returns processing (2% increase), $56,658,000 above the funding level provided in 1996 (7% increase), and the same as requested in fiscal year 1997.

OPPORTUNITIES FOR OUTSCORING RETURNS PROCESSING

The conferees agree that IRS should study the potential costs and benefits of outsourcing certain returns processing activities. This study should be submitted to the House and Senate Committees on Appropriations by December 31, 1996.

PERFORMANCE MEASURES

Measuring the performance of the IRS, especially in the areas of taxpayer service and assistance, tax collection, and compliance, has been an ongoing concern for the House and Senate Committees on Appropriations. Since fiscal year 1995, the Committees have been stressing the need for valid performance measurement in order for IRS to justify its continued request for additional funding. To date, such performance measures have not been forthcoming. Therefore, the conferees agree with the House that the IRS should submit a strategic plan and detailed performance measures with the fiscal year 1998 budget request. This is consistent with the requirements of the Government Performance and Results Act (GPRA).

FINANCIAL MANAGEMENT

The conferees have serious concerns about the ability of the IRS to accurately account for the expenditure of appropriations. A July 1996 General Accounting Office (GAO) report on IRS financial management states that IRS has ineffective controls over safeguarding assets from loss and assuring that IRS is in compliance with laws governing the use of budget authority. Furthermore, the amounts stated by IRS as the total amount of revenue ($1.4 trillion) and the total amount of tax refunds ($122 billion) cannot be verified or reconciled to aggregate accounting records. In other words, IRS may not be collecting the revenue it states, may not be making the refunds it states, and may not be spending taxpayers money in accordance with the law. The conferees believe the IRS must correct these deficiencies. Therefore, the conferees direct the IRS to submit a report by March 1, 1997, which presents a plan to correct the deficiencies identified in the GAO's July 1996 report.

TAXPAYER SERVICES IN ALASKA AND HAWAII

Given the remote distance of Alaska and Hawaii from the U.S. mainland, the many tax compliance issues unique to the communities and geography in these states, and their taxpayers' inability to receive needed assistance by the toll-free line, the conferees believe that the Internal Revenue Service should maintain a Problem Resolution Specialist position, current Problem Resolution positions assisting the Problem Resolution Officer, and tax examination personnel of appropriate number and grade within each of the states of Alaska and Hawaii.

NATIONAL ARCHIVES ACCESS TO RECORDS

The conferees believes that an agreement should be reached between the IRS and the National Archives and Records Administration (NARA) concerning NARA's access to certain IRS records. The conferees direct that the IRS and NARA submit a report to the Committees on Appropriations of the House and Senate on NARA's access to records. This report must include an analysis of outstanding issues and a recommendation on how the disposition of these records should proceed. The report should be submitted to the Committees by March 1, 1997.

ELECTRONIC FEDERAL TAX PAYMENT SYSTEM

The conferees understand that the IRS has determined it should delay the implementation of the Electronic Federal Tax Payment System (EFTPS) due to the concerns of small businesses. The conferees also understand that the IRS did not implement an adequate education program on the requirement for small businesses to electronically submit Federal withholding tax payments. Due to the lack of basic information on the new process, many small businesses found it impossible to comply with IRS requirements and faced stiff penalties if not in compliance.

The conferees urge the IRS to implement a major education effort on the requirements of EFTPS and to reschedule its implementation after the education effort has been successful.

FEDERAL TAX TREATMENT OF AIRCRAFT MAINTENANCE EXPENSES

The conferees are aware that, in a recent Technical Advice Memorandum (TAM), the IRS has taken the position that certain Federal Aviation Administration (FAA) mandated aircraft safety inspection and repair costs must, for tax purposes, be capitalized rather deducted as a business expense. This is a reversal of longstanding IRS and airline industry tax accounting practices which have permitted the current deduction of such costs. Additionally, this action will place a significant new tax burden on critical airline safety inspections and repairs.

The conferees believe that the IRS incorrectly applied Treasury Regulation Sec. 1.162-4 in reaching this position. The conferees are also concerned that this policy change, which affects the entire airline industry and critical airline safety policies, was implemented without apparent input from and coordination with other interested parties such as the Department of Transportation and the FAA. Therefore, the conferees urge the IRS to reverse its recent position on tax treatment of aircraft inspection and safety costs.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT RECOMMENDATION

The conference agreement provides $4,104,211,000 for Tax Law Enforcement. The conference agreement also provides funds, as necessary, to meet requirements associated with downsizing the Internal Revenue Service.

CRIMINAL INVESTIGATIVE DIVISION

The conferees agree to delete the funding and staffing "floor" contained in House Report 104-660 for the Criminal Investigative Division (CID). This should not be interpreted as a lack of interest in the work of CID. The elimination of this "floor" simply provides IRS flexibility in managing under the 1997 funding levels.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

The conference agreement provides $1,323,075,000 for Information Systems.

TAX SYSTEMS MODERNIZATION

In July of 1996, the Committee on Appropriations of the House and Senate requested that the Department of the Treasury and the Internal Revenue Service (IRS) provide more detailed information on its request for Tax Systems Modernization (TSM) and non-TSM information systems requirements. In response to this request, IRS and the Department of the Treasury recently provided new and extensive data on these programs. The conferees appreciate the attentive attitude taken by both IRS and the Department in this endeavor. While this additional information is not a formal proposal on the part of the Department of the Treasury for a "revamped" TSM program, the conferees believe it is an important step toward restructuring and streamlining this troubled program.

The conferees emphatically repeat their position that there is no more imperative requirement for IRS than to modernize its antiquated information system. A modernized system is the only way to better serve the taxpayers of America and collect taxes in an efficient manner.

Since 1988, Congress has provided approximately $4,000,000,000 for the IRS-proposed strategy to modernize its information system: the TSM program. Congress provided these funds in accordance with plans and proposals for the TSM program submitted by three successive Administrations. Initially, the Administration projected TSM would be in place by the year 2001. It appears now that this timetable will not be met and it is unclear when TSM will be fully operational.

It is unfortunate that IRS is no further along with the strategy to modernize its information systems than it was in 1988. While many exemplary individual systems of the TSM program have been purchased with the $4,000,000,000 appropriated to date, it is also true that, in order for the IRS to maximize this investment, these systems must integrate with a real-time centralized database called the Corporate Account Processing System (CAPS). CAPS is a complex, although not technologically difficult, data base; a type found throughout the Federal government and industry. The conferees are concerned that, based on the most recent information provided by IRS, CAPS is being pushed off into a future development scenario. The conferees are concerned that IRS seems determined to continue to fund TSM projects that appear necessary to "feed the beast" at IRS, not to modernize the process. This is unfortunate.

Based on information provided by the IRS, the conferees have re-defined TSM. TSM should be considered those systems which are under development or are being prepared for deployment. Those TSM systems which have been deployed and are currently being used by the IRS to accomplish its mission are considered Operational Systems and are in addition to the Legacy systems which TSM sought to replace. The Legacy systems continue, after eight years of effort on TSM, to be the backbone of IRS information systems and are no less necessary today than in 1988. Therefore, the conferees agree that both the Operational Systems and the Legacy systems must be funded at a level to fully support the tax filing season. For Legacy systems, the conference agreement includes $758,400,000 which will fund the highest priority systems as identified by IRS. For TSM Operational Systems, the conference agreement includes $206,200,000 for all the systems identified by the IRS as necessary, including the Service Center Consolidation project.

For TSM deployment and development, which the conferees have redesignated TSM, the IRS identified $155,500,000 in programs which are necessary, but limited its most recent request to $59,100,000 for the highest priority items. The conference agreement funds TSM development and deployment at $130,075,000 which will allow the IRS to continue development of CAPS, the Workload Management System, Electronic Fraud Detection, and other systems as identified by the IRS.

The IRS has recently identified $94,100,000 in new, "stay-in-business" requirements. These requirements include the Year 2000 Century Date conversion, quality assurance, replacement of laptop computers for the exam staff, replacement of the Distributed Input System (DIS)/Remittance Processing System (RPS), and an interim Revenue General Ledger System (RGLS). The $5,100,000 for RGLS is needed to comply, in part, with recent General Accounting Office (GAO) criticism of IRS financial management. The $9,000,000 for DIS/RPS is necessary because the Document Processing System (DPS), a TSM system which was to replace DIS/RPS, is being terminated. The termination of DPS means that after eight years and $298,500,000 to develop this document scanning system, IRS is now re-examining its basic requirement for document processing. The century date conversion initiative is the first step in a multi-year, multi-million dollar effort to re-code the 1960's Legacy systems technology so that IRS can process tax returns after 1999. This is necessary because the IRS has not been able to replace the cobal-language database with CAPS as planned. The conference agreement includes $45,000,000 for the Century Date change requirement, understanding that this is an initial investment, and that the IRS continues to refine funding and program requirements for this effort. A total of $62,100,000 has been provided for these new "stay in business" requirements which IRS should use to address its highest priority requirements. Additionally, the IRS should continue to review these activities for future outsourcing opportunities.

The IRS also identified one-time costs of $21,900,000 for converting from the Consolidated Data Network (CDN) to the Treasury Communications System (TCS) and $61,000,000 for downsizing activities. The downsizing activities will provide sufficient funds for IRS to reduce its staffing level by over 900 positions. The conference agreement provides $82,900,000 for these one-time requirements, as requested.

For program infrastructure, the IRS states that its requirement is $83,400,000. Within this amount, the IRS anticipates $14,700,000 will be required for its Government Program Management Office, $2,000,000 for the Modernization Management Board, $8,200,000 for Systems Life Cycle development, $9,000,000 for Architecture development, $5,000,000 for Reengineering studies, $12,800,000 for Program Management-Associate Commissioner, and $22,800,000 for Systems Engineering and other Infrastructure. The conference agreement provides $83,400,000, as requested, and directs the IRS review these activities for future outsourcing opportunities.

The Committees direct that, should any of the amounts listed above be executed at a different level than set out in this report, the Department of the Treasury must provide notification and explanation of the changes to the Committees on Appropriations of the House and Senate.

ARCHITECTURAL BLUEPRINT

The conferees agree that continued Congressional oversight of the TSM program is essential. In order to ensure such oversight, the Secretary of the Treasury shall submit quarterly reports on IRS' implementation of the TSM and Information Systems program. These reports must include (1) an assessment of progress in implementing all the recommendations made by the General Accounting Office in its July 1995 report; (2) performance measures which will be used by the Department of Treasury to determine progress made in implementing TSM; and, (3) a project by project funding profile.

Additionally, the Secretary shall submit to the Committees on Appropriations of the House and Senate, a complete systems architecture which has been approved by the Department of Treasury's Modernization Management Board. This architecture shall be submitted no later than May 15, 1997.

OUTSOURCING STRATEGY FOR TSM

The IRS and the Department of the Treasury have announced an outsourcing strategy for TSM which was presented by the Department of the Treasury in its May 6, 1996," Report to House and Senate Appropriations Committees. "This strategy, from the perspective of the Committees, does not fully address the outsourcing of TSM until the Spring of 1998. The Treasury Department prefers the opportunity to prepare a Request for Proposal (RFP) by the Spring of 1998 which would be used to solicit competitive bids to obtain a commercial sector company as a "Prime Contractor" for TSM. At the point of RFP release, the Department of the Treasury would assess the performance of the current contract vehicles to determine if the release of the RFP is required. The RFP would be released if the Department determined that the current contracting arrangement was not adequate to provide progress to TSM.

The conferees do not disagree with the need to ensure that progress on TSM be monitored and that all parties, IRS and the private sector community, be held accountable for performance in accordance with established performance requirements. However, the conferees believe that this needs to be done long before the Spring of 1998. Therefore, the conference agreement includes a suspension of funding for the TSM Operational Systems on July 31, 1997, unless the Department has prepared the RFP which it could use to solicit bids for a TSM Prime Contractor. The intent of this action is to require an outsourcing decision at a date earlier than that requested by the Department of the Treasury.

With regard to the RFP, the conferees believe that the Department of the Treasury's Modernization Management Board (MMB) should have prepared a final version of the RFP by the July 31, 1999 deadline. The conferees understand that the process which the MMB must go through to get a final RFP is a long process which includes obtaining information and input from the private sector. However, the intent of the conference agreement is that the final version of the RFP be ready by July 31, 1999. Should the Department of the Treasury determine that it is unable to have ready for release a final version of the RFP, the Department should notify the Committees on Appropriations of the House and Senate before the July 31, 1999 deadline. Should there by a delay in the development of the RFP, the conferees are committed to releasing the fourth quarter apportionment when the IRS submits an explanation for the delay.

With regard to the July 31, 1997 schedule to transfer a majority of TSM to contractor, the conferees agree that the current contractor support may count toward the majority level.

The conference agreement also includes a requirement that the activities associated with the development of the RFP, the contract solicitation, and contract award shall be conducted by the Department of the Treasury's Modernization Management Board. It is the intent of the conferees that the IRS shall not be the "lead" on this effort and that the Department shall oversee the efforts of the Modernization Management Board with regard to these activities.

Furthermore, should the Department of the Treasury determine that it will pursue the release of an RFP to solicit bids for a new contracting arrangement, the Department of the Treasury should provide notification to the House and Senate Committees on Appropriations prior to the release of the RFP.

Additionally, should the Department determine that it will pursue a new contract with a private sector company to manage, integrate, test, and implement TSM, the Department should take into account the company's prior private and public sector experience. A private sector company's experience in managing large-scale complex computer systems, working with government revenue agencies, showing demonstrable results in reducing costs, increasing productivity, improving service, and integrating human performance factors with technological change would be most beneficial to the IRS.

CONTRACTOR SUPPORT

The conference agreement does not specify the amount of funding which should be applied to the IRS contract with IIT Research Institute, a Federally Funded Research and Development Center (FFRDC) or the Integration Support Contract (ISC). This should not be interpreted as a lack of interest in these groups, or a belief that these groups have not provided exceptional assistance to the IRS. The conference agreement simply reflects a belief that the IRS should not be required by Congress to fund any contract at any particular level.

SHIFT FROM IRS PERSONNEL TO CONTRACT PERSONNEL

While the conference agreement does not specifically address the total number of IRS personnel that should be assigned to the TSM program, the conferees are adamant that IRS reduce the number of employees assigned to both TSM development and operational systems. The conferees understand the benefit of a reassignment of some TSM technical personnel to the century date change program and, to the extent that this shifting of personnel is necessary, it should be pursued. The intent is that the number of IRS personnel assigned to TSM shall be significantly reduced and the program turned over to the private sector for management, development, implementation, and testing.

The IRS should provide quarterly reports to the House and Senate Committees on Appropriations, which address the number of FTEs funded within each of the appropriation accounts. For the Information Systems appropriation, the breakout of FTEs should be according to each activity funded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

The conference agreement provides a rescission of $174,447,000 from Information Systems appropriations.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Section 103. The conference agreement includes a provision which requires the IRS to maintain the fiscal year 1995 level of service, staffing, and funding for Taxpayer services. The conferees agree that this does not mean that IRS should be required to re-hire staff or to open closed offices. The intent of the provision is to ensure that, overall, IRS maintains a level of Taxpayer Services which meets or exceeds the 1995 level of services. Additionally, the IRS should be very sensitive to the needs of the taxpayers who use walk-in service centers during the tax filing season.

Sec. 104. The conference agreement includes a provision which requires the IRS receive prior approval before obligating funds for separation agreements in accordance with section 663. Section 663 allows for voluntary separation of employees under certain circumstances. The intent of this provision is to ensure that IRS has in place a strategic plan which will be used to downsize its organization.

The conference agreement does not include the House provision requiring IRS contract with an independent accounting firm to determine revenue losses (if any) which would result from implementing H.R. 2450.

The conference agreement does not include a sense of Congress provision adopted by the Senate. The concerns of the Senate were accommodated within the funding levels provided to the IRS.

Sec. 105. The conference agreement includes a provision which permits the IRS to implement its planned field reorganization under certain conditions. The IRS may proceed with this reorganization only if it maintains the current level of taxpayer service employees that provide taxpayer education and the current level of employees that provide problem resolution on cases generated through walk-in visits. This provision is included due to concerns which have been raised about the potential effects of the proposed IRS restructuring on customer service.

The conferees direct the IRS to report to the House and Senate Committees on Appropriations no earlier than March 1, 1997, on the impact of the reorganization with respect to: (1) taxpayer services, particularly taxpayer education and walk-in customer service offices; (2) problem resolution cases; and (3) the overall cost/benefit of the proposed restructuring. This report should also address how IRS taxpayer services will ensure adequate service to taxpayers in the future.

Sec. 106. The conference agreement includes a provision which directs that funds shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 telephone assistance and that the Commissioner make this a priority.

Sec. 107. The conference agreement includes a provision which prohibits the expenditure of funds for using more than two ink colors on the printed covers of income tax packages.

United States Secret Service

SALARIES AND EXPENSES

The conference agreement provides $528,262,000. The conferees provide $18,870,000 for White House security upgrades, as requested by the President, with additional funds provided in the Violent Crime Trust Fund. In addition to start up funds for the Exploited Child Unit the conferees have provided $1,200,000 for the 2nd and 3rd years of operating the Exploited Child Unit through the Salaries and Expenses appropriation, making these funds available until expended. The conference agreement also provides $3,700,000 for restoration of base operations, $2,133,000 for costs associated with replacing the mainframe computer and software systems and funds requested by the President for the replacement of vehicles in the security fleet.

United States Secret Service

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conference agreement provides $37,365,000; of this amount, $8,200,000 has been made available for activities related to the design and construction of the new Classroom Building at the Rowley Secret Service Training Center in Beltsville, Maryland. The conferees have funded replacement of the mainframe computer and related software systems in the Salaries and Expenses Account.

SECRET SERVICE RESCISSION

During fiscal year 1996, Congress provided $42,964,000 for anticipated mandatory costs of protecting candidates during the current Presidential election. The Secret Service now estimates that $7,696,000 of these funds will remain unobligated at the end of fiscal year 1996; the conferees have rescinded $7,600,000 of these funds.

General Provisions—Department of the Treasury

Section 116. The conference agreement includes a provision which amends Title 31 to prevent transfers of excess resources from the Treasury Forfeiture Fund to the Special Forfeiture Fund managed by the ONDCP after fiscal year 1996.

The conference agreement does not include language which would create a priority placement and job retraining program for employees.

Sec. 118. The conference agreement amends Title 18 to allow licensed Federal firearms dealers to transfer "curio or relic" firearms at any location.

TITLE II—POSTAL SERVICE

Payments to the Postal Service

Payments to the Postal Service Fund

The conference agreement provides $85,080,000, including $61,433,000 for free mail for the blind and overseas voting and $23,617,000 for revenue forgone reimbursement.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

The conference agreement provides $35,536,000 for workman's compensation payments incurred by the pre-1971 Post Office Department.

POSTAL SERVICE RECYCLING HOTLINE

Both the House and the Senate reports address the matter of the Postal Service's leadership in the U.S. Environmental/Recycling Hotline. The conferees concur with the directives outlined in both reports and strongly support the Postal Service's continued leadership in this voluntary and innovative pollution prevention program. The conferees direct the Postal Service to provide regular updates on the progress being made on this public-private partnership beginning no later than December 1, 1996 to the House and Senate Committees on Appropriations.

JESSUP POST OFFICE

The conferees are aware of the intent of the Postal Service to move the Jessup Post Office from its current downtown location. The conferees direct the Postal Service to analyze the costs and benefits of such a move, and report the results of that analysis to the Congress no later than February 1, 1997. The conferees furthermore direct the Postal Service to work closely with local government and community organizations in determining a final location for the Jessup office.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Office of Management and Budget

SALARIES AND EXPENSES

METHYLENE CHLORIDE

On November 7, 1991, the Occupational Safety and Health Administration (OSHA) proposed a revised workplace standard for methylene chloride. On March 29, 1996, the Small Business Regulatory Enforcement Fairness Act was enacted, requiring final rules adopted after June 27, 1996 to contain a final regulatory flexibility analysis assessing the requirements to be imposed on small business and describing the steps taken to minimize the economic impact on small business. On July 18, 1996, OSHA sent the final workplace standard for methylene chloride to the Office of Management and Budget for its review and approval. The conferees wish to highlight that, in reviewing the final methylene chloride workplace standard, the Office of Management and Budget must ensure that OSHA has fully complied with the Small Business Regulatory Enforcement Fairness Act in assessing the effect of the standard on small businesses, particularly in light of the fact that OSHA was not required to address these issues in detail at the time the standard was proposed. In addition, the Office of Management and Budget should ensure that OSHA's assessment of the potential health risk posed by methylene chloride is consistent with the Environmental Protection Agency's reassessment of that chemical under its proposed revised guidelines for carcinogen risk assessment, and that the workplace standard would not pose problems for compliance with Environmental Protection Agency regulation of methylene chloride emissions.

BALLISTIC IMAGING INTEROPERABILITY

The conferees reiterate their concern over the absence of interoperability between existing firearms ballistics imaging systems. The Office of Management and Budget facilitated a Memorandum of Understanding between the ATF and the Federal Bureau of Investigations as a means of achieving interoperability.

The Committees on Appropriations continue to receive reports of activities outside the scope of cooperation embodied in the MOU, wherein individual local crime lab directors and law enforcement officials are pressured to purchase one system over another. The MOU was to have eliminated such activity.

The conferees direct OMB to move the MOU process forward to a conclusion by taking a more active oversight role, and to terminate any agency efforts to create new or hybrid systems. The Director of OMB is to report to the House and Senate Appropriations Committees on the progress of activities under the MOU to date, and stipulate a timetable within which the NIST program will be completed. This report is due to the Committees no later than 60 days after the enactment of this Act.

YEAR 2000 SOFTWARE CONVERSION

The conferees are aware that, as part of OMB's preparation of the President's fiscal year 1998 budget, agencies are preparing cost estimates to ensure that information systems are year 2000 compliant. The conferees repeat their concern about the potential complexity and cost of the millennium change and direct OMB to comply with House report language requiring an assessment of the risk to Government systems on this issue. In recognition of ongoing work for the 1998 budget cycle, OMB is directed to submit this report with the President's fiscal year 1998 budget instead of by November 1, 1996.

Office of National Drug Control Policy

SALARIES AND EXPENSES

INCLUDING TRANSFER OF FUNDS

The conference agreement provides $35,838,000 to the ONDCP, fully funding the Administration's request and including an additional $1,000,000 for the continuation of model state drug law conferences.

The conference agreement deletes a provision that prevents the ONDCP from obligating $2,500,000 until it reaches agreement with the House and Senate Committees on Appropriations on a fiscal year 1997 staffing plan.

The conference agreement includes House language that directs the Director of the ONDCP to transfer unobligated balances from ONDCP's Special Forfeiture Fund to the Treasury Forfeiture Fund.

Unanticipated Needs

The conference agreement does not fund this account and instead uses these funds to support conferences on model state drugs laws through ONDCP in the upcoming fiscal year.

Federal Drug Control Programs

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM INCLUDING TRANSFER OF FUNDS

The conference agreement provides a total of $140,207,000 for the High Intensity Drug

Trafficking Areas program: $13,105,000 from the Violent Crime Reduction Trust Fund and $127,102,000 from the base appropriation. This amount is $37,207,000 greater than the Administration's fiscal year 1997 request of $103,000,000 for this program. In addition to fully funding the Administration's request, this level includes resources for several newly-designated HIDTAs: $3,000,000 for Lake County, Indiana; $6,000,000 for the Gulf Coast states of Louisiana, Alabama, and Mississippi; $8,000,000 for the Midwest states of Iowa, Missouri, Nebraska, South Dakota, and Kansas to focus on methamphetamine use, production and distribution; $3,000,000 for the State of Colorado; and $3,000,000 for the Pacific Northwest. The remaining $14,207,000 shall be distributed at the discretion of the Director of the Office of National Drug Control Policy.

Of the total appropriation, $71,000,000 shall be transferred to State and local entities and $69,207,000 may be transferred to other Federal agencies.

TITLE IV—INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $28,165,000, restores 2 FTE to the House position, and fences $2,500,000 for computer modernization.

FULL TIME EMPLOYEE EQUIVALENTS

The conferees assume full salary and benefit increases to support 312 full time employee equivalents in fiscal year 1997, a reduction of 1 FTE from 1996. The conferees agree to allow this reduction to be taken at the discretion of the FEC and urge the FEC to be prudent in their allocation of staff so that all statutory responsibilities can be fulfilled in the upcoming fiscal year.

TUITION PAYMENTS

The conferees direct the FEC, as part of its fiscal year 1998 budget request, to submit a justification for tuition payment assistance, including a description of how these payments are relevant to FEC's statutory responsibilities.

REPROGRAMMING REQUIREMENTS

The conferees have reviewed FEC's request to address specific items contained in House Report 104–660, particularly as it relates to the fencing of $2,500,000 for computer modernization during the upcoming year. The conferees are aware that certain assumptions will require difficult choices for the FEC. Should the FEC find it difficult to fulfill its statutory responsibilities under the assumptions included in the fiscal year 1997 conference agreement, the FEC is encouraged to submit the appropriate reprogramming requests for Committee consideration.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATION ON AVAILABILITY OF REVIEW INCLUDING TRANSFER OF FUNDS

The conference agreement appropriates $400,544,000 into the Federal Building Fund. This appropriation offsets the difference between income into the Fund and expenditures from the Fund. The conference agreement makes $5,555,544,000 available from the Federal Buildings Fund for public building services, construction, and repair and alteration of Federal buildings.

The conference agreement makes $657,711,000 available from the Federal Buildings Fund for new construction and inserts a list of construction projects. The list of projects is as follows:

NEW CONSTRUCTION

California: Fresno, Federal Building and U.S. Courthouse	$6,595,000
Colorado: Denver, Rogers Federal Building-U.S. Courthouse	9,545,000
District of Columbia: U.S. Courthouse Annex	5,703,000
Florida:	
Miami, U.S. Courthouse	24,990,000
Orlando, U.S. Courthouse	9,514,000
Kentucky:	
Covington, U.S. Courthouse	17,134,000
London, U.S. Courthouse	13,732,000
Montana:	
Babb, Piegan Border Station	333,000
Sweetgrass, Border Station	1,059,000
Nevada: Las Vegas, U.S. Courthouse	83,719,000
New York: Brooklyn, U.S. Courthouse	169,000,000
Ohio:	
Cleveland, U.S. Courthouse	128,559,000
Youngstown, U.S. Courthouse	15,813,000
Oregon: Portland, Consolidated Law Federal Office Building	4,750,000
Pennsylvania:	
Erie, U.S. Courthouse Annex	3,300,000
Philadelphia, DVA-Federal Complex, Phase II	13,765,000
South Carolina: Columbia, U.S. Courthouse Annex	43,848,000
Texas: Corpus Christi, U.S. Courthouse	24,161,000
Utah: Salt Lake City, Moss U.S. Courthouse Annex and Alteration	11,474,000
Washington:	
Blaine, U.S. Border Station	13,978,000
Oroville, U.S. Border Station	1,452,000
Seattle, U.S. Courthouse	16,853,000
Sumas, U.S. Border Station (Claim)	1,177,000

The conference agreement also includes $10,000,000 for non-prospectus construction projects and $27,256,000 for security enhancements. The $27,256,000 for security enhancements is a part of the overall $240,600,000 provided in the conference agreement for enhanced building security.

U.S. COURTHOUSE CONSTRUCTION

The conference agreement reduces construction funds for each of the U.S. Courthouse and U.S. Courthouse Annex project by 10 percent. The conferees do not anticipate that this reduction will affect the construction schedule for any of these projects. However, should GSA determine that the lower funding level will adversely affect the ability of GSA to complete a specific project on time, the Administrator of General Services should submit a reprogramming for Committee consideration.

The conferees believe that there is strong evidence that, in general, courthouse facilities are not designed and built to achieve maximum efficiencies and cost savings. Congress has held a number of hearings to address the many issues associated with the construction of buildings, especially U.S. Courthouses. These hearings have produced pages of testimony which point to the lack of discipline in the process used to design and construct these facilities. This is an issue which the conferees take seriously and are determined to bring order, discipline, and reasonableness into the U.S. Courthouse construction process.

The conference agreement modifies bill language proposed by the House which required GSA to implement a 10 percent reduction in the overall cost of the U.S. Courthouse construction projects. Instead, this 10 percent reduction was applied to each U.S. Courthouse project included in the new construction program. The modified language requires a reduction in the cost of future courthouse construction through improving design efficiencies, curtailing planned interior finishes, requiring more efficient use of courthouse and library space, and by otherwise limiting space requirements.

Furthermore, the conferees agree with the House position that the U.S. Courthouse design guide be reexamined and a new design guide be developed by April 1, 1997. The conferees agree that serious action must be taken to reduce the cost of courthouses through design and construction savings. The revised design guide should include standardized courtroom utilization studies for each requested project. It is understood that these studies will be used to prepare prospectus studies which are under the authorities of the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure.

U.S. COURTHOUSE SITE ACQUISITION

The conferees are concerned with the process which GSA uses to fund the acquisition of sites for new Federal office buildings and U.S. Courthouses. GSA chooses a site and then requests funding availability based on the estimated cost of acquiring the preferred site. The action of requesting a certain amount of money to purchase a piece of land almost certainly undermines the ability of the GSA to negotiate a lower price. This has prompted the conferees to take the unusual step of reducing, by 5 percent, the amount requested by GSA for site acquisition. This should be interpreted by GSA as another method which Congress can and will use to reduce the overall cost of Federal building construction.

The City of Fresno, California and the City of Las Vegas, Nevada are to be commended for stepping forward and offering free or reduced cost sites on which GSA is planning to construct new facilities. The action taken by the City of Fresno and the City of Las Vegas will save the government over $6,000,000. This type of cooperation will be necessary for the Federal government to continue its construction program.

REPAIR AND ALTERATIONS

The conference agreement makes $639,000,000 available from the Federal Buildings Fund for Repair and Alteration of existing Federal buildings and inserts a list of repair and alteration projects. The conference agreement also includes $345,000,000 for basic repairs and alterations, $23,456,000 for the chlorofluorocarbons program, $10,000,000 for the elevators program, $20,000,000 for the energy program and $2,700,000 for security enhancements. The $2,700,000 for security enhancements is a part of the overall $240,600,000 provided in the conference agreement for enhanced building security.

The conference agreement includes $8,000,000 for the renovation of the Agricultural Research Service Laboratory in Ames, Iowa, which is currently occupied by the Animal and Plant Health Inspection Service

(APHIS). These funds shall only be used for biomedical safety and operational improvements for APHIS operations. The conferees direct the Administrator of General Services to submit a prospectus for providing additional adequate laboratory and office space for the APHIS in Ames, Iowa. The conferees believe this prospectus should allow for the most efficient method of providing this space, which may include the option to lease commercially available or build-to-suit space, as appropriate.

The conference agreement also includes $1,450,000 for renovations at the Pioneer Courthouse in Portland, Oregon and $6,000,000 for continuing construction activities at the U.S. Courthouse in Montgomery, Alabama.

TRANSFER OF FUNDS TO THE NATIONAL PARK SERVICE

The conference agreement includes a transfer of $1,000,000 from the Federal Buildings Fund to the Construction appropriation of the National Park Service. The conferees have been made aware of the adverse impact which construction along the 15th Street Corridor in Washington, D.C., has on the size and quality of the multi-purpose field at Wallenberg Place. After reviewing the report submitted by the Park Service in compliance with Congressional direction contained in House Report 104–537, the Conference Report which accompanied H.R. 3019, the conferees determined that funds were needed to regrade, seed, and maintain this field as a quality recreational resource in our Nation's Capital. The conference agreement includes language to transfer $100,000 and anticipates the National Park Service will use the funds as follows: $10,000 for seeding, $70,000 for regarding, and $5,000 in each of the next four fiscal years for necessary maintenance activities.

WHITE OAK ENVIRONMENTAL CLEAN-UP ACTIVITIES

The conference agreement includes $10,000,000 to initiate hazardous material clean up activities at the White Oak Naval Facility in Montgomery County, Maryland. These funds should not be expended until the GSA submits to the appropriate Congressional committees a report which addresses the overall plan and cost for environmental clean up activities at the White Oak Naval facility.

NATURAL RESOURCES BUILDING

The conferees direct GSA to study the need for a natural resources building consolidating USDA and the Department of Interior programs under one roof in Lincoln, Nebraska. The study should include the feasibility of adding federal and state research programs that address natural resources issues of importance to the Great Plains and Western Corn Belt such as water quality, shelterbelt impacts, agroforestry, soil erosion, range management and efficient water use.

RAPTOR RESEARCH CENTER

The conferees support the GSA's efforts to consolidate the Raptor Research Center at Boise State University in a building donated to the University. The conferees request that the Administrator of General Services provide a report, by February 1, 1997, on the progress made to date on this consolidation.

BUILDING OPERATIONS

The conference agreement makes available $2,343,795,000 for rental of space and $1,552,651,000 for building operations.

ELECTRONIC DATABASES

The conference agreement includes language which transfers funds from Building Operations to the Policy and Operations appropriation. Of the funds transferred to the Policy and Operations appropriation, $2,000,000 shall be used for the University of Nebraska-Lincoln sponsored demonstration project to develop electronic databases, which may be coordinated with federal online services.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

The conference agreement includes language to clarify Congressional intent regarding the Pennsylvania Avenue Development Corporation (PADC). The intent is to provide GSA permanent authority to perform activities necessary to implement the trade center plan at the Federal Triangle and to make payments in lieu of taxes to the District of Columbia. These authorities were previously performed by the PADC. The conference agreement also includes language clarifying GSA's authority to use funds transferred from the PADC and income derived from former PADC properties to carry out the responsibilities of the former PADC.

The intent of the conference agreement is not to expand the authorities of the GSA with regard to the functions and properties of the former PADC. The agreement simply provides GSA sufficient authority to carry out the responsibilities of the former PADC in an efficient manner.

FISCAL YEAR 1996 INTERNAL REVENUE SERVICE RENT PAYMENTS

The conferees understand that the Internal Revenue Service (IRS) was not able to pay its total fiscal year 1996 rent payment to the Federal Buildings Fund. The IRS planned to reprogram $11,500,000 in unobligated fiscal year 1995 funds to the 1996 GSA rent payment account. However, the House and Senate Committees on Appropriations directed that the $11,500,000 to be used to offset a portion of the costs associated with the June 26, 1996, fire at the Main Treasury building. The conference agreement includes $11,500,000 in the amount appropriated for building operations to cover the amount which IRS did not pay.

RENT REQUIREMENTS

The conferees agree that GSA and OMB should develop a system for identifying and informing agencies of annual rent rates and total rent estimates in an accurate and timely manner. The conferees instruct GSA, working with OMB, to submit the proposed rent system to the House and Senate Committees on Appropriations no later than March 1, 1997.

BORDER STATIONS

The conferees direct the GSA to continue working with the Department of State and the Border Inspection agencies in their review of the nation's border stations. Many of the stations on the borders are old and antiquated and have been stretched beyond their capabilities. The conferees are concerned that along with the current problem faced at the border crossings, anticipated future growth of trade will further exacerbate the problems faced in processing passenger and trade traffic.

The Administrator of General Services should provide a final assessment of its plan to upgrade, replace, or construct new facilities along the borders. The conferees believe that special attention should be given to the need of a third bridge for the Port of Laredo, Texas. This assessment should be provided to the appropriate Congressional committees.

BUILDING REQUIREMENTS OF THE SMITHSONIAN INSTITUTION

The conference agreement includes language which direct the Administrator of General Services to initiate discussions with the Smithsonian Institution on the feasibility of transferring Federal Building 10B to the Smithsonian Institution.

POST FTS2000 CONTRACT

The conference agreement provides for mandatory use of the FTS2000 contract until its expiration date of December 31, 1998.

Additionally, the conferees agree that the General Services Administration shall not release a Request for Proposal (RFP) for the Post FTS2000 contract before February 15, 1997. The conferees are, however, very concerned that the GSA has not yet responded to questions concerning the Post FTS2000 contract which have been submitted by the Senate Committee on Government Affairs and the Senate Treasury, Postal Service and General Government Subcommittee. The GSA is directed to answer these questions, as submitted, no later than December 1, 1996, and provide the details of the RFP to the appropriate House and Senate Committees, and how it will fulfill the requirements of the Information Technology Management Reform Act of 1996.

GENERAL SERVICES ADMINISTRATION

POLICY AND OPERATIONS

The conference agreement provides $110,173,000 for the Policy and Operations appropriation. Additionally, the conference agreement transfers $8,000,000 from the Building Operations account to the Policy and Operations appropriation.

IOWA COMMUNICATIONS NETWORK

The conferees direct that $10,000,000 in available funds be used to support the Iowa Communications Network (ICN).

PROPERTY ACCOUNTABILITY/ASSET MANAGEMENT

The conferees note their continuing interest in those activities which lend themselves to managing Federal agency property through automated information procedures and processes. The National Performance Review has noted the potential for cost savings through automated property management systems.

The conferees believe that, given past shortcomings in agency property management practices government-wide, continued emphasis should be placed on the use of commercial, off-the-shelf information technology including software, computer-based laminate barcode printers and readers, and information storage devices. Accordingly, the conferees strongly urge agency managers to make use of such equipment.

PRE-QUALIFICATION TESTING OF RE-TREAD TIRES

The conferees understand that GSA is planning to suspend its program of pre-qualification testing of re-tread automobile tires. The GSA no longer has a purchasing program for tires and has determined, therefore, that the pre-qualification testing program for re-tread tires is not necessary. Furthermore, GSA understood that the Department of Transportation was considering the establishment of safety standards for non-passenger re-tread tires.

The conferees believe that GSA should continue to publish the qualified product listing for re-tread tires until April 3, 1997. During this time GSA should share with the Department of Transportation its testing information to facilitate the development of the Department of Transportation standards for non-passenger re-tread tires.

GENERAL SERVICES ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $33,863,000 for the Office of Inspector General.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

The conference agreement does not repeal, as requested by the Administration, a previous provision which requires GSA to hire 1,000 employees as Federal Protective Service Officers.

Sec. 404. The conference agreement includes a provision which limits funding for courthouse construction if the projects do not meet standards of a capital improvement plan which has been developed by GSA, OMB, and the Judicial Conference. The provision also requires a standardized courtroom utilization study for each of the Courthouse projects included in the 1998 budget request.

The conference agreement does not include a provision which requires the Woodrow Wilson Center to pay the same rent per square foot as is paid by other Federal agencies for space it will occupy at the Ronald Reagan Federal Building.

Sec. 405. The conference agreement includes a provision which states that no funds may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided, to any agency which does not pay to GSA the rent amount requested by the Administration.

Sec. 406. The conference agreement includes a provision which ensures the materials used for the facade on the U.S. Courthouse Annex in Savannah, Georgia are compatible with the existing building.

Sec. 407. The conference agreement includes a provision which authorizes GSA to accept and retain income to offset the cost of flexiplace work telecommuting centers.

The conference agreement does not include a provision repealing the termination of office and staff support to former Presidents.

Sec. 408. The conference agreement includes a provision which directs the Administrator of General Services to purchase a specific site for the location of the law enforcement center in Portland, Oregon.

Sec. 409. The conference agreement includes a provision which conveys property at the Iowa Army Ammunition Plant.

The conference agreement does not include a provision which would authorize GSA to conduct a pilot program which would provide FTS2000 service to up to 10 State governments under certain conditions.

Sec. 410. The conference agreement includes a provision which conveys property located in Hopewell Township, Pennsylvania.

Sec. 411. The conference agreement includes a provision which prohibits the government condemnation of property in Denver, Colorado, without the consent of the owner.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

INCLUDING TRANSFER OF FUNDS

The conference agreement provides $23,923,000 for the salaries and expenses of the Merit Systems Protection Board including $626,000 for merit systems studies. The Committees are concerned that there is not a sufficient demand for such studies to justify a permanent staff. The conferees therefore direct that the MSPB prepare a report as to how this issue can be addressed while completing the necessary work of the board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

The conference agreement provides $196,963,000 for operating expenses of the National Archives and Records Administration (NARA).

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

(RESCISSION)

The conference agreement includes no rescission for the National Archives and Records Administration.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

ARCHIVES FACILITIES AND PRESIDENTIAL LIBRARIES

REPAIRS AND RESTORATIONS

The conference agreement provides $16,229,000, including up to $4,000,000 for the Truman Library and up to $4,000,000 for the FDR Library.

The conferees are aware that significant funds will be needed in the future for continued maintenance and repair of Presidential Libraries. The conferees understand that private funds support, in part, each Library. However, these funds are traditionally not used to offset the cost of maintenance and repair. The NARA should pursue private sector financial assistance, which would then supplement government funding, for the repair and restoration of the Presidential Libraries. The conferees request the Archivist report to the House and Senate Committees on Appropriations on the establishment of such an arrangement for the Truman and Roosevelt libraries before funds are expended for these facilities.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

The conference agreement provides $5,000,000 for the NHPRC grants program.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

INCLUDING TRANSFER OF TRUST FUNDS

The conference agreement provides $87,076,000 and designates $1,000,000 for health promotion and disease prevention programs; provides $94,736,000 for administrative expenses; and provides $3,500,000 for the development of automated retirement recordkeeping systems.

OFFICE OF PERSONNEL MANAGEMENT

REVOLVING FUND

The conference agreement provides no funding for the revolving fund of the Office of Personnel Management.

FEDERAL PRESCRIPTION DRUG PLANS

The conferees are concerned about significant benefit changes that have been implemented under the Federal Employees Health Benefit Program (FEHBP), including a 20 percent copayment on retail pharmacy prescriptions provided under the Blue Cross/Blue Shield plan for Medicare eligible retired Federal employees. There is concern that the prescription coverage change may have been implemented without adequate notice.

The conferees expect that, in the future, OPM will utilize cost management mechanisms so that disproportionate cost containment requirements are not placed on retirees. OPM should encourage all FEHBP plans to maximize savings to hold down premiums in consultation with the pharmacy community, public and private prescription drug benefit managers, and schools of public health. These options, such as full utilization of drug manufacturer rebates and generic drug substitution, should help to preserve retiree and employee choice in selecting where to purchase prescriptions.

The conferees believe that differences between the copayments charged for retail and mail order pharmacy coverage should reasonably reflect costs incurred by the health plan.

In addition to addressing these concerns, the conferees direct OPM, at the conclusion of each year's negotiations with FEHBP participating carriers, to provide a brief report to the Congress on any benefit changes that will have a significant impact on a broad segment of the enrollees. To the extent practicable, and consistent with the need to protect proprietary information, the report shall include for each significant change: (1) the justification, (2) an analysis of the costs and projected savings, and (3) the anticipated impact on access to and quality of care. The report on changes effective January 1, 1997 should be submitted within 30 days of enactment to the appropriate committees of Congress.

Finally, as requested in the House report, the conferees direct OPM to require a standard, easily readable notice on the front of each plan brochure that says "FOR CHANGES IN BENEFITS SEE PAGE XXX" or some similar message directing readers to the page where changes are highlighted.

GENERAL PROVISIONS—OFFICE OF PERSONNEL MANAGEMENT

Sec. 422. The conference agreement allows agencies to advance employee FEHBP premiums for employees on leave without pay.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

The conference agreement provides $8,116,000 and denies the requested increase of seven FTE.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

The conference agreement provides $33,781,000 for salaries and expenses.

TITLE V—GENERAL PROVISIONS—THIS ACT

The conference agreement deletes House language regarding employment of certain categories of Federal employees within GSA as this provision is now permanent law.

Sec. 516. The conference agreement prohibits increases in travel funds for agencies without appropriate committee action.

Sec. 521. The conference agreement provides that personal services contractors employed by the Department of the Treasury shall be considered as Federal employees for purposes of making available Federal employee health and life insurance to all employees, not just overseas.

Sec. 522. The conference agreement includes a provision which addresses political appointees at the U.S. Mint.

The conference agreement deletes a House provision providing voluntary separation incentive payments for employees of the U.S. Agency for International Development.

The conference agreement deletes House language stating that laws governing procurement and public contracts shall not be applicable to the BEP.

The conference agreement deletes House language establishing a demonstration project pursuant to Title 5 authorities to test alternative management systems of the U.S. Mint.

Sec. 526. The conference agreement provides for reimbursement of certain legal expenses incurred by former White House Travel Office employees and denies reimbursement of attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment.

The conference agreement does not include language providing for the minting of coins at the Mint in West Point, New York.

Sec. 528. The conference agreement provides for the closure of the alley located next to the new U.S. Secret Service Headquarters.

The conference agreement does not include language authorizing the continuation of the Advisory Commission on Intergovernmental Relations.

Sec. 529. The conference agreement authorizes certain changes to the commemorative coin program.

TITLE VI—GENERAL PROVISIONS

Sec. 608. The conference agreement modifies language proposed by the House to allow agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Sec. 613. The conference agreement includes language providing Federal Executive Boards the ability to expend funds.

Sec. 626. The conference agreement includes language extending the date for mandatory use of FTS2000 to December 31, 1998.

Sec. 632. The conference agreement includes language naming the U.S. Courthouse currently under construction in Portland, Oregon for Senator Hatfield.

The conference agreement deletes House language allowing Federal employees to represent the views of employee organizations before government agencies. This is now current law.

Sec. 633. The conference agreement allows the surviving child of an annuitant whose annuity terminated due to marriage to be restored after dissolution of that marriage, and to enroll in a health benefits plan if that surviving child had been enrolled in such a plan immediately prior to termination of benefits.

Sec. 634. The conference agreement allows employees that are involuntarily separated due to a reduction in force to use annual leave to qualify for an immediate retirement annuity if using that leave would be sufficient to allow the employee to qualify for such a benefit.

Sec. 636. The conference agreement allows employees of legislative agencies to be reimbursed for up to one half of the cost of professional liability insurance.

Sec. 637. The conference agreement provides that no pay adjustments under the Ethics Reform Act of 1989 shall take effect in fiscal year 1997.

Sec. 638. The conference agreement includes a new provision regarding FSLIC, authorizing reimbursement to the Department of Justice for litigation expenses in claims against the U.S.

The conference agreement deletes House language capping the number of political appointees in the Executive Branch at 2,300.

Sec. 639. The conference agreement allows the NARA to recoup up to 50 percent of recycling savings of the Federal Register during calendar year 1996.

Sec. 640. The conference agreement requires executive branch agencies to utilize the private sector to review and analyze issues subject to title LI of the National Defense Authorization Act of 1996.

Sec. 641. The conference agreement authorizes appropriations for the Merit Systems Protection Board.

Sec. 642. The conference agreement authorizes appropriations for the Office of Special Counsel.

Sec. 643. The conference agreement makes technical modifications to the National Commission on restructuring the IRS.

Sec. 644. The conference agreement allows for a pay raise for the U.S. Postal Service Board of Governors.

Sec. 645. The conference agreement requires the OMB to do an accounting statement and associated report on the cumulative costs and benefits of Federal regulatory programs.

Sec. 646. The conference agreement amends the Government Management Reform Act of 1994 to extend OMB's authority to streamline financial management reporting through December 31, 1999.

Sec. 647. The conference agreement authorizes the Secretary of HHS to transfer the Perrine Primate Center to the University of Miami, subject to certain conditions.

Sec. 648. The conference agreement amends Title 18 to prohibit the fraudulent production, sale, transportation, or possession of fictitious items purporting to be valid financial instruments of the U.S., foreign governments, States, political subdivisions, or private organizations, and to increase the penalties for counterfeiting violations.

Sec. 649. The conference agreement provides that no funds may be expended to provide an employee's home address to a labor organization except when the employee has authorized such a disclosure or such disclosure has been ordered by a court of competent jurisdiction.

The conference agreement does not include language on the use of funds for commercially available property.

Sec. 650. The conference agreement requires Inspectors General to investigate the use of Administrative Uncontrollable Overtime.

Sec. 651. The conference agreement provides a $10,000 death gratuity to the personal representative of any civilian employee whose death resulted from an injury sustained in the line of duty on or after August 2, 1990.

Sec. 653. The conference agreement authorizes the Secretary of the Treasury to establish scientific certification standards for explosives detection canines.

The conference agreement does not include language expressing the sense of the Senate to fully support the U.S. negotiator's position in the Framework Agreement on autos and auto parts with Japan.

The conference agreement does not include language directing all Federal agencies to take all actions necessary to reduce energy costs of facilities or enter into energy savings performance contracts with the private sector.

Sec. 654. The conference agreement establishes a national repository for information on explosives incidents and arson.

Sec. 655. The conference agreement extends the term of a member of the Morris K. Udall Scholarship Board after the member's term has expired until a successor is chosen.

Sec. 656. The conference agreement directs the Secretary of Interior to transfer excess portable housing units to the Grand Forks Air Force Base to Indian tribes in North and South Dakota.

Sec. 657. The conference agreement amends Title 18 to make the possession of a firearm in a school zone unlawful.

Sec. 658. The conference agreement amends Title 18 to deprive individuals convicted of a crime involving domestic violence of the right to own a firearm.

The conference agreement does not include the sense of the Senate in support of new border station construction in Laredo, Texas.

Sec. 659. The conference agreement includes language creating additional investment funds for Federal employees participating in the Thrift Savings Plan.

Sec. 660. The conference agreement includes language on interagency financing of the National Bioethics Advisory Commission.

Sec. 661. The conference agreement designates a courthouse in Omaha, Nebraska as the Roman L. Hruska United States Courthouse.

Sec. 662. The conference agreement includes legislative provisions creating a new Office of the Inspector General for the United States Postal Service.

Sec. 663. The conference agreement allows employees to receive voluntary separation incentive payments.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

The Committees have agreed to strike all supplemental appropriations and rescissions for the fiscal year ending September 30, 1996, since supplemental appropriations have already been provided for the church fire investigations of the ATF through the fiscal year 1997 Appropriations Act for the Department of Agriculture and Related Agencies.

TITLE VII—COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

The conference agreement provides that all funding in Title VII shall be considered an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conference agreement provides an additional $288,000 to the Office of Foreign Assets Control, as requested by the Administration, to expand federal activities directed toward the seizure and control of assets of foreign terrorists and their sponsoring organizations.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement includes $34,000 requested by the Administration for facility security for the Office of Inspector General.

DEPARTMENTAL OFFICES

COUNTERTERRORISM FUND

The conference agreement includes $15,000,000 requested by the Administration for a counterterrorism fund to cover extraordinary expenses related to any potential or future terrorist incident.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conference agreement includes $1,354,000 requested by the Administration to hire additional instructors and provide training for additional law enforcement personnel.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conference agreement includes $2,700,000 requested by the Administration to improve physical security at the two training facilities operated by FLETC.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

The conference agreement includes $449,000 requested by the Administration for facility security for the Financial Management Service.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conference agreement includes a total of $66,423,000 for the Bureau of Alcohol, Tobacco and Firearms, as requested by the Administration.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

The conference agreement provides $62,335,000 for the United States Customs Service, to be allocated at the discretion of the Commissioner of Customs. The conference agreement also allows the Customs Service to enter into non-competitive cooperative agreements with air carriers, airports or other cargo authorities to purchase and install advanced air cargo inspection equipment for joint use.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

The conference agreement includes $161,000 requested by the Administration for facility security for the Bureau of the Public Debt.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conference agreement includes $10,448,000 requested by the Administration for facility security for the Internal Revenue Service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conference agreement includes $3,026,000 requested by the Administration for security-related upgrades to White House facilities and equipment and to replace protective security equipment lost in the crash of an Air Force cargo plane on August 17, 1996.

GENERAL PROVISIONS—DEPARTMENT OF TREASURY

The conference agreement does not include legislation proposed by the Administration to require commercial air carriers to provide electronic advance passenger and cargo manifest data prior to entry or exit of aircraft. The Committees note that such legislation deserves consideration by the proper Committees of jurisdiction, and is far too important and controversial to be included in this Act without appropriate debate.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $210,000 requested by the Administration for facility security for the Office of Personnel Management.

FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

The conference agreement provides $112,900,000 for the activities of the Special Forfeiture Fund, of which $42,000,000 shall be transferred to the United States Customs Service for conversion of one P-3AEW aircraft, $10,000,000 shall be used by the Office of National Drug Control Policy for methamphetamine reduction efforts, and $60,900,000 shall be available to the Director of the Office of National Drug Control Policy to be used at his discretion.

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

The conference agreement deletes House language prohibiting expenditures under the Federal Employees Health Benefits Plan to health care plans that to provide incentives to physicians to use low-cost methods for health care treatment.

The conference agreement includes a new title, the "Federal Financial Management Improvement Act of 1996."

TITLE IX—UNITED STATES COURTHOUSE

The conference agreement includes language naming the U.S. Courthouse currently under construction in Portland, Oregon the "Mark O. Hatfield United States Courthouse" in general provisions of the GSA.

TITLE X—FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT

The conference agreement does not include any language establishing uniform accounting systems, standards, and reporting systems in the Federal government.

TITLE II—ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION

Title II of the conference report makes a number of changes to Federal banking laws in order to remove unnecessary and redundant regulations imposed on the nation's financial institutions without affecting safety and soundness or consumer protections. The title also provides clarity as to when and to what extent lenders and fiduciaries are liable under Federal environmental laws. In addition, Title II makes a number of reforms to the Fair Credit Reporting Act and provides new consumer protections with regard to the credit repair industry. Finally, the title calls for the capitalization of the Savings Association Insurance Fund (SAIF) through a one-time assessment on deposits insured by the SAIF.

SUBTITLE A—STREAMLINING THE HOME MORTGAGE LENDING PROCESS

Subtitle A substantially amends the two Federal laws that directly affect the home mortgage lending process: The Truth in Lending Act and the Real Estate Settlement Procedures Act. These laws require disclosures related to the terms of a mortgage agreement. The sections in this subtitle modernize these home lending acts to reflect the technological developments in the current marketplace and to eliminate unnecessary burdens.

SUBTITLE B—STREAMLINING GOVERNMENT REGULATION

Subtitle B contains provisions intended to eliminate or revise various application, notice and recordkeeping requirements that are currently required of insured depository institutions or holding companies that control such institutions. These provisions provide significant regulatory relief by eliminating costly and time consuming paperwork for banks and savings associations, without sacrificing safety and soundness.

SUBTITLE C—REGULATORY IMPACT ON COST OF CREDIT AND CREDIT AVAILABILITY

Subtitle C amends various laws and regulations that impose limitations on the manner in which depository institutions, and other financial intermediaries, conduct their business.

SUBTITLE D—CONSUMER CREDIT

Subtitle D includes "The Consumer Credit Reporting Reform Act" and the "Credit Repair Organizations Act." The Consumer Credit Reporting Reform Act amends the Fair Credit Reporting Act to address a number of problems that have arisen since its enactment. Many of these problems are a result of ambiguities in the statute; other problems have risen as the credit reporting industry has grown in the wake of information technology advances that have occurred over the last twenty years. The Credit Repair Organizations Act provides new consumer protections with regard to the credit repair industry.

SUBTITLE E-ASSET CONSERVATION, LENDER LIABILITY, AND DEPOSIT INSURANCE PROTECTION

This subtitle incorporates the "Asset Conservation, Lender Liability, and Deposit Insurance Protection Act." It amends Federal environmental laws to clarify the liability of lenders and fiduciaries for environmental clean-up of property that secures financing.

SUBTITLE F—MISCELLANEOUS

Subtitle F includes a number of regulatory clarifications, studies and statutory improvements that are intended to provide more cost-effective delivery of financial services.

SUBTITLE G—DEPOSIT INSURANCE FUNDS

Subtitle G incorporates the "Deposit Insurance Funds Act of 1996", which provides for the capitalization of the savings association insurance fund (SAIF) to its designated reserve ratio. The SAIF insures the deposits of savings associations and is administered by the Federal Deposit Insurance Corporation. Under this subtitle the FDIC is given the authority to assess a one-time special assessment on all SAIF-insured deposits, including those held by SAIF members and those banks which have purchased SAIF deposits.

In addition, effective January 1, 1997, the assessment base for payments on the interest on obligations issued by the Financing Corporation (FICO) is to be expanded to include all FDIC-insured institutions, i.e., banks and thrifts. Beginning January 1, 1997 and ending December 31, 1999, banks will pay a FICO-assessment rate one-fifth of that paid by thrifts. After December 31, 1999, banks and thrifts will pay the $780–$800 million FICO interest obligation on a pro rata basis.

Subtitle G raises $3.1 billion in Fiscal Year 1997.

TITLE III—COMPETITIVE BIDDING FOR SPECTRUM

Title III requires the Federal Communications Commission (the Commission) to assign by means of competitive bidding, consistent with international agreements, licenses for wireless subscription services for portions of the electromagnetic spectrum located at 2305–2320 megahertz and 2345–2360 megahertz. The Commission, in adopting procedures for the assignment of licenses in this band, must: (1) seek to promote the most efficient use of the spectrum; and (2) take into account the needs of public safety radio services. The Commission must also commence the competitive bidding for the assignment of the licenses for these frequencies by April 15, 1997. In order to meet the deadlines imposed by this section, the FCC is permitted to waive certain statutory notice and comment timetables. All revenue generated from the assignment of such licenses must be collected and deposited in the U.S. Treasury by September 30, 1997. The requirements of this section apply only to the assignment of licenses for the specified frequencies. Nothing in this section shall be interpreted as a change of current policy governing competitive bidding for spectrum for any frequencies other than those specified in this section.

TITLE IV—ADJUSTMENT OF PAYGO BALANCES

Section 252 of the Balanced Budget and Emergency Deficit Reduction Act (Deficit Control Act), establishes procedures to assure that tax and entitlement legislation does not increase the deficit. As part of these procedures, the Office of Management and Budget (OMB) maintains a scorecard

(PAYGO scorecard) that shows the savings and costs of all tax and entitlement legislation. A large amount of savings has been credited to the PAYGO scorecard as a result of legislation passed by this Congress.

One of the largest components of the current PAYGO balance is the savings from the welfare reform bill, which the Office of Management and Budget estimates at $3.9 billion in fiscal year 1997.

The conference agreement requires the Directors of OMB and the Congressional Budget Office to reduce to zero the PAYGO balance for fiscal year 1997 if the balance for that fiscal year does not show an increase in the deficit. The adjustments are to be made the day after OMB issues a final sequester report (which is 15 days after the end of the second session).

TITLE V—ADDITIONAL APPROPRIATIONS

Chapter 1

Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

Department of Agriculture

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

EXTENSION ACTIVITIES

The conference agreement provides an additional $753,000 to maintain cooperative extension work at the 1890's colleges and Tuskegee University at the fiscal year 1996 funding level.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides an additional $63,000,000 for emergency assistance to communities to reduce hazards to life and property in watersheds damaged by Hurricanes Fran and Hortense and other natural disasters. Emergency work includes opening dangerously restricted channels and waterways, repairing diversions and levees, and controlling erosion on denuded, steep slopes. The entire amount has been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Farm Service Agency

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides an additional $25,000,000 for emergency assistance to farmers and ranchers whose farmland was damaged as a result of flooding and wind damage from Hurricanes Fran and Hortense and other natural disasters. Funds will be used for cleaning debris from fields, mending fences, land shaping and grading, and restoring conservation structures. The entire amount has been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

District of Columbia

EDUCATION FACILITIES IMPROVEMENT IN THE DISTRICT OF COLUMBIA

The conferees are extremely concerned about the severe mismanagement of the District of Columbia Public School System. A breakdown in oversight and accountability has occurred at the expense of the children in this city and strong and immediate action must be taken to reverse this situation. The conferees anticipate that the Financial Responsibility and Management Assistance Authority (control board) will take such action to improve the management of the District of Columbia Public Schools. The conferees, however, also believe that as such action is taken, the well being of school children in the Nation's Capital must be of paramount concern and that these children must be able to attend public schools that are safe and free of facility deficiencies that could lead to their closure and consequent disruption of the children's educational progress. In addition, the conferees believe that the District of Columbia Public School system has demonstrated that it is unable to effectively manage school facility improvements.

The conference agreement, therefore, inserts a new section 5201 under chapter 2 that transfers or reallocates an estimated $40,700,000 from the District of Columbia Public School system to the control board, for the purposes of this section, from operating funds appropriated, and capital financing authority provided, in previous appropriations Acts. An estimated $12,000,000 is also made available for the purposes of this section under section 101(e) of Title I of Division A of this Act, which includes language that provides for the reorganization of the Student Loan Marketing Association (Sallie Mae) and the privatization of the College Construction Loan Insurance Association (Connie Lee). The amounts and proceeds from the reorganization and privatization are to be deposited into an account established by the control board, with an estimated $7,000,000 in proceeds from Connie Lee reserved for school facility improvements and an estimated $5,000,000 from Sallie Mae made available for this purpose.

The conferees direct the General Services Administration (GSA) to provide program management services to assist in the short-term management of the repairs and capital improvements for the District of Columbia Public Schools. The conferees expect that the program management services will include planning, design, construction and program oversight, and include identifying strategies, resources, and priorities for the improvements. Within 30 days of the enactment of this Act, the conferees direct the GSA to develop a program management plan, in consultation with the District of Columbia Public Schools and the District of Columbia Council, subject to approval by the control board within no more than 15 days after receipt of the program management plan, and subsequent approval by the House and Senate Appropriations Committees. The conferees expect that the GSA's program management services will be provided primarily through private contractors and that GSA's services will be carried out until an agency or authority, created pursuant to section 2552(a)(2) of Public Law 104–134, is authorized to carry out this program management function on a continuing basis. The conferees further expect that any unexpended financing or appropriations, authorized by this Act, will be transferred from the control board to the agency or authority created pursuant to section 2552(a)(2) of Public 104–134.

The conferees direct the control board to use the funds made available for repairs and capital improvements at those schools deemed by the control board, in consultation with the General Services Administration and the District of Columbia Public Schools and the District of Columbia Council, to have the most immediate facility improvement needs and that are necessary to retain in the inventory of public school buildings.

The conferees are committed to ensuring that school children in the District of Columbia are able to attend schools that are safe and free of facility deficiencies that could lead to their closure and consequent disruption of the children's educational progress. Accordingly, the conferees intend to carefully monitor the progress of facility repairs and will consider providing additional funds in a supplemental appropriation. In the interim period, the conferees encourage the control board to examine the need for reprogramming of funds to address school facility deficiencies.

Miscellaneous Provisions

The conference action inserts a new section 5202 that waives the 30-day congressional review period for the District's General Obligation Bond Act of 1996 (D.C. Bill 11–840). This waiver will permit the District government to go to the private market to sell long-term bonds to finance the city's capital program.

The conferees have included in section 5203 several clarifications to Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act which created the control board. Subsection (a) clarifies that the 7-day review period for acts passed by the Council shall begin on the first business day after the acts are received by the control board. In addition, the subsection clarifies that Saturdays, Sundays and legal holidays are not to be counted in the 7-day review period. Subsection (b) provides that a fine of not more than $1,000 or imprisonment for not more than one year, or both, shall be imposed for a criminal misdemeanor for failure to obey a valid order of the control board and for presenting false or misleading information to the control board or failing to correct such information once it is learned that it is false or misleading. Subsection (c) waives a section of the Federal Privacy Act that was inadvertently omitted in the initial legislation relating to the authority of the control board to secure whatever information it needs to carry out its duties. Subsection (d) permits the control board to review the District government's rule-making which is comprehensive and far reaching and can carry significant financial costs and burdens. This review is consistent with the control board's review of leases and contracts. Subsection (e) clarifies that borrowings by the District government under section 204 of Public Law 104–8 shall be deposited into an escrow account held by the control board and allocated by the control board. Subsection (f) provides the control board with rule-making authority to carry out the purposes of Public Law 104–8 and waives all judicial review as to the authority of the control board to issue orders, rules, or regulations but does not waive judicial review as to the content of the orders, rules, or regulations.

The conference action inserts a new section 5204 that prohibits the use of funds to pay the salaries or costs of individuals or contractors whose services are no longer required as determined by the control board.

School Reform Act Amendments

The conference action inserts a new section 5205 that amends the District of Columbia School Reform Act of 1995 that was approved as title II of the District of Columbia Appropriations Act, 1997 (Public Law 104–194). These amendments are intended to clarify and strengthen certain provisions of the Act as well as add new provisions that support implementation of the Act. Language is included by the conferees that prohibits charter applicants from applying to more than one chartering entity or filing more than one application in any one year. The conferees have also agreed to language that clarifies situations in which a charter petitioner does not already possess one or more facilities for the proposed school. Under such conditions, which are common when new schools rather than conversions are proposed, the chartering authority may only grant a conditional charter until such time as the petitioner secures appropriate facilities. Approval of charter positions is to be determined on the basis of the objective criteria described in section 2203(d). Previously, the statute may have been interpreted to permit denials of charter petitions regardless of the statutory criteria and merit of the petition. In response to the strong interest in charter schools evidenced by many in the local community, the total number of charter schools that may be approved in any one year by a chartering authority is also increased from five to ten schools. However, if one chartering entity does not approve a full complement of ten charters, another chartering entity may approve additional charters up to a combined total ceiling of twenty in one year.

The experience of charter schools in other states has shown that securing adequate facilities and start-up capital are the greatest hurdles faced by new charter schools. Several amendments are intended to assist in addressing this obstacle. First, charter schools are to be given preference in the lease or disposition of school buildings no longer in use as District public schools. Second, in order to permit charter schools to secure affordable ten to fifteen year loans for the purchase or renovation of school buildings, the duration of charters is extended to fifteen years from five years. However, a review to decide whether a charter should be revoked must still be conducted at least once every five years.

The conferees have included language that imposes specific deadlines for all nominations by the Secretary of Education to the charter board. The new provisions ensure that no vacancies of substantial length will occur on the board.

Subsection (h) makes a technical correction to the code citation included in section 148 of the District of Columbia Appropriations Act, 1997 (Public Law 104–194), concerning exclusions to the waivers granted under section 2561(a) of the School Reform Act. The correct citation is 40 U.S.C. 276a instead of 40 U.S.C. 267a. In addition, subsection (h) clarifies that "other civil rights standards" are not waived under section 2561(a).

DISPOSITION OF SCHOOL PROPERTY

The conference agreement includes language in section 5206 that transfers jurisdiction over certain closed public school facilities to the control board for disposition. During the past few years, the District's Board of Education has closed 22 public schools and transferred those properties to the Mayor for disposition. The properties represent not only millions of dollars in potential revenue that could be used for the repair and renovation of existing public schools, but also a promising source of housing for public charter schools. Yet the District government has been slow to act on their disposition.

Language agreed to by the conferees will transfer jurisdiction over these properties to the control board if the control board determines that the Mayor has not achieved substantial progress in disposing of these properties within 90 days of the enactment of this Act. If the control board, in its judgment, finds that the Mayor is acting with diligence, the control board should take that into consideration before exercising its authority. To ensure that disposition of the properties is consistent with the educational objectives and long-term facilities requirements of the school system, the conferees direct the control board to consult with education leaders, elected officials, and community groups involved in planning for the independent school facilities authority envisioned in the District of Columbia School Reform Act of 1995. In addition, the conferees direct the control board to consult with the House and Senate Appropriations Committees before disposing of any properties under this section.

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes $19,000,000 for the Corps of Engineers to repair damages resulting from Hurricane Fran and its aftermath, including high-priority emergency dredging and debris removal in critical waterways.

CHAPTER 4

LEGISLATIVE BRANCH

The conference agreement includes $3,500,000, the entire amount offset by rescissions of funds, for the design and installation of security systems for Capitol buildings and grounds. Of this amount, $3,250,000 is made available to the Capitol Police Board to supplement funds already transferred to the Board for the same purpose by Section 308 of Public Law 104–53, the fiscal year 1996 Legislative Branch Appropriations Act. These funds may not be obligated, except for minor expenditures, without the approval of the House and Senate Appropriations Committees. Obligations specifically earmarked for use or application only in one or the other body require approval only by the appropriate appropriations committee. In addition, $250,000 has been provided to the Architect of the Capitol to assist the Capitol Police Board in carrying out this project.

This funding is based on recommendations contained in studies performed for the Capitol Police Board by recognized experts in the field. Some of the projects identified include improving the duress alarm system, modernizing the command and control center, and various security-grade detection and protection items. Pursuant to Section 308(b) of P.L. 104–53, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings or grounds may be carried out only with the approval of the Architect of the Capitol.

To insure the most efficient and effective use of funds provided for security projects for the Capitol buildings and grounds, and to obtain the benefits of the professional expertise of the respective agencies involved, the Capitol Police and the Architect of the Capitol are directed to enter into a memorandum of understanding, subject to the approval of the Capitol Police Board, to delineate the process for implementing security projects. Finally, the Capitol Police Board is reminded that current procedures and statutory requirements should be followed in securing approvals for alterations or other modifications in the Capitol complex.

The conference agreement also extends the availability of $650,000 of fiscal year 1996 Senate office building funds until September 30, 1997, for furniture, furnishings, and equipment for the Senate employees' child care center. A general provision has been included to reauthorize the Congressional Award Program through October 1, 1999. Also, section 5402 names the Founders Hall instructional area in the House of Representatives Page School, located in the Thomas Jefferson Building of the Library of Congress, as "Bill Emerson Hall" in tribute to the Honorable Bill Emerson, late a Representative from the State of Missouri, for his devotion to the Page program and its participants.

Chapter 5

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

The conference agreement provides total funding of $226,600,000 for additional safety and airport security activities of the Federal Aviation Administration (FAA). This includes $197,600,000 for airport security improvements and related research and $29,000,000 for hire of additional airline safety inspectors and improvements in FAA's airline certification and safety oversight process.

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $57,900,000 for enhanced aviation safety and airport security activities around the country. Through the combined efforts of Congress, the FAA, airports, and airlines, the United States has achieved the safest aviation system in the world today. However, changing threats to aviation security indicate that FAA and the aviation industry need to do more. To begin this effort, the bill includes $18,000,000 for the FAA to hire 30 additional FAA aviation security personnel, in order to establish special security teams to aggressively test security measures at individual airports. In addition, the bill includes $8,900,000 to establish 114 explosive detection K–9 teams at airports. These dog and trainer teams will be used for tasks that include inspection of suspicious baggage, cargo, as well as aircraft and parked vehicles located on airport grounds. The conference agreement also includes $5,500,000 to conduct periodic vulnerability assessments and develop action plans for each airport, in accord with models developed by Sandia National Laboratory.

The conference agreement also includes $25,500,000 to accelerate new initiatives in aviation safety, as follows:

Implementation of FAA "Ninety Day Safety Study"	$13,000,000
Hiring and training of additional aviation safety inspectors	2,500,000
Air traffic controller training contract	4,000,000
Contract weather observers	6,000,000

These funds will be used to hire approximately 146 additional safety inspectors and 74 administrative employees which directly support the safety inspection mission. These 220 new positions are in addition to the 367 new positions included in the Department of Transportation and Related Agencies Appropriations Bill, 1997, and will provide a greatly increased level of inspection activity in the wake of problems discovered this year. Funds have also been included to accelerate the hiring of safety inspector positions funded in the regular 1997 appropriations bill.

While no official budget proposal has been submitted for these items, administration officials have conveyed their support for additional funding. Given the urgent need, the conferees direct FAA to fill these additional safety positions as soon as possible and to report to the House and Senate Committees on Appropriations by December 31, 1996 on the number of positions filled and the hiring plan for remaining vacancies.

The conference report contains $10,000,000 for air traffic contract support, including $4,000,000 for controller training and $6,000,000 for additional contract weather observers. These funds will provide for a more effectively trained controller workforce and will help relieve controllers from added duties related to weather observation, raising the level of aviation safety.

Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $144,200,000 for explosive detection devices and other advanced security equipment to improve security at our nation's airports. The conferees believe it is imperative that FAA expeditiously field these systems to reduce the threat of terrorist action and gain experience so that existing protocols and standards be further strengthened.

In addition, the conference agreement includes $3,500,000 for accelerated development and deployment of the On-Line Aviation Safety Information System (OASIS), a computerized system for aviation safety inspectors in the field. This system will improve the efficiency and effectiveness of FAA safety inspections.

Research, Engineering, and Development

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $21,000,000 for increased airport security research and to conduct operational testing of new trace explosive detection systems for documents (e.g., boarding passes and passports) and passengers. This raises existing funds for airport security research by approximately 50 percent.

Grants-in-Aid for Airports

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

Federal Highway Administration

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

Federal-Aid Highways

(HIGHWAY TRUST FUND)

The conference agreement provides $82,000,000 in additional funds for the emergency relief program in fiscal year 1997 to repair highway damage resulting from the September 1996 hurricanes in the mid-Atlantic states, Puerto Rico, and the Virgin Islands. These funds are also needed to meet anticipated emergency needs in fiscal year 1997. These funds have been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Federal-Aid Highways

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Intelligent transportation systems.—Funds identified for Mobile, Alabama advanced traffic management system in the conference report accompanying H.R. 3675, the Department of Transportation and Related Agencies Appropriations bill for fiscal year 1997, shall be available for a mobile advanced traffic management system in Montgomery, Alabama.

Motor Carrier Safety Grants

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Highway Traffic Safety Grants

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

FEDERAL RAILROAD ADMINISTRATION

Northeast Corridor Improvement Program

The conference agreement provides $60,000,000 for the Northeast Corridor Improvement Program.

Direct Loan Financing Program

The conferees recommend $58,680,000 for direct loans not to exceed $400,000,000 consistent with the purposes of section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 to the Alameda Corridor Transportation Authority to continue the Alameda corridor project. The administration requested funding for this project. The bill also specifies the terms and conditions of the loan payback and loan administration.

The Alameda Corridor project consolidates 90 miles of rail operations into a single 20-mile facility to provide rail access to the ports of Los Angeles and Long Beach. The project is to eliminate 200 at-grade crossings and widen Alameda Street, which runs parallel to the rail corridor.

Disbursements of the loan shall be made over a three year period. Both in fiscal years 1997 and 1998, no more than $140,000,000 shall be made available. In fiscal year 1999, $120,000,000 shall be made available for the project. These disbursements are consistent with the corridor's planned construction schedule.

Grants to the National Railroad Passenger Corporation

The conference agreement provides $22,500,000 to the National Passenger Railroad Corporation for operating expenses the Corporation will incur by keeping routes operational beyond their planned termination dates. The routes proposed for termination include the Desert Wind, the Gulf Coast Limited, the Lake Shore Limited, the Pioneer, and the Texas Eagle. Funding for these routes is only available until September 30, 1997. This funding level will support service until the affected state legislatures have an opportunity to meet and decide whether to "buy back" services, or take other action necessary to permit the services to continue.

Federal Transit Administration

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Bus and bus-related facilities.—Funds made available for Hood River, Oregon in the conference report accompanying H.R. 3675, the Department of Transportation and Related Agencies Appropriations bill for fiscal year 1997, shall be available for buses and bus-related facilities.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Research and Special Programs

The conferees have provided $3,000,000 for "Research and Special Programs" of which $2,500,000 shall be used to conduct a transportation system vulnerability assessment and $500,000 shall be used to contract with the National Academy of Sciences for an Advisory Committee on surface transportation security.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conferees have provided $6,000,000 to reimburse the Department of the Navy and other agencies for the costs incurred by these agencies in support of the recovery and investigation of TWA flight 800.

Emergency Fund

The conferees have provided $1,000,000 to replenish the National Transportation Safety Board's emergency fund, which was depleted by the agency's recovery of wreckage and investigation efforts of TWA flight 800.

GENERAL PROVISIONS

The conference agreement includes a provision that establishes government-industry consortia at airports for matters related to aviation security and safety.

The conference agreement includes a provision that makes certain deteriorating highway conditions eligible for Department of Transportation federal-aid highway emergency relief funds in fiscal years 1996 and 1997.

The conference agreement includes a provision that makes available $30,000,000 for highway construction from the Federal Highway Administration's administrative takedown. Such funds shall remain available until expended.

The conference agreement includes several provisions relating to the conveyance of certain Coast Guard-owned parcels within the State of Michigan.

CHAPTER 6

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

Community Development Financial Institutions Fund Program Account

The conference agreement provides an additional $5,000,000 for the CDFI Fund, of which $850,000 is for direct loan subsidies. The remaining amount is provided for assistance to community development financial institutions.

Environmental Protection Agency

SCIENCE AND TECHNOLOGY

The conference agreement includes an additional $10,000,000 for the EPA science and technology account to carry out the health effects research authorized pursuant to the Safe Drinking Water Act Amendments of 1996, Public Law 104-182. The Agency is directed to identify how these additional funds will be spent in the 1997 Operating Plan.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conference agreement includes an additional $42,221,000 for environmental programs and management, of which $2,000,000 is for Climate Change Action Plan programs. This additional amount will provide for a total Climate Change Action Plan program of $70,000,000 in fiscal year 1997. Also within this total, $30,000,000 is for the additional requirements related to the implementation of the Safe Drinking Water Act Amendments of 1996, Public Law 104-182, and the Food Quality Protection Act of 1996, Public Law 104-170. With regard to implementing the new safe drinking water legislation, Congress intended to allow for maximum state program flexibility and design on source water protection, operator certification, capacity development, and small system technical assistance. EPA's guidance to the States should concentrate on program and financial accountability, and the Agency should do its utmost to encourage innovative state and local solutions for protecting drinking water. With regard to the Food Quality Protection Act, the Agency should direct its priorities to those issues and regulations which are most important in fulfilling the FQPA mandate to ensure improved safety of the food supply. The conferees recommend that the Agency first focus on addressing those scientific and regulatory policies and other actions which have the largest implications for infants, children and other at-risk populations. This should include the approval of new pesticides and the review of existing pesticides, as these are areas where the Agency may best attain immediate risk reductions. The Agency is expected to identify specifically how it will spend these funds in the Operating Plan. Finally, the conference agreement also includes $10,221,000 to support the collection of pesticide residue data from industry and state sources for the Agency to utilize in its risk assessment activities. The conferees note in this regard that the recently authorized Food Quality Protection Act mandates that residue data collection activities be improved and that sampling of foods most likely consumed by infants and children be increased. To this end, the conferees direct that EPA enhance its in-house data collection abilities so as to conduct this program in a manner which does not result in transfer of these funds to any other federal agency. The conferees further note that this funding is being provided for transitional purposes only in the initial stages of implementation of this new law, and expect that future funding be provided by a more appropriate federal agency.

STATE AND TRIBAL ASSISTANCE GRANTS

The conference agreement includes an additional $35,000,000 for EPA's state and tribal assistance grants. This amount is intended to supplement the $40,000,000 provided in the fiscal year 1997 VA-HUD and Independent Agencies Appropriations Act for the continued wastewater needs in Boston, Massachusetts, bringing the total amount specified for this project in fiscal year 1997 to $75,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

The conference agreement includes an additional $3,000,000 for FEMA salaries and expenses for counter-terrorism activities, including consequence management planning and coordination as well as Federal/State/local assessment, training and exercises.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

The conference agreement includes an additional $12,000,000 for FEMA's emergency management planning and assistance account for counter-terrorism activities, including consequence management planning and coordination as well as Federal/State/local assessment, training and exercises.

NATIONAL FLOOD INSURANCE FUND

The conferees have agreed to the Administration's supplemental request to increase borrowing authority for the Federal Emergency Management Agency's National Flood Insurance Program (NFIP) from $1,000,000,000 to $1,500,000,000, even though there is to date no demonstrated need for this additional authority. Although the current outstanding balance of the program stands at just $626,000,000, concerns have been expressed that additional costs associated with recent disaster events as well as potential such events in the coming months could possibly result in a specific need to increase the borrowing authority above the $1,000,000,000 level. As raising such authority above the existing dollar level can only be done by Congress, the conferees have agreed to take this precautionary measure at this time to foreclose the possibility of a short-term cash flow difficulty throughout 1997.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

The conference agreement includes $1,500,000 for the Office of Consumer Affairs. This amount should allow for continuation of this agency's activities at fiscal year 1996 levels, with the exception of the production and distribution of the Consumer Resource Handbook. The responsibility for producing and distributing the Handbook was transferred to the Consumer Information Center in the fiscal year 1997 VA-HUD and Independent Agencies Appropriations Act. Termination of this agency has been seriously considered in the past two fiscal years due to the failure to submit detailed justification for this expenditure or presentation of compelling evidence of accomplishment. While extension of this entity for another year is recommended, the conferees agree that any additional expenditure for this purpose must be contingent upon a clear demonstration that this agency is materially contributing to the improvement of consumer interests not otherwise served by other governmental and private entities.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS, AND TECHNOLOGY

The conference agreement includes an additional $5,000,000 for NASA's science, aeronautics and technology account. This amount is to be designated for the GLOBE program.

Chapter 7

PEACEKEEPING OPERATIONS

The conference agreement appropriates $65,000,000 for peacekeeping operations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $18,000,000 for anti-terrorism assistance which includes an additional $2,000,000 for anti-terrorism assistance as requested by the President on September 12, 1996.

FOREIGN MILITARY FINANCING PROGRAM

(GRANT PROGRAM)

The conference agreement appropriates $60,000,000 for foreign military financing grant assistance.

DIVISION D—THE SMALL BUSINESS IMPROVEMENT ACT OF 1996

The conference agreement includes a separate division containing legislative language to make improvements to various small business programs.

Section 101 contains the short tile of the bill, the "Small Business Improvement Act of 1996".

Except as specified herein, the explanation and intent of title I and Sections 201 through 206 of title II are set forth in House Report 104-750 accompanying H.R. 3719, the "Small Business Improvement Act of 1996".

Section 103. Section 7(a) Loan Program

Subsection (d) [Calculation of Subsidy Rate] adds a new paragraph to Section 7(a) of the Small Business Act specifying that all fees, interest, and profits generated from the administration of the program shall be used to offset the subsidy costs of the 7(a) program. This change is intended to end the current practice in which the Small Business Administration (SBA) utilizes funds derived from the program to augment the appropriations provided to the Administration for salaries and expenses.

Subsection (e) [Sale of Unguaranteed Portions of SBA Loans] relates to the ability of lenders to securitize the unguaranteed portion of their 7(a) loans. This provision would change current practice in which bank lenders are prohibited from securitizing the unguaranteed portion of their 7(a) loans. In addition to providing equal treatment between bank and non-bank lenders, this provision requires the SBA to set forth the terms and conditions under which such sales will be permitted, including the maintenance of appropriate reserve requirements and other safeguards necessary to protect the safety and soundness of the 7(a) program. Should the SBA fail to promulgate a final regulation implementing this provision by March 31, 1997, the authority to sell the unguaranteed portion of 7(a) loans is suspended for all lenders until a final regulation is published.

Subsection (f) [Plan for Transfer of Loan Servicing Functions to Centralized Centers] requires a report to the Congress on SBA's plans for completing consolidation of the loan servicing functions into one or more centers. The SBA has transferred approximately half of its loan servicing workload from District offices to two loan servicing centers located in Fresno, CA and Little Rock, AR. Reduced numbers of SBA field personnel and increasing loan volume necessitates the prompt completion of this consolidation effort. The SBA's report, detailing plans for completing the loan servicing consolidation, and any impediments to executing the consolidation plan, shall be submitted to Congress by February 28, 1997.

Subsection (h) [Preferred Lender Standard Review Program] establishes the requirement for the Administrator to design and initiate a standardized program for the review of participants in the Preferred Lender Program. The provision sets out minimum standards for the contents and frequency of such reviews. This standardized review process is necessary to effectively evaluate the increasing number of participants in the program and the quality of their loan underwriting and administration practices.

Section. 104. Disaster loans

Subsection (a) [Private Sector Loan Servicing Demonstration Program] requires the SBA to solicit and award one or more contracts to private sector firms for the servicing of 30 percent of SBA's portfolio of residential disaster loans. The specifications for the demonstration project, including the submission of interim and final reports, are detailed in the statutory language.

Section. 105. Microloan Demonstration Program

This provision amends the authorizing statute for the microloan program to permit the Administration to provide funding to microloan intermediary lenders in excess of the statutory formula. Specifically, whenever the Administration determines during the fourth quarter of a fiscal year that the funds appropriated for loans under the program are unlikely to be awarded to intermediaries during that fiscal year, the Administration may exceed the otherwise maximum allowable award to an individual state.

Section. 108. Small Business Competitiveness Demonstration Program

Subsection (a) [Extension of Demonstration Program] provides for a one-year extension of the Small Business Competitiveness

Demonstration Program (SBCDP) through September 30, 1997. In addition, this subsection repeals Section 717(f) of the program's authorizing statute which prohibited the SBA from adjusting the numerical size standards for the four designated industry groups participating in the SBCDP. It is intended that the SBA will promptly initiate appropriate action to adjust these size standards.

Subsection (b) [Reporting of Subcontract Participation in Contracts for Architectural and Engineering Services] extends the requirement to collect subcontracting data through September 30, 1997. The description of the subcontracting data collection effort is specified in the sections of House Report 104–750 pertaining to the SBCDP.

Subsection (c) [Reports to Congress] specifies the reporting requirements relating to the SBCDP. A detailed description of these requirements is set forth in House Report 104–750.

Section. 110. STTR Program extension

This section extends the pilot Small Business Technology Transfer Program through fiscal year 1997.

[TITLE II]—AMENDMENTS TO SMALL BUSINESS INVESTMENTS ACT

Section 202. Modifications to Development Company Debenture Program

Subsection (b) [Guarantee Fee for Development Company Debentures] amends Section 503(b)(7)(A) of the Small Business Investment Act to increase the fee to 0.9375 percent per year of the outstanding balance of the loan, or a lesser percentage, as determined by the Administration, so as to permit a $2 billion program level.

Subsection (e) [Calculation of Subsidy Rate] adds a new Section 503(g) to the Small Business Investment Act specifying that all fees, interest, and profits generated from the administration of the programs under this Act shall be used to offset the subsidy costs of these programs. This provision is intended to end the current practice in which the SBA utilizes funds derived from the program to augment the appropriations provided to the Administration for salaries and expenses.

Section 207. Sense of the Congress

This section expresses the sense of the Congress that the subsidy models prepared by the Office of Management and Budget (OMB) relative to the SBA's loan programs have tended to overestimate potential loss risks and overemphasize historical losses, while discounting the overall economic benefits of the programs. The provision further expresses Congress' expectation that the independent study required by Section [103(i)] of the bill will improve the validity of the OMB subsidy models.

Section 208. Small Business Investment Company Improvements

Definitions

The definition of "small business concern" is amended to make clear that investments from venture capital firms or pension plans in small businesses do not affect the small business' size standard as set forth under the Small Business Act.

A new term, "small enterprise" is included in the Act. A small enterprise is a business with net financial worth no greater than $6 million and an average net income of no more than $2 million, or that satisfies the SIC code size standards established by SBA.

"Qualified non-private funds" are defined as funds invested by state or local governments in SBIC's. The bill limits the amount of qualified private, non-private funds that can be included in the private capital of an SBIC. No more than 33% of private capital can be qualified non-private funds.

For the first time, the Small Business Investment Act is amended to include "limited liability company" as the one of the business entities that can qualify to be an SBIC. Current statute allows corporations and partnerships to be SBICs. The "limited liability company" is a relatively new business entity that is being organized for raising venture capital.

Organization of small business investment companies

This bill includes provisions to speed up the processing of applications from business entities who want to be licensed by SBA as an SBIC. It requires SBA to provide the applicant with a written report detailing status of the application within 90 days of receipt of the application. In addition it states that no application can be denied because Congress has not appropriated sufficient funds to meet leverage demands.

This bill also permits SBA to approve a new license applicant which has not less than $3 million in private capital so long as the applicant meets all other licensing requirements. Once approved as a licensee, however, the SBIC would not be eligible for leverage until its private capital reaches $5 million.

Section 301(d) of the Small Business Investment Company Act of 1958 is repealed.

Capital requirements

Under this bill, the minimum capital requirements for new license applicants is increased. To be a debenture licensee, new applicants must have $5 million in private capital. To be a participating security licensee, new applicants must have $10 million in private capital; however, SBA is given the discretion to approve a participating security applicant if it has less than $10 million but more than $5 million so long as SBA determines that approval of that applicant would not create or otherwise contribute to an unreasonable risk of default or loss to the federal government.

This bill also grandfathers existing licensees in the program and includes provisions under which they will be exempt form the increased capital requirement. Existing licensees that do not meet the new, increased capital requirements will continue to be eligible for leverage, based upon the exercise of SBA discretion. Any licensee which continues to receive leverage under this exemption must certify that 50% of its aggregate dollar investments are going to smaller enterprises.

The bill directs SBA to ensure that each licensee licensed after enactment of this bill maintains diversification between the management and ownership of the licensee. This is a safety and soundness measure designed to maintain independence and objectivity in the financial management and oversight of the investment and operations of the SBIC.

Borrowing

This provision requires SBA to regulate SBICs closely to ensure that they do not incur excessive third party debt which would create or contribute to an unreasonable risk of default or loss to federal government. In addition, this provision requires that each SBIC, regardless of its size, invest at least 20% of its aggregate dollar investments in small enterprises.

This section also requires SBA to ensure that no SBIC receives leverage when it is under capital impairment. This will be a judgment made by SBA in accordance with regulations that take in to consideration the nature of assets of the SBIC and the amount and terms of any third party debt owed by the SBIC.

This section also includes two increases in fees to be paid by SBICs to SBA. First, SBICs would pay an annual charge of 100 basis point on the value of all outstanding leverage granted after the effective date. In addition, the non-refundable up-front fee which is currently 2% would be increased to 3% of new leverage amounts.

Liability of the United States

This section restates and clarifies the limits of liability on SBA under this program.

Examinations; valuations

This is a section designed to improve the examination and oversight function of SBA to enhance the safety and soundness of the program. It requires each SBIC to adopt valuation criteria set forth by SBA to be used for establishing the values of loans and investments of each SBIC. This section requires that an independent certified accountant approved by SBA review these valuations at least once a year to ensure that these requirements are being met.

Trustee or receivership over licensees

This section states that it is the finding of the Congress that increased recoveries of assets in liquidation under the SBIC program are in the best interest of the Federal Government. SBA is directed to submit to the Senate and House Committees on Small Business a detailed plan to expedite the orderly liquidation of all licensee assets in liquidation. This plan is to include a timetable for liquidating the liquidation portfolio of assets owned by SBA.

Technical and conforming amendments

As SBIC preferred stock buy back program was authorized by Congress effective November 1, 1989. This bill directs that any monies received by SBA under this repurchase program shall be used solely to guarantee debenture leverage for SBICs that maintain an investment portfolio with 50% of its investments in smaller enterprises.

Authorization of appropriations

This section increases the authorization for debenture leverage from $220 million to $300 million for FY 1997.

Effective date

This section and any amendments will become effective on the date of enactment.

DIVISION E

TITLE I—CALIFORNIA BAY-DELTA ENVIRONMENTAL ENHANCEMENT AND WATER SECURITY ACT

The conference agreement includes the text of H.R. 4126, a bill to support the California-Federal (CALFED) Bay-Delta Program in developing, funding and implementing a balanced, long-term solution to the problems of ecosystem quality, water quality, water supply and reliability, and system vulnerability affecting the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (the Bay-Delta) in California.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1997 recommended by the Committee of Conference, with comparisons to the fiscal year 1996 amount, the 1997 budget estimates, and the House and Senate bills for 1997 follow:

New budget (obligational) authority, fiscal year 1996	$579,522,607,669
Budget estimates of new (obligational) authority, fiscal year 1997	608,191,881,110

House bill, fiscal year 1997	604,917,517,710
Senate bill, fiscal year 1997	601,684,170,710
Conference agreement, fiscal year 1997	610,961,282,710
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1996	+31,438,675,041
Budget estimates of new (obligational) authority, fiscal year 1997	+2,769,401,600
House bill, fiscal year 1997	+6,043,765,000
Senate bill, fiscal year 1997	+9,277,112,000

BILL YOUNG,
JOSEPH M. MCDADE,
BOB LIVINGSTON,
JERRY LEWIS (except for chapter 6 of title V of division A),
JOE SKEEN,
DAVE HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
ERNEST ISTOOK,
JOHN P. MURTHA,
NORM DICKS,
CHARLES WILSON,
W.G. "BILL" HEFNER,
MARTIN OLAV SABO,
DAVID OBEY,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
CHRISTOPHER S. BOND (except for chapter 6 of title V of division A),
MITCH MCCONNELL,
CONNIE MACK,
RICHARD C. SHELBY,
MARK O. HATFIELD,
DANIEL K. INOUYE (with reservation),
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
ROBERT BYRD,
PATRICK J. LEAHY,
FRANK R. LAUTENBERG,
Managers of the Part of the Senate.

SENATE—*Saturday, September 28, 1996*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. We have a visiting Chaplain this morning, Father Paul E. Lavin, pastor of St. Joseph Church on Capitol Hill, Washington, DC. We are pleased to have you with us.

PRAYER

The guest Chaplain, Father Paul E. Lavin, pastor of St. Joseph Church on Capitol Hill, Washington, DC, offered the following prayer.

Let us listen to the Word of the Lord in the Book of Ecclesiastes:

"There is an appointed time for everything,
and a time for every affair under the heavens.
"A time to be born, and a time to die;
a time to plant, and a time to uproot the plant.
"A time to kill, and a time to heal;
a time to tear down, and a time to build.
"A time to weep, and a time to laugh;
a time to mourn, and a time to dance,
"A time to scatter stones; and a time to gather them;
a time to embrace, and a time to be far from embraces.
"A time to seek, and a time to lose;
a time to keep, and a time to cast away.
"A time to rend, and a time to sew;
a time to be silent, and a time to speak.
"A time to love, and a time to hate;
a time of war, and a time of peace.

"What advantage has the worker from his toil? I have considered the task which God has appointed for men to be busied about. He has made everything appropriate to its time, and has put the timeless into their hearts, without men's ever discovering, from beginning to end, the work which God has done."

Let us pray:

We stand before You, O Lord conscious of our sinfulness but aware of Your love for us.

Come to us, remain with us, and enlighten our hearts.

Give us light and strength to know Your will be make it our own and to live it in our lives.

Guide us by Your wisdom, support us by Your power, Keep us faithful to all that is true.

You desire justice for all: Enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor.

Glory and praise to You for ever and ever. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator GREGG, is recognized.

Mr. GREGG. Thank you, Mr. President.

SCHEDULE

Mr. GREGG. Mr. President, for the information of all Senators, this morning there will be a period for morning business, and we will be awaiting possible House action on the omnibus appropriations bill, which is a result of negotiations completed early this morning. The Senate may also be asked to turn to consideration of any other items cleared for action, including the Presidio-parks bill conference report and the FAA reauthorization conference report. Rollcall votes are possible today, and if votes should prove to be necessary, the leader will attempt to give Members as much notice as possible prior to those rollcall votes.

MEASURE PLACED ON THE CALENDAR—H.R. 3452

Mr. GREGG. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER (Mr. KYL). The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes.

Mr. GREGG. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

DESIGNATING THE AMOS F. LONGORIA POST OFFICE BUILDING

Mr. GREGG. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2700 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2700) to designate the building at 8302 FM 327, Elmendorf, Texas, which houses operations of the United States Postal Service, as the "Amos F. Longoria Post Office Building."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5413

(Purpose: To clarify the provision of section 3626(b) of title 39, United States Code, defining an "institution of higher education")

Mr. GREGG. Mr. President, Senator PRYOR has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. PRYOR, proposes an amendment numbered 5413.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, insert after line 9 the following new section:

SEC. 2. INSTITUTION OF HIGHER EDUCATION.

Paragraph (3) of section 3626(b) of title 39, United States Code, is amended by striking the period and inserting ", and includes a nonprofit organization that coordinates a network of college-level courses that is sponsored primarily by nonprofit educational institutions for an older adult constituency.".

Mr. PRYOR. Mr. President, today I am asking the Senate to approve H.R. 2700, a bill to name a post office in Elmendorf, TX, the "Amos F. Longoria Post Office Building," with an amendment. The amendment, which I offered in the Governmental Affairs Post Office and Civil Service Subcommittee and which was unanimously adopted, addresses mailing problems faced by Elderhostel, an independent, nonprofit organization which operates a central course catalog and registration system for college level classes for people over the age of 60. These courses are sponsored by colleges and universities at more than 1,900 colleges, universities, museums, national parks, and environmental education centers in the United States, Canada, and 47 other countries. Elderhostel receives no Federal or State support.

Elderhostel provides easy access to these continuing education programs through the mailing of its course catalog. Unfortunately, a U.S. Postal Service definition prevents Elderhostel from mailing their catalog at a second-class catalog rate. This catalog rate is used, for example, by the American Bar Association's continuing legal education material. Elderhostel is barred from using that rate because rather than being a catalog of one institution of higher learning, it is a compilation of courses offered by otherwise eligible "regularly incorporated nonprofit institutions of learning."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The amendment I am offering to H.R. 2700 simply expands the definition of an institution of higher education eligible to mail at second-class rates to include a nonprofit organization that coordinates a network of college level courses that nonprofit colleges and universities offer to older adults. The National Federal of Nonprofits, the Advertising Mail Marketing Association, and the Direct Marketing Association have no objection to this legislation.

Mr. President, H.R. 2700, as amended, will solve a problem caused by the fact that Elderhostel doesn't fit neatly into the Postal Service's definitions and I urge my colleagues to support the amendment and pass the bill.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5413) was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2700) was deemed read the third time and passed.

JOSHUA LAWRENCE CHAMBERLAIN POST OFFICE BUILDING

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2153, which was introduced earlier today by Senator COHEN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2153) to designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building," and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COHEN. Mr. President, at the request of the city of Brewer, ME, I am introducing S. 2153, legislation to name the post office building in Brewer the "Joshua Lawrence Chamberlain Post Office Building."

For the people of Maine, Joshua Chamberlain is a household name—Civil War hero, four-term Governor of Maine, president of Bowdoin College, scholar and professor. He is recognized among many historians as one of the most remarkable soldiers in American history. He played a crucial role at Little Round Top, on the second day of the Battle of Gettysburg, when he led the 20th Regiment Infantry, Maine Volunteers in holding the extreme left flank of the Union line against Confederate attack. After running out of ammunition and being outnumbered two to one, Chamberlain rallied his regiment, charged down Little Round Top using bayonets to break up the Confederate attack and took nearly 400 Confederate prisoners. In 1893, Congress gave him the Medal of Honor for his gallantry at Gettysburg.

He is also remembered for the surrender of Gen. Robert E. Lee's Army of Northern Virginia at Appomattox, when Gen. Ulysses S. Grant chose Chamberlain to receive the formal surrender of weapons and colors.

His ancestors migrated from England in the mid 1600's settling in Woburn, MA, and made their own significant contributions serving this country. His great-grandfathers served in the Revolution, his grandfather was a colonel in the War of 1812, and his father acted as second in command on the American side in the Aroostook War in 1839.

Joshua Chamberlain was born in Brewer, ME, in 1828. He attended school in Brewer, graduated from Bowdoin College, in Brunswick, ME, in 1852 and completed a course at the Bangor Theological Seminary in 1855. He married that year and served as professor of rhetoric, oratory, and modern languages at Bowdoin.

In 1862, he was granted a leave of absence to study abroad but he abandoned this plan and enlisted as lieutenant colonel of the 20th Maine. He remained in active service until the end of the Civil War, taking part in 24 battles including Antietam, Fredericksburg, Chancellorsville, Gettysburg, Spottsylvania, Cold Harbor, Petersburg, and Five Forks. He was wounded six times, once almost fatally at Petersburg. He was made a brigadier general on the field by Gen. Ulysses S. Grant.

Chamberlain returned briefly to his academic duties at Bowdoin, but was soon elected Governor of Maine, a position he served with great distinction for four terms. He helped to establish the new agricultural and technical college at Orono which eventually grew into the University of Maine.

In 1871 he returned to Bowdoin to serve as president while also lecturing on mental and moral philosophy, political science, and public law. He died in Portland in 1914 at the age of 85.

The Civil War, comments historian Geoffrey Ward, "was a war that thrust figures of common clay into monuments of true grandeur." How well the actions of Joshua Chamberlain affirm this observation. He was a man inspired to greatness by the cause he served. I hope my colleagues will work with me in passing this legislation as a means of paying tribute to the many years of outstanding service Joshua Chamberlain gave to the State of Maine and the country.

Ms. SNOWE. Mr. President, I am pleased to join with my colleague Senator Bill COHEN in sponsoring legislation to name the U.S. Post Office in Brewer, ME, in honor of Joshua Lawrence Chamberlain. Chamberlain, who was born in Brewer on September 8, 1828, and grew up there, went on to play an important role in the history of Maine and the United States.

Historians will recognize the name of Joshua Chamberlain, whose remarkable military career placed him at some of the most critical battles of the Civil War. At the Battle of Gettysburg, Colonel Chamberlain commanded the 20th Maine Infantry Regiment which held down the extreme left flank of the Union line. Chamberlain and his regiment defended Little Round Top until their ammunition ran out, at which point he ordered "fix bayonets" and led an unexpected charge down the hill capturing nearly 400 Confederate prisoners. Chamberlain's leadership is credited with contributing significantly to the North's victory at the pivotal Battle of Gettysburg.

During the Civil War, Chamberlain commanded troops in 24 battles as well as numerous skirmishes. He was wounded six times and was promoted to general on the battlefield by Gen. U.S. Grant. At the war's end, General Chamberlain was given the honor of receiving the Southern Surrender at Appomattox Court House, ordering his own troops to stand at attention and salute the defeated Army of Northern Virginia. General Chamberlain was given the honor of first place in the last Grand Review in Washington following the Civil War.

Mr. President, the extraordinary public service of Joshua Chamberlain did not end with the Civil War. After he returned to Maine following his military career, Chamberlain was elected Governor by the largest majority in the State's history. He was subsequently reelected three times.

The people of Brewer and Maine are rightfully proud of their distinguished native son. The Brewer City Council and the Brewer-Orrington Customer Advisory Council have both requested that the memory of Joshua Chamberlain be honored by naming the U.S. Post Office in Brewer after him. This is a fitting tribute to an outstanding American.

Mr. GREGG. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2153) was deemed read the third time and passed, as follows:

S. 2153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOSHUA LAWRENCE CHAMBERLAIN POST OFFICE BUILDING.

The United States Post Office building located at 22 Parkway South, Brewer, Maine, shall be known and designated as the "Joshua Lawrence Chamberlain Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, record, or other paper of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Joshua Lawrence Chamberlain Post Office Building".

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed in morning business for a period up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE OMNIBUS APPROPRIATIONS BILL

Mr. GREGG. Mr. President, we are now in the final hours, it appears, of the process of wrapping up this session of Congress and putting together an omnibus appropriations bill, which I understand late last night was agreed to between the White House and the Congress.

I want to talk a little bit about this process and specifically about sections of that bill which I have responsibility for, or had responsibility for as chairman of the Senate Appropriations Subcommittee on Commerce, Justice, and State.

I have to say, I was startled by the manner in which these proceedings went forward. I was discouraged. The taxpayers, to put it quite simply, have been fleeced. It is beyond my most pessimistic anticipations that the events that occurred in the spending of taxpayers' dollars over the last few days would have occurred under a Republican Congress. I can understand that they have occurred under a liberal Presidency, a Democratic Presidency, but to have them occur under a Republican Congress is, I think, a sad and trying day for the American taxpayer who has traditionally looked to the Republicans for fiscal responsibility.

The budget, as it was proposed by the Republican Congress, basically flat funded discretionary spending accounts of the United States for the next year. We were, however, put in the very difficult position—and the blame does not really lie with the Congress here; it lies with the Presidency—we were put, I should say are put, in the very difficult position by the President that if we did not spend a heck of a lot more money in a heck of a lot of other accounts, he would veto the proposals of our Congress. The Congress had put together proposals, the purpose of which was to institute financial responsibility.

You have to understand that not only ourselves, but especially our children will be facing a nation which will end up being fiscally bankrupt if we do not undertake some responsibility.

We have been spending more money than we have been taking in for a long period of time. Although the number is going down, the fact is, it still is a considerable number, over $100 billion of deficit this year, and as we move into the outer years here, as we move into the year 2000 and beyond, it goes back rather sharply.

So the need for fiscal responsibility has not left, or should not have left, the agenda of American Government. Yet, the White House told us that if we did not spend a great deal more money in a number of accounts which they were interested in, that they would veto the bills and they would force us into a shutdown of the Government.

The leadership of the Congress, appreciating the fact that the last time the Government was shut down—the Congress came out with a pretty black eye—decided to try to accommodate the White House. Every time a decision was made to accommodate the White House and the administration, more money was demanded. It became a process of goal posts moving, which has become the term around here that most adequately describes how this spending has occurred. But what it has meant is basically a geometric progression, the spending of which the American taxpayers have to bear.

Some of these accounts which the White House has asked to spend money on are just classic liberal, profligate spending undertakings, and they are dollars which the American people, if they knew about them, if they were put in the context of disclosure, simply would not accept that type of spending.

Some of those accounts, unfortunately, were in categories which were under my auspices with the Commerce, Justice, and State Subcommittee, and I want to discuss a few of them because I think they should at least be on the record as to what has happened here, how American tax dollars are being spent by this administration. This is the most liberal administration that I have ever seen during my term in Government.

You know, this President wanders around the countryside talking as a moderate, but the simple fact is that this administration is governing on the far left of the spending when it comes to spending American tax dollars. Let me cite a few examples that I think confirm this.

Let us begin with the United Nations. In the bill which we proposed, which Congress proposed, we had limited the amount of spending to the United Nations. We had decided that we would not pay what is known as arrearages in peacekeeping and we would not pay what is known as arrearages to the various international organizations.

Why? Because the United Nations is an institution that is penetrated throughout with patronage. It is an institution which has wasted millions and millions of dollars, and every dollar that is wasted at the United Nations, every time some friend of some friend or some cousin of some leader from some country is hired by the United Nations to fill a nonexisting job or a job that is basically nonfunctional at some outrageous pay level, every time that occurs, 25 percent of the dollars spent on that individual come out of an American taxpayers's wallet. The record is replete with abuses and with mismanagement and with waste which has become the character of the United Nations management.

The average U.N. salary for a mid-level accountant is $84,000—$84,000 for a mid-level accountant. That same person living in New York City working for a non-United Nations entity would be paid on the average $41,000. Twice as much is paid to the U.N. individual, plus they do not pay taxes. The man or woman who is working in New York City has to pay taxes.

The average U.N. computer analysis person receives $111,000 tax free—$111,000. The average American doing that same job, and probably does a lot better job and I bet works a lot more hours, gets $56,000.

An assistant to the Secretary-General, of which there are innumerable, gets $190,000. That is $60,000 more than we pay the Mayor of New York who actually works for a living.

The fact is that this institution is mismanaged and is dominated by patronage.

Now the administration wants us to spend an extra $225 million to pay back fees, back payments and to pay operating costs so that we can reimburse them for this mismanagement and we can fund this mismanagement out into the future.

In order to try to get some hold on this, the Congress said to the administration, well, before we are going to pay anything more of any significance, we want a certification that the United Nations is living within the agreement which was reached as a result of the pressure put on it by us that it would have a no-growth budget.

In an act of a very serious—I think very serious—question of integrity, we have now received such a certification that the United Nations has a zero-growth budget. Well, that is impossible because the United Nations is already over its budget. We know it is over its budget. It is over its budget, by our estimates, by over $100 million. Yet, we received this certification from the administration. So you have to even question the atmosphere in which this administration is functioning relative to the United Nations.

It appears they are willing not only to throw money at it, but they are willing to stand up for their dishonesty within the United Nations. They are willing to stand up for the mismanagement within the United Nations. They are willing to stand up for the patronage within the United Nations at the expense of the American taxpayer.

Then, of course, we also know that this administration, on a number of occasions, has expressed their willingness to have American troops fight under the command of the United Nations, which is a mistake in and of itself. What is more classically liberal—what is more classically liberal—than funding an agency like the United Nations at an excessive level?

I do not argue with the need to have the United Nations. I happen to think the United Nations makes a great deal of sense. My disagreement here goes to the fact that we are essentially paying for its mismanagement, gross mismanagement, and that we are doing it with blinders on. This administration takes the attitude that anything that is a world community exercise, the United States taxpayers should pay for it, and pay dearly for it.

When they came to us after we had raised the level of reimbursement to the United Nations to a level which I felt was unacceptable—but I went along with the House—the administration came back and said that we were $220 million short—$220 million short—of what they wanted for the United Nations. In fact on my bill, they said we are a half a billion short, let us throw another half billion dollars into these programs. Why? Because they knew they had the Congress between a rock and a hard place.

They wanted to fund all their favorite little interest groups, in this case, interest groups within the international community, different international organizations, some of which are only marginal in their worth. They wanted to fund all these little different interest groups, and they knew they could do it because they recognized they had won the last battle about closing the Government down, and now they figured, well, the Congress is going to have to fold on all these issues. And unfortunately we have.

So, out of the taxpayers' pocketbooks and wallets in New Hampshire and Arizona, hard-earned dollars—people working 40, 50 hours a week trying to make mortgage payments, trying to send their kids to school, having to pay their taxes now at a rate barely as high as a result of the tax increase under the first 2 years of this administration—those dollars are now going to fund John Jones, I suspect the person's name is not John Jones, some name I probably could not pronounce, from some country because John Jones had a cousin in the government who could get him a job at the United Nations where he would get paid x thousands of dollars more than an American doing the same job, and the person does not even have to show up to work.

In fact, ironically, one of the reforms we asked for and which was put in at the United Nations was a turnstile. We ask for a turnstile so we could figure out who was going to work. It turns out the returns were so bad that the United Nations staff forced the administration to take the turnstile out because they did not want to have people keeping track whether they ever showed up for work.

The fact is the United Nations is an institution, is an institution that is good, relative to its purpose, but as a practical manner, the matter in which it practices, the manner in which it manages itself, and the manner in which it spends its money is horrible. It is the American taxpayer that bears the burden, and the administration at the last minute, because they had the Congress by the throat, came in and said we need hundreds of millions—not hundreds, but $200 million. That is a lot. In fact, we could run the State of New Hampshire for quite a while on $200 million—more money to take care of their activities and to fund an agency which has not shown any fiscal discipline at all.

That is only one example of this liberal agenda which has caused the White House to come in here and dump all sorts of new dollars into different interest groups. This administration uses the Federal Treasury as its own little campaign financing mechanism. They used something called SCSEP (Senior Community Service Employment Program) to finance some of the most activist labor groups, and they use something called ATP to finance the friendships with the corporate world. ATP you probably have never heard of that. Well, it is something called the Advanced Technology Program where we go out and pick winners and losers in the technology communities—not with a lot of dollars, but we go out and we pick them. It is ironic who gets picked, ironic who gets picked.

The idea here was we would set up a pool of money and people with good ideas that could not get it funded in the private sector would be able to come to the Government and the Government would fund those ideas. That, in concept, is good, a good idea I suppose. If you happen to believe the Government should be in the business of deciding winners and losers in the marketplace and in the technology arena and there are certain technologies which the private sector is not going to fund, then it probably makes sense to do that.

I suspect there are some instances where a technology concept—remember, this is commercialization, this is not R&D. I should make that point. This is not R&D activity, but for items which will commercialize. We have literally billions of dollars committed to research, billions of dollars in all sorts of different accounts. This is purely an R&D, purely an applied research effort. The expectation is that almost all this will go to some sort of commercialization.

The argument was that the opportunity for return on these undertakings was so low or the likelihood of return was so low that nobody would fund them. First, that assumes that the marketplace cannot pick winners and losers in the technology field. That is a position that is hard to defend in America today where we see such an explosion of technology activity, literally billions and billions of dollars going into research which is applied and presumed going to go to commercialization, where we see billions and billions of dollars going into IPO's, where we see major corporations spending billions and billions of dollars on research. The concept that an idea which really has a commercial applicability, which has a potential, will not find a place to be funded, within the private sector is, I think, hard to argue, but that was the argument that was made.

So we set up this thing called the ATP. You would presume if that was the case, we are going to fund technology which has only a marginal likelihood of success, so marginal that the private sector is not willing to fund it, but has commercial applicability. You would think if that were the case, then the logical recipients of those funds would be small entrepreneurial efforts. That should be the case. Obviously, if someone cannot get funded, the odds are that they are a small entrepreneurial effort. You would not expect that General Motors, Ford, Exxon, AT&T, IBM, General Electric, the biggies, the international organizations, a few Japanese organizations, a few German organizations, you would not expect those types of companies would be in line for this type of a grant program.

In fact, I think, most Americans if they were told this type of program existed, would say, sure, Mary Mason down the road, who happened to be a brilliant computer person, should have a right to compete for that. But General Motors, are you kidding me—General Motors? I just bought a car from them and it was an outrageous price. They make tons of money.

This program has become a little piggy bank, a little cookie jar is a better term, a cookie jar into which the Fortune 500 companies stick their hands. This is the list of how the awards under this program went in 1994 and 1995. I will read down through the companies that received these awards because I think it is important, because it shows the nature of this program and what it is really being used for, which is to basically try to buy friendships in the business communities: General Motors, Ford, Exxon, AT&T, IBM, General Electric, Mobile, Chrysler, DuPont, Texaco, Chevron, Hewlett-Packard, Amoco, Motorola, Lockheed Martin, United Technologies, Dow Chemical, Boeing, Xerox, U.S. Steel, Bell South, 3M, Caterpillar—the list goes on. You get the idea. The fact is this program has become an outrage. It is corporate pork at its worst.

However, the administration comes in and says we must continue this program. You would think, listening to the administration, especially this President, that the Republican Party was the voice of corporate America. Well, it happened to be the Republican Senate which zeroed this program out, and it happens to be the Democratic liberal Presidency which wants to continue this program at excessive levels of funding—$265 million was their demand for next year's funding of this program, $265 million.

Now, why? Well, because, basically it takes care of their friends in the corporate community. It is a way for the Secretary of Commerce to be able to communicate. We have corporate America—send in a grant, we will send you some money; now, what do you want to talk about? It is done with the tax dollars of the American people and the American people should be outraged. It is classic liberal government, spending their money on programs that picks winners and losers in the marketplace, which goes to the Fortune 500 leadership, dollars which are scarce and which could be used much better by an American to go out and buy a product that was important to them and their family, or maybe help them go to school, or maybe help pay their mortgages, but instead this President wants to take those dollars out of your pocketbook and give them to these corporations to do things which obviously companies of this size, if they want to do it, they can do it. The idea that these companies need help in deciding their priorities on research and spending money on research is so absurd it should not even be discussed.

So it is not an argument for the substance of the program that generates this funding, because the substance cannot be defended. The only reason this funding exists is because under the liberal form of leadership which this administration represents they like to be able to pick winners and losers in the marketplace and they like to spend tax dollars.

Now, this bill overall that I had jurisdiction over until I was unceremoniously removed because I was too disruptive to the process, because I kept saying we should be concerned about our tax dollars, this bill spends $500 million more. It does not spend it yet, that is what the administration wants, $500 million more than what was offered to the administration, which happened to be $1 billion more than what the bill was when it left this Senate Chamber.

It never left the Chamber. It never got out. When it left the Senate subcommittee that I chair, we were a billion dollars below our offer to the White House, as we brought up all these different accounts to try to satisfy the profligacy of the White House spending condition over some significant frustration of my own. And then the administration came in and said that is not enough. They wanted another $500 million. I wish that that were all that were in this package, $500 million. We could live with that. This is true across the board, in account after account. The administration came in and demanded massive more dollars in spending, and because they know that we have the Congress in a position basically where politically they have us by the throat, to be very honest, where they know that they have set up a scenario where if this Government is shut down, they feel they win politically and the American people will take their frustrations out on the Congress—that the Congressional leadership decided that they are going to allow the White House to get away with this raid on the American Treasury and, therefore, the American taxpayer.

I think it is a mistake, and I think we ought to take this issue to the American people. I think the American people will understand that there is a big difference between the shutdown that occurred a year ago and the desire of this administration to spend money like it is water. The fact is that this President is now in the middle of a Presidential election. He is campaigning on the theme that he is a moderate. In fact, I heard AL GORE in New Hampshire call himself of a "fiscal conservative"—the Vice President of the United States. Well, this is not fiscal conservatism, spending this type of money. Spending $220 million more on the United Nations so they can hire patronage is not fiscal conservatism. Picking winners and losers in the marketplace and having the winners be Fortune 500 companies, who can take care of themselves when it comes to R&D, is not fiscal conservatism. Spending $6.5 billion more of the American taxpayers dollars and putting it, for all intents and purposes, on the deficit is not fiscal conservatism. It is liberalism. It is the classic situation where you buy votes with tax dollars and you spend money without regard to where it is going or how it is being accounted for, but only with regard to what the political pluses are from it. It comes back to roost—not to us, maybe, in our generation immediately, but certainly to our children, as they have to pay the bills.

It is a mistake. I felt it should be on the record from somebody, because nobody seems to want to talk about it around here. So I am taking these few minutes to make these points.

I yield back my time.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLITICAL GAMES

Mr. THOMAS. Mr. President, I want to tell you that I appreciate the comments of the Senator from New Hampshire. Certainly, this needs to be talked about. I have never seen anything quite like what is happening to us here at the end of this session. The idea that those on the other side of the aisle, the administration and the Democrats, would hold up progress over the last 3 weeks, as they have, by having 100 amendments to every appropriations bill, most of them not at all attached to the subject, simply to hold it up to bring us up to the edge of this business of shutting down Government, which they found to be a great political advantage last year, is absurd.

I have never seen anything like this in my life. The Senator from New Hampshire is exactly right. They have extracted $6.5 billion in additional spending simply by threatening—not on the merits of the spending—to close down the Government and blame the Republicans. I have never seen anything quite like that kind of deception—the idea that, for instance, talking about reducing the deficit and at the same time increasing deficit spending by $5.5 billion, reduce the deficit only by raising taxes—the largest tax increase we have ever had—and talk about reducing the numbers of employment when, in fact, almost all of it was as a result of base closures and civilian employees of DOD, and the end of the Resolution Trust Corporation, which had nothing to do with this President.

So that is where we are. I am just delighted that the Senator from New Hampshire, who has hands-on experience with this expenditure, as chairman of the subcommittee, has talked about where we are and where we need to go.

TRIBUTE TO SENATOR ALAN SIMPSON

Mr. THOMAS. Mr. President, I want to talk about a friend who will be leaving the Senate, a man whom I respect greatly, a man who—to quote a phrase he uses—is "a friend to his friends," and that is Senator Alan SIMPSON, from Wyoming, who will be retiring from the Senate at the end of this session.

AL SIMPSON is particularly close to me. He is from Cody, WY, a town of 10,000 or 12,000. Cody is also the same town I am from. We were both there last weekend at the Buffalo Bill Museum event.

AL is a lifelong friend, a good and gracious man. He comes from a family of good and gracious leadership. The first person that I remember as a kid, who was an outstanding citizen, one of those kinds that you remember, was Milward Simpson, AL'S dad. Interestingly enough, the thing I remember the most was that he is the first guy I ever saw who could simply stand up and talk without being prepared, or without needing notes, and do it so eloquently. I guess that is where Al SIMPSON acquires his ability to do the same thing.

So many here in the Senate have known AL SIMPSON for a very long time, too, and are his friends. AL has been here for 18 years representing our State, battling for our State, battling for this country, and all of us feel so fortunate to have had him here. Some have mixed feelings about him leaving. On the one hand, all of us are happy that he and Ann will have an opportunity to do some other things. They have great interests, whether it be in museums, whether it be in health care, whether it be in the other historic things they have been interested in. But they have great grace and style in their personal relationships, and they will all be missed.

I have had the privilege of serving on the team from Wyoming with AL SIMPSON for the 5 years I was in the House, and these special 2 years, the last 2 years, I have been in the Senate. I suppose we have a unique closeness in our delegation from Wyoming. As everyone else does, we have two Members in the Senate, but we have just one in the House. There are just three of us. The people in Wyoming find it fairly easy to contact the delegation when they come, since there are just three of us.

We were talking yesterday about the population of Wyoming when I was presiding. There are about 470,000 people, and about 100,000 square miles for them to live. But in a State like that we become pretty personal in politics. We have an opportunity to talk. We have an opportunity to express the prejudices that each of us have, and ideas. It is truly unique. We have unique relationships. We have all been Republicans since I have been here. We have all been friends.

I have known ALAN virtually all my life. We lived basically up the street across the alley from the Simpson's in the wintertime. I knew him when he weighed 260 pounds, and had hair, and, as he says, thought beer was food. But fortunately Ann came along, and dressed him up. And he has been an outstanding representative of Wyoming since; frankly, not just of Wyoming. AL SIMPSON represents some of the best of this country; represents the kind of person who looks at an issue and takes the position that he believes is correct.

Clearly in this business there is a tendency to take the position that seems to be most popular. There is nothing unusual about that.

But AL SIMPSON has throughout his service here and in the Wyoming legislature been willing to take those positions that are not the most popular; that are not the easiest; that are not the road most traveled. And he has felt comfortable taking them.

I, particularly, will miss AL SIMPSON. We came from the same town, and the same university, since we only have one in Wyoming. We lived in the same athletic dorm, and now served in the same Senate.

So I have been around this guy a lot, and others will miss him too. He is a national figure.

He tells the story about a hotel in Cody where a lot of strangers come through, and someone coming up to him and saying —someone he did not know—"Did anyone ever tell you that you look like AL SIMPSON?" He said, "Yes. Sometimes." The man said, "It makes you mad, doesn't it?"

He is well known—well known because of his humor; the great skill and gift of humor that he has to make things seem a little lighter than they are. He says continuously and so properly, "You know, I take the issues seriously but I don't take myself seriously." We need more of that. We need more of that.

He is my political mentor and our senior Senator. I can tell you that Milward and Lorna, his parents, would be so proud. His father was a U.S. Senator as well as the Governor of our State, and president of the university and served on the board of trustees. AL and his brother have followed him in that great tradition of courage and class.

Let me just close by saying not only does he have great humor, great grace, and a great partner in Ann, but he is an extraordinary legislator. You can see him working today on the illegal immigration bill, a tough issue; and, quite frankly, one that is not as important in Wyoming as it is in other places. But that does not matter. AL said this is an important issue to our country, as he has undertaken to deal with Social Security in ways to honestly change it, and has had some controversy with groups that want the status quo. He has been willing to undertake the difficult question of entitlements that, obviously, have to be dealt with but are political dynamite—the old third rail of politics that no one is willing to touch. AL SIMPSON has done that, and will continue to.

One of his first activities following his departure here—I thought about saying "departed friend." That is not right. He has his whole life before him. He is not departing. He is simply moving on to Harvard to teach at the Kennedy School of Government. It will be interesting to see the impact he will have at Harvard. I think it will be wonderful.

He has taken on the media on entitlements. He has done all of those things that are not easy to do. He stands for the things that are good about this system.

So I will miss our good friend and mentor—lifelong friend—who has the wisdom and willingness to take on the tough problems. Besides, I will not have anyone to join with me in the recitations of the "Cremation of Sam McGee" which we enjoy doing from time to time.

So I want to say, "Hats off" to AL SIMPSON, and we wish him the very, very best. I know he and Ann will have a wonderful, productive time.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

RETIREMENT OF SENATOR ALAN SIMPSON

Mr. BYRD. Mr. President, in a matter of days, or even hours, one of the finest individuals it has been my privilege to know will bring to a close another chapter in what has been, by any measure, an extraordinary legislative career.

Of course, no one should be surprised by the fact that our friend from Wyoming, who has served in the Senate for nearly 18 years, is one of the most accomplished legislative craftsmen to ever grace these hallowed halls. In fact, one could say that ALAN SIMPSON was born to a life in politics, that he really did not have a choice in the matter. One might say that. After all, when one's family has practiced law for the past 100 years, and when one's father has served the beloved State of Wyoming as both a Governor and as a U.S. Senator, it is hard to argue that one's fate was not predetermined.

Although actually born in Denver, CO, Senator SIMPSON is a lifelong native of Cody, WY, which, as he would be quick to remind us, is the home of the Buffalo Bill Historical Center. Following graduation from the University of Wyoming with a bachelor of science degree in law, the young Senator-to-be began his life of public service as a 2d Lieutenant in the U.S. Army, serving in the 5th Infantry Division in Germany.

After leaving the Army, ALAN SIMPSON returned to the University of Wyoming to obtain his juris doctor, and then commenced a law practice with his father in their hometown firm of Simpson, Kepler and Simpson. His love of the law is evident in the fact that ALAN remained with the firm for the next 18 years, during which time he served as the State's assistant attorney general, and the Cody city attorney.

Responding to the call of greater professional challenge, and carrying on in the family tradition, Senator SIMPSON entered the political arena when he won election to the Wyoming House of Representatives in 1964, a position he would occupy for the next 14 years. His love for the art and the process of legislating further propelled ALAN to seek and win a seat in this great legislative body.

Mr. President, having been elected to three terms here in the Senate, it is obvious that his Wyoming constituents understand and appreciate the degree of skill, dedication, and integrity that ALAN SIMPSON has brought to his work. And, as a former assistant majority leader, and a former assistant Republican leader, it is obvious that his Republican colleagues have understood and valued those qualities in Senator SIMPSON as well.

But despite his steady climb up the leadership ladder, no one should make the mistake of assuming that the senior Senator from Wyoming has shied away from controversy.

To the contrary, it is doubtful that there is any other Member of this body who is more willing to enter into the fray, who is more willing to take on the special interest groups, or who is more willing to apply his quick and often devastating verbal wit to any and all situations, including turning that laser-sharp humor on himself.

One need look no further than the difficult and contentious issue of immigration to see that ALAN SIMPSON is not content to simply sit by and watch others take the lead and take the heat. For more than 15 years, dating back to when he first became chairman of the Judiciary Committee's Immigration Subcommittee, ALAN has undertaken the arduous and generally thankless task of crafting bills that would discourage illegal immigration and bring much-needed common sense to our national policies with respect to legal immigration. He has led the way in calling for tough sanctions on those employers who hire illegal immigrants, by articulating the need to establish a strong and workable employment verification system and by speaking out on the necessity of lowering the total number of legal immigrants this Nation annually absorbs.

I have been fully supportive of ALAN SIMPSON in these endeavors.

I know I speak for many of my colleagues when I say that with respect to immigration, I will certainly miss the advice and counsel of my good friend from Wyoming, ALAN SIMPSON. All of us, on both sides of the aisle, will lament the loss of his informed and courageous leadership in this legislative area.

His work on immigration, though, was not the only complex and troubling issue that ALAN SIMPSON has been willing to tackle. After gaining a seat on the Finance Committee, Senator SIMPSON was resolute in his desire to stem the growth of entitlement spending. That conviction, of course, put him on track to collide with some of the most powerful and entrenched special interests Washington has ever known, but he did not waver. He did not tremble. He did not trim his sails. He did not run from the issue. He did not retreat from the battlefield. Instead, in his usual forthright and relentless manner, Senator SIMPSON, Senator ALAN SIMPSON—I say ALAN. I served with his father in this body—Senator ALAN SIMPSON coauthored a bipartisan proposal to make long-term cuts in Social Security spending including an eventual increase in the retirement age to 70.

Mr. President, ALAN's commitment to absolute honesty in addressing the many profound and troubling problems that face this Nation is emblematic of the devoted public servant that ALAN SIMPSON has shown himself to be over these past 18 years. There will be few, if any, who will match the accomplishments of our friend from the West, few who will bring to this body a deeper passion, and few who will legislate with greater skill.

And so, Mr. President, as he prepares to leave the Senate, not for a well deserved retirement but for new challenges, this time in academia, I offer my sincere gratitude to Senator ALAN K. SIMPSON for his professionalism, for his friendship, for his leadership, for his wit, for his candor, and for his many years of dedicated service to our Nation.

As Thomas Paine once wrote:

> I love the man that can smile in trouble, that can gather strength from distress, and grow brave by reflection. Tis the business of little minds to shrink; but he whose heart is firm, and whose conscience approves his conduct, will pursue his principle unto death.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I was very privileged to be in the Chamber as the senior Senator from West Virginia was making his remarks. I commend him for acknowledging one of our friends and leaders of the Senate who is going to be such a loss as we lose so many of our retiring Members who have contributed so much. I think Senator BYRD's comments about our good friend serve him very well. I wish I could have said them as eloquently, but I join with him in commending Senator ALAN SIMPSON.

Mr. BYRD. Mr. President, I thank my distinguished friend. I am sure that Senator SIMPSON will be grateful for the expressions that have been made by the distinguished Senator from Louisiana [Mr. BREAUX].

Mr. BREAUX. I thank the Senator.

U.S. TREATY NEGOTIATIONS

Mr. BREAUX. Mr. President, I take the floor to make some comments on the current situation in this Senate with regard to relations with some of the other countries that we enter into negotiations with on a regular basis. I think today is a sad day for this country with regard to our relations with other countries with whom we negotiate treaties. In fact, this has been a sad week. This has been a sad Congress because despite the best efforts of many in this administration who have negotiated with friends and allies in other countries around the world for years, indeed decades, this Congress this session failed to follow through and ratify or approve these treaties that have been negotiated in good faith and signed by other countries including the United States. Just this session we failed to enact in this Congress a chemical weapons treaty.

Yesterday, I took the floor to lament the fact that this Congress and this Senate has refused to ratify the OECD agreement on shipping, which was negotiated for years and years and years, which our country signed and every country that signed with us expected us to ratify. It will not even be brought up in the Senate. Indeed, it was a sad week, and today unfortunately once again I say how terribly disappointed I am that apparently the Tuna-Dolphin Treaty, which this and previous administrations have worked on, which this country has signed along with 10 other countries around the world, will not be enacted in this Congress.

If I was a delegate from some other country, I would say, "You know, I don't think I want to negotiate with the United States and spend a decade of trying to enter into an agreement which we all agree on and then have forces in the Congress stop it from even being considered." This Tuna-Dolphin Treaty, which we will apparently not bring up, was supported by the administration. I have letters from Vice President AL GORE, on two separate occasions, to the Republican leader, the Democratic leader, and to Members of Congress saying this is an important treaty, that it should be passed this session. Yet we have forces that say, "No, it is not going to be considered. It is not going to be taken up."

It is interesting that some will say it is not environmentally strong enough.

The Vice President's letter to Senator DASCHLE and myself and to Senator LOTT and everybody else points out the strong support that this treaty has from environmental groups, from fishing groups, from industry groups. It points out that this treaty is supported by major environmental groups including Greenpeace, the World Wildlife Fund, the National Wildlife Federation, the Center for Marine Conservation, the Environmental Defense Fund—all have pledged their support. I commend them, because many times we have not been on the same side on some of these fisheries issues that I have been dealing with for over 20 years as a Member of Congress. But they recognize, as I do, that this agreement is by far the best agreement that countries could ever enter into, to allow an industry of multimillions of dollars to coexist with environmentalists who are legitimately concerned about protecting dolphin as fishermen are catching tuna in the same vicinity, the same areas.

There have been strong editorials endorsing this agreement from the New York Times and from the Washington Post, saying that this, indeed, is a solid and sound environmental treaty and should be adopted by the Congress—and we are not going to even be able to bring it up.

The countries around the world that do tuna fishing and have conflicts with dolphin, that have agreed to make major and significant changes to the way they catch tuna in order to implement this treaty, are now going to have the United States say: Well, we got you to negotiate it, we got you to sign it, we got you to make these concessions, we got you to put observers on your boats but, guess what, we are not going to ratify it now. Sorry, we were just joking.

What kind of feeling do these countries that have spent these years negotiating with us have when they find out Congress is not going to follow through? Countries like Mexico, Venezuela, Costa Rica, Nicaragua, Belize, Honduras, France, and Japan, who fish in the eastern tropical Pacific, Spain, Colombia, Vanuatu, all of these countries have negotiated this agreement in good faith. Environmental groups have signed off. The Vice President of the United States has sent two strong letters saying this should be passed this year, yet we will not bring it up.

I would say that those who think that they somehow are doing something to protect dolphin by killing this treaty are going to find that just the opposite will occur. When these countries that I have just read off find out the United States has turned its back on them at this late date, what incentive do they have to continue to follow the rules of this treaty? None. Mexico, for one, will probably—they should—file a GATT violation against our country because, right now, we are unilaterally banning the importation of tuna caught without following procedures that we have determined are the best procedures. That, in this Senator's opinion, is a clear violation of GATT because it sets into effect a unilateral embargo which is not based on science and not based on environmental concerns whatsoever. It is my opinion, if they proceed—and why should they not?—now to file a complaint against our country for a unilateral embargo of their product, then I suggest that, unfortunately, they will probably win that case against our country.

But even more important than some case before a GATT commission, as serious as that is, I am very concerned that other environmental efforts that people negotiate and try to enter into agreements on with these countries will not be able to be reached. We have just worked very hard with Mexico in order to get them to agree—and the Presiding Officer now in the chair knows this—to get Mexico to agree to take certain actions to protect turtles in their area. We have to do it in our country, and our shrimpers are adversely affected, but we are doing it. We have tried to get other countries to follow the same rules and regulations that we are following in trying to protect turtles. Yet, when we tell them with this agreement, "We do not care what you negotiate, we are not going to enact it," then they are not going to have an incentive to follow these new rules and regulations that they have agreed to.

It is most unfortunate—most unfortunate—we are not able to enact this agreement, which has such far-reaching meaning as far as conservation is concerned.

The current situation is, I think, not very good, frankly. We have all of our people who buy tuna in stores have it labeled "dolphin safe," and that is supposed to mean it was caught without any dolphin being killed by the fishermen. But it only affects one type of fishing, and that is the encirclement method, where fishermen encircle their nets around an area where dolphin are in order to catch the tuna that are below the dolphin. But fishermen can currently use any other effort, from log fishing, from school fishing, from kill fishing for tuna with nets of a certain size, and kill dolphin in the process and still allow it to come into this country and label it "dolphin safe." That is not dolphin safe, if you take it to mean that dolphin should not be killed.

This agreement, for the first time, says we do not care how you fish, let us look at all the methods, and if the methods then produce tuna without any dolphin being killed, then you can label it dolphin safe. That is a huge improvement over the current situation, a huge improvement over the current practices by the industry out there because it looks at all methods of fishing, not just one method of fishing.

So it is very unfortunate that we will not be able to enact this legislation. It really has been bipartisan. We have had professional scientists who are not Republican or Democrat negotiate this for years with these 11 other countries in addition to the United States. We have had strong bipartisan support from Senator STEVENS, a cosponsor of this legislation with me; from Congressman WAYNE GILCHREST from the House side, who has been a leader in this area; from Congressman CUNNINGHAM, who has been very helpful on this. There have been a large number of people and the environmental groups that have recognized this is by far the best opportunity because they see, as I do, these other countries in this area.

I am so distressed that we are wasting this golden opportunity because I think, as other environmental groups think and feel, if we do not enact this treaty, we are going to lose the great progress that has already been made. These countries now that are trying to cooperate are going to lose any incentive to do so. I think, from the gill fishing industry and the sport fishing industry, when these countries see what we are doing to them, they are going to, all of a sudden, say why should we allow you to fish in our waters for marlin and for billfish? They can move in that direction, causing us great problems in those areas, not to mention they would lose their incentive to have observers on their boats, where they now have observers on every tuna boat that reports to the public exactly what happens. If we lose that, do some groups realize what we are losing?

I suggest, in conclusion, we have missed a tremendous opportunity. This is the second time in 1 week I have come to the floor and had to say how unfortunate it is and how saddened I am by the fact we cannot approve agreements this country has entered into in good faith and that we have signed, because some people think they are not perfect. Nothing we do is perfect. But this agreement is a good, solid agreement. It should have been ratified. It should have been approved. Vice President AL GORE was strongly behind it. Responsible environmental groups were strongly behind it. Industry was strongly behind it. It almost makes you ask the question, how can this be?

How unfortunate that is, the situation we are in, and I fear for the consequences in a number of areas, particularly environmental laws, rules, regulations and standards. I think they will come tumbling down as a result of this effort in killing this agreement today.

I yield the floor.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HUTCHISON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO OUR RETIRING SENATORS

Mr. BURNS. Madam President, we are down to sort of the short rows, I guess, of the 104th Congress. We will be saying farewell to about 14 of our colleagues who have chosen to retire from the U.S. Senate, having given a good many years and a good amount of their talents to this country and to this body and, of course, to their constituencies in their respective States.

I have fond memories of every one of them, as I came in 1989 and have been doing business with all of these folks with a great deal of pleasure. But it has not been all pleasure. There has been some bitter with the good. But nonetheless, that is life and that is the legislative process. That is the way it is supposed to be.

I can remember my first speech on the floor of the Senate when I was standing in the Senators' lobby right behind the Senate, and I was a little bit nervous about my first time. Senator SIMPSON of Wyoming, my friend to the south, walked by me and said, "You don't look very good. In fact, you look a little green around the gills and a little pale." I told him, "You know, I've been in the auction business a long time and the public speaking business a long time, and this is the first time I think I've ever really known a little bit of fear." I was apologetic for that. I remember his answer was, "If you weren't a little bit afraid, we'd be worried about you."

He has been a great teacher, Senator SIMPSON. I cannot imagine this U.S. Senate without his presence, without his wit, without his humor, without his approach not only to the legislative process, but his approach to life, because I can remember when we used to have the old off-the-record days and the dialogue between the press and this body, and especially with him and his wife Ann and his family. We will miss them in the Washington scene.

Senator HEFLIN is going back to Alabama—the judge, we call him—who has been a teacher to me on the Energy Committee, facing some of the same kinds of problems in our respective States, even though he comes from the Southeast and I from the West.

Senator KASSEBAUM. NANCY will go home to Kansas. Kind, thoughtful, I did not always agree with everything she espoused, and she with me, but nonetheless I will miss her.

Senator SIMON from Illinois we will miss, with his voice, very distinctive voice in this body. But I think we will also miss the pragmatic way he confronted life in this body and what he could do. He will go home to southern Illinois, and we will miss him.

Senator PELL and his longtime association with foreign policy.

I can remember as a young man traveling for the American Polled Hereford Association, and I had the opportunity to travel to the Pacific Northwest, to Washington and Oregon. I can remember when I went to Oregon, MARK HATFIELD was Governor of that State. I deemed it a great, high honor to serve with him in his capacity both in Energy and Appropriations here, and I thought he was an outstanding Governor of the State of Oregon.

SAM NUNN will be missed. He is the leveling effect on the Armed Services Committee. We have had great shifts ever since the Wall came down in this historic time that he chaired that committee, and also as the ranking member in the last 2 years. But nonetheless, he was the chair when the Wall came down with a tremendous change, a tremendous shift in power, in world politics and in world military might. It happened on his wave. While I was concerned about this Russian situation, can they feed themselves; he was concerned, can they take care of all of the bumps in the road and the landmines that they will encounter while making this great transition from a world power into a market economy and providing more freedom for their people?

Senator BRADLEY, who has roots in Missouri, the same as mine, has done what he thought was right, not what everybody else thought was right.

We will miss DAVID PRYOR because he will go home to his homeland of Arkansas. Quiet, persuasive, knowledgeable, dedicated.

BENNETT JOHNSTON, who was the chairman of the Energy Committee when I first went on the Energy Committee. Again, he had a leveling effect because of the many contentious issues and emotional issues that we are confronted with every day when you come from a State that has a high proportion of public lands where the Government is really your neighbor, in fact the Government is the biggest neighbor you have. Thirty-eight percent of the State of Montana is owned by the U.S. Government.

For some of you who are not aware what it is like to live next to where the Government owns everything, there are times when they are not very good neighbors. Kind of like the fella who moved into your neighborhood, and they asked, "How are the neighbors there?" And he says, "How were they where you come from?" You know, they really do not practice that kind of philosophy sometimes.

But Senator JOHNSTON is one of those people who tries to level out the bumps, take some of the emotion out of it, to at least look at the public lands policy as far as the right thing to do for the land and the right thing for the people, for the people who lived where those lands existed, and the impact it would have on their lives. I appreciate that.

HANK BROWN of Colorado will go home, back to Colorado. I think he probably is one of the most intelligent men in this body, whose mind is so curious and his approach to life is so pragmatic that he will be sorely missed in this body. Probably there are not a lot of folks across the Nation who will really appreciate what he contributed to the Senate and what he has contributed to the United States of America, because he quietly goes about his way in doing the right thing, and very intelligently.

JIM EXON was the Governor of Nebraska when I was traveling through Nebraska. There again, he is known as one of the outstanding Governors of the State of Nebraska. Nebraska is a diverse State, kind of like Montana, but of course a lot more robust because they have great agriculture across the State with all the different kinds of agriculture, because if you will look at Nebraska, it is pretty long. You have most of the manufacturing, farm manufacturing, which all pertained to agriculture, and the little towns in eastern Nebraska and the great grasslands and the sand hills to the west, and, of course, the North Platte River. I speak of Nebraska with great respect because I happened to have married my wife in Nebraska. I understand those folks. Of course, she comes from ranching people and the livestock industry. So we understand that.

SHEILA FRAHM will not be coming back after we drop the gavel on Congress. She will go back to Kansas, coming from a great part of Kansas, the western part, just about where the next Senator who will speak came from years ago, the able Senator from Pennsylvania.

All of these individuals will be missed for their individual talents and the resources they brought to this body. That is what we are, 100 different minds. We are 100 different methods of approaching different problems that this country faces.

I deem it a great honor to serve in the U.S. Senate with these men and women who we will not see on this floor again when the gavel falls this week. I say to my special friends, and especially to ALAN SIMPSON, who way back in 1988 was part of me getting into this political arena, we do not say goodbye, we just say so long, because even though our trails fork at this juncture in our lives, that is not to say that our trails will not cross in the future again.

I thank them for what they have given this body, for the service to their constituency, but, more importantly, I thank them for their service to the United States of America. It will never be forgotten.

I yield the floor.

Mr. SPECTER. Madam President, I ask unanimous consent I may speak for up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT TODAY

Mr. SPECTER. I note no other Senators on the floor, Madam President, on this unusual Saturday session. There are a number of subjects I will address this morning, so I have asked for that period of time.

Madam President, at the outset, I want to express my concern, reservations, and perhaps objection to the process which is now underway to have an omnibus appropriations bill to fund the Federal Government into the next fiscal period starting Tuesday, October 1, which is being added to a conference report on the Defense appropriations bill.

I am concerned about that because it is an extraordinary procedure, probably never before undertaken in the Senate—at least I have not talked to anyone who knows that it has been undertaken. It totally undercuts the traditional procedures of the U.S. Government under our constitutional mandate on separation of powers. In effect, it drastically alters the rules of the U.S. Senate through what is essentially a procedural device to present to the Senate a conference report where there is a single vote without the opportunity of the Senate to make any amendment.

Now, traditionally and under our rules, a Senator may offer an amendment to any bill at any time with unlimited debate unless cloture is invoked. The Constitution and the rules of the Senate have given that extraordinary power to each Senator in order to slow down the legislative process. When the Constitution was adopted, the Senate was supposed to be the saucer which cooled the tea, the hot tea, as it came from the House of Representatives. Senators were really in a sense ambassadors from each of the sovereign States to the Congress of the United States, where we express the views of a sovereign.

That really is not true anymore, as the authority of the central Government has pretty much taken over and relatively little is left of the 10th amendment on reserving rights to the States. All that is coming back a little with the Supreme Court decision in Lopez, which gives more rights to the States. That is a complicated subject, but while the Federal Government has taken on more and more power, at least the Senate has been a bastion where we could take some time and debate issues. That will be totally gone as we work through the balance of the appropriations process and have only one vote on the conference report. I think that is a real danger to our system.

In a sense, we have only ourselves to blame. As appropriations bills have come to the floor of the U.S. Senate, while Senators have acted within the technical rules, the spirit of the process has, in my judgment, been abused. We have had the Interior appropriations bill, for example, on the floor of the Senate, when we should take up very important matters concerning the national parks and other matters related to forests and the environment. But, instead of dealing with the Interior appropriations bill, Senators have insisted on offering amendments on other subjects, many of them legislative authorizations outside the purview of the appropriations process, with an enormous amount of political gamesmanship and one-upmanship and a real effort to outbid or embarrass the other political party. It is done on both sides. I do not say this in the context of criticizing the other party.

The subcommittee which I chair on Labor, Health and Human Services, and Education never even had its bill come to the Senate floor because it was anticipated that it would be very contentious and that many diverse amendments would be offered. At least it has been my hope and the hope of Senator HARKIN, the ranking Democrat, that we would have a chance to bring the bill to the floor. Instead, the bidding war on education started on the Interior appropriations bill. That is why the Interior appropriations bill was pulled down.

Last year's budget, which we should have finished on September 30, 1995, was not finished until late April 1996. On that bill earlier this year, Senator HARKIN and I came forward with a bipartisan approach to add $2.7 billion so we could have adequate funding on Education and on Health and Human Services and on Labor, where a big issue was worker safety.

We have found within the appropriations process itself, that the subcommittee chair and the ranking members have been able to work on a harmonious basis and really get the job done in the kind of collegiality and a relationship that develops when you work with an individual and move ahead. Just as the distinguished Senator from Nebraska, Senator BOB KERREY, and I have done on the Intelligence Committee, where I serve as chair and Senator KERREY serves as vice chair. We have had very contentious issues which have potential partisan overtones, some fierce matters there that we have kept under wraps.

We are still working on that, as a matter of fact, in the closing days of the Congress. We have done that because of our concern, shared by the Intelligence Committee members generally and by the distinguished presiding officer, who is a member, because of our view that a bipartisan and nonpartisan approach to intelligence matters and comprehending foreign affairs is very important for the welfare of the country. And as I say, the subcommittee chairs have done that. Senator HATFIELD made a report yesterday to the Republican caucus identifying quite a number of chairmen and ranking members who have been able to work it out on a harmonious basis, which is the essence of compromise in a democracy, to get it done. But when the matters come to the floor, and 100 Senators are present, the temptation has been, so far, irresistible to add so many items to the appropriations bills that bills have had to be pulled down.

The Appropriations Committee has become even more powerful. There are always comments about the "powerful Appropriations Committee." It has become even more powerful because, at present, its bills are the only bills that have to be passed. And so many of the matters—not all, but so many—on authorization come to the Appropriations Committee. We are wrestling, right now, with many requests from Senators to have authorizations done on the appropriations bill for Labor, Health, Human Services, and Education. Other bills don't have to be passed, but the spending bills have to be passed, or else the Government comes to a halt. So the Appropriations Committee has the bills that are the last vehicle.

Now we see a total subversion of the process, when we have so many appropriations matters coming up in this one omnibus measure and it isn't even brought to the floor in the traditional way so that amendments may be offered. It will come over as part of a conference report, which will not allow any Senator to do anything except have one vote, "yes" or "no," on that report. That is a subversion of our process.

It is my hope, Madam President, that next year we will finally get some rules changes, so that on appropriations matters we have only germane matters related to the bill. We would still leave ample Senators' rights, in a variety of ways, but not, for example to bring to the Interior appropriations bill an education issue. Education is a very popular matter, a very important political matter, and Members of both parties seem to want to gain a political advantage in outspending the other party on education. Well, Senator HARKIN and I were able to accomplish that in April with the amendment we offered on a bipartisan basis, which got 86 votes. That is a lot of votes around this place. That is the way we should have handled it this year, instead of the bidding war, which required the Interior bill to be taken down. That is only one illustration as to how extraneous matters have really led us to a position where the conclusion, far and wide, is that we have to go to this single omnibus bill, now tacked on to a conference report.

Many people have asked me when the Senate is going to adjourn. My standard answer has always been that the Senate will adjourn when the last Senator stops talking. And that is a very questionable and indecisive matter. That draws a smile from the Presiding Officer. When will the Congress go out of session? Who knows? A couple of the barometers are, when the time is up, or exhaustion totally sets in. The time is up on September 30, Monday, at midnight.

So we now have a schedule, with this extraordinary process, to finish up our work in advance of that date. Frequently, exhaustion and time run out at about the same time. The negotiators in the appropriations process worked through until 4 a.m. yesterday morning, and I believe until about 7 a.m. this morning—not exactly conditions to have the optimum deliberative process on what we were accomplishing. But it is illustrative of the fact that the only time when these matters are settled is when exhaustion sets in or the time has run out. This year, there is one other ingredient, and that is leaving Washington to campaign. When the self-interest for reelection appears, it is a pretty substantial motivating factor for Members of Congress. Members are no different than anybody else in the motivation to keep their jobs. When that sets in, there is an additional ingredient—and that is certainly present at this time—when Members up for election want to go home to campaign to keep their seats.

Madam President, on another aspect of the same issue, we have seen in this legislation a process which I believe is a perversion of the constitutional mandate of separation of powers which makes the Congress of the United States responsible for legislation. The President of the United States, after Congress acts, is responsible for signing or vetoing a bill. And then if it is vetoed, the Congress of the United States can override, in the legislative process, with a two-thirds vote.

But this year, instead, we have had the executive branch as a prime participant in the legislative process. We have had the President's chief adviser, the very distinguished Chief of Staff, Leon Panetta, sitting in on the appropriations negotiations, which I have been a party to when they have affected the subcommittee jurisdiction that I chair. Mr. Panetta is there as the President's representative, to say whether or not what the legislators want will be acceptable to the President. I say that is just wrong, plain wrong, constitutionally. The President, the executive branch, ought not to be involved in the legislative process. We legislators ought to hammer out our ideas and our differences on the floor of this body and on the floor of the House, and we ought to go to conference and resolve the issues, and then we ought to present them to the President. At that point the President should exercise his constitutional responsibilities, instead of exercising our constitutional responsibilities earlier. There is a very, very serious problem of separation of powers at issue here. Here the powers are not separate; the powers are intermixed. That is not the way it is required under the Constitution.

It makes me wonder about where the President is. You have a situation where a deal was struck, apparently, in the early morning hours this morning, about 7 a.m. It is obvious, on the timetable, that the President could not have been informed of and given his approval to that deal. The obvious fact is that the President has delegated his authority to the Chief of Staff. You wonder, at least on appearances, if the President ought to be informed, at least on the outlines, as to what has been done, so that the President can exercise his authority under the Constitution to give consent to what the legislature has done. There is not even any respect for appearances here. The deal was done, cut and dry. There is no way the President could have known what was happening. That makes you wonder about delegation of authority.

The President really doesn't have the constitutional authority to delegate his responsibility, just as I can't allow staff, or anybody else, to come in here and vote for me. The President has the responsibility to review what Congress has done and decide whether or not that is acceptable to the President of the United States, who is duly elected. But there, again, in the rush to exit, constitutional mandates are blindly ignored.

I believe, Madam President, that this is a—it is hard to find the proper word—dastardly, reprehensible, outrageous precedent to set as we finish up our important responsibilities in Washington. Part of the problem arises as so much of the work of the Congress is being dominated by political considerations, or by those at the far ends of the political spectrum, leaving very little of centrism in the work we do.

It is very important that the Government of the United States, in my opinion, be governed from the center. You see that in the public reaction to what is going on. You see that in President Clinton, who is trying to establish a centrist position, which has been successful politically, because the people of the United States want to be governed from the center. You see that with Senator Dole, in his campaign for the Presidency, wanting to move to the center.

If I may make a personal reference, when I advanced my candidacy for the Republican Presidential nomination, I was a centrist, and many people have said to me recently, "ARLEN, Senator Dole is now adopting many of the positions you articulated when you ran for the Republican nomination." My immediate response has been that if Senator Dole had articulated my position in his quest for the Republican nomination, he wouldn't have been the Republican nominee. It is very much illustrative of the campaign of Senator McGovern, whose candidacy was supported by people at one end of the political spectrum. In short, we have seen the primary process dominated by people from each end of the political spectrum.

I do not say that in a critical way, notwithstanding the fact that my efforts for the nomination met with so little success. I compliment the people who participate in the primary process because it is a very tough job to go out there in the winter snows of New Hampshire, to go through the farmlands of Iowa, or to travel this country from one end to the other.

Former President Nixon wrote to Senator Dole that you have to attract the people at one end of the political spectrum to win the nomination, and then you have to rush back to the center for the general election. We are now going to see if that is possible in a political contest. But just as we have seen the primary process dominated by people at each end of the political spectrum, we have seen the work of the U.S. Senate also not benefited from the center.

When I came to this body after the 1980 election, I frequently said that out of 100 Senators, there were 40 on each side who took ideological positions—maybe 35—leaving 20 or 30 of us in the center to be the decisive voices. Now we find that number has been reduced drastically. That is part of the reason we have had such contentious debates in the Senate and why we have not been able to do our work in the traditional legislative way. We could have produced a budget differently than through this continuing resolution as part of a conference report. I think we are all going to have to try harder to do better next year.

We find with those who are departing from the Senate that we are losing a tremendous number of centrists. That is going to mean a heavier responsibility on those of us who are here next year to perhaps put aside some of our ideological predilections or preferences, and try to move to the center.

It is hard to calculate why we are having Senators leaving this institution in unprecedented numbers, and maybe it is the contentiousness in this body which has caused this to happen. We are losing an extraordinary group of Senators.

First, in priority, is Senator MARK HATFIELD, who has done such an extraordinary job since being elected in

1966; with an extraordinary conscience; taking stands which have pitted him really against the entire body of his own political party and voting as he did on the constitutional amendment for a balanced budget. I think he was the only one out of 54 Republican Senators to vote against the amendment, and although I didn't agree with him on the vote, I admired his courage. He has been up all night working through as the chief negotiator, as the center, on this continuing resolution.

We are losing SAM NUNN, who is without peer when it comes to matters of military affairs. Like MARK HATFIELD, BILL COHEN, NANCY KASSEBAUM, and ALAN SIMPSON, when SAM NUNN speaks—like E. F. Hutton—"everybody listens."

We do not have anybody who is irreplaceable, but we are going to see what is going to happen on the Armed Services Committee, Madam President, where you serve, as to what is going to be done without SAM NUNN's voice—a big, big loss—and he is very much a centrist.

We are losing an extraordinary Senator—really, a great Senator in every sense of the word—in BILL COHEN. For those of you who really want to get to know BILL COHEN, you ought to get a volume of his poetry. I have had a chance to hear his poetry publicly and quasi-privately in our Intelligence Committee deliberations and hearings which are not public—but with extraordinary depth, and he has also made an extraordinary contribution as a centrist.

Senator NANCY KASSEBAUM is leaving. She had the extraordinary skill to bring forward reform on health care that so many of us talked about for so long with the Kassebaum bill, where finally we made some key structural changes without the massive proposals advocated by the administration depicted on the chart which my staff and I prepared, and which Senator Dole used last week in an attempt to depict the complicated bureaucracy the administration wanted to create. But when the chips were down, with one of her last two legislative acts, Senator KASSEBAUM led the way with health care reform.

We are losing another key centrist in ALAN SIMPSON, who has been able to bring so many people together with his wisdom and his sense of balance, illustrated by a sense of humor, in the work that he has done on the immigration bill, which is not yet completed. But he has been just extraordinary. He held the fort on the Gallegly amendment, which would have deprived education to children born of parents who are illegal immigrants. While we ought to protect our borders and not have illegal immigrants in the United States, we certainly ought not to deprive children of their educational opportunities, which will just haunt American society, where they will not be able to support themselves in adulthood and where they will be delinquents and perhaps criminals on the streets.

Madam President, may I inquire as to how much of the 20 minutes I have left?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. I ask unanimous consent that I made proceed for an additional 10 minutes. No Senator has come to the floor in the interim. So I am not depriving any of my colleagues of an opportunity to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

HOWELL HEFLIN is leaving, and he is also a centrist. I worked with Senator HEFLIN on the Judiciary Committee. He has made an extraordinary contribution as we have worked through some of the toughest problems on the nominating process—Judge Bork, Justice Thomas—the whole process.

Senator BRADLEY, perhaps not quite a centrist but not too far from center, has made an extraordinary contribution as he has done so much to awaken America to the problems of racism coming from a State with big cities, an issue that I have worked closely with him on.

Senator BROWN is a key loss—another centrist. I sat next to him on the Judiciary Committee. He would whisper most of the questions which have gotten me into so much trouble on the Judiciary Committee, also with a great sense of humor.

And Senator BENNETT JOHNSTON, who has added so much in four terms; Senator PRYOR, who has added so much in three terms—both southerners, but having a much broader focus than simply on the South.

Senator EXON who has contributed so much on Armed Services and as ranking member of Budget.

And Senator SHEILA FRAHM, who is here for too short of a period of time. Senator FRAHM comes from western Kansas, almost on the Nebraska border, on the northern Colorado border in the West.

As Senator BURNS said a few moments ago, my home was originally in Russell, KS, a hometown I share with Senator Dole.

While these outstanding men and women will be departing and many friendships will be lost, or at least not as close, the real meaning for the country is the issue of losing so many of this group which have contributed so much to the center and, I think, to the importance of governance in America.

THE PROBLEMS IN THE MIDEAST

Mr. SPECTER. Madam President, I would like to make some brief comments on the escalating problems in the Mideast, with the Israeli-Palestinian clashes which have been on the front pages, and which have been on the television screens, and my urging of parties on all sides to accelerate negotiations, because I am personally convinced that the bloodshed can be brought to a conclusion and that the peace process can move forward if the parties return to the bargaining table—and return to those pictures which are so meaningful of Israeli Prime Minister Benjamin Netanyahu and the Palestine Chairman Yasser Arafat shaking hands and talking out their problems.

I make this recommendation having been in Israel last month and having had a chance to talk with Prime Minister Netanyahu and Chairman Arafat. I am convinced that both of those leaders do want peace. And, candidly, it has been a tough time, watching Chairman Arafat honored on the White House lawn back on September 13, 1993. But my view is that now that the Israelis, who have been the chief victims of PLO terrorism, have welcomed Chairman Arafat, I think we in the United States should do what we can to promote the peace process.

Prime Minister Netanyahu is new at the job but a man of tremendous abilities—substantial experience generally, but limited experience as Prime Minister.

After talking to Prime Minister Netanyahu, I know that he wants to work out the issues—they are complicated. There is Hebron, where there are Jewish settlers, and the issue is, what will the degree of Palestinian control be. There is Jerusalem, which is the Holy City and in which the controversy has arisen over the tunnel. And there are so many corollary problems such as the closure of the borders to Israel, an act Israel took for very strong security reasons but which is causing very substantial economic losses to the Palestinians.

I think the administration has done a good job there with the work of Dennis Ross, as a de facto roving ambassador, talking to the parties and trying to work through the issues. That is a matter which I think requires expedited assistance from the U.S. Government and others to try to bring those parties back to the conference table, to try to work out their problems, to try to stop the fighting and the bloodshed, and to move the peace process ahead.

While the Palestinian-Israeli problems are taking the front pages, the Syrian-Israeli problems still are very prominent, with the Syrians still undertaking military maneuvers which may threaten Israel.

I had an opportunity to discuss those issues when I was in the area last month with Syrian President Assad and also with Prime Minister Netanyahu. In fact, I carried two messages from Prime Minister Netanyahu to President Assad. One was on the subject of Israel's interest in cooling the contentiousness on the southern Lebanon border, where Prime Minister Netanyahu had publicly said that Syria would be held responsible for the Hezbolla attacks on northern Israel. President Assad's response was that those military maneuvers were not with hostile intent but were really of a routine nature. Whether that is exactly so or not, that process has to be moved forward.

Prime Minister Netanyahu asked me further to convey the message that he personally would engage in the negotiations, leaving, of course, the option to President Assad as to whether he would or would not so participate. But there again I think the administration has done a good job. I think the roving de facto ambassador, Dennis Ross, has done a good job. Those matters have to be moved forward through the negotiation process. I urge the parties to move ahead there. It is difficult, obviously, for Prime Minister Netanyahu to be handling the Palestinian controversies at the same time, and they are on the front part of the front burner, but the Syrian negotiations have to be addressed as well.

GULF WAR DRUG TESTING

Mr. SPECTER. Mr. President, I wish to comment briefly on a report on damage to United States troops from exposure to Iraqi poison gas back in 1991 during the gulf war. This is a subject on which there was a joint hearing earlier this week, on Wednesday, of the Intelligence Committee, which I chair, and the Veterans Affairs Committee, on which I serve, chaired by Senator ALAN SIMPSON.

During the course of those hearings, we heard from the chief medical officer of the Department of Defense, Dr. Stephen C. Joseph, as well as representatives from the CIA and the Veterans Administration. The views expressed by Senators on both sides of the aisle were that the Department of Defense had not done nearly enough to respond to the ailments which came out of that exposure to Iraqi chemical warfare agents.

There were those, principally Senator SIMPSON, who made the point in his customary strong way that the evidence was inconclusive, saying that people had not shown the effects of the poisonous gas immediately and that would have happened if there had really been a problem, and was in defense of the Department of Defense.

Virtually every other Senator—and I think some 14 attended, from both sides of the aisle—was very critical of what the Department of Defense had done. And perhaps no one was more critical than Senator ROCKEFELLER, the ranking Democrat, on the Veterans' Affairs Committee. He has sent a letter, which I was about to cosign but could not quite review fast enough on Thursday, over to the Pentagon and Secretary Perry asking for more action. In that letter, Senator ROCKEFELLER was very explicit about what the Department of Defense had not done in acting on the complaints of the service men and women in the area.

This morning the Washington Post has a story, page A18, which I will ask to be made a part of the RECORD as if read in full, which is headlined "Pentagon Alters Stand on Gulf War Testing." The second paragraph—almost completely reversing comments made at a Pentagon briefing Thursday, that is, the day after our hearing—says that our troops were not told the drug was being used on an investigational basis and might have side effects, but said that information was not deliberately withheld from them.

Mr. President, it is a little hard at this stage to say that where you have withheld some key facts, it was not deliberate. After all, why wouldn't people on whom the drug was being used on an investigational basis be told? How can you say it is not deliberate if you do not tell people that they are, in effect, guinea pigs or not tell them that it might have side effects. Any person is entitled as a matter of fundamental fairness to know that. How can you subject someone to a drug testing without them being told that? It is more than a little incomprehensible.

The article then goes on to say: "On Capitol Hill, Senator JOHN D. "JAY" ROCKEFELLER called on Defense Secretary William J. Perry to fire the Pentagon's top health official."

Saying that the Department of Defense had squandered its credibility, which is a conclusion reached by the staff of a Presidential commission which I brought out at last Wednesday's hearing.

Then the article concludes by noting that Secretary of Defense Perry and Deputy Secretary of Defense John D. White "continue to have the full and utmost confidence" in the health leadership at the Department of Defense and that no "health changes" in "health leadership are being contemplated."

That, of course, again is a little surprising in the context that Secretary Perry could not conceivably have had an opportunity to review the Senate hearing since he has been at a NATO meeting. And when we have a hearing like that and many Senators are present and express themselves and facts are brought out, one would at least think that the Secretary of Defense would review the matter, or the Deputy Secretary also could not have had an opportunity to go through the complex matters which were raised at that time.

I ask unanimous consent a copy of this Washington Post article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 28, 1996]

PENTAGON ALTERS STAND ON GULF WAR DRUG TESTING

The Defense Department said yesterday it did not deliberately withhold information from U.S. troops in the 1991 Persian Gulf War on an anti-nerve gas drug to keep Iraq from learning about U.S. defenses.

Almost completely reversing comments made at a Pentagon briefing Thursday, it said troops were not told the drug was being used on an investigational basis and might have side effects but said that information was not deliberately withheld from them.

Researchers are studying whether the drug, pyridostigmine bromide (PB), in combination with chemicals in the Gulf War, might be one cause for illnesses among thousands of veterans.

On Capitol Hill, Sen. John D. "Jay" Rockefeller IV (W.Va.), called on Defense Secretary William J. Perry to fire the Pentagon's top health official. Rockefeller, the ranking Democrat on the Senate Veterans Affairs Committee, told Perry in a letter that the Pentagon has "squandered its credibility" on the issue of Gulf War illness.

The senator did not name a specific official in his letter. But a spokeswoman for Rockefeller, Laura Quinn, said he was referring to Stephen C. Joseph, the Pentagon's assistant secretary for health affairs.

Perry has been attending a NATO meeting in Norway, but a spokesman said both Perry and Deputy Defense Secretary John D. White "continue to have the full and utmost confidence" in Joseph and that "no changes" in "health leadership are being contemplated."

Mr. SPECTER. Finally, I now turn to the introduction of legislation. I ask this be under a separate heading in morning business.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair will advise the Senator from Pennsylvania that his time has expired.

Mr. SPECTER. I ask unanimous consent for 3 additional minutes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Pennsylvania, I be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank my colleague from Texas for yielding me the additional 3 minutes. She had been presiding and has been waiting now to speak, and I will conclude briefly.

THE PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

MR. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2154 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under a previous unanimous-consent agreement, the Chair now recognizes the Senator from Texas.

THE CONTINUING RESOLUTION

Mrs. HUTCHISON. Mr. President, I rise today with a sense of both joy and disappointment as I am being briefed by my staff about what is the purported agreement for the continuing resolution that will fund our country for the next year. There are, indeed, some very good parts of that bill. But I have to say that the distinguished Senator from New Hampshire, Senator GREGG, made a compelling speech this morning about many of the fine points of this bill that are atrocious, and talking about dealing with the administration, the administration which changed the negotiating points constantly throughout this process. I think it is a sad way that we are going to end this session, that the administration has come in at virtually the last hour and held the threat of shutting down Government and blaming the Republican Congress for doing it, in an effort to win things that have been lost on the floor already.

So, it is with mixed feelings that I rise to talk about what is in this bill, both good and bad. I am very pleased that we are going to satisfy the basic responsibilities that we must. We are going to support our troops in the Mideast and in Bosnia. But we are going to do it with $1 billion less than we had hoped we could have in our defense budget because this is not a safe world. As we were sending troops into the Middle East—because in many ways it looks as if we did not have a clear policy on the Kurds, but nevertheless we sent troops in to reinforce—as we were doing it, the administration was asking us to cut the defense budget. We are going to be able to do the basic things that we need to do, but we are not making the plans for the future that we must make for our country to be secure from incoming ballistic missiles, in theaters, wherever our forces may be, to be secure from incoming ballistic missiles. We are not doing what we ought to be doing to plan for the future strength of our military so we will remain ready for any contingencies that might occur.

We are not planning as we should. I hope that next year, when the elections are over, we will be able to commit the amount of money and resources we need, first, to make sure that America stays secure and strong and, second, that we will protect our troops from disasters like the bombing that we saw just a few months ago in Saudi Arabia.

We are going to give pay raises to our young men and women in the military, who so richly deserve them, 3 percent pay raises. That is a good part of this bill. But we are not planning enough for their future with ballistic missile defenses and other major pieces of equipment and technologies that would look to the future so an incoming ballistic missile can be stopped before it goes into its downward track.

Mr. President, we are going to increase with this bill funding for breast cancer research, a long time coming. Women's diseases in this country have been made short shrift by Congresses of the past, but not in this Congress. This Congress has increased funding for breast cancer research and osteoporosis research, diseases that particularly afflict women in our country, and I am proud that we are doing that.

We are going to more fairly distribute the money for Amtrak in our country. I fought hard for that, and I appreciate the fact that all of us came together on a bipartisan basis to strengthen Amtrak for our country and to give all of the States that were told 2 months ago they would lose their service of Amtrak, including my State of Texas, but many States across the western part of our country.

We were told that we would have 90 days and these routes would be gone. Mr. President, 90 days is not enough for a State to be able to come in and add funding, resources to keep lines like this open. You have to have better planning. Most States have biennial legislatures. My State certainly does, and I wanted a 6-month extension to give all of us a chance to see if the States can come up with a better plan to help keep Amtrak service in our States, because I believe in a balanced transportation system, and I believe Amtrak is a major part of that.

Because I like the idea that we can have a bus feeder system into Amtrak stations so that people who do not have the mobility that many in our urban areas have will have access from the small communities of our country into the Amtrak stations, into our cities and our mass transit systems, and into our airports. That is what Amtrak can be if we can get a good system for Amtrak where the States and the Federal Government come together. So this bill does fund a 6-month extension for those important Amtrak lines that were told that they would close.

We are going to increase funding for medical research, including AIDS. AIDS is an epidemic in this country, and it is time that we realize it is hitting children, babies, as well as people from all walks of life. It is a tragedy, and we should be increasing our commitment to finding out what causes this deadly virus so that we can do something to save the lives of innocent people, and we are doing that.

We are putting major resources into antiterrorism measures and also drug interdiction.

Mr. President, we have been hearing just recently in the last 6 months about incredible statistics showing that drug abuse is now going back up among our teenagers and, even worse, Mr. President, under teenagers—under teenagers. Our children, starting at the age of 9, are abusing drugs in this country. This is a crime, it is a disease, and we must get rid of it. So our bill will put the resources into that.

But I am very concerned about the illegal immigration bill and what the administration did in negotiating that bill. That bill passed this body months ago. We had a strong bipartisan effort for a bill that does give us the tools to stop illegal immigration into our country that costs our taxpayers hundreds of millions of dollars. It was told to us that the bipartisan bill would be signed. It was told to us by the President that he would sign the bill. Yet, after that representation was made, he came in with the threat that he would shut down Government and blame the Republicans for it and reopen the illegal immigration bill that had bipartisan support in this Congress.

It appears that that bill has been changed and some of the key provisions have been taken out, such that a person on welfare would be able to bring other immigrants into this country and supposedly vouch that they would not become dependent on taxpayer resources. A person who is dependent on taxpayer resources saying that they will support another person coming into our country and that they will not be supported by taxpayer resources, how naive can we be?

Mr. President, I am hoping that this Senate will be able to vote on a bill, that we have already passed in both Houses of Congress, on Monday that will put those key provisions back in to the illegal immigration bill so that we will have teeth in it and we will protect the taxpayers from people who would come to this country with their hand out rather than coming to this country in the spirit and tradition of the legal immigrants looking for the opportunity to do better for themselves and for this country.

I am very concerned that we would renegotiate the bill on illegal immigration that gives us the chance, finally, to say it means something to be a legal immigrant in this country, because if you come in illegally, there will be a price to pay and that price is that you will not be able to come into our country and seek citizenship for 10 years if you have broken the laws of our country by entering illegally.

I hope that we can pass the illegal immigration bill in its entirety on Monday and that we will not succumb to the pressures from the White House to renegotiate a bill that the President said he would sign after it had already been agreed to by both Houses of this Congress on a bipartisan basis.

I commend our majority leader, Senator LOTT, who came in to his job quite suddenly just a few months ago without very much notice and, yet, has fought so hard to make Congress live up to its responsibility to the people of our country and pass the laws that will improve the lives of the people of our country and improve accountability to the people of our country. He has said we must fund our Government in a responsible way, and he set out to make that happen.

So with very little experience, our majority leader has done an incredible job of making sure that we do not let the people of our country down, but it has been made a very difficult chore for him by a constantly moving negotiation.

We talked about the great sports metaphor using the goal posts. As the distinguished Senator from Wyoming said yesterday, we not only moved the goal posts, we moved the whole game. We moved it out of the stadium by acceding to a President's wishes who would not say, "A deal is a deal," and kept saying, "A deal is a deal, but what more can I get?"

So, Mr. President, I hope that, if this continuing resolution passes, we can reform the procedures here and that we can have a President whose word is good so that we will be able to become accountable to the taxpayers of our country, let the taxpayers know that they are getting their money's worth and that the test will be able to stand the light of day. Thank you, Mr. President. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, before I get into what I came on the floor to remark about, if I could just comment on the last part of what the distinguished Senator from Texas had to say.

While I would differ with her characterization of President Clinton's posture, her praise for Senator LOTT as majority leader is right on target. I had the privilege of serving with TRENT LOTT in the House and now here in the Senate. When a new leader comes in, there is a big question mark. Frankly, I did not know what kind of a majority leader he would be. My impression is he is serving his party and the Senate and the Nation very well. I, as one who was uncertain, now have the impression that Senator LOTT and his leadership is going to be very good for the Nation.

Mrs. HUTCHISON. Will the Senator yield?

Mr. SIMON. I will be pleased to yield to my colleague.

Mrs. HUTCHISON. Mr. President, I just want to say that the statement that was just made by the Senator from Illinois is so typical of this man, who is probably spending his last hours with us in the U.S. Senate. His voice of reason, his absolute integrity, and his willingness to say what he thinks about a Member of the other party, regardless of what it is, is always said in a civil way, and in this case I think very much on target. I just want to say that his distinguished voice will be much missed in the next convening of our U.S. Senate.

Thank you, Mr. President. I yield the floor.

Mr. SIMON. I thank my colleague from Texas. Let me add, it is typically gracious of her to have made those remarks.

MANDATORY SENTENCES

Mr. SIMON. Mr. President, my reason for coming to the floor is to say that I have a hold, and will continue to have a hold, on a bill that deals with pornography for minors until the mandatory sentence provisions are removed. I have always opposed mandatory sentences, for reasons that I will spell out in a moment.

I do believe that we have to be tougher in this area of pornography and making it a Federal offense, when frequently interstate commerce is involved and cannot be proved, I think is a wise thing.

I differ with the idea of mandatory sentences. I have always opposed the mandatory minimums. Mandatory minimums are good politics but bad justice. Chief Justice William Rehnquist, with whom I do not always agree, has said, Congress is making a great mistake in passing mandatory minimums. I think he is correct.

Part of the mandatory minimums on this pornography bill—and all of us are saddened when we see the kind of pornography that occasionally is in our society—but, for example, it has a two-strikes-and-you're-out provision.

Let us just say an 18-year-old is involved in pornography with a 16-year-old. I do not for a moment defend that reprehensible conduct. But if we pass this bill as it is, that 18-year-old would be sentenced to prison for the rest of his life. I do not think we are in a position to judge the situation.

A long, long time ago, a man by the name of Plato wrote a book called Republic, in which he said, "Elect good judges"—maybe he said "select good judges;" I am not sure which it was—but then leave the sentences up to the judges. I think that is sound. That is what Chief Justice Rehnquist says we should do, and I believe that is what we should do.

So, as long as the mandatory minimums are in the bill, I will object. The idea of strengthening our laws against pornography I strongly favor. But I think the sentences should be up to the judges, guided by the sentencing commission.

TRIBUTE TO SENATOR FRANK MURKOWSKI

Mr. SIMON. Mr. President, I see my distinguished colleague from Alaska on the floor. Let me just add, I inserted something in the RECORD not too long ago. Senator MURKOWSKI has been one of the leaders in trying to fashion responsible policies toward North Korea. The one area in the world where you have more troops facing each other, with virtually no contact between the two sides in terms of communication, is North Korea and South Korea. Senator MURKOWSKI, who does not get any votes in Alaska by providing leadership in this area, has rendered a service to this Nation by trying to guide us in a sensible direction. Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if I might ask, are we under a 5-minute time limit for morning business?

The PRESIDING OFFICER. The Chair advises the Senator from Alaska we are in a period for morning business with each Senator's remarks limited to 5 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

TRIBUTE TO SENATOR PAUL SIMON

Mr. MURKOWSKI. Mr. President, I was hoping to respond to my good friend, the senior Senator from Illinois, with regard to his remarks on North Korea. Having had an opportunity to travel to North Korea with Senator SIMON, I have often reflected on the value of that trip and the understanding that was gained with a country that is probably more remote than any other country on Earth, a country that both the Senator from Illinois and I agree is under tremendous strain during the transition that is occurring in North Korea and the fact that that country is very dangerous.

But I just want to cite, in passing, to my friend from Illinois how much his presence will be missed in this body and what an extraordinary contribution the senior Senator from Illinois has made.

Mr. SIMON. Thank you.

Mr. MURKOWSKI. I wish both he and his lady well, as they go on to fulfill other ambitions and desires in life.

You leave this Senate with a very proud record. And I am very pleased to have had your friendship and your association through the years. I wish you well, my friend.

Mr. SIMON. I thank you very much.

THE OMNIBUS PARKS BILL

Mr. MURKOWSKI. Mr. President, I rise to address again the status of one of the major environmental pieces of legislation before this body, and that is the omnibus Presidio parks package which is currently before this body.

There is still time to pass that package in this Congress while the House is still in session. But once the House sends the CR over, it will be simply too late. Where that matter is currently, Mr. President, is there is a hold on it here in the U.S. Senate, and that hold is by the Clinton administration.

The justification for that hold is very difficult to reflect because this Senator, as chairman of the Energy and Natural Resources Committee, has continued to try to work with the administration to address its objections.

The first group of objections and veto threats covered Utah wilderness, which was stricken from the package; grazing, which was stricken from the package; the 15-year Tongass extension, which was stricken from the package; and, finally, the Minnesota wilderness boundaries, which was stricken from the package.

We felt we had met the administration's objections responsibly. Then, the day before yesterday, they presented approximately 42 other sections that they wanted removed. We met with representatives from the White House and tried to get an explanation as to the justification for these. Last night, I sent a letter to Mr. John L. Hilley, Assistant to the President, giving them information, a justification, for the approximately 42 items they wanted stricken.

I ask unanimous consent that a letter of September 27 and the accompanying explanation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, September 27, 1996.

Mr. JOHN L. HILLEY,
Assistant to the President and Director for Legislative Affairs, The White House.

DEAR MR. HILLEY: After our discussion earlier today, I thought it would be constructive if as Chairman of the Conference on H.R. 1296, I provided you with comments on the items to which the Administration appears to object by virtue of the fact they were not included on the list of acceptable items you provided to me late last night.

As you will see many of the legislative provisions previously passed the House under suspension with no Administration objections. Still other provisions passed the Senate or the House after the Administration testified in support. Others had passed the House or Senate after bi-partisan negotiations had attempted to address specific Administration concerns. Yet other provisions, while important to individual members, relate to such minor matter as the study of a four foot radio tower at the site of an existing tower on a national forest. It is difficult to comprehend an objection to such a provision in the context of this conference report. Finally, some provisions to which you apparently object have the broad bi-partisan support of House and Senate delegations, often including the Governor of the relevant state.

I hope this information is helpful to the Administration in re-considering its position. Tomorrow I will again attempt to recommit H.R. 1296 to conference for the purpose of allowing the conferees to meet and consider changes to the conference report. If the Administration would care to present information concerning its objections to specific provisions at such a meeting of the conferees I would be pleased to arrange this meeting and give the information presented due consideration. Obviously such a meeting will not be possible unless H.R. 1296 is recommitted to conference. I believe that in the short time remaining in the 104th Congress this is a reasonable path to take to a successful conference report. It is my sincere hope that for the benefit of the many intensely interested members both Democrat and Republican, some retiring at the end of this Congress, this important parks and public lands legislation will pass the Congress.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

PROVISIONS IN PRESIDIO CONFERENCE REPORT WHICH WOULD INVOKE A "VETO"

216—*Conveyance to City of Sumpter Oregon:* Authorizes Secretary of Agriculture to convey 1.5 acres to City of Sumpter, Oregon for public purposes. Administration raised no objections when bill passed under suspension in the House.

218—*Shenandoah National Park:* Adjusts 1923 Park boundary authorization to match today's existing park boundary. Similar bill passed House 377–33 under suspension. Provision has support of bi-partisan VA Delegation.

219—*Tulare conveyance:* Clears title of 14 acres owned by a railroad to citizens of Tulare, California. Attempt by City of Tulare to clean-up blighted downtown area. Hearings held and provision was reported by Resources Committee. DOI reportedly has no objection.

220—*Alpine School District:* Conveys 30 acres of land to the Alpine school district for a public school facility. Passed House by suspension and Administration never raised objection.

223—*Coastal Barrier Resource System:* Removes 40 acres of developed property out of a 1.2 million acre Coastal Barrier Resource System. Reported by the Resources Committee. Supported by bi-partisan Florida Delegation and the Governor.

224—*Conveyance to Del Norte County Unified School District:* Transfers small acreage to the School district in California for educational purposes. Passed House under suspension. Provision includes Forest Service requested amendments.

303—*Alaska Peninsula Subsurface Consolidation:* Authorizes Secretary to exchange subsurface holdings of Koniag Corporation on an equal value basis for lands and interest owned by the federal gov't. Passed House and Senate. Included in the original Presidio package, the Administration indicated it would sign.

304—*Snow-Basin Land Exchange:* Would allow expedited land exchange to facilitate the 2002 Winter Olympics. Passed both House and Senate. Included in the original Presidio package, the Administration indicated it would sign.

309—*Sand Hollow Exchange:* Equal value exchange in Zion National Park to transfer water development rights in order to protect Zion National Park. Passed the House. The Administration has indicated support.

311—*Land Exchange City of Greely, Colorado:* Equal value exchange to secure property needed by the city to secure protection of the city's water supply.

312—*Gates of the Arctic National Park and Preserve Land Exchange, and Boundary Adjustment:* This would add more than 2 million acres of native owned lands to Gates of the Arctic National Park and Preserve in AK—in exchange for lands in the NPR–A.

313—*Kenai Natives Association Land Exchange:* This would facilitate exchange between KNA and the FWS to allow an Alaska Native Corp. to gain economic use of their land—this would be an acre-for-acre exchange. An Administration supported two-for-one acre exchange passed the House.

401—*Cache La Poudre Corridor:* Establishes a corridor to interpret and protect a unique and historical waterway. Included in the original Presidio package, the Administration indicated it would sign.

405—*RS2477:* Places a moratorium on final regulations without Congressional approval. Language agreed to by Senate Republicans and Democrats and the Administration. Reported by Energy Committee.

406—*Handford Reach Preservation:* Extends a moratorium on construction of any new dams or impoundments in this area. Passed House under suspension without Administration objections.

502—*Vancouver National Historic Reserve:* Establishes a new historic reserve. Administration testified in support. Passed the Senate. Hearings held in both bodies.

602—*Corinth, Mississippi Battlefield Act:* Establishes a visitors center at Shiloh National Military Park in Mississippi. Included in the original Presidio package the Administration indicated it would sign. Passed the Senate.

603—*Richmond National Battlefield Park:* Establishes boundary in accordance with new NPS management plan dated 8/96. Passed the House 337–33 under suspension. Administration opposed House-passed bill, however it has been modified to address their concerns. Supported by the bi-partisan Va. Delegation.

604—*Revolutionary War:* A study to determine if these sites warrant further protection. Senate Energy reported bill—Administration testified in support. Hearings in both bodies.

607—*Shenandoah Valley Battlefield:* Establishes Historical Area. Does not create a new park. Administration opposed House-passed bill, however it has been modified to address their concerns. Supported by the bi-partisan Va. Delegation.

701—*Ski area permits:* Simplifies ski area fee collection. Passed House and Senate. Included in the original Presidio package the Administration indicated it would sign. Administration testified in support.

703—*Visitor services:* Would raise $150 million for parks to help with badly needed repairs of existing park structures. 100% of new fees go back to the parks. Provision was modified to address Administration concerns.

704—*Glacier Bay National Park:* Raises fees to support research and natural resource protection through a per-person charge on vessels entering Glacier Bay.

803—*Ozark wild horses*: Would protect and prevent the removal of a existing wild horse herds at Ozark National Scenic Riverway. Passed the House under suspension without Administration objection. Passed Senate Energy Committee.

806—*Katmai National Park agreements*: Authorizes research in National Parks, including the ability of the USGS to conduct volcanological research in Katmai National Park. Administration has supported research cooperative agreements for the last three Congressional sessions.

811—*Expenditures of funds outside boundary of Rocky Mountain National Park*: Allows NPS to build a visitor center outside the park with private funds. Administration and the National Park Service requested this provision. Passed the House under suspension. Passed Senate Energy Committee.

815—*NPS administrative reform*: Provides authorities NPS has requested for years-aids parks in protection of resources and provide facilities for employees. Provides Senate confirmation of NPS Director. Administration testified in support at House hearings. Portions incorporated in President Clinton's Earth Day address on National Parks. Passed House under suspension with no Administration opposition.

816—*Mineral King*: Authorize the continuation of summer cabin leases. Totally discretionary for the Secretary. Supported by bipartisan members of House and Senate California Delegation. House hearings held. Reported by Resources Committee. Provision has been modified to address Administration's concerns.

818—*Calumet Ecological Park*: A study of the Calumet Lake area to determine alternatives for preservation.

819—*Acquisition of certain property in Santa Cruz*: Provides for the acquisition of property on Santa Cruz Island to prevent the further destruction of the resource due to over-population of feral goats.

1021—*Black Canyon of the Gunnison National Park*: Formally designates a recreation area. Changes monument status to park and creates a BLM Conservation area. Designates 22,000 acres of wilderness. Energy Committee hearings held.

1022—*National Park Foundation*: Provides the opportunity for the private sector to sponsor the NPS, similar to the sponsorship of the Olympic games. Administration has testified in support. Administration testified in support. Part of President Clinton's Earth Day proclamation on Parks. Provision has been modified to address last minute Administration concerns.

1028—*Mount Hood*: Exchange between private company and federal gov't. Passed the Senate with no Administration objection.

1029—*Creation of the Coquille Forest*: Equal value exchange creating a tribal forest. Passed the Senate with no Administration objection.

1034—*Natchez National Historical Park*: Creates an auxiliary area to a NPS unit and provides $3 million for an intermodal transportation system and visitor center. Administration testified in support at Energy Committee hearing. Reported by Senate Energy.

1036—*Rural electric and telephone facilities:* Authorizes BLM to waive right-of-way rental charged for small rural electric and phone cooperatives.

1037—*Federal borough recognition:* Allows the unorganized borough in Alaska to receive PILT payments. Language was modified in conjunction with BLM and Administration has raised no objections. Reported by Energy Committee.

1038—*Alternative processing:* Prohibits the termination of a timber sale contract solely for the reason of failure to operate a pulp mill. Provides flexibility so that jobs in the sawmill portion of the contract are not lost along with the pulp mill jobs. This is not a contract extension nor is it an increase in timber harvesting. Language has been drastically modified from original proposal. Hearing on contract issues held in both bodies.

1039—*Village land negotiations:* Provides authority for the Secretary to negotiated with five tiny Alaskan villages regarding their entitlements under ANCSA. Language has been modified to address Administration concerns. Provides the Secretary with already existing authority to negotiate without the restrictions of a legal challenge against him. Language has been further modified from earlier versions and does not include the conveyance of any land or assets. Hearings held in both bodies.

1040—*Unrecognized communities in SE Alaska:* Authorizes the native residents of five Southeast Alaska Villages to organize as urban or group corporations under an amendment to ANCSA. Provision does not direct grants of any federal land or compensation to these villages without a future act of congress. Language has been drastically modified from earlier proposals in that it does not contain any guarantee of land to the villages.

1041—*Gross brothers:* Transfers approximately 160 acres of Forest Service land to Daniel J. Gross and Douglas K. Gross of Wrangell, Alaska. These are the children of the original homesteaders. Energy Committee hearing held.

1043—*Credit for reconveyance:* Would allow Cape Fox Corporation to transfer 320 acres of land near the Beaver Falls Hydro project to the Forest Service. CFC's ANCSA entitlement would be credited with an equal amount of acreage. This provision does not provide CFC any additional entitlement. Hearing held in the House. Administration raised no objection to this provision.

1044—*Radio site report:* A study to determine if an existing radio site continues to be necessary.

1045—*Retention and maintenance of certain dams and weirs etc:* Requires the Forest Service to maintain specific dams and weirs in the Immigrant Wilderness Area.

1046—*Matching land conveyance (University of Alaska):* Authorizes the Secretary of Interior to discuss a land grant with the University of Alaska who has never received it's federal entitlement under the Land Grant College Program. Provides for a matching grant to the State. Prally excludes lands that are part of a CSU or part of a National Forest.

Mr. MURKOWSKI. I concluded my letter by making the statement:

> I believe that in the short time remaining in the 104th Congress this is a responsible path to a successful conference report. By accepting the package that has been reduced as a consequence of the objections of the administration, it is my sincere hope that for the benefit of the many intensely interested Members, both Democrat and Republican, some retiring at the end of the Congress, it is important the parks and public land legislation will pass.

In that letter, I agreed to continue to meet with the administration to address their ongoing concerns in order to expedite a response and a successful conclusion of this matter.

Well, I have had no response to that letter, Mr. President. So it is difficult for me to comprehend the basis of their objections, and it is even more difficult for me to understand their reluctance to support this package, recognizing the significance of many of the items in it.

This package contains five new parks, provides better protection for existing parks and historic sites, establishes new memorials, including memorials to Martin Luther King, black Revolutionary War patriots, and Japanese War patriots, protects rivers from coast to coast, from the Columbia River in Washington to the St. Vrain in Colorado and the Lamprey in New Hampshire. The package also contains provisions which protect the hallowed ground where the blood of American soldiers was shed in battles.

The bill authorizes funding to begin restoration of the San Francisco Bay cleanup and programs to start up the national park system, which should serve to help us again attain the status of operating the world's most outstanding park system. Of course, it also contains the Presidio.

Mr. President, I looked at the veto list. I was struck by the fact that while many of the measures were passed by the House with the administration's support, a couple, specifically, were actually the administration's language. Many of the items enjoy broad bipartisan support. I guess the only common denominator is that each was originally introduced by a Republican.

This should not be about politics. The activities within my committee, the Energy and Natural Resources Committee, in reporting out the bill and holding the hearings and accepting the bill, and the discussions that took place were in total cooperation with the minority. Senator JOHNSTON and his professional staff went about the business of taking Members' bills, holding hearings, reporting them out, and doing the job.

We have done our job, make no mistake about it. We have a package here—126 individual sections. This should not be about politics. This package is about our natural resources and the culture and resources of our parks, monuments, and public lands. I do not really care who takes credit for passage of this legislation. It simply needs to be passed, and passed now.

So if the hold by the administration as placed by the minority continues, this legislation is dead. The administration is going to have to bear this responsibility, and ultimately the President of the United States, because this legislation is ready to go. There is one hold on it, one hold by the Democratic leader on behalf of the administration. If he would release that hold with instructions from the administration, this package can go.

This is an election year, Mr. President. I do not know about the politics down at the White House or how they evaluate this, but with the major emphasis on California, I cannot understand why the administration would not support the Presidio, why they would not support the package associated with the cleaning up of the San Francisco Bay area.

Mr. President, to give you some idea, if you want to talk about politics, California is represented in the Senate by two Democratic Senators. Senator FEINSTEIN and Senator BOXER have been very supportive on this legislation. For California alone, it contains the Presidio, Elsmere Canyon, San Francisco Bay enhancement, the Butte County conveyance, Modoc Forest boundary adjustment, Cleveland National Forest conveyance, Lagomarsino Visitors Center, Tulare conveyance, Mineral King, the Merced irrigation district land exchange, the Manzanar historic site exchange, the AIDS memorial grove, the Santa Cruz Poland acquisition, the Stanislaus Forest managements, Del Norte school conveyance, and ski fees. More than any other single State—California.

What have we done with the significant issue of the Olympics, which provides for a ski-land exchange in Utah? The administration has seen fit to object to that in the package. I can only assume that the administration has written off Utah. The justification for that is pretty hard to take when the National Ski Association supports this land exchange. The Snow Basin exchange, so that the Olympics can take place as planned up in the Ogden area, and the justification of the administration objecting to that, again, certainly requires an explanation. None is forthcoming. Mr. President, we still have had no answer to our letter.

Mr. President, if you look at section 1044 of the bill, you will find a provision which would require the Secretary of the Interior to conduct a study on an existing radio antenna—a radio antenna which is 4 feet tall. The bill was introduced by Congressman BONO from California. By Alaska standards the Congressman is not very tall, I guess he could be considered "vertically impaired". He is however taller than the 4 foot radio antenna that is addressed in this bill. They list this as an objection for a veto, Mr. President. How ridiculous. I cannot believe a 4-foot tall radio antenna would bring down this needed, important legislation. That is in their veto message.

The American people deserve better from this Congress and the administration. Mr. President, we have tried to meet with the White House and they have told me the list is nonnegotiable. Well, what we have attempted to do, Mr. President, in the structure of the process around here, is to have hearings, get public participation, basically have a process. What this administration proposes to do is a line-item veto of sections out of this 126-section bill, at the expense of every one of the 41 States that are affected.

If we can get this bill back to conference, I am willing to discuss the issue. It is that important.

Now, the nonnegotiable list submitted by the administration appears to be strictly a political campaign statement of some kind, but it is beyond me how they will put a spin on this and blame the Republicans. In many cases where the administration objects, apparently they are opposed because the bill was introduced by a Republican Member of Congress now running for reelection.

Consider that they object to the Alpine School District transfer of 30 acres of land to the Alpine School District for a public school; the transfer of a few acres to the school districts in Del Norte, CA, for educational purposes; removing 40 acres of development property out of 1.2 million acres of coastal barrier resource system—I don't know, this is election-year politics—and Sterling Forest, which had been anticipated to be in the bill. We have it in our 126-section document. Sterling Forest isn't going to go anywhere; it is not in the CR. The Presidio is not going to go anywhere; it is not in the CR. San Francisco Bay cleanup is not going to go anywhere; it is not in the CR. The coastal barrier amendments for Florida are not going to go anywhere; they are not in the CR. We can go down to Mississippi, which is, coincidentally the State where our majority leader hails from. In Mississippi, we have the Corinth Visitor Center, which is not in the CR, and the Historic Black College Funding, which is not in the CR, and the Natchez Visitor Center.

Mr. President, there are many, many good Democratic-supported sections to this bill which were offered by a Democrat: Senator HEFLIN from Alabama, the Selma to Montgomery Historic Trail; in Arkansas, the Arkansas-Oklahoma land exchange. You know how much that means to Senator BUMPERS. The Carl Garner Federal Lands Exchange. I have mentioned the items in California. There are a couple in Georgia for Senator NUNN. There is one in Hawaii, some in Idaho, Illinois, Michigan. In Louisiana, for Senator BREAUX and Senator JOHNSTON, is the Civil War Center and the Laura Hudson Visitor Center. In Massachusetts, the Boston Harbor Islands Park establishment and the Blackstone Heritage Area, the Boston Public Library on Freedom Trail, and the New Bedford establishment. Senator KENNEDY and I have worked on that to try to accommodate his interests. In Michigan, the Pictured Rocks boundary adjustment. In Montana, for Senator BAUCUS, is the Lost Creek exchange and the ski fees. In New Jersey, Senators BRADLEY and LAUTENBERG, Sterling Forest. In New York, the Women's Rights boundary adjustment. I could go on and on. In Virginia, the Cumberland Gap, Shenandoah National Park. In West Virginia, for Senator BYRD, the West Virginia rivers.

There are items in here for every Member of the U.S. Senate, Mr. President. It is ready to go. All the minority has to do is take off the hold. Now, perhaps the administration has written off Alaska, and maybe they have written off Utah. But I don't believe they have written off California. This is a big issue for California. We are ready to go.

Why won't this administration let us take action on this? Why won't they take off their hold? Why won't they let us vote on it? We can still do it today while the House is in session. They want to line-item veto it after a democratic process in the authorizing committee. They evidently want to take over the role of the authorizing committee.

Well, it is a sad day, Mr. President, if indeed they prevail. They are going to have to be held responsible by the American people for killing the Presidio parks omnibus package and killing the work of my committee and its members for the last 2 years. It is going to have political implications for the administration when they have to explain why they killed our major effort in the Olympics, why they killed the Presidio, why they killed cleanup of the San Francisco Bay, why they killed Sterling Forest.

Again, I implore the Democratic leadership one more time to contact the White House and find out why they mandated a refusal to allow this body to pass this out, get it to the House and get the job done. We are all going to have to, I guess, recognize that we will come back in the 105th and start the process over again.

It is going to be different next year, Mr. President, because this package represents the inability to move these bills individually by Members having holds throughout the process. It is not going to be that way. We are going to move them out of our committee and move them to the floor. If we don't get action and there are holds, this Senator is going to stop the Senate process because I am going to refuse every unanimous consent that comes before this body. We are going to stop this process, because it is absolutely irresponsible. So let the administration recognize the responsibility that they are assuming for not allowing this package to go ahead. It is an injustice to 41 States and an injustice to America. It is an injustice to good Government.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

JUVENILE JUSTICE SYSTEM

Mr. ASHCROFT. Mr. President, I am pleased to have this opportunity to come to the floor today to talk about something that I consider to be a very serious responsibility which we in Government are failing to carry forward. I come to the floor today to point out a dismal failure in our culture, a failure that President Clinton has helped to disguise, and perhaps, has even compounded the problem with his own behavior.

Last February, Antoyne Preston White, 17, was arrested in Washington along with several fellow members of a juvenile car theft ring. White pleaded guilty, and was released several days later.

In April, he was arrested again, this time for sexually assaulting a 4-year-old girl. He pleaded guilty a second time. Sentencing in this case was pending when White allegedly shot and killed Mun Hon Kim, a mailman eating his lunch in his truck, on June 11th.

In total, White has been arrested 10 times in the last 3 years. Antoyne White's history is, unfortunately, typical of today's juvenile justice system. Teens with multiple arrests for felonies, sexual assaults, or violent crimes are returned to the streets and repeatedly taught by our system that they can evade and avoid punishment.

In theory, our laws are protecting kids from the stigma of a permanent record. But, in reality, our laws are coddling stone-cold killers who hide behind the fact that they are teenagers.

Juveniles now account for almost 20 percent of all the violent crime arrests and over one-third—one out of every three—property crime arrests. Yet, we continue to treat the majority of these criminals as if they were just good kids gone wrong.

Criminologists predict that the baby boom of the 1980's will bring an explosion of young street criminals as we move into the next century. To deflect this onslaught of violent teens, the President has recommended what he calls a—these are his words —"gentle combination" of laws and prevention programs. This "gentle combination," in the words of the President, includes more proposals for midnight basketball, school uniforms, and curfews—more mandates from Washington, DC, for social programs that really would be best instituted at the instigation and creation at the local level.

I have to say that I believe this administration's "gentle combination"—to use the words of the President—will not penetrate the hardened criminal mentality of these criminal prodigies such as Antoyne White. But today's conscienceless, young, violent predators are immune to these "gentle combinations." They are accustomed to them. They have taken advantage of them. They thrive on them. So they are immune to these so-called "gentle combinations," which are designed to teach right and wrong but simply have been distorted to provide authority and license for individuals to conduct very violent, heinous crimes.

President Clinton has done a good job of posing with the police and bragging about misleading statistics. The simple fact of the matter is that the only thing criminal about President Clinton's treatment of juvenile delinquents is his record in treating juvenile delinquents.

This administration is not even enforcing the laws that are on the books—laws that this administration demanded and called for—laws that this administration came to the Congress and asked for in the 1994 crime bill. Those laws which would be available and could be effective to stop the wave of violent predatory juvenile crime are being ignored by this administration.

This administration suggests that if we just have more social programming it can continue to ignore the laws which it asked for, not enforce those laws, and somehow, if we stick our head in the sand of these social programs, that the problem of predatory, juvenile, violent, vicious, random crime will go away.

For example, under the 1994 crime bill, it is a Federal offense for a juvenile to possess a handgun. What have we done about the thousands and thousands and thousands of juveniles committing crimes with handguns in violation of this Federal law that the President called for?

The record is not good. Here is what the record show: We know that handguns were used in the greatest proportion of homicides committed by juveniles from 1976 to 1991. The data is clear. Why isn't President Clinton's Department of Justice prosecuting these Federal offenses associated with these possessions of handguns by juveniles?

Over the last 5 years, only 14—over the last 5 years, only 14—juveniles have been prosecuted as adults for Federal firearms violations. Meanwhile, in 1994 alone, 63,400 juveniles were arrested for weapons violations nationwide. If you have 60,000 plus per year and over the last 5 years we have only had 14 prosecuted as adults for weapons violations, we have a clear failure on the part of this administration to carry forward seriously against the epidemic wave of juvenile crime that has terrorized citizens across America not only in our urban centers but in our rural areas as well.

In fact, the Clinton administration has prosecuted only 233 juveniles as adults since January 1993. At an average of 63,000 weapons offenses a year over the last 4 years, that would be over a quarter million offenses, and you have 233 prosecutions. We say we need more social programs, and we say we need more laws, and we have a law that makes it a crime for a juvenile to possess a handgun.

The vast majority of these crimes are committed with handguns, and we walk away blandly to the next political rally and talk about the need for more laws and talk about the need for more gentle combinations and social programs into which we can thrust our head like the ostrich in the sand, but we do not do what is possible. We do not do what the Congress has authorized in terms of addressing this problem constructively. We must begin to treat criminals as criminals. The idea that somehow you can have fewer than two prosecutions per State per year when we are overrun with juveniles using handguns in the commission of crimes clearly in offense against the Federal law enacted by the Congress in 1994, and this Justice Department turns its head, I do not understand. I do not understand how the President can go before the public and say, well, we have good data and we are moving in the right direction. We are not moving in the right direction.

This is not something that I raise as part of the political campaign. I addressed the National Association of Sheriffs several months ago in the presence of the Attorney General of the United States, with whom I was honored to share the podium, and I shared these same statistics at that time. I called upon the administration to begin to be serious about this epidemic which affects the safety, health, the quality of life, the existence, the capacity for life of so many people. Certainly, we cannot settle for the administration's record of two prosecutions per year per State.

I think we have to send an unmistakably clear signal. We have to say to young people who are criminals, "You are going to be held accountable." We cannot say that you are going to be treated as if you did not do what you did because you have been smart enough to realize that you are young enough to get away with it. We have provided a shield so that they could be assaulting others and deflect any return fire. It is time for us to say you cannot use your age as a shield or as part of the weaponry you use for an assault on society. Especially when this Congress has provided that juveniles in possession of handguns are in violation of the law, it is time for us to prosecute them for these violations, tens of thousands, twenties of thousands—63,000 in 1 year, a typical year. The rate is going up, and we ignore it. We have 14 Federal firearms prosecutions over 5 years. There is more crime than street crime. Sometimes there is the unanswerable question about why we do not enforce the law we have and why we continue to ask for the promulgation of additional programs.

In this Congress, we have made efforts to hold violent juvenile predators such as Antoyne White accountable.

We have offered commonsense proposals, proposals that would take the purveyors of random violence and death off our streets. Frankly, in each of the proposals I have made and the modifications that we have tried to make to accommodate those who objected—the Democrats—have blocked us at every avenue, coming up with new objections. They have come up with new reasons to say we want to just persist with the gentle combination of social programming and the like.

We Republicans have proposed making the records of violent and vicious juveniles more available to police, to judges and to school officials. Can you imagine being a schoolteacher and the juvenile records of a student are unavailable from another State, not part of the FBI system? A kid walks into the classroom wearing an electronic shackle, one of these radio transmitter bracelets so the authorities can keep track of him, but the juvenile laws and records are such that you cannot find out what this person did. As you start to go write on the blackboard, the student says, "You don't know whether I murdered someone or raped someone, do you, Mrs. Jones?". And Mrs. Jones says, "No, I don't." He says, "Well, you can't find out. I am protected as a juvenile."

I have had teachers talk to me about situations just like that, and it is time we address those situations. But when we tried to, when we tried to provide that the records of violent and vicious juveniles be made more available to police, to judges and to school officials, we were blocked. A State trooper should know to be cautious with a 15-year-old repeat carjacker from a city across the country; the idea that kids just grow up in a single neighborhood now and the constable or the sheriff would know who the kids are in the area no longer holds true.

I talked to a sheriff from the middle of the State of Missouri, from a town called California, Moniteau County. I asked him what his biggest problem was. He said it was a couple of teenagers who had moved in from Cleveland and were developing the dope traffic there. I said, "What is problematic about that?" He says, "I can't get any records. I can't get any information about them."

It is high time that people who are involved as criminals be labeled as criminals, understood as criminals and treated as criminals. Yet, when we have wanted to do just a fundamental thing like make their records available, we have been stopped. The administration has been silent and congressional Democrats have dismissed this approach.

We have also proposed increasing funds available to States that try more juveniles as adults. Once again, the Democrats impeded this proposal. They said it was not a gentle combination, it was not gentle enough.

We have also intended that Federal Government would begin to carry its fair share of the load in juvenile crime fighting. As I mentioned a moment ago, it is baffling to me that we have a situation with this administration where the Department of Justice is not enforcing the laws that are currently on the books. As this session of Congress closes, the Clinton administration has failed to help us with laws relating to juvenile predators and to reform juvenile justice laws, and it is a shame. The President can pose with police, but this administration's failures surrenders our streets to juvenile predators. I think it is time for us to work together on that. Gentle combinations simply will not get the job done. These teen predators deal drugs, threaten lives, they maim and kill, and in the very near future, all of the experts agree—even President Clinton has conceded in his remarks—that there will be a veritable explosion of teen predators on the streets.

It comes down to this. We have to ask ourselves in Congress and in our culture, and we need to ask this of the President, do we uphold the principles of law and order or do we cling to the discredited notion that 16-year-old gangsters who shoot their victims over $5 act out of youthful folly?

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is now in morning business.

Mr. LEAHY. Is there a time limit on statements?

The PRESIDING OFFICER. There is a time limit of 5 minutes, unless unanimous consent is obtained for a longer period.

BLOODSHED IN THE MIDDLE EAST

Mr. LEAHY. Mr. President, the United States has played a central role in the quest for peace in the Middle East, and in recent years we have seen remarkable progress. I will never forget standing on the White House lawn to witness the handshake that is etched in our memories between Israel's late Prime Minister Rabin and Chairman Arafat, signaling the beginning of a new partnership to end decades of bloodshed.

We had high hopes then, and I am among those who believe in the durability of the peace process. But the recent explosion of violence between Palestinians and Israelis in the West Bank and Gaza, the worst fighting since the 1993 peace accord, threatens to undermine the advancements that have been made and stability in a region of vital importance to the United States.

We have seen rock throwing crowds, Palestinian police firing on Israeli soldiers, Israeli helicopter gunships spraying bullets into houses and at unarmed civilians, gruesome photographs of the dead and wounded, and the look of terror on children's faces.

There is ample blame to go around. Under cover of darkness and without warning, the Israeli Government opened a tourist tunnel that runs virtually under a holy site revered by both Israelis and Palestinians. A mob response by Palestinians escalated into a firefight between Palestinian police and Israeli troops.

Even before this latest crisis, the shift in policy of Prime Minister Netanyahu on West Bank settlements reinforced the apprehension of Palestinians that Israel would not fulfill the agreements entered into by the Rabin and Peres governments.

The Israelis in turn can point to continued acts of terrorism and extremely hostile statements by its Arab neighbors have contributed to an atmosphere of increasing insecurity.

Mr. President, if we have learned anything in the Middle East, it is that violence will not solve the age old problems there. While I fully respect the decision of the majority of the Israeli people to change their leaders, I do not believe that the election signified a decision to abandon the peace process. Indeed, Prime Minister Netanyahu has indicated that he has no intention of doing so. His intentions, and his leadership, are being tested now.

The situation could not be more fragile. There is tremendous distrust on both sides. Each suspects the other of seeking advantage, and of failing to live up to prior commitments. As President Clinton has stressed, this is a time for both sides to refrain from provocative actions. The focus should be on emphasizing the positive, not accentuating the negative.

Mr. President, I know others believe as I do that the peace process can survive this latest catastrophe. But many lives have been lost in the past 2½ days, and many innocent people have suffered. For our part, the Congress should do everything possible to urge restraint, to renew our pledge to support the efforts for peace of both Israelis and Palestinians, and to condemn the extremists on both sides who would seek to sabotage these efforts.

Among the concrete steps we can take is to ensure that U.S. assistance to the Palestinians goes forward. With unemployment in the West Bank and Gaza estimated at over 60 percent, there is an urgent need to show the Palestinians that the peace process will lead to tangible improvements in their lives. These improvements can be the best engines of peace.

Mr. President, I want to commend President Clinton for his remarks on Thursday, and to urge him to continue to use his influence with both sides to stop the bloodshed.

I ask unanimous consent that two articles from today's Washington Post, describing the deadly actions by both sides, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 28, 1996]

In Gaza, Civilians Flee in Terror, as Helicopters Attack From Night Sky

(By John Lancaster)

Rafah, Gaza Strip, September 27.—Barely visible against the night sky, the Israeli military helicopter hovered several hundred feet above a darkened Rafah neighborhood. The beat of its rotors mixed with crack of gunshots as Israeli border troops exchanged fire with armed Palestinians hidden in nearby buildings.

Two Palestinian youths, eager to display their battlefield knowledge, argued about the model of the U.S.-made chopper that hung over the rooftops. "Apache," said one. "No, no," insisted the other. "Cobra."

Suddenly, the debate seemed academic.

With no warning and in the absence of any apparent threat from the young men gathered in a sandy alley—without visible weapons or involvement in the exchange of gunfire—the helicopter opened fire in a terrifying, thunderous burst that sent everybody scrambling for cover at the base of a concrete-block wall. A moment or two later, in the midst of another volley, a young man several feet away clutched his forehead with both hands and fell to his knees, his face a mask of crimson.

"I'm hit! I'm hit!" he screamed.

Things had not started out this way. For the better part of the day, calm seemed to prevail in the teeming, semi-autonomous Gaza Strip. Residents observed the Muslim day of rest. Palestinian police politely dispersed crowds of teens who gathered to throw stones at Israeli troops. That was in sharp contrast to Thursday's armed clashes that killed 24 Palestinians and five Israelis in Gaza.

By late in the day, however, violence had again erupted in Gaza. The flash point this time was Rafah, a ramshackle town of potholed roads and half-finished concrete building that serves as the gateway between Egypt and the Palestinian self-rule area in the Gaza Strip. The border crossing is guarded by Palestinians on one side and Egyptians on the other, with Israeli troops manning posts in between.

Witnesses said the trouble began around 3 p.m., when large crowds of young people began throwing stones at the Israeli posts. According to the witnesses, the Israelis then open fire on the crowds. Next, armed Palestinian civilians began returning fire from nearby buildings.

[The Israeli army said shots also were fired from the Egyptian side and that the helicopter gunships were called in to rescue trapped soldiers after an Israeli colonel was killed and six soldiers were wounded, the Associated Press reported.] The accounts could not be independently confirmed.

Palestinians in Rafah said their police at least tried to avert the clash. "The Palestinian police tried to stop me," said Akram Louli, 21, a student at the Islamic University in Gaza who was among the stone-throwers. "They told me, 'Leave this area and go away.'"

But the police also appeared to be doing their best to avoid confrontation with the protesters. "They were so polite," Louli said, adding that when they asked him to leave, "I told them, 'No, I don't want to go,' so they left me and went to push away some other kids."

Ahmed Hassan, a 25-year-old policeman, said he and his fellow patrolmen were "trying to calm down the situation" on orders from the Rafah police captain. But he added: "The people have too much anger. They are very courageous. They are not listening to the police."

Louli, the student, seemed to confirm as much when he vowed that he would be on the streets the next day. "I am planning to do the same thing I did today," he said to murmurs of approval from the young men at his side. "The incidents are going to be bigger."

The city seemed relatively calm at dusk. Shops were open, and children played on piles of sand used in construction. Closer to the border crossing, however, the streets grew dark, residents and shopkeepers having turned out many of their lights.

A moment later it was clear why. Two young men, one carrying a rock in each hand, waved down our vehicle and told us to douse the headlights. They said the lights could draw fire from the helicopters, which could be heard plainly. Other drivers apparently had heeded the same advice; occasionally they flashed their lights to illuminate an intersection or perhaps a child.

On a side road, the gunfire became louder, and it seemed prudent to go no farther. We stopped the car and darted into a sandy alley where perhaps 20 teenagers and young men were leaning against a building. Cocksure and chatty, the youths said the helicopters had been firing on the area sporadically, displaying several large brass cartridges that they said had come from their cannons.

They said the gunfire from the buildings came not from Palestinian police but from armed civilians who had ignored police orders to leave the area.

After a few minutes, one of the men offered to show a nearby home that he said had been fired on by a helicopter. The owner, Talal Salah, led the way into a cramped rear bedroom, then pointed to a fist-sized hole in the ceiling that he said had been caused by shrapnel from an Israeli cannon shell at 5:30 p.m. Salah, 35, said his two small children were lying on the bed at the time but escaped injury.

We left the home in a large group, and as we emerged from the narrow alley in front of the house, the helicopter opened fire. The young men's cockiness suddenly vanished. The chopper fired perhaps three more bursts. It was after one of them that the young man clutched his forehead and fell to the ground.

In a panic, his companions rushed to his side. "The car! The car!" they yelled, indicating they wanted to take the injured man to the hospital. As they carried him to the car, however, the helicopter unleashed another volley and the crowd scattered. Several people ran down the street away from the car, feeling nearly naked under the light of a street lamp that had not been turned off.

After running for perhaps 50 yards, I was welcomed into a small restaurant by a man pointing to the sky in warning. A girl of perhaps 4 peeked out from the door of a makeshift home. After offering a glass of water, one of the people inside guided me to a nearby hospital, where I found my Palestinian journalist companion and the injured man.

"It's not safe here," the journalist said, guiding me to his car before I could inquire about the man's condition. "We should leave."

[From the Washington Post, Sept. 28, 1996]

Palestinians, Israeli Police Battle on Sacred Ground—Clashes Cool Elsewhere as Guns Meet Stones in Jerusalem

(By Barton Gellman)

Jerusalem, September 27.—Israeli police and border guards this afternoon stormed Jerusalem's Temple Mount, a holy site for both Muslims and Jews, and shot dead three young men as a stone-throwing crowd of worshipers emerged from Friday prayers at al-Aqsa mosque. The clash brought the third day of bloodshed between Israelis and Palestinians to an emotional crescendo at the plot of ground that embodies their national and religious divide.

But even after that incendiary clash, or perhaps because of its implications, the two sides stepped back carefully from confrontation elsewhere. In all, nine people died in street battles today, according to hospitals and Israeli and Palestinian officials, and a major gun battle raged tonight in the Gaza border town of Rafah between armed Palestinians and Israeli troops, who opened fire on groups of civilians from helicopter gunships. But direct firefights involving uniformed Palestinian police nearly ceased, and forces loyal to Palestinian leader Yasser Arafat planted themselves between demonstrators and Israeli troops in Nablus and Ramallah in the West Bank and in many parts of the Gaza Strip.

After a three-day death toll of 66—52 Palestinians and 14 Israelis—both sides seemed headed back from the brink of genuine war. The sullen stalemate to which they returned sounded much the same as the one that began the week, and it was not obvious tonight whether the traumas that intervened had done more to harden their positions or to spur them toward new political steps.

"Maybe we've gotten through it," said an exhausted U.S. consul general in Jerusalem, Edward Abington, who worked through the night on Thursday and all day today to broker a still-unscheduled summit between Arafat and Israeli Prime Minister Binyamin Netanyahu. "I don't know for sure, but it's a possibility."

Netanyahu, in his first public remarks since returning from an aborted European tour, accused Arafat's Palestinian Authority of "willful and untruthful incitement" against the Jewish state. "I tell him today: Our hand is stretched out to you in peace, but we will not agree that during the negotiations there will be a war option too," the premier said in a news conference with his security chiefs, maintaining that the Palestinians were using the threat of violence to extract concessions.

After two days of telephone diplomacy by Secretary of State Warren Christopher, State Department spokesman Nicholas Burns said the United States believes a meeting between Netanyahu and Arafat "will be held very soon."

According to witnesses on both ends of a 30-minute phone call between Netanyahu and Arafat after 2 a.m. (8 p.m. EDT Thursday), the Israeli leader warned Arafat to put a stop to Palestinian police rifle fire at Israeli forces and said he would use "every means available" to respond if it resumed. Netanyahu deployed tanks and armored personnel carriers outside Nablus, Ramallah and Jericho to underscore the threat, and hawks in his cabinet said he had waited too long already and should use them.

But the worst violence of the day came in the old style of the six-year uprising against Israeli occupation that began in 1987: Palestinians threw rocks on the Temple Mount, and Israeli forces responded with overwhelming force.

The Temple Mount—where the third-holiest mosque in Islam rises over the Western Wall, which is Judaism's most sacred site—was regarded from the start as today's greatest risk. Israel ringed the walled Old City with more than 3,500 police and border police, who stopped and frisked young Arab men all morning.

With Arafat calling for a return to calm, fewer worshipers than usual—well under 10,000—turned out today at the sprawling al-Aqsa mosque, which faces the Dome of the Rock across a broad plaza. Mohammed Hussein, who delivered the sermon inside the 8th-century mosque and by loudspeaker audible for blocks, said the Netanyahu government committed "a crime against God" by completing a tunnel adjacent to the outer wall of the Temple Mount, which Muslims call Haram Sharif.

"These are great confrontations for al-Aqsa," he said, voice booming. "It's your religious duty to defend al-Aqsa."

Israeli Internal Security Minister Avigdor Kahalani, in an interview at the scene, said his troops did not open fire until worshipers departing the mosque threw "thousands and thousands of stones at police" standing at the gates and at Jews standing on the Western Wall plaza below. "We're not going to turn the other cheek," he said, adding that police had responded with "a little gas" and "a few rubber bullets." He denied categorically that live ammunition had been used.

That account conflicted with some of the physical evidence and the recollections of witnesses atop the Temple Mount, including a Dutch relief worker interviewed at Makassed Hospital in East Jerusalem. There were no stones visible on the Western Wall plaza, and Jewish witnesses there said none or nearly none had fallen. Many stones were scattered atop the Temple Mount, but they were concentrated in the central plaza as if thrown at targets who were already inside.

Palestinian and a few foreign witnesses, corroborated in parts by amateur videotape shot on the mount, said hundreds of Israeli troops rushed in swinging clubs and fired hundreds of rounds of steel-cored rubber bullets, which can be lethal at close range. Doctors at Makassed Hospital, where three of the wounded Palestinians died and 48 others were admitted, allowed reporters to inspect X-rays demonstrating that some of the wounded had been struck by conventional high-velocity rounds from Israeli M–16 assault rifles.

For more than an hour after the confrontation, wounded Palestinians were carried out in haste through stone alleyways toward the gates of the Old City. Frantic friends and relatives raced toward the hospital with a women bleeding from the head, a man unconscious on a stretcher, an old man in a wheelchair with bleeding wounds in the chest and arm, another old man bleeding from the head and several more injured.

Many worshipers were still praying inside al-Aqsa mosque when the confrontation began outside. Some of those on the plaza ran back inside, and the Israeli forces fired through the doors and open windows, causing many more casualties.

"Bullets were flying over our heads," said Hussein Adib, 47. "The rugs on which we were praying were covered with blood."

If the Temple Mount was the day's great failure, Nablus was its success. Six Israeli soldiers died there Thursday at Joseph's Tomb, traditional burial place of the biblical patriarch and an island of Jewish control in the Palestinian self-ruled town. By nightfall Thursday, about 40 Israeli soldiers remained, surrounded by hundreds of Palestinian troops.

On-scene negotiations through the night between Maj. Gen. Uzi Dayan, chief of Israel's Central Command, and Maj. Gen. Haj Ismail Jabber, chief of the Palestinian West Bank police, worked out a cease-fire. This morning, when demonstrators from the Balata Refugee Camp tried to resume the attack, senior Palestinian Authority leaders linked arms and, backed by Palestinian troops in riot gear, stood between the angry crowd and its Israeli targets. Similar scenes played out in Jenin and Ramallah.

There were a few places in the territories today where uniformed Palestinian troops joined again in attacks on Israeli soldiers. Two Israeli border guards and a Palestinian policeman died in a gun battle outside the northern West Bank town of Tulkarm, and Palestinian policemen helped attempt to storm an Israeli army post outside the self-ruled town of Jericho.

In Gaza, Palestinian police appeared to make a genuine effort to avert further clashes, though there was some question as to how far they were willing to go to rein in angry Palestinian youths.

Near the Erez crossing point, scene of some of Thursday's bloodiest battles, about 30 armed Palestinian police in olive drab uniforms formed a cordon across the road to keep out potential protesters.

Protesters did converge on another potential flash point, the crossroad leading to the Jewish settlement of Netzarim. But police prevented them from getting anywhere near the Israeli posts.

In some cases, police officers handled the mostly youthful protesters with almost fatherly indulgence, sometimes draping an arm around a shoulder to emphasize their eagerness to avoid confrontation.

"What we had yesterday was enough," explained police Capt. Shaban Awad. "Fifty killed—it's enough. We want to avoid more violence."

In Jerusalem the tunnel that sparked three days of lethal conflict was closed to tourists today.

In many parts of Israel and the Palestinian self-rule territories, attention turned from fighting to burying the dead. Israeli Staff Sgt. Itamar Sudai, who died at Joseph's Tomb Thursday, was laid to rest at Mount Herzl with eulogies from top army brass and a tribute from a survivor of the battle there.

"My brother," said the young soldier, identified only as Uri, "you've gone before me. All our dreams were so close to being realized. So close and in a minute, everything's gone."

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent I be allowed to speak up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL DRUG EPIDEMIC

Mr. COVERDELL. Mr. President, this past week, in one of many revelations about what I have characterized as a national drug epidemic in our country in the last 36 months, it is hard to believe the policy reversals could lead to such dramatic behavioral changes so quickly.

The national parents organization called PRIDE, which is headquartered in Atlanta, issued a press release this past week. It is just stunning. The percent of illicit drug use by 12th graders, annual usage is up 43 percent; monthly usage is up 67 percent; weekly, 88 percent; daily use, up 147 percent. These are 12th graders.

Percent of illicit drug use by 6th to 12th graders, from 1987–88 to 1995–96, annual use up 58 percent; monthly, 72 percent; weekly, 88 percent; daily use, 126 percent.

It just goes on and on. This, of course, tracks the report issued by our own Government within the last several months, except this is even more alarming and more comprehensive.

To read one quote from Doug Hall, who is the executive director of this prestigious organization, he says, "This is not so-called recreational use. This is marijuana, cocaine, heroin, LSD, and amphetamines. This is not experimentation. This is monthly, weekly, and daily drug use. This is a human tragedy."

What is irritating about this is that our Attorney General has said very recently, drug use is really getting better. The Attorney General needs to read this report. The administration needs to read this report. The last thing we need is a message to our children, or to the parents who guide them, that things are better off. They are not. They are worse off. And they are dramatically worse.

What does this mean? Does it mean that all these increases, that 16 people are using it instead of 8? What this means is 2 million teenagers are now ensnared in drug cultures who would not have been, had we continued to pursue the programs that have proved so effective from 1980 to 1992.

This is an article from Investors Business Daily. It came out this past week. It says, the headline, "The Drug Study You'll Never See." Subheadline, "Buried Drug Study."

This study, of which a very limited number of copies exist, was uncovered by the media. I am going to read just several paragraphs from this:

> GOP Presidential candidate Bob Dole says Bill Clinton's "liberal policies" have failed to stem a surge of illegal drug use over the past three years.
>
> President Clinton and his allies say Dole is just playing politics with the issue to improve his chances in the election.
>
> The Dole camp may be right. And, what's more, the Clinton team seems to know it.
>
> The Clinton administration has squelched a politically embarrassing study that its own Defense Department commissioned two years ago. The study shows that drug interdiction—seizing and destroying illegal drugs before they get into the country—works to cut down use.
>
> And that contrasts sharply with the President's preference for funding addict treatment programs over law enforcement.

It goes on and describes the shutdown of the drug war that was underway from 1980 to 1992. Just to name a few:

> Clinton used the Rand study to support a "controlled shift" of anti-drug money and manpower from drug interdiction to treatment. As part of that shift:
>
> [They] cut the drug office staff by 80 percent.
>
> Military resources for stopping traffickers in transit were cut almost half, by 1995 . . .
>
> Coast Guard interdiction funding dropped almost one-third, from $443.9 million in 1992.
>
> Meanwhile, Clinton delivered on his promise to increase treatment spending, which grew by 21.5 percent.

I am an admirer of General McCaffrey, the new drug czar. But these allegations are very serious, that his office prevented the distribution of this report, and I am very hopeful that he will come forward and allay our concerns that that actually happened.

The point is, we have a Government study from HHS which documents that drug use has doubled in the last 36 months, has increased 33 percent in the last 12 months. We have this PRIDE report, which shows that it is getting worse at every level and that it is not fun and games. This is hard use that is increasing. We have a reported allegation of a serious study that points out that the interdiction and enforcement policies were not working. Certainly, the empirical evidence of what has happened over the last 36 months suggests that would be the case, and now a suggestion that this report was hidden.

Mr. President, this is serious business, and the drug czar's office must clarify for the American people what the circumstances were surrounding this report that has been denied public access.

There was recently a little-noted argument with regard to the growing crescendo about what is going on here with regard to increased teenage use of drugs of all kinds. But we have now a report, which I think the White House is going to have to clarify, that President Clinton has pardoned some six to seven drug dealers. The names are now public:

David Christopher Billmaier, New Mexico, sentenced in 1980, has now been pardoned. He was sentenced on possession with intent to distribute amphetamines, and he has been pardoned by the President;

Carl Bruce Jones, western district of Missouri, charged with distribution of marijuana, use of a telephone in distribution of marijuana, has been offered a Presidential pardon;

Candace Deon Leverenz, northern district of California, date of sentence, 1972, unlawful distribution of LSD, pardoned by the President;

Susan Lauranne Prather, western district of Arkansas, charged with causing marijuana to be transported through the mail, pardoned;

Patricia Anne Chapin, western district of Missouri, falsifying prescription for a controlled substance, pardoned by the President;

Jackie A. Trautman, northern district of Ohio, sentenced in 1992. Unclear whether this is original or reduced sentence. Probably the latter. Thirty-three months imprisonment, conspiracy to distribute cocaine, pardoned by the President.

Johnny Palacios, middle district of Florida, 71 months imprisonment, conspiracy to possess with intent to distribute marijuana, pardoned.

Mr. President, as we are now learning, there is a massive program on the part of the administration to accelerate the naturalization of citizens. The objective is to naturalize 1.3 million applicants during this fiscal year, reminding ourselves that last year it was 450,000.

The problem with speeding this up is that the FBI checks are not completed, and we have now certified that at least 5,000 are guilty of crimes, murder and rape amongst them.

This all goes together, and, Mr. President, the message here is probably the most important thing with the pardons and with the change in policy, this cavalier approach of the President in saying on MTV when asked, "Would you inhale if you had a second chance?" "Yes, I would. I should have the first time."

The message that sends to 8-year-olds, 10-year-olds, 11 and 12, the most vulnerable of our populations, is that it is OK and it is not dangerous.

The result is in, and it is tragic, it is epidemic, and it is deadly serious. My message to parents is, you better be talking to your children. They are in a drug-infested environment, I don't care where they live. The first line of defense before we can turn this program back, which the Congress will have to do, with or without the help of the administration, is for parents and policymakers and businesses and colleagues at home to warn their friends and neighbors and sons and daughters.

Mr. President, I yield back any time remaining, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 2156 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

USA TAX PLAN AND ITS PROVISIONS PROMOTING INTERNATIONAL COMPETITIVENESS

Mr. NUNN. Mr. President, today I would like to again discuss tax reform and in particular an aspect of the unlimited savings allowance [USA] tax plan which I believe is very important to our Nation's future—the USA tax plan's tax treatment of exports.

Before discussing this specific issue, I would like to refresh the memories of my colleagues about why the replacement of the current Tax Code with a superior alternative is so necessary for the health of the country and our economy. In my judgment, until we make this case to our fellow citizens on the economic merits of fundamental change, structural tax reform will not happen.

Central to this case is the urgent need to raise the level of national savings. It is critical that we recognize the current bias in our Tax Code against the saving and investment that are the key to higher living standards, and take steps to correct that bias.

Higher savings lead to more investment. More investment will, in turn, lead to increased productivity from American workers. The more productivity we have from our workers, the more competitive we are in the international arena. The more competitive we are in the international arena, the better jobs we have. The better jobs we have, the higher income we have as Americans.

Our current saving rate is low by our historical standards and it is the lowest of all major industrialized nations.

In the 1980's, our savings rate dropped to an average of 3.6 percent, half the level of the 1950's, 1960's, and into the early 1970's. In the first 5 years of this decade, 1990 to 1994, the U.S. savings rate has fallen almost 50 percent from the already low levels of the 1980,s, to just 2.1 percent, and reports show that our savings rate is continuing to erode. This is far below the comparable figures of 10 percent in Germany, 18 percent in Japan, and the even higher savers along much of the Pacific rim.

Without adequate savings, our level of investment will continue to be correspondingly low. Low saving, in short, directly imperils our future standard of living.

Behind the saving shortfall lurks a very serious abdication of our economic responsibility to the next generation of Americans. We seem to have forgotten the principle tenet of the American dream—that, like our forefathers did for our generation, we must improve and better prepare our country for the generations that follow.

Every day we are bombarded with messages equating spending with the good life and a strong economy—in short, consumption as personal privilege and patriotic duty. Proponents of thrift have been made to appear self-punishing, antisocial, and scrooge like.

Nothing could be further from the truth. Saving is simply the deferral of some consumption today so that we and our children can consume more in the future. Because our current level of national saving is so low, we cannot be assured of vigorous economic growth in the future. Politically, the failure of Americans to save for their future—one study estimates that the average American has about $7,000 in assets in retirement—means that entitlement programs such as Social Security have become economic life rafts that can not indefinitely support the load they are being asked to carry.

Polls have shown that a majority of today's younger generation believe it is more likely that UFO's exist than believe the Social Security program will exist—in its present form—when they reach retirement age. As our former colleague Russell Long used to point out, leadership if often determining which direction the people are going and running like heck to get in front of them to lead them where they already are going. The American people have a better understanding of the problems we face as a Nation than our political leaders seem to acknowledge and it is incumbent on our Nation's leaders—the President and the Congress—to begin to exercise responsible leadership in developing long-term policies to address these shortcomings.

As most of my colleagues acknowledge, the best thing we can do to improve national saving is to balance the Federal budget. Chronic budget deficits have in recent years siphoned away what meager private and business saving we have managed to amass. It has driven up the costs of acquiring this capital and it requires that we run massive trade deficits to finance our country's need for capital.

But progress against the deficit isn't enough. We have an even more difficult task before us: Helping our fellow citizens to understand that thrift isn't counterproductive to the long-term health of the economy.

This is a matter of leadership. But it is also a matter of policy. And that is where fundamental tax reform comes in.

For it is inescapable that the current Tax Code, because of its bias against saving relative to consumption, subsidizes the present at the expense of the future.

That is the core, intrinsic, systemic problem that requires fundamental correction. It is around this fact—that the government extracts revenues from the economy in a way that hinders the ability of people to provide for their futures and of companies to grow—that a lasting movement for change can be built.

Certainly it was America's saving and investment crisis that motivated Senator DOMENICI and me to develop the USA tax system. Our proposal rests on a few central features designed to end the current code's bias against saving and investment.

First, the USA individual tax treats all income alike regardless of source and it taxes that income once and only once.

Second, the USA individual tax permits every taxpayer an up-front, overt, and unlimited deferral on that part of their annual income they use to add to their total saving.

Third, the USA business tax allows the expensing of all real business investment.

These three points are at the revolutionary heart of the USA tax. They constitute a revolution in the tax base—in what we tax and how we tax. That is where the revolution is needed and where, given public understanding, it can have its most lasting impact.

The USA tax plan has other important features. It is more efficient then the current tax Code. According to the tax Foundation, the USA tax plan would cut by 76 percent the compliance costs now imposed by the individual and corporate income taxes.

In terms of fairness and understandability, the USA tax treats all income alike. It treats all businesses, from corporations to partnerships to farmers to sole proprietors, alike. It retains the progressivity of the current code.

It is designed to be revenue neutral. It is internally inconsistent to try to encourage private saving on the one hand and encourage public dissaving on the other. The USA tax maintains the proportion of the overall tax bill paid by individuals and businesses. There is no intention like the 1986 tax Reform Act to shift the tax burden from individuals to the corporate community.

The USA tax also grants to employees and to employers a dollar for dollar tax credit for the deeply regressive FICA payroll taxes. I have addressed this very important feature of our proposal in separate remarks.

Today, I would like to highlight another key feature of the USA plan, its treatment of imports and exports. With respect to competitiveness, the USA business tax levels the international playing field for American business by implementing a territorial and border adjustable tax. All goods, whether produced here or abroad, sold in the United States will bear the same US tax burden, while U.S. exports will not carry the cost of U.S. taxes when sold abroad.

Mr. President, many times I have heard my colleagues say that we must have a level international playing field on trade issues. I can recount some of the numerous legislative initiatives, including the super section 301 provision, the Market Promotion Program, and the Export Enhancement Program, that have been enacted to provide this level playing field. I have supported many of these efforts. We recognize that we live and compete in a global economy. This economy is intensely competitive and it is increasingly important to our economy that the United States remain a global economic leader in this area. If anyone questions how important trade is to our economy, consider the following: Exports currently comprise 8 percent of the american gross domestic product [GDP] and 11 million jobs. If you include imports and cross-border investment with exports, trade-related components represent roughly one-third of the American economy. So we can and should continue to encourage U.S. exports.

To do so, we must address the single largest impediment currently shackling U.S. industry in its efforts to compete in the global economy—the current Tax Code.

As Salvatore Barone, the president of Harper Surface Finishing Systems, Inc., of Meriden, CT, and the chair of the International Trade Committee of the Association for Manufacturing Technology, pointed out in his July 18, 1996, testimony before the House Ways and Means Committee:

> . . . the present federal income tax in the Internal Revenue Code of 1986 is almost exactly opposite of what is needed to serve the best interests of the United States. Had one set out by design to create a tax system that works against us (and, therefore, in favor of our foreign competitors), it is hard to imagine a more successful job than the present federal income tax. It discourages saving and productive capital investment in the United States; it favors imports over exports; it makes it hard for U.S. companies to directly compete in foreign markets; and, if they do, it discourages them from bringing the money home for reinvestment in the United States.

I agree wholeheartedly with Mr. Barone. He has hit the nail on the head. At this point, Mr. President, I ask unanimous consent that the entire text of Mr. Barone's testimony be printed in the RECORD. I would recommend to my colleagues this testimony's international competitiveness index which grades various tax proposals in the international trade arena.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF AMT—THE ASSOCIATION FOR MANUFACTURING TECHNOLOGY

I. INTRODUCTION

I am Salvatore V. Barone, President of Harper Surface Finishing Systems, Inc., Meriden, Connecticut, and I am testifying today on behalf of AMT—The Association For Manufacturing Technology, whose International Trade Committee I am honored to chair. AMT is a trade association whose membership includes over 350 machine tool building firms with locations throughout the United States. America's machine tool industry builds and provides to a wide range of industries the tools of manufacturing technology including cutting, grinding, forming and assembly machines, as well as inspection and measuring machines, and automated manufacturing systems. The majority of the association's members are small businesses.

Today's topic—international competitiveness—embodies the essence of your Committee's continuing series of hearings on fundamental tax restructuring: the need to concentrate on creating a new tax system that will serve the long-term national interest in a global economy.

America urgently needs a tax system rebuilt from the ground up around a new set of design principles to compete and win in world markets. That is fact one. Fact two is also obvious: the present federal income tax in the Internal Revenue Code of 1986 is almost exactly the opposite of what is needed to serve the best interests of the United States. Had one set out by design to create a tax system that works against us (and, therefore, in favor of our foreign competitors), it is hard to imagine a more successful job than the present federal income tax. It discourages saving and productive capital investment in the United States; it favors imports over exports; it makes it hard for U.S. companies to directly compete in foreign markets; and, if they do, it discourages them from bringing the money home for reinvestment in the United States.

At the very time that successful competition in world trade has become increasingly important to national well-being, we are plagued by persistent trade deficits. We have become a debtor nation, dependent on borrowing from abroad. Productivity has lagged; real wage growth has been slow; annual economic growth rates have been less than satisfactory; and federal budget deficits have continued to mount. Given the seemingly intractable nature of these failings, some people have characterized the 1990s and beyond as an "age of diminished expectations" for America. From an international perspective, some pessimists may mistakenly view world trade as exporting more U.S. jobs than American-made products.

We at the AMT do not share this pessimistic view about the future. We believe that American industry can compete and win and that successful competition in world trade is the key to the kind of enhanced economic growth on which a more secure and prosperous America depends. We say this from the perspective of the industry which produces the machinery and new manufacturing technologies used by other businesses to produce products sold here and around the world. We are at the heart of the productive process—putting more and better factory-floor technology in the hands of American workers. We are also substantial exporters ourselves. About 35% of the output of our industry is exported. In total, we employ 53,300 people and most of these jobs are good paying manufacturing jobs using the best and newest technologies. My own company is one of the smaller members of the industry, but we employ approximately 50 people and, to date, more than 68,000 of our modern surface finishing systems have been installed worldwide. In recent years, 15 to 20% of our sales have been exports. Thus, we are strong believers in export trade and in the benefits to America that derive from an ever increasing flow of "American-made" goods into global markets.

We also believe that American businesses and their employees should be able to compete on a level playing field; most particularly that the tax system of the United States should not be biased against our own best interests in the global marketplace. American-made machine tools comprise only 13% of the world supply. Worse, about 50% of the machine tools used in the United States are of foreign origin. How much greater would our share of domestic and foreign markets be if the American tax system were not biased against us? It is hard to say. The same is true of American industry in general. Taxes are not the only factor as we all attempt to compete at home and abroad against foreign competitors. But we and our employees would like to have the opportunity to compete on a level tax playing field and we believe it is a matter of urgent national policy that we and they be given the chance.

It would be one thing if the anti-investment, anti-export biases in the Internal Revenue Code of 1986 were necessary—if there were no alternative. But that is not the case. There are alternative tax systems which are not only far more congenial to successful international competition but also more fair, efficient and consistent with the best interests of the United States and the American people. We hear much about "tax fairness", but there is certainly nothing fair about a tax system, such as the present federal income tax, which impedes economic growth, costs jobs and lower's living standards.

For the most part, the pro-job, pro-growth alternative tax systems are well-known and well-developed in substantial detail. The principal ones are identified in the notice of your Committee's hearings. We applaud the Chairman and the Committee for putting the international focus on the leading alternative tax systems and we welcome the opportunity to comment on them. This Committee, this Congress, and the next, have an historic opportunity to fundamentally restructure the American tax system for the better. Just as it is vital that we not lose that opportunity, it is equally vital that we not lose sight of the world trade aspects amidst the many other concerns that bear upon taking such a monumental step.

Focusing on international trade necessarily puts a heavy emphasis on taxes paid by businesses, but, in doing so, we do not mean to diminish the importance of the way individuals are taxed under any new alternative tax system. Successful international competition depends on a higher level of personal saving and investment in the United States. Therefore, from every perspective, fundamental tax reform must begin with removing the present strong bias against saving. Individuals should either be allowed to deduct the amount they save (and later pay tax when they withdraw their deferred income from the national savings pool) or, if they are allowed no deduction, the earnings on their savings should be excluded from tax. So long as the present bias against personal saving exists, no matter how good the new international tax rules may be, the U.S. economy will not be able to compete at its full potential in the global market. Similarly, to the extent that corporations and other businesses are taxed separately from individuals, businesses should be allowed to expense capital equipment purchases. Fortunately, the present law penalty on personal saving and business capital investment is so indefensible that its elimination is now almost synonymous with fundamental tax restructuring. In one way or another, elimination of the bias against saving and investment is embodied in all the leading alternative tax proposals we have evaluated. In that respect, AMT endorses them all.

Before going on to evaluate and compare the strictly international tax rules of the leading alternatives—most notably as related to exports, imports and taxation of foreign-source income—AMT would like also to share with the Committee a few overall perspectives which we believe are highly relevant to choosing between the various alternatives. First, any new tax system should be considered as a whole—the individual portion and the business portion must be considered together. In short, it must truly be a tax "system" that is internally consistent and that actually works. Indiscriminate cherry-picking of particular aspects of different proposals—no matter how appealing they may seem in isolation—could produce a monstrosity similar to present law. Second, the new tax system for America's future must be enacted as a whole. Not only must it be fair, it must be perceived as fair by the American people.

Further, we believe that the new tax system should truly be an "American" tax system. International comparisons are often relevant, particularly when illustrating the relative disadvantages presently imposed by the Internal Revenue Code of 1986, but the basic elements of the new tax system should be chosen on their own merits, without regard to what other countries may or may not do. For example, there is an independent rationale, well-grounded in tax policy and economics, for allowing a deduction for personal saving and business capital investment. Cross-border adjustments for exports and imports in combination with a territorial rule that excludes foreign-source income provide a logical and meritorious framework that stands on its own. The presence or absence of similar rules, in varying degrees, in other countries' tax systems is not the reason for their adoption here. Similarly, the fact that a new American tax system may have some elements in common with a foreign tax system does not mean that we are adopting that foreign tax system per se. Quite to the contrary. For example, appropriate border tax adjustments for exports and imports are not the exclusive province of the European "VAT". They can directly or indirectly be incorporated into some tax structures which are more consistent with our American experience.[1]

There is no reason why the United States should be limited by the tax experiences of other countries. There is no reason why we should not have a better tax system than anyone else—one that is fairer, simpler, more efficient and, above all, in the long-term best interests of the United States in a global economy. You on this Committee have an historic opportunity and you should take advantage of it.

II. INTERNATIONAL COMPETITIVENESS INDEX

AMT has evaluated three leading alternative tax systems against a common set of criteria directly and indirectly related to international competitiveness. The criteria include all of those specified by the Chairman of this Committee in a public announcement in 1995, as well as several others. We fully endorse the Chairman's list of criteria for fundamental tax reform and agree with its emphasis on simplification and on international competitiveness. The alternative tax systems we have evaluated are: the business-level USA Tax (the Unlimited Savings Allowance System in S. 722 by Senators Pete V. Domenici and Sam Nunn); the business-level Flat Tax (in general, H.R. 2060 by House Majority Leader Armey); and the general idea of a retail sales tax.

In the cases of the USA Tax and the Flat Tax, the results of AMT's Competitiveness

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[1] See Gary C. Hufbauer, Fundamental Tax Reform and Border Tax Adjustments (Washington, D.C.: Institute For International Economics, 1996).

Index evaluations are set forth below in comparison to the present corporate income tax. Because the retail sales tax does not fit readily in this index format without further explanation, the retail sales tax is evaluated separately in connection with a later general discussion of that subject.

INTERNATIONAL COMPETITIVENESS INDEX

	USA tax	Flat tax	Present corporate income tax
Expenses capital equipment cost in U.S.	Yes (+1)	Yes (+1)	No (−1)
Excludes from tax all exports of American-made products.	Yes (+1)	No (−1)	No (−1)
Taxes imports of foreign-made products.	Yes (+1)	No (−1)	No (−1)
Is territorial (i.e., applies only in U.S.).	Yes (+1)	Yes (+1)	No (−1)
Foreign royalty income is excluded export receipt.	Yes (+1)	No (−1)	No (−1)
Is neutral as between labor and capital.	Yes (+1)	No (−1)[2]	No (−1)
Allows credit for employer-paid payroll tax.	Yes (+1)	No (−1)	No (−1)
Solves transfer-pricing problem	Yes (+1)	No (−1)	No (−1)
Is revenue-neutral (No overall increase/decrease in business taxes).	Yes (+1)	No (−1)	Yes (+1)
Is simple and efficient	Yes (+1)	Yes (+1)	No (−1)
Net score (Max. 10)	+10	−4	−8

[2] At the business level, it is not neutral, but tends to be neutral when combined with the individual tax, except for the absence of a payroll tax credit. In this latter respect, returns to labor are taxed more heavily than returns to capital.

A. Discussion of Competitiveness Criteria in the Context of the USA Tax

Because it satisfies all the criteria within a simple and understandable framework, the USA business-level tax provides an excellent illustration of how a low-rate business tax which allows expensing of capital equipment in the U.S. can be combined with border-tax adjustments and "territoriality" to produce an essentially ideal result: a neutral, even-handed tax that treats all businesses alike (whether corporate or noncorporate, capital intensive or labor intensive, financed by equity or by debt, large or small) and which is neither tilted for or against us when we compete in foreign markets nor for or against foreign companies when they compete in our markets.

The USA business tax is ultimate simplicity. To calculate its fax for the year, a business (1) adds up the amount of its revenues for the year from sales of products and services in the United States, (2) subtracts the amount of its deductible input costs for the year, (3) multiplies the resulting "gross profit" by the 11% tax rate, and (4) takes a credit for the 7.65% employer-paid FICA tax imposed by present law on its payroll. The payroll tax credit is a unique feature of the USA Tax and is in lieu of any deduction for wages paid to employees. Like the Treasury's Comprehensive Business Income Tax proposal in 1992, and like other proposals designed to eliminate the bias against equity financing, no deduction is allowed for interest.

From a world trade perspective, the highly salutary and complementary relationships between border tax adjustments and territoriality can best be illustrated by applying the USA Tax in a series of fairly typical situations.

(1) TexCorp wishes to compete in the widget market in foreign Country A either by manufacturing widgets in Country A for sale in Country A or by manufacturing widgets in the U.S. and exporting them to Country A. Because the USA Tax is "territorial", it does not apply to TexCorp's direct manufacturing and sales operations outside the U.S. Therefore, like the local widget manufacturers in Country A, TexCorp only pays the Country A tax and can compete with these foreign companies on a level tax playing field. Similarly, because exports are excluded from U.S. tax, TexCorp would only pay the Country A tax if it manufactured widgets in the U.S. and exported them into the Country A market. The U.S. tax effect is the same in both cases. What actually happens, as is fairly typical, is that TexCorp starts off by manufacturing directly in Country A in order to penetrate the market and then follows up with exports of American-made components and related product lines. In other cases, also not unusual, TexCorp might start off-with exports to Country A and then follow up with some additional direct investments and operations in Country A in order to expand its export sales of American-made products in Country A. Thus, there is a complementary relationship between the export rule and the territorial rule. (If the tax were territorial, but exports were not excluded from tax, TexCorp would be tax-advantaged by manufacturing abroad to sell abroad.) It is also important to note that because the tax is territorial, TexCorp can bring home its profits from Country A and reinvest them in the U.S. tax-free; the same as it can reinvest its export profits in the U.S. tax-free.

(2) TexCorp also has a new technology related to widgets which, after developing a foreign market for widgets, it wishes to license to others for use in Countries B and C. In other words, TexCorp wants to export the fruits of some American ingenuity which is also a valuable product. Because of the export rule, the foreign royalty income under the license agreement is correctly excluded from tax.

(3) NewCorp wishes to sell widgets in the U.S. market. It can either manufacture the widgets abroad in Country X and ship them back into the U.S. or it can build a new plant in New England near its headquarters and manufacture the widgets there. Because of the 11% import tax under the USA Tax, there is no tax advantage for NewCorp if it manufactures abroad instead of in New England. If NewCorp manufactures a $100 widget abroad and sells it back into the U.S., an $11 import tax is paid. This is the same rate of tax NewCorp would pay if it manufactured the widget in New England. (Under a territorial rule without a complementary import tax, there might be "runaway" plants, but with the import tax there will be none. Thus, the synergistic combination of territoriality, an export exclusion, and an import tax provides the U.S. with all the advantages of territoriality without the disadvantages.)

(4) ForCorp, a foreign corporation headquartered in Country Y, wishes to sell widgets in the U.S. market. It could remain offshore, manufacture the widgets in Country Y and distribute them in the U.S. through a sales subsidiary or it could build a plant in Kentucky and both manufacture and sell in the U.S. Because of the 11% import tax, there is no tax advantage to ForCorp in remaining offshore.

(5) In a variation of Situation (4), ForCorp wishes to sell widgets all around the world; not just in the U.S. market. Because the USA Tax rate is only 11% and because U.S. production costs such as capital investment in the U.S. for new plants are deductible, and because of the export exclusion, the U.S. would be a very attractive place for ForCorp to locate its plant.

Not only does the combination of territoriality, an export exclusion, and an import tax produce consistent procedural or mechanical results in the tax calculation, the combination also produces important results as a matter of economic substance: income and job creation.

A good example is the combination of territoriality and the export exclusion. A recent study by Edward Graham at the Institute for International Economics will soon be published by the Oxford University Press.[3] It shows an extraordinarily high degree of statistical correlation between the amount of direct investment by U.S. companies in a foreign country (as in Situation (1) above) and the amount of U.S. exports to that foreign country. In other words, the more U.S. companies penetrate foreign markets and gain market share by direct "on-the-ground" operations in a foreign country, the greater the amount of exports of American-made products to that country. Thus, U.S. foreign direct investment abroad is good for U.S. exports and good for U.S. jobs. The combination of territoriality, an export exclusion, and an import tax facilitiates this synergistic result.

B. The Flat Tax and the Competitiveness Index

The business portion of the classic Flat Tax (H.R. 2060) does allow expensing and is territorial, and both of these characteristics are positives. But, overall, the Flat Tax does not score well under AMT's International Competitiveness Index. There are may reasons for this deficiency, as indicated in the brief presentation of the Index itself, but the most significant reasons appear to be the absence of an import tax and the absence of an export exclusion.

Without belaboring the point, a few examples may suffice. In prior Situation (1) where TexCorp had the choice to manufacture in the U.S. for export abroad or to manufacture abroad for sale abroad, under the Flat Tax it would be to TexCorp's advantage to manufacture abroad insofar as U.S. taxes are concerned. This is because the Flat Tax taxes U.S. exports. Similarly, in prior Situation (2), because the Flat Tax taxes U.S. exports, foreign royalties from licensing U.S. know-how and technology would be taxed. TexCorp might be better advised to develop the technology abroad instead of developing it here and licensing the use abroad. In Situations (3), (4) and (5), because the Flat Tax does not tax foreign imports, it would have been to the advantage of NewCorp or ForCorp to manufacture abroad for sale into the U.S.

C. General Discussion of Sales Tax Option

Setting aside all other considerations and assuming that a retail sales tax replaced the federal income tax, the resulting tax system would score very high on AMT's International Competitiveness Index—in the area of 90 to 100%.

A retail sales tax is implicitly border adjustable for imports and exports and is implicitly territorial. These implicit or indirect characteristics arise because a tax is paid only to the extent that a retail sale occurs in the United States.

Even if, as some economic analysis suggests, the economic burden, of the retail sales tax is in significant part borne by businesses (and, ultimately, their owners and employees), there is an implicit export exclusion because no tax is ever paid with respect to a sale to a non-U.S. purchaser and no tax ever enters the system potentially to be passed back to the seller. Similarly, if a U.S. company is operating and selling abroad, there is never any U.S. retail sale and no U.S. tax ever enters the chain of price-tax-volume relationships between seller and purchaser. Thus, a retail sales tax is implicitly territorial.

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[3] Edward M. Graham, On the Relationships Among Direct Investment and International Trade in the Manufacturing Sector: Empirical Results for the United States and Japan. Institute for International Economics, 1996. To appear in Dennis Encarnation, editor, Does Ownership Matter: Japanese Multinationals in East Asia (London: Oxford University Press, forthcoming).

On the import side, if either a U.S. company or a foreign company manufactures a product abroad which directly or indirectly finally shows up as a retail sale in the U.S., a tax liability arises. Thus, in this indirect sense, there is an implicit import tax, i.e., the retail sales tax is the same whether the product sold in the U.S. is of domestic or foreign origin.

III. CONCLUSION AND RECOMMENDATIONS

AMT believes that any new tax system for America's future should be terroritial, should include complementary export and import adjustments, and should relieve the bias against personal saving and business capital investment. The new tax system should also be simple.

Based on our analysis using the International Competitiveness Index, it appears that there are two fundamentally different ways of doing this. One is the USA Tax (which resembles a very simplified version of a corporate income tax with expensing and appropriate international adjustments engrafted on to it). The other is the general idea of replacing the entire federal income tax with a retail sales tax.

While the USA Tax and the retail sales tax are far apart and greatly different in many other respects, either one would have a beneficial impact on international competitiveness.

Mr. NUNN. Mr. President, Senator DOMENICI and I believe we have a solution to the export problems created by our current Tax Code. The solution is the U.S.A. tax plan. We believe our proposal will make America much more competitive.

The first thing the U.S.A. tax plan does to level the playing field is to make America's business tax—which replaces the corporate income tax—border-adjustable. We exclude from our domestic tax base any items made by American manufacturers for export, just as our major competitors do by rebating their value-added taxes when their goods are exported for sale here.

Conversely, when a company, foreign or U.S. owned, manufactures abroad and sells in the U.S. market, the company is, through the operation of a new import tax, taxed essentially the same as if the factory were located in the United States. Again, we are trying to give imports and exports the same treatment our competitors do, rather than perpetuate the present system which favors companies that are located abroad selling to this country. Imports would be subject to an import tax that would equal the overall business tax levied in this country.

The border adjustability feature of the U.S.A. plan is intended to favor and encourage production and employment here in the United States and to make American goods, services and know-how more competitive in foreign markets. Our current Tax Code does exactly the opposite.

For example, in Georgia, Ford Motor Co. operates a very large manufacturing facility which produces thousands of Ford Tauruses and Mercury Sables every year. These vehicles are mid-sized, moderately priced automobiles. Many of these vehicles are exported. When a $20,000 Taurus is exported to Great Britain, it carries with it the burden of today's U.S. Tax Code—a 34-percent rate on corporate profits, the alternative minimum tax, and numerous other business levies. In addition when this Taurus is sold in Great Britain, a 17 percent Value Added Tax [VAT] is also imposed on it. This adds $3,400 to the price of the car. In essence, doubling the tax burden on this single car.

Under this same scenario with the U.S.A. tax plan, when this Taurus is exported, no U.S. business income tax would be imposed. The car would still be subject to a VAT when it reaches Great Britain, but it would not be burdened with the cost of the U.S. Tax Code.

Conversely, under today's Tax Code, when Rover—a British automobile manufacturer—exports a vehicle to the United States, the VAT it carries in Great Britain is rebated to Rover before it leaves British soil. When this Rover vehicle is sold in the United States, it carries no U.S. corporate income tax burden nor does it carry a VAT. With the U.S.A. tax system, an U.S. import tax would be levied on the Rover vehicle. This levy would be the equivalent of the U.S. corporate tax carried on the Taurus built and sold in the United States. In other words the playing field would be level on goods manufactured abroad and sold in the U.S. market compared to goods both manufactured and sold in the United States.

The second, related feature of our business tax on imports and exports is that the U.S.A. tax is territorial. If a company located a plant in a foreign country in order to sell in that country's local markets, then under the U.S.A. tax plan we do not allow a deduction for those foreign costs, but neither do we include the proceeds of these foreign sales as part of our domestic tax base. Overseas sales would not be part of that company's U.S. corporate income tax calculations.

This is what we mean by saying the U.S.A. tax is territorial. Businesses would not have to include overseas sales in their profits when computing their business taxes, nor would they deduct costs they incur purchasing goods and services overseas. I might add that this will have another huge benefit—it will greatly simplify the computation of U.S. tax liabilities for our international corporations.

When I have highlighted this aspect of the U.S.A. tax plan to groups here in Washington and throughout the country, one of the first questions asked about this element of the U.S.A. tax plan is—is it GATT complaint? According to the many tax and trade experts, including officials at the Department of the Treasury, we have consulted, the weight of the legal argument is with the U.S.A. tax plan.

Should the U.S.A. plan be enacted, we can expect a GATT challenge. In fact, a number of our allies' Ambassadors have raised this question with me. When I explain the essence of the U.S.A. tax plan to them and point out that their country's value added taxes [VAT's] do the same thing to U.S. products exported to their nations as the U.S.A. tax proposes to do to their exports, the answer I usually receive is a blank stare. It seems to me that what is good for the goose is good for the gander.

Another question I receive is the question about the U.S.A. tax plan's omission of the deductibility of wages at the business level. Wages under the U.S.A. tax plan would not be deductible. The principle reasons why this deductibility is denied are twofold: first under GATT rules, our Nation can not provide wage deductions while also providing, in essence, an excise tax on imports and second to provide wage deductibility and still maintain revenue neutrality the business rates would have to be raised significantly from the 11 percent flat rate we propose.

While this conclusion seems necessary, the wage nondeductibility issue is going to have to be thought through very carefully. Attaining a level playing field in international trade is a very important goal and to achieve it would be a sea change in U.S. tax policy. The same would be true to deny wage deductions to businesses. However, on this latter point, businesses need to keep in mind that the business rates proposed in the U.S.A. tax plan are much, much lower than today's business tax rates. In fact, they would be less than one-third of today's rates, yet these rates raise the same amount of revenue for the Federal Government as is raised today. It is also important to keep in mind that under our proposal, businesses would receive a credit for the employer share of Social Security taxes paid. So the effective business tax rate on wages paid up to the $62,000 Social Security tax wage limit would be 11 percent less 7.65 percent paid in FICA taxes, or just 3.35 percent.

Mr. President, in conclusion, the U.S.A. tax plan would promote U.S. competitiveness and level the international playing field for American business by implementing a territorial and border adjustable business tax. All goods, whether produced here or abroad, sold in the United States will bear the same U.S. tax burden. And U.S. exports, which are generally subject to a value-added tax when they are sold in foreign markets, would no longer be subject to a U.S. corporate income tax on top of that. It's time we had a Tax Code that works for us, not against us, and the U.S.A. plan, for this and many other reasons, provides the answers.

CRS REPORT ON ENVIRONMENTAL TOBACCO SMOKE

Mr. FORD. Mr. President, on November 14, 1995, the Congressional Research Services issued a report authored by C. Stephen Redhead and Richard E. Rowberg entitled Environmental Tobacco Smoke and Lung Cancer Risk. This report was prepared in response to multiple requests from congressional offices and presents an analysis of the potential health effects of environmental tobacco smoke [ETS].

Consistent with statutory requirements for CRS work, this report was prepared in a nonpartisan, unbiased manner and is an excellent example of the professional and academic quality of CRS work. The report calls into question some of the findings of the Environmental Protection Agency with regard to ETS. Not surprisingly, some of the conclusions contained in the report have proven controversial.

Subsequent to the release of the report, one of the authors of the report made statements to the press regarding the conclusions of the report. Reports of the author's statements have appeared in several newspapers. It appears that his statements have been either misconstrued or taken out of context in an apparent attempt to discredit the results of the report.

In a letter to me, dated March 19, 1996, Daniel P. Mulhollan, Director, CRS, clarified that, based on conversations with the author, news reports were either misleading or inaccurate. Further, Mr. Mulhollan stated that CRS continues to stand by the findings of the report.

I ask unanimous consent that a copy of this letter from Dan Mulhollan, dated March 19, 1996, be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 19, 1996.

Hon. WENDELL H. FORD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FORD: This is in response to the questions you raised yesterday concerning an article that appeared last month in the Kitchener-Waterloo record about the CRS report, Environmental Tobacco Smoke and Lung Cancer Risk. Based on my conversations with the analysts involved, the article was misleading and inaccurate. I can assure you that we continue to stand by the findings of the report.

I am advised that the article contains three specific statements about the content of the report which were attributed to one of its authors. First, it states that the report "does not dispute the claim that secondhand smoke is a known, class A (human) carcinogen." In fact the report takes no position regarding the Environmental Protection Agency's classification of ETS as a class A carcinogen. The relevant sections in the report appear on page 1 (paragraph 3) and the last two paragraphs on page 16.

The article also states that the "number of [ETS] deaths....likely ranges anywhere from several hundred to several thousand a year in the United States." The report cited several possible values ranging from zero to as high as 5,500 depending on the level of risk selected from those appearing in the published literature (see page 2, paragraph 2).

Finally, the article states that the CRS report attempted to "point out the uncertainties of determining what level of exposure to ETS is likely to cause cancer." This statement is misleading and incorrect. The report presents an analysis of the uncertainties in performing a quantitative risk assessment of the ETS-lung cancer risk using epidemiologic data.

Notwithstanding any comments that have appeared in this or any other press articles or other published comments about the CRS report, we have not changed our position on any of its findings. We also believe that these findings are clearly expressed in the report.

I am also enclosing a copy of a March 18 letter from the Acting Chief of the Science Policy Research Division that was E-mailed to Ms. Martha Perske. The letter states that we have not changed our position on any of the findings of the report on ETS.

Sincerely,
DANIEL P. MULHOLLAN,
Director.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FRAHM). Without objection, it is so ordered.

RELATIVE TO CAMBODIA HUMAN RIGHTS RECORD

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 629, Senate Resolution 285.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 285) expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with amendments:

(The part of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.)

[ers, and helped finance both the Royal Cambodian Armed Forces and the Khmer Rouge in their civil war; and

[Whereas the desire to cite Cambodia United Nations peacekeeping success story has stifled official international expressions of concern about deteriorating conditions in Cambodia: Now, therefore, be it]

Whereas the Paris Peace Accords of 1991 and the successful national elections of 1993 brought two decades of civil war nearer to cessation, demonstrated the commitment of the Cambodian people to democracy and stability, and led to the creation of a national constitution guaranteeing fundamental human rights;

Whereas since 1991 the international community has contributed almost $2 billion to peacekeeping and national reconstruction in Cambodia and currently provides over 40 percent of the budget of the Royal Government of Cambodia (RGC);

Whereas recent events in Cambodia—including the arrest and exile of former Foreign Minister Prince Sirivudh, the expulsion of former Finance Minister Sam Rainsy from the FUNCINPEC Party and the National Assembly, a grenade attack against members of the independent Buddhist Liberal Democratic Party of Cambodia, mob attacks against pro-opposition newspapers, the assassination of journalist and Khmer National Party member Thun Bunly, and harassment of other journalists—suggest that Cambodia is sliding back into a pattern of violence and repression;

Whereas the RGC has failed to investigate fully incidents of political violence and prosecute the perpetrators;

Whereas, the RGC, without appropriate prior consultation with the Cambodian Parliament and despite protestations from Cambodians residing both inside the country and overseas, has obtained from King Sihanouk an amnesty for Ieng Sary, the former deputy Prime Minister of the Khmer Rouge and brother-in-law of Khmer Rouge leader Pol Pot during the period when the Khmer Rouge murdered as many as two million innocent Cambodians;

Whereas that amnesty may allow Ieng Sary to fully reintegrate into Cambodian society and from a political party that may participate in upcoming elections;

Whereas, Ieng Sary has disavowed any responsibility for the genocide perpetrated by the Khmer Rouge against the Cambodian people;

Whereas, the Cambodian Genocide Justice Act states that it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity, and in circumstances which the President deems appropriate, to encourage the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia and to provide such national or international tribunal with relevant information;

Whereas, rampant corruption in the RGC has emerged as a major cause of public dissatisfaction, which—when expressed by politicians and the press—has resulted in government crackdowns;

Whereas, Cambodia has been added to the Department of State's list of major narcotics trafficking countries, though Cambodia has been certified by the President as cooperating fully with the United States or taking adequate steps on its own to achieve full compliance with the *goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;*

Whereas, the RGC—in contravention to the Cambodian Constitution—has sanctioned massive deforestation and timber exploitation which has devastated the environment, endangered the livelihoods of many of the country's farmers; and

Whereas, illegal logging has helped finance both the Royal Cambodian Armed Forces and the Khmer Rouge in their civil war: Now, therefore, be it

Resolved, [That it is the sense of the Senate that—

[(1) among the primary objectives in U.S. policy toward Cambodia should be improvements in Cambodia's human rights conditions, environmental and narcotics trafficking record, and the RGC's conduct;

[(2) the Secretary of State should closely monitor preparations for upcoming Cambodian elections in 1997 and 1998 and should attempt to secure the agreement of the RGC to full and unhindered participation of international observers for those elections to ensure that those elections are held in a free and fair manner complying with international standards;

[(3) the Secretary of State should support the continuation of human rights monitoring in Cambodia by the United Nations, including monitoring through the office of the United Nations Center for Human Rights in Phnom Penh and monitoring by the Special Representative of the United Nations Secretary General for Human Rights in Cambodia; and

[(4) the Secretary of State should encourage Cambodia's other donors and trading partners to raise concerns with the RGC over Cambodia's human rights, environmental, narcotics trafficking, and governmental conduct.]

That it is the sense of the Senate that:

(1) among the primary objectives in U.S. policy toward Cambodia should be enforcement of the Cambodian Genocide Justice Act, improvements in Cambodia's human rights conditions, environmental and narcotics trafficking record, and the RGC's conduct;

(2) in compliance with the Cambodian Genocide Justice Act, the United States should support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity, and that the President deem it appropriate to encourage the establishment of a national or international criminal tribunal for the prosecution of Ieng Sary and to provide that tribunal with any information available on Ieng Sary's alleged involvement in the Cambodian genocide;

(3) the Secretary of State should closely monitor preparations for upcoming Cambodian elections in 1997 and 1998 to ensure that those elections are held in a free and fair manner in compliance with international standards, and toward that end should attempt to secure the agreement of the RGC to full and unhindered participation of international observers for those elections;

(4) the Secretary of State should support the continuation of human rights monitoring in Cambodia by the United Nations, including monitoring through the office of the United Nations Center for Human Rights in Phnom Penh and monitoring by the Special Representative of the United Nations Secretary General for Human Rights in Cambodia; and

(5) the Secretary of State should encourage Cambodia's other donors and trading partners to raise concerns with the RGC over Cambodia's record on human rights, the environment, narcotics trafficking and governmental conduct.

Mrs. FEINSTEIN. Madam President, I am pleased that the Senate is acting today on Senate Resolution 285 with respect to Cambodia. I want to briefly outline why the distinguished chairman of the Senate Finance Committee, Senator ROTH, and I offered this resolution with respect to Cambodia, and why we feel it is important.

On September 12, the House of Representatives passed H.R. 1642, as amended by the Senate, extending most-favored-nation trading status to Cambodia. The legislation now awaits the President's signature, which is expected.

That is as it should be. Cambodia has made tremendous strides since the signing of the Paris Peace Accords in 1991. The granting of MFN status is an important way of recognizing that Cambodia is emerging from the violence and repression that plagued its past. The United States can help Cambodia continue in its path of normalization and development by engaging it in a free and open trade relationship.

But the extension of MFN status to Cambodia should not be misconstrued as a signal that we no longer have concerns about the conduct of the Royal Government of Cambodia [RGC]. Indeed, while the U.N.-sponsored elections of 1993 blew the air of freedom and democracy through Cambodia, recent events suggest that the RGC may be sliding backward in its safeguarding of these principles.

Among the most concerning developments is the deterioration of the political rights and freedoms of opposition leaders and the press. In recent months:

Former Foreign Minister Prince Sirivudh was arrested and exiled on trumped up charges of plotting to assassinate Second Prime Minister Hun Sen;

Former Finance Minister Sam Rainsy—a persistent critic of government corruption, was expelled from the National Assembly and the FUNCINPEC Party;

A gathering of leaders of the Buddhist Liberal Democratic Party was attacked with a grenade;

Journalist and Khmer party member Thun Bunly was assassinated; and

Other journalists have been harassed and intimidated for criticizing government corruption and abuse, and few of these crimes have been properly investigated.

These incidents, and many others like them, suggest that Cambodia is in danger of slipping back into its old habits of repression. In addition, corruption is widespread in Phnom Penh, with many government officials directing money into their own pockets. Furthermore, Cambodia has emerged as a major center of heroin trafficking, and there is evidence that some government officials—including members of police and military units, have profited from this trade as well. The RGC, which has been certified as cooperating in our antinarcotics efforts, needs to do even more.

Finally, despite the Cambodian Constitution's requirement that the RGC safeguard the environment, the RGC has allowed massive deforestation to take place in many areas of the country. This environmental degradation, a serious concern in its own right, is compounded by three factors:

Unrestricted clear-cutting is threatening the agricultural livelihoods of numerous Cambodians, to the point where some communities have been destroyed by drought and floods, and famine is a serious concern;

Concessions granted to timber companies are often a means of lining the pockets of national and local officials, adding to the corruption problem; and,

Concessions granted to timber companies for logging in western Cambodia, where the Khmer Rouge still dominates, have enabled the Khmer Rouge to generate millions of dollars of income by charging the loggers passage fees.

The specter of the Khmer Rouge still haunts Cambodia. That is why it was particularly disturbing in recent weeks to see that the RGC obtained from King Sihanouk an amnesty for Ieng Sary, the former Deputy Prime Minister of the Khmer Rouge and Pol Pot's brother-in-law.

It should be of great concern to Members of the Senate that a former Khmer Rouge leader, who participated in the genocide of some 2 million Cambodians—rather than being charged as a war criminal, as he should be, and as Congress has endorsed in the Cambodian Genocide Justice Act—is being allowed to participate fully in Cambodia's political life.

That is the spirit in which this resolution is offered, Mr. President. The United States has provided much assistance to Cambodia to aid in its recovery from civil war. We are now extending MFN status to them, another step forward in our relations.

But we should not allow that progress to obscure our understanding of the serious and troubling trends beginning to emerge in Cambodia. I hope this resolution will help the administration send the appropriate message of concern over these trends.

Mr. ROTH. Madam President, I rise today to express my thanks to my colleagues for their unanimous support in passing this resolution expressing the Senate's concerns about a series of disturbing developments in Cambodia.

Recently, Congress sent to the President H.R. 1642, a bill to extend permanent most-favored-nation tariff treatment to Cambodia. Congress made it clear in that legislation that it was doing so, in part, because it believes normal trade relations with Cambodia could serve to improve the conditions in Cambodia.

The resolution we have passed today is meant to send a parallel message—

that the United States Senate remains deeply concerned about problems in Cambodia, and will continue to follow events in that country closely.

Since 1991, the international community has contributed almost $2 billion to peacekeeping and national reconstruction to Cambodia. Multilateral aid also provides over 40 percent of the Royal Government of Cambodia's annual budget.

While the U.N.-sponsored election of 1993 brought a brief period of freedom and democratic improvement to Cambodia, recent developments on a variety of fronts suggest that Cambodia's future remains precarious at best.

Most recently, the Royal Government of Cambodia, without appropriate prior consultation with the Cambodian Parliament and despite protestations from Cambodians residing both inside the country and overseas, obtained from King Sihanouk an amnesty for Ieng Sary. This man, brother-law to Khmer Rouge leader Pol Pot, served as Deputy Prime Minister of the Khmer Rouge during the period when that loathsome group murdered as many as two million innocent Cambodians. Despite his position during that period, Ieng Sary has—incredibly—disavowed any responsibility whatsoever for the genocide perpetrated by the Khmer Rouge.

Just as appallingly, the amnesty granted Ieng Sary may allow him to fully reintegrate into Cambodian society. In fact, he appears likely to form a political party that he will lead into the local and national elections slated for 1997 and 1998.

Among other things, this resolution states that in compliance with the Cambodian Genocide Justice Act, the United States should support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity, that the President deem it appropriate to encourage the establishment of a national or international criminal tribunal for the prosecution of Ieng Sary and to provide that tribunal with any information available pertaining to Ieng Sary's alleged involvement in the Cambodian genocide.

The resolution also notes that Prince Norodom Sirivudh, former Deputy Prime Minister and Foreign Affairs Minister was arrested by the current government under trumped up charges of fomenting a plot to assassinate the Second Prime Minister, Hun Sen. After a summary trial without proper defense, Prince Sirivudh was found guilty by Hun Sen-appointed judges and was sent into exile in France.

Another prominent opposition leader, former Finance Minister Sam Rainsy was expelled from the coalition Funcinpec Party and the National Assembly for having criticized the RGC for its lack of transparency in its business deals with foreign firms. Since his expulsion, several members of his party have been murdered.

A number of members of another opposition party, the Buddhist Liberal Democratic Party of Cambodia, headed by former Prime Minister Sonn San, died as a result of a grenade attack during that party's national convention.

In addition, several editors and reporters from opposition newspapers have been assassinated. Currently, not one of these assassination cases has been solved.

Corruption in Phnom Penh is rampant and Cambodia has emerged as a major heroin trafficking center in Asia. Finally, in contravention to the Cambodian Constitution, the RGC has permitted deforestation and timber exploitation on such a massive scale that the agricultural livelihoods of enormous numbers of Cambodians are now threatened.

Madam President, all of us in this Chamber want Cambodia to become as swiftly as possible a peaceful, stable, prosperous, free and democratic member of the community of nations. The horrors the people of Cambodia have endured are beyond comprehension. Their resilience in the face of genocide, however, is a tribute to the true character of the Cambodian people. Mr. President, in adopting this resolution, we send an unmistakable message of support to the Cambodian people as they do the hard work of support to the Cambodia people as they do the hard work of restoring and renewing their country.

Mr. NICKLES. Madam President, I ask unanimous consent that the committee amendment be agreed to, and the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the amendment to the title be agreed to, and the motions to reconsider the previous actions be laid upon the table, en bloc, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 285) was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, was agreed to, as follows:

[The resolution was not available for printing. It will appear in a future issue of the RECORD.]

The title was amended so as to read:

A resolution expressing the sense of the Senate that enforcement of the Cambodian Genocide Justice Act, improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct should be among the primary objectives of the United States in its relations with Cambodia.

WAIVING TEMPORARILY THE MEDICAID ENROLLMENT COMPOSITION RULE

Mr. NICKLES. Madam President, I ask unanimous consent that the Finance Committee be discharged of H.R. 3871, and further, the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3871) to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Madam President, I ask unanimous consent that the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3871) was deemed read the third time, and passed.

JOINT FEDERAL-STATE COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 3973, which is currently at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3973) to provide for a study of the recommendations of the Joint Federal-State Commission Policies and Programs Affecting Alaska Natives.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Madam President, I rise today to express my support for H.R. 3973, a bill to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives. H.R. 3973 authorizes $350,000 in funding to the Alaska Federation of Natives to study how to implement the findings of the Alaska Native Commission, which was established under Public Law 101–379.

In 1990, the Commission, which was funded jointly by Federal and State appropriations, made a comprehensive study of the social and economic conditions of Alaska Natives and the effectiveness of programs and policies of the

United States and the State of Alaska which provide services to the Alaska Native communities.

In May 1994, the Commission issued a three-volume report containing many policy recommendations regarding Alaska Native Physical Health; Social/Cultural Issues and the Alcohol Crisis; Economic Issues and Rural Development; Alaska Native Education; and Self-Governance and Self-Determination. By enacting H.R. 3973, Congress will provide Alaska Natives with a process to determine the most appropriate means to implement the findings of the Commission. I would like to commend the hard work of my colleagues from Alaska, Senator MURKOWSKI and Senator STEVENS, on this important legislation.

This bill is noncontroversial and is widely supported by both the Alaska Native communities and the Administration for Native Americans within the U.S. Department of Health and Human Services. I urge my colleagues to support passage of H.R. 3973.

Mr. MURKOWSKI. Madam President, I rise today to express my strong support for passage of the Alaska Native Commission study bill. This legislation is the product of years of study and candid self-appraisal by Alaska Natives about their standard of living conditions and the need to address these problems. While this self-appraisal has been exhaustive, it has not been pessimistic. On the contrary, the study is evidence of an exciting time for Alaska Natives, for they are taking the initiative to work to improve their standard and way of life. Their efforts will lead to a strengthening of their livelihoods and their pride in being both Alaska Natives and American citizens. I am proud that this bill will be part of that process.

In 1989, Congressman Young and I introduced a bill that became Public Law 101–379. Public Law 101–379 established the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, better known as the Alaska Natives Commission. Among its many recommendations, the Commission called for Federal funding to examine how best to implement the recommendations of the Commission. The purpose of this bill is to establish the funding, in the amount of $350,000, for such a study.

From the beginning, the efforts of the commission have involved cooperation from both the Federal and Alaska State governments, and I am pleased to announce that this process will continue. The Commission was jointly funded by the Alaska State and Federal governments. Half of the 14 Commission members were appointed by the President, and half by the Governor. The Alaska congressional delegation and the Alaska Federation of Natives have already worked with State government representatives throughout this past summer to discuss ways to implement some of the findings of the Commission. I call on the State to stay active in the implementation process, and to assist the effectiveness of the study by appropriating additional funds to operate the study. I am confident that through the active participation of all interested parties, the study will lead to realistic and effective recommendations for implementation of the Commission's recommendations.

I thank my colleagues Congressman YOUNG for getting this bill passed by the House of Representatives, Indian Affairs Committee Chairman, Senator MCCAIN for moving the bill through the Senate expeditiously, and Senator STEVENS for securing the appropriations to fund this bill.

Mr. NICKLES. Madam President, I ask unanimous consent that the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The bill (H.R. 3973) was deemed read the third time, and passed.

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. NICKLES. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and that the Senate turn to the immediate consideration of Senate resolution 300.

The PRESIDING OFFICER. Without objection, it is ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 300) designating the week of November 3, 1996, as "National Shaken Baby Syndrome Awareness Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. Madam President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 300

Whereas Shaken Baby Syndrome describes the consequences that occur when a young child is violently shaken;

Whereas Shaken Baby Syndrome is so lethal that 20 to 25 percent of its victims die, and most survivors suffer brain damage;

Whereas Shaken Baby Syndrome accounts for 10 to 12 percent of all child abuse and neglect cases in the United States;

Whereas 25 to 50 percent of teenagers and adults do not know that shaking a baby is dangerous;

Whereas education is the key to preventing this tragedy; and

Whereas the United States Senate has a continuing commitment to the health and safety of this Nation's children: Now, therefore, be it

Resolved, That the Senate designates the week of November 3, 1996, as "National Shaken Baby Syndrome Awareness Week". The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMERICAN FREE ENTERPRISE DAY

Mr. NICKLES. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 291, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 291) designating November 18, 1996, as "American Free Enterprise Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 291) was agreed to, as follows:

S. Res. 291

Whereas American prosperity is founded on the free enterprise system of individual opportunity and economic freedom;

Whereas the roots of American free enterprise can be found in the experiences of the people of Jamestown and Plymouth, the earliest American colonies;

Whereas the basis of free enterprise is the right to ownership of private property, which ensures to individuals the fruits of their own labor and encourages the virtues of self-reliance, thrift, and industriousness;

Whereas the settlers at Jamestown and Plymouth were initially deprived of the fruits of their own labor and therefore lacked the incentive for private initiatives and hard work;

Whereas William Bradford, Governor of the Plymouth Plantation, wrote that in response to the misery and want experienced by the people of Plymouth he decided "that they should set corn every man for his own particular; and that regard trust to themselves . . . . This had very good success, for it made all hands very industrious, so as much more corn was planted than otherwise would have been by any means the Governor or any other could use.";

Whereas on November 18, 1618, "The Great Charter" endowed the colonists of Virginia with the right to profit from property under their individual control for the first time; and

Whereas the result of the Great Charter was a blossoming of individual initiative and self-sufficiency that laid the foundations for the American tradition of economic freedom, prosperity, and self-government; Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of our first colonies who began the American tradition of hard work and individual initiative;

(2) honors all those who have defended the right of individuals to own property, pursue their own initiative, and to reap the fruits of their own labor; and

(3) designates November 18, 1996, as "American Free Enterprise Day".

The President is authorized and requested to issue a proclamation calling upon the people of the United States and Federal, State, and local administrators to observe the day with appropriate programs, ceremonies, and activities.

IMPLEMENTING PROVISION OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 304, submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 304) approving certain regulations to implement provisions of the Congressional Accountability Act of 1995 relating to labor-management relations with respect to employing offices of the Senate and employees of the Senate, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. Madam President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to, as follows:

S. RES. 304

Resolved,

SECTION 1. APPROVAL OF REGULATIONS.

(a) IN GENERAL.—The regulations described in subsection (b) are hereby approved, insofar as such regulations apply to employing offices of the Senate and employees of the Senate under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) and to the extent such regulations are consistent with the provisions of such Act.

Mr. LOTT. Mr. President, I would like to make some clarifying remarks regarding the resolution currently before the Senate, S. Res. 304. This resolution will approve certain regulations to implement provisions of the Congressional Accountability Act. These regulations are approved to the extent they are consistent with the Congressional Accountability Act. In that regard, section 220(c)(3) of the act allows for judicial review of negotiability issues, although it limits who may seek review. Also, the term "any matter" under section 220(c)(1) of that act clearly includes any and all petitions and other submissions submitted to the board under section 220(c)(1) of the act.

Mr. GRASSLEY. Mr. President, I would like to compliment the Senate and the leadership for acting on these resolutions today approving certain Congressional Accountability Act regulations. The first bill passed in this Congress was the Congressional Accountability Act. With great fanfare we stood together in this Chamber and announced to other Americans that we, as Senators, are no better than they are. We are not special, we are not different, and we will no longer make laws just for other Americans. Rather, we will make laws for all Americans, including ourselves. And with my bill, the Congressional Accountability Act, we applied 11 laws, including the Fair Labor Standards Act, the Americans With Disabilities Act, and so on, to ourselves.

Now the Office of Compliance, created by the Congressional Accountability Act, has promulgated regulations that require our approval. The resolutions before us approve the so-called 220(d) regulations. These regulations address the collective bargaining rights of nonlegislative offices. I am very pleased that the Senate is acting on these regulations today.

Unfortunately, neither of these resolutions contain the 220(e) regulations, which address the collective bargaining rights of legislative offices. The House Oversight Committee recently voted to send these regulations back to the Office of Compliance and asked that they be redrafted. And last week, the Office of Compliance's Board responded with two separate letters addressing the committee's actions. Due to these recent events, it seems pointless to push the Senate to consider these regulations at this time. However, I plan to ask the leadership to make the 220(e) regulations one of the first items of business for the 105th Congress.

If we are to be honest with the American people, we must not escape fully implementing the Congressional Accountability Act. For now, I ask that the Senate act on the 220(d) regulations by voting on these resolutions.

APPROVING CERTAIN REGULATIONS TO IMPLEMENT PROVISIONS OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. NICKLES. Madam President, I ask unanimous consent that the Rules Committee be discharged from further consideration of House Concurrent Resolution 207, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 207) approving certain regulations to implement provisions of the Congressional Accountability Act of 1995 relating to labor-management relations with respect to covered employees, other than employees of the House of Representatives and employees of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Madam President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 207) was agreed to.

VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

Mr. NICKLES. Madam President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H.R. 3118, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:.

A bill (H.R. 3118) to amend title 38 of the U.S. Code to reform eligibility for health care provided by the Department of Veterans Affairs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5414

(Purpose: To provide a substitute)

Mr. NICKLES. Madam President, Senator SIMPSON has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. SIMPSON, for himself and Mr.

ROCKEFELLER, Mrs. HUTCHISON, Mr. AKAKA, Mr. MURKOWSKI, and Mr. WELLSTONE, proposes an amendment numbered 5414.

Mr. NICKLES. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SIMPSON. Madam President, the legislation now before this body may be one of the most significant veterans' bills of the last few years. In agreeing to this bill, the Congress will make, under the rubric of health care "eligibility reform", changes in the nature of our Nation's health care commitment to veterans that are more far-reaching than any decision since the end of World War II.

The Congress faces the issue of setting priorities for VA care because all 26 million veterans are eligible for VA health care. However, VA care is not an entitlement. VA provides as much care to as many veterans as resources allow.

Our Nation's historic commitment to veterans is to care for the wounds of war, that is, to care for service-connected disabilities. The VA hospital system was created to fulfill that obligation. And, having created a network of hospitals—now numbering 173—it made good sense to put it to use caring for non-service-connected veterans when space was available. That is how VA got into the business of caring for non-service-connected conditions and veterans.

As so often happens, the world changed over time, while VA and the laws that govern VA lagged behind. Over time, the non-service-connected tail began to wag the service-connected dog. Today, 89 percent of VA's medical workload is care for non-service-connected conditions. VA built a hospital system at a time when the terms "hospital care" and "medical care" were synonymous. Today, American medical care is rapidly moving out of hospitals and into the outpatient arena. VA is also moving in that direction. But, VA's movement has been hampered by statutory "eligibility" rules which set priorities reflecting VA's hospital-based infrastructure. VA medical centers are underutilized and VA has excess beds.

This fact is reflected in the eligibility rules which give a large number of veterans, perhaps 10 million, priority access to inpatient hospitalization.

Outpatient care is the bottleneck in the VA system and only a small number of veterans, about 500,000, have guaranteed access to a complete continuum of care. In addition, 2.2 million veterans receive whatever care is needed for their service-connected disabilities, and other veterans have conditional access to outpatient care.

The eligibility rules set by Congress are really a way to ration care by setting priorities. They allow VA to live within its resources.

However, they have two major faults: first, they are very complex. Second, they stand modern medical practice on its head by making it easier to provide inpatient care than outpatient care.

The easy to describe—and from a medical point of view, desirable—fix would be to simply eliminate the distinction between inpatient and outpatient care and direct VA to provide care in the most cost-effective therapeutically appropriate manner.

There are two ways to do this. We could direct VA to provide complete care—including outpatient—to all of the veterans now "mandatory" for inpatient care. However, giving new access to outpatient care, including virtually free prescription drugs and prosthetic devices such as hearing aids, to millions of additional veterans could be very expensive.

Or, the Congress could direct VA to provide complete care, but only to the number of veterans who could be served with a budget equal to VA's current funding level. This would make VA's rules simple and allow the most cost-effective care. However, $17.1 billion may not fund a full continuum of care for all of the veterans who are now "mandatory" for inpatient care. If the Congress takes this course, we could be accused of "taking away a veterans' benefit" from those veterans excluded under the new rules.

There are savings to be realized by moving treatment out of hospitals and into less expensive ambulatory care. However, CBO costed unconstrained bills directing that course as being in the billions of dollars.

As I read the CBO estimates, improved and expanded health care benefits will draw new veteran patients who do not now use VA care and the cost of their care would more than offset the savings of moving some inpatient care into the outpatient arena. For Federal budget purposes, VA health care is "discretionary" rather than "mandatory" spending. CBO cost estimates show how much it will cost to provide the care which "eligibility reform" proposals would authorize. Since VA health care spending is "discretionary", this is not a "pay-go" cost for which offsets must be found. However, appropriators are bound by a ceiling on discretionary spending and they could fund the "promised" care only if they reduced other discretionary programs, unless eligibility reform legislation imposes its own limits on the obligations of the taxpayer to fund VA health care.

VA, the Veterans Service Organizations, (VSO's), and others dispute CBO's analysis. They have stated that if the Congress reforms the rules under which VA operates the resulting efficiencies will pay for, or perhaps even more than pay for, the cost of the additional care. The Veterans' Affairs Committee has taken them at their word. The legislation we now bring before the Senate caps VA medical care spending at $17.250 billion for 1997 and $17.9 billion in 1998. I expect those caps to be extended into the future at a level reflecting any increases in the cost of providing health care and taking into account the declining veteran population.

Current eligibility rules do really stand modern medicine on its head by making it easier to treat a veteran on an inpatient basis than in a non-hospital, outpatient setting. Many advocates for eligibility reform point to the need for changes in the law in order to allow VA the freedom to bring itself up to date. I note, however that VA has informed the Committee that it is moving rapidly to a primary care model for medical care under the current rules. VA's Under-Secretary for Health, Dr. Kenneth Kizer,—one splendid administrator—in a May 10, 1996 letter to the Veterans' Committee's distinguished ranking minority member, Senator ROCKEFELLER, deemphasized sound medicine as a reason for seeking "eligibility reform". He instead said that he needs eligibility reform in order to instill respect for the law (asserting that VA clinicians feel they must evade rather than follow statutory criteria), in order to provide a mechanism for him to hold the field management accountable to the taxpayers, and to allow him to design an efficient system of care.

Madam President, these are all worthy and desirable goals. I support them. But they are goals driven by sound public administration, not a crisis. The legislation now before the Senate will allow the able Dr. Kizer to pursue those goals.

This legislation makes some real choices and I expect its enactment to have real consequences.

Current priorities for VA health care favor veterans who are service-connected, or poor, or who are members of special groups (former POW's, World War I, exposed to radiation, agent orange, Persian Gulf).

Changing these priorities requires a Congressional decision as to the Nation's health care obligation to veterans. When care was rationed by hospital bed availability it was easy to set limits. If we move to ambulatory care, constrained only by funding, and do not want to, or can not, create a new entitlement, it will be necessary to set explicit limits on who will be served.

In approving this legislation, the Congress will answer questions as basic as:

First, Should VA care for all disability and illness for service-connected veterans, or just the service-connected conditions? If yes, for all service-connected veterans or just some of them? If just some of them, which ones?

Second, Should VA serve as a social safety net for "poor" veterans? If yes, how poor?

Third, Should VA provide the same general medical services as the private sector or should it focus on providing veterans with services not generally available in the private sector (such as long term psychiatric care, or lifetime treatment of spinal cord dysfunction?

Madam President, reform even opens the door to the question of VA's role as a direct care provider. Should VA continue to provide care itself or should it fund private sector care for eligible veterans?

Madam President, I would like to take a moment to describe the eligibility reform provisions of the bill and then discuss how the bill answers the questions this issue puts before the Congress and the implications of some of those answers.

First, and most importantly, the bill eliminates the distinction between inpatient and outpatient care. VA is directed to provide hospital care and medical services in the most clinically appropriate setting for the veterans it treats. However, and this is important, the fully discretionary nature of eligibility for nursing home care remains unchanged. In addition, VA is required to maintain special programs (such as treatment for spinal cord dysfunction, blind rehabilitation, amputation, and mental illness) at least at the current level. On a per capita basis, these services are expensive to provide and it is not the intent of the Committee to allow VA to reduce them in order to pay for other kinds of routine care. This decision means that VA will be forced to reduce the number of veterans it treats for routine conditions and diseases in order to sustain its effort for the unique services it provides. In many cases, VA is a national leader for these services and, in this regard, VA is truly a national asset.

Second, the legislation does not create an entitlement to health care for veterans. Funding for veterans' health care has always been considered discretionary spending and the benefits provided by this bill are explicitly subject to the availability of appropriations. As I noted earlier, the amount of appropriations authorized is capped at about the current level of effort, $17.25 billion for 1997 and $17.9 billion for 1998.

Third, VA is directed to manage access to its health care system by enrolling veterans according to the following priorities:

First, veterans with service-connected disabilities evaluated 50 percent and greater.

Second, veterans with service-connected disabilities evaluated at 30 percent and 40 percent disabling.

Third, former POW's and veterans with 10 percent and 20 percent service-connected disabilities.

Fourth, catastrophically disabled veterans and veterans in receipt of increased non-service-connected disability pension because they are housebound or in need of the aid and attendance of another person to accomplish the activities of daily life.

Fifth, veterans unable to defray the cost of medical care, as prescribed by VA in regulation.

Sixth, all other veterans in the so-called "core" group including veterans of WWI, and veterans with a priority for care based on presumed environmental exposure.

Seventh, all other veterans.

VA will be authorized to establish subdivisions for enrollment within priority groups. 1997 and 1998 will be a transition period with enrollment required for treatment after September 30, 1998. VA will, of course, continue to treat service-connected conditions (and veteran service-connected 50 percent and higher) without regard to enrollment. Other veterans will need to be enrolled if they are to receive VA care and VA will enroll only the number of veterans it will be able to treat with the resources available to it.

Madam President, this bill will change the way VA does business and it has the potential to change the characteristics of the veterans in our States who will have a realistic expectation of receiving VA care. Veterans with noncompensable service-connected disabilities will no longer have an automatic priority for care. However, by giving a high priority for enrollment to all veterans with compensable service-connected disabilities we will create a population of 2.2 million veterans who can expect VA to provide a complete continuum of care, including such services as free or virtually free prescriptions, which are not covered by Medicare. If this expansion of services draws large numbers of these veterans to the VA system, then veterans with a low priority for care, including the low-income veterans who now make up a large proportion of VA's patients, may not receive full care. The alternative to this would have been to give a low priority to veterans with minor service-connected disabilities, but that option was not acceptable to the members negotiating the legislation. This outcome is made more likely by the decision to freeze VA's level of effort in its special, but expensive, services. A possible outcome of this bill will be a VA system that primarily treats service-connected veterans for their non-service-connected conditions and veterans whose disabilities or illnesses make them candidates for treatment in one of VA's specialized programs. Of course, this outcome will not come about if VA and the Veterans Service Organizations are correct and the efficiencies this bill will allow VA to realize are adequate to pay for the additional services provided to veterans newly attracted to the VA system. We will see veterans turned away if the Congressional Budget Office and General Accounting Office are correct and liberalized rules lead to dramatic numbers of new veterans seeking free VA care.

Madam President, I also ask my colleagues to be aware of the effect of the increased VA efficiencies necessary if it is to continue to treat its current low income patients. Because VA's resources will remain constrained, we can expect VA to accelerate the already underway process of reevaluating the desirability of continuing to support underutilized and inefficient "infrastructure". In a word, we will see some hospitals closed and mission changes for many others. To his clear credit, VA's Under Secretary for Health, Dr. Ken Kizer, has already made more progress in this direction than any other Under Secretary or Chief Medical Director in my time in Congress. And, I believe he would continue that process with or without this legislation. He deserves our highest praise for that. However, I think it safe to predict that every unpopular decision to close a hospital, or limit or redirect a service, will be attributed to this legislation. Since those changes will be the very changes needed to transform VA from a 1945 system of hospitals into a twenty-first century health care system, we should thank those who often point their fingers in our direction—for giving us the credit. If Veterans' Service Organizations in our States voice complaints about the outcome of this legislation, we should remind them of the old saying about being careful what you ask for because you may get it!

Madam President, this amendment goes beyond reform of the rules governing access to VA medical care, and I will take a few minutes to summarize some of the major provisions for the benefit of my colleagues.

It extends VA's authority to treat Persian Gulf veterans with disabling symptoms, but for which no disease can be diagnosed. It also extends to December 31, 1998 VA's authority to provide health examinations to the families of Persian Gulf veterans. This authority originally ended September 30, 1996, but unless the deadline is extended, delays in putting the program into effect would result in a substantially shorter time frame for VA to provide these exams than was contemplated by the Congress when the authority was originally enacted.

In addition, it extends VA's authority to care for veterans presumed to have been exposed to Agent Orange or radiation, and also takes a necessary step to exclude from that treatment authority those diseases for which there is evidence that exposure is not the cause.

The amendment, authorizes the construction of 18 major construction projects. I am pleased that we have made the turn away from VA's past emphasis on the construction of inpatient hospital facilities and are beginning to expand the proportion of scarce resources allocated to ambulatory care. I urge my successors to reenforce this shift in emphasis as ambulatory care is the bottleneck in the VA system and the "eligibility reform" provisions of this bill will bring VA even more veterans seeking care on an ambulatory care basis.

The bill authorizes ambulatory care projects in Honolulu, HI ($43 m), Brockton, MA ($13.5 m); Shreveport, LA ($25 m); Lyons, NJ ($21.1 m); Tomah, WI ($12.7 m); Asheville, NC ($26.3 m); Temple, TX: ($9.8 m); Tucson, AZ ($35.5 m); and Leavenworth, KS ($27.75 m). In addition, it authorizes patient environment improvement projects in Lebanon, PA ($9.5 m); Marion, IL: ($11.5 m); Omaha, Neb. ($7.7 m); Pittsburgh, PA: ($17.4 m); Waco, TX ($26 m); Marion, IN ($17.3 m); Perry Point, MD ($15.1 m); and Salisbury, NC ($18.2 m). It also authorizes correction of seismic deficiencies at Palo Alto, CA ($20.8 m) and leases of outpatient clinics in Allentown, PA ($2.159 m); Beaumont, TX ($1.940 m); Boston, MA ($2.358 m); San Antonio, TX ($2.256 m), (also includes a VBA office); Toledo, OH ($2.223 m); and a parking facility in Cleveland, OH ($1.3 m).

In other construction provisions, the amendment directs VA to submit an annual report with a 5-year strategic plan showing each of the 22 Veterans Integrated Service Network's (VISN) facility needs and plans for meeting those needs, and a listing of VA's 20 highest priority construction projects with the category, priority score and priority rank for each. Additional information will also be required in the prospectus for each project, especially on projected workload and costs. The threshold separating minor from major construction increased from $3 million to $4 million. The "grandfathered" authorization of projects already in the works when the authorization requirement was established will be eliminated. Future construction projects will require an affirmative authorization by the Congress. VA will also be required to give the Congress 30 days notice before obligating more than $500,000 for advance planning.

Eligibility reform will call upon VA to break out of the mold created by its historic dependence on its physical infrastructure. This amendment will assist in that process by expanding the types of providers with which, as well as the types of services for which, VA would be able to enter into sharing agreements. The amendment would also allow VA to use a simplified procedure for complying with Federal procurement processes when contracting with commercial providers.

The amendment would also make permanent VA's authority for CHAMPUS sharing agreements, an authority now expiring September 30, 1996.

The "notice and wait" period for VA reorganizations is reduced from 90 to 45 days, 30 of which must occur while Congress is in session.

The bar on VA contracting for patient care (which is now suspended through 1998) is deleted, with a requirement that VA report to Congress in advance of any contracting proposal.

The amendment has significant provisions relating to medical services for women veterans. It would require accreditation of VA mammography programs and require VA to adopt and enforce mammography quality control and quality assurance standards. Since VA is already in compliance with these provisions, their enactment will have the effect of codifying VA's current policy and practice. In addition, VA would be directed to survey its facilities in order to identify privacy deficiencies and to incorporate a correction plan into its construction planning process. VA would also be directed to assess the use, and barriers to use, of VA services by women veterans and to report on its findings, recommendations, and the correctional steps it has taken in response to those findings.

The Readjustment Counseling Service program administered through community based "Vet Centers" would be updated. Mandatory counseling eligibility would be limited to combat theater veterans (with nontheater Vietnam-era veterans "grandfathered" in if they become Vet Center clients before January 1, 2000). The Advisory Committee on the Readjustment of Veterans would be given statutory recognition. VA would be directed to report to the Congress on the feasibility and desirability of collocating Vet Centers and outpatient clinics or providing some medical services at Vet Centers.

VA would be directed to establish up to five Mental Illness Education Research and Clinical Centers [MIRECCs]. The centers established would be chosen from proposals through a peer review process. They would be located in various geographic regions, at sites linking tertiary care and primarily psychiatric VA Medical Centers [VAMCs]. In addition, the Committee on Care of Severely Chronically Mentally Ill Veterans would be made a statutory committee and VA would be required to forward its reports to the Congress.

VA would be directed to conduct research evaluating the most cost effective and efficient way to provide hospice care to veterans, with a report due to the Congress by April 1, 1998.

VA would be authorized to make construction grants to modify State homes to provide adult day care and to pay per diem to State homes for veterans receiving adult day care.

VAMCs would be allowed a new window of opportunity to create research corporations for the purpose of accepting gifts and grants from the private sector for funding VA medical research. This authority would sunset on December 31, 2000. These corporations would be required to report to Congress on the sources and expenditures of their funds.

The Office of the Under Secretary for Health be required to be staffed so as to ensure that the Under Secretary has the benefit of the expertise and policy guidance of: First, VA's specialized programs (e.g. blind rehabilitation, spinal cord dysfunction, mental illness, etc.) and, second, readjustment counseling. The amendment would also eliminate the current requirement that the Associate Deputy Under Secretary be an MD.

In addition, the amendment would eliminate current "moonlighting" restrictions imposed on full time VA health care professionals. The recovery of special pay incentives would be suspended for doctors and dentists while they pursue additional residency training if they return to VA employment. VA would also be given more flexibility in payment arrangements for residents and interns.

And, finally, land transfers at VAMCs Milwaukee and Cheyenne would be approved and the VA Medical Center at Mountain Home, TN, would be named after Congressman JAMES H. QUILLEN. That name change would take effect at the beginning of the 105th Congress or when Congressman QUILLEN ceases to be a Member of Congress.

Madam President, this amendment is a major legislative accomplishment. And, as we all know, such an accomplishment requires hard work on the part of everyone involved. We would not be where we are today without the active and sincere involvement and interest of the distinguished ranking minority member of the Committee on Veterans' Affairs, Senator JAY ROCKEFELLER. In addition to recognizing his hard work and that of the Committee's minority staff director and chief counsel, Jim Gottlieb, I must acknowledge the tireless effort and broad expertise of Bill Brew. Bill Brew took me by the hand and "showed me the ropes" when I first came to the Committee on Veterans' Affairs as a junior member of the committee. Now years later, and when I am in the last days of my chairmanship of the committee, I find that Bill is still indispensable to the committee's operations. They don't make many like Bill, and veterans everywhere are very fortunate that he has chosen to put his talent to work on the committee staff.

And then my dear friend, SONNY MONTGOMERY. What a man. The present ranking minority member of the House Committee on Veterans' Affairs. Sometimes it seems to us all that there hasn't been a piece of veterans' legislation that has gone through this body since before the war (and I'll let you decide which war) that didn't carry the fingerprints of that fine and noble gentleman. He is leaving the legislative arena this year. But we shall all remember the unquenchable flame powering his singular focus on the men and women whose uniformed service has kept this Nation free for so long. And he has played an unmatched role in the development and enactment of the amendment now before this body. He is a very dear friend. Chairman BOB STUMP of the House committee takes second place to no one when it comes to veterans' legislation and so it has been in the evolution of this bill. He is steady and courageous and I am proud to be his friend also. I thank him for his constructive role and acknowledge his indispensable efforts to transform the commitment of the Congress to America's veterans into effective and generous benefits and services.

Madam President, I suspect that Congressmen STUMP and MONTGOMERY would be the first to acknowledge their debt to their dedicated staff. Carl Commentator, Kingston Smith and JoAnn Webb of the majority staff, and Pat Ryan and Ralph Ibsen of the minority staff have worked tirelessly to implement the policy direction of their bosses.

And lastly, Tom Harvey, my chief counsel and staff director, and his crew on the Senate Veterans' Committee staff have done yeoman service over the last 2 years. Tom has long been the absolutely indispensable voice of reason to whom I have turned for advice so many times when the topic turned to veterans. And he has "saved my bacon" many a time, especially with the Veterans' service organizations. A more loyal, savvy, protective friend I could never have. For the last 2 years, I have slept less fitfully knowing he is in full charge of the committee staff. Chris Yoder, as a fine professional staff member, has been responsible for health care issues, and has shepherded this amendment from it's origin as a cluster of ideas on a "to do" list through the legislative product now before this body. Bill Tuerk, the committee's general counsel, has played an indispensable and strong role in the development of this amendment and has committed more time and energy to its enactment than it is reasonable to ask of someone unless they work for love of country as well as for sustenance. Their efforts were well supported by Deputy Staff Director Dave Balland, Dat Tran, Bill Foster, Stephanie Foster, Dr. Sally Satel, Dennis Doherty, Rosie Ducosin, Linda Reamy, and Dolores Moorehead. All very wonderful people. The Members of this body, as well as America's 26 million veterans, are all deeply indebted to all of them for their consistent hard work and commitment.

Madam President, I urge my colleagues to join me in support of this legislation and I thank the Chair.

I ask unanimous consent that a joint explanatory statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT FOR H.R. 3118, THE PROPOSED VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

H.R. 3118, the proposed "Veterans' Health Care Eligibility Reform Act of 1996" reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on a number of bills considered in the Senate and House during the 104th Congress, including: a construction authorization bill, ordered reported by the Senate Committee on Veterans' Affairs on July 24, 1996, [hereinafter, Senate Construction Authorization Bill]; an eligibility reform bill, ordered reported by the Senate Committee on Veterans' Affairs on July 24, 1996, [hereinafter, Senate Eligibility Reform Bill]; and a health care bill, ordered reported by the Senate Committee on Veterans' Affairs on July 24, 1996, [hereinafter, Senate Health Care Bill]; H.R. 1384, ordered reported on June 15, 1995, and passed by the House on October 10, 1995; H.R. 3376, ordered reported on May 8, 1996, and passed by the House on June 4, 1996; H.R. 3118, ordered reported on May 8, 1996, and passed by the House on July 30, 1996; and H.R. 3643, ordered reported on June 20, 1996, and passed by the House on July 16, 1996.

The Committees on Veterans' Affairs have prepared the following explanation of H.R. 3118 (hereinafter referred to as "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE I—ELIGIBILITY REFORM

ELIGIBILITY FOR CARE

Current law

Provisions of law governing eligibility for VA care, set forth in chapter 17 of title 38 U.S. Code, are complex and are not uniform across levels of care. All veterans are "eligible" for hospital care and nursing home care, but "eligibility" does not in itself assure access. Existing law draws a broad distinction, for purposes of all levels of care, between two categories. The first is a "multi-tiered" cohort ("category A") of veterans who have been recognized through a series of acts of Congress as having a priority to VA care, including service-connected veterans, those considered unable to defray the expenses of necessary care, and several special-eligibility subgroupings. The second category, which has a lower priority for VA care, encompasses all other veterans who have no special eligibility and whose income exceeds means-test thresholds set in law.

With respect to hospital care, the law states that VA "shall" provide needed care to all category A veterans, while VA "may" provide those same veterans nursing home care. Eligibility for outpatient care is more fragmented. Only limited groups of veterans are eligible for comprehensive outpatient care. The VA "shall" furnish such care to those who are 50% or more service-connected, and "may" furnish it to former prisoners of war, World War I veterans, and certain profoundly disabled veterans. Current law imposes specific limitations on certain other veterans. Those not eligible for comprehensive services are limited generally to treatment "to obviate a need of hospital admission" or to complete treatment initiated on an inpatient basis. Veterans undergoing treatment based on a need to obviate hospitalization are specifically not eligible to receive prosthetic supplies.

A provision of existing law, which sunsets on December 31, 1996, provides special eligibility for health care services for veterans exposed to toxic or hazardous substances during their service.

House bills

H.R. 3118: Section 2 would provide that, within appropriations, VA shall provide all needed hospital care and medical services (including preventive health services), and may provide all needed nursing home care to veterans in category A (other than veterans with a non-compensable disability). VA shall ensure that a service-connected veteran is provided all benefits under chapter 17 for which the veteran was eligible prior to enactment of the bill. Section 3 would authorize VA to furnish needed prosthetic items for a veteran otherwise receiving care or services under chapter 17; in addition, it would require VA to develop guidelines applicable to provision of hearing aids and eyeglasses.

Section 4 would establish a new section 1705 which would require that VA manage provision of hospital care and medical services under new section 1710 through a system of annual patient enrollment. Enrollment of veterans is to be managed in accordance with specified priorities in the following order:

Veterans with service-connected disabilities rated 30% or higher;

Former POW's and veterans with service-connected disabilities rated 10% and 20%;

Veterans in receipt of increased pension based on need of aid and attendance or housebound status, and other veterans who are catastrophically disabled (such as the spinal cord injured);

Veterans unable to defray the cost of care; and

All other "category A" veterans.

In designing an enrollment system, the Secretary would be authorized to establish additional priorities within the priority groupings and to provide for exceptions to the specified priorities where dictated by compelling medical reasons, but would be required to ensure that the system is managed in a manner to ensure that the provision of care to enrollees is timely and acceptable in quality.

Section 4 would also establish a new section 1706, applicable to managing the provision of hospital care and medical services, which would:

Require VA, to the extent feasible, to design, establish and manage health care programs so as to promote cost-effective delivery of care in the most clinically appropriate setting;

Authorize VA to contract for hospital care and medical services when VA facilities could not furnish such care economically, and to establish such acquisition policies and procedures as appropriate to provide the needed services; and

Require VA to maintain its capacity to provide for the specialized treatment and rehabilitation needs of disabled veterans so as to afford those veterans reasonable access, and ensure that overall capacity is not reduced below its capacity to provide those services as of the date of enactment of the section.

The bill would also authorize appropriations for the medical care account, for the purposes specified for that account in the most recent VA/HUD appropriations act, including the cost of providing care under the amendments made by section 2, not to exceed $17.25 billion for fiscal year 1997 and not to exceed $17.9 billion for fiscal year 1998.

The bill would also include a detailed report on implementation and operation applicable to sections 2, 3, and 4.

H.R. 3643: Section 1 would extend special eligibility provisions applicable to veterans exposed to toxic or hazardous substances and, with respect to herbicide-and ionizing radiation-exposed veterans, revise such eligibility, as follows:

Extend the special eligibility provision applicable to service in the Persian Gulf until December 31, 1998;

Provide with respect to herbicide-exposed veterans, that VA for a two-year period shall provide care for diseases (1) for which the National Academy of Sciences in a report issued in accordance with section 2 of the Agent Orange Act of 1991 has determined (or subsequently determines) that there is either some evidence of, or insufficient evidence to permit a conclusion as to, an association between occurrence of the disease in humans and exposure to a herbicide agent, and (2) which the Secretary, based on peer-reviewed research published within a specified period after the most recent Academy report, determines there is credible evidence suggestive of such an association;

Limit the treatment of veterans exposed to ionizing radiation to treatment of those diseases listed in 38 USC sec. 1112(c)(2) and those as to which VA determines there is credible evidence of a positive association between disease occurrence and radiation exposure; and

Provide that, as to veterans who received care under the special eligibility provisions being amended, such provisions shall continue in effect for continued care of the disability for which such care was furnished before the date of enactment.

Section 1 would also expand eligibility for health care applicable to the Persian Gulf War to veterans who served in Israel or Turkey during the period August 2, 1990 through July 31, 1991.

Senate health care reform bill

Section 2 would amend section 1701 of title 38 to add definitions for the terms "health care" and "respite care".

Section 3 generally conditions eligibility for health care to a requirement that a veteran enroll for VA care. It would provide that VA—

Shall furnish health care to any veteran for a service-connected disability, and any veteran who is 50% or more service-connected disabled, a former prisoner of war, or a veteran of World War I or the Mexican border; and shall furnish hospital care for the treatment of any disability of a veteran with a compensable disability;

Shall, to the extent resources and facilities are available, furnish health care to all other category A veterans (other than veterans with a non-compensable disability); and

May furnish health care, subject to copayment requirements, to any other veteran.

The section recodifies existing law on eligibility for nursing home care and domiciliary care, but generally conditions such eligibility on a requirement that a veteran enroll for such care. The section would also recodify into new section 1710, without substantive change, other eligibility provisions of current section 1712.

The section would exempt veterans who are 50% or more service-connected disabled and veterans in need of care for a service-connected condition from the requirement that a veteran enroll to receive VA care, and provide that VA shall automatically enroll such veterans upon application for care.

Section 3 would extend through December 31, 1997, existing law governing special eligibility for veterans exposed to toxic or hazardous substances.

Section 4 would require that VA manage provision of care under new section 1710 through a system of annual patient enrollment, with enrollment of veterans (who are not automatically enrolled) to be managed in accordance with specified priorities in the order listed, from veterans with service-connected disabilities rated 50 percent or greater having the highest priority and category C veterans the lowest. In designing an enrollment system, the Secretary would be authorized to establish additional priorities within the priority groupings, and to provide for exceptions to the specified priorities where dictated by compelling medical reasons.

Section 5 would make conforming and clerical amendments.

Section 6 would authorize appropriations for the Department for FY 1997 of $17,068,447,000 for the purposes of the provision of VA medical care. It would authorize increases in appropriations in subsequent fiscal years in the amount of the consumer price index.

Compromise agreement

Sections 101, 103, 104, 105, and 106 are derived substantially from H.R. 3118, with revisions, based primarily on the Senate bill, to include the following:

Addition of a requirement that, effective on October 1, 1998, VA may not provide hospital care or medical services unless the veteran enrolls with VA;

Revision in the list of priorities for enrollment to provide highest priority to any veteran who has a service-connected disability rated 50% or greater, and second priority to veterans 30% or 40% service-connected disabled:

Deletion of proposed amendments to section 1703 of title 38 that would have established broad authority to contract for hospital care and medical services; and

With respect to the requirement that VA maintain its special disability program capacity, inclusion of a report requirement and establishment of a consultative role for special VA committees in assisting the Secretary in carrying out this provision.

Section 102 would extend special eligibility provisions applicable to veterans exposed to toxic or hazardous substances and, with respect to herbicide- and ionizing radiation-exposed veterans, revise such eligibility. With respect to the special eligibility provisions associated with ionizing radiation and Persian Gulf War service, the section follows section 1 of H.R. 3643 (with the exception of the proposed expansion to Israel and Turkey, which is not contained in the compromise). The revisions applicable to herbicide-exposed veterans are partially derived from H.R. 3643, and would:

Extend the special eligibility provision (applicable to herbicide-exposed veterans) in existing law until December 31, 2002, but provide that VA shall not furnish care (under this special eligibility authority) for diseases for which the National Academy of Sciences, in a report issued in accordance with section 2 of the Agent Orange Act of 1991, has determined that there is evidence that is (at least) suggestive of the lack of a positive association between occurrence of the disease in humans and exposure to a herbicide agent; and

Provide that, as to veterans who received care under the special eligibility provisions being amended (for herbicides and ionizing radiation), such provisions shall remain in effect for continued care of the disability for which treatment was furnished before the date of enactment.

TITLE II—CONSTRUCTION AUTHORIZATION

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project unless funds for that project have been specifically authorized by law.

House Bill

Section 101(a) of H.R. 3376 would authorize the Secretary to carry out the following ambulatory care projects: Dallas, TX, $19.9 million; Brockton, MA, $13.5 million; Shreveport, LA, $25 million; Lyons, NJ, $21.1 million; Tomah, WI, $12.7 million; Asheville, NC, $28.8 million; Temple, TX, $9.8 million; and Tucson, AZ, $35.5 million.

Section 101(b) of H.R. 3376 would authorize the Secretary to carry out the following environmental improvement projects: Lebanon, PA, $9.5 million; Marion, IL, $11.5 million; Atlanta, GA, $28.2 million; Battle Creek, MI, $22.9 million; Omaha, NE, $7.7 million; Pittsburgh, PA, $17.4 million; Waco, TX, $26 million; Marion, IN, $17.3 million; Perry Point, MD, $15.1 million; and Salisbury, NC, $18.2 million.

Section 101(c) would authorize the Secretary to carry out the following seismic correction projects: Palo Alto, CA, $36 million; Long Beach, CA, $20.2 million; and San Francisco, CA, $26 million.

Senate construction authorization bill

Section 101 would authorize the Secretary to carry out identical ambulatory care projects except for the following: Projects not authorized: Dallas, TX; Lyons, NJ; and Tucson, AZ. Projects authorized at modified amounts: Shreveport, LA, $25.4 million; Asheville, NC, $28.5 million; and Temple, TX, $9.5 million. Additional projects authorized in the Senate Amendment: Honolulu, HI, $43 million; Wilkes Barre, PA, $42.7 million; and Leavenworth, KS; $27.75 million.

Section 101 would also authorize the Secretary to carry out identical environmental improvement projects except for the following: Atlanta, GA; Battle Creek, MI; and Waco, TX, which are not authorized.

The bill would not authorize the Secretary to carry out any seismic correction projects.

Compromise Agreement

The projects authorized in the Compromise Agreement are derived from both measures. The Senate agrees to the addition of projects at Waco, TX; Lyons, NJ; Tucson, AZ; and scaled-down seismic work at Palo Alto, CA. The House agrees to the addition of ambulatory care projects at Honolulu, HI and Leavenworth, KS. It also contains a modified authorization of $26.3 million for Asheville, NC, and the House recedes from its proposed inclusion of projects at Dallas, TX; Atlanta, GA; Battle Creek, MI; Long Beach, CA; and San Francisco, CA.

AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES

Current law

Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless funds for that lease have been specifically authorized by law.

House bill

Section 102 of H.R. 3376 would authorize the Secretary to carry out the following leases of satellite outpatient clinics: Allentown, PA, $2.159 million; Beaumont, TX, $1.94 million; Boston, MA, $2.358 million; and Toledo, OH, $2.223 million.

Section 102 of H.R. 3376 would authorize the Secretary to carry out a lease of a parking facility in Cleveland, OH, for $1.3 million.

Section 102 of H.R. 3376 would authorize the Secretary to carry out a lease of a satellite outpatient clinic and a VBA field office in San Antonio, TX, for $2.256 million. Senate Construction Authorization Bill

Section 102 contains the same lease authorizations as the House bill, and would also authorize the lease of an outpatient facility in Ft. Myers, FL.

Compromise agreement

Section 202 follows the House Bill.

AUTHORIZATION OF APPROPRIATIONS

Current law

Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill

Section 103(a) of H.R. 3376 would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 (1) $422.3 million for the authorized major medical facility projects; and (2) $12.236 million for the authorized major medical facility leases.

Section 103(b) of H.R. 3376 would limit the authorized projects to be carried out using only (1) specifically authorized major construction funds appropriated for fiscal year 1997; (2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1997 that remain available for obligation; and (3) funds appropriated for Construction, Major Projects, for fiscal year 1997 for a category of activity not specific to a project.

Senate construction authorization bill

Section 103(a) would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 (1) $299.75 million for the authorized major medical facility projects; and (2) $13.972 million for the authorized major medical facility leases.

Section 103(b) is substantively identical to the House provision in section 103(b).

Compromise agreement

Section 203(a) authorizes to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 and fiscal year 1998 (1) $358.15 million for the authorized major medical facility projects; and (2) $12.236 million for the authorized major medical facility leases.

Section 203(b) follows the House and Senate provisions except that it provides that projects in section 201 are authorized for funding in fiscal years 1997 and 1998.

STRATEGIC PLANNING

Current law

Section 8107(a) of title 38 requires the Secretary to submit to the Senate and House Committees on Veterans' Affairs an annual report detailing VA's five-year medical facility construction plans, to include a list of the VA's highest priority hospital construction projects.

House bill

Section 201 would repeal the report requirement in section 8107(a) and require a broader annual report on long-range health planning. The new annual report would be required to include (a) a strategic plan for provision of care (including provision of services for the specialized treatment and rehabilitative needs of disabled veterans) through networks of VA medical facilities operating within prescribed geographic service delivery areas; (b) a description of how such networks will coordinate their planning efforts; and (c) a profile of each network.

The network profile would be intended to identify (a) the mission of each medical facility, or proposed facility; (b) any planned change in any facility's mission and the rationale for the change; (c) data regarding the population of veterans served by the network and anticipated changes both in demographics and in health-care needs; (d) pertinent data by which to assess the progress made toward achieving relative equivalency in the availability of services per patient in each network; (e) opportunities for providing veterans services through contract arrangements; and (f) five-year construction plans for facilities in each network.

The report would also be required to include information with respect to each VA medical care facility regarding progress toward instituting identified, planned mission changes; implementing managed care; and establishing new services to provide veterans alternatives to institutional care.

The report would also be required to include (a) the 20 most highly ranked major medical construction projects (by category of project) and the relative rank and priority score for each; (b) a description of the specific factors that account for the project's ranking in relation to other projects within the same category; and (c) a description of the reasons for any change in the ranking from the last report.

Senate construction authorization bill

The Senate Bill contains no comparable provision.

Compromise agreement

Section 204 follows the House Bill.

REVISION TO PROSPECTUS REQUIREMENTS

Current law

Section 8104(b) of title 38 requires the Secretary to submit to the Senate and House Committees on Veterans' Affairs a prospectus for any medical facility proposed by the President or the Secretary. The prospectus is required to include a detailed description and a cost estimate of the proposed medical facility.

House bill

Section 202 of H.R. 3376 would expand the requirements of each prospectus under section 8104(b) to include (a) demographic data applicable to the project; (b) current and projected workload and utilization data; (c) current and projected operating costs of the facility; (d) the priority score assigned to the project under VA's prioritization methodology (and if a project is proposed for funding ahead of a higher-scored project, an explanation of the factors underlying that funding decision); and (e) a listing of each alternative to construction of the facility that has been considered.

Senate bill

No comparable provision.

Compromise agreement

Section 205 follows the House bill.

CONSTRUCTION AUTHORIZATION REQUIREMENTS

Current law

Under section 8104(a)(3)(A) of title 38, the term "major medical facility project" means a project for the construction, alteration or acquisition of a medical facility involving a total expenditure of more than $3 million, but such term does not include an acquisition by exchange.

Under section 301(b) of the Veterans' Medical Programs Amendments of 1992, Public Law 102–405, major medical construction projects for which funds were appropriated prior to Public Law 102–405 are exempted from the requirement of congressional authorization.

There is no provision in current law expressly requiring the Secretary to report to the Senate and House Committees on Veterans' Affairs prior to obligating funds from the Advance Planning Fund (APF) or toward design or development of a major medical facility project.

House bill

Section 203(a) would increase the funding threshold for major medical facility projects from $3 million to $5 million.

Section 203(b) would provide that, effective as to fiscal year 1998, the "grandfather clause" in section 301(b) of Public Law 102–405 shall have no application.

Section 203(c) would require the Secretary to report in advance on plans to obligate APF funds in excess of $500,000 on any project.

Senate construction authorization bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 206(a) increases the funding threshold for major medical facility projects from $3 million to $4 million.

Section 206(b) follows the House bill.

Section 206(c) follows the House bill.

TERMINOLOGY CHANGES

Compromise agreement

Section 207 would make technical changes in terminology in sections 8101 and 8109 of title 38 regarding elements of the construction process.

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

REVISION OF AUTHORITY TO SHARE MEDICAL FACILITIES, EQUIPMENT AND INFORMATION

Current law

Subchapter IV of chapter 81 of title 38 authorizes VA to enter into agreements with specified health care entities for the mutual use or exchange of use of "specialized medical resources," a narrowly defined term. VA is only authorized to enter into "sharing agreements" involving specialized medical resources with health care facilities, research centers or medical schools. VA has broader authority under section 8153 to "share" any health care resource only with State veterans homes.

House bill

Section 6 of H.R. 3118 would (a) expand both the range of health care resources which can be the subject of mutual use or exchange of use contracts, and the kind of entities with which VA may so contract; (b) provide that VA may execute such contracts involving any health care resource, and may contract with any individual or entity, including a health plan; (c) provide greater flexibility as to when a VA facility may enter into such a contract, and what payment requirements it may negotiate in selling services, while conditioning the circumstances under which VA furnishes services to non-veterans [only when such an arrangement (1) would not result in delay or denying veterans' care and (2) would result in improving the care of veterans, or is necessary to maintain an acceptable level or quality of service at that facility]; and (d) clarify that VA is to be reimbursed when it provides services under a "sharing agreement" to a Medicare-covered patient.

Senate health care bill

Section 101 of S. 1359 contains provisions substantively similar to the provisions described in (a) and (b) of the House bill.

The Senate bill contains no provisions pertaining to the provisions described in (c) and (d) of the House bill

Compromise agreement

Section 301 is derived from provisions of both the House and Senate bills. As provided for under the Senate bill, the section would revise the statement of purpose in 38 USC sec. 8151 to reflect a broader sharing mandate, and revise the definitional provisions applicable to the broader scope of the new authority. Amendments to section 8153 are primarily derived from the House bill and are intended to encourage increased efficiencies, applicable to sharing hospital care and medical services (as those terms are defined in chapter 17 of title 38), supplies, and any other health-care service, support, or administrative resource. The measure is subject to the limitation that VA may furnish services to non-veterans under this section only if veterans will receive priority under such an arrangement and that arrangement either is needed to maintain an acceptable level and quality of service or will result in improved services to eligible veterans. Section 301 would also provide that in instances where the health-care resource is a commercial service, the use of medical equipment or space, or research, and is to be acquired from an institution affiliated with the VA, including medical practice groups, blood banks, organ banks or research centers, the acquisition may be accomplished on a sole source basis. Where the health care resource is to be obtained from other commercial sources, it would be obtained in accordance with simplified procurement procedures developed by the Secretary that would permit all responsible sources to compete for the resources being obtained.

IMPROVED EFFICIENCY IN HEALTH CARE RESOURCE MANAGEMENT

Current law

Title II of Public Law 102-585 authorized an expansion of the cooperative arrangements between VA and DoD facilities instituted under Public Law 97-174. Public Law 102-585 authorized the Departments to enter into agreements under which VA facilities could provide medical services to beneficiaries of DoD's CHAMPUS program. Under this authority, VA has begun to provide care to dependents of active-duty members and retirees. Section 204 of Public Law 102-585 "sunsets" this expanded authority on September 30, 1996.

House bill

Section 5 of H.R. 3118 would repeal section 204 of Public Law 102-585 and extend indefinitely VA's authority to provide care and services through contract arrangements to DoD beneficiaries under chapter 55 of title 10, United States Code. Section 5 would also clarify VA's authority to recover or collect from the insurance plans (including so-called "CHAMPUS supplemental" plans) of CHAMPUS beneficiaries cared for by VA to the same extent as DoD recovers for care rendered to these beneficiaries in its facilities. This section would also direct that all funds received by VA from insurance plans of CHAMPUS beneficiaries be credited to the VA facility that furnished the care.

Senate health care bill

Section 212 of S. 1359 would extend for two years, from October 1, 1996 to December 31, 1998, VA's authority to provide care and service through contract arrangements to DoD beneficiaries.

The Senate Amendment contains no comparable provision relating to VA's authority to recover from insurance plans of CHAMPUS beneficiaries or to VA's authority to credit the VA facility that furnished such care.

Compromise agreement

Section 302 follows the House bill. It also provides that any services provided under agreements entered into under section 201 of Public Law 102-585 during the period beginning on October 1, 1996, and ending on the date of enactment of the Act are ratified.

PERSONNEL FURNISHING SHARED RESOURCES

Current law

Section 712 of title 38 established a requirement for minimum numbers of employees in the Department of Veterans Affairs. As implemented, however, this provision has resulted in the establishment of employment ceilings. Such ceilings potentially create a dilemma with respect to medical facility staffing in that they may force a choice between dedicating staff solely to internal service delivery, regardless of the level of efficiency of such service, or to providing as well some level of service delivery to other entities under the auspices of efficiency-driven "sharing agreements". Faced with such a choice, facility directors might opt not to embark on any new "sharing agreements" or may question the merits of maintaining those in place.

House bill

Section 7 of H.R. 3118 would provide that for purposes of determining the minimum number of positions to be maintained at VA during a fiscal year, the number of positions at VA in any fiscal year (to be reduced under existing law by reference to specified categories of positions) would be further reduced by the number of positions in that fiscal year held by persons involved in providing health care resources under "sharing agreements" executed under section 8111 of title 38 (as expanded by section 201 of Public Law 102-585) or section 8153 of title 38.

Senate health care bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement follows the House Bill.

WAITING PERIOD FOR ADMINISTRATIVE REORGANIZATIONS

Current law

Section 510 of title 38 authorizes the Secretary to reorganize the functions of the Administrations, offices, facilities or activities in VA. Prior to implementing such a reorganization, the Secretary must submit to the House and Senate Committees on Veterans' Affairs a report containing a detailed plan and justification for the change. The reorganization may not be started until 90 days after the Congressional committees have received the Secretary's report.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 102 would change the waiting period from 90 days to 45 days, thirty days of which Congress shall have been in continuous session.

Compromise agreement

Section 304 follows the Senate Health Care Bill.

REPEAL OF LIMITATIONS ON CONTRACTING OUTPATIENT CARE ACTIVITIES

Current law

Section 8110(c) of title 38 prohibits contracting out of direct patient care activities or activities "incident to" direct care, and permits contracting out other activities at VA health-care facilities only on the basis of a VA-conducted cost-comparison study carried out in accordance with the provisions of that subsection. Under section 1103 of Public Law 103-446, the provisions of section 8110(c) have no effect through fiscal year 1999.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 103 would repeal section 8110(c).

Compromise agreement

Section 305 incorporates the Senate provisions and adds an annual reporting requirement.

Subtitle B—Care of Women Veterans

MAMMOGRAPHY QUALITY STANDARDS

Current law

Section 354 of the Public Health Service Act, as added by Public Law 102-539, relates to the certification by the Secretary of Health and Human Services of facilities which perform mammograms. This section does not apply to VA health care facilities.

House bill

Section 8 of H.R. 3643 would add a new section 7319 to title 38 which would (a) require VA facilities to be accredited by a private nonprofit organization to perform mammography testing; (b) require VA to prescribe quality assurance standards for the performance and interpretation of mammograms and the use of mammography equipment by facilities, that these standards be prescribed by the Secretary of Veterans Affairs in consultation with the Secretary of Health and Human Services, and that they are to be as stringent as those prescribed under the Public Health Services Act; (c) provide for annual inspection of equipment and facilities used by and in Department health care facilities for the performance of mammograms; (d) require that any outside facility performing mammography services for VA under contract must meet the requirements issued by the Secretary of Health and Human Services. Section 8 would also require the Secretary of Veterans Affairs to prescribe standards under section 7319(b) not later than 120 days after enactment. It would also require an implementation report to be submitted to the House and Senate Committees on Veterans' Affairs within 120 days after the Secretary prescribes quality standards or the date of enactment, whichever comes later.

Senate health care bill

Title V contains substantially similar provisions.

Compromise agreement

Section 321 contains this provision.

PATIENT PRIVACY FOR WOMEN PATIENTS

Current law

There is no express provision in current law relating to patient privacy issues for women patients.

House bill

Section 9 of H.R. 3643 would require VA to (a) survey each of its medical centers to identify deficiencies relating to the personal privacy of women patients; (b) ensure that plans to correct deficiencies identified in the survey are developed and incorporated into VA's construction planning processes and given high priority; (c) compile an annual inventory of those deficiencies and remedial plans; and (d) report to Congress annually through 1999 on such deficiencies and include the inventory compiled by the Secretary, the proposed corrective plans and the status of such plans in the report.

Senate health care bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 322 generally follows the House Bill. The Compromise Agreement limits the construction requirement to projects where it is cost efficient to do so.

ASSESSMENT OF USE BY WOMEN VETERANS OF VA HEALTH SERVICES

Current law

Section 318 of title 38 provides for a Center for Women Veterans at VA. The Center's director serves as the principal adviser to the Secretary on the adoption and implementation of policies and programs affecting women veterans. The Secretary includes in documents submitted to Congress in support of the President's budget for each fiscal year the following: (1) detailed information on the budget for the Center; (2) the Secretary's opinion as to whether the resources proposed in the budget are adequate for the Center; and (3) a report on the activities of the Center for the preceding fiscal year.

House bill

Section 7 of H.R. 3643 would (a) require the Center for Women Veterans, in consultation with the Advisory Committee on Women Veterans, to assess the use by women veterans of VA health services, including counseling for sexual trauma and mental health services; (b) require the Center to submit to the Under Secretary for Health a report by April 1, 1997, 1998 and 1999 on the extent to which women veterans eligible for VA health care fail to seek or face barriers in seeking health services at VA and recommendations for encouraging greater use of such services; (c) require the Secretary to submit a report to the House and Senate Committees on Veterans' Affairs by July 1, 1997, 1998, and 1999 containing the most recent report of the Center, the views of the Under Secretary for Health on the Center's report findings and recommendations, and a description of the steps being taken by the Secretary to remedy any problems described in the report.

Senate health care bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 323 follows the House bill.

REPORTING REQUIREMENTS

Current law

Section 107 of Public Law 102–585, which expired in 1995, required the Secretary to submit annual reports on the provision of health care services and the conduct of research relating to women veterans carried out by, or under the jurisdiction of, the Secretary to the Committees on Veterans' Affairs.

House bill

Section 6 of H.R. 3643 would (a) extend through January 1, 1998, the annual reporting requirements of section 107 of Public Law 102–585; and (b) add to the reporting requirements information on the number of inpatient stays and outpatient visits by women veterans and a description of the Secretary's action to foster and encourage research on women veterans.

Senate health care bill

The Senate bill contains no similar provision.

Compromise agreement

Section 324 follows the House bill.

Subtitle C—Readjustment Counseling and Mental Health Care

ELIGIBILITY FOR READJUSTMENT COUNSELING SERVICES

Current law

Section 1712A requires VA to provide, at the request of any eligible veteran, counseling to assist such veteran in readjusting to civilian life. Under current law, eligible veterans include Vietnam-era veterans and in-theater veterans of post-Vietnam hostilities, such as Lebanon, Grenada, Panama and the Persian Gulf.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 202 would make the following changes in current eligibility for readjustment counseling: it would require VA to furnish such counseling to in-theater Vietnam-era veterans; in-theater combat veterans for periods prior to the Vietnam era; and Vietnam-era veterans who seek such counseling before January 1, 2000, or who have been furnished such counseling before that date. It would also authorize VA to furnish such counseling to any other veteran. The measure would require the Secretary to provide bereavement counseling to the surviving parents, spouse and children of certain veterans and grant the Secretary the discretion to provide bereavement counseling to the surviving parents, spouse and children of other certain veterans; and (d) authorize the Secretary to contract for bereavement counseling under this section in the same manner in which it contracts for medical services for veterans with total service-connected disabilities under sections 1712(a)(1)(B) and 1703(a)(2).

Compromise agreement

Section 331 is derived from the Senate Health Care Bill. It modifies existing law as follows: it requires VA to furnish such counseling to in-theater Vietnam-era veterans and Vietnam-era veterans who seek such counseling before January 1, 2000, or who have been furnished such counseling before that date. It also authorizes VA to furnish such counseling to any veteran who had served in a theater of combat operations prior to the Vietnam-era. Section 331 does not contain any provision relating to the provision of, or contracting for, bereavement counseling.

REPORTS RELATING TO VET CENTERS

Current law

Current law contains no specific authorization for VA to provide medical services at Vet Centers.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 204 would require the Secretary to submit to the Senate and House Committees on Veterans' Affairs a report, not later than six months after enactment, on the feasibility and desirability of collocating Vet Centers and VA outpatient clinics as current leases for such centers and clinics expire. Section 205 would require the Secretary to submit to the Senate and House Committees on Veterans' Affairs a report, not later than six months after enactment, on the feasibility and desirability of providing a limited battery of health care services, including ambulatory services and health care screening services, to veterans at VA readjustment counseling centers.

Compromise agreement

Section 332 incorporates the two report provisions of the Senate Amendment and adds language stating that nothing in the section is intended to preclude the Secretary from providing limited health care services at Vet Centers during the period before submission of the reports.

ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS

Current law

There is no statutory requirement for VA to establish an Advisory Committee on the Readjustment of Veterans.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 203 would (a) add a new section 545 to title 38, which would establish in VA the Advisory Committee on the Readjustment of Veterans, consisting of 18 members to be appointed by the Secretary; (b) provide that a term of service on the Committee may not exceed 2 years and that the Secretary may reappoint any member for additional terms of service; (c) require the Committee to submit a report to the Secretary, which shall be submitted to Congress, on the programs and activities of VA that relate to the readjustment of veterans to civilian life; and (d) provide that the original members of the Committee shall be the members of the present, administratively established Advisory Committee on the Readjustment of Vietnam and Other War Veterans.

Compromise agreement

Section 333 follows the Senate bill.

CENTERS FOR MENTAL ILLNESS RESEARCH, EDUCATION AND CLINICAL ACTIVITIES

Current law

There is no provision in current law relating to the establishment of centers for mental illness research, education and clinical activities.

House bill

Section 3 of H.R. 3643 would add a new section 7320 to title 38, which would (a) require the Secretary to designate not more than five VA centers of excellence in mental illness research, education and clinical care activities (MIRECCs); (b) require centers to be established and operated collaboratively (through a formal governance structure) by a VA facility (or facilities) with a mission centered on care of the mentally ill and a VA facility in the same geographic area with a mission of providing tertiary medical care; (c) require that no less than 50 percent of the funds for the center for care, research and education shall be provided to the collaborating facility or facilities with a mission centered on care of the mentally ill; (d) require one of the participating facilities to be affiliated with a medical or other school which provides mental illness training, attracts clinicians and investigators with a clear and focused clinical mental health research mission and maintains an advisory committee; (e) require, as a prerequisite to selection of any MIRECC "center" that a peer review panel has determined that any such proposed center meets the highest competitive standards of scientific and clinical merit; and (f) require that at least three of the five centers emphasize the development of community-based alternatives to institutional treatment of mental illness.

The purpose of the MIRECCs would be to facilitate the improvement of health care services for veterans suffering from mental illness—especially from conditions which are service-related—and to develop improved models for the furnishing of clinical services. The centers would do this through research, education and training of health personnel and development of improved models of clinical services. The aim is to channel the interests and expertise of VA tertiary medicine to work toward improving mental health care at VA's often unaffiliated psychiatric hospitals and developing improved models of mental health care delivery. Such collaboration in the case of proposed MIRECCs would entail establishing a dual-sited (or even multi-sited) "center" which involves the two (or more) VA institutions forming a collaborative program encompassing mental health research, education and clinical care.

Section 3 would authorize appropriations for centers through 2001, and require annual reports to the Senate and House Committees on Veterans' Affairs not later than February 1, 1998, 1999, and 2000. Section 3 would also require the Secretary to designate at least one center not later than January 1, 1998.

Senate health care bill

Section 301 contains a similar provision, differing primarily in that it imposes no requirement for collaborative operation and establishment of a MIRECC by two or more VA facilities. It would authorize appropriations for centers through 2000, require designation of at least one MIRECC by January 1, 1997, and require annual reporting until 1999.

Compromise agreement

Section 334 generally follows the House bill.

COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS

Current law

There is no provision in current law relating to the establishment of an Advisory Committee on Severely Chronically Mentally Ill Veterans.

House bill

Section 2 of H.R. 3643 would (a) require VA to establish a Committee on Care of Severely Chronically Mentally Ill Veterans to assess VA's capability to meet the treatment needs of veterans, including women veterans, with severe and chronic mental illness; (b) require that Committee members be VA employees with expertise in the care of the chronically mentally ill; (c) require the Committee to advise and make recommendations to the Under Secretary for Health regarding policies for the care of chronically mentally ill veterans; and (d) require the Secretary to submit to the Senate and House Committees on Veterans' Affairs annual reports on the recommendations of the committee on VA's need for improving care for the chronically mentally ill. The first report would be due not later than April 1, 1997, and subsequent annual reports would be due not later than February 1, 1998, 1999, 2000, and 2001.

Senate health care bill

Section 214 would require the Secretary, not later than 60 days after receipt, to submit to the Senate and House Committees on Veterans' Affairs any report submitted to the Under Secretary for Health by the Special Committee for the Seriously Mentally Ill Veteran as in existence on July 1, 1996.

Compromise agreement

Section 335 follows the House bill.

HOSPICE CARE STUDY

Current law

Current law provides no express authority relating to VA's provision of hospice care to terminally ill veterans. However, many VAMCs currently provide hospice or palliative care in some form, including: (a) on-site hospice care consultation teams; (b) caregiver counseling; (c) the provision of pain management and other services to terminally ill veterans; and (d) inpatient hospice care units, freestanding buildings or separate units where a home like atmosphere is created.

House Bill

The House bill contains no provision relating to this matter.

Senate health care bill

Title IV of S. 1359 would add a new subchapter VII to chapter 17 of title 38, "Hospice Care Pilot Program; Hospice Care Services". Title IV would require VA to conduct a five-year pilot program from October 1, 1996, to December 31, 2001, to assess the desirability of furnishing hospice care services and to evaluate the best way to provide hospice care.

VA would be required to set up demonstration projects at 15 to 30 VA sites (selected in a manner that provides a broad spectrum of experience with regard to facility size, location and range of affiliations) at which terminally ill veterans receive care by (a) a hospice operated by a VAMC; (b) a non-VA hospice under contract with a VAMC pursuant to which any necessary inpatient care would be furnished at VA facilities; or (c) a non-VA hospice under contract with a VAMC with any necessary inpatient care to be furnished at non-VA facilities. As to each such program model, VA is to furnish care under the pilot in at least five VAMCs.

The bill would require that in contracting for hospice care, VA would follow the Medicare policy in setting reimbursement rates. Contract hospice rates would generally be capped at the Medicare rates. However, exceptions could be made in cases in which the Secretary determines that the Medicare rate would not compensate a non-VA hospice for providing a veteran with necessary care. The intended effect of this provision would be to ensure that veterans for whom care is extraordinarily expensive due to the nature of their condition would not be excluded from the program.

VA would also be required to include at least 10 VAMCs that offer palliative care to terminally ill veterans. As part of the evaluation, the comparison group would be intended to help the Committee determine whether furnishing a less comprehensive range of services constitutes a viable alternative to VAMCs in which the numbers of veterans desiring such services may not be sufficient to justify a full-scale hospice program.

Not later than August 1, 2000, VA would be required to submit to the Senate and House Committees on Veterans' Affairs a detailed report containing an evaluation and assessment by the Under Secretary for Health of the hospice care pilot program and the furnishing of hospice care services.

In order to ensure that VA patient care is not compromised by this pilot program, the bill would expressly provide that VA would not be precluded from furnishing hospice care services at VAMCs not participating in the pilot program or the comparison group.

The bill would authorize appropriations of $1.2 million for fiscal year 1997, $2.5 million for fiscal year 1998, $2.2 million for fiscal year 1999 and $100,000 for fiscal year 2000.

Compromise agreement

Section 341 would (a) require the Secretary to conduct a research and evaluation study to determine the desirability of furnishing hospice care to terminally ill veterans at VA facilities and to evaluate the most cost effective and efficient way to do so; (b) require the Secretary to conduct the study using VA resources and personnel; and (c) require the Secretary to submit to the Senate and House Veterans' Affairs Committees a report on the research study not later than April 1, 1998. The Committees intend that such study would be conducted by the Management Decision and Research Center of the Health Services Research and Development Service.

PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE

Current law

There is no authority in current law for VA to make per diem payments to State Veterans Homes in connection with the furnishing of adult day health care. There is no authority in current law relating to VA's program of assistance to States in connection with the construction of facilities to furnish care to veterans to provide assistance in connection with the construction of facilities to furnish adult day health care.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 211 would (a) amend section 1741 to authorize VA to provide per diem payments to State Veterans Homes, at a rate set by VA, for adult day health care; and (b) amend subchapter III of chapter 81 to authorize construction grant support to States for expansion, remodeling or alteration of existing buildings to permit the provision of adult day health care.

Compromise agreement

Section 342 follows the Senate Health Care Bill.

RESEARCH CORPORATION

Current law

Subchapter IV of chapter 73 previously authorized VA to establish nonprofit corporations at individual VA medical centers in order to facilitate and foster the conduct of VA medical research. The establishment of such corporations was intended to create mechanisms which could accept public and private grants and administer funds for support of VA-approved research. These corporations have served as flexible mechanisms to enable VA clinicians to carry out research projects for which funding might not be available through VA's own research appropriation. The more than 80 corporations are self sustaining and require no appropriation. VA's authority to establish additional research corporations expired in 1992. Consequently, a significant number of VA facilities, including several major VA medical centers, do not have a research corporation to support their research programs.

House bill

Section 304 of H.R. 3376 would renew VA's authority to establish additional research corporations and extend that authority until December 31, 2000.

Senate health care bill

Section 302 contains a substantially similar provision. It would also make a technical change in citations to the tax code to clarify that research corporations shall be tax-exempt entities without regard to the specific provision of the code under which they achieve that status. It would also expand the annual reporting requirements applicable to the corporations to require the Secretary to report to the Committees with respect to each corporation on amounts received from governmental entities, tax-exempt entities, and all other sources; information on the source of contributions in the case of amounts greater than $25,000 received from entities other than governmental or tax-exempt sources; and with respect to expenditures, amounts expended for salary for research and support staff, for direct support of research, and with respect to expenditures exceeding $10,000, information that identifies the recipient of such payment.

Compromise agreement

Section 343 is generally derived from the Senate bill. It would renew VA's authority to establish additional research corporations and extend that authority through December 31, 2000; delete references to "section 501(c)(3)" of the tax code in sections 7361 and 7363 of title 38, United States Code. It would expand reporting requirements, generally as provided for in the Senate bill except (to conform more closely with reporting requirements set by the Internal Revenue Service) that it omits any requirement to isolate amounts received from tax-exempt entities, and requires identification with respect to payees only where the amount expended exceeds $35,000. The provision would also clarify section 7366(b) by specifying that corporations must obtain an audit performed by an independent auditor. In the case of a corporation with annual revenue greater than $300,000, the corporation shall be audited annually. In the case of a corporation with annual revenues between $10,000 and $300,000, the measure requires that an audit be conducted at least once every three years. Finally, the compromise includes an amendment to simplify administration of the requirement that corporation directors and employees are aware of and comply with conflict-of-interest laws and regulations.

VETERANS HEALTH ADMINISTRATION HEADQUARTERS

Current law

Subchapter I of chapter 73 of title 38 requires specified clinical service positions in the Veterans Health Administration and the Office of the Under Secretary for Health.

House bill

Section 205 of H.R. 3376 would (a) repeal certain statutory requirements regarding the organization and staffing of the Office of the Under Secretary for Health; (b) authorize the Under Secretary to include such professional and other services as deemed necessary; and (c) ensure that the Office is sufficiently staffed to provide expertise in clinical care disciplines generally as well as in the unique, specialized VA programs such as blind rehabilitation, prosthetics, spinal cord dysfunction, mental illness and geriatrics and long-term care.

Senate health care bill

Section 201 of S. 1359 would provide that the Secretary may not alter or revise the organizational or administrative structure of the Readjustment Counseling Service.

Compromise agreement

Section 344 is derived primarily from the House provision. The Committees recognize, however, the importance of ensuring that the Under Secretary's office be staffed so as to have a broad range of clinical expertise and, particularly, expertise in VA's special disability programs. Section 344, accordingly, would require that in organizing the Office, the Under Secretary shall ensure that the office is staffed in a manner such that a designated clinician from the appropriate discipline serve as a principal policy adviser with respect to (1) the VA's unique special disability programs; and (2) the VA's readjustment counseling program. With respect to the latter program, it would require that the Under Secretary ensure that a clinician with appropriate expertise is responsible for the management of that program.

The Compromise Agreement does not contain the statutory repeals proposed in the House Bill. That legislation was derived in part from of legislative proposal submitted by the Department of Veterans Affairs, aimed at providing the Under Secretary of Health greater flexibility to manage a modern health care system. The Committees do not disagree with the view underlying that proposal, that current law is unduly prescriptive and that its centralized management model impedes VA's ability to operate most effectively in a dynamic health care environment. The loss of this provision in no way diminishes support of the Under Secretary's efforts to implement a field management structure which advocates decentralization of authority, programmatic accountability, and flexibility in organizational design and management. The failure to include a provision revising sections 7305 and 7306 of title 38, U.S. Code, should not be construed as an expression of agreement that those provisions any longer represent a sound legislative policy.

DISBURSEMENT AGREEMENTS RELATING TO MEDICAL RESIDENTS AND INTERNS

Current law

Section 7406(c) authorizes the use of disbursement agreements which provide pay and other employee benefits to residents and interns who train at VA hospitals. Current law makes no specific provision for such agreements for residents and interns who train at VA outpatient clinics, nursing homes or other Department medical facilities.

House bill

Section 4 of H.R. 3643 would permit disbursement agreements to be arranged for residents and interns who train at any VA health care facility.

Senate health care bill

Section 111 contains an identical provision.

Compromise agreement

Section 345 contains this provision.

AUTHORITY TO SUSPEND SPECIAL PAY AGREEMENTS FOR PHYSICIANS AND DENTISTS WHO ENTER RESIDENCY TRAINING PROGRAMS

Current law

Subchapter III of chapter 74 authorizes "special pay" in addition to basic pay to assist in physician recruitment and retention. To receive special pay, a physician must enter into a special pay agreement that carries certain service obligations. Failure to complete that obligation triggers refund liabilities. Under current law, employees incur a refund liability any time they leave voluntarily. A waiver can be granted only when the employee's breach of an agreement is for reasons beyond their control, as provided by section 7432(b)(2) of title 38. A physician or dentist who enters a residency training program is converted to a special appointment category that is excluded from receipt of special pay. Entering a residency training position constitutes a breach of the agreement and triggers the obligation to repay the special pay that the physician or dentist received during that year, thereby imposing adverse financial consequences on those individuals entering residency training programs.

House bill

Section 5 of H.R. 3643 would temporarily suspend the special pay agreement during residency training and allow the return of the physician or dentist to VA employment without incurring a special pay refund obligation.

Senate health care bill

Section 113 contains an identical provision.

Compromise agreement

Section 346 contains this provision.

REMUNERATED OUTSIDE PROFESSIONAL ACTIVITIES BY VETERANS HEALTH ADMINISTRATION PERSONNEL

Current law

Section 7423(b)(1) prohibits full-time title 38 employees from obtaining outside employment which involves assuming responsibility for providing patient care.

House bill

H.R. 1384 would free registered professional nurses, physician assistants, and expanded-duty dental auxiliaries of this restriction on outside employment.

Senate health care bill

Section 112 would eliminate this restriction as to all title 38 employees.

Compromise Agreement

Section 347 follows the Senate bill.

MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, MILWAUKEE COUNTY, WISCONSIN

Current law

The terms of a conveyance of a parcel of land from the VA to Milwaukee County, Wisconsin, as authorized by statute in 1954, provided that such land was to be used for recreational and other purposes, and that if the county were to attempt to transfer title to a third party, title would automatically revert back to VA. Unlike two other adjacent parcels of land previously transferred from VA to the county, the deed of conveyance made no provision for reversion "at the option of the United States". Financing requirements associated with planned construction of a baseball stadium on the tract now require a transfer of title to the State. Legislation is clearly needed to enable the county to transfer the 28-acre tract, which would otherwise revert to the United States, to the State of Wisconsin.

VA has advised, with respect to its authority to weigh the option of reversion, that it will not exercise the option in favor of reversion back to the United States so long as the existing statutory restrictions on use are followed. VA has further advised that in the event that legislation is introduced to modify the deed restrictions, the VA would not object to releasing the properties from the restriction against alienation.

House bill

Section 10 of H.R. 3643 would modify VA's reversionary interest in the land which it had previously conveyed to Milwaukee County and authorize VA to execute instruments to permit the County to grant all or part of such land to another party with a condition on such grant that the grantee use the land only for civic and recreational purposes. It would also provide that the conditions under which title to all or any part of the land reverts to the United States are stated so that any such reversion would occur at the option of the United States.

Senate bill

There is no comparable provision in a Senate bill.

Compromise agreement

Section 348 follows the House Bill.

MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, CHEYENNE, WYOMING

Current law

Public Law 89-345 transferred VA-owned land adjacent to the VA Medical and Regional Office Center (VAMROC) in Cheyenne, WY, to the City of Cheyenne for park and recreational use. The instrument of transfer provides that title to the land will automatically revert to VA in the event the land is no longer used for park and recreational purposes.

The First Cheyenne Federal Credit Union in Cheyenne, WY, proposes to build a building on the land previously transferred to the City of Cheyenne for park and recreational use. The City of Cheyenne, and VA, agree that such a transfer would benefit VA, VA employees, and VA beneficiaries. However, the statutory restriction on the use of the land, and the reverter provision in the transfer instrument prevent such a change in land use without authorizing legislation.

House bill

The House had no provision relating to this matter.

Senate construction authorization bill

Section 202 of the Senate bill would authorize VA to modify the conditions under which the land would revert to VA, and thereby authorize the transfer of the land from the City to the First Cheyenne Federal Credit Union for the purpose of constructing a building to house its operations.

Compromise Agreement

Section 349 follows the Senate provision.

EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS

Current law

Section 107 of the Persian Gulf War Veterans' Benefits Act (Public Law 103-446) requires the Secretary to conduct a study to evaluate the health status of spouses and children of Persian Gulf War veterans. Such study requires VA to arrange for diagnostic testing and medical examinations of such individuals through September 30, 1996.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

The Senate bill would extend the program from September 30, 1996 to December 31, 1998.

Compromise agreement

The Compromise Agreement contains this provision in section 352(a). Section 352(b) would provide that any testing and examinations conducted for the purposes specified in section 107 of Public Law 103-446 during the period beginning on October 1, 1996, and ending on the date of enactment of the Act are ratified.

REPORT ON HEALTH CARE NEEDS OF VETERANS IN EAST CENTRAL FLORIDA

Current law

Two years ago, Congress appropriated construction funds to convert the former Orlando Naval Training Center Hospital (which was transferred to VA) into a nursing home. VA currently operates an outpatient clinic at that facility, but has not begun construction on the nursing home care unit. Congress appropriated $17.2 million for the design of a 470-bed medical center and 120-bed nursing home in Brevard County, Florida. That project, developed and proposed by VA, called for 230 psychiatric beds, 60 intermediate care beds, an ambulatory care clinic and a number of surgical and intermediate medicine beds. The Conference Report on the Fiscal Year 1996 VA/HUD Appropriations bill, however, called for allotting that design money, along with $7.8 million in new funds, to design and construct a comprehensive outpatient clinic in Brevard County.

House Bill

Section 104(a) would require the Secretary to report to the Veterans' Affairs Committees not later than 60 days after the date of enactment of this Act, on the health care needs of veterans in east central Florida, and to include in that report the Secretary's views as to the best means of meeting such needs (and particularly their needs for psychiatric and long-term care).

Section 104(b) would limit the Secretary's authority to obligate funds, other than for working drawings, for the conversion of the former Orlando Naval Training Center in Orlando, Florida, to a nursing home care unit until 45 days after the date on which the report required in section 104(a) is submitted.

Senate construction authorization bill

The Senate bill contains no comparable provision.

Compromise agreement

The Committees attach a high priority to meeting the needs of veterans in Florida. With respect to outpatient care, the Committees believe that construction of an outpatient clinic in Brevard County should begin as soon as possible. While the Conference Report on FY 1996 VA/HUD Appropriations addresses Florida veterans' outpatient needs, it makes no provision for meeting inpatient care needs that were to have been addressed by the Brevard project, particularly the lack of long-term psychiatric beds in the State of Florida.

In light of the unresolved questions surrounding inpatient needs, the Committees believe that a reassessment of the health care needs of veterans in east central Florida is needed. Section 351 of the bill would require the Secretary to report to the Committees on how these veterans' needs could best be met. It would specifically require the Secretary to include in that report his views on how those needs could best be met using existing facilities in east central Florida. The Secretary's analysis should also include a reexamination of other uses of the Orlando facility in light of the changing needs of central Florida's veterans population.

RENAMING OF THE VA MEDICAL CENTER IN JOHNSON CITY, TENNESSEE

Current law

The name of the VA medical center in Johnson City, TN, is the Mountain Home Department of Veterans Affairs Medical Center.

House bill

Section 302 of H.R. 3376 would rename the VA medical center the "James H. Quillen Department of Veterans Affairs Medical Center" on January 3, 1997.

Senate bill

There was no similar Senate provision.

Compromise agreement

Section 350 generally follows the House bill.

RENAMING OF THE VA NURSING CARE CENTER IN ASPINWALL, PENNSYLVANIA

Current law

The name of the VA nursing home in Aspinwall, PA, is the Aspinwall VA Nursing Care Center.

House bill

Section 303 of H.R. 3376 would rename the nursing home in Aspinwall, PA the "H. John Heinz, III Department of Veterans Affairs Nursing Care Center."

Senate bill

There was no similar Senate provision.

Compromise Agreement

The Compromise contains no provision relating to the renaming of the Aspinwall VA Nursing Care Center.

ADDITIONAL MATTERS: WEST LOS ANGELES VAMC

The Department of Veterans Affairs is directed to appropriately preserve for the Department's future needs, the land on the grounds of the West Los Angeles Medical Center bounded on the north by the VA property boundary, on the south by Wilshire Boulevard, on the east by Sepulveda Boulevard, and on the west by Bonsall Street. The Committee supports uses such as the development of an interim park as a memorial to veterans, or such other use as the Secretary may determine to be consistent with needs of the Department. The Committees understand that local community organizations are willing to work with the Department to raise the private funds to develop the land into a Veterans Memorial Park and to maintain the Park until such time as funds may be appropriated to convert the park to other uses consistent with the mission of the Department that the Secretary determines are in the best interest of the United States, such as cemetery expansion. The Secretary is free to use the property for events which provide benefit to veterans until its development into the Veterans' Memorial Park. The Department is directed not to dispose of the property or to use it for commercial development not in furtherance of the mission of the Department.

Mr. ROCKEFELLER. Madam President, as the Ranking Minority Member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering H.R. 3118, a bill that would, among other things, reform current law relating to eligibility for VA health care. I urge my colleagues to give their unanimous support to this measure as it will be amended with a final compromise developed by the two Veterans' Affairs Committees.

Madam President, before I discuss the content of this legislation, I will provide a brief procedural history so that those seeking to understand the background of the measure as it comes before the Senate today will be able to do so.

H.R. 3118, as it will be amended, which I will refer to as the compromise agreement, includes a number of provisions in three titles.

Title I of the bill contains the provisions which revise the law setting forth the criteria for eligibility for VA health care. The provisions in title I are a compromise between H.R. 3118 as passed by the House on July 30, 1996, and an original bill which the Senate Veterans' Affairs Committee ordered reported on July 24 of this year. Unfortunately, the committee was unable to complete and file its report on this legislation prior to today's action, so there is no formal record of our committee's efforts on this vital issue, a result I deeply regret. I will endeavor to provide some background on our committee's efforts later in my statement.

Title II of the compromise agreement addresses VA medical construction matters, including providing authorization for specific projects. These provisions are a compromise between H.R. 3376, passed by the House on June 4, 1996, and an original bill ordered reported by the Senate Veterans' Affairs Committee on July 24. As with the eligibility reform legislation, the committee was not able to complete and file a report on this legislation prior to today's consideration by the Senate, so there is no formal record of our actions.

Title III of the compromise agreement addresses a range of VA health care programs and services, including several that I have been particularly interested in for a number of years. These provisions are a compromise between a number of House bills—H.R. 1384, passed by the House on October 10, 1995; H.R. 3643, passed on July 16, 1996; and H.R. 3118 and H.R. 3376—and a comprehensive Senate bill, S. 1359, as ordered reported by the Senate Veterans' Affairs Committee on July 24. The committee's report on that legislation, which was filed on September 26, describes the various bills which were combined in the bill as reported.

Madam President, because a description of all of the provisions of the compromise agreement are set forth in the explanatory statement which Senator SIMPSON will place in the RECORD, I will just discuss some of the issues which are of particular interest to me. The explanatory statement was developed in cooperation with the House Committee on Veterans' Affairs and that committee's chairman, Rep. STUMP, will insert the same explanatory statement in the RECORD when the House considers this measure.

ELIGIBILITY REFORM

While I supported the Senate committee's action in ordering reported eligibility reform legislation and I support the inclusion of provisions derived from that measure in the compromise agreement, I do so with some significant reluctance. My reluctance is twofold—first, I remain unconvinced that there is a compelling need for this action at this time; and second, it is unclear that the course of action we are pursuing is the most appropriate.

Before discussing these concerns, I will outline briefly the legislative history of this legislation, and most particularly the activity in the Senate Committee on Veterans' Affairs. As I noted earlier, although eligibility reform legislation was ordered reported by our committee on July 24, a report was never filed. I believe it is important to provide some background on our committee's role in this effort.

Madam President, the current drive for eligibility reform legislation—that is, legislation which would amend those provisions of title 38, United States Code, which set forth which veterans are eligible to receive what care from VA—dates back to at least 1985, my first year in the Senate. Late that year, in the context of reconciliation legislation, both Houses passed legislation which would have amended the then-current law on access to VA care. The differences between those measures were resolved and the final compromise, which set forth a hierarchy of veterans as to whom VA was required to furnish inpatient care, was enacted in title XIX of Public Law 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

That first attempt at setting forth in law exactly which veterans should be guaranteed what care from VA was limited to inpatient care because of significant differences between the House and Senate over the potential impact of providing such a guarantee for outpatient and other care, concerns that have persisted through to this Congress and that, as I will discuss later in my statement, remain largely unresolved. Indeed, there is some suggestion that those concerns cannot be resolved without some specific data-gathering initiative. And while it is not the sort of data-generating undertaking that I would prefer, what we are doing in the pending measure may be the way in which the Congress finally gets the information we need about demand for VA care and VA's ability to meet that demand within currently available resources.

Following the enactment of COBRA, the next step in the effort to modify the law relating to access to VA care came in 1988 with the enactment, in Public Law 100-322, of legislation which set forth those groups of veterans who would be guaranteed certain access to outpatient care. Because of ongoing concerns about the demand for outpatient care and VA's ability to meet that demand in a timely fashion, the universe of veterans described in the law as guaranteed access to outpatient care was smaller than the universe with access to inpatient care and, within that group, only a small portion was guaranteed unlimited access to ambulatory care.

Thus, under the law as it has been in effect since 1988, only a very small percentage of the veteran population—those with service-connected disabilities rated at 50 percent or more disabling, a number less than 470,000 out of a total service-connected population of 2.2 million—have comprehensive access to both VA inpatient and outpatient care. For the rest of the eligible veteran population, the greatest access to care is provided for inpatient care, with access to outpatient care much more restricted.

Since 1988, there have been various efforts to amend the law. Last Congress, under my chairmanship, the committee made significant progress toward that goal. However, our efforts were carried out as part of the national health care reform effort. When that larger effort died, so too did the work of our committee.

This Congress the issue was again before us and a number of events led up to our markup in July to consider eligibility reform legislation.

For example, beginning early in 1995, I worked with the four veterans service organizations that prepare the Independent Budget—AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars—to develop a draft eligibility reform bill based on those groups' testimony before our committee. Senator SIMPSON and I introduced this bill, S. 1563, in February of this year as a "by request" bill. In so doing, we both indicated that we were not endorsing the bill but merely making it available for consideration by the committee.

Last September, VA submitted eligibility reform legislation to the Congress which Senator SIMPSON introduced, by request, as S. 1345 on October 18, 1995. Also last September, The American Legion, during its annual legislative presentation, presented its eligibility reform proposal.

Finally, late in the first session, the House Committee on Veterans' Affairs included eligibility reform provisions as part of the legislation which that committee ordered reported to comply with reconciliation. These provisions were very similar to VA's proposal. Although the reconciliation measure passed the House with the eligibility reform provisions included, those provisions were not included in the conference report on that legislation. This session, the House again passed the eligibility reform provisions in H.R. 3118, which passed the House on July 30, 1996.

Against this backdrop of activity and strong expressions of support from VA and the veterans community for committee action on eligibility reform legislation, our committee held two hearings on the issue. The first, on March 20, 1996, heard testimony from the General Accounting Office and a number of veterans organizations. The second, on May 8, 1996, took testimony from VA and the Congressional Budget Office.

Following those hearings and significant work to develop a proposal which could gain the support of the committee, the committee met on July 24 and ordered reported an original measure. It was that measure which became the basis for the compromise agreement which is before the Senate today.

Our committee's action was premised on the position that whatever legislation we endorsed would have to eliminate the complexity and confusion in current law about which veterans would receive what care, but do so in a budget-neutral manner.

To that end, the committee started from an approach similar to that incorporated in the VA and House bills, both of which sought to eliminate differences in the law on eligibility for inpatient and outpatient care and differences among groups of veterans in the access to types of outpatient care. In an attempt to achieve budget neutrality, both of those approaches made access to all care for all groups of veterans "subject to appropriations," a limitation not included in current law. In addition, the House bill included a provision requiring VA to utilize an enrollment system to manage care. However, that provision did not appear to limit care to those veterans who participated in the enrollment system.

The bill our committee ordered reported added three elements to the general format of the VA and House bills. I am pleased to note that provisions derived from two of those changes are included in the compromise agreement, and I regret that the third element is not included.

The first change that our committee incorporated in the bill we ordered reported related to the way in which veterans' access to care is described in the law. As I just noted, both the House bill and the VA proposal use the phrase "shall, subject to appropriations" to describe access to care for all veterans. Under current law, the word "shall," with no limitation, is used to describe the access to care of those veterans who are included in what is known as the mandatory or "category A" group, and the word "may" is used to describe the access of those veterans in what is known as the discretionary category. While there is some disagreement about the full meaning or scope of the word "shall" in the context of access to health care, it is important to note that it is not otherwise limited in current law.

The bill ordered reported by the committee did not go as far as the House or VA bills, nor did we insist on maintaining current law. Instead, we took a middle ground. The bill we ordered reported provided that access to VA care for four subsets of the veterans' population—veterans with service-connected disabilities rated at 50 percent or greater for any disability, all veterans with service-connected disabilities seeking care for those disabilities, former prisoners of war, and veterans of the Mexican border period and World War I—would remain as in current law, that is, by using "shall" without any limitation. For all others in the mandatory or category A classification, the "shall, subject to appropriations" approach of the House and VA bills was used.

The approach adopted by our committee was designed to ensure that those veterans who have the highest claim on VA resources—veterans seeking care for their service-connected conditions and those more seriously disabled veterans for the treatment of any disability, as well as two categories of veterans whose service distinguishes them—receive the care they need, with no reference to any external limitation. As a practical matter, that result should be ensured by other provisions of the legislation relating to priorities for care, but it was my view, shared by others on the committee, that the Congress should not be cutting back on the promise of current law as to those veterans with the greatest claim on the system.

Unfortunately, Mr. President, this effort to ensure that access to care is not compromised for these veterans for whom the system was established is not reflected in the compromise agreement. Initially, there was agreement that the compromise agreement would follow the Senate bill as to two of the four groups in the Senate bill—the more seriously disabled veterans and for the treatment of service-connected disabilities—and would apply the "subject to appropriations" limitation to all other category A veterans.

However, very late in the process of developing the compromise agreement, the Congressional Budget Office, which had previously expressed no concerns about the approach in the Senate bill, suggested that the use of "shall" as to these veterans would create an entitlement to care and that, as a result, spending for such purposes would be mandatory spending, rather than discretionary spending as VA health care funding has always been treated. This, of course, raised budget problems for the legislation.

One way to have avoided this problem would have been to drop the "subject to appropriation" language and restore the approach found in current law. However, this approach did not enjoy unanimous support from the Members working on the compromise agreement. While I feel very strongly that appearing to cut back on the guarantee for care for these most deserving veterans is not the course we should be following, I realized that my insistence on either the Senate approach or a return to the phrasing of current law could well jeopardize the enactment of this legislation in this legislative session. Thus, I reluctantly agreed to the use of the "subject to appropriation" language as to all veterans. As I noted earlier, as a practical matter, these veterans will still be guaranteed first access to VA care as a result of the priority scheme in the compromise agreement.

The second key difference between the bill our committee ordered reported and H.R. 3118 as passed by the House is the requirement that VA establish a rigorous enrollment system, rather than the apparently nonbinding system incorporated in the House bill. Under the approach in the Senate bill, only those who enroll, with certain exceptions, would be able to receive VA care. The purpose of this enrollment requirement is to create a mechanism that will ensure that those who desire VA care will know with some measure of certainty whether they will or will not receive such care within a particular enrollment period, which I anticipate will run for a year.

Madam President, I am pleased that this enrollment provision has been included in the compromise agreement. So as to give VA the opportunity to prepare to implement this enrollment system, the requirement that veterans enroll in order to receive care will not take effect until October 1, 1998. It is my expectation that, in the coming year, VA will begin to implement an enrollment process so as to gain experience with this system, but will not deny care to any veteran because of a failure to have enrolled.

The third difference between the bill our committee ordered reported and the House bill, at least as it was reported by the House Committee on Veterans' Affairs, was the inclusion in the Senate bill of a cap on the fiscal year 1997 appropriations so as to remove any doubt about the budget neutrality of the bill. This limitation is designed to avoid any suggestion that, if new demand for VA care is generated by the changes in access to care, additional appropriations will follow to meet the demand in the absence of specific authorization.

The House bill was amended prior to House passage to include a similar cap, so there is no longer any substantive difference between the bills on this provision.

Madam President, that is a brief outline of our committee's efforts on eligibility reform legislation. I regret that a more complete discussion is not available in a committee report, but I hope this discussion will shed some light on what our committee did and how we reached the final compromise agreement.

Earlier I noted that my support for both the Senate committee's action and the pending final compromise is reluctant, at best. I will turn now to an explanation of my position, not so as to highlight my personal concerns but rather to note what I believe are pitfalls in what we are doing and as to which we must be aware as the eligibility reforms are put in place.

At the outset, I note that I understand the concerns that many have expressed about the existing rules which set forth which veterans are eligible to receive what types of care from VA. The criticism that many raise about the complexity of these rules is certainly justified, as is the position that these eligibility rules do not reflect current trends in how and where health care is furnished.

Madam President, I note one ironic aspect about this current effort to amend the VA eligibility law, namely that, as VA facilities convert to a primary care model under which veterans are assigned to primary care teams which manage how and when care is furnished, there is less and less attention being paid at the facility level to the limitations in the law on who is eligible for specific care. In fact, it might fairly be said that, at least as to those veterans who are already receiving VA care, eligibility reform is already taking place.

In any event, while a case can be made that the current eligibility system is complex and difficult to defend, it has evolved as an appropriate response to demand and resources constraints over time and may have, to the extent it continues to be observed, a couple of advantages.

First, it is a known system, and facilities and veterans across the system understand its implications in any given locale. Changing it, especially if the changes appear to broaden access to care, as the compromise agreement surely does, can easily create false expectations.

The second advantage, related to the first, is that the current eligibility system is working to ration care. Facilities know when to use its restrictions—most especially on access to ambulatory care—to cut back on access so as to stay within budget. Replacing this system with an untested approach that relies on providing VA facilities with an unspecified authority to deny some veterans access to care is difficult to defend as a step forward.

The current system's role in rationing care seems particularly important in this time of fiscal constraint. In past years, when the issue of eligibility for VA care has been debated, there were those who expressed the belief that any increased demand resulting from a change in eligibility would be addressed by increased appropriations. No one appears to hold that view today. Thus, it seems clear that some form of rationing will continue to be needed if the population of those veterans who are eligible for VA care is not adjusted to meet VA's capacity to provide care.

Having said that, however, I note that my concerns about the compromise agreement bill do not stem from a view that the current eligibility rules must remain inviolate. Rather, my reluctance about this legislation is grounded in my belief that the Congress has a more involved role to play in determining the scope of VA health care than is reflected in the bill the Senate ordered reported or in the compromise agreement.

Madam President, throughout our committee's efforts on this legislation, I have held to the premise, on which I think there is general agreement, that whichever veterans are made eligible for VA care should be able to receive all the care they need, of whatever sort, with the possible exception of long-term care, because of the costs of that care. It certainly could be otherwise—that is, certain groups of veterans could be given access only to certain care—but that seems to be directly contrary to the spirit of eligibility reform.

With that as a guiding premise, and my certainty that VA will not receive any significant infusion of resources for health care at any time in the foreseeable future, it has been my view throughout the debate on eligibility reform that we, the Congress, should expressly set forth in law the population of veterans who are to receive comprehensive care from VA so that there would be no need for VA to make rationing decisions at the facility or other management level. However, as the debate progressed, it became increasingly clear that developing such an approach was highly unlikely, both because we lacked data on which we might base a more comprehensive action and because reaching consensus on the specifics of such an approach was highly improbable.

During the eligibility reform debate, the key questions as to which I have sought answers have been:

First, in crafting legislation to define which veterans are to receive what care from VA, can we guarantee that those who are told they are eligible for care will be able to get that care without extensive delay?

Second, if we assume that we should expand access to outpatient care—and I do—but that there will be no significant increase in VA's medical care appropriation, will the demand for care, and the costs associated with that demand, increase, remain static, or decrease? Who should make the inevitable rationing decisions?

Third, and finally, do we have the necessary information to make informed decisions on these issue?

While I acknowledge that these are difficult questions, without easy solutions, I have been greatly disappointed in the lack of answers that I have received, particularly from VA. While I believe that I have gained some further insight into some of these issues, much remains far from clear.

For example, nothing VA has said has given me any satisfaction that the proposed eligibility reform proposals will help veterans or VA health care professionals answer with certainty the question of which veterans will receive care in a given time period.

Likewise, nothing VA has provided sheds any light on the likely demand for care that will follow from the enactment of this reform package and the almost certain publicity about that will follow which will lead many veterans to believe that they now are eligible for comprehensive care from VA.

However, as I noted earlier, one clear benefit of our action is that there will finally be an opportunity to see what happens when apparent access to VA care is expanded with no concomitant increase in resources. Once eligibility reform actually takes place, there will finally be some hard information on the impact of changing the definition of which veterans receive what care. This, in turn, will finally enable us to develop some understanding of whether those who believe that VA can furnish more care to more veterans within existing resources, or whether, as other believe, that eligibility reform legislation will generate significant new demand for care.

Madam President, during our committee's consideration of eligibility reform we heard some very different views on this issue. Some, including CBO and GAO, believe that amending the law to provide such expanded access to VA care will result in a significant increase in demand, which either would be met through increased funding or, if new funding is not provided, will lead to delays in getting care or outright denial of care which in turn will generate significant unrest in the veteran community. Others believe that there is little, if any, suppressed demand for VA care and therefore do not believe that eligibility reform will result in any significant increased costs. Indeed, some who testified in support of eligibility reform expressed the belief that it is possible that changing the law will result in a net decrease in the cost of VA care because veterans will be able to be treated in the most appropriate setting, rather than being forced into inpatient care because that is the extent of their current eligibility.

At this point, even after our hearings and all the followup actions associated with them, little more than speculation and best guesses support any of these positions.

What is known is that VA has been appropriated just over $17 billion for medical care in fiscal year 1997. It may be that, operating under revised eligibility criteria, the Department will be able to furnish more care to a larger cohort of veterans at that funding level. But, in any event, that will be all the funds that will be available, come what may.

Madam President, I am confident that the two committees and the Congress will be vigilant in our oversight of VA's implementation of this proposal, and, should it prove unsuccessful at matching scarce resources to demand for care, it will be modified in the years ahead.

Madam President, I have a final thought on this issue before I turn to other parts of the bill. During this debate on eligibility reform, VA expressed the view that any eligibility reform legislation should meet six objectives:

First, the eligibility system should be one that both the persons seeking care and those providing the care are able to understand.

Second, the eligibility system should ensure that VA is able to furnish patients the most appropriate care and treatment that is medically needed, cost effectively and in the most appropriate setting.

Third, veterans should retain eligibility for those benefits they are now eligible to receive.

Fourth, VA management should gain the flexibility needed to manage the system effectively.

Fifth, the proposal should be budget neutral.

Sixth, the proposal should not create any new and unnecessary bureaucracy.

Were I to grade the compromise agreement against this list, I'd say the only element that is clearly met is the fifth one—the measure is budget neutral. And while there can be some discussion about some of the others, the one that I think the bill fails to meet most dramatically is the first. Nothing in what we are doing, without a great deal more experience with the new eligibility criteria, will result in a system that can be understood by patients and providers alike.

In fact, I believe that just the opposite is true—we are setting in place a system that no one will be able to predict or, at least in the near future, understand. Since it is clear that whatever changes are to take place must occur with no additional resources, it is a virtual certainty that VA will still need to ration care and to make decisions about how to do that. While this bill may, in time, yield a flexible, streamlined bureaucracy that establishes clear rules about which veterans are to get what care, that result is far from guaranteed. In the early years of this new system, it is far more likely that more resources will have to be dedicated to making decisions about who gets what care, resulting in a confusing, labor-intensive system.

Madam President, despite my misgivings, it is clear that there is widespread support for our action on this issue. I intend to watch very closely as it goes forward and will be prepared to support any amendatory legislation needed as VA moves into this new era.

CONTRACTING AUTHORITY

Madam President, the compromise agreement contains two separate provisions relating to VA's authority to contract for health care services—section 301, which amends subchapter IV of chapter 81 of title 38, relating to VA's authority to share medical resources with non-VA entities; and section 304, which amends section 8110(c) of title 38 relating to VA's authority to contract with outside entities for the conversion of VA activities to private activities. Taken separately, these two provisions both break substantial new ground in terms of giving VA greater latitude to provide services other than through inhouse resources. Together, the enactment of these provisions represents a potential sea change in how VA meets its health care mission.

Madam President, I want to be very clear that the enactment of these provisions is meant to give VA managers greater flexibility to operate the VA health care system in the most effective manner available, consistent with meeting the obligation to furnish quality medical care to those veterans who are eligible for VA care and who seek such services and benefits. I intend to monitor very closely VA use of this new flexibility and will not hesitate to seek to reimpose limitations on the Department's contracting authority if it appears that either authority is being used in a manner that impinges on veterans' access to care in the name of fiscal restraint. I invite input from the veterans organizations, veteran patients, VA employees and their representatives, those organizations which represent groups of VA professionals, and others with an interest in the integrity of the VA health care system.

MIRECC'S

Madam President, I am very pleased that a longstanding Senate initiative dating back nearly a decade—the establishment of VA centers of excellence in mental health research—is included in the compromise agreement. The provision in the compromise agreement is derived directly from legislation I originally introduced in S. 425 on February 15, 1995, with the cosponsorship of committee member Senators AKAKA, DORGAN, WELLSTONE, MURKOWSKI, and CAMPBELL.

Madam President, this provision requires VA to establish up to five centers of excellence in the area of mental illness at existing VA health care facilities. These centers, to be known as Mental Illness Research, Education, and Clinical Centers [MIRECC's] will be a vitally important and integral link in VA's efforts in the areas of research, education, and provision of clinical care to veterans suffering from mental illness.

As I noted at the time I introduced S. 425, the need to improve services to mentally ill veterans has been recognized for a number of years. For example, the October 20, 1985, report of the special purposes committee to evaluate the Mental Health and Behavioral Sciences Research Program of the VA, chaired by Dr. Seymour Kety—generally referred to as the Kety Committee—concluded that research on mental illness and training for psychiatrists and other mental health specialists at VA facilities were totally inadequate. The Kety report noted that about 40 percent of VA beds are occupied by veterans who suffer from mental disorders, yet less than 10 percent of VA's research resources are directed toward mental illness.

Little has changed since that report. The percentage of VA patients suffering from mental illness continues to hover over the same 40 percent rate found by the Kety Committee, and little has changed with respect to VA's research on mental illness.

VA provides mental health services to more than one-half to three-quarters of a million veterans each year, yet in the years between the time the Kety Committee began its work and now, there has not been a significant effort to focus VA's resources on the needs of mentally ill veterans. Among the recommendations of the Kety Committee was one that VA centers of excellence be established to develop first-rate psychiatric research programs within VA. Such centers, in the view of the Kety Committee, would provide state-of-the-art treatment, increase innovative basic and clinical research opportunities, and enhance and encourage training and treatment of mental illness.

Based on the recommendations of the Kety Committee, the Committee on Veterans' Affairs began efforts nearly 10 years ago to encourage research into mental illnesses and to establish centers of excellence. For example, on May 20, 1988, Public Law 100-322 was enacted which included a provision to add an express reference to mental illness research in the statutory description of VA's medical research mission which is set forth in section 7303(a)(2) of title 38.

At that time, the committee urged VA to establish three centers of excellence, or MIRECC's, as proposed by the Kety Committee. Unfortunately, VA has done little to implement the recommendations of the Kety Committee.

I also note that the January 1991 final report of the blue ribbon VA Advisory Committee for Health Research

Policy recommended the establishment of MIRECC's as a means of increasing opportunities in psychiatric research and encouraging the formulation of new research initiatives in mental health care, as well as maintaining the intellectual environment so important to quality health care. The report stated that these "centers could provide a way to deal with the emerging priorities in the VA and the Nation at large."

In light of VA's failure to act administratively to establish these centers of excellence, our committee has developed legislation to accomplish this objective. The proposed MIRECCs legislation is patterned after the legislation which created the very successful Geriatric Research, Education, and Clinical Centers [GRECC's], section 302 of Public Law 96–330, enacted in 1980. The MIRECC's would be designed first, to congregate at one facility clinicians and research investigators with a clear and precise clinical research mission, such as PTSD, schizophrenia, or drug abuse and alcohol abuse; second, to provide training and educational opportunities for students and residents in psychiatry, psychology, nursing, social work, and other professions which treat individuals with mental illness; and third, to develop new models of effective care and treatment for veterans with mental illnesses, especially those with service-connected conditions.

The establishment of MIRECC's should encourage research into outcomes of various types of treatment for mental illnesses, an aspect of mental illness research which, to date, has not been fully pursued, either by VA or other researchers. This provision will promote the sharing of information regarding all aspects of MIRECC's activities throughout the Veterans Health Administration by requiring the Under Secretary for Health to develop continuing education programs at regional medical education centers.

Madam President, the VA for too long has made inadequate efforts to improve research and treatment of mentally ill veterans and to foster educational activities designed to improve the capabilities of VA mental health professionals. The establishment of MIRECC's will be a significant step forward in improving care for some of our neediest veterans. I am hopeful that this long recognized need will become more than a forgotten want item for veterans who suffer, in many cases, in silence.

HOSPICE CARE

Madam President, I am pleased that the compromise agreement includes a provision, section 341, which directs VA to carry out a research study on the desirability of VA furnishing hospice care services to terminally ill veterans and the most cost effective and efficient way to furnish such services. This provision is derived from legislation I authored which was included in S. 1359 as considered by the Senate committee. That legislation was in turn based on legislation dating back to the 102d Congress.

Madam President, I have been pursuing an effort for a number of years to have VA closely examine the area of hospice care so as to have a basis for deciding the Department's role in meeting the needs of terminally ill veterans.

In my view, it is important that VA develop the most cost-effective methods of providing treatment to those groups of veterans, especially those older veterans, who are most likely to seek VA services in the coming years. Among the methods that can meet the needs of an older population are a wide variety of community-based, noninstitutional services, including hospice care, which provides a compassionate alternative to customary curative care for terminally ill persons.

During the Veterans' Affairs Committee's pursuit of this issue, there have been a number of hearings and submission of reports by VA. While the record before the committee on hospice care, including hearings in 1991, 1993, and 1995, indicates that there is some focus on hospice care within VA, I am convinced that VA has moved ahead too cautiously to establish programs which achieve the goals of hospice care. For example, while VA, on April 30, 1992, issued a directive that required all VA medical centers [VAMC's] to implement hospice programs, that directive provided only vague guidelines, regarding the manner in which VAMC's should provide hospice care. As a result, significant variations now exist in the manner in which hospice care is provided at VAMC's.

VA reports that all VA medical centers now have hospice consultation teams, consisting of at least a physician, nurse, social worker, and chaplain, and 56 out of 171 VAMC's have inpatient hospice units, freestanding buildings or separate units where a home-like atmosphere is created.

While this is an increase in the total number of inpatient units in recent years, it is not clear that it demonstrates a significant change in the overall effort in support of hospice care. In answer to posthearing questions on its hospice programs, VA noted that "most VA inpatient hospice units are small with an average size of 7 beds." Other VAMC's provide pain management and other services to terminally ill veterans in units in which hospice rooms are adjacent to rooms in which other patients are administered curative care. Still other VAMC's only provide some hospice services such as caregiver counseling and pain management.

Unfortunately, many VAMC's hospice efforts offer only an assessment of a terminally ill veteran's needs and referral to a non-VA hospice. While such referrals may benefit some veterans, they are of little value to the many veterans who are not entitled to Medicare or Medicaid or lack health insurance coverage for hospice care. Because VA has no authority under current law to contract with non-VA hospices, these veterans are left with the difficult choice of foregoing hospice care or using their own resources to pay for that care.

Although I am convinced that VA should provide hospice care, I am not certain as to the best way for the Department to provide such care. Some assert that the only bona fide form of hospice care is through a program in which palliative care—noncurative care focusing on alleviating pain and other symptoms—and support services to meet the psychological, social, and spiritual needs of patients and their families are available in both home and inpatient settings. Others believe that equally effective care can be furnished by integrating hospice concepts into customary care. Similarly, there is considerable disagreement as to whether veterans who wish to receive hospice care are best served by VA hospice programs or through contracts with non-VA providers.

Because I am satisfied that VA, to this point, has not carried out sufficient research to determine with any degree of certainty the most appropriate way in which to furnish hospice care, I have proposed legislation that would require VA to study the ways in which hospice care can successfully be furnished to veterans. That is what the provision in the compromise agreement calls for, and I look forward to VA's efforts to carry out this research and to the results of that study.

Given the growing numbers of VA patients who are elderly or have fatal diseases who could benefit from hospice care, demand for VA hospice care is likely to increase. Research related to the provision of hospice care is critical not only to VA health care professionals, many of whose patients cannot rely on friends and family to provide all of the care they require, but also to other health care providers who will soon have to accommodate a great increase in the number of aging patients comparable to that which VA is presently providing care.

MAMMOGRAPHY QUALITY STANDARDS

Madam President, I am delighted that the compromise agreement includes a provision, section 321, which seeks to ensure that women veterans are guaranteed that they will receive safe and accurate mammograms from or through VA. This provision is derived from legislation, S. 548, which I introduced last year.

At present, under the Mammography Quality Standards Act of 1992, Public Law 102–539, all health care facilities—hospitals, outpatient departments, clinics, physicians' offices, or mobile units—are required to be certified by the Secretary of Health and Human Services as meeting specified standards for mammography in equipment, personnel, and quality assurance. That law, however, does not apply to VA facilities that operate their own mammography equipment.

It is my strong opinion that women veterans who use VA facilities should have the same assurances as other women that their mammography tests will be performed properly and yield reliable information. The Secretary of Veterans Affairs agrees. In a letter to me, dated July 12, 1993, Secretary Jesse Brown wrote, "It is my intent that VA will comply with standards equal to those set forth in the Mammography Quality Standards of 1992 for all mammography done within VA facilities and require that all contracts and sharing agreements for mammography include a provision for compliance."

More recently, at the committee's October 25, 1995, hearing, Dr. Kenneth Kizer, VA's Under Secretary for Health, updated Secretary Brown's commitment, noting that "VA policy now requires compliance with the requirements of the 1992 Mammography Quality Standards Act. Moreover, all VA facilities furnishing mammography services are currently using the FDA's guidelines."

Section 321 of the compromise agreement would ensure that the goal of giving women veterans safe and accurate mammograms continues to be met by requiring the Secretary to promulgate quality assurance and quality control regulations for VA facilities that furnish mammography that are no less stringent than the Department of Health and Human Services regulations to which other mammography providers are subject under the Mammography Quality Standards Act of 1992. VA facilities that contract with non-VA facilities would be required to contract only with facilities that comply with that act.

OUTSIDE EMPLOYMENT

Madam President, I am pleased that the compromise agreement includes a provision, section 347, relating to the limitation in current law on certain VA health care personnel's ability to work outside of VA—the so-called "moonlighting" bar. Under current law, full-time VA professionals in seven professions—physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded-function dental auxiliaries—are not permitted to work in their professions during their non-duty times at VA.

This provision was reported by our committee in S. 1359 after it was amended in committee in response to a concern of mine. As originally introduced in S. 1752, VA-proposed legislation, the legislation lifted the bar to outside work for only three of the seven professions listed in current law. In response to my concerns, the provisions removed the existing limitation as to all seven of the title 38 professions, including physicians, and not just to a portion of that population.

CONCLUSION

Madam President, in closing, I acknowledge the work of my colleagues in the House, Chairman BOB STUMP and the ranking minority member, SONNY MONTGOMERY, and our committee's chairman, Senator SIMPSON, in developing the comprehensive legislation.

Madam President, I thank the staff who have worked extremely long and hard on this compromise—Ralph Ibson, Lori Fertal, Pat Ryan, JoAnn Webb, Sloan Rappoport, and others on the House Committee, and Bill Brew, Jim Gottlieb, Bill Tuerk, Chris Yoder, and Tom Harvey with the Senate committee. I also thank Bob Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting the compromise agreement.

Mr. AKAKA. Mr. President, I rise in strong support of H.R. 3118, the Veterans' Health Care Eligibility Reform Act of 1996, as amended by the committee substitute. I am pleased to be an original cosponsor of the substitute amendment, which provides for greater uniformity and flexibility in veterans' health care eligibility, enacts significant improvements in health care programs, and authorizes major construction projects.

I am especially pleased with sections of the bill that make improvements in the Readjustment Counseling Service [RCS] program. As my colleagues know, RCS operates over 200 community-based vet centers around the Nation, each of which provides a variety of services designed to help returned veterans adjust to civilian life. These include services relating to post-traumatic stress disorder, homelessness, disaster assistance, sexual trauma, alcohol and substance abuse, suicide prevention, the physically disabled, and minority veterans. To date, vet centers have successfully assisted well over 1 million veterans.

The RCS improvements in this bill include: making World War II and Korea theater veterans eligible for vet center services for the first time; directing VA to study the desirability of collocating vet centers with outpatient clinics; directing VA to report on the feasibility of providing limited, primary health care services at vet centers; making the Advisory Committee on Readjustment of Veterans a permanent, statutory entity; and clarifying and enhancing the status of the Director of RCS, which will guarantee a degree of administrative autonomy for the program.

Mr. President, these provision are derived from S. 403, the Readjustment Counseling Service Amendments of 1995, which was cosponsored by Senators DASCHLE, WELLSTONE, INOUYE, and JEFFORDS. S. 403 in turn was derived from legislation I originally offered in the 103d Congress which twice passed the Senate. I am disappointed that some of the provision of S. 403 were not included in this compromise measure. These include provisions that would have: made RCS a statutory agency within VA, required congressional notification of proposed changes to the administrative or organizational structure of RCS, required a specific RCS operating budget to be identified in VA's annual budget submission, and authorized vet centers to offer bereavement counseling to the families of service persons killed in service. Nevertheless, I am deeply appreciative that many of the goals of that legislation have been achieved in the pending measure.

Mr. President, many people deserve to be recognized for their efforts in making possible the RCS provisions in this bill. First, I would like to thank Senators SIMPSON and ROCKEFELLER and their respective staffs, notably Chris Yoder and Bill Brew, for putting together this compromise.

Second, I wish to recognize Al Batres, Susan Angell, Stephen Molnar, and other RCS employees, whose testimony before the Senate Veterans' Affairs Committee in 1993 provided the original justification for my legislation. Steve Molnar, Director of the Honolulu Vet Center, has been, and continues to be, a source of inspiration for his untiring dedication to the Aloha State's veterans.

Last, I wish to acknowledge the contributions of Gerry Kifer, a former Congressional Fellow with my office, whose insights and hard work led to the drafting of my original RCS legislation. Gerry provided the focus and energy that made today's legislation possible.

Thank you, Mr. President. I hope my colleagues can support the RCS provisions contained in H.R. 3118, as amended. I urge swift enactment of the bill.

Mr. NICKLES. Madam President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5414) was agreed to.

The bill (H.R. 3118), as amended, was deemed read a third time and passed.

The title was amended so as to read: "An act to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes."

HONG KONG ECONOMIC AND TRADE OFFICES LEGISLATION

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 628, Senate bill 2130.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2130) to expand privileges, exemption, and immunities to Hong Kong Economic and Trade Office.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2130) was deemed read a third time, and passed, as follows:

S. 2130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES.

(a) APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.—The provisions of the International Organizations Immunities Act may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) APPLICATION OF INTERNATIONAL AGREEMENT ON CERTAIN STATE AND LOCAL TAXATION.—The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, done at Washington on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) DEFINITION.—The term "Hong Kong Economic and Trade Offices" refers to Hong Kong's official economic and trade missions in the United States.

EXECUTIVE SESSION

TREATIES

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar:

Executive Calendar Nos. 35 through 38.

I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification; that all committee provisos, reservations, understandings, et cetera, be considered agreed to; that any statements in regard to these treaties be inserted in the Congressional RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on the motion to reconsider be laid upon the table; the President then be notified of the Senate's action; and that, following disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties will be considered to have passed through their various parliamentary stages up to and including the presentation of resolutions of ratification.

The resolutions of ratification are as follows:

INCOME TAX CONVENTION WITH KAZAKSTAN

EXCHANGE OF NOTES RELATING TO THE TAX CONVENTION WITH KAZAKSTAN

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Between the Government of the United States of America and the Government of the Republic of Kazakstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with the Protocol, signed at Almaty on October 24, 1993, and Two Related Exchanges of Notes, dated August 1 and September 7, 1994, and dated August 15 and September 7, 1994 (Treaty Doc. 103–33); an Exchange of Notes dated at Washington July 10, 1995, Relating to the Convention Between the Government of the United States of America and the Government of the Republic of Kazakstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with a Related Protocol, signed at Almaty on October 24, 1993 (Treaty Doc. 104–15); and an Exchange of Notes, dated June 16 and 23, 1995 (EC–1431). The Senate's advice and consent is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

The United States shall not exchange the instruments of ratification with the Government of the Republic of Kazakstan until such time as the Government of the Republic of Kazakstan has notified the Government of the United States that its laws no longer permit anonymous bank accounts to be established.

TAXATION PROTOCOL AMENDING CONVENTION WITH INDONESIA

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol, signed at Jakarta on July 24, 1996, Amending the Convention Between the Government of the United States of America and the Government of the Republic of Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with a Related Protocol and Exchange of Notes signed at Jakarta on July 11, 1988 (Treaty Doc. 104–32).

PROTOCOL AMENDING ARTICLE VII OF THE 1948 TAX CONVENTION WITH RESPECT TO THE NETHERLANDS ANTILLES

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Kingdom of the Netherlands in Respect of the Netherlands Antilles Amending Article VIII of the 1948 Convention with Respect to Taxes on Income and Certain Other Taxes as Applicable to the Netherlands Antilles, signed at Washington on October 10, 1995 (Treaty Doc. 104–23).

Mr. NICKLES. I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolutions of ratification will please stand and be counted. (After a pause.) Those opposed will please stand and be counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. NICKLES. Madam President, I thank you. I thank my colleague from Kentucky for his assistance on passing these items.

THE PARKS LEGISLATION

Mr. NICKLES. Madam President, one thing I would urge my colleagues—and particularly leadership on the Democrat side in the Senate—would be for us to work together to pass the parks bill. Time is growing very, very short. I know that some of our colleagues—we have a lot of colleagues who are retiring this year—have bills that they would like to get passed. And a lot of these bills are very, very important.

I have had the pleasure of working with Senator BUMPERS and Senator PRYOR on one bill, the Arkansas and Oklahoma land exchange. Senator PRYOR is going to be retiring. I would like to pass that bill before he retires.

Senator BRADLEY has worked very, very hard on Sterling Forest, as well as Senator MOYNIHAN, and others; Senator D'AMATO. Sterling Forest—we need to pass these bills. The Presidio is maybe the best known of any of these parks, a beautiful area in San Francisco. A lot of work has gone into the Presidio legislation. I know the Senators from California and others are committed to it. The Senator from California would like to have passed the Presidio legislation, and I really want to do that.

Senator HEFLIN has a couple of bills, and other colleagues who will be leaving. Many of these bills—I guess I will still be around, and some of us will be here next year. Maybe we can take care of them at that time. But a lot of our colleagues will be leaving.

I see Senator NUNN has a couple of provisions.

Most of these are not controversial. I really hope that we can get a comprehensive package before the Senate and pass it. We need to pass it today while the House is still in session.

So I would just urge our colleagues. I know the Senator from Alaska, Senator MURKOWSKI, has worked a long time on a long list of projects. I hope that we can get these through.

So I just ask for bipartisan cooperation. This is not a partisan bill. It is a bill that those of us on the Energy Committee have worked on all year.

Maybe it is not a very good way to legislate when you end up having a bill like this come toward the end of the session. But there have been holds on this bill for months.

Anyway, I just urge my colleagues on both sides of the aisle to be cooperative to see if we can't pass the Presidio bill and the land exchanges. There are a lot of positive things. I saw, I think, over a dozen projects in California. A lot of these are environmentally very sensitive and important. I know there are eight in Colorado that likewise are important; a couple in Arizona; Alaska has several.

There are a bunch of projects in here that I think will improve the Park System in the country that will have strong bipartisan support. If we can ever get this bill to a vote my guess is that it will pass if not unanimously very close to unanimously.

So I hope that we could do that, send it to the House, and hopefully get it on the President's desk before the 104th Congress adjourns sine die.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

END-OF-SESSION LOGJAM

Mr. FORD. I listened to my counterpart on the Republican side as he has talked about the parks bill. I have not been in the negotiations, but I know something about the negotiations. I understand several offers have been made in an effort to work out this piece of legislation. However, it has always come back, it is all or nothing.

I know it is very easy to pull on the strings of emotion here saying that these items for our retiring Members need to be done and that you are trying to get them done for retiring Members, but it is what kind of meat you put on that skeleton of projects for retiring Members. Now, you can use this all you want to. Hopefully, we will be able to work out something, but when you say it is all or nothing at all, I have been very concerned about the number of bills that have come out of the Energy Committee in the last 2 years. We have not been very productive, I think, and then all of a sudden at the end, next to the last day, we get a humongous bill.

And so the offers have been made. The struggle is still available. And if it is not all or nothing, I think we may be able to sit down and work out a little Henry Clay. Henry Clay was the great compromiser. Henry Clay said compromise was "negotiated hurt." Well, let us sit down and hurt a little bit and get a bill out here that is in the best interests of the country instead of saying, if you do not take this, you do not get anything.

Mr. DORGAN. Will the Senator yield?

Mr. FORD. I will be happy to yield.

Mr. DORGAN. I was listening to the discussion about the parks bill, and I listened to the discussion yesterday about the bill. I listened to the discussions about the continuing resolution and appropriations bills, about the FAA bill. And the common issue with respect to all of them is we find ourselves here right at the edge of the midnight hour on this legislative session and in a circumstance where, as I understand it, four appropriations bills were not even brought to the floor of the Senate. We have a circumstance here the Senator from Kentucky would know more than most about where the FAA bill was not able to be resolved and finally got here, and now obviously an amendment has been offered. But the reason we find ourselves in a time crunch on these things is because they did not get here until right near the midnight hour.

Mr. FORD. I say to my friend, they are not here yet. They are not here yet.

Mr. DORGAN. That is true. In terms of trying to reach some agreements, I hope very much that those who want to advance the parks bill will understand that all of the interests that are involved in this, including the White House and both bodies here in the Congress, need to be involved in the discussions.

My understanding is that recommendations and negotiations have been offered, and that bill can be resolved. But I am also concerned about our finding ourselves at the end of a session once again with a CR, a continuing resolution which simply throws all of the appropriations bills that are not completed into one big pile, completed at 3 o'clock in the morning. There is not one Member of the Senate who has read it. I do not even know where it is. I do not suspect it is available. But if it is available, no one has read it. When it is available, no one will read it. Maybe the Senate will be forced to read it. I do not know.

But in any event, we should not find ourselves at the end of a session like this up against the wall on critical pieces of legislation. The reasonable way to do completion is earlier in the year to start the pieces of legislation through the process so that you can have back and forth negotiations.

I ask the Senator from Kentucky who has been involved integrally in a couple of these situations, is that not the case? We have seen a legislative logjam self-created, and then people express surprise that, gee, I do not understand why this is not being greased through here. Well, because they created a logjam themselves. We ought to resolve at least never to do this again. I hope we will.

Mr. FORD. I say to my friend, the continuing resolution is nothing new. Sometimes it is for a short period of time; sometimes it is for longer. I think this is the first time we have had a continuing resolution with appropriations bills that have never been to the Senate. There are four of them.

So we do not have to leave here. As I said last night, we do not have to leave here. We are still getting paid whether we are up here or not. You still draw your salary. So we do not have to leave here. We are being paid. I do not think we are earning our keep if we do not do our job. And so here we are with a continuing resolution with appropriations bills that are a must. Throw everything else aside. Appropriations bills are a must to operate government. The Defense bill conference report I do not think is here yet. We are going to try to wrap all that CR in that so we cannot amend it.

What kind of game are we playing here? And so everybody is checking their list to see if they have their little project in the CR. If they did not get it in the CR, they are fussing. So let us get it out in the Chamber and start looking at it.

I tell you one thing we might do to stop all this. Have a 2-year budget. I have been trying to get it for 8 or 10 years now. We now have a 1-year budget process and 1-year oversight. You can make all the changes in a 2-year budget you can make in a 1-year budget. If you have an emergency, you can correct it. If you have a flood or earthquake or hurricane, whatever it might be, you can have a method by which you can change that.

So let us have some oversight in 1 year. We have a budget for 2 years. We would not be up here with this logjam backed up to the wall and trying to go home, trying to go home without doing the people's business.

I know we are not in the majority, and so therefore we have very little control. So the majority wants to get out of town. With their record, I would want to get out of town, too.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

OMNIBUS PARKS LEGISLATION

Mr. MURKOWSKI. I wonder if I could respond to my good friend from North Dakota relative to his concerns about the process here, particularly on the

Presidio-omnibus parks bill, because, I, too, as chairman of the committee on which he serves, feel an extraordinary frustration about what we went through in committee because, as the Members know, we held the hearings, accommodated members as they introduced their bills, and then we attempted to move these bills to the floor.

I think it is important to recognize that virtually every single bill in the parks package, 126 sections to accommodate Members, immediately have holds put on them by one Senator from New Jersey. That is just the fact. The record will reflect that reality. His motivation—it is part of the rules; it is appropriately done—was to get the House to move on Sterling Forest. There were objections over there on Sterling Forest. And that is part of the process. They have a right to do that. But as a consequence, we could not move a single bill to the floor for action because there was a hold on them.

Here we have this package today of 126 sections in the Presidio parks bill, and that is why we have it, Madam President. It is as a consequence of Members using the rules, if you will, to advance the position of their own bills. But my job as chairman of the committee is to try to advance all those bills that came out of my committee. That is what the Presidio parks package is all about.

As a consequence, we are in a situation now where, having been notified by the administration of certain objections to that package, we responded. We responded in a conference mode, and we pulled off what they objected to. They objected to Utah wilderness. They objected to grazing. They objected to the 15-year Tongass extension contractual commitment. They objected to the Minnesota wilderness waters. So we pulled those. And then, they came back 2 days later with provisions in the Presidio conference report which would invoke a Presidential veto, and they listed: Conveyance to the city of Sumner, 1.5 acres to the City of Sumner, OR; 218. Shenandoah National Park; 219. Tulare conveyance; Alpine school district, 30 acres of land to the Alpine School District for a public school facility, passed the House by suspension. They never raised an objection. Coastal barrier, FL, 40 acres of developed property out of 1.2 million acres, supported by a bipartisan Florida delegation and the Governor; conveyance to Del Norte County Unified School District, transfer of small acres to the school district in California for recreation, recess purposes.

Now, Madam President, this administration has a responsibility for killing this package. This package is dead once the CR comes over from the House, as the majority whip is well aware. Right now there is a hold on this package, and the hold is by the minority leader on behalf of the administration. Otherwise we can move this conference back to the House while they are still in session and they will move it back here and it is passed. And the Presidio takes place as a reality, the Snow Basin takes place, so we can host the winter Olympics, that becomes a reality, the San Francisco Bay delta cleanup becomes a reality, Sterling Forest becomes a reality. And they are not even responding.

Last night we sent a letter down saying we are ready to continue discussions to get this done. It is 2:30, Saturday afternoon, no response.

I ask unanimous consent this letter be printed in the RECORD, as well as the identification of the 40-some-odd individual items that they indicated they would invoke a Presidential veto over, with an explanation on them, so that everyone who reads the RECORD can readily understand, if you will.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, September 27, 1996.

Mr. JOHN L. HILLEY,
Assistant to the President and Director for Legislative Affairs,
The White House.

DEAR MR. HILLEY: After our discussion earlier today, I thought it would be constructive if as Chairman of the Conference on H.R. 1296, I provided you with comments on the items to which the Administration appears to object by virtue of the fact they were not included on the list of acceptable items you provided to me late last night.

As you will see many of the legislative provisions previously passed the House under suspension with no Administration objections. Still other provisions passed the Senate or the House after the Administration testified in support. Others had passed the House or Senate after bi-partisan negotiations had attempted to address specific Administration concerns. Yet other provisions, while important to individual members, relate to such minor matter as the study of a four foot radio tower at the site of an existing tower on a national forest. It is difficult to comprehend an objection to such a provision in the context of this conference report. Finally, some provisions to which you apparently object have the broad bi-partisan support of House and Senate delegations, often including the Governor of the relevant state.

I hope this information is helpful to the Administration in re-considering its position. Tomorrow I will again attempt to recommit H.R. 1296 to conference for the purpose of allowing the conferees to meet and consider changes to the conference report. If the Administration would care to present information concerning its objections to specific provisions at such a meeting of the conferees I would be pleased to arrange this meeting and give the information presented due consideration. Obviously such a meeting will not be possible unless H.R. 1296 is recommitted to conference. I believe that in the short time remaining in the 104th Congress this is a reasonable path to take to a successful conference report. It is my sincere hope that for the benefit of the many intensely interested members both Democrat and Republican, some retiring at the end of this Congress, this important parks and public lands legislation will pass the Congress.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

PROVISIONS IN PRESIDIO CONFERENCE REPORT WHICH WOULD INVOKE A PRESIDENTIAL VETO.

216—*Conveyance to city of Sumpter Oregon:* Authorizes Secretary of Agriculture to convey 1.5 acres to City of Sumpter, Oregon for public purposes. Administration raised no objections when bill passed under suspension in the House.

218—*Shenandoah National Park:* Adjusts 1923 Park boundary authorization to match today's existing park boundary. Similar bill passed House 377–33 under suspension. Provision has support of bi-partisan VA. Delegation.

219—*Tulare conveyance:* Clears title of 14 acres owned by a railroad to citizens of Tulare, California. Attempt by City of Tulare to clean-up blighted downtown area. Hearings held and provision was reported by Resources Committee. DOI reportedly has no objection.

220—*Alpine School District:* Conveys 30 acres of land to the Alpine school district for a public school facility. Passed House by suspension and Administration never raised objection.

223—*Coastal Barrier Resource System:* Removes 40 acres of developed property out of a 1.2 million acre Coastal Barrier Resource System. Reported by the Resources Committee. Supported by bi-partisan Florida Delegation and the Governor.

224—*Conveyance to Del Norte County Unified school district:* Transfers small acreage to the School district in California for educational purposes. Passed House under suspension. Provision includes Forest Service requested amendments.

303—*Alaska peninsular subsurface consolidation:* Authorizes Secretary to exchange subsurface holdings of Koniag Corporation on an equal value basis for lands and interest owned by the federal gov't. Passed House and Senate. Included in the original Presidio package, the Administration indicated it would sign.

304—*Snow basin land exchange:* Would allow expedited land exchange to facilitate the 2002 Winter Olympics. Passed both House and Senate. Included in the original Presidio package, the Administration indicated it would sign.

309—*Sand Hollow exchange:* Equal value exchange in Zion National Park to transfer water development rights in order to protect Zion National Park. Passed the House. The Administration has indicated supported.

311—*Land exchange, city of Greely, Colorado:* Equal value exchange to secure property needed by the city to secure protection of the city's water supply.

312—*Gates of the Arctic National Park and Preserve land exchange and foundary adjustment:* This would add more than 2 million acres of native owned lands to Gates of the Arctic National Park and Preserve in AK—in exchange for lands in the NPR–A.

313—*Kenai Natives Association land exchange:* This would facilitate exchange between KNA and the FWS to allow an Alaska Native Corp. to gain economic use of their land—this would be an acre-for-acre exchange. An Administration supported two-for-one acre exchange passed the House.

401—*Cache La Poudre corridor:* Establishes a corridor to interpret and protect a unique and historical waterway. Included in the original Presidio package the Administration indicated it would sign.

405—*RS2477:* Places a moratorium on final regulations without Congressional approval. Language agreed to by Senate Republicans and Democrats and the Administration. Reported by Energy Committee.

406—*Hanford Reach preservation:* Extends a moratorium on construction of any new dams or impoundments in this area. Passed House under suspension with Administration objections.

502—*Vancouver National historic reserve:* Establishes a new historic reserve. Administration testified in support. Passed the Senate. Hearings held in both bodies.

602—*Corinth, Mississippi Battlefield Act:* Establishes a visitors center at Shiloh National Military Park in Mississippi. Included in the original Presidio package the Administration indicated it would sign. Passed the Senate.

603—*Richmond National Battlefield Park:* Establishes boundary in accordance with new NPS management plan dated 8/96. Passed the House 337–33 under suspension. Administration opposed House-passed bill, however it has been modified to address their concerns. Supported by the bipartisan Va. Delegation.

604—*Revolutionary War:* A study to determine if these sites warrant further protection Senate Energy reported bill—Administration testified in support. Hearings in both bodies.

607—*Shenandoah Valley Battlefield:* Establishes Historical Area. Does not create a new park. Administration opposed House-passed bill, however it has been modified to address their concerns. Supported by the bi-partisan Va. Delegation.

701—*Ski area permits:* Simplifies ski area fee collection. Passed House and Senate. Included in the original Presidio package the Administration indicated it would sign. Administration testified in support.

703—*Visitor services:* Would raise $150 million for parks to help with badly needed repairs of existing park structures. 100% of new fees go back to the parks. Provision was modified to address Administration concerns.

704—*Glacier Bay National Park:* Raises fees to support research and natural resources protection through a per-person charge on vessels entering Glacier Bay.

803—*Ozark wild horses:* Would protect and prevent the removal of a existing wild horse herds at Ozark National Scenic Riverway. Passed the House under suspension without Administration objection. Passed Senate Committee.

806—*Katmai National Park agreements:* Authorizes research in National Parks, including the ability of the USGS to conduct volcanoligical research in Katmai National Park. Administration has supported research cooperative agreements for the last three Congressional sessions.

811—*Expenditures of funds outside boundary of Rock Mountain National Park:* Allows NPS to build a visitor center outside the park with private funds. Administration and the National Park Service requested this provision. Passed the House under suspension. Passed Senate Energy Committee.

815—*NPS administrative reform:* Provides authorities NPS has requested for years—aids parks in protection of resources and provide facilities for employees. Provides Senate confirmation of NPS Director. Administration testified in support at House hearings. Portions incorporated in President Clinton's Earth Day address on National Parks. Passed House under suspension with no Administration opposition.

816—*Mineral King:* Authorizes the continuation of summer cabin leases. Totally discretionary for the Secretary. Supported by bipartisan members of House and Senate California Delegation. House hearings held. Reported by Resources Committee. Provision has been modified to address Administration's concerns.

818—*Calumet Ecological Park:* A study of the Calumet Lake area to determine alternatives for preservation.

819—*Acquisition of certain property in Santa Cruz:* Provides for the acquisition of property on Santa Cruz Island to prevent the further destruction of the resource due to over-population of feral goats.

1021—*Black Canyon of the Gunnison National Park:* Formally designates a recreation area. Changes monument status to park and creates a BLM Conservation area. Designates 22,000 acres of wilderness. Energy Committee hearings held.

1022—*National Park Foundation:* Provides the opportunity for the private sector to sponsor the NPS, similar to the sponsorship of the Olympic games. Administration has testified in support. Administration testified in support. Part of President Clinton's Earth Day proclamation on Parks. Provision has been modified to address last minute Administration concerns.

1028—*Mount Hood:* Exchange between private company and federal gov't. Passed the Senate with no Administration objection.

1029—*Creation of the Coquille Forest:* Equal value exchange creating a tribal forest. Passed the Senate with no Administration objection.

1034—*Natchez National Historical Park:* Creates an auxiliary area to a NPS unit and provides $3 million for an intermodal transportation system and visitor center. Administration testified in support at Energy Committee hearing. Reported by Senate Energy.

1036—*Rural electric and telephone facilities:* Authorizes BLM to waive right-of-way rental charges for small rural electric and phone cooperatives.

1037—*Federal borough recognition:* Allows the unorganized borough in Alaska to receive PILT payments. Language was modified in conjunction with BLM and Administration has raised no objection. Reported by Energy Committee.

1038—*Alternative processing:* Prohibits the termination of a timber sale contract solely for the reason of failure to operate a pulp mill. Provides flexibility so that jobs in the sawmill portion of the contract are not lost along with the pulp mill jobs. This is not a contract extension nor is it an increase in timber harvesting. Language has been drastically modified from original proposal. Hearings on contract issues held in both bodies.

1039—*Village land negotiations:* Provides authority for the Secretary to negotiated with five tiny Alaskan villages regarding their entitlements under ANCSA. Language has been modified to address Administration concerns. Provides the Secretary with already existing authority to negotiate without the restrictions of a legal challenge against him. Language has been further modified from earlier versions and does not include the conveyance of any land or assets. Hearings held in both bodies.

1040—*Unrecognized communities in SE Alaska:* Authorizes the native residents of five Southeast Alaska villages to organize as urban or group corporations under an amendment to ANCSA. Provision does not direct grants of any federal land or compensation to these villages without a future act of congress. Language has been drastically modified from earlier proposals in that it does not contain any guarantee of land to the villages.

1041—*Gross brothers:* Transfers approximately 160 acres of Forest Service land to Daniel J. Gross and Douglas K. Gross of Wrangell, Alaska. These are the children of the original homesteaders. Energy Committee hearing held.

1043—*Credit for reconveyance:* Would allow Cape Fox Corporation to transfer 320 acres of land near the Beaver Falls Hydro project to the Forest Service. CFC's ANCSA entitlement would be credited with an equal amount of acreage. This provision does not provide CFC any additional entitlement. Hearing held in the House. Administration raised no objection to this provision.

1044—*Radio site report:* A study to determine if an existing radio site continues to be necessary.

1045—*Retention and maintenance of certain dams and weirs, etc.:* Requires the Forest Service to maintain specific dams and weirs in the Immigrant Wilderness Area.

1046—*Matching land conveyance (University of Alaska):* Authorizes the Secretary of Interior to discuss a land grant with the University of Alaska who has never received its federal entitlement under the Land Grant College Program. Provides for a matching grant to the State. Provision specifically excludes lands that are part of a CSU or part of a National Forest.

Mr. NICKLES. Will the Senator yield for a question?

Mr. MURKOWSKI. I will be happy to yield to my friend from Oklahoma.

Mr. NICKLES. Correct me if I am wrong, but I remember the administration originally said they might veto it if it had a provision dealing with an Alaska pulp mill, a provision in Minnesota, a couple of major provisions that they strongly objected to.

Those were removed, were they not, out of the package?

Mr. MURKOWSKI. The Senator from Oklahoma is correct. They were removed. The 15-year contract extension was removed. Minnesota wilderness waters were removed. And, of course, Utah wilderness and grazing were removed.

Mr. NICKLES. I was going to say, the grazing provisions were also seriously objected to. So you have removed the really contentious issues. I have looked through the list of 46. There are some Democrat's, and mostly Republican projects. For most of those there is not a great deal of land, there are not significant projects that they are trying to have removed. But it bothers me to think in many cases there has never been an objection raised to any of those, even in the Senate, when we passed it in the past, or from the House. Is that not correct?

Mr. MURKOWSKI. The Senator from Oklahoma is correct.

For example, this is in Missouri: Ozark wild horses preservation. What we would do would be to protect, prevent the removal, of the wild horse herds of the Ozarks on the national scenic riverway. This passed the House under the suspension without the administration's objection. It passed the Senate Energy Committee. Without this in the package, without this passing, those horses are going to be killed. They are going to be shot.

There is no explanation. I cannot imagine the administration, in an election year—I cannot imagine the administration not responding to the needs of the Presidio, or cleaning up the San Francisco Bay area, or getting behind the land exchange for Snow Basin, allowing the Olympics to continue in this plan. But there is no explanation.

Mr. NICKLES. Madam President, I compliment the Senator from Alaska, again. I want to encourage him not to give up faith, and maybe we will have some better cooperation from the administration and hopefully the minority leader so we can pass this package. It does have strong bipartisan support.

As I mentioned before, I read through a few of these projects. There are a lot of projects by Democrats and Republicans in this package. The Senator from Alaska runs the Energy Committee in a very bipartisan way, as Senator JOHNSTON has. So these projects are not partisan.

Mr. MURKOWSKI. Absolutely, the Senator is correct. As a matter of fact, I have a list here of those that affect Democratic Members, many of whom are retiring, that they want to encourage passage of. My Democratic friends on the committee know that, as we address the hearing process, it is in a bipartisan manner. We work very well together. I have always felt very comfortable with Senator JOHNSTON as the ranking member, and the professional staff of both sides.

I think our efforts are recognized, as trying to be responsive to Members regardless of what their party affiliation is.

I will share this with my friend from Oklahoma. The largest single beneficiary is the State of California. There are probably about 18 sections in here, including the Presidio, Elsmere Canyon, San Francisco Bay enhancement—cleanup of the San Francisco Bay area.

The Arkansas-Oklahoma land exchange, which affects you and the State of Arkansas as well. Obviously, Senator BUMPERS is interested in that. Senator HEFLIN, who is retiring—Alabama, Selma to Montgomery Historic Trail. These are in the package and these affect our Democratic colleagues.

Florida, the Florida coastal barrier amendments, Senator GRAHAM. Georgia, Senator NUNN retiring, Chickamauga-Chattanooga. Hawaii, Illinois, Louisiana, Maryland, Massachusetts, Michigan—Montana, Lost Creek exchange; New Jersey, Sterling Forest; Senator MOYNIHAN in New York, Women's rights boundary adjustment, Sterling Forest; Virginia, Senator ROBB, Senator WARNER, Cumberland Gap boundary, Richmond Battlefield boundary adjustment, Shenandoah Valley Battlefield establishment.

That is why this is so cumbersome, because there are so many sections, 126 sections. West Virginia, West Virginia rivers, Senator BYRD.

I am absolutely at a loss. Maybe the administration simply feels that, somehow, they can put a spin on this that this is not important; or somehow the environmental community is not supporting the package in its entirety. There are a few items in here that probably the environmental community would not support. But when you put a package together in a democratic process it is a give and take, and that is why this package is together and not individually brought before the Senate, because holds were put on every single bill that came out of the committee. As the whip knows, as a member of the committee, we could not get anything to the floor because we had holds on every single bill that came out of this committee by the Senator from New Jersey, who saw fit to do that to influence the House. That issue was Sterling Forest, which I have always supported. I do not have any problem with Sterling Forest. It is a good piece of legislation. I want it to happen.

Now we are in the process of sacrificing everything, and I think, in these waning hours, it is very important the public understand where the responsibility has to lie. It has to lie at 1600 Pennsylvania Avenue.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, again, I thank my colleague from Alaska for his leadership. He has been very fair, No. 1, in putting this package together. As a member of the Energy Committee for many, many years, working with him, he has done a good job. I might say, most of these deal with our national parks. I think a lot of us like to consider ourselves big friends of the national parks. We like to enjoy them. You mentioned Shenandoah Park. You think of Yellowstone or you think of some of the other projects, Presidio next to San Francisco.

That is a project that a lot of people have been working on. The compromise package on Presidio is going to allow better management so the Federal Government is not writing checks, as we were, and utilization of the property is going to be a lot better for the public. Thinking of some of the other parks and systems that we have in this, to enhance the parks throughout our country is a good, significant investment. That is what we are trying to do by this bill.

I did talk to our colleague, Senator CAMPBELL, from Colorado, who, unfortunately, had a bad motorcycle accident and is not here. But he requested, he said, would you please help me try to pass some of these bills? I have been working on these for the last couple of years. I counted, I think, eight or nine bills dealing with Colorado and the parks and so on, some land exchanges, that are important to Colorado and really important to our country.

I told him I would try to help. I told the Senator from California I would try to pass Presidio. I want to do it.

There have been holds, primarily on the Democrat side, that have been blocking this bill for months. The Senator from Alaska has been trying to bring it up. Some of that dealt with the land in New Jersey.

That is in this bill. So we do need to pass it. I hope we can still find a way. I cannot imagine, when you have such strong bipartisan support, that we cannot find a way to do it. I am troubled by the administration's objection. I am troubled by the fact that they would come up with moving the goalposts.

They had objections before. The Senator from Alaska took those out. I urged him to take out, at some sacrifice to the Senator and to the State of Alaska, one of his largest year-round employers. And he made that sacrifice so we could pass this package. I compliment him for his willingness to make some sacrifice so we could enact a bill that would benefit most of the country.

Now, for the administration to come up with a lot of, I don't know, excuses, to object to that package? I hope they will relent. I hope they will reconsider. Because it will be a real shame not to be able to pass most all of this legislation that the Senator from Alaska has brought before the Senate.

Mr. MURKOWSKI. I wonder if I can ask my colleague a question, relative to what the possible motivation might be? Why will they not allow us as a body, bipartisan, to address this and resolve it by lifting the holds and letting us vote on it? Because the procedure is that it would come before the Senate. There would be, if it were in order, a vote to recommit back. If it prevails, then the Presidio and the entire omnibus package is dead.

We are being prevented from voting to make an ultimate determination of the disposition of the package. I tried to find out what possible explanation there might be. With this hold on it we cannot move the conference report back to the House. It is my understanding, procedurally, in the House, someone could move to recommit. That would kill it in the House. But I have been assured by the Members in the House that is very unlikely to occur. It is doubtful it would even come up, but, procedurally, it would come back here, be subject to recommittal, and we would have a vote so we could determine by a democratic process the disposition. But we are being precluded from that at this time.

Mr. NICKLES. To respond to the question of the Senator from Alaska, the parliamentary situation is such, in the last day or two of the Senate, a lot of things will not move unless you have unanimous consent. I know the Senator from Alaska has tried to get this bill up but there have been holds. There have been objections. Now I think we are at the place where we cannot bring this bill up unless we have unanimous consent.

We have an objection from the Democratic side. Maybe that will be removed. I hope that it will. I hope they realize what is at stake, and maybe it will be reconsidered. I am urging them to do so. I just think there are too many positive things for the entire country for us to let this fall.

Madam President, I ask unanimous consent to have printed in the RECORD the sections which I understand the administration is objecting to, so people can see.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTIONS DELETED

216—*Conveyance to City of Sumter Oregon* (Hatfield): Authorizes Secretary to convey 1.5 acres to City of Sumter Oregon for public purposes.

Parks—public purpose—this is supposed to be the people President—What in the world does he have against a place for kids to play.

218—*Shenandoah National Park* (Robb/Warner/Bliley/Wolf): Adjusts 1923 Park boundary authorization to match today's existing park boundary.

White House Staff informs you that they would have reached the same conclusion on the boundary adjustment but they needed more process.

Doesn't take anything away from the park—old map authorized 500,000 acres—if we went to that limit there wouldn't be enough money in the Treasury to buy all the private farms and homes that would be in the park.

219—*Tulare conveyance* (House GOP): Affirms that land sold by the railroad to citizens in Tulare, California is free from any title problems.

This was an attempt to bring some stability and certainty to land ownership in the town of Tulare—this administration doesn't seem to care about the towns folks or their future.

220—*Alpine School District* (Kyl, McCain): 30 acres of land to the Alpine School District for a public school facility.

What in the world is wrong with supporting a school district and aiding in the education of school children—I thought this was the education President.

223—*Coastal barrier resource system* (All Florida): Transfers 40 acres of development property out of a 2.1 million acre undeveloped resource area.

This was what the Florida delegation and the Governor believes is best for their citizens—since this President knows better than the States "elected" officials what's good for the people—there is certainly no longer a need for State level elected officials.

224—*Conveyance to Del Norte County Unified School District* (House California GOP): Transfers small acreage to the school district for educational purposes.

I guess that it now takes more than a village to raise a child—the title to the new book he is writing is "All You Really Need is a President to Raise a Child."

303—*Alaska Peninsula subsurface consolidation* (Murkowski): Authorizes Secretary to exchange subsurface holdings of Koniag Corporation on an equal value for lands and interest owned by the federal govt. This will complete exchanges approved earlier.

It was this provision of the bill that caused the tax problem in the bill.

From this action I can only conclude that the President thinks it's a "good" idea to have private in-holdings in national parks and refuges.

304—*Snow-Basin land exchange* (Hatch/Bennett/Hansen and all of Utah): This provision would allow expedited land exchange to facilitate the 2002 winter Olympics which would be an economic boom for the U.S. especially the west. This has been in the process for six years and have received nothing from the Clinton Administration.

I'm not sure what the President has against the Olympics or the people of Utah—maybe he would like to see the United States embarrassed in the eyes of the world.

309—*Sand Hollow exchange* (Hatch/Bennett): Equal value exchange to add acreage to Zion National Park and allows additional water to flow through the park.

His "own" people and the environmental community have pushed this exchange—what does this guy have against Utah!—all I can conclude is that a young Bill Clinton must have been pushed down by a big kid from Utah during recess.

311—Land exchange city of Greely, Colorado (Campbell/Brown):

Equal value exchange to secure property needed by city to secure ownership of the cities water supply.

Apparently this administration would like to manage the city of Greely's water supply—having achieved world peace and cured the common cold they apparently are bored and need something to do—sorry Greely.

312—Gates of the Arctic National Park and Preserve land exchange and boundary adjustment (Murkowski, Knowles):

This exchange could have led to a more than 2 million acre expansion of the Gates of the Arctic National Park and Preserve in AK—in Exchange for lands in the NPR–A.

Since when is helping the national parks a bad idea in the Clinton administration—the only conclusion that can be drawn is that they don't like it because its not their idea.

313—Kenai Natives Association land exchange:

This would facilitate exchange between KNA and the FWS to allow an Alaska Native Corp. to gain economic use of their land—this would be an acre-for-acre exchange.

There seems to be no rhyme or reason in the White House position—on one hand they don't want to add two million acres to a national park and on the other they want to double the acreage put into a withdrawal.

401—Cache la Poudre Corridor (Campbell/Brown's number #1 priority):

Establishes Corridor to interpret and protect unique and historical waterway.

All I can conclude from their refusal to support this action is that they don't think the Cache la Poudre deserves to be protected—I guess the people of Colorado are wrong in wanting to preserve an important piece of their history.

405—RS2477 (Murkowski/Hatch/Bennett/Stevens):

Puts a moratorium on the putting new regulations in place without Congressional approval.

This is "just" moratorium lanaguage—the minority and the BLM negotiated this language with us—we were all in agreement.

406—Hanford Reach Preservation (Gorton/Doc Hastings):

Extends a moratorium on construction of any new dams or impoundment sin this area.

Can we conclude from this action that Clinton "wants" to start building dams on the river.

502—Vancouver National Historic Preserve (Gorton/Murray):

Changes a historic site into a National Park.

Apparently Senator Gorton doesn't know his constituents.

602—Corinth, Mississippi Battlefield Act (Lott):

Establishes a NPS civil war site in Mississippi.

Is there something wrong with honoring the events associated with the civil war in Mississippi?—or could it be that this is in Trent Lott's State.

603—Richmond National Battlefield Park (Warner/Robb/Bliley/Wolf):

Establishes Boundary in accordance with new NPS management Plan dated 8/96.

Administration concerned about the process—this did not seem to bother them when he declared a national monument in Utah—no process!

604—Revoluntionary War (Jeffords):

A study to determine if these sites warrant further protection.

Most of the problems we have had with this administration is that the leap before they think—I guess the idea of studying the need for something before doing it is a alien concept in the White House.

607—Shenadoah Valley Battlefield (Warner/Robb):

Establishes Historical Area. Does not make a new park.

This is what the delegation wants—can they not be trusted to determine what's right for their own constituents.

701—Ski area permits:

Simplifies ski area fee collection.

This is supported by National Ski Association and western State elected officials.

703—Visitor services:

Would raise $150 million dollars for parks to help with badly needed repairs of existing park structures. 100% of new fees go back to park.

Opposition to this provision is simply ridiculous—the Park Service needs these funds to maintain operations—this seems like a blatant attempt to tear down the national parks and blame the Congress.

704—Glacier Bay National Park (Murkowski):

Raises fees to support research and natural resource protection through a head tax on passenger vessels into Glacier Bay.

Never let it be said that this administration would let scientific data get between them and a political decision.

803—Ferel burros and horses (Ashcroft and Bond):

Our bill would prevent the slaughter of horses by the NPS.

It's not bad enough that the White House has declared an open hunting season on people in the West—now they want to shoot the horse they rode in on, too.

806—Katmai National Park agreements (Young):

Authorizes USGS to drill scientific core samples.

Volcanological research—what can be wrong with that—maybe Mr. Clinton needs to live at the base of an active volcano for a while to appreciate the need for volcano research.

811—Expenditures of funds outside boundary of Rocky Mountain National Park (Campbell/Brown):

Simply allows NPS to build a visitor center outside the park mostly with private funds.

The NPS has sought this for years—I guess that Mr. Clinton no longer even trusts his own park service.

815—NPS administrative reform:

Provides authorities NPS has requested for years—Aid park in protection of resources and provide facilities for employees. Provides Senate confirmation of NPS Director.

In keeping with that theme—not only does he not trust his park employees—now he wants them to live under substandard conditions.

816—Mineral king (Boxer/Feinstein):

Extends summer cabin leases. Totally discretionary by Secretary.

Again, the President does not trust his Secretary of the Interior or his Park Service folks to do the right thing—this bill gives them complete control.

818—Calumet Ecological Park (Simon/Mosley/Braun):

A study to Extend I and M canal National Heritage Corridor to incorporate a large portion of Chicago.

Not much to say about this one.

819—Acquisition of certain property in Santa Cruz

Goats are ruining this Island—provision in this bill would allow the NPS to remove goats from Island and restore to pristine conditions.

Those portions of the island that are not under government management look like Afghanistan—the remainder of this island needs to be protected.

1021—Black Canyon of the Gunnison National Park (The only thing that Campbell wants. They are punishing him):

Formally creates a recreation area. Changes monument status to park. Creates a BLM Conservation area. Creates 22,000 acres of wilderness. Has all the four management agencies involved operating under one complex.

1022—*National Park Foundation:* Park Foundation—Murkowski/Lieberman/et. al. Provides for the opportunity for the Private Sector to sponsor the NPS similar to the sponsorship of the Olympic games. We have accepted Bumpers 6 amendments which clarify the sanctity of the NPS. Which clarifies that in no way the corporate entity can over commercialize the Park service system.

Can anybody deny that our national parks are in need of help and support and that Government funding is certainly not on the increase!

1028—*Mount Hood* (Hatfield): Exchange between private company and federal Gov't. Provision is already in CR.

1029—*Creation of the Coquille Forest* (Hatfield): Already in CR. Equal value exchange creating a tribal forest.

1034—*Natchez National Historical Park* (Cochran): Creates an auxiliary area to a NPS unit and provides $3 million for an intermodel transportation system and visitor system.

Is this administration opposed to creating less intrusive modes of transportation to allow more people to be able to enjoin the magnificent national park system—or are the just opposed to Republicans getting something for their home States?

1036—*Rural electric and telephone facilities:* Authorizes BLM to waive Right-of-way rental charges for small rural electric and phone cooperatives.

1037—*Federal borough recognition (PILT)* (Murkowski/Stevens): This allows the unorganized borough in Alaska to receive PILT payments. 60% of the federal lands in Alaska are in this borough. The Administration did not oppose this during committee and the language was worked out in cooperation with them.

The administration supported this in committee. This is a slap in the face to rural Alaskans who lose out of economic opportunities because of the massive amount of public lands in their backyards—what could possibly be the reason for opposing this—other than it is in a State that did not vote for the President.

1038—*Alternative processing* (Murkowski): This is an attempt to save the remaining jobs in SE Alaska.

Why doesn't the President just tell us, "I want the remaining jobs to go away and I want the communities to suffer." This is what he is doing.

1039—*Village Land Negotiations (Appendix C issue)* (Murkowski): This is an outright slap in the face of Alaska natives. This provision just asked the Secretary to talk to five tiny Alaskan villages who have waited more than 20 years to receive the land they were promised under ANCSA.

This is a classic example of the Federal Government giving the old bait-and-switch routine to America's native people and having no intention of ever making good on their promises.

1040—*Unrecognized communities in SE Alaska* (Murkowski): This merely let five communities in Alaska establish as a group or Urban corporation. It involved no land transfers. It was a Native Alaska equal right bill.

Another situation in which the Federal Government has turned its back on Alaska's Native people!

1041—*Gross brothers* (Murkowski): They served their country in uniform and now there country is denying them the land they homesteaded.

1043—*Credit for reconveyance* (Murkowski): This would have allowed Cape Fox Corporation to transfer 320 acres of land near the Beaver Falls Hydro project Back to the Forest Service. CFC would not have gotten any new lands in exchange.

Does the Federal Government oppose receiving land back?

1044—*Radio site report*

A study to determine if a existing radio site is needed.

1045—*Retention and maintenance of certain dams and weirs etc.:* Forces the Forest Service to maintain specific dams and weirs in the Immigrant Wilderness Area.

1046—*Matching land conveyance (University of Alaska)* (Murkowski): This authorized the Secretary of the Interior to discuss a land grant with the University of Alaska who has never received it's federal entitlement. On a matching basis with the state.

Once again the "Education President" strikes again and proves he is against education.

Mr. NICKLES. Madam President, I will make one comment. Looking at the first one, authorizes the Secretary of Interior, I believe, to convey 1.5 acres to the city of Sumter, OR, for public purposes. Senator HATFIELD and Senator WYDEN, I am guessing, felt like this was important to the city of Sumter. I don't know. It is an acre and a half. I somewhat question why they are objecting to that. Senator HATFIELD is going to be retiring.

I am shocked, and I almost bet there has never been a veto threat or objection raised on that land before.

I see the Shenandoah National Park, adjust 1923 park boundary authorization to match today's existing park boundary. That seems to me to make sense.

We could go through this entire list. We already have entered it in the RECORD so people can see.

I have looked through this list, and there is no reason to veto this bill or to object to taking up this bill. To answer the question of my colleague from Alaska, I urge the minority to allow us to bring the bill up and vote. I will be shocked if we don't get 90 votes for this bill, 90-some votes, because there is no reason to object to this package, if you look at all the good things in this bill.

I am not totally knowledgeable of all 126 projects, but I have looked through the list, and what they are objecting to makes very, very little sense. My guess is—and I count votes on occasion—my guess is we will have overwhelming support. At least 80 or 90 percent of our colleagues would vote for passage of this package.

So I urge the minority leader to reconsider and talk to the administration and allow us to bring this bill up, pass it and let it become law this year.

Mr. MURKOWSKI. I wonder if I can just share with my friend, the whip, the Senator from Oklahoma, relative to the roles that seem to be eroding here as authorizers, and as a member of the Committee on Energy and Natural Resources, my friend from Oklahoma knows really what is happening here. It is almost like a line-item veto that is being dictated by the administration on this legislation, where we have met with them, taken out what they objected to, then they move the goalposts and come back with 46 more.

The constitutional structure of Government suggests the legislative body is involved in a process. Our process is hearings, input and movement on the bill. But they seem to come in and line-item veto or cherry-pick and say, "No, this is unacceptable."

If this continues, clearly the legislative responsibility that we have as authorizes is taken away. Of course, I have always had a concern about these items moving on to the appropriations bill, because the appropriators then become the authorizers as well, or they simply control the disposition.

It would seem to me that as a consequence of what happened this year in our committee, I refer to the experience and observation of my friend from Oklahoma, where every single bill that you try to move out results in a hold, that we are going to have to take some extreme means next year in the process, if we introduce this package and pass it out of committee, that if Members put holds on it, maybe the Senate is simply going to have to stop, maybe we are going to have to object to any unanimous consent agreement until we can get some kind of a restructuring so we can move bills as we report them out of committee, get them to the floor and get them to a vote. The disposition should be determined by a vote, not one Member holding up 126 bills.

So that is my degree of frustration, having the responsibility of chairman of the committee and the authorizing responsibility. To be put in a position where I am subject to negotiations with the administration to spin off bills that we passed and reported out for those that they will take and those they won't take clearly puts them in a position of line-item veto and circumvents the responsibility that we have as authorizers.

I know there are a lot of Members out there who have bills that are very important to them who want some kind of exception from the package, but the problem I have is I hold a responsibility equally to Republicans and Democrats within the committee to do the best I can to get their bills collectively passed. When I get in the position of having to pick and choose because of the administration's dictate, it is very, very difficult, and I am not sure I want to proceed in that kind of a manner because it is simply not fair to all the Members. I would like the RECORD to note that.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I appreciate the Senator's comment. I agree with him. Hopefully, we will figure out a way to get through this impasse. I am going to work with the Senator from Alaska today to try and make that happen, but it has to happen today because I think the House will be leaving later this evening.

Mr. MURKOWSKI. This is the last chance. The bus has left. If we don't get this done, I am guessing by—well, I am guessing the House is going to probably finish around 6 with the CR.

Mr. NICKLES. Or before.

Mr. MURKOWSKI. So we probably don't have much more than an hour or an hour and a half to have a hold that is applicable now, put on by the Democrats at the dictate of the White House, and if we don't get this thing done now, it is going to be too late and there is not going to be a Presidio, there is not going to be a San Francisco Bay cleanup, there is not going to be Sterling Forest, there is not going to be the ski exchange, and we simply have to move now. It is now or never, and I implore my colleagues on the other side to look at the merits of this package in its entirety and let us vote on it. That is why we are here.

Mr. NICKLES. Madam President, I thank my colleague from Alaska.

I ask unanimous consent to have printed in the RECORD an article in today's paper, Saturday, September 28, from the Denver Post. The headline of the editorial is "Clinton's partisanship threatens lands bill."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Sept. 28, 1996]

CLINTON'S PARTISANSHIP THREATENS LANDS BILL

In an election, a certain number of power plays are expected. But the reasons President Clinton gave for threatening to veto an omnibus parks bill go beyond power politics to inject a dangerous level of partisanship into public lands policies.

A congressional conference committee already had stripped many of the most objectionable provisions from the bill, including an ill-advised grazing proposal. Most of the 126 projects that survived into the final version were noncontroversial.

Clinton, however, has labeled 45 of those remaining projects as unacceptable and threatened to veto the whole bill because of them. Of those, four are in Colorado.

Only one Colorado project had stirred much controversy previously; A deal would have let the U.S. Forest Service cede control of a reservoir whose water the city of Greeley wants, in exchange for Greeley giving the U.S. government some ranchland next to national forest property. Environmentalists feared the deal could let Greeley dry up streams near the reservoir. At the very least, the deal should wait until a pending study of the region's bypass flow issue has been completed.

But Clinton didn't cite only controversial projects as reasons for threatening to kill the bill. He also targeted mundane projects that enjoyed widespread bipartisan support.

For example, the bill would have funded construction of a new visitors center at the Fall River entrance of Rocky Mountain National Park, a project Clinton's own Interior Department had requested.

The president also objected to a deal that would have added 22,000 acres of wilderness to the Black Canyon of the Gunnison National Monument and transformed it into a full-fledged national park. A series of lengthy public hearings already had resolved concerns about the national park designation.

Strangest of all, the White House spurned plans to protect a stretch of the Cache La Poudre River from development and to build a system of hiking, biking and horse-riding trails in the preserved open space. Environmental groups had joined the cities of Fort Collins and Greeley in support of the plan.

Now, the GOP is howling because the 45 projects on Clinton's hit list all happen to be sponsored by congressional Republicans Clinton thus handed his foes a whole box of political ammunition that they will shoot back at him from now until Election Day.

If Clinton decided to veto the bill based on policy concerns, he has been poorly advised on the merits of the projects. If he is simply opposing projects as an election-year ploy, however, he may have committed a serious blunder in the eyes of many Colorado voters.

Mr. NICKLES. Madam President, looking through it, there are several projects in Colorado that are objected to. It says:

> The President also objected to a deal that would have added 22,000 acres of wilderness to the Black Canyon of the Gunnison National Monument and transformed it into a full-fledged national park. A series of lengthy public hearings already had resolved concerns about the national park designation.

That is just one. I know President Clinton stood outside of the Grand Canyon and had a big environmental picture day and talked about taking 1.8 million acres in Utah, without consulting the Utah delegation or the Utah Governor. But I am looking at their reluctance to cooperate with us on this package as being a lot more detrimental, because this package does lots of things in all States, from California to New Jersey, including Colorado.

I just think there are some real inconsistencies here. I hope our colleagues will join us in working together to see if we can't pass this bill later today.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

TRIBUTE TO JOYCE McCLUNEY

Mr. LOTT. Mr. President, I rise today to say thank you, and express my appreciation, on behalf of all Senators for the outstanding work of Joyce McCluney who has served this Government for 29 years. She was with Senator Bob Dole during his tenure both as minority leader and as majority leader of this body. For 9 years, she served as his office manager and coordinated the Senator's support team, an endless challenge of organization and detail that I am witnessing first hand now. Along with her other responsibilities, she spent countless hours making the complicated arrangements for visiting heads of state and foreign parliamentary delegations meeting with the Republican leader.

These past 2 years, Joyce served as Deputy Sergeant at Arms with Sergeant at Arms Howard O. Greene, Jr. Time and again, she demonstrated her foresight and excellent administrative skills in administering the Senate's largest, most technologically complex office in the U.S. Senate and her unquestionable support to all Senators in this body has been exemplary. She has just done an outstanding job.

She raised three children while she was accumulating outstanding career credentials. Her impressive resume includes assignments with the Senate Finance Committee, the White House, the Commerce Department, the State Department, and the offices of the leader of the U.S. Senate.

Joyce is retiring from the Senate and from Government. She plans a brief interlude of well-deserved rest and recreation and I know that in the near future she will contribute her many talents to new and exciting endeavors. Joyce McCluney takes with her many, many accolades for her achievements and the gratitude of everyone who benefited from her dedication to this institution. She leaves a legacy of outstanding contributions and a legion of friends and admirers. I want to thank

Joyce McCluney for all she has done for this institution and to wish the best of all good things in her future.

I extend best wishes to Joyce McCluney and express the appreciation of the Senate for her fine work.

THE Calendar

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed, en bloc, to the consideration of Calendar No. 579, which is H.R. 3660; Calendar No. 576, which is H.R. 1514; Calendar No. 476, which is H.R. 2967; and Calendar No. 475, which is H.R. 1823.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that the bills be deemed read a third time, and passed, en bloc, the motions to reconsider be laid upon the table, and that any statements relating to the bills appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECLAMATION RECYCLING AND WATER CONSERVATION ACT OF 1996

The bill (H.R. 3660) to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes, and was considered, ordered to a third reading, read the third time, and passed.

PROPANE EDUCATION AND RESEARCH ACT OF 1996

The bill (H.R. 1514) to authorize and facilitate a program to enhance safety, training, research, and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes, was considered, ordered to be a third reading, read the third time, and passed.

Mr. BUMPERS. Mr. President, Senator THOMPSON and I would like to enter into a brief colloquy with the sponsor of this bill, Senator DOMENICI. Some concerns were raised in the last Congress, with respect to a similar bill, that such legislation might adversely affect users of propane by interfering with propane markets or artificially stimulating the demand for propane. Does the bill before us address these concerns?

Mr. DOMENICI. I thank my colleague from Arkansas for his question. He is correct that such concerns were raised, but the bill before the Senate today addresses these concerns. This bill includes changes that make clear that the Propane Research and Education Council [PERC], which is created by this bill, is not a marketing and promotion agency, but rather a research and educational one. It also caps the level of funding that can be committed to motor fuel uses of propane, which is arguably the application that might have the greatest impact on propane usage in this country. These changes were agreed to by parties representing propane producers and propane consumers.

Mr. THOMPSON. Does this bill allow funds to be used for any marketing and promotional activities.

Mr. DOMENICI. The bill stipulates that the PERC may engage in education of consumers regarding propane. In fact, a specific provision of the bill, section 5(h), requires the PERC to give priority to research and development, safety, education, and training in the development of programs and projects.

Mr. BUMPERS. How will the PERC distinguish between education and market promotion? What might be some examples, of activities that are intended to be permitted under this bill, and activities that are not?

Mr. DOMENICI. Activities not intended under this bill would include efforts by the PERC, or efforts supported by PERC-provided funding but carried out by other organizations, that solicit individuals to switch from other fuels to propane, or that subsidize such fuel switching. Such activities would certainly not qualify as education under any definition. Another example of an activity not contemplated by this bill would be a general media campaign of 30-second television commercials to the effect that propane is a good fuel choice. This would not be considered education, since the amount of substantive information likely to be contained in such a commercial would not qualify it as a legitimate educational tool. However, builder/architect outreach efforts that disseminate information about propane home heating devices, so that consumers likely to consider propane heating could make informed choices, would be permitted under this bill. Similarly, efforts to educate propane consumers about new advances in technology, such as the development of a propane heat pump or the development of new flaming technologies for weed control in agriculture, would be permitted. While these types of activities could be considered marketing or promotion, they education consumers by making them aware of more efficient and therefore less costly appliances and practices, and thus are beneficial to consumers. Similarly, efforts to disseminate safety-related educational materials which will benefit consumers, are also contemplated, even though it might be argued that such materials are promotional. During our hearing on this bill earlier this year the Propane Consumers Coalition readily acknowledged that these types of activities were contemplated under this bill and I believe this strikes an appropriate balance.

Mr. THOMPSON. Are there other consumer protection provisions included in the bill.

Mr. DOMENICI. Yes. The bill provides that if, in any year, the 5-year rolling prices index of propane exceeds by a specified level the 5-year rolling average price of a composite index of other home heating fuels, the activities of the PERC will be restricted to research and development, training, and safety programs. In addition, the bill requires certain studies and reports to ensure that the bill is having no adverse effect on consumers. Finally, three seats on the PERC are reserved for members representing the public. I firmly believe, and the Propane Consumers Coalition has testified before the Senate Energy Committee, that these provisions will ensure that this legislation will not have a negative effect on consumers.

Mr. THOMPSON. I thank the Senator.

Mr. BUMPERS. I thank the Senator.

EXTENDING THE AUTHORIZATION OF THE URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978

The bill (H.R. 2967) to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE CENTRAL UTAH PROJECT COMPLETION ACT

The bill (H.R. 1823) to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING HYDROGEN RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAMS OF DOE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4138, received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4138) to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4138) was deemed read the third time and passed.

IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 604, S. 1649.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1649) to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Irrigation Project Contract Extension Act of 1996".

SEC. 2. EXTENSION OF CONTRACTS.

The Secretary of the Interior shall extend the **[**construction repayment**]** and water service contracts for the following projects, entered into by the Secretary of the Interior under **[**subsections (d) and**]** *subsections* (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) and section 9(c) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), for a period of 4 additional years after the dates on which each of the contracts, respectively, would expire but for this section:

[(1) The Ainsworth Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), the Act of August 21, 1954 (68 Stat. 757, chapter 781), and the Act of May 18, 1956 (70 Stat. 160, chapter 285), situated in Cherry County, Brown County, and Rock County, Nebraska.

[(2) The Almena Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Norton County and Phillips County, Kansas.**]**

[(3)**]***(1)* The Bostwick Unit (Kansas portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Republic County, Jewell County, and Cloud County, Kansas.

[(4)**]***(2)* The Bostwick Unit (Nebraska portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Harlan County, Franklin County, Webster County, and Nuckolls County, Nebraska.

[(5)**]***(3)* The Farwell Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Act of August 3, 1956 (70 Stat. 975, chapter 923), situated in Howard County, Sherman County, and Valley County, Nebraska.

[(6)**]***(4)* The Frenchman-Cambridge Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Chase County, Frontier County, Hitchcock County, Furnas County, *Red Willow County,* and Harlan County, Nebraska.

[(7)**]***(5)* The Frenchman Valley Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Hayes County and Hitchcock County, Nebraska.

[(8)**]***(6)* The Kirwin Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Phillips County, Smith County, and Osborne County, Kansas.

[(9)**]***(7)* The Sargent Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), situated in Blaine County, Custer County, and Valley County, Nebraska.

[(10)**]***(8)* The Webster Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Rooks County and **[**Osborn**]** *Osborne* County, Kansas.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be considered agreed to, the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1649), as amended, was deemed read the third time and passed.

MARINE MINERAL RESOURCES RESEARCH ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 471, S. 1194.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1194) to amend the Mining and Mineral Policy Act of 1970 to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mineral Resources Research Act of 1996".

SEC. 2. RESEARCH PROGRAM.

The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—

(1) by inserting after the first section the following:

"TITLE I—MINING POLICY";

(2) by redesignating section 2 as section 101; and

(3) by adding at the end the following:

"TITLE II—MARINE MINERAL RESOURCES RESEARCH PROGRAM

"SEC. 201. DEFINITIONS.

"In this title:

"(1) The term 'contract' has the same meaning as 'procurement contract' in section 6303 of title 31, United States Code.

"(2) The term 'cooperative agreement' has the same meaning as in section 6305 of title 31, United States Code.

"(3) The term 'eligible entity' means—

"(A) a research or educational entity chartered or incorporated under Federal or State law;

"(B) an individual who is a United States citizen; or

"(C) a State or regional agency.

"(4) The term 'grant' has the same meaning as 'grant agreement' in section 6304 of title 31, United States Code.

"(5) The term 'in-kind contribution' means a noncash contribution provided by a non-Federal entity that directly benefits and is related to a specific project or program. An in-kind contribution may include real property, equipment, supplies, other expendable property, goods, and services.

"(6) The term 'marine mineral resource' means—

"(A) sand and aggregates;

"(B) placers;

"(C) phosphates;

"(D) manganese nodules;

"(E) cobalt crusts;

"(F) metal sulfides; and

"(G) other marine resources that are not—

"(i) oil and gas;

"(ii) fisheries; or

"(iii) marine mammals.

"(7) The term 'Secretary' means the Secretary of the Interior.

SEC. 202. RESEARCH PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish and carry out a program of research on marine mineral resources.

"(b) PROGRAM GOAL.—The goal of the program shall be to—

"(1) promote research, identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

"(2) assist in developing domestic technologies required for efficient and environmentally sound development of marine mineral resources;

"(3) coordinate and promote the use of technologies developed with Federal assistance, and the use of available Federal assets, for research, identification, assessment, exploration, and development of marine mineral resources; and

"(4) encourage academia and industry to conduct basic and applied research, on a joint basis, through grants, cooperative agreements, or contracts with the Federal Government.

"(c) RESPONSIBILITIES OF THE SECRETARY.—In carrying out the program, the Secretary shall—

"(1) promote and coordinate partnerships between industry, government, and academia to research, identify, assess, and explore marine mineral resources in an environmentally sound manner;

"(2) undertake programs to develop the basic information necessary to the long-term national interest in marine mineral resources (including seabed mapping) and to ensure that data and information are accessible and widely disseminated as needed and appropriate;

"(3) identify, and promote cooperation among agency programs that are developing, technologies developed by other Federal programs that may hold promise for facilitating undersea applications related to marine mineral resources, including technologies related to vessels and other platforms, underwater vehicles, survey and mapping systems, remote power sources, data collection and transmission systems, and various seabed research systems; and

"(4) foster communication and coordination between Federal and State agencies, universities, and private entities concerning marine mineral research on seabeds of the continental shelf, ocean basins, and arctic and cold water areas.

In carrying out these responsibilities, the Secretary shall ensure the participation of nonfederal users of technologies and data related to marine mineral resources in planning and priority setting.

"SEC. 203. GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.

"(a) ASSISTANCE AND COORDINATION.—

"(1) IN GENERAL.—The Secretary shall award grants or contracts to, or enter into cooperative agreements with, eligible entities to support research for the development or utilization of—

"(A) methods, equipment, systems, and components necessary for the identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

"(B) methods of detecting, monitoring, and predicting the presence of adverse environmental effects in the marine environment and remediating the environmental effects of marine mineral resource exploration, development, and production; and

"(C) education and training material in marine mineral research and resource management.

"(2) COST-SHARING FOR CONTRACTS OR COOPERATIVE AGREEMENTS.—

"(A) FEDERAL SHARE.—Except as provided in subparagraph (B)(ii), the Federal share of the cost of a contract or cooperative agreement carried out under this subsection shall not be greater than 80 percent of the total cost of the project.

"(B) NON-FEDERAL SHARE.—The remaining non-Federal share of the cost of a project carried out under this section may be—

"(i) in the form of cash or in-kind contributions, or both; and

"(ii) comprised of funds made available under other Federal programs, except that non-Federal funds shall be used to defray at least 10 percent of the total cost of the project.

"(C) CONSULTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish, after consultation with other Federal agencies, terms and conditions under which Federal funding will be provided under this subsection that are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)).

"(b) COMPETITIVE REVIEW.—

"(1) IN GENERAL.—An entity shall not be eligible to receive a grant or contract, or participate in a cooperative agreement, under subsection (a) unless—

"(A) the entity submits a proposal to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

"(B) the proposal has been evaluated by a competitive review panel under paragraph (3).

"(2) COMPETITIVE REVIEW PANELS.—

"(A) COMPOSITION.—A competitive review panel shall be chaired by the Secretary or by the Secretary's designee and shall be composed of members who meet the following criteria:

"(i) APPOINTMENT.—The members shall be appointed by the Secretary.

"(ii) EXPERIENCE.—Not less than 50 percent of the members shall represent or be employed by private marine resource companies that are involved in exploration of the marine environment or development of marine mineral resources.

"(iii) INTEREST.—None of the members may have an interest in a grant, contract, or cooperative agreement being evaluated by the panel.

"(B) NO COMPENSATION.—A review panel member who is not otherwise a Federal employee shall receive no compensation for performing duties under this section, except that, while engaged in the performance of duties away from the home or regular place of business of the member, the member may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service under section 5703 of title 5, United States Code.

"(3) EVALUATION.—A competitive review panel shall base an evaluation of a proposal on criteria developed by the Secretary that shall include—

"(A) the merits of the proposal;

"(B) the research methodology and costs of the proposal;

"(C) the capability of the entity submitting the proposal and any other participating entity to perform the proposed work and provide in-kind contributions;

"(D) the amount of matching funds provided by the entity submitting the proposal or provided by other Federal, State, or private entities;

"(E) the extent of collaboration with other Federal, State, or private entities;

"(F) in the case of a noncommercial entity, the existence of a cooperative agreement with a commercial entity that provides for collaboration in the proposed research;

"(G) whether the proposal promotes responsible environmental stewardship; and

"(H) such other factors as the Secretary considers appropriate.

"(c) LIMITATIONS.—

"(1) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount made available to carry out this section during a fiscal year may be used by the Secretary for expenses associated with administration of the program authorized by this section.

"(2) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

"(d) REPORTS.—An eligible entity that receives a grant or contract or enters into a cooperative agreement under this section shall submit an annual progress report and a final technical report to the Secretary that—

"(1) describes project activities, implications of the project, the significance of the project to marine mineral research, identification, assessment, and exploration, and potential commercial and economic benefits and effects of the project; and

"(2) in the case of an annual progress report, includes a project plan for the subsequent year.

"SEC. 204. MARINE MINERAL RESEARCH CENTERS.

"(a) IN GENERAL.—No later than 90 days after the date of enactment of this section, the Secretary shall designate 3 centers for marine mineral research and related activities.

"(b) CONCENTRATION.—One center shall concentrate primarily on research in the continental shelf regions of the United States, 1 center shall concentrate primarily on research in deep seabed and near-shore environments of islands, and 1 center shall concentrate primarily on research in arctic and cold water regions.

"(c) CRITERIA.—In designating a center under this section, the Secretary shall give priority to a university that—

"(1) administers a federally funded center for marine minerals research;

"(2) matriculates students for advanced degrees in marine geological sciences, nonenergy natural resources, and related fields of science and engineering;

"(3) is a United States university with established programs and facilities that primarily focus on marine mineral resources;

"(4) has engaged in collaboration and cooperation with industry, governmental agencies, and other universities in the field of marine mineral resources;

"(5) has demonstrated significant engineering, development, and design experience in two or more of the following areas;

"(A) seabed exploration systems;

"(B) marine mining systems; and

"(C) marine mineral processing systems; and

"(6) has been designated by the Secretary as a State Mining and Mineral Resources Research Institute.

"(d) CENTER ACTIVITIES.—A center shall—

"(1) provide technical assistance to the Secretary concerning marine mineral resources;

"(2) advise the Secretary on pertinent international activities in marine mineral resources development;

"(3) engage in research, training, and education transfer associated with the characterization and utilization of marine mineral resources; and

"(4) promote the efficient identification, assessment, exploration, and management of marine mineral resources in an environmentally sound manner.

"(e) ALLOCATION OF FUNDS.—In distributing funds to the centers designated under subsection (a), the Secretary shall, to the extent practicable, allocate an equal amount to each center.

"(f) LIMITATIONS.—

"(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section during a fiscal year may be use++d by the Secretary for expenses associated with administration of the program authorized by this section.

"(2) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as are necessary to carry out this title.".

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the title amendment be agreed to, the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1194), as amended, was deemed read the third time and passed.

The title was amended so as to read: "To promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.".

AMENDING THE HELIUM ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4168 received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4168) to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4168) was deemed read the third time and passed.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 556, which is H.R. 3868.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3868) to extend certain programs under the Energy Policy and Conservation Act through September 30, 1996.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 5415

(Purpose: To extend energy conservation programs under the Energy Policy and Conservation Act through calendar year 1997, and for other purposes)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. MURKOWSKI, proposes an amendment numbered 5415.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to implement this part.";

(2) in section 181 (42 U.S.C. 6251) by striking "June 30, 1996" both places it appears and inserting in lieu thereof "September 30, 1997";

(3) by striking "section 252(1)(1)" in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting "section 252(k)(1)";

(4) in section 252 (42 U.S.C. 6272)—

(A) in subsections (a)(1) and (b), by striking "allocation and information provisions of the international energy program" and inserting "international emergency response provisions";

(B) in subsection (d)(3), by striking "known" and inserting after "circumstances" "known at the time of approval";

(C) in subsection (e)(2) by striking "shall" and inserting "may";

(D) in subsection (f)(2) by inserting "voluntary agreement or" after "approved";

(E) by amending subsection (h) to read as follows—

"(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

"(1) the international energy program, or

"(2) any allocation, price control, or similar program with respect to petroleum products under this Act.";

(F) in subsection (i) by inserting "annually, or" after "least" and by inserting "during an international energy supply emergency" after "months";

(G) in subsection (k) by amending paragraph (2) to read as follows—

"(2) The term "international emergency response provisions" means—

"(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

"(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on "Stocks and Supply Disruptions") for—

"(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

"(ii) complementary actions taken by governments during an existing or impending international oil supply disruption"; and

(H) by amending subsection (l) to read as follows:

"(1) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.";

(5) by adding at the end of section 256(h), "There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to carry out this part."

(6) by adding at the end of section 256(h) (42 U.S.C. 6276(h)) "There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to carry out this part.";

(7) in section 281 (42 U.S.C. 6285) by striking "June 30, 1996" both places it appears and inserting in lieu thereof "September 30, 1997".;

(8) in section 365(f)(1) (42 U.S.C. 6325(f)(1)) by striking "not to exceed" and all that follows through "fiscal year 1993" and inserting in lieu thereof "for fiscal year 1997 such sums as may be necessary";

(9) by amending section 397 (42 U.S.C. 6371f) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for fiscal year 1997 such sums as may be necessary."; and

(10) in section 400BB(b) (42 U.S.C. 6374a(b)) by amending paragraph (1) to read as follows:

"(1) There are authorized to be appropriated to the Secretary for carrying out this section such sums as may be necessary for fiscal year 1997, to remain available until expended."

SEC. 2. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 422. For the purpose of carrying out the weatherization program under this part, there are authorized to be appropriated for fiscal year 1997 such sums as may be necessary.".

Mr. LOTT. Now I ask unanimous consent the amendment be agreed to, the bill be deemed read for the third time, passed as amended, the motion to reconsider be laid upon the table and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The amendment (No. 5415) was agreed to.

The bill (H.R. 3868), as amended, was deemed read the third time, and passed.

DEPARTMENT OF ENERGY STANDARDIZATION ACT OF 1996

Mr. LOTT. I ask unanimous consent the Senate proceed to Calendar No. 486, S. 1874.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1874) to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1874) was deemed read for a third time and passed, as follows:

S. 1874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Standardization Act of 1996".

SEC. 2. STANDARDIZATION OF DEPARTMENT OF ENERGY REQUIREMENTS WITH GOVERNMENT-WIDE REQUIREMENTS.

(a) DEPARTMENT OF ENERGY REGULATIONS.—

(1) Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended by striking subsections (b) and (d).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 501(e) of the Department of Energy Organization Act (42 U.S.C. 7191(e)) is amended by striking "subsections (b), (c), and (d)" and inserting "subsection (c)".

(b) SPECIAL REQUIREMENTS AFFECTING ADVISORY COMMITTEES.—

(1) Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended by—

(A) striking "(a)"; and

(B) striking subsection (b).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is hereby repealed.

HEALTH PROFESSIONS EDUCATION CONSOLIDATION AND REAUTHORIZATION ACT

Mr. LOTT. I ask unanimous consent to proceed to the immediate consideration of Calendar No. 121, S. 555.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 555) to amend the Public Health Service Act to consolidate and reauthorize health professional and minority and disadvantaged health education programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike out all after the enacting clause, and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Health Professions Education Consolidation and Reauthorization Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

Sec. 101. Minority and disadvantaged health professions grant program.

Sec. 102. Training in family medicine, general internal medicine, general pediatrics, preventive medicine, physician assistants, and general dentistry.

Sec. 103. Enhanced health education and training.

Sec. 104. Health professions workforce development.

Sec. 105. General provisions.

Sec. 106. Preference in certain programs.

Sec. 107. Definitions.

Sec. 108. Savings provision.

Subtitle B—Nursing Education

Sec. 121. Short title.

Sec. 122. Purpose.

Sec. 123. Amendments to Public Health Service Act.

Sec. 124. Savings provision.

Subtitle C—Financial Assistance

PART 1—NATIONAL HEALTH SERVICE CORPS FINANCIAL ASSISTANCE PROGRAMS

Sec. 131. General amendments with respect to federally supported loans.

Sec. 132. Restructuring and technical amendments.

Sec. 133. Definition of underserved areas.

Sec. 134. Conforming amendments.

PART 2—SCHOOL-BASED REVOLVING LOAN FUNDS

Sec. 135. Primary care loan program.

Sec. 136. Loans for disadvantaged students.

Sec. 137. Student loans regarding schools of nursing.

Sec. 138. General provisions.

PART 3—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 141. Health education assistance loan program.

Sec. 142. HEAL lender and holder performance standards.

Sec. 143. Reauthorization.

PART 4—SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

Sec. 151. Scholarships for disadvantaged students.

TITLE II—OFFICE OF MINORITY HEALTH

Sec. 201. Revision and extension of programs of Office of Minority Health.

TITLE III—SELECTED INITIATIVES

Sec. 301. Programs regarding birth defects.

Sec. 302. Traumatic brain injury.

Sec. 303. State offices of rural health.

Sec. 304. Health services for Pacific Islanders.

Sec. 305. Demonstration projects regarding Alzheimer's Disease.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Technical corrections regarding Public Law 103–183.

Sec. 402. Certain authorities of Centers for Disease Control and Prevention.

Sec. 403. Administration of certain requirements.

Sec. 404. Technical corrections relating to health professions programs.

Sec. 405. Clinical traineeships.

Sec. 406. Construction of regional centers for research on primates.

Sec. 407. Required consultation by Secretary.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. MINORITY AND DISADVANTAGED HEALTH PROFESSIONS GRANT PROGRAM.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

"PART B—DISADVANTAGED HEALTH PROFESSIONS TRAINING

"SEC. 736. STATEMENT OF PURPOSE.

"(a) IN GENERAL.—The Secretary shall make grants to or enter into contracts with eligible entities for the purpose of establishing, enhancing, and expanding programs to increase the number and the quality of disadvantaged health professionals, particularly those who provide health services to disadvantaged populations or in medically underserved areas or rural areas.

"(b) USE OF FUNDS.—Amounts provided under a grant or contract awarded under this part may be used for costs of planning, developing, or operating centers of excellence in minority health professions education, programs for assisting individuals from disadvantaged backgrounds to enter a health profession, minority faculty development, minority faculty loan repayment or fellowships, trainee support, technical assistance, workforce analysis, and dissemination of information.

"(c) CONSORTIUM.—Schools within a consortium that applies for a grant or contract under this part shall enter into an agreement to allocate the funds received under the grant or contract among such schools and expend such funds in accordance with the application for such grant or contract.

"SEC. 737. PREFERENCES.

"In awarding grants or contracts to eligible entities under this part, the Secretary shall give preference to—

"(1) projects that involve more than one health professions discipline or training institution and have an above average record of retention and graduation of individuals from disadvantaged backgrounds; and

"(2) centers of excellence at Historically Black Colleges and Universities (as defined in section 739) beginning in fiscal year 1999 and for each fiscal year thereafter.

"SEC. 738. AUTHORIZATION OF APPROPRIATION.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $51,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.

"(b) SET-ASIDE.—With respect to each of the fiscal years 1996, 1997 and 1998, the Secretary shall set-aside $12,000,000 of the amount appropriated under subsection (a) in each such fiscal year for the purpose of making grants under section 736 to centers of excellence at certain Historically Black Colleges and Universities.

"(c) NO LIMITATION.—Nothing in this section shall be construed as limiting the centers of excellence referred to in subsection (b) to the set-aside amount, or to preclude such entities from competing for other grants under section 736.

"SEC. 739. DEFINITIONS.

"As used in this part:

"(1) CENTERS OF EXCELLENCE.—The term 'centers of excellence' means a health professions school that—

"(A)(i) has a significant number of minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting minority students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting minority individuals to attend the school and encouraging minority students of secondary educational

institutions to attend the health professions school; and

"(iv) has made significant recruitment efforts to increase the number of minority individuals serving in faculty or administrative positions at the school; or

"(B) is a center of excellence at certain Historically Black Colleges and Universities.

"(2) CONSORTIUM.—The term 'consortium' means the designated eligible entity seeking a grant under this part and one or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, public health, or graduate programs in mental health practice.

"(3) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health or schools offering graduate programs in mental health practice, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application.

"(4) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term 'Historically Black Colleges and Universities' means a school described in section 799B(1) that has received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.".

(b) REPEAL.—

(1) IN GENERAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) NONTERMINATION OF AUTHORITY.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) CONFORMING AMENDMENTS.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a-2(c)(3)(D)(i)) is amended by striking "section 739" and inserting "part B of title VII".

SEC. 102. TRAINING IN FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, PHYSICIAN ASSISTANTS, AND GENERAL DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

(1) in the part heading by striking "PRIMARY HEALTH CARE" and inserting "FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, PHYSICIAN ASSISTANTS, AND GENERAL DENTISTRY";

(2) by repealing section 746 and sections 748 through 752 (42 U.S.C. 293j and 293l through 293p); and

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

"SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, GENERAL DENTISTRY, AND PHYSICIAN ASSISTANTS.";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ", internal medicine, or pediatrics" after "family medicine"; and

(II) by inserting before the semicolon the following: "that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)";

(ii) in paragraph (2), by inserting ", general internal medicine, or general pediatrics" before the semicolon;

(iii) in paragraphs (3) and (4), by inserting ", general internal medicine (including geriatrics), or general pediatrics" after "family medicine";

(iv) in paragraphs (3) and (4), by inserting "(including geriatrics) after "family medicine";

(v) in paragraph (3), by striking "and" at the end thereof;

(vi) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

"(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training;

"(6) to meet the costs of projects—

"(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine, that have available full-time faculty members with training and experience in the fields of preventive medicine; and

"(B) to provide financial assistance to residency trainees enrolled in such programs; and

"(7) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, that would lead to a significantly greater ratio of participating individuals in such programs eventually entering practice in general dentistry in rural and medically underserved communities compared to the current ratio of all dentists nationally practicing general dentistry in rural and medically underserved communities.

For purposes of paragraph (7), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general practice of dentistry, or approved advanced education programs in the general practice of dentistry. The Secretary may only fund programs under such paragraph if such programs provide a significant amount of care for underserved populations and other high-risk groups, and if the Secretary determines that there is a national shortage of general dentists.";

(C) in paragraphs (1) and (2)(A) of subsection (b), by inserting ", general internal medicine, or general pediatrics" after "family medicine";

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

"(c) PRIORITY AND LIMITATION.—

"(1) PRIORITY.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general dentistry upon completion of their first period of training required to obtain initial board certification. Each program shall designate the primary care training or general dentistry positions that such program shall provide with grant funding to support and for which such program shall be held accountable regarding the primary care or general dentistry requirement set forth in this section.

"(2) LIMITATION.—With respect to programs for the training and education of medical students, the Secretary may only provide grants or contracts under this section to administrative units in general pediatrics or general internal medicine if a qualified administrative unit applicant demonstrates that its medical school has—

"(A) a mission statement that has a primary care medical education objective;

"(B) faculty role models and administrative units in primary care; and

"(C) required undergraduate ambulatory medical student clerkships in family medicine, internal medicine, and pediatrics.

Where a medical school does not have an administrative unit in family medicine, clerkships in family medicine shall not be required."; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking "$54,000,000" and all that follows and inserting "$76,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999."; and

(ii) in paragraph (2)—

(I) by striking "20" and inserting "12"; and

(II) by inserting "for family medicine academic administrative units" after "under subsection (b)".

SEC. 103. ENHANCED HEALTH EDUCATION AND TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

"PART D—AREA HEALTH EDUCATION CENTERS

"SEC. 750. AREA HEALTH EDUCATION CENTERS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects which —

"(1) improve the recruitment, distribution, supply, quality, utilization, and efficiency of personnel providing health services in urban and rural areas and to populations that have demonstrated serious unmet health care need;

"(2) encourage the regionalization of educational responsibilities of the health professions schools;

"(3) are designed to prepare, through field placements, preceptorships, the conduct of or affiliation with community-based primary care residency programs, agreements with community-based organizations for the delivery of education and training in the health professions, and other programs, individuals to effectively provide health services in health professional shortage areas;

"(4) conduct health professions education and training activities consistent with national and State priorities, including geriatrics;

"(5) encourage health promotion and disease prevention activities;

"(6) conduct interdisciplinary training and practice involving other health professionals;

"(7) conduct continuing education programs for health professionals or coordinate with such programs; and

"(8) address other areas as determined appropriate by the Secretary.

"(b) PREFERENCES.—In awarding grants or contracts to eligible entities under this part, the Secretary shall give preference to projects that—

"(1) involve more than one health professions discipline or training institution; and

"(2) have a good record of retention and graduation of individuals that enter practice in medically underserved communities.

"(c) OTHER ELIGIBLE PROGRAMS.—

"(1) GERIATRIC EDUCATION CENTERS.—The Secretary shall award grants or contracts under this section for the establishment or operation of geriatric education centers.

"(2) PUBLIC HEALTH TRAINING CENTERS.—

"(A) IN GENERAL.—The Secretary shall award grants or contracts under this section for the operation of public health training centers.

"(B) ELIGIBLE ENTITIES.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year

2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

"(C) CERTAIN REQUIREMENTS.—With respect to a public health training center, an award may not be made under subparagraph (A) unless the program agrees that it—

"(i) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations; and

"(ii) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities.

"(d) ELIGIBLE ENTITIES.—As used in this part, the term 'eligible entities' means schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health or schools offering graduate programs in mental health practice or physician assistant training programs, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application.

"(e) GERIATRIC EDUCATION CENTERS.—A geriatric education center shall be an accredited health professions school or program that—

"(1) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

"(2) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

"(3) supports the training and retraining of faculty to provide instruction in geriatrics;

"(4) supports continuing education of health professionals who provide geriatric care; and

"(5) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

"SEC. 751. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $43,000,000 for fiscal year 1996, such sums as may be necessary for each of the fiscal years 1997 and 1998, and $29,000,000 for fiscal year 1999.".

SEC. 104. HEALTH PROFESSIONS WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended—

(1) in the part heading to read as follows:

"PART E—HEALTH PROFESSIONS WORKFORCE DEVELOPMENT";

(2) by redesignating section 776 (42 U.S.C. 294n) as section 761; and

(3) by striking sections 777 and 778 (42 U.S.C. 294o and 294p) and inserting the following new section:

"SEC. 762. HEALTH PROFESSIONS WORKFORCE DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for health professions education and practice.

"(b) ELIGIBLE APPLICANTS.—Applicants eligible to obtain funds under subsection (a) shall include schools of medicine, osteopathic medicine, dentistry, veterinary medicine, pharmacy, podiatric medicine, chiropractic medicine, optometry, public health, or allied health, graduate programs in mental health practice, physician assistant training programs, and other public and nonprofit private entities.

"(c) PRIORITY AREAS.—In awarding grants or contracts under subsection (a), the Secretary shall give priority to entities that will use amounts provided under such grants or contracts to enhance the education of health professionals for purposes of—

"(1) providing care for underserved populations and other high-risk groups;

"(2) increasing the number of individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals;

"(3) conducting health professions research and data collection; and

"(4) carrying out other activities in areas determined appropriate by the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $16,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.

"(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $2,000,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.".

(b) HEALTH PROFESSIONS DATA.—The second sentence of section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended—

(1) by striking "is authorized to" and inserting "shall"; and

(2) by inserting "clinical social workers," after "clinical psychologists,".

(c) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408) is amended—

(1) in subsection (j), by striking "1995" and inserting "1999";

(2) in subsection (k), by striking "1995" and inserting "1999";

(3) by adding at the end thereof the following new subsection:

"(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.";

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 763; and

(6) by inserting such section after section 762.

SEC. 105. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

"SEC. 796. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 797. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized health workforce objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 798. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 799. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

"(b) INFORMATION REQUIREMENTS.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with

any other provision of this title that relates to the period during which payments may be made under the award.

"(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(f) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

"SEC. 799A. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

SEC. 106. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

"(c) EXCEPTIONS FOR NEW PROGRAMS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking "sections 747" and all that follows through "767" and inserting "section 747"; and

(2) in paragraph (2), by striking "under section 798(a)".

SEC. 107. DEFINITIONS.

(a) PROFESSIONAL PSYCHOLOGY.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) (as so redesignated by section 105(a)(2)(E)) is amended by striking "program in clinical psychology" and inserting "graduate programs in professional psychology".

(b) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking "or" at the end thereof;

(2) in subparagraph (C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) is a State or local health department that has a severe shortage of public health personnel as determined under criteria established by the Secretary;

"(E) has ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State scholarships or loan repayment or related programs; or

"(F) has practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.".

(c) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

"(3) The term 'program for the training of physician assistants' means an educational program that—

"(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

"(B) extends for at least one academic year and consists of—

"(i) supervised clinical practice; and

"(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

"(C) has an enrollment of not less than eight students; and

"(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

SEC. 108. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Education

SEC. 121. SHORT TITLE.

This title may be cited as the "Nursing Education Consolidation and Reauthorization Act of 1995".

SEC. 122. PURPOSE.

It is the purpose of this title to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subparts II and III of part B and section 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) by redesignating subpart III of part B as subpart II;

(3) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS

"Subpart I—General Program";

(4) by striking section 837;

(5) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) ACCREDITED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which *the Secretary of Education determines to be reliable authority as to the quality of education offered.*

"(B) NEW PROGRAMS.—A new school of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such school.

"(7) NONPROFIT.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) STATE.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

"(b) INFORMATION REQUIREMENTS.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"SEC. 807. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

"(a) ESTABLISHMENT.—There is hereby established a National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Council'), consisting of the Secretary or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson), and 15 members appointed by the Secretary without regard to the Federal civil service laws, of which—

"(1) 2 shall be selected from full-time students enrolled in schools of nursing;

"(2) 3 shall be selected from the general public;

"(3) 2 shall be selected from practicing professional nurses; and

"(4) 8 shall be selected from among the leading authorities in the various fields of nursing, higher, and secondary education, and from representatives of hospitals and other institutions and organizations which provide nursing services.

A majority of the members shall be nurses. The student-members of the Council shall be appointed for terms of one year and shall be eligible for reappointment to the Council.

"(b) DUTIES.—The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement.

"(c) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"SEC. 808. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"SEC. 809. RECOVERY FOR CONSTRUCTION ASSISTANCE.

"(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

"(1) the owner of the facility ceases to be a public or nonprofit school;

"(2) the facility ceases to be used for the training purposes for which it was constructed; or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE OF CHANGE IN STATUS.—The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of the Health Professions Training Assistance Act of 1985, whichever is later.

"(c) AMOUNT OF RECOVERY.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of 91-day Treasury bills auctioned during such period.

"(B) TIME PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection; or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) WAIVER OF RIGHTS.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIMITATION ON LIENS.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, AND OTHER ADVANCED PRACTICE NURSES

"SEC. 811. ADVANCED PRACTICE NURSING GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced practice nursing education and practice; and

"(2) traineeships for individuals in advanced practice nursing programs.

"(b) DEFINITION OF ADVANCED PRACTICE NURSES.—For purposes of this section, the term 'advanced practice nurses' means nurses trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives or nurse anesthetists, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, nurse midwives, nurse anesthetists, nurse educators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

"(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(1) meet guidelines prescribed by the Secretary; and

"(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities and other health care institutions.

"(d) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced practice nurse education programs eligible for support under this section.

"(e) TRAINEESHIPS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nursing practice with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced practice nurses who will practice in health professional shortage areas designated under section 332.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, preentry preparation, and retention activities.

"(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First and Second Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992 and 1993, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the Black Nurses Association, the Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the National Nurses Association, and the Native American Indian and Alaskan Nurses Association.

"(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

"(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for ethnic and racial minorities in the school or schools involved in the projects.

"(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the education mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education for purposes of—

"(1) improving nursing services in schools and other community settings;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV–AIDS, substance abusers, homeless, and battered women;

"(3) providing managed care, quality improvement, and other skills needed under new systems of organized health care systems;

"(4) developing cultural competencies among nurses;

"(5) providing emergency health services;

"(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups; or

"(7) other priority areas as determined by the Secretary.

"PART F—AUTHORIZATION OF APPROPRIATIONS

"SEC. 841. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out sections 811, 821, and 831, $62,000,000 for fiscal year 1996, such sums as may be necessary in each of the fiscal years 1997 and 1998, and $59,000,000 for fiscal year 1999."; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

PART 1—NATIONAL HEALTH SERVICE CORPS FINANCIAL ASSISTANCE PROGRAMS

SEC. 131. GENERAL AMENDMENTS WITH RESPECT TO FEDERALLY SUPPORTED LOANS.

(a) LOAN REPAYMENT PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 254l-1) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and public health disease prevention and health promotion activities" before the dash; and

(B) in paragraph (1), by striking "and physician assistants" and inserting "physician assistants, and public health professionals";

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting "public health," after "dentistry,";

(B) in subparagraph (B), by inserting "public health," after "dentistry,"; and

(C) in subparagraph (C), by inserting "public health," after "dentistry,";

(3) in subsection (c)(4)—

(A) in subparagraph (A), by inserting "and schools of public health" after "professions schools";

(B) in subparagraph (B)(i)—

(i) by inserting "or public health professional" after "any health professional"; and

(ii) by inserting "or public health disease prevention and health promotion activities" before the period;

(C) in subparagraph (C)—

(i) by inserting "or public health disease prevention and health promotion activities," after "primary health services,";

(ii) by inserting "or public health professions" after "health professions"; and

(iii) by inserting "or public health professionals" after "health professionals" each place that such occurs;

(4) in subsection (f)(1)(B)(iv), by inserting "or public health disease prevention and health promotion activities" after "primary health services";

(5) in subsection (g)(2)(A)(iii)—

(A) by inserting "or public health professional" after "the health professional"; and

(B) by inserting "or public health disease prevention and health promotion activities" after "primary health services"; and

(6) in subsection (i)(8),—

(A) by inserting "or public health professionals" after "health professionals"; and

(B) by inserting "or public health disease prevention and health promotion activities" after "primary health services".

(b) OBLIGATED SERVICE.—Section 338C(b)(5) of the Public Health Service Act (42 U.S.C. 254m(b)(5)) is amended—

(1) in subparagraph (A), by inserting "public health," after "dentistry,"; and

(2) in subparagraph (E)—

(A) in clause (ii), by inserting "public health," after "dentistry,"; and

(B) in clause (iii), by inserting "public health," after "dentistry,".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

"SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $90,000,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2000.

"(b) DISTRIBUTION OF AMOUNTS.—The Secretary shall determine the most appropriate manner in which to allocate amounts appropriated under subsection (a) between the programs authorized in chapter 1, chapter 2, and chapter 3. In determining the manner in which to allocate such amounts, the Secretary shall give priority to funding State-based programs as appropriate under chapter 3. The Secretary shall distribute such amounts among the various programs in such chapters in a manner which furthers both Federal and State needs for health professionals in underserved areas.".

(d) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "in health professional shortage areas" and inserting "or public health disease prevention and health promotion activities in Federal health professional shortage areas or approved State designated health professional shortage areas"; and

(B) in paragraph (2)—

(i) by inserting "or public health professionals" after "health professionals"; and

(ii) by striking "in health professional shortage areas" and inserting "or public health disease prevention and health promotion activities in Federal health professional shortage areas or approved State designated health professional shortage areas";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking "FEDERAL" and inserting "FEDERAL OR APPROVED STATE"; and

(ii) by inserting before the period the following: "or approved State designated health professional shortage areas";

(B) in paragraph (2), by inserting "or public health professionals" after "health professionals";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting "or public health professionals" after "health professionals"; and

(II) in clause (ii), by striking health";

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "or public health professional" after "health professional"; and

(II) in clause (ii)—

(aa) by inserting "or public health professional" after "the health professional"; and

(bb) by striking "services in a" and inserting "services or public health disease prevention and health promotion activities in a Federal"; and

(D) by adding at the end thereof the following new paragraph:

"(4) PRIVATE PRACTICE.—

"(A) In carrying out the program operated with a grant under subsection (a), a State may waive the requirement of paragraph (1) regarding the assignment of a health professional if, subject to subparagraph (B), the health professional enters into an agreement with the State to provide primary health services in a full-time private clinical practice in a health professional shortage area.

"(B) The Secretary may not make a grant under subsection (a) unless the State involved agrees that, if the State provides a waiver under subparagraph (A) for a health professional, section 338D(b)(1) will apply to the agreement under such subparagraph between the State and the health professional to the same extent and in the same manner as such section applies to an agreement between the Secretary and a health professional regarding a full-time private clinical practice."; and

(3) in subsection (h), to read as follows:

"(h) DEFINITIONS.—Unless specifically provided otherwise, as used in this subpart and section 338F:

"(1) APPROVED STATE DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'approved State designated health professional shortage area' means an area designated by the State as underserved using specific methodology and criteria to identify such areas. Such criteria and methodology shall be approved by the Secretary.

"(2) COMMUNITY ORGANIZATION.—The term 'community organization' means a public or nonprofit private entity.

"(3) PRIMARY HEALTH CARE.—The term 'primary health care' means health services regarding family medicine, general internal medicine, general pediatrics, or may include obstetrics and gynecology, that are provided by physicians, certified nurse practitioners, certified nurse midwives, or physician assistants.

"(4) STATE.—The term 'State' means each of the several States and the District of Columbia.".

(e) COMMUNITY SCHOLARSHIP PROGRAMS.—Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended—

(1) in the section heading, by striking "**demonstration grants to states for**";

(2) in subsection (a), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas"; and

(B) in paragraph (2), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas";

(4) in subsection (e)(1), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas";

(5) in subsection (f)(1)(A), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas";

(6) in subsection (g), by striking "health manpower shortage areas" each place that such appears and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas"; and

(7) by striking subsections (j) through (l).

SEC. 132. RESTRUCTURING AND TECHNICAL AMENDMENTS.

(a) REDESIGNATIONS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended—

(1) by redesignating sections 338J and 338K (42 U.S.C. 254s and 254t) as sections 338M and 338N, respectively;

(2) by redesignating sections 338C through 338H (42 U.S.C. 254m through 254q) as sections 338G through 338L, respectively;

(3) by redesignating section 338I (as such section exists one day prior to the date of enactment of this Act) (42 U.S.C. 254r) as section 338E;

(4) by redesignating section 338L (as such section exists one day prior to the date of enactment of this Act) (42 U.S.C. 254u) as section 338F;

(b) CONSOLIDATION OF CERTAIN PROGRAMS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by subsection (a)) is further amended—

(1) by striking the subpart heading and inserting the following:

"Subpart III—Federally Supported Scholarships and Loans

"CHAPTER 1—NATIONAL HEALTH SERVICE CORPS SCHOLARSHIPS PROGRAMS";

(2) by redesignating section 338B as section 338C;

(3) by inserting before section 338C (as so redesignated) the following:

"CHAPTER 2—NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAMS

"Subchapter A—Loan Repayment Program";

and

(4) by inserting after section 338C (as so redesignated) the following:

"Subchapter B—Nursing Loan Repayment Program".

(c) TRANSFERS AND REDESIGNATIONS OF NURSING LOAN REPAYMENT PROGRAM.—Subpart II of part E of title VIII (42 U.S.C. 297n et seq.) (as so redesignated by section 123(3)) is amended—

(1) by striking the subpart heading;

(2) by transferring section 846 (42 U.S.C. 297n) to subchapter B of chapter 2 of subpart III of part D of title III (as added by subsection (b)(4)); and

(3) in section 846—

(A) by striking the section heading and inserting the following:

"SEC. 338D. NURSING LOAN REPAYMENT PROGRAM.";

(B) by striking subsection (d); and

(C) by striking subsection (g).

(d) TRANSFERS AND REDESIGNATIONS OF STATE LOAN REPAYMENT AND COMMUNITY SCHOLARSHIP PROGRAMS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by subsections (a) through (c)) is further amended—

(1) by inserting after section 338D (as so transferred and redesignated by subsection (c)(3)) the following:

"CHAPTER 3—STATE LOAN REPAYMENT AND COMMUNITY SCHOLARSHIP PROGRAMS

"Subchapter A—State Loan Repayment Programs";

(2) by transferring section 338E (as so redesignated by subsection (a)(3)) to subchapter A of

chapter 3 of such subpart (as added by paragraph (1));

(3) by inserting after section 338E (as transferred by paragraph (2)) the following:

"Subchapter B—Community Scholarship Programs";

(4) by transferring section 338F (as so redesignated by subsection (a)(4)) to subchapter B of chapter 3 of such subpart (as added by paragraph (3)); and

(5) by inserting after section 338F (as transferred by paragraph (4)) the following:

"CHAPTER 4—GENERAL PROVISIONS".

(e) CLINICAL RESEARCHERS.—Paragraph (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)(3)) is amended to read as follows:

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—With respect to the National Health Service Corps loan repayment program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps loan repayment programs.".

SEC. 133. DEFINITION OF UNDERSERVED AREAS.

Section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)) is amended in the first sentence—

(1) by striking ", or (C)" and inserting ", (C)"; and

(2) by inserting before the period the following: ", or (D) a State or local health department that has a severe shortage of public health personnel as determined under criteria established by the Secretary".

SEC. 134. CONFORMING AMENDMENTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in subparagraphs (A) and (B) of section 303(d)(4) (42 U.S.C. 242a(d)(4)(A) and (B)), by striking "338C or 338D" each place that such occurs and inserting "338G or 338H";

(2) in section 331(c) (42 U.S.C. 254d(c)), by striking "338D" and inserting "338H";

(3) in section 337(a) (42 U.S.C. 254j(a)), by striking "338G" and inserting "338K";

(4) in 338A (42 U.S.C. 254l)—

(A) in subsection (c)(1)—

(i) in subparagraph (A), by striking "338D" and inserting "338I"; and

(ii) in subparagraph (B), by striking "338C" and inserting "338H";

(B) in subsection (f)(3), by striking "338D" and inserting "338I"; and

(C) in subsection (i)(5)—

(i) in subparagraph (A), by striking "338E" and inserting "338I"; and

(ii) in subparagraph (B)(ii), by striking "338E" and inserting "338I";

(5) in section 338C (as so redesignated) (42 U.S.C. 254l–1)—

(A) in subsection (c)(1)—

(i) in subparagraph (A), by striking "338E" and inserting "338I"; and

(ii) in subparagraph (B), by striking "338D" and inserting "338H";

(B) in subsection (f)(1)(B)(iv), by striking "338D" and inserting "338H";

(C) in subsection (f)(4), by striking "338E" and inserting "338I"; and

(D) in subsection (i)(7)—

(i) in subparagraph (A), by striking "338E" and inserting "338I"; and

(ii) in subparagraph (B)(ii), by striking "338E" and inserting "338I";

(6) in section 338E(d)(1)(C) (as so redesignated by section 132), by striking "338J" and inserting "338M";

(7) in section 338G (as so redesignated by section 132)—

(A) in subsection (a)—

(i) by striking "338D" and inserting "338H"; and

(ii) by striking "338B" and inserting "338C"; and

(B) in subsection (c)(2), by striking "338D" and inserting "338H";

(8) in section 338H (as so redesignated by section 132)—

(A) in subsection (a), by striking "338C" and inserting "338G"; and

(B) in subsection (c), by striking "338B" and inserting "338C";

(9) in section 338I (as so redesignated by section 132)—

(A) in subsection (b)(1)(A)—

(i) by striking "338F" and inserting "338J";

(ii) by striking "338C or 338D" and inserting "338G or 338H";

(iii) by striking "338C" and inserting "338G"; and

(iv) by striking "338D" and inserting "338H"; and

(B) in subsection (c)(1)—

(i) by striking "338F" and inserting "338K";

(ii) by striking "338B" and inserting "338C"; and

(iii) by striking "338C or 338D" and inserting "338G or 338H";

(10) in section 338J(b) (as so redesignated by section 132)—

(A) in paragraph (1)—

(i) by striking "338E" and inserting "338I"; and

(ii) by striking "338B" and inserting "338C"; and

(B) in paragraph (2), by striking "338I" and inserting "338E";

(11) in section 338K (as so redesignated by section 132)—

(A) in subsection (a)(2), by striking "338D" and inserting "338H"; and

(B) in subsection (d)(1), by striking "338E" and inserting "338I"; and

(12) in section 338M(e)(1)(B)(ii)(III) (as so redesignated by section 132), by striking "338I" and inserting "338E".

PART 2—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 135. PRIMARY CARE LOAN PROGRAM.

(a) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(b) SERVICE REQUIREMENT FOR PRIMARY CARE LOAN BORROWERS.—Section 723(a) of the Public Health Service Act (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking "through the date on which the loan is repaid in full" and inserting "for 5 years after completing the residency program".

(c) REPORT REQUIREMENT.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 136. LOANS FOR DISADVANTAGED STUDENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for each of the fiscal years 1996 through 1998".

(b) REPEAL.—Effective October 1, 1998, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 137. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) IN GENERAL.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

(b) MINIMUM MONTHLY PAYMENTS.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking "$15" and inserting "$40".

(c) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

"(l) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

"(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) BREACH OF AGREEMENTS.—Section 338D of the Public Health Service Act (as so redesignated and amended under section 132(c)) is amended by adding at the end thereof the following new subsection:

"(g) BREACH OF AGREEMENT.—

"(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or "(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.".

(e) TECHNICAL AMENDMENTS.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:"; and

(B) in paragraph (1), by striking "at the close of September 30, 1999," and inserting "on the date of termination of the fund"; and

(2) in subsection (b), to read as follows:

"(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).".

SEC. 138. GENERAL PROVISIONS.

(a) MAXIMUM STUDENT LOAN PROVISIONS AND MINIMUM PAYMENTS.—

(1) IN GENERAL.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary".

(3) REPAYMENT PERIOD.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103–43, is amended—

(A) in the subsection heading by striking "TEN-YEAR" and inserting "REPAYMENT";

(B) by striking "ten-year period which begins" and inserting "period of not less than 10 years nor more than 25 years which begins"; and

(C) by striking "such ten-year period" and inserting "such period".

(4) MINIMUM PAYMENTS.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "$15" and inserting $40".

(b) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103–43, is amended by adding at the end the following new subsection:

"(m) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

"(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) DATE CERTAIN FOR CONTRIBUTIONS.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

"(2) DATE CERTAIN FOR CONTRIBUTIONS.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.".

PART 3—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) REPORT REQUIREMENT.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding "and" after the semicolon;

(2) in paragraph (5), by striking "; and" and inserting a period; and

(3) by striking paragraph (6).

(c) COLLECTION FROM ESTATES.—Section 714 of the Public Health Service Act (42 U.S.C. 292m) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, the Secretary may, in the case of a borrower who dies, collect any remaining unpaid balance owed to the lender, the holder of the loan, or the Federal Government from the borrower's estate.".

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) GENERAL AMENDMENTS.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking "determined." and inserting "determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for 'exceptional performance', as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.";

(3) by striking "Upon" and inserting:

"(1) IN GENERAL.—Upon"; and

(4) by adding at the end the following new paragraph:

"(2) EXCEPTIONAL PERFORMANCE.—

"(A) AUTHORITY.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

"(B) COMPLIANCE PERFORMANCE RATING.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

"(C) ANNUAL AUDITS FOR LENDERS, HOLDERS, AND SERVICERS.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

"(D) SECRETARY'S DETERMINATIONS.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

"(E) QUARTERLY COMPLIANCE AUDIT.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

"(F) REVOCATION AUTHORITY.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

"(G) DOCUMENTATION.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

"(H) COST OF AUDITS.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

"(I) ADDITIONAL REVOCATION AUTHORITY.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

"(J) NONCOMPLIANCE.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.".

(b) DEFINITION.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

"(4) The term 'servicer' means any agency acting on behalf of the insurance beneficiary.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. REAUTHORIZATION.

(a) LOAN PROGRAM.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking "1993" and inserting "1996";

(2) by striking "1994" and inserting "1997";

(3) by striking "fiscal year 1995" and inserting "each of the fiscal years 1998 and 1999"; and

(4) by striking "September 30, 1998" and inserting "September 20, 2002".

(b) INSURANCE PROGRAM.—Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking "any of the fiscal years 1993 through 1996" and inserting "fiscal year 1993 and subsequent fiscal years".

PART 4—SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

SEC. 151. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

Part B of title VII of the Public Health Service Act (as amended by section 101(a)) is further amended by adding at the end thereof the following new section:

"SEC. 740. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

"(a) IN GENERAL.—The Secretary may make a grant to an eligible entity (as defined in subsection (f)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (f). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school, and may not, for any year of such attendance for which the scholarship is provided, provide an amount exceeding the total amount required for the year.

"(b) PREFERENCE IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agrees that, in providing scholarships pursuant to the grant, the school will give preference to students for whom the costs of attending the school would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

"(c) AMOUNT OF AWARD.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of minority students, and the proportion of graduates working in medically underserved areas.

"(d) MAXIMUM SCHOLARSHIP AWARD.—The maximum scholarship that an individual may receive in any year from an eligible entity that is a health professions and nursing schools shall be $3000.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $32,000,000 for each of the fiscal years 1996 through 1999. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

"(f) DEFINITIONS.—As used in this section:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means an entity that—

"(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health, a school offering a graduate program in mental health practice, or an entity providing programs for the training of physician assistant; and

"(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) is from a disadvantaged background;

"(B) has a financial need for a scholarship; and

"(C) is enrolled (or accepted for enrollment) at an eligible health profession or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.".

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

"(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

"(A) Support research, demonstrations and evaluations to test new and innovative models.

"(B) Increase knowledge and understanding of health risk factors.

"(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

"(D) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(E) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(3) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(4) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language by facilitating the removal of impediments to the receipt of health care that result from such limitation. Activities under the preceding sentence shall include conducting research and developing and evaluating model projects.

"(5) Not later than June 8 of each year, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee'). The Deputy Assistant Secretary shall consult with the Committee in carrying out this section.

"(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) and (2) of subsection (b) for each racial and ethnic minority group.

"(3) CHAIR.—The Deputy Assistant Secretary shall serve as the chair of the Committee.

"(4) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

"(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

"(C) The nonvoting, ex officio members of the Committee shall be the directors of each of the minority health offices, and such additional officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, and other appropriate offices, regarding recommendations for carrying out activities under subsection (b)(4).

"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—

"(A) In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338B, 340A, 404, or 724, or part B of title VII, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

"(B) With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

"(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

"(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

"(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) IN GENERAL.—In carrying out subsection (b), the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

"(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review and has been so recommended by the advisory committee established under subsection (c).

"(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

"(f) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1996 and of each second year thereafter, the Deputy Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted to the Deputy Assistant Secretary under section 201(b)(5) for such years by the heads of the Public Health Service agencies.

"(g) DEFINITION.—For purposes of this section:

"(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

"(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

"(h) FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated $21,000,000 for fiscal year 1996, such sums as may be necessary for each of the fiscal years 1997 and 1998, and $19,000,000 for fiscal year 1999.".

(b) MISCELLANEOUS AMENDMENT.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended in the heading for the section by striking "ESTABLISHMENT OF".

TITLE III—SELECTED INITIATIVES

SEC. 301. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects; and

"(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1997 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.".

SEC. 302. TRAUMATIC BRAIN INJURY.

(a) PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

(b) PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.—Part E of title XII of the Public Health Service Act (42 U.S.C. 300d–51 et seq.) is amended by adding at the end the following new section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve the availability of health services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

(c) STUDY; CONSENSUS CONFERENCE.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(i) In collaboration with appropriate State and local health-related agencies—

(I) determine the incidence and prevalence of traumatic brain injury; and

(II) develop a uniform reporting system under which States report incidence of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(ii) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(I) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(II) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(III) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(iii) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(B) DATES CERTAIN FOR REPORTS.—

(i) Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out subparagraph (A)(i).

(ii) Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committees specified in clause (i) a report describing the findings made as a result of carrying out clauses (ii) and (iii) of subparagraph (A).

(2) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(3) DEFINITION.—For purposes of this subsection, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

SEC. 303. STATE OFFICES OF RURAL HEALTH.

(a) IN GENERAL.—Section 338M of the Public Health Service Act (as so redesignated by section 132) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1996 through 1997"; and

(3) in subsection (k), by striking "$10,000,000" and inserting "$20,000,000".

(b) REPEAL.—Effective on October 1, 1997, section 338M of the Public Health Service Act (as so redesignated by section 132) is repealed.

SEC. 304. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting ", substance abuse" after "availability of health"; and

(ii) by striking ", including improved health data systems";

(B) in paragraph (3)—

(i) by striking "manpower" and inserting "care providers"; and

(ii) by striking "by—" and all that follows through the end thereof and inserting a semicolon;

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;

(E) in paragraph (5) (as so redesignated), by striking "and" at the end thereof;

(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:

"(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and

"(8) to improve access to health promotion and disease prevention services for rural American Samoa.";

(2) in subsection (f)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$10,000,000" and all that follows through "1993" and inserting "$3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $5,000,000 for fiscal year 1997"; and

(3) by adding at the end thereof the following new subsection:

"(g) Study and Report.—

"(1) Study.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.

"(2) Report.—Not later than July 1, 1996, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).".

SEC. 305. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) In General.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and".

(b) Duration.—Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

(1) in the heading for the section, by striking "**LIMITATION**" and all that follows and inserting "**REQUIREMENT OF MATCHING FUNDS**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking "third year" and inserting "third or subsequent year".

(c) Authorization of Appropriations.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended by striking "and 1993" and inserting "through 1998".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) Amendatory Instructions.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) Public Health Service Act.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking "nonprivate" and inserting "private".

(c) Miscellaneous Correction.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) Effective Date.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 402. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) In General.—Part B of title III of the Public Health Service Act is amended by inserting after section 317H the following section:

"MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

"Sec. 317I. (a) Technical and Scientific Peer Review Groups.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

"(b) Fellowship and Training Programs.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.".

(b) Effective Date.—This section is deemed to have taken effect July 1, 1995.

SEC. 403. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) In General.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) Conforming Amendments.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) Sense" and all that follows through "In the case" and inserting the following:

"(a) Sense of Congress Regarding Purchase of American-Made Equipment and Products.—In the case";

(2) by striking "(2) Notice to recipients of assistance" and inserting the following:

"(b) Notice to Recipients of Assistance"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) Effective Date.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 404. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS PROGRAMS.

Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended by inserting after section 794 the following section:

"SEC. 794A. RECOVERY.

"(a) In General.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408))—

"(1)(A) in the case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

"(B) in the case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school; or

"(C) in the case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity;

"(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) Notice.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

"(c) AMOUNT.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a); or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

SEC. 405. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling," after "family therapy,".

SEC. 406. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking "$5,000,000" and inserting "$2,500,000".

SEC. 407. REQUIRED CONSULTATION BY SECRETARY.

The Secretary of Health and Human Services, regarding the programs under parts B, C, D, and E of title VII, and parts B, C, and D of title VIII, of the Public Health Service Act, as amended by this Act, shall—

(1) publish in the Federal Register a general program description for the funding of awards under such parts;

(2) solicit and receive written and oral comments concerning such description, including the holding of a public forum at which interested individuals and groups may provide comment; and

(3) take into consideration information received under paragraph (2).

AMENDMENT NO. 5416

(Purpose: To make various modifications in the bill)

Mr. LOTT. Senator KASSEBAUM has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mrs. KASSEBAUM, proposes an amendment numbered 5416.

The amendment is as follows:

On page 116, lines 18, and 19, strike "With" and all that follows through "the" and insert "The".

On page 116, line 21, strike "such".

On page 122, line 22, strike ", and" and all that follows through "dentists" on line 24.

On page 126, strike lines 16 through 23.

On page 126, line 24, strike "(c)" and insert "(b)".

On page 128, line 9, strike "(d)" and insert "(c)".

On page 128, line 18, strike "(e)" and insert "(d)".

On page 140, line 3, strike "tion" and insert "tions 747 and 750".

On page 170, line 1, insert "dentistry," after the comma.

On page 170, line 2, insert "dentists," after the comma.

On page 196, strike lines 4 through 11, and insert the following:

(a) LOAN PROGRAM.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking "$350,000,000" and all that follows through "1995" and inserting "$260,000,000 for fiscal year 1996, "$160,000,000 for fiscal year 1997, and $80,000,000 for fiscal year 1998";

(2) by striking "obtained prior loans insured under this subpart" and inserting "obtained loans insured under this subpart in fiscal year 1996 or in prior fiscal years"; and

(3) by adding at the end thereof the following new sentence: "The Secretary may establish guidelines and procedures that lenders must follow in distributing funds under this subpart.".

Beginning on page 212, strike line 10 and all that follows through line 14 on page 220.

On page 220, line 15, strike "303" and insert "302".

On page 221, line 6, strike "304" and insert "303".

On page 222, line 12, strike "305" and insert "304".

Mr. LOTT. I ask unanimous consent the amendment be agreed to, the committee amendment be agreed to, the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendment (No. 5416) was agreed to.

The bill (S. 555), as amended, was deemed read for a third time and passed, as follows:

S. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Health Professions Education Consolidation and Reauthorization Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

Sec. 101. Minority and disadvantaged health professions grant program.
Sec. 102. Training in family medicine, general internal medicine, general pediatrics, preventive medicine, physician assistants, and general dentistry.
Sec. 103. Enhanced health education and training.
Sec. 104. Health professions workforce development.
Sec. 105. General provisions.
Sec. 106. Preference in certain programs.
Sec. 107. Definitions.
Sec. 108. Savings provision.

Subtitle B—Nursing Education

Sec. 121. Short title.
Sec. 122. Purpose.
Sec. 123. Amendments to Public Health Service Act.
Sec. 124. Savings provision.

Subtitle C—Financial Assistance

PART 1—NATIONAL HEALTH SERVICE CORPS FINANCIAL ASSISTANCE PROGRAMS

Sec. 131. General amendments with respect to federally supported loans.
Sec. 132. Restructuring and technical amendments.
Sec. 133. Definition of underserved areas.
Sec. 134. Conforming amendments.

PART 2—SCHOOL-BASED REVOLVING LOAN FUNDS

Sec. 135. Primary care loan program.
Sec. 136. Loans for disadvantaged students.
Sec. 137. Student loans regarding schools of nursing.
Sec. 138. General provisions.

PART 3—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 141. Health education assistance loan program.
Sec. 142. HEAL lender and holder performance standards.
Sec. 143. Reauthorization.

PART 4—SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

Sec. 151. Scholarships for disadvantaged students.

TITLE II—OFFICE OF MINORITY HEALTH

Sec. 201. Revision and extension of programs of Office of Minority Health.

TITLE III—SELECTED INITIATIVES

Sec. 301. Programs regarding birth defects.
Sec. 302. State offices of rural health.
Sec. 303. Health services for Pacific Islanders.
Sec. 304. Demonstration projects regarding Alzheimer's Disease.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Technical corrections regarding Public Law 103–183.
Sec. 402. Certain authorities of Centers for Disease Control and Prevention.
Sec. 403. Administration of certain requirements.
Sec. 404. Technical corrections relating to health professions programs.
Sec. 405. Clinical traineeships.
Sec. 406. Construction of regional centers for research on primates.
Sec. 407. Required consultation by Secretary.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. MINORITY AND DISADVANTAGED HEALTH PROFESSIONS GRANT PROGRAM.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

"PART B—DISADVANTAGED HEALTH PROFESSIONS TRAINING

"SEC. 736. STATEMENT OF PURPOSE.

"(a) IN GENERAL.—The Secretary shall make grants to or enter into contracts with eligible entities for the purpose of establishing, enhancing, and expanding programs to increase the number and the quality of disadvantaged health professionals, particularly those who provide health services to disadvantaged populations or in medically underserved areas or rural areas.

"(b) USE OF FUNDS.—Amounts provided under a grant or contract awarded under this part may be used for costs of planning, developing, or operating centers of excellence in minority health professions education, programs for assisting individuals from disadvantaged backgrounds to enter a health profession, minority faculty development, minority faculty loan repayment or fellowships, trainee support, technical assistance, workforce analysis, and dissemination of information.

"(c) CONSORTIUM.—Schools within a consortium that applies for a grant or contract under this part shall enter into an agreement to allocate the funds received under the grant or contract among such schools and expend such funds in accordance with the application for such grant or contract.

"SEC. 737. PREFERENCES.

"In awarding grants or contracts to eligible entities under this part, the Secretary shall give preference to—

"(1) projects that involve more than one health professions discipline or training institution and have an above average record of retention and graduation of individuals from disadvantaged backgrounds; and

"(2) centers of excellence at Historically Black Colleges and Universities (as defined in section 739) beginning in fiscal year 1999 and for each fiscal year thereafter.

"SEC. 738. AUTHORIZATION OF APPROPRIATION.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $51,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.

"(b) SET-ASIDE.—The Secretary shall setaside $12,000,000 of the amount appropriated under subsection (a) in each fiscal year for the purpose of making grants under section 736 to centers of excellence at certain Historically Black Colleges and Universities.

"(c) NO LIMITATION.—Nothing in this section shall be construed as limiting the centers of excellence referred to in subsection (b) to the set-aside amount, or to preclude such entities from competing for other grants under section 736.

"SEC. 739. DEFINITIONS.

"As used in this part:

"(1) CENTERS OF EXCELLENCE.—The term 'centers of excellence' means a health professions school that—

"(A)(i) has a significant number of minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting minority students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting minority individuals to attend the school and encouraging minority students of secondary educational institutions to attend the health professions school; and

"(iv) has made significant recruitment efforts to increase the number of minority individuals serving in faculty or administrative positions at the school; or

"(B) is a center of excellence at certain Historically Black Colleges and Universities.

"(2) CONSORTIUM.—The term 'consortium' means the designated eligible entity seeking a grant under this part and one or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, public health, or graduate programs in mental health practice.

"(3) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health or schools offering graduate programs in mental health practice, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application.

"(4) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term 'Historically Black Colleges and Universities' means a school described in section 799B(1) that has received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.".

(b) REPEAL.—

(1) IN GENERAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) NONTERMINATION OF AUTHORITY.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) CONFORMING AMENDMENTS.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a-2(c)(3)(D)(i)) is amended by striking "section 739" and inserting "part B of title VII".

SEC. 102. TRAINING IN FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, PHYSICIAN ASSISTANTS, AND GENERAL DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

(1) in the part heading by striking "PRIMARY HEALTH CARE" and inserting "FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, PHYSICIAN ASSISTANTS, AND GENERAL DENTISTRY";

(2) by repealing section 746 and sections 748 through 752 (42 U.S.C. 293j and 293l through 293p); and

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

"SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, GENERAL DENTISTRY, AND PHYSICIAN ASSISTANTS.";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ", internal medicine, or pediatrics" after "family medicine"; and

(II) by inserting before the semicolon the following: "that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)";

(ii) in paragraph (2), by inserting ", general internal medicine, or general pediatrics" before the semicolon;

(iii) in paragraphs (3) and (4), by inserting ", general internal medicine (including geriatrics), or general pediatrics" after "family medicine";

(iv) in paragraphs (3) and (4), by inserting "(including geriatrics) after "family medicine";

(v) in paragraph (3), by striking "and" at the end thereof;

(vi) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

"(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training;

"(6) to meet the costs of projects—

"(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine, that have available full-time faculty members with training and experience in the fields of preventive medicine; and

"(B) to provide financial assistance to residency trainees enrolled in such programs; and

"(7) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, that would lead to a significantly greater ratio of participating individuals in such programs eventually entering practice in general dentistry in rural and medically underserved communities compared to the current ratio of all dentists nationally practicing general dentistry in rural and medically underserved communities.

For purposes of paragraph (7), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general practice of dentistry, or approved advanced education programs in the general practice of dentistry. The Secretary may only fund programs under such paragraph if such programs provide a significant amount of care for underserved populations and other high-risk groups.";

(C) in paragraphs (1) and (2)(A) of subsection (b), by inserting ", general internal medicine, or general pediatrics" after "family medicine";

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

"(c) PRIORITY AND LIMITATION.—

"(1) PRIORITY.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general dentistry upon completion of their first period of training required to obtain initial board certification. Each program shall designate the primary care training or general dentistry positions that such program shall provide with grant funding to support and for which such program shall be held accountable regarding the primary care or general dentistry requirement set forth in this section.

"(2) LIMITATION.—With respect to programs for the training and education of medical students, the Secretary may only provide grants or contracts under this section to administrative units in general pediatrics or general internal medicine if a qualified administrative unit applicant demonstrates that its medical school has—

"(A) a mission statement that has a primary care medical education objective;

"(B) faculty role models and administrative units in primary care; and

"(C) required undergraduate ambulatory medical student clerkships in family medicine, internal medicine, and pediatrics.

Where a medical school does not have an administrative unit in family medicine, clerkships in family medicine shall not be required."; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking "$54,000,000" and all that follows and inserting "$76,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999."; and

(ii) in paragraph (2)—

(I) by striking "20" and inserting "12"; and

(II) by inserting "for family medicine academic administrative units" after "under subsection (b)".

SEC. 103. ENHANCED HEALTH EDUCATION AND TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

"PART D—AREA HEALTH EDUCATION CENTERS

"SEC. 750. AREA HEALTH EDUCATION CENTERS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects which —

"(1) improve the recruitment, distribution, supply, quality, utilization, and efficiency of personnel providing health services in urban and rural areas and to populations that have demonstrated serious unmet health care need;

"(2) encourage the regionalization of educational responsibilities of the health professions schools;

"(3) are designed to prepare, through field placements, preceptorships, the conduct of or affiliation with community-based primary care residency programs, agreements with community-based organizations for the delivery of education and training in the health professions, and other programs, individuals to effectively provide health services in health professional shortage areas;

"(4) conduct health professions education and training activities consistent with national and State priorities, including geriatrics;

"(5) encourage health promotion and disease prevention activities;

"(6) conduct interdisciplinary training and practice involving other health professionals;

"(7) conduct continuing education programs for health professionals or coordinate with such programs; and

"(8) address other areas as determined appropriate by the Secretary.

"(b) OTHER ELIGIBLE PROGRAMS.—

"(1) GERIATRIC EDUCATION CENTERS.—The Secretary shall award grants or contracts under this section for the establishment or operation of geriatric education centers.

"(2) PUBLIC HEALTH TRAINING CENTERS.—

"(A) IN GENERAL.—The Secretary shall award grants or contracts under this section for the operation of public health training centers.

"(B) ELIGIBLE ENTITIES.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year 2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

"(C) CERTAIN REQUIREMENTS.—With respect to a public health training center, an award may not be made under subparagraph (A) unless the program agrees that it—

"(i) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations; and

"(ii) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities.

"(c) ELIGIBLE ENTITIES.—As used in this part, the term 'eligible entities' means schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health or schools offering graduate programs in mental health practice or physician assistant training programs, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application.

"(d) GERIATRIC EDUCATION CENTERS.—A geriatric education center shall be an accredited health professions school or program that—

"(1) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

"(2) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

"(3) supports the training and retraining of faculty to provide instruction in geriatrics;

"(4) supports continuing education of health professionals who provide geriatric care; and

"(5) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

"SEC. 751. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $43,000,000 for fiscal year 1996, such sums as may be necessary for each of the fiscal years 1997 and 1998, and $29,000,000 for fiscal year 1999.".

SEC. 104. HEALTH PROFESSIONS WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended—

(1) in the part heading to read as follows:

"PART E—HEALTH PROFESSIONS WORKFORCE DEVELOPMENT";

(2) by redesignating section 776 (42 U.S.C. 294n) as section 761; and

(3) by striking sections 777 and 778 (42 U.S.C. 294o and 294p) and inserting the following new section:

"SEC. 762. HEALTH PROFESSIONS WORKFORCE DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for health professions education and practice.

"(b) ELIGIBLE APPLICANTS.—Applicants eligible to obtain funds under subsection (a) shall include schools of medicine, osteopathic medicine, dentistry, veterinary medicine, pharmacy, podiatric medicine, chiropractic medicine, optometry, public health, or allied health, graduate programs in mental health practice, physician assistant training programs, and other public and nonprofit private entities.

"(c) PRIORITY AREAS.—In awarding grants or contracts under subsection (a), the Secretary shall give priority to entities that will use amounts provided under such grants or contracts to enhance the education of health professionals for purposes of—

"(1) providing care for underserved populations and other high-risk groups;

"(2) increasing the number of individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals;

"(3) conducting health professions research and data collection; and

"(4) carrying out other activities in areas determined appropriate by the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $16,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.

"(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $2,000,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.".

(b) HEALTH PROFESSIONS DATA.—The second sentence of section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended—

(1) by striking "is authorized to" and inserting "shall"; and

(2) by inserting "clinical social workers," after "clinical psychologists,".

(c) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408) is amended—

(1) in subsection (j), by striking "1995" and inserting "1999";

(2) in subsection (k), by striking "1995" and inserting "1999";

(3) by adding at the end thereof the following new subsection:

"(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.";

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 763; and

(6) by inserting such section after section 762.

SEC. 105. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

“SEC. 796. APPLICATION.

“(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

“(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

“(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

“(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

“SEC. 797. USE OF FUNDS.

“(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized health workforce objectives, in accordance with this title.

“(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

“SEC. 798. MATCHING REQUIREMENT.

“The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

“SEC. 799. GENERALLY APPLICABLE PROVISIONS.

“(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

“(b) INFORMATION REQUIREMENTS.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

“(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

“(d) DURATION OF ASSISTANCE.—

“(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

“(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

“(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

“(f) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

“SEC. 799A. TECHNICAL ASSISTANCE.

“Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.”.

SEC. 106. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

“(c) EXCEPTIONS FOR NEW PROGRAMS.—

“(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

“(2) DEFINITION.—As used in this subsection, the term ‘new program’ means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

“(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

“(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

“(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

“(C) Substantial clinical training experience is required under the program in medically underserved communities.

“(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

“(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

“(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

“(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.”.

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking “sections 747” and all that follows through “767” and inserting “sections 747 and 750”; and

(2) in paragraph (2), by striking “under section 798(a)”.

SEC. 107. DEFINITIONS.

(a) PROFESSIONAL PSYCHOLOGY.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) (as so redesignated by section 105(a)(2)(E)) is amended by striking “program in clinical psychology” and inserting “graduate programs in professional psychology”.

(b) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking “or” at the end thereof;

(2) in subparagraph (C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

“(D) is a State or local health department that has a severe shortage of public health personnel as determined under criteria established by the Secretary;

“(E) has ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State scholarships or loan repayment or related programs; or

“(F) has practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.”.

(c) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

“(3) The term ‘program for the training of physician assistants’ means an educational program that—

“(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

“(B) extends for at least one academic year and consists of—

“(i) supervised clinical practice; and

“(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

“(C) has an enrollment of not less than eight students; and

“(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.”.

SEC. 108. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Education

SEC. 121. SHORT TITLE.

This title may be cited as the "Nursing Education Consolidation and Reauthorization Act of 1996".

SEC. 122. PURPOSE.

It is the purpose of this title to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subparts II and III of part B and section 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) by redesignating subpart III of part B as subpart II;

(3) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS

"Subpart I—General Program";

(4) by striking section 837;

(5) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) ACCREDITED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

"(B) NEW PROGRAMS.—A new school of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such school.

"(7) NONPROFIT.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) STATE.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

"(b) INFORMATION REQUIREMENTS.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"SEC. 807. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

"(a) ESTABLISHMENT.—There is hereby established a National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Council'), consisting of the Secretary or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson), and 15 members appointed by the Secretary without regard to the Federal civil service laws, of which—

"(1) 2 shall be selected from full-time students enrolled in schools of nursing;

"(2) 3 shall be selected from the general public;

"(3) 2 shall be selected from practicing professional nurses; and

"(4) 8 shall be selected from among the leading authorities in the various fields of nursing, higher, and secondary education, and from representatives of hospitals and other institutions and organizations which provide nursing services.

A majority of the members shall be nurses. The student-members of the Council shall be appointed for terms of one year and shall be eligible for reappointment to the Council.

"(b) DUTIES.—The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement.

"(c) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"SEC. 808. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"SEC. 809. RECOVERY FOR CONSTRUCTION ASSISTANCE.

"(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

"(1) the owner of the facility ceases to be a public or nonprofit school;

"(2) the facility ceases to be used for the training purposes for which it was constructed; or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE OF CHANGE IN STATUS.—The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of the Health Professions Training Assistance Act of 1985, whichever is later.

"(c) AMOUNT OF RECOVERY.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of 91-day Treasury bills auctioned during such period.

"(B) TIME PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection; or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) WAIVER OF RIGHTS.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIMITATION ON LIENS.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, AND OTHER ADVANCED PRACTICE NURSES

"SEC. 811. ADVANCED PRACTICE NURSING GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced practice nursing education and practice; and

"(2) traineeships for individuals in advanced practice nursing programs.

"(b) DEFINITION OF ADVANCED PRACTICE NURSES.—For purposes of this section, the term 'advanced practice nurses' means nurses trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives or nurse anesthetists, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, nurse midwives, nurse anesthetists, nurse educators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

"(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(1) meet guidelines prescribed by the Secretary; and

"(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities and other health care institutions.

"(d) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced practice nurse education programs eligible for support under this section.

"(e) TRAINEESHIPS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nursing practice with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced practice nurses who will practice in health professional shortage areas designated under section 332.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, preentry preparation, and retention activities.

"(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First and Second Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992 and 1993, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the Black Nurses Association, the Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the National Nurses Association, and the Native American Indian and Alaskan Nurses Association.

"(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

"(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for ethnic and racial minorities in the school or schools involved in the projects.

"(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the education mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education for purposes of—

"(1) improving nursing services in schools and other community settings;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and battered women;

"(3) providing managed care, quality improvement, and other skills needed under new systems of organized health care systems;

"(4) developing cultural competencies among nurses;

"(5) providing emergency health services;

"(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups; or

"(7) other priority areas as determined by the Secretary.

"PART F—AUTHORIZATION OF APPROPRIATIONS

"SEC. 841. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out sections 811, 821, and 831, $62,000,000 for fiscal year 1996, such sums as may be necessary in each of the fiscal years 1997 and 1998, and $59,000,000 for fiscal year 1999."; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

PART 1—NATIONAL HEALTH SERVICE CORPS FINANCIAL ASSISTANCE PROGRAMS

SEC. 131. GENERAL AMENDMENTS WITH RESPECT TO FEDERALLY SUPPORTED LOANS.

(a) LOAN REPAYMENT PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 2541-1) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and public health disease prevention and health promotion activities" before the dash; and

(B) in paragraph (1), by striking "and physician assistants" and inserting "physician assistants, and public health professionals";

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting "public health," after "dentistry,";

(B) in subparagraph (B), by inserting "public health," after "dentistry,"; and

(C) in subparagraph (C), by inserting "public health," after "dentistry,";

(3) in subsection (c)(4)—

(A) in subparagraph (A), by inserting "and schools of public health" after "professions schools";

(B) in subparagraph (B)(i)—

(i) by inserting "or public health professional" after "any health professional"; and

(ii) by inserting "or public health disease prevention and health promotion activities" before the period;

(C) in subparagraph (C)—

(i) by inserting "or public health disease prevention and health promotion activities," after "primary health services,";

(ii) by inserting "or public health professions" after "health professions"; and

(iii) by inserting "or public health professionals" after "health professionals" each place that such occurs;

(4) in subsection (f)(1)(B)(iv), by inserting "or public health disease prevention and health promotion activities" after "primary health services";

(5) in subsection (g)(2)(A)(iii)—

(A) by inserting "or public health professional" after "the health professional"; and

(B) by inserting "or public health disease prevention and health promotion activities" after "primary health services"; and

(6) in subsection (i)(8), —

(A) by inserting "or public health professionals" after "health professionals"; and

(B) by inserting "or public health disease prevention and health promotion activities" after "primary health services".

(b) OBLIGATED SERVICE.—Section 338C(b)(5) of the Public Health Service Act (42 U.S.C. 254m(b)(5)) is amended—

(1) in subparagraph (A), by inserting "public health," after "dentistry,"; and

(2) in subparagraph (E)—

(A) in clause (ii), by inserting "public health," after "dentistry,"; and

(B) in clause (iii), by inserting "public health," after "dentistry,".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

"SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $90,000,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2000.

"(b) DISTRIBUTION OF AMOUNTS.—The Secretary shall determine the most appropriate manner in which to allocate amounts appropriated under subsection (a) between the programs authorized in chapter 1, chapter 2, and chapter 3. In determining the manner in which to allocate such amounts, the Secretary shall give priority to funding State-based programs as appropriate under chapter 3. The Secretary shall distribute such amounts among the various programs in such chapters in a manner which furthers both Federal and State needs for health professionals in underserved areas.".

(d) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "in health professional shortage areas" and inserting "or public health disease prevention and health promotion activities in Federal health professional shortage areas or approved State designated health professional shortage areas"; and

(B) in paragraph (2)—

(i) by inserting "or public health professionals" after "health professionals"; and

(ii) by striking "in health professional shortage areas" and inserting "or public health disease prevention and health promotion activities in Federal health professional shortage areas or approved State designated health professional shortage areas";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking "FEDERAL" and inserting "FEDERAL OR APPROVED STATE"; and

(ii) by inserting before the period the following: "or approved State designated health professional shortage areas";

(B) in paragraph (2), by inserting "or public health professionals" after "health professionals";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting "or public health professionals" after "health professionals"; and

(II) in clause (ii), by striking health";

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "or public health professional" after "health professional"; and

(II) in clause (ii)—

(aa) by inserting "or public health professional" after "the health professional"; and

(bb) by striking "services in a" and inserting "services or public health disease prevention and health promotion activities in a Federal"; and

(D) by adding at the end thereof the following new paragraph:

"(4) PRIVATE PRACTICE.—

"(A) In carrying out the program operated with a grant under subsection (a), a State may waive the requirement of paragraph (1) regarding the assignment of a health professional if, subject to subparagraph (B), the health professional enters into an agreement with the State to provide primary health services in a full-time private clinical practice in a health professional shortage area.

"(B) The Secretary may not make a grant under subsection (a) unless the State involved agrees that, if the State provides a waiver under subparagraph (A) for a health professional, section 338D(b)(1) will apply to the agreement under such subparagraph between the State and the health professional to the same extent and in the same manner as such section applies to an agreement between the Secretary and a health professional regarding a full-time private clinical practice."; and

(3) in subsection (h), to read as follows:

"(h) DEFINITIONS.—Unless specifically provided otherwise, as used in this subpart and section 338F:

"(1) APPROVED STATE DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'approved State designated health professional shortage area' means an area designated by the State as underserved using specific methodology and criteria to identify such areas. Such criteria and methodology shall be approved by the Secretary.

"(2) COMMUNITY ORGANIZATION.—The term 'community organization' means a public or nonprofit private entity.

"(3) PRIMARY HEALTH CARE.—The term 'primary health care' means health services regarding family medicine, general internal medicine, general pediatrics, dentistry, or may include obstetrics and gynecology, that are provided by physicians, dentists, certified nurse practitioners, certified nurse midwives, or physician assistants.

"(4) STATE.—The term 'State' means each of the several States and the District of Columbia.".

(e) COMMUNITY SCHOLARSHIP PROGRAMS.—Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended—

(1) in the section heading, by striking "demonstration grants to states for";

(2) in subsection (a), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas"; and

(B) in paragraph (2), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas";

(4) in subsection (e)(1), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas";

(5) in subsection (f)(1)(A), by striking "health manpower shortage areas" and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas";

(6) in subsection (g), by striking "health manpower shortage areas" each place that such appears and inserting "Federal health professional shortage areas and in approved State designated health professional shortage areas"; and

(7) by striking subsections (j) through (l).

SEC. 132. RESTRUCTURING AND TECHNICAL AMENDMENTS.

(a) REDESIGNATIONS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended—

(1) by redesignating sections 338J and 338K (42 U.S.C. 254s and 254t) as sections 338M and 338N, respectively;

(2) by redesignating sections 338C through 338H (42 U.S.C. 254m through 254q) as sections 338G through 338L, respectively;

(3) by redesignating section 338I (as such section exists one day prior to the date of enactment of this Act) (42 U.S.C. 254r) as section 338E;

(4) by redesignating section 338L (as such section exists one day prior to the date of enactment of this Act) (42 U.S.C. 254u) as section 338F;

(b) CONSOLIDATION OF CERTAIN PROGRAMS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by subsection (a)) is further amended—

(1) by striking the subpart heading and inserting the following:

"Subpart III—Federally Supported Scholarships and Loans

"CHAPTER 1—NATIONAL HEALTH SERVICE CORPS SCHOLARSHIPS PROGRAMS"

(2) by redesignating section 338B as section 338C;

(3) by inserting before section 338C (as so redesignated) the following:

"CHAPTER 2—NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAMS

"Subchapter A—Loan Repayment Program";

and

(4) by inserting after section 338C (as so redesignated) the following:

"Subchapter B—Nursing Loan Repayment Program".

(c) TRANSFERS AND REDESIGNATIONS OF NURSING LOAN REPAYMENT PROGRAM.—Subpart II of part E of title VIII (42 U.S.C. 297n et seq.) (as so redesignated by section 123(3)) is amended—

(1) by striking the subpart heading;

(2) by transferring section 846 (42 U.S.C. 297n) to subchapter B of chapter 2 of subpart III of part D of title III (as added by subsection (b)(4)); and

(3) in section 846—

(A) by striking the section heading and inserting the following:

"SEC. 338D. NURSING LOAN REPAYMENT PROGRAM.";

(B) by striking subsection (d); and

(C) by striking subsection (g).

(d) TRANSFERS AND REDESIGNATIONS OF STATE LOAN REPAYMENT AND COMMUNITY SCHOLARSHIP PROGRAMS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by subsections (a) through (c)) is further amended—

(1) by inserting after section 338D (as so transferred and redesignated by subsection (c)(3)) the following:

"CHAPTER 3—STATE LOAN REPAYMENT AND COMMUNITY SCHOLARSHIP PROGRAMS

"Subchapter A—State Loan Repayment Programs";

(2) by transferring section 338E (as so redesignated by subsection (a)(3)) to subchapter A of chapter 3 of such subpart (as added by paragraph (1));

(3) by inserting after section 338E (as transferred by paragraph (2)) the following:

"Subchapter B—Community Scholarship Programs";

(4) by transferring section 338F (as so redesignated by subsection (a)(4)) to subchapter B of chapter 3 of such subpart (as added by paragraph (3)); and

(5) by inserting after section 338F (as transferred by paragraph (4)) the following:

"CHAPTER 4—GENERAL PROVISIONS".

(e) CLINICAL RESEARCHERS.—Paragraph (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)(3)) is amended to read as follows:

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—With respect to the National Health Service Corps loan repayment program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps loan repayment programs.".

SEC. 133. DEFINITION OF UNDERSERVED AREAS.

Section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)) is amended in the first sentence—

(1) by striking ", or (C)" and inserting ", (C)"; and

(2) by inserting before the period the following: ", or (D) a State or local health department that has a severe shortage of public health personnel as determined under criteria established by the Secretary".

SEC. 134. CONFORMING AMENDMENTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in subparagraphs (A) and (B) of section 303(d)(4) (42 U.S.C. 242a(d)(4)(A) and (B)), by striking "338C or 338D" each place that such occurs and inserting "338G or 338H";

(2) in section 331(c) (42 U.S.C. 254d(c)), by striking "338D" and inserting "338H";

(3) in section 337(a) (42 U.S.C. 254j(a)), by striking "338G" and inserting "338K";

(4) in 338A (42 U.S.C. 254l)—

(A) in subsection (c)(1)—

(i) in subparagraph (A), by striking "338D" and inserting "338I"; and

(ii) in subparagraph (B), by striking "338C" and inserting "338H";

(B) in subsection (f)(3), by striking "338D" and inserting "338I"; and

(C) in subsection (i)(5)—

(i) in subparagraph (A), by striking "338E" and inserting "338I"; and

(ii) in subparagraph (B)(ii), by striking "338E" and inserting "338I";

(5) in section 338C (as so redesignated) (42 U.S.C. 254l-1)—

(A) in subsection (c)(1)—

(i) in subparagraph (A), by striking "338E" and inserting "338I"; and

(ii) in subparagraph (B), by striking "338D" and inserting "338H";

(B) in subsection (f)(1)(B)(iv), by striking "338D" and inserting "338H";

(C) in subsection (f)(4), by striking "338E" and inserting "338I"; and

(D) in subsection (i)(7)—

(i) in subparagraph (A), by striking "338E" and inserting "338I"; and

(ii) in subparagraph (B)(ii), by striking "338E" and inserting "338I";

(6) in section 338E(d)(1)(C) (as so redesignated by section 132), by striking "338J" and inserting "338M";

(7) in section 338G (as so redesignated by section 132)—

(A) in subsection (a)—

(i) by striking "338D" and inserting "338H"; and

(ii) by striking "338B" and inserting "338C"; and

(B) in subsection (c)(2), by striking "338D" and inserting "338H";

(8) in section 338H (as so redesignated by section 132)—

(A) in subsection (a), by striking "338C" and inserting "338G"; and

(B) in subsection (c), by striking "338B" and inserting "338C";

(9) in section 338I (as so redesignated by section 132)—

(A) in subsection (b)(1)(A)—

(i) by striking "338F" and inserting "338J";

(ii) by striking "338C or 338D" and inserting "338G or 338H";

(iii) by striking "338C" and inserting "338G"; and

(iv) by striking "338D" and inserting "338H"; and

(B) in subsection (c)(1)—

(i) by striking "338F" and inserting "338K";

(ii) by striking "338B" and inserting "338C"; and

(iii) by striking "338C or 338D" and inserting "338G or 338H";

(10) in section 338J(b) (as so redesignated by section 132)—

(A) in paragraph (1)—

(i) by striking "338E" and inserting "338I"; and

(ii) by striking "338B" and inserting "338C"; and

(B) in paragraph (2), by striking "338I" and inserting "338E";

(11) in section 338K (as so redesignated by section 132)—

(A) in subsection (a)(2), by striking "338D" and inserting "338H"; and

(B) in subsection (d)(1), by striking "338E" and inserting "338I"; and

(12) in section 338M(e)(1)(B)(ii)(III) (as so redesignated by section 132), by striking "338I" and inserting "338E".

PART 2—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 135. PRIMARY CARE LOAN PROGRAM.

(a) Requirement for Schools.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(b) Service Requirement for Primary Care Loan Borrowers.—Section 723(a) of the Public Health Service Act (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking "through the date on which the loan is repaid in full" and inserting "for 5 years after completing the residency program".

(c) Report Requirement.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 136. LOANS FOR DISADVANTAGED STUDENTS.

(a) Authorization of Appropriations.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for each of the fiscal years 1996 through 1998".

(b) Repeal.—Effective October 1, 1998, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 137. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) In General.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

(b) Minimum Monthly Payments.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking "$15" and inserting "$40".

(c) Elimination of Statute of Limitation for Loan Collections.—

(1) In general.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

"(l) Elimination of Statute of Limitation for Loan Collections.—

"(1) Purpose.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) Prohibition.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) Effective date.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) Breach of Agreements.—Section 338D of the Public Health Service Act (as so redesignated and amended under section 132(c)) is amended by adding at the end thereof the following new subsection:

"(g) Breach of Agreement.—

"(1) In general.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or

"(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) Waiver or suspension of liability.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) Date certain for recovery.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) Availability.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.".

(e) Technical Amendments.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:"; and

(B) in paragraph (1), by striking "at the close of September 30, 1999," and inserting "on the date of termination of the fund"; and

(2) in subsection (b), to read as follows:

"(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).".

SEC. 138. GENERAL PROVISIONS.

(a) Maximum Student Loan Provisions and Minimum Payments.—

(1) In general.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) Third and fourth years.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500" and inserting "the amount of the loan may, in the

case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary".

(3) REPAYMENT PERIOD.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103-43, is amended—

(A) in the subsection heading by striking "TEN-YEAR" and inserting "REPAYMENT";

(B) by striking "ten-year period which begins" and inserting "period of not less than 10 years nor more than 25 years which begins"; and

(C) by striking "such ten-year period" and inserting "such period".

(4) MINIMUM PAYMENTS.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking "$15" and inserting $40".

(b) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103-43, is amended by adding at the end the following new subsection:

"(m) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

"(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) DATE CERTAIN FOR CONTRIBUTIONS.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

"(2) DATE CERTAIN FOR CONTRIBUTIONS.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.".

PART 3—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) REPORT REQUIREMENT.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding "and" after the semicolon;

(2) in paragraph (5), by striking "; and" and inserting a period; and

(3) by striking paragraph (6).

(c) COLLECTION FROM ESTATES.—Section 714 of the Public Health Service Act (42 U.S.C. 292m) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, the Secretary may, in the case of a borrower who dies, collect any remaining unpaid balance owed to the lender, the holder of the loan, or the Federal Government from the borrower's estate.".

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) GENERAL AMENDMENTS.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking "determined." and inserting "determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for 'exceptional performance', as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.";

(3) by striking "Upon" and inserting:

"(1) IN GENERAL.—Upon"; and

(4) by adding at the end the following new paragraph:

"(2) EXCEPTIONAL PERFORMANCE.—

"(A) AUTHORITY.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

"(B) COMPLIANCE PERFORMANCE RATING.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

"(C) ANNUAL AUDITS FOR LENDERS, HOLDERS, AND SERVICERS.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

"(D) SECRETARY'S DETERMINATIONS.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

"(E) QUARTERLY COMPLIANCE AUDIT.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

"(F) REVOCATION AUTHORITY.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

"(G) DOCUMENTATION.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

"(H) COST OF AUDITS.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

"(I) ADDITIONAL REVOCATION AUTHORITY.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

"(J) NONCOMPLIANCE.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.".

(b) DEFINITION.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

"(4) The term 'servicer' means any agency acting on behalf of the insurance beneficiary.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. REAUTHORIZATION.

(a) LOAN PROGRAM.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking "$350,000,000" and all that follows through "1995" and inserting "$260,000,000 for fiscal year 1996, $160,000,000 for fiscal year 1997, and $80,000,000 for fiscal year 1998";

(2) by striking "obtained prior loans insured under this subpart" and inserting "obtained loans insured under this subpart in fiscal year 1996 or in prior fiscal years"; and

(3) by adding at the end thereof the following new sentence: "The Secretary may establish guidelines and procedures that lenders must follow in distributing funds under this subpart.".

(b) INSURANCE PROGRAM.—Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking "any of the fiscal years 1993 through 1996" and inserting "fiscal year 1993 and subsequent fiscal years".

PART 4—SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

SEC. 151. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

Part B of title VII of the Public Health Service Act (as amended by section 101(a)) is further amended by adding at the end thereof the following new section:

"SEC. 740. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

"(a) IN GENERAL.—The Secretary may make a grant to an eligible entity (as defined in subsection (f)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (f). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school, and may not, for any year of such attendance for which the scholarship is provided, provide an amount exceeding the total amount required for the year.

"(b) PREFERENCE IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agrees that, in providing scholarships pursuant to the grant, the school will give preference to students for whom the costs of attending the school would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

"(c) AMOUNT OF AWARD.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of minority students, and the proportion of graduates working in medically underserved areas.

"(d) MAXIMUM SCHOLARSHIP AWARD.—The maximum scholarship that an individual may receive in any year from an eligible entity that is a health professions and nursing schools shall be $3,000.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $32,000,000 for each of the fiscal years 1996 through 1999. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

"(f) DEFINITIONS.—As used in this section:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means an entity that—

"(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health, a school offering a graduate program in mental health practice, or an entity providing programs for the training of physician assistant; and

"(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) is from a disadvantaged background;

"(B) has a financial need for a scholarship; and

"(C) is enrolled (or accepted for enrollment) at an eligible health profession or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.".

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

"(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

"(A) Support research, demonstrations and evaluations to test new and innovative models.

"(B) Increase knowledge and understanding of health risk factors.

"(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

"(D) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(E) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(3) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(4) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language by facilitating the removal of impediments to the receipt of health care that result from such limitation. Activities under the preceding sentence shall include conducting research and developing and evaluating model projects.

"(5) Not later than June 8 of each year, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee'). The Deputy Assistant Secretary shall consult with the Committee in carrying out this section.

"(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) and (2) of subsection (b) for each racial and ethnic minority group.

"(3) CHAIR.—The Deputy Assistant Secretary shall serve as the chair of the Committee.

"(4) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

"(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

"(C) The nonvoting, ex officio members of the Committee shall be the directors of each of the minority health offices, and such additional officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title

5, United States Code) for positions above GS–15.

"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, and other appropriate offices, regarding recommendations for carrying out activities under subsection (b)(4).

"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—

"(A) In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338B, 340A, 404, or 724, or part B of title VII, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

"(B) With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

"(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

"(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

"(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) IN GENERAL.—In carrying out subsection (b), the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

"(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review and has been so recommended by the advisory committee established under subsection (c).

"(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

"(f) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1996 and of each second year thereafter, the Deputy Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted to the Deputy Assistant Secretary under section 201(b)(5) for such years by the heads of the Public Health Service agencies.

"(g) DEFINITION.—For purposes of this section:

"(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

"(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

"(h) FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated $21,000,000 for fiscal year 1996, such sums as may be necessary for each of the fiscal years 1997 and 1998, and $19,000,000 for fiscal year 1999.".

(b) MISCELLANEOUS AMENDMENT.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended in the heading for the section by striking "ESTABLISHMENT OF".

TITLE III—SELECTED INITIATIVES

SEC. 301. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects; and

"(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1997 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.".

SEC. 302. STATE OFFICES OF RURAL HEALTH.

(a) IN GENERAL.—Section 338M of the Public Health Service Act (as so redesignated by section 132) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1996 through 1997"; and

(3) in subsection (k), by striking "$10,000,000" and inserting "$20,000,000".

(b) REPEAL.—Effective on October 1, 1997, section 338M of the Public Health Service Act (as so redesignated by section 132) is repealed.

SEC. 303. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting ", substance abuse" after "availability of health"; and

(ii) by striking ", including improved health data systems";

(B) in paragraph (3)—

(i) by striking "manpower" and inserting "care providers"; and

(ii) by striking "by—" and all that follows through the end thereof and inserting a semicolon;

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;

(E) in paragraph (5) (as so redesignated), by striking "and" at the end thereof;

(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:

"(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and

"(8) to improve access to health promotion and disease prevention services for rural American Samoa.";

(2) in subsection (f)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$10,000,000" and all that follows through "1993" and inserting "$3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $5,000,000 for fiscal year 1997"; and

(3) by adding at the end thereof the following new subsection:

"(g) STUDY AND REPORT.—

"(1) STUDY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.

"(2) REPORT.—Not later than July 1, 1996, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).".

SEC. 304. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c-3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and".

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c-4) is amended—

(1) in the heading for the section, by striking "**LIMITATION**" and all that follows and inserting "**REQUIREMENT OF MATCHING FUNDS**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking "third year" and inserting "third or subsequent year".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c-5(e)) is amended by striking "and 1993" and inserting "through 1998".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103-183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103-183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103-183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103-183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103-183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103-183) as subsection (d); and

(6) in section 1505(3), by striking "nonprivate" and inserting "private".

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103-183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103-183.

SEC. 402. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act is amended by inserting after section 317H the following section:

"MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

"SEC. 317I. (a) TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

"(b) FELLOWSHIP AND TRAINING PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.".

(b) EFFECTIVE DATE.—This section is deemed to have taken effect July 1, 1995.

SEC. 403. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103-43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103-43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) SENSE" and all that follows through "In the case" and inserting the following:

"(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case";

(2) by striking "(2) NOTICE TO RECIPIENTS OF ASSISTANCE" and inserting the following:

"(b) NOTICE TO RECIPIENTS OF ASSISTANCE"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103-43.

SEC. 404. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS PROGRAMS.

Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended by inserting after section 794 the following section:

"SEC. 794A. RECOVERY.

"(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408))—

"(1)(A) in the case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

"(B) in the case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school; or

"(C) in the case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity;

"(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

"(c) AMOUNT.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a); or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

SEC. 405. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling," after "family therapy,".

SEC. 406. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking "$5,000,000" and inserting "$2,500,000".

SEC. 407. REQUIRED CONSULTATION BY SECRETARY.

The Secretary of Health and Human Services, regarding the programs under parts B, C, D, and E of title VII, and parts B, C, and D of title VIII, of the Public Health Service Act, as amended by this Act, shall—

(1) publish in the Federal Register a general program description for the funding of awards under such parts;

(2) solicit and receive written and oral comments concerning such description, including the holding of a public forum at which interested individuals and groups may provide comment; and

(3) take into consideration information received under paragraph (2).

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, we are continuing to work in an effort to get consideration of the FAA reauthorization bill. This is very important legislation. It does have a number of provisions related to the trust fund and to airport safety. It is vital to this country that we get this legislation completed.

There has been an objection by Senator FEINGOLD, a Senator from Wisconsin, to this very important legislation, making it necessary for us to find a way to bring it to a conclusion, perhaps filing cloture, and get a cloture vote. I am satisfied we can win a cloture vote. There is overwhelming bipartisan support. This legislation has been developed very carefully from the Commerce Committee, with the aid and assistance of Senator STEVENS of Alaska, Senator FORD from Kentucky, Senator HOLLINGS has been involved, Senator MCCAIN managed the bill on the floor. It has passed the House, and now because of one provision that labor does not like, the Senator is prepared to take down the entire FAA reauthorization bill. I just do not understand that. We are willing to be reasonable and we are going to as far as we can.

Now because of our effort to advise Members that we would not have further recorded votes today, an effort is being made to take advantage of that, to block a cloture vote on Monday. I feel like that is not acting in good faith and we are not going to be able to accept that. We will force this to a vote. When a vote occurs, this legislation will pass because it does have bipartisan support.

I call on Senators that have reservations to give us an opportunity to at least get this to a vote without inconveniencing the entire Senate. We are willing to be reasonable in terms of time for discussion and a vote, but unless we get some cooperation, it appears that the entire Senate would be delayed in completing its work.

We also are continuing to hope we can find a way to move the so-called Presidio parks bill. The Senator from Alaska and the Senator from Washington have been very much involved in that. There have been good-faith efforts on that one, up and down the Hill, the whole package, a very small package of three or four items, maybe half that number, half the full omnibus bill. Surely there is a way we can get this major legislation completed in a fair way. It is not fair to have something agreed to that does include some very important items that the chairman of the Energy and Natural Resources Committee, the Senator from Alaska, Senator MURKOWSKI, has a right to be consulted and involved in selecting the project. I know Senators and Congressmen from all over America have parks heritage trails, scenic areas, areas that need to be preserved, and yet we have continued to have an objection to moving this forward.

I hope the next time we make an effort to get a unanimous-consent request to move the omnibus parks bill, the Presidio bill, that there would not be objection to that, and the technical correction that needs to be made could be dealt with in conference, and we can move this legislation through, legislation that has been in the making for, actually, many years, to my own personal knowledge, at least 4 years. It will be a real sad thing if we leave the Senate on Monday for the year without completing the parks bill.

You have the Presidio that has bipartisan support. It is a Federal burden in terms of costs. This is a plan to make use of the Presidio and not have the Federal Government have to continue to bear these costs. It does have the Sterling Forest project in New Jersey and New York, and projects all over America. In short, we need to get this done. I hope we can get a correction here, when we move next to get unanimous consent to take that bill back to the conference and have the correction made or to pass something before we leave.

I want to read a letter I just received from the President of the United States, apparently he dictated this while in Providence, RI, with regard to the agreement that was worked out on the omnibus appropriations bill. The letter says:

Dear Mr. Leader:

> I commend the leadership for their fine work in negotiating a workable Omnibus Appropriations Bill that demonstrates fiscal responsibility and preserves those investment priorities important to the American people.
>
> I urge the Congress to expeditiously pass the Omnibus Appropriations Bill. I intend to sign it if presented to me in its current form.

This is signed by the President of the United States.

This has been a bipartisan effort, bicameral effort, an effort working between the Congress and the White House. I think it is a good product. There are a lot of Senators and House Members that are not totally happy with it, and there are some provisions in it that I am sure the White House is not totally happy with. But that is the art of legislating. It involves some bipartisan, commonsense compromise. I think that is what we have in this legislation.

We asked for the President to indicate his support. He has now done so. I think that is helpful, and I think the American people will appreciate the kind of cooperation we have had.

I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE WHITE HOUSE, WASHINGTON
> *Providence, RI, September 28, 1996.*
>
> Hon. TRENT LOTT,
> *Majority Leader, U.S. Senate, Washington, DC.*
>
> DEAR MR. LEADER: I commend the Leadership for their fine work in negotiating a workable Omnibus Appropriations Bill that demonstrates fiscal responsibility and preserves those investment priorities important to the American people.
>
> I urge the Congress to expeditiously pass the Omnibus Appropriations Bill. I intend to sign it if presented to me in its current form.
>
> Sincerely,
> BILL CLINTON.

CONFERENCE REPORT ON ILLEGAL IMMIGRATION REFORM

Mr. LOTT. Mr. President, while I am awaiting the return of the distinguished minority whip, I observe that one of the issues that I am fixing to bring up is the so-called Gallegly immigration bill. This had been a part of the illegal immigration bill that had been passed and was in conference between the House and the Senate. It was the provision that the President objected to strenuously. And the administration and the Democratic leadership indicated that they would never allow us to pass the conference report through the Senate that contained this Gallegly language.

This language would allow States, on a prospective basis, if I understand it, to not be required to have to provide free education for the children of illegal immigrants. There are many States now that have a financial burden of being told by the Federal Government, "We can't control our borders, we can't control illegal immigration into this country, but in spite of our failure, you have to provide free education."

In the State of California, I think we are talking about well over 300,000 children, at a cost to that State of $2 billion for the education of the children of illegal immigrants. Should we not allow the States to have options here? As I understand it now, any children now in the schools could stay until they are through. But in the future, illegal aliens would be told they are not going to be able to get free education forever for their children in the school system. It is a magnet. It draws illegal immigrants into this country to get access to this free education system.

Somebody has to worry about the taxpayers in the State of California or Texas or Arizona, or in America. I thought that this was a very important part of the illegal immigration legislation. But it was so strenuously objected to, and a filibuster was threatened in the Senate. The President said he was going to veto it. So it was removed from the illegal immigration bill.

So then we find that the administration found new provisions to object to. They, for instance, said that they would take down the entire illegal immigration bill and maybe not agree to the omnibus appropriations conference report, unless the language in there that was removed, which said that we had to accept illegal immigrants, even though they were HIV positive, which leads to a cost of well over $100,000 and maybe even more, for HIV-positive illegal immigrants. I find that inexplicable. Again, it is a magnet. You get an HIV-positive problem, what is your solution? Come into America illegally and your medical needs will be taken care of by the taxpayers of America. But it was so important to the administration, until it threatened to take down the entire effort of negotiations on illegal immigration and on the continuing resolution.

I think it is a terrible policy. But again, to try to get an agreement, that provision was removed. A lot of effort went into this legislation by Senator SIMPSON, Senator KENNEDY, Congressman BERMAN, Congressman LAMAR SMITH. They felt very strongly about the importance of getting this work completed, including the so-called title V. The administration indicated they wanted title V taken completely out. But once they started reading it and seeing what was in it, they realized there were several provisions in there that, in fact, they liked or that made good common sense. So in the wee hours this morning—it must have been 3 or 4 o'clock—Senator SIMPSON and others were in a room working on this language. Finally, with great difficulty, they came to an agreement. Many portions of title V are still in there. We still have some very reasonable expectations regarding legal immigrants. But the big illegal immigration bill now is in the continuing resolution that we will be taking up in the next couple of days.

So the House of Representatives, not able to get the Gallegly language included in illegal immigration, have now moved it separately. They passed it through the House overwhelmingly, as I understand it. I don't recall the vote. So we have it here in the Senate. We ought to pass the Gallegly language. I will be asking unanimous consent that we proceed to its consideration momentarily.

I still don't see the Democratic whip back from the Cloakroom. Others may wish to speak. I have to wait for his return, so I will yield the floor and perhaps the Senator from South Dakota can speak and allow me to come back.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

COMMENDING LEADERSHIP FOR ITS HARD WORK

Mr. PRESSLER. Mr. President, I commend the majority leader and others on the difficulty in bringing the Congress to a close and concluding all ongoing negotiations. I am very proud of the efforts that are being made on the Federal Aviation Administration authorization bill to get that vitally important legislation before the Senate for consideration. I am also very proud of the efforts to bring the Coast Guard bill to closure as well as efforts to agree to a continuing resolution.

With so many constituent interests represented by Congress, sometimes it is quite difficult to reach consensus on legislation. I think this point is not well understood across the country. We have a vast country, and I know that Congress is much criticized for acting slowly or sometimes failing to act. On the other hand, what is the alternative to resolving disputes with such a huge country, with so many Members of Congress, so many citizens, so many different interests? All those come to a head, so-to-speak, at the close of a Congress, and it requires great compromise.

It has been my pleasure to chair the House-Senate conference committee working on the critically important Federal Aviation authorization bill. The conference report accompanying that bill is ready for immediate consideration by this body. Unfortunately, several of my colleagues have objected to consideration of the conference report because they oppose a single section of that bill, an bipartisan amendment offered by the distinguished Senator from South Carolina, Senator HOLLINGS, in conference. Every Senate conferee voted in favor of the Hollings amendment which makes a technical correction to the Railway Labor Act. An excellent bill is being held up over a difference of opinion relating to 5 lines in a 189 pages aviation safety and security bill.

Mr. President, we cannot adjourn without passing the conference report to the Federal Aviation authorization bill. The House approved the conference report yesterday. If we do not approve the conference report, the Senate will have failed to meet its responsibility to the traveling public. Airports across the country will not receive much needed Airport Improvement Program [AIP] funds for safety-related repairs and other necessary improvements. Two years of tireless efforts to reach a compromise on FAA reform provisions will be lost. Vitally important aviation safety and security provisions will not be put in place. Family members of future aviation disaster victims would be denied the thoughtful, comprehensive protections this legislation would provide to them. Provisions to revitalize air service to small communities will not go into effect. It short, inaction by the Senate on this conference report would be a very serious mistake for which this body would be roundly criticized.

Let me also comment a little bit on agriculture, because I know that at this time of the year, the payments regarding the Freedom to Farm Act are going out to some farmers. That was a controversial bill that was worked out in this Chamber. Let me say that I am proud to have been a part of the leadership team and proud to have voted for freedom to farm. But we need to expand our agricultural markets abroad. We have done that for our commodities, and under NAFTA and GATT, we have exported more agricultural products than ever in our history. There has been some dispute on transshipment of cattle, in terms of Mexico and Canada, under NAFTA. We hope that those issues are resolved and NAFTA is better enforced.

Mr. President, I might also say that, in terms of our agriculture future, Alan Greenspan has said that one of the greatest agricultural farm bills is a balanced budget. I hope that we can continue to expand our agricultural exports, especially as they regard commodity prices.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask that I be permitted to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

STATUS OF CALIFORNIA LEGISLATION

Mrs. BOXER. Mr. President, as we come down to the final hours, there are so many pending matters that are important to my home State of California, and it would take far too long to go into all of them in detail. But I thought for purposes of the RECORD I would let my constituents know and my colleagues know where we stand on a number of these issues that are so important. I discuss them not in any order of priority but just as I put them forward.

First of all, I am distressed that we still have not confirmed a judge who is highly qualified to sit on the Federal bench in the Central District Court of California, Margaret Morrow. Republicans in this Congress said, "Look, when you send us a nominee, make sure that he or she has bipartisan support." Senator FEINSTEIN and I and the Senators on this side of the aisle have done that with our nominations, and yet, as my friend from Illinois knows, because he sits on that Judiciary Committee and expressed his great disappointment with the lack of action on these judges, we have not gotten our nominees confirmed. I think it is a great disservice to the people of this country who seek justice, who demand justice, who want swift justice. If you do not have the people on the bench to fulfill the responsibilities that we place upon the courts, we are not going to have justice in this Nation.

This particular nominee, Margaret Morrow, in the last month I asked her could she line up some Republican support, and everyone from the sheriff of Los Angeles to people in the private sector who are registered Republicans wrote magnificent letters about Margaret Morrow, thereby proving that she does have bipartisan, strong support.

It was an honor to recommend such a fine candidate to the President. Her name was submitted to me by my judicial advisory committee for the Central District of California. I did not personally know Ms. Morrow before I recommended her to the administration, but my committee enthusiastically found her to be a superior judicial candidate.

However, despite her strong bipartisan support and strong credentials, her nomination remains indefinitely stalled, with no Member coming forward to explain why she cannot be confirmed.

Margaret Morrow was nominated by the administration on May 10. She received her nominations hearing at the Senate Judiciary Committee on June 25 and was reported out of committee just 2 days later without any opposition from the committee.

Three months later, Margaret Morrow's nomination sits on the Executive Calendar along with six others, waiting to be moved. These confirmations should not be held hostage for political reasons, Mr. President. Failure of this body to fill these vacancies are felt through backed up caseloads in our Nation's Federal courts. We have a bipartisan interest in ensuring that justice is administered fairly, and in a timely fashion. This means that criminals are brought to justice and civil disputes are resolved within a reasonable period of time.

The vacancy Ms. Morrow would be filling has been vacant since January 24 of this year. If we don't confirm her this session, it will be vacant for at least a full year. I don't think I need to remind this body that the Central District of California in Los Angeles is one of the busiest courts in the Nation.

Before I talk about Ms. Morrow's credentials or historical precedent for judicial confirmations, I wanted to make the point that there is also a personal side to the judicial confirmation process. For nominees who are awaiting confirmation, their personal and professional lives hang in the balance.

Margaret Morrow—a 45-year-old mother and law partner—has had to put her life on hold while she waits for the Senate to approve her nomination. Our delay has affected her ability to take on certain responsibilities at her law practice. Her whole family—particularly her husband and young son—have waited patiently for her confirmation to go through the Senate. Many of us here in the Senate have no idea what kind of strain and stress awaiting confirmation means for these nominees. We owe to her to at least give her a rollcall vote before the end of the session if she cannot be approved through unanimous consent.

Former Majority Leader Bob Dole spoke of this process himself. In June of this year, he suggested giving each nominee a rollcall vote, stating, "We should not be holding people up. If we need a vote, vote them down or vote them up because [the nominees] probably have plans to make and there are families involved." Even then-Majority Leader Dole recognized the necessity to give resolution to nominees out of fairness to these individuals and their families.

In July, it was my understanding that under an agreement between Majority Leader LOTT and the minority leader there would be an attempt to work through the list of 23 Federal court judges on the Executive Calendar at that time. I commend the majority leader for working with his caucus to make this happen for the 17 district court nominees that were confirmed during that period. However, two district court nominees, including Margaret Morrow, were not included in this group. And none of the circuit court nominees were moved—including another Californian, William Fletcher, for the Ninth Circuit Court of Appeals.

Mr. President, I am unaware of any substantive reason why Ms. Morrow's nomination has not gone through. If another Member of this body has a reason for opposing her confirmation, I want the opportunity to discuss their objections, and her nomination brought to a vote before the full Senate.

MARGARET MORROW'S STRONG LEGAL CREDENTIALS

I want to take this time to fully explain why Ms. Morrow will be an excellent addition to the Federal bench. Let me review the highlights of Ms. Morrow's respected professional background.

For over 21 years, Ms. Morrow has distinguished herself as a private practice attorney. She is currently a partner at the Los Angeles firm of Quinn, Kully, and Morrow, where she has been since 1987. Prior to 1987, she was an attorney with Kadison, Pfaelzer, Woodard, Quinn, and Rossi. During her years in private practice, she has gained extensive experience in appellate litigation in both the Federal and State courts involving complex civil and commercial cases.

Ms. Morrow graduated with honors from Bryn Mawr College and Harvard Law School. She is married to Judge Paul Boland of the Los Angeles Superior Court. They have one son, Patrick Morrow Boland who is 9 years old.

In addition to her practice, Ms. Morrow served as the president of the State Bar of California from 1993 to 1994. This is a particularly noteworthy accomplishment because she was the first woman to be elected president in their 67-year history.

From 1988 to 1989, she served as president of the Los Angeles County Bar Association where she created and served on the Pro Bono Council, calling on each association member to devote at least 35 hours a year toward pro bono representation for the poor. This policy was the first of its kind in California and generated more than 150,000 additional hours of pro bono representation.

Ms. Morrow has also been active in the Ninth Circuit Judicial Conference, and on committees of the California Judicial Council. She has served on the Board of Directors of the Association of Business Trial Lawyers and taught numerous seminars on complex business litigation for the association. California Law Business listed her as 1 of the top 20 lawyers in 1994 and Los Angeles Business Journal named her as 1 of the 100 outstanding L.A. business attorneys in February 1995.

From 1989 to 1990, Ms. Morrow served on the highly respected Commission to Draft an Ethics Code for the Los Angeles City Government.

And Ms. Morrow has taught classes and seminars for numerous organizations, including the State Bar of California, the Federal Bar Association, and the California Judges Association.

BIPARTISAN SUPPORT FOR MARGARET MORROW

I further want to stress that there is wide bipartisan support for Ms. Morrow's nomination to the Central District of California. Many of California's prominent and conservative Republican lawmakers and elected officials support her confirmation.

Los Angeles Mayor Richard Riordan writes in strong support of Ms. Morrow's nomination. He adds that Morrow, "would be an excellent addition to the Federal bench. She is dedicated to following the law, and applying it in a rational and objective fashion."

James Rogan, Republican Assembly majority leader to the California Legislature, wrote to Senator LOTT urging his support of Ms. Morrow's nomination. He writes that Ms. Morrow is, "tough, thoughtful, and fair" adding that he has every confidence that she would be, "conscientious in applying the law."

The District Attorney of Orange County, Mike Capizzi, California writes to Senator LOTT, "I have absolutely no hesitation in commending her nomination to you as being among the very best ever likely to come before you. . . Of particular interest to crime victims, law enforcement and public prosecutors are her initiatives and achievement in the fields of juvenile justice and domestic violence, where her efforts have helped focus and national attention."

He ends his letter by stating:

> "The record of scholarship, citizenship, and dedication to improving the legal system that Margaret will bring with her to the federal bench reveals great promise for a truly exceptional jurist of whom we will all be proud. I sincerely, wholeheartedly and enthusiastically entreat you to confirm Margaret's nomination for appointment to the district court, without delay. We need her."

In a letter to Chairman HATCH, Chief Judge Roger Boren of the California State Court of Appeal, Second Appellate District, says Ms. Morrow enjoys the greatest respect from a broad spectrum of the California bar and judiciary.

Los Angeles County Sheriff Sherman Block also writes favorably of Margaret Morrow's nomination. In his letter, Sheriff Block says Margaret Morrow is an extremely hard working individual of impeccable character and integrity.

Lod Cook, Chairman Emeritus of ARCO, and a prominent Republican in the State of California wrote of Ms. Morrow:

> I am convinced she is the type of person who would serve us well on the federal bench. I believe she will bring no personal or political agenda to her work as a judicial officer. Rather, her commitment will be to ensuring fairness and openness in the judicial process and to deciding cases on the facts and the law as they present themselves.

HISTORY OF JUDICIAL CONFIRMATIONS

Mr. President, the Judiciary Committee has already carefully reviewed Ms. Morrow's background and qualifications for this position.

They have reviewed stacks of information she provided to the committee, a full FBI background investigation, and her testimony before the committee. No objections were raised by committee members, and she was reported out of Committee only two days after her nominations hearing.

To provide some historical context, in 1992, every one of the 66 nominees approved by the Senate Judiciary Committee were approved by the full Senate. Every single nominee, Mr. President—and that was when we had a Republican administration and a Democratically controlled Senate. Included in those 66 judges were 11 court of appeals nominees. In 1992, the Democratic Senate confirmed the highest number of judges of any year of President Bush's term. And the confirmations did not slow as the election approached. During the four-month period between June and September, the Senate Judiciary Committee favorably reported 32 nominees, including 7 appeals court nominees.

In contrast, the Senate Judiciary Committee held only six hearings between January and September of this year. The Senate has so far confirmed a total of only 17 district court nominees, with little indication or commitment from the Republican leadership that we will move any more.

Mr. President, this Senate has failed to confirm a single appeals court judge this year. Not one, Mr. President. No Congress in at least 40 years has failed to confirm a single court of appeals judge. Is this the kind of precedent this Senate wants to establish?

In fact, even if all of the nominees pending before the Judiciary Committee are confirmed, the total number of judges confirmed this year will be one of the lowest election year total in over 20 years. In 1988, the Senate confirmed 42 judges, including 7 court of appeals nominees. In 1984, the Senate confirmed 43 judges including 10 court of appeals nominees. In 1980, 64 judges were confirmed, including 9 court of appeals nominees. In 1976, 32 judges were confirmed, including 5 court of appeals nominees.

Since every candidate has bipartisan support, the Senate should at the very least, grant a vote on Ms. Morrow's nomination if unanimous consent is not possible.

In sum, Mr. President, I am fully confident that the Members of the Senate will agree with me that Margaret Morrow's qualifications are outstanding and she is deserving of expeditious Senate confirmation. Her exceptional experience as an attorney, her professional service, and her deep commitment to justice qualify her to serve our Nation and the people of California with great distinction. And as evidenced by the letters I have read from, she has strong bipartisan support from some of the most prominent and conservative Republicans in my State.

I urge the distinguished Majority Leader to work with the Minority Leader to move for her immediate confirmation through unanimous consent or to schedule a rollcall vote.

So I just want to make one more plea to the majority leader. This is a nominee who was on the original list of 23 judges. There are only two left, one from California, one from Hawaii, and I do not think it does this Republican Congress any good at all as they go home to campaign when the people realize that they have approved the fewest judgeships in recent memory. We should not be playing politics with the courts.

We also had an excellent candidate in Richard Paez for the circuit court, and again action stalled on a nominee who actually got approved by this Congress for a district court judgeship. Why on Earth would we not move him up, boost him up?

Mr. President, I see that the majority leader is in the Chamber, and I will wrap up my comments in 1 minute. I appreciate him yielding to me.

I am pleased that we see no action on the Ward Valley land transfer, which would put a low-level nuclear dump in my State. We have fought that and we have stopped that from coming up.

I am very excited that it looks as if the Cruise Ship Revitalization Act will become the law of the land, thereby bringing hundreds of millions of dollars and revenues to California.

I am disappointed that we still do not have the Presidio legislation enacted. We are still working on that. I compliment my colleague, Senator FEINSTEIN, for working so hard to put together a negotiated settlement on part of the Headwaters Forest. She worked very long and hard on that.

I will have further to say on an issue very dear to the hearts of the people of my State, and frankly most of the schoolchildren in this country, and that is dolphin protection. Because I think we were able to ward off a real frontal attack on safety of dolphins, and I will speak more about that later.

So, thank you very much, Mr. President. I am pleased the administration got more money for education and the environment. These things are very, very important to this country.

I yield whatever time I have remaining.

Mr. LOTT. I thank the Senator from California for allowing us this opportunity to do some unanimous-consent requests. I know the Senator from Kentucky is here for that purpose.

UNANIMOUS-CONSENT REQUEST—H.R. 3539

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of the conference report to accompany the FAA reauthorization bill and the report be considered as having been read.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, reserving the right to object, I shall object.

There was what is not a technical correction put on in conference, a provision that affects one corporation, benefits one corporation, and a provision that was defeated in the Appropriations Committee just 2 weeks ago when there was an attempt to put it on. I do not think this is the way we ought to be legislating. If that provision is taken off, I will be happy to support it. But I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I could be heard just briefly further with regard to that? I just came from the Democratic leader's office in which we were discussing this matter. We are still very hopeful something can be worked out. I know an effort is underway there.

Had the Senate been able to proceed to this very vital conference report, it was my intention to file a cloture motion, which would call for the cloture vote on Monday. Since our colleagues have chosen to object to the conference report, I cannot file that cloture motion. Consequently, the FAA conference report containing funds for the airport trust fund, essential air service, and addressing safety matters at our Nation's airports, is therefore in dire straits now. We are not sure exactly how we are going to be able to proceed, but I know a good-faith effort is underway, and I am hoping in the next few minutes something can be worked out that is fair.

Otherwise, we are either going to see the FAA reauthorization not be completed, which causes major problems with our airline industry, or we may be forced to ask our Senators to be prepared to vote on Sunday afternoon. That is an option we are reviewing. That also could entail having to have votes on Tuesday, inconveniencing everybody concerned. But maybe we can find a way to get to a conclusion without having to do it that way.

Does the Senator from Kentucky have a comment on that?

Mr. FORD. Mr. President, I agree with the majority leader. I would prefer we not be in this position. It was inadvertently left out of the law, and now they have seized on it and it has become a fight. I understand that very well.

But it was defeated. The Senator from Illinois did not say it was 11 to 11. It was not a huge defeat; it was a tie. So 11 people in the committee voted for it. So there was some support at that time, and I do not think much work had been done. If some work had been done, it probably would have been taken care of there and we would not be fooling with it on this bill.

I am not a lawyer, I am just on the jury. I am trying to listen to all these lawyers running around town trying to tell me what is and what is not. The jury tells me that we need to do something for the country as it relates to aviation. My record with labor is just as good as the next fellow's, and I will put mine, my percentage, up with that of the Senator from Illinois as to my support for labor.

But this is one time I want the aviation industry of this country to continue to be the best in the world. If they are going to take this stance and say we are going to bring the FAA bill down—that is what the Senator from Illinois is doing—then we will be here next week, in my opinion. We will probably vote on Monday to proceed. We then lay a cloture motion down and they will be around here a lot longer than they had expected.

If that is the procedure, if you want to get the fur up, that is fine. It suits me fine. I understand it, not to say that I like it. I understand the procedure and I understand the rules. I understand the rules pretty well.

So, I hope we can work something out, I say to the majority leader. I am prepared to offer some objections myself here.

Mr. SIMON. If the majority leader will yield for 1 minute?

Mr. LOTT. I will be glad to.

Mr. SIMON. I am all for the FAA bill. What was put on was neither in the House nor in the Senate on this bill. That can be put on—if you drop this provision, it can be put on the continuing resolution. There are a variety of ways of handling this.

I hope we can get it worked out.

Mr. FORD. I say to my friend, you can put this bill into the continuing resolution now.

Mr. SIMON. What we should not do is tack on a major labor-management provision on this thing—without hearings on what is a very controversial provision, I might add.

UNANIMOUS-CONSENT REQUEST—H.R. 1617

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of the conference report to accompany H.R. 1617, the work force development bill; the reading be considered waived, all points of order be waived, the conference report be considered as agreed to, with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, reserving the right to object, and I shall object on behalf of the ranking member, Senator KENNEDY and myself. I do object. There are a lot of good things in this.

There are a lot of things we have been working on a long time. I regret that it is necessary, but I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1237

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 545, S. 1237, a bill to amend certain provisions of law relating to child pornography; further, that a substitute amendment which is at the desk, offered by Senators HATCH, BIDEN, and others, be considered and agreed to, the bill be deemed read a third time and passed as amended, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, I am reserving the right to object. I have always opposed mandatory minimums. They are great politics. They are bad justice.

The Chief Justice of the U.S. Supreme Court, William Rehnquist, has admonished Congress not to put these mandatory minimums on. There are some particularly harsh ones here.

There is much in this bill to be commended. But if we can take the mandatory minimums off, I will remove any objection right away. Clearly we want to do everything we can to stop child pornography. But to say, for example, to an 18-year-old who is guilty of pornography with a 16-year-old, for two offenses you get life in prison, which is what this bill mandates—I am not sure that serves the cause of justice. I think we ought to leave that up to the judges, as Chief Justice Rehnquist has suggested. So I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2823

Mr. LOTT. Mr. President, I ask unanimous consent that H.R. 2823, the International Dolphin Conservation Program Act, which has been laboriously negotiated and supported by, for instance, a call I received from the Ambassador to Mexico, former Congressman Jim Jones, and supported by the administration actively, I believe, by Vice President AL GORE.

I, therefore, ask unanimous consent that it be discharged from the Commerce Committee; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table.

Mrs. BOXER. Mr. President, reserving the right to object, I do plan to object to this, and I would like to take some time to explain it.

Mr. President, today, the Majority Leader asked unanimous consent to take up a bill—the Stevens/Breaux/Gilchrest bill—that would significantly weaken protections for dolphins in the eastern tropical Pacific Ocean by rewriting—gutting—the "dolphin safe" tuna labeling law that Senator BIDEN and I wrote and pushed into law in 1990.

Today, the $1 billion U.S. canned tuna market is a "dolphin safe" market. Consumers know that the "dolphin safe" label means that dolphins were not harassed or killed.

Our definition of dolphin safe became law for all the right reasons. Those reasons are still valid today:

First, for the consumers, who were opposed to the encirclement of dolphins with purse seine nets and wanted guarantees that the tuna they consume did not result in harassment, capture and killing of dolphins;

Second, for the U.S. tuna companies, who wanted a uniform definition that would not undercut their voluntary efforts to remain dolphin safe;

Third, for the dolphins, to avoid harassment, injury and deaths by encirclement; and

Fourth, for truth in labelling.

Our law has been a huge success. Annual dolphin deaths have declined from 60,000 in 1990 to under 3,000 in 1995. Why mess with success?

The Stevens/Breaux/Gilchrest bill would permit more dolphins to be killed than are killed now.

The bill promotes the chasing and encirclement of dolphins, a tuna fishing practice that is very dangerous to dolphins. It does so by gutting the meaning of "dolphin safe", the label which must appear on all tuna sold in the United States. The "dolphin safe" label has worked: it doesn't need to be "updated", as the bill's sponsors claim.

A number of arguments have been made in support of the Stevens/Breaux/Gilchrest bill which I would like to refute at this time.

Bill supporters claim that it is supported by the environmental community. In fact, only a few environmental groups support the Stevens/Breaux/Gilchrest bill, while over 85 environmental, consumer, animal protection, labor and trade groups oppose the Stevens/Breaux/Gilchrest bill. I ask unanimous consent that a list of these groups be printed in the RECORD at this point. The fact is that the vast majority of environmental organizations in this country and around the world oppose the Stevens/Breaux bill.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Action for Animals, California
Americans for Democratic Action
American Society for the Prevention of Cruelty to animals
American Oceans Campaign
American Humane Association
Americans for Democratic Action
Animal Protection Institute
Ark Trust
Australians for Animals
Bellerive Foundation, Italy & Switzerland
Born Free Foundation
Brigantine New Jersey Marine Mammal Stranding Center
Cetacea Defence
Chicago Animal Rights Coalition
Clean Water Action
Coalition for No Whales in Captivity
Coalition Against the United States Exporting Dolphins, Fl.
Coalition for Humane Legislation
Colorado Plateau Ecology Alliance
Committee for Humane Legislation
Community Nutrition Institute
Defenders of Wildlife
Dolphin Project Interlock International
Dolphin Connection, California
Dolphin Freedom Foundation
Dolphin Defenders, Florida
Dolphin Data Base
Dolphin Alliance, Inc.
Doris Day Animal League
Earth Island Institute
Earth Trust
Education and Action for Animals
Endangered Species Project, Inc.
European Network for Dolphins
Federation for Industrial Retention and Renewal
Foundation Brigitte Bardot, France
Friends of the Earth
Friends of Animals
Friends for the Protection of Marine Life
Friends of the Dolphins, California
Fund for Animals
Fundacion Fauna Argentina
Hoosier Environmental Council
Humane Society of Canada
Humane Society of the Midlands
Humane Society International
Humane Society of the United States
In Defense of Animals
Institute for Agriculture and Trade Policy
Interhemispheric Resource Center
International Brotherhood of Teamsters
International Dolphin Project
International Wildlife Coalition
International Union of Electronic Workers
Irish Whale and Dolphin Society
Lifeforce Foundation
Marine Green Party
Marine Mammal Laboratory
Marine Mammal Fund
Massachussetts Audubon Society
Midwest Center for Labor Research
National Consumers League
National Family Farm Coalition
Oil Chemical and Atomic Workers International Union
Pacific Orca Society, Canada
People for the Ethical Treatment of Animals
Performing Animal Welfare Society
Progressive Animal Welfare Society
Public Citizen's Global Trade Watch
Pure Food Campaign
Reearth
Reseau-Cetaces, France
San Diego Animal Advocates
Sierra Club
Society for Animal Protective Legislation
South Carolina Association for Marine Mammal Protection
South Carolina Humane Society of Columbia
The Free Corky Project
UNITE!
Vier Pfoten, Austria and Germany
Whale Tales Press
Whale Rescue Team
Whale and Dolphin Welfare Committee of Ireland
Whale and Dolphin Society of Canada
Working Group for the Protection of Marine Mammals, Switzerland
Zoocheck, Canada

U.S. DEPARTMENT OF STATE,
Washington, DC, September 11, 1996.
Hon. BARBARA BOXER,
U.S. Senate.

DEAR SENATOR BOXER: Thank you for your letter of August 8 regarding the Declaration of Panama.

As you are aware, representatives of the United States and 11 other nations signed the Declaration of Panama on October 4, 1995. In our judgment, the Declaration represents a significant step forward in the efforts of nations whose vessels fish for tuna in the Eastern Tropical Pacific Ocean to protect dolphins and the marine environment as a whole.

By signing the Declaration of Panama, these nations have formally announced their intention to conclude a binding legal instrument incorporating the provisions of the 1992 La Jolla Agreement on dolphin protection in this fishery, as supplemented and strengthened by additional measures to protect dolphins as set forth in the Panama Declaration.

Thus, the Panama Declaration itself is not a legally binding international agreement, but rather a commitment to conclude such an agreement. Fulfillment of that commitment is expressly contingent upon—and only upon—certain changes in U.S. law. Those changes would occur with enactment of S. 1420 or its companion bill, H.R. 2823, which recently passed the House of Representatives with strong bipartisan support.

Once such an agreement is concluded, the Department would transmit it to Congress, as required by the Case-Zablocki Act.

I hope this responds to your inquiry. We would be happy to provide you with any additional information, or to discuss with you or your staff the Administration's support for the Panama Declaration and the enactment of H.R. 2823/S. 1420.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

U.S. SENATE,
Washington, DC, August 8, 1996.
Mr. MICHAEL J. MATHESON,
Acting Legal Adviser, Department of State, Washington, DC.

DEAR MR. MATHESON: We write regarding the "Declaration of Panama," a document signed on October 4, 1995 by several countries, including the United States. This declaration addresses measures regarding the protection of dolphins in the Eastern Pacific Ocean. In this declaration, signed for the United States by Brian Hallman of the Office of Marine Conservation, the United States and 11 other nations announced their intention to formalize another agreement (the "La Jolla Agreement") as a "binding legal instrument."

So that we may understand the legal significane of this document, as interpreted by your office, we request answers to the following questions:

1. Does the Department regard the Declaration of Panama as a binding international agreement?

2. If so, please provide a legal analysis discussing the factors pertinent to determining whether a document is a binding international agreement. Such analysis should include, at a minimum, an assessment of the factors set forth in 22 C.F.R. §181.2 (State Department regulations regarding the coordination and reporting of international agreements).

3. If the Declaration of Panama is a binding international agreement, when did this agreement enter into force, and by what means?

4. If the Declaration of Panama is a binding international agreement, has the agreement been transmitted to Congress pursuant to the Case-Zablocki Act, 1 U.S.C.§112b? If it has not been so transmitted, why has it not been?

Thank you for your attention to this matter. We would appreciate a reply prior to the reconvening of Congress in early September.

Sincerely,

BARBARA BOXER,
U.S. Senator.
JOSEPH R. BIDEN, Jr.,
U.S. Senator.

Mrs. BOXER. The bill's supporters say that it is unreasonable for the United States to continue to impose a unilateral embargo on other fishing nations that wish to sell tuna in our country. I agree. It is time to lift the embargo. That is why Senator BIDEN and I, and a number of our colleagues, introduced legislation last year that would lift the country by country embargo against tuna that is caught by dolphin safe methods. Our bill would give all tuna fishermen the opportunity to export to the U.S. market as long as they use dolphin safe practices. In other words, we would open the U.S. market and comply with international trade agreements without gutting U.S. dolphin protection laws.

We have offered repeatedly over the past year to sit down and negotiate a compromise with the administration. We have stated repeatedly that we agree it is appropriate to lift the embargo. We want to reach a compromise that is in the best interest of the American consumer, dolphins, and our U.S. tuna processing industry.

The bills supporters believe that we should return to chasing and setting nets on dolphins because bycatch of other marine species is minimized. I believe that in order to sustain our renewable marine resources, we need to take a comprehensive ecosystem approach. I also recognize that management of a single species does not always produce benefits for the entire ecosystem. The bycatch of juvenile tuna and other marine species including endangered turtles, is an issue of concern that must be addressed. However, the bycatch arguments used by supporters of this bill are not based on solid science. We need more research before we can establish that bycatch is a problem.

Under the scheme supported by this bill, only one observer would be required on each tuna fishing boat. Now that may sound reasonable, but what you may not know is that the nets that are used to catch tuna are huge: a mile-and-a-half long. How can we expect one single observer to make sure that no dolphins die?

I was very surprised to hear the Senator from Louisiana earlier today repeatedly say how shameful it was that the Senate could not take up the tuna-dolphin treaty. The Senator suggested that unless the Senate passes the bill the majority leader tried to bring up, the United States will somehow be reneging on binding international agreements. This is simply untrue. It is a completely inaccurate characterization of the issue.

I know the Senator from Louisiana to be an honorable man and I would never accuse him of making a false statement knowingly. In this case, therefore, he must have been seriously misled and misinformed by those who wish to change the law, because, Mr. President, there is no tuna-dolphin treaty.

No treaty was signed by the United States or any other nation on the subject of tuna fishing and the killing of dolphins.

No treaty was submitted to the Senate for ratification, as required by the Case-Zablocki Act.

No treaty was referred to the Senate Foreign Relations Committee.

None of these things happened because there is no treaty.

What in fact the majority leader tried to bring before the Senate today is a bill which was introduced in the Senate by the Senator from Louisiana and the Senator from Alaska, and in the House by Congressman GILCHREST. This bill would amend, I would say gut, the existing law that defines the term "dolphin safe" for purposes of the sale of tuna in this country.

The agreement that the bill relates to is neither a treaty nor an international agreement. The so-called Panama Declaration is only a political statement—an agreement to agree in the future on a binding international agreement.

How do we know the Panama Declaration is not a treaty? A treaty is a binding commitment in international law which requires the parties to abide by its provisions. It is a legal instrument imposing legal obligations.

In our system of law, a treaty has the same standing as a statute passed by Congress—they are both the law of the land. This principle is embodied in article VI of the United States Constitution, which states:

> This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land . . .

The principle that treaties are the law of the land was confirmed by the Supreme Court in 1920 in the case of Missouri versus Holland, in which Justice Oliver Wendell Holmes wrote:

> By Article VI, treaties made under the authority of the United States . . . are declared the supreme law of the land.

Another fundamental constitutional doctrine relates to how the law of the land principle operates—the last in time doctrine, which means that if a treaty and a statute are in conflict, then the last one to be put into effect governs. So clearly—if the Panama Declaration were a binding international agreement, there would be no need for the bill the majority leader tried to take up.

In fact, the very wording of the Panama Declaration itself reveals that it is not a binding international agreement. In the second paragraph of the document, it reads:

> The governments . . . announce their intention to formalize . . . The La Jolla Agreement . . . as a binding legal instrument.

In addition, the declation sets forth a series of principles which will ultimately be contained in this yet-to-be-drafted international agreement. But these principles are so vague and largely hortatory that they cannot possible be read as imposing legal obligations.

If there were any doubt that the United States did not intend to be bound by this "declaration", we need only turn to the statement issued by the U.S. representative to the meeting in Panama.

> The U.S. Administration supports this initiative which is an important step on the road to a permanent, binding instrument . . . The initiative . . . is contingent upon changes in U.S. legislation . . . The U.S. Administration needs to work with our Congress on this . . . We do not want to mislead anyone here as to what the final outcome of that process might be.

It is clear that the administration was not binding the United States to anything, other than to work with the Congress to enact this legislation.

That is the commitment of the United States that the Senator from Louisiana talked about. It is nothing more. If we don't pass this bill, no binding agreement will have been broken, no international treaty obligation will have been violated.

The other nations present during the discussions in Panama surely understood this. They are fully aware that we have a government with co-equal branches, and that any changes in the tuna labelling laws, as envisioned by the Panama Declaration, require the consent of Congress.

The argument that rejection of this bill amounts to a violation of an international agreement is a red herring. There is no treaty and no international agreement in force for us to break.

Finally, on this point, Mr. President, let me ask unanimous consent to insert in the RECORD two letters: a letter sent by Senator BIDEN and myself to the State Department on the question of whether the Panama Declaration is a binding international agreement, and the State Department's response to us on that question. The State Department letter reads, in part:

> Thus, the Panama Declaration itself is not a legally binding international agreement, but rather a commitment to conclude such an agreement. . . . Fulfillment of that commitment is expressly contingent upon—and only upon—certain changes in U.S. law.

So, Mr. President—This declaration may be a political commitment, but it is most definitely NOT a legal obligation.

In summary, the arguments made by the supporters of the Stevens-Breaux-Gilchrest legislation—arguments of fact as well as arguments of law—are unsupportable. The bill is not needed for any convincing scientific or environmental purpose, and is not needed to meet any binding obligation of the United States.

In summary, Mr. President, in 1990, Senator BIDEN and I wrote a law called the Dolphin Protection Act. What happens is that when the tuna fishermen go out, they follow the dolphin because the dolphin follow the tuna. They cast a purse seine net, and they kill the dolphin along with the tuna.

We have taken the dolphin kill since 1990 down from 60,000 a year to 3,000 a year. We do not think there is any need at all to now allow this purse seining on dolphin. What this negotiation with Mexico would do is allow the Mexican fishermen to bring in their tuna. It is not dolphin-safe and the dolphin-safe label on the tuna can would lose all its meaning.

I very, very strongly object, not only in my behalf, but on behalf of Senator BIDEN, and I will also say, 85 environmental organizations, including the Humane Society, the Sierra Club and a host of others.

I appreciate the majority leader giving me this opportunity to explain why I object strongly, and I will do everything I can to make sure this bill never does become the law of the land.

I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 1296

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the conference report to accompany the Presidio parks bill; that the conference report be considered as having been read; and that immediately following the reporting by the clerk, the conference report be immediately recommitted to the conference committee.

Mr. FORD. Mr. President, on behalf of this side of the aisle, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I can be heard further on this, time has not run out. There is still time for us to get this conference report that affects 41 States and contains 126 parks and public land provisions. The Senate must recommit the conference report back to the conference committee in order to correct a tax matter which has now been cleared, I believe, in the House.

So it would allow us to get this very important piece of legislation through the process. If there is some other way it can be done, we have a couple of days, perhaps, in which we can pursue it.

I, again, repeat my great concern that this major preservation legislation, affecting so many areas, so many States appears to be in a position of being killed for no apparent reason that I can figure out. In fact, when I first talked to my Democratic colleagues about this, I think they were surprised that it was being objected to. I know the Presidio provision, for instance, is supported by the Senators from California.

For some reason, the administration has problems with this bill. They object, for instance, to the project in Utah called Snow Basin, which is an important part of where the Olympics will be held. I asked Chief of Staff Leon Panetta last night, "Do you want to be involved in stopping a project which has been broadly supported in the area and is going to be critical to the next winter Olympics?" I think he didn't realize that it had that ramification. But for some reason, it continues to be objected to.

Mr. President, I yield to the Senator from Alaska.

Mr. MURKOWSKI. I wonder if the Senator will yield for just a moment, because clearly the Utah Olympics and the Snow Basin exchange that is in this are in jeopardy. It simply will not happen, and, of course, the motivating section was the Presidio. That is not included. Sterling Forest, I might add, in New Jersey and New York, is not included. It is my understanding the appropriators chose to put in Mount Hood in honor of Senator HATFIELD, as well as very early this morning adding the San Francisco Bay cleanup, which was part of the Presidio omnibus package and now will be moving evidently on a separate track.

Unless the administration sees fit to lift their hold, the Presidio, Utah Snow Basin, Sterling Forest, and all those 126 will be lost, and we will have to start again in the next Congress. Evidently, the San Francisco Bay cleanup has gone on the appropriations process, as well as Mount Hood. So that is what we are left with.

I thank the majority leader.

Mr. FORD. Mr. President, will the majority leader yield?

Mr. LOTT. I will be glad to yield.

Mr. FORD. I think negotiations are still available. I hope we can use the same procedure we did with the Kassebaum-Kennedy bill: have an agreement before it is referred back to conference. I think that is still doable. I would not say to my friend to throw it over his shoulder and forget it, that is the end of it. I think we ought to continue to try to work it out and have an agreement worked out prior to sending it back. I think it can be worked on.

Mr. MURKOWSKI. Let me say we stand ready. We spoke with the White

House last night about the 46 items they found objectionable and potentially subject to veto, and we are still awaiting word back from the White House on those. So I appreciate the response of the majority leader and the response of the Senator from Kentucky. Again, we stand ready to respond.

Mrs. BOXER. Will the majority leader yield to me for a moment?

Mr. LOTT. Yes, I will, Mr. President.

Mrs. BOXER. Mr. President, I thank all the parties. I think we should not let this moment go by, I say to my majority leader, because I do believe there are so many wonderful things in the package that have been assembled by the Senator from Alaska. I know he has invested himself personally in the Presidio. He has been out there and he has shown, by his presence there, the bipartisan support we have out there.

This is one of the few issues where we have President Clinton, we have Senator Dole, we have Vice President GORE and Vice Presidential candidate Kemp all in agreement. We have FRANK MURKOWSKI and BARBARA BOXER agreeing that we have to do something with this Presidio.

I talked with Congressman MILLER this morning. I know he is trying hard to come up with a compromise. I just think, knowing all of you as I do, there has to be some way we can reach agreement. I stand ready to help in any way. Please contact me at any point in the negotiations if I can be of help.

Mr. LOTT. I thank the Senator.

UNANIMOUS-CONSENT REQUEST—H.R. 4137

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4137, a bill to combat drug-facilitated crimes of violence, which is at the desk.

I further ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, I think this is another one they are still trying to work out. But on behalf of Senators on my side, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I do hope the effort will continue to be made to work it out, because it would, as I said, combat drug-facilitated crimes of violence, including sexual assaults. I don't know where the hangup is.

Mr. FORD. I say to my friend, I don't know either. I am doing like he does. He has some friends on his side who object. I have them on my side. I understand everyone is feverishly working on a lot of things. The push to get out of here soon may cause us to get out later. So I hope we can all work together.

I thank my friend.

UNANIMOUS-CONSENT REQUEST—H.R. 4134

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 634, a bill to amend the Immigration and Nationality Act to deny public education benefits to illegal aliens; further, that the bill be deemed read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mr. FORD. Mr. President, on behalf of Senators on my side, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1174

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 484, S. 1174, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System; further, that the bill be deemed read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, this is one of the items in the so-called Presidio parks bill that is being attempted to be jerked out. I think if we are going to agree on one, we ought to agree on all or agree on the bill. So, therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2715

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from H.R. 2715 and, further, that the Senate proceed to its immediate consideration, and, further, that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, the distinguished majority whip asked me about this one earlier, how we could get it cleared. And I had given that information. So we are working on this bill. And until we get an answer back from your side, I must object. But I think we are moving in the right direction.

I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. This is the Paperwork Elimination Act. We will continue to work to see what we can do on that. I am aware of the Senator's other interests, and we are checking on that to see how we can work it out.

Mr. FORD. A quid pro quo here.

Mr. LOTT. We have been known to do that on occasion, for the best interests of the country.

Mr. FORD. You got that right.

UNANIMOUS-CONSENT REQUEST—H.R. 3719

Mr. LOTT. Mr. President, I ask unanimous consent to proceed to the immediate consideration of H.R. 3719, which is at the desk, further, that a substitute amendment at the desk offered by Senators BOND and BUMPERS be agreed to, the bill be deemed read a third time, passed, and that the motion to reconsider be laid upon the table, and any statements relating to this Small Business Act and Small Business Investment Act, which are amendments to the existing law of 1958, be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, this is the Small Business Act, as the majority leader said, and the Small Business Investment Act. Several Senators on both sides have been trying very hard to work out an amendment that would be agreeable to everyone here. As I understand it, they are very close.

Under those circumstances, Mr. President, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I think we have one that we can clear here. It also is one that maybe the Senator in the chair would have some interest in.

IMPLEMENTATION OF THE METRIC CONVERSION ACT OF 1975

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2779, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2779) to provide for appropriate implementation of the Metric Conversion

Act of 1975 in Federal construction projects, and for other purposes.

AMENDMENT NO. 5417

(Purpose: To provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes)

Mr. LOTT. Senator BURNS has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. BURNS, for himself, Mr. STEVENS, Mr. GLENN, Mr. PRESSLER, Mr. HOLLINGS, Mr. KERRY, Mr. WARNER, Mr. ROBB, Mr. SHELBY, and Mr. GRAMS proposes amendment numbered 5417.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BURNS. Mr. President, I am happy to report today that the Senate is ready to pass legislation, H.R. 2779, designed to protect American businesses, American jobs, and the American taxpayers by providing for the appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects. I was pleased both to introduce the Senate version of this measure, S. 1386, last fall along with my colleague Senator SHELBY, and to lead the effort in the Senate to obtain bipartisan approval here. This legislation restores a degree of sensibility and sanity to the manner in which this country gradually converts to the metric system. It is good for small business.

Bright and forward-thinking people have told me they believe the metric system is the future of this country. I will take them at their word. But there is absolutely no doubt whatsoever that there is a right way and a wrong way to bring about metric conversion. The right way is to work cooperatively with everyone who will be affected by metric conversion. The right way is to convert without unduly burdening businesses, without losing markets for U.S. firms, without forcing the taxpayers to pay a metric premium when Federal agencies procure metric products that are specialty items, not off-the shelf commercial items. The wrong way is to do precisely the opposite, which, unfortunately, has been happening.

The 1988 Trade bill contained language which established the metric system as the preferred system of measurement for the United States. Why was the language on the trade bill? The rationale was that it would improve the ability of American companies to export goods to metric-based countries if American firms could be moved to produce those goods in metric versions.

The principal tool for urging American companies to switch to the metric system is to use Government procurement policy. The trade bill includes language, "to require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurement, grants, and other business-related activities . . ."

This legislation is being passed today because some Federal agencies responsible for implementing the metric policy either forgot to read or are completely ignoring the remainder of the above sentence: ". . . except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units . . ."

Congress never intended for the switch to metrication to be forced at any cost or without regard to its impact on people, small business, or industry. This legislation insures that the Federal construction procurement policy will no longer ignore this important language which, in turn, can cause staggering problems for some industries.

We also need to keep in mind at the outset that metrication policy is rapidly running into conflict with other Government policies calling for the use of commercial products widely available in the private sector. Federal contracting personnel need to closely review procurement law developments such as the Federal Acquisition Streamlining Act [FASA] to ensure that, in their fervor to bring about metrication through Federal procurement, they are not inadvertently violating key elements of procurement laws and policies designed to promote the use of widely available commercial products and maximum access to the commercial market place.

Let me briefly describe some of the finer points of the legislation, and send a very clear signal to the agencies as to how the law is to be interpreted and applied.

Agencies have begun to hide behind metric law to maintain Government unique specifications and the internal support staff needed to maintain the Government unique specifications. At the same time, Government procurement laws and procedures have been streamlined to require agencies to buy commercial items. In addition, some advocates were pushing the use of metrics without consideration of costs and industry impact, as required by the 1988 amendments. This substitution amendment to H.R. 2779 clearly states that procurement laws favoring commercial off-the-shelf items will be applied and certainly will not be overridden or avoided by the application of the metric law and policy. Where there is conflict between the two, procurement laws favoring commercial off-the-shelf items customarily used by the private sector will take precedence. This allows an orderly transition to items built in hard-metric configuration, when those items meet the economic and quality specifications of the commercial marketplace.

FASA requires agencies to conduct preliminary market research to make sure they can obtain commercial items. This amendment to H.R. 2779 says the results of that market research must be used to determine which design method is suitable to ensure that the design will accommodate commercial items. It would make no sense whatsoever for an agency to design a building requiring hard-metric components after it has learned that hard-metric construction items that meet the definitional requirements in this amendment for commercial items are not available. Consistent with FASA, my legislation requires that agencies determine early in the process whether hard-metric or soft-metric building materials are available. Even in a metric building, the design must accommodate non-hard-metric items if hard-metric versions of those products are not available as commercial, off-the-shelf, items.

Hard-metrication for two classes of construction products has been particularly controversial: concrete masonry units [CMU] and lighting fixtures. The problems these industries are facing are well documented so I will not recount them here. The treatment for both classes is virtually identical, except that there is an extra criterion relating to voluntary industry consensus standards that would be inappropriate to apply with CMU. This legislation allows agencies to use the metric system of measurement but they may not incorporate specifications that can only be satisfied by hard-metric versions of these products in solicitations for design and construction of Federal facilities unless certain criteria are met.

One of the chief problems we are remedying in this amendment is that agencies have been using hard-metric specifications for CMU and recessed lighting fixtures to greatly hinder or eliminate offerors of soft-metric versions of these products from the opportunity to win contracts by rendering them nonresponsive because solely hard-metric versions have been specified. To address the problem of these two industries, the amendment specifically requires a determination by an agency head if the agency requires a contractor to design or build to hard metric specifications for CMU and lighting fixtures. In the provisions directly addressing CMU and recessed lighting fixtures, an agency solicitation "may not incorporate specifications that can only be satisfied by hard-metric versions". Congress' intent is that an agency can solicit offers in hard-metric, soft-metric or English standards but if it limits offers to hard-metric, the agency head must make a determination using the procedures laid out in sections (b) and (c) of this amendment to H.R. 2779.

This language does not allow agencies to incorporate hard-metric specifications in a piecemeal manner to justify and specify hard-metric CMU and lighting fixtures in an entire project. In other words, a partial hard-metric specification may not be used to justify a hard-metric requirement for an entire project.

Even in those cases where agencies might be allowed to use a hard-metric design and hard-metric products after the full and appropriate application of this act, we would encourage the agencies to use value-engineering principles, which have the full support of Congress, to use soft-metric products where possible to reduce the costs to the taxpayers and incur all the benefits of the value-engineering concept.

Regarding the criterion that the application requires hard-metric CMU or lighting fixtures to coordinate dimensionally into 100-millimeter building modules, I would reiterate that the preliminary market research should decide the design method, and the design method would have a very large impact on whether a 100-millimeter module is necessary or even allowable to comport with soft-metric versions of either of these products. It is quite possible that it might be a rare event that such a module would be required. The term "required" in this criterion means that an agency must use the 100-millimeter module to avoid otherwise not resolvable technical problems, and that other reasonable, low-cost or low-effort minor adjustments or solutions are unavailable. In other words, a bona fide requirement for a 100-millimeter module based on technical necessity is implied as a requirement for this criterion to be satisfied.

I would call attention to the criterion that states the total installed price of hard-metric CMU and lighting fixtures must cost less than the non-hard-metric versions. Estimates shall be prepared using pricing data or price analyses with data from similar projects as defined in the Truth in Negotiations Act. Estimates should be prepared very carefully with a strong emphasis on using pricing data and price analysis on actual projects in being where actual costs to the taxpayers can be obtained and compared. The most recent data available to provide the most accurate estimate possible should be sought; the emphasis is on the actual pricing that the Government pays. Because the method and information used are the basis for determining what the Government will buy, Congress expects ombudsmen, the GAO, and others to scrutinize these factors carefully if complaints are received relating to price estimates. Agency personnel who conduct estimates for this subsection should retain a detailed record of factors affecting their decisions and be prepared to provide such documentation.

The designation of agency ombudsman is a reflection that either no appeals method to review actions of agency metrication decision exists, or if it does exist, it doesn't work. The CMU and lighting fixture industries have been working for years to persuade a change in Federal policy on metrication, to no avail. The key points to make about the ombudsman is that this person should be sufficiently highly placed in an agency so as to have agencywide authority, and sufficient resources to be able to quickly communicate the resolutions of complaints throughout the agency. A suitable ombudsman will be sufficiently insulated from the contracting process to remain objective. In order to effectively analyze complaints, the ombudsmen must maintain knowledge of both metrication and procurement laws, as the top-level business-related activities of the agency.

The ombudsmen should act aggressively, quickly and affirmatively to deal with complaints. They should thoroughly examine the documentary record, especially with regard to cost estimates. The CMU and lighting fixtures industries may avail themselves of the ombudsman if necessary at any time prior to the expiration of this act. It is expected that ombudsmen will genuinely review the actions of the contracting personnel which are the subject of complaints. Ombudsmen should endeavor to recommend agency-wide solutions in cases where it is readily apparent that the conditions giving rise to complaints are not localized or could be repeated.

Mr. President, that concludes my remarks as to specific provisions in this legislation. I urge agency contracting personnel to understand the spirit as well as the letter of legislation and I hope that they will adhere to both equally. Mr. President, without objection, I would like to submit newspaper articles that further chronicle the details of the problem that brings us to the Senate floor today to be printed in the RECORD.

Mr. President, let me take this opportunity to thank my very good friends for their help and very responsive assistance in developing improvements to the bill and moving it quickly for the benefit of many American businesses, workers and taxpayers. Senator RICHARD SHELBY was an original cosponsor of S.1386. Senator LARRY PRESSLER has always shown tireless leadership in standing up for the concerns of everyday people on this issue, and I thank him for his support. Many thanks go to my Senate colleagues on both the Governmental Affairs and the Commerce Committees, especially Senators TED STEVENS and JOHN GLENN for their indispensable expertise on procurement issues, and Senator ERNEST HOLLINGS for his contributions to the bill in time for final passage. Not only have my colleagues contributed their support, but their very fine staffs including Timothy Kyger, Patrick Windham, Mark Forman, John Pettit, Debbie Cohen Lehrich and Sebastian O'Kelley have worked hard in support of this effort and should be acknowledged. Mark Forman with the Governmental Affairs Committee staff proved to be an invaluable source of procurement law and technical knowledge of FASA.

Mr. President, I ask unanimous consent that relevant material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Investor's Business Daily, Jan. 4, 1996]

MOVING TO METRIC MAY HARM CONSTRUCTION CONTRACTORS

(By Carl Horówitz)

Conversion to the metric system may not fit the mold—literally. That could be costing contractors, and ultimately taxpayers, extra.

That's the view of Sens. Conard Burns. R-Mont., and Richard Shelby. R-Ala., in the Senate, and Rep. Chris Cox, R-Calif., in the House.

The lawmakers have sponsored similar bills that would clarify the intent of the National Metric Conversion Act of 1975. That law in part, requires bids on federal construction contracts to be in metric form.

The intent of the bills is to reduce the compliance burden on firms. Supporters say in the absence of such action, federal agencies will continue making the 1975 law into an unfunded mandate, despite lacking statutory authority. They add that these agencies are ignoring some basic economics of construction.

The issue comes down to definition.

Federal contractors until recently submitted bids by converting English-derived "inch-pound" measures into fractional metric equivalents. This process, known as "soft metric conversion," requires only minor design and marketing changes.

But agencies in the past couple of years have made contractors express metric figures as whole numbers. This is "hard metric conversion."

The Senate and House bills would ban federal procurement of hard-metric modular building materials, including flooring, ceilings, and wallboard. As long as English-measure product is available, and as long as hard-metric use would cost more than $25,000, a firm could not be forced to use hard-metric standards.

In 1991 President Bush issued an executive order requiring federal agencies to develop goals and timetables to complete a conversion to the whole metric system.

Agencies agreed to begin instituting hard-metric measures by January 1994, and did so ahead of schedule.

The "soft vs. hard" distinction seems minor. For one thing, federal contracts make up only about 5% of U.S. building construction. For another, it appears to be just a question of plugging in numbers.

But appearances are misleading, says Randall Pence, director of government relations for the National Concrete Masonry Association, a Herndon, VA.-based trade group.

Pence argues full conversion would inflate bids and inventory costs, making concrete masonry producers less competitive. Putting metric figures in round numbers would require redesigning concrete masonry products from scratch.

"Using whole metric numbers would force us to make a standard 8″ by 8″ by 16″ block an eighth of an inch smaller," he said.

That change would necessitate making new block molds at $10,000 to $300,000 per mold, hitting small firms the hardest.

"Producers tell me it would cost on average between $250,000 and $300,000 to buy a complete compliment of hard metric molds. If our entire industry had to shift to hard-metric conversion, it would cost $250 million to $500 million. And we'd get a product no more durable, fire-resistant or energy-efficient," remarked Pence.

He noted a few cases of how hard-metric use can inflate bids—or how soft-metric use can lower them.

At a House Science subcommittee hearing, Rep. Connie Morella, R-Md., revealed a General Accounting Office cost estimate of a new lab building for the National Institute of Standards and Technology. Hard-metric standards would add 20% to 25% to project costs, the GAO said.

A deletion of the hard-metric requirement lowered average bids on a courthouse project in Kansas City, Mo., by some $17 million, a more than 15% decrease.

Pence worries contractors might not find suppliers.

Among 32 potential suppliers for a Centers for Disease Control building, none made hard-metric block, he said. A recent NCMA member survey revealed only one respondent among nearly 400 made hard-metric block.

But the NCMA exaggerates, says architect Bill Brenner, executive director of the Construction Metrication Council.

"Only a handful of projects will ever have to use hard-metric measures. And the new bills before Congress, if anything, will raise contractor cots," he said.

Brenner added if the legislation became law, it would favor one industry type over others, block new technologies, and undermine America' position in a metric-oriented global economy.

Brenner admits hard-metric mandates might harm smaller firms. Thus, he urges federal agencies to continue their "go-slow" approach.

Pence says that the council's end goal is universal hard-metric use. A December draft report by the council lends support to his view.

"It is only a matter of time before the U.S. construction industry, which accounts for 6 million jobs and 8% of the gross national product, joins the nation's automobile, health care, and electronics industries (among others) in completely converting to the metric system," the report read.

THE REGULATORS: BUILDING A CASE FOR EXEMPTION

BLOCKMAKERS FIND NO CONCRETE REASON TO GO METRIC

(By Cindy Skrzycki)

The concrete block industry hates to be hard-headed about it, but it absolutely refuses to make its blocks fit the government's specifications for using metric measurements in federal construction projects.

Led by the National Concrete Masonry Association, a collection of smaller-sized companies that make concrete blocks, the industry is pushing legislation to exempt concrete block and recessed-lighting fixture makers from retooling to make the slight size modifications that go along with becoming "hard metric."

"We don't like to be the skunk at the picnic . . . but the idea of forcing the concrete block industry to go hard metric is just ludicrous," said Randall Pence, director of government relations for the National Concrete Masonry Association. "There's no private market interest in this."

Hard metric?

Most people I know couldn't convert a mile to a kilometer if you offered them a million dollars. And they sure wouldn't know there is a metric pecking order. But here it is:

The United States primarily uses the English standard of inches and pounds. The nation has been trying to convert to the metric system gradually since 1975. This conversion means specific things to people who carry around tape measures and calculators: "Soft" metric means simply relabeling measurements in metric units. "Hard" metric means physically changing the size of the product to rounded metric measurements.

Because concrete blocks and recessed light fixtures are coordinated with other products, they won't fit in the new metric world unless the molds used to make the blocks and the machines used to make the fixtures are changed. Concrete blocks now being produced are one-eighth of an inch higher than a hard-metric concrete block. What is now 7.58 inches (194 millimeters) would have to be refigured to 7.48 inches (or 190 millimeters) to become hard metric.

The industry said that if all its producers bought new molds, it could cost as much as $500 million. That's big money to the thousands of block producers. The profit margin on each block now is about 2 cents.

The industry group claims that producers would be forced to keep two inventories—one for government jobs and one for private builders. It predicted mix-ups in which the wrong-sized block would get shipped to a job because, to the untrained eye, the size difference is indistinguishable. But to the engineer on the job, mixing English with hard metric is like trying to build something with both Legos and their larger-sized Duplo cousins. It comes out looking like an East Bloc apartment building.

The association said it has been pleading its case for several years with the Construction Metrication Council, a collection of government construction experts who are the high priests metric conversion.

William Brenner, director of the council, said he and others are sympathetic to the block executives, but an outright exemption is not the way to go. "Federal agencies should be able to use whatever is rational," Brenner said. He noted that in most cases, going metric has been smooth and relatively inexpensive.

Pence said changes that the General Services Administration and the council tried to make to accommodate the industry have been ignored by federal project managers. So the association went to Rep. Christopher Cox (R–Calif.), who sponsored a bill to get concrete and lighting off the metric hook.

The House Science Committee agreed on the bill June 26 and the association hopes to get similar support in the Senate.

The industry and Cox relied on a provision in the 1988 Omnibus Trade and Competitiveness Act, which said the United States should go metric "except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. . . ."

In the end, the association predicts that if the government continues to take a hard line, it will have to pay a metric premium. Of course, the United States could buy from Mexico and Canada. They already use hard-metric molds for concrete blocks.

Mr. STEVENS. Mr. President, I want to congratulate Senator BURNS for his leadership on the Savings in Construction Act of 1996. Senator BURNS' original version of the bill, S. 1386, was referred to the Governmental Affairs Committee, which I chair. Senator BURNS substitute amendment to H.R. 2779, the version passed by the House, conforms the bill with important recent improvements in Federal purchasing laws.

Mr. President, recent procurement reforms have directed agencies to use commercial specifications and standards for all agency purchases, including construction of Federal facilities. However, GSA's new construction design guide contains Government-unique metric specifications for concrete blocks, ceiling tiles, lighting fixtures, and so forth. We received information last fall, indicating that the new GSA metric building design requirements would cost 20 percent or more than commercially available items. Also, the electric fixtures manufacturing and concrete masonry industries have registered concern with us about significant harm from the GSA guide reliance on noncommercial items. This is inconsistent with the recent laws streamlining Federal procurement and the 1988 amendments to the Metric Conversion Act of 1975.

The Burns substitute amendment makes three important improvements in acquisition of Federal buildings. First, it ensures agencies conduct market research and design buildings to use commercially available components, allowing use of hard metric specifications as industry converts. Second, it allows Government to require hard metric specifications for concrete masonry and electrical fixtures when an agency head determines it is required and cost-effective. In making this determination, the agencies can take advantage of price analyses prepared to comply with recent modifications in the Truth in Negotiations Act. Third, it establishes a check-and-balance within each agency, an ombudsman, to review complaints. The ombudsman will review metrics-related complaints from prospective bidders on construction contracts. The bill makes clear that the ombudsman authority does not undercut the bid protest authority of the General Accounting Office.

Mr. President, Senator BURNS' legislation should result in savings to the taxpayers, while still allowing the Government to convert to metrics in building construction in a cost-effective manner. I am cosponsoring this amendment and encourage its adoption. I want to thank Senators PRESSLER and HOLLINGS, the chairman and ranking member of the Commerce Committee and Senator GLENN, for working with us in drafting the substitute amendment. I would also like to commend their staff and, especially Senator BURNS' staff, for their work on this legislation.

• Mr. KERRY. I am pleased to cosponsor with my colleague from Montana, Senator CONRAD BURNS, the Senate substitute to H.R. 2779, the Savings in Construction Act of 1996. This important legislation will amend the Metric Conversion Act of 1975 to enable lighting and masonry companies in Massachusetts and around the country to compete for Federal contracts.

Under present law, each Federal agency is required to use the metric system in its procurements, grants, and other business related activities. In certain instances, the act requires that specific products be produced in round metric dimensions. This requirement effectively mandates that such products, known as "hard-metric" products, be slightly altered from their current dimensions, thus forcing companies to undergo costly retooling and other production changes if they intend to compete for Federal contracts. Though the act contains an exception where metric conversion is likely to cause significant cost or market loss to U.S. firms, this exception has been implemented too narrowly, and, therefore, the act has caused substantial hardship to segments of the electrical and concrete masonry industries in Massachusetts and elsewhere. Indeed, several companies in my State, such as Lightolier, Inc., in Wilmington, MA, have had to turn down opportunities to compete for Federal contracts because they could not feasibly manufacture the necessary materials according to hard metric dimensions.

The implementation of the Metric Act in this manner has ultimately resulted in the U.S. Government paying a substantially inflated price for basic products such as bricks and lighting fixtures because companies that do undergo the cost of producing hard-metric products for Federal contracts often offer the products at a premium.

This bill will make commonsense changes to the procurement process. It will allow Federal agency officials to require that concrete masonry and lighting products subject to Federal procurement be expressed in metric terms. However, agency officials will not be permitted to demand that such products be produced according to hard-metric specifications without first making specific findings that such requirements will save Federal dollars. In addition, to ensure that this bill is implemented in a commonsense manner, it requires each agency that awards construction contracts to designate a senior official as a "construction metrication ombudsman." Among other things, the ombudsman would be responsible for reviewing and responding to complaints from prospective bidders, subcontractors, and suppliers relating to agency actions on the use of the metric system in construction contracts. The ombudsman also would be responsible for ensuring that the agency is not implementing the metric system in a manner that causes significant inefficiencies or market loss to U.S. firms.

I would like to thank the Commerce Committee ranking Democrat, Senator HOLLINGS, and his fine staff, Pat Windham, for their efforts in bringing this bill forward during this especially busy time as this 104th Congress is concluded. I wish to recognize the fine work of Senator PELL, whose continued dedication to metric conversion we all have come to admire. I also wish to thank Senator JOHN GLENN and Senator TED STEVENS and their staffs on the Governmental Affairs Committee. Finally, I wish to thank Senator BURNS for sponsoring the legislation in the Senate and for his continued persistence on this matter.•

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

Mr. FORD. Reserving the right to object, and I will not object, I am just very pleased we can pass one that I will not have to object to. So, therefore, I have no objection.

The PRESIDING OFFICER. I hear no objection. Without objection, it is so ordered.

The amendment (No. 5417) was agreed to.

The bill (H.R. 2779), as amended, was deemed read a third time and passed.

Mr. LOTT. Mr. President, I have no further requests at this time. Seeing no Senator seeking recognition at this moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIRING MEMBERS

Mr. KYL. Mr. President, I just wanted to take a moment to speak a few words about three of my colleagues in the House and Senate who are going to be retiring at the end of this year. I know many of us have spoken about our colleagues and there have been many fine words describing the attributes of those who have served here with such great distinction. It is very difficult to decide who you are going to talk about because there are so many fine people who have served here. I have chosen to talk about three people very briefly because, first of all, I know them quite well. I have worked with them. Second, because I think they exemplify the characteristics that American citizens would like to see in their public servants. Third, because in a way they are so different and yet they are all three so much alike in that the one word that describes each of the three of them is "integrity."

The reason I select these three people, one is from the House, one is a Democrat in the Senate, and one is a Republican in the Senate. My purpose for selecting these three people is, therefore, to illustrate that it does not matter which body you are in or which party you are in, you can serve the American people well if you have that characteristic of integrity and you can be respected by your peers as well.

The three people I want to say a word about are Senator HANK BROWN from Colorado, Senator PAUL SIMON from Illinois, and Representative BOB WALKER from Pennsylvania, all three of whom will be leaving at the end of this session. As I said, one could talk about many others. I heard some great statements about our colleague AL SIMPSON. I think we all get a smile on our face when we think of the many stories he has told us—and Judge HEFLIN and so many others. Again, let me focus on these three.

First, Senator HANK BROWN from Colorado is leaving after one term in the Senate. I find it interesting that he says he is leaving because the decisions that he is making now, he says, are just not as objective as they were when he first came. He feels that his decisions are now more influenced by having been in this body. Mr. President, I think all of us here would say that if HANK BROWN is concerned that he is not deciding things on an objective basis, it might say a great deal about the rest of us, because I am sure, Mr. President, you would agree there is not anybody in this body who tackles issues on a more objective basis than HANK BROWN.

He does not come with a great deal of bias. He certainly is not very partisan. He says what is right, what is wrong, what do I know about this and what should we do, and if he is the only one who takes that position, he takes the position because he thinks it is the right thing to do. When he thinks he has been, in effect, slightly corrupted by the institution in a political way, what does it say about all of the rest of us? I know we all hold ourselves up to his standard as being the standard for judging issues.

I just want to compliment Senator BROWN for being independent, for being smart, for being honest, for being wise, for having integrity, and finally, Mr. President, for his unfailing courtesy. I have never known Senator BROWN not to be courteous to those around him regardless of party, regardless of circumstance. We will miss him in the U.S. Senate.

Another person with the same unfailing courtesy and integrity is Senator Paul SIMON from Illinois. Now, PAUL SIMON and I are of different political parties and certainly our philosophies differ a great deal, yet I think working with Senator SIMON is a good example of how significant philosophical differences do not mean that you cannot work with each other and respect each other. He has been as courteous to me as any Member of this body, notwithstanding the fact we are of different political parties.

In the tension-filled atmosphere we sometimes find ourselves in, I find that to be a comfortable refuge. I do not think anyone here is given more respect in either body than Senator SIMON because of his integrity and his unfailing courtesy. I hope I have reciprocated in my dealings with him.

He has also, I think, influenced us because when he speaks, we listen. He always has something important to say. That is especially so because we know that he approaches issues honestly. As I said, Mr. President, I will miss his company in this body.

Finally, my colleague in the House, BOB WALKER. I served with Representative WALKER when I was a Member of the House. I worked with him on mutual matters of interest since I have been in this body. Like HANK BROWN and PAUL SIMON, BOB WALKER is a man of unquestionable integrity. He knows what he believes. He knows why he believes it. He acts upon those beliefs without undue influence by the forces around him. His actions have always been characterized by courage and by adherence to principle, which is somewhat in short supply in Washington on occasion.

He, too, has had enormous influence on the legislation in this Congress, much of it behind the scenes, because people know him to be well-versed in the issues and to be very honest in his approach to them. I also want to say one last thing about Representative WALKER. As much as anyone I have known, he represents an attitude about the future that I think we can all emulate. He has great confidence in the future of this country because he has great confidence in our ability to advance based upon the technology that is there for us to discover, and he has supported a great many projects as chairman of the Space, Science, Technology Committee in the House, because of his confidence and optimism in our future.

Mostly, BOB WALKER has been my personal friend, and I will miss him a great deal, as well. So, Mr. President, much has been said about a lot of the people who will be leaving this body and the House. I mention these three because I have worked closely with all of them. I respect them very much. In some respects, they epitomize the qualities that we respect as colleagues, and I know the American people respect. We will miss them and all of the others who will be retiring at the end of this year.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STEVENS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO SENATOR MARK HATFIELD

Mr. DASCHLE. Mr. President, in the time that we have, prior to the time the majority leader comes back to the floor, I have a couple of statements that I would like to make with regard to two very respected colleagues.

Mr. President, in the study of political courage, "Profiles in Courage", Senator John F. Kennedy observed that "in the United States of America, where brother once fought against brother, we do not judge a man's bravery under fire by examining the banner under which he fought."

With this in mind, I say farewell to a Senator who has been a study in political courage, the Senior Senator from Oregon, MARK HATFIELD.

His has, indeed, been a career of bold stands. From his early days in the Senate, when he cosponsored legislation to limit American's involvement in the war in Vietnam, to his votes on the Persian Gulf war, to his recent vote against the balance budget constitutional amendment, Senator HATFIELD has consistently taken independent, courageous stands.

I have not always with him. But that is not the issue.

The issue is the courage each Senator shows in taking a stand for a principle he or she holds dear. The willingness to place principle above politics. The country over one individual career.

Indeed, Mr. President, Senator HATFIELD's entire life has been one of courage, responsibility, devotion to country. As a young naval officer in World War II, he saw battle at Iwo Jima and Okinawa, and was one of the first Americans to enter the rubble of what was left of Hiroshima following the atomic bombing.

His deep aversion to weaponry and war following World War II led him to cast the lone dissenting vote on resolution at the 1965 and 1966 National Governor's Conferences supporting President Johnson's policies in Vietnam. And it lead him to sponsor legislation, like the Nuclear Freeze Resolution, to half the nuclear arms race.

He became the youngest Secretary of State in Oregon's history, the State's first two-term Governor in the 20th century, and the longest serving Senator in the history of his State.

While serving in the Senate for nearly three decades, Senator HATFIELD has never allowed himself to be confined to or consumed by institutional duties, as he has maintained a life outside this Chamber. As a former political science professor and dean of students, for example, he has retained his intellectual interests and pursuits. This includes authoring three books and authoring four others.

But I also point out that Senator HATFIELD's career in public service has been one of cooperation and reconciliation, as well as hard, tenacious work. As chairman of the Senate Appropriations Committee, he has earned the respect and admiration of Senate Democrats and Senate gains like Senator ROBERT BYRD.

He has struggled to maintain that delicate balance between protecting the precious, beautiful environment of his home State, while preserving the economic viability of Oregon's industries.

His efforts have obviously been recognized and appreciated by the people of his home State. In four decades in Oregon politics, he has never lost an election.

In announcing his retirement, Senator HATFIELD spoke of the one great sacrifice of having served five terms in the Senate—"30 years of voluntary separation from the State" he loves. Now, as he says, it is "time to come home to Oregon." I wish him and his wife, Antoinette, peace and prosperity in returning home. I can only say that the Senate's loss is Oregon's gain.

SENATOR WILLIAM S. COHEN

Mr. DASCHLE. Mr. President, I want to pay tribute today to a very distinguished Member who is retiring this year. I am referring to Senator WILLIAM S. COHEN, who, as we all know, has made the decision to leave the Senate at the end of this session of Congress.

I think it is fair to say that with unanimity we all agree that this man will be missed.

Since he was first elected to the House of Representatives in 1972 and later, in 1978, to the Senate, BILL COHEN has shown a genuine commitment to public service.

BILL COHEN has made unique contributions as a man with great knowledge of, and a deep respect for, the power of language. He has been a champion of the cause of making political discourse more civil and has promoted civility within this body through his daily interaction with each of us. The author or coauthor of eight books, he has graced the Senate with elegant speeches on some of the most important issues of our time. They have also, on more than one occasion, served as a stern warning of the cost of straying from principle.

I recall when Senator COHEN stood on this floor 5 years ago during the debate over the Civil Rights Act of 1991. He quoted to us from Richard Wright's book, "Native Son" to remind us of the cost of this Nation's terrible legacy of discrimination. "It's like living in a jail," said one of the characters, a young African-American boy. "Half the time I feel I'm on the outside of the world peeping in through a knothole in the fence."

That day BILL COHEN reminded us how racism eats away at the human spirit and turns hope to despair. His willingness to stand firm against a storm of partisan pressure ensured that all Americans would take one more step toward a world free of discrimination.

BILL COHEN has shown that willingness in other key situations, too. As a young Representative in 1974, he was one of few members who crossed party lines to hold the President accountable for his actions, and he was the sole Republican vote against last year's Republican budget reconciliation package.

He has also been a leader in terms of bipartisan initiatives, especially in the area of defense, where he has developed special expertise. Throughout his career, he has been a strong supporter of important arms control measures and has worked to build bipartisan coalitions to implement them.

As he leaves us after nearly 25 years, I think it is only fitting to say farewell to one of our most literary Senators with an appropriate quotation. It was John Steinbeck who wrote in his novel "East of Eden" that a successful person was one, "whose effective life was devoted to making men brave and dignified and good in a time when they were poor and frightened and when ugly forces were loose in the world to utilize their fears."

BILL COHEN is indeed a successful person.

We wish him great success in his future. We hope that he returns many times for he has many friends here on both sides of the aisle.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STERLING FOREST

Mr. MURKOWSKI. Mr. President, within the last hour or so I have had several calls in my office from various media, including the New York Times, asking for comments on why the Senator from Alaska would insist on killing the passage of the Sterling Forest —that is that issue that affects both New Jersey and New York, with a purchase of private lands with Federal funds—by insisting that my Tongass provision prevail? And how could I possibly take such an action and stop this process?

First of all, I think it is important for the Record to note the circumstances, as I understand them, that occurred in the House among the leadership at approximately 6:30 this morning, or thereabouts, because I think it reflects on the process around here. Some of it does need some airing. At that time, it was the intent of the leadership on the House side to include in the CR, to accommodate Senator HATFIELD and his contribution to this body, the so-called Mount Hood Parks package, and other incidental considerations.

Then, there was a communication from the White House that there should be an accommodation on another issue as well, and that was the San Francisco Bay cleanup proposal, a proposal that is worthy, a proposal that is in the omnibus parks bill, as well as the Sterling Forest, which is in that bill, which I support.

Now, there was no effort in that dialog to suggest that the San Francisco Bay was added anymore than to complement the accommodation on Mount Hood; and to suggest that we were in some way responsible for removing Sterling Forest from that legislative structure is absolutely incorrect and misleading, to say the least. Sterling Forest was subject to a point of order in the House under a blue line, for technical reasons, and that was of no concern to this body.

So, I would say to my colleagues, as some begin to point the finger of blame, that while it had been understood that the leadership was going to attempt to accommodate the Sterling Forest, initially, to complement the Mount Hood and Hatfield package, that the Tongass matter did not enter into that consideration under any terms or circumstances. And if the leadership and those attending that meeting saw fit to remove the Sterling Forest from that deliberation, that was entirely their own accord. They may have felt it may have been more politically expedient to add the San Francisco Bay cleanup to the CR, rather than the Sterling Forest. I guess it is fair to say that is beyond my pay grade.

But I want the RECORD to reflect that, as chairman of the Energy and Natural Resources Committee, we stand ready to continue a dialog on the 126 sections that are in the parks-Presidio package. We have indicated a willingness to work with the administration, by letter which was sent down there last night.

So that we can all understand the current posture, it is my understanding that in the CR, there will be two items now. There will be the Mount Hood and the San Francisco Bay cleanup as a consequence of the leadership action taken in the House. There will not be the Sterling Forest, there will not be the Tongass, there will not be the Utah Snow Basin, nor the other 123 very important items that we reported out of our committee.

So, if any of the House Members are suggesting that the chairman has stood in the way of trying to pass this omnibus legislation, the record should reflect otherwise and should reflect specifically that my initial interest was a 15-year extension for the Ketchikan sawmill, which I withdrew after the administration threatened to veto that. That was a pretty significant sacrifice, but nevertheless, it was made.

I think that should provide an adequate explanation for those who suggest that somehow we stood in the way of the leadership action, in moving on the CR accompanying the Mount Hood package, that we stood in the way of the Sterling Forest. We did not.

I thank the Chair. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR MARK HATFIELD

Mr. NICKLES. Mr. President, in the next day or two, we will be closing the 104th Congress. One of the things we will be doing is saying farewell to some of our colleagues who have served this institution and served our country so well.

One of the colleagues I would like to recognize today who I have the greatest respect for is Senator HATFIELD who served this body and our country so well for the last 30 years in the U.S. Senate.

Prior to that, he served the State of Oregon for 8 years as Governor. He also served in the Oregon House of Representatives, the Oregon Senate, and also served as Oregon Secretary of State, and had a distinguished career in the Navy, including the time during World War II.

MARK HATFIELD is a unique Senator, a courageous individual, independent, sometimes stubborn, a person with strong personal religious convictions, a person whom I know people on both sides of the aisle, Democrat and Republican, have really grown to know, to love, and respect. His years of service as the Appropriations chairman and also ranking member on the Appropriations Committee have been outstanding. He has an outstanding rapport with my colleague, Senator BYRD. To see the two of them work in tandem, and work so well, has certainly been a role model for all of us.

He also, as I think some of my colleagues know, is a historian, a lover and collector of items in relation to Abraham Lincoln. He is a person who has made invaluable contributions to this body and to our country. Certainly his expertise, his guidance, his friendship will certainly be missed by all. My best wishes to MARK HATFIELD and his lovely wife Antoinette. And my thanks on behalf of all of our colleagues. We thank him, and both of them, for their service to our country.

TRIBUTE TO SENATOR SAM NUNN

Mr. NICKLES. Also, Mr. President, I would like to acknowledge another retiring colleague, the Senator from Georgia, Senator SAM NUNN. SAM NUNN was elected to the Senate 24 years ago. He is an outstanding Senator.

Many people know Senator NUNN as a leader of the Armed Services Committee. He has served as chairman and has served as ranking member. He has served in that capacity with distinction. He is a well-known expert in foreign policy and national defense matters.

What some people might not know about Senator NUNN is he also has a great deal of talent in other areas. He is one of the best golfers I have known, a very competitive individual.

But maybe my fondest memory of Senator NUNN will be when he made the speech at the national prayer breakfast just last year. I remember when he was talking about his accomplishments, he said, well, a lot of people would ask him about his accomplishments for his years of service, what bills did he pass, what legislative accomplishment was his real high water mark? He said the fact that he maintained a very strong relationship with his wife Colleen and maintained that relationship with his wife and his family. I thought that was a very inspirational comment.

I have really grown to know and respect Senator NUNN for his work, not only on Armed Services, but also for his work on the permanent Subcommittee on Investigations, for his work that he has done in small business. He has been a colleague that, again, people on both sides of the aisle in the U.S. Senate have really grown to know and respect. Certainly we will miss Senator NUNN. We thank him for his many years of service, 24 years of outstanding service, in the U.S. Senate.

TRIBUTE TO SENATOR BILL COHEN

Mr. NICKLES. Mr. President, also, I would like to comment on another retiring colleague from the State of Maine, Senator BILL COHEN. BILL COHEN served 6 years in the U.S. House of Representatives during a very turbulent time, a time many people called "Watergate." He served, I believe, on the Judiciary Committee. I remember being an interested observer in Oklahoma and watching the House committee and Senator COHEN's involvement. That was back in 1973 and 1974. Senator COHEN was elected to the House in 1972.

In 1978, he was elected to the U.S. Senate. So he has served 18 years in the Senate. In addition to being an outstanding Senator on Armed Services and also on the Intelligence Committee, he is an author, he is a poet, he is a person who is respected on both sides of the aisle. He is a person who all in the Senate, Democrat and Republican, have certainly come to enjoy, to respect. He will certainly be missed in the Senate. We wish Senator BILL COHEN all the best and thank him for his years of service to our country, both in the House and in the Senate.

TRIBUTE TO SENATOR ALAN SIMPSON

Mr. NICKLES. Mr. President, also, I would like to make a couple comments about our colleague, Senator SIMPSON from Wyoming, Senator SIMPSON, from Cody, WY, and his lovely wife Ann. What a wonderful example of a loving couple, who have been a shining example for so many people. He is an outstanding representative for the State of Wyoming. He represents the State of Wyoming, is independent, kind of hard-nosed, funny, humorous, maybe the most humorous Senator that we have.

He is a colleague whom I have had the pleasure over the last few years to serve with on the Finance Committee. He is a courageous Senator, a Senator who is willing to take on issues that a lot of people would rather stay away from. He talks about problems in spending and Social Security. Not too many people want to talk about that. He talks about the problems and the need to try to rein in growing and exploding entitlement programs, a Senator who is willing to lead and stand up, a Senator who served Bob Dole and, frankly, the entire Senate so well, served as assistant majority leader for 10 years, a Senator who is willing to take on tough issues, like immigration. I am pleased that in the next day or two we will be passing immigration reform. It is largely because of the leadership of ALAN SIMPSON.

So he has a lasting legislative legacy in passing responsible legislation, like immigration reform, that most of us realize is very complicated, not a fun-type issue, yet Senator SIMPSON has shown the courage and the willingness, tenacity, and perseverance to make sure that we did the right thing.

So I compliment Senator SIMPSON for his 18 years of service in the U.S. Senate. He has been an outstanding Senator. We certainly wish Senator ALAN SIMPSON and his wife Ann all the best.

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. NICKLES. Mr. President, also, I would like to make a couple comments about my friend and neighbor, Senator NANCY KASSEBAUM from Kansas. Senator KASSEBAUM will be leaving the Senate after 18 years of outstanding service. Senator KASSEBAUM is a Senator who is well respected by Democrats and Republicans and is the chairman of the Labor and Human Resources Committee—I might say, a very productive chairman.

She has passed a lot of legislation through her leadership. She has been able to work in a bipartisan fashion to get things done. She is a commonsense fiscal conservative who is willing to take on some of the tough issues, who is independent, who is willing to get things done for the good of our country, and certainly the good of her State.

Senator KASSEBAUM is certainly, in my opinion, one of the most decent Senators who has ever served in this body. She will certainly be missed. I thank her for her dedication to Kansas, and also to our country as well.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. NICKLES. Mr. President, likewise, I would like to say thank you to Senator HOWELL HEFLIN, commonly known as "the judge." He has served 18 years in the Senate. He was a former chief justice of the Alabama Supreme Court, a Senator with a southern drawl, a Senator who served on the Agriculture Committee and the Judiciary Committee, a Senator who has always done his homework.

He knows the Constitution probably as well as anyone serving in this body. He is a Senator who served in World War II as a marine. He is a Senator who is well liked by, I think, all, who has made a significant sacrifice, in my opinion, by serving in this body, and certainly that has been to the benefit of the people of Alabama and the benefit of our entire country.

So I wish Senator HEFLIN all the best and his lovely wife Mike. We have enjoyed their service. We wish them all the best as they return to the State of Alabama.

TRIBUTE TO SENATOR HANK BROWN

Mr. NICKLES. Mr. President, likewise, I would like to acknowledge my friend and colleague, HANK BROWN, who will be leaving the Senate after one term. I truly say—all the other colleagues I have alluded to have served 18 years or more in the Senate—I hate to see HANK BROWN leave because he is leaving after 6 years in the Senate.

He has made such a valuable contribution to this body. I have had the pleasure of serving with HANK BROWN on the Budget Committee. He has just been a real asset, not only to the budgeteers, but he is a person who does his homework, he is a person who digs into the numbers, a person who is innovative, very intelligent—very bright—who finds a better way to do something, who is always working on trying to do something good for our country, to save some money, a fiscal conservative who is effective, who not only makes speeches—and in my opinion one of the best speakers we have in this body—but one of the most effective persons because he is the type of person that has the intelligence and the wherewithal to put together a budget package, and the type of person who can come up with amendments that can be enacted into law.

He served in the House of Representatives for 10 years. Certainly, he also had private sector business experience, he served in Vietnam, a person that is very well respected, a Senator, frankly, that I hate to see leave the Senate after only one 6-year term in the Senate.

He will certainly be missed by this Senator and I think all Senators. I wish Senator Hank BROWN and his wife, Nan, all the best, as they return to the private sector.

I yield the floor.

Mr. SIMPSON. Mr. President, I thank my friend from Oklahoma for his remarks about my pending retirement. I want to commend him because I have done that line of work. I served for 10 years as the assistant leader, and the occupant of the chair served for 8 years as assistant leader, so the three of us in this Chamber have added quite a dimension to the efforts of the Senate. I commend the Senator. I think he is doing a fine job. I am very proud to have seen you do the job. You are going to succeed very well in the future and be of great assistance to our very fine leader, TRENT LOTT, who, I think, too, is truly a leader. I thank the Senator for that.

Let me indulge my absent colleagues for a few minutes as I speak of winding down 31 years of legislating. I did this for 13 years in the Wyoming house of representatives, serving in many capacities there—assistant leader and majority leader, and I enjoyed that very much. One of the great honors of my legislative life was to serve here as assistant majority leader and assistant minority leader. I have enjoyed that leadership role. I commend those who throw themselves into the fray to do that. It is a contact sport.

IMMIGRATION REFORM

Mr. SIMPSON. Mr. President, let me just relate a bit about the immigration legislation which is now on its way to us in the continuing resolution. After negotiations until about 2 a.m. two nights ago and then until this morning until 4:30 a.m., if I look bright and alert it is deceptive in every sense. One of my staff, John Knepper, a fine young man, spent all night here and all morning. We finally turned him back to his home in a zombie-like condition and thank him so much for his splendid work last night and this morning.

In the course of dealing with this huge bill, a very significant bill with regard to illegal immigration, we all were confronted with the reality that the purpose of leaders is to lead. Our leaders wanted to complete this session and do it this weekend. To do that, there were accommodations of varying degrees, obviously. Some disappointments, some victories, some defeats. We all know that feeling as we wind down a legislative year. It is the time when much can happen, and if one is not observing carefully, things are slid into a bill and things are slid out of a bill. We all, then, go home and say, "Wait, what happened here?" Or, "Well, we got that in." That is the way legislating is, too.

I thought that the leadership, in pressing forward to meet the schedule that they set for themselves and the bipartisan way in which it was done, our majority leader, TRENT LOTT and minority leader, TOM DASCHLE, NEWT GINGRICH, the Speaker of the House, our assistant leader here, DON NICKLES, Senator FORD, all worked together to make it work. I saw that over the course of days.

The other evening when we went until 2 a.m. there was a group of four of us, including Congressman LAMAR SMITH. I must pay him tribute: A remarkable man, steady, and thoughtful. I have never seen him get too impatient, never seen him really rise up like your loyal correspondent does from time to time. He was steady on the course throughout.

The rest of that quartet were Senator KENNEDY and Congressman HOWARD BERMAN and myself. We worked up some changes to what is called title V. There are no changes in the conference report on immigration, on illegal immigration, except in that one section. Everything else is exactly the same, and it is sweeping. It is about new Border Patrol agents, 5,000. It is about new penalties for those who use or alter or make fraudulent documents. It extends the visa waiver pilot program, and it provides 900 new investigators over 3 years to enforce alien smuggling and employer sanctions. Alien smuggling can subject one to a life in prison. There are heavy penalties to those who misuse and abuse documents, and 300 INS investigators will be hired here to check on those who overstay their visas. Remember that half of the people who come to the United States illegally originally were here legally. In other words, half of the illegal population in the United States came here legally, and then, of course, visa overstayers, visa fraud, student overstayers—we have the ability now to begin to correct that.

There is a newly rewritten and streamlined removal process, combining exclusion and deportation into a single legal process. We also got rid of layers of people who love to bring class actions and disrupt the normal course of the INS's work. We make the sponsors' affidavit of support, finally, a legally enforceable document which should provide some relief to the U.S. taxpayer.

There is a minimum INS presence in every State. There is a system of expedited removal which should curb the abuse of our asylum system while still providing a hearing for an immigration judge to those who make an asylum claim.

I want to thank Senator LEAHY for his work. I did not thank him at the time the amendment passed properly, but, nevertheless, a good deal of his material is in here. He felt strongly about that and he presented it well and won the case here. We adjusted that measure somewhat but it is still a good measure—not exactly what he would have wanted and not exactly what I would have wanted, and therefore, justifiably good.

There is a streamlined system for deporting aliens convicted of crimes. There is a requirement that all criminal aliens be detained until they are deported. Domestic violence and stalking are made deportable offenses. There is a provision to eliminate what is called "parachute kids," foreign students who come in and then attend public schools at taxpayer expense. I commend Senator FEINSTEIN for her work on that one. There is a pilot program for verification of eligibility to work, and there will be much more of that in the future because no matter how vigorous you want to be on illegal immigration and all the abuses of the system, nothing will work until we have a more counterfeit-resistant type of verification system—whatever that may be, whether it would eventually be a Social Security card, a slide-through card like you use with a VISA when you make a purchase, perhaps some type of driver's license photograph, retina examination like they have done in California. But at some point in time you are going to have to have a more secure identifier. It is going to have to be used only twice in a person's life. It is used at the time of new-hire employment, at the time of work, and at the time of drawing any benefits from any public assistance program. That is when it would be used. Of course, it would have to be presented by not just people who "look foreign", but by, as I have said a thousand times, by bald Anglos like me, too. That is what will come.

It is interesting to me that, still, you hear the cry of the editorial writers talking about the "slippery slope" and ID cards, national ID cards, or tattoos, or Nazi Germany. I heard all that in 18 years. But I haven't seen anybody write anything yet about the fact that when you go to get on an airplane, somebody at the curb, who is not connected with any agency, except the airline, is asking you for a picture ID I am waiting for the first editorial on that. I am sure it will be a magnificent thing, about the slippery slope.

What it is about is safety, and what it is about here in immigration is the abuse of the system. The sooner we get on with it and forget the blather about a national ID—which nobody ever proposed and never has been part of any bill I have been involved with—get on with it, unless, of course, somebody can tell me what we should do with the gentlemen at the curb who asks you for a picture ID.

So we also have in this bill a nationwide fingerprinting of apprehended illegals within the IDEN system. We have confidentiality provisions for battered women and children so that there cannot be someone holding someone in almost a hostage situation because of their status as illegals. People say, well, when these people come and they are illegal, we must care for them and be humane. I say, you bet. How do you do that when they are here illegally? When they are illegal, they are going to be exploited. There is protection for battered women and children in the welfare provisions. We have increased staffing at ports of entry. We have criminal penalties for high-speed flights and border checkpoints, which often lead to great safety difficulties for the enforcement officials. We have subpoena authority for employer sanctions investigations.

We have the AG's authority for use of State or local law enforcement officers—something that would never have been suggested years ago. There is also a provision for a fence, a 12 or 14-mile fence along the southern border of the United States. That is in here. There are a lot of things in here. I hope I get that in perspective. We have waived some of the serious environmental obstructions on the construction of that fence, and that is in the bill. That had leverage on that.

People say, "How could you do this and waive the Endangered Species Act," and so on. The reason we did that is because we need to get the fence built. The last time we built a fence in that area, there was something called the "California gnat catcher," or something, that held it up for many, many months until they found that the gnat catcher really would fly over a fence to mate. I thought that was good that they determined, since it had wings, it probably would fly over a fence to mate. And so that is the kind of thing we will have abrogated under this bill.

It doesn't mean that we are dissembling the environmental laws. In fact, it was the work of Senator FEINSTEIN and Senator KYL that gave rise to the need for the fence. If you have ever been to the border near Tijuana, from the sea to the Tijuana Airport, you really want to see that some day. I also commend the Border Patrol and the INS for their work. So those are some of the things that are in the bill, and many more. I could go on, but I shan't.

I want to thank LAMAR SMITH. I thank Senator KENNEDY. He never votes with me, but I want to thank him anyway. He and I have worked together on immigration for 18 years. He has been the chairman, or I have been the chairman. There have been some remarkable negotiations and discussions, but through it all has been his staff person, Michael Myers, and there has been Jerry Tinker, a marvelous man, who is gone from us now, but was a great help to my person. My friend Dick Day, who served me as chief counsel and staff director in all of my immigration activities, there could not be a truer friend, a more loyal man than Dick Day. He worked so closely with Jerry Tinker, another wonderfully loyal and delightful man, and with Michael Myers and Senator KENNEDY.

We have had a good run. It has been a great pleasure. Congressman BERMAN was with us the other evening until 2 in the morning, another spirited and remarkable man I have come to enjoy greatly. I thank ORRIN HATCH for his steady, powerful work with regard to things that create passion in him. He is a man of passion and such a bright and thoughtful legislator. He was steady at the helm through all of this, with regard to the negotiations in conference. And to JOHN KYL, who is a newer member of the subcommittee which I chaired, a wonderfully perceptive, thoughtful, precise individual, who, when he sees something, he knows what result he wants to obtain. He will get that.

Another member of the subcommittee is DIANNE FEINSTEIN. Senator FEINSTEIN is a remarkable woman. It has been a great pleasure to work with her on illegal and legal immigration matters, and to see her learn the issues. The issues of immigration are emotion, fear, guilt, and racism. The only way to do it is to wipe those people away who talk like that and move on into the issue as it really is. Brush away emotion, fear, guilt, and racism. She has done that, and she is good.

Next year, either she or Senator KYL will be the chairman of the subcommittee. If I may make a partisan statement, I hope it will be Senator KYL because he would be, of course, the Republican majority member. If not, then Senator FEINSTEIN will be the Chair. But either way, America will gain from these two people. They work together very well. They worked on the fence issue, on other issues in conference, and they have a duality of interest and regard and trust for each other. You can't do this work without an element of trust.

So as I then finish the remarks about what is still in this bill—and I have given you that—let me tell you what was taken from title V. Remember, there were no changes in any other title of this bill. But in title V, through the negotiations of these last long nights, and rosy-fingered dawn, here is what has been lost from title V.

Under the administration's threat of shutting down the Federal Government unless Congress make changes in the immigration bill—and that was, in essence, a threat—that it pass both Houses by huge majorities, we lost some very important parts of the conference report. Principally, we lost the provision that would have ensured that persons who bring their immigrant relatives would have sufficient resources or income to provide them support, if needed. This was called the 140- or 200-percent requirement of poverty; 140-percent of poverty level and 200-percent requirement of poverty level. That was to reduce the number of those immigrant relatives who themselves would qualify for welfare, where you have a situation where a person bringing in an immigrant member of their family may not have enough resources to escape the poverty level themselves.

So it seems absurd to lower it as it now has come down to 125 percent of poverty where a person near poverty gets to bring in another person near poverty, and then that person who comes in under the new law being a public charge and being responsible for that person, then you are going to have a serious problem. But that will come to pass, and that will be corrected within years to come.

But even under the 140-percent standard, many immigrants would immediately qualify for many welfare programs. But even this modest standard was too much for the President. And he can answer for that in the campaign and in the future.

We lost a provision that would have defined the term "public charge." And without such a definition we really cannot deport even those recent immigrants who have become completely dependent upon taxpayer-funded welfare. The only bright spot there is that under the welfare bill you can't receive welfare for a 4- or 5-year period, and there are certain conditions there.

The White House also insisted on the removal of the provision prohibiting illegal aliens from earning Social Security credits while working illegally in the United States. That is a rather remarkable bit of information, and that is what the President insisted upon. We had it in there to prohibit illegal aliens from earning Social Security credits while working illegally in the United States.

The White House even rejected the provision which would have required a fair distribution of refugee assistance. This was one of the principal activities of Senator FEINSTEIN. This is what she had in mind, and she was very right. And I tried to stick with her through all of the negotiations, because under current law the distribution of refugee assistance is highly erratic and inequitable. California counties receive $37 per refugee while counties in certain other States receive almost $500 per refugee.

We shall let the President explain that to the people of California, which I am sure he will.

Finally, we lost provisions that would have prevented illegal aliens from receiving treatment for AIDS.

I hope you hear that. This is not about homophobia. It is not about anything. It is about a remarkable provision that means that, if an illegal alien is receiving treatment for AIDS, they will continue to receive that treatment which can amount to about $119,000 per year. We have provisions in the law that illegals receive assistance for certain illnesses and ailments—tuberculosis. Obviously, that is in our vital interest. But never have we done this, which is an extraordinary departure. And we shall let the President explain that, how we provide taxpayers' money to illegal aliens for treatment—not testing—treatment for AIDS.

I worked diligently to remove that. It is not removed. And the President will explain that, and I know he will.

But what remains in title V is of interest, too, because here is what we salvaged from that section of that title. States may deny driver's licenses to illegal aliens under title programs; very good provision.

Social Security benefits may no longer be paid to illegal aliens in the United States, even though I read you the other portion. That is different. They may no longer be paid.

For the first time all applicants for Federal public assistance must provide proof of citizenship, or legal residence. That is in title V.

Illegal aliens will no longer be eligible for reduced in-State college tuition. It is in there. The GAO will study the use of Pell grants and federally funded student aid of college students who are illegal, or nonresident aliens. That is in there.

Every person seeking to bring their relatives here as immigrants must sign a legally enforceable affidavit promising to provide financial support, if required. That is in there; very important provision.

All persons who bring their relatives here as immigrants must have an income of at least 125 percent of the poverty level. I very much wish it could have been more. I think that is going to cause real problems in the future.

States will now be authorized to limit aliens' access to cash assistance programs.

Federal funds will be authorized for full reimbursement to States for the cost of emergency medical and ambulance services to illegal aliens. That is a very important provision; bipartisan in every way.

We restrict the availability of public housing to illegal aliens, finally. It is not what we wanted. But it is a start. Senator HARRY REID worked on that for years. Many of us have worked on that for many years. There were changes. But it is still in there. Then we require verification of eligibility of citizenship for lawful alien status in order to obtain public housing.

So those are things that still are retained in title V. And you will recall that the White House was insisting that title V be repealed. It was not repealed.

There were good things in it that were taken out. I reviewed those. Good things in it were left in. And I reviewed those.

I ask unanimous consent that a statement of legislative history on Division C be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIVISION C: STATEMENT OF LEGISLATIVE HISTORY

Division C shall be considered as the enactment of the Conference Report (Rept. 104–828) on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with certain modifications to Title V of the Conference Report.

The legislative history of Division C shall be considered to include the Joint Explanatory Statement of the Committee of Conference in Report 104–828, as well as the reports of the Committees on the Judiciary, Agricultue, and Economic and Educational Opportunities of the House of Representatives on H.R. 2202 (Rept. 104–469, Parts I, II, and III), and the report of the Committee on the Judiciary of the Senate on S. 1664 (Rept. 104–249).

The following records the disposition in Division C of the provisions in Title V of the Conference Report. (The remaining Titles of the Conference Report have not been modified.) Technical and conforming amendments are not noted.

Section 500: Strike.

Section 501: Modify to amend section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) to insert the provisions in section 501(c)(2) of the Conference Report relating to an exception to ineligibility for benefits for certain battered aliens. Strike all other provisions of section 501.

Section 502. Modify to authorize States to establish pilot programs, pursuant to regulations promulgated by the Attorney General. Under the pilot programs, States may deny drivers' licenses to illegal aliens and otherwise determine the viability, advisability, and cost effectiveness of denying driver's licenses to aliens unlawfully in the United States.

Section 503. Strike.

Section 504. Redesignate as section 503 and modify to include only amendments to section 202 of the Social Security Act, and new effective date. Strike all other provisions.

Section 505. Redesignate as section 504 and modify to amend section 432(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide that the Attorney General shall establish a procedure for persons applying for public benefits to provide proof of citizenship. Strike all other provisions.

Section 506. Strike.

Section 507. Redesignate as section 505.

Section 508. Redesignate as section 506 and modify. Strike subsection (a) and modify requirements in subsection (b) regarding Report of the Comptroller General.

Section 509. Redesignate as section 507.

Section 510. Redesignate as section 508. Modify subsection (a) and redesignate as an amendment to section 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (b).

Section 511. Redesignate as section 509. Modify to change references to "eligible aliens" to "qualified aliens" and make other changes in terminology.

Section 531. No change.

Section 532. Strike.

Section 551. Modify to reduce sponsor income requirement to 125 percent of poverty level. Strike subsection (e) of Immigration and Nationality Act (INA) section 213A as added by this section. Make other chanes to conform INA section 213A as added by this section to similar provision enacted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (c).

Section 552. Modify to amend section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to include the provisions in section 552(d)(1) and 552(f). Strike all other provisions.

Section 553. Strike.

Section 554. Redesignate as section 553.

Section 561. No change.

Section 562. Strike.

Section 563. Redesignate as section 562.

Section 564. Redesignate as section 563.

Section 565. Redesignate as section 564.

Section 566. Redesignate as section 565 and modify to strike (4).

Sections 571 through 576. Strike and insert sections 221 through 227 of the Senate amendment to H.R. 2202, as modified.

Section 591. No change.

Section 592. Strike.

Section 593. Redesignate as section 592.

Section 594. Redesignate as section 593.

Section 595. Redesignate as section 594.

A CAREER IN POLITICS

Mr. SIMPSON. Mr. President, I will speak a bit about the fact that this will be my last opportunity to be on this floor. Indeed, it has been a rich and wonderful experience.

There are several corollaries that I could share with those who come after me with regard to legislating. One is that legislating is very dry work, if done properly. It is not about sound bites. It is not about press conferences. It is called hard work—doing your homework, doing the hearings, sitting at the hearings, getting involved in the floor debate, the conference committee, and the all-night sessions. That is what it is. And there are many who do it well.

The occupant of the Chair is a classic example of a legislator—a true legislator; a right down-in-the-trench legislator, and he knows the rules of the game to help get the work done. And no one is more skilled than that.

There is another one as skilled—perhaps more. And I think the Senator in the chair would admit that it is Senator ROBERT BYRD of West Virginia who has become a very delightful friend. I wish that all here could get to know ROBERT BYRD as I have come to know him—a most extraordinary Renaissance type of legislator; a soaring and extraordinary person who knows his craft. And all of us would admit that without any possible exception.

So to ROBERT BYRD, my thanks because he "trained me up." He taught me so much. And when I was a rambunctious, new assistant majority leader, he took me under his wing. One night I remember he was on the other side of a rather wrenching all-night session. And I was hunting for ways out. I said, "ROBERT, how do I get out of this?" He said, "Now, sit down, ALAN."

I shall relate to you some things that later will be discerned where they may have come from where you will be unable to identify the source.

Then he told me how to extricate myself. I did it in a way which, obviously, was deferential and pleasing to him, and certainly to me it "saved my bacon," would be the phrase.

I have not forgotten that. I would never forget those things.

So it has been a great joy to serve with him.

Then, of course, my dear colleague, CRAIG THOMAS. We didn't come here together but we grew up together. We were boyhood chums in Cody, WY. Imagine the pleasure of serving in a legislature with someone you knew from the fifth year of life; watch him come here, and serve with him. He is a wonderful man; a great, great friend; and his wife, Susan.

They will now take the role of senior Senator from Wyoming.

So that is a part of the swan song. Those other corollaries of legislating—I see there is stirring here. Whenever you are ready to proceed, why, just let me know, and I will, of course, defer to the process, having done that kind of work.

Several corollaries, the best of them. There was a great one. That is this: Everything here hangs by a thread. Do not forget that one. We all learn that one.

Another one is: Nothing ever dies. If it is not here this year, it will come back, like Lazarus from the dead, next year with a new shroud, a little tattered with more dirt clods on it but literally will rise from the dead. Legislation never dies. Staff assures that. Staff is eternal. Legislating and legislators move on.

Another one is: Get a crumb when you can't get a loaf. If you have not learned that—you either learn to compromise or learn to cry yourself to sleep at night. That is the way that works. And then remember something, too, at least for Republicans, and that is Democrats do good work, too. I know that is a sick idea to some, but nevertheless it is true. And to my colleagues on the other side of the aisle, I say Republicans do good work, too.

I think the occupant of the chair will agree; I have never seen in my entire 31 years of legislating what I think is a very bad precedent, and that is a conference committee conferencing without the other side present. That cannot be done. And the sooner that stops, the better off this place will be. You cannot have a conference committee when you just have one party in the room. I have had it done to me, and I did not like it at all. I will not name the chairman involved, but I will never forget it; we just met and the hammer went down and said, "There is the report. You do not have to sign the conference committee report."

I said, "We haven't even talked about it. We don't know what it is."

"Well, we are in the majority. School's out."

So then we came back and we did that ourselves, and that is very unfortunate. I hope that does not happen again. It is not worthy of the legislative body. And maybe I was raised by the masters, but I have conferenced with people like Mo Udall, and JOHN DINGELL, and Peter Rodino, and Ron Mazzoli, who are wonderful people. You learn from them and you learn in a conference that the Democrats have ideas, too. They are often well worth hearing.

I note the presence of the assistant leader, and I believe there is some papers to move. I will defer if the Senator wishes to move those or take another 5 minutes and conclude.

Mr. NICKLES. Go ahead.

Mr. SIMPSON. Having, as I said, done that work also.

So I would say that it has been a great run for me to have served with Malcolm Wallop, a wonderful man, who was our defense expert in this body. Dick Cheney, how can you say any more about that man? A great old friend who served Wyoming with great distinction. CRAIG THOMAS, BARBARA CUBIN in the House. There have been some great honors, great friends, great adventures.

Ten years of serving with Bob Dole was a remarkable honor and privilege. What a great man he is. There isn't a person in this body who has ever worked with him who would not know that. And then, of course, the special class of 1978, many of them still here and soon to go. Ones who are still here: BILL BRADLEY, THAD COCHRAN, BILL COHEN, JIM EXON, HOWELL HEFLIN, NANCY KASSEBAUM, CARL LEVIN, LARRY PRESSLER, DAVE PRYOR, JOHN WARNER. We all came here together. Many of us will leave together. And they have been the dearest of friends, very special people.

I have been blessed with a wonderful staff: Don Hardy, my chief of staff, whom I have known since he was 14 years old. He was a spirited man then, spirited boy; a spirited colt makes the best horse. I saw great potential in him, and he met every bit of it; Joe Ratliff, my first campaign manager, my first AA; Chuck Blahous, who will go on now to serve with Senator CRAIG, who is just everything. There is not a thing he can't do—anything, marvelous; Tad Segal, my able press person; Tote Turner and Brad Westby, who sit at the front office and take all the abuse that some rugged old people can give like "Where is that big, skinny rascal? I want to tack him up on the wall."

"Yes, sir. How are you today? And I hear you."

And Evora Williams and Carroll Wood and Margaret Carroll who were here with Cliff Hansen, Senator Cliff Hansen for nearly 12 years and with me for 18, so they have invested 30 years of their lives in representing Wyoming people; and Laurie Rosen, my scheduler who controls my life in a gentle, bright way; and Don Hardy, the Veterans' Affairs Committee, more than a chief counsel, a lovely friend; Dick Day. I related I brought him here to do immigration work: "Come on out here; I need somebody who cares about me. I'm going into the tank where I will be called everything."

Well, that was true. I was called everything. And Dick Day met every test—every test, every friendship demand; Scott Northrop, his patience in ferrying me around from place to place and also very able legislative assistant in his own right.

I could go on. And you are thinking, "He is going to." Diane Rodekohr, my coordinator in Wyoming, there is nothing like her—absolutely splendid, efficient, tactical, and so precise, so good; Robin Bailey from the beginning almost, 14 years, handles all my Academy appoints, does the grunt work and tough stuff; Lyn Shanaghy in Jackson and her husband, Joe, very wonderful people; Karen McCreery in Cody. I hope

I will see much more of her, and I will, because in my other life to come she will be right there at my side. And she has been at my side all these years.

I could go on. Cherie Burd, Olivia Haag. I ask unanimous consent to have printed in the RECORD the list of the people who served with me. I will enter that into the RECORD without any further information other than that because I cannot take much more time of the body.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Robin Bailey, David Balland, Chuck Blahous, Cherie Burd, Paul Burgess, Chad Calvert, Margaret Carroll, Dick Day, Dennis G. Doherty, Rosalie L. Ducosin, Demerie Edington, Kate Edmands, Tammy Farmer, Jodi Geis, Olivia Haag, Don Hardy, Tom Harvey, Ron Hindle, Becket Hinckley, Allison Johnston, and John Knepper.

Karin Leishman, Karin L. McCarthy, Karin McCreery, Scott Northrop, Ron Niesing, Jim Nyberg, Linda H. Reamy, Diane (Dee) Rodekohr, Laurie Rosen, Tad Segal, Trudy Settles, Lyn Shanaghy, Elizabeth Shaw, Chris Spear, Vivian Stokes, Sandra Green Swirski, Stephanie Sword, Dawn Taylor, Dat P. Tran, William F. Tuerk, Tote Turner, Mark VanKoevering, Brad Westby, Evora Williams, Carroll Wood, Chip Wood, and Charles "Chris" Yoder.

Mr. SIMPSON. And a supportive spouse. Anyone in this line of work that does not have a supportive spouse is in for anguish. I have had a most remarkable woman at my side for 42 years. And as she said to me one day in a spirit of the campaign, she said, "Wait a minute. Don't give me that. I'm a volunteer in this outfit." I remember that very well.

But let me tell you, this is a consuming exercise and the sooner we learn that we are not partisans, we are not Democrat and Republican; we are colleagues in the U.S. Senate, the better. I learned it fast because I was the ranking junior Republican to TED KENNEDY, Al Cranston and Gary Hart when I came, and all three of them were running for President. I said, "You run for President and I won't embarrass you, but let's not have any of this stuff," and never did. It was a tremendous experience.

So I will now be going on to Harvard to teach. Yes, I know that is shocking to some but quite stimulating to others. Some even fell out of the gallery on that. Going to Harvard to teach. I will be at the Kennedy School of Government, to be a visiting professor there, the Lombard chair, after preparing my syllabus, whatever that is. And I shall teach, and the teaching will be the course called "Creative Legislation, Congress and the Press." So you might imagine I will have a delightful experience in that.

And then, of course, a book has been finished. That has a unique title. The title of that book is "In the Old Gazoo: Observations From a Lifetime of Scrapping with the Press." And that book, of course, will be a remarkable document and certainly I will at least sell 50 copies because I shall assign it to my class. And so that will be at least—now, let us see, the royalty on that.

Well, there is no question about where we are headed here. So enough. The legacy that I have with Social Security is going to go on to JUDD GREGG, wonderful, picking it right up where I left off. The legacy of immigration will go on to JOHN KYL and DIANNE FEINSTEIN, and that is spirited and I am pleased. The legacy of the Veterans' Affairs Committee will go to ARLEN SPECTER and JAY ROCKEFELLER, and they are both dedicated, passionate people about veterans. In fact, almost too much so. That is why we will have some further discussions together on that.

But, I intend to work with young people. I intend to get involved with the Third Millennium. These are not antisenior people. These are young people. If people between 18 and 45 cannot figure out what is going to happen to them when they are 65, they will be picking grit with the chickens. We are going to work with them, we are going to talk about the entitlements and Social Security and Medicare.

I commend the leaders I have worked with, Senator NICKLES, TED STEVENS, Howard Baker, ROBERT BYRD, Al Cranston, WENDELL FORD, George Mitchell, TOM DASCHLE, TRENT LOTT—doing a tremendous job. I am very proud of him.

And particularly to the Wyoming people who allowed me to do this in my own way for 18 years—in my own unique way, however that is defined. But, to me it has been a true honor to represent this proud people of Wyoming, my native land, who are opinionated, thoughtful, articulate, and well read; who really let you know how they feel and don't mince words, and that is the way we do it out in the land of high altitude and low multitude.

Someone asked me, what would be the epitaph you would like at the end of public life? It did not take me long to think of the answer. The answer is, "You would have wanted him on your side." It has been a great run.

God bless you all.

Mr. President, it is very important that I relate the great pride I have in the fact that my father served in this U.S. Senate and what a sheer privilege and honor it has been to come here after him. He served here from 1962 to 1966 and retired because of arthritis and Parkinson's disease, and he lived to be 95. So I want to say that to carry on his legacy has been a moving thing. And as the passing parade of life goes on, in 18 years here, I want to recognize Bill, Colin, Susan, who are wonderful, dear, splendid people, all Ann's friends and my friends—our children. Since I came here, Bill has married Debbie, and we could not have found one like that for him. They have given us two grandchildren in the passing years, Beth and Eric—just dazzlers, both of them. And then Susan is married to a wonderful man named John Gallagher. Again, if you could go shopping for those in-laws, sons-in-laws and daughters-in-law, those are two you would pick—Debbie and John. Colin is not linked up with anyone as yet. But he has had a great deal of hot pursuit over the years, in my time here. He is a wonderful, splendid man, the middle son.

So my parents are, too, joined now and gone since I came here. I close with three things my parents taught me that I leave with you.

No. 1, my mother said, "Humor is the universal solvent against the abrasive elements of life." It is, and you need it here.

No. 2 is our line of work, and Edmund Burke said it best. Listen to it:

> Those who would carry the great public schemes must be proof against the most fatiguing delays, the most mortifying disappointments, the most shocking insults, and the worse of all—the presumptious judgment of the ignorant beyond their design.

That is our work. That is what we do. But in the combat of the day, the best one of all, if you are doing anything, you are making enemies. If you are doing nothing, or just want to be loved, get into another line of work, because here it is, all in this little couplet:

> You have no enemies, you say? My friend, your boast is poor. For anyone who has entered the fray of duty, where the brave endure, must have made foes. If he has none, small is the work that he has done; he has never cast a cup from perjured lips, he has never struck a trailer on the hip, never turned a wrong to right, or beat a coward in a fight.

I have lived that one. I commend it to you. Finally, on my wall in leather—appropriately, because leather is supple and tough—is this phrase:

> Press on. Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent.

I commend that to my colleagues. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to congratulate the very distinguished senior Senator from Wyoming. I will say, for one who has been in combat with my colleague from Wyoming, I would always say that I want him on my side. I look forward to reading his books.

You might note, you will have at least 51 copies I know you will be enriched by the royalties of. We have all been enriched by your humor and participation in this body, one of the most colorful Members, one of the most humorous Members, one of the most dedicated Members, I think, to serve in the Senate—and with courage too, taking on little issues, tough issues, like entitlements and Social Security and so on.

I just compliment my colleague from Wyoming, and I can speak on behalf of all my colleagues, we certainly value his contributions to this body and to our country. We wish you and your lovely bride, Ann, all the best in the future.

Mr. SIMPSON. That is very nice. Thank you.

Mr. NICKLES. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I want to join the tribute to AL SIMPSON, the Senator from Wyoming. I came here with him and there is almost nobody I admire more than AL SIMPSON. I enjoyed that speech very much. I wish I could be in your class at Harvard. I think that would be fun. But stay within the subject matter.

Mr. SIMPSON. Buy the book.

THE FEDERAL AVIATION AUTHORIZATION BILL

Mr. PRESSLER. Mr. President, as chairman of the conference on H.R. 3539, the Federal Aviation Authorization Act of 1996, I rise to urge my colleagues to permit the Senate to immediately proceed to consideration of the conference report for this critically important legislation. H.R. 3539 is a bipartisan, omnibus aviation bill which reauthorizes the Airport Improvement Program [AIP], reforms the Federal Aviation Administration, improves aviation safety and security, and provides long overdue assistance to the families of victims of aviation disasters.

Mr. President, it is absolutely imperative that the Senate approves this conference report before we adjourn and that the President signs the report. Yesterday, the House met its responsibility to the American traveling public by passing this legislation. If the Senate fails to approve this excellent legislation which represents another significant legislative accomplishment for this body, we will have failed to meet our responsibility to the American traveling public. For example, if we do not approve this report, airports across the country will not receive Federal funding which is vital for safety-related repairs and other improvements.

If we fail to pass this report, the Senate will have neglected our responsibility to ensure the United States maintains the safest and most secure aviation system in the world. For example, the conference report implements many of the aviation security recommendations made by the White House Commission on Aviation Safety and Security earlier this month.

Mr. President, there are dozens of important provisions in this legislation, but I would like to focus my remarks on four main areas.

First, aviation security. Air transportation in this country is safe. Indeed, it remains the safest form of travel. However, we can and we must do more. This legislation facilitates the replacement of outdated air traffic control equipment. It puts in place a mechanism to evaluate FAA's long-term funding which is critically important at a time in which enplanements continue to increase yet Federal budget constraints limit the ability of the FAA to respond to the increased needs of our aviation system. Additionally, this legislation eliminates the FAA's dual mandate. It ensures the FAA finally focuses solely on aviation safety.

A second area I want to highlight is aviation security. This conference report contains numerous provisions designed to improve security at our Nation's airlines and airports. The measure before us today incorporates many of the recommendations of the White House Commission on Aviation Safety and Security of which I am a member. In fact, this legislation provides statutory authority requested by the President to implement several of the Commission's recommendations. Passage of this bill will improve aviation security by: speeding deployment of the latest explosive detection devices; enhancing passenger screening processes; requiring criminal history record checks on screeners; requiring regular joint threat assessments; and encouraging other innovative procedures to improve overall aviation security such as automated passenger profiling.

The third area I wish to highlight is how this legislation will help small community air service and small airports. The legislation before us today reauthorizes the Essential Air Service Program at the level of $50 million. This program is vital to States such as South Dakota. By adjusting the formula for AIP funds, we would now ensure that all airports receive virtually all their entitlement funds in addition to being eligible for discretionary funds. This is great news for small airports which in recent years have received far less than their full and fair share of these funds. Also, the legislation directs the Secretary of Transportation to conduct a comprehensive study on rural air service and fares. For too long, small communities have been forced to endure higher fares as a result of inadequate competition. The Department of Transportation will now look into this issue as a result of this conference report. This follows on the important work that I instructed the General Accounting Office to initiate last year.

Mr. President, the final area I wish to highlight is the compassionate measures this legislation would put in place for the families of victims of aviation disasters. Last week, I chaired a hearing of the Commerce Committee in which the families of victims of five aviation tragedies courageously told the committee of their harrowing experiences. I promised those witnesses, as well as other families of victims in the room, that Congress finally would act this year to put in place measures to improve the treatment families receive, protect their privacy in a time of grief, ensure they receive timely and accurate information, and address a number of other concerns they eloquently voiced to the committee. The family advocacy and assistance provisions in this conference report are supported by these families and I hope the Senate will help me keep my promise to families who already have suffered enough. I hope we do not disappoint them.

Mr. President, despite all the vitally important aviation safety and security provisions in this legislation, I understand a very small group of Senators are concerned about one provision in the legislation which makes a technical correction affecting Federal Express. I refer to the amendment the ranking member of the Commerce Committee, Senator HOLLINGS, offered in conference to correct a technical error in the Interstate Commerce Commission Termination Act of 1995. It is time we reach an agreement on this issue.

The Hollings amendment, which I strongly support, is not the partisan provision these Senators believe it to be. All five Senate conferees—Senator MCCAIN, Senator STEVENS, Senator HOLLINGS, Senator FORD and I—voted in favor of that amendment because, despite all the rhetoric, it is simply a technical correction which fairness dictates the Congress make.

I would like to briefly discuss the rhetoric that has clouded the Hollings amendment issue and, regrettably, has transformed the Hollings amendment into an issue which some now feel is more important than enhancing aviation safety and security. When the House debated the conference report, I heard a number of Members make blanket statements that the Hollings amendment is not truly a technical correction. Those same Members claimed their statements were based on their purported knowledge of the Senate's intent when it considered and overwhelmingly passed the ICC Termination Act. With all due respect to those Members of the House, I authored the ICC Termination Act and can unequivocally say they are dead wrong. The Hollings amendment is nothing more than a technical correction.

Let me explain. Prior to the Interstate Commerce Commission Termination Act of 1995, the Railway Labor Act had jurisdiction over carriers including express companies. A conforming amendment in the ICC Termination Act inadvertently dropped express companies from the scope of the Railway Labor Act. As the author of the ICC Termination Act, I can say unequivocally that the Senate never intended to strip Federal Express or any person of rights without the benefit of a hearing, debate, or even discussion. Section 10501 of the ICC Termination Act makes that point crystal clear. Section 10501 states "[t]he enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees or employers by the Railway Labor Act."

Mr. President, fairness dictates we correct that inadvertent technical error. That is precisely what the Hollings amendment does. It is exactly why I supported it in conference. It is why I continue to strongly support it. Contrary to what some Senators have claimed, it is my understanding the Hollings amendment will not create any new labor protections which Federal Express did not have prior to enactment of the technical error in the ICC Termination Act. Nor will it broaden labor protections Federal Express previously had. The amendment is precisely what it purports to be, a technical correction.

The conference report should be on the floor for consideration and we should be debating a truly historic piece of aviation legislation which reflects the outstanding work Congress does when it proceeds on a bipartisan basis. Unfortunately, instead of discharging our duty to the American traveling public, the Senate is bogged down in procedural maneuvers by a small group of Senators to prevent the conference report accompanying H.R. 3539 from being considered by the Senate. Why? We cannot consider this vital legislation because a small group of Senators does not support the Hollings amendment which is contained in just 5 lines of a 189-page bill. All too often, Congress is criticized for losing sight of the big picture. Today, regrettably, the Senate is reinforcing that perception.

Some members of the American public watching these proceedings either from the gallery or on C-SPAN will understandably ask themselves "has the Senate lost sight of the goal of ensuring the safety and security of air travel in the United States?" Others will ask themselves "has the Senate forgotten the importance of safety-related repairs and other improvements at our Nation's airports?" And the family members of aviation disaster victims will correctly ask "why has the Senate failed to listen to our pleas to put in place measures to improve the treatment of families of future aviation disaster victims?"

And, Mr. President, each and every one of these questions is perfectly valid. If we fail to pass this conference report before we adjourn, I would hate to be in the position of having to answer them.

We owe it to the American public to preempt these questions by resisting the invitation to lose sight of the bigger picture. Today, we are trying to pass an historic aviation safety and security bill. Let us get the job done for the American public. I urge that the Senate immediately take up for consideration the conference report to accompany H.R. 3539.

Let me add that I pledge to join whatever efforts the Senator from Alaska, who is in the chair, or others take to ensure this conference report passes before we adjourn. This legislation is yet another example of the excellent bipartisan cooperation of the Commerce Committee. The Hollings amendment enjoys the bipartisan support of all of the Senate conferees. In that bipartisan spirit, I urge Senators from both sides of the aisle to join our effort to pass the FAA conference report.

CLEAN FUEL VEHICLE ACT OF 1996

Mrs. BOXER. Mr. President, in June of this year, along with my colleagues Senators INOUYE, FEINSTEIN, KENNEDY, KERRY, and JEFFORDS, I introduced legislation (S. 1848) to provide temporary tax incentives to spur the market for clean fuel vehicles, including natural gas and electric vehicles. While this Congress has no time remaining to consider this proposal, I intend to introduce the legislation in the 105th Congress, and I urge my colleagues to then consider the measure and join me and others in promoting the transformation of our transportation system to cleaner forms of energy.

This proposal calls for targeted tax incentives that would, first, remove clean fuel vehicles from the luxury automobile classification for luxury excise tax and depreciation purposes; second, remove the limitations on the availability of credits and deductions for use of electric vehicles by governmental units; third, provide deductions for large electric vans and buses; fourth, adopt a straight, rather than graduated, tax credit for electric vehicles; and fifth, exempt liquefied natural gas from certain taxes.

Recently, the Joint Committee on Taxation provided a revenue estimate of those provisions of the bill that provide tax incentives for clean fuel vehicles. The committee previously reported to me that my provision to levy the same rate of excise tax on liquified natural gas as already is levied on compressed natural gas would result in a revenue loss of only $4 million from 1997 to 2002. I urge my colleagues to note, significantly, the committee estimated that for the other provisions, items one through four above, for the 5-year period between 1997 and 2001 the total revenue impacts would equate to no more than $15 million. Even more important, for this modest cost, we can spur the development of vehicles that produce no tailpipe emissions.

Zero emission vehicles are not a pipeless dream so to speak. Many are in use today, and they are scheduled to be in Saturn dealer showrooms later this fall and soon on the lots of other automakers. Again, let me state that we are not describing some far out in time technology; the world's largest automobile manufacturer—General Motors—intends to market an electric vehicle in the showrooms of one of its most successful product lines.

General Motor's Saturn dealerships in southern California and Phoenix/Tucson, AZ will begin selling electric vehicles this fall. Next year, General Motors will offer, through Chevrolet dealers, an electric light duty truck; Toyota and Honda will begin selling EV's; and Chrysler has proposed to sell electric minivans to the U.S. Government. In 1998, Ford Motor Co. will introduce a vehicle for the U.S. market, as will Chrysler and Nissan. Many other companies in California and throughout the United States also are actively involved in clean fuel vehicle development.

Even with this degree of very promising activity, the market is uncertain because the number of first-time buyers is uncertain. The short-term tax incentives in my proposal will go far toward helping to encourage the initial market. All of the tax provisions will sunset at the end of the year 2004. Most important, we have an opportunity to assist in creating new forms of personal transportation—ones that produce little or no tailpipe emissions and that rely upon domestically produced fuels. And, ones that use advanced computer-based technologies that position U.S. industries to lead the transportation sector into the next century.

This legislaton has been endorsed by the Union of Concerned Scientists, the Electric Transportation Coalition, the Natural Gas Vehicle Coalition of the USA, the city of Los Angeles and Potomac Electric Power Co. I urge my colleagues to join me in this effort for a clean-fuel 21st century and support my legislation next year.

I ask unanimous consent that a copy of the letter from the Joint Taxation Committee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, September 24, 1996.
Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: This completes our response to your request for a revenue estimate corresponding to a draft bill to provide certain tax incentives for electric vehicles and other clean-fuel vehicles (the "Clean Fuel Vehicle Stimulus Act of 1996").

In our letter of June 24, 1996, we provided you with a revenue estimate for section 6 of your draft bill, which would exempt liquified natural gas ("LNG") from the Highway Trust Fund component of the special motor fuels excise tax.

This letter contains a revenue estimate for sections 2 through 5 of your draft bill. These sections of the bill would (a) remove clean-fuel vehicles from the luxury automobile classification for luxury excise tax purposes and exempt such vehicles from depreciation limitations, (b) remove current restrictions on the availability of credits and deductions for electric vehicles used by governmental units, (c) provide certain deductions for large electric trucks, vans, and buses in lieu of the credit for electric vehicles, and (d) modify the credit for electric vehicles and allow the credit to be applied against the alternative minimum tax. The modifications to the electric vehicle credit and the alternative minimum tax would be effective for taxable years beginning after December 31, 1996. In general, the remaining provisions would be effective for property placed in service after the date of enactment.

For the purpose of preparing a revenue estimate for sections 2 through 5 of your draft bill, we have assumed that the bill will be enacted on October 1, 1996. The following is a revenue estimate for sections 2 through 5 of the bill:

FISCAL YEARS
[In millions of dollars]

Item	1997	1998	1999	2000	2001	2002	1997–2001	1997–2006
Sections 2 through 5 of the Clean Fuel Vehicle Stimulus Act	−2	−3	−3	−4	−4	−3	−15	−22

Note: Details may not add to totals due to rounding.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,
KENNETH J. KIES.

RETIRING SENATORS

Mrs. BOXER. Mr. President, 13 dedicated people are leaving the U.S. Senate this year. Each of them will leave a mark on this institution. Each has contributed to its accomplishments. Each has been an able and honorable representative of his or her State.

I count them all as friends, and I hope that the friendship I have shared with them will continue after they leave public life. I wish them all godspeed, good health, and long happy lives after the Senate.

CLAIBORNE PELL

Around the Senate, we often hear the word "distinguished" used to describe our colleagues. But in the case of the senior senator from Rhode Island, the description truly fits the man. CLAIBORNE PELL has served in this body for 36 years. Only two other Senators have served longer.

In addition to his almost four decades of devoted service to the people of Rhode Island, Senator Pell has an unsurpassed record of legislative accomplishments—a legacy that will benefit Americans all over the Nation for generations to come.

CLAIBORNE PELL is the father of Pell grants, the Nation's premier assistance program for needy college students. For many years, he has also been one of the Senate's leading voices in support of the National Endowments for the Arts and the Humanities, which promote and sustain so much of the creative life of this country.

Throughout his career in the Senate, CLAIBORNE PELL has been deeply involved in foreign policy issues. He served as chairman of the Foreign Relations Committee from 1987 through 1994. Through his vision and leadership, the Arms Control and Disarmament Agency. His steadfast commitment to reducing the threat of weapons of mass destruction led to major international arms control agreements, including the Environmental Modification Treaty and the Seabed Arms Control Treaty. Senator PELL has contributed immeasurably to the development of U.S. leadership in world affairs and to the establishment of better relations among the nations of the world.

Finally, I must pay special tribute to the very special character of CLAIBORNE PELL. We live in a time and a place where certain qualities of character—courtesy and gentility, decency and kindness, honesty and integrity—are are all too rare, in public life or private. But with CLAIBORNE PELL, these qualities are ingrained and innate. He is an honorable gentleman, and I have been proud to serve with him.

SAM NUNN

The senior Senator from Georgia is among the most respected Members of this body—admired for his knowledge, legislative acumen, and unparalleled dedication to the men and women who serve our Nation in the Armed Forces.

SAM NUNN is held in such high esteem by the citizens of Georgia that they have elected him as their Senator five times. Had he decided to face the voters again this year, political commentators unanimously agree that Georgians would have re-elected him by a wide margin.

Senator NUNN will be remembered in this body for his service to the State of Georgia and his diligent efforts to reform the Federal Government through his work on the Governmental Affairs Committee. However, there is no doubt that SAM NUNN will be remembered best as an international affairs and military policy expert, whose impact on U.S. national security policy will be felt forever. From the cold war to the Gulf war, Presidents have sought his counsel and relied on his advice.

Senator NUNN's retirement will leave the Senate without one its most respected voices, but we trust that he will remain active in public life and will continue to contribute to the vitality of our Nation. I will certainly call on him for his common sense counsel and his deep trough of knowledge on so many matters of great importance to our country.

MARK HATFIELD

Many words can be used to describe my colleague the senior Senator from Oregon, but the one word that most comes to mind in describing his service in the Senate is integrity. Early in his career, he said, "I pray for the integrity, justice and courage to vote the correct vote, not the political vote." The American people witnessed his integrity earlier this year when he cast a vote of conscience on the balanced budget amendment.

Senator HATFIELD has been a champion for the environment. Throughout his career he sponsored legislation to protect the trees, rivers, and wildlife in his beautiful State of Oregon as well as throughout the Nation. He used his skill to protect the threatened northern spotted owl, while at the same time save jobs in the timber industry.

Senator HATFIELD has also been a strong advocate of peace. While he served in the military during World War II, he was one of the first U.S. servicemen to see the devastation that the atomic bomb inflicted on Hiroshima. This episode moved him greatly, and as a result, he has devoted himself to arms control and trying to get the United States to invest less money in weapons systems and more in our people.

We need more MARK HATFIELDs in both parties. The Senate will miss his quiet dignity and his quiet strength. Personally, I will miss his friendship, and I want to take this opportunity to thank him for all the help he gave me as chairman of the Appropriations Committee on issues of mutual concern, including the environment, transportation, and health research.

DAVID PRYOR

As everyone knows, Senator DAVID PRYOR from the great State of Arkansas is one of our most beloved colleagues. He is a man who always had a kind and generous word to say to everyone.

DAVID PRYOR has devoted much of his public life to improving the quality of life for our senior citizens. Last year, I was proud to join DAVID and others in the fight to retain Federal nursing home standards. He knows that we need minimum uniform standards in order to ensure that our seniors continue to receive the best care possible.

Senator PRYOR has also been a leader in the fight to make prescription drugs available to all at lower prices. He sponsored successful legislation to require pharmaceutical companies to give Medicare and Medicaid the same discounts that are available to other large purchasers. As a result, prescription drugs are more affordable for patients and the Government saves $1 billion a year. Most important, this policy saves lives.

I love DAVID PRYOR and I will miss him dearly. I wish for DAVID, Barbara and their children all the very best in the years to come.

JIM EXON

It is with a sad heart that I say goodbye to my dear friend and esteemed colleague, Senator EXON. Senator EXON came to the Senate after a successful 8 years as Governor, where he was highly popular with all Nebraskans. His ability to attract supporters from both parties brought him to Washington in a landslide Senate victory.

As a veteran of World War II and a senior member of the Armed Services Committee, Senator EXON has fought to ensure a strong defense for our country. A significant achievement which exemplifies this is the Exon–Florio bill which gives the President the power to stop hostile foreign takeovers which threaten national security.

At the same time, he has been an economizer and a watchdog of the deficit. As Governor, he cut the deficit in Nebraska and has continued to fight for the same outcome as the ranking Democrat of the Budget Committee. It has been my pleasure to work with him on the Budget Committee and he will be greatly missed by all of us.

ALAN SIMPSON

ALAN SIMPSON, the Senior senator from Wyoming, will go down in the history of the Senate as one of its foremost legislators, but also as a man with a unique sense of humor that has added a wonderful dimension to the life of this body.

Time and again, ALAN SIMPSON has demonstrated that he is a man of conviction and courage. I am very proud to have served with him and I will always especially remember and appreciate the strong support he has given over the years to the reproductive rights of women.

ALAN SIMPSON is a man of his word—straight forward and fair. He will be missed in this body.

NANCY KASSEBAUM

It has been my pleasure to be able to serve with now senior Senator from Kansas, NANCY KASSEBAUM, during her final term. As the sole Republican woman in the Senate when first elected and for a significant portion of the time she has served here, she has become a role model to women on both sides of the aisle. In addition, as the chair of the Senate Labor and Human Resources Committee, she is currently the only woman to head a Senate committee.

Senator KASSEBAUM's ability to moderate between different ideologies a great asset to this body and one which will be greatly missed. Most recently, her work with Senator KENNEDY brought the first substantive health care reform to the Senate. We all know this legislation passed unanimously and has become one of the great achievements of the 104th Congress.

Senator KASSEBAUM has also been a leader in issues concerning foreign affairs. She has been a key negotiator on important decisions such as determining sanctions against South Africa and eliminating credit guarantees for Iraq which were supposed to be used for food, but were in fact being used by Saddam Hussein to buy weapons. Whether Senator KASSEBAUM and I have been on opposite sides of the issue or the same, I have tremendous respect for the work she has done here and I know she will be missed.

HOWELL HEFLIN

Years from now, when historians review the history of the U.S. Senate, one name that will surely stand out as one of the Senate's most colorful and foresighted members will be HOWELL HEFLIN. Known for his cautious deliberation, Senator HEFLIN has definitely made his mark in the U.S. Senate.

The judge, as we all know him, has served the State of Alabama and this Nation with distinction, courage, and integrity. This Silver Star medal recipient will no doubt be remembered as one to the Senate's shining stars. His work and personable demeanor has served as a model for us all. As chief justice of the Alabama Supreme Court, he implemented nationally acclaimed state court reform. Upon retiring from the bench in 1977, not one trial or appellate court in the State of Alabama was backlogged or congested.

In the Senate, he has been a champion in every sense of the word. From protecting American farmers as the chief architect of the cotton, peanut, and soybean programs, to ensuring senior citizens security and expanding medical research. His work underscores his compassion and commitment to improving the quality of life for us all. It is no wonder that the first bill he ever introduced, and continues to fight for in each Congress, is for a balanced budget. Without a doubt, Senator HEFLIN has a clear understanding of ensuring that our Nation's priorities are in order; and securing a better standard of living for ourselves, our children, and for generations to come.

Those of us fortunate enough to have served with him in this body have been enriched by his intellect, fortitude, and personal charm. I wish for him and his family all the best in the years ahead, and I extend my appreciation for his friendship, and most importantly, his service to our nation.

PAUL SIMON

Since 1947, when PAUL SIMON became the youngest editor-publisher in the Nation, he has been one of the most thoughtful spokesmen for the public interest. As an editor he railed against the corruption that gripped Illinois politics; in his 14 years in the Illinois state legislature he was the annual winner of the best legislator award; as a Member of the U.S. Congress he has been a leading advocate for children and education.

Since being elected to the Senate, Senator SIMON has proven himself to be a capable, and at times masterful, legislator. Well-liked on both sides of the aisle, Senator SIMON's popularity has enabled him to forge coalitions and push through legislation. He has fought to help families with his legislation supporting children and education. His legislation, such as the Job Training Partnership Act, the School-to-Work Act, and the National Literacy Act has put him in the forefront as a leader in education, and helped to ensure a well-prepared workforce.

Senator SIMON is a caring and dedicated legislator. His record underscores his dedication to the public good and the future of our Nation. Senator PAUL SIMON's thoughtfulness, his generosity, his kindness, will be sorely missed in the halls of Congress.

BILL BRADLEY

One of the most respected thinkers in the Senate, BILL BRADLEY of New Jersey is most comfortable in the world of ideas and ideals. A former Rhodes scholar, Senator BRADLEY has never been content or satisfied with the cliches that can sometimes dominate an issue. He continually seeks to come up with new and original answers to the problems facing our Nation.

Senator BRADLEY has been instrumental in shaping America's economic and foreign policy. And although he has at times been concerned with the direction of Government, he has continued to push our Government toward dealing effectively with the needs of our Nation, and with the problems that affect people's everyday lives. His role in the 1986 Tax Reform Act, for example, was pivotal, and reshaped how we address tax issues.

I especially admire Senator BRADLEY for his concern about the toughest issue of time—race relations. He has shown great courage and leadership for all our people.

America undoubtedly has profited greatly from Senator BRADLEY's leadership in economic, social, and foreign policy. His departure from the Senate leaves a big hole which will be difficult to fill.

BENNETT JOHNSTON

The people of Louisiana could not have had a more outstanding representative of their interests than J. BENNETT JOHNSTON, who has been a member of the Senate since 1973. He is, in fact, a Louisiana Legend.

I want to pay tribute to BENNETT as one of the most effective and skilled legislators in Congress—and also one of the most formidable opponents I have ever faced.

HANK BROWN

As the chairman of the Foreign Relations Subcommittee on Near Eastern Affairs, Senator HANK BROWN has shown great leadership on matters concerning one of America's most important allies, Israel. I also want to thank him for and recognize the support he has always given to the reproductive rights of women.

WILLIAM COHEN

Senator COHEN, following in the tradition of many previous Senators from Maine, has become known as a thoughtful legislator and judicious thinker on a broad range of issues. His intellect will be missed by the Senate.

One of BILL COHEN's greatest contributions to the Senate has been his role as an honest broker in important foreign policy debates. He is always willing to work on a bipartisan basis for what he believes to be the best interests of the United States.

TRIBUTE TO JUDGE JAMES BATTIN

Mr. BAUCUS. Mr. President, I wish to pay tribute to the life of a great Montanan and a very good man, Judge James F. Battin.

Judge Battin lost his battle with cancer yesterday. But he leaves behind a legacy of public service and devotion to the law that has helped make Montana a better place.

Last August, I had the honor of attending the investiture of Montana's newest Federal judge, Judge Don Molloy. Years ago, Judge Molloy served as a clerk for Judge Battin. And, through the ensuing years, Judge Battin played the role of friend and mentor to his former clerk.

So it was a great honor to see Judge Battin administer the oath to our new judge. As Judge Molloy begins his service on the bench, he could look for no finer role model than Judge Battin.

One of President Nixon's first judicial appointments, Judge Battin came to the bench from Congress. He served for a number of years—with great effectiveness and distinction—as eastern Montana's Republican Congressman.

Yet, at the time, there were some Montana lawyers who questioned whether a good Congressman would also make a good judge. One attorney was later quoted as saying, "everybody said he would be a terrible pain."

But that same lawyer went on to say "everybody was proven wrong . . . he's a superior judge."

That is a sentiment shared by everyone in Montana who knew Judge Battin. Wanda and I offer our condolences to his wife Barbara and their family. Yet they should be deeply proud of the life Judge Battin lived. He made a difference.

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolution, each without amendment:

S. 1931. An act to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the "L. Clure Morton Post Office and Courthouse."

S.J. Res. 64. Joint resolution to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3576. An act to designate the United States courthouse located 401 South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse."

H.R. 3841. An act to amend the civil service laws of the United States, and for other purposes.

H.R. 4042. An act to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse."

H.R. 4119. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse."

H.R. 4133. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

H.J. Res. 70. Joint Resolution authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia or its environs.

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3219. An act to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

H.R. 4088. An act to provide for the conveyance of certain property from the United States to Stanislaus County, California.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 229. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1004.

The message further announced that the House agrees to the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes.

At 2:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 543. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes.

H.R. 3632. An act to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

H.R. 4165. An act to provide for certain changes with respect to requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act.

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H. J. Res. 197. Joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 1996 he had presented to the President of the United States, the following enrolled bills:

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

S. 1970. An act to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes.

S. 2085. An act to authorize the Capitol Guide Service to accept voluntary services.

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN:

S. 2153. A bill to designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building", and for other purposes; considered and passed.

By Mr. SPECTER (for himself, Mr. JOHNSTON, Mr. HEFLIN, and Mr. SANTORUM):

S. 2154. A bill to provide equitable treatment for pharmaceutical patents on certain pipeline drugs in order to encourage continued development of new drugs, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. MCCONNELL, and Mr. HARKIN):

S. 2155. A bill to authorize the Secretary of Agriculture to transfer funds to the farmers' market nutrition program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STEVENS:

S. 2156. A bill to protect the rights of the States and the people from abuse by the Federal Government; to stregthen the partnership and the intergovernmental relationship between State and Federal Governments; to restrain Federal agencies from exceeding their authority; to enforce the Tenth Amendment to the Constitution; and for other purposes; to the Committee on Governmental Affairs.

By Mr. SMITH:

S. 2157. A bill to amend the Solid Waste Disposal Act to provide for the efficient collection and recycling of spent lead-acid batteries and educate the public concerning the collection and recycling of such batteries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LOTT:

S. 2158. A bill to set the time for counting electoral votes; considered and passed.

S. 2159. A bill to set the time for the convening of the 105th Congress; considered and passed.

By Mr. LIEBERMAN:

S. 2160. A bill to provide for alternative procedures for achieving superior environmental performance, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. SIMON):

S. Res. 303. A resolution commending the Governments of Hungary and Romania on the occasion of the signing of a Treaty of Understanding, Cooperation and Good Neighborliness; considered and agreed to.

By Mr. LOTT (for himself and Mr. GRASSLEY):

S. Res. 304. A resolution approving certain regulations to implement provisions of the Congressional Accountability Act of 1995 relating to labor-management relations with respect to employing offices of the Senate and employees of the Senate, and for other purposes; considered and agreed to.

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. JOHNSTON, Mr. BREAUX, and Mr. FORD):

S. Res. 305. A resolution to designate Saturday, November 30, 1996, as "National Duck Calling Day"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. JOHNSTON, Mr. HEFLIN and Mr. SANTORUM):

S. 2154. A bill to provide equitable treatment for pharmaceutical patents on certain pipeline drugs in order to encourage continued development of new drugs, and for other purposes; to the Committee on the Judiciary.

THE PHARMACEUTICAL EQUITY ACT OF 1996

Mr. SPECTER. Mr. President, Pennsylvania is proud to host some of the world's most innovative pharmaceutical, biotechnology, medical device and health care product companies. The United States, of course, is the world's leader. These companies are developing the new medicines and new products that are extending and improving life for people around the world.

Current law often unnecessarily slows the introduction of new technologies and new medicines and increases costs to producers, and therefore, ultimately, to consumers. I have consulted with consumer and other patient advocacy representatives, as well as pharmaceutical manufacturers and the biotechnology industry, in an effort to gather sufficiently diverse and constructive suggestions for meaningfully addressing this problem.

While this is certainly an issue critical to Pennsylvania's economic future, it is most of all a critical issue for our citizens who suffer from costly and debilitating conditions for which no adequate drug therapies exist today, including Alzheimer's, AIDS, heart disease, cancer, et cetera. We cannot, and should not, keep these patients waiting any longer than absolutely necessary.

We have a very basic problem in America about research expenditures for drugs that benefit sick people. These drugs benefit everybody, particularly the elderly and the young. We need medical research. We need these wonder drugs to be produced. It is a matter of fairness as to how we are going to compensate those who produce them. If we are to have these drugs for consumers, we will have to be able to pay for them. If we are to have the kind of research, productivity, and the great miraculous advances in medical science, we are simply going to have to ensure a reasonable rate of return on the patent period.

The purpose of the legislation I am introducing today, the Pharmaceutical Equity Act of 1996, is to provide a one-time adjustment to the patent terms of certain drugs that received unfair treatment as a result of the Drug Price Competition and Patent Term Restoration Act of 1984 (the Hatch-Waxman Act). Where applicable, these drugs would receive a 2-year extension of their patent terms. My legislation is intended to provide regulatory relief on a principled basis, as opposed to a piecemeal effort to address these concerns.

Under the Hatch-Waxman Act, Congress provided patent term extensions to restore part of the patent lives of drugs that were lost due to approval time lags at the FDA. The Hatch-Waxman Act provides up to 5-year extensions for most drugs. However, the statute also limited the patent term extension to 2 years for any drugs that had already begun clinical trials before September 24, 1984, and for which a patent had already been issued. Drugs falling into this category are often referred to as the pipeline drugs because they were in the regulatory pipeline at the FDA upon enactment of the Hatch-Waxman Act.

In making the distinction between pipeline drugs and other drugs in 1984, Congress believed that pipeline drugs would receive FDA approval shortly after 1984 and would not require lengthy patent term extensions. Although FDA approval times improved generally, for several drugs the delays were inordinantly long, in some cases involving over 10 years of FDA review time. As a result, these drugs lost critical portions of their patent terms. Therefore, the limited 2-year Hatch-Waxman patent extension for these drugs simply does not adequately compensate these companies for the lengthy regulatory delays incurred, particularly when other similarly situated companies with non-pipeline drugs could receive patent extensions as long as 5 years for such delays.

The Pharmaceutical Equity Act covers any pipeline drug patent where the New Drug Application [NDA] for the drug was reviewed by the FDA for more than 5 years and where the total review time at the FDA, which includes the clinical trials for investigational new drugs [IND], exceeded 10 years. This limited extension period would thus only apply in those egregious cases where FDA approval times far exceeded average approval delays for other drugs. Even if granted, the additional patent extension would also still be less than the maximum 5-year extension allowable for post-pipeline drugs suffering FDA delays.

This legislation is not intended to grant an extension to scores of drug patents. Rather, it will only apply in limited circumstances where FDA delays were inordinate long.

One of the fundamental powers assigned to Congress under article I, section 8 of the Constitution, is the power to promote the progress of science by securing for limited times to inventors the exclusive right to their discoveries.

This is a power which carries with it a tremendous obligation.

In the pharmaceutical arena, for example, this obligation includes the need to ensure that our laws encourage the development of life-saving and life-enhancing new drugs and technologies. My legislation fulfills this obligation by providing equitable treatment for pharmaceutical innovators, including the appropriate degree of market incentives for new innovation.

Unless we have an equitable system of patent protection, including a mechanism for remedying delays by the FDA which deprive patent holders of their full patent terms, we will undermine the very incentives the law intends to give to research and development companies that undertake the enormously expensive and risky process of searching for the wonder cures of tomorrow.

There should be no misunderstanding about the source of drug innovation. The vast majority of new drugs are discovered and developed by private for-profit research-based pharmaceutical companies. Incredibly, 90 percent of FDA-approved drugs that consumers use for every type of disease, from cholera to cancer, were first synthesized by private industry.

A recent survey by the Pharmaceutical Research & Manufacturer's Association [PhRMA] shows that research-based pharmaceutical companies are in the process of developing 215 drugs for over 20 different types of cancer. There is also an enormous research and development effort aimed at combating AIDS and AIDS-related conditions, with more than 110 products at various stages of development. Many more medicines for a wide range of diseases and human afflictions are also being developed, including 132 drugs for major diseases of aging, 118 for neurological disorders, 107 for heart disease and strokes, and 64 for mental illness. The list for other major medical ailments is virtually endless.

Such innovation does not come cheaply. A recent study by the Boston Consulting Group found that pharmaceutical companies expend approximately $500 million and 15 years bringing a new drug to market. These innovative drug research companies will spend nearly $16 billion in research and development costs this year. That is more than the entire government budget for biomedical research, and represents an increase of 9.6 percent over 1995 levels. These pharmaceutical companies spend an average of almost 20 percent of their income from sales on research.

Part of this research and development expense is due to the complexity of the diseases being fought—for every 6,000 new drugs that are researched and developed, only a single drug emerges as an approved new product. A large portion of the expense, however, is also due to the sheer volume and duration of FDA approval requirements for safety and efficacy. New drug applications by pharmaceutical innovators typically require hundreds of thousands of pages of information and years of clinical trials to complete. The time required to complete the clinical trials for new drugs has ballooned from an average of 2.5 years in the 1960's to nearly 6 years in the 1990's.

The high cost of drug development and the limited numbers of drugs that receive approval and actually are available to the public combine to create a system where the few successful drugs must pay for all the research and development expended on those drugs that did not succeed. More significant from a consumer standpoint, however, these successful drugs provide profits and incentives which support the research and development of the new cures for the diseases of tomorrow.

Apart from the immeasurable benefits people around the world enjoy from improved health and the new cures made possible by pharmaceutical innovation, we must also realize that the pharmaceutical producers themselves provide great economic benefits to communities across the United States. One of these benefits is through high-paying, quality jobs.

Recent data indicate that pharmaceutical companies employ over 33,000 people in my State of Pennsylvania. Nationally, these companies provide over 150,000 jobs. A large portion of these jobs are scientific jobs in research and development, exactly the types of jobs we are trying to create to maintain American competitiveness in a global marketplace.

Another economic benefit is through expanded exports. In 1994, the U.S. exported $7.565 billion in pharmaceutical products around the world.

Use of proper drug treatments can also save consumers and the government millions if not billions of dollars every year. Experts have calculated that pharmaceutical products are often far more cost-effective at treating disease than alternative treatments such as surgery or hospitalization. Several examples illustrate just how much money families can save through drug therapy in particular circumstances.

Cancer patients whose immune systems are weakened by chemotherapy have been helped by a drug containing a colony stimulating factor. The treatment saves $30,000 per patient in hospitalization costs for bone marrow transplants.

For heart disease, a New England Journal of Medicine study showed that patients on ACE inhibitor drugs for heart failure avoided nearly $9,000 per patient in hospitalization costs over a 3-year period. Nationwide, the potential savings from these drug treatments are up to $2 billion per year. More importantly, however, the drug also reduced patient deaths by over 15 percent.

Drug therapy for schizophrenia, according to a 1990 study, has enabled many patients to receive treatment in nonhospital settings. Although annual drug costs for such treatment are approximately $4,500, the savings are tremendous when compared with annual costs of over $73,000 for treatment in state mental hospitals.

Post-surgical recuperation is another area where the use of immuno-suppressive drugs has improved the effectiveness of treatment and reduced costs. In organ transplants, for example, success rates were dramatically higher with the use of these drugs. One drug was found to reduce average hospital stays by as much as 10 days, and also reduced re-hospitalizations after surgery.

In the case of ulcers, the advent of antacids and other products have led to a decline in surgeries from 97,000 in 1977 to 19,000 in 1987. The annual cost of drug therapy for each patient amounted to $900, versus approximately $28,000 for surgery. In the aggregate, use of these antacids and other products reduced medical costs by approximately $224 million per year.

The evidence is irrefutable about the tremendous benefit our society enjoys, from the physiological to the financial, from pharmaceutical innovation. Without a strong and fair patent system which provides the necessary incentives to continue this innovation, we will lose these benefits. The Pharmaceutical Equity Act, with its narrowly-targeted fix of an unanticipated problem, will take an important step toward restoring the equity and incentives to ensure that we enjoy those benefits for many years to come.

Mr. President, to reiterate, this legislation would provide fairness to pharmaceutical companies which research and develop lifesaving and health-improving pharmaceutical products. I am offering this legislation, and I do so at the very end of the legislative session.

The point of this legislation is to deal with the problem which arises when the Food and Drug Administration [FDA] delays approval on patented pharmaceutical products for sometimes as long as 17 years, 11 years, very lengthy periods of time. As I said earlier, these delays affect not only the companies which produce these drugs, but they also affect the consumers—people suffering from heart ailments, schizophrenia, ulcers, AIDS, Alzheimer's disease—the whole panoply of ailments that are affected when these products are not brought to market.

It takes $500 million and 15 years to bring a new drug to market, and out of every 6,000 drugs subjected to research and development, only one new product is produced. In 1996 alone, some $16 billion will be spent in private investments by the pharmaceutical industry.

I speak as a U.S. Senator, because it is a national issue. I also speak as a

Pennsylvania Senator, where we have so many companies in my State which are involved in developing and producing new pharmaceutical products.

Quite a number of Senators have expressed an interest in cosponsoring this legislation, but we have not had a chance to work through all the details. I wanted to put it in the RECORD at this time so it may be considered on all sides, by consumer groups, by the pharmaceutical industry and by my colleagues. I do so in the wake of a contentious issue which was raised on a product called Lodine, manufactured by my constituent, American Home Products, in a place I visited recently in the Philadelphia suburbs.

The extension was added for Lodine in a way that was not known to the managers of the recent health reform bill and was stricken on the floor of the Senate. Some had contended that it was done secretly. I said at that time that I was not a party to that and would not be a party to that and, in fact, had raised this issue in a public way in the Agriculture appropriations conference report. What should be done is this issue should be tackled in a principled way by considering, not simply one product, but by considering the industry as a whole. This legislation seeks to advance and extend the patent time for some 2 years, not 5 years, which is present under other circumstances by Hatch-Waxman, but for a more limited period of only 2 years.

This is a matter of enormous importance to consumers. My record of protecting consumer interests is second to none in the U.S. Congress. In looking out for the protection and encouragement of pharmaceutical advances, I have the consumers at the top of the list. That is what the advances are for—for people to extend lives and to save lives. If we are to have these products, we are going to have to have a return on the enormous capital investment. When market approval on a patented drug is delayed for as long as 17 years, 11 years, other protracted periods of time, these products simply cannot be produced.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pharmaceutical Equity Act of 1996".

SEC. 2. EXTENSION OF PATENTS RELATING TO CERTAIN PIPELINE DRUGS.

(a) IN GENERAL.—The term of any patent in force on September 24, 1984, and on the effective date of this Act, that claims a drug product, a method of using a drug product, or a method of manufacturing a drug product, shall be extended pursuant to subsection (b) from the expiration date determined pursuant to section 154 of title 35, United States Code, if:

(1) an exemption described in section 156(g)(1)(B)(i) or section 156(g)(4)(B)(i) of title 35, United States Code, became effective for the drug product before September 24, 1984;

(2) the regulatory review period set forth in section 156(g)(1)(B) or section 156(g)(4)(B) of title 35, United States Code, for the drug product, exceeded 120 months; and

(3) the regulatory review period described in section 156(g)(1)(B)(ii) or section 156(g)(4)(B)(ii) of title 35, United States Code, for the drug product, exceeded 60 months.

(b) TERM.—The term of any patent described in subsection (a) shall be extended by a period of two years.

(c) INFRINGEMENT.—During any extension granted pursuant to subsection (b), the rights in the patent so extended shall be determined in accordance with section 156(b) of title 35, United States Code.

(d) DEFINITION.—For the purpose of the Act, the term "drug product" shall be defined in accordance with section 156(f)(2) of title 35, United States Code.

(e) NOTIFICATION.—No later than 90 days after the date of enactment of this Act, the patentee of a patent extended pursuant to subsection (b) shall notify the Commissioner of Patents and Trademarks of the number of any patent extended pursuant to subsection (b). On receipt of this notice, the Commissioner shall confirm the patent extension by placing a notice thereof in the official file of the patent, and publishing an appropriate notice of this extension in the Official Gazette of the Patent and Trademark Office.

By Mr. LEAHY (for himself, Mr. MCCONNELL and Mr. HARKIN):

S. 2155. A bill to authorize the Secretary of Agriculture to transfer funds to the farmers' market nutrition program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FARMERS' MARKET NUTRITION PROGRAM ACT OF 1996

Mr. LEAHY. Mr. President, I am very happy to join with Senator MCCONNELL, who is chairman of the Nutrition Subcommittee of the Senate Agriculture Committee, in introducing this bill to permit the Secretary of Agriculture to transfer up to $2 million of additional funding to the WIC Farmers' Market Program upon consultation with the Appropriations Committees of the other body and of the Senate.

This program was funded up to $6.75 million in this year's appropriations bill. We greatly appreciate that the appropriations committees were able to provide that funding.

We are advised by the Department of Agriculture that because of the way the language is technically worded that USDA cannot reprogram additional funds into that WIC Farmers' Market Program. As it turns out some states need additional funding as my colleague Senator MCCONNELL points out in his floor statement and that a few States need funding to set up a WIC Farmers' Market Program.

We recognize that we will need the support of all Senators to pass this bill at this stage. This bill does not mandate the spending of additional funds, it simply permits USDA to transfer up to $2 million to this program if the Secretary determines that such transfer is a good idea. We assume they will fully consult with the appropriate members of the Appropriations Committees to assure that this is done in a manner that is satisfactory to them.

It is important to us that this consultation take place.

The WIC Farmers' Market Program provides vouchers to low-income families who are on the WIC program. They can use the vouchers to buy fresh fruits and vegetables or other farm products at farmers' markets. The authorizing law, passed without objection in the Senate, mandates that States contribute a significant share of the cost of the program. It thus leverages Federal money with State and local funding to provide farm products to children and their parents on the WIC program.

This program has been an incentive in my home State of Vermont for farmers to work together and set up additional farmers' markets. This has been good for local communities, for the farmers selling their products and for families on the WIC program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER FUNDS TO FARMERS' MARKET NUTRITION PROGRAM.

For fiscal year 1997, the Secretary of Agriculture may transfer after consultation with the appropriations committees of the House of Representatives and the Senate, from any funds available to the Secretary, up to $2,000,000 to the farmers' market nutrition program under section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)). Amounts authorized to be transferred under the preceding sentence shall be in addition to any amounts authorized to be made available to the program under title IV of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997 (110 Stat. 1590).

Mr. MCCONNELL. Mr. President, today along with my colleague Senator LEAHY, we are introducing legislation that will permit the Secretary of Agriculture authority to transfer funds to the WIC Farmers' Market Nutrition Program.

The WIC Farmers' Market Nutrition Program [FMNP] has become a very successful program in assisting low-income families, farmers, and local economies.

A total of 28 States and three Indian tribal organizations now participate in the FMNP. Because of the limitation on funding, several States, including Kentucky, have been restricted in the size of the program that they can offer.

Several States would like the opportunity to expand this program based on their experience and feedback from farmers that participate.

For a State to have a FMNP requires the filing of an application in the fall with USDA, a commitment that the State will match 30 percent of the total Federal funds with either cash or in-kind services and support.

The benefits of FMNP are significant. WIC participants enhance the nutrition in their diet from of fresh fruits and vegetables. In fiscal year 1995 the FMNP served nearly 1 million low-income mothers and children participating in the WIC program. As a result of the FMNP: 71 percent of the WIC participants ate more fresh fruits and vegetables; 40 percent tried fruits and vegetables they had never eaten before; 48 percent spent cash and/or food stamps in addition to their FNMP coupons; 66 percent plan to continue shopping at farmers markets and; 72 percent plan to eat more fresh fruits and vegetables year round.

Farmers' incomes will increase because of the new market for their products. A survey of participants in 1995 revealed that: 84 percent of farmers increased their sales; 23 percent increased their fruit and vegetable production; 36 percent grew additional types of fruits and vegetables and; 37 percent said they would increase their production in 1996.

The Kentucky Farm Bureau has initiated a new program to boost sales of Kentucky farm products involving 25 roadside farm markets. Studies confirm that consumers prefer to buy locally-grown produce.

This is another example of organizations and State agencies working together to provide a service to consumers, it introduces fresh fruit and vegetables that are locally grown, and it enhances farmer income.

Mr. President, this is a good bill that benefits everyone and I hope we are able to pass this important legislation before we adjourn.

Mr. HARKIN. Mr. President, this legislation providing transfer authority to the Secretary of Agriculture is designed to help address the wide gap that exists between the need within the WIC Farmers' Market Nutrition Program and the level of resources that we have been able to appropriate for it. I welcome this opportunity to join as an original cosponsor of this bill.

The WIC Farmers' Market Nutrition Program has been an immensely popular and successful initiative, benefiting both farmers and WIC recipients. In fiscal 1995, nearly 1 million low-income mothers and children received benefits allowing them to purchase fresh, nutritious unprepared foods at 1,143 qualifying farmers' markets that were supplied by over 8,000 farmers. Currently, 27 States, including my State of Iowa, along with the District of Columbia and three American Indian tribal organizations, participate in the WIC Farmers' Market Nutrition Program. To take part, States must agree to provide at least 30 percent of the total cost of the program through State, local, or private funds.

The nutritional benefits of the WIC Farmers' Market Nutrition Program are excellent. The 1995 survey showed that among WIC participants receiving farmers' market benefits, 71 percent ate more fresh fruits and vegetables, 40 percent tried fruits and vegetables they had never eaten before, 48 percent spent cash or food stamps in addition to their WIC farmers' Market coupons or checks, 66 percent planned to continue shopping at farmers' markets, and 72 percent planned to eat more fresh fruits and vegetables year round.

The benefits to farmers are also substantial. Over $9 million was earned in 1995 by the more than 8,000 participating farmers. The 1995 survey also showed that 84 percent of participating farmers increased their sales, 23 percent increased their fruit and vegetable production, 36 percent grew additional types of fruits and vegetables, and 37 percent planned to increase their production in 1996.

In my State of Iowa the WIC Farmers' Market Nutrition Program has been very popular and successful. There is a great deal of interest in expanding the number of WIC recipients and farmers' markets that may take part, but the limited available Federal funding has prevented expansion. This situation also exists in the other States now in the program. Of any additional Federal funding provided for the Farmers' Market Nutrition Program, 75 percent would go to States that currently participate in it, with 25 percent to be used for adding new States.

Unfortunately, the lack of needed Federal funding has prevented a number of States from joining the WIC Farmers' Market Nutrition Program. Thirteen other States, along with other American Indian tribal organizations, have expressed interest in offering the program.

This legislation would allow, but not require, the Secretary of Agriculture to transfer funds within the Department of Agriculture budget to provide up to $2 million in additional funding for the WIC Farmers' Market Nutrition Program, where it could be put to very good use in expanding the number of WIC recipients, farmers, and farmers' markets participating in this outstanding program.

I urge my colleagues to support this important bill.

By Mr. STEVENS:

S. 2156. A bill to protect the rights of the States and the people from abuse by the Federal Government; to strengthen the partnership and the intergovernmental relationship between State and Federal Governments; to restrain Federal agencies from exceeding their authority; to enforce the 10th amendment to the Constitution; and for other purposes; to the Committee on Governmental Affairs.

THE TENTH AMENDMENT ENFORCEMENT ACT OF 1996

Mr. STEVENS. Mr. President, the 10th amendment was a promise to the States and to the American people that the Federal Government would be limited, and that the people of the States could, for the most part, govern themselves as they saw fit.

Unfortunately, in the last half century, that promise has been broken. The American people have asked us to start honoring that promise again: to return power to State and local governments which are closer to and more sensitive to the needs of the people.

The 104th Congress and in particular, the Unfunded Mandates Reform Act, started to shift power out of Washington by returning it to our States and to the American people. As chairman of the Governmental Affairs Committee, I wanted to continue its shift of power. More than a dozen colleagues and I introduced S. 1629 on March 20 of this year. Within 5 months of its introduction, the bill had 32 cosponsors. On May 8 of this year, a House companion bill was also introduced.

I want to introduce a bill today which is the product of work by the Governmental Affairs Committee over the past several months. Unfortunately, the session is ending before we can complete action. However, before adjourning I wanted to provide a summary of the committee's consideration of this issue, and put forward a bill that reflects revisions made as a result of our hearings and discussions with interested parties. The legislation that I offer today is a starting point for when we reconvene next year. This is an important issue and I intend to pursue it in the next Congress.

The purpose of out legislation is to return power to the States and to our people by placing safeguards in the legislative process, by restricting the power of Federal agencies and by instructing the Federal courts to enforce the 10th amendment.

This would be accomplished in five ways. The act includes a specific congressional finding that the 10th amendment means what it says: The Federal Government has no powers not delegated by the Constitution, and the States may exercise all powers not withheld by the Constitution.

The act states that Federal laws may not interfere with State or local powers unless Congress declares its intent to do so and Congress cites its specific Constitutional authority to do so.

The act gives Members of the House and Senate the ability to raise a point of order challenging a bill that lacks such a declaration or that cites insufficient constitutional authority.

The act requires that Federal agency rules and regulations not interfere with State or local powers without Constitutional authority cited by Congress. Agencies must allow States notice an opportunity to be heard in the rulemaking process.

The act, further, directs courts to strictly construe Federal laws and regulations that interfere with State powers, with a presumption in favor of State authority and against Federal preemption.

During the course of the past year, we received bipartisan expressions of support from many Governors and State attorneys general, State legislatures, groups including the National Conference of State Legislatures [NCSL] and the Council of State Governments [CSG].

As the Supreme Court stated in 1991 when Justice Sandra Day O'Connor delivered the majority opinion of the court in the case Gregory versus Aschroft:

> If Congress intends to alter the usual constitutional balance between the states and the Federal Government, it must make its intention to do so unmistakably clear in the language of the statute. Congress should make its intention clear and manifest if it intends to preempt the historic powers of the States. In traditionally sensitive areas such as legislation affecting the federal balance, the requirement of clear statement assures that the legislature has in fact faced, and intended to bring into issue, the critical matters involved in the judicial decision.

The Tenth Amendment Enforcement Act that I have introduced will prevent overstepping by all three branches of the Federal Government, and will focus attention on what State and local officials have been advocating for so long: the need to return the power of our democracy to the States and to our people.

The Governmental Affairs Committee held three hearings on the Tenth Amendment Enforcement Act:

March 21, 1996, featured Senators Dole, HATCH, and NICKLES. Attorneys general from Virginia and South Carolina, the solicitor general of Colorado, and elected representatives from Alaska, Ohio, and New York appeared, as well as Professors Nelson Lund and John Kincaid. Senator Dole said:

> I don't care what your party is. This isn't a Republican or a Democratic issue. Even the President has said "The era of big government is over." . . . This is a bipartisan issue and this is a bipartisan bill.

June 3, 1996 in Nashville, TN, cochaired by Senator THOMPSON, included elected representatives for Tennessee State and local governments, as well as the director of the Tennessee Advisory Council on Intergovernmental Relations and the deputy director of the Tennessee Division of Water Supply. This hearing enlightened us to the wisdom that resides in Tennessee. State legislators, mayors, and administrators know how to solve most problems, but Federal overreaching often prevents them from doing that. One of our witnesses offered an update on a familiar saying in Washington. To this Tennessean, it's not just all politics that are local, "All solutions are local."

July 16, 1996, testimony was presented by NCSL President-Elect Michael Box and constitutional lawyer Roger Marzulla speaking in favor of the bill, while Professors Mary Brigid McManamon and Ed Rubin spoke in opposition. Mr. Marzulla pointed out that Congress is the only branch of the Federal Government that does not analyze the source of its power before it acts. Courts and Federal agencies both do. We in Congress can do our jobs better by looking at our constitutional jurisdiction and authority first, then exercising or power appropriately to solve the Nation's problems.

Let me conclude by saving, as a result of our work throughout this year and with input form the National Conference of State Legislatives, we have made the following changes to the Tenth Amendment Enforcement Act.

We have removed the supermajority requirement on the point of order. It would take a simple majority to remove the point of order, not just a supermajority.

It will require the Congressional Research Service to report on Federal preemption at the close of each Congress. It will exempt participation by State officials in agency rulemaking from the Federal Advisory Committee Act and allow State and Federal officials to work together on preemption issues without following the Federal Advisory Committee Act's detailed notice and reporting procedures. It would make funds received by States under Federal law subject to appropriation by the State legislatures.

I ask unanimous consent, Mr. President, the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Tenth Amendment Enforcement Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) in most areas of governmental concern, State governments possess both the Constitutional authority and the competence to discern the needs and the desires of the People and to govern accordingly;

(2) Federal laws and agency regulations, which have interfered with State powers in areas of State jurisdiction, should be restricted to powers delegated to the Federal Government by the Constitution;

(3) the framers of the Constitution intended to bestow upon the Federal Government only limited authority over the States and the people;

(4) under the Tenth Amendment to the Constitution, the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; and

(5) the courts, which have in general construed the Tenth Amendment not to restrain the Federal Government's power to act in areas of State jurisdiction, should be directed to strictly construe Federal laws and regulations which interfere with State powers with a presumption in favor of State authority and against Federal preemption.

SEC. 3. CONGRESSIONAL DECLARATION.

(a) IN GENERAL.—On or after January 1, 1997, any statute enacted by Congress shall include a declaration—

(1) that authority to govern in the area addressed by the statute is delegated to Congress by the Constitution, including a citation to the specific Constitutional authority relied upon;

(2) if the statute interferes with State powers or preempts any State or local government law, regulation or ordinance, that Congress specifically finds that the Federal Government is the better level of government to govern in the area addressed by the statute; and

(3) if the statute interferes with State powers or preempts any State or local government law, regulation or ordinance, that Congress specifically intends to interfere with State powers or preempt State or local government law, regulation, or ordinance, and that such preemption is necessary.

(b) FACTUAL FINDINGS.—The Congress shall make specific factual findings in support of the declarations described in this section.

SEC. 4. POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in either the Senate or House of Representatives to consider any bill, joint resolution, or amendment that does not include a declaration of Congressional intent as required under section 3.

(b) RULEMAKING.—This section is enacted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, and as such, it is deemed a part of the rules of the Senate and House of Representatives, but is applicable only with respect to the matters described in section 3 and supersedes other rules of the Senate or House of Representatives only to the extent that such sections are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate or House of Representatives to change such rules at any time, in the same manner as in the case of any rule of the Senate or House of Representatives.

SEC. 5. ANNUAL REPORT ON STATUTORY PREEMPTION.

(a) REPORT.—Within 90 days after each Congress adjourns sine die, the Congressional Research Service shall prepare and make available to the public a report on the extent of Federal statutory preemption of State and local government powers enacted into law during the preceding Congress or adopted through judicial interpretation of Federal statutes.

(b) CONTENTS.—The report shall contain—

(1) a cumulative list of the Federal statutes preempting, in whole or in part, State and local government powers;

(2) a summary of Federal legislation enacted during the previous Congress preempting, in whole or in part, State and local government powers;

(3) an overview of recent court cases addressing Federal preemption issues; and

(4) other information the Director of the Congressional Research Service determines appropriate.

(c) TRANSMITTAL.—Copies of the report shall be sent to the President and the chairman of the appropriate committees in the Senate and House of Representatives.

SEC. 6. EXECUTIVE PREEMPTION OF STATE LAW.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 559 the following new section:

"SEC. 560. PREEMPTION OF STATE LAW.

"(a) No executive department or agency or independent agency shall construe any statutory authorization to issue regulations as authorizing preemption of State law or local ordinance by rulemaking or other agency action unless—

"(1) the statute expressly authorizes issuance of preemptive regulations; and

"(2) the executive department, agency or independent agency concludes that the exercise of State power directly conflicts with the exercise of Federal power under the Federal statute, such that the State statutes and the Federal rule promulgated under the Federal statute cannot be reconciled or consistently stand together.

"(b) Any regulatory preemption of State law shall be narrowly tailored to achieve the objectives of the statute pursuant to which the regulations are promulgated and shall explicitly describe the scope of preemption.

"(c)(1) When an executive department or agency or independent agency proposes to act through rulemaking or other agency action to preempt State law, the department or agency shall provide all affected States notice and an opportunity for meaningful and timely input by duly elected or appointed State and local government officials or their designated representatives in the proceedings.

"(2) The notice of proposed rulemaking shall be forwarded to the Governor, the Attorney General and the presiding officer of each chamber of the legislature of each State setting forth the extent and purpose of the preemption.

"(3) In the table of contents of each Federal Register, there shall be a separate list of preemptive regulations contained within that Register.

"(4) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to participation in rulemaking or other agency action by duly elected or appointed State and local government officials or their designated representatives acting in their official capacities.

"(d) Unless a final executive department or agency or independent agency rule or regulation contains an explicit provision declaring the Federal Government's intent to preempt State or local government powers and an explicit description of the extent and purpose of that preemption, the rule or regulation shall not be construed to preempt any State or local government law, ordinance or regulation.

"(e)(1) Each executive department or agency or independent agency shall review the rules and regulations issued by the department or agency that preempt, in whole or in part, State or local government powers. Each executive department or agency or independent agency shall publish in the Federal Register a plan for such review. Such plan may be amended by the department or agency at any time by publishing a revision in the Federal Register.

"(2) The purpose of the review under paragraph (1) shall be to determine whether and to what extent such rules are to continue without change, consistent with the stated objectives of the applicable statutes, or are to be altered or repealed to minimize the effect of the rules on State or local government powers.

"(3) The plan under paragraph (1) shall provide for the review of all such department or agency rules and regulations within 10 years after the date of publication of such rules and regulations as final rules. For rules and regulations in effect more than 10 years on the effective date of this section, the plan shall provide for review within 3 years after such effective date.

"(f) Any Federal rule or regulation promulgated after January 1, 1997, that is promulgated in a manner inconsistent with this section shall not be binding on any State or local government, and shall not preempt any State or local government law, ordinance, or regulation.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by adding after the item for section 559 the following:

"560. Preemption of State law.".

SEC. 7. CONSTRUCTION.

(a) IN GENERAL.—No statute, or rule promulgated under such statute, enacted after the date of enactment of this Act, shall be construed by courts or other adjudicative entities to preempt, in whole or in part, any State or local government law, ordinance or regulation unless the statute, or rule promulgated under such statute, contains an explicit declaration of intent to preempt, or unless there is a direct conflict between such statute and a State or local government law, ordinance, or regulation, such that the two cannot be reconciled or consistently stand together.

(b) CONSTRUCTION IN FAVOR OF STATES AND PEOPLE.—Notwithstanding any other provisions of law, any ambiguities in this Act, or in any other law of the United States, shall be construed in favor of preserving the authority of the States and the people.

(c) SEVERABILITY.—If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 8. APPROPRIATION BY STATE LEGISLATURES.

Any funds received by a State under Federal law shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under such applicable provisions of law.

By Mr. SMITH:

S. 2157. A bill to amend the Solid Waste Disposal Act to provide for the efficient collection and recycling of spent lead-acid batteries and educate the public concerning the collection and recycling of such batteries, and for other purposes; to the Committee on Environment and Public Works.

THE LEAD ACID BATTERY RECYCLING ACT

Mr. SMITH. Mr. President, I introduce lead-acid battery recycling legislation. This legislation, entitled the "Lead-Acid Battery Recycling Act," is intended to strengthen and make uniform the existing lead-acid battery recycling infrastructure by establishing a mandatory recycling program for lead-acid batteries.

This legislation would prohibit the incineration and landfill disposal of used lead-acid batteries and require that these batteries be managed through a reverse distribution system. Under this legislation, used lead-acid batteries would have to be delivered in reverse order to battery retailers, wholesalers, manufacturers, recycling facilities or automotive dismantlers and ultimately to secondary smelters for recycling.

There is little doubt that lead-acid batteries are an extremely useful product. They are used in a variety of applications ranging from lighting and ignition systems for automobiles, power sources for electric vehicles, emergency lighting, and standby telecommunication systems. The lead contained in these batteries is, however, a cause for concern. Furthermore, given the fact that lead-acid batteries account for approximately 80 percent of all the lead consumed in the United States, they merit special attention.

This special attention has resulted in implementation of aggressive lead-acid battery recycling programs by many State and local governments as well as the battery industry. Lead-acid batteries have now become the Nation's most successfully recycled commodity. According to the most recent statistics, over the last 5 years the lead-acid battery recycling rate in the United States has been at least 95 percent. This rate is unparalleled among any other recyclable commodity.

Forty-two States have adopted lead battery recycling legislation similar to this legislation. These 42 States account for over 85 percent of the Nation's population. However, there are variations among the State programs that create problems for the free flow of batteries in interstate commerce. My bill would reenforce the existing lead-acid battery recycling infrastructure now in place throughout the United States while making it more uniform nationwide.

This legislation is self-implementing, and does not require further development through regulation. Rather, this legislation builds upon the existing lead-acid battery collection and recycling system now in place in many States.

Upon enactment, the incineration and landfill disposal of used lead-acid batteries will be expressly prohibited. However, owners and operators of a municipal solid waste landfills, incinerators or collection programs that inadvertently receive used lead-acid batteries that are not readily removable from municipal solid waste would not be liable for violating the recycling provisions of this bill.

In general, this legislation would require used lead-acid batteries to be delivered to battery retailers, wholesalers, manufacturers, automotive dismantlers, secondary lead smelters, or recycling facilities regulated by a State or subject to regulation by the

Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.). Used lead-acid batteries could continue to be lawfully collected through community collection and recycling programs set up by States and localities.

Although recycling is becoming an every day fact of life in the minds of the public, to ensure further consumer participation in the program, retailers are required to accept used lead acid batteries from consumers without requiring the purchase of a new lead-acid battery. In addition, battery manufacturers or their authorized representatives—such as shippers delivering new batteries—will be required to accept used lead-acid batteries from their customers.

I have included provisions for labeling and notification that are intended to ensure that consumers are aware of the recycling requirements under law. These provisions are not intended to affect or limit in any way the battery industry's efforts to display recycling symbols intended to encourage recycling.

Mr. President, as I discussed above, my legislation is substantially similar to battery recycling legislation adopted in 42 States. The bill is strongly supported by the Battery Council International. I believe this legislation provides a substantial improvement in our ability to remove these batteries from our Nation's solid waste stream and I would encourage all of my colleagues to cosponsor this legislation.

Mr. President, I realize that, in the twilight of this legislative session, there is virtually no chance of this bill will become law before this Congress adjourns. Yet, I am introducing it today with the desire that the States, the Environmental Protection Agency, environmental groups, and the regulated entities will have a chance to review it, judge its merits, and provide me with comments on how this legislation could be improved. It is my desire, that upon our return in January, to hold hearings on this legislation and to move it to the full Senate for passage early in 1997.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lead-Acid Battery Recycling Act".

SEC. 2. RECYCLING OF LEAD-ACID BATTERIES.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. RECYCLING OF LEAD-ACID BATTERIES.

"(a) DEFINITIONS.—In this section:

"(1) LEAD-ACID BATTERY.—The term 'lead-acid battery' means a battery that—

"(A) contains lead and sulfuric acid;

"(B) is used as a power source; and

"(C) is not a rechargeable battery.

"(2) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means—

"(A) solid waste generated by the general public or from a residential, commercial, institutional, or industrial source, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible material and noncombustible material such as metal and glass, including residue remaining after recyclable material has been separated from waste destined for disposal, and including waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); but

"(B) does not include—

"(i) waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(ii) waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606) or any corrective action taken under this Act;

"(iii) medical waste listed in section 11002;

"(iv) industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling;

"(v) recyclable material; or

"(vi) sludge.

"(3) RECHARGEABLE BATTERY.—The term 'rechargeable battery'—

"(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

"(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack; but

"(C) does not include—

"(i) a battery that is used to start an internal combustion engine or is used as the principal electrical power source for a vehicle, such as an automobile, truck, construction equipment, motorcycle, garden tractor, golf cart, wheelchair, or boat;

"(ii) a battery that is used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

"(iii) a battery that is used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

"(iv) a rechargeable alkaline battery.

"(b) PROHIBITION.—

"(1) IN GENERAL.—A person shall not—

"(A) place a lead-acid battery in a landfill;

"(B) incinerate a lead-acid battery; or

"(C) otherwise dispose of a lead-acid battery in a manner other than in accordance with subsection (c).

"(2) COMMINGLED WASTE.—A person that is an owner or operator of a municipal solid waste landfill, incinerator, or collection program that receives a lead-acid battery that—

"(A) is commingled with municipal solid waste (other than lead-acid batteries); and

"(B) is not readily removable from the waste stream,

shall not be considered to violate paragraph (1) if the owner or operator has established contractual requirements or other appropriate notification or inspection procedures that are reasonably designed to ensure that no lead-acid battery is received at, or burned in, the landfill or incinerator facility or accepted through the collection program.

"(c) LAWFUL DISPOSAL.—

"(1) BY PERSONS IN GENERAL.—

"(A) IN GENERAL.—A person (other than a person described in paragraph (2), (3), or (4)) shall return a spent lead-acid battery by delivering the battery to 1 of the authorized recipients described in subparagraph (B).

"(B) AUTHORIZED RECIPIENTS.—The authorized recipients described in this subparagraph are—

"(i) a person that sells lead-acid batteries at retail or wholesale;

"(ii) a lead smelter regulated by a State or the Administrator under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.);

"(iii) an automotive dismantler or scrap dealer (as defined by the Administrator);

"(iv) a collection entity, program, or facility designated by a State to accept spent lead-acid batteries; and

"(v) a manufacturer of lead-acid batteries of the same general type as the type delivered.

"(2) BY RETAILERS.—

"(A) IN GENERAL.—A person that sells lead-acid batteries at retail shall return a spent lead-acid battery by delivering the battery to 1 of the authorized recipients described in subparagraph (B).

"(B) AUTHORIZED RECIPIENTS.—The authorized recipients described in this subparagraph are—

"(i) a person that sells lead-acid batteries at wholesale;

"(ii) a lead smelter regulated by a State or the Administrator under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.);

"(iii) an automotive dismantler or scrap dealer (as defined by the Administrator);

"(iv) a manufacturer of lead-acid batteries of the same general type as the type delivered; and

"(v) a collection entity, program, or facility designated by a State to accept spent lead-acid batteries.

"(3) BY WHOLESALERS, AUTOMOTIVE DISMANTLERS, AND COLLECTION PROGRAMS, ENTITIES AND FACILITIES.—

"(A) IN GENERAL.—A person that sells lead-acid batteries at wholesale, an automotive dismantler, and a collection entity, program, or facility designated by a State to accept spent lead-acid batteries shall return a spent lead-acid battery by delivering the battery to 1 of the authorized recipients described in subparagraph (B).

"(B) AUTHORIZED RECIPIENTS.—The authorized recipients described in this subparagraph are—

"(i) a lead smelter regulated by a State or the Administrator under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.); and

"(ii) a manufacturer of lead-acid batteries of the same general type as the type delivered.

"(4) BY MANUFACTURERS.—

"(A) IN GENERAL.—A person that manufactures lead-acid batteries shall return a spent lead-acid battery by delivering the battery to the authorized recipient described in subparagraph (B).

"(B) AUTHORIZED RECIPIENT.—The authorized recipient described in this subparagraph is a lead smelter regulated by a State or the Administrator under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(d) COLLECTION REQUIREMENTS.—

"(1) RETAILERS.—

"(A) IN GENERAL.—A person that sells or offers for sale lead-acid batteries at retail shall accept spent lead-acid batteries of the same general type as the batteries sold in a quantity that is approximately equal to the number of batteries sold.

"(B) EXEMPTION.—Subparagraph (A) shall not apply to a retailer that sells not more than 5 lead-acid batteries per month on average over a calendar year, if a collection entity, program, or facility is in operation for the collection of spent lead-acid batteries in the locality of the retailer.

"(2) WHOLESALERS.—

"(A) IN GENERAL.—A person that sells or offers for sale lead-acid batteries at wholesale shall accept spent lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(B) ACCEPTANCE FROM RETAILERS.—A wholesaler that sells or offers for sale lead-acid batteries to a retailer shall provide for the removal of spent lead-acid batteries at the place of business of the retailer—

"(i) not later than 90 days after the retailer notifies the wholesaler of the existence of the spent lead-acid batteries for removal; or

"(ii) if the quantity of batteries to be removed is less than 5, not later than 180 days after notification.

"(3) MANUFACTURERS.—A person that manufactures lead-acid batteries shall accept spent lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(e) NOTICE REQUIREMENTS.—

"(1) POSTED NOTICE BY RETAILERS.—A person that sells or offers for sale lead-acid batteries at retail shall post a written notice that—

"(A) is clearly visible in a public area of the establishment in which the lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following text:

"(i) It is illegal to throw away a motor vehicle battery or other lead-acid battery.

"(ii) Recycle your used lead-acid batteries.

"(iii) Federal (or State) law requires battery retailers to accept used lead-acid batteries for recycling when a lead-acid battery is purchased.

"(2) STATE REQUIREMENTS.—Nothing in paragraph (1) shall be construed to prohibit a State from requiring the posting of substantially similar notice in lieu of that required under paragraph (1).

"(3) LABELING.—

"(A) IN GENERAL.—Each lead-acid battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported, shall bear a label comprised of—

"(i) the 3 chasing arrow recycling symbol; and

"(ii) immediately adjacent to the recycling symbol, the words 'LEAD', 'RETURN', 'RECYCLE'.

"(B) INTERNATIONAL SYMBOLS.—

"(i) APPLICATION.—On application by a person subject to the labeling requirements of this paragraph, the Administrator shall certify that a different label meets the requirements of this paragraph if the label conforms with a recognized international standard that is consistent with the overall purposes of this section.

"(ii) FAILURE TO ACT.—If the Administrator fails to act on an application under clause (i) within 120 days after the date on which the application is filed, the Administrator shall be considered to have certified that the label proposed in the application meets the requirements of this paragraph.

"(4) UNIFORMITY.—No State or political subdivision of a State may enforce any labeling requirement intended to communicate information about the recyclability of lead-acid batteries that is not identical to the requirements contained in paragraph (3).

"(5) RECYCLING INFORMATION.—Nothing in this subsection shall be construed to prohibit the display on a label of a lead-acid battery of any other information intended by the manufacturer to encourage recycling or warn consumers of the potential hazards associated with lead-acid batteries.

"(f) PUBLICATION OF NOTICE.—Not later than 180 days after the date of enactment of this section, the Administrator shall publish in the Federal Register a notice of the requirements of this section and such other related information as the Administrator determines to be appropriate.

"(g) EXPORT FOR PURPOSES OF RECYCLING.—Notwithstanding any other provision of this section, a person may export a spent lead-acid battery for the purposes of recycling.

"(h) ENFORCEMENT.—The Administrator may issue a warning or citation to any person that fails to comply with the requirements of this section.

"(i) CIVIL PENALTY.—

"(1) IN GENERAL.—When on the basis of any information the Administrator determines that a person is in violation of this section, the Administrator—

"(A) in the case of a willful violation, may issue an order assessing a civil penalty of not more than $1,000 for each violation and requiring compliance immediately or within a reasonable specified time period, or both; or

"(B) in the case of any violation, may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) CONTENTS OF ORDER.—An order under paragraph (1) shall State with reasonable specificity the nature of the violation.

"(3) CONSIDERATIONS.—In assessing a civil penalty under paragraph (1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(4) FINALITY OF ORDER; REQUEST FOR HEARING.—An order under paragraph (1) shall become final unless, not later than 30 days after the date on which the order is served, a person named in the order requests a hearing on the record.

"(5) HEARING.—On receiving a request under paragraph (4), the Administrator shall promptly conduct a hearing on the record.

"(6) SUBPOENA POWER.—In connection with any hearing on the record under this subsection, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

"(7) CONTINUED VIOLATION AFTER EXPIRATION OF PERIOD FOR COMPLIANCE.—If a violator fails to take corrective action within the time specified in an order under paragraph (1), the Administrator may assess a civil penalty of not more than $1,000 for the continued noncompliance with the order.".•

By Mr. LIEBERMAN:

S. 2160. A billto provide for alternative procedures for achieving superior environmental performance, and for other purposes; to the Committee on Environment and Public Works.

THE INNOVATIVE COMPLIANCE ACT

• Mr. LIEBERMAN. Mr. President, I am pleased to introduce today the Innovative Compliance Act of 1996. Title I of this legislation authorizes the Environmental Protection Agency to approve a demonstration program allowing companies who show superior environmental performance to use flexible methods of achieving environmental goals. Title II of the legislation requires the EPA, when developing a new program to control a pollutant to consider, where appropriate, basing the regulatory scheme on market-based trading programs. The legislation builds on President Clinton's project XL which stands for excellence and leadership, and on the successful market-based program for controlling acid rain established under the Clean Air Act Amendments of 1990.

Mr. President, I am introducing this bill at the end of this session in the hope that it will lead to a continued dialog among interested parties on the best way to implement these two programs. I view this bill as an initial draft, discussion draft and welcome all proposals and suggestions on how to alter and improve it. I hope to resubmit the bill reflecting suggestions made over the next few months early next session.

This Congress has been marked by debate about the future of Government's role in environmental protection. At times, it appeared that the bipartisan support of environmental laws and regulation that has evolved over the past three decades was at serious risk. Efforts to undermine our environmental laws initially had support from some in this Congress, despite the absence of any public demand for retrenchment on the environmental front. Those efforts have been stemmed.

In fact, our laws and regulations have performed remarkably well in improving the quality of America's environment. As Gregg Easterbrook has pointed out, environmental protection is probably the single greatest success story of American Government in the period since World War II.

In many cases, however, we need to do more to provide the level of environmental protection most Americans expect from Government. For example, 62 million Americans still live in neighborhoods where the air does not meet Federal health-based standards. Forty percent of our rivers and lakes still do not fully meet water quality standards. The number of people suffering from asthma has increased 40 percent in the past decade. In some communities, it has reached epidemic proportions, especially among children. Health advisories for eating fish increased by 14 percent between 1994 and 1995. In light of these serious problems, there is clearly a need to improve protection of our environment. But there is just as clearly a need to review our methods of environmental protection in order to find better, more efficient, more innovative and fairer ways to achieve greater progress toward meeting our environmental goals. In some cases, the traditional approaches to environmental protection have hindered companies from developing more innovative approaches, such as pollution prevention, that can result in larger benefits for the environment.

While combining these two goals may appear illusive, a significant consensus has emerged that alternative compliance and market-based trading programs can form the basis for a new approach to environmental protection that will achieve superior results at less cost while encouraging innovation. This consensus can be seen, for example, in the work of the President's Council on Sustainable Development which brought together leaders from government, business, environmental, civil rights, labor and Native American organizations in an effort to achieve consensus national environmental, economic and social goals. The Council's report supports both these approaches. The Aspen Institute also undertook a 3-year effort to reach consensus among a wide group of divergent interests on an alternative path to achieving a cleaner, cheaper way to protect and enhance the environment. This legislation seeks to adopt many of the principles agreed to by the participants in the Aspen process.

Title I of this bill establishes an alternative compliance program at EPA. The Administrator of EPA is authorized to consider up to 50 petitions from companies seeking modifications or waivers from environmental rules and to grant petitions if certain criteria are met. The basic premise of this title is that superior environmental performance can be achieved by allowing environmental managers at companies, in partnership with an active group of community stakeholders, to devise their own means of reaching environmental goals. This approach recognizes that the regulated industry is now in an excellent position to experiment and decide what approaches will yield better environmental results than can be achieved under existing or reasonably foreseeable regulation. Allowing flexibility can substantially reduce compliance costs and make industries more competitive, provide for much greater community involvement in the decisions of their neighboring industrial plants, foster more cooperative partnerships, and encourage greater innovation in meeting environmental goals.

Let me discuss a few important provisions of the bill.

First, the Administrator may only grant flexibility if a company demonstrates that it will achieve better overall environmental results under the alternative compliance strategy than would be achieved under existing or reasonably anticipated rules. The bill establishes benchmarks from which to determine whether better environmental results will be achieved under the alternative compliance strategies. For example, for existing facilities, the benchmark generally will be either the level of releases into the environment actually being achieved by the facility or the level of releases allowed under the applicable regulatory requirements and reasonably foreseeable future requirements, whichever is lower. The bill also sets forth benchmarks for existing facilities being modified to significantly expand production and for new facilities, section 105(b). In addition to determining if the benchmark is met, the Administrator must find, based on a well-accepted, documented methodology, that the alternative compliance strategy will not result in a significant increase in the risk of adverse effects or shift any significant risks of adverse effects, to the health of an individual, population, or natural resource affected by the strategy.

There are a number of different types of alternative compliance strategies. For example, in some cases, a facility may demonstrate better overall environmental results by showing a reduction in releases of all pollutants and, in exchange, seek a modification of reporting or other paperwork requirements. In other cases, a facility may demonstrate better overall environmental results by showing a reduction in releases of all pollutants, but seek modification of a rule to allow for flexibility with respect to emission levels at different sources within the facility. There may be some cases where the alternative compliance strategy would result in very large decreases in one pollutant while resulting in a very small increase in another pollutant. But it is particularly important that the Administrator only approve such a strategy upon a finding, based on a well-accepted, documented methodology, that there will be no significant increase in the risk of adverse effects resulting from the strategy.

As I've described, before granting a petition, the Administrator must find that certain quantitative requirements for measuring better environmental performance have been met by the petitioner. After making this determination, the Administrator may also consider other significant environmental, economic and social benefits that the petitioner offers in the petition, section 105(b)(2).

Under the bill, the alternative compliance strategy must provide accountability, monitoring, enforceability and public access to information at least equal to that provided by the rule that is being modified or waived. A related and very important requirement is that adequate information must be made accessible so that any member of the public can determine if a company is complying with an alternative compliance agreement, sections 105(b) (4), (5). Other requirements that must be met by the petitioner are set forth in section 105.

Another critical provision of the bill, section 104 establishes that any company submitting a petition must undertake a stakeholder participation process and work to ensure that adequate resources exist to make the process effective. Involving citizens, particularly members of the local community, in the development of an alternative compliance strategy is absolutely critical. Companies that have formulated successful alternative compliance strategies have told me that without the support of the local community these strategies simply will not work. Empowerment of the local community through stakeholder processes will help build trust and make implementation of the agreement easier. It is also important that State and local regulators be part of the stakeholder process.

Under the bill, a more structured stakeholder process is set out for more complex agreements—those involving more than one pollutant or one medium. The stakeholders have a greater decisional role in more complex agreements. Nevertheless, in all cases, stakeholder acceptance will be critical to success of the alternative compliance strategy.

Title II of the legislation seeks to build on the successful acid rain program established under the Clean Air Act Amendments of 1990. It requires that prior to promulgating a new program for controlling emissions or discharges of a pollutant, EPA consider, where appropriate, the adoption of a market-based trading program. The program would include a cap on total emissions or discharges of the pollutant. Each source of a pollutant would be required to meet an emission or discharge limit based on a share of the total limit on emissions or discharges allowed from all sources. Sources could meet their performance objective though a variety of methods, including by acquiring excess emission or discharge reductions from other sources that have achieved levels of performance beyond that required to meet their discharge or emission limits.

The bill recognizes that trading programs are not appropriate in every case. Trading programs should only be implemented where they would result in levels of emissions or discharges greater than those that would be achieved under alternative programs. Additionally, there are circumstances where a trading program is not appropriate because the environmental or human health reasons for which the pollutant is regulated can only be addressed through source-specific emission controls.

As I have mentioned, this title is intended to build on the success of the acid rain program of the Clean Air Act. That program set a cap on the total amount of emissions of sulfur dioxide that electric utilities can emit and allows flexibility for individual units to select their own method of compliance. The mechanism for allocating reductions is a comprehensive permit and emission allowance system. An allowance is a limited authorization to emit a ton of sulfur dioxide. Facilities receive allowance based on a specific formula contained in the law. Allowances may be traded or banked for future use or sale. Thirty days after the end of the year, each utility must have a number of allowances equal to the tonnage actually emitted during the previous year. Allowances may be purchased to cover each unit's emissions for the year. The system rewards utilities that go beyond the law's requirement by enabling them to earn profits from the sale of their extra allowances.

The program is being implemented in two phases: Phase I began in 1995 and will last until 1999. It covers 445 utility units.

In July, EPA issued a report on the compliance results of phase I. The results are extremely impressive and far exceed the expectations of those of us involved in the drafting of the legislation—both in terms of emission reductions achieved and cost of those reductions.

First, EPA reports that the compliance level for all the units under Phase I was 100 percent. Second, EPA reports that the emissions for these units was 39 percent below what the law allowed for 1995. Third, EPA and the U.S. Geological Survey report environmental success—reductions in sulfur dioxide emissions have resulted in rainfall being less acidic in 1995 as a result of the first year of the acid rain program. The U.S. Geological Survey study reports a 10–25 percent drop in rainfall acidity, particularly at some sites located in the mid-west, northeast and mid-Atlantic regions. Fourth, the cost of reducing a ton of sulfur dioxide continues to decline. In just two years, allowance prices have dropped from $150 a ton to less than $80 a ton. At the time of enactment of the Clean Air Act Amendments, it was estimated that the cost of an allowance would be $500 to $600 a ton. The General Accounting Office has estimated that $2 to $3 billion will be saved with the implementation of the acid rain program through its allowance trading program.

In other words, the acid rain program has achieved greater reductions than anticipated at far lower costs than anticipated. This is a win-win—for the environment and the regulated community. The legislation I am introducing today would require EPA, where appropriate, to consider basing future environmental programs on the same type of successful program established for acid rain.

Mr. President, I ask unanimous consent that the full text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Innovative Compliance Act of 1996".

SEC. 2. FINDINGS.

Congress finds that—

(1) superior environmental performance can be achieved in some cases by granting regulated industries the flexibility to develop alternative strategies for achieving environmental results;

(2) alternative strategies also have the potential to—

(A) substantially reduce compliance costs;

(B) foster cooperative partnerships among industry, government, and local communities;

(C) encourage greater innovation and greater pollution prevention in meeting environmental goals; and

(D) increase the involvement of members of the local community and citizens in decisions relating to the approach taken by a facility for achieving environmental goals; and

(3) the acid deposition control program established under title IV of the Clean Air Act (42 U.S.C. 7651 et seq.), the stratospheric ozone protection program established under title VI of the Act (42 U.S.C. 7671 et seq.), and other initiatives demonstrate that properly designed market-based approaches can achieve greater environmental performance and encourage innovation while saving money for regulated industries and government when compared with more traditional control approaches.

TITLE I—ALTERNATIVE STRATEGIES FOR ACHIEVING SUPERIOR ENVIRONMENTAL PERFORMANCE

SEC. 101. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGENCY.—The term "Agency" means the Environmental Protection Agency.

(3) AGENCY RULE.—The term "Agency rule"—

(A) means a rule (as defined in section 551 of title 5, United States Code) issued by the Agency; but

(B) does not include any emissions reduction requirement of any rule under title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651 et seq.) or any other requirement pursuant to any other enforceable trading program.

SEC. 102. PETITION.

A person that owns or operates a facility that is subject to an Agency rule may petition the Administrator to modify or waive the Agency rule with respect to the facility and to enter into an enforceable compliance agreement with the person establishing an alternative compliance strategy with respect to the facility in accordance with this title.

SEC. 103. CONTENTS OF PETITION.

A petition under section 102 shall—

(1) identify the Agency rule for which the modification or waiver is sought and the alternative compliance strategy that is proposed;

(2) identify the facility to which the modification or waiver would pertain; and

(3) demonstrate that the alternative compliance strategy meets the requirements of section 105.

SEC. 104. STAKEHOLDER PARTICIPATION PROCESS.

(a) IN GENERAL.—A person that submits a petition under section 102 shall—

(1) undertake a stakeholder participation process in accordance with this section; and

(2) work to ensure that there is adequate technical support for an effective process.

(b) REQUIREMENTS.—The stakeholder participation process shall—

(1) be balanced and representative of interests likely to be affected by the proposed alternative compliance strategy;

(2) ensure options for public access to the process and make publicly available the proceedings of the stakeholder participation process, except with respect to confidential information of the petitioner;

(3) establish procedures for conducting the stakeholder participation process, including open meetings as appropriate; and

(4) if necessary, provide for appropriate agreements to protect confidential information of the petitioner proposing the alternative compliance strategy.

(c) PUBLIC NOTICE OF PETITION.—A person that submits a petition under section 102 shall provide effective public notice of the intent of the petitioner to pursue the alternative compliance strategy to—

(1) community groups;

(2) environmental groups;

(3) potentially affected employees;

(4) persons living near the facility; and

(5) Federal, State, and local government agencies in areas that may be affected by the alternative compliance strategy, including areas that may be affected by transport of a pollutant.

(d) PARTICIPATION.—

(1) IN GENERAL.—Any person may participate in the stakeholder participation process, except that a person that has a business interest in competition with that of the petitioner may be excluded.

(2) GOVERNMENT OFFICIALS.—Federal, State, and local government officials in areas that may be affected by the proposed alternative compliance strategy may participate in the stakeholder participation process.

(3) LIMITATION ON NUMBER OF PARTICIPANTS.—In order to provide for a manageable stakeholder process, a petitioner may propose a limit on the number of stakeholder participants if the petitioner demonstrates to the satisfaction of the Administrator that the stakeholder participants adequately represent, in a balanced manner, the full range of interests (excluding competitive business interests) that may be affected by the alternative compliance strategy.

(e) MODIFICATION OR WAIVER OF PROCESS.—

(1) REQUEST.—A petitioner may request that the Administrator modify or waive 1 or more of the requirements of this section.

(2) CRITERIA.—The Administrator may grant a request under paragraph (1) if, after notice and opportunity for public comment, the Administrator determines that—

(A) there is insufficient interest in convening stakeholder participants; and

(B) the stakeholder participation process would not be useful in view of the routine or noncontroversial nature of the proposal.

SEC. 105. REQUIREMENTS FOR APPROVAL.

(a) IN GENERAL.—The Administrator may approve a petition under section 107 if the Administrator determines that—

(1) the facility is in compliance with all applicable environmental and public health regulations and other requirements;

(2) the alternative compliance strategy will achieve better overall environmental results than would be achieved under the current regulatory requirements and any reasonably anticipated future regulatory requirements;

(3) the alternative compliance strategy will not result in adverse cross-media impacts;

(4) the alternative compliance strategy provides accountability, monitoring, enforceability, and public and Agency access to information at least equal to that provided under the Agency rule that is modified or waived;

(5) the alternative compliance strategy provides for access to information adequate to enable verification of environmental performance by any interested person;

(6) the alternative compliance strategy ensures worker health and safety;

(7) no person or population would be subjected to unjust or disproportionate environmental impacts as a result of implementation of the alternative compliance strategy;

(8) the alternative compliance strategy will not result in transport of a pollutant to another area;

(9) the alternative compliance strategy will not result in a violation of a national environmental or health standard;

(10) all State and local environmental agencies in areas that may be affected by the alternative compliance strategy support the petition;

(11) the stakeholder participation process met the requirements of section 104;

(12) as determined on the basis of a well accepted, documented methodology, the alternative compliance strategy will not result in any significant increase in the risks of adverse effects, or shift any significant risks of adverse effects, to the health of an individual, population, or natural resource affected by the alternative compliance strategy;

(13) the agreement is for a specified term not to exceed 10 years; and

(14) in the case of a petition involving more than 1 pollutant or more than 1 medium, a broad consensus of the stakeholder participants has approved the alternative compliance strategy.

(b) BETTER OVERALL RESULTS.—

(1) CRITERIA.—For the purposes of subsection (a)(2), the achievement of better overall environmental results shall be measured as follows:

(A) For existing facilities, the benchmark shall be the lesser of—

(i) the level of releases of pollutants into the environment being achieved prior to the date of submission of the petition; or

(ii) the level of releases of pollutants into the environment allowed under the current regulatory requirements and any reasonably anticipated future regulatory requirements;

except that the Administrator may modify the benchmark on a case-by-case basis for a facility that has reduced releases significantly below applicable regulatory requirements prior to the date of submission of the petition.

(B) For existing facilities being modified to significantly expand production, the benchmark shall be the lesser of—

(i) the level of releases of pollutants into the environment being achieved (on a per unit of production basis) prior to the date of submission of the petition; or

(ii) the level of releases of pollutants into the environment allowed under the current regulatory requirements and any reasonably anticipated future regulatory requirements on a per unit of production basis.

(C) For new facilities, the benchmark shall be based on the lesser of—

(i) the level of releases of pollutants into the environment allowed under the current regulatory requirements and any reasonably anticipated future regulatory requirements; or

(ii) the level of releases of pollutants into the environment being achieved by the best performance practices of similarly situated facilities.

(2) OTHER CONSIDERATIONS.—In addition to determining that the criteria of paragraph (1) are met, the Administrator may consider other factors supporting superior environmental, social, and economic benefits set forth in the petition.

(c) OBJECTION BY STAKEHOLDER.—Notwithstanding subsection (a)(14), the Administrator shall deny a petition involving more than 1 pollutant or more than 1 medium if—

(1) 1 or more stakeholders object to the alternative compliance strategy; and

(2) the Administrator determines, based on the objection, any response to the objection, and all other relevant facts, that—

(A) the objection relates to any of the criteria stated in paragraphs (1) through (13) of subsection (a); and

(B) the objection has a clear and reasonable foundation.

SEC. 106. PRIORITY.

The Administrator shall give priority to petitions with alternative compliance strategies using pollution prevention approaches and to petitions submitted by persons with a strong record of outstanding environmental performance and worker health and safety protection.

SEC. 107. DETERMINATION OF PETITION.

Not later than 180 days after receiving a petition under section 102, the Administrator, subject to section 112, shall—

(1) propose to approve the petition and enter into an enforceable compliance agreement; or

(2) submit a written explanation to the petitioner of the basis for determining that the requirements of section 105 are not met.

SEC. 108. PUBLIC NOTICE OF INTENT TO APPROVE PETITION.

The Administrator shall publish notice of the intent to approve a petition in the Federal Register at least 60 days prior to approving the petition.

SEC. 109. ENFORCEABILITY.

(a) IN GENERAL.—If the Administrator and a person enter into an enforceable compliance agreement under this title, the person shall comply with the agreement in lieu of any Agency rule modified or waived by the agreement, and compliance with the agreement shall be considered to be compliance with the Agency rule for all purposes.

(b) SPECIFICATION OF AGENCY RULES TO WHICH AGREEMENT APPLIES.—An agreement under subsection (a) shall specify each Agency rule that is modified or waived.

SEC. 110. PRELIMINARY COMMENT PROCESS.

The Administrator shall establish a process for providing preliminary comments by the Administrator on a petition.

SEC. 111. JUDICIAL REVIEW.

A decision by the Administrator to approve or disapprove a petition under this title shall constitute final agency action and shall be subject to judicial review.

SEC. 112. LIMITATION ON PETITIONS CONSIDERED.

The Administrator shall not consider more than 50 petitions for alternative compliance strategies unless—

(1) a petitioner demonstrates that, because the petitioner is situated in a position that is virtually identical to that of another person that has been granted approval of a petition, the petitioner may be at a substantial competitive disadvantage if the petition is not considered; or

(2) at the sole discretion of the Administrator and taking into account the full range of the Agency's obligations, the Administrator determines that adequate resources exist to evaluate a greater number of petitions and to oversee implementation of a greater number of enforceable compliance agreements.

SEC. 113. SMALL BUSINESS PROPOSALS.

The Administrator shall establish a program to facilitate development of proposals for alternative means of compliance from groups of small businesses and to provide expedited review of proposals for alternative means of compliance from groups of small businesses.

SEC. 114. REPORT AND EVALUATION.

Not later than 3 years after the date of enactment of this Act, the Administrator shall submit a report to Congress on the aggregate effect of the enforceable compliance agreements entered into under this title, including—

(1) the number and characteristics of the agreements;

(2) estimates of the environmental and public health benefits, including any reduction in quantities or types of emissions and wastes generated;

(3) estimates of the effect on compliance costs and jobs creation;

(4) the degree and nature of public participation and accountability;

(5) the incidence of noncompliance with the agreements entered into under this title compared to the incidence of noncompliance with relevant Agency rules by similarly situated facilities;

(6) conclusions on the functioning of stakeholder participation processes; and

(7) recommendations for legislative action.

SEC. 115. SAVINGS CLAUSE.

A decision by the Administrator to enter into an enforceable compliance agreement under this title shall not create any obligation of the Agency to modify any Agency rule insofar as the rule applies to any facility other than the facility subject to the enforceable compliance agreement. Nothing in this title shall affect the ability of the Administrator to enter into or carry out enforceable alternative compliance agreements under other law.

SEC. 116. COMPUTER ACCESS.

The Administrator shall establish, and provide on-line computer access to, a national repository of enforceable compliance agreements entered into under this title.

SEC. 117. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Agency to carry out this title such sums as are necessary for fiscal years 1997 through 2000.

(b) AUTHORIZATION OF FEES.—

(1) IN GENERAL.—The Administrator may assess reasonable fees for consideration of petitions.

(2) OFFSET.—Fees assessed under paragraph (1) shall offset the expenses incurred by the Administrator and may be used only for processing, administering, implementing,

and enforcing enforceable compliance agreements.

(3) OTHER FEES.—Fees assessed under this subsection shall be collected in lieu of fees associated with otherwise applicable rules or requirements modified by an enforceable compliance agreement.

(4) WAIVER.—The Administrator may waive any fees under this subsection for any proposal for an alternative means of compliance from a small entity (as defined under section 601 of title 5, United States Code) or group of small entities.

TITLE II—ENVIRONMENTAL MARKET-BASED STRATEGIES

SEC. 201. CONSIDERATION OF MARKET-BASED MECHANISMS.

Before issuing a rule establishing a new program intended to limit the discharge or emission of a pollutant into the environment, the Administrator of the Environmental Protection Agency shall, in appropriate circumstances, consider including market-based mechanisms in the design and implementation of the program.

SEC. 202. MARKET-BASED MECHANISMS.

(a) IN GENERAL.—Subject to subsection (b), a market-based mechanism shall include—

(1) the imposition, on each regulated person, of express legal accountability for an explicit performance objective expressed as a quantity of actual discharges or emissions (and each such person's emissions or discharge limit shall represent a share of a total limit on emissions or discharges from all sources affected by the rule); and

(2) the authorization of the regulated person to comply with the requirements described in paragraph (1) by transferring or acquiring increments of emissions or discharge reductions, which shall represent reductions in emissions or discharges in excess of those required to be made by a regulated entity to meet its emissions or discharge limits.

(b) OTHER APPROPRIATE FACTORS.—

(1) IN GENERAL.—If the Administrator of the Environmental Protection Agency determines that a program with the elements specified in subsection (a) is not appropriate, the Administrator may include in a market-based mechanism a method by which a regulated person subject to emissions or discharge limits that are not expressed as a quantity of total emissions or discharges may—

(A) elect to meet the applicable emissions or discharge limits by limiting the person's total emissions or discharges to a specified quantity that corresponds to the regulated person's initial emissions or discharge limits; and

(B) achieve compliance with the emissions or discharge limits established under subparagraph (A) by acquiring or transferring increments of emissions or discharge reductions.

(2) INCREMENTAL REDUCTIONS.—Subject to paragraph (3), increments described in paragraph (1)(B) shall—

(A) represent reductions in emissions or discharges in excess of reductions required to be made by a regulated entity to meet its emissions or discharge limits; and

(B) be permanent, enforceable, and nondiscrete.

(3) EXCLUSION AS PART OF MECHANISM.—A rule permitting sources to acquire increments of emissions or discharge reductions when increments represent reductions that are discrete, nonpermanent, or discontinuous and are generated by sources the total emissions or discharges of which are not subject to a quantified emissions or discharge limitation requirement shall not be part of a market-based mechanism.

(c) LIMITATION.—Notwithstanding any other provision of this title, the Administrator of the Environmental Protection Agency may not consider market-based mechanisms for a program if—

(1) the program would result in levels of emissions or discharges of the pollutant regulated by the rule in excess of those that would be achieved under an alternative program, taking into account any incentives for generating and retaining excess reductions created by the opportunity to acquire and transfer increments of emissions or discharge reductions as a means of meeting the emissions or discharge limitation requirement applicable to the source; or

(2) the program pertains to a pollutant the properties of which are such that the environmental or human health purposes for which the pollutant is subject to regulation, taking into account any disproportionate or unjust environmental impacts to an individual, population, or natural resource, and any transport of the pollutant that may result, may be achieved only through the imposition of nontransferable source-specific emissions or discharge limitation requirements.●

ADDITIONAL COSPONSORS

S. 1911

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Washington [Mrs. MURRAY] was added as a consponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites.

S. 2123

At the request of Mr. BAUCUS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Nebraska [Mr. EXON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from New Hampshire [Mr. SMITH] were added as a consponsor of S. 2123, a bill to require the calculation of Federal-aid highway apportionments and allocations for fiscal year 1997 to be determined so that States experience no net effect from a credit to the Highway Trust Fund made in correction of an accounting error made in fiscal year 1994, and for other purposes.

S. 2150

At the request of Mr. MURKOWSKI, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a consponsor of S. 2150, a bill to prohibit extension or establishment of any national monument on public land without full compliance with the National Environmental Policy Act and the Endangered Species act, and an express act of Congress, and for other purposes.

SENATE RESOLUTION 303—COMMENDING THE GOVERNMENTS OF HUNGARY AND ROMANIA

Mr. BROWN (for himself and Mr. SIMON) submitted the following resolution; which was considered and agreed to:

S. RES. 303

Whereas on September 16, 1996, "Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary" was signed by Gyula Horn, Prime Minister of Hungary, and by Nicolae Vacaroiu, Prime Minister of Romania, in Timisoara/Temesvar, Romania;

Whereas this agreement between the two governments is an important step in contributing to the stability of that region and to reconciliation and cooperation among the nations of Central and Eastern Europe;

Whereas this agreement will enhance the participation of both countries in the Partnership for Peace program and will contribute to and facilitate their closer cooperation with the members of the North Atlantic Treaty Organization and the eventual entry of these countries into full NATO participation; and

Whereas this agreement is a further significant step in the process of reconciliation between Hungary and Romania reflects the desire and effort of both countries to improve their economic cooperation, to foster the free movement of people between their countries, to expand military relationships, and to increase cultural and educational cooperation.

It is resolved by the Senate, The Senate—

(1) commends the farsighted leadership shown by both the government of Hungary and the government of Romania in reaching agreement on the Treaty of Understanding, Cooperation and Good Neighborliness signed on September 16, 1996;

(2) commends the frank, open, and reasoned political dialogue between officials of Hungary and Romania which led to the treaty;

(3) commends the two countries for their efforts to foster improved relations in all fields; and

(4) calls upon the President to utilize all available and appropriate means on behalf of the United States to support the implementation of the provisions of the "Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary" and to promote their efforts for regional cooperation as the best means of bringing these two countries into NATO and to ensure lasting security in the region.

SENATE RESOLUTION 304—APPROVING PROVISIONS OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. LOTT (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 304

Resolved,

SECTION 1. APPROVAL OF REGULATIONS.

(a) IN GENERAL.—The regulations described in subsection (b) are hereby approved, insofar as such regulations apply to employing offices of the Senate and employees of the Senate under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) and to the extent such regulations are consistent with the provisions of such Act.

(b) REGULATIONS APPROVED.—The regulations referred to in subsection (a) are the regulations issued by the Office of Compliance on July 9, 1996, under section 220(d) of the Congressional Accountability Act of 1995 (2 U.S.C. 1351(d)) to implement section 220 of such Act (relating to the application of chapter 71 of title 5, United States Code), as published at 142 Cong. Rec. H7454 (daily ed. July 11, 1996).

SEC. 2. ADOPTION OF REGULATIONS RELATING TO HEARING OFFICERS.

The Board of Directors of the Office of Compliance shall adopt regulations (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)) to implement the requirement that the Board refer any manner under section 220(c)(1) of such Act (2 U.S.C. 1351(c)(1)) that relates to employing offices of the Senate and employees of the Senate to a hearing officer.

SENATE RESOLUTION 305—RELATIVE TO NATIONAL DUCK CALLING DAY

Mr. PRYOR (for himself, Mr. BUMPERS, Mr. JOHNSTON, Mr. BREAUX, and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 305

Whereas Stuttgart, Arkansas, with its flooded rice and soybean fields, is located in the heart of the Mississippi River flyway for migratory birds;

Whereas for the past 60 years, the World's Championship Duck Calling Contest and the Wings Over the Prairie Festival have attracted waterfowl enthusiasts from around the world to come to Stuttgart, Arkansas, on Thanksgiving Day weekend;

Whereas the first national duck calling contest was held on November 24, 1936, as part of the traditional Rice Carnival in downtown Stuttgart;

Whereas Thomas E. Walsh of Greenville, Mississippi, was the first national duck calling contest champion, and was awarded a hunting coat valued at $6.60 for his achievement;

Whereas today, the World's Championship Duck Calling Contest draws contestants from throughout the United States and Canada, with a first place prize package valued at over $15,000;

Whereas in order to enter the World's Championship Duck Calling Contest a contestant must qualify by winning a World's Championship Duck Calling Contest sanctioned calling contest, which are held in 29 states;

Whereas over the history of the World's Championship Duck Calling Contest attendance at the event has steadily grown; the number of participants has jumped from 10,000 in 1954, to 50,000 in 1992, to 65,000 in 1995: Now, therefore, be it

Resolved, That the Senate designates Saturday, November 30, 1996, as "National Duck Calling Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

THE AMOS F. LONGORIA POST OFFICE BUILDING DESIGNATION ACT OF 1996

PRYOR AMENDMENT NO. 5413

Mr. GREGG (for Mr. PRYOR) proposed an amendment to the bill (H.R. 2700) to designate the United States Post Office building located at 7980 FM 327, Elmendorf, Texas, as the "Amos F. Longoria Post Office Building"; as follows:

On page 2, insert after line 9 the following new section:

SEC. 2. INSTITUTION OF HIGHER EDUCATION

Paragraph (3) of section 3626(b) of title 39, United States Code, is amended by striking the period and inserting ", and includes a nonprofit organization that coordinates a network of college-level courses that is sponsored primarily by nonprofit educational institutions for an older adult constituency.".

THE VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

SIMPSON (AND OTHERS) AMENDMENT NO. 5414

Mr. NICKLES (for Mr. SIMPSON, for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. AKAKA, Mr. MURKOWSKI, and Mr. WELLSTONE) proposed an amendment to the bill (H.R. 3118) to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Health Care Eligibility Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ELIGIBILITY REFORM

Sec. 101. Eligibility for hospital care and medical services.
Sec. 102. Revision in authorities for provision of priority health care for certain veterans exposed to specified toxic substances.
Sec. 103. Prosthetics and preventive care.
Sec. 104. Management of health care.
Sec. 105. Authorization of appropriations.
Sec. 106. Assessment of implementation and operation.

TITLE II—CONSTRUCTION AUTHORIZATION

Sec. 201. Authorization of major medical facility projects.
Sec. 202. Authorization of major medical facility leases.
Sec. 203. Authorization of appropriations.
Sec. 204. Strategic planning.
Sec. 205. Revision to prospectus requirements.
Sec. 206. Construction authorization requirements.
Sec. 207. Terminology changes.

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

Sec. 301. Revision of authority to share medical facilities, equipment, and information.
Sec. 302. Improved efficiency in health care resource management.
Sec. 303. Personnel furnishing shared resources.
Sec. 304. Waiting period for administrative reorganizations.
Sec. 305. Repeal of limitations on contracts for conversion of performance of activities of Department health-care facilities and revised annual reporting requirement.

Subtitle B—Care of Women Veterans

Sec. 321. Mammography quality standards.
Sec. 322. Patient privacy for women patients.
Sec. 323. Assessment of use by women veterans of Department health services.
Sec. 324. Reporting requirements.

Subtitle C—Readjustment Counseling and Mental Health Care

Sec. 331. Expansion of eligibility for readjustment counseling and certain related counseling services.
Sec. 332. Reports relating to Vet Centers.
Sec. 333. Advisory Committee on the Readjustment of Veterans.
Sec. 334. Centers for mental illness research, education, and clinical activities.
Sec. 335. Committee on Care of Severely Chronically Mentally Ill Veterans.

Subtitle D—Other Provisions

Sec. 341. Hospice care study.
Sec. 342. Payment to States of per diem for veterans receiving adult day health care.
Sec. 343. Research corporations.
Sec. 344. Veterans Health Administration headquarters.
Sec. 345. Disbursement agreements relating to medical residents and interns.
Sec. 346. Authority to suspend special pay agreements for physicians and dentists who enter residency training programs.
Sec. 347. Remunerated outside professional activities by Veterans Health Administration personnel.
Sec. 348. Modification of restrictions on real property, Milwaukee County, Wisconsin.
Sec. 349. Modification of restrictions on real property, Cheyenne, Wyoming.
Sec. 350. Name of Department of Veterans Affairs Medical Center, Johnson City, Tennessee.
Sec. 351. Report on health care needs of veterans in east central Florida.
Sec. 352. Evaluation of health status of spouses and children of Persian Gulf War veterans.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ELIGIBILITY REFORM

SEC. 101. ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.

(a) New Criteria for Eligibility for Care.—Section 1710(a) is amended to read as follows:

"(a)(1) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed—

"(A) to any veteran for a service-connected disability; and

"(B) to any veteran who has a service-connected disability rated at 50 percent or more.

"(2) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed to any veteran—

"(A) who has a compensable service-connected disability rated less than 50 percent;

"(B) whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty;

"(C) who is in receipt of, or who, but for a suspension pursuant to section 1151 of this title (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section;

"(D) who is a former prisoner of war;

"(E) who is a veteran of the Mexican border period or of World War I;

"(F) who was exposed to a toxic substance, radiation, or environmental hazard, as provided in subsection (e); or

"(G) who is unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

"(3) In the case of a veteran who is not described in paragraphs (1) and (2), the Secretary may, to the extent resources and facilities are available and subject to the provisions of subsections (f) and (g), furnish hospital care, medical services, and nursing home care which the Secretary determines to be needed.

"(4) The requirement in paragraphs (1) and (2) that the Secretary furnish hospital care and medical services shall be effective in any fiscal year only to the extent and in the amount provided in advance in appropriations Acts for such purposes.".

(b) Transfer of Provision.—Chapter 17 is amended—

(1) by redesignating subsection (g) of section 1710 as subsection (h); and

(2) by transferring subsection (f) of section 1712 to section 1710 and inserting such subsection so as to appear after subsection (f), redesignating such subsection as subsection (g), and amending such subsection by striking out "section 1710(a)(2) of this title" in paragraph (1) and inserting in lieu thereof "subsection (a)(3) of this section".

(c) Repeal of Separate Outpatient Care Priorities.—(1) Section 1712 is amended—

(A) by striking out subsections (a) and (i);

(B) by redesignating subsections (b), (c), (d), (h) and (j), as subsections (a), (b), (c), (d), and (e), respectively; and

(C) in subsection (b), as so redesignated, by striking out "subsection (b) of this section" and inserting in lieu thereof "subsection (a)".

(2)(A) The heading of such section is amended to read as follows:

"§ 1712. Dental care; drugs and medicines for certain disabled veterans; vaccines".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"1712. Dental care; drugs and medicines for certain disabled veterans; vaccines.".

(d) Conforming Amendments to Chapter 17.—Chapter 17 is further amended as follows:

(1) Section 1701(6)(B)(i) is amended—

(A) in subclause (I), by striking out "section 1712(a)" and inserting in lieu thereof "paragraph (1) or (2) of section 1710(a)"; and

(B) in subclause (II), by striking out "section 1712(a)(5)(B)" and inserting in lieu thereof "paragraph (1), (2) or (3) of section 1710(a)".

(2) Section 1710(c)(1) is amended by striking out "section 1712(b)" and inserting in lieu thereof "section 1712(a)".

(3) Section 1710(e)(1)(C) is amended by striking out "hospital care and nursing home care under subsection (a)(1)(G) of this section" and inserting in lieu thereof "hospital care, medical services, and nursing home care under subsection (a)(2)(F)".

(4) Section 1710(f) is amended—

(A) in paragraph (1), by striking out "subsection (a)(2)" and inserting in lieu thereof "subsection (a)(3)"; and

(B) in paragraph (3)(E)—

(i) by striking out "section 1712(a) of this title" and inserting in lieu thereof "paragraph (3) of subsection (a)"; and

(ii) by striking out "section 1712(f) of this title" and inserting in lieu thereof "subsection (g)"; and

(C) in paragraph (3)(F), by striking out "section 1712(f) of this title" and inserting in lieu thereof "subsection (g)".

(5) Section 1712A is amended—

(A) in subsection (b)(1), by striking out "under the conditions specified in section 1712(a)(5)(B) of this title"; and

(B) in subsection (e)(1), by striking out "sections 1712(a)(1)(B) and 1703(a)(2)" and inserting in lieu thereof "sections 1703(a)(2) and 1710(a)(1)(B)".

(6) Section 1717(a) is amended—

(A) in paragraph (1), by striking out "section 1712(a)" and inserting in lieu thereof "section 1710(a)"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking out "paragraph (1) of section 1712(a) of this title" and inserting in lieu thereof "section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title"; and

(ii) in subparagraph (B), by striking out "section 1712" and inserting in lieu thereof "section 1710(a)(2)".

(7) Section 1718(e) is amended by striking out "section 1712(i)" and inserting in lieu thereof "section 1705".

(8) Section 1720(f) is amended—

(A) in paragraph (1)(A)(ii), by striking out "section 1712(a)(1)(B)" and inserting in lieu thereof "paragraph (1), (2), or (3) of section 1710(a)"; and

(B) by striking out paragraph (3).

(9) Section 1722 is amended—

(A) in subsection (a), by striking out "section 1710(a)(1)(I)" and inserting in lieu thereof "section 1710(a)(2)(G)"; and

(B) in subsection (f)(3), by striking out "or 1712(f)".

(10) Section 1729(g)(3)(A) is amended by striking out "under section 1710(f) of this title for hospital care or nursing home care, under section 1712(f) of this title for medical services," and inserting in lieu thereof "under subsection (f) or (g) of section 1710 of this title for hospital care, medical services, or nursing home care".

(e) Other Conforming and Technical Amendments.—

(1) Section 1525 is amended—

(A) in subsection (a), by striking out "section 1712(h) of this title" and all that follows through the period at the end and inserting in lieu thereof "section 1712(d) of this title."; and

(B) in subsection (b), by striking out "renumeration" and inserting in lieu thereof "remuneration".

(2) Section 2104(b) is amended—

(A) in the first sentence, by striking out "section 1712(a)" and inserting in lieu thereof "section 1717(a)(2)"; and

(B) in the second sentence, by striking out "section 1712(a)" and inserting in lieu thereof "section 1717(a)(2)".

(3) Section 5317(c)(3) is amended by striking out "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting in lieu thereof "subsections (a)(2)(G), (a)(3), and (b) of section 1710".

(4) Section 8110(a)(2) is amended by striking out "section 1712" and inserting in lieu thereof "section 1710(a)".

(5) Section 8111A(b)(2)(A) is amended by striking out "subsection (f) of section 1712" and inserting in lieu thereof "subsection (a) of section 1710".

SEC. 102. REVISION IN AUTHORITIES FOR PROVISION OF PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO SPECIFIED TOXIC SUBSTANCES.

(a) Authorized Inpatient Care.—Section 1710(e) is amended—

(1) in paragraph (1), by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) A Vietnam-era herbicide-exposed veteran is eligible (subject to paragraph (2)) for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

"(B) A radiation-exposed veteran is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disease suffered by the veteran that is—

"(i) a disease listed in section 1112(c)(2) of this title; or

"(ii) any other disease for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between occurrence of the disease in humans and exposure to ionizing radiation."; and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2)(A) In the case of a veteran described in paragraph (1)(A), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to—

"(i) a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in paragraph (4)(A)(ii); or

"(ii) a disease for which the National Academy of Sciences, in a report issued in accordance with section 2 of the Agent Orange Act of 1991, has determined that there is limited or suggestive evidence of the lack of a positive association between occurrence of the disease in humans and exposure to a herbicide agent.

"(B) In the case of a veteran described in paragraph (1)(C), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in that paragraph.

"(3) Hospital care, medical services, and nursing home care may not be provided under or by virtue of subsection (a)(2)(F)—

"(A) in the case of care for a veteran described in paragraph (1)(A), after December 31, 2002; and

"(B) in the case of care for a veteran described in paragraph (1)(C), after December 31, 1998.

"(4) For purposes of this subsection—

"(A) The term 'Vietnam-era herbicide-exposed veteran' means a veteran (i) who served on active duty in the Republic of Vietnam during the Vietnam era, and (ii) who the Secretary finds may have been exposed during such service to dioxin or was exposed during such service to a toxic substance found in a herbicide or defoliant used for military purposes during such era.

"(B) The term 'radiation-exposed veteran' has the meaning given that term in section 1112(c)(3) of this title.".

(b) SAVINGS PROVISIONS.—The provisions of sections 1710(e) and 1712(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply on and after such date with respect to the furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care or services before such date of enactment on the basis of presumed exposure to a substance or radiation under the authority of those provisions, but only for treatment for a disability for which such care or services were furnished before such date.

SEC. 103. PROSTHETICS AND PREVENTIVE CARE.

(a) ELIGIBILITY.—Section 1701(6)(A)(i) is amended—

(1) by striking out "(in the case of a person otherwise receiving care or services under this chapter)" and "(except under the conditions described in section 1712(a)(5)(A) of this title),";

(2) by inserting "(in the case of a person otherwise receiving care or services under this chapter)" before "wheelchairs,"; and

(3) by inserting "except that the Secretary may not furnish sensori-neural aids other than in accordance with guidelines which the Secretary shall prescribe," after "reasonable and necessary,".

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe the guidelines required by the amendments made by subsection (a) and shall furnish a copy of those guidelines to the Committees on Veterans' Affairs of the Senate and House of Representatives.

SEC. 104. MANAGEMENT OF HEALTH CARE.

(a) IN GENERAL.—(1) Chapter 17 is amended by inserting after section 1704 the following new sections:

"§ 1705. Management of health care: patient enrollment system

"(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary, in accordance with regulations the Secretary shall prescribe, shall establish and operate a system of annual patient enrollment. The Secretary shall manage the enrollment of veterans in accordance with the following priorities, in the order listed:

"(1) Veterans with service-connected disabilities rated 50 percent or greater.

"(2) Veterans with service-connected disabilities rated 30 percent or 40 percent.

"(3) Veterans who are former prisoners of war, veterans with service-connected disabilities rated 10 percent or 20 percent, and veterans described in subparagraphs (B) and (C) of section 1710(a)(2) of this title.

"(4) Veterans who are in receipt of increased pension based on a need of regular aid and attendance or by reason of being permanently housebound and other veterans who are catastrophically disabled.

"(5) Veterans not covered by paragraphs (1) through (4) who are unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

"(6) All other veterans eligible for hospital care, medical services, and nursing home care under section 1710(a)(2) of this title.

(7) Veterans described in section 1710(a)(3) of this title.

"(b) In the design of an enrollment system under subsection (a), the Secretary—

"(1) shall ensure that the system will be managed in a manner to ensure that the provision of care to enrollees is timely and acceptable in quality;

"(2) may establish additional priorities within each priority group specified in subsection (a), as the Secretary determines necessary; and

"(3) may provide for exceptions to the specified priorities where dictated by compelling medical reasons.

"(c)(1) Effective on October 1, 1998, the Secretary may not provide hospital care or medical services to a veteran under paragraph (2) or (3) of section 1710(a) of this title unless the veteran enrolls in the system of patient enrollment established by the Secretary under subsection (a).

"(2) The Secretary shall provide hospital care and medical services under section 1710(a)(1) of this title, and under subparagraph (B) of section 1710(a)(2) of this title, for the 12-month period following such veteran's discharge or release from service, to any veteran referred to in such sections for a disability specified in the applicable subparagraph of such section, notwithstanding the failure of the veteran to enroll in the system of patient enrollment referred to in subsection (a) of this section.

"§ 1706. Management of health care: other requirements

"(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary shall, to the extent feasible, design, establish and manage health care programs in such a manner as to promote cost-effective delivery of health care services in the most clinically appropriate setting.

"(b)(1) In managing the provision of hospital care and medical services under such section, the Secretary shall ensure that the Department maintains its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) within distinct programs or facilities of the Department that are dedicated to the specialized needs of those veterans in a manner that (A) affords those veterans reasonable access to care and services for those specialized needs, and (B) ensures that overall capacity of the Department to provide such services is not reduced below the capacity of the Department, nationwide, to provide those services, as of the date of the enactment of this section. The Secretary shall carry out this paragraph in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.

"(2) Not later than April 1, 1997, April 1, 1998, and April 1, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's compliance, by facility and by service-network, with the requirements of this subsection.".

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1704 the following new items:

"1705. Management of health care: patient enrollment system.
"1706. Management of health care: other requirements.".

(b) CONFORMING AMENDMENTS TO SECTION 1703.—Section 1703(a) is amended—

(1) in the matter preceding paragraph (1), by striking out "or 1712";

(2) in paragraph (2)—

(A) by striking out "1712(a)(1)(B)" in subparagraph (A) and inserting in lieu thereof "1710(a)(1)(B)";

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) a veteran who (i) has been furnished hospital care, nursing home care, domiciliary care, or medical services, and (ii) requires medical services to complete treatment incident to such care or services; or"; and

(C) by striking "section 1712(a)(3) (other than a veteran who is a former prisoner of war) of this title" in subparagraph (C) and inserting in lieu thereof "section 1710(a)(2)(E) of this title, or a veteran who is in receipt of increased pension, or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance),"; and

(3) in paragraph (7), by striking out "1712(b)(1)(F)" and inserting in lieu thereof "1712(a)(1)(F)".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Department of Veterans Affairs for the Medical Care account, for the purposes specified for that account in Public Law 103–327 (108 Stat. 2300), including the cost of providing hospital care and medical services under the amendments made by section this title, not to exceed $17,250,000,000 for fiscal year 1997 and not to exceed $17,900,000,000 for fiscal year 1998.

SEC. 106. ASSESSMENT OF IMPLEMENTATION AND OPERATION.

(a) ASSESSMENT SYSTEMS.—The Secretary of Veterans Affairs shall establish information systems to assess the experience of the Department of Veterans Affairs in implementing sections 101, 103, and 104, including the amendments made by those sections, during fiscal year 1997. The Secretary shall establish those information systems in time to include assessments under such systems in the report required under subsection (b).

(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report reflecting the experience of the Department during fiscal year 1997 on—

(1) the effect of implementation of, and provision and management of care under, sections 101, 103, and 104 (including the

amendments made by those sections) on demand for health care services from the Department of Veterans Affairs by veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101;

(2) any differing patterns of demand on the part of such veterans relating to such factors as relative distance from Department facilities and prior experience, or lack of experience, as recipients of care from the Department;

(3) the extent to which the Department has met such demand for care; and

(4) changes in health-care delivery patterns in Department facilities and the fiscal impact of such changes.

(c) MATTERS TO BE INCLUDED.—The report under subsection (b) shall include detailed information with respect to fiscal year 1997 regarding the following:

(1) The number of veterans enrolled for care at each Department medical facility and, of such veterans, the number enrolled at each such facility who had not received care from the Department during the preceding three fiscal years.

(2) With respect to the veterans who had not received care from the Department during the three preceding fiscal years, the total cost of providing care to such veterans, shown in total and separately (A) by level of care, and (B) by reference to whether care was furnished in Department facilities or under contract arrangements.

(3) With respect to the number of veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101, who applied for health care from the Department during fiscal year 1997—

(A) the number who applied for care (shown in total and separately by facility);

(B) the number who were denied enrollment (shown in total and separately by facility); and

(C) the number who were denied care which was considered to be medically necessary but not of an emergency nature (shown in total and separately by facility).

(4) The numbers and characteristics of, and the type and extent of health care furnished to, veterans enrolled for care (shown in total and separately by facility).

(5) The numbers and characteristics of, and the type and extent of health care furnished to, veterans not enrolled for care (shown separately by reference to each class of eligibility, both in total and separately by facility).

(6) The specific fiscal impact (shown in total and by geographic health-care delivery areas) of changes in delivery patterns instituted under the amendments made by this title.

TITLE II—CONSTRUCTION AUTHORIZATION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) AMBULATORY CARE ADDITION PROJECTS.—The Secretary of Veterans Affairs may carry out the following ambulatory care addition major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of an ambulatory care facility and renovation of "E" wing, Tripler Army Hospital, Honolulu, Hawaii, $43,000,000.

(2) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Brockton, Massachusetts, $13,500,000.

(3) Addition of ambulatory care facilities for outpatient improvements at the Department of Veterans Affairs medical center in Shreveport, Louisiana, $25,000,000.

(4) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Lyons, New Jersey, $21,100,000.

(5) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tomah, Wisconsin, $12,700,000.

(6) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Asheville, North Carolina, $26,300,000.

(7) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Temple, Texas, $9,800,000.

(8) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tucson, Arizona, $35,500,000.

(9) Construction of an ambulatory care facility at the Department of Veterans Affairs medical center in Leavenworth, Kansas, $27,750,000.

(b) ENVIRONMENTAL IMPROVEMENT PROJECTS.—The Secretary may carry out the following environmental improvement major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Environmental improvements for the renovation of nursing home facilities at the Department of Veterans Affairs medical center in Lebanon, Pennsylvania, $9,500,000.

(2) Environmental improvements at the Department of Veterans Affairs medical center in Marion, Illinois, $11,500,000.

(3) Environmental improvements for ward renovation for patient privacy at the Department of Veterans Affairs medical center in Omaha, Nebraska, $7,700,000.

(4) Environmental improvements at the Department of Veterans Affairs medical center in Pittsburgh, Pennsylvania, $17,400,000.

(5) Environmental improvements for the renovation of various buildings at the Department of Veterans Affairs medical center in Waco, Texas, $26,000,000.

(6) Environmental improvements for the replacement of psychiatric beds at the Department of Veterans Affairs medical center in Marion, Indiana, $17,300,000.

(7) Environmental improvements for the renovation of psychiatric wards at the Department of Veterans Affairs medical center in Perry Point, Maryland, $15,100,000.

(8) Environmental enhancement at the Department of Veterans Affairs medical center in Salisbury, North Carolina, $18,200,000.

(c) SEISMIC CORRECTION PROJECT.—The Secretary may carry out seismic corrections to Building Number 324 at the Department of Veterans Affairs medical center in Palo Alto, California, in the amount of $20,800,000.

(d) PROJECT AUTHORIZATION WHEN PARTIAL FUNDING PROVIDED.—If the amount of funds appropriated for fiscal year 1997 or 1998 for design and partial construction of a major medical facility project that is authorized in this section is less than the amount required to complete the construction of that project as authorized and if the Secretary obligates funds for such construction, such project shall be deemed to be fully authorized. Any such authorization shall cease to have effect at the close of fiscal year 2001.

SEC. 202. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Allentown, Pennsylvania, in an amount not to exceed $2,159,000.

(2) Lease of a satellite outpatient clinic in Beaumont, Texas, in an amount not to exceed $1,940,000.

(3) Lease of a satellite outpatient clinic in Boston, Massachusetts, in an amount not to exceed $2,358,000.

(4) Lease of a parking facility in Cleveland, Ohio, in an amount not to exceed $1,300,000.

(5) Lease of a satellite outpatient clinic and Veterans Benefits Administration field office in San Antonio, Texas, in an amount not to exceed $2,256,000.

(6) Lease of a satellite outpatient clinic in Toledo, Ohio, in an amount not to exceed $2,223,000.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 and fiscal year 1998—

(1) for the Construction, Major Projects, account, a total of $358,150,000 for the projects authorized in section 201; and

(2) for the Medical Care account, a total of $12,236,000 for the leases authorized in section 202.

(b) LIMITATION.—The projects authorized in section 201 may only be carried out using—

(1) funds appropriated for fiscal year 1997 or fiscal year 1998 consistent with the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1997 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1997 or fiscal year 1998 for a category of activity not specific to a project.

SEC. 204. STRATEGIC PLANNING.

Section 8107 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) In order to promote effective planning for the efficient provision of care to eligible veterans, the Secretary, based on the analysis and recommendations of the Under Secretary for Health, shall submit to each committee an annual report regarding long-range health planning of the Department. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

"(b) Each report under subsection (a) shall include the following:

"(1) A five-year strategic plan for the provision of care under chapter 17 of this title to eligible veterans through coordinated networks of medical facilities operating within prescribed geographic service-delivery areas, such plan to include provision of services for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) through distinct programs or facilities of the Department dedicated to the specialized needs of those veterans.

"(2) A description of how planning for the networks will be coordinated.

"(3) A profile regarding each such network of medical facilities which identifies—

"(A) the mission of each existing or proposed medical facility in the network;

"(B) any planned change in the mission for any such facility and the rationale for such planned change;

"(C) the population of veterans to be served by the network and anticipated changes over a five-year period and a ten-year period, respectively, in that population and in the health-care needs of that population;

"(D) information relevant to assessing progress toward the goal of achieving relative equivalency in the level of resources per patient distributed to each network, such information to include the plans for and progress toward lowering the cost of care-delivery in the network (by means such as changes in the mix in the network of physicians, nurses, physician assistants, and advance practice nurses);

"(E) the capacity of non-Federal facilities in the network to provide acute, long-term, and specialized treatment and rehabilitative services (described in section 7305 of this title), and determinations regarding the extent to which services to be provided in each service-delivery area and each facility in such area should be provided directly through facilities of the Department or through contract or other arrangements, including arrangements authorized under sections 8111 and 8153 of this title; and

"(F) a five-year plan for construction, replacement, or alteration projects in support of the approved mission of each facility in the network and a description of how those projects will improve access to care, or quality of care, for patients served in the network.

"(4) A status report for each facility on progress toward—

"(A) instituting planned mission changes identified under paragraph (3)(B);

"(B) implementing principles of managed care of eligible veterans; and

"(C) developing and instituting cost-effective alternatives to provision of institutional care."; and

(3) by adding at the end the following new subsection:

"(d)(1) The Secretary shall submit to each committee, not later than January 31 of each year, a report showing the current priorities of the Department for proposed major medical construction projects. Each such report shall identify the 20 projects, from within all the projects in the Department's inventory of proposed projects, that have the highest priority and, for those 20 projects, the relative priority and rank scoring of each such project and the projected cost of such project (including the projected operating costs, including both recurring and nonrecurring costs). The 20 projects shall be compiled, and their relative rankings shall be shown, by category of project (including the categories of ambulatory care projects, nursing home care projects, and such other categories as the Secretary determines).

"(2) The Secretary shall include in each report, for each project listed, a description of the specific factors that account for the relative ranking of that project in relation to other projects within the same category.

"(3) In a case in which the relative ranking of a proposed project has changed since the last report under this subsection was submitted, the Secretary shall also include in the report a description of the reasons for the change in the ranking, including an explanation of any change in the scoring of the project under the Department's scoring system for proposed major medical construction projects.".

SEC. 205. REVISION TO PROSPECTUS REQUIREMENTS.

(a) ADDITIONAL INFORMATION.—Section 8104(b) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(b) Whenever the President or the Secretary submit to the Congress a request for the funding of a major medical facility project (as defined in subsection (a)(3)(A)) or a major medical facility lease (as defined in subsection (a)(3)(B)), the Secretary shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Any such prospectus shall include the following:";

(2) in paragraph (1)—

(A) by striking out "a detailed" and inserting in lieu thereof "A detailed"; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(B) by striking out "; and" and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(5) by adding at the end the following new paragraphs:

"(4) Demographic data applicable to such facility, including information on projected changes in the population of veterans to be served by the facility over a five-year period and a ten-year period.

"(5) Current and projected workload and utilization data regarding the facility.

"(6) Current and projected operating costs of the facility, including both recurring and non-recurring costs.

"(7) The priority score assigned to the project or lease under the Department's prioritization methodology and, if the project or lease is being proposed for funding before a project or lease with a higher score, a specific explanation of the factors other than the priority score that were considered and the basis on which the project or lease is proposed for funding ahead of projects or leases with higher priority scores.

"(8) In the case of a prospectus proposing the construction of a new or replacement medical facility, a description of each alternative to construction of the facility that was considered.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any prospectus submitted by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 206. CONSTRUCTION AUTHORIZATION REQUIREMENTS.

(a) DEFINITION OF MAJOR MEDICAL FACILITY PROJECT.—Paragraph (3)(A) of section 8104(a) is amended by striking out "$3,000,000" and inserting in lieu thereof "$4,000,000".

(b) APPLICABILITY OF CONSTRUCTION AUTHORIZATION REQUIREMENT.—(1) Subsection (b) of section 301 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102-405; 106 Stat. 1984) is repealed.

(2) The amendments made by subsection (a) of such section shall apply with respect to any major medical facility project or any major medical facility lease of the Department of Veterans Affairs, regardless of when funds are first appropriated for that project or lease, except that in the case of a project for which funds were first appropriated before October 9, 1992, such amendments shall not apply with respect to amounts appropriated for that project for a fiscal year before fiscal year 1998.

(c) LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.—Section 8104 is amended by adding at the end the following new subsection:

"(f) The Secretary may not obligate funds in an amount in excess of $500,000 from the Advance Planning Fund of the Department toward design or development of a major medical facility project (as defined in subsection (a)(3)(A)) until—

"(1) the Secretary submits to the committees a report on the proposed obligation; and

"(2) a period of 30 days has passed after the date on which the report is received by the committees.".

SEC. 207. TERMINOLOGY CHANGES.

(a) DEFINITION OF "CONSTRUCT".—Section 8101(2) is amended—

(1) by striking out "working drawings" and inserting in lieu thereof "construction documents"; and

(2) by striking out "preliminary plans" and inserting in lieu thereof "design development".

(b) PARKING FACILITIES.—Section 8109(h)(3)(B) is amended by striking out "working drawings" and inserting in lieu thereof "construction documents".

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

SEC. 301. REVISION OF AUTHORITY TO SHARE MEDICAL FACILITIES, EQUIPMENT, AND INFORMATION.

(a) STATEMENT OF PURPOSE.—The text of section 8151 is amended to read as follows:

"It is the purpose of this subchapter to strengthen the medical programs at Department facilities and improve the quality of health care provided veterans under this title by authorizing the Secretary to enter into agreements with health-care providers in order to share health-care resources with, and receive health-care resources from, such providers while ensuring no diminution of services to veterans.".

(b) DEFINITIONS.—Section 8152 is amended—

(1) by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following new paragraphs (1) and (2):

"(1) The term 'health-care resource' includes hospital care and medical services (as those terms are defined in section 1701 of this title), any other health-care service, and any health-care support or administrative resource.

"(2) The term 'health-care providers' includes health-care plans and insurers and any organizations, institutions, or other entities or individuals who furnish health-care resources."; and

(2) by redesignating paragraph (4) as paragraph (3).

(c) AUTHORITY TO SECURE HEALTH-CARE RESOURCES.—Section 8153 is amended as follows:

(1) Subsection (a) is amended—

(A) in paragraph (1)—

(i) by striking out "certain specialized medical resources" and inserting in lieu thereof "health-care resources";

(ii) by striking out "other medical resources" and inserting in lieu thereof "other health-care resources"; and

(iii) by striking out "of—" and all that follows through "section 1742(a) of this title" and inserting in lieu thereof "of health-care resources between Department health-care facilities and any health-care provider, or other entity or individual";

(B) in paragraph (2), by striking out "only" and all that follows through "are not" and inserting in lieu thereof "if such resources are not, or would not be,"; and

(C) by adding at the end the following:

"(3)(A) If the health-care resource required is a commercial service, the use of medical equipment or space, or research, and is to be acquired from an institution affiliated with the Department in accordance with section 7302 of this title, including medical practice groups and other entities associated with affiliated institutions, blood banks, organ banks, or research centers, the Secretary may make arrangements for acquisition of the resource without regard to any law or regulation that would otherwise require the use of competitive procedures for acquiring the resource.

"(B)(i) If the health-care resource required is a commercial service or the use of medical equipment or space, and is not to be acquired from an entity described in subparagraph (A), any procurement of the resource may be conducted without regard to any law or regulation that would otherwise require the use of competitive procedures for procuring the resource, but only if the procurement is conducted in accordance with the simplified procedures prescribed pursuant to clause (ii).

"(ii) The Secretary, in consultation with the Administrator for Federal Procurement Policy, may prescribe simplified procedures for the procurement of health-care resources under this subparagraph. The Secretary shall publish such procedures for public comment in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). Such procedures shall permit all responsible sources to submit a bid, proposal, or quotation (as appropriate) for the resources to be procured and provide for the consideration by the Department of bids, proposals, or quotations so submitted.

"(iii) Pending publication of the procedures under clause (ii), the Secretary shall (except as provided under subparagraph (A)) procure health-care resources referred to in clause (i) in accordance with all procurement laws and regulations.

"(C) Any procurement of health-care resources other than those covered by subparagraph (A) or (B) shall be conducted in accordance with all procurement laws and regulations.

"(D) For any procurement to be conducted on a sole source basis other than a procurement covered by subparagraph (A), a written justification shall be prepared that includes the information and is approved at the levels prescribed in section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)).

"(E) As used in this paragraph, the term 'commercial service' means a service that is offered and sold competitively in the commercial marketplace, is performed under standard commercial terms and conditions, and is procured using firm-fixed price contracts.".

(2) Subsection (b) is amended by striking out "reciprocal reimbursement" in the first sentence and all that follows through the period at the end of that sentence and inserting in lieu thereof "payment to the Department in accordance with procedures that provide appropriate flexibility to negotiate payment which is in the best interest of the Government.".

(3) Subsection (d) is amended by striking out "preclude such payment, in accordance with—" and all that follows through "to such facility therefor" and inserting in lieu thereof "preclude such payment to such facility for such care or services".

(4) Such section is further amended—

(A) by redesignating subsection (e) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

"(e) The Secretary may make an arrangement that authorizes the furnishing of services by the Secretary under this section to individuals who are not veterans only if the Secretary determines—

"(1) that veterans will receive priority under such an arrangement; and

"(2) that such an arrangement—

"(A) is necessary to maintain an acceptable level and quality of service to veterans at that facility; or

"(B) will result in the improvement of services to eligible veterans at that facility.

"(f) Any amount received by the Secretary from a non-Federal entity as payment for services provided by the Secretary during a prior fiscal year under an agreement entered into under this section may be obligated by the Secretary during the fiscal year in which the Secretary receives the payment.".

(d) CLERICAL AMENDMENTS.—(1) The heading of section 8153 is amended to read as follows:

"§ 8153. Sharing of health-care resources".

(2) The item relating to section 8153 in the table of sections at the beginning of chapter 81 is amended to read as follows:

"8153. Sharing of health-care resources.".

SEC. 302. IMPROVED EFFICIENCY IN HEALTH CARE RESOURCE MANAGEMENT.

(a) TEMPORARY EXPANSION OF AUTHORITY FOR SHARING AGREEMENTS.—Section 201 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 8111 note) is amended—

(1) by inserting "(a) AUTHORITY.—" before "The Secretary of Veterans Affairs"; and

(2) by adding at the end thereof the following new subsection:

"(b) USE OF FUNDS.—Any amount received by the Secretary from a non-Federal entity as payment for services provided by the Secretary during a prior fiscal year under an agreement entered into under this section may be obligated by the Secretary during the fiscal year in which the Secretary receives the payment.".

(b) REPEAL OF SUNSET PROVISION.—(1) Section 204 of such Act (38 U.S.C. 8111 note) is repealed.

(2) Any services provided pursuant to agreements entered into under section 201 of such Act (38 U.S.C. 8111 note) during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act are hereby ratified.

(c) COST RECOVERY.—Title II of such Act is further amended by adding at the end the following new section:

"SEC. 207. AUTHORITY TO BILL HEALTH-PLAN CONTRACTS.

"(a) RIGHT TO RECOVER.—In the case of a primary beneficiary (as described in section 201(a)(2)(B)) who has coverage under a health-plan contract, as defined in section 1729(i)(1)(A) of title 38, United States Code, and who is furnished care or services by a Department medical facility pursuant to this title, the United States shall have the right to recover or collect charges for such care or services from such health-plan contract to the extent that the beneficiary (or the provider of the care or services) would be eligible to receive payment for such care or services from such health-plan contract if the care or services had not been furnished by a department or agency of the United States. Any funds received from such health-plan contract shall be credited to funds that have been allotted to the facility that furnished the care or services.

"(b) ENFORCEMENT.—The right of the United States to recover under such a beneficiary's health-plan contract shall be enforceable in the same manner as that provided by subsections (a)(3), (b), (c)(1), (d), (f), (h), and (i) of section 1729 of title 38, United States Code.".

SEC. 303. PERSONNEL FURNISHING SHARED RESOURCES.

Section 712(b)(2) is amended—

(1) by striking out "the sum of—" and inserting in lieu thereof "the sum of the following:";

(2) by capitalizing the first letter of the first word of each of subparagraphs (A) and (B);

(3) by striking out "; and" at the end of subparagraph (A) and inserting in lieu thereof a period; and

(4) by adding at the end the following new subparagraph:

"(C) The number of such positions in the Department during that fiscal year held by persons involved in providing health-care resources under section 8111 or 8153 of this title or under section 201 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4949; 38 U.S.C. 8111 note).".

SEC. 304. WAITING PERIOD FOR ADMINISTRATIVE REORGANIZATIONS.

Section 510(b) is amended—

(1) in the second sentence, by striking out "a 90-day period of continuous session of Congress following the date of the submission of the report" and inserting in lieu thereof "a 45-day period following the date of the submission of the report, not less than 30 days of which shall be days during which Congress shall have been in continuous session"; and

(2) in the third sentence, by striking out "such 90–day period" and inserting in lieu thereof "any period of continuity of session".

SEC. 305. REPEAL OF LIMITATIONS ON CONTRACTS FOR CONVERSION OF PERFORMANCE OF ACTIVITIES OF DEPARTMENT HEALTH-CARE FACILITIES AND REVISED ANNUAL REPORTING REQUIREMENT.

Subsection (c) of section 8110 is amended to read as follows:

"(c) The Secretary shall include in the materials submitted to Congress each year in support of the budget of the Department for the next fiscal year a report on activities and proposals involving contracting for performance by contractor personnel of work previously performed by Department employees. The report shall—

"(1) identify those specific activities that are currently performed at a Department facility by more than 10 Department employees which the Secretary proposes to study for possible contracting involving conversion from performance by Department employees to performance by employees of a contractor; and

"(2) identify those specific activities that have been contracted for performance by contractor employees during the prior fiscal year (shown by location, subject, scope of contracts, and savings) and shall describe the effect of such contracts on the quality of delivery of health services during such year.".

Subtitle B—Care of Women Veterans

SEC. 321. MAMMOGRAPHY QUALITY STANDARDS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding after section 7318 the following new section:

"§ 7319. Mammography quality standards

"(a) A mammogram may not be performed at a Department facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary. An organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established under subsection (e) of section 354 of the Public Health Service Act (42 U.S.C. 263b).

"(b) The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities of the Department of Veterans Affairs consistent with the requirements of section 354(f)(1) of the Public Health Service Act. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

"(c)(1) The Secretary, to ensure compliance with the standards prescribed under subsection (b), shall provide for an annual inspection of the equipment and facilities used by and in Department health care facilities for the performance of mammograms. Such inspections shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Service Act.

"(2) The Secretary may not provide for an inspection under paragraph (1) to be performed by a State agency.

"(d) The Secretary shall ensure that mammograms performed for the Department under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

"(e) For the purposes of this section, the term 'mammogram' has the meaning given such term in paragraph (5) of section 354(a) of the Public Health Service Act.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7318 the following new item:

"7319. Mammography quality standards.".

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The Secretary of Veterans Affairs shall prescribe standards under subsection (b) of section 7319 of title 38, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the date of the enactment of this Act.

(c) IMPLEMENTATION REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of section 7319 of title 38, United States Code, as added by subsection (a). The report shall be submitted not later than 120 days after the date of the enactment of this Act.

SEC. 322. PATIENT PRIVACY FOR WOMEN PATIENTS.

(a) IDENTIFICATION OF DEFICIENCIES.—The Secretary of Veterans Affairs shall conduct a survey of each medical center under the jurisdiction of the Secretary to identify deficiencies relating to patient privacy afforded to women patients in the clinical areas at each such center which may interfere with appropriate treatment of such patients.

(b) CORRECTION OF DEFICIENCIES.—The Secretary shall ensure that plans and, where appropriate, interim steps to correct the deficiencies identified in the survey conducted under subsection (a) are developed and are incorporated into the Department's construction planning processes and, in cases in which it is cost-effective to do so, are given a high priority.

(c) REPORTS TO CONGRESS.—The Secretary shall compile an annual inventory, by medical center, of deficiencies identified under subsection (a) and of plans and, where appropriate, interim steps, to correct such deficiencies. The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1997, and not later than October 1 each year thereafter through 1999 a report on such deficiencies. The Secretary shall include in such report the inventory compiled by the Secretary, the proposed corrective plans, and the status of such plans.

SEC. 323. ASSESSMENT OF USE BY WOMEN VETERANS OF DEPARTMENT HEALTH SERVICES.

(a) REPORTS TO UNDER SECRETARY FOR HEALTH.—The Center for Women Veterans of the Department of Veterans Affairs (established under section 509 of Public Law 103-446), in consultation with the Advisory Committee on Women Veterans, shall assess the use by women veterans of health services through the Department of Veterans Affairs, including counseling for sexual trauma and mental health services. The Center shall submit to the Under Secretary for Health of the Department of Veterans Affairs a report not later than April 1, 1997, and April 1 of each of the two following years, on—

(1) the extent to which women veterans described in paragraphs (1) and (2) of section 1710(a) of title 38, United States Code, fail to seek, or face barriers in seeking, health services through the Department, and the reasons therefor; and

(2) recommendations, if indicated, for encouraging greater use of such services, including (if appropriate) public service announcements and other outreach efforts.

(b) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than July 1, 1997, and July 1 of each of the two following years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the most recent report of the Center for Women Veterans under subsection (a);

(2) the views of the Under Secretary for Health on such report's findings and recommendations; and

(3) a description of the steps being taken by the Secretary to remedy any problems described in the report.

SEC. 324. REPORTING REQUIREMENTS.

(a) EXTENSION OF ANNUAL REPORT REQUIREMENT.—Section 107(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4947) is amended by striking out "Not later than January 1, 1993, January 1, 1994, and January 1, 1995" and inserting in lieu thereof "Not later than January 1 of 1993 and each year thereafter through 1998".

(b) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act is amended—

(1) in paragraph (2)(A), by inserting "(including information on the number of inpatient stays and the number of outpatient visits through which such services were provided)" after "facility"; and

(2) by adding at the end the following new paragraph:

"(5) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.".

Subtitle C—Readjustment Counseling and Mental Health Care

SEC. 331. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.

(a) EXPANSION OF ELIGIBILITY.—Subsection (a) of section 1712A is amended to read as follows:

"(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B), the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life. Such counseling may include a general mental and psychological assessment of the veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

"(B) Subparagraph (A) applies to the following veterans:

"(i) Any veteran who served on active duty—

"(I) in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during the Vietnam era; or

"(II) after May 7, 1975, in an area at a time during which hostilities occurred in that area.

"(ii) Any veteran (other than a veteran covered by clause (i)) who served on active duty during the Vietnam era who seeks or is furnished such counseling before January 1, 2000.

"(2)(A) Upon the request of any veteran (other than a veteran covered by paragraph (1)) who served in the active military, naval, or air service in a theater of combat operations (as so determined) during a period of war, or in any other area during a period in which hostilities (as defined in subparagraph (B)) occurred in such area, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

"(B) For the purposes of subparagraph (A), the term 'hostilities' means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.".

(b) REPEAL OF REFERRAL PROVISIONS.—Subsection (c) of such section is repealed.

SEC. 332. REPORTS RELATING TO VET CENTERS.

(a) REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OUTPATIENT CLINICS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of providing for the collocation of Vet Centers and outpatient clinics (including rural mobile clinics) of the Department of Veterans Affairs as current leases for such centers and clinics expire.

(2) The report shall include an assessment of the following:

(A) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.

(B) The effect of such collocation on the capacity of such centers and clinics to carry out their primary mission.

(C) The extent to which such collocation will impair the operational independence or administrative integrity of such centers and clinics.

(D) The feasibility of combining the services provided by such centers and clinics in the course of such collocation.

(E) The advisability of the collocation of centers and clinics of significantly different size.

(F) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.

(G) The amount of any costs savings to be achieved by Department as a result of such collocation.

(H) Any other matter that the Secretary considers appropriate.

(b) REPORT ON PROVISION OF LIMITED HEALTH CARE SERVICES AT READJUSTMENT COUNSELING CENTERS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of providing a limited battery of health care services (including ambulatory services and health care screening services) to veterans at Department of Veterans Affairs readjustment counseling centers.

(2) The report shall include a discussion of the following:

(A) The effect on the advisability of providing health care services at readjustment counseling centers of the geographic location of such centers, including the urban location and rural location of such centers and the proximity of such centers to Department of Veterans Affairs medical facilities.

(B) The effect on the advisability of providing such services at such centers of the type and level of services to be provided, and the demographic characteristics (including age, socio-economic status, ethnicity, and sex) of veterans likely to be provided the services.

(C) The effect of providing such services at such centers on the readjustment counseling center program in general and on the efficiency and autonomy of the clinical and administrative operations of the readjustment counseling centers in particular.

(D) Any other matter that the Secretary considers appropriate.

(c) RULE OF CONSTRUCTION.—Nothing in this section is intended to preclude the Secretary, during the period before the submission of the reports under this section, from providing limited health care services at Vet Centers.

SEC. 333. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter III of chapter 5 is amended by inserting after section 544 the following new section:

"§ 545. Advisory Committee on the Readjustment of Veterans

"(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who—

"(A) have demonstrated significant civic or professional achievement; and

"(B) have experience with the provision of veterans benefits and services by the Department.

"(3) The Secretary shall seek to ensure that members appointed to the Committee include individuals from a wide variety of geographic areas and ethnic backgrounds, individuals from veterans service organizations, individuals with combat experience, and women.

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

"(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;

"(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

"(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.

"(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

"(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

"(2) Section 14 of such Act shall not apply to the Committee.".

(2) The table of sections at the beginning of chapter 5 is amended by inserting after the item relating to section 544 the following new item:

"545. Advisory Committee on the Readjustment of Veterans.".

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 545 of title 38, United States Code (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee recognized under such section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary of Veterans Affairs shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members.

SEC. 334. CENTERS FOR MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding after section 7319, as added by section 321(a)(1), the following new section:

"§ 7320. Centers for mental illness research, education, and clinical activities

"(a) The purpose of this section is to provide for the improvement of the provision of health-care services and related counseling services to eligible veterans suffering from mental illness (especially mental illness related to service-related conditions) through—

"(1) the conduct of research (including research on improving mental health service facilities of the Department and on improving the delivery of mental health services by the Department);

"(2) the education and training of health care personnel of the Department; and

"(3) the development of improved models and systems for the furnishing of mental health services by the Department.

"(b)(1) The Secretary shall establish and operate centers for mental illness research, education, and clinical activities. Such centers shall be established and operated by collaborating Department facilities as provided in subsection (c)(1). Each such center shall function as a center for—

"(A) research on mental health services;

"(B) the use by the Department of specific models for furnishing services to treat serious mental illness;

"(C) education and training of health-care professionals of the Department; and

"(D) the development and implementation of innovative clinical activities and systems of care with respect to the delivery of such services by the Department.

"(2) The Secretary shall, upon the recommendation of the Under Secretary for Health, designate the centers under this section. In making such designations, the Secretary shall ensure that the centers designated are located in various geographic regions of the United States. The Secretary may designate a center under this section only if—

"(A) the proposal submitted for the designation of the center meets the requirements of subsection (c);

"(B) the Secretary makes the finding described in subsection (d); and

"(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

"(3) Not more than five centers may be designated under this section.

"(4) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

"(c) A proposal submitted for the designation of a center under this section shall—

"(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities in the same geographic area which have a mission centered on care of the mentally ill and a Department facility in that area which has a mission of providing tertiary medical care;

"(2) provide that no less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facility or facilities that have a mission centered on care of the mentally ill; and

"(3) provide for a governance arrangement between the collaborating Department facilities which ensures that the center will be established and operated in a manner aimed at improving the quality of mental health care at the collaborating facility or facilities which have a mission centered on care of the mentally ill.

"(d) The finding referred to in subsection (b)(2)(B) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Under Secretary for Health, that the facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school that provides education and training in psychiatry and with which one or more of the participating Department facilities is affiliated under which medical residents receive education and training in psychiatry through regular rotation through the participating Department facilities so as to provide such residents with training in the diagnosis and treatment of mental illness.

"(2) An arrangement with an accredited graduate program of psychology under which students receive education and training in clinical, counseling, or professional psychology through regular rotation through the participating Department facilities so as to provide such students with training in the diagnosis and treatment of mental illness.

"(3) An arrangement under which nursing, social work, counseling, or allied health personnel receive training and education in mental health care through regular rotation through the participating Department facilities.

"(4) The ability to attract scientists who have demonstrated achievement in research—

"(A) into the evaluation of innovative approaches to the design of mental health services; or

"(B) into the causes, prevention, and treatment of mental illness.

"(5) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of mental health services provided by the Department at or through individual facilities.

"(e)(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

"(2) The panel shall consist of experts in the fields of mental health research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department.

"(3) The panel shall review each proposal submitted to the panel by the official referred to in paragraph (1) and shall submit to that official its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

"(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(f) Clinical and scientific investigation activities at each center established under this section—

"(1) may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account; and

"(2) shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to mental illness.

"(g) The Under Secretary for Health shall ensure that at least three centers designated under this section emphasize research into means of improving the quality of care for veterans suffering from mental illness through the development of community-based alternatives to institutional treatment for such illness.

"(h) The Under Secretary for Health shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration. Such dissemination shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(i) The official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall be responsible for supervising the operation of the centers established pursuant to this section and shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(j)(1) There are authorized to be appropriated to the Department of Veterans Affairs for the basic support of the research and education and training activities of centers established pursuant to this section amounts as follows:

"(A) $3,125,000 for fiscal year 1998.

"(B) $6,250,000 for each of fiscal years 1999 through 2001.

"(2) In addition to funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate to carry out the purposes of this section.".

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7319, as added by section 321(a)(2), the following new item:

"7320. Centers for mental illness research, education, and clinical activities.".

(b) ANNUAL REPORTS.—Not later than February 1 of each of 1999, 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the centers for mental illness research, education, and clinical activities established pursuant to section 7320 of title 38, United States Code (as added by subsection (a)). Each such report shall include the following:

(1) A description of the activities carried out at each center and the funding provided for such activities.

(2) A description of the advances made at each of the participating facilities of the center in research, education and training, and clinical activities relating to mental illness in veterans.

(3) A description of the actions taken by the Under Secretary for Health pursuant to subsection (h) of that section (as so added) to disseminate information derived from such activities throughout the Veterans Health Administration.

(4) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall designate at least one center under section 7320 of title 38, United States Code, not later than January 1, 1998.

SEC. 335. COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.

(a) ESTABLISHMENT.—Subchapter II of chapter 73 is amended by adding after section 7320, as added by section 334(a)(1), the following new section:

"§7321. Committee on Care of Severely Chronically Mentally Ill Veterans

"(a) The Secretary, acting through the Under Secretary for Health, shall establish in the Veterans Health Administration a Committee on Care of Severely Chronically Mentally Ill Veterans. The Under Secretary shall appoint employees of the Department with expertise in the care of the chronically mentally ill to serve on the committee.

"(b) The committee shall assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of mentally ill veterans whose mental illness is severe and chronic and who are eligible for health care furnished by the Department, including the needs of such veterans who are women. In carrying out that responsibility, the committee shall—

"(1) evaluate the care provided to such veterans through the Veterans Health Administration;

"(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

"(3) identify specific facilities within the Veterans Health Administration at which program enrichment is needed to improve treatment and rehabilitation of such veterans; and

"(4) identify model programs which the committee considers to have been successful in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

"(c) The committee shall—

"(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of severely chronically mentally ill veterans; and

"(2) make recommendations to the Under Secretary—

"(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

"(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

"(C) regarding research needs and priorities relevant to the care of such veterans; and

"(D) regarding the appropriate allocation of resources for all such activities.

"(d)(1) Not later than April 1, 1997, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall include the following:

"(A) A list of the members of the committee.

"(B) The assessment of the Under Secretary for Health, after review of the initial findings of the committee, regarding the capability of the Veterans Health Administration, on a systemwide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

"(C) The plans of the committee for further assessments.

"(D) The findings and recommendations made by the committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

"(E) A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

"(2) Not later than February 1, 1998, and February 1 of each of the three following years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted under this subsection before the submission of such report.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7320, as added by section 334(a)(2) the following new item:

"7321. Committee on Care of Severely Chronically Mentally Ill Veterans.".

Subtitle D—Other Provisions

SEC. 341. HOSPICE CARE STUDY.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a research study to determine the desirability of the Secretary furnishing hospice care to terminally ill veterans and to evaluate the most cost effective and efficient way to do so. The Secretary shall carry out the study using resources and personnel of the Department.

(b) CONDUCT OF STUDY.—In carrying out the study required by subsection (a), the Secretary shall—

(1) evaluate the programs, and the program models, through which the Secretary furnishes hospice care services within or through facilities of the Department of Veterans Affairs and the programs and program models through which non-Department facilities provide such services;

(2) assess the satisfaction of patients, and family members of patients, in each of the program models covered by paragraph (1);

(3) compare the costs (or range of costs) of providing care through each of the program models covered by paragraph (1); and

(4) identify any barriers to providing, procuring, or coordinating hospice services through any of the program models covered by paragraph (1).

(c) PROGRAM MODELS.—For purposes of subsection (b)(1), the Secretary shall evaluate a variety of types of models for delivery of hospice care, including the following:

(1) Direct furnishing of full hospice care by the Secretary.

(2) Direct furnishing of some hospice services by the Secretary.

(3) Contracting by the Secretary for the furnishing of hospice care, with a commitment that the Secretary will provide any further required hospital care for the patient.

(4) Contracting for all required care to be furnished outside the Department.

(5) Referral of the patient for hospice care without a contract.

(d) REPORT.—Not later than April 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the research study. The report shall set forth the Secretary's findings and recommendations. The Secretary shall include in the report information on the extent to which the Secretary advises veterans concerning their eligibility for hospice care and information on the number of veterans (as of the time of the report) who are in each model of hospice care described in subsection (c) and the average cost per patient of hospice care for each such model.

SEC. 342. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.".

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) is amended by inserting "adult day health," before "or hospital care".

(2) Section 8132 is amended by inserting "adult day health," before "or hospital care".

(3) Section 8135(b) is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting "or construction (other than new construction) of adult day health care buildings" before the semicolon.

SEC. 343. RESEARCH CORPORATIONS.

(a) RENEWAL OF AUTHORITY.—Section 7368 is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 2000".

(b) CLARIFICATION OF TAX-EXEMPT STATUS.—Sections 7361(b) and 7363(c) are amended by striking out "section 501(c)(3) of".

(c) PERIODIC AUDITS.—Subsection (b) of section 7366 is amended by striking out "The corporation" in the second sentence and all that follows through "shall include that report" and inserting in lieu thereof the following: "A corporation with revenues in excess of $300,000 for any year shall obtain an audit of the corporation for that year. A corporation with annual revenues between $10,000 and $300,000 shall obtain an independent audit of the corporation at least once every three years. Any audit under the preceding sentences shall be performed by an independent auditor. The corporation shall include the most recent such audit".

(d) COMPLIANCE WITH CONFLICT OF INTEREST LAWS AND REGULATIONS.—Subsection (c)(2) of section 7366 is amended by striking out "an annual statement signed by the director or employee certifying that the director or" and inserting in lieu thereof "a statement signed by the executive director of the corporation certifying that each director and".

(e) REVISED REPORTING REQUIREMENT.—Subsection (d) of section 7366 is amended to read as follows:

"(d) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the corporations established under this subchapter. The report shall set forth the following information:

"(1) The location of each corporation.

"(2) The amount received by each corporation during the previous year, including—

"(A) the total amount received;

"(B) the amount received from governmental entities;

"(C) the amount received from all other sources; and

"(D) if the amount received from a source referred to in subparagraph (C) exceeded $25,000, information that identifies the source.

"(3) The amount expended by each corporation during the year, including—

"(A) the amount expended for salary for research staff and for salary for support staff;

"(B) the amount expended for direct support of research; and

"(C) if the amount expended with respect to any payee exceeded $35,000, information that identifies the payee.".

SEC. 344. VETERANS HEALTH ADMINISTRATION HEADQUARTERS.

Section 7306 is amended by adding at the end the following new subsection:

"(f) In organizing the Office and appointing persons to positions in the Office, the Under Secretary shall ensure that—

"(1) the Office is staffed so as to provide the Under Secretary, through a designated clinician in the appropriate discipline in each instance, with expertise and direct policy guidance on—

"(A) unique programs operated by the Administration to provide for the specialized treatment and rehabilitation of disabled veterans (including blind rehabilitation, care of spinal cord dysfunction, mental illness, and long-term care); and

"(B) the programs established under section 1712A of this title; and

"(2) with respect to the programs established under section 1712A of this title, a clinician with appropriate expertise in those programs is responsible to the Under Secretary for the management of those programs.".

SEC. 345. DISBURSEMENT AGREEMENTS RELATING TO MEDICAL RESIDENTS AND INTERNS.

Section 7406(c) is amended—

(1) by striking out "Department hospital" each place it appears and inserting in lieu thereof "Department facility furnishing hospital care or medical services";

(2) by striking out "participating hospital" in paragraph (4)(C) and inserting in lieu thereof "participating facility"; and

(3) by striking out "hospital" both places it appears in paragraph (5) and inserting in lieu thereof "facility".

SEC. 346. AUTHORITY TO SUSPEND SPECIAL PAY AGREEMENTS FOR PHYSICIANS AND DENTISTS WHO ENTER RESIDENCY TRAINING PROGRAMS.

Section 7432(b)(2) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may suspend a special pay agreement entered into under this section in the case of a physician or dentist who, having entered into the special pay agreement, enters a residency training program. Any such suspension shall terminate when the physician or dentist completes, withdraws from, or is no longer a participant in the program. During the period of such a suspension, the physician or dentist is not subject to the provisions of paragraph (1).".

SEC. 347. REMUNERATED OUTSIDE PROFESSIONAL ACTIVITIES BY VETERANS HEALTH ADMINISTRATION PERSONNEL.

(a) AUTHORITY.—Subsection (b) of section 7423 is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended in the matter preceding paragraph (1) by striking out "subsection (b)(6)" and inserting in lieu thereof "subsection (b)(5)".

SEC. 348. MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, MILWAUKEE COUNTY, WISCONSIN.

(a) MODIFICATION OF REVERSIONARY INTEREST.—The Secretary of Veterans Affairs is authorized to execute such instruments as may be necessary to modify the conditions under which the land described in subsection (b) will revert to the United States in order—

(1) to permit Milwaukee County, Wisconsin, to grant all or part of such land to another party with a condition on such grant that the grantee use such land only for civic and recreational purposes; and

(2) to provide that the conditions under which title to all or any part of such land reverts to the United States are stated so that any such reversion would occur at the option of the United States.

(b) DESCRIPTION OF LAND.—The land covered by this section is the tract of 28 acres of land, more or less, conveyed to Milwaukee County, Wisconsin, pursuant to the Act entitled "An Act authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wisconsin", approved August 27, 1954 (68 Stat. 866).

(c) GENERAL AUTHORITIES.—The Secretary may carry out this section subject to such terms and conditions (including reservations of rights for the United States) as the Secretary considers necessary to protect the interests of the United States. In carrying out this section, the Secretary may eliminate any existing covenant or restriction with respect to the tract of land described in subsection (b) which the Secretary determines to be no longer necessary to protect the interests of the United States.

SEC. 349. MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, CHEYENNE, WYOMING.

(a) MODIFICATION OF REVERSIONARY INTEREST.—The Secretary of Veterans Affairs of Veterans Affairs is authorized to execute such instruments as may be necessary to modify the conditions under which the land described in subsection (b) will revert to the United States in order to permit the City of Cheyenne, Wyoming, to grant all or part of such land to the First Cheyenne Federal Credit Union (formerly known as the Cheyenne VAF Federal Credit Union) with a condition on such grant that the First Cheyenne Federal Credit Union use such land only for the purpose of constructing a building to house its operations.

(b) DESCRIPTION OF LAND.—The land covered by this section is the tract of 27 acres of land, more or less, conveyed to the City of Cheyenne, Wyoming, pursuant to the Act entitled "An Act authorizing the Administrator of Veterans' Affairs to convey certain property to the City of Cheyenne, Wyoming", approved November 8, 1965 (79 Stat. 1304).

(c) TERMS OF REVERSIONARY INTEREST.—In carrying out this section, the Secretary may cause the statement of the conditions under which title to all or any part of the land described in subsection (b) reverts to the United States to be revised so that any such reversion would occur at the option of the United States.

(d) GENERAL AUTHORITIES.—The Secretary may carry out this section subject to such terms and conditions (including reservations of rights for the United States) as the Secretary considers necessary to protect the interests of the United States. In carrying out this section, the Secretary may eliminate any existing covenant or restriction with respect to the tract of land described in subsection (b) which the Secretary determines to be no longer necessary to protect the interests of the United States.

SEC. 350. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JOHNSON CITY, TENNESSEE.

(a) NAME.—The Mountain Home Department of Veterans Affairs Medical Center in Johnson City, Tennessee, shall after the date of the enactment of this Act be known and designated as the "James H. Quillen Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the James H. Quillen Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997.

SEC. 351. REPORT ON HEALTH CARE NEEDS OF VETERANS IN EAST CENTRAL FLORIDA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the health care needs of veterans in east central Florida. In preparing the report, the Secretary shall consider the needs of such veterans for psychiatric and long-term care. The Secretary shall include in the report the Secretary's views, based on the Secretary's determination of such needs, as to the best means of meeting such needs using the amounts appropriated pursuant to the authorization of appropriations in this Act and Public Law 103-452 for projects to meet the health care needs of such veterans. The Secretary may, subject to the availability of appropriations for such purpose, use an independent contractor to assist in the determination of such health care needs.

(b) LIMITATION.—The Secretary may not obligate any funds, other than for design work, for the conversion of the former Orlando Naval Training Center Hospital in Orlando, Florida (now under the jurisdiction of the Secretary of Veterans Affairs), to a nursing home care unit until 45 days after the date on which the report required by subsection (a) is submitted.

SEC. 352. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) EXTENSION OF AUTHORITY.—Subsection (b) of section 107 of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103-446; 108 Stat. 4652; 38 U.S.C. 1117 note) is amended by striking out "September 30, 1996" and inserting in lieu thereof "December 31, 1998".

(b) RATIFICATION OF ACTIONS.—Any diagnostic testing and medical examinations undertaken by the Secretary of Veterans Affairs for the purpose of the study required by subsection (a) of such section during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act is hereby ratified.

POLICY AND CONSERVATION ACT EXTENSION ACT OF 1996

MURKOWSKI AMENDMENT NO. 5415

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 3868) to extend certain programs under the Energy Policy and Conservation Act through September 30, 1996; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to implement this part.";

(2) in section 181 (42 U.S.C. 6251) by striking "June 30, 1996" both places it appears and inserting in lieu thereof "September 30, 1997";

(3) by striking "section 252(l)(1)" in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting "section 252(k)(1)";

(4) in section 252 (42 U.S.C. 6272)—

(A) in subsections (a)(1) and (b), by striking "allocation and information provisions of the international energy program" and inserting "international emergency response provisions";

(B) in subsection (d)(3), by striking "known" and inserting after "circumstances" "known at the time of approval";

(C) in subsection (e)(2) by striking "shall" and inserting "may";

(D) in subsection (f)(2) by inserting "voluntary agreement or" after "approved";

(E) by amending subsection (h) to read as follows:

"(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

"(1) the international energy program, or

"(2) any allocation, price control, or similar program with respect to petroleum products under this Act.";

(F) in subsection (i) by inserting "annually, or" after "least" and by inserting "during an international energy supply emergency" after "month";

(G) in subsection (k) by amending paragraph (2) to read as follows—

"(2) The term "international emergency response provisions" means—

"(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

"(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July

11, 1984, decision by the Governing Board on "Stocks and Supply Disruptions") for—

"(i) the coordinated drawdown of stocks of petroleum products held on controlled by governments; and

"(ii) complementary actions taken by governments during an existing or impending international oil supply distruption"; and

(H) by amending subsection (l) to read as follows—

"(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.";

(5) by adding at the end of section 256(h), "There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to carry out this part."

(6) by adding at the end of section 256(h) (42 U.S.C. 6276(h)) "There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to carry out this part.";

(7) in section 281 (42 U.S.C. 6285) by striking "June 30, 1996" both places it appears and inserting in lieu thereof "September 30, 1997";

(8) in section 365(f)(1) (42 U.S.C. 6325(f)(1)) by striking "not to exceed" and all that follows through "fiscal year 1993" and inserting in lieu thereof "for fiscal year 1997 such sums as may be necessary";

(9) by amending section 397 (42 U.S.C. 6371f) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for fiscal year 1997 such sums as may be necessary,"; and

(10) in section 400BB(b) (42 U.S.C. 6374a(b)) by amending paragraph (1) to read as follows:

"(1) There are authorized to be appropriated to the Secretary for carrying out this section such sums as may be necessary for fiscal year 1997, to remain available until expended.".

SEC. 2. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 422. For the purpose of carrying out the weatherization program under this part, there are authorized to be appropriated for fiscal year 1997 such sums as may be necessary.".

THE HEALTH PROFESSIONS EDUCATION CONSOLIDATION AND REAUTHORIZATION ACT OF 1996

KASSEBAUM AMENDMENT NO. 5416

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill (S. 555) to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes; as follows:

On page 116, lines 18 and 19, strike "With" and all that follows through "the" and insert "The".

On page 116, line 21, strike "such".

On page 122, line 22, strike ", and" and all that follows through "dentists" on line 24.

On page 116, strike lines 16 through 23.

On page 126, line 24, strike "(c)" and insert "(b)".

On page 128, line 9, strike "(d)" and insert "(c)".

On page 128, line 18, strike "(e)" and insert "(d)".

On page 140, line 3, strike "tion 747" and insert "tions 747 and 750".

On page 170, line 1, insert "dentistry," after the comma.

On page 170, line 2, insert "dentists," after the comma.

On page 196, strike lines 4 through 11, and insert the following:

(a) LOAN PROGRAM.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking "$350,000,000" and all that follows through "1995" and inserting "$260,000,000 for fiscal year 1996, $160,000,000 for fiscal year 1997, and $80,000,000 1998";

(2) by striking "obtained prior loans insured under this subpart" and inserting "obtained loans insured under this subpart in fiscal year 1996 or in prior fiscal years"; and

(3) by adding at the end thereof the following new sentence: "The Secretary may establish guidelines and procedures that lenders must follow in distributing funds under this subpart.".

Beginning on page 212, strike line 10 and all that follows through line 14 on page 220.

On page 220, line 15, strike "303" and insert "302".

On page 221, line 6, strike "304" and insert "303".

On page 222, line 12, strike "305" and insert "304".

THE SAVINGS IN CONSTRUCTION ACT OF 1996

BURNS (AND OTHERS) AMENDMENT NO. 5417

Mr. LOTT (for Mr. BURNS, for himself, Mr. STEVENS, Mr. GLENN, Mr. PRESSLER, Mr. HOLLINGS, Mr. KERRY, Mr. WARNER, Mr. ROBB, Mr. SHELBY, and Mr. GRAMS) proposed an amendment to the bill (H.R. 2779) to provide for soft-metric conversation, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings in Construction Act of 1996".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Metric Conversion Act of 1975 was enacted in order to set forth the policy of the United States to convert to the metric system. Section 3 of that Act requires that each Federal agency use the metric system of measurements in its procurement, grants, and other business-related activities, unless that use is likely to cause significant cost or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

(2) In accordance with that Act and Executive Order 12770, of July 25, 1991, Federal agencies increasingly construct new Federal buildings in round metric dimensions. As a result, companies that wish to bid on Federal construction projects increasingly are asked to supply materials or products in round metric dimensions.

(3) While the Metric Conversion Act of 1975 currently provides an exemption to metric usage when impractical or when such usage will cause economic inefficiencies, amendments are warranted to ensure that the use of specific metric components in metric construction projects do not increase the cost of Federal buildings to the taxpayers.

SEC. 3. DEFINITIONS.

Section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking "Commerce." in paragraph (4) and inserting "Commerce;"; and

(3) by inserting after paragraph (4) the following:

"(5) 'full and open competition' has the same meaning as defined in section 403(6) of title 41, United States Code;

"(6) 'total installed price' means the price of purchasing a product or material, trimming or otherwise altering some or all of that product or material, if necessary to fit with other building components, and then installing that product or material into a Federal facility;

"(7) 'hard-metric' means measurement, design, and manufacture using the metric system of measurement, but does not include measurement, design, and manufacture using English system measurement units which are subsequently reexpressed in the metric system of measurement;

"(8) 'cost or pricing data or price analysis' has the meaning given such terms in section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b); and

"(9) 'Federal facility' means any public building (as defined under section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) and shall include any Federal building or construction project—

"(A) on lands in the public domain;

"(B) on lands used in connection with Federal programs for agriculture research, recreation, and conservation programs;

"(C) on or used in connection with river, harbor, flood control, reclamation, or power projects;

"(D) on or used in connection with housing and residential projects;

"(E) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense);

"(F) on installations of the Department of Veteran Affairs used for hospital or domiciliary purposes; or

"(G) on lands used in connection with Federal prisons,

but does not include (i) any Federal Building or construction project the exclusion of which the President deems to be justified in the public interest, or (ii) any construction project or building owned or controlled by a State government, local government, Indian tribe, or any private entity.".

SEC. 4. IMPLEMENTATION IN ACQUISITION OF FEDERAL FACILITIES.

(a) The Metric Conversion Act of 1975 (15 U.S.C. 205 et sec.) is amended by inserting after section 13 the following new section:

"SEC. 14. IMPLEMENTATION IN ACQUISITION OF CONSTRUCTION SERVICES AND MATERIALS FOR FEDERAL FACILITIES.

"(a) IN GENERAL.—Construction services and materials for Federal facilities shall be procured in accordance with the policies and procedures set forth in chapter 137 of title 10, United States Code, section 2377 of title 10, United States Code, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), and section 3(2) of this Act. Determination of a design method shall be based upon preliminary market research as required under section 2377(c) of title 10, United States Code, and section 314B(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C.

264b(c)). If the requirements of this Act conflict with the provisions of section 2377 of title 10, United States Code, or section 314B of the Federal Property and Administrative Services Act of 1949, then the provisions of 2377 or 314B shall take precedence.

"(b) CONCRETE MASONRY UNITS.—In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for the acquisition of structures or systems of concrete masonry be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of concrete masonry units, in a solicitation for design or construction of a Federal facility within the United States or its territories, or a portion of said Federal facility, unless the head of the agency determines in writing that—

"(1) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

"(2) the following 2 criteria are met:

"(A) the application requires hard-metric concrete masonry units to coordinate dimensionally into 100 millimeter building modules; and

"(B) the total installed price of hard-metric concrete masonry units is estimated to be equal to or less than the total installed price of using non-hard-metric concrete masonry units. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

"(c) RECESSED LIGHTING FIXTURES.—In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for the acquisition of structures or systems of recessed lighting fixtures be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of recessed lighting fixtures, in a solicitation for design or construction of a Federal facility within the United States or its territories unless the head of the agency determines in writing that—

"(1) the predominant voluntary industry consensus standards include the use of hard-metric for the items specified; or

"(2) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

"(3) the following 2 criteria are met:

"(A) the application requires hard-metric recessed lighting fixtures to coordinate dimensionally into 100 millimeter building modules; and

"(B) the total installed price of hard-metric recessed lighting fixtures is estimated to be equal to or less than the total installed price of using non-hard-metric recessed lighting fixtures. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

"(d) LIMITATION.—The provisions of subsections (b) and (c) of this section shall not apply to Federal contracts to acquire construction products for the construction of facilities outside of the United States and its territories.

"(e) EXPIRATION.—The provisions contained in subsections (b) and (c) of this section shall expire 10 years from the effective date of the Savings in Construction Act of 1996.".

SEC. 5. OMBUDSMAN.

Section 14 of the Metric Conversion Act of 1975, as added by section 4 of this Act, is further amended by adding at the end the following new subsection:

"(f) AGENCY OMBUDSMAN.—(1) The head of each executive agency that awards construction contracts within the United States and its territories shall designate a senior agency official to serve as a construction metrication ombudsman who shall be responsible for reviewing and responding to complaints from prospective bidders, subcontractors, suppliers, or their designated representatives related to—

"(A) guidance or regulations issued by the agency on the use of the metric system of measurement in contracts for the construction of Federal buildings; and

"(B) the use of the metric system of measurement for services and materials required for incorporation in individual projects to construct Federal buildings.

The construction metrication ombudsman shall be independent of the contracting officer for construction contracts.

"(2) The ombudsman shall be responsible for ensuring that the agency is not implementing the metric system of measurement in a manner that is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms in violation of the policy stated in section 3(2), or is otherwise inconsistent with guidance issued by the Secretary of Commerce in consultation with the Interagency Council on Metric Policy while ensuring that the goals of the Metric Conversion Act of 1975 are observed.

"(3) The ombudsman shall respond to each complaint in writing within 60 days and make a recommendation to the head of the executive agency for an appropriate resolution thereto. In such a recommendation, the ombudsman shall consider—

"(A) whether the agency is adequately applying the policies and procedures in this section;

"(B) whether the availability of hard-metric products and services from United States firms is sufficient to ensure full and open competition; and

"(C) the total installed price to the Federal Government.

"(4) After the head of the agency has rendered a decision regarding a recommendation of the ombudsman, the ombudsman shall be responsible for communicating the decision to all appropriate policy, design, planning, procurement, and notifying personnel in the agency. The ombudsman shall conduct appropriate monitoring as required to ensure the decision is implemented, and may submit further recommendations, as needed. The head of the agency's decision on the ombudsman's recommendations, and any supporting documentation, shall be provided to affected parties and made available to the public in a timely manner.

"(5) Nothing in this section shall be construed to supersede the bid protest process established under subchapter V of chapter 35 of title 31, United States Code.".

SEC. 6. EFFECTIVE DATE AND MISCELLANEOUS PROVISIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) SAVINGS PROVISIONS.—This Act shall not apply to contracts awarded and solicitations issued on or before the effective date of this Act, unless the head of a Federal agency makes a written determination in his or her sole discretion that it would be in the public interest to apply one or more provisions of this Act or its amendments to these existing contracts or solicitations.

THE READJUSTMENT COMMISSION ACT OF 1996

SIMPSON (AND ROCKEFELLER) AMENDMENT NO. 5418

Mr. NICKLES (for Mr. SIMPSON, for himself and Mr. ROCKEFELLER) proposed an amendment to the bill (S. 1711) to establish a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Improvements Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

Sec. 101. Employment handicap for which an individual may receive training and rehabilitation assistance.
Sec. 102. Permanent authority for alternative teacher certification programs.
Sec. 103. Period of operation for approval.
Sec. 104. Elimination of distinction between open circuit TV and independent study.
Sec. 105. Cooperative programs.
Sec. 106. Enrollment of certain VEAP participants in Montgomery GI Bill.
Sec. 107. Montgomery GI Bill eligibility for certain active duty members of Army and Air National Guard.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

Sec. 201. Extension of enhanced loan asset sale authority.
Sec. 202. Direct loans to refinance loans under Native American veteran housing loan pilot program.

Subtitle B—Memorial Affairs

Sec. 211. Clarification of eligibility of minors for burial in national cemeteries.
Sec. 212. Burial benefits for certain veterans who die in State nursing homes.
Sec. 213. Outer burial receptacles.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

Sec. 301. Regional Administrator.

Sec. 302. Support personnel for Directors of Veterans' Employment and Training.
Sec. 303. Pilot program to integrate and streamline functions of local veterans' employment representatives.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

Sec. 311. Amendments to chapter 43 of title 38, United States Code.
Sec. 312. Amendments to transition rules and effective dates.
Sec. 313. Effective dates.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

Sec. 401. Short title.
Sec. 402. Merger of Retired Reserve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserve.
Sec. 403. Conversion of SGLI and VGLI to commercial life insurance policy.
Sec. 404. Information to be provided members concerning automatic maximum coverage of $200,000 under Servicemen's Group Life Insurance.
Sec. 405. Renaming of Servicemen's Group Life Insurance program.
Sec. 406. Technical amendment.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

Sec. 501. Revision of authority relating to Centers for Minority Veterans and Women Veterans.
Sec. 502. Limitation on clothing allowance for incarcerated veterans.
Sec. 503. Extension of Veterans' Claims Adjudication Commission.
Sec. 504. Pilot program for use of contract physicians for disability examinations.
Sec. 505. Expansion of period of Vietnam era for certain veterans.
Sec. 506. Payment of benefit to surviving spouse for month in which veteran dies.
Sec. 507. Increase in period for which accrued benefits payable.
Sec. 508. Appointment of veterans service organizations as claimants' representatives.
Sec. 509. Provision of copies of Board of Veterans' Appeals decisions.
Sec. 510. Limitation on relocation or reduction in staffing of certain elements of the Education Service of the Veterans Benefits Administration.

TITLE VI—OTHER MATTERS

Sec. 601. Extension of certain authorities for services for homeless veterans.
Sec. 602. Repair and long-term maintenance of war memorials.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

Sec. 701. Establishment of Commission.
Sec. 702. Duties of Commission.
Sec. 703. Powers of Commission.
Sec. 704. Miscellaneous administrative provisions.
Sec. 705. Commission personnel matters.
Sec. 706. Termination of Commission.
Sec. 707. Definitions.
Sec. 708. Funding.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATION BENEFITS

SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.

(a) DEFINITIONS.—Section 3101 is amended—

(1) in paragraph (1), by inserting ", resulting in substantial part from a disability described in section 3102(1)(A) of this title," after "impairment";

(2) in paragraph (6), by inserting "authorized under section 3120 of this title" after "assistance"; and

(3) in paragraph (7), by inserting ", resulting in substantial part from a service-connected disability rated at 10 percent or more," after "impairment".

(b) BASIC ENTITLEMENT.—Section 3102 is amended—

(1) in paragraph (1)(A)(i), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 20 percent or more";

(2) in paragraph (2)(A), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 10 percent"; and

(3) by amending paragraph (2)(B) to read as follows:

"(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.".

(c) PERIODS OF ELIGIBILITY.—Section 3103 is amended—

(1) in subsection (b)(3), by striking out "described in section 3102(1)(A)(i) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking out "particular" and inserting in lieu thereof "current"; and

(B) in paragraph (2), by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment"; and

(3) in subsection (d), by striking out "under this chapter" and inserting in lieu thereof "in accordance with the provisions of section 3120 of this title".

(d) SCOPE OF SERVICES AND ASSISTANCE.—Section 3104 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "such veteran's disability or disabilities cause" and inserting in lieu thereof "the veteran has an employment handicap or"; and

(ii) by inserting "reasonably" after "goal is";

(B) in paragraph (7)(A)—

(i) by striking out "(i)"; and

(ii) by striking out ", and (ii)" and all that follows through "such Act"; and

(C) in paragraph (12), by striking out "For the most severely disabled veterans requiring" and inserting in lieu thereof "For veterans with the most severe service-connected disabilities who require"; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(e) DURATION OF REHABILITATION PROGRAMS.—Paragraph (1) of section 3105(c) is amended by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment".

(f) INITIAL AND EXTENDED EVALUATIONS; DETERMINATIONS REGARDING SERIOUS EMPLOYMENT HANDICAP.—(1) Section 3106 is amended—

(A) in subsection (a), by striking out "described in clause (i) or (ii) of section 3102(1)(A) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(B) in subsection (b), by striking out "counseling in accordance with";

(C) in subsection (c), by striking out "with extended" and inserting in lieu thereof "with an extended"; and

(D) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.".

(2) Chapter 31 is amended—

(A) in section 3107(c)(2), by striking out "3106(e)" and inserting in lieu thereof "3106(f)";

(B) in section 3109, by striking out "3106(d)" and inserting in lieu thereof "3106(e)";

(C) in section 3118(c), by striking out "3106(e)" and inserting in lieu thereof "3106(f)"; and

(D) in section 3120(b), by striking out "3106(d)" and inserting in lieu thereof "3106(d) or (e)".

(g) ALLOWANCES.—Section 3108 is amended—

(1) in subsection (a)(2), by striking out "following the conclusion of such pursuit" and inserting in lieu thereof "while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title"; and

(2) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by inserting "eligible for and" after "veteran is";

(ii) by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30"; and

(iii) by striking out "either chapter 30 or chapter 34" and inserting in lieu thereof "chapter 30"; and

(B) in subparagraph (B), by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30".

(h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of section 3117(a) is amended by inserting "rated at 10 percent or more" after "disability".

(i) PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120 is amended—

(1) in subsection (b), by striking out "service-connected disability described in section 3102(1)(A)" and inserting in lieu thereof "serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)"; and

(2) in subsection (d), by striking out "and (b)".

(j) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsection (a) (other than paragraph (2)), subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)), and subsection (i) shall only

apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary of Veterans Affairs on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter.

SEC. 102. PERMANENT AUTHORITY FOR ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

Subsection (c) of section 3452 is amended by striking out "For the period ending on September 30, 1996, such" and inserting in lieu thereof "Such".

SEC. 103. PERIOD OF OPERATION FOR APPROVAL.

(a) IN GENERAL.—(1) Chapter 36 is amended—

(A) by striking out section 3689; and

(B) by striking out the item relating to section 3689 in the table of sections at the beginning of such chapter.

(2) Subparagraph (C) of section 3680A(d)(2) is amended by striking out "3689(b)(6) of this title" and inserting in lieu thereof "subsection (g)".

(b) DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—Section 3680A is amended by adding after subsection (d) the following new subsections:

"(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

"(1) the educational institution has been operating for less than two years;

"(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

"(3) following either a change in ownership or a complete move outside its original general locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

"(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

"(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

"(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

"(g) Notwithstanding subsections (e) and (f), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Transportation and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.".

(c) APPROVAL OF ACCREDITED COURSES.—Subsection (b) of section 3675 is amended to read as follows:

"(b) As a condition of approval under this section, the State approving agency must find the following:

"(1) The educational institution keeps adequate records, as prescribed by the State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

"(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

"(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title.".

SEC. 104. ELIMINATION OF DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY.

(a) VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Subsection (f) of section 3482 is amended by striking out "in part".

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3523 is amended—

(1) in subsection (a)(4), by inserting "(including open circuit television)" after "independent study program" the second place it appears; and

(2) in subsection (c), by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio.".

(c) ADMINISTRATION OF EDUCATIONAL BENEFITS.—Subsection (c) of section 3680A is amended by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio.".

SEC. 105. COOPERATIVE PROGRAMS.

(a) CHAPTER 30.—Section 3032 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CHAPTER 32.—Section 3231 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) CHAPTER 35.—Subsection (b) of section 3532 is amended by striking out "$327" and inserting in lieu thereof "$404".

(d) CHAPTER 1606.—Section 16131 of title 10, United States Code, is amended—

(1) by striking out subsection (e) and redesignating subsections (f), (g), (h), (i), and (j) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) in subsection (b)(1), by striking out "(g)" and inserting in lieu thereof "(f)".

SEC. 106. ENROLLMENT OF CERTAIN VEAP PARTICIPANTS IN MONTGOMERY GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 30 is amended by inserting after section 3018B the following new section:

"§ 3018C. Opportunity for certain VEAP participants to enroll

"(a) Notwithstanding any other provision of law, an individual who—

"(1) is a participant on the date of the enactment of the Veterans' Benefits Improvements Act of 1996 in the educational benefits program provided by chapter 32 of this title;

"(2) is serving on active duty (excluding the periods referred to in section 3202(1)(C) of this title) on such date;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty during the one-year period specified in paragraph (5), is discharged or released therefrom with an honorable discharge; and

"(5) during the one-year period beginning on the date of the enactment of the Veterans' Benefits Improvements Act of 1996, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

may elect to become entitled to basic educational assistance under this chapter.

"(b) With respect to an individual who makes an election under subsection (a) to become entitled to basic education assistance under this chapter—

"(1) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

"(2) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between $1,200 and the total amount of reductions under paragraph (1), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual, as provided in section 3223(b) of this title and subject to subsection (b)(2) of this section, the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) shall remain in such account to make payments of benefits to such individual under section 3015(f) of this title.

"(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) and of subparagraph (A) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.".

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 is amended by inserting after the item relating to section 3018B the following new item:

"3018C. Opportunity for certain VEAP participants to enroll.".

(2) Subsection (d) of section 3013 is amended by striking out "or 3018B" and inserting in lieu thereof ", 3018B, or 3018C".

(3) Subsection (f) of section 3015 is amended by inserting ", 3018B, or 3018C" after "section 3018A".

(c) TRANSFER OF EDUCATIONAL ASSISTANCE FUNDS.—(1) Subparagraph (B) of section 3232(b)(2) is amended—

(A) by striking out ", for the purposes of section 1322(a) of title 31,"; and

(B) by striking out "as provided in such section" and inserting in lieu thereof "to the Secretary for payments for entitlement earned under subchapter II of chapter 30".

(2) Paragraph (1) of section 3035(b) is amended by inserting before the period at the end the following: "and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title".

SEC. 107. MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD.

(a) IN GENERAL.—Paragraph (7) of section 3002 is amended by striking out "November 29, 1989" and inserting in lieu thereof "June 30, 1985".

(b) APPLICATION.—(1) An individual may only become eligible for benefits under chapter 30 of title 38, United States Code, as a result of the amendment made by subsection (a) by making an election to become entitled to basic educational assistance under such chapter. The election may only be made during the nine-month period beginning on the date of the enactment of this Act and in the manner required by the Secretary of Defense.

(2) In the case of any individual making an election under paragraph (1)—

(A) the basic pay of an individual who, while a member of the Armed Forces, makes an election under paragraph (1) shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty, the Secretary of Veterans Affairs shall collect from an individual who makes such an election an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which amount shall be paid into the Treasury as miscellaneous receipts.

(3) In the case of any individual making an election under paragraph (1), the 10-year period referred to in section 3031 of such title shall begin on the later of—

(A) the date determined under such section 3031; or

(B) the date on which the election under paragraph (1) becomes effective.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

SEC. 201. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Paragraph (2) of section 3720(h) is amended by striking out "December 31, 1996" and inserting in lieu thereof "December 31, 1997".

SEC. 202. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) AUTHORITY.—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

"(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

"(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

"(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection.".

(b) LOAN FEE.—Section 3729(a)(2)(E) is amended by striking out "or 3712(a)(1)(F)" and inserting in lieu thereof "3712(a)(1)(F), or 3762(h)".

Subtitle B—Memorial Affairs

SEC. 211. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after "minor child" the following: "(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)".

SEC. 212. BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES.

Subsection (a) of section 2303 is amended to read as follows:

"(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

"(A) pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

"(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(2) A facility described in this paragraph is—

"(A) a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

"(B) an institution at which the deceased veteran was, at the time of death, receiving—

"(i) hospital care in accordance with section 1703 of this title;

"(ii) nursing home care under section 1720 of this title; or

"(iii) nursing home care for which payments are made under section 1741 of this title.".

SEC. 213. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out "a grave liner" each place it appears and inserting in lieu thereof "an outer burial receptacle";

(2) in paragraph (2)—

(A) by striking out "grave liners" and inserting in lieu thereof "outer burial receptacles"; and

(B) by striking out "specifications and procedures" and inserting in lieu thereof "regulations or procedures"; and

(3) by adding at the end the following:

"(3) Regulations or procedures under paragraph (2) may specify that—

"(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

"(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

"(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

"(ii) to pay the amount of the administrative costs incurred by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army) in providing the outer burial receptacle in lieu of such grave liner.

"(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army), for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.".

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2306. Headstones, markers, and burial receptacles".

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

"2306. Headstones, markers, and burial receptacles.".

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

SEC. 301. REGIONAL ADMINISTRATOR.

Paragraph (1) of section 4102A(e) is amended by adding at the end the following: "Each Regional Administrator appointed after the date of the enactment of the Veterans' Benefits Improvements Act of 1996 shall be a veteran.".

SEC. 302. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out "full-time Federal clerical support" and inserting in lieu thereof "full-time Federal clerical or other support personnel"; and

(2) in the third sentence, by striking out "Full-time Federal clerical support personnel" and inserting in lieu thereof "Full-time Federal clerical or other support personnel".

SEC. 303. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor may conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary of Labor may suspend or limit application of those provisions of chapter 41 of title 38, United States Code (other than sections 4104(b)(1) and (c)) that pertain to the Local

Veterans’ Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of such chapter, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans’ employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section:

(1) The term “veteran” has the meaning given such term by section 101(2) of title 38, United States Code.

(2) The term “disabled veteran” has the meaning given such term by section 4211(3) of such title.

(3) The term “active military, naval, or air service” has the meaning given such term by section 101(24) of such title.

(g) ALLOCATION OF FUNDS.—Any amount otherwise available for fiscal year 1997, 1998, or 1999 to carry out section 4102A(b)(5) of title 38, United States Code, with respect to a State designated by the Secretary of Labor pursuant to subsection (d) shall be available to carry out the pilot program during that fiscal year with respect to that State.

(h) EXPIRATION DATE.—The authority to carry out the pilot program under this section shall expire on October 1, 1999.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

SEC. 311. AMENDMENTS TO CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

Chapter 43 is amended as follows:

(1) Section 4301(a)(2) is amended by striking out “under honorable conditions”.

(2) Section 4303(16) is amended by inserting “national” before “emergency”.

(3) Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

“(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

“(c) An employer shall be considered to have engaged in actions prohibited—

“(1) under subsection (a), if the person’s membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer’s action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

“(2) under subsection (b), if the person’s (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer’s action, unless the employer can prove that the action would have been taken in the absence of such person’s enforcement action, testimony, statement, assistance, participation, or exercise of a right.

“(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C) of this title.”.

(4) Section 4312 is amended—

(A) in subsection (a), by striking out “who is absent from a position of employment” and inserting in lieu thereof “whose absence from a position of employment is necessitated”;

(B) in subsection (c)—

(i) by striking out “section 270” in paragraph (3) and inserting in lieu thereof “section 10147”; and

(ii) in paragraph (4)—

(I) by striking out “section 672(a), 672(g), 673, 673b, 673c, or 688” in subparagraph (A) and inserting in lieu thereof “section 688, 12301(a), 12301(g), 12302, 12304, or 12305”;

(II) by amending subparagraph (B) to read as follows:

“(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;”;

(III) by striking out “section 673b” in subparagraph (C) and inserting in lieu thereof “section 12304”; and

(IV) by striking out “section 3500 or 8500” in subparagraph (E) and inserting in lieu thereof “section 12406”; and

(C) in subsection (d)(2)(C), by striking out “is brief or for a nonrecurrent period and without a reasonable expectation” and inserting in lieu thereof “is for a brief, nonrecurrent period and there is no reasonable expectation”.

(5) Section 4313(a)(4) is amended—

(A) by striking out “uniform services” in subparagraph (A)(ii) and inserting in lieu thereof “uniformed services”; and

(B) by striking out “of lesser status and pay which” and inserting in lieu thereof “which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which”.

(6) Section 4316(d) is amended by adding at the end the following new sentence: “No employer may require any such person to use vacation, annual, or similar leave during such period of service.”.

(7) Section 4317(a) is amended—

(A) by striking out “(a)(1)(A) Subject to paragraphs (2) and (3), in” and inserting in lieu thereof “(a)(1) In”;

(B) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by subparagraph (A) of this paragraph) as subparagraphs (A) and (B), respectively;

(C) by redesignating subparagraph (B) as paragraph (2); and

(D) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(8) The last sentence of section 4318(b)(2) is amended by striking out “services,” and inserting in lieu thereof “services, such payment period”.

(9) Section 4322 is amended—

(A) in the second sentence of subsection (d) by inserting “attempt to” before “resolve”; and

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking out “with respect to a complaint under subsection (d) are unsuccessful,” and inserting in lieu thereof “with respect to any complaint filed under subsection (a) do not resolve the complaint,”; and

(ii) in paragraph (2), by inserting “or the Office of Personnel Management” after “Federal executive agency”.

(10) Section 4323(a) is amended—

(A) in paragraph (1), by striking out “of an unsuccessful effort to resolve a complaint”; and

(B) in paragraph (2)(A), by striking out “regarding the complaint under section 4322(c)” and inserting in lieu thereof “under section 4322(a)”.

(11) Section 4324 is amended—

(A) in subsection (a)(1), by striking out “of an unsuccessful effort to resolve a complaint relating to a Federal executive agency”;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting “or the Office of Personnel Management” after “Federal executive agency”; and

(ii) in paragraph (1), by striking out “regarding a complaint under section 4322(c)” and inserting in lieu thereof “under section 4322(a)”; and

(C) in subsection (c)(2)—

(i) by inserting “or the Office of Personnel Management” after “Federal executive agency”; and

(ii) by striking out “employee” and inserting in lieu thereof “Office”.

(12) Section 4325(d)(1) is amended—

(A) by striking out “, alternative employment in the Federal Government under this chapter,”; and

(B) by striking out “employee” the last place it appears and inserting in lieu thereof “employees”.

(13) Section 4326(a) is amended by inserting “have reasonable access to and the right to

interview persons with information relevant to the investigation and shall" after "at all reasonable times,".

SEC. 312. AMENDMENTS TO TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: "Any service begun up to 60 days after the date of the enactment of this Act, which is served up to 60 days after the date of the enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of the enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act."; and

(2) in paragraph (4), by striking out "such period" and inserting in lieu thereof "such 60-day period".

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out "person on active duty" and inserting in lieu thereof "person serving a period of service in the uniformed services".

SEC. 313. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by clause (i), and subclauses (I), (III), and (IV) of clause (ii), of section 311(4)(B) shall take effect as of December 1, 1994.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the "Veterans' Insurance Reform Act of 1996".

SEC. 402. MERGER OF RETIRED RESERVE SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVE.

(a) DEFINITIONS.—Section 1965(5) is amended—

(1) by adding "and" at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the matter following paragraph (2), by striking out "or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,"; and

(2) by striking out subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968 is amended—

(1) in subsection (a)—

(A) by striking out "subparagraph (B), (C), or (D) of section 1965(5)" in the matter preceding paragraph (1) and inserting in lieu thereof "section 1965(5)(B)";

(B) by striking out the period at the end of paragraphs (1) and (2) and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and";

(D) in paragraph (4)—

(i) by striking out "one hundred and twenty days after" in the matter preceding subparagraph (A) and all that follows through "(A) unless on" and inserting in lieu thereof "120 days after separation or release from such assignment, unless on";

(ii) by striking out "prior to the expiration of one hundred and twenty days" and inserting in lieu thereof "before the end of 120 days";

(iii) by striking out the semicolon after "such assignment" and inserting in lieu thereof a period; and

(iv) by striking out subparagraphs (B) and (C); and

(E) by striking out paragraphs (5) and (6); and

(2) in subsection (b), by striking out the last two sentences.

(d) DEDUCTIONS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out "is assigned to the Reserve (other than the Retired Reserve)" and all that follows through "section 1965(5)(D) of this title,";

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) CONVERSION OF SGLI TO VGLI.—The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of the enactment of this Act.

SEC. 403. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE POLICY.

(a) OPTION TO CONVERT SGLI.—Subsection (b) of section 1968, as amended by section 402(c)(2), is amended—

(1) by inserting "(1)" after "(b)" at the beginning of the subsection;

(2) by striking out "would cease," in the first sentence and all that follows through the period at the end of the sentence and inserting in lieu thereof "would cease—

"(A) shall be automatically converted to Veterans' Group Life Insurance, subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

"(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums."; and

(3) by designating the second sentence as paragraph (2) and in that sentence striking out "Such automatic conversion" and inserting in lieu thereof "Automatic conversion to Veterans' Group Life Insurance under paragraph (1)".

(b) VGLI CONVERSION.—Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)";

(B) by striking out the last two sentences; and

(C) by adding at the end the following:

"(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed $200,000."; and

(2) in subsection (e)—

(A) in the first sentence, by inserting "at any time" after "shall have the right"; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "The Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the day before the date on which the individual policy becomes effective.".

SEC. 404. INFORMATION TO BE PROVIDED MEMBERS CONCERNING AUTOMATIC MAXIMUM COVERAGE OF $200,000 UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967, as amended by section 402(b), is further amended by inserting after subsection (c) the following new subsection (d):

"(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of $200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

"(1) the purpose and role of life insurance in financial planning;

"(2) the difference between term life insurance and whole life insurance;

"(3) the availability of commercial life insurance; and

"(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.".

SEC. 405. RENAMING OF SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) IN GENERAL.—The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.

(b) AMENDMENTS TO CHAPTER 19.— Chapter 19 is amended as follows:

(1) The following provisions are amended by striking out "Servicemen's Group Life Insurance" each place it appears and inserting in lieu thereof "Servicemembers' Group Life Insurance":

(A) Subsections (a), (c), and (e) of section 1967.

(B) Section 1968(b).

(C) Subsections (a) through (d) of section 1969.

(D) Subsections (a), (f), and (g) of section 1970.

(E) Section 1971(b).

(F) Section 1973.

(G) The first sentence of section 1974(a).

(H) Subsections (a), (d), and (g) of section 1977.

(2)(A) The heading of subchapter III is amended to read as follows:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE".

(B) The heading of section 1974 is amended to read as follows:

"§ 1974. Advisory Council on Servicemembers' Group Life Insurance".

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking out the item relating to subchapter III and inserting in lieu thereof the following:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE";

and

(B) by striking out the item relating to section 1974 and inserting in lieu thereof the following:

"1974. Advisory Council on Servicemembers' Group Life Insurance.".

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out "servicemen's" the first place it appears and inserting in lieu thereof "servicemembers'".

(2) Sections 3017(a)(2)(A)(i) and 3224(1) are amended by striking out "Servicemen's" each place it appears and inserting in lieu thereof "Servicemembers'".

(d) REFERENCES.—Any reference to Servicemen's Group Life Insurance or to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance or the Advisory Council on Servicemembers' Group Life Insurance, respectively.

SEC. 406. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out "and (e)" in the first and second sentences.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

SEC. 501. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) are each amended by inserting "career or" before "noncareer".

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

"(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.".

(c) DEFINITION OF MINORITY VETERANS.—Section 317 is amended by adding at the end the following:

"(g) In this section—

"(1) The term 'veterans who are minorities' means veterans who are minority group members.

"(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title.".

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) is amended by striking out "(relating to" and all that follows through "and of" and inserting in lieu thereof "(42 U.S.C. 289a–2) with respect to the inclusion of women in clinical research and on".

(e) ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.—(1) Section 542(b) is amended by inserting ", including the Center for Women Veterans" before the period at the end.

(2) Section 544(b) is amended by inserting ", including the Center for Minority Veterans" before the period at the end.

(f) TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(e) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

SEC. 502. LIMITATION ON CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) PRO RATA REDUCTION.—Chapter 53 is amended by inserting after section 5313 the following new section:

"§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

"In the case of a veteran who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who is furnished clothing without charge by the institution, the amount of any annual clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to 1/365 of the amount of the allowance otherwise payable under that section for each day on which the veteran was so incarcerated during the 12-month period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

"5313A. Limitation on payment of clothing allowance to incarcerated veterans.".

SEC. 503. EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION.

(a) EXTENSION OF TIME FOR SUBMISSION OF FINAL REPORT.—Section 402(e)(2) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4661) is amended by striking out "Not later than 18 months after such date" and inserting in lieu thereof "Not later than December 31, 1996".

(b) FUNDING.—From amounts appropriated to the Department of Veterans Affairs for each of fiscal years 1996 and 1997 for the payment of compensation and pension, the amount of $75,000 is hereby made available for the activities of the Veterans' Claims Adjudication Commission under title IV of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 5101 note).

SEC. 504. PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Veterans Affairs, acting through the Under Secretary for Benefits, may conduct a pilot program under this section under which examinations with respect to medical disability of applicants for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits may be made by persons other than employees of the Department of Veterans Affairs. Any such examination shall be performed pursuant to contracts entered into by the Under Secretary for Benefits with those persons.

(b) LIMITATION.—The Secretary may carry out the pilot program under this section through not more than 10 regional offices of the Department of Veterans Affairs.

(c) SOURCE OF FUNDS.—Payments for contracts under the pilot program under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of compensation and pensions.

(d) REPORT TO CONGRESS.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the effect of the use of the authority provided by subsection (a) on the cost, timeliness, and thoroughness of medical disability examinations.

SEC. 505. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) IN GENERAL.—Paragraph (29) of section 101 is amended to read as follows:

"(29) The term 'Vietnam era' means the following:

"(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

"(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.".

(b) LIMITED EXPANSION FOR SPECIFIC COMPENSATION PURPOSES.—(1) Paragraphs (1)(B) and (3) of section 1116(a) are each amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,".

(2) Paragraphs (1)(A), (2)(C), (2)(E), (2)(F), and (4) of such section are amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975".

(c) LIMITED EXPANSION FOR SPECIFIC HEALTH CARE PURPOSES.—(1) The provision stipulated in paragraph (2) is amended—

(A) in clause (i), by striking out "during the Vietnam era," and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,"; and

(B) in clause (ii), by striking out "such era" and inserting in lieu thereof "such period".

(2) The provision referred to in paragraph (1)—

(A) if the Veterans' Health Care Eligibility Reform Act of 1996 is enacted as a measure of the One Hundred Fourth Congress, is paragraph (4)(A) of section 1710(e) of title 38, United States Code, as added by section 102 of such Act; and

(B) if such Act is not enacted as a measure of the One Hundred Fourth Congress, is paragraph (1)(A) of section 1710(e) of such title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 506. PAYMENT OF BENEFIT TO SURVIVING SPOUSE FOR MONTH IN WHICH VETERAN DIES.

(a) BENEFIT FOR MONTH OF DEATH.—Section 5310 is amended—

(1) by inserting "(a)" before "If, in accordance with"; and

(2) by adding at the end the following:

"(b)(1) If the surviving spouse of a veteran who was in receipt of compensation or pension at the time of death is not entitled to death benefits under chapter 11, 13, or 15 of this title for the month in which the veteran's death occurs, that surviving spouse shall be entitled to a benefit for that month in the amount of benefits the veteran would have received under chapter 11 or 15 of this title for that month but for the death of the veteran.

"(2) If (notwithstanding section 5112(b)(1) of this title) a check or other payment is issued to, and in the name of, the deceased veteran as a benefit payment under chapter 11 or 15 of this title for the month in which death occurs, that check or other payment (A) shall be treated for all purposes as being payable to the surviving spouse, and (B) if that check or other payment is negotiated or deposited, shall be considered to be the benefit to which the surviving spouse is entitled under this paragraph. However, if such check or other payment is in an amount less than the amount of the benefit under paragraph (1), the unpaid amount shall be treated in the same manner as an accrued benefit under section 5121 of this title.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death of compensation and pension recipients occurring after December 31, 1996.

SEC. 507. INCREASE IN PERIOD FOR WHICH ACCRUED BENEFITS PAYABLE.

Subsection (a) of section 5121 is amended by striking out "one year" in the matter preceding paragraph (1) and inserting in lieu thereof "two years".

SEC. 508. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

"(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.".

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 509. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Subsection (e) of section 7104 is amended to read as follows:

"(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

"(2) If the claimant has an authorized representative, the Board shall—

"(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

"(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail.".

SEC. 510. LIMITATION ON RELOCATION OR REDUCTION IN STAFFING OF CERTAIN ELEMENTS OF THE EDUCATION SERVICE OF THE VETERANS BENEFITS ADMINISTRATION.

No funds available to the Department of Veterans Affairs may be obligated or expended before January 1, 1998, to relocate any function of, or to reduce the number of personnel assigned to, any of the following elements of the Veterans Benefits Administration of the Department of Veterans Affairs:

(1) The Office of Education Procedures Systems.

(2) The Office of Education Operations.

(3) The Office of Education Policy and Program Administration.

TITLE VI—OTHER MATTERS

SEC. 601. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1998".

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

"(E) $10,000,000 for fiscal year 1997.

"(F) $10,000,000 for fiscal year 1998.".

SEC. 602. REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.

(a) REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.—Section 5(b)(2) of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (36 U.S.C. 125(b)(2)), is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) In assuming responsibility for a war memorial under paragraph (1), the Commission may enter into arrangements with the sponsors of the memorial to provide for the repair or long-term maintenance of the memorial. Any funds transferred to the Commission for the purpose of this subparagraph shall, in lieu of subparagraph (A), be deposited by the Commission in the fund established by paragraph (3).

"(3)(A) There is established in the Treasury a fund which shall be available to the Commission for expenses for the maintenance and repair of memorials with respect to which the Commission enters into arrangements under paragraph (2)(B). The fund shall consist of (i) amounts deposited, and interest and proceeds credited, under subparagraph (B), and (ii) obligations obtained under subparagraph (C).

"(B) The Commission shall deposit in the fund such amounts from private contributions as may be accepted under paragraph (2)(B). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

"(C) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

"(D) The Commission shall separately account for all moneys deposited in and expended from the fund with respect to each war memorial for which an arrangement for the repair or long-term maintenance of the memorial is entered to under paragraph (2)(B).".

(b) ACCOUNTING PROCEDURES RELATING TO RECEIPT AND EXPENDITURE OF CONTRIBUTIONS.—Such Act is further amended by adding at the end the following new section:

"SEC. 14. (a) The Commission shall have a system of financial controls to enable the Commission to comply with the requirements of subsection (b) and section 5(b)(3)(D).

"(b) The Commission shall—

"(1) by March 1 of each year (beginning with 1998)—

"(A) prepare a financial statement which covers all accounts and associated activities of the Commission for the preceding fiscal year and is consistent with the requirements of section 3515 of title 31, United States Code; and

"(B) submit the financial statement, together with a narrative summary, to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

"(2) obtain an audit by the Comptroller General of the United States of each financial statement prepared under paragraph (1)(A), which shall be conducted in accordance with applicable generally accepted government auditing standards and shall be in lieu of any audit otherwise required by law.

"(c) The Commission may not obligate, withdraw, or expend funds received as contributions before March 1, 1998.".

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

SEC. 701. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Servicemembers and Veterans Transition Assistance (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters. The members shall be appointed as follows:

(A) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

(B) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the Senate.

(C) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on National Security of the House of Representatives.

(D) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on Armed Services of the Senate.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed under paragraph (1) as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) In addition to the members appointed under paragraph (1), the following shall be nonvoting members of the Commission:

(A) The Under Secretary for Benefits of the Department of Veterans Affairs.

(B) The Assistant Secretary of Defense for Force Management and Personnel.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(4) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(5) The appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed under subsection (b)(1), the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and vice chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the chairman of the Commission.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 702. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the adequacy and effectiveness of veterans transition assistance and benefits programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition assistance and benefits programs among the various departments and agencies of the Government and determine the feasibility and desirability of consolidating such administration;

(3) evaluate proposals for improving such programs, including proposals for alternative means of providing services delivered by such programs; and

(4) make recommendations to Congress regarding the need for improvements in such programs.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 701(b)(1) and the member specified in subparagraph (B) of section 701(b)(3) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members.

(2) In carrying out the review, those members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Armed Forces for such programs.

(C) The adequacy of funding levels for such programs.

(D) The effect, if any, of the existence of such programs on military readiness.

(E) The extent to which such programs provide members of the Armed Forces with job-search skills.

(F) The extent to which such programs prepare such members for employment in the private sector and in the public sector.

(G) The effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service.

(H) The ways in which such programs could be improved.

(3) In carrying out the review, the Commission shall make use of previous studies which have been made of such programs.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 701(b)(1) and the members specified in subparagraphs (A) and (C) of section 701(b)(3) shall review the following programs:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Department of Veterans Affairs for such programs.

(C) The adequacy of funding levels for such programs.

(D) The extent to which such programs provide veterans with job-search skills.

(E) The extent to which such programs prepare veterans for employment in the private sector and in the public sector.

(F) The effectiveness of such programs in assisting veterans in finding employment in the public sector upon their separation from service.

(G) The ways in which such programs could be improved.

(d) REPORTS.—(1) Not later than 90 days after the date on which all members of the Commission have been appointed under section 701(b)(1), the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the heads of other appropriate departments and agencies of the Government.

(2)(A) Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 703. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 704. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

(b) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall, upon the request of the chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 705. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) TRAVEL AND TRAVEL EXPENSES.—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission may be allowed travel expenses, including per

diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to five additional staff members as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any department or agency of the Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 706. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its report under section 702(d)(2).

SEC. 707. DEFINITIONS.

For the purposes of this title:

(1) The term "veterans transition assistance and benefits program" means any program of the Government the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term "Armed Forces" has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term "veterans service organization" means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 708. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense, except that such amounts may not be from amounts appropriated for the transition assistance program (TAP), the Army career alumni program (ACAP), or any similar program.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

THE MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

ROTH AMENDMENT NO. 5419

Mr. NICKLES (for Mr. ROTH) proposed an amendment to the bill (H.R. 3815) to make technical corrections and miscellaneous amendments to trade laws; as follows:

On page 48, line 17, strike all through line 19, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Payment of duties and fees.
Sec. 3. Other technical and conforming amendments.
Sec. 4. Clarification regarding the application of customs user fees.
Sec. 5. Technical amendment to the Customs and Trade Act of 1990.
Sec. 6. Clarification of fees for certain customs services.
Sec. 7. Special rule for extending time for filing drawback claims.
Sec. 8. Treatment of entries of certain televisions.
Sec. 9. Temporary duty suspension for personal effects of participants in certain world athletic events.
Sec. 10. Miscellaneous technical correction.
Sec. 11. Uruguay Round Agreements Act.
Sec. 12. Imports of civil aircraft.
Sec. 13. Technical correction to certain chemical description.
Sec. 14. Marking of certain imported articles and containers.
Sec. 15. Tariff treatment of certain silver, gold, and platinum bars.
Sec. 16. Suspension of duty on certain semimanufactured forms of gold.
Sec. 17. Elimination of East-West Trade Statistics Monitoring System.
Sec. 18. Retroactive election to reconcile entries.
Sec. 19. Tariff treatment for certain motor vehicles.
Sec. 20. Technical amendments relating to Public Law 103–465.
Sec. 21. Technical amendments relating to Public Law 103–182.
Sec. 22. Technical amendment regarding judicial review.
Sec. 23. Reliquidation of entries of warp knitting machines.
Sec. 24. Temporary suspension of duty on diclofop-methyl.
Sec. 25. Elimination of duty on 2-amino-3-chlorobenzoic acid, methyl ester.
Sec. 26. Elimination of duty on 3,3'-diaminobenzidine (tetraamino biphenyl).
Sec. 27. Certain unliquidated vessel repair entries.
Sec. 28. Duty on display fireworks.
Sec. 29. Personal allowance duty exemption for merchandise purchased in a duty-free sales enterprise.
Sec. 30. Temporary duty suspension for certain motorcycles.
Sec. 31. Deferral of duty on certain production equipment.
Sec. 32. Temporary suspension of duty on thidiazuron.
Sec. 33. 2,3,3-trimethyl-indolenine.
Sec. 34. Bis(4-amino-3-methylcyclohexyl)-methane.
Sec. 35. Limitation on designation as beneficiary developing country.
Sec. 36. Temporary duty suspension on certain chemicals used in the formulation of an HIV protease inhibitor.
Sec. 37. Treatment of certain entries of buffalo leather.
Sec. 38. Fees for certain customs services.
Sec. 39. Injury determinations for certain countervailing duty orders.
Sec. 40. Treatment of difference between collections of estimated antidumping duty and final assessed duty under antidumping duty order.
Sec. 41. Certain lead fuel test assemblies.
Sec. 42. Suspension of duty on certain injection molding machines.
Sec. 43. Reliquidation of certain entries of color televisions.
Sec. 44. Articles used to provide repair and maintenance services.
Sec. 45. Yttrium oxide and cerium aluminum terbium used as luminophores.
Sec. 46. Pharmaceutical grade phospholipids.
Sec. 47. Certain structures, parts and components used in the Gemini Telescopes Project, Mauna Kea, Hawaii.
Sec. 48. Articles provided to Steward Observatory.
Sec. 49. Reliquidation of certain frozen concentrated orange juice entries.
Sec. 50. Twine, cordage, ropes, and cables.
Sec. 51. Suspension of duty on certain fatty acid esters.
Sec. 52. Duty suspension on a mobile bison slaughter unit.
Sec. 53. Exemption from tariffs and fees for certain aircraft parts and equipment.
Sec. 54. Reliquidation of certain entries of live swine.
Sec. 55. Reliquidation of certain entries of sewing machines.
Sec. 56. Temporary duty suspension on certain textured rolled glass sheets.
Sec. 57. Temporary suspension of duty on DEMT.
Sec. 58. Investigation on cattle and beef trade.
Sec. 59. Special rule for Generalized System of Preferences.

On page 88, strike lines 7 and 8, and insert the following:

SEC. 23. RELIQUIDATION OF ENTRIES OF WARP KNITTING MACHINES.

On page 89, strike lines 15 through 17, and insert the following:

SEC. 26. ELIMINATION OF DUTY ON 3,3'-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

On page 112, beginning on line 1, strike all through the matter following line 6, and insert the following:

SEC. 45. YTTRIUM OXIDE AND CERIUM ALUMINUM TERBIUM USED AS LUMINOPHORES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the

United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.06	Yttrium oxide and cerium aluminum terbium of a kind used as luminophores (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2000	".

ADDITIONAL STATEMENTS

OBJECTION TO NOMINATIONS TO VARIOUS AMBASSADORIAL POSTS

• Mr. GRASSLEY. Mr. President, it is my intention to object to the Senate proceeding to the consideration of Senate Executive Calendar Nos. 756 through 766, Nominations to various Ambassadorial posts. I request that a hold be put on these nominations.

A vacancy has existed since March 31, 1995 on the Board of the Farm Credit Administration. For over a year the White House has had the name of Ann Jorgensen to fill that Republican vacancy. All background work with regard to the nomination has been completed. All that needs to be done is for her name to be submitted to the Senate for confirmation.

I have repeatedly contacted the White House about this nomination and, to date, have not had the courtesy of a reply. The FCA has oversight responsibilities for the farm credit system, the backbone of agricultural finance. It is important for the smooth functioning of the FCS that the FCA have a full complement on its board.

It is my intention to maintain this objection until the White House has disposed of this nomination.•

LEAKING UNDERGROUND STORAGE TANKS

• Mr. SMITH. Mr. President, earlier this week, the House passed H.R. 3391, a bill to amend the Leaking Underground Storage Tank Program.

Given the press of time, the Senate will not be able to address and resolve several potential problems in the legislation before the end of this session. I am sorry this is the case. However, I wanted to call this bill to the attention of my colleagues and point out that the issues raised by H.R. 3391 are serious and deserve the attention of the Senate Subcommittee on Superfund, Waste Control and Risk Assessment, that I chair.

Leaking underground storage tanks have been a major source of groundwater contamination over a number of decades. Frequently, underground tanks that held petroleum products or highly toxic chemicals have eroded with time. These tanks have leaked their contents into the soil, which then washed into aquifers supplying drinking water. This problem is particularly acute in rural areas where a large proportion of the population is dependent on groundwater as their drinking water source.

To curtail the impact of leaking underground storage tanks on the environment and the health of those dependent on groundwater, Congress established the Underground Tank Program in 1986. Significant elements of this program included the establishment of national underground storage tank standards which come into full force in 1998; the establishment of State underground storage tank programs for compliance with and enforcement of the national standards; and the establishment of an underground storage tank trust fund to assist the State programs.

In many ways, the underground tank program provides us a model for cooperative federalism in an environmental cleanup program. There are many lessons to be learned and applied from this cleanup program to other programs like Superfund. Similar to the Superfund Program, however, the underground storage tank program is a discretionary spending program. Therefore, in spite of a dedicated trust fund, it has a significant problem.

The problem, Mr. President, is that after a decade of collecting 1/10th of a cent tax on every gallon of gas sold, nearly $1 billion just sits in the trust fund. I believe that this money should be at work in the States helping to clean up leaking underground storage tanks, and I intend to have my subcommittee staff look further into this issue when the Senate reconvenes next year.•

SURVEYING THE STRATEGIC LANDSCAPE

• Mr. NUNN. Mr. President, the post-cold war era has been in existence for nearly 7 years. Like the period that followed the end of the Second World War, the years since the collapse of the Soviet Union required our Nation to think anew about our security. It has been a time of reorientation and uncertainty as we take stock of our situation and decide on a future course of action. We can no longer, however, afford to continue in a holding pattern that lacks a clear long-term national security strategy. We must put forth the contours of a strategic vision that will guide us through the post-cold war period and that will define and safeguard our vital interests.

THE ROAD AHEAD

The strategic landscape of the post-cold war era includes certain familiar features. One such feature is the resurgence of deeply rooted national, ethnic, and regional rivalries which were unfrozen by the end of the cold war. Amidst this background are other familiar landmarks. The United States stands as the world's lone superpower but due to their economic strength or vast potential, the other great powers, Russia, China, Japan and Europe, also remain in a class by themselves. Great power politics did not end with the cold war. In fact, the international relations of tomorrow may in some ways look more like the 19th century balance of power system than the cold war system that was dominated by two superpowers. We can hope but we should not assume that the semichaotic nature of the post-cold war period we now inhabit will soon transition to a more stable world order. In other words, this may be it.

The end of the cold war brought an easing of the most ominous threat to our security—a Soviet nuclear missile attack on the United States. We are no longer compelled to contain Soviet aggression on a global scale. That struggle absorbed untold national resources; victory came at no small price in terms of blood and treasure. Without question, freedom is in greater supply around the world today thanks to the United States and our allies. The overall prospect for our security has improved. However, while the character of the threats to our security have been dramatically transformed, war and interstate conflict are not obsolete. The means of conflict may have changed, but the sources of human conflict and cruelty remain.

We must, therefore, adapt our security posture to a world in which power, in all its forms, is far more dispersed than it was during the cold war. Technology is also more dispersed, raising the risk that countries or groups hostile to our Nation can more easily acquire the means to harm American interests. It was with a profound sense of irony that those who have devoted so much of their efforts to defeating communism came to the realization that the long-awaited collapse of the Soviet empire—and the easing of the nuclear confrontation between Washington and Moscow that was then possible—actually carried with it a new proliferation threat. The possible leakage of nuclear weapons and materials from the former Soviet Union compound the already complex proliferation threat during a time of rapid change and instability at cold war's end.

We cannot afford to wait until we have a clearer picture of the future before taking action. Some of the defining features of the strategic landscape are already clear enough.

First and foremost we need to build consensus in support of a common understanding of America's national interests. During the cold war, there were disagreements about tactics, but the basic sense of mission was clear. This is no longer the case. Liberated from the burden of leading the free world against communism, public interest in foreign affairs has diminished, and consensus about foreign policy has evaporated. Nowhere is the lack of consensus more apparent than in the Congress. As we approach the millennium, we must begin to rebuild consensus with a focused discussion of our fundamental interests.

DEFINING OUR NATIONAL INTERESTS AFTER THE COLD WAR

What are America's vital interests? A bipartisan commission, of which I was a member, recently issued a report brings needed clarity to the discussion of our national interests. The report, America's National Interests, distinguished between vital, extremely important, important, and secondary interests. These distinction are essential to the task of establishing national priorities and building public support for foreign and defense policy. And despite the common use of the term "vital interests," to describe everything from soup to nuts, the report defines truly vital interests only those conditions that are strictly necessary to safeguard and enhance the well-being of Americans in a free and secure nation.

It should come as no surprise that preventing and deterring the threat of nuclear, biological and chemical weapons attacks on the United States is at the top of the list of vital interests. According to the report, other vital interests are to prevent the emergence of a hostile hegemon in Europe or Asia; to prevent the emergence of a hostile major power on U.S. borders or in control of the seas; to prevent the catastrophic collapse of major global systems (trade, financial markets, energy supplies, environment; and to ensure the survival of U.S. allies.

Other objectives, such as preventing the use of nuclear, chemical, or biological weapons outside our borders or countering proliferation are extremely important, but not vital interests. Similarly, combating terrorism and avoiding major conflicts in important geographic regions are extremely important, but do not directly threaten the American way of life. This hierarchy of interests does not diminish the desirability of other objectives, such as promoting democracy, human rights and open markets. It is in no way a betrayal of our values to acknowledge that our survival takes precedence over our hopes for a better world to come. But we shall have no peace, no prosperity, nor the ability to help others if our own security is threatened by successful attacks on our vital interests. In our complex post cold war world, we must begin to build a national consensus around the bedrock requirements of our security.

PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The spread of weapons of mass destruction still clouds our security outlook. Possession of nuclear, chemical, or biological weapons by rogue nations or terrorist groups could pose a clear and present danger to our society. U.S. leadership will continue to be the driving force for maintaining norms against either acquisition or use of weapons of mass destruction. The Aspen Strategy Group, which I co-chair along with Ken Dam, recently examined the post-cold war threats posed by WMD proliferation, and found that some significant progress has been made. The Aspen group found:

Important progress has been achieved in restraining—and even rolling back—nuclear proliferation. The nuclear Nonproliferation Treaty has been extended indefinitely. The nuclear weapons formerly controlled by Ukraine, Belarus and Kasakhstan have been consolidated in Russian hands. South Africa has voluntarily dismantled its nuclear arsenal. Brazil and Argentina terminated their nuclear efforts. Only India, Israel and Pakistan are holdouts on the Comprehensive Test Ban Treaty.

While treaties and institutions are only one part of our nonproliferation efforts, they are important tools which can provide a legal and moral framework for practical mechanisms to deter and detect violations of international treaty commitments. The denuclearization of the former Soviet States other than Russia, the U.N. program to eliminate Iraq's weapons of mass destruction, and efforts to freeze and dismantle North Korea's nuclear weapons program would have been vastly more difficult without the international consensus codified in the Non-Proliferation Treaty [NPT]. The Chemical Weapons Convention, while no panacea, can add a valuable barrier against the diversion of commercial chemicals to make weapons. Our security directly benefits from stronger safeguards on nuclear and chemical materials and from robust enforcement of those treaties.

In addition to the direct threat that these weapons pose to our homeland, our abilities to project military force and to forge coalitions as was assembled in the gulf war could be seriously harmed by the possession of nuclear, chemical, or biological weapons by regional adversaries. Thus, our counter proliferation efforts are another important aspect of our overall nonproliferation policy.

Much of our previous efforts to control the spread of these weapons also benefitted from the ability to deny access to the technology and materials required to make them. The effectiveness of those controls has eroded due to expanding commerce in technologies that can contribute to strategic weapons production and due to increasingly porous and unguarded borders. The materials and know-how for weapons of mass destruction are more available than ever to the highest bidder.

A widening circle of States, non-state actors, and ideologically motivated groups may increasingly have the resources and capabilities to acquire the technology and materials necessary to create weapons of mass destruction. Such groups may not need to wield battlefield-ready military weapons to wreak mass destruction—crude bombs and low-tech delivery systems may suffice. Our new strategy must assume that proliferation, like war, is not a relic of the cold war headed for the dustbin of history.

TERRORISM, FANATICISM & LETHAL MATERIALS

Unfortunately, these weapons of unthinkable destructive power already appear within the grasp of individuals and groups willing to do the unthinkable. While terrorism and fanaticism are hardly new, the medium of the terrorists' perverse message is expanding as lethal materials and technology become more readily available. The Unabomber demonstrated the terror one man can inspire, Oklahoma City, allegedly, illustrated the damage two can do, the World Trade Center showed the power of a small, well-organized group and the bombing of an American base in Saudi Arabia drove home the point that terrorists probe for vulnerabilities abroad and at home. Across the world, the Aum Shinrikyo provided a chilling precedent of a doomsday cult viewing nuclear, chemical and biological weapons as their ticket to paradise.

As a nation we have just begun to come to terms with the full scope of the terrorism threat. For many years, terrorists were mainly interested in making a political statement or drawing attention to a cause through discreet acts of violence such as an assassination, a taking of a hostage or some violent event of limited impact. These criminals were conscious of public relations and even viewed certain acts—such as use of chemical and biological weapons—as taboo. The 1990's, however, have seen terrorists acts that appear intended to create casualties of the highest order. These enemies are too often zealots filled with hate for civil society, and who believe their conduct is justified or divinely inspired. Despite the vivid memories of Oklahoma City and the World Trade Center, I am not sure Americans truly comprehend the devastating effect the use a weapon of mass destruction would have on a civilian population at home.

The possibility of terrorist groups gaining access to former Soviet nuclear materials or know-how, and using them to attack the United States is not merely the stuff of paperback thrillers. A report released last summer by a Center for Strategic and International Studies [CSIS] study group on nuclear smuggling concluded that the risk is no hoax. The Director of Central Intelligence at a 1996 hearing expressed his view on the risk of chemical and biological terrorism that "we have been lucky so far." Mr. President, I do not believe we should base our security on luck. It was a little-noticed fact that the judge in the World Trade Center case stated at the defendant's sentencing hearing that he believed the terrorists attempted to augment the blast with the deadly nerve agent, cyanide. Incidents like these have heightened awareness to this threat. We have begun to take some steps required to meet the challenge of terrorism, such as the domestic preparedness provisions of the Nunn-Lugar-Domenici legislation included in the fiscal year 1997 Defense Authorization Act. We now have a very important foundation for this challenge. But I depart the Senate with a sense that this mission is just beginning,

These are the known dangers that are now coming into focus. Unfortunately, we are a nation of soft targets. An effective response is possible, but it requires a willingness to think anew about our security and about the way our Government and our military are organized to defense against the threats of today. We should not assume that the bureaucratic structures of our foreign policy and national security apparatus, nor the force postures that were successful for waging the cold war, are the right ones for the threats we will face in the future.

THE NEW CHALLENGE: SECURITY IN CYBERSPACE

The information age has brought us unimaginable efficiency and productivity, in effect shrinking time and space. In military affairs the power of computers and networks have helped make our armed forces the most powerful in the history of the world. Our forces are able to achieve battlefield dominance through use of information systems that receive, collate, and analyze data in real time. Elsewhere in Government and in the private sector every aspect of our society is realizing the great advantages offered by the computer. Key components of our Nation's infrastructure—government, financial, transportation, power, communication—are becoming increasingly dependent upon information systems and networks. Every day new industries and services are going on-line. This process is fueled by advancing technologies that enhance the capability and power of computing, while simultaneously decreasing their cost.

Yet we are only now beginning to comprehend that the same information networks that we are relying upon to run our society are vulnerable to disruption and penetration. The Defense Department estimates that their computers are probably subjected to as many as 250,000 computer attacks each year. When conducting vulnerability assessments of their own systems the Defense Department successfully hacks into its own system over 65 percent of the time. Already we have seen examples of hackers in foreign nations launching electronic info-war attacks on our Defense Department computers. Experts agree we are only detecting the least competent intruders. The loss of sensitive information is not the only result to fear. Much of our Nation's critical infrastructure could be disrupted by a hacker equipped with little more than bad intentions. Imagine the consequences of the northeast power grid being taken down—if even for only a few days—in the middle of winter. Our communications, medical, transportation, and financial infrastructures are all at risk.

Ironically, our dominance and sophistication creates weaknesses our adversaries can exploit, cheaply and with fear of little detection. In this regard, we are our own worst enemy. Most of the vulnerabilities of our information systems are based not simply upon technological defects, but human ones. Our intoxication with technological advantages has made us blind and deaf to information age vulnerabilities. If we fail to embed a culture of information security early in this revolution, we will create scenarios where info-war could become a great equalizer for our enemies.

Thus, along with the proliferation of weapons of mass destruction and terrorism, has arrived a new method to cause mass disruption. How we police the borderless world of cyberspace is a question we have not yet begun to answer.

INTELLIGENCE AND LAW ENFORCEMENT

Two essential elements of any successful national security strategy, our intelligence and law enforcement capabilities, are both in the process of adjusting to the post-cold war situation. We can not afford a lapse in either. Yet the distinction between warfare and crime is becoming less clear every day, especially when such lethal materials and expertise are being smuggled across borders, when organized crime groups are involved in smuggling everything from weapons of mass destruction, to drugs, to illegal aliens, and when terrorists maintain sophisticated international financial networks.

In light of the new realities, we face, it is imperative that our intelligence agencies work effectively with law enforcement to protect America from the threat posed by the convergence of these formerly distinct threats of proliferation, terrorism, and international organized crime. This intersection of foreign and domestic security has implications for our military and civilian institutions that share responsibilities in the rapidly changing security field. In the process of improving our defenses we must be mindful of our political traditions that separate civilian law enforcement from the military and limit government's intrusion into our lives, but these important sensitivities must not be allowed to paralyze us.

COOPERATIVE THREAT REDUCTION

Perhaps the most urgent nuclear danger of the post-cold war era stems from the potential loss of control over the nuclear assets of the former Soviet Union, which opens a potential Pandora's box of nuclear proliferation nightmare scenarios. Set free with the disintegration of the Russian empire was a vast potential supermarket of thousands of nuclear, chemical and biological weapons, materials and scientists with the know-how to create them.

Our response to that threat, the Nunn-Lugar Cooperative Threat Reduction [CTR] Program, has been aptly described by Secretary of Defense Bill Perry as defense by other means. Since it began in 1990, the CTR program has been instrumental in assuring central command and control over deployed weapons, preventing the emergence of new nuclear weapons states in Ukraine, Belarus, and Kazakstan, and locking up tons of nuclear materials to prevent it from falling into the wrong hands.

History will record the prevention of four new nuclear weapons states from emerging out of the wreckage of the Soviet empire as one of the greatest achievements of the decade, and as laying an important foundation for a post-Soviet world. Yet the CTR program is still criticized as foreign aid. Viewed in an historical context, it is useful to ask how much would we have paid during the cold war to eliminate thousands of Soviet warheads. How much is it worth to prevent countries like Iraq and North Korea, or cults like the Aum Shinrikyo, from getting hold of foreign Soviet nuclear weapons? In my view, the nearly $2 billion spent on CTR is a bargain. At the recent Aspen Strategy Group meeting on the post-cold war era, the overwhelming consensus of this group of experts was that the Nunn-Lugar programs have opened the door to solutions to a wide range of urgent security problems, some of which threaten Russia itself. The group recommended continued strong support for CTR programs.

THE BACKBONE OF THE STRATEGIC AGENDA: NATO, RUSSIA, CHINA, AND NUCLEAR ARMS CONTROL

NATO

The pivotal issue of NATO enlargement has important ramifications for America, the Atlantic Alliance, the countries of central and eastern Europe, and for Russia and the other FSU countries. The decision to move ahead in the immediate future with NATO enlargement raises several questions that need to be addressed as part of our strategic agenda. First, how will NATO expansion affect our vital interests, especially our efforts to stem the proliferation of nuclear weapons and materials from the FSU? Second, how can expansion be conducted without causing Russia to react by redeployment of tactical nuclear weapons and moving further toward a launch on warning hair trigger response. And third, how can the proposed inclusion of the Visegrad nations in NATO be accomplished without threatening the long term security of Ukraine and the Baltics?

RUSSIA AND THE FSU

With their vast territory, their diverse peoples and great military capabilities, the countries of the former Soviet Union can be either major contributors to global stability and peace or a major cause of instability and conflict. The challenge for the United States and its allies is to facilitate the former outcome.

At the Aspen Strategy Group meeting, experts identified the short, medium and long term aspects of this challenge. In the short term, maintaining controls on nuclear assets remains our top priority. There is more that needs to be done to ensure the safety and security of the nuclear materials that we know are sought by Iran and other nuclear renegades.

We must not lose sight of our medium and long term objectives. In the medium term, therefore, we must continue to craft our strategic relationship with Russia and the other FSU countries, including efforts to further reduce nuclear dangers. This effort should include arms control as well as efforts to convert Russia's massive weapons industries to peaceful purposes.

In the long term, we should encourage new thinking about national security and foreign policy in the minds of Russian and FSU leaders. Our long term strategy should, therefore, include sustained efforts to expose FSU policy makers to the logic of cooperative measures such as strategic arms control, missile defense and the CTR programs, not just their technical implementation. The recent Aspen Strategy Group meeting discussed several proposals to deepen and expand cooperation on threat reduction, and nonproliferation by harnessing economic forces to move obsolete defense industries into productive and profitable civilian activities. Avoiding another cold war is a goal worth pursuing, where success or failure will affect our security for decades to come.

CHINA

With the world's most rapidly growing economy and one fourth of its population, China has joined the ranks of the great powers. China's military modernization and arms policies are already having repercussions throughout Asia. Yet it is an open question whether China will accept the norms and standards that are adhered to by all but a few outlaw states, or will seek revolutionary changes in the existing world order. As important as it is for China to respect international standards for human rights and trade, the future strategic agenda—including nonproliferation, arms control, and regional stability—depends on China's adherence to existing agreements and regimes. Our strategic agenda must not overlook China's ability to make or break the norms and institutions that define the international system.

A major obstacle to China's full incorporation into the international community is the incompleteness of the rule of law in China. With respect to human rights and arms proliferation, a fundamental aspect of our approach should be to encourage China to strengthen its rule of law. This approach would include our concern for human rights, but would also be provide a broader appeal to China's self-interest, because a nation governed by law is more predictable, more attractive to economic investment, and more likely to abide by its commitments.

NUCLEAR WEAPONS AND ARMS CONTROL

The end of the cold war did not render deterrence obsolete. Iraq's non-use of its chemical and biological warheads during the Gulf War stands as an important reminder that even rogue states are not immune to the logic of overwhelming retaliation. The credibility of our deterrent forces must remain unquestioned. Yet, the period between the end of the cold war and early decades of the next century offers the United States a unique opportunity. Though the transformation of Russia and emergence of China as a global power could pose new security challenges by about 2010, in the interim, the United States faces no peer competitor and is unrivaled in conventional military superiority. I say this having devoted much of my career to the betterment of our Armed Forces. Our current situation offers a window of opportunity to build our qualitative edge in conventional weapons technology to strengthen deterrence for the future.

At the same time, we can continue to reduce the role of nuclear weapons in our defense strategy—if such reductions are matched by the other nuclear powers. If reductions in our own arsenal can persuade others to make comparable cuts, or not develop nuclear weapons at all, we come out ahead. This is the logic of the Comprehensive Test Ban Treaty; the benefits of freezing the nuclear status quo outweigh the costs and leave us in a position of relative advantage.

Similarly, our promising development of needed limited missile defenses should proceed with an awareness of the unintended consequences that could result if Russia and China respond by retaining, redeploying and building enough warheads and missiles to overwhelm any conceivable anti-missile system, as they have vowed to do. I have argued for years that it is possible to advance as rapidly as possible with missile defenses in a way that does not result in more nuclear weapons being pointed at us. Putting aside the issue of cost for a moment, a policy that leaves us facing more of the threat we were trying to defend against in the first place is the essence of bad strategy. The error is especially short-sighted if it is possible—as it is in this case—to have missile defense and reduce the numbers of missiles pointed at us. In my view, this can be accomplished by cooperation with Russia on limited defense for both nations and modest amendments to the ABM Treaty.

I do not have any illusions about arms control; treaties are not cost-free and do not necessarily address the root causes of conflict. Some people may, as the critics warn, be lulled into a false sense of security by arms control. But I believe my record shows that I have not been one of them. Our Armed Forces today are second to none and will remain so for the foreseeable future. But to the critics of arms control I ask: What is the better alternative to agreements such as START II, which would eliminate the most destabilizing strategic weapons of all—Russia's land-based MIRVed missiles? Would we be better off without Cooperative Threat Reduction programs that keep nuclear weapons out of the hands of terrorists? Sound arms control agreements can and do enhance our security.

These are critical determinants of our national security for the coming era: proliferation, terrorism, and relations among the great powers. Of course, many other important issues contribute to the overall security outlook—our bilateral relationships with key allies, regional developments in Asia and the Middle East, maintaining our technological lead, and various global issues such as trade, population, immigration, environment, human rights, economic development and the march of democracy. But, as the report on America's National Interests and the Aspen Strategy Group both remind us we must give priority to those core issues that are truly vital to our citizens.•

NATIONAL SECURITY AND THE INFORMATION AGE

• Mr. NUNN. Mr. President, technology has long been an instrument of power and change. From the invention of the printing press to the advent of the industrial revolution to the development of nuclear weapons, technological advances have profoundly altered our society and changed the course of our history. Today, we find ourselves in the midst of one of the most far-reaching technological developments of all—the information age.

OUR INFORMATION INFRASTRUCTURE

Advances in computing and networking have affected every aspect of our society—from civilian government and the military, to public utilities, health care, communications, transportation, and financial systems. Computer networks and the ever-increasing power of the information systems they connect, are compressing time and space, creating vast efficiencies in the delivery of goods and services. Government is more productive and connected, business is more robust, versatile, and cost-effective, and individuals now have access to large caches of information and each other.

The rush to connect seems to reach new and unimaginable heights each day with the announcement of a more powerful computer or some new innovation. Just 5 years ago the number of users on the Internet totaled 2 to 3 million. Today, over 55 million log-on worldwide and the number grows. Computer links that stretch around the world transcend national and regional boundaries: Beijing and Baltimore are within a keystroke of each other. Equally impressive is the expanding technology that supports this revolution. Today's home computers are literally hundreds of times more powerful and versatile than the mainframe systems that NASA used to send a man to the moon. Connectivity between networks has similarly increased: In 1980, most modems required nearly 3 hours to transmit a 200 page book; today's commercially available modems can transmit the same book in 0.06 of a second.

Along with the great promise of the information age, however, has arrived new dependencies. Our banking and financial systems, though more efficient, rely almost totally upon daily electronic fund transfers in excess of $1 trillion. Our transportation system—air, rail, and road—is able to receive and analyze vast amounts of data but must also be certain of the accuracy of the information directing its critical operations. Energy and communication networks are more responsive but are similarly reliant upon the redundancy of electronic networks. And the information revolution in military affairs, though establishing the unquestionable preeminence of our force structure, has fostered a dependency upon 2 million interconnected DOD computers.

How would we get by if the information infrastructure of any of these critical systems proved unreliable?

As we rush to connect to the information superhighway, are we sufficiently addressing the potential weaknesses created by our growing dependency on computers and networks? To what extent can the vital services supported by our information infrastructure be disrupted? How can we be assured that the information stored—especially data related to our national security—retains its availability, reliability, and confidentiality?

THE THREAT FROM CYBERSPACE

Ironically, the same technological advances that have brought us the advantages of the information age, have also given us the tools to disrupt and exploit it. In the early 1980's only the very technically competent had the expertise to break into computer systems. Not only were there fewer hackers, there were not as many targets.

Today, the situation is reversed: while the hacker tools are becoming more sophisticated, they are also becoming more available and user-friendly, requiring little expertise. Logic bombs, viruses, password sniffers and other tools that can disrupt and destroy computer networks, are now widely available on the Internet. For instance, last year "point and click" computer security program—Security Administrator Tool for Analyzing Networks or "SATAN"—was disseminated on the Internet. Now this computer program, which provides its user with automated intrusion capability into many networks, is available to millions.

In hearings of the Permanent Subcommittee on Investigations earlier this year experts demonstrated how many of our critical computer networks were neither secure nor confidential. A report issued this year by the General Accounting Office estimated that the unclassified but sensitive networks at the Defense Department are likely experiencing as many as 250,000 computer attacks per year. Vulnerability studies of DOD networks suggest that these network attacks could be successful more than 65 percent of the time. Over 90 percent of all Department of Defense voice and data traffic transits these networks, and the data includes sensitive research data and valuable intelligence information. Furthermore, these systems support critical defense missions related to troop movement and operational plans, procurement, and weapons systems maintenance.

Statistics from the civilian area are equally troubling. A recent FBI survey that included corporations, financial institutions, universities, and health care institutions revealed that 42 percent of those responding experienced some form of intrusion or other unauthorized use of computer systems within the previous 12 months. Over 15 percent of these attacks involved the unauthorized altering of data.

We have already observed anecdotal evidence of this threat. Last year two London residents penetrated the Rome Air Development Center computers at Griffiss Air Force Base in New York. Earlier this year an Argentinean national attacked NASA and other DOD computer systems from his living room in Buenos Aires. Recently, a computer gang based in St. Petersburg, Russia, launched a computer attack against Citibank and were discovered only after they were able to steal millions. Though disturbing, these incidents involved the least competent and immature attacker. The more sophisticated and structured attack likely occurs without detection or apprehension.

Fortunately, we have not suffered serious breakdowns in our information infrastructure. Americans have not had to endure an unexpected, prolonged, and widespread interruption of power, the indefinite grounding of air traffic, or the loss of banking and financial services and records. We should not, however, wait for an "electronic Pearl Harbor" to spur us into rethinking the speed and nature of our entry into some of these information technologies.

Our intelligence agencies have already acknowledged that potential adversaries throughout the world are developing a body of knowledge about Defense Department and other government computer networks. According to DOD officials, these potential adversaries are developing attack methods that include sophisticated computer viruses and automated attack routines which allow them to launch anonymous attacks from anywhere in the world.

In testimony before the Permanent Subcommittee on Investigations this year, CIA Director John Deutch explained that both hostile nations and terrorist organizations can, with relative ease, acquire the techniques to penetrate information systems. Indeed, in response to a question as to where he would place the threat of cyber-based attacks in terms of overall threats to the United States, Director Deutch stated as follows:

> I would say it is very, very close to the top, especially if you ask me to look 10 years down the road. I would say that after the threats from weapons of mass destruction . . . nuclear, chemical and biological weapons, this would fall right under it; it is right next in priority, and it is a subject that is going to be with us for a long time.

A DIFFICULT PROBLEM FOR GOVERNMENT

Who is the enemy and what does he or she want? Is it a lone anarchist trying to create chaos, or a well-organized group sponsored by a foreign government? Is the motive of the bad actor greed, espionage, or vandalism? Notwithstanding Director Deutch's admonitions, the staff of the subcommittee found that the collection and analysis of data that would help provide the nature and extent of the threat posed to our information infrastructure is not presently enough of a priority of our intelligence community. The Brown Commission Report on Roles and Capabilities of the United States Intelligence Community similarly observed that the activity that was occurring did "not appear well coordinated or responsive to an overall strategy."

Likewise, the law enforcement community has been unable to provide reliable threat assessment in this area, perhaps because so little is ever reported to law enforcement. According to an FBI survey, only 17 percent of those responding indicated that they would advise law enforcement if attacked.

Without reliable threat assessment data we can neither conduct meaningful risk management, nor structure a coherent national response to this issue. This is one area where we cannot afford to be operating in the dark. Too many parts of our society have come to rely on the information infrastructure for us to remain ignorant of the extent of our vulnerabilities and the nature of the threat facing us.

This issue poses problems for our Government that are not easily addressed within the framework of our traditional national security strategies. Historically, our Government's security threats have been defined geographically: a foreign threat versus domestic. And the type of threat would inspire a different response from the appropriate agency; whether enforcement, military or intelligence. When we move from the physical world into cyberspace, traditional divisions of responsibility, and assignment of roles and missions become confusing. Is the bad actor a 16 year old, a foreign agent, an anarchist, or a combination thereof? Furthermore, the Internet exists in a "border less" world. How do you ascertain the nature of a threat if you don't know the motive of your adversary? Which agency is used if you can't tell until the end of the investigation the origin of the attack?

CONNECTION, PROTECTION AND A CULTURE OF SECURITY

I believe if we fail to recognize and address the potential vulnerabilities of our information infrastructure today, we may find ourselves victims to very costly scenarios tomorrow. Security must be imbedded into not only the technology of the computer age, but its culture as well. Computer users, systems administrators and software and hardware manufacturers must emphasize security on the front-end, not as an afterthought.

Many critical elements of our infrastructure—power, communications, financial, transportation—are largely in the hands of the private sector. As these critical elements become more reliant upon open computer networks, government will have to partner with industry to ensure the reliability of the systems they support. Our intelligence and law enforcement agencies must develop reliable threat estimates that will not only help secure government and military systems, but provide data to the private sector so that they can manage their own attendant risks. Pivotal to this challenge will be fostering trust between industry and government in this arena.

Finally, we must be willing to reconsider our previously defined notions of national security. The threat from cyberspace, because it can emanate from a borderless world that transcends national boundaries, eludes many of our traditional national security assets. We cannot permit this problem to get lost in the seams of our intelligence, enforcement and defense communities. We will undoubtedly require the types of international alliances that has served us well in our defense of our physical perimeters.

This year the minority staff of the Permanent Subcommittee on Investigations completed a lengthy investigation into these issues that included a report entitled "*Security in Cyberspace.*" The report set forth numerous recommendations intended to improve our Nation's cyber defenses. Those recommendations include some key proposals:

(1) Formulate a national policy that promotes the security of our information infrastructure;

(2) Create a National Information Infrastructure Threat Center that includes the law enforcement, intelligence, and the defense communities as well as liaison with the private sector;

(3) Complete an intelligence estimate of the threats to our information infrastructure, that includes an unclassified version that can be made available to the private sector;

(4) Promote the creation of an international computer crime bureau with emergency response capability;

(5) Maintain a better and qualified pool of computer security professionals and, generally, improve the security consciousness of our government's users and managers;

(6) Promote regular computer vulnerability assessments, or "red teaming" of government agencies, especially agencies outside of the Defense Department; and

(7) Encourage better reporting of computer incidents within private industry while creating a mechanism within which industry can report intrusions without fear of inciting customer insecurity.

Ultimately, there is no question that the information age will bring us to new plateaus that will greatly benefit our citizens and our world. We must make sure, however, that in our rush to connect, we do not lose sight of the more mundane but equally important need to protect.

Mr. President, I ask that the report be printed in the RECORD.

The material follows:

RECOMMENDATIONS OF THE MINORITY STAFF OF THE U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS—HEARINGS ON SECURITY IN CYBERSPACE, JUNE 5, 1996

The need to establish a comprehensive plan within which to address the vulnerabilities of our National Information Infrastructure (NII) is paramount. Whether through a White House-led Task Force or some similar mechanism, the interdisciplinary nature of this threat requires a government-wide response that also addresses the exposure of the private sector.

The U.S. must formulate national policy to promote the security of its information infrastructure.

Presently, agencies are greatly limited by pre-existing missions and jurisdictional assignments. Unfortunately, the threat ignores national boundaries and often remains a mystery until it is fully investigated. Based upon the multidimensional nature of the threat posed to our information infrastructure, there exists a need to establish a free standing entity that can conduct operational responses to computer attacks, and task different agencies within our government.

The Staff recommends the creation of a National Information Infrastructure Threat Center that will include representatives from the law enforcement, intelligence and the Defense communities, as well as liaison with the private sector. This center should have "real time" 24 hour operational capabilities as well as serve as a clearing house for intrusion reports.

No intelligence, counter-intelligence or law enforcement agency has yet produced an NII threat assessment. More importantly, the intelligence community is having difficulty collecting the data necessary to even prepare such an estimate. Collection of data must become a high priority within the intelligence community.

The Staff recommends that the Director of Central Intelligence complete an NII threat estimate. The estimate should have an unclassified version that can be made available to private industry.

The uneven response in the international community to the threat posed to information infrastructures has created difficulties enforcing anti-intrusion legislation. Only a handful of countries presently have meaningful computer crime investigative capability, and the absence of uniformity has given would-be attackers refuge from detection or prosecution.

The Staff recommends that the U.S. promote the creation of an international computer crime bureau with emergency response capability. This Bureau may be assigned to Interpol and would provide education and awareness training to foreign law enforcement agencies in order to promote the creation of dedicated computer crime units or similar capability as well as uniform investigative and computer forensic practices. This Bureau would also have operational response, like a CERT, in support of computer crime incidents. The Bureau would also collect data on vulnerabilities and disseminate countermeasures as well as serve as an international clearinghouse for intrusion incidents.

Our government must foster a security culture that appreciates the vulnerabilities of our National Information Infrastructure (NII). We need to maintain a better pool of security professionals and, generally, improve the security consciousness of our users and our managers. There are several specialties in the computer career field for government employees including computer operators, computer technicians, computer programmers and computer analysis. There is no specialty in the computer career fields for network administrators, computer security personnel, nor in the criminal investigative career field for computer crime investigators.

In order to ensure that computer security positions are filled with personnel that possess the requisite experience and training the Staff recommends the creation of a Government Computer Security Specialist Career Field that will include potential for career progression and incorporate specialized computer security training.

In order to promote a stable pool of information security managers within the U.S.

government, the Staff recommends the creation of a Government Computer Systems Administrator Career Field that will include potential for career progression and incorporate specialized computer security training.

In order to promote and improve our government's computer crime investigative potential, the Staff recommends the creation of a Government Computer Crime Investigators Career Field that will include the potential for career progression and specialized computer crime investigation training.

Vulnerability testing and assessment of government and government interest computer systems is the best method of enhancing awareness of the vulnerabilities of our information infrastructure. Presently, only the Defense Department has an aggressive vulnerability program.

The Staff recommends that the federal government promote regular vulnerability assessments, or "red teaming," of government agencies, especially agencies outside of the Department of Defense. The Staff further recommends that an agency be designated to perform such vulnerability assessments in the same manner that the Defense Information Systems Agency (DISA) perform such assessments for the armed services.

One of the most significant voids in computer security is the lack of reporting of attempted and even successful penetrations of government systems as well as other systems of national interest. Mandating the reporting of intrusions in government systems will foster a greater security culture with the NII. Further, it is important to give private industry a mechanism within which it can report intrusions without fear of inciting customer insecurity.

The Staff recommends that the U.S. government mandate the reporting of intrusions and attempted intrusions in all government and government interest systems. The Staff further recommends that federal agencies develop protocols and procedures for reporting computer intrusions, and subsequent referral of same to proper criminal or other appropriate agencies like the proposed National Information Infrastructure Threat Center.

The Staff further recommends that the federal government encourage private industry and the private sector to report intrusions into private information systems. The Staff would further recommend that the government promote private industry reporting through creation of anonymous clearinghouses or similar methods.

Logon warning banners that advise users of government computers that there is no expectation of privacy, though recommended by the Department of Justice, are not mandatory on government computer networks. The logon banners put users on notice that they have no reasonable expectation of privacy on government systems and the use of the system constitutes consent to monitoring. Presently, when intrusions occur on government systems, lack of such a logon banner hampers investigative efforts and response.

The Staff recommends logon warning banners become mandatory for all government and government interest systems.•

TERRORISM MEETS PROLIFERATION: THE CONVERGENCE OF THREATS IN THE POST COLD WAR ERA

WHEN FICTION BECOMES REALITY

• Mr. NUNN. Mr. President, last year, I spoke to a group about the changes that have occurred since the demise of the former Soviet Union. In my remarks, I offered a Tom Clancy-like hypothetical, set in 1998, that was intended to illustrate the possible nightmares that we might face in an age of proliferation. In my scenario, Libyan terrorists used a drone aircraft filled with anthrax to attack the Capital during the President's State of the Union Address. Seventy-two hours later, the Government is stunned as Washington hospitals are overwhelmed with fatalities, including many of our elected and appointed leaders. In my scenario, there were few survivors except for those few visionary Senators who had retired in 1996.

Today I will offer another scenario, perhaps even more unbelievable. Imagine that a group of religious zealots led by a charismatic, half-blind yoga instructor assembles an international following of nearly 50,000 members and collects over $1 billion in assets. Further imagine, this group recruits physicists and scientists from all over the world, and finds a large number of converts among the scientific and professional communities in Russia and Japan. Believing it is their destiny to destroy the world, they begin work on nuclear, chemical, and biological weapons right under the noses of their governments and go completely unnoticed by foreign intelligence services. They purchase sophisticated dual-use technology along with many of the precursors needed to develop their lethal weapons. They send their members worldwide: looking for the Ebola virus in Zaire; mining for uranium in Australia; seeking protein databases for biological weapons and laser instruments in the United States; and obtaining helicopters and drone aircraft, as well as other weapons delivery systems, from the former Soviet Union and elsewhere. They then conduct macabre experiments on sheep and humans.

They are only caught after an attempted sarin nerve gas attack on a major subway system goes awry. A mistake in crafting their delivery system reduces the possible fatalities from tens of thousands, to 12 people, although 5,000 are injured including scores with severe nerve damage.

Of course, this is not a Tom Clancy novel, it is fact. If I had used this same scenario before March 20, 1995, the date of the Tokyo subway sarin gas attack, people would have said, "impossible." The world has learned much since then about the Aum Shinrikyo attack. Much of what we know stems from hearings held by the Permanent Subcommittee on Investigations last year. Those hearings revealed that the Aum and their doomsday weapons were simply not on anybody's radar screen.

The initial response to the subcommittee's revelations was astonishment and disbelief. It sounded unbelievable. Subsequent hearings focused on another previously unthinkable event, the frightening prospect of nuclear chaos in the aftermath of the collapse of the Soviet Union. The Aum, we now know, was not alone in trying to exploit instability in Russia to buy unconventional weapons and materials—the Iranians and others have been shopping around the former Soviet Union in search of materials, technology, and know-how.

The seizure of 2.7 kilograms of weapon grade uranium in the Czech capital of Prague and other smaller amounts of plutonium elsewhere in Europe prove that nuclear smuggling is a reality. These shipments were intercepted by law enforcement authorities, but is it possible that other shipments may have gone undetected? Last spring I participated in a CSIS study of the nuclear black market headed by former FBI and CIA Director, William Webster. The CSIS panel, which included top intelligence and nuclear specialists, concluded that this was a problem we cannot ignore. It is simply unrealistic to assume that the tons of nuclear materials that are improperly secured, along with thousands of out-of-work Soviet weapons scientists and their equipment will never end up in the wrong hands. Add to this new proliferation problem evidence of possible organized crime involvement in weapons smuggling and you have the ingredients of a full blown disaster looming on the horizon.

Unfortunately, nuclear smuggling is only part of the problem, and perhaps even the least likely one to threaten our security.

UNTHINKABLE POWER WITHIN THE GRASP OF THE UNTHINKING

Weapons of mass destruction are increasingly within the grasp of a growing number of developing countries, sub-national groups, terrorist groups and even individuals. The borderless world of cyberspace expands access to information about terrorist techniques and unconventional weapons even further. Various violence-prone groups now share recipes for making weapons of mass destruction on the Internet and offer their trade secrets on how to make and use unconventional weapons for sale through catalogs. This situation is, as observed by Alvin Tofler, "The ultimate devolution of power, the demassification of mass-destruction weapons."

Proliferation and terrorism are not new threats. However, changes in the international situation, in access to technology, and in terrorist motivation require us to think anew about the potential use of unconventional weapons against the United States.

In August I attended a meeting of the Aspen Strategy Group that examined these post-cold-war security threats. The Aspen Strategy Group is a bipartisan committee sponsored by the Aspen Institute that examines critical issues affecting U.S. national security. Secretary of Defense William Perry and other top officials also attended the meeting.

The consensus of the meeting was that the convergence of proliferation, terrorism, and organized crime makes the post-cold-war period a uniquely dangerous time for our country. Although the risk of nuclear war is vastly reduced and the overall outlook for our security is greatly improved, the risk of chemical, biological or some form of nuclear terrorism has increased. This new threat does not put our civilization at risk in the way that nuclear confrontation did, but it is much harder to deter. The familiar balance of nuclear terror has yielded to a much unpredictable situation, where adversaries may not be dissuaded by threats of retaliation. Our massive retaliatory forces are useless against terrorists who hide among civilian populations. Our biggest threats of the future may well be people who do not have a return address.

At the same time that most of the world has turned its back on nuclear, chemical, and biological weapons, a few desperate nations, terrorist groups, ideologically driven cults, ethnic minorities, disaffected political groups and even individuals may view weapons of mass destruction as the only way to wield power over world events. And if battlefield-usable weapons are not available, crude bombs or dispersal systems may suffice to produce mass terror. The Aspen group and other assess the risk of chemical and biological terrorism as higher than nuclear, with the caveat that radiological weapons could produce massive terror even without posing a major health hazard.

The trend lines in the last several years are not encouraging. In our own country, survivalist and militia-type groups have been charged with attempting to acquire bubonic plague and ricin, a deadly substance derived from the castor bean. A small amount of ricin can kill in minutes if ingested, inhaled, or absorbed through the skin. Two individuals associated with a group called the Minnesota Patriots Council were convicted of planning to use ricin to assassinate IRS officials and other Government employees. A former member of the Aryan Nation ordered the plague, saying he needed it for research purposes. And it is useful to recall that in May 1994, the sentencing judge in the World Trade Center case said the defendants had placed sodium cyanide in their explosives package with the intent of creating a poisonous cyanide gas but fortunately the gas burned during the explosion. If true, we have already had the first attempted chemical terrorist attack here at home.

PREPARING FOR THE UNTHINKABLE

Add to these events the bombings in Oklahoma and Dharhan, the plans of the World Trade Center bombers to blow up tunnels during New York City rush hour and another plot to kill thousands by downing commercial aircraft and the challenge is clear. The moral, political, military, and technical factors that made WMD terrorism unthinkable may not last forever. The nuclear strategist Herman Kahn warned over thirty years ago that we must think about the unthinkable in order to avoid it. We need to think about the unthinkable possibility of a terrorist WMD attack against our country.

These indicators of terrorism's future take place against a background of proliferation, which also continues after the cold war. We learned in 1995, after four years of unprecedented inspections, the true extent of Iraq's nuclear, chemical, and biological weapons programs. Before the gulf war, Saddam Hussein possessed bombs and missiles deployed with anthrax, botulinum, sarin and VX, the most lethal form of nerve gas. Saddam also planned to seize the safeguarded enriched uranium from Iraq's civilian nuclear program and quickly make it into a nuclear bomb. Iran is developing nuclear, chemical and biological weapons; and Libya continues its drive for weapons of mass destruction. North Korea still possesses an unknown quantity of plutonium and continues to sell missiles despite the freeze on its nuclear construction projects; China may be selling nuclear missile technology despite its pledges not to do so. In South Asia, we see India and Pakistan embarking on a nuclear arms race. The list of countries actively pursuing chemical and biological weapons and missiles continues to grow. There are some bright spots on the proliferation front—not least of which is the fact that Ukraine, Belarus and Kazakstan are giving up the Soviet weapons on their territory. The new twist is that terrorists may join the ranks of the proliferators. Some proliferators such as Iraq, Iran, Libya and Syria are also sponsors of terrorism. Would a government supply WMD capabilities to terrorists, or help terrorists acquire weapons of mass destruction from the former Soviet Union?

This possibility poses a clear challenge to our intelligence and law enforcement efforts against this threat. We cannot keep track of every cult and every disaffected group or individual. While we can and must improve our intelligence capabilities, this is one area in which an ounce of prevention is worth more than a pound of cure. Job number one is to make sure the actual weapons materials are safe from diversion at the source. The cooperative threat reduction programs do just that, and we have just passed legislation to beef up our efforts to improve the security of Russian and FSU nuclear, chemical, and biological weapons materials. That legislation also included support for detection and interdiction of smuggling of these lethal materials, and increased penalties for those who are caught.

Our intelligence and law enforcement efforts also benefit from international cooperation. We need to strengthen the safeguards of the International Atomic Energy Agency to make certain that nuclear materials can all be accounted for, and that suspicious nuclear programs are carefully scrutinized. The Chemical Weapons Convention is not a cure-all, but it is a step in the right direction and will provide additional technical and political barriers to deter and detect covert chemical weapons programs. As for those who cheat on their international commitments or shun the norms of international behavior, we must be willing to hold them accountable.

Proliferation and terrorism are not new threats. Each will continue to be a threat in its own right and neither shows signs of disappearing any time soon. What is new is the degree of overlap between them. A new breed of terrorism appears willing to take even more extreme measures in pursuit of even more extreme objectives.

A COMPREHENSIVE STRATEGY

We need to address the threat posed by the convergence of proliferation and terrorism in a comprehensive way. Unfortunately, the task is even more difficult than negotiating with an ideologically hostile, aggressive, and nuclear-armed superpower. For certain religiously or ideologically driven terrorists, self-preservation may not even be a priority, as it was for the Soviets. The traditional tools of statecraft—the careful blending of force and diplomacy—may have little relevance where the goals of mass destruction and retribution, or supposed divine inspiration, are concerned. The explosive mix of age-old zealotry and new-age weaponry has brought instruments of unthinkable destructive power within the grasp of those willing to commit the unthinkable.

A new strategy to combat the convergence of proliferation and terrorism should consist of several aspects adapted from our current defense posture. The three main components should be deterrence, interdiction and consequence mitigation.

With respect to deterrence, our enemies should never doubt our willingness to respond to any attack, with overwhelming force, whether or not weapons of mass destruction are involved. At the same time, it should also be clear that the use of weapons of mass destruction against the United States would guarantee a retaliation that would far exceed any attacker's ability to withstand. In light of our conventional weapons superiority, overwhelming retaliation can be carried out under most circumstances without resort to nuclear weapons, although nuclear deterrence should remain an option. For the present, ambiguity regarding our response may inspire caution in the minds of any potential attacker.

The threat of overwhelming retaliation, however, is not effective against terrorists, unless they can be traced to a state sponsor. Terrorists typically hide among civilian populations, thus ruling out certain retaliatory options. Of course, military force can still be directed against terrorists where they hide, and we have the capability to conduct special operations, but law enforcement agencies will also be on the forefront of our counter-terrorism efforts. Nation that sponsor WMD terrorism should not feel safe from retaliation. Moreover, terrorists of all types should know with certainty that the United States will vigilantly track down and punish them for their criminal acts. In the case of WMD terrorism, the world will not be a big enough place to hide, and any person, group or state associated with such terrorists will be held equally responsible. Fortunately, there is broad consensus throughout the world on extradition and hot-pursuit of terrorists—that consensus is even more solid where WMD are concerned.

Interdiction is the second part of the stragety—to detect and stop illicit transfers of weapons of mass destruction and related technologies, both at our borders and those of cooperating countries. This task will require the accelerated development of improved detection technologies for chemical, biological, and radiological materials as well as training of foreign customs inspectors and law enforcement officials. We have taken some steps toward improving our interdiction capabilities and training foreign customs officials, but we have a long ways yet to go. I am confident that there are promising technologies and innovative methods out there if we are willing to properly fund and support them. My colleagues DICK LUGAR and PETE DOMENICI, and I have called for a new Manhattan Project to solve this problem, and the national laboratories at Livemore, Los Alamos and elsewhere are doing some promising work in this area. The Defense Against Weapons of Mass Destruction Act which we sponsored provides $27 million to begin this effort.

The third part of our strategy is preparedness to face the threat if prevention fails. We need to rethink and then rebuild our domestic preparedness and planning. Some important improvements have been made recently but, again, much remains to be done. Some agencies, like the Federal Emergency Management Agency [FEMA] have updated their Cold War mission. Others, like the Departments of Defense and Energy, possess specialized equipment and expertise that must be available if a WMD incident occurs. Managing these efforts during a crisis is the job of law enforcement, although their mission to apprehend suspects and collect evidence may sometimes have to take a back seat to public safety.

This is just on the Federal level. We heard during our hearings the concerns of the first responders—the fire, medical, police, public works, and other local officials who would be the first on the scene in the event of a chemical, biological, or nuclear incident. We owe it to those public servants and the citizens they protect to make available the training, equipment, and expertise needed to prevent them from joining the ranks of the first victims of an attack. Our strategy must consolidate our scattershot efforts to focus on this problem.

The legislation I sponsored with Senators LUGAR and DOMENICI contained a key section on domestic preparedness. We provided the authority and funding to begin to establish special chemical and biological emergency response teams and to train local officials. We also included a provision to improve coordination of all the relevant agencies and departments by establishing a special coordinator at the White House. The Coordinator would oversee the Government's nonproliferation, counterproliferation, counterterrorism, intelligence, and law enforcement activities that are directly relevant to this problem, but are spread far and wide throughout the various departments, and pull them together in a coherent policy.

The change in the nature of the threat requires a change in the way we organize our resources to provide for our defense. We should be willing to rethink and reshape the cold war bureaucracy and adjust our institutions to respond dynamically to a dynamic threat. We will need new doctrine and innovative technologies, improved intelligence and law enforcement, and cooperation with foreign governments to address this threat. The three-pronged strategy I have described is within our reach and within our budget. Of course we will need to shift priorities and more funding will be required. But the threat of terrorist attack on American cities involving radiological, chemical, biological or nuclear weapons has reached a point where a new effort is required. We should not wait to take action in the wake of an incident. This is a clear and present danger that requires a timely response.•

RETIREMENT OF COMPTROLLER GENERAL CHARLES A. BOWSHER

• Mr. NUNN. Mr. President, next Monday the Comptroller General of the United States, Charles A. Bowsher, will retire after 15 years in that position. At the time of his appointment in 1981, President Reagan said "this is one of the most important appointments that I shall make as President, adding that "it's obvious that in this post, a strong and effective leader can have an enduring impact on our political institutions." As chairman and ranking member of the Armed Services Committee, and the Permanent Subcommittee on Investigations, I have had the privilege of working with Mr. Bowsher and his able staff as they assist the Congress in its oversight function. I believe his efforts have made an enduring impact on our Government, making it more responsible, efficient and accountable to our citizens.

During his tenure, Mr. Bowsher has overseen a tremendous growth in the amount of reports produced by GAO as well as the amount of official testimony given to Congressional committees. GAO is now producing over 1,000 reports per year, and provides expert testimony before congressional committees over 300 times per year, doubling their productivity since 1983. Despite reductions of 25 percent in their audit and staffing budget since fiscal year 1992, Mr. Bowsher made sure the quality of GAO's report and services remained uncompromised.

Under their mandate to evaluate and audit all Government programs and activities, GAO has consistently produced reports that are on the cutting edge of research, analysis, and investigation. Mr. Bowsher continually pressed for strengthened and revised budget and accounting systems. As a result of GAO's recommendations, over $100 billion in savings and benefits have been realized through budget reductions, cost avoidances, appropriations deferrals, and revenue enhancements.

As chairman and ranking member of the Permanent Subcommittee on Investigations, I came to rely on the work produced by GAO through their high risk series. These reports documented programs where the potential for billions of dollars in waste, fraud, abuse and mismanagement existed. Their expertise in identifying problem areas didn't end here. Through their work for the subcommittee, they identified innumerable areas for improvement. In the last few years alone, their work for the subcommittee has resulted in hundreds of millions of dollars in documented savings to the Federal Government.

In the Armed Services Committee, we relied on GAO's work on many occasions, especially in areas such as financial management and acquisition policy, and on their investigative abilities in cases where the committee needed to find out exactly what the facts were.

GAO's fine work under Mr. Bowsher's leadership goes well beyond measurable cost savings. Although the benefits are less qualifiable than dollar savings, they are just as significant. Their work has repeatedly alerted Congress and the executive branch to weaknesses in Federal regulations, law enforcement, and issues related to our Armed Forces. Some examples include:

Identifying problems in requirements for reporting currency transactions at banks and other financial institutions to strengthen the ability to detect money laundering to prevent billions of dollars of drug and criminal proceeds to escape taxation, forfeiture and seizure;

Highlighting the shortcomings of State insurance regulation of the Blue Cross/Blue Shield plans that exposed thousands of subscribers to loss of health care benefits through insurer default;

Identifying differences and weaknesses in state insurance regulations that permit fraudulent insurance schemes to sell worthless policies to unsuspecting consumers;

Identifying loopholes in Department of Education procedures that regulate the Federal Student Loan and Pell Grant Programs to protect the quality of postsecondary education; and

Prodding the Defense Department to improve its troubled financial management systems, providing continued oversight of DOD's progress, and continuing to press for further improvements in DOD's oversight of the Defense business operations fund and other systems required to ensure that the taxpayer's money has been correctly accounted for.

Mr. Bowsher has also demonstrated great vision as our Government prepares for the next millennium. Under his leadership, GAO greatly enhanced its focus on issues related to information management and technology, and they have produced cutting edge analysis of the challenges our Government will face in the information age. GAO recently issued a report on the extent to which Defense computer systems are being attacked, the actual and potential damage to its information and systems, and the challenges the Defense Department is facing in securing its sensitive but unclassified information systems. This report and their resulting testimony before the Permanent Subcommittee on Investigations was some of the most professional and skillful I have seen.

This Congress and the American people owe a great debt to Charles Bowsher for his fine work. I congratulate him on his 15 years of service, and wish him well in his future endeavors.•

EXPLANATION OF VOTES ON THE SENATE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT

• Mr. ABRAHAM. Mr. President, recently, the Senate passed the conference report to the Energy and Water Development Appropriations Act. I would like to take a moment to comment on the amendments to the original bill that was passed out of this Chamber.

The first vote during consideration of this act was on a McCain amendment to eliminate the advanced light water reactor [ALWR] program. Started in 1993, the ALWR represents a joint commitment by Government and industry to develop a new generation of standardized, advanced reactors. I opposed the McCain amendment for several reasons: First, 1997 is the final year of a 5-year program that, once complete, will result in an estimated $1 billion in U.S. revenue. Congress originally agreed to fund this program for 5 years, and it was important that this commitment be upheld. Perhaps more importantly, the committee estimated that the cost to eliminate the program was actually greater than the 1997 funding amount. Finally, once complete, a major portion of the DOE contributions to this project will be repaid as royalties from the sale of the powerplants. A bipartisan majority of Senators agreed with me and voted to fund the ALWR in its final year on a 53-to-45 vote.

Following the consideration of the ALWR program, the Senate turned to a Bumpers proposal to cut $269 million from the nuclear weapons stewardship and maintenance accounts. This is an amendment which I resolutely opposed. I believe that continued cuts to this Nation's defense structure may endanger U.S. security at home and abroad. Due to the prohibition on nuclear weapon testing, the DOE is now forced to use noncritical—that is, nonexplosive or computer modeled—testing methods to guarantee the stability of nuclear weapons. As plutonium is only 50 years old as a known element, it isn't known what will happen to it over time, and therefore, how it will change weapons performance or affect maintenance personnel during routine parts replacement. The necessary procurement of new computer and testing facilities requires this level of spending for at least the next 5 years. This shortsighted amendment was tabled 61 to 37.

Immediately thereafter, Senator ROD GRAMS of Minnesota offered an amendment to limit funding for the Appalachian Regional Commission at the House-passed level and require the Commission be phased out in 5 years. I believe that this regional commission is largely unnecessary and should face the same scrutiny which has been given to defense and entitlement funding. I supported similar efforts with regard to this Commission last year. Nonetheless, this amendment was defeated 69 to 30.

The final amendment to the energy and water appropriations bill was a Feingold amendment to eliminate funding for the Bureau of Reclamation's Animas-La Plata [A-LP] project in Colorado. The A-LP project would construct two reservoirs, seven pumping plants, and 200 miles of canals and pipes to pump water uphill to provide irrigation for local residents, most of them native American. And while I applaud Senator FEINGOLD for his efforts to reduce Government spending, this program was agreed to by treaty between the local Indian tribes and the U.S. Government. In instances such as this, I believe treaty commitments must be honored by a compelling showing of necessity, and so I opposed Senator FEINGOLD's amendment which was defeated 65 to 33.

After consideration of all amendments, I was pleased to support final passage of this important funding legislation, and I voted in support of the Energy and Water Development Appropriations Act, and it passed the Senate 93 to 6.•

EXPLANATION OF VOTES ON THE SENATE AGRICULTURE APPROPRIATIONS BILL

• Mr. ABRAHAM. Mr. President, farming is Michigan's second largest industry and a cornerstone of the State's economy. For this reason, I would like to take a moment to comment on some of the amendments considered by the Senate. Prior to final passage, several amendments were debated on the floor of the Senate.

The first amendment considered was a Santorum amendment to prohibit the use of funds in excess of $125,000 for nonrecourse loans to peanut producers. Recently, the peanut program has faced extensive scrutiny. In response to several attempts to eliminate this program, members from peanut-producing States addressed some of the more problematic aspects of this program in the farm bill. Since this issue had already been considered and decided by the Senate, I opposed Senator SANTORUM's amendment. If the peanut program is going to be amended, I believe it should be done so during consideration of farm programs as a whole. Senator SANTORUM's amendment was ultimately tabled by a vote of 64 to 34.

I did, however, support a second Santorum amendment to ensure that America's farm programs are managed in the most objective manner possible. Specifically, Senator SANTORUM's amendment prohibited the use of funds to carry out a program that was operated by a marketing association if the Secretary of Agriculture determined that a member of the board of directors of the association had a conflict of interest with respect to the program. In my opinion, a program that is not influenced by individuals who stand to gain from decisions will garner greater respect and run more smoothly than a program that is viewed as a Government subsidy for a few individuals. Unfortunately, by a vote of 61 to 37, this amendment was also tabled.

The final amendment considered was a Bryan amendment to reduce the amount of funds appropriated to the Market Access Program [MAP]. The Bryan amendment would have eliminated funding if the aggregate amount of funds and value of commodities under the program exceeded $70 million. Formerly known as the Market Promotion Program, this program has provided funding for large and lucrative corporations such as Sunkist. I believe the Market Access Program is a clear example of corporate welfare, and I have consistently supported elimination or reduction of this unnecessary Government subsidy. I supported Senator BRYAN's amendment which was tabled by a vote of 55 to 42.

Following disposition of these three amendments, the 1997 Agriculture appropriations bill was passed, with my support, by a vote of 97 to 1. Mr. President, I am pleased that the conferees were able to act quickly to finalize this legislation and allow America's farmers to begin to grow for the market.•

EXPLANATION OF VOTES ON THE FISCAL YEAR 1997 TREASURY/ POSTAL AND VA/HUD APPROPRIATIONS

• Mr. ABRAHAM. Mr. President, the Senate recently considered several appropriation bills and addressed a number of amendments upon which I did not have the opportunity to comment at the time. One of these votes was on a motion to table the Dorgan amendment to the Treasury-Postal Appropriations bill which would have raised taxes on companies doing business overseas.

Under current law, income generated by a domestically owned controlled foreign corporation is not subject to our income taxes until that income is repatriated back into the country. In addition, CFC's earn tax credits equal to the amount of tax they pay to their foreign host—up to but not exceeding the United States rate of taxation. The Dorgan amendment would require income generated by a CFC by producing goods overseas and selling them back here to be taxed currently, rather than be deferred.

Mr. President, I believe there are a number of provisions in our Tax Code which need to be addressed, but I disagree that offering ad hoc amendments on the Senate floor to appropriation bills is the way to go about it. Appropriation bills are simply not suitable vehicles for major tax reforms. Instead, these issues should be addressed in a comprehensive manner in the Finance Committee.

That said, I also have a number of specific concerns regarding the Dorgan amendment. First, I believe Senator DORGAN needs to make a better case that companies move their plants due to this tax provision, rather than in response to comparative advantages or political barriers. Second, absent some unspecified new protective barriers, I see nothing in this amendment which would repatriate existing overseas jobs or prevent future jobs from being located there as opposed to here.

Mr. President, none of our foreign trading partners impose such a tax burden on their foreign corporations, and before the Senate chooses to impose new taxes on our companies operating overseas, I believe this issue needs to be more fully studied. While I am certain this amendment will raise taxes on American businesses and could harm our competitiveness in Michigan and elsewhere, I am unconvinced it will protect American jobs from foreign competition.

Another issue on which I wish to explain my vote was the motion to table the Bumpers amendment prohibiting the use of funds for the Space Station Program. A similar amendment was introduced last year by Senator BUMPERS, which I supported. Then and now, I have been concerned as to the costs of the program and the extent to which federal taxpayers verses the private sector should fund the effort.

In addition, I am concerned by reports that the American Physical Society has joined 14 other scientific organizations in stating that the scientific justification for the space station was lacking, and that the cost overruns threatened to crowd out other, more promising NASA programs in future years. As was the case last year, I still believe there would be a net advantage to terminating this program. However, we are near the point where our investment is too great to not finish the project, and so I will continue to review this program annually. Should I reach the conclusion that we have reached the stage where our investment has matured, I will drop my opposition to the space station.

A pair of amendments concerning the distribution of Veterans Medical Administration resources are also worthy of additional explanation. Senators MCCAIN and GRAHAM introduced an amendment to develop a redistribution plan of Veterans Administration medical care resources. The amendment's purpose is to ensure that veterans have similar access to health care services regardless of where they live. This seems to be the correct way for a efficient government to function and is consistent with our commitment to provide quality medical care to our Nation's veterans. The Senate overwhelmingly adopted this amendment by a vote of 79 to 18.

Senators HARKIN and MOYNIHAN then introduced an amendment that would have prohibited this plan from reducing VA funds spent in any State over the previous year. Given our declining veterans population with shifting medical requirements, I believe it is unreasonable to prohibit the Department of Veterans Affairs from reducing its outlays in certain regions of the country, even if the demand for such services has decreased. The effect of this prohibition would have been large segments of our veterans population being denied medical care. This is not responsible governance, and I therefore joined with 59 other Senators in defeating this amendment 60 to 37.

Another amendment related to health care was offered by the Senator from Oregon, Senator WYDEN, which would prohibit health care plans from restricting or prohibiting certain communications between doctors and their patients. Mr. President, I believe this issue has merit and should be addressed by Congress, but I do not believe the Treasury-Postal Appropriations bill is the appropriate vehicle, especially considering that the amendment had a substantial cost which would have made the entire appropriation bill exceed its budget limits. As such, it was subject to a point of order which I supported.

It is my understanding that Senator WYDEN, Senator KASSEBAUM, and others are working at this moment to construct a bipartisan solution to both the problem raised by Senator WYDEN and the concerns of other Senators and the insurance industry. I support these efforts and look forward to seeing some type of resolution, if not in this Congress then in the next.

Finally, Mr. President, this Senator would like to explain his reasoning in voting to table Senator KERRY's amendment calling for additional expenditures on behalf of a study on the use of taggants in black gun powder and smokeless powder. On this amendment, both the majority and minority managers of the bill as well as the administration objected to the offset used by the Senator from Massachusetts in paying for the study's expanded mandate. Therefore, I chose to support the managers' motion to table. The amendment was successfully tabled by a vote of 57 to 42.•

EXPLANATION OF VOTES ON THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL

• Mr. ABRAHAM. Mr. President, I wish to explain a number of my votes on amendments to the Department of Defense Authorization Bill (S. 1745) passed out of this chamber on July 10, 1996. Specifically, I wish to address my votes on Senator EXON's amendment regarding a general cut in defense spending, Senator WELLSTONE's amendment regarding a shift of defense funds to other budget priorities, and Senator KYL's amendment regarding nuclear weapon testing.

Senator EXON proposed cutting the Defense budget across the board by $4 billion. I opposed this because I believe such a blanket approach is not a responsible way to contain defense spending. Moreover, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, has stated the he needs $60 billion more than the President requested to modernize weapon systems. America's superior military equipment is aging quickly compared to that of our potential adversaries, and I believe our men and women in uniform should not be placed in harms way without the best equipment possible. By the year 2010, our average fighter will have aged by 218 percent, and will only have 1 year left in its service life limit. Tanks will be almost four times as old as they are today because we are not buying new tanks, and the current stock of tanks will have, on average, passed their designed service life. This is unacceptable. To cut these funds when our fighting men and women need them most is unconscionable, and therefore, I voted against the Exon amendment.

Mr. President, I would also like to address my vote regarding Senator WELLSTONE's amendment on shifting $1.3 billion from defense spending to education programs. I have pledged to support those Federal education programs that work. However, this body has long respected the "firewall" between defense spending and other discretionary spending because we realize the common defense is indeed our first priority, and therefore funding for the military should be determined independent of other programs. Thus I voted to table this amendment.

The manner in which we provide for that common defense, however, sometimes is guaranteed as much by the policies we establish as by the money we spend. Although all of us pray that nuclear weapons are never again used, we still find ourselves in a world where we must maintain an effective nuclear deterrent to defend our country and our national security. As an aside, this requirement for nuclear weapons would be drastically reduced if we were to develop an effective ballistic missile defense system for the territory of the United States. Due to the Clinton administration's opposition, however, we remain much more vulnerable to enemy nuclear attack. This requires us to maintain more nuclear weapons than we would otherwise need as a deterrent force. Therefore, as long as we have nuclear weapons, we must also ensure that they are stable and effective to maintain the deterrent influence.

To that end, we must also preserve the ability, at least in the short term, to test these weapons for stability and effectiveness. We may soon have the capability to conduct these tests by computer simulation, but I do not believe we are there yet. The data presented leads me to believe we must maintain the ability to test these weapons, at least for a few more years. As our technological capabilities progress, this may very well change, and I will be willing to reexamine this position. However, for now, I believe it was necessary for our national defense to oppose the motion to table the Kyl amendment allowing continued and limited nuclear testing.

Mr. President, as Members of the Congress, our first constitutional duty is to pass legislation for the raising and support of our Armed Forces, just as the Federal Government's first duty is to provide for the common defense. My votes, I believe, serve that duty and further our national security goals.●

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1996

The text of the bill (S. 1897) to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes; as passed by the Senate on September 26, 1996, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; and table of contents

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

Sec. 101. Director's discretionary fund.
Sec. 102. Children's vaccine initiative.

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

Sec. 201. Research on osteoporosis, paget's disease, and related bone disorders.
Sec. 202. National Human Genome Research Institute.
Sec. 203. Increased amount of grant and other awards.
Sec. 204. Meetings of advisory committees and councils.
Sec. 205. Elimination or modification of reports.

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

Sec. 301. Authorization of appropriations.
Sec. 302. DES study.

Subtitle B—National Heart Lung and Blood Institute

Sec. 311. Authorization of appropriations.

Subtitle C—National Institute of Allergy and Infectious Diseases

Sec. 321. Terry Beirn community-based AIDS research initiative.

Subtitle D—National Institute of Child Health and Human Development

Sec. 331. Research centers for contraception and infertility.

Subtitle E—National Institute on Aging

Sec. 341. Authorization of appropriations.

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

Sec. 351. Authorization of appropriations.
Sec. 352. National Alcohol Research Center.

Subtitle G—National Institute on Drug Abuse

Sec. 361. Authorization of appropriations.
Sec. 362. Medication development program.
Sec. 363. Drug Abuse Research Centers.

Subtitle H—National Institute of Mental Health

Sec. 371. Authorization of appropriations.

Subtitle I—National Center for Research Resources

Sec. 381. Authorization of appropriations.
Sec. 382. General Clinical Research Centers.
Sec. 383. Enhancement awards.
Sec. 384. Waiver of limitations.

Subtitle J—National Library of Medicine

Sec. 391. Authorization of appropriations.
Sec. 392. Increasing the cap on grant amounts.

TITLE IV—AWARDS AND TRAINING

Sec. 401. Medical scientist training program.
Sec. 402. Raise in maximum level of loan repayments.
Sec. 403. General loan repayment program.
Sec. 404. Clinical research assistance.

TITLE V—RESEARCH WITH RESPECT TO AIDS

Sec. 501. Comprehensive plan for expenditure of AIDS appropriations.
Sec. 502. Emergency AIDS discretionary fund.

TITLE VI—GENERAL PROVISIONS

Subtitle A—Authority of the Director of NIH

Sec. 601. Authority of the Director of NIH.

Subtitle B—Office of Rare Disease Research

Sec. 611. Establishment of Office for Rare Disease Research.

Subtitle C—Certain Reauthorizations

Sec. 621. National Research Service Awards.
Sec. 622. National Foundation for Biomedical Research.

Subtitle D—Miscellaneous Provisions

Sec. 631. Establishment of National Fund for Health Research.
Sec. 632. Definition of clinical research.
Sec. 633. Establishment of a pediatric research initiative.
Sec. 634. Diabetes research.
Sec. 635. Parkinson's research.
Sec. 636. Pain research consortium.

Subtitle E—Repeals and Conforming Amendments

Sec. 641. Repeals and conforming amendments.

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

SEC. 101. DIRECTOR'S DISCRETIONARY FUND.

Section 402(i)(3) (42 U.S.C. 282(i)(3)) is amended by striking "$25,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 102. CHILDREN'S VACCINE INITIATIVE.

Section 404B(c) (42 U.S.C. 283d(c)) is amended by striking "$20,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

SEC. 201. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) (42 U.S.C. 284e(d)) is amended by striking "$40,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 202. NATIONAL HUMAN GENOME RESEARCH INSTITUTE.

(a) IN GENERAL.—Part C of title IV (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 18—National Human Genome Research Institute

"SEC. 464Z. PURPOSE OF THE INSTITUTE.

"(a) IN GENERAL.—The general purpose of the National Human Genome Research Institute is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) conducting and supporting research training;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public;

"(6) reviewing and funding proposals to address the ethical, legal, and social issues associated with the genome project (including legal issues regarding patents); and

"(7) planning and administering intramural, collaborative, and field research to study human genetic disease.

"(b) RESEARCH.—The Director of the Institute may conduct and support research training—

"(1) for which fellowship support is not provided under section 487; and

"(2) that is not residency training of physicians or other health professionals.

"(c) ETHICAL, LEGAL, AND SOCIAL ISSUES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Institute shall make available not less than 5 percent of amounts made available for extramural research for carrying out paragraph (6) of such subsection.

"(2) NONAPPLICATION.—With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Institute certifies to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.

"(d) TRANSFER.—

"(1) IN GENERAL.—There are transferred to the National Human Genome Research Institute all functions which the National Center for Human Genome Research exercised before the date of enactment of this subpart, including all related functions of any officer or employee of the National Center for Human Genome Research. The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this subsection shall be transferred to the National Human Genome Research Institute.

"(2) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, regulations, privileges, and other administrative actions which have been issued, made, granted, or allowed to become effective in the performance of functions which are transferred under this subsection shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

"(3) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the National Center for Human Genome Research shall be deemed to refer to the National Human Genome Research Institute.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 1997.".

(b) CONFORMING AMENDMENTS.—

(1) Section 401(b) (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end thereof the following new subparagraph:

"(R) The National Human Genome Research Institute."; and

(B) in paragraph (2)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D).

(2) Subpart 3 of part E of title IV (42 U.S.C. 287c et seq.) is repealed.

SEC. 203. INCREASED AMOUNT OF GRANT AND OTHER AWARDS.

Section 405(b)(2)(B) (42 U.S.C. 284(b)(2)(B) is amended—

(1) in clause (i), by striking "$50,000" and inserting "$100,000"; and

(2) in clause (ii), by striking "$50,000" and inserting "$100,000".

SEC. 204. MEETINGS OF ADVISORY COMMITTEES AND COUNCILS.

(a) IN GENERAL.—Section 406 (42 U.S.C. 284a) is amended—

(1) in subsection (e), by striking ", but at least three times each fiscal year"; and

(2) in subsection (h)(2)—

(A) in subparagraph (A)—

(i) in clause (iv), by adding "and" after the semicolon;

(ii) in clause (v), by striking "; and" and inserting a period; and

(iii) by striking clause (vi); and

(B) in subparagraph (B), by striking ", except" and all that follows through "year".

(b) PRESIDENT'S CANCER PANEL.—Section 415(a)(3) (42 U.S.C. 285a-4(a)(3)) is amended by striking ", but not less often than four times a year".

(c) INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 429(b) (42 U.S.C. 285c-3(b)) is amended by striking ", but not less often than four times a year".

(d) INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 439(b) (42 U.S.C. 285d-4(b)) is amended by striking ", but not less often than four times a year".

(e) INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS INTERAGENCY COORDINATING COMMITTEES.—Section 464E(d) (42 U.S.C. 285m-5(d)) is amended by striking ", but not less often than four times a year".

(f) INSTITUTE OF NURSING RESEARCH ADVISORY COUNCIL.—Section 464X(e) (42 U.S.C. 285q-2(e)) is amended by striking ", but at least three times each fiscal year".

(g) CENTER FOR RESEARCH RESOURCES ADVISORY COUNCIL.—Section 480(e) (42 U.S.C. 287a(e)) is amended by striking ", but at least three times each fiscal year".

(h) APPLICATION OF FACA.—Part B of title IV (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 409B. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.

"Notwithstanding any other provision of law, the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to a scientific or technical peer review group, established under this title.".

SEC. 205. ELIMINATION OR MODIFICATION OF REPORTS.

(a) PUBLIC HEALTH SERVICE ACT REPORTS.—The following provisions of the Public Health Service Act are repealed:

(1) Section 403 (42 U.S.C. 283) relating to the biennial report of the Director of the National Institutes of Health to Congress and the President.

(2) Subsection (c) of section 439 (42 U.S.C. 285d-4(c)) relating to the annual report of the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the annual report of the Skin Diseases Interagency Coordinating Committee.

(3) Subsection (j) of section 442 (42 U.S.C. 285d-7(j)) relating to the annual report of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Board.

(4) Subsection (b) of section 494A (42 U.S.C. 289c-1(b)) relating to the annual report of the Secretary of Health and Human Services on health services research relating to alcohol abuse and alcoholism, drug abuse, and mental health.

(5) Subsection (b) of section 503 (42 U.S.C. 290aa-2(b)) relating to the triennial report of the Secretary of Health and Human Services to Congress.

(b) REPORT ON DISEASE PREVENTION.—Section 402(f)(3) (42 U.S.C. 282(f)(3)) is amended by striking "annually" and inserting "biennially".

(c) REPORTS OF THE COORDINATING COMMITTEES ON DIGESTIVE DISEASES, DIABETES MELLITUS, AND KIDNEY, UROLOGIC AND HEMATOLOGIC DISEASES.—Section 429 (42 U.S.C. 285c-3) is amended by striking subsection (c).

(d) REPORT OF THE TASK FORCE ON AGING RESEARCH.—Section 304 of the Home Health Care and Alzheimer's Disease Amendments of 1990 (42 U.S.C. 242q-3) is repealed.

(e) SUDDEN INFANT DEATH SYNDROME RESEARCH.—Section 1122 (42 U.S.C. 300c-12) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading; and

(B) by striking "of the type" and all that follows through "adequate," and insert ", such amounts each year as will be adequate for research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, and to the relationship of the high-risk pregnancy and high-risk infancy research to sudden infant death syndrome,"; and

(2) by striking subsections (b) and (c).

(f) U.S.-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM.—Subsection (h) of section 5 of the International Health Research Act of 1960 is repealed.

(g) BIOENGINEERING RESEARCH.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives, a report containing specific plans and timeframes on how the Director will implement the findings and recommendations of the report to Congress entitled "Support for Bioengineering Research" (submitted in August of 1995 in accordance with section 1912 of the National

Institutes of Health Revitalization Act of 1993 (42 U.S.C. 282 note)).

(h) CONFORMING AMENDMENTS.—Title IV is amended—

(1) in section 404C(c) (42 U.S.C. 283e(c)), by striking "included" and all that follows through the period and inserting "made available to the committee established under subsection (e) and included in the official minutes of the committee";

(2) in section 404E(d)(3)(B) (42 U.S.C. 283g(d)(3)(B)), by striking "for inclusion in the biennial report under section 403";

(3) in section 406(g) (42 U.S.C. 284a(g))—

(A) by striking "for inclusion in the biennial report made under section 407" and inserting "as it may determine appropriate"; and

(B) by striking the second sentence;

(4) in section 407 (42 U.S.C. 284b)—

(A) in the section heading, to read as follows:

"REPORTS";

and

(B) by striking "shall prepare for inclusion in the biennial report made under section 403 a biennial" and inserting "may prepare a";

(5) in section 416(b) (42 U.S.C. 285a-5(b)) by striking "407" and inserting "402(f)(3)";

(6) in section 417 (42 U.S.C. 285a-6), by striking subsection (e);

(7) in section 423(b) (42 U.S.C. 285b-6(b)), by striking "407" and inserting "402(f)(3)";

(8) by striking section 433 (42 U.S.C. 285c-7);

(9) in section 451(b) (42 U.S.C. 285g-3(b)), by striking "407" and inserting "402(f)(3)";

(10) in section 452(d) (42 U.S.C. 285g-4(d))—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking "(A) Not" and inserting "Not"; and

(ii) by striking subparagraph (B); and

(B) in the last sentence of paragraph (4), by striking "contained" and all that follows through the period and inserting "transmitted to the Director of NIH.";

(11) in section 464I(b) (42 U.S.C. 285n-1(b)), by striking "407" and inserting "402(f)(3)";

(12) in section 464M(b) (42 U.S.C. 285o-1)(b)), by striking "407" and inserting "402(f)(3)";

(13) in section 464S(b) (42 U.S.C. 285p-1(b)), by striking "407" and inserting "402(f)(3)";

(14) in section 464X(g) (42 U.S.C. 285q-2(g)) is amended—

(A) by striking "for inclusion in the biennial report made under section 464Y" and inserting "as it may determine appropriate"; and

(B) by striking the second sentence;

(15) in section 464Y (42 U.S.C. 285q-3)—

(A) in the section heading, to read as follows:

"REPORTS";

and

(B) by striking "shall prepare for inclusion in the biennial report made under section 403 a biennial" and inserting "may prepare a";

(16) in section 480(g) (42 U.S.C. 287a(g))—

(A) by striking "for inclusion in the biennial report made under section 481" and inserting "as it may determine appropriate"; and

(B) by striking the second sentence;

(17) in section 481 (42 U.S.C. 287a-1)—

(A) in the section heading, to read as follows:

"REPORTS";

and

(B) by striking "shall prepare for inclusion in the biennial report made under section 403 a biennial" and inserting "may prepare a";

(18) in section 486(d)(5)(B) (42 U.S.C. 287d(d)(5)(B)), by striking "for inclusion in the report required in section 403";

(19) in section 486B (42 U.S.C. 287d-2) by striking subsection (b) and inserting the following new subsection:

"(b) SUBMISSION.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH."; and

(20) in section 492B(f) (42 U.S.C. 289a-2(f)), by striking "for inclusion" and all that follows through the period and inserting "and the Director of NIH.".

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 417B (42 U.S.C. 286a-8) is amended—

(1) in subsection (a), by striking "$2,728,000,000" and all that follows through the period and inserting "$3,000,000,000 for fiscal year 1997.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence of subparagraph (A), by striking "$225,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997."; and

(ii) in the first sentence of subparagraph (B), by striking "$100,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997."; and

(B) in the first sentence of paragraph (2), by striking "$75,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997."; and

(3) in the first sentence of subsection (c), by striking "$72,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 302. DES STUDY.

Section 403A(e) (42 U.S.C. 283a(e)) is amended by striking "1996" and inserting "1997".

Subtitle B—National Heart Lung and Blood Institute

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Section 425 (42 U.S.C. 285b-8) is amended by striking "$1,500,000,000" and all that follows through the period and inserting "$1,600,000,000 for fiscal year 1997.".

Subtitle C—National Institute of Allergy and Infectious Diseases

SEC. 321. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.

Section 2313(e) (42 U.S.C. 300cc-13(e)) is amended—

(1) in paragraph (1), by striking "1996" and inserting "1997"; and

(2) in paragraph (2), by striking "1996" and inserting "1997".

Subtitle D—National Institute of Child Health and Human Development

SEC. 331. RESEARCH CENTERS FOR CONTRACEPTION AND INFERTILITY.

Section 452A(g) (42 U.S.C. 285g-5(g)) is amended by striking "$30,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

Subtitle E—National Institute on Aging

SEC. 341. AUTHORIZATION OF APPROPRIATIONS.

Section 445I (42 U.S.C. 285e-11) is amended by striking "$500,000,000" and all that follows through the period and inserting "$550,000,000 for fiscal year 1997.".

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

SEC. 351. AUTHORIZATION OF APPROPRIATIONS.

Section 464H(d)(1) (42 U.S.C. 285n(d)(1)) is amended by striking "300,000,000" and all that follows through the period and inserting "$330,000,000 for fiscal year 1997.".

SEC. 352. NATIONAL ALCOHOL RESEARCH CENTER.

Section 464J(b) (42 U.S.C. 285n-2(b)) is amended—

(1) by striking "(b) The" and inserting "(b)(1) The";

(2) by striking the third sentence; and

(3) by adding at the end thereof the following new paragraph:

"(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

"(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

"(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term shall not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.".

Subtitle G—National Institute on Drug Abuse

SEC. 361. AUTHORIZATION OF APPROPRIATIONS.

Section 464L(d)(1) (42 U.S.C. 285o(d)(1)) is amended by striking "$440,000,000" and all that follows through the period and inserting "$500,000,000 for fiscal year 1997.".

SEC. 362. MEDICATION DEVELOPMENT PROGRAM.

Section 464P(e) (42 U.S.C. 285o-4(e)) is amended by striking "$85,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997".

SEC. 363. DRUG ABUSE RESEARCH CENTERS.

Section 464N(b) (42 U.S.C. 285o-2(b)) is amended—

(1) by striking "(b) The" and inserting "(b)(1) The";

(2) by striking the last sentence; and

(3) by adding at the end thereof the following new paragraph:

"(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

"(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

"(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term does not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.".

Subtitle H—National Institute of Mental Health

SEC. 371. AUTHORIZATION OF APPROPRIATIONS.

Section 464R(f)(1) (42 U.S.C. 285p(f)(1)) is amended by striking "$675,000,000" and all that follows through the period and inserting "$750,000,000 for fiscal year 1997.".

Subtitle I—National Center for Research Resources

SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 481A(h) (42 U.S.C. 287a-2(h)) is amended by striking "$150,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

(b) Reservation for Construction of Regional Centers.—Section 481B(a) (42 U.S.C. 287a–3(a)) is amended—

(1) by striking "shall" and inserting "may";

(2) by striking "through 1996" and inserting "through 1997"; and

(3) by striking "$5,000,000" and inserting "such sums as may be necessary for each such fiscal year".

SEC. 382. GENERAL CLINICAL RESEARCH CENTERS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by section 205(h), is further amended by adding at the end thereof the following new section:

"SEC. 409C. GENERAL CLINICAL RESEARCH CENTERS.

"(a) Grants.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

"(b) Activities.—In carrying out subsection (a), the Director of NIH shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to make grants under subsection (a), such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 383. ENHANCEMENT AWARDS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 205(h) and 382, is further amended by adding at the end thereof the following new section:

"SEC. 409D. ENHANCEMENT AWARDS.

"(a) Clinical Research Career Enhancement Award.—

"(1) In general.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'clinical research career enhancement awards') to support individual careers in clinical research.

"(2) Applications.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) Limitations.—The amount of a grant under this subsection shall not exceed $130,000 per year per grant. Grants shall be for terms of 5 years. The Director shall award not more than 20 grants in the first fiscal year in which grants are awarded under this subsection. The total number of grants awarded under this subsection for the first and second fiscal years in which grants such are awarded shall not exceed 40 grants.

"(4) Authorization of Appropriations.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for fiscal year 1997.

"(b) Innovative Medical Science Award.—

"(1) In general.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'innovative medical science awards') to support individual clinical research projects.

"(2) Applications.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

"(3) Limitations.—The amount of a grant under this subsection shall not exceed $100,000 per year per grant.

"(4) Authorization of Appropriations.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for fiscal year 1997.

"(c) Peer Review.—The Director of NIH, in cooperation with the Director of the National Center for Research Resources, shall establish peer review mechanisms to evaluate applications for clinical research fellowships, clinical research career enhancement awards, and innovative medical science award programs. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research trainees.".

SEC. 384. WAIVER OF LIMITATIONS.

Section 481A (42 U.S.C. 287a–2) is amended—

(1) in subsection (b)(3)(A), by striking "9" and inserting "12";

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "50" and inserting "40"; and

(ii) in subparagraph (B), by striking "40" and inserting "30"; and

(B) in paragraph (4), by striking "for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c)"; and

(3) in subsection (h), by striking $150,000,000" and all that follows through "1996" and inserting "such sums as may be necessary for fiscal year 1997".

Subtitle J—National Library of Medicine

SEC. 391. AUTHORIZATION OF APPROPRIATIONS.

Section 468(a) (42 U.S.C. 286a–2(a)) is amended by striking "$150,000,000" and all that follows through the period and inserting "$160,000,000 for fiscal year 1997.".

SEC. 392. INCREASING THE CAP ON GRANT AMOUNTS.

Section 474(b)(2) (42 U.S.C. 286b–5(b)(2)) is amended by striking "$1,000,000" and inserting "$1,250,000".

TITLE IV—AWARDS AND TRAINING

SEC. 401. MEDICAL SCIENTIST TRAINING PROGRAM.

(a) Expansion of Program.—Notwithstanding any other provision of law, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall expand the Medical Scientist Training Program to include fields that will contribute to training clinical investigators in the skills of performing patient-oriented clinical research.

(b) Designation of Slots.—In carrying out subsection (a), the Director of the National Institutes of Health shall designate a specific percentage of positions under the Medical Scientist Training Program for use with respect to the pursuit of a Ph.D. degree in the disciplines of economics, epidemiology, public health, bioengineering, biostatistics and bioethics, and other fields determined appropriate by the Director.

SEC. 402. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) Repayment Programs With Respect to AIDS.—Section 487A (42 U.S.C. 288–1) is amended—

(1) in subsection (a), by striking "$20,000" and inserting "$35,000"; and

(2) in subsection (c), by striking "1996" and inserting "1997".

(b) Repayment Programs With Respect to Contraception and Infertility.—Section 487B(a) (42 U.S.C. 288–2(a)) is amended by striking "$20,000" and inserting "$35,000".

(c) Repayment Programs With Respect to Research Generally.—Section 487C(a)(1) (42 U.S.C. 288–3(a)(1)) is amended by striking "$20,000" and inserting "$35,000".

(d) Repayment Programs With Respect to Clinical Researchers From Disadvantaged Backgrounds.—Section 487E(a) (42 U.S.C. 288–5(a)) is amended—

(1) in paragraph (1), by striking "$20,000" and inserting "$35,000"; and

(2) in paragraph (3), by striking "338C" and inserting "338B, 338C".

SEC. 403. GENERAL LOAN REPAYMENT PROGRAM.

Part G of title IV (42 U.S.C. 288 et seq.) is amended by inserting after section 487E, the following new section:

"SEC. 487F. GENERAL LOAN REPAYMENT PROGRAM.

"(a) Establishment.—

"(1) In general.—The Secretary, acting through the Director of NIH, shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research with respect to the areas identified under paragraph (2) in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

"(2) Research areas.—In carrying out the program under paragraph (1), the Director of NIH shall annually identify areas of research for which loan repayments made be awarded under paragraph (1).

"(3) Term of agreement.—A loan repayment agreement under paragraph (1) shall be for a minimum of two years.

"(b) Applicability of Certain Provisions.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 1997.".

SEC. 404. CLINICAL RESEARCH ASSISTANCE.

(a) National Research Service Awards.—Section 487(a)(1)(C) (42 U.S.C. 288(a)(1)(C)) is amended—

(1) by striking "50 such" and inserting "100 such"; and

(2) by striking "1996" and inserting "1997".

(b) Loan Repayment Program.—Section 487E (42 U.S.C. 288–5) is amended—

(1) in the section heading, by striking "FROM DISADVANTAGED BACKGROUNDS";

(2) in subsection (a)(1), by striking "who are from disadvantaged backgrounds";

(3) in subsection (b)—

(A) by striking "Amounts" and inserting the following:

"(1) In general.—Amounts"; and

(B) by adding at the end thereof the following new paragraph:

"(2) Disadvantaged backgrounds set-aside.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the amounts appropriated for a fiscal year are used for contracts involving those appropriately qualified health professionals who are from disadvantaged backgrounds."; and

(4) by adding at the end thereof the following new subsections:

"(c) Clinical Research Training Position.—A position shall be considered a clinical research training position under subsection (a)(1) if such position involves an individual serving in a general clinical research center or other organizations and institutions determined to be appropriate by the Director of NIH, or a physician receiving a clinical research career enhancement award or NIH intramural research fellowship.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.".

TITLE V—RESEARCH WITH RESPECT TO AIDS

SEC. 501. COMPREHENSIVE PLAN FOR EXPENDITURE OF AIDS APPROPRIATIONS.

Section 2353(d)(1) (42 U.S.C. 300cc–40b(d)(1)) is amended by striking "through 1996" and inserting "through 1997".

SEC. 502. EMERGENCY AIDS DISCRETIONARY FUND.

Section 2356(g)(1) (42 U.S.C. 300cc–43(g)(1)) is amended by striking "$100,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

TITLE VI—GENERAL PROVISIONS

Subtitle A—Authority of the Director of NIH

SEC. 601. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking "and" at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

"(13) may conduct and support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) which does not consist of residency training of physicians or other health professionals; and

"(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.".

Subtitle B—Office of Rare Disease Research

SEC. 611. ESTABLISHMENT OF OFFICE FOR RARE DISEASE RESEARCH.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 404F. OFFICE FOR RARE DISEASE RESEARCH.

"(a) Establishment.—There is established within the Office of the Director of the National Institutes of Health an office to be known as the Office for Rare Disease Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the National Institutes of Health.

"(b) Purpose.—The purpose of the Office is to promote and coordinate the conduct of research on rare diseases through a strategic research plan and to establish and manage a rare disease research clinical database.

"(c) Advisory Council.—The Secretary shall establish an advisory council for the purpose of providing advice to the director of the Office concerning carrying out the strategic research plan and other duties under this section. Section 222 shall apply to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

"(d) Duties.—In carrying out subsection (b), the director of the Office shall—

"(1) develop a comprehensive plan for the conduct and support of research on rare diseases;

"(2) coordinate and disseminate information among the institutes and the public on rare diseases;

"(3) support research training and encourage the participation of a diversity of individuals in the conduct of rare disease research;

"(4) identify projects or research on rare diseases that should be conducted or supported by the National Institutes of Health;

"(5) develop and maintain a central database on current government sponsored clinical research projects for rare diseases;

"(6) determine the need for registries of research subjects and epidemiological studies of rare disease populations; and

"(7) prepare biennial reports on the activities carried out or to be carried out by the Office and submit such reports to the Secretary and the Congress.".

Subtitle C—Certain Reauthorizations

SEC. 621. NATIONAL RESEARCH SERVICE AWARDS.

Section 487(d) (42 U.S.C. 288(d)) is amended by striking "$400,000,000" and all that follows through the first period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 622. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Section 499(m)(1) (42 U.S.C. 290b(m)(1)) is amended by striking "an aggregate" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

Subtitle D—Miscellaneous Provisions

SEC. 631. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by section 611, is further amended by adding at the end thereof the following new section:

"SEC. 404G. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

"(a) Establishment.—There is established in the Treasury of the United States a fund, to be known as the 'National Fund for Health Research' (hereafter in this section referred to as the 'Fund'), consisting of such amounts as are transferred to the Fund and any interest earned on investment of amounts in the Fund.

"(b) Obligations From Fund.—

"(1) In general.—Subject to the provisions of paragraph (2), with respect to the amounts made available in the Fund in a fiscal year, the Secretary shall distribute all of such amounts during any fiscal year to research institutes and centers of the National Institutes of Health in the same proportion to the total amount received under this section, as the amount of annual appropriations under appropriations Acts for each member institute and centers for the fiscal year bears to the total amount of appropriations under appropriations Acts for all research institutes and centers of the National Institutes of Health for the fiscal year.

"(2) Trigger and release of monies.—No expenditure shall be made under paragraph (1) during any fiscal year in which the annual amount appropriated for the National Institutes of Health is less than the amount so appropriated for the prior fiscal year.".

SEC. 632. DEFINITION OF CLINICAL RESEARCH.

Part A of title IV (42 U.S.C. 281 et seq.) as amended by sections 611 and 631, is further amended by adding at the end thereof the following new section:

"SEC. 404H. DEFINITION OF CLINICAL RESEARCH.

"As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations, or on material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology, or disease, epidemiologic or behavioral studies, outcomes research, or health services research.".

SEC. 633. ESTABLISHMENT OF A PEDIATRIC RESEARCH INITIATIVE.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by sections 611, 631, and 632, is further amended by adding at the end the following new section:

"SEC. 404I. PEDIATRIC RESEARCH INITIATIVE

"(a) Establishment.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (hereafter in this section referred to as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

"(b) Purpose.—The purpose of the Initiative is to provide funds to enable the Director of NIH to encourage—

"(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

"(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising;

"(3) increased support for pediatric outcomes and medical effectiveness research to demonstrate how to improve the quality of children's health care while reducing cost;

"(4) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population; and

"(5) recognition of the special attention pediatric research deserves.

"(c) Duties.—In carrying out subsection (b), the Director of NIH shall—

"(1) consult with the Institutes and other advisors as the Director determines appropriate when considering the role of the Institute for Child Health and Human Development;

"(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

"(A) assistance is directly related to the illnesses and diseases of children; and

"(B) assistance is extramural in nature; and

"(3) be responsible for the oversight of any newly appropriated Initiative funds and be accountable with respect to such funds to Congress and to the public.

"(d) Authorization.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal years 1997 through 1999.

"(e) Transfer of Funds.—The Director of NIH may transfer amounts appropriated to any of the Institutes for a fiscal year to the Initiative to carry out this section.".

SEC. 634. DIABETES RESEARCH.

(a) Findings.—The Congress finds as follows:

(1) Diabetes is a serious health problem in America.

(2) More than 16,000,000 Americans suffer from diabetes.

(3) Diabetes is the fourth leading cause of death in America, taking the lives of more than 169,000 people annually.

(4) Diabetes disproportionately affects minority populations, especially African-Americans, Hispanics, and Native Americans.

(5) Diabetes is the leading cause of new blindness in adults over age 30.

(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting more than 56,000 Americans each year.

(7) Diabetes is the leading cause of nontraumatic amputations, affecting 54,000 Americans each year.

(8) The cost of treating diabetes and its complications are staggering for our Nation.

(9) Diabetes accounted for health expenditures of $105,000,000,000 in 1992.

(10) Diabetes accounts for over 14 percent of our Nation's health care costs.

(11) Federal funds invested in diabetes research over the last two decades has led to significant advances and, according to leading scientists and endocrinologists, has brought the United States to the threshold of revolutionary discoveries which hold the potential to dramatically reduce the economic and social burden of this disease.

(12) The National Institute of Diabetes and Digestive and Kidney Diseases supports, in addition to many other areas of research, genetic research, islet cell transplantation research, and prevention and treatment clinical trials focusing on diabetes. Other research institutes within the National Institutes of Health conduct diabetes-related research focusing on its numerous complications, such as heart disease, eye and kidney problems, amputations, and diabetic neuropathy.

(b) INCREASED FUNDING REGARDING DIABETES.—With respect to the conduct and support of diabetes-related research by the National Institutes of Health, there are authorized to be appropriated for such purpose—

(1) for each of the fiscal years 1997 through 1999, an amount equal to the amount appropriated for such purpose for fiscal year 1996; and

(2) for the 3-fiscal year period beginning with fiscal year 1997, an additional amount equal to 25 percent of the amount appropriated for such purpose for fiscal year 1996.

SEC. 635. PARKINSON'S RESEARCH.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 204, 382 and 383, is further amended by adding at the end the following section:

"PARKINSON'S DISEASE

"SEC. 409E. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease.

"(b) INTER-INSTITUTE COORDINATION.—

"(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

"(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

"(c) MORRIS K. UDALL RESEARCH CENTERS.—

"(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

"(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

"(ii) conduct basic and clinical research.

"(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

"(i) conduct training programs for scientists and health professionals;

"(ii) conduct programs to provide information and continuing education to health professionals;

"(iii) conduct programs for the dissemination of information to the public;

"(iv) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

"(v) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

"(vi) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

"(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

"(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(d) MORRIS K. UDALL AWARDS FOR INNOVATION IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support innovative proposals leading to significant breakthroughs in Parkinson's research. Grants under this subsection shall be available to support outstanding neuroscientists and clinicians who bring innovative ideas to bear on the understanding of the pathogenesis, diagnosis and treatment of Parkinson's disease.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $80,000,000 for fiscal year 1997.".

SEC. 636. PAIN RESEARCH CONSORTIUM.

(a) SHORT TITLE.—This section may be cited as the "Pain Research Consortium Act of 1996".

(b) OPERATION.—Part E of title IV (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 5—Pain Research Consortium

"SEC. 485E. ESTABLISHMENT AND PURPOSE OF THE CONSORTIUM.

"(a) ESTABLISHMENT.—The Director of NIH shall, subject to the availability of appropriations, and acting in cooperation with appropriate Institutes and with leading experts in pain research and treatment, establish within the National Institutes of Health, a Pain Research Consortium (hereafter referred to in this subpart as the 'Consortium').

"(b) PURPOSE.—It is the purpose of the Pain Research Consortium to—

"(1) provide a structure for coordinating pain research activities;

"(2) facilitate communications among Federal and State governmental agencies and private sector organization (including extramural grantees) concerned with pain;

"(3) share information concerning research and related activities being conducted in the area of pain;

"(4) encourage the recruitment and retention of individuals desiring to conduct pain research;

"(5) develop collaborative pain research efforts;

"(6) avoid unnecessary duplication of pain research efforts; and

"(7) achieve a more efficient use of Federal and private sector research funds.

"(c) COMPOSITION.—The Consortium shall be composed of representatives of—

"(1) the National Institute of Neurological Disorders and Stroke;

"(2) the National Institute of Drug Abuse;

"(3) the National Institute of General Medical Sciences;

"(4) the National Institute of Dental Research;

"(5) the National Health, Lung, and Blood Institute;

"(6) the National Cancer Institute;

"(7) the National Institute of Mental Health;

"(8) the National Institute of Nursing Research;

"(9) the National Center for Research Resources;

"(10) the National Institute of Child Health and Human Development;

"(11) the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(12) the National Institute on Aging;

"(13) pain management practitioners, which may include physicians, psychologists, physical medicine and rehabilitation service representatives (including physical therapists and occupational therapists), nurses, dentists, and chiropractors; and

"(14) patient advocacy groups.

"(d) ACTIVITIES.—The Consortium shall coordinate and support research, training, health information dissemination and related activities with respect to—

"(1) acute pain;

"(2) cancer and HIV-related pain;

"(3) back pain, headache pain, and facial pain; and

"(4) other painful conditions.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1997.".

Subtitle E—Repeals and Conforming Amendments

SEC. 641. REPEALS AND CONFORMING AMENDMENTS.

(a) RENAMING OF DIVISION OF RESEARCH RESOURCES.—Section 403(5) (42 U.S.C. 283(5)) is amended by striking "Division of Research Resources" and inserting "National Center for Research Resources".

(b) RENAMING OF NATIONAL CENTER FOR NURSING RESEARCH.—

(1) Section 403(5) (42 U.S.C. 283(5)) is amended by striking "National Center for Nursing Research" and inserting "National Institute of Nursing Research".

(2) Section 408(a)(2) (42 U.S.C. 284c(a)(2)) is amended by striking "National Center for Nursing Research" and inserting "National Institute of Nursing Research".

(c) RENAMING OF CHIEF MEDICAL DIRECTOR FOR VETERANS AFFAIRS.—

(1) Section 406 (42 U.S.C. 284a) is amended—

(A) in subsection (b)(2)(A), by striking "Chief Medical Director of the Department of Veterans Affairs or the Chief Dental Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v) by striking "Chief Medical Director of the Department of Veterans Affairs," and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(2) Section 424(c)(3)(B)(x) (42 U.S.C. 285b-7(c)(3)(B)(x)) is amended by striking "Chief Medical Director of the Veterans' Administration" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(3) Section 429(b) (42 U.S.C. 285c-3(b)) is amended by striking "Chief Medical Director of the Veterans' Administration" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(4) Section 430(b)(2)(A)(i) (42 U.S.C. 285c-4(b)(2)(A)(i)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(5) Section 439(b) (42 U.S.C. 285d-4(b)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(6) Section 452(f)(3)(B)(xi) (42 U.S.C. 285g-4(f)(3)(B)(xi)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(7) Section 466(a)(1)(B) (42 U.S.C. 286a(a)(1)(B)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(8) Section 480(b)(2)(A) (42 U.S.C. 287a(b)(2)(A)) is amended by striking "Chief Medical Director of the Department of Veterans Affairs" and inserting "Under Secretary for Health of the Department of Veterans Affairs".

(b) ADVISORY COUNCILS.—Section 406(h) (42 U.S.C. 284a(h)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2)—

(A) by striking "(2)(A) The" and inserting "(1) The";

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) by redesignating clauses (i) through (vi) of paragraph (1) (as so redesignated) as subparagraphs (A) through (F), respectively.

(c) DIABETES AND DIGESTIVE AND KIDNEY DISORDERS ADVISORY BOARDS.—Section 430 (42 U.S.C. 285c-4) is repealed.

(d) NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY BOARD.—Section 442 (42 U.S.C. 285d-7) is repealed.

(e) RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME.—Subpart 6 of part C of title IV (42 U.S.C. 285f et seq.) is amended by redesignating the second section 447 (42 U.S.C. 285f-1) as section 447A.

(f) NATIONAL INSTITUTE ON DEAFNESS ADVISORY BOARD.—Section 464D (42 U.S.C. 285m-4) is repealed.

(g) BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL STUDY.—Section 489 (42 U.S.C. 288b) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(h) NATIONAL COMMISSION ON ALCOHOLISM AND OTHER ALCOHOL-RELATED PROBLEMS.—Section 18 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is repealed.

(i) ADVISORY COUNCIL ON HAZARDOUS SUBSTANCES RESEARCH AND TRAINING.—Section 311(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9660(a)) is amended—

(1) by striking paragraph (5); and

(2) in the last sentence of paragraph (6), by striking "the relevant Federal agencies referred to in subparagraph (A) of paragraph (5)" and inserting "relevant Federal agencies".

The PRESIDING OFFICER. The Senator from Oklahoma, the acting leader.

SETTING THE TIME FOR COUNTING ELECTORAL VOTES

Mr. NICKLES. Mr. President, I send to the desk a bill and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2158) to set the time for counting electoral votes.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2158) was deemed read for a third time and passed, as follows:

S. 2158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

In carrying out the procedure set forth in section 15 of title 3, United States Code, for 1997, "the 9th day of January" shall be substituted for "the sixth day of January" in the first sentence of such section.

SETTING THE TIME FOR THE CONVENING OF THE 105TH CONGRESS

Mr. NICKLES. Mr. President, I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2159) to set the time for the convening of the 105th Congress.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2159) was deemed read for a third time and passed, as follows:

S. 2159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The 1st session of the 105th Congress shall convene at noon on January 7, 1997.

RELIEF OF OSCAR SALAS-VELAZQUEZ

Mr. NICKLES. I ask unanimous consent the Senate now proceed to consideration of H.R. 1031 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1031) for the relief of Oscar Salas-Velazquez.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1031) was deemed read for a third time and passed.

Mr. NICKLES. Mr. President, this is a bill that I know Congressman Ramstad and others have worked very hard on. I am pleased we were able to get it passed this evening.

NATIONAL DUCK CALLING DAY

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate turn to the immediate consideration of Senate Resolution 305, a resolution submitted earlier today by Senators PRYOR, BUMPERS, JOHNSTON, BREAUX, and FORD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 305) to designate Saturday, November 30, 1996, as "National Duck Calling Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 305

Whereas Stuttgart, Arkansas, with its flooded rice and soybean fields, is located in the heart of the Mississippi River flyway for migratory birds;

Whereas for the past 60 years, the World's Championship Duck Calling Contest and the Wings Over the Prairie Festival have attached waterfowl enthusiasts from around the world to come to Stuttgart, Arkansas, on Thanksgiving Day weekend;

Whereas the first national duck calling contest was held on November 24, 1936, as part of the traditional Rice Carnival in downtown Stuttgart;

Whereas Thomas E. Walsh of Greenville, Mississippi, was the first national duck calling contest champion, and was awarded a hunting coat valued at $6.60 for his achievement;

Whereas today, the World's Championship Duck Calling Contest draws contestants from throughout the United States and Canada, with a first place prize package valued at over $15,000;

Whereas in order to enter the World's Championship Duck Calling Contest a contestant must qualify by winning a World's Championship Duck Calling Contest sanctioned calling contest, which are held in 29 states;

Whereas over the history of the World's Championship Duck Calling Contest attendance at the event has steadily grown; the number of participants has jumped from 10,000 in 1954, to 50,000 in 1992, to 65,000 in 1995: Now, therefore, be it

Resolved, That the Senate designates Saturday, November 30, 1996, as "National Duck Calling Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

CODIFYING LAWS RELATED TO TRANSPORTATION AND TO IMPROVE THE UNITED STATES CODE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2297 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2297) to codify without substantive change laws related to transportation and to improve the United States Code.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2297) was deemed read the third time and passed.

CORRECTING ENROLLMENT OF H.R. 3159

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 221, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 221) correcting the enrollment of H.R. 3159.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be deemed agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 221) was agreed to.

ESTABLISHING NATIONAL TOURISM BOARD AND NATIONAL TOURISM ORGANIZATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2579, received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2579) to establish the National Tourism Board and National Tourism Organization to promote international tourism to the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2579) was deemed read the third time and passed.

NATIONAL FILM PRESERVATION ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1734 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1734) to reauthorize the National Film Preservation Board, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is today passing and sending to the President for his signature, the National Film Preservation Act of 1996 to reauthorize and extend the National Film Preservation Act. I thank Mr. Moorhead, Mr. Conyers and the other House sponsors for successfully bringing this matter through the House of Representatives. I also commend two retiring Senators who have always been champions of the arts, libraries and the public—Senator Alan Simpson and Senator Paul Simon. Without their support this Senate action, which I have been seeking since January, would not be taking place today.

I have been a sponsor and supporter of the National Film Preservation Board since 1988 when we first took action to authorize the Board within the Library of Congress. We acted then to recognize the educational, cultural, and historical importance and the fragile nature of our film heritage. Motion pictures are an important part of the American experience and an extraordinary record of our history, our mores, and our aspirations. While there is currently a political penchant for chastising American filmmakers for the sex, violence and drugs seen on screen, we should not lose sight of the contributions of filmmaking to our cultural life and our life as a nation.

Before Congress acted in 1988, we had lost more than half of the feature films produced in the United States before 1951 and 80 percent of our silent films to deterioration. With the efforts of the National Film Preservation Board and those of such private groups as the Film Foundation, Turner Entertainment Co. and others we have made significant progress.

Since 1988 we have maintained a National Film Registry wherein classic movies like "Casablanca", "Citizen Kane", and "High Noon" have been maintained and orphan films, which no studio had an interest in preserving, were rescued from oblivion. The scientists have found better ways to preserve the images that were decaying on celluloid and studios have discovered that film libraries retain economic value and viewer interest.

In 1991, I joined with Senator Stevens, Senator Pell, and Senator DeConcini to reauthorize and extend the National Film Preservation Act and we succeeded in doing so in June 1992. We acted at a time when there were growing film preservation efforts around the country but little coordination. The Librarian and the National Film Preservation Board were charged with the responsibility for conducting an extensive study of film preservation in American. It is that authorization that expired this summer and which we now renew.

The Library of Congress houses the largest film collection in the world. I am glad that those film treasures are being preserved there and at the UCLA film archive, at the Museum of Modern Art and at the George Eastman House. I am delighted that those films are now being exhibited to the public with the cooperation of their copyright holders. I am happy that they are available to scholars and researchers.

I am encouraged that we have an agreed-upon system for ensuring the integrity of the National Film Registry Collection of the Library of Congress and a certification process to ensure that National Registry films distributed or exhibited to the public that bear the National Registry seal are the genuine article. That seal verifies that they are the registry version. While this is not a full-blown guarantee of moral rights of those involved in the creation of the work, this system is consistent with a recognition of the first-published version as the original or true version of the work.

The comprehensive study conducted by the Librarian and the Board included extensive public hearings and public participation. I am glad to see the Library and the Board taking seriously their mandate to raise public awareness and to increase public involvement. The study further documents the problems that even recent films face, including color-fading, vinegar syndrome and the like. While new technology may hold some prospect for greater stability of the film elements, we still need extensive efforts if we are to preserve our art and respect our history.

This legislation signals the next phase in our coordinated national and local efforts. The bill will reauthorize a program for the preservation of educational and historical films held by libraries, archives, universities, historical societies, and filmmakers in every State. The materials that are at the center of concern are not Hollywood feature films but the orphan films of little commercial value that will not survive without public intervention. These include independent films, newsreels and documentaries, films of historical, educational, and regional importance, films by and about ethnic and minority groups, silent films, short subject films, early animation and films no longer protected by copyright and now part of the public domain.

This action should help preserve important resource materials for scholars and teachers like Denise Youngblood in the History Department, Frank Manchel and Ted Lyman in Arts and Sciences and Kenneth Rothwell in English at the University of Vermont; Ted Perry at Middlebury College; and Kenneth Peck at Burlington College. It is important to the special collection at the Bailey/Howe Library at the University of Vermont and the Vermont Historical Society.

Film preservation, film history and filmmaking matter. They matter to the Vermont Independent Media Artists, the Vermont International Film Foundation, the Savoy Theatre, the Flaherty family in Putney, Barbara VanDyke, the increasing number of creative film artists in Vermont, Vermont's growing film industry, our new film commission and to us all as audience and Americans.

Two film archives in our region should be among the beneficiaries of the preservation program authorized by this legislation. They have worked closely with the Board and encouraged my continued involvement in this effort. The Northeast Historic Film archive is dedicated to preserving motion pictures of northern New England. I know that many saw and enjoyed their exhibition, "Going to the Movies: A Century of Motion Picture Audiences in Northern New England" last May in Burlington and that more than 1,000 participating in a screening of Charlie Chaplin's "The Circus." In addition, I have heard from the National Center for Jewish Film, which works to preserve America's film heritage and a glimpse of the cultural heritage of the Jewish people.

I have also heard from the Association of Moving Image Archivists and ask that letters from these organizations be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. This bill will reauthorize the National Film Preservation Board to continue to bring parties together to implement the realistic program outlined in the 1993 national plan. To help fund these activities over the long-term, the bill creates a nonprofit organization to be known as the National Film Preservation Foundation to combine public and private resources and leverage the Federal seed money with private fundraising. The bill we consider and pass today retains only 5 percent of the authorized funds that were initially requested. I urge the private section and those interested in preserving our heritage to rise to the challenge, contribute to the National Film Preservation Foundation and make it a success.

I thank all those who have served on the National Film Preservation Board for their contributions to this important effort. I want to commend Eric Schwartz of the Proskauer Rose law firm for his dedicated commitment as pro bono counsel to the National Film Preservation Board. Finally, I know that our Librarian of Congress strongly supports this legislation and want to thank Jim Billington and the Library staff for their help and for making our National Registry films available to the public.

EXHIBIT 1

NORTHEAST HISTORIC FILM,
Bucksport, ME, August 30, 1996.

Hon. Patrick J. Leahy,
Russell Building, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the board, staff and members of Northeast Historic Film, we ask for your strong support of THE NATIONAL FILM PRESERVATION ACT of 1996 (H.R. 1734). This bill has already passed the House of Representatives without controversy or opposition. Now we hope you will help the Senate to pass H.R. 1734 quickly so that libraries, educators and archives can benefit from the legislation as soon as possible.

The passage of this act will mean a great deal to our survival as a cultural organization. Northeast Historic Film is a nonprofit organization preserving film and videotape from Vermont, Maine and New Hampshire.

We spent most of May in Burlington with our history exhibition, "Going to the Movies: A Century of Motion Picture Audiences in Northern New England." The culmination of this educational and cultural series—in which scholars and filmmakers from the University of Vermont, Middlebury College, and other institutions, spoke to the public—was a screening of Charlie Chaplin's classic film *The Circus* with live orchestra at The Flynn to 1,100 people of all ages.

After the screening we received letters from people around Vermont, such as a letter from Hinesburg saying, "It would be an awful shame to lose this and other such cultural treasures to neglect." Film preservation needs your support.

The National Film Preservation Board, which is up for reauthorization, has been a significant force in making people aware of our film heritage nationally. The establishment of a new National Film Preservation Foundation, as recommended by the Librarian of Congress and the Film Board, is essential to the continued preservation and presentation of our film heritage.

While the amount of federal matching funds authorized by H.R. 1734 has been reduced by 95% from the original request, we are all too aware of the frugality of the present period. We still enthusiastically support the bill, seeing it is an important start for a preservation effort that will grow in size and energy as we turn the century.

We are members of the Association of Moving Image Archivists, the professional group representing our field. I enclose testimony to the House by Edward Richmond, AMIA's president at the time of the hearings, in support of this legislation.

The National Film Preservation Act will give the field a way to seek matching funds—an important source of leverage—with a very investment by the federal government.

Archives like this one preserve images and sound that record the changes to our social history, the changes in our landscape, the way we relate to each other. The work we do is very important to the education of young people. We saw first-hand how compelling this experience is to Vermont people.

Please help the many organizations working to save our history by supporting the Senate passage of H.R. 1734.

Sincerely,

KARAN SHELDON,
DAVID WEISS.

THE NATIONAL CENTER FOR
JEWISH FILM,
Waltham, MA, August 30, 1996.

Re National Film Preservation Act (H.R. 1734).

Hon. EDWARD M. KENNEDY,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Center for Jewish Film, located at Brandais University, we are writing to ask you to support the NATIONAL FILM PRESERVATION ACT (H.R. 1734).

The passage of this act will accomplish two goals which are critically important to the nationwide effort to preserve America's film heritage and make it available to educators, students, scholars and the public. First, it will reauthorize the National Film Preservation Board, which has provided valuable leadership in helping the film archive community develop a coordinated national preservation plan, and which has done much to raise the public's awareness of the need for film preservation.

Second, it will establish the National Film Preservation Foundation, which will allow the nation's film archives to raise private sector funding on a national level, with the need for only a minimum investment by the federal government in matching funds. In Massachusetts and throughout America, archives everyday are facing mountains of deteriorating film which they cannot afford to preserve. These films, often called "orphans" because they are no longer owned by commercial entities—including documentaries, newsreels, actuality footage, independent and avant-garde films, films of local and regional interest, socially significant amateur footage, and films which have fallen into public domain.

The National Center for Jewish Film was the recipient of uninterrupted grants from the National Endowment for the Arts/American Film Institute Film Preservation for 19 years until that invaluable program was eradicated last year. The preservation funds provided by that program were crucial in assisting our Center save a number of classic Yiddish feature films including: THE DYBBUK, TEVYE, GREEN FIELDS and UNCLE MOSES. Our Center holds thousands of cans of film in dire need of preservation. Each can preserved saves a small glimpse of the rich cultural heritage of the Jewish people.

Important collections of films exist in each of the fifty states—in local archives, museums, historical societies, libraries, universities and other non-profit institutions. Taken together they constitute an amazingly rich and very endangered cultural legacy.

The National Film Preservation Foundation represents our best hope for saving this legacy on behalf of the American people. Please help us in this effort by supporting H.R. 1734.

Sincerely,

SHARON PUCKER RIVO,
Executive Director.

ASSOCIATION OF MOVING
IMAGE ARCHIVISTS,
Los Angeles, CA, September 4, 1996.

Re National Film Preservation Act (H.R. 1734).

Hon. PATRICK J. LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Association of Moving Image Archivists (AMIA), I am writing to ask you to support the NATIONAL FILM PRESERVATION ACT (H.R. 1734).

AMIA is a professional organization established in 1991 to provide a means for cooperation among individuals concerned with the preservation and use of moving image materials. It currently represents over 300 professional archivists working at more than 100 institutions in both the public and private sectors, most of the working professionals in the film archive field.

AMIA strongly endorses H.R. 1734. This Act has but one purpose—to preserve American films, especially educational and historical materials, which are deteriorating at an alarming rate. The need to act immediately was documented by Film Preservation 1993, a study completed by the Library of Congress and the National Film Preservation Board. H.R. 1734 will reauthorize the Board and establish a separate Foundation to coordinate fundraising efforts to save films. The Act is almost entirely dependent on private funds.

We believe passage of H.R. 1734 is critically important to preserving our nation's history, and insuring that educators, students, scholars, and the public will have access to the most vivid records of our past for teaching, research and enjoyment. The focus of the Act is not Hollywood feature films, but so-called "orphan films" which are not owned by commercial entities. These films include newsreels, documentaries, actuality footage, educational films, socially significant amateur footage, films documenting local and regional history, and films which have fallen into the public domain with no copyright owner to insure their survival.

H.R. 1734 will help preserve such films by accomplishing two related and vital goals. First, it will reauthorize the National Film Preservation Board, originally established in 1988. The Board consists of representatives from all important constituencies within the film and academic communities, and operates under the direction of the Librarian of Congress. During the past eight years, the Board has proven invaluable in raising the public's awareness of the need for film preservation and in working with archives throughout the country to develop a coordinated national plan. Reauthorizing the Board will enable it to carry on the work of implementing this plan and providing leadership for the nationwide effort to preserve America's film heritage.

Secondly, H.R. 1734 will establish the National Film Preservation Foundation, as strongly recommended by the Film Board and the Librarian of Congress. The Foundation will work with the nation's film archives to raise private sector funding on a national level, with no investment of federal funds until the year 2000, and after then limited to a maximum allocation of $250,000 in annual matching funds. All funds raised by the Foundation will be used by non-profit archives to preserve and make available historical, educational and cultural films of local, regional and national interest which will otherwise be lost forever.

Important collections of such films exist in each of the fifty states. They are housed in local archives, museums, historical societies, libraries, universities, and non-profit associations. Everyday these institutions face vaults full of deteriorating films which they cannot afford to preserve. These are not Hollywood films, belonging to the film studios and production companies, but orphan films comprising an amazingly rich and valuable national resource.

H.R. 1734 is a non-controversial proposal. It has already passed the House of Representatives by voice vote with complete bi-partisan support and no opposition. It focuses exclusively on films held in the public trust, that are not owned or protected by commercial entities. In recognition of these frugal times, the amount of federal matching funds it authorizes has been reduced by a full 95%. It simply and for the first time gives the nation's archives the tool they need to save the nation's film heritage—a federally chartered National Film Preservation Foundation.

We hope the Senate will act quickly to pass H.R. 1734, so its benefits can be felt as soon as possible. Your help is very much appreciated. Please give the nation's archives a chance to do their job for the benefit of the American people.

Sincerely,

MAXINE FLECKNER DUCEY,
President.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1734) was deemed read the third time and passed.

COMMENDING GOVERNMENTS OF HUNGARY AND ROMANIA

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 303, submitted earlier today by Senators BROWN and SIMON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 303) commending the Governments of Hungary and Romania on the occasion of the signing of a Treaty of Understanding, Cooperation and Good Neighborliness.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I rise today with my distinguished colleague Senator SIMON to urge adoption of a resolution commemorating a historic treaty.

On September 16, 1996, the governments of Romania and Hungary signed a Treaty of Understanding, Cooperation and Good Neighborliness. Both countries deserve high praise for putting aside long time differences to agree to work together toward their common goal of democracy. This treaty shows the commitment of Romania and Hungary to improve their economic cooperation and to expand military relationships not only between each other, but also to the members of the North Atlantic Treaty Organization.

This agreement will allow both countries to enjoy a broader participation and sets the framework for the type of cooperation that will be required as these countries eventually enter the NATO.

I recently visited Romania and was able to see first hand the remarkable economic changes that are taking place. American investment in Romania doubled from 1993 to 1994 and doubled again in 1995. This agreement, and the increasing regional security that it exemplifies, will ensure increasing opportunities for U.S. investment.

It is clear that Romania and Hungary were able to set aside their long time differences by signing this treaty in order to improve their regional cooperation in hopes that they will eventually be included in NATO. By the mere suggestion that we expand NATO to include the countries of Central and Eastern Europe, we see moves to improve the relationships with their neighbors. If we were to actually expand NATO to include these newly emerging democracies, we would ensure that they will never return to communism. We will ensure that the tragic mistakes of the past will never be repeated and the wonderful people of Central and Eastern Europe will enjoy the long deserved freedoms of democracy.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 303) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 303

Whereas on September 16, 1996, a "Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary" was signed by Gyula Horn, Prime Minister of Hungary, and by Nicolae Vacaroiu, Prime Minister of Romania, in Timisoara/Temesvar, Romania;

Whereas this agreement between the two governments is an important step in contributing to the stability of that region and to reconciliation and cooperation among the nations of Central and Eastern Europe.

Whereas this agreement will enhance the participation of both countries in the Partnership for Peace program and will contribute to and facilitate their closer cooperation with the members of the North Atlantic Treaty Organization and the eventual entry of these countries into full NATO participation; and

Whereas this agreement is a further significant step in the process of reconciliation between Hungary and Romania and reflects the desire and effort of both countries to improve their economic cooperation, to foster the free movement of peoples between their countries, to expand military relationships, and to increase cultural and educational cooperation.

It is resolved by the Senate, That the Senate—

(1) commends the farsighted leadership shown by both the government of Hungary and the government of Romania in reaching agreement on the Treaty of Understanding, Cooperation and Good Neighborliness signed on September 16, 1996;

(2) commends the frank, open, and reasoned political dialogue between officials of Hungary and Romania which led to the treaty;

(3) commends the two countries for their efforts to foster improved relations in all fields; and

(4) calls upon the President to utilize all available and appropriate means on behalf of the United States to support the implementation of the provisions of the "Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary" and to promote their efforts for regional cooperation as the best means of bring these two countries into NATO and to ensure lasting security in the region.

VOICE OF AMERICA AND RADIO MARTI

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 632, H.R. 3916.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3916) to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3916) was deemed read the third time and passed.

VETERANS' BENEFITS IMPROVEMENTS ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 625, S. 1711.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S.1711) to establish a commission to evaluate the programs of the Federal Government and assist members of the Armed Forces and veterans in readjusting to civilian life, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Improvements Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—COMMISSION ON TRANSITION ASSISTANCE

Sec. 101. Establishment of commission.
Sec. 102. Duties of commission.
Sec. 103. Powers of commission.
Sec. 104. Miscellaneous administrative provisions.
Sec. 105. Commission personnel matters.
Sec. 106. Termination of commission.
Sec. 107. Definitions.
Sec. 108. Funding.

TITLE II—LIFE INSURANCE PROGRAMS

Sec. 201. Short title.
Sec. 202. Removal of gender references with respect to Servicemen's Group Life Insurance.
Sec. 203. Conversion of retired reservist Servicemembers' Group Life Insurance to Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserves.
Sec. 204. Conversion of SGLI and VGLI to commercial life insurance.
Sec. 205. Technical amendment.

TITLE III—BENEFITS PROVISIONS

Sec. 301. Expansion of period of Vietnam era for certain veterans.
Sec. 302. Revision of authority relating to centers for minority veterans and women veterans.
Sec. 303. Outer burial receptacles.
Sec. 304. Clarification of eligibility of minors for burial in national cemeteries.
Sec. 305. Extension of authority to treat alternative teacher certification programs as educational institutions for certain educational assistance purposes.
Sec. 306. Direct loans to refinance loans under Native American Veteran Housing Loan Pilot Program.
Sec. 307. Clothing allowance for incarcerated veterans.
Sec. 308. Appointment of veterans service organizations as claimants' representatives.
Sec. 309. Provision of copies of Board of Veterans' Appeals decisions.
Sec. 310. Extension of certain authorities for services for homeless veterans.

TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

Sec. 401. Purposes.
Sec. 402. Definitions.
Sec. 403. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
Sec. 404. Reemployment rights of persons who serve in the uniformed services.
Sec. 405. Reemployment positions.

Sec. 406. Leave.
Sec. 407. Health plans.
Sec. 408. Employee pension benefit plans.
Sec. 409. Enforcement of employment or reemployment rights.
Sec. 410. Enforcement of rights with respect to a State or private employer.
Sec. 411. Enforcement of rights with respect to Federal executive agencies.
Sec. 412. Enforcement of rights with respect to certain Federal agencies.
Sec. 413. Conduct of investigation; subpoenas.
Sec. 414. Transition rules and effective dates.
Sec. 415. Effective dates.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMMISSION ON TRANSITION ASSISTANCE

SEC. 101. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Service Members and Veterans Transition Assistance (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters, of whom—

(A) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the Senate, in consultation with the Ranking Member of that committee;

(B) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the House of Representatives, in consultation with the Ranking Member of that committee;

(C) two shall be appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the Ranking Member of that committee; and

(D) two shall be appointed by the Chairman of the Committee on National Security of the House of Representatives, in consultation with the Ranking Member of that committee.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(4) The appointments of the members of the Commission shall be made not later than 45 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman of the Commission.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 102. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the efficacy and appropriateness of veterans transition and assistance programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life upon their separation from the Armed Forces and in providing assistance to veterans in making the transition to, and adjusting to, civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition and assistance programs among the various departments and agencies of the Federal Government and determine the feasibility and desirability of consolidating such administration in one such department or agency;

(3) evaluate proposals for improving such programs, including proposals to consolidate, streamline, and enhance the provision of such assistance and proposals for alternative means of providing such assistance; and

(4) make recommendations to Congress regarding means of ensuring the continuing utility of such programs and assistance and of otherwise improving such programs and the provision of such assistance.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 101(b)(1) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members in preparing for the transition of such members from military life to civilian life and to facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine—

(A) the adequacy of the programs referred to in paragraph (1) for their purposes;

(B) the adequacy of the support of the Armed Forces for such programs;

(C) the effect, if any, of the existence of such programs on military readiness;

(D) the extent to which such programs provide members of the Armed Forces with job-search skills;

(E) the extent to which such programs prepare such members for employment in the private sector and in the public sector;

(F) the effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service; and

(G) the ways in which such programs could be improved in order to assist such members in securing meaningful employment in the private sector upon their separation from service.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 101(b)(1) shall—

(A) review the adequacy of programs intended to assist veterans (including disabled veterans, homeless veterans, and economically disadvantaged veterans) in adjusting to civilian life, including the programs referred to in paragraph (2); and

(B) consider—

(i) whether the scope, focus, or content of such programs should be changed as a result of the conversion of the Armed Forces to an all-volunteer force; and

(ii) whether responsibility for administration of such programs should be transferred to a department or agency other than the Department of Veterans Affairs as a result of such conversion and, if so, the department or agency to which the administration should be transferred.

(2) The programs referred to in paragraph (1)(A) are the following:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Federal Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(d) REPORTS.—(1) Not later than 90 days after the date on which all members of the Commission have been appointed, the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the heads of other appropriate departments and agencies of the Federal Government.

(2)(A) Not later than one year after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the Secretary of Education, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 103. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 104. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense and the Secretary of Veterans Affairs shall, upon the request of the Chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 105. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) TRAVEL AND TRAVEL EXPENSES.—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the Chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 106. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 102(d)(2).

SEC. 107. DEFINITIONS.

For the purposes of this title—

(1) The term "veterans transition and assistance program" means any program of the Federal Government, including the Department of Defense, the Department of Veterans Affairs, the Department of Labor, and the Department of Education, the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term "Armed Forces" has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term "veterans service organization" means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 108. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the Chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

TITLE II—LIFE INSURANCE PROGRAMS

SEC. 201. SHORT TITLE.

This title may be cited as the "Veterans' Insurance Reform Act of 1996".

SEC. 202. REMOVAL OF GENDER REFERENCES WITH RESPECT TO SERVICEMEN'S GROUP LIFE INSURANCE.

(a) IN GENERAL.—The following provisions are amended by striking out "Servicemen's Group Life Insurance" each place it appears and inserting in lieu thereof "Servicemembers' Group Life Insurance":

(1) Subsections (a), (c), and (e) of section 1967.

(2) Subsections (a) through (d) of section 1969.

(3) Subsections (a), (f), and (g) of section 1970.

(4) Section 1971(b).

(5) Section 1973.

(6) The text of section 1974(a).

(7) Subsections (a) (other than the third and fourth sentences), (d), and (g) of section 1977.

(8) Section 3017(a)(2)(A)(i).

(9) Section 3224(1).

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out "servicemen's group life insurance" and inserting in lieu thereof "servicemembers' group life insurance".

(2)(A) The heading of subchapter III of chapter 19 is amended to read as follows:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE".

(B) The item relating to such subchapter in the table of sections at the beginning of such chapter is amended to read as follows:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE".

(3)(A) The section head of section 1974 is amended to read as follows:

"§1974. Advisory Council on Servicemembers' Group Life Insurance".

(B) The item relating to such section in the table of sections at the beginning of chapter 19 is amended to read as follows:

"1974. Advisory Council on Servicemembers' Group Life Insurance.".

(d) REFERENCES.—(1) Any reference to Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance.

(2) Any reference to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to the Advisory Council on Servicemembers' Group Life Insurance.

SEC. 203. CONVERSION OF RETIRED RESERVIST SERVICEMEMBERS' GROUP LIFE INSURANCE TO VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVES.

(a) DEFINITIONS.—Section 1965(5) is amended—

(1) by adding "and" at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by adding "and" at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the full sentence in the matter following paragraph (2), by striking out "or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,";

(2) by striking out subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968(a) is amended—

(1) by striking out "subparagraph (B), (C), or (D) of section 1965(5)" in the matter preceding paragraph (1) and inserting in lieu thereof "section 1965(5)(B)";

(2) by striking out paragraph (4) and inserting in lieu thereof the following new paragraph (4):

"(4) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title, one hundred and twenty days after separation or release from such assignment, unless on the date of such separation or release the member is totally disabled, under criteria established by the Secretary, in which event the insurance shall cease one year after the date of separation or release from such assignment, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after separation or release from such assignment."; and

(3) by striking out paragraphs (5) and (6).

(d) DEDUCTIONS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out "is assigned to the Reserve (other than the Retired Reserve)" and all that follows through "section 1965(5)(D) of this title,";

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) CONVERSION OF SGLI TO VGLI.—The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of enactment of this Act.

SEC. 204. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE.

(a) OPTION TO CONVERT SGLI.—Subsection (b) of section 1968 is amended to read as follows:

"(b)(1) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Secretary, that, except as hereinafter provided, Servicemembers' Group Life Insurance which is continued in force after expiration of the period of duty or travel under section 1967(b) or 1968(a) of this title, effective the day after the date such insurance would cease, shall, at the election of the member or former member concerned—

"(A) be automatically converted to Veterans' Group Life Insurance subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

"(B) be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums.

"(2) Automatic conversion under paragraph (1)(A) shall be effective only in the case of an otherwise eligible member or former member who is separated or released from a period of active duty or active duty for training or inactive duty training on or after the date on which the Veterans' Group Life Insurance program (provided for under section 1977 of this title) becomes effective.".

(b) CONVERSION OF VGLI.—Section 1977 is amended—

(1) in subsection (a), by striking out the fourth and fifth sentences and inserting in lieu thereof the following sentence: "If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Life Insurance to Servicemembers' Group Life Insurance, Veterans' Group Life Insurance will be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which when added to the amount of Servicemembers' Group Life Insurance payable shall not exceed $200,000."; and

(2) in subsection (e), by striking out the third sentence and inserting in lieu thereof the following new sentence: "A Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the date before the date on which the individual policy becomes effective.".

SEC. 205. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out "and (e)" each place it appears in the first and second sentences.

TITLE III—BENEFITS PROVISIONS

SEC. 301. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) IN GENERAL.—Section 101(29) of title 38, United States Code, is amended to read as follows:

"(29) The term 'Vietnam era' means the following:

"(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period.

"(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.".

(b) LIMITED EXPANSION FOR SPECIFIC PURPOSES.—(1)(A) Paragraphs (1)(B) and (3) of section 1116(a) of such title are each amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,".

(B) Paragraphs (1)(A), (2)C), (2)(E), (2)(F), and (4) of such section are each amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975".

(2) Section 1710(e)(1)(A) of such title is amended—

(A) in clause (i), by striking out "during the Vietnam era," and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,"; and

(B) in clause (ii), by striking out "such era" and inserting in lieu thereof "such period".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 302. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) are each amended by inserting "career or" before "noncareer".

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

"(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.".

(c) DEFINITION OF MINORITY VETERANS.—Section 317 is amended by adding at the end the following:

"(g) In this section—

"(1) The term 'veterans who are minorities' means veterans who are minority group members.

"(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title.".

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) is amended by striking out "(relating to" and all that follows through "and of" and inserting in lieu thereof "(42 U.S.C. 289a–2) with respect to the inclusion of women in clinical research and on".

(e) ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.—(1) Section 542(b) is amended by inserting ", including the Center for Women Veterans" before the period at the end.

(2) Section 544(b) is amended by inserting ", including the Center for Minority Veterans" before the period at the end.

(f) TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(e) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

SEC. 303. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out "a grave liner" each place it appears and inserting in lieu thereof "an outer burial receptacle";

(2) in paragraph (2)—

(A) by striking out "grave liners" and inserting in lieu thereof "outer burial receptacles"; and

(B) by striking out "specifications and procedures" and inserting in lieu thereof "regulations or procedures"; and

(3) by adding at the end the following:

"(3) Regulations or procedures under paragraph (2) may specify that—

"(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

"(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

"(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

"(ii) to pay the amount of the administrative costs incurred by the Secretary concerned in providing the outer burial receptacle in lieu of such grave liner.

"(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary concerned, for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

"§2306. Headstones, markers, and burial receptacles".

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

"2306. Headstones, markers, and burial receptacles.".

SEC. 304. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after "minor child" the following: "(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)".

SEC. 305. EXTENSION OF AUTHORITY TO TREAT ALTERNATIVE TEACHER CERTIFICATION PROGRAMS AS EDUCATIONAL INSTITUTIONS FOR CERTAIN EDUCATIONAL ASSISTANCE PURPOSES.

Section 3452(c) is amended in the second sentence by striking out "September 30, 1996" and inserting in lieu thereof "December 31, 1998".

SEC. 306. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) AUTHORITY.—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

"(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

"(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

"(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of

section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection.''.

(b) LOAN FEE.—Section 3729(a)(2)(E) of such title is amended by striking out "or 3712(a)(1)(F)" and inserting in lieu thereof "3712(a)(1)(F), or 3762(h)".

SEC. 307. CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) IN GENERAL.—Chapter 53 is amended by inserting after section 5313 the following new section:

"§5313A. Limitation on payment of clothing allowance to incarcerated veterans

"In the case of a veteran incarcerated in a Federal, State, or local penal institution for a period in excess of sixty days and furnished clothing without charge by the institution, the amount of any clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to 1/365th of the amount of the allowance otherwise payable under that section for each day during the 12-month period preceding the date of the payment of the allowance on which the veteran was so incarcerated.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

"5313A. Limitation on payment of clothing allowance to incarcerated veterans."

SEC. 308. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

"(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.".

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 309. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Section 7104(e) is amended to read as follows:

"(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

"(2) If the claimant has an authorized representative, the Board shall—

"(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

"(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail.".

SEC. 310. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1998".

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

"(E) $10,000,000 for fiscal year 1997.

"(F) $10,000,000 for fiscal year 1998.".

TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 401. PURPOSES.

Section 4301(a)(2) is amended by striking out "under honorable conditions".

SEC. 402. DEFINITIONS.

Section 4303(16) is amended by inserting "national" before "emergency".

SEC. 403. DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE UNIFORMED SERVICES AND ACTS OF REPRISAL PROHIBITED.

Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. This subsection shall apply with respect to a person regardless of whether the person has performed service in the uniformed services.

"(c) An employer shall be considered to have engaged in actions prohibited—

"(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

"(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

"(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position covered by section 4312(d)(1)(C).".

SEC. 404. REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES.

(a) INCLUSION OF PREPARATION AND TRAVEL TIME PRIOR TO SERVICE.—Section 4312(a) is amended by striking out "who is absent from a position of employment" and inserting in lieu thereof "whose absence from a position of employment is necessitated".

(b) LIMITATION ON SERVICE EXEMPTION TO WAR OR NATIONAL EMERGENCY.—Section 4312(c)(4)(B) is amended to read as follows:

"(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;".

(c) BRIEF, NONRECURRENT PERIODS OF SERVICE.—Section 4312(d)(2)(C) is amended by striking out "is brief or for a nonrecurrent period and without a reasonable expectation" and inserting in lieu thereof "is for a brief, nonrecurrent period and there is no reasonable expectation".

(d) CONFORMING AMENDMENTS TO REDESIGNATIONS IN TITLE 10.—Section 4312(c) is amended—

(1) in paragraph (3), by striking out "section 270" and inserting in lieu thereof "section 10147"; and

(2) in paragraph (4)—

(A) by striking out "section 672(a), 672(g), 673, 673b, 673c, or 688" in subparagraph (A) and inserting in lieu thereof "section 688, 12301(a), 12301(g), 12302, 12304, or 12305";

(B) by striking out "section 673b" in subparagraph (C) and inserting in lieu thereof "section 12304"; and

(C) by striking out "section 3500 or 8500" in subparagraph (E) and inserting in lieu thereof "section 12406".

SEC. 405. REEMPLOYMENT POSITIONS.

Section 4313(a)(4) is amended—

(1) by striking out "uniform services" in subparagraph (A)(ii) and inserting in lieu thereof "uniformed services"; and

(2) by striking out "of lesser status and pay which" and inserting in lieu thereof "which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which".

SEC. 406. LEAVE.

Section 4316(d) is amended by adding at the end the following new sentence: "No employer may require any such person to use vacation, annual, or similar leave during such period of service.".

SEC. 407. HEALTH PLANS.

Section 4317(a) is amended—

(1) by striking out "(a)(1)(A) Subject to paragraphs (2) and (3), in" and inserting in lieu thereof "(a)(1) In";

(2) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by paragraph (1) of this section) as subparagraphs (A) and (B), respectively;

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

SEC. 408. EMPLOYEE PENSION BENEFIT PLANS.

The last sentence of section 4318(b)(2) is amended by striking out "services," and inserting in lieu thereof "services, such payment period".

SEC. 409. ENFORCEMENT OF EMPLOYMENT OR REEMPLOYMENT RIGHTS.

(a) TECHNICAL AMENDMENT.—The second sentence of section 4322(d) is amended by inserting "attempt to" before "resolve".

(b) NOTIFICATION.—Section 4322(e) is amended—

(1) in the matter preceding paragraph (1), by striking out "with respect to a complaint under subsection (d) are unsuccessful," and inserting in lieu thereof "with respect to any complaint filed under subsection (a) do not resolve the complaint,"; and

(2) in paragraph (2), by inserting "or the Office of Personnel Management" after "Federal executive agency".

SEC. 410. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

Section 4323(a) is amended—

(1) in paragraph (1), by striking out "of an unsuccessful effort to resolve a complaint"; and

(2) in paragraph (2)(A), by striking out "regarding the complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

SEC. 411. ENFORCEMENT OF RIGHTS WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

(a) REFERRAL.—Section 4324(a)(1) is amended by striking out "of an unsuccessful effort to resolve a complaint relating to a Federal executive agency".

(b) ALTERNATIVE SUBMISSION OF COMPLAINT.—Section 4324(b) is amended—

(1) in the matter preceding paragraph (1), by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) in paragraph (1), by striking out "regarding a complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

(c) RELIEF.—Section 4324(c)(2) is amended—

(1) by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) by striking out "employee" and inserting in lieu thereof "Office".

SEC. 412. ENFORCEMENT OF RIGHTS WITH RESPECT TO CERTAIN FEDERAL AGENCIES.

Section 4325(d)(1) is amended—

(1) by striking out ", alternative employment in the Federal Government under this chapter,"; and

(2) by striking out "employee" the last place it appears and inserting in lieu thereof "employees".

SEC. 413. CONDUCT OF INVESTIGATION; SUBPOENAS.

Section 4326(a) is amended by inserting "have reasonable access to and the right to interview persons with information relevant to the investigation and shall" after "at all reasonable times,".

SEC. 414. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: "Any service begun up to 60 days after the date of enactment of this Act, which is served up to 60 days after the date of enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act."; and

(2) in paragraph (4), by striking out "such period" and inserting in lieu thereof "such 60-day period".

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out "person on active duty" and inserting in lieu thereof "person serving a period of service in the uniformed services".

SEC. 415. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by section 404(d) of this Act shall take effect as of December 1, 1994.

AMENDMENT NO. 5418

Mr. NICKLES. Mr. President, Senator SIMPSON has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Oklahoma [Mr. NICKLES] for Mr. SIMPSON, for himself and Mr. ROCKEFELLER, proposes amendment numbered 5418.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SIMPSON. Mr. President, I rise to speak briefly on S. 1711, the Veterans Benefits Improvements Act of 1996.

This bill is one of three major veterans' bills being considered this week by the Senate; the other two are S. 1791, a bill to provide cost of living increases to recipients of veterans' benefits, and H.R. 3118, a compromise measure crafted jointly by the members of the House and Senate Committees on Veterans' Affairs which would, among other things, reform the eligibility standards for VA health care. These three bills are the culmination of 2 years of work in the Veterans' Affairs Committee. They are all good bills, bills that have achieved bipartisan support within the Committee. They are also bills that, while they put into place useful, even vital, legislation—without "breaking the bank."

Time is becoming a precious commodity as the Senate winds down in these final days, so I will not overstay my welcome with a lengthy explanation of the contents of S. 1711. A detailed explanation of the original bill as reported by the Committee on Veterans' Affairs—and of the eight bills from which it is derived—is in the committee's report of the legislation. A detailed explanation of the bill, as it would be amended in accordance with an agreement reached with our House counterparts, is set out in the "Joint Explanatory Statement" which I request be made part of the RECORD. I will, however, summarize.

S. 1711, as reported, would, first, create a commission proposed by our former leader, Bob Dole. That commission, the Commission on Service Members and Veterans Transition Assistance, would study current programs designed to assist service members and veterans in readjusting to civilian life after service. Based on that analysis, it would report to the Congress its recommendations on how such programs might be improved.

I have yet to see a Government program, Mr. President, that cannot stand improvement, so I am confident that the next Congress will be provided with useful information on how we can better assist veterans in readjusting to civilian life.

S. 1711 would also put into place a number of reforms in VA-administered life insurance programs. Most notably, it would make lifetime insurance coverage available to retired reservists who now can only get such coverage until they are 61-years old. It would also facilitate the viatication—or cashing out—of life insurance policies by the terminally ill before they die. These are significant, and useful, reforms.

The bill would also redefine the term "Vietnam era" for purposes of VA programs. Some members of the Senate may be surprised to learn that the legal definition of the "Vietnam era" extends only from August 5, 1964—the date of the incident which gave rise to the Gulf of Tonkin resolution—until May 7, 1975. United States troops were in Vietnam, however, before that time, and by February 28, 1961, they were accompanying their Vietnamese counterparts on combat missions.

In short, U.S. troops were subjected to the real perils of ground combat at least as early as February 28, 1961. This bill would recognize that fact by redefining the term "Vietnam era" back to February 28, 1961 for purposes of most VA programs. This amendment is more than a symbolic one—though the symbolic value of recognizing the valor of those who were first into Vietnam should not be lost. Some VA benefits—most notably pension benefits to assist poor "wartime" veterans who are disabled due to non-service-connected injury or disease—are only available to those who served in wartime. It is entirely appropriate that such benefits be extended to those who actually faced peril in Vietnam before that war's "legal" starting date.

The bill would make a number of other constructive improvements to VA education, home loan, and burial benefit programs, and would also make necessary changes in procedures governing VA's adjudication of claims. I know that every Senator is concerned about the time it takes for VA to process a veteran's application for benefits. Progress is being made on that front—but more needs to be made.

Finally, Mr. President, this bill, as reported, would make a series of technical corrections to a massive piece of legislation approved by the 103d Congress, the Uniformed Services Employment and Reemployment Rights Act of 1994, Public Law 103–353. That bill was the product of a multiyear executive branch effort, spanning both the Bush and Clinton administrations, which resulted in a recommended updating of

Veterans Reemployment Rights laws which dated back to World War II. Those laws, which allow service members to return to prior employment after service, had not been systematically reviewed since World War II. The 1994 legislation took care of that—and did so, I might add, after an extraordinary display of joint, cooperative effort by the executive and legislative branches, and by employer and veterans' groups. But, as is often the case in a massive restructuring of the law, the bill, as enacted, contained both ambiguities and technical oversights and errors. S. 1711 contains provisions to correct such problems.

Mr. President, the amendment to S. 1711 which I offer today contains each and all of these key provisions from S. 1711. It would add, however, a series of provisions adopted by the House in various bills which I—and the ranking member, my good friend, Senator Jay Rockefeller—have agreed to. Crucial among those provisions are amendments to the law which will have the effect of overturning the result reached by the Court of Veterans Appeals in the case, *Davenport* v. *Brown*, 7 Vet.App. 476 (1995). In that case, the Court construed existing law creating veterans' eligibility for vocational rehabilitation benefits, and ruled that since the statutes do not require that there be a connection between the veteran's service-connected disability and his or her employment handicap, VA could not impose such a requirement as a condition to the receipt of vocational rehabilitation benefits. That requirement—which VA had imposed by now-overturned regulations literally for decades—would be reinstated.

The House-enacted amendments to which we have agreed would also put into place a number if constructive changes to the "Montgomery GI Bill." It would provide for benefits to students participating in cooperative and open-circuit television programs. More importantly, it would allow certain previously ineligible persons—those eligible for the education benefits program in place before enactment of the Montgomery GI bill, and certain National Guard members and reservists—to "buy into" Montgomery GI bill benefits.

Finally, these additions would create equity with respect to benefits earned by deceased veterans. First, they would increase the benefits made available to the survivors of veterans who were entitled to VA compensation benefits, but who had not established their entitlement through VA's adjudication process before they died. S. 1711 would allow the survivors of such veterans to claim 2 years' worth of compensation. It would also allow the survivors of any veteran receiving compensation to retain compensation paid for the month within which the veteran died. Currently, Mr. President, VA requests that the veteran's widow refund money previously sent by VA.

As I said when I began these comments, S. 1711 is a good, thoughtful, useful bill. It is also a bill that does not "bust the budget." It is just the sort of legislation—good legislation that does not add to the deficit—that I was determined to guide through the Veterans' Affairs Committee when I assumed the chairmanship of the committee this Congress.

I recall that when I assumed the job of chairman in the 104th Congress—much to the chagrin of some so-called "leaders" of the veterans community—there was a good deal of gnashing of teeth. Worse, there was much distortion of what they assumed I planned to do. It was bandied about that I would cut veterans' benefits. Many assumed that, and based on that assumption, some service organizations fanned the flames of fear among veterans. Their assumptions about what I would seek to accomplish were grossly in error, as this and other bills—and history—have shown. They were based, I can only surmise, on the mistaken belief that my zeal for restraining the growth in entitlements spending would lead me to cutting veterans' benefits. I, of course, had never proposed cuts—because cuts in entitlements' spending are not necessary to get control over the deficit. All that is required is restrained growth.

The bill before the Senate now reflects that sort of restraint. It includes positive, useful, constructive, bipartisan legislation that helps veterans, and does not contribute to the deficit. Such legislation is possible, if all start with the determination to craft that form of thoughtful legislation. I do thank the members of the Veterans' Affairs Committee, particularly the committee's ranking minority member, my friend, Senator "Jay" Rockefeller, and the committee's staff, for working with me to put together that sort of legislation.

I urge the Senate's approval of S. 1711.

Mr. President, I ask unanimous consent that relevant material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXPLANATORY STATEMENT ON S. 1711, AS AMENDED

S. 1711, as amended, reflects a compromise agreement that the House and Senate Committees on Veterans' Affairs have reached on certain bills considered in the House of Representatives and the Senate during the 104th Congress. These are H.R. 1483, which passed the House on May 21, 1996; H.R. 2289, which passed the House on December 12, 1995; H.R. 3373, which passed the House on May 21, 1996; H.R. 3673, which passed the House on July 16, 1996; H.R. 3674, which passed the House on July 17, 1996 (hereinafter referred to in context as "House Bill"); and S. 1711, which passed the Senate on September 27, 1996 (hereinafter referred to as "Senate Bill").

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of S. 1711, as amended (hereinafter referred to as the "Compromise Agreement"). Differences between the provisions contained in the Compromise Agreement and the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

Title I—Education Benefits

REPEAL OF THE DAVENPORT DECISION

Current law

Since 1917, when vocational rehabilitation for veterans was established by law, a causal relationship between a veteran's service-connected disability and an employment handicap was required for service-disabled veterans to be eligible for vocational rehabilitation benefits. This nexus formed the basis for the original program and defined the Nation's responsibility for vocational rehabilitation to those veterans who incur or aggravate a disability while serving in our Armed Forces.

In 1980, Public Law 96–466 extensively revised vocational rehabilitation programs in chapter 31 of title 38 and the express statutory language requiring the causal relationship was omitted. As a result, under current law, veterans seeking vocational rehabilitation benefits under chapter 31 satisfy the statutory requirements if they (1) have a compensable service-connected disability and (2) are found to be in need of rehabilitation because of an employment handicap. Nonetheless, when VA promulgated regulations related to the changes in the vocational rehabilitation programs, VA continued to require the causal relationship as it had in the past.

A 1995 Court of Veterans Appeals decision, *Davenport* v. *Brown*, 7 Vet.App. 476 (1995), found no statutory support for VA's regulations requiring a causal relationship between the service-connected disability and the employment handicap. As a result, VA estimated that the decision would produce 32,366 additional participants in vocational rehabilitation programs over 5 years—a 14.4 percent increase in participation and a 14.6 percent increase in entitlement spending.

House bill

Section 101 of H.R. 3674 would, in effect, reverse the *Davenport* decision, and reinstate original Congressional intent by restoring the requirement of a causal relationship between a veteran's service-connected disability and employment handicap for the purpose of awarding vocational rehabilitation benefits.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 101 follows the House bill.

ALTERNATIVE TEACHING CERTIFICATION PROGRAMS

Current law

A pilot program which provides Montgomery GI Bill benefits to persons pursuing State-approved alternative teacher programs through non-traditional educational institutions established under Public Law 103–446 and defined at section 3452(c) of title 38, United States Code, is set to expire on September 30, 1996. Such programs typically offer certification through a combination of course work and "student teaching" under the guidance of a certified teacher and are sponsored by educational institutions, such as State or local boards of education. The program saves both time and tuition for the new teacher.

House bill

Section 105 of H.R 3674 would make the program permanent.

Senate bill

Section 305 of S. 1711 would extend the program for twenty-seven months.

Compromise agreement

Section 102 follows the House bill.

GI BILL "TWO-YEAR" RULE MODIFICATION

Current law

Under section 3689 of title 38, GI Bill benefits are not authorized for the pursuit of training unless the institution and course offered have been in operation for two years.

Under chapter 36 of title 38, GI Bill benefits are not authorized for courses offered on or through military bases under contract with the Department of Defense (DoD).

House bill

Section 201 of H.R. 3673 would: (a) remove the two year restriction on all degree granting institutions, including branch campuses (but not on non-degree granting institutions); (b) authorize the Secretary to approve the use of GI Bill benefits for courses offered on or through military bases under contract with DoD; and (c) strengthen and clarify the requirements under which the State Approving Agencies approve courses.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 103 follows the House bill.

ELIMINATION OF THE DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY

Current law

Under section 3482(f) of title 38, a veteran who takes a course by open circuit TV, unlike other courses of independent study, must be concurrently enrolled in an in-residence course to receive educational assistance under the GI Bill.

House bill

Section 202 of H.R. 3673 would eliminate the requirement of being concurrently enrolled in an in-residence course, and would, for benefit purposes, make a course taught by open circuit TV equivalent to a course in independent study.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 104 follows the House bill.

COOPERATIVE PROGRAMS

Current law

Under sections 3032, 3231 and 3532(b), veterans enrolled in cooperative training programs—a combination of in-residence class work at an institution of higher learning and work experience at a job site—receive 80 percent of the full-time educational benefit rate.

House bill

Section 204 of H.R. 3673 would authorize veterans enrolled in cooperative training programs to receive the full amount of the educational benefit rate.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 105 follows the House bill.

ENROLLMENT OF VEAP PARTICIPANTS IN THE MONTGOMERY GI BILL

Current law

Chapter 32 authorizes the Secretary to operate the Veterans' Education Assistance Program (VEAP) for post-Vietnam servicemembers who enrolled after December 31, 1976 and before April 1, 1987. VEAP was the first VA contributory education benefit plan. Under VEAP, active duty servicemembers made voluntary contributions to an individual account which the federal government matched at a 2:1 ratio. The maximum participant contribution was $2,700 and participants could elect to make a lump-sum contribution to the fund. In most cases, a veteran had 10 years in which to use the education benefit and/or make a claim for the unused contribution.

According to VA statistics, 18,927 persons used their VEAP entitlement in fiscal year 1995, which amounted to four percent of the total persons using VA training and education benefits. By comparison, the Montgomery GI Bill provided benefits to nearly 292,000 trainees, or 59 percent of the total.

House bill

Section 103 of H.R. 3674 would authorize servicemembers participating in VEAP to transfer to the Montgomery GI Bill.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 106 follows the House bill.

MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN CURRENT AND FORMER ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD

Current law

Current and former active duty members of the Army and Air National Guard who served between June 30, 1985 and November 29, 1989 are not eligible to participate in any VA education programs.

House bill

Section 104 of H.R. 3674 would provide eligibility for the Montgomery GI Bill to certain current and former active duty members of the Army and Air Nation Guard who served between June 30, 1985 and November 29, 1989.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 107 follows the House bill.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

SUBTITLE A—HOUSING

ENHANCED LOAN ASSET SALE AUTHORITY

Current law

Section 3720(h) of title 38 authorizes VA to guarantee the timely payment of principal and interest to purchasers of real estate mortgage investment conduits (REMICs). REMICs are used to "bundle" and market a number of vendee loan notes—that is, notes on direct loans made by VA to purchasers of VA-acquired real estate—so that they may be sold for cash under favorable terms. Under this authority, VA guarantees to REMIC purchasers that principal and interest will be paid in a timely manner. That assurance facilitates the marketing of such securities and enhances their value in the marketplace and simultaneously reduces the interest paid by VA on the notes, thus increasing the return to the Treasury when such securities are sold.

VA's authority to guarantee REMICs expires on December 31, 1996.

House bill

Section 205 of H.R. 3673 would extend, through December 31, 1997, VA's authority to guarantee the timely payment of principal and interest to purchasers of REMICs.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 201 follows the House bill.

REFINANCING OF NATIVE AMERICAN HOME LOANS

Current law

Section 3762 authorizes the Secretary to make a direct housing loan to a Native American veteran if, at the time the loan is made, the Secretary and the tribal organization that has jurisdiction over the veteran have entered a memorandum of understanding with respect to such loans.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 306 of S. 1711 would authorize the Secretary to make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under section 3762 providing the new interest rate is at least one percent below the existing mortgage.

Compromise agreement

Section 202 follows the Senate bill.

SUBTITLE B—MEMORIAL AFFAIRS

MINORS' BURIAL ELIGIBILITY

Current law

Prior to 1973, the Department of the Army operated national cemeteries. In 1973, this function was transferred to the VA with an intent that similar eligibility rules should apply under the VA's management. Title 24 of United State Code, regarding the Army, defines the term "minor child" as a person under age 21. However, VA regulations at 38 C.F.R. 1.620(g) allow burial eligibility for a "minor child" if such a child was, at death, under 21 or under 23 and pursuing a course of instruction at an approved educational institution.

House bill

Section 201 of H.R. 3373 would clarify that for burial purposes, "minor child" includes students up to age 23 who had been pursuing a course of instruction at an approved educational institution, and amend section 2402(5) of title 38 to incorporate VA's regulatory definition.

Senate bill

Section 304 of S. 1711 contains an identical provision.

Compromise agreement

Section 211 contains this provision.

BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES

Current law

Section 2303(a) authorizes VA to pay burial benefits for veterans who die in VA medical facilities or in facilities at which the veteran was receiving hospital or nursing home care under contract with VA.

House bill

Section 303 of H.R. 3673 would provide burial costs and transportation to the place of burial for a veteran who dies in a State nursing home.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 212 follows the House bill.

OUTER BURIAL RECEPTACLES

Current law

Section 2306(d) of title 38 requires the Secretary to provide grave liners for each new grave in a national cemetery in which remains are interred in a casket at no cost to the veteran's survivors. The Secretary of the Army is also authorized to provide a grave liner for such graves at Arlington National Cemetery.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 303 of S. 1711 would require VA, and authorize the Secretary of the Army, to furnish grave liners or burial vaults or other casket receptacles as provided by regulations or procedures adopted to implement this statutory change. Such regulations or procedures would allow persons to elect burial receptacles other than grave liners and, if they did, would require them to pay any additional cost associated with such products and, in addition, an amount which reflects the administrative costs incurred in providing, and procuring, that product choice.

Compromise agreement

Section 213 follows the Senate bill.

TITLE III—EMPLOYMENT AND TRAINING

SUBTITLE A—VETERANS' EMPLOYMENT AND TRAINING

VETS REORGANIZATION

Current law

Section 4102A authorizes Veterans' Employment and Training (VETS) regional offices under the Secretary of Labor equal to the number of regional offices maintained by the Department of Labor's Employment and Training Administration. VETS Regional Administrators are not required to be veterans.

Section 4103(a) authorizes full-time Federal clerical support personnel to be assigned to each State Directors for VETS in accordance with applicable provisions of title 5, United States Code.

Section 4103(b) requires each VETS State Director and Assistant State Director to be a resident of the state of appointment for at least two years prior to assuming the position.

House bill

Title II of H.R. 2289 would (a) reduce the number of VETS regional administrators to no fewer than five and require that each appointed after enactment of this bill be a veteran; (b) expand the duties of certain clerical personnel assigned to VETS State Directors to include more substantive VETS program responsibilities; (c) maintain the residency requirement except that an individual who had served as a VETS State Director or Assistant State Director for at least two years would become eligible for either position in any state; and (d) authorize the Secretary of Labor to conduct a pilot program to investigate methods of service delivery to veterans.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

The Compromise Agreement incorporates some of the provisions of the House bill. It requires that each Regional Administrator appointed after enactment of the bill be a veteran, and follows paragraphs (b) and (d) described in the House bill.

SUBTITLE B—TECHNICAL AMENDMENTS RELATING TO THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994

USERRA TECHNICAL AMENDMENTS

Current law

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) revised chapter 43 of title 38, United States Code, which safeguards the employment and reemployment rights of members of the uniformed services. Because the laws are complex and technical, the Committee anticipated that as the law was implemented, minor problems would occur and future technical amendments would be necessary to clarify the intent of Congress.

House bill

Title III of H.R. 2289 would make technical amendments to chapter 43 of title 38.

Senate bill

Title IV of S. 1711 contains substantially identical provisions.

Compromise agreement

In sections 311–313, the Compromise Agreement contains these provisions.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM AMENDMENTS

Current law

Under chapter 19 of title 38, the VA administers six life insurance programs and supervises the administration of two others for the benefit of servicemembers, veterans and their beneficiaries. The two programs supervised by the VA, Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI), are administered under a contract with the Prudential Insurance Company. SGLI provides low cost group life insurance to persons on active duty, ready and retired reservists, and persons in several other uniformed services. VGLI, a post-separation insurance program, provides for the conversion of SGLI policies to five-year renewable term policies. When members of the Ready Reserve retire with 20 years of service or are transferred to the Retired Reserve they may continue their SGLI coverage until they receive their first retired paycheck or reach age 61, whichever occurs first. Servicemembers covered by SGLI policies may not convert their insurance to commercial policies upon separation. Upon separation, they must convert to VGLI policies, and VGLI policies may not be converted to commercial policies for 5 years. The Department of Defense is not required to furnish information about life insurance programs.

House bill

Sections 101–104 of H.R. 3373 would (a) merge the Retired Reservists' component of SGLI with VGLI and make lifetime coverage under VGLI available to Retired Reservists; (b) give insureds an option to convert the VGLI policies to commercial policies at any time; (c) require the appropriate Secretary to furnish general information about life insurance to servicemembers; and (d) change the name of Servicemen's Group Life Insurance to Servicemembers' Group Life Insurance.

Senate bill

Title II of S. 1711 contains substantially identical provisions, except for the House provision described in (c).

Compromise agreement

In sections 401–406, the Compromise Agreement follows the House Bill.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

VA CENTERS FOR MINORITY AND WOMEN VETERANS

Current law

Section 317 of title 38 established a Center for Minority Veterans in VA and section 318 established a Center for Women Veterans in VA. Each Center is run by a director who is required to be a noncareer appointee in the Senior Executive Service, appointed for a six year term.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 302 of S. 1711 would (a) allow career and noncareer appointees to be directors of the centers; (b) expand the functions of the Center for Minority Veterans and clarify functions of the Center for Women Veterans in order to make the functions of the centers more parallel; and (c) extend, through December 31, 1999, the Advisory Committee on Minority Veterans.

Compromise agreement

Section 501 follows the Senate bill.

REPEAL OF INCARCERATED VETERANS' CLOTHING ALLOWANCE

Current law

Under chapter 53 of title 38, VA is required to pay a clothing allowance to each veteran, who, because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance which tends to wear out or tear clothing. VA also makes clothing allowance payments to each veteran who uses medication prescribed for a service-connected skin condition and whose outer garments sustain irreparable damage due to the use of that medication.

House bill

Section 104 of H.R. 3673 would add a new section 5313A to title 38 which would require VA to withhold payment on a pro-rated basis to veterans incarcerated for more than 60 days in penal institutions and who receive institutional clothing at no personal expense.

Senate bill

Section 307 of S. 1711 contains a substantively identical provision.

Compromise agreement

Section 502 contains this provision.

EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION

Current law

Section 402 of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446) established the Veterans' Claims Adjudication Commission to study the processes and procedures of the VA for the adjudication, resolution, review and final disposition of VA benefits claims. On April 23, 1996, the Chairman of the Veterans' Claims Adjudication Commission submitted a request for an extension in order to complete the study requirements set forth in Public Law 103–446.

House bill

Section 105 of H.R. 3673 would authorize the extension of the Commission's final report deadline from May 2, 1996 to December

31, 1996. Section 105 of H.R. 3673 would also authorize an additional $75,000 in fiscal year 1996 and $75,000 in the first two quarters of fiscal year 1997. These funds would be available in either fiscal year.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 503 follows the House bill.

PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS

Current law

Physicians employed by the Veterans Health Administration may conduct disability examinations of applicants for VA benefits. There is no express provision in current law relating to the use of contract physicians for disability examinations of applicants for VA benefits.

House bill

Section 103 of H.R. 3673 would establish a pilot program for the use of contract physicians for disability examinations at up to 10 VA regional offices.

Senate bill

The Senate Bill contains no comparable provision.

Compromise agreement

Section 504 follows the House bill. The Compromise Agreement contains a requirement that the costs of the pilot program be paid from the Compensation and Pensions account.

DEFINITION OF VIETNAM ERA

Current law

Section 101(29) of title 38 defines the term "Vietnam era" as the period beginning August 5, 1964 and ending on May 7, 1975.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 301 of S. 1711 would: (a) change the beginning date of the Vietnam era from August 5, 1964 to February 28, 1961 in the case of a veteran who served in the Republic of Vietnam for purposes of VA programs generally; and (b) change the beginning date of the Vietnam era to January 9, 1962 for VA benefits and health care eligibility provisions which presume that the veteran had been exposed to herbicides and defoliants while in the Republic of Vietnam.

Compromise agreement

Section 505 follows the Senate bill.

EFFECTIVE DATE OF DISCONTINUANCE OF CERTAIN VETERANS' BENEFITS BY REASON OF DEATH OF RECIPIENT

Current law

Section 5112(b) authorizes the Secretary to reduce or discontinue the payment of compensation, dependency and indemnity compensation, or pension benefits when the recipient marries or remarries or dies. The effective date of such a reduction or discontinuance is the last day of the month before the marriage, remarriage or death occurs.

House bill

Section 201 of H.R. 3674 would permit a surviving spouse to retain compensation or pension payments pro rated to the day of the death, instead of the last day of the previous month. The effective date for this provision would be October 1, 1997.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 506 follows the House bill but changes date of payment to the last day of the month in which the veteran dies. Where under section 506, the surviving spouse who has been paid benefits for the full month in which the veteran died, is subsequently determined to be entitled to DIC or pension, it is expected that VA will reduce the award of DIC or pension by the amount of benefits paid to the surviving spouse for the month of the veteran's death.

INCREASE OF ACCRUED BENEFITS PAYABLE AFTER DEATH

Current law

Section 5121 authorizes the Secretary to make payments of accrued benefits to survivors for one year when the veteran dies prior to complete adjudication of a VA claim.

House bill

Section 202 of H.R. 3674 would authorize the Secretary to make payments of accrued benefits to survivors for two years when the veteran dies prior to complete adjudication of a VA claim.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 507 follows the House bill.

BVA PROVISIONS

Current law

The Court of Veterans Appeals invalidated the Board of Veterans' Appeals (Board) past practice of mailing decisions in *Trammell* v. *Brown*, 6 Vet. App. 181 (1994). Section 7104(e) of title 38, United States Code, specifies that "the Board shall promptly mail a copy of its written decision to the claimant and the claimant's authorized representative (if any)." Prior to this decision, the Board's method of "mailing" a copy of a decision to a representative depended on where the representative was located. For a representative at the Board's offices in Washington, D.C., a contractor hand-delivered the Board decision to the representative. For a representative at a VA regional office, the Board gave the decision to the contractor, who "bundled" mail for the 58 VA regional offices and delivered the bundles to the U.S. Postal Service. Upon receipt, each regional office sorted its bundled mail and distributed any Board decision to the appropriate representative at that regional office. For a representative at an office at a VA facility, the Board mailed its decision directly to the representative.

The Court of Veterans Appeals held that the phrase "the Board shall promptly mail" in section 7104(e) means that the Board decision must be delivered directly by the Board into the custody of the U.S. Postal Service. This decision precluded a Board employee or contractor from delivering a decision to a service organization representative. Rather, the Board is currently required to deliver the decision to the U.S. Postal Service.

Section 5902 of title 38 authorizes the Secretary to recognize representatives of certain veterans service organizations in the preparation, presentation and prosecution of VA benefit claims.

House bill

The House bill contains no provisions relating to this matter.

Senate bill

Section 309 of S. 1711 would (a) permit the Board to send its decisions to claimants' representatives by any means reasonably calculated to provide them with a copy of the decision within the same time a copy of the decision sent by first-class mail would be expected to reach them; and (b) permit VA to treat a claimant's power of attorney as an appointment of an entire service organization as the claimant's representative, unless the claimant specifically indicates a desire to limit the power of attorney to a specific representative of an organization. In cases where no such specific indication is made, when the Secretary is required or permitted to notify a claimant's representative, the Secretary would be authorized to notify the organization at the address designated by the organization for such purposes.

Compromise agreement

Section 508 follows the Senate bill.

VA EDUCATION SERVICE

Current law

The VA's Education Service is currently located in Washington, D.C. However, the VA has proposed to move its offices to St. Louis, MO as part of the Veterans Benefits Administration's effort to restructure.

House bill

Section 202 of H.R. 3373 would require VA's Education Service to be located in Washington, D.C.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 509 would prohibit the VA from expending any appropriated funds to move VA's Education Service from its current location in Washington, DC prior to December 31, 1997.

TITLE VI—OTHER MATTERS

HOMELESS VETERANS' REINTEGRATION PROJECT

Current law

The Department of Labor administers the Homeless Veterans' Reintegration Project (HVRP) which is designed to help indigent and homeless veterans return to society as productive citizens. Veterans are estimated to account for one-third of the adult male homeless population. Aided by community-based organizations, the program places homeless veterans in jobs. In the past, the program had been funded at $5 million per year, but in fiscal year 1996, HVRP did not receive an annual appropriation. Rather, the Appropriations Committee urged the Secretary of Labor to fund the program from a discretionary spending account. Public Law 103-446 indicated the sense of Congress that organizations dedicated to serving homeless veterans should receive a share of federal funds devoted to the homeless in a proportion roughly equal to the percentage of veterans among the general homeless population.

House bill

Section 206 of H.R. 3673 would authorize appropriations to the program at $10,000,000 per year for fiscal years 1997 through 1999.

Senate bill

Section 310 of S. 1711 would authorize appropriations to the program at $10,000,000 per year for fiscal years 1997 and 1998.

Compromise agreement

Section 601 follows the Senate bill.

REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS

Current law

Under title 36, United States Code, the American Battle Monuments Commission

(ABMC) is not authorized to accept monetary donations for the maintenance of overseas memorials for which ABMC has accepted responsibility from private entities.

House bill

Section 301 of H.R. 3673 would authorize the ABMC to accept monetary donations for the maintenance of overseas memorials determined by the ABMC to be of sufficient importance to warrant long term Federal responsibility.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 602 follows the House bill except that ABMC may not accept monetary donations until it adopts reporting and accounting systems.

TITLE VII—COMMISSION ON TRANSITION ASSISTANCE

COMMISSION ON SERVICE MEMBERS AND VETERANS TRANSITION ASSISTANCE

Current law

There is no provision in current law relating to the establishment of a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Title I of S. 1711 would establish a Commission on Service Members and Veterans Transition Assistance to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life. The Commission would review the efficacy and appropriateness of such existing programs.

Compromise agreement

Title VII follows the Senate bill but clarifies the duties of both Commission panels regarding transition and veterans benefits programs, and makes other perfecting amendments.

ADDITIONAL MATTERS: CLEAR AND UNMISTAKABLE ERROR

Current law

Under 38 C.F.R. 3.105(a), decisions made by VA regional offices are subject to review on the grounds of clear and unmistakable error. Decisions made by the Board of Veterans' Appeals are not subject to this standard of review by law or regulation.

House bill

H.R. 1483 would codify this regulation as it applies to VA regional office decisions and extend the principle underlying it to Board decisions.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

PRESUMPTION THAT BRONCIOLO-ALVEOLAR CANCER IS SERVICE-CONNECTED

Current law

Section 1112(c) lists certain diseases that are presumed to be service-connected in radiation exposed veterans. Veterans diagnosed with such diseases are eligible for compensation benefits.

House bill

Section 101 of H.R. 3673 would add bronchiolo-alveolar carcinoma, a radiation-related cancer of the lung, to the list of presumptive service-connected diseases which manifest in radiation exposed veterans.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

PRESUMPTION OF PERMANENT/TOTAL DISABILITY IF A VETERAN IS 65 YEARS OF AGE AND IN A NURSING HOME

Current law

Under section 1502(a), a person is considered to be permanently and totally disabled if such a person is unemployable as a result of a disability which is reasonably certain to continue throughout the life of the person. A person is also considered to be permanently and totally disabled if suffering from any disability which renders it impossible for the average person to be gainfully employed throughout the person's life. The Secretary may also make a determination that any disease or disorder renders a person permanently and totally disabled.

House bill

Section 102 of H.R. 3673 would provide a presumption of permanent and total disability for veteran nursing home patients over the age of 65.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

MEDICAL QUALIFICATIONS FOR FLIGHT TRAINING

Current law

Sections 3034(d)(2) and 3241(b)(2) of title 38 and section 16136(c) of title 10 authorizes education benefits to a veteran enrolled in a course of flight instruction provided a commercial pilot medical certificate is maintained throughout flight training. If VA later discovers that the veteran's medical certification has lapsed during training, an overpayment may be created.

House bill

Section 203 of H.R. 3673 would authorize payment of educational benefits for flight training provided the veteran meets the medical requirements for a commercial pilot's certificate at the beginning of training and within 60 days after completion of training.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

INCREASE IN MONTOGMERY GI BILL—ACTIVE DUTY RATES

Current law

Section 3015(b)(1) authorizes the Secretary to award basic monthly education benefits of $416.62 for full-time education training and $338.51 for two-year enlistees.

House bill

Section 102 of H.R. 3674 would increase the basic monthly education benefit for full-time education training and two-year enlistees by $5 to $421.62 and $343.51, respectively.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement follows the Senate bill.

INCREASE IN AUTOMOBILE ALLOWANCE

Current law

Section 3902(a) authorizes the Secretary to make a one-time grant of $5,500 toward the purchase of an automobile to severely disabled veterans if their disability is the result of an injury incurred or disease contracted in or aggravated by military service.

House bill

Section 203 of H.R. 3674 would authorize the Secretary to increase the automobile allowable from $5,500 to $6,500.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

COURT OF VETERANS APPEALS PRO BONO PROGRAM

Current law

There is no provision in current law which relates to legal assistance for financially needy veterans in connection with Court of Veterans Appeals (the Court) proceedings. In fiscal years 1992 through 1995, a discrete line-item appropriation was included in the Court's budget and designated for transfer to the Pro Bono Program's administrator, the Legal Services Corporation. In fiscal year 1996, the Court's operating funds were appropriated through successive continuing resolutions which did not include such a discrete line-item appropriation.

House bill

Section 204 of H.R. 3674 would fund the Pro Bono Program for six years at $700,000 per year, with an increase of three percent per year. The three percent per year increase would begin in fiscal year 1998. Section 204 would fund the Program through VA's Compensation and Pension account, based on savings realized as a result of the reversal of the Davenport decision pursuant to section 101 of the Compromise Agreement. This amount would be reduced during each of the six years by any appropriation enacted for operation of the Program.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

S. 1711 AS AMENDED (PAY–GO PROVISIONS)

	1997	1998	1999	2000	2001	2002
Sec. 101: Budget authority	−20	−39	−56	−56	−56	−57
Outlays	−20	−39	−56	−56	−56	−57
Sec. 102: Budget authority	1	1	1	1	1	1
Outlays	1	1	1	1	1	1
Sec. 103: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 104: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 105: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 106: Budget authority	5	2	2	3	3	3
Outlays	5	2	2	3	3	3
Sec. 107: Budget authority	−4	4	5	4	3	2
Outlays	−4	4	5	4	3	2
Sec. 201: Budget authority	−4	−1	0	0	0	0
Outlays	−4	−1	0	0	0	0
Sec. 202: Budget authority	Discretionary					
Outlays	*	*	*	*	*	*
Sec. 211: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 212: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 213: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*

S. 1711 AS AMENDED (PAY-GO PROVISIONS)—Continued

	1997	1998	1999	2000	2001	2002
Sec. 301: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 302: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 303: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 311: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 312: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 313: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 401: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 402: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 403: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 404: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 405: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 406: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 501:			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 502: Budget authority	−1	−1	−1	−1	−1	−1
Outlays	−1	−1	−1	−1	−1	−1
Sec. 503: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 504: Budget authority	9	9	9	10	10	11
Outlays	7	9	9	10	10	11
Sec. 505: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 506: Budget authority	14	14	16	16	16	16
Outlays	13	14	16	17	14	16
Sec. 507: Budget authority	3	3	3	3	3	3
Outlays	3	3	3	3	3	3
Sec. 508: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 509: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 510: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 601: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 602: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 701: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 702: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 703: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 704: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 705: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 706: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 707: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 708: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Total:						
Budget authority	3	−8	−21	−20	−21	−22
Outlays	0	−8	−21	−19	−23	−22

Mr. ROCKEFELLER. Mr. President, as the Ranking Minority Member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering S. 1711, a bill that would make amendments to a number of veterans benefits and services. I urge my colleagues to give their unanimous support to this measure as it will be amended with a final compromise developed by the two Veterans' Affairs Committees.

Mr. President, because a description of all of the provisions of this measure—which I will refer to as the "compromise agreement"—are set forth in the explanatory statement which Senator SIMPSON will place in the RECORD, I will just discuss some of the issues which are of particular interest to me. The explanatory statement was developed in cooperation with the House Committee on Veterans' Affairs and that Committee's Chairman, Bob Stump, will insert the same explanatory statement in the RECORD when the House considers this measure.

OVERTURNING THE DAVENPORT DECISION

Mr. President, section 101 of the compromise agreement amends various provisions of chapter 31 of title 38, United States Code, to effectively reverse the results of the decision of the U.S. Court of Veterans Appeals in Davenport v. Brown, 7 Vet. App. 476 (1995).

In the Davenport decision, the Court invalidated VA regulations relating to eligibility for VA vocational rehabilitation benefits, holding that the VA regulations, which required the showing of a connection between a veteran's service-connected disability and the veteran's employment handicap, were not consistent with the underlying law.

Because the facts of the case—in terms of the background of the veteran claimant, his disability, the apparent lack of any employment handicap related to that disability, and the vocational rehabilitation benefit he sought—were so egregious and because of the potential results of the Court's decision on other claimants for vocational rehabilitation benefits, many seemed to challenge the validity of the Court's action.

While I am fully supportive of the provision in the compromise agreement which will reverse the result of the decision, I think it is vital that all understand that the Court's decision was proper and completely correct. The Court was not ruling on the merits of the veteran claimant's disability or on the veteran's need for vocational rehabilitation services. Rather, the Court was ruling on the narrow, legal question—was VA's regulation which was being challenged authorized by the underlying statutory scheme.

Mr. President, reviewing the validity of VA regulations is just one of the vital functions for which the Court was established, one that the Court carries out very well. Rather than expressing any concern about the Court's decision in the Davenport case, we should applaud the Court for its action in ruling that VA had overstepped its legal authority in issuing the regulation in question. To the extent there was a problem in the law that the veteran in that case sought to exploit—and there was—the fault lies with the Congress for our failure to have included the requirement that there be a connection between a veteran's disability and employment handicap when we revised chapter 31 in 1980 in Public Law 96-466.

CONVERSION OF CERTAIN VA LIFE INSURANCE

Mr. President, I am very pleased that the compromise agreement contains a provision, in section 403, which would permit individuals covered by either of two VA insurance programs—SGLI, Servicemembers' Group Life Insurance, and VGLI, Veterans' Group Life Insurance—to convert their policies to commercial policies at any time, rather than, as under current law, being unable to convert a SGLI policy to anything other than a VGLI policy upon leaving active duty and then having to wait five years after leaving service to convert a VGLI policy to a commercial policy.

There are numerous advantages to this change but one of the key ones—and the reason I highlight this provision—is the opportunity it will afford an individual with a terminal illnesses to convert his or her SGLI or VGLI policy, which can not otherwise be converted prior to death, to a commercial policy. The commercial policy would then be available for conversion to cash through one of two means—acceleration, in which an insured collects on an insurance policy prior to death, or the viatication process, in which an insured sells the policy to a viatical agent who collects at the time of the insured's death.

EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION

Mr. President, as one of the authors of the legislation, enacted in Public Law 103-446, which established the Veterans' Claims Adjudication Commission, and as one of the Commission's major proponents, I am delighted that the compromise agreement, in section 503, contains a provision which extends the Commission through the end of this year so as to enable it to complete its work. The preliminary report, submitted by the Commission earlier this year, showed the depth and breadth of the Commission's work and I look forward with anticipation to the Commission's final report.

EXTENSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS

Mr. President, for purposes of veterans benefits, the "Vietnam era" is defined in title 38 as the period beginning on August 5, 1964, and ending on May 7, 1975. The starting date is tied to the incident in the Gulf of Tonkin which led to the adoption of the Tonkin Gulf Resolution on August 7. However, prior to that time, U.S. forces had been serving in Vietnam for a number of years. Under current law, any individual who served in Vietnam but who left active duty prior to August 1964 is not considered a Vietnam era veteran.

An effort has been underway in the Senate for a number of years, dating back to the early 1980's, to amend title 38 to provide for an earlier starting date for the Vietnam era for those veterans who served in Vietnam. However, despite Senate passage on at least four prior occasions, the House has never agreed to this change.

Finally, Mr. President, we have, this year, reached agreement with our colleagues in the House and the compromise agreement, in section 505, would amend the definition to provide that the Vietnam era includes the period between February 28, 1961, and August 4, 1964, for those who served in Vietnam during that period. The date of February 28, 1961, was chosen because that is the approximate date on which American military advisers began to accompany their Vietnamese counterparts on military missions and, as such, is used as the starting date for the Vietnam conflict in a number of other contexts.

INCREASE IN AMOUNT OF ACCRUED BENEFITS

Mr. President, as my colleagues know, the VA claims adjudication system is under serious stress and there are frequently great delays in the processing of claims. With these significant delays, there often are awards of significant back due benefits, dating back to when a claim was first filed, when claims are finally awarded. However, under current law, when a veteran dies while pursuing a claim for benefits, if the claim is ultimately awarded, the veteran's survivors are limited to so-called accrued benefits, which are limited to a maximum of one year's worth of benefits. This result applies, regardless of what the size of the award would have been had the veteran been able to pursue the claim to its conclusion. This result frequently deprives survivors of significant benefits.

Mr. President, I think this result is wrong and should be corrected. My preference is to eliminate the limit on accrued benefits totally. However, there is a need for more information on such an effort, especially the cost implications, before it can move forward. As a first step, therefore, I am pleased that the compromise agreement contains, in section 507, a provision which extends the period of accrued benefits from 1 to 2 years.

Mr. President, in closing, I acknowledge the work of my colleagues in the House, Chairman BOB STUMP and the ranking minority member, SONNY MONTGOMERY, and our committee's chairman, Senator SIMPSON, in developing the comprehensive legislation.

Mr. President, I thank the staff who have worked extremely long and hard on this compromise—JILL COCHRAN, Beth Kiker, Pat Ryan, Mike Brinck, Kingston Smith, and others on the House committee, and Bill Brew, Jim Gottlieb, Bill Tuerk, Chris Yoder, and Tom Harvey with the Senate committee. I also thank Bob Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting the compromise agreement.

• Mr. AKAKA. Mr. President, I rise in strong support of S. 1711, the Veterans' Benefits Improvements Act of 1996. I am especially pleased that this measure includes provisions that would improve the Centers for Minority and Women Veterans and allow refinancing under the Veterans' Home Loan Program Amendments of 1992. These provisions are based on measures I introduced earlier in this Congress which were reported by the Senate Veterans' Affairs Committee.

NATIVE AMERICAN HOME LOAN REFINANCING

Mr. President, S. 1711 contains a provision that authorizes the Secretary of Veterans Affairs to refinance direct loans issued to Native American veterans under Native American Home Loan Program, established by Public Law 102-547. This initiative is derived from S. 1342, legislation I introduced with Senators ROCKEFELLER, INOUYE, WELLSTONE, and SIMON. Under this provision, the same credit standards that apply to refinancing of VA guaranteed loans also apply to refinancing of Native American direct loans.

As my colleagues are aware, the Native American Direct Loan Pilot Program was established by Congress to ensure equal access to home loans for those veterans residing on reservations or other trust lands. Because trust lands cannot be used as collateral, commercial lending institutions are unwilling to issue mortgages for housing on such lands. The direct loans authorized under Public Law 102-547 permit Native Americans to purchase, construct, or improve dwellings on trust land despite the absence of commercial financing.

As of May 1996, VA had entered into agreements with 38 tribes and Native Hawaiians to provide direct home loans to tribal members, and negotiations were ongoing to conclude agreements with 21 additional tribes. More than 90 loans had been closed, 42 commitments issued, and 130 applications pending.

Recently, however, VA determined that Native Americans wishing to take advantage of lower interest rates could not refinance under the program. This clearly violated the intent of Congress in establishing the program, which was to ensure that Native American veterans enjoy the same access to VA home loan benefits as other veterans, especially when one considers the fact that refinancing is authorized under other VA loan programs.

This bill will correct this inequity and, hopefully, encourage other Native Americans to utilize the direct loan program.

It is important to point out that VA will not incur additional costs if this refinancing option is adopted, since the agency will be permitted to charge an administrative refinancing fee. In fact, it is possible that the refinancing provision will save the department money as well, by allowing veterans to lower their mortgage payments and thus reduce the likelihood of default.

CENTERS FOR MINORITY AND WOMEN VETERANS

Mr. President, S. 1711 also contains improvements to the Centers for Minority and Women Veterans as well as the Advisory Committee on Minority Veterans that were enacted as part of Public Law 103-446. These provision are derived from S. 749, legislation I introduced with Senator ROCKEFELLER last year.

Among other initiatives, Public Law 103-446 established within VA a Center for Minority Veterans, a Center for Women Veterans, and an Advisory Committee on Minority Veterans. These provisions were adopted in order to ensure that VA appropriately addresses the special needs and concerns of veterans who are women or members of minority groups. S. 1711 makes the following modifications to these initiatives:

First, it allows the directors of the Center for Minority Veterans and the Center for Women Veterans to have either career or noncareer status. Under the legislation adopted 2 years ago, both directors are required to be noncareer appointees. I believe the Secretary should have the discretion to appoint either career or noncareer individuals to these jobs. This bill restores that option so that the Secretary will have the flexibility to appoint directors with career status so as to be able to consider the widest possible field of qualified candidates.

Second, it adds an additional function to the list of statutory functions of the Center for Minority Veterans. Specifically, the legislation requires the center to advise the Secretary of the effectiveness of VA's efforts to include minority groups in clinical research and on the particular health conditions affecting the health of minority group members. This provision is consistent with the goals set forth in section 492B of the Public Health Service Act. The Center for Women Veterans is already mandated by law to carry out a similar function with respect to the health of women veterans.

Third, it explicitly requires that the Center for Minority Veterans provides support and administrative services to the Advisory Committee on Minority Veterans. This provision is consistent with the traditional agency role of providing professional and technical support to advisory entities. Again, this provision parallels existing law requiring that the Center for Women Veterans provide support to the Advisory Committee on Women Veterans.

Fourth, it defines the minority veterans for whom the Center for Minority Veterans has responsibility. The law establishing the Center neglected to provide such a definition. This bill defines minority veterans as individuals who are Asian American, Black, Hispanic, Native American—including American Indian, Alaskan Native, and Native Hawaiian—and Pacific-Islander American. This definition is identical to the definition included in current law with respect to the Advisory Committee on Minority Veterans.

Fifth, the legislation extends the termination date of the Advisory Committee on Minority Veterans an additional 2 years, from December 31, 1997, to December 31, 1999. This provision is necessary because delays in establishing the Advisory Committee have reduced its potential working life to significantly less than the three years authorized by Congress. Extending the life of the Advisory Committee to December 1999 is not unreasonable, given that all other statutory VA advisory boards, including the Advisory Committee on Women Veterans, the Advisory Committee on Former Prisoners of War, and the Advisory Committee on Prosthetics and Special-Disabilities Programs, are authorized permanently. In fact, I hope that Congress will in the future consider an initiative to authorize the Advisory Committee on a permanent basis.

Finally, S. 1711 contains a provision that gives the Advisory Committee on Minority Veterans and the Advisory Committee on Women Veterans responsibility for monitoring and evaluating the respective activities of the Center for Minority Veterans and the Center for Women Veterans. Insofar as the Advisory Committees were established to oversee all of the activities of the Department of Veterans Affairs with respect to minorities and women, they necessarily should be tasked with overseeing the work of the very offices that are chiefly responsible for ensuring that the special needs of minority and female veterans are accommodated by VA.

Mr. President, I am deeply grateful to Senator SIMPSON and Senator ROCKEFELLER for including the home loan and minority provisions in the pending measure. I also wish to thank their respective Committee staffs, including Bill Tuerk and Tom Harvey for the majority and Bill Brew and Jim Gottlieb for the minority, for working so hard on a bipartisan basis to help me develop and refine these initiatives. Together, our efforts will significantly improve access by minority and women veterans to VA benefits and services.

Thank you, Mr. President. I urge swift passage of this important measure.

Mr. NICKLES. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be deemed read a third time, and passed, and the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5418) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 1711), as amended, was deemed read the third time and passed, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Improvements Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

Sec. 101. Employment handicap for which an individual may receive training and rehabilitation assistance.
Sec. 102. Permanent authority for alternative teacher certification programs.
Sec. 103. Period of operation for approval.
Sec. 104. Elimination of distinction between open circuit TV and independent study.
Sec. 105. Cooperative programs.
Sec. 106. Enrollment of certain VEAP participants in Montgomery GI Bill.
Sec. 107. Montgomery GI Bill eligibility for certain active duty members of Army and Air National Guard.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

Sec. 201. Extension of enhanced loan asset sale authority.
Sec. 202. Direct loans to refinance loans under Native American veteran housing loan pilot program.

Subtitle B—Memorial Affairs

Sec. 211. Clarification of eligibility of minors for burial in national cemeteries.
Sec. 212. Burial benefits for certain veterans who die in State nursing homes.
Sec. 213. Outer burial receptacles.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

Sec. 301. Regional Administrator.
Sec. 302. Support personnel for Directors of Veterans' Employment and Training.
Sec. 303. Pilot program to integrate and streamline functions of local veterans' employment representatives.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

Sec. 311. Amendments to chapter 43 of title 38, United States Code.
Sec. 312. Amendments to transition rules and effective dates.
Sec. 313. Effective dates.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

Sec. 401. Short title.
Sec. 402. Merger of Retired Reserve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserve.
Sec. 403. Conversion of SGLI and VGLI to commercial life insurance policy.
Sec. 404. Information to be provided members concerning automatic maximum coverage of $200,000 under Servicemen's Group Life Insurance.
Sec. 405. Renaming of Servicemen's Group Life Insurance program.
Sec. 406. Technical amendment.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

Sec. 501. Revision of authority relating to Centers for Minority Veterans and Women Veterans.
Sec. 502. Limitation on clothing allowance for incarcerated veterans.
Sec. 503. Extension of Veterans' Claims Adjudication Commission.
Sec. 504. Pilot program for use of contract physicians for disability examinations.
Sec. 505. Expansion of period of Vietnam era for certain veterans.
Sec. 506. Payment of benefit to surviving spouse for month in which veteran dies.
Sec. 507. Increase in period for which accrued benefits payable.
Sec. 508. Appointment of veterans service organizations as claimants' representatives.
Sec. 509. Provision of copies of Board of Veterans' Appeals decisions.
Sec. 510. Limitation on relocation or reduction in staffing of certain elements of the Education Service of the Veterans Benefits Administration.

TITLE VI—OTHER MATTERS

Sec. 601. Extension of certain authorities for services for homeless veterans.
Sec. 602. Repair and long-term maintenance of war memorials.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

Sec. 701. Establishment of Commission.
Sec. 702. Duties of Commission.
Sec. 703. Powers of Commission.
Sec. 704. Miscellaneous administrative provisions.
Sec. 705. Commission personnel matters.
Sec. 706. Termination of Commission.
Sec. 707. Definitions.
Sec. 708. Funding.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATION BENEFITS

SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.

(a) DEFINITIONS.—Section 3101 is amended—

(1) in paragraph (1), by inserting ", resulting in substantial part from a disability described in section 3102(1)(A) of this title," after "impairment";

(2) in paragraph (6), by inserting "authorized under section 3120 of this title" after "assistance"; and

(3) in paragraph (7), by inserting ", resulting in substantial part from a service-connected disability rated at 10 percent or more," after "impairment".

(b) BASIC ENTITLEMENT.—Section 3102 is amended—

(1) in paragraph (1)(A)(i), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 20 percent or more";

(2) in paragraph (2)(A), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 10 percent"; and

(3) by amending paragraph (2)(B) to read as follows:

"(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.".

(c) PERIODS OF ELIGIBILITY.—Section 3103 is amended—

(1) in subsection (b)(3), by striking out "described in section 3102(1)(A)(i) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking out "particular" and inserting in lieu thereof "current"; and

(B) in paragraph (2), by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment"; and

(3) in subsection (d), by striking out "under this chapter" and inserting in lieu thereof "in accordance with the provisions of section 3120 of this title".

(d) SCOPE OF SERVICES AND ASSISTANCE.—Section 3104 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "such veteran's disability or disabilities cause" and inserting in lieu thereof "the veteran has an employment handicap or"; and

(ii) by inserting "reasonably" after "goal is";

(B) in paragraph (7)(A)—

(i) by striking out "(i)"; and

(ii) by striking out ", and (ii)" and all that follows through "such Act"; and

(C) in paragraph (12), by striking out "For the most severely disabled veterans requiring" and inserting in lieu thereof "For veterans with the most severe service-connected disabilities who require"; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(e) DURATION OF REHABILITATION PROGRAMS.—Paragraph (1) of section 3105(c) is amended by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment".

(f) INITIAL AND EXTENDED EVALUATIONS; DETERMINATIONS REGARDING SERIOUS EMPLOYMENT HANDICAP.—(1) Section 3106 is amended—

(A) in subsection (a), by striking out "described in clause (i) or (ii) of section 3102(1)(A) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(B) in subsection (b), by striking out "counseling in accordance with";

(C) in subsection (c), by striking out "with extended" and inserting in lieu thereof "with an extended"; and

(D) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.".

(2) Chapter 31 is amended—

(A) in section 3107(c)(2), by striking out "3106(e)" and inserting in lieu thereof "3106(f)";

(B) in section 3109, by striking out "3106(d)" and inserting in lieu thereof "3106(e)";

(C) in section 3118(c), by striking out "3106(e)" and inserting in lieu thereof "3106(f)"; and

(D) in section 3120(b), by striking out "3106(d)" and inserting in lieu thereof "3106(d) or (e)".

(g) ALLOWANCES.—Section 3108 is amended—

(1) in subsection (a)(2), by striking out "following the conclusion of such pursuit" and inserting in lieu thereof "while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title"; and

(2) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by inserting "eligible for and" after "veteran is";

(ii) by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30"; and

(iii) by striking out "either chapter 30 or chapter 34" and inserting in lieu thereof "chapter 30"; and

(B) in subparagraph (B), by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30".

(h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of section 3117(a) is amended by inserting "rated at 10 percent or more" after "disability".

(i) PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120 is amended—

(1) in subsection (b), by striking out "service-connected disability described in section 3102(1)(A)" and inserting in lieu thereof "serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)"; and

(2) in subsection (d), by striking out "and (b)".

(j) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsection (a) (other than paragraph (2)), subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)), and subsection (i) shall only apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary of Veterans Affairs on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter.

SEC. 102. PERMANENT AUTHORITY FOR ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

Subsection (c) of section 3452 is amended by striking out "For the period ending on September 30, 1996, such" and inserting in lieu thereof "Such".

SEC. 103. PERIOD OF OPERATION FOR APPROVAL.

(a) IN GENERAL.—(1) Chapter 36 is amended—

(A) by striking out section 3689; and

(B) by striking out the item relating to section 3689 in the table of sections at the beginning of such chapter.

(2) Subparagraph (C) of section 3680A(d)(2) is amended by striking out "3689(b)(6) of this title" and inserting in lieu thereof "subsection (g)".

(b) DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—Section 3680A is amended by adding after subsection (d) the following new subsections:

"(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

"(1) the educational institution has been operating for less than two years;

"(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

"(3) following either a change in ownership or a complete move outside its original general locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

"(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

"(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

"(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

"(g) Notwithstanding subsections (e) and (f), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Transportation and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.".

(c) APPROVAL OF ACCREDITED COURSES.—Subsection (b) of section 3675 is amended to read as follows:

"(b) As a condition of approval under this section, the State approving agency must find the following:

"(1) The educational institution keeps adequate records, as prescribed by the State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

"(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

"(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title.".

SEC. 104. ELIMINATION OF DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY.

(a) VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Subsection (f) of section 3482 is amended by striking out "in part".

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3523 is amended—

(1) in subsection (a)(4), by inserting "(including open circuit television)" after "independent study program" the second place it appears; and

(2) in subsection (c), by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio.".

(c) ADMINISTRATION OF EDUCATIONAL BENEFITS.—Subsection (c) of section 3680A is amended by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio.".

SEC. 105. COOPERATIVE PROGRAMS.

(a) CHAPTER 30.—Section 3032 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CHAPTER 32.—Section 3231 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) CHAPTER 35.—Subsection (b) of section 3532 is amended by striking out "$327" and inserting in lieu thereof "$404".

(d) CHAPTER 1606.—Section 16131 of title 10, United States Code, is amended—

(1) by striking out subsection (e) and redesignating subsections (f), (g), (h), (i), and (j) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) in subsection (b)(1), by striking out "(g)" and inserting in lieu thereof "(f)".

SEC. 106. ENROLLMENT OF CERTAIN VEAP PARTICIPANTS IN MONTGOMERY GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 30 is amended by inserting after section 3018B the following new section:

"§3018C. Opportunity for certain VEAP participants to enroll

"(a) Notwithstanding any other provision of law, an individual who—

"(1) is a participant on the date of the enactment of the Veterans' Benefits Improvements Act of 1996 in the educational benefits program provided by chapter 32 of this title;

"(2) is serving on active duty (excluding the periods referred to in section 3202(1)(C) of this title) on such date;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty during the one-year period specified in paragraph (5), is discharged or released therefrom with an honorable discharge; and

"(5) during the one-year period beginning on the date of the enactment of the Veterans' Benefits Improvements Act of 1996, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

may elect to become entitled to basic educational assistance under this chapter.

"(b) With respect to an individual who makes an election under subsection (a) to become entitled to basic education assistance under this chapter—

"(1) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

"(2) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between $1,200 and the total amount of reductions under paragraph (1), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual, as provided in section 3223(b) of this title and subject to subsection (b)(2) of this section, the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) shall remain in such account to make payments of benefits to such individual under section 3015(f) of this title.

"(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) and of subparagraph (A) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.".

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 is amended by inserting after the item relating to section 3018B the following new item:

"3018C. Opportunity for certain VEAP participants to enroll.".

(2) Subsection (d) of section 3013 is amended by striking out "or 3018B" and inserting in lieu thereof ", 3018B, or 3018C".

(3) Subsection (f) of section 3015 is amended by inserting ", 3018B, or 3018C" after "section 3018A".

(c) TRANSFER OF EDUCATIONAL ASSISTANCE FUNDS.—(1) Subparagraph (B) of section 3232(b)(2) is amended—

(A) by striking out ", for the purposes of section 1322(a) of title 31,"; and

(B) by striking out "as provided in such section" and inserting in lieu thereof "to the Secretary for payments for entitlement earned under subchapter II of chapter 30".

(2) Paragraph (1) of section 3035(b) is amended by inserting before the period at the end the following: "and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title".

SEC. 107. MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD.

(a) IN GENERAL.—Paragraph (7) of section 3002 is amended by striking out "November 29, 1989" and inserting in lieu thereof "June 30, 1985".

(b) APPLICATION.—(1) An individual may only become eligible for benefits under chapter 30 of title 38, United States Code, as a result of the amendment made by subsection (a) by making an election to become entitled to basic educational assistance under such chapter. The election may only be made during the nine-month period beginning on the date of the enactment of this Act and in the manner required by the Secretary of Defense.

(2) In the case of any individual making an election under paragraph (1)—

(A) the basic pay of an individual who, while a member of the Armed Forces, makes an election under paragraph (1) shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty, the Secretary of Veterans Affairs shall collect from an individual who makes such an election an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which amount shall be paid into the Treasury as miscellaneous receipts.

(3) In the case of any individual making an election under paragraph (1), the 10-year period referred to in section 3031 of such title shall begin on the later of—

(A) the date determined under such section 3031; or

(B) the date on which the election under paragraph (1) becomes effective.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

SEC. 201. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Paragraph (2) of section 3720(h) is amended by striking out "December 31, 1996" and inserting in lieu thereof "December 31, 1997".

SEC. 202. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) AUTHORITY.—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

"(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

"(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

"(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection.".

(b) LOAN FEE.—Section 3729(a)(2)(E) is amended by striking out "or 3712(a)(1)(F)" and inserting in lieu thereof "3712(a)(1)(F), or 3762(h)".

Subtitle B—Memorial Affairs

SEC. 211. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after "minor child" the following: "(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)".

SEC. 212. BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES.

Subsection (a) of section 2303 is amended to read as follows:

"(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

"(A) pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

"(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(2) A facility described in this paragraph is—

"(A) a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

"(B) an institution at which the deceased veteran was, at the time of death, receiving—

"(i) hospital care in accordance with section 1703 of this title;

"(ii) nursing home care under section 1720 of this title; or

"(iii) nursing home care for which payments are made under section 1741 of this title.".

SEC. 213. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out "a grave liner" each place it appears and inserting in lieu thereof "an outer burial receptacle";

(2) in paragraph (2)—

(A) by striking out "grave liners" and inserting in lieu thereof "outer burial receptacles"; and

(B) by striking out "specifications and procedures" and inserting in lieu thereof "regulations or procedures"; and

(3) by adding at the end the following:

"(3) Regulations or procedures under paragraph (2) may specify that—

"(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

"(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

"(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

"(ii) to pay the amount of the administrative costs incurred by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army) in providing the outer burial receptacle in lieu of such grave liner.

"(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army), for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.".

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2306. Headstones, markers, and burial receptacles".

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

"2306. Headstones, markers, and burial receptacles.".

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

SEC. 301. REGIONAL ADMINISTRATOR.

Paragraph (1) of section 4102A(e) is amended by adding at the end the following: "Each Regional Administrator appointed after the date of the enactment of the Veterans' Benefits Improvements Act of 1996 shall be a veteran.".

SEC. 302. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out "full-time Federal clerical support" and inserting in lieu thereof "full-time Federal clerical or other support personnel"; and

(2) in the third sentence, by striking out "Full-time Federal clerical support personnel" and inserting in lieu thereof "Full-time Federal clerical or other support personnel".

SEC. 303. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor may conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary of Labor may suspend or limit application of those provisions of chapter 41 of title 38, United States Code (other than sections 4104(b)(1) and (c)) that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of such chapter, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section:

(1) The term "veteran" has the meaning given such term by section 101(2) of title 38, United States Code.

(2) The term "disabled veteran" has the meaning given such term by section 4211(3) of such title.

(3) The term "active military, naval, or air service" has the meaning given such term by section 101(24) of such title.

(g) ALLOCATION OF FUNDS.—Any amount otherwise available for fiscal year 1997, 1998, or 1999 to carry out section 4102A(b)(5) of title 38, United States Code, with respect to a State designated by the Secretary of Labor pursuant to subsection (d) shall be available to carry out the pilot program during that fiscal year with respect to that State.

(h) EXPIRATION DATE.—The authority to carry out the pilot program under this section shall expire on October 1, 1999.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

SEC. 311. AMENDMENTS TO CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

Chapter 43 is amended as follows:

(1) Section 4301(a)(2) is amended by striking out "under honorable conditions".

(2) Section 4303(16) is amended by inserting "national" before "emergency".

(3) Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(c) An employer shall be considered to have engaged in actions prohibited—

"(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

"(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

"(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C) of this title.".

(4) Section 4312 is amended—

(A) in subsection (a), by striking out "who is absent from a position of employment" and inserting in lieu thereof "whose absence from a position of employment is necessitated";

(B) in subsection (c)—

(i) by striking out "section 270" in paragraph (3) and inserting in lieu thereof "section 10147"; and

(ii) in paragraph (4)—

(I) by striking out "section 672(a), 672(g), 673, 673b, 673c, or 688" in subparagraph (A) and inserting in lieu thereof "section 688, 12301(a), 12301(g), 12302, 12304, or 12305";

(II) by amending subparagraph (B) to read as follows:

"(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;";

(III) by striking out "section 673b" in subparagraph (C) and inserting in lieu thereof "section 12304"; and

(IV) by striking out "section 3500 or 8500" in subparagraph (E) and inserting in lieu thereof "section 12406"; and

(C) in subsection (d)(2)(C), by striking out "is brief or for a nonrecurrent period and without a reasonable expectation" and inserting in lieu thereof "is for a brief, nonrecurrent period and there is no reasonable expectation".

(5) Section 4313(a)(4) is amended—

(A) by striking out "uniform services" in subparagraph (A)(ii) and inserting in lieu thereof "uniformed services"; and

(B) by striking out "of lesser status and pay which" and inserting in lieu thereof "which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which".

(6) Section 4316(d) is amended by adding at the end the following new sentence: "No employer may require any such person to use vacation, annual, or similar leave during such period of service.".

(7) Section 4317(a) is amended—

(A) by striking out "(a)(1)(A) Subject to paragraphs (2) and (3), in" and inserting in lieu thereof "(a)(1) In";

(B) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by subparagraph (A) of this paragraph) as subparagraphs (A) and (B), respectively;

(C) by redesignating subparagraph (B) as paragraph (2); and

(D) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(8) The last sentence of section 4318(b)(2) is amended by striking out "services," and inserting in lieu thereof "services, such payment period".

(9) Section 4322 is amended—

(A) in the second sentence of subsection (d) by inserting "attempt to" before "resolve"; and

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking out "with respect to a complaint under subsection (d) are unsuccessful," and inserting in lieu thereof "with respect to any complaint filed under subsection (a) do not resolve the complaint,"; and

(ii) in paragraph (2), by inserting "or the Office of Personnel Management" after "Federal executive agency".

(10) Section 4323(a) is amended—

(A) in paragraph (1), by striking out "of an unsuccessful effort to resolve a complaint"; and

(B) in paragraph (2)(A), by striking out "regarding the complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

(11) Section 4324 is amended—

(A) in subsection (a)(1), by striking out "of an unsuccessful effort to resolve a complaint relating to a Federal executive agency";

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(ii) in paragraph (1), by striking out "regarding a complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)"; and

(C) in subsection (c)(2)—

(i) by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(ii) by striking out "employee" and inserting in lieu thereof "Office".

(12) Section 4325(d)(1) is amended—

(A) by striking out ", alternative employment in the Federal Government under this chapter,"; and

(B) by striking out "employee" the last place it appears and inserting in lieu thereof "employees".

(13) Section 4326(a) is amended by inserting "have reasonable access to and the right to interview persons with information relevant to the investigation and shall" after "at all reasonable times,".

SEC. 312. AMENDMENTS TO TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: "Any service begun up to 60 days after the date of the enactment of this Act, which is served up to 60 days after the date of the enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of the enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act."; and

(2) in paragraph (4), by striking out "such period" and inserting in lieu thereof "such 60-day period".

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out "person on active duty" and inserting in lieu thereof "person serving a period of service in the uniformed services".

SEC. 313. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by clause (i), and subclauses (I), (III), and (IV) of clause (ii), of section 311(4)(B) shall take effect as of December 1, 1994.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the "Veterans' Insurance Reform Act of 1996".

SEC. 402. MERGER OF RETIRED RESERVE SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVE.

(a) DEFINITIONS.—Section 1965(5) is amended—

(1) by adding "and" at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the matter following paragraph (2), by striking out "or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,"; and

(2) by striking out subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968 is amended—

(1) in subsection (a)—

(A) by striking out "subparagraph (B), (C), or (D) of section 1965(5)" in the matter preceding paragraph (1) and inserting in lieu thereof "section 1965(5)(B)";

(B) by striking out the period at the end of paragraphs (1) and (2) and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and";

(D) in paragraph (4)—

(i) by striking out "one hundred and twenty days after" in the matter preceding subparagraph (A) and all that follows through "(A) unless on" and inserting in lieu thereof "120 days after separation or release from such assignment, unless on";

(ii) by striking out "prior to the expiration of one hundred and twenty days" and inserting in lieu thereof "before the end of 120 days";

(iii) by striking out the semicolon after "such assignment" and inserting in lieu thereof a period; and

(iv) by striking out subparagraphs (B) and (C); and

(E) by striking out paragraphs (5) and (6); and

(2) in subsection (b), by striking out the last two sentences.

(d) DEDUCTIONS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out "is assigned to the Reserve (other than the Retired Reserve)" and all that follows through "section 1965(5)(D) of this title,";

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) CONVERSION OF SGLI TO VGLI.—The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of the enactment of this Act.

SEC. 403. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE POLICY.

(a) OPTION TO CONVERT SGLI.—Subsection (b) of section 1968, as amended by section 402(c)(2), is amended—

(1) by inserting "(1)" after "(b)" at the beginning of the subsection;

(2) by striking out "would cease," in the first sentence and all that follows through the period at the end of the sentence and inserting in lieu thereof "would cease—

"(A) shall be automatically converted to Veterans' Group Life Insurance, subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

"(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums."; and

(3) by designating the second sentence as paragraph (2) and in that sentence striking out "Such automatic conversion" and inserting in lieu thereof "Automatic conversion to Veterans' Group Life Insurance under paragraph (1)".

(b) VGLI CONVERSION.—Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)";

(B) by striking out the last two sentences; and

(C) by adding at the end the following:

"(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed $200,000."; and

(2) in subsection (e)—

(A) in the first sentence, by inserting "at any time" after "shall have the right"; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "The Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the day before the date on which the individual policy becomes effective.".

SEC. 404. INFORMATION TO BE PROVIDED MEMBERS CONCERNING AUTOMATIC MAXIMUM COVERAGE OF $200,000 UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967, as amended by section 402(b), is further amended by inserting after subsection (c) the following new subsection (d):

"(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of $200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

"(1) the purpose and role of life insurance in financial planning;

"(2) the difference between term life insurance and whole life insurance;

"(3) the availability of commercial life insurance; and

"(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.".

SEC. 405. RENAMING OF SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) IN GENERAL.—The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.

(b) AMENDMENTS TO CHAPTER 19.— Chapter 19 is amended as follows:

(1) The following provisions are amended by striking out "Servicemen's Group Life Insurance" each place it appears and inserting in lieu thereof "Servicemembers' Group Life Insurance":

(A) Subsections (a), (c), and (e) of section 1967.

(B) Section 1968(b).

(C) Subsections (a) through (d) of section 1969.

(D) Subsections (a), (f), and (g) of section 1970.

(E) Section 1971(b).

(F) Section 1973.

(G) The first sentence of section 1974(a).

(H) Subsections (a), (d), and (g) of section 1977.

(2)(A) The heading of subchapter III is amended to read as follows:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE".

(B) The heading of section 1974 is amended to read as follows:

"§ 1974. Advisory Council on Servicemembers' Group Life Insurance".

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking out the item relating to subchapter III and inserting in lieu thereof the following:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE";

and

(B) by striking out the item relating to section 1974 and inserting in lieu thereof the following:

"1974. Advisory Council on Servicemembers' Group Life Insurance.".

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out "servicemen's" the first place it appears and inserting in lieu thereof "servicemembers' ".

(2) Sections 3017(a)(2)(A)(i) and 3224(1) are amended by striking out "Servicemen's" each place it appears and inserting in lieu thereof "Servicemembers' ".

(d) REFERENCES.—Any reference to Servicemen's Group Life Insurance or to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance or the Advisory Council on Servicemembers' Group Life Insurance, respectively.

SEC. 406. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out "and (e)" in the first and second sentences.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

SEC. 501. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) are each amended by inserting "career or" before "noncareer".

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a-2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

"(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.".

(c) DEFINITION OF MINORITY VETERANS.—Section 317 is amended by adding at the end the following:

"(g) In this section—

"(1) The term 'veterans who are minorities' means veterans who are minority group members.

"(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title.".

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) is amended by striking out "(relating to" and all that follows through "and of" and inserting in lieu thereof "(42 U.S.C. 289a-2) with respect to the inclusion of women in clinical research and on".

(e) ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.—(1) Section 542(b) is amended by inserting ", including the Center for Women Veterans" before the period at the end.

(2) Section 544(b) is amended by inserting ", including the Center for Minority Veterans" before the period at the end.

(f) TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(e) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

SEC. 502. LIMITATION ON CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) PRO RATA REDUCTION.—Chapter 53 is amended by inserting after section 5313 the following new section:

"§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

"In the case of a veteran who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who is furnished clothing without charge by the institution, the amount of any annual clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to $\frac{1}{365}$ of the amount of the allowance otherwise payable under that section for each day on which the veteran was so incarcerated during the 12-month period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

"5313A. Limitation on payment of clothing allowance to incarcerated veterans.".

SEC. 503. EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION.

(a) EXTENSION OF TIME FOR SUBMISSION OF FINAL REPORT.—Section 402(e)(2) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4661) is amended by striking out "Not later than 18 months after such date" and inserting in lieu thereof "Not later than December 31, 1996".

(b) FUNDING.—From amounts appropriated to the Department of Veterans Affairs for each of fiscal years 1996 and 1997 for the payment of compensation and pension, the amount of $75,000 is hereby made available for the activities of the Veterans' Claims Adjudication Commission under title IV of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 5101 note).

SEC. 504. PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Veterans Affairs, acting through the Under Secretary for Benefits, may conduct a pilot program under this section under which examinations with respect to medical disability of applicants for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits may be made by persons other than employees of the Department of Veterans Affairs. Any such examination shall be performed pursuant to contracts entered into by the Under Secretary for Benefits with those persons.

(b) LIMITATION.—The Secretary may carry out the pilot program under this section through not more than 10 regional offices of the Department of Veterans Affairs.

(c) SOURCE OF FUNDS.—Payments for contracts under the pilot program under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of compensation and pensions.

(d) REPORT TO CONGRESS.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the effect of the use of the authority provided by subsection (a) on the cost, timeliness, and thoroughness of medical disability examinations.

SEC. 505. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) IN GENERAL.—Paragraph (29) of section 101 is amended to read as follows:

"(29) The term 'Vietnam era' means the following:

"(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

"(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.".

(b) LIMITED EXPANSION FOR SPECIFIC COMPENSATION PURPOSES.—(1) Paragraphs (1)(B) and (3) of section 1116(a) are each amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,".

(2) Paragraphs (1)(A), (2)(C), (2)(E), (2)(F), and (4) of such section are amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975".

(c) LIMITED EXPANSION FOR SPECIFIC HEALTH CARE PURPOSES.—(1) The provision stipulated in paragraph (2) is amended—

(A) in clause (i), by striking out "during the Vietnam era," and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,"; and

(B) in clause (ii), by striking out "such era" and inserting in lieu thereof "such period".

(2) The provision referred to in paragraph (1)—

(A) if the Veterans' Health Care Eligibility Reform Act of 1996 is enacted as a measure of the One Hundred Fourth Congress, is paragraph (4)(A) of section 1710(e) of title 38, United States Code, as added by section 102 of such Act; and

(B) if such Act is not enacted as a measure of the One Hundred Fourth Congress, is paragraph (1)(A) of section 1710(e) of such title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 506. PAYMENT OF BENEFIT TO SURVIVING SPOUSE FOR MONTH IN WHICH VETERAN DIES.

(a) BENEFIT FOR MONTH OF DEATH.—Section 5310 is amended—

(1) by inserting "(a)" before "If, in accordance with"; and

(2) by adding at the end the following:

"(b)(1) If the surviving spouse of a veteran who was in receipt of compensation or pension at the time of death is not entitled to death benefits under chapter 11, 13, or 15 of this title for the month in which the veteran's death occurs, that surviving spouse shall be entitled to a benefit for that month in the amount of benefits the veteran would have received under chapter 11 or 15 of this title for that month but for the death of the veteran.

"(2) If (notwithstanding section 5112(b)(1) of this title) a check or other payment is issued to, and in the name of, the deceased veteran as a benefit payment under chapter 11 or 15 of this title for the month in which death occurs, that check or other payment (A) shall be treated for all purposes as being payable to the surviving spouse, and (B) if that check or other payment is negotiated or deposited, shall be considered to be the benefit to which the surviving spouse is entitled under this paragraph. However, if such check or other payment is in an amount less than the amount of the benefit under paragraph (1), the unpaid amount shall be treated in the same manner as an accrued benefit under section 5121 of this title.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death of compensation and pension recipients occurring after December 31, 1996.

SEC. 507. INCREASE IN PERIOD FOR WHICH ACCRUED BENEFITS PAYABLE.

Subsection (a) of section 5121 is amended by striking out "one year" in the matter preceding paragraph (1) and inserting in lieu thereof "two years".

SEC. 508. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

"(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.".

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 509. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Subsection (e) of section 7104 is amended to read as follows:

"(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

"(2) If the claimant has an authorized representative, the Board shall—

"(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

"(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail.".

SEC. 510. LIMITATION ON RELOCATION OR REDUCTION IN STAFFING OF CERTAIN ELEMENTS OF THE EDUCATION SERVICE OF THE VETERANS BENEFITS ADMINISTRATION.

No funds available to the Department of Veterans Affairs may be obligated or expended before January 1, 1998, to relocate any function of, or to reduce the number of personnel assigned to, any of the following elements of the Veterans Benefits Administration of the Department of Veterans Affairs:

(1) The Office of Education Procedures Systems.

(2) The Office of Education Operations.

(3) The Office of Education Policy and Program Administration.

TITLE VI—OTHER MATTERS

SEC. 601. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1998".

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

"(E) $10,000,000 for fiscal year 1997.

"(F) $10,000,000 for fiscal year 1998.".

SEC. 602. REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.

(a) REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.—Section 5(b)(2) of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (36 U.S.C. 125(b)(2)), is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) In assuming responsibility for a war memorial under paragraph (1), the Commission may enter into arrangements with the sponsors of the memorial to provide for the repair or long-term maintenance of the memorial. Any funds transferred to the Commission for the purpose of this subparagraph shall, in lieu of subparagraph (A), be deposited by the Commission in the fund established by paragraph (3).

"(3)(A) There is established in the Treasury a fund which shall be available to the Commission for expenses for the maintenance and repair of memorials with respect to which the Commission enters into arrangements under paragraph (2)(B). The fund shall consist of (i) amounts deposited, and interest and proceeds credited, under subparagraph (B), and (ii) obligations obtained under subparagraph (C).

"(B) The Commission shall deposit in the fund such amounts from private contributions as may be accepted under paragraph (2)(B). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

"(C) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

"(D) The Commission shall separately account for all moneys deposited in and expended from the fund with respect to each war memorial for which an arrangement for the repair or long-term maintenance of the memorial is entered to under paragraph (2)(B).".

(b) ACCOUNTING PROCEDURES RELATING TO RECEIPT AND EXPENDITURE OF CONTRIBUTIONS.—Such Act is further amended by adding at the end the following new section:

"SEC. 14. (a) The Commission shall have a system of financial controls to enable the Commission to comply with the requirements of subsection (b) and section 5(b)(3)(D).

"(b) The Commission shall—

"(1) by March 1 of each year (beginning with 1998)—

"(A) prepare a financial statement which covers all accounts and associated activities of the Commission for the preceding fiscal year and is consistent with the requirements of section 3515 of title 31, United States Code; and

"(B) submit the financial statement, together with a narrative summary, to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

"(2) obtain an audit by the Comptroller General of the United States of each financial statement prepared under paragraph (1)(A), which shall be conducted in accordance with applicable generally accepted government auditing standards and shall be in lieu of any audit otherwise required by law.

"(c) The Commission may not obligate, withdraw, or expend funds received as contributions before March 1, 1998.".

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

SEC. 701. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Servicemembers and Veterans Transition Assistance (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters. The members shall be appointed as follows:

(A) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

(B) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the Senate.

(C) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on National Security of the House of Representatives.

(D) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on Armed Services of the Senate.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed under paragraph (1) as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) In addition to the members appointed under paragraph (1), the following shall be nonvoting members of the Commission:

(A) The Under Secretary for Benefits of the Department of Veterans Affairs.

(B) The Assistant Secretary of Defense for Force Management and Personnel.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(4) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(5) The appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed under subsection (b)(1), the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and vice chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the chairman of the Commission.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 702. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the adequacy and effectiveness of veterans transition assistance and benefits programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition assistance and benefits programs among the various departments and agencies of the Government and determine the feasibility and desirability of consolidating such administration;

(3) evaluate proposals for improving such programs, including proposals for alternative means of providing services delivered by such programs; and

(4) make recommendations to Congress regarding the need for improvements in such programs.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 701(b)(1) and the member specified in subparagraph (B) of section 701(b)(3) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members.

(2) In carrying out the review, those members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Armed Forces for such programs.

(C) The adequacy of funding levels for such programs.

(D) The effect, if any, of the existence of such programs on military readiness.

(E) The extent to which such programs provide members of the Armed Forces with job-search skills.

(F) The extent to which such programs prepare such members for employment in the private sector and in the public sector.

(G) The effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service.

(H) The ways in which such programs could be improved.

(3) In carrying out the review, the Commission shall make use of previous studies which have been made of such programs.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 701(b)(1) and the members specified in subparagraphs (A) and

(C) of section 701(b)(3) shall review the following programs:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Department of Veterans Affairs for such programs.

(C) The adequacy of funding levels for such programs.

(D) The extent to which such programs provide veterans with job-search skills.

(E) The extent to which such programs prepare veterans for employment in the private sector and in the public sector.

(F) The effectiveness of such programs in assisting veterans in finding employment in the public sector upon their separation from service.

(G) The ways in which such programs could be improved.

(d) REPORTS.—(1) Not later than 90 days after the date on which all members of the Commission have been appointed under section 701(b)(1), the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the heads of other appropriate departments and agencies of the Government.

(2)(A) Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 703. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 704. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

(b) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall, upon the request of the chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 705. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) TRAVEL AND TRAVEL EXPENSES.—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to five additional staff members as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any department or agency of the Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 706. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its report under section 702(d)(2).

SEC. 707. DEFINITIONS.

For the purposes of this title:

(1) The term "veterans transition assistance and benefits program" means any program of the Government the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term "Armed Forces" has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term "veterans service organization" means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 708. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense, except that such amounts may not be from amounts appropriated for the transition assistance program (TAP), the Army career alumni program (ACAP), or any similar program.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

The title is amended so as to read:

To amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes.

Mr. NICKLES. Mr. President, this bill is a very important bill. It is the Senate bill S. 1711, the Veterans' Benefits Improvements Act of 1996.

Senator SIMPSON had a substitute which we are now entering into the RECORD. Again, this is very substantive legislation, which Senator SIMPSON deserves great accolades for. And I compliment him for the amendment.

CORRECTING THE ENROLLMENT OF THE COAST GUARD AUTHORIZATION ACT CONFERENCE REPORT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House

Concurrent Resolution 229, which corrects the enrollment of the Coast Guard authorization conference report.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the concurrent resolution be considered agreed to, with the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 229) was agreed to.

COAST GUARD AUTHORIZATION ACT OF 1996—CONFERENCE REPORT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of the Senate conference report to accompany S. 1004, the Coast Guard authorization.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The committee of conference of the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 27, 1996.)

Mr. CHAFEE. Mr. President, I rise in support of the conference report to S. 1004, the Coast Guard Authorization Act. As chairman of the Environment and Public Works Committee, which has jurisdiction over oil pollution issues, I am pleased to report that S. 1004 contains a number of important improvements to the Oil Pollution Act of 1990, or OPA. These improvements represent several solid steps forward in our ongoing efforts to prevent oil spills from occurring in our Nation's waters and to better respond to the oil spills that do occur.

I convened the Environment and Public Works Committee for a series of hearings to address oil pollution issues earlier this year in response to a number of major oil spills.

The spill of greatest interest to me, as you might imagine, happened just off the coast of my home State of Rhode Island on January 19 of this year. It occurred when a tug boat had a fire in rough seas and eventually lost control of the barge it was towing, which was carrying millions of gallons of home heating oil. The sad outcome was that the barge, the North Cape, ran aground and spilled some 800,000 gallons of oil into Block Island Sound.

The economic and environmental harm to my State from the spill was extensive. Thousands of lobster carcasses washed up on our shores, hundreds of birds were left dead or severely injured, and many who rely upon the sea for their livelihood in the area were financially hurt, some seriously.

The committee held a total of three hearings. The first of these was held in Rhode Island so we could hear and learn from the people most directly affected by the spill.

In our hearings we learned that, overall, OPA is working pretty well. The clear consensus of all witnesses who testified during our hearings is that OPA is a valuable piece of legislation that has helped to produce faster and more effective spill responses throughout the last 6 years.

Nevertheless, there is room for improvement in the Act. On the prevention side, for example, OPA can, and should, be strengthened so that we can avoid having to respond to an oil spill at all. The recent spills have only served to underscore the need for more effective prevention measures. We also learned that our oil spill response capabilities can, and should, be honed.

As a result, on May 7, I, along with Senators LIEBERMAN and LAUTENBERG, introduced S. 1730, the Oil Spill Prevention and Response Improvement Act. Senator PELL also eventually became a cosponsor. As its name implies, the bill has two major purposes: First, to prevent oil spills from occurring; and second, to provide for a more effective response to the oil spills that do occur.

On June 20, the Committee on Environment and Public Works voted 17 to 0 to report S. 1730. I am extremely gratified that the majority of the provisions and issues addressed in S. 1730 as reported are contained in the conference report before us today.

Let me now explain what these provisions are and the intent underlying them.

ENHANCING OIL SPILL PREVENTION

There are two major provisions in the conference report that will help prevent oil spills from single-hull oil-carrying barges. Both provide for new rules to apply to such barges within 1 year, by October 1, 1997.

The first set of rules will require all single-hull oil-carrying barges to have means to prevent grounding in the event of a problem at sea. The required anti-grounding protection can take the form of an operable anchor and crew member on board the barge, an emergency barge retrieval system, or comparable measures. These rules will prevent situations where barges carry millions of gallons of oil through environmentally sensitive waters without any kind of protection against grounding.

The second set of rules will require all vessels that tow oil-carrying barges to have fire-suppression measures. Never again should we be in a situation where the lives of crew members and a pristine marine environment are at risk because a towing vessel does not have the ability to suppress an onboard fire.

These new rules for single-hull tank barges and the vessels which tow them are important. Although the best way to prevent spills from vessels is to equip them with double hulls, it is quite expensive to build a new double-hull vessel or to retrofit a single hull vessel with a second hull.

Thus, in enacting OPA originally, Congress determined that all oil-carrying vessels in U.S. waters ought eventually to have double hulls, but that the oil transportation industry would need some time to make the transition, given the expense involved. Congress directed the Coast Guard to issue rules to help prevent oil spills from single hull vessels during this transition period.

These rules were to have been issued within one year after OPA's enactment—or by August 1991. Remarkably, however, by the time we held our first hearing on OPA, the Coast Guard still had failed to issue the rules, nearly five years after the mandatory statutory deadline.

This delay has undermined a key purpose of OPA, which is to reduce spills from single-hull vessels pending their replacement with double-hull vessels by the year 2015.

The Coast Guard finally issued one part of the required rules earlier this summer. The rules prescribe operational measures for single-hull tank vessels, which should prove valuable in helping to prevent oil spills from such vessels.

But there is another important subset of rules on single-hull tank vessels the Coast Guard still has not issued—those prescribing structural measures to reduce spills from such vessels. During our hearings, various high-level Coast Guard officials assured the Committee repeatedly that such rules would be published by December 1996.

It is this Senator's firm expectation that the Coast Guard will be true to its word and issue the rules on structural measures within the next three months; 6½ years has been more than enough time for the Coast Guard to adopt such measures. If the agency fails again to comply with its mandate, then the Congress will have no choice but to consider seriously taking up similar legislation again.

Let me add that one of the reasons the Coast Guard offered for being so late in issuing the single-hull vessel rules is because of confusion about the standard under which such rules are to be issued. That standard, set forth in section 4115(b) of OPA, provides that such measures are to "provide as substantial protection to the environment as is economically and technologically feasible."

Although there admittedly is some room for interpretation in this, as in any qualitative standard, let me state for the record a couple of things that are absolutely clear about the congressional intent behind section 4115(b). First, the standard is not to be read to require adoption only of the measure or measures the Coast Guard determines are the most cost-effective or cost-efficient. Rather, the standard makes clear that all measures which satisfy its criteria are to be included in the final rule.

The rulemaking should consider measures that prevent collision or grounding of a tank vessel in addition to those that reduce oil outflow after such a collision or grounding has occurred. Finally, due regard ought to be taken of human safety, including the safety of crew members and in particular those crew serving on affected tank barges.

In addition to providing for new rules, the conference report includes a series of additional measures to address specific oil spill prevention concerns raised by recent spills in the Northeast.

For example, after the *North Cape* spill, Governor Almond of Rhode Island convened a task force to examine the economic and environmental implications of dredging the State's waterways. The conference report directs the U.S. Army Corps of Engineers to review the task force's study and to submit recommendations concerning the feasibility and environmental effects of such dredging.

The conference report further directs the Secretary of Transportation, in cooperation with the Marine Board, to examine the incidence and risk of spills from lightering, a process by which oil is transferred from one vessel to another. This examination is to evaluate the adequacy of existing rules to prevent spills from lightering operations. It should examine not only how lightering is practiced, but also where lightering is done and the extent to which sensitive environmental areas may be at risk under current rules.

The conference report also directs the Secretary to assess the role of automatic fueling shutoff equipment in preventing the actual or threatened discharge of oil during fuel loading or off-loading activity.

IMPROVING OIL SPILL RESPONSE MEASURES

Notwithstanding the best efforts of those of us in Government and in the industry, a certain number of oil spills probably are inevitable. Consequently, the conference report contains important advances that will improve our ability to respond more effectively to spills that still occur.

It does so by reducing and redressing the economic hardship and environmental damage that is caused once a spill has taken place.

On the economic side, the conference report includes a key provision of the bill I introduced in the spring, S. 1730, which will ensure that injured parties are able to obtain financial relief in the immediate aftermath of a spill. After the North Cape spill, some lobstermen and fishermen were reluctant to pursue compensation for short-term damages for fear of waiving any rights to future compensation. This reluctance at times led to significant hardship, as most fishermen and lobstermen are self-employed, and thus, do not qualify for unemployment benefits.

To address this troubling situation, the conference report makes clear that a person injured by a spill may bring a claim for less than the full amount of damages to which he may be entitled, without waiving the right to future compensation. Thanks to this clarification, fishermen put out of work will no longer have to wait while their rent and grocery bills pile up before pursuing a claim. And small businesses such as fish markets that depend on the marine environment will not be forced out of business while awaiting compensation for their injuries.

The responsible party may establish reasonable parameters within which claims for partial, interim damages may be presented to avoid undue transaction costs, consistent with avoiding financial hardship to parties injured by a spill.

On the environmental response side, the conference report improves OPA by encouraging better advanced planning. It also fosters rapid availability to important new information and expertise in the wake of a spill.

First of all, the report clarifies that the owner or operator carrying out the response must follow the National Contingency Plan unless the President or On-Scene Coordinator determines that deviation would bring about a faster or more effective response.

Second, the report provides for a national clearinghouse to compile and disseminate information on the environmental effects of oil spills. This information clearinghouse will distribute up-to-the-minute knowledge to response personnel on how best to mitigate the environmental effects of particular spills.

Some of this information undoubtedly will derive from another provision in the conference report, which directs the Secretary of Transportation to study the environmental and public health risks from discharges of group-5 fuel oil.

Finally, area contingency plans will now be required to include the names of local scientists with expertise in the environmental effects of oil spills. This requirement will ensure that response officials may avail themselves quickly of expertise available in the spill area, in particular with respect to the local marine environment.

CHANGES TO SECTION 1016 REGARDING ENSURING EVIDENCE OF FINANCIAL RESPONSIBILITY

Section 1125 of the conference report modifies OPA's financial responsibility requirements.

These requirements mandate that vessels and oil-related facilities demonstrate evidence of access to financial resources that will cover the likely costs of cleanup and damages in the event of a spill. In this way they provide a guarantee that money will be available to finance all or most of the cleanup and damages. An entity may satisfy this requirement by entering into a contract with a guarantor, usually in the insurance industry, who agrees to be subject to claims for cleanup costs and damages up to a designated amount in the event of a spill.

There are at least two important purposes served by these requirements: First, they ensure that the polluter—not the U.S. taxpayer—bears the financial burdens resulting from oil pollution. Second, they ensure that claims will be presented and resolved promptly without subjecting claimants, especially injured individuals and small businesses, to protracted and expensive litigation.

MODIFICATIONS TO AMOUNT OF FINANCIAL RESPONSIBILITY REQUIRED FOR OFFSHORE FACILITIES

The conference report brings the amount of financial responsibility required of offshore facilities under OPA more into line with common sense and the original intent of Congress. It will allow us to avoid imposing undue and unintended economic burdens while also ensuring that the interests of the environment and the parties financially injured by a spill will continue to be protected.

The conference report does three things in this regard.

First, it corrects an unjustifiably broad interpretation of OPA by the Department of the Interior. That interpretation would apply the financial responsibility requirements for offshore facilities to traditional onshore facilities like land-based oil terminals and marinas.

We have many such onshore facilities in my State of Rhode Island and throughout the country. They never were intended to be subject to OPA's financial responsibility requirements for offshore facilities, even if they have certain appurtenances that extend onto submerged land. The report serves to make our original intent unmistakably clear.

Second, the conference report exempts from financial responsibility requirements small offshore operators who, even under a worst-case scenario, lack the capacity to cause a major oil spill. This de minimis exemption removes the potential for imposing an unjustifiably heavy financial burden on small businesses that pose only minimal environmental risk.

Importantly, however, the conference report does not affect the liability of a facility that actually engages in a spill. Moreover, the President retains the discretion to require even a small offshore facility to demonstrate evidence of financial responsibility if the risk justifies it.

Third, the conference report allows for some flexibility in the amount of financial responsibility to be required of non-de minimis offshore facilities. OPA currently directs the promulgation of regulations that would require all offshore facilities to meet financial responsibility requirements at a $150 million level.

The conference report, however, calls for use of the current $35 million requirement in the Outer Continental Shelf Lands Act for facilities in Federal waters while giving the President discretion to increase the requirement on the basis of risk. A similar approach is taken for offshore facilities in State waters, except that the minimum financial responsibility requirement is $10 million, given that many coastal States impose their own such requirements.

These changes should remove the potential for unnecessary and inefficient economic burdens yet preserve OPA's fundamental purpose of ensuring that oil-spill polluters pay for their pollution.

NARROWING "DIRECT ACTION" AGAINST GUARANTORS FOR OFFSHORE FACILITIES AND REAFFIRMATION OF LIMIT ON GUARANTOR LIABILITY

There are a couple of other changes the conference report makes to OPA's financial responsibility requirements.

First, the conference report modifies the situations in which claims may be brought directly against a guarantor for an offshore facility. Ordinarily, OPA provides that all claims may be brought against a spiller's guarantor.

The conference report limits the filing of claims directly against a guarantor for an offshore facility, however, to three instances: First, the claim is asserted by the United States, either for its own removal costs and damages or to recover any compensation paid by the oil spill liability trust fund to any claimant under OPA, including costs incurred by the Fund in processing claims; second, the spiller has filed a petition for bankruptcy; or third, the spiller has denied or failed to pay a claim on the basis of insolvency.

These changes to direct action against a guarantor for an offshore facility arose from the concern some have expressed that smaller, independently owned offshore facilities might find it difficult to meet OPA's financial responsibility requirements because of high insurance costs. Because OPA's financial responsibility requirements have yet to be imposed on offshore facilities, this remains to be seen.

Nevertheless, it is important to point out that the report makes changes to direct action against guarantors only with respect to offshore facilities. This narrow scope is intentional and it would not be proper to expand it—to vessels, for example—because offshore facilities are fundamentally different in this context. Many are small and independently owned and, most important, unlike vessels, they are immobile.

The report also directs that regulations be issued to establish a process for implementing the changes to direct action for guarantors of offshore facilities. The process must allow for the orderly and expeditious presentation and resolution of claims and effectuate OPA's purposes.

This is an important rulemaking and needs to protect claimants from procedural mazes and confusion in the presentation of their claims. They must not be subjected to shell games in which they get bounced back and forth between a responsible party and its guarantor. The key purpose of OPA to ensure that injured parties have quick and clear access to compensation for their damages must not be undermined.

Consequently, in the rulemaking authorized under the conference report, it should be clarified that the guarantor may not raise a defense to a direct action that is based on an allegation that the responsible party has not engaged in a prerequisite to the allowance of the direct action—that is, the guarantor should not, on direct action, be permitted to bar the claim by arguing that the responsible party has not filed a petition for bankruptcy or has not denied or failed to pay a claim on the ground of insolvency. To allow for such defenses to be raised would in essence allow a guarantor for an offshore facility to further narrow the conditions under which it is subject to direct action from three to one, thereby undermining congressional intent.

Moreover, the rulemaking ought to provide clear guidance and notice to injured parties on how and to whom they may present their claims. The changes to direct action in the report should not result in parties injured by spills from offshore facilities having their claims subject to a more protracted or difficult process than other OPA claimants.

The conference report also reaffirms Congress's original intent in enacting OPA in 1990 concerning the limit of liability for a guarantor on claims brought under the act. Thus, the changes to and addition of text in the subsection should not be read to effect any substantive change in that liability limitation. Instead, they are meant only to confirm that OPA does not impose liability with respect to an incident on a guarantor for damages and removal costs in excess of the amount of financial responsibility provided by the guarantor under the act.

CONCLUSION

The Senate Environment and Public Works Committee, of which I am chairman, has jurisdiction over many of the OPA issues addressed in the conference report. Some of the other OPA amendments in the report, however, are within the jurisdiction of the Senate Commerce Committee.

In that regard, I would like to thank Commerce Committee Chairman PRESSLER for his cooperation in facilitating the coordination of the work of our two committees. In the same vein, special thanks also are due Senator STEVENS, chairman of the Subcommittee on Oceans and Fisheries.

I also want to express my gratitude to House Transportation and Infrastructure Chairman SHUSTER for his willingness to work so cooperatively with the Senate on the differences between the House and Senate bills in conference.

Finally, I want to thank Senators LIEBERMAN and LAUTENBERG, the two original cosponsors of S. 1730. These Senators have worked diligently to help shape the OPA amendments, first offered in S. 1730 and now in the conference report, so that the amendments will best achieve their intended purposes.

Mr. HOLLINGS. Mr. President, I am pleased to join with my colleagues in supporting the conference report on S. 1004, the Coast Guard Authorization Act of 1996. Congress has not completed action on a Coast Guard authorization bill since 1993. In recent years, the bill has become the hostage of legislative battles on issues that are completely unrelated to the Coast Guard authorization.

Today, after many hours of discussion, I am pleased that the conferees finally have reached agreement on wideranging legislation that enjoys widespread support. The conference report authorizes funding of just over $3.7 billion annually for fiscal years 1996 and 1997, provides for end-of-year military strength and training loads and addresses a backlog of Coast Guard-related administrative and policy issues. Among such issues, the bill provides for: personnel administrative reforms requested by the administration, marine safety and waterways management improvements, updated authority for the Coast Guard Auxiliary, regulatory reforms for the U.S. maritime industry, and tougher controls to reduce marine plastic pollution.

The conference report recognizes that the Coast Guard has an important job and does it well. Indeed, the widespread support for the Coast Guard budget reflects the breadth and complexity of its missions—from protecting our maritime boundaries and the safety of life at sea to preserving the ocean environment and enforcing maritime laws and treaties. On an average day in 1994, the Coast Guard saved 14 lives, assisted 328 people, responded to 34 oil or hazardous chemical spills, inspected 64 commercial vessels, seized 379 pounds of illegal drugs, serviced 150 aids-to-navigation, and interdicted 174 illegal aliens.

Over the years, we have continued to ask the Ocean Guard to do more with less. In typical fashion, the Coast Guard has responded with a streamlining plan that will trim $400 million from the budget by 1998 and allow personnel reductions of 4000 people. As an example of the pragmatic approach the Coast Guard has taken in this plan, we recently welcomed the Coast Guard high endurance cutters, *Dallas* and *Gallatin*, to their new homeport at the Charleston Navy Base. By relocating Coast Guard assets from expensive locales like Governors Island to areas where the quality of life is high and the cost of living is reasonable, everyone benefits. The Coast Guard is better able to meet both its budgetary bottom line and its personnel needs.

Turning to the conference report, I would like to highlight some key provisions. With respect to the Coast Guard bridge program under the Truman-Hobbs Act, the Federal Government shares with the States the cost of altering publicly owned bridges that obstruct the free movement of marine traffic. The administration requested no funding for this account in fiscal year 1995, initiating a new policy under which the Coast Guard no longer would seek direct funding for alteration of highway bridges. Instead, the administration proposed that the Federal share of such projects be financed from the discretionary bridge funds of the Federal Highway Administration, under the continuing program direction of the Coast Guard.

The conference report provides the Secretary of Transportation with the discretionary authority and the flexibility to fund the program from either the Coast Guard bridge account or the discretionary bridge fund of the Federal Highway Administration. I anticipate that the Department of Transportation will use this new authority in the months to come in developing a plan to ensure stable funding for this longstanding and essential part of our national transportation safety program. In addition, individual Truman-Hobbs bridge projects, such as the John F. Limehouse Memorial Bridge in Charleston, SC, are critically important to address local transportation infrastructure needs. Consequently, I would like to thank the Department for working with me to identify $9 million in unused federal highway funds that will be made available to begin construction of the Limehouse Bridge. This bridge project is essential to improve navigation safety and provide for adequate evacuation of the Charleston area in the event of another hurricane or natural disaster.

On another matter, the Coast Guard has worked with the maritime industry in recent years to develop a package of amendments to existing marine safety laws that would allow their implementation in a more cost-effective and efficient manner, reduce the regulatory burden on the industry, and provide greater flexibility in making safety decisions. The amendments contained in the conference report before us today specifically would: implement the International Safety Management Code for U.S. vessels engaged in foreign commerce; allow qualified third parties such as the American Bureau of Shipping to conduct vessel safety inspections; allow greater use of foreign manufactured safety equipment; and extend the validity of Coast Guard certificates of inspection from 2 to 5 years, allowing earlier scheduling of annual inspections. The changes will help U.S. flag vessels to become more competitive in international trade and reflect the Coast Guard's commitment to harmonize U.S. regulations with international requirements. In addition, the conference report provides relief to operators of small passenger vessels from the exorbitantly high inspection fees that the Coast Guard was forced to establish in its efforts to achieve deficit reduction mandates.

The conference report also includes a provision developed in cooperation with Senator Lautenberg that would amend the act to Prevent Pollution from Ships [APPS] to strengthen requirements that ports maintain reception facilities to offload plastic wastes generated by vessels at sea. The legislation calls for the Secretary to inspect and maintains a list of such facilities and for port operators to post placards encouraging reporting of any inadequacies. The report also amends the Marine Plastic Pollution Research and Control Act to: continue the Secretary's biannual reporting to Congress on compliance with APPS; add a requirement to publish an annual list of APPS violators; establish a Marine Debris Coordinating Committee; and continue and expand the Federal public outreach program to include the use of grants.

Like most legislation, this conference report reflects a compromise and does not include some provisions which this Senator would have liked to have had enacted. In particular, I was disappointed that we were unable to persuade the House of Representatives to accept the Senate provision on funding for State boating safety programs. The Senate-passed provision would have ensured that States receive a stable source of financial assistance for the development and implementation of a coordinated national recreational boating safety program. This is an issue that should be addressed early in the 105th Congress.

Over the past two centuries, the U.S. Coast Guard has built an enduring reputation throughout the world for its maritime safety, environmental protection, humanitarian, and lifesaving efforts. We have all watched the valiant and often heroic work of Coast Guard seamen and officers as they rescue desperate refugees who have taken to the seas in crowded and makeshift boats. Even in the remote regions of the world, the Coast Guard is present, actively engaged in the enforcement of United Nations embargoes against countries like the former Republic of Yugoslavia and Iraq. The men and women of the Coast Guard respond with equal dedication during times of war and peace. I ask my colleagues to recognize this service by joining me in supporting the conference report on S. 1004.

Mr. PRESSLER. Mr. President, I rise to support adoption of the Coast Guard Conference Report for fiscal years 1996 and 1997.

Mr. President, the Coast Guard has broad ranging responsibilities—from enforcing America's maritime laws to ensuring the safety of recreational boaters.

Mr. President, like other Federal agencies, the Coast Guard faces the challenge of continuing to provide better government at less cost. It is clear the American taxpayers are demanding a smaller, more accountable Federal Government. At the same time, the demand for certain government services, including those provided by the Coast Guard, continues to be great. The Commandant of the Coast Guard, Admiral Robert E. Kramek, recently announced his National Plan for Streamlining the Coast Guard, which will save, on a cumulative basis, nearly one billion dollars by the year 2005 and make available over one billion dollars in property for other uses. Despite cuts of this magnitude, the Coast Guard will continue to perform all its current missions. I am pleased the Coast Guard is making a serious effort to improve it's efficiency while maintaining its effectiveness.

Mr. President, the conference report before us authorizes appropriations for the Coast Guard for fiscal years 1996 and 1997 and authorizes several management improvements requested by the Coast Guard. Many Members on both sides of the aisle have expressed interest in this bill and we have addressed their requests as best we could. The conference report has broad bipartisan support.

Mr. President, I believe the Coast Guard is up to the challenge of maintaining its status as the world's premier maritime organization despite intense budget pressure. It is my belief this authorization bill provides the

Coast Guard with the support it needs to meet that challenge.

Mr. President, let me take this opportunity to thank the very capable Senator STEVENS, who is chairman of our Oceans and Fisheries Subcommittee, for his leadership in developing the original bill. I would like to recognize Senator HOLLINGS, the ranking Democratic member on the full committee for his bipartisanship throughout this process.

Mr. President, I would also like to thank Congressman SHUSTER, chairman of the House Transportation and Infrastructure Committee and chairman of our Coast Guard Conference. He and his staff have worked long and hard in completing our work on this authorization.

Mr. President, finally I thank my colleagues for their contributions and support and I urge the adoption of the conference report for S. 1004.

Mr. STEVENS. Mr. President, the Coast Guard is very important in Alaska, where the commercial fishing industry is the largest private sector employer. We have over half the coastline of the United States, and sportsmen from around the world come to fish off Alaska. Alaskans and others rely on the Coast Guard every single day in Alaska.

At a national level, the Coast Guard is also important. Nationwide last year, the Coast Guard: (1) saved 4,450 lives—an average of one life every two hours; (2) assisted 98,900 persons in distress; (3) conducted 12,634 fisheries boardings; (4) inspected 38,000 U.S. vessels and 9,000 foreign vessels; (5) conducted 51 drug seizure cases, confiscating 23 tons of marijuana and 49,000 pounds of cocaine; (6) conducted 16,976 pollution investigations; (7) serviced 39,059 Federal navigation aids; and (8) saved or protected $7.3 billion in property, more than twice the Coast Guard's budget in 1995. In short, the Coast Guard performs functions that are vital to every American who goes near the water.

The conference bill and statement reauthorize the important activities of the Coast Guard for fiscal years 1996 and 1997. Our statement explains each of the sections of the bill, so I will not go through it in detail here.

I would like to thank Conference Chairman BUD SHUSTER and his staff, Rebecca Dye and Ed Lee. They have done a great job running this conference. In the Senate, I want to thank Chairman PRESSLER, and his staff Tom Melius and Jim Sartucci. Chairman PRESSLER's record as chairman this Congress has been remarkable. His accomplishments have included the Telecommunications bill, the ICC dismantling bill, the Maritime Security bill, the Magnuson reauthorization, and now the Coast Guard authorization, to name a few. Both Tom Melius and Jim Sartucci have been invaluable to the chairman and to me on the Coast Guard bill and other legislation.

Thanks also to Senator HOLLINGS and Subcommittee Chairman KERRY for their help with this bill, and to their staff, Penny Dalton, Carl Bentzel and Lila Helms. Lastly, I would like to thank my legislative director, Earl Comstock, and my staff on the Oceans and Fisheries Subcommittee, Trevor McCabe, for their work on S. 1004.

I strongly support the enactment of this important legislation.

• Mr. KERRY. Mr. President, I am pleased to join my distinguished colleagues Senators STEVENS, HOLLINGS, and BREAUX in bringing this bill before the Senate today to authorize the programs and activities of the United States Coast Guard for fiscal years 1996 and 1997.

In this time of dramatic changes in our society and our Government, I speak in support of an agency which I think virtually everyone if not absolutely everyone can agree is a good investment—the United States Coast Guard. This is something that I have observed at close range; the Coast Guard is vital to my state of Massachusetts, with its hundreds of miles of coastline, unforgiving storms, bustling maritime industry, history-rich fishing industry and thriving recreational boating population.

Moreover, the Coast Guard is vital to the safety and well-being of citizens in every coastal state, and in every state with navigable waters. Today, over 50 percent of the U.S. population lives within the coastal zone, and directly benefits from the services the Coast Guard provides. Indirectly, the Coast Guard provides invaluable services to every American. In fact, more than two-thirds of the total budget for the Coast Guard is used for its operating expenses, as it provides for the public safety, protects the marine environment, enforces laws and treaties, maintains aids to navigation, prevents illegal drug trafficking and illegal immigration, and preserves defense readiness.

As we act on this bill, it is fitting that we briefly review the history of our Nation's oldest continuous seagoing service—that has fought in almost every war since the Constitution established our government in 1789. Throughout its history of over two hundred years, the Coast Guard has served as a multi-mission service, flexible enough to adjust to the needs of the nation in peacetime as well as wartime. From its origins as the Revenue Cutter Service enforcing tariff laws of the young nation under Alexander Hamilton's command in 1789, to its activities today of saving lives, enforcing U.S. laws and treaties, ensuring maritime safety and defense, maintaining safe navigation and protecting the environment, the Coast Guard has served and continues to serve the nation well.

Because of this legacy of service, I believe it is our responsibility to ensure that the Coast Guard has adequate resources for its missions as it prepares for the next century. We should be concerned that the Coast Guard is capable of meeting its existing mandates and recognize the Coast Guard's ever-expanding roles and missions in our coastal waters and beyond.

The Commonwealth of Massachusetts has a long and storied involvement with the sea and the Coast Guard. One of Alexander Hamilton's 10 original revenue cutters was built in the city of Newburyport. Today's Coast Guard cutters are stationed in the ports of Boston, Gloucester, Woods Hole, and New Bedford. The first lighthouse built in the country was Boston Light in 1716. Today, Boston Light stands as the only manned lighthouse still in operation in the United States. The people of Massachusetts love the water and many rely on it directly or indirectly for their livelihood. The men and women of the Coast Guard keep watch over the fishing fleets, the maritime industry, and the over 145,000 recreational boats registered in Massachusetts. Indeed, I believe that Massachusetts has a unique and historic relationship with the Coast Guard.

But we all know that the Coast Guard's mission does not end at our shore. It protects all of our interests throughout the world, in times of war and peace. From supporting U.S. peacekeepers in Haiti, to responding to oil spills in the Persian Gulf, to supporting drug interdiction efforts in South and Central America, the Coast Guard has been there. Its work has been exemplary, but it seems that we continually ask the Coast Guard to do more with less, a practice that has persisted for some time. The Coast Guard is now in the process of a 4-year downsizing and streamlining which will ultimately reduce the Service by 12 percent—4,000 people and $400 million. I believe that we must eventually acknowledge the finite limitations on Coast Guard capabilities and resources and I am deeply concerned about some of the choices that it will be forced to make. The bill before us today will assist the Coast Guard in this respect, allowing it to do its job more effectively and efficiently. This ultimately will benefit the public by increasing the level of safety on the Nation's waterways.

This bill contains an assortment of significant provisions. Long awaited by the maritime industry, the Coast Guard regulatory reform provisions contained in the bill will eliminate unnecessary and burdensome regulations on American shipping companies, enabling them to be more competitive in the world market. This reform will save precious resources while also relieving an unnecessary burden from a struggling industry.

A provision amending the Act to Prevent Pollution from Ships will strengthen Coast Guard enforcement capability for protecting the environment from plastics, will ensure adequate waste reception facilities at ports and terminals, and will encourage public education and reporting programs.

To increase the tools in our war on drugs, the bill will provide new authority for Federal law enforcement officials by eliminating the potential defense of some would-be drug smugglers arrested during a vessel boarding at sea by the Coast Guard. Some smugglers have thwarted prosecution by claiming protection of another country's flag during legal proceedings, when at the time of the Coast Guard boarding at sea when they were arrested, they claimed their vessel was a stateless vessel.

To make the best use of an existing technology, and to prevent a dangerous disconnect to develop during the migration to a new navigation technology, the bill calls for the Coast Guard to develop a plan for the transition from the current ground-based radio navigation technology [LORAN-C] system to a satellite-based technology, global positioning system or GPS. For safety, this plan will include an appropriate timetable for transition from LORAN-C after it is determined that GPS can serve adequately as a sole means of safe and efficient navigation. The plan must also take into consideration the need to ensure that LORAN-C equipment purchased by the public before the year 2000 has a useful economic life. This provision ensures that those that made the financial investment in LORAN-C equipment will not suddenly find that system is worthless.

The Coast Guard's efforts to downsize and streamline have been admirable, and, in general, I support the Coast Guard's plans to streamline and consolidate operations where possible. In fact, I applaud the Coast Guard's recently announced streamlining plans which do not close or consolidate any front-line operating units while they reduce the Service's personnel by 1,000 people and its overhead expense by $100 million. However, I am concerned by the proposal to close 23 of the Coast Guard's front-line Small Boat Stations as a cost cutting effort to save $6 million.

Another important issue is involved in the Coast Guard's proposed closing of small boat stations. I have looked closely at the criteria used by the Coast Guard to develop the closure and station modification lists and was surprised to find absent from the criteria any consideration of local and regional factors, including water temperature and unusual tidal or current conditions. The Coast Guard uses a "one-size-fits-all" approach to determining response time for its small boat stations. I believe that other important regional criteria such as severe weather conditions and tides and currents should be considered as well. For example, in some regions these conditions could slow the average response, and colder water temperatures could necessitate a quicker response time. In 1789, Treasury Secretary Hamilton, the founding father of the service that eventually became the Coast Guard, was the first to acknowledge that such conditions matter when he allowed additional funding for the construction of two larger revenue cutters in order to handle the harsh weather conditions off the coast of New England. These conditions have not changed, and it is equally legitimate and essential today for local and regional conditions to be addressed in any Coast Guard decision process. This is not a consideration limited only to Massachusetts—or even to the New England region. Especially challenging conditions exist in numbers of regions, including, for example, the Great Lakes and the Northwest Pacific.

The Coast Guard criteria also appear to exclude consideration of vital Coast Guard missions other than search and rescue—including marine environmental protection; boating safety; enforcement of drug, illegal alien, and fisheries laws. In determining whether to close a station, I believe it is important for the Coast Guard to take into account all the services provided by the station. The Coast Guard also should contemplate the alternative measures for maintaining the station's current level of service in the area it serves.

The provisions in this bill establish a more detailed and public process to address station closure issues and those enunciated by the Senate appropriations Committee last year. My provision includes the appropriators' prohibition on station closures for fiscal year 1996. However, the provision in this bill does not prohibit station closures in the future; it only requires the Coast Guard to take into consideration the unique local and regional conditions, including water temperature, in reaching a closure decision. It also requires the Coast Guard to determine and take into account the cop on the beat effect of the station. The presence of the station, and boats and Coast Guard personnel on the water, has a positive impact on local boaters and serves as a deterrent to crime. This provision also requires the Secretary of Transportation to ensure that the closure of a station will not result in the degradation of services that would cause significant increased threat to life, property, environment, public safety or national security. Also important, the provision requires public review procedures to be established and used by the Coast Guard so that those coastal communities most impacted by the closure of a station can submit comments on their concerns before the final decision is made.

Ultimately, though, nothing in the bill prohibits the Secretary of Transportation from implementing management efficiencies within the small boat system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide. I believe that my provision gives the Coast Guard the flexibility to make the operational changes it needs to make, but ensures that coastal communities, their residents, and the environment are not put at risk by closing a station.

I am extremely pleased to have secured another key provision for Massachusetts in this bill—language that will permit financing to go forward to revitalize the Fore River Shipyard in Quincy, MA. Section 1139 of the bill is based on an amendment originally sought by Senator KENNEDY and me in the Commerce-State-Justice appropriation bill for fiscal year 1997, and later amended by Majority Leader LOTT. In my view, Senator LOTT has not inappropriately toughened up the language. In the case of the Quincy project, this language will place a greater responsibility on the Commonwealth of Massachussets to help underwrite the necessary financing. I am satisfied that the new language leaves enough discretion to the Maritime Administration so that a suitable arrangement can be reached that is both affordable and acceptable to the Commonwealth. This is a matter on which I, Senator KENNEDY, and Representative STUDDS have been working for over a year.

Specifically, section 1139 establishes the basis for the Secretary of Transportation to assist certain shipyards, including the yard at Quincy, by facilitating the extension of Federal loan guarantees for the reactivation and modernization of those yards and the construction of vessels by the yards. Significantly, this section has been carefully drafted to provide several layers of protection to the Federal taxpayer, and to ensure the State where a yard is located shoulders a degree of the financial burden of revitalizing the yard, and also a portion of the financial risk. For example, subsection (d) requires the State or a State chartered agency where the yard is located to deposit the amount of funds needed to cover the percentage of the risk factor cost under the Federal Credit Reform Act into the Federal treasury, and provides for the reversion of the funds to the State if no obligation needs to be paid from the deposited funds. I fully expect that the percentage of the risk factor under this subsection will never exceed 12 percent. It appears to me that a deposit from the State of 12 percent will be more than adequate to fulfill the requirements associated with the risk of default for a project of this nature.

This provision is significant to my State because the Quincy Shipyard project is the first of its kind. It is the first project to revitalize an inoperative shipyard and put it back into production as a state-of-the-art facility that will employ up to two thousand workers in good jobs. This is an amendment that makes sense, because the proposal to revitalize the Quincy Shipyard will turn it into a shipyard on the cutting edge of technology and one which will produce vessels that will be in demand in the international marketplace for years—double-hulled oil tankers to carry petroleum safely around the world. The Federal Government's investment in the Quincy Shipyard will be repaid many times over through the jobs that will be created, and through the renewed position of American maritime leadership that the project will help us attain. Now that Congress has done its part, it is incumbent upon the Commonwealth, the city of Quincy, the Massachussets Heavy Industries Corp., and the Maritime Administration to make this project a reality.

This bill is the culmination of almost 2 years of effort. and I would like to thank the chairman of the subcommittee, Senator STEVENS, the chairman of the Commerce Committee, Senator PRESSLER, and the committee's ranking Democrat, Senator HOLLINGS, for their hard work in bringing this bipartisan bill to the floor. I believe this bill and the work of the four of us provide a superb example of how this institution can effectively write and pass good law. I also would like to acknowledge the hard work and long hours invested by the staffs on both sides of the aisle, including Penny Dalton and Lila Helms on the Commerce Committee minority staff, and Tom Melius, Trevor McCabe, and Jim Sartucci of the majority staff. On my personal staff, I would like to acknowledge the work of Kate English, Steve Metruck, Peter Hill and Tom Richey on this bill.

This bill is carefully considered, and carefully written. It merits passage. I urge my colleagues to vote for it today.•

Mr. SMITH. Mr. President, I rise today in support of the Coast Guard Authorization Act which includes a number of provisions related to preventing oil spills in the future. Two of these provisions were added to the bill at my request, and arise out of an oil spill that occurred in Portsmouth, NH on July 1, 1996.

For the benefit of my colleagues, I would like to take the chance to briefly explain the series of events that led to this oil spill. At approximately 10:30 p.m. on Monday, July 1st, the tanker "Provence" was off-loading fuel at the Schiller Station powerplant in Portsmouth when, during a flood tide, the ship parted its mooring lines and began to drift into the middle of the Piscataqua River. One of the workers who was involved in off-loading the ship, quickly acted to shut off the pumps, but unfortunately, approximately 1000 gallons of number 6 fuel oil, which was contained in the hoses of the ship, spilled into the river. The ship then drifted over to the Maine side of the river and ran aground. Given the fact that the ship contained 250,000 barrels of oil, it is fortunate that a much more serious accident did not occur.

Less than 15 minutes after the grounding occurred, the Portsmouth Response Co-op, a local entity created to respond to these types of spills, had already begun stationing oil containment booms around the tanker, and a little more than one-half hour after that, the Coast Guard was at the site responding to the spill. Although there was a quick response to this incident, the number 6 oil that was spilled at this site is a type of oil that is heavier than water, and thus, sank to the bottom of the Piscataqua River. The result was that thousands of lobsters were soiled or killed in an area that is a prime fishing spot for the lobstermen of my State.

Notwithstanding the fact that they were limited in their ability to respond to the spill, I believe that the local fishermen, the Portsmouth Co-op, the State of New Hampshire Department of Fish and Game and the United States Coast Guard should all be commended for their expeditious and highly professional response to this spill.

Soon after the spill, I was able to take a tour of the Piscataqua on the boat of Mr. Ed Heaphy, a lobsterman in my State, in order to understand, first hand, what occurred with this spill. While it is too soon to fully grasp the long term effects from this incident, it appears that the oil has dissipated and the lobstermen are again able to fish in this area. During my tour, and the subsequent conversations I have had with the Coast Guard, it has become readily apparent to me that there are two problems that occurred related to this spill that deserve additional attention by the Coast Guard.

The first issue involves the oil itself. The number 6 oil that spilled in the Piscataqua is classified as "group 5" oil by the Coast Guard because it is heavier than water and sinks to the bottom when it is spilled. In Portsmouth, little could be done to clean up this oil except to attempt to "fish" it off the bottom of the river utilizing oil sorbent pads tied to anchors dangled from boats. I think this is a primitive way of addressing an important oil cleanup issue.

The second issue at this site involved the oil pumping operations on the ship. Although we were fortunate that quick action resulted in the pumps being shut off, if this action had not occurred, hundreds, if not thousands of gallons per minute could have been pumped into the river. It appears obvious that we should not have to count on luck in such an incident.

Given these two circumstances, I felt that it was urgent that we take a closer look at these issues to determine if further action needs to be taken to prevent a reoccurrence of these types of spills in the future. For this reason, I drafted an amendment to attach to the Coast Guard Authorization Act. This amendment addresses the two problems highlighted during the spill in Portsmouth. The first provision would require a study of cleanup methods for group 5 oils and a report to be submitted to Congress within 18 months of the passage of this legislation. The second provision would require a study of the need for automatic fuel shutoff equipment and a report to be submitted to Congress within 18 months. In addition, this amendment gives the Secretary of Transportation the authority to adopt a rulemaking to take action on these two issues if he finds, as a result of the studies, that action is necessary to abate a threat to public health and the environment.

I would like to thank the Republican Leader Senator LOTT, the chairman of the Energy Committee, Senator CHAFEE, Senator STEVENS, the chairman of the Subcommittee on Oceans and Fisheries, and Senator PRESSLER, the chairman of the Commerce Committee, for their willingness to work with me to have this amendment adopted. I believe that this study will lead to solutions that will avoid these problems in the future, and I urge my colleagues to support it.

Mr. LIEBERMAN. Mr. President, I rise today to express my strong support for the provisions in this bill designed to strengthen our oil spill prevention laws. This bill incorporates key provisions of S. 1730, legislation introduced by Senator CHAFEE which I was proud to cosponsor. I congratulate Senator CHAFEE for his outstanding work in this area and I was delighted to be able to work closely with him on these provisions.

Last February in Rhode Island, Senator CHAFEE and I had the unfortunate responsibility to review the tragic economic and environmental impacts of the oil spill resulting from the grounding of the barge *North Cape* off the coast of Rhode Island. At that hearing and in subsequent hearings in Washington, we also examined the implementation of the Oil Pollution Act of 1990.

We learned during those hearings that one of the goals of the 1990 Act—improving the response time for an oil spill—was largely fulfilled. Unfortunately, we also learned that the pollution prevention provisions of the Act were not working as well as the response provisions. We also heard about concerns with implementation of some of the provisions designed to ensure expeditious compensation for the victims of oil spills, such as the fishermen in Rhode Island.

We learned at our hearings that the regulatory system for tows and barges is woefully inadequate, even though they travel through some of the most environmentally sensitive areas and stormy waters. For example, barges are not required to have an operable anchor on board. Such an anchor would have slowed, if not stopped, the barge *North Cape* from drifting toward the Rhode Island shore, according to an expert witness at one of our hearings. There are no requirements for adequate firefighting equipment on towing vessels. The grounding of the barge *North Cape* was triggered by a fire on board the tug *Scandia* and the crew of the *Scandia* apparently was unable to gain access to the area where the fire suppression system was located.

I am pleased that this legislation addresses many of the problems we learned about in the aftermath of the Rhode Island spill. Let me review just a few of the highlights.

The bill takes strong steps to reduce the risks of oil spills from single hull tank barges. By October 1, 1997, the Secretary of Transportation must issue a rule requiring single hull tank barges to have at least one of the following: a crewmember and an operable anchor on board the barge that can stop the barge without additional assistance; an emergency system on the barge or towing vessel that will allow the barge to be retrieved by the towing vessel if the towline ruptures; or other measures that the Secretary determines will provide comparable protection against barge grounding.

The legislation also requires that by October 1, 1997, the Secretary require the installation of fire suppression systems or other measures to provide assurance that a fire on board a towing vessel towing a tank vessel can be suppressed.

Another important provision of the bill reaffirms that the Oil Pollution Act of 1990 allows those who have suffered economic loss from an oil spill to receive payment for interim, short-term damages without losing their right to recover all damages down the road. In Rhode Island, some fishermen who needed money immediately for their daily existence were reluctant to pursue partial claims because of fear that they might waive their rights to long-term damages. They suffered significant hardship, and we want to assure that such a situation will not happen again.

The bill also strengthens the current law's requirement for compliance with a response plan in the event of a spill. It provides that such plans must be followed unless deviation would provide for a more expeditious or effective response to an oil spill or mitigation of its effects.

The bill also includes an important study that the Secretary, in coordination with the Marine Board, must conduct on the risk of oil spills from lightering operations, including recommendations on measures that would likely further reduce the risks of oil spills from lightering operations. These recommendations should help to protect our local marine environment from the threats posed by such spills.

Oil spills are an unfortunate fact of modern life, but their effect on our world, the economy, and people can be minimized if we write and enforce good laws that make spills rarer, allow quicker cleanup and provide adequate compensation to victims. The Oil Pollution Act of 1990 helped make the Rhode Island spill of 1996 less severe than it might otherwise have been. But the spill might have been avoided altogether, and that must remain our goal for the future. Enactment of the legislation we are considering today will help move us toward that goal.

Ms. SNOWE. Mr. President, I rise in strong support of the conference report for the Coast Guard Authorization Act of 1996.

Mr. President, many senators, particularly those who represent landlocked States, would probably not think of a Coast Guard reauthorization bill as being a very difficult undertaking. But the development and negotiation of this bill has not been easy.

Three years have elapsed since the Coast Guard was last reauthorized, even though this essential agency is supposed to receive an annual authorization like the Defense Department. Unfortunately, several controversial issues have slowed the progress of this bill, and it was not until yesterday that the last of these was finally resolved between the Members of the House and Senate on both sides of the aisle.

I think the fact that we have gotten the bill this far—to the verge of sending a conference report to the President—is a testament to the expert leadership that the bill has been fortunate to receive. Senator STEVENS, the Oceans and Fisheries Subcommittee chairman, and Senator PRESSLER, our full committee chairman, have done an impressive and artful job of shepherding this bill past many seemingly insurmountable obstacles and pitfalls. This bill teetered on the precipice on several occasions during the past 2 years, and each time, Senators STEVENS and PRESSLER rescued and revived the measure. Their deft handling of this measure is what has brought it so close to enactment.

Mr. President, the American people want this bill. The Coast Guard provides an essential service for our country. It makes the waters of this maritime Nation safe for the mariners of all stripes who ply our waters—the commercial and sport fishermen, the merchant seamen, the sailing enthusiasts, the cruise ship passengers, and others. It defends our borders from the depredations of the drug lords who would export their poison to our communities. It protects our waters from oil spills and other forms of marine pollution.

We need to reauthorize and update the legislative authorities for this critical agency, and this conference report does a good job in that regard. Not only does this report include necessary reforms and authorities for the Coast Guard, but it is a fiscally responsible piece of legislation. It authorizes approximately $3.8 billion for the Coast Guard in fiscal years 1996 and 1997. This amount represents a very small increase over the funding levels in the previous authorization which expired in 1993.

Mr. President, I would also like to specifically mention several provisions in the report that are based on amendments I sponsored or cosponsored with other Senators during consideration of the Senate bill, and that have been retained in the conference report.

One of the longest lasting legacies of this bill will be the preservation of 36 lighthouses on the coast of Maine. This provision originated as a stand-alone bill earlier in the year, S. 685. It was adopted by the full Senate in S. 1004, the Senate Coast Guard bill, and it is included in the conference report.

This provision will create the Maine Lights program to transfer these historically and environmentally important lighthouses to new owners who will agree to maintain them, preserve their historic character, preserve ecological resources on adjacent property like seabird nesting habitat, and provide access to the public. In short, this legislation provides a way to preserve these lighthouses at very little or no cost to the federal government.

Mr. President, long after this bill passes, when citizens from all over the country visit the Maine coast and admire the lighthouses, they will have this Congress to thank for its vision and its commitment to preserving such a valuable piece of the Nation's coastal heritage.

Times have changed since the lighthouses that we will protect in this bill were first constructed, but one thing hasn't changed: the heart of the Coast Guard's mission is still the human emergency response, the rescues at sea. It's critical that the Coast Guard maintain this capability to respond promptly and professionally to all accidents in American waters, even while we are engaged in the necessary process of balancing the budget and protecting the fiscal health of the Nation.

Senator KERRY and I authored an amendment in the Commerce Committee to prevent the Coast Guard from closing any of its small-boat, multimission stations unless the Secretary first certifies that the closure will not result in a degradation of services that threatens life, property, the environment, or public safety. Language that I included in this amendment provided, in particular, that a proposed station closure will not hamper the Coast Guard's ability to meet its 2-hour standard for responding to search and rescue requests.

At the request of the House, we agreed to streamline the Senate provisions for the conference report, but the report maintains the key components of our amendment. The Coast Guard will still have to certify that the closure of a small boat station will not impair the agency's ability to maintain the safety of the maritime public. It will still have to ensure that search and rescue standards, such as the two-hour response time, will have to be met. And it will still have to ensure that the extra safety threats posed by unique or special marine conditions, such as exceedingly cold water, will be fully considered before any stations are closed. This is a very important provision that will guarantee that the safety of the maritime public will not be diminished if the Coast Guard decides to close a small-boat station.

Mr. President, another provision that I sponsored during Senate consideration and that has been retained in the conference report will facilitate a timely and effective response in the event of an oil spill in certain areas near our foreign borders such as Passamaquoddy Bay on Maine's border with Canada.

Passamaquoddy Bay is a large, virtually pristine bay and estuary system that is internationally recognized as a staging area for migratory waterfowl and shorebirds. In addition, the bay area has substantial economic value, hosting major aquaculture and commercial fishing operations, a vibrant tourism industry that depends on the health of the bay, and one of Maine's three major cargo ports.

Unfortunately, this important resource would be relatively unprotected in the event of a major oil spill. The State of Maine does not have an adequate number and type of oil spill response vessels in the vicinity of Passamaquoddy Bay. Some Canadian-registered vessels based north of the bay could do the job, but current federal law prevents these vessels from operating in U.S. waters.

To address this kind of problem, my amendment, which was modified in cooperation with other senators prior to adoption of the conference report, will allow foreign-registered oil spill response vessels to be used in U.S. waters in the event of an oil spill. The authority only applies on a temporary and emergency basis, however. And it only applies as long as U.S.-documented response are not available to respond in a timely manner. Furthermore, the modified amendment makes this authority contingent on the nation in which the foreign vessel is registered providing the same privileges to U.S. response vessels.

This provision will help to ensure that U.S. waters like Passamaquoddy Bay receive the maximum amount of protection from an oil spill, while giving U.S. recovery vessels priority consideration for doing the work if they are available.

Mr. President, as we consider this conference report, the State of Maine and the Coast Guard are grappling with a significant oil spill that occurred yesterday in Portland harbor. The spill occurred after a tanker carrying diesel fuel struck a drawbridge. This is obviously a very unfortunate development, and we wish it had not happened. Once the spill has been cleaned up, it will be thoroughly investigated by federal authorities.

But the spill does underscore the very serious need to make sure that all of our coastal areas are fully equipped to respond effectively to oil spills. The conference report contains a number of provisions to do that, including the amendment that I just described, and these provisions take on an added urgency in light of the Portland oil spill.

Finally, I wanted to reference the section on financial responsibility under the Oil Pollution Act. I offered an amendment in the Commerce Committee that addressed the aspect of this issue dealing with marinas and onshore fuel terminals. Under some current interpretations of OPA, these facilities could have been subjected to the act's extremely expensive financial responsibility requirements, even though the act was intended to cover offshore drilling platforms and other large production facilities that could be involved in large oil spills.

Mr. President, the financial responsibility language in the report reflects a compromise that Senators on the Commerce and EPW Committees, and Members of the House, negotiated on this issue. Among other things, it simply clarifies that marinas and onshore fuel terminals are not subject to OPA's financial responsibility requirements. This legislation will benefit many small businesses, boaters, commercial fishermen, oil distributors, and fuel consumers across the country without jeopardizing important environmental protections.

Mr. President, this is a very good bill, and it is the result of a lot of hard work and painstaking negotiation. It deserves the strong support of all Senators, and I would urge my colleagues to vote yes and send it to the President.

CRUISE SHIP REVITALIZATION ACT

Mrs. BOXER. Mr. President, today we close a 3-year effort to fix a problem in State law that has led to scores of cruise ships bypassing my State of California, taking thousands of jobs and millions of dollars in needed revenue with them. Our ship, finally, has come in, and I thank my colleagues here who have helped bring the cruise ships back to the Golden State.

The conference report the Coast Guard Authorization Act includes my legislation, the California Cruise Industry Revitalization Act, S. 138, that responds to pleas from ports in my State—and the California Legislature—to overturn a State law that has harmed the cruise ship industry and the hundreds of jobs it creates. The California Cruise Industry Revitalization Act has strong bipartisan support and no opposition. It affects only my State.

I am thrilled to announce that because of our high-profile efforts to win this provision in the past week—either as part of the Coast Guard bill or the FAA bill—two major cruise lines have announced that they will return to the Port of San Diego by the end of the year, if this legislation passes. The two lines, Royal Caribbean and Carnival Cruise, pulled out in 1992.

The section of the conference report incorporating my bill corrects a problem that occurred when California responded to a 1992 congressional amendment to the Johnson Act, permitting states to prohibit gambling on intrastate cruises. The California law was written to prevent a proliferation of casino development on Indian land within the State as well as to reinforce the longstanding statutory prohibitions against gambling ships and cruises to nowhere. Unfortunately, it also prohibited ships on international cruises from making multiple ports of call within the State.

My legislation simply makes a technical change to the Johnson Act, allowing a cruise ship to make multiple ports of call in one State and still be considered on an interstate or international voyage.

This legislation is essential to restoring California's cruise ship industry, which has lost 2,400 direct and indirect jobs and $325 million in tourist revenue since 1993. Many cruise ship companies have bypassed second and third ports of call within California.

The State's share of the global cruise ship business has dropped from 10 to 7 percent at the same time that growth in the cruise ship business overall has climbed 10 percent a year. Our lost market share has gone not to other States but to foreign countries along the Pacific coast.

Mr. President, this legislation is not simply a matter of getting Washington out of the way, as some have said. The 1994 California Assembly Joint Resolution No. 40 specifically states, "That California memorializes Congress to amend the Johnson Act to remove California's authority to regulate gambling on cruise ships traveling to foreign ports or on segments of voyages going to another State or country,* * *"

Furthermore, the California Trade and Commerce Agency wrote the Senate Commerce Committee urging support for this legislation.

Today, we fulfill that request. We have been able to do so because of the hard work of many people in and outside of this Congress. I first want to thank former Congresswoman Lynn Schenk of San Diego, who first brought this bill to my attention. Lynn persuaded her House colleagues to pass this provision which was included in several maritime bills which passed the House in 1994 only to die in the legislative gridlock that fall.

Unfortunately, Lynn did not return to renew the fight in the 104th Congress. However, the Port of San Diego and other ports in California took up the call and repeatedly wrote and called congressional leaders urging support for this measure. Congratulations Lynn. I was honored to work with you.

Last year, the Committee on Commerce, Science, and Transportation agreed to attach my bill to the Coast Guard Act. I want to thank Senator HOLLINGS, the committee's ranking member, and his staff, for their unwavering support for my provision as the Coast Guard bill in conference entered troubled waters with unrelated, controversial matters inserted in the House version.

I also want to thank Senator FORD, ranking member of the Aviation Subcommittee, for his stalwart support not only in attaching my bill to the FAA Reauthorization Act but to making sure it stayed there in conference with the House until we were assured of the Coast Guard bill's passage.

We could not have won this victory without the help of the distinguished Democratic leadership of the committee, Senator HOLLINGS and Senator FORD. California owes a debt of gratitude to their leadership.

My thanks also to Congress Members JANE HARMAN, BRIAN BILBRAY and BOB FILNER who worked hard to get this bill through the House.

Mr. NICKLES. Mr. President, I ask unanimous consent that the conference report be considered adopted, the motion to reconsider be laid upon the table, and, finally, that any statements relating to the conference report be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

NATIONAL MARINE SANCTUARIES ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 543, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 543) to reauthorize the National Marine Sanctuaries Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, since the day I arrived in the Senate nearly twelve years ago, I have worked hard to address the many challenges confronting our ocean and coastal resources. After all, few states draw as much of their national and regional identity from their coastal areas and contiguous oceans as does Massachusetts.

Often with my distinguished colleagues, the Senator from South Carolina, Senator HOLLINGS, and the Senator from Alaska, Senator STEVENS, I have worked to improve national marine resource management. My efforts have come through my membership on the Senate Commerce, Science and Transportation Committee, and particularly as ranking member on the Oceans and Fisheries Subcommittee and as co-chair of the subcommittee's predecessor, the former National Ocean Policy Study (NOPS).

Over the past 25 years, Congress has worked to develop innovative policy solutions to enable the long-term protection, conservation, utilization and management of our vulnerable marine resources. We have acted to ensure strong coastal economies in Massachusetts and a clean, healthy coastal environment from the Gulf of Maine to the Gulfs of Mexico and Alaska.

One of these innovative programs is the Magnuson Fisheries Conservation and Management Act, which in 1976 introduced the new concept of domestic fishery management councils to guide the development of commercial fishery management plans. In close concert with Senator STEVENS, Senator HOLLINGS and several other Senators, I have worked long and hard during this Congress to strengthen and reauthorize the Magnuson Act. I am delighted that this effort has been successful and that the bill is on its way to the White House for the President's signature. It will greatly aid us in ensuring ecologically and economically sustainable fisheries for future generations.

Another successful innovation in marine resource protection has been the National Marine Sanctuary Program, created in 1972 and last reauthorized in 1992. Administered by the National Oceanic and Atmospheric Administration (NOAA), the National Marine Sanctuary Program is a proven success and one in which we should all take pride. I strongly support the National Marine Sanctuaries Preservation Act and urge my colleagues to support this very important reauthorization bill.

H.R. 543 represents another step toward fulfilling a national commitment to further protect our coastal oceans, sustain marine biological diversity and fishery stocks, and encourage comprehensive natural resource management that provides for appropriate recreational and commercial activities. The marine sanctuary program successfully demonstrates that environmental protection and economic opportunity can co-exist. We can have both jobs and environmental conservation.

H.R. 543 is a straightforward reauthorization bill. It makes only minor changes to the Sanctuaries Act, and on balance, it strengthens the sanctuary program. The bill provides $45.5 million over the next 3 fiscal years to fund the management of the 14 existing marine sanctuaries, including the Stellwagen Bank National Marine Sanctuary off Massachusetts Bay. I am assured by NOAA that this amount is adequate to sustain present management activities at all existing sanctuaries. In addition, this bill provides important authority to NOAA to develop alternative funding sources to augment government spending and enhance marine sanctuary research and management activities.

This bill makes permanent the temporary authority given to NOAA in 1992 to market and license a sanctuary program logo developed as part of a pilot logo program. Not only will this revenue enhancement program broaden the recognition of the sanctuary program, it will provide opportunities to develop supplemental funding to support sanctuary management activities. Amounts generated from this new initiative are expected to be quite limited at first, but are an important step in the long-term development of the marine sanctuary program.

H.R. 543 also addresses the current controversy regarding the designation of a new marine sanctuary in Washington state. The members of the Committee on Commerce, Science, and Transportation have worked closely with Senator MURRAY to address these concerns and we are pleased that this bill reflects those changes agreed upon.

Finally, Mr. President, I would be remiss if I did not at this time recognize the dedication to the cause of ocean and coastal resource protection of my esteemed colleague and friend from Massachusetts, GERRY E. STUDDS, who has been an outstanding leader in the Congress on this issue.

For the 20 years that GERRY STUDDS has served in Congress, he has demonstrated time and time again a responsiveness to the needs of his constituents. These needs understandably have been shaped very often by the important marine and coastal resources of Massachusetts. Through his close and constant association with the ocean, GERRY STUDDS has developed a sensitivity and insight into the complexity of the marine and coastal environment that few members could challenge. This insight has served him well as a Chairman of the former House Merchant Marine and Fisheries Committee, and in his present capacity as ranking member on the House Subcommittee on Fisheries, Wildlife and Oceans. Let there be no mistake: GERRY STUDDS' mark on national environmental policy, especially in the marine environment, has been profound.

Section 11 of H.R. 543 formally changes the name of the existing Stellwagen Bank sanctuary off the coast of Massachusetts to the "Gerry E. Studds Stellwagen Bank National Marine Sanctuary." I realize after having worked closely with Congressman STUDDS on the designation of Stellwagen Bank in 1992 how deeply he feels about this very special place. It is a fitting tribute that this unique marine resource, which he worked so hard to protect for future generations, should bear his name. His knowledge, his expertise and his humor will all be missed. I will miss him as a friend and colleague in the Congress. But the Gerry E. Studds Stellwagen Bank National Marine Sanctuary will remain a constant reminder of his impressive environmental legacy.

In closing, Mr. President, I have worked closely this Congress with my friend, the Chairman of the Oceans and Fisheries Subcommittee, Senator STEVENS, to pass strong, positive marine resources legislation that reflects and reaffirms the importance of ocean and coastal resources to our Nation and ensures they are treated as the priceless and essential natural resources they are. Not unlike the Sustainable Fisheries Act (S. 39), the Antarctica bill (H.R. 3060), and the reauthorization of the Coastal Zone Management Act (H.R. 1965), this bill is another positive step toward ensuring that our Nation's vital marine and coastal resources are conserved and sensibly managed for the benefit of all. I wholeheartedly support this bill and urge my colleagues to do the same.

Mrs. MURRAY. Mr. President, I thank the distinguished chairman and ranking member of the Commerce Committee, as well as Senator GORTON and Congressman METCALF, for their work on this bill.

We have reached an agreement on the provisions regarding the Northwest Straits of Washington State which I think will serve everyone's best interest. My amendment to the House passed bill deletes language establishing a local advisory committee under the control of NOAA, while retaining the requirement that final designation of a marine sanctuary in the Northwest Straits occur only via congressional authorization.

I was concerned that the creation of a NOAA-controlled advisory committee would undermine the very intent of bringing local community members together to consider the resource protection needs of the Northwest Straits in an objective and open forum. Many members of the local communities have serious concerns about the performance of NOAA over the last several years with regard to the proposed sanctuary. To establish a new advisory committee under NOAA's control would only perpetuate those concerns. I think it is much better if such local commissions or committees develop on their own, independent from the NOAA process, much as the Marine Resources Committee in the San Juan Islands has done.

It is my understanding that as NOAA continues with its assessment of the resource protection needs of the Northwest Straits, it will provide personnel and technical expertise and information to any local advisory committees or commissions that may develop and will include any recommendations put forward by such committees or commissions in NOAA's assessment.

My amendment will allow us to move this important bill forward with bipartisan consensus. I appreciate the significant role the Marine Sanctuaries Program plays in the protection of our Nation's ocean resources. The protection of marine life and marine habitat is a worthy goal. Marine sanctuaries may not only protect the marine environment but may also support regional economies by creating recreational and tourism opportunities and enhancing commercial fisheries and associated industries by providing refuges for fish and other marine life. I fully support this legislation, and I urge my colleagues to support our agreement.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid on the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 543) was deemed read the third time and passed.

ORDER FOR COMMITTEES TO FILE SPECIAL REPORTS

Mr. NICKLES. Mr. President, I ask unanimous consent that on November 21, 1996, between the hours of 10 a.m. and 2 p.m. committees have the authority to file special reports on nonlegislative matters only. This does not include executive matters such as treaties or nominations, nor does it allow committees to report bills or resolutions after the sine die adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORT PECK RURAL COUNTY WATER SUPPLY SYSTEM ACT OF 1996

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 1467) to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1467) entitled "An Act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Peck Rural County Water Supply System Act of 1996".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) CONSTRUCTION.—The term "construction" means such activities associated with the actual development or construction of facilities as are initiated on execution of contracts for construction.

(2) DISTRICT.—The term "District" means the Fort Peck Rural County Water District, Inc., a nonprofit corporation in Montana.

(3) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Final Engineering Report and Alternative Evaluation for the Fort Peck Rural County Water District", dated September 1994.

(4) PLANNING.—the term "planning" means activities such as data collection, evaluation, design, and other associated preconstruction activities required prior to the execution of contracts for construction.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) WATER SUPPLY SYSTEM.—The term "water supply system" means the Fort Peck Rural County Water Supply System, to be established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—Upon request of the District, the Secretary shall enter into a cooperative agreement with the District for the planning, design, and construction by the District of the water supply system. Title to this project shall remain in the name of the District.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate rural water supplies under the jurisdiction of the District in Valley County, north-eastern Montana (as described in the feasibility study).

(c) AMOUNT OF FEDERAL CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraph (3), under the cooperative agreement, the Secretary shall pay the Federal share of—

(A) costs associated with the planning, design, and construction of the water supply system (as identified in the feasibility study); and

(B) such sums as are necessary to defray increases in the budget.

(2) FEDERAL SHARE.—The Federal share referred to in paragraph (1) shall be 75 percent and shall not be reimbursable.

(3) TOTAL.—The amount of Federal funds made available under the cooperative agreement shall not exceed the amount of funds authorized to be appropriated under section 4.

(4) LIMITATIONS.—Not more than 5 percent of the amount of Federal funds made available to

the Secretary under section 4 may be used by the Secretary for activities associated with—

(A) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) oversight of the planning, design, and construction by the District of the water supply system.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated to carry out this Act $5,800,000. This authorization shall terminate after a period of 5 complete fiscal years after the date of enactment of this Act unless the Congress has appropriated funds for the construction purposes of this Act. This authorization shall be extended 1 additional year if the Secretary has requested such appropriation. The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1994, as indicated by engineering cost indices applicable to the type of construction project authorized under this Act. All costs which exceed the amounts authorized by this Act, including costs associated with the ongoing energy needs, operation, and maintenance of this project shall remain the responsibility of the District.

SEC. 5. CACHUMA PROJECT, BRADBURY DAM, CALIFORNIA.

The prohibition against obligating funds for construction until 60 days from the date that the Secretary of the Interior transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Cachuma Project, Bradbury Dam, California.

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 633, H.R. 3815.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3815) to make technical corrections and miscellaneous amendments to trade laws.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1996".

SEC. 2. PAYMENT OF DUTIES AND FEES.

(a) INTEREST ACCRUAL.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended in the second sentence by inserting after "duties, fees, and interest" the following: "or, in a case in which a claim is made under section 520(d), from the date on which such claim is made,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims made pursuant to section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) on or after June 7, 1996.

SEC. 3. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) EXAMINATION OF BOOKS AND WITNESSES.—Section 509(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(2)) is amended by striking "(c)(1)(A)" and inserting "(d)(1)(A)".

(2) REQUIREMENT FOR CERTIFICATE FOR IMPORTATION OF ALCOHOLIC LIQUORS ABOARD SMALL VESSELS.—Section 7 of the Act of August 5, 1935 (19 U.S.C. 1707; 49 Stat. 520), is repealed.

(3) MANIFESTS.—Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended in the matter preceding subparagraph (A) by striking "such manifest" and inserting "a vessel manifest".

(4) PENALTIES FOR CERTAIN VIOLATIONS.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(A) in subsection (a)(1), by striking "lawful duty" and inserting "lawful duty, tax, or fee"; and

(B) in subsections (b)(1)(A)(vi), (c)(2)(A)(ii), (c)(3)(A)(ii), (c)(4)(A)(i), and (c)(4)(B) by striking "lawful duties" each place it appears and inserting "lawful duties, taxes, and fees".

(5) DEPRIVATION OF LAWFUL DUTIES, TAXES, OR FEES.—Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended by striking "or fees be restored" and inserting "and fees be restored".

(6) RECONCILIATION TREATED AS ENTRY FOR RECORDKEEPING.—

(A) Section 401(s) of the Tariff Act of 1930 (19 U.S.C. 1401(s)) is amended by inserting "recordkeeping," after "reliquidation,".

(B) Section 508(c)(1) of such Act (19 U.S.C. 1508(c)(1)) is amended by inserting ", filing of a reconciliation," after "entry".

(7) EXTENSION OF LIQUIDATION.—Section 504(d) of the Tariff Act of 1930 (19 U.S.C. 1504(d)) is amended—

(A) in the first sentence, by inserting ", unless liquidation is extended under subsection (b)," after "shall liquidate the entry"; and

(B) in the second sentence, by inserting "(other than an entry with respect to which liquidation has been extended under subsection (b))" after "Any entry".

(8) EXEMPTION FROM DUTY FOR PERSONAL AND HOUSEHOLD GOODS ACCOMPANYING RETURNING RESIDENTS.—Section 321(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(B)) is amended by inserting ", 9804.00.65," after "9804.00.30".

(9) DEBT COLLECTION.—Section 631(a) of the Tariff Act of 1930 (19 U.S.C. 1631(a)) is amended by adding at the end the following new subsection:

"(c) PAYMENT OF COSTS.—The debtor shall be assessed and pay any and all costs associated with collection efforts pursuant to this section. Notwithstanding section 3302(b) of title 31, United States Code, any sum so collected shall be used to pay the costs of debt collection services.".

(10) DESIGNATION OF CUSTOMS OFFICER.—Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended in paragraphs (3) and (4) by striking "appropriate regional commissioner" and inserting "officer designated pursuant to regulations".

(11) REVIEW OF PROTESTS.—Section 515(d) of the Tariff Act of 1930 (19 U.S.C. 1515(d)) is amended by striking "district director" and inserting "port director".

(12) ADMINISTRATIVE EXEMPTIONS.—Section 321(a) of the Tariff Act of 1930 (19 U.S.C. 1321(a)) is amended—

(A) in paragraph (1), by striking "duties, fees, and taxes actually accruing" and inserting "duties, fees, taxes, and interest actually accruing"; and

(B) in paragraph (3)—

(i) by striking "and taxes" and inserting "taxes, and interest"; and

(ii) by striking "or taxes" and inserting "taxes, or interest".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as of December 8, 1993.

SEC. 4. CLARIFICATION REGARDING THE APPLICATION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Subparagraph (D) of section 13031(b)(8) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)(D)) is amended—

(1) in clause (iv)—

(A) by striking "subparagraph 9802.00.80 of such Schedules" and inserting "heading 9802.00.80 of such Schedule"; and

(B) by striking "and" at the end of clause (iv);

(2) by striking the period at the end of clause (v) and inserting "; and"; and

(3) by inserting after clause (v) the following new clause:

"(vi) in the case of merchandise entered from a foreign trade zone (other than merchandise to which clause (v) applies), be applied only to the value of the privileged or nonprivileged foreign status merchandise under section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to—

(1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and

(2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if liquidation of the entry was not final before such 15th day.

(c) APPLICATION OF FEES TO CERTAIN AGRICULTURAL PRODUCTS.—The amendment made by section 111(b)(2)(D)(iv) of the Customs and Trade Act of 1990 shall apply to—

(1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and

(2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if the liquidation of the entry was not final before such 15th day.

SEC. 5. TECHNICAL AMENDMENT TO THE CUSTOMS AND TRADE ACT OF 1990.

Subsection (b) of section 484H of the Customs and Trade Act of 1990 (19 U.S.C. 1553 note) is amended by striking ", or withdrawn from warehouse for consumption," and inserting "for transportation in bond".

SEC. 6. CLARIFICATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended—

(1) by striking "centralized hub facility or" in clause (i); and

(2) in clause (ii)—

(A) by striking "facility—" and inserting "facility or centralized hub facility—",

(B) by striking "customs inspectional" in subclause (I), and

(C) by striking "at the facility" in subclause (I) and inserting "for the facility".

(b) DEFINITIONS.—Section 13031(b)(9)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(i)) is amended—

(1) by striking ", as in effect on July 30, 1990", and

(2) by adding at the end thereof the following new sentence: "Nothing in this paragraph shall

be construed as prohibiting the Secretary of the Treasury from processing merchandise that is informally entered or released at any centralized hub facility or express consignment carrier facility during the normal operating hours of the Customs Service, subject to reimbursement and payment under subparagraph (A).".

(c) CITATION.—Section 13031(b)(9)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(ii)) is amended by striking "section 236 of the Tariff and Trade Act of 1984" and inserting "section 236 of the Trade and Tariff Act of 1984".

SEC. 7. SPECIAL RULE FOR EXTENDING TIME FOR FILING DRAWBACK CLAIMS.

Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended by adding at the end the following:

"(3)(A) The Customs Service may, notwithstanding the limitation set forth in paragraph (1), extend the time for filing a drawback claim for a period not to exceed 18 months, if—

"(i) the claimant establishes to the satisfaction of the Customs Service that the claimant was unable to file the drawback claim because of an event declared by the President to be a major disaster on or after January 1, 1994; and

"(ii) the claimant files a request for such extension with the Customs Service—

"(I) within 1 year from the last day of the 3-year period referred to in paragraph (1), or

"(II) within 1 year after the date of the enactment of this paragraph,

whichever is later.

"(B) If an extension is granted with respect to a request filed under this paragraph, the periods of time for retaining records set forth in subsection (t) of this section and section 508(c)(3) shall be extended for an additional 18 months or, in a case to which subparagraph (A)(ii) applies, for a period not to exceed 1 year from the date the claim is filed.

"(C) For purposes of this paragraph, the term 'major disaster' has the meaning given that term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).".

SEC. 8. TREATMENT OF ENTRIES OF CERTAIN TELEVISIONS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at New York, New York, which are listed in subsection (c), in accordance with the final results of the administrative review, covering the period from May 1, 1984, through March 31, 1985, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A-580-008).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
84-4426808	August 29, 1984
84-4427823	September 4, 1984
84-4077985	July 25, 1984
84-4080859	August 3, 1984
84-4080817	August 3, 1984
84-4077723	August 1, 1984
84-4075194	July 10, 1984
84-4076481	July 17, 1984
84-4080930	August 9, 1984.

SEC. 9. TEMPORARY DUTY SUSPENSION FOR PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.98.05	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1998 Goodwill Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing event by or on behalf of the foregoing persons or the organizing committee of such event; articles to be used in exhibitions depicting the culture of a country participating in such event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow	Free	No change	Free	On or before 2/1/99".

(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.05 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 10. MISCELLANEOUS TECHNICAL CORRECTION.

Section 313(s)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(s)(2)(B)) is amended by striking "successor" each place it appears and inserting "predecessor".

SEC. 11. URUGUAY ROUND AGREEMENTS ACT.

Section 405(b) of the Uruguay Round Agreements Act (19 U.S.C. 3602(b)) is amended—

(1) in paragraph (1) by striking "1(a)" and inserting "1(b)"; and

(2) in paragraph (2) by striking "1(b)" and inserting "1(a)".

SEC. 12. IMPORTS OF CIVIL AIRCRAFT.

General Note 6 of the Harmonized Tariff Schedule of the United States is amended to read as follows:

"6. Articles Eligible for Duty-Free Treatment Pursuant to the Agreement on Trade in Civil Aircraft.

"(a) Whenever a product is entered under a provision for which the rate of duty 'Free (C)' appears in the 'Special' subcolumn and a claim for such rate of duty is made, the importer—

"(i) shall maintain such supporting documentation as the Secretary of the Treasury may require; and

"(ii) shall be deemed to certify that the imported article is a civil aircraft, or has been imported for use in a civil aircraft and will be so used.

The importer may amend the entry or file a written statement to claim a free rate of duty under this note at any time before the liquidation of the entry becomes final, except that, notwithstanding section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)), any refund resulting from any such claim shall be without interest.

"(b)(i) For purposes of the tariff schedule, the term 'civil aircraft' means any aircraft, aircraft engine, or ground flight simulator (including parts, components, and subassemblies thereof)—

"(A) that is used as original or replacement equipment in the design, development, testing, evaluation, manufacture, repair, maintenance, rebuilding, modification, or conversion of aircraft; and

"(B)(1) that is manufactured or operated pursuant to a certificate issued by the Administrator of the Federal Aviation Administration (hereafter referred to as the 'FAA') under section 44704 of title 49, United States Code, or pursuant to the approval of the airworthiness authority in the country of exportation, if such approval is recognized by the FAA as an acceptable substitute for such an FAA certificate;

"(2) for which an application for such certificate has been submitted to, and accepted by, the Administrator of the FAA by an existing type and production certificate holder pursuant to section 44702 of title 49, United States Code, and regulations promulgated thereunder; or

"(3) for which an application for such approval or certificate will be submitted in the future by an existing type and production certificate holder, pending the completion of design or other technical requirements stipulated by the Administrator of the FAA.

"(ii) The term 'civil aircraft' does not include any aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) purchased for use by the Department of Defense or the United States Coast Guard, unless such aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) satisfies the requirements of subdivisions (i)(A) and (i)(B) (1) or (2).

"(iii) Subdivision (i)(B)(3) shall apply only to such quantities of the parts, components, and subassemblies as are required to meet the design and technical requirements stipulated by the Administrator. The Commissioner of Customs may require the importer to estimate the quantities of parts, components, and subassemblies covered for purposes of such subdivision.".

SEC. 13. TECHNICAL CORRECTION TO CERTAIN CHEMICAL DESCRIPTION.

(a) AMENDMENT TO SUBHEADING 2933.90.02.—The article description for subheading 2933.90.02 of the Harmonized Tariff Schedule of the United States is amended by striking "(Quizalofop ethyl)".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE PROVISION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request (which includes sufficient information to identify and locate the entry) filed with the Customs Service on or before the date that is 180 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article that occurred—

(A) after December 31, 1994, and before the date that is 15 days after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a lesser duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

SEC. 14. MARKING OF CERTAIN IMPORTED ARTICLES AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (h), (i), (j), and (k), respectively, and

(2) by inserting after subsection (e) the following new subsections:

"(f) MARKING OF CERTAIN COFFEE AND TEA PRODUCTS.—The marking requirements of subsections (a) and (b) shall not apply to articles described in subheadings 0901.21, 0901.22, 0902.10, 0902.20, 0902.30, 0902.40, 2101.10, and 2101.20 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.

"(g) MARKING OF SPICES.—The marking requirements of subsections (a) and (b) shall not apply to articles provided for under subheadings 0904.11, 0904.12, 0904.20, 0905.00, 0906.10, 0906.20, 0907.00, 0908.10, 0908.20, 0908.30, 0909.10, 0909.20, 0909.30, 0909.40, 0909.50, 0910.10, 0910.20, 0910.30, 0910.40, 0910.50, 0910.91, 0910.99, 1106.20, 1207.40, 1207.50, 1207.91, 1404.90, and 3302.10, and items classifiable in categories 0712.90.60, 0712.90.8080, 1209.91.2000, 1211.90.2000, 1211.90.8040, 1211.90.8050, 1211.90.8090, 2006.00.3000, 2918.13.2000, 3203.00.8000, 3301.90.1010, 3301.90.1020, and 3301.90.1050 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.".

(b) CONFORMING AMENDMENT.—Section 304(i) of such Act, as redesignated by subsection (a)(1), is amended by striking "subsection (f)" and inserting "subsection (h)".

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

SEC. 15. TARIFF TREATMENT OF CERTAIN SILVER, GOLD, AND PLATINUM BARS.

(a) IN GENERAL.—Subchapter II of chapter 71 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking subheading 7106.92.00 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7106.91:

"7106.92	Semimanufactured:			
7106.92.10	Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of silver and not otherwise marked or decorated than with weight, purity, or other identifying information	Free		Free
7106.92.50	Other	4.8%	Free (A*, CA, E, IL, J, MX)	65%";

(2) by striking subheading 7108.13.50 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7108.13.10:

	Other:			
"7108.13.55	Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of gold and not otherwise marked or decorated than with weight, purity, or other identifying information	Free		Free
7108.13.70	Other	6.6%	Free (CA, E, IL, J, MX)	65%";

and

(3) by striking subheadings 7115.90.10 through 7115.90.50 and inserting in numerical sequence the following new subheadings and superior text, with the article description for subheading 7115.90.05 having the same degree of indentation as the article description for subheading 7116.10.10:

"7115.90.05	Articles of precious metal, in rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of a precious metal and not otherwise marked or decorated than with weight, purity, or other identifying information.	Free		Free
		Other:		
7115.90.30	Of gold, including metal clad with gold	6.2%	Free (A*, CA, E, IL, J, MX)	110%
7115.90.40	Of silver, including metal clad with silver	4.8%	Free (A*, CA, E, IL, J, MX)	65%
7115.90.60	Other	6.4%	Free (A, CA, E, IL, J, MX)	65%".

(b) CONFORMING AMENDMENTS.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking "7106.92.00 Chile" and inserting "7106.92.50 Chile"; and

(2) by striking "7115.90.10 Argentina" and "7115.90.20 Argentina" and inserting "7115.90.30 Argentina" and "7115.90.40 Argentina", respectively.

(c) STAGED RATE REDUCTIONS.—Any staged rate reduction that was proclaimed by the President before the date of the enactment of this Act to take effect on or after the date of the enactment of this Act—

(1) of a rate of duty set forth in subheading 7106.92.00 of the Harmonized Tariff Schedule of the United States shall apply to the corresponding rate of duty in subheading 7106.92.50 of such Schedule (as added by subsection (a)(1));

(2) of a rate of duty set forth in subheading 7108.13.50 shall apply to the corresponding rate of duty in subheading 7108.13.70 of such Schedule (as added by subsection (a)(2));

(3) of a rate of duty set forth in subheading 7115.90.10 shall apply to the corresponding rate of duty in subheading 7115.90.30 of such Schedule (as added by subsection (a)(3));

(4) of a rate of duty set forth in subheading 7115.90.20 shall apply to the corresponding rate of duty in subheading 7115.90.40 of such Schedule (as added by subsection (a)(3)); and

(5) of a rate of duty set forth in subheading 7115.90.50 shall apply to the corresponding rate of duty in subheading 7115.90.60 of such Schedule (as added by subsection (a)(3)).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods that are entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

SEC. 16. SUSPENSION OF DUTY ON CERTAIN SEMIMANUFACTURED FORMS OF GOLD.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by adding in numerical sequence the following new heading:

"9902.71.08	Wire containing 99.9 percent or more by weight of gold and with dopants added to control wirebonding characteristics, having a diameter of 0.05 millimeters or less, for use in the manufacture of diodes, transistors, and similar semiconductor devices or electronic integrated circuits.	Free	No change	No change	On or before 12/31/2000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 17. ELIMINATION OF EAST-WEST TRADE STATISTICS MONITORING SYSTEM.

Section 410 of the Trade Act of 1974 (19 U.S.C. 2440) is repealed.

SEC. 18. RETROACTIVE ELECTION TO RECONCILE ENTRIES.

(a) DEFINITION OF ENTRY RECONCILIATION.—The first sentence of section 401(s) of the Tariff Act of 1930 (19 U.S.C. 1401(s)) is amended to read as follows: "The term 'reconciliation' means an electronic process, initiated at the request of an importer, under which the elements of an entry (other than those elements related to the admissibility of the merchandise) that are undetermined at the time the importer files or transmits the documentation or information required by section 484(a)(1)(B), or the import activity summary statement, are provided to the Customs Service at a later time.".

(b) RECONCILIATION REQUIREMENTS.—Section 484(b)(1) (19 U.S.C. 1484(b)(1)) of such Act is amended by striking the first and second sentences and inserting the following: "A party may elect to file a reconciliation with regard to such entry elements as are identified by the party pursuant to regulations prescribed by the Secretary. If the party so elects, the party shall declare that a reconciliation will be filed. The declaration shall be made in such manner as the Secretary shall prescribe and at the time the documentation or information required by subsection (a)(1)(B) or the import activity summary statement is filed with, or transmitted to, the Customs Service, or at such later time as the Customs Service may, in its discretion, permit. The reconciliation shall be filed by the importer of record at such time and in such manner as the Secretary prescribes but not later than 15 months after the date the importer declares his intent to file the reconciliation. In the case of reconciling issues relating to the assessment of antidumping and countervailing duties, the reconciliation shall be filed not later than 90 days after the date the Customs Service advises the importer that the period of review for antidumping or countervailing duty purposes has been completed.".

SEC. 19. TARIFF TREATMENT FOR CERTAIN MOTOR VEHICLES.

General Note 3 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subdivision:

"(d) CERTAIN MOTOR VEHICLES MANUFACTURED IN FOREIGN TRADE ZONES.

"(i) DUTY IMPOSED. Notwithstanding any other provision of law, the duty imposed on a qualified article shall be the amount determined by multiplying the applicable foreign value content of such article by the applicable rate of duty for such article.

"(ii) QUALIFIED ARTICLE. For purposes of this subdivision, the term 'qualified article' means an article that is—

"(A) classifiable under any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States,

"(B) produced or manufactured in a foreign trade zone before January 1, 1996,

"(C) exported therefrom to a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3301(4)), and

"(D) subsequently imported from that NAFTA country into the customs territory of the United States—

"(I) on or after the effective date of this subdivision, or

"(II) on or after January 1, 1994, and before such effective date, if the entry of such article is unliquidated, under protest, or in litigation, or liquidation is otherwise not final on such effective date.

"(iii) APPLICABLE FOREIGN VALUE CONTENT.

"(A) APPLICABLE FOREIGN VALUE CONTENT. For purposes of this subdivision, the term 'applicable foreign value content' means the amount determined by multiplying the value of a qualified article by the applicable percentage.

"(B) APPLICABLE PERCENTAGE. The term 'applicable percentage' means the FTZ percentage for the article plus 5 percentage points.

"(iv) OTHER DEFINITIONS AND SPECIAL RULES. For purposes of this subdivision—

"(A) FTZ PERCENTAGE. The FTZ percentage for a qualified article shall be the percentage determined in accordance with subparagraph (I), (II), or (III) of this paragraph, whichever is applicable.

"(I) REPORT FOR YEAR PUBLISHED. If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article was manufactured has been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in that report for the subzone in which the qualified article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

"(II) REPORT FOR YEAR NOT PUBLISHED. If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article was manufactured has not been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in the most recently published FTZ Annual Report for the subzone in which the article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

"(B) APPLICABLE RATE OF DUTY. The term 'applicable duty rate' means the rate of duty set forth in any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States that is applicable to the qualified article and which would apply to the article if the article were directly entered for consumption into the United States from the foreign trade zone with non-privileged foreign status having been claimed for all foreign merchandise used in the manufacture or production of the qualified article.

"(C) FOREIGN TRADE ZONE; SUBZONE. The terms 'foreign trade zone' and 'subzone' mean a zone or subzone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

"(D) FTZ ANNUAL REPORT. The term 'FTZ Annual Report' means the Annual Report to the Congress published in accordance with section 16 of the Foreign Trade Zones Act (19 U.S.C. 81p(c)).

"(E) NON-PRIVILEGED FOREIGN STATUS. The term 'non-privileged foreign status' means that privilege has not been requested with respect to an article pursuant to section 3 of the Foreign Trade Zones Act.".

SEC. 20. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103-465.

(a) TITLE I.—

(1) Section 516A(a)(2)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)(A)(i)(I)) is amended by adding a comma after "subparagraph (B)".

(2) Section 132 of the Uruguay Round Agreements Act (19 U.S.C. 3552) is amended by striking "title" and inserting "section".

(b) TITLE II.—

(1)(A) The item relating to section 221 in the table of contents of the Uruguay Round Agreements Act is amended to read as follows:

"Sec. 221. Special rules for review of determinations.".

(B) The section heading for section 221 of that Act is amended to read as follows:

"SEC. 221. SPECIAL RULES FOR REVIEW OF DETERMINATIONS.".

(2) Section 270(a)(2)(B) of the Uruguay Round Agreements Act is amended by striking "771(A)(c)" and inserting "771A(c)".

(3) Section 702(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1671a(c)(5)) is amended by striking "(b)(1)(A)" and inserting "(b)(1)".

(4) Section 732(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1673a(c)(5)) is amended by striking "(b)(1)(A)" and inserting "(b)(1)".

(5) Section 212(b)(1)(C)(i)(I) of the Uruguay Round Agreements Act is amended by striking "the petition" and inserting "a petition".

(6) Section 214(b)(2)(A)(i)(II) of the Uruguay Round Agreements Act is amended by striking "the merchandise" and inserting "merchandise".

(7) Section 771(16)(B)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(16)(B)(i)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(8) Section 732(e)(1) of the Tariff Act of 1930 (19 U.S.C. 1673a(e)(1)) is amended by striking "the the" and inserting "the".

(9) Section 233(a)(6)(C) of the Uruguay Round Agreements Act is amended by inserting "each place it appears" after "commence".

(10) Section 261(d)(1)(A)(ii) of the Uruguay Round Agreements Act is amended by inserting after "is amended" the following: "by striking 'as follows:' and inserting a comma and".

(11) Section 261(d)(1)(B)(ii)(I) of the Uruguay Round Agreements Act is amended by inserting "of" after "section 303 or".

(12) Section 337(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1337(b)(3)) is amended in the first sentence by striking "such section and".

(13) Section 281(h)(4) of the Uruguay Round Agreements Act is amended by striking "(A),".

(14) Section 771(30) of the Tariff Act of 1930 (19 U.S.C. 1677(30)) is amended by striking "agreement" and inserting "Agreement".

(15) Section 705(c)(1)(B)(i)(II) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(1)(B)(i)(II)) is amended by inserting "section" after "if".

(16) Section 282(d) of the Uruguay Round Agreements Act (19 U.S.C. 3572(d)) is amended by aligning the text of the last sentence with the text of the first sentence.

(17) Section 783(f) of the Tariff Act of 1930 (19 U.S.C. 1677n(f)) is amended by striking "subsection (d)" and inserting "subsection (e)".

(c) TITLE III.—

(1) Section 314(e) of the Uruguay Round Agreements Act is amended in the matter proposed to be inserted as section 306(b)(1) of the Trade Act of 1974, by striking the closed quotation marks and second period at the end.

(2) Section 321(a)(1)(C)(i) of the Uruguay Round Agreements Act is amended to read as follows:

"(i) in the first sentence by striking 'such Act' and inserting 'such subtitle'; and".

(3) Section 592A(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1592A(a)(3)) is amended by striking "list under paragraph (2)" and inserting "list under paragraph (1)".

(4) Section 301(c)(4) of the Trade Act of 1974 (19 U.S.C. 2411(c)(4)) is amended by striking "paragraph (1)(C)(iii)" and inserting "paragraph (1)(D)(iii)".

(5) Section 202(d)(4)(A)(i) of the Trade Act of 1974 (19 U.S.C. 2252(d)(4)(A)(i)) is amended by striking "section 202(b)" and inserting "subsection (b)".

(6) Section 304(a)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2414(a)(3)(A)) is amended by inserting "Rights" after "Intellectual Property".

(7) Section 331 of the Uruguay Round Agreements Act (19 U.S.C. 3591) is amended by striking ", as defined in section 2(9) of the Uruguay Round Implementation Act,".

(8) Section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854) is amended in the second sentence by striking "Implementation" and inserting "Agreements".

(9) Section 334(b)(1)(B)(ii) of the Uruguay Round Agreements Act (19 U.S.C. 3592(b)(1)(B)(ii)) is amended by striking "possession," and inserting "possession;".

(10) Section 305(d)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(d)(2)) is amended—

(A) by striking "or" after the semicolon at the end of subparagraph (B); and

(B) in subparagraph (C) by striking the period at the end and inserting a semicolon.

(11) Section 304 of the Trade Agreements Act of 1979 (19 U.S.C. 2514) is amended—

(A) in subsection (a) by striking the comma after "XXIV(7)"; and

(B) in subsection (c)—

(i) by striking the comma after "XXIV(7)"; and

(ii) by striking the comma after "XIX(5)".

(12) Section 308(4)(D) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(D)) is amended by striking "the the" and inserting "the".

(13) Section 305(g) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)) is amended—

(A) in paragraph (1)—

(i) by striking "of such subsection" and inserting "of subsection (d)(2)"; and

(ii) by inserting "of subsection (d)(2)" after "(as the case may be)"; and

(B) in paragraph (3)—

(i) by striking "the the" and inserting "the"; and

(ii) by inserting "of subsection (d)(2)" after "(as the case may be)".

(14) Section 402(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2532(4)) is amended by inserting a comma after "system, if any".

(15) Section 414(b)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 2544(b)(1)) is amended by striking "procedures,," each place it appears and inserting "procedures,".

(16) Section 451(6)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2571(6)(A)) is amended by striking "Members." and inserting "Members; and".

(d) TITLE IV.—

(1) Section 492(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2578a(c)) is amended by striking "phystosanitary" and inserting "phytosanitary".

(2) Section 412(b) of the Uruguay Round Agreements Act is amended by striking "1853" and inserting "972".

(e) TITLE V.—

(1) Section 154(c)(2) of title 35, United States Code, is amended in the matter preceding subparagraph (A) by striking "Acts" and inserting "acts".

(2) Section 104A(h)(3) of title 17, United States Code, is amended by striking "section 104A(g)" and inserting "subsection (g)".

(f) TITLE VI.—

(1) Section 141(c)(1)(D) of the Trade Act of 1974 (19 U.S.C. 2171(c)(1)(D)) is amended by striking the second comma after "World Trade Organization".

(2) Section 601(b)(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 2465 note) is amended by striking "such date of enactment" and inserting "the date of the enactment of this Act".

(3) The heading for section 1106 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2905) is amended by striking "**for the wto**" and inserting "**or the wto**".

SEC. 21. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103-182.

(a) TITLE II.—

(1) Section 13031(b)(10)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)(A)) is amended—

(A) by striking "Agreement)" and inserting "Agreement Implementation Act of 1988)"; and

(B) by striking "section 403" and inserting "article 403".

(2) Section 202 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332) is amended—

(A) in subsection (m)(4)(C) by striking "(o)" and inserting "(p)"; and

(B) in subsection (p)(18) by striking "federal government" and inserting "Federal Government".

(b) TITLE III.—

(1) Section 351(b)(2) of the North American Free Trade Agreement Implementation Act is amended by striking "Agreement Act" and inserting "Agreements Act".

(2) Section 411(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2541(c)) is amended by striking "Special Representatives" and inserting "Trade Representative".

(3) Section 316 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3381) is amended by striking "subsection 202(d)(1)(C)(i)" and inserting "subsection (d)(1)(C)(i)".

(4) Section 309(c) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3358(c)) is amended in paragraphs (1) and (2) by striking "column 1—General" and inserting "column 1 general".

(c) TITLE IV.—

(1) Section 402(d)(3) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3432(d)(3)) is amended in the matter preceding subparagraph (A) by striking "(c)(4)" and inserting "subsection (c)(4)".

(2) Section 407(e)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3437(e)(2)) is amended by striking "petition," and inserting "petition;".

(3) Section 516A(g)(12)(D) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(12)(D)) is amended—

(A) by striking "(D)(i)" and inserting "(D)"; and

(B) by striking "If the Trade Representative" and inserting "(i) If the Trade Representative".

(4) Section 415(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3451(b)(2)) is amended by striking "under 516A(a)" and inserting "under section 516A(a)".

(d) TITLE V.—Section 219 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2707) is amended—

(1) in subsection (b)(1) by striking "Hemisphere," and inserting "Hemisphere;"; and

(2) in paragraphs (1) and (2) of subsection (h) by striking "Center," and inserting "Center;".

(e) TITLE VI.—

(1) Section 3126 of the Revised Statutes of the United States (19 U.S.C. 293) is amended by striking "or both" and inserting "or both,".

(2) Section 3127 of the Revised Statutes of the United States (19 U.S.C. 294) is amended by striking "conveyed a United States" and inserting "conveyed in a United States".

(3) Section 436(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1436(a)(2)) is amended—

(A) by striking "431(e)" and inserting "431"; and

(B) by striking "or" after the semicolon at the end.

(4) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—

(A) in subsection (j)(2) by realigning the text following subparagraph (C)(ii)(II) beginning with "then upon the exportation" and ending with "duty, tax, or fee." two ems to the left so that the text has the same degree of indentation as paragraph (3) of section 313(j) of such Act; and

(B) in subsection (t) by striking "chapter" and inserting "Act".

(5) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended—

(A) in each of paragraphs (1), (2), and (4) by striking the semicolon at the end and inserting a period; and

(B) in paragraph (5) by striking "; and" and inserting a period.

(6) Section 484(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(1)) is amended by striking "553, and 336(j)" and inserting "and 553".

(7) Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking "section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud)" and inserting "and section 520 (relating to refunds and errors)".

(8) Section 491(a) of the Tariff Act of 1930 (19 U.S.C. 1491(a)) is amended in the first sentence—

(A) by striking "in in" and inserting "in"; and

(B) by striking "appropriate customs officer" and inserting "Customs Service".

(9) Section 490(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1490(c)(1)) is amended by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)".

(10) Sections 1207(b)(2) and 1210(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3007(b)(2) and 3010(b)(1)) are each amended by striking "484(e)" and "1484(e)" and inserting "484(f)" and "1484(f)", respectively.

(11) Section 641(d)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(2)(B)) is amended in the second to the last sentence by striking "his" and inserting "the".

(12) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act is amended by striking "disclosure in 30 days" and inserting "disclosure within 30 days".

(13) Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended in the subsection heading by striking "TAXES" and inserting "TAXES,".

(14) Section 625(a) of the Tariff Act of 1930 (19 U.S.C. 1625(a)) is amended by striking "chapter" and inserting "Act".

(15) Section 413(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1413(a)(1)) is amended by striking "this Act" and inserting "the North American Free Trade Agreement Implementation Act".

SEC. 22. TECHNICAL AMENDMENT REGARDING JUDICIAL REVIEW.

Section 516A(g)(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(4)(A)) is amended by striking "Implementation Agreement Act of 1988" and inserting "Agreement Implementation Act of 1988".

SEC. 23. RELIQUIDATING ENTRY OF WARP KNITTING MACHINES.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as duty free Entry No. 100–3022436–3, made on July 12, 1989, at the port of Charleston, South Carolina; and

(2) refund any duties and interest paid with respect to such entry.

SEC. 24. TEMPORARY SUSPENSION OF DUTY ON DICLOFOP-METHYL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.16	Methyl 2-[4-(2,4- dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15)	Free	No change	No change	On or before 12/31/98".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 25. ELIMINATION OF DUTY ON 2-AMINO-3-CHLOROBENZOIC ACID, METHYL ESTER.

(a) IN GENERAL.—Subheading 2922.49.05 of the Harmonized Tariff Schedule of the United States is amended by inserting after "acid" the following: "; 2-Amino-3-chlorobenzoic acid, methyl ester".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 26. ELIMINATION OF DUTIES ON 3,3'-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

(a) IN GENERAL.—Subheading 2921.59.17 of the Harmonized Tariff Schedule of the United States is amended by striking "and m-Xylenediamine" and inserting "m-Xylenediamine; and 3,3'-Diaminobenzidine (tetraamino biphenyl)".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to paragraph (3), any article described in subheading 2921.59.17 of the Harmonized Tariff Schedule of the United States (as amended by subsection (a)) that was entered—

(A) on or after January 1, 1995, and

(B) before the date that is 15 days after the date of the enactment of this Act, and

to which lower rate of duty would have applied if the entry had been made on or after the date that is 15 days after the date of the enactment of this Act, shall be liquidated or reliquidated as if such subheading 2921.59.17 as so amended applied to such entry and the Secretary of the Treasury shall refund any excess duty paid with respect to such entry.

(3) REQUESTS.—Liquidation or reliquidation may be made under subsection (b)(2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 27. CERTAIN UNLIQUIDATED VESSEL REPAIR ENTRIES.

Section 484E of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (2)(B);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph;

"(3) any entry listed in subsection (c) that was made during the period beginning on January 1, 1993, and ending on December 31, 1994, to the extent such entry involves the purchase of equipment, the use of materials, or the expense of repairs in a foreign country for 66 LASH (Lighter Aboard Ship) barges documented under the laws of the United States if—

"(A) such entry was not liquidated on January 1, 1995; and

"(B) such entry, had it been made on or after January 1, 1995, would otherwise be eligible for the exemption provided in section 466(h)(1) of the Tariff Act of 1930 (19 U.S.C. 1466(h)(1)), and"; and

(2) by adding at the end the following:

"(c) ENTRIES.—The entries referred to in subsection (b)(3) are the following:

"(1) NUMBERED ENTRIES.—

Entry Number	Date of Entry
C14–0025455–8	August 18, 1993
C14–0025456–6	August 18, 1993
C14–0025457–4	August 18, 1993
C14–0025473–1	August 27, 1993
C14–0025478–0	September 13, 1993
C14–0025479–8	September 13, 1993
C14–0025480–6	September 13, 1993
C14–0025481–4	September 13, 1993
C14–0025511–8	April 16, 1993
C14–0025533–2	April 30, 1993
C14–0025545–6	May 21, 1993
C14–0025546–4	May 21, 1993
C14–0025547–2	May 21, 1993
C14–0025558–9	June 15, 1993
C14–0025560–5	June 15, 1993
C14–0025574–6	July 21, 1993
C14–0025575–3	July 21, 1993
C14–0025603–3	July 23, 1993
C14–0025604–1	July 23, 1993
C14–0025605–8	July 23, 1993
C14–0025623–1	October 25, 1993
C14–0025624–9	October 25, 1993
C14–0025625–6	October 25, 1993
C14–0025635–5	November 8, 1993
C14–0025636–3	November 8, 1993
C14–0025637–1	November 8, 1993
C14–0025653–8	November 30, 1993
C14–0025654–6	November 30, 1993
C14–0025655–3	November 30, 1993
C14–0025657–9	November 30, 1993
C14–0025679–3	January 3, 1994
C14–0025680–1	January 3, 1994
C14–0025688–4	February 14, 1994
C14–0025689–2	February 14, 1994
C14–0025690–0	February 14, 1994
C14–0025691–8	February 14, 1994
C14–0025692–6	February 14, 1994
C14–0026803–8	January 24, 1994
C14–0026804–6	January 24, 1994
C14–0026805–3	January 24, 1994
C14–0026807–9	January 24, 1994
C14–0026808–7	January 24, 1994
C14–0026809–5	January 24, 1994
C14–0026810–3	January 24, 1994
C14–0026811–1	January 24, 1994
C14–0026826–9	March 10, 1994
C14–0026827–7	March 10, 1994
C14–0026828–5	March 10, 1994
C14–0026829–3	March 10, 1994
C14–0026830–1	March 10, 1994
C14–0026831–9	March 10, 1994
C14–0026832–7	March 10, 1994
C14–0026833–5	March 10, 1994
C14–0026841–8	March 31, 1994
C14–0026843–4	March 31, 1994
C14–0026852–5	May 5, 1994
C14–0026853–3	May 5, 1994
C14–0026854–1	May 5, 1994
C14–0026867–3	May 18, 1994
C14–0026869–9	May 18, 1994
C14–0026874–9	June 8, 1994
C14–0026875–6	June 8, 1994
C14–0026898–8	August 2, 1994
C14–0026899–6	August 2, 1994
C14–0040625–7	October 5, 1994.

"(2) ADDITIONAL ENTRY.—The entry of a 66th LASH barge (No. CG E69), for which no entry number is available, if, within 60 days after the date of the enactment of this subsection, a proper entry is filed with the Customs Service.".

SEC. 28. DUTY ON DISPLAY FIREWORKS.

(a) IN GENERAL.—Chapter 36 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 3604.10.00 and inserting in numerical sequence the following new subheadings, with the article description for subheading 3604.10 having the same degree of indentation as the article description for subheading 3604.90.00:

"3604.10	Fireworks:			
3604.10.10	Display or special fireworks (Class 1.3G)	2.4%	Free (A*, CA, E, IL, J, MX)	12.5%
3604.10.90	Other (including Class 1.4G)	5.3%	Free (A*, CA, E, IL, J, MX)	12.5%".

(b) CONFORMING AMENDMENT.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended by striking "3604.00.00 India" and inserting "3604.10.10 India" and "3604.10.90 India".

(c) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 29. PERSONAL ALLOWANCE DUTY EXEMPTION FOR MERCHANDISE PURCHASED IN A DUTY-FREE SALES ENTERPRISE.

Section 555(b)(6) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(6)) is amended—

(1) by striking "Merchandise" and inserting "(A) Except as provided in subparagraph (B), merchandise"; and

(2) by adding at the end the following new subparagraph:

"(B) Except in the case of travel involving transit to, from, or through an insular possession of the United States, merchandise described in subparagraph (A) that is purchased by a United States resident shall be eligible for exemption from duty under subheadings 9804.00.65, 9804.00.70, and 9804.00.72 of the Harmonized Tariff Schedule of the United States upon the United States resident's return to the customs territory of the United States, if the resident meets the eligibility requirements for the exemption claimed. Notwithstanding any other provision of law, such merchandise shall be considered to be an article acquired abroad as an incident of the journey from which the resident is returning, for purposes of determining eligibility for any such exemption.".

SEC. 30. TEMPORARY DUTY SUSPENSION FOR CERTAIN MOTORCYCLES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.98.06	Motorcycles produced in the United States, previously exported and brought temporarily into the United States by nonresidents for the purpose of participating in the Sturgis Motorcycle Rally and Races	Free	No change	Free	On or before 12/31/2006".

(b) ARTICLES TO BE SUBJECT TO INFORMAL ENTRY; TAXES AND FEES NOT TO APPLY.—Notwithstanding section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) or any other provision of law, the Secretary of the Treasury may authorize the entry of an article described in heading 9902.98.06 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) on an oral declaration of the nonresident entering such article and such article shall be free of taxes and fees which may be otherwise applicable.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 31. DEFERRAL OF DUTY ON CERTAIN PRODUCTION EQUIPMENT.

(a) IN GENERAL.—Section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c) is amended by adding at the end thereof the following new subsection:

"(e) PRODUCTION EQUIPMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, if all applicable customs laws are complied with (except as otherwise provided in this subsection), merchandise which is admitted into a foreign trade zone for use within such zone as production equipment or as parts for such equipment, shall not be subject to duty until such merchandise is completely assembled, installed, tested, and used in the production for which it was admitted.

"(2) ADMISSION PROCEDURES.—The person who admits the merchandise described in paragraph (1) into the zone shall, at the time of such admission, certify to the Customs Service that the merchandise is admitted into the zone pursuant to this subsection for use within the zone as production equipment or as parts for such equipment and that the merchandise will be entered and estimated duties deposited when use of the merchandise in production begins.

"(3) ENTRY PROCEDURES.—At the time use of the merchandise in production begins, the merchandise shall be entered, as provided for in section 484 of the Tariff Act of 1930, and estimated duties shall be deposited with the Customs Service. The merchandise shall be subject to tariff classification according to its character, condition, and quantity, and at the rate of duty applicable, at the time use of the merchandise in production begins.

"(4) FOREIGN TRADE ZONE.—For purposes of this subsection, the term 'foreign trade zone' includes a subzone.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to merchandise admitted into a foreign trade zone after the date that is 15 days after the date of the enactment of this Act.

SEC. 32. TEMPORARY SUSPENSION OF DUTY ON THIDIAZURON.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.17	N-phenyl-N'-(1,2,3-thiadiazol-5-yl urea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/98".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 33. 2,3,3-TRIMETHYL-INDOLENINE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.33.90	2,3,3-Trimethyl-indolenine (CAS No. 1640–39–7) (provided for in subheading 2933.90.82) ..	Free	No change	No change	On or before 12/31/99".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 34. BIS(4-AMINO-3-METHYLCYCLOHEXYL)-METHANE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.30	Bis(4-amino-3-methylcyclohexyl)-methane (CAS No. 6864–37–5) (provided for in subheading 2921.30.30)	Free	No change	No change	On or before 12/31/99".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 35. LIMITATION ON DESIGNATION AS BENEFICIARY DEVELOPING COUNTRY.

(a) IN GENERAL.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended to read as follows:

"(F) Such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism or the Secretary of State makes a determination with respect to such country under section 6(j)(1)(A) of the Export Administration Act of 1979.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1996.

SEC. 36. TEMPORARY DUTY SUSPENSION ON CERTAIN CHEMICALS USED IN THE FORMULATION OF AN HIV PROTEASE INHIBITOR.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.30.63	3-Acetoxy-2-methylbenzoyl chloride (CAS No. 167678–46–8) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 3/31/97
9902.30.64	(S-(R*,S*))-(3-Chloro-2-hydroxy-1-((phenylthio)methyl)propyl)-carbamic acid phenylmethyl ester (CAS No. 159878–02–1) (provided for in subheading 2922.19.60)	Free	No change	No change	On or before 3/31/97
9902.30.65	N-(1,1-dimethylethyl)deca-hydro-2-[2-hydroxy-3-[(3-hydroxy-2-methylbenzoyl)-amino]-4-(phenylthio)butyl]-3-isoquinolinecarboxamide, [3S-[2(2S*,3S*), 3.a.,4a.b.,8a.b.]] (CAS No. 159989–64–7) (provided for in subheading 2933.40.60)	Free	No change	No change	On or before 3/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

SEC. 37. TREATMENT OF CERTAIN ENTRIES OF BUFFALO LEATHER.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, buffalo leather, provided for in subheading 4104.39.20 of the Harmonized Tariff Schedule of the United States, that is a product of Thailand and entered into the United States under entry numbers M42–1113868–8 and M42–1113939–7, shall, upon proper request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, be liquidated or reliquidated, as appropriate, as if entered on June 30, 1995.

SEC. 38. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) is amended—

(1) in subparagraph (A), by inserting "a place" after "aircraft from"; and

(2) in subparagraph (B), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)".

(b) LIMITATION ON FEES.—Section 13031(b)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)) is amended to read as follows:

"(b) LIMITATIONS ON FEES.—(1)(A) No fee may be charged under subsection (a) of this section for customs services provided in connection with—

"(i) the arrival of any passenger whose journey—

"(I) originated in—

"(aa) Canada,

"(bb) Mexico,

"(cc) a territory or possession of the United States, or

"(dd) any adjacent island (within the meaning of section 101(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(5))), or

"(II) originated in the United States and was limited to—

"(aa) Canada,

"(bb) Mexico,

"(cc) territories and possessions of the United States, and

"(dd) such adjacent islands;

"(ii) the arrival of any railroad car the journey of which originates and terminates in the same country, but only if no passengers board or disembark from the train and no cargo is loaded or unloaded from such car while the car is within any country other than the country in which such car originates and terminates;

"(iii) the arrival of any ferry; or

"(iv) the arrival of any passenger on board a commercial vessel traveling only between ports which are within the customs territory of the United States.

"(B) The exemption provided for in subparagraph (A) shall not apply in the case of the arrival of any passenger on board a commercial vessel whose journey originates and terminates at the same place in the United States if there are no intervening stops.

"(C) The exemption provided for in subparagraph (A)(i) shall not apply to fiscal years 1994, 1995, 1996, and 1997.".

(c) FEE ASSESSED ONLY ONCE.—Section 13031(b)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "No fee" and inserting "(A) No fee"; and

(3) by adding at the end the following new subparagraph:

"(B) In the case of a commercial vessel making a single voyage involving 2 or more United States ports with respect to which the passengers would otherwise be charged a fee pursuant to subsection (a)(5), such fee shall be charged only 1 time for each passenger.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 521 of the North American Free Trade Agreement Implementation Act.

SEC. 39. INJURY DETERMINATIONS FOR CERTAIN COUNTERVAILING DUTY ORDERS.

Section 753 of the Tariff Act of 1930 (19 U.S.C. 1675b) is amended—

(1) by inserting "or section 701(c)" after "section 303" each place it appears in the section heading and text; and

(2) in subsections (a)(2) and (c) by striking "under section 303(a)(2)".

SEC. 40. TREATMENT OF DIFFERENCE BETWEEN COLLECTIONS OF ESTIMATED ANTIDUMPING DUTY AND FINAL ASSESSED DUTY UNDER ANTIDUMPING DUTY ORDER.

Section 737(a) of the Tariff Act of 1930 (19 U.S.C. 1673f(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "deposit collected" and inserting "deposit, or the amount of any bond or other security, required";

(2) in paragraph (1) by striking "the cash deposit collected" and inserting "that the cash deposit, bond, or other security"; and

(3) in paragraph (2) by striking "refunded, to the extent the cash deposit" and inserting "refunded or released, to the extent that the cash deposit, bond, or other security".

SEC. 41. CERTAIN LEAD FUEL TEST ASSEMBLIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as free of duty the entries listed in subsection (b), and

(2) refund any duties paid with respect to such entry,

if the importer files a request therefor with the Customs Service within 90 days after the date of the enactment of this Act.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Date of Entry
110–0675952–3	March 9, 1990
110–1525996–0	September 19, 1990
110–3667810–7	November 7, 1990
110–1526938–1	December 21, 1990.

SEC. 42. SUSPENSION OF DUTY ON CERTAIN INJECTION MOLDING MACHINES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.84.77	*Automated multi-plunger transfer presses, suitable for use in the encapsulation with thermosetting materials of diodes, transistors, and similar semiconductor devices or electronic integrated circuits (provided for in subheading 8477.10.80)*	*Free*	*No change*	*No change*	*On or before 12/31/ 2000".*

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 43. RELIQUIDATION OF CERTAIN ENTRIES OF COLOR TELEVISIONS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the period from April 1, 1984, through March 31, 1991, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A–580–008).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	*Date of Entry*
84–915604–7	*July 6, 1984*
84–915604–7	*July 6, 1984*
84–915830–4	*July 17, 1984*
84–916057–0	*August 9, 1984*
84–916057–0	*August 9, 1984*
84–916302–7	*July 28, 1984*
84–916323–4	*July 28, 1984*
84–916302–7	*July 30, 1984*
84–525823–7	*September 20, 1984*
84–525823–7	*September 25, 1984*
84–525971–5	*October 17, 1984*
84–525971–5	*October 17, 1984*
84–525971–5	*October 17, 1984*
84–525971–5	*October 17, 1984*
84–525971–5	*October 17, 1984*
85–279644–9	*October 4, 1984*
85–279654–6	*October 9, 1984*
85–280518–1	*December 28, 1984*
85–280518–1	*December 28, 1984*
85–102631–4	*November 13, 1984*
85–102631–4	*November 13, 1984*
85–401288–5	*October 8, 1984*
84–444821–3	*August 3, 1984*
84–444821–3	*August 3, 1984*
85–422162–4	*October 31, 1984*
85–422162–4	*October 31, 1984*
84–215744–1	*July 6, 1984*
84–216018–2	*August 6, 1984*
84–208013–6	*July 30, 1984*
84–208013–6	*July 30, 1984*
84–208511–5	*July 30, 1984*
84–208013–6	*August 1, 1984*
84–208968–7	*August 7, 1984*
84–208968–7	*August 7, 1984*
85–151075–2	*February 5, 1985*
85–210038–1	*March 27, 1985*
84–780372–9	*August 3, 1984*
84–781699–4	*September 6, 1984*
84–781699–4	*September 6, 1984*
84–781699–4	*September 6, 1984*
84–781846–8	*September 18, 1984*
85–944006–0	*May 3, 1985*
85–294383–6	*August 27, 1985*
86–215010–1	*October 30, 1985*
86–215185–4	*December 2, 1985*
86–215310–8	*December 16, 1985*
85–602949–7	*April 15, 1985*
85–602950–7	*April 19, 1985*
85–602966–2	*April 19, 1985*
85–603347–0	*April 26, 1985*
85–603523–2	*May 8, 1985*
85–604545–5	*May 31, 1985*
86–383795–7	*April 22, 1986*
110–1905894–7	*February 23, 1987*
86–216530–3	*April 16, 1986*
110–0269614–1	*January 12, 1987*
110–0269942–6	*January 19, 1987*
110–0269947–5	*January 19, 1987*
110–0269942–6	*January 22, 1987*
86–477371–9	*August 14, 1986*
86–477371–9	*August 20, 1986*
331–3808023–0	*October 20, 1986*
331–3808023–0	*October 20, 1986*
86–198869–1	*September 9, 1986*
86–198893–4	*September 17, 1986*
86–198964–5	*October 14, 1986*
331–3807959–6	*October 15, 1986*
331–3807959–6	*October 15, 1986*
331–3807959–6	*October 15, 1986*
331–3807959–6	*October 15, 1986*
331–3808023–0	*October 20, 1986*
331–3812541–5	*December 26, 1986*
331–3812541–5	*December 26, 1986*
331–3813766–7	*February 19, 1987*
110–1123057–7	*January 2, 1987*
110–1124082–4	*March 26, 1987*
110–1272348–9	*November 14, 1986*
110–1272348–9	*November 14, 1986*
110–1272505–4	*December 10, 1986*
110–1272505–4	*December 10, 1986*
110–1273532–7	*January 10, 1987*
110–1274561–5	*February 20, 1987*
110–1274921–1	*March 6, 1987*
110–1275320–5	*March 23, 1987*
110–1275321–3	*March 31, 1987*
110–1907947–1	*January 22, 1988*
110–1906495–2	*June 5, 1987*
110–1906599–1	*June 22, 1987*
110–1906599–1	*June 22, 1987*
110–1906856–5	*August 2, 1987*
110–1907967–9	*January 27, 1988*
110–1908198–0	*March 4, 1988*
110–1908178–2	*March 10, 1988*
110–0294344–8	*May 6, 1987*
110–0294344–8	*June 5, 1987*
110–1124130–1	*April 1, 1987*
110–1124130–1	*April 2, 1987*
110–1124130–1	*April 2, 1987*
110–1125551–7	*July 17, 1987*
110–1125551–7	*July 17, 1987*
110–1126810–6	*October 27, 1987*
110–1127047–4	*November 6, 1987*
110–1127620–8	*December 23, 1987*
110–1275844–4	*April 16, 1987*
110–1278958–9	*September 10, 1987*
110–1278958–9	*September 10, 1987*
110–1279151–0	*September 18, 1987*
110–1279825–9	*October 8, 1987*
110–1279767–3	*October 16, 1987*
110–1280177–2	*October 21, 1987*
110–1280206–9	*October 22, 1987*
110–1282001–2	*January 12 1988*
110–1282566–4	*February 11, 1988*
110–1282642–3	*February 11, 1988*
110–1286015–8	*February 22, 1988*
110–1286165–1	*March 16, 1988*
110–1286165–1	*March 16, 1988*
110–1286165–1	*March 16, 1988*
110–1908453–9	*April 22, 1988*
110–1908567–6	*May 11, 1988*
110–1908567–6	*May 11, 1988*
110–1908928–0	*June 29, 1988*
110–1129739–4	*May 13, 1988*
110–1131047–8	*August 4, 1988*
110–1133675–4	*January 6, 1989*
110–1286261–8	*April 7, 1988*
110–1286261–8	*April 7, 1988*
110–1286492–9	*May 12, 1988*
110–1286492–9	*May 12, 1988*
110–1286492–9	*May 12, 1988*
110–1286677–5	*June 16, 1988*
110–1286796–3	*July 7, 1988*
110–1286965–4	*August 4, 1988*
110–1286965–4	*August 4, 1988*
110–1288931–4	*December 8, 1988*
110–0301260–3	*May 12, 1989*
110–0301272–8	*May 19, 1989*
110–0153952–4	*September 3, 1989*
110–1135558–0	*May 12, 1989*
110–1135558–0	*May 12, 1989*
110–1136677–7	*July 11, 1989*
110–1139014–0	*November 24, 1989*
110–1294013–3	*September 14, 1989*
110–1298751–4	*May 15, 1990*
110–1274861–9	*March 4, 1987*
110–1274863–5	*March 4, 1987*
110–1275349–4	*May 12, 1987*
110–1285836–8	*August 31, 1988*
110–1286179–2	*March 25, 1988*
110–1286180–0	*March 25, 1988*
110–1286181–8	*March 25, 1988*
110–1286265–9	*April 5, 1988*
110–1286507–4	*May 12, 1988*
110–1286580–1	*May 26, 1988*
110–1286582–7	*May 26, 1988*
110–1286584–3	*May 26, 1988*
110–1286634–6	*June 7, 1988*
110–1286681–7	*June 18, 1988*
110–1286751–8	*June 23, 1988*
110–1286782–3	*July 7, 1988*
110–1286879–7	*July 27, 1988*
110–1286881–3	*August 1, 1988*
110–1286882–1	*August 10, 1988*
110–1286925–8	*July 27, 1988*
110–1286927–4	*August 1, 1988*
110–1286972–0	*August 11, 1988*
110–1286991–0	*August 1, 1988*

AMENDMENT NO. 5419

(Purpose: To add a table of contents and make technical amendments)

Mr. NICKLES. Mr. President, Senator ROTH has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. ROTH, proposes an amendment numbered 5419.

Mr. NICKLES. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, line 17, strike all through line 19, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Payment of duties and fees.
Sec. 3. Other technical and conforming amendments.
Sec. 4. Clarification regarding the application of customs user fees.
Sec. 5. Technical amendment to the Customs and Trade Act of 1990.
Sec. 6. Clarification of fees for certain customs services.
Sec. 7. Special rule for extending time for filing drawback claims.
Sec. 8. Treatment of entries of certain televisions.
Sec. 9. Temporary duty suspension for personal effects of participants in certain world athletic events.
Sec. 10. Miscellaneous technical correction.
Sec. 11. Uruguay Round Agreements Act.
Sec. 12. Imports of civil aircraft.
Sec. 13. Technical correction to certain chemical description.
Sec. 14. Marking of certain imported articles and containers.
Sec. 15. Tariff treatment of certain silver, gold, and platinum bars.
Sec. 16. Suspension of duty on certain semimanufactured forms of gold.
Sec. 17. Elimination of East-West Trade Statistics Monitoring System.
Sec. 18. Retroactive election to reconcile entries.
Sec. 19. Tariff treatment for certain motor vehicles.
Sec. 20. Technical amendments relating to Public Law 103–465.
Sec. 21. Technical amendments relating to Public Law 103–182.
Sec. 22. Technical amendment regarding judicial review.
Sec. 23. Reliquidation of entries of warp knitting machines.
Sec. 24. Temporary suspension of duty on diclofop-methyl.
Sec. 25. Elimination of duty on 2-amino-3-chlorobenzoic acid, methyl ester.
Sec. 26. Elimination of duty on 3,3′-diaminobenzidine (tetraamino biphenyl).

Sec. 27. Certain unliquidated vessel repair entries.
Sec. 28. Duty on display fireworks.
Sec. 29. Personal allowance duty exemption for merchandise purchased in a duty-free sales enterprise.
Sec. 30. Temporary duty suspension for certain motorcycles.
Sec. 31. Deferral of duty on certain production equipment.
Sec. 32. Temporary suspension of duty on thidiazuron.
Sec. 33. 2,3,3-trimethyl-indolenine.
Sec. 34. Bis(4-amino-3-methylcyclohexyl)-methane.
Sec. 35. Limitation on designation as beneficiary developing country.
Sec. 36. Temporary duty suspension on certain chemicals used in the formulation of an HIV protease inhibitor.
Sec. 37. Treatment of certain entries of buffalo leather.
Sec. 38. Fees for certain customs services.
Sec. 39. Injury determinations for certain countervailing duty orders.
Sec. 40. Treatment of difference between collections of estimated antidumping duty and final assessed duty under antidumping duty order.
Sec. 41. Certain lead fuel test assemblies.
Sec. 42. Suspension of duty on certain injection molding machines.
Sec. 43. Reliquidation of certain entries of color televisions.
Sec. 44. Articles used to provide repair and maintenance services.
Sec. 45. Yttrium oxide and cerium aluminum terbium used as luminophores.
Sec. 46. Pharmaceutical grade phospholipids.
Sec. 47. Certain structures, parts and components used in the Gemini Telescopes Project, Mauna Kea, Hawaii.
Sec. 48. Articles provided to Steward Observatory.
Sec. 49. Reliquidation of certain frozen concentrated orange juice entries.
Sec. 50. Twine, cordage, ropes, and cables.
Sec. 51. Suspension of duty on certain fatty acid esters.
Sec. 52. Duty suspension on a mobile bison slaughter unit.
Sec. 53. Exemption from tariffs and fees for certain aircraft parts and equipment.
Sec. 54. Reliquidation of certain entries of live swine.
Sec. 55. Reliquidation of certain entries of sewing machines.
Sec. 56. Temporary duty suspension on certain textured rolled glass sheets.
Sec. 57. Temporary suspension of duty on DEMT.
Sec. 58. Investigation on cattle and beef trade.
Sec. 59. Special rule for Generalized System of Preferences.

On page 88, strike lines 7 and 8, and insert the following:

SEC. 23. RELIQUIDATION OF ENTRIES OF WARP KNITTING MACHINES.

On page 89, strike lines 15 through 17, and insert the following:

SEC. 26. ELIMINATION OF DUTY ON 3,3'-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

On page 112, beginning on line 1, strike all through the matter following line 6, and insert the following:

SEC. 45. YTTRIUM OXIDE AND CERIUM ALUMINUM TERBIUM USED AS LUMINOPHORES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.06	Yttrium oxide and cerium aluminum terbium of a kind used as luminophores (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2000".

Mr. NICKLES. Mr. President, I ask unanimous consent the amendment be considered as read and agreed to, the committee amendment be agreed to, the bill be deemed read for the third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The amendment (No. 5419) was agreed to.

The committee amendment was agreed to.

The bill (H.R. 3815), as amended, was deemed read a third time, and passed.

AIRLINE SAFETY

Mr. STEVENS. Mr. President, we are facing a very serious matter before the Senate and Congress adjourns. The authority to spend money from the Airport and Airways Trust Fund expires on September 30. After that date, it will not be possible to spend, literally, millions and millions of dollars necessary to continue the modernization of our airway system, improvements in airports, in particular, that are safety-related, unless this bill is passed.

The airport at my capital city in Juneau is now red-lined because of the failure to have a system to deal with shear winds that develop there. We are now working to move into Juneau some portable equipment that can deal with wind profiling and predict shear wind. We have had over 1,000 people stranded in Juneau in the last week. We were seeking to go out of Juneau because of the failure to get clearance for the jets that fly from my State to Seattle. Alaska Airlines has practically been grounded there at a time when there was no winds at all.

This bill is being held up because of a provision offered by a member of the Democratic Party in this Senate, supported in conference by all but two members of that conference, and it is literally being blocked.

Mr. President, this bill provides for safety equipment at airports all over this country. Once we get to September 30, if that bill is not passed, they will come to a screeching halt. I want the Senate to know I will use every parliamentary maneuver I know to keep us in session until that bill passes.

I want everyone to listen because I am serious. We cannot recess without passing the FAA bill, and there is no way that this Senator will permit that. One Senator can keep the Senate in session if he wants to do that. We will stay in session until it passes.

I want further to note that there will not be another bill pass here by unanimous consent that has a Democratic name on it until the FAA bill passes.

I make strange statements at times, but at this time I know I can carry that out. I hope all Members of the other side in this body and in the other body are listening, because I don't care who it is—there is a conspiracy now against the extension of the airport-airways trust fund authorization. Now, in my State, which is one-fifth the size of the whole United States, we don't build roads, we fly; 75 percent of the communities in my State can be reached only by air. We are in the process now of moving in new equipment. The bill contains a sizable amount of authorization to carry out that new equipment.

As this Senate knows, we have had too many recent crashes. I was in one crash, Mr. President, in 1978, that was brought about by sheer winds. I have tried, in my time in the Senate, to do everything I can to get the authorization to get the changes and we now have them coming. This bill provides them.

I cannot tell the Senate in any stronger terms, we are going to stay in session—I am sorry to serve notice on the leadership itself—we are going to stay in session until that bill passes. If it is December 31, we are still going to be here. We cannot operate in my State without airways trust fund moneys. They provide the basic security for our transportation system.

I am just appalled that this one little provision that represents correcting an error that was made in the ICC bill—when it passed the Senate and the House, it was an acknowledged error. One little provision that was placed in there by my good friend from South Carolina that is in this bill now is apparently an excuse for some of the Members on the other side of the aisle to hold up this important bill. It is a bill, by the way, that will provide hundreds of millions of dollars for the continuation of construction at airports throughout this country. Those will all come to a halt. No money is authorized to be spent after September 30 unless this bill passes.

So, Mr. President, I yield back to my friend, so he can bring about the closing. But I shall be here every minute the Senate is open now in order to assure that that bill will pass. It is a bill that we have worked on now for 2 years, and I was part of the conference committee. I know what happened in conference. But that is the democratic process. The two Senators who are objecting, and who are missing, better get on the plane and come back, because I am going to start calling them by name Monday if they are not back here and are trying to block this bill in absentia. This is the most important bill to my State every time it comes up. It is going to pass. That is all there is to it.

Mr. NICKLES. addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Oklahoma.

Mr. NICKLES. My compliments to my colleague from Wyoming. He did fulfill a very significant heritage by following his father's footsteps in the Senate.

I also want to mention the comments made by my colleague from Alaska dealing with the FAA bill. We need to pass that bill, the Senator is right. It is going to be irresponsible if we don't pass the bill. So I just pledge to my friend and colleague from Alaska that we will work as energetically as we possibly can to try to make sure that happens before we adjourn sine die.

ORDERS FOR MONDAY, SEPTEMBER 30, 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Monday, September 30; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; the Senate then proceed to the amendable continuing resolution, which will come from the House later this evening, for debate only, no amendments in order prior to the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, the Senate will begin consideration of the omnibus appropriations bill at 10 a.m. on Monday. Also the Senate can be expected to consider the FAA conference report, the Presidio conference report, and other legislative items cleared for action.

Therefore, votes will occur but will not occur prior to the hour of 2 p.m. on Monday.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. MONDAY, SEPTEMBER 30, 1996

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

For the information of all Senators, we will reconvene at 10 a.m. on Monday morning.

There being no objection, the Senate, at 7:08 p.m., adjourned until Monday, September 30, 1996, at 10 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO TRANSFER CERTAIN FACILITIES OF THE MINIDOKA PROJECT TO THE BURLEY IRRIGATION DISTRICT, AND FOR OTHER PURPOSES

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. CRAPO. Mr. Speaker, I'm introducing this bill to authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District.

In 1926, under contract with the Bureau of Reclamation, Operation and Maintenance of the Distribution System of the Southside Pumping Division of the Minidoka Project was transferred to Burley Irrigation District. The district has operated and maintained the distribution system ever since.

In the early 1950's the main southside canal and certain electrical distribution lines were transferred for operation and maintenance to Burley Irrigation District as well. In addition to those transfers the district agreed, under its contracts, to pay to the United States the construction costs incurred in constructing the project and the Minidoka Dam.

It also agreed to pay its proportionate share of the construction costs of storage facilities in which the irrigation district attained a right to all water stored in the space acquired by the district in the reservoir.

At this time, the Burley Irrigation District has paid in full all construction costs allocated to the district in the storage facilities and all costs incurred in the construction of the distribution system operated and maintained by the district.

For 70 years the Burley Irrigation District has demonstrated its competence in operating and maintaining the facilities proposed for title transfer. Clearly they have the technical capability to meet both their physical and financial obligations.

For these reasons I am introducing this bill to convey title to the Burley Irrigation District, of Federal reclamation distribution facilities.

IN HONOR OF TEMAS MAGAZINE AND ANA MARIA PERERA FOR EXCELLENT SERVICE TO THE HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Temas, a predominantly Hispanic entertainment magazine and Ana Maria Perera, Temas' associate publisher and senior editor, for excellent service to the Hispanic community. The National Association of Cuban-Americans will hold a reception in their honor on November 3, 1996 in Newark.

In November 1950, Jose and Lolita de la Vega founded a magazine that became one of the most entertaining and highly praised Hispanic magazines in the country. Temas began as a small pamphlet-sized magazine and flourished into a widely read journalistic entity. Through its representation of the Hispanic way of life in its informative, educational, and entertaining publications, Temas has greatly enriched the lives of its multicultured audience.

Temas celebrated the anniversary of its inception in November 1995. For 45 years, Temas has been providing the Hispanic community with vital information about the world around them and their native lands. Temas prides itself as an advocate for the Hispanic community, defending issues and interests that are of importance to the people. As the oldest Spanish-language magazine in New York City, it has been a podium for the important topics and issues of New York's Hispanic community.

As senior editor for Temas magazine, Ana Maria Perera has been able to communicate with and touch the lives of her fellow Hispanic brothers and sisters. She has been a pioneer and a lifelong defender for the advancement of Hispanic women and other humane causes. The founder of the National Association of Cuban-American Women, as well as a member of other women's rights organizations, Mrs. Perera has worked tirelessly to enhance and change the lives of Hispanic women as we approach the 21st century.

I ask that my colleagues join me in honoring Temas magazine and Ana Maria Perera for their outstanding devotion to the Hispanic community. The publication of this periodical and the people who make it possible serve as shining examples of the highly respected journalistic integrity.

HONORING GEFF COMMUNITY CONSOLIDATED SCHOOL DISTRICT NO. 14

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. POSHARD. Mr. Speaker, I rise to honor Geff Community Consolidated School District No. 14, Geff, IL, located in my congressional district, for having been ranked by the Illinois Tax Foundation as being among the top school districts in the State of Illinois.

The Illinois Tax Foundation, a nonpartisan organization, analyzed the standardized test performance of each Illinois school district for the years 1993–95. Each district was compared with similar Illinois districts, based on the percentage of low-income students in all districts. Despite the fact that this school district has a very high enrollment of low-income students, its academic performance far surpassed larger school districts with a high enrollment of upper-income students.

This is a tribute to the outstanding leadership of the school officials and the dedication and deep commitment of the teachers to providing their students with the best education possible. I commend them for their invaluable contribution to ensuring our children become productive members of society and extend my congratulations to all of them for their remarkable achievement.

TRIBUTE TO CHARLOTTE A. WATSON BY CONGRESSWOMAN NITA LOWEY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mrs. LOWEY. Mr. Speaker, I rise today to honor Charlotte Watson on her 10th anniversary as executive director or My Sister's Place in Tuckahoe, NY. I know that I speak for everyone in Westchester County when I thank Charlotte for her dedication and commitment to ending the epidemic of domestic violence. She has truly made Westchester County a safer place for women and children.

For 20 years Charlotte has been a leading advocate for survivors of domestic violence. Since 1976, when Charlotte founded the Grayson County Women's Crisis Line in Sherman, TX, she has dedicated her life to helping survivors of domestic violence, childhood sexual assault, and rape.

Charlotte has served on many boards, committees and coalitions to assist battered women in both Westchester and New York City. These include the National Organization of Women, New York State Task Force on Domestic Violence & Childhood Sexual Abuse, the New York State Coalition Against Domestic Violence, Womencare Inc., the National Council for Safe Families, and the Battered Women's Justice Center at the Pace University School of Law and New York State's Governor's office.

Under Charlotte's leadership, My Sister's Place has grown into one of the leading providers of shelters and services for victims of domestic violence in the New York City area. To date, My Sister's Place has answered more than 13,897 hotline calls and sheltered more than 1,353 women and 1,901 children.

My Sister's Place has residential facilities in Yonkers and Mamaroneck, and provides educational programs and counseling services throughout Westchester Country. Its community education program reaches 4,000 people

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

every year, and its educational programs for students reach 5,000 young people annually.

Charlotte Watson has had a positive impact on Westchester County, and has improved the lives of countless women and children. I congratulate Charlotte on her 10th anniversary at My Sister's Place, and hope that in the next 10 years we reach our mutual goal of ending domestic violence once and for all.

SALUTING THE SONS OF ITALY, YORK LODGE #528: RECOGNIZING 80 YEARS OF COMMUNITY SERVICE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. GOODLING. Mr. Speaker, I rise today to honor the Sons of Italy in America's York Lodge No. 528. A pillar of the community in York, York Lodge No. 528 is celebrating 80 years of service to its community and concern for its fellow citizens.

The history of this organization goes back to the early part of the 20th century, when the lodge was founded. It was originally named the Camillo Benso Di Cavour Lodge in 1916. After being rechartered in 1935, the members transformed their group into a strong part of their community, an especially needed function in that period of economic distress and widespread hardship. In 1942, the Sons held a banquet to sell war bonds, and this event was so successful that people still talk of its accomplishments today.

In 1950, the membership renamed the lodge to York Lodge No. 528. At that time, the organization became even more involved in building the community of York, and to helping their fellow citizens. Among the organizations that have received the assistance of York Lodge No. 528 are the March of Dimes, York Hospital, the York County Historical Society, and the Muscular Dystrophy Association, to name a few.

The lodge has done much to commemorate the members' Italian heritage, and has done extraordinary work to help their fellow York Countians in many ways. From volunteering to help rebuild neighborhoods and historic buildings, to organizing a scholarship program for local students to help defray the costs of college, the Sons of Italy York Lodge No. 528 serves as an outstanding example of citizenship. The members, both current and over the past 80 years, have gone far beyond normal community service to become an indispensable part of York. I am proud to have these fine people as constituents, and highly commend their efforts to make their community a better place. Mr. Speaker, I ask that my colleagues join me in recognizing this momentous event, wishing the York Lodge No. 528 a happy 80th anniversary and many, many more.

TRIBUTE TO TIMOTHY D. LEULIETTE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. LEVIN. Mr. Speaker, on November 6, 1996, the 1996 B'nai B'rith International Great American Traditions Award will be presented by B'nai B'rith Foundation of the United States to Timothy D. Leuliette.

Timothy Leuliette plays a leading role in American industry, as President and CEO of ITT Automotive. Under his leadership, that company has become a world leader in the design, production, and sales of high technology systems and components.

The award recognizes that as absorbing as has been Mr. Leuliette's responsibilities in the corporate world, he has found time to apply his talents and dedication to the community at large. His efforts reflect his concerns about our Nation's children, as witnessed by his activities with Boy Scouts of America and the Children's center, about our Nation's health, as seen in his work with the Leukemia Society of America, the Hospice of Southeastern Michigan and the Arthritis Foundation, and about the employment and training of the next generation, as found in his work with Junior Achievement and Detroit Renaissance.

The roster of the Honorary Committee for the dinner exemplifies the deep respect with which Tim Leuliette is held. It cuts across virtually all community lines—economic, regional, religious, and political. It is my privilege to have come to know Timothy Leuliette and to join in paying tribute to him and to his community endeavors.

IN HONOR OF REV. NICHOLAS FEDETZ ON HIS 50TH WEDDING ANNIVERSARY AND THE 50TH ANNIVERSARY OF HIS ORDINATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a dedicated man of God and a loving husband, the Rev. Nicholas Andrew Fedetz for his esteemed service to the community. Friends, parishioners, community and religious leaders will join Father Nicholas in celebrating his 50th wedding anniversary and the 50th anniversary of his ordination on Sunday, October 27, 1996. This commemorative celebration, hosted by the church committee and parishioners of Sts. Peter and Paul Russian Orthodox Greek Catholic Church, will be held at the Hi-Hat Caterers in Bayonne.

Born on April 17, 1923, Father Nicholas, who is a graduate of Columbia University, attended St. Vladimir's Orthodox Theological Seminary in Crestwood, NY. Shortly thereafter, on July 7, 1946, Father Nicholas was ordained at a cathedral in New York City. He began his public ministry by spreading the word of God throughout the country, before finally settling down in Bayonne, NJ. Father Nicholas has served Sts. Peter and Paul Russian Orthodox Greek Catholic Church with much dignity and respect. He is unquestionably a man committed to helping the people through service to God.

The son of the late Archpriest Andrew Fedetz and Mrs. Mary Fedetz, Father Nicholas married the former Geraldine Schevchuk in June 1946. Their joyful union of 50 years produced two lovely children, Kyra and Tais. Mrs. Fedetz is the daughter of Mrs. Eva Svechuk Archpriest Theodot, who served parishes in Maryland and Pennsylvania for over 50 years.

The parishioners of Father Fedetz's church are part of the more than 900,000 descendants of the southern Poland area in the Galicia region. They are a hard-working, family-loving people who had dreams of a bounteous America and built foundations under those dreams with their bare hands to create a better place for future generations. Father Fedetz through his sterling leadership, has molded the lives of all his parishioners into the greatness of America. They have become an intricate part of the beautiful mosaic that represents the 13th congressional district.

I ask that my colleagues join me in honoring Father Fedetz on the anniversary of both his wedding and ordination. For 50 years, he has selflessly dedicated himself to his beautiful wife and his parish. Father Nicholas is a man revered by all and loved by his colleagues, parishioners, and friends.

HONORING TEUTOPOLIS COMMUNITY SCHOOL DISTRICT UNIT NO. 50

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. POSHARD. Mr. Speaker, I rise to honor Teutopolis Community School District Unit No. 50, Teutopolis, IL, located in my congressional district, for having been ranked by the Illinois Tax Foundation as being among the top school districts in the State of Illinois.

The Illinois Tax Foundation, a nonpartisan organization, analyzed the standardized test performance of each Illinois school district for the years 1993–1995. Each district was compared with similar Illinois districts, based on the percentage of low-income students in all districts. Despite the fact that this school district has a very high enrollment of low-income students its academic performance far surpassed larger school districts with a high enrollment of upper income students.

This is a tribute to the outstanding leadership of the school officials and the dedication and deep commitment of the teachers to providing their students with the best education possible. I commend them for their invaluable contribution to ensuring our children become productive members of society and extend my congratulations to all of them for their remarkable achievement.

RECOGNITION OF CAMP WILLIAM PENN INTERPRETIVE CENTER AND EMANCIPATION PROCLAMATION MUSEUM

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise with pride today to call attention to the development of the Camp William Penn Interpretive Museum and Emancipation Proclamation Memorial in the Thirteenth District of Pennsylvania. This morning I attended the celebration sponsored by the Citizens for Restoration of Historic LaMott with the purpose of expressing my personal commitment to further the establishment of both the museum and the memorial.

LaMott, PA has long been a community that deserves to both celebrate its accomplishments, to reflect upon its proud past and to look to the future with great optimism. It has long championed for equal rights for all citizens regardless of race, sex, nationality, ethnicity, or religious preference.

Once known as Camp Town, LaMott was the home to Camp William Penn and 11 black regiments. These regiments were the first authorized Federal black soldiers trained to fight who were legally recognized as able to sell their labor. They were part of the original forces of the U.S. Army and were considered some of the best soldiers in the Army.

This was best illustrated by Maj. Gen. Benjamin Butler in his comments on October 11, 1864 when he stated: "Better men were never led, better officers were never led by better men * * * These troops * * * bring honor to the American Army."

In addition, or perhaps as a result, the First Federal U.S. Army Noncommissioned Negro Officers' School was established here in 1864.

LaMott was the location for the first use of a Doctrine of Equal Rights on September 1, 1863. It was also the site of the first filed U.S. Public Accommodation case for the right of African-Americans to ride inside public street cars in 1864. The rule granting the right was in 1867.

LaMott was also home to many notable abolitionists who lived and worked in and around Camp Town. Included in this list are Lucretia Mott, Hariett Tubman, Frederick Douglass, Jay Cooke, Ephraim Barker, Edwin Stanton, and Edward Davis.

After the war, Camp Town—or LaMott, as we know it—continued to serve as a shining example to the rest of the Nation of a community dedicated to racial quality. Lucretia Mott and her brother-in-law, Edward M. Davis, were known primarily for their heroic activities to end slavery and for their leadership in the Underground Railroad. They continued their fine work by helping black families, many of whom were former slaves to settle in and become part of the peaceful, cohesive, and productive community of LaMott.

As evidenced by the tremendous expression of public support this morning, I know that this is a community that is still dedicated to helping each American to fulfill his or her individual potential. I was honored to share in today's special LaMott Day Celebration and to extend my best wishes for the continued success of the Camp William Penn Interpretive Center and the Emancipation Proclamation Museum.

Finally, I wish to express my special congratulations to the organization's Executive Director Perry Triplett for his vision, dedication, and compassion.

TRIBUTE TO MICHAEL AND CONNIE COLLIER

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. BAKER of California. Mr. Speaker, Michael and Connie Collier are a remarkable couple in the community of Lafayette, CA, who recently were named Lafayette's Citizens of the Year for 1996.

The Colliers are a living testament to the value of voluntarism and commitment to community. Michael, a commercial architect, has been instrumental in enhancing the quality of life for all East Bay residents as a member of Lafayette's Design Review Commission and also the city's Planning Commission. In 1990, he joined the Parkland Blue Ribbon Task Force and is currently president of the Lafayette Community Parklands Foundation. The foundation has raised $115,000 for parks in Lafayette and most recently was instrumental in developing the new 68-acre Lafayette Park.

Connie's service is no less outstanding. Currently the fundraising chair for the Lafayette Arts and Sciences Foundation, an education-oriented outreach designed to enhance the quality of youth education, she has helped raise $120,000 for local schools through the sale of the "Lafayette Cookbook Collection", which recently was reprinted. Connie's winning the Citizen of the Year honor is also something of a family tradition. Her father, Ed Stokes, was given the same award for his own fine civic work in 1976.

The Colliers are the proud parents of two wonderful children, Daniel, age 14, and Katie, age 12. The Colliers represent citizenship at its best, and I am pleased to recognize these fine Americans in the pages of the CONGRESSIONAL RECORD.

IN HONOR OF "BLACK WOMEN'S DAY" RECOGNIZING THE OUTSTANDING CHARITABLE WORK AND CONTRIBUTIONS OF LOCAL WOMEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to local African-American women for their distinguished public service and selfless commitment to their communities. October 20, 1996, will mark the 29th year celebrating Black Women's Day, and the accomplishments of women who continue to provide such vital charitable work for people from all walks of life.

This day recognizes the enormous difference that compassionate individuals can make in the lives of so many in our society who are less fortunate. I commend the efforts of these women and the profound impact that their work has had on the community for so many years. As caring members of the community, these women have and continue to serve as positive role models for individuals and families who have lost hope due to unfortunate circumstances in their lives.

As we approach a new millennium, the need for individuals who contribute to the empowerment and improvement of our communities will be of utmost importance. Our communities today are filled with families in need of emergency assistance. The women being honored on Black Women's Day, recognize the urgency in providing such assistance. Their work transcends racial barriers and focuses more importantly on the human spirit. For this, they have earned the fond admiration of their communities and of mine as well.

The 29th annual Black Women's Day Awards Banquet will honor Catherine Burno, Reba Jenkins, Oclean Pitchford, Frances Richardson, Frances Thompson, Ruth Henderson, Eola Jett, Deborah Reid-Davis, Carolyn Surles, and Estelle Williams for their distinguished works of charity. Also being honored at this event for their contributions are Dr. Phillip M. Bonaparte, Esteemed Honoree, and Lyle Young, Man of the Year.

I ask that my colleagues join me in honoring these remarkable women for all that they have done for our communities. I am proud to have them living and performing such outstanding works of charity within my congressional district. I greatly appreciate the efforts of all those being honored at the banquet and encourage them to continue their work for many more years.

HONORING ZEIGLER-ROYALTON COMMUNITY UNIT SCHOOL DISTRICT NO. 188

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. POSHARD. Mr. Speaker, I rise to honor Zeigler-Royalton Community Unit School District No. 188, Zeigler, IL, located in my congressional district, for having been ranked by the Illinois Tax Foundation as being among the top school districts in the State of Illinois.

The Illinois Tax Foundation, a nonpartisan organization, analyzed the standardized test performance of each Illinois school district for the years 1993–1995. Each district was compared with similar Illinois districts, based on the percentage of low-income students in all districts. Despite the fact that this school district has a very high enrollment of low-income students, its academic performance far surpassed larger school districts with a high enrollment of upper income students.

This is a tribute to the outstanding leadership of the school officials and the dedication and deep commitment of the teachers to providing their students with the best education possible. I commend them for their invaluable contribution to ensuring our children become productive members of society and extend my congratulations to all of them for their remarkable achievement.

TRIBUTE TO ALEXANDER MANOOGIAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. LEVIN. Mr. Speaker, as the House adjourns today, I want to be certain that we take the fullest note of one of this year's most regrettable events, the death of Alexander Manoogian.

Mr. Manoogian was a towering figure in the Armenian-American community and beyond. He built the Masco Corporation into a major business entity in this nation. He used his wealth with immense generosity for the benefit of his immediate community and the nation at large.

We are thankful that he was given a long and full life. That will only make it more difficult to fill the vacuum which his death leaves for us all.

In further remembrance of Alexander Manoogian, I now insert into the CONGRESSIONAL RECORD an article written after his death by Dennis Papazian, a distinguished scholar as well as a leader in the Armenian-American community.

A BEFITTING TRIBUTE TO A GREAT MAN

(By Dennis R. Papazian, Ph.D.)

The Alex Manoogian era of Armenian history, spanning 95 years, has come to a close. His earthly remains were laid to rest with great dignity and solemn ceremony at the majestic, cathedral-like St. John's Armenian Church of Greater Detroit, which he helped to design and build, on Thursday, July 18, 1996.

The dan gark (wake) and funeral, both held in the church, were presided over by His Holiness Karekin I, Supreme Patriarch and Catholicos of All Armenians from Armenia and carried out with the ministrations of several diocesan Primates, a host of bishops and archbishops, and a score of other clergymen and deacons representing the Armenian Church in America, Armenia, and in the diaspora. Also represented at the funeral were clergy of the Armenian protestant churches, the Armenian uniate Catholic Church, the Armenian Prelacy, as well as many sister American churches.

A delegation of government officials from Armenia, led by former vice-president of the Republic and current President of the Constitutional Court, Mr. Gagik Haroutunian, had flown in from Armenia to show their deep respect and abiding affection for the Honorary Citizen of Armenia and the "National Hero of the Armenian People."

Leaders of the Armenian community and virtually every Armenian organization and political party in the diaspora were represented at the funeral, including members of the Diocesan Council, the Board of Directors of the Armenian General Benevolent Union (AGBU), the Armenian Assembly of America, the Armenian Democratic Liberal Party, the Armenian Revolutionary Federation, and a host of others. Leaders of the American community, from business, government, and philantrophy, were visibly in attendance.

Distinguished American political figures in attendance included the governor of Michigan, the Honorable John Engler; the former governor of Michigan and current American Ambassador to Canada, the Honorable James Blanchard; various members of the state House and Senate; and representatives of Senators Carl Levin and Spencer Abraham as well as of the Michigan US Congressional delegation, including the Hon. Sander Levin. The dan gark was also attended by the Honorable Dennis Archer, mayor of Detroit, as well as by other civic dignitaries.

The cavernous church was filled to overflowing on the occasion of both the dan gark and the funeral with mourners who had come from literally all over the world to pay their last tribute to a great Armenian-American. Distinguished personages arrived from as far as Armenia and Australia and from Canada to Latin America, to pay homage to perhaps the greatest Armenian philanthropist and leader of the 20th century. Mr. Manoogian's rich and active life spanned 95 years, from the turn of the century to the present, from the genocide of 1915 to the inauguration of the second free and independent Armenian Republic.

The homily at the *dan gark* was delivered by His Eminence Archbishop Khajag Barsamian, Primate of the Diocese of the Armenian Church of America, from New York, who was introduced by the pastor of St. John's Church of South field, MI, the Very Rev. Fr. Baret Yeretzian, who also expressed his love, respect, and devotion for Mr. Manoogian. Archbishop Shane Ajemian from Jerusalem read the Epistle and Archbishop Vatche Hovsepian, Primate of the Western Diocese of the Armenian Church of America, chanted the Gospel. Archbishop Hovnan Derderian, Primate of Canada, recited the "*Christos vorti,*" Archbishop Mesrob Ashjian of New York read a message of condolence from His Holiness Aram, I, Catholiocos of the Great House of Cilicia, in Lebanon.

The formal eulogy at the funeral, filled with insight and pathos worthy of the solemn occasion, was delivered by His Holiness the Catholicos who drew attention to Mr. Manoogian's love for his own people, for the world community, for the Armenian Church, for the good works of the AGBU, for Armenian education and culture, and for all people great any small in America and throughout the world. Before making his formal remarks, the Catholicos prayed for the souls of the 230 persons who had tragically lost their lives the previous day in the TWA plane crash. Fr. Zaven Arzoumanian of Florida read the Epistle and Archbishop Karekin Nersesian of Armenia chanted the Gospel. Archbishop Mesrob Ashjian recited the "*Christos vorti.*"

The Catholicos chose for the scriptural theme of his address a reading from the Gospel of St. Matthew 26:31-46. "'Come, you whom my Father has blessed, take for your heritage the kingdom prepared for you since the foundation of the world. For I was hungry and you gave me food; I was thirsty and you gave me drink I was a stranger and you made me welcome; naked and you clothed me, sick and you visited me, in prison and you came to see me.' Then the virtuous will say to him in reply, 'Lord, when did we see you hungry and feed you; or thirsty and give you drink? When did we see you a stranger and make you welcome; naked and clothe you; sick or in prison and go to see you?" And the King will answer, 'I tell you solemnly, in so far as you did this to one of the least of these brothers of mine, you did it to me.'" Surely, said the Catholicos, this exemplifies the life of Mr. Alex Manoogian.

At the end of the funeral, His Holiness the Catholicos united the mourners in inviting all of them to join in the singing of the *Hayr Mer*. (the Lord's Prayer). As the pipe organ soared, the voice of the congregation filled the cavernous church with brilliant song with testified to the faith and hope of the people.

The clergy and the congregation marched in solemn procession from the church into the Armenian Cultural Building for the memorial meal which was attended by nearly 1,000 mourners. His Eminence Archbishop Vatche Hovsepian give the invocation. Loving comments on the personal life of Mr. Manoogian were made by Mrs. Louise Simone, President of the Armenian General Benevolent Union, and Mr. Richard Manoogian, Chairman of the Board of MASCO Corporation, Mr. Manoogian's daughter and son.

Mr. Gagik Haroutunian delivered the condolences of His Excellency Levon Ter Petrosian, president of Armenia, and offered his own words, of sympathy on behalf of the entire delegation from the Republic of Armenia. Mrs. Simone then read telegrams of condolence from President Bill Clinton of the United States and President Levon Ter Petrosian of Armenia.

Telegrams were also announced from His Beatitude Torkorn Manoogian, Armenian Patriarch of Jerusalem, and His Beatitude Karekin Kazanjian, Armenian Patriarch of Constantinople (Istanbul), which were among the thousands receive from dignitaries and common folk from all over the world. Archbishop Karekin Nersesian of the diocese of Ararat in Armenia give the benediction.

"Today the entire Armenian nation is mourning, as we take part in the funeral services of our Patriarch," said Mr. Haroutiunian during his remarks. "Alex Manoogian's death is a tremendous loss not only for the Armenian people. . . . Mr. Manoogian was an epoch-making phenomenon who shaped history. He gave charity a new meaning and new content; he set an example for teaching how to live with one's people and nation. He taught how to impart devotion and love."

The color-saturated interior of the sanctuary, illuminated by shafts of light pouring through the narrow, richly colored stained glass windows and by dim golden lamps suspended from the great parabola arches, was tastefully decorated by large bouquets of white roses with cascading ivy. The black robes and cowls of the numerous clergy stood is stark and solemn contrast to the resplendent, although muted church.

The Komitas Choir of St. John's Armenian Church was conducted by Maestro Khoren Meikhanedjian of New York and accompanied by Mrs. Louise Yardumian of St. Petersburg, FL. Soloists included Ms. Maro Partamian of New York and a quartet comprised of Mrs. Violet Cholakian, Mrs. Arlene Baylerian, Mrs. Denise Karakashian, and Mrs. Barbara Widener of metropolitan Detroit, who sang moving sharagans (hymns) during the funeral service.

Closed circuit television carried the services into the lobby, the chapel, and the nursery of the attached Cultural Building where elegant tables were set up to supplement the 700-seat Cultural Hall from where the ceremonies of the hokejash (memorial meal), served to almost 1,000 persons, were also telecast.

Entombment services, held by the His Holiness the Catholicos and the numerous clergy from Armenia, Europe, and America, took place at Woodlawn Cemetery following the hokejash with only family members in attendance. The casket was covered by earth brought from Armenia by Mr. Haroutiunian, and the tomb was sealed by the Catholicos with a cross. The site will be marked by a elegant kachkar (cross-stone) brought from Armenia by the Catholicos.

"No one was invited to the funeral," said the pastor of St. John's, Fr. Baret Yeretzian, "that is not the custom. Everyone, clergy and laity, attended of his own desire out of love and respect for Mr. Manoogian. The funeral and dan gark, attended by 2,000 persons over two days, were a fitting memorial to a great and generous man."

"Mr. Manoogian's genius lay in his determination to resurrect the Armenian people after the genocide of 1915," said Dr. Dennis R. Papazian, a professor of history at the University of Michigan, Dearborn, and a resident of Troy, MI, "to rebuild the Armenian Church, to encourage a free and independent Armenia, to preserve and expand Armenian culture, and to help the Armenian people return to their rightful place in the family of nations and in world history. We have truly lost a great champion of the Armenian people."

"We must also not lose sight of the fact that Mr. Manoogian was a great American. In fact his life was a monumental testimony to the greatness of America. Where else in the world could a man rise from a poor immigrant to a captain of industry, from a homeless boy to a great world-wide philanthropist? Surely Mr. Manoogian represented the American dream, and he never forgot it. He gave to all sorts of American causes. We are all the poorer for his passing. He will be sorely missed."

The pallbearers were Mr. Manoogian's grandsons and nephews: James Manoogian, Richard Manoogian, Jr., David Simone, Mark Simone, Brian Manoogian, Douglas Manoogian, Chris Christo, and Paul Christo.

Security for the various dignitaries in attendance was provided by the Michigan State Police and Masco Corporation. The Parish Council of St. John's Church, along with the Pastor, were active in preparation and administration. Cynthia Oknaian provided coordination with the various groups involved on behalf of the Church.

HONORING JOSEPH DIRENZO, JR.

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. EHRLICH. Mr. Speaker, today I would like to honor Joseph DiRenzo, Jr., a friend, fellow Princeton alumni, constituent, and NCAA referee.

Born and raised in Union City, NJ, Joe DiRenzo graduated from Princeton University, which he attended on scholarship in 1956. While a Princeton he was an All East tight end on the football team. He later played pro football with the Montreal Alouettes in the Canadian Football League. He also served in the U.S. Army.

In 1963 he received his first assignment as a collegiate referee. During nearly 30 years as a referee he officiated more than 250 games, including seven bowl games; legendary coach Paul "Bear" Bryant's last football game; and the famous 1984 game in which Doug Flutie delivered a game-winning "Hail Mary" pass against the University of Miami.

As a referee, Joe DiRenzo displayed both common sense and great mastery of the rules of the game. One of Jose DiRenzo's fellow referees said of him: "He was an outstanding official who has no problem making decisions and was hardly ever criticized by a coach. Joe was a credit to the game of football."

In addition to his officiating career, Joe DiRenzo was a successful executive in several oil and real estate companies. He was a 30-year resident of Severna Park, MD, and had been active in several community organizations.

Joe DiRenzo passed away unexpectedly on September 13. He is survived by his wife of 39 years, Cathy, his son, Coast Guard Lt., Joe DiRenzo III, his daughter, Donna Graves, his mother, Emilia DiRenzo, and two grandchildren.

My thoughts and prayers go out to all of them during this time of sadness.

For myself, I am proud to call Joe DiRenzo my friend and mentor.

TRIBUTE TO THE CLIFTON HEIGHTS FIRE DEPARTMENT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. WELDON of Pennsylvania. Mr. Speaker, next month, my friends at the Clifton Heights Fire Department will celebrate their 100th anniversary. Accordingly, I want to pay tribute to these Americans who have put their lives on the line daily to protect the citizens of Clifton Heights, PA.

In 1896, by order of the courts, the Clifton Heights Fire Protection Association and the Clifton Heights Hose, Hook, and Ladder Co. received their charters. For nearly 60 years, the two companies operated separately to provide the citizens of Clifton Heights with superb fire protection. In 1956, putting all rivalry aside, the two companies agreed to disband and join together to form one entity—the Clifton Heights Fire Co.

Since 1956, the Clifton Heights Fire Co. has been one of the best trained and most aggressive companies in Pennsylvania. With support from local officials and the community, the Clifton Heights Co. has emerged as a model of excellence in fire fighting capability. Over the years, the company has successfully procured only the best state of the art fire fighting apparatus. Modern equipment combined with excellence in training has resulted in a first class company in which we can all take great pride.

As a former volunteer fire chief and founder of the Congressional Fire Services Caucus, I know firsthand the dedication, determination, and hard work associated with the fire fighting profession. Yet, all to often we take for granted our local fire and emergency service personnel.

With this in mind, I want to thank the brave men and women of the Clifton Heights Fire Co. for all they have done over the past 100 years in making the community of Clifton Heights a safer place to live. Congratulations and I wish you luck in your next 100 years.

TRIBUTE TO PAT DILANNI

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, on October 3, Mr. Pasquale "Pat" Dilanni will be honored by the Passic County, NJ, Democratic committee at an event being held in Hawthorne, NJ.

Mr. Dilanni was born in Paterson, NJ. He is a longtime Clifton resident, having graduated from Clifton public schools. He received his bachelor and master degrees from Montclair State College. He taught junior high school science for several years. His love of the law became evident when he received his law degree from Rutgers Law School in 1957. He subsequently maintained a law practice until recently. Mr. Dilanni has served his community well as an assistant prosecutor of Passaic County and Pompton Lakes borough attorney. His civic activities include work with the Clifton Memorial Hospital Association and the Kiwanis Clubs. He has held many Democratic Party posts including Clifton coleader, Passaic County Democratic Chairman and president of the Passaic County Democratic Club.

Mr. Speaker, Mr. Dilanni is an outstanding leader with a good sense of humor. He has a great love and respect for his family and community. I am sure my colleagues will want to join me as I extend best wishes and congratulations to Pat Dilanni and his family; his wife, Ludmilla; his children, Patricia, Denice, Diane, Richard and David; and grandchildren, Rebecca, Alden, Annaclair and Marcus who, according to their grandfather, are potential presidents of the United States someday.

TRIBUTE TO VICE ADM. EDWARD M. STRAW, SC, USN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. GEKAS. Mr. Speaker, on October 25, 1996, Vice Adm. Edward M. Straw, Supply Corps, United States Navy, Director of the Defense Logistics Agency [DLA], will retire after a distinguished military career of over 35 years. His accomplishments during that period are many and significant, and the legacy he leaves to the business of the Defense Department is beyond comparison.

Vice Admiral Straw, a native of Marysville, PA, in my congressional district, joined the Navy Supply Corps upon commissioning from the United States Naval Academy in 1961. As he rose through the ranks, he served in numerous challenging operational postings in the United States and overseas, including three sea duty assignments. In those progressively more responsible positions, he honed his business and logistics management skills and led his supply forces in supporting improved readiness at reduced cost at critical Navy commands, such as on the U.S.S. *Dwight D. Eisenhower* (CVN–69) during its unprecedented 10 month deployment in the Persian Gulf.

Moving on to senior headquarters-level policy and execution responsibilities with great impact Navywide, then-Captain Straw rose from chief financial officer of Navy Supply Systems Command [NAVSUP], to director of supply policy and programs for the Chief of Naval Operations [CNO], and finally to Vice Commander of NAVSUP, attaining the rank of two-star Rear Admiral. He pioneered the use of commercial unit-costing techniques and other innovative approaches which drove infrastructure savings exceeding $500 million per year. He developed numerous supply support initiatives which contributed immensely to revitalized Navy combat preparedness, including record high levels of sustained operational readiness support during Operations Desert Shield and Desert Storm.

With this record of innovative performance and savings, he was selected in July 1992 to become Director of DLA, DOD's largest combat support agency. Now a Vice Admiral, he became responsible for providing worldwide logistics support to American warfighters, numerous federal agencies, and U.S. allies directing over 50,000 civilian and military personnel at over 300 locations and managing a budget of $14 billion per year. DLA acquires, distributes, and arranges reutilization of the vast majority of DOD's supply system assets, and also administers 377,000 contracts valued at over $900 billion and involving over 24,000 contractors.

Vice Admiral Straw's 4 years at DLA represent a watershed, not only for the agency, but for public sector management. He thoroughly reengineered the agency's structure, processes, and leadership approach. He focused on the customers' needs, changing DLA's strategy from one of buying, storing, and delivering large inventories of items just in case they are needed, to arranging cost-effective material sources that could deliver to the warfighters when items are needed. He accomplished this by taking advantage of cost saving market leverage and the benefits of emerging technology. In both materiel management and contract administration, selected functions have been privatized, modern business techniques brought to bear, and high quality partnerships with the country's vast supplier base fostered. Through these and other efforts, the Agency has achieved savings or cost avoidances exceeding $10 billion to date, with firm commitments to its warfighting customers and the taxpayers for $20 billion more over the next 7 years. In addition, DLA now provides more responsive materiel deliveries and direct on-scene logistics support to contingency and humanitarian support forces wherever they go, including Haiti and Bosnia.

Under Vice Admiral Straw's leadership, DLA has received a variety of prestigious awards, including the Joint Meritorious Unit Medial from Secretary of Defense William Perry. A key DLA field activity became one of the first two federal activities to win the Ford Foundation/Harvard University "Innovations in American Government" award in 1995. As a result of his exceptional performance at DLA, Vice Admiral Straw was selected for additional duty as Director of DOD's Defense Performance Review from June 1994 to August 1995 in support of the National Performance Review. He subsequently received the Defense Distinguished Service Medal from Secretary Perry in recognition of his performance at DLA and the DPR, and won the 1996 Founders Award from the Society of Logistics Engineers.

Throughout his long and extraordinary career, Vice Admiral Straw has continually introduced new ideas wherever he was assigned, achieved unprecedented performance breakthroughs, challenged his people to fulfill their potential, and always left his organization better prepared for the future. He has done so again at DLA, and will be leaving behind an Agency on the forefront of best business practices and frontline combat support. Upon his impending retirement from active duty, the citizens of Pennsylvania and the rest of this great Nation are forever in his debt and wish him, his wife Chris, and daughters Sylvana, Katie, and Megan, good health, happiness, and much success in the future.

HONORING LONGTIME FRIEND AND STAFF MEMBER, DOLORES ANN NOUHAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a very dear friend of mine, Dolores Ann Nouhan who passed away on August 31, 1996. For 22 years, Dolores served as a loyal, competent and devoted member of my staff.

It was over two decades ago that I first met Dolores Nouhan when I was serving in the Michigan State Legislature. She had walked into my office looking for a job, and because of her great reputation and warm personality, I hired her the day I met her. From day one, Dolores acted with the highest degree of honesty, integrity and loyalty. She immediately became close friends with all of my family, including my wife and three children who saw Dolores as an extension of our family.

When I was elected to the Congress in 1976, I asked Dolores to leave her lifelong home and join me in Washington, DC. Dolores, being the dedicated and unselfish person she was, said yes immediately. For the last several years, Dolores served as my office and business manager. She was responsible for the day-to-day operations of the office, as well as dealing with groups and individuals who were coming to Washington for visits. I have not met a person in this city who could find a White House tour ticket as effectively as Dolores did.

Dolores' personally-guided tours were legendary. She would drive you from monument to monument and you would have a set amount of time to see each site before Dolores moved you onto the next one. She also arranged hundreds of tours for groups, ranging from young school kids to senior citizens. One of her happiest jobs through the years was sending thousands of American flags to individuals and veterans groups in my district. She also played a crucial role in enabling my office to return over $1 million to the U.S. Treasury.

Mr. Speaker, since Dolores passed away, I have heard from many people, ranging from school kids, lawyers, doctors, farmers, teachers and school principals, public officials, and FBI agents telling of the wonderful and sensitive assistance Dolores had given to make their stay in Washington, DC, so special. And many of my colleagues in the U.S. House of Representatives have told me what a joy it was to work with Dolores. There is no question that Dolores touched thousands of people's lives and made their stay in our Nation's capital a special event.

But more than anything, Dolores loved her family and friends. While she took her work seriously, she always looked forward to visits from her family, and going to see her specially chosen nephew, Father Greg Mansour, or going to Michigan to see her brothers and sisters and numerous nieces and nephews.

Dolores was an active and devoted member of St. Anthony's Catholic Church in Falls Church, VA, where she volunteered her secretarial and organizational skills in the office. She also served as a Eucharistic Minister in the church. Although Dolores told me she felt unworthy in serving in that capacity, I told her that there was no one on all of Capitol Hill who was more worthy than was she.

Mr. Speaker, I will never forget my friend Dolores Nounhan. I know that she is now with God, and her spirit will always be with those who had the pleasure of knowing Dolores. She was better than we deserved.

A TRIBUTE TO THE COMMUNITY OF WENDELIN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to the community of Wendelin, IL. This beautific village, nestled in a small corner of Illinois, has a rich, ethnic tradition. The members of this community joined together to write the Holy Cross Book which traces their roots from Schuttertal, Germany. It was through a church, St. John's Church, that the people from this small town teamed up and dedicated many countless years to complete this wonderful work.

Holy Cross Book describes the struggle of settling into a town in the 1850's. A momentous change took place in Wendelin, IL., as the United States railroad was introduced. The railroad brought many new families to the area Irish, Germans, and other European Catholics. Each emigrant sought to start a new life and thus, a community was born. These pioneers established a church, school and the various businesses necessary to excel in their modern world. Some of the families that helped settle this land were the Fehrenbacher, Kern, Maier, Obert, Schafer, Schiele, Volk and Weber. As Wendelin grew into the prospering community it is today, these families decided to build a religious community that would provide a church, a wholesome upbringing, and stewardship. On January 22, 1860, the people joined together and built their first church, St. Ignatius Church, which later changed its name to St. John's Church.

In the 1860's more German settlers arrived in the area settling further to the northwest. The existence of the church was too small for such a growing population. St. John's decided to divide its parish, some wanting to rebuild ½ mile east of its property, while others wanted to transfer the site of the parish to St. Wendel, as it was then known. A decision was made in 1868 to build a new church, Holy Cross Church, the namesake for their work.

I congratulate the entire Wendelin community and give them my heartfelt congratulations for the success of the completion of their book. It is my pleasure to honor a rich tradition.

IN HONOR OF THE STATEWIDE HISPANIC CHAMBER OF COMMERCE OF NEW JERSEY FOR YEARS OF DISTINGUISHED SERVICE TO THE HISPANIC BUSINESS COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Statewide Hispanic Chamber of Commerce of New Jersey, an organization dedicated to promoting the continued development of New Jersey's economy by strengthening and expanding the network of Hispanic and professional businesses throughout the State. On October 23–24, 1996, the organization will host their 6th Annual Convention and Exhibition. The 2-day event recognizes the many individuals and business organizations that have contributed in assisting the Hispanic community navigate the complexities of a rapidly changing economy.

The Statewide Hispanic Chamber of Commerce [SHCC] is a voluntary membership network of 17 Hispanic chambers of commerce and professional business associations across New Jersey and the Philadelphia area. The organization aims to identify and communicate the needs of the Hispanic business community by increasing relations with the corporate sector, influencing legislation, policies, and programs that have a positive impact on the business community, providing leadership and support for excellence in education for future business leaders, and supplying technical assistance to Hispanic businesses, professional associations, and entrepreneurs through regional meetings, seminars, conferences, and annual State conventions.

The 6th Annual Convention and Exhibition will recognize the efforts and contributions of business owners, CEO's, and other top management from large and small Hispanic businesses throughout the State. Since the Hispanic market is the fastest growing business sector in the country, with an estimated $30 billion of buying power, it is reassuring to know that organizations like SHCC continue to foster growth and provide leadership to Hispanic businesses as we approach the 21st century.

This year's convention and exhibition, will honor eight outstanding professionals for their contributions to the Hispanic business community: Freddy Rosado, Chamber of the Year; Pilar S. Howe, Sanchez to Sanchez to Smith; Argentina Ramirez, Volunteer of the Year; Olga Melendez, Diego Leiva, and Leila Perez Ross as Business People of the Year; and Dave Barger, Corporate Advocate of the Year; and Fred Davila, Presidents Award

I ask my colleagues to join me in recognizing the outstanding work of the Statewide Hispanic Chamber of Commerce and those being honored at its annual convention. I commend their accomplishments and all that they have done for Hispanic businesses throughout New Jersey.

GLENN BOWERS, WAR HERO AND FIGHTER ACE RECOGNIZED FOR HIS SERVICE IN WORLD WAR II

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. GOODLING. Mr. Speaker, I rise today to recognize a distinguished war hero who is one of my constituents. Mr. Glenn Bowers, a veteran who served in the Marine Corps during World War II, recently received his Air Medal with Gold Stars.

Glenn Bowers has been credited with 70 missions during the war in the South Pacific. He served with distinction in the Marine Corps' famous "Blacksheep" Squadron No. 214, and with Squadrons No. 218 and No. 251 from November 1943 to September 1994.

Serving in the military during World War II is nothing unusual for a large part of America's population. Over 16 million men were a part of the massive military effort to turn back the armies of Nazi Germany and the navies of the Japanese Empire. But Glenn Bowers is different. He flew many combat missions, risking his life and safety numerous times over the period in which he served. He fought the menace of fascism, and played no small role in preserving the freedom and independence of the United States for his and future generations. Glenn's service is well-recognized by his receipt of the Air Medal.

Glenn Bowers is having his service to all of us in the United States recognized by receiving the Air Medal. Mr. Speaker, I ask all my colleagues to join me today in congratulating Glenn. I am proud to have such an outstanding war hero be one of my constituents.

REVITALIZING TOURISM AND ENSURING AIRPORT SECURITY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. McCOLLUM. Mr. Speaker, today I am introducing a bill to revitalize the tourism industry and provide for increased airport security. Appropriately, it is titled the Tourism Revitalization and Airport Security Act of 1996.

This bill would ensure traveler safety by increasing airport security through enhanced bomb detection equipment and additional sniffing dogs. Furthermore, it would require additional background checks on employees in sensitive areas while beefing up performance standards and audits for those employees. This bill would mandate additional FBI involvement through periodic threat and vulnerability assessments at high risk airports. Mr. Speaker, there are additional provisions that are also noteworthy but I would like to specifically point out two innovative technologies included in this bill. One is known as IGRIS, which can determine the molecular structure of concealed objects. This could be handy when someone tries to pass plastic explosives or drugs through normal airport x rays. The second is bomb blast containment technology which would completely contain a blast inside the luggage compartment—or anywhere else for that matter—should an explosive actually make it onto a plane. Both of these merit further consideration.

The second thrust of my bill includes ways to revitalize the tourism industry which is so vital to the country and my district in Florida, the Eighth District and Orlando. Among the provisions in this bill is the creation of a National Tourism Board and Organization, a diversion of President Clinton's 4.3-cent gas tax hike from general revenue to the transportation trust funds where it belongs, a repeal of the unfair and crippling aviation fuel tax, the restoration of the business meal tax deduction, and a reauthorization of the airline ticket tax. Furthermore, this would improve visa programs through extending and reforming the visa waiver pilot program in section 217 of the Immigration and Nationality Act. It would improve visa issuance by increasing staff at busy consular posts in Caracas, Rio de Janeiro, Seoul, Brasilia, São Paulo, and Taipei.

Mr. Speaker, this bill is about jobs. This bill is about the economy. This bill is about airline safety. These are obviously critical for anyone, but especially to Florida and Orlando. I urge further consideration of these measures and lay them before you today.

THE NATIONAL SCHOOL INFRASTRUCTURE ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mrs. LOWEY. Mr. Speaker, today, I am introducing the National School Infrastructure Act. I recently conducted a survey of the more than 1,000 public school buildings in New York City. I found seriously overcrowded and deteriorating schools. Unfortunately, the poor physical condition of schools is not New York's problem alone. A GAO report released in June showed that $112 billion nationwide was needed to bring our Nation's schools into decent condition. The GAO found that one-third of all schools across the country required extensive repair or replacement, Rural, suburban, and urban districts all face serious problems.

The National School Infrastructure Act will provide interest subsidies over the next 4 years to help school districts pay for school repair and construction. It is modeled after the President's proposal. This is not an ongoing program but instead a one-time incentive to States and local communities to address the poor physical condition of our schools. The program is fully paid for by auctioning off a specific portion of the broadcast spectrum.

Under by bill, the cost of local borrowing for school construction and rehabilitation would be cut by up to 50 percent, depending upon need. School districts with severe infrastructure needs and/or high concentrations of poverty would be eligible for funds.

Large school districts would apply directly to the Department of Education for the interest rate subsidy. Smaller districts would apply through a designated State authority.

The interest reduction is equivalent to subsidizing $1 out of every $4 in construction and renovation spending. The $5 billion made available by the legislation would result in an estimated $20 billion in State and local construction across the country, over the next 4 years.

I look forward to working with local, State, and Federal officials in the months ahead to further refine the legislation so that it can be enacted in the 105th Congress.

We simply cannot ignore the poor physical condition of our schools any longer. Children cannot learn when their classroom walls are literally falling down. The Federal Government helps to build and maintain our Nation's roads. Now we must fulfill our obligation to our Nation's children and come to the aid of our schools.

INTRODUCTION OF THE PATIENT AND HEALTH CARE PROVIDER PROTECTION ACT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. OWENS. Mr. Speaker, I rise to introduce a bill that would protect patients and health care providers in hospitals across the country. While Congress is debating the feasibility of universal service, and implementing incremental health-care reform bills to increase portability, the health-care industry is completely re-engineering itself. As a part of the transformation to remain competitive and save money, hospitals are replacing nurses with lesser-trained, lower-paid aides. Recent reports have noted that this de-skilling of America's hospitals has had an adverse and even fatal effect on unsuspecting patients. My proposal, the Patient and Health Care Provider Protection Act would ensure that patients, as well as nurses, aides, and doctors are armed with the adequate weaponry to fight the hazards associated with the restructuring of the health care industry.

When any of my constituents enter a hospital, care may be administered by someone who looks like a licensed nurse, but is called a patient care aide, clinical care partner, patient care assistant, medical technician, patient care technician, or monitor technician. These aides may be charged with checking vital signs, inserting intravenous tubes, drawing blood, inserting catheters, and performing electrocardiograms—procedures usually reserved for licensed nurses. Unfortunately, in too many instances such responsibilities dealing with the direct care of the patient are being undertaken without proper training, and the results are astonishing.

At Allegheny General Hospital, a patient care aide mistakenly hooked up a feeding tube to an opening in a patient's neck that helped him breathe. The liquid nourishment got into the lungs of the 81-year-old patient and he died a few days later. At Presbyterian University Hospital, a "monitor technician" failed to notice a patient's accelerated heart rate for 4 to 5 minutes. The patient later died of heart failure. At Rhode Island Hospital, an aide mistakenly filled a syringe with potassium chloride instead of saline to clean out an intravenous line. The potassium chloride killed the 11-month-old infant.

This bill would avoid these catastrophes in three ways: first, the Patient and Health Care Provider Protection Act would ensure that patients are well-informed about who is treating them. Currently hospitals are not required to make pertinent information available to the public. As a result of this bill, hospitals would have to maintain and disclose daily staffing levels to the public. Second, this legislation would ensure that the Department of Health and Human Services issue staffing guidelines that hospitals could use as benchmarks to decide which levels of staffing do not jeopardize patient care. Third, all staff in hospitals would be mandated to wear identification tags with the name and licensed or certified position of the individual. Obscure and deceitful titles such as technical care partner would be unlawful.

Moreover, the Patient and Health Care Provider Protection Act would ensure that the changes that are taking place in the health-care industry are studied on a national level. While massive hospital-restructuring efforts are taking place in such states as California, Massachusetts, Pennsylvania, Texas, Rhode Island, Washington, and in my State of New York, we cannot point to a single comprehensive study that shows whether or not the industry has taken a turn for the better or worse. My bill would assure that national and systematic compilation of pertinent medical data is being undertaken to evaluate reform efforts on a periodic, on-going basis. The public would be privy to all information that is reported.

The Patient and Health Care Provider Protection Act would further create a nongovernmental, independent, nonprofit body to advocate on behalf of health care consumers in each State—the Office of Consumer Advocacy for Health [OCAH]. OCAH would set up a step-by-step process that consumers could easily follow when they have any complaint about the health care services they are receiving. OCAH would assist people who had grievances with their health plans and needed information about available health care services. It would also serve as a screening center for situations necessitating the emergency intervention of Federal officials. By calling a number such as 1–800–BAD–CARE, patients and health care workers could disclose any information about life-threatening situations in a hospital. If the situation warrants, such as the case in Tampa, FL, when the Health Care Financing Agency sent our an emergency team to a hospital that amputated the wrong limb of a patent, then OCAH could call upon HHS to investigate.

Moreover, each health plan would be required to form a consumer-dominated Independent Consumer Advisory Committee [ICAC]. This committee would provide outreach to its members—patients—by holding hearings, and forums to facilitate discussion between a health plan and the community. ICAC would help establish safe staffing levels, and quality-care criteria to which the health plan must adhere. Members of ICAC would be selected by a classified lottery procedure. Health plan members interested in serving would be placed not four categories: senior citizens, parents of children under 18, individuals with disabilities, and all other health plan members.

Finally, the Patient and Health Care Provider Protection Act would outlaw the gag order on nurses and doctors who must be free to communicate effectively with their patients. This bill contains strong whistle blower protections that prohibit the discharge, demotion, or harassment of any nurse, doctor, or other health care professionals who assist in an investigation of his or her employer.

There are many bills floating around that accomplish some of the goals outlined here, but in piecemeal fashion. Patient safety cannot be achieved in this way. A comprehensive approach is necessary to make sure patients are aware of who is treating them, are knowledgeable about the effects of a hospital's restructuring plan, are armed with a potent voice to affect the policies of the health plan, and possess some recourse if their safety is endangered. At the same time, the value of nurses' work must not be undermined. As individuals on the front lines of the health care delivery system, nurses and aides must be well-trained and free to act in ways that foster, rather than compromise, the quality of patient care.

Mr. Speaker, I strongly urge all of my colleagues to support this bill as a bold form of advocacy for the health care consumer—the patient. It is budget-neutral and would be financed by requiring health plans to contribute only 1 percent of their revenues to fund the Office of Consumer Advocacy for Health and the Independent Consumer Advisory Committees in each State. This is a small price to pay to protect patients, and to protect the integrity of such data on which the medical community should base its decisions. Congress has unequivocal role in assuring that cutting costs and increasing one's profit are not priorities of health care delivery at the expense of patient care quality and safety.

GLENS FALLS MARINE CORPS LEAGUE CELEBRATES 50TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SOLOMON. Mr. Speaker, today I rise to speak about two of the organizations in this country that I hold nearest and dearest to my heart: The United States Marine Corps, and Memorial Detachment Number 2 of the Marine Corps League, in Glens Falls, NY.

Anyone here who knows me at all, knows me as a Marine, probably because I've always been ready for a dog-fight over something I believe in. That's because, as a young Marine, I learned two things: accomplish your mission, and always take care of your buddies.

Well, Mr. Speaker, those basic principles have been carried by Marines everywhere, and the Marine Corps League, and Memorial Detachment No. 2 in Glens Falls is no different. They are veterans of World War Two, the Korean War, Vietnam and the Gulf war who have taken up arms in defense of this country. They are Marines who wore the uniform in times of so-called peace and placed themselves in harms way to keep that truce during the cold war and beyond.

And on top of that, for 50 years now, the Glens Falls detachment has been looking out not only for their fellow Marines in Glens Falls and the greater Adirondack area of New York, but for their communities and neighbors as well. Programs like Toys for Tots, which provide disadvantaged children with toys and gifts they might not otherwise receive during the Christmas season are a trademark of the Marine Corps League. And, the countless Christmas baskets they deliver to needy families over all their years serve as a continued reminder of the importance of community service and looking out for your buddies.

Mr. Speaker, the Glens Falls detachment has been celebrating their 50 year anniversary in the community throughout the year. And what better time for the ceremonies to culminate than on November 9 of this year, 1 day before the 221st birthday of the Marine Corps in this country.

On that note, I wanted to take the time to recognize all those fellow Marines who chartered Memorial Dispatch Number 2 back in 1946. Ten people were on the charter application: Joseph Fiore, Dante Orsini, Frank Orsini, Len Johnson, Raymond Charlebois, Jim Butterfield, Henry Knickerbocker, Guy D'Angelico, Dominick Fallacaro and Donald Weeks. Also on board in 1946 were: Francis Benware, Candelores Catalgamo, Mrs. Jane Lewis Crannell, Murray Crannell, George Deeb, Robert DeLoria, Joseph DeSare, Tullio DelSignore, Guy Fiore, Robert W. Gilligan, Arlus Fontaine, Gardner Goodro Jr., Edward Guy, Walt Hammer, Abraham Hoffis, Pete LaBarge, Dan Lawler, James Lawler, Herman Marino, Joseph McGuirk, Norman Miles, Fred Moody, John Murray, William Noonan, Dennis O'Leary, John Omiencinski, Adelon Potvi, William Ringrow, Kenneth Scribner, Robert Wilber, Joseph Gavita, Francis Smith, George Smith, Eugene Henneman, Leonard Rollo, Paul Abrey, George Shomaker, Robert Barrett, Ray Bortholomew, Earl Balcolm, George Austin and Irving Sexton.

Mr. Speaker, these are the members who set the course for Glens Falls Detachment on the heels of World War Two. Several of them were called back for the Korean War as well. And these are the Marines who I joined in my hometown of Glens Falls after my service in the Marine Corps. I owe my personal gratitude to them for starting this invaluable organization.

At this time, Mr. Speaker, I ask that you and all Members join me in paying tribute to them and all members, past and present, who have accomplished their mission and then some over the last 50 years.

REDUCE INCIDENCE OF HOUSEHOLD FIRES

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. WELDON of Pennsylvania. Mr. Speaker, we are continually bombarded by news of disasters in our country. But unfortunately, the disaster that befalls more than 400,000 families each year is fire. While the number of household fires has been reduced, these fires continue to cause more than $4 billion in damage. According to the National Fire Protection Association, the most frequent cause of household fires is something that seems so simple—careless cooking.

Recognizing this situation exists, the Association of Home Appliance Manufacturers, representing the producers of kitchen ranges and ovens, has stepped forward to create awareness of this issue and focus educational efforts toward reducing the incidence of these needless fires.

The home appliance manufacturers joined with the National Association of State Fire Marshals and conducted an intense survey of careless cooking fires in 10 major jurisdictions in the United States. The survey results tell us some interesting things about careless cooking fires.

First, in nearly ¾ of fires, the person responsible for the cooking was not in the area at the time the fire broke out. Unattended cooking has long been the single greatest cause of these fires.

Second, in nearly ⅔ of the fires, the person left the area rather than fight the fire. But in those cases where someone stayed to try and deal with it, nearly half used incorrect methods to do so, often increasing their risk of injury and damage to the home.

Third, half of the people responsible for careless cooking fires were between the ages of 30 and 49, not the very old or very young. This number is far larger than the population represented by this age group.

Fourth, consistent with other studies of inner city and disadvantaged populations, a disproportionately high number of careless cooking fires seem to have occurred in minority households. Minority populations appear to be at particular risk for fire and should receive special attention in any education effort.

Using this study, the Association of Home Appliance Manufacturers and several other public safety groups, fire departments, and the U.S. Fire Administration are working together to help change the basic behavior. Special projects made possible by the appliance manufacturers are underway. For example, nearly 10 million special teaching brochures are being distributed this year. This includes the manufacturers inserting one in every new range as well as several million being distributed by school teachers, fire educators, and public service groups. In addition, a teaching video is being developed for fire educators. Finally, public service announcements and video news releases have been prepared and special educational grants have been made to fire educators to try new avenues to reach and educate the public.

The most important messages are rather simple. Stay focused on your cooking. If you have to leave the kitchen, turn off the range. If you have a fire, get the family out of the house and call 911 or the emergency service number.

I commend the appliance manufacturers on this program urge public service groups and all fire departments across the country to join together to fight careless cooking fires. Together we can reduce the numbers of these fires and the effects of such a disaster on our citizens.

INTRODUCTION OF THE COMMODITY EXCHANGE ACT AMENDMENTS OF 1996

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. EWING. Mr. Speaker, as a point of departure as the 104th Congress passes into the historical record, today I am introducing legislation to reform the Commodity Exchange Act [CEAct], the law governing the regulation of futures and options on our Nation's commodity exchanges and other risk management financial instruments that are traded in over-the-counter markets.

Although this legislation is not massive in size, it is sizable in scope. This area of Federal regulation—the importance of our futures and options markets—demands new treatment. Although the Commodity Futures Trading Commission [CFTC] was just reauthorized through the year 2000 last April, the Congress took more than three years to agree on the Futures Trading Practices Act of 1992 [1992 FTPA]. Needless to say, that law was a contentious debate; this bill may be similarly contentious. For that reason, it should be viewed as a discussion document. We will have several months to think about it and discuss it prior to the introduction of a new bill in the 105th Congress.

The purpose of the bill is to establish the concept of self-regulation with CFTC oversight. The commodity exchanges are self-regulatory organizations; they regulate their members and the trade and financial practices of their members. The National Futures Association [NFA], at this time the sole registered futures association, regulates the professional futures community, setting industry-wide standards of sales and trade practice conduct.

The aim is to keep the U.S. futures industry competitive as it enters the next century. The price discovery and hedging functions of our futures markets still are paramount. The law, however, must recognize that technology is constantly changing and that our commodity exchanges serve a sophisticated, mostly institutional clientele these days, not small, retail traders.

With that in mind, let me briefly outline the contents of the bill I am introducing.

Section 2(a)(1)(A)(ii), is known commonly as the Treasury amendment and was enacted as a part of the Commodity Futures Trading Commission Act of 1974. Unfortunately, this language has created numerous legal problems the courts have dealt with inconsistently.

Title II of the bill offers a solution to these problems. It is one solution. Obviously, there are others. Attempting to deal with a controversy of this magnitude is not easy. The solution in the legislation will be disputed and argued. I welcome all interested groups, including members of the other body, to help to solve this matter in the next Congress.

Section 3 of the CEAct describes the reasons for federal regulation of futures and option markets and a great deal of this section is simply outdated and does not fit today's regulatory requirements or needs. The bill substantially restates the purposes of federal regulation.

Section 4 is amended to include specifically an exemption for certain professional markets whose participants are recognized under current law. These "appropriate persons" are described in Sec. 4(c)(3) of the CEAct and include futures commission merchants, floor brokers and floor traders. In light of the exemptions afforded other professional traders by the 1992 FTPA, I believe this language is consistent with congressional intent in this area.

Sections 103 and 104 of the bill enhance the self-regulation of exchange institutions by providing simplified and streamlined contract market designation and rule submission procedures. These are necessary in my view to maintain the competitiveness of our commodity exchanges in a world that has come to understand the importance of risk management on exchanges with sound, but limited, regulatory programs.

These amendments presume a commodity exchange develops sound contracts with economic purposes that are widely recognized and will be used by commercial and speculative interests for price discovery and risk-shifting that have long been viewed in this country and by the Congress as beneficial to our Nation's economy.

Section 105 of the bill seeks to improve commodity exchange audit trails without impairing the functions of the markets. Audit trail issues date from the establishment of the CFTC but have been actively debated in the CFTC's regulatory programs since 1986, when the CFTC proposed a one-minute, verifiable standard.

Understanding that each commodity exchange has different trade customs and systems unique to each institution means there are numerous ways to obtain adequate, verifiable audit trails. These trade recordation systems have changed dramatically over the years, and U.S. commodity exchanges constantly are improving and upgrading their audit trail systems. The amendment seeks to develop standards that are objective and reasonable.

Section 106 of the legislation provides benefit-cost analysis to the CFTC's regulatory program. Regulation under Republican administrations and new law under this Republican Congress has moved us further in that direction. There is no reason we cannot bring similar sound, reasonable, and fair regulation to our commodity exchanges and preserve the public interest.

Finally, section 107 is a house-keeping matter of interest to the Committee on Agriculture. An objective of the Committee during the reform of U.S. Agriculture embodied in the Federal Agriculture Improvement and Reform Act of 1996 [FAIR Act] was to use fewer words. The FAIR Act is literally one-half the volume of the 1990 farm bill. With that in mind—and there may be further improvements later—section 107 repeals Sec. 8e dealing with CFTC oversight and deficiency orders. It is my understanding that after the nearly four years this section has been law it has never been used. that makes it unnecessary in my view.

I look forward to comments on the legislation and working with interested parties as we proceed with this necessary reform in the 105th Congress.

THE PRESIDENTIAL DEBATE REFORM INITIATIVE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. McCOLLUM. Mr. Speaker, today I am introducing the Presidential Debate Reform Act. The situation surrounding the current Presidential election has highlighted some of the flaws in our current method for selecting a President and Vice President of the United States of America. One critical flaw involves the way Presidential debates are scheduled.

My legislation would create the framework for deciding the participants and structure of presidential debates. This framework would include a commission of 10 people nominated by various leaders and guaranteed to include 4 politically independent members. These commissioners would then schedule several debates.

One such debate would be optional and include any candidate who is on the ballot in 50 States or polls at 5 percent in popular polls among likely voters. This could include major party candidates, although it would provide a forum for lesser known candidates to express their views.

The commission would also establish debates for the Vice Presidential and Presidential candidates. These would be for the candidates polling over 10 percent in polls, taken after the optional debate, and on the ballot in at least 40 States. Participation in these debates would be mandatory. The penalty for not participating in the debate, other than perhaps embarrassment, would be a reduction in the amount of Federal funds that candidate's party will receive to run the next convention. The reduction would be equal to the fraction of mandatory debates missed. I cannot imagine that a party would want to miss out on $3 million (approximately the amount that would be lost to pay for the 1996 conventions through missing one debate).

This has nothing to do with whether I think certain people should or should not participate in debates. I do think that we need to have an established framework with defined ground rules to ensure the fairness in the system.

Mr. Speaker, I think this is a good bill and I look forward to hearing feedback from my colleagues. I expect to offer this legislation at the beginning of the next Congress and hope to hear meaningful debate.

CROOKED PENSION RETRIEVAL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. GEKAS. Mr. Speaker, I wish to applaud the House of Representatives for its 391 to 32 vote on Thursday, September 26, 1996, on H.R. 4011, the Congressional Pension Forfeiture Act. This measure would prohibit a Member of Congress from collecting Federal retirement benefits if they are convicted of a felony. My vote on this much needed proposal was "aye."

My support of this measure was, of course, a given. Why? Well, H.R. 4011 was a descendant of my own proposal—H.R. 3342, the Anti-Bribery Act of 1991—from the 102d Congress. H.R. 3342 had its beginnings in the State of Pennsylvania, where public corruption linked with huge pension payouts led to my successful efforts there as a State senator to reform the system in the same way we are doing now. Public trust in public officials means just that: If you violate it, you should not be rewarded in any fashion for that violation.

I submit for the RECORD a press release from September 9, 1991—nearly 5 years ago to the day—regarding my early involvement in the issue of restoring public trust in public officials, and punishing those who violate that trust.

RESTORING THE PUBLIC TRUST

(By Congressman George Gekas)

Many of us can remember the images across our television scenes in the 1980's: Members of Congress videotaped accepting bribes as part of the "Abscam" investigation. These images burned in the minds of Americans and further deepened their suspicions about public officials in general.

Indeed, there have been too many instances over the past few decades where Members of Congress and other elected or appointed officials have betrayed the trust the public has placed in them by engaging in bribes or in conspiracies to defraud the government. We recently have seen some convictions from the so-called "Ill Wind" scandal that involved defense contractors bribing some Defense Department officials.

I believe that we need to send a clear signal that this type of activity cannot be tolerated among *any* public servant who works for the federal government. I have introduced legislation, "The Anti-Bribery Act," that would prove to be a strong deterrent to anyone considering engaging in an act of bribery. Under current law, if a Member of Congress, for instance, was convicted of bribery, he would be subjected to a prison sentence or a severe fine. He would, however, after going to jail, come out and continue to receive his federal pension. My legislation would prevent that from ever taking place, because that individual's pension or retirement benefit would be forfeited by reason of the bribery conviction.

When I was in the Senate of Pennsylvania, and there had been a spate of convictions of public officials, it did not take too long before the General Assembly acted on this type of legislation. I supported a bill, authored by Senator John Hopper of Camp Hill, that did precisely the same thing—cut off the pension benefits from a convicted public official.

"The Anti-Bribery Act of 1991" would make sure that there would be no existing loopholes in federal statutes that would allow Members of Congress and other officials to receive any benefits after betraying the public trust. The public has a right to expect that all public servants—especially Members of Congress—have the highest degree of integrity in performing their duties. Those individuals who would stoop so low as to accept a bribe do not deserve to be the beneficiary of any retirement pay from the federal government. This legislation, in my estimation would send a clear message to all that any type of payoff to anyone working for our nation's taxpayers will not be tolerated or rewarded in any way, shape or form.

We in Congress must take the lead in restoring the public's faith in government. As I have said, there is a perception out there that we in Congress are unethical and corrupt. I believe that the majority of public officials are faithful public servants, but we must take a stronger stand against those who go about destroying what little faith the American people have left in their government.

I believe that my legislation is a major step forward in preventing corruption from taking place within the ranks of the federal government. It is my hope that my colleagues will come up to the plate and join me.

TRIBUTE TO LEROY F. SMITH, JR., A REAL HERO

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to take this opportunity to pay tribute to one of this Nation's heroes—Mr. LeRoy F. Smith, Jr. Professionally, LeRoy Smith is assistant director of emergency medical services for the University of Medicine and Dentistry of New Jersey in Newark, NJ. Like most of us, LeRoy loves his career and uses his professional skills for the betterment of our world. What is extraordinary about LeRoy is that he always goes beyond the call of duty.

LeRoy began his emergency medical service career in 1969 as an ambulance driver. While in that position he became a New Jersey State Certified Emergency Medical Technician. That was the beginning of a sterling career of service to humanity. Over the years, LeRoy, a nearly lifelong resident of Newark, NJ, has shown his love, respect and caring for the city, its institutions and its people. He has volunteered his services and time to more than 30 programs and organizations. Presently, he is active with more than half of these groups. He has worked extensively with the youth of our community.

While there are many examples of LeRoy's valor, I would like to share one experience with my colleagues. Last year, LeRoy underwent successful heart surgery. Because of his caring, there was a deserved outpouring of prayers and support by the residents of Newark. Last month, LeRoy became a hero again when he rescued a drowning child. Never thinking about his own safety or survival, LeRoy saved another life, one of many saved throughout his career.

Mr. Speaker, I am sure my colleagues will want to join me as I thank and commend LeRoy F. Smith, Jr. for his heroism and humanitarianism. LeRoy has been recognized more than 400 times for his service. This year he received an honorary doctorate of humanities degree from Essex County College and the baseball season in Guaynabo, PR was dedicated in his name. It is fitting that his record of service be noted in the annals of American history. I also want to thank his family—his wife, Maria, and his two children, Michael Jason and Lee Ann, for sharing LeRoy with us.

COMMENDING PACIFIC GAS & ELECTRIC CO. AND THE MONTEREY BAY FUTURES NETWORK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. FARR of California. Mr. Speaker, Monterey County and many northern California areas have been challenged by military base closings and resulting job loss. In Monterey County, local government and business leaders have worked together to develop economic plans for base conversion and the future. A key participant was Pacific Gas and Electric Co. [PG&E], which for its role was honored with the Edison Electric Institute's Common Goals Award for customer satisfaction.

Tapan Munroe, PG&E's chief economist and manager of community economic vitality initiatives, came to Washington to receive the award from EEI President Thomas R. Kuhn in a Capitol Hill Ceremony.

PG&E's local manager chaired the effort that founded the Monterey Bay region Futures Network, called FUTURES, a nonprofit organization dedicated to improving the economic vitality of our region while maintaining environmental quality and the social quality of life.

Bruce R. Gritton, of the Monterey Bay Aquarium Research Institute, who is president of FUTURES, says a PG&E-sponsored study "Vision and Strategies for Shaping the Monterey Region's Economic Future," provides FUTURES' conceptual anchor. Rob Stump, of PG&E's Monterey Division, continues to serve as a FUTURES officer. After the study, the University of California at Santa Cruz, opened the Monterey Bay Science and Technology Center at Fort Ord, the first reuse of the former military base.

I commend everyone involved in FUTURES Network for all of their good work for Monterey County. Congratulations to PG&E on winning the EEI Common Goals Award.

THE UPDATED UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing the updated United States-Puerto Rico Political Status Act, H.R. 4281, which contains provisions regarding the role of language in Federal and local law as developed in consultation with the Republican Policy Committee during our deliberations on H.R. 3024 regarding English.

I want to thank Members of the House Leadership, including key chairmen from various committees, for contributing their time and energy at this hectic point of the Congress in forging a consensus regarding the need for the Congress to consider this important measure affecting the people of Puerto Rico. I particularly want to commend Mr. CHRISTOPHER COX, Chairman of that Committee, for bringing to bear his considerable expertise and providing intellectual leadership in seeking the kind of compromise that could and should have been reached.

It was just yesterday, on Friday, September 27, that I introduced H.R. 4228, a version of the United States-Puerto Rico Political Status Act with proposed revisions we had hoped would provide a basis for final agreement on this legislation. It was expected that we then would take the revised bill to the floor of the House for a vote in the form of an amended H.R. 3024: the original bill providing for resolution of Puerto Rico's status through a Congressionally prescribed process of self-determination.

Although overwhelming approval of H.R. 3024 by the House was at hand, key sponsors of H.R. 3024 were not willing to go to the floor and ask for its approval without making a one-word change that would have brought the proposed revisions within the boundaries of limited government, rule of law and constitutionality. I had agreed to include the amendments as proposed in H.R. 4228 in order to move the process forward and try to resolve differences about the bill, and I stood by that commitment. But it became clear that unless there was a correction of one word the bill would not meet the most minimal test of constitutionality, and many of the bill's strongest supporters felt that was an unacceptable way to proceed.

To be specific, Section 4(b)(C)(7) of the amendments as proposed would impose a requirement that English be the exclusive language of instruction in public schools in Puerto Rico should it become a state. Although the Congressional Research Service had provided a written legal opinion to the author of this provision on July 31, 1996, concluding on the basis of Coyle v. Smith (221 U.S. 559) that this provision would not withstand even the lowest standard of constitutional scrutiny, its inclusion was insisted upon.

The commitment of the 104th Congress to English as our national language could have been carried out in the context of self-determination for Puerto Rico by simply changing the word "the" in the last sentence of Section 4(a)(C)(7) to the word "a," which would have been consistent with the use of the word "an" instead of "the" in the preceding sentence. This imprecision and inconsistency, coupled with the failure to address a valid constitutional question, led to inability of several Members to concur in the process that would have been required to bring the matter before the House.

The sponsors of this bill had wanted to see it approved by the House prior to the adjournment of the 104th Congress because we felt that we had a commitment to do all within our means to implement the principles set forth in a February 29, 1996, response to Legislature of Puerto Rico Resolution 62 of November 14, 1994, asking the 104th Congress to establish constitutionally valid political status definitions for Puerto Rico. However, the desire to get our work done in a timely way, out of respect for the elected legislature in Puerto Rico and commitment to resolution of the status of 3.7 million U.S. citizens, was not seen by key Members as sufficient cause to ignore a constitutional flaw in the language, especially one that so easily and reasonably could have been corrected.

I believe in limits on Federal power, and I believe in the 10th Amendment reservation of rights to the States and to the people. I took an oath of office to uphold the Constitution, to protect and defend it, and while I was willing to introduce H.R. 4228 as I agreed to do in order to move this bill forward through the process, it was not acceptable to the sponsors of the bill to knowingly ignore a constitutional infirmity.

I am as ready as anyone to vote for a law that I believe to be constitutional even though I know it will be tested and may be struck down as a result of judicial review. That is how our constitutional system works. But that is not what this problem was all about. Here we were faced with a proposal to impose of the U.S. citizens of Puerto Rico, should they choose and should Congress grant admission to the union, a requirement that Congress has never imposed on any other State.

Making clear the determination and commitment of Congress regarding English as the official language of the Federal government in Puerto Rico should it become a State, and regarding continuation of the current law in Puerto Rico making English an official language, is something we could have worked out as the legislation moved forward. Those provisions were acceptable at this stage and could have been refined. But the imposition of a Federal requirement that violates the 10th Amendment and would discriminate against U.S. citizens in a future State of Puerto Rico has an almost coercive or even punitive dimension that should not be part of a democratic self-determination process.

It is bad enough that U.S. citizens residing in Puerto Rico do not have equal rights under the current territorial clause status. To suggest that inequality would continue if Congress admits Puerto Rico as a State is something to which the sponsors of this legislation would not be a party. With statehood comes equal protection and due process rights which Congress cannot take away, and the proposal to deny a future State of those rights knowing that such denial is constitutionally impermissible can only have the effect of confusing rather than clarifying the choices before Congress and the voters in the territory.

Ironically, the provision imposing English language as the exclusive language of public instruction would be constitutionally plausible if it were imposed on the Commonwealth of Puerto Rico in an exercise of the territorial clause of Congress at the present time. Only as a State or a separate nation will Puerto Rico be constitutionally protected from the degree of Congressional discretion that exists under our Constitution with respect to unincorporated territories such as Puerto Rico. A constitutionally guaranteed status subject to the same limitations on Federal powers as other States enjoy, or a status governed by the law of nations and treaties between sovereign countries, are the options that would enable the people of Puerto Rico to protect and preserve their language and their culture.

Only the current status leaves the residents of Puerto Rico, with their current less than equal statutory citizenship rights and impermanent political status, vulnerable to the broad discretion of a future Congress, which will not be bound legally or politically by whatever status arrangement may exist today. These are the realities that need to be understood so that informed self-determination can take place.

Misinforming the people in Puerto Rico that, in the event of statehood, Congress could do something that we know it cannot do in a State would impede rather than advance the goal of free and informed self-determination. That is why one word, not even a noun or verb, was too important for the sponsors of this bill to ignore.

The bill I am introducing today, H.R. 4281, contains a new Section 3(b), a new Section (4)(a)(C)(7), and a new Section 4(b)(1)(C) that will be the referred to as we develop legislation to be introduced in the 105th Congress which will address the issue of English as an official language in a manner that supports rather than undermines the process for free and informed self-determination under the United States-Puerto Rico Political Status Act when it becomes law.

COMMENTS ON EPA CLUSTER RULE

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. GOODLATTE. Mr. Speaker, I am pleased to join with a number of my fellow colleagues in commenting on the EPA Cluster Rule for the pulp and paper industry. Specifically, I wish to comment on EPA's July 15 Federal Register notice as it relates to the two technology options for final guidelines for bleached papergrade kraft and soda mills based on best available technology [BAT].

First, I want to note that this industry is extremely important to the economy of my Congressional District and to much of the Commonwealth of Virginia. Many of my constituents are employed in a paper mill located in the district. This particular facility employs approximately 1,900 men and women and contributes nearly $400 million annually to the economy of western Virginia in payroll, taxes and purchases of raw materials and services. Included in this figure is an expenditure of $30 million for the annual operating expense of the mill's various environmental systems.

Since this rule is so important to a major industry in my district, I have closely monitored EPA's progress on its development. On several occasions, I have urged the Agency to seek creative ways to provide the fullest possible protection to the environment while at the same time ensuring that the final rule will not place an unreasonable cost burden on this industry.

I am therefore pleased with the direction that EPA has taken and commend them for the work that has been accomplished to present a more balanced approach to the Cluster Rule.

In their July 15 notice, EPA notes that their data supports complete substitution of chlorine dioxide for elemental chlorine used in the pulp bleaching process. They identify complete substitution as Option A. The Agency also notes that Option A should be given equal weight with the so-called Option B—process known as oxygen delignification coupled with complete substitution—as the possible technology basis. According to EPA, Option B could cost this industry $1 billion more than Option A with only minuscule additional environmental benefit. Option A makes good environmental sense and accomplishes the desired environmental objective without imposing more expensive technology.

In commenting on the Cluster Rule, I want to express my very strong support for Option A and to urge the EPA move forward as quickly as possible to promulgate the final Cluster Rule.

A TRIBUTE TO GEORGIA STATE REPRESENTATIVE JOHN GODBEE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. KINGSTON. Mr. Speaker, one of our leading State representatives will be retiring this year, Mr. John Godbee.

I have known Laura and John Godbee for over 10 years. When I was first elected to the Georgia General Assembly, both stretched out an open arm of welcome to Libby and me. They helped us find our way not only around Atlanta but around the State government.

As a leader from south Georgia, John was a strong advocate for agriculture, education, and commonsense government. He was a staunch supporter of Georgia Southern University, helping them to obtain university status and leading the way toward their explosive period of growth. Georgia Southern, today, has truly benefited and become nationally known because of leaders like John Godbee.

John also stood up for primary education. As a former school principal, he helped other representatives understand the inner workings of our educational process. He was a strong advocate for teachers and a true champion for the children of Georgia. During his tenure in the legislature, we passed the Quality Basic Education Act, which was the most comprehensive reform of Georgia's education system in history. Once this important piece of legislation was passed, however, John did not forget education. He kept working on it and each year tried to fine tune and expand the better portions of the program.

As a member from a rural area, he was a strong voice for Georgia's farmers. As a member of the agriculture committee, John helped pass the law designating Vidalia onion counties. As a result, the Vidalia onion is now known nationally and internationally as one of the best, sweet onion products in the world. It has truly put our part of Georgia in the international marketplace. John also worked hard for boll weevil eradication, forestry, and commonsense environmental laws.

Members like John Godbee have made Georgia the great State that it is, John and Laura Godbee have been typical of Georgia's great leaders. They have strong Christian ethics and family values. Their children are all productive members of society and will be carrying on the torch for the next generation. But in addition to their immediate family, their extended family—the citizens of Georgia, have been true beneficiaries of their many personal sacrifices.

I congratulate John on 16 years of successful leadership, and I join others in wishing Laura and him the best.

A PLAN TO BOOST SAVINGS AND INVESTMENT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. McCOLLUM. Mr. Speaker, I am introducing a bill today which will help all Americans save for their retirement years. It is no secret that our current savings rate is among the lowest in the industrialized world. A low savings rate not only adversely impacts a person's retirement, it does not create much capital available for savings and investment. Without this capital, our economy cannot expand at its optimal rate. It is my hope that this legislation, if enacted, would help correct this problem.

My legislation would do several things. First, it would increase the amount of money one may contribute to an Individual Retirement Account [IRA], from $2,000 to $4,500, and still receive full deductibility. This amount is also indexed to inflation to protect its value from that silent thief of inflation.

This would also remove a disincentive to establishing an IRA, that being the fear that the money will not be available without paying a substantial penalty when you need it. A person with an IRA would be able to make withdrawals, without penalty, for a first home purchase, education expenses, long-term care, financially devastating health care expenses, and during times of unemployment. Furthermore, no taxes would be paid on these withdrawals if they are repaid to the IRA within 5 years.

Current law offers no incentive for many people to establish IRAs. My bill would allow people who do not have access to a defined contribution plan (e.g. a 401(k) plan) to establish a tax-preferred IRA, regardless of their income. The legislation would also encourage the middle class to establish IRAs by raising the income phase-out levels from $25,000 ($40,000 for joint filers) to $75,000 ($120,000 for joint filers). This will provide not only incentives, but needed tax relief for the middle class. Again, these levels are indexed to inflation.

Turning to 401(k) reforms, currently folks are hit with tax liability when taking their 401(k) benefits as a lump sum when leaving a job even if it is rolled into an IRA. This is not fair. Therefore, under this proposal, people would not be exposed to tax liability if the lump sum distribution is rolled into an IRA within 60 days.

Just as contribution limits have been increased for IRAs in this legislation, they are increased for 401(k) plans as well. The tax-deductible contribution limits would be $20,000 (in 1992 dollars) indexed to inflation.

This would also encourage more firms to establish defined contribution plans by injecting some common sense into the law. It would allow firms to meet antidiscrimination requirements as long as they provide equal treatment for all employees and ensure that employees are aware of the company's 401(k) plan. This is truly non-discriminatory as everyone would be treated the same.

Finally, this proposal would correct some of the serious problems involved with IRAs and 401(k)'s when the beneficiary passes away. As someone who believes the estate tax is inherently unfair, indeed I advocate its abolishment, I feel that IRA and 401(k) assets should be excluded from gross estate calculations. This bill would do that. Furthermore, an IRA that is bequeathed to someone should be treated as the IRA of the person who inherited it. Current law forces the disbursement of the IRA when the deceased would have turned 70 and a half years old. This would change that pointless provision, allowing the inheritor to hold the money in savings until he or she turns 70 and a half.

Similarly, anyone receiving 401(k) lump sum payments as a result of a death would not have the amount counted as gross income as long as it is rolled into an IRA. That amount would not be counted against the non-deductible IRA limit of $4,500.

Mr. Speaker, I am excited about this legislation. I expect to introduce this legislation again at the beginning of the next Congress and look forward to hearing debate on it. It is absolutely essential that we continue to encourage personal savings and this is certainly a step in the right direction.

REPORT FROM INDIANA—GREATEST HITS

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. MCINTOSH. Mr. Speaker, I rise today to give a special report from Indiana.

Each week throughout my first term, I have come before this House to lift up kind and caring people in the Second District.

Caring individuals who continue to strive day and night making their communities better places to live.

I've tapped these special people Hoosier Heros. Hoosier Heros because they truly have made a difference.

Whether it be the MOM program in my hometown of Muncie, that teaches inner city children to 'think they can until they know they can'

Or the school children at Shadeland Elementary in Anderson, who stand up to the drug pushers, the gang members and criminals who roam their streets. They continue to stand firm and say: "we aren't going to take any more."

Or the good people in Richmond who love and care for battered and abused children at Wernle Home.

Or the Shelby Co. Youth Shelter folks who take in troubled teenagers and provide them a new birth of hope for a brighter future. And the Lincoln Central Neighborhood Association in Columbus, can not be forgotten. A poor neighborhood by monetary standards but a community rich in hope.

Imagine inner city residents taking responsibility to re-build, clean and revitalize their once poor and dilapidated neighborhood.

Mr. Speaker, these are certainly not the only Hoosier Heros that I have lifted up in my weekly report from Indiana during the 104th Congress.

There are so many special places we have visited. So many new friends we have made throughout my first term in Congress. So many people who have reached out and touched our hearts with their firm commitment to making their community a better place.

And so many Hoosier Heros we've met along the way—makes me proud to represent them—proud of my District, the Second District of Indiana.

Mr. wife Ruthie and I have met so many good people all across Indiana. These people are Hoosier Heros.

Today as we prepare to adjoin, I'd like to not only lift them up one final time, but let me say, thank you, from the bottom of my heart. It's truly and honor to represent you.

And that concludes my report from Indiana.

HONORING BENJAMIN F. HOLEMAN

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. DAVIS. Mr. Speaker, I rise today to honor Mr. Benjamin F. Holeman, who has regrettably passed away on September 23,

1996. A long-time resident of Falls Church, VA, Mr. Holeman has left behind a great legacy in our community as a person of high moral standards, discipline, and generosity. He was an outstanding citizen and a distinguished newsman.

Frank Holeman started his news career in 1941, working for the Daily News of Raleigh, NC. Within a year, he rose through the ranks and was promoted to the Washington Bureau. For the next 20 years, he spent his career covering the White House, Congress, defense, labor, courts, science, foreign affairs, and politics. From 1948 to 1964, Mr. Holeman also covered the national conventions, and traveled several times with Presidents Truman, Eisenhower, and Kennedy. In 1956, he was voted president of the National Press Club.

During World War II, Mr. Holeman was awarded the Bronze Star for meritorious achievement and discharged as a technical sergeant with the 214th C.I.C. Detachment, Headquarters XIV Corps.

In March 1968, Mr. Holeman retired from the Daily News, and became the director of public affairs for the Railway Progress Institute. A year later he accepted a position as director of the Tire Industry Safety Council for the Rubber Manufacturers Association where he became an expert in the field. Mr. Holeman then retired in 1987 and spent the last few years working as a consultant to the National Press Foundation.

Known among his colleagues as The Colonel for his Southern manners, Mr. Holeman, at 6 feet 7 inches tall with a deep voice and ever-present bow tie and cigar, will be greatly missed by all those who were lucky enough to know him.

I know my colleagues will join me in honoring this great man, and offer our deepest sympathy to his wife Larie Lazzari Holeman, and his four children. They can be proud that their father exemplified everything that is good about journalism, and he left a lasting legacy to his community.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. ESHOO. Mr. Speaker, on March 28 and March 29 I missed rollcall vote Nos. 104 through 110. I was absent from this chamber due to a death in the family. Had I been present, I would have voted as follows:

"Yes" on rollcall No. 104—amendment by Mr. DINGELL to the health insurance reform bill (H.R. 3103);

"Yes" on rollcall No. 105—motion by Mr. PALLONE to recommit the health insurance reform bill (H.R. 3103);

"No" on rollcall No. 106—final passage of health insurance reform bill (H.R. 3103);

"No" on rollcall No. 107—conference report on the farm bill (H.R. 2854);

"No" on rollcall No. 108—rule to consider product liability conference report (H. Res. 394);

"Yes" on rollcall No. 109—Journal vote;

"No" on rollcall No. 110—product liability conference report (H.R. 956)

A TRIBUTE BY THE HOUSE OF REPRESENTATIVES TO AFRICAN-AMERICAN ACTRESSES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. NORTON. Mr. Speaker, today I ask the House to join me in tribute to seven great African-American actresses who have taken their bows in many places. They deserve to take their bows in this chamber as well. These black actresses were pioneers who broke daunting barriers. They were able to do so only because their talents were so formidable that they were able to climb the high and stoney walls of racism. Had their skin been white, they would have climb even higher.

In paying tribute to these black actresses, I give special honor to Cicely Tyson who brought me this suggestion and who, in my judgment, is the greatest living American actress.

CICELY TYSON

Cicely Tyson, an Emmy Award winner, is universally revered. As a child growing up in Harlem, Ms. Tyson always knew that there was a life for her beyond her own African-American community. How right she was. She was nominated for an Academy Award for her role in the movie "Sounder," and received the Vernon Rice Award for her role in the off-Broadway production of "The Blacks." This star of every medium within her craft continues to amaze us by the breadth and depth of the roles she can play with consummate skill and talent. She is one of a kind.

BUTTERFLY MCQUEEN

Butterfly McQueen never got to show the breadth of her talent because only stereotyped roles were available to her in her day. She is best known for her role as Prissy in "Gone With the Wind." Far less well known is her return to college at an age when many people are retiring. In 1975, I had the honor of speaking at her graduation from the City College of New York, when at the age of 64, she earned her degree in political science. This unusual accomplishment in her later years is a mark of the complex and multiple talents of Butterfly McQueen.

"I didn't mind being funny, but I didn't like being stupid," she once said. Stupid she was not. Butterfly McQueen was a wonderful actress and a life-long activist. She put her foot down, refusing to play more roles demeaning to blacks, even though that eventually ended her career. It did not end our memory of her talent or the great affection Americans will continue to have for her.

DOROTHY DANDRIDGE

While Butterfly McQueen was famous for her comic roles, Dorothy Dandridge was known for her roles as a leading lady in a period when African-Americans were not supposed to lead anything. Yet Ms. Dandridge was described as one of the five most beautiful women in the world. Her talent and smooth style helped break many barriers for blacks. She was the first black to sing in the world-famous Empire Room in New York City and the first black to be nominated for an Oscar. The nomination was for her role as Best Actress co-starring role with Harry Belafonte in "Carmen Jones." She heated up the screen in this all-black production and adaptation of the opera "Carmen." "Porgy and Bess" is another role that made her famous and demonstrated her sensual style. Dorothy Dandridge will be remembered for the formidable combination of her beauty and talent.

LENA HORNE

Lena Horne was a contemporary of Dorothy Dandridge, but discrimination in Hollywood kept Ms. Horne from playing roles her talent merited and that critics said she was born to play. Many of her scenes were cut from movies before audiences ever saw them. However, no one will forget her performance of "Stormy Weather" in the 1943 movie by the same title. It became her theme song. Lena Horne continues to bring down the house whenever she appears. In the end, instead of a leading lady, she has become a legend.

ROSALAND CASH

Despite her refusal to play stereotypical black roles, Rosaland Cash was an actress who had an extraordinary career on stage, television and the screen. Calling herself "a one-lady movement," Ms. Cash spoke out against the color consciousness and bias of the entertainment industry. She starred in "Melinda," "The New Centurians," and Lonnie Elder's "Ceremonies in Dark Old Men." Ms. Cash often played strong, out-spoken women. One of the most popular actresses of the 1970's, the magazine, "The Guardian," said she typified the '70's slogan "Black is Beautiful." Rosaland Cash was above all an artist of enormous powers.

ROXIE ROKER

A contemporary of Ms. Cash, Roxie Roker broke another color barrier when she played the wife in television's first interracial marriage on "The Jeffersons." An alumna of Howard University, Ms. Roker's big break came with her role in "The Blacks." She also co-hosted "Inside Bedford Stuyvesant" the first television show to come out of the black community. She will be remembered as a superb comic actress.

MADGE SINCLAIR

Madge Sinclair showed how irrelevant color can be when she provided the voice for Queen Sarabi, the mate of King Mufasa, in the much heralded animated film "The Lion King." Ms. Sinclair was the recipient of five Emmy nominations and won an Emmy in 1991.

These African-American actresses were among the pioneers who broke through barriers for today's stars. Years after Butterfly McQueen's debut in "Gone With the Wind," it remains a daunting challenge for African-American actresses to find roles today. We honor them here today as great American artists just as they have honored and graced their craft as well as our country. We hope that paying tribute to them we will encourage the American entertainment industry to live up to its potential for artistry and fairness by welcoming a greater number of black actresses to reach their potential.

FORT VANCOUVER NATIONAL HISTORIC RESERVE, H.R. 1296, OMNIBUS PARKS AND PUBLIC LANDS ACT

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mrs. SMITH of Washington. Mr. Speaker, I rise in strong support of this legislation. This bill creates the Fort Vancouver National Historic Reserve in Vancouver, WA, which will span the layered history of the Hudson's Bay Trading Company to Pearson Airpark.

The new Fort Vancouver National Historic Reserve will be a collaborative effort among public entities that will turn Vancouver into a major historical and tourist destination. Some have likened the Fort Vancouver Historic Reserve to phenomenal tourist sites like colonial Williamsburg or St. Louis' steel gateway arch that commemorates westward pioneers.

These are appropriate comparisons because the historical significance of the Vancouver area cannot be overstated. It is extremely important that people understand pioneer history at Fort Vancouver, the magnificent achievements in aviation at Pearson Airpark and the military significance of Officers Row and the Vancouver Barracks.

The Reserve concept will give Vancouver's One Place Across Time campaign the resources and coordination they need to showcase these historical attractions. While countless people have worked tirelessly over the years to bring this project to fruition, none have worked harder than Vancouver's former Mayor, Bruce Hagensen. He should be commended for his vision and most of all, his persistence.

This bill has had quite a tumultuous ride in the past few days. For some reason, the White House objected to this bill yesterday even after they had testified in favor of it before the Resources Committee. I am hopeful that the White House will not play politics on a bill that has been bipartisan since its inception, starting with my predecessor Jolene Unsoeld.

I urge my colleagues to not only support this legislation, but to come and visit the wonderful historic opportunities at the Fort Vancouver National Historic Reserve.

THE REPUBLIC OF CHINA'S 85TH ANNIVERSARY

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SALMON. Mr. Speaker, I extend my best wishes and greetings to the Republic of China on Taiwan on the occasion of its 85th anniversary on October 10, 1996.

Under President Lee Teng-hui and Vice President Lien Chan's leadership, the Republic of China continues its excellent record of economic growth and its historic democratization. Since I lived in Taiwan in the 1970's we have seen a different Republic of China emerge. It is now a major trading nation, and its GNP is one of the world's largest. Its growth in per capita income has improved the lives of the people on Taiwan. Also, the rapid democratization and constitutional reforms on Taiwan in recent years have made Taiwan a model for many nations.

I would also like to welcome at this time the Republic of China's Representative Jason Hu to Washington. He will most certainly strengthen the on-going relations between Taipei and Washington. And I would like to congratulate Dr. Lyushun Shen on his promotion and return to Taiwan. His outstanding service on behalf of his government has strengthened our bilateral relationship. I wish him all the best, and I hope he continues to recognize the United States as an ally for peace, prosperity, and stability in Asia.

WEST COAST FISHING INTERESTS OPPOSE S. 39

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. MILLER of California. Mr. Speaker, yesterday the House passed S. 39, "The Sustainable Fisheries Act," and sent that measure to the President. I regret that this important fishery management bill was significantly altered, and weakened, by the Senate during a year of consideration, and that the House was denied any opportunity to improve on that version of the legislation.

H.R. 39 as passed by the House last year was a much stronger bill for the fish and the fishermen. While I realize that S. 39 does include important conservation measures, these measures could have been stronger. They should have provided more protection for the fish stocks, the fishing communities, and for the taxpayers.

The inferior version finally passed by the Senate contained many provisions that are unacceptable to the West Coast fishing industry, including commercial fishermen and processors. And it contains several provisions were particularly unacceptable, such as authorizing the Secretary to buy back fishing permits (that were granted for free) in biologically depressed fisheries and allowing violators of International Whaling Commission restrictions to gain access to U.S. territorial waters.

The Senate also deleted provisions of the House bill to assure that smaller communities are fairly represented, and to prohibit the private profiting from the sale of fishing quotas, which could also allow the growing concentration of quotas in the hands of the large-scale industry at the expense of family fishermen.

I am inserting in the Record two letters from fisheries industry groups in California, expressing their opposition to the House acceptance of S. 39 and their desire to see amendments made to the bill before it became law.

Finally, I would just like to thank the fishing families of California for their support. During the past two years, they worked tirelessly with us to ensure that the best Magnuson bill possible was enacted into law. I regret that in the final analysis, the House leadership decided simply to accept the Senate's version that was negotiated with no input from the House. I salute the efforts of those families. In addition, I pledge to work with them in the years ahead to continue to seek the protections that our small fishing families and the fishery resources deserve.

PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS, INC.,
Sausalito, CA, September 23, 1996.

Hon. GEORGE MILLER,
Ranking Minority Member, House Committee on Natural Resources, Longworth House Office Building, Washington, DC.

Re Reauthorization of the Magnuson Act.

DEAR MR. MILLER: The Pacific Coast Federation of Fishermen's Association (PCFFA), representing working men and women in the west coast commercial fishing fleet, respectfully requests the House reject the effort to force House adoption of the Senate bill, S.39, to reauthorize the Magnuson Act. While PCFFA had encouraged the Senate to take action on Magnuson, after nearly two years of delay, and worked for inclusion of language giving California, Oregon and Washington jurisdiction in federal waters over the Dungeness crab fishery, it was with the understanding that the two bills would be reconciled in conference. We understand now that this may not happen due to the Senate's delay.

PCFFA fully supports the House bill; indeed, the only thing missing from it was the Dungeness crab language. The Senate version, on the other hand, we find seriously flawed and suggest that no bill this session would be better than adopting the measure passed last week by the Senate. There are a number of concerns we have with the Senate version, including:

S. 39 would require any limited access fishery (most of our west coast and Alaska fisheries are under limited entry, including salmon, pink shrimp, herring, groundfish, halibut, blackcod, swordfish/shark, Dungeness crab, sea cucumber, sea urchin and abalone) to register their limited access permit in a line registry and pay a fee every time they transfer it. This provision, slipped in the Senate bill as an apparent favor to Seattle bankers, was not discussed with fishermen here on the west coast and, frankly, does not belong in a statute governing the conservation and management of fish stocks. Just who is the Senate concerned with here, the fish and the fishing fleet, or the bankers?

S. 39 allows the Secretary to impose limited access plans, including ITQs, on any fishery that is not under regional fishery management council jurisdiction. As mentioned, most of our fisheries here on the west coast are under limited access management, mostly under state-developed programs. Moreover, most of the state programs are working well and, in the case of California, most were industry-developed. As we read the Senate language, the Secretary could impose his/her own will over state fisheries under S. 39.

S. 39 perverts the fishing community language, which in the House bill gives consideration of local, community-based fleets, by including the home ports of the distant water, corporately-held, factory trawlers under the definition of "community-based fleets." About the only thing the Senate version did not do was define the corporate headquarters for these fleets as a "fishing community" and that's probably only because Arkansas is land-locked.

S. 39's language on bycatch is much weaker than your House version and actually makes reducing mortality of bycatch coequal with avoiding or reducing bycatch. The Senate bill also exempts the East Coast large pelagic fishery from the bycatch provision of the bill. The shark bycatch in the East Coast fishery is giving the whole of the commercial fishing industry a black eye. We have dealt with shark and shark bycatch issues here on the west coast (through state regulation) in an effort to ensure the resource was protected and the fishery is sustainable; surely it's not too much to ask that bycatch requirements be put in place for the Atlantic.

S. 39, moreover, fails to address the issue of windfall profits from ITQs. The problem of profiteering on permits has to be addressed, first to dissuade nonfishing speculators from seeking or gaining quota shares; second to assure quota shares are affordable for fishermen/women seeking to enter a fishery (by preventing windfall profits and restricting quota sales to those directly engaged in the harvest of fish—not bankers or processors); and third to assure the public a fair return on this publicly-held resource.

The House is to be commended for its bipartisan effort in developing H.R. 39, which is a very good bill. The only reason we had for pressing a Senate bill was to get in the Dungeness crab language, offered by Senator Widen, and get the two bills into conference with the idea of getting a measure out this year. If the choice now, however, is between the Senate version and no bill at all, PCFFA recommends waiting until next year.

Thank you for all your efforts this year on Magnuson and please convey to your colleagues our dissatisfaction with S. 39.

Sincerely,

W.F. "ZEKE" GRADER, Jr.,
Executive Director.

WEST COAST SEAFOOD
PROCESSORS ASSOCIATION,
Portland, OR, September 18, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources, Rayburn Building, Washington, DC.

DEAR DON: As you know, over the past two years our Association has worked with you, other members of the House, and your counterparts in the Senate to develop a Magnuson Fishery Conservation and Management Act bill that will conserve and manage our fisheries and still provide an opportunity for our members to conduct their business and employ thousands of workers in Alaska, California, Oregon, and Washington. The House bill, while not perfect, did a good job of accomplishing these goals. The most current version of the Senate bill (which I realize is still being changed) improves the House bill in some areas, but is worse in many others. We had hoped that the Senate would act in time to allow a conference committee to develop a final product that we could all embrace. Unfortunately, time will not permit that to occur.

I have spoken to all of the members of my board of directors. Collectively, they represent the majority of shore based processors of Pacific groundfish, Dungeness crab, and shrimp—along with many other species in California, Oregon, and Washington. In addition, they represent shore based processors of salmon, king crab, tanner crab, pollock, cod, sole, sablefish, halibut, herring, and razor clams with plants on the Kenai Peninsula and in Bristol Bay, Kodiak, Cordova, and Petersburg. They unanimously agree that—absent a regular conference committee—the House should amend the Senate bill and return it to the Senate.

This decision was not made lightly. All of my members recognize the risks that this action would entail. However, they would rather make a fresh start in the next Congress than have a bill signed into law which has the potential to put them out of business.

To give you just a few examples, here are some of the Senate provisions which need to be addressed:

The Senate provisions on overfishing and bycatch do not take into account the realities of commercial fishing, leaving the industry, the Councils, and NMFS open to crippling lawsuits that could shut down fishing;

The Senate enforcement provisions could subject a fisherman or processing worker to criminal penalties if they get into an argument with a port sampler under contract to NMFS;

The Senate bill would allow the Secretary to impose a federal limited entry plan—not reviewable by the Council—on fisheries such as Gulf of Alaska king crab, Pacific Dungeness crab, and Atlantic striped bass;

A fisherman writing a letter to a Council who does not provide complete documentation for his views could be subject to a $100,000 fine;

The Senate bill could allow a State to allocate Dungeness crab through area closures and pot limits at the expense of traditional fishermen legally harvesting crab in federal waters; and

Every groundfish fisherman in the Pacific Council area woul be required to register their limited entry permit with a newly established lien identification system and pay a fee every time the permit was transferred—a provision that was never discussed with affected fishermen in California, Oregon, and Washington.

This is not an all-inclusive list of troublesome provisions, but it demonstrates the additional work that is needed on the Senate bill before it becomes law. On behalf of our members and their employees in San Luis Obispo, the San Francisco area, Sacramento, Fort Bragg, Eurkea, Crescent City, Brookings, Charleston, Newport, Astoria, Warrenton, Portland, Chinook, Westport, Seattle, Bellingham, Petersburg, Cordova, the Kenai Peninsula, Kodiak, and Bristol Bay, I urge you to improve S. 39 when it arrives in the House and return it to the Senate for final action.

Sincerely,

ROD MOORE,
Executive Director.

A TRIBUTE TO DR. LYUSHUN SHEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. ACKERMAN. Mr. Speaker, the current state of relations between the United States Congress and the Republic of China [ROC] on Taiwan are excellent. During the past several years, many members have traveled to Taipei to meet with important leaders in the ROC government as well as with Taiwanese business executives and academicians. At the same time, many of our colleagues have met with Taiwanese legislators and prominent businessmen here in Washington. The excellent dialogue and high degree of interaction between the U.S. Congress and the ROC is a tribute to Representative Jason Hu and his staff here in Washington at the Taipei Economic and Cultural Representative Office in the United States [TECRO].

One of the key staffers at TECRO is Dr. Lyushun Shen, who for the past 3 years has served as Director of Public Affairs. In that capacity, Dr. Shen has been very active maintaining and expanding the strong relationship between our two countries. Dr. Shen has been a thoroughly professional diplomat and persuasive advocate for the ROC's interests in Washington.

Mr. Speaker, the Ministry of Foreign Affairs in Taipei has correctly recognized Dr. Shen's good work in Washington. Accordingly, he has been given an important new assignment as the Director of North American Affairs at the Ministry of Foreign Affairs in Taipei. In this new position, Dr. Shen will play a continuing role in the relationship between the U.S. Congress and the people of Taiwan. Those of us in this body who have worked closely with Dr. Shen are disappointed to see him leave Washington, but we are also happy for him because we understand his new job is a major step forward in his career.

Mr. Speaker, Lyushun Shen leaves Washington at the end of the month to return home for his significant new assignment. I know my colleagues join me in congratulating him on a job well done and in wishing him success in his upcoming endeavor.

SPORTS LEADERS SPEAK OUT AGAINST DOMESTIC VIOLENCE—SUPPORT GROWS FOR NATIONAL SUMMIT ON SPORTS AND NONVIOLENCE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SANDERS. Mr. Speaker, yesterday Congresswoman CONNIE MORELLA and I announced a major breakthrough in the campaign that we initiated to get big-name sports stars and coaches to speak out in the national media against domestic violence in America.

More specifically, last January Representative MORELLA and I first wrote directly to the commissioners and other top officials of our Nation's major professional and amateur sports leagues. We urged them in the strongest terms possible to join with us and commit to work together to fashion a multi-faceted strategy to prevent domestic violence, including counseling, strong disciplinary action when warranted, and a high-profile public education and advertising campaign against domestic violence. (A copy of our original letter is reproduced below.)

Next we held extensive discussions with leaders of the sports industry to determine how best to enlist the voices of star athletes, as role models of profound national influence, in speaking out against domestic violence.

Then in July we introduced our legislation (House Concurrent Resolution 199) calling for national summit of sports, political, and community leaders to promote nonviolence through sports, starting with a sustained nationwide campaign against domestic violence and sexual assault.

We are making progress because more and more Americans are willing to stand up and speak out against domestic violence as a crime. For example, starting next week an ongoing series of public service advertisements, featuring football stars from the professional and collegiate ranks, will begin broadcast on television stations across the country. On this coming Monday—September 30, 1996—there will be an antidomestic violence public service announcement broadcast in prime time during the "ABC Monday Night Football" nationally-televised game between the Dallas Cowboys and the Philadelphia Eagles. I want to applaud the officials of the National Football League and stars like Steve Atwater of the Denver Broncos who have made possible this series of public service announcements to help us in our efforts to prevent domestic violence.

At the same time, I am very pleased to announce that starting next month viewers of televised college football games will see for the first time many of our Nation's college football stars speaking out against domestic violence.

I especially want to salute the outstanding players coaches, and officials of the College Football Association [CFA] for filming these ads as well a the generous sponsors of the Liz Claiborne Foundation for financing this trail-blazing antidomestic violence campaign as well as the scholars at the Northeastern University's Center for the Study of Sport in Society for helping craft the message. (The text of one of these unprecedented television spots to be broadcast is reproduced below as well.) These ads will provide a powerful start in October to a wide range of activities planned for Domestic Violence Awareness Month.

These televised public service advertisements by major athletic associations are a very positive first step in our efforts to recruit sports leaders to lend their voices to the growing campaign to stop domestic violence. I can't think of a better way to deter physical abuse against women and children than to have our Nation's football heroes take to the airwaves to spread a blunt message all across America. Tough guys mix it up on the field, but they won't beat up on their wives, girlfriends and kids.

At the same time, we will press ahead with our plans to convene during the next year the first-ever national summit on sports and nonviolence. Already scores of health, athletic and antiviolence groups have endorsed our legislation and joined the call for defining a prominent role for our Nation's sports industry and athletic heroes to help lead the campaign against domestic violence.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 24, 1996.

Mr. PAUL TAGLIABUE,
Commissioner, National Football League,
New York, NY

DEAR COMMISSIONER TAGLIABUE. We are in receipt of the January 17th letter from Mr. Harold R. Henderson, Executive Vice President for Labor Relations and Chairman of the National Football League (NFL) Management Council.

First, we want to salute the outstanding work of the NFL across many decades in supporting so many charities and community-building activities throughout our nation. In addition, the players and coaches of the NFL, as role models of profound national influence, have already helped for many years to positively shape the lives of countless young Americans.

It is the NFL's record of civic responsibility to which we want to appeal.

Specifically, we are writing to ask in the strongest terms that the NFL join with us and commit to work together to fashion a multi-faceted strategy to deter domestic violence, including counseling, strong disciplinary action when warranted, and a high-profile public education and advertising campaign against domestic violence.

It is commendable that the NFL has taken decisive action and instituted disciplinary policies on both drug and alcohol abuse as well as unabolic steroid and related substance abuse. But we believe the time has come for the NFL to step forward, as you are accustomed to do, and assume a leading role in deterring domestic violence among current and future NFL personnel in particular and the general public as well.

A startling investigation by *The Washington Post* revealed that between the January 1, 1989 incident that led to O.J. Simpson pleading no contest and former pro football players and collegiate football athletes were reported to police for 156 alleged offenses of violent behavior toward women. Surprisingly, at the time of that review, 43 of the men accused of domestic violence were active players on NFL team rosters. In fact, to the best of our knowledge, only one NFL player has ever been disciplined for a gender-related offense: former Philadelphia Eagle tackle Kevin Allen, who was denied re-entry after serving a 33-month prison term for rape.

There is good reason to suspect that domestic violence is even more prevalent among NFL players than these statistics indicate. The Post's review did not uncover all accusations against current and former football players. Many rape and sexual assaults are never reported to police, while additional charges often are kept confidential for preferential reasons.

Since 1990, multiple studies have shown that there is a significantly higher prevalence of domestic violence among football players than among the general population. For instance in one study that was published last year by researchers at Northeastern University and the University of Massachusetts at Amherst, it was determined that male student-athletes comprised 3.3% of the total population at 10 large universities in the National Collegiate Athletic Association (NCAA). But this same group of student athletes represented 19% of the men reported to campus officials for sexual assault from 1991 to 1993.

Our concern is corroborated by Don Sabo, a social science professor and co-author of "Sex, Violence and Power in Sports: Rethinking Masculinity." He has studied behavioral patterns, while asking "are athletes more likely than non-athletes to engage in sexual abuse? His conclusion: "Yes, I believe we are discovering a cultural pattern in sports that has been hidden for too long by silence."

For far too long a pointless, circular debate has raged over whether the high incidence of domestic violence among professional and collegiate football players is a sports problem or a societal problem. Clearly, it is both. Regardless of how thoroughly we can quantify that athletes commit violence against women at a rate greater than the average population, common sense and repeated tragic examples involving professional football players cry out for coordinated non-governmental and legislative action.

Surely you recognize the enormous influence that big-time football players at the professional and collegiate levels, as role models, have upon our society. Many men identify with NFL players and look on them as both heroes and role models to be emulated on and off the field. Undoubtedly when instances of domestic violence receive little more than a slap on the wrist in courts and go unpunished by the NFL, as was the case after Minnesota Vikings quarterback Warren Moon reportedly assaulted his wife last summer, that sends an insidious and harmful message to many Americans. Unfortunately, the current message being sent seems to be that domestic violence is not to be taken too seriously and that it is not the indefensible and serious crime that it is.

This destructive message may have been reinforced by the recent handling of the case of Lawrence Phillips, star running back of the national champion Nebraska Cornhuskers football team. After admitting to a physical attack on his girlfriend last year, Phillips sat out a few games, but was reinstated in time to play in the Fiesta Bowl. Then he was actively encouraged by his college football coach, Tom Osborne, to leave the University of Nebraska early in favor of playing in the NFL, thus minimizing any further public criticism about domestic violence. Apparently the lesson to be drawn from this case is that if you are a good enough football player, you can attack your girlfriend, still play in the big game, leave college early, and pursue an unblemished professional career, essentially free of nagging questions about how you treat your women off the playing field.

Finally, we are also troubled by public comments of the NFL's Communications Director, Greg Aiello, to the effect that unless domestic violence affects the business of football, then the NFL should be reticent about taking disciplinary action against professional football players who are charged with domestic violence for fear of possible legal action.

That sounds like a short-sighted rationalization to justify the NFL continuing to ignore domestic violence in its own ranks. When an NFL player is suspected of drug abuse, doesn't the NFL get involved out of consideration for the individual concerned and the public reputation of the NFL regardless of whether the player in question is criminally charged?

Furthermore, even measured by that self-interested, commercial standard, the NFL and NCAA could have been expected reasonably to have taken coordinated action already to counteract the scourge of domestic violence among football players. Consider the pending case in Virginia where a woman is suing Virginia Tech University over an alleged sexual assault by two college football players and is seeking $8.3 million in damages, the same amount the team is estimated to have earned for that university by its appearance in the 1996 Sugar Bowl. Clearly taking forceful action against domestic violence makes sound business sense for the NFL and the NCAA.

In the final analysis, it is not our purpose to single out professional and collegiate football players for special punishment for incidents of domestic violence against their wives or girlfriends, although they certainly should not receive preferential treatment because of their celebrity status in the entertainment world.

Instead, we are appealing to you to make it a top priority to see to it that the men who are privileged to play professional football, as role models, help to publicly condemn domestic violence as a serious crime and do not sluff it off.

Not a week goes by during the NFL season without tens of millions of viewers seeing televised public service announcements by star football players featured in community service and saluting the work of the United Way and other worthy causes. Imagine the public service that would be rendered if the NFL, starting this Super Bowl Sunday, was to sponsor advertisements in which NFL stars help to spread the word that real men don't beat up women and domestic violence is inexcusable.

We look forward to working with you to find constructive ways that we can team up with the NFL to wage an effective national campaign against domestic violence wherever it occurs.

Sincerely yours,

CONSTANCE A. MORELLA,
Member of Congress.
BERNARD SANDERS,
Member of Congress.

PUBLIC SERVICE ANNOUNCEMENT [PSA]

The PSA is set at a crowded football stadium. Various messages flash on the stadium scoreboard, such as: "Chevy Nova License # JRZ-847 You Left Your Lights On," and "Happy 8th Birthday to Alex Burnard." Suddenly, the stadium becomes eerily silent as fans and players look up at a new message: "Greg Niel, Sec. 829, Seat 12 Roughed Up His Girlfriend Last Night." Close-ups of fans and players looking at the scoreboard in shock and disgust appear.

An athlete on the field takes off his helmet and addresses the camera, "If you think hitting a women makes you a big man, you won't mind if we let 70,000 people see just how big you are." A voice over intones, "Every 12 seconds a woman in this country is abused. Isn't it time to speak up? Get involved, end relationship violence. Love is *not* abuse. To help or get help, call the National Domestic Violence Hotline at 1-800-799-SAFE."

The spot was created by Liz Claiborne's advertising agency, New York-based Gotham, Inc., and directed by Robert Logevall of Bruce Dowad Associates. Distribution plans for this fall include showcasing the PSA in stadiums at college football games around the country beginning in October, National Domestic Violence Awareness Month, and broadcasting it during regional television coverage of college football games.

PSA PARTNERS

PSA project partners Liz Claiborne Inc., Northeastern University's Center for the Study of Sport in Society, and the College Football Association are promoting the concept that it will take "intergender collaboration"—men and women working together—to end relationship violence. The partnership also represents the uniting of both the private and public sectors to create social change, which Liz Claiborne hopes will serve as a model for other companies and non-profit organizations to follow.

The Center for the Study of Sport in Society, a center of Northeastern University, seeks to increase awareness of sport and its relation to society, and to develop activist programs that identify problems, offer solutions, and promote the benefits of sport. Sport in Society's Mentors in Violence Prevention (MVP) Project was established to increase the participation of student-athletes in campus-based efforts to prevent all forms of men's violence against women, and to inspire men to take a leadership position with this issue.

The College Football Association is the organization which unites 70 Division 1-A major football playing institutions and includes the Atlantic Coast, Big East, Big 12, Southeastern, and Western Athletic conferences. The College Football Association provides a forum in which member institutions discuss issues unique to major college football.

SOCIAL SECURITY ADMINISTRATION LEGISLATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. BROWN of California. Mr. Speaker, the Social Security Administration is sitting on a scandal of immense proportions that has been kept under wraps by a conspiracy of silence inside the Washington beltway.

Every day, millions of deserving Americans are being short-changed billions of dollars in hard-earned Social Security benefits, yet very little is being done about it. In my southern California district, retired workers caught up in this debacle are owed on average $1,000 in back Social Security payments. Some have been shorted by as much as $4,500–$7,000 in back payments.

How could this be?

In response to constituent complaints, I have been investigating the handling of earnings reports filed with the Social Security Administration. I have discovered that what seemed like isolated incidences of wages not being credited to individuals' records is actually a long-standing immense problem that exists nationwide. the SSA procedure for posting wage and self-employment returns has pitfalls previously unknown to most working Americans, and even many Social Security employees themselves.

For five decades, poor record-keeping, managerial mistakes, sloppy bookkeeping on the part of too many employers, and bureaucratic errors have caused a problem so large that seemingly nobody now wants to admit that it exists, let alone tackle if head on.

The evidence of this massive problem resides in what the SSA calls the suspense file, where earnings are placed with the SSA is notable to match the name and Social Security number from an annual wage report to an existing worker's Social Security record. Reasons earnings are not credited to workers account abound, but among the most common are typographical errors on employers' wage reports, such as unreadable data, first or middle name used as surname, and other mistakes occurring with unfamiliar names of workers of diverse countries of origin. When a match cannot be made, the employers' wage report is thrown into the suspense file, under the assumption that the correct owner of those wages will come forward in the future to claim the credits. The crux of the problem stems from the fact that many people never know that they are missing credits, even after retirement, and even if it causes a reduction in their benefits.

Even when the employer reports correctly, the SSA's strict matching policy results in wage reports going into the suspense file. Women who do not change their names on the SSA's data bank will often lose credit for earnings until they do.

The adverse impact of this ticking time bomb on working Americans is staggering. These mismatches, whether they be the fault of shoddy employer practices or the inflexibility of the SSA's strict matching policy, have the practical effect of denying millions of Americans up to hundreds of dollars on their monthly retirement or disability income. The overall numbers are mind-boggling and, quite frankly, I am astounded that a problem of this magnitude has not received the attention of the public, the media, Congress, or the administration.

Unfortunately, left to their own devices the SSA has few incentives to correct this decades-old problem. The FICA taxes are paid and credited to the Social Security Trust Fund whether or not the individual employee gets credit for them. Computer operations that could easily detect many mismatches are expensive and have no priority in budget-setting. I am told that lack of knowledge of he extent of the problem has prevented claims staffs in local offices from being effective in finding and crediting lost wage earnings.

The first step in fully addressing this problem is to assess the scope of the problem in terms of its impact on Social Security retiree benefits. The next step is to determine how to reconcile the wage reports currently in the suspense file to the rightful owner and to put in place a system that will prevent future mismatches, potentially leading to the loss of substantial benefits.

Today, I introduced legislation to address this serious problem. My bill calls on the SSA to take immediate action to determine and implement an effective procedure to reconcile the wage reports currently in the suspense file to the rightful owner and put in place a system that will prevent future mismatches.

In addition, my bill requires the SSA and IRS to submit a plan of action to Congress for eliminating the backlog of uncredited earnings in the suspense file and resolving new discrepancies and any additional resources which the SSA would require to carry out this mission.

The Federal Government should strive for nothing less than 100-percent accuracy for the American wage earner. I will not rest until I am convinced that the SSA and Congress have done everything possible to ensure that hard-working Americans are receiving every dime in retirement benefits that they deserve.

Bob Dole, the Republican nominee for President, does not let a campaign day go by without promising every American a raise in the form of a 15-percent income tax cut. If the Congress were to tackle the suspense file snafu within SSA, we would be able to provide an immediate raise to millions of hard-working American families by simply doing what is right and keeping faith with the Social Security promise.

I invite my colleagues to cosponsor this bill and join with me in sending out a clear message that we will not rest until we are convinced that the SSA and Congress have done everything possible to ensure that American wage earners are receiving every dime in retirement benefits that they deserve.

INTRODUCTION OF THE "EQUITY IN PUBLIC EDUCATION ACT OF 1996"

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. HARMAN. Mr. Speaker, earlier today I introduced, with my friend and colleague Representative TOM CAMPBELL, a bill to reimburse the States for the added costs of educating the children of illegal immigrants. According to Gov. Pete Wilson, such costs to the State of California totaled over $1.5 billion in fiscal year 1994–95 alone.

The Equity in Public Education Act of 1996 is a fair and bipartisan solution for reimbursing the disproportionate costs which States such as California incur by educating illegal alien children in public schools.

Requiring States to foot the bill for the Federal Government's failure to stop illegal immigration is unfair and inequitable. Border control is a Federal responsibility. The Nation's inability to adequately control our borders should not result in additional costs to States. Unfortunately, other efforts to solve the problem have centered on kicking kids out of school or forcing local school administrators to act as INS agents and determine the status of each student.

As nearly every national police organization has noted, the effect of such policies is to put kids on the streets, where they are likely to exacerbate our crime problem, and to render them part of a permanent, unemployable underclass.

Mr. Speaker, there is a better solution to this problem, one that both sides of the aisle can agree on. The bill which we have introduced today authorizes an equitable reimbursement formula for the costs of educating illegal immigrant students without an immigration status determination being made at the school site.

I ask that the text of the bill be printed following my statement.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity in Public Education Act of 1996".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) It is the responsibility of the Federal Government to prevent illegal immigration by enforcing existing laws and enacting new laws and policies.

(2) The Federal Government has, to date, failed to carry out this responsibility, resulting in a large and increasing number of illegal immigrants residing within the borders of the United Sates.

(3) Under current law, the States are required to provide certain public benefits to their residents, including education benefits for all children residing within their jurisdictions, regardless of immigration status.

(4) The costs of educating illegal aliens are therefore borne primarily by the States.

(5) The citizens of States that have a disproportionate number of illegal immigrants therefore have borne a disproportionate share of such educational costs, which result from the failures of the Federal Government.

(6) In the interest of equity, the Federal Government should reimburse the States for such educational costs.

SEC. 3. REIMBURSEMENT OF STATES FOR CERTAIN EDUCATIONAL COSTS FOR ILLEGAL ALIEN STUDENTS.

(a) GRANTS TO STATES.—Subject to the availability of appropriations and the succeeding provisions of this section, from the amount appropriated under subsection (f), the Secretary of Education shall provide for payment to each eligible State (as defined in subsection (b)) for reimbursable costs (as defined in subsection (c)).

(b) ELIGIBLE STATES.—In order for a State to be eligible for payment under this section, the State—

(1) shall be a State for which the Secretary of Commerce has made a determination with respect to any fiscal year under subsection (e); and

(2) shall provide the Secretary of Education with assurances that—

(A) the State will cooperate with the Secretary of Commerce in carrying out such Secretary's duties under this Act; and

(B) such payments shall be used only for the purpose of reimbursing local educational agencies for reimbursable costs.

(c) REIMBURSABLE COSTS DEFINED.—For purposes of this Act, the term "reimbursable costs" means, with respect to a State, the incremental increase in costs incurred by local educational agencies in the State in providing a free public education (as mandated by Federal law) to eligible illegal alien students (as defined in subsection (d)(1)), as determined by the Secretary of Commerce under subsection (e).

(d) ELIGIBLE ILLEGAL ALIEN STUDENTS.—For purposes of this Act, the term "eligible illegal alien student" means an alien who is not lawfully present in the United States and is enrolled in a public elementary or secondary school of a local educational agency in a State as of the date of a determination made by the Secretary of Commerce under subsection (e)(2).

(e) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—The amount of payment to an eligible State for a fiscal year under this section is the product of—

(A) the average number last determined under paragraph (3)(A) for the State; and

(B) the average incremental increase in expenditures last determined under paragraph (3)(B) for the State.

(2) COMMENCEMENT OF DETERMINATIONS.—

(A) FIRST GROUP OF STATES.—Before the beginning of fiscal year 1998, and before the beginning of every 3d fiscal year thereafter, the Secretary of Commerce shall make a determination under paragraph (3) for the States of California, Texas, and Florida.

(B) SECOND AND THIRD GROUPS OF STATES.—Before the beginning of fiscal year 1999, and before the beginning of every 3d fiscal year thereafter, the Secretary of Commerce shall make a determination under paragraph (3) for at least ½ of the States that are not described in subparagraph (A). Before the beginning of fiscal year 2000, and before the beginning of every 3d fiscal year thereafter, the Secretary of Commerce shall make a determination under paragraph (3) for each of the remaining States. To the maximum extent possible, the Secretary shall make an equal number of determinations under this subparagraph before fiscal year 1999 and before fiscal year 2000.

(3) DETERMINATIONS.—Pursuant to paragraph (2), the Secretary of Commerce shall determine for a State before the beginning of a fiscal year—

(A) the average number of eligible illegal alien students in the State for any school day during the school year ending during the fiscal year; and

(B) the average incremental increase in per pupil expenditures for public education benefits in the State for such school year that is determined to be attributable to the enrollment of eligible illegal alien students in public elementary and secondary schools, as determined based on statistics of the National Center for Education Statistics relating to expenditure per pupil in average daily attendance in public elementary and secondary schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year (beginning with fiscal year 1998) such sums as may be necessary to make grants under this section.

(g) STATE DEFINED.—In this Act, the term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

GEN. JEREMIAH CRABB: MARYLAND AMERICAN REVOLUTION PATRIOT AND LEGISLATOR

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to Jeremiah Crabb, a Maryland patriot of the Revolutionary War and statesman, on the bicentennial of his resignation in 1796 as Montgomery County's first Member of Congress.

General Crabb was born in 1760, the son of Henry Wright Crabb, former delegate to the Maryland Assembly and Justice of Frederick County during Colonial times. At the onset of the Revolution, Jeremiah Crabb entered the Continental Army as a second lieutenant with the 7th Company, 4th Battalion. He was later promoted to first lieutenant on December 15, 1777.

During the winter of 1777–78, Lieutenant Crabb camped with his unit at Valley Forge. At this time, he endured great hardships, surviving hunger and the cold, and was forced to resign for health reasons. At the end of the war, Gen. George Washington recognized his service and recommended his promotion to General in the Maryland militia. As a result, in 1794, General Crabb was called to service to support Gen. Harry Lee and the Virginia militia in the suppression of the rebellion in Pennsylvania.

The first legislature in the State of Maryland saw Jeremiah Crabb as a delegate in the Maryland Assembly from 1788 to 1792. In 1794, General Crabb was elected to the U.S. Congress, and served from 1795 to 1796. He resigned in 1796, and died in 1800 on his family's farm near Derwood, MD, located in my congressional district.

Next month, on October 19th, the General William Smallwood Chapter of the Sons of the

American Revolution will officially mark his grave site for posterity.

Mr. Speaker, I salute this Maryland patriot and former Member of the House of Representatives.

A PARTNERSHIP WORKING FOR SACRAMENTO STUDENTS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. MATSUI. Mr. Speaker, I rise today to recognize a superlative example of the success which can result from partnerships between education and business.

In Sacramento, Encina High School and Sutter Health have forged a partnership to rethink the way students are prepared for life after school. The partnership has come to serve as a model for other schools and was a large factor in Encina High School's recognition by the U.S. Department of Education this year as one of the Nation's 10 New American High Schools.

This award recognized Encina's commitment to offer challenging academic standards for all students and demonstrates how new and innovative learning environments and career education opportunities can make a difference in helping all students achieve success.

At Encina High School, small academies provide students with a nurturing environment that enhances their ability to achieve. Each student enrolls in one of the five career academies that organize the academic curriculum around a career-related theme. This structure customizes learning to accommodate a variety of learning styles, interests, and life experiences.

The academies provide more one-on-one attention from adults, use technology appropriate to the course of study, and give students a better understanding of their field of interest by learning through doing in the classroom, in workplaces and through community service.

The 7-year-old Encina High School Health Academy, in partnership with Sutter Health, has been recognized as a national model program. It provides a rigorous academic education with a health care focus. The program has enhanced the school-to-work transition by offering students many work experience opportunities such as apprenticeships and summer jobs, so that students can see themselves as a part of a productive work environment. The Health Academy program has resulted in improved student attendance, improved student learning, a greater student interest in continuing education—90 percent of the first year's graduates entered college.

In addition to the Health Academy, Sutter has committed much more to the San Juan Unified School District. Sutter has established a health care link with the district, providing health care services for teens and pregnant minors, a physician and bilingual nurses to serve students and their families on school campuses, immunizations, medical screenings, and vision testing.

Sutter Health has provided exemplary leadership by modeling the benefits of school and business partnerships and by encouraging other businesses to reach out to schools, especially in tough economic times.

Mr. Speaker, I ask my colleagues to join me in saluting Encina High School and Sutter Health for their extraordinary success in this school and business partnership. This program illustrates a new approach to education I hope more school districts across the Nation will strive to adopt.

SAVINGS BANK LIFE INSURANCE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. NEAL of Massachusetts. Mr. Speaker, Savings Bank Life Insurance [SBLI] was created as the brainchild of Louis Brandeis. The law allowed for the establishment of a system of over-the-counter life insurance sales though mutual savings banks in Massachusetts. Lower insurance costs resulted because of the elimination of commissions and other traditional selling expense. Similar laws were passed in New York and Connecticut.

Massachusetts has passed a law which consolidates SBLI into non-public stock insurance company, while still allowing for the sale of its product through Massachusetts banking institutions. The law provided that the total surplus of the prior SBL insurance departments was to be paid out to current policyholders as an additional policy dividend over a 12-year period. Tax legislation is needed to clarify the Tax Code to assure that the 12-year dividend payout is treated as a deductible policy holder dividend as opposed to a non-deductible redemption of any equity interest.

I have worked with Representatives JOHNSON and HOUGHTON to address this issue. Unfortunately, the committee on Ways and Means was unable to complete action on a legislative proposal. It was determined such a proposal is noncontroversial. I have contacted Chairman ARCHER and requested the Committee on Ways and Means address this issue next year. I would like to submit for the record my letter to Chairman ARCHER and Chairman Archer's response. I hope Congress will be able to address this issue next year.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN ARCHER: During the 104th session of Congress, I have contacted you about Savings Bank Life Insurance [SBLI]. Tax legislation is needed to clarify the tax code to assure that the 12-year dividend payout is treated as a deductible policyholder dividend as opposed to a nondeductible redemption of any equity interest.

I have worked with Representatives Johnson and Houghton on this issue. The Department of Treasury has indicated that it has not objection to the proposal. I realize the Committee on Ways and Means was unable to address this issue this year. I hope we can work together to address this issue as earliest as possible in the 105th Congress.

Thank you in advance for consideration of this matter.

Sincerely,

RICHARD E. NEAL,
Member of Congress.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 1996.

Hon. RICHARD E. NEAL,
Rayburn HOB, Washington, DC.

DEAR RICHIE: Thank you for your letter of September 27, 1996 concerning the tax treatment of consolidations of life insurance departments of mutual savings banks.

I would be delighted to work with you next year, together with Representatives Johnson and Houghton, in attempting to resolve this issue. As you know, representatives of the U.S. Treasury testified before the Committee during July of 1995 that the Administration does not oppose the provision. Clearly, this provision merits a closer look, and I find it regrettable, as do you, that the Committee schedule has not permitted a review of this issue this year.

Again, I look forward to working with you next year.

With best personal regards,

BILL ARCHER,
Chairman.

THE PINEDALE MANOR BOYS AND GIRLS CLUB

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SCOTT. Mr. Speaker, on behalf of Congressman HERB BATEMAN and myself, I would like to take this time to share with our colleagues an exciting private-public partnership in our hometown of Newport News, VA. This program, which will have its grand opening on September 30, 1996, is the brainchild of Mr. Earl Ferguson, president of Artcraft Companies.

Aircraft Companies has been instrumental in providing and renovating affordable housing for low-income families in Richmond, Roanoke, Williamsburg, Newport News and Norfolk. While performing these renovations, Mr. Ferguson found that many of the children who live in these areas are coming home afterschool with little to occupy their free time. As many of us know, and as documented by research conducted by the Carnegie Foundation, children have a great deal of unsupervised free time during the day—up to 40 percent. It is during this discretionary time that children and youth are most at risk of violence, teen-pregnancy and drug use.

The children who reside in Pinedale Manor in Newport News, newly renovated by Artcraft Companies, were also at risk of engaging in these destructive activities. Now, through the innovations of Mr. Ferguson, these children are members of the Pinedale Manor Boys and Girls Club. Mr. Ferguson contributed the funds to open and operate this club on-site at Pinedale Manor. This unique investment in the Pinedale Manor community assures the families of Pinedale Manor the opportunity to live in a safe, rehabilitated environment and provides the children a structured and supervised program to go to after-school and during the evening.

With support from the Peninsula Boys and Girls Club, the Pinedale Manor Boys and Girls Club provides 24 boys and girls an opportunity to participate in constructive educational and social development activities. Activities such as reading groups, arts and crafts, and recreational activities have been instrumental in minimizing the dangers that unsupervised after-school time presents to young children. The Pinedale Manor Boys and Girls Club is growing and expects to be able to accommodate 60 children in the very near future.

The Pinedale Manor Boys and Girls Club is modeled after the Lincoln Manor Boys and Girls Club in Richmond, Virginia, also financed by Mr. Ferguson. According to Mr. Ferguson, "It's the right thing to do, and it's the way we want to run our company. But it's also not totally philanthropic; it's good mix of economics and common sense."

Mr. Speaker, economics and common sense have inspired many public-private partnerships. This partnership is a model for community reinvestment that deserves to be replicated in other local communities. Not only will the children of Pinedale Manor benefit from Mr. Ferguson's contributions, but the entire community of Newport News will have the long-term benefits of this venture.

TRIBUTE TO BILL JACK HATHCOX

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. CHAPMAN. Mr. Speaker, I rise today to pay tribute to a great Texan, a great Democrat, a great man, Bill Jack Hathcox of Sulphur Springs, TX, who passed away April 3, 1996 at the age of 77.

Bill Jack Hathcox was family to those of us who grew up in Sulphur Springs. He was a devotee of Will Rogers, and like Will Rogers, it could be said that Bill Jack Hathcox never met anyone he didn't like. And there was no one who didn't like him. A dairy farmer, an entrepreneur, a restaurant owner, an inventor, a public servant, Bill Jack Hathcox embodied the industrious, strong, and generous generation that endured the Depression and made ours the most prosperous and free nation in the world.

Bill Jack Hathcox was born July 10, 1918 in Yantis, TX, in Wood County, the son of John William and Ella Maude Craver Hathcox. He married Margie Dale Parkins on October 25, 1938.

Mr. Hathcox was well known by several generations in Hopkins and Wood counties for his restaurant, farm, ranch and other agricultural enterprises. He was instrumental in the commercial development of the south side of Sulphur Springs and along the Highway 154 corridor into Wood County.

Bill Jack Hathcox was a 1936 graduate of Sulphur Springs High School and attended Texas A&M University and East Texas State Teachers College. A natural leader, he was president of the freshmen and sophomore classes at East Texas State in 1937 and 1938. Bill Jack was a legend at East Texas for his industriousness and creativity. He brought a cow with him to school and milked it to pay for his room and board. Later, to pay for his honeymoon in Greenville, TX, he hauled along a cargo of cotton seed hulls in his truck.

Bill Jack worked as a roughneck for Shell Oil Co. from 1938 to 1943, and at the same time he and his wife owned Hathcox Grocery Store in Yantis, TX. During that time he worked also as a substitute teacher and a substitute mail carrier. When World War II came, Bill Jack, a master carpenter, assisted the war effort by helping build the Red River Arsenal and Camp Maxey.

In the 1940's, Mr. Hathcox opened a Humble, then Texaco gas station with his father-in-law T.D. Parkins. From 1949 to 1958, Bill Jack and Margie Dale operated the P&B cafe, located next to the gas station on Gilmer Street in Sulphur Springs, and later, from 1966 to 1986, they owned and operated the Big H Drive-In.

Three generations of folks in Sulphur Springs practically grew up at the Hathcox's restaurants. Bill Jack and Margie Dale had the first private dining room in town, served as a center of the community and were a second set of parents to the young people of Sulphur Springs.

In addition, he worked as a fertilizer broker for Big H Fertilizer Co. and Mississippi Chemical Co., and operated a dairy with 600 head in Wood County from the 1950's until 1992. Mr. Hathcox was a 33d Degree Mason, a Shriner, a 50-year Master Mason with the Grand Lodge of Texas, Yantis Lodge and Sulphur Springs Lodge and past Worshipful Master. He taught Sunday school at First Baptist Church of Yantis and was a member of the First Baptist Church of Sulphur Springs.

He received the Butter Knife Award in 1984 and many other dairy show citations for his accomplishments in the dairy industry, and the All-Electric Building Design Award in 1966, a testament to his ingenuity and inventiveness. He was the owner of the 1978 National Quarterhorse Futurity Champion.

Bill Jack Hathcox was a tireless civic-mined citizen. He served as a member of the Yantis School Board for many years and was politically active all his life. Bill Jack felt people should vote and express their views, and he used to take out newspaper ads before elections to announce which candidate he was voting for to dramatize that point. I am sure many people took his advice.

Bill Jack Hathcox always fought for the underdog, always tried to look out for those less fortunate than he. To him equal rights, and justice for all, were not just slogans but rather the way that life should be lived. I speak for all of us from Hopkins County when I express in his small way our community's sadness at the passing of Bill Jack Hathcox, and our gratitude for the time he spent with us. So long, Bill Jack—I will miss you, my friend.

CLOSE THE ARMY SCHOOL OF THE AMERICAS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. PELOSI. Mr. Speaker, for years, some of us have had serious questions about the Army's School of the Americas and its connection to some of the worst human rights violators in our hemisphere. Last weekend, information released by the Pentagon confirmed our worst suspicions: U.S. Army intelligence manuals, distributed to thousands of military officers throughout Latin America, promoted the use of executions, torture, blackmail, and other forms of coercion.

We now have concrete proof of what we had suspected. For almost 10 years, U.S. taxpayer dollars were used to promote an approach that advocates using, and I quote, "fear, payment of bounties for enemy dead, beatings, false imprisonment, executions, and the use of truth serum."

What is the official Department of Defense explanation for promoting the routine abuse of human rights? Bureaucratic oversight. Again I quote, the "use (of this material) since 1982 evaded the established system of doctrinal controls" according to a 1992 investigation.

Mr. Speaker, the enormity of this "bureaucratic oversight" and its contribution to a climate of terror, persecution, injustice, and civil war in this hemisphere is difficult to comprehend. What is not difficult to comprehend is that we should put an end to this tragic chapter by closing the Army School of the Americas. Americans don't want their hard-earned tax dollars to be spent promoting human rights abuses and terror.

IN RECOGNITION OF OLINDO AND FILOMENA DI FRANCESCO

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. SLAUGHTER. Mr. Speaker, I rise today to pay special tribute to two distinguished citizens of New York's 28th District, Olindo and Filomena Di Francesco.

Mr. and Mrs. Di Francesco own a small business in my district, Olindo's Food Service. For the past 10 years, they have held an annual dinner dance to benefit Camp Good Days and Special Times, Inc., a camp for children with cancer. As a result, they have successfully raised over $250,000 over the past decade to help send children with cancer to camp, to renovate camp buildings, and construct a pool for the camp's recreational facility.

As they prepare once again for their annual benefit, we honor Mr. and Mrs. Di Francesco for their exceptional hard work and generosity, and commend them for their extraordinary efforts over the past 10 years on behalf of children with cancer and their families.

TRIBUTE TO DARRELL L. SANDERS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. WELLER. Mr. Speaker, today I'd like to congratulate Frankfort Chief of Police Darrell

L. Sanders for his induction as president of the International Association of Chiefs of Police.

Chief Sanders has served the Frankfort community since 1979 and distinguished himself as the President of the Illinois Association of Chiefs of Police. He is an outstanding law enforcement officer and has gained national recognition and distinction for his service and dedication.

Chief Sanders was also elected as President of the Greater Cook County Council of Police Chiefs and served with honor as a member of the Board of Officers of the International Association of Chiefs of Police.

As a Magna Cum Laude graduate in political science, Chief Sanders has also earned his Master of Arts degree in Public Administration, an associate's degree in Criminal Justice and graduated from the FBI National Academy.

Chief Sanders must be commended for his hard work, vision and leadership. His tenure as the Chief of Police of Frankfort demonstrates an unselfish dedication to law enforcement and a commitment to those residents he serves.

Congratulations Chief Sanders on such a high recognition and best of luck as the President of the International Association of Chiefs of Police. You are deserving and I thank you for your dedication and devotion to your community, neighbors, friends and family.

KEN AND ELAINE OLSEN'S GOLDEN ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. STUPAK. Mr. Speaker, anytime there is a celebration of a golden wedding anniversary, it is a special event. It is one marked with thoughtful remembrances, expressions of congratulations and best wishes for many more years of happiness. As society standards have changed in recent years, a golden anniversary has become even more rare. As special as these events are, it is even more special when it occurs in one's own family.

On December 2, 1996, the golden anniversary of Ken and Elaine Olsen of Escanaba, Michigan will be celebrated with family and friends. Ken and Elaine are constituents of mine, but more importantly, they are the parents of my wife, Laurie. It is an honor for me to call them Mom and Dad. I want to bring this very special event to the attention of my colleagues in the House of Representatives and extend on their behalf our most sincere congratulations.

Raised in the Escanaba area, Mom and Dad met after the completion of Ken's tour of duty in World War II. The courtship lasted about two years and they were married on December 2, 1946 in the rectory of St. Patrick's Church in Escanaba. Shortly thereafter, Ken followed in the footsteps of his father and other family members and began his life long career with the Chicago and Northwestern Railroad. Dad retired on December 16, 1983. Mom worked briefly for a local accounting firm before becoming staff secretary in the Escanaba office of the International Union of Operating Engineers, and retired in January of 1986.

In 1954, Mom and Dad were blessed with their only child, Laurie.

I am pleased to say that both Ken and Elaine are in good health and enjoy an active life. Mom is very interested in politics at all levels and is well versed in the issues of the day. Dad is an avid hunter and is always ready to travel to the family's homestead to hunt deer, with his son-in-law, daughter and two grandsons, Ken and BJ. During the colder winter months, they reside in Tucson, AZ.

Mr. Speaker, Ken and Elaine Olsen epitomize the kind of love and commitment that in many cases is missing in our society today. They serve as examples to follow for many, including their daughter, me and their grandsons. Again, I want to take this opportunity to extend to them our most sincere congratulations, love and best wishes for many more years together. Happy Golden Anniversary, Mom and Dad.

IN HONOR OF MIRNA ACEITUNO BECOMING A U.S. CITIZEN

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating a very special person who will soon become a citizen of our great Nation. This is an especially gratifying moment for me because it is someone I know very well. She is a valued member of my staff here in Washington and she has proven over and over to be a great asset to me and the people of the Eighth District of Massachusetts.

She came here as a young child with her family, escaping the political upheavals of her native Guatemala. They settled in Los Angeles and she attended the public schools there. She graduated high school and went on to the University of California at Santa Barbara, graduating from there in 1994. She moved to Washington, DC, in 1994 to pursue her interest in government.

Few people know better the amazing opportunities that our country offers. This amazing young woman has chosen to give back to her country not only by working in the public sector, but also by being an active volunteer in her community. Now, she is choosing to avail herself of the greatest part of our democracy, the right to vote.

My colleagues, this wonderful person's name is Mirna Aceituno and I am pleased to call her my friend. Please join me in congratulating her on this accomplishment.

A TRIBUTE TO TVA EMPLOYEES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. DUNCAN. Mr. Speaker, I want to congratulate the employees of the Tennessee Valley Authority [TVA] for accomplishing their goal of a decade of service without an increase in electric-power rates.

TVA was established as a Federal agency by the U.S. Congress in 1933. TVA is one of the Nation's largest electric-power producers, a regional development agency, and a national environmental laboratory. It also manages the Tennessee River, the Nation's fifth-largest river system.

TVA serves more than 7 million people in an 80,000 square mile region in the Southeastern United States. This area includes most of Tennessee and parts of six other States: Alabama, Mississippi, Kentucky, Virginia, North Carolina, and Georgia.

TVA's power system pays its own way by selling electricity to its customers throughout the Valley. It uses no tax dollars.

A three member Board of Directors manages TVA. As you may know, the directors of TCA are appointed by the President and confirmed by the Senate. Craven Crowell is the Chairman of TVA, and William H. Kennoy and Johnny H. Hayes are Directors.

"Electric Light & Power" magazine ranked TVA as the largest power producer in the United States and the twelfth lowest in production costs. Although electricity prices have increased, TVA has cut costs and decreased operating expenses.

I am proud of the thousands of TVA employees in the Second District of Tennessee, and I know that their dedicated service to the Tennessee Valley Region is a key part of TVA's continued success.

I would like to call TVA's accomplishment to the attention of my colleagues and other readers of the RECORD.

INDIA ADMITS MASS CREMATIONS OF SIKHS

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. CONDIT. Mr. Speaker, Indian newspapers reported last month that the Indian government has admitted to the mass cremation of Sikhs. India's Supreme Court heard the Central Bureau of Investigation [CBI] admit it has "prima facie evidence" that at least 984 Sikhs had been cremated after being declared unidentified.

These cremations are just the beginning. Jaswant Singh Khalra, a human rights activist, reported that more than 25,000 young Sikh men had been kidnapped by the regime, tortured, and murdered, then declared their bodies unidentified and cremated them. After publishing this report, Mr. Khalra was kidnapped on September 6, 1995. Almost a year later, Mr. Khalra's whereabouts remain unknown.

There is pattern of repression against the Sikhs in India shown with the kidnapping of Mr. Khalra, the airport beating of British-based Khalistani leader Jagjit Singh Chohan, and the arrest of U.S. citizen Balbir Singh Dhillon on trumped-up charges.

The Sikhs feel they have no place in Indian democracy. Therefore, the Sikhs declared their independence in 1987, calling their new country Khalistan. For the people of Khalistan, the U.S. must continue to demand a full accounting of the policy of mass cremations. Additionally, we must demand the whereabouts of Mr. Khalra and the release of Mr. Dhillon.

PILGRIM BAPTIST CHURCH, RED BANK, NJ—A CENTURY OF SERVICE TO GOD AND COMMUNITY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. PALLONE. Mr. Speaker, on Sunday, October 20, 1996, Pilgrim Baptist Church of Red Bank, NJ, will celebrate its 100th anniversary. It is an honor for me to pay tribute to this great milestone.

Pilgrim Baptist Church was founded in 1896 and has remained in Red Bank throughout that entire century of service to the community. The church's founders—who included the parents of one of Red Bank's most renowned citizens, the great bandleader Count Basie—held services in their own private homes until they were granted permission to share the facilities of the Calvary Baptist Church on Bridge Avenue. In fact, the name "Pilgrim" evolved because the founders of the congregation had to go from house to house when Calvary was not available.

In 1905, the Rev. William B. Scott was called to pastor the church and his tenure lasted for 11 years, during which time the small congregation was able to purchase the parcel of land at Pearl Street. The year 1910 marked the begining of the construction of the historic "Little Pilgrim" on Pearl Street, which still stands and now houses St. Nicholas Russian Orthodox Church. Following Rev. Scott, Reverends D.K. Askew, W.B. Hebron, and W.B. Neal served as pastors. In 1945, the Rev. Henry L. Morgan was installed, and he would go on to serve for 25 years. With an increasing membership, in 1955 the congregation purchased its present building at 172 Shrewsbury Avenue. The Rev. Kenneth Grayson succeeded the Rev. Morgan, serving from 1971 until 1975. The Rev. Millard W. Harris, Jr., Pilgrim's current pastor, was installed in January 1976.

Under the leadership of Reverend Harris, the membership of Pilgrim has continued to grow. At the same time, the church has purchased rental properties on Earl and Leonard Streets, purchased vehicles, expanded the sanctuary, and built classrooms that house the Head Start program.

Mr. Speaker, it is great honor to pay tribute to Pilgrim Baptist Church for its 100 years of service to God and community. The Reverend Harris, officers of the church, and all the members of the Pilgrim family have made—and continue to make—a huge difference for the entire Red Bank and Monmouth County area. While the Pilgrim family can be proud of their first century, I know that their thoughts and prayers are clearly focused on continuing that legacy into a new century.

OMNIBUS MEAT, POULTRY, AND SEAFOOD INSPECTION LEGISLATION

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. GUNDERSON. Mr. Speaker, in the last 2 years, the Livestock, Dairy and Poultry Subcommittee, which I chair, has had several hearings on meat, poultry, and seafood inspection issues with an eye on making the safest inspection system in the world even better. Our goal was to update decades-old inspection laws and to unite meat, poultry, and seafood regulations under a single roof.

Regrettably, that will not happen in the 104th Congress largely because this is an emotionally charged issue where the personal agendas of some government employees, industry executives, and consumer group lobbyist have too often prevailed. That's why, in a Presidential election year, the vast majority of my colleagues felt that this issue was "too hot to handle."

Even though legislative action was unlikely, we had our subcommittee staff, on a bipartisan basis, working on legislation that would both simplify and strengthen meat, poultry, and seafood inspection by uniting it under a single agency and encouraging greater cooperation between government and industry. While this legislation will not move in the 104th Congress, I am introducing our work product today, in draft form, for the use and information of future congresses.

I, therefore, commend the attention of my colleagues to the draft "Meat, Poultry, and Seafood Inspection Reform Act of 1996." I believe that it would make an excellent starting point for the 105th Congress on this issue.

A TRIBUTE TO SAN BERNARDINO COUNTY EMPLOYMENT AND TRAINING AGENCY HONOREES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work of the city of San Bernardino Private Industry Council and the employment and training agency, organizations that are doing fantastic work in addressing some very special job training needs on behalf of citizens in California. It was my honor earlier this week to join leaders of our local business community in recognizing four outstanding alumni of the Job Training Partnership Act Program [JTPA], as well as the outstanding business of the year and the outstanding school of the year.

Michael and Carla Davis are extraordinary examples of the value of this remarkable public-private partnership. Both were employed as engineers until they faced layoffs in 1994. Through San Bernardino's Dislocated Worker Adjustment Assistance Program, they enrolled in the teaching credential program at the University of Redlands. Within 2 years of being laid off, both Carla and Michael had their teaching credentials and quickly found teaching jobs in local school districts.

Leticia Calderon Delgado is a remarkable success story. As a young woman on welfare with three young children and few job skills, she applied remarkable determination and motivation to turning her life around. After enrolling in a work experience program and obtaining her GED, Leticia went to work for a local insurance agency. She is now off welfare and working at a job she loves.

Norma Gonzalez is a young person who, through the Summer Youth Employment and Training Program, has found a job and success that will serve her well as she pursues a college degree and, she hopes, a future in the medical field.

Accent Furniture last year relocated from Anaheim to San Bernardino to capitalize on land and building availability and to take advantage of incentives offered by the city. Today, the company is growing and serving the area by training and hiring JTPA eligible employees referred by SBETA.

The U.S. Truck Driving School is not only meeting the growing demand for trained truck drivers in the Inland Empire, it is fulfilling a valuable role in a public-private partnership that is training people and putting them to work in well-paying jobs.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the outstanding contributions of the San Bernardino Employment and Training Agency and the many fine individuals who are benefiting from the Job Training Partnership Act. In light of these tremendous records of success, it is only fitting that the House recognize all of them today.

TRIBUTE TO VERNON ODOM

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SAWYER. Mr. Speaker, I rise today to share with Members the loss of a man who was not only an extraordinary community leader in the 14th Congressional District of Ohio, but whose work in the National Urban League touched the lives of countless others across the country.

There are a few people who, by the very way that they live their lives, have changed entire communities, people whose actions enrich the lives of others and whose vision, perseverance, and accomplishments inspire others to succeed.

Vernon Odom, a 43-year resident of Akron, OH, was such a person. Everyone whose life he touched benefited from his wisdom, his commitment, and his strength of character.

Born in Biscoe, AR, in 1921, Mr. Odom was the son of a former slave who went on to attend medical school at Meharry in Nashville, TN, before the turn of the century. Mr. Odom's mother was widowed when he was only 2 years old. Surrounded by the racial tensions of the rural South during the 1920's and 1930's she managed to raise eight children, supervise sharecroppers, and fend off the theft of her property.

At age 16, Vernon Odom moved to Cleveland to continue his education—the school for African-Americans in his hometown only went to the 10th grade. After high school he enrolled at Morehouse College in Atlanta, GA, but soon had to postpone his studies to serve in the U.S. Army during World War II. In the Army, Mr. Odom served as a master sergeant in the Signal Corps stationed in Europe.

After the war, Vernon Odom finished his studies at Morehouse College, earning his degree in June, 1949. During this same period, he met and married his wife, Sadie Harvey, an Atlantan who became his inspiration and most trusted advisor. While participating in graduate field study in Harlem in August, 1949, Mr. Odom became embroiled in the Peekskill riot, defending Paul Robeson's right to sing in public.

In 1950, Mr. Odom received a master's degree in social work from Atlanta University, and 3 years later joined the staff of the Akron Community Service Center and Urban League. He later rose to executive director, a position he held from 1964 to 1992. As the executive director, Mr. Odom changed the agency's mission from charity work to opportunity building.

Mr. Odom served in leadership positions on most of the major planning and public-service boards in the greater Akron area. He had the unique ability to combine a broad civic vision with sincere concern for individuals which led him to be both widely respected and genuinely loved throughout the Akron community.

During his career, Mr. Odom helped provide thousands of young men and women with jobs, training, money for school, and personal counseling. At the same time, he established himself as an effective civic leader—pushing to desegregate the city of Akron's police department, workplaces and most other major institutions. For his work, he received national recognition, including the Whitney Young Medallion—the highest award of the National Urban League, the National Black Police Association Humanitarian Award, and an honorary doctorate in Human Service from the University of Akron.

Mr. Odom was a lifetime member of the National Association for the Advancement of Colored People, a member of the Century Club of the United Negro College Fund and the Arlington Church of God.

Vernon Odom passed away on May 22, 1996. While my entire community mourns his death, we remain deeply grateful for the far-reaching and ongoing contribution he made to improving the quality of our lives together, throughout our community and Nation. Vern Odom's life itself is his legacy. Those of us who knew him are better for his having lived it among us.

INTRODUCTION OF THE SOCIAL SECURITY ONLINE PRIVACY PROTECTION ACT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, I was deeply concerned to learn that several national data base companies provide Social Security number information online. A Social Security number is one of the most sensitive pieces of information a person can know about another person. Although it was not meant to be, a person's Social Security number has become something close to a national identification number. It is the key to unlock countless sensitive documents about a person, such as credit reports, driving records, and court documents.

In fact, with a person's Social Security number, it is possible to steal their identity. With it, a person can obtain a Social Security card, and then a driver's license, and then credit cards. That is why it is imperative that the confidentiality of Social Security number be protected.

However, on at least two national data bases, Lexis-Nexis' P-Trak and the Westlaw data base, it is possible to connect a whole cornucopia of information with a Social Security number, such as a name, past address, maiden name, and birthdate.

Industry representatives say these services are not a problem since they no longer provide Social Security numbers to searches that are begun with a name or address. However, those firms continue to provide all the other information on the data base to searches begun with a Social Security number—an equally worrisome practice.

Any unscrupulous individual wanted to steal a new identity could easily keypunch any random Social Security number and obtain that person's personal information. A thief would not care whose Social Security number they have, just that there were able to connect to other information. By random searching, such a person could get a Social Security card and drivers license.

I understand that there are many legitimate purposes for these services. They are used to find people who skip court appearances, fail to pay child support, or need to be notified of changes in pension plans. However, these purposes do not necessitate a commercial online lookup service containing Social Security numbers. Individuals on these data bases also have rights to privacy and protection from abuse.

My bill would seek to require these services to obtain written permission before they can list any person's Social Security number on their data base. This legislation would not stop people from searching for individuals using public records by traditional means, such as doing research in a courthouse. My bill would merely require that in order to add this sensitive personal information to online searchable indexes, the person whose Social Security number is included would have to grant consent.

Mr. Speaker, I understand there are only a few legislative days left in this session. Accordingly I, with 11 of my colleagues, have written a letter to the Federal Trade Commission asking them to look into the appropriateness of these data bases and to see what actions could be taken to suspend these services until a more comprehensive review can be accomplished. If the Federal Trade Commission fails to adequately address this problem, I will reintroduce this measure in the next Congress.

TRIBUTE TO THE ROCKLAND COUNTY SHIELDS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. GILMAN. Mr. Speaker, I rise today to congratulate the Rockland County Shields, which are currently celebrating their 30th anniversary.

The Rockland County Shields are dedicated to providing a fraternal and social organization for all active and retired police officers who either worked or lived in Rockland County. The organization has fostered the fact that officers, be they Federal, State, city or local are all brothers. This ideal has been maintained for the last 30 years, and today the Shields have over 1,600 members.

The organization offers benefits not only to police officers, but to the citizens of Rockland County. Moreover, the Shields maintain an emergency fund to aid the community, award eight scholarships annually, and provide monies for United Hospice, local school functions, and scout troops for eagle scout projects. They have an annual Saint Patrick's Day party and march in the Rockland parade, which is the second largest in the country. They also have summer picnics, fishing trips, and dances.

Since the Rockland County Shields were started in 1966, similar fraternal police groups have been formed in Orange, Sullivan, Ulster, Delaware, and Westchester counties.

Mr. Speaker, I invite my colleagues to join in congratulating the Rockland County Shields for their 30 years of invaluable community service and wish them for future success in both their service and fraternal brotherhood.

TRIBUTE TO THE WORLD ORGANIZATION OF CHINA PAINTERS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. TALENT. Mr. Speaker, I rise today in honor of the World Organization of China Painters and recognize the efforts of its membership to promote and celebrate the accomplishments of their unique artistic talents. China painting is the overglaze decoration of china, and its artists are seeking recognition as a fine art.

I rise today not only in support of their efforts, but for all artistic and cultural activities which promote the participation in and the appreciation of the arts in all areas. The efforts of the World Organization of China Painting, stands as a testament not only to the art of china painting, but as an example of the importance of artistic achievement.

The World Organization of China Painting has over 6,000 members around the world of which my State, Missouri has the largest membership. The organization is presently headquartered in Oklahoma City, OK, where they have a museum displaying numerous works by china painting artists.

Again, Mr. Speaker, I want to congratulate the World Organization of China Painting on their efforts to promote and advance their art form.

VALLEY FORWARD ASSOCIATION HONORS ARIZONA PROJECTS FOR ENVIRONMENTAL EXCELLENCE

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. PASTOR. Mr. Speaker, I want to bring to the attention of my colleagues the selection of the city of Phoenix as the recipient of the highest award of the Valley Forward Association for work at the Tres Rios Constructed Wetland Demonstration Project. The city accepted Valley Forward's premiere award, the President's Award, at the organization's annual awards program on September 20, 1996, on behalf of its partner cities, Glendale, Mesa, Scottsdale, and Tempe.

The Tres Rios Constructed Wetlands Demonstration Project consists of approximately fourteen acres of wetlands constructed to evaluate and demonstrate the use of artificial wetlands to filter wastewater from the 91st Avenue Waste Treatment Plant while also providing valuable habitat and other benefits.

Valley Forward Association was formed in 1969 to promote environmental, cultural and asthetic endeavors in the greater Metropolitan Phoenix area. Through the years, it has recognized many endeavors—private and industrial, commercial and governmental—for making the "Valley of the Sun" a better place to live. Valley Forward's awards program began in 1980 to recognize outstanding contributions to the physical environment of the surrounding communities. Through the years the awards program has grown to include innovative technologies, environmental education, achievements in public media, and artistic endeavors.

Judges for this year's awards included representatives from universities, consultants, planners, architects, communications and businesses, who were selected for their knowledge of and contribution to environmental excellence. The President's Award bestowed on the Tres Rios Project was for special achievement in environmental excellence. It recognized a project that has tremendous potential for using wastewater to restore valuable wetlands in our region of the arid Southwest, creating fish and wildlife habitat and recreational opportunities in the community.

I want to congratulate the city of Phoenix and all the other recipients for the honor that has been bestowed upon them and to bring to the attention of my colleagues this project, of which I have been a strong advocate during my tenure here in Congress.

HONORING F. LEE LAWRENCE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to an old friend and outstanding East Texan, F. Lee Lawrence of Tyler, TX, who died recently at the age of 70. He, his brother Bill, and I were old friends from Southern Methodist University School of Law. Following his graduation from law school in 1950, he began his practice of law in Tyler. Lee was a great lawyer and a senior partner of one of the finest law firms in Texas. Yet he also found time to share his abilities with a number of worthy causes in his community and state.

History was his special passion, and on June 13 of this year he was presented the Governor's Award for Historic Preservation. Governor Bush had appointed Lee to the Texas Historical Commission in April, 1995, where he was already serving as a member. Previously, he had served on the Commission's board for 4 years, beginning in 1959, when he collaborated with John Ben Shepperd and Dr. Rupert N. Richardson in originating and developing the present State Historical Marker Program. With Dr. Robert Glover he wrote the first State marker, which was erected at the site of Camp Ford near Tyler. Today, there are 11,000 historical markers in Texas.

Lee helped organize historical societies in San Augustine, Shelby, Gregg, and Rusk Counties. He served as President of the Texas State Historical Association, was a member of the Executive Council throughout the 70's and served as president of the Texas Historical Foundation. He was founding member and president of the Smith County Historical Society and founding member and first president of the East Texas Historical Association at Stephen F. Austin State University in Nacogdoches, where he served on the Board continuously since its inception in 1962. He also served on the Texas Civil War Centennial Commission from 1960 to 1965.

Lee served on the advisory council for the Center for Historical Resources at Texas A&M University and was a member of the Company of Military Historians, the Manuscript Society, and West Texas Historical Association. He copublished "Tyler and Smith County, Texas: An Historical Survey" and coauthored "Camp Ford, CSA: The Story of Union Prisoners in Texas, 1964." He authored and published "Texas War Horses" in 1995.

Lee received numerous awards for his dedication to historical preservation. The State of Texas presented him the award for Meritorious Service in 1963. He received the Mary Moody Northern Award for 35 years of service from the Texas Historical Foundation in 1994, the Ruth Lester Award for lifetime achievement from the Texas Historical Commission in 1995, the Preservation Award from Historic Tyler in 1995, and the Ralph Steen Award for distinguished service to the East Texas Historical Association and East Texas history.

Lee also had served on the Board of Trustees at Texas Christian University since 1972 and on the Executive, Faculty Relations and Fiscal Affairs and Development Committees. In Tyler, he was actively involved in community organizations. He was president of the Texas Rose Festival Association, YMCA of Tyler, vice-president of Tyler Chamber of Commerce, chairman of Carnegie Public Library, and advisor for Texas Junior Quarter Horse Association. He served on numerous boards in Tyler and was serving on the board of Lifeline Underwriters Life Insurance Company at the time of his death.

Lee was a member and elder of Fifth Street Presbyterian Church, member of St. John's Lodge; Chapter No. 24, R.A.M.; Geo. M. Patrick Council No. 13; Ascension Commandery No. 25; a 32 degree Scottish Rite and Sharon Temple.

Born in Paris, TX on May 21, 1926 to Elizabeth O. Lawrence and the late W. Dewey Lawrence, Lee had lived in Tyler since 1931. He served 2 years in the U.S. Navy during World War II and attended Texas Christian University before graduating from SMU School of Law.

Survivors include his wife, Virginia Ann Lawrence; daughters Frances Ann Lawrence and Amy Jane Lawrence Walton and son-in-law Randall H. Walton, all of Albuquerque, NM; daughter Mary Elizabeth Lawrence Cannan of Tyler; his mother Elizabeth; brother and sister-in-law, William D. and Dorothy Lawrence; two grandchildren and other relatives.

Mr. Speaker, Lee Lawrence was one of those individuals whose influence was felt in all that he did, and he will be truly missed by all those who knew him. It was a privilege to be his friend—and I ask my colleagues to join me today in paying our last respects to this outstanding American.

EXTEND GRAZING PRIVILEGES

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mrs. CUBIN. Mr. Speaker, Jackson Hole, WY is one of the most beautiful and unique areas of our Nation. Over 3 million visitors per year come to hike, camp, ski, and sightsee amidst the grandeur of the Teton range and the winding Snake River in Grand Teton National Park and the Greater Yellowstone Ecosystem beyond. Many wildlife species such as moose, bear, eagles, and trumpeter swan make the valley their home, while the largest elk herd in the lower 48 States annually migrates through it to winter on the wildlife refuge at its southern end.

While much of the valley is protected for perpetuity in Federal ownership, some of the most valuable wildlife habitat, migration routes, and scenic vistas remain in private ownership as working ranchlands. Conservation groups in Jackson Hole and around the country have worked for years to help protect these ranches from development, through the use of scenic easements and other means, and are to be commended for their good work.

Unfortunately, we now face a situation where some of the most scenic and valuable ranchlands adjacent to the park could be forced to sell and subdivide. In 1950 the law establishing Grand Teton National Park allowed local grazing permittees whose livestock had historically used the new park lands for summer range to continue that grazing for the life of the permittees' designed heirs. As a result, 14,000 acres were set aside, irrigated, and fenced by the part for the benefit of these permit holders who, in turn, paid grazing fees at the required rate.

Since that time, development pressures have grown enormously. One of those permit holders has already sold his ranch, which became a major subdivision of middle-class houses. Meanwhile real estate prices continue to skyrocket, and intense development pressure has focused on the remaining permit holders.

In June of this year, a dear friend of mine, Mary Mead, died in a tragic accident doing what she loved best: working on her cherished ranch. Mary was the designated heir to her family's grazing permit on the Grand Teton National Park. Legally, with Mary's death the grazing permit would be terminated. However, without this permit the Mead family, along with former U.S. Senator Cliff Hansen—father of Mary—would no longer be able to maintain their cattle operation and ranch. Without the park's summer range on which all of their cattle depend, the family would almost certainly be forced to sell their livestock and the ranch, which would in all likelihood be immediately subdivided and developed. This tragic loss would not only destroy open space and scenic vistas but could also adversely impact wildlife habitat and migration patterns as well as the integrity of the park's greater ecosystem.

For these reasons, the family has requested consideration of an extension of their grazing privilege. In return, they are committed to working with the National Park Service and others to actively exploring options to preserve their ranchlands. I, too, am dedicated to maintaining the highly valuable open space and ranching culture in this vicinity of the park. An extension of grazing privileges would allow time to explore a network of relationships and avoid the indiscriminate development that will occur on these pastoral lands.

I am eager to work during the remainder of this year and in the 105th Congress with my colleagues both here in the House and the Senate, along with Grand Teton National Park Superintendent Jack Neckles and others in the local community, to bring a resolution to this unique situation.

THANK YOU, BILL BOWES, FOR YOUR SERVICE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. FIELDS of Texas. Mr. Speaker, when I hired Barbara Bowes as my district coordinator nearly 16 years ago, I didn't realize that I would obtain the services of her husband, Bill, as part of the deal. However, I am grateful that I did, and as I prepare to leave this institution, I want to take a moment to thank Bill Bowes for his service as chairman of my Service Academy Nominations Board.

William P. Bowes, Sr., is owner and president of Capt. I.S. Derrick, Independent ship and Cargo Surveyors, Inc. in Houston. Bill is a 1962 graduate of the U.S. Merchant Marine Academy in Kings Point, NY—one of the Nation's four service academies. Since graduating from Kings Point, Bill has remained active in the U.S. Merchant Marine Academy National Alumni Association, of which he is a life time member. Indeed, for 10 years, Bill served as gulf coast regional vice president of the alumni association, and he is a past president of its Houston chapter. He is the recipient of the alumni association's Meritorious Alumni Service Award as well as its Outstanding Professional Achievement Award, and he currently serves as the national alumni association's regional vice president.

Bill's dedication to, and belief in, Kings Point showed itself when funding for the U.S. Merchant Marine Academy was threatened several years ago. Bill traveled to Washington, DC, to educate Members of Congress on the value of the academy, and to lobby for continued federal funding for that important institution.

But Bill's dedication to the U.S. Merchant Marine Academy also evidenced itself when he agreed to my request to serve as chairman of my Service Academy Nominations Board.

The Service Academy Nominations Board is composed of representatives of each of the school districts in my congressional district. The Board is charged with sorting through applications sent to it from young men and women seeking to attend one of the Nation's four service academies: the U.S. Military Academy in West Point, NY; the U.S. Naval Academy in Annapolis, MD; the U.S. Air Force Academy in Colorado Springs, CO; and the U.S. Merchant Marine Academy.

I purposely designed the selection process to be highly competitive, and strictly merit-based. Having attended and graduated from Kings Point, Bill knows what qualities and characteristics to look for in potential nominees to ensure they will succeed at the nation's service academies. And as chairman of the Board, Bill's knowledge has proven remarkably effective. Since 1981, 203 young men and women from Texas' 8th Congressional District have received a total of 229 appointments to the nation's service academies.

Bill's service to the U.S. Merchant Marine National Alumni Association, and his service as chairman of my Service Academy Nominations Board, is only a part of his community service. He has been a member of, and a past president of, the Woodforest Civic Association. Since 1969, he has been a member of, and has held several leadership positions in, the North Shore YMCA. He is a member of the A.F. & A.M. Lodge No. 442/Scottish Rite, a member of Houston North Shore Elks Lodge No. 2476, and a member of the Houston Mariners Club. Additionally, Bill is a longtime member of the North Shore Rotary Club—being named "Rotarian of the Year" in 1986—and he is a member and past board member of the North Channel Area Chamber of Commerce.

I appreciate this opportunity to thank Bill Bowes for his service to me, to my Service Academy Nominations Board, and to his community. Thank you, Bill Bowes, for your service.

THE PUBLIC SCHOOL DESEGREGATION LITIGATION REFORM ACT

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. HOKE. Mr. Speaker, today I am introducing landmark legislation to ensure equal educational opportunity for all students, while getting the Federal courts out of the practice of running our schools.

For more than 20 years, the Cleveland public school system has operated under various court-ordered remedies. The results have been disastrous. Almost $1 billion have been spend on desegregation activities in Cleveland, yet the schools are worse. Enrollment has plummeted. Graduation rates have declined. Average SAT scores have dropped. Truancy rates have skyrocketed. And racial integration has not been achieved. Schools with a 60-percent minority population in 1970 are 79-percent minority today.

The greatest tragedy is that most of these schools have been rendered completely dysfunctional primarily because those who can afford to—whenever their race—have gone to the suburbs where they have the freedom to decide for themselves where their children will attend school.

And unfortunately, this tragedy is not limited to the public schools in Cleveland. It is being repeated in school districts across the country—to the incalculable detriment of America's greatest cities.

In September 1995, the House Judiciary Committee's Constitution Subcommittee traveled to Cleveland, OH, to learn more about this issue from the parents, teachers and school administrators who have to live with it every single day of the year. The message of that hearing was clear, More than anything else, Clevelanders want quality education for their children. They overwhelmingly prefer to send their children to schools in their own neighborhoods. And the race of the pupil sitting next to their child is almost completely irrelevant to them.

The facts are overwhelming: Busing for racial balance has failed to improve academic achievement opportunities for minorities; has drained the financial resources of Cleveland public schools; and has led parents who can afford it to send their children to suburban or parochial schools.

A second hearing held by the subcommittee in April 1996 focused on the unprecedented authority assumed by Federal courts in the administration of these student assignment orders. Most of the legal and constitutional experts who testified agreed that judges have interjected themselves in the school management arena with disastrous results. When non-elected judges take it upon themselves to manage local institutions, individuals are denied basic freedoms. Parents—not judges—should be deciding where children attend school. The willingness of the courts to allow such an expansion was no doubt motivated by the worthy desire to eradicate segregation. But however well-intentioned, this broad expansion of judicial authority has undermined our fundamental understanding of the separation of powers and has brought federal courts into the daily management of local institutions—something the framers surely never intended.

That is why I have introduced legislation prohibiting federal courts from mandating remedies that extend beyond what is necessary to correct and prevent constitutional and federal statutory right violations. Relief must be narrowly drawn, limited and no more intrusive than is necessary to right the violation. Before courts enter a student assignment order, a less intrusive relief must have failed to remedy the violation. And a decision to finally enter a student assignment order must be made by a three-judge panel.

To expedite the implementation of court-ordered remedies, the legislation directs the courts to review existing cases—most of which have been in effect for twenty years or more. In cases across the country there is simply no justification for continued court supervision. Integration of the public schools is an accepted public policy position, and in the vast majority of cases intentional segregation has been eliminated. Unfortunately, in some cases, court orders are perpetuated by those who use them as financial leverage with state appropriators. For instance, when a court in Kansas City ordered the construction of an Olympic size swimming pool and implement a fencing program as part of the athletic curriculum, the state anted up the money.

To put an end to such abuses, judges are to review cases after two years to determine whether school officials are in compliance. If it is determined that the district has not taken steps to remedy the violation, a judge may extend the order one year at a time. The legislation also establishes new procedures for the appointment and tenure of special masters.

Finally, the measure prohibits judges from raising taxes and allows any state or local official responsible for the operation or funding of the public school to challenge the imposition or continuation of court-ordered relief.

Mr. Speaker, I know there are only a few short days left in the 104th Congress. However, this is an issue I have studied and worked on for the past two years. And I think it is important to introduce it now so that a broader discussion of this issue may develop over the next several months so that the 105th Congress can promptly consider this legislation. Therefore I am proud that today I am able to introduce common-sense legislation providing relief for America's most precious asset—our children.

STAFFING FIRMS WORKER BENEFITS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. CARDIN. Mr. Speaker, one of the most significant changes in our economy in recent years has been the growth of staffing firms. These firms employ individuals on a temporary or a long-term basis and assign them to client companies as needed.

The rapid expansion of these employment arrangements in our economy has give rise to a number of difficult questions in the area of employment taxes, as well as retirement, health, and other benefits. Our Nation's tax laws require employers to collect employment taxes, and offer tax-favored treatment for employer-provided fringe benefits.

Within our existing tax system, the ability to identify clearly who is the employer of a group of workers is crucial to the enforcement of the law. These issues also have important consequences for working Americans seeking the benefits of health insurance and pension coverage through their employment.

As more and more companies make use of staffing firms in meeting their needs for temporary and long-term workers, it will become necessary for the Congress to examine the application of our tax laws to these arrangements. Among the issues we must consider are the ability of staffing firms under existing law to act as employer for the purposes of collecting and paying employment taxes, as well as retirement and health benefits.

I have been working, along with my Ways and Means colleague Rep. PORTMAN, on a proposal that addresses many of these issues. We are putting the proposal forward at this time in the hope that it will draw comment from concerned parties. We hope to continue to work on this issue in the 105th Congress.

The draft proposal, along with a brief section by section summary, follows.

TECHNICAL SUMMARY OF STAFFING FIRM WORKER BENEFITS ACT OF 1996

Overview. In general, the bill amends the Internal Revenue Code to make it clear that a "qualified staffing firm" is the employer of the employees covered by staffing arrangements, both for purposes of employment tax liability and for purposes of employee benefit plan sponsorship. The bill also amends the leased employee and separate line of business provisions of Code section 414 to encourage retirement and fringe benefit coverage of employees of qualified staffing firms.

Introduction/Section 1. Staffing firms serve a variety of business needs, and their services are referred to in a variety of ways, *e.g.*, temporary help, long-term staffing, managed services, and professional employer arrangements. In the latter type of arrangement, primarily small to mid-size firms transfer their payroll and human resources functions to the staffing firm in order to concentrate on their core business. Staffing firms provide their services to customers on a contract or fee basis. The workers supplied by the staffing firm assumes the role of employer with respect to these workers in a number of ways, *e.g.*, paying the workers' wages, paying employment taxes with respect to these wages, retaining authority for hiring, reassigning, and dismissing the workers, etc. Because of the nature of their work, though, staffing firm employees normally are under the day-to-day supervision of the customer where they work.

The relationship that staffing firms typically establish with customers is built on the fundamental premise that the staffing firm, and not the customer, is responsible to staffing firm employees who work at the customer's work site for the payment of wages, and to the extent applicable, any specified employee benefits. While in many staffing arrangements there is no question that the staffing firm is the employer of its employees under the traditional common-law test, in other staffing arrangements this is less clear. For example, the Internal Revenue Service has established a market segment study of the "employee leasing" industry and is questioning whether, in certain types of arrangements involving staffing firms, the staffing firm is properly regarded as the "employer" for purposes of employment tax withholding and for purposes of maintaining employee benefit plans. An adverse holding on these issues could undermine the 401(k) and other benefits of staffing firm employees, as well as disrupt the business relationship between the staffing firm and the customer.

Section 2. This section of this bill is designed to codify the status of a "qualified staffing firm" as the entity with exclusive responsibility for federal employment taxes (income, FICA, and FUTA) with respect to workers covered by contracts between the firm and its customers. Implicit in this rule is that the customer will not have liability for such employment taxes if, for some reason, the qualified staffing firm does not pay.

This special rule is intended to apply only with respect to workers who are properly classified as employees, and not independent contractors, and to clarify that the qualified staffing firm, and not the customer, is these employees' employer. The rule applies whether or not the qualified staffing firm would otherwise be held to be the employer of these employees under the common-law test. No inference is intended as to the employer status of a qualified staffing firm under the common-law test.

Section 2(d) defines a "qualified staffing firm" for purposes of the special "employer" treatment accorded by the bill. This definition requires that the staffing firm must be liable for the worker's wages, the related employment taxes, and any agreed-upon employee benefits, without regard to the receipt or adequacy of the customer's payments. In addition, the staffing firm must have authority to hire, reassign, and dismiss the workers, and must maintain employee records relating to the workers, and must have responsibility for addressing the workers' complaints, claims, etc., relating to their employment. The fact that the customer may also have some involvement in these matters will not preclude a staffing firm from qualifying under this definition. Thus, the requirements of the definition will be met even though the staffing firm may take into account the customer's views in hiring or dismissing workers, the customer may maintain its own set of records with respect to the workers, or the customer may share responsibility for addressing the workers' complaints, claims, etc.

Section 3. This section amends an existing rule in section 7701(a)(20) in the Internal Revenue Code for full-time life insurance salesmen. That rule treats such sales representatives, who otherwise would be classified as independent contractors, as common-law employees for purposes of certain specified employee common-law employees for purposes of certain specified employee benefits. This enables them to enjoy the tax-favored treatment that the Code affords such benefits when furnished to employees.

The bill does not alter the rule for the life insurance salesmen, but adds a new subparagraph (B) that is designed to treat individuals who would be treated as employees of the qualified staffing firm under the employment tax provisions as employees of such firm for purposes of the employee benefit provisions that are listed in the text. The employee benefits provisions include those relating to group-term life insurance, accident and health plans, profit-sharing and retirement plans (including 401(k) and savings plans, but excluding defined benefit plans), cafeteria plans, dependent care programs, educational assistance programs, employer-provided fringe benefits, VEBAs, and employee achievement awards. The bill also makes it clear that these individuals will be treated as employees of the staffing firm for purposes of applying the provisions of section 414(n), and thus may be counted as "leased employees" of the customer if the other requirements of section 414(n) are met.

In addition, the bill clarifies that a worker will be treated as having separated from service if the worker ceases to be employed by the customer and becomes employed by the qualified staffing firm, or ceases to be employed by the qualified staffing firm and becomes employed by the customer. This will allow distribution of the worker's benefits under the 401(k) or retirement plan of the worker's prior employer. This provision is not intended to negate the application of the special leased employee service crediting rule under section 414(n)(4)(B).

Section 4. The bill contemplates that the general "leased employee" rule of section 414(n) will continue to apply to a customer. Under this rule, the customer must count a "leased employee" as its own employee for purposes of testing its plans under the IRS coverage and nondiscrimination rules.

Section 4(a) of the bill amends the leased employee provisions in section 414(n) so that they apply for purposes of section 401(k) and 401(m). This is intended to ensure that a customer will get credit, in accordance with section 414(n)(1)(B), for elective deferrals, matching contributions, and employee contributions, that are made on behalf of a leased employee.

Section 4(b) of the bill clarifies that a customer may choose to include a qualified staffing firm employee in the customer's plan as long as the employee is a leased employee of the customer, or would be a leased employee, but for the fact that the person has not yet worked the requisite time period specified in section 414(n)(2)(B) to be a leased employee. The bill language is designed to ensure that a qualified staffing firm worker who is covered by a customer's plan will be treated as an employee of the customer for purposes of applying the tax rules governing customer contributions to such plan, the tax-exempt status of any related trust under the plan, and distributions or payments under such plan. This provision applies for purposes of benefits that are tested by application of the leased employee rules, and also for purposes of stock option plans, section 403(b) annuities, and accident and health plans.

Section 4(c) of the bill sets forth provisions for the treatment of qualified staffing firm employees under the qualified staffing firm's plans, including streamlining the qualified staffing firm's access to the separate line of business rules of section 414(r). The separate line of business rules recognize that if an employer's employees are in multiple lines of businesses, each line of business may have its own competitive pressures, which may, in turn, affect the level of benefits the employer can provide to workers in those lines. Accordingly, the separate line of business rules generally allow an employer that has "qualified separate lines of businesses" to apply the IRS coverage and nondiscrimination rules separately to employees in each such lien of business. However, under the existing separate lien of business rules, a number of requirements must be met before an employer can be said to have "qualified separate lines of business," including a requirement that there be at least 50 employees in the line of business, and that the line of business satisfy certain administrative guidelines.

Section 4(c) of the bill allows automatic separate lien of business treatment for those employees of a qualified staffing firm who are leased employees of a customer, or who would be leased employees of the customer but for the fact that they have not worked the requisite time period under section 414(n)(2)(B). The rationale for this simplified rule is the fact that section 414(n) treats these employees, once they qualify as leased employees, as employees of the customer for IRS coverage and nondiscrimination rules. Under the circumstances, it is inappropriate to require these workers to be counted twice under the coverage and nondiscrimination tests, once by the customer and once by the qualified staffing firm, without affording the qualified staffing firm access to the separate line of business rules. This provision affords comparable treatment in applying the nondiscrimination rules applicable to medical reimbursement plans under section 105(h) and cafeteria plans.

The bill also provides that if the separate lien of business segment of a qualified staffing firm's plan fails to meet the applicable IRS coverage and nondiscrimination rules, then the effect of disqualification will be confined to that segment of the plan. A special anti-abuse rule is included to make sure that employees who would be treated as highly compensated employees if they were employed by the customer are so treated under the qualified staffing firm's plan.

Section 5. This provision revises the current safe-harbor rule in section 414(n)(5) which allows a customer to disregard a leased employee for purposes of applying the coverage and nondiscrimination rules to its retirement or 401(k) plan if the leased employee is covered under a safe-harbor plan, and if leased employees in general comprise less than 20 percent of the customer's rank-and-file work force. The bill amends the requirements which relate to a safe-harbor plan to incorporate certain features that have been proposed as part of pension simplification in connection with 401(k) safe harbors. Under the new safe-harbor plan requirements, only employees working for the particular customer desiring relief from the leased employee rules would have to be covered by the plan, not all employees of the qualified staffing firm who perform services for customers. The bill also reduces the level of required contribution under a safe-harbor plan from 10 percent to 3 percent. If the safe-harbor plan is a profit-sharing plan, contributions may not be distributed to the employee until the occurrence of an event permitting distribution under the section 401(k) rules, *e.g.*, separation from service. As previously noted, an employee will be treated as having separated from service if the employee ceases to be employed by the qualified staffing firm and becomes employed by the customer.

Section 5(b) of the bill provides a safe-harbor rule for other employee benefit plans that would allow a customer to disregard leased employees for purposes of applying the coverage and nondiscrimination rules for employee benefit plans referred to in section 414(n)(3)(C) to the extent provided for in Treasury regulations.

Section 6. This section specifies the effective date of these provisions. Transition relief is afforded for existing plans.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Staffing Firm Worker Benefits Act of 1996".

SEC. 2. CODIFICATION OF EMPLOYER STATUS OF QUALIFIED STAFFING FIRM FOR EMPLOYMENT TAX PURPOSES.

(a) INCOME TAX WITHHOLDING.—Section 3401(d) of the Internal Revenue Code is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period and inserting ", and"; and

(3) by adding at the end the following:

"(3) in the case of a qualified staffing firm, described in section 7701(a)(47), paying wages to an individual performing services for a customer of such qualified staffing firm, the term 'employer' means such qualified staffing firm."

(b) FICA TAX.—Section 3121 of the Internal Revenue Code is amended by adding at the end the following:

"(z) APPLICATION TO QUALIFIED STAFFING FIRMS.—In the case of a qualified staffing firm, described in section 7701(a)(47), paying wages to an individual performing services for a customer of such qualified staffing firm, the term 'employer' means such qualified staffing firm.".

(c) FUTA TAX.—Subsection (a) of section 3306 of the Internal Revenue Code is amended by adding at the end the following:

"In the case of a qualified staffing firm, described in section 7701(a)(47), paying wages to an individual performing services for a customer of such qualified staffing firm, the term "employer" means such qualified staffing firm.".

(d) DEFINITION.—Subsection (a) of section 7701 of the Internal Revenue Code is amended by adding at the end the following paragraph—

"(47) QUALIFIED STAFFING FIRM.—The term 'qualified staffing firm' means any person that is engaged in providing temporary or long-term staffing services to a customer pursuant to a service contract, and that with respect to workers performing services for the customer who are covered by the contract—

"(A) Has responsibility for payment of wages to the workers, without regard to the receipt or adequacy of payment from the customer for such services,

"(B) Has responsibility for reporting, withholding, and paying any applicable taxes under Chapters 21, 23, and 24, with respect to the workers' wages, without regard to the receipt or adequacy of payment from the customer for such services,

"(C) Has responsibility for any worker benefits that may be required by the service contract, without regard to the receipt or adequacy of payment from the customer for such services,

"(D) Has authority to hire, reassign, and dismiss the workers and has the contractual right to exercise this authority independent of the customer,

"(E) Maintains employee records relating to the workers, and

"(F) Has responsibility for addressing the workers' complaints, claims, filings, or requests relating to their employment, except as otherwise provided by existing collective bargaining agreements, if any, notwithstanding that some or all of the actions described in this subparagraph may be shared by the customer.".

SEC. 3. CODIFICATION OF EMPLOYER STATUS OF QUALIFIED STAFFING FIRM FOR PURPOSES OF PROVIDING EMPLOYEE BENEFITS.

Paragraph (20) of section 7701(a) of the Internal Revenue Code is amended—

(a) by redesignating the text of such paragraph as subparagraph (A);

(b) by adding the heading "(A) FULL-TIME LIFE INSURANCE SALESMAN.—" at the start of new subparagraph (A); and

(c) by adding at the end of paragraph (20) the following:

"(B) INDIVIDUAL COVERED BY QUALIFIED STAFFING FIRM CONTRACT.—For the purpose of applying the provisions of section 79 with respect to group-term life insurance purchased for employees, for the purpose of applying the provisions of sections 104, 105, and 106 with respect to accident and health insurance or accident and health plans, for the purpose of applying the provisions of section 101(b) with respect to employees' death benefits, for the purpose of applying the provisions of this title with respect to contributions to or under a trust which is part of a plan described in section 401(a) (other than a defined benefit plan), or to or under a plan described in section 403(a) (other than a defined benefit plan), including for this purpose elective contributions under section 401(k) and employee contributions and matching contributions under section 401(m), with respect to the tax-exempt status of a trust forming a part of such plan, and with respect to distributions under such a plan, or by a trust forming part of such a plan, for the purpose of applying section 125 with respect to cafeteria plans, for the purpose of applying section 127 with respect to educational assistance programs, for the purpose of applying section 129 with respect to dependent care assistance programs, for the purpose of applying the provisions of section 414(n), and for the purpose of applying the provisions listed in section 414(n)(3), with respect to such other benefits, plans, or programs as are described in section 414(n)(3), the term 'employee' shall include, with respect to a qualified staffing firm, any individual whose employer is considered to be the qualified staffing firm for the purpose of Chapter 21, 23, and 24. For these purposes, a change in the employment relationship between an individual and a qualified staffing firm or between the individual and a customer or former customer of the qualified staffing firm, as the case may be, whereby the individual becomes or ceases to be an employee of the qualified staffing firm under this subparagraph, shall be treated as the termination of employment and separation from service by the individual from the employment or service of the qualified staffing firm's customer or the qualified staffing firm, as the case may be.".

SEC. 4. TREATMENT OF LEASED EMPLOYEES IN EMPLOYEE BENEFIT PLANS.

(a) APPLICATION OF REQUIREMENTS CONCERNING CASH OR DEFERRED ARRANGEMENTS, MATCHING CONTRIBUTIONS, AND EMPLOYEE CONTRIBUTIONS TO LEASED EMPLOYEES.—Section 414(n)(3)(B) is amended by inserting "401(k), 401(m)" before "408(k)".

(b) PERMITTED COVERAGE OF LEASED EMPLOYEES BY RECIPIENT PLAN.—Paragraph (6) of section 414(n) of the Internal Revenue Code is renumbered as paragraph (8) and a new paragraph (6) is inserted to read as follows:

"(6) RECIPIENT'S PLAN.—

"(A) IN GENERAL.—A recipient may treat a leased employee who is an employee of a qualified staffing firm within the meaning of section 7701(a)(47) as its employee for purposes of providing such individual with employee benefits that are subject to the requirements listed in paragraph (3) or that are described in sections 104, 105, 403(b), 422, and 423. For purposes of the preceding sentence, a 'leased employee' includes an individual who would be a leased employee but for the requirements of paragraph (2)(B).

"(B) TREATMENT OF COVERED INDIVIDUALS.—An individual who receives employee benefits pursuant to subparagraph (A) shall be treated as an employee of the recipient for purposes of the provisions of this title that relate to the recipient's contributions or payments with respect to such benefits, the taxation of a trust, if any, providing such benefits, and the taxation of such benefits to the individual.".

(v) SPECIAL RULES FOR LEASING ORGANIZATION'S PLAN.—Section 414(n) is amended by inserting the following as paragraph (7):

"(7) LEASING ORGANIZATION'S PLAN.—

"(A) ELECTIVE DISAGGREGATION.—

"(i) GENERAL RULE.—A leasing organization that is a qualified staffing firm may elect to be treated as operating a separate line of business for purposes of section 414(r), without regard to the requirements of subparagraph (A) and (C) of section 414(r)(2), (I) with respect to those employees who perform services for a recipient and related persons, and who would be treated as leased employees of the recipient by for the requirements of paragraph (2)(B), and (II) with respect to those employees who do not meet the requirements of clause (I) and who perform substantially all their services for the leasing organization. In the event the leasing organization elects under this paragraph (7)(A) to be treated as operating separate lines of business, sections 105(h)(3) and (4), 125(c), and 410(b)(5)(B) shall be applied to the relevant plan of the leasing organization by treating the portion of the plan covering employees described in clause (I) as being maintained by the recipient with respect to which the separate line of business relates, and by treating such individuals as employed by the recipient.

"(ii) EFFECT OF DISQUALIFICATION.—If the plan of a leasing organization electing under this paragraph (7)(A) fails to satisfy the requirements of section 410(b) or section 401(a)(4), with respect to a separate line of business, only that portion of the plan covering the employees in such line of business shall be disqualified.

"(iii) TREATMENT OF RELATED PERSONS.—For purposes of this subparagraph (A), the term "recipient" shall not include any person that is a related person with respect to the leasing organization.

"(B) HIGHLY COMPENSATED EMPLOYEES.—Whether or not the leasing organization makes an election under subparagraph (A), section 414(q) shall be applied to employees of a leasing organization that is a qualified staffing firm by treating the employees who perform services for a recipient or related persons and who would be leased employees of the recipient but for the requirements of paragraph (2)(B) as employed by, and receiving compensation from, the recipient or the related person for purposes of determining whether the employees are highly compensated employees of the leasing organization.".

SEC. 5. REVISIONS TO SAFE HARBOR PROVISION.

(A) REVISIONS TO SAFE HARBOR PLAN REQUIREMENTS.—Subparagraph (B) of section 414(n)(5) of the Internal Revenue Code is amended to read as follows:

"(B) PLAN REQUIREMENTS.—A plan meets the requirements of this subparagraph if—

"(i) such plan is a money purchase pension plan or a profit-sharing plan, with a nonintegrated employer contribution rate for each participant which is at least 3 percent of that portion of the participant's compensation attributable to services performed for the recipient, and which is not dependent on the current or accumulated profits of the leasing organization or on whether the participant makes an elective contribution or employee contribution to such plan,

"(ii) such plan provides for full and immediate vesting,

"(iii) if the plan is a profit-sharing plan, such plan meets the distribution requirements of section 401(k)(2)(B) with respect to all employer contributions, and

"(iv) each employee of the leasing organization who performs services for the recipient immediately participates in such plan.".

(b) EXTENSION OF SAFE HARBOR RULE TO ADDITIONAL EMPLOYEE BENEFITS.—Paragraph (5) of Section 414(n) of the Internal Revenue Code is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ADDITIONAL EMPLOYEE BENEFITS.—To the extent provided for in regulations issued by the Secretary, in the case of a requirement described in subparagraph (C) of paragraph (3), this subsection shall not apply to any leased employee with respect to service performed for a recipient if—

"(i) such employee is covered by a plan or an arrangement that is maintained by the leasing organization and that meets such requirements as the Secretary shall prescribe in regulations, and

"(ii) leased employees (determined without regard to this paragraph) do not constitute more than 20 percent of the recipient's nonhighly compensated work force.".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act. In the case of a plan that covers employees who are providing services for a customer pursuant to a contract between a qualified staffing firm and the customer, and that was adopted and in effect before the date of enactment of this Act, such amendments shall not take effect until the first day of the first plan year that begins after the date of enactment of this Act, and the plan shall not be required to be amended to reflect this Act until the end of such plan year.

TRIBUTE TO HUNTINGTON COLLEGE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SOUDER. Mr. Speaker, in the context of a Congress and a society searching for the truth and meaning, integrity and consistency, it is a privilege for me to offer congratulations to an institution in Indiana's Fourth Congressional District that is dedicated to that and much more. September 20, 1996, marked the beginning of a year-long centennial celebration at Huntington College in Huntington, IN. This small, Christian liberal college is committed to one purpose, to equip men and women to make a Christian impact upon our world.

Founded in 1879 by the Church of the United Brethren in Christ, the college worldview was central to the curriculum and its people. The motto on the college's marquee is "* * * Ye shall know the truth and the truth shall make you free * * *" The wisdom of the Biblical passage is also at the heart of our Nation.

Many distinguished people have been associated with Huntington College during its 100-year history. I hope the people who should have been mentioned here, and were not, will forgive me. There are many faculty, staff, administrators, students, alumni, and friends who have helped the college through good times and bad. But I would like to mention just a couple of people with whom you might be familiar.

Former Congressman J. Edward Roush is an alumnus member of the board of trustees. Former Vice President Dan Quayle is a former adjunct faculty member. Dr. Eugene Habecker, president of the American Bible Society, is a former president of Huntington College.

The list could go on, but the last two people I want to mention in association with Huntington College come from humble beginnings as did Huntington College. Orville Merillat, a humble, God-fearing man, used his carpentry skills to begin what has been called America's premier cabinet company, Merillat Industries. His generosity has helped make Huntington College the dynamic institution it is today and his contributions to Christian endeavors around the world has been tremendous.

Finally there is "baby Hope," Guerline Espoire Cloutier, a young child discovered in Haiti by Huntington College students working on a missions trip during January 1996. She was afflicted by hydrocephalus. One of the coordinators of the trip, a parent of an HC student, and a family practice physician, offered to help. That child now has a second chance to live. Her example is so significant because Huntington College exists because the example of another baby born into jumble circumstances central to the Huntington College ideal, Jesus Christ.

Congratulations to Huntington College on its first 100 years.

ELECTRIC UTILITY DEREGULATION WILL SAVE AMERICAN FAMILIES BILLIONS OF DOLLARS A YEAR

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. DELAY. Mr. Speaker, I rise today, the last day of the historic 104th Congress, to introduce legislation that I believe will bring about a historic change in the way American families think about electricity. Now I know that electricity service isn't necessarily an exciting issue to most Americans, but I think when they learn about the hundreds of dollars a year they stand to save, they will sit up and pay attention.

What most American families don't realize when they get their electricity bill every month is that they could be paying a lot less. There are companies that are ready, willing, and able to sell them electricity for a lot less money, but are prevented from doing that by outdated laws. In the vast majority of cases, the current system forces consumers to buy electricity from only one company, and actually encourages those companies to charge consumers for services they don't need, want or use.

There are no logistical barriers preventing Americans from buying electricity for their homes and businesses in a competitive marketplace. The obstacles are political and legal, and it is our historic opportunity as legislators to remove these barriers for the common good. Electricity service in the United States is a $200 billion a year industry, and deregulation can save $60 to $80 billion a year, much of which will end up in the pockets of my constituents in Texas and families throughout America.

The bill that I am introducing today, the Consumers Electric Power Act, will put an end to the archaic electricity delivery system in the United States and will allow American families to purchase their electricity from any electric service provider in the country. The competition that this legislation will introduce to the electricity market will cause prices to plummet, improve the reliability of electricity service, and spur innovation in the electric service industry.

I know that deregulation is happening on a piecemeal basis at the State level, and that is good. But there is no reason that American families in one State, city, town or neighborhood should be forced to pay more of their hard-earned money than families in the next town over or down the street who have the ability to choose their electric service provider. The Federal interest in free and open competition requires that jurisdiction over the terms and conditions of access to the customer be Federal and not State—it is the only way that every American will see the benefits of competition in the electric service industry. The free market is a national system, one that will benefit every American family, no matter where they live.

Specifically Mr. Speaker, the Consumers Electric Power Act will guarantee that every customer has the right to choose their electricity service provider by January 1, 1998; ensure that electric service providers are allowed access to compete on a level playing field; preserve and strengthen the State authority with regard to universal service for consumers, universal access for electric service providers, and the promotion of conservation and economic development programs; outline the performance objectives of competitive transmission and distribution systems; and prospectively repeal the Public Utility Holding Company Act of 1935 and section 210 of the Public Utility Regulatory Policies Act 1978 after competition is affirmatively achieved.

This bill very clearly shows the direction that I believe deregulation of the electricity industry should take. I realize that this bill I am dropping today is by no means the last word on this subject. An issue this complex and important must harness the experience and expertise of those individuals who have spent years studying this issue and working in this industry—and who realized years ago that we must deregulate the electricity industry because it is the right thing to do for American families. Input from those Members of Congress who realize the importance of this subject is both expected and welcome.

Mr. Speaker, this Commerce Committee will be the forum for shaping this legislation and I look forward to working with Members of the Committee over the next year to shape a bill that will provide the maximum benefits for consumers. In particular, I want to recognize the importance of two Members of the House of Representatives who have opened the way for electricity deregulation. The Honorable DAN SCHAEFER, my colleague from Colorado, and the Chairman of the Energy and Power Subcommittee, has already introduced an excellent electricity deregulation bill, and I look forward to working with him on behalf of American families. His knowledge of this subject will be invaluable to Members of Congress as they craft electricity deregulation legislation. In addition, the Honorable TOM BLILEY of Virginia, the Chairman of the Commerce Committee, and the Member who will be responsible for bringing this legislation to the floor of the House, has already made this issue his highest priority for the 105th Congress. His determination and ability are sure to serve American families well in the coming years.

Mr. Speaker, by opening this industry to competition, we will not only implement the economic equivalent of a major tax cut, we will unleash a new era of productivity and creativity in this huge and vital industry to lead America into the new millennium.

At this time Mr. Speaker, I would like to submit the text of the Consumers Electric Power Act for inclusion in the RECORD. I hope that my colleagues will study the legislation in the coming months as they prepare to address this important issue in the next Congress.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumers Electric Power Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Consumer choice.
Sec. 4. State authority.
Sec. 5. Reliable and nondiscriminatory operation of transmission and distribution systems.
Sec. 6. Federal transmission tariff reform.
Sec. 7. Application of Public Utility Holding Company Act and Public Utility Regulatory Policies Act.
Sec. 8. Transition planning.
Sec. 9. Generating sources free to serve consumers and resellers.
Sec. 10. Applicability.
Sec. 11. Antitrust laws.
Sec. 12. Judicial review.
Sec. 13. Definitions.
Sec. 14. Federal power act.
Sec. 15. Effective date; savings provisions.
Sec. 16. Evaluation of effectiveness.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Low-cost and reliable electric service is integral to the vitality of the United States economy, the competitiveness of domestically made goods, and the quality of life of all Americans.

(2) Americans consume electricity worth more than $200,000,000,000 a year, approximately half of which is for residential purposes, making the monthly electric bill one of the largest expenses for most households.

(3) The cost of electric service has a direct effect on the price, profitability, and competitiveness of goods and services produced in the United States.

(4) Lower priced electric service can be realized by giving all American consumers the right to choose among suppliers of electric service in a competitive market, while maintaining, if not improving the reliability of service those consumers have come to expect.

(5) The development of vibrant competition in the retail market for electric energy will—

(A) reduce the costs of electric service to even the smallest consumers of electricity;

(B) reduce the costs to consumers benefiting from today's lowest regulated rates;

(C) create jobs as American businesses are able to lower costs and better compete in world markets and against foreign competition here at home;

(D) result in a more efficient utility industry; and

(E) reduce environmental impacts.

(6) Monopoly cost-of-service regulation of electricity has failed. It has stifled competition, resulting in high electric service rates for many consumers and few incentives for technological innovation and good customer service by utilities.

(7) High electric service rates are regressive, placing a disproportionate burden on poor ratepayers.

(8) High electric service rates divert consumer dollars that would otherwise be spent for purchasing necessary goods and services, savings, or investments that benefit the economy as a whole.

(9) Congress has authority to enact laws, under the Commerce Clause of the United States Constitution, regarding the generation, transmission, distribution, and sale of electric energy in interstate commerce at the wholesale and retail level. Only Congress can ensure that a competitive retail market is established throughout the United States on an expeditious but orderly basis.

(10) Regional and State variations require that State regulatory authorities should receive deference in certain decisions relating to electric service.

(11) Consumers of all utilities, whether served by regulated or nonregulated electric utilities (such as municipally owned utilities or rural cooperatives), should have the same rights to receive the benefits of competition and consumer choice.

(12) Consumer choice needed to produce renewable energy development that is market driven fulfills customer desires for clean energy supplies and encourages competition among different renewable technologies. Subjecting renewable energy technologies to the discipline of the free market will better allocate renewable resources and speed the commercialization of renewable technologies than traditional centralized government resource planning.

SEC. 3. CONSUMER CHOICE.

(a) FREEDOM OF CHOICE.—(1) Each person has the right to purchase electric service from any electric service provider, notwithstanding any other law.

(2) A Federal, State, or local authority may not deny or limit any person's right to purchase such energy from an electric service provider at a price and on terms and conditions freely arrived at.

(3) A Federal, State, or local authority may not discriminate, or authorize the discrimination, against any person who exercises that person's right to purchase such energy, subject to subsection (b).

(b) BAN ON EXIT FEES, SUBSIDIES, OR OTHER PENALTIES ON EXERCISING RIGHT OF CHOICE.—A Federal, State, or local authority may not grant any preference or protection from competition to any electric service provider. For purposes of this subsection, the terms "preference" and "protection from competition" include—

(1) any direct or indirect subsidy; and

(2) any exit fee or other levy imposed in connection with any purchaser who terminates a purchasing relationship with any seller, other than—

(A) a charge levied pursuant to provisions of a service contract that were specifically and freely negotiated and agreed upon by both parties (or generally applicable contract law) to such contract; or

(B) a nondiscriminatory access charge for funding service continuations under section 4(b) (relating to lifeline source).

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 1998.

(d) ALTERNATIVE CHOICES.—Nothing in this Act shall be construed to prohibit or otherwise restrict any electric energy purchaser from having that electric energy delivered through arrangements of the purchaser's choice. Any such alternative shall be consistent with regional or national reliability standards.

SEC. 4. STATE AUTHORITY.

(a) LOCAL DISTRIBUTION SERVICE.—Nothing in this Act shall affect the authority and responsibility of any State or local government concerning the obligation to connect consumers to the local distribution system and to ensure the adequate maintenance, safety, and reliability of such local distribution system.

(b) LIFELINE SERVICE.—The authority under subsection (a) includes the authority to provide for the continuation of service to residential customers unable to afford electric energy service, including the authority to establish nondiscriminatory local distribution access charges on any power delivered sufficient to cover the cost of such continuation.

(c) CERTIFICATION OF ELECTRIC SERVICE PROVIDERS.—No State may establish discriminatory requirements or other obligations for certification of electric service providers within that State. Nothing in this subsection shall affect the ability of a State to impose requirements necessary to preserve universal service, protect the public safety and welfare, ensure the continued reliability of the distribution system, and safeguard the rights of consumers.

(d) IF CONSUMERS MAKE NO SELECTION OF AN ELECTRIC SERVICE PROVIDER.—In the case of a retail customer who fails to select an electric service provider, the State may establish rules under which the customer shall be initially assigned on a nondiscriminatory basis to one of a variety of electric service providers that have filed service terms with an appropriate State authority and met any requirements described in subsection (c).

(e) ASSURANCE OF APPROPRIATE RATES FOR TRANSITION TO COMPETITION.—In order to ensure uninterrupted local distribution service, if nondiscriminatory unbundled rates are not in effect by the effective date of this section, interim rates prescribed in the transition plan under section 7 shall apply for any local distribution service until such time as State rates take effect.

(f) ADDITIONAL STATE AUTHORITY.—State and local governments shall retain authority over any specific matter not otherwise addressed in this Act, including—

(1) the continuation of universal service;

(2) conservation programs and initiatives;

(3) consumer choice with regard to renewable energy;

(4) research and development programs and initiatives; and

(5) any other matter deemed appropriate by a State or local government.

SEC. 5. RELIABLE AND NONDISCRIMINATORY OPERATION OF TRANSMISSION AND DISTRIBUTION SYSTEMS.

(a) OPERATION OF TRANSMISSION AND DISTRIBUTION SYSTEMS.—The Nation's transmission and distribution systems shall be operated to achieve the following objectives:

(1) Organizational separation within remaining vertically integrated firms, between individuals, assets, and systems dedicated to the operation of transmission and distribution systems and those involved in the provision of electric service.

(2) Nondiscriminatory access to the transmission and distribution systems whether for wholesale or retail sale of electric service.

(3) The prevention of preferential treatment (or protection from competition) by system operators toward affiliated service providers.

(4) Access to information on a nondiscriminatory basis concerning—

(A) availability of transmission and distribution service;

(B) operating conditions on transmission and distribution systems; and

(C) rates, terms, and conditions of any arrangement between, or information provided from, the transmission and distribution system operators and their affiliated electric service provider, if any.

(5) Ensuring that the transmission and distribution system operator—

(A) receives adequate and timely information from electric service providers regarding physical flows and physical transactions on the transmission and distribution system;

(B) has access to assets and resources it needs to maintain system balance in the event of unanticipated events or the failure of an electric service provider to perform; and

(C) has authority to implement Commission approved sanctions and penalties for the failure of electric service providers to conform to the tariffs governing access to the transmission and distribution system.

(b) COMMISSION AUTHORITY.—In order to ensure consumers' ability to access competing electric service providers, the Commission shall have the authority, by rule, order, or decision, to provide for nondiscriminatory prices, terms and conditions to transmission and distribution services. With respect to distribution services, the Commission shall defer to State authorities with respect to the matter reserved to the States in section 4. The Commission shall also have the authority, by rule, order, or decision, to take the actions necessary to fulfill the obligations imposed on it by this Act.

SEC. 6. FEDERAL TRANSMISSION TARIFF REFORM.

(a) INITIAL TARIFF REFORM.—By January 1, 1999, the Commission shall promulgate and make effective, rules which provide for nondiscriminatory access to transmission and distribution service as provided in this Act and which eliminate the barriers to competitive electric service presented by existing contracts and arrangements—

(1) between and among transmitting utilities governing the pricing, terms, and conditions of access to transmission and distribution facilities; and

(2) between transmitting utilities and any other entities (directly connected to such transmitting utility's transmission system) providing for the sale of power by such transmitting utilities to any other entities.

(b) CONTINUING REFORM.—The Commission shall by rule, order, or decision ensure that the existing electric utilities are not permitted to exercise market power in the sale of electric service. The Commission shall initiate proceedings following enactment, to be concluded on or before January 1, 1999, in order to determine the extent to which existing utilities have market power in the sale of electric services; and to consider and determine the means for mitigating such market power. In making and enforcing such determinations, the Commission shall have the authority to—

(1) restrict the ability of the electric utility, or its affiliates, to sell such services at market-determined rates, provided that such restrictions shall be limited to those areas and services where the electric utility has market power; and

(2) order the divestiture of assets and functions which are the source of market power, to the extent reasonably necessary to mitigate such market power, provided that such divestiture may include a variety of alternatives including outright sale, lease, or output contracts.

SEC. 7. APPLICATION OF PUBLIC UTILITY HOLDING COMPANY ACT AND PUBLIC UTILITY REGULATORY POLICIES ACT.

(a) PUHCA.—The Public Utility Holding Company Act of 1935 shall cease to apply to an electric utility subject to this Act or to any holding company (as defined in such Act) of such utility if each State in which such utility is providing electric energy services—

(1) determines that the retail customers served by such utility and its affiliates have the ability to purchase electric energy services in accordance with the provisions of section 3 of this Act; and

(2) notifies the Commission and the Securities and Exchange Commission of such determination.

(b) PURPA.—The provisions of section 210 of the Public Utility Regulatory Policies Act of 1978 requiring electric utilities to offer to purchase electric energy from qualifying cogeneration facilities and qualifying small power production facilities at the incremental cost to the utility of alternative electric energy shall cease to apply to an electric utility if each State in which such utility is providing electric services—

(1) determines that the retail customers served by such utility have the ability to purchase electric energy services in accordance with the provisions of section 3 of this Act; and

(2) notifies the Commission of such determination.

Nothing in this subsection shall be construed to affect any obligation under a binding contract to purchase electric energy entered into before the date of enactment of this Act.

SEC. 8. TRANSITION PLANNING.

(a) COMMISSION RECOMMENDATIONS.—Within 3 months of enactment, the Commission shall make a report to Congress providing its plan for effectuating its obligations under this Act, including any potential obstacles it identifies that could inhibit full and reasonably expeditious implementation.

(b) COMMISSION GUIDELINES.—The Commission may publish preliminary, nonbinding guidelines to facilitate timely compliance with this Act by electric utilities. Such guidelines shall be calculated to give notice of the direction and substance of the Commission's implementation of this Act to facilitate orderly transition and timely compliance, but need not be entirely incorporated in the Commission's final rules.

(c) UTILITY COMPLIANCE.—Nothing in this Act shall prevent utilities from submitting filings in advance of final Commission rules, nor prevent the Commission from making determinations on such filings subject to the final rules.

SEC. 9. GENERATING SOURCES FREE TO SERVE CONSUMERS AND RESELLERS.

No Federal, State, or local government authority may—

(1) regulate the pricing, terms, or conditions of service offerings by electric service providers; or

(2) except as provided in this Act, regulate who may engage in selling electric energy.

SEC. 10. APPLICABILITY.

This Act shall apply with respect to electric energy sold for use or resale within the 50 States and the District of Columbia.

SEC. 11. ANTITRUST LAWS.

Nothing in this Act shall be construed to modify, impair, or supersede the applicability of the Sherman Antitrust Act (15 U.S.C. 1 and following) and amendments thereto, the Clayton Act (15 U.S.C. 12 and following), and amendments thereto, regulations promulgated under such laws, and United States court decisions interpreting such laws.

SEC. 12. JUDICIAL REVIEW.

Judicial review of this Act, or any rule or order under this Act, within the meaning of section 551(4) of title 5, United States Code, may be obtained in the United States Court of Appeals for any appropriate circuit pursuant to the provisions of chapter 7 of title 5, United States Code, except that the second sentence of section 705 thereof shall not apply.

SEC. 13. DEFINITIONS.

For purposes of this Act—

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) ELECTRIC SERVICE.—The term "electric service" shall mean the provision or sale of electric energy and related goods and services including but not limited to billing, metering, equipment for monitoring, controlling, or managing the consumption or quality of electric energy, generation of electric energy, ancillary services, and other competitively provided goods and services, but shall not include transmission and distribution service.

(3) TRANSMITTING UTILITY.—The term "transmitting utility" has the meaning given such term in the Federal Power Act, including any Federal power marketing agency, and any other person, engaged in the business of electric energy transmission.

(4) UTILITY OR ELECTRIC UTILITY.—The terms "utility" and "electric utility" shall mean any entity which, as of the date of enactment, owns assets for the transmission or distribution of electric energy.

(5) TRANSMISSION AND DISTRIBUTION SYSTEM OPERATOR.—The term "transmission and distribution system operator" shall mean the entity or part thereof with responsibility for monitoring, contracting, and operating the transmission and distribution system.

SEC. 14. FEDERAL POWER ACT.

This Act shall supersede any provisions of part II of the Federal Power Act that are inconsistent with the provisions of this Act.

SEC. 15. EFFECTIVE DATE; SAVINGS PROVISIONS.

(a) EFFECTIVE DATE.—The provisions of this Act shall take effect 30 days after the date of enactment of this Act, except to the extent expressly provided otherwise in this Act.

(b) EXISTING CONTRACTS.—Nothing in this Act shall alter, diminish, or otherwise affect any rights or obligations under any contract existing as of the date of the enactment of this Act.

SEC. 16. EVALUATION OF EFFECTIVENESS.

Not later than 30 months after the date of the enactment of this Act, the Commission shall conduct, by rule, an evaluation of this Act and submit a report on such evaluation to the Congress. Such evaluation shall include each of the following:

(1) The extent to which electric energy rates have been reduced, and the combined cost of electric energy delivered to consumers, including the transmission costs.

(2) The level of service reliability provided to purchasers of electric energy.

(3) The extent of competition in the electric energy market.

SALUTING THE HONORABLE PATRICIA SCHROEDER OF COLORADO

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. STOKES. Mr. Speaker, I want to thank our colleague, ELEANOR HOLMERS NORTON, for reserving time today to honor a voice of reason, respect, and compassion in the U.S. House of Representatives, PATRICIA SCHROEDER. After 12 terms in this body, Congresswoman SCHROEDER is retiring as the longest serving woman in the House of Representatives. In this time, PATRICIA SCHROEDER has been an effective example of how women can enlighten Congress to bring about much needed reform.

PAT SCHROEDER has been a tremendous asset both to her colleagues in the House and to her constituents in Colorado's First Congressional District. Her commitment to public service and the progress of our country are noble and irrefutable. Her husband, son, and daughter will gain from PAT SCHROEDER's departure, but ultimately it will be the loss of the House.

Congresswoman SCHROEDER, who currently sits on the House Judiciary Committee, has also had a distinctive and prominent history on what was the House Armed Services Committee. Her persistence has led to increased roles and sensitivity for women in our military. As a result of PAT SCHROEDER's leadership, women are now allowed to fly in combat missions. Further, because of her advocacy against sexual discrimination and sexual harassment, policies and laws preventing such abhorrent acts have been in place in our military ranks and in the workplace. American taxpayers have also benefited from PATRICIA SCHROEDER's opposition to excessive military spending projects such as star wars, the B–2 bomber, and the MX missile system. Her independent streak has also advanced the prospects of peace and respect for human rights.

PAT SCHROEDER is no less the champion of civilian women, as she has tirelessly fought for legislation combating domestic violence, breast cancer, and family and medical leave for mothers. She has also fought vigorously for our environment, which is particularly treasured in a beautiful Rocky Mountain State such as Colorado.

A Harvard law graduate, a lawyer by trade, and a trailblazer by nature, PATRICIA SCHROEDER will continue to change the world. As a result of her arduous work in the House, women everywhere have made greater grains toward the equality and respect they deserve. Our air and water is cleaner. Our precious natural resources are better conserved and natural national treasures safely preserved. And as a result of PATRICIA SCHROEDER's work on House committee, our Nation's judiciary and military are more reasoned. The level of intellect and passion PAT brought to this body will remain her as her legacy, and I wish her well.

TRIBUTE TO CONGRESSMAN CLEO B. FIELDS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. JACKSON-LEE of Texas. Mr. Speaker, I congratulate Congressman CLEO FIELDS for his outstanding service as a Member of Congress. I thank Congressman JESSE JACKSON, JR. for organizing efforts among Members of Congress to recognize Congressman FIELDS for his service to our Nation.

Congressman FIELDS has represented the Fourth Congressional District of Louisiana with distinction since 1993. When he took the oath of office, he became the youngest Member of the 103d Congress. During his tenure in Congress, he has been an energetic and conscientious legislator.

As a member of the House Banking Committee, Congressman FIELDS has introduced legislation concerning GOVERNMENT check cashing, low-cost banking accounts, ATM disclosure, insurance disclosure, and tenant representation on public housing boards. He has also worked tirelessly to maintain the current provisions of the Community Reinvestment Act and the Truth in Lending Act.

Moreover, Congressman FIELDS has used his position on the House Small Business Committee to preserve and strengthen the Small Business Administration's 8(a) Program for minority and women-owned businesses.

Because of his strong interest in education, Congressman FIELDS founded the House Education Caucus, a bipartisan caucus, and served as its first chairman. Furthermore, he has been an active member of the Congressional Black Caucus [CBC] including service as chairman of the CBC task force on redistricting and the CBC task force on church burnings.

His deep commitment to our Nation's young people is evidenced by his creation of a congressional classroom for elementary and high school students in the Fourth Congressional District of Louisiana. This unique program has enabled students to expand their knowledge of the legislative process through mock legislative sessions and lectures from Members of Congress and members of the President's Cabinet.

I have enjoyed the opportunity to serve in Congress with Congressman FIELDS. I congratulate him for his outstanding public service and offer my best wishes on his retirement from Congress.

IN HONOR OF THE 6TH ANNUAL JAZZ AT DREW LEGACY MUSIC SERIES AND CULTURAL MARKETPLACE'S TRIBUTE OF DIZZY GILLESPIE AND CURTIS MAYFIELD AND THE IMPRESSIONS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. MILLENDER-McDONALD. Mr. Speaker, on October 5th and 6th, the Charles R. Drew University of Medicine and Science in Los Angeles will be celebrating its 6th Annual Jazz at Drew Legacy Music Series and Cultural Marketplace. This year, the festival will be honoring several of the best jazz acts in history—Dizzy Gillespie, Curtis Mayfield and the Impressions, H.B. Barnum, Melba Liston, and Al Grey, Sr.

John Birks "Dizzy" Gillespie is widely regarded as an icon of popular jazz music. His style, which came to be known as "bebop", has been emulated by musicians around the world. The ability to compose and arrange pieces combining his style with big band, synthesizing swing, bop and Afro-Cuban music earned him the respect of his famous colleagues, from Charlie "Bird" Parker and Bud Powell to Oscar Pettiford and Thelonius Monk. His collaboration with such artists increased his already astonishing creativity and talent and he was recognized by the State Department in 1956 and appointed as a cultural Ambassador to the United States. He will be recognized posthumously at the Drew festival, as is befitting an artist of his stature.

Curtis Mayfield and the Impressions are yet another example of musicians with the talent that sets them apart from others in their profession. Curtis Mayfield, Fred Cash, and Sam Gooden were three men dedicated to using their craft to positively affect the lives of those who listened to their songs. Their unique ability to lift spirits with their instruments and voices has been rewarded by a large following of fans and musicians alike, and an induction into the Rock 'n Roll Hall of Fame.

H.B. Barnum has been singing and playing the piano from the age of 4, and he has mastered every instrument from tuba to drums. H.B. Barnum is highly recognized as a conductor, composer, producer and director, and his credits include television commercials, award shows, and theatrical productions and concerts. His work has been performed by artists such as Aretha Franklin, Gladys Knight, Lou Rawls, Diana Ross, Dionne Warwick, Stevie Wonder, B.B. King and Frank Sinatra, just to name a few. Yet despite such a successful career, H.B. Barnum still finds the time to give to his community through activities such as feeding the hungry. He has received more than 1,000 commendations from groups as diverse as local organizations to Presidents of the United States.

Native Angeleno Melba Liston has distinguished herself as a performer, writer, arranger and composer for orchestras, big bands, jazz masters and outstanding vocalists for nearly five decades. Some of the most notable include Dizzy Gillespie, Duke Ellington, Count Basie, Cab Calloway, Quincy Jones, Gerald Wilson, Clark Terry, the Boston Pops, Brooklyn Philharmonic, Sarah Vaughn, Aretha Franklin, and Dinah Washington. She leapt over gender discrimination in her field and paved the way for other women to follow. Melba Liston has actively advocated the music profession, establishing the African-American Division of the Jamaica School of Music in 1973 at the invitation of the country's leaders and teaching at Jazzmobile in New York City and at the Pratt Institute Youth In Action Orchestra in Brooklyn. Her numerous commendations include the Universal Jazz Coalition for Outstanding Contributions to Jazz at the Fifth Annual Women's Jazz Festival, the Annual Black Musicians' Conference's Distinguished Achievement Award, and the highest citation at the 1975 Jamaica Jazz Festival.

Al Grey, Sr. is a pre-eminent trombonist, composer, arranger and educator, working with some of the greatest talents in the world, including Dizzy Gillespie, Benny Carter, Count Basie, Lionel Hampton, Jimmy Lunceford, Ella Fitzgerald, Sammy Davis, Jr., Tony Bennett, and Sarah Vaughn, just to name a few. He has played for every elected U.S. President since Franklin Delano Roosevelt, and at the White House for the 40th anniversary of the Newport Jazz Festival, and at the Inaugural Gala of President William Jefferson Clinton. His achievements have been documented by the International Association of Jazz Educators and the Thelonious Monk Institute and is also a clinician for the Clark Terry International Institute of Jazz Studies, the Lionel Hampton School of Music, the University of New Hampshire, East Stroudsburg University, Temple University, and other academic centers.

Mr. Speaker, these fine musicians have exhibited a wonderful talent and a great commitment to their profession. Tribute should be paid to each one for the contribution they have made for the enrichment they have provided to our lives. I look forward to joining Drew University in honoring these deserving artists.

TRIBUTE TO CONGRESSMAN BILL CLINGER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SHUSTER. Mr. Speaker, I rise today to honor my longtime friend and colleague BILL CLINGER who will be retiring at the end of this year. BILL and I have served together in the Congress and on the Transportation and Infrastructure Committee, formerly the Public Works Committee, since his first term in 1978. I have been fortunate enough to not only work with BILL on committee matters, but also have had the unique opportunity to work hand and hand with him on numerous issues which have directly impacted our neighboring congressional districts. Together BILL and I have been one the same side of many a battle, some of which we have won and some which we have lost, but I can say that you couldn't pick a better man with whom to go to war with.

Throughout his tenure in this body, BILL has earned a reputation as a man of integrity, class, and honor. To those of us who know him well we will particularly miss BILL CLINGER for his dry sense of humor, his commonsense leadership, and his no-nonsense approach to getting things done. On a personal note, I would like to thank you BILL for all your guidance, counsel, and most importantly your friendship over the years. At this time I will close Mr. Speaker, in wishing both BILL and his wife Julia continued success and happiness in whatever the future may hold for them.

TRIBUTE TO JOHN MYERS

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. BEVILL. Mr. Speaker, I rise to pay tribute to a man who has been one of my closest friends and colleagues since we came to Congress together in 1967. Congressman JOHN MYERS of Indiana has been one of the finest Members to ever serve in this body. And, I can't think of anyone I've enjoyed working with more.

As you know, for 18 years, I served as chairman of the House Appropriations Energy and Water Development panel, with Congressman JOHN MYERS serving as the ranking Republican.

For the past 2 years, Congressman MYERS has been the chairman and I have been the ranking Democrat. We switched chairs, but our panel has conducted its business in virtually the same manner. We have looked after the interests of our Nation, putting our party differences aside.

I never let a bill leave the committee room without Congressman MYERS' approval of every detail. And, he has extended the exact same courtesy to me.

As a result of this cooperation, we have been able to fund some of the most important public works projects in the country. And, we have funded some of the most critical energy research projects in the world.

We have done everything we could to help every State in the Nation to create jobs and a better quality of life for our citizens.

Under his able leadership, JOHN MYERS and I recently finished our annual energy and water development appropriations bill. I want to take this opportunity to thank JOHN for being such a good friend to Alabama over the years. He has worked for us, just as he has devoted himself to his constituents in Indiana and to our great Nation.

John Myers and I both realized long ago that a project that helps people in one State helps everyone in the long run.

I think I speak for both of us when I say that we leave as true friends and partners. JOHN, I wish you and your wonderful wife Carol all the best. You are the finest people I know and the country has certainly benefited from your outstanding public service.

TRIBUTE TO THE HONORABLE JAN MEYERS

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. LIGHTFOOT. Mr. Speaker, it has been my great honor to have served with my colleague from Kansas, Congresswoman JAN MEYERS.

JAN and I were both elected to Congress in 1984. As freshmen, we both had a lot to learn. Although, after a total of 17 years of distinguish service on the Overland City Council and in the Kansas Senate, JAN proved to be a quick study. Indeed, those of us in the Republican class of 1984 elected her to serve as both president and vice president.

JAN presently serves as chair of the House Small Business Committee. She is the first Republican woman to chair a legislative committee in the House since 1954, and the first woman to chair a legislative committee in the House since 1976.

As Representative from the Third District of Kansas and in her role as chair of the House Small Business Committee, JAN has served her district, State, and Nation well. She has been honored several times for her fiscal votes to cut the deficit and eliminate wasteful spending. She has been a tireless foe of tax increases and congressional payraises.

Mr. Speaker, it has been a great honor to have served with my good friend and colleague from Kansas, JAN MEYERS.

TRIBUTE TO THE HONORABLE JOHN T. MYERS FOR DISTINGUISHED SERVICE TO THE CITIZENS OF THE UNITED STATES

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SENSENBRENNER. Mr. Speaker, I rise today to honor the distinguished representative from Indiana, the Honorable JOHN MYERS. For the past 30 years, JOHN has faithfully represented the people of Indiana's Seventh District.

JOHN's service began not in Congress but in the Army during World War II. He was a private citizen for 20 years before being elected to Congress in 1966.

JOHN's service has been marked by his civility and cooperation with Members. JOHN's skills enabled differing sides often to reach a reasonable consensus on difficult issues. He has been a bipartisan Member whose efforts ensured the completion of many water and energy projects. In short, JOHN MYERS will be missed here in Congress.

On behalf of the citizens of Wisconsin's Ninth District, I thank the Honorable JOHN T. MYERS for his service to the House of Representatives and the United States.

RETIREMENT OF ANDY JACOBS AND JOHN MYERS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to two of the senior members of the Indiana delegation—ANDY JACOBS and JOHN MYERS—who will both soon retire after many years of distinguished service in this body. These dedicated public servants have each faithfully served their country and their constituents for 30 years as Members of Congress from Indiana.

JOHN MYERS has served the people of Indiana's 7th Congressional District since he was first elected in 1966. He will long be remembered for his thoughtful leadership on the House Appropriations Subcommittee on Energy and Water Development. Working in close cooperation with his colleague TOM BEVILL, Congressman MYERS helped shape Federal policies in the fields of energy research, watershed management and flood control, and waterway infrastructure. His reputation for fair, bipartisan cooperation is well-known and greatly admired. Whether he or Congressman BEVILL held the seat of chairman or ranking member, the subcommittee carried out its obligations with efficiency and comity. The Nation is the better for his involvement and interest in these issues.

Congressman MYERS also has a number of other legislative initiatives and accomplishments to be proud of. He served with distinction on the House Post Office and Civil Service Committee and the House Ethics Committee. He was a cosponsor of the Mammography Quality Standards Act of 1992. And he introduced legislation to allow States like Indiana to restrict the importation of out-of-State trash. But his most lasting legacy will be our Nation's waterways. The United States' ports, locks, dams, levies, and waterways in coming years will bear mute but eloquent testimony to his wisdom and leadership. And we, his colleagues, will certainly miss the gentleman from Covington, IN.

Indiana is also losing a notable Member of Congress with the retirement of Congressman ANDY JACOBS, ranking member and former chairman of the House Ways and Means Subcommittee on Social Security. Congressman JACOBS served the people of Indiana's Tenth Congressional District from 1964 when he was first elected until 1972, and then again from 1974 to the present.

ANDY JACOBS leaves behind a legacy of legislative initiatives and accomplishments that any Member would be proud of. A former law enforcement officer, ANDY worked to pass legislation to provide Government benefits to widows and orphans of public safety officers who are killed in the line of duty. In his 8 years as chairman of the Ways and Means Social Security Subcommittee and in the last 2 years as ranking member of that subcommittee, ANDY worked to improve service and efficiency at the Social Security Administration, and he worked to make the SSA an independent agency. He also served as chairman of the House Ways and Means Health Subcommittee from 1981 until 1985. In that capacity, he helped shape the changes made in 1983 that have kept the Medicare Program solvent. He worked to freeze physicians' fees, prevent doctors from charging patients extra fees, and expand Medicare benefits to cover occupational medical therapy.

I have worked closely with Congressman JACOBS on the Ways and Means Committee over the last 12 years, and I can vouch personally for his integrity, his intelligence, and his zany sense of humor. ANDY has been fearless in speaking out against what he sees as unfair or unwise policies—regardless of public support or opposition—and he has taken on powerful special interests, at least one which has worked unsuccessfully to unseat him. He has defended public employees—not always the most popular thing to do—and he has worked to raise cigarette taxes and protect smokers rights. A combat veteran, he was a critic of both the Vietnam war and the Persian Gulf war. Here, clearly, is a man who takes a stand on principle rather than polling. ANDY is also well-known for his frugality, and his wry, quirky sense of humor and his dry wit have shocked and amused his colleagues, congressional witnesses, and hearing audiences on countless occasions. The Ways and Means Committee will be a much less spontaneous place when he leaves at the end of this year.

It has been an honor to serve with ANDY JACOBS and JOHN MYERS. I want to thank them both for their many years of public service, and I wish both of them the best of luck in their future endeavors.

CELEBRATING GERMAN-AMERICAN DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. BONIOR. Mr. Speaker, I am looking forward to celebrating German-American Day, which is traditionally observed on October 6, with the community in Michigan. In community halls, homes, and places of worship across the Nation, German-Americans will be gathering to reflect on their heritage. In Macomb County, we will be gathering on Saturday, October 5, at the Carpathia Club in Sterling Heights. The local German-American club, chaired by Agnes Newman, will again be hosting the celebration.

Since the first German immigrants settled in America on October 6, 1683, German-Americans have made significant contributions to the heritage and culture of the United States.

Today, there are more than 50 million citizens of German ancestry in America. Together, we have forged a strong and lasting bond. Our two nations have made a strong commitment to strengthening the friendship between our two governments and our citizens. While the importance of the relationship between our two governments cannot be emphasized enough, it is the personal connections we make that will keep the relationship flourishing. We have been associated with several very good programs that help to do just that.

In Michigan's 10th District, we have been very closely associated with the Congress-Bundestag exchange program for young professionals. This year, we are hosting three Germans who we hope will benefit from the experience, and young people from our communities are guests in Germany. In addition to the Congress-Bundestag program, there are efforts such as the staff exchange that help to strengthen our bonds of friendship.

Mr. Speaker, in this spirit, it is a fitting tribute to German-Americans to again observe German-American Day and celebrate our friendship together.

MARKING THE BICENTENNIAL CELEBRATION OF THE A.M.E. ZION CHURCH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. STOKES. Mr. Speaker, I rise today to salute the African Methodist Episcopal Zion Church on the occasion of its bicentennial celebration. In just a few weeks, members of the A.M.E. Church will gather in New York to mark this special occasion. I want to share with my colleagues and the Nation some information regarding the A.M.E. Church.

Founded in 1796 out of racial persecution and religious discrimination, the A.M.E. Zion Church is one of the oldest African-American dominations. It includes a membership of 1.5 million people in 12 countries and spanning 5 continents.

Mr. Speaker, the A.M.E. Zion Church is known as the "Freedom Church of Liberation" because of its leadership in the abolitionist movement. Some of the most famous names in the struggle to abolish slavery, including Sojourner Truth, Frederick Douglass, Paul Robeson, and Harriet Tubman, were A.M.E. Zion Church members. It is interesting to note that A.M.E. Zion churches, including the Mother A.M.E. Zion Church, the oldest black church in New York City, were actual "stations to freedom" on the Underground Railroad. The stations not only served as safe havens, but also as a place to pray for continued success.

The African Methodist Episcopal Zion Bicentennial celebration marks two centuries of worship. Those gathered for the celebration will also pause to acknowledge the unselfish labors and sacrifices made by men and women throughout the struggle for religious freedom and equality.

Mr. Speaker, I take pride in saluting the A.M.E. Zion Church on the occasion of its bicentennial celebration. I ask that my colleagues join me in this special tribute.

TRIBUTE TO OUTGOING MEMBERS OF CONGRESS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to take time to offer my own thoughts and feelings about the Democratic members of the Texas delegation who are leaving this year—E KIKA DE LA GARZA, JOHN BRYANT, and RONALD D. COLEMAN. We have worked together on issues that have affected our great State of Texas and I want to express my continuing gratitude to them for their service in congress.

The 15th Congressional District in the Rio Grande Valley of Texas has had the able leadership of Congressman DE LA GARZA for 12 terms. He has been chairman of the House Agriculture Committee for 14 years, longer than anyone else. During his distinguished service he has supervised three major farm bills in 1981, 1985, and 1990. He led the reorganization of the USDA, overhauled the Federal Crop Insurance Program and helped to make sure NAFTA phase out tariffs on fruits and vegetables. His leadership will be missed and I wish he and his family only the best for the future.

JOHN BRYANT's seven terms in representing the 5th Congressional District in Dallas has been remarkable. His commitment to children and young people is reflected in his work on the Children's Television Act and the Children of Substance Abusers Act. He has consistently spoken out for lobby reform and his tireless work on immigration issues will not be soon forgotten. His strong voice for Texans will continue to echo through the halls of Congress.

RONALD COLEMAN's seven terms in representing the 16th Congressional District have been marked by his tireless efforts on the National Security Committee and the Appropriations Military Construction Subcommittee. His support of NAFTA and the military at Fort Bliss must be commended. He has truly protected our border with Mexico and his presence here in Washington will be missed.

I only hope that the distinguished careers of these outstanding gentlemen will continue in the same vain as they have served the people of Texas. My best of continuing good luck to all in whatever endeavors they may choose.

HONORING REPRESENTATIVES JACOBS AND MYERS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. ROEMER. Mr. Speaker, JACOBS and MYERS are not some law firm you hear about in late night commercials. They are rather, a team of two of the finest legislators that I have ever had the privilege of working with in this House.

ANDY JACOBS and JOHN MYERS have been colleagues, of course, but they have also been mentors and friends to me. When I was the newest Hoosier in the Indian delegation, they provided insight and direction and I still find invaluable.

JOHN MYERS has worked tirelessly for our State. His interest in our economic growth, the health of our farms, the state of our infrastructure, has led to an extremely productive career that has ensured the health of Indiana's economy and the well-being of our people. JOHN's trademark is a dedication to the work of the people first. He has never been attracted to partisan sniping, and instead has made his hallmark the cooperative, bipartisan efforts. He has been the source of restraint and gentility in a too-often fraction Congress. John will be sorely missed, indeed, he is already missed. But I suspect that he will be able to rest well, or take on new challenges, with a light heart knowing how much he has accomplished in his time in Congress. He earned his many returns to the House, and in turn has earned a rest for these labors.

ANDY JACOBS will be missed for many things. His dedication to our seniors and the strength of the Social Security system that protests them is well known. His time in office has been served simply and without attraction to perks or privileges. Andy has a soft spot for society's underdogs, and skillfully wields a sharp sense of humor on their behalf. There are few categories that you can easily place ANDY into: he defies definition as easily as he skewers the foolish and prodigal. His care for his constituents and his independent thinking have brought him repeated reelection without the many trials and trappings of the typical campaign. And, like JOHN, ANDY has always put people before party.

Mr. Speaker, I have also been known to put my constituents before party or President, and with these two as role models, doing the right thing has been obvious and rewarding. As JOHN and ANDY know, putting Hoosiers first is not always easy in the face of partisan pressure, but the broad respect that these two men enjoy in Congress, and especially home in Indiana, is all the encouragement I need to vote for my district and my constituents first. Their lessons to me have been invaluable, and I will not soon forget the lessons and impressions that they have gifted me with as a Representative from Indiana.

Both ANDY and JOHN are men of great humor, a dedicated work ethic, and warm and deep compassion. They have valued family and friends above all, maintained dignity and decorum in all their doings, and brought the very best of Hoosier common sense to Washington. Congress will be the poorer for having lost these good friends and leaders, but Indiana will have them always. They have also left their reutations,integrity, and successful laws imprinted on this institution. It will be a better place to serve due to ANDY and JOHN'S work. I am deeply proud to salute my friends and colleagues, here today, and I hope that ANDY and JOHN, and their families, know of my deep respect and lasting admiration.

WELCOMING THE BASIC TREATY BETWEEN HUNGARY AND ROMANIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. HAMILTON. Mr. Speaker, I rise to express strong support for the Treaty of Understanding, Cooperation, and Good-Neighborliness signed by the leaders of Hungary and Romania on September 16. This historic act will contribute significantly to the security and stability in Europe, particularly in Central Europe which traditionally has been plagued by territorial and ethnic disputes.

The negotiation and signing of this treaty is an important milestone in the process of historic reconciliation between Hungary and Romania. The treaty marks a firm commitment by the Governments and peoples of Hungary and Romania to respect each other's territorial integrity as well as the basic human rights of all their peoples' including the large ethnic Hungarian minority in Romania.

The willingness of the Governments of both countries finally to put to rest their past troubles caused by the presence of this large ethnic minority demonstrates their commitment to join the community of democratic nations in Europe.

We and our European allies must work together with the Governments of Hungary and Romania to ensure the free, fair, and full implementation of all the provisions of this treaty. It is essential that the critical elements of the treaty dealing with the protection of ethnic and linguistic rights be fully implemented and upheld at the local and regional as well as at the national levels.

The signing of this treaty is consistent with the principles of the partnership for peace and of the conditions which are guiding the process of the opening of NATO to new members. The study on NATO enlargement, adopted by the 16 NATO nations in September, 1995 states clearly that the resolution of ethnic and external territorial disputes will be an important factor in determining whether to invite a state to join the Alliance.

The signing of this historic treaty is a significant and welcome step in the building of a secure, stable, and unified Europe based upon shared democratic and humanitarian principles.

HONORING MS. E. JEAN GARY, ASSISTANT CHIEF TRIAL COUNSEL FOR THE STATE BAR OF CALIFORNIA AND OUTGOING PRESIDENT OF CALIFORNIA WOMEN LAWYERS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to honor an outstanding woman who has made countless contributions to her community, to the legal profession, and to the State of California, Ms. E. Jean Gary. I honor Ms. Gary on the occasion of her stepping down after her 1-year term as president of the largest association of women lawyers in the country, the California Women Lawyers.

It should be noted that Ms. Gary's term was historic not only for all that she accomplished, but also because she was the first African-American to head California Women Lawyers.

Although she is completing her tenure as president of the California Women Lawyers, Ms. Gary is by no means slowing down. As of January of last year Ms. Gary took a new position as assistant chief trial counsel, working for the newly appointed State Bar Chief Trial Counsel. Prior to this position, Ms. Gary was chief assistant court counsel to the State Bar Court.

In addition to her responsibility associated with her job and with California Women Lawyers, Ms. Gary has been active in the Black Women Lawyers, the California Association of Black Lawyers, and the John M. Langston Bar Association. Through all of these groups, and through her teaching and lectures, Ms. Gary has promoted and given support to women, especially women of color, who hope to enter the legal profession.

Mr. Speaker, colleagues, I join the California Women Lawyers in saluting Ms. Gary and in applauding the years of dedicated service which she has given to countless women throughout the State of California. I also wish her the best of luck in the years to come as she continues to serve as a mentor and an inspiration to women, to people of color, and to the any one who is interested in the legal profession. Ms. Gary will be saluted at a dinner on October 10, 1996, at an awards dinner which will be addressed by our Ambassador to the United Nations, Ms. Madeline Albright.

As I said earlier, I salute Ms. Gary and wish her the best of luck in her continuing efforts in the legal profession.

TRIBUTE TO HERB AND CHARLOTTE REED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. VISCLOSKY. Mr. Speaker, one of the remarkable qualities of Indiana's First Congressional District is the harmony between its massive industries and its exquisite natural treasures. One of the northwest Indiana's jewels is the Indiana Dunes National Lakeshore [IDNL] on the shores of Lake Michigan. Two outstanding individuals, who have dedicated their lives to successfully preserving the beauty of northwest Indiana, are Herb and Charlotte Reed. Herb and Charlotte are two of a select few people in the country to be named "American Heros" for their work to protect our national public lands.

Herb's direct involvement with the Indiana Dunes began in 1952, when he joined the Save the Dunes Council. Save the Dunes was formed to establish a dunes national park, as well as to preserve the Indiana Dunes, which were threatened by powerful political and economic interests trying to industrialize all of Indiana's Lake Michigan shoreline. As a result of the fine work of the Save the Dunes Council, the 5,800-acre Indiana Dunes National Lakeshore was established in 1966. Today, the park consists of approximately 15,000 acres, 2,182 of which are located in Indiana Dunes State Park and managed by the Indiana Department of Natural Resources.

In 1966, Charlotte joined the fight after Congress agreed to authorize the IDNL. She served as one of the very first park rangers and later became the Save the Dunes Council's first paid staffer. Since that time, Charlotte served as the Council's executive director from 1974 to 1992, and she currently serves as its assistant executive director.

Over the years, Herb and Charlotte have been actively involved in several other environmental organizations. In the late 1950's, Herb founded the Porter County Chapter of the Izaak Walton League, which is one of the region's strongest voices for environmental action. Charlotte is cofounder of the Hoosier Environmental Council.

Charlotte is a recipient of the Indiana Department of Environmental Management's [IDEM] Environmental Impact Award. She was chosen for this honor as a result of her advocacy on behalf of environmental protection issues during IDEM's formative years. Herb and Charlotte have both been recognized by several organizations for their joint efforts to preserve our natural treasures. Awards bestowed upon them include the 1990 Gold Cup Award from the Hoosier Environmental Council, the 1991 Gold Cup Award from the Hoosier Sierra Club, and two industry-sponsored awards.

As a result of the Reeds' work, a State and national park will forever protect 15,000 acres of Indiana's dunes, home to giant sand dunes, river forests, prairie lands, and bogs. The national lakeshore contains 1,400 plant species—only four national parks contain more plant diversity.

Herb and Charlotte Reed are dear friends and successful environmental activists. I cannot say enough about this exalted couple. Their efforts to create the national lakeshore in Indiana will forever remain a large part of the history of Indiana's First Congressional District. It seems only fitting that Herb and Charlotte live in a cabin enveloped by the national lakeshore. It is from this vantage point that they fought their four-decade war for the dunes, while at the same time raised their five wonderful children.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Herb and Charlotte for their commitment and valiant efforts to protect and preserve the environment for generations to come. Herb and Charlotte Reed are, indeed, living legends.

TRIBUTE TO CONGRESSMAN ROBERT WALKER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to a friend and colleague of mine who has served with distinction in this body for almost 20 years. The member, Mr. Speaker, who I speak of is the Honorable BOB WALKER of Pennsylvania.

BOB has earned a reputation in Congress as a leader with visionary ideas and strongly held conservative beliefs. His achievements as a Member of Congress are extensive and his influence on Pennsylvania and America will be felt long after he is gone from this body. Congressman WALKER is responsible for the Drug-Free Workplace Act, the Walker-Smith Taxpayer Debt Buy-Down Act, and the growth management study. As chairman of the House Science Committee, he has championed the Omnibus Space Commercialization Act, and has been a strong advocate of the scientific research which is so critical to the future of our Nation. BOB's tireless work on the Budget Committee has also distinguished him as a leader in the effort to reign in out-of-control Federal spending.

Since coming to Congress in 1977, BOB WALKER has proven himself as one of the most effective legislators in Congress. His accolades speak for themselves, and his opulent knowledge of the workings of this House and the issues that effect it, will be sorely missed on both sides of the aisle. Congressman WALKER is a man whose intelligence, class, integrity, and leadership have not only been beneficial to the people of Pennsylvania's 16th Congressional district, but to the country as a whole. Mr. Speaker, I am not only honored to have worked with BOB WALKER, But I am fortunate enough to call him my friend. At this time Mr. Speaker, I will close by wishing both BOB and his wife, Sue, the best of luck in whatever the future may hold for them.

TRIBUTE TO ANDY JACOBS

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. BEVILL. Mr. Speaker, I rise today to honor ANDY JACOBS of Indiana for his fine service in the U.S. Congress. As you know, ANDY was first elected in 1964. While he was out of office one term from 1972 to 1974, he has the distinction of being one of our longest-serving Members.

I have enjoyed ANDY's friendship over the years. We have frequently walked and talked together on the way to vote. I appreciate his stories and his sense of humor.

ANDY is a unique individual. I respect him for having the utmost integrity and I know that everything he does is carefully considered and well-reasoned. He has made an excellent career in public service by representing the best interests of his constituents, his State and Nation.

ANDY, I wish you every success in your future endeavors. Your many contributions will always be remembered and appreciated.

HONORING REPRESENTATIVE JOHN MYERS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. STOKES. Mr. Speaker, I want to thank our distinguished colleagues from the Indiana congressional delegation, Representatives LEE HAMILTON and DAN BURTON, for reserving this Special Order. We gather to pay tribute to the dean of the Indiana congressional delegation, JOHN MYERS, who is retiring at the end of this legislative session.

JOHN's retirement brings to a close a long and productive career in the Halls of Congress. For 30 years, he has represented the Seventh Congressional District of Indiana. His service to his constituents and this Nation has been exemplary. It has earned him our deepest respect and admiration.

Mr. Speaker, in addition to holding the post of dean of the Indiana congressional delegation, JOHN MYERS is the third most senior member of his party here in the Congress. He is a thoughtful and pragmatic lawmaker whose legislative record is a reflection of his strong commitment to public service. JOHN is a senior member of the House Appropriations Committee. He chairs the Energy and Water Development Subcommittee and serves as a member of the Agriculture and Military Construction Subcommittees. During his tenure, JOHN has also served on the House Ethics Committee and the Committee on Post Office and Civil Service.

Indiana's Seventh Congressional District has benefited as a result of JOHN's efforts. He has utilized his Appropriations Committee position to guarantee much-needed funding for flood control projects in his district. In addition, he has promoted scientific research at universities throughout Indiana. Throughout his career, JOHN MYERS has earned the reputation of a staunch fiscal conservative. He has voted against higher spending and opposed efforts to increase taxes.

Mr. Speaker, I have the greatest respect and admiration for JOHN MYERS. We have enjoyed a close friendship during our service together on the House Appropriations Committee and as former members of the Ethics Committee. JOHN is a man of the highest integrity and decency. He is also a gentleman and statesman. This has been demonstrated during the toughest committee deliberations and House floor debates. Throughout the deliberations, JOHN MYERS has been the voice of reason and compassion. For years, JOHN and I have had congressional offices across the hall from one another. I will miss his warm greetings during the course of the day and the special Indiana popcorn which my staff and I often enjoyed.

Mr. Speaker, on the occasion of his retirement, we pause to wish JOHN, his lovely wife, Carol Ann, and members of the Myers family our very best. JOHN MYERS is a credit to this institution. He leaves a legacy that will stand in the years to come.

TRIBUTE TO THE HONORABLE BARBARA VUCANOVICH

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. LIGHTFOOT. Mr. Speaker, it has been my great honor to have served with my colleague form Nevada, Congresswoman BARBARA VUCANOVICH.

BARBARA was elected to Congress in 1982. She was the first woman elected to a Federal office from Nevada and she was the first Nevadan to serve in a leadership position in the U.S. House of Representatives. Those of us who serve with BARBARA in the House elected her to the position of Secretary for the House

Republican Conference for the 104th Congress—a position which allowed her to help shape the direction of legislative policy.

I have had the great honor of serving with BARBARA on the Appropriations Committee, where she is known for her commonsense, integrity, and sound judgment. We have also stood side-by-side on a number of issues important to both of our States, as members of the Rural Health Care Coalition and the Congressional Sportsmen Caucus Foundation.

As Representative from the Second District of Nevada, BARBARA has served her district, State, and Nation well.

Mr. Speaker, it has been a great honor to have served with my good friend and colleague from Nevada, BARBARA VUCANOVICH.

TRIBUTE TO BOB MERKLE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. BONIOR. Mr. Speaker, I take great pride in rising today to ask my colleagues to join me in honoring Bob Merkle, who is retiring later this year after a long and distinguished career as an official with the United Auto Workers Region 1 and as a dedicated community activist.

Walter Ruether, the great UAW leader, once said, "the most important thing in the world is to fight for the other guy."

Mr. Speaker, that quote reminds me a lot of Bob Merkle, because for over 30 years, Bob Merkle has been organizing and educating and tirelessly fighting for the rights of working men and women in Michigan and our Nation. Through all of those years Bob has been guided by a fiery devotion to the interests of working families and a love of our community.

Bob started his career as an apprentice tool and diemaker at Enterprise Tool and Gear in 1956. Starting in 1960, Bob served as a plant chairperson and chief steward at Bendix Automation and Measurement. He was later elected vice president and then president of UAW Local 155. In 1979, Bob was appointed to the staff of UAW Region 1, where he served as CAP coordinator under Steve Yokich.

In addition to Bob's years of work with the UAW, he has also been tremendously active in local civic organizations. Bob has served his community on the board of Michigan Works, the Macomb Community Growth Alliance, and the Hamtramck Advisory Committee.

Bob and his wife Pat are both committed Democratic Party activists. Bob has served as a precinct delegate in Ira Township, on the Democratic State Central Committee and as a delegate to four Democratic Conventions. Both Bob and Pat have also devoted so much of their time to the 10th District Democratic Committee. And this year, Pat served as a delegate to the Democratic Convention in Chicago.

I have had the pleasure of knowing and working with Bob Merkle for nearly 20 years. On issues like NAFTA, and employee rights and job safety, nobody has worked longer, fought harder or been more committed. I am proud to call Bob and Pat close friends.

After a distinguished career working with the UAW for the rights of middle-income families, Bob will now move on to other pursuits. But all of us who know Bob know that whatever he chooses to do, he will continue to be a leader and continue to be guided by the principal that all of us have a responsibility to look out for our neighbor, and to improve our community.

I am pleased to call attention to Bob's years of dedicated service and to congratulate him on his retirement. I know that he and Pat have many years of happiness ahead of them. I wish them both the best and look forward to continuing our friendship and our association.

RECOGNITION OF 22 YEARS OF CONGRESSIONAL SERVICE CONGRESSWOMAN CARDISS COLLINS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to recognize the commitment and dedication of a fellow Member of this body, Congresswoman CARDISS COLLINS, representative from the Seventh District of Illinois located in the city of Chicago.

After 22 years of distinguished service, Congresswoman CARDISS COLLINS has decided to retire from the House of Representatives. Her departure will be missed by those like myself who have come to appreciate her wisdom and quiet dedication to good Federal Government.

Congresswoman COLLINS should not only be remembered as being the longest serving African-American woman in Congress, but as a political "trailblazer."

Congresswoman CARDISS COLLINS has been a vocal advocate on the behalf of women, children, and minorities.

Throughout her tenure in Congress, Mrs. COLLINS has worked diligently to improve the quality of health care for women and minorities. To this end, she wrote the 1991 law which extend Medicare coverage for mammography screening, thereby allowing millions of elderly and disabled women to receive this vital service. She was successful in sponsoring legislation which expanded Medicaid coverage for pap smears in order to better provide for the early detection of cervical and uterine cancers. In each of the past 4 years, the House has adopted Mrs. COLLINS' resolution designating October as National Breast Cancer Awareness Month, which has lead to greater awareness of the threat to women's health that this disease poses.

Mrs. COLLINS' legislative agenda has also focused on the need for increased awareness and research into the poor health status of America's minority populations. In 1993, she authored legislation which amended the National Institute of Health Revitalization Act to establish a permanent Office of Minority Health within the National Institute of Health [NIH]. As a result of her efforts, funding and research into minority health concerns have increased sharply and the NIH has become more responsive to the health needs of all Americans.

Congresswoman COLLINS has always been a vocal advocate for the protection and increased safety of our Nation's children. As chairwoman of the former House Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness, she was successful in enacting both the Child Abuse Prevention Act, which provides Federal grants to train teachers and develop curriculum in child abuse prevention, and the Child Safety Protection Act, which requires warning labels on toys with small parts and establishes safety standards for bicycle helmets.

One of Congresswoman COLLINS' most active areas of interest has been her resolve to achieve title IX gender equity in college athletics and she conducted hearings and investigations into the practices of our Nations' colleges and universities to comply with the law. In 1993, she authored the Gender Equity in Athletics Disclosure Act, a law which requires colleges to disclose data on their spending and participation rates for both men and women's sports. As a result of her work, female participation rates in athletics have increased dramatically.

Congresswoman CARDISS COLLINS has indeed made a difference in the lives of many Americans.

Congresswoman COLLINS, I thank you for your leadership and visionary work as a Member of the U.S. House of Representatives.

A TRIBUTE TO THE HONORABLE ANDY JACOBS FOR OUTSTANDING SERVICE TO THE CITIZENS OF THE UNITED STATES

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SENSENBRENNER. Mr. Speaker, today, I rise to pay tribute to the gentleman from Indiana, the Honorable ANDY JACOBS, who has loyally served the residents of Indiana's Tenth District for 30 years as their Representative in the U.S. Congress.

ANDY's service to our country began during the Korean war, when he served in the Marine Corps. In 1964, he was elected as a Representative from Indiana, a duty which he has honorably fulfilled for 30 years.

Throughout his service, ANDY has been a frugal and prudent guardian of Federal spending. He has supported the balanced budget amendment and the "A to Z" spending cuts. Furthermore, he played a key role in converting the Social Security Administration to an independent agency and in limiting employer's need to pay Social Security taxes for part-time domestic workers.

ANDY is a straightforward and unassuming leader who continually has demonstrated the ability to vote for what he believes is right. Political winds and pressure have not affected his decisions. ANDY's humor in the dining room and other places will be sorely missed. This body will be losing a great Representative and American when ANDY leaves here.

On behalf of the citizens of Wisconsin's Ninth district, I thank the Honorable ANDY JACOBS for his outstanding service to the people of the United States.

RETIREMENT OF CONGRESSMEN CLINGER AND WALKER

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. COYNE. Mr. Speaker, I rise today to tribute to two of the longest-serving members from the Pennsylvania delegation—BOB WALKER and BILL CLINGER—as the date of their retirement from this august body draws near. Their records of dedicated service to their country and their constituents are two of the most eloquent arguments against term limits that one could ever imagine.

While we represent very different constituencies and have very different views on a number of public policy issues, I have worked closely with Congressman WALKER and Representative CLINGER on a great many issues of importance to the people of Pennsylvania. The success of the Pennsylvania delegation in representing the interests of the residents of the Commonwealth is due in no small part to the ability of the Pennsylvania congressional delegation to repeatedly rise above partisan politics in order to serve our constituents.

BOB WALKER has served the people of Pennsylvania's 16th Congressional District for 20 years. He will long be remembered for his in-depth knowledge of the House legislative process. His parliamentary prowess was so well-known and admired that he was called upon to instruct House Republican freshmen in the rules and procedures of the House. I think that one of the highest compliments that one politician can give an adversary is that he effectively pursued his goals. BOB WALKER has certainly deserved that plaudit.

BOB is also known for his intense loyalty to his party and his friends. On the floor and off, he has labored tirelessly on behalf of his party—during the many years when House Republicans were in the minority as well as the last 2 years when they were in the majority. BOB WALKER is no fair-weather friend; he is patient, dedicated, and persistent. The dramatic use of congressional special orders by Congressman WALKER and a number of his colleagues transformed the nature of the congressional deliberative process and brought Congress into the electronic age. As a result of his persistent service and leadership, Congressman WALKER was rewarded with the Office of Chief Deputy Republican Whip, in which capacity he served with great distinction.

Through all the skirmishing on the House floor, however, BOB has maintained a keen interest in the space, science, and technology issues that have come before Congress—an interest that found expression in many years of service on the House Space, Science, and Technology Committee. As the new chairman of this committee, renamed the House Science Committee in the 105th Congress, BOB WALKER has presided over the consideration of legislation that may well shape public and private scientific research for years to come. His chairmanship has often been controversial, but no one questions his enthusiasm for the advancement of science or the sincerity behind his legislative initiatives. In just 2 short years, Chairman WALKER has made a lasting mark on Federal research policy and priorities.

In short, we will not soon forget BOB WALKER. The U.S. science policies in coming years will bear testimony to his thoughtful leadership. And we, his colleagues, will certainly feel his absence.

Pennsylvania will also lose a tireless advocate and ardent Government reformer with the retirement of Congressman BILL CLINGER, chairman of the House Government Reform and Oversight Committee. Congressman CLINGER has served the people of Pennsylvania's Fifth Congressional District since he was first elected as their representative in 1978, and he has served his constituents well. He worked to have the upper Allegheny River designated a wild and scenic river. He fought to curb the dumping of out-of-State garbage in rural landfills in States like Pennsylvania. And he has labored tirelessly to secure important public works projects in Pennsylvania's Fifth Congressional District.

In his 2 years as chairman of the Government Reform and Oversight Committee, BILL CLINGER has attempted to address the thorny albeit unglamorous issues of Federal acquisition reform, unfunded mandates, and the burden of Federal paperwork on the public. In this regard he has worked tirelessly on the critical task of streamlining and otherwise improving the day-to-day operations of the Federal Government. Chairman CLINGER also spearheaded congressional efforts in the 105th Congress to enact a line-item veto, and he introduced legislation to reform the Federal budget process by establishing a separate capital budget and protecting the trust funds dedicated to particular purposes. The merits of the specific initiatives aside, they all serve as evidence of the seriousness and dedication with which he has endeavored to serve the public throughout the 18 years that he has served in Congress. He will be missed.

It has been an honor to serve with them both, and to work with them on issues important to our great Commonwealth. I wish both of them the best of luck in their future endeavors.

ARMORED CAR INDUSTRY RECIPROCITY IMPROVEMENT ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mrs. COLLINS of Illinois. Mr. Speaker, H.R. 3431, amends the Armored Car industry Reciprocity Act of 1993, of which I was an original cosponsor. In the previous Congress, as chairwoman of the Subcommittee on Commerce, Consumer Protection and Competitiveness, I authored the Armored Car Reciprocity Act, after receiving testimony on the problems in obtaining appropriate weapons licenses for armored car personnel driving across State lines. We learned of two typical problems. In one case, drivers routinely cross State lines, such as between Maryland, Virginia, and the District of Columbia, or between Illinois and Indiana. In other cases, the Federal Government may contract with drivers to carry cash or food stamps across many States.

It was an administrative nightmare to license a driver for a weapons permit in each State. As a result, drivers often drove into States without a proper permit, and were sometimes detained. Our solution was a simple one, requiring each State recognize weapons of other States provided minimum requirements were met. These minimum requirements included periodic weapons training and background checks. I would note that even in the last Congress, we were cognizant of not placing new mandates on States, and the law was entirely voluntary for States. It was not an unfunded mandate.

I was pleased that the legislation did not get caught up in any battles over gun control, but was instead supported by organizations on both sides of that issue. It was particularly important to me that the law gave an incentive to States to improve their licensing process so that their weapons permits would be honored by other States. That is what happened in my State of Illinois, where weapons training had not been required in the past. The law was changed with the support of the industry to require such training.

In implementation and compliance with the Reciprocity Act of 1993, Public Law 103–55, certain technical issues have arisen, in large part due to the fact that between the time the armored car industry first approached Congress and now, there have been changes in the laws covering this industry, which are addressed by this bill before us today. Issues of licensing, training, renewal cycles, and details of background investigations are clarified and addressed by this noncontroversial bill.

H.R. 3431, makes changes in the statute regarding: First, the granting of reciprocity for the weapons license and all other necessary licenses so long as the armored car crew member has met all the requirements in his or her primary State; second, requiring a criminal record background check only when granting the initial license; and, third, eliminating the requirement that renewal applications be reissued annually. Nothing in the legislation affects any gun ownership laws, nor does it alter Federal law regarding requirements for the possession of a weapon.

I am pleased this vital legislation has been developed in a bipartisan fashion and I urge my colleagues to support H.R. 3431. I yield back the balance of my time.

A SILENT KILLER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. KINGSTON. Mr. Speaker, State Representative Dorothy Pelote of Savannah, GA has been educating the members of the Georgia General Assembly, as well as the entire State of Georgia, about the dangers of a silent killer, carbon monoxide poisoning.

In an effort to assist Representative Pelote, I am submitting the following information to educate my fellow Members of Congress as well as the Nation about the dangers of this deadly gas.

A SILENT KILLER

In September of 1995, tennis star Vitus Gerulaitis died in his sleep in his home from carbon monoxide fumes from a pool heater.

A Cleveland, Ohio man, John Reed, his three children, a family friend and the family dog all died shortly before Christmas from carbon monoxide poisoning as the result of a bird's nest blocking their home's furnace flue.

While deaths such as these are shocking, I was even more astounded to learn that more than 250 people die in their homes each year from accidental carbon monoxide poisoning and another 3,900 are made ill. (According to the U.S. Consumer Product Safety Commission.)

Most of the victims of this "silent killer," like Gerulaitis and the Reed family, fall asleep and never wake up.

According to an article by Cora Daniels, staff writer for the Asbury Park Press, carbon monoxide is a colorless, odorless gas that is a byproduct of incomplete combustion, or burning with limited oxygen. When it is inhaled, it is absorbed into the blood and displaces oxygen by latching onto hemoglobin, the molecule that carries the blood's oxygen throughout the body.

While early symptoms can seem like a case of the flu, increased exposure can cause heart attacks, brain damage, coma and death. The humans do not detect carbon monoxide until they have already been poisoned.

The gas is especially harmful to an unborn fetus, which can be permanently damaged while the mother goes relatively unaffected. Young children, the elderly, smokers and those with heart or respiratory conditions are also more at risk.

Better insulated houses resulting from the fuel crisis of the 1970's has lead to the increased dangers of carbon monoxide buildup. In most instances, carbon monoxide seeps into the home through faulty heaters that use fuels like oil, natural gas, kerosene, coal or wood. Carbon monoxide can also come from fireplaces with inadequate ventilation, clothes dryers, water heaters, and cars warming up in attached garages.

Since 1973, carbon monoxide detectors have been available, with approximately 20 different kinds of detectors on the market, costing anywhere from $50 to $100.

I urge the American public to be more aware of the hazards of this silent killer and learn how to prevent it from happening to themselves and their loved ones.

HONOR OF DR. JOHN N. LEIN

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. DICKS. Mr. Speaker, I rise tonight to honor Dr. Jack Lein, who has been a great friend to me and my office over the years during his long, distinguished career at the University of Washington. During Jack's 32-year career at the University of Washington, he has served in many capacities which encompass most aspects of modern medicine, medical and health sciences education, university administration, and Federal relations. At the end of this year, Jack will begin a well-earned retirement. The many skills that he brought to his job will be hard to replace. I want to join the many people in the University of Washington family to express our debt of gratitude to Dr. Lein for his decades of conscientious service.

Jack has spent most of his life in the State of Washington, having been born in Spokane. He received his MD degree from the University of Washington in 1955. After finishing his internship and residency in 1960, Jack returned to Spokane to begin an obstetrics and gynecology practice. After 4 years in his medical practice, Jack began his distinguished career at the University of Washington.

Although Spokane lost a good physician, the university gained a tremendous asset and advocate. Dr. Lein founded the University of Washington School of Medicine Continuing Medical Education Program and was its first director for 19 years. He was also assistant dean and then associate dean of the school of medicine. From 1965 through 1969, he was the director of the Washington/Alaska Regional Medical Program and was one of the founders of the widely acclaimed WAMI Program which set up a regionalized medical education system for Washington, Alaska, Montana, and Idaho. From 1970 until 1984, Jack was the State legislative liaison for the Health Sciences. For the past 29 years, he has coordinated all Federal relations for the university. Dr. Lein served as vice president for health sciences for 10 years making him the highest ranking administrative official ever to graduate from the University of Washington Medical School. Since ending his service as vice president in 1992, he has been the first full-time director of Federal relations, reporting directly to the university president. At the same time, he has continued to be a professor of obstetrics and gynecology.

During the years that Dr. Lein has headed up the Federal relations efforts, the University of Washington has become the No. 1 recipient of Federal contract and grant dollars among State universities nationwide. When Jack began his tenure, the university received $40 million in Federal dollars. For each of the last 3 years, these Federal moneys have totaled more than $400 million.

Dr. Lein's understanding of the relationship between a world-class university and the Federal Government reminds me of the dedication of the Warren G. Magnuson Health Science Center. Jack always known for his sense of humor, remarked to Senator Magnuson and the assembled crowd that he had better keep the Federal money flowing to the university or else we had just dedicated the world's largest Christian Science reading room.

The research that this money has helped fund has produced some very impressive results. Over the last decade, the University of Washington research programs have produced Nobel Prizes in medicine and physics, along with medical advances in bone marrow transplantation and a hepatitis B vaccine. Other achievements include assisting key State and regional industries through research into advanced materials and methods for aerospace and electronics manufacturing and for the growing bio-technology industry. The university has been key to advancements made in developing new methods for sustainable management of our fisheries and forest resources, which is vitally important for the district I represent. The university's research has led to patented technologies for more than 20 startup companies. And perhaps most importantly, this research has provided training for more than 8,000 graduate and professional students each year. These successes testify to the legacy that Dr. Lein is leaving at the University of Washington.

As Jack prepares to begin his retirement, I want to wish him all the best. I know, Jack, that you will be missed. Every happiness to both you and your family. As a graduate, I want to thank you for your dedicated service to the University of Washington. And for being such a good friend and advisor.

I look forward to being with you at many University of Washington football games.

HONORING CONGRESSMAN ANDY JACOBS OF INDIANA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. STOKES. Mr. Speaker, I wish to thank my colleagues LEE HAMILTON and DAN BURTON for reserving time today to honor a very distinguished Member of the House of Representatives, ANDY JACOBS. For three decades ANDY has served with integrity and distinction, and I have been proud to serve in Congress with him. I will miss my good friend, whose sage counsel I have sought throughout my tenure here. I will also miss our personal conversations punctuated by his legendary wit.

ANDY JACOBS is symbolic of the independent and intellectual vigor with which this body was founded. His care for people, as well as his capacity for reasoned and autonomous thought, has earned him the respect of both sides of the aisle. His ability to grasp a larger vision is characteristic of a valued breed of Representative that has progressed this institution throughout our history.

ANDY JACOBS was elected to Congress at the age of 32. He has since spent nearly that same amount of time dutifully serving the constituents of Indiana's 10th Congressional District. His efforts on the tax-writing House Ways and Means Committee have reflected his ability to always put the interests of taxpaying Americans first. His legendary thriftiness and ingenuity has saved the taxpayers hundreds of millions of dollars during his time here. Further, ANDY JACOBS' commitment to preserving Social Security was the impetus for separating it from the Department of Health and Human Services. This effort, which became law in 1994, is testament to his commitment to those who now rely on Social Security benefits and those who will in future generations.

ANDY has shown an independent streak on many issues, sometimes bucking his allies in favor of conventional wisdom on issues ranging from smoking to gun control. ANDY pioneered the designation of smoking sections on airlines and has been an ardent advocate of preventing smoking-related deaths. Further, ANDY JACOBS provided a crucial vote banning the use of large-capacity ammunition clips in assault rifles even though he is not a traditional supporter of gun control measures. It was a vote that was not influenced by powerful lobbies or partisan persuasion: it simply made sense to ANDY.

As a marine, police officer, lawyer, State representative, and U.S. Representative, ANDY JACOBS has served his State and our Nation with courage, pride, and honor. He is a good man and a good friend, and his principle and humor shall not be forgotten. I rise with my colleagues to wish all the best to ANDY JACOBS.

COLLOQUY: PROPOSED FCC RELOCATION

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. COBURN. Mr. Speaker, I would like to enter into a brief colloquy with Congressman LIGHTFOOT chairman of the Treasury, Postal Service Appropriations Subcommittee, concerning funding for the proposed relocation of the Federal Communications Commission. Mr. Speaker, I understand that at the request of GSA, a provision that would allow the Administrator of the General Services Administration to pay a portion of the costs associated with a proposed relocation of the FCC was included in the Senate committee report accompanying the fiscal year 1997 Treasury, Postal Appropriations bill, and during consideration of the bill in the fall this Senate provision was converted to statutory language. It is my understanding that this provision has been deleted from the Omnibus bill before us today.

I thank the Speaker. This plan calls for the FCC to nearly double the amount of space it occupies at the very time Congress is considering legislation to reduce the size of the agency, and it is extraordinarily expensive. Mr. Speaker, by specifically deleting the language allowing the GSA Administrator to pay for the relocation of the FCC, is it intended that the GSA Administrator specifically not be authorized to provide any funding for the proposed FCC relocation?

I thank the Speaker.

COLLOQUY: PROPOSED FCC RELOCATION

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. LIGHTFOOT. Mr. Speaker, that is correct. Several Members have raised concerns about the proposed FCC relocation and there is a sense among many Members that Congress should take a closer look at this matter before allowing it to proceed. As a result, we have specifically not included the provision you refer to.

That is correct. The GSA should not use funds appropriated to it to facilitate the proposed FCC move. Since the Commerce Appropriations Subcommittee denied requested funding for the relocation, the proposed move should not go foward until Congress has more closely examined the proposal. This matter involves the expenditure of tens of millions of taxpayer funds and it should be carefully reviewed before going forward. Until these issues have been resolved, I do not believe the proposed relocation should go forward. Accordingly, we did not include language allowing GSA to fund the proposed move and they should not use any of the resources provided to them for that purpose.

BREAST CANCER PATIENT PROTECTION ACT OF 1996

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. DINGELL. Mr. Speaker, I am pleased today to join my colleague, Representative ROSA DELAURO of Connecticut, in introducing the Breast Cancer Patient Protection Act of 1996. This legislation seeks to ensure that women and doctors—not insurance company bureaucrats—will decide how long a woman who has a mastectomy should remain in the hospital.

Breast cancer is physically and emotionally devastating. As Abigail Trafford stated in the Washington Post, "Breast cancer holds a unique place in the constellation of diseases. First, because it involves the breast, it challenges not just a woman's life, but her identity. [The breast] is the functioning symbol of motherhood and nurturing the young."

For any woman, facing breast cancer is one of her most frightening experiences. Learning that she must have a mastectomy, a surgical procedure that will change her body and her life, can be traumatic. An insurance company insults a woman facing one of life's great crises when it decrees that she must leave the hospital whether she is healed or not.

I realize that this legislation has little chance of enactment before this Congress concludes. Representative DELAURO and I, along with many other Members, have placed this on the table because we wanted every member of this body to think about it for the next 3 months. At the beginning of the 105th Congress, we will introduce similar legislation. It is our intention over this time to research the best, most effective ways to accomplish the bill's goals. That includes making sure we do not preempt responsible State legislation and that we define health plans to be consistent with the Kassebuam-Kennedy health insurance reform bill and with the MOMS bill providing 48-hour maternity stays that I introduced earlier this year, which was enacted as part of the VA–HUD appropriation bill.

Whether a patient is a young woman giving birth to a baby, or a woman having surgery to treat breast cancer, insurers have no right to interfere in decisions about treatments that are medically necessary and appropriate. This legislation seeks to make care, rather than cost, the driving principle of our health care system.

AMERICA'S ENERGY FUTURE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SCHAEFER. Mr. Speaker, I am extremely unhappy to see that today's budget deal again sells oil from the strategic petroleum reserve to meet short-term budgetary goals. This is the third sale in 2 years and there appears to be no end in sight.

This year we got a wake-up call about the state of U.S. energy security. Troops stationed in Saudi Arabia to protect United States interest in the region came under attack from forces hostile to the United States. Saddam Hussien is again on the move. Tensions in other parts of the Middle East continue to mount. At the same time, U.S. dependence on foreign oil, including oil from the Middle East, grew to unprecedented levels. And oil markets are reflecting this instability through their volatility.

Yet, despite all these signs, the administration and the House and Senate budget negotiators continue to give U.S. energy security the lowest priority. Last week, a witness testifying before the Senate Armed Services Committee stated that "* * * our national energy policy seems to be based, largely, on the policy of prayer." While I don't believe that it is true yet, this country certainly seems headed in that direction.

In the 1970's energy crisis became a term every American understood. In the years after the Arab oil embargo this Nation took several steps to increase our energy security. We created and filled a strategic petroleum reserve, we encouraged environmentally benign development of domestic energy resources, we encouraged fuel diversification and greater use of alternative fuels, we encouraged research and development of renewable energy resources, and we encouraged conservation and energy efficiency in all areas.

However, in recent years we seem to have forgotten the lessons we learned from the gas lines and energy shortages of the 1970's. Our current policies discourage development of domestic energy resources. We have placed large tracts of oil and gas bearing lands off-limits to exploration and development. We have to fight vigorously every year to keep renewable energy research budgets from being slashed.

And new we are selling oil from our strategic petroleum reserve just as fast as we can. Clearly, there are those who have forgotten that the SPR is America's first line of defense from those who would hold us hostage through our high level of dependence on imported oil. These oil sales are occurring not because of any energy shortage, but because the administration and the appropriators see an opportunity to use this oil reserve as a cash reserve.

However, when the reserve is used in this manner everyone loses. The American people paid over $200 billion to build and fill the strategic petroleum reserve. It costs approximately $35 to buy and store a barrel of oil in the reserve. When oil was sold from the reserve last year to help balance the budget, the Department of Energy received approximately $18 a barrel. It doesn't take an economics professor to tell you that you can't balance the budget by buying high and selling low.

In addition, when oil is sold from the reserve in a nonemergency situation it gives those who want to intervene in free markets, including our President, the ability to do so. This past April, even though there was no oil shortage, the President announced he would use authority he had to draw down the reserve in order to lower rising gasoline prices. Again, think to the 1970's if you have doubts about whether the Government should intervene in the free marketplace. I fully expect the President to use the authority we are granting him today to intervene in the marketplace again this winter.

Finally, when we sell the strategic petroleum reserve during anything less than an energy emergency the American people aren't just losing money, they are losing something more important: their energy security. At the rate we are selling oil from the reserve, in 2015 when the U.S. depends on foreign suppliers for as much as 68 percent of its daily oil consumption we will have less than 100 million barrels of oil left in the reserve. That scares me and I hope it scares everyone else.

America needs to pay more attention to securing its energy future. And we need to begin by stopping the fire sale being conducted at our Nation energy security reserve. If we don't stop these trends, the term "energy crisis" will again be part of the vocabulary of every American.

SUPPORT H.R. 4264

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. POMEROY. Mr. Speaker, today, I rise in strong support of H.R. 4264, a bill which marks an important step forward in our national effort to combat diabetes. The provisions of H.R. 4264 are identical to the provisions of two separate diabetes bills I have cosponsored this session, H.R. 1073 and H.R. 1074. These bills will for the first time provide Medicare reimbursement for outpatient self-management training for individuals with diabetes. They will also for the first time provide Medicare coverage for the blood-testing strips that diabetics use to monitor their blood sugar levels. The Congressional Caucus on Diabetes—of which I am a member, led by Representative ELIZABETH FURSE (D-OR), has worked hard throughout this session to get these bills passed, and I am glad that H.R. 4264 provides us with the vehicle to achieve this goal.

Diabetes is a particular problem for older Americans. Over 16 percent of Americans over the age of 65 have the disease, and over one quarter of the entire Medicare budget is spent caring for diabetic seniors. With coverage of self-management training and blood-testing strips under Medicare, Congress has recognized that efforts to combat diabetes must not focus solely on treatment of serious illness but also on education and self-management which can prevent serious illness. This preventive emphasis is not only cost-effective, but will result in greatly reduced human suffering.

Medical research has shown us that many of the most serious complications stemming from diabetes can be controlled through proper management by those who have the condition. According to Practical Diabetology, 90 percent of diabetes-related blindness is preventable, and 50 percent of diabetes-related amputations and hospitalizations are preventable. With coverage of self-management training and blood-testing strips, many more diabetic seniors will be able to head off these serious, and sometimes life-threatening, complications which can result from unbalanced blood sugar levels.

Mr. Speaker, I hope consideration and passage of H.R. 4264 indicates a renewed sense of urgency in Congress about combating diabetes. An area to which we must direct this sense of urgency in the coming months is the epidemic of diabetes among native Americans. Whether by granting the Indian Health Service [IHS] third-party reimbursement authority or by preserving IHS diabetes-control efforts as the agency downsizes and restructures, we must elevate our commitment to reducing the tragic incidence of diabetes among our native American population. Mr. Speaker, I urge by colleagues to support H.R. 4264 as the first important step in a renewed national effort to combat diabetes.

TRIBUTE TO CONGRESSMEN ANDY JACOBS AND JOHN MYERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. HAMILTON. Mr. Speaker, I would like to take this opportunity to pay tribute to the careers of two outstanding Members of Congress who are retiring this year: ANDY JACOBS and JOHN MYERS.

I have known ANDY and JOHN for many years, and have always had the highest regard for them. They are a true credit to this institution. Congress will miss them. The State of Indiana will miss them. And I will miss them.

It has been a great pleasure working with them over the years. They are individuals of remarkable integrity, dedication, and professionalism. They have, of course, had a tremendous impact on our great State and its people, as well as the citizens of this country.

ANDY and JOHN, will also be missed for the personal qualities they brought to their work. In national politics and in Congress we have seen a clear decline in basic civility. There have been far too many personal attacks and shouting matches, too much partisanship, and meanness.

ANDY and JOHN, in contrast, have long been models of civility and decency. They certainly have their views on issues, and have never been afraid to voice them. But they always have respected those with whom they have disagreed, and worked tirelessly to build consensus on some of our most difficult challenges. We can all learn from their example.

Their work has certainly been a mark of distinction. ANDY and JOHN have every right to look back on their service with a full measure of satisfaction. I have enjoyed greatly my association with them. They have been wonderful colleagues, and good friends.

I wish both ANDY and JOHN—and their families—all the best in their retirement.

TRIBUTE TO SUSAN LECRON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to commemorate the retirement of a dedicated community leader in our district, Susan LeCron. She is retiring after 20 years of service to the Toledo Botanical Gardens. Under her leadership as executive director, the Toledo Botanical Gardens has truly flourished. Her able hand has guided the gardens from 20 acres and a groundskeeper to a 60-acre nationally designated botanical garden, a staff of more than 30, and a budget which is 20 times greater than at the beginning of her tenure.

Although she is proudest of the gardens' children's programs, Susan's leadership has brought lustre to the Toledo Botanical Gardens: the creation of a master plan, a successful $2.2 million capital campaign, the construction of a pond system, shade and perennial gardens, a new maintenance facility, a greenhouse, the addition of 19-resident organizations, and the planting of the grand allee which leads to the doors of the future visitors center. Her dedicated perseverance and commitment to the growth of the Toledo Botanical Gardens has made it a premiere attraction of northwest Ohio.

Susan LeCron is a true community advocate and horticulturist. Her work and her vision are preserving a gift for our future. We thank her, wish her well, and know nature always will shower her legacy with splendor.

TRIBUTE TO CONGRESSMEN ROBERT S. WALKER AND WILLIAM F. CLINGER, JR.

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mrs. MORELLA. Mr. Speaker, I would like to join with my colleagues to pay tribute to two of my very esteemed retiring colleagues from the other side of the Mason-Dixon line, Congressman ROBERT S. WALKER, chairman of the Science Committee, and Congressman WILLIAM F. CLINGER, JR., chairman of the Government Reform and Oversight Committee.

The extraordinary years of public service of these two men have strengthened the principles of democracy which governs our Nation. BOB WALKER has acted as our tireless parliamentary floor leader protecting our rights when we were in the minority and has been a leader in developing the U.S. science and technology policy. BILL CLINGER has served the role of the administration watchdog, providing vigilant oversight and preserving the system of checks and balances—so important to our system of Government.

These two distinguished careers have been capped with their chairmanships, in this Congress, of the Science and Government Reform and Oversight Committees. As a member of both of their committees, these two gentlemen from Pennsylvania have had a deep and profound impact during my years here in Congress.

I have always treasured their insightful wisdom, their deliberate guidance, their sage counsel, and their continual courtesies. I wish them much health and happiness in their future as they conclude their congressional careers.

Like BOB WALKER, I have served on the House Science Committee since my first year in office—except BOB began in 1976, 10 years before I did. This year, he became the first Republican chairman in the history of the Science Committee, which is one of the largest in the House. I am honored to serve with BOB as his chair of the Technology Subcommittee.

The Technology Subcommittee has jurisdiction over our Nation's technology and competitiveness policy. BOB has been a strong supporter of enhancing our Nation's ability to compete in the global marketplace and has endorsed efforts to create a better economic climate for the development of new technologies. BOB's support was crucial in the enactment into law of The National Technology Transfer and Advancement Act of 1996, legislation which I authored.

During his tenure on the Science Committee, BOB has been a strong advocate of basic research. Through the years, he has been a consistent and principled advocate for his views on science and technology policy. As the chairman, BOB has focused on returning Federal research and development priorities to basic research.

As a former social studies teacher, BOB has been an avid promoter of math and science education. He has been a consistent and enthusiastic supporter of a manned space program and has led bipartisan whip teams to victory over many funding battles regarding the space station on the House floor.

BOB views space as an economic frontier that must be explored, and believes that the future of space and aeronautical research will rely on partnerships and relationships of the Federal research enterprise with entrepreneurs using risk capital to leverage Government capability. He is the author of a number of initiatives to promote space commercialization.

As chairman, BOB shepherded the Risk Assessment and Cost Benefit Analysis Act of 1995, which was part of the Contract With America, and the Hydrogen Future Act through the committee and the full House.

He also took the unprecedented step of securing House passage of all the committee's authorization bills in this Congress, thereby elevating science in the authorization process. Not only has this been unequaled in the committee, but BOB is also one of the few committee chairmen to have that distinction.

Additionally, I was very pleased to work closely with BOB to ensure environmental protection of Antarctica. Bob successfully pushed for House passage of the Antarctic Environmental Protection Act of 1996, which we expect the President to sign shortly.

This bill would provide the necessary legislative authority for the United States to implement the 1991 Environment Protocol to the Antarctic Treaty and preserve that fragile ecosystem for science and research.

In the committee, BOB has held a number of future-oriented hearings to discuss the importance of science and technology to our country.

There is a plaque hanging on the wall in our committee room which reminds us each time we enter that, "Where there is no vision, the people perish." (Proverbs 29:18) In his tenure on the committee, BOB has had a vision and he has, indeed, touched and influenced the future.

I am proud to have had the opportunity to serve with BOB on the Science Committee over the years. Good luck to you, BOB, and to Sue, as you return back to Lancaster.

It has also been an extreme pleasure to work with BILL CLINGER during the last 10 years that we have both served in the Congress, especially in the past 2 years on the Government Reform and Oversight Committee.

As chairman BILL has been an outstanding leader. His commitment to good Government has been unwavering.

While his recent oversight work has received much attention, I want to remind my colleagues of the unglamorous, detail-oriented oversight work that he has spent the majority of his time pursuing—that is, ensuring that our tax dollars are well spent and our Government is operating as efficiently and cost-effectively as possible.

Under his leadership, the Government Reform and Oversight Committee has tackled a wide range of important issues, including Federal employee benefits, Medicare and Medicaid fraud, FDA oversight, the war on drugs, teenage pregnancy prevention, unfunded mandates, the year 2000 computer crisis, and Federal agency oversight.

If it were not for BILL's thorough work, we would have never known the extent of the mistreatment of the White House Travel Office employees or the improper White House requests for over 700 FBI files of former Bush and Reagan employees.

I have enjoyed working with BILL very much, and I especially want to commend him for his fairness. I appreciate his willingness to listen to the sometimes dissenting views of his colleagues.

The Fifth District of Pennsylvania has been extremely well served for the last 18 years, and the Government Reform and Oversight Committee is losing a great leader. I will miss BILL as a leader and a friend, and I wish him, and his wife, Judy, all the best as he leaves Capitol Hill.

NUTRITION EDUCATION AND TRAINING PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. GOODLING. Mr. Speaker, today I am introducing legislation which provide funds for the Nutrition Education and Training Program [NET].

Enactment of this legislation is necessary to remedy a glitch in the funding of this program resulting from the enactment of the welfare reform bill. Since the 103d Congress, NET has been a mandatory spending program. The Appropriations Committee funded it as such for fiscal year 1997. However, the Personal Responsibility and Work Opportunity Act modified current law to once again categorize NET as a discretionary spending program. Since mandatory funds cannot be used to fund a discretionary program, NET is currently without a funding source for fiscal year 1997.

This legislation provides a total of $7.5 million in funding for the Nutrition Education and Training Program, to be derived equally from the School Meals Initiative for Healthy Children and the Temporary Emergency Food Assistance Act. As my colleagues are probably aware, questions have arisen regarding the operation of the Team Nutrition Program by the Department of Agriculture. In addition, there are carryover funds which can be used for Team Nutrition activities for the upcoming fiscal year. As such, I feel it is more than appropriate to transfer $3.75 million in funds from the Team Nutrition Program to the Nutrition Education Program.

Mr. Speaker, while the Nutrition Education and Training Program receives a minimal amount of funding, schools throughout the country use these dollars to promote healthy eating habits among our Nation's children.

In Pennsylvania, for example, funds are used to publish posters and other materials related to the dietary guidelines and the food pyramid. In addition, these dollars are used by the State to purchase items they can't buy with their State administrative funds, to train school food service personnel, and for the development of healthy meal menus and recipe guides. All of their NET funds go to kids and teachers.

Organizations, including the American School Food Service Association, the Food Research and Action Center, the National School Boards Association, the National PTA, Public Voice for Food and Health Policy, and the Association of State and Territorial Public Health Nutrition Directors, have written to Secretary of Agriculture Dan Glickman requesting that he take whatever action is necessary to ensure local funding for NET. He cannot effectively respond to this request without our assistance.

Mr. Speaker, I urge my colleagues to join me in amending the law to provide finding to the Nutrition Education and Training Program. This program is too important to allow it go without funding in the upcoming fiscal year.

TRIBUTE TO ALABAMA'S OLDEST FAMILY-OWNED NEWSPAPER, THE SOUTHERN STAR OF OZARK

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. EVERETT. Mr. Speaker, I would like to pay special tribute today to the accomplishments of a dear friend and fellow newspaper publisher in my congressional district, Mr. Joe Adams of Ozark, AL.

Joe Adams is the editor-publisher of the Southern Star, a weekly newspaper in Dale County which occupies a special place in Alabama history. This year the Southern Star turns 129 years old, and as such, is the oldest family-owned newspaper in the State of Alabama.

The Southern Star is widely known and respected in southeast Alabama having been created and shepherded by five generations of the Adams Family of Ozark: Joseph A. Adams, founder, 1867–87; Joseph H. Adams, 1887–1907; John Q. Adams Sr., 1907–25; Jesse B. Adams, 1925–52; John Q. Adams Jr., 1952–69; and Joseph H. Adams, 1969–present.

The Southern Star was recognized earlier this year for its unique statewide distinction by the Alabama Press Association, an organization of Alabama's newspaper publishers.

I have known Joe Adams for many years and am proud to call him a good friend, and I wish to congratulate him for his family's contributions to Alabama journalism.

ASSAULT ON TOBACCO FARMERS

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. HILLEARY. Mr. Speaker, I rise to talk about the Clinton administration's assault on the livelihood and well-being of some 18,490 tobacco farmers in the Fourth District of Tennessee. The FDA's newly imposed jurisdiction over the regulation of tobacco products will put these hardworking tobacco farmers in jeopardy and have no effect on reducing youth smoking. The restrictions imposed by the Clinton administration are nothing more than an attempt to dismantle this country's oldest industry and cause 92,000 workers in 16 States to lose their jobs.

Nobody thinks that minors should smoke. However, giving the FDA regulatory powers over tobacco and tobacco advertising is a misguided approach to reducing youth smoking. I've talked to the tobacco farmers in my district and they support the already strict laws imposed by the State of Tennessee to combat youth access to tobacco.

The State of Tennessee outlaws the sale or distribution of tobacco products to persons under age 18. The law prohibits the purchase of tobacco products by minors, or by an adult on behalf of a minor. They require retailers to post signs stating that sales of tobacco products to minors are illegal and require that all tobacco products must be sold only in original, sealed packages bearing the required Federal health warnings. The Department of Agriculture enforces these laws with stiff fines and penalties.

In 1992, Congress directed the States to adopt and enforce laws to reduce youth access to tobacco. Congress passed the Synar amendment directing States to regulate the sale of tobacco products to minors or lose Federal substance abuse grants. In order to receive these grants States must: Have in effect a law prohibiting the sale or distribution of tobacco products to persons under age 18; enforce the law in a way that can reasonably be expected to reduce the availability of tobacco products to minors; conduct annual, random, unannounced inspections of retailers to ensure compliance with youth access laws; and Report activities and successes to the Secretary of HHS annually.

In addition, there's strong evidence that shows advertising bans and restrictions do not reduce youth smoking. While tobacco ads are restricted or banned in several countries, these controls have had little or no effect on youth smoking rates.

For example, Norway has a complete ban on tobacco advertising, but has a higher percentage of youth smokers than the United States. The University of Helsinki researchers discovered that smoking rates among juveniles in Finland increased safer a complete ban on tobacco advertising was implemented in 1978. Smoking rates for this age group had been declining before the ban was implemented.

It's ironic that the FDA, under the leadership of President Clinton and Commissioner David Kessler, is waging a war on teenage smoking. They want to make sure that our kids don't get their hands on tobacco, but they don't want to make sure that our kids don't get their hands on illegal drugs.

The fact of the matter is that the drug policies of this administration for the last 4 years have not worked. Illegal drug use among teenagers has skyrocketed 78 percent. Marijuana use among teenagers has doubled over the last 4 years with nearly half the class of 1995 having tried drugs by graduation day.

There are no billboards, print ads, or event sponsorships provided by illegal drug purveyors to entice juveniles to use illegal drugs. This misguided approach by the FDA is just not acceptable.

Futhermore, I am worried about any FDA regulations that would jeopardize the first amendment. By mandating a black and white text-only format for tobacco product advertisement, the FDA ignores the significant protection afforded commercial speech. The Supreme Court has consistently affirmed significant protection for commercial speech, specifically ruling that the use of pictures, illustrations and color in advertising is fully protected by the first amendment. The measures proposed by FDA go beyond what is reasonable, and would result in a virtual ban on tobacco advertising.

The tobacco industry is a valuable part of the U.S. economy. It directly and indirectly supports 1.8 million jobs worth $54 billion in wages, in benefits, and contributes $6 billion to the U.S. balance of trade, according to a study by the American Economics Group. In addition, sales of tobacco products generate approximately $15 billion in excise and sales taxes each year for Federal, State, and local treasuries.

Mr. Chairman, these ill-advised regulations are a bad idea by an organization that is merely seeking out more power and authority. The Clinton administration and the FDA would rather hurt the mom and pop American farmer than lose an opportunity to increase the size of Government and its meddling bureaucracies.

It's time we realize that tobacco farmers aren't breaking the law so we should stop treating them like criminals.

It's time we leave the small tobacco farmer alone and let them get on with making a living. These newly imposed tobacco regulations are not going to stop one person from smoking, but they will hit rural communities across America with losses of thousands of jobs and dollars.

TRIBUTE TO ANDY JACOBS AND JOHN MYERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. VISCLOSKY. Mr. Speaker, I rise to pay tribute to the long and illustrious careers of my distinguished colleagues and good friends, ANDY JACOBS and JOHN MYERS. I have had the honor of serving with JOHN and ANDY since I was first elected to join Indiana's congressional delegation in 1984. Before that, I got to know them when I worked on the staff of the late Adam Benjamin, Jr. ANDY and JOHN have always demonstrated that they are men of impeccable character, honesty, and integrity. Indeed, Indiana and the Nation are fortunate to have had these two honorable and capable individuals representing their interests in the U.S. Congress for the past three decades.

Since he was first elected to represent Indiana's Tenth Congressional District in 1964, ANDY JACOBS has been a tremendous legislator. As a new Member of Congress, he helped to write the 1965 Voting Rights Act and led the House debate to help get the United States out of Vietnam. A member of the Ways and Means Committee, ANDY quickly developed an expertise in Medicare and Social Security, and he worked tirelessly to help improve the lives of millions of America's senior citizens. During his tenure in the House, he served as chairman of both the Health, Medicare, and Social Security Subcommittees. In this capacity, he was able to strengthen and enhance the Social Security Administration and the Medicare Program. Widely recognized as one of the most frugal Members of Congress, Andy put his money where his mouth is by being an early proponent of a balanced budget constitutional amendment.

the third most senior Republican in the House and the GOP Dean of Indiana's congressional delegation, JOHN MYERS has served in the House since 1966, when he was first elected to represent Indiana's Seventh Congressional District. Over the years, JOHN has earned the reputation as a staunch fiscal conservative, and he takes pride in the fact that he has never voted for a tax increase.

JOHN's leadership on the Appropriations Committee has been particularly distinguished. Since he began his service on the committee in 1970, JOHN has compiled a remarkable legislative record, punctuated by fairness and bipartisanship. Throughout his career, and, most recently, as chairman of the Energy and Water Subcommittee, he has used his experience to craft needed flood control projects for his farming-intensive district. However, JOHN's work on the subcommittee goes beyond helping out his constituents. He has been a longtime advocate for high-technology research, including progress in new cancer treatments, plant biodiversity, superconductivity, and general science at Purdue, Indiana State, and other Indiana universities.

ANDY JACOBS and JOHN MYERS will be sorely missed after they retire at the end of the 104th Congress. Indiana and the Nation will lose the invaluable experience of their combined 60 years in the U.S. Congress. I am happy, however, that ANDY and JOHN can look forward to spending plenty of time with their families. I would like to convey my best wishes to ANDY's wife, Kim, and their two boys, Andy and Steve. I would also like to tell JOHN and his wife, Carol, that they are lucky to have more time to spend with their two daughters, Carol Ann and Lori, and their two grandsons, Justin and Austin.

In closing, Mr. Speaker, I would like to thank ANDY JACOBS and JOHN MYERS for all they have done for me during my tenure in the Congress. In addition to being fonts of wisdom and experience, they were always there for me when I needed them—first and foremost as friends. JOHN and ANDY, I am a better person, a better legislator, and a better father, because I have known you. I wish both of you good and decent men every joy and happiness in life.

TRIBUTE TO CONGRESSMAN HAROLD FORD

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. DUNCAN. Mr. Speaker, I would like to take this time to recognize Congressman HAROLD FORD for his many years of service to our Nation. Congressman FORD has served the people of the Ninth District of Tennessee for 22 years and prior to that time served 4 years in the Tennessee State Legislature.

It has been a privilege for me to work with him on behalf of the citizens of Tennessee. Our State has always had a congressional delegation which works in a bipartisan manner on matters of importance to Tennessee. Congressman FORD has spent his congressional career serving on the most important committee in the Congress, the Committee on Ways and Means. He is now fifth in seniority on that committee and has played a leading role in its work.

He is recognized as a national leader and expert on child welfare because of his past service as chairman and present service as ranking member of the Ways and Means Subcommittee on Human Resources.

During his legislative career, Congressman FORD has achieved a well-deserved reputation for service to his constituents. His top priority has been to try to keep the Federal Government close and accessible to the people of his district.

He has helped thousands of people over the years, and I am sure he will continue to work hard for the citizens of Memphis in the years ahead. Although he has served in the House for 22 years now, he is still a young man, and I am sure that he has many good and active years ahead.

I would like to congratulate HAROLD FORD on the occasion of his retirement from Congress and wish him the very best.

HONORING REPRESENTATIVE CARDISS COLLINS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. STOKES. Mr. Speaker, I want to thank our distinguished colleague from the District of Columbia, ELEANOR HOLMES NORTON, for reserving this special order. I take pride in joining my colleagues as we pay tribute to CARDISS COLLINS, who is retiring at the end of this legislative session. For more than 22 years, CARDISS COLLINS has been the voice for residents of Chicago's Seventh Congressional District. She departs the U.S. Congress with a host of important achievements to her credit.

Some of us gathered in the Chamber today recall serving in the Congress with the late George W. Collins. Following his untimely death in an airplane crash, CARDISS was selected in a special election to fill the seat left vacant. She came to the U.S. Congress in 1973 and began a career that would include a number of important "firsts." In 1975, CARDISS became the first woman and the first African-American to hold the leadership position of Democratic whip-at-large. In 1979, she was named chairwoman of the Government Operations Subcommittee on Manpower and Housing, again the first woman and first African-American to serve in that capacity. Later CARDISS became the first woman and the first African-American to chair a subcommittee on the powerful Energy and Commerce Committee.

Mr. Speaker, CARDISS COLLINS serves as the ranking minority member of the Committee on Government Reform and Oversight. She is also the former chair of the powerful Congressional Black Caucus. Throughout the years, CARDISS has used her political skill to develop legislative remedies to address some of the problems that plague our Nation.

CARDISS has been unrelenting in her effort to improve the quality of health care for women and minorities. She has authored and supported legislation to address issues including breast cancer and infant mortality. She also authored legislation which resulted in the creation of the Office of Minority Health at the National Institutes of Health. Further, CARDISS COLLINS authorized both the Child Abuse Prevention Act and the Child Safety Protection Act. These measures were aimed at providing greater protections for America's children.

Mr. Speaker, in addition to her legislative assignments, CARDISS COLLINS has played a key role in shaping the Congressional Black Caucus. A fearless and tireless champion for the African-American community, she has been with us in the struggle for civil rights, equality, and justice. She has earned the respect of her colleagues in the CBC, and the admiration of people throughout the United States who know her as a thoughtful and compassionate legislator.

As she prepares to depart this Chamber, I am proud to join in this salute to my good friend, CARDISS COLLINS. We commend her for outstanding service to the U.S. Congress, the State of Illinois, and the Nation.

TRIBUTE TO THE MONTGOMERY COUNTY COMMUNITY COLLEGE ON THE DEDICATION OF ITS POTTSTOWN, PA, CAMPUS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to recognize the board of trustees, president, faculty, Montgomery County Board of Commissioners Meel, Buckman, and Hoeffel and students on the occasion of the dedication of the Pottstown campus of the Montgomery County Community College.

The Montgomery County Community College has long been known as the finest institution of its kind in the United States. The outstanding reputation of the college reflects the brilliance of the student body, the inspiration of the faculty, the dedication of the administration, and the enthusiastic support of the community.

The Pottstown campus of the Montgomery County Community College will become the new hub of higher education, business expansion, cultural outreach, and job creation for the tricounty area.

U.S. Representative TIM HOLDEN joins me in this special salute to the Montgomery County Community College which is known as the crown jewel of the community college system in the Commonwealth of Pennsylvania.

By adding a western campus for the college, many students, part and full time, will have the opportunity to obtain their college degree. Without the creation of this Pottstown campus, local residents, many of whom are raising their families and holding down several jobs at once, would not have been able to attend such a fine institution of higher learning.

The birth of the western campus of the Montgomery County Community College will, in part, be the sparkplug for a renaissance for Pottstown to achieve new heights. The mayor of Pottstown, borough council, borough manager, State representative Robert Reber, State senator James Gerlach, the Tri-County Chamber of Commerce, the Pottstown Mercury, Pottstown civic and fraternal groups, and the residents of Pottstown deserve a great deal of credit for putting Pottstown on top and helping to make the dream of the new college campus a reality.

Finally, we applaud those who never stopped working toward our goal of establishing this great new college campus in Pottstown. Your perseverance inspired the entire community to work together for the greater good.

LEGISLATION TO PRESERVE GREAT FALLS HISTORIC DISTRICT IN PATERSON, NJ

HON. WILLIAM J. MARTINI

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 1996

Mr. MARTINI. Mr. Speaker, I rise today in support of this legislation which includes the Preservation of the Great Falls Historic District in Paterson, NJ—a city in my congressional district.

During the 103d Congress my predecessor, Representative Herb Klein, introduced the Great Falls Preservation and Redevelopment Act of 1994. The House of Representatives passed on April 13, 1994. However, this bill failed in the U.S. Senate at the end of the 103d Congress. Unfortunately, a Democratic Congress with a Democratic President was unable to accomplish this important preservation.

At the beginning of the 104th Congress, Senator LAUTENBERG introduced S. 188, the Great Falls Preservation and Redevelopment Act. As the representative for the Paterson area, it was my responsibility to fight, on the House-side, to make sure the Great Falls language was included in this package.

After all, it is reported that Alexander Hamilton and George Washington, while traveling to the Dey Mansion in Wayne, NJ, stopped and viewed the Great Falls and were extremely impressed by the power it generated. Inspired by this source of energy, Hamilton envisioned the Great Falls area as a manufacturing mecca that would free the United States from dependency on foreign manufactured goods.

In 1791, with the founding of the Society for Establishing Useful Manufacturers [SUM] by Hamilton and the development of a raceway system designed to harness the power of the river, America began to demonstrate the profitability of manufacturing on its own soil.

Through tremendous support from the Governor of New Jersey and the New Jersey Legislature, Paterson established itself as the country's first manufacturing center which led to the evolution and development of the United States as an industrial nation. The energy source of Great Falls was the magnet that created the idea of Paterson, NJ, and it was the entrepreneurs and the people of the area that made the city an industrial powerhouse. Great Falls and the surrounding community are a testament to American ingenuity and the great dream that so many have come to the United States to pursue.

At the beginning of my term I went on record stating that if the Senate acted on the Great Falls legislation, which they had failed to do in the past,"I would shepherd it through the House." As such, I worked in close contact with the Resources Committee to secure this preservation and redevelopment language. A May 20, 1996, response from Chairman DON YOUNG to my May 14, 1996, letter indicated that he had "serious reservations" over the "appropriateness" of Federal involvement given budget restraints and questions of vagueness in the provision's legislative language.

The language incorporated into this bill properly corrects the Chairman's concerns by allowing the Department of Interior to make grants or enter into cooperative agreements with the State of New Jersey, local governments, or private nonprofit organizations to develop resources within the Great Falls Historic District. Whether a private or public cooperative venture, the Department of Interior would shoulder only 50 percent of the costs. The provision would authorize $250,000 for grants and cooperative agreements for the development plan, $50,000 for technical assistance, and $3 million to implement development projects.

I would like to thank the Chairman for his work on Great Falls' behalf, as well as thank Mr. Norm Robertson, a Passaic County Freeholder and former president of the Passaic County Historical Society who has worked diligently toward this end. Through the realization that specific projects should be sited to ensure that Federal redevelopment money goes directly to the brick and mortar projects that the district desperately needs, we have accomplished an agreeable solution and practiced good government.

Passage of this bill represents yet another great accomplishment of the 104th Congress. While others tried in the past to protect Paterson's heritage, this Congress clearly gives our Nation's history the respect it deserves.

COMMANDER RICHARD W. JONES

HON. JAMES L. OBERSTAR

OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 1996

Mr. OBERSTAR. Mr. Speaker, I am very pleased to recognize and commend Commander (select) Richard W. Jones for his outstanding service and impressive accomplishments as commanding officer of the Naval Reserve Center in Duluth, MN.

During his tenure, Commander Jones increased the readiness capability of his assigned reserve units and his units provided substantial support to the active U.S. Navy. Commander Jones designed and established a metal working shop and a computer repair shop; as a result, his personnel are better trained, and the products they produce are shipped to active duty ships.

I am most impressed with the dedicated commitment of Commander Jones to improve the quality of life for the sailors and officers assigned to the Naval Reserve Center Duluth. He funded, partially at his own expense, a weight lifting gymnasium for use for all members, and his leadership, through example, bolstered the health and fitness awareness at the NRC Duluth. As a result of his leadership to improve the facilities at the reserve center, the morale of reservists and staff is at an all-time high.

These achievements have not gone unnoticed. The Naval Reserve Center Duluth earned the Sidney Fields Trophy from the Naval Reserve Association this past January as the Nation's best reserve center.

I am very pleased to commend Commander (select) Richard W. Jones for his significant contributions to the Naval Reserve Center Duluth and his superb service to the people of northern Minnesota.

THE BLACKSTONE RIVER VALLEY HERITAGE CORRIDOR

HON. PATRICK J. KENNEDY

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 1996

Mr. KENNEDY of Rhode Island. Mr. Speaker, it is my pleasure to offer my full support for the Blackstone River Valley National Heritage Corridor which is being reauthorized by the House.

The legislation today expands the size and scope of the Blackstone River Valley National Heritage Corridor to four new communities which share the historical and environmental history of the 20 cities and towns already located within the existing corridor boundaries. The reason for this expansion is simple. The program is extremely successful and will bring economic revitalization, as well as expand a growing sense of pride, to thousands of people in Rhode Island and Massachusetts. The new areas also add to the wholeness of the valley, encompassing critical watershed lands and historical connections, like Burrillville's well-preserved mill villages and Smithfield's apple orchards.

Authorized as a National Heritage area in 1986, the corridor has successfully served as a national model for economic revitalization through historic preservation. The program took on national significance because of its unique ability to capture and preserve many of the 18th and19th century industrial innovations which have developed along the Blackstone River.

In fact, it was along this river that the widespread industrial use of water power in the United States was first developed at Samuel Slater's Mill in Pawtucket in 1790. The mil, which still stands today, has become an icon of the American Industrial Revolution and a main point of attraction for visitors to the Blackstone Valley. To be sure, it was in the Blackstone River Valley that America began its transformation from an agrarian to industrialized nation.

Unfortunately, with many of the manufacturing mills long gone, the region has had to readjust its economic focus. The establishment of the Heritage Corridor has served as a primary force behind the redevelopment of a region faced with hard economic times. By building on the historic qualities and vast natural resources of the Blackstone Valley, the National Heritage Corridor has inspired the growth of many industries like recreation and tourism.

In my own State of Rhode Island, the Blackstone Valley generates about 10 percent of our $1.47 billion tourism industry through projects like park improvements, riverboating, nature preserves, and the visitation of historical sites. This figure becomes even more profound when we consider that the tourism in the valley is growing at 11 percent a year, making travel and tourism the second fastest growing industry in Rhode Island.

The successes of the Heritage Corridor, however, are not limited to just tourism. The rebirth of the region has reduced unemployment in 1982 from 14 percent to just over 6 percent in 1995. This has been a direct result of the role that small business have played. In response to many of the economic development projects along the corridor, Main Street businesses are retooling, and other ventures, like hotels and restaurants, have become a part of the economic rebirth in the Blackstone Valley.

Ultimately, the effectiveness of the National Heritage Corridor can be traced to a successful public-private relationship. Through the help of the Blackstone Corridor Commission, a partnership between Federal, State and local agencies, along with the private sector, has worked together to fund a variety of projects in the corridor.

In many cases every Federal dollar spent is matched by one or more dollars of privately raised funds. Of particular note is the Blackstone Valley Explorer, a 49-passenger riverboat which was constructed in 1993 with funds raised from local corporations, communities, private citizens and the National Park Service. To date, the Explorer has shown the recover of the valley to more than 43,000 passengers and had a direct economic impact of more than $1 million. That represents a 28-to-1 return on the Federal Government's investment.

In all, the corridor, which covers 46 miles of land from Worcester, MA, to Providence, RI, is a prime example of what a federally sponsored program should represent. The additional funds that we are requesting will be used to reauthorize the Corridor Commission for an additional 10 years and expand the park's boundaries from 250,000 to 400,000 acres. All of these funds will be matched by non-federal dollars.

I want to thank all the members of the House Resources for their commitment to our national heritage areas and their hard work on this bill. It has also been may honor to work with the members of the Interior Appropriations Subcommittee who demonstrated their support for the Blackstone during this years appropriations process.

INTRODUCTION OF THE BREAST CANCER PATIENT PROTECTION ACT OF 1996

HON. ROSA L. DeLAURO

OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 1996

Ms. DELAURO. Mr. Speaker, I rise today to introduce the Breast Cancer Patient Protection Act of 1996. I want to thank my colleagues, Representatives DINGELL, SANDERS, COSTELLO, FOGLIETTA, MORAN, LOWEY, PALLONE, MEEK, LOBIONDO, PELOSI, NADLER, ESHOO, MALONEY, NORTON, CLAYTON, and SLAUGHTER, for joining me as original cosponsors.

As an active participant in the fight for health care reform, I continue to believe that were must reform the health care system to provide quality care for all Americans. Particularly important is ensuring that women receive equitable treatment in our Nation's health care system.

This year, approximately 184,300 mothers, daughters, and grandmothers will be diagnosed with invasive breast cancer. Another 44,300 women will die from this disease. With every one in eight women developing breast cancer, virtually every family in America is vulnerable to this disease. That's why today I am filing a bill that sets a minimum length hospital stay for patients undergoing breast cancer treatment such as mastectomies at 48 hours and at 24 hours for lymph node removals.

Standard surgical treatment for breast cancer includes mastectomy, lymph node dissection, and lumpectomy. Over the last 10 years, the length of hospitalization for patients undergoing mastectomies has dwindled from 5–6 to 2–3 days. Patients undergoing lymph node dissections were hospitalized for 2–3 days. Hospitalization is essential for pain control and for the management of fluid drainage from the operative site. The less tangible, but still important benefit of hospitalization is to provide a supportive surrounding for the patient to address the psychological and emotional reactions inherent to having breast cancer, that is, depression, anxiety, and hostility.

Now, under pressure from managed care organizations to reduce costs, surgeons have had to perform lymph node dissections as outpatient surgery, and the length of stay for a patient having undergone mastectomy has been cut to 1 day, with the patient sent home with drainage tubes in place. Some HMO's send their patients home a few hours after their surgery. Others even deny women hospitalizations the day of lymph node dissection or mastectomy, making the surgeon choose between giving the patient the individual care she needs or being punished by the HMO for not following guidelines. A doctor in my district had to spend over 7 hours—not in surgery treating women for breast cancer—but rather making phone calls pleading with HMO staff members to get a mastectomy patient admitted to the hospital for 24 hours.

The guidelines that some managed care companies are using today to support their cost-cutting strategy of shipping women out of the hospital after breast cancer surgery are the product of an actuarial consulting firm in health care. This firm publishes guidelines for breast cancer treatment that are written by actuaries and a few physicians employed by their company who are not actively performing breast cancer surgery. According to physicians, these guidelines are designed to fit the ideal breast cancer surgery patient that is placed in the optiomal situation. The American College of surgeons is reviewing these guidelines and believes that 80 percent of the time the normal patient will not satisfy these guidelines and will require a longer length of stay. Today HMO's are basing their coverage on health care actuaries, and not on surgeons who care for patients day in and day out and follow medically established standards of care.

The is simply unacceptable. Accepted practice has shown that victims of breast cancer need to remain in the hospital at least 48 hours after a mastectomy and 24 hours after a lymph node dissection. This legislation would ensure that women with breast cancer get the medical attention they need and deserve. This bill ensures that health plans which provide medical and surgical benefits for the treatment of breast cancer provide a minimum length of hospital stay for patients undergoing mastectomies at 48 hours and at 24 hours for lymph node removals. Under this bill, physicians and patients, not insurance companies, can determine if a shorter period of hospital stay is appropriate.

Although it is the end of session, our commitment to breast cancer patients remains absolute. Beginning with today, with this bill, we need to ensure that women with breast cancer receive the best treatment and coverage available. We will continue to work with surgeons and other medical groups to ensure that the highest standards of care and coverage are achieved.

This legislation enjoys strong support of the National Breast Cancer Coalition, and I strongly urge all of my colleagues to join in their support of this bill. It will go a long way toward helping to ensure that American women receive comprehensive and equitable health care coverage should they be diagnosed with breast cancer.

TRIBUTE TO HAROLD E. FORD

HON. CORRINE BROWN

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 1996

Ms. BROWN of Florida. Mr. Speaker, I rise to commend my colleague the Honorable HAROLD E. FORD. He has achieved an uparalleled reputation of providing service to his constituents, and his fellow colleagues.

He has demostrated commitment to improving the lives of all perople. He effectively represents ubran districts through his assignments on the Ways and Means Committee.

He has played a pivotal role in the legislation of health care reform, taxation, and welfare reform.

Knowing you, retirement is not the end of a career, but the beginning of some brand new one.

It has been my pleasure serving with you, and it gives me great joy to wish you an abundance of happiness during your retirement.

TRIBUTE TO REPRESENTATIVE GIBBONS

HON. RICHARD NEAL

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 1996

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take a moment to pay tribute to a colleague, friend, and mentor—SAM GIBBONS. SAM GIBBONS was first elected to Congress in 1962 and he has been honorably serving the 11th District of Florida ever since he was first elected.

I have been privileged to serve with SAM not only as Member of the House, but as member of the Committee on Ways and Means, the oldest Committee in the House. I had the opportunity to serve with SAM both in the majority and minority. I was amazed at the adjustment he made from the majority to the minority.

During the Contract With America, there were many bleak days for the Democrats, especially those of us on Ways and Means. We were meeting everyday to work on agenda that we felt was the wrong direction for America. The manner in which SAM championed the rights of the elderly reminded me of the tradition of another great Representative from Florida, CLAUDE PEPPER. SAM kept on fighting and he inspired us all. We pulled together and rallied behind his energy to prevent enactment of drastic Medicare cuts.

Not only did he champion the rights of the elderly, he watched out for our future by strongly advocating children's rights. I hope many of us do not forget the image of SAM GIBBONS during the welfare debate wearing his "Save the Children" tie with a brightly painted school bus. His emotion reminded us of the gravity of the debate before us. Those of us who continue to serve should uphold the principles SAM GIBBONS displayed.

I was disappointed when I first heard the news of SAM's retirement. I remember reading his statement about how he was going to start another phase of his life and it is time to move on. I know at 76 years of age SAM has lots of fight left in him and I hope he continues to lead us and share his opinions. I wish you well in your new life after Congress. Bust most of all, I want to thank you SAM for showing us how to fight for our beliefs.

THE BRIDGE FUND

HON. NITA M. LOWEY

OF NEW YORK

HON. SUE W. KELLY

OF NEW YORK

HON. ELIOT L. ENGEL

OF NEW YORK

Saturday, September 28, 1996

Mrs. LOWEY. Mr. Speaker, My colleagues, Represntive SUE KELLY and ELIOT ENGEL, join me in paying tribute to the Bridge Fund, an innovative service organization in Westchester Country that was founded 6 years ago to prevent homelessness.

The Bridge Fund receives referrals of individuals and families in danger of eviction or foreclosure from a wide range of social service and community organizations in the county. The Bridge Fund offers these individuals financial assistance, interest-free loans and grants, and intensive counseling.

The average cost to the Bridge Fund for preventing a family or individual from becoming homeless is approximately $1,000. By comparison, the average expense for maintaining a family in the public shelter system of Westchester County is $4,000 per month. Since the average stay in the shelter system is now 37 months, the total cost of keeping a family in the shelter system for the average stay could be $148,000—more than the Bridge Fund's total net outlays last year. Prevention of homelessness is a great investment for our community. The work of the Bridge Fund makes fiscal sense, and it makes humanitarian sense.

Currently the Bridge Fund is offering a number of critical services to the residents of Westchester County. The Bridge Fund runs a food pantry with the support of the Jewish Community center of White Plains. The food pantry assists families with food staples in times of crisis so they can continue to pay their rent.

The Bridge Fund also runs several mentoring programs. A budget mentoring program teaches families budgeting skills, and ensures a stable environment by helping them keep their finances in order. And the Bridge Fund's client mentoring program allows them to follow up with the families they assist. These follow-up visits have shown that over 90 percent of families helped by the Bridge Fund remained in the housing the Bridge Fund preserved for them.

The Bridge Fund has provided a critical service to Westchester County's families through their innovative approach to preventing homelessness. We are proud to pay tribute to the Bridge Fund for its efforts to combat homelessness on our streets.

TRIBUTE TO TONY BEILENSON

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. PORTER. Mr. Speaker, TONY BEILENSON of California has been, throughout his 20 years as a Member of this body, my kind of Congressman. Quietly effective, never partisan or rude, always thoughtful, always a gentleman. TONY is respected universally by both sides of the aisle as a Member who places fairness and even-handed treatment above partisan advantage, and his service as a member of the Rules Committee has always reflected this approach. He has left a legacy of that kind of leadership that does credit to the Congress of the United States, and we will miss him greatly.

If the Congress is to continue to be the kind of body that lives up to the ideals of our Founders and the expectations of our people, we will need many more TONY BEILENSONS here in the future. It is sad commentary that the type of Member favored by the media in America and the type increasingly elected here in recent years have favored the partisanship, bad manners, and ill-will that increasingly reflect the worst in our culture. In the face of all too much of this environment in the House, TONY BEILENSON's calm voice of reason and thoughtful leadership stands out.

All of the Members of the House wish TONY well in all that he undertakes in the future. He takes with him into retirement our respect, admiration and appreciation for representing always the best among us.

TRIBUTE TO ANDY JACOBS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. ARCHER. Mr. Speaker, earlier this year my good friend, ANDY JACOBS, announced that this will be his last Congress, and that he is going home. While I know that Kim, his wife, and his sons, ANDY Jr. and Steven, will be extremely happy to have him around more, I also know he will be missed by all of us. His departure will be a great loss to the Ways and Means Committee, on which he has served for over two decades, to this institution, and to the people of the 10th District of Indiana.

As many of you know, ANDY and I have been friends for more than 20 years. It has been a privilege to have enjoyed his friendship and counsel for all of that time. As I have said before, there is not one in Congress that I respect more than ANDY JACOBS.

When I first worked with ANDY on the Social Security Subcommittee when it was created in 1975, I learned that everything ANDY does is marked by a sense of decency, fair play, and the highest integrity. Issues have always meant more to ANDY than partisan politics, and he and I have been on the same side of an issue many times.

All of us who have had the pleasure of working with ANDY know that while ANDY is strong in his convictions, he will make extraordinary efforts to understand your position. His quick wit is famous, and has made the legislative process more enjoyable many, many times.

Eventually, I, too, will leave this great institution. I know that when I reflect on my time here, I will consider myself blessed to have shared more than 20 years with a great man and a great friend, ANDY JACOBS.

ANDY, I wish you Godspeed, and much happiness in the days again. I will miss you greatly.

TRIBUTE TO JOHN MYERS

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. BLILEY. Mr. Speaker, I rise today to extend a heartfelt thanks to my friend and colleague, JOHN MYERS.

JOHN, the citizens of Richmond and I owe you a debt of thanks for all that you have done for Richmond, a city I dearly love. You have helped build a floodwall for Richmond that was sorely needed. My own experience has taught me the importance of this floodwall.

In 1972, when I was mayor of Richmond, a 35-foot flood from Hurricane Agnes took the water filtration plant out of service for 2 days. People throughout the Richmond area lost their water service. In addition, the historic city of Richmond was put at great risk of fire.

Luckily, there were no major fires in Richmond during the days that the water system was out of service. Still, the crisis demonstrated to me the need for a floodwall to safeguard the water filtration plant.

The city of Richmond and the Corps of Engineers have come a long way toward completion of the floodwall and you have been very helpful and thoughtful as you considered my requests over the years.

JOHN, I am pleased to report the floodwall passed its first test when Hurricane Fran recently stormed up the east coast and several businesses in Richmond stayed dry. In years past, this was not the case. The city of Richmond thanks you and I thank you.

JOHN, you have upheld the honor and dignity of Congress during your 30 years as a Member. You will be truly missed for the professional manner you conducted yourself as chairman and ranking minority member of the Energy and Water Appropriations Subcommittee.

You will always be remembered as the distinguished gentleman from the Seventh District of Indiana. I know you leave Congress with 30 years of good memories but I know you will enjoy spending more time with the grandkids and I know they will always be proud of their grand daddy.

I wish you the best of luck in the future and may God bless you and Carol and your family.